

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Hearing Date: 04/12/00
 Commission Action:

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

APPLICATION NO.: 4-99-232

APPLICANT: Sid & Mary Ysordia AGENT: Don Villafana

PROJECT LOCATION: 33439 W. Mulholland Hwy., Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new, 2,595 sq. ft., 14 ft. high, one-story single family residence (SFR), a 3,000 gallon water tank, and a septic system to replace an existing 1,085 sq. ft. single family residence to be demolished. The project includes 898 cu. yds. of grading (155 cut, 150 fill, 593 overexcavation).

Lot area	326,040	sq. ft. (9.48 ac.)
Building coverage:	2,595	sq. ft.
Pavement coverage:	10,825	sq. ft.
Landscape coverage:	52,580	sq. ft.
Parking spaces:	2	
Ht abv fin grade:	13'6"	

LOCAL APPROVALS RECEIVED: Approval in Concept – County of Los Angeles, Calabasas District Office, Building and Safety, Land Development Division; Approval in Concept - County of Los Angeles Department of Public Works, Material Engineering Division; Approval in Concept - County of Los Angeles Fire Department, Fire Prevention Bureau; Approval in Concept - County of Los Angeles Department of Health Services (Septic System).

SUBSTANTIVE FILE DOCUMENTS: *Geotechnical Engineering Investigation for Proposed Modular Home - Sid and Mary Ysordia - 33439 Mulholland Highway*, by Villafana Engineering, dated June 30, 1997; *Recommendations for Individual Sewage Disposal System: Proposed Modular Home, Malibu*, by Villafana Engineering, dated June 8, 1998; Two letters titled *Response to Review Letter – 33439 Mulholland Highway, Malibu*, by Villafana Engineering, dated September 14, 1998 and November 22, 1998; *Limited Engineering Geologic Report – Proposed Private Sewage Disposal System, 33439 W. Mulholland Highway*, by Mountain Geology, Inc., dated April 13, 1999; Two letters *RE: 33439 Mulholland Highway, Malibu, CA*, by Lawrence Young, dated April 14, 1999 and August 14, 1999; *Soils Update for Sid and Mary Ysordia – 33439 Mulholland Highway*, by Villafana Engineering, dated November 22, 1999.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with six (6) special conditions regarding color restriction, landscape and erosion control plans, drainage plans and maintenance responsibility, plans conforming to geologic recommendations, wildfire waiver of liability, and restriction of future development.

I. STAFF RECOMMENDATION

1. Motion: *I move that the Commission approve Coastal Development Permit No. 4-99-232 pursuant to the staff recommendation.*

2. 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.

3. 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 Commission 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. Color Restriction

The color of the structures, roofs, 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.

2. Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit landscaping / erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall identify the species, location, and extent of all plant materials and shall incorporate the following criteria:

a) Landscaping

All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation, all landscaping shall consist primarily of native / drought-resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety percent (90%) coverage within two (2) years, and this requirement shall apply to all disturbed soils. Planting 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 the applicable landscape requirements.

Vegetation within fifty feet (50') of the proposed house may be removed, and vegetation on-site within a two-hundred foot (200') radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such removal and 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 Los Angeles County Fire Department to ensure that the plans are in conformance with County Fire Department guidelines. Irrigated lawn, turf, or groundcover planted within a fifty foot (50') radius (fuel modification zone) of the proposed residence shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

b) Erosion Control

The landscaping / erosion control plans shall delineate areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and/or stockpile areas. Natural areas to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

The plans shall specify that should grading take place during the rainy season (November 1 – March 31), the applicant shall construct or install temporary sediment basins (including debris basins, desilting basins, and/or silt traps), temporary swales, sandbag barriers, silt fencing, and geofabric or other appropriate cover (including stabilizing any stockpiled fill cover and installing geotextiles or mats on all cut or fill slopes) on the project site. The applicant shall also close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall 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.

The plans 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 swales, and sediment basins. The plans shall also specify that all disturbed areas 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 (5) years from the date of 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 plans 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 plans must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plans that have failed or are not in conformance with the original approved plans.

3. Drainage and Polluted Runoff Control Plan

PRIOR TO 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 to minimize the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

(a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate or treat runoff from all roofs, parking areas, driveways and other impervious surfaces shall be identified and incorporated into final plans.

(b) Selected BMPs shall, when implemented ensure that post-development peak runoff rate and average volume from the site, will be maintained at levels similar to pre-development conditions. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner.

(c) The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps / separators and/or filters 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 or other BMPs 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.

(d) All development on the site shall be undertaken in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to the coastal development permit approved by the Coastal Commission, unless the Executive Director determines that no amendment is required.

4. Plans Conforming to Geologic Recommendations

All recommendations contained in both the *Geotechnical Engineering Investigation for Proposed Modular Home - Sid and Mary Ysordia - 33439 Mulholland Highway, Malibu, California*, by Villafana Engineering, dated June 30, 1997, and the *Limited Engineering Geologic Report - Proposed Private Sewage Disposal System, 33439 W. Mulholland Highway*, by Mountain Geology, Inc., dated April 13, 1999, shall be incorporated into final design and construction including foundations, grading, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic / geotechnical consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes to 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.

5. Wildfire Waiver of Liability

PRIOR TO 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, and liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

6. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-99-232. Pursuant to Title 14 California Code of Regulations, Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted single family residence, including but not limited to clearing of vegetation or grading, other than as provided for in the approved on-site fuel modification and landscaping and erosion control plan prepared pursuant to **Special Condition Two**, shall require an amendment to Permit No. 4-99-232 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. No off-site clearing of vegetation for the purposes of fuel modification shall be permitted without the expressed written consent of the National Park Service.

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

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing construction of a new, 2,595 sq. ft., 14 ft. high, one-story single family residence (SFR), a 3,000 gallon water tank, and a septic system to replace an existing 1,085 sq. ft. single family residence to be demolished. The project also includes 898 cu. yds. of grading (155 cut, 150 fill, 593 overexcavation). The subject site is a 326,040 sq. ft. (9.48 ac.) parcel located immediately west of the intersection of W. Mulholland Highway and Decker Road (Rte 23) in the northwestern corner of Los Angeles County, near the Ventura County Line, west of Pt. Dume, and north of Mulholland Highway. The property is located approximately 3-1/2 miles inland from Lechuza Point and Broad Beach. Access to the project site from the south is via a driveway from Mulholland Highway through a narrow sliver of National Park Service (NPS) land located between the property and Mulholland Highway.

The subject site is located in an unincorporated area of Malibu consisting of various ranch-style single family residences constructed on moderate to steep slopes. Many properties in the vicinity of the subject site have been developed with single family residences. There have been no previous coastal permits obtained for the subject property, but there are existing structures on-site including a single family residence, a garage, a functioning 10 gpm water well, and a corral. According to the County of Los Angeles Department of Regional Planning and staff analysis of aerial photographs of the area, all of these structures were constructed prior to adoption of the Coastal Act. The majority of the property lies on the south side of an east / west tending ridge and contains moderate-to-steep slopes. The lower portion of the property is roughly two acres of level-to-gently rolling terrain with a natural pad. This area is where the existing structures and the proposed new single family residence are located.

Drainage from the property flows overland in a southwesterly direction towards Mulholland Highway. The runoff then flows along Mulholland Highway, into a culvert under the highway, and eventually into Trancas Canyon Creek, a United States Geological Survey (USGS) designated blue-line stream. The subject site is located a short distance north of a Wildlife Migration Corridor, as designated by the Malibu / Santa Monica Mountains LUP, and immediately adjacent to Santa Monica Mountains National Recreation Area land on the south side of the property.

There is an existing, approximately twelve to fifteen foot (12-15') wide driveway which provides access to the Ysordia property from Mulholland Highway through an approximately 160 foot wide strip of National Park Service land. This driveway is paved and is used as access to the existing structures on-site, but there is no recorded easement, or other written document, granting the applicants the right to use this driveway.

According to Mary Ysordia, the residence on-site was constructed in the 1950s, and the occupants have been using the driveway access from Mulholland Highway continuously since that time. Although maps show two other potential accessways to the site from the north and from the west, those accesses have not been used and are unimproved. Staff notes that paving of those potential accesses would involve significant grading as

they are located on steep slopes far from the existing structures on-site. There is no evidence that the current owner of the 160' strip of land (NPS) or the previous owner either gave or denied permission for the use of the existing driveway. The National Park Service acquired this strip of land in 1985, some 25-35 years after use of the driveway access commenced. The existence of the access and the Ysordias' use of it have been clearly visible at all times, including when the Park Service purchased the property. Since the purchase, the Park Service has not endeavored to prevent the Ysordias' use of the driveway. The Ysordias are not proposing to change their pattern of use of the driveway.

It appears that the Ysordias may have acquired a prescriptive easement for the use of the driveway prior to the National Park Service purchase of the land between the Ysordia property and Mulholland Highway. In order to establish whether substantial evidence exists that an area has been impliedly dedicated, certain basic elements must be present: (1) The land (driveway) must have been used for a period of five years or more, (2) without asking for or receiving permission from the owner, (3) with the actual or presumed knowledge of the owner, (4) without significant or bona fide attempts by the owner to prevent or halt the use; and (5) the use must be substantial, rather than minimal.

Based on the facts set forth above, it appears that the Ysordias may satisfy these elements. There is no evidence that the Park Service acquired any easement rights for use of the driveway. Therefore, it appears that the Park Service acquired the 160' wide strip of property subject to any preexisting easement rights that the Ysordias may have. In this application, the Ysordias are not proposing any improvements to the access driveway or any change in its use.

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified Malibu / Santa Monica Mountains Land Use Plan (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:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands; P129 Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; P130 In highly scenic areas and along scenic highways, new development ... shall be 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, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places; P134 Structures shall be sited to conform to the natural topography, as feasible.

The subject site is located within a partially developed area surrounded by other residential parcels and is visible from an LUP-designated scenic highway (Mulholland Highway) and National Park Service (NPS) Santa Monica Mountains Recreation Area land to the south. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building site and the size of the proposed structure. Staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the previously existing development on-site. The applicant is proposing 898 cu. yds. of grading including 155 cu. yds. cut, 150 cu. yds. fill, and 593 cu. yds. for removal and recompaction for the foundation (overexcavation). Were the development to be located further north away from Mulholland Highway and the National Park Service land, the development would require significantly more grading and be even more visible due to the increasing slopes on-site in that direction.

Views behind the project consist of the mountains with no ocean or valley views. Although the lower portion of the property where the development is proposed is gently sloping, and the proposed house is only one-story, the finished project will be visible to the noted surrounding area, requiring mitigation of visual impacts. It is not physically feasible for this project to be located below the grade of the road. Nearby residences, however, are of a similar massing, character, and location to be similarly visible, and the proposed building plans are substantially in character with the type and scale of development in the surrounding area.

The project's impact on public views can be mitigated by requiring the residence to be finished in a non-obtrusive manner (i.e.: in a color compatible with the surrounding natural landscape and with nonreflective windows). The Commission therefore finds it necessary to minimize the visual impact of the project by requiring the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by **Special Condition One**. In addition, future construction on the property has the potential to negatively affect the visual character of the area as seen from the scenic highway. To ensure that no additions or improvements are made to the property that may affect visual resources on-site without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the site are proposed in the future, as required by **Special Condition Six**.

Visual impacts associated with grading and the structure itself can be further reduced by the use of adequate and appropriate landscaping. A landscape plan relying principally on native, non-invasive plant species will ensure that the vegetation on-site remains visually compatible with the native flora of surrounding areas. In addition, vertical screening elements added to the landscape plan will soften views of the proposed residence from Mulholland Highway. The Commission therefore finds it necessary to ensure that the final approved landscaping plans are successfully implemented to partially screen and soften the visual impact of the development from Mulholland Highway, as required by **Special Condition Two**.

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 and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

C. Land Resources

Section 30240(b) of the Coastal Act states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Bordering the subject property to the immediate south is National Park Service (NPS) property. The Park Service land is in the form of an approximately 160 foot wide swath between the Ysordia property and Mulholland Highway. Due to its location and width, this particular parcel has been subject to significant vegetation thinning, brush clearance, and weed abatement at various distances from the existing highway, existing driveway, and existing structures leaving little, if any, remaining significant habitat or scenic value in this particular area. On the subject property, the existing single family residence to be demolished is located approximately 55 feet from the property line and NPS property, and the existing garage is located approximately 25 feet from the property line. The proposed new residential structure will be located over 100 feet from the NPS land. In past permit actions, the Commission has required that new development be set back from Endangered Species Habitat Area (ESHA) and Park lands to ensure that vegetation clearance for the purpose of fire safety does not impact these sensitive areas. Depending on Fire Department requirements, these setbacks can be up to 200 feet, in some circumstances. However, on this parcel, due to the steep slopes north of the proposed building site and the existing infrastructure on the parcel, the proposed building location is the most appropriate and feasible alternative. Requiring the full 200 foot setback from the Park Service property boundary would necessitate significantly increased grading on-site and would create a greater impact to visual resources as seen from Mulholland Highway.

The new house will be relocated further from the NPS land than the existing one, but the existing garage, which is not used as a residential structure, will remain in place. The Los Angeles County Fire Department's Forestry Division approves fuel modification plans on a case-by-case basis but may change standards and enforcement practices at any time. The current requirements call for selective clearance of vegetation up to 200 feet outward from defensible structures. Thus, strict interpretation of the Fire Department's current regulations would necessitate some vegetation thinning on National Park Service property. However, the applicant has submitted a fuel modification plan that received preliminary approval from the Los Angeles County Fire Department which shows no off-site vegetation clearance or thinning. John Dick of the National Park Service visited the Ysordia property and stated that brush clearance and selective thinning for fuel modification from the existing and proposed structures would be carried out on the adjacent NPS land exclusively by Park Rangers, if necessary.

The proposed relocation / reconstruction of the occupied residence (a defensible structure) to a distance greater than 100 feet from the Park Service land will pull back the zone of intensive vegetation clearance to within the applicant's property boundaries leaving only the possibility of minimal weed abatement on the Park Service land which would not significantly degrade any potential habitat area. In order to ensure that the applicant does not clear vegetation on the adjacent Park property without the expressed written consent of the National Park Service, the Commission finds it necessary to require the applicant to record a deed restriction, as specified by **Special Condition Six**, which will compel the applicant to obtain written approval from the Park Service if off-site thinning is proposed in the future. The Commission thus finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

D. Hazards

Section 30253 of the Coastal Act states (in part):

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...*

Section 30250(a) of the Coastal Act states (in part):

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the ridgeline of the Santa Monica Mountains to the north, various State Beaches to the south, Arroyo Sequit Canyon to the southwest, and Trancas Canyon to the east. The site is located on a previously existing, nearly-level pad, and a 898 cu. yds. of grading (155. cut, 150 fill, 593 removal / recompaction) is proposed mostly for foundation and driveway work. The lower site area where development is proposed has a slope differential of approximately 25 feet. The slope changes and becomes much steeper in the northern portion of the parcel.

Surface drainage on-site is currently accomplished naturally by sheetflow toward Mulholland Drive to the south where runoff is collected by a ditch along the highway that diverts the water into a channelized natural drainage, eventually flowing to Trancas Canyon Creek, a USGS blue-line stream in the vicinity of Pacific Coast Highway. Various ditches and drainageways in the project vicinity are not designated as

Environmentally Sensitive Habitat Area (ESHA) on the LUP Sensitive Environmental Resources Map. However, an area offshore of the coast, southwest of Trancas Canyon (i.e.: at the Creek entrance to the ocean) is an LUP-designated ESHA.

The project will slightly increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. The applicant's geologic / geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions Two, Three, and Four**, to submit landscaping / erosion control and drainage plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. 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 has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition Two**.

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the project and that no potentially active faults, adversely oriented geologic structures, or other hazards were observed by the consultants on the subject property. Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have provided recommendations to address the specific geotechnical conditions related to the site. The *Geotechnical Engineering Investigation for Proposed Modular Home - Sid and Mary Ysordia - 33439 Mulholland Highway, Malibu, California*, by Villafana Engineering, dated June 30, 1997, states:

Based on the findings of our data review, subsurface exploration, laboratory testing, and engineering analysis, the proposed development is feasible from a geotechnical engineering viewpoint.

The *Response to Review Letter - 33439 Mulholland Hwy., Malibu*, by Villafana Engineering, dated November 22, 1998, states:

[I]t is our opinion, within the scope of this study and the state of the practice as of this date that (1) the building site for the proposed structure will be geologically safe from landslide, settlement, or slippage, and (2) the proposed building and grading will not

negatively impact the geologic stability of adjacent property surrounding the project site, provided all recommendations in the geotechnical reports for this site are followed and the site is maintained.

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Four**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition Five**, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

E. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, 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, and minimizing alteration of natural streams.

As described above, the proposed project includes the construction of a new, 2,595 sq. ft., 14 ft. high, one-story single family residence (SFR), a 3,000 gallon water tank, and a septic system to replace an existing 1,085 sq. ft. single family residence to be

demolished. The conversion of the project site from its existing state will increase the amount of impervious coverage and reduce the naturally vegetated area on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. Further, the continued 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 building pad area is gently sloping but is surrounded by steeper ascending slopes to the north and descending slopes to the south; significant elevation change occurs from the rear property line in the north down towards Mulholland Highway in the south. Because of these slopes on-site, the increase in impervious coverage, and the resultant potential for significant water velocities, soil erosion, and pollutant transport, it is important to adequately control site drainage through runoff detention, velocity reduction, filtration, and/or other best management practices (BMPs).

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

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load 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 ensure that runoff is conveyed off-site in a non-erosive manner and to minimize the volume, velocity, and pollutant load of stormwater leaving the developed site thereby ensuring that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through **Special Condition Three**, to submit a drainage and polluted runoff control plan, designed by a licensed engineer, for review and approval by the Executive Director, which incorporates filter elements that intercept and infiltrate or treat the runoff from the site and to assume responsibility for the maintenance of all drainage devices on-site. 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. These flows carry the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains and the resultant installation of septic systems may contribute to adverse health effects and geologic hazards in the local area. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. The applicant has submitted in-concept approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources. The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200). ...

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

G. California Environmental Quality Act (CEQA)

Section 13096(a) of the Coastal 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.

BCM/bcm

File: D:\BCM\permits\4-99-232 Ysordia

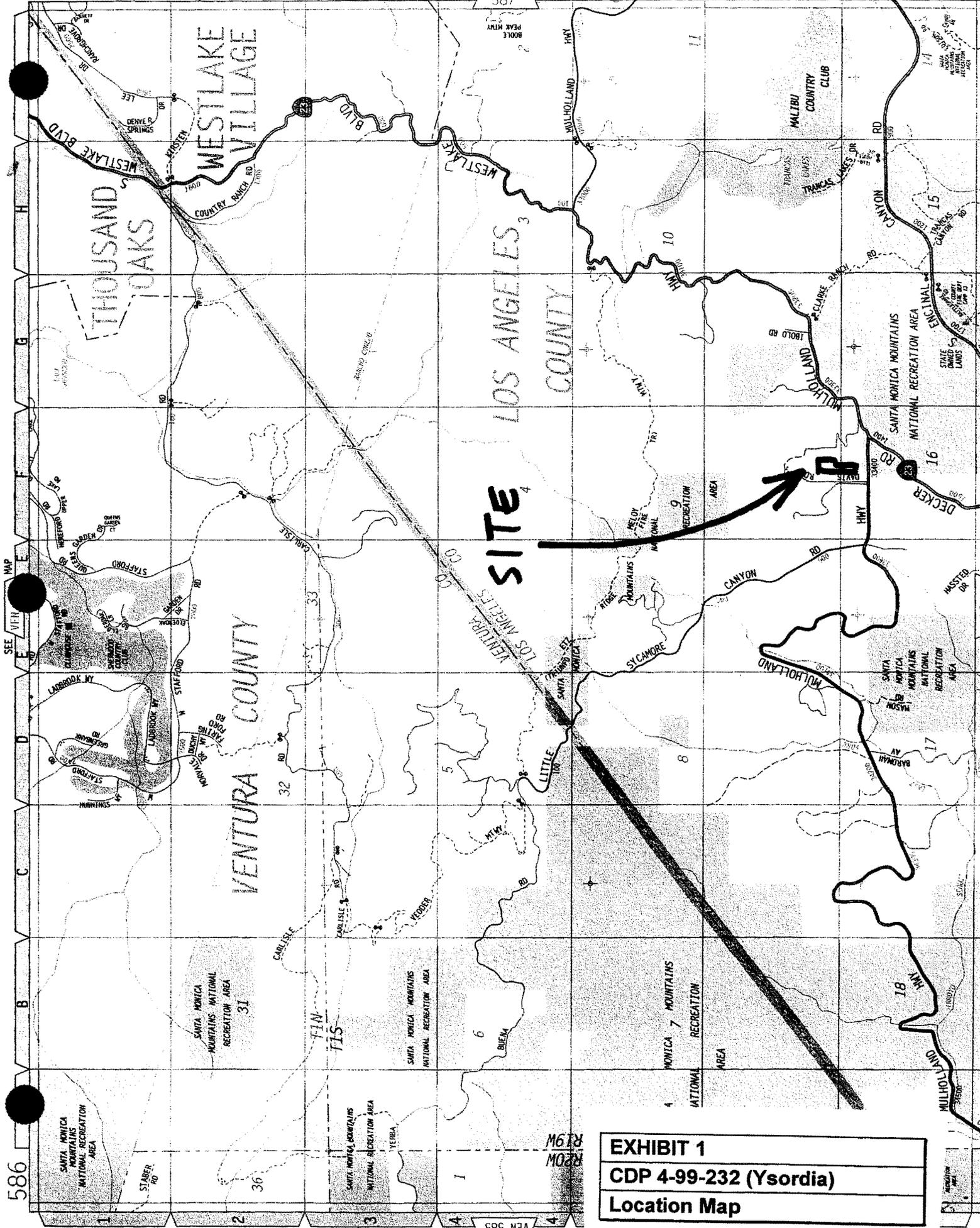


EXHIBIT 1
CDP 4-99-232 (Ysordia)
Location Map

586

ROOM R19W

SEE VEN 585 MAP

ESRI ArcExplorer 1.1

4-99-232 Ysordia (33439 W. Mulholland Hwy.)

SITE



- Malibu City Boundary
- LA-Ventura County Boundary
- Trails - LA County LUP
- Blue Line Streams
- shoreline
- czbdy
- laprcls
- esha (ESHA)
 - Coldcreek management area inland
 - locally disturbed resources oak woodlands and savannahs
 - significant watersheds residential wildlife migration corridor
 - Small lot subdivisions
 - Ocean



Tuesday, Mar 21 2000

EXHIBIT 2

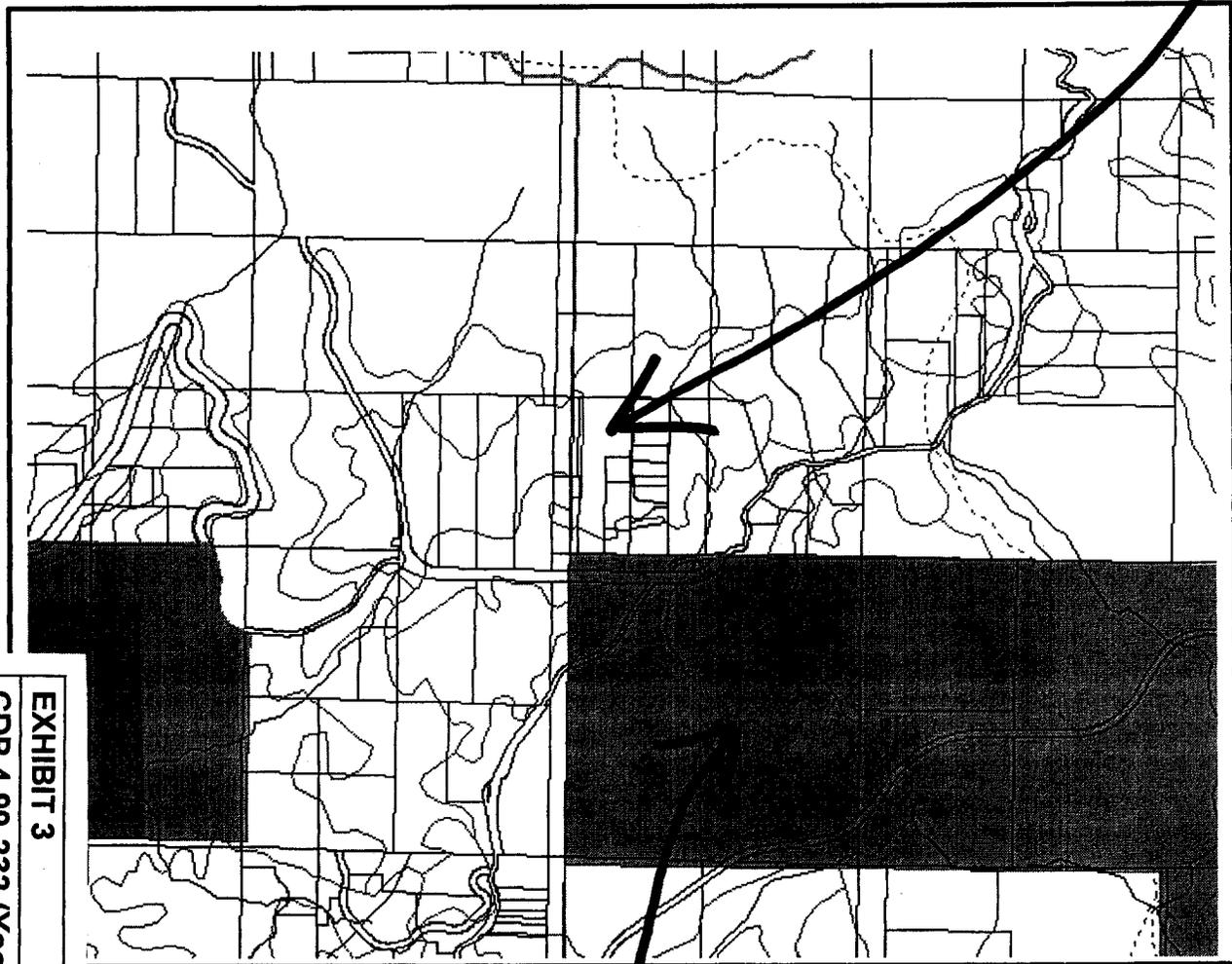
CDP 4-99-232 (Ysordia)

Location Map (wildlife corridor)

SITE

ESRI ArcExplorer 1.1

4-99-232 Ysordia (33439 W. Mulholland Hwy.)



- Malibu City Boundary
- LA-Ventura County Boundary
- Trails - LA County LUP
- Blue Line Streams
- shoreline
- czbdy
- laprcis
- LUP Designations (LAND_USE)
- Institutional and Public Facil
- Low-Intensity Visitor Serving Commercial R
- Mixed Use
- Mountain Land
- Office / Commercial Services
- Parks
- Recreation-Serving Commercial
- Residential I
- Residential II
- Residential IIIA
- Residential IIIB
- Residential IVA
- Residential IVB
- Residential IVC
- Rural Commercial

EXHIBIT 3
 CDP 4-99-232 (Ysordia)
 Location Map (Nat'l. Park land)

National Park Service land

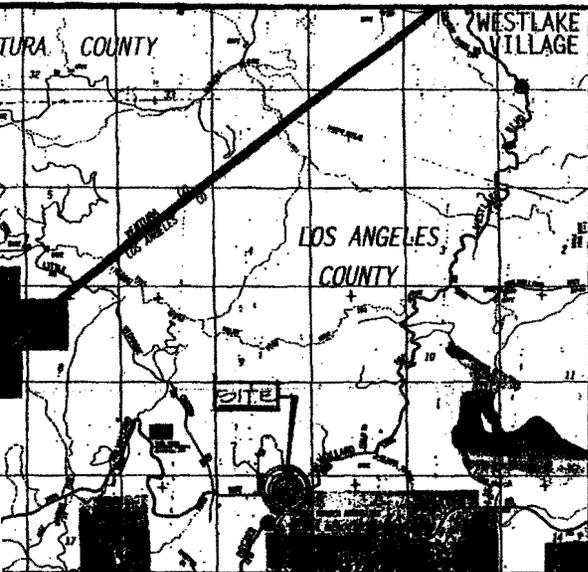
Tuesday, Mar 21 2000

NEW RESIDENCE for MR. & MRS. YSORDIA

RECEIVED

OCT 15 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



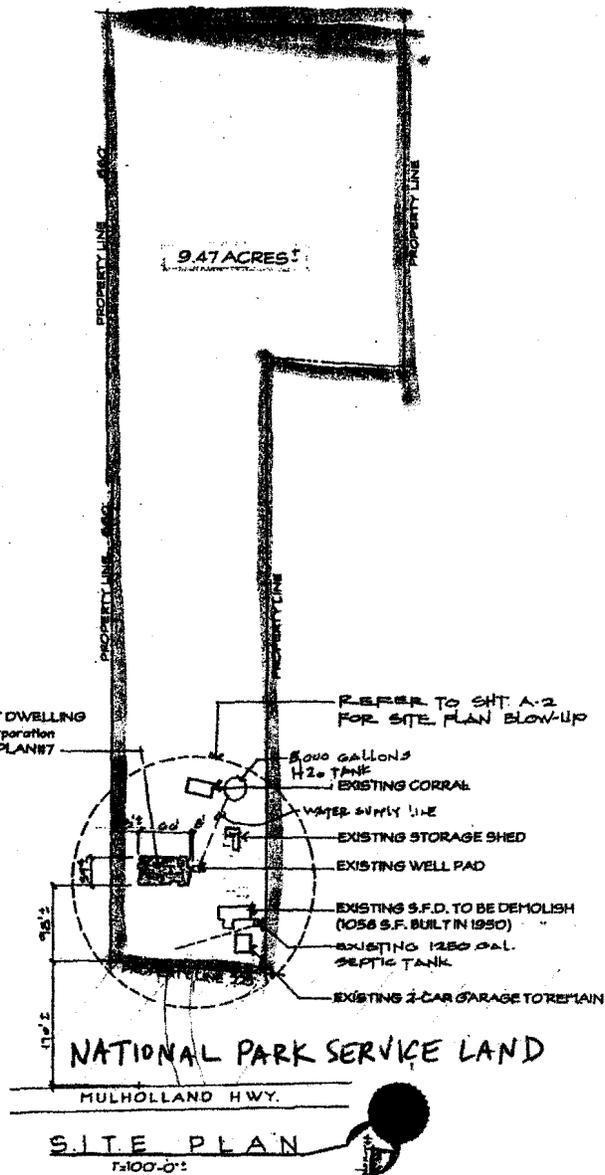
MAP GUIDE, 1996 EDITION, PAGE # 580 F-7

VICINITY MAP

NOT TO SCALE

EXHIBIT 6
CDP 4-99-232 (Ysordia)
Site Plan

NEW PRE-FAB. SINGLE FAMILY DWELLING
SILVERCREST western homes corporation
MODEL: 'MANOR estate series' PLAN#7
(2,595 S.F.)



CONSULTANTS:

OWNER:

SIDNEY A. YSORDIA & MARY ELLEN YSORDIA
33439 W. MULHOLLAND HWY.
MALIBU, CA 90265
(818) 597-9678

PRE-FAB. HOME BY:

SILVERCREST western homes corporation
299 N. SMITH AVENUE
CORONA, CA 91720
(909) 734-6610 (800) 382-0709

CIVIL ENGINEER:

VILLAFANA ENGINEERING
1050 STERN LANE
OXNARD, CA 93035
(805) 984-3583



GENERAL DATA:

APN 4472-008-044

LOT SIZE: 9.46 ACRES[±]

ZONING: A1-1, AGRICULTURAL DESIGNATED,
OF #4 RURAL LAND II / I-DWLG. PER 5 ACRES

Clearance of break and vegetative growth will be maintained per City Code.

Exterior wall coverings shall be of suitable, approved material in accordance with the Building Code.

1.6. Floor areas shall be finished to the ground with suitable material required for exterior walls.

1.7. Exterior light fixtures, doors, eaves and other appendages extending beyond the exterior wall, when of wood construction, shall be of lumber not less than two inches nominal in width and depth or of fire-retarded wood material.

1.8. Compliance with Title 24, I.B.C. regarding the warning systems. Smoke detectors shall be hard wired with battery backup. (Indicate location on floor plan.)

1.9. Provide a minimum clear separation between the R-3 dwelling and the U-1 garage. (Indicate on floor plan.)

1.10. All doors shall be operable from the inside without use of a key or any special knowledge or effort.

1.11. Elevation and height of required wall coverings shall comply with Title 24. (Indicate on floor schedule.)

1.12. Building address numbers to be provided on front of all buildings and shall be visible and legible from the street fronting the property. Numbers shall contrast with their background.

1.13. Provide a final modification plan, landscape plan and irrigation plan to the Forestry Division for review and approval. Plans shall be approved prior to occupancy.

- COUNTY OF LOS ANGELES FIRE DEPARTMENT**
FIRE PROTECTION SYSTEM NOTES:
1. PROVIDE AN APPROVED FIRE SPRINKLER SYSTEM. SLOTTED PLANS FOR APPROVAL PRIOR TO INSTALLATION.
 2. FIRE SPRINKLER SYSTEM SHALL BE CALCULATED PER NFPA 13 D.
 3. SLOTTED PLANS SHOWING UNDERGROUND PIPING OF ON-SITE HYDRANTS AND SPRINKLER SYSTEMS FOR APPROVAL PRIOR TO INSTALLATION.
 4. ON-SITE PROTECTION FACILITIES (HYDRANTS, SPRINKLER SYSTEM, ETC.) SHALL BE APPROVED PRIOR TO OCCUPANCY.
 5. THE INSPECTION, HYDROSTATIC TEST AND FLOWING OF THE HYDRANT AND / OR SPRINKLER SYSTEM SHALL BE WITNESSED BY THE PUBLIC FIRE DEPARTMENT REPRESENTATIVE. NO UNDERGROUND PIPING SHALL BE COVERED BY WOODS FROM VIEW UNTIL THE FIRE DEPARTMENT REPRESENTATIVE HAS BEEN NOTIFIED AND GIVEN NOT LESS THAN 48 HOURS IN WHICH TO INSPECT SUCH INSTALLATION.
 6. Provide a minimum, unobstructed 20" width clear to the city, vehicular access to within 10' of all portions of the exterior walls.
 7. Vehicular access shall be provided and maintained unobstructed throughout construction.
 8. The required fire flow for PUBLIC hydrants at this location is 1250 gallons per minute at 20 PSI for a duration of 2 hours, one and above the maximum daily domestic demand.
 9. All roof coverings shall be of a fire retardant Class "A" as specified in the Building Code.
 10. The roofs shall be fire stopped at the eave ends to preclude entry of flame or embers under the tile.
 11. Provide spark arresters in chimneys of all fireplaces with openings not to exceed 12 inch.

LOS ANGELES COUNTY HEALTH DEPARTMENT
(PRIVATE SEWERAGE SYSTEM APPROVAL PROCEDURE)

Seepage Prevention Systems:

If a seepage pit is to be installed, it will be necessary secure a plumbing permit for the installation of a test from DPW, Division of Building and Safety. Follow proper construction of the pit (excavated, rocked and in D15) will perform an inspection and a percolation test. Water must be provided for two consecutive days wet test is performed.

1. No private sewage disposal system will be permitted has an absorption capacity of less than 0.82 gallons per square foot of leaching area per 24 hours.
2. The Plumbing Code requires all sewage disposal system installed a minimum of 10 feet above ground water. DHS has any means to support the practice of high it will be necessary to excavate to a depth of 10 feet proposed elevation of the floor of the seepage pit (or system) to determine the feasibility of installing a system proposed absorption area location. This measuring if water may only take place during the high ground water March, April and May. However, if a California Reg Geologist can make a written ground water resistance report observations of borings done in exact location specific and future leaching system) that there is no than high ground water within ten feet of the floor of system then the approval process can proceed.

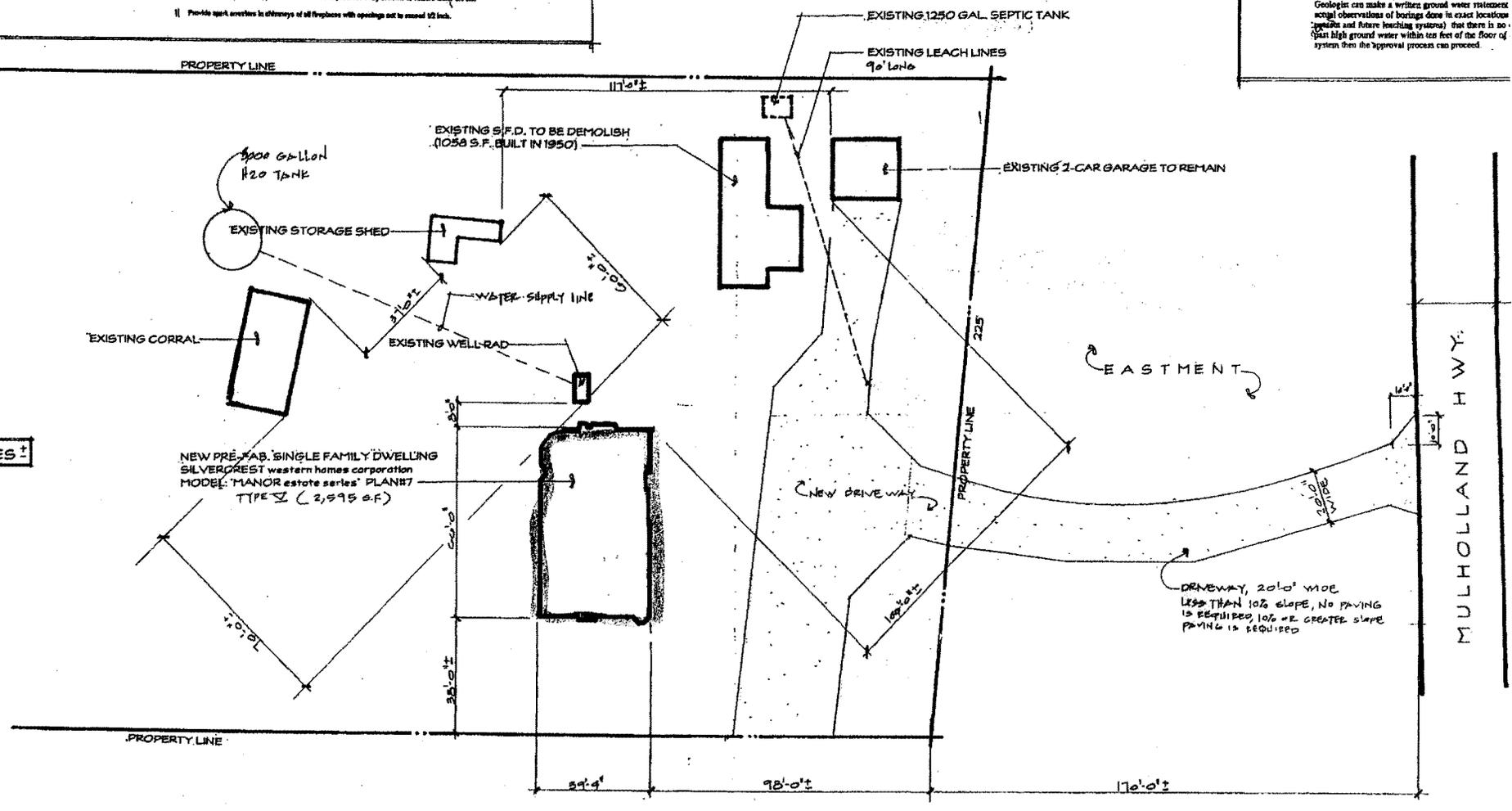


EXHIBIT 7
CDP 4-99-232 (Ysordia)
Detailed Site Plan

PARTIAL SITE PLAN
 1"=20'-0"

NORTH



[Handwritten signature]

RECEIVED
OCT 15 1999

STATE OF CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

MALIBU, CA 90265

S.F.D.: 3 Bedroom/28 Fixture Units (N)
SEPTIC TANK: 1500 Gallon w/Pump (N)
PRESENT: 2 - 6' X 17' RI w/5' Cap (N)
FUTURE: 100Z
PERC RATE: 5109 gpd (Present) / 4734 gpd (Future)

Coastal Approval only

Sewage Disposal System
Approved For DESIGN PURPOSES ONLY. All
Required For California
Coastal Commission Review.
Final Approval Required
Prior To Start Of
Construction Or Installation
Of Sewage System.
[Signature]
DATE: 8-17-99 HEALTH OFFICER
COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES

This Approval Expires One Year
From the Above Date.



1" = 40'

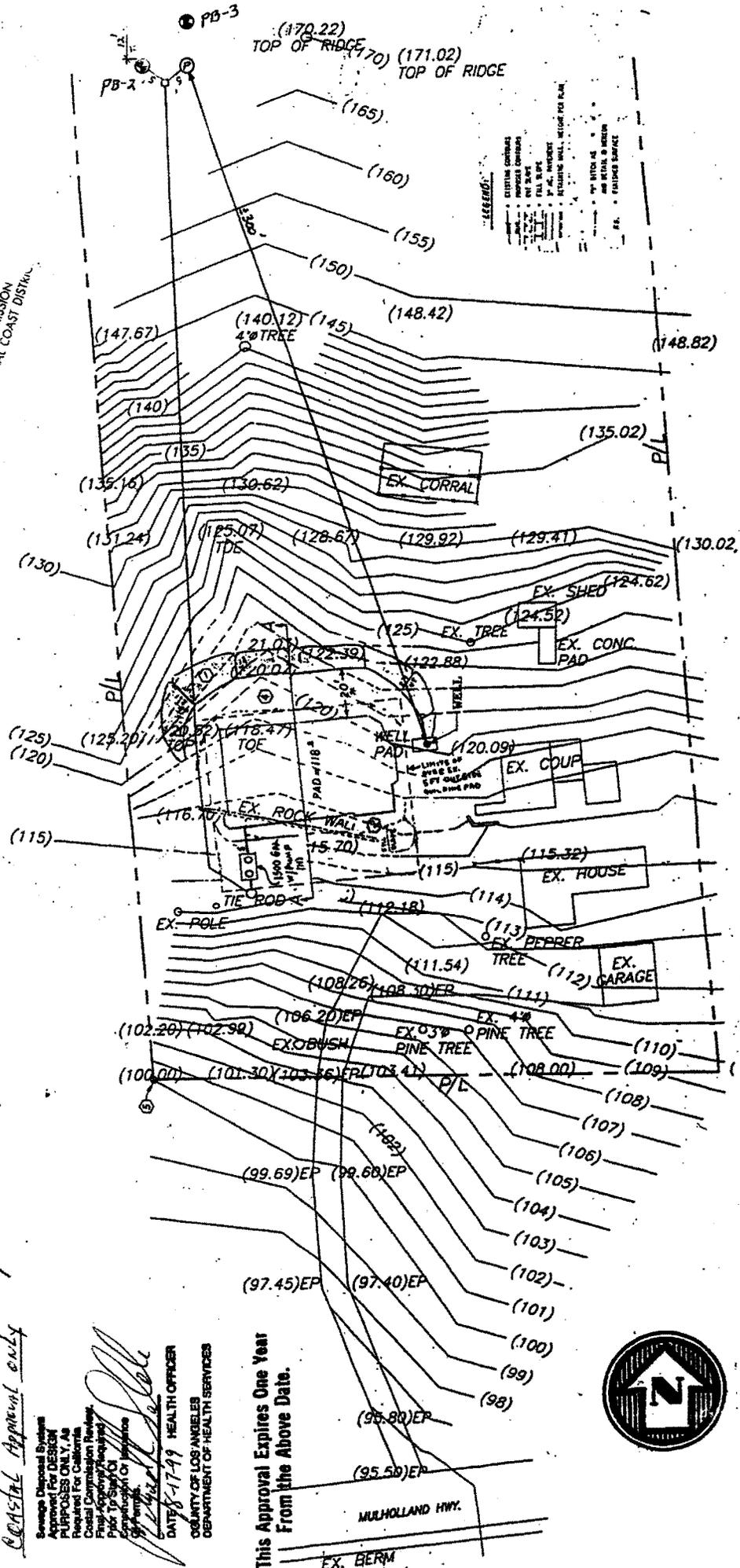


EXHIBIT 8
CDP 4-99-232 (Ysordia)
Site Plan (w/topography)

