

CALIFORNIA COASTAL COMMISSION

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



Th22a

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ADDENDUM

DATE: February 9, 2015
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 22a, Thursday, February 12, 2015, Coastal Development Permit Application Number 4-12-014

The purpose of this addendum is to make minor revisions to the text of Special Conditions Ten (10), Eleven (11), and Twelve (12) in order to clarify the intent. Note: ~~Strikethrough~~ indicates text deleted from the January 22, 2015 staff report pursuant to this addendum, and underline indicates text added to the January 22, 2015 staff report pursuant to this addendum.

1) In order to clarify its intent, of Part A(1) of Special Condition Ten (10) Revised Plans, shall be modified as follows:

- (1) Demonstrate that the cumulative area of all substantially enclosed residential and storage areas, excluding the first 400 square feet garages or carports designed for storage of autos, shall not exceed the maximum allowable gross structural area of 2,361 sq. ft., with the exception that the plans may reflect an increase in square footage above that maximum if a lot(s) has been retired in accordance with **Special Condition Eleven (11), Part A** below (increase of 300 sq. ft. for a lot which is not contiguous to the building site but which is within the Malibu Vista small lot subdivision, ~~or elsewhere within the Coastal Zone of the Santa Monica Mountains portion of Los Angeles County~~).

2) In order to clarify its intent, Part A of Special Condition Twelve (12) Lot Combination, shall be modified as follows:

- A. By acceptance of this permit, the applicants agree to provide evidence satisfactory to the Executive Director that the lots meet all legal requirements for recombination, including unity of ownership, and agree on behalf of itself and all successors and assigns with respect to the subject property, that: (1) All portions of the two parcels known as APN 4461-014-002 and APN 4461-014-003 shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the parcels existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.

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Filed: 8/21/14
180th Day: 2/17/15
Staff: J. Blaugrund
Staff Report: 1/22/15
Hearing Date: 2/12/15

STAFF REPORT: REGULAR CALENDAR

Application No.: 4-12-014

Applicants: Richard and Cynthia Johnson

Agent: Gigi Goyette

Project Location: 26577 Ocean View Drive, Malibu Vista Small Lot Subdivision, Santa Monica Mountains, Los Angeles County (APNs: 4461-014-002 and 4461-014-003)

Project Description: Construction of a 2,161 square foot, 33 foot high, single-family residence with a 714 square foot detached garage, 196 square foot guest house, septic system, and 904 cubic yards of grading (745 cu. yds. cut, 159 cu. yds. fill).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with fifteen special conditions regarding (1) plans conforming to Geotechnical Engineer's recommendation, (2) assumption of risk, waiver of liability and indemnity, (3) permanent drainage and polluted runoff control plan, (4) interim erosion control plans and construction responsibilities, (5) landscaping and fuel modification plans, (6) structural appearance, (7) lighting restriction, (8) future development restriction, (9) deed restriction, (10) revised plans, (11) cumulative impacts mitigation, (12) lot combination, (13) removal of excavated material, (14) oak tree monitoring, and (15) Departments of Public Health and Public Works approval.

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

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

- **CUMULATIVE IMPACTS.** The project site is located within the Malibu Vista rural village (formerly referred to as a small lot subdivision). As designed, the proposed project does not minimize cumulative impacts to coastal resources because it includes development in excess of the amount calculated under the GSA formula. The proposed project also includes a guest house; however, the applicants have not proposed a transfer of development credit (TDC), or an additional on-site waste water treatment system, as required by the LCP. As such, cumulative impacts mitigation and County of Los Angeles department of public health and public works approval, and have been required. Should the applicants fail to provide adequate evidence of the applicable extinguishment of development rights, or fail to obtain County approval, revised plans which delete the proposed guest house have been required.
- **OAK TREE PROTECTION.** The project does not include the encroachment of development within the protected zone of an oak tree onsite. However, an oak tree is present on the project site, and in order to ensure its protection, barrier fencing or flagging during construction has been required.

This application was filed on August 21, 2014. Under the provisions of the Permit Streamlining Act, the latest possible date for Commission action is February 17, 2015. As such, the Commission must act on Coastal Development Permit Application No. 4-12-014 at the February 12, 2015 Hearing.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Project Plans

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated June 3, 2014; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated December 8, 2011; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated September 25, 2014; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated June 24, 2014.

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 4-12-014 pursuant to the staff recommendation.

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the Santa Monica Mountains Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees 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 permittees 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 applicants agree 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 applicants acknowledge and agree (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicants 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 applicants shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate in the project design of developments in the following order of priority:

a. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

b. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

c. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters. Where post-construction treatment of stormwater runoff is required, treatment control BMPs (or suites of BMPs) shall, at a minimum, be sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

The qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) Projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development, unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation.
- (2) Post-development runoff rates from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (4) Landscape plants shall have low water and chemical treatment demands and be consistent with **Special Condition 5, Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit and, if applicable, in accordance with engineered plans prepared by a qualified licensed professional.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed where needed to prevent erosion. Plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system shall be prepared by a qualified licensed professional. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The qualified, licensed professional shall ensure that all energy dissipaters use the minimum amount of rock and/or other hardscape necessary to protect the site from erosion.

- (7) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (8) 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.
- (9) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicants/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 applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Interim Erosion Control Plans and Construction Responsibilities

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants 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 applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.
- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- (g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a permitted disposal site or recycled at a permitted recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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

5. Landscaping and Fuel Modification Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

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

B) Fuel Modification Plans

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

C) Conformance with Coastal Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the

Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

Three years from the date of the receipt of the Certificate of Occupancy for the residence the applicants 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 applicants 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) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) and (b) 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, additions to any structure, any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, shall require an amendment to this Coastal Development Permit from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants 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. Revised Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. All plans must be drawn to scale with dimensions shown. The final revised project plans and project description shall reflect the following:

- (1) Demonstrate that the cumulative area of all substantially enclosed residential and storage areas, excluding garages or carports designed for storage of autos, shall not exceed the maximum allowable gross structural area of 2,361 sq. ft., with the exception that the plans may reflect an increase in square footage above that maximum if a lot(s) has been retired in accordance with **Special Condition Eleven (11), Part A** below (increase of 300 sq. ft. for a lot which is not contiguous to the building site but which is within the Malibu Vista small lot subdivision, or elsewhere within the Coastal Zone of the Santa Monica Mountains portion of Los Angeles County).
- (2) Delete the proposed guest house, or demonstrate that a Transfer of Development Credit (TDC) has been obtained in accordance with **Special Condition Eleven (11), Part B** below and that County approval has been obtained in accordance with **Special Condition Fifteen (15)** below. Should the applicants demonstrate fulfillment of Special Condition Eleven (11), Part B, and Special Condition Fifteen (15), the revised plans must depict the location of the on-site wastewater treatment system.

B. The Permittees shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

11. Cumulative Impacts Mitigation

- A. Compliance with Slope Intensity Formula Requirements
 - a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has been permanently extinguished on any lot within the Malibu Vista small lot subdivision/Rural Village to comply with the requirements of the slope intensity formula in accordance with Section 22.44.2140 of the Santa Monica Mountains Local Coastal Program, provided such lot is either a) legally merged with an adjacent developed or developable parcel(s) or b) dedicated in fee title to a public agency. The maximum allowable gross structural area of 2,361 sq. ft. may be increased by 300 sq. ft. upon extinguishment of the development rights of a lot that is not contiguous to the subject lot but which is within the Malibu Vista small lot subdivision, consistent with this special condition. Should the applicant fail to submit the evidence of lot extinguishment required by this Special Condition, the applicants shall submit plans demonstrating that the maximum gross structural area for the residence is no more than 2,361 sq. ft., consistent with **Special Condition Number Ten (10), Revised Plans**.
- B. Transfer of Development Credit
 - a. The applicants shall mitigate the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains by ensuring that development rights have been permanently extinguished for a property(ies) equivalent to one Transfer of Development Credit (TDC) in the Santa Monica Mountains Coastal Zone that satisfies the criteria for TDC donor lots established

in Santa Monica Mountains LIP Section 22.44.1230 and that has not previously been retired, through a Transfer of Development Credit (TDC) transaction as described below. That lot shall be known as the “TDC lot”.

- b. The TDC transaction shall result in development, as defined in Section 22.44.630 of the Santa Monica Mountains LIP, grazing, or agricultural activities being prohibited on the TDC lot(s) except for:
 1. Brush clearance required by Los Angeles County for permitted structures on adjacent parcels.
 2. Planting of native vegetation and other restoration activities, if approved by Los Angeles County in a coastal development permit;
 3. If approved by Los Angeles County in a new coastal development permit,
 - a) construction and maintenance of public hiking trails; and
 - b) construction and maintenance of roads, trails, and utilities consistent with existing easements.
- c. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide evidence, for the review and approval of the Executive Director, that all of the following steps have been completed for one of the following two methods.
 1. Open space easement dedication and the merging or recombination of the retired lot(s) with one or more adjacent developed or buildable parcel(s).
 - a) The applicants shall submit, for the review and approval of the Executive Director, evidence that a public entity or private non-profit association acceptable to the Executive Director has acquired an Open Space / Conservation Easement, pursuant to a grant deed acceptable to the Executive Director, over the TDC lot(s). The recorded easement grant deed shall include the current legal description on title to the property, as shown in the current deed or Preliminary Report, of the TDC lot(s). The recorded document shall reflect that development of the TDC lot(s) is restricted as set forth in section B, above. The grant of easement shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. Such grant of easement shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable.
 - b) The applicants shall provide evidence, for the review and approval of the Executive Director, that the TDC lot(s) has been either: (a) combined with an adjacent lot that is (i) developed or developable, (ii) held in common ownership with the TDC lot(s), and (iii) in the same tax rate area as the TDC lot(s); or (b) dedicated in fee title to a public entity other than the easement-holder. If the TDC lot(s) has been combined with an adjacent lot, the document combining them shall be

subject to the review and approval of the Executive Director, and recorded free of prior liens, including tax liens on all of the properties involved; and the combined lot shall be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, taxation, lease, development, or encumbrance.

- c) If the TDC lot(s) has been combined with an adjacent lot, the applicant shall submit, for the review and approval of the Executive Director, a Preliminary Report for the combined lot created pursuant to Section 1b above that demonstrates that the easement deed required in Section 1a above is on the title and that the combined lot is described as a single lot. The applicants shall also provide evidence to the Executive Director that the applicant has provided documentation of the combination to the county assessor's office and requested that the assessor's office (1) revise its records and maps to reflect the combination of the parcels, including assigning a new, single APN for the unified parcel and (2) send the Commission notice when it has done so, indicating the new, single APN.

2. Open space deed restriction and transfer in fee title to a public entity.

- a) The applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the TDC lot(s) an open space deed restriction, in a form and content acceptable to the Executive Director, restricting development of the TDC lot(s) consistent with section B, above. The deed restriction shall include a legal description of the entire TDC lot(s). The deed restriction shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed.
- b) The applicants shall submit, for the review and approval of the Executive Director, evidence that fee title to the TDC lot has been successfully transferred to a public entity, acceptable to the Executive Director, after the recordation of the deed restriction listed in Section 2a above and that the document effectuating the conveyance has been recorded with the Los Angeles County Recorder.

d. Should the applicants fail to submit the evidence of lot extinguishment required by this Special Condition, the applicants shall submit plans deleting the guest house from the project plans, consistent with **Special Condition Number Ten (10), Revised Plans.**

12. Lot Combination

- A. By acceptance of this permit, the applicants agree, on behalf of itself and all successors and assigns with respect to the subject property, that: (1) All portions of the two parcels known as APN 4461-014-002 and APN 4461-014-003 shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the parcels existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction against each parcel described above, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the two parcels being recombined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens, including tax liens, that the Executive Director determines may affect the enforceability of the restriction.

13. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

14. Oak Tree Monitoring

To ensure that all other oak trees located on the subject parcel and along the proposed access road are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected. The permittees shall also follow the oak tree preservation recommendations that are enumerated in the Oak Tree Report referenced in the Substantive File Documents.

15. Departments of Public Health and Public Works Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, evidence of County of Los Angeles Departments of Public Health and Public Works Approval for a on-site waste water treatment system (OWTS) for the proposed guest house that is separate from the OWTS for the primary structure, to comply with Section 22.44.1370 of the Santa Monica Mountains Local Coastal Program. Should the applicants fail to submit the evidence of County approval required

by this Special Condition, the applicants must submit plans deleting the guest house from the project plans, consistent with **Special Condition Number Ten (10), Revised Plans**.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicants propose to construct a 33 foot high, 2,161 square foot, 2-story single family residence with a detached 714 square foot garage, 196 square foot guest house, private septic system, and 904 cubic yards of grading (745 cubic yards of cut and 159 cubic yards of fill). The project site is located at 26577 Ocean View Drive in the Malibu Vista small lot subdivision/rural village (APNs 4461-014-002 and 4461-014-003), in the Santa Monica Mountains portion of Los Angeles County (Exhibits 1 and 2). The project site is comprised of two adjacent parcels that total approximately 32,699 square feet (Exhibit 3). Single-family residences are located to the east, south, and west of the project site, and an undeveloped parcel is located to the north. The project site generally slopes downward from north to south, with a maximum differential elevation of approximately 70 feet. The proposed development will be located on an existing pad and driveway that was created prior to the effective date of the Coastal Act.

Although the subject site is located in a rural area characterized by expansive, naturally vegetated mountains and hillsides, existing single-family residences are located immediately adjacent to the project site. Map 2- Biological Resources Map of the Santa Monica Mountains LCP has designated the project site as H3; which does not constitute environmentally sensitive habitat area. Additionally, in the Santa Monica Mountains, the Los Angeles County Fire Department requires a 200-ft fuel modification (on-site) and/or brush clearance (off-site) zone from combustible structures. In this case, the 200-ft fuel modification/brush clearance zone of adjacent existing residences already extends over the entire subject site. Therefore, the subject site is not considered to be an environmentally sensitive habitat area. Thus, the fuel modification/brush clearance required for the proposed project will not result in impacts to environmentally sensitive habitat areas on or off the subject site. Lastly, there are no existing or mapped public trails on or adjacent to the subject property, and although located in a scenic area, the project site is not visible from public viewing points or public parkland.

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 LCP includes a number of policies and provisions related to hazards and geologic stability. Policies SN-1, SN-11, SN-12 and SN-20 require that new development be sited, sized and designed to minimize risks to life and property from different kinds of hazards. Policies SN-16 and SN-17 require that new development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams and new development shall not increase peak stormwater flows.

The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, and pursuant to LIP Section 22.44.2102 (D), the Commission requires **Special Condition One (1)** to ensure that the applicants comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. Pursuant to LIP Section 22.44.2102(G), the Commission requires **Special Condition Three (3)**, which requires that the applicants submit drainage control plans certified by the geotechnical engineer. Further, for the project to ensure stability and avoid contributing significantly to erosion, **Special Condition Five (5)** requires 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.

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 encourages 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 consolidated of required fuel modification and brush clearance. As previously mentioned above, because the proposed development is surrounded by existing residential development on neighboring properties with overlapping fuel modification zones, the fuel modification requirements for the existing residence with proposed as-built additions will not result in any new vegetation clearance in offsite areas.

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 **Special Condition Two (2)** for the applicants to assume the liability from these associated risks. Through Special Condition Two (2), 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.

Lastly, consistent with LIP Section 22.44.2102(K), the Commission requires **Special Condition Nine (9)**, which requires the applicants to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

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 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th 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.

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.

LIP Section 22.44.1370 “Accessory Dwelling Units and Habitable Structures,” in relevant part, states:

...

C. Accessory Dwelling Units

1. The following accessory dwelling units may be permitted in the Coastal Zone subject to the following requirements. All accessory dwelling units shall:

...

d. Have an on-site wastewater treatment system (OWTS) approved by the Departments of Public Health and Public Works that is separate from the OWTS for the primary structure(s) if applicable;

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems. LUP Policy CO-2 requires that development is sited and designed to minimize the introduction of pollutants in runoff and minimize increases in runoff rate and volume. To reduce runoff and erosion and provide long-term, post construction water quality protection in all physical development, CO-3 states that the use of Best Management Practices (BMPs) shall be employed to the maximum extent practicable to minimize polluted runoff. New development is required to minimize impervious surfaces, convey drainage in a non-erosive manner, and infiltrate runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows (CO-4 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, the LUP Policy CO-3 and LIP Section 22.44.1340, require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping. Thus, the Commission requires **Special Condition Four (4)**, for the submittal of an interim erosion control plan and construction responsibilities which incorporates BMPs during the construction and post-development stages of the project.

Much of the Santa Monica Mountains is served by onsite wastewater treatment systems (OWTS). Many of the private systems employ state-of-the-art technology, but some failures have been reported in older systems. Failures of OWTS can adversely impair water quality, human health, biological communities in the surrounding watershed, and other coastal resources. 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 on-site wastewater treatment systems (OWTS) prevent the introduction of pollutants into coastal waters and protect the overall quality of coastal waters and resources, Policy CO-30 requires that new OWTS minimize impacts to sensitive resources, including grading, site disturbance, and the introduction of increased amounts of water. 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.

LIP Section 22.44.1370 requires that all accessory dwelling units have an OWTS separate from the OWTS utilized for the primary structure. As described above, the proposed development includes the construction of an approximately 196 square foot guest house. The applicants, however, have not proposed the construction of an additional OWTS, as required by LIP Section 22.44.1370. As such, the Commission requires **Special Condition Fifteen (15)**, in order to ensure that the applicants obtain County of Los Angeles approval for the subject system, and submit project plans depicting its location on the subject property. Alternately, if the applicant does not provide adequate evidence of County approval, the Commission requires **Special Condition Ten (10)**, which requires the applicants to submit revised project plans deleting the proposed guest house.

Lastly, to ensure that excess excavated materials are moved off site so as not to contribute to unnecessary landform alteration, the Commission finds it necessary to require the applicant to dispose of the material at an appropriate disposal site or to a site that has been approved to accept the material, as specified in **Special Condition Thirteen (13)**.

Therefore, the Commission finds that the proposed project, as conditioned, 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 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, or a combination of any two trunks measuring a total of eight 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 uses 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.

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. 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.

1. Protection of Oaks

The project site is located within a disturbed oak woodland, in a small lot subdivision, where the past creation of urban-scale parcels has resulted in a higher density of residential development. The subject site is itself disturbed and vegetated primarily with non-native plant species;

however, one oak tree is present on the subject site. The oak tree is not proposed or required to be removed as part of the proposed project. In this case, although the LCP contains several policies relating to the protection of oak trees, the understory plant species on site and connectivity to other woodland areas are lacking and; therefore, the site is not considered to be an environmentally sensitive habitat area. However, through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, even where they are not part of a larger woodland that is ESHA. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species. As required by Policy CO-99 of the Santa Monica Mountains LUP, the proposed new development can be approved only where it will not have impacts on coastal resources. Additionally, oak trees are an important component of the visual character and scenic quality of the area and must be protected in order to ensure that the proposed development is visually compatible with this character.

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

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

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

2. Project Consistency

The Oak Tree Report, listed in the Substantive File Documents, indicates that one oak tree is present on the site. Policy CO-99 of the LCP requires that new development be located no closer than 5 ft. from the outer limits of the tree dripline or 15 ft. from the trunk. In this case, the proposed project does not include the removal of the tree or any encroachment into its protected zone (5 feet from the outer limits of the tree dripline or 15 feet from the trunk, whichever is greater). However, potential impacts to oak trees on the project site may still inadvertently occur during construction activities. Thus, the Commission finds that potential impacts to the oak tree on site must be minimized by employing protective measures during project construction. The applicant shall follow the oak tree preservation recommendations contained in the Oak Tree Report referenced in the substantive file documents. Additionally, **Special Condition Fourteen (14)** requires the applicant to install temporary protective barrier fencing around the protected zone (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of the oak tree and that it is retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then temporary flagging must be installed on all oak trees to ensure protection during construction.

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

E. CUMULATIVE IMPACTS

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies 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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
- 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 within 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 Credits program.

- LU-24 The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as detached garage, stable, workshop, gym, studio, pool cabana, office, or tennis court structures are clustered to minimize required fuel modification. Certain confined animal facilities may be allowed outside of the building site area consistent with Policy CO-103. Second residential units (guesthouse, granny units, etc.) shall be limited in size to a maximum of 750 square feet. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Garages provided as part of a second residential unit shall not exceed an additional 750 square feet (3-car) maximum.
- LU-25 Notwithstanding any inconsistencies of existing development with the LCP, lawfully-established uses or structures established prior to the effective date of the Coastal Act or pursuant to a validly issued coastal development permit that conform to the conditions on which they were legally established are considered by the County to be legal conforming uses or structures that may be maintained and/or repaired. Additions and improvements to such structures, including reconstruction, may be permitted provided that (1) the additions and improvements comply with current LCP policies and standards and do not increase any existing inconsistencies; and (2) any inconsistencies of the existing legal structure with the LCP are rectified when (a) additions increase the square footage existing structure by 50 percent or more, or (b) any demolition, removal, replacement and/or reconstruction results in the demolition of more than 50 percent of either the total existing exterior wall area or the existing foundation system, or where the sum of the percentages of each that is demolished exceeds 50 percent. Reconstruction of existing law-fully established structures following a natural disaster is exempt from this policy and may be permitted.
- 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. The Slope Intensity Formula shall not apply to the Upper Latigo Rural Village.
- 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.

Policy CO-112 states, in relevant part:

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

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

LIP Section 22.44.2140 in relevant part, states:

The following provisions apply to all land within Rural Villages as identified in Section 22.44.2120.

A. Slope Intensity Formula.

1. Establishment and purpose. The slope intensity formula is established to implement certain policies related to residential developments in antiquated subdivisions and on small parcels subject to the LUP. The formula establishes development standards in hillside and other areas to limit the impact of development in these areas. Preservation of important coastal resources and scenic features will also be accomplished through the use of this formula.

2. Applicability. Construction of residential units or accessory uses on any lot or parcel of land within any Rural Village identified in Section 22.44.2120, with the exception of Upper Latigo, shall be subject to the provisions of this subsection.

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.

c. If the approved GSA is based on a building site that includes portions of more than one existing parcel, the applicant shall merge the parcels into one lot. The CDP shall include a condition requiring that all parcels shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, lease, development, taxation or encumbrance. The combination shall be accomplished by one of the following methods: 1) reversion to acreage pursuant to the provisions of Section 22.44.650, excluding subsection I; 2) merger pursuant to the provisions of Section 22.44.660; or merger through a lot line adjustment, pursuant to the provisions in subsection H of Section 22.44.680. The permittee shall provide evidence that the combined parcels appear on a preliminary report issued by a licensed title insurance company as a single parcel and that the County Assessor Parcel maps are updated accordingly.

d. The maximum allowable GSA as calculated above may be increased as follows:

i. Add 500 square feet or 12.5 percent of the total lot area, whichever is less, for each vacant lot which is contiguous to the designated building site, provided that such lot(s): was (were) not previously retired; is (are) combined with the building site; and all potential for residential development on such lot(s) is permanently extinguished, as required in subsection d.iv;

ii. Add 300 square feet or 7.5 percent of the total lot area, whichever is less, for each vacant lot in the same Rural Village but not contiguous with the designated building site, provided that such lot(s): was (were) not previously retired; is (are) combined with other developed or developable building sites; and all potential for residential development on such lot(s) is permanently extinguished, as required in subsection d.iv;

iii. Lots may be considered contiguous as long as at least one lot touches the lot containing the designated building site and all lots touch at least one other lot that is being retired. For example, three lots in a row may be considered contiguous to the designated building site as long as one lot touches the designated building site and all three are having their potential residential development permanently extinguished;

iv. Any CDP that includes an increase to the maximum allowable GSA pursuant to subsections d.i or d.ii shall include a condition requiring the applicant to submit sufficient evidence that all of the following steps have been completed for either one of the following two methods:

(A) Open Space Easement Dedication and the Merging of the Retired Lot(s) with One or More Adjacent Developed or Buildable Parcel(s).

(1) The applicant shall provide evidence of the purchase of fee title or of development rights on one or more sites that have not been previously retired and recordation (free of prior liens, including tax liens, and encumbrances) of a valid dedication to a public entity of a permanent, irrevocable open space easement in favor of the People of the State of California over the entirety of the retired lot(s) that conveys an interest in the lot(s) and insures that future development on the lot(s) is prohibited and that restrictions can be enforced, the text of which has been approved consistent with the procedures in Section 22.44.1230. Recordation of said easement on the site(s) shall be permanent; and

(2) The combination of the lot(s) used to increase the GSA either with the project site (if it is a contiguous parcel) or with 1) an adjacent lot that is already-developed, or that has not been previously retired to increase the GSA or for any other purpose, or 2) with multiple contiguous parcels, at least one of which is developed or has not been previously retired and in either case, all parcels to be combined are in the same tax rate area, in common ownership, and free of all tax liens. The retired lot and adjacent parcel(s) shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, lease, development, taxation or encumbrance. The combination shall be accomplished by one of the following methods: 1) reversion to acreage pursuant to the provisions of Section 22.44.650, excluding subsection I; 2) merger pursuant to the provisions of Section 22.44.660; or 3) merger through a lot line adjustment, in accordance with subsection H of Section 22.44.680. The permittee shall provide evidence that the combined parcels appear on a preliminary report issued by a licensed title insurance company as a single parcel (which may require the property owner re-conveying the combined property to him/her/itself, presumably via a quitclaim deed). The extinguishment of development potential and lot combination(s) shall be accurately reflected in the records of the County Tax Assessor.

(B) Open Space Deed Restriction and Transfer in Fee Title to a Public Entity;

(1) The applicant shall provide evidence of the purchase of fee title or development rights on one or more sites that have not been previously retired or otherwise restricted, and the recordation of an open space deed restriction, recorded 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 site(s) used to increase the GSA, that insures that the future development on the lot(s) is prohibited and that restrictions are enforceable; and

(2) Evidence that fee title to the site(s) used to increase the GSA has been successfully transferred to a public entity after the recordation of the deed restriction listed in subsection (B)(1) above and that the document effectuating the conveyance has been recorded with the County Recorder. The permittee shall provide evidence that the ownership transfer and the open space deed restriction appear on a preliminary report issued by a licensed title insurance company for the site(s) used to increase the GSA.

...

g. 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 not 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 following provisions identified in Section 22.44.1370 states in relevant part:

- A. The purpose of this section is to provide for accessory dwelling units and other habitable accessory structures. Only one such accessory dwelling unit or habitable accessory structure shall be allowed on a property.
- B. All proposed accessory dwelling units and habitable accessory structures shall be required to retire one transfer of development credit pursuant to Section 22.44.1230. Caretaker's dwelling units (caretaker's residences and mobile homes), as described in this section, shall be exempt from this requirement.
- C. Accessory Dwelling Units.

1. The following accessory dwelling units may be permitted in the Coastal Zone subject to the following requirements. All accessory dwelling units shall:
 - a. Contain no more than 750 square feet of floor area;
 - b. Be clearly subordinate to the primary use or dwelling on the property, and shall be clustered on the same building site area as the primary use or residence;
 - c. Be compatible in terms of external appearance with existing residences in the vicinity of the lot or parcel of land on which it is proposed to be constructed;
 - d. Have an on-site wastewater treatment system (OWTS) approved by the Departments of Public Health and Public Works that is separate from the OWTS for the primary structure(s) if applicable;
 - e. Have a maximum height consistent with the standard in Section 22.44.1250;...

1. Small Lot Subdivisions

The proposed project involves the construction of a new 2,161 square foot single-family residence, 196 square foot guest house, and 714 square foot garage, within the Malibu Vista rural village. Rural Villages (formerly small lot subdivisions) in the Santa Monica Mountains are designated areas generally comprised of residentially-zoned parcels of less than one acre, but more typically ranging in size from 4,000 to 5,000 square feet. The County of Los Angeles has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources, particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small parcels in rural villages will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

In order to minimize the cumulative impacts associated with developing these parcels, Section 22.44.2120 of the certified Los Angeles County LIP, requires that new development in rural villages complies with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. The County of Los Angeles, as well as the Commission in past permit actions, considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in designated rural villages, to minimize the cumulative impacts of such development. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

Slope Intensity Formula

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

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

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

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

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

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

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

A = the area being considered in square feet

2. Project Consistency

The subject project site is located in the Malibu Vista rural village, an area subject to the provisions of the slope intensity formula. The applicants propose the construction of a 2,161 square foot, single-family residence with a detached 714 square foot detached garage, and a 196 square foot guest house across two parcels that total 28,871 square feet. As the applicants' proposal includes development across two separate parcels, in order to ensure that the two parcels are permanently combined and held as such into the future, the Commission requires **Special Condition Twelve (12)**, which requires a lot combination deed restriction.

In conformance with Section 22.44.2120 of the certified Los Angeles County LIP, the applicants have submitted a GSA calculation. This calculation arrived at a maximum GSA of 2,361 square feet of habitable space. Staff has confirmed that the applicant's calculations conform to this formula. LIP Section 22.44.2140 also indicates that the GSA calculation does not include the first 400 square feet of garages or carports designed for the storage of autos. As mentioned above, the proposed garage is 714 square feet. Although 400 square feet of the proposed garage is not included within the GSA calculation pursuant to the above referenced LIP section, the square footage over 400 (in this case 314 square feet) must be. The applicants, however, have not included this square footage in their GSA calculation. Including the 314 square foot garage area, the applicants have proposed 2,671 square feet of habitable space, which is not consistent with the maximum allowable GSA of 2,361 square feet. Consistent with LIP Section 22.44.2140, the applicants may permanently extinguish development rights on adjacent or non-contiguous parcels within the same small lot subdivision/rural village in order to achieve the proposed square footage. However, to ensure that cumulative impacts are minimized, the Commission requires **Special Condition Eleven (11)**, which ensures that, prior to issuance of the coastal development permit, that all potential for future development has been permanently extinguished on any lot within the Malibu Vista small lot subdivision/rural village, to comply with the requirements of the slope intensity formula. Alternately, if the applicant does not provide adequate evidence of the applicable extinguishment of development rights, the Commission requires **Special Condition Ten (10)**, which requires that the applicants submit revised project plans demonstrating that the maximum gross structural area for the residence is no more than 2,361 square feet to comply with the maximum Gross Structural Area calculation.

Although the project site is located in the Malibu Vista rural village, immediately adjacent to existing single-family residences, natural hillsides surround the small lot subdivision and are a significant visual resource. Within the Coastal Zone, all properties with an average slope over 15 percent are considered to be within hillside management areas. Policy CO-112 requires that development conform to the natural landforms and blend with the natural landscape in site, design, shape, materials, and colors. Consistent with CO-112, the Commission has required **Special Condition Six (6)**, to require the colors of the proposed development 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. Furthermore, Policy LU-43 requires that exterior lighting is limited, so as to minimize the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night. Therefore, the Commission has required **Special Condition Seven (7)** in order to limit the night lighting of the project site.

Lastly, some additions and improvements to residences on small steep lots within these designated rural villages may be inconsistent with the Slope Intensity Formula and have been found to adversely impact the area. Future improvements on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, requires **Special Condition Eight (8)**, which would ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act.

3. Guest House

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

As described within LIP Section 22.44.1370, all proposed second dwelling units may contain no more than 750 square feet. The applicants are proposing a 196 square foot guest unit, which conforms to the allowable size. LIP Section 22.44.1370 also requires that all proposed accessory dwelling units and habitable accessory structures shall be required to retire one transfer of development credit. In order to ensure that cumulative impacts are minimized, consistent with LIP Section 22.44.1370, the Commission has required **Special Condition Eleven (11)**, which requires that prior to issuance of the coastal development permit, the applicants submit evidence indicating that either an open space easement dedication and the merging or recombination of the retired lot(s) with one or more adjacent developed or buildable parcels has occurred, or that an open space deed restriction and transfer in fee title to a public entity has occurred. Alternately, if the applicant does not provide adequate evidence of the applicable extinguishment of development rights, the Commission requires **Special Condition Ten (10)**, which requires the applicants to submit revised project plans deleting the proposed guest house.

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

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Commission incorporates its findings on Local Coastal Program consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Certified Local Coastal Program. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. Special Conditions One (1) through Fifteen (15) are required to assure the project's consistency with Section 13096 of the California Code of Regulations.

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

APPENDIX 1

Substantive File Documents

Certified Los Angeles County Santa Monica Mountains LCP; Geologic & Geotechnical Engineering Investigation, dated January 17, 2007 and June 15, 2011, by Strata-Tech, Inc.; Memorandum, Engineering Geology Update, dated May 29, 2014, by Strata-Tech, Inc.; and Oak Tree Report, dated October 2, 2012, by Nature-Scape, Inc.



Project Location

Exhibit 1
4-12-014
Vicinity Map

Subject Parcels



MAPPING AND GIS SERVICES SCALE 1" = 60'

2016

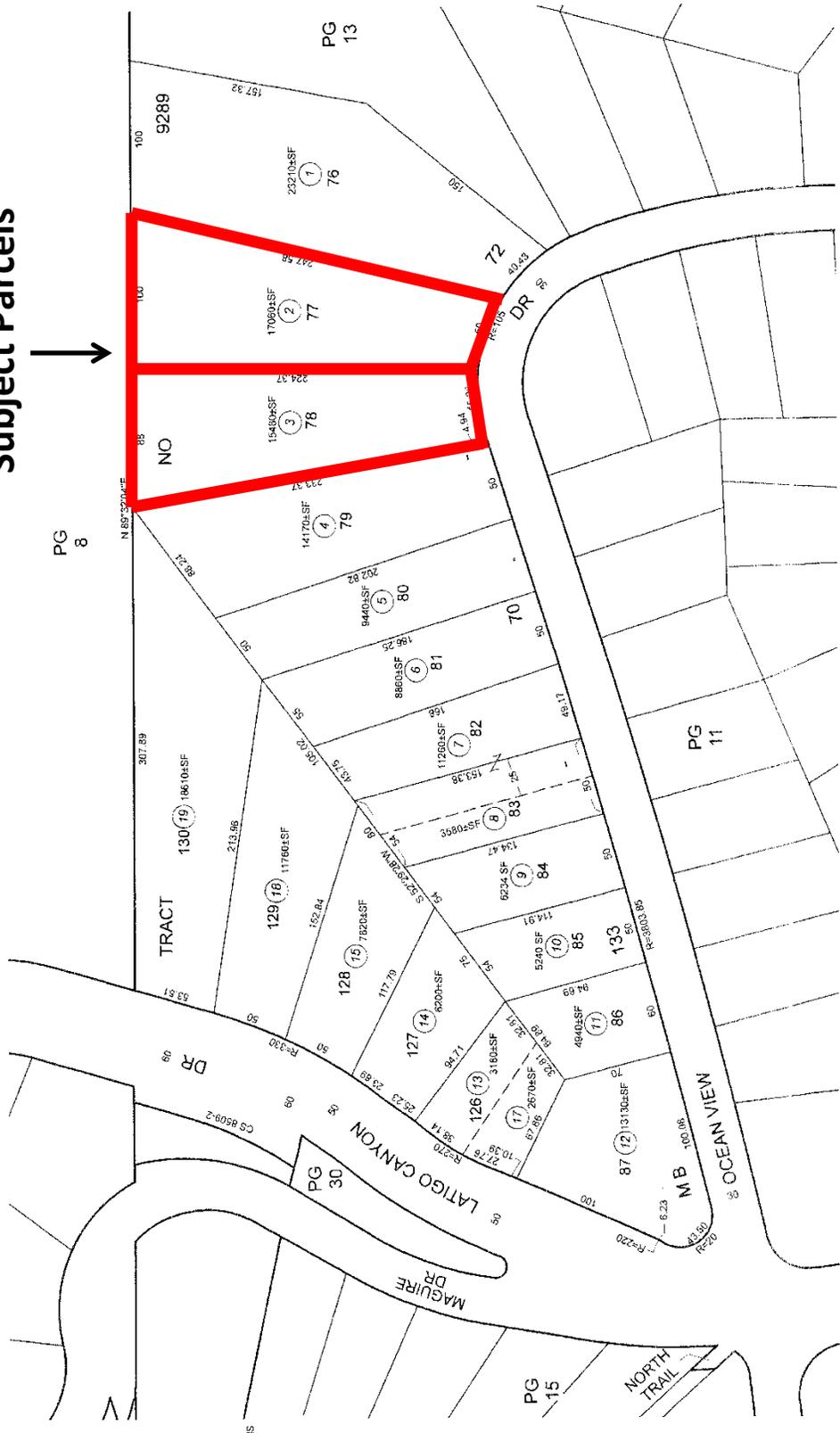
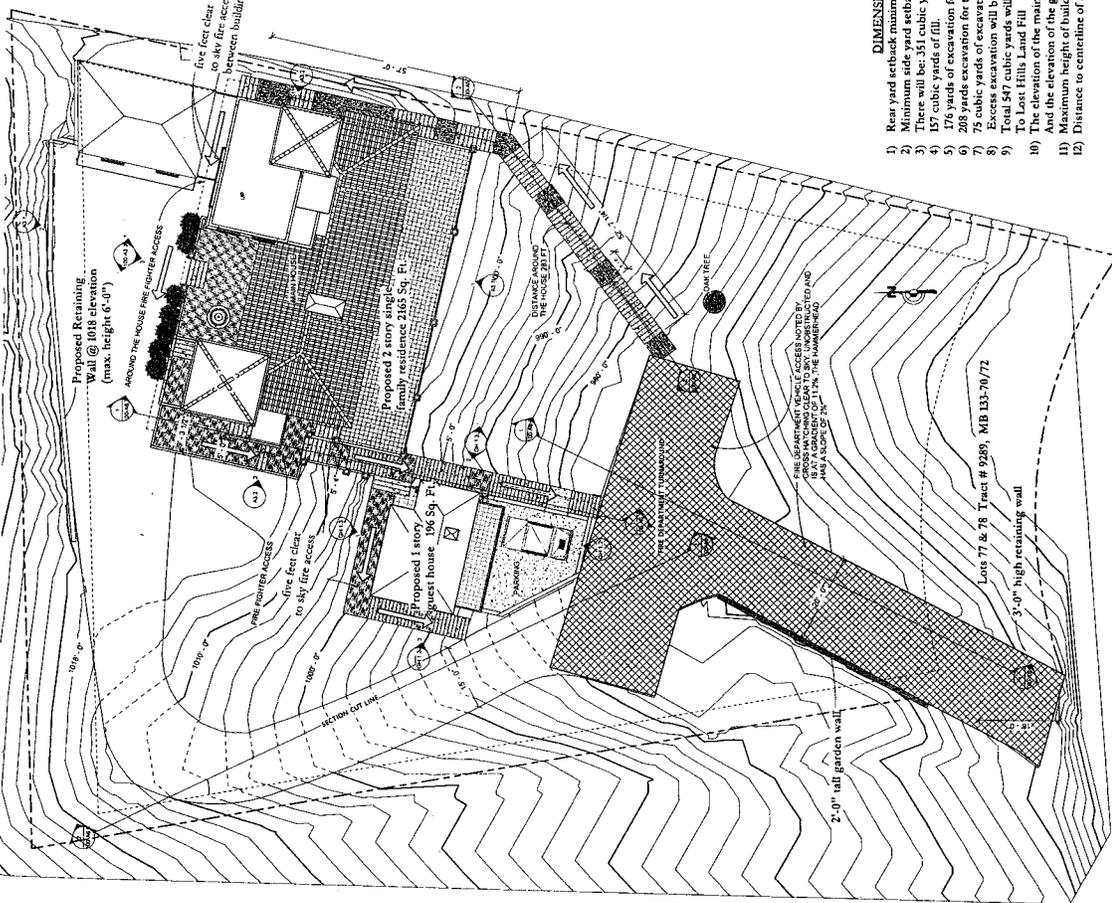
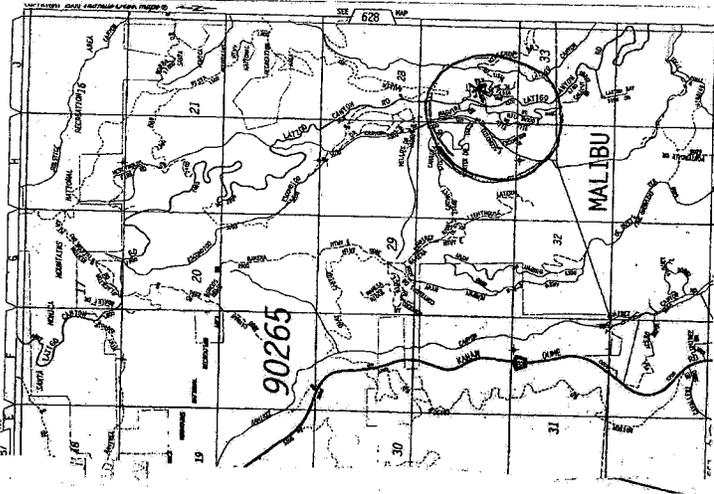


Exhibit 2
4-12-014
Parcel Map

Latigo



VACINITY MAP



JUL 25 2014

26577 Ocean View Drive Malibu, CA
 Lots 77 & 78 Tract # 9289, MB 133-7072

- DIMENSIONS**
- 1) Rear yard setback minimum 15'
 - 2) Minimum side yard setback is 5'
 - 3) There will be 351 cubic yards of cut
 - 4) 157 cubic yards of fill.
 - 5) 176 yards of excavation for the foundation.
 - 6) 268 yards excavation for the septic tank/50 yds fill
 - 7) 2 cubic yards of excavation for seepage pit./20 yds fill
 - 8) 2 cubic yards of excavation for seepage pit./20 yds fill
 - 9) Total 547 cubic yards will be excavated
 - 10) To Lost Hills Land Fill
 - 11) The elevation of the main residence is 1018
 And the elevation of the guest house is 1001
 - 12) Maximum height of buildings is 35' above grade
 - 13) Distance to centerline of street is 95'

Faustini ART
 ARCHITECTURE
 26577 Ocean View Drive Malibu, CA
 (310) 457-1186

Title Sheet
 Date Issued: 06/15/14
 Drawn By: [Redacted]
 Checked By: [Redacted]
 Scale: AS SHOWN

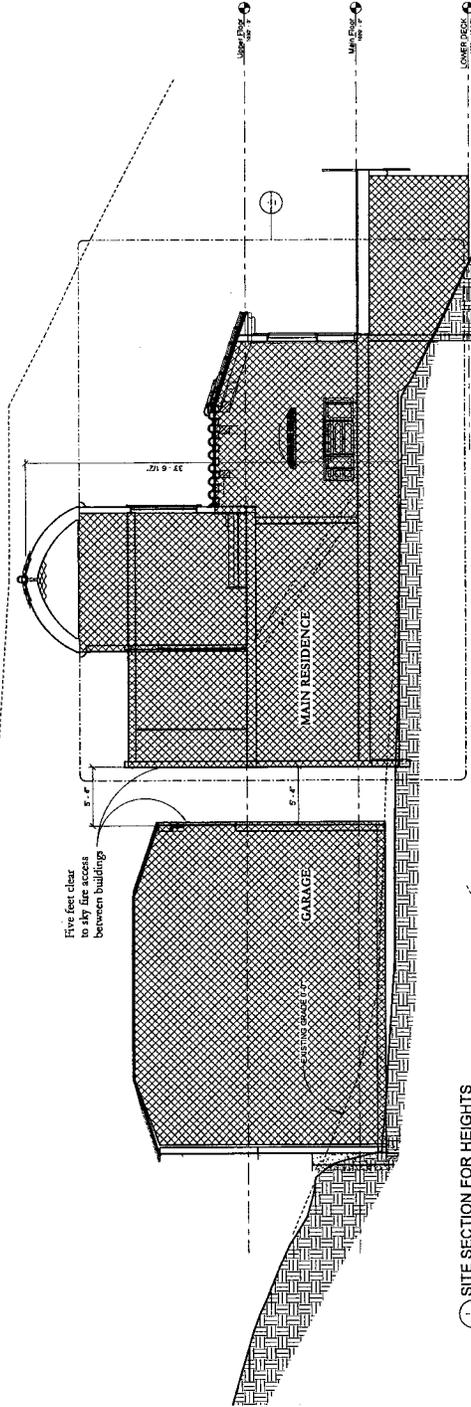
Designed by Richard Johnson and Ray Faustini
 for Richard and Cindy Johnson
 (310) 457-1186

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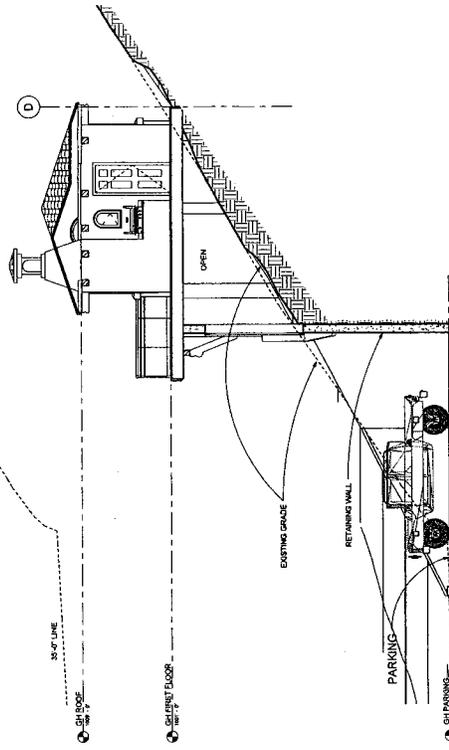
Site Plan
 1" = 100'

Exhibit 3
 4-12-014
 Project Plans

NOTE:
 Highest point of construction is 37' above grade.
 All elevations are based on 20' finish grade at entry point.



SECTION 21
 SITE SECTION FOR HEIGHTS



SECTION 21
 SITE SECTION FOR HEIGHTS

Name	Area	Level	Comments
MAIN FLOOR	1077 SF	Main Floor	USE
UPPER FLOOR	1077 SF	Upper Floor	USE
TOTAL			2154 SF

Name	Area	Level	Comments
GARAGE: 14' x 14' - Not included in the square footage count of residence			

Name	Area	Level	Comments
GARAGE: 14' x 14' - Not included in the square footage count of residence			

JUL 25 2014

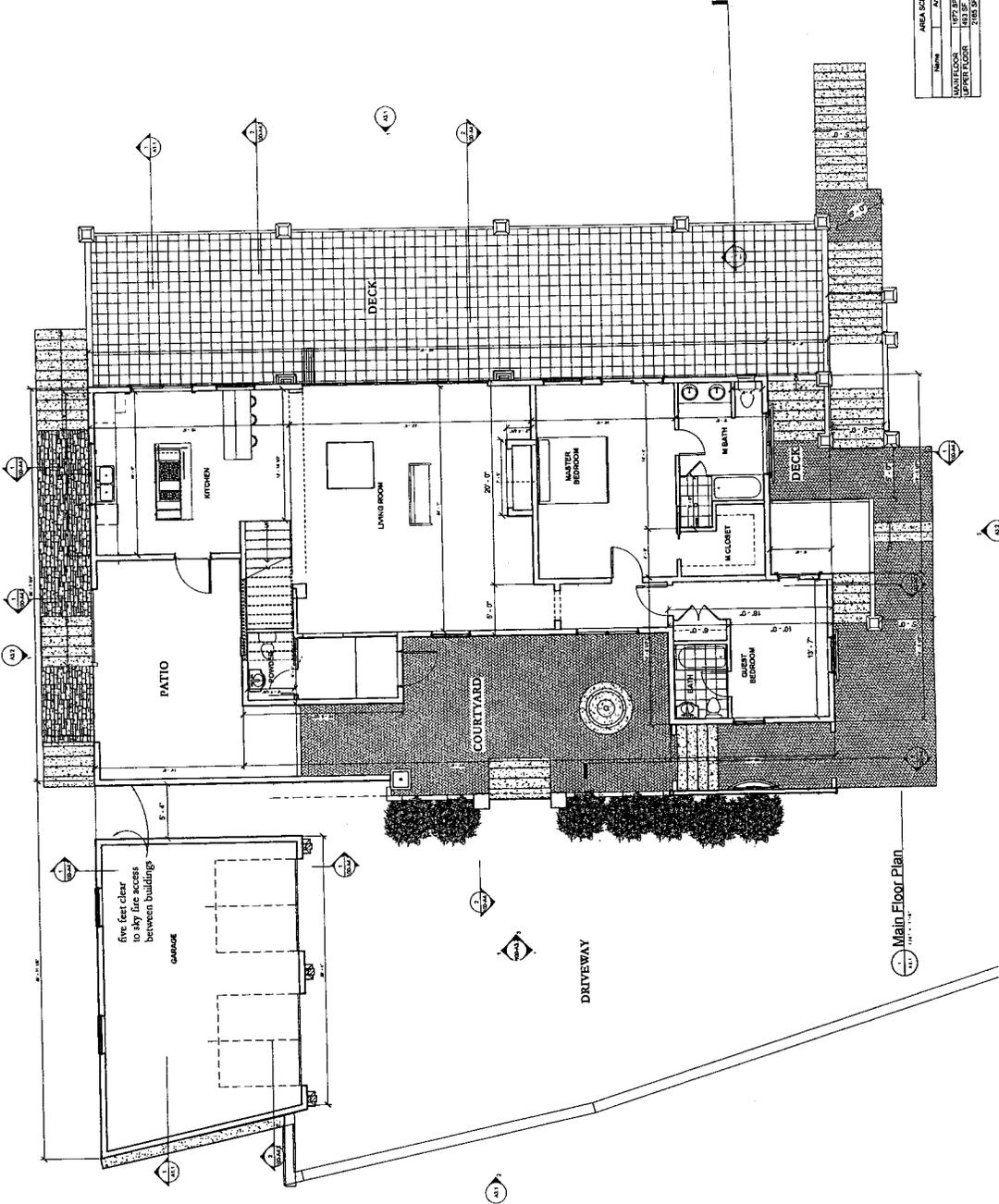


HEIGHTS & AREA CALCUS
 28377 Ocean View Drive, Marina, CA

Designed by Richard Johnson and Ray Fauslin
 for Richard Johnson
 (415) 457-1188

Date Issued	Scale
07.11.14	1/8" = 1'-0"
Checked By	
A1.1	

NOT TO SCALE
 ALL DIMENSIONS UNLESS OTHERWISE NOTED. THE INFORMATION AND DATA ON THIS DRAWING ARE THE PROPERTY OF FAUSLIN ARCHITECTURE.



JUL 25 2014

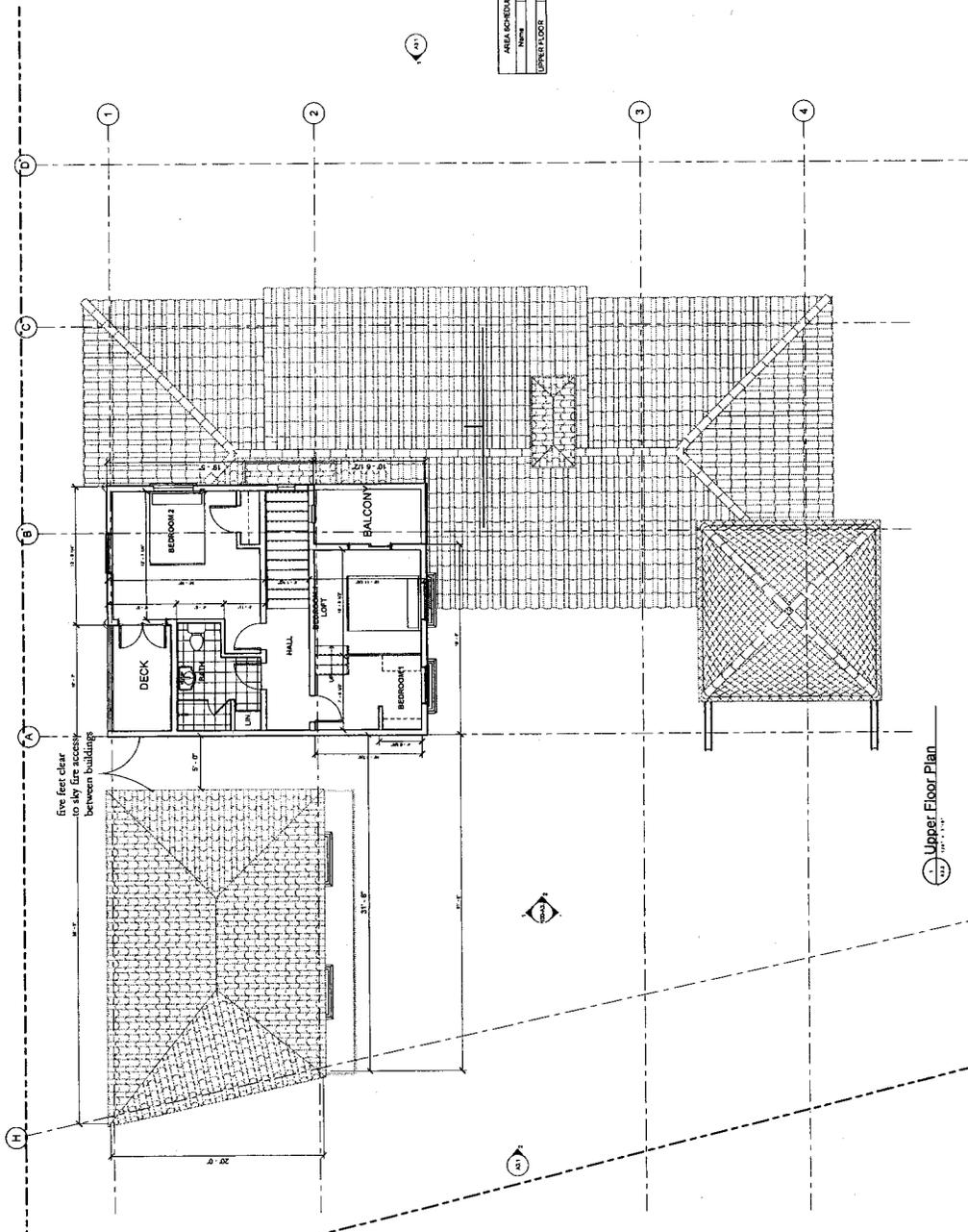
AREA SCHEDULE MAIN HOUSE			
Name	Area	Level	Comments
MAIN FLOOR	1177.37	Main Floor	USE
UPPER FLOOR	118.37	Upper Floor	USE


Faustini ART
 DESIGNERS
 2857 Ocean View Drive, Marina del Rey, CA
 Designed by Richard Johnson and Ray Faustini
 for Richard and Cindy Johnson
 (310) 457-1186
 Scale: 1/4" = 1'-0"

AREA SCHEDULE MAIN HOUSE	
Name	Area
MAIN FLOOR	1177.37
UPPER FLOOR	118.37

Main Floor
 2857 Ocean View Drive, Marina del Rey, CA
 Designed by Richard Johnson and Ray Faustini
 for Richard and Cindy Johnson
 (310) 457-1186
 Scale: 1/4" = 1'-0"

07/20/14 4:54:49 PM
 2857 Ocean View Drive, Marina del Rey, CA
 Designed by Richard Johnson and Ray Faustini
 for Richard and Cindy Johnson
 (310) 457-1186
 Scale: 1/4" = 1'-0"



five feet clear to sky fire access between buildings

AREA SCHEDULE UPPER FLOOR MAIN HOUSE			
Room	Area	Level	
UPPER FLOOR	482 SF	Upper Floor	

JUL 25 2014

Upper Floor Plan



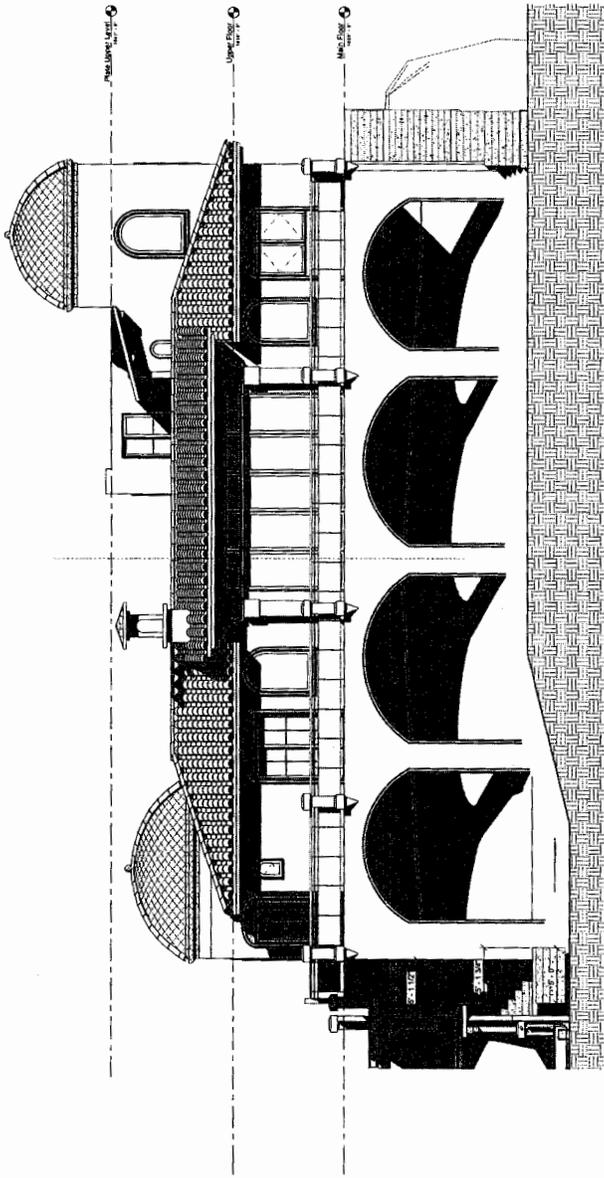
Upper Level Main Residence
 28377 Oakley Vista, Chino Hills, CA
 Designed by Richard Johnson and Ray Fausstini
 for Richard and Cindy Johnson
 (310) 457-1186

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

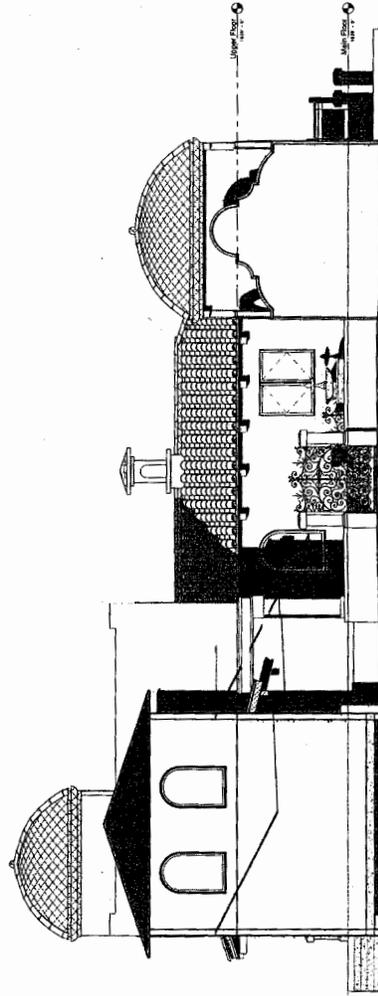
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06/13/2014 4:54:32 PM
 Date Issued: 06/13/14
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 Checked By: A2.2

22



East Elev.
1/8" = 1'-0"

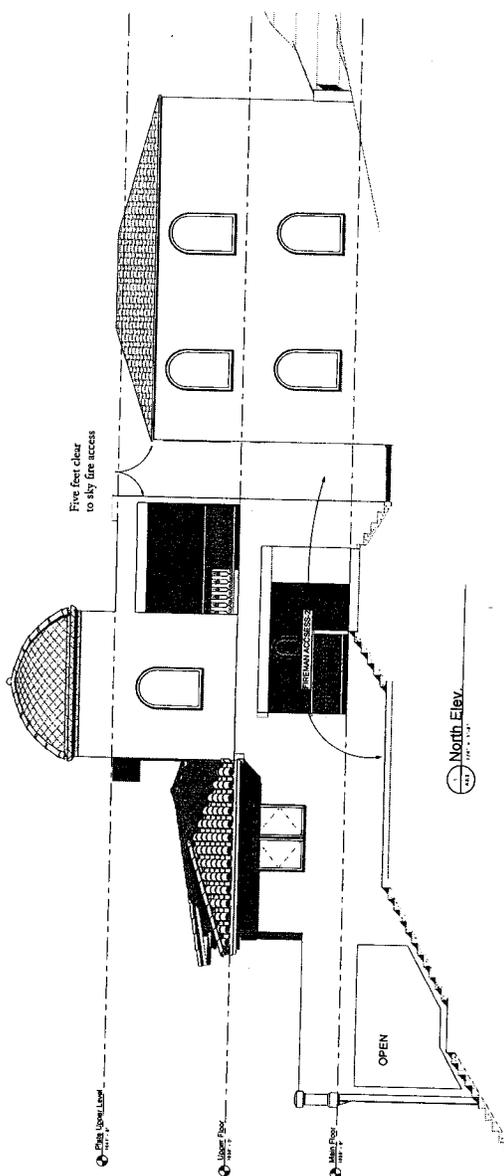


West Elev.
1/8" = 1'-0"

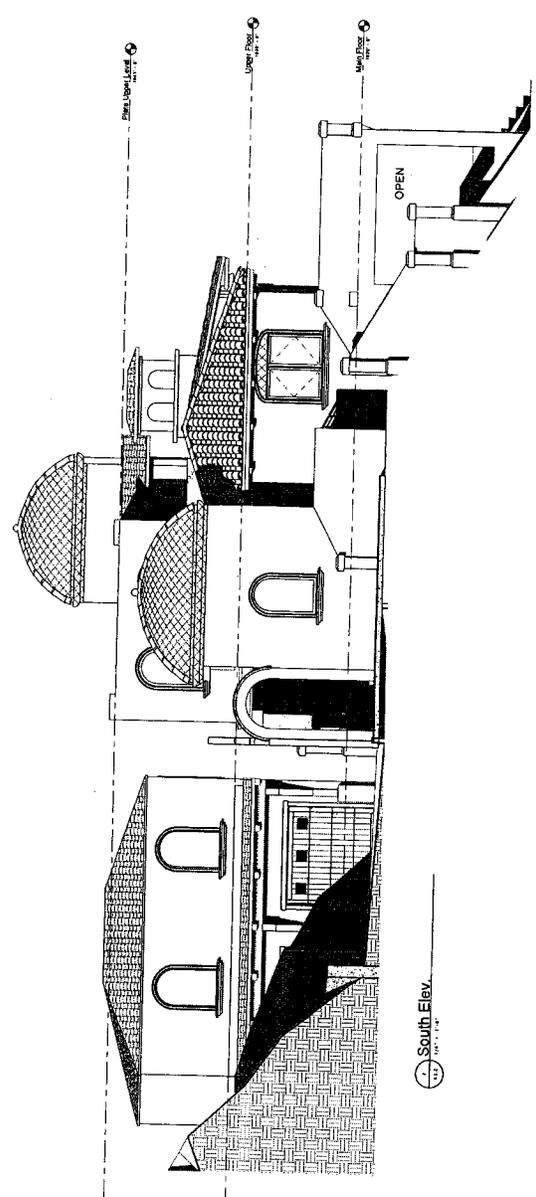
JUL 25 2004

 <p>Faustini ARI ARCHITECTURAL RENDERING INCORPORATED 1000 W. 10TH ST. SUITE 100 DENVER, CO 80202</p>	<p>Elevations 2007 Ocean View Drive Marsh, CA Designed by Richard Johnson and Ray Faustini for Richard and Chery Johnson (310) 457-1188</p>	<p>DATE: 07.14.04 BY: [Signature] CHECKED BY: [Signature]</p>
	<p>Scale: 1/8" = 1'-0"</p>	

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North Elev.



South Elev.

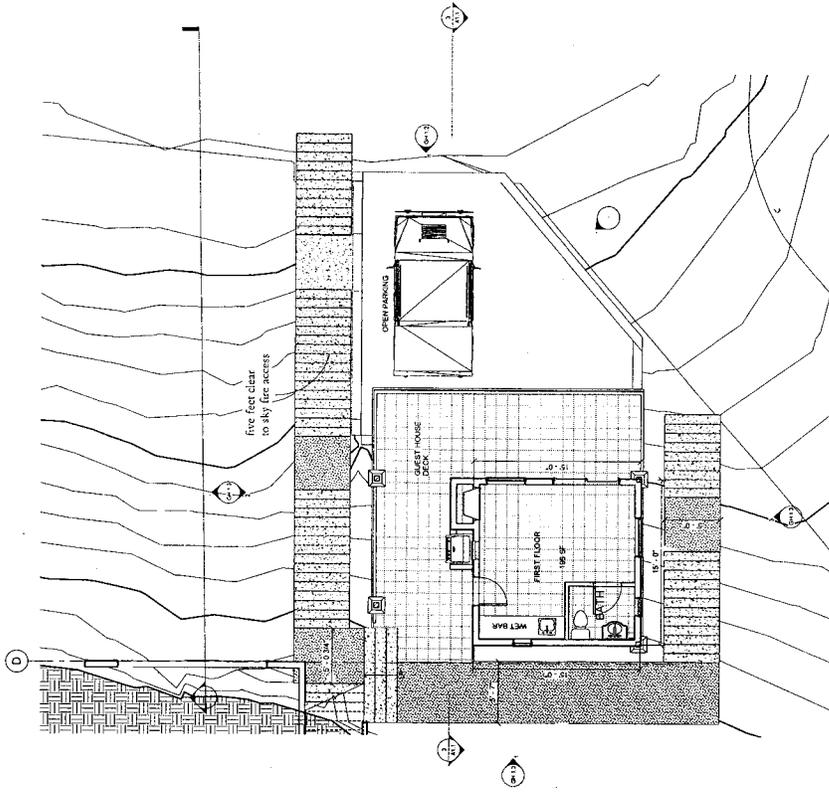
JUL 25 2014


Faustino Art
 DESIGNERS
 14220 - 14225 WILSON AVENUE
 VAN NUYS, CA 91411
 TEL: (818) 708-1111 FAX: (818) 708-1112

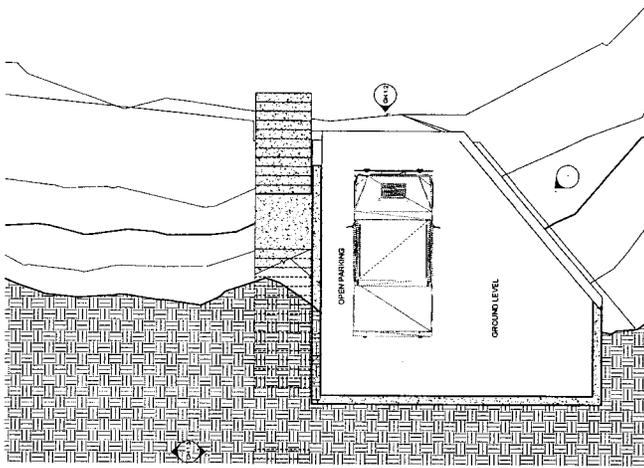
Elevation: 26071 Ocean View Drive Malibu, CA
 Designed by Richard Johnson and Ray Faustini
 for Richard and Cindy Johnson
 (310) 457-1196

Date Shown: 08.11.14
 Drawn By: A3.2
 Checked By: [Signature]
 Scale: 1/8" = 1'-0"

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GH FIRST FLOOR



GH PARKING

AREA SCHEDULE GUEST HOUSE			
NAME	AREA	LEVEL	
FIRST FLOOR	188 SF	GH FIRST FLOOR	

JUL 25 2014

FIRST FLOOR & PARKING
 2827 Ocean View Drive Malibu, CA
 Designed by Richard Johnson and Ray Fausolini
 for Richard and Cindy Johnson
 (310) 457-1196

DATE ISSUED: 07.13.14
 DRAWN BY: RL
 CHECKED BY: RL
GH 1.1
 SCALE: 1/8" = 1'-0"

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