

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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W17C

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-06-106

APPLICANT: Matthew Haines

AGENT: Mehrdad Sahafi, Malibu Design Associates

PROJECT LOCATION: 2940 Sequit Drive, El Nido Small-Lot Subdivision, Malibu, Santa Monica Mountains, Los Angeles County (APN 4457-016-064)

PROJECT DESCRIPTION: Construction of a 35-ft. high, 2,654 sq. ft. single-family residence, 641 sq. ft. attached garage, septic system, driveway, retaining walls, 1,422 sq. ft. balconies, paving of 690 sq. ft. of Sequit Drive, and 912 cu. yds. of grading (346 cu. yds. cut, 567 cu. yds. fill). The project includes fill to create a 1,984 sq. ft. backyard pad on the steep slope to the south of the residence that would be enclosed by retaining walls with visible portions approximately 7-ft. to 10-ft. high above-grade and further topped by a 3.5-ft. high decorative wall. Additionally, at the southwest corner of the backyard pad, the applicant proposes to build an additional engineered staircase from the backyard pad to the natural grade which lies approximately 10 ft. below the proposed backyard pad.

MOTION & RESOLUTION: Page 3

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with conditions.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. Following is a summary of the main issues raised by the project and how they are resolved by staff's recommendation:

- **CUMULATIVE IMPACTS.** The project site is located within a small-lot subdivision, and the proposed residence would not conform to the maximum gross structural area (GSA) allowed for the parcel if the parcel were viewed in isolation. The applicant proposes to extinguish development rights on three additional parcels to increase the GSA. The extinguishment is required as a condition of approval.
- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas and will adversely impact visual resources. There are siting and design

alternatives that would avoid or reduce visual impacts. The project approval is conditioned to require revised structure plans that eliminate the backyard fill pad and staircase, as depicted in Exhibit 7. Additionally, the permit is conditioned to require revised structure plans to redesign the residence.

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EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Certificate of Compliance No. 100596
- Exhibit 4. Site Plan
- Exhibit 5. Floor Plans
- Exhibit 6. Elevations
- Exhibit 7. Backyard Fill and Retaining Walls

Exhibit 8. Grading Plan and Grading Cross-sections

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated February 8, 2006; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated May 2, 2006; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated August 18, 2006; County of Los Angeles Fire Department, Fire Prevention Engineering Approval.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit 5-88-416 (Haines); Geotechnical Update Report, 2940 Sequit Drive, APN 4457-016-064 (Southwest Geotechnical, Inc., 12/26/06); Geotechnical Addendum Report, 2940 Sequit Drive, APN 4457-016-064 (Southwest Geotechnical, Inc., 10/24/07); Percolation Testing and Limited Geologic Evaluation of Groundwater Levels, 2940 Sequit Drive (Southwest Geotechnical, Inc., 6/3/00); Preliminary Geologic and Geotechnical Engineering Report, 2940 Sequit Drive (Southwest Geotechnical, Inc., 4/30/03); Certificate of Compliance No. 100496 (Recorded 87-1640696, 10/13/1987);

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-06-106 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 condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Plans Conforming to Geotechnical Engineer's Recommendations**

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

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

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

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and

employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement.

3. Permanent Drainage and Polluted Runoff Control Plan

A. ***Prior to issuance of the Coastal Development Permit***, the permittee shall submit to the Executive Director, two (2) copies of a final Permanent Drainage and Runoff Control Plan for the post-construction project site, prepared by a licensed civil engineer or qualified water quality professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate Best Management Practices (BMPs) including site design, source control and treatment control measures designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. The consulting civil engineer or water quality professional shall certify in writing that the final Permanent Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) The plan shall demonstrate the use of distributed small-scale controls or integrated Best Management Practices (BMPs) that serve to minimize alterations to the natural pre-development hydrologic characteristics and conditions of the site, and effectively address pollutants of concern.
- (2) Post-development peak runoff rate and average volume from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maximize site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (4) Landscaping materials shall consist primarily of native or other low-maintenance plant selections which have low water and chemical treatment demands, consistent with **Special Condition 5, Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains where necessary. The consulting engineer shall provide plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system. The drainage plans shall

specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The engineer shall certify that the design of the device minimizes the amount of rock and/or other hardscape necessary to meet the sizing requirements.

- (7) Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (8) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (9) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans shall be approved by the project consulting geotechnical engineer.
- (10) 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.

B. The final Permanent Drainage and Runoff Control Plan shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Interim Erosion Control Plans and Construction Responsibilities

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify

in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

- (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.
- (e) The 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.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal

development permit, unless the Executive Director determines that no amendment is required.

5. Landscaping and Fuel Modification Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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. All native plant species shall be of local genetic stock. 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) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

B) Fuel Modification Plans

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.

C) Conformance with Coastal Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

Three years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit to 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 requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

6. Structural Appearance

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of this Coastal Development Permit. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades, no bright tones, and no reflective surfaces such as copper

or copper alloy unless specifically treated to rapidly (within one year) achieve a matte appearance or patina. All windows shall be comprised of non-glare glass.

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

7. Future Development Restriction

This permit is only for the development described in this Coastal Development Permit. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, conversion of non-habitable space to habitable space (including, but not limited to, garage and patio/deck areas), clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, shall require an amendment to this Coastal Development Permit from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. Deed Restriction

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

9. Revised Plans

A. **Prior to issuance of the Coastal Development Permit**, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. All plans must be drawn to scale with dimensions shown. The final revised project plans and project description shall reflect the following:

- (1) No creation of a backyard pad or backyard staircase (including the associated grading and retaining walls) as shown in Exhibit 7.
- (2) Demonstrate that the cumulative area of all substantially enclosed residential and storage areas, excluding garages or carports designed for storage of autos, shall not exceed the maximum allowable gross structural area of 1,754 sq. ft., with the exception that the plans may reflect an increase in square footage above that maximum if a lot(s) has been retired in accordance with **Special Condition 10** below (increase of 300 sq. ft. for a lot which is not contiguous to the building site but which is within the El Nido small lot subdivision, elsewhere within the Solstice Canyon watershed, or other lots designated for this purpose).

B. The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

10. Cumulative Impacts Mitigation

A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit, for the review and approval of the Executive Director, evidence that:

1. all potential for future development has been permanently extinguished on lot(s) within the El Nido small lot subdivision, within the Solstice Canyon Watershed, or other lots designated for this purpose, to comply with the requirements of the slope intensity formula in accordance with Policy 271(b)(2) of the previously certified 1986 Malibu/Santa Monica Mountains Land Use Plan; AND

2. such lot(s) is either a) legally merged with an adjacent developed or developable parcel(s) or b) dedicated in fee title to a public agency.

B. The maximum allowable gross structural area of 1,754 sq. ft. may be increased by 300 sq. ft. upon extinguishment of the development rights of a lot that is not contiguous to the subject lot but which is within the El Nido small lot subdivision within the Solstice Canyon watershed, or other lot designated for this purpose, consistent with this special condition. Should the applicant fail to submit the evidence of lot extinguishment required by this Special Condition, the applicant must submit plans demonstrating that the maximum gross structural area for the residence is no more than 1,754 sq. ft., consistent with **Special Condition No. 9, Revised Plans**.

11. Lot Combination

A. By acceptance of this permit, the applicant agrees, on behalf of himself and all successors and assigns with respect to the subject property, that upon compliance with paragraph B of this condition: (1) All portions of Lot 83 and Lot 84 of Tract No. 9456 and a portion of Lot 85 of Tract No. 9456, as shown in Exhibit 2, legally described as Parcel 2 in Certificate of Compliance No. 100496 (Exhibit 3), and currently known as

APN 4457-016-064, shall be recombined and unified, if they have not been already, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the aforementioned parcels or portions of parcels within Tract No. 9456 shall be alienated from each other or from any portion of the combined and unified parcel hereby created.

B. *Prior to issuance of the Coastal Development Permit*, the applicant shall execute and record a deed restriction, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the parcels being recombined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

C. *Prior to issuance of the Coastal Development Permit*, but after the deed restriction described in the prior paragraph is recorded, the applicant shall provide evidence to the Executive Director that the applicant has provided a copy of the recorded deed restriction to the county assessor's office and requested that the assessor's office revise its records and maps to reflect the combination of the parcels.

12. Approval to Pave Sequit Drive

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, either approval from Los Angeles County authorizing the proposed paving of 690 sq. ft. along Sequit Road or evidence that no approval is needed. Should the applicant fail to obtain such approval or if modifications to the location or design of the project are required by Los Angeles County, any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a 35-ft. high, 2,654 sq. ft. single-family residence, 641 sq. ft. attached garage, septic system, driveway, retaining walls, 1,422 sq. ft. balconies, paving of 690 sq. ft. of Sequit Drive, and 912 cu. yds. of grading (346 cu. yds. cut, 567 cu. yds. fill). The residence is three levels consisting of a 665 sq. ft. upper level, 1,708 sq. ft. main floor level, and 281 sq. ft. lower level with the 671 sq. ft. two car attached garage adjoining the main floor. The project also includes fill to create a 1,984 sq. ft. backyard pad on the steep slope to the south of the residence that would be

enclosed by retaining walls approximately 7-ft. to 10-ft. high above-grade and further topped by a 3.5-ft. high decorative wall. Additionally, at the southwest corner of the backyard pad, the applicant proposes to build an additional engineered staircase from the backyard pad to the natural grade which lies approximately 10 ft. below the proposed backyard pad.

The site is a vacant lot located at 2940 Sequit Drive in the El Nido Small Lot Subdivision in the Santa Monica Mountains, unincorporated Los Angeles County (APN 4457-016-064) (Exhibits 1-2). The subject property is approximately 16,900 sq. ft. (0.4-acre). The subject parcel is located in the southwest corner of the Small Lot Subdivision, situated among existing residences north and east of Sequit Drive. To the south of the subject parcel, there is one additional residence on the south side of Sequit Drive which represents the southernmost development within the El Nido small lot subdivision. Further south is parkland and other undeveloped public lands. West of the site is generally comprised of larger undeveloped parcels, with only one residential development in the vicinity.

The proposed project site is located within Solstice Canyon watershed. The subject lot lies on the north and east sides of a curved portion of Sequit Drive with an approximately street frontage of 250 feet. The upper portion of the lot, including the proposed construction area, consists of a roughly west- and southwest-ward slope that lies approximately 50 feet above the elevation of Sequit Drive. This upper slope area transitions to steep slopes of an approximate 1.5:1 (horizontal to vertical) gradient, which descend toward Sequit Drive, south and west on the subject property. The site is underlain by basalt bedrock with multiple rock outcrops. Dry Creek, a U.S. Geological Survey (U.S.G.S.) designated blue-line stream, is situated west of the property line, across Sequit Drive. Sequit Drive is approximately 12-15 feet wide, and the road drops off between five and ten feet to the stream, which has a dense vegetation cover.

The project site is located in a scenic area, visible from various public viewing points within the public parkland to the south, which affords scenic vistas of the relatively undisturbed natural area. Though it is located near existing residential development, the subject parcel is in a particularly prominent location because of its location at the western edge of the El Nido Small Lot Subdivision and its elevated stature above the surrounding development. Solstice Canyon Park is located to the south of the proposed project site, and the proposed project would be highly visible from Solstice Canyon Park. Dry Canyon Trail extends from the parking lot in Solstice Canyon Park northeast through the canyon toward the project site. This trail is located approximately 500 feet south of the subject site. Portions of the development would be visible from the trail.

Because this property is located within a developed area of the El Nido Small Lot Subdivision and contains sparse vegetation due to rock outcroppings, this area is not considered to be an environmentally sensitive habitat area (ESHA). However, the area surrounding this subdivision is considered to be ESHA as it contains undisturbed contiguous chaparral habitat. Impacts to ESHA from fuel modification are not anticipated, due to overlapping fuel modification zones for the existing adjacent residential development.

Commission staff notes that the proposed project includes paving 690 sq. ft. of Sequit Drive which is not on the subject property but on roadway owned by Los Angeles County. The applicant has indicated that the proposed paving is required by the Los Angeles County Fire Department. The applicant supplied a form from the County of Los Angeles Fire Department that has a note which states "Sequit shall be widened and paved from property line to property line." However, it unclear what is meant by this note. The applicant has not yet submitted evidence of approval from Los Angeles County for this proposed encroachment into the roadway. **Special Condition 12**, therefore, requires the applicant to submit, for the review and approval of the Executive Director, either approval from Los Angeles County for the proposed encroachment into the road easement or evidence that no such approval is required.

B. PAST COMMISSION ACTION

On August 10, 1988, Administrative Coastal Development Permit 5-88-416 was reported to the Commission for residential development at 3000 Sequit Drive, the parcel immediately to the east of, and adjacent to, the subject parcel. The project description for CDP 5-88-416 included recognition of Certificate of Compliance No. 100496, dated 10/13/87, which merged Lot 83 and Lot 84 (part of the subject lot) and included a lot line adjustment that between combined Lots 83 and 84 and Lot 85, effectively transferring 3,440 sq. ft. of Lot 85 to the subject lot. This action therefore established the subject parcel (APN 4457-016-064), as it currently configured, and the neighboring parcel to the east (APN 4457-016-073). The permit was issued and the residential development approved on the adjacent parcel was constructed.

C. HAZARDS AND GEOLOGIC STABILITY

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

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

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

Special Condition 1: Plans Conforming to Geotechnical Engineer's Recommendations

Special Condition 2: Assumption of Risk, Waiver of Liability and Indemnity

Special Condition 3: Drainage and Polluted Runoff Control Plans

Special Condition 4: Interim Erosion Control

Special Condition 5: Landscaping and Erosion Control Plans

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

D. WATER QUALITY

Section **30231** of the Coastal Act states that:

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

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed development will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30231 of the Coastal Act:

Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans

Special Condition 4: Interim Erosion Control Plans and Construction
Responsibilities

Special Condition 5: Landscaping and Erosion Control Plans

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

E. VISUAL RESOURCES

Section **30251** of the Coastal Act states:

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

This proposed development is in the El Nido small lot subdivision, where many residences have been approved and built throughout the subdivision. The project site is located in a scenic area, visible from public viewing points within the public parkland to the south, which affords scenic vistas of the relatively undisturbed natural area. Though it is located near existing residential development, the subject parcel is in a particularly prominent location because of its location at the western edge of the El Nido small lot subdivision and its elevated stature above the surrounding development.

Solstice Canyon Park is located to the south of the proposed project site, and the proposed project would be visible from the Park. The park consists of one large canyon, Solstice Canyon, and a few secondary canyons that branch off the main canyon. One of the secondary canyons, Dry Canyon, extends up towards the El Nido subdivision. A trail within this canyon, Dry Canyon Trail, extends from the parking lot in Solstice Canyon Park northeast through the canyon to just below the subdivision. This trail is located approximately 500 feet south of the subject site. Some of the development in this subdivision, especially the development located in the southern portion of the subdivision, is visible from the trail. Any structures located south of the proposed residence along the bend in Sequit Drive and to the east are very visible from the park. Portions of the subject development would be visible from the trail. Due to the topography of the area, with the southern portion of the subdivision sloping towards the park lands, development along and near the southern edge of the subdivision would be visible from the park. Therefore, due to its location, the proposed development will be highly visible from the park.

The proposed residence is three levels with a maximum height of 35 feet from existing grade at any given point. The three levels consist of a 665 sq. ft. upper level, 1,708 sq. ft. main floor level, and 281 sq. ft. lower level with the 671 sq. ft. two car attached garage adjoining the main floor. The project also includes fill to create a 1,984 sq. ft. backyard pad on the steep slope to the south of the residence that would be supported by retaining walls on three sides with portions approximately 7-ft. to 10-ft. high above-grade and further topped by a 3.5-ft. high decorative wall. Additionally, at the southwest corner of the backyard pad, the applicant proposes to build an additional engineered staircase from the backyard pad to the natural grade which lies approximately 10 ft. below the proposed backyard pad.

From most viewing points south and west of the residence, including areas of public parkland, the development will cascade down the sloped building pad approximately 41 feet from the highest point on the residence to the bottom of the lower floor area, with a further 10 feet for the backyard pad / retaining wall area.

The building site is located in the northeast corner of the project site, furthest from the public viewing areas. Given the size of the project site, there are no siting alternatives that exist on the parcel in which the development would be significantly less visible from public viewing areas to reduce impacts to visual resources. Due to its location adjacent to existing residences in the El Nido subdivision, the structure itself is generally compatible with the surrounding area.

However, given the prominent location of this development, the Commission has also considered design alternatives to reduce visual impacts. The proposed project does not minimize grading and landform alteration since it includes a raised backyard pad area located on a steep slope which requires 7 – 10 ft. high retaining walls (with additional 3.5 ft. high decorative fencing/handrails on top of the retaining walls) which would be highly visible from public viewing areas (including the public parking lot and trail heads at nearby Solstice Canyon Park to the south). Additionally, the project includes an additional stairway from the backyard pad to the natural grade which lies approximately 10 ft. below the proposed backyard pad. In this case filling a slope to create a flat pad in this location has a substantial impact on scenic vistas and visual resources. The proposed project would, therefore, impact scenic vistas and visual resources in the area.

Deletion of the backyard pad and staircase (including the related retaining walls and fill grading) from the project would reduce the visibility of a significant portion of the development from public viewing areas and thereby minimize adverse impacts to visual resources. Further, the backyard pad is accessory to the residential development, which already includes 1,422 sq. ft. of other covered and uncovered balconies as part of the proposed project. As such, the Commission finds it necessary to require the applicant to submit revised plans, for the review and approval of the Executive Director, that eliminate the backyard pad and staircase as delineated in Exhibit 7.

To further minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas.

In recognition that future development normally associated with a single-family residence, that might otherwise be exempt, has the potential to impact scenic and visual resources of the area, the Commission requires that any future improvements on the subject property shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act through a coastal development permit.

Additionally, the Commission requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of

the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

The following special conditions are required to assure the project's consistency with Section 30251 of the Coastal Act:

Special Condition 5: Landscaping and Fuel Modification Plans

Special Condition 6: Structural Appearance

Special Condition 7: Future Development Restriction

Special Condition 8: Deed Restriction

Special Condition 9: Revised Plans

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

F. CUMULATIVE IMPACTS

Section **30250(a)** of the Coastal Act states:

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

Section **30252** of the Coastal Act states:

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

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

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

1. Small Lot Subdivisions

The proposed project involves the construction of a new single-family residence within a small lot subdivision. Small lot subdivisions in the Santa Monica Mountains are designated areas generally comprised of residentially-zoned parcels of less than one acre, but more typically ranging in size from 4,000 to 5,000 square feet. The Commission has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources, particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

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

Slope Intensity Formula

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

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

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

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

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

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

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

A = the area being considered in square feet

2. Project Consistency

The proposed project site is located in the El Nido small lot subdivision, an area subject to the provisions of the slope intensity formula. The applicant proposes the construction of a 2,654 sq. ft., single-family residence with attached garage on a parcel that is 16,900 sq. ft. in size. The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 1,754 sq. ft. of habitable space. Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions. However, the proposed 2,654 sq. ft. of habitable space is *not consistent* with the maximum allowable GSA of 1,754 sq. ft. Rather, the applicant proposes to retire three parcels to increase the maximum GSA by 900 sq. ft.

As designed, the proposed project does not minimize cumulative impacts to coastal resources because it includes development in excess of the amount calculated under the GSA formula.

However, pursuant to Policy 271 of the Malibu/Santa Monica Mountains LUP, the maximum allowable gross structural area (GSA) as calculated above, may be increased as follows:

- (1) Add 500 square feet for each lot, which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.
- (2) Add 300 square feet for each lot in the vicinity of (e.g. in the same small lot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable building sites, or dedicated in fee title to a public agency, and all potential for residential development on such lot(s) is permanently extinguished.

Consistent with the above parameters, the applicant may permanently extinguish development rights on adjacent or non-contiguous parcels as described above in order to achieve the proposed square footage. However, to ensure that cumulative impacts are minimized, the Commission requires evidence, prior to issuance of the coastal development permit, that all potential for future development has been permanently extinguished on any lot within the El Nido small lot subdivision, elsewhere within the Solstice Canyon Watershed, or other lots designated for this purpose, to comply with the requirements of the slope intensity formula. Alternately, if the applicant does not provide adequate evidence of the applicable extinguishment of development rights, the Commission requires the applicant to submit revised project plans demonstrating that the maximum gross structural area for the residence is no more than 1,754 sq. ft. to comply with the maximum Gross Structural Area calculation.

Some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Future improvements on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, requires a future improvements restriction on this lot, which would ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from

coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act.

Additionally, the Commission requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

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

Special Condition 7: Future Development Restriction

Special Condition 8: Deed Restriction

Special Condition 9: Revised Plans

Special Condition 10: Cumulative Impacts Mitigation

Special Condition 11: Lot Combination

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

G. LOCAL COASTAL PROGRAM (LCP) PREPARATION

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

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

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

Special Conditions 1 through 12

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local

Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

Special Conditions 1 through 12

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

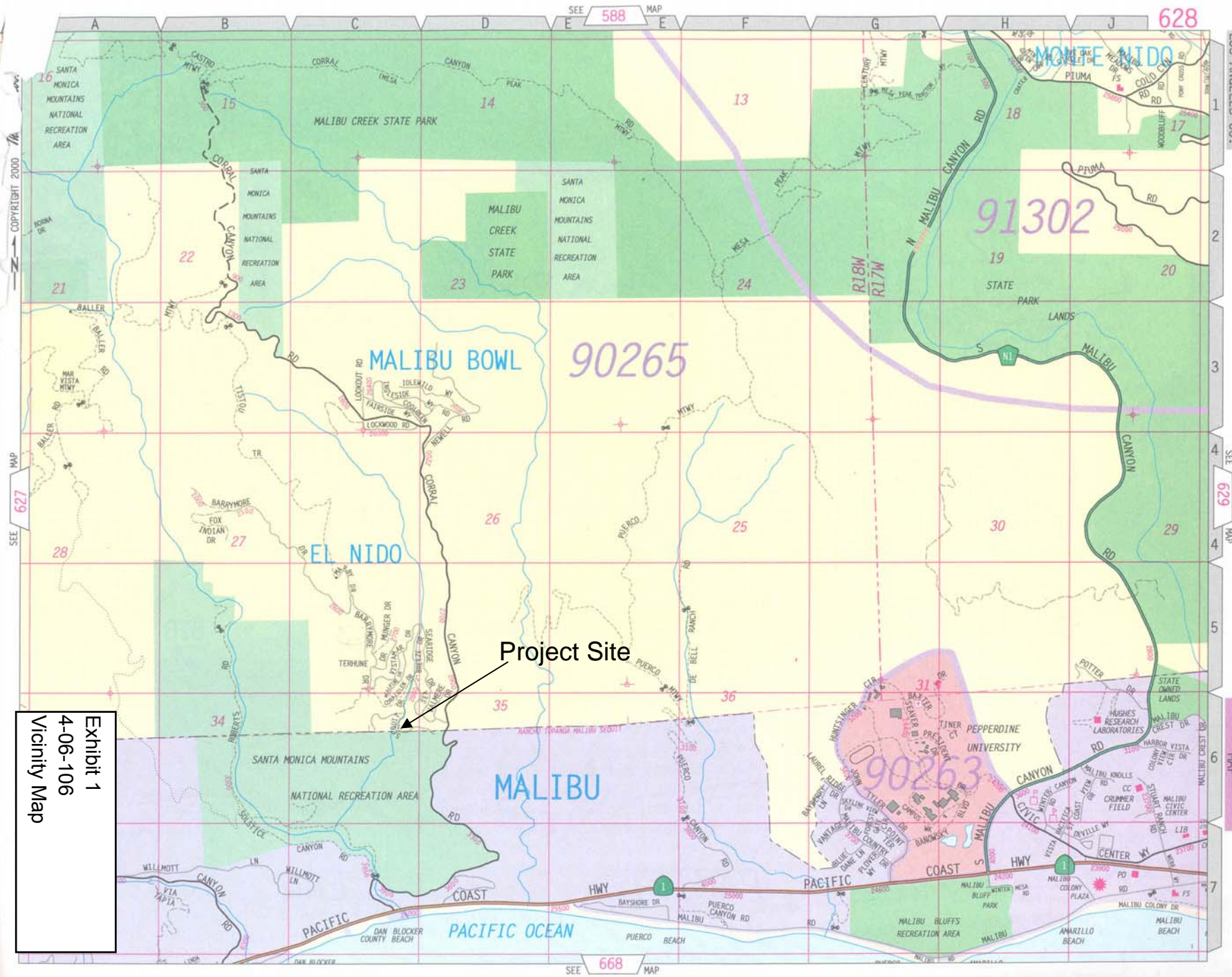


Exhibit 1
4-06-106
Vicinity Map

4457	16	1999
SCALE 1" = 80'		

10-4-65
REVISED
3-6-61
2-25-66
11-20-63
2001/2/11
8710020601000/
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7003001-07
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7003001-07

60
7-2-

TRACT NO. 9456
M. B. 131-30-32

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

Exhibit 2
4-06-106
Vicinity Map

DEPARTMENT OF REGIONAL PLANNING
CASE # 100,496

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1381, Hall of Records
Los Angeles, California 90012

87 1640696

AND WHEN RECORDED MAIL TO

Name: Matthew Haines
Street: 1100 Highland Ave.
City: Manhattan Beach, CA
90266

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA

1 MIN. 10 A.M. OCT 13 1987
PAST.

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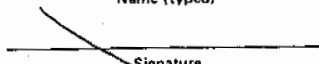
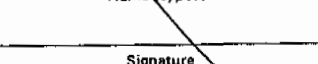
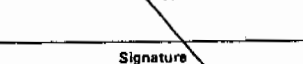
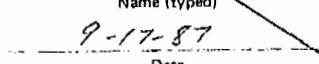
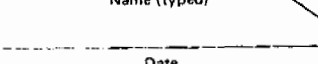
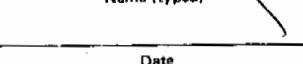
SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

REQUEST FOR CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT

CERTIFICATE OF COMPLIANCE NO. 1004-96

I/We, the undersigned owner(s) of record of real property within the unincorporated territory of the County of Los Angeles, hereby request to adjust existing property lines of the following described parcels:

 Signature		
Ruth Erickson Name (typed)		
 Signature	 Signature	 Signature
 Signature	 Signature	 Signature
<u>9-17-87</u> Date		

LEGAL DESCRIPTION OF NEW PARCELS
(TYPED)

PROPOSED PARCEL 1:

LOT 86 AND PORTION OF LOT 85 OF TRACT NO. 9456 IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 131, PAGES 30 TO 32, INCLUSIVE OF MAPS, RECORDS OF LOS ANGELES COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 86; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 86 SOUTH 32° 22' 00" EAST 127.06 FEET TO THE SOUTHEASTERLY CORNER THEREOF, SAID POINT BEING ON THE NORTHWESTERLY LINE OF SEQUIT DRIVE, 26 FEET WIDE AS SHOWN ON SAID MAP OF TRACT NO. 9456, SAID POINT ALSO BEING ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 98.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 54° 52' 17" WEST; THENCE ALONG SAID CURVE AND SAID NORTHERLY LINE AN ARC LENGTH OF 15.00 FEET THRU A CENTRAL ANGLE OF 8° 46' 05" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 128.79 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 63° 38' 22" WEST; THENCE ALONG SAID CURVE AND CONTINUING ALONG SAID NORTHERLY LINE OF SEQUIT DRIVE AN ARC LENGTH OF 178.11 FEET THRU A CENTRAL ANGLE OF 79° 14' 42" TO A POINT ON SAID CURVE TO WHICH A RADIAL LINE BEARS SOUTH 15° 36' 20" WEST; THENCE LEAVING SAID CURVE AND SAID NORTHERLY LINE NORTH 16° 26' 53" EAST 164.49 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 86; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 86 NORTH 55° 45' 45" EAST 52.09 FEET TO SAID AFOREMENTIONED MOST NORTHERLY CORNER THEREOF AND POINT OF BEGINNING.

CONTAINING 17,921 SQUARE FEET OR 0.411 ACRES, MORE OR LESS.

Exhibit 3
4-06-106
Certificate of Compliance

CERTIFICATE OF COMPLIANCE

CONTINUATION

CERTIFICATE OF COMPLIANCE NO. 100496

PROPOSED PARCEL 2:

LOTS 83 AND 84 AND PORTION OF LOT 85 OF TRACT NO. 9456 IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 131, PAGES 30 TO 32, INCLUSIVE OF MAPS, RECORDS OF LOS ANGELES COUNTY, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 83; THENCE SOUTH 16° 26' 53" WEST 164.49 FEET TO A POINT ON THE NORTHERLY LINE OF SEQUIT DRIVE, 26 FEET WIDE, AS SHOWN ON SAID MAP OF TRACT NO. 9456, SAID POINT BEING ON A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 128.79 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 15° 36' 20" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE AN ARC LENGTH OF 22.24 FEET THRU A CENTRAL ANGLE OF 9° 53' 40"; THENCE TANGENT TO SAID CURVE NORTH 64° 30' 00" WEST 63.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 45.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AN ARC LENGTH OF 84.20 FEET THRU A CENTRAL ANGLE OF 107° 12' 13" TO THE BEGINNING OF A REVERSE CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 70.76 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 47° 17' 47" WEST; THENCE NORTHERLY ALONG SAID CURVE AN ARC LENGTH OF 55.52 FEET THRU A CENTRAL ANGLE OF 44° 57' 13"; THENCE RADIALLY TO SAID POINT NORTH 87° 45' 00" EAST 2.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID SEQUIT DRIVE, 30 FEET WIDE, AS SHOWN ON SAID MAP OF TRACT NO. 9456; THENCE ALONG SAID EASTERLY LINE NORTH 2° 15' 00" WEST 15.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 83; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 83 SOUTH 83° 09' 20" EAST 118.67 FEET TO SAID AFOREMENTIONED NORTHEASTERLY CORNER THEREOF AND POINT OF BEGINNING.

CONTAINING 16,900 SQUARE FEET OR 0.388 ACRES, MORE OR LESS.

87-1640696

CERTIFICATE OF COMPLIANCE

Pursuant to the provisions of the Subdivision Map Act (Sec. 66410 et seq., Government Code, State of California) and the County Subdivision Ordinance (Title 21 of the Los Angeles County Code), I hereby certify that I have reviewed the above described division of real property and have found it to be in conformance with all requirements of the Subdivision Map Act and of the County Subdivision Ordinance.



DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles, State of California
Norman Murdoch, Planning Director

DEPARTMENT OF REGIONAL PLANNING

By: *Norman Murdoch*

Title: Administrator, Subdivision Admin. Div.

Date: _____



REVISIONS	DATE	BY



MALIBU DESIGN ASSOCIATES

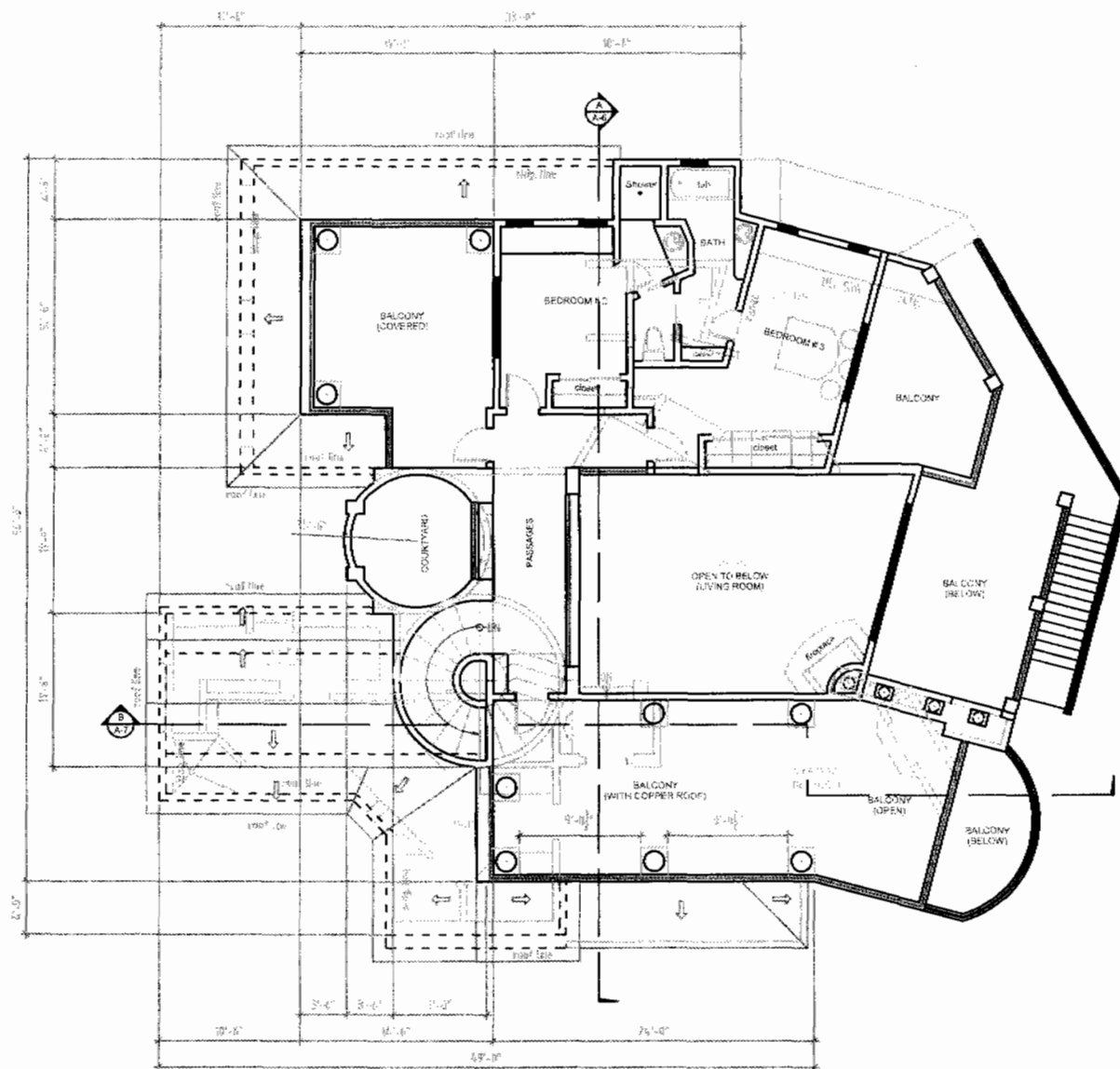
2865 PACIFIC COAST HIGHWAY SUITE 20 MALIBU, CA 90265

PHONE (310) 437-4998 FAX (310) 437-3920

PROJECT NO.	100-000000-0000
PROJECT NAME	100-000000-0000
OWNER	100-000000-0000
DESIGNER	100-000000-0000
DATE	100-000000-0000
BY	100-000000-0000
CHECKED BY	100-000000-0000
APPROVED BY	100-000000-0000

SECTION	A-6
OF SHEETS	10

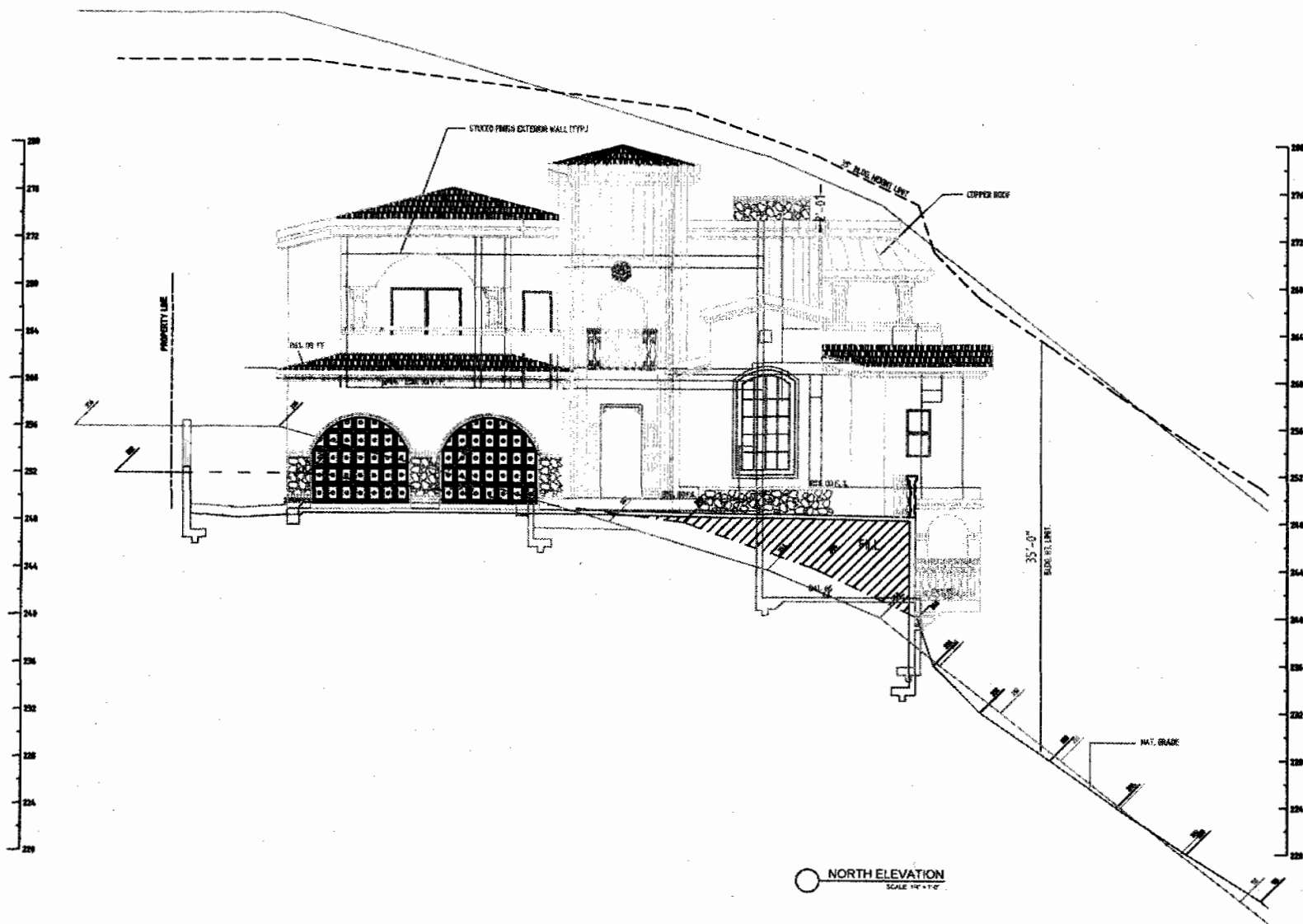
Exhibit 5
4-06-106
Floor Plans



○ UPPER FLOOR PLAN
SCALE 1/4" = 1'-0"

[illegible]

Exhibit 6
4-06-106
Elevations



REV.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/1/06
2	REVISED PER COMMENTS	10/1/06
3	REVISED PER COMMENTS	10/1/06
4	REVISED PER COMMENTS	10/1/06
5	REVISED PER COMMENTS	10/1/06



MALIBU DESIGN ASSOCIATES

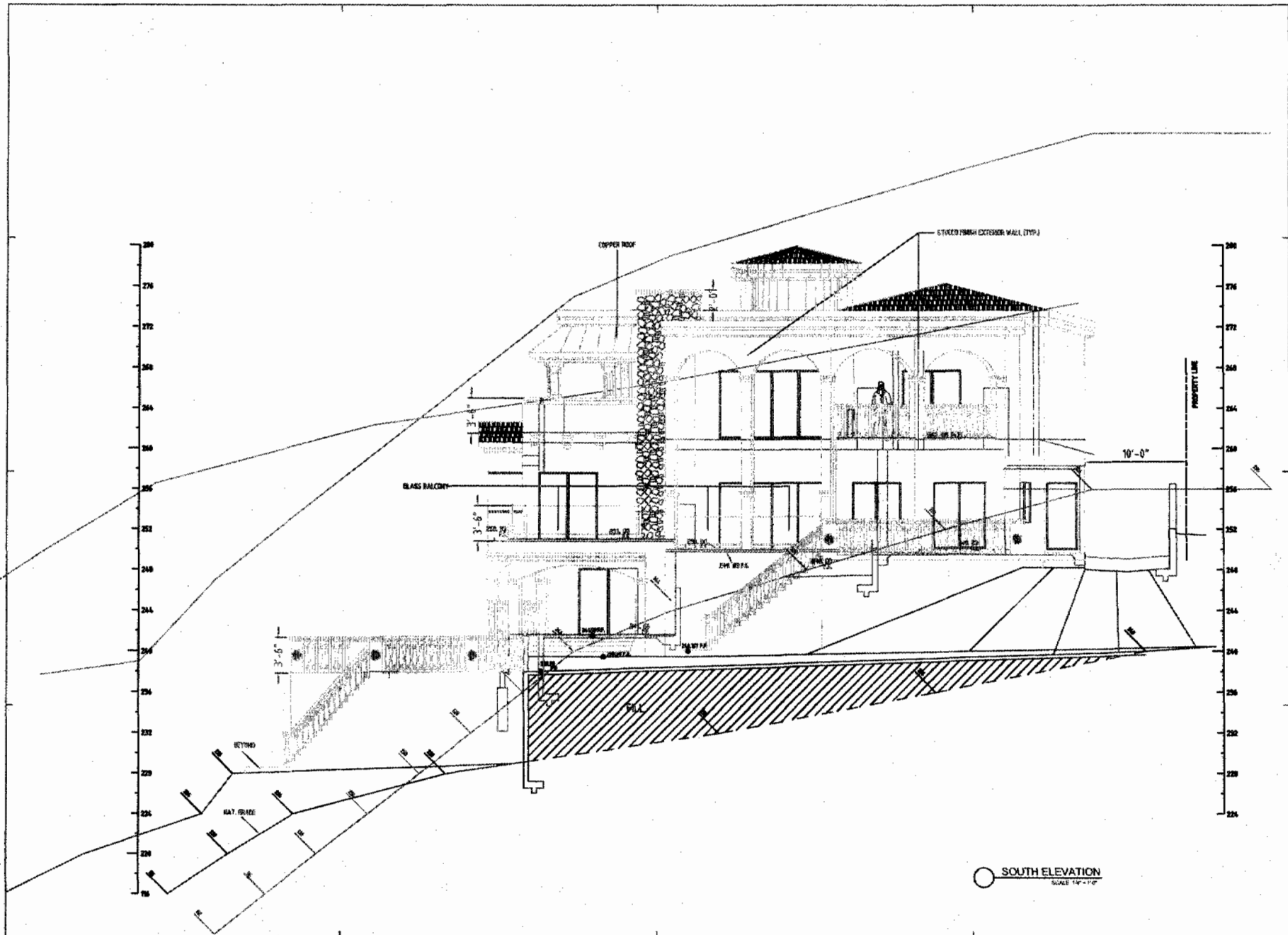
28065 PACIFIC COAST HIGHWAY SUITE 210 MALIBU, CA. 90265
PHONE (310) 457-1998 FAX (310) 457-3921

PROJECT:	SEVENTH HOUSE LOT 20 & LOT 21
DESIGNED BY:	MR. MATT HAINES
OWNER ADDRESS:	28065 PACIFIC COAST HIGHWAY SUITE 210 MALIBU, CA. 90265
DATE:	10/1/06
PROJECT:	SEVENTH HOUSE LOT 20 & LOT 21
DESIGNED BY:	MR. MATT HAINES
OWNER ADDRESS:	28065 PACIFIC COAST HIGHWAY SUITE 210 MALIBU, CA. 90265
DATE:	10/1/06

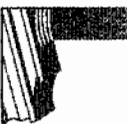
DRAWN BY:	MR. MATT HAINES
CHECKED BY:	MR. MATT HAINES
DATE:	10/1/06
PROJECT:	SEVENTH HOUSE LOT 20 & LOT 21
DESIGNED BY:	MR. MATT HAINES
OWNER ADDRESS:	28065 PACIFIC COAST HIGHWAY SUITE 210 MALIBU, CA. 90265
DATE:	10/1/06

A-8

OF SHEETS



REVISIONS	D.V.
DATE: 10/1/98	10/1/98



MALIBU DESIGN ASSOCIATES

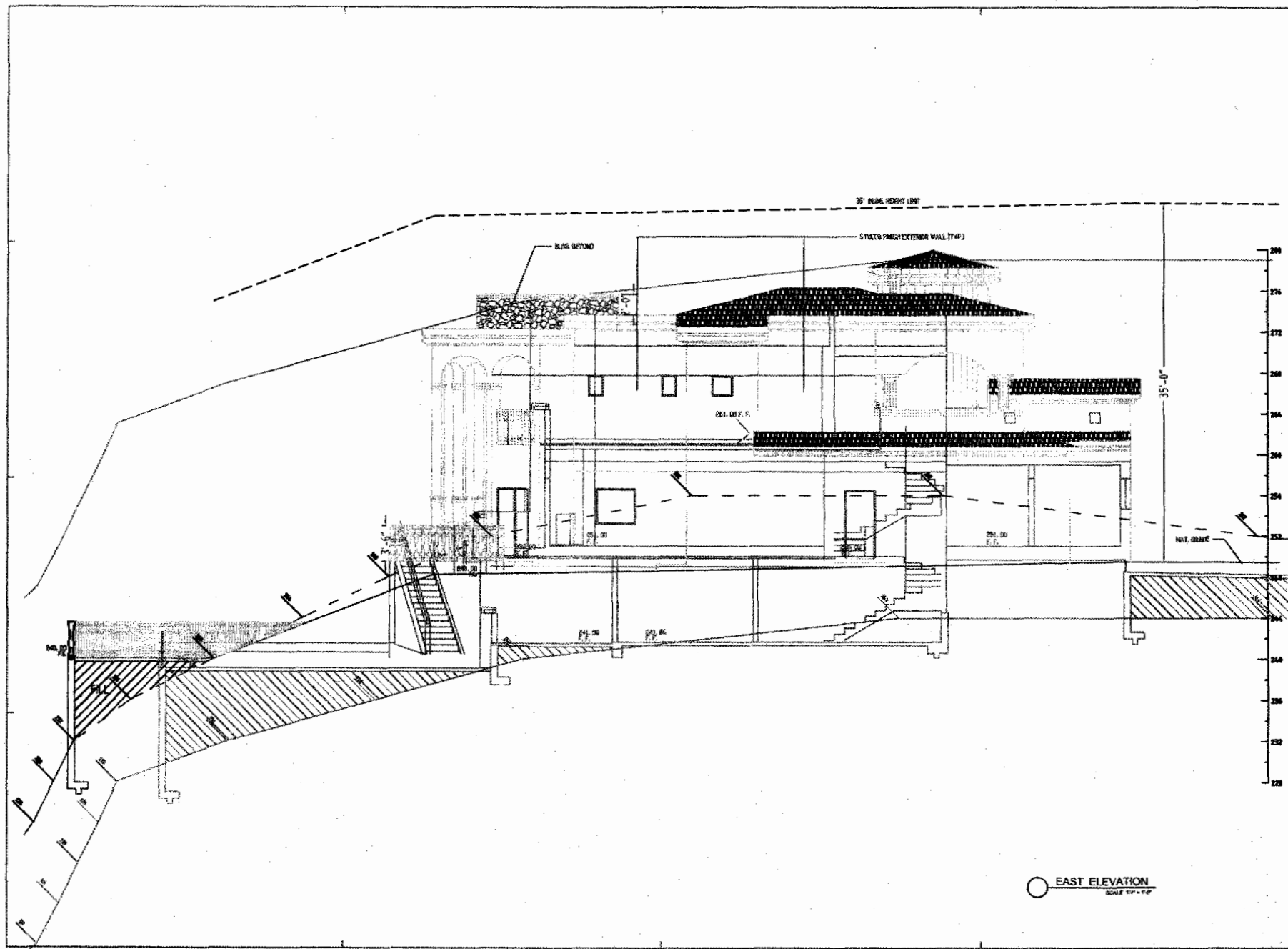
2865 PACIFIC COAST HIGHWAY SUITE 20 MALIBU, CA 90265
PHONE (310) 457-4998 FAX (310) 457-5921

PROPOSED SOUTH HOUSE LOT 43 & LOT 54	PREPARED BY MR. HATT HAINES
JOB ADDRESS SOUTH HOUSE LOT 43 & LOT 54 MALIBU, CA 90265	OWNER ADDRESS SOUTH HOUSE LOT 43 & LOT 54 MALIBU, CA 90265
SHEET NO. SOUTH ELEVATION	

DRAWN BY J. HAINES
CHECKED BY M. HAINES
DATE 10/1/98
JOB NUMBER 10/1/98
SHEET A-10

A-10

OF SHEETS



REVISIONS	BY
2007/10/27/07	304



MALIBU DESIGN ASSOCIATES

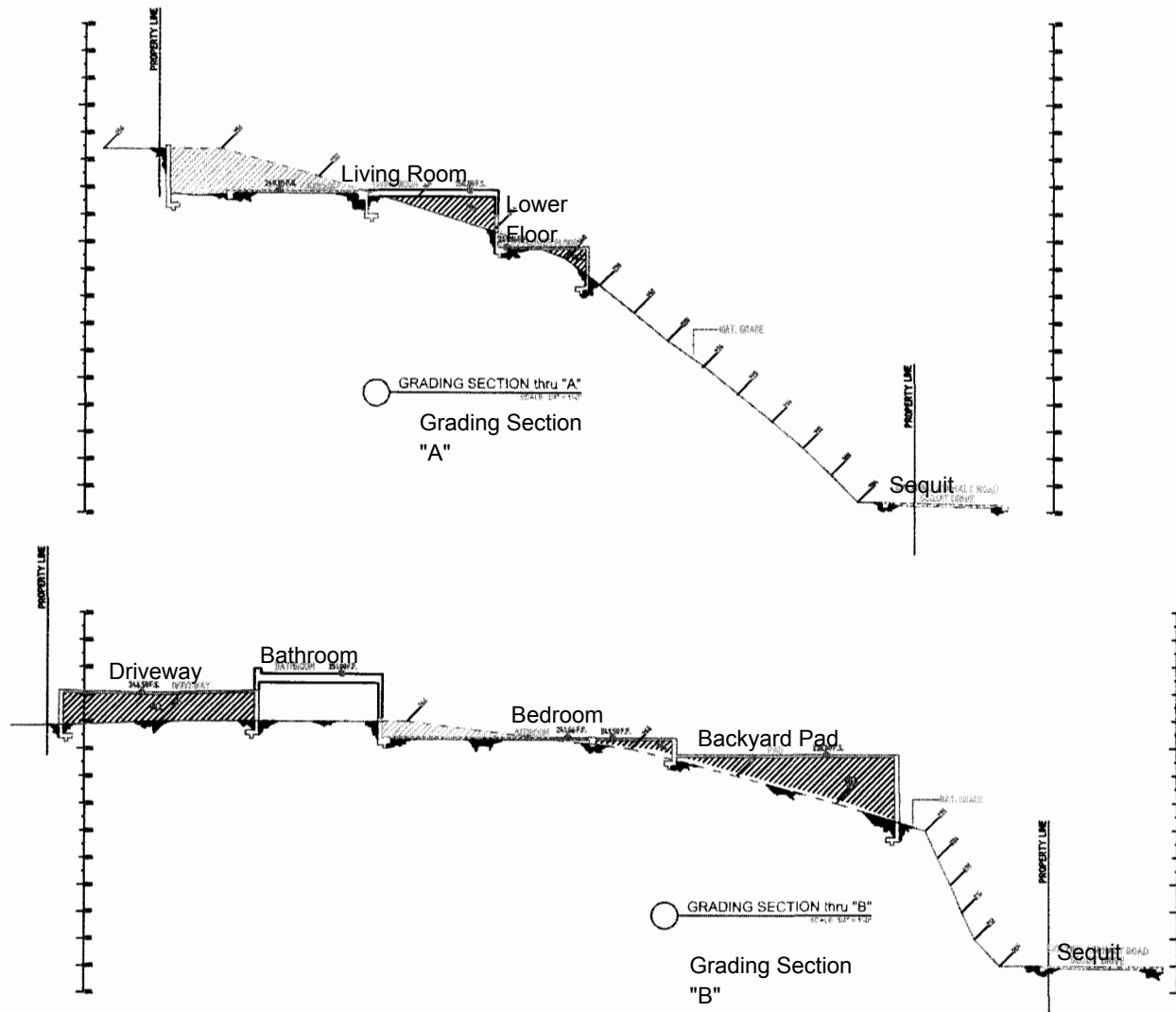
28655 PACIFIC COAST HIGHWAY SUITE 210 MALIBU, CA 90265
PHONE (310) 457-4098 FAX (310) 457-3920

PROJECT NO.	SECRET HOUSE LOT 65 S. LOT 84
DESIGNED BY	MR. MATT JAMES
CHECKED BY	OWNERS ADDRESS
DRAWN BY	2007/10/27/07
JOB NUMBER	MALIBU, CA 90265
SHEET FILE	MALIBU, CA 90265
EAST ELEVATION	

DESIGNED BY	MR. MATT JAMES
CHECKED BY	OWNERS ADDRESS
DRAWN BY	2007/10/27/07
JOB NUMBER	MALIBU, CA 90265
SHEET	

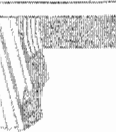
A-11

OF SHEETS



REVISIONS

NO. 1	DATE	BY



MALIBU DESIGN ASSOCIATES
 28955 PACIFIC COAST HIGHWAY SUITE 210 MALIBU, CA 90265
 PHONE (310) 457-4998 FAX (310) 457-4998

FOR CONSULTING ENGINEERS
 100 SAN CARLOS BLVD. #1
 ROSHARON, CA 90270
 TEL (310) 209-0000 FAX (310) 209-1000

PROPOSED: 100 SAN CARLOS BLVD. #1
 OWNER: J. & B. ASSOCIATES
 100 SAN CARLOS BLVD. #1
 MALIBU, CA
 SHEET TITLE:

DRAWN BY: J. & B. ASSOCIATES

CHECKED BY:

DATE:

JOB NUMBER:

SHEET:

G-2

OF SHEETS

REVISIONS	BY:
001/10/10	JW

MALIBU DESIGN ASSOCIATES
 2005 PACIFIC COAST HIGHWAY SUITE 20 MALIBU, CA 90265
 PHONE (310) 457-4990 FAX (310) 457-3903

PROJECT INFORMATION
 PROJECT NAME: LOT 54-65
 CLIENT: L&D ASSOCIATES
 PROJECT ADDRESS: 2005 PACIFIC COAST HIGHWAY, MALIBU, CA 90265
 PROJECT NO.: 05-01-0000

DATE
 05/11/11
BY
 JWB
CHECKED BY
 JWB
DATE
 05/11/11
SCALE
 1" = 10'-0"

