

CALIFORNIA COASTAL COMMISSION

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



Item W12c

Filed: 2/23/12
 180th Day: 8/21/12
 Staff: A.G.
 Staff Report: 7/19/12
 Hearing Date: 8/8/12

STAFF REPORT: REGULAR CALENDAR

Application No.: 4-11-063

Applicant: David Hansson

Agent: Steven Kent

Project Location: 850 Schueren Road Malibu, Santa Monica Mountains

Project Description: Construct 7,910 sq. ft., 33.5-ft. high single family home with 5,420 sq. ft. subterranean garage, pool, spa, septic system, 150-ft. long driveway, 102 ft. long, 0-5 ft. high driveway retaining wall, fire department turnaround, and 4,900 cu. yds. of grading (2,450 cu.yds. cut, 50 cu.yds. fill, and 2,400 cu.yds export)

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with conditions.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. Following is a summary of the main issue raised by the project and it is resolved by staff's recommendation:

- **Environmentally Sensitive Habitat Area.** The project site contains habitat that meets the definition of ESHA and the project will have adverse impacts on ESHA. The proposed residence is not a resource dependent use, but will be approved to permit the applicant a reasonable economic use of the property. The structure is sited to minimize significant disruption of habitat values and the development area conforms to 10,000 square feet. The project is conditioned to require the grant of an open space easement in order to ensure that

the remaining ESHA on the site will be preserved. Mitigation is required for the loss of ESHA due to the development and the required fuel modification around structures.

- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas and may adversely impact visual resources. There are no siting or design alternatives that would avoid or significantly reduce visual impacts. The project is conditioned to minimize the visual impact by requiring the structure to be finished in a color consistent with the surrounding landscape, by requiring windows be made of non-reflective glass, by the use of native landscaping, and by limiting night lighting.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	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. Permanent Drainage and Polluted Runoff Control Plan.....	6
4. Interim Erosion Control Plans and Construction Responsibilities	8
5. Landscaping and Fuel Modification Plans	10
6. Structural Appearance	12
7. Lighting Restriction.....	12
8. Future Development Restriction.....	12
9. Deed Restriction	13
10. Open Space Conservation Easement	13
11. Site Inspection	14
12. Removal of Natural Vegetation.....	14
13. Removal of Excavated Material	15
14. Pool and Spa Drainage and Maintenance	15
IV. FINDINGS AND DECLARATIONS	15
A. PROJECT DESCRIPTION AND BACKGROUND	15
B. PAST COMMISSION ACTION	16
C. HAZARDS AND GEOLOGIC STABILITY	17
D. WATER QUALITY	18
E. ENVIRONMENTALLY SENSITIVE HABITAT	20
F. VISUAL RESOURCES.....	30
G. LOCAL COASTAL PROGRAM PREPARATION.....	32
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	33

APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Site Plan depicting property boundaries
- Exhibit 4. Site Plan
- Exhibit 5. Garage/Basement Plan
- Exhibit 6. First Floor Plan
- Exhibit 7. Second Floor Plan
- Exhibit 8. Roof Plan
- Exhibit 9. North and South Elevations
- Exhibit 10. East and West Elevations
- Exhibit 11. Building Cross Sections
- Exhibit 12. Grading Plan
- Exhibit 13. Open Space Conservation Easement Area

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated 11/3/11; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated 10/11/11; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated 11/8/11; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated 10/31/11; County of Los Angeles Department of Regional Planning approval of yard modification request for an over-height driveway within the front yard setback, dated 11/3/11; County of Los Angeles Department of Public Works, Preliminary Approval for Encroachment Permit, dated 12/29/11.

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

*I move that the Commission **approve** Coastal Development Permit No 4-11-063 pursuant to the staff recommendation.*

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:

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 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. Permanent Drainage and Polluted Runoff Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate in the project design of developments in the following order of priority:

- a. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
- b. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
- c. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters. Where post-construction treatment of stormwater runoff is required, treatment control BMPs (or suites of BMPs) shall, at a minimum, be sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

The 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) Projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development, unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation.

- (2) Post-development runoff rates from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features 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, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (4) Landscape plants shall have low water and chemical treatment demands and be 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 shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit and, if applicable, in accordance with engineered plans prepared by a qualified licensed professional.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed where needed to prevent erosion. Plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system shall be prepared by a qualified licensed professional. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The qualified, licensed professional shall ensure that all energy dissipaters use the minimum amount of rock and/or other hardscape necessary to protect the site from erosion.
- (7) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (9) For projects located on a hillside, slope, or which may otherwise be prone to geologic instability, site drainage and BMP selection shall be developed concurrent with the preliminary development design and grading plan, and final drainage plans shall be approved by a licensed geotechnical engineer or engineering geologist.
- (10) 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 affected 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 necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed 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.

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 a qualified, licensed professional. The qualified, licensed professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan are 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 grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. 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, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.
- (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.

- (g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

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 permitted disposal site or recycled at a permitted 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 necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed 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 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.
- (5) Fencing of the entire property is prohibited. Fencing shall extend no further than the approved development area. The fencing type and location shall be illustrated on the landscape plan. Fencing shall also be subject to the color requirements outlined in **Special Condition 6, Structural Appearance**, below.

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 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 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 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. Open Space Conservation Easement

A. No development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities shall occur outside of the approved development area, within the portion of the property identified as the “open space conservation easement area”, as shown in **Exhibit 13** except for:

- (1) Construction and (upon securing any necessary coastal development permit) maintenance of the access driveway and septic system approved by the Commission in this coastal development permit and as generally shown on Exhibit 13.
- (2) Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the final approved fuel modification plan approved pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, or other fuel modification plans required and approved by the Commission pursuant to a different CDP(s) issued by the Commission;
- (3) Drainage and polluted runoff control activities required and approved pursuant to:
 - a. The drainage and runoff control plans approved pursuant to **Special Condition 3, Permanent Drainage and Runoff Control Plan**, of this permit; and
 - b. The landscaping and erosion control plans approved pursuant to **Special Condition 4, Interim Erosion Control & Construction Best Management Practices Plan, and Special Condition 5, Landscaping and Fuel Modification Plans**, of this permit;
- (4) Planting of native vegetation and other restoration activities, if approved by the Commission as an amendment to this coastal development permit or a new coastal development permit;
- (5) If approved by the Commission as an amendment to this coastal development permit or 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.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, granting to the Mountains Recreation and Conservation Authority (“MRCA”) on behalf of the people of the State of California an open space conservation easement over the “open space conservation easement area” described above, for the purpose of habitat protection. The recorded easement document shall include a formal legal description of the entire property; and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area, as generally shown on **Exhibit 13**. The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances (other than existing easements for roads, trails, and utilities) which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the MRCA on behalf of the people of the State of California, binding all successors and assigns.

11. Site Inspection

- A. By acceptance of this permit, the applicant irrevocably authorizes, on behalf of the applicant and all successors-in-interest with respect to the subject property, Coastal Commission staff and its designated agents to enter onto the property to undertake site inspections for the purpose of monitoring compliance with the permit, including the special conditions set forth herein, and to document their findings (including, but not limited to, by taking notes, photographs, or video), subject to Commission staff providing 24 hours advanced notice to the contact person indicated pursuant to paragraph B prior to entering the property, unless there is an imminent threat to coastal resources, in which case such notice is not required. If two attempts to reach the contact person by telephone are unsuccessful, the requirement to provide 24 hour notice can be satisfied by voicemail, email, or facsimile sent 24 hours in advance or by a letter mailed three business days prior to the inspection. Consistent with this authorization, the applicant and his successors: (1) shall not interfere with such inspection/monitoring activities and (2) shall provide any documents requested by the Commission staff or its designated agents that are relevant to the determination of compliance with the terms of this permit.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to Commission staff the email address and fax number, if available, and the address and phone number of a contact person authorized to receive the Commission’s notice of the site inspections allowed by this special condition. The applicant is responsible for updating this contact information, and the Commission is entitled to rely on the last contact information provided to it by the applicant.

12. 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.

13. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

14. Pool and Spa Drainage and Maintenance

By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity balance to ensure any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a 7,910 sq. ft., two-story 33.5-ft. high single family home with a 5,420 sq. ft. subterranean garage/basement, pool, spa, septic system, 150-ft. long driveway, 102 ft. long, 0-5 ft. high driveway retaining wall, fire department turnaround, and 4,900 cu.yds. of grading (2,450 cu.yds. cut, 50 cu.yds. fill, and 2,400 cu.yds export) (Exhibits 4-11).

The site is located at 850 Schueren Road in the Santa Monica Mountains, unincorporated Los Angeles County (APN 4453-003-042). The subject parcel is 40 acres in size, located on a south facing hillside on the south side of Schueren Road with a portion of the property lying above Schueren Road (Exhibits 1-3). The site is approximately 3 miles north of Las Flores Beach (Exhibit 1). Topography on the site generally consists of steep south-facing slopes descending from Schueren road, which is near the northern property edge. The elevations range from approximately 2,097 feet above mean sea level (MSL) in the northeastern corner of the site to approximately 1,882 feet above MSL in the southwestern corner of the site.

The subject parcel is vacant and covered with relatively undisturbed Bigpod ceanothus-chamise chaparral. The area surrounding the project site is characterized by natural hillside terrain and is spotted with vacant parcels and residentially developed parcels to the north, east, west and south of the site including lands owned by the Santa Monica Mountains National Recreation Area

located to the east. The site supports extensive native chaparral plant communities and is considered Environmentally Sensitive Habitat Area. A natural drainage course, which is a designated blue-line stream, traverses the parcel in a northwest to southeast direction leading to Las Flores Canyon Creek.

The project site is located in a scenic area, visible from various public viewing points, including public open space and recreation areas to west and east, as well as from various points along Schueren Road, which afford scenic vistas of several large portions of relatively undisturbed natural areas (Exhibit 1). In 2005, the previous owner of the site donated the adjacent western 40 acre parcel to the Mountains Recreation and Conservation Authority and the proposed residence will be visible from that open space. The site is also situated among scattered single family residences which are highly visible in the area. However, due to the building site's elevation below Schueren Road, and the presence of intervening ridges and existing development in the vicinity, no alternative siting or design options exist on the parcel in which the development would be significantly less visible from public viewing areas. The closest public trail system is the Backbone Trail and the building site would not be visible from that trail. There are no existing or mapped public trails on or adjacent to the subject property.

B. PAST COMMISSION ACTION

In August 2003, the Commission approved CDP 4-02-220 (Sweeney) for development of a single family residence on APN 4453-003-023, an approximately 80 acre parcel. A building pad area over 13,000 sq. ft. in size was approved in the permit based on the original 80 acre parcel size of APN 4453-003-023. The 40 acre parcel that is the subject of the present CDP application was originally the western 40 acres of that 80 acre parcel.

Subsequently, on May 13, 2004, the Commission approved Coastal Permit No. 4-03-108 (Jean Ross, LLC and Brian Sweeney) for a lot line adjustment between two vacant parcels totaling 120 acres, including ("Lot 1") (which was originally approximately 40 acres in size, known as APN 4453-003-002) and a second parcel (where residential development was approved pursuant to CDP 4-02-220) ("Lot 2") (approximately 80 acres in size, then known as APN 4453-003-023). Through CDP 4-03-108, the size of Lot 2 decreased to approximately 40 acres (new/present APN 4453-003-040) and the size of Lot 1 increased to approximately 80 acres (remained APN 4453-003-002), resulting in a mirror image of the original configuration. (The eastern 40 acres of APN 4453-003-002 is the parcel subject to the present CDP application). As a special condition of CDP 4-03-108, the Commission recognized that the lot line adjustment had the potential to result in cumulative adverse impacts to ESHA because the benefit of a development area greater than 10,000 sq. ft. had been granted on the adjacent parcel per CDP 4-02-220 and required that any future development on Lot 1, the new 80 acre parcel (APN 4453-003-002), be located within a building pad area of 10,000 sq. ft. or less.

On August 10, 2005, the Commission approved Coastal Permit No. 4-04-083 (Jean Ross, LLC) for construction of a three story, 5,424 sq. ft., 28 foot high from existing grade, single family residence, attached 495 sq. ft. two-car garage, detached 690 sq. ft. guest house with a 415 sq. ft. two-car garage, pool, septic system and tanks, 142 ft. long driveway, 1,213 cubic yards of cut, 355 cubic yards of fill, and 858 cubic yards of export, landscaping, and temporary construction trailer located on the 80 acre parcel (APN 4453-003-002). The approved project also consisted of a transfer ownership of the western 40-acre part of site to a public agency, which was

completed in 2005. The western 40 acre parcel (current APN 4453-003-902) is presently owned by the Mountains Recreation and Conservation Authority. The eastern 40 acre portion of the property became known as APN 4453-003-042 and is the site of the current CDP application. The conditions of approval of CDP 4-04-083 for the subject site contained conditions of approval including plans conforming to geologic recommendations, landscaping, erosion control and fuel modification plans, removal of natural vegetation, assumption of risk, waiver of liability and indemnity, future development restriction, structural appearance, lighting restriction, deed restriction, drainage and polluted runoff control plan, pool drainage and maintenance, removal of temporary construction trailer, habitat impact mitigation, and an open space restriction and easement.

On December 12, 2006, the Commission approved an amendment to CDP 4-04-083 (CDP 4-04-083-A1 (Malibu Kanan Properties, LLC)) to reduce the finished grade of the residence by approximately 4 ft. in height to allow for a residence not to exceed 28 ft. in height from existing grade; reduce the residence from a 3-story structure to a 2-story structure; reduce the previously approved 10,581 sq. ft. development area for structure by 118 sq. ft. in area to allow for a total development area of 10,463 sq. ft.; reduce size of upper floor deck area and increase size of residence from 5,424 sq. ft. to 10,052 sq. ft.; delete 690 sq. ft. guest house; increase the size of the attached garage by 131 sq. ft. from 495 sq. ft. to 626 sq. ft.; relocate the pool/spa and related patio directly adjacent to residence, add a required fire department turnaround area to the driveway; and increase the cut grading from 1,213 cubic yards to 2,880 cubic yards and reduce fill grading from 355 cubic yards to 290 cubic yards. However, the permit was never issued, the permit expired, and the 40 acre site (APN 4453-003-042) remains vacant and is the subject of the current permit application.

C. 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 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: Permanent Drainage and Polluted Runoff Control Plans
- Special Condition 5: Landscaping and Fuel Modification 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.

D. 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 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. Additionally, both leakage and periodic maintenance drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing the instability of the site and adjacent properties and potential impacts from pool chemicals (i.e. pool water algacides, chemical pH balancing, and other water conditioning chemicals).

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 and that there would be no adverse impact to the site or surrounding areas from the use of a septic 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.

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 Fuel Modification Plans
- Special Condition 12: Removal of Native Vegetation
- Special Condition 14: Pool Drainage and Maintenance

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

E. ENVIRONMENTALLY SENSITIVE HABITAT

Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. Section 30240 states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has applied the following relevant policies as guidance in the review of development proposals in the Santa Monica Mountains.

- P57 *Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.*
- P63 *Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of this LCP.*
- P68 *Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.*
- P69 *Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

- P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development. Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.*
- P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.*
- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.*
- P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.*

1. Project Description and Site Specific Biological Resource Information

The site is located at 850 Schueren Road in the Santa Monica Mountains, unincorporated Los Angeles County (APN 4453-003-042). The subject parcel is 40 acres in size, located on a south facing hillside on the south side of Schueren Road with a portion of the property lying above Schueren Road (Exhibits 1-3). The site is approximately 3 miles north of Las Flores Beach. Topography on the site generally consists of steep south-facing slopes descending from Schueren road, which is near the northern property edge. The elevations range from approximately 2,097 feet above mean sea level (MSL) in the northeastern corner of the site to approximately 1,882 feet above MSL in the southwestern corner of the site. The parcel is vacant and the area surrounding the project site is characterized by natural hillside terrain and is spotted with vacant parcels and residentially developed parcels to the north, east, west and south of the site including lands owned by the Santa Monica Mountains National Recreation Area located to the east. The site supports extensive native chaparral plant communities and is considered Environmentally Sensitive Habitat Area. A natural drainage course, which is a designated blue line stream, traverses the parcel in a northwest to southeast direction leading to Las Flores Canyon Creek.

The applicant submitted the Biological Assessment, listed in the Substantive File Documents, which addresses the habitats present on the project site. A majority of vegetation is characterized as bigpod ceanothus chaparral. The bigpod ceanothus is the sole or co-dominant shrub species in the canopy, with a sparse ground layer. On-site dominance is shared with laurel sumac and chamise and other native plant species found within that community. A section of non-native grassland was identified near the southeastern border of the 40 acre property.

A vegetation map of the habitats on the site was prepared by the biological consultant. With the exception of an area disturbed for geotechnical testing where the proposed building pad will be

located, adjacent to Schueren Road, the project site is undisturbed and comprised of dense chaparral habitat. While there is scattered residential development in the area, there is undisturbed, contiguous dense chaparral habitat to the northwest, west, south, and east of the site.

According to public information, the applicant purchased the subject parcel in 2011 for \$550,000. The parcel was designated in the Los Angeles County Land Use Plan for residential use. The parcel is 40-acres in size, and there are other scattered, residential developments in the same area. Public parkland has been acquired in this general vicinity, the Santa Monica Mountains National Recreation Area, and the previous owner of the subject property donated the adjacent western 40 acre property to the Mountains Recreation and Conservation Authority. There is currently no offer to purchase the property from any public park agency.

The project has been designed to place the single residential structure with a subterranean garage on a building site directly adjacent to and south of Schueren Road, in the same location of the approved residence previously approved pursuant to CDP 4-04-083 and CDP 4-04-083-A1. Any alternative location on the site would likely include the removal of more native vegetation and significant landform alteration due to the steeply descending hillside. Not including the area of the driveway or turnaround, the proposed development area is estimated by the applicant to measure approximately 8,800 sq. ft. The applicant's approved fuel modification plan (approved by the Los Angeles County Fire Department) shows the use of the standard three zones of vegetation modification. Zones "A" (setback zone) and "B" (irrigation zone) are shown extending in a radius of approximately 100 feet from the proposed structures. A "C" Zone (thinning zone) is provided for a distance of 100 feet beyond the "A" and "B" zones.

2. ESHA Designation on the Project Site

Pursuant to Section 30107.5, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

- 1) Is there a rare species or habitat in the subject area?
- 2) Is there an especially valuable species or habitat in the area, which is determined based on:
 - a) whether any species or habitat that is present has a special nature, OR
 - b) whether any species or habitat that is present has a special role in the ecosystem;
- 3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are "yes", the area is ESHA.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian

corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem are discussed in the March 25, 2003 memorandum prepared by the Commission's Ecologist, Dr. John Dixon¹ (hereinafter "Dr. Dixon Memorandum"), which is incorporated as if set forth in full herein.

Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. Thus, large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission's past findings in support of its actions on many permit applications and in adopting the Malibu LCP².

As described above, the project site contains pristine chaparral habitat that is part of a large, contiguous block of pristine native vegetation. As discussed above and in the Dr. Dixon Memorandum, this habitat is especially valuable because of its special role in the ecosystem of the Santa Monica Mountains and it is easily disturbed by human activity. Accordingly, the Commission finds that the chaparral habitat on the project site meets the definition of ESHA in the Coastal Act.

3. Resource Dependent Use

The Commission finds that the project site and the surrounding area constitutes an environmentally sensitive habitat area (ESHA). Section 30240 of the Coastal Act restricts development within ESHA to only those uses that are dependent on the resource. The applicant proposes to construct a single family residence on the parcel. As single-family residences do not have to be located within ESHA to function, single-family residences are not a use dependent on ESHA resources. Section 30240 also requires that ESHA be protected against significant disruption of habitat values. As the construction of a residence on the site will require both the complete removal of ESHA from the home site and fuel modification for fire protection purposes around it, the proposed project would also significantly disrupt the habitat value in those

¹ The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at <http://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

² Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

locations. Application of Section 30240, by itself, would therefore require denial of the project, because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources.

However, the Commission must also consider Section 30010, and the United States Supreme Court's decision in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission to exercise its power to grant or deny a permit in a manner that will take private property for public use. Application of Section 30010 may overcome the presumption of denial in some instances. The subject of what sort of government action results in a "taking" was addressed by the Court in the *Lucas* case. In *Lucas*, the Court identified several factors that should be considered in determining whether a proposed government action would result in a taking. For instance, the Court held that where a permit applicant has demonstrated that he or she has a sufficient real property interest in the property to allow the proposed project, and that project denial would deprive his or her property of all economically viable use, then denial of the project by a regulatory agency might result in a taking of the property for public use unless the proposed project would constitute a nuisance under State law. Other Supreme Court precedent establishes that another factor that should be considered is the extent to which a project denial would interfere with reasonable investment-backed expectations.

The Commission interprets Section 30010, together with the *Lucas* decision, to mean that if Commission denial of the project would deprive an applicant's property of all reasonable economic use, the Commission may be required to allow some development even if a Coastal Act policy would otherwise prohibit it, unless the proposed project would constitute a nuisance under state law. In other words, Section 30240 of the Coastal Act cannot be read to deny all economically beneficial or productive use of land because Section 30240 cannot be interpreted to require the Commission to act in an unconstitutional manner.

As described above, the subject parcel was designated in the Los Angeles County Land Use Plan for residential use. Residential development has previously been approved by the Commission on sites in the immediate area. At the time the applicant purchased the parcel, the County's certified Land Use Plan did not designate the vegetation on the site as ESHA. Based on these facts, along with the presence of existing and approved residential development in the area, the applicant had reason to believe that it had purchased a parcel on which it would be possible to build a residence.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owner an economic return on the investment. There is currently no offer to purchase the property from any public park agency. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than residential development. The Commission finds, therefore, that outright denial of all residential use on the project site would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the project site would create a nuisance under California law. Other houses have been constructed in similar situations in similar habitat areas in Los Angeles County,

apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicant's proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance.

In conclusion, the Commission finds that, notwithstanding Section 30240, a residential project on the subject property must be allowed to permit the applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

4. Siting and Design Alternatives to Minimize Significant Disruption of Habitat Values

While the applicant is entitled under Section 30010 to an assurance that the Commission will not act in such a way as to "take" the property, this section does not authorize the Commission to avoid application of the policies of the Coastal Act, including Section 30240, altogether. Instead, the Commission is only directed to avoid construing these policies in a way that would take property. Aside from this instruction, the Commission is still otherwise directed to enforce the requirements of the Act. Therefore, in this situation, the Commission must still assure compliance with Section 30240 by avoiding impacts that would significantly disrupt and/or degrade environmentally sensitive habitat, to the extent this can be done without taking the property.

Obviously, the construction of residential development, including vegetation removal for both the development area as well as required fuel modification, grading, construction of a residence and accessory structures, and the use of the development by residents will result in unavoidable loss of ESHA. The development can be sited and designed to minimize ESHA impacts by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

In this case, siting and design alternatives have been considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible. In past permit actions, the Commission has allowed up to 10,000 sq. ft. of development area for a residence on a parcel zoned for residential development in this area of the Santa Monica Mountains to avoid a taking of property. As detailed above, the proposed development area conforms to the maximum development area of 10,000 sq. ft. The proposed structure is located within an 8,800 sq. ft. development area. Although a smaller development area would reduce the ESHA loss somewhat, the reduction would not be significant. Nor are there other resources such as streams, riparian areas, or visual resources that would be protected by a smaller development area. As such, the Commission concludes that the proposed siting and design of the project will minimize impacts to ESHA to the extent feasible. The Commission also finds that the proposed development area provides a reasonable economic use.

5. Open Space Conservation

This project is inconsistent with Section 30240 of the Coastal Act, and is only being allowed to avoid a taking of private property for public use. The Commission finds that for the project to be consistent with Section 30240 to the maximum extent feasible, while providing a reasonable economic use, this project must constitute the maximum amount of ESHA destruction on the site and the remaining ESHA on the property must be preserved in perpetuity.

The Commission finds that the most effective way to assure ESHA preservation on the site is the granting of an open space conservation easement to the Mountains Recreation and Conservation Authority (a joint powers authority) that prohibits development on the remainder of the site now and in the future. The Mountains Recreation and Conservation Authority (MRCA) is a public agency that represents a partnership between the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The MRCA is dedicated to the preservation and management of open space, parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns or that are owned by the Santa Monica Mountains Conservancy. In the course of its normal duties, the MRCA park rangers and other staff are better able to monitor open space areas to ensure that the restrictions are followed than Commission staff. Further, an easement will be recorded against the title to the property and thus provide notice to future owners of the limitations that apply to the open space conservation area, reducing the risk of a future irreparable violation of the restriction. The governing board of the MRCA has agreed to accept all open space easements required by the Commission for properties within the Santa Monica Mountains National Recreation Area.

It is important that the property owner grant an easement to MRCA rather than simply record an open space deed restriction. Although a deed restriction should notify future owners of the restriction in the same manner that a recorded easement would, it would not be as effective in preserving the remaining ESHA for the following two reasons. First, a deed restriction is not as reliable because a property owner can record another document purporting to rescind the deed restriction. Although any attempt to rescind a deed restriction required by a coastal development permit (“CDP”) without an amendment to that CDP authorizing such a rescission would constitute a violation of the CDP and the Coastal Act, the County Recorder’s office is likely to allow recordation of a rescission without the required Coastal Commission authorization. Indeed, the Commission has experienced the phenomenon of property owners recording documents purporting to modify deed restrictions recorded pursuant to CDP requirements. *See, e.g.,* Commission findings for CDP Amendment F7453-A2 (Stephenson), approved March 2005, and Violation File V-6-04-010 (Del Mar Estates). On the other hand, because an easement necessarily involves more than one person, the County Recorder would not likely record a document purporting to rescind an easement unless the easement holder was also to sign the document. Thus, a condition requiring a deed restriction is much easier to violate, and therefore much less protective, than a condition requiring an easement.

Second, the Legislature has recently adopted new provisions to the Government Code specifically sanctioning the use of conservation easements for this purpose and changing procedures to ensure that they are prominent in searching title to property. In 2001, the Legislature adopted a new requirement that County Recorders keep a separate and “comprehensive index of conservation easements.” *See* Cal. Gov’t Code § 27255(a). As such,

the Commission finds that the requirement of an open space and conservation easement is the most effective method of ensuring that the remaining ESHA on the project site will be conserved in the future. Finally, the Commission concludes that an open space easement that allows only the easement holder and no other entity to enter the property for inspection purposes does not interfere with the fee title owner's right to exclude the general public. It therefore does not constitute a significant invasion of the fee title owner's property interest.

In conclusion, the Commission finds that it is necessary to require the applicant to grant an open space easement to the MRCA over the open space area on the project site in order to insure that the remaining ESHA will be preserved. Only as conditioned will the proposed project minimize impacts to ESHA, as required by Section 30240 of the Coastal Act.

6. Habitat Impact Mitigation

While impacts resulting from development within ESHA can be reduced through siting and design alternatives for new development and by ensuring that the remaining ESHA on the site is permanently protected, they cannot be completely avoided, given the location of ESHA on and around the project site, the high fire risk in the Santa Monica Mountains, and the need to modify fuel sources to protect life and property from wildfire.

Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned. The Commission has found in past permit actions, that a new residential development (with a 10,000 sq. ft. development area) within ESHA with a full 200 foot fuel modification radius will result in impact (either complete removal, irrigation, or thinning) to ESHA habitat of four to five acres.

Obviously, native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced will be lost as habitat and watershed cover. As discussed in the Dr. Dixon Memorandum³, the cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. Further, fuel modification can result in changes to the composition of native plant and wildlife communities, thereby reducing their habitat value.

³ The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at <http://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

Although the impacts from habitat removal cannot be avoided, the Commission finds that the loss of ESHA resulting from the removal, conversion, or modification of natural habitat for new development including the building site area, and fuel modification can be mitigated in order to ensure that ESHA impacts are minimized to the extent feasible.

The Commission has identified three appropriate methods for providing mitigation for the unavoidable loss of ESHA resulting from development; namely, habitat restoration, habitat conservation, and payment for mitigation.

The first method is to provide mitigation through the restoration of an area of degraded habitat (either on the project site, or at an off-site location) that is equivalent in size to the area of habitat impacted by the development. A restoration plan must be prepared by a biologist or qualified resource specialist and must provide performance standards, and provisions for maintenance and monitoring. The restored habitat must be permanently preserved through the recordation of an open space easement.

The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat of a similar type as that impacted equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. If the mitigation parcel is larger in size than the impacted habitat area, the excess acreage could be used to provide habitat impact mitigation for other development projects that impact ESHA.

The third habitat impact mitigation option is the payment for mitigation of impacts to habitat. The payment is based on the habitat types in question, the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined the appropriate payment for the restoration or creation of chaparral and coastal sage scrub habitat, based on research carried out by the Commission's biologist. A range of cost estimates was obtained that reflected differences in restoration site characteristics including topography (steeper is harder), proximity to the coast (minimal or no irrigation required at coastal sites), types of plants (some plants are rare or difficult to cultivate), density of planting, severity of weed problem, condition of soil, etc.

The Commission has determined that the appropriate mitigation for loss of coastal sage scrub or chaparral ESHA should be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydroseeding and planting). The payment amount found by the Commission to be appropriate to provide mitigation for the habitat impacts to ESHA areas where all native vegetation will be removed (building site, the "A" zone required for fuel modification, and off-site brush clearance areas), and where vegetation will be significantly removed and any remaining vegetation will be subjected to supplemental irrigation (the "B" zone or any other irrigated zone required for fuel modification) is \$12,000 per acre. Further, the Commission has required a payment of \$3,000 per acre for areas where the vegetation will be thinned, but not irrigated ("C" zone or other non-irrigated fuel modification zone). The acreage of ESHA that is impacted must be determined based on the size of the development area, required fuel modification (as identified on the fuel modification plan approved by the Los Angeles County Fire Department) on the site, and required brush clearance off-site.

Ordinarily, the Commission would find any of these measures appropriate to mitigate the loss of ESHA on the project site. However, in this case, the previous owner of the site chose the third option, and paid a habitat impact mitigation fee to the Mountains Recreation and Conservation Authority in 2006 for development approved pursuant to CDP 4-04-083 approved in 2005 (discussed above in Section IV.B., Past Commission Action). Because that fee has already been paid and no development or fuel modification has occurred on the site, the applicant can apply that fee to this permit to mitigate for loss of habitat due to the proposed development as well as the fuel modification necessary for the proposed residence.

7. Additional Mitigation Measures to Address Additional ESHA Impacts

The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping, and mitigation for that effect was discussed in the previous section. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. This sort of impact was not addressed in the prior section. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area that are not directly and immediately affected by the proposed development, the Commission requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

In addition, the Commission has found that night lighting of ESHA areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, the Lighting Restriction condition limits night lighting of the site in general; limits lighting to the developed area of the site; and requires that lighting be shielded downward. Limiting security lighting to low intensity security lighting will assist in minimizing the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night.

Furthermore, fencing of the property would adversely impact the movement of wildlife through the ESHA and wildlife migration corridor on this parcel. Therefore, the Commission finds it is necessary to limit fencing to the perimeter of the approved development area, turnaround, and driveway. This is required to be shown on the landscaping plan.

Additionally, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to require that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. This limitation avoids loss of natural vegetation coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission also finds that the amount and location of any new development that could be built in the future on the subject site consistent with the resource protection policies of the Coastal Act is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply by default under the Coastal Act for, among other things, improvements to existing single family homes and repair and maintenance activities may be inappropriate here. In recognition of that fact, and to ensure that any future structures, additions, change in landscaping or intensity of use at the project site that may otherwise be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, the future development restriction is required.

Further, 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 thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. Finally, in order to ensure that the terms and conditions of this permit are adequately implemented, the Commission conditions the applicant to allow staff to enter onto the property (subject to 24 hour notice to the property owner) to undertake site inspections for the purpose of monitoring compliance with the permit.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30240 of the Coastal Act:

- | | |
|-----------------------|---|
| Special Condition 5. | Landscaping and Fuel Modification Plans |
| Special Condition 7. | Lighting Restriction |
| Special Condition 8. | Future Development Restriction |
| Special Condition 9. | Deed Restriction |
| Special Condition 10. | Open Space Conservation Easement |
| Special Condition 11. | Site Inspection |
| Special Condition 12. | Removal of Natural Vegetation |

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

F. 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 project site is located in a scenic area, characterized by large areas of natural vegetation. The site is visible from various public viewing points, including public open space and recreation areas to west and east, as well as from various points along Schueren Road, which afford scenic vistas of several large portions of relatively undisturbed natural areas. In 2005, the previous owner of the site donated the adjacent western 40 acre parcel to the Mountains Recreation and Conservation Authority and the proposed residence will be visible from that open space. The site is also situated among scattered single family residences which are highly visible in the area. However, due to the building site's elevation below Schueren Road, and the presence of intervening ridges and existing development in the vicinity, no alternative siting or design options exist on the parcel in which the development would be significantly less visible from public viewing areas. The closest public trail system is the Backbone Trail and the building site would not be visible from that trail. 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 site is located at 850 Schueren Road in the Santa Monica Mountains, unincorporated Los Angeles County (APN 4453-003-042). The subject parcel is 40 acres in size, located on a south facing hillside on the south side of Schueren Road with a portion of the property lying above Schueren Road (Exhibits 1-3). The site is approximately 3 miles north of Las Flores Beach. Topography on the site generally consists of steep south-facing slopes descending from Schueren road, which is near the northern property edge. The elevations range from approximately 2,097 feet above mean sea level (MSL) in the northeastern corner of the site to approximately 1,882 feet above MSL in the southwestern corner of the site.

The subject parcel is vacant and covered with relatively undisturbed Bigpod ceanothus-chamise chaparral. The area surrounding the project site is characterized by natural hillside terrain and is spotted with vacant parcels and residentially developed parcels to the north, east, west and south of the site including lands owned by the Santa Monica Mountains National Recreation Area located to the east. The site supports extensive native chaparral plant communities and is considered Environmentally Sensitive Habitat Area. A natural drainage course, which is a designated blue line stream, traverses the parcel in a northwest to southeast direction leading to Las Flores Canyon Creek.

The proposed residence is two-stories with a subterranean garage with a maximum height of 33.5 feet from existing grade at any given point. Much of the residence will be located below the grade of Schueren road and is designed to be stepped into the hillside. The development has also been clustered on one pad area less than 10,000 sq. ft. in size. The proposed building site and design minimizes the amount of grading and landform alteration necessary for the project and there are no siting alternatives where the building would not be visible from public viewing areas.

The proposed structure 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 (35 feet) 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.

G. LOCAL COASTAL PROGRAM PREPARATION

Section 30604(a) of the Coastal Act states:

- (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 14

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.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, project alternatives and mitigation measures have been considered and incorporated into the project. 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 as part of this coastal development permit include the avoidance of impacts to ESHA through clustering structures, and by prohibiting development outside of the approved development area as required by the granting of an open space conservation easement. Mitigation measures required to minimize impacts include requiring drainage best management practices (water quality), interim erosion control (water quality and ESHA), limiting lighting (ESHA), restricting structure color (visual resources), and requiring future improvements to be considered through a CDP. Finally, the habitat impact mitigation condition is a measure required to compensate for impacts to ESHA.

The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

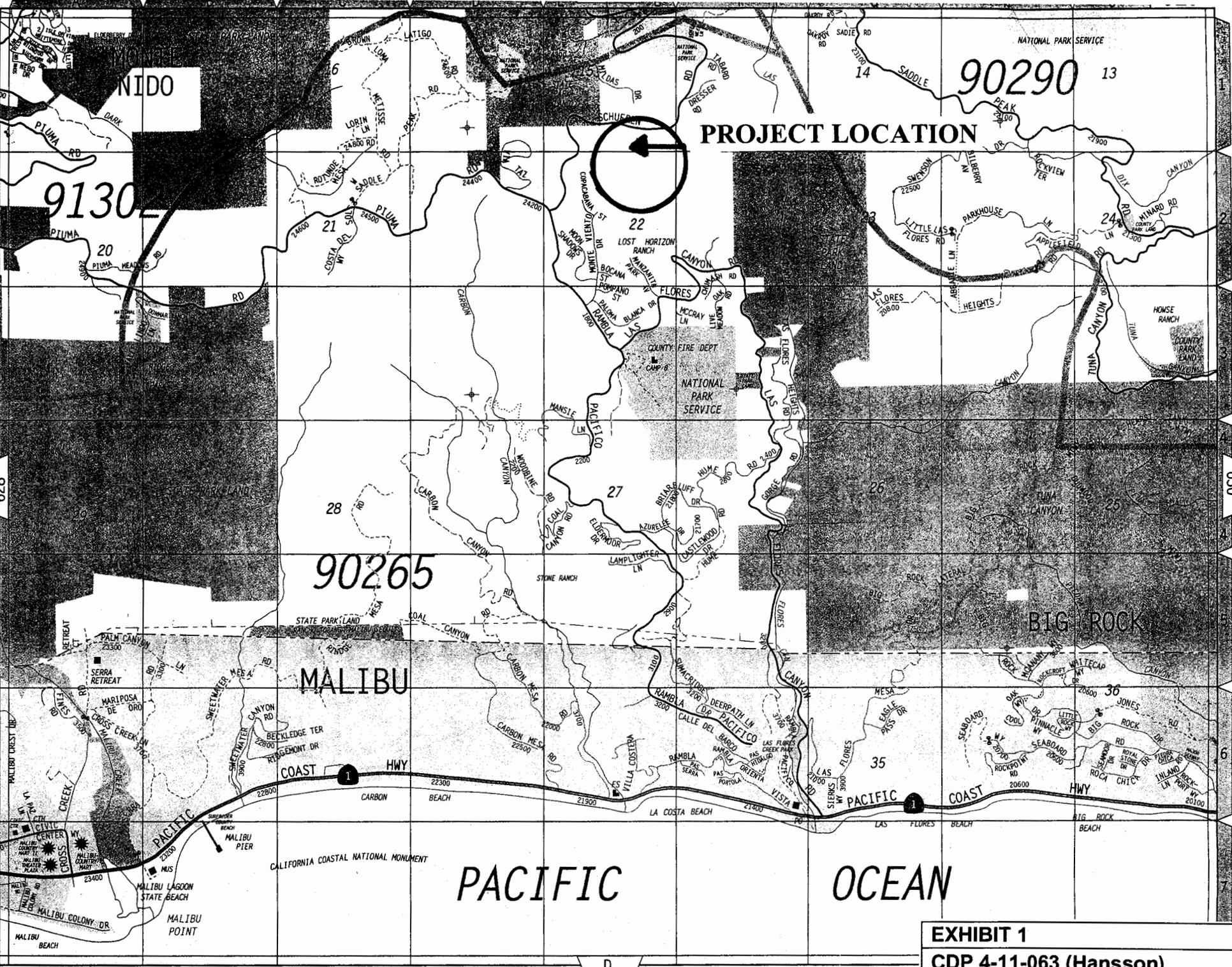
Special Conditions 1 through 14

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.

APPENDIX 1

Substantive File Documents

Certified Malibu/Santa Monica Mountains Land Use Plan; The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D; Updated Biological Assessment prepared by PCR, dated September 21, 2011; “Updated Geologic and Soils Engineering Report for Proposed Single Family Residence, 850 Schueren Road, Malibu County of Los Angeles,” prepared by Gold Coast Geoservices, Inc., dated June 23, 2011; “Onsite Wastewater Treatment System Design Report,” prepared by Gold Coast Geoservices, Inc., dated June 24, 2011; “Response to County of Los Angeles Department of Public Health Plan Review Sheet,” prepared by Gold Coast Geoservices, Inc., dated September 19, 2011; Coastal Development Permit 4-04-083 (Jean Ross, LLC), Coastal Development Permit 4-04-083-A1 (Malibu Kanan Properties, LLC), Coastal Development Permit 4-03-108 (Jean Ross, LLC and Brian Sweeney).



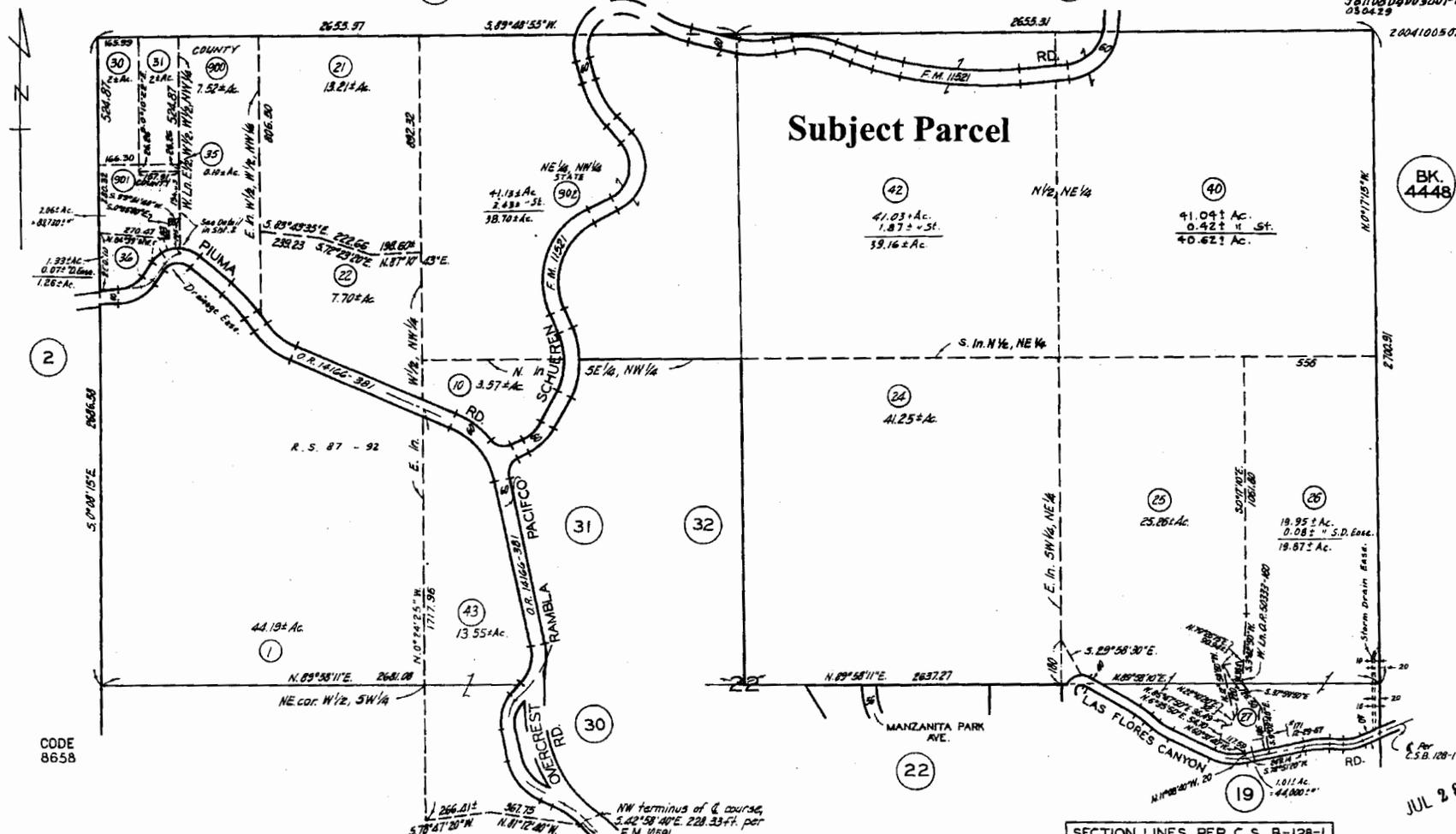
PROJECT LOCATION

EXHIBIT 1
CDP 4-11-063 (Hansson)
Vicinity Map

4453 3
SHEET 1
SCALE 1" = 400'

2009

610825011
2005090203003001-07 670831208
2008110703003001-07 671187603
2008062506001001-07 680916005
7003005
7300251
750815102
761012103
780620809
861223-87
3802502007001-07
36110804003001-07
050429
2004100507001001-07



Subject Parcel

BK. 4448

CODE 8658

S FOR PREV. ASSM'T SEE: 4453-3

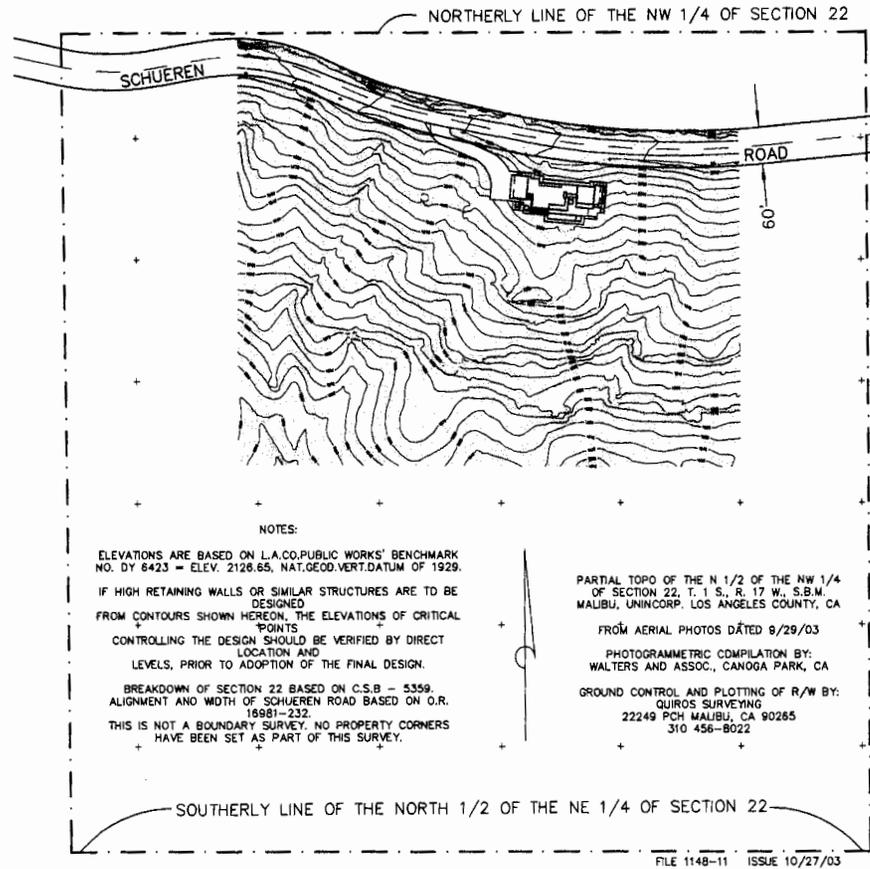
T. I. S., R. 17 W.

SECTION LINES PER C. S. B-128-1

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

JUL 28 2008

EXHIBIT 2
CDP 4-11-063 (Hansson)
Parcel Map



NOTES:

ELEVATIONS ARE BASED ON L.A.CO.PUBLIC WORKS' BENCHMARK NO. DY 6423 = ELEV. 2126.65, NAT.GEOD.VERT.DATUM OF 1929.

IF HIGH RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM CONTOURS SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN SHOULD BE VERIFIED BY DIRECT LOCATION AND LEVELS, PRIOR TO ADOPTION OF THE FINAL DESIGN.

BREAKDOWN OF SECTION 22 BASED ON C.S.B - 5359. ALIGNMENT AND WIDTH OF SCHUIEREN ROAD BASED ON O.R. 16981-232.

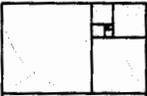
THIS IS NOT A BOUNDARY SURVEY. NO PROPERTY CORNERS HAVE BEEN SET AS PART OF THIS SURVEY.

PARTIAL TOPO OF THE N 1/2 OF THE NW 1/4 OF SECTION 22, T. 1 S., R. 17 W., S.B.M. MALIBU, UNINCORP. LOS ANGELES COUNTY, CA

FROM AERIAL PHOTOS DATED 8/29/03

PHOTOGRAMMETRIC COMPILATION BY: WALTERS AND ASSOC., CANOGA PARK, CA

GROUND CONTROL AND PLOTTING OF R/W BY: QUIROS SURVEYING 22249 PCH MALIBU, CA 90265 310 456-8022



Steven Kart Architect



ARCHITECT:
Steven Kart AIA
21428 Castlemore Drive
Malibu, CA 90265
tel 310.456.2914
skart@stevenkartllc.com
CA Lic. #C27000

SURVEY & SITE PLAN

SCALE: 1" = 40' P
DATE: 10/27/03

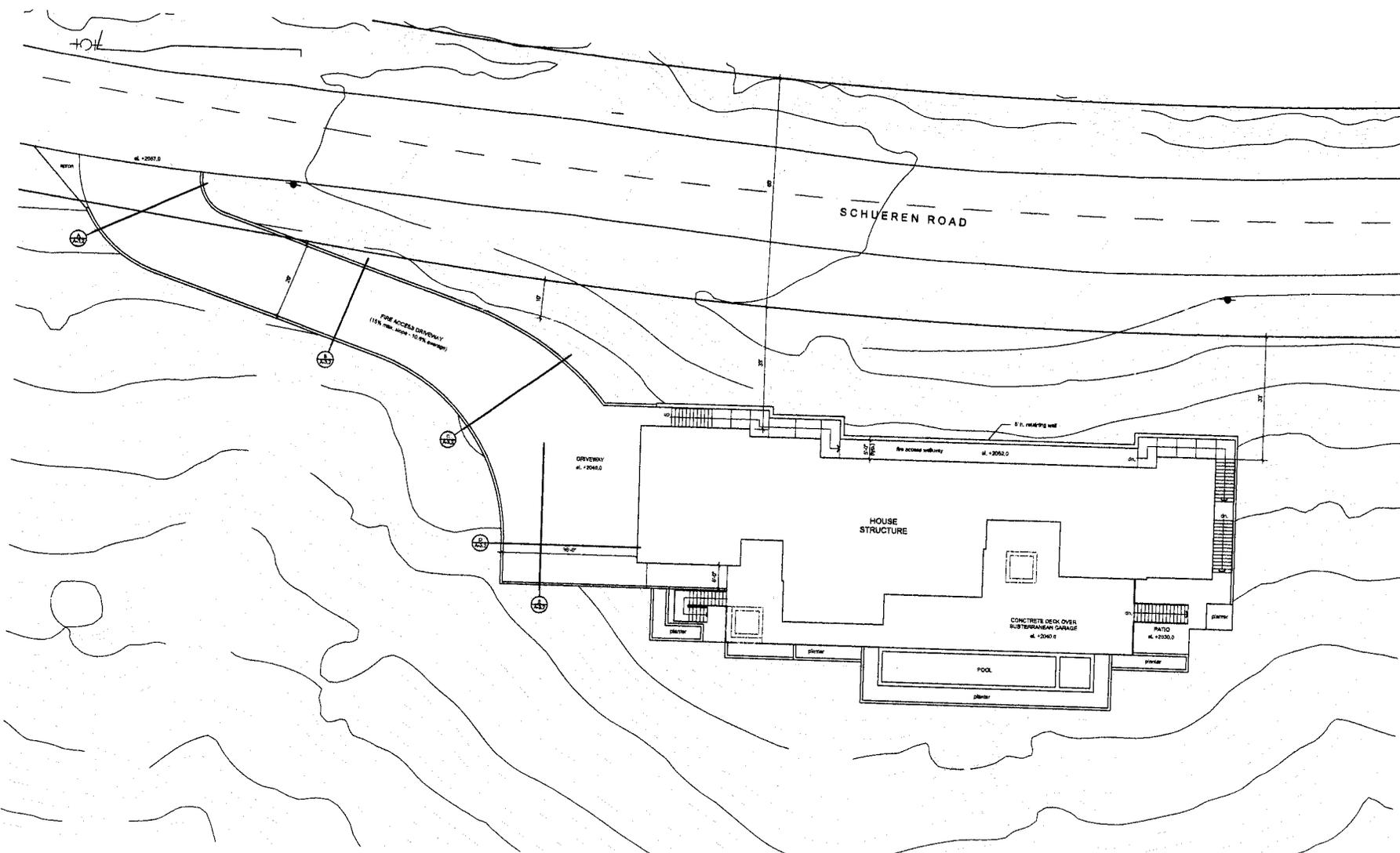
850 Schuieren Road
MALIBU



North

A-1.2

EXHIBIT 3
CDP 4-11-063 (Hansson)
Site Plan - Property Boundary



SITE PLAN
SCALE: 1" = 10'-0"

Steven Kart Architects



ARCHITECT:
Steven Kart AIA
21524 Castellano Drive
Malibu, CA 90265
Tel: 310.448.5514
skart@stevenkart.com
CA Lic. #CCT1000

SITE PLAN - FIRE

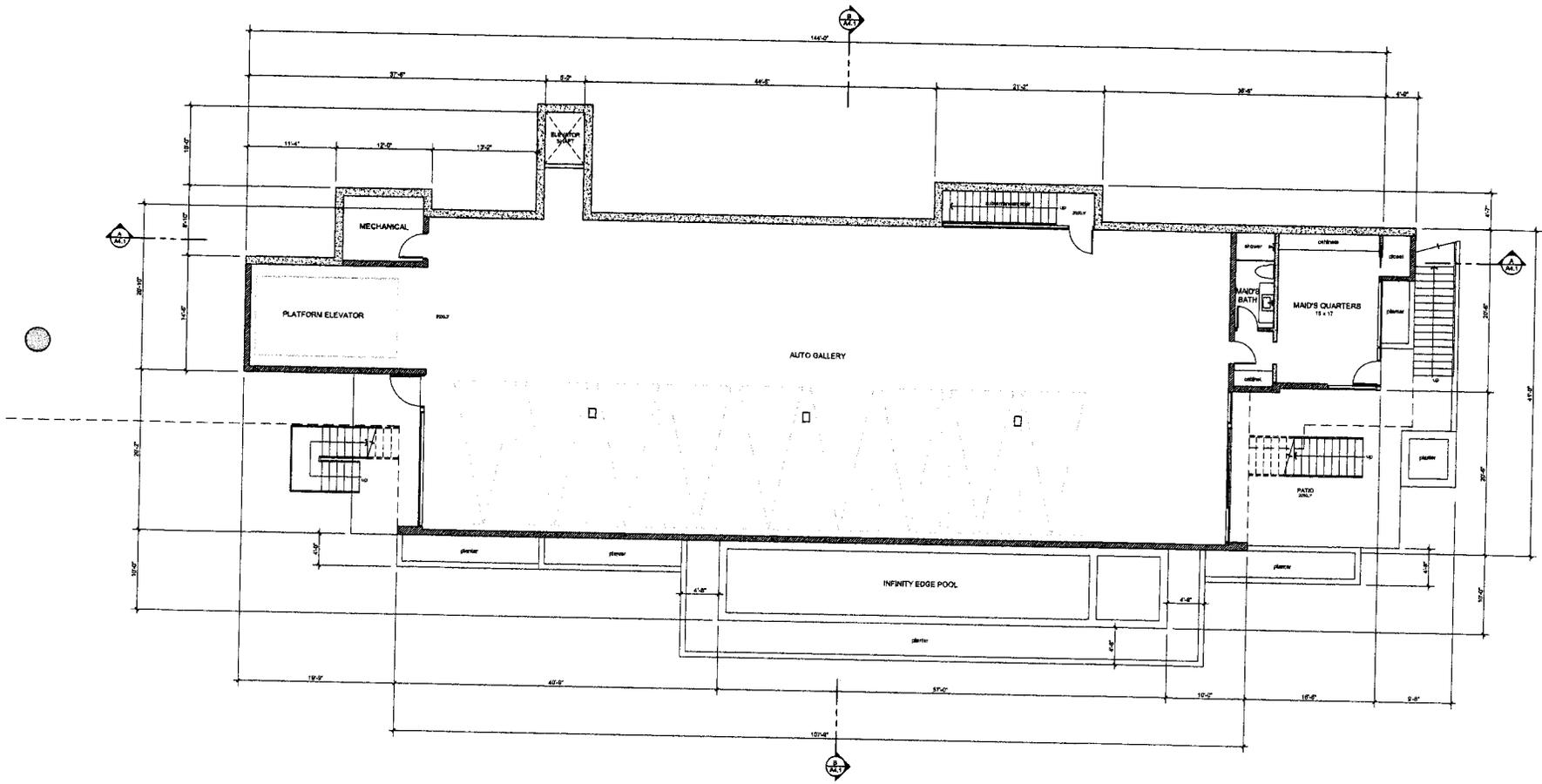
SCALE: 1" = 10'-0"
DATE: 09 October 2011

850 Schueren Road
MALIBU

North

A-1.3

EXHIBIT 4
CDP 4-11-063 (Hansson)
Site Plan



BASEMENT PLAN
SCALE: 3/16" = 1'-0"

Steven Kant Architect



ARCHITECT
Steven Kant, AIA
21926 Camerwood Drive
Malibu, CA 90265
Tel: 310.458.5814
skant@stevenkant.com
CA Lic. #C27000

BASEMENT PLAN

SCALE: 3/16" = 1'-0"
DATE: 1 November 2011

850 Schuaren Road
MALIBU

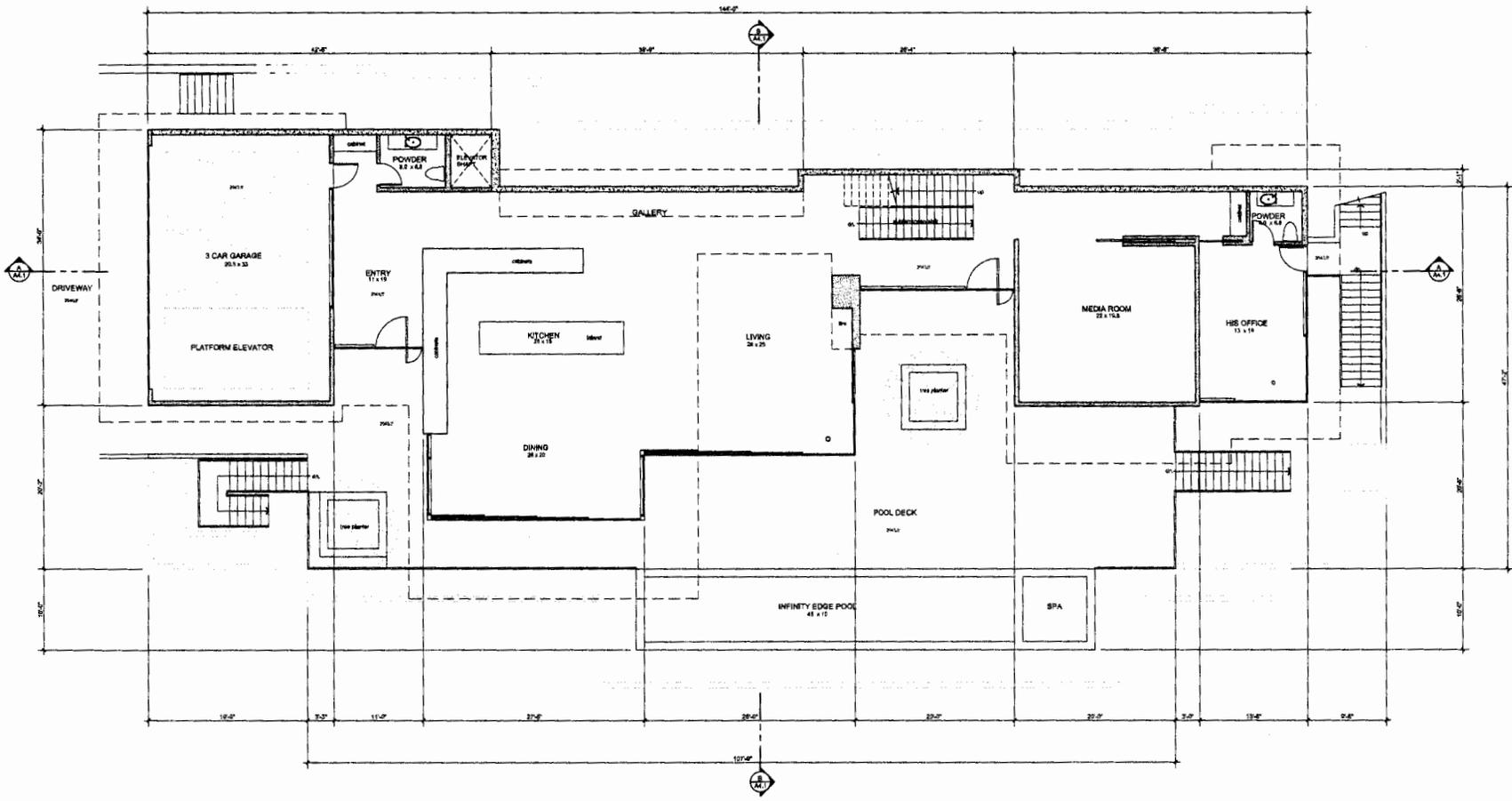


A-2.1

EXHIBIT 5

CDP 4-11-063 (Hansson)

Garage/Basement Plan



1st FLOOR PLAN
SCALE: 3/16" = 1'-0"
1/28/02

Steven Kant Architect



ARCHITECT:
Steven Kant AIA
21830 Castellano Drive
Malibu, CA 90266
Tel: 310.458.5914
skant@stevenkant.com
CA Lic. #C27000

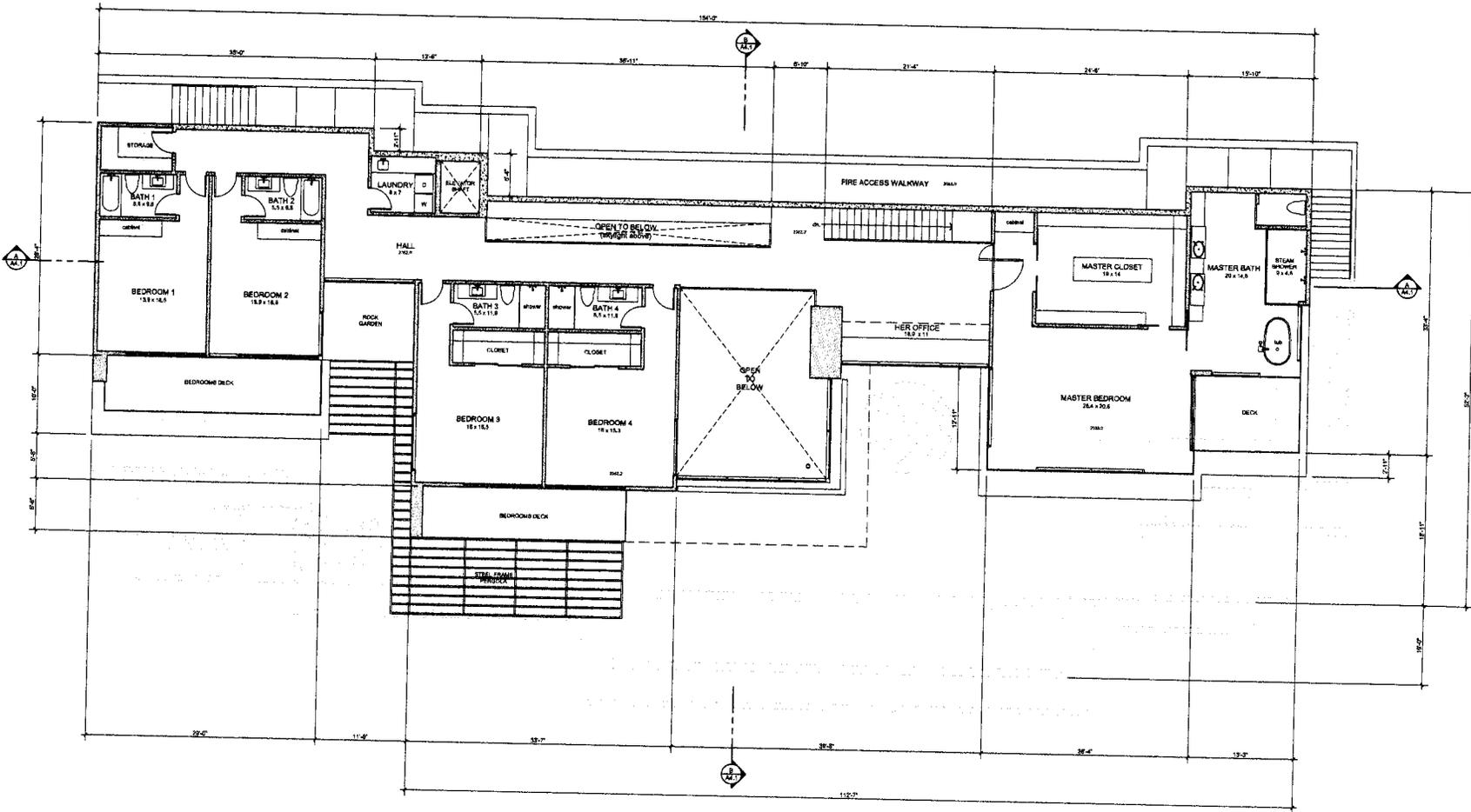
1st FLOOR PLAN

SCALE: 3/16" = 1'-0"
DATE: 11/20/02

850 Schuere Road
MALIBU

A=2.2

EXHIBIT 6
CDP 4-11-063 (Hansson)
First Floor Plan



2nd FLOOR PLAN
SCALE: 3/16" = 1'-0"
4/30/04

Steven Kent Architect



ARCHITECT:
Steven Kent, AIA
21428 Chestwood Drive
Malibu, CA 90265
tel 310.458.5614
steve@skarchitect.com
CA Lic. 6027300

2nd FLOOR PLAN

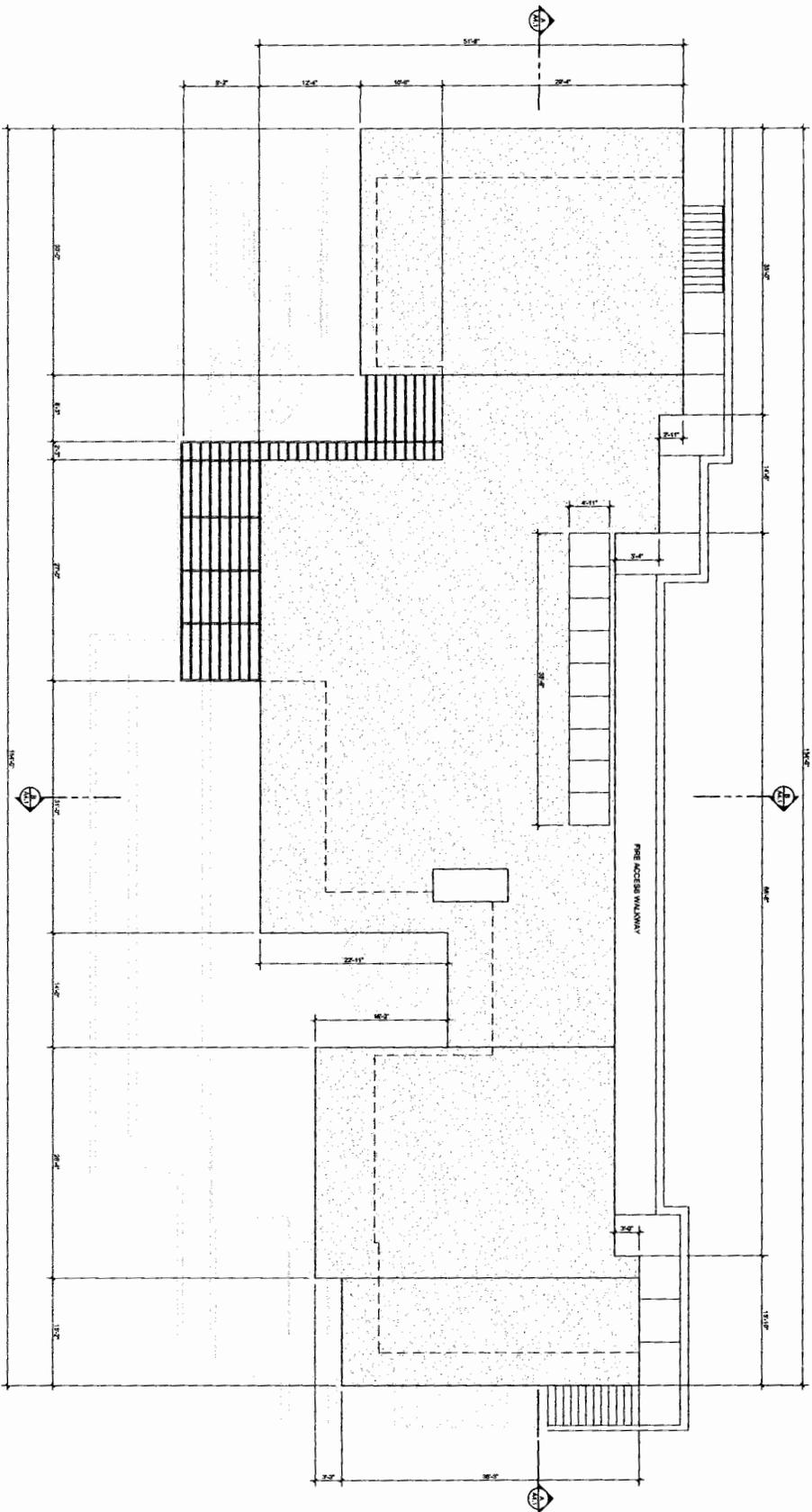
SCALE: 3/16" = 1'-0"
DATE: 7 November 2004

850 Schuuren Road
MALIBU

North

A-2.3

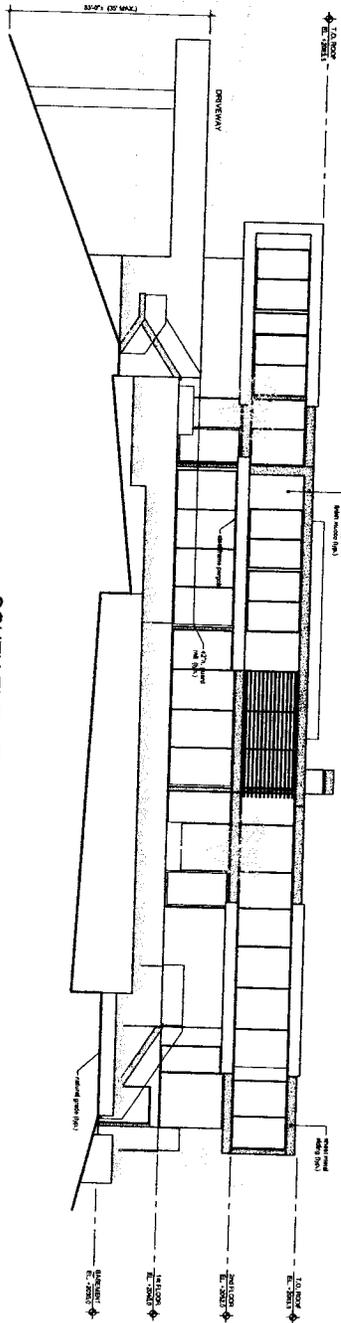
EXHIBIT 7
CDP 4-11-063 (Hansson)
Second Floor Plan



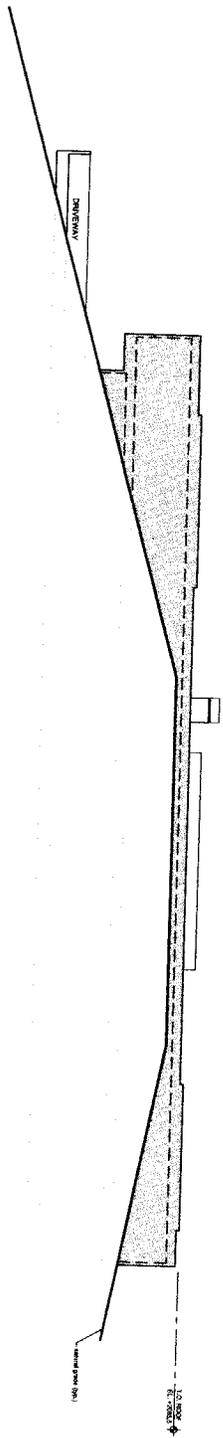
ROOF PLAN
SCALE 3/8" = 1'-0"

<p>ROOF PLAN</p>	
<p>PROJECT: SUNSHINE CENTER 2100 GARDEN CITY DRIVE MALIBU, CALIFORNIA 90265 DATE: 01/15/04 DRAWN BY: J. HANSSON</p>	
<p>860 Schuerman Road MALIBU</p>	
<p>A-2.4</p>	
<p>North</p>	

EXHIBIT 8
CDP 4-11-063 (Hansson)



SOUTH ELEVATION

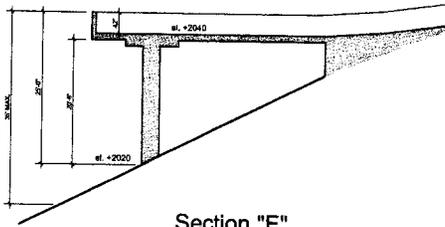


NORTH ELEVATION

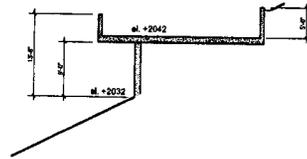
<p>Steven Kent Architects</p>	
<p>2128 Oyster Point Drive Suite 100 Malibu, CA 90263 Tel: 310.448.9912 Fax: 310.448.9913</p>	
<p>ARCHITECT</p>	
<p>BUILDING ELEVATIONS</p>	
<p>DATE: 10/10/08</p>	
<p>860 Squares Road MALIBU</p>	
<p>A-3.1</p>	



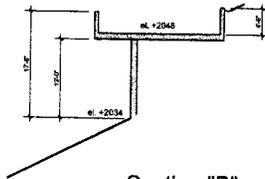
EXHIBIT 9
CDP 4-11-063 (Hansson)



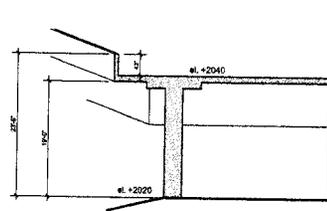
Section "E"



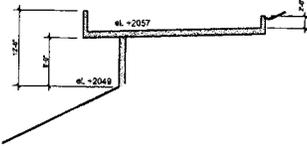
Section "C"



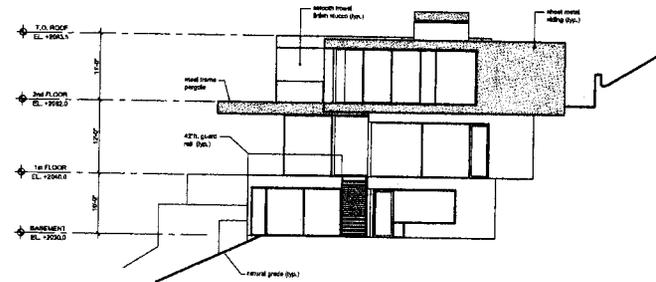
Section "B"



Section "D"

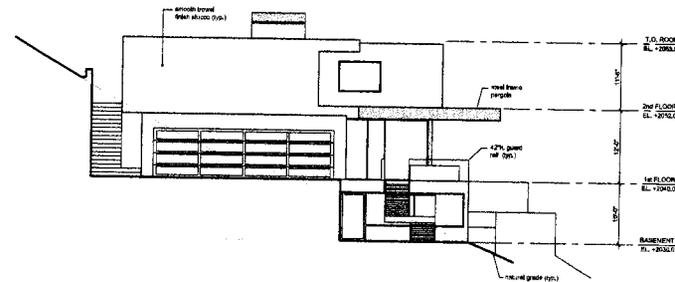


Section "A"



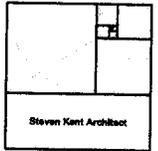
WEST ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"



Steven Kent Architect

ARCHITECT



ARCHITECT:
Steven Kent AIA
21126 Castlemore Drive
Malibu, CA 90265
tel 310.456.5914
steve@skarchitect.com
CA Lic. #C217000

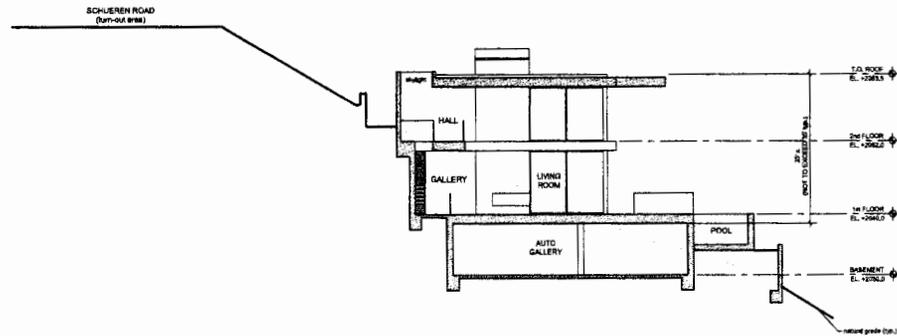
BUILDING ELEVATIONS

DATE: 11/20/12
SCALE: 1/8" = 1'-0"

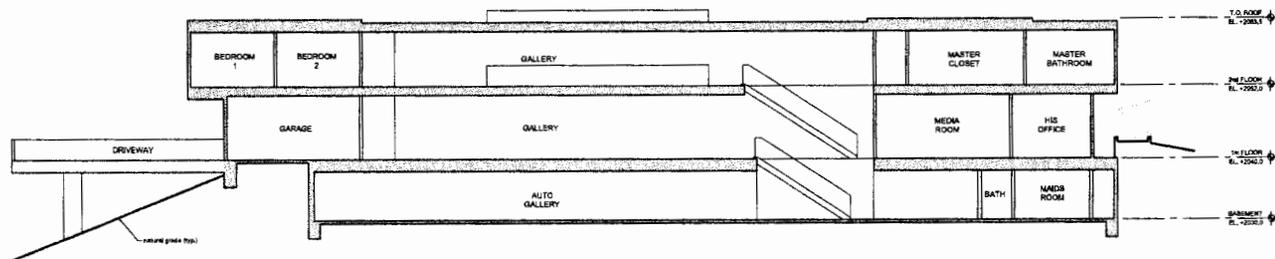
850 Schuere Road
MALIBU

A-3.2

EXHIBIT 10
CDP 4-11-063 (Hansson)
East and West Elevations



BUILDING SECTION 'B'
SCALE: 3/8" = 1'-0"



BUILDING SECTION 'A'
SCALE: 1/8" = 1'-0"

Steven Kent Architect



ARCHITECT:
Steven Kent AIA
21826 Cliffwood Drive
Malibu, CA 90298
tel 310.456.0514
skent@stevenkent.com
CA Lic. #C27900

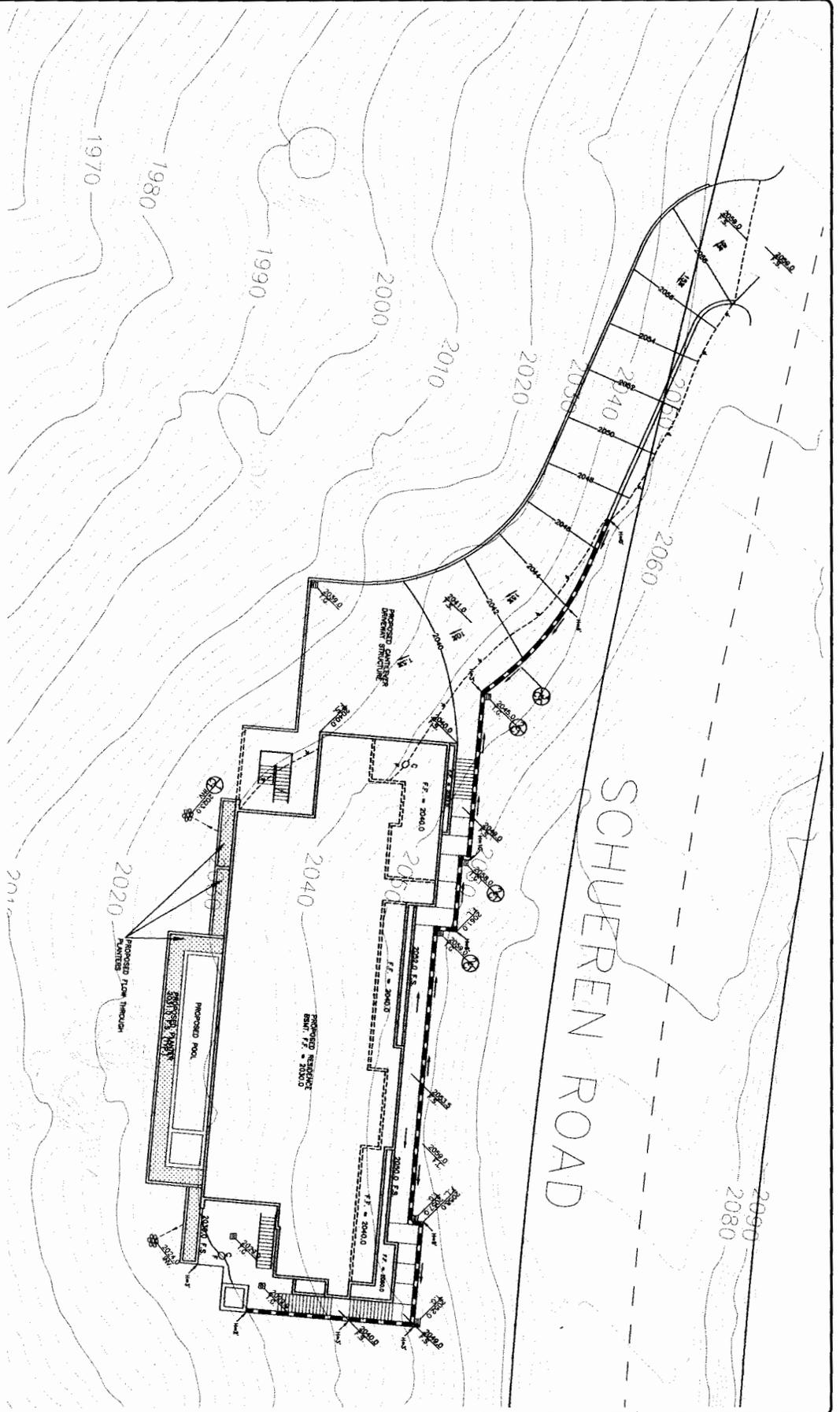
BUILDING SECTIONS

SCALE: 1/8" = 1'-0"
DATE: 10/20/11

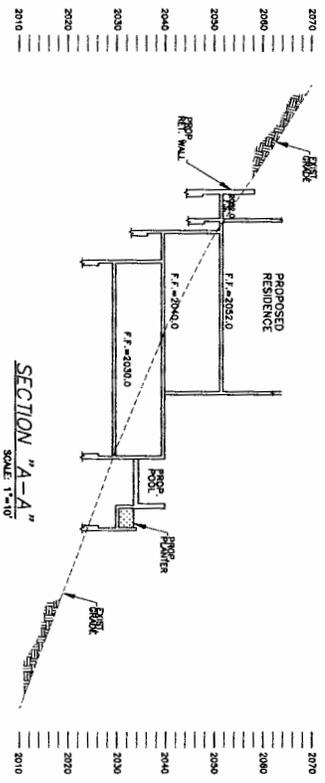
850 Schuener Road
MALIBU

A-4.1

EXHIBIT 11
CDP 4-11-063 (Hansson)
Building Cross Sections



SCHUEREN ROAD



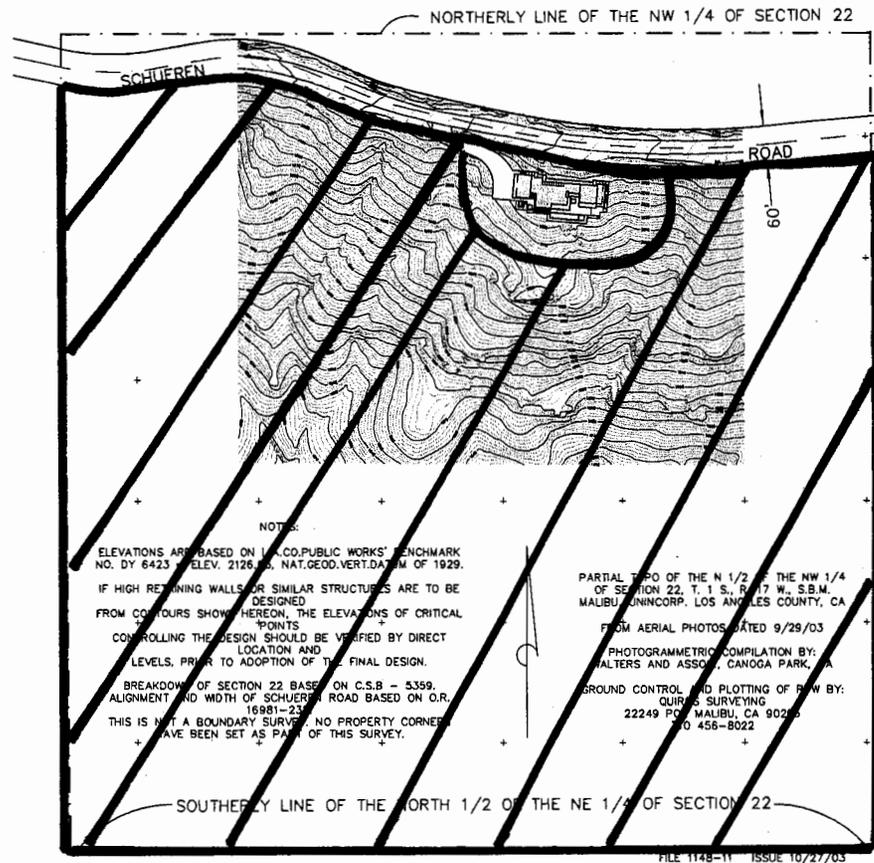
SECTION "A-A"
SCALE 1"=10'

SCALE: 1"=10'
GRAPHIC SCALE

LEGEND

1/2"	PROPOSED DRIVEWAY
1/4"	PROPOSED SWIMMING POOL
1/8"	PROPOSED RESIDENCE
1/16"	PROPOSED FLICK THROUGH
1/32"	PROPOSED DRIVEWAY
1/64"	PROPOSED SWIMMING POOL
1/128"	PROPOSED RESIDENCE
1/256"	PROPOSED FLICK THROUGH
1/512"	PROPOSED DRIVEWAY
1/1024"	PROPOSED SWIMMING POOL
1/2048"	PROPOSED RESIDENCE
1/4096"	PROPOSED FLICK THROUGH
1/8192"	PROPOSED DRIVEWAY
1/16384"	PROPOSED SWIMMING POOL
1/32768"	PROPOSED RESIDENCE
1/65536"	PROPOSED FLICK THROUGH
1/131072"	PROPOSED DRIVEWAY
1/262144"	PROPOSED SWIMMING POOL
1/524288"	PROPOSED RESIDENCE
1/1048576"	PROPOSED FLICK THROUGH
1/2097152"	PROPOSED DRIVEWAY
1/4194304"	PROPOSED SWIMMING POOL
1/8388608"	PROPOSED RESIDENCE
1/16777216"	PROPOSED FLICK THROUGH
1/33554432"	PROPOSED DRIVEWAY
1/67108864"	PROPOSED SWIMMING POOL
1/134217728"	PROPOSED RESIDENCE
1/268435456"	PROPOSED FLICK THROUGH
1/536870912"	PROPOSED DRIVEWAY
1/1073741824"	PROPOSED SWIMMING POOL
1/2147483648"	PROPOSED RESIDENCE
1/4294967296"	PROPOSED FLICK THROUGH
1/8589934592"	PROPOSED DRIVEWAY
1/17179869184"	PROPOSED SWIMMING POOL
1/34359738368"	PROPOSED RESIDENCE
1/68719476736"	PROPOSED FLICK THROUGH
1/137438953472"	PROPOSED DRIVEWAY
1/274877907344"	PROPOSED SWIMMING POOL
1/549755814688"	PROPOSED RESIDENCE
1/1099511629376"	PROPOSED FLICK THROUGH
1/2199023258752"	PROPOSED DRIVEWAY
1/4398046517504"	PROPOSED SWIMMING POOL
1/8796093035008"	PROPOSED RESIDENCE
1/17592186700016"	PROPOSED FLICK THROUGH
1/35184373400032"	PROPOSED DRIVEWAY
1/70368746800064"	PROPOSED SWIMMING POOL
1/140737493600128"	PROPOSED RESIDENCE
1/281474987200256"	PROPOSED FLICK THROUGH
1/562949974400512"	PROPOSED DRIVEWAY
1/1125899948801024"	PROPOSED SWIMMING POOL
1/2251799897602048"	PROPOSED RESIDENCE
1/4503599795204096"	PROPOSED FLICK THROUGH
1/9007199590408192"	PROPOSED DRIVEWAY
1/18014399180816384"	PROPOSED SWIMMING POOL
1/36028798361632768"	PROPOSED RESIDENCE
1/72057596723265536"	PROPOSED FLICK THROUGH
1/144115193446531104"	PROPOSED DRIVEWAY
1/288230386893062208"	PROPOSED SWIMMING POOL
1/576460773786124416"	PROPOSED RESIDENCE
1/1152921547572248832"	PROPOSED FLICK THROUGH
1/2305843095144497664"	PROPOSED DRIVEWAY
1/4611686190288995328"	PROPOSED SWIMMING POOL
1/9223372380577990656"	PROPOSED RESIDENCE
1/18446744761155813112"	PROPOSED FLICK THROUGH
1/36893489522311626224"	PROPOSED DRIVEWAY
1/73786979044623252448"	PROPOSED SWIMMING POOL
1/14757395809246504896"	PROPOSED RESIDENCE
1/29514791618493009792"	PROPOSED FLICK THROUGH
1/59029583236986019584"	PROPOSED DRIVEWAY
1/118059166473972039168"	PROPOSED SWIMMING POOL
1/236118332947944078336"	PROPOSED RESIDENCE
1/472236665895888156672"	PROPOSED FLICK THROUGH
1/944473331791776313344"	PROPOSED DRIVEWAY
1/1888946663783552626688"	PROPOSED SWIMMING POOL
1/3777893327567105253376"	PROPOSED RESIDENCE
1/7555786655134210506752"	PROPOSED FLICK THROUGH
1/15111573310268421013504"	PROPOSED DRIVEWAY
1/30223146620536842027008"	PROPOSED SWIMMING POOL
1/60446293241073684054016"	PROPOSED RESIDENCE
1/120892586422147368108032"	PROPOSED FLICK THROUGH
1/241785172844294736216064"	PROPOSED DRIVEWAY
1/483570345688589472432128"	PROPOSED SWIMMING POOL
1/967140691377178944864256"	PROPOSED RESIDENCE
1/1934281382754357897328512"	PROPOSED FLICK THROUGH
1/3868562765508715794657024"	PROPOSED DRIVEWAY
1/7737125531017431589314048"	PROPOSED SWIMMING POOL
1/15474251062034863786228096"	PROPOSED RESIDENCE
1/30948502124069727572456192"	PROPOSED FLICK THROUGH
1/61897004248139455144912384"	PROPOSED DRIVEWAY
1/123794008496278910289924768"	PROPOSED SWIMMING POOL
1/247588016992557805779859536"	PROPOSED RESIDENCE
1/495176033985115611555591072"	PROPOSED FLICK THROUGH
1/9903520679702312231111182144"	PROPOSED DRIVEWAY
1/1980704135404624462222364288"	PROPOSED SWIMMING POOL
1/3961408270809248924444728576"	PROPOSED RESIDENCE
1/7922816541618497848889457152"	PROPOSED FLICK THROUGH
1/15845633083236956977778914304"	PROPOSED DRIVEWAY
1/31691266164473913955555828608"	PROPOSED SWIMMING POOL
1/6338253232894782791111165721216"	PROPOSED RESIDENCE
1/12676506465789565822222314442432"	PROPOSED FLICK THROUGH
1/2535301293157913164444462888864"	PROPOSED DRIVEWAY
1/5070602586315826328888925777728"	PROPOSED SWIMMING POOL
1/101412051723116526577777455555552"	PROPOSED RESIDENCE
1/202824103446233053155555591111104"	PROPOSED FLICK THROUGH
1/405648206892466106311111182222208"	PROPOSED DRIVEWAY
1/811296413784932212622222364444416"	PROPOSED SWIMMING POOL
1/162259286769986442444444728888832"	PROPOSED RESIDENCE
1/32451857353997288488888945777764"	PROPOSED FLICK THROUGH
1/64903714711994576977777791555528"	PROPOSED DRIVEWAY
1/12980742423989153955555583111104"	PROPOSED SWIMMING POOL
1/25961484847978307911111166222208"	PROPOSED RESIDENCE
1/5192296969595661582222232444416"	PROPOSED FLICK THROUGH
1/10384593381911323164444464888832"	PROPOSED DRIVEWAY
1/2076918676382264632888892577764"	PROPOSED SWIMMING POOL
1/41538373527645292657777751555528"	PROPOSED RESIDENCE
1/83076747055290585315555559111104"	PROPOSED FLICK THROUGH
1/1661534941105811662222236444416"	PROPOSED DRIVEWAY
1/3323069882211623324444464888832"	PROPOSED SWIMMING POOL
1/664613976442324664888892577764"	PROPOSED RESIDENCE
1/13292279528846493297777751555528"	PROPOSED FLICK THROUGH
1/26584559057692986595555583111104"	PROPOSED DRIVEWAY
1/53169118115385973191111166222208"	PROPOSED SWIMMING POOL
1/1063382362307719438222232444416"	PROPOSED RESIDENCE
1/2126764724615438876444464888832"	PROPOSED FLICK THROUGH
1/4253529449230877752888892577764"	PROPOSED DRIVEWAY
1/85070588984617555315555559111104"	PROPOSED SWIMMING POOL
1/1701411779692311106222232444416"	PROPOSED RESIDENCE
1/34028235593846222124444464888832"	PROPOSED FLICK THROUGH
1/6805647118769244424888892577764"	PROPOSED DRIVEWAY
1/13611294235378488497777751555528"	PROPOSED SWIMMING POOL
1/27222588470756977195555558311104"	PROPOSED RESIDENCE
1/5444517694151395531111166222208"	PROPOSED FLICK THROUGH
1/1088903538230279106222232444416"	PROPOSED DRIVEWAY
1/21778070764605582124444464888832"	PROPOSED SWIMMING POOL
1/4355614152921116424888892577764"	PROPOSED RESIDENCE
1/87112283058422328497777751555528"	PROPOSED FLICK THROUGH
1/17422456116884465699555558311104"	PROPOSED DRIVEWAY
1/348449122337689313991111166222208"	PROPOSED SWIMMING POOL
1/69689824467537862798222232444416"	PROPOSED RESIDENCE
1/139379648951157725576444464888832"	PROPOSED FLICK THROUGH
1/27875929790231545113888892577764"	PROPOSED DRIVEWAY
1/55751859580463090227777751555528"	PROPOSED SWIMMING POOL
1/11150371916092618045555558311104"	PROPOSED RESIDENCE
1/22300743832185236091111166222208"	PROPOSED FLICK THROUGH
1/4460148766437047218222232444416"	PROPOSED DRIVEWAY
1/8920297532874094436444464888832"	PROPOSED SWIMMING POOL
1/1784059506574188872888892577764"	PROPOSED RESIDENCE
1/35681190131483777557777751555528"	PROPOSED FLICK THROUGH
1/71362380262967555115555558311104"	PROPOSED DRIVEWAY
1/14272476451534511106222232444416"	PROPOSED SWIMMING POOL
1/28544952903069022124444464888832"	PROPOSED RESIDENCE
1/5708990580613804424888892577764"	PROPOSED FLICK THROUGH
1/11417981161224088497777751555528"	PROPOSED DRIVEWAY
1/22835962322448177195555558311104"	PROPOSED SWIMMING POOL
1/45671924644896354391111166222208"	PROPOSED RESIDENCE
1/9134384928979270878222232444416"	PROPOSED FLICK THROUGH
1/18268768579558541756444464888832"	PROPOSED DRIVEWAY
1/36537537159117083513888892577764"	PROPOSED SWIMMING POOL
1/73075074318234167027777751555528"	PROPOSED RESIDENCE
1/1461501486364683345555558311104"	PROPOSED FLICK THROUGH
1/2923002972729366691111166222208"	PROPOSED DRIVEWAY
1/584600594545873338222232444416"	PROPOSED SWIMMING POOL
1/116920118910917466444464888832"	PROPOSED RESIDENCE
1/233840237821835492888892577764"	PROPOSED FLICK THROUGH
1/4676804756436709857777751555528"	PROPOSED DRIVEWAY
1/9353609512873419715555558311104"	PROPOSED SWIMMING POOL
1/18707219025746839431111166222208"	PROPOSED RESIDENCE
1/3741443805149367886222232444416"	PROPOSED FLICK THROUGH
1/74828876102987357724444464888832"	PROPOSED DRIVEWAY
1/1496577520597467554888892577764"	PROPOSED SWIMMING POOL
1/29931550411949351097777751555528"	PROPOSED RESIDENCE
1/59863100823898702195555558311104"	PROPOSED FLICK THROUGH
1/11972620164797404391111166222208"	PROPOSED DRIVEWAY
1/2394524032959480878222232444416"	PROPOSED SWIMMING POOL
1/4789048065918961756444464888832"	PROPOSED RESIDENCE
1/9578096131837923513888892577764"	PROPOSED FLICK THROUGH
1/19156192636675447027777751555528"	PROPOSED DRIVEWAY
1/3831238527335089405555558311104"	PROPOSED SWIMMING POOL
1/766247705467017881111166222208"	PROPOSED RESIDENCE
1/153249541133403576222232444416"	PROPOSED FLICK THROUGH
1/3064990822668071524444464888832"	PROPOSED DRIVEWAY
1/612998164533614304888892577764"	PROPOSED SWIMMING POOL
1/12259963286722866097777751555528"	PROPOSED RESIDENCE
1/24519926573445732195555558311104"	PROPOSED FLICK THROUGH
1/49039853146891464391111166222208"	PROPOSED DRIVEWAY
1/9807970629378292878222232444416"	PROPOSED SWIMMING POOL
1/1961594125756585756444464888832"	PROPOSED RESIDENCE
1/3923188251513171513888892577764"	PROPOSED FLICK THROUGH
1/7846376503026343027777751555528"	PROPOSED DRIVEWAY
1/1569275300605268605555558311104"	PROPOSED SWIMMING POOL
1/313855060121053721111166222208"	PROPOSED RESIDENCE
1/627710120242107442222232444416"	PROPOSED FLICK THROUGH
1/125542024084214888444464888832"	PROPOSED DRIVEWAY
1/251084048168429776888892577764"	PROPOSED SWIMMING POOL
1/5021680963368595537777751555528"	PROPOSED RESIDENCE
1/10043361926737191075555558311104"	PROPOSED FLICK THROUGH
1/20086723853474382151111166222208"	PROPOSED DRIVEWAY
1/4017344770694876430222232444416"	PROPOSED SWIMMING POOL
1/8034689541389752860444464888832"	PROPOSED RESIDENCE
1/16069379082795057210888892577764"	PROPOSED FLICK THROUGH
1/321387581655901144217777751555528"	PROPOSED DRIVEWAY
1/64277516331180228843555558311104"	PROPOSED SWIMMING POOL
1/12855503262236045687111166222208"	PROPOSED RESIDENCE
1/25711006524472091376444464888832"	PROPOSED FLICK THROUGH
1/5142201304894418272888892577764"	PROPOSED DRIVEWAY
1/10284402609788365457777751555528"	PROPOSED SWIMMING POOL
1/20568805219576730915555558311104"	PROPOSED RESIDENCE
1/41137610439153461831111166222208"	PROPOSED FLICK THROUGH
1/8227522087830692366222232444416"	PROPOSED DRIVEWAY
1/16455044176661384732444464888832"	PROPOSED SWIMMING POOL
1/3291008835332276946488892577764"	PROPOSED RESIDENCE
1/65820176706645538929777751555528"	PROPOSED FLICK THROUGH
1/13164035341329077859555558311104"	PROPOSED DRIVEWAY
1/26328070682658155719111166222208"	PROPOSED SWIMMING POOL
1/52656141365316311436444464888832"	PROPOSED RESIDENCE
1/10531228270663262872888892577764"	PROPOSED FLICK THROUGH
1/210624565413265257457777751555528"	PROPOSED DRIVEWAY
1/42124913082653051549555558311104"	PROPOSED SWIMMING POOL
1/8424982616530610309111166222208"	PROPOSED RESIDENCE
1/16849965332661220618222232444416"	PROPOSED FLICK THROUGH
1/33699930665322441236444464888832"	PROPOSED DRIVEWAY
1/67399861330644882472888892577764"	PROPOSED SWIMMING POOL
1/134799722661297645457777751555528"	PROPOSED RESIDENCE
1/269599445322595290915555558311104"	PROPOSED FLICK THROUGH
1/53919889064519058183111166222208"	PROPOSED DRIVEWAY
1/10783977812903811636222232444416"	PROPOSED SWIMMING POOL
1/21567955625807623272444464888832"	PROPOSED RESIDENCE
1/43135911251615246544888892577764"	PROPOSED FLICK THROUGH
1/862718225032304930897777751555528"	PROPOSED DRIVEWAY
1/172543645006460961795555558311104"	PROPOSED SWIMMING POOL
1/34508729001291383559111166222208"	PROPOSED RESIDENCE
1/69017458002582767118222232444416"	PROPOSED FLICK THROUGH
1/138034916005655354236444464888832"	PROPOSED DRIVEWAY
1/276069832011311068472888892577764"	PROPOSED SWIMMING POOL
1/55213966402262213769555558311104"	PROPOSED RESIDENCE
1/11042793280444427539111166222208"	PROPOSED FLICK THROUGH
1/22085586560888855078222232444416"	PROPOSED DRIVEWAY
1/44171173121777710156444464888832"	PROPOSED SWIMMING POOL
1/88342346243555420313888892577764"	PROPOSED RESIDENCE
1/176684694871108840627777751555528"	PROPOSED FLICK THROUGH
1/35336938974221768125555558311104"	PROPOSED DRIVEWAY
1/7067387794844353625111166222208"	PROPOSED SWIMMING POOL
1/14134775799688707250222232444416"	PROPOSED RESIDENCE
1/2826955159937741450444464888832"	PROPOSED FLICK THROUGH
1/5653910319875482900888892577764"	PROPOSED DRIVEWAY
1/113078206397509618017777751555528"	PROPOSED SWIMMING POOL
1/22615641279501923603555558311104"	PROPOSED RESIDENCE
1/45231282559003847207111166222208"	PROPOSED FLICK THROUGH
1/90	

The Open Space Conservation Easement shall apply to all areas on the subject property located south of Schueren Road and outside of the Los Angeles County approved Fuel Modification Zone B, as generally depicted on this exhibit in cross-hatching.



NOTES:

ELEVATIONS ARE BASED ON L.A. CO. PUBLIC WORKS' BENCHMARK NO. DY 6423. ELEV. 2126.35, NAT. GEOD. VERT. DATUM OF 1929.

IF HIGH RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM CONTOURS SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN SHOULD BE VERIFIED BY DIRECT LOCATION AND LEVELS, PRIOR TO ADOPTION OF THE FINAL DESIGN.

BREAKDOWN OF SECTION 22 BASED ON C.S.B. - 5359, ALIGNMENT AND WIDTH OF SCHUEREN ROAD BASED ON O.R. 15981-23.

THIS IS NOT A BOUNDARY SURVEY. NO PROPERTY CORNERS HAVE BEEN SET AS PART OF THIS SURVEY.

PARTIAL TPO OF THE N 1/2 OF THE NW 1/4 OF SECTION 22, T. 1 S., R. 17 W., S.B.M. MALIBU UNINCORP., LOS ANGELES COUNTY, CA

FROM AERIAL PHOTOS DATED 9/29/03

PHOTOGRAMMETRIC COMPILATION BY: WALTERS AND ASSOC., CANOGA PARK, CA

GROUND CONTROL AND PLOTTING OF DRAW BY: QUIR'S SURVEYING 22249 POWERS MALIBU, CA 90265 310 456-8022



ARCHITECT:
Steven Kart AIA
21826 Carlsbad Drive
Malibu, CA 90266
tel 310.456.2614
skart@stevenkart.com
CA Lic. #C27000

SURVEY & SITE PLAN

SCALE: 1" = 40' ±
DATE: 11 November 2011

850 Schueren Road
MALIBU



A-1.2

EXHIBIT 13
CDP 4-11-063 (Hansson)
Open Space Conservation Easement Area