

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO. 4-00-001

APPLICANT: Richard & Lissa Sholty AGENT: Monique Schenk

PROJECT LOCATION: 600 Schueren Road, Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 28 foot high, 5,060 square foot, single family residence with three car 770 square foot garage, septic system, retaining walls and 2,320 cubic yards of grading (845 cu. yds. cut, 1,475 cu. yds. fill). The proposal also includes 440 cubic yards of over excavation.

Lot Area:	44,430 sq. ft.
Building Coverage:	3,410 sq. ft.
Pavement Coverage:	1,925 sq. ft.
Landscaped Area:	15,000 sq. ft.
Parking Spaces:	3 covered
Plan Designation:	Residential I, One du/1 acre
Height above existing grade:	28 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, Department of Regional Planning, dated 7/24/00; Approval in Concept (Septic System), Los Angeles County Department of Health Services, dated 7/26/2000.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions regarding plans conforming to geologic recommendations, landscape and erosion control plans, removal of natural vegetation, wild fire waiver of liability, drainage and polluted runoff control plan, color restriction and future development restriction.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (1986); Coastal Development Permit 4-94-073; Geologic Investigation prepared by Keith Ehlert dated July 2, 1990; Soils Engineering Investigation prepared

by GeoQuake dated August 5, 1990; Response to County of Los Angeles Geologic and Geotechnical Review Sheets prepared by Keith Ehlert dated October 25, 1993; and Geologic and Soils Engineering Reports and Acceptance of Previous Geologic and Soils Engineering Work prepared by Keith Ehlert dated November 19, 1999.

I. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit No. 4-00-001 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 Recommendations

- (a) All recommendations contained in the Soil Engineering Investigation, dated 8/5/90, prepared by GeoQuake, Inc.; Geologic Investigation, Dated 7/2/90, prepared by Keith Ehlert; Response to County of Los Angeles Geologic and Geotechnical Review Sheet, dated 10/25/93; and Update of geologic and Soils Engineering Reports and Acceptance of Previous Geologic and Soils Engineering Work, dated 11/19/99, prepared by Keith Ehlert dated November 29, 1999 shall be incorporated into all final design and construction including recommendations concerning foundations, grading and drainage. All plans must be reviewed and approved by the geotechnical consultants. 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 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. The Executive Director shall determine whether required changes are "substantial."

2. Landscape and Erosion Control Plan and Fuel Modification

- A. Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed landscape architect for review and approval by the Executive Director. The plans 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 within sixty (60) days of receipt of the Certificate of Occupancy from Los Angeles County. 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 February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, shall be repeated, if necessary, to provide the required coverage. This requirement shall apply to all disturbed soils including the existing graded pad and slopes. Plantings shall include vertical elements to screen and soften the visual impact of the residence and retaining walls as seen from Schueren Road.

- (2) Vegetation within 50 feet of the proposed house may be removed to mineral earth or planted in a zone of irrigated lawn or similar ground cover. 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. The applicant shall submit evidence to the satisfaction of the Executive Director that the fuel modification plan required herein has been approved by the Los Angeles County Forestry Department.
- (3) 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.
- (4) 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.
- (5) 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 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.

- (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.

3. 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.

4. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant 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.

5. Drainage and Polluted Runoff Control Plan

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 storm water leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and engineering geologist to ensure the plan is in conformance with the consultants' 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.
- (c) 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 30th 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.

6. Color Restriction

The color of the structures, roofs, retaining walls and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

7. Future Improvements

This permit is only for the development described in coastal development permit No. 4-00-001. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control

plan prepared pursuant to Special Condition 2, shall require an amendment to Permit No. 4-00-001 from the Commission or shall require an additional coastal development.

PRIOR TO THE 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, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a two story, 28 foot high, 5,060 square foot, single family residence with three car 770 square foot garage, retaining walls, septic system and 2,320 cubic yards of grading (845 cu. yds. cut, 1,475 cu. yds. fill). The proposal also includes 440 cubic yards of over excavation.

The approximate one acre parcel is located on Schueren Road in the Santa Monica Mountains. Schueren Road is a designated scenic roadway in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) (Exhibits 1-4). The project site is within the Los Flores Canyon Watershed. There are no environmentally sensitive habitat areas either on or adjacent to the project site. The site is not visible from any existing or proposed public trails. However, the proposed residence will be visible from Schueren Road.

The site is on the eastside of Schueren Road and consists of small level pad area adjacent to the road that transitions to a 2:1 descending slope trending to the southeast. Just north and adjacent to the building site is a minor drainage course trending to the southeast. There is a single family residence on the adjacent parcel to the south, a residence on the parcel directly across Schueren Road to the west and several residences located just north of the site. Approximately 150 feet northeast of the parcel is a complex of three tennis courts for the residences located north of the site.

In 1994 the Commission approved a two story, 31 foot high 4,570 sq. ft. residence on the subject parcel with a three car garage, swimming pool and 2,260 cu. yds. of grading. However, the permit was not extended and has expired. The previously approved site plan located the residence in about the same location as the proposed design but called for the filling of the adjacent drainage to accommodate a motor court (Exhibit 11). A

swimming pool and yard area was located on a relatively level area across the drainage to the north.

B. Visual Resources

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

In addition, the certified Malibu/Santa Monica Mountains LUP provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains and include: ***P 125 sited and designed relative to LCP-designated scenic highways, views to and along the shoreline, and scenic coastal areas; P129 designed and located for attractive appearance and harmonious relationship with the surroundings; P130 In highly scenic areas and along scenic highways, sited and designed to protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural land forms, conceal raw-cut slopes, compatible with and subordinate to the character the setting, and not intrude into the skyline as seen from public viewing places; P134 sited to conform to the natural topography.***

As described, the applicant proposes to construct a two story, 28 foot high, 5,060 square foot, single family residence with three car 770 square foot garage, septic system and 2,320 cubic yards of grading (845 cu. yds. cut, 1,475 cu. yds. fill). To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations from which the proposed development is visible, such as beaches, parks and trails. The Commission typically also examines the building site, building design and size of the structure.

The proposed development is adjacent to and visible from Schueren Road, an LUP designated scenic roadway. As previously stated above, the Commission previously approved a permit for residential development on this parcel in 1994 which subsequently expired. That proposal was for the construction of a two story, 31 foot high 4570 sq. ft. residence with a three car garage, a swimming pool, septic system and 2,260 cubic yards of grading. The area of total disturbance under this proposal was approximately 20,000 sq. ft. and included the filling of the minor drainage on the property (Exhibit 11). The proposal also included a swimming pool and yard area located on a level are north of the minor drainage. Under the current proposal the area of disturbance has been reduced to approximately 15,000 sq. ft. and the applicant has

preserved the minor drainage onsite. The applicant has clustered the development on the south portion of the lot and has eliminated the yard and pool area north of the minor drainage.

Under the current proposal the applicant originally proposed 3,085 cu. yds of grading (750 cu. yds. cut, 1585 cu. yds. fill) to create a building pad and small back yard area. In response to staff concerns regarding the amount of grading and landform alteration under this proposal the applicant has reduced total grading to 2,320 cubic yards of grading (845 cu. yds. cut, 1475 cu. yds. fill). The applicant has stepped the building pad down the slope to the east in three levels. The driveway, turn around area and garage are on the first level approximately four feet below the road grade, the pad for the house is three feet below the garage pad and the yard area four feet below the pad for the house. This revised split level grading design does minimize grading and alteration of the natural landform on the parcel.

The proposed grading plan also utilizes an extensive retaining wall system to support the building pad areas. The retaining wall system is a total of approximately 300 feet in length around the perimeter of the building pad and ranges in height from 1 foot to portions that are 10 feet in height. The retaining wall system is all below the grade of the roadway and will not significantly impact views from the road. The most visible portion of the proposed retaining wall system is a 50 foot long 7 to 10 foot high portion of the wall along the north portion of the pad just above the minor drainage. However, this portion of the retaining wall is approximately 10 feet below the road grade and with adequate landscape screening this portion will not significantly impact public views from the road.

There is residential development located to the west, south and northeast of the subject site and the proposed project is consistent with the character of residential development along this section of Schueren Road. The proposed home will not obstruct views of the scenic sandstone outcrops located to the north of the proposed development.

In order to minimize the visual impact of the proposed development from Schueren Road the Commission finds that it is necessary to require the applicant to finish the proposed residence and retaining walls in a color consistent with the surrounding natural landscape; the windows of the proposed structure be of a non-reflective nature; and the driveway be colored in a manner that blends into the surrounding area (Special Condition 6).

Landscaping with vertical elements along Schueren road and in front of the retaining wall system will further minimize the visual impact of the proposed development. Therefore, the Commission finds it necessary to require a landscape plan that utilizes native, drought resistant plants to screen and soften the visual impact of the structures, as required by Special Condition number two.

In addition, future developments or improvements to the property have the potential to create significant adverse visual impacts as seen from the surrounding area. Therefore,

it is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. Special Condition number seven, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

In summary, the proposed project as conditioned will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

C. Geology and Fire Hazards

Coastal Act Section 30253 provides that:

Section 30253.

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. ...

In addition, the Malibu/Santa Monica Mountains LUP, which the Commission has certified and utilized as guidance in past permit decisions, contains policies applicable to the proposed project:

P 147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P 149 Continue to require a geologic report, prepared by a registered engineer...

P 156 Continue to evaluate all new development for impact on, and from, fire hazard.

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral

community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

1. Geology

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The applicant has submitted a Soil Engineering Investigation, dated 8/5/90, prepared by GeoQuake, Inc.; A Geologic Investigation, dated 7/2/90, prepared by Keith Ehler; a Response to County of LA Geologic and Geotechnical Review Sheets dated 10/25/93; and a Update of Geologic and Soils Engineering Reports and Acceptance of Previous Geologic and Soils Engineering Work dated 11/19/99. The applicants' consultants determined that the proposed project site is grossly and surficially stable and therefore suitable for the proposed development. The applicant's geologist states:

It is our opinion the proposed improvements can be constructed without hazard of landslide, slippage or undue settlement and the proposed improvements can proceed without similar adverse impact on adjoining properties. Obtaining these goals will require adherence to good construction practices and following the recommendations in the geologic and geotechnical reports.

Based on the recommendations of the consulting geologists, the Commission finds that the proposed development, as conditioned herein, minimizes risks to life and property from geologic hazards and assures stability and structural integrity, as required by Section 30253 of the Coastal Act, so long as the recommendations set forth in the Geosystems report 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 geologist and soils engineer as conforming to their recommendations (Special Condition 1).

Section 30253 of the Coastal Act states that new development shall not create or contribute significantly to erosion, in addition to other site stability issues addressed above. Special Condition 2 requires the applicant to submit for the Executive Director's approval landscape and fuel modification plans incorporating interim erosion control measures and providing for landscaping with suitable, locally native plant species. Established native plants, particularly chaparral shrub species, have deep root systems that hold soil in place and inhibit erosion. Use of the materials and methods required by that special condition will therefore stabilize the site immediately after disturbance and additionally protect against long-term site erosion. Temporary erosion control measures for implementation during the rainy season must also be incorporated into the landscape plan to protect excavated soils from erosion while construction is in progress.

The Commission notes that the use of native plants to landscape disturbed areas of the site (in addition to the use of native plants for overall landscape design), provides

superior erosion control to that provided by more common applications, such as hydroseeding with non-native annual grasses as employed along roadcuts or burned areas. For these reasons, the Commission also finds it necessary to impose Special Condition 2 as a condition of approval of the proposed development, thereby ensuring that erosion is controlled and that native plants are appropriately utilized for slope stabilization and landscaping.

The geotechnical consultants have also recommended that adequate drainage be provided to minimize erosion to the site which could contribute to instability. The report states that:

Adequate site drainage shall be provided. All roof and surface drainage shall be conducted away from foundation and slope areas via engineered non-erosive devices to existing stormdrain facilities on the street or downslope in a controlled manner. In no case shall water be allowed to pond within the site, drain towards structures, or flow in a concentrated and uncontrolled manner down the slope.

In order to ensure site stability and minimize erosion the Commission finds that it is necessary to require the applicant to submit a drainage and erosion control plan designed to collect runoff from the site and conduct it offsite in a non-erosive manner (Special Condition 5).

To comply with Los Angeles County Fire Department requirements vegetation within 200 feet of the proposed residence will have to be modified to minimize fire hazards. The fuel modification required for the proposed residence will require removal of vegetation on up to seven surrounding properties. The adjacent property to the south is developed with a single family residence. The fuel modification zone for this house will overlap with the proposed development. The properties to the east and north are not developed with single family residences. However the lot to the north does include a complex of three tennis courts that would be on the outer edge of the fuel modification zone for the proposed residence. The property to the west across Schueren road is developed with a single family residence and the fuel modification zone will overlap with the zone for the proposed residence. In order to ensure vegetation removal for the purpose of fuel modification does not occur prior to the construction of the residence the Commission finds that Special Condition 3 is necessary. This will avoid unnecessary fuel modification without an underlying permitted development. Such fuel modification would be inconsistent with PRC Section 30253 provisions to ensure site stability and avoid potentially adverse impacts of erosion and sedimentation.

Therefore, for all of the reasons cited above, the Commission finds that the proposed project as conditioned by Special Conditions 1, 2, 3 and 5 will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

2. Wild Fire

Section 30253 of the Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly 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. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 these associated risks. Through Special Condition 4, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 4, the applicant agrees 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 or destruction from wild fire exists as an inherent risk. The Commission finds that only as conditioned by Special Condition 4 is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

D. 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, 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 stated previously, the applicant proposes to construct a two story, 28 foot high, 5,060 square foot, single family residence with three car 770 square foot garage, septic system and 2,320 cubic yards of grading (845 cu. yds. cut, 1,475 cu. yds. fill). 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. As previously stated, the subject site drains toward Las Flores Canyon and Creek, portions of which are a designated ESHA.

The project plans include a surface drainage system designed by a civil engineer including rip rap water flow restrictors to accommodate anticipated runoff. However, the plans must address the Commission's concerns relative to water quality and polluted runoff. The removal of natural vegetation and placement of impervious surfaces associated with new residential development reduces infiltration of rainwater into the soil thereby increasing the rate and volume of runoff, which in turn causes increased erosion and sedimentation. Infiltration of precipitation into the soil reduces runoff and provides 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 and coastal waters 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, drainage and water pollution control 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 is returned to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. Slow surface 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 is greatly reduced.

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, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas on or near the site. 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, as specified in Special Condition 5. 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.

The proposed development includes installation of an on-site septic system with a 1500 gallon tank to serve the residence. The 1500 gallon septic tank will be located on the west side of the building pad, from which effluent from the septic system will be disposed of through septic pits. The applicants' engineering geologic consultants have evaluated the site relative to a potential septic system and conclude that the site is suitable for the septic system and that there will be no adverse impact to the site or surrounding area from use of the proposed septic system. Finally, Los Angeles County Department of Health Services has approved the design of the proposed sewage disposal 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.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 development 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, as conditioned, will not prejudice the County's ability to

prepare a Local Coastal Program for 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. 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, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity would 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 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.

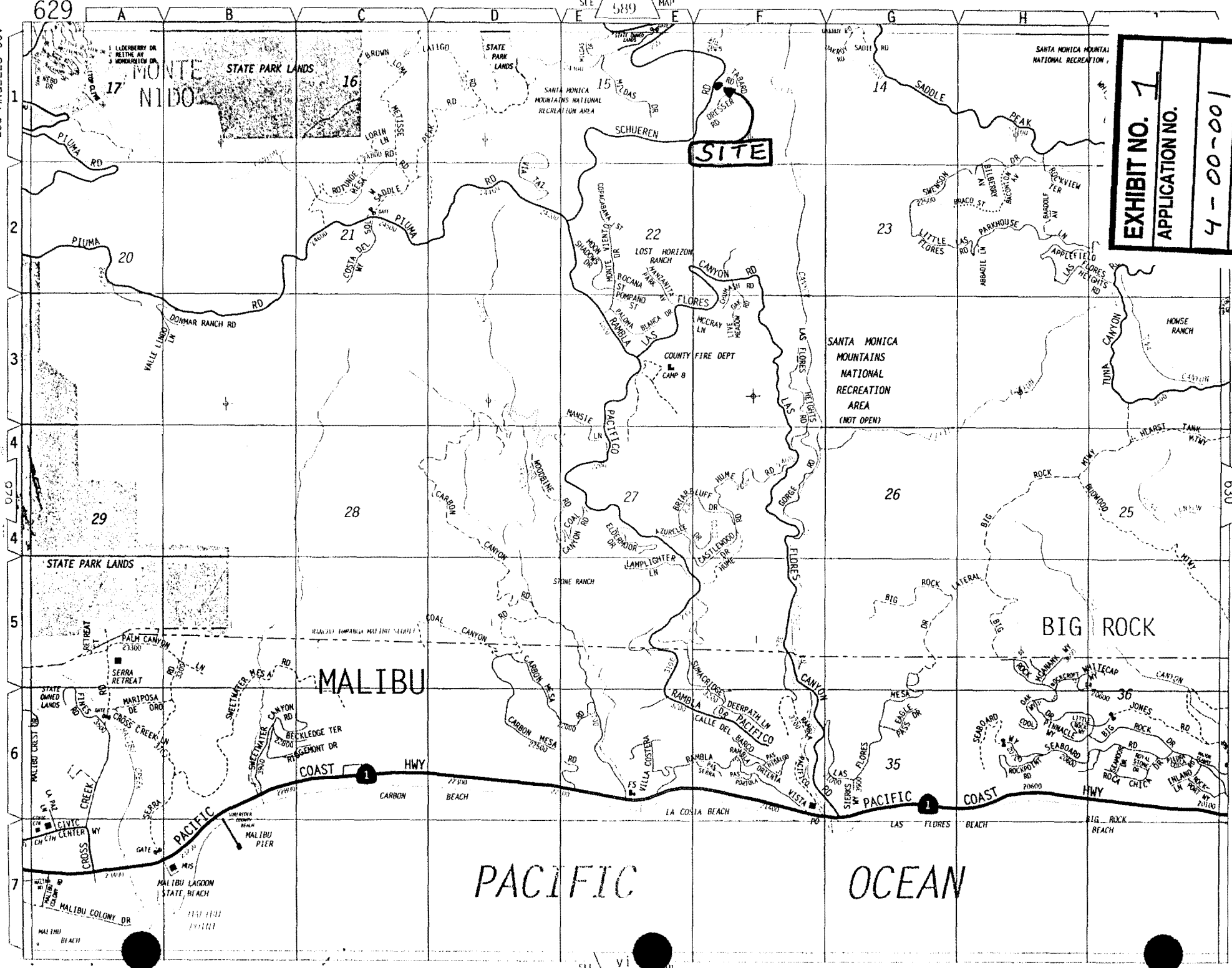


EXHIBIT NO. 7
APPLICATION NO.
4-00-001
LOCATION MAP

PACIFIC

OCEAN

MALIBU

BIG ROCK

SITE

MONTE NIDO

STATE PARK LANDS

STATE PARK LANDS

STATE PARK LANDS

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA (NOT OPEN)

STATE PARK LANDS

STATE OWNED LANDS

MALIBU LAGOON STATE BEACH

MALIBU PIER

CARBON BEACH

LA COSTA BEACH

LAS FLORES BEACH

BIG ROCK BEACH

CIVIC CENTER

SERRA RETREAT

BECKLEDGE TER

PIGEONPT DR

CARBON MESA

VILLA SOSTENA

RAMBLA DEL PACIFICO

SEABOARD

ROCK POINT

INLAND

CROSS CREEK

MARIPOSA DE ORO

CROSS CREEK LN

SWEETWATER CANYON RD

BECKLEDGE TER

PIGEONPT DR

CARBON MESA

VILLA SOSTENA

RAMBLA DEL PACIFICO

SEABOARD

ROCK POINT

INLAND

JONES

ROCK

ROCK

ROCK

MALIBU COLONY DR

MALIBU BEACH

MALIBU LAGOON STATE BEACH

MALIBU PIER

CARBON BEACH

LA COSTA BEACH

LAS FLORES BEACH

BIG ROCK BEACH

JONES

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

MALIBU BEACH

MALIBU LAGOON STATE BEACH

MALIBU PIER

CARBON BEACH

LA COSTA BEACH

LAS FLORES BEACH

BIG ROCK BEACH

JONES

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

MALIBU BEACH

MALIBU LAGOON STATE BEACH

MALIBU PIER

CARBON BEACH

LA COSTA BEACH

LAS FLORES BEACH

BIG ROCK BEACH

JONES

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

ROCK

RECEIVED

JAN 03 REC'D

DEPARTMENT OF
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

S. 70° 10' E. 150.66 from NW 1/4
terminus of course in 8 of show
of N. 70° 12' E. N. 514.09 #108
10-5-39

4453 024

14

SUBJECT

4453
026

5
12.11± Ac.

2
45
88,427'

36
213± Ac
= 92,780±'

37
249± Ac
= 108,460±'

#4117
2-17-72

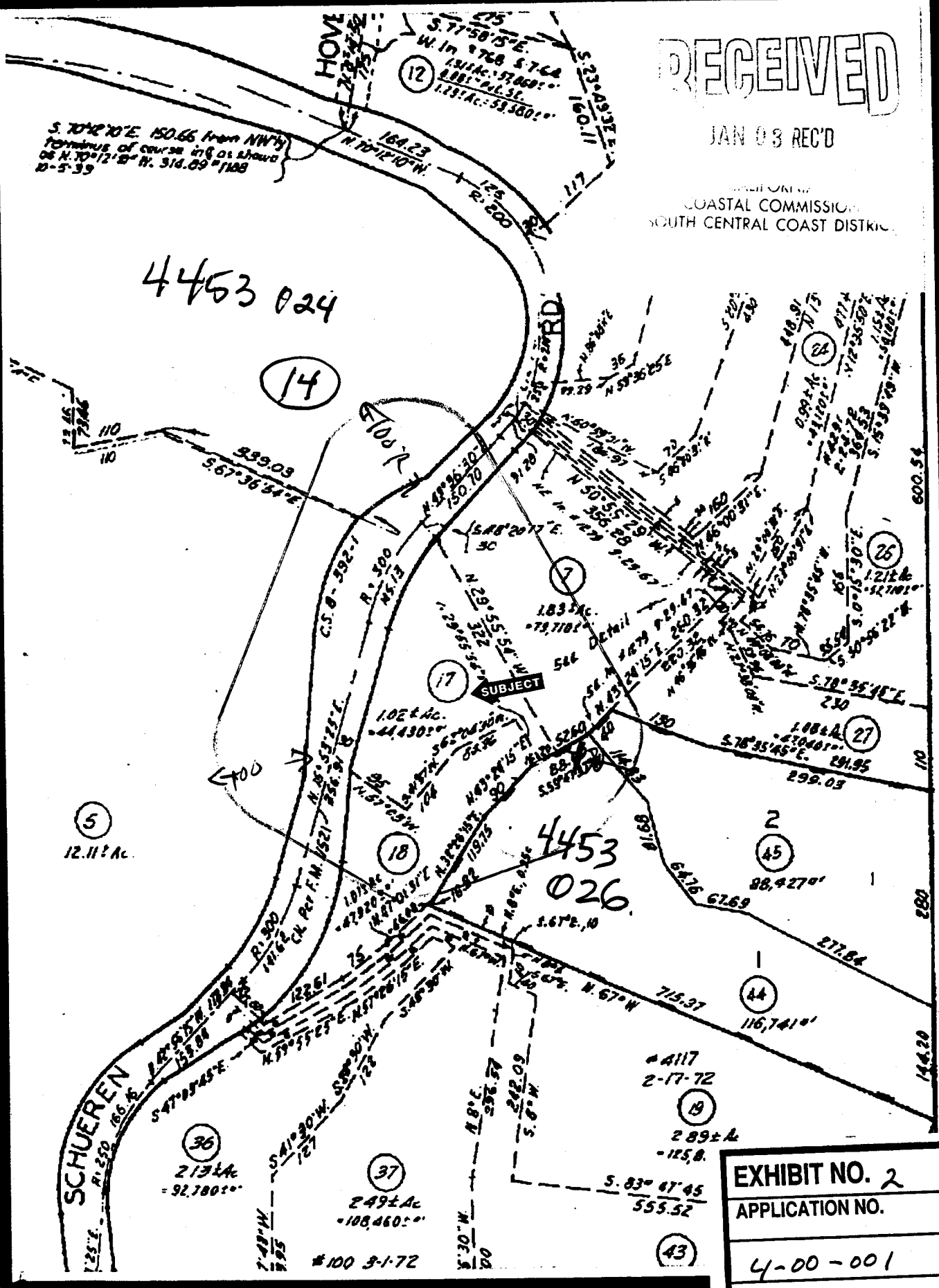
19
289± Ac
= 125.8

5.83° 47' 45
555.52

43

EXHIBIT NO. 2
APPLICATION NO.
4-00-001
PARCEL MAP

Ownership Map



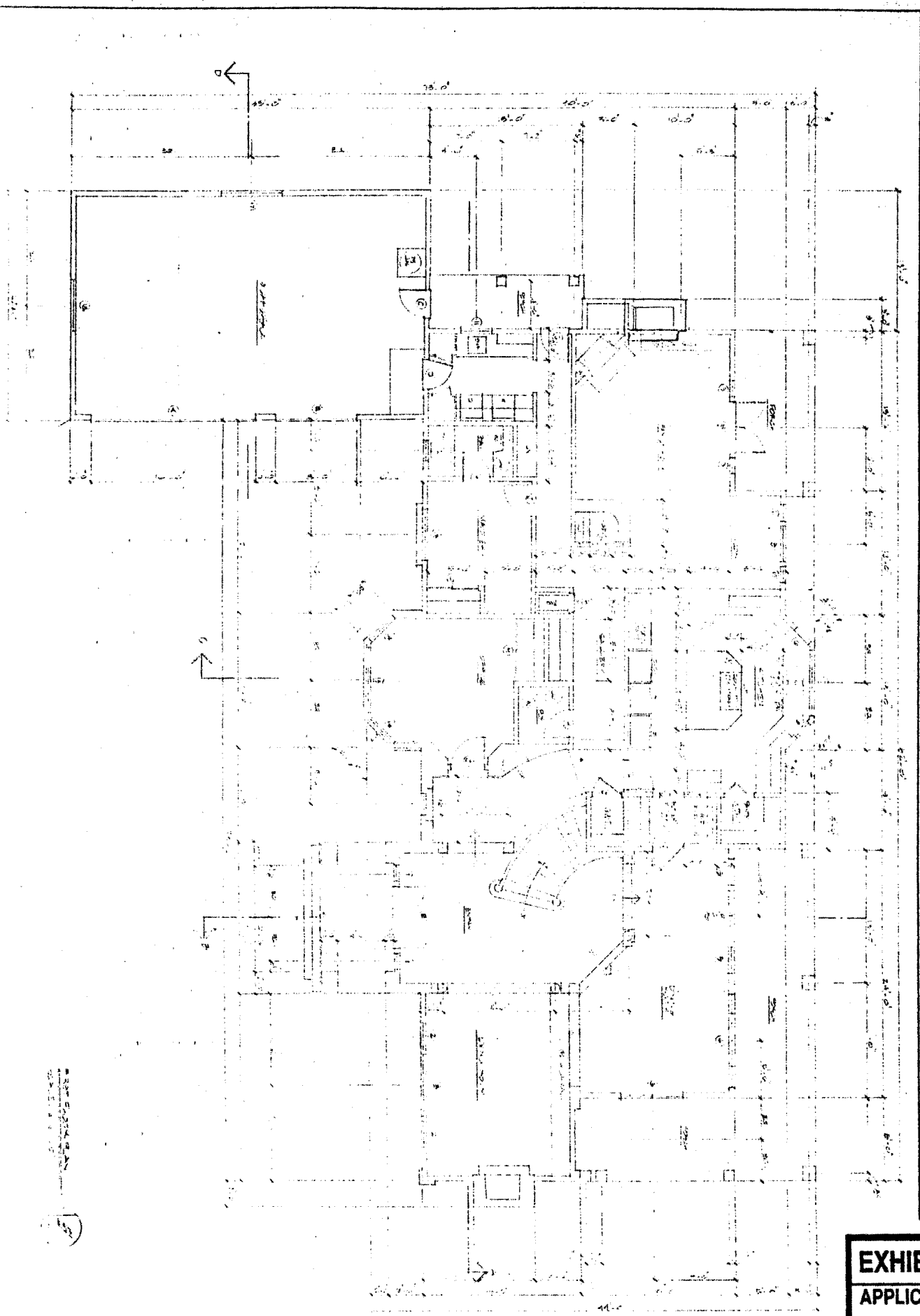
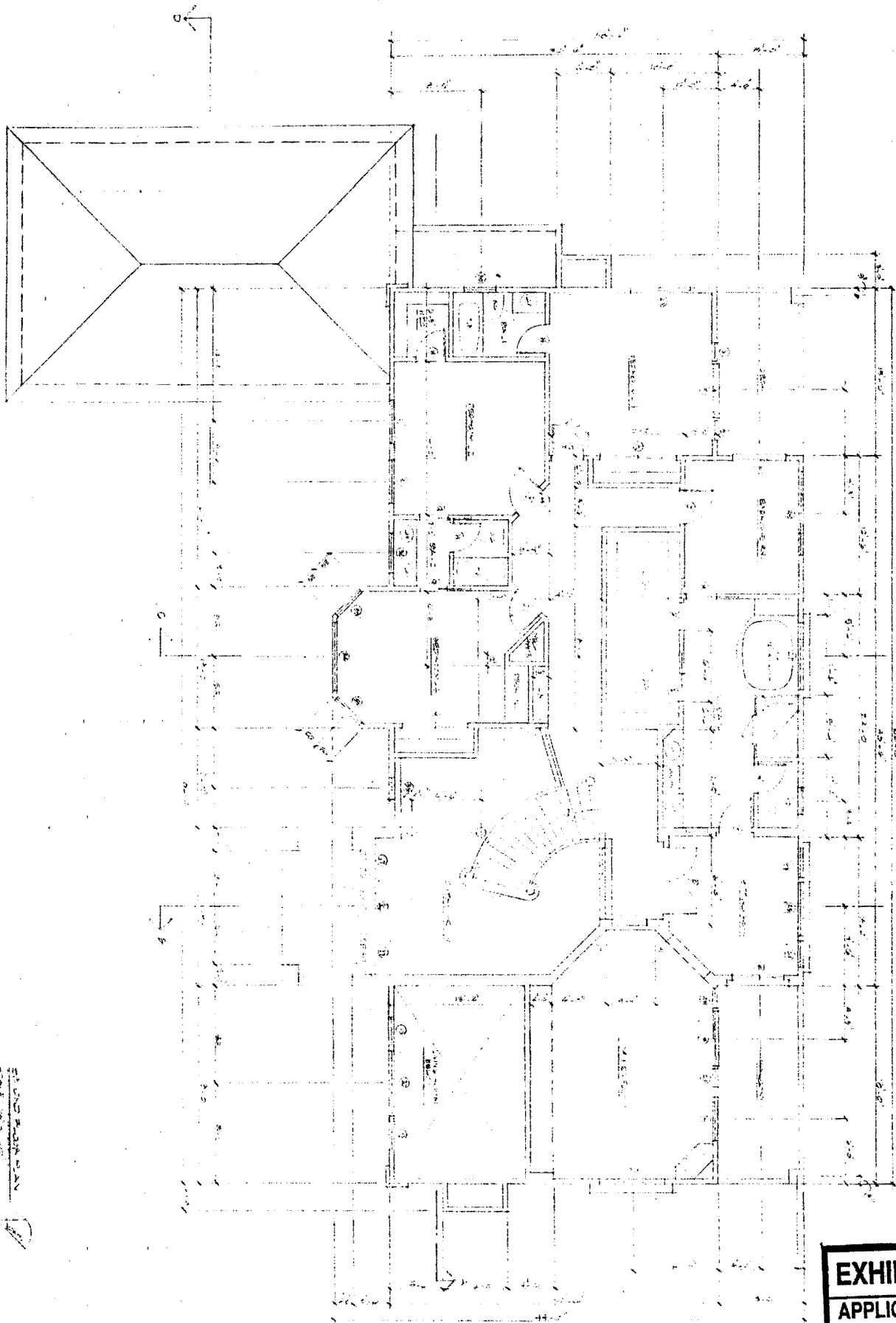


EXHIBIT NO. 6
APPLICATION NO.
 4-00-001
FIRST FLOOR PLAN

THE SHOLTY RESIDENCE
 600 SCHUEREN ROAD
 MALIBU, CA 90265

ARCHITECT:
 RICHARD JAY CHAMPION
 3711 N. HARBOR BLVD. SUITE H
 FULLERTON, CA 92835
 714-578-7878



SECOND FLOOR PLAN



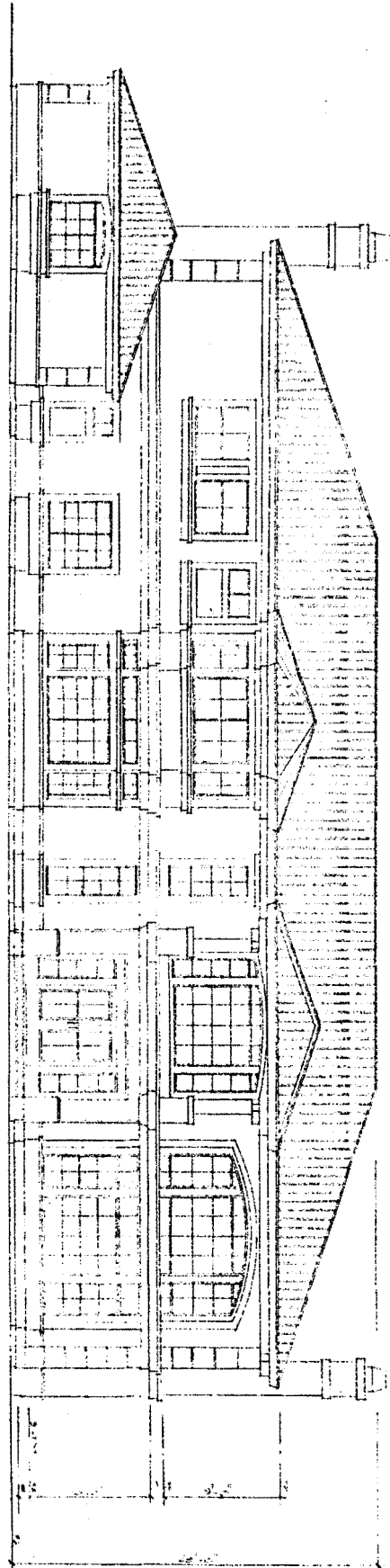
EXHIBIT NO. 7
APPLICATION NO.

4-00-001

SECOND FLOOR PLAN

THE SHOLTY RESIDENCE
 600 SCHUEREN ROAD
 MALIBU, CA 90265

ARCHITECT:
 RICHARD JAY CHAMPION
 3711 N. HARBOR BLVD. SUITE H
 FULLERTON, CA 92835
 714-578-7878



PLAN ELEVATION
SECTION

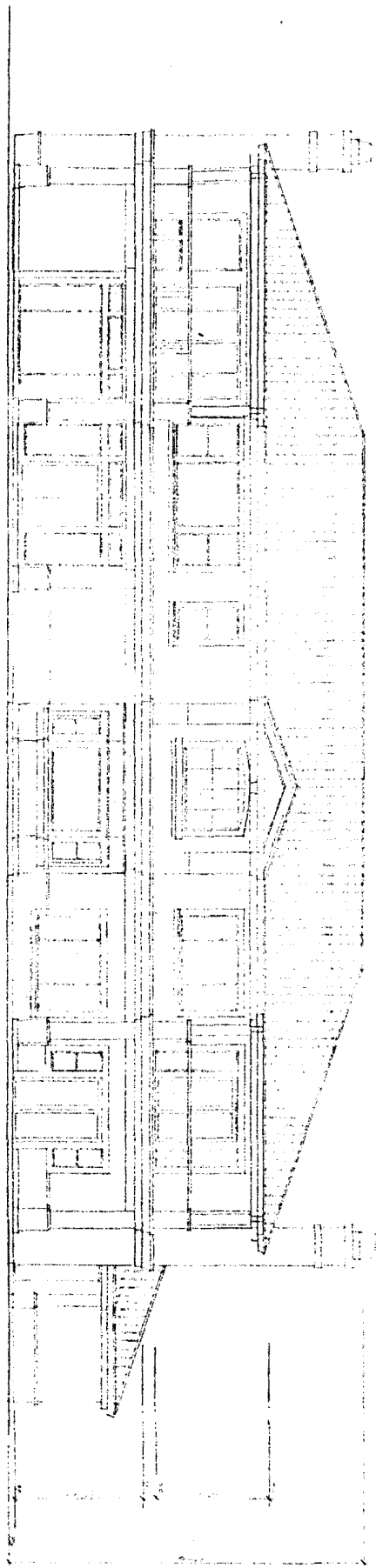
THE SHOLTY RESIDENCE
600 SCHUEREN ROAD
MALIBU, CA. 90265

ARCHITECT:
RICHARD JAY CHAMPION
3711 N. HARBOR BLVD. SUITE H
FULLERTON, CA 92835
714-578-7878

EXHIBIT NO. 8
APPLICATION NO.

4-00-001

ELEVATION

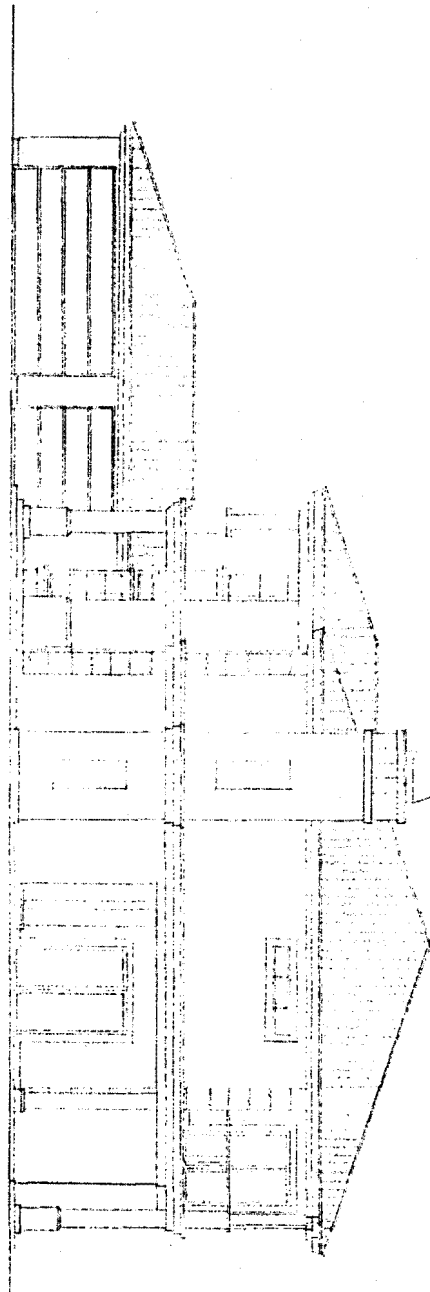


SCALE
1/4" = 1'-0"

EXHIBIT NO. 9
APPLICATION NO.
4-00-001
ELEVATION

THE SHOLTY RESIDENCE
600 SCHUEREN ROAD
MALIBU, CA 90265

ARCHITECT:
RICHARD JAY CHAMPION
3711 N. HARBOR BLVD. SUITE H
FULLERTON, CA 92835
714-578-7878



Rear Elevation
Scale 1/4" = 1'-0"

THE SHOLTY RESIDENCE
600 SCHUEREN ROAD
MALIBU, CA 90265

ARCHITECT:
RICHARD JAY CHAMPION
3711 N. HARBOR BLVD. SUITE H
FULLERTON, CA 92835
714-578-7878

EXHIBIT NO. 10
APPLICATION NO.

4-00-001

ELEVATION

