

## CALIFORNIA COASTAL COMMISSION

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



# W34a

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## ADDENDUM

**DATE:** January 5, 2015  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item W34a, Application No. 4-13-0632 (Jagora LLC), Wednesday,  
January 7, 2015

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The purpose of this addendum is to correct one inadvertent error contained in the December 18, 2014 staff report. Note: ~~Strikethrough~~ indicates text to be deleted from the December 18, 2014 staff report and double underline indicates text to be added to the staff report.

The annotated note for Exhibit 5 found on page 41 of the December 18, 2014 staff report shall be revised accordingly:

Lot Line Adjustment Approved ~~on September 2, 2012~~ by Commission (RLLA #201200006)  
(CDP 4-13-007)

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# W34a

180th Day: 3/3/15  
Staff: M. Hudson  
Staff Report: 12/18/14  
Hearing Date: 1/7/15

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 4-13-0632

**Applicant:** Jagora LLC

**Project Location:** 671 Wonder View Drive, Monte Nido Small Lot Subdivision, Santa Monica Mountains, Los Angeles County (APNs: 4456-027-009 & 4456-027-022)

**Project Description:** Construction of a 1,198 sq. ft., 2-story, 30 ft. high from existing grade, single-family residence with an attached 360 sq. ft. garage, 2,493-gallon septic system, landscaping, a 62 ft. long retaining wall with a maximum height of 3 ft., a 59 ft. long retaining wall with a maximum height of 3 ft. and 132 cu. yds. of grading (66 cu. yds. cut and 66 cu. yds. of fill)

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## SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with thirteen 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 plan and construction responsibilities, (5) landscaping and fuel modification plan, (6) structural appearance, (7) lighting restriction, (8) future development restriction, (9) deed restriction, (10) removal of native vegetation, (11) nesting bird survey, (12) oak tree protection and (13) habitat mitigation and restoration plan.

The property is located in the Monte Nido Rural Village of Calabasas, off of Cold Canyon Road and Piuma Road north of and outside the city limits of Malibu between the Pacific Coast Highway and the Ventura 101 Freeway. Monte Nido is a secluded area nestled within the Santa Monica Mountains and surrounded primarily by open space.

Specifically, the project site is located on a 5,052 square foot property at 671 Wonder View Drive in the Monte Nido Rural Village of Calabasas within Los Angeles County (APNs: 4456-027-009 and 4456-027-022) (Exhibits 1, 2, 4 and 5).

The applicant proposes to construct a 1,198 square foot, 2-story, 30-foot high, single-family residence with an attached 360 square foot garage, 2,493-gallon septic system, landscaping, a 62-foot long retaining wall with a maximum height of 3 feet, a 59-foot long retaining wall with a maximum height of 3 feet and 132 cubic yards of grading (66 cubic yards of cut and 66 cubic yards of fill).

The subject property is accessed from Wonder View Drive on the eastward side of the project site and Gayer Drive on the westward side of the project site. The subject property is surrounded by existing residential development to the north, south, west and east and is located approximately 500 feet from undeveloped areas of the Santa Monica Mountains. Topographically, the elevation of the property ranges from approximately 130 feet above mean sea level to approximately 95 feet above mean sea level. The southeast side of the subject property is primarily flat and slopes down towards the northwest side of the project site. No natural drainage features exist within the properties, however, immediately along the most northern portion of the subject property, a culvert exists along Gayer Drive which connects to a drainage located off-site.

The subject property is situated among single family residences and ornamental vegetation on all sides. The vegetation on the subject site is primarily ruderal with few existing native vegetation species onsite, and the parcel is located within the fuel modification zones of adjacent residences. As such, the subject property does not constitute a sensitive environmental resource area (SERA) in the Santa Monica Mountains Local Coastal Program (the equivalent of environmentally sensitive habitat area (ESHA) under the Coastal Act). Thus, the subject site does not contain SERA/ESHA.

The subject property does contain three native oak trees, namely one coast live oak (*Quercus agrifolia*) on the northern portion of the eastward side of the site and two adjacent valley oaks (*Quercus lobata*) along the eastward side of the site. The proposed development will be sited to avoid encroaching upon the drip line and protected zone of the coast live oak. However, due to the small lot size, setback requirements for the proposed septic system and topographical limitations of the site, the two adjacent valley oaks must be removed. The applicant will be required to complete offsite habitat mitigation for the oak tree removal at a ratio of 10:1 for each tree removed.

The proposed new development will result in an increase in impervious surfaces. 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 to ensure the proposed development will not adversely impact water quality or coastal resources.

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 and provisions of the Santa Monica Mountains LCP.

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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 July 18, 2013; County of Los Angeles Department of Regional Planning, Lot Line Adjustment Approval, dated September 4, 2012; County of Los Angeles Department of Public Health, Sewage Disposal System Conceptual Approval, dated December 9, 2013; County of Los Angeles Fire Department, Final Fuel Modification Plan Approval, dated November 14, 2013; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated July 9, 2013

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**I. MOTION AND RESOLUTION**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

*I move that the Commission approve Coastal Development Permit No. 4-13-0632 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 and provisions 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 areas 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 and cisterns.

- (4) Landscape plants shall have low water and chemical treatment demands and be consistent with **Special Condition 5, Landscaping and Fuel Modification Plan**. 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 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 15<sup>th</sup> each year) and at regular intervals as necessary between October 15<sup>th</sup> and April 15<sup>th</sup> 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 Plan 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 Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit two sets of the landscaping and fuel modification plan, 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 Plan is 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 Plan**

Vegetation within 20 feet of the proposed house may be removed to mineral earth, and 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 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 Plan**, 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 Native Vegetation**

Removal of Oak Trees No. 2 or 3 and removal of native 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.

## **11. Nesting Bird Survey**

A breeding and nesting bird survey shall be conducted prior to the removal of Oak Trees Nos. 2 and 3. One week prior to tree removal, a qualified biologist or ornithologist shall survey the trees to be removed to detect breeding behavior and/or nests. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor is found, the tree removal and all work within 500 feet of the nest shall be postponed until such nest is vacated and juveniles have fledged and when there is no attempt of a second nesting.

## **12. Oak Tree Protection**

To ensure that Oak Tree No. 1 located on the subject parcel is protected during construction activities, temporary protective barrier fencing shall be installed around the protected zone (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of this oak tree 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 Oak Tree No. 1.

## **13. Oak Tree Mitigation**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, an off-site oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which

specifies replacement tree locations, tree or seedling size planting specifications, and a ten-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. The oak tree replacement planting plan shall identify a suitable site for the plantings that is restricted from development or is public parkland, and shall provide evidence of permission from the landowner for the planting and monitoring to be carried out. At least **20** replacement seedlings, less than one year old, grown from acorns collected in the area, shall be planted on the approved off-site oak tree replacement planting site, as mitigation for development impacts to **Oak Trees No. 2** and **No. 3**, as identified by the Oak Tree Report referenced in the Substantive File Documents.

The applicant shall commence implementation of the approved oak tree replacement planting program concurrently with the commencement of construction on the project site. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years. If monitoring indicates the oak trees are not in conformance with or have failed to meet the performance standards specified in the monitoring program approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental planting plan for the review and approval of the Executive Director. The revised planting plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

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

The applicant, Jagora LLC, requests approval to construct a 1,198 square foot, 2-story, 30-foot high, single-family residence with an attached 360 square foot garage, 2,493-gallon septic system, landscaping, a 62-foot long retaining wall with a maximum height of 3 feet, a 59-foot long retaining wall with a maximum height of 3 feet and 132 cubic yards of grading (66 cubic yards of cut and 66 cubic yards of fill).

The project site is located on a 5,052 square foot property at 671 Wonder View Drive in the Monte Nido Rural Village of Calabasas within Los Angeles County (APNs: 4456-027-009 and 4456-027-022) (Exhibits 1, 2, 4 and 5). The configuration of the subject property was created by a lot line adjustment approved by the Commission as part of CDP 4-13-007 (this CDP also included the construction of a single family residence).

The subject property is accessed from Wonder View Drive on the eastward side of the project site and Gayer Drive on the westward side of the project site. The subject property is surrounded by existing residential development to the north, south, west and east and is located approximately 500 feet from undeveloped areas of the Santa Monica Mountains. Topographically, the elevation of the property ranges from approximately 130 feet above mean sea level to approximately 95 feet above mean sea level. The southeast side of the subject property is primarily flat and slopes down towards the northwest side of the project site. The sloping property contains three native oak trees, namely one coast live oak (*Quercus agrifolia*)

on the northern portion of the eastward side of the site and two adjacent valley oaks along the eastward side of the site (*Quercus lobata*).

The applicant submitted an Oak Tree Report and a Biological Resources Evaluation, both of which are listed in the Substantive File Documents, depicting the location of oak trees and their protected zones within the vicinity of the proposed project. The Oak Tree Report determined that the proposed development has been sited to avoid encroachment into the protected zone (defined as that area five feet outside the oak canopy or fifteen feet from the trunk(s), whichever is larger) of the coast live oak tree on the northern portion of the eastward side of the site. However, the Oak Tree Report also concluded that due to the highly disturbed nature of the site, the small lot size, the setback requirements for the proposed septic system and the topographical limitations of the site, the two adjacent valley oaks along the eastward side of the site must be removed.

The subject property is situated among single family residences and ornamental vegetation on all sides. The vegetation on the subject site is primarily ruderal with few existing native vegetation species onsite, and the parcel is located within the fuel modification zones of adjacent residences. As such, the subject property does not constitute a sensitive environmental resource area (SERA) in the Santa Monica Mountains Local Coastal Program (the equivalent of environmentally sensitive habitat area (ESHA) under the Coastal Act). Thus, the subject site does not contain SERA/ESHA.

The proposed development will have a maximum height of 30 feet above existing grade. The development has, to the extent feasible given the slope of the subject parcel, been clustered together and designed to reduce landform alteration and removal of native vegetation. The proposed development is compatible with the character of other residential development in the area. The proposed structure height is 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. In addition, the development would be partially screened by existing vegetation onsite. As such, the proposed development is 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 applicant, 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:

- SN-1 All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.
- SN-11 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.

- SN-12 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.
- SN-16 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.
- SN-17 New development shall not increase peak stormwater flows.
- SN-20 Ensure that all new development is sized, designed and sited to minimize risks to life and property from fire hazard.
- SN-21 Design and site new development in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance.
- SN-24 Structures shall be constructed with appropriate features and building materials, including but not limited to: fire-resistant exterior materials, windows and roofing, and eaves and vents that resist the intrusion of flame and burning embers.
- SN-25 Structures that require fuel modification shall be set back 200 feet from adjoining vacant lands, where feasible. If it is not feasible to provide a 200 foot setback, then structures shall be set back to the maximum extent possible. However, a lesser setback may be approved where it will serve to cluster development, minimize fire hazards, or minimize impacts to coastal resources.

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.

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 Geologic and Geotechnical Engineering Investigation Report referenced as a Substantive File Document, concludes that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The report contains 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 applicant to comply with the recommendations contained in the applicable report, 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. Pursuant to LIP Section 22.44.2102(G), the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Policies SN-21, SN-24 and SN-25 require that all new development is sited and designed in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance. Collectively, these policies encourage the clustering of residential structures both on individual lots and on multiple adjacent lots to provide for more localized and effective fire protection measures, such as consolidation of required fuel modification and brush clearance.

Further, pursuant to SN-11 which requires 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 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 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. Additionally, consistent with LIP Section 22.44.2102(K), 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, 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 Plan
- Special Condition 4: Interim Erosion Control Plan and Construction Responsibilities
- Special Condition 5: Landscaping and Fuel Modification Plan

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 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:

- CO-2 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. Review new development and improvements for potential degradation of water quality, and ensure that they meet the requirements of the NPDES Municipal Stormwater Permit's Low Impact Development (LID) Requirement, included as part of the Local Implementation Program.
- CO-3 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. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the

amount of storm water runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs and/or the 85<sup>th</sup> percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increase in storm water or dry weather flows.

- CO-4 Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.
- CO-5 Infiltrate development runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows.
- CO-30 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. Adequate setbacks and/or buffers shall be required to protect H1 habitat and surface waters from lateral seepage from the sewage effluent dispersal system and, on or adjacent to beaches, to preclude the need for bulkheads, seawalls or revetments to protect the OWTS from coastal erosion, flooding and inundation, initially or as a result of sea level rise.
- CO-76 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.
- CO-92 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. The County shall ensure that new leachfields and seepage pits permitted by the County comply with applicable Water Resources Control Board requirements. The LCP may be updated, pursuant to an LCP amendment that is certified by the Coastal Commission, to reflect new Water Resources Control Board.

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:

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 and CO-76 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 and CO-5).

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, 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. In order to ensure that the project drainage, both during and after construction, minimizes impacts to water quality as required by these policies and provisions, the Commission requires **Special Condition Three (3)** and **Special Condition Four (4)**, for the submittal of an interim erosion control plan and a permanent drainage and polluted runoff control plan, both of which incorporate BMPs during the construction and post-development stages of the project. Further, in order to minimize erosion from the site, the Commission finds it necessary to require the applicant to prepare and implement a landscaping plan for all disturbed or graded areas of the site.

Much of the Santa Monica Mountains area 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. 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. To ensure that the OWTS prevents the introduction of pollutants into coastal waters and protects the overall quality of coastal waters and resources, Policy CO-30 requires that new OWTSs minimize impacts to sensitive resources, including grading, site disturbance and the introduction of increased amounts of water. Further, consistent with LUP Policy CO-92 and LIP Section 22.44.1340, the proposed seepage pits are located at least 50 feet outside the dripline of the coast live oak tree that will remain onsite. The future seepage pit is, however, located within 50 feet of the coast live oak that will remain onsite. Due to setback requirements determined by the County of Los Angeles and the small size of the project site, the future seepage pit cannot be relocated to avoid proximity to the coast live oak. 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 water quality policies of the Santa Monica Mountains LCP :

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

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

**D. OAK TREE PROTECTION**

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to the protection of native oak trees:

CO-99 New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory use or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat.

When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following standards and subject to a condition of approval requiring a native tree replacement planting program:

<b>Impact</b>	<b>Mitigation Ratio (no. of replacement trees required for every 1 tree impacted/removed)</b>
Removal	10:1
> 30% encroachment into protected zone	10:1
Encroachment that extends within 3 ft. of tree trunk	10:1
Trimming branch over 11 in. diameter without encroachment within 3 ft. of tree trunk	5:1
10-30% encroachment into protected zone without encroachment within 3 feet of tree trunk	5:1
< 10% encroachment into protected zone and without encroachment within 3 ft. of tree trunk	None. Monitoring required.

Where development encroaches into less than 30 percent of the protected zone of native trees, each affected tree shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the County for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 10:1 ratio with seedling-sized trees.

- CO-100 New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures:
- a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees.
  - b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools.
  - c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.

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

LIP Section 22.44.1240 “Vegetation Management and Landscaping”, in relevant part, states:

A. Vegetation Management

...

6. New development shall be sited and designed to avoid removal of locally-indigenous vegetation where feasible.

...

B. Landscaping

...

2. All new development shall minimize removal of natural vegetation, including locally-indigenous vegetation to minimize erosion and sedimentation, impacts to scenic resources, and impacts to sensitive resources.

**1. Protection of Oaks**

The project site is located within disturbed oak woodland within a rural village (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. There are scattered oak trees in the immediate area, but they do not form an oak woodland. 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 larger woodland that is ESHA. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading and 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 LUP Policy CO-99, as well as LIP Section 22.44.1240, the proposed new development can only encroach or remove native oak trees onsite if there are no other feasible alternatives to develop the property. 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 LIP Section 22.44.1240.

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 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 (including death), depending on the location and extent of the encroachments.

In order to ensure that oak trees are protected and avoid impacts to coastal resources and 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 and Oak Tree Report, both of which are listed in the Substantive File Documents, indicate that two valley oak trees and one coast live oak tree are

present along the eastward parcel line of the project site. The Oak Tree Report determined that the proposed development has been sited to avoid encroachment into the protected zone of the coast live oak tree on the northern portion of the eastward side of the site. However, the Oak Tree Report also concluded that due to the highly disturbed nature of the site, the small lot size, the setback requirements for the proposed septic system and the topographical limitations of the site, the two adjacent valley oaks along the eastward side of the site must be removed. The applicant, subject to **Special Condition thirteen (13)**, will complete off-site habitat mitigation at a ratio of 10:1 for each native oak tree removed. The habitat mitigation cannot be completed onsite due to the small size of the parcel.

The Commission finds that impacts to the coast live oak tree on the project site will be minimized by employing protective measures during project construction. As such, and pursuant to LUP Policy CO-100, **Special Condition twelve (12)** 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 for the duration of 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. Additionally, **Special Condition eleven (11)** requires a qualified biologist to survey the two valley oak trees for nesting birds or raptors before removal. If sensitive bird species are identified, then tree removal must be postponed until the birds fledge and leave the area.

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

- Special Condition 11: Nesting Bird Survey
- Special Condition 12: Oak Tree Protection
- Special Condition 13: Habitat Mitigation and Restoration Plan

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

## **E. VISUAL RESOURCES**

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to minimizing visual resources impacts to scenic areas:

CO-128 New development shall be subordinate to the character of its setting.

CO-131 Site and design new development to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height, clustering development, minimizing grading, incorporating landscape and building material screening elements, and where appropriate, berming.

CO-132 Avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Landscape or building material screening shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures.

CO-133 New development shall be sited and designed to minimize alteration of natural landforms by:

- a. Conforming to the natural topography.
- b. Preventing substantial grading or reconfiguration of the project site.
- c. Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split-level or stepped-pad designs.
- d. Requiring that manufactured contours mimic the natural contours.
- e. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
- f. Minimizing grading permitted outside of the building footprint.
- g. Clustering structures to minimize site disturbance and to minimize development area.
- h. Minimizing height and length of cut and fill slopes.
- i. Minimizing the height and length of retaining walls.
- j. Cut and fill operations may be balanced on site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.

CO-141 Limit and design exterior lighting to preserve the visibility of the natural night sky and stars, to the extent feasible and consistent with public safety. Los Angeles County will periodically update the LIP's Dark Skies requirements to ensure that they are consistent with the most current Dark Skies science, technology, and best practices in the field, beginning five years after the LCP's certification date.

CO-144 New development shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly-reflective materials shall be prohibited, with the exception of solar panels.

CO-149 Fences, gates, and walls shall be designed to incorporate veneers, texturing, and/or colors that blend in with the surrounding natural landscape, and shall not present the appearance of a bare wall.

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

LIP Section 22.44.1440 "Visual Resource Protection", in relevant part, states:

A...Development shall be sited and designed to minimize impacts on scenic resources to the maximum extent feasible through measures that may include, but not be limited to: siting development in the portion of the site least visible from public viewing areas as defined in the LCP; breaking up the mass of new structures; restricting building size and height; designing the structure to blend into its setting; clustering development; minimizing grading; incorporating landscape screening elements; and, berming where

such berming would be appropriate.

...

E(3) Ensure that development is subordinate to the natural setting and character of the area, and all impacts on scenic resources are eliminated to the maximum extent feasible, consistent with all biological resource protection policies of the LUP.

F. Avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Screening shall not substitute for project alternatives, including re-siting and/or reducing the height and bulk of structures.

LIP Section 22.44.1990 “Development Standards” for scenic resource areas, in relevant part, states:

A. All Scenic Resource Areas:

1. View Protection. New development shall be sited and designed to protect public views within Scenic Resource Areas and to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on the proposed project site where development would not be visible from a scenic resource area, then the development shall be sited and designed to minimize impacts on scenic areas through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height, clustering development, minimizing grading, incorporating landscape and building material screening elements, and where appropriate, berming.
2. Avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Landscape or building material screening shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures.
3. New development shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly-reflective materials shall be prohibited, with the exception of solar panels...
8. Outdoor lighting shall preserve the visibility of the natural night sky and stars, to the extent feasible and consistent with public safety...
9. Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas, and shall be compatible with the character of the area. Fences, gates, and walls shall be designed to incorporate veneers, texturing, and/or colors that blend in with the surrounding natural landscape, and shall not present the appearance of a bare wall...
11. Grading. Alteration of natural landforms shall be minimized by conforming to natural topography and using contour grading, and shall comply with the following standards:
  - a. The height and length of manufactured cut and fill slopes shall be minimized. A graded slope shall not exceed a height of 15 feet;
  - b. Graded pads on hillsides having a natural slope of 15 percent or more shall be split-level or stepped pad designs. Cantilevers and understories shall be minimized and covered with materials that blend with the surrounding landscape;

- c. The height and length of retaining walls shall be minimized. Retaining walls shall not exceed six feet in height and shall be constructed of materials, textures, veneers, and colors that are compatible with the surrounding landscape. Where feasible, long contiguous walls shall be broken into sections or shall include undulations to provide visual relief. Where more than one retaining wall is necessary, they shall be separated by a minimum three-foot horizontal distance; the area in front of and separating retaining walls shall be landscaped to screen them, unless otherwise screened by buildings;

The proposed project is located within the Monte Nido Rural Village. 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 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 allowed by the LCP for residential development (30 feet above existing or finished grade, whichever is lower) The proposed retaining walls onsite will be consistent with height limitations set forth in the Santa Monica Mountains LCP (6 feet). In addition, the development would be partially screened by vegetation.

Even with vegetative screening, the proposed development will be 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 rural village area developed with similar residential structures at a relatively high density. As such, and pursuant to LUP Policies CO-128 and CO-131, as well as LIP Sections 22.44.1440 and 22.44.1990, 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, and pursuant to LUP Policies CO-132, CO-133, CO-141, CO-144 and CO-149, as well as LIP Sections 22.44.1440 and 22.44.1990, 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

for consistency with the resource protection policies of the Santa Monica Mountains LCP 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 the Santa Monica Mountains LCP:

- Special Condition 5: Landscaping and Fuel Modification Plan
- 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 the applicable visual and scenic resources policies of the Santa Monica Mountains LCP.

#### **F. CUMULATIVE IMPACTS**

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies, in relevant part, related to minimizing cumulative impacts to coastal resources:

- LU-1 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...
- LU-2 Retain the area's natural setting, rural and semi-rural character, and scenic features.
- LU-13 Minimize the individual and cumulative impacts to coastal resources incurred by the buildout of existing parcels in sensitive and constrained areas and allow for new development in less-constrained areas. This shall be achieved by using one or more of the following strategies:
  - Slope intensity formula;
  - Using tax defaulted properties for public purposes;
  - Offering certain tax defaulted properties for sale to contiguous owners with the requirement that the parcel be deed restricted to open space and combined into one parcel with the contiguous parcel(s);
  - Lot merger program;
  - Expedited reversion to acreage process;
  - Surplus public land reporting process; and
  - Transfer Development Credit program.

LU-31 Within Rural Villages, limit the mass, scale, and total square footage of structures to minimize grading, landform alteration, and protect environmental and scenic resources.

LU-32 Restrict the mass, scale, and total square footage of structures within Rural Villages to avoid the cumulative impacts of development of small constrained parcels on coastal resources by applying the Slope Intensity Formula to residential development...

LU-33 Require that new development be compatible with the rural character of the area and the surrounding natural environment.

LU-43 Limit exterior lighting, except when needed for safety. Require that new exterior lighting installations use best available Dark Skies technology to minimize sky glow and light trespass, thereby preserving the visibility of a natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) section is specifically applicable in this case. LIP Section 22.44.2140 requires that the maximum habitable area of residences constructed on parcels within Rural Villages is limited according to the calculation of the gross structural area as follows [Section 22.44.2140 (A)(3)]:

3. Calculation of gross structural area.

a. The maximum allowable gross structural area of a residential unit to be constructed on a lot shall be determined by the following formula:

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

Where: GSA = the allowable gross structural area of the permitted development in square feet. The GSA shall include the total floor area of all enclosed residential and storage areas, but does not include vent shafts or the first 400 square feet of garages or carports designed for the storage of autos.

A = the area of the building site in square feet. The building site is delineated by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted development, including but not limited to, all structures, roads, driveways, septic systems, water wells, water tanks, patios, and decks must be located within the designated building site.

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

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

Where: S = average natural slope in percent.

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

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

A = the area of the building site in square feet.

b. All slope calculations shall be based on natural, not graded conditions. Maps of a scale generally not less than one inch equals 10 feet (1"=10'), showing the building site and existing slopes, prepared by a licensed surveyor or registered professional civil engineer, shall be submitted with the application. If slope is greater than 50 percent, enter 50 for S in the GSA formula.

Further, LIP Section 22.44.2140(A)(3)(g), in relevant part, states:

Any CDP approved for the construction of a structure(s) in a Rural Village shall include a condition requiring that any future improvements to the approved development will require an amendment or new CDP. The condition shall require the applicant to record a deed restriction free of prior liens, including tax liens and encumbrances which the Director determines may affect the interest being conveyed that applies to the entirety of the project site(s), that state that any future structures, future improvements, or change of use to the permitted structures shall be subject to a minor 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 apply and that the entirety of the development on the site shall be limited by the GSA. 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.

The applicant is seeking permit approval for a 1,198 sq. ft. new single family residence. Under the certified Santa Monica Mountains LCP, the subject property's land use designation is "Rural Village." Rural villages, previously known as "small lot subdivisions," are those areas in the unincorporated Coastal Zone that have developed into small, integrated communities. Typically, these areas were subdivided into very small urban scale parcels, often less than 4,000 to 5,000 square feet in size, prior to modern subdivision requirements, and have experienced a relatively high level of development. The principal permitted use in the Rural Villages land use designation is low-density single-family detached homes.

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 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.

Policies LU-2 and LU-33 of the certified Santa Monica Mountains LUP mandate that the proposed development maintain the existing rural and scenic character of its proposed site location. Further, in order to minimize the cumulative impacts associated with developing these parcels, Policies LU-13 and LU-32 of the certified Santa Monica Mountains LUP require that new development in rural villages comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit, and Policies LU-1, LU-24 and LU-31 restrict the sizing and siting of development to avoid adverse impacts to coastal resources where feasible. The Commission considers the use of the formula contained in LIP Section 22.44.2140 (A)(3) appropriate for determining the maximum level of development that may be permitted in rural village areas, to minimize the cumulative impacts of such development, consistent with the policies of the certified Santa Monica Mountains LCP. The basic concept of the formula assumes the suitability of development of small hillside lots. The suitability of development should be determined by the physical character of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources.

The proposed project site is located in the Monte Nido Rural Village, an area subject to the provisions of LIP Section 22.44.2140. As previously stated, the subject property consists of a



5,052 square foot parcel and the proposed project includes a 1,198 square foot single-family residence. The 1,198 square foot single-family residence is consistent with the gross structural area (GSA) calculation for the subject property.

As mentioned above, the proposed project conforms to the maximum GSA allowed for the parcel, thereby minimizing cumulative impacts to coastal resources. However, future improvements on the subject property could cause cumulative impacts on the limited resources of the rural village. Santa Monica Mountains LIP Section 22.44.2140(A)(3)(g) requires that any CDP approved for the construction of a structure in a rural village shall include a special condition requiring that the property owner obtain a coastal development permit for any future improvements to the approved development that may otherwise be exempt from coastal permit requirements. In order to ensure that any future project on the site is reviewed for consistency with the resource protection policies and provision of the Santa Monica Mountains LCP, including the maximum gross structural area, the Commission finds it necessary to require this restriction as a condition. Additionally, the deed restriction condition is required to ensure that all terms and conditions of this CDP are recorded against the deed of the property which will put future owners on notice of these requirements.

In addition, the Commission has found that night lighting of sensitive areas in the Santa Monica Mountains may alter or disrupt feeding, nesting and roosting activities of native wildlife species. Specifically, Santa Monica Mountains LUP Policy LU-43 requires that new exterior lighting installations use best available Dark Skies technology to minimize sky glow and light trespass, thereby preserving the visibility of the natural night sky and stars and minimizing disruption of wild animal behavior, to an extent consistent with public safety. Therefore, pursuant to LU-43, the Commission requires **Special Condition Five (5) Lighting Restriction**. Special Condition 5 limits night lighting of the site in general; limits lighting to the developed area of the site; and requires that lighting be shielded downward. Limiting security lighting to low intensity security lighting will assist in minimizing the disruption of wildlife that commonly traverses this rural and relatively undisturbed area at night.

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, as determined in the findings above, to assure the project's consistency with the cumulative impacts policies of the Santa Monica Mountains LCP :

- Special Condition 7: Lighting Restriction
- Special Condition 8: Future Development Restriction
- Special Condition 9: Deed Restriction

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

## **G. 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 certified Santa Monica Mountains 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 13

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 and Geotechnical Engineering Investigation Report, prepared by C. Y. Geotech, Inc., dated July 15, 2013; Oak Tree Report, prepared by Bruce Malinowski, dated July 25, 2014; Biological Resources Evaluation, prepared by BioReg Consulting, dated September 30, 2013; Lot Line Adjustment No. RLLA 201200006, approved by Los Angeles County Department of Regional Planning, dated September 4, 2012

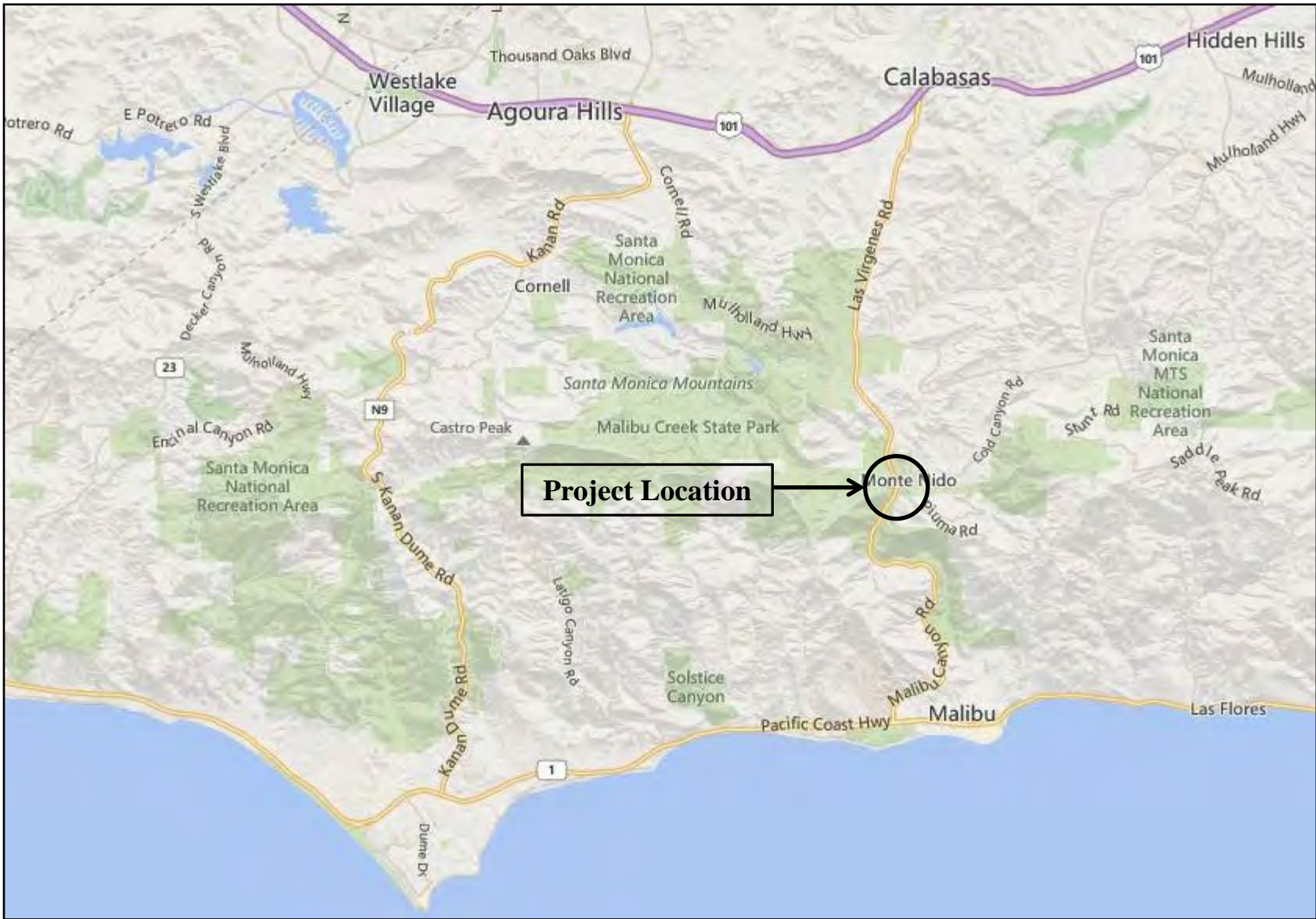
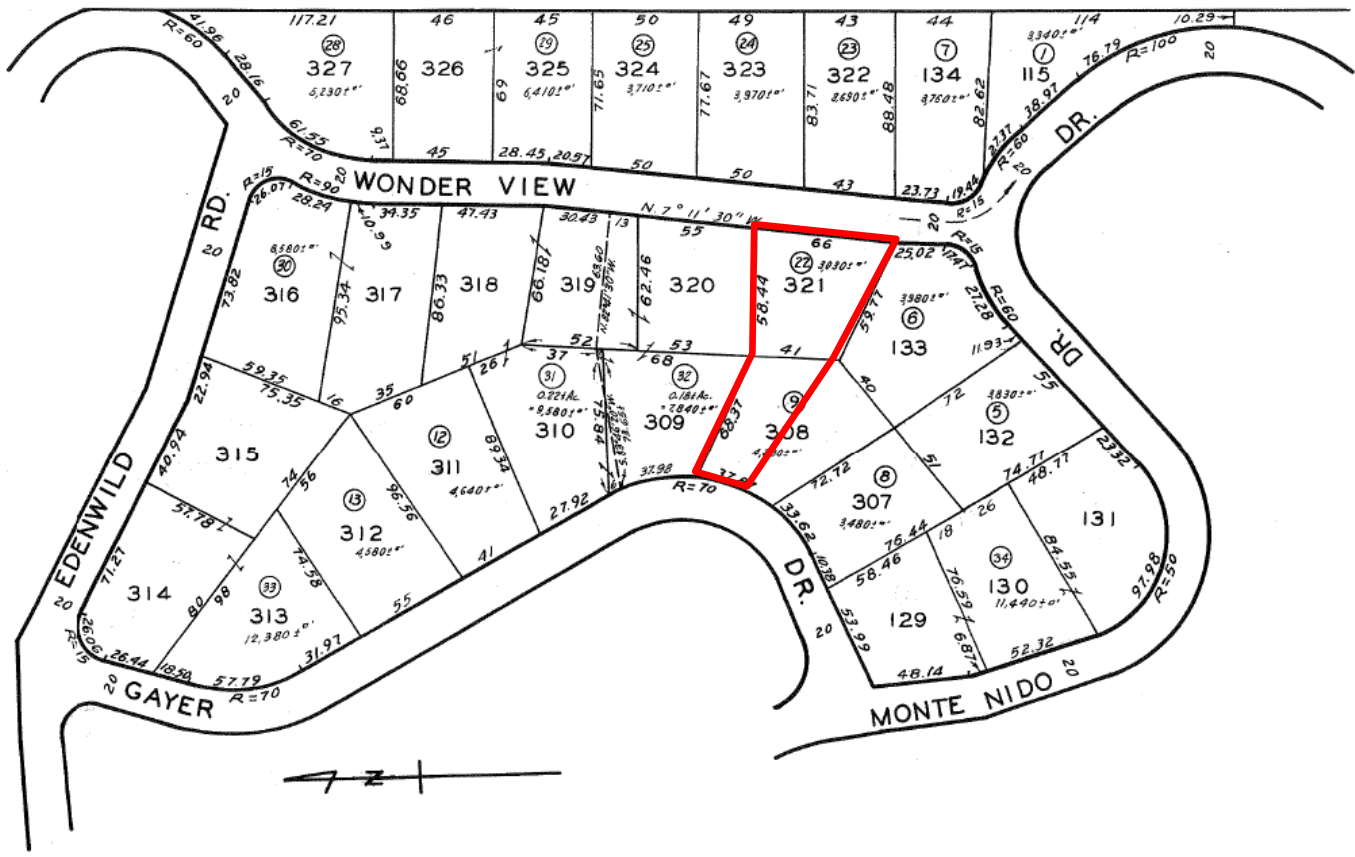


Exhibit 1  
4-13-0632  
Vicinity Map

1993



CODE  
4971

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

FOR PREV. ASSMT. SEE: 4456-27

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

Exhibit 2  
4-13-0632  
Parcel Map

<b>PROJECT DESCRIPTION</b> PROPOSED DEVELOPMENT OF SIX (6) UNITS OF SINGLE-FAMILY RESIDENCES WITH A GARAGE AND GARDEN OVERHANG, TRUCK REVERSE WALL, AND RETENTION OF AN EXISTING TREE (EXISTING TREE) WITHIN.	<b>PROJECT TEAM</b> <b>OWNER:</b> CHADWELDER LAND DEVELOPMENT 2805 HANCOCK DR. CALABASAS, CA 91302 TEL: 310-203-4493 WWW.CHLAND.COM
<b>PROJECT INFORMATION</b> APN: 4456-027-005 L: 20' X 100' A: 20' X 100' S: TYPE OF CONSTRUCTION: GENERAL P: PERMITS	<b>DESIGNER:</b> ZOKA ENTERPRISES, INC. 22202 CARMICHAEL AVE. SUITE 100 TOLAND, CA 94556 TEL: 415-836-8616 WWW.ZOKAENTERPRISES.COM
<b>LOCAL JURISDICTION</b> COUNTY: LOS ANGELES COUNTY CITY: CALABASAS RECORDS AND COMMUNITY DEVELOPMENT DIVISION AND ALSO THAT NOTION OF LOT AND TRACT RIGHTS HAS BEEN FORWARDED WITH NOTIFICATION OF THE FOLLOWING DESCRIBED LINE:	<b>REGISTERED PROFESSIONALS</b> <b>REGISTERED ARCHITECT:</b> MARGARET CHEN 9442 WILSON TOLAND, CA 94556 TEL: 415-266-4600 WWW.MARGARETCHEN.COM
<b>USE AND SETBACKS</b> THE PROPERTY IS ZONED R-1 AND THE PROJECT IS PROPOSED IN ACCORDANCE WITH THE OFFICE OF THE RECORDER OF LOS ANGELES COUNTY RECORDS. THE PROJECT WAS DESIGNED AT THE BOARD OF SUPERVISORS FOR THE SURVIVAL.	<b>STRUCTURAL ENGINEER:</b> JIM WILSON, INC. 4415 WILSON AVENUE TOLAND, CA 94556 WWW.JIMWILSON.COM
<b>SETBACKS</b> THE APPLICANT'S PROPOSED SETBACKS FOR THE PROJECT ARE AS FOLLOWS:	<b>MECHANICAL ENGINEER:</b> JAMES H. WILSON, INC. 4415 WILSON AVENUE TOLAND, CA 94556 WWW.JAMESHWILSON.COM
<b>GREEN BUILDING PROGRAM NOTES</b>	<b>GREEN BUILDING PROGRAM NOTES:</b> 1. ENERGY CONSERVATION - THE PROJECT SHALL BE DESIGNED TO MEET ALL APPLICABLE ENERGY EFFICIENCY STANDARDS AS REQUIRED BY THE CALIFORNIA ENERGY EFFICIENCY ACT (CEEA), PUBLIC LAW 101-551, AS AMENDED, AND THE ENERGY EFFICIENCY ACT (EEA), PUBLIC LAW 101-551. 2. WASTE CONSERVATION - THE PROJECT SHALL RECYCLE ALL WASTE AND REUSE WATER AS MUCH AS POSSIBLE. 3. RESOURCE CONSERVATION - THE PROJECT SHALL RECYCLE ALL WASTE AND REUSE WATER AS MUCH AS POSSIBLE.
<b>CEQA FINDINGS</b> THE APPLICANT'S PROPOSED PROJECT IS A SMALL SCALE PROJECT AND DOES NOT REQUIRE AN ENVIRONMENTAL IMPACT STATEMENT (EIS) OR ENVIRONMENTAL IMPACT REPORT (EIR). THE PROJECT IS NOT SUBJECT TO CEQA.	<b>CEQA FINDINGS:</b> A. THE PROJECT IS NOT A PROJECT THAT WOULD HAVE A SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT. B. THE PROJECT IS NOT A PROJECT THAT WOULD HAVE A SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT.
<b>CEQA REGULATORY REQUIREMENTS</b>	<b>CEQA REGULATORY REQUIREMENTS:</b> 1. THE PROJECT IS NOT A PROJECT THAT WOULD HAVE A SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT. 2. THE PROJECT IS NOT A PROJECT THAT WOULD HAVE A SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT.
<b>CEQA REGULATORY REQUIREMENTS</b>	<b>CEQA REGULATORY REQUIREMENTS:</b> 1. THE PROJECT IS NOT A PROJECT THAT WOULD HAVE A SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT. 2. THE PROJECT IS NOT A PROJECT THAT WOULD HAVE A SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT.
<b>APPLICANT'S CONTACT INFORMATION</b> CHADWELDER LAND DEVELOPMENT 2805 HANCOCK DR. CALABASAS, CA 91302 TEL: 310-203-4493 WWW.CHLAND.COM	<b>CONTRACT COSTS</b> CONTRACT NO. DATE COST 1 2024 200,000 2 2024 200,000 3 2024 200,000 4 2024 200,000 5 2024 200,000 6 2024 200,000
<b>APPLICANT'S CONTACT INFORMATION</b> ZOKA ENTERPRISES, INC. 22202 CARMICHAEL AVE. SUITE 100 TOLAND, CA 94556 TEL: 415-836-8616 WWW.ZOKAENTERPRISES.COM	<b>APPLICANT'S CONTACT INFORMATION</b> MARGARET CHEN 9442 WILSON TOLAND, CA 94556 TEL: 415-266-4600 WWW.MARGARETCHEN.COM
<b>APPLICANT'S CONTACT INFORMATION</b> JIM WILSON, INC. 4415 WILSON AVENUE TOLAND, CA 94556 WWW.JIMWILSON.COM	<b>APPLICANT'S CONTACT INFORMATION</b> JAMES H. WILSON, INC. 4415 WILSON AVENUE TOLAND, CA 94556 WWW.JAMESHWILSON.COM
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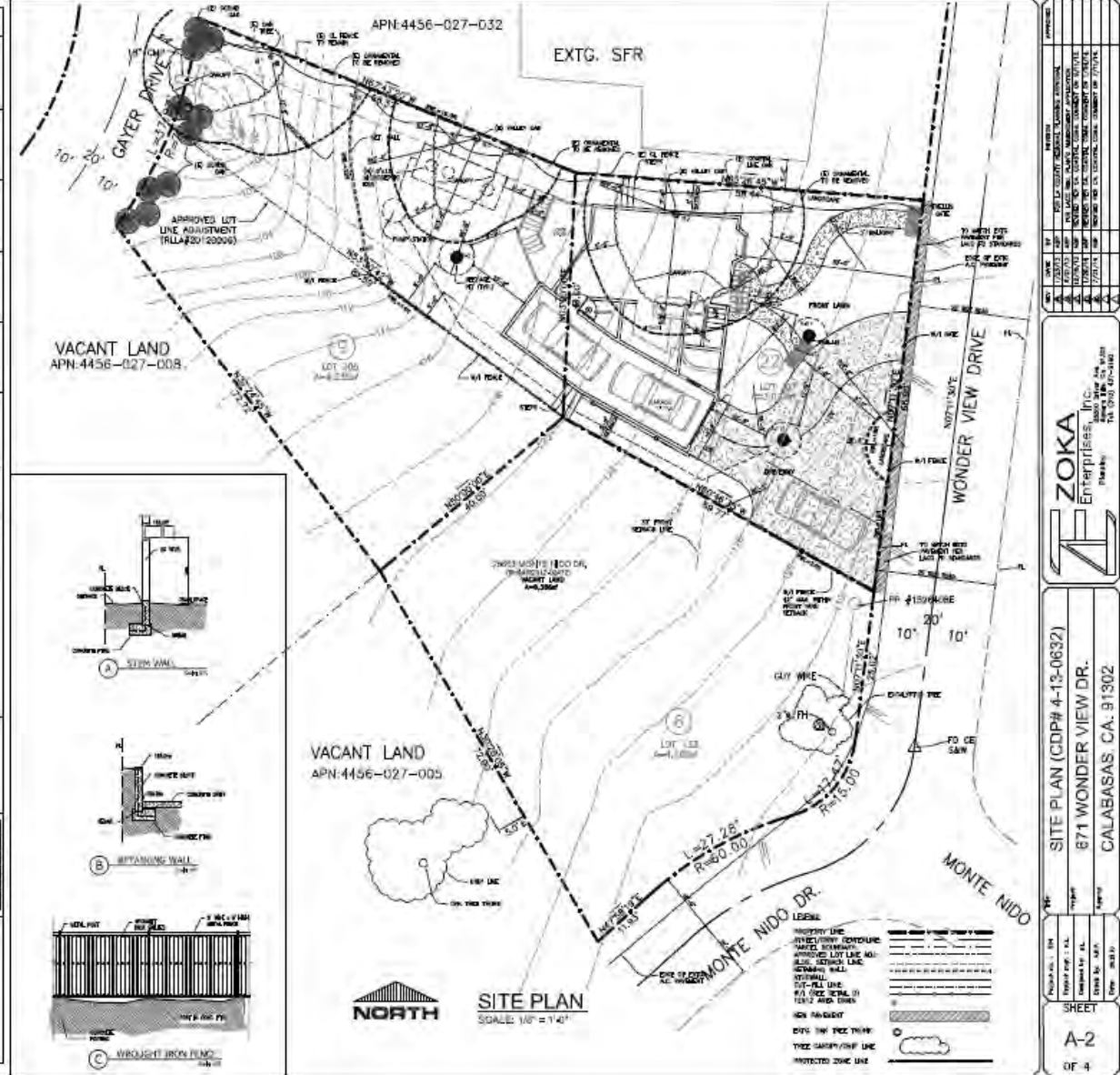
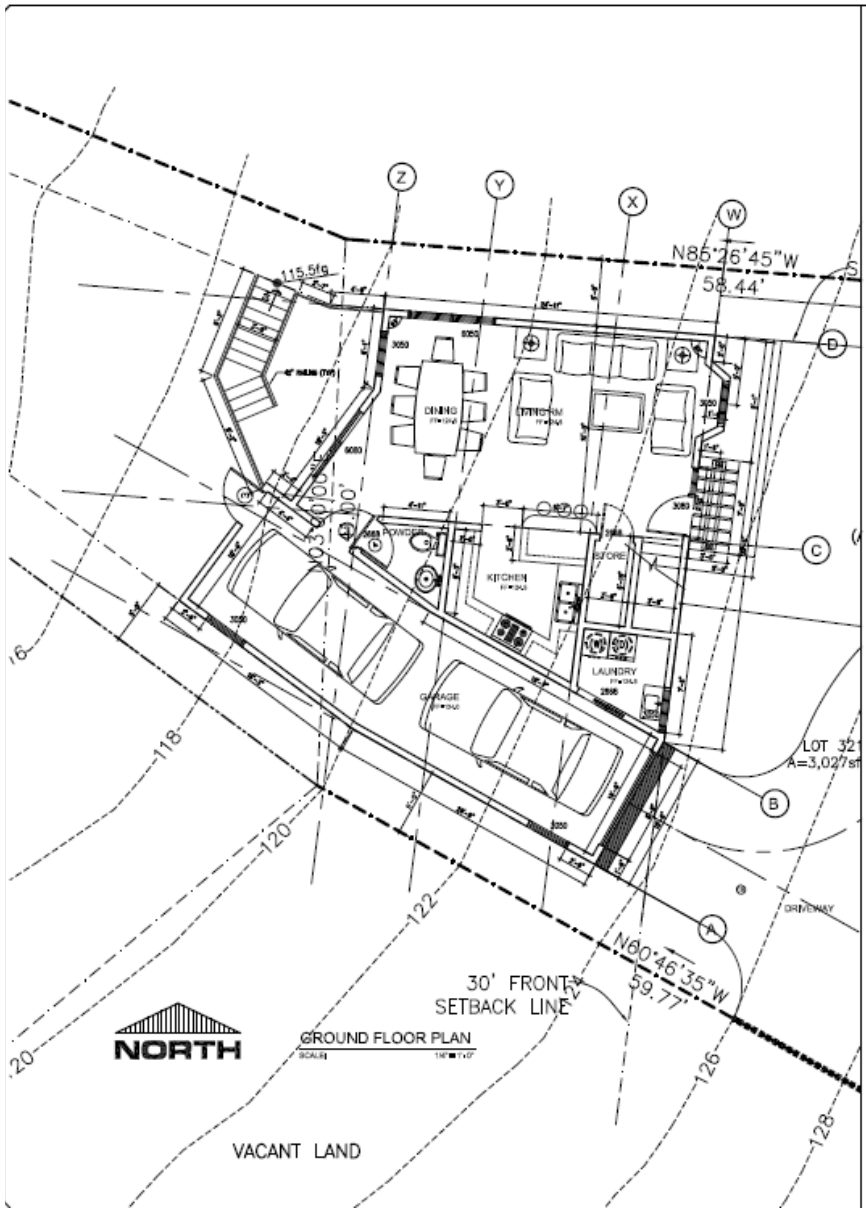


Exhibit 3  
4-13-0632  
Project Plans

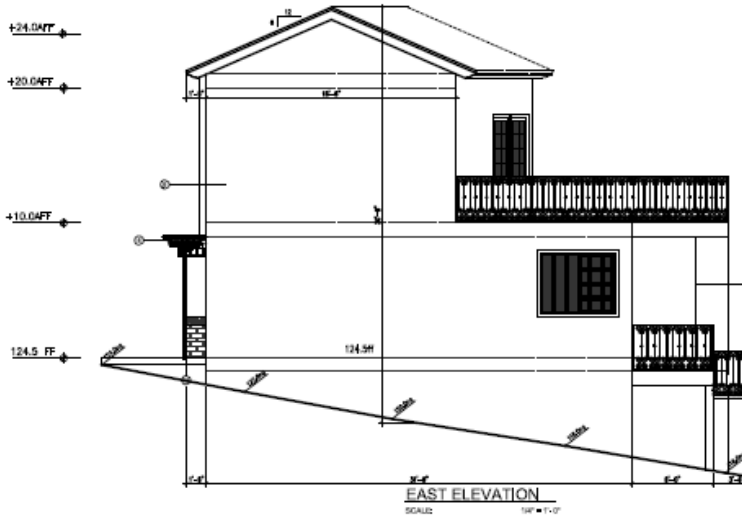
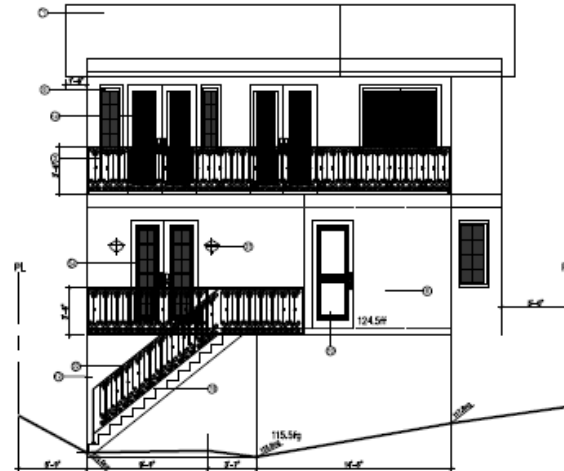
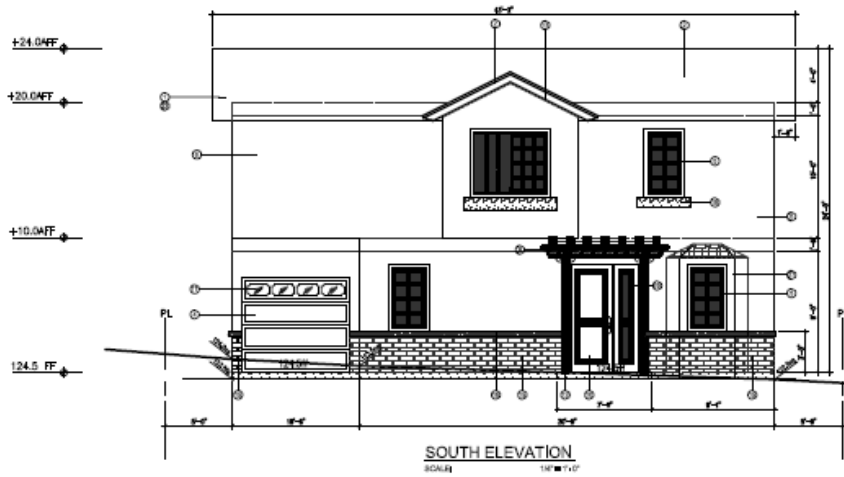


**2ND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



<p><b>ZOKA Enterprises, Inc.</b> PLANNING 3080 N. WILSON BLVD., SUITE 100 CALABASAS, CA 91302</p>	<p>FLOOR PLAN (CDP# 4-13-0632) 671 WONDER VIEW DR. CALABASAS, CA. 91302</p>
	<p>DATE: 11/10/10 DRAWN BY: [REDACTED] CHECKED BY: [REDACTED] DESIGNED BY: [REDACTED] PROJECT NO.: 4-13-0632 SHEET NO.: A-3 OF 4</p>

Exhibit 3  
4-13-0632  
Site Plans

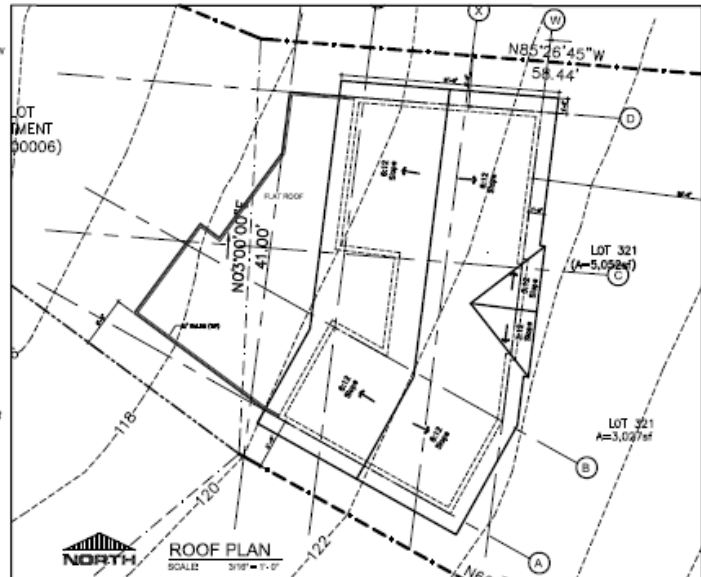


**MATERIAL DESCRIPTION**

- STUCCO SMOOTH FINISH
- FLAT COMPOSITE SHINGLES
- 42\" WROUGHT IRON RAILING
- COMPOSITE GARAGE DOOR
- VINYL FRAME DUAL GLAZED WINDOW
- 6\" COMPOSITE SIDING
- 4X ORNAMENTAL RAFTER TAIL
- 4X WOOD TRELLIS
- CLASS A BUILT-UP ROOFING
- SOLID WOOD DOOR
- PRE-CAST DOOR SILL
- 4X WOOD POST
- WOOD FACIA
- FRENCH DOOR
- STONE VENEER
- WINDOW SILL
- VINYL PANEL
- WOOD STAIRS
- 6\" BASE BOARD
- CONCRETE STAIRS
- EXTL. WALL LAMP
- 42\" INWARD RAIL
- 1\" HIP RAPET WALL
- NATURAL GRADE
- FIBER GLASS
- BAY WINDOW

**ROOFING MATERIAL:**

1. PITCH ROOF = GAF TIMBERLINE ULTRA HD ROOF SHINGLES 100-ES DSR 1475.
2. FLAT = BUILT-UP ROOFING CLASS A FIRE RETARDANT ROOF SHEATH FIBERGLASS GEA-FR 1000 DSR-1388. SEE INT. A-25 FOR SYSTEM ADDL. INFORMATION.



NO.	DATE	BY	CHKD.	DESCRIPTION
1	11/17/23	PL	PL	ISSUED FOR PERMITS
2	11/17/23	PL	PL	REVISIONS
3	11/17/23	PL	PL	REVISIONS
4	11/17/23	PL	PL	REVISIONS
5	11/17/23	PL	PL	REVISIONS
6	11/17/23	PL	PL	REVISIONS
7	11/17/23	PL	PL	REVISIONS
8	11/17/23	PL	PL	REVISIONS
9	11/17/23	PL	PL	REVISIONS
10	11/17/23	PL	PL	REVISIONS

**ZOKA Enterprises, Inc.**  
Architects  
10001 WILLOW CREEK BLVD., SUITE 100  
CALABASAS, CA 91302  
TEL: 818.341.1111

**ELEVATIONS & ROOF PLAN**  
671 WONDER VIEW DR.  
CALABASAS, CA, 91302

Project No.: 23-001  
Project Name: 671 WONDER VIEW DR.  
Client: 671 WONDER VIEW DR.  
Date: 11/17/23

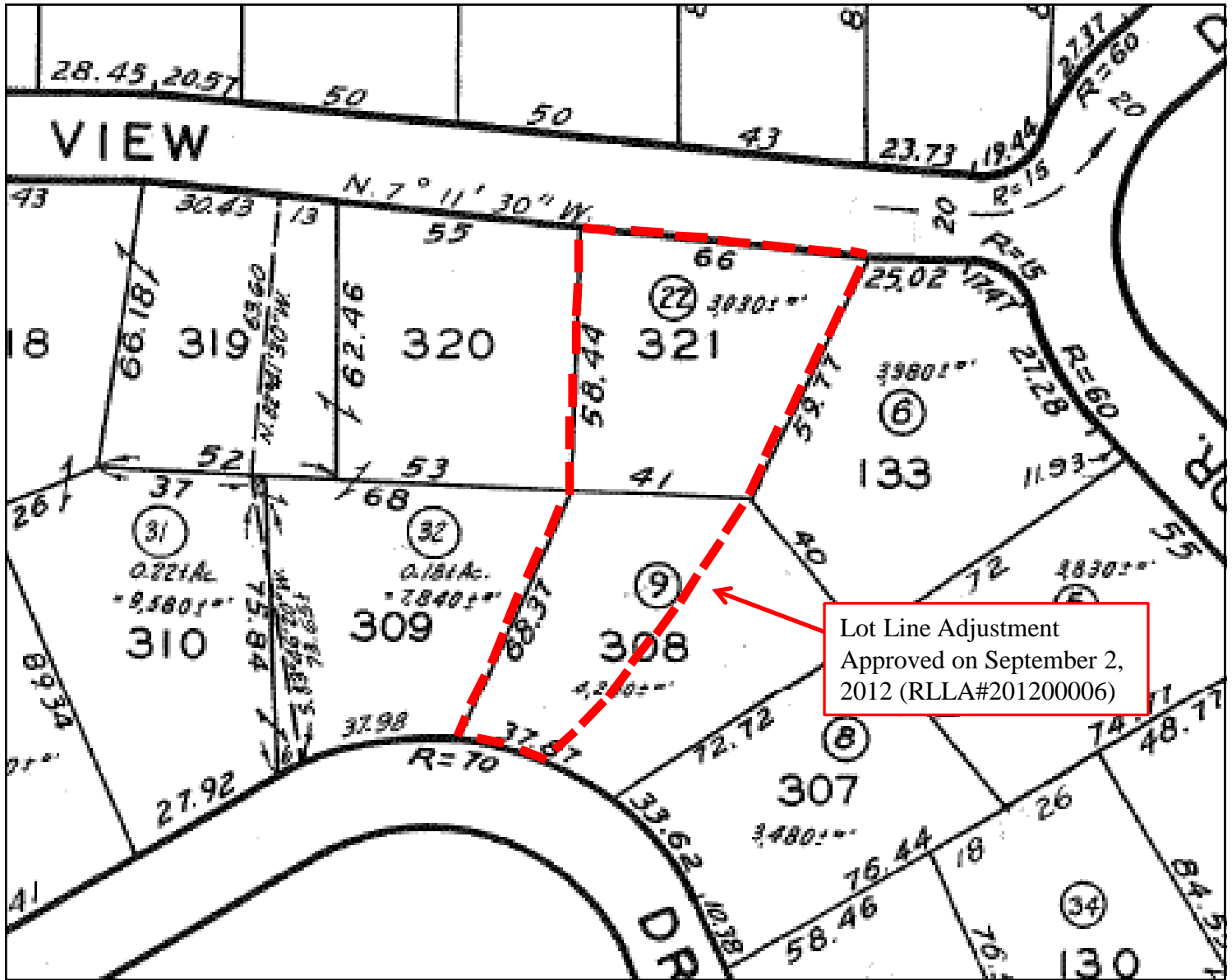
**SHEET**  
**A-4**  
OF 4

Exhibit 3  
4-13-0632  
Site Plans





Exhibit 4  
4-13-0632  
Aerial Photograph



Lot Line Adjustment  
 Approved on September 2,  
 2012 (RLLA#201200006)

Exhibit 5  
 4-13-0632  
 Lot Line Adjustment