

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: AMENDMENT

APPLICATION NO: 4-02-043-A-1

APPLICANT: Raymond Munro **AGENT:** Eduardo Rivera, Rivera Associates

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

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construct a 2-story, 28 ft. high, 3,377 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.

DESCRIPTION OF AMENDMENT: Construct 750 sq. ft. one story detached guesthouse.

LOCAL APPROVALS RECEIVED: County of Los Angeles Approval in Concept dated 4-5-2002 for prior project identifying the guesthouse in similar location.

SUMMARY OF STAFF RECOMMENDATION:

The applicant postponed this application from the May 2004 agenda to allow the applicant to provide additional information. The applicant also extended the time for the review of this application for an additional 90 days under the Permit Streamlining Act. Although this application is scheduled for the July 14-16, 2004 Commission meeting, it must be acted on by the Commission prior to August 16, 2004, no later than the August 11-13, 2004 meeting.

Staff recommends **Denial** of the amendment request to construct a detached guesthouse, as it is inconsistent with the environmentally sensitive habitat and the landform alteration requirements of Coastal Act Sections 30231, 30240 and 30251. The proposed project is located within a designated wildlife migration corridor and near a blue line stream. Through past permit actions the Commission has consistently limited the size of development areas in and adjacent to ESHA to a maximum of 10,000 sq. ft. The proposed detached guesthouse in addition to the approved residence and garage

now constructed would increase the size of the building pad to about 17,000 sq. ft. The applicant requested approval of a 9,750 sq. ft. building pad for the residence, garage and pool approved by the Commission in Coastal Permit No. 4-02-043. However, a review of the site/grading plan submitted with Application No. 4-02-043 indicates that the pad identified is actually about 16,400 sq. ft, as measured by staff. In addition, the guesthouse would require an increase in the size of the fuel modification area adversely affecting relatively undisturbed native riparian and oak woodland, and chaparral plant communities, considered environmentally sensitive habitat pursuant to Coastal Act Section 30107.5.

There are feasible alternatives that would lessen adverse impacts to coastal resources and environmentally sensitive habitats on the subject site. Therefore, the proposed project is inconsistent with the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit No. 4-02-043, Munro; Coastal Permit No. 4-01-214, Douda; Coastal Permit No. 4-03-028, Buyink.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (§13166 of the California Code of Regulations). The Executive Director has determined that the proposed amendment is a material change.

I. STAFF RECOMMENDATION: PERMIT DENIAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-043-A-1 for the development proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in **denial** of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS.

A. Amendment Description and Background

The applicant proposes an amendment to construct a 750 sq. ft. one story detached guesthouse on an expanded building pad with an unknown quantity in cubic yards of additional as-built grading and expanded length retaining walls. This unknown quantity of grading was completed without a coastal permit. The guesthouse is located 27 feet beyond and to the north of the approved (Coastal Permit No. 4-02-043, Munro) residence and garage. Construction of the residence and garage appears complete. (Exhibits 1 – 6) The approved 3,377 sq. ft. two story residence with a 3-car garage, driveway, swimming pool and spa are all located on a 9,750 sq. ft. building pad, as represented by the applicant, which was created with 500 cubic yards of grading and about 455 cubic yards of as-built grading (Exhibit 7).

Staff's review of the amendment application and the file for Coastal Permit No. 4-02-043 identified an inaccurate building pad size representation and two unlicensed individuals who apparently prepared the submitted architectural design plans. A review how the building pad expanded over time will be presented. Exhibit 14 identifies a Topographical Map for the project site and flat building pad as of 1967 prior to the effective date of the Coastal Act. Staff measured this original flat building pad at about 9,600 sq. ft. in size using the 1" = 40 ft. scale drawn on the Topographical Map. Exhibit 15 identifies the project site with an expanded flat building pad as a result of unpermitted grading which was completed on the site sometime after 1977, the effective date of the Coastal Act and before the May 29, 2002 date this topographical map was submitted. Staff measured this 'as graded' building pad at about 15,000 sq. ft. in size. This Existing Topographic Map (Exhibit 15) submitted by the applicant in application number 4-02-043 on May 29, 2002 indicates that the "Existing Area of Flat Level: 9,750 sq. ft. Approx." and that 455 cubic yards of as-built grading was completed to expand the flat building pad area. The flat building pad at the time of the submittal of application number 4-02-043 was actually about 15,000 sq. ft. in size. This applicant requested in Coastal Permit No. 4-02-043 an additional 500 cubic yards of grading to construct the approved residence, garage and pool, while representing that the building pad would remain at 9,750 sq. ft. in size. Therefore, Coastal Development Permit 4-02-043 granted after-the-fact approval of the 455 cu. yds. of unpermitted grading that occurred

on site prior to 2001 and, in addition, also authorized an additional 500 cu. yds. while as represented by the applicant the building pad would remain at 9,750 sq. ft. in size. However, the building pad on the existing approved site/grading plan (drawn with a 1"=20.0' scale) is actually about 16,400 sq. ft. in size, much larger than the 9,750 sq. ft. size represented by the applicant in Coastal Permit No. 4-02-043 (Exhibit 16)."

In order to construct the guesthouse, the building pad with the approved residence and garage would need to be far larger than 9,750 sq. ft. in size. The building pad, as delineated on the actual grading plans (drawn with a 1"=20.0' scale), is actually 16,400 sq. ft. in size, much larger than the 9,750 sq. ft. size which the applicant represented would be the maximum size of the pad in his application for Coastal Permit No. 4-02-043 (Exhibit 16). This site/grading plan was also identified as a drainage plan. It was stamped and signed by Osvaldo E. Dreckmann, Registered Professional Engineer No. 42039 with a handwritten note stating it was prepared under his supervision (Exhibit 16). Staff measured the flat building pad area on this site/grading/drainage plan with the approved residence, garage and pool finding it was not 9,750 sq. ft. in size as represented by the applicant but rather was 16,400 sq. ft. as measured by staff using the scale identified on the plan. The site/grading plan submitted for the proposed guest house with this amendment application is represented by the applicant as "Existing Pad Area = 9,750 sq. ft." Staff measured this proposed site/grading plan finding that, in order to construct the proposed guesthouse, the pad is now proposed to be further expanded by about 600 sq. ft. to a total of 17,000 sq. ft. in size. Staff visited the subject site on April 21, 2004 finding that additional grading and an expansion of the building pad had been completed, expanding the building pad to about 17,000 on an unpermitted basis (Exhibits 21, 22, 23). It appears that the black ink grading plans submitted on May 19, 2004 (Exhibit 17) actually delineated about a 17,000 sq. ft. pad, the text included on those same plans misrepresented the size of the finished pad as only 9,750 sq. ft. in size (note: 9,750 sq. ft. was actually the size of the pad that existed on site prior to 2002 as identified on Exhibit 14). This site/grading plan for the proposed guesthouse includes notes that it was "Drawn by: B. Sanchez" and "Approved by: Eduardo Rivera" on a plan sheet identifying Rivera & Associates, in North Hollywood, CA as the company preparing the plan. The legend also states the following: "Architecture Construction Design Planning Engineering" in the upper left corner. On June 22, 2004, Staff contacted the California Architects Board to determine if B. Sanchez or Eduardo Rivera were actually licensed as State Architects. The California Architects Board confirmed on June 23, 2004 that there were no records indicating either B. Sanchez or Eduardo Rivera were state licensed architects. Therefore, staff notes that the existing as-completed grading pad is more than 7,250 sq. ft. larger than the applicant previously represented to the Commission and that the new guest house, proposed as part of this amendment, would require even further expansion of the flat pad area.

Further, the approved final fuel modification plan would also need to be expanded to accommodate the proposed guesthouse (Exhibit 9). The applicant did not submit a final or preliminary fuel modification plan that specifically identified the additional fuel modification area necessary for the proposed guesthouse in the proposed location. The applicant has referenced a previously Final Fuel Modification Plan approved by the Los

Angeles County Fire Department on 1/10/02 and 3/18/02 (Exhibit 19). This prior plan was the initial proposed project in Application No. 4-02-043 with the proposed guesthouse then located in a slightly different location compared to the proposed location in this amendment to Coastal Permit No. 4-02-043. The prior guesthouse was proposed by the applicant to be removed from the project description and the coastal permit was conditioned to require revised plans specifically deleting the guest unit. This Coastal Permit was issued on December 4, 2002 without approving the guest unit.

This amendment application was submitted on December 5, 2003 and assigned to staff after the 30-day filing review period required by the Permit Streamlining Act. The application was filed as complete on January 4, 2004 without the staff having the opportunity to review the application materials necessary to complete the application prior to its filing.

Staff requested in a letter dated April 7, 2004 that the applicant's agent provide information addressing four issues: 1) the cut and fill quantities required for the guest house; 2) additional acreage for the expanded fuel modification zones A, B, and C for the proposed guest house beyond the existing fuel modification zone approved for the residence; 3) the size of the revised building pad needed for the proposed guest house; and 4) the possibility to relocate the guest house to be either attached or closer to the primary residence (Exhibit 10). The applicant responded on May 4, 2004 requesting that this application be removed from the May 2004 hearing and rescheduled to the June 2004 meeting. On May 5, 2004 the applicant provided a written request for a postponement and a meeting was scheduled with staff. Staff met with the applicant and his agent on May 12, 2004 providing an explanation for the staff recommendation for denial of this amendment. The applicant offered to respond to the questions posed in the April 7, 2004 letter and provide further information including "as built" grading plans and a preliminary fuel modification plan approved by the Los Angeles County Fire Department. Staff asked that the applicant provide this information by May 18, 2004 to allow adequate time for staff to consider prior to completing the staff report for the June 2004 meeting. On May 18, 2004, the applicant contacted staff stating he would provide the information early the next day on May 19, 2004. On May 19, 2004, the applicant submitted information partially addressing the questions raised in the April 7, 2004 letter and at the May 12, 2004 meeting. However, the information addressing the differences in grading quantities, building pad size, and fuel modification zone areas between the proposed amendment and the approved permit were not provided. In addition, the requested "as built" grading plans and preliminary fuel modification plan approved by the Los Angeles County Fire Department for the proposed guest house were not provided. At the request of staff, the applicant extended the time allowed for Commission review of this amendment to allow the applicant additional time to submit this information by May 28, 2004.

On May 31, June 1, and June 15 2004, the applicant submitted information addressing the additional quantities of grading and differences in the area of the fuel modification zones (Exhibits 11 and 12). On the revised May 31, 2004 letter from Rolando Mena identifying the grading quantities, it appears the applicant continued to represent that the "existing pad area is 9,750 sq. ft. and will not change". As noted above, the existing

pad may not change as proposed as it is now about 17,000 sq. ft. in size and is not 9,750 sq. ft. in size. In addition, the requested 'as built' grading plans and preliminary approved fuel modification plans addressing the proposed location for the guesthouse were not submitted. However, a review of the information submitted indicated that the quantities of grading and size of the expanded fuel modification plan were not accurate. The previously approved grading was 955 cubic yards, rather than the 9,372 cubic yards identified on Exhibit 11. The additional 'as completed' grading for the site is identified as 248 cubic yards on Exhibit 11. However this quantity only identifies the area of the fire department hammerhead turnaround. It does not address the building pad area expanded on the site proposed for the guesthouse that is immediately north of the existing residence and garage. A review of the site plans as approved and proposed indicates a grade difference of about 15 feet that would need to be cut to create a flat pad for the guest house (see Exhibit 16, as approved, and Exhibit 17 as proposed). As a result, additional cut material was necessary to expand the building pad thereby creating area for the proposed site pad for the guesthouse; this grading has been completed without a coastal permit. Neither the applicant nor his engineer have clarified or identified this total amount of grading. Staff has requested that this letter be reviewed by the applicant with his engineer, Roland Mena, P. E. License # C50331, as the approved quantity of grading listed was not accurate (a total of 955 cubic yards of grading was approved) and the proposed 248 cubic yards of grading did not include the additional 'as graded' quantity to level and expand the building pad. The applicant resubmitted this letter on June 15, 2004 (Exhibit 12) with a revised 705 cubic yards of approved grading but did not address the additional grading completed to expand and level the building pad to construct the proposed guesthouse. This 705 cubic yards of grading is less than the approved 955 cubic yards; no 'as built' grading plans were submitted to confirm this discrepancy in the grading quantities.

There is an existing fuel modification area with zones A, B and C surrounding the existing residence approved by Coastal Permit No. 4-02-043 (Exhibit 9). The proposed guest house, located about 27 feet from the existing residence and garage, will expand the size of the approved fuel modification area. Since the application was filed as complete without staff review, a preliminary fuel modification plan was not provided. Staff requested in the May 12, 2004 meeting with the applicant that a fuel modification plan approved as preliminary by the Los Angeles County Fire Department be provided. The applicant has stated that the fire department will not provide such an approved plan for the proposed project but that a prior approved fuel modification plan for the guest house located in a similar location be considered (Exhibit 19). Regarding the issue of the increase in the fuel modification area necessary for the proposed guesthouse, the applicant submitted on May 31, 2004 a letter from Eduardo Rivera, Rivera & Associates, comparing the size of the three fuel modification zones (Exhibit 13). The comparison was based on the original final approval by the Los Angeles County Fire Department for the residence and garage (Exhibit 9) and a similar preliminary approval by the Los Angeles County Fire Department for the previous guest house (Exhibit 19). Exhibit 9 identifies the approved fuel modification area approved by the Commission dated 12/12/02 and Fire Department dated 7/23/02. Exhibit 19 identifies the Los Angeles County Fire Department approved fuel modification plan, dated 3-18-02 and 1-10-02, with the previously requested guesthouse but not approved by the Coastal Commission

in Coastal Permit No. 4-02-043. The comparison provided by the applicant on May 31, 2004 indicated that zones A and C would remain the same size as that for the original approval, but that zone B would increase from 10,000 sq. ft. to 16,400 sq. ft. Staff requested that the applicant review these numbers with his architect as there appeared to be an error. The submitted numbers indicated that the fuel modification would expand significantly in size if the proposed guest house were constructed; zone B would expand from 10,000 sq. ft. to 16,400 sq. ft. of disturbed area of chaparral. If zone C remained the same 20,000 sq. ft. the outer range of zone C would be larger than currently approved affecting more chaparral habitat. On June 22, 2004, the applicant submitted a revision to the fuel modification comparison (Exhibit 18). The comparison, completed by Larry Tison, landscape architect, indicates that each of zones A, B, and C will be increased in size as a result of the proposed guesthouse. Staff confirmed that Larry Tison is a licensed landscape architect, number 1844. The following tables include the information presented:

Approved Fuel Modification Plan,
dated 7/23/02 with Coastal
Permit No. 4-02-043, no guesthouse.

Proposed Fuel Modification Plan
dated 3/18/02 (and 1/10/02)
with proposed guesthouse.

Zone A – 7,000 sq. ft.
Zone B – 57,000 sq. ft.
Zone C – 78,200 sq. ft.

Zone A – 9,600 sq. ft.
Zone B – 67,400 sq. ft.
Zone C – 86,000 sq. ft.

On June 24, 2004, the applicant submitted a third revision of the fuel modification comparison (Exhibit 21). The comparison as completed and stamped by Larry Tison, landscape architect, indicates that the calculations were switched between those without the guest house and those with the guest house. It appears to staff that larger numbers for Zones A, B, and C would apply to the residence, garage and guest house. The smaller numbers should apply to the residence and garage contrary to what is now presented by Larry Tison, licensed landscape architect.

A visual review comparing these two Fuel Modification Plans may be done using Exhibit 9 as the plan approved without the guesthouse and Exhibit 19 as the plan proposed with the guesthouse.

B. Environmentally Sensitive Habitat

Coastal Act 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.

Coastal Act 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.

Coastal Act 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, Escondido Creek, 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 8). 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 (Coastal Permit No. 4-02-043, Munro). 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 located 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, where sensitive natural vegetation is not present due to past disturbance. This portion of the parcel has been previously graded and the applicant has received a coastal permit for the construction of a residence, attached garage and swimming pool and spa on this graded building pad. Across the road to the east the applicant has an approved 45 foot in diameter pond. The applicant has represented that the building pad area is 9,750 sq. ft., as presented by the applicant in Coastal Permit No. 4-02-043 and in this amendment application. Staff has measured the size of the existing pad on the site plan provided by the applicant and found that the existing 'as graded' building pad is actually 17,000 sq. ft. providing additional flat building pad area for the proposed guest house. A detailed discussion of this discrepancy is presented in Section II A. above. Therefore the existing 'as graded' building pad is 7,250 sq. ft. larger than the 9,750 sq. ft. pad approved by the Commission and larger than the 10,000 sq. ft. maximum allowed by the Commission based on past precedents. The applicant also proposes to expand the length and configuration of the approved retaining walls on the northern portion of the building site to accommodate the proposed guesthouse.

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 detached guest house in addition to an approved single family residence and attached garage and other appurtenant structures on the parcel. As guesthouses

do not have to be located within ESHAs to function, the Commission does not consider a guesthouse to be a use dependent on ESHA resources.

In past permit actions, the Commission has allowed one single family residence and a guesthouse or other accessory habitable structure to be constructed on a parcel with ESHA as long as the development is located close to an existing public road, with a minimal length of a private driveway to a clustered building pad. The Commission has applied a 10,000 sq. ft. limit on building pad areas, including the area necessary for cut and fill slopes less the minimum necessary for any emergency vehicle turnaround area on the pad for sites within significant watersheds and sensitive habitat areas to minimize adverse impacts to those sensitive resources. The proposed 750 sq. ft. guesthouse will require that the building pad be increased in size from the approved approximate 9,750 sq. ft. to 17,000 sq. ft. In addition an unknown quantity of additional 'as graded' cut and fill grading is necessary to expand this building pad and two additional retaining walls would be necessary to create this expanded pad area. The proposed 'as graded' building pad at 17,000 sq. ft. is well beyond the 10,000 sq. ft. maximum the Commission has allowed within ESHA areas within the Santa Monica Mountains.

The Sensitive Habitat/Fuel Modification/Brush Clearance Assessment, prepared by Klaus Radtke, discussed the preferred method of avoiding impacts to plant communities, in part, as follows:

As per Coastal Act such plant communities and habitats must be protected on site with minimal development impacts or appropriate mitigation measures, as part of the development process. Impact avoidance rather than impact mitigation is the preferred and most successful method of protecting such plant communities and habitats.

This Assessment further describes the impact on these resources as a result of the expanded fuel modification with the detached guesthouse as previously proposed in a similar location as the guesthouse is now proposed, as follows:

IV. Protection of Sensitive Habitats/Resources

The following sensitive habitats and resources that may be further impacted or even destroyed by the proposed development were readily identified based on the preliminary site investigation carried out on 5-25-2002:

- a) The remainder of the narrow riparian/oak woodland corridor*
- b) Southern California Black Walnut habitat (a sensitive plant species)*
- c) Soil seed pool of native vegetation, especially annual and biannual postfire flora*
- d) Highly erosive soils on moderate to very steep mountain slopes.*

1. Area West To Southwest of the Building Pad

A. Fuel Modification and Riparian Corridor

The best way to reduce further environmentally degrading impacts is to protect these resources in situ (in place). At this point this should be done by arresting the extensive brush removal carried out to date on site and not extending 'fuel modification' onto the very steep, highly erosive slopes above the creek, and recognizing it both as an important riparian woodland habitat and a local wildlife corridor.

(Staff note: the above information addresses the fuel modification required for previous proposed guest house that is located in a similar location as the proposed. The previous proposed guest house was deleted from the approved project in Coastal Permit No. 4-02-043 as required by Special Condition No. 12, Revised Plans.)

This Assessment concludes that one alternative to protect these coastal resources on site is to not extend fuel modification onto the steep highly erosive slopes above the creek where the sensitive coastal resources are located. The Los Angeles County Fire Department requires fuel modification for up to a 200-foot radius from all habitable structures to reduce the risks of wildfire. The approved fuel modification for the residence and garage approved by Coastal Permit No. 4-02-043 includes a reduced fuel modification area for Zone B, which extends only 80 feet from the residence structure rather than 100 feet (Exhibit 9). There is a 20 foot wide buffer on the east side of the creek channel closest to the residence and Zone C is located from 100 feet to 200 feet from the structure where only deadwood is to be removed according to the approved final Fuel Modification Plan.

As noted in the prior findings and staff report for Coastal Permit No. 4-02-043 (Munro) the applicant had revised the prior application to delete the previously proposed detached guest unit. As previously proposed, the detached guest unit is located in a similar location north of the residence and garage would result in a combined extensive fuel modification encroaching onto the naturally vegetated slopes descending into the stream channel. In an effort to minimize the loss of vegetation along the descending slope near the stream channel and minimize the potential for erosion into the stream, the applicant had revised the prior application to delete the proposed detached guest unit and shift the proposed residence to the center of the existing building pad directly adjacent to the access road. This prior project revision and relocation enabled the applicant to maximize the setback from the steeper naturally vegetated slopes of the site and reduce the size of the fuel modification area that surrounded the smaller building footprint.

As now proposed in this amendment the applicant proposes a guesthouse in a location closer to the access driveway. This location is similar to that proposed in the prior application as noted above. However, the location of the guesthouse will still require a building pad larger than 10,000 sq. ft. in size and will significantly expand the fuel modification of the naturally occurring vegetation along the slope to the north and northwest and possibly within the stream channel located about 100 feet to the northwest within the 200-foot fuel modification area. Based on the initial information submitted by the applicant's landscape architect (Exhibit 18), the proposed fuel modification will expand Zones A from 7,000 to 9,600 sq. ft.; Zone B from 57,000 to 67,400 sq. ft.; and Zone C from 78,200 sq. ft. to 86,000 sq. ft. The resulting fuel modification requirements for the development of this proposed guesthouse will cause significant disruption of habitat values in ESHA. The Commission, therefore, finds that proposed project to construct a detached guesthouse, expand the building pad, construct extensions of two retaining wall and grade an unknown quantity of additional cut and fill material will not minimize significant adverse impacts on the sensitive riparian and chaparral habitat considered ESHA. The Commission has approved the

single-family residence on the subject site to avoid a taking of the property. Because the proposed development will increase the building pad beyond 10,000 sq. ft. and have an adverse effect on the surrounding ESHA as a result of the increased pad size and surrounding fuel modification, the Commission finds that the development is inconsistent with Section 30240 of the Coastal Act.

For the reasons set forth above, the Commission finds that the proposed project to construct a detached guesthouse will result in significant adverse impacts to sensitive environmental resources on the site, and is therefore inconsistent with Sections 30231 and 30240 of the Coastal Act.

C. Visual Resources and Landform Alteration

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 protected, landform alteration be minimized, and where feasible, degraded areas be enhanced and restored. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides. The proposed development site is on an existing building pad north of an approved residence located on a ridgetop that is highly visible from several scenic public viewing areas and lookout points in the Escondido/Latigo Canyon viewshed.

The applicant proposes to construct a detached guesthouse, expand the building pad, construct extensions of two retaining wall and grade an unknown quantity of additional cut and fill material. The applicant has not submitted a grading plan to identify the additional grading necessary to expand the building pad to include the detached guest house. A review of the grading plan approved in Coastal Permit No. 4-02-043 identifies a rise in elevation of about ten feet in the vicinity of the proposed guest house (Compare topographic lines on Exhibits 16 and 17). The existing building pad is represented to be 9,750 sq. ft. in size according to the applicant. Staff measurements indicate that the expansion of the 'as graded' building pad to construct the guesthouse will require an additional 7,250 sq. ft. of area totaling a building pad of about 17,000 sq. ft. in size.

Based on the above, the proposed detached guesthouse will expand the existing building pad and require additional cut and fill grading to create a highly visible development from the public viewing locations noted above. In addition, the Commission has found that building pads that are 10,000 sq. ft. in size or less are

acceptable in areas with ESHA vegetation such as this project site. Because the proposed development will be highly visible from public locations, require an expanded building pad, and an unknown amount of additional grading, the proposed development is inconsistent with Section 30251 of the Coastal Act which requires that grading and landform alteration for new development be minimized, visually compatible with the surrounding area, and that the visual qualities of coastal areas shall be considered and protected as a resource of public importance.

D. Project Alternatives

Although the Commission is denying the applicant a coastal development permit for the detached guesthouse as proposed, the Commission notes that the applicant is not barred from applying for a permit or pursuing an alternative proposal that minimizes the impacts to visual and environmentally sensitive resources. The Commission notes that the future development of one attached guest unit may be allowed on site as one alternative; a second alternative is the no project alternative. The first alternative is that the proposed guest unit could be attached to the approved residence and garage by adding the guest habitable area onto the second floor of the garage (Exhibit 23). The residence portion of the residence is now approved to be a two-story structure while the attached garage is a one-story structure. The second alternative, the no project alternative, is to accept the action of the prior Coastal Permit No. 4-02-043 to delete the proposed detached guesthouse entirely. Due to the constrained nature of the project site (naturally vegetated hillside slopes leading into the stream corridor that is designated ESHA and additional grading and an expansion of the building pad) new development on the site should be designed and located in a manner that minimizes grading and landform alteration, limits the size of the building pad to 10,000 sq. ft. or less, and minimize adverse affects to onsite ESHA.

Considering that the first and second alternatives would eliminate any further adverse impacts to ESHA and minimize the alteration of natural landforms while reducing the size of the building pad to that immediately surrounding the residence, garage and pool, both alternatives would reduce impacts of the project to coastal resources. As such, the Commission notes that there are two feasible and preferred alternatives to the proposed detached guesthouse that would lessen the adverse impacts on coastal resources with respect to landform alteration and environmentally sensitive habitat.

E. Unpermitted Development

Development has occurred on the subject site without the required coastal development permits including unpermitted expansion of the previously approved building pad involving an unknown quantity of grading and approximately 250 cubic yards of grading to construct a hammerhead turnaround. The Commission's enforcement division will evaluate further actions to address this matter.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit

application does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will not be in conformity with the provisions of Chapter 3 as proposed by the applicant. Therefore, the Commission finds that approval of the proposed development, as conditioned, will prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

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

The Commission finds that, the proposed project will have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. The Commission also finds that there are feasible alternatives to the proposed project that, as conditioned to include adequate mitigation, may be found to be consistent with CEQA and the policies of the Coastal Act.

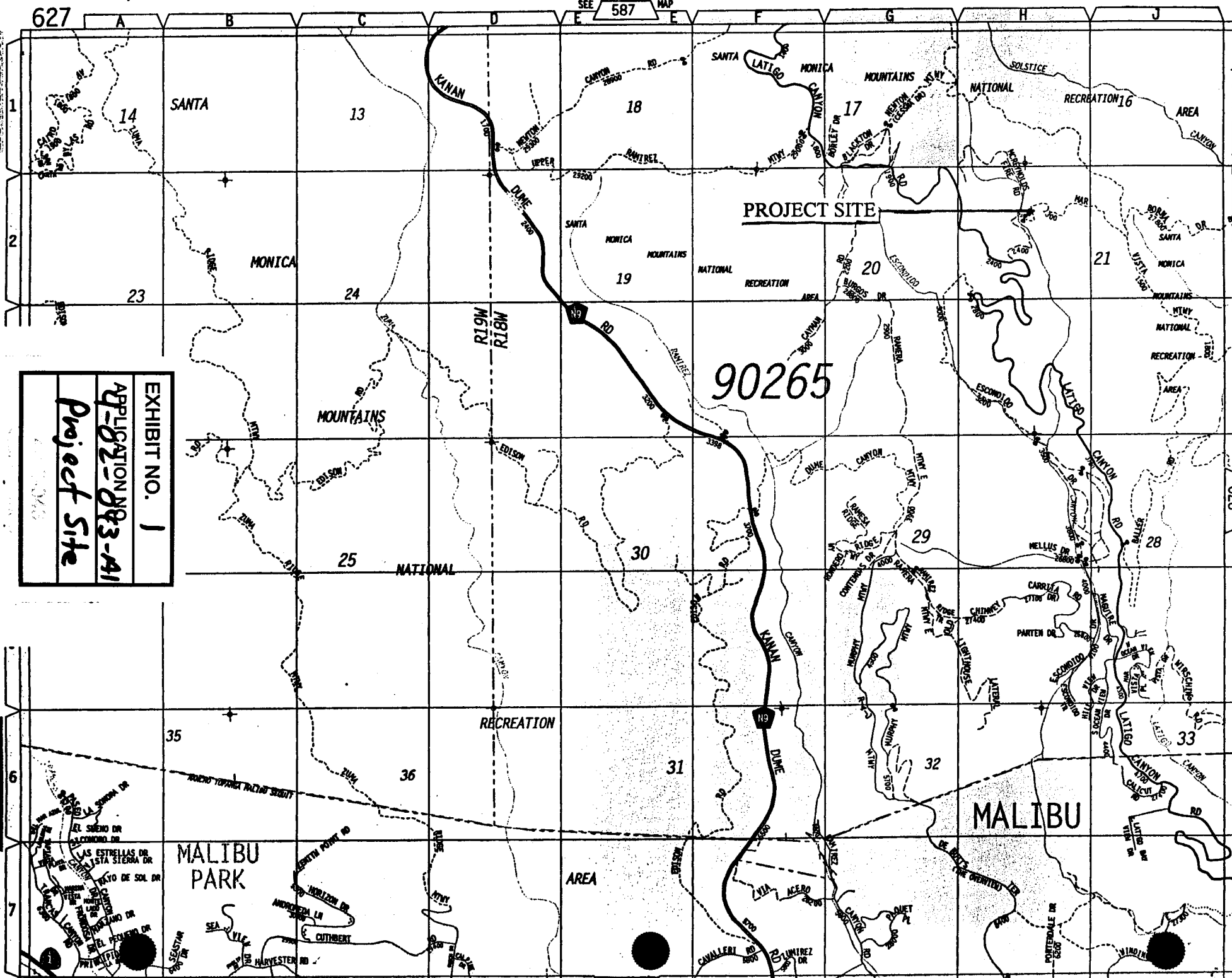
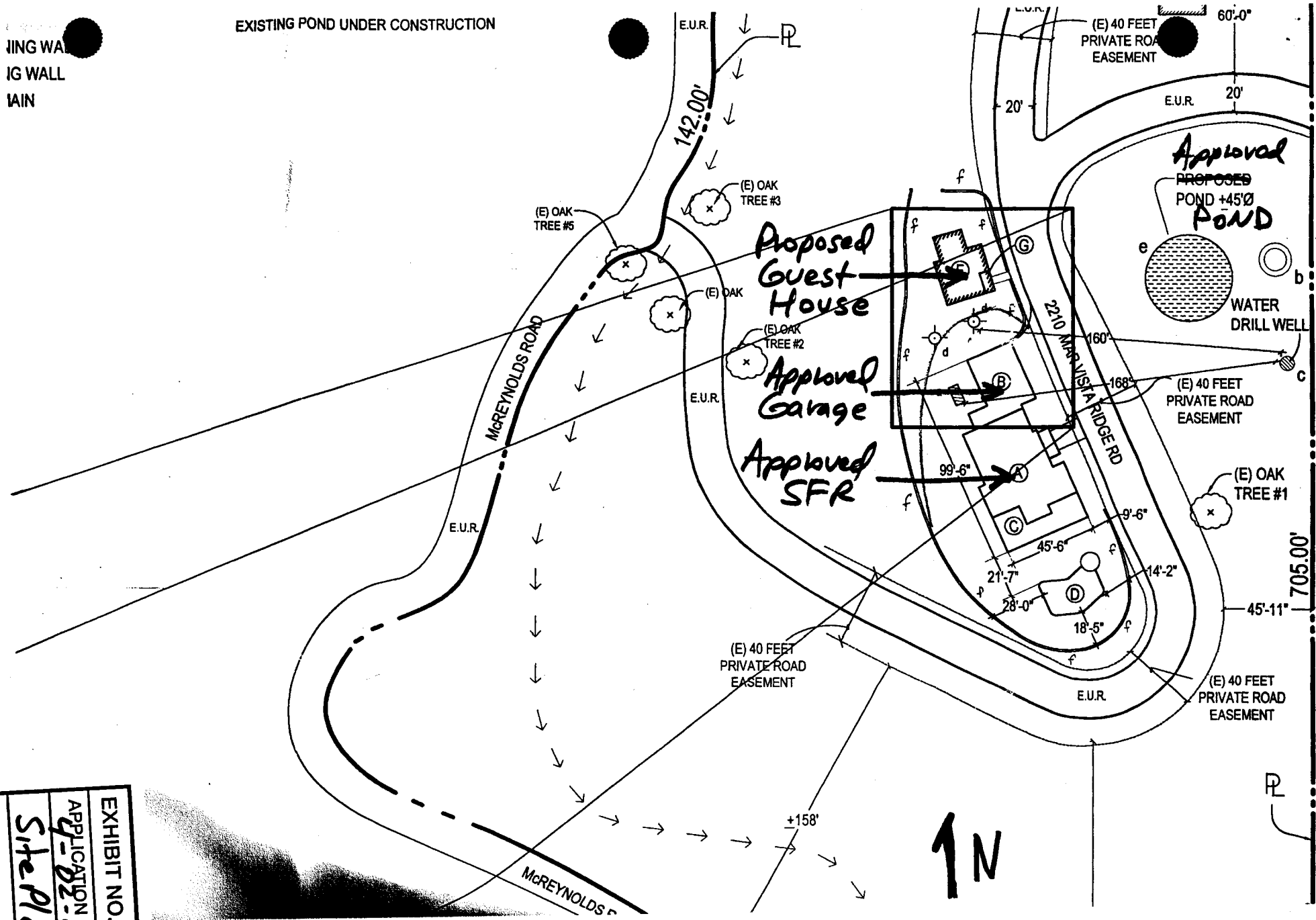


EXHIBIT NO. 1
APPLICATION NO. 843-41
Project Site



ING WA
IG WALL
AIN

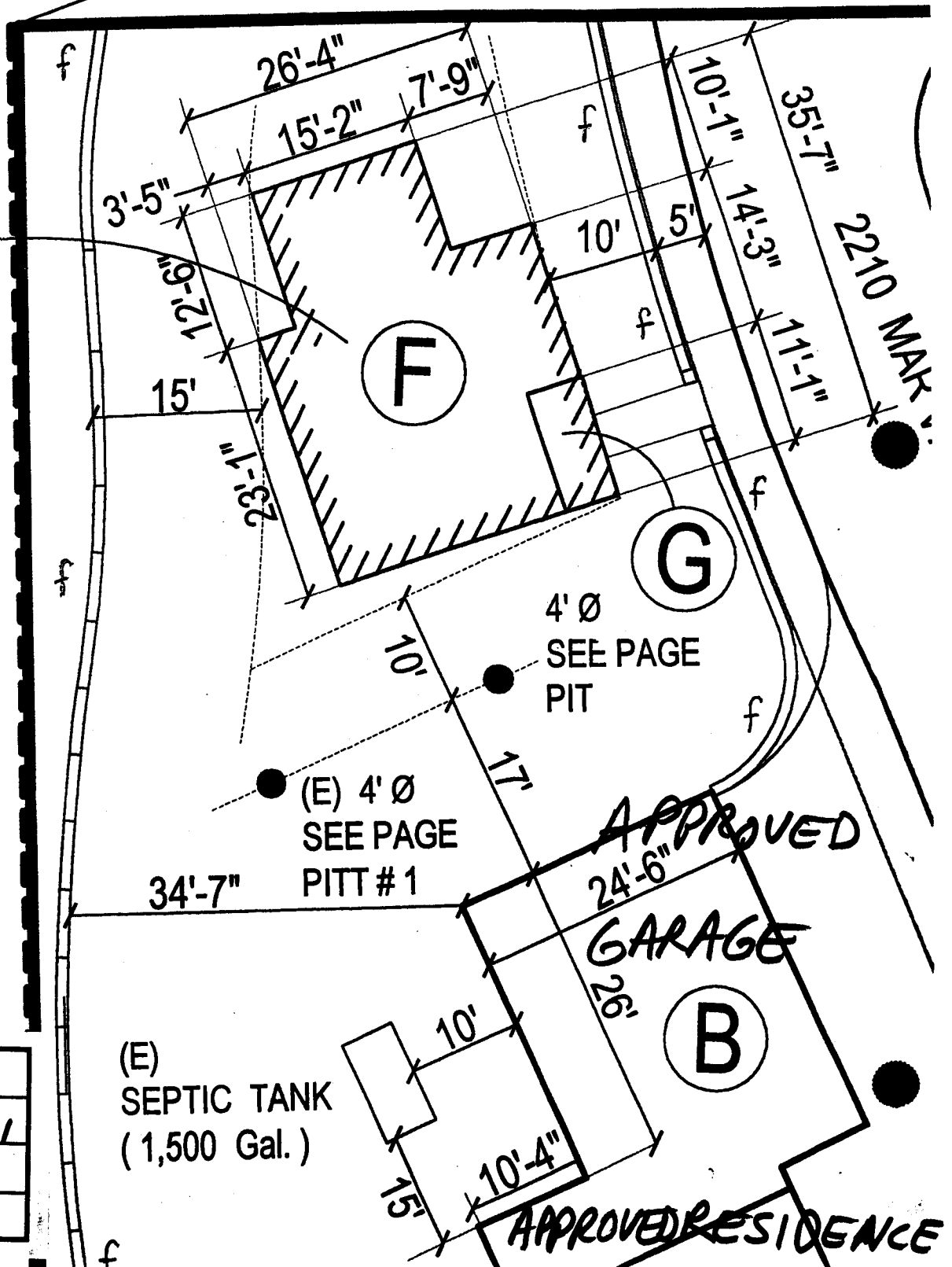
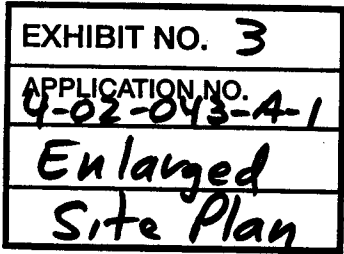
EXISTING POND UNDER CONSTRUCTION

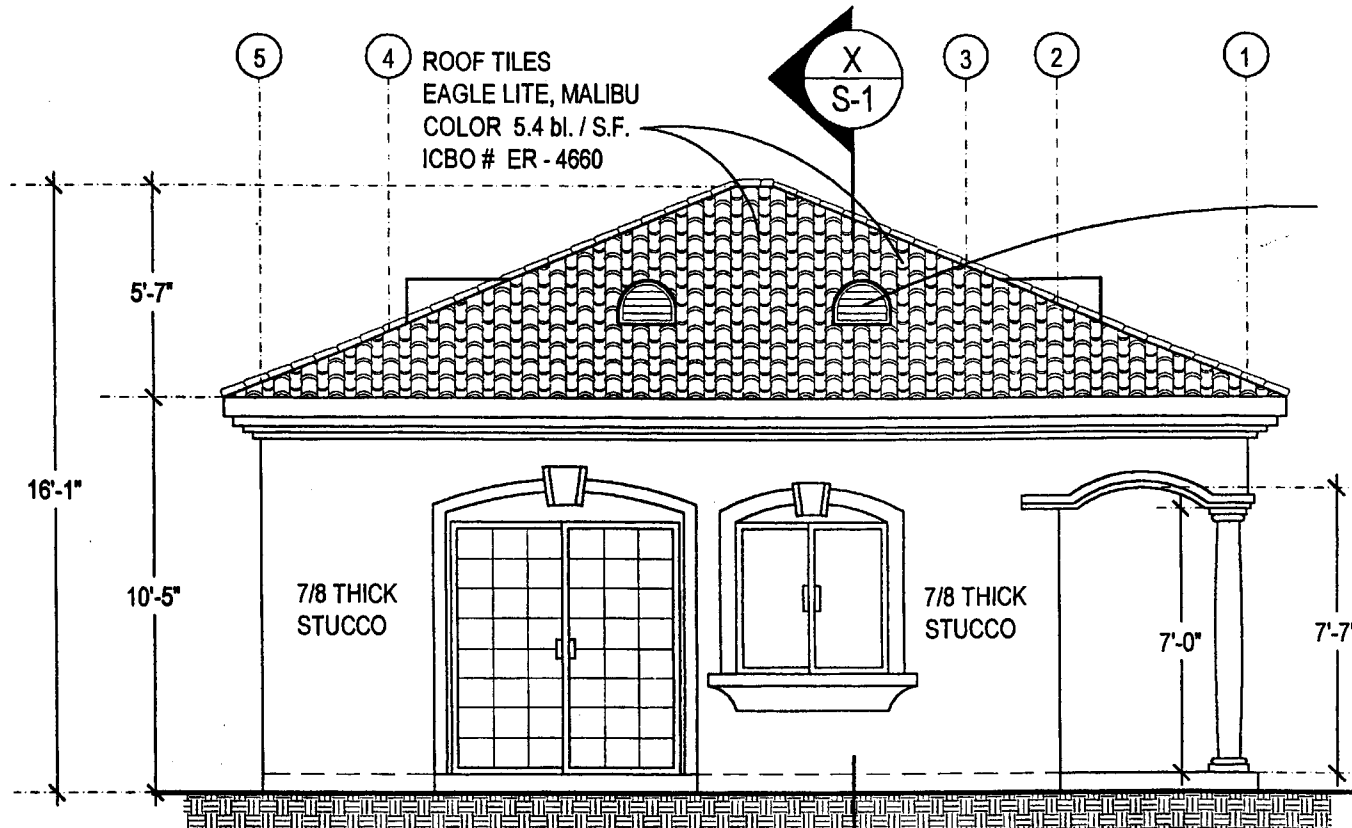


| |
|------------------------------|
| EXHIBIT NO. 2 |
| APPLICATION NO. 9-82-843-A-1 |
| Site Plan |

AREA = 56.00 SQ. FT.

(N)
GUEST —
HOUSE
PROPOSED





SOUTH ELEVATION

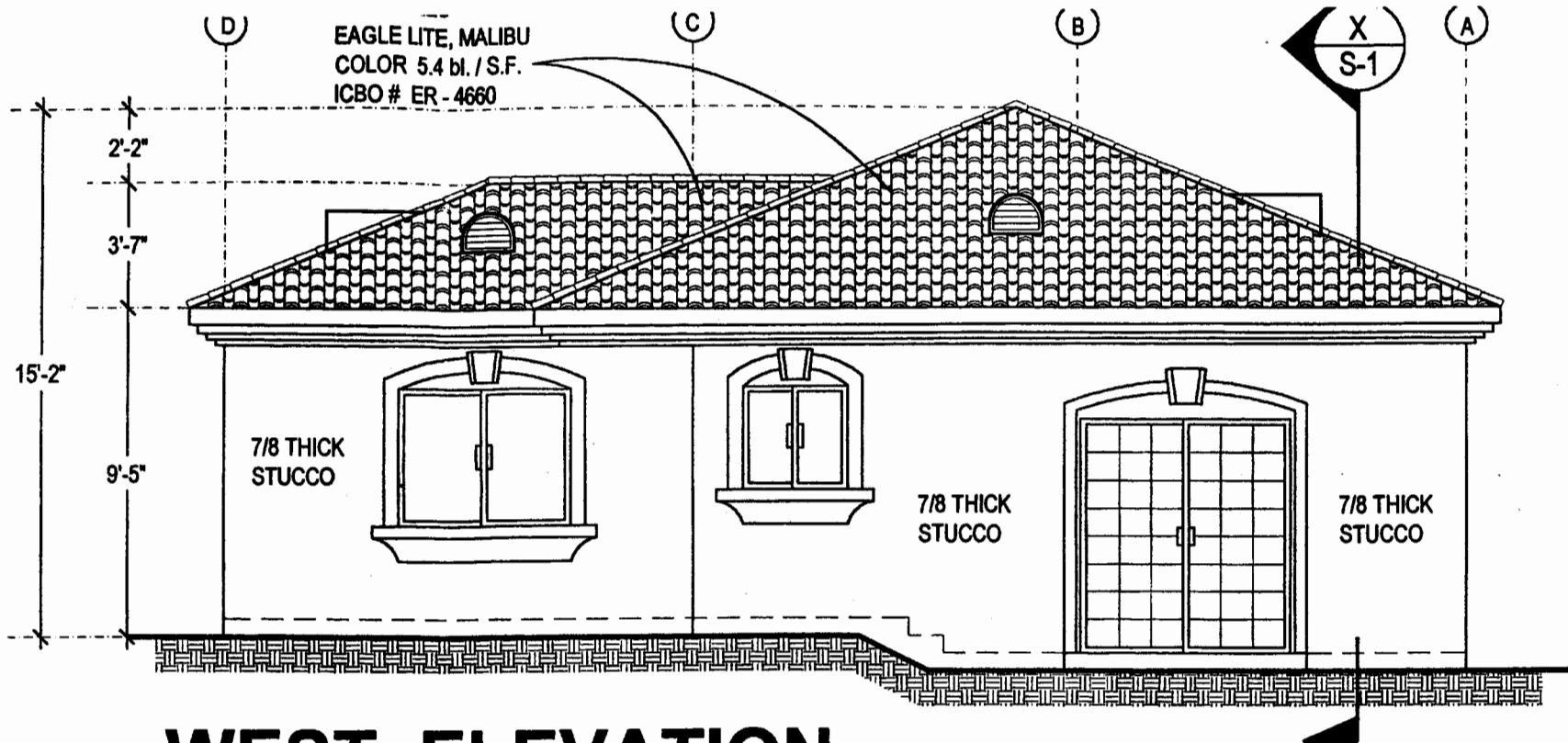
SCALE : 1/4" = 1'-0"

EXHIBIT NO. 4

APPLICATION NO. 41

South

Elevation



WEST ELEVATION

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

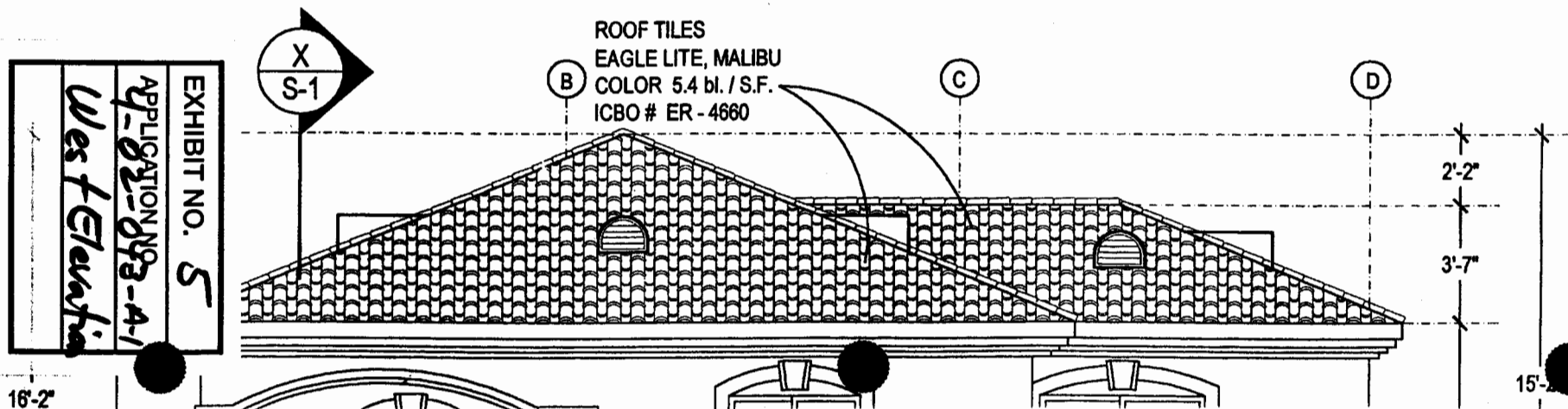
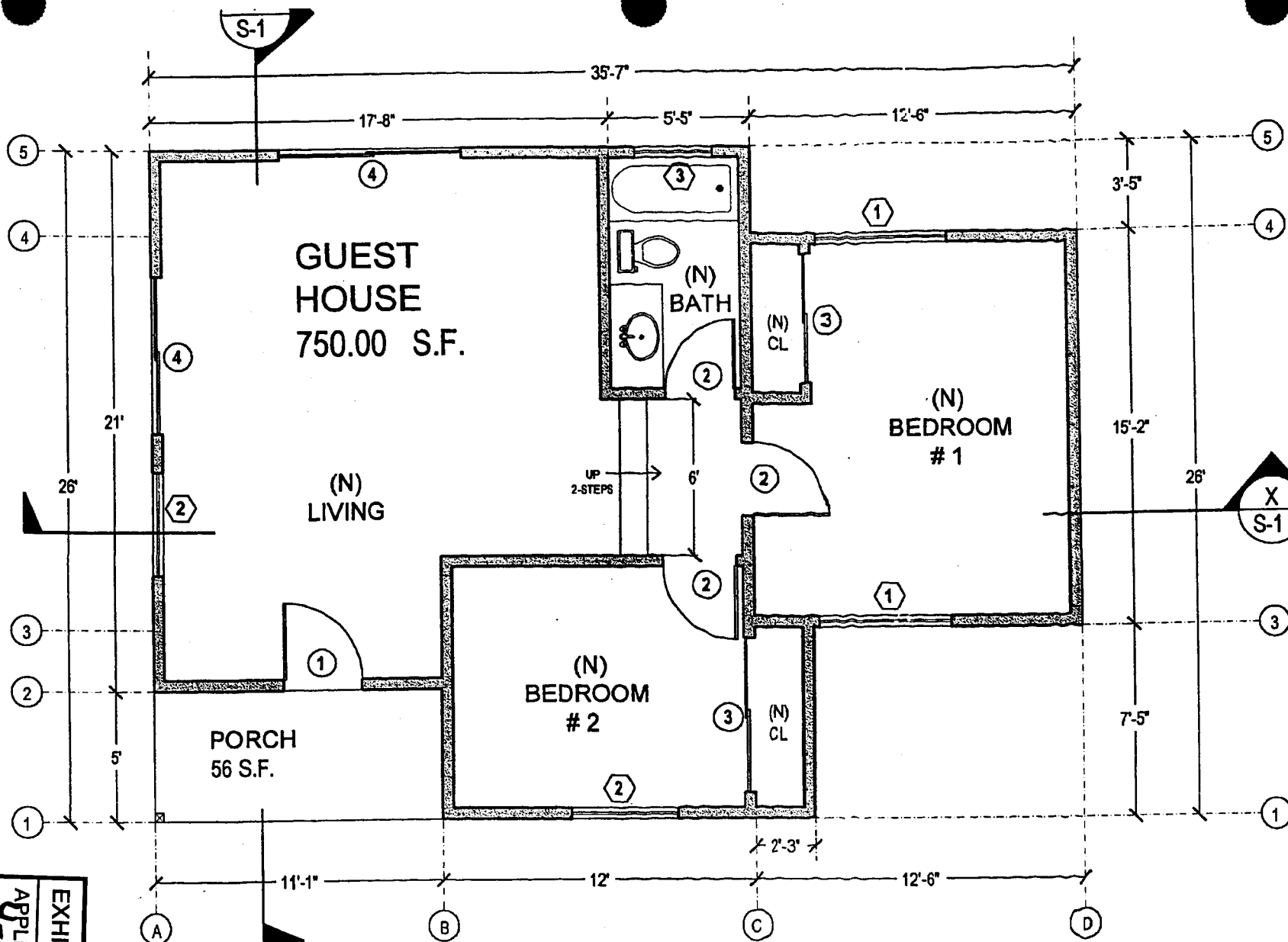


EXHIBIT NO. 5

APPLICATION NO. 4-02-043-4-1

West Elevation

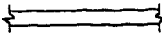

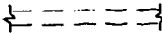
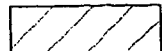
EXHIBIT NO. 6
 APPLICATION NO. 9-82-093-A-1
 Floor Plan



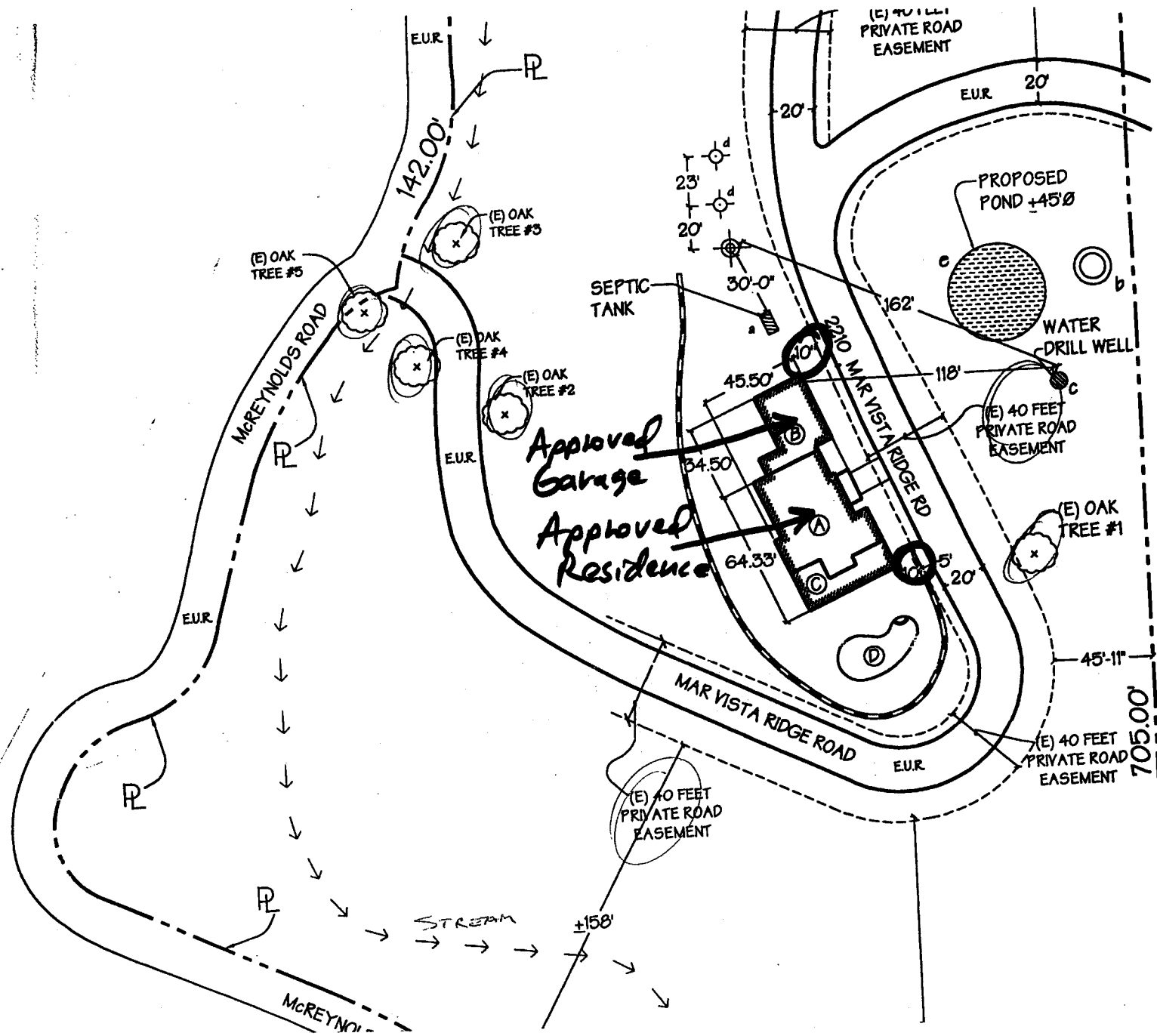
2210 MARVISTA RD.
FLOOR PLAN

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

LEGEND :

-  EXISTING WALL TO REMAIN
-  PROPOSED NEW WALLS
-  EXISTING WALL TO BE REMOVED
-  EXISTING RESIDENCE

- EXHIBIT NO. 7
APPLICATION NO. 4-02-843-APP
Approval Residence
and Garage



Wildlife Migration
Corridor

Significant Watershed

Project Site

Blueline Stream

EXHIBIT NO. 8

APPLICATION NO.
Q-02-043-A1

Sensitive
Resource Map

20' Buffer

80' Zone B Fuel Modification

Blue Line Stream

1ST. OAKS TO REMAIN

McREYNOLDS ROAD

30' Buffer

McREYNOLDS

NO GUEST HOUSE

Final Fuel Modification Plan
Approved 7/23/02
LA County Fire Dept 667 CCC
6212162

FUEL MODIFICATION
ZONE 'C' 1-100
WATER TANK CONTAINER (5,000 GAL.)

ZONE 'A' 1-100 FROM STRUCTURES

FUEL MODIFICATION
ZONE 'B' 1-80'

WATER WELL

EXIST. DRAIN

| SYMBOL | BOTANICAL NAME |
|--------|------------------------|
| F-1 | QUERCUS LAEFOOLIA |
| F-2 | CERES DOUGLASSII |
| S-1 | PHANUS CARPENTARIA |
| S-2 | CELANOTUS HORIZONTALIS |

GROUND COVER - BACCHARIS 'PUNEN' (ALL PLANTING AREAS)

NOTE: INSTALL FIRE RETARDANT IN

| | |
|---------------------------------|--------------|
| EXHIBIT NO. | 9 |
| APPLICATION NO. | 4-02-043-A-1 |
| Approved Fuel Modification Plan | |

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

89 SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

(805) 585-1800



Delivered by US Mail and Fax to 818.508.4881

April 7, 2004

Eduardo Rivera
Rivera Associates
12158 Hamlin St., Suite 4
No. Hollywood, CA 91606

RE: Coastal Permit Amendment Application No. 4-02-043-A-1, Munro

Dear Mr. Rivera,

The review of your application tentatively scheduled for the Commission's May 12-14, 2004 agenda in Santa Rosa, raises four questions that need to be answered. First, the construction of the guest house may involve some excavation for the foundation and the placement of this excavated material as fill either on site or exported offsite. Assuming this quantity is minimal, please provide a calculation of this excavation and fill or export in cubic yards. If the material is proposed to be exported, please identify the location of the disposal site. Most cut material from the, both located outside the coastal zone. Secondly, what is additional acreage, or portion thereof, for the expanded fuel modification for zones A, B, and C for the proposed guest house beyond the existing fuel modification zones A, B, and C approved for the residence? The third question is; what is the size in square feet of the existing building pad including the area of the cut and fill slopes for the approved residence and pool and the size of the revised building pad including cut and fill slopes for the proposed guest house and approved residence and pool? Fourth, is it possible to relocate the approved septic pits to another location to allow the proposed guest house to be either attached to the primary residence or relocated a few feet from the primary residence? Staff would appreciate your response by Thursday April 15 if possible in order to complete the staff report for the May agenda noted above. Thank you for your time and the response to these questions.

Sincerely,


James Johnson
Coastal Program Analyst

402043a1munroinfoletter

| |
|-----------------------------|
| EXHIBIT NO. 10 |
| APPLICATION NO. 4-02-043-A1 |
| Letter to Agent |
| 4/7/2004 |

EDUARDO RIVERA & ASSOCIATES ARCHITECTURAL -
ENGINEERING

12158 HAMLIN ST. SUITE # 4, VALLEY PLAZA CENTER, NORTH HOLLYWOOD, CA 91606

Phone: (818) 508-5091 • Fax: (818) 508-4881 • E-Mail: RiveraAssociates@AOL.com

MAY 28, 2004

TO: JAMES JOHNSON
CALIFORNIA COASTAL COMMISSION
SOUTH-CENTRAL COAST DISTRICT
VENTURA, CA. 93001
(805) 585-1800 PH
(805) 641-1732 FAX

RE: APPLICATION No. 4-02-043-A1

DEAR MR. JAMES JOHNSON;

THIS LETTER IS TO NOTIFY TO YOU; THE NEW CHANGES IN GRADING
FOR THE JOB SITE:

2210 MARVISTA RIGDE ROAD,
LOS ANGELES COUNTY, MALIBU, CA 90265

OWNER: VISTA ENTERPRISES, INC

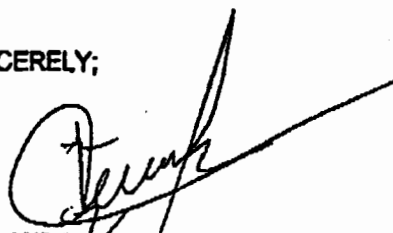
PROJECT: 1-STORY GUEST HOUSE TO EXISTING RESIDENCE.

THE DIFFERENCE BETWEEN GRADING IN PROPOSED LASTEST PLAN DATED: 05-15-2004
VERSUS GRADING PLAN APPROVED BY GRADING DEPARTMENT, LOS ANGELES COUNTY
AND BY CALIFORNIA COASTAL COMMISSION ON 12-02-2002 ARE AS FOLLOW:

| | |
|--|---------------|
| PREVIOUS GRADING APPROVED: _____ | 9,372.00 C.Y. |
| ADDITIONAL GRADING (FIRE DPT. REQ'D FOR TRUCKS RETURN) _____ | 248.00 C.Y. |
| GRAND TOTAL NEW PROPOSED GRADING _____ | 9,620.00 C.Y. |

IF YOU HAVE ANY QUESTIONS IN REGARDING THE STATEMENT OF ABOVE PLEASE DO NOT
HESITATE TO GIVE A CALL TO THE PHONES OF ABOVE.

SINCERELY;



ROLANDO A. MENA, P.E. Lic # C50331
PROJECTS GENERAL MANAGER
RIVERA & ASSOCIATES



5/28/04

| |
|-----------------------------|
| EXHIBIT NO. 11 |
| APPLICATION NO. 4-02-043-A1 |
| Grading |
| Calculations |

JUN-07-04 10:11am From-

T-040 P.002/001 F-000

*To: James Johnson***EDUARDO RIVERA & ASSOCIATES ARCHITECTURAL -
ENGINEERING**

2199 HANLIN ST. SUITE # 4, VALLEY PLAZA CENTER, NORTH HOLLYWOOD, CA 91506

Phone: (818) 308-8881 • Fax: (818) 308-8881 • E-MAIL: RIVERA@eduardorivera.com

MAY 31, 2004 - May 31, 2004

TO: JAMES JOHNSON
 CALIFORNIA COASTAL COMMISSION
 SOUTH-CENTRAL COAST DISTRICT
 VENTURA, CA 93001
 (805) 388-1803 PH
 (805) 841-1732 FAX

RE: APPLICATION NO. A-02-043-A-1

DEAR MR. JAMES JOHNSON:

THIS LETTER IS TO NOTIFY YOU THE NEW CHANGES IN GRADING
 FOR THE JOB SITE:

2045 MARINETA RIDGE ROAD,
 LOS ANGELES COUNTY, MALIBU, CA 90265
 OWNER: VISTA ENTERPRISES, INC
 PROJECT: 1-STORY DUMPT HOUSE TO EXISTING RESIDENCE

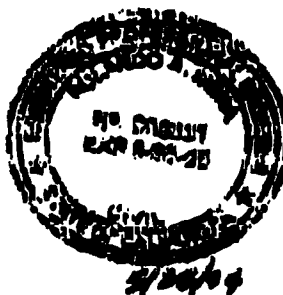
THE DIFFERENCE BETWEEN GRADING IN PROPOSED LATEST PLAN DATED: 04-15-2004
 VERSUS GRADING PLAN APPROVED BY CIVIL ENGINE DEPARTMENT, LOS ANGELES COUNTY
 AND BY CALIFORNIA COASTAL COMMISSION ON 12-02-2002 ARE AS FOLLOWS:

| | |
|---|-------------|
| PREVIOUS GRADING APPROVED: | 70.5 CY |
| ADDITIONAL GRADING (FILL UP) NEEDED FOR TRUCK RETURN: | 348.00 C.Y. |
| GRAND TOTAL NEW PROPOSED GRADING | 95.3 C.Y. |

IF YOU HAVE ANY QUESTIONS IN REGARDING THE STATEMENT OF ABOVE PLEASE DO NOT
 HESITATE TO GIVE A CALL TO THE PHONES OF ABOVE.

SINCERELY;

Eduardo Rivera
 EDUARDO RIVERA, P.E. LIND COUNTY
 PROJECTS GENERAL MANAGER
 RIVERA & ASSOCIATES



| |
|------------------------------|
| EXHIBIT NO. 12 |
| APPLICATION NO. 4-02-043-A-1 |
| Reused Grade Calculations |

*The existing pool area is 9,750 sq. ft.
 and will not change.*

EDUARDO RIVERA & ASSOCIATES ARCHITECTURAL - ENGINEERING

12158 HAMLIN ST. SUITE # 4, VALLEY PLAZA CENTER, NORTH HOLLYWOOD, CA 91606

Phone: (818) 508-5091 - Fax: (818) 508-4881 - E-Mail: RiveraAssociates@AOL.com

MAY 25, 2004

TO: JAMES JOHNSON
CALIFORNIA COASTAL COMMISSION
SOUTH-CENTRAL COAST DISTRICT
VENTURA, CA 93001
(805) 585 - 1800 PH
(805) 641 - 1732 FAX

RE: APPLICATION No. 4-02-043-A1

DEAR MR. JAMES JOHNSON;

THIS LETTER IS TO NOTIFY TO YOU; THE NEW CHANGES IN REGARDING FUEL
MODIFICATION, FOR THE JOB SITE:
2210 MARVISTA RIGDE ROAD,
LOS ANGELES COUNTY, MALIBU, CA 90265
OWNER: VISTA ENTERPRISES, INC
PROJECT: 1-STORY GUEST HOUSE TO EXISTING RESIDENCE.

THE DIFFERENCE BETWEEN FUEL MODIFICATION IN PROPOSED LATEST PLAN DATED:
12-02-2003 VERSUS FUEL MODIFICATION APPROVED BY FIRE DEPARTMENT ON 07-23-2002
ARE AS FOLLOWING TABLE:

| | ZONES | | |
|------------------------------------|-----------------------------------|-------------------------------------|------------------------------------|
| | A | B | C |
| PREVIOUS APPROVED ON 07-23-2002 | 5,000.00 Sq. Ft. | 10,000.00 Sq. Ft. | 20,000.00 Sq. Ft. |
| PROPOSED MAY 25, 2004 | 5,000.00 Sq. Ft. (REMAIN SAME) | 16,400.00 Sq. Ft. (CHANGED PLUS) | 20,000.00 Sq. Ft. (REMAIN SAME) |

IF YOU HAVE ANY QUESTIONS AND / OR ANY OTHER REQUIREMENT FOR THIS PROJECT.
PLEASE DO NOT HESITATE TO GIVE A CALL TO THE PHONES OF ABOVE.

SINCERELY;


EDUARDO RIVERA
RIVERA & ASSOCIATES

EXHIBIT NO. 13

APPLICATION NO. 4-02-043-A-1

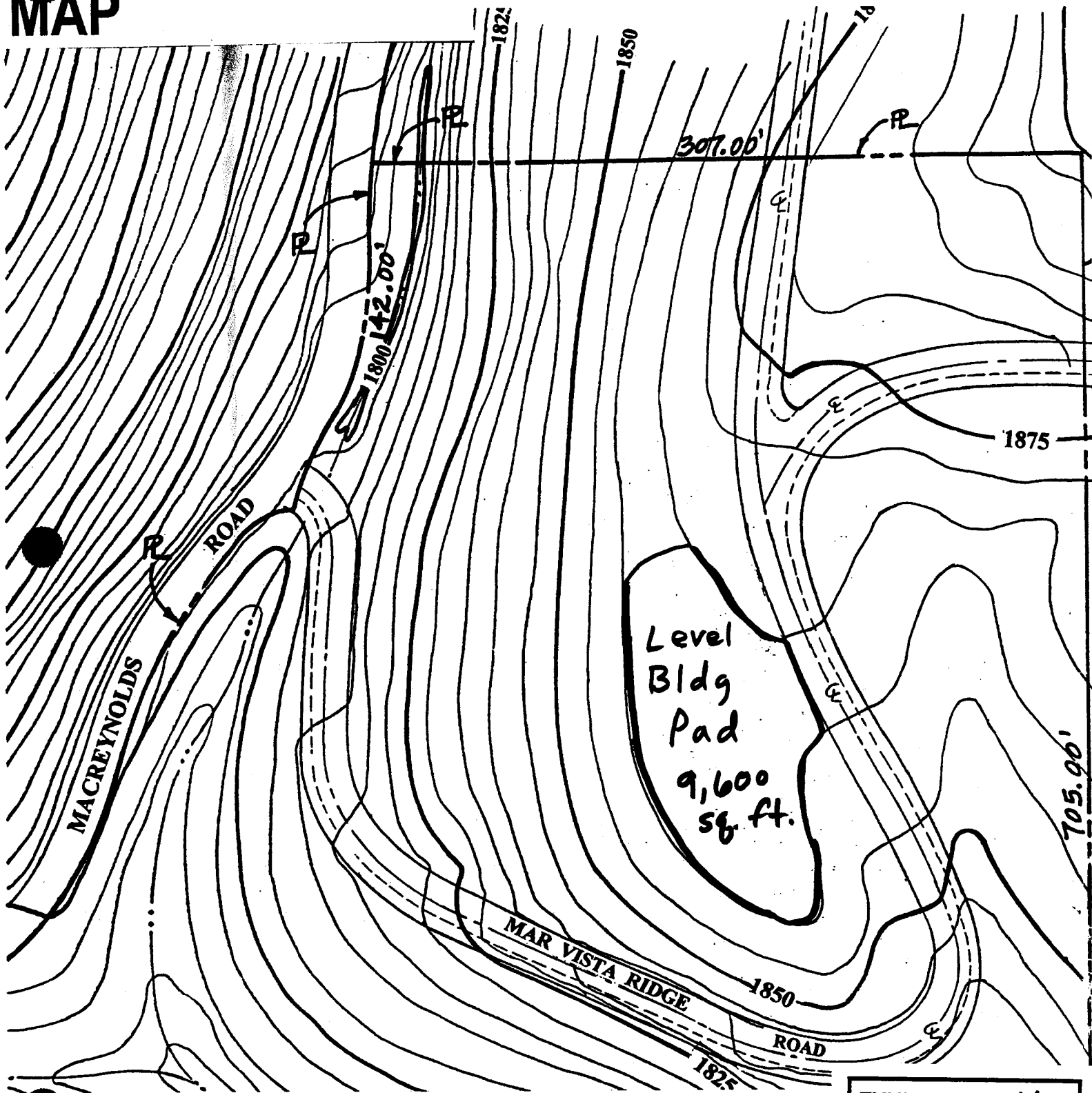
Fuel Modif.

Comparison

ORIGINAL TOPOGRAPHICAL MAP

OF LOS ANGELES COUNTY RECORDS
DEPARTMENT OF COUNTY ENGINEER

DATED: April 4, 1967.



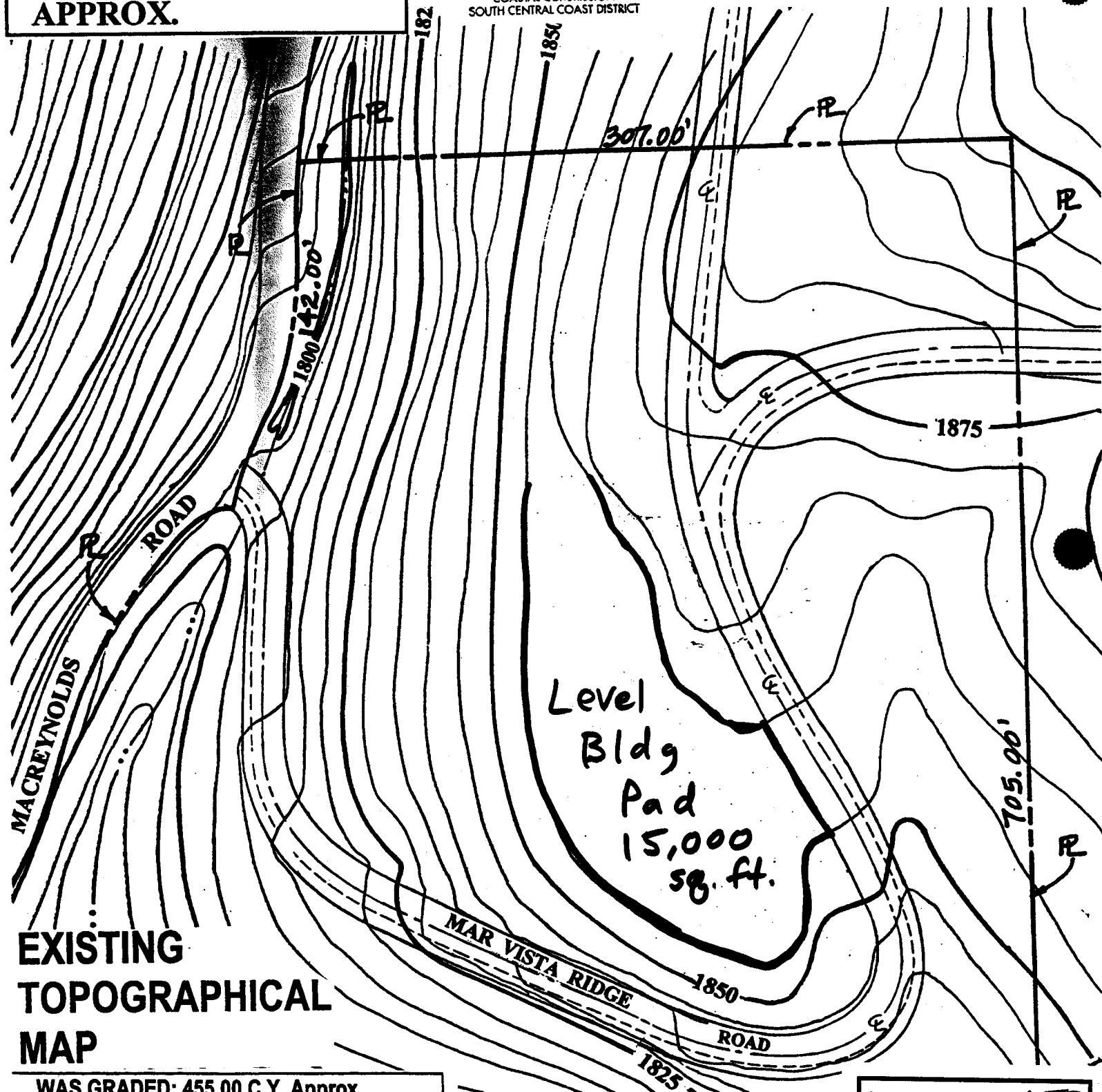
| | |
|------------------------------------|--------------|
| EXHIBIT NO. | 14 |
| APPLICATION NO. | 4-02-043-A-1 |
| Original Topo Map - Pre Coastal | |

EXISTING AREA
OF FLAT
LEVEL :
9,750 SQ. FT.
APPROX.

RECEIVED

MAY 29 2002

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



EXISTING
TOPOGRAPHICAL
MAP

WAS GRADED: 455.00 C.Y. Approx.
COMPARING WITH PREVIOUS
TOPOGRAPHICAL SURVEY MAP
OF LOS ANGELES COUNTY
DATE: APRIL 04, 1967.
IN RECORDS OF DEPARTMENT
OF COUNTY ENGINEER

EXHIBIT NO. 15

APPLICATION NO.

9-02-043-A-1

'As Graded'

Bldg Pad

COP 4-02-043

G-1



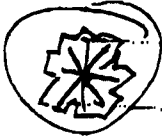
SCALE: 1"=20'-0"

4. THE DIRT WILL BE USED ON SITE.

Proposed 'As
Graded' Pad

11 525/850-0157)

LETTERHEAD

LOT
6-19-0SITE: 2210 MAP VISTA
MALIBU, CALIFORNIAAPPROVED FUEL MODIFICATION / PLANTING
3/18/02 / W/ GNET NOISE PLAN

ZONE - A = 9,000 SQ. FT.

ZONE - B = 67,400 SQ. FT.

ZONE C = 80,000 SQ. FT.

APPROVE FUEL MODIFICATION / PLANTING
7/23/02 W/O G.H. PLAN

ZONE - A - 7,000 SQ. FT. (MINUS 2,000 #)

ZONE - B - 57,000 SQ. FT. (MINUS 7,800 #)

ZONE C - 78,200 SQ. FT. (MINUS 7,800 #)

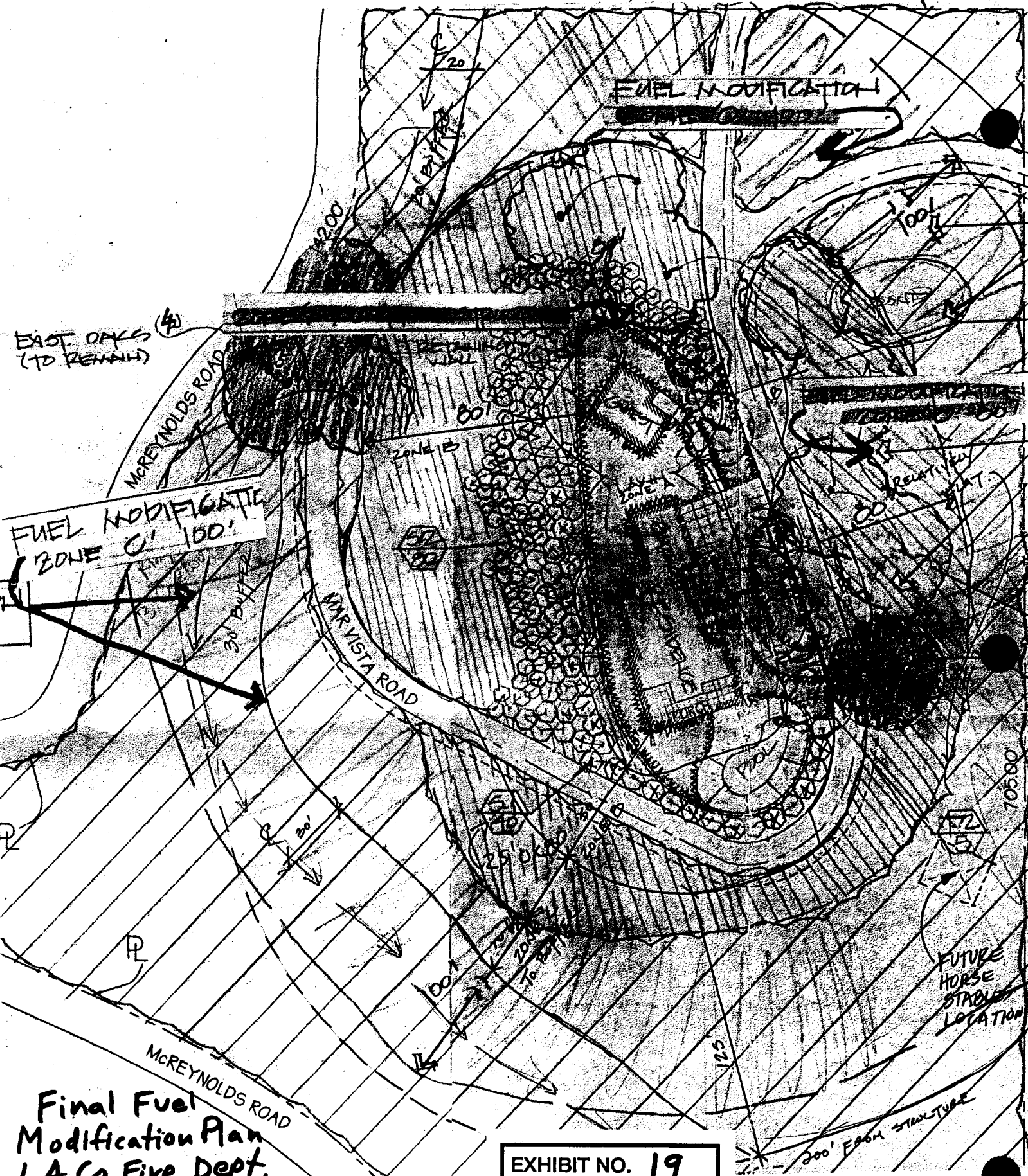
Larry Tison (Landscape Architect) (818) 241-9169Any question concerning the above fuel
modification approval should be
addressed to: Tom Bristow (Fire Dept.)
(626) 969-5205

EXHIBIT NO. | 8

APPLICATION NO.
4-02-043-A-1

Fuel Mod

Comparison



Final Fuel
 Modification Plan
 LA Co Fire Dept.
 Approved 3/18/02
 and 1/14/02
 with Guest House

| | |
|-------------------------------|--------------|
| EXHIBIT NO. | 19 |
| APPLICATION NO. | 4-02-043-A-1 |
| Proposed Fuel Mod if. Plan | |

CALIFORNIA COASTAL COMMISSION

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



Delivered by US Mail and Faxed to 323.850.0157 and 818.508.4881

June 10, 2004

Raymond Munro
3040 Munro Circle
Los Angeles, CA 90058

Eduardo Rivera
Rivera Associates
12158 Hamlin St., Suite 4
No. Hollywood, CA 91606

| |
|---------------------------------|
| EXHIBIT NO. 20 |
| APPLICATION NO. 4-02-043-A-1 |
| June 10, 2004 |
| Letter |

page 1 of 3

RE: Coastal Permit Amendment Application No. 4-02-043-A-1, Munro

Dear Mr. Munro and Rivera,

Staff requested in a letter to Eduardo Rivera dated April 7, 2004 information addressing four questions. These questions requested the following information: 1) a calculation of the excavation and fill or export in cubic yards necessary to construct the guest house; 2) what is additional acreage, or portion thereof, for the expanded fuel modification for zones A, B, and C for the proposed guest house beyond the existing fuel modification zones A, B, and C approved for the residence; 3) what is the size in square feet of the existing building pad including the area of the cut and fill slopes for the approved residence and pool and the size of the revised building pad including cut and fill slopes for the proposed guest house and approved residence and pool; 4) is it possible to relocate the approved septic pits to another location to allow the proposed guest house to be either attached to the primary residence or relocated a few feet from the primary residence?

The application was postponed from the May 13, 2004 agenda, at your request, to allow time to meet and discuss the staff recommendation and these questions. Staff met with you on May 12, again requesting information addressing these issues, we clarified the information we needed. We reviewed the approved plans for Coastal Permit No. 4-02-043 as compared to the proposed site plan for the guest house and discussed the need to identify existing changes from the Coastal Commission approved plans for inclusion into the proposed amendment, including the quantity of additional grading, the size of the larger building pad, and any increase in the fuel modification required for the proposed guest house. A copy of the Commission approved site plan (Coastal Permit No. 4-02-043) was provided to you. A copy of the approved site plan (Coastal Permit No. 4-02-043) is attached as a courtesy.

Staff met and received from Mr. Munro on May 19, 2004 two revised site plans indicating that the existing pad area is 9,750 sq. ft., and that no further grading is needed to expand the 'as built' building pad to construct the guest house. A copy of this proposed site plan with the guest house (Coastal Permit Application No. 4-02-043-A-1) is attached as a courtesy. We reiterated our request for the information noted above.

We received on June 1, 2004, two letters, partially addressing the information requested. The first letter was from Rolando Mena, a professional engineer who stamped the letter, indicating that the previous approved grading was 9,372 cubic yards and that the additional grading ("fire department required for truck return") was 248 cubic yards, totaling 9,620 cubic yards of material. A review of the Coastal Permit No. 4-02-043 approved in August 2002 indicates that a 500 cubic yards of grading was proposed and that 455 cubic yards of after-the-fact grading, totaling 955 cubic yards of material. This approved 955 cubic yards of material is substantially less than the 9,372 cubic yards of material that Mr. Mena believes was approved. Was the total grading actually 9,372 cubic yards of material? Please confirm this with Mr. Mena, as we discussed June 7, 2004 and provide a revised letter if appropriate. The second letter was from Eduardo Rivera, Riveria Associates, who prepared a chart comparing the size of the three fuel modification zones. The chart indicates that fuel modification zones A and C remain the same and that zone B is increased from 10,000 sq. ft. to 16,400 sq. ft. A review of this information indicates that the proposed fuel modification zone is based on two plans approved by the fire department, one dated 12-02-2003, and the other dated 7-23-2002. Staff has a copy of the 7-23-2002 approved fuel modification plan that is part of the approval of Coastal Permit No. 4-02-043. We do not have a copy of the plan approved 12-02-2003. We do have a plan approved 1-10-02 that locates the guest house at an angle to the road and is set back a bit further from the road than now proposed. This calculation indicates that zone B fuel modification area has grown over 60% larger while zone C remains at the same size. This indicates that the total fuel modification area for zones B and C are much larger. Perhaps the size of zone C is actually smaller or reduced by the 6,400 sq. ft. of additional area required by zone B and the outer limit of zone C is the same? Please clarify the size of the fuel modification zone C, as we discussed June 7, 2004. Also, please submit a copy of the fuel modification plan approved 12/02/2003 for our review. On June 7, 2004, we discussed the issue of the fuel modification area for zone C and faxed a copy of the two letters received June 1, 2004 to allow you the opportunity to clarify the information.

We have not received information on the size of the approved and existing or 'as built' building pad requested since our letter dated April 7, 2004. Staff calculated the building pad area approved in Coastal Permit No. 4-02-043 as identified on the site plan drawn by B. Sanchez and dated 09-02-02. The staff report indicates that the size of this pad is 9,750 sq. ft. The report states that the pad was created with about 455 cubic yards of grading without a coastal permit. Coastal Permit No. 4-02-043 approved this after-the-fact grading and the existing 9,750 sq. ft. building pad. The site plan drawn by B. Sanchez and dated 05-17-2004 submitted for the proposed guest house indicates that the existing building pad is also 9,750 sq. ft. in size, a copy is attached. The size and configuration of the site plans as approved and as existing are different. Staff calculated the size of the building pad on the site plans approved in Coastal Permit No. 4-02-043 to be about 17,600 sq. ft. in size. This building pad area is delineated in red on the site plan attached. We calculated the size of the proposed and existing or 'as built' pad to be about 17,800 sq. ft. This building pad area is also delineated in red on the site plan attached. We ask that you have your engineer confirm the size of the approved site plan and proposed/existing 'as built' pad and explain the difference

between the approved 9,750 sq. ft. pad and the size of the approved and 'as built' size of the building pad we have calculated at 17,600 sq. ft.

Thank you for your time and the response to these questions. We would appreciate your response and the information noted above as soon as possible but no later than Tuesday June 15 to allow us to consider it prior to completing the staff report for the July 14-16, 2004 Commission agenda in Costa Mesa.

Sincerely,



James Johnson
Coastal Program Analyst

cc: Jack Ainsworth

Attachments

Coastal Commission approved site plan
Proposed site plan with guest house

402043a1munroinfoletter

LARRY G. TISON AND ASSOCIATES
LANDSCAPE ARCHITECTURE SITE PLANNING
314 EAST BROADWAY SUITE D
GLENDALE, CALIFORNIA 91205
TEL 818-241-9169 FAX 818-247-5827

FRANCO NORAVIAN AND

PAGE 01

June 24, 2004

Attn: Ramond Munroe
323/850-6926 (T)
323/850-0157 (F)

RE: RESIDENCE
2210 Max Vista
Malibu, Ca.

CALCULATION FOR FUEL MODIFICATION ZONES

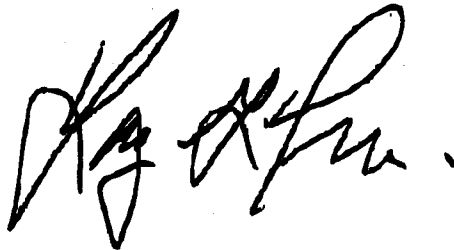
1. Approved 7/23/02, WITHOUT GUEST HOUSE

ZONE A = 9,600 sq.ft.
ZONE B = 67,400 sq.ft.
ZONE C = 86,000 sq.ft.

2. Approved 3/18/02 WITH GUEST HOUSE

ZONE A = 7,000 sq.ft. (-2,600sq.ft.)
ZONE B = 57,000sq.ft. (-7,800sq.ft.)
ZONE C = 78,000sq.ft. (-7,800sq.ft.)

submitted by:



#1844

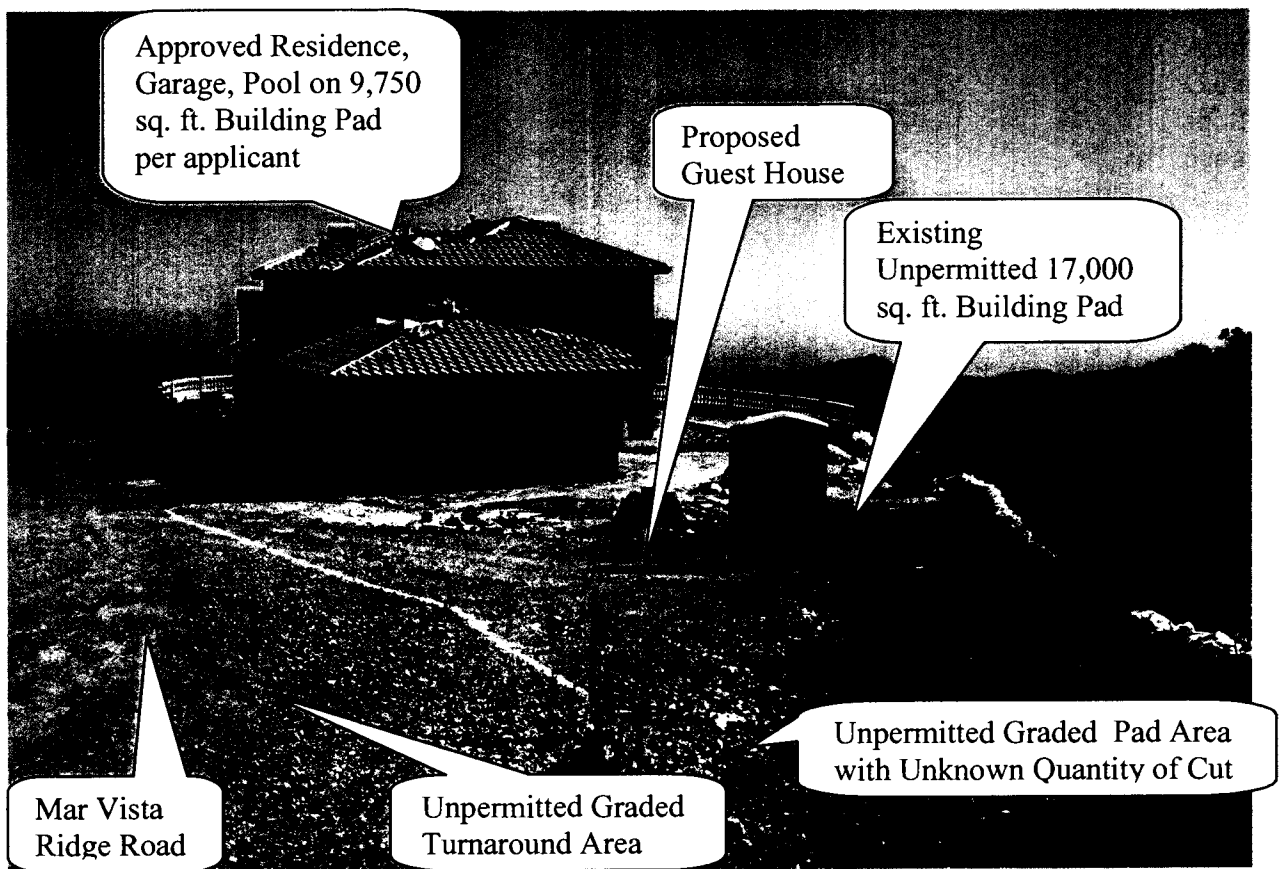
| |
|-----------------------------|
| EXHIBIT NO. 21 |
| APPLICATION NO. 4-02-043-A1 |
| Revised Fuel |
| Mod Comparison |

RECEIVED

JUN 24 2004

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

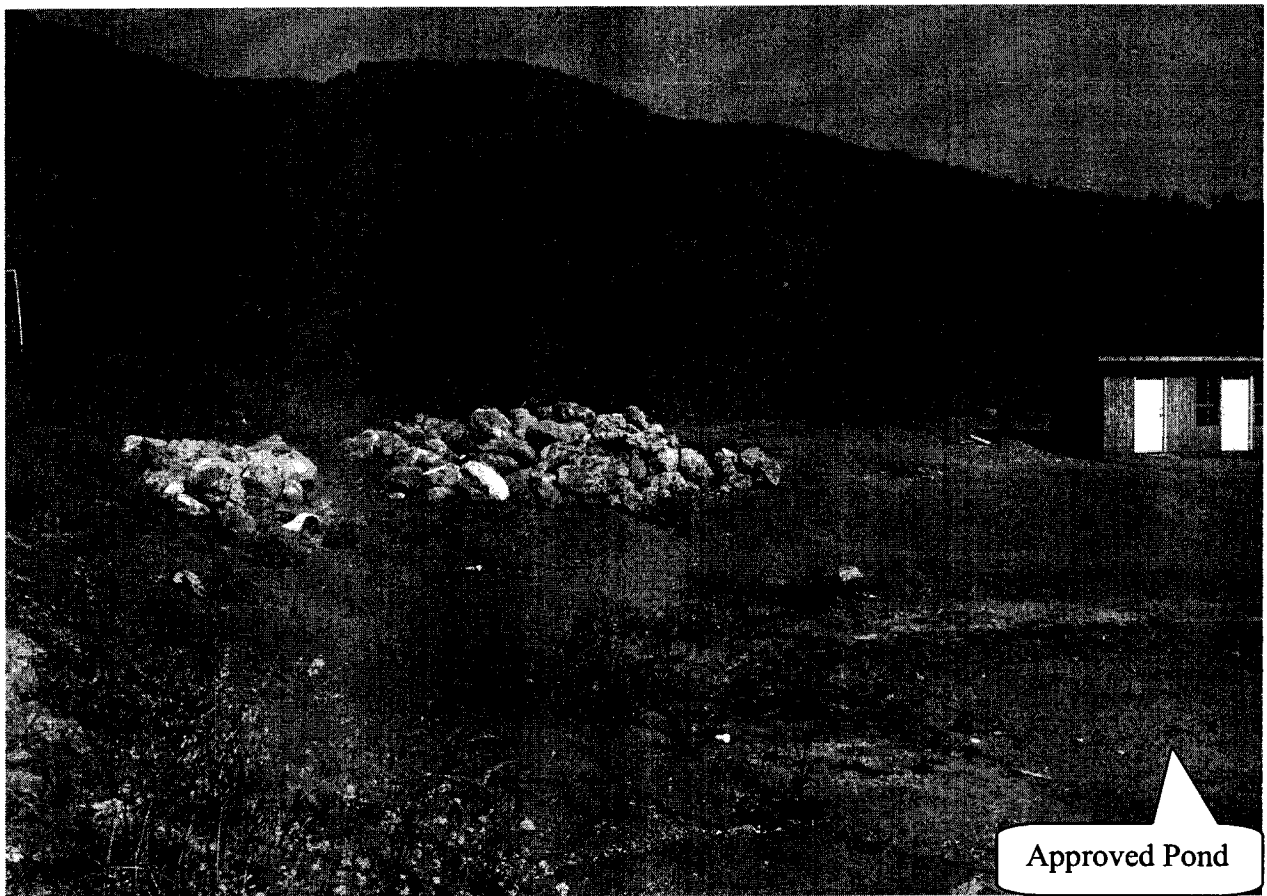
LARRY G. TISON, LANDSCAPE ARCHITECT
CALIFORNIA LICENSE NO. 1844



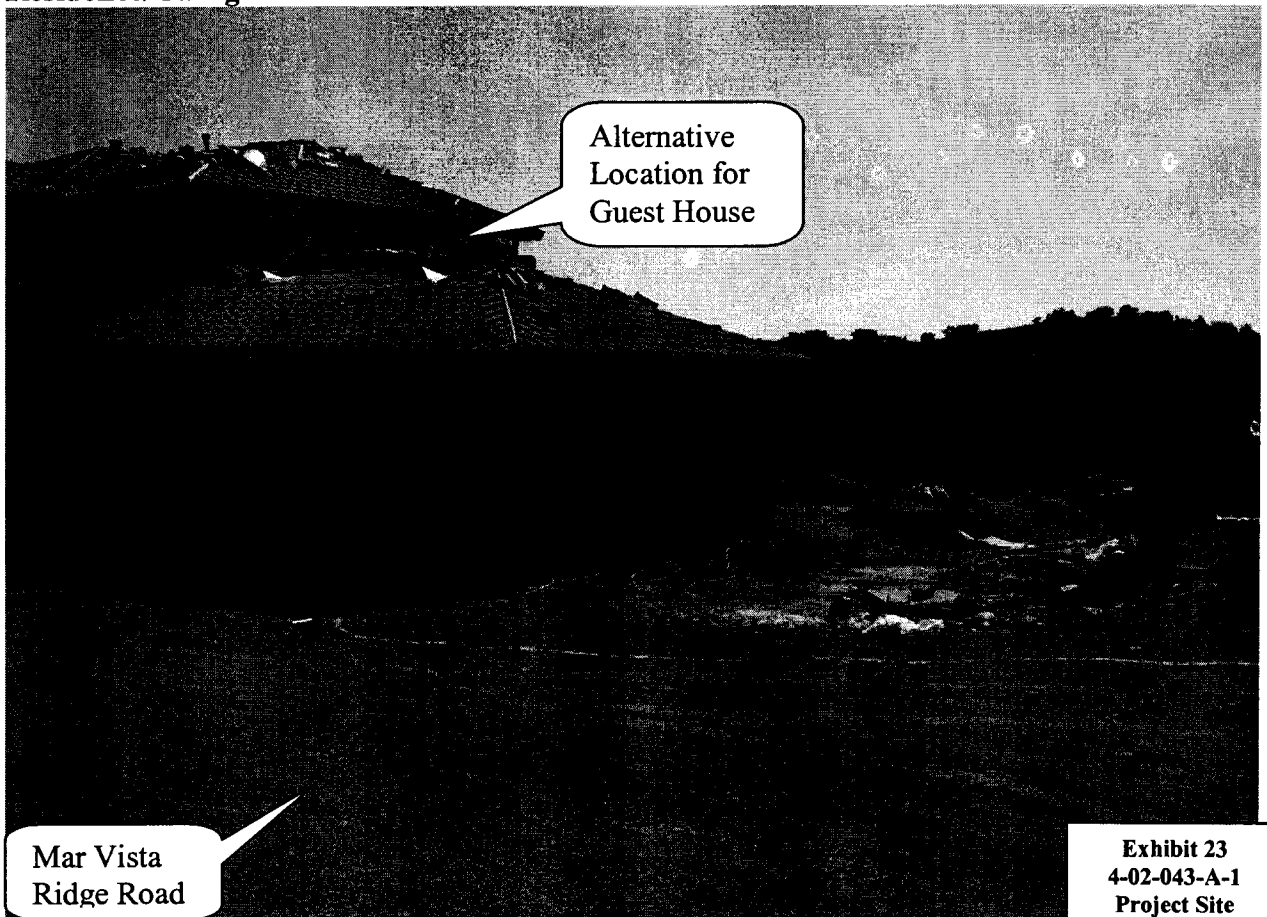
View to South from Mar Vista Ridge Road of Residence and Garage on 17,000 s. ft. Pad



View to Southeast Beyond Residential Building Pad of Area Across Mar Vista Ridge Road

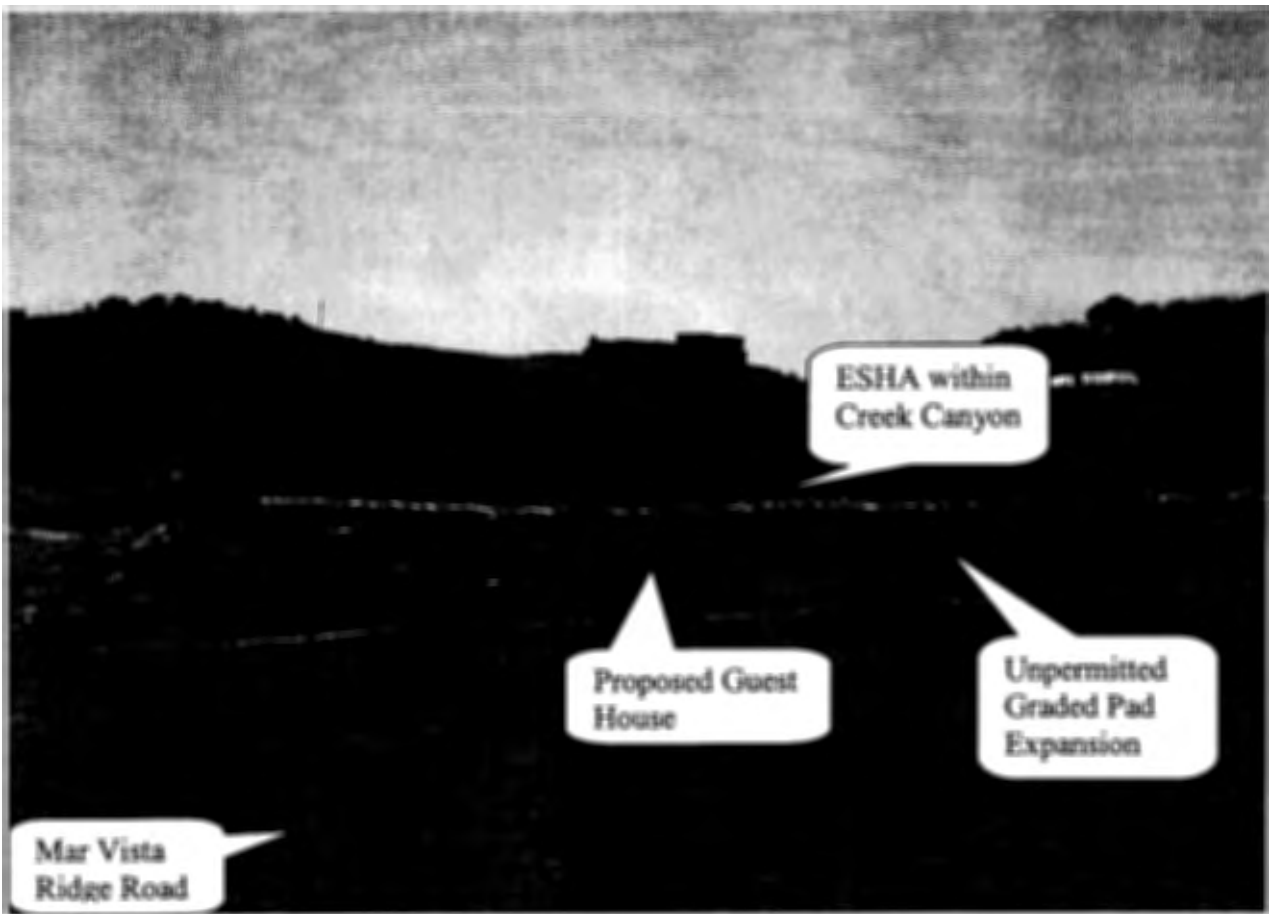


View to East Beyond Residential Building Pad of Area Across Mar Vista Ridge Road & Residence/Garage

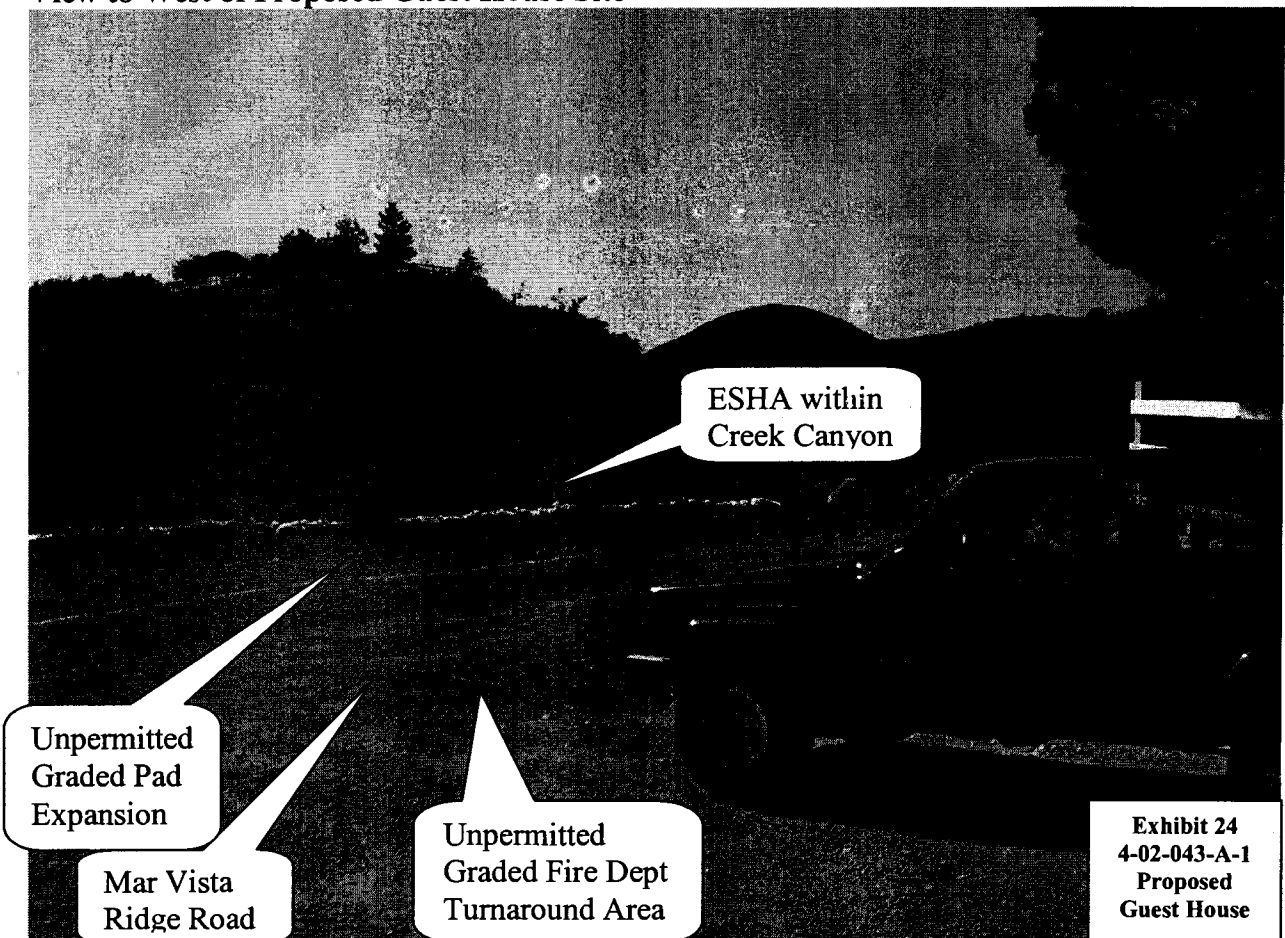


View to West of Residence and Garage

**Exhibit 23
4-02-043-A-1
Project Site**



View to West of Proposed Guest House Site



View to Northwest of After-the Fact Graded Area and Building Pad Expansion Area

