

CALIFORNIA COASTAL COMMISSION

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



Th23a

ADDENDUM

DATE: February 10, 2014 [Click here to go to original staff report](#)

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 23a, Thursday, February 13, 2014, Coastal Development Permit Application 4-13-007 (Majidi)

The purpose of this addendum is to attach and respond to three emails in opposition to the proposed project.

1. Two emails in opposition of Coastal Development Permit (CDP) 4-13-007 were received by staff on February 1 and 2, 2014. Specifically, the subject emails, written by Elizabeth Santonastaso, assert that the proposed lot line adjustment would not minimize cumulative impacts to coastal resources. However, as described within the Staff Report dated January 23, 2014, the proposed reconfiguration will reduce the total number of residences that could be built from three to two. The reduction in the number of residences will also reduce the number of septic systems, the number of vehicle trips to the area, and the amount of grading. Additionally, the subject emails describe that the hearing notice posted at the project site did not accurately reflect the proposed project description. As such, staff sent a revised notice that has subsequently been posted at the project site. Lastly, the subject emails assert that the applicant has been cited by Los Angeles County Zoning Enforcement. It appears that the development that Ms. Santonastaso has described would be in the same location as the development proposed within the subject CDP application, and therefore would have to be removed prior to construction.

A third email in opposition of the subject CDP was received on February 10, 2014. The subject email, written by Anthony Rink, requests that the hearing be rescheduled to a location closer to the project site. The Commission oversees development along the entire 1,100 mile coastline and hearing locations typically alternate between northern and southern California locations each month. In this case, as the project location of the subject CDP is in Los Angeles County, a hearing location in relatively nearby Pismo Beach is considered a locally accessible hearing location. Additionally, the subject email asserts that oak trees have been trimmed on the subject property. It appears that the oak trees in question are located on the portion of the subject property that is being processed through a separate CDP application that is not currently before the Commission.

In conclusion, the subject emails do not raise any relevant issues regarding the proposed project's consistency with the Chapter 3 policies of the Coastal Act. Therefore, staff continues to recommend that the Commission approve the CDP application with the conditions included within the staff report.

Blaugrund, Jacqueline@Coastal

From: Santonastaso, Elizabeth <SantonE@campbellhall.org>
Sent: Saturday, February 01, 2014 3:32 PM
To: Blaugrund, Jacqueline@Coastal
Cc: Chris Kurjanowicz; Anthony Rink; peter.kane@cbs.com
Subject: Application no. 4-13-007

Hi, Jackie,

Staff: J. Blaugrund

Staff Report 1/23/2014

After carefully reading the Staff Report and Summary of Staff Recommendation, I write to STRONGLY OBJECT and to OPPOSE Mr. Majidi's proposal to RECONFIGURE his THREE SMALL lots into TWO SMALL LOTS. His assertion that this would create two buildable parcels, thereby minimizing cumulative impacts to coastal resources is just nonsense. His real intention is to build another small house or to sell the lot as "buildable", squeezing two homes out of a small land area. Two smaller houses would very adversely affect all surrounding larger properties. The designation of Monte Nido as a small lot subdivision is misleading and outdated, from the 1920's, when the original lot sizes were designed for cabin structures. Today, most homes are of considerable size (lots consolidated) and land area. We consolidated our lots 3 into 1, with ONE house, so that our property would enhance the rural feel and spaciousness of modern Monte Nido. This is what is expected when building in today's Monte Nido. Please reconsider your recommendation that a lot line split into two lots be allowed on Mr. Majidi's three small lots at 25603 Monte Nido Dr.

Also, the square footage of the structure indicated on the Notice of Hearing, Coastal Commission is incorrect. A CORRECTED sign needs to be posted with corrected information, so that interested neighbors and others will not be misled. The maximum allowable structure is 1540 w/ attached 400 sq.ft. garage, as per the Slope Intensity Formula, not the square footage of 2285 as posted on the property site.

Thank you for your attention in this matter.

Sincerely,

Elizabeth Santonastaso

25625 Monte Nido Dr.

Calabasas, Ca. 91302

818-591-1658

Sent from my iPad

Blaugrund, Jacqueline@Coastal

From: Santonastaso, Elizabeth <SantonE@campbellhall.org>
Sent: Sunday, February 02, 2014 12:42 PM
To: Blaugrund, Jacqueline@Coastal
Cc: Chris Kurjanowicz; Anthony Rink; peter.kane@cbs.com
Subject: Re: Application no. 4-13-007

I should also mention the Mr. Majidi has been CITED by ZONING Enforcement, (Shawn Skeries) L.A. County for the following VIOLATIONS:

1. Putting a mobile home parked on his lots; 2. parking large UHaul-type trailer on his lots; 3. Illegally running water over/under lots from street; 4. Attempting to build an unpermitted tall wood structure using wooden pallets; 5. dumping piles of trucked in soil near creek bed; 6. dumping piles of animal manure on his lots. Currently, he has a large fenced enclosure that looks like a dump and is an eyesore.

There is substantial distrust that what Mr. Majidi says, and what he or his representative does, are two entirely different things. His neighbors are correct to be concerned and to keep a close eye on his actions and on his Application to Coastal Commission.

Thank you very much.

Elizabeth

Sent from my iPad

On Feb 1, 2014, at 3:32 PM, "Santonastaso, Elizabeth" <SantonE@campbellhall.org> wrote:

Hi, Jackie,

Staff: J. Blaugrund

Staff Report 1/23/2014

After carefully reading the Staff Report and Summary of Staff Recommendation, I write to STRONGLY OBJECT and to OPPOSE Mr. Majidi's proposal to RECONFIGURE his THREE SMALL lots into TWO SMALL LOTS. His assertion that this would create two buildable parcels, thereby minimizing cumulative impacts to coastal resources is just nonsense. His real intention is to build another small house or to sell the lot as "buildable", squeezing two homes out of a small land area. Two smaller houses would very adversely affect all surrounding larger properties. The designation of Monte Nido as a small lot subdivision is misleading and outdated, from the 1920's, when the original lot sizes were designed for cabin structures. Today, most homes are of considerable size (lots consolidated) and land area. We consolidated our lots 3 into 1, with ONE house, so that our property would enhance the rural feel and spaciousness of modern Monte Nido. This is what is expected when building in today's Monte Nido. Please reconsider your recommendation that a lot line split into two lots be allowed on Mr. Majidi's three small lots at 25603 Monte Nido Dr.

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Thank you for your attention in this matter.

Sincerely,

Elizabeth Santonastaso

25625 Monte Nido Dr.

Calabasas, Ca. 91302

818-591-1658

Sent from my iPad

Anthony Rink
679 Wonder View Drive
Monte Nido, CA 91302

California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

Received

FEB 10 2014

California
Coastal Commission

Regarding: **Permit # 4-13-007 Applicant: Abolhassan Majidi**

Dear Commissioners:

I wanted to attend the hearing, but this is a 300-mile round-trip from door-to-door. It concerns me that the Coastal Commission is holding a meeting 150 miles away from the location of the issue at hand and thereby deterring residents directly affected from attending because of the time and travel expenses which would be expended and incurred. I respectfully request that the hearing be rescheduled and held at a more local venue, such as the San Fernando Valley or even Ventura, so neighbors can attend and voice their concerns in person.

In my opinion, Mr. Majidi has already shown his disdain and lack of respect for the community. Without apparent permission, he has cavalierly trimmed half an oak tree, a species of plant which is protected by law. He has further shown his contempt for the neighborhood by maintaining a fenced-in pile rubbish on his property for two years.

Please note that I agree with and hereby incorporate by reference all of the concerns and protestations set forth in the letters sent to you by Christine Kurjanowicz, and Elizabeth Santonastaso.

Set forth below are my additional concerns:

- A. Drainage: It appears as though drainage from his intended structure will be diverted onto my property.
- B. Mr. Majidi has indicated on more than one occasion that the "garage" he intends to build will actually be converted into living quarters for additional people. This would appear to not only violate the law but would impact parking and health (septic) in the area.
- C. Damage to the creek as well as to the lateral support of my own home.
- D. The distance from the outer wall of my home to his structure.

Considering all of the above and Mr. Majidi's apparent lack of concern for the community, I believe an environmental impact report is warranted.

Thank you for your attention in this matter. Please note that I am a firm believer in one's property rights, but property rights go both ways. In this case, I believe Mr. Majidi's intended use of his property will illegally impose upon and detract from my own property rights.

Very truly yours,

Anthony Rink

Received
FEB 10 2014
California
Coastal Commission

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



Th23a

180th Day: 5/19/14
Staff: J. Blaugrund
Staff Report: 1/23/14
Hearing Date: 2/13/14

STAFF REPORT: REGULAR CALENDAR

Application No.: 4-13-007

Applicant: Abolhassan Majidi

Agent: Aldrin Prestosa

Project Location: 25603 Monte Nido Drive, Monte Nido Small Lot Subdivision, Santa Monica Mountains, Los Angeles County (APNs: 4456-027-006, 4456-027-009, 4456-027-022)

Project Description: Construction of a 1540 sq. ft., 2-story, 30 ft. high, single-family residence with an attached 400 sq. ft. garage, private septic system, landscaping, hardscaping, retaining walls, and 130 cu. yds. of cut and fill. The project also includes a lot line adjustment that will result in the reconfiguration of three parcels into two parcels.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with twelve special conditions regarding (1) plans conforming to Geotechnical Engineer's recommendation, (2) assumption of risk, waiver of liability and indemnity, (3) permanent drainage and polluted runoff control plan, (4) interim erosion control plans and construction responsibilities, (5) landscaping and fuel modification plans, (6) structural appearance, (7) lighting restriction, (8) future development restriction, (9) deed restriction, (10) removal of excavated material, (11) removal of natural vegetation, and (12) oak tree protection.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP)

serve as guidance. Following is a summary of the main issues raised by the project and how they are resolved by staff's recommendation:

- **OAK TREE PROTECTION.** The project does not include the encroachment of development within the protected zone of oak tree(s) onsite. However, oak trees are present on the project site and must be protected by barrier fencing or flagging during construction.
- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas. There are no siting or design alternatives that would avoid or significantly reduce visual impacts. The project is conditioned to minimize the visual impacts by requiring that the structure be finished in a color consistent with the surrounding natural landscape, that windows be made of non-reflective glass, by the use of native landscaping, and by limiting night lighting.
- **CUMULATIVE IMPACTS.** The project site is located within a small lot subdivision, and the proposed residence will conform to the maximum gross structural area allowed for the parcel. Additionally, the applicant has proposed to adjust the lot lines of three contiguous parcels, in order to create two buildable parcels, thereby minimizing cumulative impacts to coastal resources.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Project Plans
- Exhibit 4. Aerial Photograph
- Exhibit 5. Lot Line Adjustment

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated December 10, 2012; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated September 10, 2013; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated July 29, 2013; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated July 9, 2013.

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. 4-13-007 pursuant to the staff recommendation.

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter Three of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter Three. 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.

B) Fuel Modification Plans

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

C) Conformance with Coastal Commission Approved Site/Development Plans

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

D) Monitoring

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

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

6. Structural Appearance

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

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

7. Lighting Restriction

A. The only outdoor night lighting allowed on the subject parcel is limited to the following:

- (1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.
- (2) Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60-watt incandescent bulb.
- (3) The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60-watt incandescent bulb.

B.No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

8. Future Development Restriction

This permit is only for the development described in this Coastal Development Permit. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, shall require an amendment to this Coastal Development Permit from

the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

10. 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.

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. Oak Tree Protection

To ensure that all oak trees located on the subject parcel are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected.

IV.FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a 1540 sq. ft., 2-story, 30 ft. high, single-family residence with an attached 400 sq. ft. garage, private septic system, landscaping, hardscaping, retaining walls, and 130 cu. yds. of cut and fill. Additionally, the proposed project includes a lot line adjustment that will result in the reconfiguration of three parcels into two parcels, within the Monte Nido Small Lot Subdivision, in the Santa Monica Mountains area of Los Angeles County (APNs: 4456-027-006, 4456-027-009, 4456-027-022). (Exhibits 1-4).

The project site is located within the eastern portion of the Monte Nido Small Lot Subdivision, between Monte Nido Drive and Gayer Drive. The project site consists of a hillside with ascending slopes from the subject site towards Monte Nido Drive and descending slopes towards Gayer Drive. The elevation of the subject site ranges from approximately 130 feet above sea level to approximately 95 feet above mean sea level.

This project site is situated among single family residences on all sides and is not considered to be an environmentally sensitive habitat area (ESHA) because there is little to no existing native vegetation on the site and the parcel is located within the fuel modification zones of adjacent residences. Oak trees are located on the northwestern portion of the subject site, and in the project vicinity on the adjacent property. In order to avoid impacts to oak trees, the applicant has revised the project description and project plans to remove the portion of development that would have encroached within the protected zone and dripline of the oak trees onsite.

B. HAZARDS AND GEOLOGIC STABILITY

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

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

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to

ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

- Special Condition 1: Plans Conforming to Geotechnical Engineer's Recommendations
- Special Condition 2: Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans
- Special Condition 4: Interim Erosion Control
- Special Condition 5: Landscaping and Fuel Modification Plans

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

C. WATER QUALITY

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where

feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

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

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

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

Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

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

- Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans
- Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities
- Special Condition 5: Landscaping and Fuel Modification Plans
- Special Condition 10: Removal of Excavated Material
- Special Condition 11: Removal of Native Vegetation

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

D. OAK TREE PROTECTION

Section 30240 states:

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

Section 30250(a) of the Coastal Act states:

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

Section 30251 of the Coastal Act states:

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

1. Protection of Oaks

The project site is located within a disturbed oak woodland, in a small lot subdivision, where the past creation of urban-scale parcels has resulted in a higher density of residential development. The subject site is itself disturbed and while there are oak trees present, understory plant species and connectivity to other woodland areas are lacking and therefore the site is not considered to be an environmentally sensitive habitat area. However, through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, even where they are not part of a larger woodland that is ESHA. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through

shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species. As required by Section 30250 of the Coastal Act, the proposed new development can be approved only where it will not have impacts on coastal resources. Additionally, oak trees are an important component of the visual character and scenic quality of the area and must be protected in order to ensure that the proposed development is visually compatible with this character, as required by Section 30251 of the Coastal Act.

Oak trees are easily damaged. They are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, stretching as far as 50 feet beyond the spread of the canopy, although the area within the “protected zone” (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree results in the total loss of the habitat values of the tree. Encroachments into (in other words, portions of the proposed structures, or grading will be located within) the protected zone of an oak tree can also result in significant adverse impacts. Encroachments of development will result in impacts including, but not limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns, and excess watering. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree. Further, the introduction of development within an oak woodland will interrupt the oak canopy coverage and will lessen the habitat value of the woodland as a whole. The impacts to individual oak trees range from minor to severe lessening of health, (including death) depending on the location and extent of the encroachments.

In order to ensure that oak trees are protected so that development does not have impacts on coastal resources and so that the development is compatible with the visual character of the area, the Commission has required, in past permit actions, that the removal of native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development.

2. Project Consistency

The Biological Resources Evaluation, listed in the Substantive File Documents, indicates that scrub oak trees are present along the northwestern parcel line of the project site and an oak tree is located off-site in the immediate vicinity of the proposed project. The proposed project initially included the installation of a perimeter fence along the parcel lines of the subject property. As the portion of this fence along the northwestern parcel line would have encroached into the scrub oak tree canopy driplines and protected zones (5 feet from the outer limits of the tree dripline or

15 feet from the trunk, whichever is greater), the applicant has revised both the project description and project plans to delete the portion of the fence along the northwestern parcel line.

The Commission finds that impacts to oak trees on the project or adjacent site will be minimized by employing protective measures during project construction. As such, the Commission requires the applicant to install temporary protective barrier fencing around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then temporary flagging must be installed on all oak trees to ensure protection during construction.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Sections 30240, 30250, and 30251 of the Coastal Act:

Special Condition 12: Oak Tree Monitoring

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30240, 30250, and 30251 of the Coastal Act with regard to oak tree protection.

E. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

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

The proposed project is located within the Monte Nido Small Lot Subdivision. Although single-family residences have been developed within the immediate vicinity of the project site, a majority of the surrounding area is characterized by expansive, naturally vegetated mountains and hillsides. Specifically, the project site will be visible from portions of Malibu Creek State Park. Development of the proposed residence raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be affected.

The proposed single-family residence is two-stories with a maximum height of 30 feet from existing grade at any given point. The proposed building site and design minimizes the amount of grading and landform alteration necessary for the project and there are no siting alternatives where the building would not be visible from public viewing areas.

The proposed structure is compatible with the character of other residential development in the area. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP. In addition, the development would be partially screened by vegetation.

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

In recognition that future development normally associated with a single-family residence, that might otherwise be exempt, has the potential to impact scenic and visual resources of the area, the Commission requires that any future improvements on the subject property shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act through a coastal development permit.

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

The following special conditions are required to assure the project's consistency with Section 30251 of the Coastal Act:

- Special Condition 5: Landscaping and Fuel Modification Plans
- Special Condition 6: Structural Appearance
- Special Condition 7: Lighting Restriction
- Special Condition 8: Future Development Restriction
- Special Condition 9: Deed Restriction

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

F. CUMULATIVE IMPACTS

Section 30250(a) of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

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

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

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

1. Lot Line Adjustment

The applicant has proposed to adjust the lot lines of three contiguous parcels, in order to create two buildable parcels, as depicted on Exhibit 5. In total, the subject three parcels cover an area of approximately 11,418 square feet. The subject lot line adjustment will result in two parcels, 6,366 and 5,052 square feet in size. The proposed reconfiguration will reduce the total number of residences that could be built from three to two. Although the larger parcel sizes for the two proposed parcels would allow for an increased gross structural area for two structures instead of three, the reduction in the number of residences will reduce the number of septic systems, the number of vehicle trips to the area, and the amount of grading. Additionally, the development areas for the two parcels will allow for structures to be constructed on the less steep upper portion of the property, closer to Wonderview Drive. Therefore, the proposed lot line adjustment

resulting in the reconfiguration of three lots into two lots will not have significant adverse effects, either individually or cumulatively, on coastal resources.

2. Small Lot Subdivisions

The proposed project involves the construction of a 1540 sq. ft. new single family residence, within a small lot subdivision. Small lot subdivisions in the Santa Monica Mountains are designated areas generally comprised of residentially-zoned parcels of less than one acre, but more typically ranging in size from 4,000 to 5,000 square feet. The Commission has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources, particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

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

Slope Intensity Formula

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

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

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

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

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

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

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

A = the area being considered in square feet

3. Project Consistency

The proposed project site is located in the Monte Nido Small Lot Subdivision, an area subject to the provisions of the slope intensity formula. The applicant proposes the construction of a 1540 sq. ft. single family residence with a 400 sq. ft. attached garage on a parcel that is 6,366 sq. ft. in

size. The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 1543 sq. ft. of habitable space. Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions. The proposed 1540 sq. ft. of habitable space is consistent with the maximum allowable GSA of 1543 sq. ft.

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

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

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

- Special Condition 8: Future Development Restriction
- Special Condition 9: Deed Restriction

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

G. LOCAL COASTAL PROGRAM (LCP) PREPARATION

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project

and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through 12

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

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

Special Conditions 1 through 12

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX 1

Substantive File Documents

Certified Malibu/Santa Monica Mountains Land Use Plan; Lot Line Adjustment No. RLLA 201200006, dated August 30, 2012 and September 4, 2012; Geologic Report for Proposed Seepage Pits, by C.Y. Geotech, Inc., dated June 15, 2012; Update Geologic and Geotechnical Engineering Investigation, by C.Y. Geotech, Inc., dated July 15, 2013; Biological Resources Evaluation, by BioReg Consulting, dated September 30, 2013.

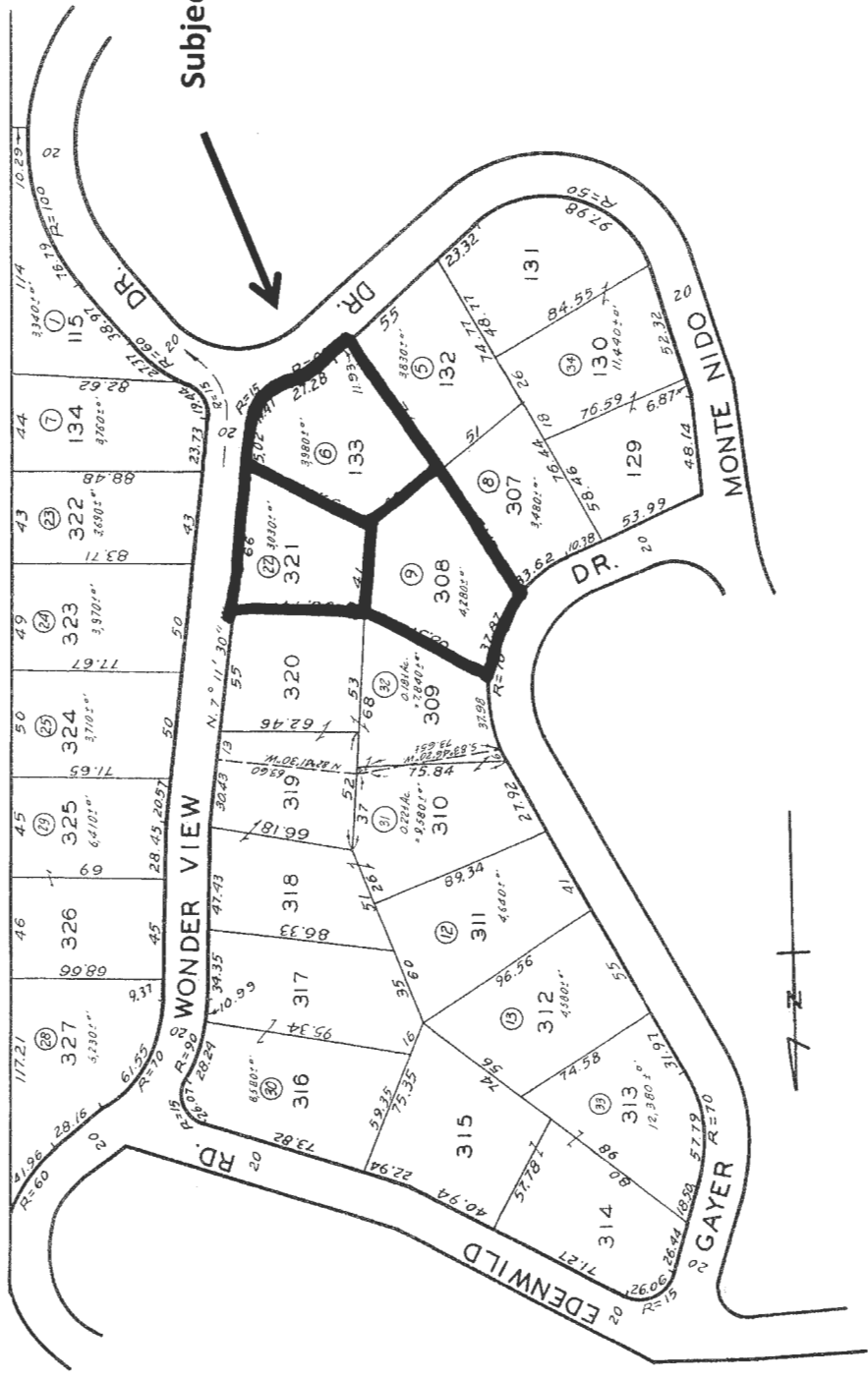


Exhibit 1
 4-13-007
 Vicinity Map

3-9-65
3-6-65
4-6-65
4-6-66
C8015113 700x200-12
9304060009001-07

4456 | 27
SCALE 1" = 50'

1993



Subject Parcels

TRACT NO. 9372
M.B. 126-14-19

FOR PREV. ASSMT. SEE: 4456-27

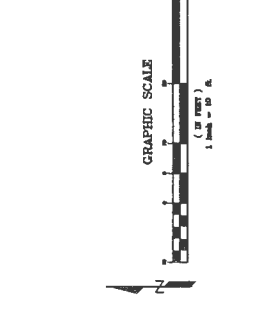
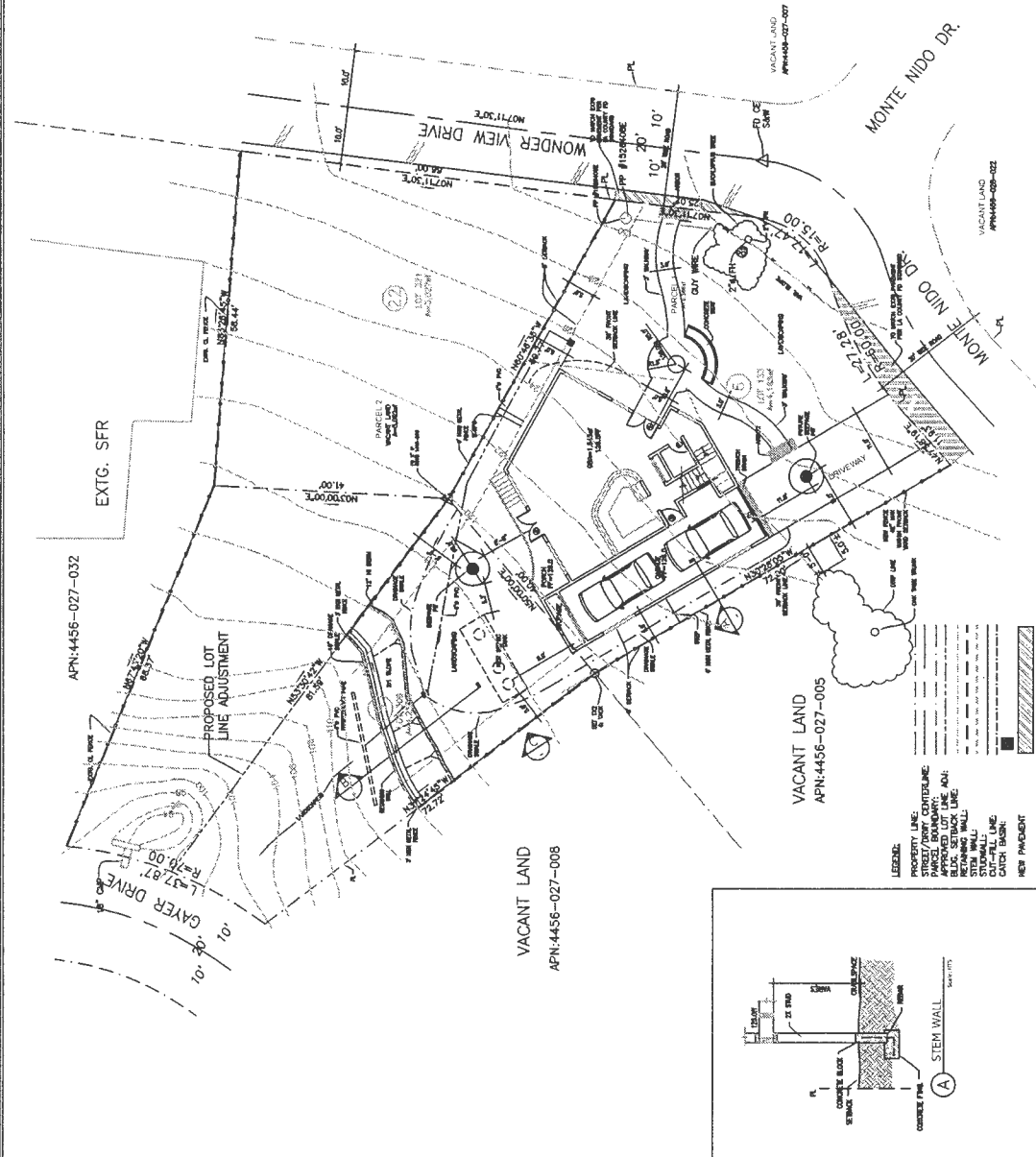
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

Exhibit 2
4-13-007
Parcel Map

COOF
4971

Project No. 134	Project Name: K.L.	Project Date: 11/11/07
Drawn By: K.L.	Checked By: K.L.	Agency: Enrprises, Inc.
Order No. 10	Project No. 134	Project Name: K.L.

SHEET
A-2
 OF 5



GENERAL NOTES:
 1. Any modification or changes in approved grading plan must be approved by the Building Official.
 2. A copy of the grading plan and approved grading plan shall be maintained in the possession of a responsible person and available at all times.
 3. Engineer must set grade stakes for all drainage devices and the contractor shall obtain inspection before pouring.
 4. All storm drain work shall be done under contract with the County Public Engineer. Weekly water reports shall be submitted by the Field Engineer to the City Building Department.
 5. Stormwater shall be treated for compliance with all laws.
 6. Separate plans for emergency drainage and Wet Weather Erosion Control shall be submitted with the grading plan. The erosion control plan shall be approved by the County Public Engineer and the City Building Department on or before the start of construction and April 15.
 7. The grading contractor shall submit a written statement certifying that the proposed plan and requirements of Chapter 23 of the Mobile Building Code or applicable ordinances from the approved plans and requirements of the code.
 8. The Design Engineer certifies that the grading plan was prepared under contract with the County Public Engineer and the City Building Department. A site report and engineering drawings shall be submitted to the County Public Engineer and the City Building Department. The required information for grading will be explained in the meeting.
 9. All recommendations included in the comments with and geology reports must be completed with the final plan of the grading specifications.
 10. Grading shall be completed within 90 days of the grading specifications.
 11. The existing site plan shall be submitted to the County Public Engineer and the City Building Department.
 12. The grading contractor shall submit a written statement certifying that the proposed plan and requirements of Chapter 23 of the Mobile Building Code or applicable ordinances from the approved plans and requirements of the code.
 13. The Design Engineer certifies that the grading plan was prepared under contract with the County Public Engineer and the City Building Department. A site report and engineering drawings shall be submitted to the County Public Engineer and the City Building Department. The required information for grading will be explained in the meeting.
 14. All existing utility shall be approved by the Building Official or returned prior to placing additional fill.
 15. The Building Official shall approve and prepare all construction plans.
 16. The completion report and approval from the State Engineer shall be submitted to the County Public Engineer and the City Building Department with the method of ensuring the public safety, including a copy of the grading plan, and shall be a part of the record.
 17. The engineer shall submit a letter of certification to the Building Official stating that the grading was done in compliance with the approved grading plan.
 18. Professional seal and geology reports and all submittals reports, as well as all other documents, shall be submitted to the County Public Engineer and the City Building Department for review and approval. The engineer shall be responsible for the preparation of all documents and the responsibility of the Engineer and the owner.

LEGISLATION:
 PARCEL 1, TRACT NO. 8972, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS BEING A RECORDED MAP BOOK 103, PAGE 1418 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
 AND ALSO THAT PORTION OF LOT 308 OF SAID TRACT NO. 8972 BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 103 OF SAID TRACT NO. 8972, THENCE N 53° 34' 47" W 101.50 FEET TO THE WESTERLY LINE OF SAID LOT 308 OF TRACT NO. 8972.
 PARCEL 2, TRACT NO. 8972, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS BEING A RECORDED MAP BOOK 103, PAGE 1418 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
 AND ALSO THAT PORTION OF LOT 308 OF SAID TRACT NO. 8972 BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 103 OF SAID TRACT NO. 8972, THENCE N 53° 34' 47" W 101.50 FEET TO THE WESTERLY LINE OF SAID LOT 308 OF TRACT NO. 8972.

BASE OF BEARINGS:
 THE BEARING OF N 0° 11' 30" E ALONG THE CENTER LINE OF WONDER VIEW DR. AS SHOWN ON TRACT NO. 8972 AS RECORDED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS BEING A RECORDED MAP BOOK 103, PAGE 1418 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.
BENCH MARK:
 THE BENCH MARK IS THE BENCH MARK FOR THE CENTER LINE OF WONDER VIEW DR. AS SHOWN ON TRACT NO. 8972 AS RECORDED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS BEING A RECORDED MAP BOOK 103, PAGE 1418 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALLOWABLE GROSS STRUCTURAL AREA CALCULATION:
 SLOPE INTENSITY FORMULA
 $GSA = (245) \times (29.57) \times 300 = 21,114,150$
 WHERE:
 $A = 6.366 \text{ ft}^2 \times 2 = 12.732$
 $S = 7.132$
 $GSA = (245) \times (29.57) \times 300 = 21,114,150$
TOTAL DEVELOPMENT SQUARE FOOTAGE:
 1ST FLOOR = 8014
 2ND FLOOR = 2794
 1200 SF
 GARAGE = 1280 SF
PARKING TABULATION:
 2 CAR GARAGE & UNCOVERED PARKING AREA

GREEN BUILDINGS PROGRAM:
 LEED Area = 0.3664
 Project Location = 27944
 Project Name = 25603 Monte Nido Drive
 Project Area = 102314
 Project Phase = 3354

IMPERVIOUS AREA CALC. TABLE	AREA (SQ. FT.)	PERCENT	WATER RUN-OFF
DEVELOPMENT AREA	102314	100%	100%
ROOFS	102314	100%	100%
DRIVEWAYS	102314	100%	100%
PARKING AREAS	102314	100%	100%
WALKWAYS	102314	100%	100%
ROADWAYS	102314	100%	100%
LANDSCAPING	102314	100%	100%
PERMEABLE AREAS	102314	100%	100%

APPLICABLE CODES:
 1. 2011 L.A. Co. Amendments to the 2010 Cal. Residential Building Code
 2. 2011 L.A. Co. Green Building Code
 3. 2010 California Energy Code

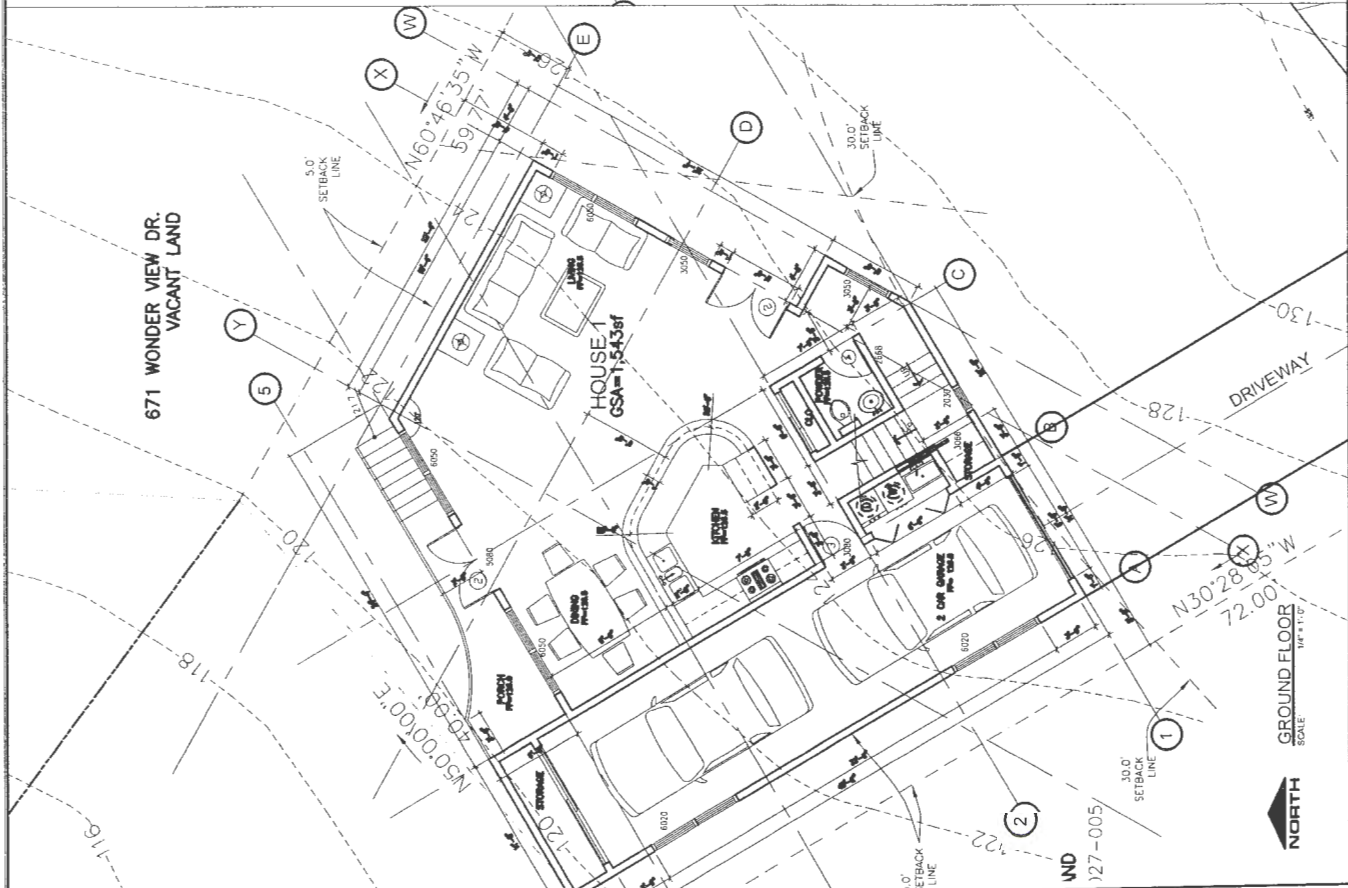
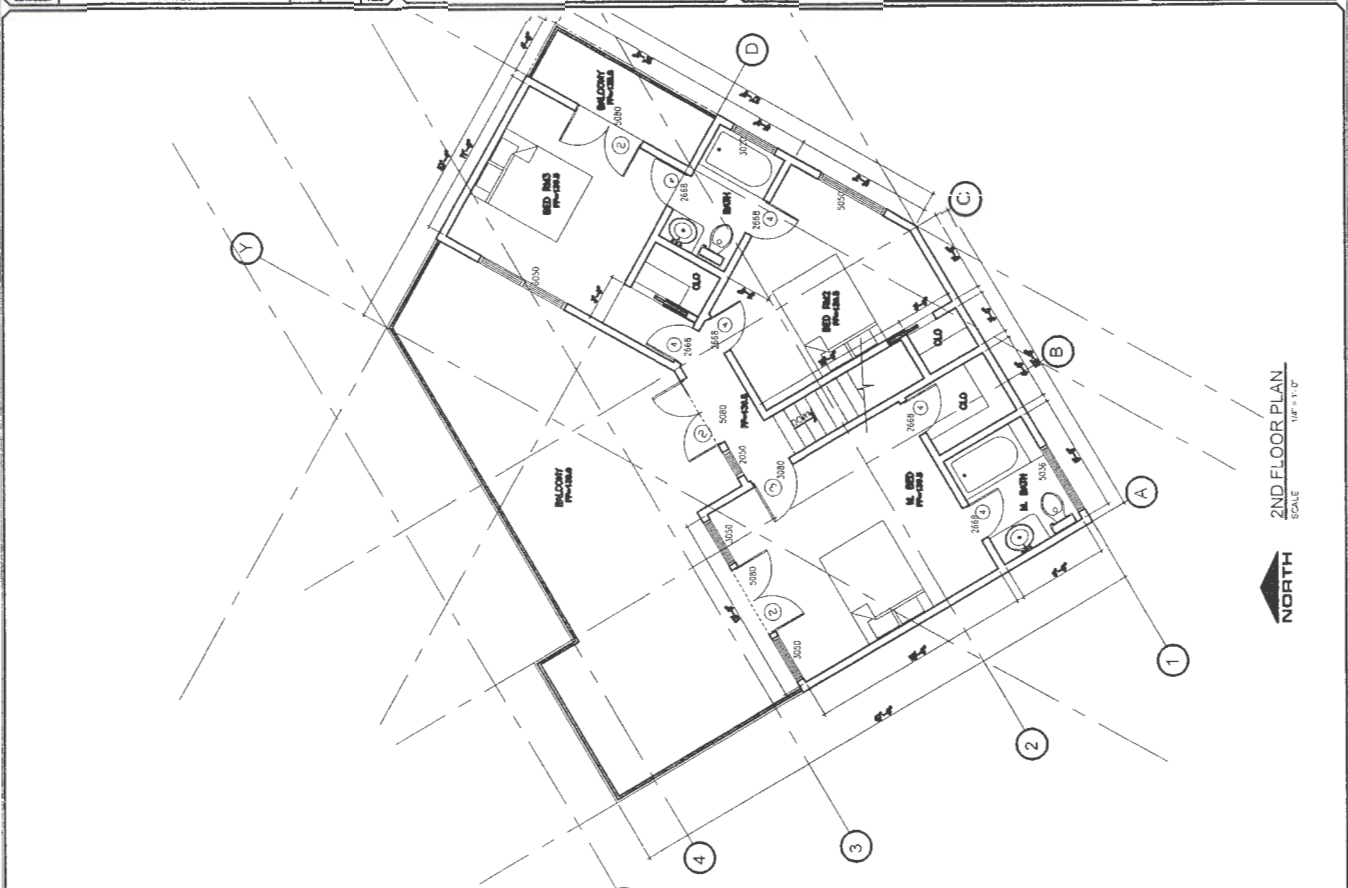
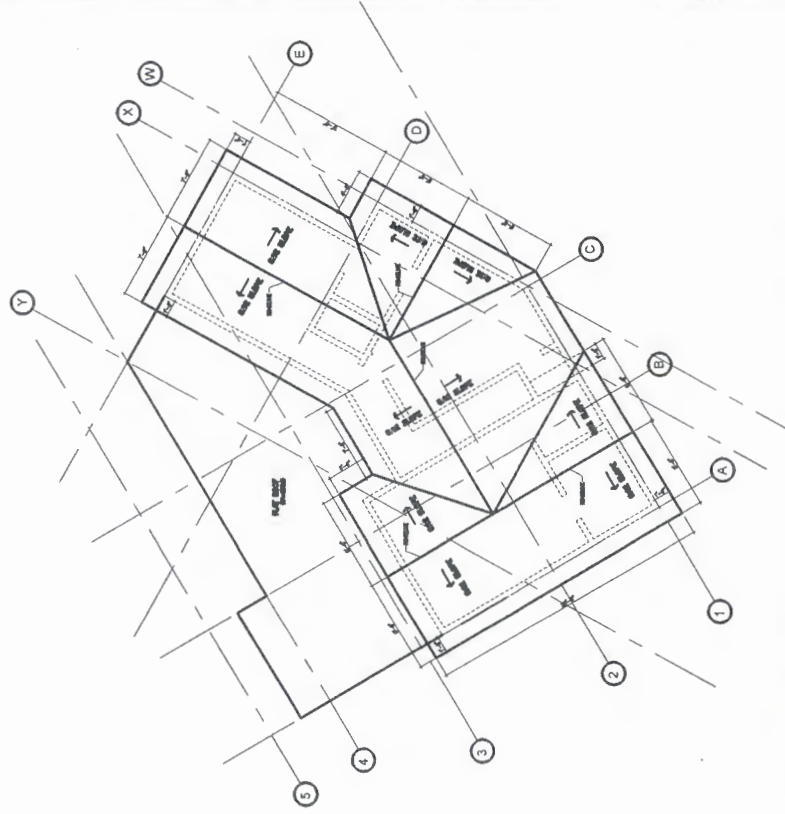
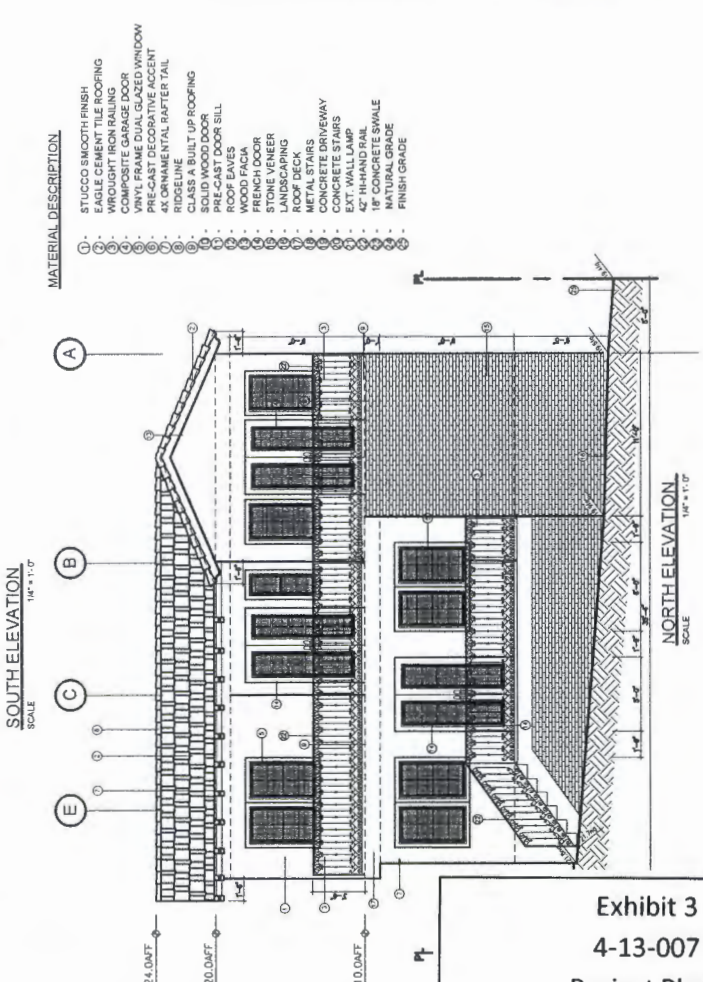
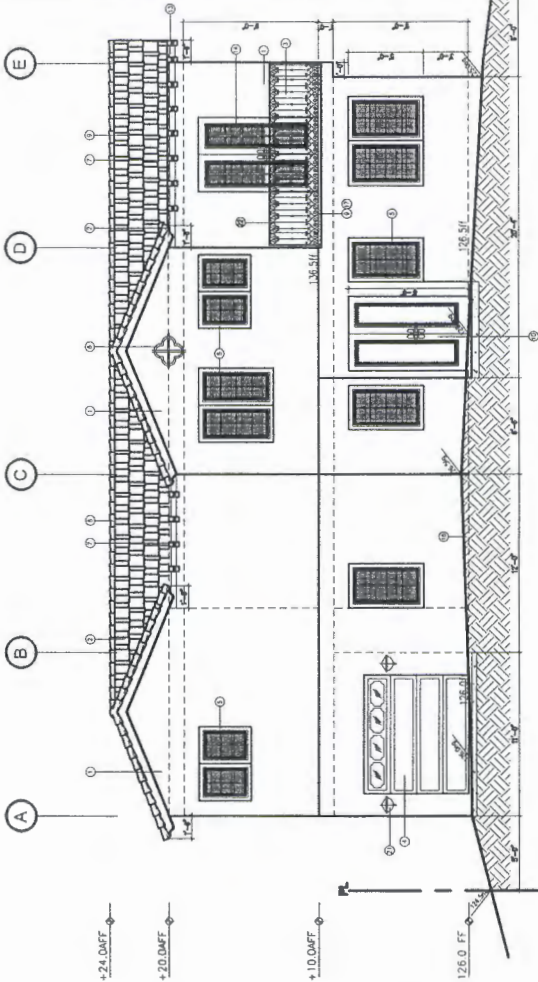


Exhibit 3
 4-13-007
 Project Plans



ROOFING MATERIAL:
 1. CLASS A BUILT UP ROOFING
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 3. CLASS A BUILT UP ROOFING
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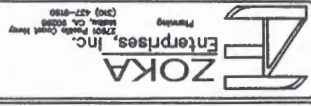


- MATERIAL DESCRIPTION**
- 1. STUCCO SMOOTH FINISH
 - 2. EAGLE CEMENT TILE ROOFING
 - 3. WROUGHT IRON RAILING
 - 4. COMPOSITE GARAGE DOOR
 - 5. 4" ORNAMENTAL RAFTER TAIL
 - 6. RIDGE LINE
 - 7. CLASS A BUILT UP ROOFING
 - 8. SOLID WOOD DOOR
 - 9. SOLID WOOD DOOR
 - 10. WOOD SILL
 - 11. ROOF EAVES
 - 12. WOOD FACIA
 - 13. FRENCH DOOR
 - 14. STONE VENEER
 - 15. WOODWORK
 - 16. ROOFING
 - 17. METAL STAIRS
 - 18. CONCRETE DRIVEWAY
 - 19. CONCRETE STAIRS
 - 20. EXT. WALL LAMP
 - 21. 1" CONCRETE SWALE
 - 22. NATURAL GRADE
 - 23. FINISH GRADE

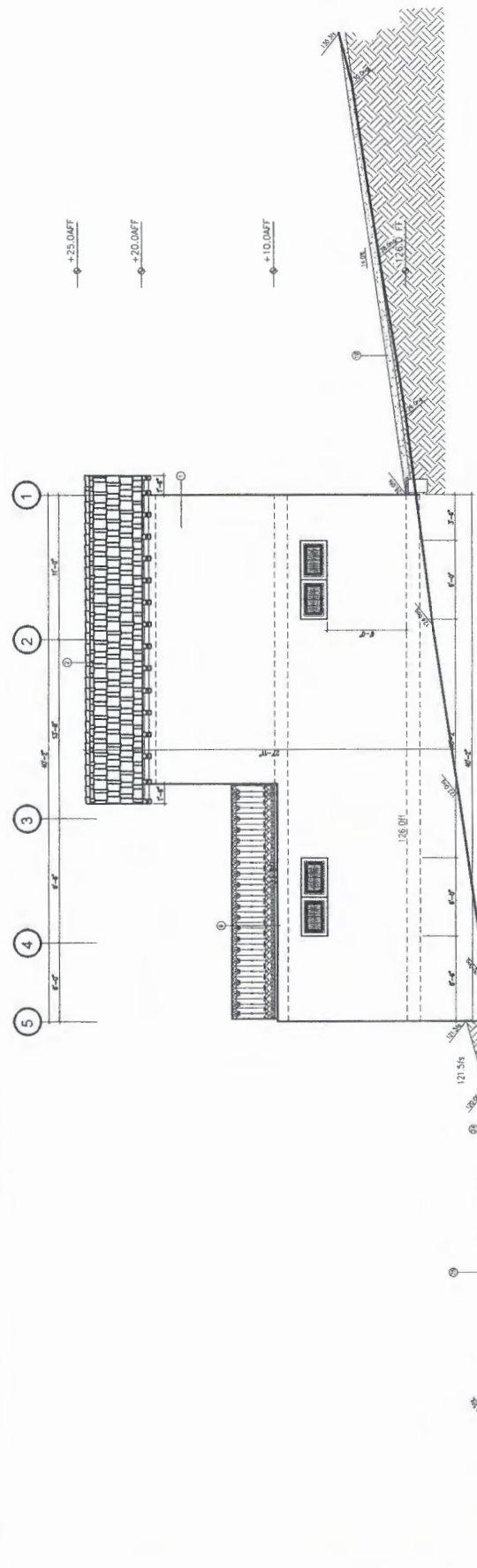
Exhibit 3
4-13-007
Project Plans

Project no.: 003
 Drawn by: A.S.T.
 Designed by: T.L.
 Date: 04.13.07

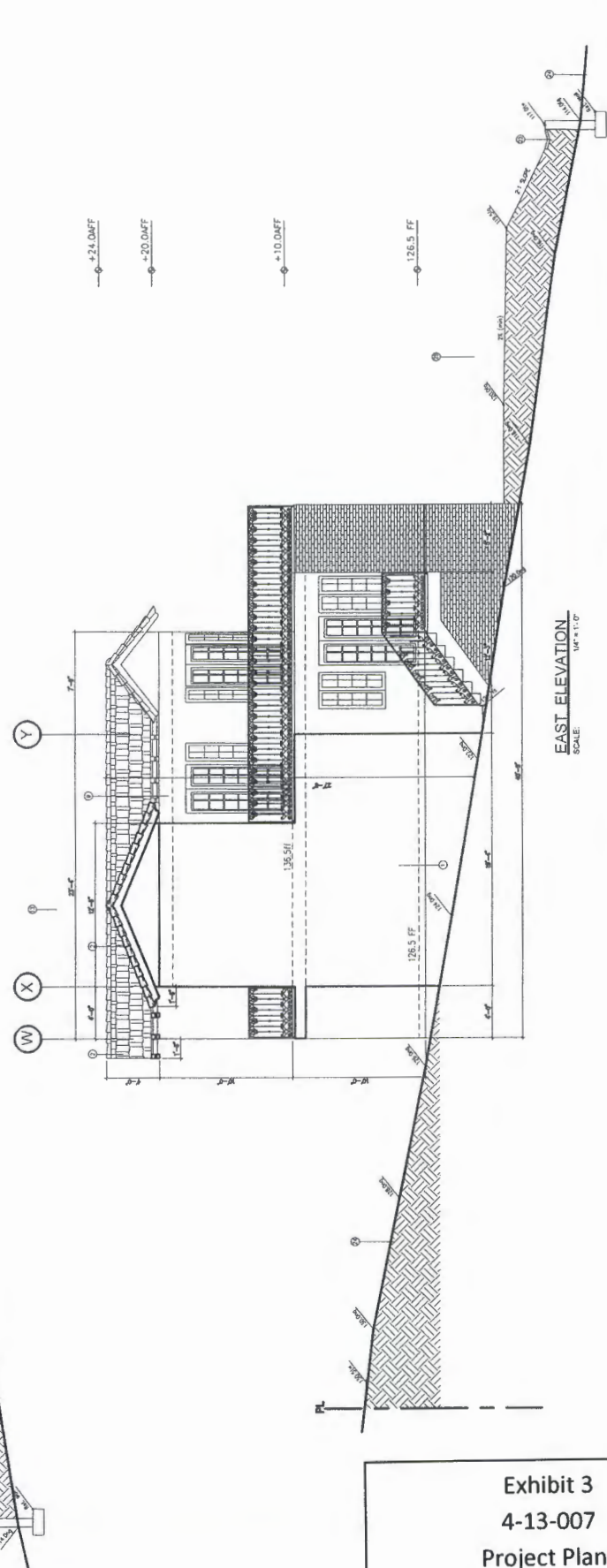
WEST & EAST ELEVATIONS
 25603 MONTE NIDO DRIVE
 CALABASAS, CA 91302



REV	DATE	DESCRIPTION
1	12/16/06	FOR LA COUNTY RESIDENT PLANNING APPROVAL
2	1/23/07	REVISION FOR LA COUNTY RESIDENT PLANNING APPROVAL
3	4/13/07	REVISION FOR LA COUNTY RESIDENT PLANNING APPROVAL



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



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

Exhibit 3
 4-13-007
 Project Plans



Subject Property

Exhibit 4
4-13-007
Aerial Photograph

PROPERTY OWNER:
GHAZAAL MAJIDI & OR
ABOLHASSAN MAJIDI

MAILING ADDRESS:
23635 PARK CAPRI #29
CALABASAS, CA. 91302

PRESENT & PROPOSED ZONING: A-1
G.P. DESIGNATION; RESIDENTIAL 1

LEGEND:
PROPERTY LINE
PARCEL BOUNDARY
PROPOSED LOT LINE ADJ.
BLDG. SETBACK LINE

ASSessor'S ENCL. NO. 3.
4456-027-008
4456-027-008
4456-027-022

BASE OF BEARINGS:
BEARINGS ON ALL LOTS & ALONG THE BOUNDARY LINE OF
THIS MAP AND ON ALL LOTS & ALONG THE BOUNDARY LINE OF
RECORDED IN BOOK 128 PAGES 14-19 IN THE OFFICE OF
THE COUNTY RECORDER OF LOS ANGELES COUNTY, CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS FOR THIS
SURVEY.

BENCH MARKS:
LOS ANGELES COUNTY ENGINEER SPARK & WALKER AT E.C.
LOCATED AT THE INTERSECTION OF THE INTERSECTION OF
MONTENIDO AVE. AS SHOWN FOR MAP SUPPLIED BY CLIENT.

NOTES:
1) PREPARING TO SURVEY AND TOPO. MAP, IF REMAINING
WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM
EXISTING SURVEY DATA, THE DESIGN SHOULD BE
VERIFIED BY DIRECT LOCATION AND LEVELS PRIOR TO FINAL
DESIGN ADOPTION.

2) UTILITIES, IF LOCATED, ARE BY SURFACE EVIDENCE ONLY.
(MANHOLES, WATER METERS, GAS METERS, POWER POLES,
ETC.)

PROPOSED LEGAL DESCRIPTION PER RL MAP 201200006

PARCEL 1

LOTS 133 OF TRACT NO. 9374, IN THE COUNTY OF LOS ANGELES, STATE
OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 128 PAGES 14-19
INCLUDES OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF
SAID COUNTY.

AND ALSO THAT PORTION OF LOT 308 OF SAID TRACT NO. 9372 WHICH
LIES SOUTHERLY AND SOUTHWESTERLY OF THE FOLLOWING
DESCRIBED LINE:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 133 OF SAID
TRACT NO. 9372; THENCE, N 53°59'42" W 81.59 FEET TO THE
E S&D LOT 308 OF TRACT NO. 9372.

LOT NO. 9372, IN THE COUNTY OF LOS ANGELES, STATE
OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 128 PAGES 14-19
INCLUDES OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF
SAID COUNTY.

AND ALSO THAT PORTION OF LOT 308 OF SAID TRACT NO. 9372 WHICH
LIES SOUTHERLY AND SOUTHWESTERLY OF THE FOLLOWING
DESCRIBED LINE:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 133 OF SAID
TRACT NO. 9372; THENCE, N 53°59'42" W 81.59 FEET TO THE
E S&D LOT 308 OF TRACT NO. 9372.

Exhibit 5
4-13-007
Lot Line Adjustment

GROSS STRUCTURAL AREA CALCULATION:
APN: 4456-027-006 & 008
L.A. COUNTY, CA

CONTOUR ELEVATION	LENGTH OF CONTOUR (FT)	TOTAL LOT AREA (sq ft)
100	13.7	
102	23.0	
104	28.0	
106	29.0	
108	29.5	
110	32.0	
112	32.5	
114	33.0	
116	33.7	
118	37.0	
120	40.5	
122	48.5	
124	57.5	
126	66.3	
128	70.0	
130	75.0	
132	29.5	
TOTAL	678.7	6,366.0

SLOPE INTENSITY FORMULA:

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

where:

S = Average Natural Slope
I = Average Slope Intensity
L = Total Length of all Contours in Feet
A = Total Lot Area

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

$$= 2 \times 678.7/6366 \times 100$$

$$= 21.32 \% \text{ Ave. Slope}$$

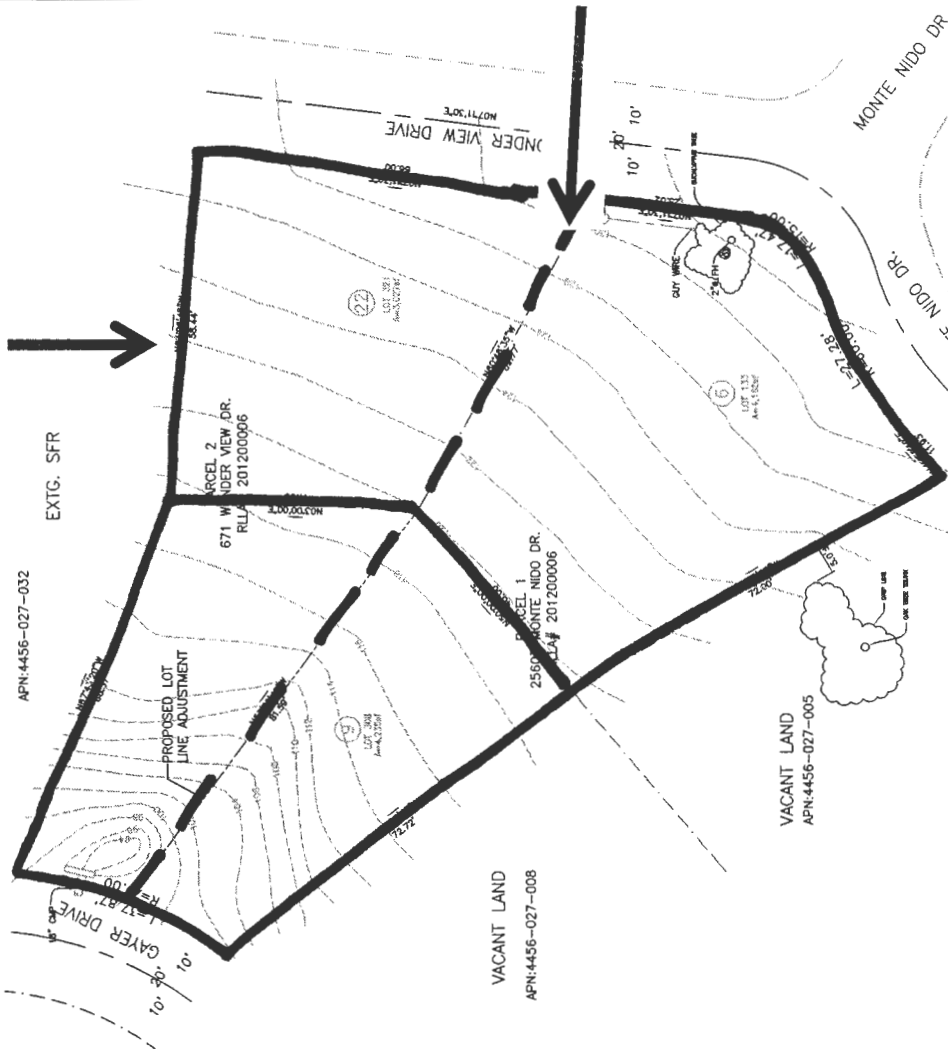
$$GSA = 0.869/2 \times (68-21.32)/25 + 500$$

$$= 12.432 + 500$$

$$= 1043.2 + 500$$

$$= 1543.2 \text{sf}$$

Existing Lot Line



Proposed Lot Line

