

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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Hearing Date: 10/13/00  
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.:** 4-00-047

**APPLICANT:** Barbara Good

**AGENT:** Lynn Heacox

**PROJECT LOCATION:** 210 Loma Metisse, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a three-story, 34 ft. high, 6,780 sq. ft. single family residence including an attached 3-car garage, indoor swimming pool, new septic system and driveway, 7500 gallon water tank, retaining walls, 8 ft. barrier wall, and 2090 cu. yds. of grading (2070 cu yds. cut, 20 cu yds. fill, and 2050 cu. yds. export). The proposed project also includes widening portions of the access road to the project site and repaving of the access road.

<b>Lot area:</b>	2.5 acres
<b>Building coverage:</b>	4,244 sq. ft.
<b>Pavement coverage:</b>	3,369 sq. ft.
<b>Landscape coverage:</b>	19,500 sq. ft.
<b>Parking spaces:</b>	

**LOCAL APPROVALS RECEIVED:** Los Angeles County Department of Regional Planning Approval-in-Concept 2/24/00; County of Los Angeles Department of Health Services Sewage Disposal System Design Approval 4/1/00; County of Los Angeles Fire Department, Fuel Modification Unit, Preliminary Approved Fuel Modification Plan 7/5/00.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan, Malibu/Cold Creek Resource Management Area Environmental Review Board Evaluation 4/18/94, Update Soils Engineering Geologic report by GeoSystems dated 5/10/99, Soils Engineering Geologic Investigation by GeoSystems dated 1/28/97.

## SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **6 Special Conditions** relative to 1) geologic recommendations, 2) drainage and polluted run-off control, 3) landscaping and interim erosion control, 4) removal of natural vegetation, 5) removal of excess grading material, and 6) assumption of risk.

## I. STAFF RECOMMENDATION

MOTION:        *I move that the Commission approve Coastal Development Permit No. 4-00-047 pursuant to the staff recommendation.*

### STAFF RECOMMENDATION OF APPROVAL:

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

### RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

**1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

**2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. **SPECIAL CONDITIONS**

#### 1. **Plans Conforming to Geologic Recommendation**

All recommendations contained in the Update Soils Engineering Geologic report by dated 5/10/99 and the Soils Engineering Geologic Investigation report dated 1/28/97 prepared by GeoSystems shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. 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 consultants 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 consultants shall require an amendment to the permit or a new coastal permit.

#### 2. **Drainage and Polluted Runoff 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 polluted runoff control plan designed by a licensed engineer which minimizes the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer to ensure the plan is in conformance with the consultant's recommendations. The plan shall include but not be limited to the following criteria:

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- (b) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates, and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner.

The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

### **3. Landscaping and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultant to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

#### **A. Landscaping Plan**

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings 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 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

- (5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 150 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

**B. Interim Erosion Control Plan**

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment loss from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C. Monitoring**

Five years from the date of the receipt of the Certificate of Occupancy for the residence 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.

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.

#### **4. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

#### **5. Removal of Excavated Material**

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.

#### **6. Assumption of Risk**

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicant is proposing to construct a three-story, 34 ft. high, 6,780 sq. ft. single family residence including an attached 3-car garage, indoor swimming pool, new septic system and driveway, 7,500 gallon water tank, retaining walls up to 6 ft. in height, and an 8 ft. barrier wall (Exhibits 6-10). The applicant is also proposing approximately 2,090 cu. yds. of grading (2070 cu yds. cut, 20 cu yds. fill, and 2050 cu. yds. export) to create an 8,950 sq. ft. building pad area including the rear yard, driveway, and fire department turn-around area (Exhibit 5). Additionally, in order to comply with fire department requirements, the applicant is proposing to repave the access road to the site, widen the lower portion of the access road to a minimum width of 20 ft., and incorporate a 32 ft. turn-around area where the access road intersects with Loma Metisse. Improvements to the access road will require minimal remedial grading of approximately 30 cu. yds. of cut and fill to smooth the grade for repaving.

The project site is a 2.5 acre parcel located on a moderately developed hillside just east of Loma Metisse Road and west of Saddle Peak Road in the Santa Monica Mountains (Exhibit 1). Access to the project site is provided from Loma Metisse Road via an existing private road easement (Exhibit 4). In order to comply with fire department requirements for access to the site, the applicant is proposing to widen the lower portion of the access road to it's entire easement width of 20 ft., provide a turn-around area where the access road intersects with Loma Metisse, and repave the access road. Some fencing built into the lower portion of the road easement by neighboring development will have to be relocated out of the easement and grading of approximately 30 cu. yds. of cut and fill will be necessary to construct the proposed road improvements.

The subject parcel is situated on a west-facing slope that ascends easterly from the existing access road with a general gradient of 2 ½:1 to Saddle Peak Road (Exhibit 2). The hillside slope steepens to a gradient of 1 ½:1 as it approaches the eastern boundary of the subject property adjacent to Saddle Peak Road. The proposed development is to be constructed on the western, lower portion of the subject parcel. The project's consulting geologist has concluded that residual soil identified on the steeply ascending slope east of the building location is subject to surficial failure should the hillside become denuded and saturated. Therefore, consistent with the recommendations of the consulting geologist, the applicant is also proposing an 8 ft. barrier wall to be constructed between the proposed development and ascending slope to protect the residence from potential mudflow damage.

The subject parcel is located on the periphery of the Cold Creek Resource Management Area (Exhibit 3) and vegetation at the project site consists of natural grasses, shrubs, and trees. No designated environmentally sensitive habitat areas are known to exist on or near the site and the proposed project has been reviewed by the Environmental Review Board and is found to be consistent with resource protection policies. Additionally, the applicant has submitted a proposed landscaping plan and fuel modification plan with preliminary approval of the Los Angeles County Fire Department. The submitted plan indicates that the applicant is proposing to use native plant species to landscape the project site and that the Fire Department will require a total radius of 150 ft. around the proposed structure for fuel modification purposes to reduce fire hazard (Exhibit 11). The reduced fuel modification zone from the standard 200 ft. will minimize impacts to natural vegetation existing on the

steeply ascending slope east of the proposed residence and fuel modification for the structure will not be required beyond the east property boundary of the subject site. The plan indicates that the required 150 ft. fuel modification zone will extend a maximum of 42 ft. beyond portions of the south property boundary, approximately 70-110 ft. beyond the west property boundary, and approximately 8 ft. beyond the north property boundary of the subject site. However, the Commission notes that the fuel modification requirements for the proposed structure which will extend beyond the property's south and west boundary will overlap with existing fuel modification zones associated with adjacent development and the access road (See Exhibit 12, Adjacent Development). Therefore, no significant additional disturbance of natural vegetation will occur as a result of the proposed project on properties to the south and west of the project site. The Commission further notes that some undisturbed natural vegetation on the adjacent property north of the project site is present, however, the Commission also notes that fuel modification requirements for the proposed structure will extend only 8 ft. beyond the subject property's north boundary. Therefore impacts to existing natural vegetation north of the subject site will be minimal.

The project site is located in an area moderately developed with single family residences and the proposed project will not be visible from any designated scenic highways or public viewing areas. For these reasons, the Commission finds that the proposed project will not have a significant adverse impact to environmentally sensitive habitat areas or public scenic views.

## **B. Geology and Wildfire Hazard**

The proposed development is located in the Santa Monica Mountains area, 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 area 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.

Section 30253 of the Coastal Act states in pertinent 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, 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 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and to minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted a Soils and Engineering Geologic Investigation report dated 1/28/97 and an Update Soils and Engineering Geologic Investigation report dated 5/10/99 prepared by GeoSystems which evaluate the geologic stability of the subject site in relation to the proposed development. The consultant has found that the project site is suitable for the proposed project, however, the consultant concludes that residual soil present on the steeply



ascending slope east of the proposed building location is susceptible to slump should the hillside become denuded and saturated. The Soils and Engineering Geologic Investigation report dated 1/28/97 states:

*A potential slump exists on the upper steeper slope below saddle peak road with a factor of safety less than 1.5 (static) and 1.1 (seismic). A barrier wall/impact wall is recommended to mitigate this condition.*

*In order to minimize the potential for damage to the residence due to surficial failure of soils on the ascending slope a barrier wall is recommended between the residence and the ascending slope.*

Based on their evaluation of the project site in relation to the proposed project the geologic consultants have determined that the project site is appropriate for the proposed development and, provided their recommendations are incorporated into the proposed project, conclude in the Soils and Engineering Geologic Investigation report dated 1/28/97:

*It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.*

The Soils and Engineering Geologic Investigation report dated 1/28/97 prepared by GeoSystems includes several geotechnical recommendations to be incorporated into project construction, design, drainage, and sewage disposal to ensure the stability and geologic safety of the proposed project. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

Though the proposed project is conditioned to incorporate all recommendations for site stability and safety, the Commission notes that there remains an inherent risk in building on the subject site with the geologic conditions and constraints described and identified in the referenced geology reports. Therefore, the Commission can only approve the project if the applicant assumes the responsibility and liability from the risks associated with developing the project as required by **Special Condition 6**. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

The Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to

submit drainage and erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 2 and 3**.

Additionally, the Commission notes that the quantity of cut grading required for construction of the proposed residence is more than the quantity of fill required for construction resulting in an excess of 2,050 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition 5** requires the applicant to export all excess grading material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve to enhance and maintain the geologic stability of the site. Therefore, **Special Condition 3** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. **Special Condition 3** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition 3**.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 4**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by **Special Condition 4** avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties. However, the Commission finds that there remains an inherent risk in building on the subject site with the geologic conditions and constraints described in this section, and due to the fact that the project site is located in an area subject to an extraordinary potential for damage or destruction from wildfire. Typical vegetation in the Santa Monica Mountains consists predominantly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. Additionally, the typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Therefore, the Commission can only approve the project if the applicant assumes the responsibility and liability from the risks associated with developing the project as required by **Special Condition 6**. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Moreover, through acceptance of Special Condition 6, the applicants agree to indemnify the Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or 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 from geologic and wildfire hazard exists as an inherent risk.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous wildfire and geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development with similar risks throughout the Malibu/Santa Monica Mountains region.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

### C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section 30231 of the Coastal Act states:

***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.***

As described, the proposed project includes construction of a three-story, 34 ft. high, 6,780 sq. ft. single family residence including an attached 3-car garage, indoor swimming pool, new septic system and driveway, 7500 gallon water tank, retaining walls, 8 ft. barrier wall, and 2090 cu. yds. of grading (2070 cu yds. cut, 20 cu yds. fill, and 2050 cu. yds. export). The proposed project also includes widening portions of the access road to the project site and repaving of the access road. The project

site is an undeveloped 2.5 acre parcel located on a moderately to steeply ascending slope in the Santa Monica Mountains. The use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces, into run-off from the site which will ultimately drain to coastal streams and to the ocean.

Removal of natural vegetation and placement of impervious surfaces results in less infiltration of rainwater into soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Infiltration of precipitation into soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly reduced.

As described above, the project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion and sedimentation is minimized. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the site. This plan is required by **Special Condition 2**. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the proposed development includes the installation of an on-site private sewage disposal system with a 1,500 gallon tank to serve the residence. The applicants' geologic consultants performed infiltration tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and that no adverse impact to the site or surrounding areas will result from the use of the alternative septic system. Finally, the City of Los Angeles County Health Department Services has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

#### **D. LOCAL COASTAL PROGRAM**

Section 30604 of the Coastal Act states:

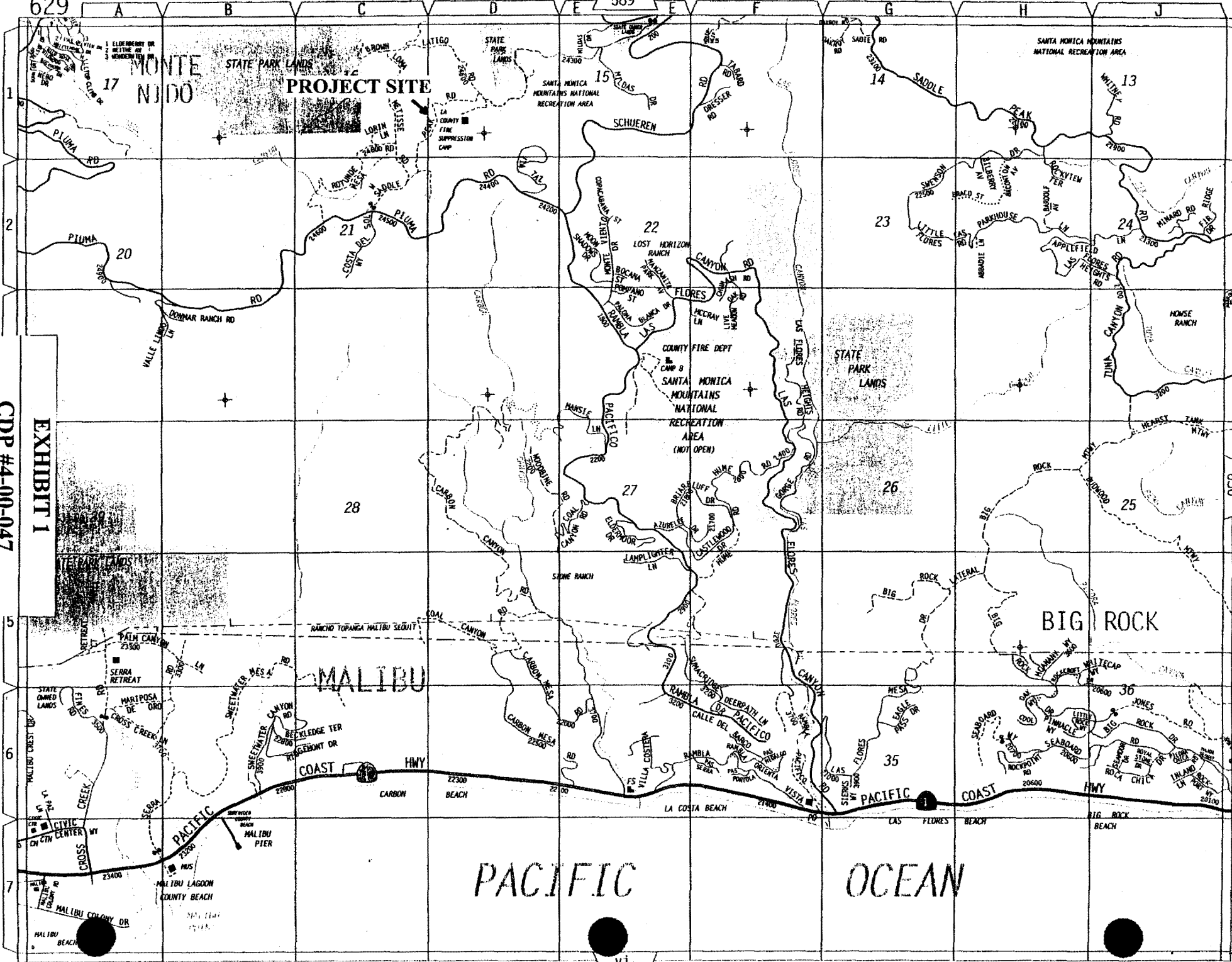
- A) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 project 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, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for the Malibu and Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

The Commission finds that, 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 CEQA and the policies of the Coastal Act.



CDP #4-00-047

EXHIBIT 1

Vicinity Map

PACIFIC

OCEAN

MALIBU

BIG ROCK

MONTE NIDO

PROJECT SITE

STATE PARK LANDS

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

STATE PARK LANDS

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA (NOT OPEN)

WESTRAN LANDS

STATE OWNED LANDS

CIVIC CENTER

MALIBU BEACH

MALIBU LAGOON COUNTY BEACH

MALIBU PIER

COAST

CARBON BEACH

LA COSTA BEACH

PACIFIC

COAST

CARBON BEACH

LA COSTA BEACH

PACIFIC

COAST

CARBON BEACH

LA COSTA BEACH

PACIFIC

COAST

BIG ROCK BEACH

RETREAT

SERRA RETREAT

MARIPOSA DE ORO

CHASS CREEK LN

SWEETWATER MESA

CANYON RD

BEVELDGE TER

ALBEMONT DR

RAMBLA

DEERPATH LN

CALLE DEL SAURO

RAMBLA

SEABOARD

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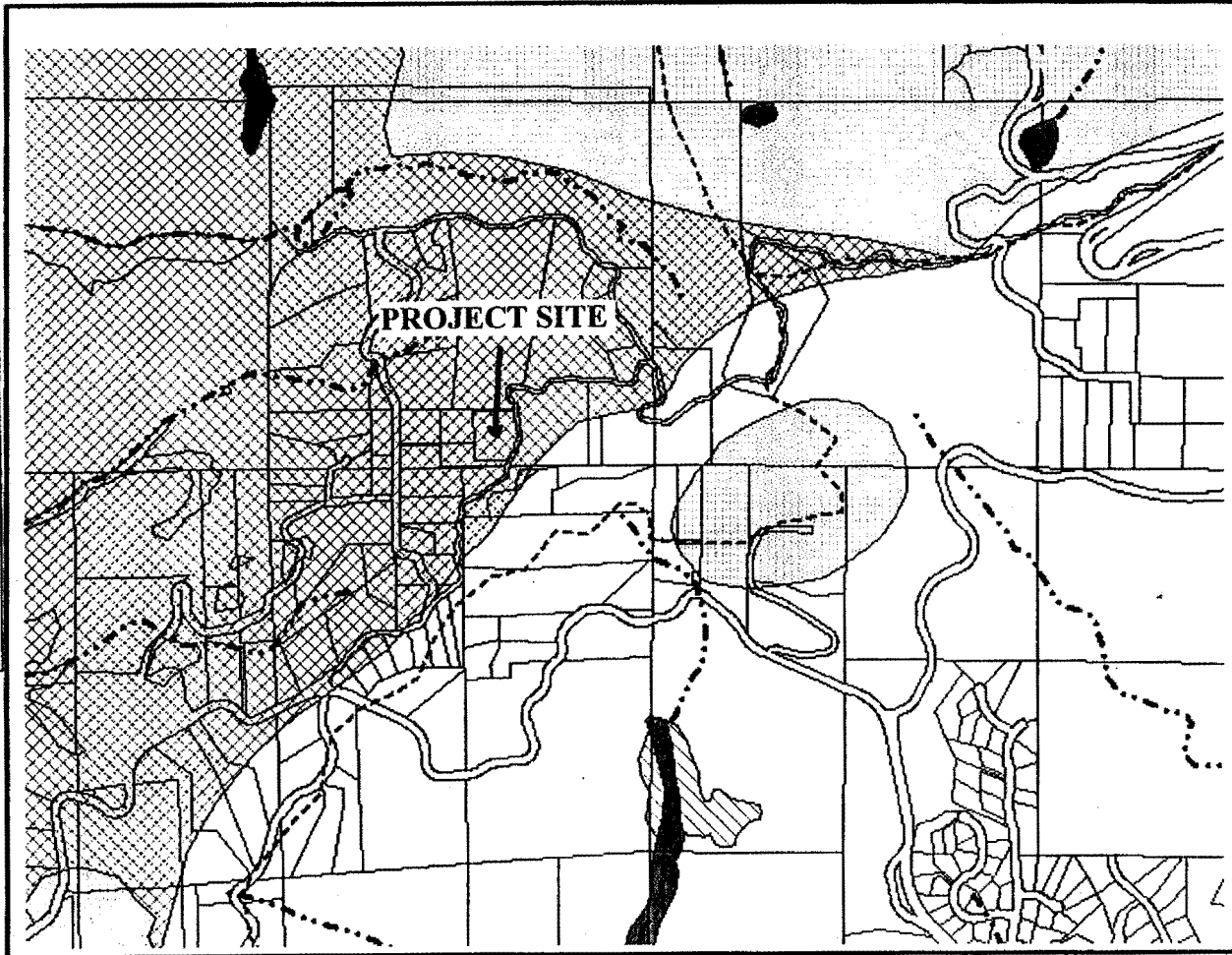
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### 4-00-047 (Good) Coastal Resources



- trailslacoplan
- StrmsCCC
- laprcis
- esha (ESHA)
  - Coldcreek management area
  - inland
  - locally disturbed resources
  - oak woodlands and savannahs



EXHIBIT 3

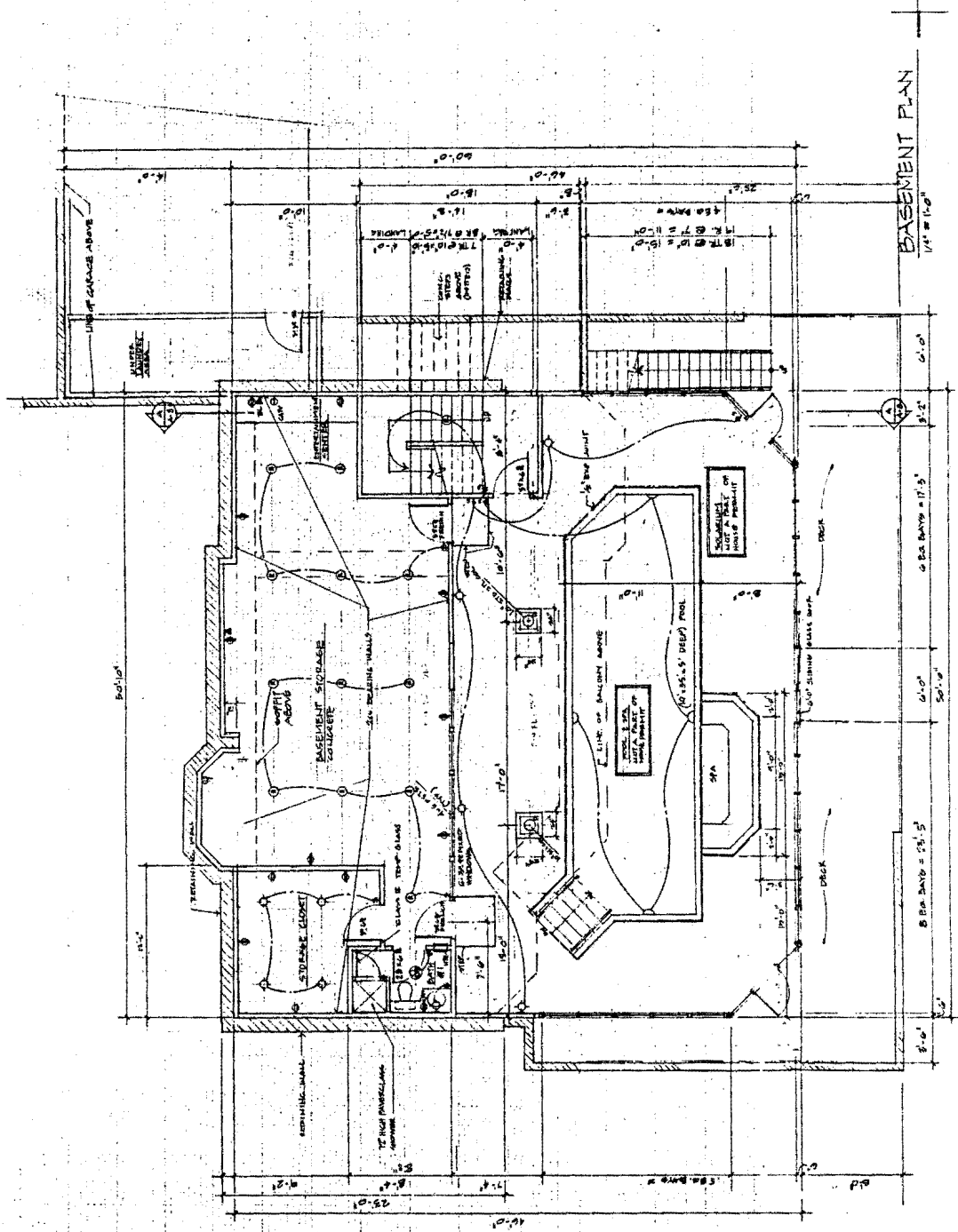
CDP # 4-00-047

Coastal Resource Map







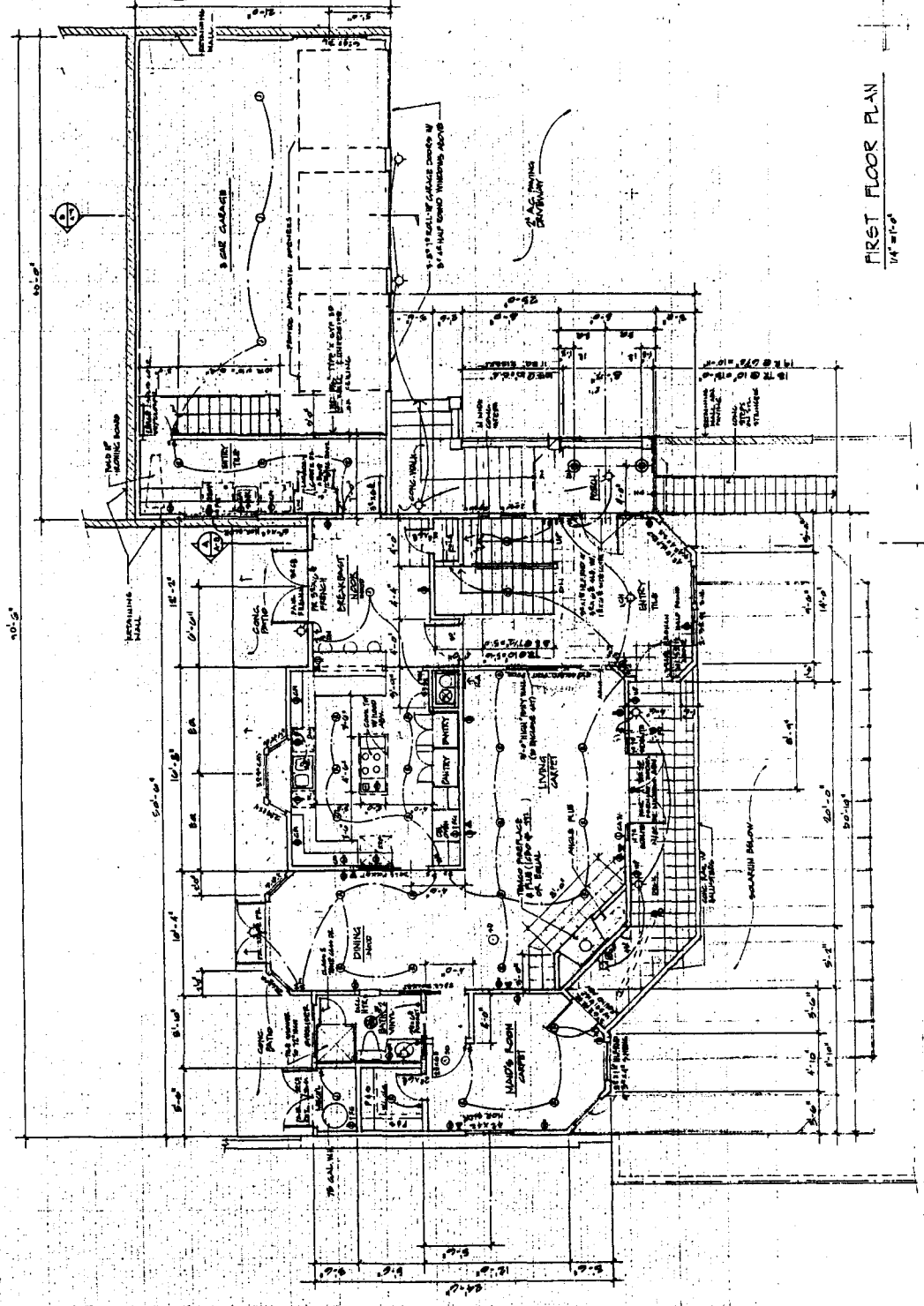


BASMENT PLAN  
1/4" = 1'-0"

EXHIBIT 6

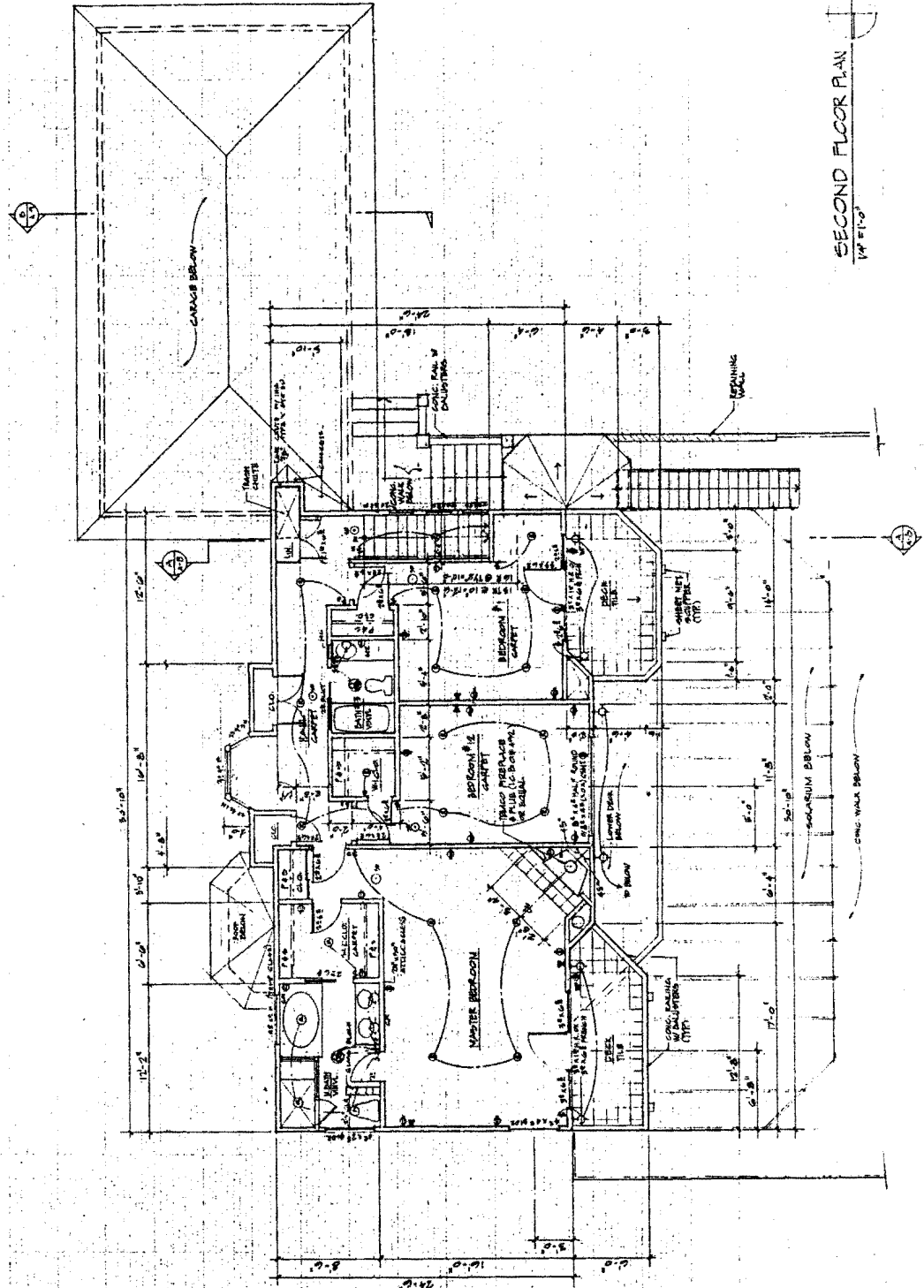
CDP # 4-00-047

1<sup>st</sup> Floor Plan



FIRST FLOOR PLAN  
1/4" = 1'-0"

EXHIBIT 7
CDP # 4-00-047
2 <sup>nd</sup> Floor Plan



SECOND FLOOR PLAN  
1/4" = 1'-0"

**EXHIBIT 8**  
**CDP # 4-00-047**  
**3<sup>rd</sup> Floor Plan**

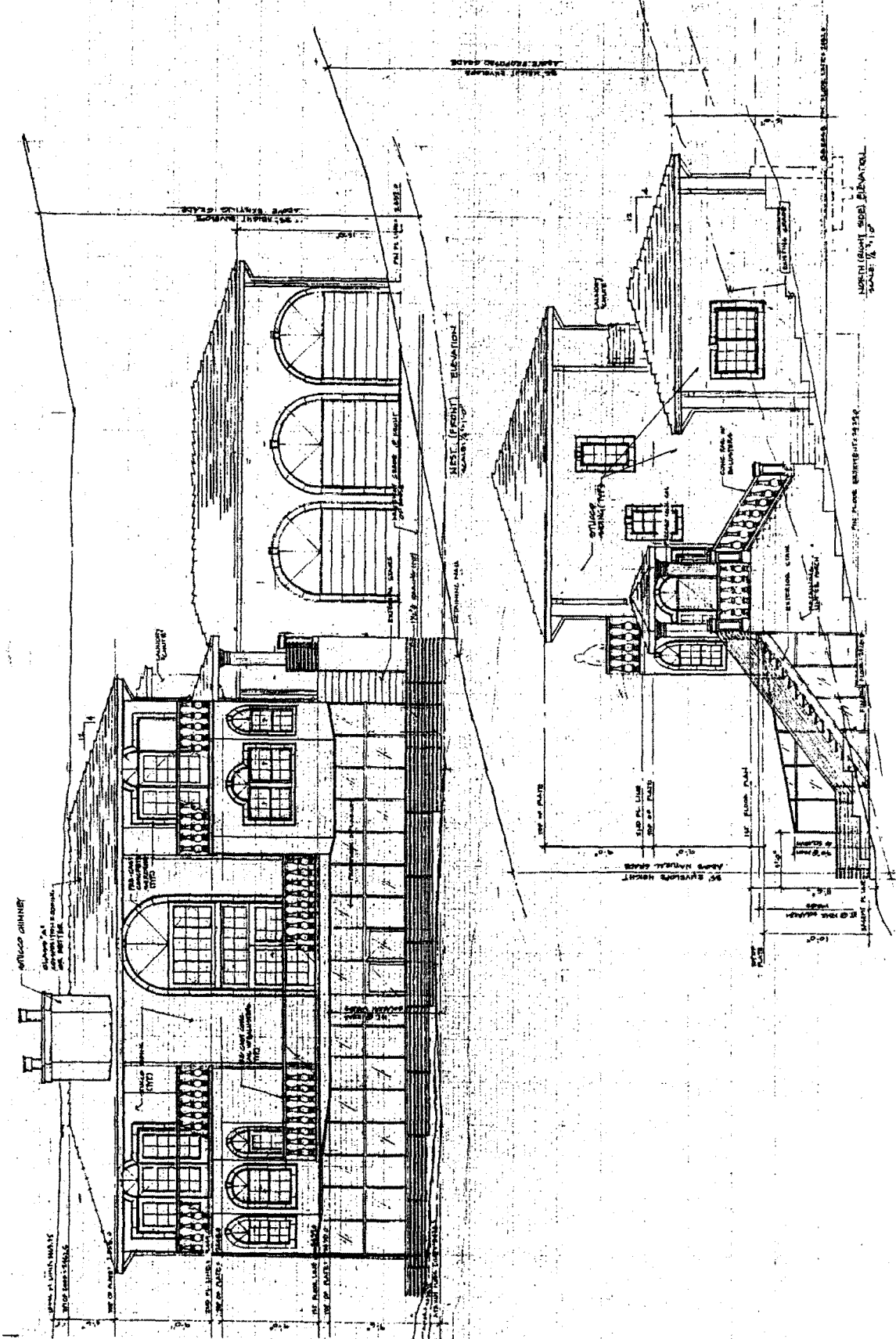
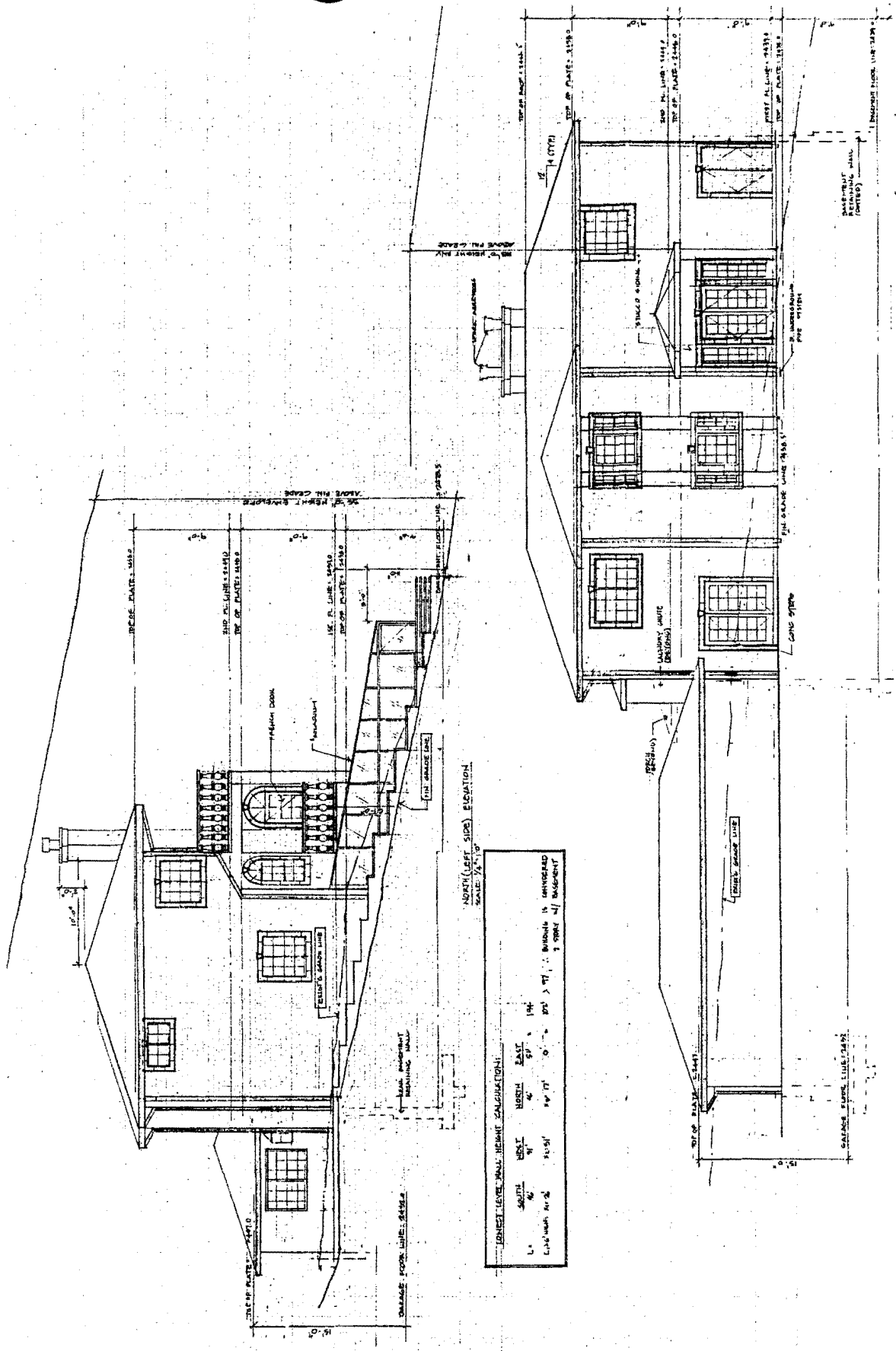


EXHIBIT 9

CDP # 4-00-047

Elevations



NORTH (LEFT) SIDE ELEVATION  
SCALE: 3/4" = 1'-0"

..... LOWEST LEVEL SHALL BE HIGHEST CALCULATION:

	SOUTH	WEST	EAST	ROOF	EAST
1'-0"	4'-0"	4'-0"	4'-0"	4'-0"	4'-0"
1'-0"	4'-0"	4'-0"	4'-0"	4'-0"	4'-0"
1'-0"	4'-0"	4'-0"	4'-0"	4'-0"	4'-0"

..... FINISH IS UNDEGRADED  
..... 3' OVER N/1 BARRIERS

EAST (REAR) ELEVATION  
SCALE: 3/4" = 1'-0"

**FUEL MODIFICATION PLAN NOTES**

**Zone A - 8ft. Beyond**  
 Minimum of 8ft. fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas. The fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas. The fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas.

**Zone B - 110 ft. Beyond**  
 Minimum of 110 ft. fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas. The fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas.

**Zone C - 70 ft. Beyond**  
 Minimum of 70 ft. fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas. The fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas.

**Zone D - 42 ft. Beyond**  
 Minimum of 42 ft. fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas. The fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas.

**Zone E - 8ft. Beyond**  
 Minimum of 8ft. fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas. The fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas.

**Zone F - 8ft. Beyond**  
 Minimum of 8ft. fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas. The fuel modification zone shall be established around all structures, including accessory structures, swimming pools, hot tubs, and pergolas.

THE LAND & WATER CO.  
 (714) 965-1622

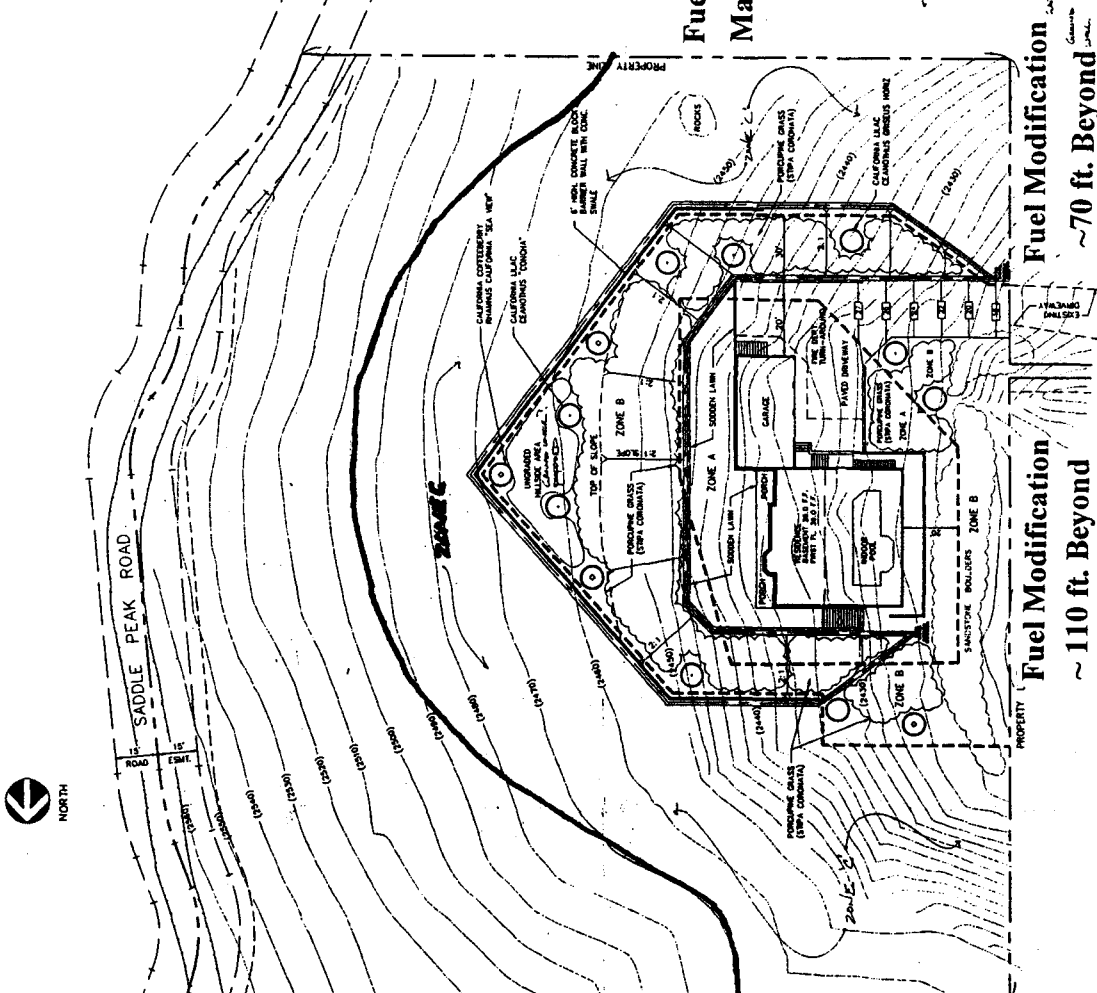
BECKROCK ENGINEERING  
 (714) 375-0877

APPROVED  
 [Signature]

COUNTY OF LOS ANGELES  
 PRELIMINARY  
 FUEL MODIFICATION PLAN  
 APPROVED  
 [Signature]

DATE: 12-15-07  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

LANDSCAPE PLAN  
 FOR PROPOSED RESIDENCE AT  
 210 LOMA METISSE  
 MALIBU, CALIFORNIA  
 95-188-2



**Fuel Modification**  
 8ft. Beyond

**Fuel Modification**  
 110 ft. Beyond

**Fuel Modification**  
 ~70 ft. Beyond

**Fuel Modification**  
 Max. 42 ft. Beyond

LANDSCAPE PLAN  
 SCALE: 1" = 20'-0"

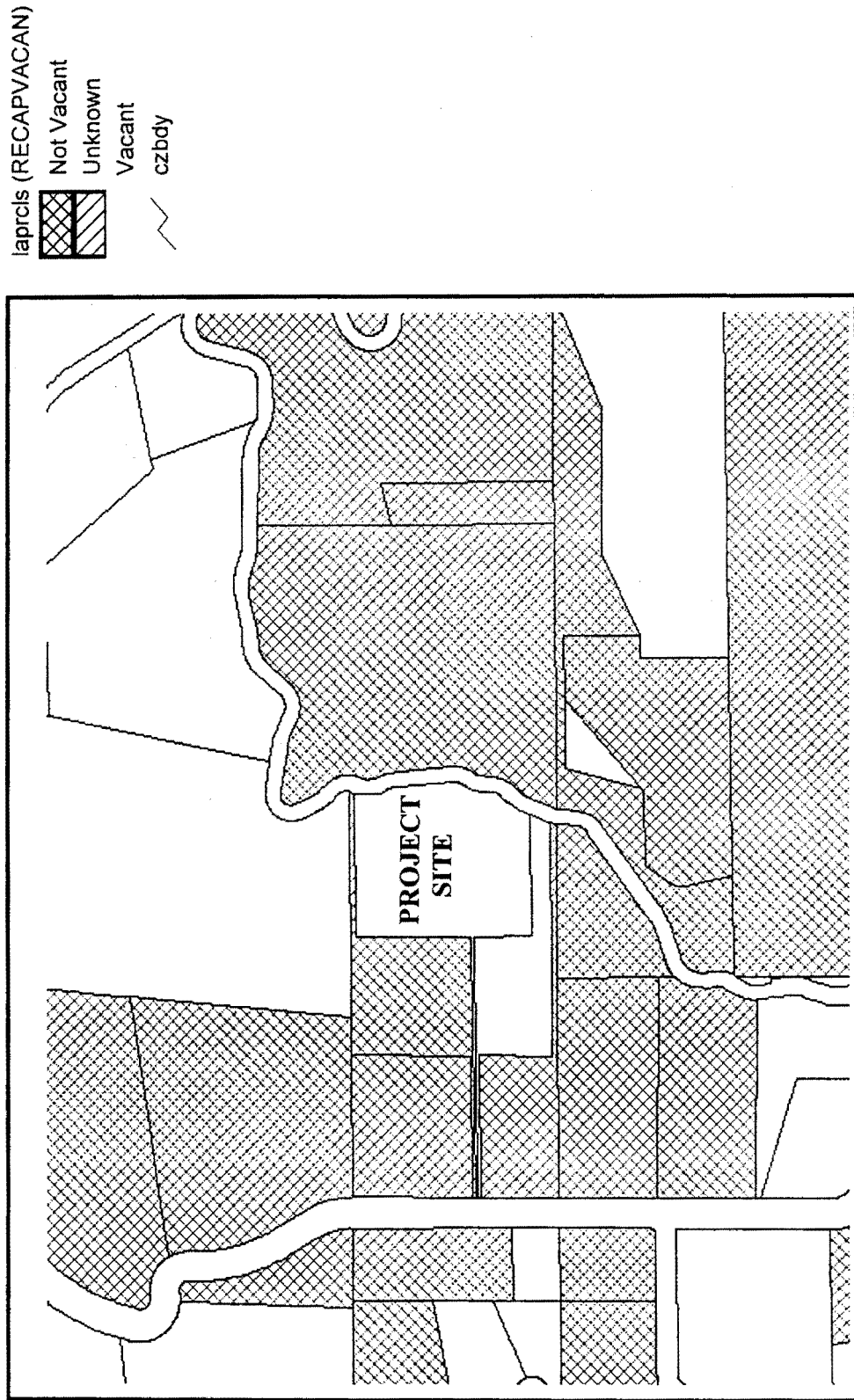
NOTE:  
 1. TOPOGRAPHY PER MARIO GARCIA, DATED DEC. 17, 1995

**EXHIBIT 11**  
**CDP # 4-00-047**  
**Fuel Modification**  
**Landscaping Plan**



ESRI ArcExplorer 1.1

### 4-00-047 (Good) Adjacent Development



Thursday, Sep 21 2000

Exhibit 12  
CDP # 4-00-047  
Adjacent Development

