

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Commission Action:

STAFF REPORT: CONSENT CALENDAR

**Thille**

APPLICATION NO.: 4-96-041

APPLICANT: Richard & Joan Zeluck-Leeds AGENT: Charles Hefner

PROJECT LOCATION: 1066 Meadows End Road, Los Angeles County, Malibu Region.

PROJECT DESCRIPTION: Construction of a 3,600 sq. ft., 2 story, 29'-6" high, single family residence (SFR), with a 8'-6" high retaining wall, and small wood pedestrian bridge. The project involves approximately 50 cubic yards of grading.

Lot area:	1.0 acres
Building coverage:	4,200 sq. ft.
Pavement coverage:	1,500 sq. ft.
Landscape coverage:	2,000 sq. ft.
Parking spaces:	4
Ht abv fin grade:	29'-6"

LOCAL APPROVALS RECEIVED: Los Angeles County Health Department Septic Approval in Concept, Los Angeles County Regional Planning Department Approval in Concept, Los Angeles County Fire Department Approval in Concept.

SUBSTANTIVE FILE DOCUMENTS: CDP #5-88-608, Update Geotechnical Engineering Report, prepared by West Coast Geotechnical, dated July 10, 1995, and Boring Observation for Proposed On-Site Private Septic Disposal System, prepared by Solus Geotechnical, dated January 3, 1996.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with Special Conditions regarding landscape and erosion control plans, final geologic review, and a wildfire wavier of liability.

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 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. Compliance. All development must occur in strict compliance with the proposal as 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 development during construction, 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. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development 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 October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All disturbed 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. Such planting shall be adequate to provide 100 percent coverage within 2 years and shall be repeated, if necessary, to provide such coverage.
- (c) Vegetation within 50 feet of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure. 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 fuel modification plan must be reviewed and approved by the Los Angeles County Fire Department - Forestry Division.

#### 2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Update Geotechnical Engineering Report, prepared by West Coast Geotechnical, dated July 10, 1995, shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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 which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

### 3. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

### IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

#### A. Project Description and Background

The applicant proposes the construction of a new 3,600 sq. ft., 2 story, 29'-6" high, single family residence (SFR), with a 8'-6" high, 115' long, retaining wall involving approximately 50 cubic yards of grading. The project also involves the construction of a small, 25' long, wood pedestrian/landscape bridge designed to cross a minor drainage which does not contain riparian vegetation. The subject lot is a "flag lot" and access to the site is provided via an easement through the adjacent lot. The proposed development site has an existing flat building pad which predates the Coastal Act, and is located on the edge of a built-out area in the Monte Nido area of Los Angeles County. The project site is not located within, or adjacent to, an environmentally sensitive habitat area. However, several native Coast Live Oak trees exist on site but will not be impacted by the proposed development.

In September of 1988, the applicants received a Coastal Development Permit for the construction of a 4,538 sq. ft., 31'-0" high SFR that involved 550 cubic yards of grading at the location of the proposed building site. Due to various reasons the applicants let this prior CDP lapse and have thus returned with a proposal which should result in even less impacts to the proposed site than the previously approved project.

#### B. Land Resources/Environmentally Sensitive Habitat Areas

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, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

##### Section 30250

(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 a 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.

Sections 30230 and 30231 of the Coastal Act are designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

Section 30230:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

The habitat values contained in the Cold Creek Watershed have been well documented. A consultant's report prepared for Los Angeles County in 1976 by England and Nelson designates the Cold Creek Significant Watershed as a Significant Ecological Area (SEA). The report describes the concept of an SEA as follows:

The 62 significant ecological areas selected were chosen in an effort to identify areas in Los Angeles County that possess uncommon, unique or rare biological resources, and areas that are prime examples of the more common habitats and communities.

Thus, the goal of the project was to establish a set of areas that would illustrate the full range of biological diversity in Los Angeles County, and remain an undisturbed relic of what was once found throughout the region. However, to fulfill this function, all 62 significant ecological areas must be preserved in as near a pristine condition as possible ...

If the biotic resources of significant ecological areas are to be protected and preserved in a pristine state, they must be left undisturbed. Thus, the number of potential compatible uses is limited. Residential, agricultural, industrial, and commercial developments necessitate the removal of large areas of natural vegetation and are clearly incompatible uses.

The England and Nelson report also cites the specific habitat values of Cold Creek Canyon as follows:

"This is a relatively undisturbed natural sandstone basin. The floor of the valley is steep, with springs and a perennial stream, Cold Creek. The year-round surface water, which is uncommon in southern California, supports an unusually diverse flora. The extreme range in physical conditions, from wet streambed to dry rocky ridges, makes the area a showplace for native vegetation. Pristine stands of chaparral, southern oak woodland, coastal sage scrub, and riparian woodland are all found in the area. Several plant species that are uncommon to the general region are found here. Those include stream orchis (*Epipachis gigantea*), red mimulus (*Mimulus cardinales*), Humboldt lily (*Lilium humboldtii* var. *ocellatum*), big-leaf maple (*Acer macrophyllum*) and red shank (*Adenostema sparsifolium*). In addition, the presence of several tree-sized flowering ash (*Fraxinus dipetala*), reaching 40 feet in height, is a unique botanical oddity. This scrub species has a normal maximum height of 15 to 20 feet."

Due to its many outstanding botanical features, the area serves an integral role as part of the instructional program for many academic institutions as well as a site for nature study and scientific research. The Mountains Restoration Trust and Occidental College have holdings in the area that are used for education and visited by qualified biologists.

The Cold Creek watershed consists of about 8 square miles (5000 acres) of generally rugged terrain within the heart of the Santa Monica Mountains. Both the lands and the remainder of the watershed serve as tributary areas to Cold Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas. The Cold Creek watershed has also been included in the inventory of California Natural Areas Coordinating Council, which includes this area as one of the 1,250 such natural areas in the State of California exhibiting "the significant features of the broad spectrum of natural phenomena that occur in California....These areas include those that are unique or outstanding examples and those that are typical or representative of a biotic community of geological formation. All areas have been selected on their merit...."

In recognition of these outstanding natural resources, State Parks and Recreation acquired the 320-acre Stunt Ranch in the heart of the Cold Creek watershed to protect the unique flora and fauna of this watershed. This ranch is directly adjacent to the 530-acre Cold Creek Preserve. The University of California's Natural Reserve System will be using portions of Stunt Ranch and the Cold Creek Preserve for teaching and research use in the field-oriented natural sciences. Cold Creek is also used as a control in regional water quality studies.

A report prepared for L.A. County Department of Regional Planning by Richard Friesen of the L.A. County Museum of Natural History also discusses the ecological significance of the Cold Creek SEA. The report states that the stream is "fed by several year round springs and seepage areas and has uncommonly interesting and healthy riparian communities". The report notes that the Cold Creek watershed is the last remaining watershed in the Santa Monica Mountains known to still contain representatives of Stone flies (Plecoptera)-aquatic insects that are very sensitive to increased siltation and runoff of petroleum-derived compounds from asphalt and other sources. Other more sensitive animal species "likely to utilize Cold Creek riparian and stream-side woodlands include the Bobcat (*Lynx rufus*), Mountain Lion (*Felis concolor*), white-tailed kite (*Elanus leverus*), Long-eared owl (*Asio otus*) Ringtail (*Bassariscus astutus*), Long-tailed Weasel (*Mustela frenata*), and two-striped Garter Snake (*Thamnophis couchi*)."

The report further states that the riparian woodland is "fragile and susceptible to watershed damage (vegetation removal and grading), water diversion, and stream pollution" and that chaparral is "subject to severe fire damage when extreme fire protection prevents natural burning cycles from occasionally reducing fire loads." When such impacts do not complicate recovery, riparian woodlands and chaparral "are generally capable of self-restoration after floods and fires." The report concludes that the primary impacts upon ecological resources in the SEA are due to residential development which contributes to cumulative impacts to "local land forms (through grading and erosion), stream pollution (through applying chemical pesticides and herbicides and septic tank seepage), and to biotic communities (through vegetation removal)."

A report prepared by the Coastal Conservancy in 1980 states that:

there is extremely limited development potential in the watershed...the watershed has already been developed (at about 250 built homes) to a level beyond its carrying capacity... a Los Angeles County study found pollution in Cold Creek and concluded that Cold Creek probably does not meet standards for freshwater recreational uses and that it would be desirable to retire up to approximately 300 building sites generally lying in the southern and eastern portions of the watershed. The southern and eastern portions of the watershed which have remained relatively undeveloped, rise in a rugged and steep manner to the scenically spectacular Saddle Peak. The northern and western portion of the watershed, especially north of the lower reaches of Cold Creek (the Monte Nido area) have experienced dense and active subdivision and residential development.

The Land Use Plan policies addressing protection of ESHAs and Significant Watersheds are among the strictest and most comprehensive in addressing new development. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December 1986 that:

coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The subject parcel is located just inside the Cold Creek Resource Management Area. This area encompasses a rather extensive residential development and, consequently, is not as valuable as the upper Cold Creek watershed or the lower Malibu Creek watershed which Cold Creek feeds into. Notwithstanding, this area encompasses sensitive riparian woodlands, and is an inherent component of the Malibu Creek/Lagoon ecosystem.

The LUP contains several policies designated to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development:

#### Protection of Environmental Resources

P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of this LCP.

Table 1 states that for "existing parcels smaller than 20 acres in proximity to existing development and/or services, and/or on the periphery of the significant watershed", residential uses are permitted: "at existing parcel cuts (build-out of parcels of legal record) in accordance with specified standards and policies...". The Table 1 policies applicable to the Cold Creek Resource Management Area are as follows:

Allowable structures shall be located in proximity to existing roadways, services and other development to minimize impacts on the habitat, and clustering and open space easements to protect resources shall be required in order to minimize impacts on the habitat.

Grading and vegetation removed shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road, and brush clearance required by the Los Angeles County Fire Department.

Stream protection standards shall be followed.

Other applicable LUP policies include:

P64 An Environmental Review Board (ERB) comprised of qualified professionals with technical expertise in resource management (modeled on the Significant Ecological Areas Technical Advisory Committee) shall be established by the Board of Supervisors as an advisory body to the Regional Planning Commission and the Board to review development proposals in the ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and DSRs. The ERB shall provide recommendations to the Regional Planning Commission (or decision making body for coastal permits) on the conformance or lack of conformance of the project to the policies of the Local Coastal Program. Any recommendation of approval shall include mitigation measures designed to minimize adverse impacts on environmental resources. Consistent with P271 (a)(7), projects shall be approved by the decision making body for coastal permits only upon a finding that the project is consistent with all policies of the LCP.

- P65 The Environmental Review Board shall consider the individual and cumulative impact of each development proposal within a designated Significant Watershed. Any development within a significant watershed shall be located so as to minimize vegetation clearance and consequent soil erosion, adverse impacts on wildlife resources and visual resources, and other impacts. Therefore, development should be clustered and located near existing roads, on areas of relatively gentle slopes as far as possible outside riparian areas in canyons and outside ridgeline saddles between canyons which serve as primary wildlife corridors.
- P67 Any project or use which cannot mitigate significant adverse impacts as defined in the California Environmental Quality Act on sensitive environmental resources (as depicted on Figure 6) shall be denied.
- P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.
- P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

#### Stream Protection and Erosion Control

- P78 Stream road crossings shall be undertaken by the least environmentally damaging feasible method. Road crossings of streams should be accomplished by bridging, unless other methods are determined by the ERB to be less damaging. Bridge columns shall be located outside stream courses, if feasible. Road crossings of streams within Environmentally Sensitive Habitat Areas designated by the LCP may be allowed as a conditional use for the purpose of providing access to recreation areas open to the public or homesites located outside the ESHA where there is no feasible alternative for providing access. Wherever possible, shared bridges or other crossings shall be used for providing access to groups of lots covered by this policy.
- P79 To maintain natural vegetation buffer areas that protect all sensitive riparian habitats as required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation.
- P80 The following setback requirements shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields, and (b) at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits. A larger setback shall be required if necessary to prevent lateral seepage from the disposal beds into stream waters.
- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

P88 In ESHAs and Significant Watersheds and in other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

Structures should be clustered.

Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.

Require all sidecast material to be recompacted to engineered standards, re-seeded, and mulched and/or burlapped.

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.

P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

The applicant is proposing the construction of a new 3,600 sq. ft., 2 story, 29'-6" high, single family residence (SFR), with a 8'-6" high, 115' long, retaining wall involving approximately 50 cubic yards of grading. The project also involves the construction of a small, 25' long, wood pedestrian/landscape bridge designed to cross a minor drainage which does not contain riparian vegetation.

In analyzing the proposed project for conformance with the resource protection policies of the Coastal Act, Land Use Plan and with Table 1 policies, one can address the project with regard to each policy in turn. For instance, Table 1 specifies that grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, an additional unit, a access road, and brush clearance. The project, as proposed, involves the construction of a residence with an attached garage on a lot with an existing

building pad and access road. The only grading involved with the project is 50 cubic yards for the construction of a retaining wall which is needed to create a turn around required by the Los Angeles County Fire Department. Additional, LUP policies (P78, P82, & P91) specify that grading activities be minimized, that structures be clustered, that development be designed to minimize landform alteration, and that said development is placed as close to existing services as possible. In the case of the proposed residence, the structure is accessed via an access road that bisects the adjacent lot. The road will not need to be lengthened to serve the proposed development; however, the road may need to be widened slightly so that it meets the County of Los Angeles Fire Department's standard width of 20 feet. Although native vegetation does surround the site, including oak trees, no significant vegetation is to be removed as a part of the development of the residence, or widening of the access road.

Table 1 policies also specify that development be located in proximity to existing roads, services and other development to minimize impacts on habitat, and that streambeds, and ESHAs not be altered and that they are protected to the greatest extent possible. Additionally, LUP policy P96 specifies that water quality be protected from degradation resulting from development. As mentioned, the proposed project site is located on a lot that is just inside the periphery of the Cold Creek Resource Management Area. Furthermore, although the lot does contain a minor drainage, across which the applicant proposes to construct a small 25 foot long foot bridge, the drainage is void of riparian vegetation and no part of the lot is designated as ESHA. Additionally the construction of the foot bridge will not require that the drainage be filled, altered or graded in any way.

As mentioned previously, the site is not located within or adjacent to an ESHA; however, the site is located 1,000 yards north of Cold Creek (a designated ESHA), and is just inside the boundary of the Malibu/Cold Creek Resource Management Area. Furthermore, the proposed residence is to be constructed on an existing flat pad which is located on the outside section of a built-out residential area. A very minor amount of grading, approximately 50 cubic yards, is proposed as a part of this project; however, there exists a risk that sedimentation could enter the Cold Creek drainage from slopes recently graded or disturbed by construction activities.

The Commission finds that minimization of site erosion will add to the protection of the adjacent ESHA and the Tuna Canyon Watershed. Erosion can be minimized by requiring the applicant to landscape all disturbed areas of the site with native, drought tolerant, and non-invasive, plants that are compatible with the surrounding environment. Therefore special condition number one has been drafted to ensure that all areas disturbed or graded as a part of this project, are stabilized and landscaped properly following construction activities. To ensure that no adverse impacts result from vegetation management activities, required by the Los Angeles County Fire Department, these plans shall also illustrate how fuel modification is implemented on site. Thus the special conditions attached to this permit will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal Act. The Commission finds that as conditioned, the proposed project is consistent with Sections 30231, 30240, and 30250(a) of the Coastal Act.

## B. Geologic Stability

Section 30253 of the Coastal Act states:

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 vegetation, thereby contributing to an increased potential for erosion and landslide on the property. The applicant has submitted Update Geotechnical Engineering Report, prepared by West Coast Geotechnical, dated July 10, 1995.

The July 10, 1995, report states:

It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, excessive settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction.

Based on the recommendations of the consulting geologist the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist as conforming to their recommendations.

The Commission also finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Therefore Special Condition No. 1 has been drafted to ensure that all disturbed and graded areas are stabilized and revegetated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the wavier of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

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

C. 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 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:

- 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.
- 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.
- P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The applicant proposes the construction of a 3,600 sq. ft., 2 story, 29'-6" high, single family residence (SFR), with a 8'-6" high, 115' long, retaining wall, and a small wood bridge. The existing building pad is located on a flag lot, that is set back and is not in view from Meadows End Road. Furthermore, no part of this development is in view of a designated scenic highway, and will not have an impact upon public views. The proposed retaining wall is designed to create an area adjacent to the structure large enough to allow fire department access. The construction of this wall will require only 50 cubic yards of grading and no significant landform alteration shall occur as a result of this wall. Additionally, no native vegetation will be removed as a part of this project, and all of the native oaks associated with the site are to be preserved. Therefore, the Commission finds that the project as proposed is the least visually damaging alternative.

The use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in nearby ESHAs, and softens the appearance of development within areas of high scenic quality. Therefore, Special Condition number one has been drafted to require the submittal of a landscape plan for the site which incorporates the use of native, non-invasive, and drought resistant plant species. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

#### D. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, 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.

The applicant is proposing the installation of a new 1500 gallon private septic system to accommodate the sewage of the proposed development. The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project as conditioned, is consistent with Section 30231 of the Coastal Act.

E. 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).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development will not prejudice the County's ability to prepare a Local Coastal Program for Malibu and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. CEQA

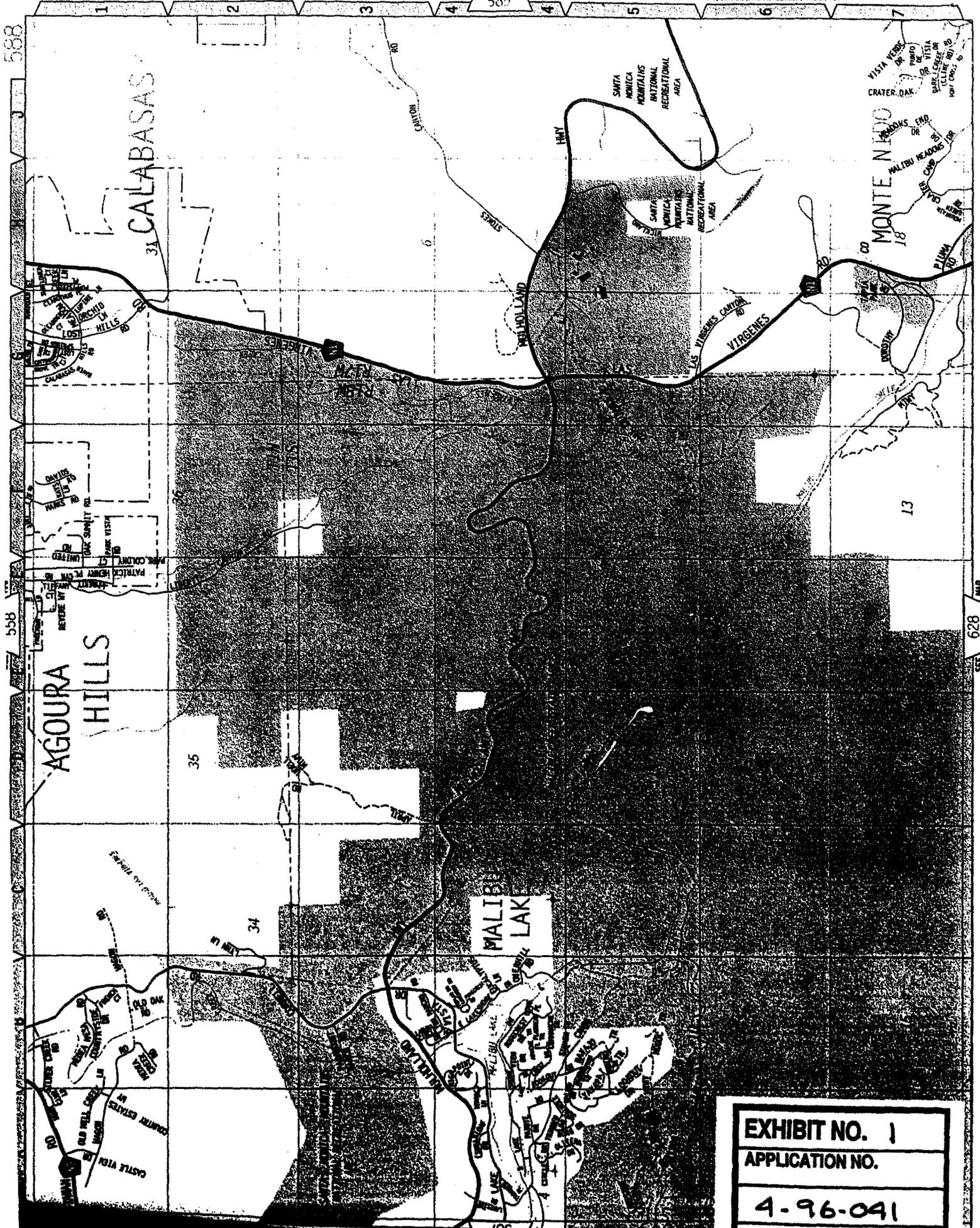
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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. The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with the policies of the Coastal Act.

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SEE 628 MAP



<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b>
<b>4-96-041</b>







**EXHIBIT NO. 5**  
**APPLICATION NO.**  
**4-96-041**

**ELEVATIONS**

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