

## CALIFORNIA COASTAL COMMISSION

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

# Th22c-g



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## ADDENDUM

**DATE:** February 9, 2015  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Items 22c-g, Thursday, February 12, 2015, Coastal Development Permit Application Numbers 4-13-1397, 4-14-0100, 4-14-0201, 4-14-0202, and 4-14-0621

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The purpose of this addendum is to correct inadvertent staff errors, and to attach correspondence received from the applicants' representative.

1) In order to ensure that all special conditions are accurately referenced in Section VI. Findings of the staff report dated January 29, 2014; the following references shall be modified.

- A. The reference to Special Condition One (1) on page 42 shall be replaced by Special Condition Fourteen (14).
- B. The references to Special Condition One (1) on page 43 shall be replaced by Special Condition Fourteen (14).
- C. The reference to Special Condition Seven (7) on page 46 shall be replaced by Special Condition Eight (8).
- D. The reference to Special Condition Two (2) on page 48 shall be replaced by Special Condition Sixteen (16).
- E. The references to Special Condition One (1) on page 48 shall be replaced by Special Condition Fifteen (15).
- F. The reference to Special Condition Three (3) on page 48 shall be replaced by Special Condition Seventeen (17).

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FEB 09 2015

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**Th22c-g**

February 3, 2015

Chairman Steve Kinsey  
and Coastal Commissioners  
California Coastal Commission  
45 Fremont Street, #2000  
San Francisco, CA 94105

Re: CDP Application Nos. 4-13-1397, 4-14-0100, 4-14-0201, 4-14-0202, 4-14-0621  
Agenda Items 22 c - g, Thursday, February 12, 2015  
3215, 3217, 3219 and 3221 Serra Road, and 3240 Cross Creek Road, Malibu

Dear Chairman Kinsey and Commissioners:

On Thursday, February 12, 2015, I will appear before you on Agenda Items 22 c-g which have a consolidated Staff Report and Recommendation and which will have a consolidated hearing. The CDP Applications are for the construction of five separate single family dwellings located at 3215, 3217, 3219 and 3221 Serra Road, and 3240 Cross Creek Road, Malibu. Although the post office address is Malibu and the property abuts the boundary of the City, the property is in the unincorporated area covered by the recently certified County LCP.

The Applicants have reviewed the Staff Report and Recommendation and agree with the proposed Special Conditions. The proposed Special Conditions are extensive, but this arises from the application of the newly certified County LCP and not because the project is particularly unusual or has any material impacts which the Special Conditions do not mitigate. The property is immediately behind the Serra Retreat and is served by roads and utilities all of which come through the City of Malibu. None of the construction is on habitat identified by the County as ESHA.

Four of the five lots were created by a subdivision map approved by the Commission in CDP 4-95-137 and 4-95-137-A2. The Commission also approved the grading, construction of the entry road to all four lots, placement of underground utilities and the construction of a bridge over the "unnamed" stream referred to on Pages 3 and 24 of the Staff Report. The construction under CDP 4-95-137 and 4-95-137-A2 has been completed at a cost of more than \$1,200,000 in hard costs and \$1,000,000 in engineering and environmental mitigation including TDC's and the change from an originally approved Arizona crossing of the stream to a full span bridge.


Chairman Steve Kinsey  
and Coastal Commissioners  
February 3, 2015  
Page 2

Due to the large designation of ESHA by the County LCP, there will be some necessary, but very limited, fire clearance and thinning to meet fire safety standards. The original subdivision already clustered the homesites together on the portion of the property closest to existing development. The fifth home is surrounded by previously constructed homes and fire suppression on the fifth home is limited to a small area not already impacted by previously approved development.

On Page 44 of the Staff Report, the Staff notes that a 200 foot radius from a single home within ESHA can result in impacts on 4-5 acres of habitat. The homes in these Applications are not within ESHA and only near ESHA to the north. Overlapping fire suppression zones limit impacts. All five of the proposed homes will have impacts on less than 2 acres. These impacts will be fully mitigated as required by Special Condition No. 10.

We wish to thank the Staff for its review of these applications. We realize that this is only the second time that the Commission has been called upon to implement the County LCP. The Staff Recommendation follows the LCP and the Special Conditions establish more rigid and detailed restrictions than the Commission had found necessary under the Coastal Act. The Applicant accepts these Special Conditions and asks the Commission to approve each of the CDPs. I may contact you during the next week to inquire if you have any questions concerning these Applications.

Sincerely,



SHERMAN L. STACEY

SLS/dc

cc: All Commissioners and Alternates  
Dr. Charles Lester, Executive Director  
Mr. John Ainsworth, South Central Coast District  
Ms. Jacqueline Blaugrund, South Central Coast District  
Ms. Leslie London  
Ms. Sharon A. Gee  
Mr. Doug Burdge

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# Th22c-g



Filed: 4-13-1397, 4-14-0100, 4-14-0202, 4-14-0621: 10/9/14  
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180th Day: 4-13-1397, 4-14-0100, 4-14-0202, 4-14-0621: 4/7/15  
4-14-0201: 3/15/15  
Staff: J. Blaugrund  
Staff Report: 1/29/15  
Hearing Date: 2/12/15

## STAFF REPORT: REGULAR CALENDAR

**Application Numbers:** 4-13-1397, 4-14-0100, 4-14-0201, 4-14-0202, 4-14-0621

**Applicants:** Eucalyptus Ranch LP, Hacienda Robles LP, Pepper Creek LP, Canary Island Palm LP, Rancho Tecolote LP

**Agents:** Derrick Davis, Burdge & Associates Architects, Inc.  
Schumetta McLendon and Adam Goff, SM Permitting & Design Services

**Project Location:** 3215, 3217, 3221, 3219 Serra Road and 3240 Cross Creek Road, Santa Monica Mountains, Los Angeles County

**Project Description:** These applications are for five new single-family residences ranging from 4,283 sq. ft. to 8,894 sq. ft. in size, and associated development on five adjoining lots. In total, the applicants propose 6,046 cu. yds. of grading (3,682 cu. yds. cut and 2,364 cu. yds. fill) for the five residences and associated development. Due to the related nature of the five coastal development permit ("CDP") applications, all of the proposed development will be addressed in one staff report. The project descriptions for each separate application are provided below.

### **CDP Application 4-13-1397 (Eucalyptus Ranch, LP) (APN 4457-003-023)**

The applicant is proposing to construct a 28'9" high (as measured from finished grade), two-level with basement, 7,485 sq. ft. single family residence on an approximately 7.6 acre lot, with a detached 748 sq. ft. garage and 548 sq. ft. guest house. The proposed development also includes a swimming pool and spa, onsite waste water treatment system, and 18,000 gallon belowground water tank. In total, the proposed project requires 960 cu. yds. grading (820 cu. yds. cut, 140 cu. yds. fill), and retaining walls.

**CDP Application 4-14-0100 (Hacienda Robles, LP) (APN 4451-003-022)**

The applicant is proposing to construct a 27'8" high (as measured from finished grade), two-level, 6,523 sq. ft. single family residence on an approximately 13 acre lot, with an attached 729 sq. ft. garage. The proposed development also includes a swimming pool and spa, gazebo, onsite waste water treatment system, and 18,000 gallon belowground water tank. In total, the proposed project requires 700 cu. yds. grading (320 cu. yds. cut, 380 cu. yds. fill), and retaining walls.

**CDP Application 4-14-0201 (Pepper Creek, LP) (APN 4457-003-020)**

The applicant is proposing to construct a 29'8" high (as measured from finished grade), two-level with basement, 8,894 sq. ft. single family residence on an approximately 7.2 acre lot, with an attached 834 sq. ft. garage. The proposed development also includes a swimming pool and spa, onsite waste water treatment system, and 18,000 gallon belowground water tank. In total, the proposed project requires 2,140 cu. yds. grading (635 cu. yds. cut, 1,505 cu. yds. fill), and retaining walls.

**CDP Application 4-14-0202 (Canary Island Palm, LP) (APN 4457-003-019)**

The applicant is proposing to construct a 27'5" high (as measured from finished grade), two-level with basement, 7,139 sq. ft. single family residence on an approximately 7.2 acre lot, with an attached 537 sq. ft. garage. The proposed development also includes a swimming pool and spa, onsite waste water treatment system, and 18,000 gallon belowground water tank. In total, the proposed project requires 820 cu. yds. grading (580 cu. yds. cut, 240 cu. yds. fill), and retaining walls.

**CDP Application 4-14-0621 (Rancho Tecolote, LP) (APN 4457-002-038)**

The applicant is proposing to construct a 28'8" high (as measured from finished grade), three-level, 4,283 sq. ft. single family residence on an approximately 14 acre lot, with an attached 701 sq. ft. garage. The proposed development also includes a swimming pool and spa, and onsite waste water treatment system. In total, the proposed project requires 1,426 cu. yds. grading (1,327 cu. yds. cut, 99 cu. yds. fill), and retaining walls.

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**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed development with conditions. The proposed development includes five residences and associated development, on five parcels located in the Santa Monica Mountains portion of Los Angeles County, just north of the City of Malibu. Four of the five proposed residences would be located on parcels that were created through a subdivision approved by the Commission in Coastal Development Permit (CDP) 4-95-173. The fifth residence is proposed on a legal parcel which is immediately adjacent to those that resulted

from CDP 4-95-173. Due to the related nature of the five CDP applications, all of the proposed development will be addressed in one staff report<sup>1</sup>.

Specifically, the subject properties are situated among existing single-family residences to the east, south, and west, and State Park lands are located to the north, as depicted on Exhibit 2. The properties consist of very steep south facing slopes to the north and gentle slopes on the southerly sections of the properties where the five residences and associated development are proposed to be located. A portion of one unnamed USGS blue-line stream flows in a southwesterly direction near four of the residential building sites, toward Malibu Creek, which is approximately 0.6 miles away. Malibu Lagoon is approximately 1.1 miles southwest of the site.

The proposed residences would be located on areas designated as H3 on Santa Monica Mountains Land Use Plan (LUP) Map 2: Biological Resources, which does not constitute ESHA. However, habitat adjacent to the proposed building sites has been designated H1, H2, and H2-High Scrutiny, all of which constitute ESHA. The Santa Monica Mountains LCP requires that all development in H3 conform to a building site area that is no more than 10,000 square feet in size. The applicants have proposed building site areas that are larger than 10,000 square feet. The Commission has therefore required revised plans, which depict a building site area that is no more than 10,000 square feet in size. Additionally, although the proposed residences will be located in an area designated as H3, fuel modification will adversely impact the surrounding H1, H2, and H2-High Scrutiny habitat, as such, consistent with the Santa Monica Mountains LCP, the Commission has required habitat impact mitigation.

Additionally, CDP 4-13-1397 includes a proposed guest house; however, the applicant has 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 impact mitigation and County of Los Angeles Department of Environmental Health and Public Works approval have been required. Should the applicant 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.

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

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<sup>1</sup> The applications are being considered together pursuant to section 13058 of the Commission's regulations (14 CCR § 13058), which states, in part, that "[w]here two or more applications are legally or factually related, the executive director may prepare a consolidated staff report. Either the commission or the executive director may consolidate a public hearing where such consolidation would facilitate or enhance the commission's ability to review the developments for consistency with the requirements of the Coastal Act."

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## APPENDICES

### Appendix 1 Substantive File Documents

## EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Aerial Photograph
- Exhibit 3. Parcel Map
- Exhibit 4. Project Plans for 4-13-1397
- Exhibit 5. Project Plans for 4-14-0100
- Exhibit 6. Project Plans for 4-14-0201
- Exhibit 7. Project Plans for 4-14-0202
- Exhibit 8. Project Plans for 4-14-0621
- Exhibit 9. Open Space Easement Area for CDP 4-14-0621

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, County of Los Angeles Fire Department, Fire Prevention Engineering Approval.

## I. MOTIONS AND RESOLUTIONS

The staff recommends that the Commission adopt the following resolutions:

### A. APPROVAL OF CDP NUMBER 4-13-1397

#### **Motion:**

*I move that the Commission **approve** Coastal Development Permit Number 4-13-1397 pursuant to the staff recommendation.*

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

#### **Resolution:**

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



*substantially lessen any significant adverse impacts of the development on the environment.*

**B. APPROVAL OF CDP NUMBER 4-14-0100**

**Motion:**

*I move that the Commission **approve** Coastal Development Permit Number 4-14-0100 pursuant to the staff recommendation.*

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

**Resolution:**

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

**C. APPROVAL OF CDP NUMBER 4-14-0201**

**Motion:**

*I move that the Commission **approve** Coastal Development Permit Number 4-14-0201 pursuant to the staff recommendation.*

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

**Resolution:**

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

*substantially lessen any significant adverse impacts of the development on the environment.*

**D. APPROVAL OF CDP NUMBER 4-14-0202**

**Motion:**

*I move that the Commission **approve** Coastal Development Permit Number 4-14-0202 pursuant to the staff recommendation.*

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

**Resolution:**

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

**E. APPROVAL OF CDP NUMBER 4-14-0621**

**Motion:**

*I move that the Commission **approve** Coastal Development Permit Number 4-14-0621 pursuant to the staff recommendation.*

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

**Resolution:**

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

*substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

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

## III. SPECIAL CONDITIONS

*Special Conditions One (1) through Thirteen (13) shall apply to CDPs 4-13-1397, 4-14-0100, 4-14-0201, 4-14-0202, 4-14-0621.*

### 1. Plans Conforming to Geotechnical Engineer's Recommendations

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

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

## **2. Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

## **3. Permanent Drainage and Polluted Runoff Control Plan**

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

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

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

- (1) Projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development, unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation.

- (2) Post-development runoff rates from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (4) Landscape plants shall have low water and chemical treatment demands and be consistent with **Special Condition 5, Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit and, if applicable, in accordance with engineered plans prepared by a qualified licensed professional.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed where needed to prevent erosion. Plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system shall be prepared by a qualified licensed professional. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The qualified, licensed professional shall ensure that all energy dissipaters use the minimum amount of rock and/or other hardscape necessary to protect the site from erosion.
- (7) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15<sup>th</sup> and April 15<sup>th</sup> of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (9) For projects located on a hillside, slope, or which may otherwise be prone to geologic instability, site drainage and BMP selection shall be developed concurrent with the preliminary development design and grading plan, and final drainage plans shall be approved by a licensed geotechnical engineer or engineering geologist.
- (10) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the affected area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

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

#### **4. Interim Erosion Control Plans and Construction Responsibilities**

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices Plan, prepared by a qualified, licensed professional. The qualified, licensed professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan are in conformance with the following requirements:

##### **1. Erosion Control Plan**

- (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.
- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded

with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

- (g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

## 2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a permitted disposal site or recycled at a permitted recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact

with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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

## **5. Landscaping and Fuel Modification Plans**

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

### **A) Landscaping Plan**

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;



- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- (5) Fencing of the entire property is prohibited. Fencing shall extend no further than the approved development area. The fencing type and location shall be illustrated on the landscape plan. Fencing shall also be subject to the color requirements outlined in **Special Condition 6, Structural Appearance**, below.

**B) Fuel Modification Plans**

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

**C) Conformance with Commission Approved Site/Development Plans**

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

**D) Monitoring**

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

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

remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

## **6. Structural Appearance**

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

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

## **7. 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, any grading, clearing or other disturbance of vegetation other than

as provided for in the approved landscape plan prepared pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, shall require an amendment to this Coastal Development Permit from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

## **9. Deed Restriction**

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

## **10. Habitat Impact Mitigation**

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

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

### **A. Habitat Restoration**

#### **1) Habitat Restoration Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a habitat restoration plan, for the review and approval of the Executive

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

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

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

## 2) Open Space Deed Restriction

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

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

### 3) Performance Bond

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

## **B. Habitat Conservation**

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

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

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

## **C. Habitat Impact Mitigation Fund**

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

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

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

**2. Non-irrigated Fuel Modification Zones**

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

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

**11. Removal of Excavated Material**

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

**12. Pool and Spa Drainage and Maintenance**

By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity balance to ensure any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a

street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

### **13. Archaeological Resources**

By acceptance of this permit the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation that involve earth moving operations. The number of monitors shall be adequate to observe the activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by an archaeologist(s) for the purpose of locating, recording, and collecting any archaeological materials. In the event that an area of intact buried cultural deposits are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy shall be developed by the applicant's archaeologist and the Native American consultant and implemented subject to the review and approval of the Executive Director.

*The following Special Condition Fourteen (14) shall also apply to CDPs 4-13-1397, 4-14-0100, 4-14-0201, and 4-14-0202.*

### **14. Revised Plans**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two 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 depict a maximum 10,000 square foot building site area and shall delete any grading that would expand the existing graded pad (including the cut/fill slopes for the graded pad). New driveways shall utilize existing graded pad areas to the maximum extent feasible. All approved flammable structures shall be located within the 10,000 square foot building site area.

B. The Permittee 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.

*The following Special Conditions Fifteen (15) through Seventeen (17) shall also apply to CDP 4-13-1397.*

### **15. Revised Plans**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant 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 one of the following:

- (1) Delete the proposed guest house, unless the applicant has demonstrated that a Transfer of Development Credit (TDC) has been obtained in accordance with **Special Condition**

**Sixteen (16)** below and that County approvals have been obtained in accordance with **Special Condition Seventeen (17)** below.

- (2) Should the applicants demonstrate fulfillment of Special Condition Sixteen (16) and Special Condition Seventeen (17), the applicant shall submit revised plans that depict the location of the on-site wastewater treatment system that will serve the guesthouse.

B. The Permittee 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.

## **16. Cumulative Impacts Mitigation**

### **A. Transfer of Development Credit**

- a. The applicant 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 applicant 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 applicant 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 applicant 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 applicant 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 applicant fail to submit the evidence of lot extinguishment required by this Special Condition, the applicant shall submit plans deleting the guest house from the project plans, consistent with **Special Condition Number Fifteen (15), Revised Plans**.

#### **17. Departments of Environmental 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 Approval from the County of Los Angeles Departments of Environmental Health and Public Works for an 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 revised plans deleting the guest house from the project plans, consistent with **Special Condition Number Fifteen (15), Revised Plans**.

*The following Special Condition Fourteen (14) shall also apply to CDP 4-14-0621.*

#### **14. Open Space Conservation Easement**

A. No development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities shall occur outside of the approved building site, within the portion of the property identified as the “open space conservation easement area”, as shown in **Exhibit Nine (9)** except for:

- (1) Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the final approved fuel modification plan for structures approved by the County of Los Angeles in a coastal development permit;
- (2) Drainage and polluted runoff control activities required and approved by the County of Los Angeles in a coastal development permit;
- (3) Planting of native vegetation and other restoration activities, if approved by the County of Los Angeles in a coastal development permit;
- (4) If approved by the County of Los Angeles in a coastal development permit,
  - a. construction and maintenance of public hiking trails; and
  - b. construction and maintenance of roads, trails, and utilities consistent with existing easements.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, granting to the Mountains Recreation and Conservation Authority (“MRCA”) on behalf of the people of the State of California an open space conservation easement over the “open space conservation easement area” described above, for the purpose of habitat protection. The recorded easement document shall include a formal legal description of the entire property; and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area, as generally shown on **Exhibit Nine (9)**. The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances (other than existing easements for roads, trails, and utilities) which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the MRCA on behalf of the people of the State of California, binding all successors and assigns.

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

The Commission hereby finds and declares:

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

The subject applications are for five new single-family residences ranging from 4,283 sq. ft. to 8,894 sq. ft. in size, and associated development on five adjoining lots in Los Angeles County, just north of the City of Malibu. The properties consists of very steep south facing slopes to the north and gentle slopes on the southerly sections of the properties where the five residences and associated development are proposed to be located. A portion of one unnamed USGS blue-line stream flows in a southwesterly direction near four of the residential building sites, toward Malibu Creek, which is approximately 0.6 miles away. Malibu Lagoon is approximately 1.1 miles southwest of the site. The subject properties are situated among existing single-family residences to the east, south, and west, and State Park lands are located to the north, as depicted on Exhibit 2. The subject properties do not contain, and are not visible from any public trails.

Four of the five proposed residences (Coastal Development Permit applications 4-13-1397, 4-14-0100, 4-14-0201, and 4-14-0621) would be located on parcels and existing building pads created pursuant to Coastal Development Permit (CDP) 4-95-173, as depicted on Exhibit 3. This CDP was approved on August 15, 1996, and allowed for the subdivision of a 35.8 acre parcel (APN 4457-002-037) into four single-family residential parcels ranging in size from 7.3 to 13.1 acres, private roadway improvements, dedication of 30 acres of permanent open space, existing water storage tank and access road, building pads and utilities, drainage management devices (culverts, energy dissipaters), 8,460 cubic yards of grading, and an Arizona creek crossing. The approved development also included the removal of four-fire damaged coastal live oak trees and approximately 150 avocado trees.

CDP 4-95-173 was subsequently amended (Permit Amendment No. 4-95-173-A1) to include a road easement for a previously existing dirt access road as an allowable use in the dedicated open space area to the northwest of lot 4. Additionally, a second amendment (Permit Amendment No. 4-95-173-A2) was approved to consolidate two driveways into one realigned driveway to

provide access to all four lots and to eliminate an Arizona crossing and replace it with a prefabricated bridge.

CDP Application 4-14-0621 includes a residence and associated development on a parcel that did not result from the subdivision approved in CDP 4-95-173. This parcel, however, is located immediately adjacent to the parcels resulting from the subdivision, and was created legally through a succession of lot splits. The majority of the lot splits occurred prior to the effective date of the Coastal Act. One land division between the subject site and property to the north of this site occurred in 1984. This division was brought about in connection with the purchase of the land to the north by State Parks for public recreational use, so that division was not development (as defined by Section 30106 of the Coastal Act) and did not require approval of a coastal development permit.

To clearly address what is proposed on each parcel, the project descriptions are provided below for each separate application.

CDP Application Number	Applicant	Assessor's Parcel Number	Lot Number
4-13-1397	Eucalyptus Ranch	4457-003-023	Lot 1
4-14-0100	Hacienda Robles	4457-003-022	Lot 2
4-14-0201	Pepper Creek	4457-003-020	Lot 4
4-14-0202	Canary Island Palm	4457-003-019	Lot 3
4-14-0621	Rancho Tocolote	4457-002-038	Lot 5

#### **CDP Application 4-13-1397 (Eucalyptus Ranch, LP) (APN 4457-003-023)**

The applicant is proposing to construct a 28'9" high (as measured from finished grade), two-level with basement, 7,485 sq. ft. single family residence on an approximately 7.6 acre lot, with a detached 748 sq. ft. garage and 548 sq. ft. guest house. The proposed development also includes a swimming pool and spa, onsite waste water treatment system, and 18,000 gallon belowground water tank. In total, the proposed project requires 960 cu. yds. grading (820 cu. yds. cut, 140 cu. yds. fill), and retaining walls.

#### **CDP Application 4-14-0100 (Hacienda Robles, LP) (APN 4451-003-022)**

The applicant is proposing to construct a 27'8" high (as measured from finished grade), two-level, 6,523 sq. ft. single family residence on an approximately 13 acre lot, with an attached 729 sq. ft. garage. The proposed development also includes a swimming pool and spa, gazebo, onsite waste water treatment system, and 18,000 gallon belowground water tank. In total, the proposed project requires 700 cu. yds. grading (320 cu. yds. cut, 380 cu. yds. fill), and retaining walls.

#### **CDP Application 4-14-0201 (Pepper Creek, LP) (APN 4457-003-020)**

The applicant is proposing to construct a 29'8" high (as measured from finished grade), two-level with basement, 8,894 sq. ft. single family residence on an approximately 7.2 acre lot, with an attached 834 sq. ft. garage. The proposed development also includes a swimming pool and spa, onsite waste water treatment system, and 18,000 gallon belowground water tank. In total,

the proposed project requires 2,140 cu. yds. grading (635 cu. yds. cut, 1,505 cu. yds. fill), and X retaining walls.

**CDP Application 4-14-0202 (Canary Island Palm, LP) (APN 4457-003-019)**

The applicant is proposing to construct a 27'5" high (as measured from finished grade), two-level with basement, 7,139 sq. ft. single family residence on an approximately 7.2 acre lot, with an attached 537 sq. ft. garage. The proposed development also includes a swimming pool and spa, onsite waste water treatment system, and 18,000 gallon belowground water tank. In total, the proposed project requires 820 cu. yds. grading (580 cu. yds. cut, 240 cu. yds. fill), and retaining walls.

**CDP Application 4-14-0621 (Rancho Tecolote, LP) (APN 4457-002-038)**

The applicant is proposing to construct a 28'8" high (as measured from finished grade), three-level, 4,283 sq. ft. single family residence on an approximately 14 acre lot, with an attached 701 sq. ft. garage. The proposed development also includes a swimming pool and spa, and onsite waste water treatment system. In total, the proposed project requires 1,426 cu. yds. grading (1,327 cu. yds. cut, 99 cu. yds. fill), and retaining walls.

**B. HAZARDS AND GEOLOGIC STABILITY**

Policy SN-1 of the Santa Monica Mountains Land Use Plan states:

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

Policy SN-11 of the Santa Monica Mountains Land Use Plan states:

*New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

SN-12 of the Santa Monica Mountains Land Use Plan states:

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

SN-16 of the Santa Monica Mountains Land Use Plan states:

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

SN-17 of the Santa Monica Mountains Land Use Plan states:

*New development shall not increase peak stormwater flows.*

Policy SN-19 of the Santa Monica Mountains Land Use Plan states:

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

Policy SN-20 of the Santa Monica Mountains Land Use Plan states:

*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.*

Policy SN-21 of the Santa Monica Mountains Land Use Plan states:

*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 of the Santa Monica Mountains Land Use Plan states:

*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 of the Santa Monica Mountains Land Use Plan states:

*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.*

Policy SN-26 of the Santa Monica Mountains Land Use Plan states:

*New development adjacent to public parkland shall be sited at least 200 feet from all parkland, where feasible, and designed to ensure that all required fuel modification is located within the project site boundaries and no brush clearance is required within the public parkland. New development that requires unavoidable brush clearance in parklands shall only be approved to allow a reasonable economic use, brush clearance shall be minimized to the maximum extent feasible, and all resource impacts shall be fully mitigated.*

Policy SN-32 of the Santa Monica Mountains Land Use Plan states:

*Maintain onsite, where feasible, alternative water resources for fire-fighting purposes. Water tanks shall be sized consistent with County minimum requirements, clustered with approved structures, and sited to 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. ARCHAEOLOGICAL RESOURCES

Policy CO-204 of the Santa Monica Mountains Land Use Plan states:

*Protect and preserve archaeological, historical, and paleontological resources from destruction, and avoid impacts to such resources where feasible. Where avoidance is not feasible, minimize impacts to resources to the maximum extent feasible.*

Policy CO-205 of the Santa Monica Mountains Land Use Plan states:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. Mitigation shall be designed to accord with guidelines of the State*



*Office of Historic Preservation and the State of California Native American Heritage Commission.*

Policy CO-206 of the Santa Monica Mountains Land Use Plan states:

*Regulate landform alteration to ensure minimal disturbance of known archaeological and historic cultural sites. New development on sites identified as archaeologically sensitive shall include onsite monitoring of all grading, excavation, and site preparation that involve earthmoving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).*

Policy CO-208 of the Santa Monica Mountains Land Use Plan states:

*New development within archaeologically-sensitive areas shall implement appropriate mitigation measures, designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.*

Policy CO-209 of the Santa Monica Mountains Land Use Plan states:

*Preserve and protect cultural resources and traditions that are of importance to Native Americans, including the Chumash and Gabrieliño/Tongva peoples.*

Policy CO-211 of the Santa Monica Mountains Land Use Plan states:

*Notify all appropriate agencies, including Native American tribes, and the Department of Regional Planning of archaeological or paleontological resources discovered during any phase of development construction to ensure proper surface and site recordation and treatment.*

The greater province of the Santa Monica Mountains is the locus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the sites already recorded are sufficient in both numbers and diversity to predict the ultimate significance of these unique resources. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even if they are less rich in materials, have become increasingly valuable. As such, the above referenced LUP policies require the protection of archaeological resources and the implementation of mitigation measures to avoid or minimize any impacts.

Archaeological sites have been identified both on and adjacent to the subject sites. Although a majority of the grading, excavation, and earthwork necessary for the proposed development has been completed pursuant to CDP 4-95-137, additional earthwork is proposed as a component of the subject CDP applications. New development on natural sites or additional development on natural areas of developed sites can damage or destroy archaeological resources. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. If a project is not properly monitored and managed during construction activities, archaeological resources can be degraded or destroyed. Thus, **Special Condition Thirteen (13)** requires that all grading, excavation, and site preparation that involves earth-moving operations be monitored by a qualified archaeologist and appropriate Native American consultants, and that if cultural resources are identified on the project site, the

development must protect or avoid such resources, consistent with the recommendations of the archaeologist and Native American consultant.

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

#### **D. WATER QUALITY**

Policy SN-16 of the Santa Monica Mountains Land Use Plan states:

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

Policy CO-2 of the Santa Monica Mountains Land Use Plan states:

*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.*

Policy CO-3 of the Santa Monica Mountains Land Use Plan states:

*To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs and/or the 85<sup>th</sup> percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increase in storm water or dry weather flows.*

Policy CO-4 of the Santa Monica Mountains Land Use Plan states:

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

Policy CO-5 of the Santa Monica Mountains Land Use Plan states:

*Infiltrate development runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows.*

Policy CO-17 of the Santa Monica Mountains Land Use Plan states:

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

Policy CO-30 of the Santa Monica Mountains Land Use Plan states:

*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.*

Policy CO-54 of the Santa Monica Mountains Land Use Plan states:

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

Policy CO-76 of the Santa Monica Mountains Land Use Plan states:

*All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.*

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

LIP Section 22.44.1340 “Water Resources,” in relevant part, states:

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

...

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

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

...

*E. Where BMPs are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The selection of the BMPs shall be prioritized in the following order: 1) site design BMPs (e.g., minimizing the project's impervious footprint or using pervious pavements), 2) source control BMPs (e.g., revegetate using a plant palette that has low fertilizer/pesticide requirements), and 3) treatment control BMPs (e.g., use vegetated swales). When the combination of site design and source control BMPs is not sufficient to protect water quality, treatment control BMPs shall be required, in addition to site design and source control measures. The design of BMPs shall be guided by the current edition of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks, or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development, and specific to a climate similar to the Santa Monica Mountains.*

...

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

...

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

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

pesticides, and other pollutants, as well as effluent from septic systems. LUP Policy CO-2 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.

Additionally, both leakage and periodic maintenance drainage of the proposed swimming pools, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing the instability of the site and adjacent properties and potential impacts from pool chemicals (i.e. pool water algaecides, chemical pH balancing, and other water conditioning chemicals). In order to minimize adverse impacts to water quality resulting from the proposed pools and spas, the Commission requires **Special Condition Twelve (12)**, which requires the applicants to install no or low chlorine purification systems, and to not discharge pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

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 sites are suitable for the proposed septic systems and that there would be no adverse impact to the sites 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.

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 Eleven (11)**.

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

#### **E. ENVIRONMENTALLY SENSITIVE HABITAT**

Policy CO-33 of the Santa Monica Mountains Land Use Plan states:

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

- 1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.*
- 2) H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 "High Scrutiny" habitat, which comprises sensitive H2 habitat species/habitats that should be given avoidance priority over other H2 habitat. This habitat contains (1) CNDDDB-identified rare natural communities; (2) plant and animal species listed by the State or Federal government as rare, threatened, or endangered; listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species, normally associated with H2 habitats. H2 "High Scrutiny" habitat also includes (1) plant and animals species listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or*

*Global ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat.*

Policy CO-34 of the Santa Monica Mountains Land Use Plan states:

*H3 habitat consists of areas that would otherwise be designated as H2 habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development. This category also includes areas of native vegetation that are not significantly disturbed and would otherwise be categorized as H2 habitat, but have been substantially fragmented or isolated by existing, legal development and are no longer connected to large, contiguous areas of coastal sage scrub and/or chaparral-dominated habitats. This category includes lawfully-developed areas and lawfully-disturbed areas dominated by non-native plants such as disturbed roadside slopes, stands of non-native trees and grasses, and fuel modification areas around existing development (unless established illegally in an H2 or H1 area). This category further includes isolated and/or disturbed stands of native tree species (oak, sycamore, walnut, and bay) that do not form a larger woodland or savannah habitat. While H3 habitat does not constitute a SERA, these habitats provide important biological functions that warrant specific development standards for the siting and design of new development.*

Policy CO-44 of the Santa Monica Mountains Land Use Plan states:

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

Policy CO-51 of the Santa Monica Mountains Land Use Plan states in relevant part:

*Where new residential development is permitted in H3 habitat, the maximum allowable residential building site area shall be 10,000 square feet, or 25 percent of the parcel size, whichever is less.*

Policy CO-54 of the Santa Monica Mountains Land Use Plan states in relevant part:

*Use primarily locally-indigenous plant species in landscape areas within Fuel Modification Zones A and B of structure(s) requiring fuel modification. Non-locally-indigenous plants and gardens that are not invasive may be allowed within the building site area and in Fuel Modification Zones A and B, with associated irrigation, provided that the species are consistent with Fire Department requirements and all efforts are made to conserve water. Invasive plants are strictly prohibited. The removal or trimming, thinning or other reduction of natural vegetation, including locally-indigenous*

*vegetation, is prohibited except when required for construction of an approved development and/or for compliance with fuel modification requirements for approved or lawfully-existing development. Los Angeles County will work with organizations, homeowners, and park agencies on educational programs to reduce the spread of invasive plant species within the Coastal Zone.*

Policy CO-74 of the Santa Monica Mountains Land Use Plan states in relevant part:

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

Policy CO-67 of the Santa Monica Mountains Land Use Plan states:

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

Policy CO-77 of the Santa Monica Mountains Land Use Plan states:

*New development in H2 and H3 habitat areas shall be sited and designed to minimize removal of native vegetation and required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be reduced through thinning or mowing, rather than complete removal of vegetation. All vegetation removal, thinning and mowing required for new development must avoid disturbance of wildlife and special-status species, including nesting birds.*

Policy CO-94 of the Santa Monica Mountains Land Use Plan states:

*Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low-intensity features, shielded, and cause no light to trespass into native habitat to minimize impacts on wildlife. Night lighting for development allowed in H2 or H3 habitat may be permitted when subject to the following standards.*

*a. The minimum lighting necessary shall be used 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, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent. All other lighting of driveways or access roads is prohibited.*

*b. Security lighting shall be attached to the residence or permitted accessory structures that is controlled by motion detectors, and is limited to 60 watts, or the equivalent.*



*c. Night lighting for sports courts or other private recreational facilities shall be prohibited except for minimal lighting for equestrian facilities as provided for in CO-103.*

*d. Lighting is prohibited around the perimeter of the parcel or for aesthetic purposes.*

*e. Prior to issuance of a CDP, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction, but may be required to submit a written statement agreeing to any applicable restrictions contained in this subsection.*

Policy CO-117 of the Santa Monica Mountains Land Use Plan states:

*Require open space easements or deed restrictions as part of development projects on sites containing SERAs in order to ensure that approved building site areas are limited and impacts to coastal habitat are minimized.*

Section 22.44.1320 of the Santa Monica Mountains Implementation Plan states in relevant part: Building construction and site design shall be subject to the following standards:

- A. Clustering of structures and lots shall be required to site new construction in areas of least visibility, unless to do so would cause substantial habitat damage and destruction.*
- B. Minimize the apparent size of exterior wall surfaces visible from offsite by using landscaping and/or other means of horizontal and vertical articulation to create changing shadow lines and break up the appearance of massive forms. Avoidance of impacts to visual resources through site selection and design alternatives is the preferred method over landscape screening. Landscape screening, as mitigation of visual impacts, shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures.*
- C. Reflective, glossy, polished, and/or roll-formed type metal siding shall be prohibited.*
- D. Polished and/or roll-formed type metal roofing shall be prohibited.*
- E. Colors and exterior materials used for new development shall be compatible with the surrounding landscape. Acceptable colors shall be limited to earth tones that blend with the surrounding environment, including shades of green, brown, and gray, and no white or light shades, and no bright tones.*

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

- A. New non-resource dependent development shall be prohibited in areas designated H1 Habitat to protect these most sensitive environmental resource areas from disruption of habitat values, unless otherwise provided in Section 22.44.1890 and subject to the standards of this section, Section 22.44.1920, and Section 22.44.1950.*
- B. New development shall avoid H2 Habitat (including H2 High Scrutiny Habitat), where feasible, to protect these sensitive environmental resource areas from*

*disruption of habitat values, subject to the standards of this section, Section 22.44.1920, and Section 22.44.1950. H2 High Scrutiny Habitat is considered a rare and extra sensitive H2 Habitat subcategory that shall be given protection priority over other H2 habitat and shall be avoided to the maximum extent feasible.*

- C. *New development shall be sited in a manner that avoids the most biologically-sensitive habitat on site where feasible, in the following order of priority--(H1, H2 High Scrutiny, H2, H3-- while not conflicting with other LCP policies.*

Section 22.44.1920(J) of the Santa Monica Mountains Implementation Plan states in relevant part:

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

1. *All portions of the project site outside of the Fire Department required irrigated fuel modification area (Zones A and B) shall be designated as an Open Space Conservation Easement Area to be held by the County on behalf of the People of the State of California or another public entity acceptable to the Director. The permit condition and the easement shall indicate that no development, as defined in Section 22.44.630, grazing, or agricultural activities shall occur within the Open Space Conservation Easement Area, with the exception of the following:*
  - a. *Fuel modification required by the County Fire Department undertaken in accordance with the final approved fuel modification plan for the permitted development and/or required brush clearance required by the County Fire Department for existing development on adjoining properties.*
  - b. *Drainage and polluted runoff control activities required and approved by the County for the permitted development.*
  - c. *If approved by the County as an amendment to the CDP or a new CDP:*
    - i. *Planting of native vegetation and other restoration activities;*
    - ii. *Construction and maintenance of public hiking trails;*
    - iii. *Construction and maintenance of roads, trails, and utilities consistent with easements in existence prior to approval of the permit;*
    - iv. *Confined animal facilities only where consistent with Section 22.44.1940.*
2. *The applicant shall provide evidence of the recordation of a valid dedication to the County (and acceptance by the County) or to another public entity acceptable to the Director, and acceptance by said public entity, of a permanent, irrevocable open space conservation easement in favor of the People of the State of California over the Open Space*

*Conservation Easement Area for the purpose of habitat protection, the text of which has been approved by the Director. The recorded easement document shall include a formal legal description of the entire property and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area; and it shall be recorded free of prior liens, including tax liens, and encumbrances. The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in the CDP condition, consistent with the exceptions detailed in this section. Recordation of said easement on the project site shall be permanent.*

3. *Open Space Deed Restriction and Transfer in Fee Title to a Public Entity. Where appropriate, the CDP open space condition may provide that, as an alternative to the recordation of an open space conservation easement, the applicant may record an open space deed restriction over the required open space conservation area and dedicate the lot or the open space portion of the lot in fee title to a public entity acceptable to the Director.
  - a. *The applicant shall provide evidence of the recordation of an open space 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 open space conservation area, that insures that no development, as defined in Section 22.44.630, grazing, or agricultural activities shall occur within the Open Space Conservation Area and that restrictions are enforceable; and*
  - b. *Evidence that fee title to the open space conservation site(s) has been successfully transferred to a public entity acceptable to the Director after the recordation of the deed restriction listed in subsection a above and that the document effectuating the conveyance has been recorded with the Los Angeles 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.**
4. *All of the procedures detailed in subsection J must be approved by County Counsel for form and legal sufficiency to assure that the purposes intended are accomplished.*
5. *Prior to recordation of the easement required in subsection 1 and 2 or the fee title dedication required in subsection 3, the applicant shall pay for and provide to the County a title report, no more than three months old, for any parcel containing an open space conservation area that will be protected through an open space conservation easement, or fee title dedication.*

Section 22.44.1950 of the Santa Monica Mountains Implementation Plan states in relevant part:

- a. *The amount of the Habitat Impact fee determined appropriate for each CDP in accordance with the following:*

- i. *Current In-Lieu Fee: During the first five years following certification of the LCP, or until an updated fee is certified through an LCP amendment, the County shall utilize the Coastal Commission's Habitat Impact Fee that was implemented through individual coastal development permit actions prior to certification of the LCP, adjusted for inflation. The current fee amounts are:*
  - (A) *\$15,500 per acre for the approved building site area, driveway/access roads and turnarounds areas, any required irrigated fuel modification zones, and required off-site brush clearance areas (assuming a 200-foot radius from all structures).*
  - (B) *\$3,900 per acre for non-irrigated fuel modification areas (on-site).*
- ii. *Updated In-Lieu Fee: The amount of the Habitat Impact Fee, approved through an amendment to the LCP pursuant to subsection B above, shall be used and adjusted for inflation annually.*

## **1. Project Description and Site Specific Biological Resource Information**

The project site is located in Los Angeles County, just north of the City of Malibu. Malibu Lagoon is located approximately 1.1 miles southwest of the project site, and Malibu Creek is located approximately 0.6 miles to the west. Much of the site is characterized by steep, generally south facing slopes. However, the location of the proposed residences is on a generally level area on the southern portion of the site, which has been designated as H3 (existing development) on LUP Map 2: Biological Resources. The upper portion of the properties has been designated H1, H2, and H2- High Scrutiny, all of which constitute ESHA. Additionally, a portion of the project site is traversed by a blue-line stream.

As mentioned above, the proposed residences and associated development have been sited on the portions of the property that have been designated as H3. These locations are clustered in the southernmost portion of the property and are directly adjacent to existing residential development. The applicants have submitted fuel modification plans (approved by the Los Angeles County Fire Department), which show the use of the standard three zones of vegetation modification. Zones "A" (setback zone) and "B" (irrigation zone) are shown extending in a radius of approximately 100 feet from the proposed structures. A "C" Zone (thinning zone) is provided for a distance of 100 feet beyond the "A" and "B" zones.

## **2. Siting and Design Alternatives to Minimize Significant Disruption of Habitat Values**

The construction of residential development, including vegetation removal for both the development area as well as required fuel modification, grading, construction of a residence and accessory structures, and the use of the development by residents will result in unavoidable loss of ESHA. The development can be sited and designed to minimize ESHA impacts by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing

roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

In this case, siting and design alternatives have been considered in order to identify the alternative that can avoid and minimize impacts to habitat to the greatest extent feasible. The building sites approved pursuant to CDP 4-95-173 are located in a clustered configuration in the most southerly location of the project site. The proposed building site for CDP 4-14-0621 is also located in the most southerly portion of the property. Additionally, all proposed residences will be located immediately adjacent to existing surrounding residential development.

Through past permit actions, the Commission has limited the development area (building site) for residential development in ESHA to a maximum area of 10,000 square feet in order to minimize cumulative impacts and adverse impacts to ESHA from fuel modification requirements. As mentioned above, the subject parcels contain H1, H2, H2- High Scrutiny, and H3 habitat. The Commission has found that H1, H2, and H2- High Scrutiny habitat constitute ESHA, and areas designated as H3 constitute existing developed areas. The location of the proposed building sites are within designated H3 habitat. The Santa Monica Mountains LCP also requires a maximum building site of 10,000 square feet in H3 habitat. The applicants have provided plans which depict a residence at the location of the proposed building site on APN 4457-002-038 (CDP 4-14-0621), which conforms to the required 10,000 square foot maximum building site area. The applicants have also provided project plans which depict the proposed residences at the building sites approved pursuant to CDP 4-95-137. However, the building sites for these proposed residences (CDP 4-13-1397, 4-14-0100, 4-14-0201, and 4-14-0202) exceed 10,000 square feet. Further, the applicants propose additional grading as part of the subject projects that would expand the building sites over those previously approved in CDP 4-95-137. While the Commission approved building sites (building pads) as part of the subdivision approval that are in excess of 10,000 sq. ft. The four building sites were considered and constructed prior to the certification of the LCP. As such, the pad areas are vested and the Commission does not find it appropriate to require the applicants to reduce the building pads. However, as described above, there is H1, H2 and H2 High Scrutiny habitat areas adjacent to the building sites that could be adversely impacted by fuel modification. In order to minimize such impacts to the maximum extent feasible, it is necessary to require the applicants to designate a 10,000 sq. ft. building site area and to ensure that all flammable structures that would require fuel modification are located within the building site. Other improvements that do not require fuel modification like patios, yard areas, etc. can be allowed on each building pad, outside the 10,000 sq. ft. building site, because such improvements would not impact ESHA. Finally, because the existing building pads are already in excess of the LCP 10,000 sq. ft. building site standard for H3 areas, additional grading that further expands the pads cannot be approved.

Therefore, in order to ensure that the building sites proposed by the applicants conform to the maximum development area of 10,000 square feet that the policies and provisions of the Santa Monica Mountains LCP require, **Special Condition One (1)** requires that the applicants submit revised plans. The revised plans must show that all proposed flammable structures are located within each designated 10,000 sq. ft. building site and that all grading that expands the existing building pads is deleted.

### 3. Open Space Conservation

The policies and provisions of the Santa Monica Mountains LUP specifically require the recordation of open space easements or deed restrictions in order to ensure that approved building site areas are limited and impacts to coastal habitat are minimized. In this case, CDP 4-95-173 required the recordation of an open space deed restriction over the remaining portions of the property that were not designated as building site areas. As such, APN 4457-002-038 (CDP 4-14-0621), which was not part of the subdivision approved in CDP 4-95-137, is the only subject parcel without a previously recorded open space restriction. Therefore, in order to ensure that the remaining habitat on this site is protected, **Special Condition One (1)** requires that the applicants grant to the Mountains Conservation and Recreation Authority an open space and conservation easement on the portions of the properties outside of the designated building site, as depicted on Exhibit 9. As detailed in Special Condition One (1), the open space and conservation easement will run with the land and will prohibit all development, with exceptions including fuel modification required by the Los Angeles County Fire Department undertaken in accordance with development approved in a CDP(s) issued by the County; drainage and polluted runoff control activities approved in a CDP(s) issued by the County; construction and maintenance of public hiking trails, if approved by the County in a coastal development permit; and construction and maintenance of roads, trails, and utilities pursuant to existing easements, if approved by the County in a coastal development permit.

Under the terms of Special Condition One (1), an open space and conservation easement over the open space will be granted by the applicant to the Mountains Recreation and Conservation Authority (“MRCA”), a joint powers authority. The MRCA is a partnership between the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The MRCA is dedicated to the preservation and management of open space, parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns or are owned by the Santa Monica Mountains Conservancy. The governing board of the MRCA has agreed to accept all open space easements required by the Commission for properties within the Santa Monica Mountains National Recreation Area.

### 4. Habitat Impact Mitigation

While impacts resulting from development can be reduced through siting and design alternatives for new development and by ensuring that the remaining ESHA on the site is permanently protected, they cannot be completely avoided, given the location of ESHA on and around the project site, the high fire risk in the Santa Monica Mountains, and the need to modify fuel sources to protect life and property from wildfire.

Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where native vegetation may be retained if thinned or widely spaced although particular high-

fuel plant species must be removed. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned. The Commission has found in past permit actions, that a new residential development (with a 10,000 sq. ft. development area) within ESHA with a full 200 foot fuel modification radius will result in impact (either complete removal, irrigation, or thinning) to ESHA habitat of four to five acres.

Obviously, native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced will be lost as habitat and watershed cover. As discussed in the LCP, the cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. Further, fuel modification can result in changes to the composition of native plant and wildlife communities, thereby reducing their habitat value. Although, in these cases, the impacts from habitat removal cannot be avoided, the Commission finds that the loss of sensitive habitat resulting from the removal, conversion, or modification of natural habitat for new development including the building site area can be minimized by siting and design measures. As described above, the proposed developments have been sited and designed to minimize removal of H2 habitat for fuel modification. Further, fuel modification can be mitigated in order to ensure that impacts are minimized to the extent feasible.

The LCP has identified three appropriate methods for providing mitigation for the unavoidable loss of ESHA resulting from development; namely, habitat restoration, habitat conservation, and payment for mitigation. The Commission finds that any of these measures is appropriate in this case to mitigate the loss of sensitive habitat on the project sites. The first method is to provide mitigation through the restoration of an area of degraded habitat (either on the project site, or at an off-site location) that is equivalent in size to the area of habitat impacted by the development. A restoration plan must be prepared by a biologist or qualified resource specialist and must provide performance standards, and provisions for maintenance and monitoring. The restored habitat must be permanently preserved through the recordation of an open space easement.

The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat of a similar type as that impacted equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. If the mitigation parcel is larger in size than the impacted habitat area, the excess acreage could be used to provide habitat impact mitigation for other development projects that impact ESHA.

The third habitat impact mitigation option is the payment for mitigation of impacts to habitat. The payment is based on the habitat types in question, the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined the appropriate payment for the restoration or creation of chaparral and coastal sage scrub habitat, based on research carried out by the Commission's biologist. A range of cost estimates was obtained that reflected differences in restoration site characteristics including topography (steeper is harder), proximity to the coast (minimal or no irrigation required at coastal sites), types of plants (some plants are rare or difficult to cultivate), density of planting, severity of weed problem, condition of soil, etc.

The appropriate mitigation for loss of coastal sage scrub or chaparral ESHA should be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydroseeding and planting). The payment amount found by the Commission to be appropriate to provide mitigation for the habitat impacts to ESHA areas where all native vegetation will be removed (building site, the “A” zone required for fuel modification, and off-site brush clearance areas), and where vegetation will be significantly removed and any remaining vegetation will be subjected to supplemental irrigation (the “B” zone or any other irrigated zone required for fuel modification) is \$15,500 per acre. Further, the LCP has required a payment of \$3,900 per acre for areas where the vegetation will be thinned, but not irrigated (“C” zone or other non-irrigated fuel modification zone).

The acreage of ESHA that is impacted must be determined based on the size of the development area, required fuel modification (as identified on the fuel modification plan approved by the Los Angeles County Fire Department) on the site, and required brush clearance off-site. As such, **Special Condition Ten (10)** is necessary to condition the applicants to delineate the total acreage of ESHA on the site (and offsite brush clearance areas, if applicable) that will be impacted by the proposed development, and provide mitigation to compensate for this loss of habitat, through one of the three methods described above.

## 5. Additional Mitigation Measures to Address Additional ESHA Impacts

The use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping, and mitigation for that effect was discussed in the previous section. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area that are not directly and immediately affected by the proposed development, **Special Condition Five (5)** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. Furthermore, fencing of the property would adversely impact the movement of wildlife through the ESHA on this parcel. Therefore, the Commission finds it is necessary to limit fencing to the perimeter of the approved development area, turnaround, and driveway. This is required to be shown on the landscaping plan.

In addition, the night lighting of sensitive habitat areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, **Special Condition Seven (7)** limits night lighting of the site in general; limits lighting to the developed area of the site; and requires that lighting be shielded downward. Limiting security lighting to low intensity security lighting will assist in minimizing the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night. To further minimize impacts associated with development of the project site, **Special**



**Condition Six (6)** requires that the structures be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.

Lastly, the amount and location of any new development that could be built in the future on the subject site consistent with the resource protection policies of the LCP is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply for, among other things, improvements to existing single family homes and repair and maintenance activities may be inappropriate here. In recognition of that fact, and to ensure that any future structures, additions, change in landscaping or intensity of use at the project site that may otherwise be exempt from coastal permit requirements are reviewed for consistency with the resource protection policies of the LCP, **Special Condition Seven (7)** is required.

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

## **F. CUMULATIVE IMPACTS**

Policy LU-1 Santa Monica Mountains Land Use Plan states:

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

Policy LU-24 Santa Monica Mountains Land Use Plan states:

*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.*

Policy LU-33 Santa Monica Mountains Land Use Plan states:

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

Policy CO-74 Santa Monica Mountains Land Use Plan states:

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

Section 22.44.1370 of the IP 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;*

...

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. Furthermore, 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 above, all proposed residences are located in a clustered configuration, immediately adjacent to existing residential development, roadways, and services, consistent with LCP policies LU-1 and CO-74. As a component of CDP 4-13-1397, the applicant is proposing a 548 square foot guest unit that is consistent with the maximum square footage (750 square feet) outlined in LIP Section 22.44.1370. 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 Two (2)**, which requires that prior to issuance of the coastal development permit, the applicant submit evidence that the development rights have been retired on a parcel(s) equivalent to one transfer of development credit. As detailed in the LIP, this may be accomplished either through: 1) an open space easement dedication and the merging or recombination of the retired lot(s) with one or more adjacent developed or buildable parcels, or 2) an open space deed restriction and transfer in fee title to a public entity. Alternately, if the applicant does not provide adequate evidence of the applicable extinguishment of development rights, the Commission requires **Special Condition One (1)**, which requires the applicant to submit revised project plans deleting the proposed guest house.

LIP Section 22.44.1370 also requires that all accessory dwelling units have an OWTS separate from the OWTS utilized for the primary structure. As mentioned above, a component of CDP 4-13-1397 includes the construction of an approximately 548 square foot guest house. The applicant, however, has not proposed the construction of an additional OWTS to separately serve the guest house, as required by LIP Section 22.44.1370. As such, the Commission requires **Special Condition Three (3)**, 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 One (1)**, 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.

#### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

The Commission incorporates its findings on 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 developments, as conditioned, are 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. All of

the special conditions required for each of the five coastal development permits (as detailed above) are required to assure the projects' 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 projects, 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 Local Coastal Program; Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, dated March 25, 2003.

### **Geologic and Geotechnical Engineering Reports, all prepared by GeoConcepts, Inc.:**

4-13-1397 (Eucalyptus Ranch)

Update Report, dated October 8, 2009

Building Plan Report and Percolation Testing, dated July 13, 2007

Addendum Report, dated November 14, 2001

Limited Geologic and Soils Engineering Investigation, dated September 13, 1999

4-14-0100 (Hacienda Robles)

Update Report, dated October 8, 2009

Building Plan Report and Percolation Testing, dated July 13, 2007

Limited Geologic and Soils Engineering Investigation, dated September 13, 1999

4-14-0201 (Pepper Creek)

Update Letter, dated February 26, 2010

Limited Geologic and Soils Engineering Investigation, dated December 24, 2007

4-14-0202 (Canary Island Palm)

Update Letter, dated January 21, 2010

Limited Geologic and Soils Engineering Investigation, dated September 13, 1999

4-14-0621 (Rancho Tecolote)

Preliminary Geologic and Geotechnical Engineering Investigation, dated June 13, 2014

### **Archaeological Reports, all prepared by Robert J. Wlodarski:**

4-14-0202 (Canary Island Palm)

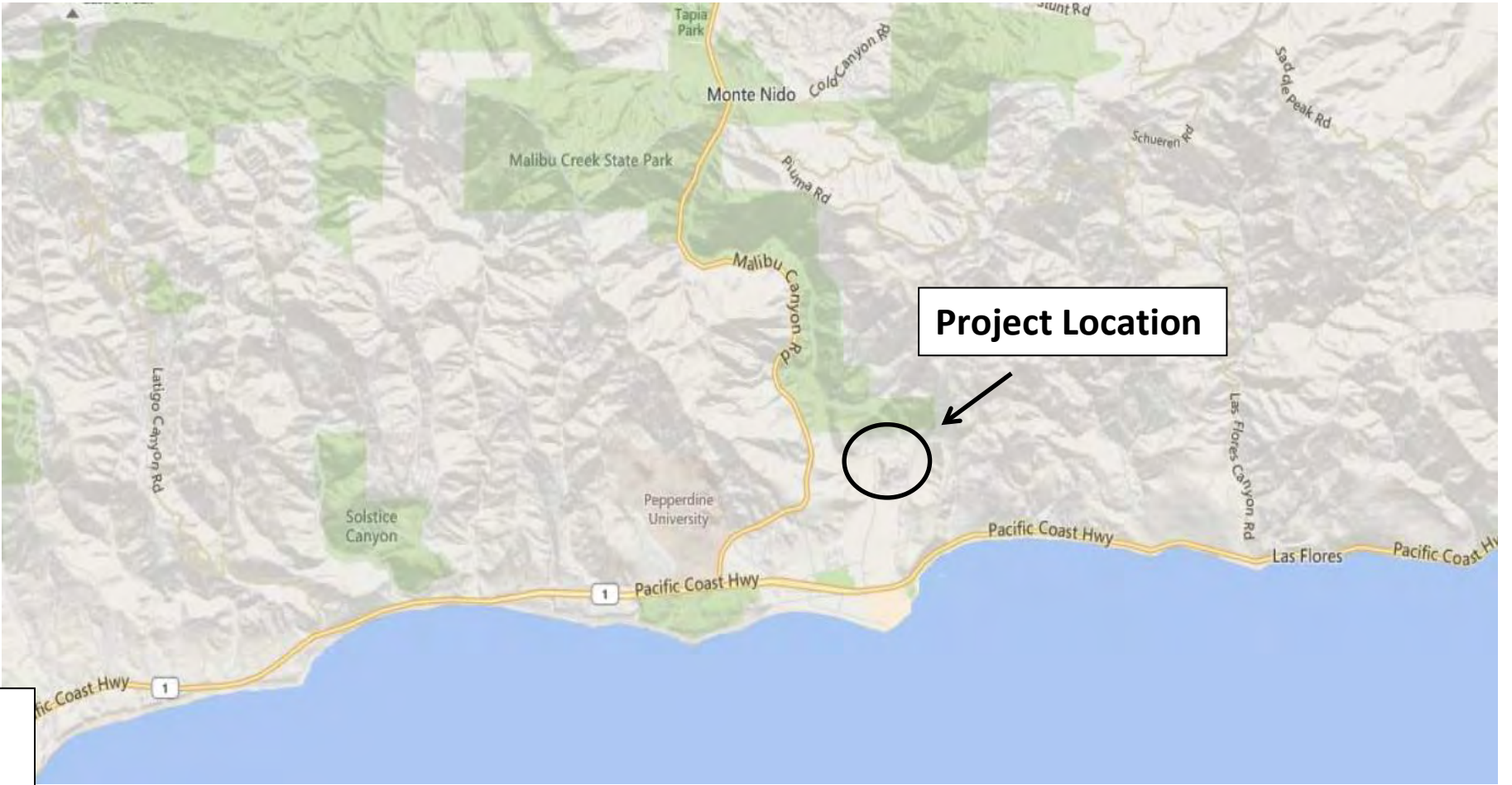
A Letter Response to the California Coastal Commission Regarding the Cultural Resource Status of Canary Island Palm, LP, dated June 2010

4-13-1397 (Eucalyptus Ranch)

A Letter Response to the California Coastal Commission Regarding the Cultural Resource Status of Eucalyptus Ranch, LP, dated June 2010

4-14-0621 (Rancho Tecolote)

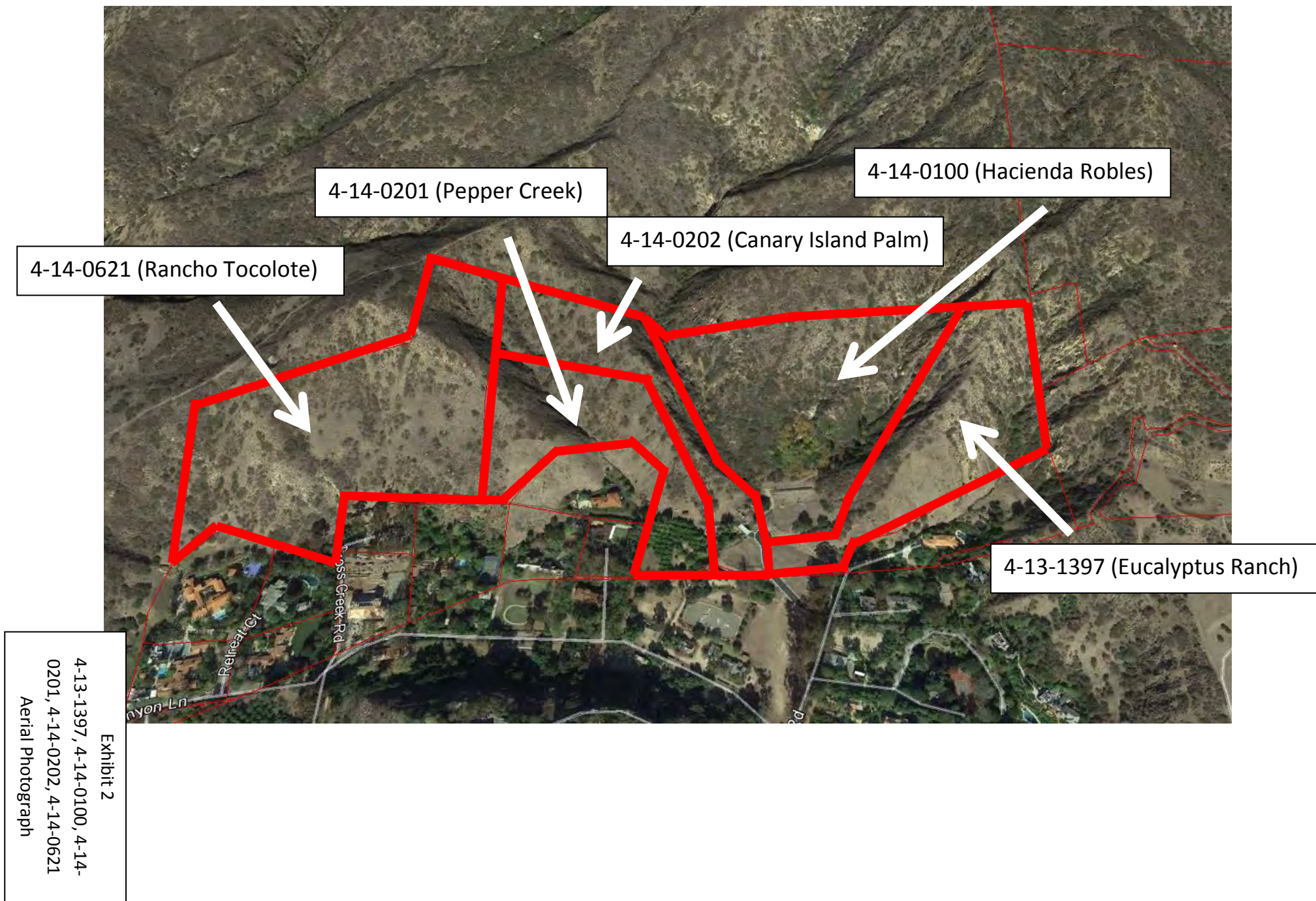
A Phase I Archaeological Study for Rancho Tecolote, LP, dated June 2010



**Project Location**

Exhibit 1  
4-13-1397, 4-14-0100, 4-14-  
0201, 4-14-0202, 4-14-0621  
Vicinity Map





4-14-0621 (Rancho Tocolote)

4-14-0201 (Pepper Creek)

4-14-0202 (Canary Island Palm)

4-14-0100 (Hacienda Robles)

4-13-1397 (Eucalyptus Ranch)

Exhibit 2  
4-13-1397, 4-14-0100, 4-14-0201, 4-14-0202, 4-14-0621  
Aerial Photograph





4457	2
SCALE 1" = 800'	

2013

8637  $\longleftrightarrow$  8657

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4456

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690402 12C  
711203601  
720215  
720218557  
7306 4521  
730911201  
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2012061712-07

BK.  
4453

BK.  
4452

DETAIL  
NO SCALE

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

CODE  
8637  
8657

FOR PREV. ASSM'T SEE:  
482-58  
4457-38; 4-  
1157-10

T. 1 S., R. 17 W.

BK.  
4458

Exhibit 3b  
4-13-1397, 4-14-0100, 4-14-  
0201, 4-14-0202, 4-14-0621  
Parcel Map

# EUCALYPTUS RANCH RESIDENCE

LOT 1  
3215 SERRA RD.  
MALIBU, CA. 90265

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NO.	DATE	ISSUE
01	01/11/14	PRELIMINARY PLANNING SUBMITTAL
02	01/14/14	FIRE DEPARTMENT ACCESS SUBMITTAL
03	01/14/14	FIRE DEPARTMENT ACCESS 1ST RE SUBMITTAL
04	01/14/14	OCC 1ST RE SUBMITTAL
05	01/14/14	OCC 2ND RE SUBMITTAL

**BURDGE  
& ASSOCIATES**  
ARCHITECTS, INC.

MALIBU  
SUNSHINE LOS CABOS

2240 PACIFIC COAST HWY.  
MALIBU, CA 90265  
TEL: 310-499-0001  
FAX: 310-499-0002

DESCRIPTION:

DEVELOPMENT AREA PLAN

PROJECT	DEVELOPMENT NO.
EUCALYPTUS RANCH LOT 1	A-0.4
DATE	SCALE
12/24/14	1/8"=1'-0"
DRAWN BY	DATE
JDW DO	07

DISTANCE FROM  
FLOOD ZONE 123  
HAZARD

PROPOSED 2-STORIES &  
BASEMENT  
SINGLE FAMILY  
DWELLING

POOL  
16' X 36'

SPA  
8' DIA.

GUEST HOUSE  
106.5'

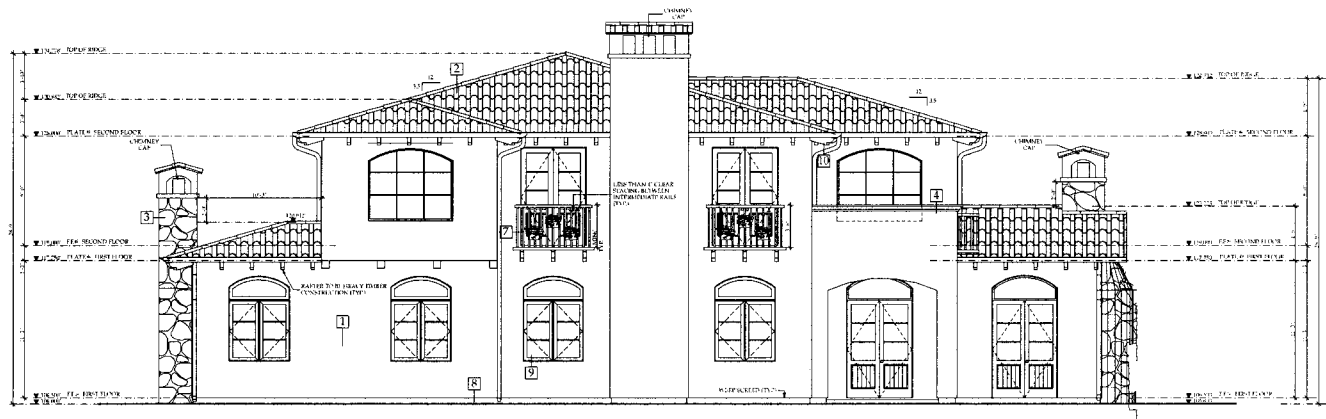
GARAGE  
106.6' - 107.0'

Exhibit 4  
4-13-1397, 4-14-0100, 4-14-0201, 4-  
14-0202, 4-14-0621  
Site Plan and Elevations 4-13-1397  
(3 pages)

\*INCLUDES BUILDING PAD, GRADING SLOPES  
STRUCTURES AND PARKING AREAS  
14,555.0 sf

# EUCALYPTUS RANCH RESIDENCE

LOT 1  
3215 SERRA RD.  
MALIBU, CA. 90265



## EUCALYPTUS RANCH RESIDENCE - LOT 1

3215 SERRA ROAD, MALIBU, CA 90265

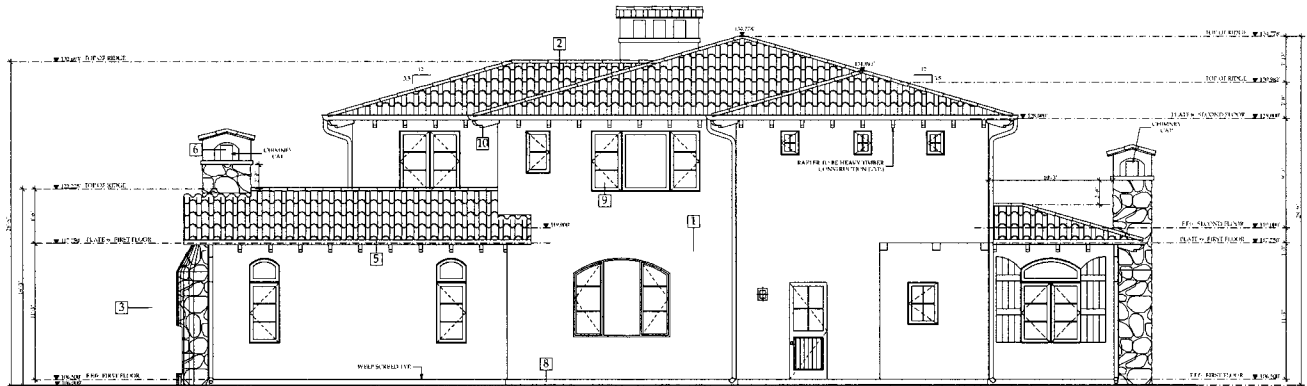
Burdge & Associates Architects, Inc.

Sheet: 80-22-09

Item #	Item Description	Manufacturer	Specification	Finish	Color
1	Stucco	La Habra	Base 200	Smooth Textured	White
2	Roofing - Clay Tile	Burgess	4.5 inch x 6.5 inch x 1.5 inch	2.5 inch thick	Light Brown
3	Stone Veneer	By Builder	Randomly, natural stone	Natural	Light Brown
4	Carpeting	Quarry Resources	Mechanically finished	Natural	White
5	Copper Gutters	By Builder	4 inch round	Copper	Natural
6	Stucco Architrave	Quarry Resources	2 inch wide x 1.5 inch high	Smooth Textured	White
7	Woodwork	By Builder	Solid California Redwood	Finish with Benjamin Moore Paints	Match Light Finish
8	Walls	By Builder	4 inch round x 1.5 inch wide x 1.5 inch high	Copper	Natural
9	Windows	Architectural	Aluminum Casement	White	White
10	Roofing - Clay Tile	By Builder	4.5 inch x 6.5 inch x 1.5 inch	2.5 inch thick	Light Brown
11	Lighting	By Builder	4 inch round x 1.5 inch wide x 1.5 inch high	Copper	Natural

## SOUTH ELEVATION

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



## NORTH ELEVATION

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

NO DATE ISSUE  
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**BURDGE & ASSOCIATES**  
ARCHITECTS, INC.

MALIBU  
SUN VALLEY LOS CABOS

22221 10th Street, Suite 100, Malibu, CA 90265  
TEL: 310-260-0000 FAX: 310-260-0001

DESCRIPTION

ELEVATIONS

PROJECT: 80-22-09  
DATE: 04/11/04  
SCALE: 1/4" = 1'-0"  
DRAWN BY: J. BURDGE

DRAWING NO.:  
A-2.2  
OF

LOT 1  
3215 SERRA RD.  
MALIBU, CA. 90265



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

Average Dr. Innovation Analytics, Inc.					
Item #	Item Description	Manufacturer	Specification	Finish	Color
1	Staple	Le Fabre	Raw steel	Smooth Shined	Matte Silver
2	Stapling Gun Tip	Bullfinch	Chrom. Al. For Raw Steel ERM 1000	3 Days Matte	2000 Matte Black
3	Staple Viewer	By Reader	Perforation by automatic gun	Natural	Crack Red
4	Control Item	Quattro Resources	Perforation 2 printed	Natural	Pinus
5	Control Latch	By Reader	E. Round	Copper	Natural
6	Spoke Airline	Country of Iran	2 spoke steel and 10 mm		
7	Wrought Iron	Quattro Resources	Solid Carbon Steel	Paint with Enamel Metal Primer 2000 3.5 days U.S. Navy Epox paint	Match 1/4 inch Shaded
8	Wipe Screen	By Reader	Not specified - above grade at F	Copper	Natural
9	Wrench & Drum	American	2000 1/2 inch solid	Enamel Coated	Shiny Polished
10	Wrench & Jaws	By Reader	Heavy Tension Compression Test 1000 1/2 inch with 1/2 inch 1/2 inch 1/2 inch	Stainless	Match 2000 1/2 inch
11	Luggage	Japan Handmade	La Honda 1/2 inch	Iron	Black & Red



PROJECT	ELC 403 PILES RANGHOLU	DRAWING NO.	A-2.1
DATE	4/29/14		
SCALE	AS NOTED		
DRAWN BY	JAWZ, A.T.	OF	

# HACIENDA ROBLES RESIDENCE

LOT 2  
3217 SERRA RD.  
MALIBU, CA. 90265

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101	01/14	CA COASTAL COMMISSION 98TH RE SUBMITTAL
102	01/14	CA COASTAL COMMISSION 99TH RE SUBMITTAL
103	01/14	CA COASTAL COMMISSION 100TH RE SUBMITTAL

**BURDGE & ASSOCIATES**  
ARCHITECTS, INC.

MALIBU  
SANTA MONICA LOS CABOS

2000 BURDGE COURT HWY  
MALIBU, CA 90265  
TEL: 310-441-4001

21 COMPTON COURT C  
MALIBU, CA 90265  
TEL: 310-441-4002  
FAX: 310-441-4003

DESCRIPTION:

DEVELOPMENT AREA PLAN

PROJECT: HACIENDA ROBLES Lot 1  
DATE: 12/10/14  
SCALE: 1/4" = 1'-0"  
DRAWN BY: JLMV, DSO  
DRAWING NO.: A-0.4  
OF

\*INCLUDES BUILDING PAD, GRADING SLOPES  
STRUCTURES AND PARKING AREAS  
10,350.9 sf

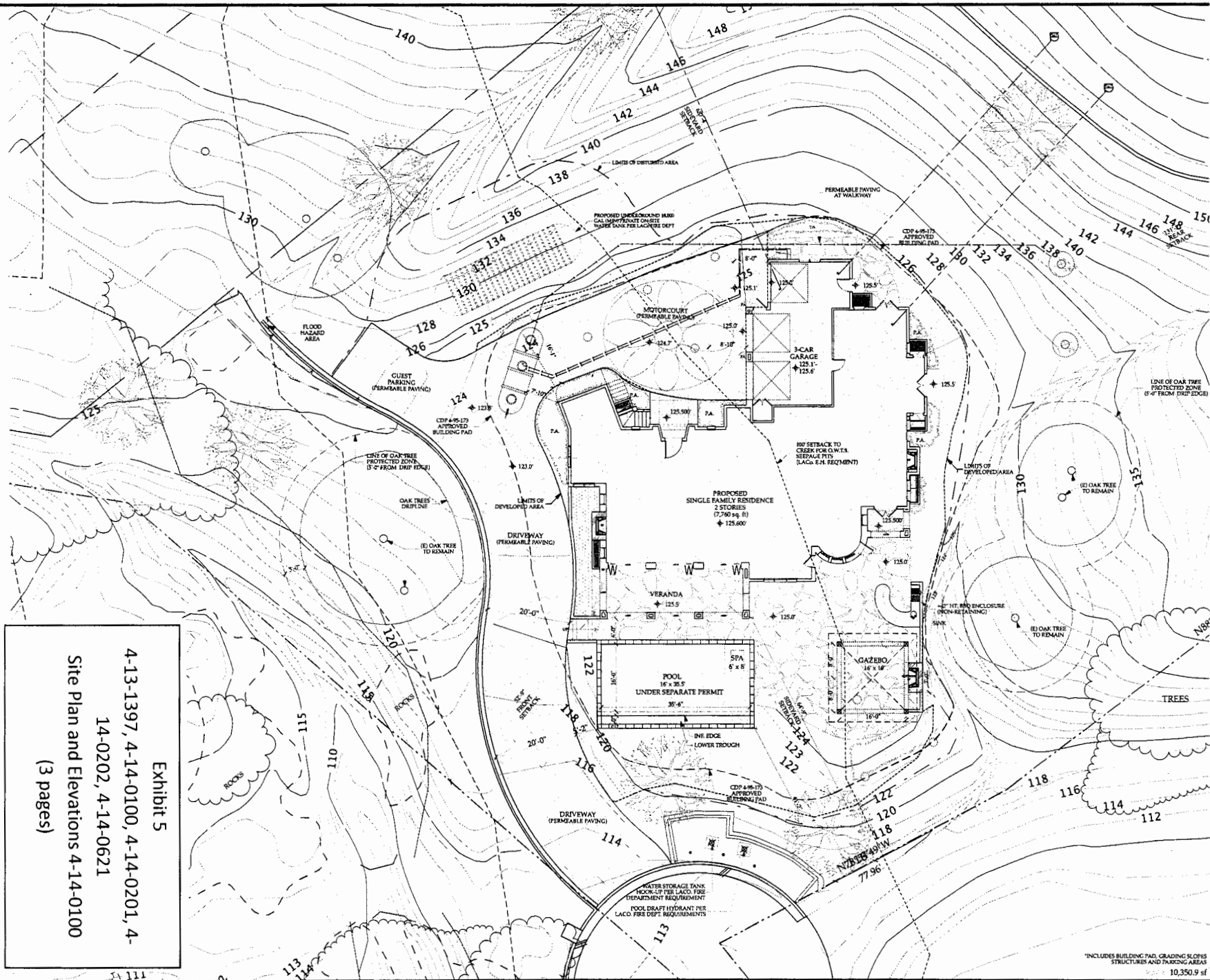
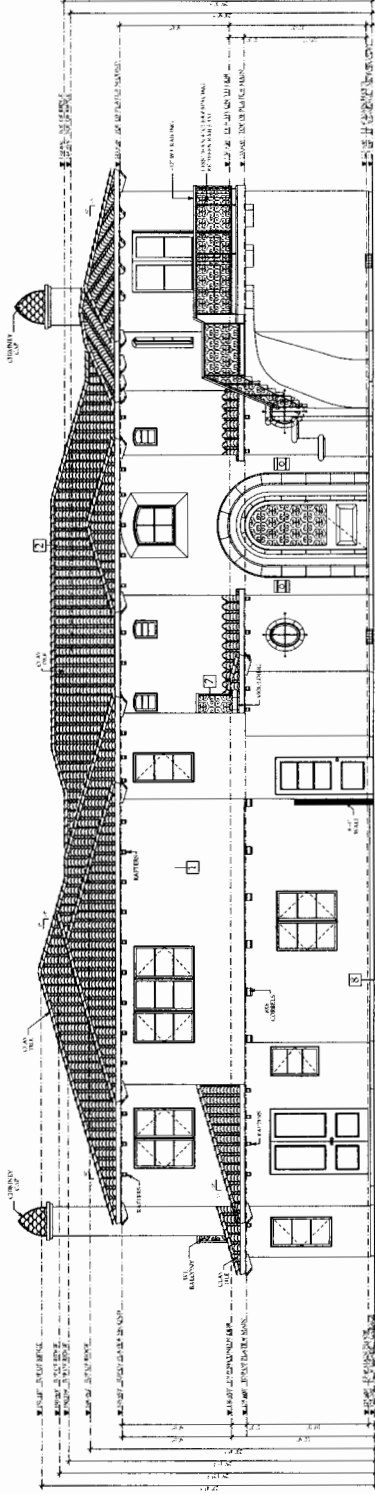


Exhibit 5  
4-13-1397, 4-14-0100, 4-14-0201, 4-14-0202, 4-14-0621  
Site Plan and Elevations 4-14-0100  
(3 pages)

# HACIENDA ROBLES RESIDENCE

LOT 2  
3217 SERRA RD.  
MALIBU, CA. 90265



NORTH ELEVATION  
SCALE 1/4" = 1'-0"

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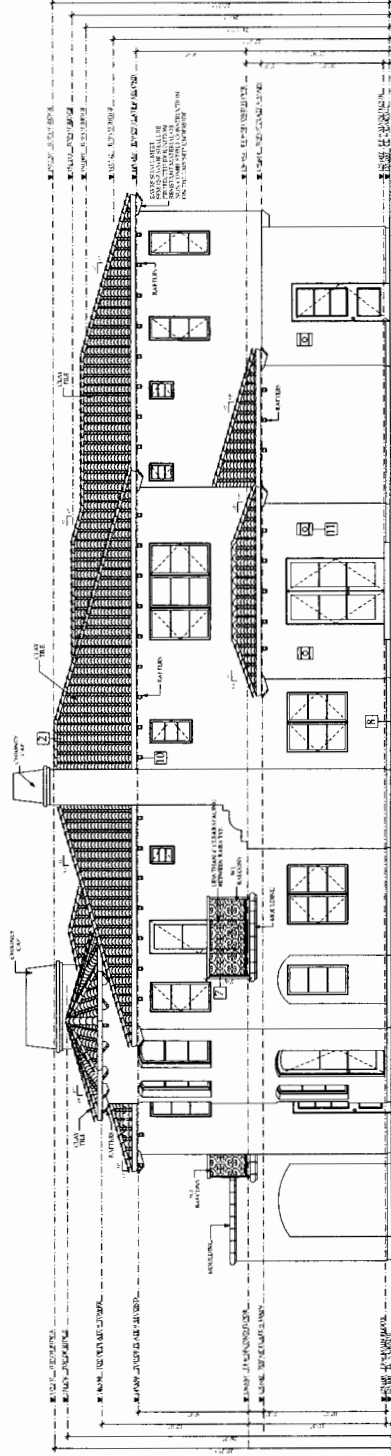
**BURDGE  
& ASSOCIATES**  
ARCHITECTS, INC.

MALIBU  
SUN VALLEY  
LOS CARLOS

ARCHITECT'S OFFICE  
10000 BURBANK BLVD.  
SUITE 100  
BURBANK, CA 91502  
TEL: 818-338-1111  
FAX: 818-338-1112

## PROPOSED ELEVATIONS

EAST ELEVATION  
SCALE 1/4" = 1'-0"



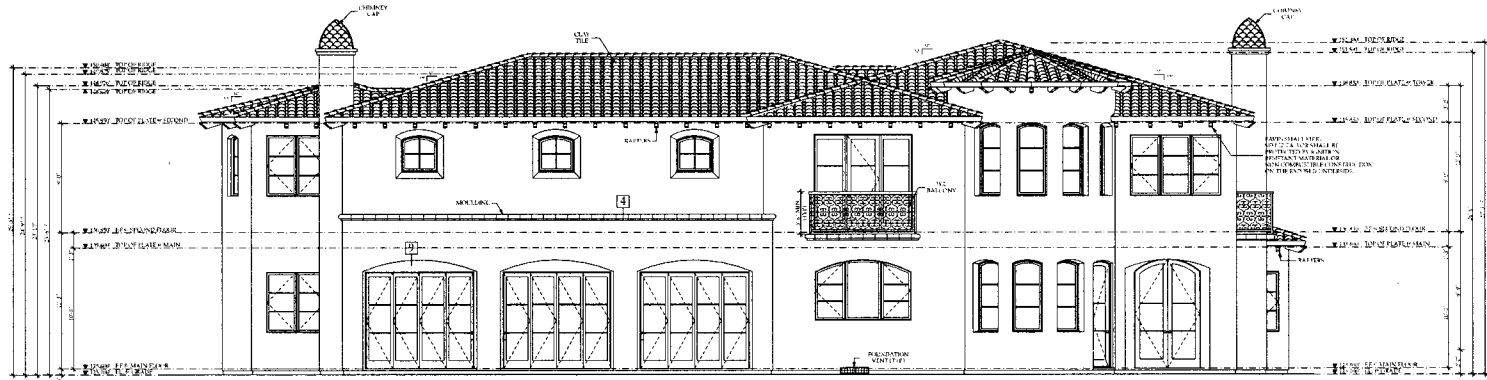
PROJECT: HACIENDA ROBLES  
DATE: 10/1/00  
DRAWN BY: J.M.A./J.D.

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

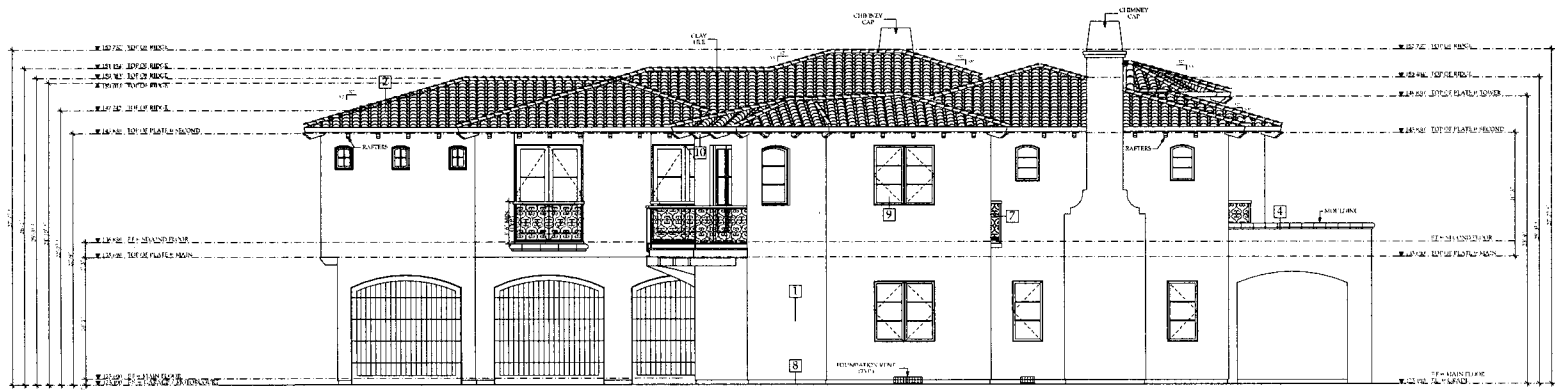
1/8"

HACIENDA  
ROBLES  
RESIDENCE

LOT 2  
3217 SERRA RD.  
MALIBU, CA. 90265



SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



WEST ELEVATION  
SCALE: 1/4" = 1'-0"

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NO.	DATE	ISSUE
1	01/15/11	PRELIMINARY DRAWING FOR PERMIT
2	02/15/11	REVISIONS TO PERMIT DRAWING
3	03/15/11	REVISIONS TO PERMIT DRAWING
4	04/15/11	REVISIONS TO PERMIT DRAWING
5	05/15/11	REVISIONS TO PERMIT DRAWING
6	06/15/11	REVISIONS TO PERMIT DRAWING
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14	02/15/12	REVISIONS TO PERMIT DRAWING
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98	02/15/19	REVISIONS TO PERMIT DRAWING
99	03/15/19	REVISIONS TO PERMIT DRAWING
100	04/15/19	REVISIONS TO PERMIT DRAWING

**BURDGE  
& ASSOCIATES**  
ARCHITECTS, INC.

MALIBU  
SUN VALLEY LOS CAROS

10000 BURDGE DRIVE, SUITE 100  
MALIBU, CA 90265  
TEL: 310-555-1234

10000 BURDGE DRIVE, SUITE 100  
MALIBU, CA 90265  
TEL: 310-555-1234

DESCRIPTION:

PROPOSED ELEVATIONS

PROJECT	HACIENDA ROBLES LOT 2	DRAWING NO.
DATE	07/11/11	A-2.2
SCALE	AS NOTED	09
DRAWN BY	CHW/BJD	

# PEPPER CREEK RESIDENCE

LOT 4  
3221 SERRA RD.  
MALIBU, CA. 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED FOR ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

WRITTEN DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE. DIMENSIONS SHALL BE BACK-CHECKED TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
03-13-14	03-13-14	NATIONAL PLANNING DEPT SUBMITTAL
03-31-14	03-31-14	FIRE DEPARTMENT SUBMITTAL
04-15-14	04-15-14	FIRE DEPARTMENT ACCESS LIFT AS SUBMITTAL
05-28-14	05-28-14	CA COASTAL COMMISSION PRELIM SUBMITTAL
09-26-14	09-26-14	CA COASTAL COMMISSION PRELIM SUBMITTAL

**BURDGE**  
& ASSOCIATES  
ARCHITECTS, INC.

MALIBU  
SUNAVILLE LOS CABOS

2131 PACIFIC COAST HWY. SUITE C, MALIBU, CA 90265  
TEL: 310-451-1001 FAX: 310-451-1002

DESCRIPTION:

DEVELOPMENT AREA PLAN

PROJECT: Pepper Creek Residence - Lot 4  
DATE: 12/10/14  
SCALE: 1/8" = 1'-0"  
DRAWN BY: JLD, DD

DEVELOPING NO.: A-0.4  
OF

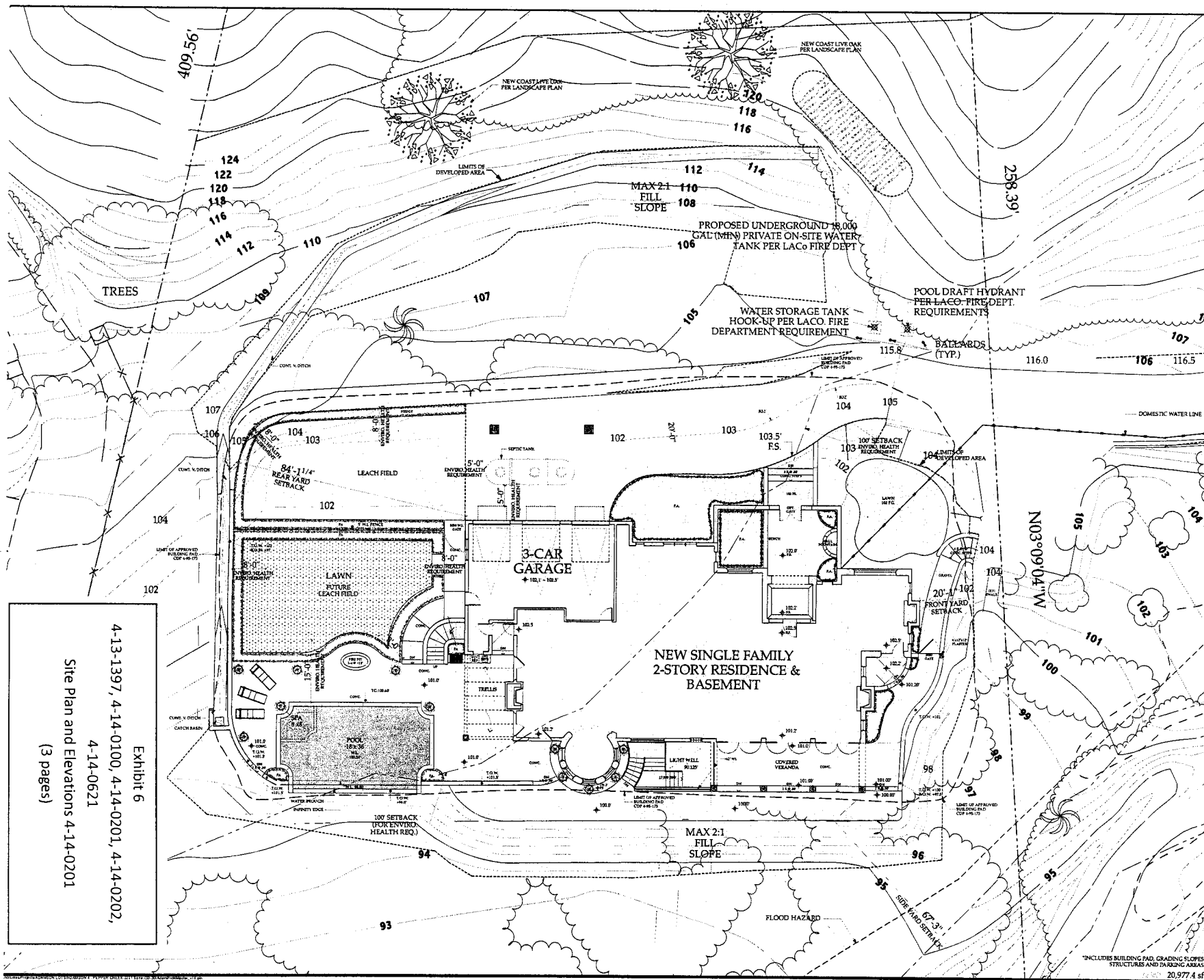


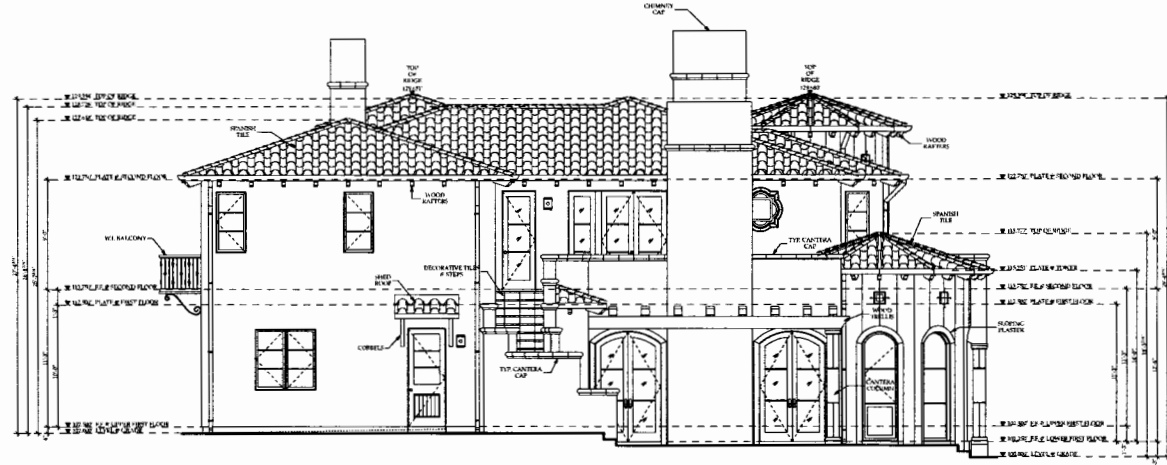
Exhibit 6  
4-13-1397, 4-14-0100, 4-14-0201, 4-14-0202,  
Site Plan and Elevations 4-14-0201  
4-14-0621  
(3 pages)

"INCLUDES BUILDING PAD, GRADING SLOPES, STRUCTURES AND PARKING AREAS"  
20,977.4 sf

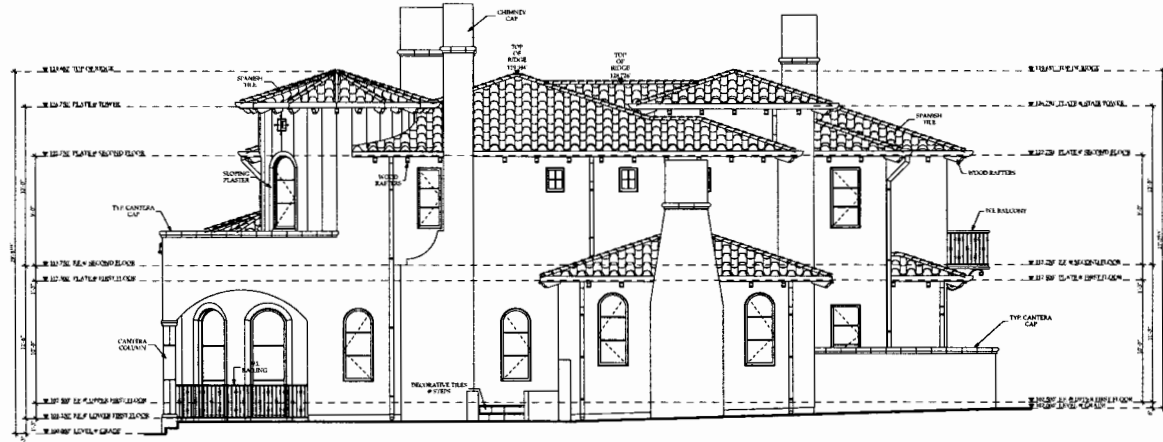


# PEPPER CREEK RESIDENCE

LOT 4  
3221 SERRA RD.  
MALIBU, CA. 90265



WEST ELEVATION 1  
1/4" = 1'-0"



EAST ELEVATION 2  
1/4" = 1'-0"

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND EXCLUSIVE OF THE ARCHITECT AND SHALL NOT BE USED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN AGREEMENT OF THE ARCHITECT.

WRITTEN DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE. THIS REVISION SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BY THE FIELD REPRESENTATIVE OF THE ARCHITECT.

NO.	DATE	ISSUE
01-13-14	01/13/14	ISSUANCE OF PERMITS
02-13-14	02/13/14	ISSUANCE OF PERMITS
03-13-14	03/13/14	ISSUANCE OF PERMITS
04-13-14	04/13/14	ISSUANCE OF PERMITS
05-13-14	05/13/14	ISSUANCE OF PERMITS

**BURDGE & ASSOCIATES**  
ARCHITECTS, INC.

MALIBU  
SUN VALLEY LOS CABOS

11000 PACIFIC COUNTRY HWY.  
MALIBU, CA 90265  
TEL: 310-445-1000

24 COUNTRY LANE, SUITE C  
MALIBU, CA 90265  
TEL: 310-445-1000  
FAX: 310-445-1000

DESCRIPTION:

PROPOSED ELEVATIONS

PROJECT: Pepper Creek Residence Lot 4  
DATE: 5/19/14  
SCALE: AS NOTED  
DRAWN BY: DOW, DO

DRAWING NO. A-2.1

# PEPPER CREEK RESIDENCE

LOT 4  
3221 SERRA RD.  
MALIBU, CA. 90265

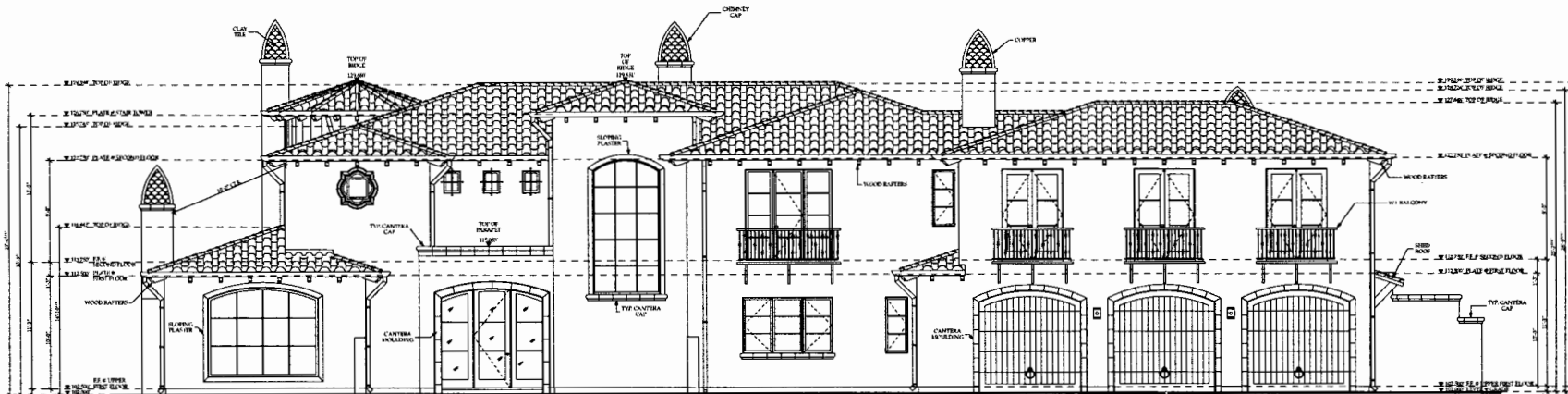
THE PROVISIONS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE LOANED OR ANY OTHER IN ANY MANNER BY THE ARCHITECT WITHOUT THE WRITTEN AGREEMENT WITH THE ARCHITECT.

WRITTEN OBSERVATION SHALL BE REQUIRED FOR THE LIFE OF THE PROJECT AND SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BY THE ARCHITECT'S FIRM TO THE CONSTRUCTION OF THE WORK.

NO.	DATE	REVISION
01-13-14	01-13-14	PRELIMINARY PLANNING, SITE, ARCHITECTURAL
02-13-14	02-13-14	FINAL EXTERIOR ARCHITECTURAL
03-13-14	03-13-14	FINAL EXTERIOR ARCHITECTURAL
04-13-14	04-13-14	FINAL EXTERIOR ARCHITECTURAL
05-13-14	05-13-14	FINAL EXTERIOR ARCHITECTURAL



SOUTH ELEVATION 1  
1/4" = 1'-0"



NORTH ELEVATION 2  
1/4" = 1'-0"

**BURDGE  
& ASSOCIATES**  
ARCHITECTS, INC.

MALIBU  
SUN VALLEY LOS CABOS

1220 PACIFIC COAST HWY. SUITE 100 MALIBU, CA 90265  
TEL: 310-454-1000 FAX: 310-454-1001

DESCRIPTION:

PROPOSED ELEVATIONS

PROJECT: Pepper Creek Residence-LA-4  
DATE: Plot Date: 5/19/14  
SCALE: AS NOTED  
DRAWN BY: DHP, DD

DRAWING NO.  
A-2.2

# CANARY ISLAND PALM RESIDENCE

LOT 3  
3319 SERRA RD.  
MALIBU, CA. 90265

THE DRAWINGS AND SPECIFICATIONS ARE  
FOR THE DEVELOPER'S USE ONLY. THEY  
ARE NOT TO BE USED FOR ANY OTHER  
PURPOSE WITHOUT THE WRITTEN  
CONSENT OF THE ARCHITECT.

THE DEVELOPER SHALL BE RESPONSIBLE  
FOR OBTAINING ALL NECESSARY  
PERMITS AND APPROVALS FROM THE  
APPLICABLE AGENCIES.

THE DEVELOPER SHALL BE RESPONSIBLE  
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PERMITS AND APPROVALS FROM THE  
APPLICABLE AGENCIES.

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FOR OBTAINING ALL NECESSARY  
PERMITS AND APPROVALS FROM THE  
APPLICABLE AGENCIES.

**BURDGE**  
& ASSOCIATES  
ARCHITECTS, INC.

MAIIBU  
LOS CABOS

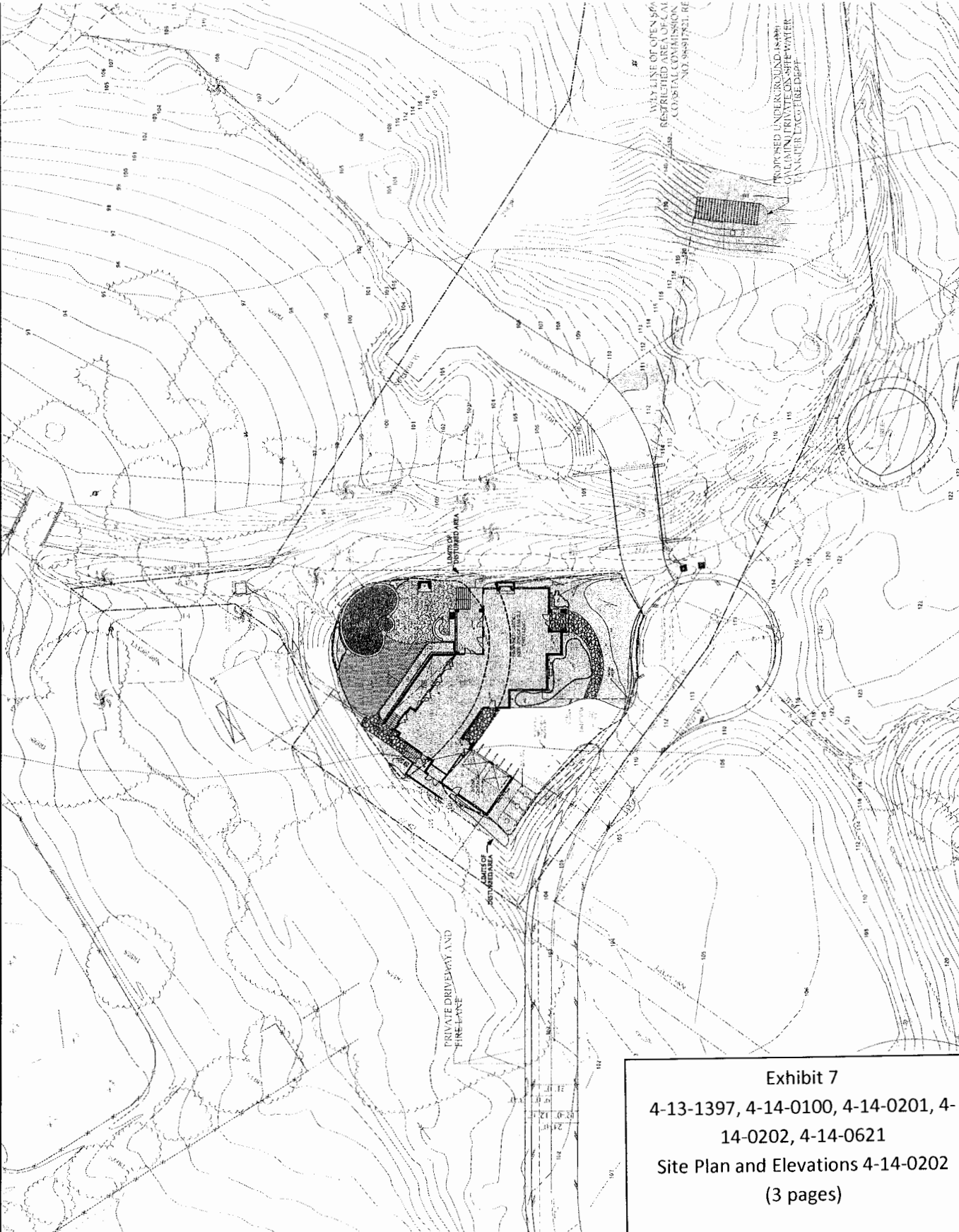
2. CONSULT WITH THE  
LOCAL AGENCIES FOR  
THE NECESSARY  
PERMITS AND APPROVALS.

DISCUSSION:

DEVELOPMENT AREA PLAN

PROJECT: CANARY ISLAND LOT 3  
DATE: 12/15/14  
SCALE: 1/8" = 1'-0"

OF  
SHEET 21 OF 22



## Exhibit 7

4-13-1397, 4-14-0100, 4-14-0201, 4-14-0202, 4-14-0621  
Site Plan and Elevations 4-14-0202  
(3 pages)

\*INCLUDES BUILDING AND GRADING ELEVATIONS  
STRUCTURES AND PARKING AREAS  
DATE: 12/15/14  
SCALE: 1/8" = 1'-0"

OF  
SHEET 21 OF 22

LOT 3  
3219 SERRA RD.  
MALIBU, CA. 90265



**BURDGE**  
**& ASSOCIATES**  
ARCHITECTS, INC.

**MALIBU**  
SUN VALLEY LOS CAROS

ESTABLISHED IN LOS CAROS 1985.  
4530 HOLLYWOOD BL.  
LOS CAROS, CA 94040  
TEL: 354-2616 FAX: 354-2617

TELETYPE: 354-2616  
FAX: 354-2617

PROJECT	CANARY INC. PUMP 1 OF 5	DRAWING NO.	A-2.1
DATE	Plot Date: 5/12/14		
SCALE	AS NOTED		
DRAWN BY	DNB/B, JD		OR

# CANARY ISLAND PALM RESIDENCE

LOT 3  
3219 SERRA RD.  
MALIBU, CA. 90265



**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

THESE DRAWINGS AND SPECIFICATIONS SHALL BE CONSIDERED AS A SUMMARY OF THE PROJECT AND NOT A COMPLETE SET OF DOCUMENTS. ANY CHANGES TO THE PROJECT SHALL BE MADE BY A WRITTEN AGREEMENT BETWEEN THE ARCHITECT AND THE CLIENT. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

NO.	DATE	ISSUE
1	10/15/14	REVISION: 1.00 (NOT REVISION)
2	10/15/14	REVISION: 1.01 (NOT REVISION)
3	10/15/14	REVISION: 1.02 (NOT REVISION)
4	10/15/14	REVISION: 1.03 (NOT REVISION)
5	10/15/14	REVISION: 1.04 (NOT REVISION)
6	10/15/14	REVISION: 1.05 (NOT REVISION)
7	10/15/14	REVISION: 1.06 (NOT REVISION)
8	10/15/14	REVISION: 1.07 (NOT REVISION)
9	10/15/14	REVISION: 1.08 (NOT REVISION)
10	10/15/14	REVISION: 1.09 (NOT REVISION)
11	10/15/14	REVISION: 1.10 (NOT REVISION)
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18	10/15/14	REVISION: 1.17 (NOT REVISION)
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23	10/15/14	REVISION: 1.22 (NOT REVISION)
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62	10/15/14	REVISION: 1.61 (NOT REVISION)
63	10/15/14	REVISION: 1.62 (NOT REVISION)
64	10/15/14	REVISION: 1.63 (NOT REVISION)
65	10/15/14	REVISION: 1.64 (NOT REVISION)
66	10/15/14	REVISION: 1.65 (NOT REVISION)
67	10/15/14	REVISION: 1.66 (NOT REVISION)
68	10/15/14	REVISION: 1.67 (NOT REVISION)
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71	10/15/14	REVISION: 1.70 (NOT REVISION)
72	10/15/14	REVISION: 1.71 (NOT REVISION)
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86	10/15/14	REVISION: 1.85 (NOT REVISION)
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90	10/15/14	REVISION: 1.89 (NOT REVISION)
91	10/15/14	REVISION: 1.90 (NOT REVISION)
92	10/15/14	REVISION: 1.91 (NOT REVISION)
93	10/15/14	REVISION: 1.92 (NOT REVISION)
94	10/15/14	REVISION: 1.93 (NOT REVISION)
95	10/15/14	REVISION: 1.94 (NOT REVISION)
96	10/15/14	REVISION: 1.95 (NOT REVISION)
97	10/15/14	REVISION: 1.96 (NOT REVISION)
98	10/15/14	REVISION: 1.97 (NOT REVISION)
99	10/15/14	REVISION: 1.98 (NOT REVISION)
100	10/15/14	REVISION: 1.99 (NOT REVISION)
101	10/15/14	REVISION: 2.00 (NOT REVISION)



**NORTHEAST ELEVATION**  
SCALE: 1/4" = 1'-0"

**BURDGE  
& ASSOCIATES**  
ARCHITECTS, INC.

MALIBU  
SUN VALLEY LOS CABOS

10000 BURDGE DRIVE, SUITE 100  
MALIBU, CALIFORNIA 90265  
TEL: 310.316.1000 FAX: 310.316.1001

DESCRIPTION:

PROPOSED ELEVATIONS

PROJECT: CANARY ISLAND PALM LOT 3  
DATE: 7/15/2014  
SCALE: AS NOTED  
DRAWN BY: JWR (D)

DRAWING NO:  
A-2.2  
01

# RANCHO TECOLOTE

(LOT 5)  
3240 CROSS CREEK RD.  
MALIBU, CA. 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED IN ANY OTHER MANNER WITHOUT THE WRITTEN AGREEMENT OF THE ARCHITECT.

WRITTEN CONSENT SHALL BE OBTAINED FROM THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO. DATE ISSUE

01-20-13	LA CO. Regional Planning Re-submittal
02-27-14	LA CO. Regional Planning 2nd Re-submittal
03-25-14	CA Coastal Commission Re-submittal
05-06-14	Fire Department Re-submittal
06-20-14	CA Coastal Commission 1st Re-submittal
09-26-14	CA Coastal Commission 2nd Re-submittal

## BURDGE & Associates ARCHITECTS

MALIBU  
SUN VALLEY

WWW.  
BUAIA.COM

21800 PACIFIC COAST HWY.  
MALIBU, CA 90265  
TEL: 310-456-1900

21 COMPT LANE, UNIT C  
MALIBU, CA 90265  
TEL: 310-456-1900  
FAX: 310-456-1900

DESCRIPTION:

DEVELOPMENT AREA  
PLAN

PROJECT: ARABIAN LOT 5  
DATE: 10/1/14  
SCALE: 1/8"=1'-0"  
DRAWN BY: DWA, MA, DL, SO

DRAWING NO.  
A-0.3  
OF

\*INCLUDES BUILDING PAD, GRADING SLOPES  
STRUCTURES AND PARKING AREAS

7,859.9 sf

MALIBU CANYON SIGNIFICANT  
WATERSHED BOUNDARY

MALIBU CANYON SIGNIFICANT  
WATERSHED BOUNDARY

NEW COAST LIVE OAK TREE  
(QUERCUS AGRIFFOLIA) TYPE 4

PROPOSED THREE STORY  
SINGLE FAMIL RESIDENCE  
(TO BE FULLY SPRINKLERED)

GARAGE

PROPOSED DRIVEWAY  
CONCRETE  
(E) FICUS TREES TO  
BE TRIMMED AND  
MAINTAINED AWAY  
FROM PROPERTY

PROPOSED SEPTIC  
TANK

CROSS CREEK RD.  
ASPHALT PAVING

(E) ACCESS ROAD / DRIVEWAY



Exhibit 8  
4-13-1397, 4-14-0100, 4-14-0201, 4-  
14-0202, 4-14-0621  
Site Plan and Elevations 4-14-0621  
(3 pages)









Exhibit 9  
4-13-1397, 4-14-0100, 4-14-  
0201, 4-14-0202, 4-14-0621  
Open Space Easement Area for  
CDP 4-14-0621