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CALIFORNIA COASTAL COMMISSION

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 Hearing Date: 5/9-12/00

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-00-033

APPLICANT: Mark and Susan Wallace AGENT: None

PROJECT LOCATION: 1730 Cold Canyon Road, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construct two story, 35 ft. high, 5,203 sq. ft. single family residence with detached garage, pool, septic system, and 1,181 cu. yds. grading (1,181 cu. yds. cut to be disposed outside the coastal zone).

Lot area:	3.78 acres.
Building coverage:	4,000 sq. ft.
Pavement coverage:	800 sq. ft.
Parking spaces:	2 covered, 3 open
Height above existing grade:	35 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles: Regional Planning, Approval in Concept, dated 2/3/99; Public Works, Soils Engineering Review Sheet, dated 12/9/99 and Geologic Review Sheet, dated 12/9/99; Fire Department, Preliminary Fuel Modification Plan, dated 12/8/99; and Department of Health Services, Sewage Disposal System Approval for Design Purposes, dated 1/4/00.

SUBSTANTIVE FILE DOCUMENTS: Geosystems, Swimming Pool Design, January 11, 2000 and Soils and Engineering-Geologic Investigation, November 8, 1999; Coastal Development Permits 4-93-058 (Buckner), 4-95-235 (Wallis) and 4-98-117 (Holmes).

SUMMARY OF STAFF RECOMMENDATION

The proposed development is a single family residence adjacent to (and outside of) a Significant Watershed. A blue line unnamed tributary of Cold Canyon Creek crosses the lower portion of the site where no development is proposed. The proposed project does not visually impact on the nearby Mulholland Scenic Corridor. Staff recommends approval of the proposed project with five (5) special conditions regarding geologic recommendations, drainage and polluted runoff control, landscaping and erosion control, removal of natural vegetation, wildfire waiver of liability, and removal of excavated material.

STAFF RECOMMENDATION:

I. **Approval with Conditions**

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-033 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 Geologist's and Engineer's Recommendations

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Geotechnical Engineer consultant's review and approval of all project plans. All recommendations contained in the Geosystems, Soils and Engineering-Geologic Investigation, November 8, 1999 including recommendations related to grading, foundations, and setbacks shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

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 in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

2. Drainage and Polluted Runoff

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.

3. Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (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.
- 2) 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 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 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.

4. **Removal of Natural Vegetation**

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

5. **Wild Fire Waiver of Liability**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, 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.

6. **Removal of Excavated Material**

7. 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 excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a two story, 35 ft. high, 5,203 sq. ft. single family residence with detached garage, pool, septic system. 1,181 cu. yds. grading is proposed consisting of 1,181 cu. yds. of cut to be disposed outside the coastal zone.

Most of the previously graded area of the site, including the pad and driveway, drains directly toward Cold Creek. Surrounding development is a mixture of vacant land and single family development. Further to the southwest is the Monte Nido small lot subdivision.

A natural, dry swale is found along the northern property line, draining into Cold Creek. The lower portion of the parcel outside of the area proposed for development is within a designated Significant Watershed as designated in the certified Local Coastal Program Land Use Plan component. An unnamed tributary of Cold Creek is found within the Significant Watershed on the subject property approximately 400 feet to the east of the proposed residential structure within the Significant Watershed. The tributary is designated as an environmentally sensitive habitat area on the LUP Sensitive Environmental Resources map. Flowing water and a riparian tree canopy were found along this area on the site during the staff site visit. No development is proposed in the vicinity of this tributary.

Further, approximately 1000 ft. to the southwest is the boundary of the Cold Creek Resource Management Area, which contains designated environmentally sensitive habitat areas associated with the Cold Creek riparian corridor and significant oak woodland habitat.

The Commission typically examines the building location, site and the size of the structure relative to potential visual impacts. Because of distance and topography, and location on the site below road grade, the proposed single family does not create any visual impact on the Mulholland Scenic Corridor. In addition, the project does not have any potential visual impacts on publicly accessible locations such as from which the proposed development is visible, such as parks and trails.

B. Geologic Stability and Hazards

Section 30253 of the Coastal Act states in 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.**

The proposed development is located in the Santa Monica Mountains, an area considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The prominent geomorphic features in the area are Cold Creek to the west and a LUP-designated Significant Ridgeline to the east. Topography on the building site ranges from approximately 975 ft. at Cold Canyon Road to approximately 950 ft. at the location of the septic system below the proposed residence. The site then descends to the east to a dry barranca at the approximate 950 ft. elevation and an unnamed tributary of Cold Canyon Creek at the approximate 850 ft. elevation. Slope drainage is by sheet flow to the north or east.

1. Geology

The applicant has submitted a Geosystems, Soils and Engineering-Geologic Investigation, November 8, 1999, which states that:

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

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineering geologists as conforming to their recommendations, as noted in *special condition number one (1)* for the final project plans for the proposed project.

2. Erosion

Surface drainage on site, as noted above, is predominately toward the north and west, toward an unnamed tributary of Cold Creek which is approximately 400 feet to the east of the proposed residential structure. The tributary is designated as an environmentally sensitive habitat area on the LUP Sensitive Environmental Resources map and the Creek and project site are within the Malibu/Cold Creek Resource Management Area. Both designations are found in the land use component of the Malibu/Santa Monica Mountains LUP.

The consulting geologist is concerned about the drainage associated with the proposal and recommended that drainage should be dispersed in a non-erosive manner to preclude concentration of runoff and erosion. The project will significantly increase the amount of impervious surfaces on the site, increasing both the volume and velocity of storm water runoff. Increased erosion may also result in sedimentation of the nearby stream on an interim basis and after construction. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site and affect site stability.

The submitted drainage plan includes benches with subdrains, swales, other subsurface drains, and an interceptor drain. However, the Commission finds it necessary to require the applicant to submit a detailed drainage and erosion control plan which shows that water is conveyed off the building pad in a manner that will not only ensure stability of the site and the surrounding area, but also controls polluted runoff. Approval with *special condition number two (2)*, therefore, is necessary. Condition *three* is discussed in greater detail below in these findings. This condition will ensure site stability, and avoidance of the potentially adverse impacts of erosion.

Further, the Commission finds it necessary to require the applicant to submit a detailed landscape and erosion control plan for the proposed development as proposed by *special condition three (3)*. Landscaping is a necessary part of this plan to minimize the potential for erosion of grading and disturbed soils and thereby ensure site stability. It is also necessary to ensure that the landscape and erosion control plan is reviewed and approved by the consulting engineering geologist and includes measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring. Such a plan ensures site stability and avoidance of the potentially adverse impacts of erosion and sedimentation in a manner consistent with PRC Section 30253.

In addition, *special condition number four (4)* is necessary to ensure that removal of natural vegetation for fuel modification purposes does not take place without implementation of the proposed single family residence. Unnecessary fuel modification should be avoided as it is contrary to the provisions of PRC Section 30253 including ensuring site stability and avoiding adverse impacts of erosion and sedimentation.

Further, *special condition number six (6)* is necessary to ensure that the applicant provide evidence to the Executive Director of the location of the disposal site for all excess excavated material and, should the dumpsite be located in the Coastal

Zone, obtain a coastal development permit shall be required. This condition assures that there is not disposition of fill materials in the Coastal Zone without Commission review relative to geologic stability and hazards, as well as potential impacts on erosion and sedimentation.

3. Fire

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

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, 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, as incorporated by *special condition number five (5)*. The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

C. Environmentally Sensitive Habitat Areas

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 states:

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

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

To assist in the determination of a proposed project's consistency with Sections 30230, 30231, and 30240 of the Coastal Act, the Commission has looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The Land Use Plan has been found to be consistent with Coastal Act Policies and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. In its findings regarding the certification of the Malibu/Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources and found that:

Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

Specifically, Policy 79 of the LUP provides that in order to protect sensitive riparian habitats, all development, other than driveways and walkways, should be setback at least 50 ft. from the outer limit of designated environmentally sensitive riparian vegetation to maintain a natural buffer area. Policy 80 of the LUP provides that seepage pits for new septic systems shall be located at least 100 ft. from the outer edge of riparian or oak tree canopies. In addition, Policy 82 of the LUP, in concert with the Coastal Act, provides that grading shall be minimized to ensure that the potential negative effects of runoff and erosion on watershed and streams is minimized. Further, Policies 84 and 94, in concert

with the Coastal Act, provide that disturbed areas shall be revegetated with native plant species within environmentally sensitive habitat areas and significant watersheds.

The proposed residence, as previously noted, is located adjacent to, and drains into, a significant watershed and is within 200 to 400 feet of two segments of a tributary designated as an ESHA within the watershed. The tributary drains into the Cold Creek Resource Management Area. Cold Creek is designated as a blueline stream by the United States Geological Survey and the stream's associated riparian corridor is designated as an Environmentally Sensitive Habitat Area (ESHA) by the Malibu/Santa Monica Mountains Land Use Plan (LUP). The area proposed for construction of a new residence is located upslope from the Cold Creek tributary and the designated ESHA. As the proposed single family residence will occur within an area previously disturbed by past grading and vegetation removal, it will not result in removal of coastal sage scrub habitat or individual scrub oak trees.

In past permit actions regarding new development adjacent to riparian habitat, the Commission has required that all new development be located more than 100 ft. from the outer limit of the riparian vegetation canopy in order to provide for an adequate buffer area from new development. In the case of the proposed project, as noted, the proposed development including the septic system is approximately 175 feet upstream of the riparian habitat.

The applicant has submitted a preliminary Fuel Modification Plan approved by the Los Angeles County Fire Department Fuel Modification Unit which indicates that no cutting or clearing of vegetation will be required for fuel modification purposes in the riparian corridor or the Significant Watershed. Therefore, the Commission finds that the proposed project is adequately located and designed, through minimum setback/buffer requirements and an accommodating fuel modification plan, to minimize significant disruption of sensitive riparian existing on subject and adjacent property.

The Commission further finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, *Special Condition 3* requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

The Commission notes that seasonal streams and drainages, such as Cold Creek and the natural drainage located on the subject site, in conjunction with primary waterways,

provide important habitat for riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat.

In the case of the proposed project, no removal of vegetation in environmentally sensitive habitat areas identified on the site or adjacent land is proposed and the Commission notes that all natural vegetation buffer areas currently existing at the subject site will be maintained. Because the existing building pad is located approximately 200 to 400 ft. up-grade from a tributary of Cold Creek, no streambed alteration or interference of stream flow in the Cold Creek tributary will result from the proposed project. The Commission finds that potential adverse effects to the value and quality of the unnamed tributary and Cold Creek, and of the adjacent riparian area, may be further minimized through the implementation of an appropriate landscaping plan utilizing native plant species, and implementation of a drainage and polluted runoff control plan.

The Commission finds that minimizing site erosion will reduce the project's individual and cumulative potential to adversely affect the designated ESHA associated with Cold Creek and the natural drainage course, as well as sensitive resources located downstream of the project site. Erosion and sedimentation can best be minimized by requiring the applicant to implement a drainage and polluted runoff control plan (discussed in further detail under Section E. Water Quality), by incorporating interim erosion control methods during construction, and by landscaping disturbed areas of the site with native plants compatible with the surrounding environment.

Furthermore, *Special Condition four (4)* requires that no removal or thinning of natural vegetation for fuel modification purposes shall occur until grading or building permits have been secured from the local government and construction of the permitted development has commenced. The limitation imposed by *Special Condition 5* avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and runoff control devices and implementation of the landscaping and interim erosion control plans.

Further, non-point source pollution is the pollution of coastal waters (including streams and underground water systems) which enters the waterway from numerous sources which are difficult to identify on an individual basis. Non-point source pollutants include suspended solids, coliform bacteria and nutrients. These pollutants can originate from many different sources such as overflow septic systems, storm drains, runoff from roadways, driveways, rooftops and horse facilities. The Commission finds that the minimization of non-point source pollutants from new development will help to maintain and enhance the quality of coastal waters, streams, wetlands, estuaries and lakes.

Consistent with Section 30231 of the Coastal Act, the landscape and erosion control plan mentioned in the previous section as required by *special conditions two (2) and three (3)* reduce the non-point source pollution impacts of the proposed development. To ensure that drainage is conveyed off site in a non-erosive manner, *Special Condition 3* incorporates drainage and polluted runoff control measures into development of the project site. To ensure that the project's drainage and runoff control structures will not contribute to further erosion and sedimentation at the project site or surrounding area, and to ensure that the project's drainage structures shall be repaired should the structures fail in the future, *Special Condition 3* also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion. These special conditions also ensure conformance to PRC Sections 30231 and 30240 by protecting, respectively, marine resources and environmentally sensitive habitat area from polluted runoff and sedimentation. Consistency with PRC Section 20231 is discussed in greater detail in the following section.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 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, 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 applicant proposes to construct a two story, 35 ft. high, 5,203 sq. ft. single family residence with detached garage, pool, septic system. 1,181 cu. yds. grading is proposed consisting of 1,181 cu. yds. of cut to be disposed outside the coastal zone. 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. Slow surface flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

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

The proposed development includes installation of an on-site septic system with a 1500 gallon tank to serve the residence. The 1500 gallon septic tank will be located on the western side of the building pad, from which effluent from the septic system will be pumped downgrade, and disposed of through a septic pit. The applicants' engineering geologic consultants have evaluated the site relative to a potential septic system and conclude that the site is suitable for the septic system and that there will be no adverse

impact to the site or surrounding area from use of the proposed septic system. Finally, the County of Los Angeles Department of Health Services has approved the design of the proposed sewage disposal system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

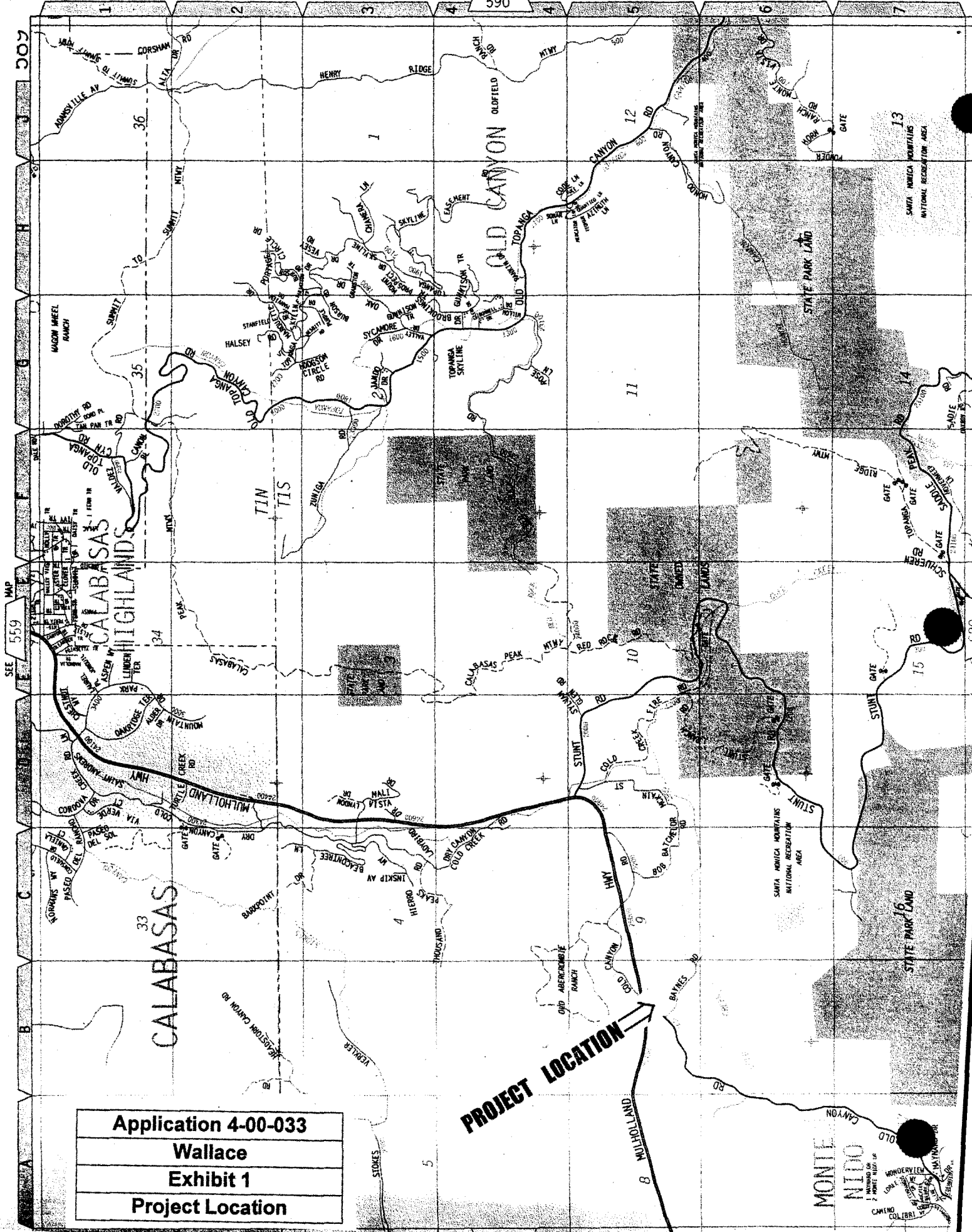
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

G. California Environmental Quality Act

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

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970.

Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



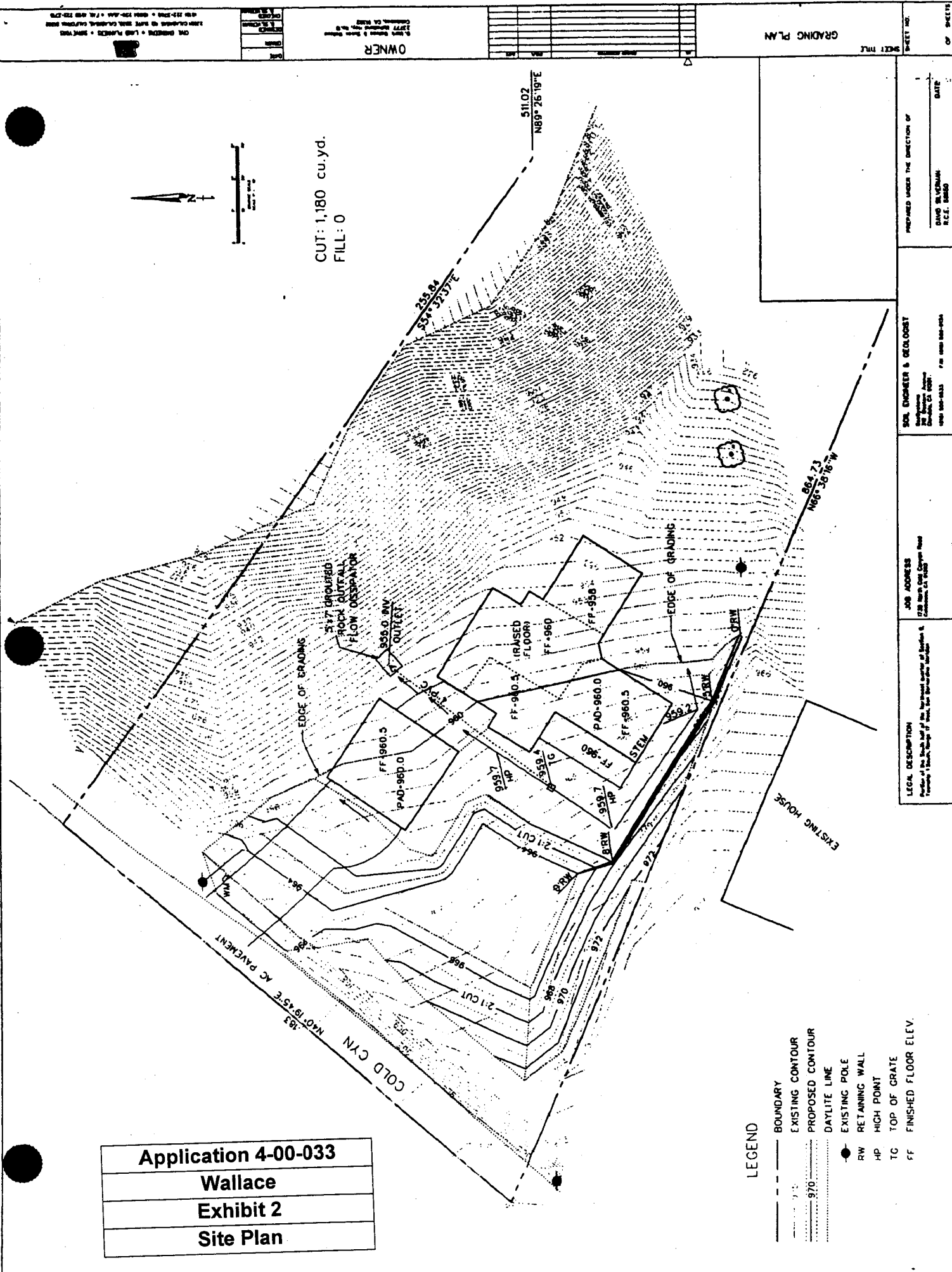
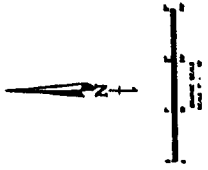
Application 4-00-033
Wallace
Exhibit 1
Project Location

PROJECT LOCATION →

MONTE NIDO
NIDO
MONTE NIDO
NIDO
MONTE NIDO
NIDO
MONTE NIDO
NIDO
MONTE NIDO
NIDO

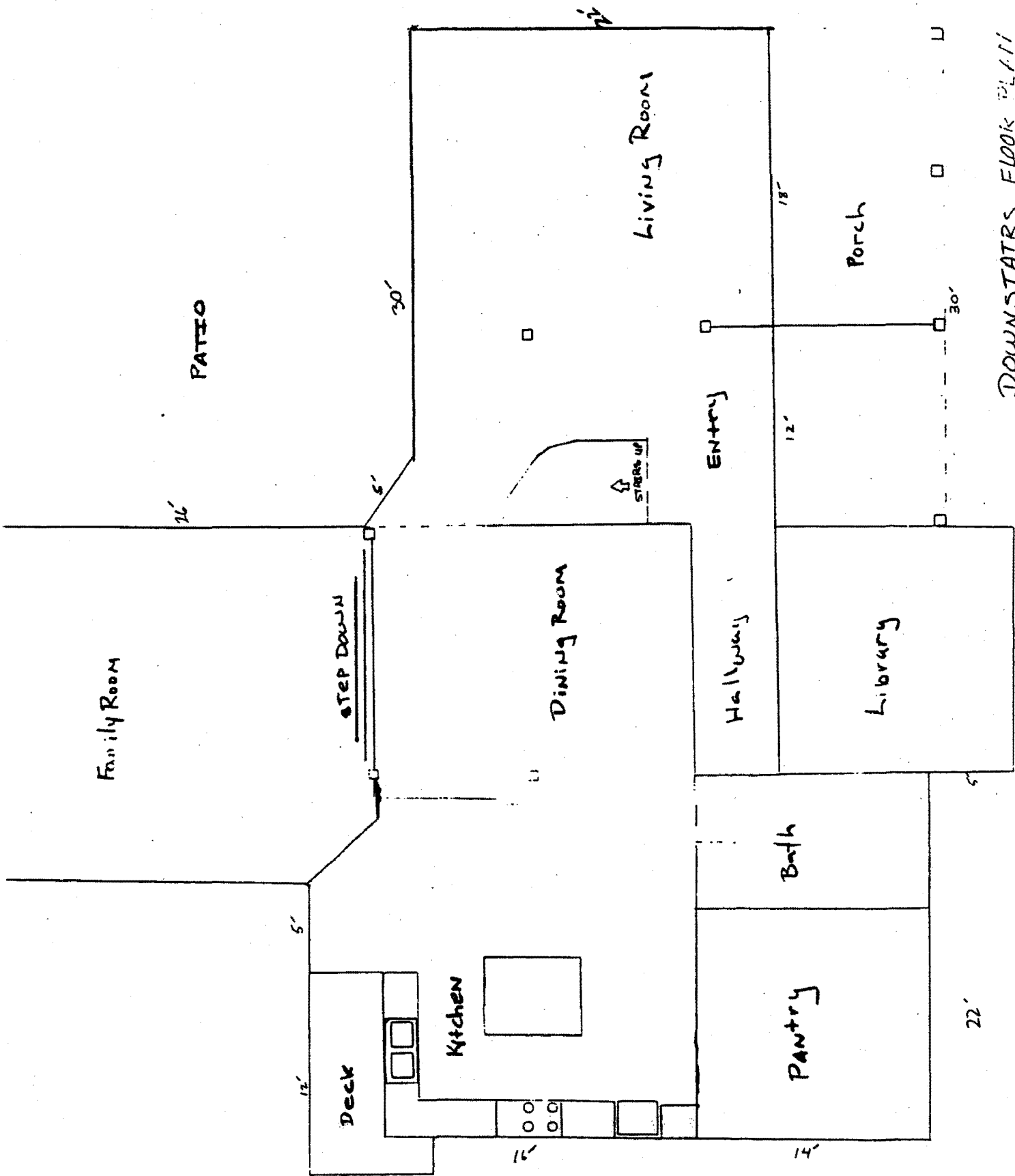
Application 4-00-033
Wallace
Exhibit 2
Site Plan

CUT: 1,180 cu.yd.
 FILL: 0



- LEGEND**
- BOUNDARY
 - - - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - DAYLITE LINE
 - EXISTING POLE
 - RW RETAINING WALL
 - HP HIGH POINT
 - TC TOP OF GRATE
 - FF FINISHED FLOOR ELEV.

LEGAL DESCRIPTION Part of the South half of the Northeast quarter of Section 8, Township 1 North, Range 1 West, 1st Principal Meridian.	JOB ADDRESS 228 North 10th Street COLUMBUS, GA 31906	SOIL ENGINEER & GEOLOGIST WALLACE BLANCHARD R.C.E. 0000	PREPARED UNDER THE DIRECTION OF WALLACE BLANCHARD R.C.E. 0000	SHEET NO. 1	DATE	OF SHEETS
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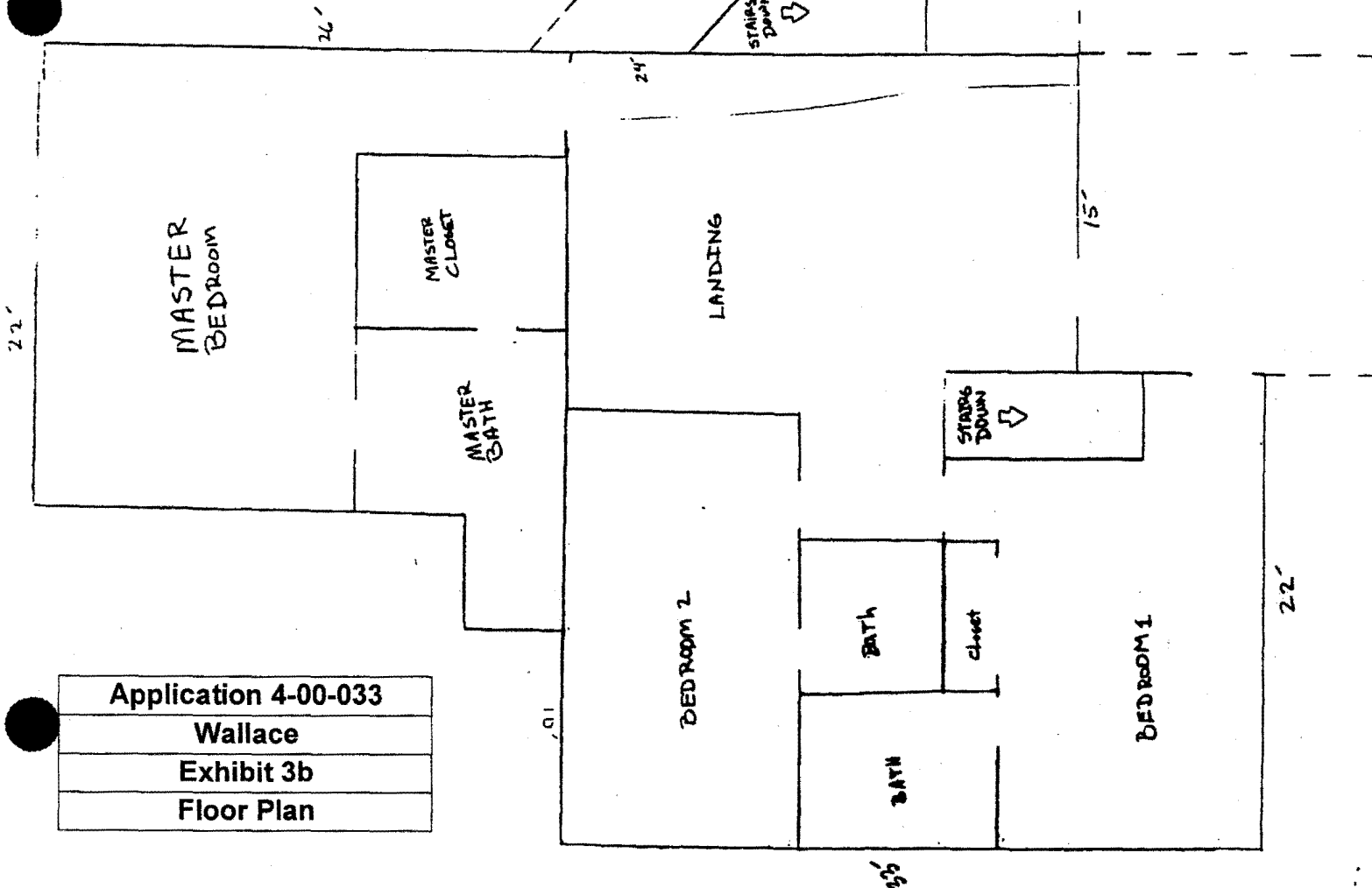


DOWNSTAIRS FLOOR PLAN
26080' Page 1

Application 4-00-033
Wallace
Exhibit 3a
Floor Plan

— UPSTAIRS WALLS

- - - DOWNSTAIRS WALLS



UPSTAIRS FLOOR PLAN

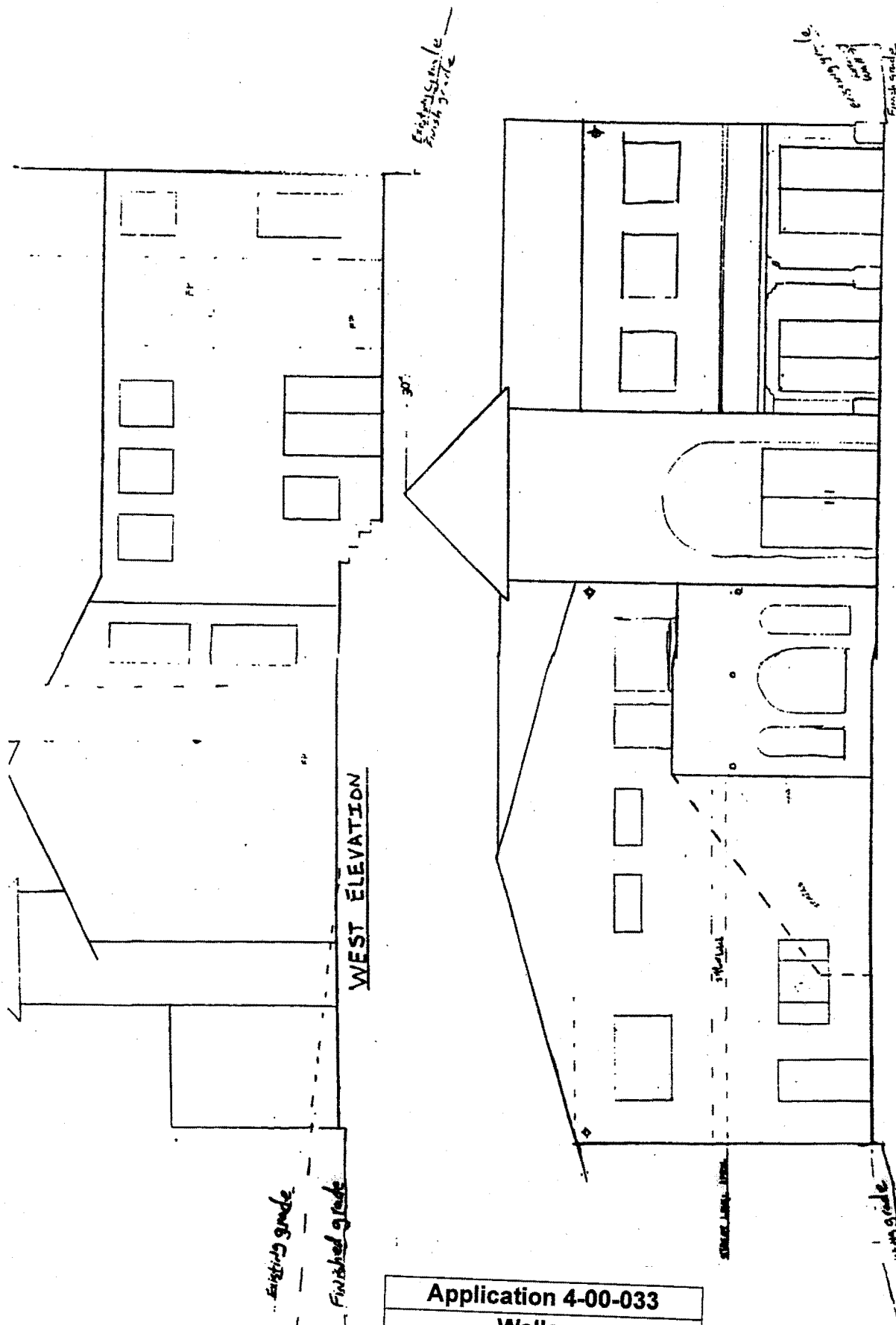
1695⁰ Page 5-1

Application 4-00-033

Wallace

Exhibit 3b

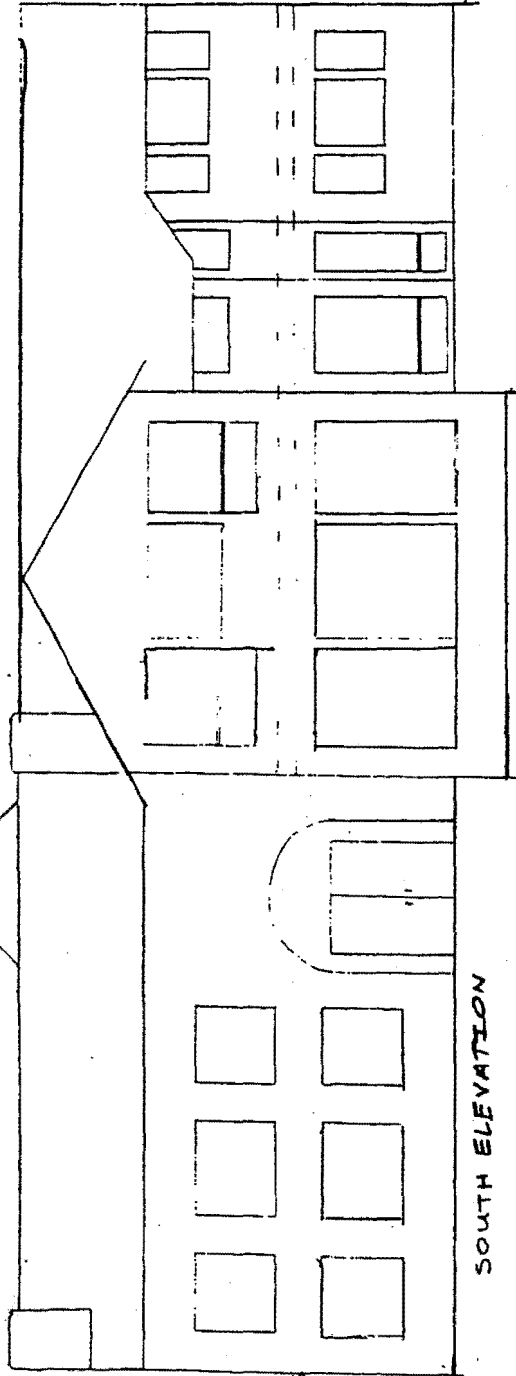
Floor Plan



NORTH ELEVATION
Page 6-1

Application 4-00-033
Wallace
Exhibit 4a
Elevations

30'



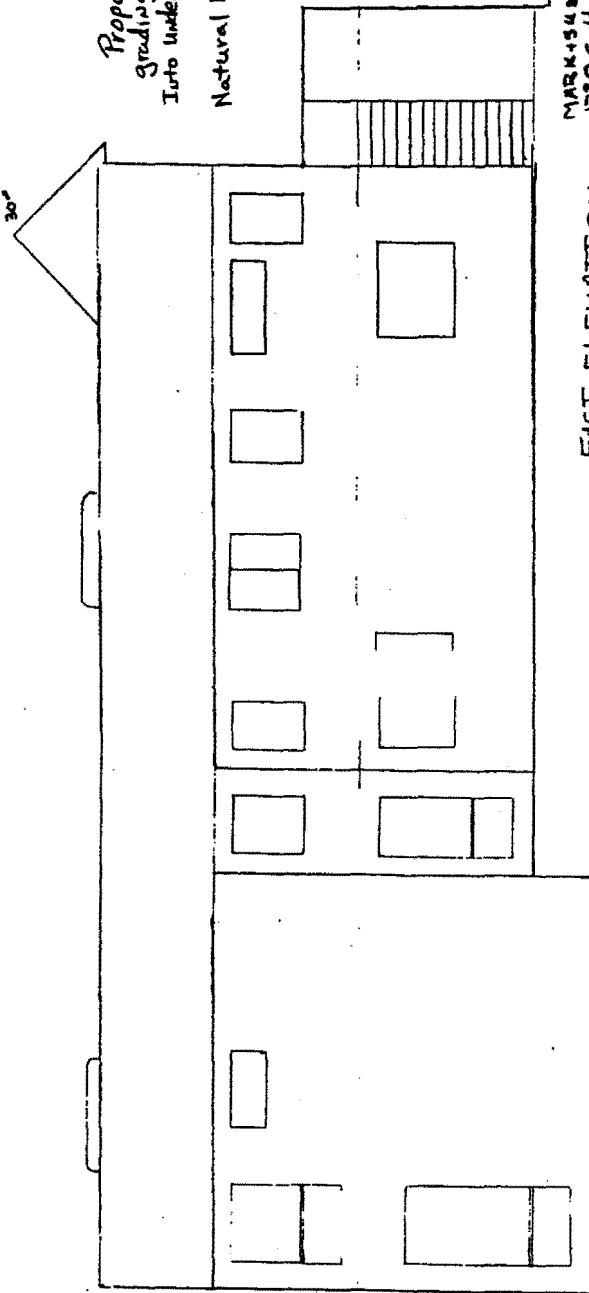
SOUTH ELEVATION

Minimal grading
+ removal of fill
Dirt from Neighbors
Property 5' from
Line
↓
existing
grade
wall →
Fence line

Finish grade/
Existing grade

Proposed minimal
grading. Trenches for footings
into underlying Basaltic
Bedrock
Natural Land contours Used.

30'



EAST ELEVATION

Page 7-1

Finish grade/
Existing grade

MARKUSMAN WALLACE
1730 Coll Cyn. Rd.
Calabasas Ca.

Application 4-00-033
Wallace
Exhibit 4b
Elevations

FINNISH
EXISTING grade

