

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff: J Johnson-V *ja*
Staff Report: 5/24/00
Hearing Date: 6/13/00
Comm Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-064

APPLICANT: Greg & Sandy Mastoras **AGENT:** Brent Schneider,

PROJECT LOCATION: 22464 Little Las Flores Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a two story 2,235 single family residence and attached two car 790 sq. ft. garage and attached via a breezeway to a two car 460 sq. ft. garage with a 415 sq. ft. studio above, pool, septic system, water well and tank, driveway, temporary mobile construction home, and a total of 3,084 cubic yards of grading.

Lot area:	2.3 acres
Building coverage:	2,845 sq. ft.
Pavement coverage:	8,386 sq. ft.
Landscape coverage:	9,221 sq. ft.
Parking spaces:	4
Ht abv fin grade:	33' 9" ft.
Plan Designation:	Rural Land II
Zoning:	1du/5 acres
Project Density	one du/2 acres

SUMMARY OF STAFF RECOMMENDATION

The applicants request approval to construct a single family residence on an existing lot accessed from Little Las Flores Road, Swenson Drive, Rockview Terrace, and Saddle Peak Road. The applicants propose to drill a water well to serve the proposed residence for domestic and fire suppression water. The proposed project is located on a small knoll against the visual backdrop of the higher Saddle Peak Ridge to the north. The proposed development is approximately one thousand feet northwest of a blue line stream, which is an

upper reach of an unnamed tributary of Little Las Flores Creek. In the project vicinity, the tributary is not designated as an Environmentally Sensitive Habitat Area (ESHA) in the certified Malibu/Santa Monica Mountains Local Coastal Program Land Use Plan. Staff recommends approval of the proposed project with Special Conditions addressing: a wildfire waiver of liability; landscape, erosion control and fuel modification plans; removal of temporary mobile construction home; removal of natural vegetation; future development deed restriction; drainage and polluted runoff control plan; plans conforming to geologic recommendation; a structural appearance deed restriction, and access road survey and revised access easements. The project, as conditioned, will be consistent with the Coastal Act.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 3/16/99; Los Angeles County Department of Health Services, dated 11/4/99 for the water well; Los Angeles County Department of Health Services, dated 1/13/00 for septic system; County of Los Angeles Fire Department, Coastal Commission Approval Only driveway access, dated 12/21/99 and Preliminary Fuel Modification Plan dated October 19, 1999.

SUBSTANTIVE FILE DOCUMENTS: Engineering Geologic Report, dated September 24, 1997, by Geoplan, Inc., Engineering Geologic Memorandum, dated June 24, 1999 by Geoplan; Engineering Geologic Memorandum/Waste Disposal Update, dated July 12, 1999 by Geoplan; Geotechnical Engineering Investigation Report, dated March 24, 1999 by Coastline Geotechnical Consultants; Coastal Permit No. 4-98-004, Bolanowski; Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-064 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.

I. 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 term or 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. WILDFIRE 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.

2. LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final 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 final plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All graded & disturbed areas and the existing graded building pad 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. After the temporary mobile construction home is removed pursuant to Special Condition Number Three, the disturbed site of the temporary mobile construction home shall also be planted and maintained for erosion control purposes. 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 plan species which tend to supplant native species shall not be used.
- 2) All cut and fill slopes on the subject site 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. The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed residence, from public roads, lands, and trails to the west, south, and east;
- 3) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

- 4) 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 20 feet of the proposed residence garages and driveway 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 final 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 Final Fuel Modification Plan, as revised, has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any 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.
- 6) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

B) Interim Erosion Control Plan

- 1) The landscape/erosion control 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 to be left undisturbed such as native trees and vegetation 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 geo-fabric covers or other appropriate cover, install geo-textiles 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 geo-textiles 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 (5) years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. REMOVAL OF TEMPORARY MOBILE CONSTRUCTION HOME

With the acceptance of this coastal permit, the applicants agree that the temporary mobile construction home shall be removed from the site within two years of the issuance of this Coastal Permit or within sixty (60) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles, whichever is less, to a site located outside the Coastal Zone or a site with a valid coastal development permit for the installation of a temporary mobile construction home. After the home is removed the disturbed site shall be revegetated as required by Special Condition Number Two within sixty (60) days.

4. REMOVAL OF NATURAL VEGETATION

Removal of natural vegetation for the purpose of fuel modification within the 20 foot zone surrounding the proposed structure 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 20-200 foot fuel modification zone shall not occur until commencement of construction of the structure approved pursuant to this permit.

5. FUTURE DEVELOPMENT DEED RESTRICTION

A. This permit is only for the development described in Coastal Development Permit No. 4-00-064. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253 (b) (6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall apply to the entire property. Accordingly, any future improvements to the entire property including the permitted residence and garage, and clearing of vegetation or grading, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two (2), shall require an amendment to Permit No. 4-00-064 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, 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.

6. 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.

7. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

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 Engineering Geologist and Engineer consultant's review and approval of all project plans. All recommendations contained in the submitted geologic reports titled: Engineering Geologic Report, Engineering Geologic Memorandum, and Engineering Geologic Memorandum/Waste Disposal Update by Geoplan, Inc. dated September 24, 1997, June 24, 1999, and July 12, 1999, respectively, and Geotechnical Engineering Investigation Report, by Coastline Geotechnical Consultants, Inc. dated March 24, 1999, shall be incorporated into all final design and construction including grading, footings, drainage control, sewage disposal, foundations, lateral loads, retaining walls, temporary excavated slopes, drainage, and floor slabs-on-grade. All plans must be reviewed and approved by the consultants.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

8. STRUCTURAL APPEARANCE DEED RESTRICTION

A. The color of the structures, roof 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.

Night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure 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.

9. **ACCESS ROAD SURVEY AND REVISED ACCESS EASEMENTS**

Because portions of the existing private road, Swenson Drive, are located outside of the legal easement granted to the applicant to access the subject lot a revised Grant of Easement is needed. Therefore, Prior to the Issuance of Coastal Development Permit, the applicant shall submit evidence for the review and approval of the Executive Director that the applicant has obtained the right to use the existing private road for ingress and egress to the subject site, APN 4448-023-032 from Saddle Peak Road, a public road.

IV. Findings and Declarations.

A. **Project Description**

The project site is located approximately two miles inland of the coast east of the intersection of Pacific Coast Highway and Las Flores Canyon Road, just south of Saddle Peak Road. The parcel is accessed from Saddle Peak Road, a public road, Rockview Terrace, Swenson Drive and Little Las Flores Road, the later are private roads. (Exhibit 1).

The applicants propose to construct a two story 2,235 single family residence and attached two car 790 sq. ft. garage and attached via a breezeway to a two car 460 sq. ft. garage with a 415 sq. ft. studio above, pool, septic system, water well and tank, driveway, temporary mobile construction home, and a total of 3,084 cubic yards of grading consisting of 1,547 cubic yards of cut and 1,347 cubic yards of fill, exporting 200 cubic yards to the Calabasas landfill. (Exhibits 2 – 8).

The building site is a 2.3 acre lot located along the eastern portion of Swenson Drive and north of Little Las Flores Drive. The proposed building site is located near the middle of the lot at an elevation of about 1850 feet above sea level. The majority of the property is in its natural state with the exception of an unimproved graded access driveway generally following the proposed driveway to the building site. The site is

surrounded by vacant lots, although there are existing residences to the north and the south and southeast of the site. There are two lots to the north with Coastal Commission approved residences that have not been constructed to date. The applicants have an approved Coastal Permit Waiver (No. 4-99-252) for the construction of a water well on the site, although the well has not been drilled to date. The applicants are requesting approval of the same water well with this pending application.

The subject site is a rectangularly shaped parcel, ascending from Little Las Flores Drive at an average angle of 16 degrees with a maximum topographic relief of about 80 feet. A moderate growth of native vegetation is recovering on the slope areas burned in the 1993 Malibu fire.

The certified Malibu/Santa Monica Mountains Land Use Plan designates the 2.3 acre site as Rural Land II (one dwelling unit for five acres. The subject parcel is not located within a designated wildlife corridor or any designated Environmentally Sensitive Habitat Area (ESHA), it is located about 250 feet north of the upper reach of an unnamed tributary of Little Las Flores Creek. No mapped hiking or riding trails cross the subject property, although the Tuna Canyon Trail crosses property located to the north and east. The Tuna Canyon Trail traverses north to south connecting the Backbone Trail to Tuna Canyon and Pacific Coast Highway.

The property is visible from portions of the Tuna Canyon Trail, and portions of Tuna Canyon, and Las Flores Roads and Santa Monica Mountains National Recreation Area to the southwest.

B. Individual and Cumulative Impacts in Sensitive Resource Areas

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states as follows:

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.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

(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.

Coastal Act Section 30250 provides for three tests to determine whether new development is appropriately located from the standpoint of cumulative impacts. The first test is whether or not the proposed new development is located within, contiguous or in close proximity to an existing developed area. If the proposed development does not meet the first test, an analysis of whether it meets the second test is necessary. The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The third test is whether or not the proposed project will or will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Regarding the first test, the proposed project is located about two miles inland of the coast on the southwest slope of Saddle Peak Road within the Santa Monica Mountains. This inland area of the western Santa Monica Mountains is partially developed with residential and public recreational land uses. The Commission considers this portion of the Santa Monica Mountains to not be a developed area, including the subject site, and therefore it does not meet the first test. The analysis of the proposed development with respect to the second test is needed.

The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The Los Angeles County Malibu/Santa Monica Mountains Land Use Plan includes policies addressing public services including an adequate water supply. Policies P233, P234, and P245 state:

P233 Continue to require all new developments to demonstrate that an adequate potable water supply is available to each parcel.

P234 Continue to require all new developments to demonstrate that an adequate water supply for fire protection is available based on the location of development, type of construction, spacing of structures, fire hazards, and so on.

P235 An on-site water source shall be of potable quality and be able to provide a quantity of water sufficient to meet domestic supply requirements as determined by the government agency having jurisdiction.

The applicant proposes to construct a two story 2,235 single family residence and attached two car 790 sq. ft. garage and attached via a breezeway to a two car 460 sq. ft. garage with a 415 sq. ft. studio above, pool, septic system, water well and tank, driveway, temporary mobile construction home, and a total of 3,084 cubic yards of grading.

The subject site is provided with public and private services including public and private road access from Saddle Peak Road and Swenson Drive, water, electricity, and telephone. Water availability and private road access are issues discussed below.

The applicant proposes to construct a water well to serve the proposed residence. The applicants submitted a report titled; Engineering Geologic Report by Geoplan, Inc. dated September 24, 1997. This report addressing the availability of water from a private water well by stating:

"Notwithstanding successful water wells in the Swenson Drive District, ground water is not only difficult to find but also to develop in adequate amounts in this area because of low seasonal rainfall (avg. 20 inches per year) and limited recharge. About 50 percent of rainfall leaves the watershed by surface flow. About half of the volume that percolates underground is lost through evapotranspiration by vegetation. The remaining 5 inches percolates into fractures as recharge. It remains to intersect the water-filled fractures by the well bore. During seasons of drought, recharge may be non-existent and in very wet seasons the corresponding recharge may attain only an acre-foot per acre of watershed. **Accordingly, ground is a depletable asset that within a few years of normal(ly) consumptive use may become fully depleted (dry well).**" (emphasis added)

" ... An alternative to an on-site (domestic) water well is to form a neighborhood association that provides a public water main to serve all parcels who would participate in the cost proportionately. This has been considered."

To address the availability of water to serve the proposed residence, staff suggested that the applicant either obtain a coastal permit to drill a water well to provide evidence that adequate water was available for future residential development or join a nearby neighborhood association that provides domestic water and propose a connecting pipeline to the project site. The applicant chose to apply for a coastal permit to drill the water well which was approved as Coastal Permit Waiver No. 4-99-252-W by the Commission at the February 16, 2000 meeting. According to the applicants, the water well has not been drilled at this time due to unavailability of an appropriate truck based well drilling rig. The applicants have requested that the Commission process this application on the basis that there are a number of water wells in the vicinity that have produced adequate water for some time. The applicants submitted information indicating that three water wells drilled in the immediate vicinity along Swenson Drive and Little Las Flores Road produce adequate quantities of water (Exhibit 9). The applicant's information indicates that there are three existing water wells producing 35 to 60 gallons per minute.

The Los Angeles County Health Department requires that water wells produce potable water with a reasonable quantity of water production. The 'reasonable' quantity of water production according to Los Angeles County Health Department (telephone discussion with Mr. Saleh on March 20, 2000) is 15 to 25 gallons per minute of potable water in order to adequately serve residential development. Since the surrounding water wells completed in the immediate vicinity produce more than the minimum production required by the County of Los Angeles, it appears that the applicant's have the potential to obtain adequate private water resources to serve residential development consistent with Los Angeles County Health Department requirements.

In another application for Coastal Permit No. 4-98-004, Bolanowski, staff requested the applicant provide information from a geologist with expertise in groundwater resources to address the availability of water from this well located to the north of the subject site on a long term basis (Exhibit 9). In response, the Bolanowski's provided a report titled: Preliminary Comments on October 20, 1999 California Coastal Commission ltr., dated December 2, 1999, by E. D. Michael, Consulting Geologist, Engineering Geologist, Hydrogeology, Forensics. In this report, Mr. Michael stated:

" ... in bedrock areas such as the Santa Monica Mountains, it is effectively impossible to determine aquifer storage or recharge, and hence, it is impossible to determine by a well test whether that well will produce an adequate long-term supply."

However, because the applicant's proposed water well will produce water from a bedrock area as compared to an aquifer, it is uncertain that a long term supply of

water will be available to serve the proposed residence as confirmed by the applicant's consulting geologist. In the event the applicant's water well becomes depleted, the applicant has at least three options to provide adequate domestic water for the proposed residence. The applicant's options include: one, drill a new well in a new location or into a deeper aquifer or bedrock area; two, construct a water line extension from the nearby public mutual water company serving residences along Saddle Peak Road; or three, truck in potable water to the onsite water storage tank.

Staff review of Coastal Permit No. 4-94-084, Lane and Coastal Permit No. 4-98-004, Bolanowski, indicate that there are two portions of Swenson Drive, a private road, which are physically located outside of the legal easement granted to the applicants to access the subject lot. It is not feasible to relocate the existing roadway to this legal easement due to steep topographic considerations and substantial additional grading which would be required to physically relocate the roadway. Further in 1984, the Commission approved paving improvements to this existing roadway in its present alignment in Coastal Permit No. 4-94-084, Lane. Therefore, a revised Grant of Easement is needed to be co-terminus with the existing paved roadway to eliminate these potential adverse effects to the environment. Therefore, Special Condition Number Nine is needed to require Prior to the Issuance of Coastal Development Permit, that the applicants submit evidence for the review and approval of the Executive Director that the applicants have obtained the right to use the existing private road for ingress and egress to the subject site, APN 4448-023-032 from Saddle Peak Road, a public road.

The applicant proposes to construct an on-site septic system to adequately dispose of sewage generated on-site. The applicant has provided an 'Approval in Concept' for the septic system from the Los Angeles County Health Department. Therefore, the Commission finds that the proposed project, as conditioned, meets the guidance provided by the Los Angeles County Land Use Plan and meets the second test required in Section 30250, that the development will be located in an area able to accommodate it.

The third test of Section 30250 examines whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources and is discussed below.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because of the larger number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches is expected to grow tremendously.

The Los Angeles County Malibu/Santa Monica Mountains Land Use Plan, certified by the Commission, provides guidance for the Commission to consider in this application. The LUP includes a New Development Policy (P271), which notes that new development in the Malibu coastal zone will be guided by the LCP Land Use Plan map and all pertinent overlay categories. The policy also notes that all properties are designated for a specific use that reflects the mandates of the California Coastal Act, all policies contained in this Local Coastal Plan, and the constraints and sensitivities of resources present in the coastal zone. Further, the policy states that the land use plan map presents a base land use designation for all properties overlaid by three resource protection and management categories. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein.

The project site is not located within any of the three resource protection and management categories, therefore, development can proceed according to the base land use classification and in conformance with all policies and standards contained in the Los Angeles County Land Use Plan. These issues are discussed below.

1. Protection of Environmental Resources

The Land Use Plan (LUP) includes several policies designed to protect the environmentally sensitive habitat areas (ESHA's), from both the individual and cumulative impacts of development.

P68 Environmentally sensitive habitat areas (ESHA's) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resources dependent use.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

2. Stream Protection and Erosion Control

The Land Use Plan (LUP) includes several policies designed to protect ESHA's while addressing stream protection and erosion control from both the individual and cumulative impacts of development.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscaping plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted

plants and low-growing covers to reduce heat output may be used. Within ESHA's and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

P88 In ESHA's and Significant Watersheds and other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

Structures should be clustered.

Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.

Require all sidecast material to be recompacted to engineering standards, re-seeded, and mulched and/or burlapped.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrologic, water percolation and runoff) to the maximum extent feasible.

P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies towards development in areas near ESHA's. Where the Commission has found that single-family development, including accessory structures, would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, it has been permitted.

The applicant proposes to construct a two story 2,235 single family residence and attached two car 790 sq. ft. garage and attached via a breezeway to a two car 460 sq. ft. garage with a 415 sq. ft. studio above, pool, septic system, water well and tank, driveway, temporary mobile construction home, and a total of 3,084 cubic yards of grading. The building site is located near the intersection of Swenson Drive and Little Las Flores Road, about a half mile southwest of Saddle Peak Road. The building site

is located near the center of the lot which is accessed by a unimproved driveway from Little Las Flores Road to the south. The residential development is limited to one site consisting of a pad size of 6,574 sq. ft. and does not include other development normally associated with residential development in the Santa Monica Mountains, such as a tennis court, or equestrian facilities.

To the southeast a 'blue line' tributary of Little Las Flores Creek is located about one thousand (1,000) feet of the subject parcel. The ESHA designated portion of this creek is located about one thousand five hundred (1,500) feet to the south of the parcel. Little Las Flores Creek drains into the ESHA designated Las Flores Creek and eventually into the Pacific Ocean. Due to the distance, the proposed residence and driveway improvements will not directly affect these ESHA and Creek habitats as the proposed project is not located within or nearby the designated ESHA's.

3. Cumulative and Individual Impacts of Development

In analyzing the proposed project for conformance with the resource protection policies of the Coastal Act and the Land Use Plan, one can address the project with regard to each policy in sequence.

For instance, Policy P 68 specifies that ESHA's shall be protected against significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas. The applicant's proposed residence and other development is not located within an ESHA and is separated by from the ESHA by at least one thousand five hundred (1,500) feet.

Policy P74 specifies that new development be located as close as feasible to existing roadways, services and existing development to minimize the effects on sensitive environmental resources. The applicant's proposed residence is located as close as 225 feet from Little Las Flores Road. There are no sensitive environmental resources on the subject site.

Policy P82 specifies that grading be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized. Policy P91 specifies that all new development be designed to minimize impacts and alterations of physical features, such as ravines and hillsides. The applicant initially proposed to construct a residence, two garages and a studio in Coastal Permit Application No. 4-99-170 initially submitted in July 1999 with 5,660 cubic yards of proposed grading. This application was returned to the applicant in January 2000. A revised application was submitted on March 21, 2000 to include the same residential related development with a reduced total of 3,084 cubic yards of grading.

Policy P 84 specifies that in disturbed areas, landscaping plans balance long-term stability and minimization of fuel load. Policy P 88 specifies that in areas of high potential erosion hazard, site design is required to minimize grading activities and reduce vegetation removal based on guidelines that: 1) structures should be

clustered, 2) grading for access roads and driveways should be minimized and new on-site access roads be a maximum of 300 feet or one third the depth of the parcel, whichever is less. Policy P91 specifies that all new development be designed to minimize impacts and alterations of physical features, such as ravines and hillsides and processes of the site to the maximum extent feasible. The applicant's proposed new driveway leading from Little Las Flores Road to the proposed residence is about 225 feet long. The depth of the parcel is greater than 300 feet and the proposed project includes one clustered structure, a residence and two attached garages with a studio above one garage and driveway turnaround area all totalling 6,574 sq. ft. Therefore, the proposed driveway and clustered development meets the guidance provided in Policy P88.

However, to address the need for a landscape plan, minimize erosion hazards for all disturbed and graded areas, and minimize the alteration of physical features, Special Condition Number Two is necessary. The applicants submitted a Preliminary Fuel Modification Plan approved by the Los Angeles County Fire Department. Special Condition Number Two will help to ensure that the biological productivity and quality of coastal streams, such as Las Flores Creek, is maintained and that the habitat values of the subject sites are protected against significant disruption. Therefore, to ensure that no adverse impacts on the site and beyond the subject site will occur from increased runoff, Special Condition Number Two requires a landscape, erosion control and Final Fuel Modification Plan to landscape all disturbed and graded areas on the project site including the requirement to revegetate the building pad on the areas beyond the developed area of the building pad allowed for development and the area where the temporary mobile construction home will be located after its removal pursuant to Special Condition Number Three. Special Condition Number Two also requires an erosion control plan and Final Fuel Modification Plan to minimize erosion on the site and sedimentation offsite. Special Condition Number Four requires that the Final Fuel Modification Plan will not commence within the 20 foot zone surrounding the proposed structure until after the local government has issued a building or grading permit for development approved pursuant to this permit and the vegetation thinning beyond this zone will not occur until commencement of construction of the structure. Special Condition Number Two also requires the applicant to implement a landscape plan with native plant species to stabilize and vegetate the site. The Commission further notes 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. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species 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 Number Two also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. Special Condition Number Two further requires an interim erosion control plan to minimize erosion of the site and sedimentation offsite during the construction of the project and requires a landscape monitoring report five years from the date of receipt of the Certificate of Occupancy for the residence.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential and related development which would be exempt from coastal development permit requirements. The Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Los Angeles County Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the Las Flores Creek watershed due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a Future Development Deed Restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the coastal resource policies of the Coastal Act. Special Condition Number Five is necessary to ensure that any future additions or vegetation removal, which otherwise may be exempt from coastal permit requirements will be consistent with the Coastal Act.

a. 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 requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the construction of a two story 2,235 single family residence and attached two car 790 sq. ft. garage and attached via a breezeway to a two car 460 sq. ft. garage with a 415 sq. ft. studio above, pool, septic system, water well and tank, driveway, temporary mobile construction home, and a total of 3,084 cubic yards of grading. Further, use of the site for residential purposes introduces 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 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 impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

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

In order to ensure 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 Number Six, to incorporate filter elements that intercept and infiltrate or treat the runoff from the 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. 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. 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.

Lastly, the County of Los Angeles Environmental Review Board (ERB) did not review this development project as the project is not located within any ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and Degraded Sensitive Resource Area.

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. Therefore, the Commission finds that the project, as conditioned, is in conformance with the guidance provided in the LUP policies that pertain to locating development near designated ESHA's, while protecting streams and ESHA's from disturbance to the greatest extent possible. Therefore, project site

is not located within any of the three resource protection and management categories, therefore, development can proceed according to the base land use classification and in conformance with all policies and standards contained in the Los Angeles County Land Use Plan as guidance. The subject property is located within the Rural Land II land use designation. These land use designations provide for one dwelling unit for five acres. Since the subject lot is 2.3 acres in size and the applicant proposes one dwelling unit, the proposed project is non-conforming with the guidance provided by the Land Use Plan designation.

The Commission's standard of review for this project are the policies of the Coastal Act. Regarding Section 30250 of the Coastal Act, the proposed project is located in an area that is not considered a "developed area" and does not meet the second test of Section 30250. We move on to the third test. Therefore, the Commission finds that the project is located in an "other area with adequate public services" and meets the second test of Section 30250. The Commission finds that the biological productivity and quality of coastal waters and riparian habitat, ESHA will be protected as a result of the proposed project, as conditioned as required by Sections 30231 and 30240 of the Coastal Act. The Commission finds that the proposed project is also in conformance, as conditioned, with the guidance provided by the County Land Use Plan. Lastly, the Commission finds that the project will not have significant adverse effects, either individually or cumulatively, on coastal resources to meet the third test of Section 30250. Thus, the proposed project, as conditioned, will result in development that is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

C. Geologic and Fire Hazards

Section 30253 of the Coastal Act states:

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

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted three geologic or engineering reports titled: Engineering Geologic Report, dated September 24, 1997, by Geoplan, Inc., Engineering Geologic Memorandum, dated June 24, 1999 by Geoplan; Engineering Geologic Memorandum/Waste Disposal Update, dated July 12, 1999 by Geoplan; Geotechnical Engineering Investigation Report, dated March 24, 1999 by Coastline Geotechnical Consultants.

The subject site consists of varying amounts of roadway fill and natural soil deposits varying from one foot to 27 feet deep over a tan sandstone bedrock. The Engineering Geologic Report dated September 24, 1997 by Geoplan states that according to the reconnaissance-type geologic map prepared in 1971 by the U. S. Geologic Survey, the property is postulated to be within a large, ancient, inactive landslide. However, this interpretation has been refuted by the applicant's geologist on the basis of overwhelming subsurface exploration conducted on the subject site. The Engineering Geologic Memorandum dated May 17, 1999 states that:

The proposed dwelling will occupy a site that will not be affected by hazard of landslide, settlement or slippage. Implementation of the proposed development in conformance with plans and specifications that conform with Uniform Building Code requirements and the recommendations of the project consultants will not affect neighboring property adversely.

The recommendations in these geology and engineering reports address the following issues: grading, footings, drainage control, sewage disposal, foundations, lateral loads, retaining walls, temporary excavated slopes, drainage, and floor slabs-on-grade. Based on the findings and recommendations of the consulting geologist and engineer, 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 these consultants as conforming to their recommendations, as noted in Special Condition Number Seven for the final project design, grading, and drainage plans for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Las Flores Creek. The applicant has submitted a draft Landscape and Fuel Modification Plan for the proposed development prior to its revision to the current project description which deleted the former workshop. These plans incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans also illustrate that vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on-site erosion

control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species. Special Condition Number Two requires that this draft Fuel Modification Plan be revised to reflect the proposed revised project and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau as a Final Plan.

Regarding non-point source pollution, the Los Angeles County Land Use Plan Policy P96 specifies that degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands. Policy P82 specifies that grading be minimized to ensure the potential negative effects of runoff and erosion on these resources are minimized.

The proposed project will 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 in the ESHA designated Las Flores Creek. The applicant's geologic and engineering consultants have recommended that site drainage be collected and distributed in a non-erosive manner. Because of the slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. 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 Numbers Two and Six, to submit drainage / erosion control plans conforming to the recommendations of the consulting geologist and 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 Number Two.

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also 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 Wildfire Waiver of Liability special condition, 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 One.

The Commission finds that, only as conditioned, is the proposed project consistent with Section 30253 of the Coastal Act.

D. 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 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 LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the proposed development:

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

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. Where physically and economically feasible, development on sloped terrain should be set below road grade.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

minimize the alteration of natural landforms.

Be landscaped to conceal raw-cut slopes.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The applicant proposes to develop a residence on a 2.3 acre sloping lot near the Saddle Peak Road area (elevation 2562) at an elevation 1,850 feet above sea level (Exhibits 1 and 2). The project site includes a rough graded roadway to the proposed building site. The proposed building pad and driveway turnaround area is about 6,574 sq. ft. in size.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. Saddle Peak Road, north and east of the site is recognized as a "second priority scenic highway" with ocean vistas, deep valleys and canyons, and rugged mountains as the features of scenic vistas. However, this scenic highway designation is the result of the visibility of public views along the significant ridgeline designated in the Malibu Santa Monica Mountains Land Use Plan.

The project site is on the south facing slope below this ridgeline and well below Saddle Peak Road.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence and garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails will be impacted.

The siting, size and grading for the building pad, the common access road and driveway will be visible from portions of Las Flores Canyon and Tuna Canyon Roads. Swenson Drive and Little Las Flores Road are private roads. The applicant proposes to construct the residence at a maximum height of 33'9" feet above existing grade. There are also a few other large residences located in the immediate vicinity of the project site. The Commission approved the construction of a residence served by a private water well north of the subject site at the February 17, 2000 Commission meeting (Coastal Permit No. 4-99-132, Rauls) and a residence served by a water well at the April 12, 2000 Commission meeting (Coastal Permit No. 4-98-004, Bolanowski).

Regarding public trails and public lands, some of the project site will be visible from portions of land owned by the Santa Monica Mountains National Recreation Area located along Las Flores Canyon Road. The project site may also be visible from portions of the Tuna Canyon Trail which traverses north to south as close as about 500 feet of the project site. The project site maybe visible from portions of this trail to the east and southeast.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded and restored areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. The applicant has submitted a preliminary Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the Plan indicates that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway will be cleared and replaced with native plant species that are less flammable. As required by Special Condition Number Two, the disturbed and restored areas will be replanted with native plants. As required by Special Condition Number Two, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structure with trees and shrubs as viewed from public roads, trails, and lands located to the south and east.

Mastoras

In order to ensure that the structural appearance, i.e. color of the structures, roofs, and driveway and the potential glare of the glass windows, will not create adverse visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by Special Condition Number Eight. In addition, Special Condition Number Eight requires that night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. Septic System

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. 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, minimizing alteration of natural streams.

The applicant is proposing the installation of a new 1,500 gallon septic tank, and two seepage pits to accommodate the sewage of the proposed development. The applicant has submitted 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 County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, among other criteria. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

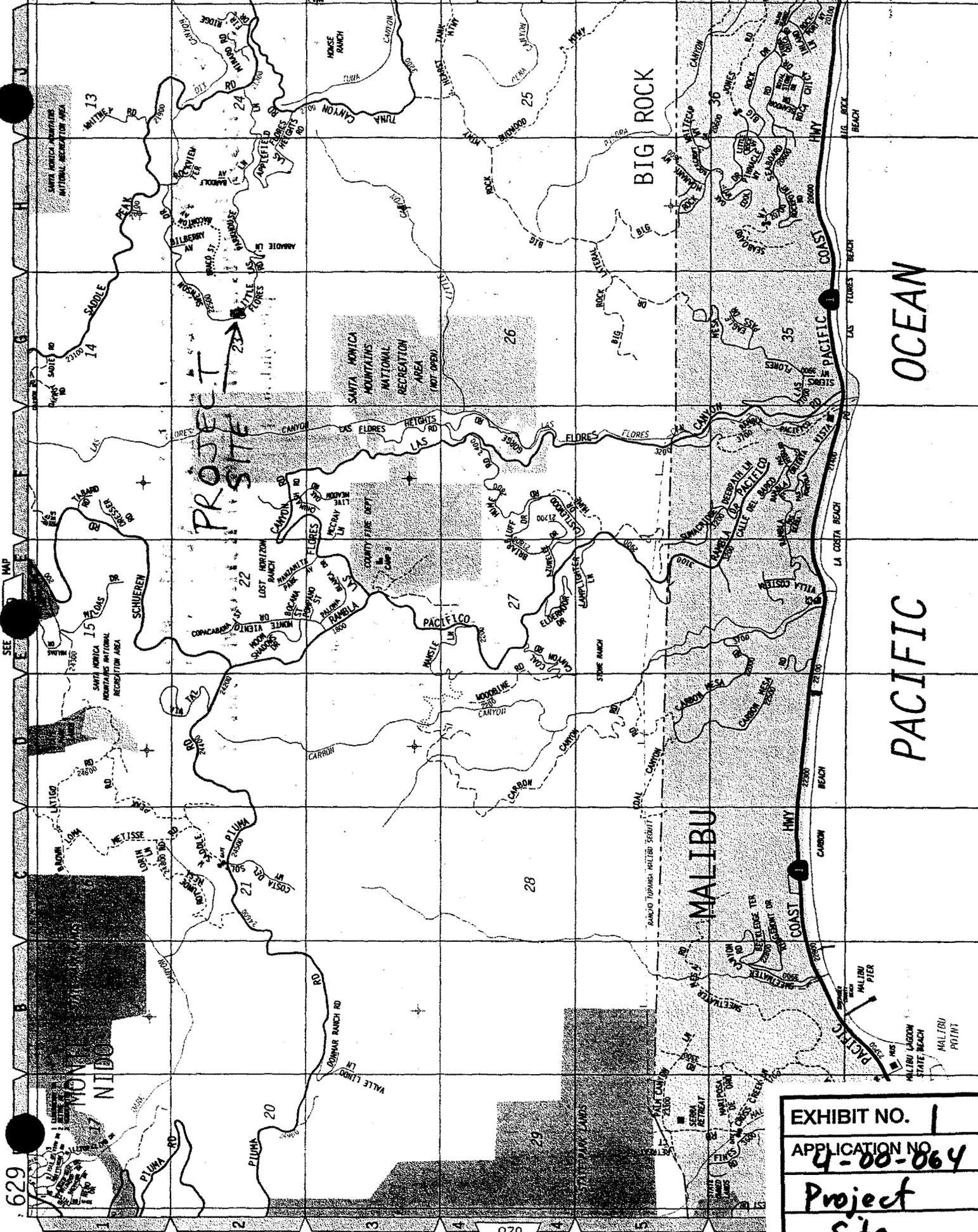
- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

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

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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.



629

SEE 628 MAP

EXHIBIT NO. 1
 APPLICATION NO. 4-00-064
 Project Site

RECEIVED

MAR 21 REC'D

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

MASTORAS RESII
22464 SWENSON DRIVE
MALIBU, CA. 90265

MR. & MRS. MA
22734 BURBANK BOULE
WOODLAND HILLS, CA.

BRENT T. SCHNE
ARCHITECT
2899 AGOURA ROAD, SU
WESTLAKE VILLAGE, CA.
805. 495. 1979

ELEVATION NOTES

1. ALL DIMENSIONS TO BE STATED FROM THE TOP OF FINISHED GRADE UNLESS OTHERWISE SPECIFIED.

2. ALL DIMENSIONS TO BE STATED FROM THE TOP OF FINISHED GRADE UNLESS OTHERWISE SPECIFIED.

3. ALL DIMENSIONS TO BE STATED FROM THE TOP OF FINISHED GRADE UNLESS OTHERWISE SPECIFIED.

4. ALL DIMENSIONS TO BE STATED FROM THE TOP OF FINISHED GRADE UNLESS OTHERWISE SPECIFIED.

5. ALL DIMENSIONS TO BE STATED FROM THE TOP OF FINISHED GRADE UNLESS OTHERWISE SPECIFIED.

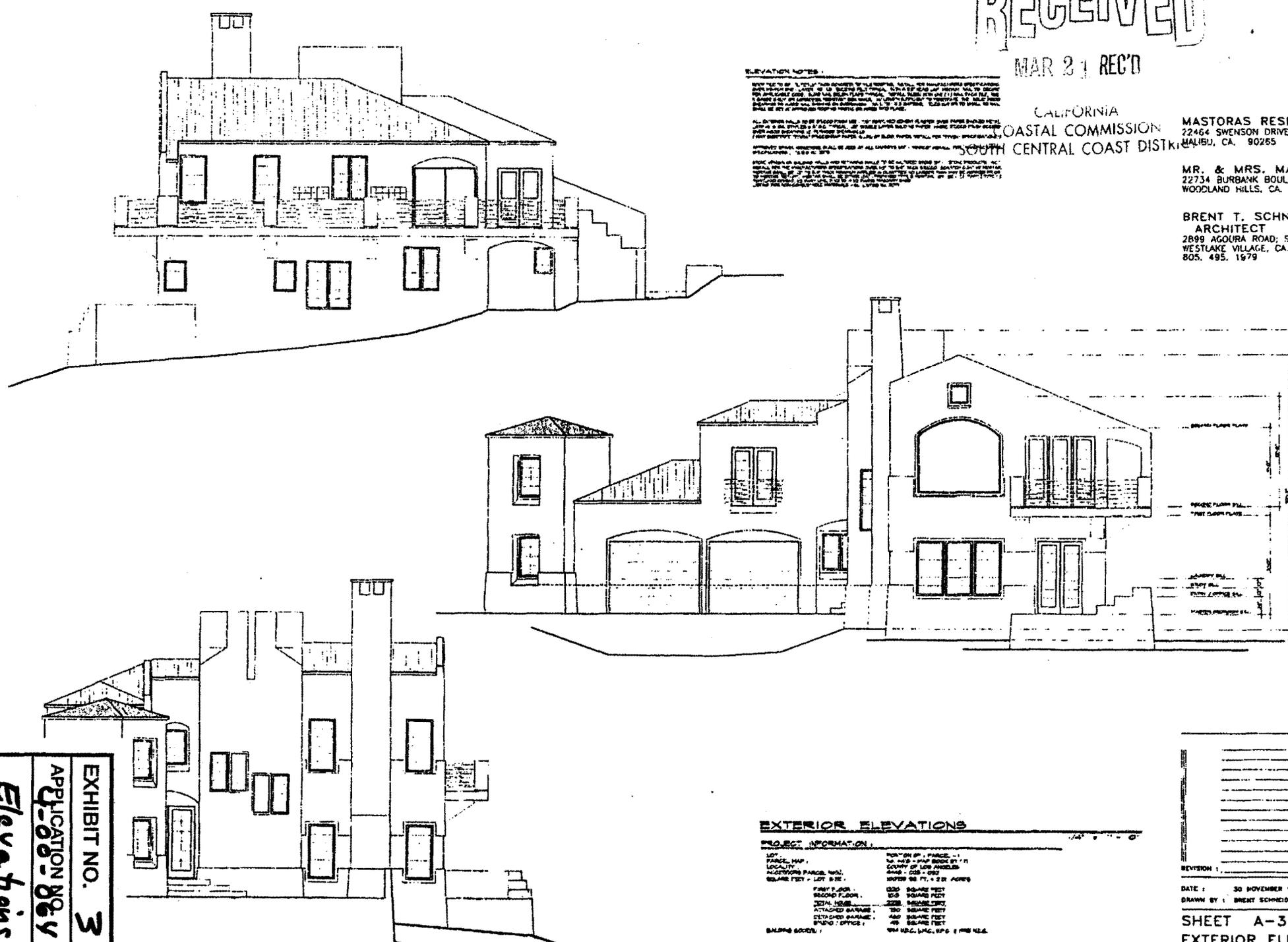


EXHIBIT NO. 3
APPLICATION NO. 88-14
Elevations

EXTERIOR ELEVATIONS

PROJECT INFORMATION

LOT #	PORTON OF - PARCELS - 1
PARCELS MAP	NO. 442 - MAP BOOK BY 11
LOCALITY	COUNTY OF LOS ANGELES
NEIGHBORHOOD PARCEL NO.	6448 - 028 - 093
SQUARE FEET - LOT SIZE	10709 SQ. FT. = 2.45 ACRES
FIRST FLOOR	630 SQUARE FEET
SECOND FLOOR	150 SQUARE FEET
TOTAL HOUSE	780 SQUARE FEET
ATTACHED GARAGE	730 SQUARE FEET
DETACHED GARAGE	460 SQUARE FEET
SHED / OFFICE	40 SQUARE FEET
BALCONY AREA	104 SQ. FT. (104 SQ. FT. PER U.S.A.)

REVISION 1	
DATE	30 NOVEMBER 1998
DRAWN BY	BRENT SCHNEIDER
SHEET A-3	
EXTERIOR ELEV.	

RECEIVED

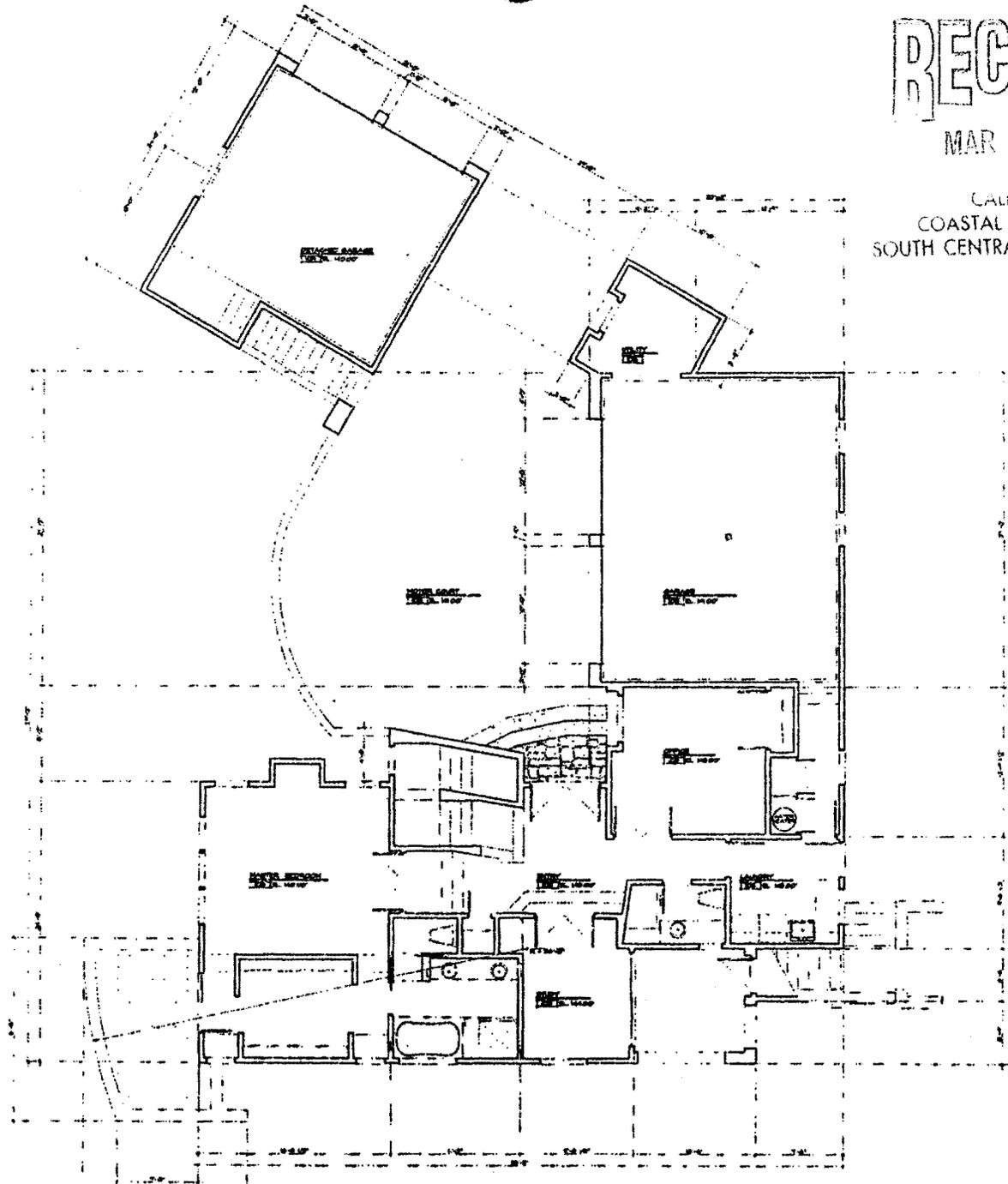
MAR 21 REC'D

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

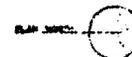
MASTORAS RESIDENCE
22464 SWENSON DRIVE
MALIBU, CA. 90265

MR. & MRS. MASTORAS
22734 BURBANK BOULEVARD
WOODLAND HILLS, CA. 91367

BRENT T. SCHNEIDER
ARCHITECT
2899 AGOURA ROAD, SUITE 534
WESTLAKE VILLAGE, CA. 91361
805. 495. 1979



FIRST FLOOR PLAN



REVISION

DATE: 30 NOVEMBER 1988
DRAWN BY: BRENT SCHNEIDER

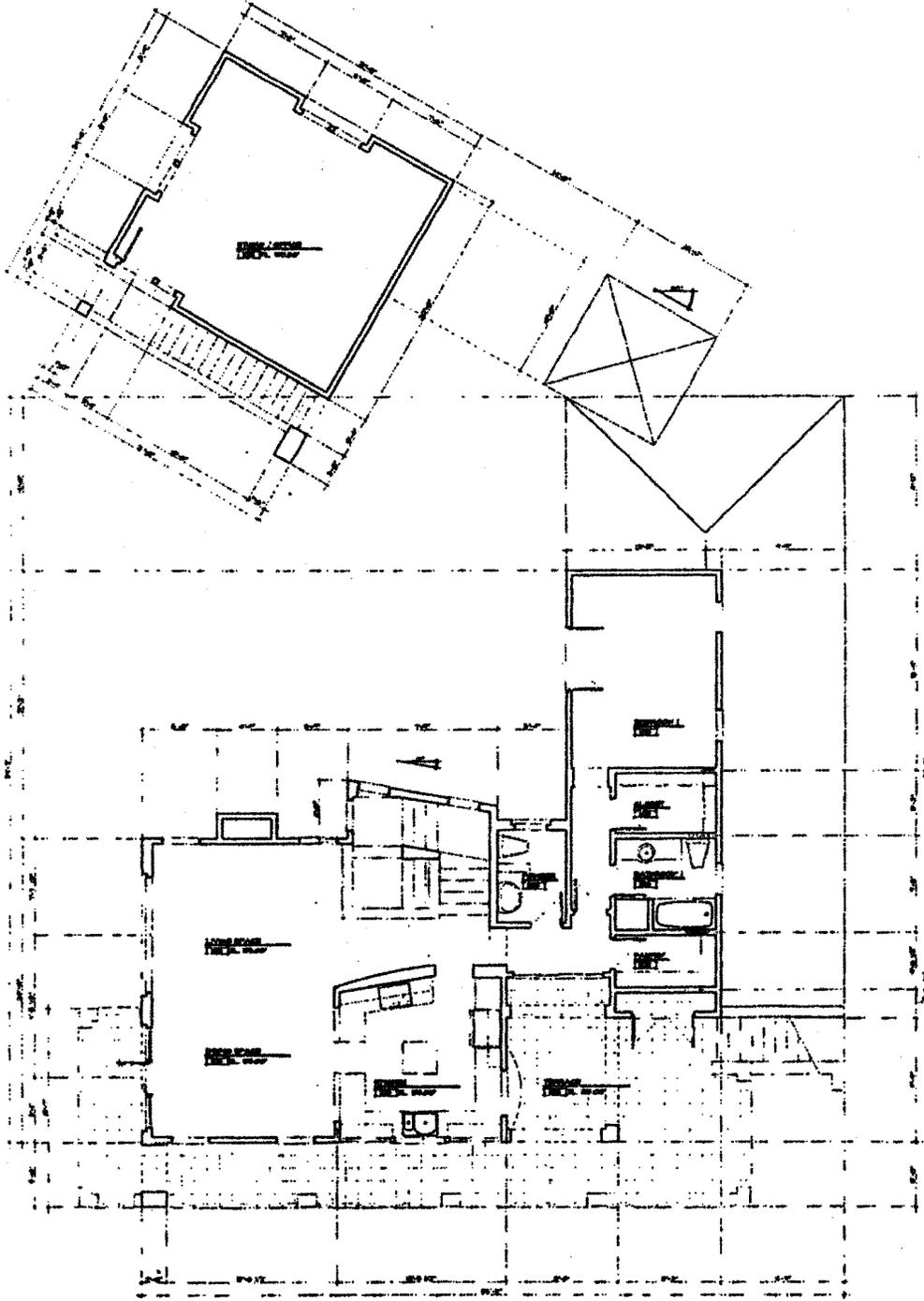
SHEET A-1
FLOOR PLAN

EXHIBIT NO. 5
APPLICATION BY
Mastoras
First Floor
Plan

MASTORAS RESIDENCE
22464 SWENSON DRIVE
MALIBU, CA. 90265

MR. & MRS. MASTORA
22734 BURBANK BOULEVARD
WOODLAND HILLS, CA. 91367

BRENT T. SCHNEIDER
ARCHITECT
2899 AGOURA ROAD, SUITE 534
WESTLAKE VILLAGE, CA. 91361
805. 495. 1979



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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

REVISION

DATE: 30 NOVEMBER 1998
DRAWN BY: BRENT SCHNEIDER

SHEET A-2
R PLAN

SECOND FLOOR PLAN

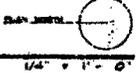


EXHIBIT NO. 6
APPLICATION NO. 9-88-054
Second Floor
Plan

RECEIVED

REC'D

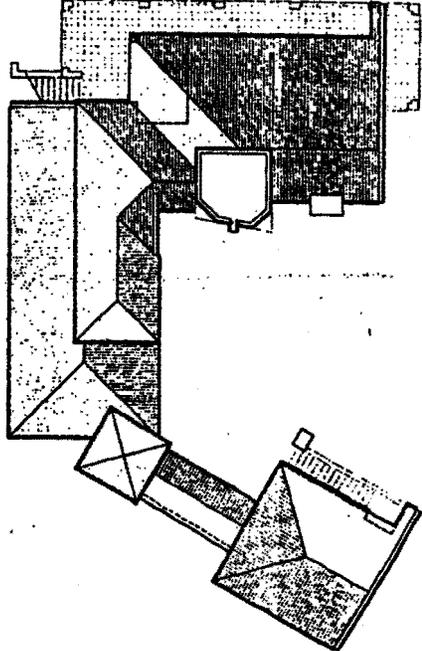
EXPLANATION NOTES:
1. THIS PLAN IS A PRELIMINARY FUEL MODIFICATION PLAN FOR THE PROPOSED FUEL SYSTEM. IT IS NOT TO BE CONSIDERED AS A FINAL DESIGN OR AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND ANY APPLICABLE SAFETY REGULATIONS. SEE THE LOCAL BUILDING DEPARTMENT FOR ANY APPLICABLE REGULATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND ANY APPLICABLE SAFETY REGULATIONS. SEE THE LOCAL BUILDING DEPARTMENT FOR ANY APPLICABLE REGULATIONS.
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CASUAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

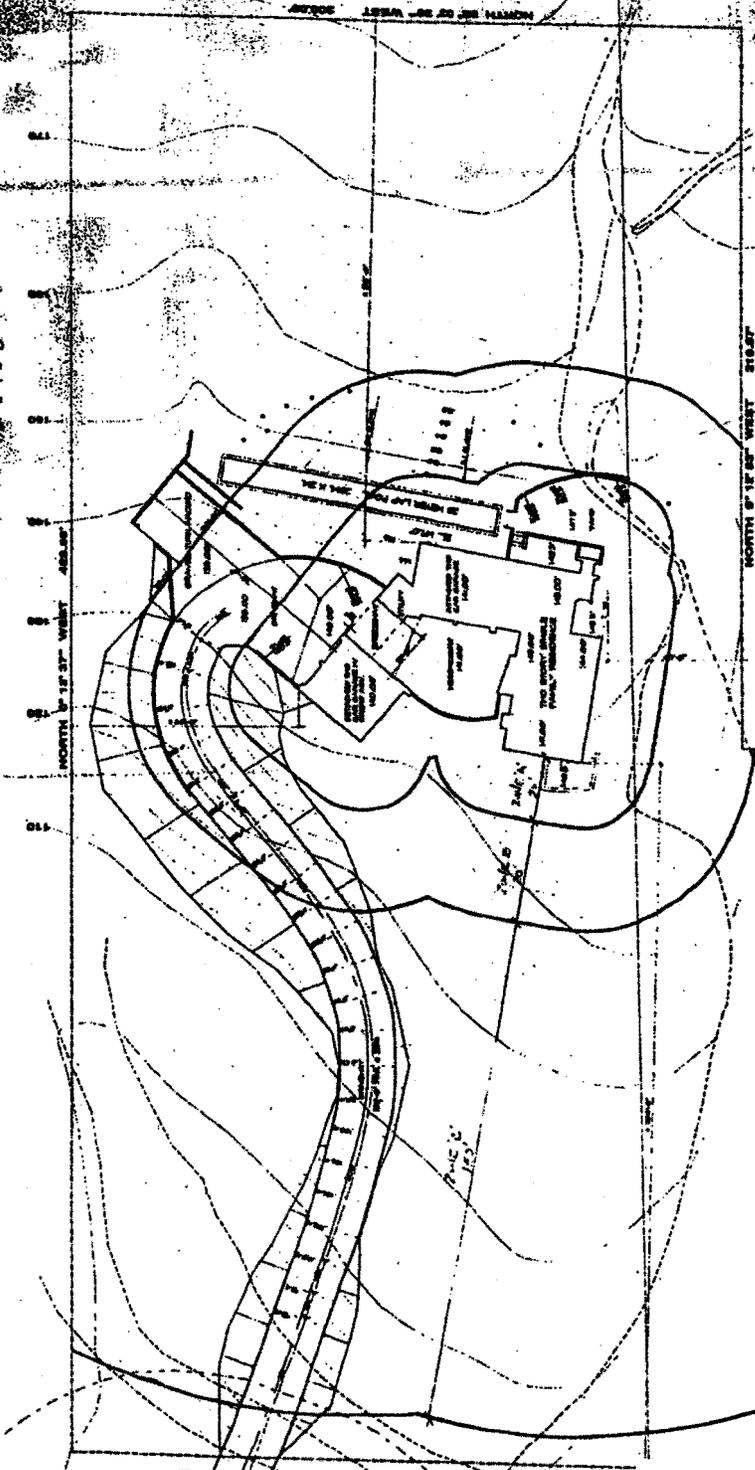
MR. & MRS. MAST
22734 BURBANK BOULEVARD
WOODLAND HILLS, CA. 91367

ARCHITECT
3880 W. ACQUA ROAD, SUITE
WEST HAVEN, CT 06611

APPROVED
DATE: 10/17/77
BY: [Signature]



ROOF PLAN



SITE PLAN

PROPERTY INFORMATION:
OWNER: [Name]
ADDRESS: [Address]
CITY: [City]
STATE: [State]
ZIP: [ZIP]
DATE: [Date]

SHEET 6-2
SITE PLAN

NOTES:

1. THIS PLAN IS A PRELIMINARY FUEL MODIFICATION PLAN FOR THE PROPOSED FUEL SYSTEM. IT IS NOT TO BE CONSIDERED AS A FINAL DESIGN OR AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND ANY APPLICABLE SAFETY REGULATIONS. SEE THE LOCAL BUILDING DEPARTMENT FOR ANY APPLICABLE REGULATIONS.
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Little Las Flores
DRIVE

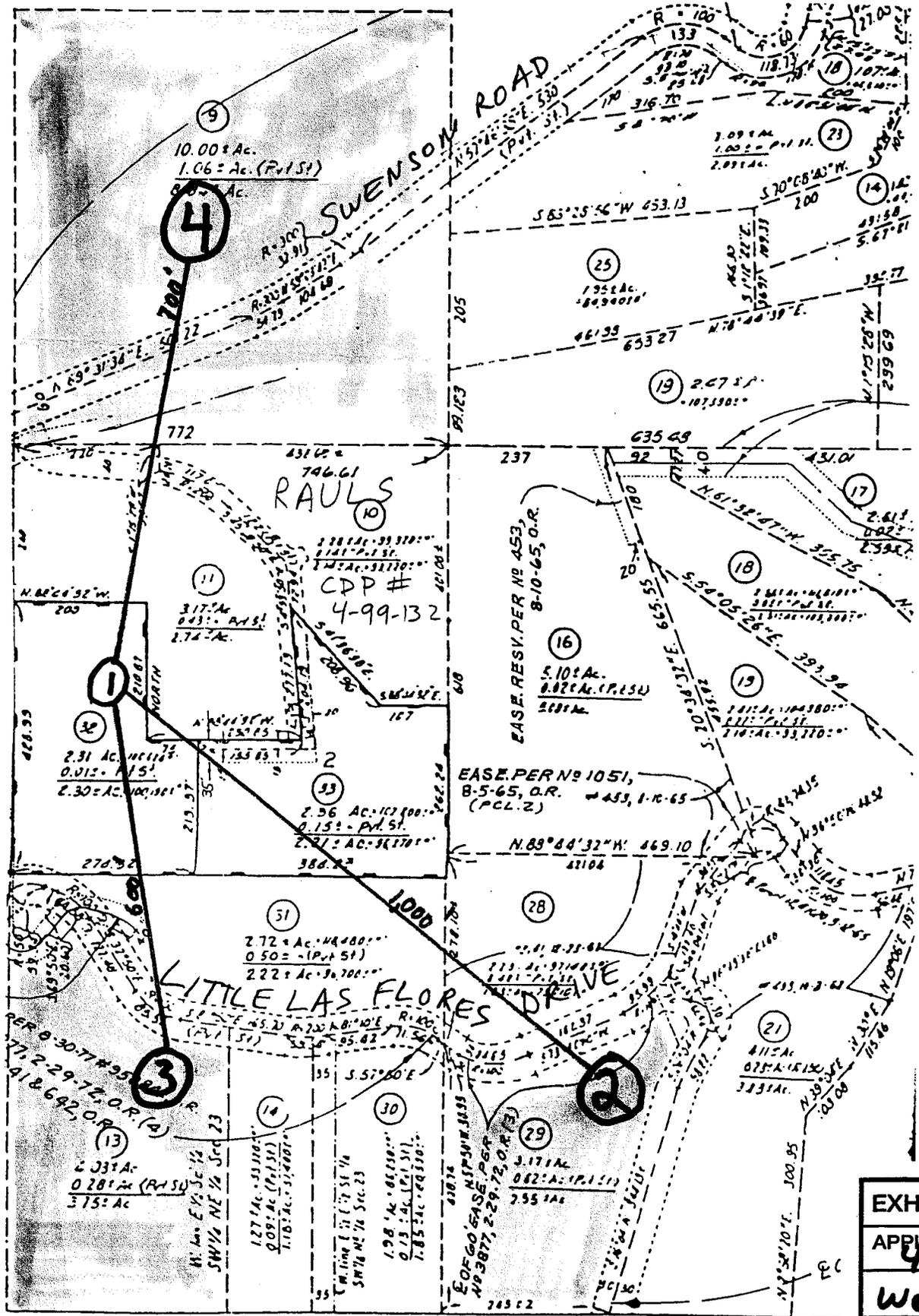
EXHIBIT NO. 8
APPLICATION NO. 4-00-064
Prelim. Fuel
Modif. Plan

NORTH 8° 00' 00" WEST 315.57'

NORTH 8° 12' 00" WEST 315.57'

NORTH 8° 12' 00" WEST 315.57'

WELL# ON MAP	NAME	ADDRESS	DISTANCE FROM	DEPTH	GPM
1	MASTORAS	2188 S. LITTLE LAS FLORES			
2	LANE	2225 E. LITTLE LAS FLORES	APPROX. 1000 FT	245 FT	50 GPM
3	CONNOLLY	2265 E. LITTLE LAS FLORES	APPROX 600 FT	320 FT	60 GPM
4	BOLANOWSKI	22331 SWENSON DRIVE	APPROX 700 FT	525 FT	35 GPM



WELL LOCATION MAP

EXHIBIT NO.	9
APPLICATION NO.	4-00-064
Well Location Map	

