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CALIFORNIA COASTAL COMMISSION
South Central Coast
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Commission Action:

TH 11c

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-95-115

APPLICANT: Harold Lauber, Dorothy Stevinson, and Richard & Carolyn Smith

AGENT: Boyd Beastrom and Associates

PROJECT LOCATION: 5350 Kanan Dume Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Subdivision of 3 parcels totalling 22.6 acres into 7 lots ranging in size from 1.25-acres to 5.5-acres, 96,200 cu. yds. of grading (86,400 cu. yds. cut and 9,800 cu. yds. fill) for construction of access road and two building pads, installation of underground utilities, and improvement of access road with paving, curb and gutter.

Lot area:	22.6 acres
Building coverage:	N/A
Pavement coverage:	70,000 sq. ft.
Landscape coverage:	100,000 sq. ft.
Parking spaces:	N/A
Plan designation:	Rural Land I (1 du/10 ac), Rural Land III (1 du/2 ac)
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: County of Los Angeles

SUBSTANTIVE FILE DOCUMENTS: 5-82-584 (Cariker), 5-83-711 (Pineridge), 5-84-789 (Miller), 5-87-547 (Miller), 5-88-273 (Broekemeier), 5-89-549 (Keiper), 5-90-162 (Zamen), 5-90-32 (Thorne), 5-90-146 (O'Connor), 5-91-376 (Hammersveld)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed subdivision with Special Conditions relating to revegetation, cumulative impact mitigation, geology, archaeological resources, and drainage and erosion control, and grading monitor. The primary issue involved in this proposed project is the minimization of visual impacts from the proposed grading. The applicant previously proposed significantly more grading for the project (126,000 cu. yds.) In response to staff concerns, the proposed project was revised to

SUMMARY OF STAFF RECOMMENDATION (CONTINUED):

reduce the width of the proposed access road and to delete two fill slopes proposed to create building pads on two lots. The bulk of the proposed grading is for the construction of the access road. County staff has stated that the access road width represents the bare minimum that can be allowed. The grading proposed for the lots is necessary for the construction of driveways and turnarounds. As such, the proposed project has minimized landform alteration. Even so, the proposed project will be visible from parklands and a scenic highway. Staff recommends that the applicant be required to prepare and implement revegetation plans to minimize visual impacts of the proposed grading and to minimize erosion and sedimentation and to retain a grading monitor to ensure that site grading is carried out in conformity with approved plans. Further, staff recommends that the applicant be required to supply and implement drainage and erosion control plans to minimize impacts of the project on the offsite Ramirez Canyon ESHA. In order to mitigate the cumulative impacts of creating four new lots, staff recommends that the applicant be required to extinguish development rights for four building sites. Staff also recommends that the applicant be required to retain an archaeologist and Native American consultant to monitor all earth moving operations. As conditioned, staff recommends that the Commission find the proposed project consistent with the applicable sections of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Revegetation, Monitoring and Erosion Control Program.

- (a) Prior to the issuance of permit the applicant shall submit, for the review and approval of the Executive Director, revegetation plans for all areas impacted and disturbed by development activities. These plans shall be prepared by a licensed landscape architect or resource specialist. These plans shall incorporate the use of native, indigenous, plant species associated with the site and the surrounding area to minimize the need for irrigation and to soften the visual impact of development. The plans shall include a revegetation monitoring program for a period no less than three (3) years, to insure that revegetation activities are successful. These plans shall provide an outline of proposed maintenance activities, including the removal of weeds, or mid-course corrections (additional plantings), should they be required. At the end of the three year period, the applicant shall submit a final revegetation monitoring report, for the review and approval of the Executive Director, which indicates the success or failure of revegetation activities. If the report finds that revegetation activities are in part, or in whole, unsuccessful, then the applicant shall be required to extend revegetation activities for an additional two (2) years to insure that the site is adequately revegetated.
- (b) Grading shall not take place during the rainy season (November 1 - March 31). The development process shall minimize sediment from runoff waters during construction through the use of sediment basins (including debris basins, desilting basins, or silt traps) on the project site prior to or concurrent with the initial grading operations and maintained through the development process. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

- (c) All grading activities shall be carried out as expeditiously as feasible and all building pads shall be hydroseeded with native grasses or annuals and access roads paved within 30 days of grading completion. In the event that grading activities are interrupted for a period of more than 30 days, all exposed areas shall be hydroseeded, all access roads shall be paved and sediment retention methods shall be implemented.

2. Revegetation Plan Funding

Prior to the issuance of the Coastal Development Permit, the applicant shall post a bond, letter of credit, or other security, in a form acceptable to the Executive Director, in favor of the California Coastal Commission, in an amount 1-1/2 times the estimated cost of implementation of the revegetation plan to ensure the implementation in accordance with the guidelines and recommendations of the approved revegetation plan.

3. Cumulative Impact Mitigation.

Prior to the issuance of the Coastal Development Permit, the applicants shall submit evidence, subject to the review and approval of the Executive Director, that the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains are adequately mitigated. Prior to issuance of this permit, the applicants shall provide evidence to the Executive Director that development rights for residential use have been extinguished on four (4) building sites in the Santa Monica Mountains Coastal Zone. The method used to extinguish the development rights shall be either:

- a) one of the five lot retirement or lot purchase programs as referred to in the Malibu/Santa Monica Mountains Land Use Plan (Policy 272, 2-6);
- b) a TDC-type transaction, consistent with past Commission actions;
- c) participation along with a public agency or private nonprofit corporation to retire habitat or watershed land in amounts that the Executive Director determines will retire the equivalent number of potential building sites. Retirement of a site that is unable to meet the County's health and safety standards, and therefore unbuildable under the Land Use Plan, shall not satisfy this condition.

4. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geological Investigation, dated 4/6/79, prepared by George L. Quick, as well as the Geotechnical and Percolation Feasibility Investigation, dated 12/11/81, Responses to Los Angeles County Review Sheets, dated 8/2/83, Responses to Review Sheets, dated 1/26/84, Updated Geotechnical Investigation, dated 5/14/93, Response Letter, dated 9/17/93, and Response Letter, dated 3/28/94, all prepared by Gorian and Associates, Inc. shall be incorporated into all final design and construction including grading, septic systems, and drainage, all

plans must be reviewed and approved by the consultant prior to commencement of development. Prior to the issuance of the coastal development permit, the applicant shall submit evidence for the review and approval of the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, fault setback, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

5. 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 the archaeologist(s) with 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 be developed, by the applicant's archaeologist, and the Native American consultant consistent with Special Condition 17 of Tentative Tract Map No. 35998 and CEQA guidelines and implemented, subject to the review and approval of the Executive Director.

6. Drainage and Erosion Control Plans.

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and erosion control plan, designed by a licensed engineer and approved by the Los Angeles County Department of Public Works. The drainage and erosion control plan will not result in increases in either peak run-off volume or velocity for a 25 year / 24 hour rainfall event. Specifically, runoff volumes and velocities for a 25-year and 24-hour event must be calculated for existing and post-project conditions to demonstrate that no increase in runoff volume or velocity will occur. The drainage and erosion control plan shall include, but not be limited to, a system which collects run-off from the roads, driveways, and other impervious surfaces, and discharges it in a non-erosive manner including, if appropriate, on-site detention/desilting basins, dry wells, etc.

If any on-site detention system is planned either on or upslope from an engineered fill or an identified landslide, the drainage and erosion control plans shall be reviewed and signed by a licensed civil engineer or engineering geologist, indicating that the drainage and erosion control plan will not negatively impact or destabilize the identified fill or landslide. Any substantial changes in the proposed development approved by the Commission which may be required by the drainage consultant shall require an amendment to the permit or a new coastal permit. Should the

project's drainage structures fail or result in erosion, the applicant/landowner shall be responsible for any necessary repairs and restoration.

7. Grading Monitor

Prior to commencing grading the applicant shall retain at the applicant's expense, the services of an independent consultant with appropriate technical qualifications selected from a list provided to the applicant by the Executive Director to periodically monitor the grading during the course of the work performed under the terms of the approved grading plan. The consultant shall immediately notify the Executive Director if there is any departure from the approved grading plan and all work shall stop on that portion of the project until authorized to proceed by the Executive Director. Any substantial change from the approved grading plan shall require an amendment to the permit. Prior to the initiation of other on-site improvements the consultant shall submit a report, for the review and approval of the Executive Director, upon completion of grading certifying that the grading was performed in conformance with the approved grading plan.

II. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description.

1. Current Proposal.

The applicants propose the subdivision of 3 parcels totalling 22.6 acres into 7 lots ranging in size from 1.25-acres to 5.5-acres, 96,200 cu. yds. of grading (86,400 cu. yds. cut and 9,800 cu. yds. fill) for construction of access road and two building pads, installation of underground utilities, and improvement of access road with paving, curb and gutter. The proposed project site is located on Kanan Dume Road in the Malibu area of Los Angeles County. The site extends downhill into Ramirez Canyon. No mapped trails or environmentally sensitive habitat areas are located on the proposed project site.

2. Original Proposal.

The applicant originally proposed a seven-lot subdivision with the same lot configuration with 126,000 cu. yds. of grading (95,000 cu. yds. of cut and 31,000 cu. yds. of fill). Staff conveyed to the applicant and the applicant's representative that the amount of proposed grading was not consistent with the policies of the Coastal Act and Malibu/Santa Monica Mountains Land Use Plan (LUP) which require the minimization of landform alteration. The applicant's contention was that the majority of the proposed grading was for the construction of the access road and that the proposed road was the minimum width and grade that the County of Los Angeles would allow.

In the County's approval of Tentative Tract 35998 for the proposed subdivision, it is noted that the 50 foot width of "A" Street is reduced from the required 60 foot width "since topographic conditions make the standard

width requirement impractical". It is stated that a modification to the subdivision ordinance requirement was made to allow street grades in excess of 10%, but not to exceed 15% on portions of "A" Street, since a lower grade was not possible due to the topography of the site.

In reviewing the grading figures, grading plan and cross sections, it became apparent that the majority, although not all, of the proposed grading was for the construction of the proposed access road, "A" Street. This street extends for 1,150 feet from Kanan Dume Road down the site, and terminates in a cul-de-sac. From that point, a 20-foot wide fire lane extends the rest of the way across the site, ending at the bottom where it intersects Ramirez Canyon Road. The applicant's representative stated that this fire lane was required by the County because they need a secondary access point to Ramirez Canyon in case of emergencies. In fact, the conditions of approval for the subdivision do require the applicants to: "Provide access rights to residents in Ramirez Canyon Road and to the public over the common driveway connection to "A" Street in emergency situations". In addition to providing emergency access, the fire lane also provides access to two of the seven proposed parcels.

Staff identified alternatives which could potentially reduce the overall grading proposed for the subdivision. These alternatives included reducing the size of the four proposed building pads, clustering building sites, and reducing the width of the access road. Staff requested that the applicant consider whether grading could be reduced by clustering development on the upper portion of the site.

The applicant stated that alternatives had been explored through the County's subdivision approval process and that the County would not accept a narrower road standard. Commission staff arranged a meeting with the applicant, his representative, and Los Angeles County staff. At this meeting, County staff stated that the 50-foot width required for "A" Street is the absolute minimum roadway width that can be approved. They felt that the County had been flexible in reducing the road width from the 60-foot standard which is normally required. County staff did clarify that the 50-feet is the required width of the dedicated area. Only 42-feet of the roadway must be graded. Of the 42 feet, 30 feet must be paved and a 6-foot unpaved shoulder must be provided on each side.

At the same meeting, the applicant's engineer and the County engineer agreed that clustering development and moving the cul-de-sac to the upper portion of the property would not significantly reduce the total grading, since the road would still be required all the way across the site. The applicant's engineer did state that the grading could be reduced by removing the fill pads proposed for Lots 3 and 4, even though this would require the applicant to remove much more material from the project site.

After this meeting, the applicant's engineer revised the proposed grading plan to: 1) reduce the graded area of the access road to the 42-foot width required by the County and to: 2) remove the fill pads on Lots 3 and 4. These changes reduced the total amount of grading to the 96,200 cu. yds. currently proposed.

B. Background.

1. Proposed Project Site.

A permit application [5-85-831 (Harco)] was previously submitted for development on the subject site. The applicants proposed the subdivision of three parcels into 11 residential lots. Staff prepared a recommendation of denial of the proposed project based on inconsistency with Sections 30250 and 30251 of the Coastal Act. Although the Malibu/Santa Monica Mountains Land Use Plan had not yet been certified by the Commission, it had been approved with Suggested Modifications. The staff used the policies of the LUP with Suggested Modifications as guidance in their analysis of the proposed project. Staff recommended that the proposed project involved excessive landform alteration and would have negative impacts to visual resources. Additionally, based on the land use designations of the LUP with Suggested Modifications, the maximum number of lots that could be allowed for the project site would be seven. Therefore, the staff recommended that the proposed project was inconsistent with cumulative impact provisions of Section 30251 of the Coastal Act. The applicants withdrew the application prior to the public hearing so no action was taken by the Commission.

The County of Los Angeles later submitted LUP Amendment 1-91 to change the maximum permitted density on eight acres of the subject site from Rural Land III (1 dwelling unit per 2 acres) to Residential I (1 dwelling unit per acre). The net effect of that proposed amendment would have been to allow an increase from 7 to 11 parcels on the subject site. Staff recommended denial of the amendment request based on inconsistency with Section 30250 of the Coastal Act. The amendment request was postponed before the Commission hearing and was later withdrawn from consideration.

2. Surrounding Area.

The Commission has, in the past, approved several permits for development in the surrounding area along Kanan Dume Road. In Permit 5-82-584 (Cariker), the Commission approved the subdivision of a 6.2-acre parcel into four parcels. This project site is located on the west side of Kanan Dume Road south of the subject site. No figures are given in the staff recommendation on how much grading was necessary to carry out the subdivision. The Commission later approved 5-83-711 (Pineridge) for the subdivision of a 2-acre parcel into two lots. This site is located south of the subject site. Grading was not addressed in the approval.

Permit 5-84-789 (Miller) was approved for the subdivision of two lots, totalling 6.16-acres into five lots, construction of road, driveways and 8,920 cu. yds. of grading. This project site is located south of the Pineridge (5-83-711) site. This permit was later amended to increase the amount of grading to 12,000 cu. yds. The applicant allowed the permit to expire. Subsequently, the Commission approved 5-87-547 (Miller) for the identical project to 5-83-711A.

Permit 5-88-273 (Broekemeier) was approved for the subdivision of a 7.76-acre lot into seven parcels with 2,700 cu. yds. of grading (1,300 cu. yds. cut and 1,400 cu. yds. fill). This project site is on Kanan Dume Road south of

Cavalleri Road. The Commission has also approved Permit 5-90-162 (Zamen) for the subdivision of a 2.8-acre parcel developed with a single family residence into two lots and the construction of a new single family residence with 18 cu. yds. of grading. All of the above noted projects are located in the relatively developed area along Kanan Dume south of the proposed project site.

Additionally, the Commission has approved several projects on Via Acero, just south of the proposed project site. Permit 5-90-32 (Thorne) was approved for the construction of a 2,690 sq. ft. single family residence with 800 cu. yds. of grading. The Commission approved Permit 5-90-146 (O'Connor) for the construction of a 6,000 sq. ft. single family residence with no grading. Permit 5-91-376 was later approved for the construction of a 7,719 sq. ft. single family house with guest house and no grading. Additionally, Permit 4-92-156 was granted for the temporary placement of a 1,600 sq. ft. mobile home.

Finally, the Commission approved Permit 5-89-549 (Keiper) for the construction of a 5,816 sq. ft. single family residence and for the improvement of a 980-foot long by 26 foot wide portion at the end of Via Acero. The project also included 9,000 cu. yds. of grading to construct a connection from the end of Via Acero through the project site to Kanan Dume Road. This connection was proposed in order to allow a secondary access point to Ramirez Canyon for the Los Angeles County Fire Department. The Commission approved the construction of the residence and improvement of Via Acero, but required the applicant to delete the construction of the connection to Kanan Dume from the plans.

C. Landform Alteration/Visual Resources.

Section 30251 of the Coastal Act states that:

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

In addition, the certified LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the proposed development. The LUP policies cited below have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.

- P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.
- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.
- P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.
- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:
- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.
 - minimize the alteration of natural landforms.
 - be landscaped to conceal raw-cut slopes.
 - be visually compatible with and subordinate to the character of its setting.
 - be sited so as not to significantly intrude into the skyline as seen from public viewing places.
- P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.
- P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

Topographically, the proposed project site consists of a southeasterly trending ridge that descends from Kanan Dume Road along the western flank of Ramirez Canyon. The lowest end of the site abuts the cul-de-sac at the end of Ramirez Canyon Road. Natural slope gradients vary considerably on the property. Along the crest of the descending ridge, the slopes are moderately steep but increase in steepness rapidly toward the canyon bottom. Site relief is over 400 feet.

Aside from an overgrown, unpaved dirt road that traverses the property, the proposed project site is in a natural state. According to an environmental study prepared for the project site:

The vegetation within the project site is predominately a mixture of chapparral and coastal sage scrub species with some disturbance and expansion of grasslands in areas cleared for fire breaks. While no significant riparian community associations exist on the site, extensive tracts of this vegetation are established along the bottom of Ramirez Canyon.

There are no environmentally sensitive habitat areas identified on the proposed project site, but Ramirez Canyon, directly offsite, is designated in the LUP as a "Disturbed Sensitive Resource Area: and a "Significant Oak Woodland". Directly across Ramirez Canyon from the project site is the Streisand property where the creek has been significantly altered.

Directly to the north and across the road to the west of the site is parklands which are part of the Santa Monica Mountains National Recreation Area. As such, these areas are undisturbed and the natural landforms are in place. Just south of the proposed site is Via Acero, a street accessed from Ramirez Canyon Road which is developed with single family residences. Further south along Kanan Dume Road is an area highly developed with single family residences. Finally, the area along Ramirez Canyon Road is highly developed with residential uses.

Kanan Dume Road is a designated Scenic Highway. There are several County designated riding and hiking trails in the immediate area. The Zuma Ridge Trail is located on the west side of Kanan Dume Road, upslope of the proposed project site. The site will be visible from various points along the trail alignment. The Ramirez Canyon Connector trail is located up the eastern slope of Ramirez Canyon. The project site should not be visible from this trail. No mapped trails cross the site.

The proposed project includes 96,200 cu. yds. of grading (86,400 cu. yds. cut and 9,800 cu. yds. fill). The bulk of the proposed grading is to construct the proposed access road. The applicant proposes 69,150 cu. yds. of grading (62,650 cu. yds. cut and 6,500 cu. yds. fill) for the construction of a 50-foot wide street ("A" Street) which will provide access to all seven home sites. The project also includes 10,800 cu. yds. of grading (10,300 cu. yds. cut and 500 cu. yds. fill) for the construction of a 20-foot wide fire lane which will extend from the end of the "A" Street to Ramirez Canyon Road below. The County of Los Angeles required the applicant to provide this fire lane for emergency access only. Finally, the applicant proposes 16,250 cu. yds. of grading (13,450 cu. yds. cut and 2,800 cu. yds. fill) for the construction of building pad areas for two of the seven lots. Future homes on the five remaining lots will be built to the slope. Therefore, the grading figures are as follows:

	<u>CUT (cu. yds.)</u>	<u>FILL (cu. yds.)</u>	<u>TOTAL (cu. yds.)</u>
"A" Street (50 feet wide)	62,650	6,500	69,150
Firelane (20 feet wide)	10,300	500	10,800
Building Pads	13,450	2,800	16,250
TOTAL	86,400	9,800	96,200

TABLE 1 (Revised)

In the County's approval of Tentative Tract 35998 for the proposed subdivision, it is noted that the 50 foot width of "A" Street is reduced from the required 60 foot width "since topographic conditions make the standard width requirement impractical". It is stated that a modification to the subdivision ordinance requirement was made to allow street grades in excess of 10%, but not to exceed 15% on portions of "A" Street, since a lower grade was not possible due to the topography of the site.

In reviewing the grading figures, grading plan and cross sections, it becomes apparent that the majority, although not all, of the proposed grading is for the construction of the proposed access road, "A" Street. This street extends for 1,150 feet from Kanan Dume Road down the site, and terminates in a cul-de-sac. From that point, a 20-foot wide fire lane extends the rest of the way across the site, ending at the bottom where it intersects Ramirez Canyon Road. The applicant's representative has stated that this fire lane was required by the County because they need a secondary access point to Ramirez Canyon in case of emergencies. In fact, the conditions of approval for the subdivision do require the applicants to: "Provide access rights to residents in Ramirez Canyon Road and to the public over the common driveway connection to "A" Street in emergency situations". In addition to providing emergency access, the fire lane also provides access to two of the seven proposed parcels.

In determining consistency of the proposed project with Section 30251 of the Coastal Act, it is necessary to look to the policies of the Malibu/Santa Monica Mountains LUP as well as past Commission actions for guidance. As noted above, Section 30251 requires the protection of the scenic and visual qualities of coastal areas. It specifically requires that permitted development minimize the alteration of natural landforms and that it be visually compatible with the character of surrounding areas. The LUP policies noted above require that grading and landform alteration be minimized, both to minimize the visual impacts of altering natural landforms and to minimize the potential impacts of increased runoff and erosion from grading natural sites and removing native vegetation.

As noted above in Section A, the applicant originally proposed a seven lot subdivision with 126,000 cu. yds. of grading (95,000 cu. yds. cut and 31,000 cu. yds. fill) for the access road and pads on four of the seven lots. The

grading figures for the original proposal were as follows:

	<u>CUT (cu. yds.)</u>	<u>FILL (cu. yds.)</u>	<u>TOTAL (cu. yds.)</u>
"A" Street (50 feet wide)	71,500	6,500	78,000
Firelane (20 feet wide)	10,300	500	10,800
Building Pads	13,200	24,000	37,200
TOTAL	95,000	31,000	126,000

TABLE 2 (Original)

Additionally, while the majority of the proposed grading was for the construction of "A" Street and the firelane, there was still a significant amount of grading (37,200 cu. yds.) for building pads on four of the seven lots. The applicant's agent supplied the following sizes of each proposed building pad:

Lot 1	12,650 sq. ft.
Lot 2	8,665 sq. ft.
Lot 3	10,185 sq. ft.
Lot 4	11,090 sq. ft.

The applicants' agent indicated that houses on Lots 5, 6, and 7 could be built to the grade without further grading for building pads. When compared to the visual resource policies, it became apparent to staff that the originally proposed project with 126,000 cu. yds. of grading was not consistent.

Staff identified alternatives which could potentially reduce the overall grading proposed for the subdivision. These alternatives included reducing the size of the four proposed building pads, clustering building sites, and reducing the width of the access road. Staff requested that the applicant consider whether grading could be reduced by clustering development on the upper portion of the site.

The applicant stated that alternatives had been explored through the County's subdivision approval process and that the County would not accept a narrower road standard. Commission staff arranged a meeting with the applicant, his representative, and Los Angeles County staff. At this meeting, County staff stated that the 50-foot width required for "A" Street is the absolute minimum roadway width that can be approved. They felt that the County had been flexible in reducing the road width from the 60-foot standard which is normally required. County staff did clarify that the 50-foot is the required width of the dedicated area. Only 42-feet of the roadway must be graded. Of the 42 feet, 30 feet must be paved and a 6-foot unpaved shoulder must be provided on each side.

At the same meeting, the applicant's engineer and the County engineer agreed that clustering development and moving the cul-de-sac to the upper portion of the property would not significantly reduce the total grading, since the road would still be required all the way across the site. The applicant's engineer did state that the grading could be reduced by removing the fill pads proposed for Lots 3 and 4, even though this would require the applicant to remove much more material from the project site.

After this meeting, the applicant's engineer revised the proposed grading plan to: 1) reduce the graded area of the access road to the 42-foot width required by the County and to: 2) remove the fill pads on Lots 3 and 4. These changes reduced the total amount of grading to the 96,200 cu. yds. currently proposed. In comparing the grading breakdowns provided in Table 1 and Table 2 above, it becomes clear that the grading for the proposed "A" Street was reduced almost 9,000 cu. yds. as a result the County staff's clarification that only 42 feet of the total road dedication must be graded. However, the more significant reduction in grading volume was in the deletion of the proposed fill pads from Lots 3 and 4. This resulted in a reduction of 21,050 cu. yds. of grading.

The Commission has approved a number of projects with large quantities of grading, however, grading was mainly necessitated by poor geologic conditions plus the resulting grading had minimal visual impact. Permit 5-89-155 (Nesheim) was for a 4,567 sq. ft. single-family residence, pool, driveway with 18,300 cu. yds. of grading (balanced). Significant grading was required due to the presence of uncertified fill and alluvium. The material was required to be excavated and recompacted. Permit 5-88-683 (Felder) was for a 7,425 single-family residence, pool, guesthouse with 30,000 cubic yards of grading. However, grading was required to over excavate and recompact due to soil having poor bearing value. In permit 5-90-277 (Harrah) 15,436 cu. yds. of grading was approved for a 17,620 sq. ft. single-family residence, 750 sq. ft. guest house, pool, tennis court, tennis pavillion, garden storage structure and bluff restoration on a 7 acre site. The majority of the grading was for excavation with 36% for bluff restoration. The grading for the residence did not create any adverse visual impacts from the beach or surrounding area.

The Commission has restricted grading for proposed developments in order to minimize landform alteration and impacts on scenic resources in many past permit actions both in undeveloped areas and existing developed areas on the coastal terrace. In many actions on land divisions and development in highly visible areas, the Commission has denied projects due to landform alteration and visual impacts or conditioned approval on reducing the amount of proposed grading or the applicant has agreed to reduce the grading due to staff concerns. In Permit 4-93-056 (Vierich), for the subdivision of a 21-acre lot partially within a Significant Watershed area off Kanan Dume Road into two lots with the construction of a single family residence on each lot, the applicant originally proposed 9,600 cu. yds. of grading for the creation of two building pads. Staff recommended denial of the application because of the potential negative visual impacts that would result from excessive landform alteration and the placement of two excessively large building pads in a highly visible location. The applicant worked with staff to reduce the size of the proposed building pads, thus reducing the proposed grading to 3,500 cu. yds. In 5-90-058 (Williams), for the subdivision of a 34.1 acre parcel into 5 lots off of Winding Way, the applicant's original project proposal included

128,674 cubic yards of grading for the construction of access roads and building pads. Due to concerns raised by staff relative to landform alteration and visual resource impacts the applicant revised the project design by eliminating grading on a prominent ridge, employing a split level pad design and reducing overall grading to 24,390 cubic yards. In 5-89-1149 (Thorne), for the subdivision of 121.9 acres into 19 lots off of Latigo Canyon Road, the applicant's original project proposal included 280,000 cubic yards of grading for the construction of pad sites and access roads. Due to concerns raised by staff relative to grading and the associated visual and landform alteration impacts the applicant revised the project design by reducing building pad sizes and overall grading to 158,000 (79,000 cu. yds cut., 79,000 cu. yds. fill). In approving 5-89-872 (Javid) for the subdivision of a 45 acre parcel into 25 lots and 345,000 cubic yards of grading (216,900 cu. yds cut, 127,450 cu. yds. fill) for pads and access roads off of Morning View Drive, the Commission required the applicant to cluster lots and modify the grading as a special condition of approval. The Commission eliminated all grading for building pads and limited all grading to what was necessary for the construction of access roads and driveways. The future residential structures would have to be built to natural grade. In 5-88-300 (Lachman/Preferred Financial), for the subdivision of a 6.54 acre parcel and the construction of 38 condominium units and a road extension at the northeast corner of Lunita Road and Bailard Road the applicant's original project submission included 74,000 cubic yards of grading and would have created essentially one large building pad for the project. Due to concerns raised by staff relative to grading and landform alteration the applicant revised the project design to step most units up and down the existing slopes to conform to the existing topography (by notching the units into the hillside rather than creating flat terraces). Overall grading was reduced by 55 percent to 33,000 cubic yards.

In approving permit no. 5-88-600 (Trancas Town Ltd.) for the subdivision of 35 acres on the west side of Trancas Canyon Road into 15 single-family lots and 52 condominiums the Commission required the applicant to reduce overall grading and landform alteration as special conditions of approval. Specifically, the applicant was required to eliminate four single-family lots, redesign four other lots to place structures on multiple levels at natural grade, and reduce pad sites to a maximum of 2,000 square feet and cut and fill slopes to a maximum of five feet. In approving permit no. 5-88-938 (Bennett) for the subdivision of 10 acres into four lots and 21,200 cubic yards of grading for pad sites and an access road on Sea View Drive north of the subject site the Commission also required the applicant to modify grading as a special condition of approval. The Commission restricted the pads to specific elevations on the site, limited pad size to 3000 square feet and restricted the height of cut and fill slopes to five feet at 2:1 slope ratios and 10 feet for 3:1 slope ratios. In a subdivision project located on Latigo Canyon, a applicant applied for a permit in 1980 (#80-7570) for the subdivision of a 35 acre parcel into 12 lots. The Commission denied the subdivision due to the cumulative impacts to coastal resources. Then in 1989 the project was before the Commission as a 9 lot subdivision with 161,000 cubic yards of grading. The Commission denied the project due to landform alteration and adverse impacts on visual resources. The applicant reapplied for a 9 lot subdivision with grading reduced to 37,000 cubic yards (5-90-665, Vanjani). The Commission approved the project with conditions to further mitigate the visual impacts.

In comparing the currently proposed project with past Commission actions, it becomes apparent that this proposal includes an amount of landform alteration at the upper end of the range of projects that have been approved. The proposed grading will result in the creation of manufactured slopes which will be visible from surrounding area. It will be highly visible from a scenic highway and National Parks property.

As noted above, the Commission has denied or required redesign of projects in order to minimize landform alteration and impacts to visual resources. While the Commission cannot impose conditions of approval which completely redesign projects, the Commission or staff has routinely made suggestions to applicants about alternative projects or modifications to projects which would serve to reduce grading. While such suggestions must be specific to the characteristics of each proposed project site, general ways in which grading has been reduced include: clustering lots on one area of a site; reduction of building pad size; building structures to the existing grade or "notching" structures into the hillside; reducing road widths or increasing road grades; and reducing the total number of lots allowed in a subdivision.

As previously discussed, staff has worked with the applicant to reduce the total grading for the proposed road by reducing the width of the graded portion to the 42 feet required by the County and by deleting the fill slopes proposed to provide pad areas for Lots 3 and 4. The applicant provided revised plans which include 96,200 cu. yds. of grading. Staff analyzed these plans and arrived at the conclusion that the grading was still a significantly large amount of landform alteration which could have adverse visual impacts. Staff again attempted to identify alternatives which could further reduce the amount of grading.

However, the bulk of the proposed grading is for the construction of the access road, "A" Street with a lesser amount required for the construction of the fire lane. The proposed grading for the lots is required to provide a driveway and turnaround for each lot as well as two building pad areas on Lots 1 and 2.

With regard to further reductions in road grading, staff has met with the staff of the County of Los Angeles. The County staff stated that the road presently proposed represents the bare minimum standard that can be approved for the subdivision. They felt that the County had been flexible in reducing the required width to 50 feet from the actual standard of 60 feet for rural areas and in permitting the fire lane below the cul-de-sac to be only 20 feet in width since it will provide emergency access only. As noted above, only 42 feet of the total 50-foot dedication must be graded. Therefore, it is apparent that the applicant cannot reduce the proposed road grading further. Staff also explored the possibility of clustering development on the upper portion of the proposed project site, near Kanan Dume Road. However, even if all seven building sites were somehow clustered on the upper area, the road would be required to cross the entire site and connect to Ramirez Canyon Road. Furthermore, the proposed project site consists of three existing legal parcels. If no subdivision were approved, the applicant could still apply to construct three single family residences which would require a significant amount of grading to provide road access. Therefore, the Commission finds that the proposed project minimizes road grading to the maximum extent feasible.

Even though the applicant significantly reduced the amount of grading proposed for building pads, staff also considered further reducing the remaining grading proposed for the building sites. The majority of the 16,250 cu. yds. proposed for the lots represents grading necessary to provide driveways and fire department turnarounds for each lot. However, the applicant still proposes a building pad for Lots 1 and 2. The pad area proposed for Lot 1 is 12,650 sq. ft. and that proposed for Lot 2 is 8,665 sq. ft. However, in reviewing the plans, it becomes apparent that the pads are necessary for these two lots. Although the pad areas are located downslope from "A" Street, the road will be cut down to a lower elevation than the existing grade of the pad areas. As such, without the cuts proposed for Lots 1 and 2, there would be a very steep transition from the road to each lot. Additionally, the grading proposed for these two lots will allow future homes to be set into the hill, reducing their visual impact. Therefore, the Commission finds that grading for the lots has been minimized.

Although the Commission finds that the proposed project minimizes grading to the maximum extent feasible, the resultant manufactured slopes will be visible from parklands, Kanan Dume Road which is a scenic highway, and Ramirez Canyon. As such, it is especially critical that the slopes are revegetated to ensure that that adverse visual impacts of bare slopes are minimized. In order to ensure that all graded areas are properly revegetated, the Commission finds it necessary to require the applicant to prepare and implement revegetation plans. These plans must incorporate the use of native vegetation to minimize the need for irrigation and to visually blend graded areas into natural areas. A monitoring plan must be included to ensure that the revegetation is successful. If, for any reason, the revegetation activities are unsuccessful, the applicant must provide corrective measures to ensure that all graded areas are successfully revegetated. Further, given the size of the proposed project and the large amount of grading proposed, if for any reason the project were to be abandoned, even on a temporary basis, with bare soils exposed, adverse visual impacts would result. As such, the Commission finds it necessary to require the applicant to provide a bond or other security to guarantee completion of the revegetation program.

Finally, the Commission finds it necessary to require the applicant to not carry out grading activities during the rainy season and to hydroseed all building pad areas with native grasses or annuals when either grading is complete or at such time as grading is interrupted for 30 days or more. The pad seeding must be provided as an interim measure to minimize erosion and adverse visual impacts from the pads until such time as houses are constructed. Native grasses or annuals may be easily removed prior to construction.

Finally, in order to ensure that the grading is carried out only as shown on the currently proposed grading plans, the Commission finds it necessary to require the applicant to retain a grading monitor to oversee the grading operation. The Commission has found, in past projects involving large amounts of grading, that changes have been made in the field without review of the Commission. These changes have in many cases been very significant modifications, resulting in significant impacts to visual resources. As such, a grading monitor is necessary on projects involving significant amounts of grading to ensure visual impacts are minimized throughout the implementation

of the grading plan.

In conclusion, the Commission finds that the proposed project will minimize landform alteration. As conditioned to prepare and implement a revegetation plan and provide a grading monitor, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

D. Cumulative Impacts of New Development.

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted 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.

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

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

In addition, the certified LUP contains the following policy regarding land divisions which is applicable to the proposed development. The LUP policy cited below have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

273d In all other instances, land divisions shall be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to site a dwelling or other principal structure consistent with the LUP. All land divisions shall be considered to be a conditional use.

The Coastal Act requires that new development, including subdivisions and multi-family projects, be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The subject site is located in an existing developed area of the coastal terrace, therefore the 50% criteria and average lot size criteria of Section 30250(a) are not applicable. However, the Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impact problem stems from the existence of

thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects. Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches, could be expected to grow tremendously. In addition, future build-out of many lots located in environmentally sensitive habitat areas would create adverse cumulative impacts on coastal resources.

The certified LUP recognizes the cumulative impact problem in the Malibu/Santa Monica Mountains Coastal Zone:

If all existing nonconforming lots in the Malibu Coastal Zone were built out a significant portion of the proposed development capacity proposed in this Local Coastal Program would have to be reserved from utilization in otherwise more appropriate locations. Their development would demand the allocation of urban services not now available at these locations and could adversely affect the resources which remain in such locations.

While the above statement refers to nonconforming lots, it also points out a "development capacity" contained in the LUP and the demand on road capacity, services and recreation which would be exceeded by buildout of existing undeveloped lots. Therefore, any proposal to increase permitted density on a lot has the potential of adding to the cumulative impact burden on roads and services etc. even if the site is located in an existing developed area.

As a means of addressing the cumulative impact problem, the Commission has, in past permit actions, required consistency with the LUP land use designations for maximum density, as well as required participation in the Transfer of Development Credit (TDC) program as mitigation for new lot creation.

With regard to the LUP designations, the proposed project site has designations of Rural Land I which allows a dwelling unit per 10-acres and Rural Land III which allows one dwelling unit per 2 acres. Based on the total acres of the project site in each of these density categories, the maximum allowable density would be seven dwelling units. As noted in the background section above, the County has previously applied for a LUP amendment to increase the total allowable density of the proposed site to 11 lots. However, staff recommended denial of this proposal because it was inconsistent with Section 30250(a) of the Coastal Act and the amendment was withdrawn before Commission action. The applicants currently propose seven parcels which is consistent with the LUP designation of the proposed project site.

As noted above, in past actions, the Commission has consistently required, as a special condition to development permits for land divisions and multi-unit projects, participation in the Transfer of Development Credit (TDC) program as mitigation for the cumulative impacts of creating new parcels (155-78, Zal; 158-78, Eide; 182-81, Malibu Deville; 196-86, Malibu Pacifica; 5-83-43, Heathercliff; 5-83-591, Sunset-Regan; and 5-85-748, Ehrman & Coombs). The TDC program resulted in the retirement from development of existing, poorly-sited, and non-conforming parcels at the same time new parcels or units were created. The intent was to insure that no net increase in residential units resulted from the approval of land divisions or multi-family projects while allowing development to proceed consistent with the requirements of Section 30250(a).

In reviewing recent Commission action pertaining to mitigating cumulative impacts, the Commission notes that the Malibu/Santa Monica Mountains Land Use Plan (LUP) does not contain the TDC Program as a means of mitigating the cumulative impacts of the potential build-out of existing non-conforming lots. Instead the LUP contains in Policy 272, six alternative mitigation techniques, which are administered by Los Angeles County, to prevent both the build-out of existing small lots and the development of lots of less than 20 acres in designated Significant Watersheds in order to insure that land divisions and multiple-unit projects are consistent with the requirements of Section 30250(a). The six basic components of Policy 272 are as follows:

1. Application of a residential building cap of 6582 new units, of which no more than 1200 units shall be in designated small lot subdivisions;
2. Acquisition, by outright public purchase, non-conforming lots and lots in designated Significant Watersheds through the continuing acquisition programs of several agencies;
3. Offering tax delinquent lots to adjoining lot owners, under attractive terms which would provide incentives for acquisition and consolidation into larger conforming parcels;
4. Offering incentives to owners of contiguous legally divided lots to voluntarily consolidate the lots into larger single holdings;
5. Empowering the County Community Redevelopment Agency to redevelop areas in order to achieve more appropriate lot and subdivision configurations and development sites;
6. Providing opportunities to owners of non-conforming lots to exchange their property for surplus governmental properties in more suitable development areas inside and outside the Coastal Zone.

The County currently does not have the mechanisms in place to implement any of these six programs. In several permit actions subsequent to certification of the LUP (5-86-592, Central Diagnostic Labs; 5-86-951, Ehrman and Coombs; 5-85-459A2, Ohanian; and 5-86-299A2 and A3, Young and Golling), the Commission found that until the County has the means to implement these programs, it is appropriate for the Commission to continue to require purchase of TDC's as a way to mitigate the cumulative impacts of new subdivisions and multi-residential development. In approving these permit requests, the Commission found that none of the County's six mitigation programs were "self-implementing" and that mitigation was still required to offset the cumulative impacts created by land divisions and multi-unit projects. The Commission found that the TDC program, or a similar technique to retire development rights on selected lots, remained a valid means of mitigating cumulative impacts in the interim period during which the County prepares its implementation program. Without some means of mitigation, the Commission would have no alternative but denial of such projects based on the provisions of Section 30250(a) of the Coastal Act.

The applicants propose to subdivide three existing parcels of land into seven residential lots. The proposed number of residential units and the

residential unit density conform to the LUP designation on this site. The subject parcels are existing legal parcels. Therefore, no cumulative impact mitigation requirements shall be imposed as a condition of approval of this permit regarding the legality of the three underlying parcels.

As discussed above, the LUP contains six potential techniques to mitigate cumulative impacts, and none of which are easily implemented at the present time. The reason that these techniques may be considered as options is that these programs may be available at some future date. In the interim, the Commission has approved new subdivisions, but has continued to require purchase of TDC's as one of the alternative mitigation strategies. Staff review indicates that the incremental contribution to cumulative impacts would be the creation of four additional lots. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality and resource degradation would be associated with the development of four additional lots in this area. Therefore, the Commission determines that it is necessary to impose a requirement on the applicant, in order to insure that the cumulative impacts of the creation of four additional legal buildable lots are adequately mitigated. This permit has therefore been conditioned to require the applicant to mitigate the cumulative impacts of the subdivision of this property, either through purchase of four (4) TDCs or by participation in one of the County's alternative programs. The Commission finds that as conditioned, the permit is consistent with Section 30250(a) of the Coastal Act.

E. Environmentally Sensitive Habitat Areas.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

Section 30231:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

Section 30240:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

In addition, the Malibu/Santa Monica LUP contains several policies for stream protection and erosion control. The LUP policies cited below have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

- P81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.
- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
- P86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.
- P87 Require as a condition of new development approval abatement of any grading or drainage condition on the property which gives rise to existing erosion problems.
- P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.
- P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.
- P92 For permitted grading operations on hillsides, the smallest practical area of land should be exposed at any one time during construction, and the length of exposure should be kept to the shortest practicable amount of time.

There are no environmentally sensitive habitat areas identified on the proposed project site, but Ramirez Canyon, directly offsite, is designated in the LUP as a "Disturbed Sensitive Resource Area: and a "Significant Oak Woodland".

In past actions, the Commission has found that development projects, particularly those involving grading and landform alteration, can adversely impact ESHA areas even if the ESHA is not located on the project site. The removal of vegetative cover not only reduces the habitat area available, but also exposes bare soil which in turn increases erosion and sedimentation. In this way, offsite ESHA areas are impacted by development. Further, the replacement of native vegetation and soil with impervious surfaces like roads, structures, patios, etc., increases and hastens the occurrence of the peak

runoff. Natural vegetation captures and retains a significant amount of precipitation, releasing it to minor drainages hours and days after the precipitation event. When this process is removed by the placement of impervious surfaces, more storm runoff is conveyed much sooner and at a higher velocity to drainage channels, resulting in larger peak discharges occurring sooner after storm events. This can have serious impacts on stream channel morphology and can cause flooding. Changes in a stream channel can result in loss of habitat area.

In order to minimize impacts to ESHA areas from offsite development, the Commission has consistently required that alteration of landforms and processes of the proposed project site are minimized. The Commission has also required that graded or disturbed areas be landscaped with native vegetation. Restoring vegetative cover reduces the erosion potential of bare soil. Further, the Commission has required the installation of properly designed drainage systems in order to ensure that storm runoff is conveyed from the project site in a non-erosive manner and that peak runoff is not increased as a result of the project.

As discussed above, in this case, the applicant has minimized the grading and landform alteration associated with the proposed subdivision to the extent feasible. Even so, a significant amount of grading and landform alteration will be carried out on the proposed project site. Large fill slopes will be created on Lots 2,3,4 and 6 for the access road. If these slopes and several other smaller graded areas proposed on the site are not properly revegetated, severe erosion and sedimentation will occur, impacting the downstream Ramirez Canyon ESHA.

As such, in order to ensure that all graded areas are properly revegetated, the Commission finds it necessary to require the applicant to prepare and implement revegetation plans. These plans must incorporate the use of native vegetation to minimize the need for irrigation. A monitoring plan must be included to ensure that the monitored to ensure that the revegetation is successful. If, for any reason, the revegetation activities are unsuccessful, the applicant must provide corrective measures to ensure that all graded areas are successfully revegetated. Further, given the size of the proposed project and the large amount of grading proposed, if for any reason the project were to be abandoned, even on a temporary basis, with bare soils exposed, excessive erosion and sedimentation would result, adversely impacting Ramirez Creek. As such, the Commission finds it necessary to require the applicant to provide a bond or other security to guarantee completion of the revegetation program.

Finally, the Commission finds it necessary to require the applicant to not carry out grading activities during the rainy season and to hydroseed all building pad areas with native grasses or annuals when either grading is complete or at such time as grading is interrupted for 30 days or more. The pad seeding must be provided as an interim measure to minimize erosion from the pads until such time as houses are constructed. Native grasses or annuals may be easily removed prior to construction.

With regard to drainage, the Commission finds it necessary to require the applicant to submit detailed drainage and erosion control plans. Although the applicant has designed the project to not provide large pad areas for the future homes, the access road is quite long and it, along with the proposed

driveways, represent a large area of impervious surface.

Although drainage plans have not yet been designed or submitted to staff, the applicant's engineer told staff the basic elements that will be included. Each driveway will drain to the access road. A catch basin will be provided at the end of the proposed cul-de-sac to intercept all drainage from the top of the site to that point. A second catch basin will be provided from the fire lane downslope between Lot 4 and Lot 5. These two catch basins will terminate in an energy dissipator and the runoff will flow into a minor drainage along the southern edge of the site. In order to ensure that the drainage system will not result in increases to peak runoff volumes or velocity, the Commission finds it necessary to require the applicant to submit plans, approved by the County, for a system which will maintain the peak runoff volume and velocity for a 25 year/24 hour rainfall event.

In conclusion, the Commission finds that, while the applicant has minimized grading and landform alteration, a significant amount of grading will still be necessary for the construction of the proposed project and a large area will be disturbed and stripped of vegetation. In order to minimize any adverse impacts of the project on the Ramirez Canyon ESHA offsite, the Commission is requiring the applicant to prepare, implement and bond for the completion of a revegetation plan for all graded areas of the site. The Commission is also requiring the applicant to prepare and implement a drainage and erosion control plan which will ensure that peak runoff volume and velocity will not be increased as a result of the proposed project. As such, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30231 and 30240 of the Coastal Act.

F. Geology

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include 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.

The applicant has submitted a Geological Investigation, dated 4/6/79, prepared by George L. Quick, as well as a Geotechnical and Percolation Feasibility Investigation, dated 12/11/81, Responses to Los Angeles County Review Sheets, dated 8/2/83, Responses to Review Sheets, dated 1/26/84, Updated Geotechnical

Investigation, dated 5/14/93, Response Letter, dated 9/17/93, and Response Letter, dated 3/28/94, all prepared by Gorian and Associates, Inc. These reports address the geology of the site and of the general area.

The applicant's consultants conclude that the project may be developed from a geotechnical standpoint. Slope stability analyses carried out by the consultants indicate that the slopes have a factor of safety in excess of 1.5.

Several landslides were identified off-site adjacent to the southern property line. These landslides are located downslope and across the minor drainage from the area of the site proposed for development. The consultants state that these landslides will have no impact on the proposed building pads. In fact, according to the reports, any failure of these slides will accumulate debris at the toe of the south facing slopes on the project site, buttressing the slopes. Further, the geotechnical report addresses the potential impact of the future sewage disposal systems on the existing landslides. The report states that:

Depth to groundwater, excluding localized perched zones, is expected to be greater than 100' below proposed pad grade. Based on the rapid deep percolation rates, no groundwater mound is expected to develop because of effluent generated from the sewage disposal systems. Effluent generated from the project will not impact the large existing landslides located south of the property because of the intervening drainage course that follows the southern property line and is located between the pads and the landslides.

In addition to the offsite landslides, the geotechnical reports identify several shallow slumps along the southern edge of the project site. None of the slumps affect the developed area of the proposed project site. In fact the area affected by the slumps has been designated "restricted use area" where no development may take place. Further, the proposed grading for the road and pads will not affect the landslides onsite. The geotechnical report states that:

The proposed development will not add driving forces to the landslides and should not alter the shear strength properties along bedding planes. Therefore, we have no reason to believe that the proposed development will adversely affect the existing landslides.

The consultants make many recommendations on site preparation, grading, construction of slopes, slope maintenance, revegetation, and drainage. They conclude that the proposed project site may be developed so long as their recommendations are incorporated into the project. The report states that:

Our professional opinion is that the subject site will be safe against hazard from landslides, settlement, or slippage provided our recommendations are followed. The proposed development will have no adverse effect on the geologic stability of adjacent properties.

Therefore, the Commission finds that the project will be consistent with Section 30253 of the Coastal Act so long as the recommendations of the geologist are incorporated into the project design. Thus, the Commission finds it necessary to require the applicant to follow all recommendations of the

consultants. The Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

G. Archaeological Resources

Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce potential adverse impacts through the use of reasonable mitigation measures. Archaeological resources can be degraded if a project is not properly monitored and managed during earth moving activities conducted during construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even though they may be less rich in materials, have become increasingly valuable. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact. 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 number and diversity to predict the ultimate significance of these unique resources.

An Archaeological Assessment of the project site was prepared by Ancient Enterprises, Inc. for the original approval of the subdivision by the County. The report concluded that the project site is not in a paleontologically sensitive area and that it would not directly impact any cultural remains. The consultants conducted archival research of known archaeological sites as well as an on-foot reconnaissance. The search of archaeological records for the area identified 11 known sites within a two-mile radius of the proposed project site. One of those sites (LAN-458) is thought to be located in close proximity to the subject site. The report states that:

One such site, LAN-458 is located very close to the tract and due to the Point Dume Quad map scale and the extremely small area that LAN-458 represents, it is difficult to ascertain if this site, does in fact, lie on the subject property. Consisting solely of Pismo clam and mussel shell fragments and covering an area of not more than 20 x 30 meters, site LAN-458 does not contain any lithic material nor does it evidence any indication of prehistoric usage except for the shell fragments which may or may not in this case represent usage.

A walk-over survey of the site did not reveal any cultural remains. However, the consultants acknowledged that there was heavy vegetation cover on some areas of the site which made visibility difficult. The consultant's report recommended that an archaeologist be called in immediately if archaeological

resources were encountered during the grading operations. The County required, as one of the conditions of approval of the Tentative Tract Map, that if subsurface cultural resources are encountered, they shall not be disturbed and a qualified archaeologist reviews the finds and makes recommendations for their removal, preservation, and mitigation measures, if applicable.

However, the Commission has, in past hearing and voting, required on-site archaeologists and Native American consultants to monitor grading and site preparation operations in areas where cultural resources are or may be present. The Commission finds that, in this case, there is a known archaeological site near the project site, there is a potential for cultural resources to be present on the site where they could be disturbed by grading operations. In order to ensure that archaeological resources, if any, are properly identified and adequate mitigation measures are implemented, the Commission finds it necessary to require the applicant to have an archaeologist and Native American consultant on site during all grading operations. The Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act.

H. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

In addition, the Malibu/Santa Monica Mountains Land Use Plan contains the following policies concerning sewage disposal. The LUP policies cited below have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes...

The applicant has submitted geologic reports prepared for the proposed project site which indicate that the site is stable and it would be possible to provide septic systems for waste disposal for future residences. Percolation tests of the site demonstrated that the site is adequate to

provide for seven septic systems and the septic effluent would not contribute to any instability of the site or adjacent sites. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

I. Local Coastal Program.

Section 30604 of the Coastal Act states that:

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

On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains LCP. The Certified LUP contains policies to guide the types, locations and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding grading and visual impacts, geology, and septic systems. As conditioned the proposed development will not create adverse impacts and is consistent with the policies contained in the LUP. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

J. CEQA

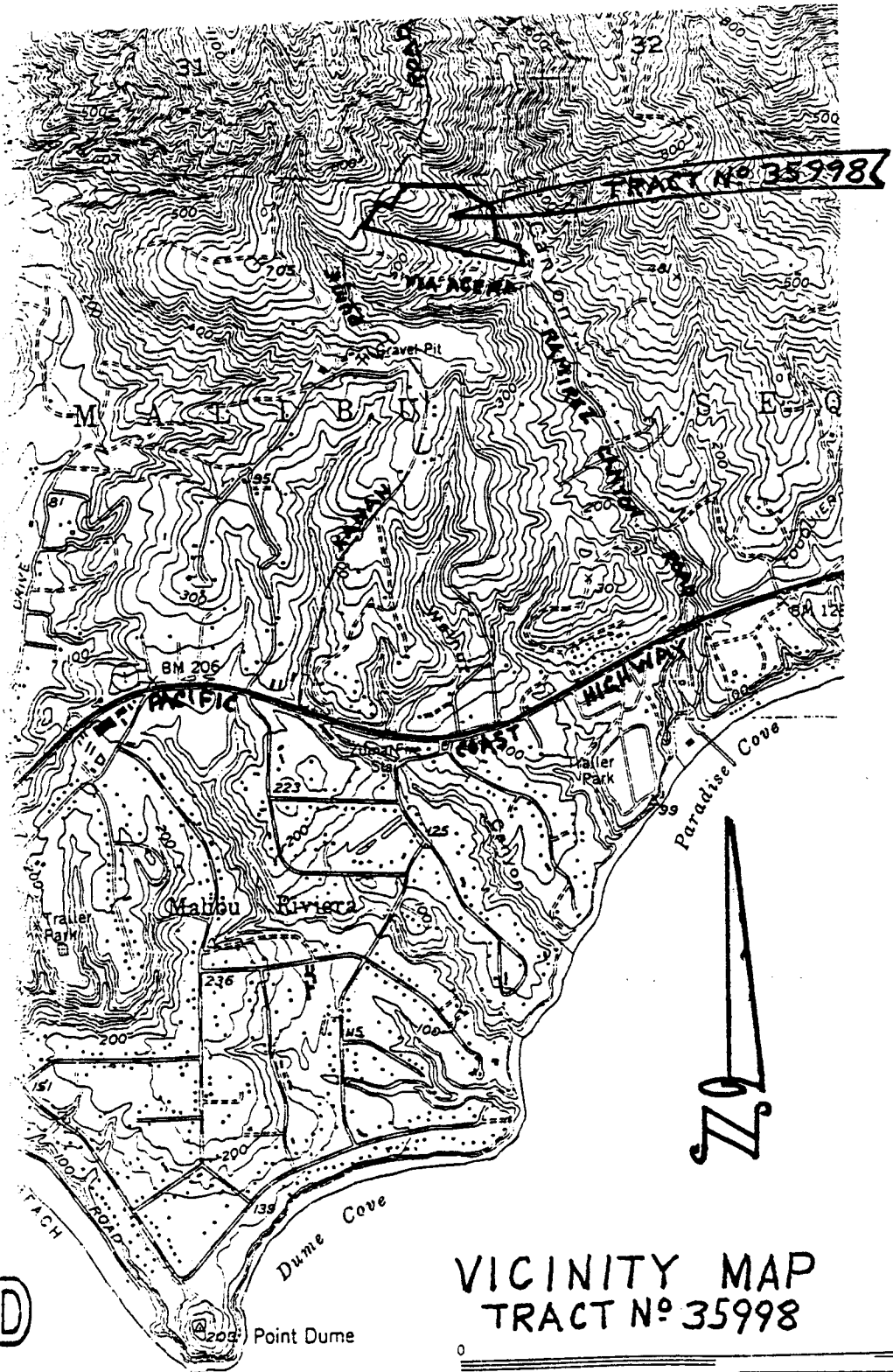
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

VICINITY MAP
TRACT NO 35998

1 MILE

EXHIBIT NO. 1

APPLICATION NO.
4-95-115

VICINITY

4-95-

