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Hearing Date: 1/12-14/2011

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO:** 4-10-067**APPLICANT:** Lindsay Hirsch **AGENT:** Erin Anderson, Clive Dawson, AIA**PROJECT LOCATION:** 25660 Aline Way, Calabasas, Monte Nido Small Lot Subdivision, Santa Monica Mountains, Los Angeles County (APN 4456-020-027 & 003)**PROJECT DESCRIPTION:** Request for after-the-fact approval to construct a 483 sq. ft. addition to an existing 1,430 sq. ft. single family residence with an attached 840 sq.ft. 3-car garage resulting in a 1,913 sq. ft. single family residence with attached 840 sq.ft. 3-car garage. In addition, the project includes the new combination/merger of an adjoining 5,350 sq. ft. lot with the subject lot to create a single lot that is 13,034 sq. ft. in size.

Combined Lot area:	13,034 sq. ft.
Building coverage:	1,019 sq. ft.
Pavement coverage:	1,195 sq. ft.
Ht. abv. fin. grade:	35 ft.

LOCAL APPROVALS RECEIVED: Los Angeles County Regional Planning Department Approval-in-Concept, dated 5/17/10.**SUBSTANTIVE FILE DOCUMENTS:** Coastal Permit 4-03-059 (Abshier & Nguyen).**MOTION & RESOLUTION:** Pages 2 and 3

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

- **CUMULATIVE IMPACTS.** The project site is located within a small-lot subdivision, and the proposed addition to the residence would not conform to the maximum gross structural area (GSA) allowed for the lot if the lot were viewed in isolation. The applicant proposes to extinguish development rights on one additional lot to increase the GSA. The extinguishment is required as a condition of approval.
- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas and will adversely impact visual resources. There are design alternatives that would avoid or reduce visual impacts. The project is conditioned to provide structural appearance and lighting restrictions for the proposed additions.

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I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-10-067 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 Coastal Development Permit No. 4-10-067 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. **Permit Expiration and Condition Compliance.** Because the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.
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 the: "Preliminary Geologic and Soils Engineering Investigation, dated September 10, 2003, by GeoConcepts, Inc.; Supporting Geology Report, dated May 10, 2003, by Geological Services. These recommendations, including recommendations concerning foundations, grading, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultants 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

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

- A. By acceptance of this permit, the applicant agrees, on behalf of herself and all successors and assigns with respect to the subject property, that: (1) All portions of the subject two lots [Tract 9289, Lots Nos. 27 and 3, also known by Assessor's Parcel Numbers 4456-020-027 & 003], shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single lot created thereby shall not be divided, and none of the lots existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.
- B. ***Within 90 days of Commission approval of this coastal development permit,*** the applicant shall execute and record a deed restriction against each parcel described above, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the subject two lots being recombined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens, including tax liens, that the Executive Director determines may affect the enforceability of the restriction.
- C. ***Within 90 days of Commission approval of this coastal development permit,*** but after the deed restriction described in the prior paragraph is recorded, the applicant shall provide evidence to the Executive Director that the applicant has provided a copy of the recorded deed restriction to the county assessor's office and requested that the assessor's office (1) revise its records and maps to reflect the combination of the lots, including assigning a new, single APN for the unified lot, and (2) send the Commission notice when it has done so, indicating the new, single APN.

4. Structural Appearance

Within 90 days of Commission approval 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 Coastal Development Permit No. 4-10-067. 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 Coastal Development Permit No. 4-10-067 if such changes are specifically authorized by the Executive Director as complying with this special condition.

5. 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 equivalent amount or fewer lumens of light than 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 the equivalent amount or fewer lumens of light than those generated by a 60 watt incandescent bulb.
3. The minimum necessary to light the entry area to the driveway is limited to the equivalent amount or fewer lumens of light than 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.

6. Future Development Restriction

This permit is only for the development described in Coastal Development Permit No. 4-10-067. 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 any future development on any portion of the parcel. Accordingly, any future improvements to any portion of the property, including but not limited to improvements to the residence or garage, or landscaping, grading, or removal of vegetation other than as provided for in the approved fuel modification/landscape plan prepared pursuant to prior Special Condition 2, in Coastal Development Permit 4-03-059, shall require an amendment to Coastal Development Permit No. 4-10-067 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Deed Restriction

Within 90 days of Commission approval 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.

8. Condition Compliance

Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall provide to the Executive Director evidence that it has satisfied all of the conditions of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is requesting after-the-fact approval to construct a 483 sq. ft. addition to an existing 1,430 sq. ft. single family residence with an attached 840 sq. ft. 3-car garage

resulting in a 1,913 sq. ft. single family residence with attached 840 sq. ft. 3-car garage. In addition, the project includes the new combination/merger of an adjoining 5,350 sq. ft. lot with the subject lot to create a single lot that is 13,034 sq. ft. in size. The project site is located at 25660 Aline Way, Calabasas, Monte Nido Small Lot Subdivision, Santa Monica Mountains, Los Angeles County (APN 4456-020-027 & 003) (Exhibits 1-9).

In November of 2003, the Commission approved Coastal Permit 4-03-059 (Abshier & Nguyen) for the construction of 35 ft. high, three story, 1,430 sq. ft., single family residence with an attached 840 sq. ft. garage and driveway beneath, septic system, 185 cu. yds. of excavation to be exported to a disposal site located outside the coastal zone, all located on two lots within the Monte Nido small-lot subdivision. The former two lots that were the subject of that permit (APNs 4456-020-001 & 002) were combined into one lot (APN 4456-020-027) as a condition of approval of Coastal Permit 4-03-059. Since the subject site is located within a densely built-out small-lot subdivision, the Commission limited the size of the approved residence to no more than 1,437 sq. ft. in size, consistent with the Gross Structural Area (GSA) formula that has been applied by the Commission for other small-lot subdivision residential development projects. In this case, the currently proposed project subject to this new application was completed with one 215 sq. ft. addition on the first floor and a 268 sq. ft. addition on the second floor, creating a total habitable square footage for the house of 1,913 sq. ft., which is greater than the allowable maximum Gross Structural Area (GSA) of 1,437 sq. ft. of habitable space for the subject lot. Thus, the applicant now proposes to combine another adjoining lot (APN 4456-020-003) to the subject lot in order to increase the allowable maximum GSA of 1,937 sq. ft. of habitable space on site so that the proposed addition creating 1,913 sq. ft. of habitable space is in compliance with the maximum GSA of 1,937 sq. ft.

The proposed project site is located north of and on a small slope along Cold Canyon Road (Exhibit 1). There are several existing residences in the vicinity of the proposed project site. Given the existing pattern of development and associated fuel modification areas, the smaller size of the existing lots, the road configuration, the proposed project site does not contain environmentally sensitive habitat area nor is it a part of a larger contiguous habitat area. Further, the proposed additions are located within the footprint of the existing structure as the first floor addition is located beneath the existing second floor structure and therefore, will not result in any exterior expansions affecting site drainage or landscaping.

B. Cumulative Impacts

The proposed project involves the construction of a new single-family residence, which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

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

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

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

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development in the Santa Monica Mountains Coastal Zone".

The study acknowledged that the existing small lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: geologic, road access, water quality, disruption of rural

community character, creation of unreasonable fire hazards and others. Following an intensive one year planning effort regarding impacts on coastal resources by Coastal Commission staff, including five months of public review and input, new development standards relating to residential development on small lots in hillsides, including the Slope-Intensity/Gross Structural Area Formula (GSA) were incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2) to reduce the potential effects of buildout as discussed below.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots that already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of this, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

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

Slope Intensity Formula

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

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

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

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

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

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines
L = total accumulated length of all contours of interval "I" in feet
A = the area being considered in square feet

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

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

The applicant is requesting after-the-fact authorization for a 483 sq.ft. addition to an existing 1,430 sq. ft. single family home, totaling a 1,913 sq. ft. residence with attached 840 sq.ft. 3-car garage. A separate adjoining 5,350 sq. ft. lot (APN 4456-020-003) will be re-combined with the existing 7,684 sq. ft. lot to allow for the construction of up to a 1,937 sq. ft. residence (consistent with the GSA calculation) at 25660 Aline Way, Calabasas, Monte Nido Small Lot Subdivision, Santa Monica Mountains, Los Angeles County (APN 4456-020-027 & 003) (Exhibits 1-9).

The Commission previously approved Coastal Permit 4-03-059 (Abshier & Nguyen) for the construction of 35 ft. high, three story, 1,430 sq. ft., single family residence with an attached 840 sq. ft. garage and driveway beneath, septic system, 185 cu. yds. of excavation to be exported to a disposal site located outside the coastal zone, all located on two lots within the Monte Nido small lot subdivision. The subject lot consisted of two two separate former lots (APNs 4456-020-001 & 002) that were combined into one lot (APN 4456-020-027) as a condition of approval of Coastal Permit 4-03-059.

The applicant is now requesting after-the-fact approval for a 483 sq. ft. addition consisting of a 215 sq. ft. first floor addition and a 268 sq. ft. second floor addition creating a residence on the subject site with a total habitable square footage of 1,913 sq. ft., which is greater than the currently allowable maximum Gross Structural Area (GSA) of 1,437 sq. ft. of habitable space. Therefore, the applicant is proposing to combine the subject lot (consisting of the two former lots designated APNs 4456-020-

001 & 002) with another adjacent lot (APN 4456-020-003) in order to increase the allowable GSA on site by 500 sq. ft. The applicant has submitted a new GSA calculation, based on the combination/merger of the adjacent lot with the subject lot, in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 1,937 sq. ft. of habitable space, considering the total area of both lots as one. Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions. The proposed combination of the subject lot with an adjoining lot (APN 4456-020-003) allows for the maximum GSA of 1,937 sq. ft. of habitable space. The proposed addition creating 1,913 sq. ft. of habitable space is in compliance with the maximum GSA of 1,937 sq. ft. As explained below, **Special Condition Three (3)**, lot combination, will assure that these two lots remain combined in perpetuity.

As previously stated, the purpose of the GSA requirements is to reduce the impacts of development within small lot subdivisions and to maintain the rural character of these "rural villages". When a lot is retired within the same small lot subdivision, there is a reduced potential buildout and thus there is a reduction in the development pressures related to water usage, septic capacity, traffic, geologic hazards, and habitat loss. In addition, some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Many of the lots in these areas are so steep or narrow that they cannot support a large residence without increasing or exacerbating the geologic hazards on and/or off site. Additional buildout of small lot subdivisions affects water usage and has the potential to impact water quality of coastal streams in the area. Other impacts to these areas from the buildout of small lot subdivisions include increases in traffic along mountain road corridors and greater fire hazards.

For all these reasons, and as this lot is within a small lot subdivision, further structures, additions or improvements on the subject property, including the conversion of all or a portion of the garage to habitable space, could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, finds it necessary for the applicant to record a future development restriction and deed restriction on the subject property, as noted in **Special Conditions Six and Seven (6 & 7)**, which would require that any future structures, additions or improvements to the property, beyond those approved in this permit, be reviewed by the Commission to ensure compliance with the policies of the Coastal Act regarding cumulative impacts and be recorded on the property. At that time, the Commission can ensure that the new project complies with the guidance of the GSA formula and is consistent with the policies of the Coastal Act.

The maximum allowable gross structural area of the proposed two buildable lots is 1,913 sq. ft. The Commission has long required that lots in small lot subdivisions, aggregated for purposes of the GSA formula, as noted above, be tied together and treated as a single parcel. Such a combination was required in earlier permit decisions authorizing development of a residence on two or more lots in a small lot subdivision CDP No. 4-07-035, (Love), [CDP No. 4-07-037 (Snyder), CDP No. 4-06-131 (Martin),

CDP No. 4-05-167 (Gepner), CDP No. 4-03-059 (Abshier & Nguyen), CDP No. 4-02-247 (McCain), CDP No. 4-00-092 (Worrel), 4-00-252 (Arrand), 4-00-263 (Bolander)]. Although the applicant has recorded an agreement with Los Angeles County to hold this property as one parcel, such agreements are only between the County and the landowner and could be revoked in the future, if both parties agree. Therefore, to ensure that each of the lots are permanently combined as required in conjunction with the use of the GSA formula, **Special Condition Three (3)** is necessary to ensure that the two subject lots are combined and held as such in the future.

The Commission therefore finds that the proposed project, only as conditioned, is consistent with Sections 30250(a) and 30252 of the Coastal Act.

C. Hazards and Geologic Stability

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

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

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

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, 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 Recommendations

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

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

D. 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.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area.

The Monte Nido small lot subdivision is highly disturbed by dense residential development. Existing single family residences are situated on adjacent properties to the north, west, south, and east of the property. The project site is not visible from any public parkland or trails. The project site is visible from Cold Canyon Road located along the eastern boundary of the property. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic highways. The resulting 1,913 sq. ft. residence with the proposed 483 sq. ft. addition and existing 840 sq. ft. garage/basement is located on a flat pad and a hillside slope surrounded by existing residential development. The existing development has been sited and designed to minimize visual impacts by cutting the lower garage/basement level into the slope. The Commission has, in past decisions, required that development visible from public roads or other public areas minimize impacts to visual resources. Due to the visible nature of the proposed development

from a public viewing area, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

To further minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; 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 4:** Structural Appearance
- Special Condition 5:** Lighting Restriction
- Special Condition 6:** Future Development Restriction
- Special Condition 7:** Deed Restriction

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. Unpermitted Development

Development has occurred on the subject site without the required coastal development permit. The unpermitted development includes the construction of a 483 sq.ft. addition to an existing 2-story, 35-ft. high, 1,430 sq. ft. single family home resulting in a 1,913 sq. ft. residence with attached 840 sq.ft. 3-car garage. This application includes the request for after-the-fact approval for the above referenced unpermitted development.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require, pursuant to **Special Condition 8**, that within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall provide to the Executive Director evidence

that it has satisfied all of the conditions of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a coastal permit or that all aspects of the violation have been fully resolved. In fact, approval of this permit is possible only because of the conditions included herein, and failure to comply with those conditions would also constitute a violation of this permit and of the Coastal Act. **Accordingly, the applicant remains subject to enforcement action for the continued presence of the violation just as it was prior to this permit approval, for engaging in unpermitted development, unless and until the conditions of approval included in this permit are satisfied.** The Commission's enforcement division will evaluate further actions to address this matter.

F. Local Coastal Program

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

- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local 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 8

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 above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 8

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.

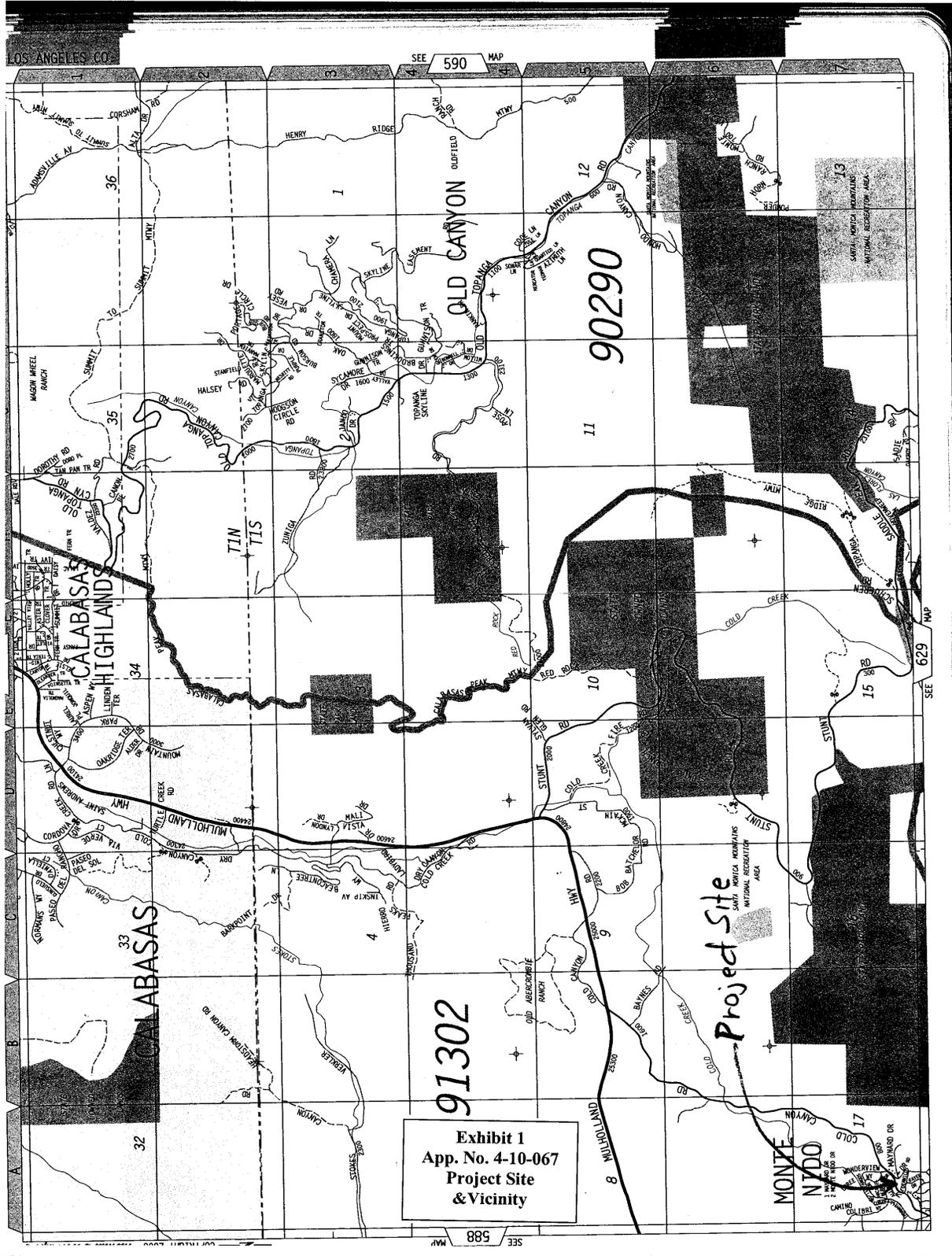


Exhibit 1
App. No. 4-10-067
Project Site
& Vicinity

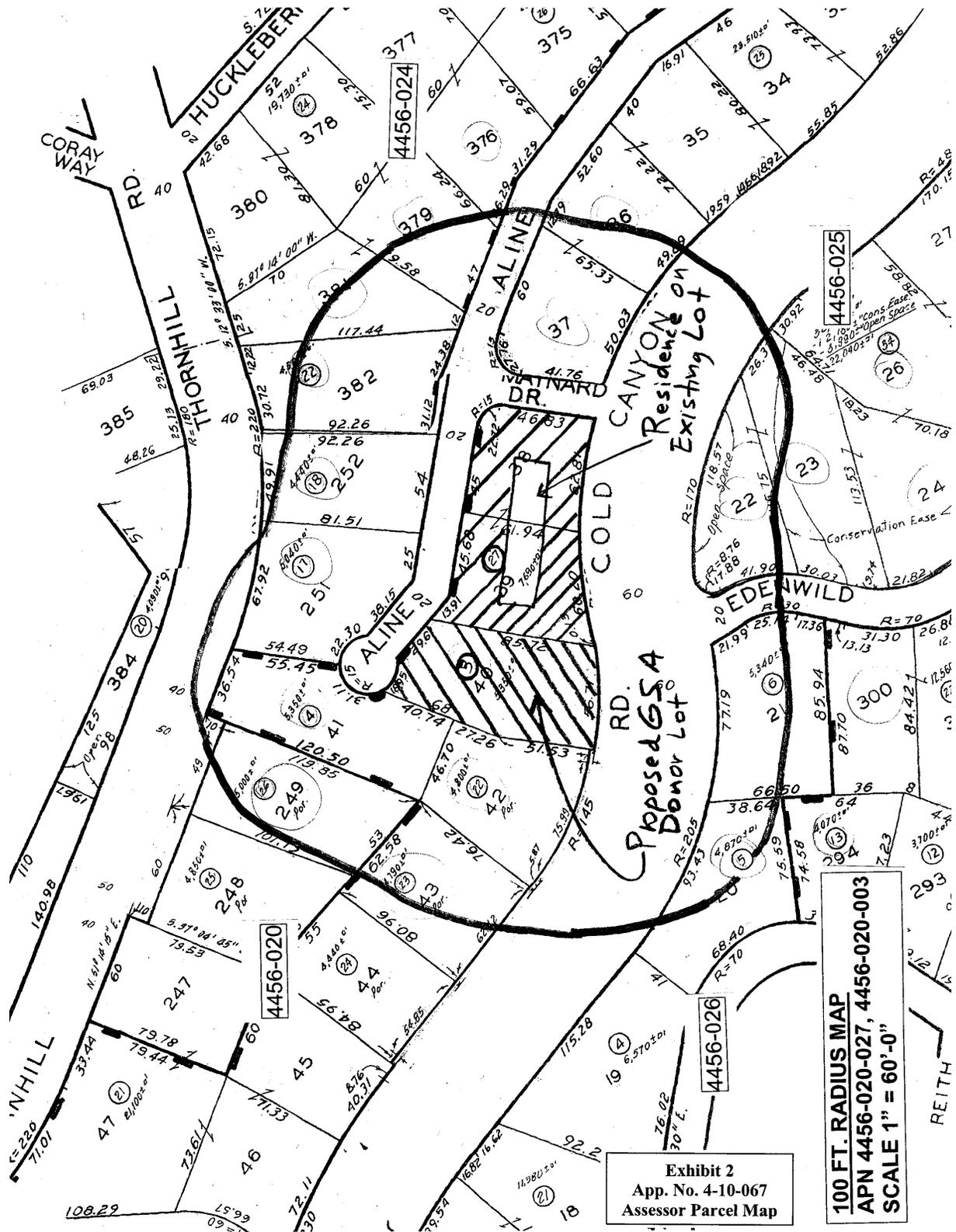


Exhibit 2
App. No. 4-10-067
Assessor Parcel Map

100 FT. RADIUS MAP
APN 4456-020-027, 4456-020-003
SCALE 1" = 60'-0"

NO.	DATE	REVISION

ADDITION TO EXISTING SINGLE-FAMILY RESIDENCE
BARRY L. HIRSCH
25660 ALINE WAY
CALABASAS, CA 91302

CLIVE DAWSON A.I.A.
architecture and planning
25925 Pacific Coast Highway, Malibu, California 90265 310.599.1211

NO.	DATE	REVISION

A02

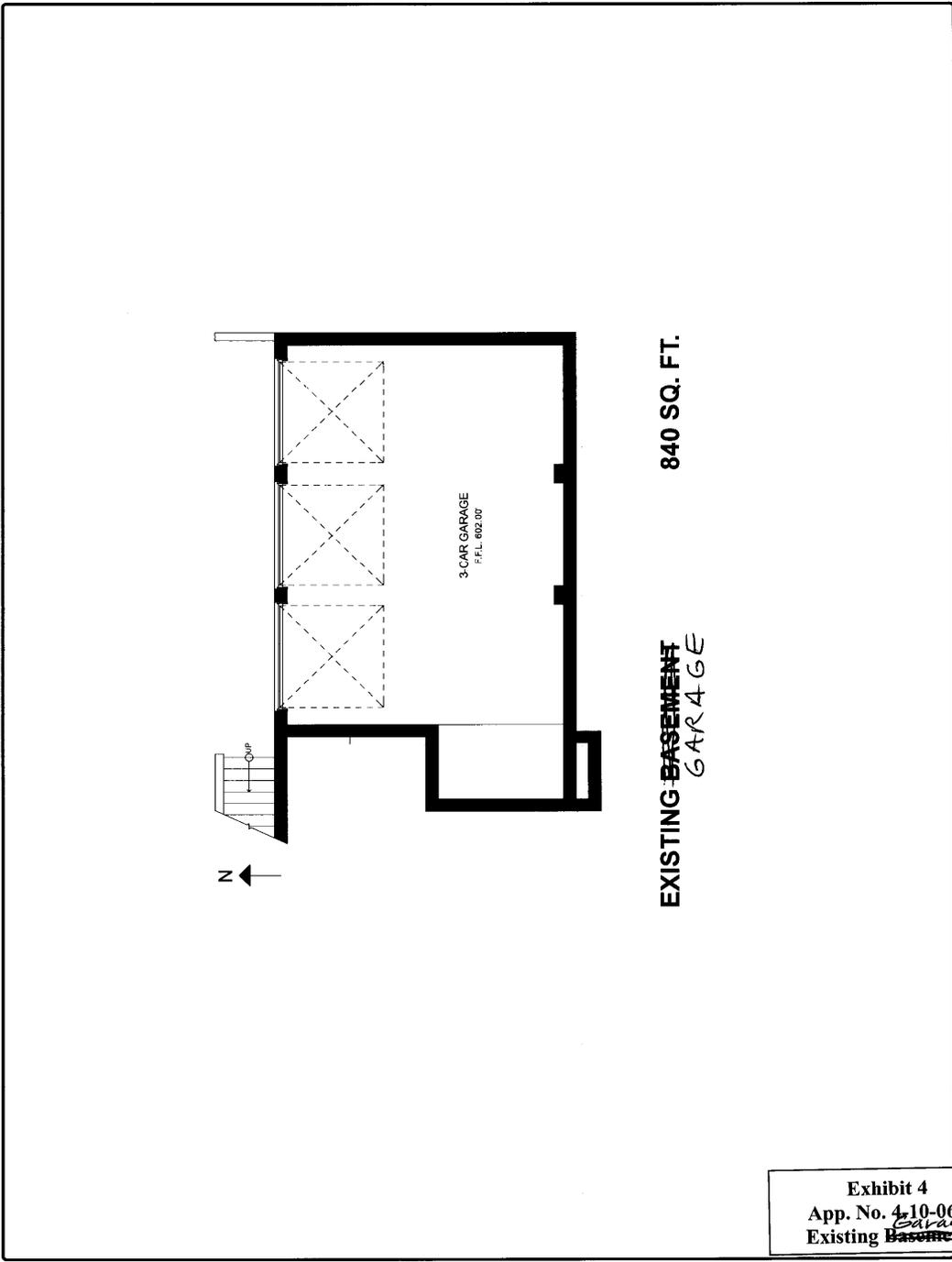


Exhibit 4
App. No. 4-10-067
Existing ~~Basement~~ Garage

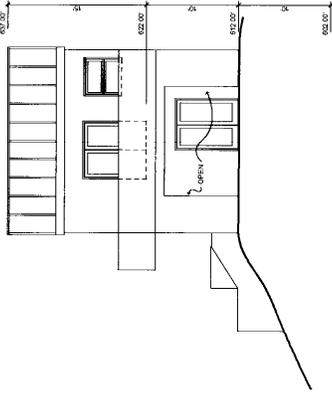


NO.	DATE	DESCRIPTION

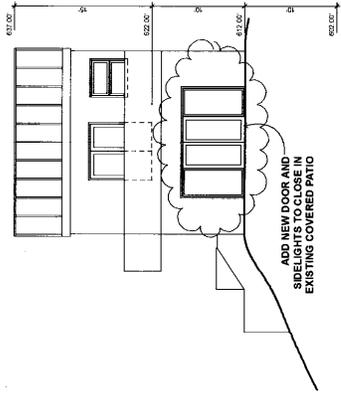
ADDITION TO EXISTING SINGLE-FAMILY RESIDENCE
BARRY L. HIRSCH
25660 ALINE WAY
CALABASAS, CA. 91302

CLIVE DAWSON A.I.A.
architecture and planning
36925 Pacific Coast Highway, Malibu, California 90265 310.588.1911

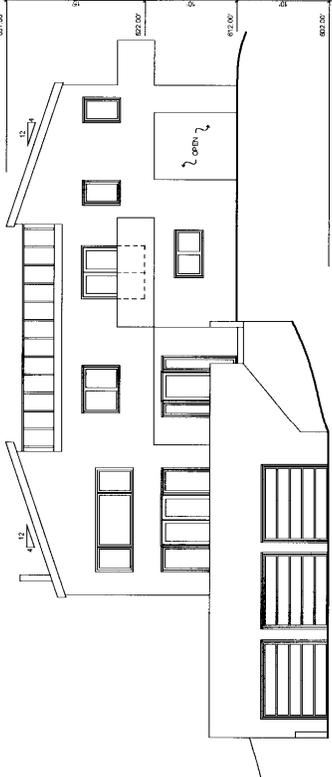
PROJECT NO.	A06
DATE	
SCALE	
PROJECT	



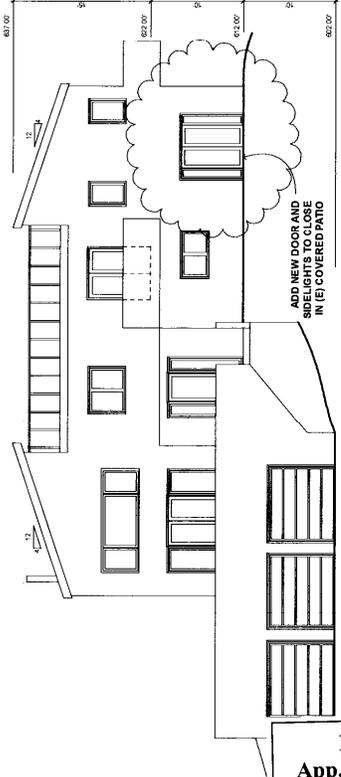
EXISTING WEST ELEVATION



PROPOSED WEST ELEVATION



EXISTING NORTH ELEVATION



PROPOSED NORTH ELEVATION

Exhibit 8
App. No. 4-10-067
North & West
Elevations

