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STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
TURA, CA 93001
(805) 585 - 1800

RECORD PACKET COPY

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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-043

APPLICANT: Raymond Munro

PROJECT LOCATION: 2210 Mar Vista Ridge Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a 2-story, 28 ft. high, 3377 sq. ft. single-family residence with attached 3-car garage, driveway, retaining wall, fish pond, and 500 cu. yds. of grading (250 cu. yds. cut, 250 cu. yds. fill). In addition, the project also includes a request for after-the-fact approval of approximately 455 cu. yds. of grading, installation of a water well and temporary construction trailer.

Lot area:	5.9 acres
Building coverage:	3466 sq. ft.
Pavement coverage:	1680 sq. ft.
Landscape coverage:	3500 sq. ft.
Unimproved:	216,004 sq. ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval In Concept 4/05/02; County of Los Angeles, Department of Health Services, Approval In Concept for Sewage Disposal System Design 7/04/01; County of Los Angeles Fire Department, Fuel Modification Plan Approval 03/18/02; County of Los Angeles Department of Regional Planning, Oak Tree Permit #02-009.

SUBSTANTIVE FILE DOCUMENTS: Geologic/Geotechnical Engineering Report, dated July 19, 2001, prepared by Gold Coast Geoservices, Inc.; Oak Tree Report, dated January 9, 2001, prepared by Tucker's Tree Works; Sensitive Habitat/Fuel Modification/Brush Clearance Assessment, dated May 28, 2002, prepared by Klaus Radke, Ph.D., Wildland Resource Sciences.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with 11 Special Conditions regarding 1) Conformance with Geologic Recommendations, 2) Drainage and Polluted Run-Off Control, 3) Pool and Spa Drainage and Monitoring, 4) Landscaping and Erosion Control, 5) Oak Tree Mitigation and Monitoring, 6) Removal of Natural Vegetation, 7) Wildfire Waiver of Liability, 8) Lighting Restriction, 9) Structural Appearance, 10) Future Development Restriction, 11) Deed Restriction, 12) Revised Plans, 13) Temporary Construction Trailer, 14) Condition Compliance.

The project site is a vacant, 5.9-acre parcel located in the Santa Monica Mountains. The subject site is located in a designated wildlife migration corridor and is just on the periphery of a significant watershed. Although no environmentally sensitive habitat area was designated on the subject site in the Santa Monica Mountains Land Use Plan (LUP), a blueline stream traverses the subject parcel downslope of the proposed building site with surrounding, relatively undisturbed native habitat consisting of riparian woodland, oak woodland and chaparral plant communities. Therefore, the entire site except for the graded building site where the development is proposed, which includes non-native grasses, is considered environmentally sensitive habitat pursuant to Section 30107.5 of the Coastal Act. Standing alone, Section 30240 would require denial of the proposed development to prevent adverse impacts to ESHA on the site. However, Section 30010 provides that the Commission cannot construe the Coastal Act as authorizing the Commission to deny a permit in a manner that will take private property for public use. To avoid a "taking" of private property, the Commission must allow a reasonable residential development on the applicant's parcel.

The area surrounding the project site is characterized by natural hillside terrain and is moderately developed with custom single family residences. The proposed development area, an existing graded building pad located on a ridgetop, is highly visible from several scenic public viewing areas and lookout points in the Escondido/Latigo Canyon viewshed.

As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

STAFF RECOMMENDATION:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-02-043 pursuant to the staff recommendation.***

I. STAFF RECOMMENDATION OF APPROVAL

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

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

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

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

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

III. Special Conditions

1. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geologic/Geotechnical Engineering Report, dated July 19, 2001, prepared by Gold Coast Geoservices, Inc.; shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer.

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

(a) For design purposes, with case-by-case considerations, post-construction structural 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 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

(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.

The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the 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. Pool and Spa Drainage and Maintenance

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a written pool and spa maintenance plan, that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner that any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, the plan shall, at a minimum: 1) prohibit discharge of chlorinated pool water and 2) prohibit discharge of chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters. The Permittees shall undertake development and maintenance in compliance with this pool and spa maintenance agreement and program approved by the Executive Director. No changes shall be made to the agreement or plan unless they are approved by the Executive Director.

4. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit 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 erosion control plan shall be reviewed and approved by the geotechnical 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. All graded & 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.

(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) No clearing, thinning, or other disturbance of vegetation shall occur within the sensitive riparian habitat area identified within the natural drainage course.

(4) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence and retaining walls to minimize potential impacts of public views.

(5) 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.

(6) 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.

(7) 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. <u>Monitoring</u>

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant 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.

5. Oak Tree Restoration and Monitoring Plan

The applicant shall retain the services of an independent biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during any improvements and/or restoration efforts of the oak trees located along the access road that may be recommended by the consultant. Protective fencing shall be used around the canopies or base of the oak trees adjacent to the construction area that may be disturbed during construction or grading activities. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if an oak tree(s) is removed, damaged or impacted beyond the scope of the work allowed by Coastal Development Permits 4-02-043. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

For the five (5) oak trees, (#1-5), adjacent to the access road, as shown on the site plan Exhibit 3, that may be lost or suffer worsened health or vigor, replacement seedlings, less than one year old, grown from acorns collected in the area shall be planted at a ratio of at least 3:1 on the applicant's parcel (Assessor's Parcel No. 4465-006-046). ***Prior to the 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 monitoring program to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree restoration and preservation shall be submitted for the review and approval of the Executive Director for each of the 10 years.

6. Removal of Natural Vegetation

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

7. Wildfire Waiver of Liability

Prior to the issuance of the 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, 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 wild fire exists as an inherent risk to life and property.

8. 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.

9. Structural Appearance

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by approval of Coastal Development Permit 4-02-043. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit 4-02-043 if such changes are specifically authorized by the Executive Director as complying with this special condition.

10. Future Development Restriction

This permit is only for the development described in Coastal Development Permit 4-02-043. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by Coastal Development Permit 4-02-043. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), and any fencing, grading, or clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 4 shall require an amendment to Coastal Development Permit 4-02-043 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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

12. Revised Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a complete set of revised project

plans which incorporate the applicant's proposal to delete the detached 750 sq. ft. guest unit and to relocate the proposed residence immediately adjacent to the access road, and away from the top of slope of the stream corridor as shown on Exhibit 3.

13. Temporary Construction Trailer

With the acceptance of this coastal permit, the applicants agree that the temporary residential trailer on the site shall be removed within two years of the issuance of this coastal development permit or within thirty (30) days of the applicants' receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles, whichever is less, to a site located outside the Coastal Zone or a site with a valid coastal development permit for the installation of a temporary residential trailer.

14. Condition Compliance

Within 120 days of Commission action on this coastal development permit application, or within such 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 institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a 2-story, 28 ft. high, 3377 sq. ft. single-family residence with an attached 3-car garage, driveway, retaining wall, fish pond, and 500 cu. yds. of grading (250 cu. yds. cut, 250 cu. yds. fill). In addition, the project also includes a request for after-the-fact approval of approximately 455 cu. yds. of grading, installation of a water well and temporary construction trailer (exhibits 3, 6-9).

The project site is a vacant 5.9 acre parcel located on the north and northwest side Mar Vista Ridge Road, which traverses the subject parcel, approximately ½ mile north of Latigo Canyon Road in the Santa Monica Mountains (Exhibits 1,2). The area surrounding the project site is characterized by natural hillside terrain and is moderately developed with custom single family residences. The project site is currently developed with a 9750 sq. ft. building pad that is located at the northwest portion of the subject parcel. The building pad was created by cut and fill grading of approximately 455 cu.

yds. of earth material from a ridgetop. Staff's review of aerial photographs indicates that the proposed building pad was graded subsequent to 1977 and without the benefit of a coastal development permit. As such, the applicant is requesting after-the-fact approval for the unpermitted 455 cu. yds. of grading that has occurred at the subject site to authorize the existing building pad as part of this permit application, as well as approval for an unpermitted water well and trailer, and to obtain further approval of the proposed new development.

Except for the existing building pad that is relatively level at grade, the subject parcel is comprised of moderate hillside terrain with slope gradients ranging on average of 2:1. Natural slopes descend from the northwest, west and southwest sides of the building pad to a blueline stream that traverses the western property boundary. The proposed development is to be located entirely within the existing building pad, adjacent the access road (Mar Vista Ridge Road), and no development is proposed on the slopes of the project site.

The applicant has indicated that the existing access road, for the most part, is at a width and grade acceptable to the fire department for emergency access to the site, and therefore, no significant grading will be required to upgrade the road. However, previous road maintenance activities, as well as some minor road improvements expected to accommodate construction of the proposed development, have in the past and will continue to impact five (5) oak trees located along the access road. The access road improvements result in encroachment of development within the protected zones of these oak trees.

The project site is located on the periphery of a significant watershed and is within a mapped wildlife migration corridor (Exhibit 4). Vegetation at the project site is heavily disturbed in the vicinity of the existing building pad due to previous grading operations and brush clearance requirements associated with the existing access road, Mar Vista Ridge Road. However, the hillside terrain downslope of the building site, which has not been previously disturbed for brush clearance purposes, supports extensive native vegetation and natural habitat. Habitat associated with the blueline stream and its adjacent slopes that traverse the subject site along the western property boundary are characterized by native riparian woodland, oak woodland and chaparral plant communities (Exhibit 5), which are presently intact and undisturbed. In addition, hillside terrain that ascends to the east just outside the east property boundary contains significant chaparral vegetation.

The applicant has worked extensively with staff to minimize potential impacts of the proposed development, and subsequent fuel modification requirements to be imposed for the development, on the sensitive habitat area and the native vegetation established in the stream corridor and hillside terrain at the project site. Specifically, the applicant has incorporated a landscaping plan that will utilize native plant species to landscape the project area which will help to maintain native seed banks, reduce the need for irrigation over the steep slopes of the site, minimize erosion and therefore aid in maintaining the natural habitat of the area. The applicant is also proposing a fish pond

in a naturally depressed area adjacent to the building site that will be vegetated entirely with native plant species. The applicant has also submitted an amended County of Los Angeles Fire Department Final Approved Fuel Modification Plan dated 3/18/02 indicating that no fuel modification will be required for fire protection of the proposed development within a 20ft.-30 ft. buffer established along the centerline of the stream.

The applicant has also revised the original project proposal to decrease the overall footprint of the proposed development that lies upslope and adjacent to the stream, and thereby minimize the extent of fuel modification and habitat disturbance of the sensitive habitat on site. The revised project proposal included deleting plans for a proposed horse corral and barn and detached guest unit, and thereby incorporating additional slope setbacks for the proposed residence from the stream corridor (Exhibit 3). As originally proposed, the detached guest unit was located adjacent to the main residence just above the stream corridor where the combined structure footprints would have resulted in extensive fuel modification requirements encroaching onto the naturally vegetated slopes descending into the stream channel. In consideration of extended fuel modification zones required for the originally proposed detached structure resulting in loss of vegetation over the descending slope and increased potential for erosion into the stream, the applicant has revised this portion of the proposed project to delete the detached guest unit and shift the position of the proposed residence such that it is relatively centered on the existing building pad directly adjacent to the access road. Relocation of the proposed residence as described enabled the applicant to maximize setback potential from the steeper naturally vegetated slopes of the site and to also minimize fuel modification zones as they extend from the smaller footprint area. It should be noted that staff and the applicant discussed relocating the entire development to the east side of Mar Vista Ridge Road, in a relatively level area that has been previously disturbed by grading and brush clearance operations associated with grading and maintenance of Mar Vista Ridge Road, to further minimize potential habitat impacts within the creek corridor and steep canyon slopes. However, given the space constraints on this portion of the property and necessary setbacks of development from Mar Vista Ridge Road imposed by the County, relocating the main residence to the easternmost side of the site is not feasible. Staff notes, however, that the applicant's proposal to relocate the residence as described shifts the overall footprint of the proposed development away from most sensitive portions of the site, and therefore presents a substantial benefit in retaining as much undisturbed natural habitat area as possible.

A fuel modification exhibit submitted by the applicant for the proposed project illustrates that the normally required 200 ft. fuel modification/brush clearance radius for the revised project footprint will extend into the stream in only two locations. The revised fuel modification zones and 20-30 ft. habitat buffer area established along the centerline of the stream will ensure that potential impacts to the sensitive habitat area are minimized as much as possible. Off site impacts occurring on adjacent parcels to the east, north and west of the site will be minimized as the 200 ft. clearing requirements will not extend significantly beyond the property boundaries in these locations, and due to the fact the a portion of these areas to the north and east, are

already disturbed by brush clearance requirements associated with adjacent access roads.

The area surrounding the project site is characterized by natural hillside terrain and is moderately developed with custom single family residences. The proposed development area, an existing building pad located on a ridgetop, is highly visible from several scenic public viewing areas and lookout points in the Escondido/Latigo Canyon viewshed.

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 project site is a parcel comprised of an existing building pad surrounded by moderately to steeply sloped terrain to the northwest, west and southwest, and a moderately ascending slope to the east. No development is proposed on the sloping terrain of the site and the proposed project will require approximately 500 cu. yds. of new grading (250 cu. yds. cut, 250 cu. yds. fill). The applicant has submitted a Geologic/Geotechnical Engineering Report, dated July 19, 2001, prepared by Gold Coast Geoservices, Inc. which evaluates the proposed development in relation to the geologic stability of the subject site. 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 engineering

geologic and geotechnical consultant state in the Geologic/Geotechnical Engineering Report dated July 19, 2001:

> *It is the opinion of the undersigned that the proposed grading and construction will be safe against hazard from landslide, settlement, or slippage, and that the proposed construction will have no adverse geologic effect on offsite properties. Assumptions critical to our opinion are that the design recommendations will be properly implemented during the proposed construction and that the property will be properly maintained to prevent excessive irrigation, blocked drainage devices, or other adverse conditions.*

The engineering geologic and geotechnical consultant conclude that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Geotechnical Engineering Study dated 12/23/98, Response to Plan Review report dated 2/29/00, and Boring Observation, Proposed On-site Private Sewage Disposal System report dated 7/8/99 prepared by AGS, Advanced Geotechnical Services, contain several recommendations to be incorporated into project construction, design, drainage, and sewage disposal 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 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 minimize erosion and add to the geologic stability of the project site. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consultants, as specified in **Special Conditions 2 and 4**. Special Conditions 2 requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a non-erosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of Special Condition 2.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition 4** 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 4 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.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 6**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by Special Condition 6 avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

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

Wild Fire

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition 7**, 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 7, 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 Section 30253 of the Coastal Act.

C. 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 **30231** 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, and minimizing alteration of natural streams.***

Section **30240** states:

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

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

> ***"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special***

nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, 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, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination one must focus on three main questions:

1) Is a habitat or species rare or especially valuable?
2) Does the habitat or species have a special nature or role in the ecosystem?
3) Is the habitat or species easily disturbed or degraded by human activities and developments?

In making ESHA determinations, scale is important. Both temporal and spatial scales must be considered in determining ecologically sensitive habitat, and at different scales the conclusions may vary. Whereas on a local scale a small patch of degraded habitat might not be called ESHA, on a landscape scale its status might be different. For example, on a landscape scale it may form a vital stepping stone for dispersal of a listed species between larger habitat patches. At this scale it is valuable, performing an important role in the ecosystem and is easily degraded by human activities and developments, and so it fits the Coastal Act definition of ESHA. Similarly, habitats in a largely undeveloped region far from urban influences may not be perceived as rare or providing a special function, whereas a large area of such habitats surrounded by a dense urban area may be exceedingly rare and each constituent habitat within it an important functional component of the whole. Therefore, in order to appropriately assess sensitivity of habitats, it is important to consider all applicable ecological scales and contexts. In addition to spatial and temporal scales, there are species scales. For example, one can focus on single species (e. g., mountain lions, flycatchers or tarplants), or one can focus on whole communities of organisms (e.g., coastal sage scrub or chaparral) or interconnected habitats in a geographic region (e. g., the Santa Monica Mountains and its habitats). On a world-wide scale, in terms of numbers of rare endemic species, endangered species and habitat loss, the Malibu/Santa Monica Mountains area is part of a local hot-spot of endangerment and extinction and is in need of special protection (Myers 1990, Dobson et al. 1997, Myers et al. 2000).

In the case of the Santa Monica Mountains, its geographic location and role in the ecosystem at the landscape scale is critically important in determining the significance of its native habitats. Areas such as the project site form a significant connecting links between the coast and large, undisturbed habitat areas in the Santa Monica Mountains such as the area of the project site. These areas are in turn connected by narrow corridors to the Sierra Madre, San Gabriel and San Bernardino Mountains to the north.

Much of the ecological significance of the habitat at the site is the proximity to riparian corridors that connect large inland watersheds with the coast. These corridors are home to many listed species and are easily disturbed by development, and in fact some have already been subject to considerable development near the coast, e.g. Las Flores Canyon, Malibu Creek & Lagoon, Ramirez Canyon and Trancas Canyon. Proceeding inland from the coast, however, the quality of the habitat improves rapidly and soon approaches a relatively undisturbed environment consisting of steep canyons containing riparian oak-sycamore bottoms, with coastal sage scrub and chaparral ascending the canyon walls.

As previously mentioned, the project site is located in a wildlife migration corridor and the subject site includes three main habitat types characterized as riparian woodland, oak woodland and chaparral (Exhibit 5). The applicant has submitted a Sensitive Habitat/Fuel Modification/Brush Clearance Assessment, dated May 28, 2002, prepared by Klaus Radke, Ph.D., Wildland Resource Sciences, which assesses the sensitive resources on the site. The Sensitive Habitat/Fuel Modification/Brush Clearance Assessment described the resources of the site, in part, as follows:

> ***The property itself lies within a mapped wildlife migration corridor (Appendix 2) and is characterized by a creek whose surrounding native riparian woodland, oak woodland and chaparral plant communities directly adjacent to and above the creek still remain largely intact and undisturbed. With the many roads dissecting the watershed and SFR's either existing or presently being planned and developed on adjacent hillsides within the creek's uphill and sidehill sections of the watershed, the creek takes on an even more important role as a local wildlife corridor.***
>
> ***The site's three different plant communities (riparian woodland, oak woodland and chaparral) and related habitats are also reflected in the sites soil types and topography. The on-site 'sliver' of riparian (woodland) vegetation consists of a very fragile and narrow strip of largely understory vegetation generally directly adjacent to the shaded creek, where surface but largely subsurface moisture is found almost year-round and where a cool microclimate has been created. Oak woodland is found on the more protected northerly to easterly facing steep slopes above the riparian woodland but also extends to the creek. The chaparral plant community, dominated by Greenbark Ceanothus (Ceanothus spinosus), is locate largely to the west and directly below the proposed building pad and expands onto the more exposed westerly facing slopes along the creek. It also extends onto the less shaded northerly to easterly facing slopes. A fragile chaparral habitat was also present east of the building pad but has largely been removed through grading and brush removal.***
>
> ***The very steep mountain upland slopes (50-70%) on site are largely covered with Greenbark Ceanothus chaparral, Coast Live Oaks and specimens of S. California Black Walnut, are dissected by McReynolds Road (the dirt access road to the area) and the westerly facing slopes by Mar Vista Ridge Road. This***

confines the creek to a narrow riparian corridor whose steep side slopes extending from the creek to the roads are still covered with native vegetation. The soil on the steep slopes is classified as Hambright Loam (HtG). It is well drained and characterized by very rapid runoff with very high erosion rates. The soils are generally 8" to 18" deep, have about 1.5" to 3" of water availability (water holding capacity) and moderate soil fertility. Their best land use is watershed.

As mentioned, there is a previously graded area of the site adjacent to the access road, that contains non-native grasses, and where sensitive natural vegetation is not present due to past disturbance. This portion of the parcel has been previously graded and the applicant is requesting after-the-approval for approximately 455 cu. yds. of grading for the building pad. Given the steep hillside terrain of the remainder of the site, the building pad location is the most feasible location for the proposed residence regardless of the fact that grading for the building pad has already occurred. The building area is approximately 9750 sq. ft. and is proposed for development of the residence, garage, pool and patio areas, and driveway.

As explained above, the majority of the parcel, except for the previously graded and disturbed pad area adjacent to the access road, contains vegetation that constitutes an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5. Section 30240 requires that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." As the entire parcel constitutes an environmentally sensitive habitat area, Section 30240 restricts development on the parcel to only those uses that are dependent on the resource. The applicant proposes to construct a single family residence and other appurtenant structures on the parcel. As single family residences do not have to be located within ESHAs to function, the Commission does not consider single-family residences to be a use dependent on ESHA resources. Application of Section 30240, by itself, would require denial of the project, because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources.

However, the Commission must also consider Section 30010, and the Supreme Court decision in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission to exercise its power to grant or deny a permit in a manner which will take private property for public use. Application of Section 30010 may overcome the presumption of denial in some instances. The subject of what government action results in a "taking" was addressed by the U.S. Supreme Court in *Lucas v. South Carolina Coastal Council.* In *Lucas*, the Court identified several factors that should be considered in determining whether a proposed government action would result in a taking. For instance, the Court held that where a permit applicant has demonstrated that he or she has a sufficient real property interest in the property to allow the proposed project, and that project denial would deprive his

or her property of all economically viable use, then denial of the project by a regulatory agency might result in a taking of the property for public use unless the proposed project would constitute a nuisance under State law. Another factor that should be considered is the extent to which a project denial would interfere with reasonable investment-backed expectations.

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

In the subject case, the applicant purchased the property in July 2001 for $99,260. The parcel was designated in the County's certified Land Use Plan in 1986 for residential use. Residential development has previously been approved by the Commission on other parcels in the near vicinity, that generally contained the same type of habitat as the applicant's parcel [Coastal Development Permit 4-95-125 (Burrett), Coastal Development Permit 4-98-082 (Blake), Coastal Development Permit 5-86-850 (Klatte)]. At the time the applicant purchased the parcel, the County's certified Land Use Plan did not designate the vegetation on the site as ESHA. Based on this fact, along with the presence of existing and approved residential development on nearby parcels, the applicant had reason to believe that they had purchased a parcel on which they would be able to build a residence.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owner an economic return on the investment. The parcel is 5.9 acres, and is surrounded by other residentially-zoned undeveloped parcels, however, as noted above there are existing parcels developed or approved with residential development located in the near vicinity. Public parkland has been acquired in this general vicinity, the Santa Monica Mountains National Recreation Area is located just north of the site, however, there is no indication that a public agency would consider it a priority to purchase a small parcel, such as the project site. Additionally, given the fact that the parcel is non-contiguous with the parkland and there is existing residential development on parcels separating the subject site from the parkland, it is unlikely that a public agency would attempt to acquire the site for a park or preserve. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than residential development. The Commission finds, therefore, that outright denial of all residential use on the property would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the subject property would create a nuisance under

California law. Other houses have been constructed in similar situations in coastal sage scrub and/or chaparral habitat in Los Angeles County, apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicant's proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance. In conclusion, the Commission finds that a residential project can be allowed to permit the applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

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

Commission staff has considered whether alternative proposals for residential development on the subject parcel would minimize adverse impacts to ESHA. The proposed development is sited to take advantage of the most feasible building location adjacent to the access road. Any other location on this parcel would require substantially more grading for construction of the residence and driveway. As proposed, the project only requires minimal grading, of 250 cubic yards cut and 250 cubic yards fill. Therefore, there is no alternative location for the residence on the parcel that could reduce the adverse impacts to ESHA.

In this area, the Fire Department requires fuel modification in a 200-foot radius from all habitable structures to reduce the risks of wildfire. The fuel modification requirements will cause significant disruption of habitat values in ESHA. As described previously, the applicant has revised the original project proposal to decrease the overall footprint of the proposed development that lies upslope and adjacent to the stream, and thereby minimize the extent of fuel modification and habitat disturbance of the sensitive habitat on site. The revised project proposal included deleting plans for a proposed horse corral and barn and detached guest unit, and incorporating additional slope setbacks for the proposed residence from the stream corridor. As originally proposed, the detached structure was located adjacent to the main residence just above the stream corridor where the combined structure footprints would have resulted in extensive fuel modification requirements encroaching onto the vegetated slopes descending into the stream channel. In consideration of extended fuel modification zones required for the originally proposed detached structure resulting in loss of sensitive vegetation over the sloped terrain and increased potential for erosion into the stream, the applicant has revised this portion of the proposed project to delete the detached guest unit and

relocation the position of the proposed residence such that it is relatively centered on the existing building pad directly adjacent to the access road to maximize setback potential from the steeper naturally vegetated slopes of the site and to also minimize fuel modification zones as they extend from the smaller footprint area. As mentioned previously, staff and the applicant discussed relocating the entire development to the east side of Mar Vista Ridge Road to further minimize potential habitat impacts within the creek corridor and steep canyon slopes, however, given the space constraints on this portion of the property and necessary setbacks of development from Mar Vista Ridge Road imposed by the County, relocating the main residence to the easternmost side of the site is not feasible. Staff notes that relocating the overall footprint of the proposed structures away from most sensitive portions of the site, however, presents a substantial benefit in retaining as much undisturbed natural habitat area as possible. As such, the Commission finds that the applicant's revised project proposal will reduce potential adverse impacts on sensitive vegetation at the project site. Therefore the Commission requires **Special Condition 12**, which specifies that prior to issuance of the coastal development permit, the applicant shall submit a complete set of project plans incorporating the applicant's revised project proposal to delete the detached guest unit and relocate the residence as generally shown on Exhibit 3.

The applicant has also submitted an amended County of Los Angeles Fire Department Final Approved Fuel Modification Plan dated 3/18/02 indicating that no fuel modification will be required for fire protection of the proposed development within a 20ft.-30 ft. buffer established along the centerline of the stream. The Commission notes that no removal, thinning, or other disturbance of vegetation will occur in the riparian corridor as a result of constructing the proposed residence and subsequent fuel modification requirements, and therefore finds that the proposed project will minimize significant adverse impacts on the sensitive riparian habitat. The Commission finds that the proposed project, as conditioned, is adequately located and designed, through maximum setback/buffer requirements and an accommodating fuel modification plan, to minimize significant disruption of sensitive vegetation and habitat existing at the project site.

The Commission has determined that in conjunction with siting new development to minimize impacts to ESHA, additional actions can be taken to minimize adverse impacts to ESHA. The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. 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 4**

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, such as the natural tributary located on the subject site, in conjunction with primary waterways, provide important habitat for wetland and 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.

In the case of the proposed project, no removal of vegetation in the sensitive riparian habitat area identified on site is proposed. However, the Commission finds that the value and quality of the riparian habitat on the subject site is directly related to the water quality of the coastal tributary that sustains the habitat. As such, the Commission finds that potential adverse effects of the proposed development on riparian habitat at the site may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition 2**, the Drainage and Polluted Run-off Control Plan, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, building pad area, and horse corral is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. (See Section D. Water Quality for a more detailed discussion of coastal water quality).

The applicant has indicated that the existing access road for the most part is at a width and grade acceptable to the fire department for emergency access to the site, therefore, no significant grading will be required to upgrade the road. However, previous road maintenance activities, as well as some minor road improvements expected to accommodate construction of the proposed development, have in the past and will continue to impact five (5) oak trees located along the access road. The access road improvements will result in encroachment of development within the protected zones of these oak trees. Although the oak trees are currently being impacted by vehicular access, the proposed improvements would increase the level of traffic, general use of the road and compaction of the soils by vehicles under the oak tree driplines, as well as, minor encroachments further into driplines of the oak trees.

The proposed improvements of the access road and increased use of the road within the dripline of the five oaks will negatively impact these oak trees. The additional disturbance and use of the road within the dripline of the oak trees will contribute to

compaction of the soils, inhibit the exchange of air and water to the root zone of the trees and introduce oils and other toxic materials from vehicular use of the road. In the article entitled, "Oak Trees: Care and Maintenance," prepared by the Forestry Department of the County of Los Angeles, states:

> ***Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.***

This publication goes on to state:

> ***Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. . . . Construction activities outside the protected zone can have damaging impacts on existing trees. . . . Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed. . . . Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced. The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees. If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips . . .***

This publication also notes specific considerations for watering supplements underneath and near oak trees, and states:

> ***Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem. . . .Overwatering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.***
>
> ***There should be no planting within a minimum 6 to 10 feet of the trunk. Avoid plants that require any supplemental water once established. Chose plants suited for "dry shade."***

The Commission notes that the proposed development includes improvements to the existing access road. Additional use of the road and disturbance associated with the road improvements will negatively impact the oak trees. The Commission also notes

that the damage to the trees may not become apparent for many years. Therefore, the Commission finds that the applicant must mitigate for the adverse impacts to the oak trees resulting from the road improvements within the oak driplines. The Commission also recognizes that the oak trees are already subject to disturbance from the existing use of the access road and that the additional negative impacts are an incremental increase in these impacts. Therefore, the Commission must consider these impacts on oak trees to determine the appropriate mitigation for the incremental negative impacts. In past permit actions the Commission has typically required a 10:1 mitigation ratio for the loss or removal of oak trees. In this case, although the oak trees will not be removed the trees will suffer incremental adverse impacts over time from the proposed road improvements. Therefore, the Commission finds that a more appropriate mitigation for the incremental long term impact to the oak trees, in this particular case, is replacement of the trees at a ratio of 3:1 on the subject site. In order to address the unavoidable long term impacts to the five oak trees adjacent to the access road, **Special Condition 5** requires a oak tree mitigation and monitoring plan to be submitted to ensure that damage to the oaks as a result of the road improvements under the driplines of the oaks are fully and adequately mitigated. The oak tree mitigation plan requires that the oak trees adversely impacted by the proposed road improvements shall be mitigated at a 3:1 ratio. Furthermore, pursuant to Special Condition 5, the applicant must also 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 monitoring program to ensure that the replacement planting program is successful.

With the exception of encroachment into the protected zones of five oaks, all development proposed on site has been set back outside of the protected zones of on site oak trees. However, to ensure that the protected zones will not be inadvertently violated by the permitted development activities, **Special Condition 5** also requires that protective fencing be placed around the protected zones of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities.

Furthermore, the Commission finds that excessive water irrigation and infiltration that may accompany inappropriate residential landscaping may adversely impact the sensitive root systems of the oaks on site and that use of primarily native, drought resistant plant species compatible with these areas will minimize the need for irrigation and water, thereby preventing additional adverse impacts on the oak resources on site. Therefore, in order to minimize adverse effects to the oak tress on site as well as other indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition 4** requires that all landscaping consist primarily of native plant species compatible with the surrounding environment and oak tree habitat and that invasive plant species shall not be used.

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 and is located in a wildlife migration corridor. Therefore, **Special Condition 8**, Lighting Restriction, limits 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.

Finally, 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 environmental constraints discussed above. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition 10**, the future development restriction, has been required. Finally, **Special Condition 11** 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 Sections 30230, 30231, 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.

As described in detail in the previous sections, the applicant is proposing to develop the subject site with a new single-family residence and other appurtenant structures. The proposed building location is located upslope from a tributary that contains sensitive riparian habitat. The site is considered a "hillside" development, as it involves steeply to moderately sloping terrain with soils that are susceptible to erosion.

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

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

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-

hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 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.

In addition, the proposed project is conditioned to also implement a pool and spa drainage and maintenance plan to prevent uncontrolled drainage of the proposed swimming pool and spa such that drainage of pool water does not result in discharge of chemically treated water to coastal streams and drainages. The pool and spa drainage and maintenance plan, as detailed in **Special Condition 3,** requires the applicant to submit a written pool and spa maintenance plan that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner such that any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, Special Condition 3 prohibits discharge of pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition 4** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

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

For the reasons set forth above, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, 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.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides. The proposed development area, an existing building pad located on a ridgetop, is highly visible from several scenic public viewing areas and lookout points in the Escondido/Latigo Canyon viewshed.

The applicant proposes to construct a two-story, 28 ft. high, 3377 sq. ft. single-family residence with attached 3-car garage, driveway, retaining wall, and fish pond. Grading for the project is proposed only within the immediate area of the existing building pad and driveway to prepare the site for construction of the new development, therefore no significant landform alteration of the site will result from the proposed grading. The proposed development will be consistent with existing development in the surrounding area of the project site, and the main residence is slightly setback from the southwest edge of the building pad to minimize the visibility of the structure from Latigo Canyon Road. Despite the setback, however, the proposed residence will be visible from some locations within the viewshed. Due to the highly visible nature of the project site from public scenic viewing points within the Escondido/Latigo Canyon viewshed, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

Requiring the residence to be finished in a color consistent with the surrounding natural landscape and, further, by requiring that windows of the proposed structure be of a non-reflective glass type, can minimize impacts on public views. To ensure visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, the Commission requires the applicant to use colors compatible with the surrounding environment and non-glare glass, as detailed by **Special Condition 9.**

Visual impacts associated with proposed grading, and the structure itself, can be further reduced by the use of appropriate and adequate landscaping. As such, **Special Condition 4** incorporates the requirement that vertical screening elements be added to the landscape plan to soften views of the proposed residence from public scenic viewing areas along Latigo Canyon Road. In addition, Special Condition 4 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. Implementation of Special Condition 4 will partially screen the proposed structures and soften the visual impact of the development from the hiking and equestrian trail. To ensure that the final approved landscaping plans are successfully implemented, Special Condition 4 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.

Finally, regarding future developments or improvements, certain types of development to the property, normally associated with a single-family residence, which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that any future development or improvements normally associated with the entire property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition 10,** the Future Development Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Finally, **Special Condition 11** 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 subject property and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property.

The proposed project, as conditioned, will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore the Commission finds that, as conditioned, the proposed development is consistent with section 30251 of the Coastal Act.

F. Violation

Unpermitted development has taken place prior to submission of this permit application including 455 cu. yds of grading, installation of a water well and placement of a trailer on the site. The applicant requests after-the-fact approval for the unpermitted development described, and approval to construct a new 2-story, 28 ft. high, 3377 sq. ft. single-family residence with attached 3-car garage, driveway, retaining wall, fish pond, and 500 cu. yds. of grading (250 cu. yds. cut, 250 cu. yds. fill). The subject permit application addresses the unpermitted development, as well as the new development proposed in the subject application. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition 14** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an

admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. Local Coastal Plan

Section **30604** of the Coastal Act states:

> ***A) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local 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. 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 and Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

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

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

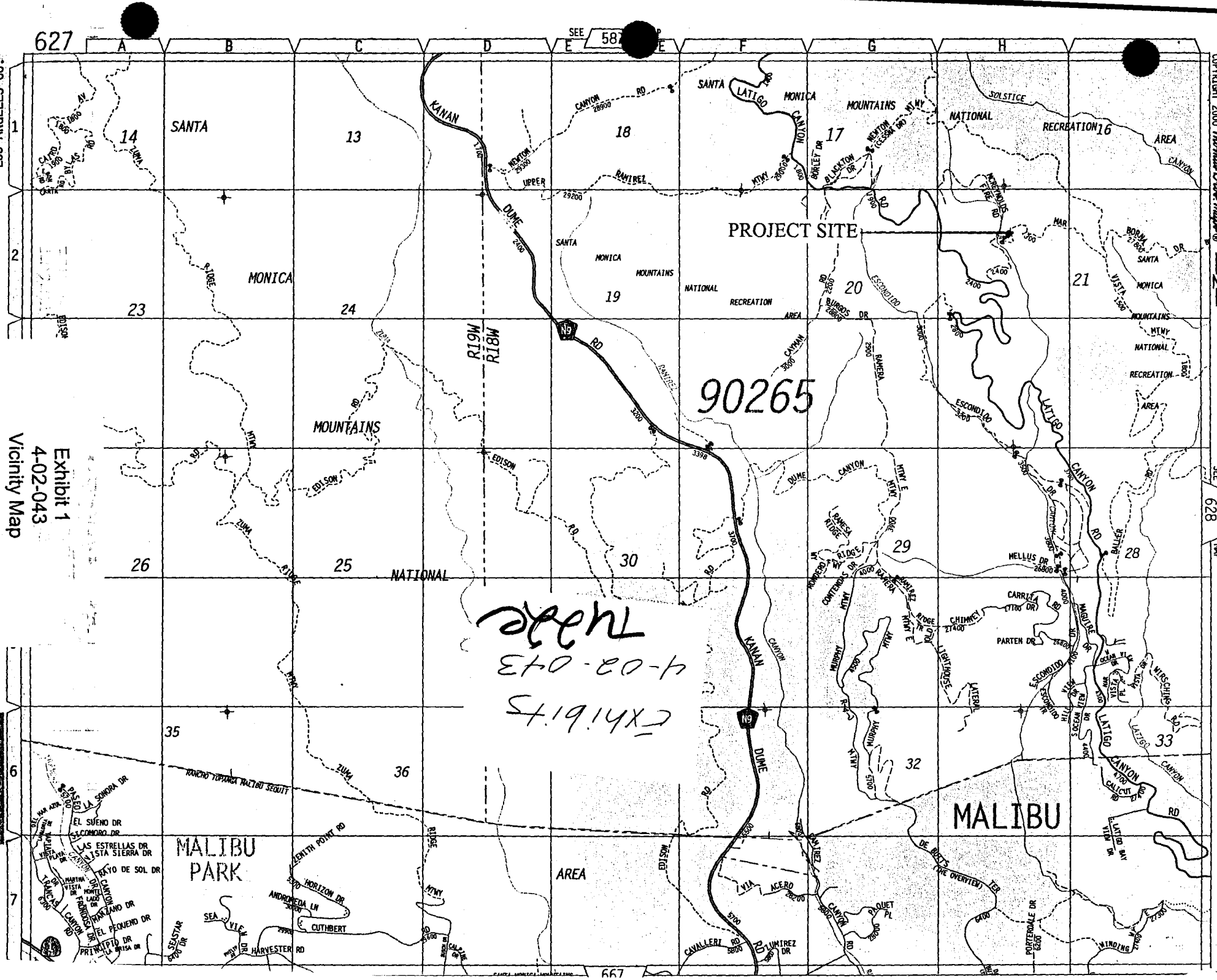
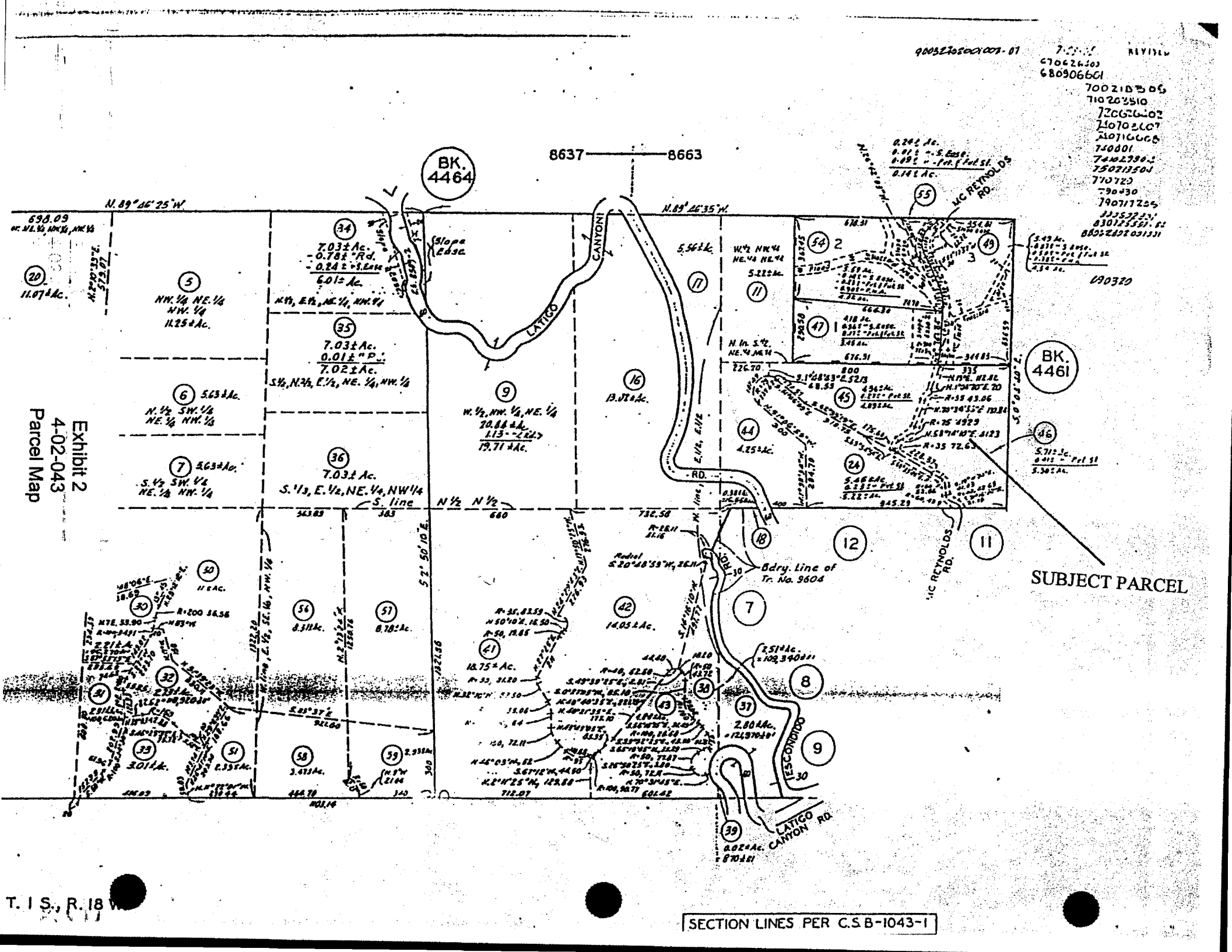


Exhibit 1
4-02-043
Vicinity Map


BK. 4464
8637
8663
BK. 4461
N. 89° 46' 25" W.
N. 89° 46' 35" W.
698.09
LATIGO CANYON
(Slope Edge)
5.56± Ac.
W½ NW¼ NE¼ NE¼
5.22± Ac.
MC REYNOLDS RD.
5
NW. ¼ NE. ¼ NW. ¼
11.25± Ac.
34
7.03± Ac.
0.78± "Rd."
0.24± "S. Line"
6.01± Ac.
35
7.03± Ac.
0.01± "P."
7.02± Ac.
S½, N.W.¼, E½, NE. ¼, NW. ¼
6
5.63± Ac.
N. ½ SW. ¼ NE. ¼ NW. ¼
7
5.63± Ac.
S. ½ SW. ¼ NE. ¼ NW. ¼
36
7.03± Ac.
S. ½, E. ½, NE. ¼, NW ¼
S. line
N ½ N ½
9
W. ½, NW. ¼, NE. ¼
20.84± Ac.
1.13" - "Rd."
19.71± Ac.
16
13.71± Ac.
11
54
49
47
45
44
4.25± Ac.
24
46
5.71± Ac.
5.30± Ac.
18
Bdry. Line of Tr. No. 9804
12
11
SUBJECT PARCEL
7
8
9
42
14.05± Ac.
41
18.75± Ac.
43
38
37
2.80± Ac.
= 122,010± SF
39
0.02± Ac.
= 870± SF
TESCONDIDO
LATIGO CANYON RD.
30
56
8.31± Ac.
57
8.78± Ac.
58
3.47± Ac.
59
2.93± Ac.
50
11± Ac.
32
2.29± Ac.
33
2.01± Ac.
51
6.35± Ac.
Exhibit 2
4-02-043
Parcel Map
T. 1 S., R. 18 W.
SECTION LINES PER C.S.B-1043-1

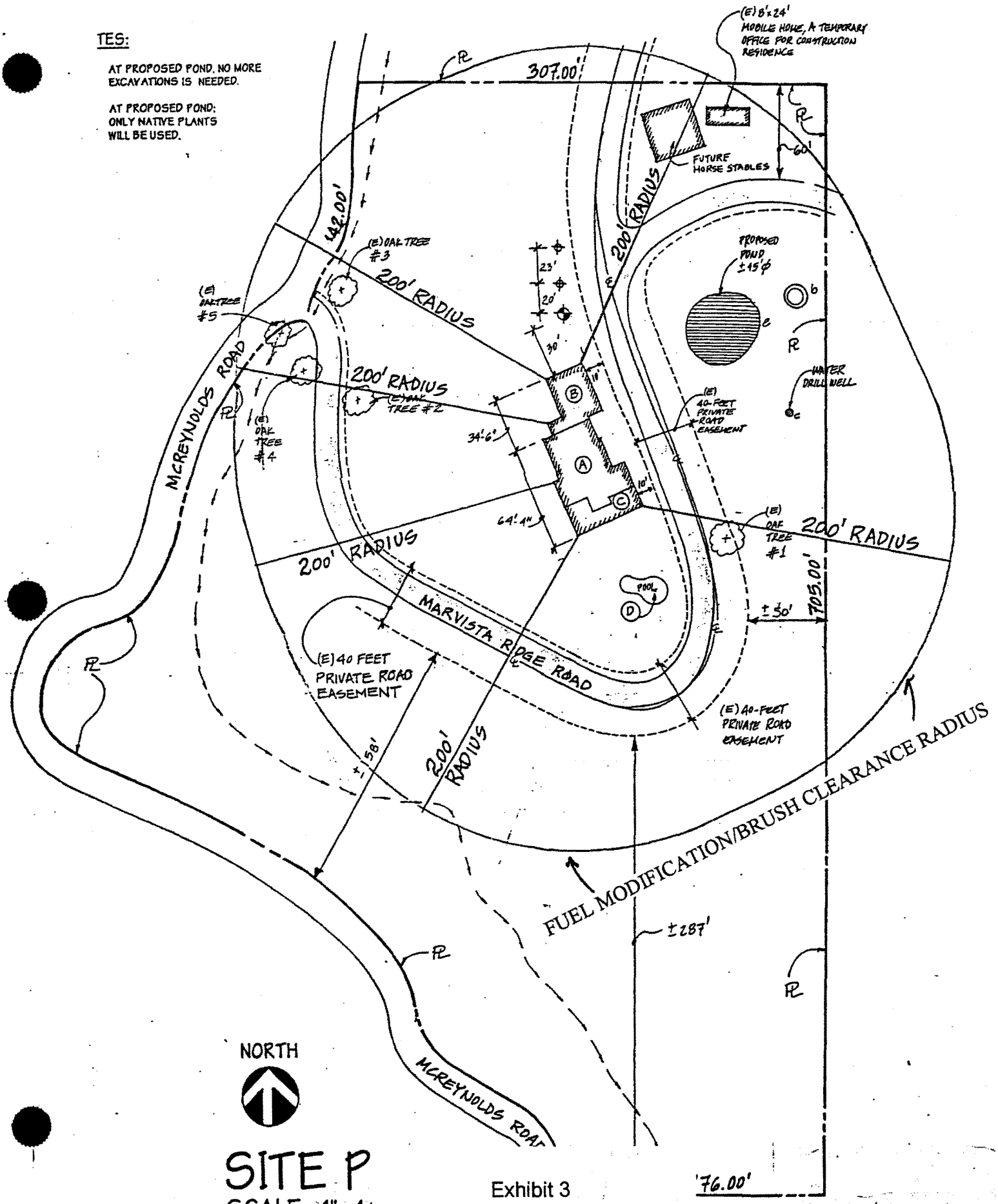


Exhibit 3
4-02-043
Site Plan

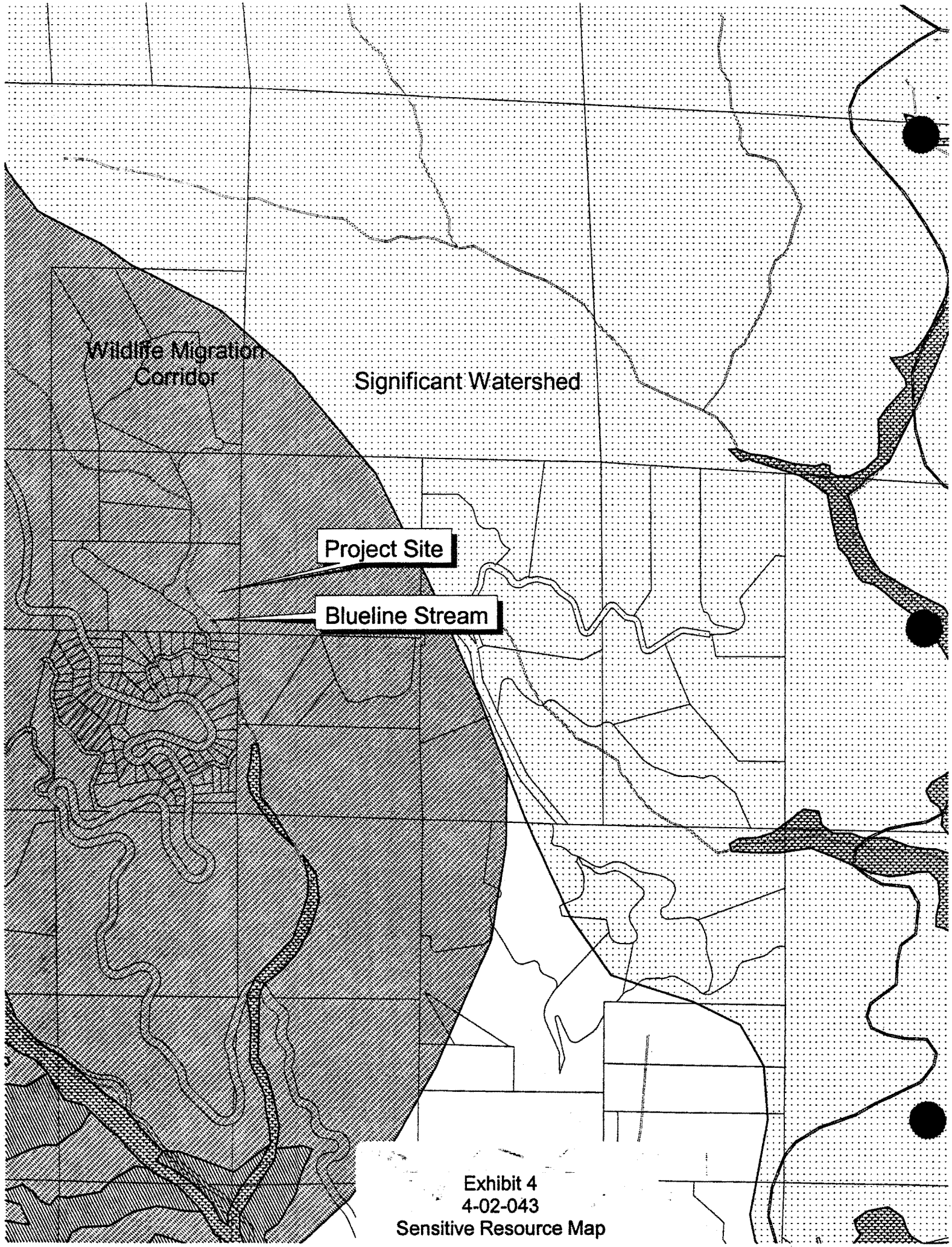


Exhibit 4
4-02-043
Sensitive Resource Map

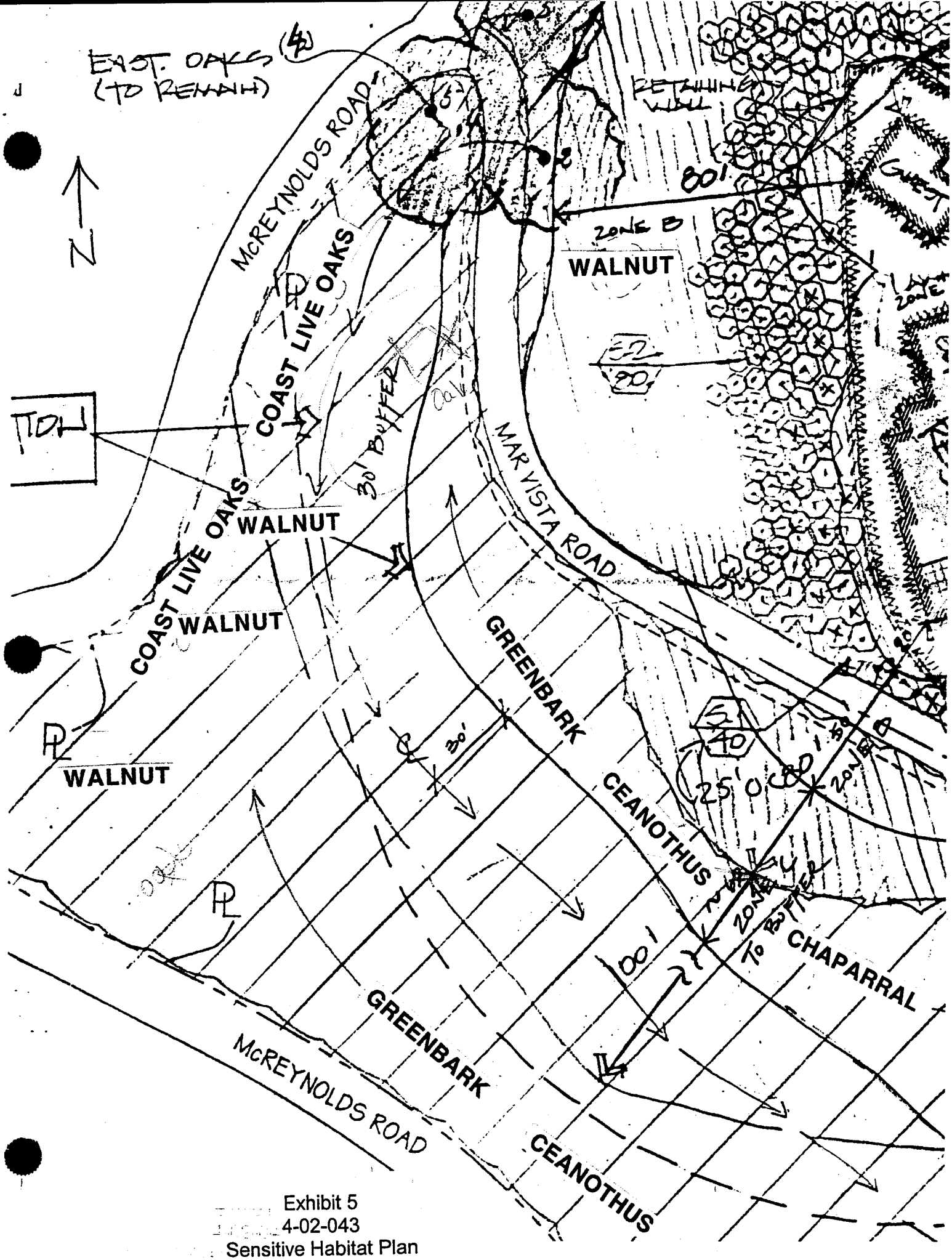
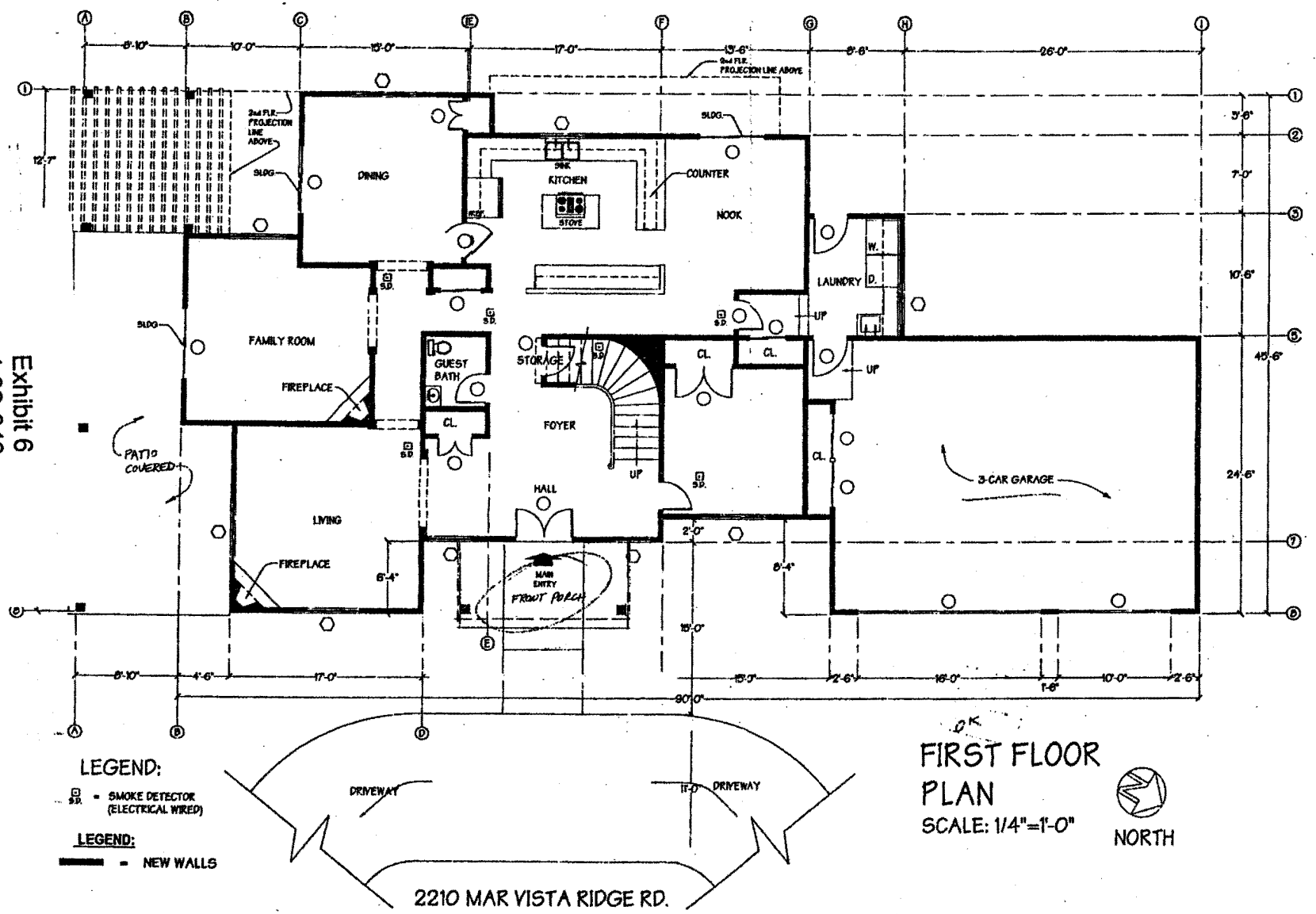


Exhibit 5
4-02-043
Sensitive Habitat Plan

Exhibit 6
4-02-043
First Floor Plan



LEGEND:

S.D. = SMOKE DETECTOR (ELECTRICAL WIRED)

LEGEND:

▬▬ = NEW WALLS

OK

FIRST FLOOR PLAN

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

NORTH

ARCHITECTURE
CONSTRUCTION
DESIGN
PLANNING
ENGINEERING

Rivera & Associates

RIVERA & Associates
12100 HAMLIN ST. SUITE No. 4
VALLEY PLAZA CENTER
NORTH HOLLYWOOD, CA 91606
phone (818) 506-9091
FAX (818) 506-8561

OWNER:
VISTA ENTERPRISES, INC.

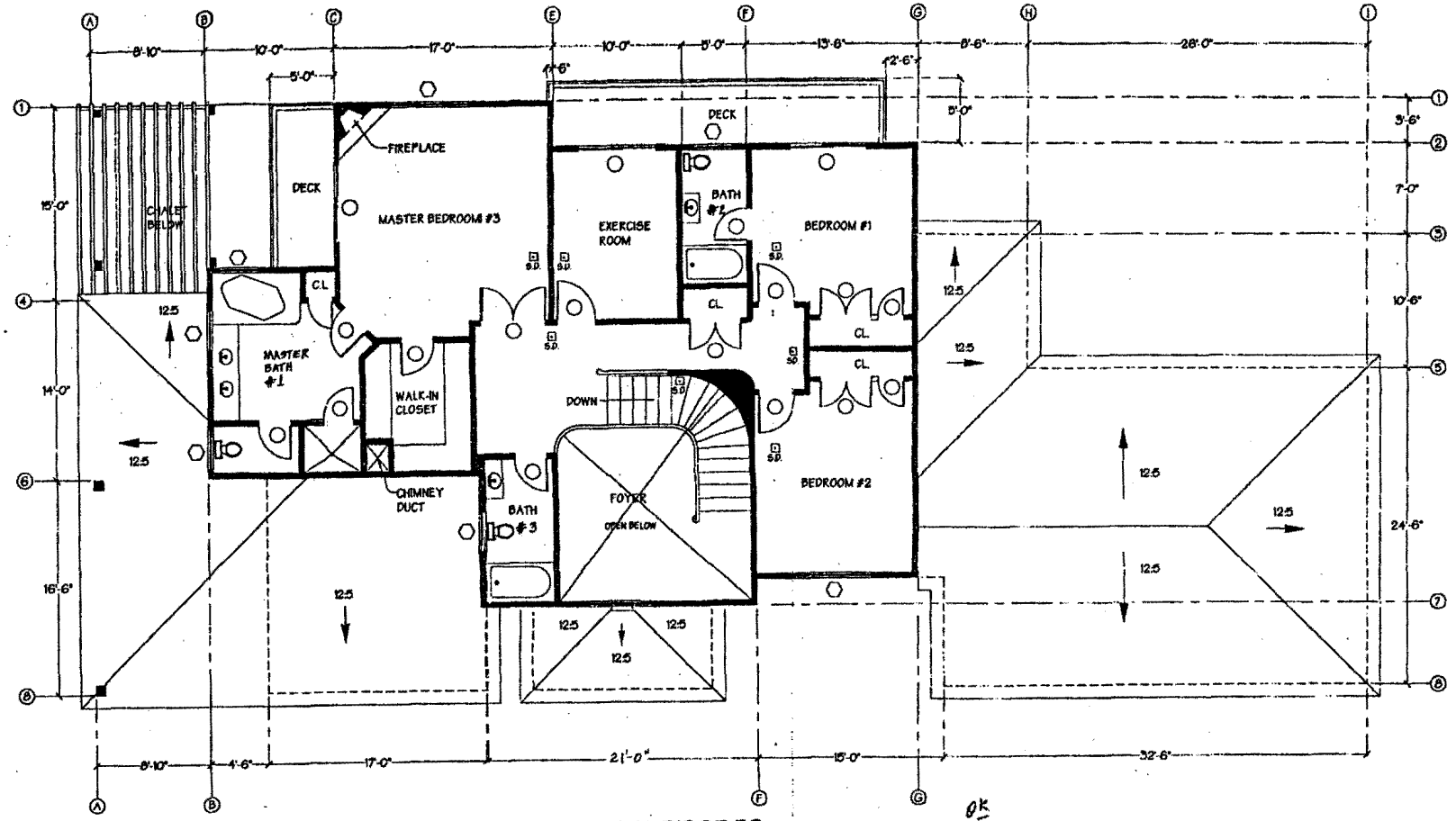
PROJECT:
2-STORY S. FAM. RESIDENCE WITH 3-CAR GARAGE & GUEST HOUSE.

JOB SITE:
2210 MAR VISTA RIDGE RD.
L. A. COUNTY,
MALIBU, CA. 90265

PP# 28166

DRAWN BY: B. SARKISIAN
APPROVED BY: EDUARDO RIVERA
SCALE: AS NOTED
DATE: 03-30-02

A-3



2210 MAR VISTA RIDGE RD.

LEGEND:

S.D. = SMOKE DETECTOR (ELECTRICAL WIRED)

LEGEND:

▬ = NEW WALLS

OK

SECOND FLOOR PLAN

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

NORTH

ARCHITECTURE
CONSTRUCTION
DESIGN
PLANNING
ENGINEERING

Rivera & Associates

RIVERA & Associates
12100 FRANKLIN ST. SUITE NO. 4
VALLEY PLAZA CENTER
NORTH HOLLYWOOD, CA 91605
PHONE: (818) 506-6091
FAX: (818) 506-4851

OWNER:
VISTA ENTERPRISES, INC.

PROJECT:
2-STORY S. FAM. RESIDENCE WITH 3-CAR GARAGE & GUEST HOUSE.

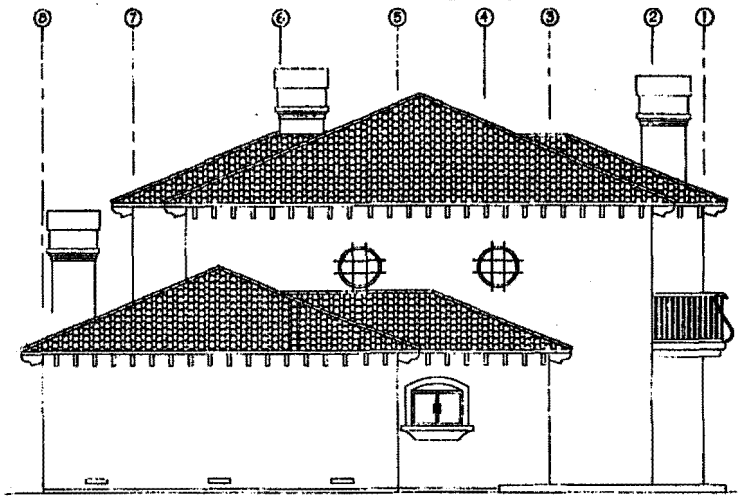
JOB SITE:
2210 MAR VISTA RIDGE RD.
L. A. COUNTY,
MALIBU, CA. 90265

PP# 28166

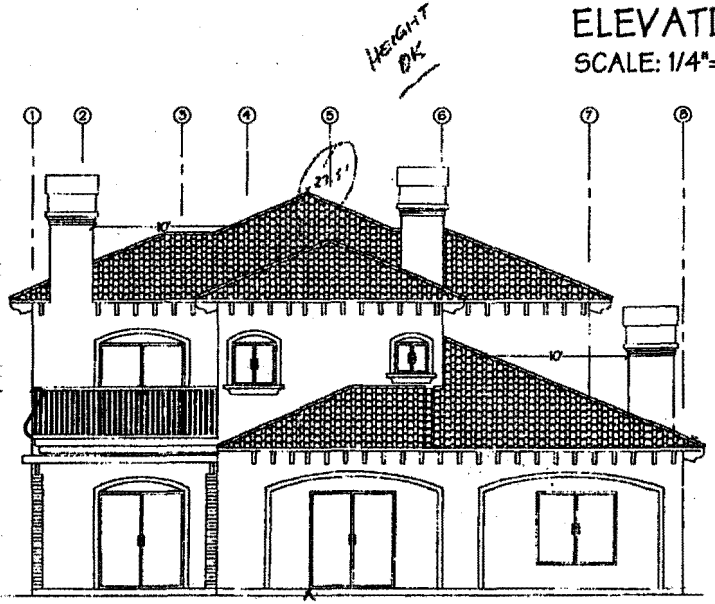
DRAWN BY: C. SANCHEZ
APPROVED BY: EDUARDO RIVERA
SCALE: AS NOTED

A-4

Exhibit 7
4-02-043
Second Floor Plan



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



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

ARCHITECTURE
CONSTRUCTION
DESIGN
PLANNING
ENGINEERING

Rivera & Associates

RIVERA & Associates
12158 HAMLIN ST. SUITE No. 4
VALLEY PLAZA CENTER
NORTH HOLLYWOOD, CA 91606
Phone (818) 506-5061
Fax (818) 506-4981

OWNER:
VISTA
ENTERPRISES, INC.

PROJECT:
2-STORY S. FAM.
RESIDENCE WITH
3-CAR GARAGE &
GUEST HOUSE.

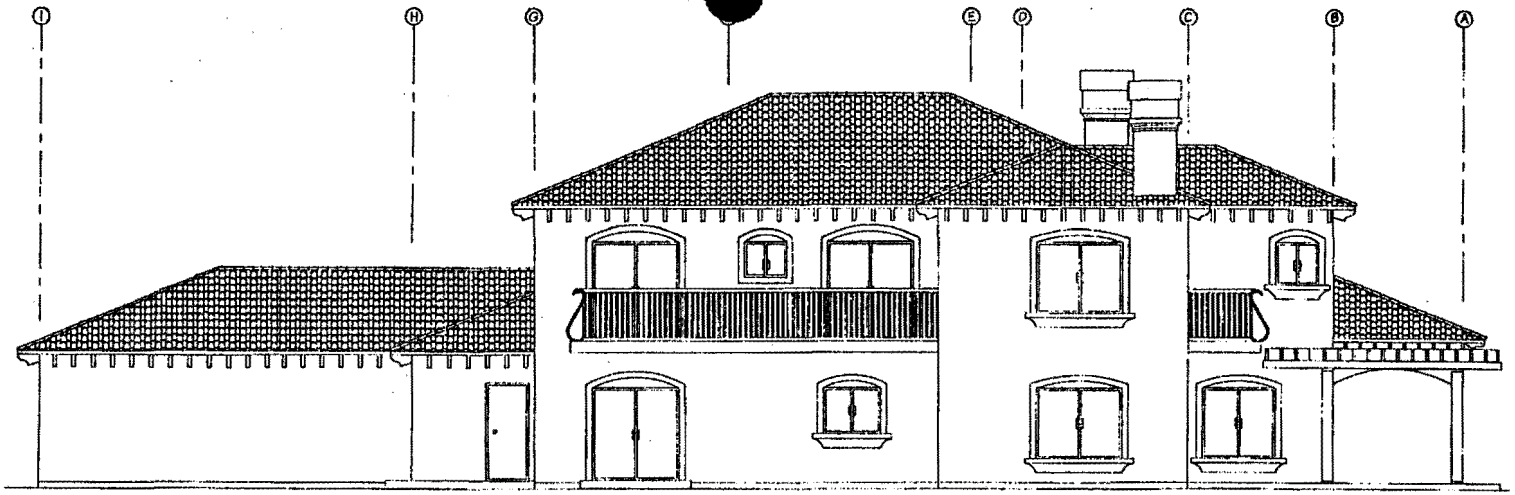
JOB SITE:
2210 MAR VISTA
RIDGE RD.
L. A. COUNTY,
MALIBU, CA. 90265

PP#28166

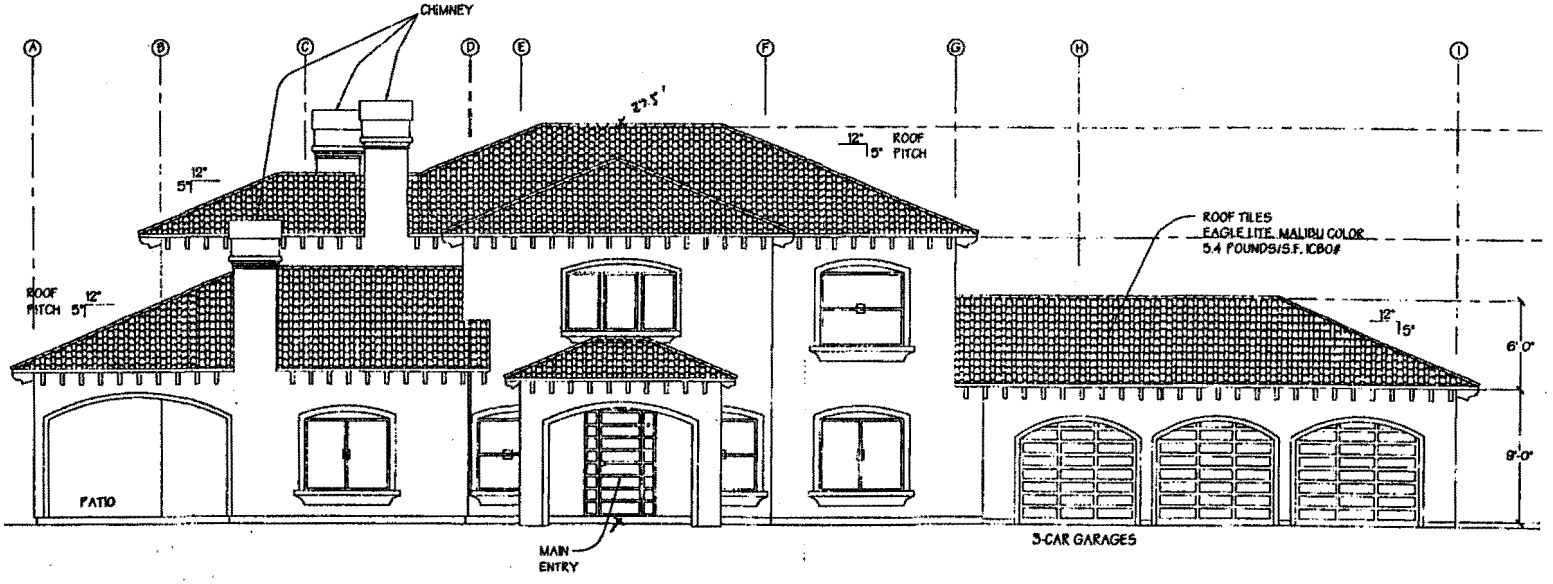
DRAWN BY R. SANCHEZ
APPROVED BY EDUARDO RIVERA
SCALE AS NOTED
REVISED DATES 03-30-02

A-7

Exhibit 8
4-02-043
Residence Elevations



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



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

Exhibit 9
4-02-043
Residence Elevations

ARCHITECTURE
CONSTRUCTION
DESIGN
PLANNING
ENGINEERING

Rivera & Associates

RIVERA & Associates
12156 HAMLIN ST. SUITE No. 4
VALLEY PLAZA CENTER
NORTH HOLLYWOOD, CA 91606
Phone (818) 508-8001
Fax (818) 508-4081

OWNER:
VISTA
ENTERPRISES, INC.

PROJECT:
2-STORY S. FAM.
RESIDENCE WITH
3-CAR GARAGE &
GUEST HOUSE.

JOB SITE:
2210 MAR VISTA
RIDGE RD.
L. A. COUNTY,
MALIBU, CA. 90265

PP# 28166

DRAWN BY E. Suarez
APPROVED BY EDUARDO RIVERA
SCALE AS NOTED
REVISED DATES
03-30-02

A-6