

CALIFORNIA COASTAL COMMISSION

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



W 22c

ADDENDUM

DATE: March 7, 2011
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 22c, Wednesday, March 9, 2011, Coastal Development Permit Application 4-09-037 (Anderson)

The purpose of this addendum is to make changes to the staff report to clarify the provisions of Special Condition No. Ten (10), Cumulative Impacts Mitigation. *Note: ~~Strikethrough~~ indicates text deleted from the February 14, 2011 staff report pursuant to this addendum and underline indicates text added to the February 14, 2011 staff report pursuant to this addendum.*

1. Special Condition No. Ten (10) shall be revised to clarify the provisions of the Transfer of Development Credit (TDC) transaction.

Special Condition No. Ten (10) on pages 13-14 shall be revised as follows:

- A. The applicant shall mitigate the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains by ensuring that development rights have been permanently extinguished on the equivalent of one (1) building site in the Santa Monica Mountains Coastal Zone that satisfies the criteria for TDC donor lots established in past Commission actions and that has not previously been retired, through a Transfer of Development Credit (TDC) transaction as described below. That lot shall be known as the "TDC lot".
- B. The TDC transaction shall result in development, as defined in Section 30106 of the Coastal Act, grazing, and ~~or~~ agricultural activities being prohibited on the entirety of the TDC lot(s) except for:
 1. Brush clearance required by Los Angeles County for permitted structures on adjacent parcels.
 2. Planting of native vegetation and other restoration activities, if approved by the Commission in a coastal development permit;
 3. If approved by the Commission in a new coastal development permit,
 - a. construction and maintenance of public hiking trails; and

- b. construction and maintenance of roads, trails, and utilities consistent with existing easements.
- C. Prior to the issuance of the Coastal Development Permit, the applicant shall provide evidence, for the review and approval of the Executive Director, that all of the following steps have been completed to satisfy ~~for~~ one of the following two methods.
 1. **Open space easement dedication and the merging or recombination of the retired lot(s) with one or more adjacent developed or buildable parcel(s).**
 - a) The applicant shall submit, for the review and approval of the Executive Director, evidence that a public entity or private non-profit association acceptable to the Executive Director has acquired an Open Space / Conservation Easement, pursuant to recording of an easement grant deed shall include the current legal description on title to the property, as shown in the current deed or Preliminary Report issued by a licensed title insurance company, of the TDC lot(s). The recorded document shall reflect that development of the TDC lot(s) is restricted consistent with as set forth in Section B, above. The grant of easement shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. Such grant of easement shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable in perpetuity.
 - b) The applicant shall provide evidence, for the review and approval of the Executive Director, that the TDC lot(s) has been either: (a) combined with an contiguous adjacent lot that is (i) developed or developable, (ii) held in common ownership with the TDC lot(s), and (iii) in the same tax rate area as the TDC lot(s); or (b) dedicated in fee title to a public entity acceptable to the Executive Director, other than the current easement-holder. If the TDC lot(s) has been recombined with an adjacent contiguous lot, the document recombining them shall be subject to the review and approval of the Executive Director, and recorded free of prior liens, including tax liens on all of the properties involved; and the recombined lot shall 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, taxation, lease, development, or encumbrance.
 - c) If the TDC lot(s) has been combined with an contiguous adjacent lot, the applicant shall submit, for the review and approval of the Executive Director, a Preliminary Report issued by a licensed title insurance company dated after the date of the recorded documents for the recombined lot created pursuant to Section 1b above that demonstrates that the easement deed required in Section 1a above is running ~~in~~ the chain of title free of prior liens, and that the recombined lot is described as a single lot. The applicant shall also provide evidence to the Executive Director that the applicant has provided documentation of the recombination to the county assessor's office and requested that the assessor's office (1) revise its records and maps to reflect the recombination of the parcels, including assigning a new, single APN for the

unified parcel and (2) send the Commission notice when it has done so, indicating the new, single APN.

2. Open space deed restriction and transfer in fee title to a public entity.

- a) The applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the TDC lot(s) an open space deed restriction, in a form and content acceptable to the Executive Director, restricting development of the TDC lot(s) consistent with section B, above. The deed restriction shall include a legal description of the entire TDC lot(s). The deed restriction shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed.
- b) The applicant shall submit, for the review and approval of the Executive Director, evidence that fee title to the TDC lot has been successfully transferred to a public entity acceptable to the Executive Director after the recordation of the deed restriction listed in Section 2a above and that the document effectuating the conveyance has been recorded in the Official Records of ~~with~~ the Los Angeles County Recorder's office.

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W 22c

Filed: 12/8/10
 180th Day: 6/6/11
 Staff: Kanani Brown
 Staff Report: 2/14/11
 Hearing Date: 3/09/11

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-09-037
APPLICANT: Dave Anderson
AGENT: Mike Barsocchini, Barsocchini & Associates
PROJECT LOCATION: 2127 Las Flores Canyon, Los Angeles County
APN NO.: 4453-019-027

PROJECT DESCRIPTION: After-the-fact approval for the creation of the subject parcel and construction of a three-story, 29 ft. high, 3,974 sq. ft. single-family residence with a 560 sq. ft. attached three-car garage, decks, driveway, septic system, retaining walls, and 757 cu. yds. of grading (247 cu. yds. of cut, 510 cu. yds. of fill, and 263 cu. yds. of import).

<i>Lot area</i>	1.19 acres or 51,466 sq. ft.
<i>Building coverage</i>	4,534 sq. ft.
<i>Pavement coverage</i>	1,198 sq. ft.
<i>Landscape coverage</i>	5,400 sq. ft.
<i>Ht. above finished grade</i>	29 ft.
<i>Parking</i>	3 spaces

MOTION & RESOLUTION: Page 4

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with **twelve (12) special conditions** regarding (1) geotechnical recommendations, (2) assumption of risk, (3) drainage and polluted runoff control plan, (4) interim erosion control plans and construction responsibilities, (5) landscaping and fuel modification plans, (6) structural appearance, (7) lighting restriction, (8) future development restriction, (9) deed restriction, (10) cumulative impacts mitigation, (11) removal of natural vegetation, and (12) condition compliance.

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.

- **CUMULATIVE IMPACTS.** The project includes the legalization of the subject parcel, which was created through an unpermitted land division prior to the effective date of

the Coastal Act. The issuance of a certificate of compliance after the effective date of the Coastal Act, which legalized the subject parcel, is a land division that required the approval of a coastal development permit, but no permit was obtained. Based on several factors, it is appropriate to approve the land division, with a condition to retire the development credits equivalent to one existing building site in the Santa Monica Mountains. As conditioned, the project will minimize the cumulative impacts of creating an additional parcel.

- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas. There are no siting or design alternatives that would avoid or further reduce visual impacts. However, the project is conditioned to further minimize visual resource impacts by utilizing earth tones on external surfaces, and by limiting night lighting.
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Table of Contents

I. STAFF RECOMMENDATION.....	4
II. STANDARD CONDITIONS.....	5
III. SPECIAL CONDITIONS	5
1. Plans Conforming to Geotechnical Engineer's Recommendations	5
2. Assumption of Risk, Waiver of Liability and Indemnity	6
3. Drainage and Polluted Runoff Control Plan	6
4. Interim Erosion Control Plans and Construction Responsibilities	7
5. Landscaping and Fuel Modification Plans.....	9
6. Structural Appearance.....	11
7. Lighting Restriction.....	11
8. Future Development Restriction.....	12
9. Deed Restriction.....	12
10. Cumulative Impacts Mitigation	13
11. Removal of Natural Vegetation	14
12. Condition Compliance	15
IV. FINDINGS AND DECLARATIONS.....	15
A. PROJECT DESCRIPTION AND BACKGROUND	15
B. HAZARDS AND GEOLOGIC STABILITY.....	16
C. WATER QUALITY	18
D. VISUAL RESOURCES	19
E. CUMULATIVE IMPACTS.....	21
F. UNPERMITTED DEVELOPMENT	28
G. LOCAL COASTAL PROGRAM (LCP) PREPARATION	29
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT	30

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Aerial Photograph
- Exhibit 4. Site Visit Photos
- Exhibit 5. Site Plan
- Exhibit 6. First Floor Plan
- Exhibit 7. Mid Level Plan
- Exhibit 8. Lower Level Plan
- Exhibit 9. Roof Plan
- Exhibit 10. Elevations
- Exhibit 11. Sections
- Exhibit 12. Grading Plan

- Exhibit 13. Fuel Modification Plan
 - Exhibit 14. Conditional Certificate of Compliance
 - Exhibit 15. Notice of Violation
 - Exhibit 16. 1955 Grant Deed
 - Exhibit 17. 1956 Grant Deed
 - Exhibit 18. 1962 Grant Deed
 - Exhibit 19. Chronology of Lot Creation
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LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated 11/27/09; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated 9/8/10; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated 6/9/09; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated 12/17/09; County of Los Angeles Department of Public Works, Soils Engineering Review Sheet, dated 10/15/08; and County of Los Angeles Department of Public Works, Geologic Review Sheet, dated 10/23/08.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Tree Report and Protection Plan prepared by Forde Biological Consultants, dated 11/24/10; Biological Assessment prepared by Forde Biological Consultants, dated 8/11/09; Geologic and Geotechnical Engineering Report prepared by RJR Engineering Group, dated 5/15/08; Addendum #1 to Geologic and Geotechnical Engineering Report prepared by RJR Engineering Group, dated 1/29/09; and Addendum #2 to Geologic and Geotechnical Engineering Report, On-site Sewage Disposal System prepared by RJR Engineering Group, dated 2/1/09.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-09-037 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. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that

may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. 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, landsliding, 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.

3. Drainage and Polluted Runoff Control Plan

A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a licensed civil engineer or qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, the consulting civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) BMPs should consist of site design elements and/or landscape based features or systems that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (2) Landscaping materials shall consist primarily of native or other low-maintenance plant selections which have low water and chemical treatment demands consistent with **Special Condition 5, Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design should be utilized for any landscaping requiring water application.
- (3) All slopes should be stabilized in accordance with provisions contained in the Landscaping and/or Erosion and Sediment Control Conditions for this Coastal Development Permit.
- (4) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains.

- (5) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans should be approved by the project consulting geotechnical engineer.
- (6) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant 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.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer, or qualified licensed professional, or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Interim Erosion Control Plans and Construction Responsibilities

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

- (a) 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 plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; 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.

- (e) The 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.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and 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.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Landscaping and Fuel Modification Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) 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, 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. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

- (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. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (3) 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;
- (4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

B) Fuel Modification Plans

Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

C) Conformance with Coastal Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal

development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

Three years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit to 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 requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

6. Structural Appearance

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of this Coastal Development Permit. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by this Coastal Development Permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

7. Lighting Restriction

A. The only outdoor night lighting allowed on the subject parcel is limited to the following:

- (1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to

fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.

- (2) Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60-watt incandescent bulb.
- (3) The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60-watt incandescent bulb.

B. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

8. 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 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, 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.

9. 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.

10. Cumulative Impacts Mitigation

- A. The applicant shall mitigate the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains by ensuring that development rights have been permanently extinguished on the equivalent of one (1) building site in the Santa Monica Mountains Coastal Zone that satisfies the criteria for TDC donor lots established in past Commission actions and that has not previously been retired, through a Transfer of Development Credit (TDC) transaction as described below. That lot shall be known as the "TDC lot".
- B. The TDC transaction shall result in development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities being prohibited on the TDC lot(s) except for:
 - 1. Brush clearance required by Los Angeles County for permitted structures on adjacent parcels.
 - 2. Planting of native vegetation and other restoration activities, if approved by the Commission in a coastal development permit;
 - 3. If approved by the Commission in a new coastal development permit,
 - a) construction and maintenance of public hiking trails; and
 - b) construction and maintenance of roads, trails, and utilities consistent with existing easements.
- C. Prior to the issuance of the Coastal Development Permit, the applicant shall provide evidence, for the review and approval of the Executive Director, that all of the following steps have been completed for one of the following two methods.
 - 1. **Open space easement dedication and the merging or recombination of the retired lot(s) with one or more adjacent developed or buildable parcel(s).**
 - a) The applicant shall submit, for the review and approval of the Executive Director, evidence that a public entity or private non-profit association acceptable to the Executive Director has acquired an Open Space / Conservation Easement, pursuant to a grant deed acceptable to the Executive Director, over the TDC lot(s). The recorded easement grant deed shall include the current legal description on title to the property, as shown in the current deed or Preliminary Report, of the TDC lot(s). The recorded document shall reflect that development of the TDC lot(s) is restricted as set forth in section B, above. The grant of easement shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. Such grant of easement shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable.
 - b) The applicant shall provide evidence, for the review and approval of the Executive Director, that the TDC lot(s) has been either: (a) combined with an

adjacent lot that is (i) developed or developable, (ii) held in common ownership with the TDC lot(s), and (iii) in the same tax rate area as the TDC lot(s); or (b) dedicated in fee title to a public entity other than the easement-holder. If the TDC lot(s) has been combined with an adjacent lot, the document combining them shall be subject to the review and approval of the Executive Director, and recorded free of prior liens, including tax liens on all of the properties involved; and the combined lot shall 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, taxation, lease, development, or encumbrance.

- c) If the TDC lot(s) has been combined with an adjacent lot, the applicant shall submit, for the review and approval of the Executive Director, a Preliminary Report for the combined lot created pursuant to Section 1b above that demonstrates that the easement deed required in Section 1a above is on the title and that the combined lot is described as a single lot. The applicant shall also provide evidence to the Executive Director that the applicant has provided documentation of the combination to the county assessor's office and requested that the assessor's office (1) revise its records and maps to reflect the combination of the parcels, including assigning a new, single APN for the unified parcel and (2) send the Commission notice when it has done so, indicating the new, single APN.

2. Open space deed restriction and transfer in fee title to a public entity.

- a) The applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the TDC lot(s) an open space deed restriction, in a form and content acceptable to the Executive Director, restricting development of the TDC lot(s) consistent with section B, above. The deed restriction shall include a legal description of the entire TDC lot(s). The deed restriction shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed.
- b) The applicant shall submit, for the review and approval of the Executive Director, evidence that fee title to the TDC lot has been successfully transferred to a public entity, acceptable to the Executive Director, after the recordation of the deed restriction listed in Section 2a above and that the document effectuating the conveyance has been recorded with the Los Angeles County Recorder.

11. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50-foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification

zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

12. 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

The applicant proposes to construct a three-story, 29 ft. high, 3,974 sq. ft. single-family residence with a 560 sq. ft. attached three-car garage, decks, driveway, septic system, retaining walls, and 757 cu. yds. of grading (247 cu. yds. of cut, 510 cu. yds. of fill, and 263 cu. yds. of import). The proposal also includes after-the-fact approval for the creation of the subject parcel.

The site is located at 2127 Las Flores Canyon Road (APN 4453-019-027) in the Santa Monica Mountains, unincorporated Los Angeles County (Exhibit 1). The western boundary of the property is immediately adjacent to Las Flores Canyon Road and its eastern boundary is adjacent to Chumash Road. The site will be accessed via a driveway off of Las Flores Canyon Road. The subject property is a vacant, 1.19-acre parcel situated among single-family residences to the south and east (Exhibit 3). Vacant lots are located to the north and west.

The proposed project site is comprised of moderate to steeply sloping hillside terrain with elevations that range from 1254 ft. to 1362 ft. above mean sea level. The site is located on the nose of an east-west trending ridge spur that extends from the north-south trending ridge descending from the Santa Monica Mountain front. The site slopes from Las Flores Canyon Road to Chumash Road at an overall inclination of approximately 2:1 to 2.5:1, descending to the east with an overall relief of approximately 80 vertical feet.

The project site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides and areas of residential development at moderate densities. The site is located on the side of a hill and is visible from Las Flores Canyon Road and Chumash Road. The proposed residence will be stepped into the hillside, allowing the entryway and garage to be located only 12 feet above the grade of Las Flores Canyon Road.

The site is not considered to be an environmentally sensitive habitat area (ESHA) due to its location within the fuel modification zones of surrounding single-family residences. It has been previously cleared of vegetation with the exception of eight oak trees on the west side of the parcel. In addition, patches of native chaparral subsist. Originally, the applicant proposed to locate a subsurface drip dispersal system within the protected zones of two oak trees; however, the applicant has agreed to relocate this system on the south side of the property, adjacent to the septic system. The proposed development, including the septic system and dispersal system, will be located outside of the drip line of the isolated oak trees onsite.

Creation of the subject parcel was unpermitted because it was part of a parent parcel that was split into more than four parcels within a year by the original subdivider in 1956. This subdivision was not properly permitted pursuant to the requirements of the Subdivision Map Act of 1972 and Los Angeles County Planning and Zoning Codes. The subject parcel was later created by deed in 1962 as part of a three-lot subdivision (Exhibit 18). In 1981, the notice of intention to record a violation (No. 81-558537) by the County of Los Angeles lists the subject parcel as part of a property that was divided into 21 or more parcels for purposes of sale or transfer without first filing a final map act (Exhibit 15). The current owner, Dave Anderson, applied for a Certificate of Compliance from the County of Los Angeles on August 5, 2009 to "legalize" the lot pursuant to the Subdivision Map Act and a Conditional Certificate of Compliance (RCOC 2009-00189) was issued on May 24, 2010; however, the provisions have yet to be satisfied and a Clearance of Conditions has not been issued (Exhibit 14). The Conditional Certificate of Compliance which "legalized" this lot pursuant to the Subdivision Map Act is considered a form of subdivision and, therefore, requires a coastal development permit. The applicant is now requesting after-the-fact approval for the creation of the subject parcel through this coastal development permit, which is discussed in further detail below (Section E, Cumulative Impacts).

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. The Geologic and Geotechnical Engineering Report dated May 15, 2008, prepared by RJR Engineering Group indicates that landslides are present onsite:

Two landslides are present on the property and extend offsite to the canyon bottom. The site improvements will have to mitigate their effects of project development only. Subsurface logging,

mapping and research revealed the landslide is inclined at similar angles to the slope face and becomes very deep to the east in the direction of downhill flow.

However, the report later states that site improvements such as the proposed retaining walls, the use of friction pile foundations and grading will help stabilize conditions to obtain a suitable factor of safety for static conditions.

Therefore, the submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. 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. If the applicant nevertheless chooses to proceed with the project, 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 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: Plans Conforming to Geotechnical Engineer's Recommendations

Special Condition 2: Assumption of Risk, Waiver of Liability and Indemnity

Special Condition 3: Drainage and Polluted Runoff Control Plans

Special Condition 4: Interim Erosion Control

Special Condition 5: Landscaping and Erosion Control Plans

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. WATER QUALITY

Section **30231** of the Coastal Act states that:

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.

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed development, located on a hillside that is approximately 1400 feet east of Las Flores Canyon Creek and 1000 feet north of a tributary to the creek, will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system, a non-conventional on-site wastewater treatment system with a disinfection system to process the liquid waste for disposal into a geoflow wasteflow subsurface drip system. There will be no adverse impacts to the site or

surrounding areas from the use of this system. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources. Additionally, as a requirement of the County's in-concept approval, the applicant was required to identify an additional area of the property for conventional septic pits for possible future activation should the proposed system fail; however it is unlikely that a failure will occur in the proposed system or its 100% expansion area to warrant activation of the reserve system.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30231 of the Coastal Act:

Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans

Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities

Special Condition 5: Landscaping and Erosion Control Plans

Special Condition 11: Removal of Native Vegetation

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. VISUAL RESOURCES

Section **30251** of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project area is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides. The site is located on the side of a hill and is visible from Las Flores Canyon Road and Chumash Road. Residential development surrounds the property with the exception of a few vacant lots to the north and west. Several existing or approved houses are within 200 feet of the subject lot and, as a result, the lot has been previously cleared for fire protection purposes. Development of the proposed residence raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be affected.

The proposed residence is 3-stories with a maximum height of 29 feet above existing grade at any given point. The residence is designed to be stepped into the hillside, thereby minimizing the need for grading and landform alteration on the property and

allowing the entryway and garage to be located only 12 feet above the grade of Las Flores Canyon Road. The proposed residence is compatible with the character of other residential development in the area. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP. In addition, the development would be partially screened by vegetation.

Even with vegetative screening, the proposed development will be unavoidably visible from public viewing areas. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. To minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.

In recognition that future development normally associated with a single-family residence, that might otherwise be exempt, has the potential to impact scenic and visual resources of the area, the Commission requires that any future improvements on the subject property shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act through a coastal development permit.

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 Section 30251 of the Coastal Act:

- Special Condition 5:** Landscaping and Fuel Modification Plans
- Special Condition 6:** Structural Appearance
- Special Condition 7:** Lighting Restriction
- Special Condition 8:** Future Development Restriction
- Special Condition 9:** Deed Restriction

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. 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 only 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 surrounding parcels.

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

[T]he incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Commission has consistently emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area, particularly those of subdivisions, multi-family residential development, and second residential units, all of which result in increased density. It is particularly critical to evaluate the potential cumulative impacts of increased density given the existence of thousands of undeveloped and poorly sited parcels in the mountains that were created decades ago in antiquated subdivisions. The future development of the existing undeveloped parcels in conjunction with any increased density will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards. In addition, future build-out of many lots located in environmentally sensitive areas will create adverse cumulative impacts on coastal resources.

In this case, the applicant is requesting after-the-fact approval for creation of the parcel that is the proposed project site. As discussed below, the subject parcel was created through a method that required approval by the Commission in a coastal development permit, but no CDP was obtained.

1. Regulation of Land Divisions

In order to determine if the date and method of the creation of a parcel was in compliance with the laws and ordinances in place at the time, it is necessary to review the applicable regulations that govern the division of property in Los Angeles County, both at present and in the past.

The Subdivision Map Act (SMA) [Cal. Gov't Code §§ 66410 *et seq.*] is a state law that sets statewide standards for the division of land that are implemented by local governments through their ordinances. Among other requirements, the SMA currently requires that all divisions of land must be approved by the local government through a

parcel map (for the division of four or fewer parcels) or a tract map (for the division of five or more parcels). Prior to legislative changes to the SMA that were effective March 4, 1972, the SMA did not require approval for divisions of fewer than five parcels (although the division of five or more parcels did require a tract map approval).

However, prior to March 4, 1972, the SMA did provide that a local government could adopt ordinances to regulate the division of fewer than five parcels, so long as the provisions of such an ordinance were not inconsistent with the SMA. The County of Los Angeles adopted Ordinance No. 9404 (effective September 22, 1967) to regulate land divisions of fewer than five parcels. This ordinance required the approval of a "Certificate of Exception" for a "minor land division", which was defined as: "...any parcel or contiguous parcels of land which are divided for the purpose of transfer of title, sale, lease, or financing, whether present or future, into two, three, or four parcels...". This ordinance provided standards for road easements, and other improvements. After March 4, 1972, when the SMA included a statewide requirement for the approval of a parcel map for divisions of fewer than five parcels, the County of Los Angeles abandoned the "Certificate of Exception" requirement and began requiring the approval of a parcel map instead.

The SMA contains provisions that prohibit the sale, lease, or finance of any parcels for which a final map approval is required until such map is approved and recorded. The SMA also provides that any owner of property may request that the local government determine whether the property complies with the provisions of the SMA and local subdivision ordinances. If the local government, in this case, Los Angeles County, determines that the property complies, then the County shall issue a "certificate of compliance" (C of C) which will be recorded¹. If the County determines that the property does not comply with the SMA or local ordinances, then it shall issue a "conditional certificate of compliance"². The conditional C of C will be subject to conditions that would have been applicable to the division of the property at the time that the owner acquired it. If the applicant was the owner who divided the property in violation of the SMA, then the County may impose any conditions that would be applicable to a land division at the time the C of C is issued.

The Coastal Act requires a coastal development permit prior to undertaking "development", which includes: "...change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits..." (Coastal Act Section 30106). The subject division of land that created the parcel that is the project site occurred prior to the effective date of the Coastal Act (January 1, 1977). The vested rights exemption allows the completion or continuance of development that was commenced prior to the Coastal Act without a coastal development permit only if, among other things, all other necessary and

¹ This type of certificate of compliance issued pursuant to Gov't Code § 66499.35(a) is commonly known as an "exempt" C of C, in that it indicates that the parcel was created legally or before there were regulations.

² This type of certificate of compliance is issued pursuant to Gov't Code § 66499.35(b).

required permits were obtained. However, in this case, the unpermitted subdivision of land can not be considered vested or “grandfathered” development because it did not occur in compliance with the applicable laws and regulations (including the SMA and Los Angeles County subdivision ordinances) and with the required approvals. As such, the application of the property owner for a C of C and the subsequent issuance of a conditional C of C, after the effective date of the Coastal Act, which “legalized” this lot for purposes of the Subdivision Map Act, is considered a land division that requires a coastal development permit, pursuant to the provisions of the Coastal Act, to be effective. No CDP was obtained for this land division.

2. Description of Lot Creation and Chain of Title Information

The applicant is requesting after-the-fact approval of the lot that is the project site (APN 4453-019-027). This lot was part of a series of land divisions that created more than four lots by deed from one parent parcel in 1956, as explained in greater detail below. The current owner of the lot, Dave Anderson, applied for and was granted a conditional certificate of compliance by the County of Los Angeles that indicated that the parcel was not created in compliance with the laws in place at the time of its creation. The owner did not obtain a coastal development permit to legalize the parcel. At the request of staff, the applicant provided a chain of title for the subject lot, copies of all deeds referenced, and exhibits showing the configuration of the subject and surrounding lots. The applicant did not provide the available information from the County of Los Angeles’ file for the conditional certificate of compliance. Staff contacted Leonard Erlanger, Supervising Regional Planner for Los Angeles County’s Land Division Research and Enforcement Section, to obtain the file for the conditional certificate of compliance. Based on this evidence, staff was able to determine the chronology and method of lot “creation”.

The earliest information provided indicates that the subject property was part of a parcel that was the northeastern quarter of the southeast quarter of Section 22, Township 1 South, Range 17 West, San Bernardino meridian, in the County of Los Angeles, State of California. The original configuration of the parent parcel, now currently encompasses nineteen (19) separate parcels, APNs 4453-019-027 (subject property), 4453-019-008, 4453-019-024, 4453-019-028, 4453-019-031, 4453-019-036, 4453-019-045, 4453-019-046, 4453-019-051, 4453-019-052, 4453-019-054, 4453-019-056, 4453-019-063, 4453-019-065, 4453-019-064, 4453-019-075, and 4453-019-902 (Exhibit 16).

This original parent parcel was granted by deed from Elisabeth Gordon-McCray to George E. Howard on May 2, 1955 (Exhibit 16). The parent parcel was divided, through the recordation of several deeds, into new parcels within a one-year time frame. Parcel 8 was created on March 27, 1956. Another parcel comprising the area of the currently existing Parcels 22, 25, and 16 was created on September 27, 1956. Further, a parcel comprising the area of the currently existing Parcels 24, 27 (the subject parcel), and 28 was created on September 27, 1956 as part of a grant deed from George E. Howard to Valate C. Burt (Exhibit 17). Parcel 2 was created on August 28, 1957. A number of other parcels were also created within the one-year time period, however the County of Los Angeles was not able to provide documentation of all the associated records.

Next, the illegally created parcel that comprised the currently existing Parcels 24, 27, and 28 was transferred by grant deed from Valate C. Burt to Dorothy Marie Elms on March 20, 1959. Subsequently, this parcel was further split into three parcels by transferring Parcel 27 (the subject parcel) by grant deed from Dorothy Marie Elms to Donald W. Elms on August 24, 1962 (Exhibit 18)³. Parcel 27 was located in the center area of the previously existing illegal lot and by transferring its ownership by deed, two additional parcels were created (Parcels 24 and 28⁴) for a total of three new parcels. This is the first point in time that the subject parcel, APN 4453-019-027, existed in its present configuration.

In 1981, the notice of intention to record a violation (No. 81-558537) by the County of Los Angeles lists the subject parcel as part of a property that was divided into 21 or more parcels for purposes of sale or transfer without first filing a final map act (Exhibit 15). The aforementioned lots, created by deed prior to 1972, were not created in compliance with the applicable laws and regulations at the time. The land division that created the subject lot occurred, through the recordation of deeds. The creation of more than four lots from one parcel was a land division that required tract map approval, pursuant to Los Angeles County Ordinance No. 4478. There is no evidence that any tract map was approved by the County for this land division, and the applicant has not provided any other evidence that such approval was granted by the County before the deeds were recorded.

Based on these facts, the County determined, in its review of an application for a Certificate of Compliance, that the subject lot was not created in compliance with the laws and regulations applicable at the time of its original identification in 1956. The County of Los Angeles therefore issued a Conditional Certificate of Compliance (RCOC 2009-00189) on May 24, 2010 in order to authorize the lot after-the-fact in regards to compliance with the Subdivision Map Act (Exhibit 14). The unpermitted subdivision of land that was first attempted prior to the effective date of the Coastal Act (January 1, 1977) can not be considered vested or “grandfathered” development because it did not occur in compliance with the applicable laws and regulations and with the required approvals. As such, the application of the property owner for a certificate of compliance and the subsequent issuance of the Conditional Certificate of Compliance in 2010, which “legalized” this lot for purposes of the Subdivision Map Act, is considered a form of land division and, therefore, requires a coastal development permit, pursuant to the provisions of the Coastal Act, to be effective.

There is no record of a Coastal Development Permit issued for the creation of this lot (APN 4453-019-027) either prior to or after the May 24, 2010 recording of Conditional Certificate of Compliance (RCOC 2009-00189). Since the Conditional Certificate of Compliance was recorded without the required CDP, it was not legally effective under the provisions of the Coastal Act, and no legal lot was created. A “Clearance of Conditions” in the Conditional Certificate of Compliance has not been issued. In order

³ This deed also transferred ownership of a separate, unrelated parcel (Parcel 25).

⁴ The unpermitted creation of Parcel 28 (APN 4453-019-028) was approved after-the-fact by the Commission as part of CDP 4-04-032 (Hannon).

for the County of Los Angeles to issue a Clearance of Conditions, the following conditions must be met:

1. Offer for private and future street right of way 30 feet from centerline on Chumash Road, along the easterly boundary of the subject property.
2. Provide said private and future rights of way as easements for the benefit of Section 22, Township 1 South, Range 17 West, S.B.B. & M., and for the general public.

Once these conditions are met, the County will issue a Clearance of Conditions and consider the lot to comply with applicable provisions of the Subdivision Map Act and the County Subdivision Ordinance.

3. Factors Considered for Development on Lot Created by an Unpermitted Land Division

The Commission typically reviews the creation of lots through a subdivision of land in a comprehensive manner and not on a piecemeal basis. The Commission review necessarily includes the analysis of the individual and cumulative impacts of the subdivision on coastal resources, as well as an analysis of project alternatives that would eliminate or reduce impacts. To accomplish this, the Commission reviews the proposed lot sizes and lot configurations to ensure consistency with minimum lot size requirements of the LUP, surrounding lot sizes, and to ensure each lot can be developed consistent with Chapter Three Policies of the Coastal Act. To adequately analyze the environmental impacts of a subdivision and determine consistency with Chapter Three Policies of the Coastal Act, the applicant is required to submit detailed grading plans, geology reports, percolation tests, biological studies, viewshed analysis and other studies that encompass the entire proposed subdivision.

In this case, a comprehensive analysis of the land division, which created several separate parcels (including the subject parcel), is not possible because the lots have been sold to multiple owners, and the successor to only one of those buyers is before the Commission at this time. In addition, the Commission has previously approved residential development on one or more of the other parcels involved in the unpermitted land division. In March 1995, the Commission approved CDP No. 4-94-235 on parcel 4453-019-024 for construction of a new 2,875 sq. ft., 20 ft. high, two-story single-family residence to replace a single-family residence destroyed by the 1993 Old Topanga Storm. Also, in September 2005, the Commission approved CDP No. 4-04-032 (Hannon) on parcel 4453-019-028 for construction of a new 2,366 sq. ft., 35 ft. high single-family residence with 10 cu. yds. of grading, septic system, driveway, and attached two-car carport. The approval also included after-the-fact approval of the parcel that was created pursuant to Certificate of Compliance No. 88-0175.

The Commission has addressed similar situations of unpermitted land divisions in past CDP actions (including 4-04-032 (Hannon), 4-04-121 (Miran), and 4-05-141 (Biebuyck)) for development proposed on a lot that was not created in compliance with the laws in effect at the time of its creation. Factors considered by the Commission in its review of such development includes: 1) whether the applicant carried out the unpermitted land division that created the parcel or acquired the parcel later in a good faith, arm's length

transaction, and if the latter, whether the applicant had reason to know of the illegal subdivision; 2) whether the lots involved in the unpermitted land division are in common or separate ownership; 3) whether any of the unpermitted lots has been developed; and 4) whether the Commission has previously approved a CDP(s) for development on the proposed project site or other lots involved in the unpermitted land division, and if such CDP(s) is effective.

In CDP 4-04-032 (Hannon), the Commission approved the creation of a lot because the Commission had already approved a permit for residential development on one of the parcels created from the same parent parcel, the applicant purchased the property in a good faith, arm's length transaction, and the subject parcel was not in current ownership with any other contiguous parcels created from the parent parcel. In that case, the Commission also found that it was necessary to require the applicant to mitigate the cumulative impacts of creating the parcel through the retirement of the development rights on an existing parcel in the Santa Monica Mountains through a Transfer of Development Credit (TDC) transaction. In approving CDP 4-04-121 (Miran), the Commission similarly found that the project parcel had been created as the result of an unpermitted land division, but that the owner acquired the parcel in a good faith, arm's length transaction and several other parcels created in the same unpermitted land division were already developed, including three that the Commission had approved in earlier CDPs. The Commission required the applicant to retire one TDC as mitigation for the impacts of creating one new parcel. In the case of CDP 4-05-141 (Biebuyck), the Commission found that the owner acquired the parcel in a good faith, arm's length transaction, that five other parcels created in the same unpermitted land division were already developed with single family residences, and that the Commission had previously approved development on the project site, although the CDP had expired before the applicant acquired the property. The Commission approved the creation of the project site, subject to the mitigation of the cumulative impacts of an additional parcel through the retirement of one TDC.

In this case, the applicant purchased the property in a good faith, arm's length transaction, and the subject parcel is not in common ownership with any other contiguous lot created from the parent parcel. Additionally, as explained above, the Commission approved a coastal development permit for residential development on adjacent parcels (CDP 4-94-235 and CDP 4-04-032) created from the same parent parcel. The applicant purchased the property in 2008 for approximately \$150,000 according to tax assessments available as public information. At this time, a Conditional Certificate of Compliance ("CoC") had not been recorded against the property indicating that the original subdivision was not performed in compliance with applicable laws. Thus, a title search would not have indicated to the purchaser the legal status of the lot. Further, the fact that residences were built with CDPs on adjacent parcels created from the same parent parcel, the applicant had reason to believe that he purchased a lot on which he would be able to build a residence.

Based on the above set of facts, the Commission finds that approval of the land division created through the conditional certificate of compliance is appropriate in this case. Given the facts of this particular case, denial of the coastal development permit would result in an unreasonable hardship to the applicant who purchased this property in good

faith without knowing the subject parcel was created without the benefit of a coastal development permit. However, the creation of an additional parcel in the Santa Monica Mountains will result in adverse cumulative impacts to coastal resources. Although the cumulative impacts cannot be completely avoided, they can be reduced through the mitigation measures discussed below.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area in past permit actions. In this case, the after-the-fact approval of an additional parcel will increase the density of development in the area. It is particularly critical to evaluate the potential cumulative impacts of increased density given the existence of thousands of undeveloped and poorly sited parcels in the mountains that were created decades ago in antiquated subdivisions. The cumulative effect of developing additional lots in conjunction with the large number of existing undeveloped lots will be a tremendous increase in the demand for road capacity, services, recreational facilities, and beaches. The construction of additional facilities to serve this build-out, particularly within environmentally sensitive areas will create adverse cumulative impacts on coastal resources.

As a means of addressing the cumulative impacts of increased density in past actions, the Commission has consistently required, as a special condition to development permits for land divisions and multi-unit projects, participation in the Transfer Development Credit (TDC) program as mitigation, such as has been done in past actions including CDPs P-78-155 (Zal), P-78-158 (Eide), P-81-182 (Malibu Deville), 5-83-43 (Heathercliff), 5-83-591 (Sunset-Regan), 5-85-748 (Ehrman & Coombs), 4-98-281 (Cariker), 4-00-028 (Layman), 4-00-044 (Blank Par-E, LLC) and 4-01-046 (PCH-Tyler Associates, Inc.), 4-04-121 (Miran), and 4-05-141 (Biebuyck). The TDC program has resulted in the retirement from development of existing, poorly sited, and non-conforming parcels at the same time new parcels or units were created. The intent of the program is to insure that no net increase in the number of residential units results from the approval of land divisions or multi-family projects and to optimize the location of existing lots while allowing development to proceed consistent with the requirements of §30250(a). In summary, the Commission has found that the TDC program remains a valid means of mitigating cumulative impacts. Without some means of mitigation, the Commission would have no alternative but to deny such projects, based on the provisions of §30250(a) of the Coastal Act.

The applicant is requesting approval to legalize the subject parcel, which was created through an unpermitted land division in 1956. Staff's review indicates that the incremental contribution to cumulative impacts would be the creation, in this case, of one additional lot. As described above, the subject lot and the other lots that were part of the previous land division are held in separate ownerships. At such time as development is proposed on one or more of the other parcels, the Commission will consider the cumulative impacts associated with the creation of that or those lots and, if the Commission decides to approve such development, determine the appropriate mitigation that should be required. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality, and resource degradation are associated with the development of an additional lot in this area. Therefore, the Commission finds it

necessary to impose cumulative impact mitigation requirements as a condition of approval of this permit in order to insure that the cumulative impacts of the creation of an additional buildable lot are adequately mitigated.

Therefore, the Commission requires the applicant to mitigate the cumulative impacts of the creation of the subject lot through a land division and the development of this property by ensuring that development rights for residential use have been extinguished on the equivalent of one (1) building site in the Santa Monica Mountains Coastal Zone through a Transfer of Development Credit (TDC) transaction. The process for extinguishing the development rights is identifying a vacant parcel that qualifies for TDC credit, recordation of an open space easement across the parcel that ensures the site may not be developed in the future, and combining the TDC parcel with an adjacent developable parcel. Alternatively, the applicant may record an open space deed restriction across the TDC parcel that ensures the site may not be developed in the future, and transfer the fee title of the TDC parcel to a public entity.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30250 of the Coastal Act:

Special Condition 10: Cumulative Impact Mitigation

The Commission finds that, as conditioned, the proposed project is consistent with §30250 of the Coastal Act.

F. UNPERMITTED DEVELOPMENT

Unpermitted development occurred on the subject parcel prior to submission of this coastal development permit involving creation of the subject lot. Creation of the subject parcel was unpermitted because it was part of a parent parcel that was split into more than four parcels within a year by the original subdivider in 1956. This subdivision was not properly permitted pursuant to the requirements of the Subdivision Map Act of 1972 and Los Angeles County Planning and Zoning Codes. The subject parcel was later created by deed in 1962 as part of a three-lot subdivision (Exhibit 18). In 1981, the notice of intention to record a violation (No. 81-558537) by the County of Los Angeles lists the subject parcel as part of a property that was divided into 21 or more parcels for purposes of sale or transfer without first filing a final map act (Exhibit 15). The current owner, Dave Anderson, applied for a Certificate of Compliance from the County of Los Angeles on August 5, 2009 to "legalize" the lot pursuant to the Subdivision Map Act and a Conditional Certificate of Compliance (RCOC 2009-00189) was issued on May 24, 2010; however, the provisions have yet to be satisfied and a Clearance of Conditions has not been issued (Exhibit 14). The Conditional Certificate of Compliance which "legalized" this lot pursuant to the Subdivision Map Act is considered a form of subdivision and, therefore, requires a coastal development permit. The applicant is now requesting after-the-fact approval for the creation of the subject parcel through this coastal development permit.

In order to ensure that the unpermitted development component of this application is 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 12: 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. The Commission's enforcement division will evaluate further actions to address this matter.

G. 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 12

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).

H. 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. Five types of mitigation actions include those that are intended to avoid, minimize, rectify, reduce, or compensate for significant impacts of development. Mitigation measures required to minimize impacts include requiring drainage best management practices, interim erosion control, limited lighting, restricting structure color, and requiring future improvements to be considered through a CDP. Finally, the cumulative impact condition is a measure required to offset the cumulative impacts of the development of this property with participation in the Transfer Development Credit (TDC) program. 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 12

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.

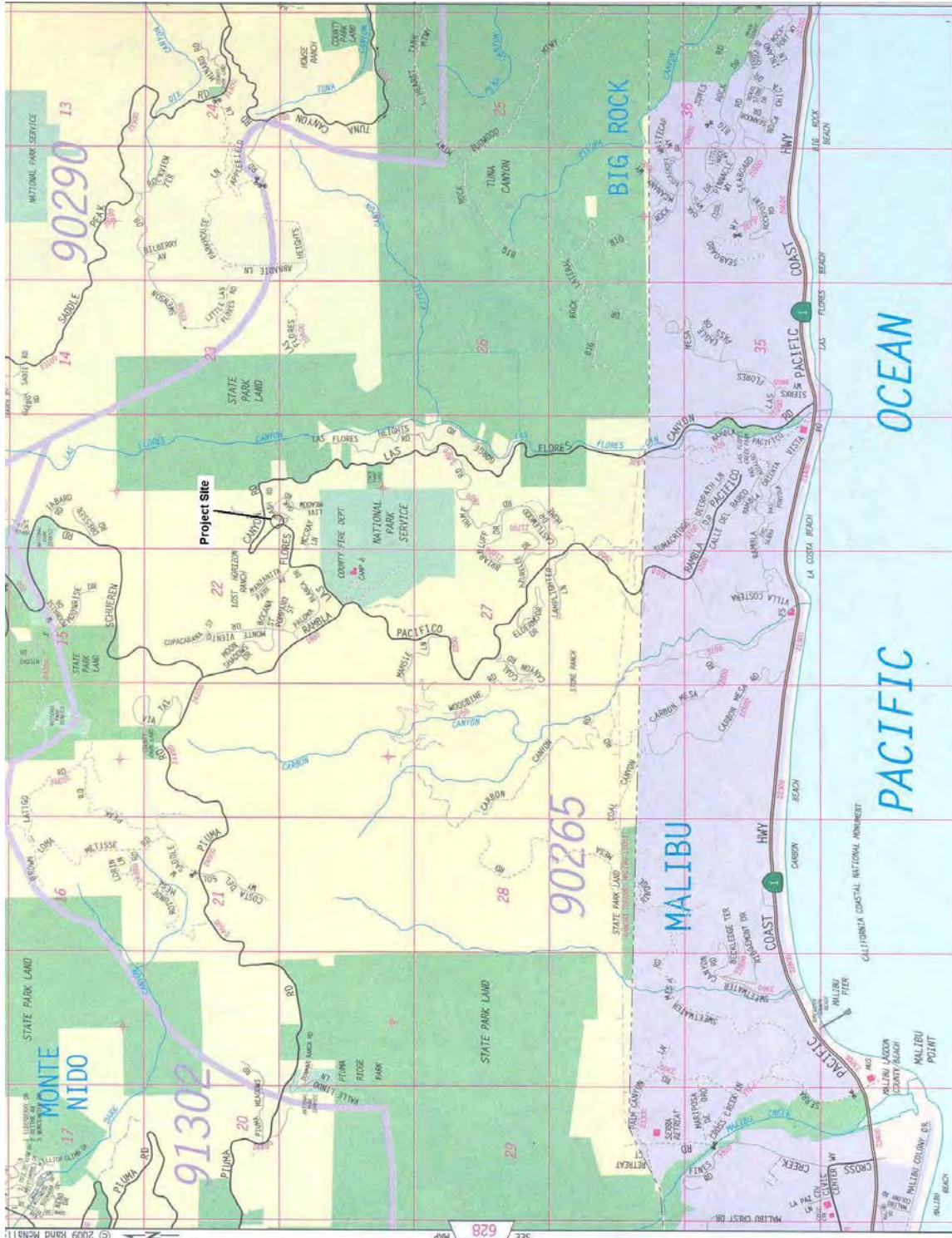
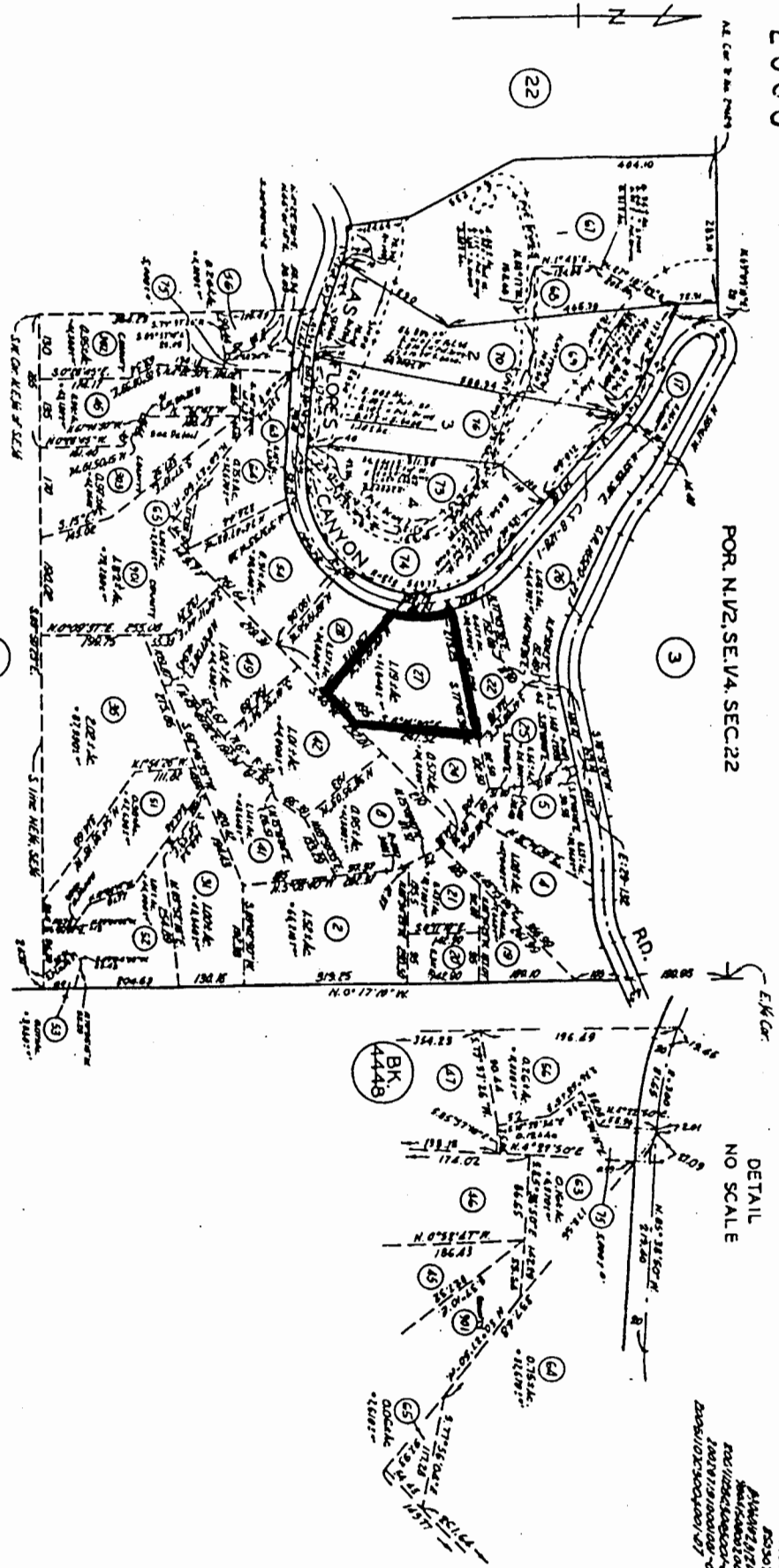


EXHIBIT 1
Permit 4-09-037
Vicinity Map

2006



CODE
8656

T1S, R17W
PARCEL MAP

PM147-59-60

S
FOR PREV. ASSMT. SEE:
4453-19

For dimensions of future street
see P.M. 147-59-60.

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

NOV 07 2005

EXHIBIT 2
Permit 4-09-037
Parcel Map



EXHIBIT 3
Permit 4-09-037
Aerial Photograph

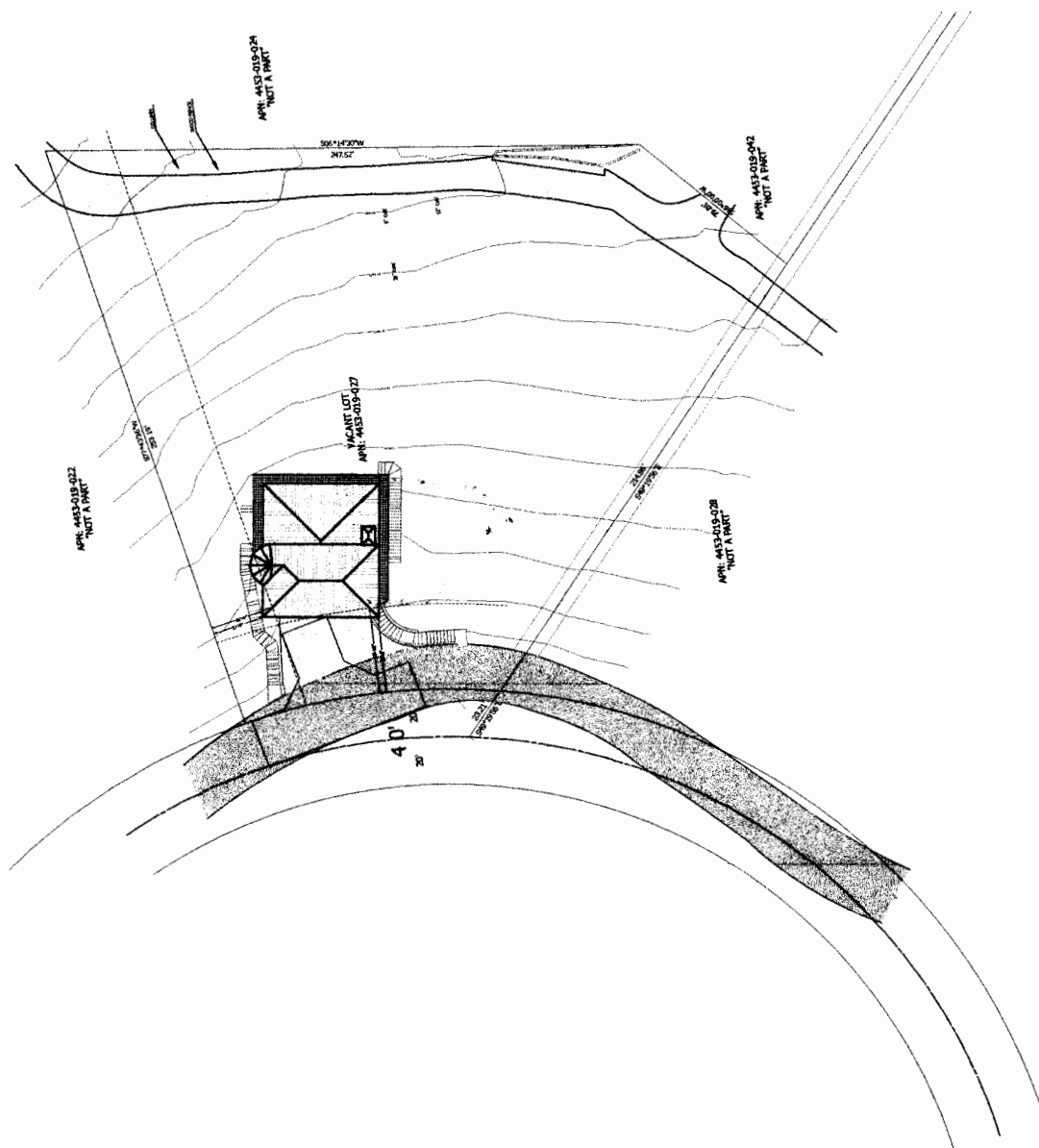
Site Visit Photographs of 2127 Las Flores Canyon Rd
February 2, 2011



View of project site looking northeast from 2127 Las Flores Canyon Road



View of project site looking south from 780 Schueren Road



NORTH
scale 1"=20'

Site Plan

EXHIBIT 5
Permit 4-09-037
Site Plan

NO.	REVISION
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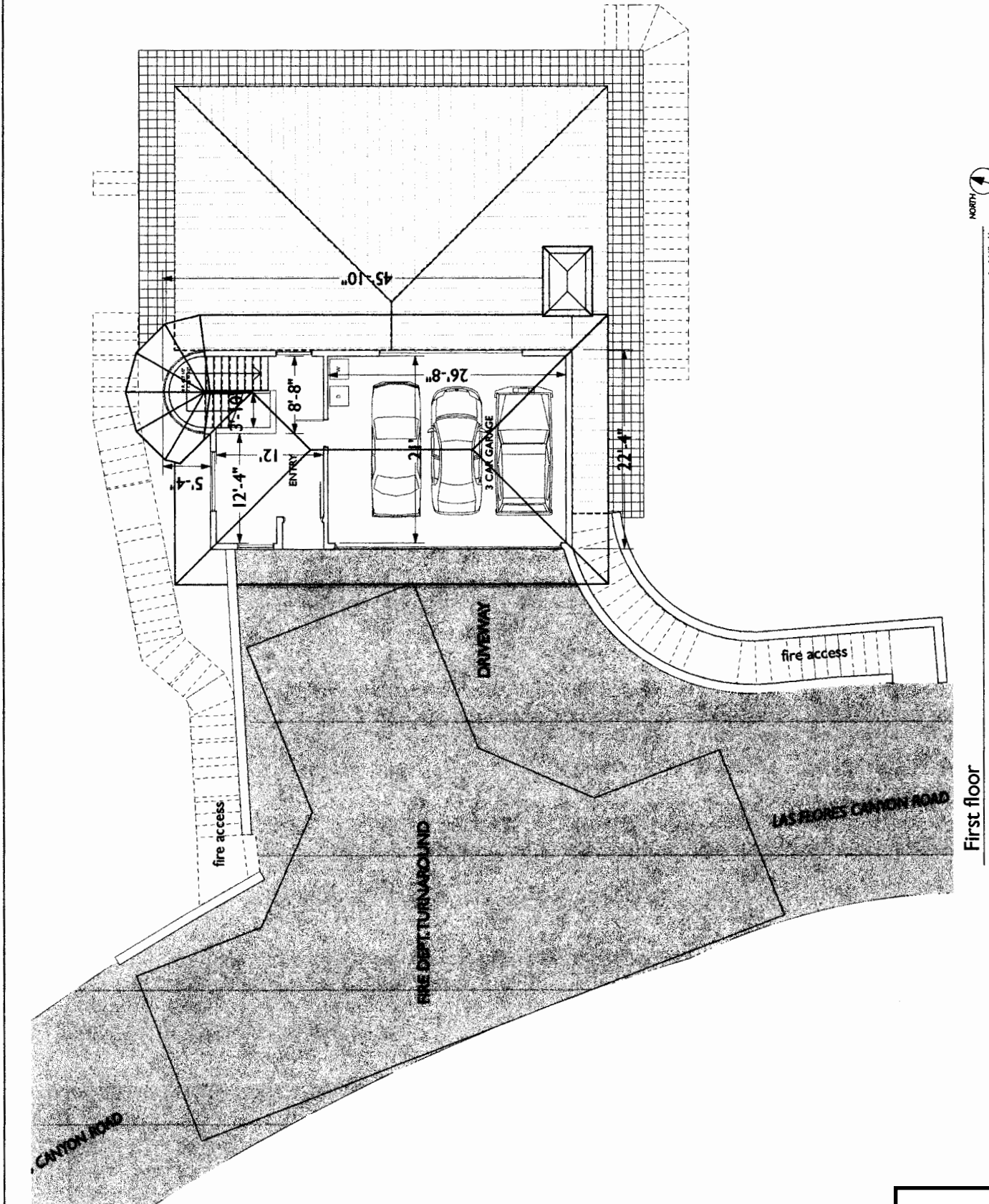
ANDERSON RESIDENCE
2127 Las Flores Canyon Rd.
MALIBU, CA 90265

BARSOCCINI & ASSOCIATES, INC.
ARCHITECTS
MICHAEL E. BARSOCCINI, AIA : (310) 458-3925
3502 COAST VIEW DRIVE : MALIBU, CA 90265

FIRST FLOOR
PLAN

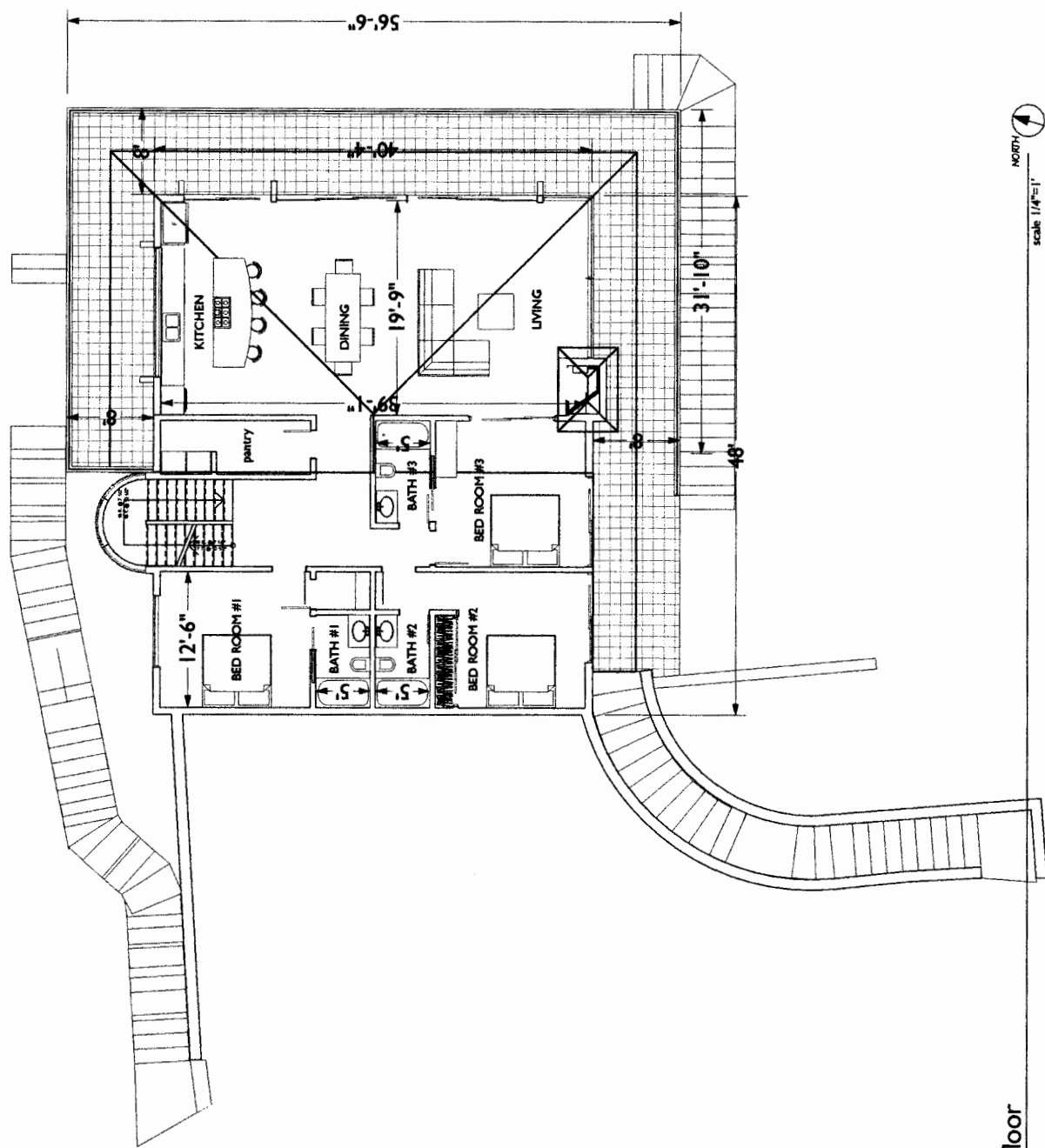
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100	100

A-4
1/4" = 1'-0"



First floor

EXHIBIT 6
Permit 4-09-037
First Floor Plan



Mid level floor

NO. 001	DATE 01/11/2009	BY L.L.
NO. 002	DATE 02/02/2009	BY L.L.
NO. 003	DATE 02/02/2009	BY L.L.
NO. 004	DATE 02/02/2009	BY L.L.
NO. 005	DATE 02/02/2009	BY L.L.
NO. 006	DATE 02/02/2009	BY L.L.
NO. 007	DATE 02/02/2009	BY L.L.
NO. 008	DATE 02/02/2009	BY L.L.
NO. 009	DATE 02/02/2009	BY L.L.
NO. 010	DATE 02/02/2009	BY L.L.
NO. 011	DATE 02/02/2009	BY L.L.
NO. 012	DATE 02/02/2009	BY L.L.
NO. 013	DATE 02/02/2009	BY L.L.
NO. 014	DATE 02/02/2009	BY L.L.
NO. 015	DATE 02/02/2009	BY L.L.
NO. 016	DATE 02/02/2009	BY L.L.
NO. 017	DATE 02/02/2009	BY L.L.
NO. 018	DATE 02/02/2009	BY L.L.
NO. 019	DATE 02/02/2009	BY L.L.
NO. 020	DATE 02/02/2009	BY L.L.

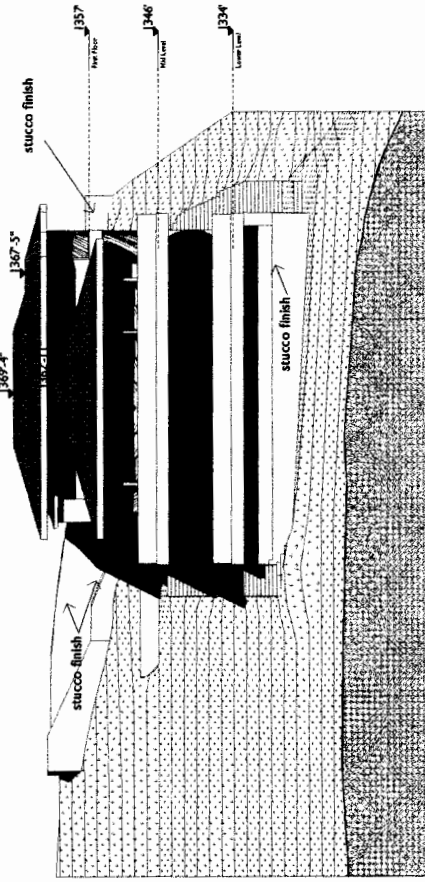
ANDERSON RESIDENCE
2127 Las Flores Canyon Rd.
MALIBU, CA 90265

BARSOCCCHINI & ASSOCIATES, INC.
ARCHITECTS
MICHAEL E. BARSOCCCHINI, AIA (310) 458-3625
3602 COAST VIEW DRIVE MALIBU, CA 90265

ELEVATIONS

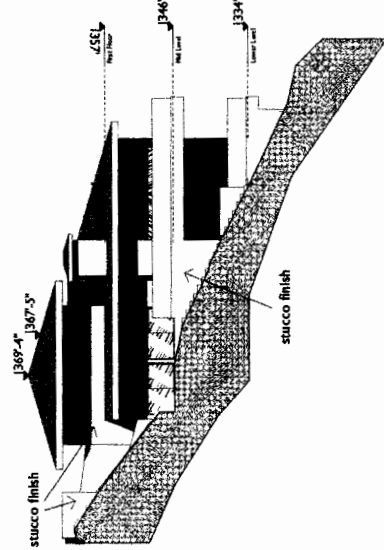
NO. 001	DATE 01/11/2009	BY L.L.
NO. 002	DATE 02/02/2009	BY L.L.
NO. 003	DATE 02/02/2009	BY L.L.
NO. 004	DATE 02/02/2009	BY L.L.
NO. 005	DATE 02/02/2009	BY L.L.
NO. 006	DATE 02/02/2009	BY L.L.
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NO. 008	DATE 02/02/2009	BY L.L.
NO. 009	DATE 02/02/2009	BY L.L.
NO. 010	DATE 02/02/2009	BY L.L.
NO. 011	DATE 02/02/2009	BY L.L.
NO. 012	DATE 02/02/2009	BY L.L.
NO. 013	DATE 02/02/2009	BY L.L.
NO. 014	DATE 02/02/2009	BY L.L.
NO. 015	DATE 02/02/2009	BY L.L.
NO. 016	DATE 02/02/2009	BY L.L.
NO. 017	DATE 02/02/2009	BY L.L.
NO. 018	DATE 02/02/2009	BY L.L.
NO. 019	DATE 02/02/2009	BY L.L.
NO. 020	DATE 02/02/2009	BY L.L.

A-8
1/8" = 1'



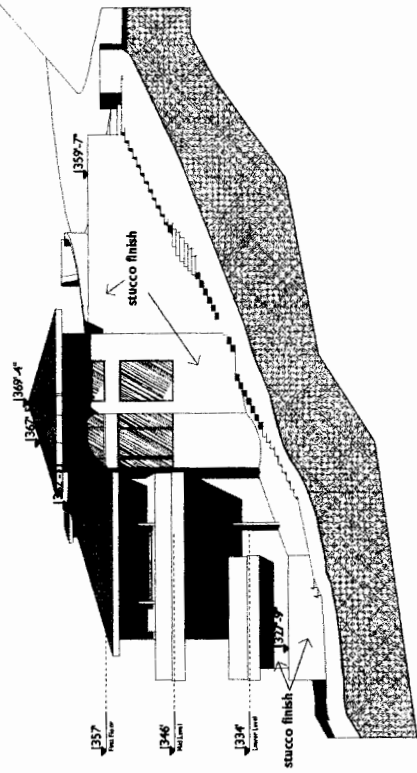
South Elevation

scale 1/8"=1'



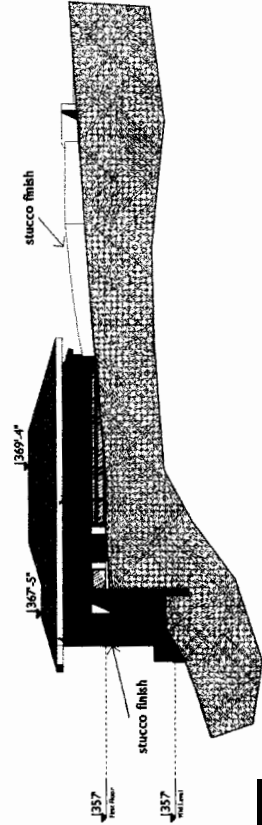
West Elevation

scale 1/8"=1'



East Elevation

scale 1/8"=1'



North Elevation

scale 1/8"=1'

EXHIBIT 10
Permit 4-09-037
Elevations

ANDERSON RESIDENCE
2127 Las Flores Canyon Rd.
MALIBU, CA 90265

BARSOCCCHINI & ASSOCIATES, INC.
ARCHITECTS
MICHAEL E. BARSOCCCHINI, A.I.A. (310) 456-3625
3502 COAST VIEW DRIVE • MALIBU, CA 90265

DATE	5/22/2008
MODEL	AS SHOWN
LOCATION	L.L.
DOB	11/28/12

A-9

AP 17 000010



EXHIBIT 11
Permit 4-09-037
Sections

[illegible]

ZONE A : INTRACK ZONE

[illegible]

1. EXCEPT FOR DWARF VARIETIES OR MATURING TREES SMALL IN STATURE, TREES ARE GENERALLY NOT RECOMMENDED WITHIN ZONE A.

ZONE 0 - IRRADIATED ZONE

¹ STRETCHES FROM THE OUTERMOST EDGE OF THE LAKE TO THE FIRST STRUCTURE ENCOUNTERED BY THE WIND.

BE BACK THERE AND OUTSIDE THE CHURCH

SEC. - NATIVE, BUILT TRAILING ZONE

1. EXTENDS FROM THE OUTER EDGE OF ZONE B TO 300 FEET FROM THE STRUCTURE;

LANDSCAPING AND VEGETATION IN THIS ZONE MAY CONSIST OF MOONBUSH EXISTING NATIVE PLANTS, ADEQUATELY SPACED CHAMPAGNE PALMS AND TREES. ON BOTH TIERES, THERE MAY ALSO BE REPRESENTATIVE LANDSCAPE PLANTING WITH A MIXTURE OF NATIVE AND EXOTIC PLANTS. LANDSCAPING AND VEGETATION SHOULD BE DESIGNED TO COMPLEMENT THE CITY OF COUNTRY PUBLIC WORKS OR PARKS AND RECREATION LANDSCAPE OR TO CONTRAST CONSPICUOUSLY IN ALL CASES. THE OVERALL CHARACTERISTICS OF THE LANDSCAPE SHALL PROVIDE ADEQUATE COORDINATE SPACE IN ACCORDANCE WITH REGULAR, (IN-SEASONAL, SUPPLEMENTAL WATER).

3. EXISTING NATIVE VEGETATION SHALL BE MAINTAINED BY TRIMMING AND REMOVAL OF SPECIES CONSTITUTING A HIGH FIRE HAZARD. SPECIES THAT ARE NOT SUITABLE FOR TRIMMING SHALL BE REMOVED. SPECIES THAT ARE SUITABLE FOR TRIMMING SHALL BE TRIMMED TO A MAXIMUM OF 10 FEET. TRIMMING SHALL BE PERFORMED BY A LICENSED ARBORIST OR A LICENSED LANDSCAPE ARCHITECT. TRIMMING SHALL BE PERFORMED IN ACCORDANCE WITH THE CALIFORNIA JUNEPLER, PLEASE REFERENCE THE FUEL REDUCTION PLANT REFERENCE.

1. GENERAL SPACING FOR EXISTING NATIVE SHRUBS OR GROUPS OF SHRUBS IS 15 FEET BETWEEN CANOPIES;

MAINTENANCE & FUEL MANAGEMENT - ALL ZONES
ROUTINE MAINTENANCE SHALL BE REGULARLY PERFORMED IN ALL ZONES WHICH REQUIRE:
1. GENERAL, SPECIALTY FOR EXISTING NATIVE TREES OR GROUPS OF TREES IS 70 FEET BETWEEN CANDLES.

1. **PRUNING AND THINNING** TO REDUCE THE OVERALL FUEL LOAD AND CONTINUITY WITH OTHER FUEL LOADS;
2. **PRUNING LOWER BRANCHES OF TREES AND TREE-FORM SHRUBS TO 1/3 OF THEIR HEIGHT** (OR 8' FROM
THE LOWEST HANGING BRANCHES) TO HELP TO PREVENT FIRE FROM SPREADING UPWARD INTO THE CROWN;
3. **REMOVAL OF HANGING UNDESIRABLE COMBUSTIBLES** (RELATION AND REPLACEMENT OF DEAD AND DYING
LARGE LOGS);

IN ZONES OTHER THAN APPROVED, GROUND COVERING SHALL BE MAINTAINED AT A HEIGHT NOT TO EXCEED 8 INCHES. IN ZONE A, 12 INCHES WITHIN 60 FEET OF A STRUCTURE IN ZONE B, 16 INCHES IN ZONE C AND 20 INCHES IN ZONE D. ANNUAL COVERING AND WEEDS SHALL BE MAINTAINED AT A HEIGHT NOT TO EXCEED 3 INCHES. PERENNIAL GRASSES AND WEEDS SHALL BE MAINTAINED AT A HEIGHT NOT TO EXCEED 3 INCHES;

same area to a maximum depth of 6 inches.

ALL FUTURE PLANTINGS SHALL BE IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT'S BRUSH CLEARANCE UNIT AT (323)988-3278.

1. QUESTIONS REGARDING LANDSCAPE PLANNING AND MAINTENANCE WITH REGARD TO FIRE SAFETY SHOULD BE DIRECTED TO THE FIRE DEPARTMENT'S FUEL MODIFICATION UNIT AT (408) 366-3206.

LONG TERM MAINTENANCE AGREEMENT
THE PROPERTY OWNERS AGREE TO BE RESPONSIBLE FOR THE LONG TERM

MAINTENANCE OF THIS FUEL MODIFICATION PLAN AS DESCRIBED HEREIN. NOTIFICATION OF FUEL MODIFICATION REQUIREMENTS IS TO BE MADE UPON SALE TO NEW OWNERS. PROPOSED CHANGES TO THE FINAL FUEL MODIFICATION PLAN MUST BE SUBMITTED TO THE FUEL MODIFICATION UNIT FOR APPROVAL PRIOR TO IMPLEMENTATION. FAILURE TO COMPLY WITH THE FUEL MODIFICATION PLAN REQUIREMENTS MAY RESULT IN POSSIBLE ENFORCEMENT ACTION.

David Anderson
 DAVID ANDERSON, OWNER
 LAS FLORES ROAD
 MALIBU, CALIFORNIA 90265

DATE: 8/5/89

APN 4443-019-027

100

Anderson Residence
Les Flores Road
Malibu, California
APN 44-09-01-0022 4042 sq. ft. - 03.2

4-430-2
COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION DIVISION
BOULEVARD
LANDSCAPE, FUEL MODIFICATION
& VEGETATION MANAGEMENT
COVER SHEET

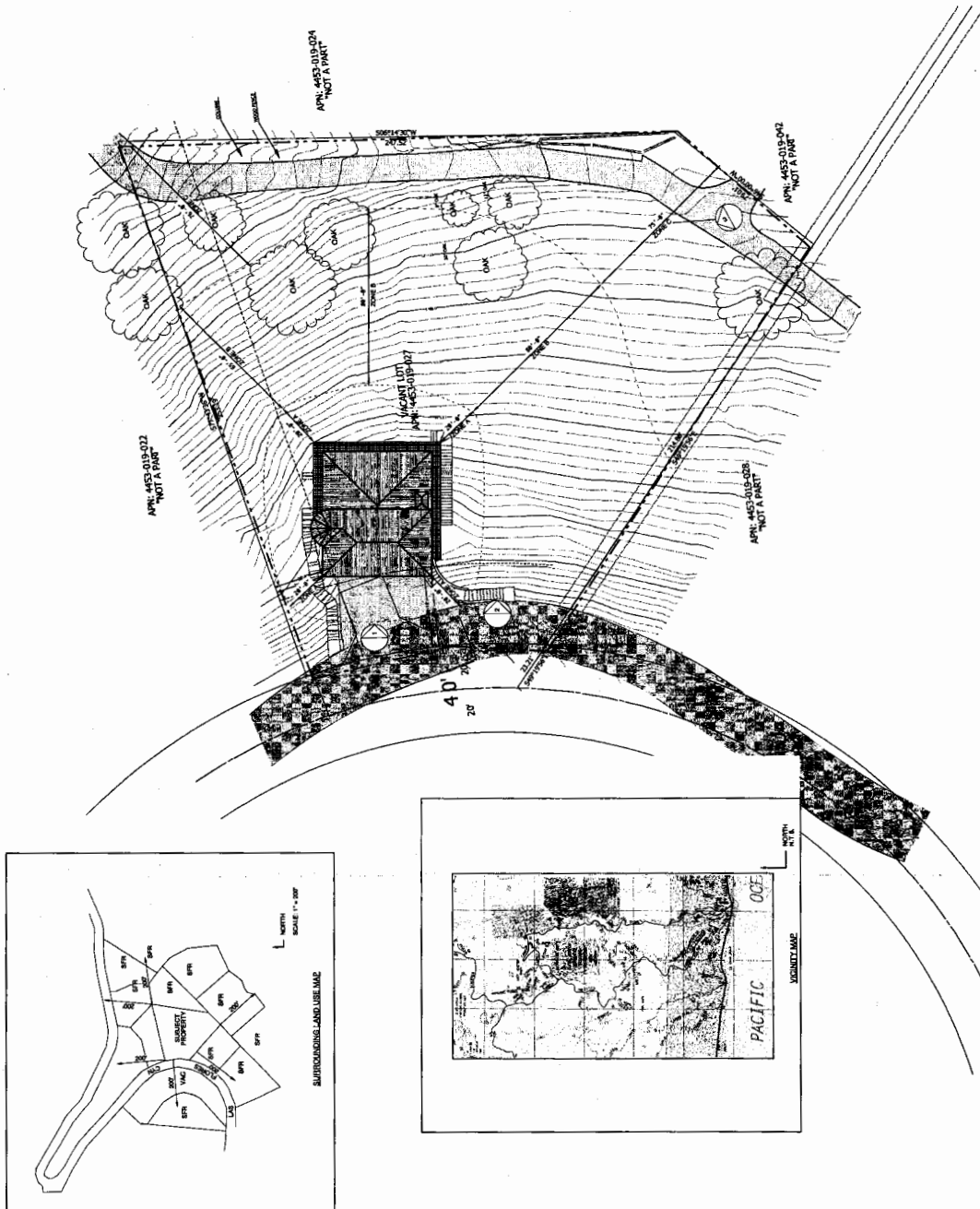
FUEL MODIFICATION PLAN
APPROVED
DATE: 7-26-01
BY: [Signature]

Prepared For:
David Anderson
1810 Stanford Ave
Redondo Beach, Calif. 90278

Randall Landscape Design
W/MS

908 Euclid Street, #8
Santa Monica, California 90403
T: 310-395-2615/Fax: 310-395-2368
E-mail: merrymendall@verizon.net
DATE: 6/20/05

NAME: L1



OWNER(S): Dave Enzo Anderson

CERTIFICATE OF COMPLIANCE CONTINUATION

CONDITIONAL CERTIFICATE OF COMPLIANCE NO: RCOC 200900189

CONDITION(S):

1. Offer for private and future street right of way 30 feet from centerline on Chumash Road, along the easterly boundary of the subject property.
2. Provide said private and future rights of way as easements for the benefit of Section 22, Township 1 South, Range 17 West, S.B.B. & M., and for the general public.

NOTES:

THIS CERTIFICATE DOES NOT CONSTITUTE A BUILDING PERMIT. Prior to authorization to build on this property, the applicant will be required to conform to the County and State regulations. Such regulations include but are not limited to, programs for road and/or drainage right of way dedication, appropriate sanitary sewage disposal, water supply for domestic use and fire suppression, and adequate fire apparatus access.

GEOLOGIC, soils and/or Drainage Conditions may exist on the subject property, which could limit development or necessitate that remedial measures be taken in order to obtain a Building Permit.

DETERMINATION OF COMPLIANCE

This determination **DOES NOT GUARANTEE** that the subject property meets current design and improvement standards for subdivided parcels. Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

The subject property may be sold, leased, financed or otherwise conveyed without restriction. However, the conditions listed above must be fulfilled before issuance of a building permit or other development approval. These conditions are in addition to any permit requirements which may be imposed.

APN No. 4453-019-027



DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles
Richard J. Bruckner
Director

DEPARTMENT OF REGIONAL PLANNING

By: 

For: Sorin Alexanian

Title Acting Deputy Director

Date 5-24-10

81-558537

RECORDING REQUESTED BY AND MAIL TO

Name Department of Regional Planning
Street 320 West Temple Street
Room 1381, Hall of Records
City Los Angeles, California 90012

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
1 MIN. 12 P.M. JUN 4 1981
PAST

FREE 1 8

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

GOVERNMENT CODE: SECTION 66499.36

This NOTICE applies to the REAL PROPERTY within the unincorporated territory of the County of Los Angeles described as: Portion of the Northeast Quarter of the Southeast Quarter of Section 22, Township 1 South, Range 17 West.

The OWNER(S) of RECORD are:

- (25) CANNING, NANCY A
- (27) CAP, DIANA L
- (31) SMITH, J PETER & JILL L
- (36) FORKNER, ERROL L
- (45) MARTIN, JACK A & ADALINE V
- (46) MEYER, HERMAN & GERALDINE
- (47) R W MAGLIANO INC
- (51) WUTH, LEOPOLDO O & CHRISTINE A
- (52) WUTH, LEOPOLDO O & CRISTINE A
- (53) SLEDGE, JOHN B & HELEN K
- (54) FULLER, EDWARD F
- (56) CARTER, GRACE M
- (63) RUTKOWSKI, RICHARD S
- (65) RUTKOWSKI, RICHARD S

DETERMINATION OF VIOLATION:

NOTICE is hereby filed that, based on the results of an official investigation, it has been determined that the above described property was divided into 21 or more parcels for purposes of sale or transfer without first filing a final map, in violation of the provisions of the Subdivision Map Act (Section 66410 et seq., Government Code, State of California and/or the Los Angeles County Subdivision Ordinance (Ordinance 4478). The above named Owner(s) may present evidence why a NOTICE OF VIOLATION should not be recorded, to the Head, Subdivision Enforcement Section, Department of Regional Planning in Room 1381 of the Hall of Records, 320 West Temple Street, Los Angeles, California 90012. If within 60 days of receipt of this NOTICE said owner(s) fail to inform this Agency of his (their) objections to recording the NOTICE OF VIOLATION, this Agency shall record said NOTICE OF VIOLATION. This NOTICE shall be deemed to be constructive notice of said VIOLATION to all Successors in Interest in such property. You may appear on August 31, 1981 at 9:30 a.m. or by appointment on any working day within 60 days of receipt of this notice, to present evidence why a Notice of Violation should not be recorded. If you prefer telephoning, please contact a staff member at (213) 974-6483. This NOTICE does NOT affect any Certificates of Compliance previously issued.

DRP FILE: V-10328

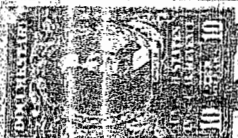
ASSIGNED MAP: 4453:19



DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles, State of California
Norman Murdoch, Planning Director

DEPARTMENT OF REGIONAL PLANNING

By: *Walter C. Caven*
Asst. Chief, Subdivision Admin. Div.
Title: _____
Date: JUN 4 1981



BK 47848/55

Escrow #10083

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, ELISABETH GORDON-McCRAY, a married woman, does hereby GRANT to

GEORGE E. HOWARD, a married man, as his sole and separate property, the real property in the County of Los Angeles, State of California, described as:

PARCEL 1: That portion of the northeast quarter of the southeast quarter of Section 22, Township 1 South, Range 17 West, San Bernardino meridian, in the county of Los Angeles, state of California, according to the official plat of said land filed in the District Land office on August 13, 1896, described as follows:

Beginning at a point in the east line of said section 22 that is distant along said line South $0^{\circ} 17' 10''$ East 636.95 feet from the east quarter corner of said section 22; thence North $88^{\circ} 34' 23''$ West 230.50 feet; thence North $25^{\circ} 08' 40''$ West 75.00 feet; thence North $50^{\circ} 08' 40''$ West 149.38 feet; thence South $77^{\circ} 43' 36''$ West to a point in that curve in the center line of Las Flores Canyon Road, 40 feet wide, as described in the deed to the County of Los Angeles, recorded on March 28, 1939, as Instrument No. 1168 in book 16529 page 27 of Official Records of said county described in said deed as having a radius of 240.00 feet and a length of 599.75 feet; thence southwesterly and westerly along said center line to the west line of said northeast quarter of the southeast quarter; thence along said westerly line South $0^{\circ} 28' 45''$ West 551.20 feet, more or less, to the southwest corner of said northeast quarter of the southeast quarter; thence along the south line of said northeast quarter of the southeast quarter South $89^{\circ} 50' 23''$ East 1314.24 feet, more or less, to the southeast corner of said northeast quarter of the southeast quarter in the east line of said section 22; thence along said east line North $0^{\circ} 17' 10''$ West 714.04 feet, more or less, to the point of beginning.

RESERVING therefrom an easement for roadway purposes over that portion of said Parcel 1 included within the following described Parcel 2.

PARCEL 2: An easement for roadway purposes over that portion of the northeast quarter of the southeast quarter of section 22, Township 1 South, Range 17 West, San Bernardino meridian, in the county of Los Angeles, state of California, according to the official plat of said land filed in the District Land Office on August 13, 1896 of Parcel 1 included within a strip of land 30 feet wide the center line of said strip being described as follows:

Beginning at a point in the centerline of Las Flores Canyon Road that bears South $78^{\circ} 51' 20''$ West 304.67 feet from the easterly end of the center line course described as north $78^{\circ} 51' 20''$ East 249.14 feet in above mentioned deed; thence South $9^{\circ} 08' 40''$ East 39.58 feet to the beginning of a tangent curve concave easterly having a radius of 100 feet; thence southerly along the arc of said curve 27.93 feet; thence South $25^{\circ} 08' 40''$ East 40.15 feet to the beginning of a tangent curve concave westerly having a radius of 100 feet; thence southerly along the arc of the last mentioned 100 foot radius curve 38.40 feet; thence South $3^{\circ} 08' 40''$ East 8.02 feet to the beginning of a tangent curve concave northeasterly having a radius of 100 feet; thence southeasterly along the arc of last mentioned 100 foot radius curve 82.03 feet; thence South $50^{\circ} 08' 40''$ East 33.67 feet to the beginning of a tangent curve concave southwest having a radius of 100 feet; thence southeasterly along the arc of last mentioned 100 foot radius curve 43.63 feet; thence south $25^{\circ} 08' 40''$ East 65.20 feet to the beginning of tangent curve concave westerly having a radius of 100 feet; thence southerly along the arc of the last mentioned 100 foot radius curve 34.91 feet; thence South $5^{\circ} 08' 40''$ East 282.37 feet.

GRANTOR HEREIN reserves one-eighth of all minerals, oil, petroleum, asphaltum, gas, coal and other hydro-carbon substances in, on, within and under said lands and every part thereof, but without the right of entry.

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PROVIDED, however, that this conveyance is made and accepted on each of the following express conditions, viz:

- (1) That said lands shall be used only for the erection and maintenance of private single family residence dwellings and private garages and outbuildings appurtenant thereto and for limited non-offensive agricultural and commercial purposes.
- (2) That all bathroom and toilet facilities shall be inside the buildings and shall be connected by underground pipe with a private septic tank, cesspool or sewer.
- (3) That no temporary residences of any kind or nature, shacks, trailers or tents, shall be erected, maintained or placed on said lands.
- (4) That no residences shall be erected or maintained on said lands having a usable floor space, exclusive of porches, patios, basement, cellar and garage, of less than eight hundred (800) square feet.
- (5) That no building shall be erected upon said lands which shall extend closer than five (5) feet to any side boundary line and closer than twenty (20) feet to any road and to the front boundary thereof.
- (6) That no fence, wall, hedge or coping higher than eight (8) feet shall be erected or placed on said lands without the written consent of grantor, her assigns or successors in interest.
- (7) That after commencement of construction of any building on said lands the same shall be completed diligently in accordance with the plans and specifications therefor. All exteriors shall be suitably colored, painted or stained.
- (8) That not more than one sign not larger than eighteen by twenty-four inches may be erected or maintained on said lands without the written consent of grantor.
- (9) That said lands or any part thereof shall not be used for heavy manufacturing purposes, to establish or maintain thereon a cemetery, crematory, asylum, reform school, fertilizer plant, cannery, tannery, billboards, advertising signs, broadcasting plant or towers and the keeping or breeding of reptiles or swine for any purpose.

PROVIDED, that a breach of any of the foregoing conditions, restrictions, provisions or covenants shall cause the said lands upon which the breach occurs and all improvements thereon to revert to the grantor herein, or her successor in interest, as owner of the reversionary rights herein provided for, and the owner of said reversionary rights shall have after thirty (30) days written notice of such breach, and the subsequent failure to correct or cure such breach within said period, the right of re-entry on said lands in the event of any such breach; as to said lands the said conditions, restrictions, provisions and covenants shall be covenants running with the land and the breach thereof, or the continuance of any such breach, may be enjoined, abated or remedied by appropriate proceedings by the owner of the reversionary rights.

PROVIDED, that the breach of any of the foregoing conditions, restrictions, provisions, or covenants, or any re-entry by reason of such breach, shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value on said lands, but said conditions, restrictions, provisions and covenants shall be binding upon and effective against any owner thereof whose title thereto is acquired by foreclosure, trustee's sale or otherwise.

PROVIDED, that no delay or omission on the part of the grantor herein, or her successor in interest, as owner of the reversionary rights herein provided for, in exercising any right, power or remedy herein provided in the event of any breach of the conditions, restrictions, provisions or covenants herein contained shall be construed as waiver thereof or acquiescence therein.

PROVIDED, that all and each of the foregoing conditions, restrictions, provisions and covenants hereby established shall be binding until January 1, 1978.

PROVIDED, that the invalidation by judgment or court order of any of the conditions, restrictions, provisions and covenants hereby established shall in no wise affect any other of said conditions, restrictions, provisions and covenants, which shall remain in full force and effect.

Dated at Los Angeles, California, this 2nd day of May, 1955.

Elisabeth Gordon-McCray

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

On this 2nd day of May, 1955, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ELISABETH GORDON-McCRAY, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

WITNESS my hand and official seal.

Kurt Baugum

Notary Public in and for said County and State.

386

DOCUMENT No. _____
RECORDED AT REQUEST OF
TITLE INSURANCE & TRUST CO.
MAY 23 1955 AT 8 A. M.

IN OFFICIAL RECORDS
County of Los Angeles, California

Fee \$ _____
NAME B. BEATTY, County Recorder
By _____ Deputy

$$5248/152$$

6

SS.

George E. Howard

GEORGE E. HOWARD

(Seal) Charles M. Hamilton
Notary Public in and for said County and State
My Commission Expires August 2, 1900

DOCUMENT No. _____
RECORDED AT REQUEST OF
TITLE INSURANCE & TRUST CO.

WHEN RECORDED MAIL TO

VALATE C. BURT

2411 Cerrillos Ave

Santa Monica California

April #2

OFFICIAL RECORDS
RAY E. LEE, RECORDER
LOS ANGELES COUNTY, CALIF.

FEE \$2.80 2T

Grant Deed

Amx I. R. S. 5. 4

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

298 11-35

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

GEORGE E. HOWARD, A MARRIED MAN AS HIS SEPARATE PROPERTY

hereby GRANT(S) to

VALATE C. BURT, A MARRIED WOMAN

the following described real property in the state of California, county of **Los Angeles**
See attached

Parcel 1

That portion of the northeast quarter of the southeast quarter of Section 22, Township 1 South, Range 17 West, San Bernardino meridian, in the county of Los Angeles, state of California, according to the official plat of said land filed in the District Land office on August 13, 1896, described as follows:

SUBJECT: All General and Special Taxes for the fiscal year 1956-1957 including any special district levies, payments for which are included therein and collected therefrom.

Beginning at a point in the center line of Las Flores Canyon Road 40 feet wide, described in the deed to Los Angeles County recorded on March 28, 1939 as Instrument No. 1168 in book 16527 page 27 of Official Records of said county that bears South 78° 51' 20" West 104.67 feet from the easterly terminus of that center line course described in said deed as North 78° 51' 20" East 249.14 feet; thence South 9° 08' 40" East 39.58 feet to the beginning of a tangent curve concave easterly having a radius of 100 feet; thence southerly along the arc of said curve 27.93 feet; thence South 25° 08' 40" East 40.15 feet to the beginning of a tangent curve concave westerly having a radius of 100 feet; thence southerly along said curve 38.40 feet; thence South 3° 08' 40" East 51.50 feet to the true point of beginning; thence South 77° 43' 36" West 375.73 feet, more or less, to a point in the center line of said Las Flores Canyon Road, said point being in a curve concave, westerly described in said deed as having a radius of 240 feet and an arc length of 599.75 feet, a radial line from said point bears North 77° 43' 36" West; thence southerly along said center line through a central angle of 52° 56' 28", an arc distance of 221.76 feet, a radial line to said point bears South 49° 19' 56" East; thence along the northerly line, and the northeasterly prolongation thereof of the land and described in the deed to M. H. Kagan recorded on March 27, 1956 as Instrument No. 519 in book 58704 page 97 of Official Records of said county, South 49° 19' 56" East 190.05 feet; thence North 45° 00' 00" East 195.00 feet; thence North 50° 00' 40" West 105.00 feet to the true point of beginning.

Reserving an easement for roadway purposes over that portion of parcel 1 hereinabove described within the lines of parcel 2 hereinafter described.

VALATE C. BURT

Parcel 2

An easement for roadway purposes to be used in common with others over that portion of the northeast quarter of the southeast quarter of Section 22, Township 1 South, Range 17 West, San Bernardino meridian, in the county of Los Angeles, state of California, according to the official plat of said land filed in the District Land office on August 13, 1896, described as follows:

Beginning at a point in the center line of Las Flores

RECORDED AT COUNTY OF
SEP 27 1956 10:04 A.M.

12 08280 21

* Creation Deed For Parcel 4453-019-027

1963 Deed

4376

Doc # 4376

1963 Deed

Recording requested by:

HAROLD C. CHANCELLOR

1333 Marron Circle N.E.
Albuquerque, New Mexico

Describes and Creates

27

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.

33 Min 1 PM AUG 27 1962

RAY E. LEE, County Recorder

And when recorded mail to:

DOROTHY MARIE ELMS
1333 Marron Circle N.E.
Albuquerque, New Mexico

* Subject property

No I. R. Stamps Required.
(Consideration Less than \$100.00)

GRANT DEED

FEE \$

For a valuable consideration, receipt of which is hereby acknowledged,

DOROTHY MARIE ELMS, a widow,

does hereby grant to DONALD W. ELMS, a married man, as his sole and separate property,

the following described real property in the County of Los Angeles, State of California:

PARCEL 1:

* That portion of the northeast quarter of the southeast quarter of Section 22, T 1 S, R 17 W, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the official plat of said land filed in the District Land office on August 12, 1896, described as follows:

22 Beginning at a point in the center line of Las Flores Canyon Road, 40 feet wide, as described in deed to the County of Los Angeles recorded March 28, 1939, as Instrument No. 1168 in book 16529 of page 27 of Official Records of said county, distant South 78° 51' 20" West 104.67 feet from the easterly terminus of that certain center line course described in said deed as North 78° 51' 20" East 249.14 feet; thence South 90° 08' 40" East 39.58 feet to the beginning of a tangent curve concave easterly having a radius of 100 feet; thence southerly along the arc of said curve 27.93 feet; thence tangent South 25° 08' 40" East 40.15 feet to the beginning of a tangent curve concave westerly having a radius of 100 feet; thence southerly along the arc of said curve 38.40 feet; thence tangent South 30° 08' 40" East 51.50 feet; thence South 77° 43' 36" West 102.50 feet to the TRUE POINT OF BEGINNING; thence South 60° 14' 30" West 247.52 feet; thence South 46° 00' 00" West 79.00 feet; thence North 49° 19' 56" West 238.07 feet more or less to a point in the center line of said Las Flores Canyon Road, said point being on a curve concave to the west described in said deed to the county of Los Angeles as having a radius of 240 feet and a length of 599.75 feet, a radial line to said point bearing South 81° 12' 26" East; thence northerly along the arc of said curve a distance of 88.24 feet to a point to which a radial line bears North 77° 43' 36" East; thence North 77° 43' 36" East 275.23 feet more or less to the TRUE POINT OF BEGINNING.

EXCEPT therefrom one-eighth of all mineral, oil, petroleum, asphaltum, gas, coal and other hydro-carbon substances in, on, within and under said Parcel 1, and every part thereof, but without the right of entry, as reserved by Elizabeth Gordon-McCray, a married woman, and recorded May 23, 1955, in Book 47848, page 55, of Official Records of said County;

ALSO EXCEPT therefrom that portion of said Parcel 1 within said Las Flores Canyon Road;

RESERVING UNTO the Grantor, her successors in interest, and assigns:

(a) An easement for water storage tank or tanks and appurtenant facilities with a right of entry thereon for the purposes of installing, maintaining and repairing the same and with the further right to convey, license or lease the whole or any part thereof over, under, upon and along that certain parcel of land adjacent to and lying easterly of the easterly line of said Las Flores Canyon Road described as follows:

Beginning at a point in the centerline of said Las Flores Canyon Road, said point being on a curve concave to the west, described in said deed as having a radius of 240 feet and a length of 599.75 feet, a radial line to said point of beginning bearing South $81^{\circ} 12' 26''$ East; thence northerly along said arc of said curve a distance of 88.24 feet to a point at which a radial line bears North $77^{\circ} 43' 36''$ East; thence North $77^{\circ} 43' 36''$ East 85.00 feet; thence Southerly along the arc of a curve having a radius of 325 feet and being concentric with the above mentioned curve to an intersection with a line bearing South $49^{\circ} 19' 56''$ East from the point of beginning; thence North $49^{\circ} 19' 56''$ West to the point of beginning.

(b) An easement for water pipe line or conduit purposes with a right of entry thereon for the purposes of installing, maintaining and repairing the same and with the further right to convey, license or lease the whole or any part thereof over, under, upon and along that certain parcel of land within said Parcel 1 10 feet wide, the centerline of which is described as follows:

Beginning at a point in the centerline of Las Flores Canyon Road, 40 feet wide, as described in deed to the County of Los Angeles, recorded March 28, 1939, as Instrument No. 1168 in book 16529, at page 27 of Official Records of said County, said point being on a curve concave to the west, described in said deed as having a radius of 240 feet and a length of 599.75 feet, a radial line to said point bearing South $81^{\circ} 12' 26''$ East; thence South $49^{\circ} 19' 56''$ East 406.68 feet. The sidelines of said 10 foot easement are to be shortened or prolonged so as to terminate at the easterly line of said Las Flores Canyon Road.

(c) An easement for road and utility purposes, with a right of entry thereon for the purposes of installing, maintaining and repairing the same and with the further right to convey, license or lease the whole or any part thereof over, under, upon and along that certain parcel of land within said Parcel 1 30 feet wide, the westerly side line course of which is described as follows:

Beginning at a point in the center line of Las Flores Canyon Road that bears South $78^{\circ} 51' 20''$ West 104.67 feet from the easterly end of the center-line course described as North $78^{\circ} 51' 20''$ East 249.14 feet in the deed to the County of Los Angeles recorded March 28, 1939, as Instrument No. 1168 in Book 16529, at page 27 of Official Records of said County; thence South $9^{\circ} 08' 40''$ East 39.58 feet to the beginning of a tangent curve concave easterly having a radius of 100 feet; thence southerly along the arc of said curve 27.93 feet; thence South $25^{\circ} 08' 40''$ East 40.15 feet to the beginning of a tangent curve concave westerly having a radius of 100 feet; thence southerly along the arc of the last mentioned 100 foot radius curve 38.40 feet; thence tangent South $3^{\circ} 08' 40''$ East 51.50 feet to the TRUE POINT OF BEGINNING; thence South $77^{\circ} 43' 36''$ West 102.50 feet; thence South $6^{\circ} 14' 30''$ West 247.52 feet; thence South $46^{\circ} 00' 00''$ West 206.30 feet. The northwesterly side line of said 30 foot easement is to be shortened or prolonged so as to terminate on a line bearing North $49^{\circ} 19' 56''$ West from the southwesterly extremity of the side line course above described as "South $46^{\circ} 00' 00''$ West 206.30 feet", and as to terminate on a line bearing North $3^{\circ} 08' 40''$ West from the TRUE POINT OF BEGINNING.

(d) An easement and right of way over, under, and along a part of said Parcel 1, said part being a strip of land 5 feet wide, one end of which is coincidental with the boundaries of said Parcel 1 as above described, which is not included in the easement hereinbefore referred to in Paragraph (c), to install and maintain and operate telephone, telegraph, electric light and power lines, poles, wires, cable, and necessary cross-arms and conduits, underground conduits, sewers, water and gas pipes and mains, with a right of entry thereon for the purposes of installing, maintaining and repairing the same and with the further right to convey, license, or lease the whole or any part of the aforesaid easement with the right of entry thereon.

(e) Such easements as may be necessary over those parts of said Parcel 1 herein conveyed, if any, to construct, extend and maintain bridges, culverts, drainage structures, excavations and embankments, slopes, with the right of entry thereon upon the said Parcel 1, adjoining the lands above referred to in Paragraphs (a), (b) and (c).

(f) The right to dedicate an easement or right of way for road purposes or to convey said lands, described in aforesaid enumerated reserved easement, above referred to in Paragraph (c), to the County of Los Angeles or other public body for acceptance thereof as a public road or street.

PARCEL 2:

That portion of the northeast quarter of the southeast quarter of Section 22, T 1 S, R 17 W, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the official plat of said land filed in the District Land Office on August 13, 1896, described as follows:

Beginning at a point in the center line of Las Flores Canyon Road

25
40 feet wide, described in deed to Los Angeles County, recorded March 28, 1939, as instrument No. 1168 in book 16529 page 27 of Official Records of said county at the westerly extremity of that center line course described in said deed as "North 78° 51' 20" East 249.14 feet"; thence North 78° 51' 20" East along said center line 144.47 feet; thence leaving said center line, South 9° 08' 40" East 39.58 feet to the beginning of a tangent curve concave to the east having a radius of 100 feet; thence southerly along the arc of said curve 27.93 feet; thence tangent South 25° 08' 40" East 40.15 feet to the beginning of a tangent curve concave westerly having a radius of 100 feet; thence southerly along said curve 38.40 feet; thence tangent South 3° 08' 40" East 51.50 feet; thence South 77° 43' 36" West 92.50 feet; thence North 47° 08' 24" West 148.28 feet; thence North 9° 30' 43" East 82.46 feet more or less to the point of beginning.

EXCEPT therefrom one-eighth of all mineral, oil, petroleum asphaltum, gas, coal and other hydro-carbon substances in, on, within and under said Parcel 2, and every part thereof, but without the right of entry as reserved by Elizabeth Gordon-McCray, a married woman, and recorded May 23, 1955, in Book 47848, page 55, of Official Records of said County;

ALSO EXCEPT therefrom that portion of said Parcel 2 within said Line Flores Canyon Road;

RESERVING UNTO THE Grantor, her successors in interest, and assigns:

(a) An easement for road and utility purposes, with a right of entry thereon for the purposes of installing, maintaining and repairing the same and with the further right to convey, license or lease the whole or any part thereof over, under, upon and along certain Parcel of land within said Parcel 2 30 feet wide, the center line course of which is described as follows:

Beginning at a point in the center line of Las Flores Canyon Road that bears South 78° 51' 20" West 104.67 feet from the easterly end of the center-line course described as North 78° 51' 20" East 249.14 feet in the deed to the County of Los Angeles recorded March 28, 1939, as Instrument No. 1168 in Book 16529, at page 27 of Official Records of said County; thence South 9° 08' 40" East 39.58 feet to the beginning of a tangent curve concave easterly having a radius of 100 feet; thence southerly along the arc of said curve 27.93 feet; thence South 25° 08' 40" East 40.15 feet to the beginning of a tangent curve concave westerly having a radius of 100 feet; thence southerly along the arc of the last mentioned 100 foot radius curve 38.40 feet; thence South 3° 08' 40" East 8.02 feet to the beginning of a tangent curve concave northeasterly having a radius of 100 feet; thence southeasterly along the arc of last mentioned 100 foot radius curve 82.03 feet; thence South 50° 08' 40" East 83.67 feet to the beginning of a tangent curve concave southwest having a radius of 100 feet; thence southeasterly along said curve 43.63 feet; thence tangent South 25° 08' 40" East 65.20 feet to the beginning of a tangent curve westerly having a radius of 100 feet; thence southeasterly along the arc of said curve 34.91 feet; thence tangent South 5° 08' 40" East 115.00 feet.

-4-

purposes or to convey said lands, described in aforesaid enumerated reserved easements, above referred to in Paragraphs (a) and (b), to the County of Los Angeles or other public body for acceptance thereof as a public road or street.

HIDEKO T. ELMS, wife of the Grantee herein, joins as Grantor in this Deed in order to vest title in DONALD W. ELMS,

-5-

EXHIBIT 18
Permit 4-09-037
1962 Grant Deed (pg 4 of 5)

a married man as his separate property.

DATED: August 24th, 1962.

Dorothy Marie Elms
DOROTHY MARIE ELMS

Hideko T. Elms
HIDEKO T. ELMS.

STATE OF New Mexico }
COUNTY OF Bernalillo } ss.

On)
undersigned, a Notary Public in and for said County and State,
personally appeared DOROTHY MARIE ELMS, known to me to be the
person whose name is subscribed to the within instrument and she
acknowledged that she executed the same.

WITNESS my hand and official seal.

Hideko T. Elms
NOTARY PUBLIC in and for
said county and state.

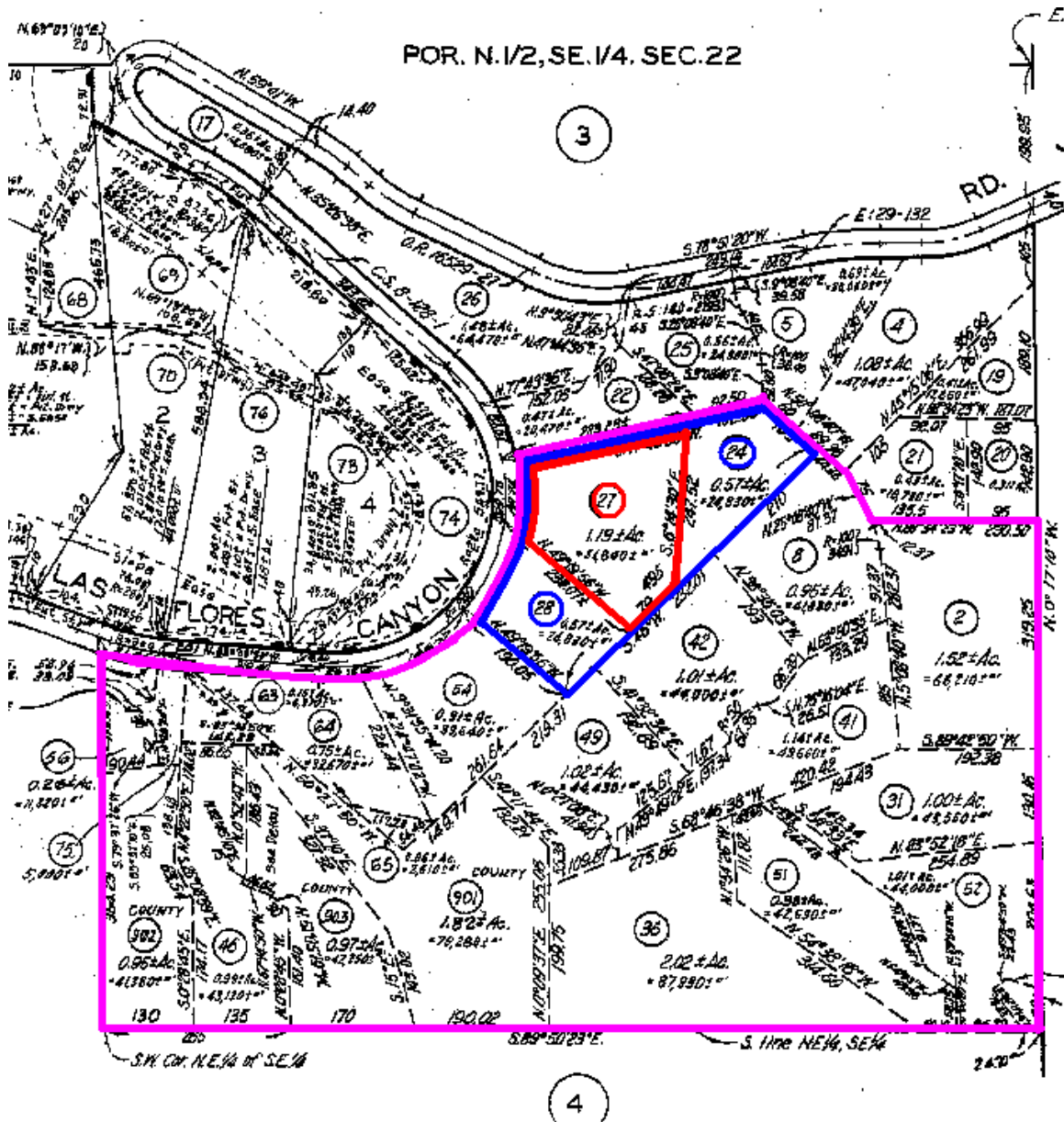
ACKNOWLEDGMENT

of the United States Armed Forces
in Germany, APO 169, US Forces

I, DAVID H. GIBSON, Notary Public, the undersigned officer, do hereby
certify that on this 20th day of August, 1962, before me,
appeared Mrs. DOROTHY MARIE ELMS, whose home
is at 1333 Harrison Circle N.E., Albuquerque, N.M., and who is
the spouse of a U. S. Armed Forces member
and a person who is described in, whose name is subscribed
to and signed and executed the foregoing instrument, and having first
read the contents thereof, he personally acknowledged to me
that she executed the same, on the date it bears, as his true, free,
and voluntary act, for uses, purposes and considerations therein
expressed. I further certify that I am at the date of this certificate
an officer of the grade, branch of service, and organization
in the active service of the United States Armed Forces, that
it is required on this certificate, and same is executed in
the presence of one Advocate, DAVID H. GIBSON, under authority granted to me
by the State of New Mexico, as amended.

David H. Gibson, Notary Public,
Advocate, USA, 1st Sup. Gen., Giessen
APO 169, New York, N.Y.

Chronology of Lot Creation



- = Parent Parcel – Created by Grant Deed in 1955
- = Subsequent Parent Parcel – Created by Grant Deed in 1956
- = Subject Parcel – Created by Grant Deed in 1962