

CALIFORNIA COASTAL COMMISSION

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



Item W 8d

DATE: July 6, 2009

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item No. 8d, Wednesday, July 8, 2009, CDP Application No. 4-08-072 (Pepper)

A. Correspondence Received.

Staff has received the attached letter from the Santa Monica Mountains Conservancy (SMMC). The SMMC staff is requesting that the Commission require the applicant to grant an open space easement across the southern portion of the property as a condition of approval.

Staff is recommending approval of the project with several conditions, including Special Condition 11 which requires the direct grant of an open space easement across the southern portion of the site (outside of the required "B" fuel modification zone).

B. Proposed revisions to the Staff Report

Staff recommends several modifications to the staff recommendation, relating to the maximum development area. The applicant originally stated that the proposed development area (including building pad and graded slopes, but not including the driveway or turnaround) was 10,983 sq. ft., which is in excess of the maximum 10,000 sq. ft. that the Commission has consistently allowed in similar projects. However, staff's review of the plans indicated that the 10,983 sq. ft. figure appeared to be inaccurate and that the actual development area was smaller than that. After the staff report was released, the applicant's agent confirmed that the accurate measurement of the proposed development area (as shown on the proposed grading plan) is 9,800 sq. ft. As such, staff proposes the following revisions to the staff recommendation, including the deletion of Special Condition No. 13 (Revised Plans).

Page 17, Delete Special Condition No. 13 as follows:

13. 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 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) The development area shall be no greater than 10,000 sq. ft. in size, including the building pad, all structures, and graded slopes, but not including the driveway or turnaround area.~~

~~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.~~

Page 24, First full paragraph, make the following change:

The project has been designed to place all structures near the area of the site near Mulholland Highway that has been disturbed, although portions of the residence extend outside of this area. Any alternative location on the site would likely include the removal of more native vegetation. Not including the area of the driveway or turnaround, the proposed development area is estimated by the applicant to measure approximately 40,983 9,800 sq. ft. The applicant's approved fuel modification plan (approved by the Los Angeles County Fire Department) shows the use of the standard three zones of vegetation modification. Zones "A" (setback zone) and "B" (irrigation zone) are shown extending in a radius of approximately 100 feet from the proposed structures. A "C" Zone (thinning zone) is provided for a distance of 100 feet beyond the "A" and "B" zones.

Page 27, last paragraph, make the following modifications:

In this case, siting and design alternatives have been considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible. In past permit actions, the Commission has allowed up to 10,000 sq. ft. of development area for a residence on a parcel zoned for residential development in this area of the Santa Monica Mountains to avoid a taking of property. As detailed above, the project includes only one structure on a pad that is located close to the road. There is no alternative building site location that would further reduce the amount of ESHA removal. ~~However, the proposed development area is 40,983 sq. ft. which does not conform to the maximum development area of 10,000 sq. ft. In order to ensure that the project will avoid significant disruption of habitat values, the Commission finds it necessary to require the applicant to submit revised plans to reduce the development area to 10,000 sq. ft.~~ Although a development area smaller than 10,000 sq. ft. would reduce the ESHA loss somewhat, the reduction would not be significant. Nor are there other resources such as streams, riparian areas, or visual resources that would be protected by a smaller development area. As such, the Commission concludes that the siting and design of the project, as ~~conditioned to reduce~~ proposed to conform the development area to 10,000 sq. ft. will minimize impacts to ESHA to the extent feasible. The Commission also finds that the proposed development area provides a reasonable economic use.

Finally, delete the following reference on Page 33:

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30240 of the Coastal Act:

- Special Condition 5.** Landscaping and Fuel Modification Plans
- Special Condition 7.** Lighting Restriction
- Special Condition 8.** Future Development Restriction
- Special Condition 9.** Deed Restriction
- Special Condition 10.** Habitat Impact Mitigation
- Special Condition 11.** Open Space Conservation Easement
- Special Condition 12.** Removal of Vegetation
- ~~**Special Condition 13.** Revised Plans~~

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

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
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June 23, 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001

Application No. 4-08-72 / 25080 Mulholland Highway, Santa Monica Mountains, Los Angeles County

Dear Chairperson Neely and Commissioners:

The proposed project is situated on a parcel that contains both an important north-south wildlife movement corridor across Mulholland Highway and high-quality chaparral habitat in the Cold Creek watershed. In order to preserve a viable habitat linkage and to mitigate the impacts of developing this property, the Santa Monica Mountains Conservancy respectfully requests that you set as a condition of approval for this project that the applicant dedicate a conservation or open space easement to a public agency. This easement should consist of the southernmost 0.25-acre portion of the property, and include a 20-foot-wide strip running along the length of the property's western boundary. The Mountains Recreation Conservation Authority (MRCA) is an appropriate agency to accept such an easement through the Direct Dedication process.

Cold Creek is the ecologically premier tributary of Malibu Creek. Ideally this requested protection zone will wrap around the proposed project with little or no modification. If this level of protection is not possible, a deed restriction is surely warranted.

If you have questions, please call me at 310-589-3200, extension 128. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman".

PAUL EDELMAN
Deputy Director
Natural Resources and Planning

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
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Filed: 1/19/09
 49th Day: 3/9/09
 180th Day: 7/18/09
 Staff: B. Carey
 Staff Report: 6/25/09
 Hearing Date: 7/8/09

Item W 8d

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-08-072
APPLICANT: Gayle Pepper
AGENT: John Anthony Lewis, Architect, Inc.
PROJECT LOCATION: 25080 Mulholland Highway, Santa Monica Mountains, Los Angeles County

PROJECT DESCRIPTION: Construction of a 5,005 sq. ft., 26 ft. high from existing grade single family residence with 640 sq. ft. attached garage, septic system, and 3,530 cu. yds. of grading (1,370 cu. yds. cut and 2,160 cu. yds. fill).

MOTION & RESOLUTION: Page 4

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:

- **ENVIRONMENTALLY SENSITIVE HABITAT AREA.** The project site contains habitat that meets the definition of ESHA and the project will have adverse impacts on ESHA. The proposed residence is not a resource dependent use, but will be approved to permit the applicant a reasonable economic use of the property. The structure(s) is sited to minimize significant disruption of habitat values and the development area conforms to 10,000 square feet. The project is conditioned to require the grant of an open space easement in order to ensure that the remaining ESHA on the site will be preserved. Mitigation is required for the loss of ESHA due to the development and the required fuel modification around structures.
- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas and will adversely impact visual resources. There are no siting alternatives that would avoid or reduce visual impacts. The proposed size and maximum height of the residence will be consistent with the character of other development in the immediate area. The project is conditioned to incorporate mitigation measures

including landscaping, future improvements restriction, and a color restriction to minimize the visual resource impacts of the residence.

- **WATER QUALITY.** The proposed development of the site, including the addition of impervious surfaces and the use of the site for residential uses has the potential to adversely impact water quality within the Cold Creek watershed, a significant watershed within the Santa Monica Mountains. The project is conditioned to require interim erosion control measures during construction, to implement a permanent drainage and polluted runoff plan, and to landscape all graded or disturbed areas.

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EXHIBITS

- Exhibit 1. Vicinity Map
 - Exhibit 2. Site Plan
 - Exhibit 3. Floor Plans
 - Exhibit 4. Cross Sections
 - Exhibit 5. Elevations
 - Exhibit 6. Open Space Area
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LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated April 28, 2008; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated September 17, 2008; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated July 8, 2008; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated July 8, 2008.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D; Geologic and Soils Engineering Updated and Plan Review, prepared by Grover Hollingsworth, Inc., dated July 29, 2008; Biological Resources Assessment, prepared by Steven G. Nelson, dated December 2008

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No 4-08-072 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 arising from any injury or damage due to such hazards.

3. Permanent Drainage and Polluted Runoff Control Plan

A. **Prior to issuance of the Coastal Development Permit**, the applicant shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a licensed civil engineer or qualified licensed 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 runoff leaving the developed site. The consulting licensed civil engineer or qualified licensed professional shall certify in writing that the final 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 maintain 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 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 licensed civil engineer, or qualified licensed 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 grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. 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, and shall 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 control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout 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 of the coastal zone or within the coastal zone to a site 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.
- (5) Fencing of the entire property is prohibited. Fencing shall extend no further than the approved development area. The fencing type and location shall be illustrated on the landscape plan. Fencing shall also be subject to the color requirements outlined in **Special Condition 6, Structural Appearance**, below.

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 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 and no bright tones. All windows shall be comprised of non-glare glass.

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

7. Lighting Restriction

A. The only outdoor night lighting allowed on the subject parcel is limited to the following:

- (1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.
- (2) Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60 watt incandescent bulb.
- (3) The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60 watt incandescent bulb.

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

8. 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, 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.

9. 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 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. Habitat Impact Mitigation

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a map delineating all areas of chaparral and coastal sage scrub habitat (ESHA) that will be disturbed by the proposed development, including fuel modification and brush clearance requirements on the project site and adjacent property. The chaparral and coastal sage scrub ESHA areas on the site and adjacent property shall be delineated on a detailed map, to scale, illustrating the subject parcel boundaries and, if the fuel modification/brush clearance zones extend onto adjacent property, adjacent parcel boundaries. The delineation map shall indicate the total acreage for all chaparral and coastal sage scrub ESHA, both on and offsite, that will be impacted by the proposed development, including the fuel modification/brush clearance areas. A 200-foot clearance zone from the proposed structures shall be used to determine the extent of off-site brush clearance for fire protection purposes. The delineation shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains.

Mitigation shall be provided for impacts to the chaparral ESHA from the proposed development and fuel modification/brush clearance requirements by one of the three following habitat mitigation methods:

A. Habitat Restoration

1) Habitat Restoration Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit a habitat restoration plan, for the review and approval of the Executive Director, for an area of degraded chaparral habitat equivalent to the area of chaparral ESHA impacted by the proposed development and fuel modification/brush clearance area. The habitat restoration area may either be onsite or offsite within the coastal

zone either in the City of Malibu or elsewhere in the Santa Monica Mountains. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries and topographic contours of the site. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover. The restoration plan shall include a statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions. If the restoration site is offsite, the applicant shall submit written evidence to the Executive Director that the property owner has irrevocably agreed to allow the restoration work, maintenance and monitoring required by this condition and not to disturb any native vegetation in the restoration area.

The applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the performance standards outlined in the restoration plan and describing the revegetation, maintenance and monitoring that was conducted during the prior year. The annual report shall include recommendations for mid-course corrective measures. At the end of the five-year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has been, in part or in whole, unsuccessful, based on the approved goals and performance standards, the applicant shall submit a revised or supplemental restoration plan with maintenance and monitoring provisions, for the review and approval of the Executive Director, to compensate for those portions of the original restoration plan that were not successful. Should supplemental restoration be required, the applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating the supplemental restoration areas. At the end of the five-year period, a final report shall be submitted evaluating whether the supplemental restoration plan has achieved compliance with the goals and performance standards for the restoration area. If the goals and performance standards are not met within 10 years, the applicant shall submit an application for an amendment to the coastal development permit for an alternative mitigation program and shall implement whatever alternative mitigation program the Commission approves, as approved.

The habitat restoration work approved in the restoration plan shall be carried out prior to occupancy of the residence.

2) Open Space Deed Restriction

No development, as defined in section 30106 of the Coastal Act, shall occur in the habitat restoration area, as shown on the habitat restoration site plan required pursuant to (A)(1) above.

Prior to the issuance of the coastal development permit, the applicant shall submit evidence that the applicant has executed and recorded a deed restriction (if the

applicant is not the owner, then the applicant shall submit evidence that the owner has executed and recorded the deed restriction), in a form and content acceptable to the Executive Director, reflecting the above restriction on development and designating the habitat restoration area as open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of both the parcel on which the restoration area lies and the open space area/habitat restoration area. 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. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3) Performance Bond

Prior to issuance of the Coastal Development Permit, the applicant shall post performance bonds to guarantee implementation of the restoration plan as follows: a) one equal to the value of the labor and materials; and b) one equal to the value of the maintenance and monitoring for a period of 5 years. Each performance bond shall be released upon satisfactory completion of items (a) and (b) above. If the applicant fails to either restore or maintain and monitor according to the approved plans, the Coastal Commission may collect the security and complete the work on the property.

B. Habitat Conservation

Prior to issuance of the Coastal Development Permit, the applicant shall (or, if the applicant is not the owner of the habitat conservation site, then the owner of the habitat conservation site shall) execute and record an open space deed restriction in a form and content acceptable to the Executive Director, over the entirety of a legal parcel or parcels containing chaparral ESHA. The chaparral ESHA located on the mitigation parcel or parcels must be of equal or greater area than the ESHA area impacted by the proposed development, including the fuel modification/brush clearance areas. No development, as defined in section 30106 of the Coastal Act, shall occur on the mitigation parcel(s) and the parcel(s) shall be preserved as permanent open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of the parcel or parcels. 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.

Prior to occupancy of the residence, the applicant shall submit evidence, for the review and approval of the Executive Director, that the recorded documents have been reflected in the Los Angeles County Tax Assessor Records.

If the mitigation parcel(s) is/are larger in size than the impacted habitat area, the excess acreage may be used to provide habitat impact mitigation for other development projects that impact like ESHA.

C. Habitat Impact Mitigation Fund

Prior to issuance of the Coastal Development Permit, the applicant shall submit evidence, for the review and approval of the Executive Director, that compensatory mitigation, in the form of an in-lieu fee, has been paid to the Mountains Recreation and Conservation Authority to mitigate adverse impacts to chaparral habitat ESHA. The fee shall be calculated as follows:

1. Development Area, Irrigated Fuel Modification Zones, Off-site Brush Clearance

The in-lieu fee for these areas shall be \$12,000 per acre within the development area, any required irrigated fuel modification zones, and required off-site brush clearance areas (assuming a 200-foot radius from all structures). The total acreage shall be based on the map delineating these areas required by this condition.

2. Non-irrigated Fuel Modification Zones

The in-lieu fee for non-irrigated fuel modification areas (on-site) shall be \$3,000 per acre. The total acreage shall be based on the map delineating these areas required by this condition.

Prior to the payment of any in-lieu fee to the Mountains Recreation and Conservation Authority, the applicant shall submit, for the review and approval of the Executive Director, the calculation of the in-lieu fee required to mitigate adverse impacts to chaparral habitat ESHA, in accordance with this condition. After review and approval of the fee calculation, the fee shall be paid to the Mountains Recreation and Conservation Authority's Coastal Habitat Impact Mitigation Fund for the acquisition, permanent preservation or restoration of habitat in the Santa Monica Mountains coastal zone, with priority given to the acquisition of or extinguishment of all development potential on properties containing environmentally sensitive habitat areas and properties adjacent to public parklands.. The fee may not be used to restore areas where development occurred in violation of the Coastal Act's permit requirements.

11. Open Space Conservation Easement

A. No development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities shall occur outside of the approved development area, within the portion of the property identified as the "open space conservation easement area", as shown in **Exhibit 6** except for:

- (1) Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the final approved fuel modification plan approved pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, or other fuel modification plans required and approved by the Commission pursuant to a different CDP(s) issued by the Commission;
- (2) Drainage and polluted runoff control activities required and approved pursuant to:

- a. The drainage and runoff control plans approved pursuant to **Special Condition 3, Permanent Drainage and Runoff Control Plan**, of this permit; and
 - b. The landscaping and erosion control plans approved pursuant to **Special Condition 4, Interim Erosion Control & Construction Best Management Practices Plan, and Special Condition 5, Landscaping and Fuel Modification Plans**, of this permit;
- (3) Planting of native vegetation and other restoration activities, if approved by the Commission as an amendment to this coastal development permit or a new coastal development permit;
- (4) If approved by the Commission as an amendment to this coastal development permit or a new coastal development permit,
- a. construction and maintenance of public hiking trails; and
 - b. construction and maintenance of roads, trails, and utilities consistent with existing easements.

B. *Prior to issuance of the Coastal Development Permit*, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, granting to the Mountains Recreation and Conservation Authority (“MRCA”) on behalf of the people of the State of California an open space conservation easement over the “open space conservation easement area” described above, for the purpose of habitat protection. The recorded easement document shall include a formal legal description of the entire property; and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area, as generally shown on **Exhibit 6**. The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances (other than existing easements for roads, trails, and utilities) which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the MRCA on behalf of the people of the State of California, binding all successors and assigns.

12. Removal of Natural Vegetation

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

13. 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 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) The development area shall be no greater than 10,000 sq. ft. in size, including the building pad, all structures, and graded slopes, but not including the driveway or turnaround area.

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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The site is located south of Mulholland Highway, just east of Cold Canyon Road. The majority of the parcel is located within the Cold Creek "Significant Watershed", as designated by the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (1987). Only a small strip of the site at the northern property line is outside of the mapped "Significant Watershed". Topographically the entire parcel drains into Cold Creek Watershed through several small drainages. The applicant proposes to construct a 5,005 sq. ft., 26 ft. high from existing grade single family residence with 640 sq. ft. attached garage, septic system, and 3,530 cu. yds. of grading (1,370 cu. yds. cut and 2,160 cu. yds. fill).

The project site is surrounded by public parklands and very low-density residential development. Owing to this land use pattern, the rural atmosphere, open spaces, vistas, and large contiguous areas of natural landforms and native vegetation, the area is highly scenic. There are designated public viewing areas in the vicinity of the project that could possibly be affected by the proposed development. The first resource is Mulholland Highway to the north of the development area, which is classified as a First Priority Scenic Highway by the Malibu/Santa Monica Mountains LUP and provides pristine scenic vistas in the area. Mulholland Highway is also a major coastal access route, not only utilized by local residents, but also heavily used by tourists and visitors to access several public parks and recreation areas located in the surrounding area. Another public viewing area is Cold Creek Canyon, which is recognized as a highly scenic area and given special treatment when evaluating potential impacts caused by new development. The Calabasas – Cold Creek Trail, a hiking and equestrian trail identified in the Malibu/Santa Monica Mountains LUP, is located within the Cold Creek Canyon to the south of the subject property. This trail traverses west to east along various routes connecting Mulholland Highway on the east to the Stokes Ridge Trail on the west. The applicant's agent has provided an analysis that shows views of the proposed residence from this trail would be minimal, if any because the trail is at a lower

elevation and the intervening steep slope will prevent most views. Further, there is State Parkland south of the proposed project site and the Backbone Trail crosses this land from east to west. The trail is approximately 1,000 feet higher in elevation than the project site and approximately 5,000 ft. south of the site. As such, the pad and any future residential development will be visible from the park and the Backbone Trail. In addition, the Stunt Ranch park is located to the southeast of the project site and there will be views of the project site from this park as well.

Parcel Legality

As evidence of lot legality, the applicant submitted a Certificate of Compliance dated February 13, 2003 that states that the subject property is Parcel 4 of Certificate of Exception No. 13842, approved by Los Angeles County on January 25, 1972. The certificate of exception indicates that the parcel was created legally in 1972 through the approval of a "minor land division", which was defined by the County of Los Angeles as: "...any parcel or contiguous parcels of land which are divided for the purpose of transfer of title, sale, lease, or financing, whether present or future, into two, three, or four parcels..." (The minor land division process was in effect in Los Angeles County between September 1967 and March 1972).

B. 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 slopes and 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: Permanent Drainage and Polluted Runoff Control Plans

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.

C. 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

Special Condition 14: Removal of Native Vegetation

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

D. ENVIRONMENTALLY SENSITIVE HABITAT

Section **30240** of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. Section **30240** states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

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

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has applied the following relevant policies as guidance in the review of development proposals in the Santa Monica Mountains.

P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.

P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table I and all other policies of this LCP.

P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.

P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, 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.

P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development. Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

1. Project Description and Site Specific Biological Resource Information

The subject site is located in a relatively undisturbed inland canyon area within the Santa Monica Mountains. The majority of the parcel is located within the Malibu/Santa Monica Mountains LUP-designated Cold Creek Significant Watershed. The Cold Creek Significant Watershed is a relatively undisturbed watershed including year-round water flow supporting well-developed native vegetation and habitat. Undisturbed stands of chaparral, oak woodland, coastal sage scrub, riparian woodland and associated wildlife inhabit Cold Creek Canyon. The subject parcel is located on the south side of Mulholland Highway and partially on an east-west trending ridgeline. The ridgeline forms the northern boundary of the Cold Creek Significant Watershed area. Approximately 1,000 feet south of the site is Cold Creek, a United States Geological Survey (USGS)-designated blueline stream. There is a steep canyon containing a tributary drainage to Cold Creek that crosses the subject site. This drainage is not designated as a blueline stream and it does not contain riparian vegetation. There is an existing single family residence located on the adjoining parcel to the west.

The subject parcel contains relatively undisturbed native chaparral vegetation, particularly on the canyon side of the property. The applicant submitted the Biological Assessment, listed in the Substantive File Documents, which addresses the habitats present on the project site. The report identifies the presence of ruderal vegetation in the area of the site near Mulholland Highway that has been previously graded. According to the biological assessment, the remainder of the site is undisturbed and supports mixed chaparral vegetation which: "...varies considerably in density from relatively open to closed canopies. The dominant species comprising this vegetation are laurel sumac (*Malosma laurina*), mountain mahogany (*Cercocarpus betuloides*), chamise (*Adenostoma fasciculatum*), black sage (*Salvia mellifera*), and California buckwheat (*Eriogonum fasciculatum*).

A map of the habitats on the site was also prepared by the biological consultant. Commission staff has visited the site in conjunction with past applications. Site visits and aerial photos of the area confirm that, with the exception of the disturbed area near the road, the project site is undisturbed and comprised of chaparral habitat area. While there is scattered residential development in the area along Mulholland Highway, there is undisturbed, contiguous chaparral habitat to the south of the site, within Cold Creek Watershed.

According to public information, the applicant purchased the subject parcel in 2007 for over \$600,000. The parcel was designated in the Los Angeles County Land Use Plan for residential use. Two land use designations apply to the property. A very small portion of the property immediately adjacent to Mulholland Highway is designated Residential 1, which allows 1 dwelling unit per acre. The remainder of the site is designated Mountain Land II, that allows residential development at a maximum density of 1 dwelling unit per 20 acres of land (all areas within designated Significant Watersheds are also designated Mountain Land II). The parcel is 1.7-acres in size, and there are other scattered, residential developments in the same area. Public parkland has been acquired in this general vicinity, the Santa Monica Mountains National

Recreation Area, but there is no parkland or public open space directly adjacent to the project site (although there are significant areas of parkland quite nearby). There is currently no offer to purchase the property from any public park agency.

The project has been designed to place all structures near the area of the site near Mulholland Highway that has been disturbed, although portions of the residence extend outside of this area. Any alternative location on the site would likely include the removal of more native vegetation. Not including the area of the driveway or turnaround, the proposed development area is estimated by the applicant to measure approximately 10,983 sq. ft. The applicant's approved fuel modification plan (approved by the Los Angeles County Fire Department) shows the use of the standard three zones of vegetation modification. Zones "A" (setback zone) and "B" (irrigation zone) are shown extending in a radius of approximately 100 feet from the proposed structures. A "C" Zone (thinning zone) is provided for a distance of 100 feet beyond the "A" and "B" zones.

2. ESHA Designation on the Project Site

Pursuant to Section **30107.5**, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

- 1) Is there a rare species or habitat in the subject area?
- 2) Is there an especially valuable species or habitat in the area, which is determined based on:
 - a) whether any species or habitat that is present has a special nature, OR
 - b) whether any species or habitat that is present has a special role in the ecosystem;
- 3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are "yes", the area is ESHA.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem are discussed in the March 25, 2003 memorandum

prepared by the Commission's Ecologist, Dr. John Dixon¹ (hereinafter "Dr. Dixon Memorandum"), which is incorporated as if set forth in full herein.

Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. Thus, large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission's past findings in support of its actions on many permit applications and in adopting the Malibu LCP².

As described above, the project site contains pristine chaparral habitat that is part of a large, contiguous block of pristine native vegetation. As discussed above and in the Dr. Dixon Memorandum, this habitat is especially valuable because of its special role in the ecosystem of the Santa Monica Mountains and it is easily disturbed by human activity. Accordingly, the Commission finds that the chaparral habitat on the project site meets the definition of ESHA in the Coastal Act.

3. Resource Dependent Use

The Commission finds that the project site and the surrounding area constitutes an environmentally sensitive habitat area (ESHA). Section 30240 of the Coastal Act restricts development within ESHA to only those uses that are dependent on the resource. The applicant proposes to construct a single family residence on the parcel. As single-family residences do not have to be located within ESHA to function, single-family residences are not a use dependent on ESHA resources. Section 30240 also requires that ESHA be protected against significant disruption of habitat values. As the construction of a residence on the site will require both the complete removal of ESHA from the home site and fuel modification for fire protection purposes around it, the proposed project would also significantly disrupt the habitat value in those locations. Application of Section 30240, by itself, would therefore require denial of the project,

¹ The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at <http://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

² Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources.

However, the Commission must also consider Section 30010, and the United States Supreme Court's decision in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission to exercise its power to grant or deny a permit in a manner that will take private property for public use. Application of Section 30010 may overcome the presumption of denial in some instances. The subject of what sort of government action results in a "taking" was addressed by the Court in the *Lucas* case. In *Lucas*, the Court identified several factors that should be considered in determining whether a proposed government action would result in a taking. For instance, the Court held that where a permit applicant has demonstrated that he or she has a sufficient real property interest in the property to allow the proposed project, and that project denial would deprive his or her property of all economically viable use, then denial of the project by a regulatory agency might result in a taking of the property for public use unless the proposed project would constitute a nuisance under State law. Other Supreme Court precedent establishes that another factor that should be considered is the extent to which a project denial would interfere with reasonable investment-backed expectations.

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

As described above, the subject parcel was designated in the Los Angeles County Land Use Plan for residential use. Residential development has previously been approved by the Commission on sites in the immediate area. At the time the applicant purchased the parcel, the County's certified Land Use Plan did not designate the vegetation on the site as ESHA. Based on these facts, along with the presence of existing and approved residential development in the area, the applicant had reason to believe that it had purchased a parcel on which it would be possible to build a residence.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owner an economic return on the investment. There is currently no offer to purchase the property from any public park agency. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than residential development. The Commission finds, therefore, that outright denial of all residential use on the project site would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the project site would create a nuisance under California law. Other houses have been constructed in similar situations in similar habitat areas in Los Angeles County, apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicant's proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance.

In conclusion, the Commission finds that, notwithstanding Section 30240, a residential project on the subject property must be allowed to permit the applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

4. Siting and Design Alternatives to Minimize Significant Disruption of Habitat Values

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

Obviously, the construction of residential development, including vegetation removal for both the development area as well as required fuel modification, grading, construction of a residence and accessory structures, and the use of the development by residents will result in unavoidable loss of ESHA. The development can be sited and designed to minimize ESHA impacts by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

In this case, siting and design alternatives have been considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible. In past permit actions, the Commission has allowed up to 10,000 sq. ft. of development area for a residence on a parcel zoned for residential development in this area of the Santa Monica Mountains to avoid a taking of property. As detailed above, the project includes only one structure on a pad that is located close to the road. There is no alternative building site location that would further reduce the amount of ESHA removal. However, the proposed development area is 10,983 sq. ft. which does not conform to the maximum development area of 10,000 sq. ft. In order to ensure that the project will

avoid significant disruption of habitat values, the Commission finds it necessary to require the applicant to submit revised plans to reduce the development area to no more than 10,000 sq. ft. in size. Although a development area smaller than 10,000 sq. ft. would reduce the ESHA loss somewhat, the reduction would not be significant. Nor are there other resources such as streams, riparian areas, or visual resources that would be protected by a smaller development area. As such, the Commission concludes that the siting and design of the project, as conditioned to reduce the development area to 10,000 sq. ft. will minimize impacts to ESHA to the extent feasible. The Commission also finds that the proposed development area provides a reasonable economic use.

5. Open Space Conservation

This project is inconsistent with Section 30240 of the Coastal Act, and is only being allowed to avoid a taking of private property for public use. The Commission finds that for the project to be consistent with Section 30240 to the maximum extent feasible, while providing a reasonable economic use, this project must constitute the maximum amount of ESHA destruction on the site and the remaining ESHA on the property must be preserved in perpetuity.

The Commission finds that the most effective way to assure ESHA preservation on the site is the granting of an open space conservation easement to the Mountains Recreation and Conservation Authority (a joint powers authority) that prohibits development on the remainder of the site now and in the future. The Mountains Recreation and Conservation Authority (MRCA) is a public agency that represents a partnership between the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The MRCA is dedicated to the preservation and management of open space, parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns or that are owned by the Santa Monica Mountains Conservancy. In the course of its normal duties, the MRCA park rangers and other staff are better able to monitor open space areas to ensure that the restrictions are followed than Commission staff. Further, an easement will be recorded against the title to the property and thus provide notice to future owners of the limitations that apply to the open space conservation area, reducing the risk of a future irreparable violation of the restriction. The governing board of the MRCA has agreed to accept all open space easements required by the Commission for properties within the Santa Monica Mountains National Recreation Area.

It is important that the property owner grant an easement to MRCA rather than simply record an open space deed restriction. Although a deed restriction should notify future owners of the restriction in the same manner that a recorded easement would, it would not be as effective in preserving the remaining ESHA for the following two reasons. First, a deed restriction is not as reliable because a property owner can record another document purporting to rescind the deed restriction. Although any attempt to rescind a deed restriction required by a coastal development permit (“CDP”) without an amendment to that CDP authorizing such a rescission would constitute a violation of the

CDP and the Coastal Act, the County Recorder's office is likely to allow recordation of a rescission without the required Coastal Commission authorization. Indeed, the Commission has experienced the phenomenon of property owners recording documents purporting to modify deed restrictions recorded pursuant to CDP requirements. See, e.g., Commission findings for CDP Amendment F7453-A2 (Stephenson), approved March 2005, and Violation File V-6-04-010 (Del Mar Estates). On the other hand, because an easement necessarily involves more than one person, the County Recorder would not likely record a document purporting to rescind an easement unless the easement holder was also to sign the document. Thus, a condition requiring a deed restriction is much easier to violate, and therefore much less protective, than a condition requiring an easement.

Second, the Legislature has recently adopted new provisions to the Government Code specifically sanctioning the use of conservation easements for this purpose and changing procedures to ensure that they are prominent in searching title to property. In 2001, the Legislature adopted a new requirement that County Recorders keep a separate and "comprehensive index of conservation easements." See Cal. Gov't Code § 27255(a). As such, the Commission finds that the requirement of an open space and conservation easement is the most effective method of ensuring that the remaining ESHA on the project site will be conserved in the future. Finally, the Commission concludes that an open space easement that allows only the easement holder and no other entity to enter the property for inspection purposes does not interfere with the fee title owner's right to exclude the general public. It therefore does not constitute a significant invasion of the fee title owner's property interest.

In conclusion, the Commission finds that it is necessary to require the applicant to grant an open space easement to the MRCA over the open space area on the project site in order to insure that the remaining ESHA will be preserved. Only as conditioned will the proposed project minimize impacts to ESHA, as required by Section 30240 of the Coastal Act.

6. Habitat Impact Mitigation

While impacts resulting from development within ESHA can be reduced through siting and design alternatives for new development and by ensuring that the remaining ESHA on the site is permanently protected, they cannot be completely avoided, given the location of ESHA on and around the project site, the high fire risk in the Santa Monica Mountains, and the need to modify fuel sources to protect life and property from wildfire.

Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where

native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned. The Commission has found in past permit actions, that a new residential development (with a 10,000 sq. ft. development area) within ESHA with a full 200 foot fuel modification radius will result in impact (either complete removal, irrigation, or thinning) to ESHA habitat of four to five acres.

Obviously, native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced will be lost as habitat and watershed cover. As discussed in the Dr. Dixon Memorandum³, the cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. Further, fuel modification can result in changes to the composition of native plant and wildlife communities, thereby reducing their habitat value. Although the impacts from habitat removal cannot be avoided, the Commission finds that the loss of ESHA resulting from the removal, conversion, or modification of natural habitat for new development including the building site area, and fuel modification can be mitigated in order to ensure that ESHA impacts are minimized to the extent feasible.

The Commission has identified three appropriate methods for providing mitigation for the unavoidable loss of ESHA resulting from development; namely, habitat restoration, habitat conservation, and the payment of an in-lieu fee for habitat conservation. The Commission finds that any of these measures is appropriate in this case to mitigate the loss of ESHA on the project site. The first method is to provide mitigation through the restoration of an area of degraded habitat (either on the project site, or at an off-site location) that is equivalent in size to the area of habitat impacted by the development. A restoration plan must be prepared by a biologist or qualified resource specialist and must provide performance standards, and provisions for maintenance and monitoring. The restored habitat must be permanently preserved through the recordation of an open space easement.

The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat of a similar type as that impacted equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. If the mitigation parcel is larger in size than the impacted habitat area, the excess acreage could be used to provide habitat impact mitigation for other development projects that impact ESHA.

³ The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at <http://www.coastal.ca.gov/ventura/smm-asha-memo.pdf>

The third habitat impact mitigation option is the payment of an in-lieu fee for habitat conservation. The fee is based on the habitat types in question, the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined the appropriate fee for the restoration or creation of chaparral and coastal sage scrub habitat, based on research carried out by the Commission's biologist. A range of cost estimates was obtained that reflected differences in restoration site characteristics including topography (steeper is harder), proximity to the coast (minimal or no irrigation required at coastal sites), types of plants (some plants are rare or difficult to cultivate), density of planting, severity of weed problem, condition of soil, etc.

The Commission has determined that the appropriate mitigation for loss of coastal sage scrub or chaparral ESHA should be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydroseeding and planting). The in-lieu fee found by the Commission to be appropriate to provide mitigation for the habitat impacts to ESHA areas where all native vegetation will be removed (building site, the "A" zone required for fuel modification, and off-site brush clearance areas), and where vegetation will be significantly removed and any remaining vegetation will be subjected to supplemental irrigation (the "B" zone or any other irrigated zone required for fuel modification) is \$12,000 per acre. Further, the Commission has required a fee of \$3,000 per acre for areas where the vegetation will be thinned, but not irrigated ("C" zone or other non-irrigated fuel modification zone).

The acreage of ESHA that is impacted must be determined based on the size of the development area, required fuel modification (as identified on the fuel modification plan approved by the Los Angeles County Fire Department) on the site, and required brush clearance off-site. The Commission finds that it is necessary to condition the applicant to delineate the total acreage of ESHA on the site (and offsite brush clearance areas, if applicable) that will be impacted by the proposed development, and provide mitigation to compensate for this loss of habitat, through one of the three methods described above. Only as conditioned will the proposed project minimize impacts to ESHA, pursuant to Section 30240 of the Coastal Act.

7. Additional Mitigation Measures to Address Additional ESHA Impacts

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. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping, and mitigation for that effect was discussed in the previous section. 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. This sort of impact was not addressed in the

prior section. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area that are not directly and immediately affected by the proposed development, the Commission requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

In addition, the Commission has found that night lighting of ESHA areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, the Lighting Restriction condition limits night lighting of the site in general; limits lighting to the developed area of the site; and requires that lighting be shielded downward. Limiting security lighting to low intensity security lighting will assist in minimizing the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night.

Furthermore, fencing of the property would adversely impact the movement of wildlife through the ESHA and wildlife migration corridor on this parcel. Therefore, the Commission finds it is necessary to limit fencing to the perimeter of the approved development area, turnaround, and driveway. This is required to be shown on the landscaping plan.

Additionally, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to require that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. This limitation avoids loss of natural vegetation coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission also finds that the amount and location of any new development that could be built in the future on the subject site consistent with the resource protection policies of the Coastal Act is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply by default under the Coastal Act for, among other things, improvements to existing single family homes and repair and maintenance activities may be inappropriate here. In recognition of that fact, and 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, the future development restriction is required.

Further, 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 thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. Finally, in order to ensure that the terms and conditions of this permit are adequately implemented, the Commission conditions the applicant to allow staff to enter onto the property (subject to

24 hour notice to the property owner) to undertake site inspections for the purpose of monitoring compliance with the permit.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30240 of the Coastal Act:

- Special Condition 5.** Landscaping and Fuel Modification Plans
- Special Condition 7.** Lighting Restriction
- Special Condition 8.** Future Development Restriction
- Special Condition 9.** Deed Restriction
- Special Condition 10.** Habitat Impact Mitigation
- Special Condition 11.** Open Space Conservation Easement
- Special Condition 12.** Removal of Vegetation
- Special Condition 13.** Revised Plans

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 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.

The proposed project area is located within a rural area characterized by low density residential development along Mulholland Highway. The area includes slopes descending steeply from the south side of the road down into Cold Canyon. Development of the proposed residence raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be affected.

There are designated public viewing areas in the vicinity of the project that could possibly be affected by the proposed development. The first resource is Mulholland Highway to the north of the development area, which is classified as a First Priority Scenic Highway by the Malibu/Santa Monica Mountains LUP and provides pristine scenic vistas in the area. Mulholland Highway is also a major coastal access route, not only utilized by local residents, but also heavily used by tourists and visitors to access several public parks and recreation areas located in the surrounding area. Another public viewing area is Cold Creek Canyon, which is recognized as a highly scenic area and given special treatment when evaluating potential impacts caused by new development. The Calabasas – Cold Creek Trail, a hiking and equestrian trail identified

in the Malibu/Santa Monica Mountains LUP, is located within the Cold Creek Canyon to the south of the subject property. This trail traverses west to east along various routes connecting Mulholland Highway on the east to the Stokes Ridge Trail on the west. The applicant's agent has provided an analysis that shows views of the proposed residence from this trail would be minimal, if any because the trail is at a lower elevation and the intervening steep slope will prevent most views. Additionally, there is State Parkland south of the proposed project site and the Backbone Trail crosses this land from east to west. The trail is approximately 1,000 feet higher in elevation than the project site and approximately 5,000 ft. south of the site. As such, the pad and any future residential development will be visible from the park and the Backbone Trail, although the views will be from a distance. In addition, the Stunt Ranch park is located to the southeast of the project site and there will be views of the project site from this park as well.

The proposed residence is two-stories with a maximum height of 26 feet from existing grade at any given point. The residence is designed to be stepped into the hillside. The development has been clustered on one pad area less than 10,000 sq. ft. in size and designed to reduce landform alteration and removal of native vegetation that is considered environmentally sensitive habitat. The County of Los Angeles, in its review of the proposed structure, required that a topographic feature that slopes up from the edge of Mulholland Highway be retained on the site. The proposed development area is graded on the back side of this feature. As such, views of the structure from Mulholland Highway itself will be minimized. Additionally, the maximum 26 foot height of the structure is consistent with the maximum height that the Commission has required in several residences along the subject stretch of Mulholland Highway to minimize adverse impacts to visual resources. Therefore, the proposed structure will be compatible with the character of other residential development in the area. The proposed structure is sited and designed to minimize impacts to visual resources to the extent feasible. In addition, the development would be partially screened by vegetation.

Even as designed and with vegetative screening, the proposed development will be unavoidably visible from public viewing areas. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. To 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; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.

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.** Lighting Restriction
- Special Condition 8.** Future Development Restriction
- Special Condition 9.** Deed Restriction

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. LOCAL COASTAL PROGRAM PREPARATION

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

- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal 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 13

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).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Commission 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 in detail above, project alternatives and mitigation measures have been considered and incorporated into the project. Five types of mitigation actions include those that are intended to avoid, minimize, rectify, reduce, or compensate for significant impacts of development. Mitigation measures required as part of this coastal development permit include the avoidance of impacts to ESHA through clustering structures, and by prohibiting development outside of the approved development area as required by the granting of an open space conservation easement. Mitigation measures required to minimize impacts include requiring drainage best management practices (water quality), interim erosion control (water quality and ESHA), limiting lighting (ESHA), revised plans (ESHA), restricting structure color (visual resources), and requiring future improvements to be considered through a CDP. Finally, the habitat impact mitigation condition is a measure required to compensate for impacts to ESHA.

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 13

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.

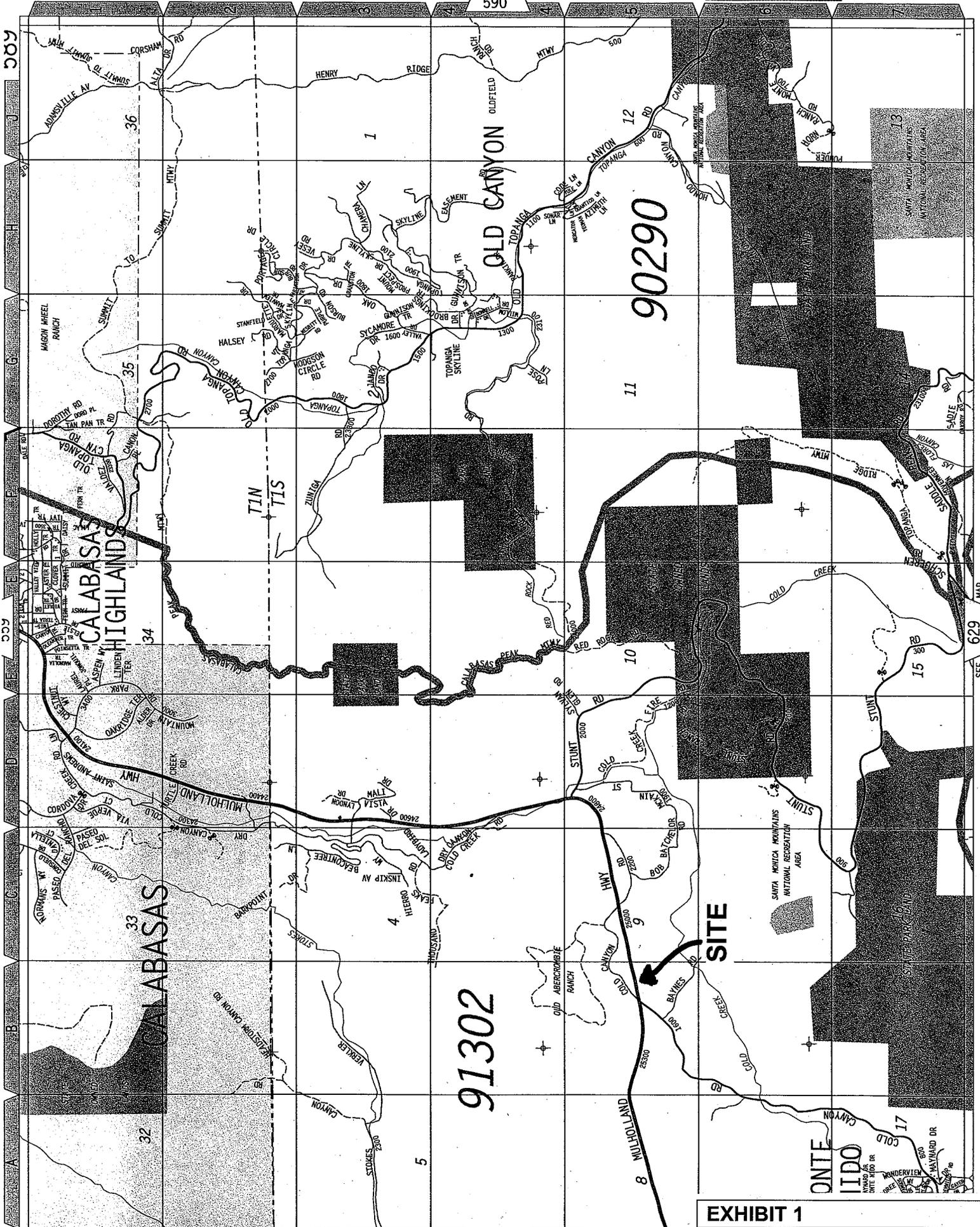


EXHIBIT 1
CDP 4-08-072
Vicinity Map

A-1.1

JOHN ANTHONY LEWIS ARCHITECT
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DATE 12-24-2007
 SCALE 1/4" = 1'-0"
 DRAWN BY
 TITLE SECOND FLOOR PLAN

NEW SINGLE FAMILY RESIDENCE FOR
 GAYME PEPPER
 2500 MULLHOLLAND HIGHWAY, CALAYAS, CALIFORNIA

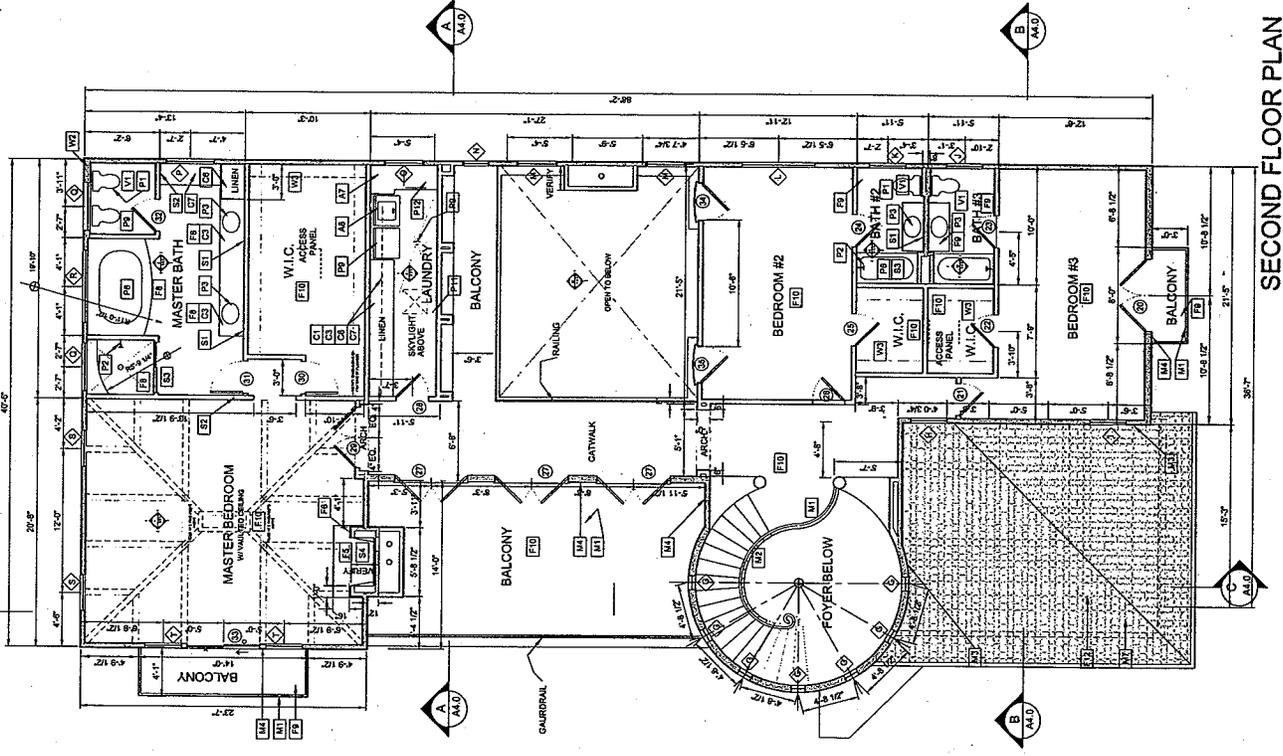
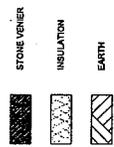
Pepper Residence

SHEET NOTES

- APPLIANCES**
 A1 Refrigerator - provides gas and electrical hook-ups and vent to outside air.
 A2 Dishwasher - provides gas and electrical hook-ups and vent to outside air.
 A3 Clothes washer/dryer - provides water and electrical hook-ups and vent connection to drain.
- CABINETS**
 C1 Kitchen cabinets with full cabinet above.
 C2 Full-height cabinet with full cabinet above.
 C3 Full-height cabinet top with base cabinet below.
 C4 Base cabinet with full cabinet above.
 C5 Full-height cabinet with full cabinet above.
 C6 Full-height cabinet with full cabinet above.
 C7 Full-height cabinet with full cabinet above.
- ELECTRICAL**
 E1 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E2 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E3 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E4 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
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 E31 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E32 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E33 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E34 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E35 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
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 E37 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E38 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E39 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E40 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E41 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E42 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E43 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
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 E87 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
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 E94 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
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 E96 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E97 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E98 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E99 Single electrical, handwired, see Fire Code, Notes. Locate as per code.
 E100 Single electrical, handwired, see Fire Code, Notes. Locate as per code.

GENERAL NOTES

- See Electrical Plans for all conditions & notes with regards to electrical.
- All construction shall be in accordance with the California Building Code (CBC) and all applicable codes and regulations.
- See Mechanical Plans for all conditions & notes with regards to mechanical.
- See Structural Plans for all conditions & notes with regards to structural.
- All second floor wall areas over garage shall have minimum R-19 insulation. Minimum R-19 insulation shall be provided in all areas.
- Bottom of floor shall have 5/8" type "X" gypsum board for 4 hour fire rating.
- All shall be per owner's preference.



SECOND FLOOR PLAN
 1/4" = 1'-0"

DOOR SCHEDULE

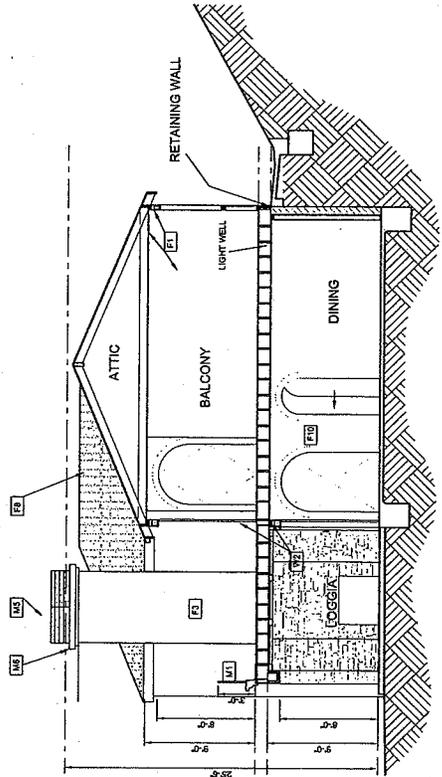
MARK	SIZE	TYPE	FINISH	LOCATION	QUANTITY	NOTES
D1	3'-0" x 7'-0"	WOOD	WOOD	ENTRY	1	ENTRY DOOR
D2	3'-0" x 7'-0"	WOOD	WOOD	MASTER BEDROOM	1	MASTER BEDROOM DOOR
D3	3'-0" x 7'-0"	WOOD	WOOD	MASTER BATH	1	MASTER BATH DOOR
D4	3'-0" x 7'-0"	WOOD	WOOD	LAUNDRY	1	LAUNDRY DOOR
D5	3'-0" x 7'-0"	WOOD	WOOD	BEDROOM #2	1	BEDROOM #2 DOOR
D6	3'-0" x 7'-0"	WOOD	WOOD	BEDROOM #3	1	BEDROOM #3 DOOR
D7	3'-0" x 7'-0"	WOOD	WOOD	BATH	1	BATH DOOR
D8	3'-0" x 7'-0"	WOOD	WOOD	CL. 1	1	CL. 1 DOOR
D9	3'-0" x 7'-0"	WOOD	WOOD	CL. 2	1	CL. 2 DOOR
D10	3'-0" x 7'-0"	WOOD	WOOD	CL. 3	1	CL. 3 DOOR
D11	3'-0" x 7'-0"	WOOD	WOOD	CL. 4	1	CL. 4 DOOR
D12	3'-0" x 7'-0"	WOOD	WOOD	CL. 5	1	CL. 5 DOOR
D13	3'-0" x 7'-0"	WOOD	WOOD	CL. 6	1	CL. 6 DOOR
D14	3'-0" x 7'-0"	WOOD	WOOD	CL. 7	1	CL. 7 DOOR
D15	3'-0" x 7'-0"	WOOD	WOOD	CL. 8	1	CL. 8 DOOR
D16	3'-0" x 7'-0"	WOOD	WOOD	CL. 9	1	CL. 9 DOOR
D17	3'-0" x 7'-0"	WOOD	WOOD	CL. 10	1	CL. 10 DOOR
D18	3'-0" x 7'-0"	WOOD	WOOD	CL. 11	1	CL. 11 DOOR
D19	3'-0" x 7'-0"	WOOD	WOOD	CL. 12	1	CL. 12 DOOR
D20	3'-0" x 7'-0"	WOOD	WOOD	CL. 13	1	CL. 13 DOOR
D21	3'-0" x 7'-0"	WOOD	WOOD	CL. 14	1	CL. 14 DOOR
D22	3'-0" x 7'-0"	WOOD	WOOD	CL. 15	1	CL. 15 DOOR
D23	3'-0" x 7'-0"	WOOD	WOOD	CL. 16	1	CL. 16 DOOR
D24	3'-0" x 7'-0"	WOOD	WOOD	CL. 17	1	CL. 17 DOOR
D25	3'-0" x 7'-0"	WOOD	WOOD	CL. 18	1	CL. 18 DOOR
D26	3'-0" x 7'-0"	WOOD	WOOD	CL. 19	1	CL. 19 DOOR
D27	3'-0" x 7'-0"	WOOD	WOOD	CL. 20	1	CL. 20 DOOR
D28	3'-0" x 7'-0"	WOOD	WOOD	CL. 21	1	CL. 21 DOOR
D29	3'-0" x 7'-0"	WOOD	WOOD	CL. 22	1	CL. 22 DOOR
D30	3'-0" x 7'-0"	WOOD	WOOD	CL. 23	1	CL. 23 DOOR
D31	3'-0" x 7'-0"	WOOD	WOOD	CL. 24	1	CL. 24 DOOR
D32	3'-0" x 7'-0"	WOOD	WOOD	CL. 25	1	CL. 25 DOOR
D33	3'-0" x 7'-0"	WOOD	WOOD	CL. 26	1	CL. 26 DOOR
D34	3'-0" x 7'-0"	WOOD	WOOD	CL. 27	1	CL. 27 DOOR
D35	3'-0" x 7'-0"	WOOD	WOOD	CL. 28	1	CL. 28 DOOR
D36	3'-0" x 7'-0"	WOOD	WOOD	CL. 29	1	CL. 29 DOOR
D37	3'-0" x 7'-0"	WOOD	WOOD	CL. 30	1	CL. 30 DOOR
D38	3'-0" x 7'-0"	WOOD	WOOD	CL. 31	1	CL. 31 DOOR
D39	3'-0" x 7'-0"	WOOD	WOOD	CL. 32	1	CL. 32 DOOR
D40	3'-0" x 7'-0"	WOOD	WOOD	CL. 33	1	CL. 33 DOOR
D41	3'-0" x 7'-0"	WOOD	WOOD	CL. 34	1	CL. 34 DOOR
D42	3'-0" x 7'-0"	WOOD	WOOD	CL. 35	1	CL. 35 DOOR
D43	3'-0" x 7'-0"	WOOD	WOOD	CL. 36	1	CL. 36 DOOR
D44	3'-0" x 7'-0"	WOOD	WOOD	CL. 37	1	CL. 37 DOOR
D45	3'-0" x 7'-0"	WOOD	WOOD	CL. 38	1	CL. 38 DOOR
D46	3'-0" x 7'-0"	WOOD	WOOD	CL. 39	1	CL. 39 DOOR
D47	3'-0" x 7'-0"	WOOD	WOOD	CL. 40	1	CL. 40 DOOR
D48	3'-0" x 7'-0"	WOOD	WOOD	CL. 41	1	CL. 41 DOOR
D49	3'-0" x 7'-0"	WOOD	WOOD	CL. 42	1	CL. 42 DOOR
D50	3'-0" x 7'-0"	WOOD	WOOD	CL. 43	1	CL. 43 DOOR
D51	3'-0" x 7'-0"	WOOD	WOOD	CL. 44	1	CL. 44 DOOR
D52	3'-0" x 7'-0"	WOOD	WOOD	CL. 45	1	CL. 45 DOOR
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D54	3'-0" x 7'-0"	WOOD	WOOD	CL. 47	1	CL. 47 DOOR
D55	3'-0" x 7'-0"	WOOD	WOOD	CL. 48	1	CL. 48 DOOR
D56	3'-0" x 7'-0"	WOOD	WOOD	CL. 49	1	CL. 49 DOOR
D57	3'-0" x 7'-0"	WOOD	WOOD	CL. 50	1	CL. 50 DOOR
D58	3'-0" x 7'-0"	WOOD	WOOD	CL. 51	1	CL. 51 DOOR
D59	3'-0" x 7'-0"	WOOD	WOOD	CL. 52	1	CL. 52 DOOR
D60	3'-0" x 7'-0"	WOOD	WOOD	CL. 53	1	CL. 53 DOOR
D61	3'-0" x 7'-0"	WOOD	WOOD	CL. 54	1	CL. 54 DOOR
D62	3'-0" x 7'-0"	WOOD	WOOD	CL. 55	1	CL. 55 DOOR
D63	3'-0" x 7'-0"	WOOD	WOOD	CL. 56	1	CL. 56 DOOR
D64	3'-0" x 7'-0"	WOOD	WOOD	CL. 57	1	CL. 57 DOOR
D65	3'-0" x 7'-0"	WOOD	WOOD	CL. 58	1	CL. 58 DOOR
D66	3'-0" x 7'-0"	WOOD	WOOD	CL. 59	1	CL. 59 DOOR
D67	3'-0" x 7'-0"	WOOD	WOOD	CL. 60	1	CL. 60 DOOR
D68	3'-0" x 7'-0"	WOOD	WOOD	CL. 61	1	CL. 61 DOOR
D69	3'-0" x 7'-0"	WOOD	WOOD	CL. 62	1	CL. 62 DOOR
D70	3'-0" x 7'-0"	WOOD	WOOD	CL. 63	1	CL. 63 DOOR
D71	3'-0" x 7'-0"	WOOD	WOOD	CL. 64	1	CL. 64 DOOR
D72	3'-0" x 7'-0"	WOOD	WOOD	CL. 65	1	CL. 65 DOOR
D73	3'-0" x 7'-0"	WOOD	WOOD	CL. 66	1	CL. 66 DOOR
D74	3'-0" x 7'-0"	WOOD	WOOD	CL. 67	1	CL. 67 DOOR
D75	3'-0" x 7'-0"	WOOD	WOOD	CL. 68	1	CL. 68 DOOR
D76	3'-0" x 7'-0"	WOOD	WOOD	CL. 69	1	CL. 69 DOOR
D77	3'-0" x 7'-0"	WOOD	WOOD	CL. 70	1	CL. 70 DOOR
D78	3'-0" x 7'-0"	WOOD	WOOD	CL. 71	1	CL. 71 DOOR
D79	3'-0" x 7'-0"	WOOD	WOOD	CL. 72	1	CL. 72 DOOR
D80	3'-0" x 7'-0"	WOOD	WOOD	CL. 73	1	CL. 73 DOOR
D81	3'-0" x 7'-0"	WOOD	WOOD	CL. 74	1	CL. 74 DOOR
D82	3'-0" x 7'-0"	WOOD	WOOD	CL. 75	1	CL. 75 DOOR
D83	3'-0" x 7'-0"	WOOD	WOOD	CL. 76	1	CL. 76 DOOR
D84	3'-0" x 7'-0"	WOOD	WOOD	CL. 77	1	CL. 77 DOOR
D85	3'-0" x 7'-0"	WOOD	WOOD	CL. 78	1	CL. 78 DOOR
D86	3'-0" x 7'-0"	WOOD	WOOD	CL. 79	1	CL. 79 DOOR
D87	3'-0" x 7'-0"	WOOD	WOOD	CL. 80	1	CL. 80 DOOR
D88	3'-0" x 7'-0"	WOOD	WOOD	CL. 81	1	CL. 81 DOOR
D89	3'-0" x 7'-0"	WOOD	WOOD	CL. 82	1	CL. 82 DOOR
D90	3'-0" x 7'-0"	WOOD	WOOD	CL. 83	1	CL. 83 DOOR
D91	3'-0" x 7'-0"	WOOD	WOOD	CL. 84	1	CL. 84 DOOR
D92	3'-0" x 7'-0"	WOOD	WOOD	CL. 85	1	CL. 85 DOOR
D93	3'-0" x 7'-0"	WOOD	WOOD	CL. 86	1	CL. 86 DOOR
D94	3'-0" x 7'-0"	WOOD	WOOD	CL. 87	1	CL. 87 DOOR
D95	3'-0" x 7'-0"	WOOD	WOOD	CL. 88	1	CL. 88 DOOR
D96	3'-0" x 7'-0"	WOOD	WOOD	CL. 89	1	CL. 89 DOOR
D97	3'-0" x 7'-0"	WOOD	WOOD	CL. 90	1	CL. 90 DOOR
D98	3'-0" x 7'-0"	WOOD	WOOD	CL. 91	1	CL. 91 DOOR
D99	3'-0" x 7'-0"	WOOD	WOOD	CL. 92	1	CL. 92 DOOR
D100	3'-0" x 7'-0"	WOOD	WOOD	CL. 93	1	CL. 93 DOOR

WINDOW SCHEDULE

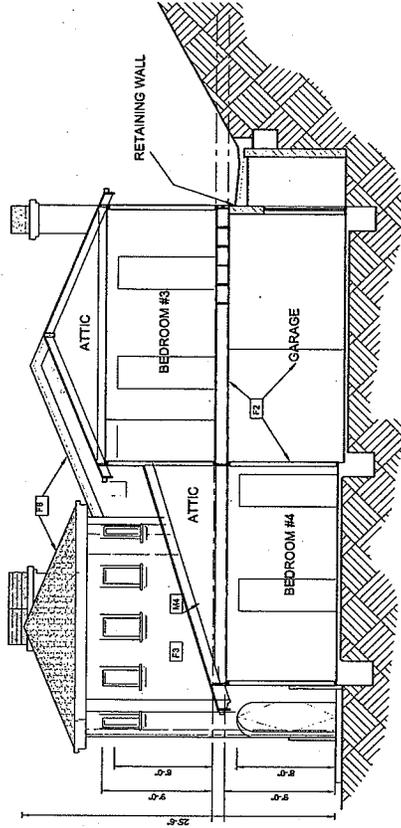
MARK	SIZE	TYPE	FINISH	LOCATION	QUANTITY	NOTES
W1	3'-0" x 7'-0"	WOOD	WOOD	ENTRY	1	ENTRY WINDOW
W2	3'-0" x 7'-0"	WOOD	WOOD	MASTER BEDROOM	1	MASTER BEDROOM WINDOW
W3	3'-0" x 7'-0"	WOOD	WOOD	MASTER BATH	1	MASTER BATH WINDOW
W4	3'-0" x 7'-0"	WOOD	WOOD	LAUNDRY	1	LAUNDRY WINDOW
W5	3'-0" x 7'-0"	WOOD	WOOD	BEDROOM #2	1	BEDROOM #2 WINDOW
W6	3'-0" x 7'-0"	WOOD	WOOD	BEDROOM #3	1	BEDROOM #3 WINDOW
W7	3'-0" x 7'-0"	WOOD	WOOD	BATH	1	BATH WINDOW
W8	3'-0" x 7'-0"	WOOD	WOOD	CL. 1	1	CL. 1 WINDOW
W9	3'-0" x 7'-0"	WOOD	WOOD	CL. 2	1	CL. 2 WINDOW
W10	3'-0" x 7'-0"	WOOD	WOOD	CL. 3	1	CL. 3 WINDOW
W11	3'-0" x 7'-0"	WOOD	WOOD	CL. 4	1	CL. 4 WINDOW
W12	3'-0" x 7'-0"	WOOD	WOOD	CL. 5	1	CL. 5 WINDOW
W13	3'-0" x 7'-0"	WOOD	WOOD	CL. 6	1	CL. 6 WINDOW
W14	3'-0" x 7'-0"	WOOD	WOOD	CL. 7	1	CL. 7 WINDOW
W15	3'-0" x 7'-0"	WOOD				

TITLE	BUILDING SECTIONS
DRAWN BY	MSG
SCALE	1/4" = 1'-0"
DATE	12-24-2007
REVISIONS	

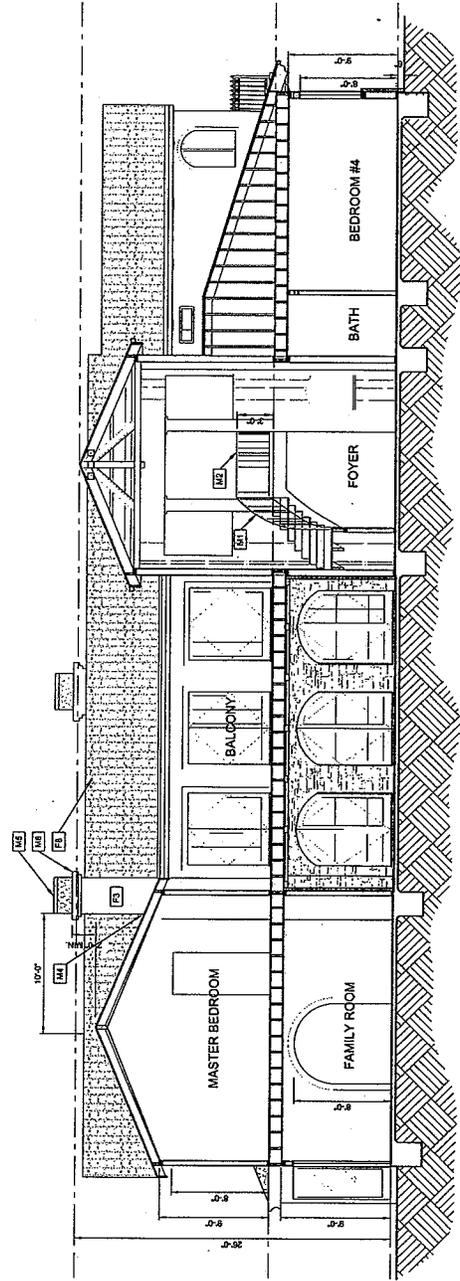
NEW SINGLE FAMILY RESIDENCE FOR
 GAYLE PEPPER
 BLANKENHORN RD.
 BELLEVILLE, CA 91907
 2500 HIGHLAND HIGHWAY, CALABASAS, CALIFORNIA



A NORTH - SOUTH SECTION LOOKING WEST
 1/4" = 1'-0"



B NORTH - SOUTH SECTION LOOKING WEST
 1/4" = 1'-0"



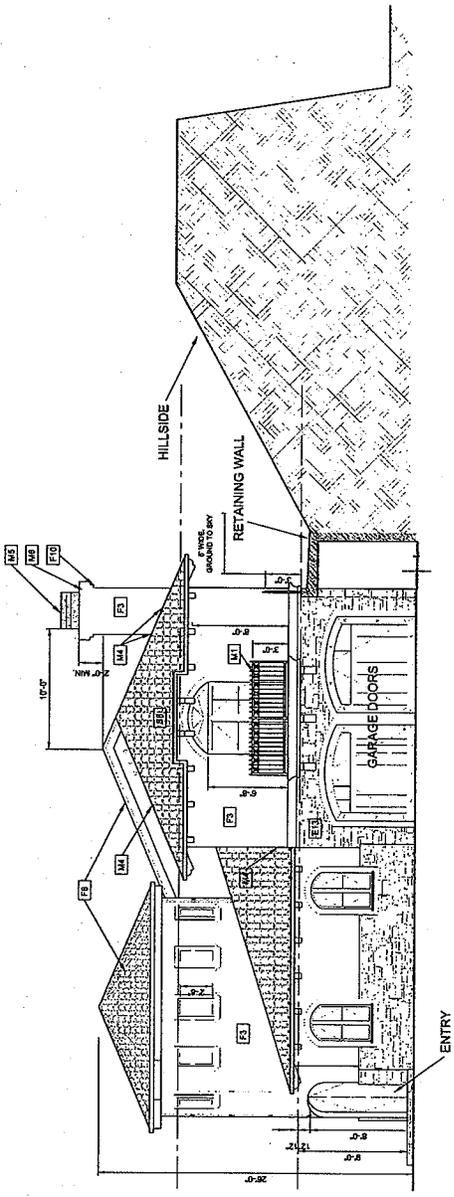
C EAST - WEST SECTION LOOKING NORTH
 1/4" = 1'-0"

SHEET NOTES

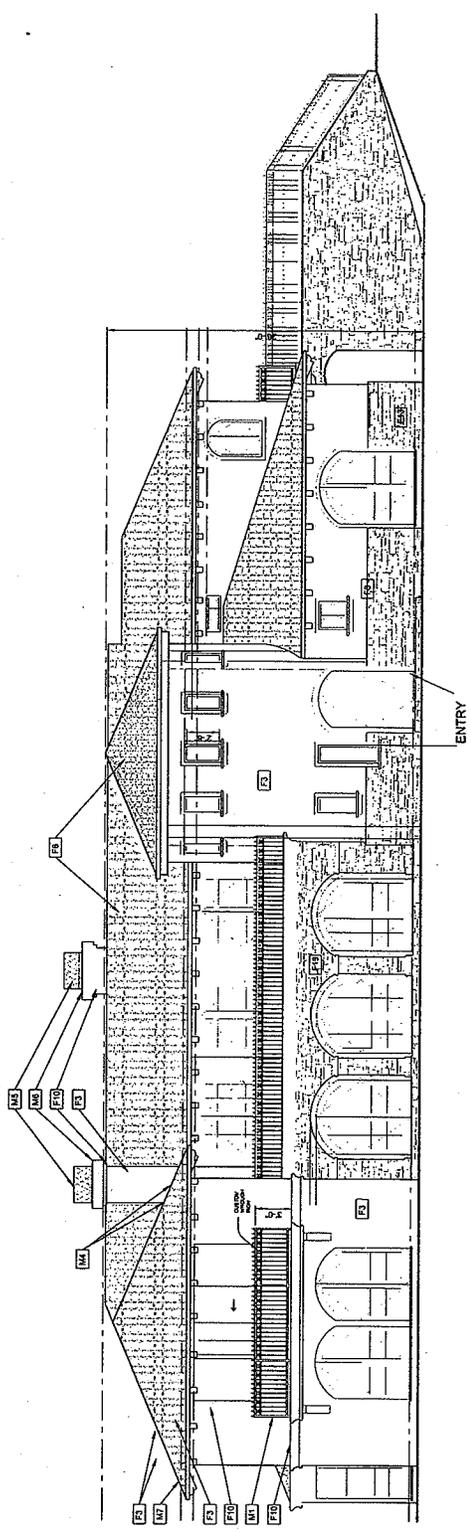
FINISHES
 F1 5/8" gypsum board
 F2 5/8" gypsum board & ceiling between garage and residence for 1-hour construction.
 F3 1/2" mineral wool insulation over 2 layers of 1/2" building paper on wire lath over 2 layers of 1/2" building paper
 F4 City Spanish 1/4" x 1/4" tile EAGLE Conventional Weight LACER. 125021 over 2 layers 1/2" building paper
 F5 3/4" solid core veneer as indicated by owner

METAL
 M1 galvanized, 30" high with openings not to show > 4" diameter spines to park thru
 M2 steel hanger, 3/8" to 5/8" above head meeting with openings for roof and ceiling
 M3 20 gauge galvanized flashing, not counterflashing at junction of roof and vertical surface
 M4 20 gauge galvanized steel metal chimney cap - painted
 M5 20 gauge galvanized steel metal chimney cap - painted

THERMAL INSULATION
 T1 R-13 batt insulation in exterior walls and bathroom walls
 T2 R-20 batt insulation in remaining assembly
 T3 1/2" mineral wool insulation
 T4 1/2" mineral wool insulation
 T5 See structural drawings for framing members and their spacing



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



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

SHEET NOTES

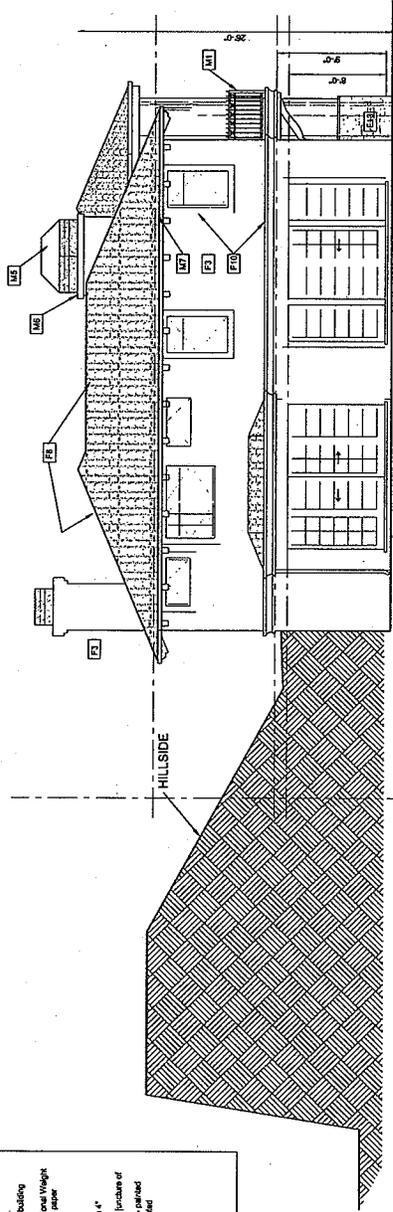
FINISHES
 F3 7/8" exterior plaster on wire lath over 2 layers of 1/2" building paper as interior
 F4 1/2" thick exterior gypsum board as exterior
 F5 1/2" thick exterior gypsum board over 2 layers 1/2" building paper
 F10 Built-up flat as selected by owner

METAL
 M1 1/2" x 1/2" x 1/8" thick with openings not to allow a 4" diameter sphere to pass thru.
 M2 26 gauge galvanized flashing and counterflashing as indicated of
 M3 26 gauge galvanized flashing and counterflashing as indicated of
 M4 26 gauge galvanized flashing and counterflashing as indicated of
 M5 26 gauge galvanized sheet metal chimney cap - painted
 M6 26 gauge galvanized sheet metal chimney cap - painted
 M7 26 gauge galvanized sheet metal chimney cap - painted
 M8 26 gauge galvanized sheet metal chimney cap - painted

SPECIALTIES
 S1 4" x 4" x 1/2" diameter cap for with hand screen

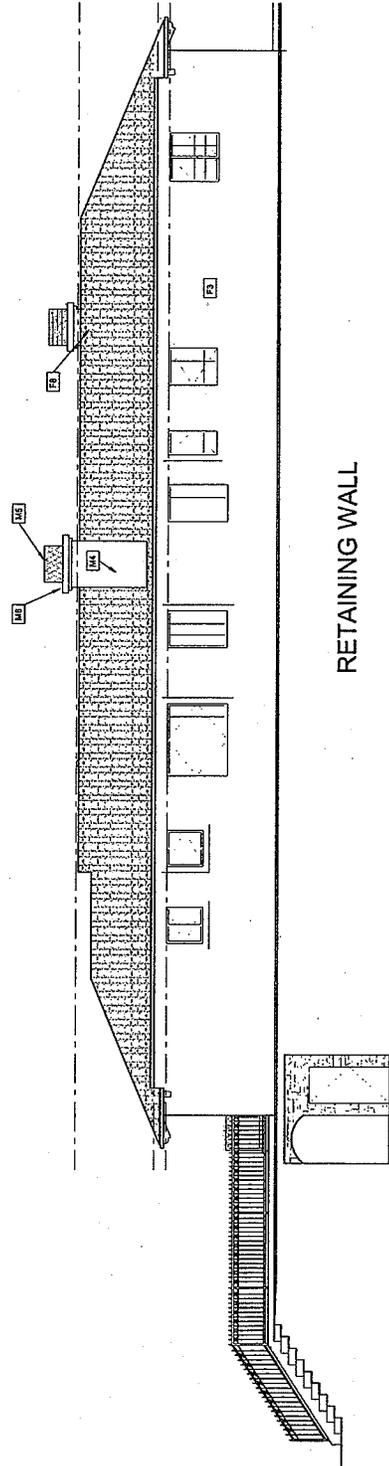
SHEET NOTES

- FINISHES**
 F3 7/8" exterior plaster on wire lath over 2 layers of 1/2" building
 F4 1/2" exterior plaster on wire lath over 2 layers of 1/2" building
 F5 1/2" exterior plaster on wire lath over 2 layers of 1/2" building
 F6 City Spanish 2 piece split roof tile (EAGLE Conventional Weight
 F7 C.R. L.O.E.S. - report #1850) over 2 layers 1/2" building plaster
 F10 Bitump film as indicated by owner
- METAL**
 M1 24 gauge galvanized steel
 M2 24 gauge galvanized flashing and counterflashing at junction of
 M3 City Spanish 2 piece split roof tile (EAGLE Conventional Weight
 M4 24 gauge galvanized steel chimney cap - painted
 M5 24 gauge galvanized steel chimney cap - painted
 M6 24 gauge galvanized steel chimney cap - painted
 M7 24 gauge galvanized steel chimney cap - painted
- SPECIALTIES**
 S1 4" x 4" x 1/2" aluminum downspout
 S2 4" x 4" x 1/2" aluminum downspout



WEST ELEVATION

1/4" = 1'-0"



NORTH ELEVATION

1/4" = 1'-0"

RETAINING WALL

<p>Pepper Residence</p> <p>NEW SINGLE FAMILY RESIDENCE FOR GAYLE PEPPER 2 FAHRENHEIT RD. BELL CANYON, CA 91307</p> <p>25088 MUTHLAND HIGHWAY, CALABASAS, CALIFORNIA</p>	<p>STUDIO 223 MASSARY STREET THOUSAND OAKS, CA 91320</p>	<p>DATE 12/24/2007</p>	<p>SCALE 1/4" = 1'-0"</p>	<p>DRAWN BY [Blank]</p>	<p>REVISIONS</p>
	<p>STUDIO 223 MASSARY STREET THOUSAND OAKS, CA 91320</p> <p>PHONE (805) 497-8765 FAX (805) 497-8850</p>	<p>DATE 12/24/2007</p>	<p>SCALE 1/4" = 1'-0"</p>	<p>DRAWN BY [Blank]</p>	<p>REVISIONS</p>

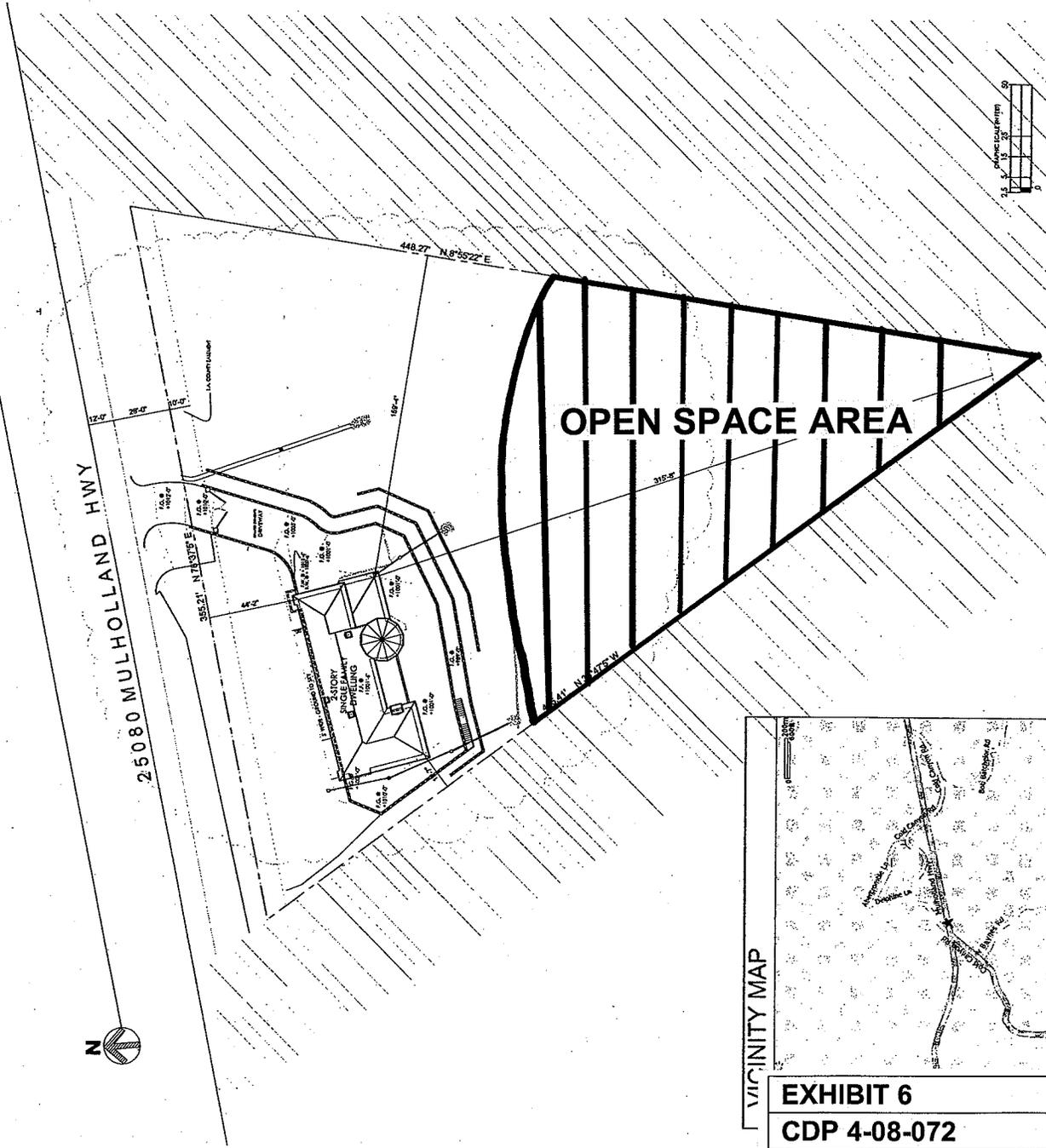
A-4.1

JOHN ANTHONY PEPPER ARCHITECT

PEPPER ARCHITECTS, P.A.
 223 MASSARY STREET
 THOUSAND OAKS, CA 91320

SITE PLAN

SCALE: 1:20



INDEX OF DRAWINGS

- ARCHITECTURAL**
- A-0.0 INDEX OF DRAWINGS, PROJECT DATA & SITE PLAN
 - A-0.1 TITLE 24 & GENERAL NOTES
 - A-0.2 SITE SURVEY GRADING PLAN
 - A-1.0 FIRST FLOOR PLAN WITH SCHEDULES
 - A-1.1 SECOND FLOOR PLAN WITH SCHEDULES
 - A-1.2 ROOF PLAN
 - A-2.0 FIRST FLOOR REFLECTED CEILING PLAN
 - A-2.1 SECOND FLOOR REFLECTED CEILING PLAN
 - A-3.0 CROSS SECTIONS
 - A-4.0 EXTERIOR ELEVATIONS (EAST & NORTH)
 - A-4.1 EXTERIOR ELEVATIONS (WEST & SOUTH)
 - A-5.0 INTERIOR ELEVATIONS
 - A-5.1 INTERIOR ELEVATIONS
 - A-5.2 INTERIOR ELEVATIONS
 - A-5.3 INTERIOR ELEVATIONS
- ELECTRICAL**
- E-1.0 FIRST FLOOR LIGHTING PLAN
 - E-1.1 SECOND FLOOR LIGHTING PLAN
 - E-2.0 FIRST FLOOR ELECTRICAL POWER PLAN
 - E-2.1 SECOND FLOOR ELECTRICAL POWER PLAN

PROJECT DATA

NEW SINGLE FAMILY RESIDENCE
 PROJECT NO. 2008-0001
 DATE: 12-24-2007
 SCALE: 1/20
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 PROJECT NO. 2008-0001
 DATE: 12-24-2007
 SCALE: 1/20
 DRAWN BY: [blank]
 CHECKED BY: [blank]

PROJECT DIRECTORY

ARCHITECTURAL DESIGNER:
 John Anthony Lewis Architect
 20080 Mulholland Hwy, Suite 200
 Woodside, CA 94062
 650 897 8738

ARCHITECTURAL DESIGNER:
 GEO. TECH. (BPT/C)

OWNER:
 Gary Pepper
 25080 Mulholland Hwy, Suite 200
 Woodside, CA 94062
 650 897 8738

STRUCTURAL ENGINEER:
 Colton Engineering, Inc.
 22543 Ventura Blvd., Suite 223
 Woodside, CA 94062
 650 897 8738

ELECTRICAL ENGINEER:
 Alameda Energy Systems
 25080 Mulholland Hwy, Suite 200
 Woodside, CA 94062
 650 897 8738

LEGAL DESCRIPTION

LEGAL DESCRIPTION:
 LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

JOHN ANTHONY LEWIS ARCHITECT

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TITLE	INDEX OF DRAWINGS, PROJECT DATA & SITE PLAN
REVISIONS	0 - REVISION OF BIDDING DOCUMENT
DRAWN BY	120
SCALE	1/20
DATE	12-24-2007

DATE PERMIT	2 RANCHO RD., CA 91307
REVISIONS	NEW SINGLE FAMILY RESIDENCE FOR: PEPPER, GARY
PROJECT NO.	2008-0001
DATE	12-24-2007

Pepper Residence

25080 MULHOLLAND HIGHWAY, WOODSIDE, CALIFORNIA, CALIFORNIA

EXHIBIT 6
CDP 4-08-072
Open Space Area