(805) 585-1800

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST AREA 89 SOUTH CALIFORNIA ST., SUITE 200 VENTURA, CA 93001



Th 15b

ADDENDUM

DATE: April 11, 2011

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 15b, Thursday, April 14, 2011, Coastal Development Permit Application 4-10-097 (Bailey)

The purpose of this addendum is to add an exterior elevation to Exhibit 10 of the March 24, 2011 staff report. This additional elevation was submitted by the applicant on March 30, 2011 to illustrate the height of the proposed single-family residence in relation to the elevation of the adjacent street, Ingleside Way.

1. The attached Exterior Elevation, labeled sheet A-3.0, shall be added to Exhibit 10 of the March 24, 2011 staff report.



Sections

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

Th 15b

Filed: 180th Day: Staff: Staff Report: Hearing Date: 2/7/2011 8/6/2011 Kanani Brown 3/24/2011 4/14/2011

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-10-097

APPLICANT: Robert E. Bailey

AGENT: A. Thomas Torres

PROJECT LOCATION: 26380 Ingleside Way, Malibu Bowl Small Lot Subdivision, Los Angeles County

APN No.: 4457-008-027, 4457-008-028, 4457-008-029

PROJECT DESCRIPTION: Combination of three lots into one and construction of a two-story, 33.5-ft. high, 2,425 sq. ft. single-family residence, 492 sq. ft. attached garage, 37 sq. ft. covered porch, 1,408 sq. ft. of decks, replacement of septic tank with a new 1,200-gal. tank, and 165 cu. yds. of grading (7 cu. yds. cut, 158 cu. yds. fill).

Lot area:	15,535 sq. ft.
Building coverage:	1,921 sq. ft.
Pavement coverage:	1,301 sq. ft.
Landscape coverage:	12,313sq. ft.
Height abv. finished grade:	33.5 ft.
Parking spaces:	4

MOTION & RESOLUTION: Page 4

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with **ten (10) special conditions** regarding (1) geotechnical recommendations, (2) assumption of risk, (3) drainage and polluted runoff control plan, (4) interim erosion control plans and construction responsibilities, (5) landscaping and fuel modification plans, (6) structural appearance, (7) lighting restriction, (8) future development restriction, (9) deed restriction, and (10) lot combination.

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:

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• **CUMULATIVE IMPACTS.** The project site is located within a small-lot subdivision, and the proposed residence will conform to the maximum gross structural area allowed for the three parcels, thereby minimizing cumulative impacts to coastal resources.

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EXHIBITS

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- Exhibit 2. Parcel Map
- Exhibit 3. Aerial Photograph
- Exhibit 4. Site Visit Photograph
- Exhibit 5. Harrison Map of Public Land
- Exhibit 6. Site Plan
- Exhibit 7. 1st Floor Plan
- Exhibit 8. 2nd Floor & Roof Plans
- Exhibit 9. Elevations
- Exhibit 10. Sections
- Exhibit 11. Architectural Survey
- Exhibit 12. GSA Calculation
- Exhibit 13. Sanson Letter

Exhibit 14. Agent's Letter Exhibit 15. Applicant's Letter

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated 6/23/10; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated 9/28/10; and County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated 12/16/10

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Geotechnical Engineering Investigation Report prepared by Coastline Geotechnical Consultants, Inc. dated 7/26/10; Preliminary Engineering Geologic Investigation prepared by SubSurface Designs Inc. dated 7/14/10; Gross Structural Area Calculation; and Covenant & Agreement Regarding Installation of Sewage Facilities and the Use and Transfer of Ownership of Properties prepared by LA County Recorder's Office, dated 6/24/10

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

<u>MOTION</u>: *I move that the Commission approve Coastal Development Permit No. 4-10-097 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. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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. Drainage and Polluted Runoff Control Plan

A. **Prior to issuance of the Coastal Development Permit**, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a licensed civil engineer or qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, the consulting 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) BMPs should consist of site design elements and/or landscape based features or systems 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 on site, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (2) 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 should be utilized for any landscaping requiring water application.
- (3) All slopes should be stabilized in accordance with provisions contained in the Landscaping and/or Erosion and Sediment Control Conditions for this Coastal Development Permit.
- (4) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains.
- (5) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans should be approved by the project consulting geotechnical engineer.
- (6) 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 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 should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.
- (e) The erosion 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

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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.

- (I) 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 landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. 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 <u>Recommended List of Plants for Landscaping in the Santa Monica Mountains</u>, 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) (<u>http://www.calipc.org/</u>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

B) Fuel Modification Plans

Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

C) Conformance with Coastal Commission Approved Site/Development Plans

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

D) Monitoring

Three years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit to the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

6. <u>Structural Appearance</u>

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 $8\frac{1}{2}$ " x 11" x $\frac{1}{2}$ " 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. Lot Combination

A. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns with respect to the subject property, that: (1) All portions of the three (3) parcels known as APN 4457-008-027, APN 4457-008-028, and APN 4457-008-029 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 parcel created thereby shall not be divided, and none of the parcels 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.

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- B. **Prior to issuance 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 three (3) parcels being recombined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens, including tax liens, that the Executive Director determines may affect the enforceability of the restriction.
- C. **Prior to issuance 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 parcels, including assigning a new, single APN for the unified parcel, and (2) send the Commission notice when it has done so, indicating the new, single APN.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to combine three lots (APN 4457-008-027, APN 4457-008-028, APN 4457-008-029) into one and construct a two-story, 33.5-ft. high, 2,425 sq. ft. single-family residence with 492 sq. ft. attached garage, 37 sq. ft. covered porch, 1,408 sq. ft. of decks, replacement of septic tank with a new 1,200-gal. tank, and 165 cu. yds. of grading (7 cu. yds. cut, 158 cu. yds. fill). Originally, the applicant proposed to include a mechanical level below the first floor with a crawl space and mechanical area; however, the applicant has agreed to relocate the mechanical area to the garage and fill the mechanical level in order to meet the allowable GSA of 2,425 sq. ft.

The site is located at 26380 Ingleside Way in the Malibu Bowl small lot subdivision in the Santa Monica Mountains, unincorporated Los Angeles County (Exhibit 1). The subject site is composed of three rectangular parcels (APN 4457-008-027, APN 4457-008-028, APN 4457-008-029) located along the east side of Ingleside Way, north of its intersection with Fairside Road (Exhibit 2). The subject property is 15,535 sq. ft. in size and situated amongst single-family residences.

The proposed project site is located within the Corral Canyon watershed, at an elevation of approximately 1,330 above sea level. The prior residence was destroyed by fire in November 2007; however, the residence foundation, paved driveway, and several concrete slabs remain on the subject site. Staff has reviewed historic aerial photographs of the project site and confirmed that the existing pad and driveway were created and cleared of vegetation prior to the effective date of the Coastal Act in 1977. The site will be accessed via an existing driveway that extends from the northwest portion of the site to Ingleside Way. From Ingleside Way, the property descends

approximately 10 feet, at an average slope ratio of 2.25:1 (24 degrees), to the graded building pad and then descends farther east, with an overall topographic relief of approximately 25 to 30 feet.

The project site is located in an area of residential development at moderate densities. The surrounding rural area is characterized by expansive, naturally vegetated mountains and hillsides. The site is visible from a distance from public lands to the north and northeast; however, the proposed site is surrounded by existing residential development. There are no existing or mapped public trails on or adjacent to the subject property.

This site is not considered to be an environmentally sensitive habitat area (ESHA) as it has been previously cleared of vegetation and developed. Additionally, it is located within the fuel modification zones of surrounding single-family residences. Slope areas over the site are covered with a moderate growth of grasses, scattered shrubs, and pine trees. The proposed development will not be located in proximity to any oak trees.

B. PAST PERMIT ACTION

A Coastal Development Permit (CDP) was not obtained for construction of the original one-story, 1,152 sq. ft. single-family residence with 480 sq. ft. attached garage, 37 sq. ft. covered porch, 1,012 sq. ft. of decks, 120-gal. propane tank, driveway, and septic system; however, Los Angeles County permits were approved from 1976 to 1980. A geologic review sheet was approved on September 14, 1976; the septic system was approved on September 28, 1976; a building permit for a construction trailer was approved on December 7, 1976; an electrical permit was approved on December 21, 1976; the installation of propane tank was approved on September 21, 1977; and a building permit was approved on June 13, 1980. The Los Angeles County building permit application identified the subject site as not in the coastal permit zone. Based on review of Los Angeles County permits and historic aerial photographs of the project site, it is estimated that construction of the residence commenced circa 1977 and was completed circa 1978.

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 Preliminary Engineering Geologic

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Investigation dated July 14, 2010, prepared by SubSurface Designs Inc., indicates that a previous landslide on the neighboring properties to the west may have affected the condition of the site:

GeoPlan, Inc., (Engineering Geologist) prepared an engineering geologic report for the property dated September 30, 1980. The purpose of the report was to identify and describe geologic conditions of a nearby landslide that was triggered by intense rainfall of February 1980. According to the report, the landslide encroached onto the westerly portion of the subject property.

Further, in a letter to the Commission, dated March 22, 2011, neighbors expressed their concern over the unstable geology of the site due to the historical landslide (Exhibit 13). The consulting geologists and geotechnical engineer considered this past landslide and any other potential geologic hazard affecting the project site in their analyses. The Geotechnical Engineering Investigation Report dated July 26, 2010, prepared by Coastline Geotechnical Consultants, Inc., states that the slide was removed and replaced as a compacted fill buttress in 1985. Further, the report concludes:

Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading and construction are properly and adequately executed, it is our finding that construction within the building site will not be subject to geotechnical hazards from landslides, slippage, or settlement.

Therefore, 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:	Drainage and Polluted Runoff Control Plans
Special Condition 4:	Interim Erosion Control
Special Condition 5:	Landscaping and Erosion Control Plans

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

D. WATER QUALITY

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

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

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

The proposed development, located on a hillside within the Corral Canyon watershed, 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.

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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 postdevelopment 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.

In a letter to the Commission, dated March 22, 2011, neighbors expressed their concern over drainage issues, including periodic septic system overflows (Exhibit 13). No evidence has been provided of past septic system failures on the property. The applicant proposes upgrades to the existing septic system that was utilized for the earlier home (destroyed by fire), including replacement of the existing septic tank with a new 1,200-gal. tank. Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system improvements 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 inconcept approval of the proposed septic system, as improved, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

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

Special Condition 3:	Permanent Drainage and Polluted Runoff Control Plans
Special Condition 4:	Interim Erosion Control Plans and Construction
-	Responsibilities
Special Condition 5:	Landscaping and Erosion Control Plans

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

E. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

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

The proposed project area is located in the Malibu Bowl small lot subdivision, east of Corral Canyon Road. The proposed building site is on a gentle, east-descending slope

approximately ten feet below street grade, and is visible from Ingleside Way. The proposed residence will also be visible from a distance from public lands located to the north and northeast; however, the visual impacts from public lands will be limited due to its approximate one-half mile distance, partial vegetative screening, and the siting of the residence amongst other single-family residences (Exhibit 5). 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.

The proposed residence is 2-stories with a maximum height of 33.5 feet from existing grade at any given point. The applicant proposes to cut (6.5 cu. yds.) the western portion of the pad to construct the attached garage and fill (157.5 cu. yds.) the mechanical level. With an existing natural grade of 1,330.5 feet above sea level and the top of roof reaching 1,364 feet above sea level, the residence will be approximately 33.5 feet high at its highest point (Exhibit 9). The house is sited in a similar location as the previous structure; thereby minimizing the need for grading and landform alteration necessary for the project.

In a letter to the Commission, dated March 22, 2011, neighbors expressed their concern that the increased height of the structure will partially block private views, and that it would be incompatible with the character and size of other residential development in the area (Exhibit 13). However, while the proposed residence will be two stories where the previous residence was one-story, the proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP. Additionally, only public views from public roadways, lands and trails are protected by Section 30251 of the Coastal Act.

In terms of the incompatibility concern, the Commission has allowed the rebuilding of other structures destroyed by fire in the area to their original heights and sizes pursuant to Section 30610(g) of the Coastal Act which describes developments that are authorized without a permit:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: (g)(1) The replacement of any structure, other than a public works facility, destroyed by disaster. The replacement of structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

A disaster replacement rebuild is exempt from a coastal development permit if the rebuild is limited to the floor area, height, or bulk of the destroyed structure (or up to 10 percent larger). In this case however, the applicant is requesting a coastal development permit for a completely new house, rather than an exemption. Additionally, although the applicant is proposing to double the size of the structure, the proposed 2,425 sq. ft. single-family residence is still within the allowable gross structural area for the three parcels or total area of 15,535 sq. ft., as discussed in detail below. Finally, the

Commission has previously approved developments in the area that are similar in size and height [CDP No. 4-05-195 (Elliston), 4-96-088 (Eakins), 4-92-139 (Schrader), 5-91-124 (Kremidas)]. While some neighboring residences may be smaller in height and size due to a fire rebuild exemption and/or smaller lot size, the proposed project meets the height restrictions and will be visually compatible with the character of the surrounding area.

Even with partial vegetative screening, the proposed development will be unavoidably visible from a distance 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. CUMULATIVE IMPACTS

Section 30250(a) of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

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

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

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

1. Small Lot Subdivisions

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

In order to minimize the cumulative impacts associated with developing these parcels, Policy 271(b)(2) of the certified Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission in past permit actions, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past

Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas, to minimize the cumulative impacts of such development, consistent with the policies of the Coastal Act. Additionally, the Commission has, through coastal development permit actions, consistently applied the Slope Intensity Formula to new development in small lot subdivisions. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

Slope Intensity Formula

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

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:

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

 ${\sf I}$ = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

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

A = the area being considered in square feet

2. Project Consistency

The proposed project site is located in the Malibu Bowl small lot subdivision, an area subject to the provisions of the slope intensity formula. The applicant proposes the construction of a 2,425 sq. ft. single-family residence with attached garage on three parcels that total 15,535 sq. ft. in size. The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 2,425 sq. ft. of habitable space, using the total area of all three parcels (Exhibit 12). Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions. The proposed 2,425 sq. ft. of habitable space is consistent with the maximum allowable GSA of 2,425 sq. ft. The area of all three parcels was used to calculate the GSA and the residence will be constructed over all three of the parcels.

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), CDP No. 4-00-252 (Arrand), CDP No. 4-00-263 (Bolander)]. Therefore, to ensure that the lots that make up the project site are

permanently combined as required in conjunction with the use of the GSA formula, the lot combination condition is necessary to ensure that the three subject lots are combined and held as such in the future.

As designed, the proposed project will conform to the GSA allowed for the three parcels, thereby minimizing cumulative impacts to coastal resources. However, future improvements on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, requires a future improvements restriction on the combined lot, which would ensure that any future structures, additions, change in landscaping or intensity of use at the project site that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act.

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

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

Special Condition 8: Future Development Restriction Special Condition 9: Deed Restriction Special Condition 10: Lot Combination

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

G. LOCAL COASTAL PROGRAM (LCP) PREPARATION

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

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

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special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through 10

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Five types of mitigation actions include those that are intended to avoid, minimize, rectify, reduce, or compensate for significant impacts of Mitigation measures required to minimize impacts include requiring development. drainage best management practices, interim erosion control, limited lighting, restricting structure color, and requiring future improvements to be considered through a CDP. Finally, the lot combination condition is a measure required to offset the cumulative impacts of the development of this property and to ensure that all three subject lots are combined and held as such in the future. 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 10

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 Permit 4-10-097 Vicinity Map



EXHIBIT 2 Permit 4-10-097 Parcel Map

EXHIBIT 3 Permit 4-10-097 Aerial Photograph

Site Visit Photograph of 26380 Ingleside Way February 2, 2011

View of project site looking south from the driveway entrance on Ingleside Way

EXHIBIT 4 Permit 4-10-097 Site Visit Photograph

EXHIBIT 5 Permit 4-10-097 Harrison Map, Public Land

EXHIBIT 7 Permit 4-10-097 1st Floor Plan

Permit 4-10-097 Elevations (Page 2 of 2)

Contour Line Elevation	Contour Line Length	
1320	66	
1322	84	
1324	120	
1326	154	
1328	205	
1330	202.5	
1332	204	
1334	217	
1336	201	
1338	210	
1340	188	
1342	115	
1344	97	
1346	80	
1348	56	
TOTAL LENGTH	2199.5	
0 1 1/0 100		
L = 2199.5		
$\Box A = 2199.5/15535 = .1416$	an shanadhan ba'n ba'n a naontaennan marannan an a'r yn ban fabh for san a bar mae mar nao	
$3 = 2 \times .1410 \times 100 = 28.3167$		
IGSA =(A/5) x ((50-S)/35) + 500		
$GSA = 3,107 \times .6195 + 500$		
GSA = 1,925 + 500 = 2,425		

SCALE : 1' = 20'-0"

NOTE: CONTOUR LINE 1336 IS AN EXTRAPOLATED CONTOUR LINE CREATED BY ESTABLISHING A LINE MIDWAY BETWEEN (E) CONTOUR LINES 1334 & 1338.

RIGLESIDE WAY, MALIBU CA 90265 GSA CA

EXHIBIT 12 Permit 4-10-097 GSA Calculation Dear Ms. Brown,

Thank you for your response to my note to you dated March 16.

We would like to express our concerns about this project.

The preexisting house at 26380 Ingleside Way was destroyed by a wildfire along with six others in the immediate vicinity, including ours at 26383 Ingleside Way, on November 24, 2007. Exhibit A is a map of this part of Ingleside for ease of reference. The original house at 26380 was a single story structure. It was built in 1978 according to the MLS report (Exhibit B) that describes it. The applicants purchased the property in 1997, the same year that we purchased our single story home at 26383, directly across the street and above 26380.

One of our primary concerns, as with all hillside residents in Malibu, is Geology. In 1980 there was a substantial landslide (Exhibit C) that damaged the original structure at 26380, and the one directly above it at 26385. Because of this unstable geology in our vicinity, the builders of our original house were required to stabilize the full width of our lot with a line of 2' diameter soldier piles, 22' deep, spaced 6-8' apart and connected by a massive grade beam (Exhibit D). Based on the geological history of the neighborhood, we are concerned that the increased mass of the proposed structure will destabilize our hillside and endanger the two houses above it, and the two below it, unless substantial foundation elements are implemented. No such foundation elements are apparent in the proposed plans that we saw (Exhibit E).

Secondly, and related to the unstable geology of the three lots at 26380, are drainage issues, including septic system overflows. During the past many years, whenever it rains heavily, the property directly below (26322) has experienced uncontrolled seepage from above that has eroded areas under its slab foundation and along its fence lines. Even worse, there have been many instances of septic pit overflow from 26380, when occupied by four people, into the garage at 26322. These issues must be addressed.

Our third concern is the increased height of the proposed structure, at least 15 feet higher than the original. This will substantially diminish the mountain and ocean views and view space of the three houses

directly across Ingleside Way (26385, 26383, 26381). This loss of views could dramatically reduce the value of these three existing properties. We submit that the second story pitched ceiling heights of 11 to 14 feet are unnecessary and irresponsible. They would certainly be financially damaging to the applicant's neighbors. Additionally, the two properties below (26328 and 26322) will be in the shadow of the higher structure behind them as they would lose the afternoon sunlight that they have always enjoyed.

Finally, we would prefer to see a structure that maintains the ambience of the existing surroundings. The six houses uphill from the proposed house were single story, hillside dwellings: one was damaged by the wildfire, five were destroyed, of which three have been rebuilt, and two have not. The Coastal Commission has restricted all of these rebuilds to their original heights or less. The two undamaged houses below 26380 are both, essentially, single story dwellings. Thus, the proposed house will introduce a structure substantially inconsistent with the neighborhood. Obviously, we would prefer a 2400 SF single story structure.

We are supportive of the applicant's success in rebuilding their house, as long as it does not have an unreasonable and unnecessarily negative impact on the living environment that we, and our neighbors, have achieved in surmounting the monumental challenges of rebuilding our homes. The below-named neighbors share these concerns and are exploring other possibly negative ramifications of this application.

We would very much appreciate your feedback regarding our concerns. Please let us know if we may be of further assistance in gathering additional information, or clarifying what we have provided.

Sincerely,

Mike and Gladys Sanson

26383 Ingleside Way

310-456-3237

Kanani; we have contacted the project consultants to address specific points raised in the Letter of Opposition you sent us yesterday afternoon. In the meantime we wanted to respond to the key points.

Everyone's concern is Geology. That is why our client did all the subsurface analysis to establish that his site is geologically safe and has a factor of safety of 1.5. The subsurface analysis clearly indicates that in fact in 1980 the County installed water main ruptured and LA County solved the problem by installing a row of soldier piles. Neither of which has any impact geologically on the subject property. The geologist and soils engineer will speak specifically to this point under separate cover.

As for the comment regarding septic system overflow, the northern most edge of the property at 26322 Ingleside is located approximately eighty feet south of the portion of the property at 26380 Ingleside upon which the existing septic system is installed. We could not find anything in the public record that indicated that since the Bailey's purchased the property in 1998 there have been any reported septic violations. Have any recorded violations been supplied by the opposition? If so please forward to us as we were unable to find any such documents on file. For the record, if the septic pits on the subject property at 26380 Ingleside overflowed they would have had to drain approximately 80' to reach the northern most corner of the property at 26322 Ingleside. Following this course, the raw sewage would have had to drain directly in front of our clients pre fire burnout house. This sounds unlikely and certainly memorable. Please note that our client has submitted to the LA County Health Department for approval and is meeting with all conditions to do such.

Finally, as a point of clarification the section of the house where the pitched ceiling height is 11 – 14 feet is only 15' long -(The overall house is 68' long)- and is not in the view corridor. Since we designed both houses at 26383 and 26381 Ingleside, we took both their views into consideration when designing the house across the street and downhill from them at 26380 Ingleside (the subject parcel). We have attached a drawing with the proposed project in relation to the adjacent neighbors at 26381 Ingleside and 26383 Ingleside for reference.

In the case of the house located at 26381 Ingleside, please note that the principal exterior deck at the second floor is located on the north side of the house and is not directed toward the subject property. And the proposed house at 26380 Ingleside is clearly out of the principal view corridor of the 86 SF deck at the south side on the second floor.

In the case of the house at 26383 Ingleside, the highest point of the proposed house ,which is 9 feet south of the southernmost part of the deck at 26383 Ingleside is essentially 19.5 inches higher than the pony wall at the leading edge of the exterior deck. And the highest point at the ridge of the

EXHIBIT 14 Permit 4-10-097 Agent's Letter (Page 1 of 4) majority of the roof of the proposed house will be 4-1/2 inches lower than the top of the pony wall at the leading edge of the deck. If a person were sitting at chair height inside the living room or at the exterior deck, or sitting in bed, they would look over the top of the proposed house. However if they stood at the leading edge of the deck and looked down the house on the subject property would be in view. (Looking down from this vantage point all the houses across the street and downhill of 26383 Ingleside are visible.) Note that in the attached drawing indicating the location of the Sanson house (26383 Ingleside) in relation to the proposed house at 26380 Ingleside, you can see that the area which is being questioned is not fronting their property. As far as the other house at 26381 Ingleside; it is located further north and no portion of the lot fronts the subject property.

In regard to the property at 26385 Ingleside, we have not ever been in the house. However there is an existing tree line running along the street in common with font property line of the subject which restricts visual access to the subject property. Note that if the common property line between 26383 and 26385 Ingleside is projected downhill; the highest ridgeline of the proposed residence at the subject property is in common with this line. This was purposely done to minimize the visual impact of the highest ridgeline of the proposed structure on the neighbors at 26383 and 26385 Ingleside.

And while we have not been in either of the adjacent homes located downhill of the subject property (at 26322 and 26328 Ingleside) it is difficult to imagine how the proposed residence will impact sunlight as has been alleged. Especially in light of the fact that the proposed residence is oriented North- South and the existing topography of the surrounding area already limits late winter afternoon sun.

As you know, the Baileys (26380 Ingleside) have merged their property and have followed all procedures to obtain a CDP and have not just relied on putting what existed pre fire plus 10% of the original square footage. In doing such their lot is 195' long fronting on Ingleside. Their proposed house occupies approximately 65' of the overall 195' width of the property. The remaining width of the property (130 feet) is open space.

We have taken no liberties and have exercised above normal care to insure that the proposed project has a minimal impact upon any adjacent properties' views and does not interfere with any public views whatsoever. This issue seems to be primarily directed at private view considerations when in fact they were taken into consideration at the beginning of the design process. The fact that the subject property once had a one story house and they have elected to go through due process to develop the property within all the applicable guidelines is not a basis by which they should be forced to put back a house which by today's standards does not meet their needs.

> EXHIBIT 14 Permit 4-10-097 Agent's Letter (Page 2 of 4)

Thank you for your consideration and as mentioned above separate reports will be supplied to you. We would like to have on record for the file the names of all parties who have signed the letter and are not just mentioned; as well as the exhibits mentioned.

Thank you.

A.Thomas Torres A.I.A.

EXHIBIT 14 Permit 4-10-097 Agent's Letter (Page 4 of 4)

Hi Kanani,

A. Thomas Torres, A.I.A., forwarded the opposition letter to me today. As you know, we lost our home in the November 2007 wildfire that destroyed scores of homes. While it is true that we had a one-story house at the time of the fire, we decided that a two-story house on the same footprint would best meet our current needs. Mr. Torres is a skilled and veteran architect who designed other houses in our neighborhood including the Sanson home (26383) and Lewis home (26383) after the fire. We gave Mr. Torres specific instructions as to what our needs would be for new design and, additionally, we gave him a clear mission to avoid any potential view conflicts without compromising our needs. We are convinced that he has designed our home with sensitivity to avoid potential view conflicts. I would like to point out that we are not the only two-story home in the neighborhood and, in fact, we are surrounded by a good number of them, on our street and others.

We incurred significant expense on soils and geology to insure the safety of our project using professional experts with years of experience in our area. We have followed all applicable law and all applicable codes by working with Los Angeles County and the staff of the California Coastal Commission. We believe that our home will be a lovely and appealing addition to the neighborhood that would likely enhance property values. There are a number of statements regarding geology and septic issues in the opposition letter and we believe our consultants will speak to those concerns. I can tell you that I purchased our home in 1997 and our family lived there until the fire. I never experienced any septic overflow during the time we lived there.

I have known my neighbors for many years and I was frankly surprised to see some of their names on Mr. Sanson's letter. I took the liberty to speak with Mr. Lewis today to ask about his "opposition." He immediately told me that he was just going to call me to apologize. Mr. Lewis told me that he was furious that Mr. Sanson had put his name on the opposition letter and that Mr. Sanson had done so without his permission. I just received an e-mail from Mr. Markham (26328 Ingleside Way) who verified that he did not see the opposition letter or sign it. The opposition letter created the impression that the whole neighborhood was against our rebuild yet Mr. Lewis and Mr. Markham were not even aware that their names were being cited as "opposition." Frankly, I see a real credibility problem with this letter. It seems to rely only on the author's self-interest. I am including the e-mail responses from my neighbors for the file under a separate cover.

In any, event I just wanted to confirm that we considered private view issues as we worked with Mr Torres and we believe that we were sensitive to these issues to the extent that we possibly could with sacrificing our own interest. We thank you for your kind consideration and attention to our project.

Sincerely,

Bob and Lynn Bailey