

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-04-127
APPLICANT: Cold Canyon 10, LLC
AGENTS: Schmitz & Associates
PROJECT LOCATION: 2051 Delphine Lane, Calabasas (Los Angeles County)
APN NO.: 4455-060-011

PROJECT DESCRIPTION: Construction of a new two story, 12,350 sq. ft. single-family residence with an attached four-car, 930 sq. ft. garage, 4,070 sq. ft. basement, 782 sq. ft. recreation room, swimming pool and spa, tennis court (no lighting), retaining walls, six foot high wrought iron fence, driveway, hardscaping, drainage system, septic system, approximately 2,868 cu. yds. of excavation on a previously approved existing building pad (all excavated materials to be transported outside of the Coastal Zone), and approximately 240 cu. yds. of grading (140 cu. yds. cut, approximately 100 cu. yds. fill) outside of the previously approved existing building pad.

Lot area	25.97 acres
Building coverage	8,392 sq. ft.
Pavement coverage	~20,000 sq. ft.
Landscape coverage	~8,000 sq. ft.
Height Above Finished Grade	35 ft.
Parking spaces	4

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, November 30, 2004; County of Los Angeles Fire Department, Revised Final Fuel Modification Plan Approval, November 10, 2005; County of Los Angeles Environmental Health Department, Conceptual Approval, April 14, 2005.

SUBSTANTIVE FILE DOCUMENTS: "Compaction Report," GeoConcepts, Inc., December 7, 2000; "Final Geology Report," GeoConcepts, Inc., December 26, 2000; "Supplemental Report No. 1," GeoConcepts, Inc., February 16, 2001; "Soil Chemistry," GeoConcepts, Inc., January 3, 2001; "Update Report," GeoConcepts, Inc., January 12, 2005; Coastal Development Permit No. 5-85-214, A1, A2 & A3 (Ghosn) and 5-85-214-A4 (Cold Canyon 10, LLC).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **TEN (10) SPECIAL CONDITIONS** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control, (4) assumption of risk, (5) future development, (6) lighting restriction, (7) pool and spa drainage and maintenance, (8) removal of excess excavation material, (9) deed restriction, and (10) revised plans.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-04-127 pursuant to the staff recommendation.*

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS

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

3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the Compaction Report dated December 7, 2000 and Final Geology Report dated December 26, 2000 prepared by GeoConcepts, Inc. The recommendations shall be incorporated into all final design and construction, including recommendations concerning foundations, excavation, and drainage, and must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Drainage and Polluted Runoff Control Plans

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

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

- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 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. 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 plans shall incorporate the criteria set forth below. All development shall conform to the approved landscaping and erosion control plans:

A) Landscaping Plan

- 1) 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. 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 October 4, 1994. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall

occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

- 5) Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- 6) The use of Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- 7) Fencing of the entire property is prohibited. Fencing shall extend no further than Zone B of the final fuel modification plan approved by the Los Angeles County Fire Department pursuant to subsection (5) above. The fencing type and location shall be illustrated on the landscape plan.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

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

4. *Assumption of Risk, Waiver of Liability and Indemnity*

By acceptance of this permit; the applicant acknowledges and agrees (i) that the site maybe subject to hazards from wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commissions approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. *Future Development Restriction*

This permit is only for the development described in Coastal Development Permit No. 4-04-127. Pursuant to Title 14 California Code of Regulations §13250(b)(6) and §13253(b)(6), the exemptions otherwise provided in Public Resources Code §30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future improvements to the entire property, including but not

limited to the single-family residence, garage, recreation room, swimming pool, spa, septic system, hardscaping, clearing of vegetation, or grading other than as provided for in the approved fuel modification / landscape and erosion control plan prepared pursuant to **Special Condition Three (3)**, shall require an amendment to Coastal Development Permit No. 4-04-127 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Lighting Restriction

A. The only outdoor night lighting that is allowed on the site is 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, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Executive Director.
- 2) Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.
- 3) The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.

No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

7. Pool and Spa Drainage and Maintenance

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

8. Removal of Excess Excavation Material

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

9. Deed Restriction

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has

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

10. Revised Plans

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans that 1) relocate the proposed tennis court east of the outer boundary of Fuel Modification Zone C, as shown on the fuel modification plan submitted pursuant to **Special Condition Three (3)** of this permit; and 2) eliminate the proposed recreation room, or provide evidence that the proposed recreation room will not extend fuel modification further than is required for the proposed residence in the final fuel modification plans submitted pursuant to **Special Condition Three (3)** of this permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant is proposing to construct a new two story, 12,350 sq. ft. single-family residence with an attached four-car, 930 sq. ft. garage, 4,070 sq. ft. basement, 782 sq. ft. recreation room, swimming pool and spa, tennis court (no lighting), retaining walls, six foot high wrought iron fence, driveway, hardscaping, drainage system, septic system, approximately 2,868 cu. yds. of excavation on a previously approved existing building pad (all excavated materials to be transported outside of the Coastal Zone), and approximately 240 cu. yds. of grading (140 cu. yds. cut, approximately 100 cu. yds. fill) outside of the previously approved existing building pad (**Exhibits 4 - 9**).

The project site is located on a sparsely populated hillside just north of Cold Canyon Road in the Old Abercrombie Ranch area in Calabasas (**Exhibits 1, 11**). The parcel is bounded on the east by a lot developed with a single family residence, and to the south, west, and north by vacant lots within the subdivision described below (**Exhibit 11**). The western and northern portions of the irregular, roughly L-shaped parcel extend onto steep slopes containing riparian and chaparral environmentally sensitive habitat areas, which are preserved via an open space easement dedicated pursuant to CDP 5-85-214 (Ghosn) (**Exhibits 10, 11**). The subject parcel is accessed directly from Delphine Lane, an existing private access road permitted under CDP 5-85-214-A3 (Ghosn). Development existing onsite previously approved under the CDP and subsequent amendments includes a level building pad and drainage devices (**Exhibit 3**). The

subject site is Lot Eleven of a previously approved thirteen-lot subdivision discussed further below.

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

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

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

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

The Commission approved permit amendment 5-85-214-A3 in July 1999 to reconfigure and reduce the number of approved lots from 23 to 13, similar to the application for the second amendment above. The amendment included the subdivision of three (3) parcels consisting of 160 acres into 13 residential lots, grade a total of 134,000 cubic yards of material to create one access road and 13 building pads. The applicant complied with the special conditions of the permit and the coastal permit was issued in August 2000. Special Condition Seven (7) of permit amendment 5-85-214-A3 required the applicant to record a deed restriction establishing a "no-build line" and limiting future development on the subject lots to the area outside of that line. The proposed development will be located outside of the "no-build line" established by CDP 5-85-214-A3.

The 160-acre property is now divided into thirteen parcels ranging from 10 to 26 acres in size accessed by two private roads, Abercrombie and Delphine Lanes (**Exhibit 2**). These roads lead to thirteen building pads clustered on the southeast portion of the property near Cold

Canyon Road. The most recent amendment (5-85-214-A4) approved the construction of two vehicle security gates and a pedestrian gate, setback 50 feet from Cold Canyon Road right-of-way and a continuous fence set back 20 feet from Cold Canyon Road right-of-way for a distance of 200 ft. in each direction. The maximum height of the gates is eight feet and the fence is five and one half feet high. The gate is located within the private road right-of-way and portions of the fence are located on two separate parcels located on either side of the entry road. The permit was approved with new special conditions including disposal of excavated material, future development restriction, and a color and lighting restriction on the fencing structures.

B. GEOLOGY AND WILDFIRE HAZARD

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

Section 30253 of the Coastal Act states in pertinent part that new development shall:

- (1) ***Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) ***Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The project site is a roughly L-shaped parcel comprised of an existing building pad and steeply sloping sensitive habitat area. The proposed development will be located in the southeastern portion of the roughly L-shaped parcel outside of the sensitive habitat area. With the exception of a proposed tennis court, the project requires no grading (aside from excavation for the proposed swimming pool and spa, foundations and basement) and is located within the required fuel modification area for the proposed residence. The proposed recreation room, however, will extend the required fuel modification area approximately 79 feet west into the no-build zone, thus increasing the potential for erosion. The proposed recreation room is discussed further below. The proposed project, as conditioned, will reduce the potential for erosion and geologic instability on the subject site and adjacent properties.

Furthermore, the applicant has submitted three reports prepared by GeoConcepts, Inc.: a Compaction Report dated December 7, 2000, a Final Geology Report dated December 26, 2000, and an Update Report dated January 12, 2005, which evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation, the

consultants have found that the project site is suitable for the proposed project. The January 12, 2005 report states:

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

The geotechnical engineering consultant concludes that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Compaction Report dated December 7, 2000 and Final Geology Report dated December 26, 2000 prepared by GeoConcepts, Inc. contain several recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development, the Commission, as specified in **Special Condition One (1)**, requires the applicant to incorporate the recommendations cited in the Geology Report into all final design and construction plans. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed developments, 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.

As noted above, the proposed development is located on the existing building pad, with the exception of a proposed tennis court, recreation room, and swimming pool/spa, which are located on a slope west of the building pad (**Exhibit 4**). Although the majority of the proposed development area has been cleared of vegetation in accordance with brush clearance requirements for an adjacent residence, construction of the proposed recreation room would extend the required 200 foot fuel modification radius for the subject site further into the "no-build" area, and further down the slope, thus increasing the potential for erosion on site. In order to minimize the potential for erosion on the site, **Special Condition Ten (10)** requires the applicant to submit revised plans that eliminate the proposed recreation room, or provide evidence that the proposed recreation room will not extend fuel modification further than is required for the proposed residence in the final fuel modification plans submitted pursuant to **Special Condition Three (3)** of this permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit drainage and erosion control plans, as specified in **Special Conditions Two and Three (2 & 3)**.

The Commission also notes that the quantity of excavation required for construction of the proposed project will result in an excess of 2,868 cu. yds. of excavation material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition Eight (8)** requires the applicant to export all excess excavation material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

Furthermore, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition Three (3)** requires the applicant to submit landscaping plans that 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/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Three (3)**.

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

Wildfire

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition Four (4)**, the assumption of risk, waiver of liability, and indemnity, 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, **Special Condition Four (4)** states that, through acceptance of the permit, the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

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

C. SENSITIVE RESOURCES

Section 30230 of the Coastal Act states:

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 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, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act 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 30231 of the Coastal Act requires 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, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

As previously mentioned, the subject site is a 25.97-acre parcel that contains steep slopes containing sensitive chaparral habitat, as well as a reach of a blue-line stream that is tributary to Cold Creek and is considered an environmentally sensitive habitat area (ESHA). These sensitive habitat areas are protected by an open space easement dedicated pursuant to CDP No. 5-85-214 (Ghosn), which authorized the subdivision that created the subject parcel and 12 others, and by an open space deed restriction that established a "no-build line" pursuant to CDP No. 5-85-214-A3 (Ghosn).

The area proposed for construction of the new residence is located south and east of the sensitive habitat area, adjacent to Delphine Lane. All proposed development is located outside of the "no build" line established pursuant to CDP No. 5-85-214-A3; however, construction of the proposed recreation room, as discussed below, would extend fuel modification approximately 79 ft. further into the "no-build area" than that required for the proposed residence. The Commission notes that the dedicated open space easement, the "no build" line and the delineated building pad area pursuant to the previous coastal development permit incorporated protection of and setbacks from the sensitive habitat area onsite.

As noted above, construction of the proposed recreation room would extend the 200 foot fuel modification radius required for the proposed residence further into the "no build" open space area, and further down the slope, necessitating additional thinning of chaparral habitat and reducing the setback from riparian ESHA. Construction of the proposed tennis court would also result in removal of chaparral vegetation, as well as grading and excavation, outside of the required fuel modification radius for the proposed residence.

Thus in order to to minimize impacts to sensitive habitat, **Special Condition Ten (10)** requires the applicant to submit revised plans that 1) relocate the proposed tennis court east of the outer boundary of Fuel Modification Zone C, as shown on the fuel modification plan submitted pursuant to **Special Condition Three (3)** of this permit; and 2) eliminate the proposed recreation room, or provide evidence that the proposed recreation room will not extend fuel modification further than is required for the proposed residence in the final fuel modification plans submitted pursuant to **Special Condition Three (3)** of this permit. As conditioned by Special Condition Ten (10), the fuel modification requirements for the proposed project will result in minimal (<1,000 sq. ft.) thinning of chaparral vegetation, and no other disturbance of vegetation within the open space area.

In addition, it is necessary to ensure that any development in the future will also be consistent with these requirements. In order to ensure that any future improvements to the property are reviewed through an amendment to this permit or through a new coastal development permit, **Special Condition Five (5)** requires a future development restriction to be applied to the property. Therefore, the Commission finds that the proposed project, as conditioned by **Special Condition Ten (10)** and **Special Condition Five (5)**, is adequately located and designed, through substantial setback/buffer areas and minimized landform alteration, to minimize significant disruption of sensitive resources existing on and adjacent to 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 No. 3** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

The Commission notes that seasonal streams and drainages, in conjunction with primary waterways, provide important habitat for riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural

vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat. As noted above, a blue-line stream that is considered a riparian ESHA is located downslope of the building pad area. As such, the Commission finds that potential adverse effects of the proposed development on riparian habitat of this stream may be further minimized through the implementation of a drainage and polluted runoff control plans, which will ensure that erosion is minimized and polluted runoff from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition Two (2)**, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that runoff from the proposed structures, impervious surfaces and building pad area is conveyed offsite in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways.

In addition, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains environmentally sensitive habitat area. Therefore, the Commission limits the nighttime lighting of the property and residence to that necessary for safety as outlined in **Special Condition Six (6)**, which restricts night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the nocturnal 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.

Furthermore, fencing of the site would adversely impact the movement of wildlife through the ESHA and along the stream corridor on this parcel. Therefore, the Commission finds it is necessary to limit fencing to the landscaped area of the site, as defined by Zone B of the final fuel modification plan, through **Special Condition Three (3)**.

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 Five (5)**, the future development restriction, has been required. Finally, **Special Condition Nine (9)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with 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 above, the proposed project includes construction of new two story, 12,350 sq. ft. single-family residence with an attached four-car, 930 sq. ft. garage, 4,070 sq. ft. basement, 782 sq. ft. recreation room, swimming pool and spa, tennis court (no lighting), six foot high wrought iron fence, driveway, hardscaping, drainage system, septic system, approximately 2,868 cu. yds. of excavation on a previously approved existing building pad (all excavated materials to be transported outside of the Coastal Zone), and approximately 240 cu. yds. of grading (140 cu. yds. cut, approximately 100 cu. yds. fill) outside of the previously approved existing building pad. The proposed building location is located adjacent to a sensitive riparian habitat area. 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, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the

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

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 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 Two (2)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Three (3)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

As stated previously, the proposed project includes a swimming pool and spa. There is the potential for swimming pools and spas to have deleterious effects on aquatic habitat if not properly maintained and drained. In addition, chlorine and other chemicals are commonly added to pools and spas to maintain water clarity, quality, and pH levels. Further, both leakage and periodic maintenance of the proposed pool and spa, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing instability of the site and adjacent properties and may result in the transport of chemicals, such as chlorine, into coastal waters, adversely impacting intertidal and marine habitats. Therefore, the Commission finds it necessary to require **Special Condition Seven (7)** which requires the applicant to use a non-chemical or low chemical water purification system to maintain proper pH, calcium and alkalinity balance in a manner that any runoff or drainage from the pool/spa will not include excessive chemicals that may adversely affect water quality or Environmentally Sensitive Habitat Areas.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Further, the County of Los Angeles Environmental Health Department 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 coastal resources.

The Commission finds that, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, to control erosion during construction, to landscape all disturbed soils, and to minimize potential impacts of the proposed pool and spa, the project is consistent with Sections 30231 of the Coastal Act.

E. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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

Moreover, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains environmentally sensitive habitat area. Therefore, the Commission limits the nighttime lighting of the property and residence to that necessary for safety as outlined in **Special Condition Six (6)**, which restricts night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity security lighting will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area. Thus, the proposed setback from the sensitive habitat area and natural topography in concert with the lighting restrictions will attenuate the impacts of unnatural light sources and will not impact sensitive wildlife species.

Further, **Special Condition Three (3)**, the landscaping plan, requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. The implementation of **Special Condition Three (3)**, therefore, will help to soften the visual impacts of the proposed development in a rural and scenic area. In order to ensure that the final

approved landscaping plans are successfully implemented, **Special Condition Three (3)** also requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

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

F. CUMULATIVE IMPACTS

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

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

Section 30252 of the Coastal Act states:

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

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

Based on the requirements of Coastal Act §30250 and §30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and

infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose— as a guest unit- rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

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

The applicant is proposing to construct a detached 782 sq. ft. recreation room. The proposed recreation room consists of a main room, a bathroom, and a deck. The Commission notes that the applicants are not proposing to utilize the detached structures as a guest unit or secondary dwelling, therefore the structures may be reviewed as accessory buildings to the proposed single family residence, non-habitable, and therefore not subject to the 750 sq. ft. limitation for detached units. As noted above, the proposed recreation room can be approved only if evidence is provided that the structure will not extend fuel modification further than is required for the proposed residence, as required by **Special Condition Ten (10)**. Further, the Commission finds it necessary to ensure that, in the future, no additions or improvements that may enlarge or further intensify the use of the recreation room are made without due consideration of the cumulative impacts that may result. Thus, the Commission finds it necessary to require the applicant to record a future development deed restriction, which, as specified in **Special Condition Five (5)**, will require the applicant to obtain an amended or new coastal permit if additions or improvements to the structures are proposed in the future.

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

G. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act states:

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

program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 that the activity may have on the environment.

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

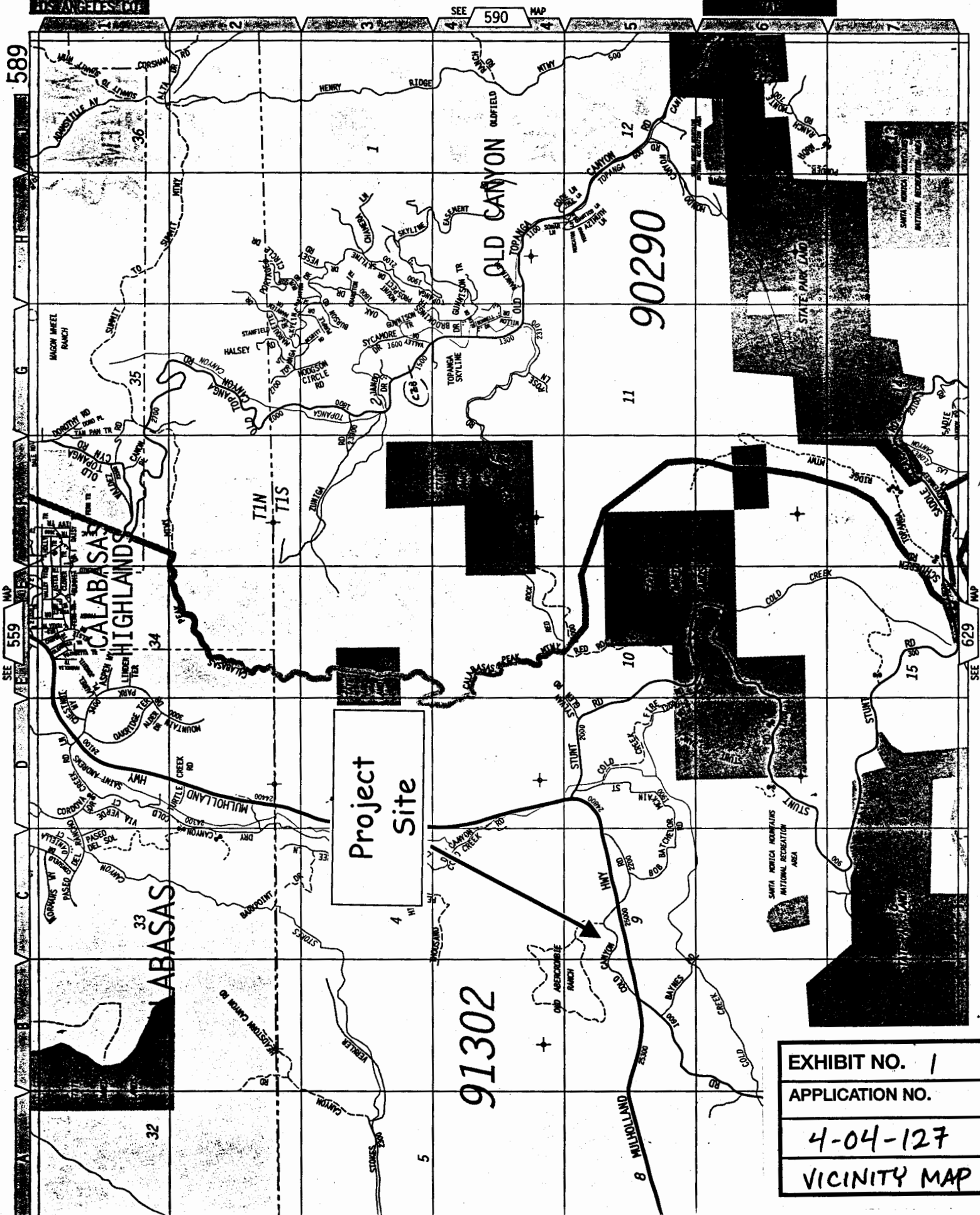


EXHIBIT NO. 1
APPLICATION NO.
4-04-127
VICINITY MAP

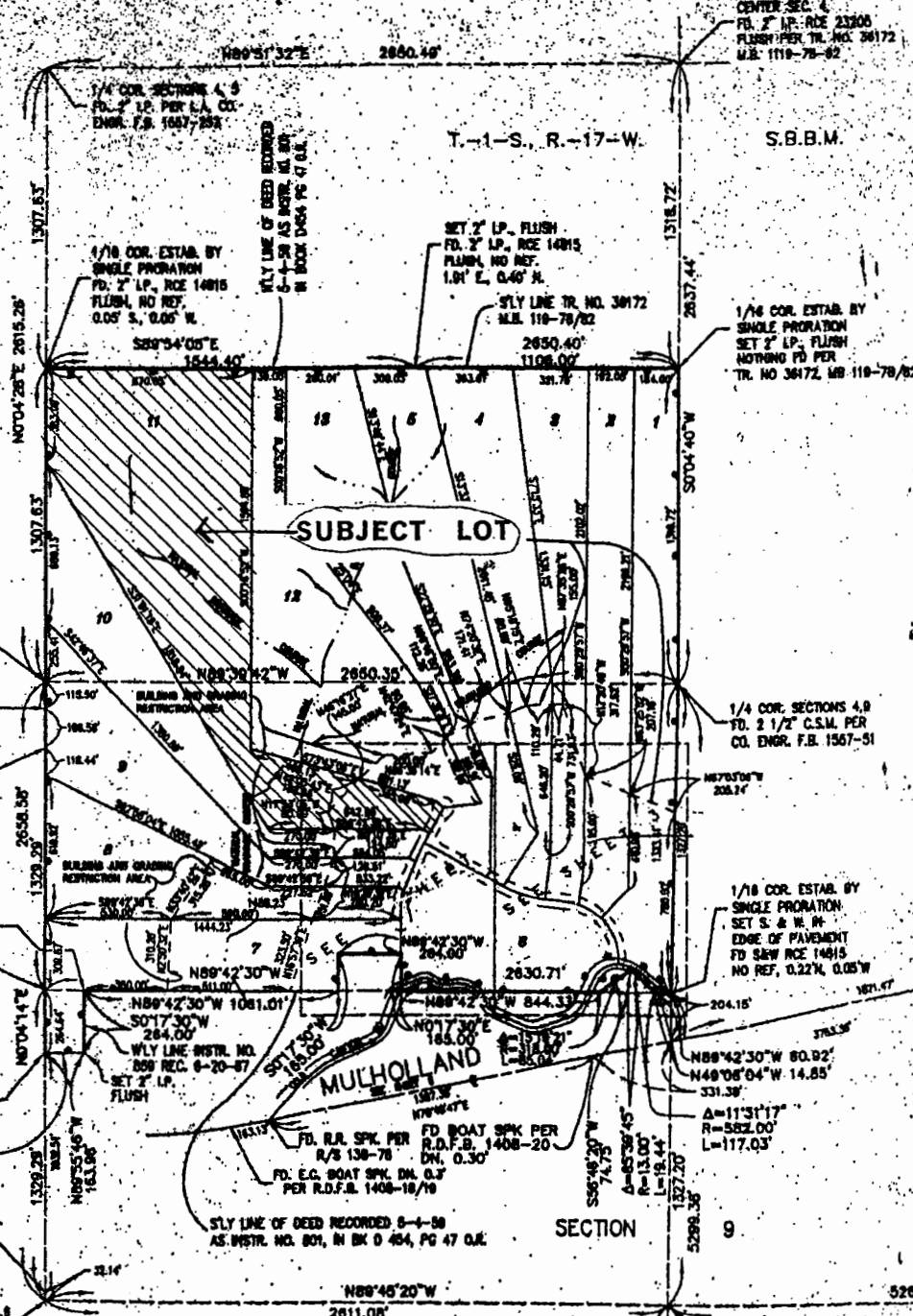
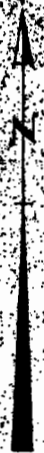
TRACT NO. 30737
SCALE: 1" = 400'

TRACT NO. 51634

IN THE UNINCORPORATED TERRITORY OF
THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SECTION 4

CENTER SEC. 4
FD. 2" LP. RICE 23308
FLUSH PER TR. NO. 36172
M.B. 1119-78-82



SUBJECT LOT

MULHOLLAND

SECTION 9

S.B.B.M.

COR. SECTIONS 4, 5 & 9
ESTAB. AT RECORD
DISTANCE OF 115.50
PER CO. ENGR. F.B.
1567-82 AND C.S.B.
2338-2, NOTHING SET

WITNESS COR.
FD. C.S.M. PER L.A. CO.
ENGR. F.B. 1567-82
AND C.S.B. 2338-2

FD. 1" LP. IN LIEU OF
1 & 2 PER L.A. CO.
ENGR. F.B. 1567-82

SET 2" LP.
FLUSH

1/16 COR. ESTAB. BY
SINGLE PRORATION
FD. 2" LP. PER F.M.
18707 P.S.B. 258-30/32
0.127' 0.05' W.
FD. 1 1/2" LP. R.C.E.
19186, NO REF. 0.44'S

SET 2" LP. OFFSET
N00°14'2" E
150.00'

WLY LINE INSTR.
NO. 82-148705
REC. 2-8-82

FD. 2" LP. PER L.A. CO.
ENGR. F.B. 2783-77,
32.14 N/2 1/4 COR.

1/4 COR. SECTIONS 4, 5

1/4 COR. ESTAB. BY
SINGLE PRORATION
SET 2" LP. FLUSH
NOTHING FD PER
TR. NO 36172, MB 119-78/82

1/4 COR. SECTIONS 4, 9
FD. 2 1/2" C.S.M. PER
CO. ENGR. F.B. 1567-81

1/16 COR. ESTAB. BY
SINGLE PRORATION
SET S. & W. IN
EDGE OF PAVEMENT
FD SAW RICE 14815
NO REF. 0.22' N, 0.05' W

FD. SPK. DN. 0.5'
PER R.D.F.B. 1408-23

EXHIBIT NO. 2
APPLICATION NO.
4-04-127
APPROVED TRACT MAP

SHEET 4

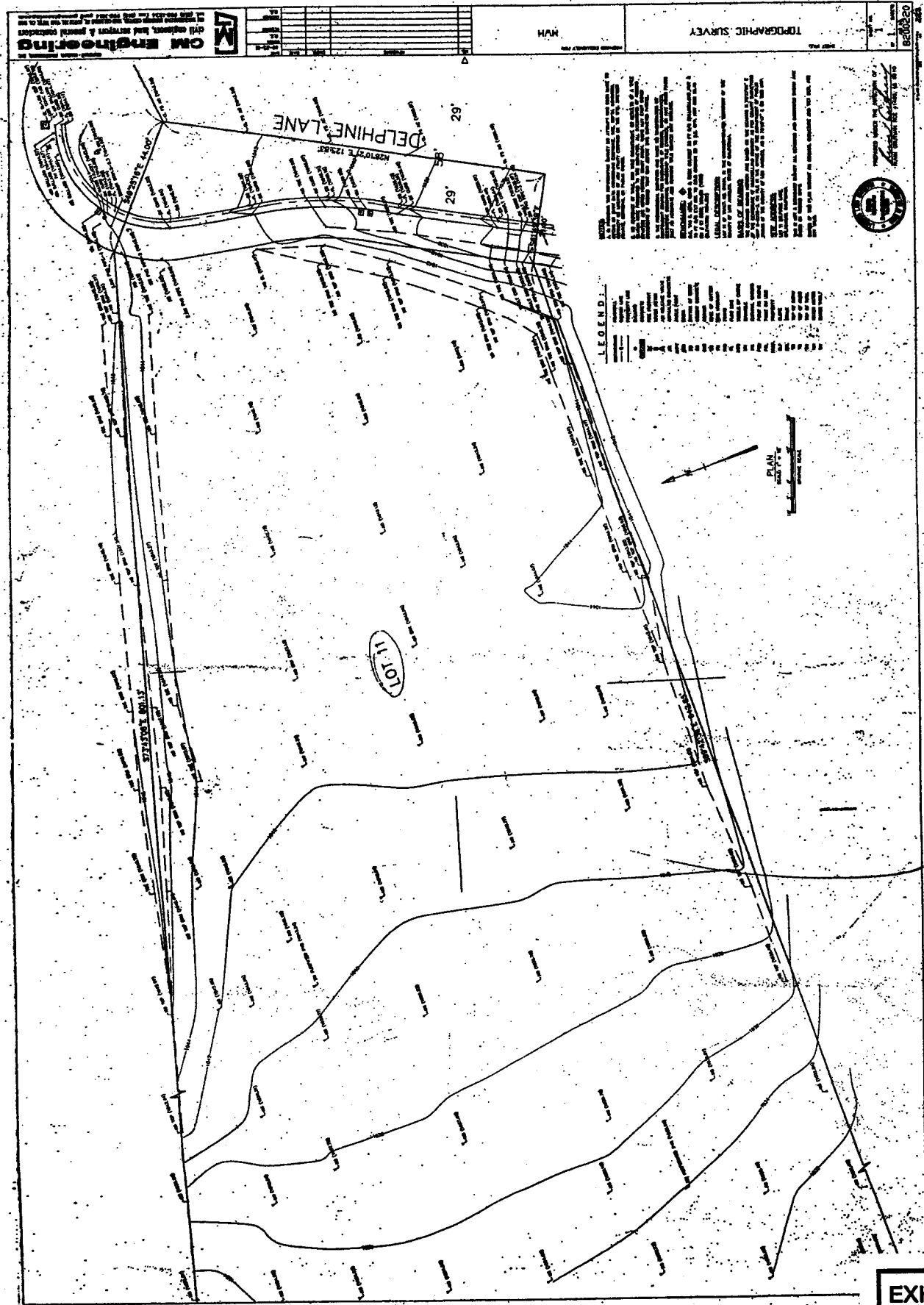
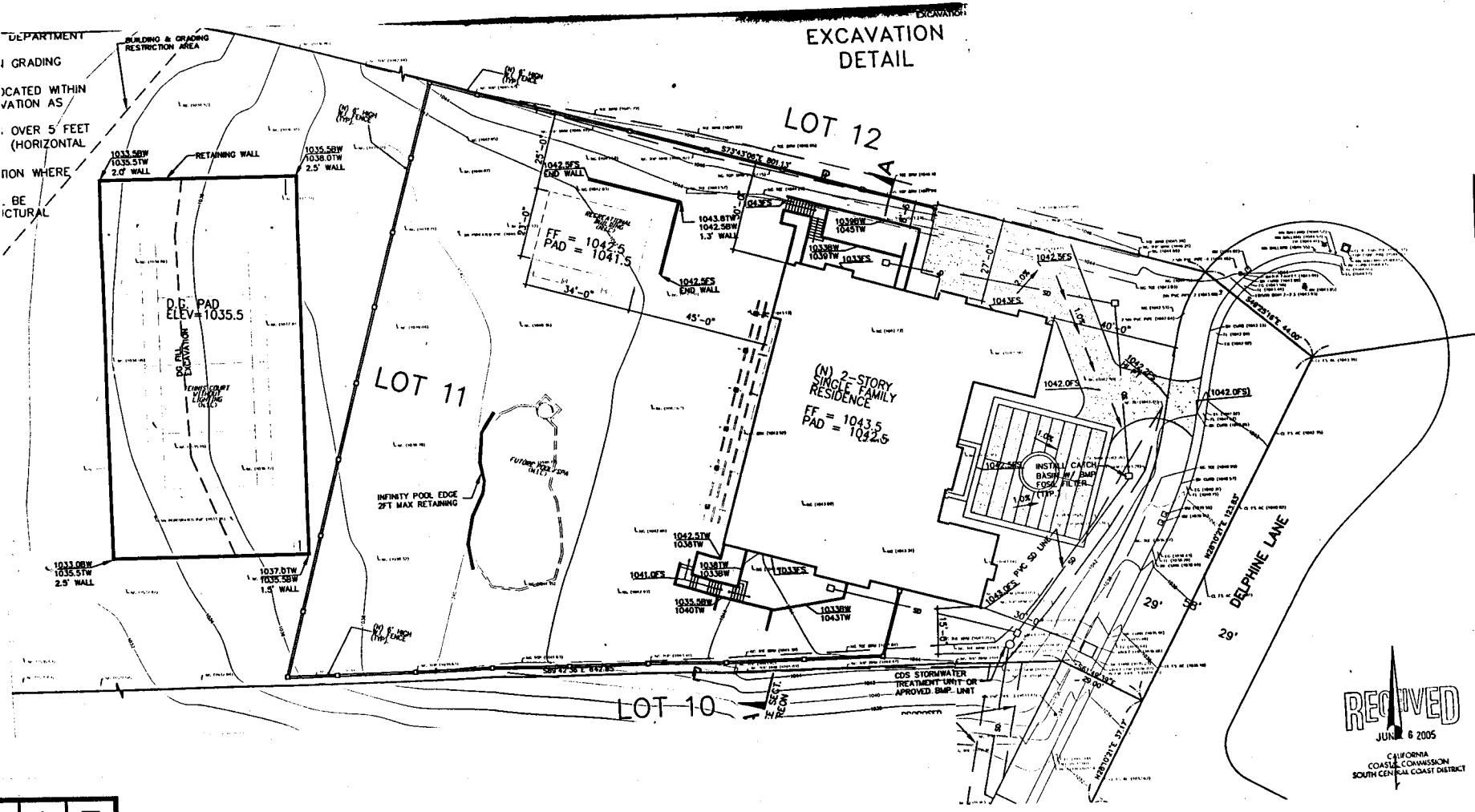


EXHIBIT NO. 3
APPLICATION NO.
4-04-127
SITE SURVEY

DEPARTMENT
 1 GRADING
 LOCATED WITHIN
 VATION AS
 OVER 5 FEET
 (HORIZONTAL
 ION WHERE
 BE
 ICTURAL

EXCAVATION
 DETAIL



ENGINEER: M.T.L. ENC
 22647 VENTUR
 WOODLAND HI
 (818) 747-
 DEVELOPER: MWH DEVELOPMENT CORP.
 23801 CALABASAS RD
 CALABASAS, CA 91302
 761-211-222-1925
 GRADING PLAN
 LOT 11, TRACT 51634
 "ABERCROMBIE RANCH ESTATES"
 2051 DELPHINE LANE



EXHIBIT NO. 4
 APPLICATION NO.
 4-04-127
 SITE PLAN / GRADING PLAN

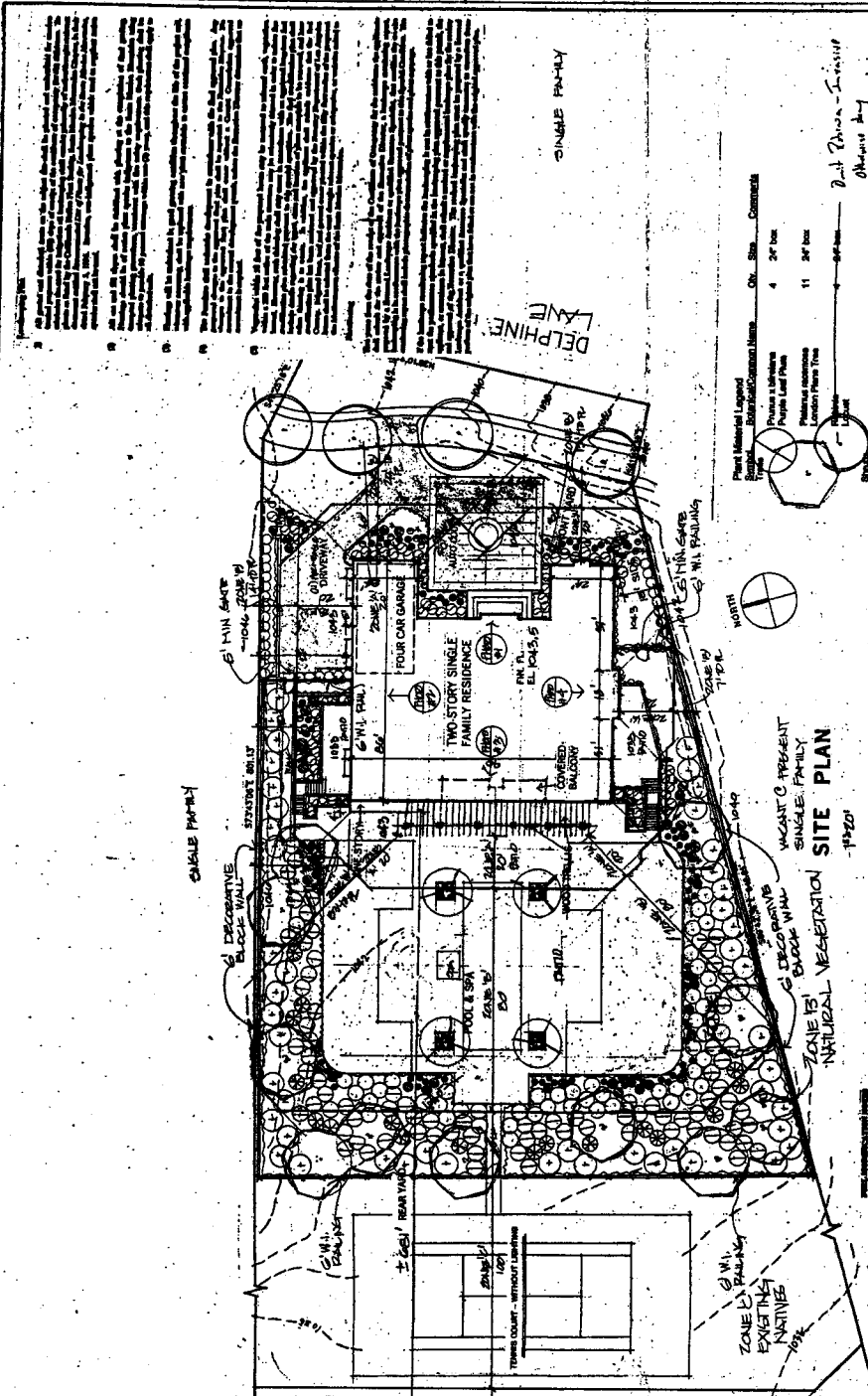
NO.	
DATE	
REVISIONS	

1548 SHAWNEE AVE. ARCHITECTURE & DESIGN
 2000 W. 10th St. Suite 200
 Lincoln, NE 68502

ABERCROMBIE RANCH ESTATES
 LOT 11 TRACT 5163A

FUEL MODIFICATION PLAN

DATE: 10/20/10
 SCALE: 1" = 20'



Plant Material Legend	Botanical/Common Name	Qty.	Size	Comments
○	Tree	4	24" tree	
○	Shrub	11	24" shrub	
○	Perennial			
○	Annual			
○	Grass			
○	Water Feature			
○	Lighting			
○	Other			

VACANT C. PRESENT SINGLE FAMILY SITE PLAN
 -10x20-

Notes:
 1. All plant materials are to be installed as shown on this plan.
 2. All plant materials are to be installed as shown on this plan.
 3. All plant materials are to be installed as shown on this plan.
 4. All plant materials are to be installed as shown on this plan.
 5. All plant materials are to be installed as shown on this plan.

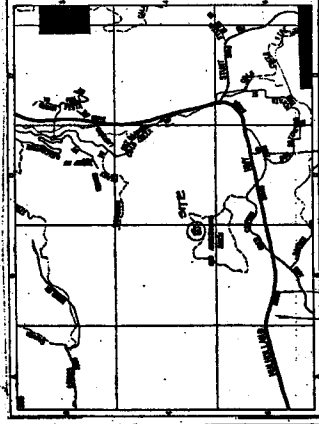


EXHIBIT NO. 5
 APPLICATION NO.
 4-04-127
 FUEL MODIFICATION

DATE	2/25/04
DRAWN	elijah
CHECKED	
SCALE	1/8" = 1'-0"
SHEET	A-7
TOTAL SHEETS	8

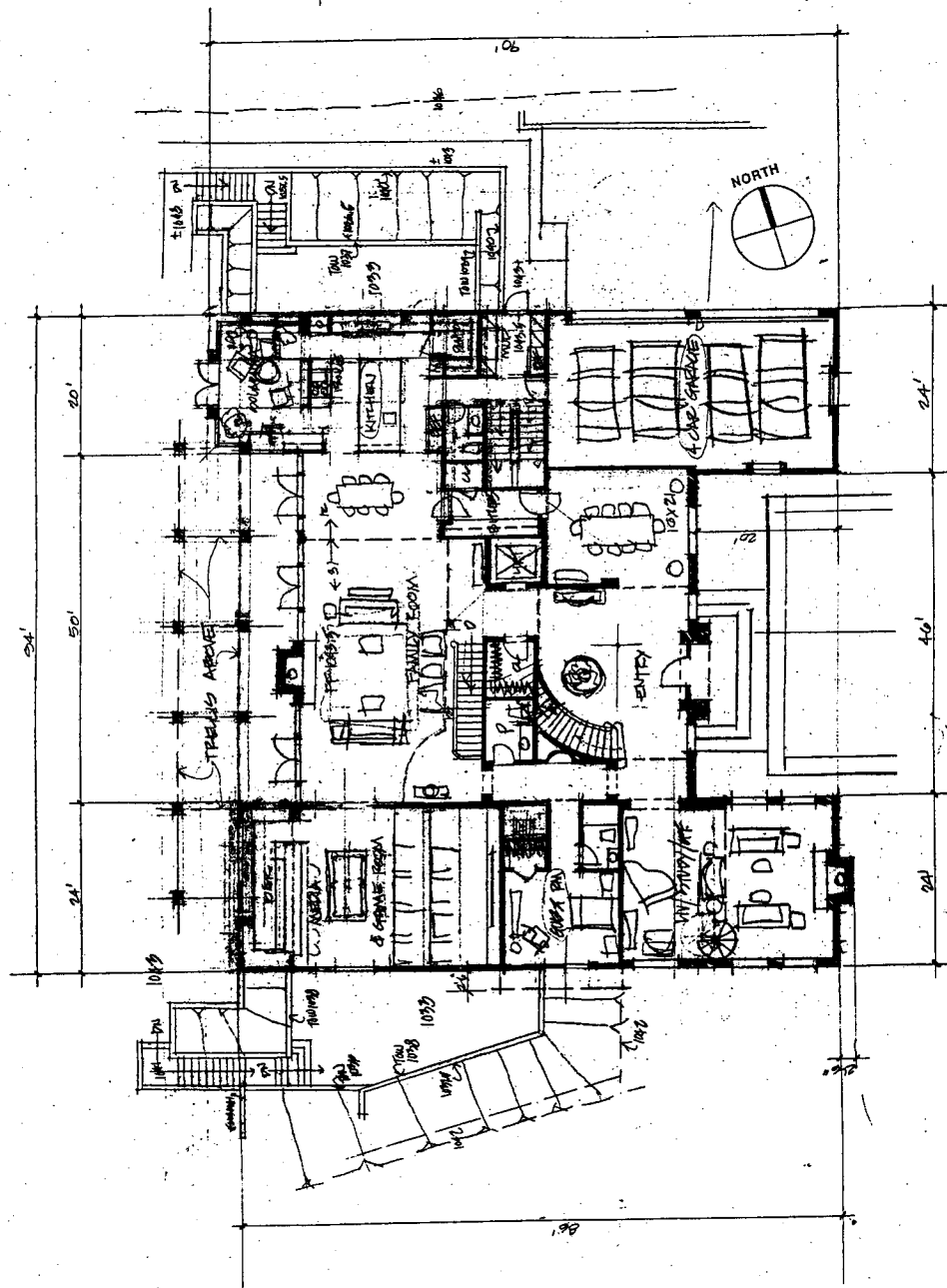
MBAR SHAYKHAZAN AIA, ARCHITECTURE & URBAN DESIGN
 4141 W. 11TH ST. SUITE 202 • SAN JOSE, CALIFORNIA 95128-1819

ABERCROMBIE RANCH ESTATES
 LOT 11 TRACT 51634

FIRST FLOOR PLAN

RECEIVED
 DEC 18 2004
 CALIFORNIA
 COUNTY OF SANTA CLARA

MAR 12 2004



FIRST FLOOR PLAN
 1/8" = 1'-0"

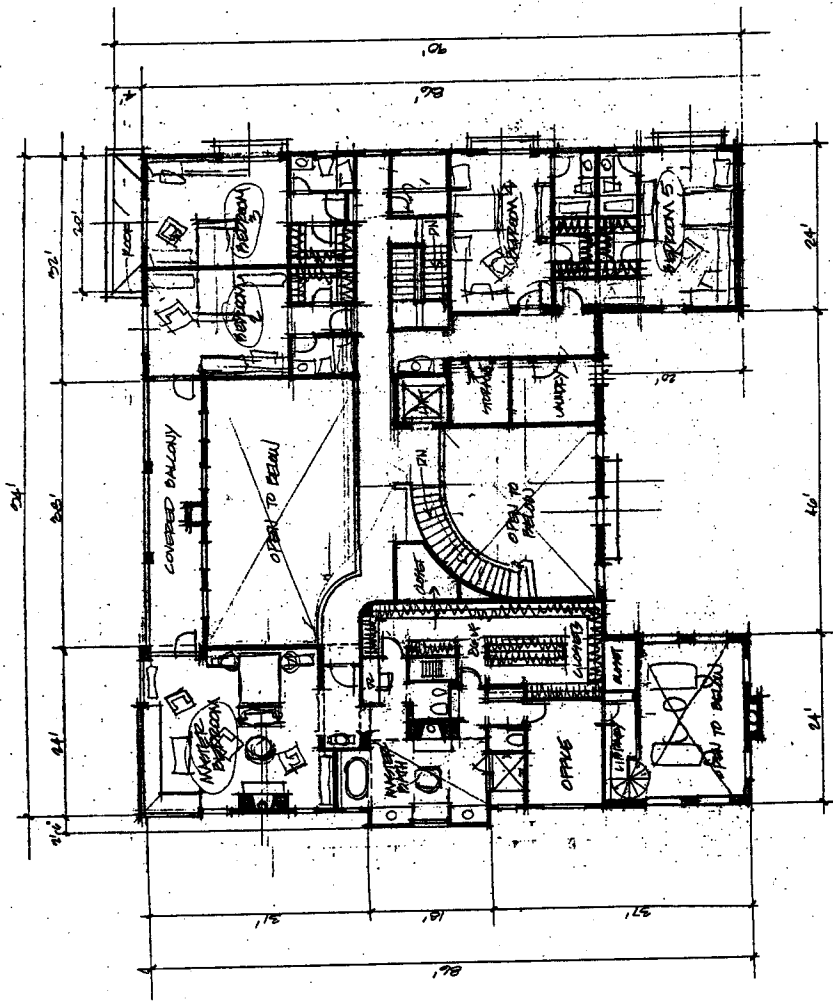
EXHIBIT NO. 6
 APPLICATION NO.
 4-04-127
 FIRST FLOOR PLAN

MR. & MRS. SWABZAN A.L.A. ARCHITECTURE & URBAN DESIGN
1000 2ND STREET, SUITE 200 • SAN ANTONIO, TEXAS 78205 • (512) 345-1111

ABERCROMBIE RANCH ESTATES
LOT 11 TRACT 51634

SECOND FLOOR PLAN

DATE: 2/25/04
SCALE: 1/8" = 1'-0"
SHEET: 0117
PROJECT: A-8



SECOND FLOOR PLAN

1/8" = 1'-0"

RECEIVED
MAR 11 2004
COUNTY CLERK
SAN ANTONIO, TEXAS

MAR 12 2004

EXHIBIT NO. 7
APPLICATION NO.
4-04-127
SECOND FLOOR PLAN

REVISIONS	BY

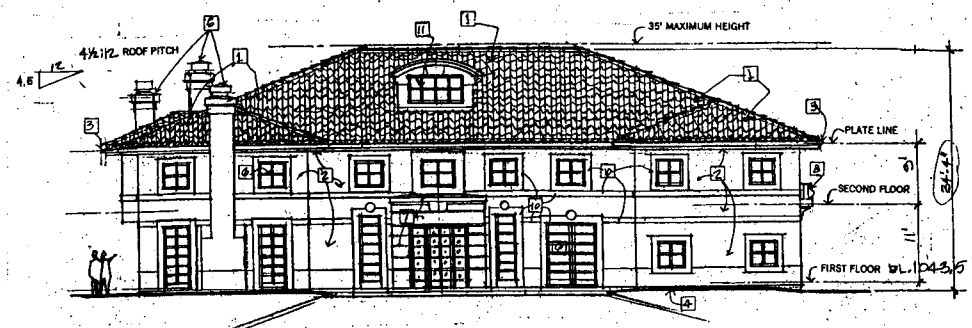
ABERCROMBIE RANCH ESTATES
 LOT 11 TRACT 51634

ELEVATIONS

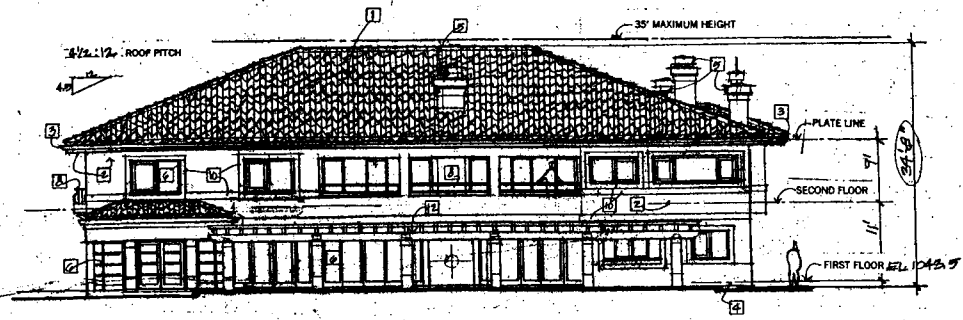
DATE: 2/25/04
 SCALE: 1/8" = 1'-0"
 DRAWN: O117
 SHEET: A-10

ELEVATION NOTES

- 1) CLASS A FIRE RETARDANT CONCRETE OR CLAY ROOF TILE
- 2) EXTERIOR WALLS AND UNDERSIDE OF ALL OVERHANDS TO BE 7/8" THICK CEMENT PLASTER OVER METAL LATH AND 13LB FELT
- 3) PAINTED GALV. METAL GUTTER & DOWNSPOUT
- 4) CONTINUOUS GALV. METAL WEEP SCREED AT BASE OF STUD WALL TO CONCRETE - TYPICAL
- 5) LOS ANGELES COUNTY APPROVED CHIMNEY TERMINATION CAP & SPARK ARRESTOR
- 6) PAINTED WOOD WINDOWS
- 7) DECORATIVE PRECAST CONCRETE
- 8) DECORATIVE WROUGHT-IRON RAILINGS AND/OR METALWORK
- 9) PAINTED GALV. METAL ROOF VENT TO MATCH COLOR OF ROOF MATERIAL
- 10) DECORATIVE PLASTER MOLDING
- 11) SKYLIGHT
- 12) WOOD TRELLIS
- 13) DECORATIVE WOOD
- 14) BRICK VENEER



EAST ELEVATION



WEST ELEVATION

RECEIVED
 DEC 1 8 2004

CALIFORNIA
 COASTAL COMMISSION
 SOUTHERN CALIFORNIA DISTRICT

MAR122004

EXHIBIT NO. 8
 APPLICATION NO.
 4-04-127
 EAST/WEST ELEVATIONS

REVISIONS	BY

NADAR SHARADAN A.P.A. ARCHITECTURE & URBAN DESIGN
 1001 W. 10th St., Suite 203, Los Angeles, CA 90015
 TEL: 213.622.1111 FAX: 213.622.1112

ABERCROMBIE RANCH ESTATES
LOT 11 TRACT 51634

ELEVATIONS

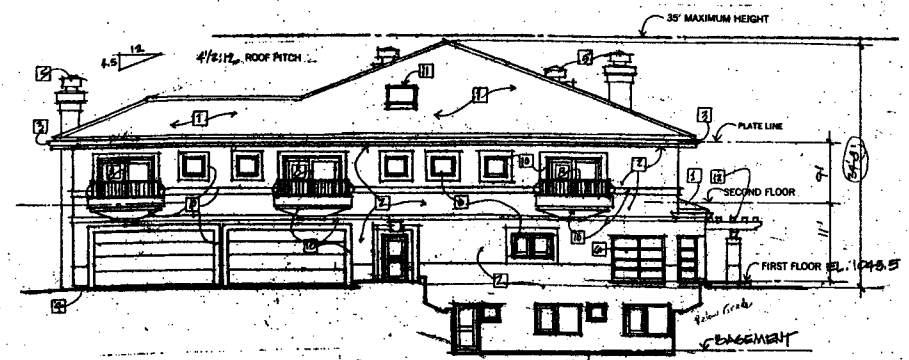
Date: 2/22/04
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 Sheet: A-11

RECEIVED
 DEC 18 2004
 CALIFORNIA
 COUNTY OF LOS ANGELES
 SOUTH CENTRAL COUNTY OFFICE

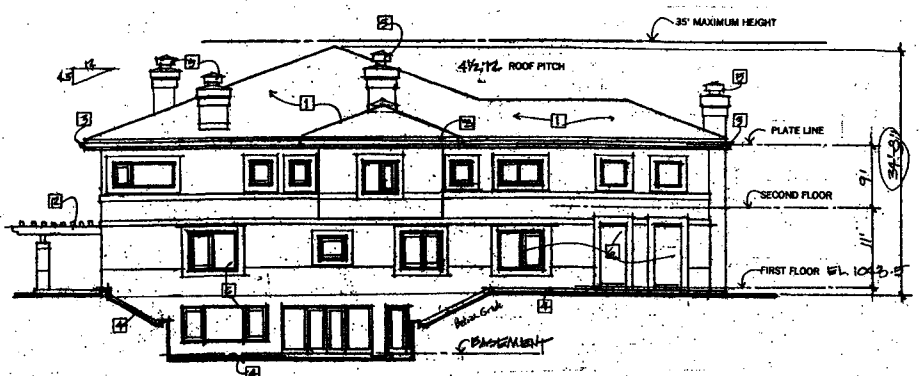
MAR 12 2004

ELEVATION NOTES

- 1) CLASS A FIRE RETARDANT CONCRETE OR CLAY ROOF TILE
- 2) EXTERIOR WALLS AND UNDERSIDE OF ALL OVER-HANGS TO BE 7/8" THICK CEMENT PLASTER OVER METAL LATH AND (S.I.S. FLS.)
- 3) PAINTED GALV. METAL GUTTER & DOWNSPOUT
- 4) CONTINUOUS GALV. METAL WEEP SCREED AT BASE OF STUD WALL TO CONCRETE - TYPICAL
- 5) LOS ANGELES COUNTY APPROVED CORNER TERMINATION CAP & SPARK ARRESTOR
- 6) PAINTED WOOD WINDOWS
- 7) DECORATIVE PRECAST CONCRETE
- 8) DECORATIVE WROUGHT IRON RAILINGS AND/OR METALWORK
- 9) PAINTED GALV. METAL ROOF VENT TO MATCH COLOR OF ROOF MATERIAL
- 10) DECORATIVE PLASTER MOLDING
- 11) SKYLIGHT
- 12) WOOD TRELLIS
- 13) DECORATIVE WOOD
- 14) BRICK VENEER



NORTH ELEVATION



SOUTH ELEVATION

EXHIBIT NO. 9
APPLICATION NO.
4-04-123
NORTH/SOUTH ELEVATIONS

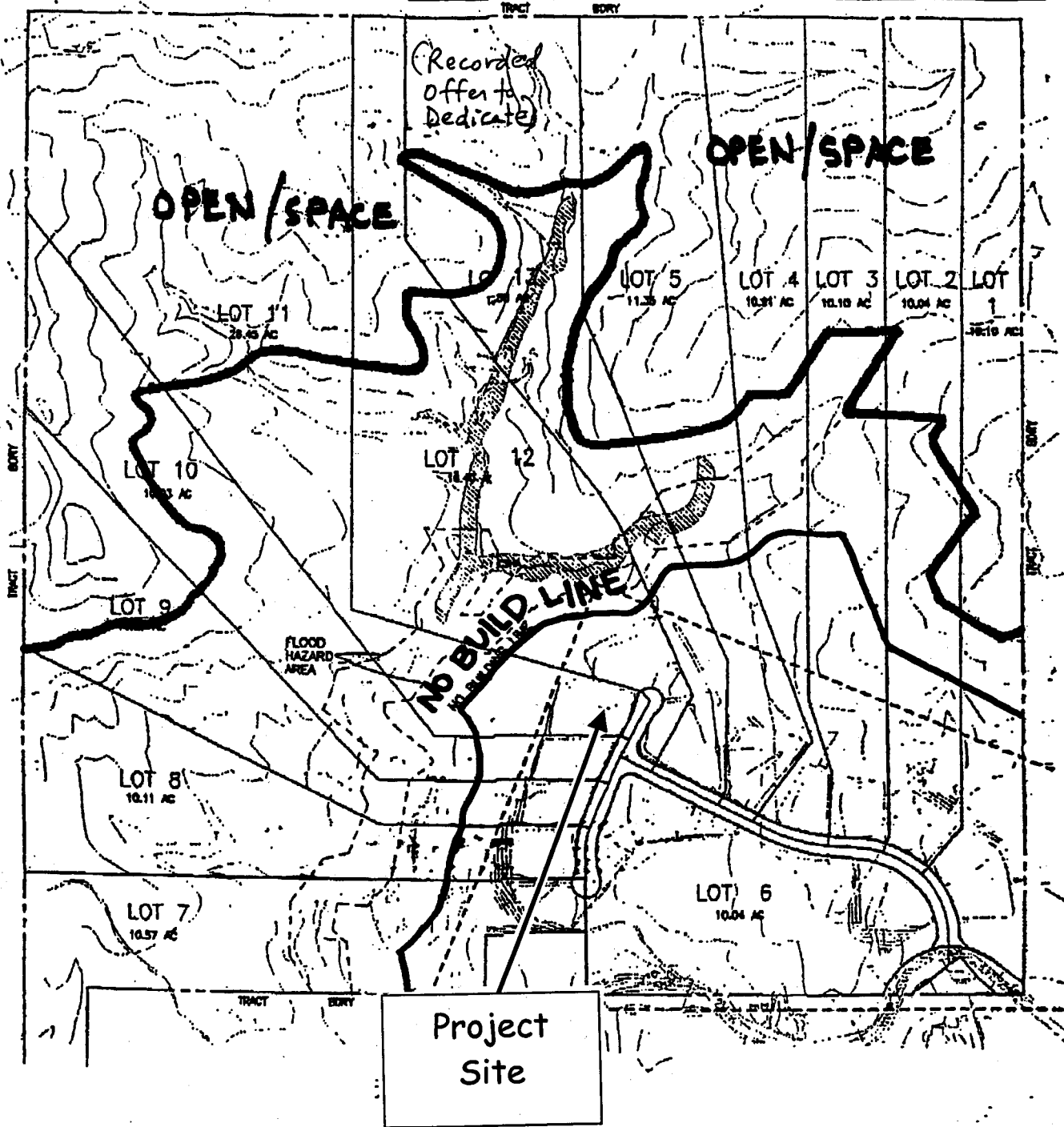


EXHIBIT NO. 10
APPLICATION NO.
4-04-127
OPEN SPACE





Exhibit 11
CDP 4-04-127
Aerial View

