

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



ADDENDUM

DATE: December 5, 2011

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 15b, Thursday, December 8, 2011
CDP Application No. 4-09-076 (Smith)

The purpose of this addendum is to attach and respond to correspondence staff has received. An anonymous neighbor(s) submitted a letter, received by Commission staff on November 28, 2011, expressing concern regarding the proposed after-the-fact authorization of the existing, unpermitted guest unit. The letter asserts that the existing guest unit is being rented and the tenant is required by the owner to park on Medley Lane, which is a hazard for emergency vehicle access. The letter also asserts that the property is not zoned for multiple family use and there is inadequate parking provided for that use. This letter is attached as Exhibit 1 of this addendum.

Commission staff would note that a guest house is an allowed accessory structure and use in the subject residential zone district under the County Code, and the proposed 747 sq. ft. guest house conforms to the Commission's past actions allowing a maximum of 750 square feet for a guest unit or second dwelling unit in the Santa Monica Mountains area, as discussed in the staff report. In addition, there is parking provided on site, so the project does not raise any issues with regard to off-site parking or emergency vehicle access on Medley Lane. As such, the proposed guest unit does not raise any issues regarding cumulative impacts or hazards and, as discussed more fully in the staff report, the proposed project, as conditioned, is consistent with the applicable policies of Chapter 3 of the Coastal Act.

To the California Coastal Commission:

Re: permit 04-09-076
Applicants: Mark & Agnes Smith
20433 Medley Lane
Topanga CA 90290

Received

NOV 28 2011

California
Coastal Commission

This unpermitted conversion has been used as a paid rental unit since it's illegal completion several years ago. Giving the Smiths a permit now, after the fact, will allow them to continue to use it as a paid rental unit. They are misrepresenting their intentions by saying they will use it as a study, recreation room and storage area. The property is not zoned for multiple family use, nor do the Smiths provide adequate parking for a second family ~~to~~ be living fulltime in their guest house.

Rather than inconvenience them, ^{sells} the Smiths require that their tenant park in the street on Medley Lane, which is a privately maintained road that is extremely narrow without room for parking. With their tenant's car there every night and most of the day, the road is rendered barely passable by a single car and completely unpassable by an emergency vehicle such as a fire truck. Neighbors have repeatedly complained to the Smiths about the hazard this situation poses; they are unmoved by our pleas.

The Smiths constructed this rental unit without a permit and are now misrepresenting their intentions about its use. There is a tenant occupying it now with a dog. Perhaps your field inspector should simply knock on the door and see for himself. Why would you reward one act of dishonesty and tolerate another?

Respectfully,
Neighbors on Medley Lane

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 (805) 585-1800



Filed: 5/20/11
 180th Day: waived
 270th Day: 2/14/12
 Staff: D. Christensen
 Staff Report: 11/17/11
 Hearing Date: 12/8/11

Th 15b

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-09-076

APPLICANT: Mark and Agnes Smith

AGENT: Cary Gepner

PROJECT LOCATION: 20433 Medley Lane, in the Fernwood Small Lot Subdivision of the Santa Monica Mountains (Los Angeles County)

PROJECT DESCRIPTION: Request for after-the-fact approval of the conversion of an approved 630 sq. ft. detached carport to a two-story detached guest house that is accessory to an existing single-family residence, including remodel to convert 164 sq. ft. of the detached guest house to a one-car garage, retention of the remainder 747 sq. ft. of structure as a study, recreation room, and storage, and reconstruction of an as-built trellis and deck attached to the front and side of the accessory structure in order to meet County code requirements. No grading or change to the existing on-site septic system is proposed or required. The removal of invasive trees and shrubs that are not in conformance with the approved landscaping plan for the site is also proposed.

MOTION & RESOLUTION: Page 4

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with six special conditions. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance.

The subject property is located at 20433 Medley Lane in the Fernwood small lot subdivision in the Santa Monica Mountains area of unincorporated Los Angeles County (APN 4448-012-059). In 2003, the Commission approved Coastal Development Permit (CDP) No. 4-02-140 (Smith) for construction of a new two-story, 2,800 sq. ft. single family residence with detached 630 sq. ft., three-car carport, driveway, septic system, and 910 cu. yds. of grading on the subject property. The approved development has been constructed, however, Commission staff discovered during a condition compliance check site visit that there were a few project elements that were not constructed in compliance with the terms of CDP 4-02-140. Particularly, the approved 630 sq. ft. detached carport had been constructed as or converted to a two-story

detached guest house with deck and trellis. In addition, several invasive plant species that were not included as part of the approved landscaping plan had been planted in the landscaped area of the site. In an effort to address this unpermitted development, the applicant submitted the subject permit application.

The applicant requests after-the-fact approval of the conversion of a previously approved 630 sq. ft. detached carport to a two-story detached guest house with garage that is accessory to an existing single-family residence. The project includes remodeling the as-built 911 sq. ft. structure to include a 164 sq. ft. one-car garage, and a 747 sq. ft. study, recreation room, and storage. Further, the applicant proposes to remove and reconstruct an as-built trellis and deck attached to the front and side of the accessory structure in order to meet County code requirements. The proposed as-built guest house is situated within the footprint of the approved carport. No grading or change to the existing on-site septic system is proposed or required. A revised landscaping plan is also proposed in order to remove the invasive plant species on the site and to retain other plant species not in conformance with the approved plan that are non-invasive and either native or drought tolerant.

The major issues raised by the proposed project relate to hazards/geologic stability and cumulative impacts.

In order to minimize the cumulative impacts associated with developing these parcels, Policy 271(b)(2) of the certified Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission in past permit actions, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. In addition, construction of a guesthouse unit or second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, guesthouses and second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

The existing unpermitted guest house is approximately 911 sq. ft. in size. However, the existing 911 sq. ft. of habitable space for the guest unit, combined with the existing residence of 2,800 sq. ft., is not consistent with the maximum allowable GSA of 3,650 sq. ft. for the property. In addition, the existing guest house is not consistent with the 750 sq. ft. maximum size for guesthouse units and second units on residential parcels in the Malibu and Santa Monica Mountain areas that the Commission has consistently required in past permit actions.

Therefore, the applicant proposes to remodel the as-built guest house structure to convert 164 sq. ft. of the structure to a one-car garage, and to retain the remaining 747 sq. ft. of structure as a studio/guest unit. The proposed 747 sq. ft. of habitable space for the guest house, combined with the existing 2,800 sq. ft. of habitable space for the main residence, is consistent with the maximum allowable GSA of 3,650 sq. ft. for the property, thereby minimizing cumulative impacts to coastal resources. The proposed 747 sq. ft. guest house also conforms to the Commission's past actions allowing a maximum of 750 square feet for a guest unit or second dwelling unit in the Santa Monica Mountains area.

However, in order to ensure that the proposed remodel of the as-built guest house to convert 164 sq. ft. of the structure to a one-car garage (with no interior access between the garage and the remaining 747 sq. ft. habitable portion of the guest house) is implemented, staff recommends Special Condition 2, which requires the applicant to implement and complete the proposed guest house remodel within 90 days of the issuance of this permit. Additionally, in order to ensure that the existing invasive plant species are removed and to ensure site stability

and erosion control, staff recommends Special Condition 3, which requires the applicant to implement the proposed removal of existing non-native invasive trees and shrubs (fan palms, pepper trees, and castor bean) from the site, consistent with the proposed Revised Landscape Plan (prepared by Sarah Priest and submitted on April 15, 2011) within 90 days of the issuance of this permit.

To ensure that any additions or improvements that could further intensify the use of the unit will be reviewed by the Commission and to ensure that the unit conforms with the maximum 750 sq. ft. guidance, staff recommends Special Condition 4, which requires that any additions or improvements related to the unit, that may otherwise be exempt from coastal permit requirements, shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act. Special Condition 5 requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

In order to ensure that the unpermitted development components of this application are resolved in a timely manner, Special Condition 6 requires the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit within 180 days of Commission action.

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EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Site Plan
- Exhibit 4. Floor Plan

- Exhibit 5. Elevations
- Exhibit 6. Revised Landscape Plan
- Exhibit 7. CDP 4-02-140 Staff Report

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated August 25, 2009.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit (CDP) No. 4-02-140 (Smith); "Update Engineering Geologic Report," Mountain Geology, Inc., April 15, 2002; "Update Geotechnical Engineering Report," West Coast Geotechnical, May 9, 2002.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-09-076 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or

authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

2. Implementation of Proposed Guest House Remodel

The applicant shall implement and complete the proposed changes shown on the approved plans including the remodel of the as-built guest house structure to convert 164 sq. ft. of the structure to a one-car garage (with no interior access between the garage and the remaining 747 sq. ft. habitable portion of the guest house) within 90 days of the issuance of this permit. The Executive Director may grant additional time for good cause.

3. Implementation of Proposed Landscaping Modifications

The applicant shall implement the proposed removal of existing non-native invasive trees and shrubs (fan palms, pepper trees, and castor bean) from the site, consistent with the approved Revised Landscape Plan (prepared by Sarah Priest and submitted on April 15, 2011) within 90 days of the issuance of this permit. The Executive Director may grant additional time for good cause.

4. Future Development Restriction

This permit is only for the development described in this Coastal Development Permit. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to any of the development governed by this permit. Accordingly, any future improvements to any portion of the development governed by this permit, including but not limited to the guest house, shall require an amendment to this Coastal Development Permit from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Deed Restriction

Prior to issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

6. Condition Compliance

Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

In 2003, the Commission approved Coastal Development Permit (CDP) No. 4-02-140 (Smith) for construction of a new two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill) on the subject property (Exhibit 7). The approved development has been constructed, however, Commission staff discovered during a condition compliance check site visit that there were a few project elements that were not constructed in compliance with the terms of CDP 4-02-140. Particularly, the approved 630 sq. ft. detached carport had been constructed as or converted to a two-story detached guest house with deck and trellis. In addition, several invasive plant species had been planted in the landscaped area of the site, which is inconsistent with the approved landscaping plan. In an effort to address this unpermitted development, the applicant submitted the subject permit application.

The applicant proposes after-the-fact approval of the conversion of a previously approved 630 sq. ft. detached carport to a two-story detached guest house that is accessory to an existing single-family residence. The project includes remodeling the as-built 911 sq. ft. structure to include a 164 sq. ft. one-car garage, and a 747 sq. ft. study, recreation room, and storage. Further, the applicant proposes to remove and reconstruct an as-built trellis and deck attached to the front and side of the accessory structure in order to meet County code requirements. The proposed as-built guest house is situated within the footprint of the approved carport. No grading or change to the existing on-site septic system is proposed or required. A revised landscaping plan is also proposed in order to remove the invasive plant species on the site and to retain other plant species not in conformance with the approved plan that are non-invasive and either native or drought tolerant (Exhibits 3-6).

The site is located at 20433 Medley Lane in the Fernwood small lot subdivision in the Santa Monica Mountains area of unincorporated Los Angeles County (APN 4448-012-059) (Exhibits 1-2). The subject property is situated on the south side of Medley Lane and developed with an existing two-story 2,800 sq. ft. single-family residence and a detached two-story studio/guest house. The subject property is surrounded by residential development to the north, east, and west. The site is not visible from any public viewing areas.

B. HAZARDS AND GEOLOGIC STABILITY

Section **30253** of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. In this case, the proposed as-built development is situated within the footprint of the previously approved carport and does not require any additional grading, retaining walls, foundation, or drainage elements beyond that which was already analyzed and approved pursuant to CDP 4-02-140 issued by the Commission in 2003. The proposed remodel to convert a portion of the as-built guest house to garage space, and to add a deck and trellis, is minor in nature and will not affect the stability and geologic safety of the proposed project, the project site, or the adjacent properties.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. The Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The Commission finds that landscaping of disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site. Special Condition 2 of CDP 4-02-140 (Smith) for residential development of the site required submission of a landscaping plan that utilizes native and non-invasive plant species compatible with the surrounding area for landscaping the subject site. The applicant had submitted a proposed landscaping plan pursuant to Condition 2 of CDP 4-02-140 that was reviewed and approved by the Executive Director of the Commission. Commission staff discovered during a condition compliance check site visit that site landscaping was not implemented in conformance with the approved landscaping plan and several invasive plant species (fan palms, pepper trees, and castor bean) had been planted in the landscaped area of the site. In order to resolve this violation, the applicant submitted a revised landscaping plan as part of the subject permit application that proposes to remove the invasive plant species on the site and to retain other plant species not in conformance with the approved plan that are non-invasive and either native or drought tolerant. Commission staff has reviewed the proposed revised landscape plan and determined that the changes are consistent with Special Condition 2 of CDP 4-02-140.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission

finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that the use of such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion. In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Therefore, in order to ensure that the existing invasive plant species are removed and to ensure site stability and erosion control, Special Condition 3 of this permit requires the applicant to implement the proposed removal of existing non-native invasive trees and shrubs (fan palms, pepper trees, and castor bean) from the site, consistent with the proposed Revised Landscape Plan (prepared by Sarah Priest and submitted on April 15, 2011) within 90 days of the issuance of this permit.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

- Special Condition 1:** Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition 3:** Implementation of the Proposed Landscaping Modifications
- Special Condition 5:** Deed Restriction
- Special Condition 6:** Condition Compliance

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. CUMULATIVE IMPACTS

Section **30250(a)** of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section **30252** of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section **30105.5** of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

...the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

1. Small Lot Subdivisions

The proposed project involves the construction of a detached guest house that is accessory to an existing single-family residence within a small lot subdivision. Small lot subdivisions in the Santa Monica Mountains are designated areas generally comprised of residentially-zoned parcels of less than one acre, but more typically ranging in size from 4,000 to 5,000 square feet. The Commission has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources, particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

In order to minimize the cumulative impacts associated with developing these parcels, Policy 271(b)(2) of the certified Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission in past permit actions, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas, to minimize the cumulative impacts of such development, consistent with the policies of the Coastal Act. Additionally, the Commission has, through coastal development permit actions, consistently applied the Slope Intensity Formula to new development in small lot subdivisions. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

Slope Intensity Formula

$$GSA = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines
L = total accumulated length of all contours of interval "I" in feet
A = the area being considered in square feet

In addition, construction of a guesthouse unit or second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, guesthouses and second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

2. Project Consistency

The proposed project site is located in the Fernwood small lot subdivision, an area subject to the provisions of the slope intensity formula. The applicant proposes the construction of a 747 sq. ft. guest house with 164 sq. ft. attached one-car garage that is accessory to an existing 2,800 sq. ft. single-family residence approved and constructed pursuant to CDP 4-02-140 in 2003. The maximum GSA for this site is 3,650 sq. ft. of habitable space. Staff has confirmed that this GSA conforms to the formula used by the Commission in past permit decisions.

The applicant proposes after-the-fact conversion of a previously approved 630 sq. ft. detached carport to a two-story detached guest house that is accessory to an existing single-family residence. The existing detached guest house is approximately 911 sq. ft. in size. However, the existing 911 sq. ft. of habitable space for the guest unit, combined with the existing residence of 2,800 sq. ft. is *not consistent* with the maximum allowable GSA of 3,650 sq. ft.

In addition, in past actions the Commission has limited the development of guesthouse units and second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In its review and action on the Malibu/Santa Monica Mountains Land Use Plan (LUP), the Commission found that placing an upper limit on the size of these units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu/Santa Monica Mountains area and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one, or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence.

Therefore, the applicant proposes to remodel the as-built guest house to convert 164 sq. ft. of the structure to a one-car garage, and to retain the remainder 747 sq. ft. of structure as a study, recreation room, and storage. No grading or change to the existing on-site septic system is proposed or required.

The proposed 747 sq. ft. of habitable space for the guest house, combined with the existing 2,800 sq. ft. of habitable space for the main residence, is consistent with the

maximum allowable GSA of 3,650 sq. ft. for the property, thereby minimizing cumulative impacts to coastal resources. The proposed 747 sq. ft. guest house also conforms to the Commission's past actions allowing a maximum of 750 square feet for a guest unit or second dwelling unit in the Santa Monica Mountains area.

However, in order to ensure that the proposed remodel of the approved as-built guest house to convert 164 sq. ft. of the structure to a one-car garage (with no interior access between the garage and the remaining 747 sq. ft. habitable portion of the guest house) is implemented, Special Condition 2 of this permit requires the applicant to implement and complete the proposed remodel within 90 days of the issuance of this permit.

In addition, future improvements to the proposed unit and on the subject property such as additional square footage could raise issues with regard to individual or cumulative impacts to coastal resources. To ensure that any additions or improvements that could further intensify the use of the unit will be reviewed by the Commission and to ensure that the unit conforms with the maximum 750 sq. ft. guidance, the Commission requires that any additions or improvements related to the unit, that may otherwise be exempt from coastal permit requirements, shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act.

Additionally, the Commission requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

The following special conditions are required to assure the project's consistency with Sections 30250 and 30252 of the Coastal Act, as well as the Los Angeles County LUP:

Special Condition 2: Implementation of the Proposed Guest House Remodel

Special Condition 4: Future Development Restriction

Special Condition 5: Deed Restriction

Special Condition 6: Condition Compliance

The Commission therefore finds that the proposed project, only as conditioned, is consistent with Sections 30250(a) and 30252 of the Coastal Act, as well as the guidance policies of the Malibu/Santa Monica Mountains Land Use Plan.

D. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permit.

The unpermitted development includes the conversion of a previously approved 630 sq. ft. detached carport (approved as part of CDP No. 4-02-140) to a two-story detached guest house that is accessory to an existing single-family residence. This application includes the request for after-the-fact approval for the above referenced unpermitted guest house and to remodel the guest house (to convert 164 sq. ft. of the structure to a

one-car garage) in order to bring it in to conformance with the maximum GSA and maximum second unit square footage that is allowed for the property. The application also includes request for after-the-fact approval of an as-built trellis and deck attached to the front and side of the accessory structure that is proposed to be removed and re-built in its existing configuration in order to meet County code requirements.

The unpermitted development also includes site landscaping that was not implemented in conformance with the approved landscaping plan pursuant to CDP 4-02-140, including the use of several invasive plant species (fan palms, pepper trees, and castor bean). In an effort to address this unpermitted development, the applicant has submitted a revised landscaping plan as part of the subject permit application that proposes to remove the invasive plant species on the site and to retain other plant species not in conformance with the approved plan that are non-invasive and either native or drought tolerant.

In order to ensure that the components of this application involving unpermitted development are resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit, within 180 days of Commission action. The following special condition is required to assure the project's consistency with all applicable Chapter 3 policies of the Coastal Act:

Special Condition 6. Condition Compliance

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

E. LOCAL COASTAL PROGRAM (LCP) PREPARATION

Section **30604(a)** of the Coastal Act states that:

- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed projects will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is

found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through 6

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

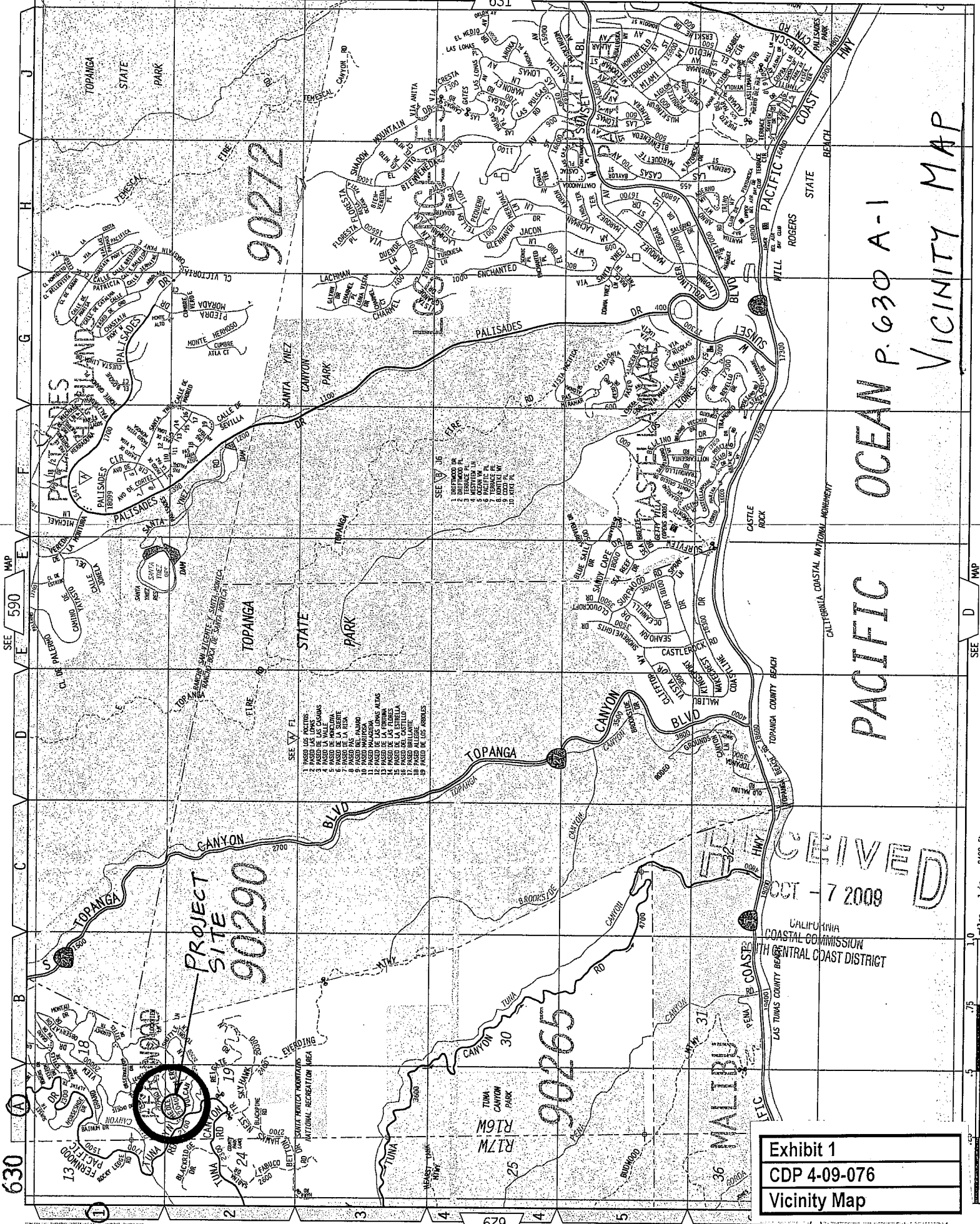
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 6

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



SEE 590 MAP

630

LOS ANGELES CO.

SEE 629 MAP

SEE D MAP

1 in. = 2400 ft.

1.0 miles

.75

.5

.25

PACIFIC OCEAN P. 630 A-1
 VICINITY MAP

RECEIVED
 OCT - 7 2009

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST DISTRICT

Exhibit 1
 CDP 4-09-076
 Vicinity Map

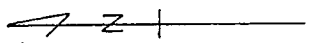
- SEE 57 FL
- 1 PASO DE LAS CASAS
 - 2 PASO DE LAS CASAS
 - 3 PASO DE LAS CASAS
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4448 12

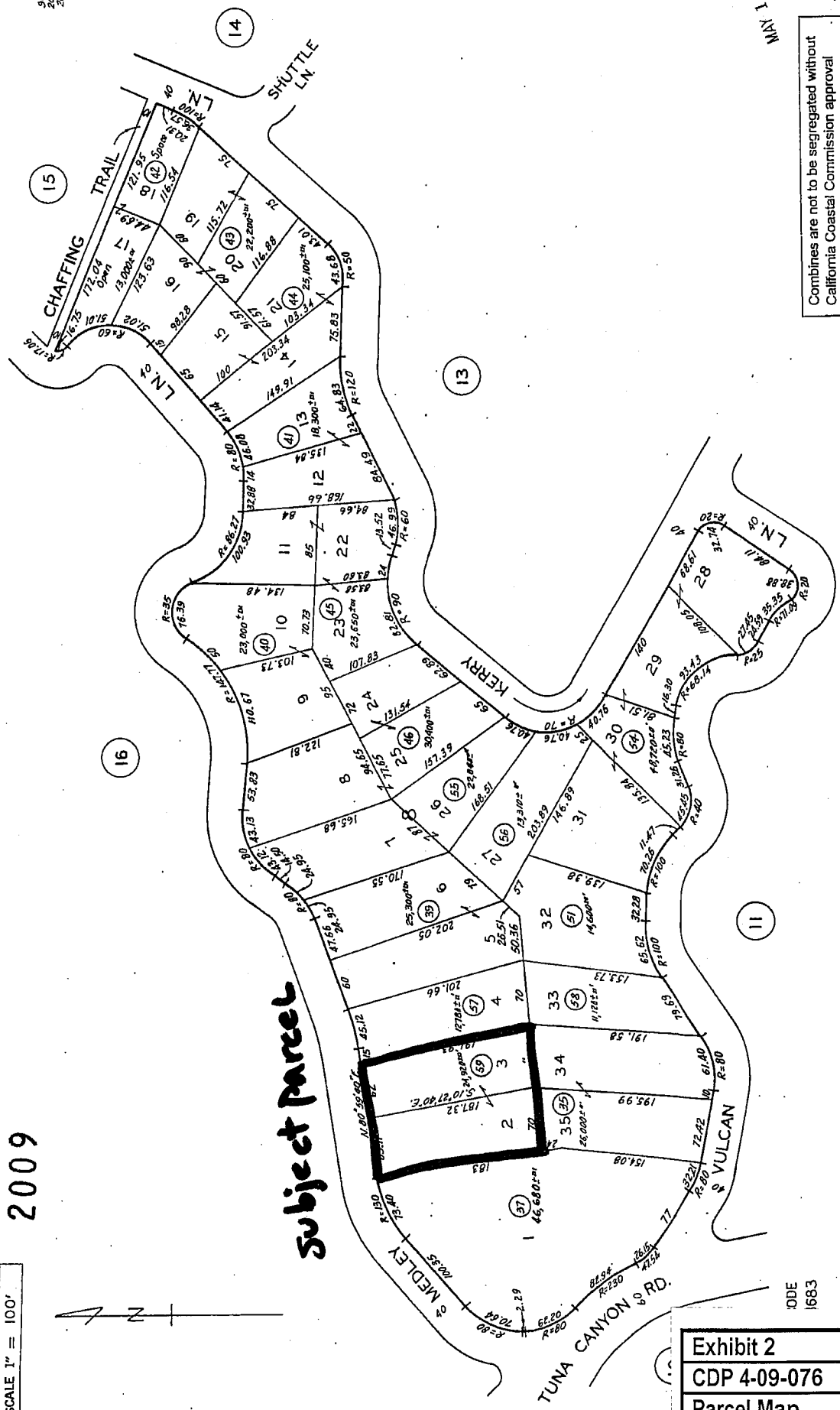
SCALE 1" = 100'

2009

730206929
71221016
189542101
189542101
750410101
550429023-2
5011306270200-2
5011306270200-3
5011306270200-4



Subject Parcel



NOV 9 1 1999

Combines are not to be segregated without California Coastal Commission approval on Parcel 59.

TRACT NO. 9531 M. B. 142 - 93 - 97

ODE 1683

Exhibit 2
CDP 4-09-076
Parcel Map

OR PREV. ASSMT SEE: 14-48 - 16 & 17

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.



Cary W. Gagner & Associates,
ARCHITECTS, INC.
 2231 Inland Highway - Suite 113
 Calabasas - California - 91302
 818-564-3171 Fax: 818-564-3172
 www.carywagnerarchitects.com

Sheet Title
ELEVATIONS
 1/4" = 1'-0"

Job Name
SMITH
 GARAGE
 REMODEL
 20433 PEELET LANE
 TORRANCE, CA 90503

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Date-Revis.
 01-20-09
 04-09-09

Sheet
A-2
 of 5

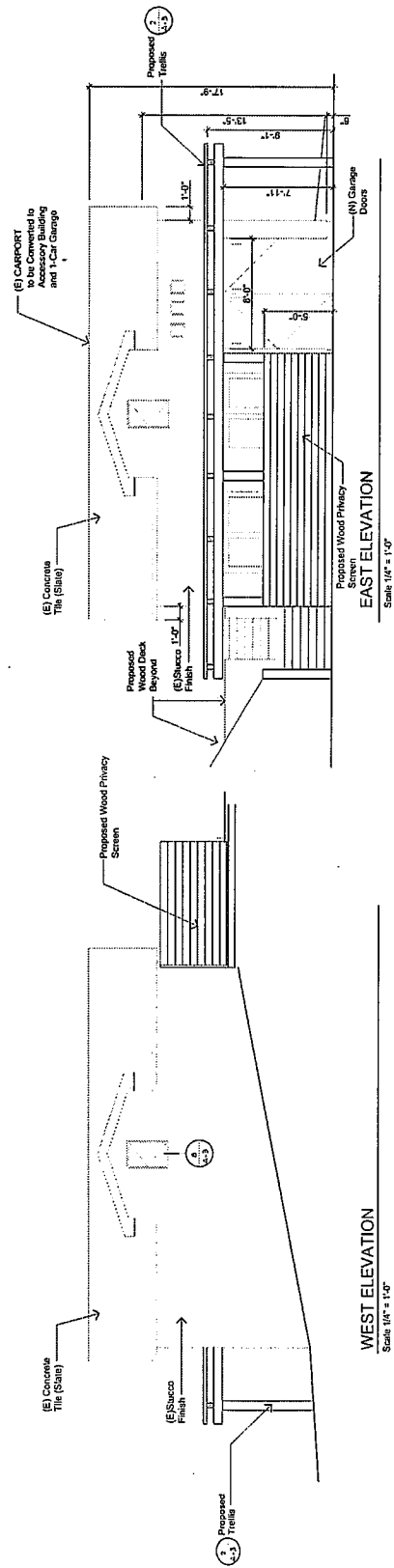
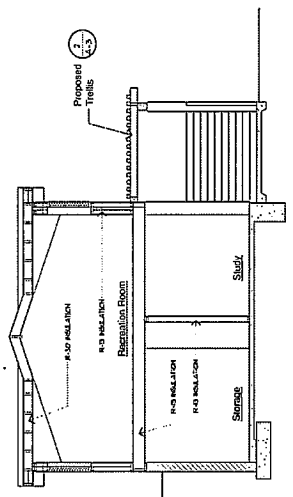
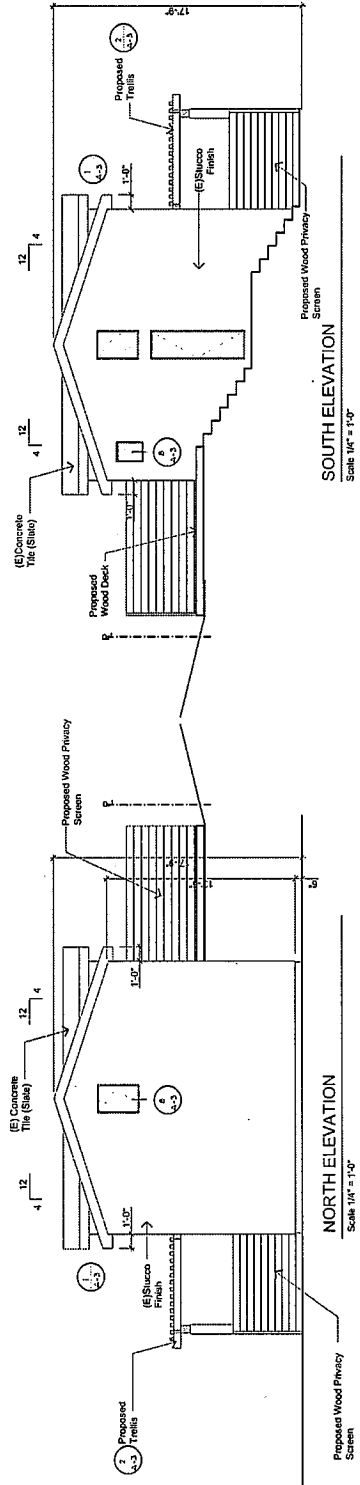


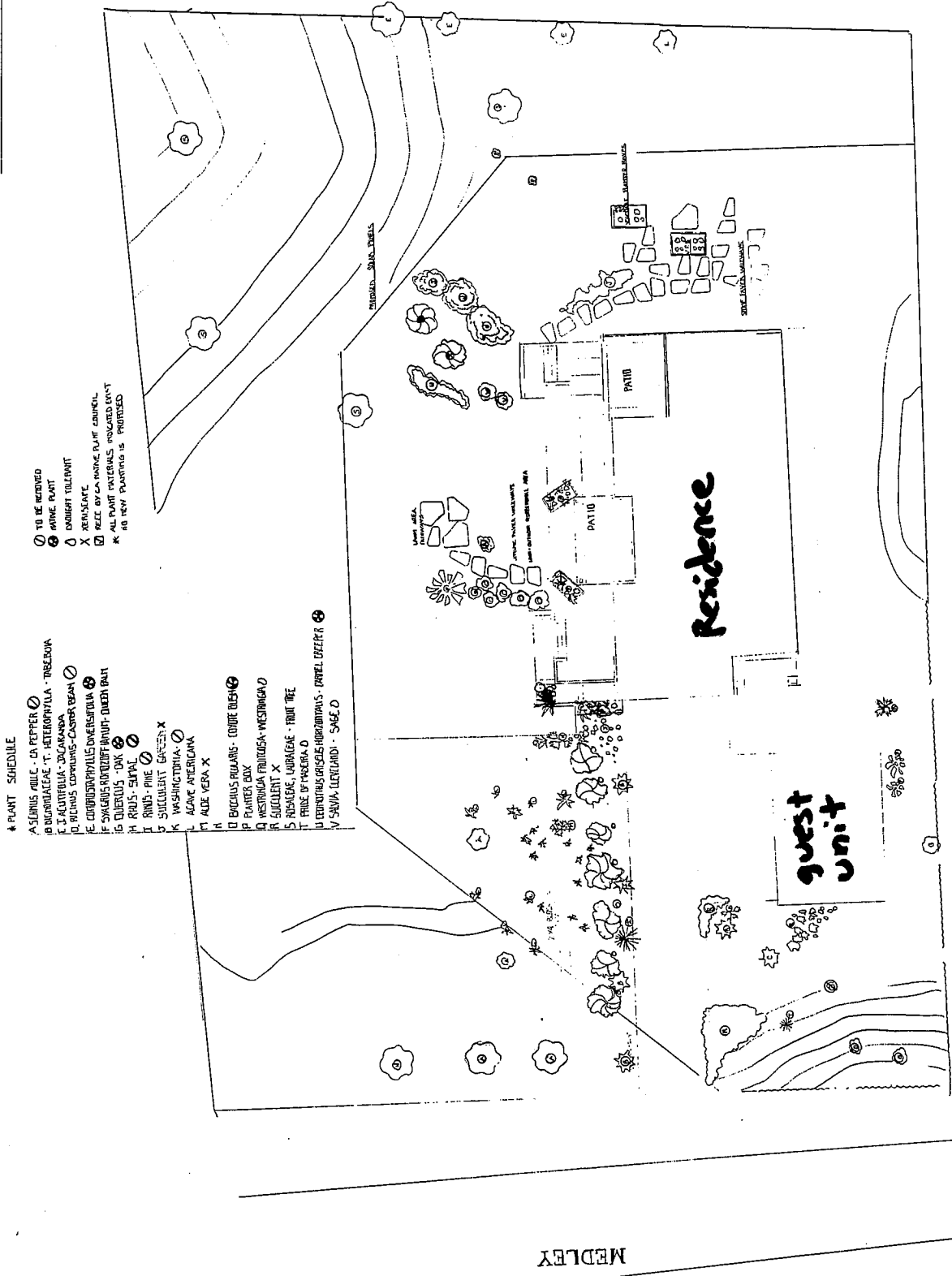
Exhibit 5
 CDP 4-09-076
 Elevations

SARAH PRIEST

PO BOX 1722
TOPANGA CA, 90290
(310) 455-3947

MARK SMITH, OWNER
20433 MEDLEY LANE
TOPANGA CA 90230
(310) 455 9515

*AS RATED LANDSCAPE
BLOCK 8, TRACT No. 9531
LOTS 2 AND 3
FILE # 9721



* PLANT SCHEDULE

- A. SLOANIA PULC. - CA PEPPER
- B. DIGNIDALCAL. T. HETEROPHYLLA - TREEBOK
- C. J. ACUTIFOLIA - ZUCARANDA
- D. RICHUS COMMUNIS-CASPER BEAN
- E. COPRODOPHYLLUS DIVERSIFOLIA
- F. SYLAGNIS ROTUNDF. HANUPT. DUBEN BAIT
- G. COERULUS - DIX
- H. PRUNUS - SIBAL
- I. PRUNUS - PINE
- J. SUCCULENT - GREEN X
- K. WASHINGTONIA -
- L. ACACIA AMERICANA
- M. ALDE YERA X
- N.
- O. BACCAUS PULCANS - COOTE BUSH
- P. PLANTER FOX
- Q. WESTINDIA FRUTICOSA - WESTINDIA
- R. SUCULENT X
- S. FRUSCULE, CUBALESE - FRUIT TREE
- T. FRUCE OF PINEBARK O
- U. LEONTOPIUS GRISUS HIBIDANTIPUS - EMBEL GREENER
- V. SAVINA CLEVELANDI - SAGE O

- TO BE REMOVED
- WINDY PLANT
- DOUBT TOLERANT
- REUSLATE
- FEEL BY CA WINDY PLANT CAUSE
- ALL PLANT MATERIALS PROVIDED BY
- NO NEW PLANTING IS PROPOSED

Exhibit 6
CDP 4-09-076
Revised Landscape
Plan

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Filed: 7/09/03
49th Day: 8/27/03
180th Day: 1/05/04
Staff: L. Ford
Staff Report: 6/17/03
Hearing Date: 8/06/03
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-140

APPLICANTS: Mark and Agnes Smith

PROJECT LOCATION: 20433 Medley Lane, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construction of a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, 1,500 gallon septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill).

Lot area:	25,012 square feet
Building coverage:	1,845 square feet
Pavement coverage:	2,045 square feet
Landscape coverage:	605 square feet
Unimproved:	20,517 square feet

LOCAL APPROVALS RECEIVED: County of Los Angeles Planning Department, Approval in Concept, October 25, 2002; County of Los Angeles Fire Department Final Fuel Modification Plan Approval, December 2, 2002; County of Los Angeles Geologic Review, Approval in Concept, June 30, 2003; County of Los Angeles Soils Engineering Review, Approval in Concept, July 2, 2003; County of Los Angeles, Fire Department (Access), Approval in Concept, July 11, 2002; County of Los Angeles, Environmental Health, Approval in Concept, May 16, 2002.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (1986); "Update Engineering Geologic Report," Mountain Geology, Inc., April 15, 2002; "Update Geotechnical Engineering Report," West Coast Geotechnical, May 9, 2002; Coastal Development Permit (CDP) No. 4-98-257 (Danube Development).

Exhibit 7
CDP 4-09-076
CDP 4-02-140 Staff Report

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **seven (7) special conditions** regarding conformance with geologic recommendations, landscape and erosion control plans, drainage and polluted runoff control plan, wildfire waiver of liability; future development restriction, deed restriction, and lot combination.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-140 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

All recommendations contained in the reports prepared by Mountain Geology, Inc. and West Coast Geotechnical ("Update Engineering Geologic Report," Mountain Geology, Inc., April 15, 2002 and "Update Geotechnical Engineering Report," West Coast Geotechnical, May 9, 2002) shall be incorporated into all final design and construction including foundations, grading, setbacks, lateral design, settlement, erosion control, expansive soils, temporary excavations and shoring, retaining walls, backfilling, site observations, plan review, and sewage disposal, drainage. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the Coastal Development Permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, sewage disposal, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require an amendment to the permit or a new Coastal Development Permit.

2. Landscaping and Erosion Control Plans

Prior to issuance of the Coastal Development Permit, the applicants shall submit landscaping, erosion control, and fuel modification plans prepared by a licensed landscape architect or qualified resource specialist for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologist to ensure that the plans are in conformance with the consultant's recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native, drought resistant plants, compatible with the surrounding chaparral habitat, as listed

by the California Native Plant Society, Santa Monica Mountains Chapter in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.

- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- 4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- 5) The Permittees shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the Coastal Development Permit, unless the Executive Director determines that no amendment is required.
- 6) Vegetation removal shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. Irrigated lawn, turf, and ground cover planted within Zone A shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains. Prior to issuance of the Coastal Development Permit, the applicants shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should excavation or grading take place during the rainy season (November 1 – March 31), the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to:

stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles, mats, sand bag barriers, and/or silt fencing; and temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

Five years from the date of the receipt of the certificate of occupancy for the residence, the applicants shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicants (or successors in interest) shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Drainage and Polluted Runoff Control Plan

Prior to issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with engineering geologist's recommendations. In addition to the above specifications, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate, or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, one (1) hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned, and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's

surface or subsurface drainage, filtration structures, or other BMPs fail or result in increased erosion, the applicants, landowner, or successor-in-interest shall be responsible for any necessary repairs to the drainage, filtration system, and BMPs and restoration of any eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new Coastal Development Permit is required to authorize such work.

4. Wildfire Waiver of Liability

Prior to the issuance of a coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

5. Future Development Restriction

This permit is only for the development described in coastal development permit 4-02-140. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit 4-02-140. Accordingly, any future improvements to the single family residence authorized by this permit, shall require an amendment to Permit 4-02-140 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Deed Restriction

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

7. Lot Combination

- A. (1) All portions of the two lots, Lots 2 and 3 of Block 8, Tract 9531, Los Angeles County, shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, development, taxation or encumbrance and (2) the single parcel created herein shall not be divided or otherwise alienated from the combined and unified parcel.
- B. Prior to issuance of CDP No. 4-02-140, the applicant shall execute and record a deed restriction, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the two lots being recombined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, 1,500 gallon septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill) (**Exhibits 4 - 8**).

The approximately 0.57 acre project site consists of two adjacent vacant lots located in the Fernwood area of unincorporated Los Angeles County (**Exhibit 1**). The property is located on the south side of Medley Lane, in an area partially developed with single family residences (**Exhibit 2**). The site contains non-native ruderal grasses, some scattered shrubs, and some non-native trees (**Exhibits 2, 3, and 9**). The proposed project will result in a 200 foot brush clearance radius that largely overlaps established brush clearance radii for homes that are existing or currently under construction (**Exhibit 3**).

Site topography is characterized by a small east-west trending ridge crest and slopes with gradients ranging from 5:1 to 3:1 descending north and south of the crest. In addition, a 2:1 slope, created during construction of Medley Lane, descends from the northern property line to the base of the ridge, resulting in a wide, approximately 12 foot deep swale that separates the remainder of the site from the Medley Lane right-of-way. The applicant proposes to fill a section of the swale to allow construction of a driveway to the proposed residence, which is located on the ridge crest (**Exhibits 6 and 7**).

The proposed project will not be visible from nearby Tuna Canyon Road, a designated Scenic Highway in the 1986 Malibu/Santa Monica Mountains Land Use Plan, or other scenic resource areas.

The site was the subject of a previous Coastal Development Permit application [CDP No. 4-98-257 (Danube Development)] for construction of a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft. carport, septic system, and 1,425 cu. yds. of grading (750 cu. yds. cut, 675 cu. yds. fill) -- a proposal very similar to the currently proposed project. CDP No. 4-98-257 was approved with five special conditions regarding conformance with geologic recommendations, landscape and erosion control plans, drainage and polluted runoff control plan, wildfire waiver of liability, and a future improvements restriction. However, the permit expired prior to fulfillment of the special conditions, and the project was not constructed (**Exhibit 10**).

B. Hazards and Geologic Stability

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The applicant has submitted two geologic reports prepared by Mountain Geology, Inc. and West Coast Geotechnical ("Update Engineering Geologic Report," Mountain Geology, Inc., April 15, 2002 and "Update Geotechnical Engineering Report," West Coast Geotechnical, May 9, 2002). The reports make numerous recommendations regarding foundations, backfilling, lateral design, retaining walls, settlement, expansive soils, temporary excavations and shoring, sewage disposal, drainage, plan review, and site observations.

The West Coast Geotechnical report concludes:

It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction.

Therefore, based on the recommendations of the applicant's geologic consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geologic consultant's recommendations are incorporated into the final project plans and designs. Therefore, it is necessary to require the applicant to submit final project plans that have been certified in writing by the geologic consultant as conforming to all recommendations of the consultant, in accordance with **Special Condition One (1)**.

The Commission finds that, as conditioned by **Special Condition One (1)**, the proposed project is consistent with the geologic stability requirements of Coastal Act Section 30253.

Erosion

Section 30253 of the Coastal Act requires that new development neither create nor contribute significantly to erosion. The project site contains slopes with gradients as steep as 2:1. The Mountain Geology, Inc. report for the site, dated April 15, 2002, notes that the soil and fill on these slopes are subject to downhill creep and erosion.

As noted above, the applicant proposes to construct a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, 1,500 gallon septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill). In total, the project will result in additional impervious surface area on the site, increasing both the volume and velocity of storm water runoff. Unless surface water is controlled and conveyed off of the site in a non-erosive manner, this runoff will result in increased erosion on and off the site.

Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams.

In order to ensure that erosion and sedimentation from site runoff are minimized, the Commission requires the applicant to submit a drainage plan, as defined by **Special Condition Three (3)**. **Special Condition Three (3)** requires the implementation and maintenance of a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. Fully implemented, the drainage plan will reduce or eliminate the resultant adverse impacts to the water quality and biota of coastal streams. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

In addition, the Commission finds that temporary erosion control measures implemented during construction and excavation on the slope will also minimize erosion and enhance site stability. **Special Condition Two (2)** therefore requires the applicant to implement interim erosion control measures should grading take place during the rainy season. Such measures include stabilizing any stockpiled fill with geofabric covers or other erosion-controlling materials, installing geotextiles or mats on all cut and fill slopes, and closing and stabilizing open trenches to minimize potential erosion from wind and runoff water.

The Commission also finds that landscaping of disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site, provided that minimal surface irrigation is required. Therefore, **Special Condition Two (2)** requires the applicant to submit landscaping plans, including irrigation plans, certified by the consulting geologists as in conformance with their recommendations for landscaping of the project site. **Special Condition Two (2)** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that the use of such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development. Such changes have resulted in the loss of native plant species and the soil retention benefits they offer. Therefore, in order to ensure site stability and erosion control, **Special Condition Two (2)** requires the disturbed and graded areas of the site to be landscaped with appropriate native plant species, and the removal of native vegetation to be minimized consistent with fire safety standards.

Finally, in order to ensure that any future site development is reviewed for its potential to create or contribute to erosion, the Commission finds it necessary to impose **Special Condition Five (5)**, which requires the applicants to obtain a coastal development permit for any future development on the site, including improvements that might otherwise be exempt from permit requirements. In addition, **Special Condition Six (6)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, *Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through **Special Condition Four (4)**, the wildfire waiver of liability, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Four (4)**, the applicants also agree to indemnify the Commission, its officers, agents and employees against any and all expenses or

liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

In summary, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

As described in detail in the previous sections, the applicant proposes to construct a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, 1,500 gallon septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill).

The proposed development will result in an increase in impervious surface at the subject site, which in turn decreases the infiltrative function and capacity of existing permeable land on site. Reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Three (3)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system to serve the residence. The County of Los Angeles, Department of Health Services, has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. Cumulative Impacts

The proposed project involves the construction of a new single family residence, which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas that were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone".

The study acknowledged that the existing small lot subdivisions can only accommodate a limited amount of additional new development due to major buildout constraints including: geologic, road access, water quality, disruption of rural community character, creation of unreasonable fire hazards and others. Following an intensive one-year planning effort by Commission staff, including five months of public review and input, new development standards for residential development on small hillside lots, including the Slope-Intensity/Gross Structural Area Formula (GSA), were incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2) to reduce the potential effects of buildout as discussed below.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots that already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these areas creates cumulative impacts on coastal resources and public access over time. Because of this, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas consistent with the policies of the Coastal Act. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources.

Slope Intensity Formula:

$$\text{GSA} = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

The proposed project is located in the small lot subdivision of Fernwood and involves the construction of a new two story, 2,800 sq. ft. single family residence, attached basement level garage, and detached carport on two contiguous lots. The applicant has submitted a GSA

calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation was performed by Commission staff during review of CDP application No. 4-98-257 (Danube Development) and arrived at a maximum GSA of 3,650 sq. ft. of habitable space, considering the total area of both lots as one. Therefore, the proposed 2,800 sq. ft. single family residence is consistent with the maximum allowable GSA.

However, improvements to the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition Five (5)** requires the applicant to record a future improvements deed restriction on this lot. In addition, **Special Condition Six (6)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Lastly, the Commission notes that the proposed residence is proposed to be built on two lots, Lots 2 and 3 in Block 8 of Tract 9531 (APN 4448-012-048 and APN 4448-012-049), and that the maximum allowable gross structural area was calculated considering the total area of both lots as one. The Commission has long required that lots in small lot subdivisions using the GSA formula, as noted above, be combined. Such a combination was required in previous permit decisions for development of residences on three lots in the Fernwood small lot subdivision [CDP No. 4-02-134 (Hawkins-Shea); CDP No. 4-00-263 (Bolander); CDP No. 4-98-242 (Lau)]. For these reasons, **Special Condition Seven (7)** is necessary to ensure that the lots are combined and held as such in the future.

The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30250(a) of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states, in pertinent part:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

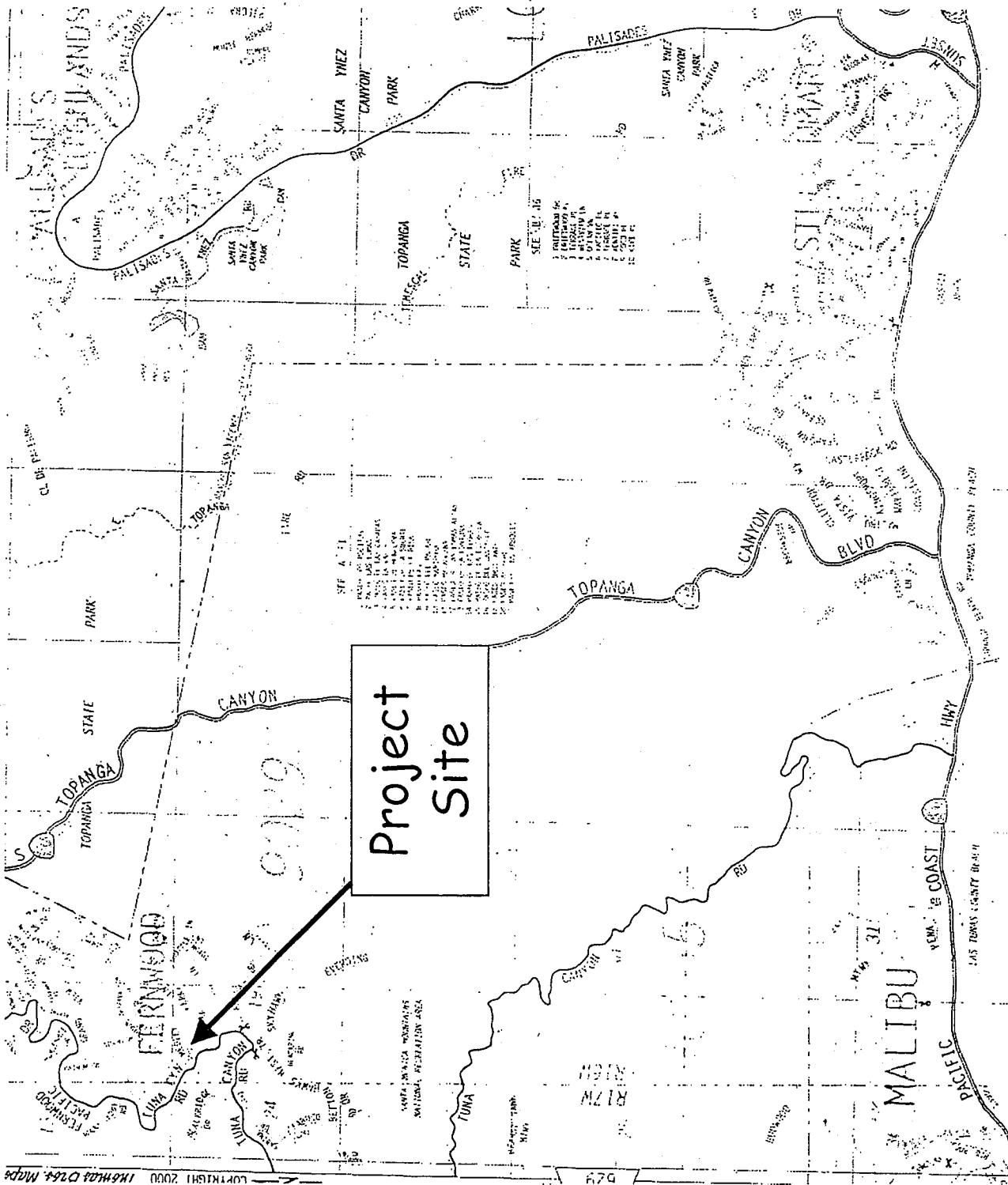
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicants. As conditioned, the proposed project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice

the County of Los Angeles' ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

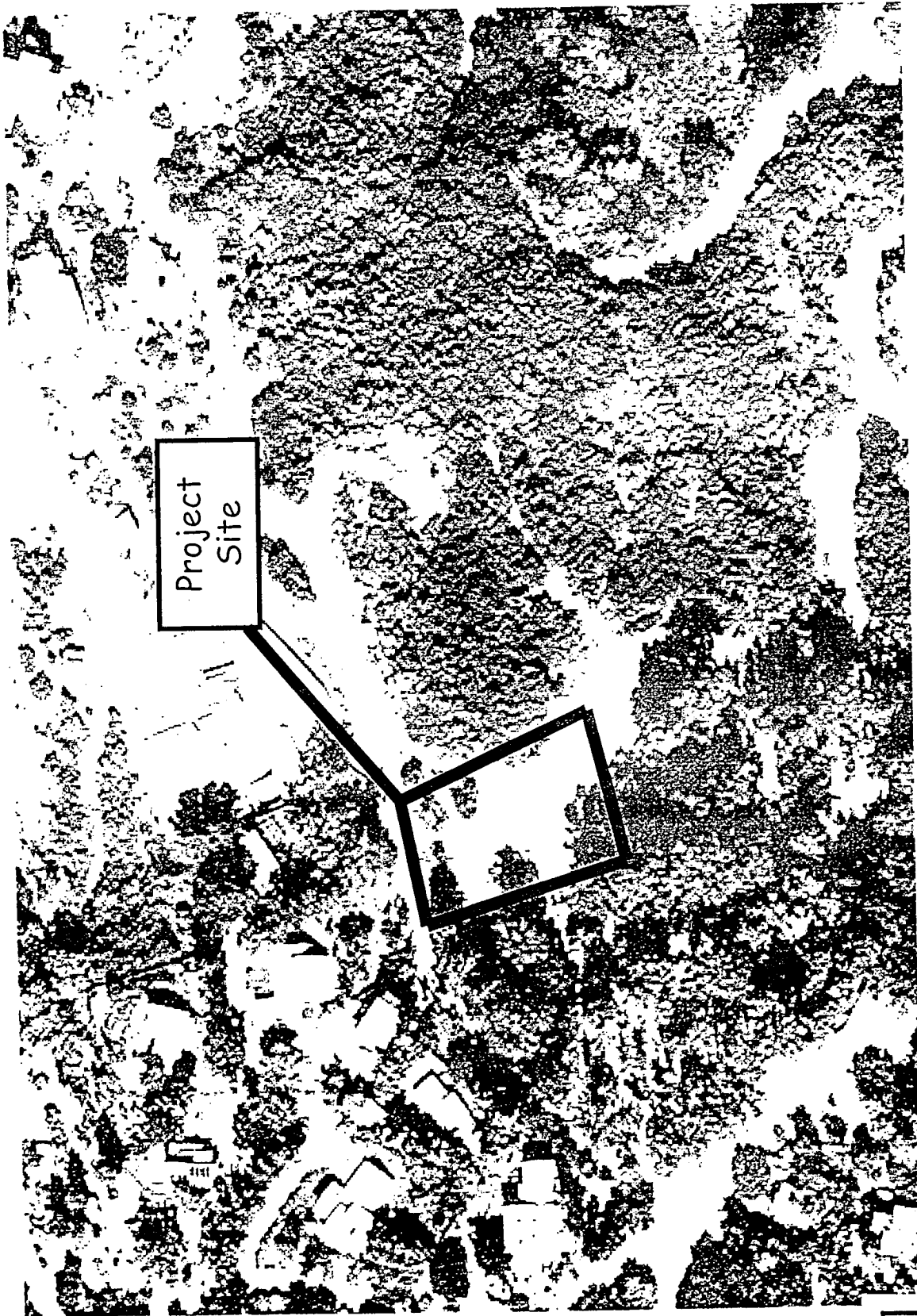
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



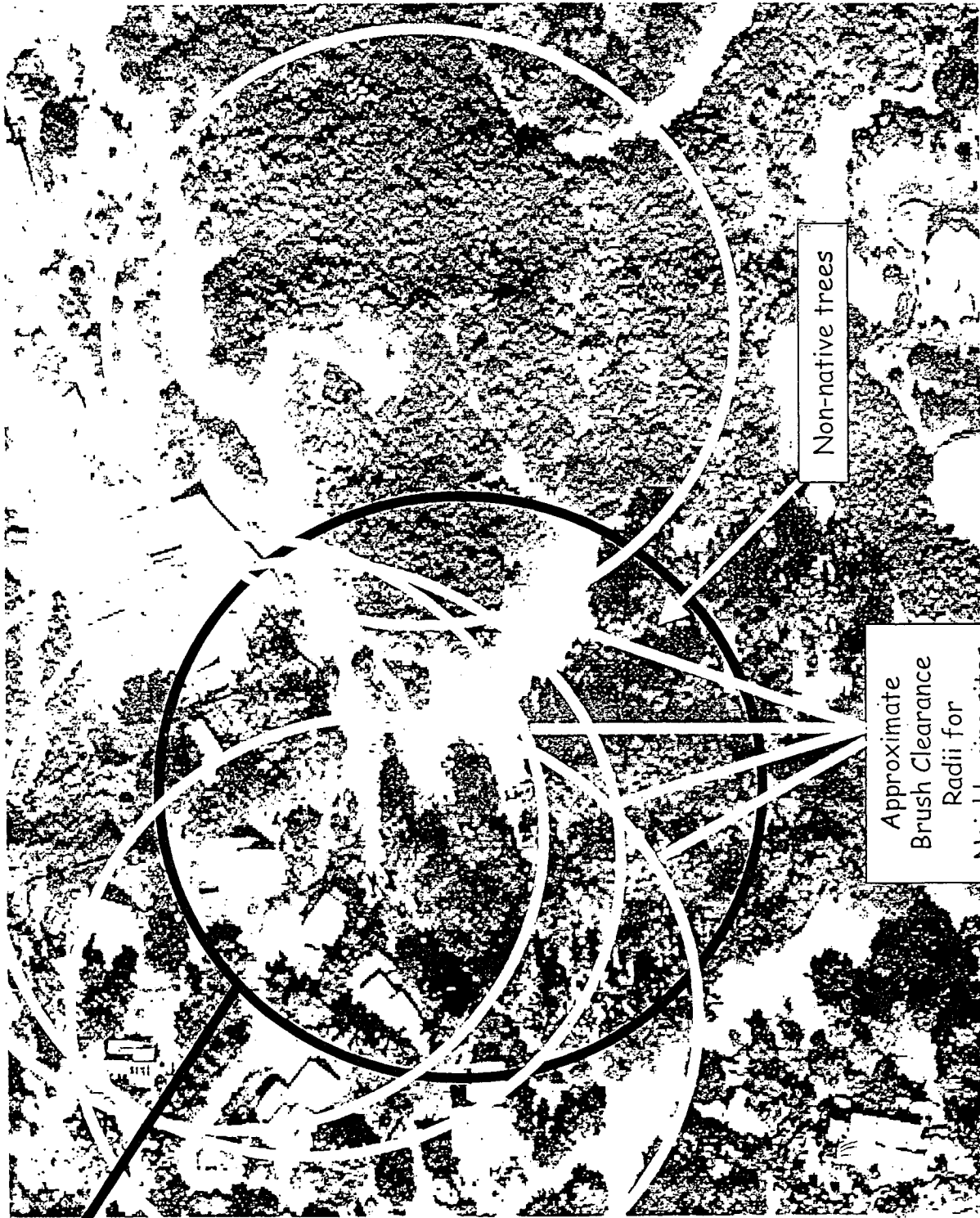
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EXHIBIT NO. 1
APPLICATION NO.
4-02-140
VICINITY MAP



Project Site

EXHIBIT NO. 2
APPLICATION NO.
4-02-140
AERIAL VIEW



Non-native trees

Approximate
Brush Clearance
Radii for
Neighboring sites

Approximate
Brush
Clearance
Radius for
Project Site

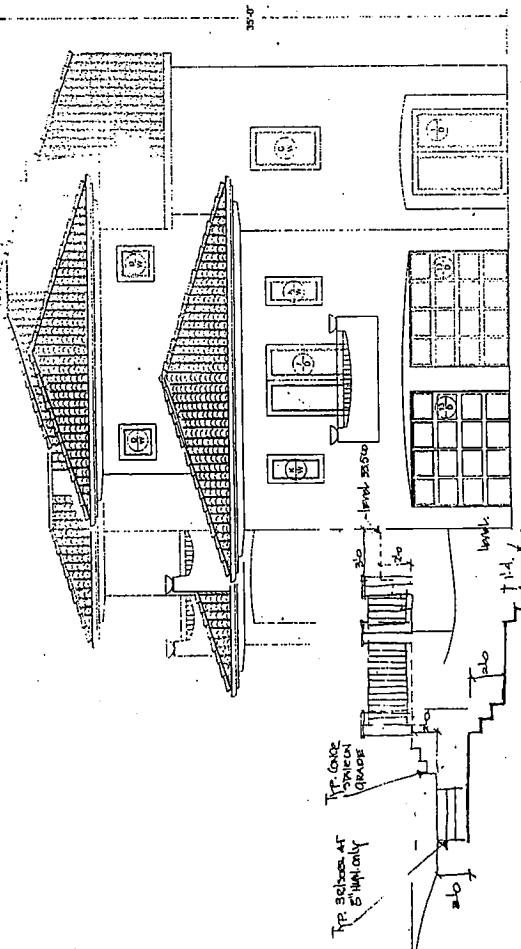
EXHIBIT NO. 3
APPLICATION NO.
4-02-140
BRUSH CLEARANCE

Studio-RMA
 135a south lorange
 canyon boulevard
 lorange, ca 92690
 tel: 310.465.7054
 fax: 310.465.7051
 Studio-RMA.com

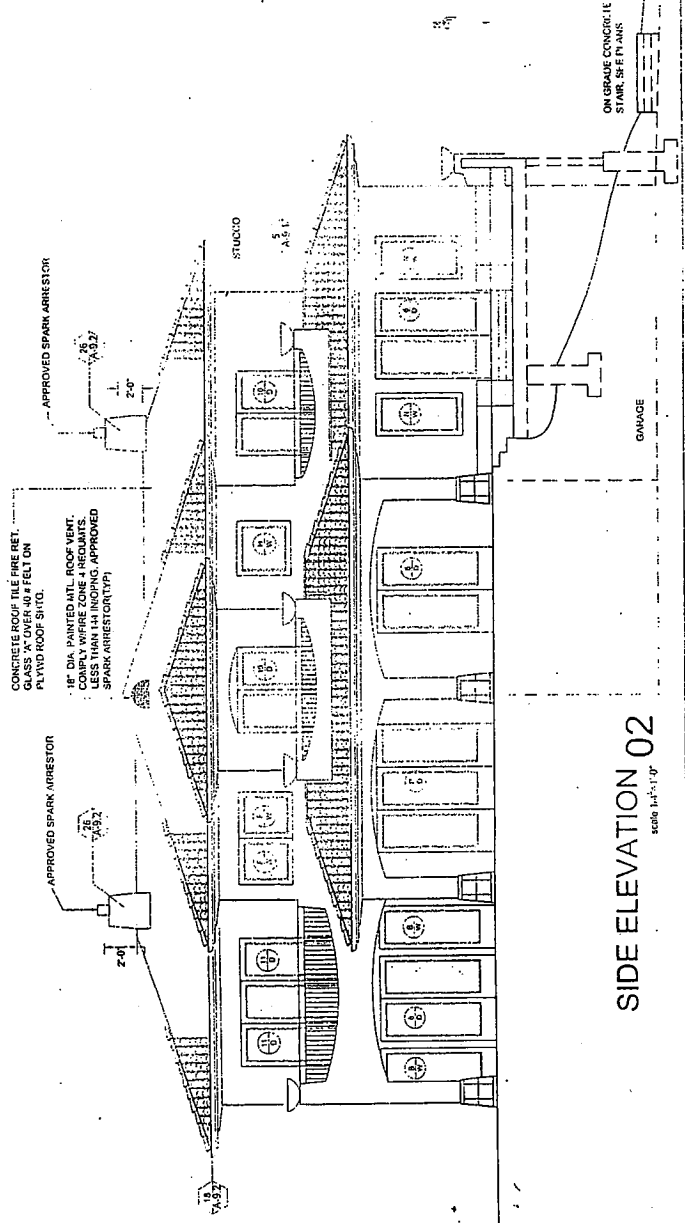
MIRADOR HOUSE
 20433 Medley Ln, Topanga, CA 90290, LOT 2 AND 3, BLK 8 TRACT 9531
 FRONT & SIDE ELEVATIONS

Date: 10-17-02
 Scale: 1/4"=1'-0"
 Drawn: as

A-5.1



FRONT ELEVATION 01
 scale 1/4"=1'-0"



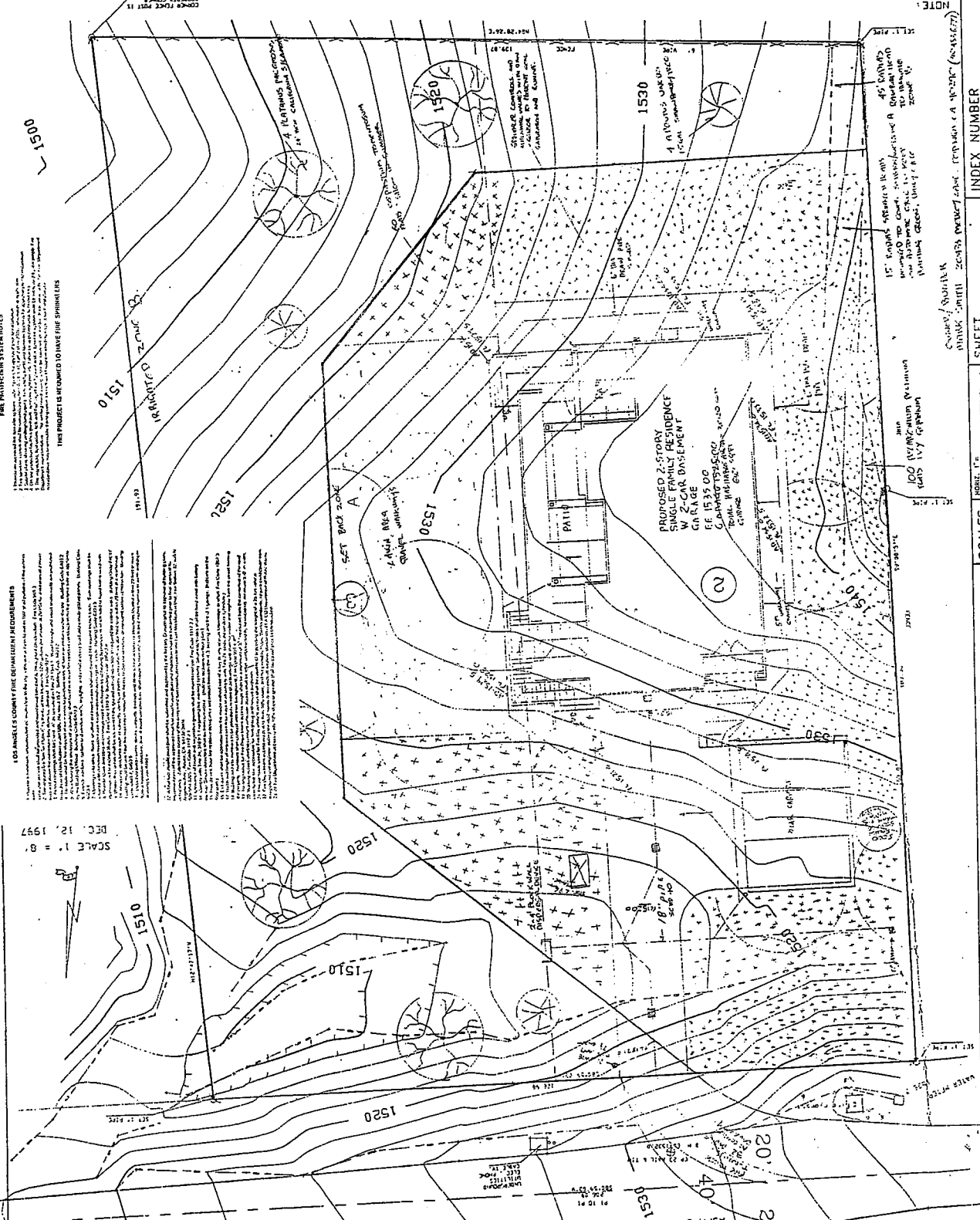
SIDE ELEVATION 02
 scale 1/4"=1'-0"

EXHIBIT NO. 5
APPLICATION NO.
4-02-140
ELEVATIONS

EXHIBIT NO. 8
 APPLICATION NO.
 4-02-140
 FUEL MODIFICATION

REDUCED FUEL MODIFICATION PLAN

BOUNDARY AND TOPOGRAPHIC SURVEY OF LOTS 2 AND 3, BLOCK 8, TRACT NO. 9531 MB 142 93/97



LOS ANGELES COUNTY FIRE DEPARTMENT REQUIREMENTS
 The following information is provided for your information and is not intended to constitute a contract. It is the responsibility of the applicant to ensure that all requirements are met. The fire department will conduct a site inspection to verify compliance with these requirements. If any deficiencies are noted, the applicant must correct them before the fire department can issue a permit. The fire department reserves the right to modify these requirements at any time without notice.

FIRE PREVENTION SYSTEM NOTES
 THIS PROJECT IS REQUIRED TO HAVE FIRE SPRINKLERS

DATE	12/97	FILE #	9721	ACAD	9721P1	PROJECT SURVEYOR	JOHN H. MAC NEIL	L.S. NO.	3358
DATE		FILE #		ACAD		PROJECT SURVEYOR	JOHN H. MAC NEIL	L.S. NO.	3358
DATE		FILE #		ACAD		PROJECT SURVEYOR	JOHN H. MAC NEIL	L.S. NO.	3358
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DATE		FILE #		ACAD		PROJECT SURVEYOR	JOHN H. MAC NEIL	L.S. NO.	3358

SCALE: HORIZ. 1" = 40' VERT. 1" = 20'
 SHEET INDEX NUMBER

NOTE: EASEMENTS, IF ANY, NOT SHOWN. CONSULT YOUR TITLE REPORT FOR EASEMENTS.

JOHN H. MAC NEIL
 LICENSED LAND SURVEYOR # 3358
 2330 N. TOPANCA CYN BL.
 TOPANCA CA. 90290
 (310) 455-2013