

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-13-0303

Applicant: Philip Vogt & Fredrick Olsson

Agent: N/A

Project Location: 33065 & 33057 Mulholland Highway, Malibu, Santa Monica Mountains Los Angeles County (APNs: 4472-007-032, 4472-007-033)

Project Description: Improvements to 0.61-miles of an existing access road (Etz Meloy Motorway) with 7,700 cu.yds. of associated grading (4,870 cu.yds. of cut, 2,830 cu.yds. of fill); installation of (4) 10,000 gallon water tanks and 2 gates; and lot line adjustment between 2 existing lots. Project also includes installation of seepage pits, hammerhead turnaround, and fuel modification vegetation clearance for two proposed single-family homes that will be located outside the Coastal Zone.

Staff Recommendation: Staff recommends **approval** of the proposed development with 12 special conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with 12 special conditions.

The project site is located on two 40-acre parcels at 33065 and 33057 Mulholland Highway, in the Santa Monica Mountains area of unincorporated Los Angeles County (APN: 4472-007-032)

& 4472-007-033 and previously known as 4472-007-012 & 4477-001-016). The two 40-acre parcels are located along, and bisected by the Coastal Zone Boundary and Etz Meloy Motorway, an existing Los Angeles County Fire Access road that connects with Mulholland Highway. Etz Meloy runs from Mulholland Highway to Yorba Buena Road to the northwest. The applicants, Phillip Vogt and Fredrik Olsson, propose improvements to 0.61-miles of an existing access road (Etz Meloy Motorway) with 7,700 cu. yds. of associated grading (4,870 cu. yds. of cut, 2,830 cu. yds. of fill); installation of (4) 10,000 gallon water tanks and (2) 8 ft. high gates; and lot line adjustment between 2 existing lots. This project also includes installation of seepage pits, hammerhead turnout and fuel modification vegetation clearance for two proposed single-family homes located outside Coastal Zone (Exhibits 1-5).

The subject property is accessed from an unpaved fire access road that extends from Mulholland Highway at the northeast corner of the site and is surrounded by privately owned vacant parcels to the north, west and east. A large area of public parkland owned by the National Park Service (NPS) is located on the adjacent parcels to the south which are developed with portions of the Backbone hiking trail. The proposed development will have a maximum height of 12 feet above finished grade. The development has been clustered together and designed to reduce landform alteration and sited to avoid, to the maximum extent feasible, the removal of native vegetation. The proposed development is compatible with the character of other development in the area.

The proposed development is located within a sensitive environmental resource area (SERA) consisting of H1, H2 and H3 habitat. These two categories of habitat are the equivalent of an “environmentally sensitive habitat area” (ESHA) under the Coastal Act and consequently, the Santa Monica Mountains LCP limits development in such areas to only those uses dependent upon the resource, with a few exceptions. The proposed project sites the road improvements, four water tanks with associated access road, gates, seepage pits, hammerhead turnaround within the existing access road and within the existing fire break, both of which are considered to be H3 habitat areas. The proposed fuel modification area for the proposed residences located outside the Coastal Zone extends into both H3 and H2 habitat areas. Lastly, the lot line adjustment will be located with H1, H2 and H3 habitat.

Specifically, Santa Monica Mountain Land Use Plan Policy CO-43 requires that new development avoid H2 Habitat, where feasible, in order to protect the sensitive environmental resource areas from disruption of habitat values. Where it is infeasible to avoid H2 habitat, the policy requires that new development be sited and designed to minimize impacts to H2 habitat. Further, the policy requires that impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives be fully mitigated. Santa Monica Mountain Land Use Plan Policy CO-67 requires coastal development permits for development of uses allowed within or adjoining H1 and H2 habitat shall include an open space conservation easement over the remaining H1 habitat, H1 habitat buffer, or H2 habitat, in order to avoid and minimize impacts to biological resources. Consistent with Policy CO-67, the project has been conditioned to require an open space conservation easement to minimize impacts to biological resources.

The proposed project also includes a lot line adjustment to allow for the two residences located outside the Coastal Zone to be clustered and utilize the common access road across the two parcels. The clustering of these residences would also reduce impacts to H1 and H2 habitat areas and minimize the individual and cumulative impacts to coastal resources. More specifically, the

lot line adjustment would allow for the minimization of site disturbance, landform alteration, removal of native vegetation, minimize required fuel modification, and to maximize open space.

The standard of review for the proposed development is the policies and provisions of the certified Santa Monica Mountains Local Coastal Program (LCP). As conditioned, the proposed project is consistent with all applicable policies of the Santa Monica Mountains LCP.

This application was filed on July 8, 2014. Under the provisions of the Permit Streamlining Act, the latest possible date for Commission action is January 4, 2015. As such, the Commission must act on Coastal Development Permit Application No. 4-13-0413 at the December 11, 2014 Hearing.

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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. Biological Resources Map
- Exhibit 5. Coastal Zone Boundary
- Exhibit 6. Site Plan
- Exhibit 7. Grading Plans
- Exhibit 8. Fuel Modification Plan
- Exhibit 9. Coastal Zone Boundary Determination No. 03-2012
- Exhibit 10. Los Angeles County Fire Department Letter
- Exhibit 11. Open Space Conservation Easement Exhibit

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated 6/26/14; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated 8/1/2013; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated 8/14/13.

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. 4-13-0303 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 the Santa Monica Mountains Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

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

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

2. Assumption of Risk, Waiver of Liability and Indemnity

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

hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. Permanent Drainage and Polluted Runoff Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate in the project design of developments in the following order of priority:

- a. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
- b. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
- c. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters. Where post-construction treatment of stormwater runoff is required, treatment control BMPs (or suites of BMPs) shall, at a minimum, be sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

The 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) Projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development, unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation.
- (2) Post-development runoff rates from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible. Examples of such

features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.

- (4) Landscape plants shall have low water and chemical treatment demands and be consistent with **Special Condition 5, Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit and, if applicable, in accordance with engineered plans prepared by a qualified licensed professional.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed where needed to prevent erosion. Plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system shall be prepared by a qualified licensed professional. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The qualified, licensed professional shall ensure that all energy dissipaters use the minimum amount of rock and/or other hardscape necessary to protect the site from erosion.
- (7) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (9) For projects located on a hillside, slope, or which may otherwise be prone to geologic instability, site drainage and BMP selection shall be developed concurrent with the preliminary development design and grading plan, and final drainage plans shall be approved by a licensed geotechnical engineer or engineering geologist.
- (10) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the affected 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 necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed 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.

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 a qualified, licensed professional. The qualified, licensed professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan are in conformance with the following requirements:

1. Erosion Control Plan

- (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.
- (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.
- (g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed

when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

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 permitted disposal site or recycled at a permitted 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 necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Landscaping and Fuel Modification Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

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

- (5) Fencing of the entire property is prohibited.

B) Fuel Modification Plans

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

C) Conformance with Commission Approved Site/Development Plans

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

D) Monitoring

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

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

6. Structural Appearance

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material

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

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

7. 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.

8. Habitat Impact Mitigation

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a map delineating all areas of H2 habitat (SERA) that will be disturbed by the proposed development, including fuel modification and brush clearance requirements on the project site and adjacent property. The H2 habitat areas on the site and adjacent property shall be delineated on a detailed map, to scale, illustrating the subject parcel boundaries and, if the fuel modification/brush clearance zones extend onto adjacent property, adjacent parcel boundaries. The delineation map shall indicate the total acreage for all H2 habitat within the Coastal Zone, both on and offsite, that will be impacted by the proposed development, including the fuel modification/brush clearance areas. A 200-foot clearance zone from the proposed structures shall be used to determine the extent of off-site brush clearance for fire protection purposes. The delineation shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains.

Mitigation shall be provided for impacts to the H2 habitat from the proposed development and fuel modification/brush clearance requirements by one of the three following habitat mitigation methods:

A. Habitat Restoration

1) Habitat Restoration Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a habitat restoration plan, for the review and approval of the Executive Director, for an area of degraded chaparral and/or coastal sage scrub habitat equivalent to the area of H2 habitat impacted by the proposed development and fuel modification/brush clearance area. The habitat restoration area may either be onsite or offsite within the coastal zone either in the City of Malibu or elsewhere in the Santa Monica Mountains. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries and topographic contours of the site. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover. The restoration plan shall include a statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions. If the restoration site is offsite, the applicant shall submit written evidence to the Executive Director that the property owner has irrevocably agreed to allow the restoration work, maintenance and monitoring required by this condition and not to disturb any native vegetation in the restoration area.

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

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

2) Open Space Deed Restriction

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

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence that the applicant has executed and recorded a deed restriction (if the applicant is not the owner, then the applicant shall submit evidence that the owner has executed and recorded the deed restriction), in a form and content acceptable to the Executive Director, reflecting the above restriction on development and designating the habitat restoration area as open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of both the parcel on which the restoration area lies and the open space area/habitat restoration area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3) Performance Bond

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

B. Habitat Conservation

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall (or, if the applicant is not the owner of the habitat conservation site, then the owner of the habitat conservation site shall) execute and record an open space deed restriction in a form and content acceptable to the Executive Director, over the entirety of a legal parcel or parcels containing H2 habitat. The H2 habitat located on the mitigation parcel or parcels must be of equal or greater area than the H2 habitat area impacted by the proposed development, including the fuel modification/brush clearance areas. No development, as defined in section 30106 of the Coastal Act, shall occur on the mitigation parcel(s) and the parcel(s) shall be preserved as permanent open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of the parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

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

If the mitigation parcel(s) is/are larger in size than the impacted habitat area, the excess acreage may be used to provide habitat impact mitigation for other development projects that impact like H2 habitat.

C. Habitat Impact Mitigation Fund

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence, for the review and approval of the Executive Director, that payment for compensatory mitigation has been provided to the Mountains Recreation and Conservation Authority to mitigate adverse impacts to chaparral and coastal sage scrub habitat (H2 habitat). The payment shall be calculated as follows:

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

The payment for these areas shall be \$15,500 per acre within the development area, any required irrigated fuel modification zones, and required off-site brush clearance areas (assuming a 200-foot radius from all structures). The total acreage shall be based on the map delineating these areas required by this condition.

2. Non-irrigated Fuel Modification Zones

The payment for non-irrigated fuel modification areas (on-site) shall be \$3,900 per acre. The total acreage shall be based on the map delineating these areas required by this condition.

Prior to the payment for mitigation to the Mountains Recreation and Conservation Authority, the applicant shall submit, for the review and approval of the Executive Director, the calculation of the payment required to mitigate adverse impacts to chaparral and/or coastal sage scrub habitat (H2 habitat), in accordance with this condition. After review and approval of the payment calculation, the payment shall be made to the Mountains Recreation and Conservation Authority's Coastal Habitat Impact Mitigation Fund for the acquisition, permanent preservation or restoration of habitat in the Santa Monica Mountains coastal zone, with priority given to the acquisition of or extinguishment of all development potential on properties containing environmentally sensitive habitat areas and properties adjacent to public parklands.. The payment may not be used to restore areas where development occurred in violation of the Coastal Act's permit requirements.

9. Open Space Conservation Easement

A. No development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities shall occur outside of the approved development area, within the portion of the property identified as the "open space conservation easement area", as shown in **Exhibit 11** except for:

- (1) Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the final approved fuel modification plan approved pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, or other fuel modification plans required and approved by Los Angeles County in a coastal development permit or approved by Los Angeles County in a permit for development located outside the Coastal Zone;
- (2) Drainage and polluted runoff control activities required and approved pursuant to:
 - a. The drainage and runoff control plans approved pursuant to **Special Condition 3, Permanent Drainage and Runoff Control Plan**, of this permit; and
 - b. The landscaping and erosion control plans approved pursuant to **Special Condition 4, Interim Erosion Control & Construction Best Management Practices Plan, and Special Condition 5, Landscaping and Fuel Modification Plans**, of this permit;
- (3) Planting of native vegetation and other restoration activities, if approved by Los Angeles County in a coastal development permit;
- (4) If approved by Los Angeles County in a coastal development permit,
 - a. construction and maintenance of public hiking trails; and
 - b. construction and maintenance of roads, trails, and utilities consistent with existing easements.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, granting to the Mountains Recreation and Conservation Authority (“MRCA”) on behalf of the people of the State of California an open space conservation easement over the “open space conservation easement area” described above, for the purpose of habitat protection. The recorded easement document shall include a formal legal description of the entire property; and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area, as generally shown on **Exhibit 11**. The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances (other than existing easements for roads, trails, and utilities) which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the MRCA on behalf of the people of the State of California, binding all successors and assigns.

10. Future Development Restriction

This permit is only for the development described in this Coastal Development Permit. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation, 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.

11. Removal of Natural Vegetation

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

12. 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 applicants, Phillip Vogt and Fredrik Olsson, propose improvements to 0.61-miles of an existing access road (Etz Meloy Motorway) with 7,700 cu. yds. of associated grading (4,870 cu. yds. of cut, 2,830 cu. yds. of fill); installation of (4) 10,000 gallon water tanks and (2) 8 ft. high gates; and lot line adjustment between 2 existing lots. This project also includes installation of seepage pits, hammerhead turnout and fuel modification vegetation clearance for two proposed single-family homes located outside Coastal Zone (Exhibits 1-5).

The project site is located on two 40-acre parcels at 33065 and 33057 Mulholland Highway, in the Santa Monica Mountains area of unincorporated Los Angeles County (APN: 4472-007-032 & 4472-007-033 and previously known as 4472-007-012 & 4477-001-016). The two 40-acre parcels are located along, and bisected by the Coastal Zone Boundary and Etz Meloy Motorway, an existing Los Angeles County Fire Access road that connects with Mulholland Highway. Etz Meloy runs from Mulholland Highway to Yorba Buena Road to the northwest. The Etz Meloy Motorway was constructed by the County of Los Angeles in 1977. The Etz Meloy Motorway is regularly maintained and cleared of brush by the Los Angeles County Fire Department to serve as a fire access road (Letter submitted from Captain Drew Smith, LACDD and attached as Exhibit 10). Portions of the site that are located outside the Coastal Zone are currently developed with vineyards, ground mounted solar panels and water tanks.

The subject property is accessed from an unpaved fire access road that extends from Mulholland Highway at the northeast corner of the site and is surrounded by privately owned vacant parcels to the north, west and east. A large area of public parkland owned by the National Park Service (NPS) is located on the adjacent parcels to the south which are developed with portions of the Backbone hiking trail. Topographically, the site includes steep hillsides and gradual inclines along the fire access road. The elevations on the site range from approximately 1,850 to 2,290

feet above mean sea level. The sloping property contains native and non-native plantings and trees throughout the entire property.

Additionally, the applicants have received County of Los Angeles Department of Regional Planning, approval in concept for the development of residential residences and agricultural structures to be located outside the Coastal Zone and therefore outside the permitting jurisdiction of the Commission, and not subject to the policies and provisions of the Santa Monica Mountains LCP. Lastly, given the proposed development's proximity to public parkland that is owned by the National Park Service, the applicants propose that no fuel modification or brush clearance activities occur beyond the limits of their approved fuel modification plan onto adjacent public parkland.

The proposed development will have a maximum height of 12 feet above finished grade. The development has been clustered together and designed to reduce landform alteration and sited to avoid, to the maximum extent feasible, the removal of native vegetation. The proposed development is compatible with the character of other development in the area. The proposed water tank heights are consistent with the maximum height (30 feet above natural or finished grade, whichever is lower) allowed under the certified policies of the Santa Monica Mountains LCP.

The certified Santa Monica Mountains Land Use Plan (LUP) designates portions of this site to contain mountain ridges considered "significant ridgelines" under the LUP, however no development is proposed on these ridgelines. In addition, the proposed road improvements will not result in additional visual impacts from the public parkland to the south of the site. Further, the proposed gates, and water tank are sited and designed to minimize impacts to visual resources to the extent feasible.

The Santa Monica Mountains Local Coastal Program was effectively certified by the Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified LCP, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicants, remain with the Coastal Commission for completion of review. The standard of review for such an application is the policies and provisions of the certified LCP.

B. HAZARDS AND GEOLOGIC STABILITY

The Santa Monica Mountains Local Coastal Program (LCP) contains the following development policies related to hazards that are applicable to the proposed development:

Policy SN-1 states:

All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.

Policy SN-10 states:

Prohibit land divisions, including lot line adjustments, unless all proposed parcels can be demonstrated to be safe from flooding, erosion, and geologic hazards and will provide a

safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.

Policy SN-11 states:

New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic 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.

Policy SN-12 states:

Site, design and size all new development to minimize risks to life and property from flood hazard, considering changes to inundation and flood zones caused by rising sea level.

Policy SN-16 states:

New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.

Policy SN-17 states:

New development shall not increase peak stormwater flows.

Policy SN-20 states:

Ensure that all new development is sized, designed and sited to minimize risks to life and property from fire hazard.

Policy SN-29 states, in part:

Limit fuel modification to the minimum area necessary...

Policy SN-36 states:

Require that property owners adhere to the approved fuel modification plan for their property, and ensure that Fire Department personnel adhere to the approved fuel modification plan during annual field inspections for fuel modification or brush clearance.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.2102 "Development Standards," in relevant part, states:

- A. All new development shall be sized, sited, and designed to minimize risks to life and property from geologic, flood, and fire hazard, considering changes to inundation and flood zones caused by rising sea level.

...

- D. All recommendations of the consulting licensed professional and/or the County geotechnical staff shall be incorporated into all final design and construction...

...

- G. New development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a qualified licensed professional that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of stormwater runoff in compliance with the LID requirements of this LIP.

...

- K. As a condition of approval of new development within or adjacent to an area subject to flooding, land or mudslide, or other high geologic hazard, prior to issuance of the Coastal Development Permit, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the County and agrees to indemnify the County against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

- L. As a condition of approval of new development within or adjacent to an area subject to high wildfire hazards, prior to issuance of the Coastal Development Permit, the property owner shall be required to submit a signed document which shall indemnify and hold harmless the County, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

The proposed development is located in the Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Therefore, to address these hazards, the SMM LCP includes a number of policies and provisions related to hazards and geologic stability. Policies SN-1, SN-11, SN-12 and SN-20 require that new development be sited, sized and designed to minimize risks to life and property from different kinds of hazards. Policies SN-16 and SN-17 require that new development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams and new development shall not increase peak stormwater flows.

The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, and pursuant to LIP

Section 22.44.2102 (D), the Commission requires the applicants 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. Consistent with Policy SN-10, the submitted geotechnical and soils report demonstrated that the proposed parcels are safe from flooding, erosion, and geologic hazards and proposed road improvements will provide a safe, legal, all-weather access road to both parcels.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. Pursuant to LIP Section 22.44.2102(G), the Commission requires the applicants 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.

As described above, the conditions in the Santa Monica Mountains pose a risk of wild fire damage to development that cannot be completely avoided or mitigated. The policies of the LUP address measures that will ensure that new development will minimize risks from fire hazard. These measures generally include: siting development in topographic areas that are less in danger from fire; siting development where adequate access for fire and other emergency vehicles can be provided; designing development to incorporate fire-safe features and materials; providing adequate water supplies for firefighting; and creating defensible space around new development through fuel modification.

As previously described, the applicants is planning to construct residential development that is located outside of the Coastal Zone. This development is required by the fire department to provide fuel modification, part of which is outside of the Coastal Zone. The portion that falls within the Coastal Zone is proposed for approval as part of this CDP. Approximately 36,975 sq. ft. of fuel modification area for the proposed residences located outside the Coastal Zone will fall within the boundaries of the Coastal Zone. Fuel modification is considered development under the policies and provisions of the Santa Monica Mountains LCP and therefore is subject to obtaining a coastal development permit. The applicants are requesting approval for the approximately 36,975 sq. ft. of fuel modification area within the Coastal Zone, and have submitted a preliminary fuel modification plan, approved by the County of Los Angeles Fire Department Prevention Services Bureau, depicting the locations of the required fuel modification area within the Coastal Zone. Furthermore, the preliminary fuel modification plan confirmed that the proposed water tanks, gates and seepage pits do not require fuel modification or brush clearance and therefore will not result in any vegetation clearance. The Commission finds that it is necessary to require Special Condition Five (5), which requires the applicants to submit a final landscape and fuel modification plan, approved by the Fire Department Prevention Services Bureau, to delineate the total final acreage of vegetation within the Coastal Zone that will be impacted by the proposed residential development located outside the Coastal Zone. Additionally, consistent with Policy SN-36, Special Condition Five (5) requires the applicants to undertake development in accordance with the final landscape and fuel modification plans. Moreover, Policy SN-29 requires that fuel modification is limited to the minimum area necessary. Staff notes that since the proposed siting of the residences are located outside the Coastal Zone and therefore outside the permitting jurisdiction of the Commission, and are not

subject to the policies and provisions of the Santa Monica Mountains LCP, the Commission does not have the ability to site the proposed residences. However, staff notes that the proposed residences have been sited and clustered to limit fuel modification to the minimum area necessary.

Although the conditions described above render the project sufficiently stable to satisfy the geologic, flood, and fire hazard policies of the Santa Monica Mountains LCP, 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. Pursuant to LIP Section 22.44.2102 (D), if the applicant nevertheless chooses to proceed with the project, the Commission requires the applicants to assume the liability from these associated risks. Through the assumption of risk condition, the applicants acknowledge the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development. Additionally, consistent with LIP Section 22.44.2102(K), the Commission requires the applicants 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, as determined in the findings above, to assure the project's consistency with the geologic, flood, and fire hazard policies of the Santa Monica Mountains LCP and as a response to the risks associated with the project:

- Special Condition 1: Plans Conforming to Geotechnical Engineer's Recommendations
- Special Condition 2: Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans
- Special Condition 5: Landscaping and Fuel Modification Plans
- Special Condition 7: Deed Restriction

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with the applicable geologic, fire and flood hazard policies and provisions of the Santa Monica Mountains LCP.

C. WATER QUALITY

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to the protection of water quality:

Policy CO-2 states, in relevant part:

Site, design, and manage new development and improvements, including: but not limited to: landscaping, to protect coastal waters from non-point source pollution by minimizing the introduction of pollutants in runoff and minimizing increases in runoff rate and volume...

Policy CO-3 states, in relevant part:

To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs...

Policy CO-4 states:

Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.

Policy CO-10 states:

Limit grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to create a building site, allow access, and provide fire protection for the proposed development. Monitor grading projects to ensure that grading conforms to approved plans.

Policy CO-17 states:

Prohibit non-emergency earthmoving operations during the rainy season (extending from October 15 to April 15). Approved grading shall not be commenced unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the County determines that completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation. Erosion control measures shall be required for any ongoing grading project or any completed grading project that is still undeveloped.

Policy CO-19 states:

Minimize the land disturbance activities of construction (e.g., clearing, grading, and cut and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Use soil stabilization BMPs on disturbed areas.

Policy CO-29 states:

Require applications for land divisions (except lot mergers or lot line adjustments involving already-developed lots) or for any developments requiring grading of the building site, where sewers will not be provided, to include a report prepared by a California Professional Geologist, a California Certified Engineering Geologist, a California Registered Engineer, California Certified Hydrogeologist, or a California Registered Environmental Health Specialist that addresses the ability of each proposed building site to accommodate an OWTS after the site has been graded.

Policy CO-30 states, in relevant part:

Site new OWTS and require them to be designed so that impacts to sensitive environmental resources are minimized, including grading, site disturbance, and the introduction of increased amounts of water...

Policy CO-92 states, in relevant part:

Leachfields shall be located at least 100 feet and seepage pits shall be located at least 150 feet from any stream, as measured from the outer edge of riparian canopy, or from the stream bank where no riparian vegetation is present, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay and other native trees...

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.1340 "Water Resources," in relevant part, states:

A. Stream/Drainage course protection.

1. New development shall provide a buffer of at least 100 feet in width from the outer edge of the canopy of riparian vegetation associated with a stream/drainage course. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream.

B. Water wells, geologic testing, and on-site wastewater treatment systems (OWTS).

...

3. New OWTS shall comply with all current County Environmental Health OWTS standards and Water Resources Control Board requirements. Coastal development permit applications for OWTS installation and expansion, where groundwater, nearby surface drainages or slope stability are likely to be adversely impacted as a result of the projected effluent input to the subsurface, shall include a study prepared by a California Certified Engineering Geologist or Registered Geotechnical Engineer that analyzes the cumulative impact of the proposed OWTS on groundwater level, quality of nearby surface drainages, and slope stability...

a. New OWTS shall be sited so that impacts to sensitive environmental resources are minimized including grading, site disturbance, and the introduction of increased amounts of water. To the extent feasible, OWTS shall be sited within the approved building site area and/or the associated irrigated fuel modification zones, and in an area that can be accessed from existing or approved roads for maintenance purposes;

...

E. Where BMPs are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The selection of the BMPs shall be prioritized in the following order: 1) site design BMPs (e.g., minimizing the project's impervious footprint or using pervious pavements), 2) source control BMPs (e.g., revegetate using a plant palette that has low fertilizer/pesticide requirements), and 3) treatment control BMPs (e.g., use vegetated swales). When the combination of site design and source control BMPs is not sufficient to protect water quality, treatment control BMPs shall be required, in addition to site design and source control measures. The design of BMPs shall

be guided by the current edition of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks, or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development, and specific to a climate similar to the Santa Monica Mountains.

...

H. Construction Runoff and Pollution Control Plan (CRPCP) is required for all development projects that involve on-site construction to address the control of construction-phase erosion, sedimentation, and polluted runoff. This plan shall specify the temporary BMPs that will be implemented to minimize erosion and sedimentation during construction, and minimize pollution of runoff by construction chemicals and materials.

...

I. A Post-Construction Runoff Plan (PCRP) is required for all development that involves on-site construction or changes in land use (e.g., subdivisions of land) if the development has the potential to degrade water quality or increase runoff rates and volume, flow rate, timing, or duration.

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. LUP Policy CO-2 requires that development is sited and designed to minimize the introduction of pollutants in runoff and minimize increases in runoff rate and volume. To reduce runoff and erosion and provide long-term, post construction water quality protection in all physical development, CO-3 states that the use of Best Management Practices (BMPs) shall be employed to the maximum extent practicable to minimize polluted runoff. New development is required to minimize impervious surfaces, convey drainage in a non-erosive manner, and infiltrate runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows (CO-4).

The project site contains an unnamed tributary that is indicated as blue-line stream drainage on the U.S Geological Survey. Consistent with LIP Section 22.44.1340(A)(1), all proposed road improvements and development are location at a minimum of 100 feet from the outer edge of the canopy of riparian vegetation associated with a drainage course. The proposed development will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the LUP Policy CO-3 and LIP Section 22.44.1340, require 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. Thus, the Commission requires the applicants to implement permanent drainage facilities, as detailed in Special Condition Three (3). The Commission also required Special Condition Four (4), for the submittal of an interim erosion control plan and construction responsibilities which incorporates BMPs during the construction and post-development stages of the project.

Much of the Santa Monica Mountains is served by onsite wastewater treatment systems (OWTS). Many of the private systems employ state-of-the-art technology, but some failures have been reported in older systems. Failures of OWTS can adversely impair water quality, human health, biological communities in the surrounding watershed, and other coastal resources. A majority of the OWTS for the proposed two residences will be located outside the Coastal Zone however the seepage pits for the OWTS that will serve the two residences will be located within the Coastal Zone and therefore have been included in this permit application for approval. The geologic consultants have concluded that the site is suitable for the proposed seepage pits and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. To ensure that seepage pits prevent the introduction of pollutants into coastal waters and protect the overall quality of coastal waters and resources, Policy CO-30 requires that new OWTS minimize impacts to sensitive resources, including grading, site disturbance, and the introduction of increased amounts of water. Policy CO-92 states that seepage pits shall be located at least 150 feet, from the outer edge of a stream's riparian canopy, or from the stream bank. Consistent with LUP Policy CO-92 and LIP Section 22.44.1340, the proposed seepage pits are located at least 150 feet from any stream, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay and other native trees. Additionally, consistent with Policy CO-29, each proposed building site can accommodate an OWTS after the site has been graded. Policy CO-17 requires non-emergency earthmoving operations are prohibited during the rainy season (extending from October 15 to April 15). Approved grading shall not be commenced unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the County determines that completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation. Erosion control measures shall be required for any ongoing grading project or any completed grading project that is still undeveloped. Natural vegetation buffer areas that protect riparian habitats shall be maintained. Consistent with Policies CO-10 and CO-19, the proposed project limits grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to allow for access and minimizes the land disturbance activities of construction in erosion areas to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Pursuant to Special Condition Five (5), all disturbed areas are required to be revegetated prior to the beginning of the rainy season, using locally-indigenous plant species.

In addition, to ensure that excess excavated materials are moved off site so as not to contribute to unnecessary landform alteration and to minimize potential erosion and sedimentation, the Commission finds it necessary to require the applicants to dispose of the material at an appropriate disposal site or to a site that has been approved to accept the material, as specified in Special Condition Twelve (12).

The following special conditions are required, as determined in the findings above, to assure the project's consistency with water quality policies of the Santa Monica Mountains LCP:

- 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 Fuel Modification Plans
- Special Condition 12: Removal of Excavated Materials

Therefore, the Commission finds that the proposed project, as conditioned, consistent with the applicable water quality policies and provisions of the Santa Monica Mountains LCP.

D. SENSITIVE ENVIRONMENTAL RESOURCE AREAS

The Santa Monica Mountains Local Coastal Program (LCP) provides for the protection and enhancement of sensitive environmental resource areas (SERAs):

Policy CO-33 states, in relevant part:

Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations.

- 1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat...
- 2) H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 "High Scrutiny" habitat, which comprises sensitive H2 habitat species/habitats that should be given avoidance priority over other H2 habitat...

Policy CO-34 states:

H3 habitat consists of areas that would otherwise be designated as H2 habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development. This category also includes areas of native vegetation that are not significantly disturbed and would otherwise be categorized as H2 habitat, but have been substantially fragmented or isolated by existing, legal development and are no longer connected to large, contiguous areas of coastal sage scrub and/or chaparral dominated habitats. This category includes lawfully-developed areas and lawfully-disturbed areas dominated by non-native plants such as disturbed roadside slopes, stands of nonnative trees and grasses, and fuel modification areas around existing development (unless established illegally in an H2 or H1 area). This category further includes isolated

and/or disturbed stands of native tree species (oak, sycamore, walnut, and bay) that do not form a larger woodland or savannah habitat. While H3 habitat does not constitute a SERA, these habitats provide important biological functions that warrant specific development standards for the siting and design of new development.

Policy CO-35 states, in relevant part:

The areas occupied by existing, legally-established structures, agricultural uses (including equestrian uses), access roads and driveways and confined animal facilities do not constitute H1 or H2 habitat areas. Additionally, the fuel modification areas required by the Los Angeles County Fire Department for existing, lawfully-established structures do not meet the criteria of the H1 or H2 habitat categories, with the exception of the areas subject to the minimal fuel modification measures that are required in riparian or woodland habitats (e.g., removal of deadwood)...

Policy CO-36 states, in relevant part:

SERA habitat (H1 and H2) and H3 habitat categories are depicted on Map 2 Biological Resources of the Santa Monica Mountains LUP ("Biological Resources Map"). The precise boundaries of these habitat categories shall be determined on a site-specific basis, based on substantial evidence and a site-specific biological surveys inventory and/or assessment required by the LCP when a development proposal is submitted

Policy CO-37 states, in relevant part:

The habitat categories as depicted on the Biological Resources Map may be adjusted based upon substantial biological evidence and independent review by the County Biologist and ERB as set forth in this Element. Based on substantial evidence, a resource on any site may be classified or reclassified from one category to a higher or lower category. Where the County finds that the physical extent of habitats on a project site are different than those indicated on the Biological Resources Map, the County shall make findings as part of the CDP regarding the physical extent of the habitat categories and detailed justification for any classification or reclassification of habitat categories at the project site based on substantial evidence...

Policy CO-41 states, in relevant part:

New non-resource dependent development shall be prohibited in H1 habitat areas to protect these most sensitive environmental resource areas from disruption of habitat values. The only exception is...public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

Policy CO-42 states, in relevant part:

Resource-dependent uses are only allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values, consistent with the policies of the LUP.

Policy CO-43 states:

New development shall avoid H2 Habitat (including H2 High Scrutiny Habitat), where feasible, to protect these sensitive environmental resource areas from disruption of habitat values. H2 High Scrutiny Habitat is considered a rare and sensitive H2 Habitat subcategory that should be given protection priority over other H2 habitat and should be avoided to the maximum extent feasible. Where it is infeasible to avoid H2 habitat, new development shall be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated.

Policy CO-44 states:

New development shall be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while not conflicting with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, H3. Priority shall be given to siting development in H3 habitat, but outside of areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is consistent with the specific limitations and standards for development in H2 habitat and all other provisions of the LCP. New development is prohibited in H1 habitat unless otherwise provided in Policy CO-41.

Policy CO-45 states:

Emphasize the protection of habitat:

- a) Preserve, protect, and enhance habitat linkages through limitations in the type and intensity of development and preservation of riparian corridors.
- b) Place primary emphasis on preserving large, unbroken blocks of undisturbed natural open space and wildlife habitat areas. As part of this emphasis, all feasible strategies shall be explored to protect these areas from disturbance. Such strategies include, but are not limited to, purchasing open space lands, retiring development rights, clustering development to increase the amount of preserved open space, requiring the dedication of open space conservation easements in all CDPs that include approval of structures within H2 habitat, and minimizing grading and the removal of native vegetation.

Policy CO-49 states:

Require development to be sited and designed to protect and preserve important, viable habitat areas and habitat linkages in their natural condition.

Policy CO-54 states:

Use primarily locally-indigenous plant species in landscape areas within Fuel Modification Zones A and B of structure(s) requiring fuel modification. Non-locally-indigenous plants and gardens that are not invasive may be allowed within the building site area and in Fuel Modification Zones A and B, with associated irrigation, provided that the species are consistent with Fire Department requirements and all efforts are made to conserve water. Invasive plants are strictly prohibited. The removal or trimming, thinning or other reduction of natural vegetation, including locally-indigenous vegetation, is prohibited except when required for construction of an approved development and/or for compliance with fuel modification requirements for approved or lawfully-existing development. Los Angeles County will work with organizations, homeowners, and park agencies on educational programs to reduce the spread of invasive plant species within the Coastal Zone.

Policy CO-63 states, in relevant part:

New development adjoining parklands, where the purpose of the park is to protect the natural environment and SERAs, shall be sited and designed to minimize impacts to habitat and recreational opportunities to the maximum extent feasible...New development permitted adjacent to parklands shall include open space conservation easements over the habitat areas outside the approved development site to ensure that impacts to the H1 and H2 habitat, H1 habitat buffer, or parkland buffer are avoided.

Policy CO-67 states:

Coastal development permits for the development of uses allowed within or adjoining H1 and H2 habitat shall include an open space conservation easement over the remaining H1 habitat, H1 habitat buffer, or H2 habitat, in order to avoid and minimize impacts to biological resources.

Policy CO-70 states, in relevant part:

A site-specific Biological Inventory shall accompany each application for all new development. A detailed Biological Assessment report shall be required in applications for new development located in, or within 200 feet of, H1, H2, or H2 “High Scrutiny” habitat, as mapped on the Biological Resources Map, or where an initial Biological Inventory indicates the presence or potential for sensitive species or habitat...

Policy CO-74 states, in relevant part:

New development shall be clustered to the maximum extent feasible and located as close as possible to existing roadways, services and other developments to minimize impacts to biological resources...

Policy CO-76 states:

All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream

siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.

Policy CO-79 states:

Access roads that are wholly new, incorporate any portion of an existing access road, or require the widening, improvement or modification of an existing, lawfully-constructed road in order to comply with County Fire Department access development standards shall comply with the following:

- a. No more than one access road or driveway with one hammerhead-type turnaround area providing access to the one approved building site area may be permitted as part of a development permitted in H2 habitat or H2 High Scrutiny habitat, unless a secondary means of access is specifically required by the Fire Department to protect public safety.
- b. An access road or driveway shall only be permitted concurrently with the use it is intended to serve, except for the approval of geologic testing roads.
- c. Grading, landform alteration, and vegetation removal for access roads and driveways shall be minimized to the greatest extent feasible. The length of the one access road or driveway shall be the minimum necessary to provide access to the one approved building site area on a legal parcel. The alignment and design of the access road or driveway shall avoid impacts to H1 and H2 habitat, or if avoidance is not feasible, shall minimize such impacts. In no case shall new on-site or off-site access roads, or driveways as measured from the nearest public road, exceed a maximum of 300 feet or one-third the parcel depth, whichever is less, unless the County finds, based on substantial evidence, that a variance of this standard is warranted.
- d. The width and grade of an access road or driveway and the size of the hammerhead turnaround approved shall be the minimum required by the Fire Department for that development project.

Policy CO-80 states:

New development shall be sited and designed to minimize the amount of grading, consistent with the grading requirements of the LCP. Cut and fill slopes shall be minimized by the use of retaining walls, where consistent with all other provisions of the LCP.

Policy CO-86a states, in relevant part:

Unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, and/or to H2 habitat from direct removal or modification, shall be compensated by the following, at a minimum.

- a. The County will administer a Resource Conservation Program (“RCP”), which shall consist of the expenditure of funds to be used for the acquisition and permanent preservation of land in the Santa Monica Mountains coastal zone containing substantial areas of H1 and/or H2 habitats. The County commits to expend no less than \$2,000,000 over a ten-year period. The RCP shall demonstrate that the lands

preserved are, at a minimum, proportional to the habitats impacted from permitted development in area (acreage or partial acreage) and habitat value/function.

Policy CO-98 states:

Applications for new development shall include the total acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the proposed project, including building pad and road/driveway areas, as well as required fuel modification on the project site and brush clearance on adjoining properties.

Policy CO-108 states:

Site and design new development to minimize the amount of grading and the alteration of natural landforms.

Policy CO-109 states:

Site and design new development to protect natural features, and minimize removal of natural vegetation.

Policy CO-112 states, in relevant part:

Ensure that development conforms to the natural landform and blends with the natural landscape in site, design, shape, materials, and colors...

Policy CO-118 states:

When development conditions of approval set aside lands for open space, clearly define the land's intended open space functions and ensure that the management and use of such lands are consistent with those intended open space functions.

Policy CO-122 states:

Implement legal protections, such as deed restrictions and dedication of open space easements, to ensure designated open space lands are preserved in perpetuity.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) section is specifically applicable in this case.

Section 22.44.1810(A) of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

A. The habitat categories are as follows:

1.H1 Habitat – This category consists of habitats of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dunes, wetland, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types....Native grassland and scrub vegetation are those areas characterized by native

grasses and native shrubs. Areas where native grasses are associated with trees or large shrubs (e.g., Toyon) are typically not considered native grasslands. An important exception is where native grasses are associated with coast live or valley oak which is indicative of oak savannah habitat. Native grassland often supports numerous native forbs and some areas of native grassland will include a large percent of non-native annual grasses. Riparian habitat includes all vegetation (canopy and understory species) associated with a creek or stream including, but not limited to, sycamore, coast live oak, black walnut, white alder, Fremont cottonwood, black cottonwood, mulefat, arroyo willow, red willow, blackberry, mugwort, and Mexican elderberry... Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. Rock outcrops comprised of either volcanic or sedimentary/sandstone rocks are frequently associated with a unique community of rare annual plants and lichens and are therefore H1 habitat..Areas where components of H1 are found in urbanized or otherwise disturbed areas, such as oak trees within or adjacent to developed parcels, will be protected where feasible, as set forth in this LIP.

2.H2 Habitat – This category consists of habitats of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. Connectivity among habitats within an ecosystem and connectivity among ecosystems is important for the preservation of species and ecosystem integrity. Large contiguous blocks of relatively pristine habitat facilitate natural ecosystem patterns, processes and functions such as water filtration, nutrient cycling, predator/prey relationships, plant and animal dispersal and animal migration, habitat and species diversity and abundance, and population and community dynamics (e.g., birth/death rates, food web structure, succession patterns). H2 Habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. Coastal sage scrub is dominated by soft- leaved, generally low-growing aromatic shrubs such as California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), and black sage (*Salvia apiana*) and chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves such as manzanita (*Arctostaphylos* sp.) and ceanothus (*Ceanothus* sp.)...

3.H2 "High Scrutiny" Habitat – A subcategory of H2 Habitat is H2 "High Scrutiny" Habitat, which comprises extra sensitive H2 Habitat species/habitats that should be given avoidance priority over other H2 habitat. H2 High Scrutiny Habitat also includes areas that support species listed by federal and state government as threatened or endangered, California Native Plant Society (CNPS) "1B" and "2" listed plant species, and California Species of Special Concern...The mapped "H2 High Scrutiny" habitat areas on the Biological Resource Map are intended to notify County staff, the public, and decision- makers of the general areas where there is a high likelihood of these species' occurrence so that more scrutiny can be paid to them with detailed site-specific inventories conducted to determine actual occurrence and extent. However, if the criteria listed above are satisfied in locations not identified on the Biological Resource Map, any such locations will also qualify for this designation.

4. H3 Habitat – This category consists of areas that would otherwise be designated as H2 Habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development. This category

also includes areas of native vegetation that are not significantly disturbed and would otherwise be categorized as H2 habitat, but have been substantially fragmented or isolated by existing, legal development and are no longer connected to large, contiguous areas of coastal sage scrub and/or chaparral-dominated habitats. This category includes lawfully developed areas and lawfully disturbed areas dominated by non-native plants such as disturbed roadside slopes, stands of non-native trees and grasses, and fuel modification areas around existing development (unless established illegally in an H2 or H1 area). This category further includes isolated and/or disturbed stands of native tree species (oak, sycamore, walnut, and bay) that do not form a larger woodland or savannah habitat. These habitat areas provide important biological functions that warrant specific development standards for the siting and design of new development.

Section 22.44.1830(A) of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

Based on substantial evidence, a resource on any site may be classified or reclassified from one category to a higher or lower category.

Section 22.44.1910 of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

...
B. New development shall avoid H2 Habitat (including H2 High Scrutiny Habitat), where feasible, to protect these sensitive environmental resource areas from disruption of habitat values, subject to the standards of this section, Section 22.44.1920, and Section 22.44.1950. H2 High Scrutiny Habitat is considered a rare and extra sensitive H2 Habitat subcategory that shall be given protection priority over other H2 habitat and shall be avoided to the maximum extent feasible.

C. New development shall be sited in a manner that avoids the most biologically-sensitive habitat on site where feasible, in the following order of priority-- 463 (H1, H2 High Scrutiny, H2, H3-- while not conflicting with other LCP policies. Priority shall be given to siting development in H3 Habitat, but outside of areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 Habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 Habitat...

...
E. Where it is infeasible to avoid H2 habitat, new development shall be sited and designed to minimize impacts to H2 Habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated through measures...

...
H. New development shall minimize impacts to H3 habitat by clustering structures and limiting the building site area...

...

N. Land divisions and lot line adjustments may only be approved in accordance with Sections 22.44.640 and 22.44.680, respectively.

Section 22.44.1920 of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

A. Grading and vegetation removal.

1. New development in H2 and H3 habitat areas shall be sited and designed to minimize removal of native vegetation and required fuel modification and brushing to the maximum extent feasible to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety...

...

C. Access roads and trails.

1. These provisions apply to access roads that are wholly new, incorporate any portion of an existing access road, or require the widening, improvement or modification of an existing, lawfully constructed road to comply with County Fire Department access development standards: a. No more than one access road or driveway with one hammerhead-type turnaround area providing access to the one approved development area may be permitted as part of a development permitted in H2 Habitat or H2 "High Scrutiny" Habitat unless the Fire Department determines that a secondary means of access is necessary to protect public safety; b. An access road or driveway shall only be permitted concurrently with the use it is intended to serve... c. Grading, landform alteration, and vegetation removal for access roads and driveways shall be minimized to the greatest extent feasible. The length of the one access road or driveway shall be the minimum necessary to provide access to the one approved building site area on a legal parcel. The alignment and design of the access road or driveway shall avoid impacts to H1 and H2 habitat, or if avoidance is not feasible, shall minimize such impacts... d. The width and grade of an access road or driveway and the size of the hammerhead turnaround approved shall be the minimum required by the Fire Department for that development project; and

...

I. Future Improvements. Any CDP that includes the approval of structures within 200 feet of H1, H2 "High Scrutiny," or H2 Habitat shall be conditioned to require that any future improvements to the approved development will require an amendment or new CDP. The CDP shall specify that the exemptions otherwise provided in subsections A.1 or A.2 of Section 22.44.820 shall not apply to the development approved therein. The condition shall require the applicants to provide evidence of the recordation of a deed restriction against the property, free of prior liens, including tax liens and encumbrances which the Director determines may affect the interest being conveyed, the text of which has been approved by the Director, reflecting the future improvements restriction. The deed restriction shall apply to the entirety of the project site, and shall insure that any future structures, future improvements, or change of use to the permitted structures authorized by the CDP, including but not limited to, any grading, clearing or other disturbance of vegetation shall require the approval of an amendment to the CDP or the approval of an additional CDP, and that the exemptions otherwise provided in subsections A.1 or A.2 of Section 22.44.820 shall not apply.

The permittee shall provide evidence that the deed restriction appears on a preliminary report issued by a licensed title insurance company for the project site.

J. Open Space Requirement. All CDPs that include the approval of structures within H2 "High Scrutiny" Habitat or H2 Habitat, adjacent to H1 habitat, or adjacent to parklands, shall be conditioned to require the preservation in perpetuity of the remaining H1 habitat, H2 habitat, H1 habitat buffer, or parkland buffer on-site. On a parcel that includes steep lands (lands over 50 percent slope), all CDPs that include the approval of structures shall be conditioned to require the permanent preservation of the steep lands on-site.

1. All portions of the project site outside of the Fire Department required irrigated fuel modification area (Zones A and B) shall be designated as an Open Space Conservation Easement Area to be held by the County on behalf of the People of the State of California or another public entity acceptable to the Director. The permit condition, and the easement shall indicate that no development, as defined in Section 22.44.630, grazing, or agricultural activities shall occur within the Open Space Conservation Easement Area, with the exception of the following:

- a. Fuel modification required by the County Fire Department undertaken in accordance with the final approved fuel modification plan for the permitted development and/or required brush clearance required by the County Fire Department for existing development on adjoining properties;
- b. Drainage and polluted runoff control activities required and approved by the County for the permitted development; new CDP: activities;
- c. If approved by the County as an amendment to the CDP or a new CDP:
 - i. Planting of native vegetation and other restoration;
 - ii. Construction and maintenance of public hiking trails;
 - iii. Construction and maintenance of roads, trails, and
 - iv. Confined animal facilities only where consistent with Section 22.44.1940.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area.

The Santa Monica Mountains LCP requires sensitive environmental resource areas (SERAs) to be protected against significant disruption. Under the Coastal Act, sensitive habitat areas are designated as "Environmentally Sensitive Habitat Areas" (ESHA). The equivalent terminology for sensitive habitat areas within the SMM LCP is "Sensitive Environmental Resource Areas" (SERAs). The LUP defines SERAs as "areas containing habitats of the highest biological

significance, rarity, and sensitivity”. SERAs are further divided into two habitat categories: H1 habitat and H2 habitat, depending on the characteristics of the underlying habitat. Both of these habitat types are considered to be ESHA under the Coastal Act. LUP Policy CO-33 and Section 22.44.1810(A) of the LIP provide the distinction between the two habitat categories. LUP Policy CO-34 defines H3 habitat, which are areas that would otherwise be designated as H2, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development.

Policy CO-37 and LIP Section 22.44.1830, defines the process for evaluating and designing on-site habitat categories and states “as part of the CDP process, the County shall determine the physical extent of habitats on the project site that meet the definition of any of the habitat categories of Section 22.44.1810, based on a site-specific biological inventory and/or biological assessment, available independent evidence, and review by the department biologist and ERB, as required in Section 22.44. 1830.” Policy CO-70 requires applicants to submit a site specific biological assessment where the project site contains H1 or H2 habitat. Therefore staff has evaluated the on-site habitat categories as part of this CDP based on the biological report provided by the applicant.

The applicants submitted a biological survey by Pax Environmental, INC., prepared on September 9, 2013, (listed in the Substantive File Documents), which found the following habitats on the project site:

- 1) The vegetation within the firebreak is a mix of ruderal and grassland species. The composition is dominated by non-native species that include brome grasses, tocalote, black mustard, wild oaks, and wild lettuce, and some native species that include monkeyflower, and coastal buckwheat. This firebreak is depicted on Map 2 Biological Resources of the Santa Monica Mountains LUP (“Biological Resources Map”) as H3 habitat;
- 2) South of the firebreak is a relatively undisturbed chaparral community. The chaparral community is dominated by buck brush, with additional dominant species including green bark ceanothus, chamise, and laurel sumac, which are cited as significant biological resources that make H1 and H2 habitat in Policy CO-3;
- 3) The existing ETZ Meloy access road is regularly maintained, and completely devoid of vegetation.

Although portions of the existing road are designated H2 under Map 2 Biological Resources, pursuant to Policy CO-35, areas occupied by existing, legally-established access roads do not constitute H2 habitat areas and therefore the access road is considered H3 habitat. Moreover, under Map 2 Biological Resources, a small section of the existing road is designated H1 habitat, however pursuant to Policy CO-37 and LIP Section 22.44.1830, staff has determined, on a site-specific basis, that this portion of the existing lawfully-established access road is completely devoid of vegetation and therefore should be reclassified from H1 to H3 habitat. Additionally, only one native tree, scrub oak, is located within the project area. The proposed development will not encroach within the protected zone of this oak.

Therefore in this case, the subject site is designated within the H1, H2 and H3 habitat categories. The applicants proposes to site the road improvements, four water tanks with associated access road, gates, seepage pits, hammerhead turnaround within the existing access road and within the

existing fire break, both of which are considered to be H3 habitat areas. The proposed fuel modification area for the proposed residences located outside the Coastal Zone extends into both H3 and H2 habitat areas. Lastly, the lot line adjustment will be located with H1, H2 and H3 habitat. SERA protection is implemented through policies CO-41, CO-42, CO-43, CO-44, CO-45, CO-49, CO-63, of the Santa Monica Mountains LUP and Sections 22.44.1810 and 22.44.1890 of the Santa Monica Mountains LIP by prohibiting new development in H1 and H2 habitat and siting development within H3 habitat areas.

Specifically, Policy CO-43 requires that new development avoid H2 Habitat (including H2 “High Scrutiny” habitat), where feasible, in order to protect the sensitive environmental resource areas from disruption of habitat values. Where it is infeasible to avoid H2 habitat, the policy requires that new development be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Further, the policy requires that impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives be fully mitigated. Policy CO-67 requires coastal development permits for development of uses allowed within or adjoining H1 and H2 habitat shall include an open space conservation easement over the remaining H1 habitat, H1 habitat buffer, or H2 habitat, in order to avoid and minimize impacts to biological resources.

The proposed fuel modification brush clearance for the two proposed residences will result in direct impacts to H2 habitat. It is infeasible, and outside the Commission’s permit jurisdiction, to require re-siting of the residences to avoid H2 habitat. As previously described, staff has reviewed the applicant’s plans for the two residences outside the Coastal Zone and would note that they are clustered in order to minimize vegetation removal through overlapping fuel modification areas. Additionally, it does not appear that there are feasible alternative locations for the construction of residences that could completely avoid impacts to H2 habitat. In such instances, Policy CO-67 requires that an open space conservation easement be included in permits that authorize development within H2 habitat, in order to avoid and minimize impacts to biological resources on the remainder of the property. In order to ensure consistency with this policy, the Commission requires the recordation of an open space conservation easement pursuant to Special Condition Nine (9). Furthermore, consistent with Policy CO-54, Special Condition Five (5), requires the applicants to use primarily locally-indigenous plant species in landscape areas within the fuel modification zones A and B of the proposed residential structures requiring fuel modification. Non-locally-indigenous plants and gardens that are not invasive may be allowed within the building site area and in Fuel Modification Zones A and B, with associated irrigation, provided that the species are consistent with Fire Department requirements.

Consistent with Policies CO-74, CO-76, and CO-80 the proposed development has been clustered to the maximum extent feasible and located as close as possible to the existing access road and sited and designed so as to minimize grading and alteration of physical features in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life. Additionally, the proposed road improvements are found to be consistent with Policy CO-79, which requires access roads to comply with the following: 1) no more than one access road or driveway within one hammerhead-type turnaround area providing access to the one approved building site area may be permitted as part of a development permitted in H2 habitat or H2 High Scrutiny habitat, unless a secondary means of access is specifically required by the Fire Department to protect public safety; 2) an access road or

driveway shall only be permitted concurrently with the use it is intended to serve; 3) grading, landform alteration, and vegetation removal for access roads and driveways shall be minimized to the greatest extent feasible. The length of the one access road or driveway shall be the minimum necessary to provide access to the one approved building site area on a legal parcel. The alignment and design of the access road or driveway shall avoid impacts to H1 and H2 habitat, or if avoidance is not feasible, shall minimize such impacts; and 4) the width and grade of an access road or driveway and the size of the hammerhead turnaround approved shall be the minimum required by the Fire Department for that development project.

Policy CO-86a provides that unavoidable impacts to H2 habitat from direct removal or modification, shall be compensated by the provisions of the County's Resource Conservation Program (RCP), whereby the County commits to expend funds to be used for the acquisition and permanent preservation of land in the Santa Monica Mountains coastal zone containing substantial areas of H1 and/or H2 habitats. The proposed fuel modification for the proposed residences located outside the Coastal Zone will have unavoidable impacts to H2 habitats. Therefore, consistent with Policy CO-86a, the applicants is required to mitigate such H2 habitat impacts. However, the Commission does not have the ability to require the applicants to participate in the RCP. As such, the Commission finds it necessary to require the applicants to provide mitigation for impacts to H2 habitat directly. The Commission requires Special Condition Eight (8) to habitat impact mitigation commensurate with the area of H2 habitat that will be impacted as a result of the proposed project and require the payment of the in-lieu fee. Consistent with Policy CO-98, the applicants has provided the total acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the proposed project, which is approximately 36,975 square feet in total.

Pursuant to LIP Section 22.44.1920(I), any CDP that includes the approval of structures within 200 feet of H1, H2 "High Scrutiny," or H2 Habitat shall be conditioned to require that any future improvements to the approved development will require an amendment or new CDP. The Commission also finds that the amount and location of any new development that could be built in the future on the subject site consistent with the resource protection policies of the Santa Monica Mountains LCP is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the Commission requires that a future improvement shall apply to the entirety of the project site, and shall insure that any future structures, future improvements, or change of use to the permitted structures authorized by the CDP, including but not limited to, any grading, clearing or other disturbance of vegetation shall require the approval of an amendment to the CDP or the approval of an additional CDP, and that the exemptions otherwise provided in subsections A.1 or A.2 of Section 22.44.820 shall not apply. Further, the Commission requires the applicants to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Along with vegetation, the bold open ridges, deep canyons, rolling hills, and interior valleys of the Santa Monica Mountains provide the foundation for the area's natural beauty. Most of the area's remaining vacant land consists of steep slopes in excess of 25 percent grade, with level topographic areas comprising only a small portion of the total land area. The natural hillsides remaining within the area are a significant biological and visual resource, and a key characteristic of the area's communities. Within the Coastal Zone, all properties with an average slope over 15 percent are

considered to be within hillside management areas. Policies CO-108, CO-109 and CO-112 ensure that hillside development takes place only where appropriate. Specifically, CO-112 requires that development conform to the natural landforms and blend with the natural landscape in site, design, shape, materials, and colors. Consistent with CO-112, the Commission requires Special Condition Six (6), to require the colors proposed for the water tanks, gates, driveways, and retaining walls, to 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.

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

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

Special Condition 5.	Landscaping and Fuel Modification Plans
Special Condition 6.	Structural Appearance
Special Condition 7.	Deed Restriction
Special Condition 8.	Habitat Impact Mitigation
Special Condition 9.	Open Space Conservation Easement
Special Condition 10.	Future Development Restriction
Special Condition 11.	Removal of Natural Vegetation

The Commission finds that the proposed project, only as conditioned, will serve to minimize impacts to Sensitive Environmental Resource Areas, and is consistent with the policies and provisions of the Santa Monica Mountains LCP with regard to sensitive environmental resource areas.

E. CUMULATIVE IMPACTS

The Santa Monica Mountains Local Coastal Program contains the following policies and provisions related to minimizing cumulative impacts to coastal resources and provide that new development must be located within or near existing developed areas able to accommodate it, or in other areas with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

Policy LU-1 states:

New residential, commercial, or industrial development 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 only 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 surrounding parcels.

Policy LU-2 states:

Retain the area's natural setting, rural and semi-rural character, and scenic features.

Policy LU-4 states:

Maintain areas of diverse natural topography which provide, through the preservation of large undeveloped areas, long-range vistas of open ridgelines and mountain slopes.

Policy LU-6 states:

Preserve the physical connections between open space areas, natural habitats, public parklands, and activity centers.

Policy LU-9 states, in relevant part:

Land divisions shall only be permitted if each new parcel being created contains an identified building site area and any necessary access road that could each be developed consistent with all policies of the LCP and without building in H1 or H2 "High Scrutiny" habitat areas, H1 habitat buffer, or removing or modifying H1 or H2 "High Scrutiny" habitat for fuel modification...

Policy LU-18 states:

Land divisions outside existing developed areas shall be permitted only in areas with adequate public services, where they will not have significant adverse effects, either individually or cumulatively, on coastal resources, and will not create parcels that would be smaller than the average size of surrounding parcels.

Policy LU-19 states:

Allow only those land divisions that are consistent with all applicable LCP policies, including the density designated by the Land Use Policy Map and, in those areas in which one or more of the resource protection and special management overlays apply, with the special policies, standards, and provisions of the pertinent overlay(s). Allowable densities are stated as maximums. Compliance with the other policies of the LCP may further limit the maximum allowable density of development.

Policy LU-21 states:

Land divisions shall be designed to cluster development, including building pads, if any, in order to minimize site disturbance, landform alteration, and removal of native vegetation, to minimize required fuel modification, and to maximize open space.

Policy LU-33 states:

Require that new development be compatible with the rural character of the area and the surrounding natural environment.

Policy LU-39 states:

Limit the length of private access roads to the minimum necessary to provide access to the approved building site of a legal parcel. Temporary roads approved for preliminary hydrologic or geologic testing shall be restored and not be considered an existing access road for subsequent development proposals.

Additionally, Policy CO-75a states, in relevant part:

Land divisions, including but not limited to lot line adjustments, shall only be permitted in accordance with all applicable policies of the LCP, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that are (1) located outside of H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat, and (2) capable of being developed consistent with other LCP policies and without requiring vegetation removal or thinning for fuel modification in H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat... Land divisions in H2 habitat shall only be permitted in accordance with all applicable policies of the LCP, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that will cluster and concentrate development in areas able to accommodate the development consistent with all other policies of the LCP and in compliance with the following:

- The proposed parcels are configured and building sites are sited and designed to ensure that future structures will have overlapping fuel modification zones and in no case shall the proposed building sites be located more than 100 feet apart.
- The building site on each newly created parcel is located no more than 200 feet from an existing public roadway and is capable of being served by existing power and water service.
- Each building site is located only on slopes of 3:1 or less.
- The proposed newly created parcels shall be within 1/4 mile of existing developed parcels.
- ...
- Land divisions on parcels adjacent to public parklands or parcels restricted as permanent open space are prohibited.
- ...

Policy CO-75b states, in relevant part:

Lot line adjustments may be approved between existing, legally created parcels only where consistent with Policy CO-75a. If the existing, legally-created parcels do not meet the requirement of Policy CO-75a, then a lot line adjustment may only be approved where it is demonstrated that the reconfigured parcels: (1) can accommodate

development that more closely conforms to LCP policies than development on the existing parcels could; (2) will not increase the amount of H2 habitat that would be removed or modified by development on each of the existing parcels (including necessary roads and fuel modification); and (3) will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcels...

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.640 "Land Divisions," in relevant part, states:

- A. A CDP shall be required to authorize that portion of any land division that lies within, in whole or in part, the boundaries of the Coastal Zone. Any CDP for a land division shall include the consideration of the proposed building site (including a building pad if necessary), access road, and the driveway (if necessary) for each proposed parcel (other than a parcel that is dedicated or restricted to open space uses) as well as all grading, whether on-site or off-site, necessary to construct the building site and road/driveway improvements. The County shall only approve a CDP for a land division where substantial evidence demonstrates that the land division meets all of the following requirements:
1. All existing parcels proposed to be divided as part of a land division must be legal lots.
 2. The land division shall be consistent with all applicable LCP policies.
 3. The density proposed by the land division does not exceed the maximum density allowed for the property by the LIP zoning map and complies with the other policies of the LCP which may further limit the maximum allowable density.
 4. The land division does not create any parcels that are smaller than the average size of surrounding parcels.
 5. The land division clusters building sites, including building pads, if any, to maximize open space and minimize site disturbance, erosion, sedimentation and required fuel modification.
 6. The land division includes a safe, all-weather access road and driveway(s), if necessary, that comply with all applicable policies and provisions of the LCP...
 7. The land division does not divide an existing lot entirely designated as H1 habitat, H1 habitat buffer, and/or H2 high scrutiny habitat as defined in Section 22.44.1810.
 8. The land division does not create any lot the development of which would require construction of a road and/or driveway in H1 habitat area, in H1 habitat buffer, in H1 Quiet Zone, on a coastal bluff, or on a beach.
 9. The layout of the lots is designed to avoid or minimize impacts to visual resources consistent with all scenic and visual resources policies of the LUP, through measures which include, but are not limited to the following:
 - a. Clustering the building sites to minimize site disturbance and maximize open space.
 - b. Prohibiting building sites on ridgelines.
 - c. Minimizing the length of access roads and driveways.
 - d. Using shared driveways to access development on adjacent lots.

- e. Reducing the maximum allowable density in steeply sloping and visually sensitive areas.
- f. Minimizing grading and alteration of natural landforms.
- 10. Each lot proposed to be created meets the following minimum standards:
 - a. Is dedicated or restricted to open space uses through open space easement, deed restriction, or donation to a public agency for park purposes; or
 - b. Contains an approved building site that can be developed consistent with all policies and standards of the LCP, and satisfies all of the following criteria:
 - i. Is safe from flooding, erosion, geologic and extreme fire hazards;
 - ii. Will not result in grading on slopes over 25 percent;
 - iii. Has the legal rights that are necessary to use, improve, and/or construct an all-weather access road to the parcel from an existing, improved public road;
 - iv. Is located in an area where adequate public services are or will be available and construction of structures will not have significant effects, either individually or cumulatively, on coastal resources;
 - v. Has the appropriate conditions on-site for a properly functioning on-site wastewater treatment system and an adequate water supply for domestic use;
 - vi. The feasible building site, and any necessary access road and/or driveway thereto, meets all of the following:
 - 1) Does not include any H1 habitat area, H1 habitat buffer, H1 habitat Quiet Zone, or H2 high scrutiny habitat;
 - 2) Would not require vegetation removal or thinning for fuel modification in an H1 habitat area, H1 habitat buffer, or H2 high scrutiny habitat; and
 - 3) Would not require irrigated fuel modification within an H1 Quiet Zone.

Creation of a new Open Space parcel shall be allowed within any habitat category or buffer, as long as the entire parcel is used exclusively as Open Space in perpetuity and the construction rights over the entire parcel are dedicated to the County;

...

- B. In addition to the requirements of subsection A, land divisions in H2 habitat (excluding H2 High Scrutiny habitat) shall also demonstrate, based on substantial evidence, compliance with the following:
 - 1. The proposed parcels are configured and building sites are sited and designed to ensure that future structures will have overlapping fuel modification zones and in no case shall the proposed building sites be located more than 100 feet apart.
 - 2. The building site on each newly created parcel is located no more than 200 feet from an existing public roadway and is capable of being served by existing power and water service.
 - 3. The building site on each newly created parcel is located only on slopes of 3:1 or less.
 - 4. The proposed newly created parcels shall be within 1/4 mile of existing developed parcels.
 - 5. Land divisions on parcels adjacent to public parklands or parcels restricted as permanent open space are prohibited.

6. The County can and does make a finding that the land division and associated transfer of development credit required pursuant to subsection G will result in the transfer and concentration of existing development rights to a location that results in the preservation of H2 habitat in a manner that is superior to the pre-land division lot configuration if developed.
7. Where a lot proposed to be created in H2 Habitat is dedicated or restricted to open space uses (through an open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of compliance with the building site or access road standards of subsections 1 through 3 is required.

LIP Section 22.44.680 “Lot Line Adjustments,” in relevant part, states:

... Any minor CDP for a lot line adjustment shall include, for each vacant parcel, the consideration of the proposed building site (including a building pad if necessary), access road, and the driveway (if necessary) for each proposed parcel (other than a parcel that is dedicated or restricted to open space uses) as well as all grading, whether on-site or off-site, necessary to construct the building site and road/driveway improvements. The County shall only approve a minor CDP for a lot line adjustment if substantial evidence demonstrates that the lot line adjustment meets the following requirements:

- A. Each parcel that is part of the lot line adjustment is a legal lot except as provided in subsection I.
- B. The proposed lot line adjustment complies with subsections A and B of Section 22.44.640 as well as all of the following:
 1. The lot configuration is arranged to avoid traffic congestion, provide for the safety and convenience of bicyclists and pedestrians, including children, senior citizens, and persons with disabilities, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and conforms with good zoning practice.
 2. The lot design, frontage, and access shall be consistent with all applicable provisions contained in this LIP.
 3. Any change in access, lot configuration or orientation of structures, easements or utilities to lot lines will not, in the opinion of the Director, result in any burden on public services or materially affect the property rights of any adjoining owners.
- C. If the existing, legally created parcels that are proposed to be reconfigured do not meet the requirements of subsection B and/or subsections A or B of Section 22.44.640, then the lot line adjustment may only be approved where it is demonstrated that the reconfigured parcels can accommodate development that more closely conforms with the LCP policies and standards than development on the existing parcels.
- D. If H2 habitat area is present on any of the parcels involved in the lot line adjustment, the lot line adjustment may only be approved where it is demonstrated that the reconfigured parcels will not increase the amount of H2 habitat area that would be removed or modified by development on any of the parcels, including any necessary road extensions, driveways, and required fuel modification, from what would have been necessary for development on the existing parcels.

- E. As a result of the lot line adjustment, future development on the reconfigured parcels will not increase the amount of landform alteration (including from any necessary road extensions or driveways) from what would have been necessary for development on the existing parcels, unless the increase in landform alteration is minimal and the lot configuration would substantially reduce impacts to H2 habitat.
- F. As a result of the lot line adjustment, future development on the reconfigured parcels will not have greater adverse visual impacts from a scenic road, public trail or trail easement, or public beach than what would have occurred from development on the existing parcels, unless the increase in visual impacts is minimal and the lot configuration would substantially reduce impacts to H2 habitat.
- ...
- K. If approved, the lot line adjustment shall be reflected in a deed or record of survey which shall be recorded by the applicant.

The applicants are seeking approval of a lot line adjustment between two 40-acre parcels, whereby two reconfigured lots would be created. One proposed parcel would be 20-acres in size and the other parcel would be 60-acres in size. The subject parcels are located west of Mulholland Highway and are accessed and bisected by the Etz Meloy Motorway (an existing Los Angeles County Fire Access road) and are bisected by the Coastal Zone Boundary. These two 40-acre parcels are legal lots and were created in compliance with the laws and ordinances in place at the time. To provide evidence that the subject parcels are legal lots, the applicants provide a chain of title, which included all property deeds for the parcel, including those of the “parent parcel”, or the lot that was divided to create the subject parcels. The stated purpose of the proposed lot line adjustment is to reconfigure the parcels in consideration of topographical constraints, existing physical access, and undisturbed native habitat areas. The proposed parcel reconfigurations would allow for the clustering of two residential residences (proposed to be located outside the Coastal Zone) in close proximity to an existing access road. As previously discussed in further detail above, the subject parcels contain relatively undisturbed sensitive environmental resource areas (SERAs) in addition to disturbed areas within an existing fire break and existing access road.

As previously noted above, the project site contains areas that are designated within the H1, H2 and H3 habitat categories. The proposed project sites the road improvements, four water tanks with associated access road, gates, seepage pits, hammerhead turnaround within the existing access road and within the existing fire break, both of which are considered to be H3 habitat areas. The proposed fuel modification area for the proposed residences located outside the Coastal Zone extends into both H3 and H2 habitat areas. Lastly, the lot line adjustment will be located with H1, H2 and H3 habitat.

Although the physical residences are not a part of the subject application, the applicants have provided project plans with preliminary approval-in-concept from Los Angeles County Regional Planning depicting the locations for the residential residences. The proposed lot line adjustment would allow for the two residences to be clustered and utilize the common access road across the two parcels. The clustering of these residences would also reduce impacts to H1 and H2 habitat areas and minimize the individual and cumulative impacts to coastal resources. More specifically, the lot line adjustment would allow for the minimization of site disturbance, landform alteration, removal of native vegetation, minimize required fuel modification, and to maximize open space.

Existing land uses vary throughout the Santa Monica Mountains. Approximately 53 percent of the Coastal Zone is publicly-owned parkland and includes part of the Santa Monica Mountains National Recreation Area, Topanga State Park, Malibu Creek State Park, and Cold Creek Resource Management Area. There is limited commercial development on Pacific Coast Highway in the LUP area and on the central portion of Topanga Canyon Boulevard. The remainder of the Coastal Zone is generally composed of scattered rural residences, rural communities, and some higher-density residential subdivisions. The Commission has consistently emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area. The LUP defines “land division” to include: “division of improved or unimproved land, including subdivisions (through parcel map or tract map), and any other divisions of land including lot splits, lot line adjustments, redivisions, mergers, and legalization of lots created unlawfully through the approval of a certificate of compliance or other means.”

Policy CO-75a provides that land divisions shall only be permitted where each new parcel contains a building site, access road and required fuel modification area for structures within the building site that are all located outside of H1 habitat, H1 buffer, and H2 “High Scrutiny” habitat. This policy further contains the same restrictions with regard to H2 habitat, but with the caveat that land divisions can only be approved where each new parcel contains a building site, road, and required fuel modification area that are all located outside of H2 habitat “to the maximum extent feasible”. CO-75a further requires that land divisions in H2 habitat shall only be permitted if the proposed building sites on the parcels in no case shall be located more than 100 feet apart. Additional LIP Sections 22.44.640 and 22.44.680 contain additional requirements for a land division approval. The proposed lot line adjustment does not meet all the requirements under Policy CO-75a, LIP Section 22.44.640 and LIP Section 22.44.680, however Policy CO-75b states that where existing legally created parcels do not meet the requirements of Policy CO-75a, then a lot line adjustment may only be approved where it is demonstrated that the reconfigured parcels: (1) can accommodate development that more closely conforms to LCP policies than development on the existing parcels could; (2) will not increase the amount of H2 habitat that would be removed or modified by development on each of the existing parcels (including necessary roads and fuel modification); and (3) will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcels.

In this case, the proposed lot line adjustment will allow for the clustering of these residences to reduce impacts to H1 and H2 habitat areas, minimize site disturbance, landform alteration, removal of native vegetation, minimize required fuel modification, and maximize open space areas than the existing parcels could and therefore, this lot line adjustment will allow for development to conform more closely with the policies and provisions of the LCP. This lot line adjustment will not increase the amount of H2 habitat removed. Rather the lot line adjustment will decrease the amount of H2 habitat removed and will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcel configurations.

Policy LU-9 provides that land division shall only be permitted if each new parcel being created contains an identified building site area and any necessary access road that could be developed consistent with all policies of the LCP without building in H1 or H2 “High Scrutiny” habitat

areas. Additionally, Policy LU-18 permits land divisions outside existing developed areas only in areas where they will not have significant adverse effects, either individually or cumulatively, on coastal resources, and will not create parcels that would be smaller than the average size of surrounding parcels. Furthermore, Policy LU-19 only allows those land divisions that are consistent with all applicable LDP policies including the density designated by the Land Use Policy Map.

The proposed lot line adjustment contains an identified building site area and the proposed access road can be developed without building in H1 or H2 “High Scrutiny” habitat areas (LU-9). The lot line adjustment will not have significant adverse effects, either individually or cumulatively, on coastal resources (LU-18). Lastly, under the certified Santa Monica Mountains LCP, the two subject parcel land use designations are “RL20 Mountains Land” (1dwelling/20-acres). These lands are primarily located in well-functioning sensitive watersheds and continue to produce high-quality runoff. The maximum residential density is one dwelling unit per 20 acres. The proposed lot line adjustment will allow for one residential residence within the 20-acre parcel and one residential residence on the 60-acre parcel and therefore is consistent with the maximum density allowed under the land use designation and consistent with Policy LU-19.

Additionally, Policies LU-2, LU-4, LU-6 LU-21, and LU-33 require that new development retain the area’s natural setting, rural and semi-rural character, and scenic features, maintain areas of diverse natural topography which provide, through the preservation of large undeveloped areas, long-range vistas of open ridgelines and mountain slopes and preserve the physical connections between open space areas, natural habitats, public parklands, and activity centers. The proposed development has been sited and designed to cluster development along the existing access road and within previously disturbed areas so that the natural setting, large undeveloped areas, mountain slopes and preserve the physical connections between open space areas on the site can be maintained. Finally, consistent with Policy LU-39, the proposed road improvements to the existing access road are the minimum necessary to provide access to the approved building sites of a two legal parcels.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the applicable cumulative impact policies of the Santa Monica Mountains LCP.

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 Local Coastal Program 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 Certified Local Coastal Program. 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:

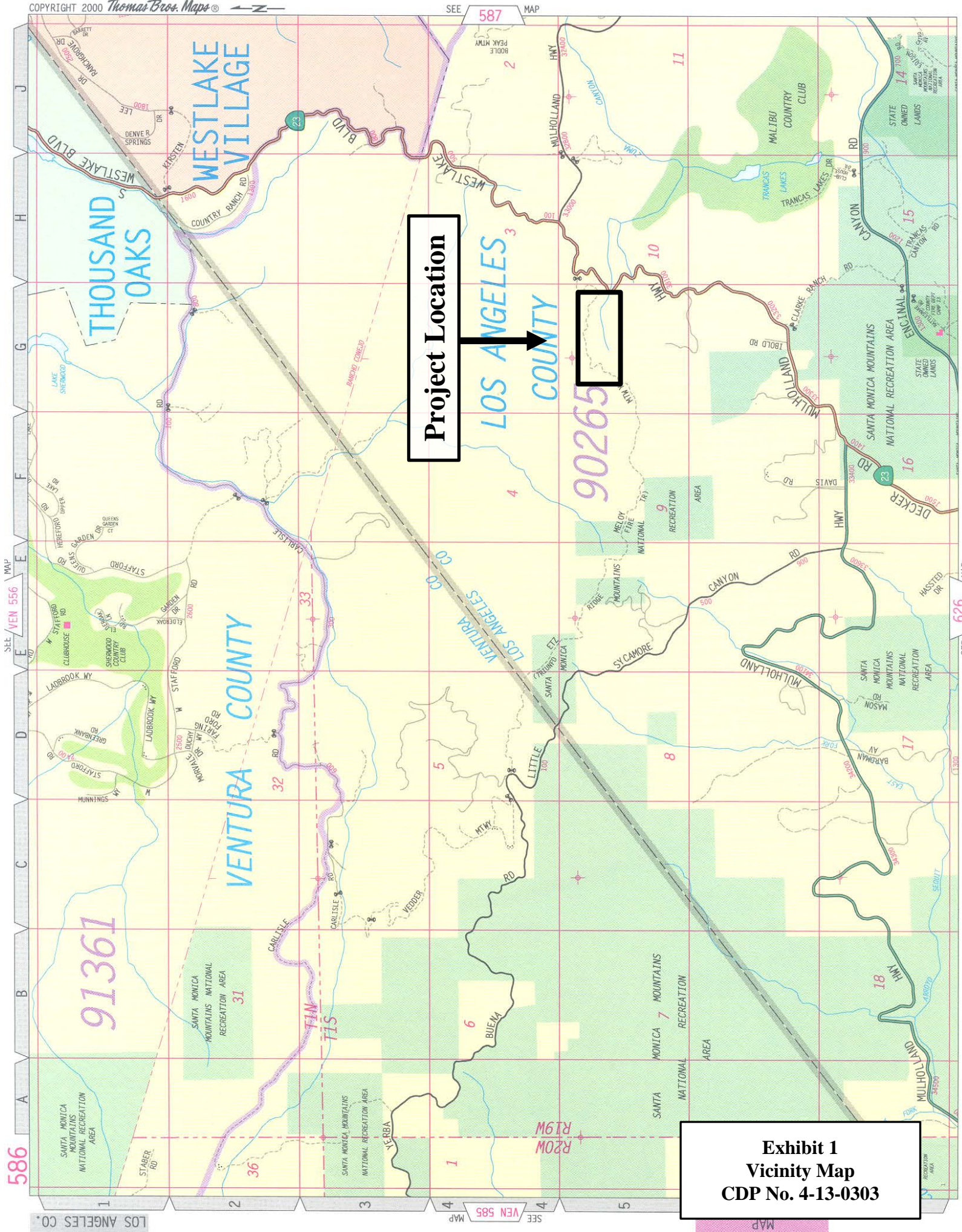
Special Conditions 1 through 9

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

Santa Monica Mountains, Local Coastal Program; “Geologic & Soils Engineering Report,” prepared by Solid, dated August 15, 2012 “Biological Assessment for a Proposed Lot Line Adjustment ,” prepared by Pax Environmental, INC., dated January 26, 2014; “Biological Assessment for a Proposed Lot Line Adjustment and Development Project ,” prepared by Pax Environmental, INC. , dated May 28, 2014; “Biological Assessment,” prepared by Pax Environmental, INC. , dated September 11, 2013.



Project Location

Exhibit 1
Vicinity Map
CDP No. 4-13-0303

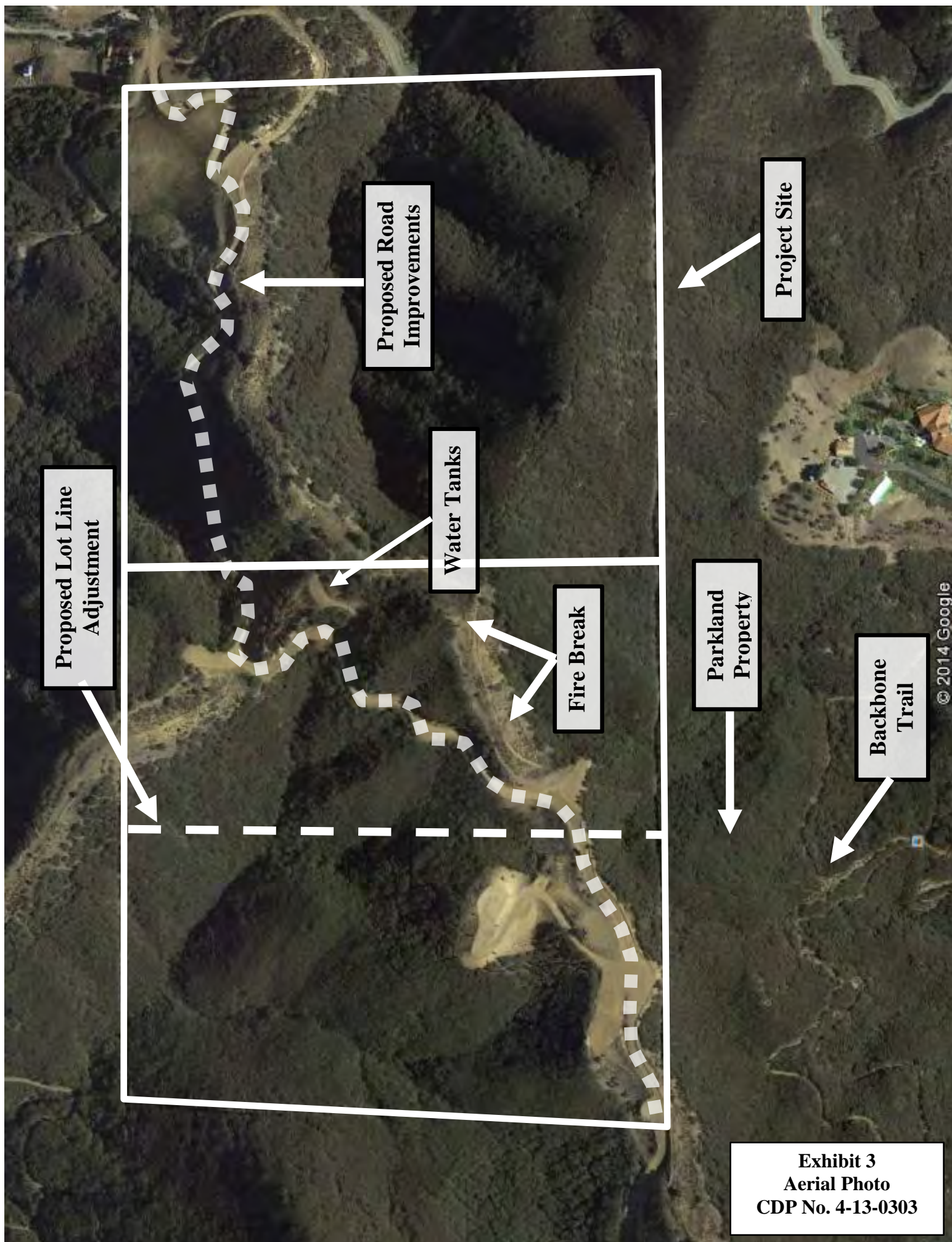


Exhibit 3
Aerial Photo
CDP No. 4-13-0303

MAP 2:

BIOLOGICAL RESOURCES (WEST)

SANTA MONICA MOUNTAINS
LOCAL COASTAL PROGRAM

LEGEND

MAJOR ROAD

HIGHWAY

STREAMS AND WETLANDS (FROM
NATIONAL WETLANDS INVENTORY)

SENSITIVE ENVIRONMENTAL RESOURCE AREA

H1 HABITAT

H2 HABITAT

H2 HABITAT - HIGH SCRUTINY SUB-AREA

OTHER ENVIRONMENTAL RESOURCE

H1 HABITAT 100-FOOT BUFFER

H3 HABITAT

PARCEL BOUNDARY

RURAL VILLAGE (SHOWN FOR CONTEXT
ONLY)

SANTA MONICA MOUNTAINS COASTAL
ZONE BOUNDARY *

SANTA MONICA MOUNTAINS NORTH AREA
(UNINCORPORATED)

INCORPORATED CITY

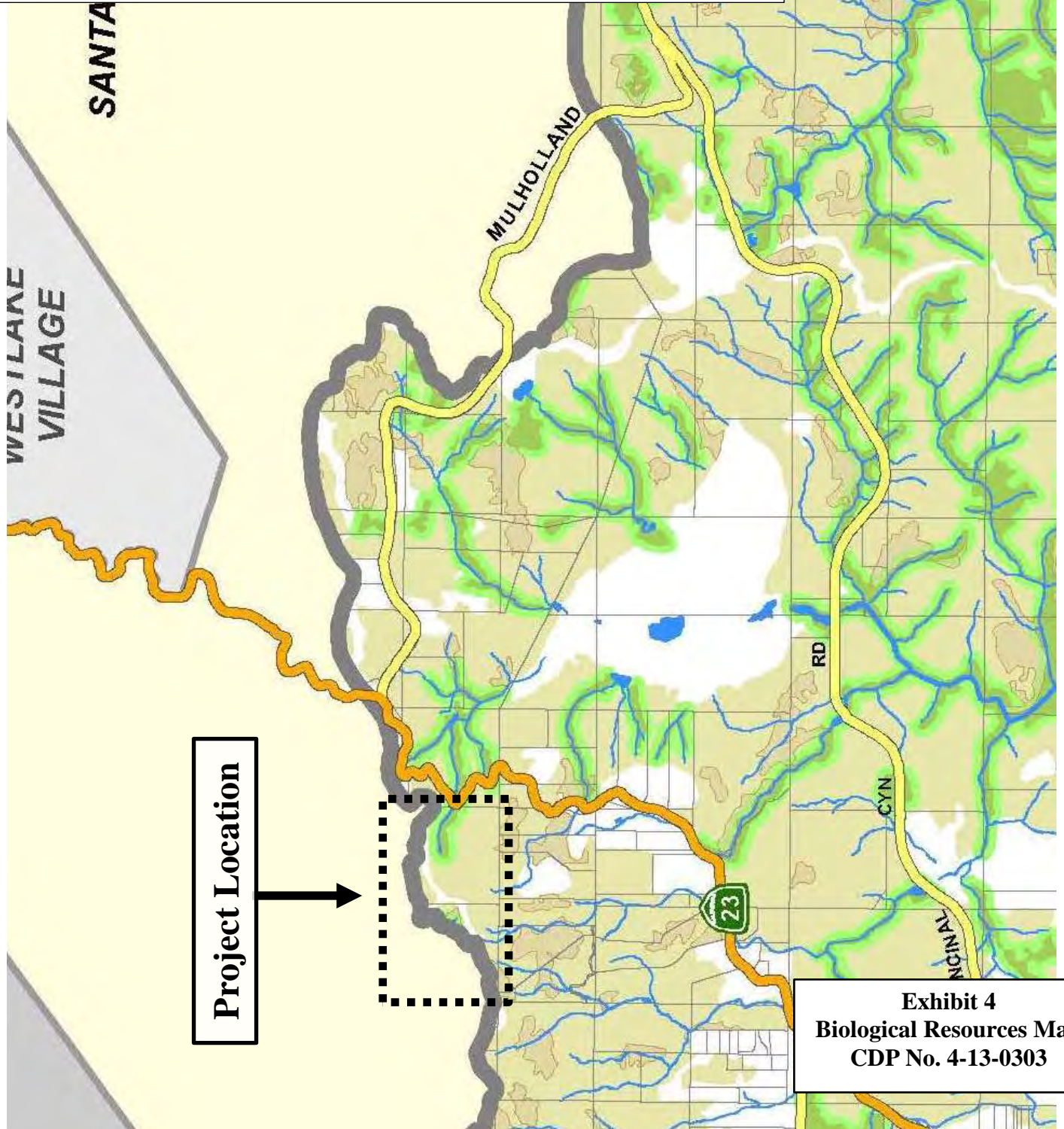


Exhibit 4
Biological Resources Map
CDP No. 4-13-0303



**Approximate
Coastal Zone Boundary –
Illustrative Purpose Only**

**Exhibit 5
Coastal Zone Boundary
CDP No. 4-13-0303**



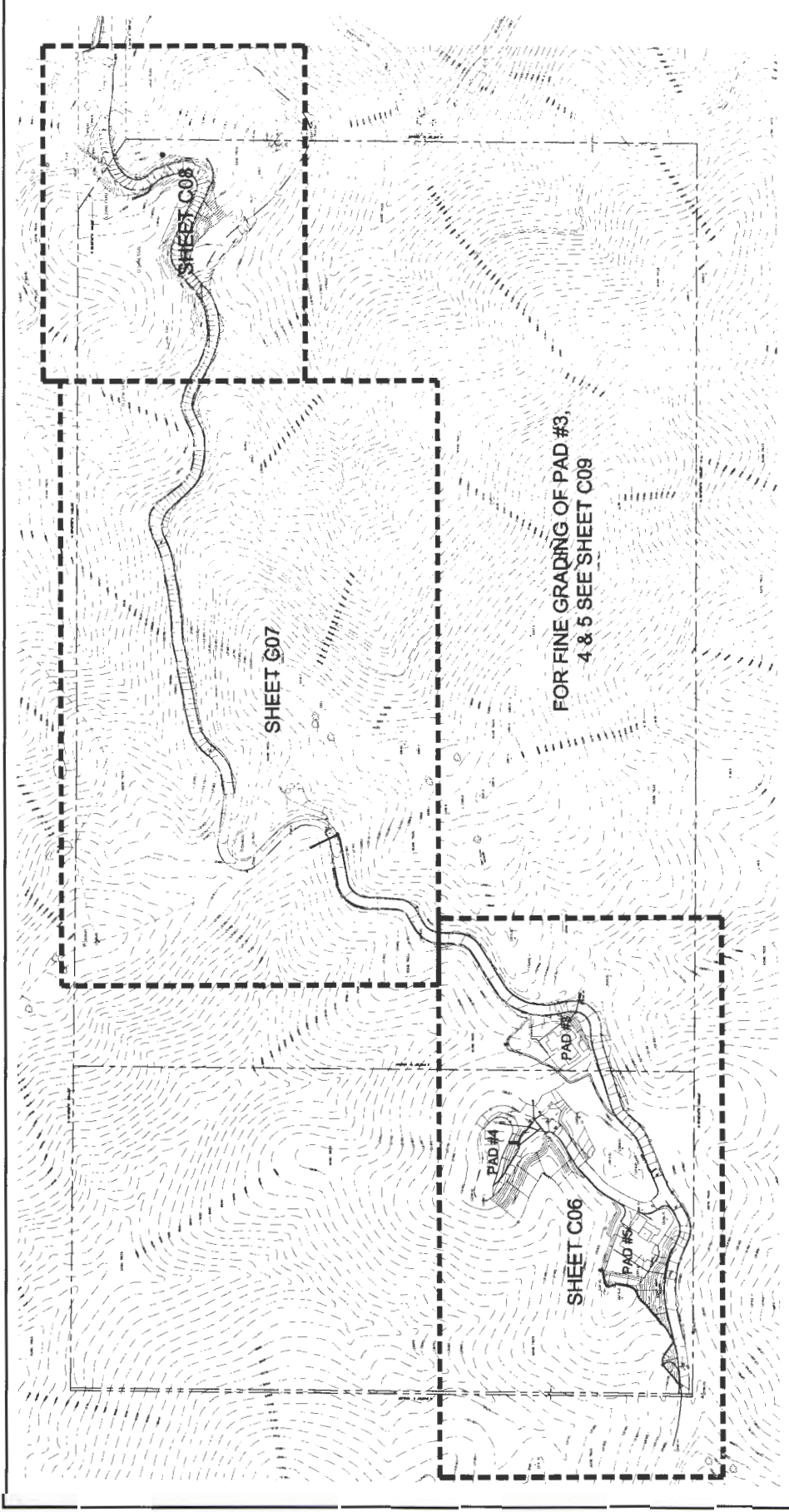
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NO.	REVISION
1	ISSUED FOR PERMITTING
2	ISSUED FOR PERMITTING
3	ISSUED FOR PERMITTING
4	ISSUED FOR PERMITTING
5	ISSUED FOR PERMITTING
6	ISSUED FOR PERMITTING
7	ISSUED FOR PERMITTING
8	ISSUED FOR PERMITTING
9	ISSUED FOR PERMITTING
10	ISSUED FOR PERMITTING

ROUGH GRADING PLAN
MULHOLLAND HWY., MALIBU 90265
APR 4-73-887-433 AND 4-73-887-434
LOS ANGELES COUNTY
APR 4-73-887-433 AND 4-73-887-434

C05
SHEET 5 OF 12



NOTE: FOR PRIVATE DRIVEWAY AND
PRIVATE DRIVE ALIGNMENT AND
PROFILE SEE SHEETS C10, C11 & C12.

Exhibit 6
Site Plan
CDP No. 4-13-0303



**YUZON &
ASSOCIATES**
Structural Engineers

18032 VENTURA BLVD., SUITE 225
TARZANA, CA 91356

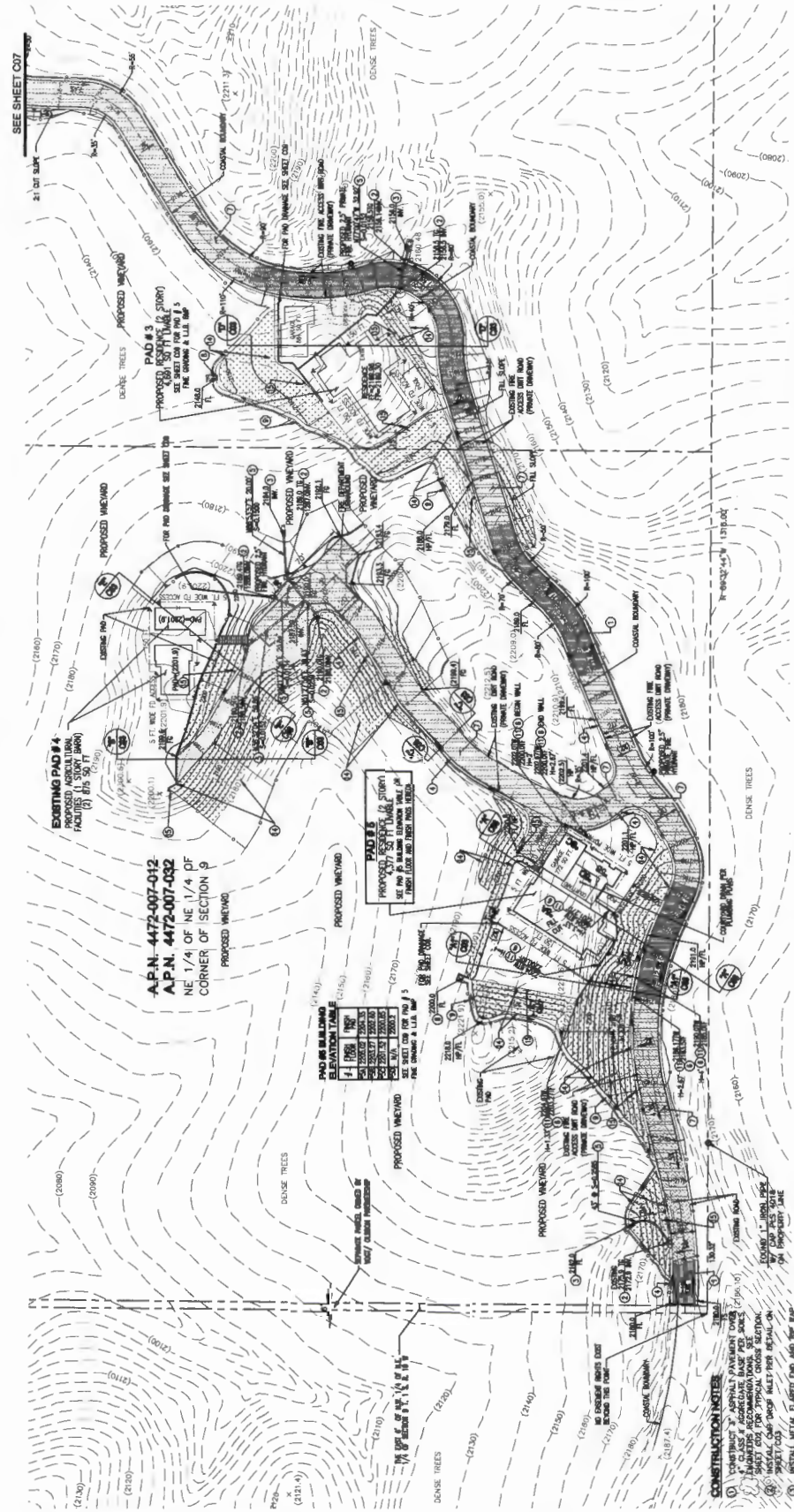
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fax (818) 701-1001

The document provides information pertinent to job and is beneficial to job seekers for the linked job opportunities at various locations or resumes. This information is the company's job and job and may vary and be reproduced or not be reproduced at the company's discretion. The company's job and job and may vary and be reproduced or not be reproduced at the company's discretion. The company's job and job and may vary and be reproduced or not be reproduced at the company's discretion.

[illegible]

ROUGH GRADING PLAN
MULHOLLAND HWY., MALIBU 90265
LOS ANGELES COUNTY
APN# 4573-007-016 AND 4573-001-016
APN# 4573-007-032 AND 4573-007-033

DRAWN
 CHECKED
 PHILIP MOIST
 DATE
 DECEMBER 11, 2013
 WORK
 JOB NO.
 SHEET
C06
 SHEET 6 OF 2



FIRE ACCESS LEGEND:

 **FIRE ACCESS FROM STRUCTURES TO PUBLIC STREET.**

NOTE:
A MINIMUM 5 FOOT WIDE APPROVED FIREFIGHTER
ACCESS WALKWAY LEADING FROM THE FIRE
APPARATUS ACCESS ROAD TO THE BUILDING
EXTERIOR OPENINGS MUST BE PROVIDED FOR FIRE
FIGHTING AND RESCUE PURPOSES, FIRE CODE 504.1

NOTE: FOR PRIVATE DRIVEWAY AND
PRIVATE DRIVE ALIGNMENT AND
PROFILE SEE SHEETS C10, C11 & C12.

NOTE: FOR SECTIONS SEE SHEET C003.

EASEMENT NOTE:

EASEMENT NOTE
ACCESS AND UTILITIES-PER 'DECLARATION OF COVENANT, CONDITIONS,
RESTRICTIONS AND EASEMENTS' RECORDED ON 3-5-2014 AND 'AMENDMENT
ONE' RECORDED 3-14-2014.

AS CIVIL ENGINEER/LAND SURVEYOR OF THIS PROJECT, I HAVE IDENTIFIED THE LOCATION OF ALL EASEMENTS WHICH ARE DEPICTED ON THESE PLANS. I HAVE REVIEWED THE PROPOSED EASEMENT DOCUMENTS AND VERIFIED THE PROPOSED CONSTRUCTION DOES NOT CONFLICT OR INTERFERE WITH THE INTENDED EASEMENT USE.

CIVIL ENGINEER (STAMP & SIGN)

DATE

Exhibit 7
Grading Plans
P No. 4-13-0303



**YUZON &
ASSOCIATES**
Structural Engineers
40543 Mathews Blvd., Suite 225
TARZANA, CA 91356
(818) 714-1100

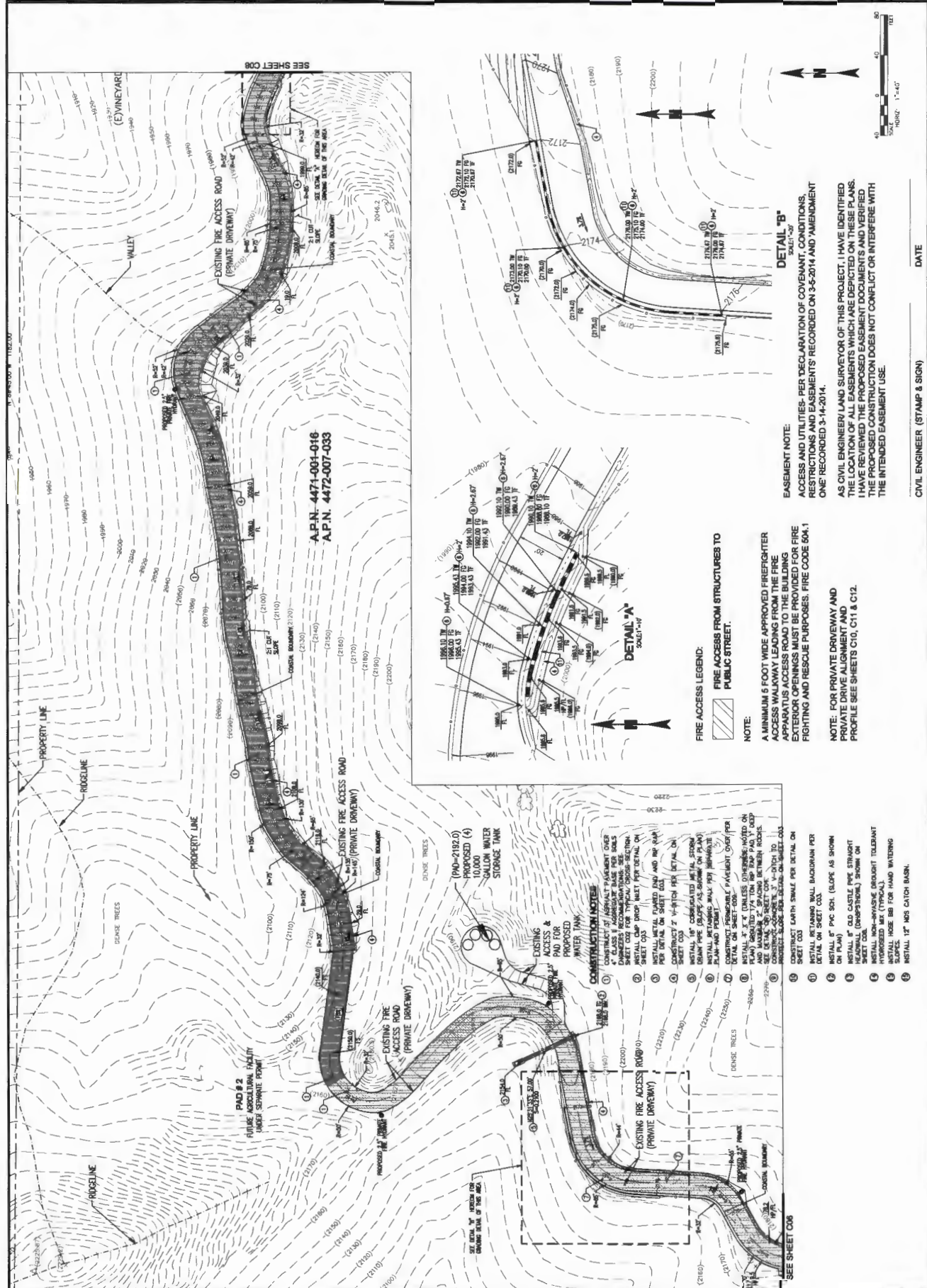
This manuscript contains information that is proprietary to the author and is not to be distributed outside the WBA and its involvement in the project. The author is not to be interviewed for the project or for any other purpose without the author's written consent. The author is not to be interviewed for the project or for any other purpose without the author's written consent. The author is not to be interviewed for the project or for any other purpose without the author's written consent.

ROUGH GRADING PLAN
MULHOLLAND HWY., MALIBU 90265
LOS ANGELES COUNTY
APNS 4473-007-016 AND 4473-001-016
APNS 4473-007-023 AND 4473-007-023

: FULL LENGTH

CHARGE	DATE
CHARGE	DECEMBER 12, 2013
PHILIP VOIT	

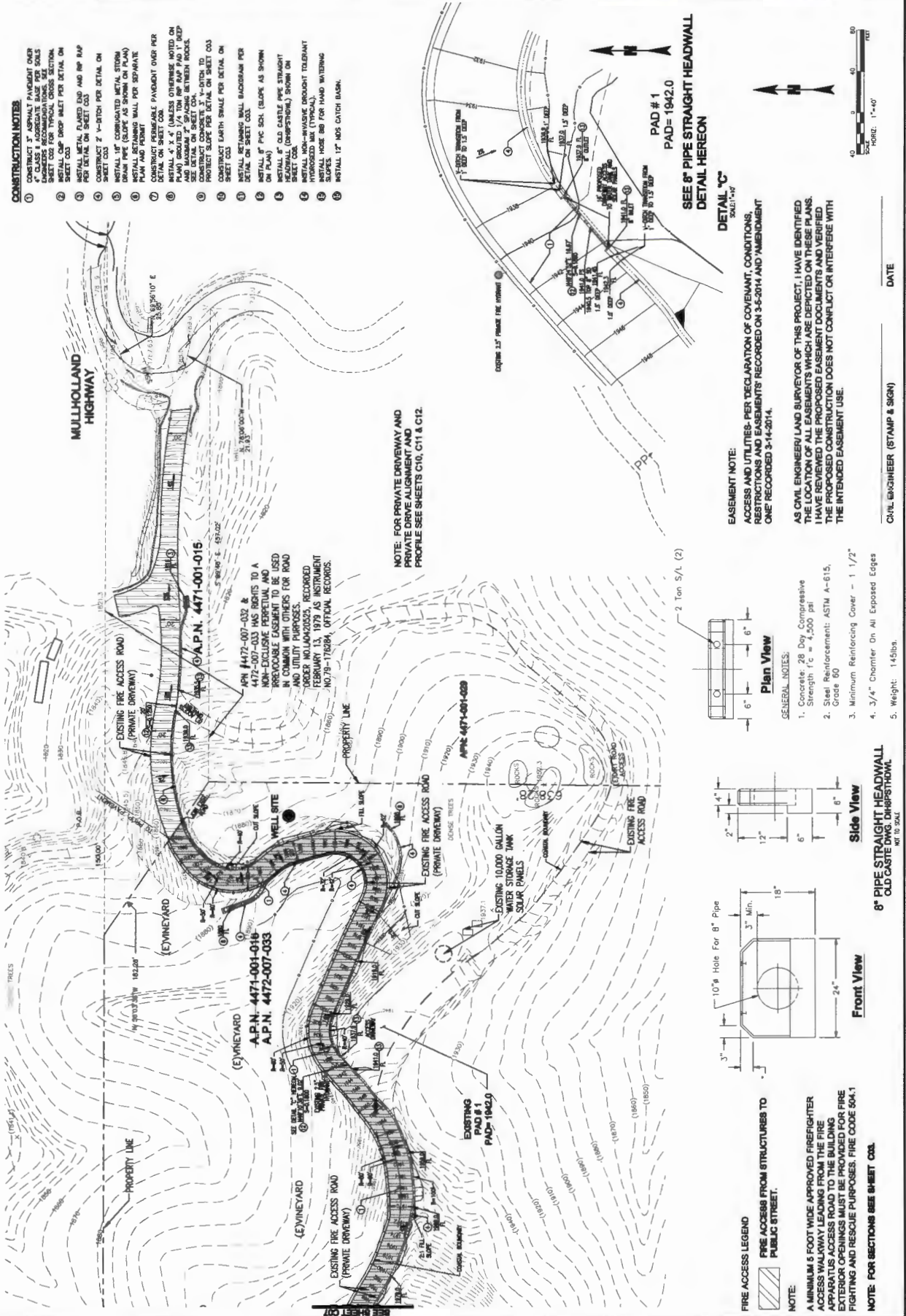
C07



EASEMENT NOTE:
ACCESS AND UTILITIES- PER DECLARATION OF COVENANT, CONDITIONS,
RESTRICTIONS AND EASEMENTS' RECORDED ON 3-5-2014 AND 'AMENDMENT
DETAIL "B"
SCALE: 1"=30'

AS CIVIL ENGINEER/ LAND SURVEYOR OF THIS PROJECT, I HAVE IDENTIFIED THE LOCATION OF ALL EASEMENTS WHICH ARE DEPICTED ON THESE PLANS. I HAVE REVIEWED THE PROPOSED EASEMENT DOCUMENTS AND VERIFIED THAT THE PROPOSED CONSTRUCTION DOES NOT CONFLICT OR INTERFERE WITH THE INTENDED EASEMENT USE.

CIVIL ENGINEER (STAMP & SIGN) DATE



DATE
JOB NO.
SHEET
FMP
SHEET 1 OF 1

[illegible]

Exhibit 8
Fuel Modification Plan
CDP No. 4-13-0303


CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

MEMORANDUM

September 4, 2012

To: Steve Hudson, South Central Coast District Office

From: Jon Van Coops, GIS/Mapping Program Manager 

Cc: Fredrick Olsson, 751 Benson Way, Thousand Oaks, CA 91360

Subject: Coastal Zone Boundary Determination No. 03-2012, Assessor Parcel Numbers 4471-001-016 & 4472-007-012, Los Angeles County.

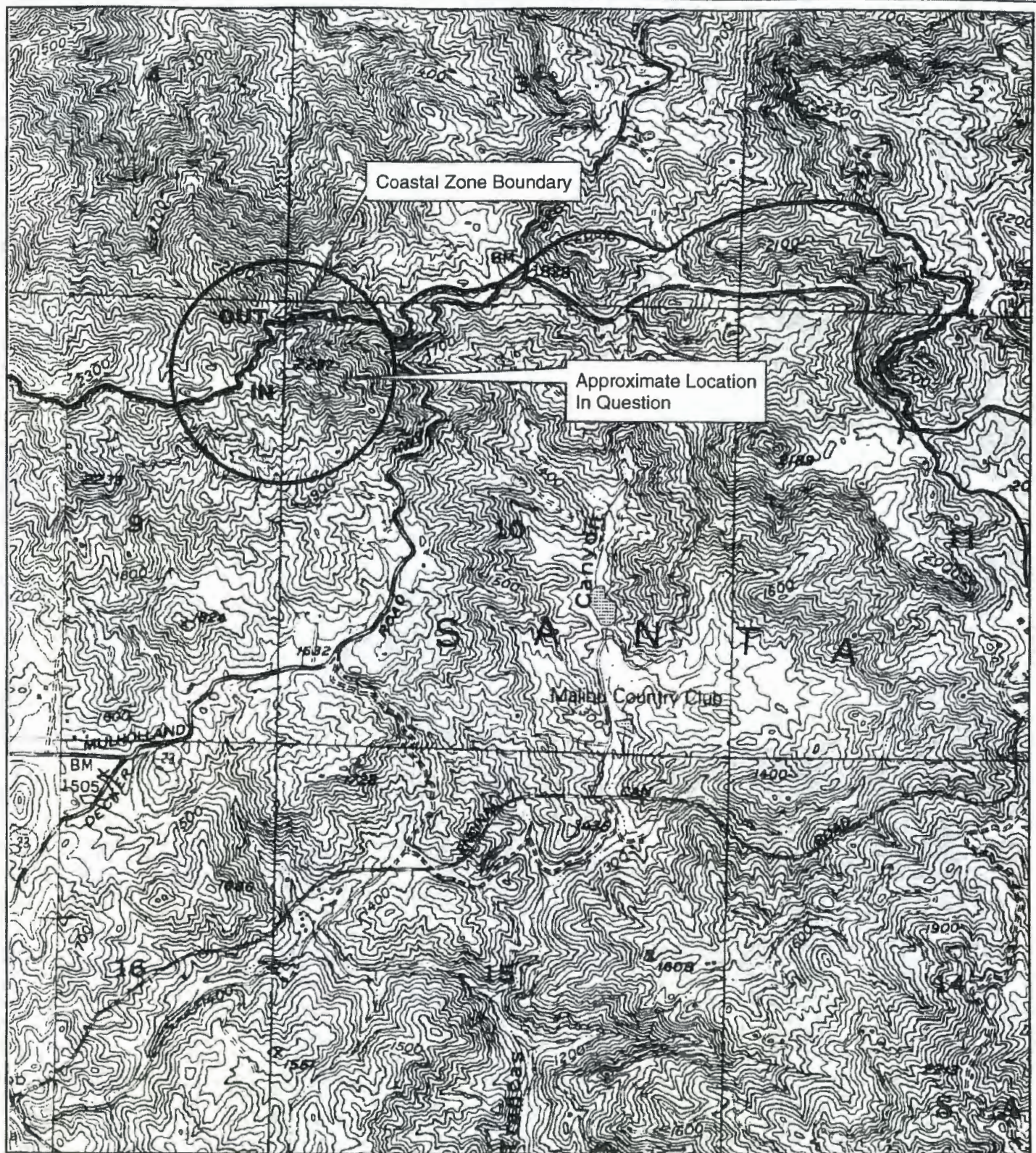
A coastal zone boundary determination has been requested for Los Angeles County Assessor Parcel Numbers 4471-001-016 & 4472-007-012. Enclosed is a copy of a portion of Coastal Zone Boundary Map No. 134 (Point Dume Quadrangle) with the approximate location of the subject properties indicated. See Exhibit 1. Also included is an aerial photo exhibit with parcel lines and the coastal zone boundary added. See Exhibit 2.

Based on the information provided and available in our office, Los Angeles County APNs 4471-001-016 & 4472-007-012 are bisected by the coastal zone boundary as shown on Exhibit 2. Development proposed within the Coastal Zone would require coastal development permit authorization from the Coastal Commission.

Please contact Darryl Rance of my staff at (415) 904-5335 if you have any questions regarding this determination.

Enclosures

<p>Exhibit 9 Coastal Zone Boundary Determination No. 03-2012 CDP No. 4-13-0303</p>
--



BD 03-2012
APNs 4471-001-016
& 4472-007-012
Los Angeles County

Portion of Coastal Zone
Boundary Map 134
(Point Dume Quadrangle)

CALIFORNIA
COASTAL
COMMISSION

Technical Services Division



Exhibit 1

DAR 8/2012



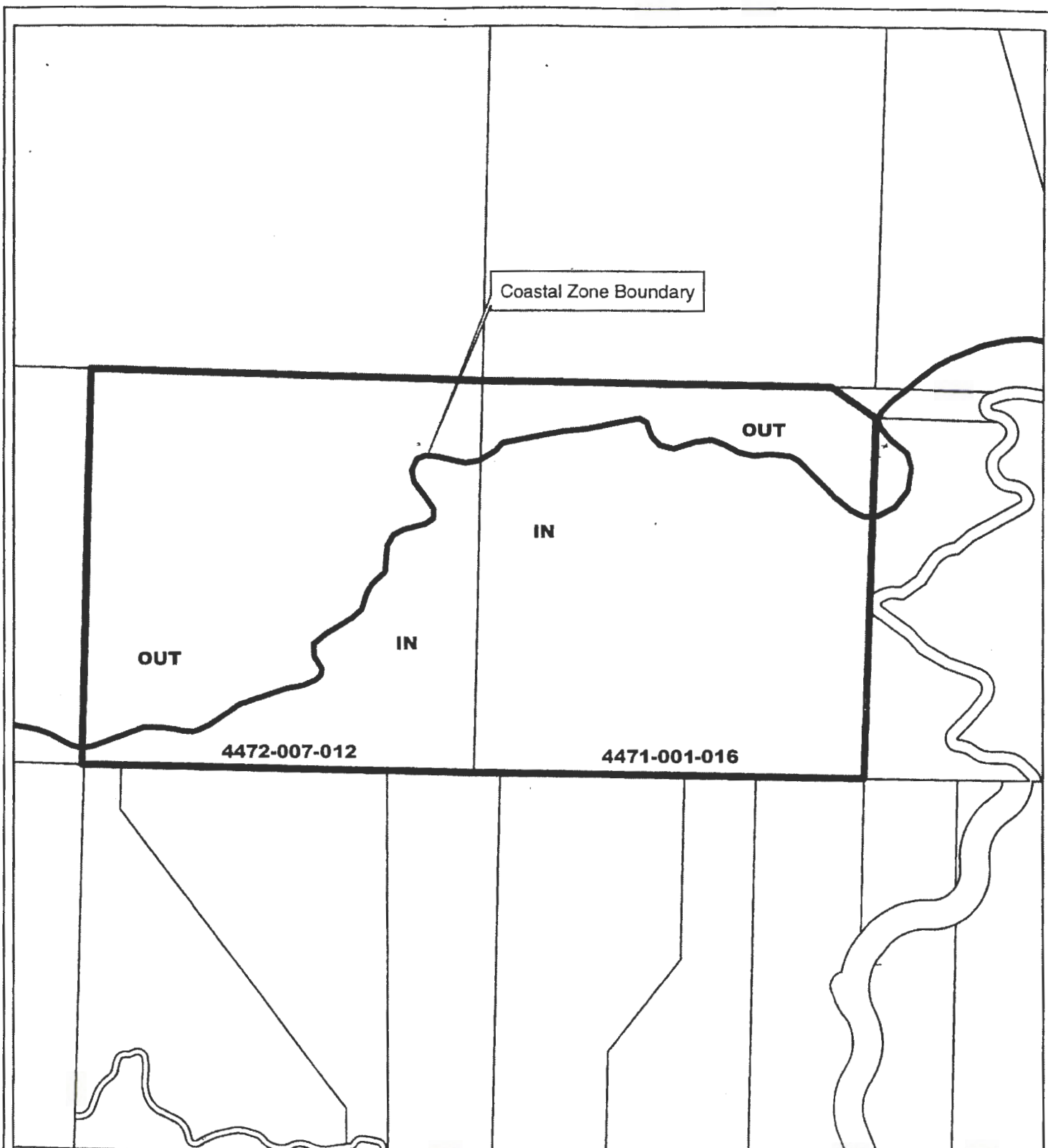
Coastal Zone Boundary

IN

IN

OUT

OUT



BD 03-2012
APNs 4471-001-016
& 4472-007-012
Los Angeles County

CALIFORNIA
COASTAL
COMMISSION

Technical Services Division



Exhibit 2
DAR 08/2012

Received

JUN 21 2013



TEL: (310) 457-6700
PAGER: (213) 391-1730
CELL: (213) 503-2508
FAX: (310) 589-4855
EMAIL: dasmith@fire.lacounty.gov

DREW SMITH

Fire Captain
Air & Wildland Division
North Regional Operations Bureau

Captain Smith
Los Angeles County Fire Department
Camp #13
1250 S. Encinal Canyon Road
Malibu, CA 90265
June 18, 2013

California Coastal Commission
South Central Coast District

County of
Los Angeles
Fire Department
www.fire.lacounty.gov

Fire Suppression Camp 13
1252 Encinal Canyon Road
Malibu, CA 90265-2407

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

Dear Madam or Sir:

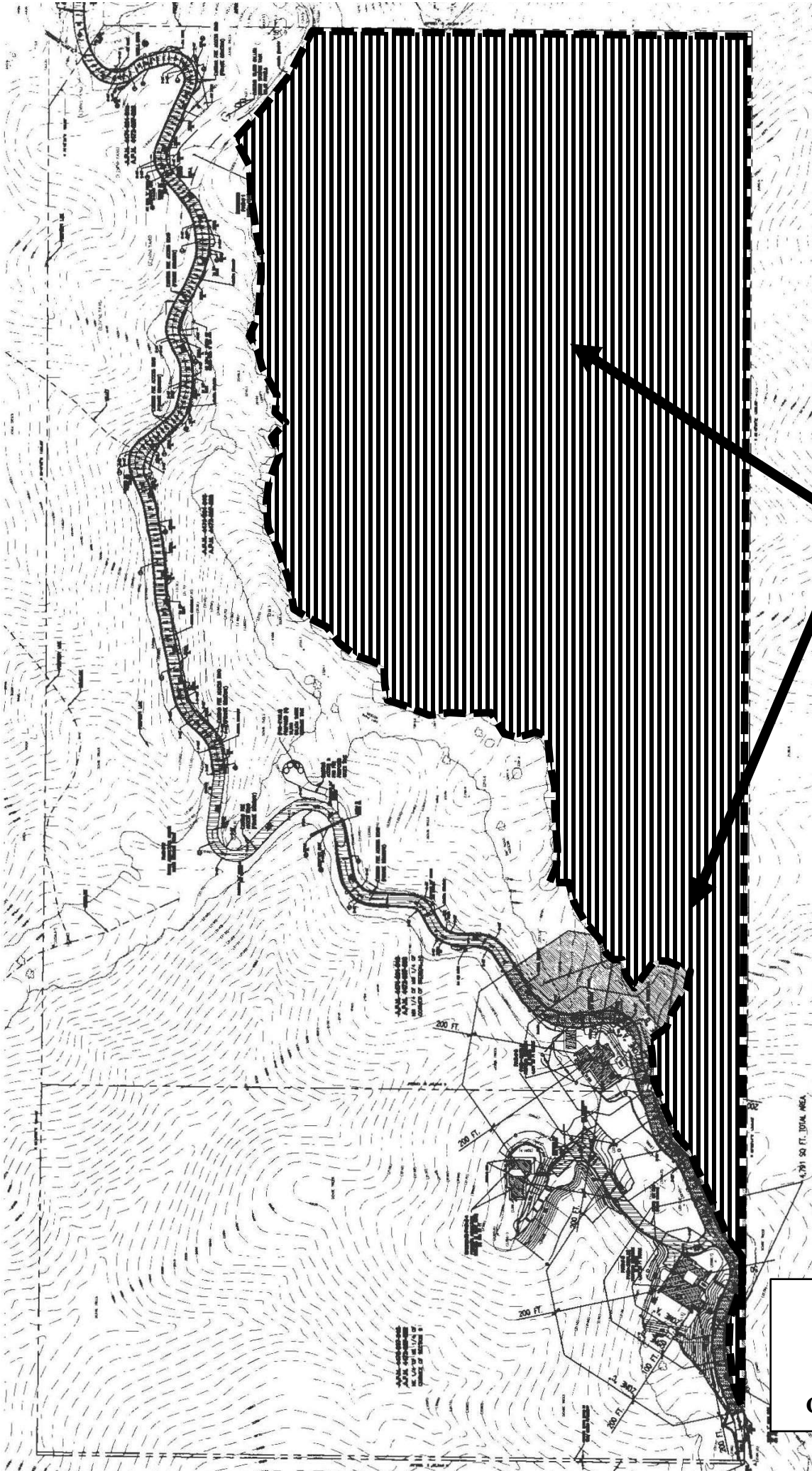
The Etz Maloy Motorway was constructed by the County of Los Angeles prior to the effective date of the Coastal Act (January 1, 1977) in conformity with all applicable local laws at the time of construction.

Camp 13 of the Los Angeles County Fire Department maintains Etz Maloy Motorway which runs through the Vogt & Olsson properties. We maintain the road and brush clear along the road to allow access for Fire crews and emergency responders in the event of a fire in the area. We also train for fire season along the roadway so that firefighters are prepared if and when they need to respond to an emergency.

Sincerely,

Drew Smith
Captain

Exhibit 10
Los Angeles County
Fire Department Letter
CDP No. 4-13-0303



Open Space Conservation Easement Area

Exhibit 11
Open Space
Conservation
Easement Area
CDP No. 4-13-0303