

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
MANTURA, CA 93001
(805) 641 - 0142

Filed: 03/15/00
49th Day: 05/02/00
180th Day: 09/10/00
Staff: A. Verbanac
Staff Report: 03/17/00
Hearing Date: 04/11-14/00
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.: 4-99-258****APPLICANT: Joe Chan****AGENT: Milan Lojdl****PROJECT LOCATION: 6818 Dume Drive, Malibu, Los Angeles County**

PROJECT DESCRIPTION: Construction of a two-story, 28 ft. high, 5,254 sq. ft. single family residence with attached 3-car garage, new driveway, septic system, patios, and pool, retaining walls, privacy walls, street gates, perimeter fence up to 6 ft. in height, and 783 cu. yds. of grading (568 cu. yds cut, 215 cu. yds. fill, and 353 cu. yds excess material to be exported to an appropriate disposal site).

| | |
|----------------------------|---------------|
| Lot area: | 40938 sq. ft. |
| Building coverage: | 6018 sq. ft. |
| Pavement coverage: | 910 sq. ft. |
| Landscape coverage: | 13372 sq. ft. |
| Unimproved: | 20638 sq. ft. |
| Parking: | 3 |

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval-In-Concept 11/05/99, City of Malibu Department of Environmental Health In-Concept Approval for private sewage disposal system 6/04/99, City of Malibu Geology and Geotechnical Engineering Review Approval In-Concept 8/04/99.

SUBSTANTIVE FILE DOCUMENTS: Prepared by West Coast Geotechnical: Update Geotechnical Engineering Report 4/27/99, Addendum Geotechnical Engineering Letter 6/29/99, Addendum Geotechnical Engineering Letter 3/2/00; Prepared by Mountain Geology, Inc.: Update Engineering Geologic Report 4/20/99, Addendum Engineering Geologic Report #1 6/24/99; Soil Engineering Report prepared by Oro Engineering Corporation 4/05/98; Preliminary Geologic Investigation prepared by Frank E. Denison, Consulting Engineering Geology 4/2/98, and City of Malibu Notice of Decision 10/25/99.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with 6 special conditions regarding 1) conformance with geologic recommendations, 2) landscape and erosion control plans, 3) removal of natural vegetation, 4) drainage and polluted run-off control plan, 5) removal of excavated material, and 6) wildfire waiver of liability.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-99-258 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. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Update Geotechnical Engineering Report prepared by West Coast Geotechnical dated April 27, 1999 and the Update Engineering Geologic Report prepared by Mountain Geology, Inc. dated April 20, 1999 shall be incorporated into all final design and construction including foundations, grading, and drainage. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and engineering geologist. 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. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit revised 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 project's consulting geotechnical engineer and engineering geologist 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 slopes, graded, or disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (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 October 4, 1994. 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 (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) Invasive and non-native plants species within and immediately adjacent to the natural drainage course shall be removed and the area restored and revegetated with appropriate native plant species as recommended by the City of Malibu Biologist.
- (4) 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.
- (5) 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.

- (6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 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 measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment 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.

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. 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 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.

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. Wildfire Waiver of Liability

Prior to the issuance of a 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing the construction of a two-story, 28 ft. high, 5,254 sq. ft. single family residence with attached 3-car garage, new driveway, septic system, patio, and pool, and retaining walls, privacy walls, street gates, and perimeter fence up to 6 ft. in height. The project proposal also includes 783 cu. yds. of grading required for construction of the new residence (568 cu. yds. cut, 215 cu. yds. fill, and 353 cu. yds. excess material to be exported off site to an appropriate disposal location).

The project site is an undeveloped 0.94 acre parcel located east of Dume Drive in a residential neighborhood of Point Dume in the City of Malibu. The area surrounding the project site is well developed with several single family residences. The subject site is a south-east facing parcel which predominantly descends from Dume Drive approximately 70 ft. south-easterly to a natural drainage located just inside the south-east property boundary. Slope gradients over the subject parcel range from 5:1 in the area of the proposed building site, to 2:1 on descending slopes. Geology reports prepared for the subject site indicate that portions of the site were previously disturbed as a result of grading associated with construction of Dume Drive, and as a result of artificial spill fill extending from the adjacent property south of the project site, onto and within the upper portion of the natural drainage along the south-east property boundary.

The project site is vegetated with natural and exotic grasses, shrubs, and trees. The natural drainage which traverses the south-east portion of the property is heavily vegetated but is not designated as a blueline stream by the U.S. Geological Survey nor as an Environmentally Sensitive Habitat Area. The proposed project will not be visible from Pacific Coast Highway or any other public viewing area, will be consistent with existing development in the area, and will therefore have no significant impact on visual resources.

B. Geology and Fire 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.**

Geology

Section 30253 of the Coastal Act mandates that new development shall be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted an Update Geotechnical Engineering Report prepared by West Coast Geotechnical dated April 27, 1999 and an Update Engineering Geologic Report prepared by Mountain Geology Inc. dated April 20, 1999 which evaluate the geologic stability of the subject site in relation to the proposed development. The consultants have determined that the project site is appropriate for the proposed development. The majority of the proposed residence will be located on a relatively flat portion of the subject site, therefore reducing the potential for geologic hazards associated with the proposed development. In addition, the Update Geotechnical Engineering Report prepared by West Coast Geotechnical dated April 27, 1999 reports that the easterly descending slope at the project site possesses a gross factor of safety of 3.47, well above the minimum factor of safety required by Building and Safety of 1.5. Therefore, existing slopes at the project site are considered grossly stable. The Update Geotechnical Engineering Report prepared by West Coast Geotechnical dated April 27, 1999 further states:

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

Additionally, the Update Engineering Geologic Report prepared by Mountain Geology Inc. dated April 20, 1999 states:

Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and private sewage disposal system will have no adverse affect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

The Update Geotechnical Engineering Report prepared by West Coast Geotechnical dated April 27, 1999 and Update Engineering Geologic Report prepared by Mountain Geology Inc. dated April 20, 1999 include several recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the project site. 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 and engineering geologist as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development approved by the Commission, which may be recommended by the consultants, shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will aid in maintaining 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 interim erosion control plans certified by the consulting geotechnical and geologic engineer, as specified in **Special Conditions 2 and 4**. Special Condition 4 also requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a nonerosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of Special Condition 4.

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 353 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 appropriate landscaping of slopes and graded or disturbed areas on the project site will serve to enhance and maintain the geologic stability of the proposed development. Therefore, **Special Condition 2** requires the applicant to submit revised landscaping plans certified by the consulting geotechnical and geologic engineer as in conformance with their recommendations for landscaping of the project site. Special Condition 2 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/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage 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. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has also caused the loss or degradation of major portions of the native habitat and the loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees that originate from other continents, often used as landscaping in this area, invade and seriously degraded native plant communities adjacent to development. 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 2.

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 3**. 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.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in 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 6**, the wildfire 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 6, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the

acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that, as conditioned to incorporate all recommendations defined by the project's geotechnical and geologic engineering consultants for construction, design, drainage, erosion control, and landscaping, and inclusion of the wildfire waiver of liability, 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, 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 two-story, 28 ft. high, 5,254 sq. ft. single family residence with attached 3-car garage, new driveway, septic system, patios, and pool, retaining walls, privacy walls, street gates, perimeter fence up to 6 ft. in height, and 783 cu. yds. of grading (568 cu. yds. cut, 215 cu. yds. fill, and 353 cu. yds. to be exported to an appropriate disposal site). 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.

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. 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 is 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, as specified in **Special Condition 4**. 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 installation of an on-site septic system with a 1,500 gallon tank to serve the residence. The applicants' engineering geologic consultants have evaluated the proposed septic system and conclude in their Update Engineering Geologic Report dated 4/20/99, that the site is suitable for the septic system and that there will be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the City of Malibu Environmental Health Department 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 City of Malibu area and Santa Monica Mountains 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 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 may have on the environment.

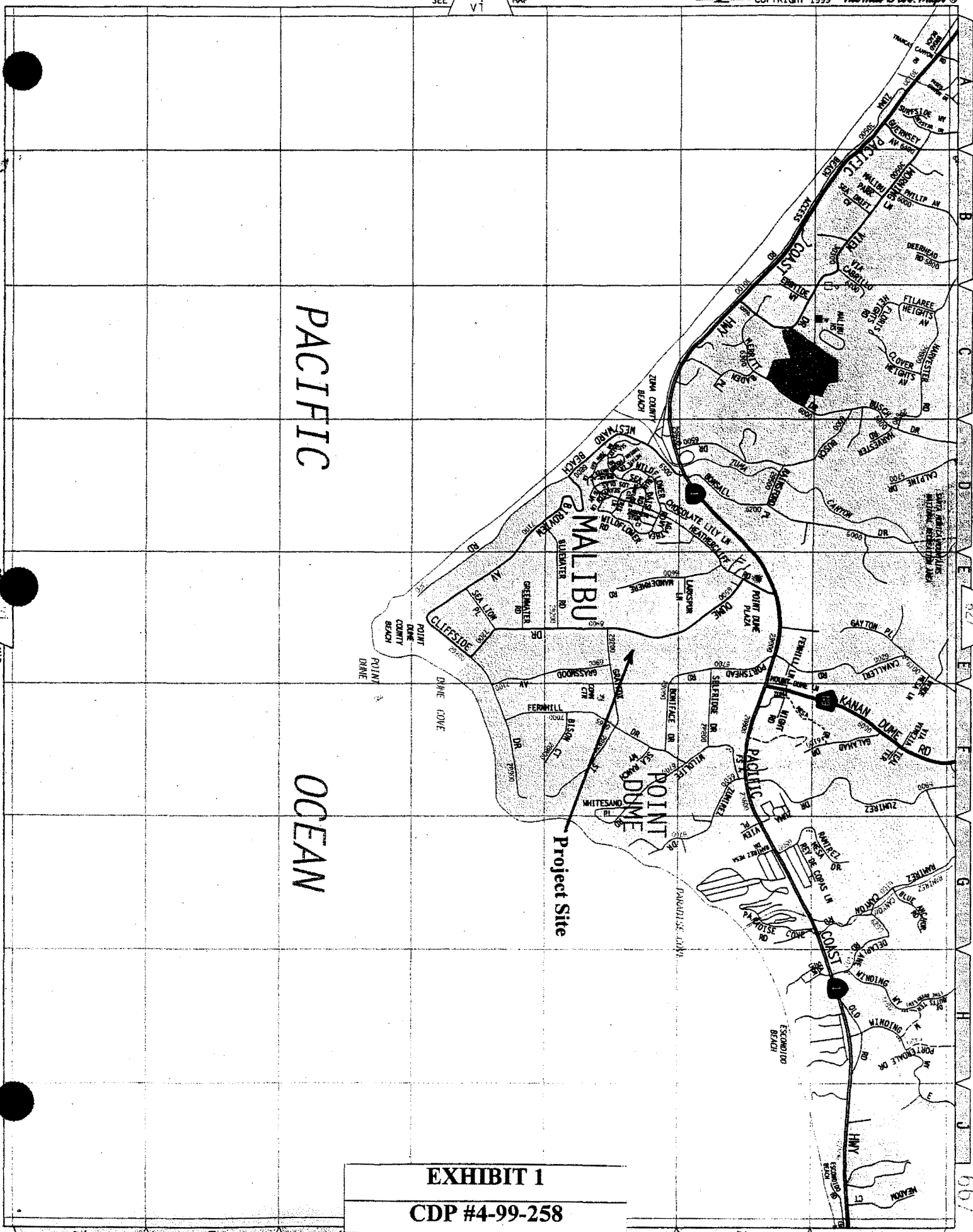
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

PACIFIC

OCEAN

Project Site

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| EXHIBIT 1 |
| CDP #4-99-258 |
| VICINITY MAP |



SEE 427 MAP

667

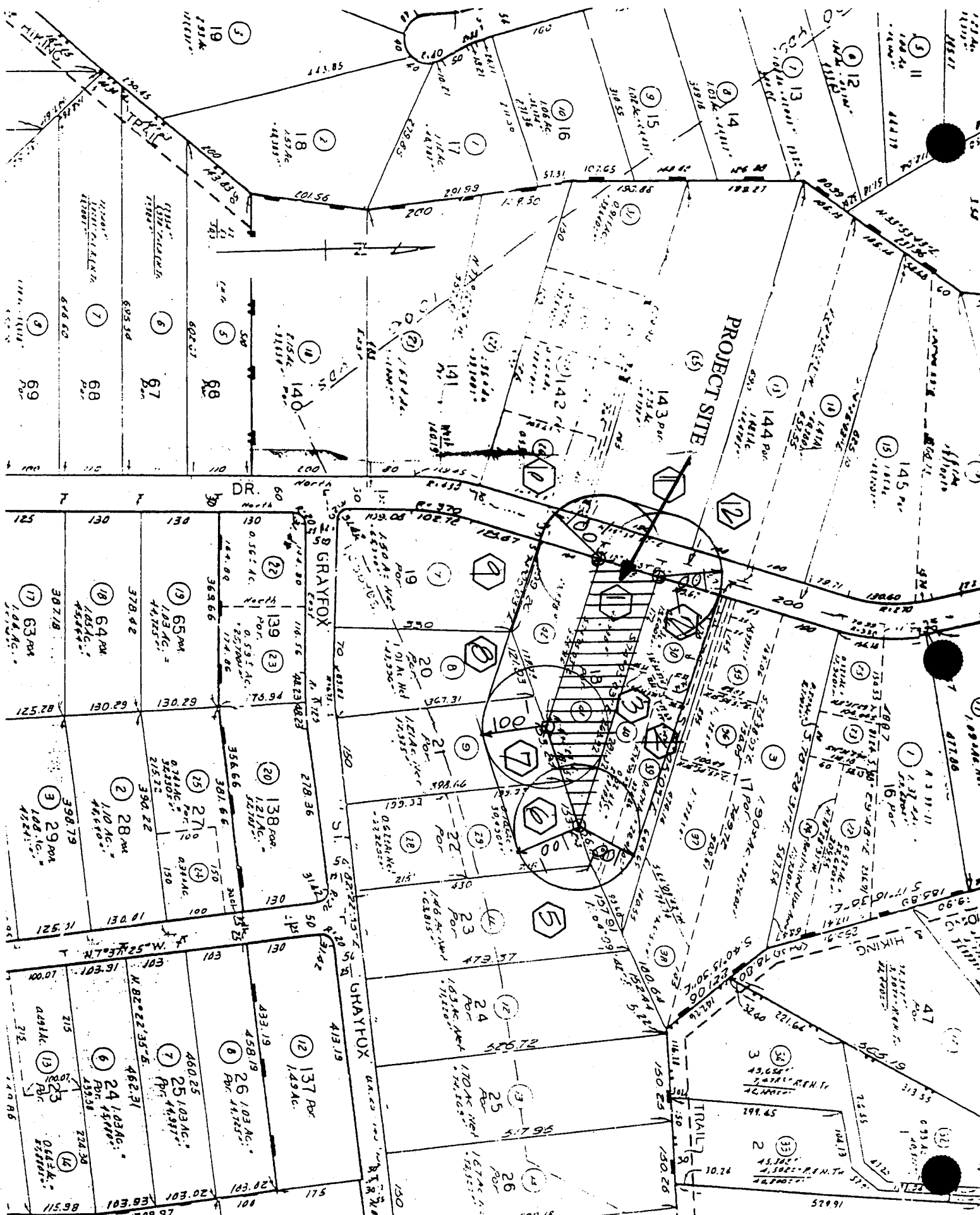
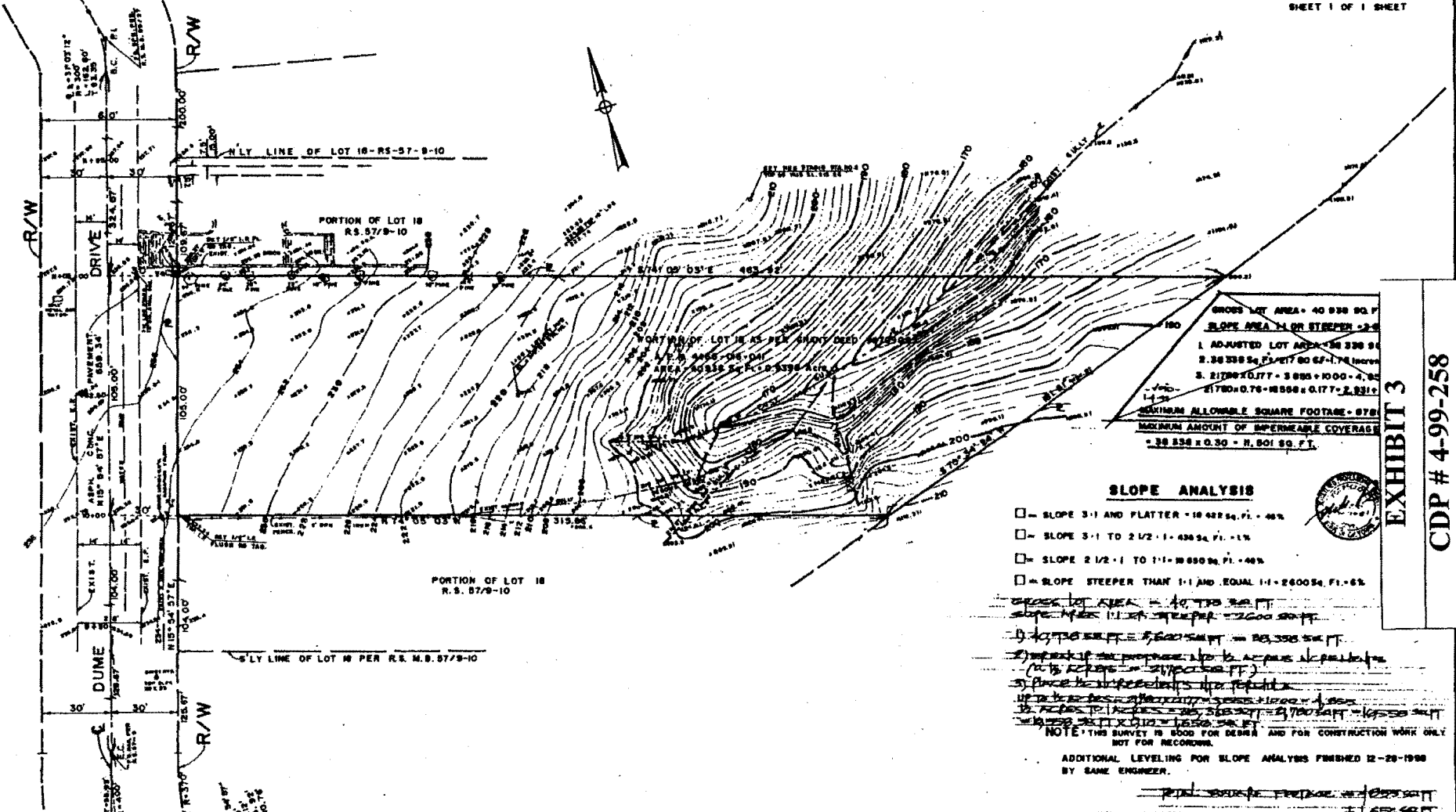


EXHIBIT 2
CDP # 4-99-258
PARCEL MAP

School
 62134

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 POR



GROSS LOT AREA = 40,938 SQ. FT.
 SLOPE AREA 1:1 OR STEEPER = 2,300 SQ. FT.
 1. ADJUSTED LOT AREA = 38,638 SQ. FT.
 2. 34,338 SQ. FT. @ 17.80 SF = 1,740 S.F.
 3. 2,178 @ 0.77 = 2,805 + 1000 = 3,878 S.F.
 4. 1,780 @ 0.76 = 1,858 + 0.177 = 2,035 S.F.
 MAXIMUM ALLOWABLE SQUARE FOOTAGE = 6781
 MAXIMUM AMOUNT OF IMPERMEABLE COVERAGE = 38,638 x 0.30 = 11,591 SQ. FT.

SLOPE ANALYSIS

- SLOPE 3:1 AND FLATTER = 18,428 SQ. FT. = 46%
- SLOPE 3:1 TO 2 1/2:1 = 4,304 SQ. FT. = 11%
- SLOPE 2 1/2:1 TO 1:1 = 10,850 SQ. FT. = 46%
- SLOPE STEEPER THAN 1:1 AND EQUAL 1:1 = 2,600 SQ. FT. = 6%

GROSS LOT AREA = 40,938 SQ. FT.
 SLOPE AREA 1:1 OR STEEPER = 2,300 SQ. FT.
 1. ADJUSTED LOT AREA = 38,638 SQ. FT.
 2. 34,338 SQ. FT. @ 17.80 SF = 1,740 S.F.
 3. 2,178 @ 0.77 = 2,805 + 1000 = 3,878 S.F.
 4. 1,780 @ 0.76 = 1,858 + 0.177 = 2,035 S.F.
 NOTE: THIS SURVEY IS GOOD FOR DESIGN AND FOR CONSTRUCTION WORK ONLY NOT FOR RECORDING.

ADDITIONAL LEVELING FOR SLOPE ANALYSIS FINISHED 12-29-1998 BY SAME ENGINEER.



EXHIBIT 3

CDP # 4-99-258

Topography Map

S.M. AT CENTERLINE
 INTERSECT DUME DRIVE AND
 GRAYFOX ST USED AS T.B.M.
 ASSUMED ELEV. = 239.28

T.B.M.
 EL=239.28

SURVEY REQUESTED BY:
 JOE CHAN
 17507 VENTURA BLVD Suite 305
 ENCINO CA 91436 (818) 908-0191

TOPO SURVEY MAP

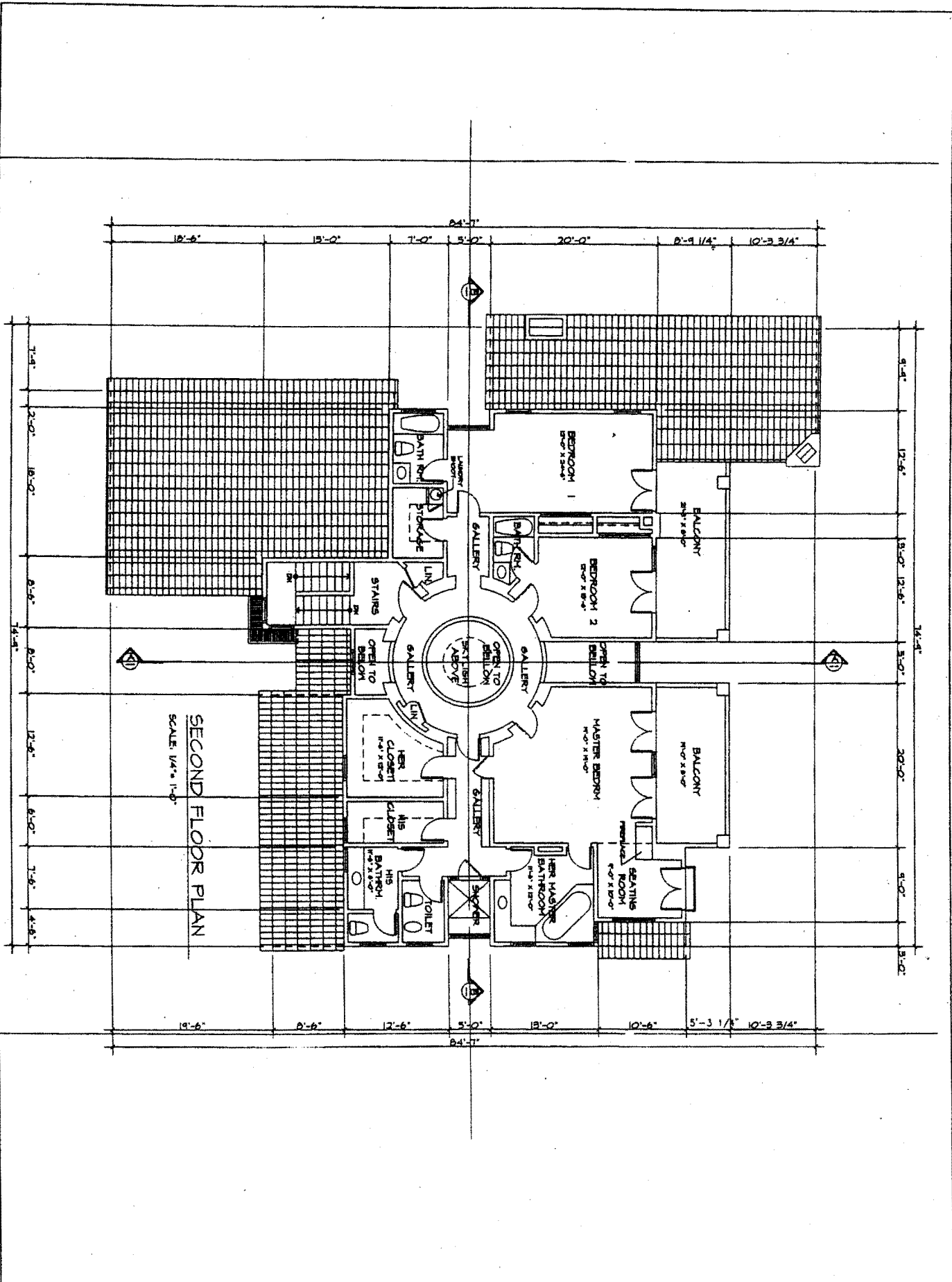
BEING A SURVEY AND X-SEC. LEVELING OF A PORTION OF LOT 18 OF RECORD OF SURVEY FILED IN BOOK 57 PAGES 9 AND 10 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AS DESCRIBED IN GRANT DEED 98 709093, A.R.N. 4486-06-041.

SURVEYING AND MAPPING BY: NICK V. TODOROVICH & ASSOC.
 CIVIL ENGINEER / SURVEYOR
 1333 SO. HOLLWOOD AVE.
 W. COVINA, CA. 91791 (626) 919-3623

DATE: 7-30-1998 TO 7-30-1998
 CONTOUR INTERVAL = 2'
 SCALE: 1" = 20'



| SITE PLAN | |
|--|--------------------|
| Scale: 1" = 20' | Sheet No. 1 of 1 |
| Date: 7-30-1998 | Project No. 98-001 |
| SITE: 17507 VENTURA DRIVE, MALIBU, CA. 90265 | |
| OWNER: J. MAJORS, TEL: (415) 805-XXXX | |



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

| | |
|-------------------------|----------------|
| DATE: 02/14/88 | FILE: SECOND F |
| SCALE: 1/4" = 1'-0" | |
| PROJECT: CDP # 4-99-258 | |
| JOB: MRS. JOE CHAN | |
| SHEET: A-5 | |

EXHIBIT 6
CDP # 4-99-258
Second Floor Plan

| | | | | | |
|-----------|------|----|-------|-------------|--|
| REVISIONS | | | | | |
| NO. | DATE | BY | CHKD. | DESCRIPTION | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

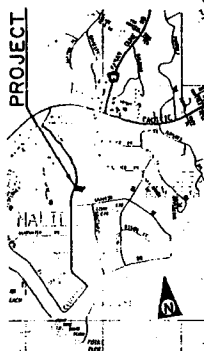
MILAN
Architectural Firm
1000 ...
... ..

MRS. JOE CHAN

SCALE: 1" = 20'

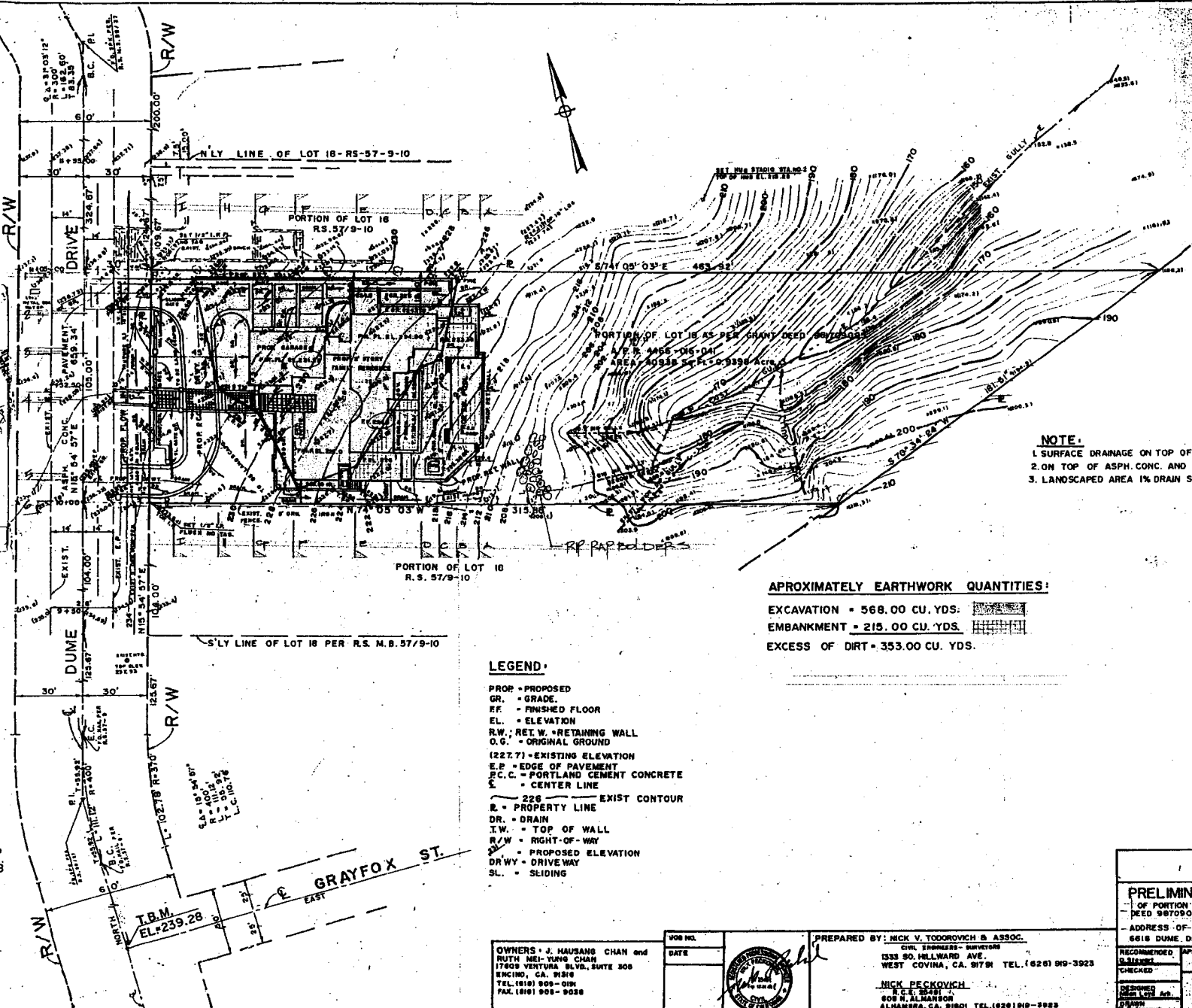
SHEET 1 OF 7 SHEETS

PROJECT



VICINITY MAP
NO SCALE

I.B.M. AT CENTERLINE
INTERSECT DUME DRIVE AND
GRAYFOX ST. USED AS T.B.M.
ASSUMED ELEV. = 239.28



NOTE:
1. SURFACE DRAINAGE ON TOP OF P.C.C. WILL BE 0.50% SLOPE
2. ON TOP OF ASPH. CONC. AND GROUND WILL BE 2% MIN. SLOPE
3. LANDSCAPED AREA 1% DRAIN SLOPE WILL BE.

APPROXIMATELY EARTHWORK QUANTITIES:

EXCAVATION = 568.00 CU. YDS.
EMBANKMENT = 215.00 CU. YDS.
EXCESS OF DIRT = 353.00 CU. YDS.

LEGEND:

- PROP - PROPOSED
- GR. - GRADE
- FF. - FINISHED FLOOR
- EL. - ELEVATION
- R.W. - RET. W. - RETAINING WALL
- O.G. - ORIGINAL GROUND
- (22.7) - EXISTING ELEVATION
- E.P. - EDGE OF PAVEMENT
- P.C.C. - PORTLAND CEMENT CONCRETE
- CL - CENTER LINE
- 226 - EXIST CONTOUR
- E - PROPERTY LINE
- DR. - DRAIN
- T.W. - TOP OF WALL
- R/W - RIGHT-OF-WAY
- PE - PROPOSED ELEVATION
- DRWY - DRIVEWAY
- SL. - SLIDING

EXHIBIT 7
CDP # 4-99-258
GRADING/DRAINAGE

OWNERS - J. HAUSANG CHAN and
RUTH MEI-YUNG CHAN
17009 VENTURA BLVD., SUITE 305
ENCINO, CA. 91436
TEL. (818) 905-0100
FAX. (818) 905-9038

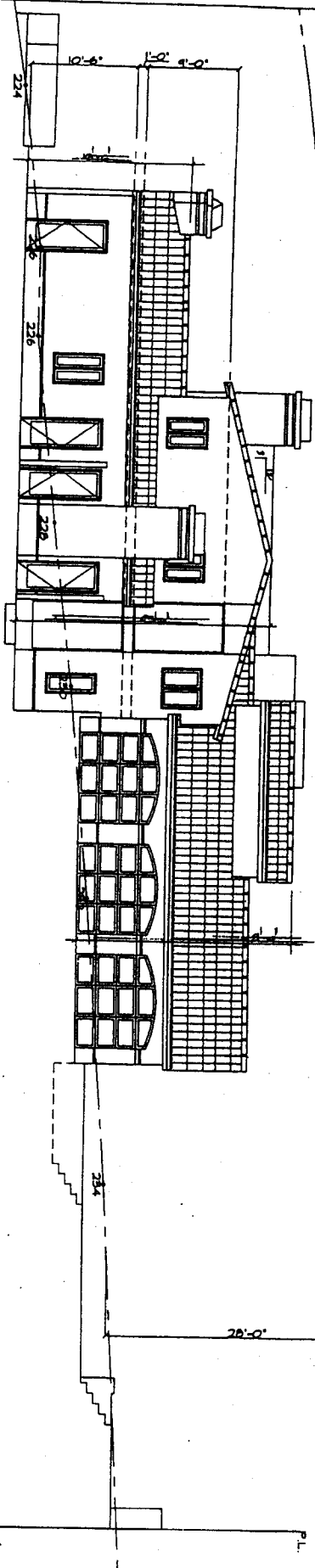
| | |
|---------|--|
| JOB NO. | |
| DATE | |



PREPARED BY: NICK V. TOOROVICH & ASSOC.
CIVIL ENGINEER - SURVEYOR
1333 SO. HILLWARD AVE.
WEST COVINA, CA. 91791 TEL. (626) 969-3923

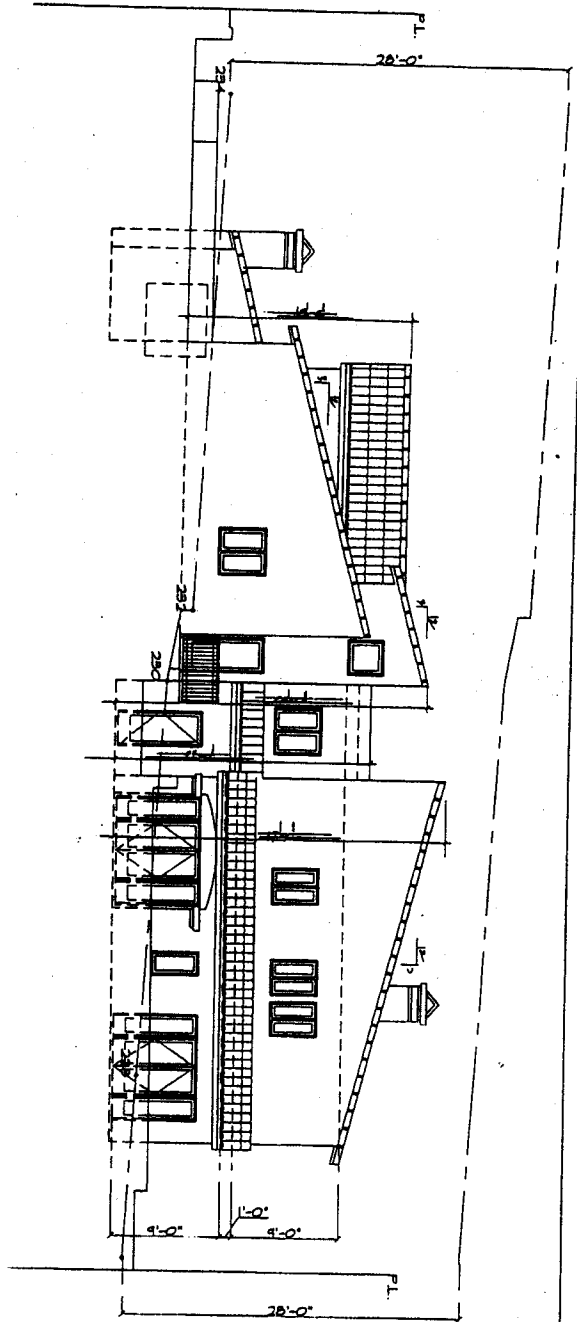
NICK PECKOVICH
P.E. 00442
602 W. ALLMARSON
ALHAMBRA, CA. 91801 TEL. (626) 919-3923

| CITY OF MALIBU | |
|--|------------------|
| PRELIMINARY GRADING PLAN | |
| OF PORTION OF LOT 18 R.S. 57/9-10 AS PER GRADING PLAN RECORDED 96709009, A.M. 4468-046-041 | |
| ADDRESS OF THE SITE: 6618 DUME DRIVE | |
| RECOMMENDED DATE | APPROVED DATE |
| CHECKED | |
| DRAWN | SHEET |
| BY | OF |



NORTH ELEVATION

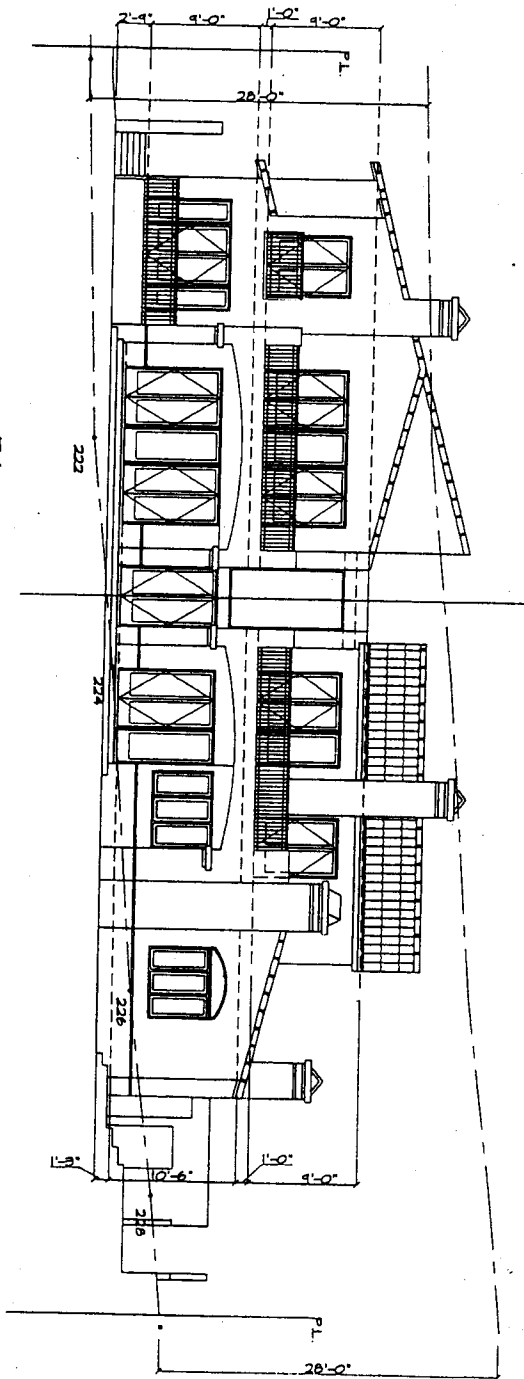
SCALE: 1/4" = 1'-0"



WEST ELEVATION

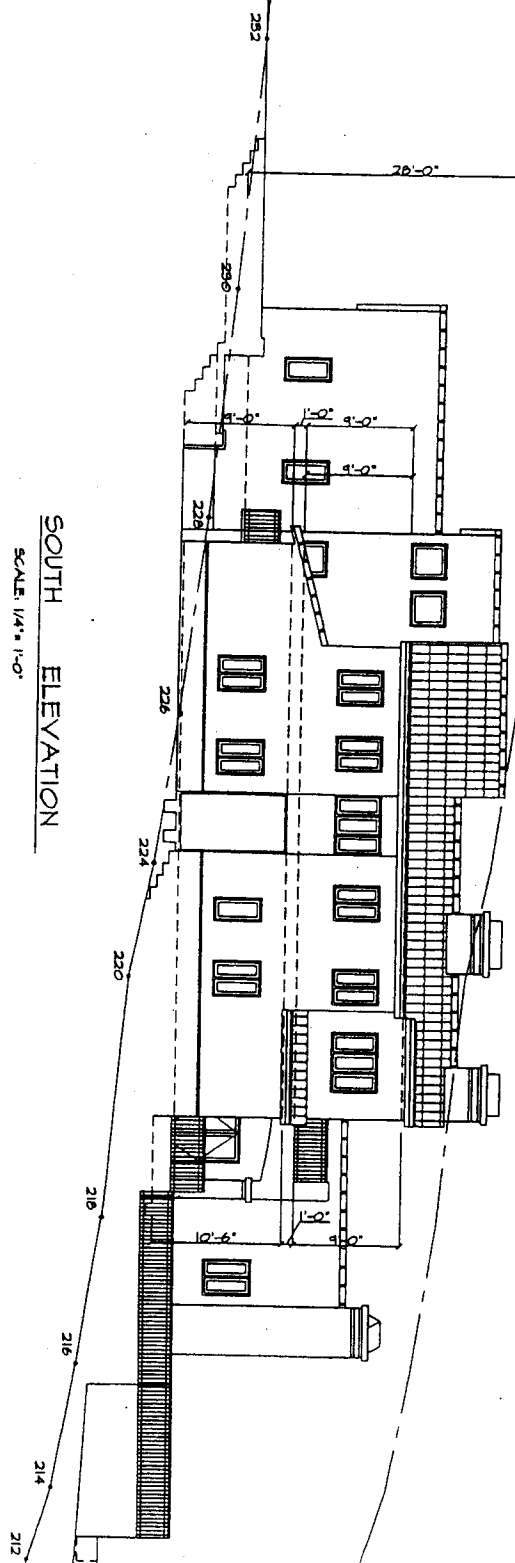
SCALE: 1/4" = 1'-0"

| | | | | | |
|--------|-----|----------------|--------------|-------|-----------|
| DATE: | | EXHIBIT 8 | MR. JOE CHAN | MILAN | REVISIONS |
| SCALE: | | | | | |
| DRAWN: | | CDP # 4-99-258 | | | |
| CHECK: | | | | | |
| SHEET: | A-6 | Elevations | | | |



EAST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT 9

CDP # 4-99-258

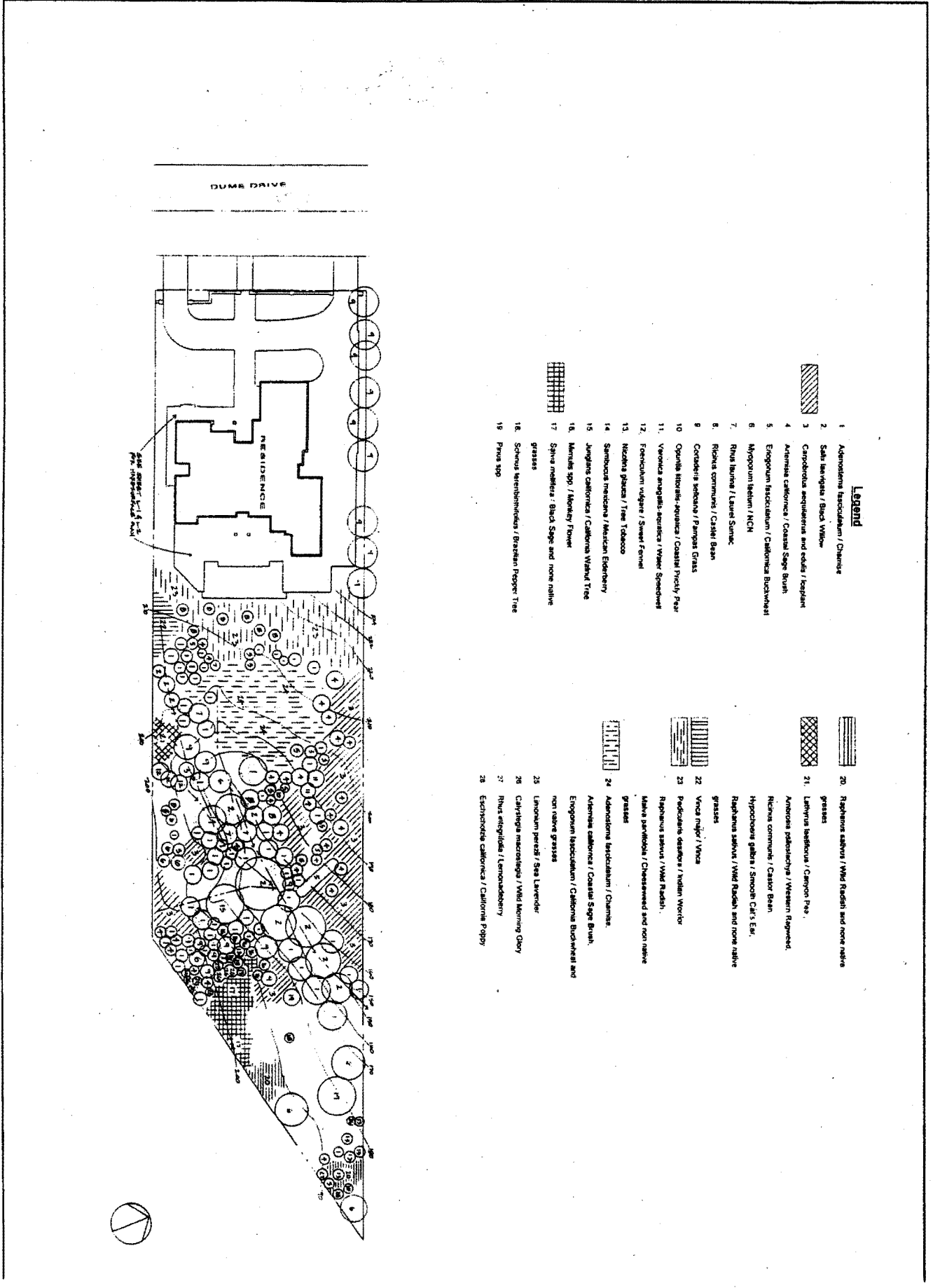
Elevations

| | |
|---------|---------|
| DATE | DATE |
| SCALE | SCALE |
| PROJECT | PROJECT |
| JOB | JOB |
| CLIENT | CLIENT |
| REVISED | REVISED |
| A-7 | |

MILAN

MR & MRS JOE CHAN

REVISIONS BY



Legend

- 1 Adenostoma fasciculatum / Chamise
- 2 Salix lasiolepis / Black Willow
- 3 Carex brycei / Carex
- 4 Artemisia californica / Coastal Sage Bush
- 5 Eriogonum fasciculatum / California Buckwheat
- 6 Myoporum laetum / NCH
- 7 Rhus laurina / Laurel Sumac
- 8 Rhus communis / Calif. Bean
- 9 Corchorus setosus / Pampas Grass
- 10 Opuntia littoralis / Coastal Cholla Pear
- 11 Yucca angustifolia / Yucca
- 12 Foeniculum vulgare / Sweet Fennel
- 13 Nicotiana glauca / Tree Tobacco
- 14 Sambucus mexicana / Mexican Elderberry
- 15 Juniperus californica / California Wildcat Tree
- 16 Manisuris spp / Monkey Flower
- 17 Silver cholla / Black Sage and non native grasses
- 18 Schinus molle / Brazilian Pepper Tree
- 19 Pinus spp
- 20 Rhamnus californica / Wink Rash and non native grasses
- 21 Lathyrus leucostachyus / Canyon Pea
- 22 Vicia major / Vicia
- 23 Pedicularis sedifera / Indian Wort
- 24 Adenostoma fasciculatum / Chamise
- 25 Artemisia californica / Coastal Sage Bush
- 26 Eriogonum fasciculatum / California Buckwheat and non native grasses
- 27 Linum perlatum / Sea Lavender
- 28 Carya macrocarpa / Wild Almond
- 29 Rhus integrifolia / Lemonadeberry
- 30 Echinocystis californica / California Poppy

EXHIBIT 10
CDP # 4-99-258

Vegetation Survey

MR. & MRS. JOE CHAN
6818 DUME DRIVE
MALIBU CA

DATE: 5/20/00
SCALE: 1"=20'-0"
SHEET: 1

