

CALIFORNIA COASTAL COMMISSION

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



W29a

ADDENDUM

DATE: December 9, 2013
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item W29a, Application No. 4-13-002 (Larsson), Wednesday, December 11, 2013

The purpose of this addendum is to correct an inadvertent error in the table comparing the three reconfigured lots contained in the November 21, 2013 staff report.

The following change shall be made to the table comparing the three reconfigured lots found on pages 15 and 23 of the November 21, 2013 staff report:

Note: ~~Strikethrough~~ indicates text to be deleted from the November 21, 2013 staff report and double underline indicates text to be added to the staff report.

Reconfigured Parcel Number per Lot Line Adjustment 100,396	Current Assessor's Parcel Numbers
1 (Tr. 8859, Lot 20, Lot 21 portion)	4457-015-060 and 4457-015-063
2 (Tr. 8859, Lot 15, Lot 22 portion)	4457-015-058 and 4457-015-064
3 (Tr. 8859, Lot 23, Lot 21 portion, Lot 22 portion)	4457-015-062 and 4457-015-062 <u><u>5</u></u>

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Filed: 9/27/13
180th Day: 3/26/14
Staff: D. Venegas-V
Staff Report: 11/21/13
Hearing Date: 12/11/13

STAFF REPORT: REGULAR CALENDAR

Application No.: 4-13-002

Applicant: Sam & Veronika Larsson

Agent: Cary Gepner, Cary Gepner & Associates

Project Location: 19936 Grandview Drive, Topanga, Santa Monica Mountains, Los Angeles County (APNs: 4447-015-055; 056; 057; 058; 059; 060; 061; 063; 064)

Project Description: Addition of 347 sq. ft. to an existing 1,024 sq. ft. single family residence and addition of 529 sq. ft. to an existing 520 sq. ft. accessory structure, both of which were constructed prior to the effective date of the Coastal Act, including 23 cu. yds. of associated grading (23 cu. yds. of cut and 0 cu. yds. of fill). The proposed additions will attach the existing accessory structure to the existing residence and result in a 2,420 sq. ft. single family residence. In addition, the project includes the interior remodel of the existing residence and accessory structure, replacement of a septic tank with a new 1,250-gallon tank, the combination of nine lots into one lot and the request for after-the-fact approval of two reconfigured lots and the removal of one oak tree.

SUMMARY OF STAFF RECOMMENDATION

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

The project site is located on a 1.42-acre property at 19936 Grandview Drive, in the Fernwood Small Lot Subdivision, in the Santa Monica Mountains area of unincorporated Los Angeles

County (APNs 4447-015-055; 056; 057; 058; 059; 060; 061; 063; 064) (Exhibits 1-3). Prior owners retired the development rights for five (5) of the nine (9) parcels which were used to provide transfer of development credits (TDC) required by the Commission as mitigation for the impacts of additional development rights (creation of additional parcels through subdivision) on two other properties in a different area of the Santa Monica Mountains. The remaining four parcels (APNs: 4447-015-059, 4447-015-060, 4447-015-061 and 4447-015-063) of the nine parcels, have not been retired and remain developable. The existing 1,024 sq. ft. single family residence, 520 sq. ft. accessory structure and septic tank that were all constructed prior to the effective date of the Coastal Act (Exhibit 3) occupy two of the four developable parcels.

The applicants propose to construct a 347 sq. ft. addition to an existing single family residence and 529 sq. ft. addition to an existing accessory structure, both of which were constructed prior to the effective date of the Coastal Act, including 23 cu. yds. of associated grading (23 cu. yds. of cut and 0 cu. yds. of fill). The proposed additions will attach the existing accessory structure to the existing residence and result in a 2,420 sq. ft. single family residence. In addition, the project includes the interior remodel of the existing residence and accessory structure, replacement of a septic tank with a new 1,250-gallon tank, the combination of nine lots into one lot. The application includes a request for after-the-fact approval of a lot reconfiguration (lot line adjustment) involving the reconfiguration of 5 lots into three lots. Two of the reconfigured lots (one of which was retired for TDC credit as described above) are owned by the applicants and will be part of the proposed lot combination. The other reconfigured lot (which is already developed with a single family residence) is not owned by the applicant (Exhibits 8-9). Finally, the applicant requests after-the-fact approval for the removal of one oak tree.

The subject property is accessed from a private driveway that extends from Grandview Drive at the northwestern corner of the site and is surrounded by existing residential development to the north, south, west and east and is located approximately 1,000 feet west of from undeveloped areas of Topanga State Park and 430 feet east of unnamed tributary, which is designated as a blue-line stream drainage on the U.S. Geological Survey.

The sloping property contains several coast live oaks throughout the entire property. One coast live oak, identified as Oak Tree No. 4 by the Oak Tree Report referenced in the Substantive File Documents, would have been within 3 feet of the proposed addition. However, this tree was already removed prior to approval of the subject application and therefore without the benefit of a coastal development permit. The applicant is now requesting as part of this coastal development permit application after-the-fact approval for the removal of this oak tree. The Commission has permitted the removal of oak trees only where it is not feasible to avoid such a removal and still provide a reasonable economic use of a legal parcel. In this case, there is already an economic use of the property and so the removal of an oak tree for additions could have been avoided. However, Oak Tree No. 4 was located in close proximity to the existing development and based on the information provided by the Oak Tree Report this oak tree was in poor health due to its chronic bleeding canker condition and the arborist indicated that in most cases this disease is fatal. Therefore, the requested after-the-fact approval of the removal of Oak Tree No. 4 is only approvable because it was affected by a fatal condition. Nonetheless, the removal of Oak Tree No. 4 resulted in the total loss of the habitat values of the oak. The applicant is required to plant replacement oak trees, at a ratio of 10:1 and monitor the replacement trees for no less than ten years and provide a supplemental planting plan if the initial tree planting is not successful, as mitigation for the loss of the oak tree.

There are other oak trees in proximity to the proposed development that will not be removed or encroached upon. However, in order to ensure all other oak trees located on the subject property are protected during construction activities, temporary protective barrier fencing must be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations.

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.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Aerial Photo
- Exhibit 4. Site Plan
- Exhibit 5. Proposed Floor Plan & Elevations
- Exhibit 6. As-Built Existing Floor Plan
- Exhibit 7. As-Built Existing Elevations
- Exhibit 8. Lot Reconfiguration Parcel Map
- Exhibit 9. Previous Parcel Map

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Plot Plan Approval, dated October 20, 2011; Los Angeles County Oak Tree 2011-00015, approved September 27, 2011; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated December 19, 2012.

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. 4-13-002 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 for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, the 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) The plans incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate. Structural treatment control is generally unnecessary for Minor category projects. BMPs should be prioritized in the following manner:

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.

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) Landscaping materials shall consist primarily of non-invasive, native species, and other low-maintenance plant selections which have low water and chemical treatment demands. 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.
- (3) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Erosion and Sediment Control Conditions for this Coastal Development Permit.
- (4) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed in critical locations.

- (5) 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 should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible. 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. 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.

6. 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, 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.

7. Deed Restriction

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

8. Lot Combination

- A. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns with respect to the subject property, that: (1) All portions of the nine parcels known as APNs 4447-015-055, 4447-015-056, 4447-015-057, 4447-015-058, 4447-015-059, 4447-015-060, 4447-015-061, 4447-015-063 and 4447-015-064 shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the parcels existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction against each parcel described above, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the nine parcels being recombined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens, including tax liens, that the Executive Director determines may affect the enforceability of the restriction.

9. 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.

10. Condition Compliance

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

11. Oak Tree Protection

To ensure that all oak trees located on the subject property are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees within 60 feet of any grading, construction, staging or storage activities and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected. The permittee shall also follow the oak tree preservation recommendations that are enumerated in the Oak Tree Report referenced in the Substantive File Document.

12. Oak Tree Mitigation

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a ten-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. At least 10 replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted on the project site, as mitigation for the removal of Oak Trees No. 4, as identified by the Oak Tree Report referenced in the Substantive File Documents, to accommodate the proposed additions.

The applicant shall commence implementation of the approved oak tree replacement planting program concurrently with the commencement of construction on the project site. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years. If monitoring indicates the oak trees are not in conformance with or has failed to meet the performance standards specified in the monitoring program approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental planting plan for the review and approval of the Executive Director. The revised planting plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicants, Sam and Veronika Larsson, propose to construct a 347 sq. ft. addition to an existing single family residence and a 529 sq. ft. addition to an existing accessory structure, both of which were constructed prior to the effective date of the Coastal Act, including 23 cu. yds. of associated grading (23 cu. yds. of cut and 0 cu. yds. of fill). The proposed additions will attach the existing accessory structure to the existing residence and result in a 2,420 sq. ft. single family residence. In addition, the project includes the interior remodel of the existing residence and accessory structure, replacement of a septic tank with a new 1,250-gallon tank, the combination of nine lots into one lot. The application includes a request for after-the-fact approval of a lot reconfiguration (lot line adjustment) involving the reconfiguration of 4 lots into three lots. Two of the reconfigured lots (one of which was retired for TDC credit as described below) will be part of the proposed lot combination. The other reconfigured lot (which is already developed with a single family residence) is not owned by the applicant (Exhibits 1-9). Finally, the applicant requests after-the-fact approval for the removal of one oak tree.

The project site is located on a 1.42-acre property at 19936 Grandview Drive, in the Fernwood Small Lot Subdivision, in the Santa Monica Mountains area of unincorporated Los Angeles County (APNs 4447-015-055; 056; 057; 058; 059; 060; 061; 063; 064) (Exhibits 1-3). The subject property is accessed from a private driveway that extends from Grandview Drive at the northwestern corner of the site and is surrounded by existing residential development to the north, south, west and east and is located approximately 1,000 feet west of from undeveloped areas of Topanga State Park and 430 feet east of an unnamed tributary, which is designated as a blue-line stream drainage on the U.S. Geological Survey. Topographically, the property occupies a portion of the middle-to-upper slopes defining Topanga Canyon with slopes ranging from 2:1 to 5:1 (H:V, horizontal:vertical). Elevations on the property range from approximately 1240 to 1154 feet above mean sea level from the top of the relatively flat developed knoll down to the gently sloping undeveloped portion of the site. The sloping property contains several coast live oaks throughout the entire property.

The existing developed portions of this site are landscaped with native and non-native plants, in addition to numerous mature coast live oak trees. Although the site does contain some native vegetation, the majority of this vegetation is located within the existing 200 ft. fuel modification zones for the neighboring residences to the east, west, south and north of the subject site. Moreover, because the subject site is surrounded by existing development on all four sides, the portion of the site currently vegetated with native plants is isolated and is not part of a larger contiguous area of native vegetation and does not, therefore, constitute an environmentally sensitive habitat area (ESHA). Thus, the subject site does not contain ESHA. In addition, because the proposed development is surrounded by existing residential development on neighboring properties with overlapping fuel modification zones, the fuel modification requirements for the existing residence with proposed additions will not result in any new vegetation clearance in offsite areas and will not result in any loss of ESHA.

The proposed development will have a maximum height of 20'6" ft. above finished grade. The development has been clustered together and designed to reduce landform alteration and removal of native vegetation. The proposed development 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 existing vegetation on site. As such, the proposed development is sited and designed to minimize impacts to visual resources to the extent feasible.

Prior Retirement of Development Rights

Prior owners retired the development rights¹ for five (5) of the nine (9) parcels which were used to provide transfer of development credits (TDC) required by the Commission as mitigation for the impacts of additional development rights (creation of additional parcels through subdivision) on two other properties in a different area of the Santa Monica Mountains. Parcels APNs: 4447-015-057, 4447-015-058 and 4447-015-064 were retired through a dedication of scenic easement and declaration of restrictions (dedication of scenic easement and declaration of restrictions recorded as Document No. 91-160303) recorded for Coastal Development Permit No. 5-89-1221 (Malibu Associates II) and accepted by the Mountains Restoration Trust. Parcels numbers 4447-015-055 and 4447-015-056 were also retired through a dedication of scenic easement and declaration of restrictions (dedication of scenic easement and declaration of restrictions recorded as Document No. 91-160305) recorded for Coastal Development Permit No. 5-88-794 (Goldbaum) and also accepted by the Mountains Restoration Trust. The other four parcels (APNs: 4447-015-059, 4447-015-060, 4447-015-061 and 4447-015-063) of the nine parcels owned by the applicant, remain developable. Two of the four unrestricted parcels are currently developed with an existing 1,024 single family residence, 520 accessory structure and septic tank that were all constructed prior to the effective date of the Coastal Act.

The Commission has long required that lots that have been retired of development rights be legally tied to an adjacent developed or developable parcel(s) or dedicated in fee title to a public agency. This is typically accomplished through a lot tie deed restriction recorded against the TDC lots and the developable lot(s). However, in this case, Commission records indicate that the five TDC lots on the subject property were never tied with a developed or developable parcel.

Parcel Legality

In 1986, a lot line adjustment was approved by the County of Los Angeles and recorded by the property owners that reconfigured the property boundaries between five antiquated subdivision lots (Lots 15, 20, 21, 22, and 23 of Tract No. 8859). Two of the lots (Lots 22 and 23 of Tract No. 8859) were held as one assessor's parcel [and Lot 20 was held with Lot 18 of Tract No. 8859 as one assessor's parcel (4447-027-017) but this fact does not affect the discussion here], so the lot line adjustment involved four assessor's parcels (the parcels had the following assessor's parcel

¹ Restrictions recorded against the deed of each of the parcels prohibit the development of residential structures, but other uses could be permitted by the terms of the deed restrictions, including the following: construction of swimming pools, spas, tennis courts, horse corrals, horse barns and tack rooms, fencing of all kinds (including wood, stone and chain link), tool sheds, chicken coops, aviaries, gazebos, green houses, tree and play houses (but only if unsuited for habitation or other residential uses), gardens, decorative fish ponds, trails, carports, driveways, and underground systems such as utility lines, irrigation systems, and septic or sewer systems; and portions of the property within riparian vegetation or creek areas only allow for the construction of trails, tree houses, and fencing and removal of hazardous substances or non-native or diseased plants or trees.

numbers in 1986: 4447-027-015, 017, 019, and 020). The lot line adjustment resulted in a reconfiguration of this property into three new parcels.

Lot line adjustments are considered land divisions that constitute “development” under the Coastal Act and therefore must be approved in a coastal development permit. In this case, the lot line adjustment was recorded in 1986, which is after the effective date of the Coastal Act (January 1, 1977), without the benefit of a coastal development permit.

Even if the subject lot line adjustment had been approved in a coastal development permit, it also appears that the lot configuration (approved by the County of Los Angeles and recorded by the landowner at the time without benefit of a coastal development permit) is not accurately reflected in the assessor’s parcel map. Instead of each of the three reconfigured parcels being identified as one assessor’s parcel, there are six assessor’s parcels making up the same area (Exhibit 8). Assessor’s parcels are mapped and numbered for the purposes of assessing and collecting property taxes and do not create legal lots or confer lot legality. Nonetheless, the depiction of the three reconfigured lots as six assessor’s parcels does create additional ambiguity about the configuration and number of parcels in this area. The following table compares the three reconfigured lots with the assessor’s parcel numbers that apply to each lot.

Reconfigured Parcel Number per Lot Line Adjustment 100,396	Current Assessor’s Parcel Numbers
1 (Tr. 8859, Lot 20, Lot 21 portion)	4457-015-060 and 4457-015-063
2 (Tr. 8859, Lot 15, Lot 22 portion)	4457-015-058 and 4457-015-064
3 (Tr. 8859, Lot 23, Lot 21 portion, Lot 22 portion)	4457-015-062 and 4457-015-062

The applicants for the subject development have requested after-the-fact approval for the two reconfigured lots under their ownership and have proposed, as part of the application, to resolve the ambiguities relating to the number of assessor’s parcels (and additionally to ensure that the five retired lots are tied to developable lots) by tying all nine parcels under their ownership into one unified parcel.

However, the applicants own only two (Parcel 1 and 2, as identified in Lot Line Adjustment 100,396) of the three reconfigured parcels that were part of the lot line adjustment. The third reconfigured lot (which is depicted as two assessor’s parcels) is owned by a neighbor who is not a party to the subject application. In that case, the ambiguities relating to the lot line adjustment and number of assessor’s parcels could similarly be resolved by that owner requesting after-the-fact approval of the lot line adjustment, tying the parcels, and requesting that the Los Angeles County Tax Assessor’s Office reflects that property as one assessor’s parcel.

B. PAST COMMISSION ACTION

On January 2, 2009, Commission staff issued Exemption Determination No. 4-08-077-X for the addition of a swimming pool and pool equipment building, however this pool and pool equipment building were never constructed and the applicants are now proposing to install the new septic tank in the previously approved pool location.

C. OAK TREE PROTECTION

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 30250(a) of the Coastal Act states:

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

Section 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.

1. Protection of Oaks

A portion of the project site is located within a disturbed oak woodland, in a small lot subdivision, where the past creation of urban-scale parcels has resulted in a higher density of residential development. The subject site itself is disturbed and while there are oak trees present, understory plant species and connectivity to other woodland areas are lacking and therefore the site is not considered to be an environmentally sensitive habitat area. However, through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, even where they are not part of a larger woodland that is ESHA. Native trees prevent the erosion of hillsides and stream banks, moderate water

temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species. As required by Section 30250 of the Coastal Act, the proposed new development can be approved only where it will not have impacts on coastal resources. Additionally, oak trees are an important component of the visual character and scenic quality of the area and must be protected in order to ensure that the proposed development is visually compatible with this character, as required by Section 30251 of the Coastal Act.

Oak trees are easily damaged. They are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, stretching as far as 50 feet beyond the spread of the canopy, although the area within the “protected zone” (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree results in the total loss of the habitat values of the tree. Encroachments into (in other words, portions of the proposed structures, or grading will be located within) the protected zone of an oak tree can also result in significant adverse impacts. Encroachments of development will result in impacts including, but not limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns, and excess watering. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree. Further, the introduction of development within an oak woodland will interrupt the oak canopy coverage and will lessen the habitat value of the woodland as a whole. The impacts to individual oak trees range from minor to severe lessening of health, (including death) depending on the location and extent of the encroachments.

In order to ensure that oak trees are protected so that development does not have impacts on coastal resources and so that the development is compatible with the visual character of the area the Commission has required, in past permit actions, that the removal of native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development.

2. Project Consistency

The Oak Tree Report, listed in the Substantive File Documents, indicates that 14 oak trees are present within the vicinity of the proposed project and numerous additional oak trees are located on the undeveloped portions of the site east of the proposed development area. The proposed project includes after-the-fact approval for the removal of one oak tree.

a. Oak Tree Removal

The applicant has submitted an oak tree report, referenced in the Substantive File Documents, which evaluated the health of the oak trees located within the vicinity of the proposed development location. The applicant's report identified that Oak Tree No. 4 would require removal in order to accommodate the proposed development. As previously mentioned above, Oak Tree No. 4 was located approximately 3 feet from the proposed addition to the accessory structure and therefore would have sustained significant construction encroachments from the proposed development. However, the applicant has already removed this oak tree prior to approval of the application that is the subject of this staff report and therefore without the benefit of a coastal development permit. The applicant is now requesting as part of this coastal development permit application after-the-fact approval for the removal of this oak tree to accommodate the proposed addition. The Commission has permitted the removal of oak trees only where it is not feasible to avoid such a removal and still provide a reasonable economic use of a legal parcel. In this case, there is already an economic use of the property and so the removal of an oak tree for additions could have been avoided. However, Oak Tree No. 4 was located in close proximity to the existing development and based on the information provided by the Oak Tree Report indicates this oak was in poor health due to its chronic bleeding canker condition and the arborist indicated that in most cases this disease is fatal. Therefore, the requested after-the-fact approval of the removal of Oak Tree No. 4 is only approvable because it was affected by a fatal condition.

Nonetheless, the removal of Oak Tree No. 4 resulted in the total loss of the habitat values of the oak. This is an unavoidable, significant adverse impact that the Commission requires the applicant to mitigate in the form of planting ten replacement trees for every tree removed and/or impacted. Resource specialists studying oak restoration have found that oak trees are most successfully established when planted as acorns collected in the local area or seedlings grown from such acorns. The Commission has found, through permit actions, that it is important to require that replacement trees be seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of ten replacement trees for every tree removed or impacted to account for the mortality of some of the replacement trees. The applicant is required to monitor the replacement trees for no less than ten years and provide a supplemental planting plan if the initial tree planting is not successful.

b. Oak Tree Protection Measures and Monitoring

The proposed project does not include the removal of any additional oak trees. The proposed additions will not themselves encroach into any oak tree protected zones although the existing house and guest house structures are located within the protected zone of two oak trees. The Commission finds that, given the substantial number of oak trees on the site, impacts to oak trees on the project or adjacent site will be minimized by employing protective measures during project construction. The applicant shall follow the oak tree preservation recommendations contained in the Oak Tree Report referenced in the substantive file documents. Additionally, the Commission requires the applicant to install temporary protective barrier fencing around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees in proximity to the proposed development and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective

barrier fencing in place, then temporary flagging must be installed on all oak trees to ensure protection during construction.

In addition, the Commission has found that night lighting of sensitive 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.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Sections 30240, 30250, and 30251 of the Coastal Act:

Special Condition 5: Lighting Restriction
 Special Condition 11: Oak Tree Protection
 Special Condition 12: Oak Tree Monitoring

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30240, 30250, and 30251 of the Coastal Act with regard to oak tree protection.

D. 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.

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 4: Interim Erosion Control

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

E. 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 subject property is not located within any "Significant Watershed" areas, as designated by the certified Malibu/Santa Monica Mountains Land Use Plan. However, this property is

approximately 430 feet upslope and to the east of an unnamed tributary, which is designated as a blue-line stream drainage on the U.S. Geological Survey (USGS) topography map of the area. 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.

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; and 2) implementing erosion sediment control measures during construction and post construction.

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.

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 restriction are imposed on the subject property.

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 9: Removal of Excavated Materials

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

F. CUMULATIVE IMPACTS

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than

leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30252 of the Coastal Act states:

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

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

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

1. Lot Configuration

In 1986, a lot line adjustment was approved by the County of Los Angeles and recorded by the property owners that reconfigured the property boundaries between five antiquated subdivision lots (Lots 15, 20, 21, 22, and 23 of Tract No. 8859). Two of the lots (Lots 22 and 23 of Tract No. 8859) were held as one assessor's parcel [and Lot 20 was held with Lot 18 of Tract No. 8859 as one assessor's parcel (4447-027-017) but this fact does not affect the discussion here], so the lot line adjustment involved four assessor's parcels (the parcels had the following assessor's parcel numbers in 1986: 4447-027-015, 017, 019, and 020). The approved lot line adjustment resulted in a reconfiguration of this property into three new parcels.

Lot line adjustments are considered land divisions that constitute "development" under the Coastal Act and therefore must be approved in a coastal development permit. In this case, the lot line adjustment was recorded in 1986, which is after the effective date of the Coastal Act (January 1, 1977), without the benefit of a coastal development permit.

Even if the subject lot line adjustment had been approved in a coastal development permit, it also appears that the lot configuration (approved by the County of Los Angeles and recorded by the landowner at the time without benefit of a coastal development permit) is not accurately reflected in the assessor's parcel map. Instead of each of the three reconfigured parcels being identified as one assessor's parcel, there are six assessor's parcels making up the same area (Exhibit 8).

Assessor's parcels are mapped and numbered for the purposes of assessing and collecting property taxes and do not create legal lots or confer lot legality. Nonetheless, the depiction of the three reconfigured lots as six assessor's parcels does create additional ambiguity about the configuration and number of parcels in this area. The following table compares the three reconfigured lots with the assessor's parcel numbers that apply to each lot.

Reconfigured Parcel Number per Lot Line Adjustment 100,396	Current Assessor's Parcel Numbers
1 (Tr. 8859, Lot 20, Lot 21 portion)	4457-015-060 and 4457-015-063
2 (Tr. 8859, Lot 15, Lot 22 portion)	4457-015-058 and 4457-015-064
3 (Tr. 8859, Lot 23, Lot 21 portion, Lot 22 portion)	4457-015-062 and 4457-015-062

The applicants for the subject development have requested after-the-fact approval for the two reconfigured lots under their ownership and have proposed, as part of the application, to resolve the ambiguities relating to the number of assessor's parcels (and additionally to ensure that the five retired lots are tied to developable lots) by tying all nine parcels under their ownership into one unified parcel.

Lot reconfigurations such as the proposed project raise many of the same issues as subdivisions, even if the number of reconfigured lots is not increased, or is even reduced. The Commission still must evaluate the new lot configuration to ensure that there are building site locations on each new parcel that can be developed in conformance with all applicable Chapter 3 policies of the Coastal Act. In this case, the lot line adjustment reduced the number of lots from four to three. Each of the three lots have street frontage and none of the parcels contain any environmentally sensitive habitat areas since each parcel is located entirely within overlapping fuel modifications for the onsite and adjacent existing residences. Furthermore, Reconfigured Parcel No. 2 (APNs 4457-015-058 and 4457-015-064) has had its development potential retired through a TDC transaction, as described above. Reconfigured Parcel No. 3 (APNs 4457-015-062 and 4457-015-062, which are not owned by the subject applicants) is developed with a single family residence that was constructed prior to the effective date of the Coastal Act. Reconfigured Parcel No. 1 (APNs 4457-015-060 and 4457-015-063) is the only one of the three that is currently undeveloped. The applicants' proposal to tie together their nine parcels, including Reconfigured Parcel No. 1 will ensure that it will not be developed with an additional residence. As such, the after-the-fact approval of the lot reconfiguration will not result in any additional development or impacts to ESHA, visual resources, or other coastal resources. In order to ensure that the nine lots are tied, the Commission finds it necessary to require the lot combination as a condition of approval.

2. Small Lot Subdivision.

The proposed project involves the construction of a 347 sq. ft. addition to an existing 1,024 sq. ft. single family residence and a 529 sq. ft. addition to an existing 520 sq. ft. accessory/guest structure, within a small lot subdivision. The proposed additions will attach the existing accessory structure to the existing residence and result in a 2,420 sq. ft. single family residence. Small lot subdivisions in the Santa Monica Mountains are designated areas generally comprised of residentially-zoned parcels of less than one acre, but more typically ranging in size from 4,000 to 5,000 square feet. The Commission has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources,

particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

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

Slope Intensity Formula

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

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

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

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

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

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

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

A = the area being considered in square feet

3. Project Consistency

The proposed project site is located in the Fernwood Small Lot Subdivision, an area subject to the provisions of the slope intensity formula. As previously stated, the subject property consists of nine (9) contiguous parcels. The development rights for residential use were extinguished on five (5) (APNs 4447-015-055; 056; 057; 058 and 064) of the nine parcels per the Transfer of Development Credit (TDC) program as mitigation for the previous projects and Coastal Permits as detailed in Section IV A above. The development rights have not been extinguished on the area of the site previously identified as Parcels 4447-015-059; 060; 061 and 063 and this area is therefore "buildable". The applicant is proposing new development within this "buildable" area of the subject property.

The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 3,959 sq.

ft. of habitable space based on the area and slope of the project site utilizing the “buildable” area of the site. Staff has confirmed that the applicant’s calculations conform to the formula used by the Commission in past permit decisions. The proposed 2,420 sq. ft. of habitable space (347 sq. ft. addition to an existing 1,024 sq. ft. single family residence and a 529 sq. ft. addition to an existing 520 sq. ft. accessory/guest structure) is consistent with the maximum allowable GSA of 3,959 sq. ft.

As designed, the proposed project will conform to the GSA allowed for the parcel, thereby minimizing cumulative impacts to coastal resources. However, future improvements on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, requires a future improvements restriction on this lot, which would 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.

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.

Furthermore, as previously mentioned above, the Commission has long required that lots in small lot subdivisions that have been retired of development rights be tied together with an adjacent developed or developable parcel(s) or dedicated in fee title to a public agency, however Commission records indicate that the five TDC lots on the subject property were never merged with a developed or developable parcel. As described previously the applicant is now proposing to combined the nine parcels into one, which will ensure that the retired lots and developable lots are tied. Therefore, to ensure that the parcels that make up the project site are permanently combined, the lot combination condition is necessary to ensure that the nine subject parcels are combined and held as such in the future.

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

- Special Condition 6: Future Development Restriction
- Special Condition 7: Deed Restriction
- Special Condition 8: Lot Combination

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

G. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permit. The unpermitted development includes 1) the removal of one coast live oak tree (Oak Tree No. 4) and 2) lot reconfiguration resulting from a lot line adjustment from four lots into three parcels. This application includes the request for after-the-fact approval for the removal of one oak tree

and the lot reconfiguration. No evidence could be found that the oak tree removal and/or land division received a coastal development permit from this Commission.

Additionally, Commission enforcement division will further pursue enforcement actions to resolve the unpermitted lot reconfiguration that resulted in the lot that is identified as APNs 4447-015-062 and 4447-015-065 that currently owned by the adjacent neighbor since they are not applicants in this coastal development permit application.

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

Special Condition 10. Condition Compliance

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

H. LOCAL COASTAL PROGRAM (LCP) PREPARATION

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

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

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

Special Conditions 1 through 12

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

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

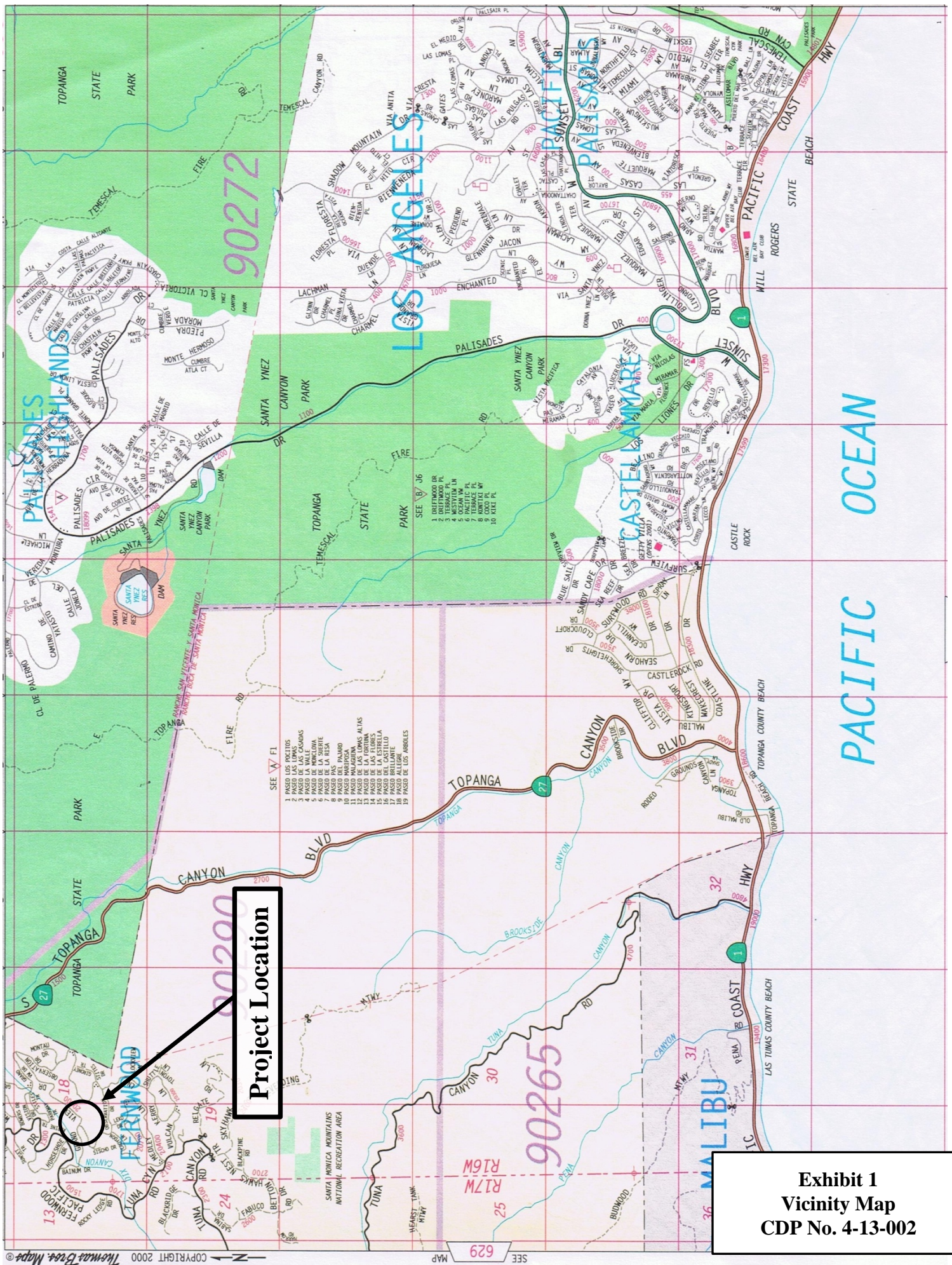
Special Conditions 1 through 12

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

APPENDIX 1

Substantive File Documents

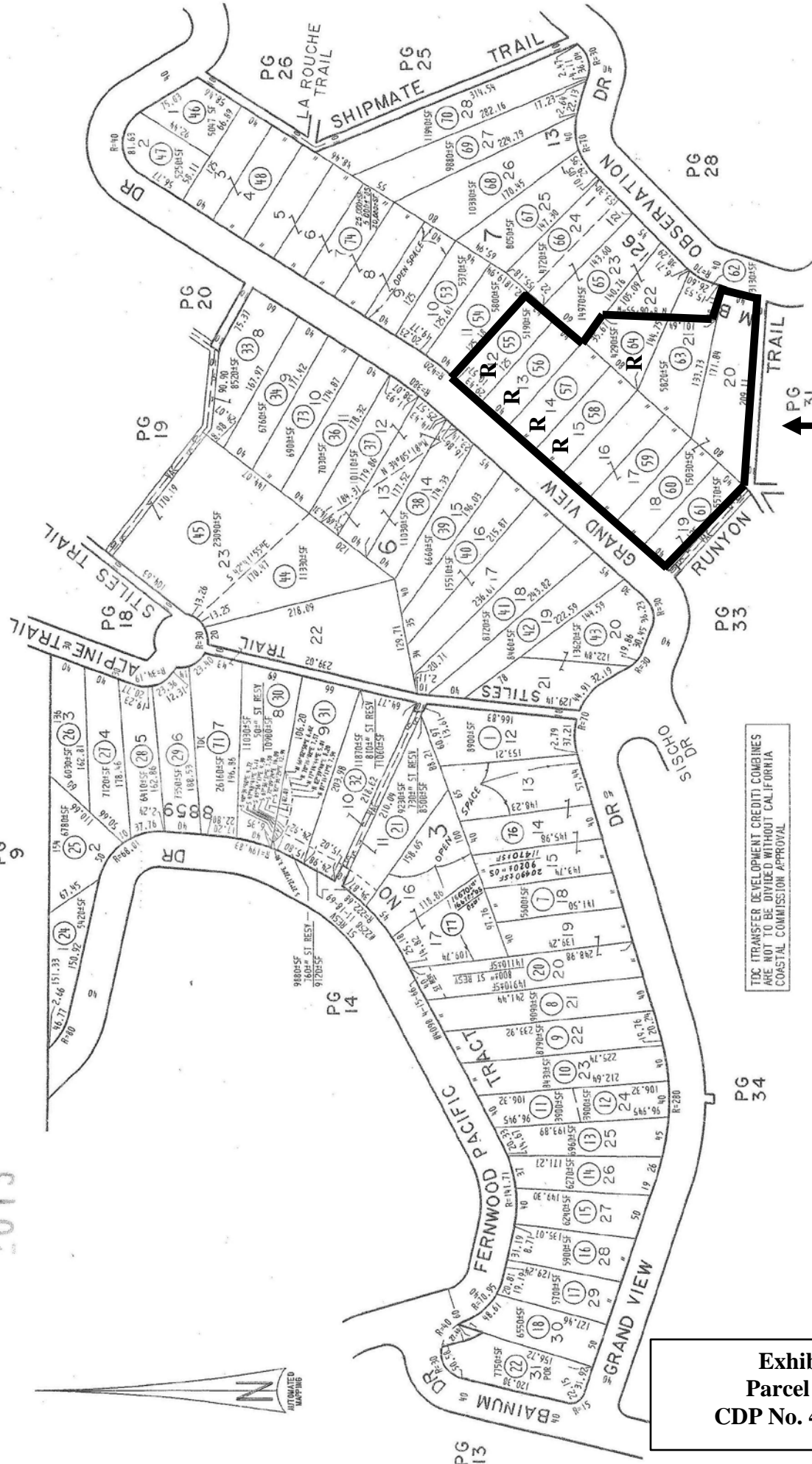
Certified Malibu/Santa Monica Mountains Land Use Plan; Limited Geologic Report – Percolation Testing and Seepage Pit Design Recommendations,” prepared by Subsurface Design Inc., dated May 31, 2012; “Oak Tree Report,” prepared by Tree Life Concern Inc., dated April 3, 2011; “Onsite Wastewater Treatment System Design,” prepared by The Friday Group, dated October 12, 2012; Certificate of Compliance Document No. 86-1619630; Exemption Determination No. 4-08-077-X.



R = Retired TDC Parcel

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2013



TDC (TRANSFER DEVELOPMENT CREDIT) COMBINES
ARE NOT TO BE DIVIDED WITHOUT CALIFORNIA
COASTAL COMMISSION APPROVAL

Exhibit 2
Parcel Map
CDP No. 4-13-003

Subject Parcels



Exhibit 3
Aerial Photo
CDP No. 4-13-002



Cary W. Gagner & Associates,
A R C H I T E C T S, I N C.
22231 Wilshire Avenue • Suite 113
Calabasas • California • 91302
405-461-7711 405-461-7796 fax 405-461-7797
www.gagnerandassociates.com

Sheet Title

FLOOR PLANS
ELEVATIONS

1/8" = 1'-0"

Job Name

LARSSON
ADDITION

10554 ARCADIA DRIVE
LOS ANGELES, CA 90024

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04-14-2011
04-02-2013
PRLN
CLAK TREE
PC57

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A-2

of 4

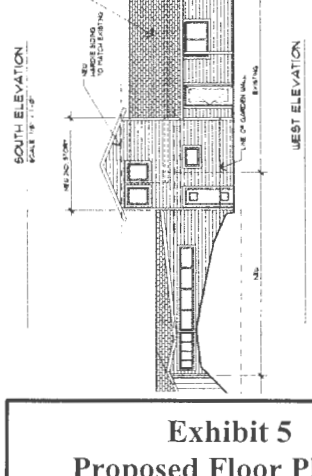
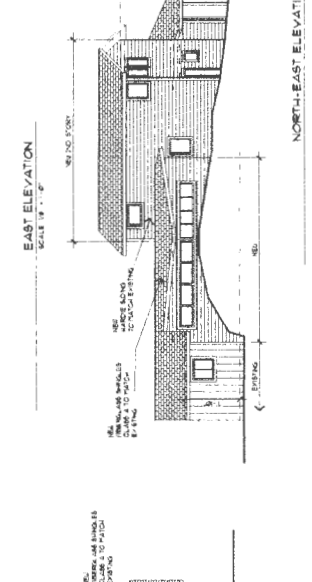
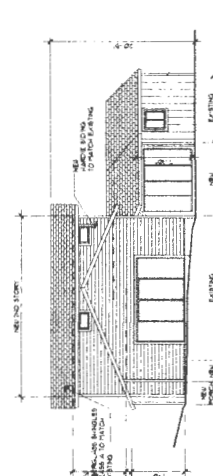
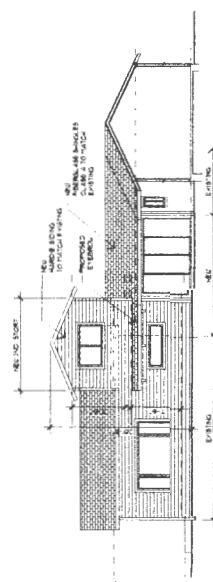
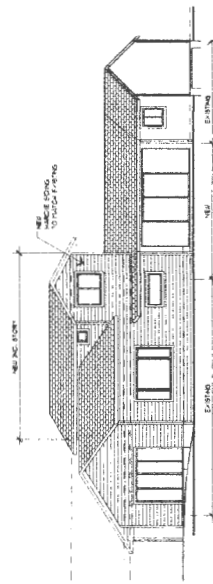
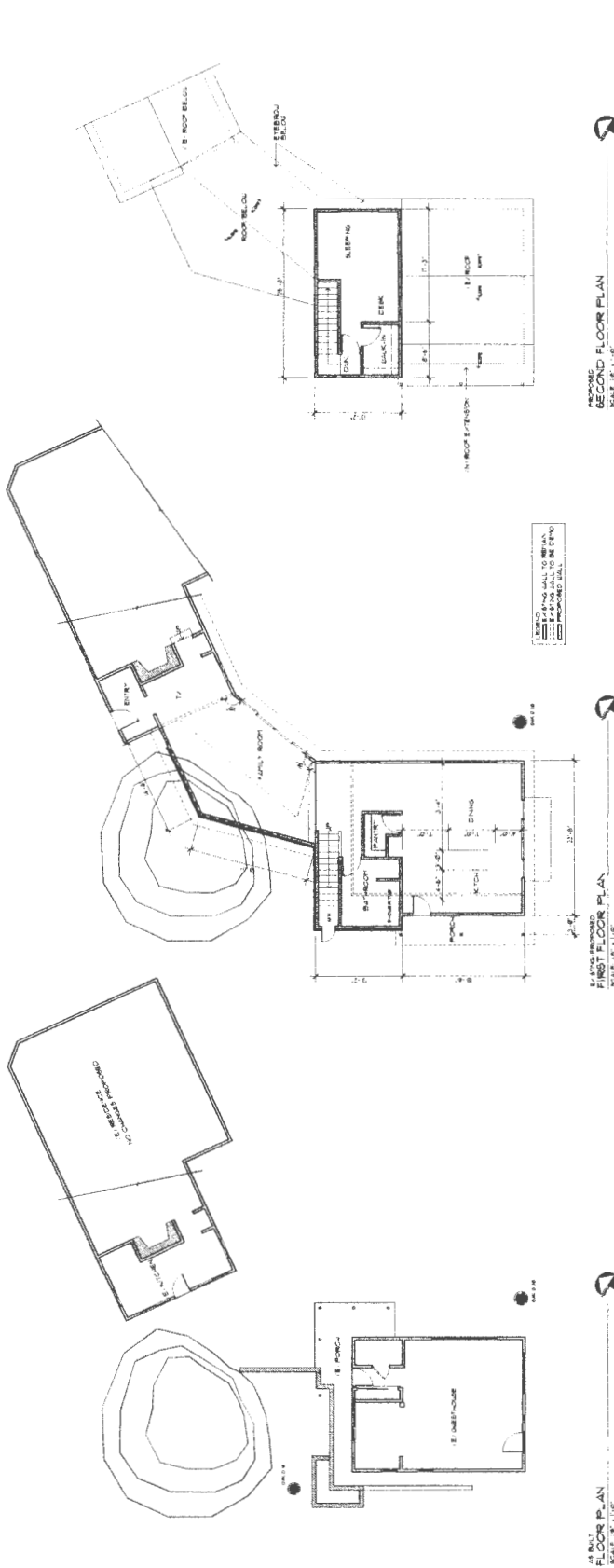


Exhibit 5
Proposed Floor Plan &
Elevations
CDP No. 4-13-002



Gary W. Gerner & Associates,
ARCHITECTS, INC.
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Phone: 376-3465, Fax: 376-3469
www.garygernerarchitects.com

Sheet Title

FLOOR PLANS
AS BUILT
1/4" = 1'-0"

Job Name

LARSSON
ADDITION

18555 GRAND VIEW DRIVE
TOPANGA, CA 90755

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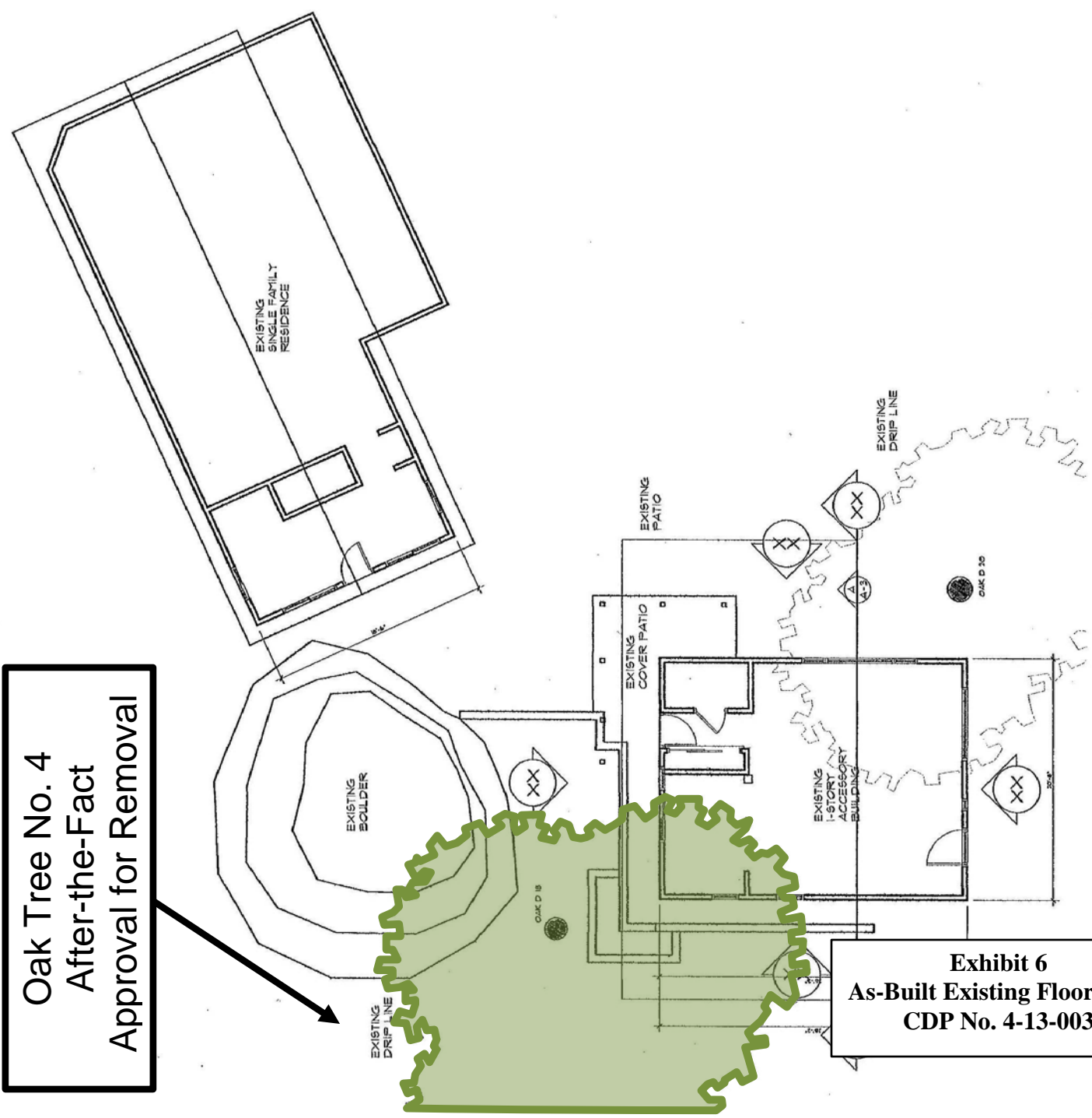
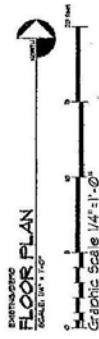
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04-02-2008
04-14-2008
06-07-2008
PFLN
OAK TREE
POST

Sheet

A-2
of 4



Oak Tree No. 4
After-the-Fact
Approval for Removal

Exhibit 6
As-Built Existing Floor Plan
CDP No. 4-13-003



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Sheet Title

AS-BUILT
ELEVATIONS &
SECTIONS
1/4" = 1'-0"

Job Name

LARSON
ADDITION

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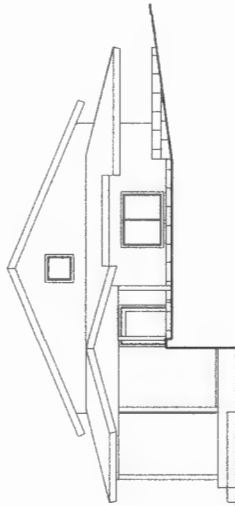
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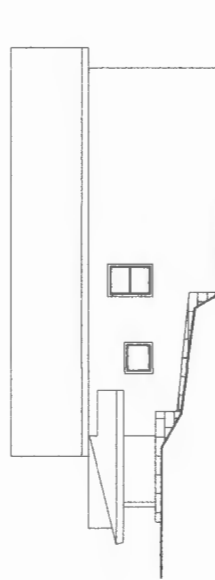
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PPL/J
OAK TREE
POST

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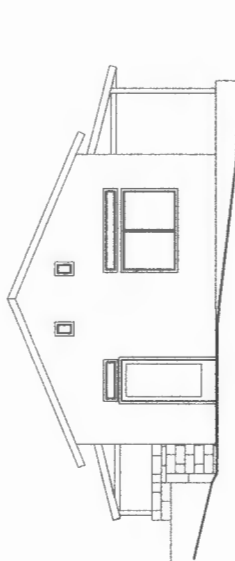
A-3
of 4



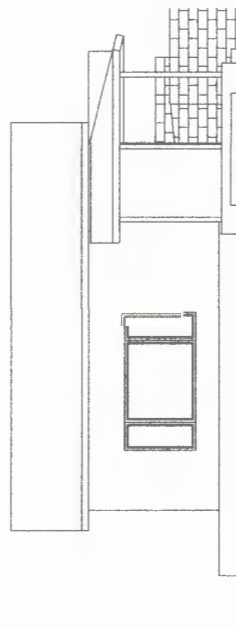
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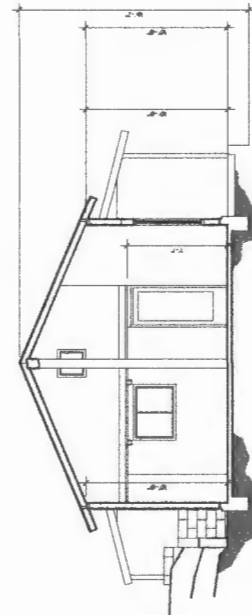
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SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



SECTION A-A'
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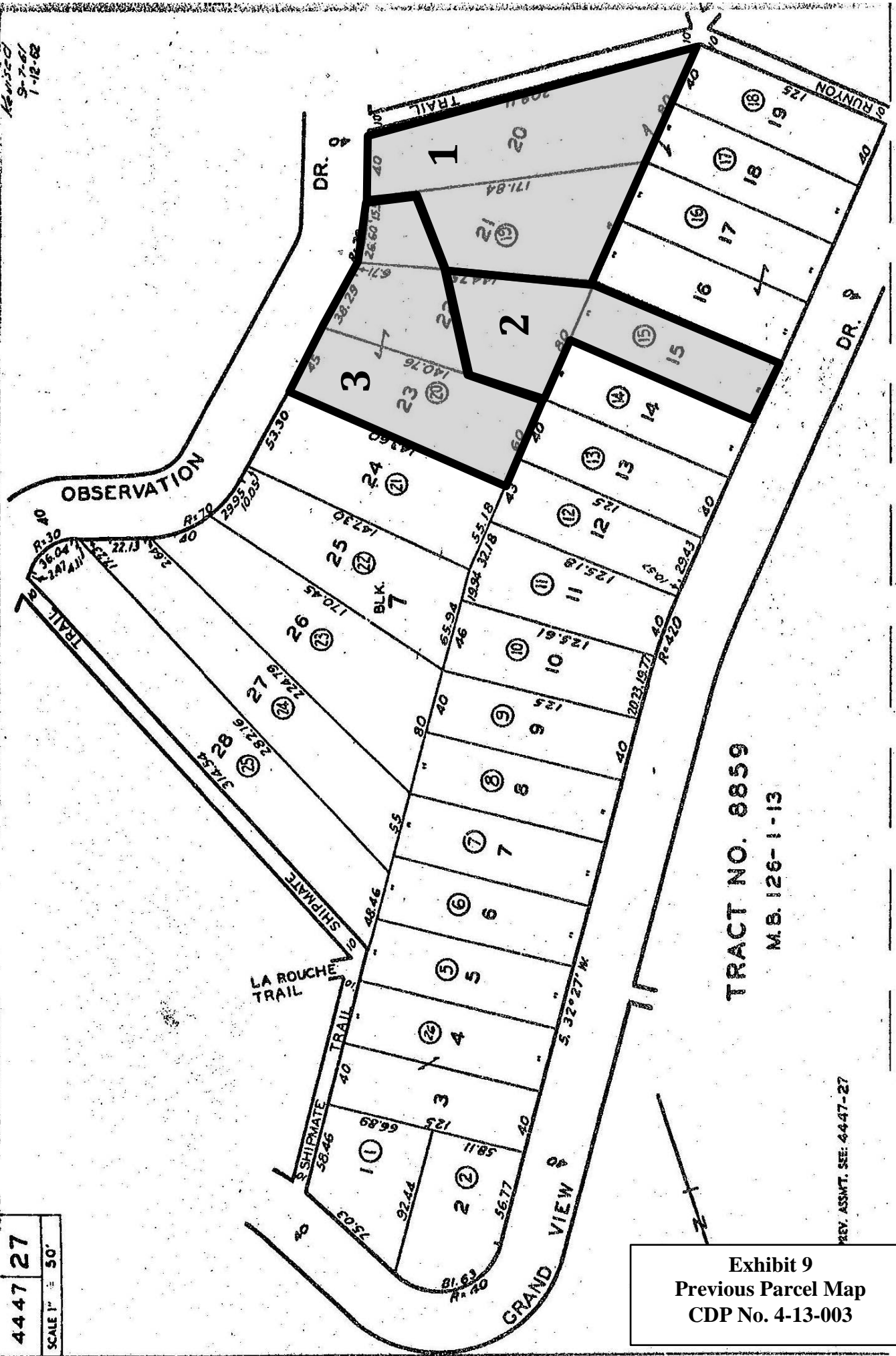


Exhibit 7
As-Built Existing Elevations
CDP No. 4-13-002

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SCALE 1" = 50'



TRACT NO. 8859
M.B. 126-1-13

Exhibit 9
Previous Parcel Map
CDP No. 4-13-003

REV. ASSMT. SEE: 4447-27