

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
FURCA, CA 93001
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Staff: MH-V
Staff Report: 7/21/99
Hearing Date: 8/13/99

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 4-98-319**APPLICANT:** Mike Greenhut**AGENT:** Don Schmitz**PROJECT LOCATION:** 21900 Saddle Peak Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct landscape features including conversion of existing driveway into a circular driveway and installation of a 6 ft. high retaining wall to support the reconfigured driveway, install 1,000 sq. ft. lawn in an area presently landscaped with a small knoll created by previous grading, including 883 cu. yds. of grading (728 cu. yds. cut and 155 cu. yds. fill), on an approximately 5-acre lot. Grading includes remediation of erosion adjacent to Saddle Peak Road caused by runoff from the roadway, and installation of drainage management devices to prevent future erosion.

LOCAL APPROVALS RECEIVED: County of Los Angeles, Department of Regional Planning, Approval in Concept dated October 21, 1998.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit 5-87-818 (Brafford); "Update/Supplemental Geotechnical Engineering Report," prepared by West Coast Geotechnical, May 19, 1997; "Supplemental Geotechnical Engineering Letter," prepared by West Coast Geotechnical, April 2, 1999; "Revised Supplemental Geotechnical Engineering Letter," prepared by West Coast Geotechnical, dated May 25, 1999.

SUMMARY OF STAFF RECOMMENDATION

This project was postponed from the April and May, 1999 hearing agendas at the applicant's request, and has been revised to reduce the proposed lawn from 2,500 sq. ft. to 1,000 sq. ft., to delete the proposed 5,000 sq. ft. paved pad for vehicle storage, and to reduce total grading from 3,023 cu. yds. to 883 cu. yds. The revised proposal includes minor remedial grading (24 cu. yds. cut, and 85 cu. yds. of fill) to restore the natural contours of the slope adjacent to Saddle Peak Road, and the installation of a short run of 6" subdrain pipe and a rip-rap filled energy dissipater to convey roadway drainage into the downslope natural drainage channel in a non-erosive manner. Staff recommends **approval** of the proposed project with three special conditions: Landscaping and Erosion Control, Conformance with Geologic Recommendations, and Disposal of Excess Graded Material.

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, as conditioned, 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 governments 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 effects 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. Landscape, Erosion Control, and Fuel Modification Plan

- A. Prior to the issuance of the coastal development permit, the applicant shall submit a landscaping, erosion control, and fuel modification plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plan shall incorporate the following criteria:
- (1) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes immediately upon completion of grading. 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 that tend to supplant native species shall not be used. Irrigated lawn, turf, or ground cover utilized in planting plan shall be selected from the most drought-tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains area. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.
 - (2) All plantings shall be maintained in good growing condition throughout the life of the project, and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
 - (3) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape or fuel modification plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal-Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
 - (4) Should grading take place during the rainy season (November 1 – March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment

should be retained on-site unless removed to an approved dumping location.

B. Monitoring Plan

- (1) Five years from the date of the installation of the landscaping authorized pursuant to the approved landscape plan prepared pursuant to this special condition, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

2. Plans Conforming to Geologic Recommendations

- (a) All recommendations contained in the report "Update/Supplemental Geotechnical Engineering Report," dated May 19, 1997, prepared by West Coast Geotechnical, "Supplemental Geotechnical Engineering Letter," prepared by West Coast Geotechnical, April 2, 1999; and "Revised Supplemental Geotechnical Engineering Letter," prepared by West Coast Geotechnical, dated May 25, 1999, that remain applicable to the project as revised in accordance with the applicant's proposal, and approved pursuant to Coastal Development Permit 4-98-319, shall be incorporated into all final designs and construction including recommendations concerning ground preparation, grading, retaining walls, pavement associated with circular driveway, excavation, drainage, erosion control, and restoration/drainage management adjacent to Saddle Peak Road. All plans must be reviewed and approved by the geotechnical consultants to confirm that the applicable recommendations have been adequately incorporated in the project plans and designs. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.

- (b) The applicant shall submit evidence that the final landscape and erosion control plan prepared pursuant to Special Condition 1 has been reviewed and approved by the geotechnical consultant as providing adequate planting and erosion control designs and species selections to remediate and control erosion in the slope area draining Saddle Peak Road.
- (b) The final plans approved by the geotechnical 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 geotechnical consultant shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether proposed changes are "substantial."

3. Disposal of Excess Graded Material

Prior to the issuance of the coastal development permit, the applicant shall provide written notification to the Executive Director of the location outside of the coastal zone where the applicant proposes to dispose of the excess graded (cut) material, together with evidence that the target disposal site is lawfully authorized to accept such material and has sufficient remaining capacity to do so.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct landscape features including the reconfiguration of the existing driveway entrance to a circular design and a 6 ft. high retaining wall to support the new driveway. The applicant also proposes to install a 1,000 sq. ft. lawn area between the existing single family residence and swimming pool. The lawn will be placed in an area previously graded to form a low, artificial knoll feature which presently blocks the view of the pool from the residence. The balance of the existing vegetation that would be removed to prepare the site consists of ornamental species and an area where turf appears to have been planted previously but has since died out. The portion of the total grading (883 cu. yds.) necessary to construct the lawn area is 775 cu. yds. (704 cu. yds. cut and 71 cu. yds. fill).

The applicant also proposes to perform minor remedial grading (25 cu. yds. of cut and 84 cu. yds. of fill) and to install drainage management devices (a short run of 6-inch subdrain pipe and a rip-rap energy dissipater) on and adjacent to a portion of the slope draining Saddle Peak Road. Roadway runoff has formed downslope gullies in the on

the applicant's property next to Saddle Peak Road, and the resultant erosion pattern shows signs of worsening.

The subject slope drains into a minor, natural drainage channel that discharges into the Dix Canyon Creek blue line stream traversing the subject parcel—a stream that is ultimately tributary to Topanga Creek approximately 1.25 miles to the northeast of the applicant's parcel. Implementation of the proposed slope repairs and installation of the proposed drainage management structures to convey roadway runoff in a non-erosive manner will reduce the sediment load that is currently being transported into the downgradient riparian habitat during the rainy season. Thus, this portion of the applicant's proposal would enhance slope stability and reduce the pollution of the downgradient coastal streams presently affected by the sediments transported from the slope and into the watershed.

The subject site is located at 21900 Saddle Peak Road, on an approximately 5.2-acre hillside lot in the unincorporated Malibu area, near Topanga. The immediate area is developed with single family homes. The lot contains a 4,688 sq. ft., two story, single family residence with a detached garage, guest house, swimming pool, and landscaping approved by the Commission (Coastal Development Permit 5-87-818 (Brafford)). Construction of the existing development required 2,076 cu. yds. of grading (1,740 cu. yds. cut and 336 cu. yds. fill).

The applicant's parcel is not located within any areas designated as sensitive resources on the certified Malibu/Santa Monica Mountains Land Use Plan (LUP); however, as noted, the steeply sloping parcel drains into a downgradient blue line stream, Dix Canyon Creek, that traverses the southerly portion of the parcel. Dix Canyon Creek is designated as a blue line stream on the U.S. Geological Survey quadrangle maps and, as noted previously, is a tributary to Topanga Creek, approximately 1.25 miles to the northeast.

The applicant's residence is situated slightly below the grade of, and immediately adjacent to, Saddle Peak Road, a designated scenic highway in the certified Malibu/Santa Monica Mountains Land Use Plan.

B. Geologic Stability and Hazards; Landform Alteration

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

Section 30253

- (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.

Section 30251 of the Coastal Act protects coastal visual resources by, among other means, minimizing the alteration of natural landforms.

Section 30251 states in pertinent part:

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...

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area. Coastal Act Section 30251 requires the minimization of the alteration of natural landforms.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains a number of applicable policies addressing hazards, erosion control, viewshed protection, and minimization of natural landform alteration along scenic highways (Policies 125, 130, 147, 149).

Landscaping

As stated previously, the applicant proposed to regrade a portion of previously landscaped area located behind the existing residence to construct a lawn area between the residence and the existing swimming pool. The applicant states that ensuring an open view between the residence and the swimming pool is desirable in part to enhance the safety of children using the pool. The material that would be graded is artificial fill that was mounded into a low hill as a landscape feature when the residence was constructed. The applicant additionally proposes to reconfigure the existing entrance driveway into a circular form. A new 6 ft. high retaining wall will support the reconfigured design.

In addition, the applicant revised the application considered in previous staff reports (April, May 1999) to reduce the proposed grading by approximately 2,800 cu. yds., total, to reduce the proposed lawn area from 2,500 sq. ft. to 1,000 sq. ft., and to delete the proposed 5,000 sq. ft. paved area for vehicle parking and maintenance. These changes significantly reduced the extent of the landform alteration proposed by the applicant.

The applicant has submitted a geotechnical report entitled "Update/Supplemental Geotechnical Engineering Report" prepared by West Coast Geotechnical, dated May 19, 1997. The report states that:

"...the proposed development is considered feasible from a geotechnical engineering standpoint, provided our recommendations are made part of the development plan and are implemented during construction."

The underlying report cited above did not consider the remedial measures proposed for the drainage course adjacent to Saddle Peak Road, as that report only addressed culvertization, etc., as a means of protecting the proposed new structures in that area that have since been deleted from the applicant's proposal. The Commission finds, however, that to the extent that the report makes recommendations regarding the construction practices and final project designs applicable to the grading and landscape plans for the new circular driveway and lawn features described above, these recommendations must be incorporated into the final project plans and designs in accordance with the requirements of Special Condition 2.

In addition, the Commission finds it necessary to ensure that the new landscape plans rely upon the use of drought tolerant, locally native species to limit irrigation and associated runoff that may exacerbate erosion on the relatively steep slopes surrounding the pad containing the lawn and pool area. In addition to the benefits of preserving and utilizing native flora to reduce the intrusion of development into wildland areas, native shrubs have been shown to develop deeper root systems and to tolerate the summer drought conditions typical of Malibu's Mediterranean climate more effectively than non-native species. These characteristics better ensure the survival of landscape plantings, and the development of root systems capable of holding soils on slopes exposed to runoff. Thus, the use of native species increases site stability and reduces erosion, consistent with the requirements of Coastal Act Section 30253.

In addition, the Commission notes that Special Condition 1 also contains the applicant to implement specific additional measures to control erosion should grading occur during the rainy season.

The Commission also notes that the applicant's grading plan proposes a total of 703 cu. yds. of cut to construct the lawn area, but only 71 cu. yds. of fill to be regraded on site. Therefore, the landscape proposal will generate 672 cu. yds. of excess graded material that must be removed from the site. Improperly disposed cuttings may alter natural landforms and in addition, when exposed to the forces of wind and rain, erode. Cuttings dumped inappropriately may thereby be transported into coastal waters, arriving in excess as sediment pollution.

The Commission further notes that in addition to causing adverse effects upon the physical and biological environment of the coastal mountains and streams of the Santa

Monica Mountains, improperly disposed cuttings placed in creeks, canyons, or scenic roadways also adversely affect coastal views protected by Coastal Act Section 30251.

Therefore, the Commission finds it necessary to impose Special Condition 3 to ensure the appropriate disposal of excess graded materials consistent with the requirements of Coastal Act Sections 30251 and 30253.

Remediation and Control of Erosion

The applicant's revised proposal eliminates the previously requested 5,000 sq. ft. vehicle storage and maintenance pad, but retains a modified proposal to repair an eroded slope adjacent to Saddle Peak Road that has been affected by roadway runoff. The erosion is destabilizing the slope and a short span of dirt roadway that predates the Coastal Act and traverses the upper portion of the applicant's site extending from the entrance and driveway. The proposed corrective measures include performing a minor amount of restorative grading to return the slope to its natural contours (approximately 25 cu. yds. of cut and 84 cu. yds. of fill) and the installation of approximately 120 feet of 6-inch PVC subdrain pipe to convey runoff from Saddle Peak Road into a 10' by 15' (150 sq. ft.) rip-rap-filled energy dissipater. The water would then flow from the energy dissipater into an unnamed drainage course tributary to the downgradient Dix Canyon Creek (a tributary of Topanga Creek) which traverses the southerly portion of the applicant's parcel.

The issue of drainage management from Saddle Peak Road was only addressed peripherally in the applicant's original submittal as a means of preparing a stable pad area for the then-proposed vehicle parking lot. At the request of staff, the applicant has submitted two supplemental geotechnical engineering reports, dated April 2, and May 25, 1999; and prepared by West Coast Geotechnical, dated May 25, 1999. Staff specifically requested that the applicant's consultant evaluate the option of restoring the eroded area exclusively with minor remedial grading and revegetation only. As noted below, the consultant dismissed that option as ineffective in controlling the pattern of erosion that has resulted from the roadway runoff.

The May 25, 1999 report states:

Specifically, the remedial grading proposed for the westerly portion of the property involves areas eroded due to uncontrolled or concentrated drainage emanating from the drainage culvert at Saddle Peak Road. The concentrated drainage resulted in a steep-sided erosion gully depositing the debris in the natural drainage on the southerly portion of the property.

The current Grading and Drainage Plan, prepared by L. Liston and Associates, Inc., includes general notes and recommendations for the remedial grading of these areas to essentially return the grades to the pre-existing topography.

Concurrent improvements would include installation of surface and subsurface drainage devices. The grading and associated drainage devices will provide for an adequate drainage system, which will mitigate against future erosion due to the uncontrolled concentrated drainage outletting from Saddle Peak Road, a public street. Associated improvements would include revegetating the area with the appropriate planting materials.

The improvements discussed in the preceding paragraph are necessary to correct a *man-made* condition, which has resulted in the erosion and will continue to erode the slope unless corrected. Revegetating the eroded area without the above described remedial grading and drainage improvements will not rectify the site conditions nor prevent continued erosion, further damaging the natural slope and downstream properties.

In summary, it is the opinion of this office and L. Liston and Associates, Inc., parent company to West Coast Geotechnical, that the remedial grading delineated on the referenced Grading and Drainage Plan will result in returning the specified areas to the pre-existing topography. It is important to note that the erosion is the result of uncontrolled or concentrated drainage emanating from the public street, and was not created by a *natural* drainage condition.

In considering the consultant's recommendations, the Commission finds that implementation of Special Condition 1 (landscaping) will ensure that revegetation with appropriate planting materials will occur as prescribed above, thus enhancing the long-term performance of the slope stabilization measures. In addition, the Commission finds that the implementation of Special Condition 2 will ensure that the final project plans incorporate the consultant's recommendations as to construction, grading, installation of drainage management devices, etc. The Commission also requires pursuant to Special Condition 2 that the geotechnical consultant review the landscape and erosion control plan required by Special Condition 1. This measure will ensure that the landscape plan includes a planting design and species assemblage that will effectively remediate and control, rather than inadvertently exacerbate, erosion in the fragile, degraded slope area discussed above.

Therefore, for all of the reasons set forth above, the Commission finds that as conditioned by Special Conditions 1 through 3, the proposed project is consistent with the applicable policies of Coastal Act Sections 30251 and 30253.

C. Biological Resources

Section 30230 of the Coastal Act provides that:

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 of the Coastal Act provides that:

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.

Section 30240.

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

(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The subject parcel is an approximately 5.2-acre site characterized by a relatively small building pad area adjacent to Saddle Peak Road and the balance comprised of steeply sloping lands draining from several directions into a downgradient blue line stream referred to as "Dix Canyon Creek" on the U.S. Geological Survey quadrangle maps. The stream traverses the southerly portion of the applicant's parcel and is tributary to Topanga Canyon Creek, located approximately 1.25 miles to the northeast. Aside from the sensitive habitat of the riparian corridor, there are no other Environmentally Sensitive Habitat Areas as designated in the certified Malibu/Santa Monica Mountains Land Use Plan on the subject parcel.

As discussed in detail in the previous section, the applicant proposes activities generally grouped into two categories: 1) lawn and driveway, and 2) remediation of eroded slope adjacent to Saddle Peak Road. Both categories involve some grading, and thus the

potential for erosion and resultant sedimentation of the downgradient blue line stream if landscaping and other erosion control measures are not implemented effectively.

Sediment pollution is widely understood as one of the most serious forms of pollution affecting coastal streams and waterways. Sediment pollution alters water chemistry, imperils aquatic life, and may accelerate changes in the hydrology of a watershed through deposition of heavy loads of sediment in creekbeds and channels.

Because both components of the applicant's proposal involve grading on or adjacent to steep slopes, the Commission finds Special Condition 1 necessary to ensure that, among other requirements, specific erosion control measures will be implemented if construction occurs during the rainy season, primarily locally native plant species will be selected to reduce the need for irrigation, and that deeply rooted native shrubs are the primary choice for stabilization of areas on or near slopes. These measures will prevent soils disturbed by grading from eroding off site and contaminating sensitive downgradient riparian habitat areas.

The Commission notes that the remedial grading adjacent to Saddle Peak Road will not disturb any native habitat cover. The sparse vegetation that presently grows on the subject slope is mostly an assemblage of opportunistic, non-native annuals. Special Condition 1 requires the applicant to prepare a landscape plan for the remediated area that is comprised of appropriate native species. These will include the deeply rooted shrubs characteristic of the chaparral community typical of the Saddle Peak Road area.

In addition, to ensure that the construction, drainage, and erosion control and management measures recommended by the applicant's geotechnical consultant are incorporated into the final project plans and designs, the Commission finds it necessary to impose Special Condition 2 to ensure that such plans have been reviewed by the consultant for this purpose. The geotechnical consultant has specifically recommended revegetation of the eroded slope adjacent to Saddle Peak Road, and to ensure that the landscape plan effectively complements the hardscape solutions (installation of subdrains and energy dissipator) designed by the consultants, Special Condition 2 requires the geotechnical consultants to review and approve the final landscape plan prior to issuance of the coastal permit.

In addition, and as discussed more extensively in the previous section, the applicant's grading plan proposes to undertake more cut than fill. The total project grading includes 728 cu. yds. of cut and only 155 cu. yds. of fill. Therefore, it is necessary for the applicant to dispose of the excess cuttings off site. Improperly disposed cuttings, such as materials dumped along roadsides or in coastal canyons or streams, are highly subject to erosion.

Transformed by the forces of wind and rain, exposed cuttings erode excessively and are carried as sediment pollution into coastal waters. A serious form of pollution when

discharged in excess of natural background levels, sediment contamination from urban runoff has been identified by the U.S. Department of Agriculture, Soil Conservation Service as one of the most significant sources of pollution in coastal waters. Sediment pollution may cause algal blooms and consequent eutrication of lakes and lagoons, may transport other chemical pollutants through adsorption, and may directly impact fisheries by clogging fish gills, altering creek hydrology through siltation, etc.

Therefore, to ensure that these potentially adverse effects are avoided, the Commission finds it necessary to impose Special Condition 3 to require the applicant to notify the Executive Director of the designated, licensed facility outside of the coastal zone that will receive the excess materials. Should the applicant elect to dispose of the materials within the coastal zone, an amendment to this permit or a new permit may be required.

For all of the reasons set forth above, therefore, the Commission finds the proposed project as conditioned by Special Conditions 1, 2 and 3 is consistent with the requirements of Sections 30230, 30231 and 30240 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

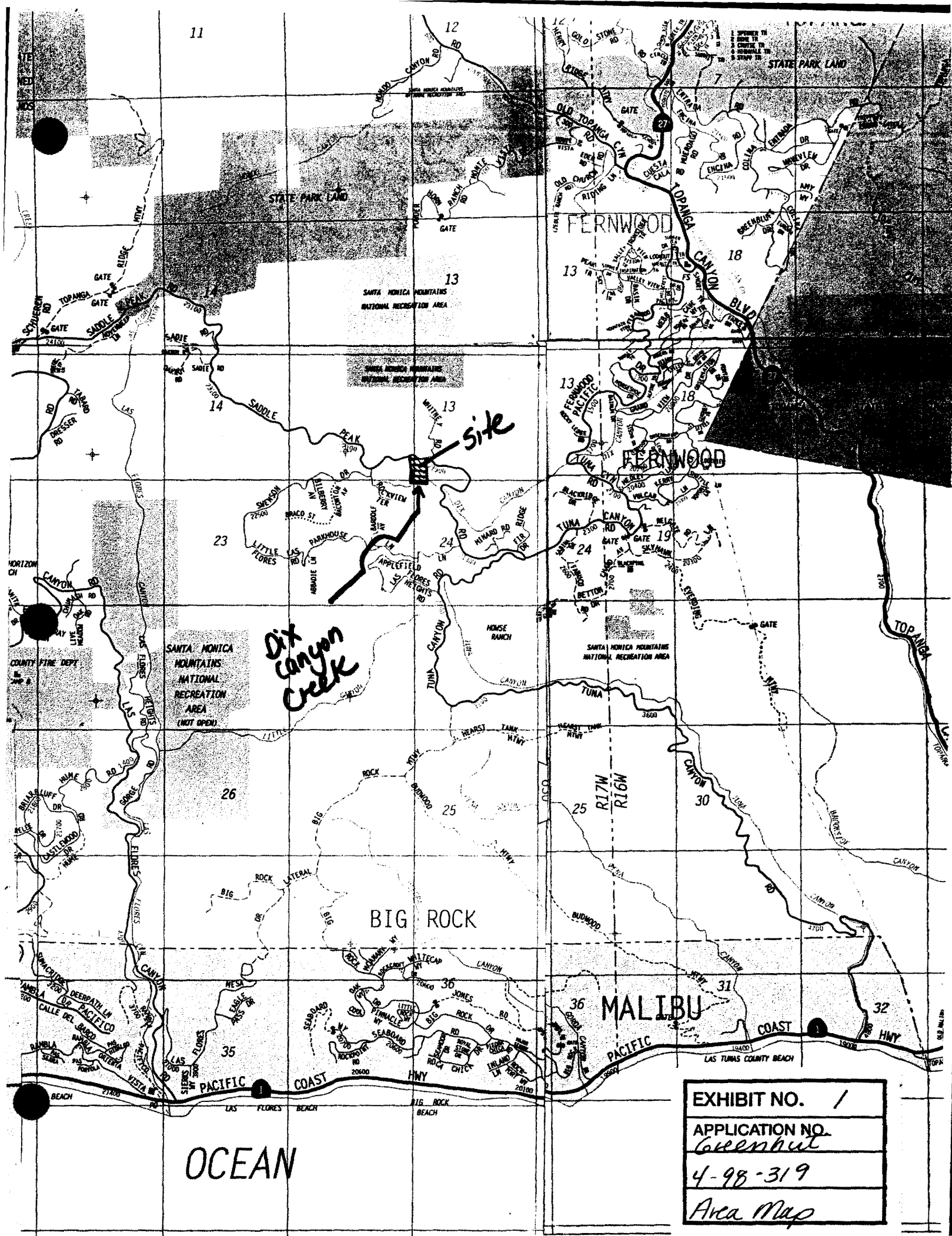
- (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with 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 effects and is found to be consistent with the applicable policies contained in Chapter 3. 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 for the unincorporated area of Malibu and the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



U.S. Geological Survey
Quadrangle Maps

220 000
FEET (5)

3774

3773

5'

3772

Project
Site

Blue Line
stream
(Dix Canyon)

2252 II SW
(MALIBU BEACH)

3769

EXHIBIT NO. 2

APPLICATION NO.

Greenhut

4-98-319

U.S. Geological Survey
Quadrangle Maps

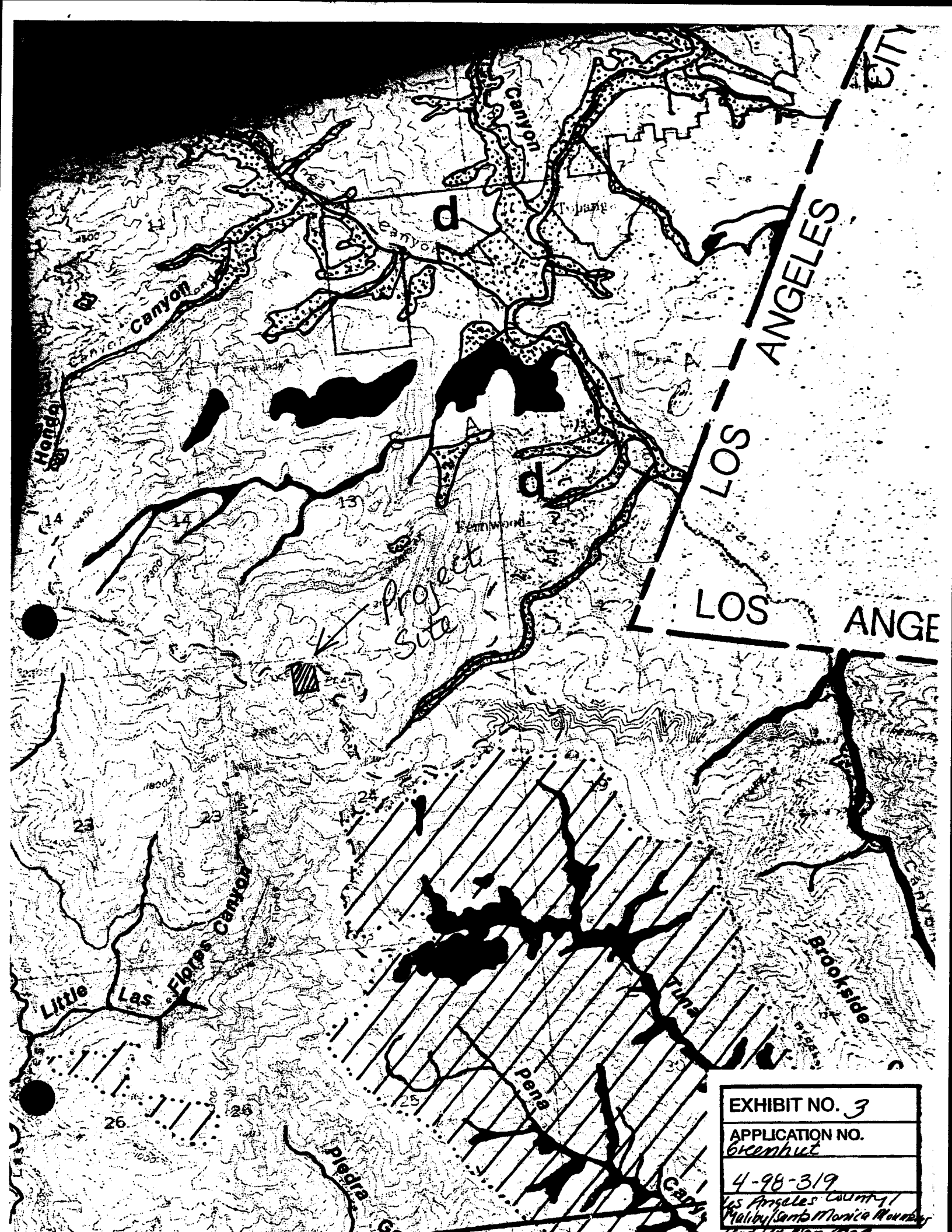


EXHIBIT NO. 3

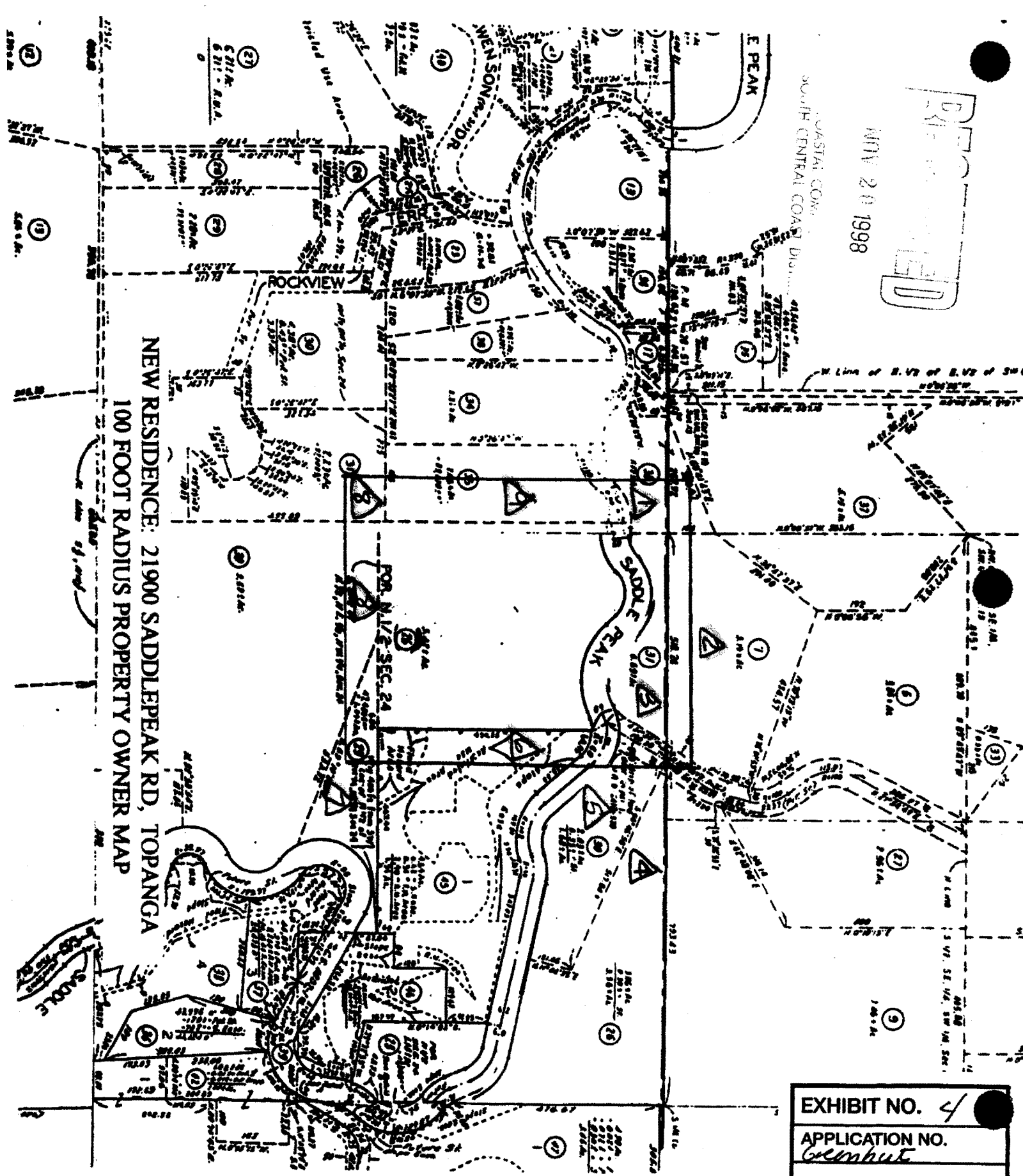
APPLICATION NO.
Greenhut

4-98-319
Los Angeles County /
Malibu/Santa Monica Mount

RECEIVED

NOV 20 1998

SOUTH CENTRAL COAST DISTRICT



NEW RESIDENCE: 21900 SADDLEPEAK RD, TOPANCA
100 FOOT RADIUS PROPERTY OWNER MAP

EXHIBIT NO. 4
APPLICATION NO. <i>Greenhut</i>
4-98-319
Parcel Map

A7 R=100

POWER POLE #1261236E R=70.00
Delta=86°39' L=105.87

ASPHALT SWALE FOR STREET DRAINAGE

Saddle Peak Road

Q=4-V.93 cfs.
(2196") F.L.

Warp (E) pavement to direct drainage to Inlet Structure.
(Field Verify all elev's)

LIMITS OF REMEDIAL GRADING

FENCE
POWER LINES
WIRE
Construct Asphalt drainage swale per Section of Access Driv. sub 913.

(2190)
(E) SLOPE
(E) DIRT ROAD

LIMITS OF REMEDIAL GRADING

ROCK RETAINER
WALL
HIGH
15' 2"
15' 47"

SLOPE
TREE D=6
TREE D=8
TREE D=10

OUTLET 6" SUBRAIN ONTO RIP-RAP

2152" R.L.
10'x15' Rock Rip Rap
(See Detail hereon)

SEPTIC SYSTEM CLI

EXHIBIT NO.	6
APPLICATION NO.	Greenhut
	4-98-319
	Drainage Remediation Area