

## CALIFORNIA COASTAL COMMISSION

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



# W37a

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## ADDENDUM

**DATE:** September 9, 2013  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item W37a, Application No. 4-12-020 (Hoff), Wed., September 11, 2013

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The purpose of this addendum is to reflect the applicant's request to make a minor revision to the proposed project in consideration of a private easement issue with a neighboring property owner. Specifically, the applicant proposes to revise the location of one of the proposed corrals and its associated decomposed granite access road by moving both approximately 15 feet to the east.

The applicant has submitted a revised site plan (Revised Exhibit 4) and revised project plan (Revised Exhibit 5) that show the changes to the northernmost corral and access road footprints. The location of the proposed metal horse shelter will remain the same. Additionally, the revised exhibits depict the location of the as-built retaining walls and wood stairs for which the applicant is requesting after-the-fact approval. These structures are discussed in the staff report, but were not depicted on Exhibit 4 or 5. The Revised Exhibits 4 and 5 are attached to this addendum.

Staff has reviewed the revised plans and concludes that these modifications are minor in nature and that no changes to the staff recommendation are necessary.





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# W37a

Filed: 5/3/13  
 180th Day: 10/30/13  
 Staff: D. Venegas-V  
 Staff Report: 8/22/13  
 Hearing Date: 9/11/13

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 4-12-020

**Applicant:** Miriam Hoff

**Agent:** Jose Iujvidin, JIC, Inc.

**Project Location:** 1714 Decker School Lane, Malibu, Santa Monica Mountains, Los Angeles County (APN: 4472-029-020)

**Project Description:** Installation of three (3) metal horse shelter structures each with associated corral enclosed by 4 ft. high, 3-rail fencing; access gate to private driveway; 4 ft. high “wildlife friendly” wood fence totaling 160 linear feet of fence along the property line adjacent to Decker School Lane. Construction of a decomposed granite access road; demolition of a 504 sq. ft. unpermitted shed and after-the-fact approval of a 144 sq. ft. shed, swimming pool, wood deck, concrete pavers, wood stairs and two (2) retaining walls 3’6” ft. in height and totaling 62 linear feet of retaining wall with 36 cu. yds. of associated grading (18 cu. yds. of cut and 18 cu. yds. of fill). No further grading is proposed or necessary for the new proposed development.

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## SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with conditions.

The project site is located on an 9.8-acre property at 1714 Decker School Lane, within the unincorporated area of the Santa Monica Mountains in Los Angeles County (APN 4472-029-020) (Exhibits 1-3). The subject property is accessed from a private driveway that extends from

Decker School Lane at the southwest corner of the site. The property is located in a large-lot rural residential area surrounded by equine facilities to the south, vacant undeveloped lots to the west and north, and a privately owned residence with equine facilities to the east. Topographically, the proposed new development area is located on a gently sloping portion of the property that has been previously developed with a one-story single family residence and associated residential development. The subject property is comprised of moderate to very steep slopes ranging from 1.4:1 to 3:1 (H:V, horizontal:vertical) that descend approximately 160 feet in elevation from the top of the knoll. Elevations on the property range from approximately 1,570 to 1,394 feet above mean sea level from the top of the relatively flat developed knoll down to the gently sloping undeveloped portion of the site. The steeply sloping subject property is located within an area designated by the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as a "Wildlife Migration Corridor" and is currently developed with existing development which includes a single family residence, detached garage, water tanks, two sheds, pool, pool deck, wooden stairs, concrete pavers, and two retaining walls.

The applicant proposes to install three (3) metal horse shelter structures each with an associated corral enclosed by 4 ft. high, 3-rail fencing; access gate to a private driveway; 4 ft. high "wildlife friendly" wood fence totaling 160 linear feet of fence along the property line adjacent to Decker School Lane; construct a decomposed granite access road; demolish 504 sq. ft. unpermitted shed and request for after-the-fact approval of a 144 sq. ft. shed, swimming pool, wood deck, concrete pavers, wood stairs and two (2) retaining walls 3'6" ft. in height and totaling 62 linear feet of retaining wall with 36 cu. yds. of associated grading (18 cu. yds. of cut and 18 cu. yds. of fill). No further grading is proposed or necessary for the new proposed development (Exhibit 4).

The proposed new development will result in an very minimal increase in impervious surfaces. Additionally, the proposed horse facilities are located on a relatively flat portion of the site. As such, there should be no significant 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. Nonetheless, construction of the proposed improvements could result in impacts to water quality from the introduction of construction materials, chemicals, or debris. Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff during construction , the Commission finds that **Special Condition Two (2)** Construction Runoff and Pollution Control Plan is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Additionally, confined animal structures such as the proposed horse shelters are one of the most recognized sources of non-point source pollutants since these types of developments have concentrated sources of animal wastes. Horse waste, including manure, urine, waste feed, straw, shavings and/or dirt bedding, can be significant contributors to pollution. Horse wastes are a breeding ground for parasites, flies, and other vectors. In addition, horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria which can cause cumulative impacts such as eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts affecting the biological productivity of coastal waters. To ensure the confined horse shelters onsite do not generate uncontrolled wastes which could migrate offsite and adversely impact coastal waters, **Special Condition One (1)** requires the applicant to submit a livestock waste management plan that requires the management of manure collection, storage, and disposal; and ensures containment facilities do not discharge

sedimentation or polluted runoff onto any public road, adjoining property, or into any drainage course. Only as conditioned will the proposed new development minimize adverse impacts to water quality and coastal resources to the maximum extent possible.

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.

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## APPENDICES

Appendix 1 Substantive File Documents

### EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Aerial Photo
- Exhibit 4. Site Plan
- Exhibit 5. Project Plans
- Exhibit 6. Site Plan Section

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept, dated March 5, 2012; County of Los Angeles Fire Department, Fuel Modification Plan Approval, dated May 29, 2012.

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## I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

### **Motion:**

*I move that the Commission **approve** Coastal Development Permit No. 4-12-020 pursuant to the staff recommendation.*

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:**

*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. Livestock Waste Management Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a Livestock Waste Management Plan (LWMP) for the review and approval of the Executive Director.

The LWMP shall demonstrate the following:

- (1) Livestock containment facilities shall not discharge sedimentation or polluted runoff onto any public road, adjoining property, or into any drainage course.
- (2) Livestock containment facilities, including the shelters and corrals, shall be a minimum of 100 feet from any environmentally sensitive habitat area (ESHA).
- (3) Manure, waste, oils, chemicals, fertilizers, and other such materials shall be stored in a sealed area, inside a structure, or in a covered container with an impervious bottom surface, and shall be stored at least 100 feet away from any ESHA.
- (4) Filter strips, natural vegetation, gravel, sand, or other similar materials shall be used along the periphery of corrals, pens, livestock showers, and waste containment areas to absorb and treat runoff from livestock facilities.

- (5) The livestock waste management plan shall include management practices describing the collection, storage, and disposal of livestock wastes, including manure and bedding. Such wastes shall be collected and stored onsite in a covered and contained facility.
- (6) Manure shall be cleaned from stalls and paddocks on a daily basis.
- (7) Livestock wastes may be disposed of offsite in a manner and location prescribed in the approved plan, or composted using standard, contained composting practices.
- (8) If manure and other livestock waste are composted on-site, the compost pile shall be contained in a bin or box, preferably one that can be covered. Half of the compost pile shall consist of nitrogen producing material, such as manure, food scraps or other green material. The other half of the pile shall be composed of brown material, including dry grasses and leaves.

B. Any additional or intensified use of the site for livestock maintenance purposes, whether recreational or commercial, shall require an amendment to Coastal Development Permit No. 4-12-020.

## **2. Construction Runoff and Pollution Control Plan**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director a Construction Runoff and Pollution Control Plan (CRPCP). The plan shall include a site map showing the location of the items to be constructed, stockpile areas, equipment parking areas, site access and any other pertinent construction features. Temporary Best Management Practices (BMPs) to be implemented to minimize erosion and sedimentation during construction, and minimize pollution of runoff by construction chemicals and materials shall be described in a narrative description and shown on the site plan if applicable. The CRPCP shall demonstrate that:

- A. During construction, development shall minimize wind and water erosion through the use of temporary BMPs (including, but not limited to, soil stabilization measures such as straw bales, fiber rolls, silt fence, or hydroseeding).
- B. Chemicals, vehicle fluids, asphalt and cement compounds shall be used with caution and any spills shall be immediately cleaned up.
- C. Debris and trash shall be removed from the site.
- D. Construction shall be limited to the minimal footprint necessary and for the shortest time necessary.
- E. Construction shall minimize the disturbance of plant cover (including trees, native vegetation, and root structures).
- F. The applicant shall implement soil stabilization BMPs, including but not limited to re-vegetation, on disturbed land areas as soon as feasible at the development.
- G. Landscaping permitted on a hillside for restoration, revegetation, or erosion control purposes shall consist of locally-indigenous, drought-tolerant plant species as found on the *Recommend Plant List for the Santa Monica Mountains*.

### **3. 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 144 sq. ft. shed, 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.

### **4. 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.

### **5. Final Fuel Modification Plan Approval**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, written evidence that the Los Angeles County Forestry Department has reviewed and approved the final fuel modification plan for the proposed metal horse shelter structures or evidence that no such approvals are required.

### **6. Condition Compliance**

Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

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

The applicant, Miriam Hoff, proposes to install three (3) metal horse shelter structures, each with an associated corral area enclosed by 4 ft. high, 3-rail fencing; access gate across private driveway; 4 ft. high “wildlife friendly” wood fence totaling 160 linear feet of fence along the property line adjacent to Decker School Lane; and to construct a decomposed granite access road to access the horse facilities. The applicant also proposes the demolition of a 504 sq. ft. unpermitted shed and after-the-fact approval of a 144 sq. ft. shed, pool, wood deck, concrete pavers, wood stairs and two (2) retaining walls 3’6” ft. in height and totaling 62 linear feet of retaining wall with 36 cu. yds. of associated grading (18 cu. yds. of cut and 18 cu. yds. of fill). No further grading is proposed or necessary for the new proposed development (Exhibit 4).

The project site is located on a 9.81-acre property at 1714 Decker School Lane, within the unincorporated area of the Santa Monica Mountains in Los Angeles County (APN 4472-029-020) (Exhibits 1-3). The subject property is accessed from a private driveway that extends from Decker School Lane at the southwest corner of the site. The property is located in a large-lot rural residential area surrounded by equine facilities to the south, vacant undeveloped lots to the west and north; and a privately owned residence with equine facilities to the east. Additionally, the subject property is located approximately 600 feet southeast and 1,300 feet northeast of vast areas of public parklands owned by the National Parks Service. Topographically, the proposed new development area is located on a gently sloping portion of the property that has been previously developed with a one-story single family residence and associated residential development. The subject property is comprised of moderate to very steep slopes ranging from 1.4:1 to 3:1 (H:V, horizontal:vertical) that descend approximately 160 feet in elevation from the top of the knoll. Elevations on the property range from approximately 1,570 to 1,394 feet above mean sea level from the top of the relatively flat developed knoll down to the gently sloping undeveloped portion of the site.

The project site is currently developed with existing structures which include a single family residence, detached garage, water tanks and two unpermitted sheds on the relatively flat knoll. The single family residence and detached garage were previously approved pursuant to coastal development permit (CDP) No. E-77-1. In addition, the flat knoll has been developed with a pool, pool deck, wooden stairs, concrete pavers, and two retaining walls. Based on a review of the Commission’s historical aerial photography, the pool, pool deck, wooden stairs, concrete pavers and two retaining walls were constructed after January 1, 1977, the effective date of the Coastal Act without the benefit of a coastal development permit or written exemption determination. Some of this development may not have required approval through a coastal development permit, but for the inclusion of grading. In order to resolve the unpermitted development, the applicant is requesting as part of this coastal development permit application after-the-fact approval for the pool, pool deck, wooden stairs, concrete pavers and two retaining walls with 36 cu. yds. of associated grading. Additionally, the subject site contains an existing disturbed area on the western portion of the site that was cleared prior to the effective date of the Coastal Act (January 1, 1977), based on a review of the Commission’s historical aerial photographs. The proposed new development will be located within this existing disturbed area located on the western portion of the subject property.

Furthermore, unpermitted vegetation clearance has occurred on the southern and eastern portions of the site by the previous owners of the subject property. The previous owners removed

vegetation beyond the required 200 fuel modification zone area for the existing single family residence and garage that resulted in unpermitted brush clearance on the subject property and the adjacent neighbor's property to the east. The applicant has submitted a fuel modification plan, dated May 29, 2012, which has been reviewed and approved by the Forestry Department of Los Angeles County. The applicant has agreed to only remove the required vegetation in accordance with the final fuel modification plan.

The steeply sloping subject property is located within an area designated by the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as a "Wildlife Migration Corridor." The certified LUP contains specific policies and development standards to protect the resources of these relatively undisturbed areas. The existing developed portion of the site is landscaped with ornamentals and the south and southeast portions of the site that were previously disturbed by unpermitted vegetation clearance consists of non-native grasslands. The undeveloped and undisturbed northern portion of the site is vegetated with native mixed chaparral vegetation, which extends off site as part of a larger contiguous area of chaparral which constitutes an environmentally sensitive habitat area (ESHA). However, the area of the site where the proposed development will occur is located on the existing disturbed areas on the western portion of the site which is relatively devoid of vegetation with the exception of scattered weeds and annual grasses. Therefore, the vegetation within the existing disturbed portion of the site is isolated and not part of a larger contiguous area of chaparral habitat and does not, therefore, constitute environmentally sensitive habitat area (ESHA). In addition, the proposed metal horse shelter structures with 4 ft. high, 3-rail fencing do not require fuel modification requirements by Los Angeles County Fire Department; thus the project will not in any loss of environmentally sensitive habitat area (ESHA).

The project site is visible from public parkland to the northwest of the property however; there are no existing or mapped public trails on or adjacent to the subject property. Additionally, the project site is visible from Decker Canyon Road (which is designated as a scenic highway pursuant to the certified Malibu/Santa Monica Mountains LUP). However, due to the steep sloping topography and existing development on site, the location of the new proposed development will not be visible from Decker Canyon Road. Thus, the proposed development will not be visible from any public viewing areas. Therefore, the proposed project will not adversely impact visual resources.

## **B. 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 which includes the installation of three (3) metal horse shelter structures each with an associated corral enclosed by 4 ft. high, 3-rail fencing for the purpose of keeping horses on site, construction of a decomposed granite access road and after-the-fact approval of the as-built 144 sq. ft. shed will result in a very minimal increase in impervious surfaces. Additionally, the proposed horse facilities are located on a relatively flat portion of the site. As such, there should be no significant 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. Nonetheless, construction of the proposed improvements could result in impacts to water quality from the introduction of construction materials or debris. Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff during construction, the Commission finds that **Special Condition Two (2)** Construction Runoff and Pollution Control Plan is necessary to ensure the proposed development will not adversely impact water quality or coastal resources. Specifically, Special Condition Two (2) requires interim erosion control measures and best management practices to be implemented to minimize erosion and sedimentation during construction and to minimize the pollution of runoff by construction materials, chemicals, or debris.

Additionally, confined animal structures such as the proposed horse shelters and corrals are one of the most recognized sources of non-point source pollutants since these types of developments have concentrated sources of animal wastes. Horse waste, including manure, urine, waste feed, and straw, shavings and/or dirt bedding, can be significant contributors to pollution. Horse wastes are a breeding ground for parasites, flies, and other vectors. In addition, horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria which can cause cumulative impacts such as eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts affecting the biological productivity of coastal waters. To ensure that the confined horse shelters and corrals onsite does not generate uncontrolled wastes which could migrate offsite and adversely impact coastal waters, **Special Condition One (1)** requires the applicant to submit a livestock waste management plan. Special Condition One (1) will require management of manure collection, storage, and disposal; and ensure containment facilities do not discharge sedimentation or polluted runoff onto any public road, adjoining property, or into any drainage course.

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 1: Livestock Waste Management Plan

Special Condition 2: Construction Runoff and Pollution Control Plan

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

### C. ENVIRONMENTALLY SENSITIVE HABITAT

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

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

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

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

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

- P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of this LCP.*
- P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.*
- P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*
- P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.*

As previously mentioned, the subject 9.81-acre site is located on the east side of Decker School Lane. The property is located in a large-lot rural residential area surrounded by equine facilities to the south, vacant undeveloped lots to the west and north, and a privately owned residence with

equine facilities to the east. Topographically, the subject property is comprised of moderate to very steep slopes and the proposed new development area is located on a gently sloping portion of the property that has been previously developed with a one-story single family residence and associated residential development. The steeply sloping subject property is located within an area designated by the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as a "Wildlife Migration Corridor" and is currently developed with existing development which includes a single family residence, detached garage, water tanks, two sheds, pool, pool deck, wooden stairs, concrete pavers, and two retaining walls.

The certified LUP contains specific policies and development standards to protect the resources of these relatively undisturbed areas as noted above. For instance, Table 1 "Permitted Uses and Development Standards In, Environmentally Sensitive Habitat Areas, Disturbed Sensitive Resource Areas, Significant Watersheds, Resource Management Areas, Wildlife Corridors and Significant Woodlands" of the Malibu/Santa Monica Mountains LUP states that for parcels smaller than 20 acres in proximity to existing development and/or services, and/or on the periphery of the significant watershed, grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road, and brush clearance required by the Los Angeles Fire Department (P63). Additionally, fencing of entire parcels shall be prohibited in order to allow free passage of wildlife. The subject property currently contains a legal residence and garage and two unpermitted structures (144 sq. ft. shed and 504 sq. ft. shed) and therefore the subject site is not in conformance with Table 1 of the Malibu/Santa Monica Mountains LUP which only allows for grading and vegetation removal for a residential unit, garage, and one other structure, access road and brush clearance. This application includes the request for after-the-fact approval for the 144 sq. ft. shed and proposes to demolish the 504 sq. ft. shed. Removal of the 504 sq. ft. shed will result in only one other legal structure (144 sq. ft. shed) in addition to the existing legal residence and garage on the subject property and therefore will be in conformance with Table 1 of the Malibu/Santa Monica Mountains LUP.

According to the submitted Biological Resource Evaluation, dated June 20, 2012, and prepared by Compliance Biology, the existing developed portion of the site is landscaped with ornamentals and the south and southeast portions of the site that were previously disturbed by unpermitted vegetation clearance consists of non-native grasslands. The undeveloped and undisturbed northern portion of the site is vegetated with native mixed chaparral vegetation, which extends off site as part of a larger contiguous area of chaparral which constitutes an environmentally sensitive habitat area (ESHA). However, the area of the site where the proposed development will occur is located on the existing disturbed areas on the western portion of the site which is relatively devoid of vegetation with the exception of scattered weeds and annual grasses. A portion of this existing disturbed area is also located within the 200 foot required fuel modification zones for the existing habitable structures on the adjacent neighboring properties to the west and the required fuel modification zones for the existing residence on site to the east. Therefore, the vegetation within the existing disturbed portion of the site is isolated and not part of a larger contiguous area of chaparral habitat and does not, therefore, constitute environmentally sensitive habitat area (ESHA). In addition, the proposed metal horse shelter structures with 4 ft. high, 3-rail fencing do not require fuel modification requirements by Los Angeles County Fire Department; thus the project will not in any loss of environmentally sensitive habitat area (ESHA). The applicant has submitted a fuel modification plan that has been reviewed and approved by the Forestry Department of Los Angeles County, however this plan

included the previously proposed horse shelter design and therefore a final updated fuel modification plan is still required by Los Angeles County Forestry Department prior to the issuance of the permit. Commission staff visited the subject property on June 20, 2013 and confirmed that, with the exception of the undisturbed mixed chaparral habitat areas on the northern portion of the property, the project site is an existing disturbed area.

Further, the project, as proposed, is consistent with the above-cited biological resource policies of the certified Malibu/Santa Monica Mountains Land Use Plan, which serves as guidance. Specifically, these policies require that environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values (P68) and that new development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas (P69). Finally, new development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources (P74). The proposed project is in conformance with the types of development that is allowed in an Wildlife Corridors, the project is sited and designed to: 1) protect against significant disruption of habitat values; 2) prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas and 3) is located as close as feasible to existing roadways and existing development. Furthermore, fencing of the property would adversely impact the movement of wildlife through the ESHA and wildlife migration corridor on this parcel. Therefore, the Commission finds it is necessary to limit fencing, if any, to the perimeter of the approved development area, turnaround, and driveway. The applicant is proposing a “wildlife friendly” wood fence along the property line adjacent to Decker School Lane to reduce impacts to the movement of wildlife on the subject property and surrounding areas.

The Commission also finds that the amount and location of any new development including but not limited to future improvements to the 144 sq. ft. shed, that could be built in the future on the subject site consistent with the resource protection policies of the Coastal Act is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply by default under the Coastal Act for, among other things, improvements to the existing 144 sq. ft. shed and repair and maintenance activities may be inappropriate here. In recognition of that fact, and to ensure that any future structures, additions, change in landscaping or intensity of use at the project site that may otherwise be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, the future development restriction is required.

Additionally, the Commission requires the applicant to record a deed restriction that imposes the terms and condition 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 restriction are imposed on the subject property.

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

- |                      |                                       |
|----------------------|---------------------------------------|
| Special Condition 3. | Future Development Restriction        |
| Special Condition 4. | Deed Restriction                      |
| Special Condition 5. | Final Fuel Modification Plan Approval |

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

#### **D. UNPERMITTED DEVELOPMENT**

Development has occurred on the subject site without the required coastal development permit.

The unpermitted development includes 1) the construction of approximately 504 sq. ft. unpermitted shed and 144 sq. ft. unpermitted shed; 2) swimming pool; 3) construction of the pool wood deck, wood stairs and two retaining walls and # cu. yds. of associated grading and; 5) installation of concrete pavers. This application includes the request for after-the-fact approval for the 144 sq. ft. shed, swimming pool, wood deck, concrete pavers, wood stairs and two (2) retaining walls 3'6" ft. in height and totaling 62 linear feet of retaining wall with 36 cu. yds. of associated grading (18 cu. yds. of cut and 18 cu. yds. of fill). The application also includes the demolition of the 504 sq. ft. unpermitted shed. Removal of the 504 sq. ft. shed will result in only one legal structure in addition to the existing residence and garage onsite to bring the subject property into conformance with Table 1 of the Malibu/Santa Monica Mountains LUP, as previously discussed in detail above.

Additionally, unpermitted vegetation brush clearance beyond the required 200 foot fuel modification zones for the existing residence and garage has occurred on the south and southeast portions of the subject site and neighboring property to the east. The applicant has submitted a fuel modification plan, dated May 29, 2012, which has been reviewed and approved by the Forestry Department of Los Angeles County. The applicant has agreed to only remove the required vegetation in accordance with the final fuel modification plan.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit, within 90 days of Commission action. The following special condition is required to assure the project's consistency with all applicable Chapter 3 policies of the Coastal Act:

#### Special Condition 6. Condition Compliance

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit. The Commission's enforcement division will evaluate further actions to address this matter.

#### **E. 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 6

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).

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

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

Special Conditions 1 through 6

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.

## **APPENDIX 1**

### **Substantive File Documents**

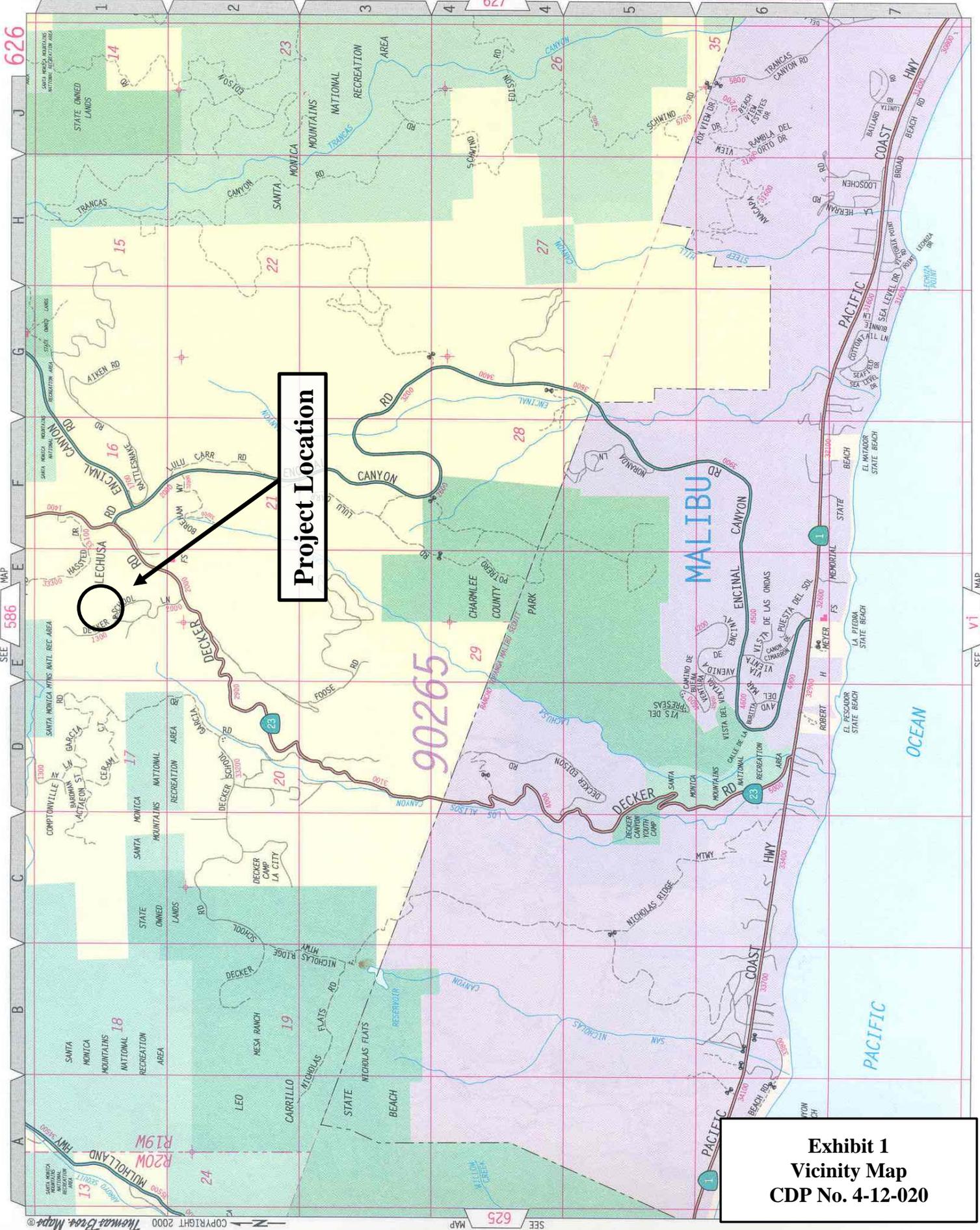
Certified Malibu/Santa Monica Mountains Land Use Plan; The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D; Biological Resource Evaluation, 1714 Decker School Lane, prepared by Compliance Biology, dated June 20, 2012; Coastal Development Permit No. E-77-1.

626

586

625

vi



**Project Location**

**Exhibit 1  
Vicinity Map  
CDP No. 4-12-020**

4 472 29  
SCALE 1" = 200'

# Subject Parcel

POR. N1/2, SW 1/4, SEC. 16

9

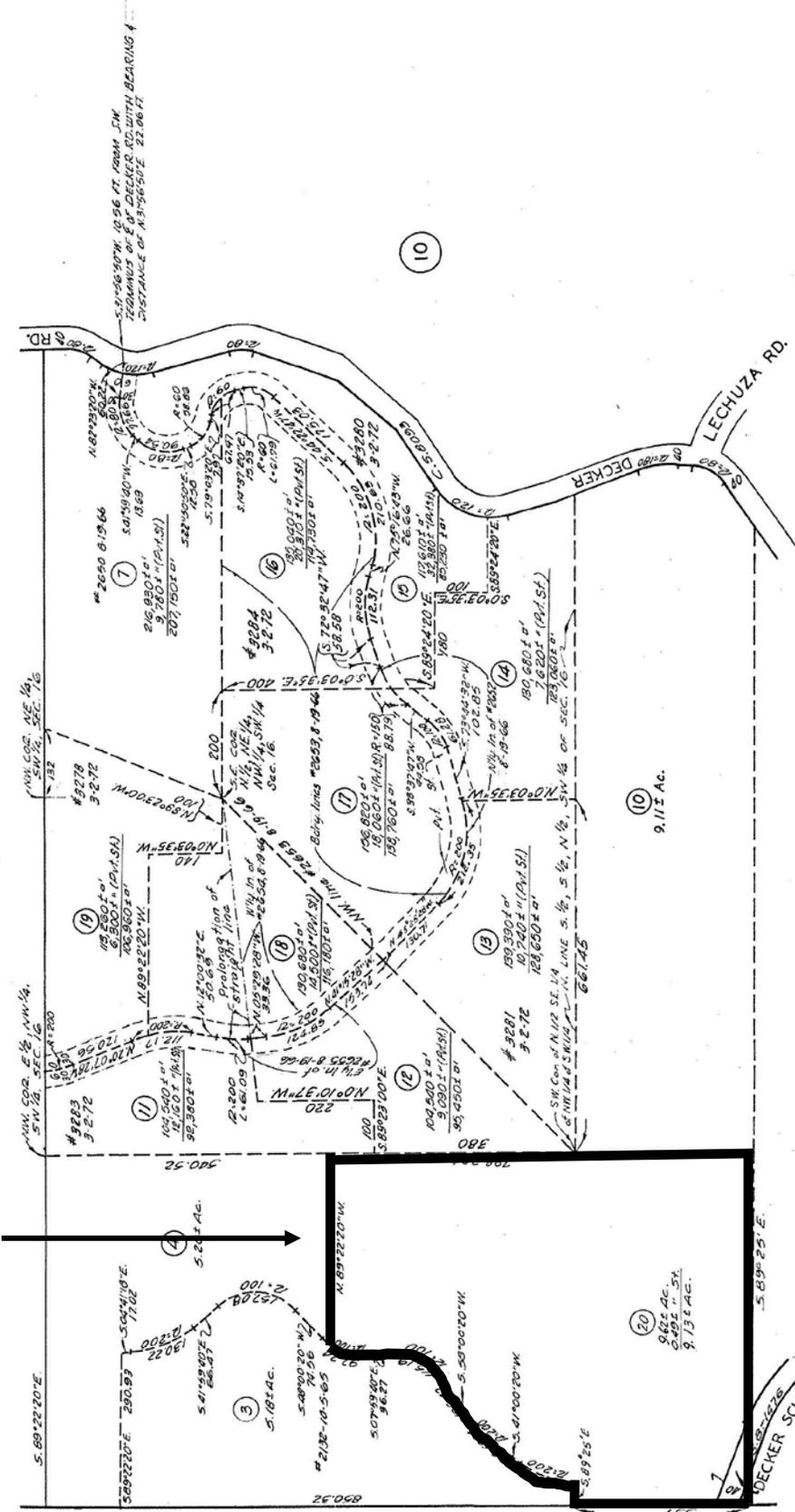


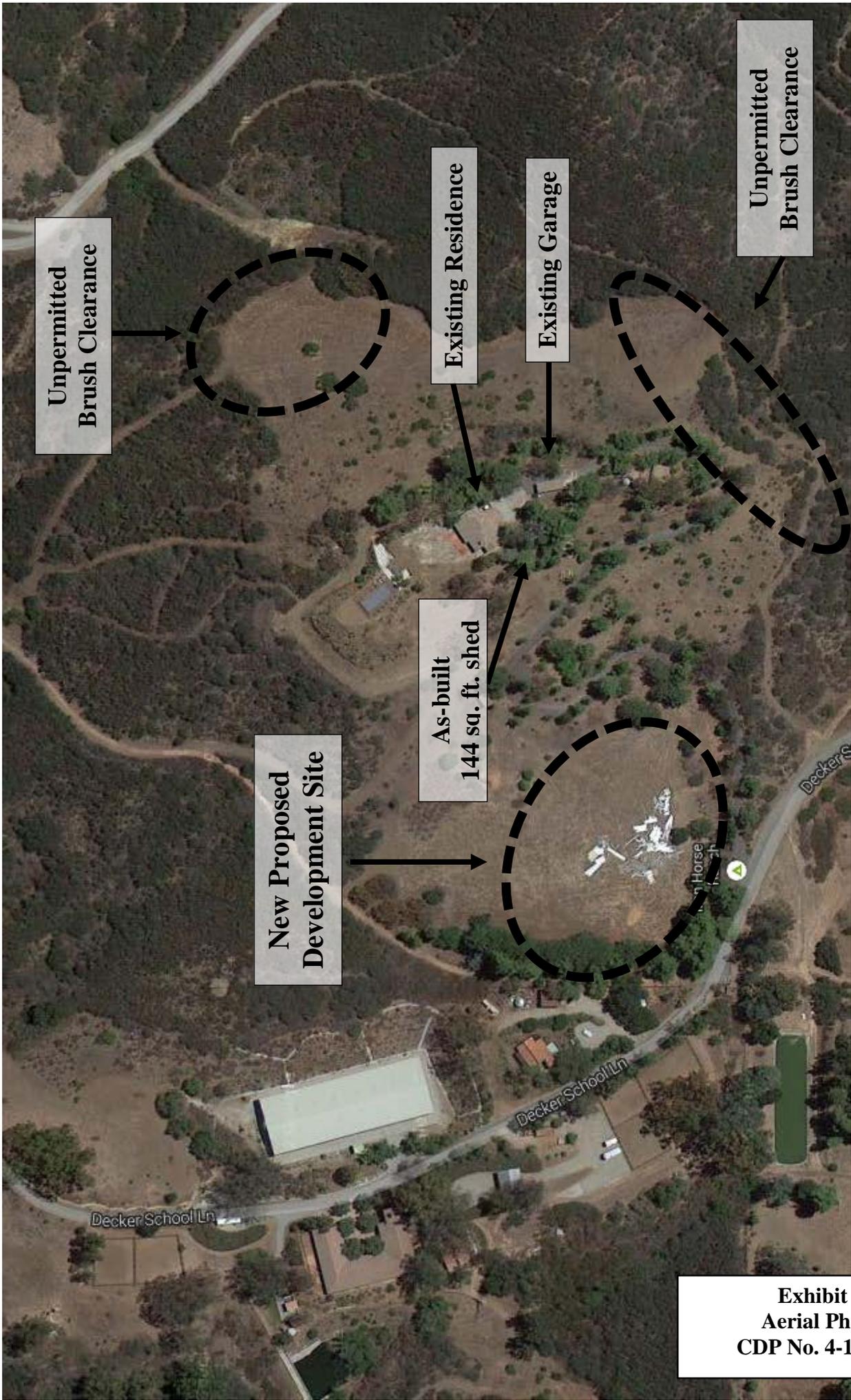
Exhibit 2  
Parcel Map  
CDP No. 4-12-020

T. 1S, R. 19W.

R. PREV. ASSMT. SEE:  
72-29

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

670110  
680725  
720707104  
720906  
720912  
780309  
88234544



**Exhibit 3**  
**Aerial Photo**  
**CDP No. 4-12-020**

NO.	DATE	DESCRIPTION
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