

**CALIFORNIA COASTAL COMMISSION**

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



# Th27b

Click here to go  
to the staff report  
following the addendum.

**ADDENDUM**

**DATE:** July 12, 2011  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item 27b, Thursday, July 14, 2011, Coastal Development Permit Application 4-11-016 (The Sunshine Trust)

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The purpose of this addendum is to attach and respond to a public comment letter.

1. The following provides a brief response to a letter of opposition (attached for reference) by a neighboring property owner received on July 7, 2011:

A letter from Robert A. Dwyer and Carol Dwyer, submitted to the Commission on July 7, 2011, requests that the Commission deny the proposed project but does not raise any Chapter 3 issues relevant to the project. The Dwyers state that private ocean views from their backyard will be impacted by the proposed retaining wall. Additionally, they assert that noise and smoke from barbeque parties on the proposed deck will create a nuisance. The letter also states that the project will violate the Conditions, Covenants and Restrictions (CC&Rs) of the Sunset Mesa Property Owners Association, Inc. (SMPOA).

In response, the letter raises issues which do not have a basis for review by the Commission in relation to the Chapter 3 policies of the Coastal Act including impacts to private views, potential for nuisance, and inconsistencies with the CC&Rs of the SMPOA. In regards to potential impacts to views, the relevant Chapter 3 policies of the Coastal Act provide for the protection of public views only and do not relate to the protection of private views. The staff report addresses the potential impacts to public views and concludes that because the subject site is located in a densely developed residential area and only partially visible from a short segment of Pacific Coast Highway, the proposed accessory structure will not significantly impact public views. Further, the permit is conditioned to minimize visual impacts. Therefore, the letter does not raise any Chapter 3 issues relevant to the project and staff recommends that the Commission approve this project, with conditions, as recommended in the staff report.

California Coastal Commission  
South Central Coast District  
89 South California Street, Suite 200  
Ventura, CA. 93001

Permit Application Number 4-11-016  
Item No. Th 27b  
Robert Dwyer **OPPOSED**

**Received**

RE: 3809 Malibu Vista Drive, Malibu Ca. (Los Angeles County) (APN(s) 4443-004-42)  
Item No. TH27b

JUL 07 2011

California  
Coastal Commission

Dear Commissioners.

I respectfully request you vote no and in opposition to the proposed detached accessory structure for the property @ 3809 Malibu Vista drive. I believe that our property, our health and well being and the surrounding areas will be adversely affected by the proposed structure and roof top deck. Please give consideration on how the 23+ foot tall structure placed on the slope in front of my existing Ocean View will damage the views and serenity of the coast and canyon. I believe the plans and details submitted by the owners of 3809 are deceptive. If built the solid CMU block or concrete wall with the stairs adjacent to the structure will be the only view left from the my grade (see page 32 of staff report Exhibit 8 elevations)(see Exhibit D,E, F included). The view of what is now a quiet and protected Parkland Canyon will become a lighted block wall and stairway likened to an alley way behind an apartment building. If the structure is built I expect parties on the roof top deck with the proposed outdoor kitchen cooking area placed within 5 feet of my property line (see page 31 of staff report exhibit 7 roof top deck plan). The nuisance created by the pollution from the noise and smoke from the barbeques parties being blown directly upon my property by the prevailing onshore breezes destroying my ability to enjoy the existing views and tranquility of the coast and canyon from my backyard. Further the proposed second structure on the property is not consistent with the existing properties in the Sunset Mesa tract of homes; the original developer created a master plan grading stepped lots with the building pads for the single residential structure homes to be built at the front of the lot to allow for the ocean views from a majority of lots in the community. There are no other lots in Sunset Mesa with a 23 foot tall guest house/ accessory structure built on the slope projecting into the tranquil canyon and ocean views.

I feel that our protected ocean view rights conveyed to our property by the Original Developers CC&R's in the 1960's which were Recorded Amended and Restated dated September 24, 2004 (see attached) will be violated. The Sunset Mesa Property Owners Association (SMPOA) Architectural Committee has inappropriately approved the proposed detached rec. room structure with roof deck to be built by the owner of 3809 Malibu Vista Drive in direct contradiction to the CC&R's Sections (b), (f), (g),(h),(i). I believe that the expected conditions if the proposed structure is built show that the structure is not compatible with many sections of the California Coastal Act or with what is reasonable in a community with such small lot sizes and view right protections.

I have attached (exhibit D-before, D-after) (exhibit E-Before, E-after) (exhibit F-Before, F-after) which show the current views from grade on my lot and an Architect's rendering of an example of what the proposed Cement Block or concrete structure at the back wall of the proposed outdoor kitchen placed within 5 feet of my property line (see page 31 of staff report exhibit 7 roof top deck plan) will do to the view if the structure is permitted to be built.

**EXHIBIT 11**  
**Permit 4-11-016**  
**Public Comment Letter**

I believe that the "approval" that the Homeowners association gave to this plan is flawed and based upon misrepresentations by the Owner of 3809 or his agent. I do not believe that the owner of 3809 or his agent have tried to mitigate any of the issues we have with his proposed project. Our family has relied on the CC&R's to protect our property right to the views for 36 years as was intended;

*"The primary purpose of the Declarations and the Amendments thereto was and is to protect existing ocean views of homeowners in the Tracts".*

The SMPOA AC has acted improperly by inserting its own language "currently used" into their decision to approve the Guest House which the recorded document does not state. Section (f) is as follows:

*"(f) Ocean View Protection: Notwithstanding any other provision of this Declaration, no trees, fences, plants, hedges, or any other structures or devices may be placed or maintained on any lot or any part thereof if the placement or maintenance thereon will interfere with ocean views enjoyed by other lots in the same Tract or lots in a contiguous Tract. Notwithstanding any other provision of this Declaration, no structure, including but not limited to, dwellings, homes, residential structures and incidental structures, may be erected, altered or reconstructed so as to interfere with presently existing ocean views enjoyed by other lots in the same Tract or lots in a contiguous Tract. For purposes of this Declaration, a contiguous Tract shall be defined as specified in Exhibit C."*

One of the many areas of my property that will be affected and ocean view compromised by the proposed structure @ 3809 is "currently used" by my family. The area of property has been within the gated and fenced section of my property for over 36 years. I have attached an L. A. County approved plan page stamped and dated November 5, 1976 (exhibit # 1) and a stamped property boundary survey Dated Jan. 16, 2002 that shows the gated and fenced area of our property. Clearly the intent when the fence was installed on the portion, not all of our property, was to use the area of land within the fence as we choose

The elevation of grade of the lower portion of my property at the location of the proposed Deck structure is at the same elevation of the grade at 3809 Malibu Vista Drive (see exhibit #3) and the proposed structure on 3809 to be built with heights rising 23+ feet above that grade of my family's property will cause view obstruction from that level and other levels of my property.

In conclusion I respectfully request that you vote no and in opposition to the proposed detached guest house rec. room with roof deck and outdoor cooking area on 3809 property with consideration for my property and person. Please also consider the negative impact the structure will have on the surrounding homes and Homeowners who do not support the plan to build the accessory structure and highly scenic public parks and lands that the property is adjacent to.

Sincerely,  
Robert A. Dwyer,  
Carol Dwver  
3801 Malibu Vista Drive  
Malibu, Ca. 90265

**EXHIBIT 11**  
**Permit 4-11-016**  
**Public Comment Letter**



(a) Minimum Cost and Size of Houses: No dwelling shall be permitted on any lot at a cost of less than \$15,000.00, based upon cost levels prevailing on the date these covenants were originally recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated here for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 1500 square feet for a one-story dwelling, nor less than 1500 square feet for a dwelling of more than one story.

(b) Use and Maximum Height of Houses: No lot shall be used except for residential purposes, which can include a home office or incidental structures such as cabanas, tool sheds, or similar structures. No building or incidental structure shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed the applicable height limit as specified in Exhibit B, from the ground level of such dwelling and a private garage for not more than three (3) cars. In no event shall the height limit permitted for houses or residential structures of any sort interfere with the ocean views as provided in Section (f) hereof.

(c) Setbacks: The front, side, and rear setbacks shall be as set forth in Exhibit B attached hereto. For the purposes of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any encroachment upon another lot, except as set forth in Paragraph (o) hereof.

(d) Antennas: No outside television, radio pole, antenna or satellite dish or external communication device shall be constructed, erected or maintained on any building or on any building site, or located in such a manner as to interfere with ocean views as provided in Section (f) hereof.

(e) Fences and Hedges: No fences or any residential building shall be erected or permitted to remain between the street and the front set back line, other than fences that do not exceed the applicable height limit, if any, set forth in Exhibit B., nor shall any hedge thereon be permitted to exceed the height limit, if any, set forth in Exhibit B.

(f) Ocean View Protection: Notwithstanding any other provision of this Declaration, no trees, fences, plants, hedges, or any other structures or devices may be placed or maintained on any lot or any part thereof if the placement or maintenance thereon will interfere with ocean views enjoyed by other lots in the same Tract or lots in a contiguous Tract. Notwithstanding any other provision of this Declaration, no structure, including but not limited to, dwellings, homes, residential structures and incidental structures, may be erected, altered or reconstructed so as to interfere with presently existing ocean views enjoyed by other lots in the same Tract or lots in a contiguous Tract. For purposes of this Declaration, a contiguous Tract shall be defined as specified in Exhibit C attached hereto



(g) Architecture Committee: An Architecture Committee comprised of owners of residences from some or all of the Tracts set forth in **Exhibit A** shall be appointed by the Board of Directors of Sunset Mesa Property Owners Association, Inc. on an annual basis. No building, garage, fence or balcony shall be erected, placed or altered on any lot until the building plan, and specifications have been approved in writing by the Architecture Committee as to compliance with the ocean view protection clause, as set forth in Section (f) herein, and as to the conformity and harmony of external design with existing structures in the Tract in which the proposed erection, placement or alteration is located. In the event said Committee or its designated representative fails to approve or disapprove such design and location within thirty (30) days after receipt of a written request, accompanied by whatever papers the Committee requires to make a decision, have been submitted to it, and in the event no legal actions have been commenced to enjoin the erection of any such building or the making of such alterations prior to the completion thereof, then the plans for such building or alteration shall be deemed approved and this covenant will be deemed to have been fully complied with. Provided, however, that if necessary to make a decision, the Architecture Committee requires the submission of final building plans or other documentation after the initial submission, then the time for making a final by the Architecture Committee shall automatically be extended to thirty days after submittal of the final building plans or other documentation as requested by the Architecture Committee. Neither the members of such committee nor its designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.

The decision of the Architecture Committee shall be final on the date that the decision is mailed. Within thirty (30) days thereafter, any homeowner may file an appeal to the Board of Directors. The appeal must be in writing. In any such appeal, the Board of Directors will consider all evidence presented to it, including the record presented before the Architecture Committee at the time of its decision. The Board of Directors, in its discretion, may consider any other materials or evidence not presented to the Architecture Committee.

(h) Nuisance: No noxious or offensive trade or activity shall be carried on or upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(i) Out Buildings: No recreational or other vehicle, boat, trailer, basement, tent, shack, garage, barn or other out-building shall be erected or maintained in the Tract for temporary or permanent residential use, nor shall any structure of a temporary character be used as a residence.

(j) Oil Drilling: No oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels or mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

PROPERTY BOUNDARY LINE

CANYON SLOPES  
NATURAL GROWTH

EXISTING  
FENCE 5' 2"

1  
2

OPEN AREA

EXISTING

PROVIDE 42" LIGHT RAIL  
PORTION 24" ABOVE GROUND

WOOD DECK

100' DI. REV.

EXISTING  
2x8 JOISTS TO D.C.

LANDSCAPED  
GROUND COVER  
AS IS

ADD:  
TEMPERED GLASS  
WIND SCREEN 3' 6"  
DETAIL SAME AS EX.

ADD:  
6'-0" SLIDER  
ALLOW OPENING  
FOR ACCESS  
TO SPRINKLERS

EX. GARDEN  
WALL 24"

EXISTING  
PROVIDE CONCRETE  
STEP STONES AS  
REQUIRED

EXISTING  
FENCE

STEPS  
AS IS

SECTION  
TO RIGHT

EXISTING  
ROSE GARDEN

EXISTING  
CONCRETE  
DECK

EXISTING  
POOL

EXISTING  
FENCE

EXHIBIT 11  
Permit 4-11-016  
Public Comment Letter

EXHIBIT 1

An architectural drawing of a building facade. The main feature is a large, curved, stepped structure on the left, composed of many horizontal, rectangular blocks. To the right of this structure is a tall, narrow tower with a series of horizontal bands. A large circle is drawn around the tower, and a line connects it to the top of the stepped structure. The drawing is in black and white, with a grid-like background.

3809 MALIBU VISTA  
MALIBU, CA 90285

**CLIENT:**

Part No. 8207 Drawing Number R1.0  
 Color Black  
 Quantity 750  
 Date 2/14



**EXHIBIT B TO AMENDMENT AND RESTATEMENT OF DECLARATION OF  
ESTABLISHMENT OF COVENANTS, CONDITIONS, AND RESTRICTIONS****CC&R HEIGHT LIMITATIONS AND SETBACKS**

| <b>Tract<br/>Number</b> | <b>House<br/>Height</b> | <b>Front<br/>Setback</b> | <b>Side<br/>Setback</b> | <b>Rear<br/>Setback</b> | <b>Fence<br/>Height</b> | <b>Hedge<br/>Height</b> |
|-------------------------|-------------------------|--------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| 26458                   | 25' 6"                  | 12'                      | 3'                      | 20'                     | 6'                      | 5'                      |
| 26459                   | 25' 6"                  | 12'                      | 3'                      | 20'                     | 6'                      | 5'                      |
| 26460                   | 25' 6"                  | 5'                       | 3'                      | 15'                     | No Limit                | No limit                |
| 26461                   | 25' 6"                  | 5'                       | 3'                      | 15'                     | No Limit                | No limit                |
| 27152                   | 25' 6"                  | 5'                       | 3'                      | 15'                     | No limit                | No limit                |
| 27604                   | 25' 6"                  | 5'                       | 3'                      | 15'                     | No limit                | No limit                |
| 28067                   | 25' 6"                  | 12'                      | 3'                      | 20'                     | 6'                      | 5'                      |
| 28072                   | 25' 6"                  | 5'                       | 3'                      | 15'                     | No limit                | No limit                |



**EXHIBIT C: LIST OF CONTIGUOUS TRACTS**

| Tract No. 26458 | Contiguous To Tract No. |
|-----------------|-------------------------|
|                 | Tract 26459             |
|                 | Tract 26460             |
|                 | Tract 26461             |
|                 | Tract 27604             |
|                 | Tract 28072             |
|                 | Tract 28339             |

| Tract No. 26459 | Contiguous to Tract No. |
|-----------------|-------------------------|
|                 | Tract 26458             |
|                 | Tract 28067             |
|                 | Tract 26460             |
|                 | Tract 27152             |

| Tract No. 26460 | Contiguous to Tract No. |
|-----------------|-------------------------|
|                 | Tract 28072             |
|                 | Tract 26458             |
|                 | Tract 26459             |
|                 | Tract 27152             |

| Tract No. 26461 | Contiguous to Tract No. |
|-----------------|-------------------------|
|                 | Tract 28072             |
|                 | Tract 27604             |
|                 | Tract 26458             |

| Tract No. 27152 | Contiguous to Tract No. |
|-----------------|-------------------------|
|                 | Tract 28072             |
|                 | Tract 26460             |
|                 | Tract 26459             |

| Tract No. 27604 | Contiguous to Tract No. |
|-----------------|-------------------------|
|                 | Tract 26461             |
|                 | Tract 26458             |

| Tract No. 28067 | Contiguous to Tract No. |
|-----------------|-------------------------|
|                 | Tract 26459             |

SECTION 7 ROOF TOP DECK PLAN

TOP OF KITCHEN BACK WALL (cont)



Exhibit-D-(before)



- TOP OF OUTDOOR KITCHEN BACKWALL (C.M.U.)

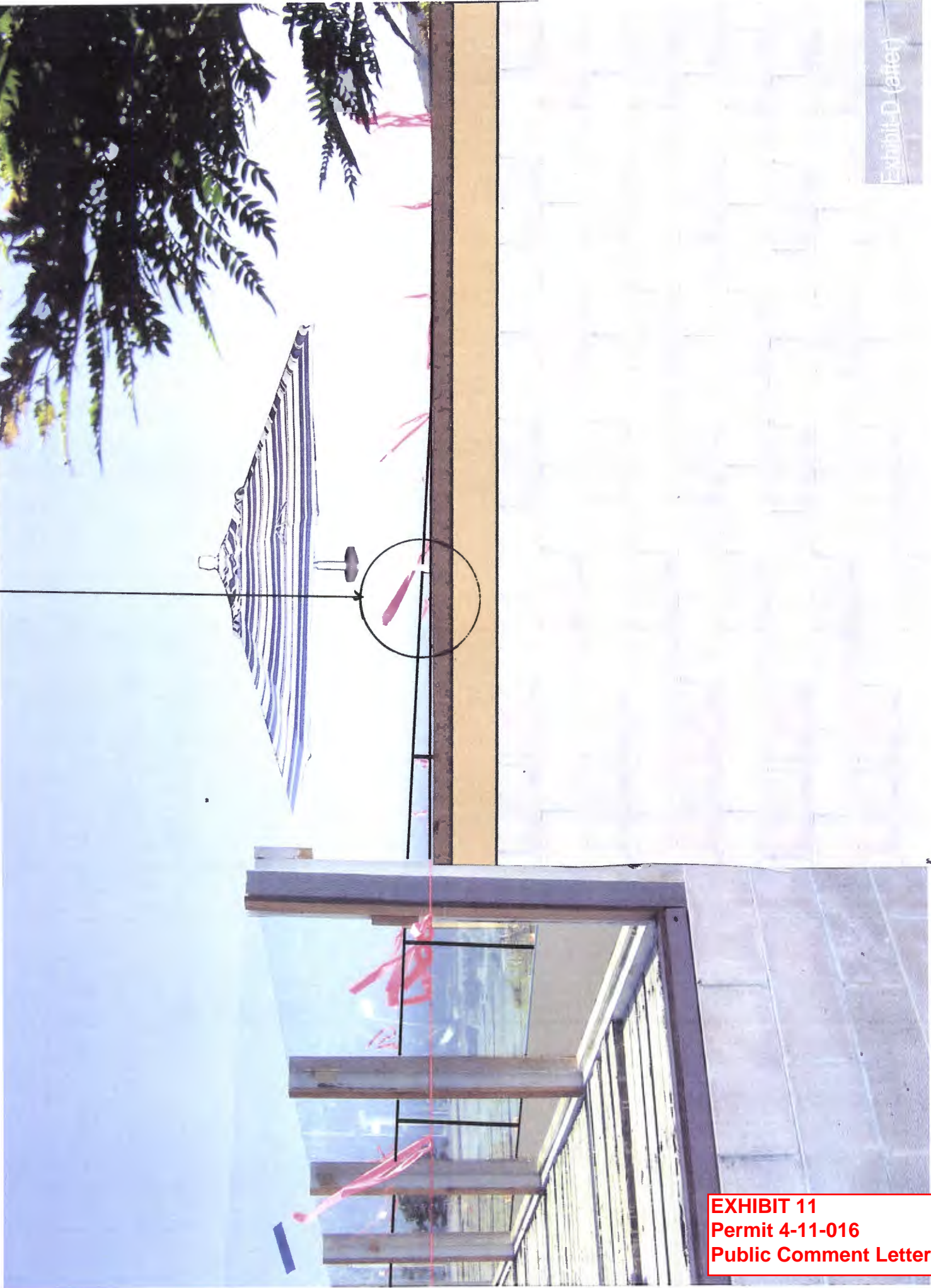


Exhibit D (after)

**EXHIBIT 11**  
**Permit 4-11-016**  
**Public Comment Letter**



Top of outdoor kitchen back wall (C.N.U.) see exhibit 7 roof top deck plan



Exhibit-E (before)

**EXHIBIT 11**  
**Permit 4-11-016**  
**Public Comment Letter**



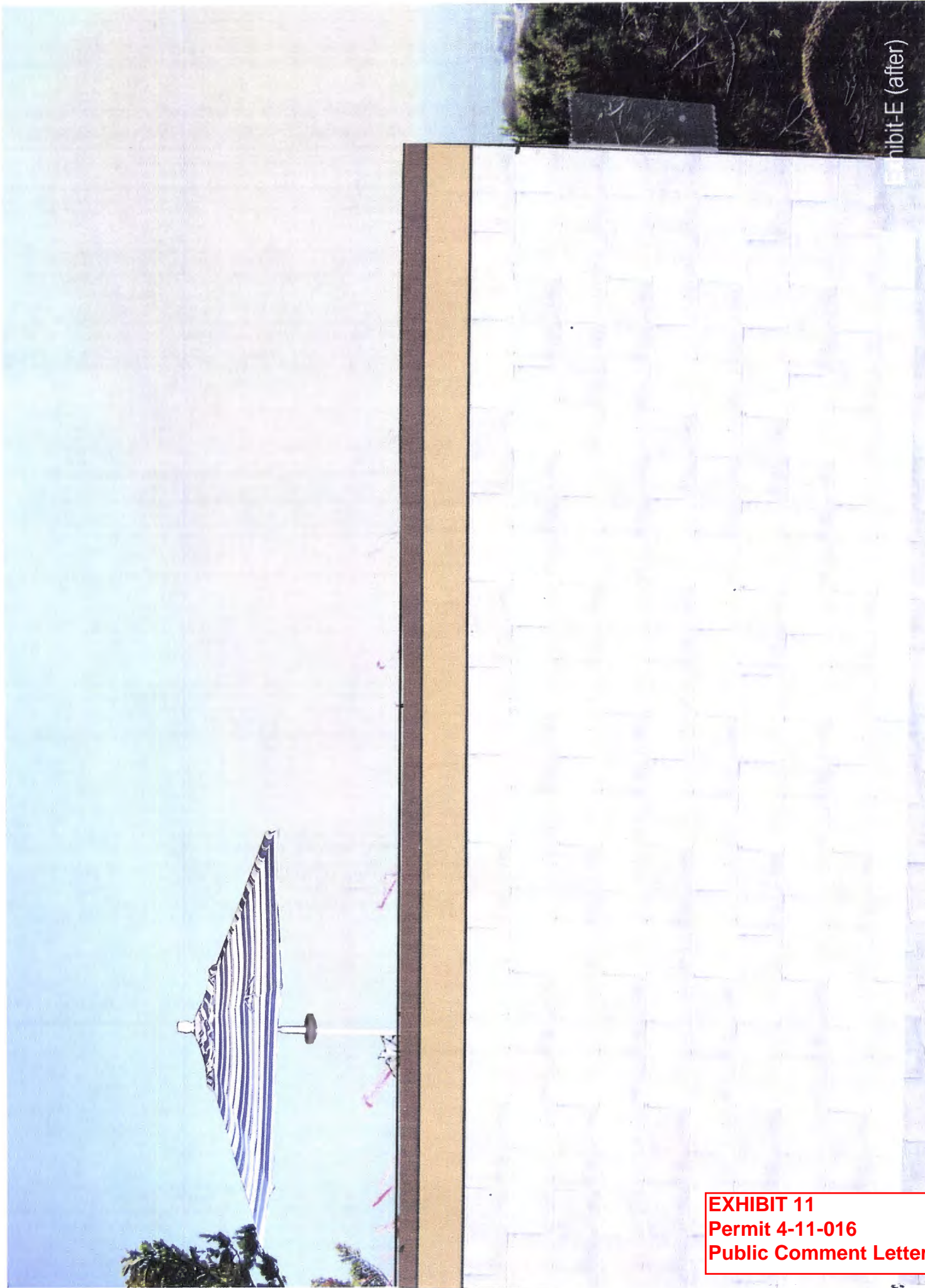


Exhibit-E (after)

**EXHIBIT 11**  
**Permit 4-11-016**  
**Public Comment Letter**



TOP OF OUTDOOR KITCHEN BACK WALL (CRU)

(ROOF)

TOP OF DECK WALKING SURFACE

Exhibit F (before)

**EXHIBIT 11**  
**Permit 4-11-016**  
**Public Comment Letter**



SEE EXHIBIT 7 ROOF TOP DECK PLAN

TOP OF KITCHEN BACKWALL



Exhibit F (after)

**EXHIBIT 11**  
**Permit 4-11-016**  
**Public Comment Letter**



### Legend

#### Base Layers

LOS ANGELES COUNTY

PACIFIC COAST

UNINCORPORATED AREAS

WYERS - PERMANENT

WYERS - DRY

WYERS - LINE

WYERS - POINT

NATIONAL FOREST

ADMINISTRATIVE DISTRICT

TRANSIT - RAILROAD

TRANSIT - RAILROAD

TRANSIT - UNDERGROUND

SUBDIVISION ACTIVITY - PLANNING

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### Zoning

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ZONE M-50



LOS ANGELES COUNTY

DEPARTMENT OF REGIONAL PLANNING

IMAGERY ACQUISITION CONTRACT

LEGEND AND MAP LAYERS REPRESENTED IN THE MAP



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June 29, 2010  
Public Web Mapping Application

3113

EXHIBIT 11  
Permit 4-11-016  
Public Comment Letter





### Legend

#### Base Layers

LOS ANGELES COUNTY

OTHER COUNTY

PACIFIC OCEAN

UNINCORPORATED AREAS

UNINCORPORATED CITIES

HYDRO - PERENNIAL

HYDRO - INTERMITTENT

HYDRO - DRY

HYDRO - LINE

NATIONAL FOREST

PARCEL BOUNDARY

SUPERVISORIAL DISTRICT

TRANSIT - RAILROAD

TRANSIT - AIRPORT

TRANSIT - HIGHWAY

TRANSIT - UNDERGROUND

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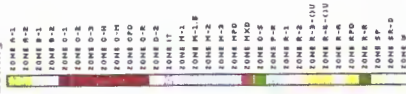
SUBDIVISION ACTIVITY - REJECTED

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SUBDIVISION ACTIVITY - REJECTED

### Zoning



LEGEND MAP NOT COPIED IN FULL OR NOT REPRESENTED IN THE MAP



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Jun 29, 2010  
Public Web Mapping Application

**EXHIBIT 11**  
**Permit 4-11-016**  
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**CALIFORNIA COASTAL COMMISSION**

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



Filed: 4/25/11  
180th Day: 10/22/11  
Staff: Kanani Brown  
Staff Report: 6/23/11  
Hearing Date: 7/14/11

# Th27b

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-11-016  
**APPLICANT:** The Sunshine Trust  
**AGENT:** Hamilton Architects  
**PROJECT LOCATION:** 3809 Malibu Vista Drive, Los Angeles County  
**APN:** 4443-004-042

**PROJECT DESCRIPTION:** Demolition of pool deck and construction of a detached, 23-ft. high, 685 sq. ft. accessory structure with rooftop deck, 3.5-ft. high glass railing, 10-ft. high retaining walls, stairways, and 308 cu. yds. of grading (270 cu. yds. cut, 38 cu. yds. fill) on a parcel developed with an existing 2,436 sq. ft. single-family residence.

**MOTION & RESOLUTION: Page 3**

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **approval** of the proposed development with **ten (10) special conditions** regarding (1) plans conforming to geotechnical engineer's 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) removal of excavated material.

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:

- **VISUAL RESOURCES.** The proposed structure will be partially visible from public viewing areas. There are no siting or design alternatives that would avoid or further reduce visual impacts. However, the project is conditioned to further minimize visual resource impacts by utilizing earth tones on external surfaces, and by limiting night lighting.

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## EXHIBITS

- Exhibit 1. Vicinity Map
  - Exhibit 2. Parcel Map
  - Exhibit 3. Aerial Photo
  - Exhibit 4. Site Visit Photos
  - Exhibit 5. Site Plan
  - Exhibit 6. First Floor Plan
  - Exhibit 7. Roof Deck Plan
  - Exhibit 8. Elevations
  - Exhibit 9. Fuel Modification Plan
  - Exhibit 10. Visual Rendering
- 

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept, dated 8/10/10; and County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated 3/21/11.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan; Biological Assessment prepared by Forde Biological Consultants, dated 10/13/10; Geologic and Soils Engineering Exploration prepared by Grover Hollingsworth and Associates, Inc., dated 10/7/10; and Architecture Committee Approval by Sunset Mesa Property Owners Assoc., Inc., dated 6/6/10.

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## **I. STAFF RECOMMENDATION**

The staff recommends that the Commission adopt the following resolution:

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 4-11-016 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

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

### **RESOLUTION TO APPROVE THE PERMIT:**

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

## **II. STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.



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

### **III. SPECIAL CONDITIONS**

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

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

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

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

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

#### **3. 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 limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

##### **2. Construction Best Management Practices**

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



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

## **5. Landscaping and Fuel Modification Plans**

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

### **A) Landscaping Plan**

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

### **B) Fuel Modification Plans**

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

**C) Conformance with Coastal Commission Approved Site/Development Plans**

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

**D) Monitoring**

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

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

**6. Structural Appearance**

***Prior to issuance of the Coastal Development Permit***, the applicant shall submit for the review and approval of the Executive Director, a color palette and material

specifications for the outer surface of all structures authorized by the approval of this Coastal Development Permit. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

All new buildings, including windows and outdoor fencing, shall be required to provide bird-safe building treatments in order to reduce potential for bird strikes. Glazing treatments shall be consistent with the following standards:

- (1) Fritting, permanent stencils, frosted, non-reflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, or UV patterns visible to birds shall be used to reduce the amount of untreated glass or glazing to less than thirty-five percent (35%) of the building façade.
- (2) Where applicable, vertical elements within the treatment pattern should be at least one-quarter inch (1/4") wide at a maximum of spacing of four inches (4") and horizontal elements should be at least one-eighth inch (1/8") wide at a maximum spacing of two inches (2").
- (3) No glazing shall have a "Reflectivity Out" coefficient exceeding thirty percent (30%). That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed thirty percent (30%).
- (4) Equivalent treatments recommended by a qualified biologist may be used if approved by the Executive Director.

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 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to any of the development governed by this permit. Accordingly, any future improvements to any portion of the development governed by this permit, including but not limited to the accessory structure (recreation room) 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. Removal of Excavated Material**

***Prior to issuance of the Coastal Development Permit***, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION AND BACKGROUND**

The applicant proposes to demolish an existing pool deck and construct a detached, 23-ft. high, 685 sq. ft. accessory structure (recreation room) with rooftop deck, 3.5-ft. high glass railing, 10-ft. high retaining walls, stairways, and 308 cu. yds. of grading (270 cu. yds. cut, 38 cu. yds. fill) on a parcel that is developed with an existing 2,436 sq. ft. single-family residence (constructed prior to the effective date of the Coastal Act).

The site is located at 3809 Malibu Vista Drive in the Malibu area of Los Angeles County (APN 4443-004-042). The subject property is 11,004 sq. ft. in size and situated among single-family residences to the north and south; Malibu Vista Drive to the east; and a Los Angeles County Waterworks District pumping station and Southern California Edison (SCE) easement/access road to the west (Exhibit 3). The site consists of a graded lot developed with a 2,436 sq. ft. single-family residence, attached garage, swimming pool, spa, pool deck, retaining walls, driveway, and landscaping (Exhibit 5). Within the developed portion of the property, non-native trees occur along the northern and southern boundary of the property. The western slope of the property that trends towards Topanga Canyon Road is vegetated predominantly with non-native species, including a large pine tree. Native species are also present in this area; however, they are limited to a couple of individuals.

The proposed project site is located near the west edge of an elevated terrace (older alluvium) platform extending south from the Santa Monica Mountains, at an elevation of approximately 235 above sea level. The platform surface on which the residence was constructed slopes gently to the south. The natural slope along the west side of the property descends about 60 feet at a 2:1 gradient and then descends an additional 120 feet at an overall gradient of approximately 1:1. The lower 30 feet of the slope, located at the rear of a Los Angeles County Waterworks District facility, is as steep as ½:1. The slope descending from the property is in a relatively natural state, except that the face is crossed by a narrow, unimproved access road that is estimated to have been installed in the early 1950s to allow maintenance of the power line.

The project site is partially visible from various public viewing points, such as Pacific Coast Highway to the southwest and Topanga Canyon Blvd to the west (Exhibit 4). However, due to the building site's distance from and the elevation above Pacific Coast Highway and Topanga Canyon Blvd, and its location amongst existing residential development of similar size and character, there will be no significant impacts to visual resources. Additionally, the proposed accessory structure will be stepped into the hillside.

Although the western quarter of the property is mapped by the Los Angeles County Santa Monica Mountains Land Use Plan as an environmentally sensitive habitat area

(ESHA), this area is not considered to be ESHA due to the fact that the site has been previously disturbed by residential development. Additionally, the sparse native and non-native vegetation on the western slope is not contiguous with any large areas of relatively pristine habitat, and is bounded by a utility access road and a Los Angeles County Waterworks District pumping station and staging yard. Further, the 200-ft. fuel modification/brush clearance zone required for the existing development on the site and the proposed accessory structure overlaps with the existing fuel modification zones of existing adjacent development. Therefore fuel modification/brush clearance required for the proposed project will not result in impacts to environmentally sensitive habitat areas. Finally, the proposed development will not be located in proximity to any oak trees.

## **B. PAST PERMIT HISTORY**

In 2009, staff approved five (5) exemption requests for the existing single-family residence. Staff approved an exemption request (CDP No. 4-09-013-X) for addition of an 80 sq. ft. balcony and fireplace; an exemption request (CDP No. 4-09-032-X) for installation of a new standing seam metal roof; an exemption request (CDP No. 4-09-042-X) for construction of a 6-ft. high retaining wall; an exemption request (CDP No. 4-09-059-X) for installation of a 414 sq. ft. roof-mounted solar array; and an exemption request (4-09-070-X) for construction of a 7-ft. high retaining wall.

## **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. However, the Geologic and Soils Engineering Exploration prepared by Grover Hollingsworth and Associates, Inc., dated October 7, 2010, indicates 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 report 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.



The accessory structure will be partially excavated (270 cu. yds. cut, 38 cu. yds. fill) into the ascending slope with up to 10-ft high concrete retaining walls utilized for support of that portion of the structure that extends into the existing fill slope. Retaining walls will also be required to support the west, north, and south sides of the pad area. These retaining walls will be supported on friction piles that extend into older alluvium or bedrock. The older alluvium and bedrock will be utilized for support of the vertical loads while resistance to lateral loads will be provided by the existing compacted fill, older alluvium, and bedrock. Friction piles (14 feet into bedrock and older alluvium) may be used to support the proposed retaining walls for the accessory structure and pad.

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 that is approximately 550 feet east of Topanga Creek, will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health.

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

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 within an area characterized by intense residential development; however, naturally vegetated mountains and hillsides are located to the west and northwest including Topanga State Park. Also, a Los Angeles County Waterworks District pumping station and Southern California Edison (SCE) access road are located directly west of the property. The project site is partially visible from various public viewing points, including Pacific Coast Highway, approximately 1125 feet to the southwest, and Topanga Canyon Blvd, approximately 300 feet to the west (Exhibit 3). 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 accessory structure is one-story with a rooftop deck and a maximum height of 23 feet from existing grade, with a 3.5-ft high glass railing, at any given point. The proposed structure is designed to be stepped into the hillside. Due to the building site's distance from and the elevation above Pacific Coast Highway and Topanga Canyon Blvd, and its location amongst existing residential development, impacts to visual resources have been minimized to the extent feasible.

The proposed structure is compatible with the character and size of other residential development in the area. 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 (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP. In addition, the development would be partially screened by vegetation.

Even with vegetative screening, the proposed development will be unavoidably visible from public viewing areas. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. To minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.



In recognition that future development normally associated with a detached structure accessory to 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 to the subject accessory structure 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. BIOLOGICAL RESOURCES**

Section **30240(b)** of the Coastal Act states:

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

Section **30230** of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The proposed project would be located south of Topanga State Park, approximately 550 feet east of Topanga Creek, and north of Topanga County Beach, areas used by a variety of coastal birds. Development adjacent to public parkland and beaches must be designed to prevent impacts which would significantly degrade the area, so it is compatible with the continuance of the habitat, as required by Section 30240 of the Coastal Act. Section 30230 applies to the proposed project because of the threat of

day and night collisions with the proposed accessory structure for both non-migrating and migrating birds.

Urban sprawl and intensified urbanization have eliminated and/or degraded bird habitat around the globe; most development is concentrated along rivers, woodlands, coasts, and wetlands that birds depend on for food and shelter. Loss of habitat squeezes birds into urbanized areas where they encounter novel man-made structures. Modern urban buildings that have clear glass or reflect light during the day and are lit up at night, as well as suburban and rural buildings with windows and reflective surfaces, can present serious hazards for birds. Bird populations, which have declined from loss of habitat, are seriously threatened by the growing presence of man-made structures within their transit and migratory flight space.

Over three decades of research has documented that buildings and windows are the top killer of birds in North America<sup>1,2,3,4</sup>. In the United States, an estimated 100 million to one billion birds perish each year from encounters with buildings<sup>5,6</sup>. This level of bird mortality is believed to be significant enough to impact the viability of bird populations, leading to local, regional, and national declines. Bird injury or death is primarily due to two factors: 1) the apparent inability of birds to detect and avoid glass and reflective surfaces, during the day or night, and 2) the potential for artificial night lighting to attract and/or entrap foraging or migrating bird species.

Collisions resulting in injury or death occur anywhere that birds and windows and reflective surfaces coexist because birds do not perceive glass as an obstacle during flight or are attracted to reflections they perceive as sky or natural habitat. Daytime building collisions occur on windows and reflective surfaces of all sizes on all building types, from single-story buildings to sky scrapers; during all seasons and weather conditions; and in every type of environment, from rural and suburban settings to dense city centers. A building's threat to birds increases substantially when its windows or glass reflects nearby trees, bushes, or other potential bird habitat. Window and reflective surfaces in buildings are indiscriminate killers of birds regardless of species, size, age, sex, or migration characteristics and patterns. The amount of windows and reflective surfaces in a building is the strongest predictor of how dangerous it is to birds and most collisions end in the death of the bird, either immediately or soon after from brain injuries or predation.

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<sup>1</sup> Banks, R. 1979. Human Related Mortality of Birds in The United States. USFWS. Special Scientific Report-- Wildlife No. 215.

<sup>2</sup> Ogden, L. September, 1996. Collision Course: The Hazards of Lighted Structures and Windows to Migrating Birds. A Special Report for the World Wildlife Fund Canada and the Fatal Light Awareness Program.

<sup>3</sup> Hager, S.B., H. Trudell, K.J. McKay, S.M. Crandall & L. Mayer. 2008. Bird Density and Mortality at Windows. The Wilson Journal of Ornithology. Vol. 120 (3):550-564.

<sup>4</sup> Gelb, Y. & N. Delacretaz. 2009. Windows and Vegetation: Primary Factors in Manhattan Bird Collisions. Northeastern Naturalist. Vol. 16(3):455-470.

<sup>5</sup> USFWS. January 2002. Migratory Bird Mortality: Many Human-Caused Threats Afflict Our Bird Populations.

<sup>6</sup> Klem, D. February, 2009. Avian Mortality At Windows: The Second Largest Human Source of Bird Mortality on Earth. Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics. 244-251.

Two characteristics of reflective or glazed surfaces and glass contribute to birds' inability to see them: reflection and transparency. Reflections of the sky and vegetation look no different to a bird than the real thing and lure in birds resulting in collisions. The reflective property of a surface material is referred to as reflectivity. Reflectivity is a measurement of how reflective a material is; it is a measure of the intrinsic reflectance of the surface of a material. A material's reflectivity can be reduced several ways including application of anti-reflective (AR) coatings or permanent stencils and fritting or frosting. Transparent glass is invisible to birds which collide with the glass as they attempt to fly through it toward potential perches, prey items, and other attractions inside and beyond the glass. Transparency is exacerbated in buildings with significant amounts of clear glass that have plant decorated lobbies, interior atriums, windows installed opposite each other, glass balconies, and glass corners because birds perceive such conditions as unobstructed flyways.

A number of factors contribute to a building being a hazard for birds. The factors that should be considered when determining whether to require bird safe building practices include: 1) location of the building in relation to recognized migration corridors or flyways; 2) proximity of the building to open terrestrial and aquatic foraging areas – parks, forests, rivers, streams, wetlands and ocean; 3) proximity of the building to documented stopover or roosting locations; and 4) regions prone to haze, fog, mist, or low-lying clouds. Researchers have found that a combination of building characteristics, coined, “bird-hazards,” present the greatest threat to birds. These characteristics include buildings located within or immediately adjacent to open spaces with lush landscaping and with a façade of more than thirty-five percent (35%) glazing; buildings located adjacent to or near wetlands or open water and with a facade of more than thirty-five percent (35%) glazing; and buildings with ‘bird traps’ such as glass courtyards, transparent building corners, and glass balconies.

The proposed project site is characterized by several of the factors that contribute to buildings being collision hazards for birds. Topanga County Beach is located directly to the south, Topanga State Park is located to the north, and the Topanga Creek is approximately 550 feet west, all areas that support numerous bird species. The area is prone to fog during summers and is also located within the Pacific Flyway, a primary migratory route for birds.

It is possible to design buildings so they are less hazardous to birds by implementing bird safe building practices. Several major cities including Toronto<sup>7</sup>, San Francisco<sup>8</sup>, Chicago<sup>9</sup>, and New York<sup>10</sup>, have developed bird safe building guidelines, and a number of buildings in these cities have employed bird safe building practices. Bird safe building practices include specific treatments and design considerations for

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<sup>7</sup> City of Toronto. March 2007. Bird Friendly Development Guidelines. <sup>7</sup> City of Toronto Green Development Standard ([www.toronto.ca/lightsout/](http://www.toronto.ca/lightsout/))

<sup>8</sup> Ibid. October 2010. City of San Francisco.

<sup>9</sup> City of Chicago. Design Guide for Bird-Safe Buildings: New Construction and Renovation.

<sup>10</sup> Brown, H., S. Caputo, E.J. McAdams, M. Fowle, G. Phillips, C. Dewitt, & Y. Gelb. May 2007. Bird Safe Building Guidelines. New York City Audubon ([www.nycadubon.org](http://www.nycadubon.org)).



windows and glazed surfaces, lighting, and landscaping. Employment of these practices is proving effective; for instance, Swarthmore College renovated its Unified Science Center building using glass with a ceramic frit matrix and has measured a significant reduction in bird strikes<sup>11</sup>.

In order to reduce potential for bird strikes, all new buildings, including windows and outdoor fencing, shall be required to provide bird-safe building treatments. Windows shall be comprised of non-glare glass and glazing treatments shall be consistent with the standards provided for in Special Condition. No. Six (6).

The following special condition is required to assure the project's consistency with Section 30240(b) and Section 30230 of the Coastal Act:

**Special Condition 6: Structural Appearance**

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240(b) and Section 30230 of the Coastal Act.

## **G. CUMULATIVE IMPACTS**

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

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

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

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

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<sup>11</sup> Grasso-Knight, G. & M. Waddington. Spring 2000 Report on Bird Collisions with Windows at Swarthmore College.

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.

The Commission has consistently emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area, particularly those of subdivisions, multi-family residential development, and second residential units, all of which result in increased density. It is particularly critical to evaluate the potential cumulative impacts of increased density given the existence of thousands of undeveloped and poorly sited parcels in the mountains that were created decades ago in antiquated subdivisions. Construction of a guesthouse unit or second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, guesthouses and second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

In past actions, the Commission has limited the development of guesthouse units and second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In its review and action on the Malibu/Santa Monica Mountains Land Use Plan (LUP), the Commission found that placing an upper limit on the size of these units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu/Santa Monica Mountains area and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one, or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence.

The applicant is proposing a 685 sq. ft. accessory structure, or recreation room, that includes a half bath. This conforms to the Commission's past actions, allowing a maximum of 750 square feet for a guest unit or second dwelling unit in the Santa Monica Mountains area. However, future improvements to the proposed unit such as additional square footage could raise issues with regard to individual or cumulative impacts to coastal resources. To ensure that any additions or improvements that could further intensify the use of the unit will be reviewed by the Commission and to ensure that the unit conforms with the maximum 750 sq. ft. guidance, the Commission requires that any additions or improvements related to the unit, that may otherwise be exempt from coastal permit requirements, shall be 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

The Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

## **H. 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 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).

## **I. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

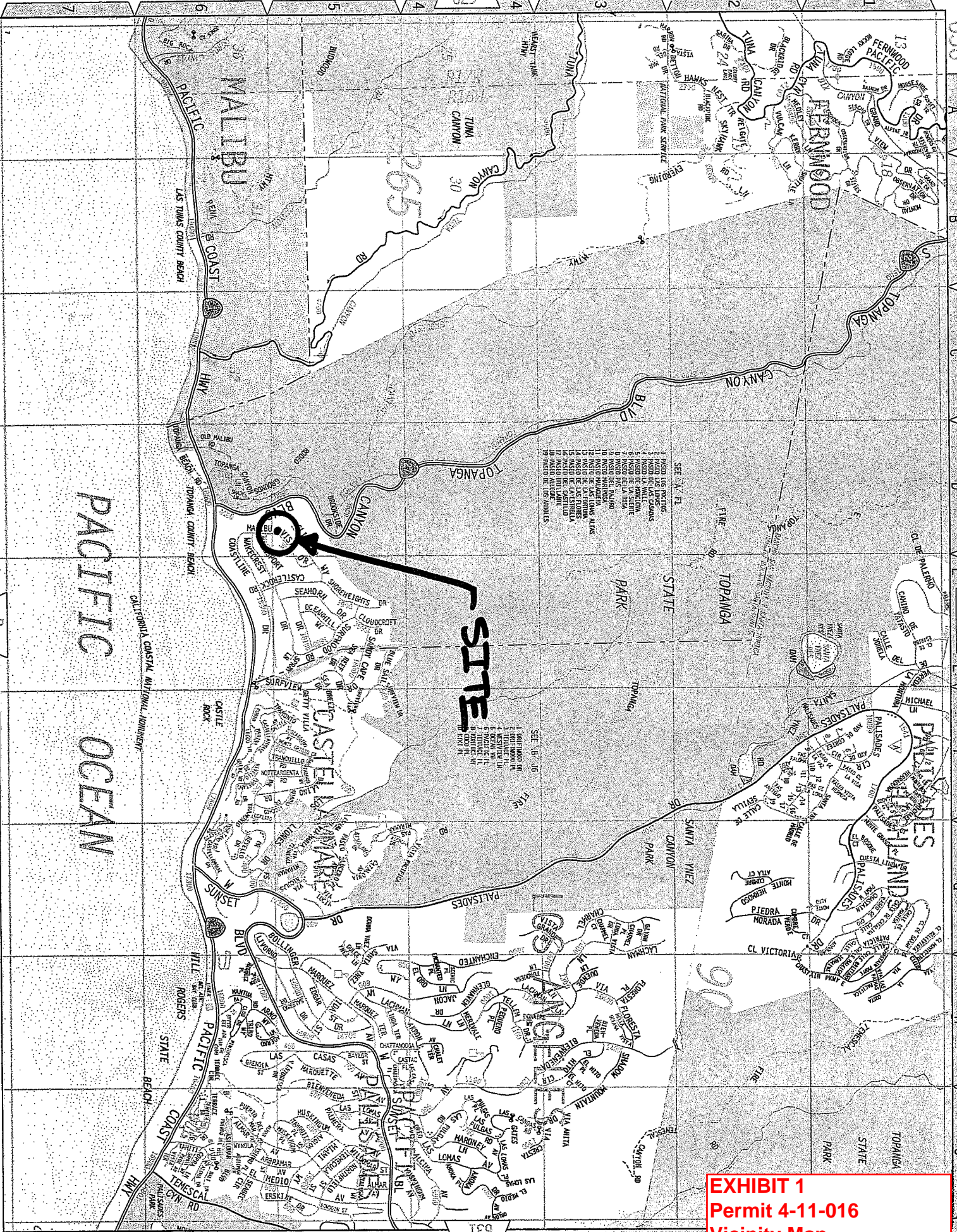
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 development. Mitigation measures required to minimize impacts include requiring drainage best management practices, interim erosion control, limited lighting, restricting structure color, and requiring future improvements to be considered through a CDP. 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 4-11-016**  
**Vicinity Map**



SCALE IN 1/16 OF AN INCH



1-800-345-7334

4443 4

SCALE 1" = 100'

1999

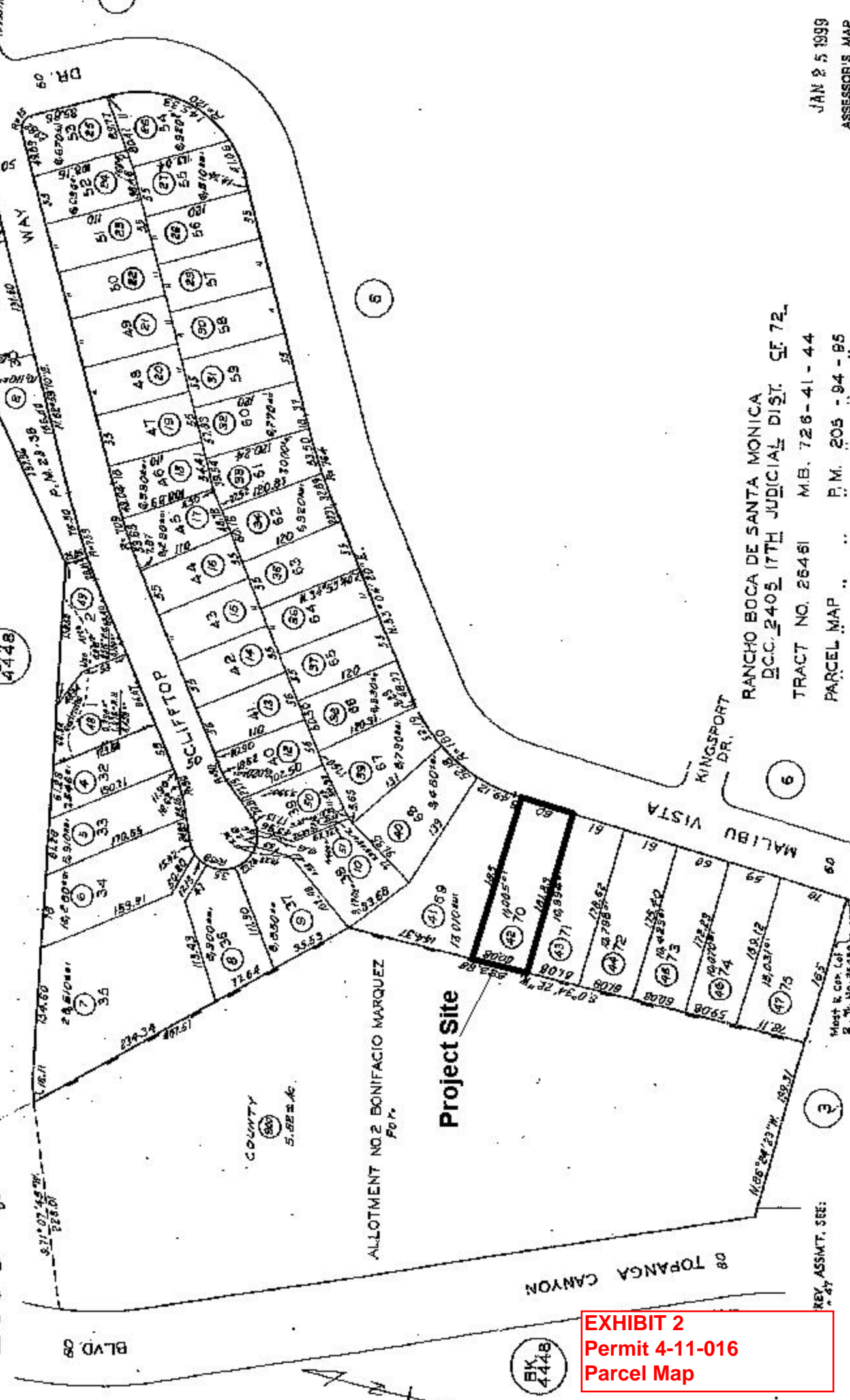
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Project Site

ALLOTMENT NO.2 BONIFACIO MARQUEZ

TOPANGA CANYON

MALIBU VISTA

KINGSFORD DR.

SCULF TOP

COUNTY

5.22 ± Ac.

BK 4448

BK 4448

EXHIBIT 2  
Permit 4-11-016  
Parcel Map

RANCHO BOCA DE SANTA MONICA  
DCC. 2405 17TH JUDICIAL DIST. SF 72.  
TRACT NO. 26461 M.B. 726-41-44  
PARCEL MAP " " P.M. 205 -94 -95

REV. ASSMT. SEE:

JAN 25 1999  
ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.





150 yds

© 2011 Microsoft Corporation © 2010 NAVTEQ © AND  
image courtesy of USGS

Project Site

**EXHIBIT 3**  
**Permit 4-11-016**  
**Aerial Photo**

bing



**4-11-016 (The Sunshine Trust) Site Photos  
June 17, 2011**



View of developed portion of property/backyard, looking to the west



Proposed recreation room location, looking northwest from existing deck



**4-11-016 (The Sunshine Trust) Site Photos  
June 17, 2011**



Proposed recreation room location and view of Topanga Canyon Rd, looking northwest



View of proposed recreation room location from Topanga Canyon Road/LA County Waterworks District Pumping Station, looking east

The site plan for Malibu Vista shows a residential property with an existing pool and a new pool. The existing pool is located in the center of the property, and the new pool is located to the left of the existing pool. The new pool is surrounded by a new deck and a new patio. The property is bordered by Malibu Vista to the north and a public street to the south. The plan includes various annotations such as 'EXISTING POOL', 'NEW POOL', 'NEW DECK', 'NEW PATIO', and 'NEW LANDSCAPE'. It also shows topographic contours and a north arrow.

**SHEET INDEX**

## ARCHITECTURAL

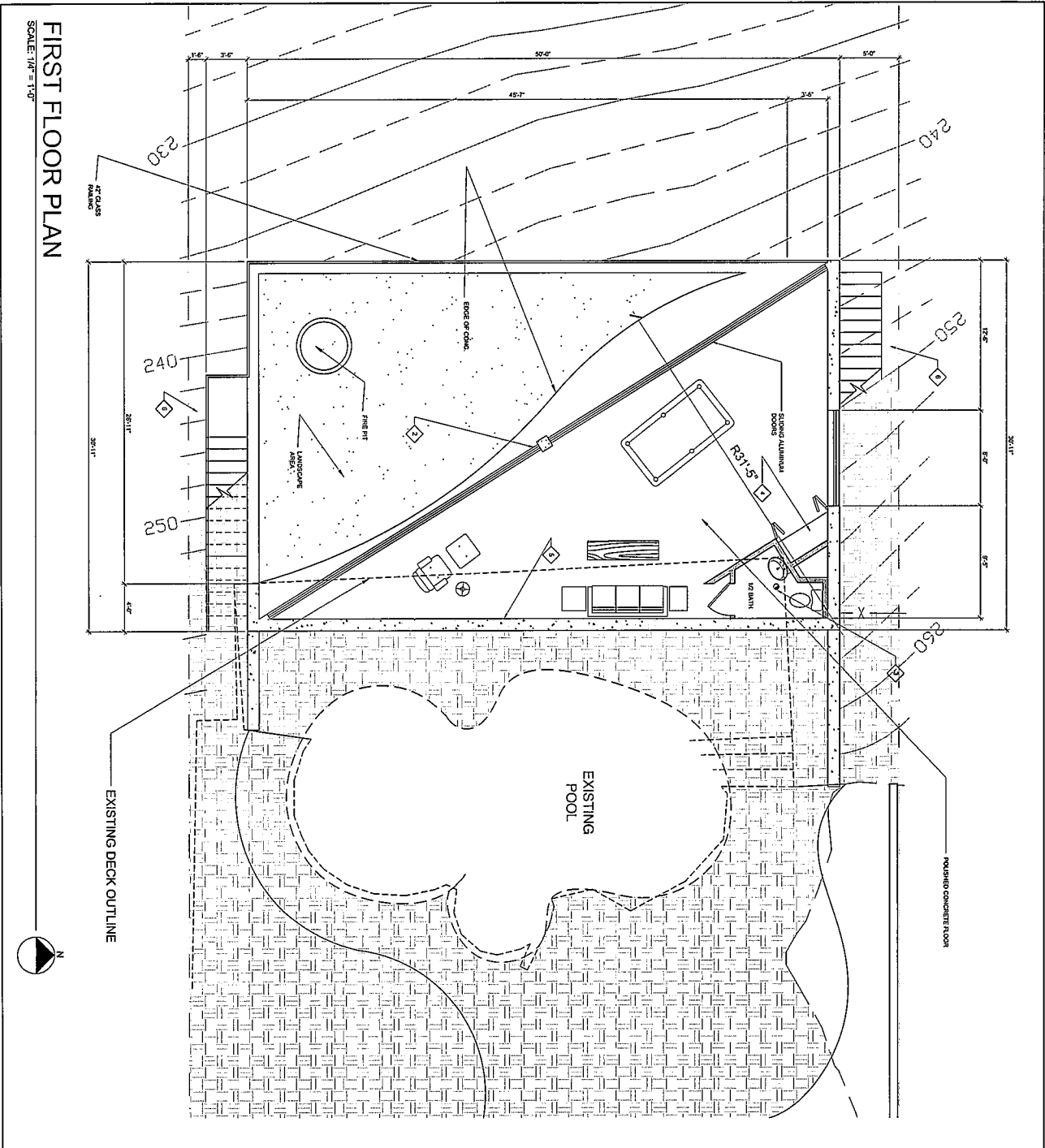
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| Project:    | 9001    | Drawing Number |
| Date:       | 3/20/19 | A0.1           |
| Drawn by:   | JPH     |                |
| Checked by: | JPH     |                |

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**PROJECT:**  
**RECREATION ROOM**

**EXHIBIT 5**  
**Permit 4-11-016**  
**Site Plan**



# FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



## FIRST FLOOR PLAN KEYNOTES

1. SHED DETECTOR - BODILY WITH BATTERY BACK-UP, TYPICAL.
2. (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (AA) (AB) (AC) (AD) (AE) (AF) (AG) (AH) (AI) (AJ) (AK) (AL) (AM) (AN) (AO) (AP) (AQ) (AR) (AS) (AT) (AU) (AV) (AW) (AX) (AY) (AZ) (BA) (BB) (BC) (BD) (BE) (BF) (BG) (BH) (BI) (BJ) (BK) (BL) (BM) (BN) (BO) (BP) (BQ) (BR) (BS) (BT) (BU) (BV) (BW) (BX) (BY) (BZ) (CA) (CB) (CC) (CD) (CE) (CF) (CG) (CH) (CI) (CJ) (CK) (CL) (CM) (CN) (CO) (CP) (CQ) (CR) (CS) (CT) (CU) (CV) (CW) (CX) (CY) (CZ) (DA) (DB) (DC) (DD) (DE) (DF) (DG) (DH) (DI) (DJ) (DK) (DL) (DM) (DN) (DO) (DP) (DQ) (DR) (DS) (DT) (DU) (DV) (DW) (DX) (DY) (DZ) (EA) (EB) (EC) (ED) (EE) (EF) (EG) (EH) (EI) (EJ) (EK) (EL) (EM) (EN) (EO) (EP) (EQ) (ER) (ES) (ET) (EU) (EV) (EW) (EX) (EY) (EZ) (FA) (FB) (FC) (FD) (FE) (FF) (FG) (FH) (FI) (FJ) (FK) (FL) (FM) (FN) (FO) (FP) (FQ) (FR) (FS) (FT) (FU) (FV) (FW) (FX) (FY) (FZ) (GA) (GB) (GC) (GD) (GE) (GF) (GG) (GH) (GI) (GJ) (GK) (GL) (GM) (GN) (GO) (GP) (GQ) (GR) (GS) (GT) (GU) (GV) (GW) (GX) (GY) (GZ) (HA) (HB) (HC) (HD) (HE) (HF) (HG) (HH) (HI) (HJ) (HK) (HL) (HM) (HN) (HO) (HP) (HQ) (HR) (HS) (HT) (HU) (HV) (HW) (HX) (HY) (HZ) (IA) (IB) (IC) (ID) (IE) (IF) (IG) (IH) (II) (IJ) (IK) (IL) (IM) (IN) (IO) (IP) (IQ) (IR) (IS) (IT) (IU) (IV) (IW) (IX) (IY) (IZ) (JA) (JB) (JC) (JD) (JE) (JF) (JG) (JH) (JI) (JJ) (JK) (JL) (JM) (JN) (JO) (JP) (JQ) (JR) (JS) (JT) (JU) (JV) (JW) (JX) (JY) (JZ) (KA) (KB) (KC) (KD) (KE) (KF) (KG) (KH) (KI) (KJ) (KK) (KL) (KM) (KN) (KO) (KP) (KQ) (KR) (KS) (KT) (KU) (KV) (KW) (KX) (KY) (KZ) (LA) (LB) (LC) (LD) (LE) (LF) (LG) (LH) (LI) (LJ) (LK) (LL) (LM) (LN) (LO) (LP) (LQ) (LR) (LS) (LT) (LU) (LV) (LW) (LX) (LY) (LZ) (MA) (MB) (MC) (MD) (ME) (MF) (MG) (MH) (MI) (MJ) (MK) (ML) (MM) (MN) (MO) (MP) (MQ) (MR) (MS) (MT) (MU) (MV) (MW) (MX) (MY) (MZ) (NA) (NB) (NC) (ND) (NE) (NF) (NG) (NH) (NI) (NJ) (NK) (NL) (NM) (NN) (NO) (NP) (NQ) (NR) (NS) (NT) (NU) (NV) (NW) (NX) (NY) (NZ) (OA) (OB) (OC) (OD) (OE) (OF) (OG) (OH) (OI) (OJ) (OK) (OL) (OM) (ON) (OO) (OP) (OQ) (OR) (OS) (OT) (OU) (OV) (OW) (OX) (OY) (OZ) (PA) (PB) (PC) (PD) (PE) (PF) (PG) (PH) (PI) (PJ) (PK) (PL) (PM) (PN) (PO) (PP) (PQ) (PR) (PS) (PT) (PU) (PV) (PW) (PX) (PY) (PZ) (QA) (QB) (QC) (QD) (QE) (QF) (QG) (QH) (QI) (QJ) (QK) (QL) (QM) (QN) (QO) (QP) (QQ) (QR) (QS) (QT) (QU) (QV) (QW) (QX) (QY) (QZ) (RA) (RB) (RC) (RD) (RE) (RF) (RG) (RH) (RI) (RJ) (RK) (RL) (RM) (RN) (RO) (RP) (RQ) (RR) (RS) (RT) (RU) (RV) (RW) (RX) (RY) (RZ) (SA) (SB) (SC) (SD) (SE) (SF) (SG) (SH) (SI) (SJ) (SK) (SL) (SM) (SN) (SO) (SP) (SQ) (SR) (SS) (ST) (SU) (SV) (SW) (SX) (SY) (SZ) (TA) (TB) (TC) (TD) (TE) (TF) (TG) (TH) (TI) (TJ) (TK) (TL) (TM) (TN) (TO) (TP) (TQ) (TR) (TS) (TT) (TU) (TV) (TW) (TX) (TY) (TZ) (UA) (UB) (UC) (UD) (UE) (UF) (UG) (UH) (UI) (UJ) (UK) (UL) (UM) (UN) (UO) (UP) (UQ) (UR) (US) (UT) (UU) (UV) (UW) (UX) (UY) (UZ) (VA) (VB) (VC) (VD) (VE) (VF) (VG) (VH) (VI) (VJ) (VK) (VL) (VM) (VN) (VO) (VP) (VQ) (VR) (VS) (VT) (VU) (VV) (VW) (VX) (VY) (VZ) (WA) (WB) (WC) (WD) (WE) (WF) (WG) (WH) (WI) (WJ) (WK) (WL) (WM) (WN) (WO) (WP) (WQ) (WR) (WS) (WT) (WU) (WV) (WW) (WX) (WY) (WZ) (XA) (XB) (XC) (XD) (XE) (XF) (XG) (XH) (XI) (XJ) (XK) (XL) (XM) (XN) (XO) (XP) (XQ) (XR) (XS) (XT) (XU) (XV) (XW) (XX) (XY) (XZ) (YA) (YB) (YC) (YD) (YE) (YF) (YG) (YH) (YI) (YJ) (YK) (YL) (YM) (YN) (YO) (YP) (YQ) (YR) (YS) (YT) (YU) (YV) (YW) (YX) (YY) (YZ) (ZA) (ZB) (ZC) (ZD) (ZE) (ZF) (ZG) (ZH) (ZI) (ZJ) (ZK) (ZL) (ZM) (ZN) (ZO) (ZP) (ZQ) (ZR) (ZS) (ZT) (ZU) (ZV) (ZW) (ZX) (ZY) (ZZ)

| WALL LEGEND |                              |
|-------------|------------------------------|
|             | EXISTING STUD WALL           |
|             | DETAIL                       |
|             | 2" STUD WALL @ 16" O.C.      |
|             | 5/8" TYP. SOUNDRILL SEE WALK |
|             | CONCRETE RETAINING WALL      |

PROJECT:

RECREATION ROOM

3809 MALIBU VISTA

MALIBU, CA. 90265

CLIENT:

MR. AND MRS. ART PETER

3809 MALIBU VISTA

MALIBU, CA. 90265

NO. DATE REVISION

1 4-11-10 100% SUBMITTAL

2 5-11-10 10% REVISION

3 6-11-10 10% REVISION

4 7-11-10 10% REVISION

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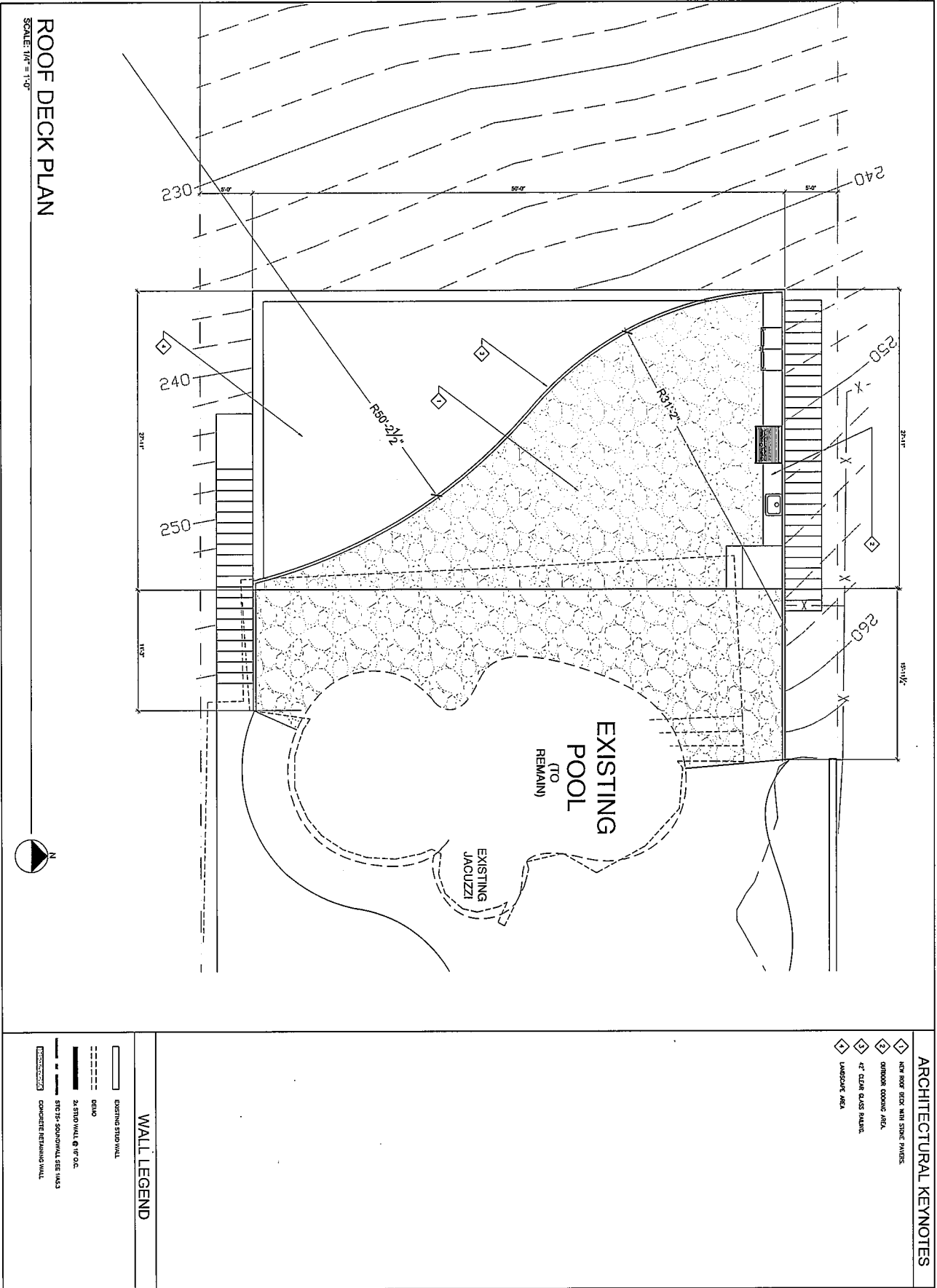
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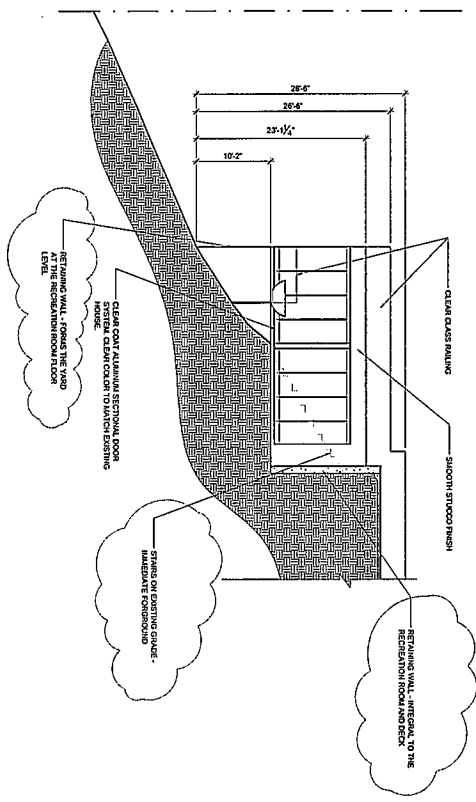
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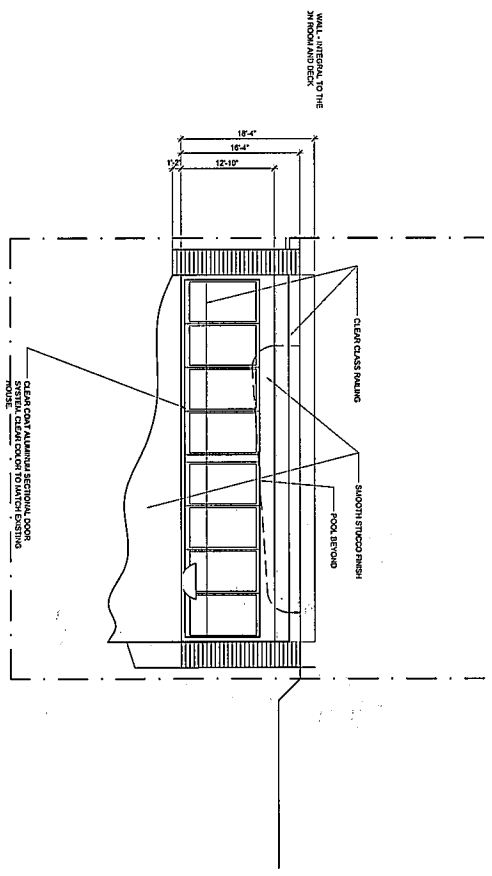
**EXHIBIT 7**  
**Permit 4-11-016**  
**Roof Deck Plan**





ELEVATION  
SCALE: 1/8" = 1'-0"

2



ELEVATION  
SCALE: 1/8" = 1'-0"

1

**EXHIBIT 8**  
**Permit 4-11-016**  
**Elevations**

PROJECT:  
**RECREATION ROOM**

3809 MALIBU VISTA  
MALIBU, CA. 90265

| NO. | DATE    | REVISION      |
|-----|---------|---------------|
| 1   | 4.18.10 | FOR SUBMITTAL |
| 2   | 4.18.10 | FOR REVISION  |
| 3   | 4.18.11 | FOR REVISION  |
| 4   | 4.18.11 | FOR REVISION  |

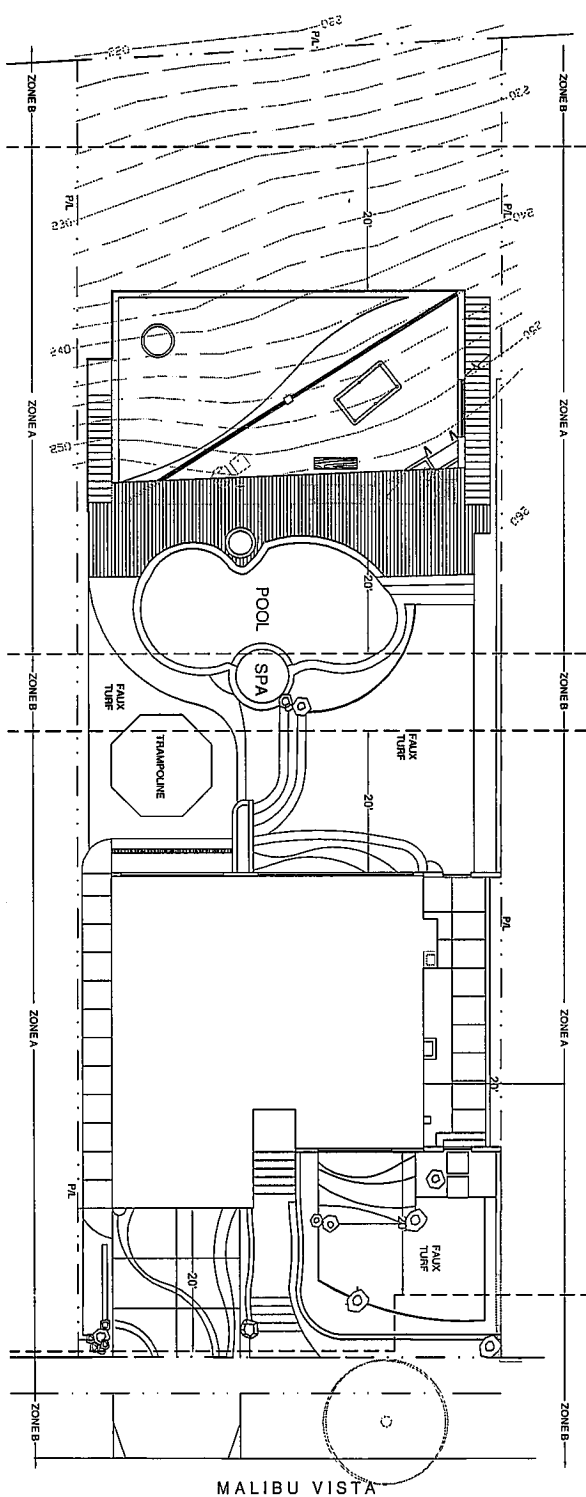
CLIENT:

MR. AND MRS. ART PETER  
3809 MALIBU VISTA  
MALIBU, CA. 90265

ELEVATIONS

Project: 3809 Drawing Number: A3.1  
Date: 3/29/10  
Drawn by: JPM  
Checked by: JPM  
Designed by: JPM

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- FUEL MODIFICATION NOTES**
- **ZONE A - SETBACK ZONE**  
 • Elected to be located within the setback zone, necessary structure, or landscaping or other plant material must be removed or modified.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.
  - **ZONE B - SETBACK ZONE**  
 • Elected to be located within the setback zone, necessary structure, or landscaping or other plant material must be removed or modified.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.

- **ZONE C - TRIMMING ZONE**  
 • Elected to be located within the setback zone, necessary structure, or landscaping or other plant material must be removed or modified.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.
- **ZONE D - TRIMMING ZONE**  
 • Elected to be located within the setback zone, necessary structure, or landscaping or other plant material must be removed or modified.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.  
 • Landscaping or other plant material must be removed or modified to maintain the setback zone.

- **MAINTENANCE**  
 • Fuel modification shall be performed in a timely manner.  
 • Fuel modification shall be performed in a timely manner.  
 • Fuel modification shall be performed in a timely manner.  
 • Fuel modification shall be performed in a timely manner.
- **LANDSCAPE MAINTENANCE AGREEMENT**  
 • The applicant shall enter into a landscape maintenance agreement with the City of Malibu.  
 • The applicant shall enter into a landscape maintenance agreement with the City of Malibu.  
 • The applicant shall enter into a landscape maintenance agreement with the City of Malibu.  
 • The applicant shall enter into a landscape maintenance agreement with the City of Malibu.

SCALE: 1/8" = 1'

DATE: 11/15/2011

11/15/2011

11/15/2011

11/15/2011

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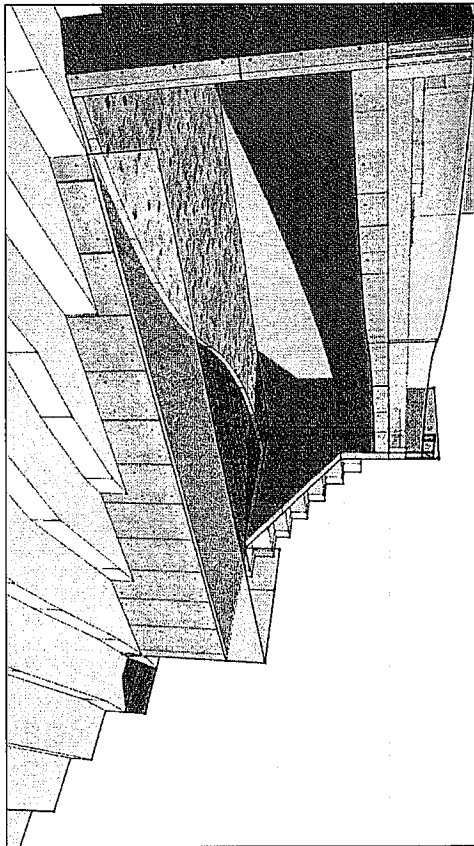
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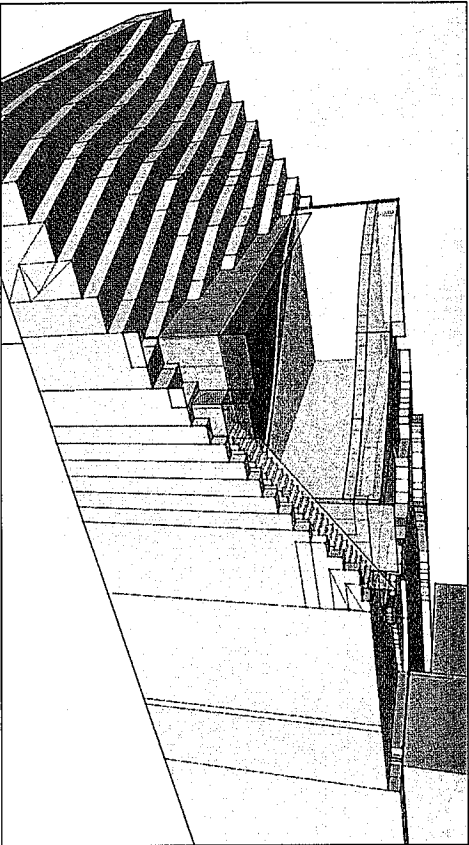
11/15/2011

11/15/2011



VIEW FROM NORTHWEST

2



VIEW FROM SOUTHWEST

1

**EXHIBIT 10**  
**Permit 4-11-016**  
**Visual Rendering**

PROJECT:  
RECREATION ROOM

3809 MALIBU VISTA  
MALIBU, CA 90265

| NO. | DATE    | REVISION       |
|-----|---------|----------------|
| 1   | 4.16.10 | 100% SUBMITTAL |

CLIENT:

MR. AND MRS. ART PETER  
3809 MALIBU VISTA  
MALIBU, CA 90265

RENDERINGS

|             |         |                 |
|-------------|---------|-----------------|
| Project:    | 0021    | Dwelling Number |
| Date:       | 3/20/10 |                 |
| Drawn by:   | JVA     |                 |
| Checked by: | JVA     |                 |

**R1.0**

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