

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

Filed: 5/22/02  
49th Day: 7/10/02  
180th Day: 11/18/02  
Staff: K. Kemmler  
Staff Report: 8/22/02  
Hearing Date: 10/8-11/02  
Commission Action:



## STAFF REPORT: CONSENT CALENDAR

**APPLICATION NO.:** 4-02-093

**APPLICANT:** Sarah Lulloff & Rachelle Adler

**AGENTS:** Mark Handel, Jerome Buckmelter

**PROJECT LOCATION:** 25030 Abercrombie Lane, Calabasas (Los Angeles County)

**APN NO.:** 4455-060-006

**PROJECT DESCRIPTION:** Proposal to construct a new two story, 6,710 sq. ft. single family residence with an attached three-car, 790 sq. ft. garage, a detached 460 sq. ft. recreation building, driveway, 6 ft. high max. fencing, swimming pool and spa, install a new septic system and perform 225 cu. yds. of excavation and export on a previously approved existing building pad.

<b>Lot area</b>	7.77 acres
<b>Building coverage</b>	4,900 sq. ft.
<b>Pavement coverage</b>	2,864 sq. ft.
<b>Landscape coverage</b>	39,726 sq. ft.
<b>Height Above Finished Grade</b>	35 ft.
<b>Parking spaces</b>	3

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept, March 11, 2002; County of Los Angeles Fire Department, Preliminary and Final Fuel Modification Plan Approval, April 4, 2002; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, March 28, 2002.

**SUBSTANTIVE FILE DOCUMENTS:** "Compaction Report," GeoConcepts, Inc., August 2, 2002; "Final Geology Report," GeoConcepts, Inc., August 12, 2002; "Building Pad Status," GeoConcepts, Inc., November 29, 2001; "Effluent Disposal Feasibility Report," Earth Systems, September 14, 2000; Coastal Development Permit No. 5-85-214, A1, A2 & A3 (Ghosn) and 5-85-214-A4 (Cold Canyon 10, LLC).

### **Summary of Staff Recommendation**

Staff recommends **APPROVAL** of the proposed project with **NINE (9) SPECIAL CONDITIONS** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control, (4) wildfire waiver, (5) future improvements, (6) lighting restriction, (7) required approval, (8) removal of excess excavation material and (9) deed restriction.

## **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-02-093 pursuant to the staff recommendation.*

### **Staff Recommendation of Approval:**

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

### **Resolution to Approve the Permit:**

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

## **II. STANDARD CONDITIONS**

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

3. **Interpretation.** Any questions of intent or interpretation of any term or 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 Geologic Recommendations*

All recommendations contained in the Compaction Report dated August 2, 2002 and Final Geology Report dated August 12, 2002 prepared by GeoConcepts, Inc. and the Effluent Disposal Feasibility Report dated September 14, 2000 prepared by Earth Systems shall be incorporated into all final design and construction including *foundations, grading, sewage disposal and drainage*. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, two sets of plans with evidence of the consultant's review and approval of all project plans.

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

#### 2. *Drainage and Polluted Runoff Control Plans*

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

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.

- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

### **3. Landscaping and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicants shall submit two sets of landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical engineering and geologic consultant to ensure that the plans are in conformance with the consultant's recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

#### **A. Landscaping Plan**

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 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) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

- (5) Vegetation within 50 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 fifty 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.

#### **B. Interim Erosion Control Plan**

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should 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. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out 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 the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 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.

#### **C. Monitoring**

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicants shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

#### **4. Wildfire Waiver of Liability**

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

#### **5. Future Improvements Deed Restriction**

This permit is only for the development described in coastal development permit No. 4-02-093. Pursuant to Title 14 California Code of Regulations §13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code §30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit No. 4-02-093, and any grading, clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition No. Three (3), shall require an amendment to Permit No. 4-02-093 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### **6. 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.

## **7. Required Approval**

Prior to issuance of the Coastal Development Permit, the applicant shall submit, evidence of County of Los Angeles Environmental Health Services review and approval of the proposed sewage disposal system design.

## **8. Removal of Excess Excavation Material**

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all debris/excavated material from the site. Should the dump site be located in the Coastal Zone, a Coastal Development Permit shall be required.

## **9. Deed Restriction Condition**

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.

# **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

## **A. PROJECT DESCRIPTION AND BACKGROUND**

The applicant is proposing to construct a new two story, 6,710 sq. ft. single family residence with an attached three-car, 790 sq. ft. garage, a detached 460 sq. ft. recreation building, driveway, 6 ft. high max. fencing, swimming pool and spa, install a new septic system and perform 225 cu. yds. of excavation and export on a previously approved existing building pad (Exhibits 3-9).

The project site is located on a sparsely populated hillside just north of Cold Canyon Road in the Old Abercrombie Ranch area in Calabasas (Exhibit 1). The subject lot is an irregular shaped parcel nestled between Abercrombie Lane, Delphine Lane and Cold Canyon Road (Exhibit 2). The parcel does not lie within a mapped environmentally sensitive habitat area. The southern and western portions of the parcel, however, contain sensitive chaparral habitat area. The subject parcel is accessed directly from Abercrombie Lane, an existing private access road permitted under CDP 5-85-214-A3 (Ghosn). Development existing onsite previously approved under the CDP and subsequent amendments includes a level building pad

and drainage devices. The subject site is Lot Six of a previously approved thirteen lot subdivision discussed further below. The proposed development will be located primarily on the existing building pad with the recreation building and pool located adjacent to the pad. The lot is surrounded on three sides by approved residences with overlapping fuel modification zones, thus, the location of the accessory structure will not adversely affect sensitive chaparral habitat onsite (Exhibit 10). In addition, the construction of the proposed project will only require a minimal amount of excavation for the foundations and pool, and, therefore, will not result in adverse impacts to coastal resources.

On November 21, 1979, the State Coastal Commission approved a prior coastal development permit for a 51 lot residential subdivision on the subject site in Coastal Permit Appeal No. 204-79. The Commission approval included conditions addressing: a requirement to participate in a Conservancy Program to extinguish the development potential on 48 lots; incorporate an on-site tertiary treatment plant, and reduce grading to a minimum of 1,400 cubic yards per residence, not including grading for streets; recording an offer to dedicate an Open Space/Viewshed Easement, restricting development on about 85 acres of the site. After the Commission's approval of a one year time extension, the permit expired in 1982.

On September 27, 1985, the Commission approved Coastal Permit Number 5-85-214 to subdivide the same three parcels consisting of 160 acres into 23 lots utilizing on-site septic systems for sewage disposal. The Commission approval included conditions addressing: participation in an In Lieu Fee Program for Cold Creek Watershed Lot Retirement Program; revised grading plans; revised project plans redesigning number of lots from 51 to 23; an Offer To Dedicate an Open Space and View Protection Easement over hillside portions of the project site; and an on-site sewage disposal system. Grading consisted of a total of 187,199 cubic yards of material to create one access road and 23 building pads. Grading for the access road from Cold Canyon Road consisted of a road cut of 76,251 cubic yards with a road fill of 88,541 cubic yards of material. Grading for the 23 building pads consisted of a cut of 13,344 cubic yards and a fill of 9,063 cubic yards of material. The applicant proposed to balance a total of 98,000 cubic yards of material on site. These grading quantities did not include any removal and recompaction necessary to remediate the site.

The Commission amended the permit on July 9, 1987 to delete the first condition requiring participation with the Cold Creek Watershed Lot Retirement Program (Permit Amendment No. 5-85-214-A1). The Commission substituted a condition to retire 20 lots based on the policies contained in the certified Malibu/Santa Monica Mountains Land Use Plan.

In May 1997, the applicant submitted an application to amend the subject Coastal Permit (Number 5-85-214-A2) to reconfigure and reduce the number of approved lots from 23 to 13. This application was determined to be incomplete and was returned to the applicant in April 1998.

The Commission approved permit amendment 5-85-214-A3 in July 1999 to reconfigure and reduce the number of approved lots from 23 to 13, similar to the application for the second amendment above. The amendment included the subdivision of three (3) parcels consisting of 160 acres into 13 residential lots, grade a total of 134,000 cubic yards of material to create one access road and 13 building pads. The applicant complied with the special conditions of the permit and the coastal permit was issued in August 2000.



The 160-acre property is now divided into thirteen parcels ranging from 10 to 26 acres in size accessed by two private roads, Abercrombie and Delphine Lanes. These roads lead to thirteen building pads clustered on the southeast portion of the property near Cold Canyon Road. The most recent amendment (5-85-214-A4) approved the construction of two vehicle security gates and a pedestrian gate, setback 50 feet from Cold Canyon Road right-of-way and a continuous fence set back 20 feet from Cold Canyon Road right-of-way for a distance of 200 ft. in each direction. The maximum height of the gates is eight feet and the fence is five and one half feet high. The gate is located within the private road right-of-way and portions of the fence is located on two separate parcels located on either side of the entry road. The permit was approved with new special conditions including disposal of excavated material, future development restriction, and a color and lighting restriction on the fencing structures.

## **B. GEOLOGY AND WILDFIRE HAZARD**

The proposed development is located in the Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

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.***

### **Geology**

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed development will be located in the northeastern portion of the subject property and will primarily utilize the existing building pad as a building location. The proposed project will require minimal excavation (275 cu. yds. excavation for the building footings and the pool/spa). As such, the Commission notes that the proposed development is designed to minimize the need for grading and excessive vegetation removal on the slopes of the property, as well as avoid direct development on sloped terrain, and therefore will reduce the potential for erosion and geologic instability.

Furthermore, the applicant has submitted a Compaction Report dated August 2, 2002 and a Final Geology Report dated August 12, 2002 prepared by GeoConcepts, Inc. and an Effluent Disposal Feasibility Report dated September 14, 2000 prepared by Earth Systems, which evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development the consultants have found that the project site is suitable for the proposed project. The project's consulting

geotechnical engineer states in the Compaction Report dated August 2, 2002 prepared by GeoConcepts, Inc.:

*It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Uniform Building Code are followed and maintained.*

The geotechnical engineering consultant concludes that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Compaction Report dated August 2, 2002 and Final Geology Report dated August 12, 2002 prepared by GeoConcepts, Inc. and the Effluent Disposal Feasibility Report dated September 14, 2000 prepared by Earth Systems contain several recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition No. One (1)**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Conditions No. Two and Three (2 & 3)**.

The Commission also notes that the quantity of excavation required for construction of the proposed project will result in an excess of 275 cu. yds. of excavation material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition No. Eight (8)** requires the applicant to export all excess excavation material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

Furthermore, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. Three (3)** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. Special Condition No. Three also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do

not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition No. Three.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

### **Wildfire**

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition No. Four (4)**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition No. Four, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

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

## **C. ENVIRONMENTALLY SENSITIVE HABITAT**

Section 30230 of the Coastal Act states that:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

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.***

Sections 30230 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through means such as minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, §30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

The Coastal Act, provides that grading shall be minimized to ensure that the potential negative effects of runoff and erosion on watershed and streams is minimized. Further, the Coastal Act provides that disturbed areas shall be revegetated with native plant species within environmentally sensitive habitat areas and significant watersheds. The Commission notes that the subject site is not located within either the Significant Cold Creek Watershed or the Cold Canyon Resource Management Area. Although the site is not located within any designated significant watersheds, it does include sensitive habitat. The southern and western portions of the site contain a large area of sensitive chaparral habitat beyond the existing graded building pad area. The area proposed for construction of a new residence is an existing building pad and the fuel modification zones for the accessory structure located just off the pad overlap existing fuel modifications zones for adjacent development, and therefore, the project will not result in removal of any sensitive habitat at the site.

The Commission notes that no removal, thinning, or other disturbance of vegetation will occur in the sensitive habitat area as a result of constructing the proposed project and subsequent fuel modification requirements for fire safety standards. Therefore, the Commission finds that the proposed project is adequately located and designed, through substantial setback/buffer areas and minimized landform alteration, to minimize significant disruption of sensitive vegetation existing on and adjacent to the project site.

The Commission further 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. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. 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. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition No. Three (3) requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

The Commission notes that seasonal streams and drainages, in conjunction with primary waterways, provide important habitat for riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and

restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat. As discussed in detail above, the Commission notes that the proposed development will be located as far as feasible from the riparian and oak tree habitat, due to the location of the previously approved building pad and the proposed development is setback from those resources as typically required by the Commission to ensure adequate resource protection. In the case of the proposed project, no removal of vegetation in environmentally sensitive habitat areas is proposed and the Commission notes that all natural vegetation buffer areas currently existing at the subject site will be maintained. However, the Commission finds that potential adverse effects to the value and quality of the native vegetation and sensitive habitat on the subject site, may be further minimized through the implementation of an appropriate landscaping plan utilizing native plant species, and implementation of a drainage and polluted runoff control plan, Special Conditions Two and Three.

As noted above, there is no mapped ESHA onsite, however, sensitive chaparral vegetation, which serves as habitat to many wildlife species, does exist onsite. The Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains area may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains sensitive habitat area. Therefore, the Commission limits the nighttime lighting of the property and residence to that necessary for safety as outlined in **Special Condition No. Six (6)**, which restricts night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity security lighting will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area. Thus, the proposed setback from the sensitive habitat area and natural topography in concert with the lighting restrictions will attenuate the impacts of unnatural light sources and will not impact sensitive wildlife species.

In addition, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition No. Five (5)**, the future development restriction, has been required. Finally, **Special Condition No. Nine (9)** 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.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with §30230 and §30240 of the Coastal Act.

## D. WATER QUALITY

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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

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

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

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which,

insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition No. Two (2), and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition No. Three (3) is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an onsite private sewage disposal system to serve the residence. The applicant's environmental health specialist performed infiltration tests that indicate the site can accommodate a septic system. However, the County of Los Angeles Environmental Health Department has not yet given in-concept approval of the proposed septic system, therefore, **Special Condition No. Seven (7)** requires that the applicant obtain the necessary approval prior to issuance of the permit to ensure that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

## **E. 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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project site is located just north of Cold Canyon Road and Mulholland Hwy in a sparsely developed area of the Santa Monica Mountains. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic highways. Although the certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan designates Mulholland Hwy as a scenic highway, it does not designate Cold Canyon Road as a scenic highway. It is important to note that the proposed project will not be visible from Mulholland Hwy. In addition, the proposed development only requires minimal excavation as it is located primarily on an existing level pad that was created pursuant to a previously approved CDP.

Moreover, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and



trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains environmentally sensitive habitat area. Therefore, the Commission limits the nighttime lighting of the property and residence to that necessary for safety as outlined in Special Condition No. Six (6), which restricts night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity security lighting will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area. Thus, the proposed setback from the sensitive habitat area and natural topography in concert with the lighting restrictions will attenuate the impacts of unnatural light sources and will not impact sensitive wildlife species.

Further, Special Condition No. Three (3), the landscaping plan, requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. The implementation of Special Condition No. Three, therefore, will help to soften the visual impacts of the proposed development in a rural and scenic area. In order to ensure that the final approved landscaping plans are successfully implemented, Special Condition No. Three also requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

Therefore the Commission finds that, as conditioned, the proposed development will minimize adverse impacts to scenic public views in this area of the Santa Monica Mountains, and is consistent with §30251 of the Coastal Act.

## **F. CUMULATIVE IMPACTS**

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

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

Section 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.***

Pursuant to Coastal Act §30250 and §30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act §30250 and §30252, the Commission has limited the development of second units on residential parcels in the Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose— as a guest unit— rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area.

The applicant is proposing to construct a new detached 460 sq. ft. recreation building (Exhibits 4-6). The proposed recreation building consists of a recreation room, a wet bar, a storage closet and a deck. The Commission notes that the proposed 460 sq. ft. recreation building conforms with the Commission's past actions in allowing a maximum of 750 sq. ft. for second dwellings in the Santa Monica Mountains area. However, the Commission notes that additions or improvements to the structures could easily convert to additional habitable square footage, beyond that approved by the se Commission, therefore increasing the potential to use the proposed structure as a second residential unit.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units which may be considered a secondary dwelling. The Commission finds that the proposed detached recreation building conforms to the 750 sq. ft. allowed by the Commission in past permit action.

The Commission also notes that the applicants are not proposing to utilize the detached structures as a guest unit or secondary dwelling, therefore the structures may be reviewed as accessory buildings to the proposed single family residence, non-habitable, and therefore not subject to the 750 sq. ft. limitation for detached units. However, the Commission finds it necessary to ensure that no additions or improvements are made to the detached recreation building in the future that may enlarge or further intensify the use of that structure without due consideration of the cumulative impacts that may result. Thus, the Commission finds it necessary to impose the future development restriction, as specified in Special Condition No. Five (5), which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the structures are proposed in the future. Finally, Special Condition No. Nine (9) 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.

As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with §30250 and §30252 of the Coastal Act.

## **G. LOCAL COASTAL PROGRAM**

Section 30604(a) of the Coastal Act states:

***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 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 permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area which is consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

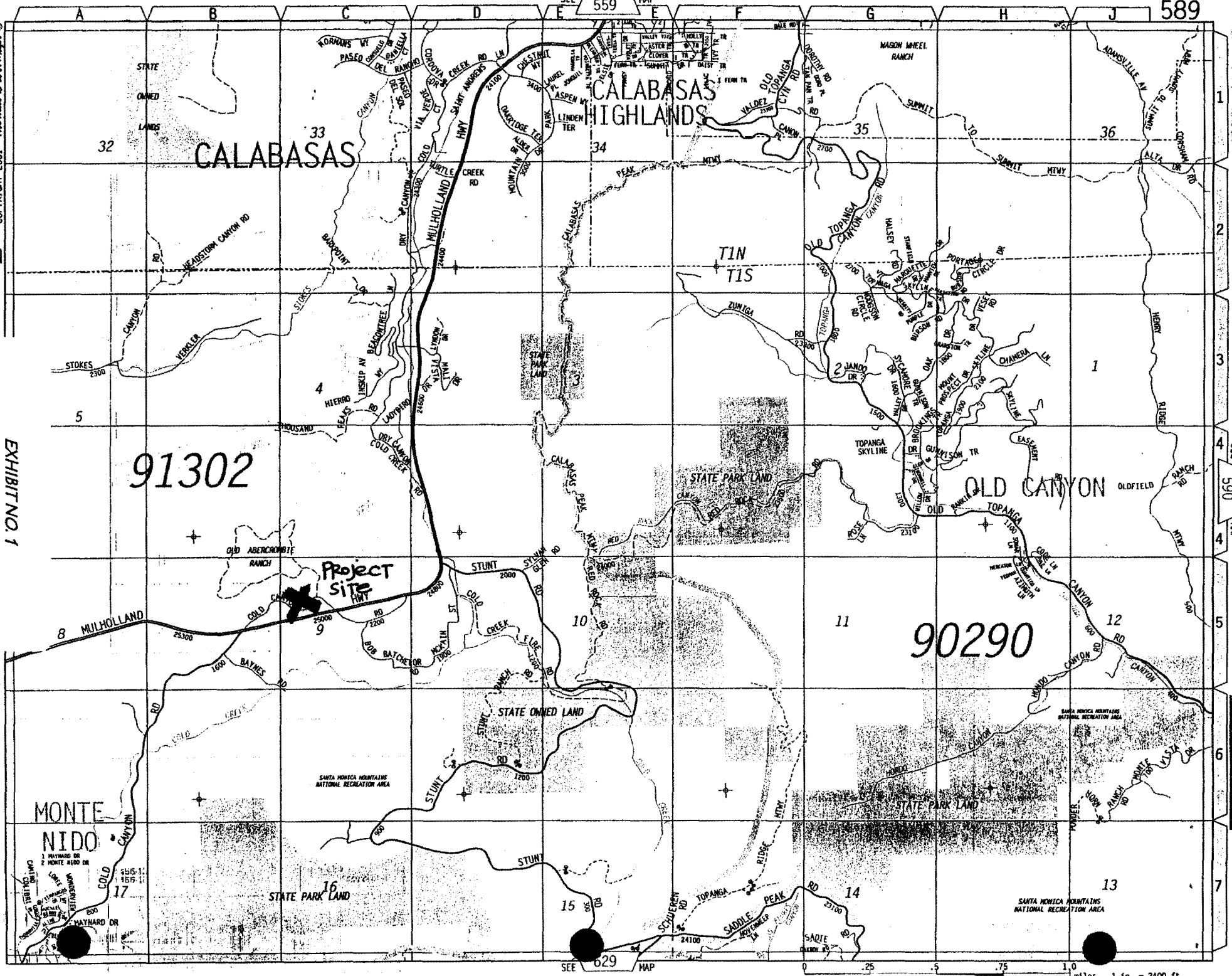
## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

Thomas Bros. Maps © 1900 LIGHT 141840



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91302

Project Site

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11

90290

12

MONTE NIDO

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15

14

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EXHIBIT NO. 1  
APP. NO. 4-02-095  
VICINITY MAP

4455 60

PA 4455-13  
4455-18

1770  
4000

REVISED  
01022004-002002-02

SEARCH NO

MAP EXTENTS  
4084082-4086877  
4151768-4148761

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COUNTY OF LOS ANGELES  
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2001

SCALE 1" = 200'  
30°04'02"W

PG  
13

PG  
19

TRACT

NO

51834

71.22 AC  
- 0.272" P & F  
- 0.712" S  
- 7291.2" RL  
3.20 AC

① 1

100.81 AC  
- 0.082" P & F  
- 0.082" S  
- 7202.2" RL  
2.30 AC

② 2

100.41 AC  
- 0.104" P & F  
- 0.082" S  
- 7244.2" RL  
2.27 AC

③ 3

94.45 AC  
- 0.032" P & F  
- 0.042" S  
- 8184.2" RL  
2.30 AC

④ 4

113.51 AC  
- 0.062" P & F  
- 0.042" S  
- 8182.2" RL  
2.30 AC

⑤ 5

121.08 AC  
- 0.322" P & F  
- 0.302" S  
- 8397.2" RL  
1.89 AC

⑬ 13

SHT  
2

FOR DIMENSIONS OF PVT & PUT STS.  
SEE TR NCL 51834 M & 1255-23-56

LOT 1 AND LOT 6, INCLUDE PROPERTY ON BOTH SIDES OF COLD CANYON ROAD,  
WHICH MUST BE CONVEYED AS ONE UNIT AND CANNOT BE SEPARATED,  
WITHOUT FURTHER ACTION OF THE ADVISORY AGENCY.

MB

1255

DELFINE

SHT  
2

SUBJECT  
LOT

PG  
18

FEB 28 2001

EXHIBIT NO. 2  
APP. NO. 4-02-093  
PARCEL MAP

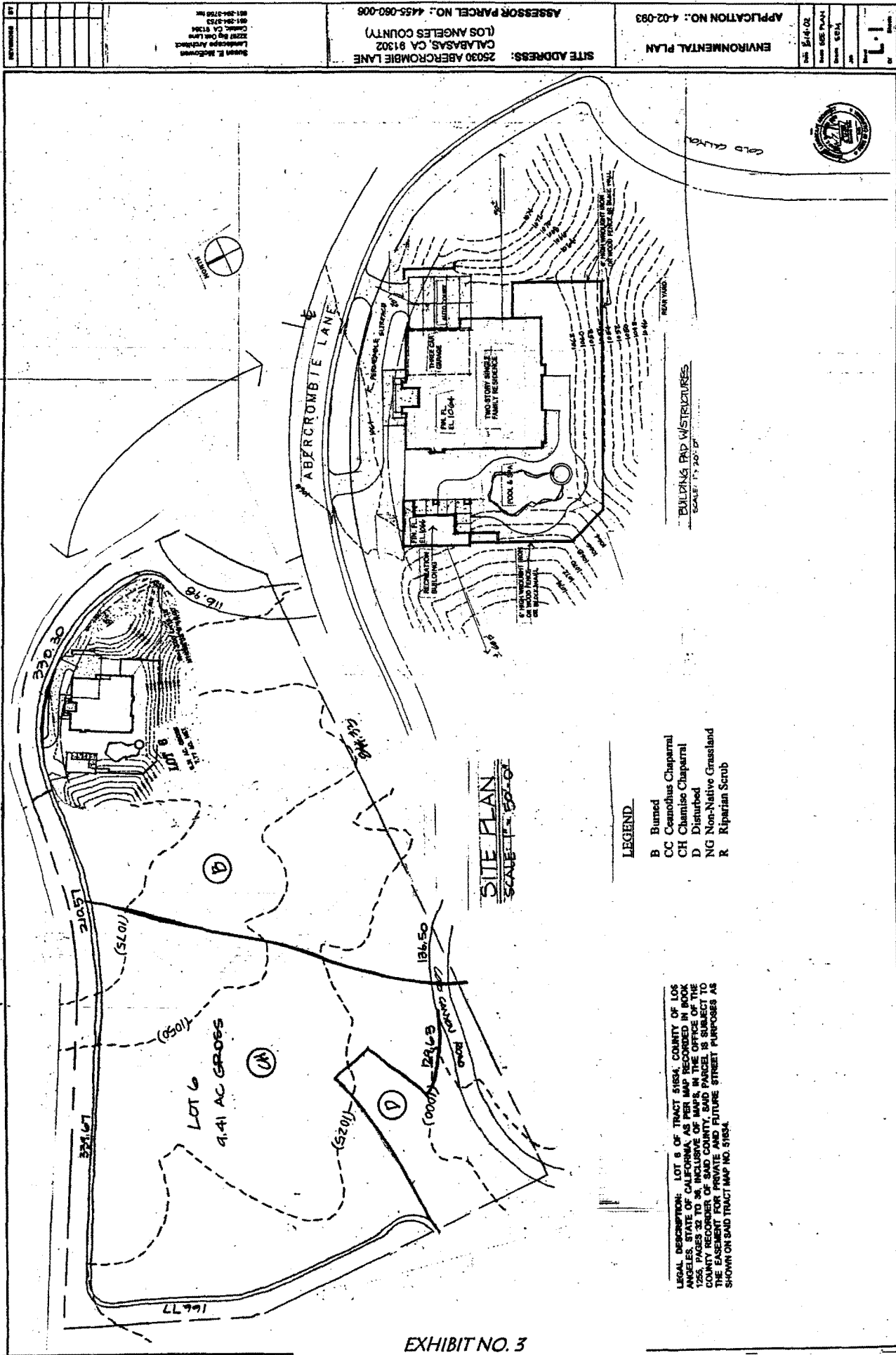
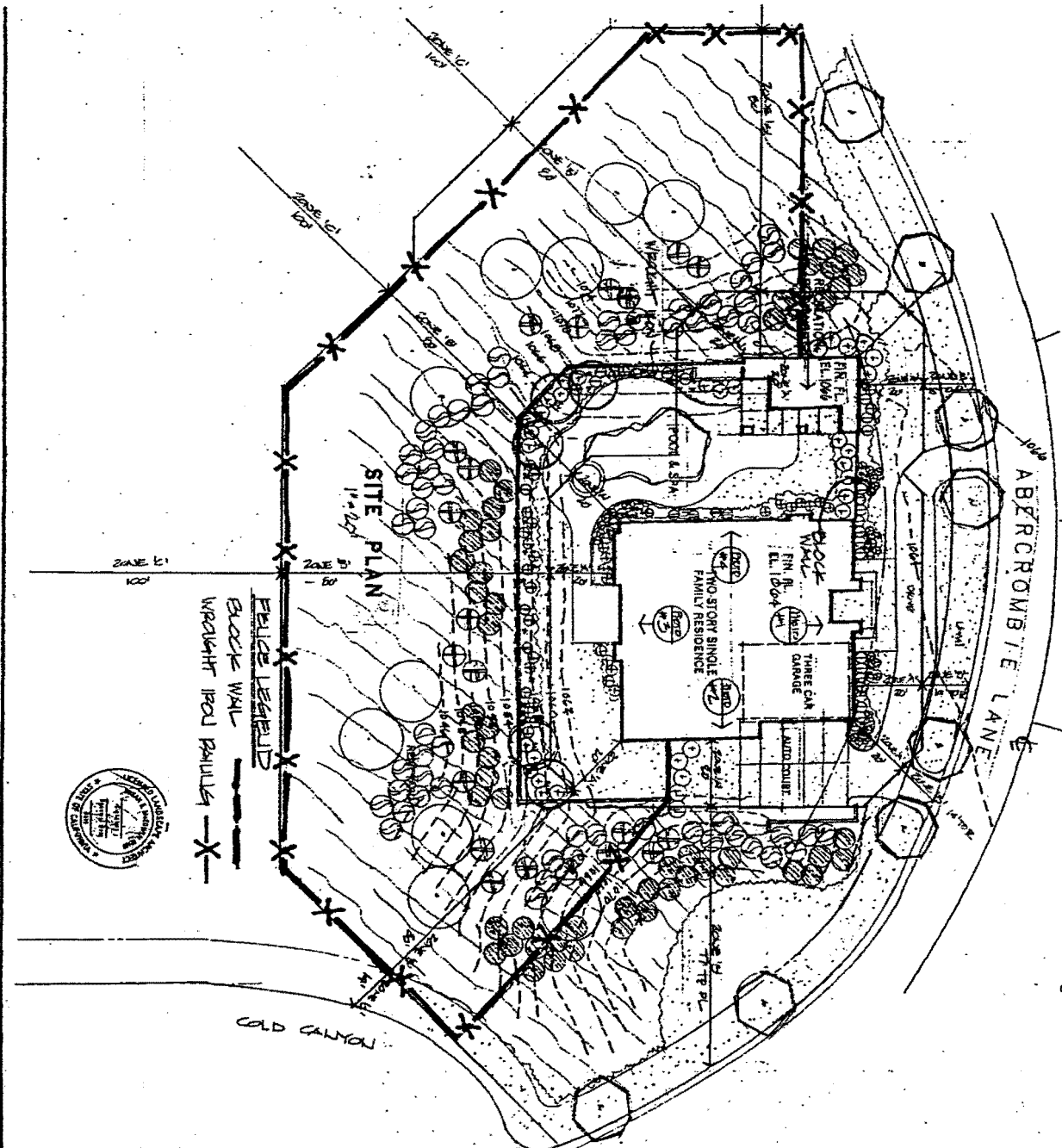
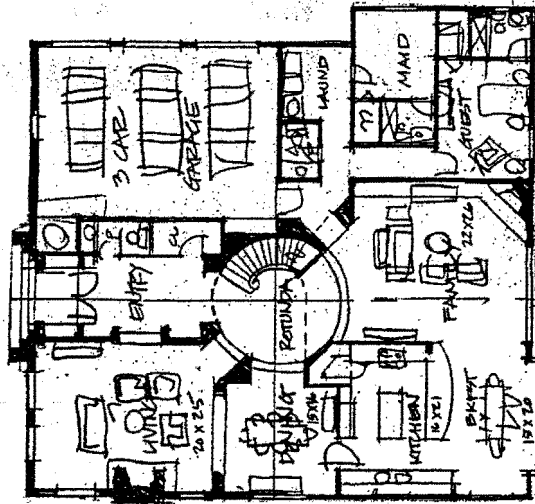


EXHIBIT NO. 3  
APP. NO. 4-02-093  
SITE PLAN



<p>DATE: 12-02-03 SHEET: 1 OF 1 APP: 01-17 SHEET: 1</p>	<p><b>FENCING PLAN</b></p> <p>APPLICATION NO.: 4-02-093</p>	<p>SITE ADDRESS: 25030 ABERCROMBIE LANE CALABASAS, CA 91302 (LOS ANGELES COUNTY) ASSESSOR PARCEL NO.: 4455-060-006</p>	<p>Susan E. McEwen Landscape Architect 32257 Big Oak Lane Canby, CA 91384 951-294-3753 951-294-3756 fax</p>
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FIRST FLOOR PLAN ✓  
1/8" = 1'-0"