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STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-004

APPLICANTS: Robert A. and Carole B. Daly

PROJECT LOCATION: 715 Crater Camp Drive, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Widen the existing 900 foot long driveway servicing an existing single family residence from 15 to 20 feet in width, construct three retaining walls, pedestrian foot bridge, garbage service area, upper entry gate, driveway entry gate located 60 feet inward from the private street, and perform 2,060 cubic yards of grading (280 cubic yards of cut, 280 cubic yards of fill, and 1,500 cubic yards of removal and recompaction).

Lot Area:	17.41 acres
Building Coverage:	8,164 square feet
Paved Area:	25,073 square feet

LOCAL APPROVALS RECEIVED: County of Los Angeles, Department of Public Works, Geologic Review, Approval in Concept, February 28, 2000; County of Los Angeles, Department of Public Works, Soils Engineering Review, Approval in Concept, March 1, 2000; County of Los Angeles, Fire Department, Forestry Division, Recommendation of Approval with Conditions, June 2, 2000; County of Los Angeles, Department of Regional Planning, Approval of Oak Tree Permit, June 5, 2000; and County of Los Angeles, Fire Department, Approval in Concept, June 6, 2000.

SUBSTANTIVE FILE DOCUMENTS: "Geotechnical Recommendations, Proposed Driveway Re-Alignment, Foot Bridge, Utility Enclosure, Trash Enclosure, Entry Gate, and Driveway Widening," Grover Hollingsworth and Associates, Inc., December 22, 1999; "Geologic Review Sheet," County of Los Angeles, Department of Public Works, January 5, 2000; "Oak Tree Report for the Property," Ashley Consulting Arborists, January 14, 2000; "Response to County of Los Angeles Review Letters, Proposed Driveway Re-Alignment, Foot Bridge, Utility Enclosure, Trash Enclosure, Entry Gate, and Driveway Widening," Grover Hollingsworth and Associates, Inc., January 13, 2000; "Statement of Professional Opinion, Proposed Driveway Realignment, Foot Bridge, Utility Enclosure, Trash Enclosure, Entry Gate, and Driveway Widening," Grover

Hollingsworth and Associates, Inc., January 28, 2000; "Driveway Grading Operations Memorandum," Grover Hollingsworth and Associates, Inc., January 28, 2000; "Geologic Review Sheet," County of Los Angeles, Department of Public Works, February 28, 2000; "Soils Engineering Review Sheet," County of Los Angeles, Department of Public Works, March 1, 2000; "Oak Tree Permit Application," Rios Associates, Inc., and Robert Hansen, Certified Arborist, May 15, 2000; "Oak Tree Permit 00-013, Daly Estate Driveway," Los Angeles County, Fire Department, Forestry Division, June 2, 2000; "Oak Tree Permit Case No. 00-013-(3)," County of Los Angeles, Department of Regional Planning, June 5, 2000; Coastal Development Permits 5-90-625 (Ezralow), 4-98-212 (Enkeboll), and 4-97-123 (Soka University); Coastal Development Permit Exemption 4-99-125-X (Daly); "Oak Trees: Care and Maintenance," County of Los Angeles, Department of Forestry; and the certified Malibu Santa Monica Mountains Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project with seven (7) special conditions regarding geotechnical engineering recommendations, landscape and erosion control, removal of natural vegetation, wildfire waiver, drainage and polluted runoff, oak tree monitoring, and revised driveway plans.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-004 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that

would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Plans Conforming to Geotechnical Engineers' Recommendations

All recommendations contained in the reports prepared by Grover Hollingsworth and Associates, Inc., including those dated January 13, 2000 and January 28, 2000 shall be incorporated into all final design and construction, including recommendations concerning grading and drainage, and must be reviewed and approved by the consultant prior to commencement of development. Prior to issuance of the coastal development permit, the applicants shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

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

Prior to issuance of a coastal development permit, the applicants shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or 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 geotechnical engineer to ensure that the plans are in conformance with the consultant's 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 thirty (30) days of completion of the proposed development. To minimize the need for irrigation and to screen and soften the visual impact of development, all landscaping shall consist 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, and shall be compatible with the surrounding environment and oak tree habitat. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site.

   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, compatible with the surrounding environment and oak tree habitat using accepted planting procedures, and consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed and graded soils;

2) 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;

3) 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.

4) The Permittee shall submit an approved long-term fuel modification plan for the proposed development pursuant to this special condition that provides for the most minimal disturbance feasible of the on site oak trees. The fuel modification plan shall include details regarding the types, sizes, and location of plant or tree materials to be removed, and how often thinning is to occur. In addition, the

applicants shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Plantings shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains, and be compatible with the surrounding environment and oak tree habitat.

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 applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall 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 throughout 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 of the coastal zone or within the coastal zone to a site 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 thirty (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.

4) In addition to other fencing/flagging requirements, as set forth in subparagraph 1) above, the plan shall require the placement of temporary protective fencing around the outermost limits of the driplines of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities.. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas or within the protected zones of any on site oak trees.

C. Monitoring

Five (5) years from the date of completion of the proposed development, the applicants 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 applicants, 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 qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification for the development approved pursuant to this permit shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit.

4. Wildfire Waiver of Liability

Prior to the issuance of a coastal development permit, the applicants 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, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

5. Drainage and Polluted Runoff Control Plan

Prior to the issuance of the Coastal Development Permit, the applicants 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 development approved pursuant to this permit. The plan shall be reviewed and approved by the consulting geotechnical engineer to ensure the plan is in conformance with the geotechnical engineer's 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 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 in excess of this standard from the building site in 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 applicants/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 applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

6. Oak Tree Monitoring

The applicants shall retain the services of an independent biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during construction of the driveway and during all grading and construction activity. Protective fencing shall be used around the outermost limits of the driplines of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by Coastal Development Permit 4-00-004. This monitor shall have the authority to require the applicants to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

The applicants shall also implement all oak tree preservation measures enumerated in the "Oak Tree Report," prepared by Ashley Consulting Arborists, dated January 14, 2000, and the "Oak Tree Permit Application," prepared by Rios Associates, Inc. and Robert Hansen, Certified Arborist, dated May 15, 2000. The applicants shall retain a qualified oak tree consultant to monitor the following oak trees (as identified by the "Oak Tree Report," prepared by Ashley Consulting Arborists, dated January 14, 2000, and

the "Oak Tree Permit Application," prepared by Rios Associates, Inc. and Robert Hansen, Certified Arborist, dated May 15, 2000, for a period of ten (10) years minimum: 1, 2 5,7, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 121, 122, and 123, in addition to any other oak trees which have trunks located within 100 feet of the outer edge of the proposed driveway.

An annual monitoring report shall be submitted for the review and approval of the Executive Director for each of the ten years. Should any of these trees be lost or suffer worsened health or vigor, the applicants shall plant replacement trees on the site at a rate of 10:1. If replacement plantings are required, the applicants shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

7. **Revised Project Plans**

The applicants shall use a permeable or semi-permeable paving material for the proposed driveway in any area adjacent to any oak trees, with the exception of the 75 foot segment of the driveway which is not being modified through this permit. Prior to issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, revised project plans incorporating this condition.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicants propose to widen the existing 900 foot long driveway servicing the single family residence from 15 to 20 feet in width, construct three retaining walls, pedestrian foot bridge, garbage service area, upper entry gate, driveway entry gate 60 feet inward from the private street, and perform 2,060 cubic yards of grading (280 cubic yards of cut, 280 cubic yards of fill, and 1,500 cubic yards of removal and recompaction). The subject site is located at 715 Crater Camp Drive, approximately one quarter of a mile north of Piuma Road, one half of a mile east of Las Virgenes Road, and adjacent to Tapia County Park, in the Calabasas area of Los Angeles County. Aside from the entry gate and portions of the driveway, the proposed development is not visible from Crater Camp Drive.

The subject property, located at 715 Crater Camp Drive, consists of a 17.41 acre parcel. The garbage service area and related improvements, however, are proposed on the adjacent parcel, located at 679 Crater Camp Drive, also owned by the applicants. The adjacent parcel also maintains an existing single family residence. As for the subject site located at 715 Crater Camp Drive, an exemption determination was issued for the partial demolition, remodel, and construction of an addition for the single family residence and a new swimming pool in November of 1999. These construction activities are currently pending on the property, however, until the present coastal development permit is approved for the widening of the access driveway pursuant to the County of Los Angeles, Fire Department requirements.

Furthermore, Commission staff became aware that there is a substantial amount of development that has occurred on the subject site without the benefit of a coastal development permit, including a mobile home with separate septic system, storage sheds, seven horse corrals, outside stables attached to the permitted barn, retaining walls, numerous graded roads and paths, several graded pad areas, extensive irrigated lawn, and putting green. In addition, much of this unpermitted development is located within an oak resource and environmentally sensitive habitat area. In addition, in 1990, the Commission approved Coastal Development Permits 5-90-625 (Ezralow), which resolved an earlier violation of the Coastal Act on the subject site, which consisted of two horse corrals. That coastal development permit approved the retention of one horse corral and the removal of the other. It appears that the other unpermitted development may have occurred on the site sometime after 1990, but prior to the purchase of the property by the current applicants. Although the applicants have stated in conversations with Commission staff that they intend to apply for a separate coastal development permit to retain some of the above-referenced violations and remove and restore other portions, no application has been received at this time.

In addition, according to the "Oak Tree Report," prepared by Ashley Consulting Arborists, dated January 14, 2000, the subject site maintains approximately 134 California Live Oak Trees of the species quercus agrifolia with trunk diameters of more than eight inches within the zone of construction for the single family residence and driveway alone. Many of the on site oak trees have trunk diameters of over three or four feet in diameter. A substantial portion of the subject site is located within an environmentally sensitive habitat area (ESHA) and was specifically designated by the certified Malibu Santa Monica Mountains Land Use Plan (LUP) as "inland ESHA." The oak tree habitat has traditionally thrived on the subject property, in part, due to the unique "bottomless soil" feature of the site. Although not within a significant watershed area, as designated by the certified LUP, the subject site is located approximately 200 feet to the northeast of a significant watershed area. Additionally, the project site is also located approximately 100 feet west of the Cold Creek Management Area.

The driveway portion of the proposed development includes the widening and realignment of the driveway that extends from Crater Camp Drive to the area of the single family residence, currently undergoing construction. In addition to the physical

widening of the driveway, the proposed construction also includes the removal of the existing driveway concrete surface and replacement with a new paving surface. This physical widening of the driveway is being required by the Fire Department of the County of Los Angeles pursuant to the remodel of the residence. Approximately 240 feet of the driveway passes within the driplines of numerous oak trees on the site within the oak tree resources and environmentally sensitive habitat area. In order to reduce the impacts to some of the oak trees located adjacent to the driveway, however, the fire department has allowed the applicants to maintain a 75 foot portion of the driveway at its existing 17 foot width. Due to concerns regarding access for fire department trucks and equipment, however, other portions of the driveway are not eligible for this "exemption" from the 20 foot width requirement. As a result, there will be encroachment within the driplines of numerous mature oak trees on the subject site in order to perform the driveway construction and widening.

Furthermore, to the south of the crest of the driveway, approximately 500 feet from the entrance, the applicant is proposing to place an electrical transformer and construct a foot bridge, entry gate, and two retaining walls in order to allow for widening of this segment of the driveway. The retaining wall on the south side of the driveway will be approximately 100 feet in length and vary in height from three to five feet, before increasing to 10 feet in height adjacent to the electrical transformer for the entry gate. On the north side of the driveway, the second proposed retaining wall will be approximately 120 feet in length and will vary in height from two to five feet. Although there is an existing gate at the crest of the driveway supported by two piers, the applicant is proposing to replace this gate with a pivotal wood gate. A pedestrian foot bridge is also proposed in this location and will be situated above the pivoting wood gate, connecting the two existing hills located to the north and south of the driveway. The foot bridge will be five feet wide and 60 feet long, maintaining the 16 foot six inch vertical clearance required by the fire department. The foot bridge will be constructed with a steel tube structural frame supported by the stone piers of the existing gate and will be clad in heavy timber with a wood plank walking surface with spaced wood horizontal guard rails.

A 600 square foot trash service area is also proposed 200 feet from the driveway entrance and 30 feet south of the main driveway on the adjacent parcel owned by the applicants. Although there is currently a 107 foot long, 12 foot wide dirt road leading to the service area, the applicant is proposing to improve, widen, and pave this road to 128 feet in length and 16 feet in width. To reduce the amount of grading required for this portion of the project, a retaining wall approximately 90 feet in length and two to four feet in height is proposed. The trash dumpsters to be stored in the service area will be screened by a 57 foot long and six foot high wall enclosure composed of a neutral color with a sliding wood gate.

Furthermore, an entry gate is also proposed approximately 60 feet inward from the driveway entrance at 715 Crater Camp Drive. The proposed gate will be 20 feet wide, eight feet high, and situated between two stone clad walls. The stone wall north of the

driveway is 15 feet long and eight feet high, while the stone wall south of the driveway is 25 feet long and eight feet high. This proposed entry gate is an electronically operated sliding gate fabricated with a steel tube structural frame clad in heavy timber.

B. Hazards and Geologic Stability

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

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

> ***(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
>
> ***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The applicants have submitted a geotechnical engineering report entitled, "Response to County of Los Angeles Review Letters, Proposed Driveway Re-Alignment, Foot Bridge, Utility Enclosure, Trash Enclosure, Entry Gate, and Driveway Widening," prepared by Grover Hollingsworth and Associates, Inc., dated January 13, 2000, which states:

> ***The subject property is considered a suitable site for the proposed development discussed above from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed improvements will be safe against hazards from landslide, settlement or slippage, and that the proposed grading and improvements will not have an averse affect on the geologic stability of the property outside the building site, provided our recommendations are followed during construction.***

In addition, the report entitled, "Statement of Professional Opinion," prepared by Grover Hollingsworth and Associates, Inc., dated January 28, 2000, reiterates the above conclusion.

The reports prepared by Grover Hollingsworth and Associates, Inc., including those dated January 13, 2000 and January 28, 2000, evaluate the geologic stability of the proposed development and incorporate numerous recommendations regarding construction and drainage from previous referenced reports and states:

> ***It is the finding of this firm that the proposed building and or 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 building code, provided our recommendations are followed.

Therefore, the Commission finds that based on the recommendations of the applicants' geotechnical consultant, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geotechnical consultant's recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicants to submit project plans that have been certified in writing by the geotechnical consultant, in accordance with **Special Condition One (1)**.

In addition, **Special Condition Two (2)** requires the implementation of landscaping and erosion control measures designed to reduce or eliminate potential erosion that might otherwise occur pursuant to the proposed development. As such, landscaping of the disturbed and graded areas on the subject property, as required by **Special Condition Two (2)**, will serve to enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will also minimize erosion and enhance site stability. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to revegetate all disturbed and graded areas of the site with native plants, compatible with the surrounding environment.

The landscape plan required pursuant to **Special Condition Two (2)** requires the use of exclusively native plant species. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area, as is further discussed in Section C, below. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development.

Therefore, the Commission finds that in order to ensure site stability, the disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Two (2)**.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Three (3)**. Through the elimination of premature natural vegetation clearance, erosion is reduced on the site and disturbance of the soils is decreased. Therefore, **Special Condition Three (3)** specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced.

Wildfire Waiver

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wildfire. The typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney, in *Barbour, Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wildfires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of native vegetation to pose a risk of wildfire 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 wildfire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through **Special Condition Four (4)**, the wildfire waiver of liability, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Four (4)**, the applicants also agree to indemnify the Commission, its officers, agents, and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that only as conditioned to incorporate the landscape and erosion control plans, all recommendations by the applicants' consulting geotechnical engineer, and the wildfire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

C. Environmentally Sensitive Habitat Areas

Section 30230 of the Coastal Act states:

> ***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 of the Coastal Acts states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Sections 30230 and 30231 require that the biological productivity and quality of coastal waters and the marine environment be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, and maintaining natural buffer areas.

In addition, the Coastal Act defines environmentally sensitive habitat areas (ESHAs) as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. Section 30240 of the Coastal Act permits development in areas that have been designated as ESHA only when the location of the proposed development is dependent upon those habitat resources and when such development is protected against significant reduction in value. As previously mentioned, the certified Malibu Santa Monica Mountains LUP has designated a portion of the subject site as an inland ESHA due to the significant oak tree resources on the property.

To assist in the determination of whether a project is consistent with Section 30230, 30231, and 30240 of the Coastal Act, the Commission has relied in past permit decisions on the certified Malibu Santa Monica Mountains Land Use Plan (LUP), which contains numerous policies designated to protect sensitive habitat areas from the individual and cumulative impacts of development. The certified LUP has been found

to be consistent with the Coastal Act and provides specific standards for development in Malibu and the Santa Monica Mountains.

In concert with Sections 30230, 30231, and 30240 of the Coastal Act, the certified LUP offers numerous policies as guidance. Policy 63 states that uses shall be permitted in ESHAs in accordance with Table 1 of the LUP, which finds that only resource dependent uses shall be permitted within an ESHA, although residential uses which are set back a minimum of 100 feet and which are consistent with appropriate erosion control standards shall be allowed. In addition, Table 1 states that land alteration and vegetation removal, including brushing, is prohibited in any area designated as ESHA and that structures shall be located in proximity to existing roadways, services, and other development to minimize the habitat impacts. Policy 68 also states that ESHAs shall be protected against significant disruption of habitat values, only uses dependent on such resources shall be allowed within such areas, and that residential use shall not be considered a resource dependent use. In addition, Policy 69 states that development in areas adjacent to ESHAs 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. Policy 82 provides further that grading is to be minimized to reduce potential negative effects of runoff and erosion. Furthermore, Policy 84 finds that within ESHAs, native plant species shall be used, consistent with fire safety requirements. Policy 85 requires that earth moving operations in areas of high potential erosion hazard (including areas with a slope exceeding 2:1) shall be prohibited between November 1 and March 31, unless a delay in grading until after the rainy season is determined to be more environmentally damaging. In addition, Policy 85 also states that where grading begins before the rainy season, but extends into the rainy season for reasons beyond the applicant's control, measures to control erosion must be implemented at the end of each day's work. Policy 86 provides that a drainage control system shall be incorporated into site design to minimize the effects of runoff and erosion and Policy 87 requires abatement of any grading or drainage condition on the property which gives rise to existing erosion problems. Further, Policy 88 states that in ESHAs, the site design shall also minimize grading activities and reduce vegetation removal. Policy 88 states that grading for access roads shall be minimized and all sidecast material shall be recompacted to engineered standards, reseeded, and mulched and/or burlaped. Furthermore, Policy 89 states that in ESHAs and other areas of high potential erosion hazard, approval of the final site development plans is required, including drainage and erosion control plans, prior to authorization of any grading activities. Additionally, Policy 91 requires a minimization of impacts and alterations of physical features, such as ravines and hillsides, and natural processes of the site to the maximum extent possible. Policy 92 requires the that smallest practical area of land should be exposed at any one time during construction and the length of exposure should be kept to the shortest practicable amount of time for grading operations on hillsides. Policy 93 also requires the use of particular erosion and runoff control methods to be implemented if grading is permitted during the rainy season. Policy 94 requires cut and fill slopes to be stabilized with planting at the completion of final grading and planting to be of native plant species using accepted planting

procedures to provide 90 percent coverage of disturbed soils within 90 days in ESHAs. Finally, Policy 95 also provides that when construction extends into the rainy season, stabilization methods should be utilized to protect soils from erosion.

As stated previously, a substantial portion of the subject site is located within an oak tree resource and environmentally sensitive habitat area (ESHA). In fact, a portion of the subject site was specifically designated by the certified Malibu Santa Monica Mountains Land Use Plan (LUP) as "inland ESHA." In addition, according to the "Oak Tree Report," prepared by Ashley Consulting Arborists, dated January 14, 2000, within the zone of construction of the residence and driveway improvements alone, the subject site maintains approximately 134 California Live Oak Trees of the species quercus agrifolia with trunk diameters of more than eight inches. Although not within a designated significant watershed area, the subject site is located approximately 200 feet to the northeast of an area designated by the certified LUP as a significant watershed area. Additionally, the project site is also located 100 feet west of the Cold Creek Management Area. The subject site is a sensitive oak tree resource area with substantial biological value due to the extensive mature oak woodland habitat the property supports.

As stated previously, the applicants are proposing to widen the existing 900 foot long driveway servicing the single family residence from 15 to 20 feet in width, construct three retaining walls, pedestrian foot bridge, garbage service area, upper entry gate, driveway entry gate located 60 feet inward from the private street, and perform 2,060 cubic yards of grading (280 cubic yards of cut, 280 cubic yards of fill, and 1,500 cubic yards of removal and recompaction).

The driveway portion of the proposed development includes the widening and realignment of the driveway that extends from Crater Camp Drive to the area of the single family residence, currently undergoing partial demolition and remodeling. In addition to the physical widening of the driveway, the proposed construction includes the removal of the existing concrete surface and replacement with a new paving surface. The physical widening of the driveway is being required by the Fire Department of the County of Los Angeles pursuant to the remodel of the residence. Approximately 240 feet of the driveway passes within the driplines of numerous oak trees on the site. In order to reduce the impacts to some of the oak trees located adjacent to the driveway, the fire department has allowed the applicants to maintain a 75 foot portion of the driveway at its existing 17 foot width. Due to concerns regarding access, however, other portions of the driveway are not eligible for this "exemption" from the 20 foot width requirement of the fire department, however. As a result, there will be encroachment within the driplines of numerous mature oak trees within the oak tree resource and environmentally sensitive habitat area, in order to perform the driveway construction and widening. Since the single family residence is surrounded by a oak trees, there are not any feasible alternative locations in which the access driveway required by the fire department could be situated without causing similar adverse affects to the oak trees on site. The proposed driveway is sited in the location

of the currently existing driveway, which would require a lesser amount of grading and landform alteration than a new alternative route.

In the "Oak Tree Application," by Rios Associates, Inc. and Robert Hansen, Certified Arborist, dated May 15, 2000, prepared for the County of Los Angeles, the applicants set forth some guidelines that will be utilized during construction of the driveway to minimize impacts to the oak trees adjacent to the development. In that application, they stated that when possible, the increase in width will be added to the edge of the driveway that is outside of the protected zones of the existing oak trees. However, for approximately the last 160 feet of the driveway prior to the motor court and fire department turn around, the driveway must be widened along its eastern edge. Due to the overlapping oak tree canopies in this area, the widening of the driveway will extend into the protected zones of numerous oak trees, including those identified as oak trees numbered 52, 53, 55, 56, 64, 66, 74, and 75 in the "Oak Tree Report," prepared by Ashley Consulting Arborists, dated January 14, 2000. Furthermore, the "Oak Tree Application," prepared by Rios Associates, Inc. and Robert Hansen, Certified Arborist, dated May 15, 2000, specifically states:

> ***At the base of the driveway and adjacent to tree no. 72 the new driveway location will extend 12 inches beyond the edge of the existing driveway but will remain 6 feet to 7 feet from the trunk of this tree. The other tree trunks along this segment of the drive will range between 11 feet and 13 feet from the edge of the new driveway.***
>
> ***In one location, the existing paving adjacent to tree no. 74 is approximately 3 feet in distance from the trunk. The concrete paving in this area will be removed and replaced in order to provide a transition between the existing 17 foot width drive and the new 20' wide drive.***
>
> ***The driveway construction consists of removal of the existing concrete surface and pouring a new concrete slab. Any excavation of soil beyond the limit of previous existing construction shall be performed using hand tools and under the direct supervision of a certified arborist. The protected zone of all trees adjacent to construction along the drive shall be protected with 4' high chain link fence. No vehicular traffic or the storage of construction materials shall occur within the protected zone.***

Due to the encroachment into the protected zones of the oak trees on the site, the applicants obtained an oak tree permit from the Regional Planning Department of the County of Los Angeles for the proposed development.

Although the project will adversely affect the oak trees adjacent to the driveway, the general location of the driveway is not changing and the existing driveway currently passes through the driplines of numerous mature oak trees. In addition, the substantial amount of removal and recompaction proposed (1,500 cubic yards) is being required by the soils engineer for the driveway to adequately support fire department truck loading. Furthermore, the removal and recompaction of alluvium two feet in depth in the portion of the driveway that passes beneath the canopies of the oak trees will be performed

with hand tools to minimize adverse impacts to the oak trees. Moreover, aside from the removal and recompaction proposed, only 560 cubic yards of grading (280 cubic yards of cut and 280 cubic yards of fill) will be required for the project as a whole, including the retaining walls, trash enclosure, foot bridge, and entry gate construction.

Due to the location of the proposed driveway construction activities, however, the proposed project has the potential to negatively impact the surrounding oak tree resources and environmentally sensitive habitat area. The article entitled, "Oak Trees: Care and Maintenance," prepared by the Forestry Department of the County of Los Angeles, states:

> ***Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.***

This publication goes on to state:

> ***Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. . . . Construction activities outside the protected zone can have damaging impacts on existing trees. . . . Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed. . . . Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced. The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees. If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips . . .***

This publication also notes specific considerations for landscaping and watering underneath and near oak trees, and states:

> ***Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem. . . .Overwatering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.***
>
> ***There should be no planting within a minimum 6 to 10 feet of the trunk. Avoid plants that require any supplemental water once established. Chose plants suited for "dry shade."***

The Commission notes that the proposed development includes the removal and recompaction of soil and paving within the surrounding oak tree resources and

environmentally sensitive habitat area. The Commission further notes that the proposed construction activities can have detrimental impacts on those oak trees whose driplines are located both within and outside of the area to be disturbed by the project. In addition, the Commission finds it can frequently take many years before damage to oak trees becomes apparent.

In order to minimize negative impacts on the surrounding oak tree resources and environmentally sensitive habitat area pursuant to the proposed development, **Special Condition Six (6)** requires the applicants to retain the services of an independent biological consultant or arborist with appropriate qualifications to be present on site during construction of the driveway and all grading and construction activity. In addition, **Special Conditions Six (6)** and **(2)** also require the use of protective fencing around the outermost limits of the driplines of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities. **Special Condition Six (6)** also requires the consultant to immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by this permit. Furthermore, this monitor shall have the authority to require the applicants to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

To further minimize potential negative impacts to the surrounding oak tree resources and environmentally sensitive habitat area pursuant to the proposed development, **Special Condition Six (6)** also requires the applicants to implement all oak tree preservation measures enumerated in the "Oak Tree Report," prepared by Ashley Consulting Arborists, dated January 14, 2000 and the "Oak Tree Permit Application," prepared by Rios Associates, Inc. and Robert Hansen, Certified Arborist, dated May 15, 2000. In addition, **Special Condition Six (6)**, also requires the applicants to retain a qualified oak tree consultant to monitor the following oak trees (as identified by the "Oak Tree Permit Application," prepared by Rios Associates, Inc. and Robert Hansen, Certified Arborist, dated May 15, 2000, for a period of ten (10) years minimum: 1, 2 5,7, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 121, 122, and 123, in addition to any other oak trees which have trunks located within 100 feet of the outer edge of the improved driveway.

Furthermore, under **Special Condition Six (6)**, an annual monitoring report must be submitted for the review and approval of the Executive Director for each of these ten years. As stated previously, it often takes many years for oak trees to display signs of damage and may be difficult to determine the precise cause of death or worsened health. Through **Special Condition Six (6)**, if any oak trees are lost or suffer worsened health or vigor, regardless of the cause, the applicants shall plant replacement trees on the site at a rate of 10:1. Moreover, pursuant to **Special Condition Six (6)**, if replacement plantings are required, the applicants are required to submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which

specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

As stated previously, the driveway widening and construction activities include removal and recompaction of soil, grading, and paving and will occur within the protected zones of numerous mature oak trees. With the exception of some portions of the motor court and fire truck turn around area of the proposed development, the applicants are proposing to utilize exclusively concrete paving for the driveway surface. As mentioned above, portions of the proposed driveway are located adjacent to or within the protected zones of oak trees. As the root systems of oak trees are extensive but shallow, radiating out as much as 50 feet beyond the spread of the canopies, the ground area at the outside edge of the dripline is especially important since the trees obtain most of their surface water and nutrients there, as well as exchanging of air and other gases. As a result, paving within an area maintaining these root systems of oak trees, can eliminate this exchange of water, nutrients, air, and other gases, thereby harming or killing the oak trees.

To minimize these potential adverse impacts on the surrounding oak trees pursuant to the proposed development, **Special Condition Seven (7)** requires the applicants to use a permeable or semi-permeable paving material for the proposed driveway in any area adjacent to any oak trees, with the exception of the 75 foot segment of the driveway which is not being modified through this permit. In addition, prior to issuance of this coastal development permit, the applicants must submit revised project plans implementing permeable or semi-permeable paving material, for the review and approval of the Executive Director.

The Commission also notes that increased erosion on site could adversely impact the surrounding oak tree resources and environmentally sensitive habitat area through interfering with the interchange of air and water to the root zones of the oak trees. Erosion can best be minimized by requiring the applicants to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment and oak tree habitat. The landscaping of the disturbed and graded areas of the subject site with such native plant species will assist in preventing erosion, displacement of native plant species by non-native or invasive species, and serve to protect the oak tree resources. In addition, the use of native, drought resistant plant species compatible with the surrounding environment and oak tree habitat will minimize the need for irrigation and water, thereby preventing additional adverse impacts on the oak trees in the area.

In addition, invasive, non-indigenous plant species tends to supplant species that are native to the Malibu and Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant

communities adjacent to development. In addition, the plans submitted by the applicants include 79 new pepper trees on the subject site. Pepper trees are not a native species and would not be appropriate due to the reasons discussed above. Due to these considerations, **Special Condition Two (2)** requires a landscape plan comprised of native plant species, compatible with the surrounding environment and oak tree habitat, in conjunction with an interim erosion control pian.

In order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed development, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Three (3).** This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced, preventing unnecessary disturbance of the area. In addition, **Special Condition Two (2)** also requires the applicants to submit an approved long-term fuel modification plan pursuant that provides for the most minimal disturbance feasible of the on site oak trees. Furthermore, **Special Condition Five (5)** requires a drainage and polluted runoff control plan, which will minimizes the volume, velocity, and pollutant load of stormwater leaving the developed site. The Commission finds that a drainage and polluted runoff control plan will serve to minimize the environmental and sensitive habitat degradation associated with erosion and polluted runoff.

Therefore, the Commission finds that, through **Special Conditions Two (2), Three (3), Five (5), Six (6)**, and **Seven (7)**, the proposed development will minimize grading, removal of native vegetation, and reduce erosion and polluted runoff, consistent with Table 1 of the certified LUP and LUP Policies 63, 69, 82, 85, 86, 87, 88, 89, 91, 92, 93, 94, and 95. **Special Condition Two (2)**, which requires native plant species in the landscaping plan, compatible with the surrounding environment and oak tree habitat, will also be consistent with the guidelines of LUP Policies 69, 84, and 94. The erosion control and drainage and polluted runoff plans required by **Special Conditions Two (2)** and **Five (5)** will also be consistent with the intent of LUP Policies 69, 82, 85, 87, 88, 89, 91, 92, 93, 94, and 95.

Therefore, the Commission finds, for all of the reasons set forth above, that the proposed project, as conditioned by **Special Conditions Two (2), Three (3), Five (5), Six (6)**, and **Seven (7)**, is consistent with the requirements of Sections 30230, 30231, and 30240 of the Coastal Act.

E. Water Quality

The Commission recognizes that new development in Malibu and 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; 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 above, the applicant is proposing to widen the existing 900 foot long driveway servicing the single family residence from 15 to 20 feet in width, construct three retaining walls, pedestrian foot bridge, garbage service area, upper entry gate, driveway entry gate located 60 feet inward from the private street, and perform 2,060 cubic yards of grading (280 cubic yards of cut, 280 cubic yards of fill, and 1,500 cubic yards of removal and recompaction). This development will convert additional area of the project site from its natural state, result in an increase in the amount of impervious surface, reduce the naturally vegetated area, and may introduce potential sources of pollutants to the site, such as petroleum.

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. Additionally, the infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and 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 may be filtered. The reduced volume of runoff takes longer to reach streams and the pollutant load of runoff will be greatly reduced.

As described above, the project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion and sedimentation are also minimized. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicants to incorporate filter elements that intercept and infiltrate or treat the runoff from the subject driveway. This plan is required by **Special Condition Five (5)**. Such a plan will allow for the infiltration and filtration of runoff from the developed areas of the site and will capture 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, making the capture of the "first flush" flow a vital component of the drainage and polluted runoff control plan. Additionally, the applicants 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.

F. Local Coastal Program

Section 30604 of the Coastal Act states:

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

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

G. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that 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.

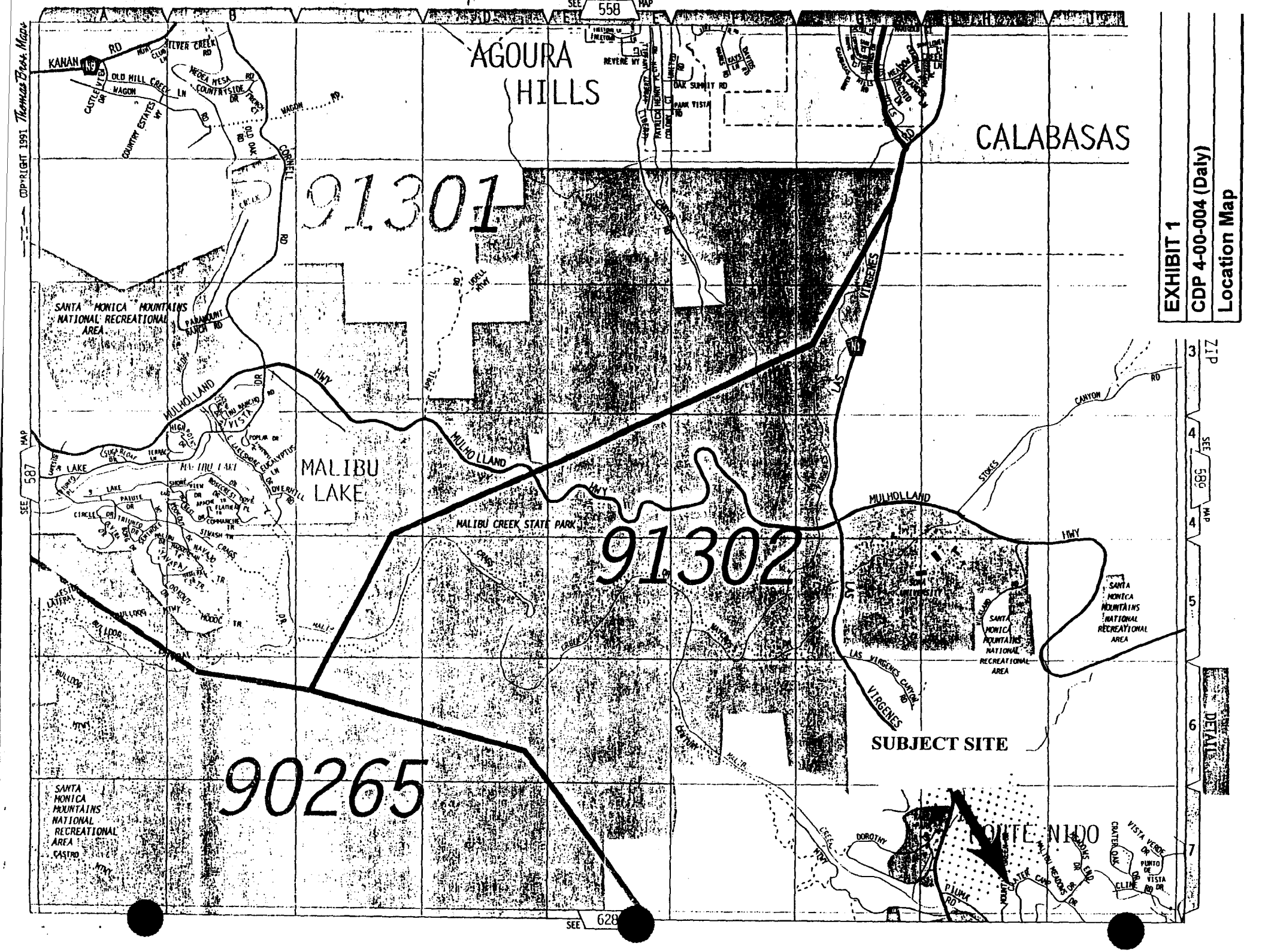
EXHIBIT 1
CDP 4-00-004 (Daly)
Location Map
AGOURA HILLS
CALABASAS
MALIBU LAKE
MALIBU CREEK STATE PARK
91301
91302
90265
SUBJECT SITE
SANTA MONICA MOUNTAINS NATIONAL RECREATIONAL AREA
MULHOLLAND HWY
LAS VIRGENES
KANAN RD
SILVER CREEK RD
OLD MILL CREEK LN
MEDEA MESA RD
COUNTRYSIDE DR
WAGON RD
OLD OAK RD
CORNELL RD
PARAMOUNT RANCH RD
LOBELL MTWY
CANYON RD
STOKES
DOROTHY
PIUMA RD
CLINE
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SEE 587 MAP
SEE 589 MAP
SEE 628
ZIP DETAIL
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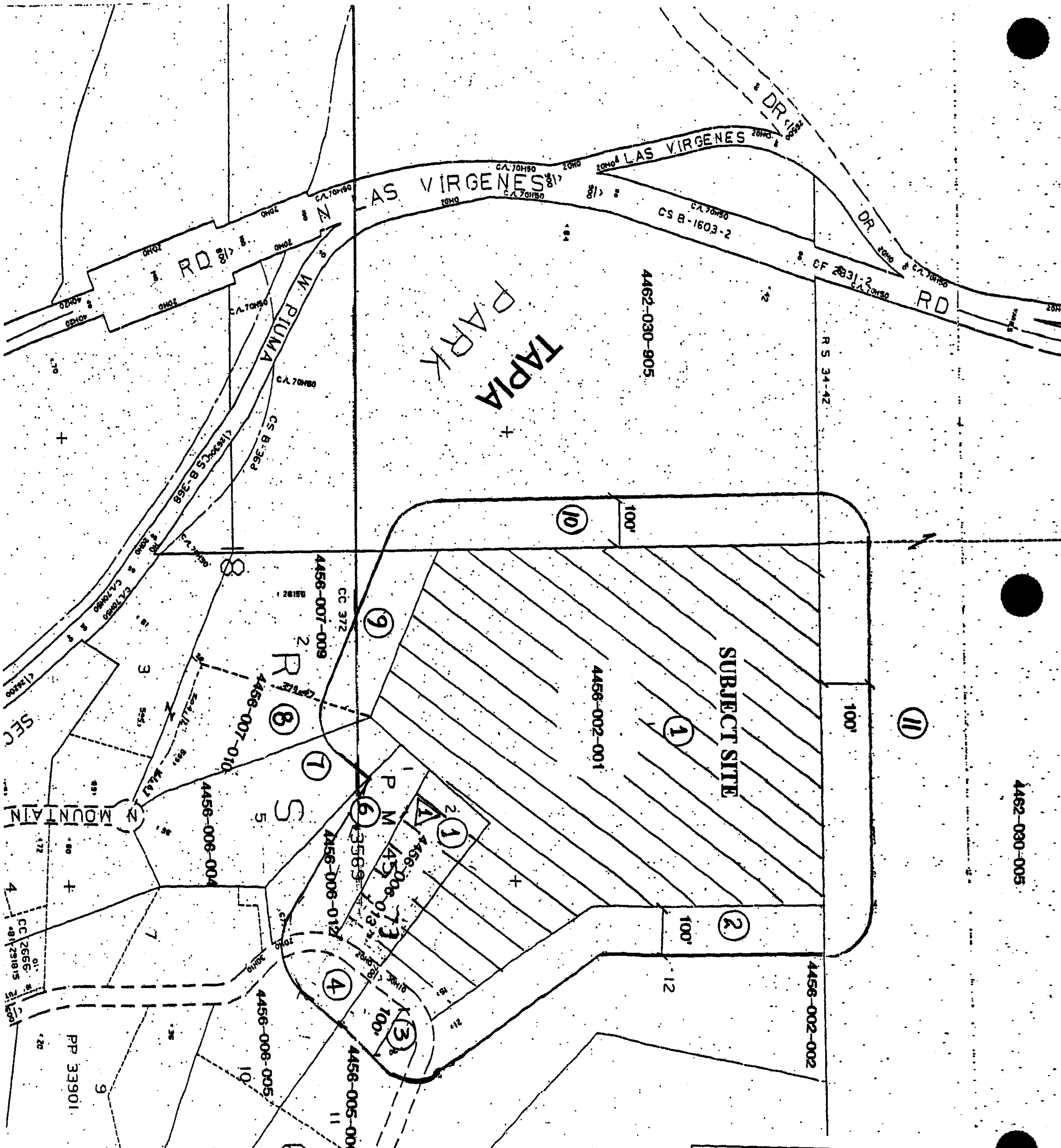


EXHIBIT 2

CDP 4-00-004 (Daly)

Assessor Parcel Map

ESRI ArcExplorer 1.1

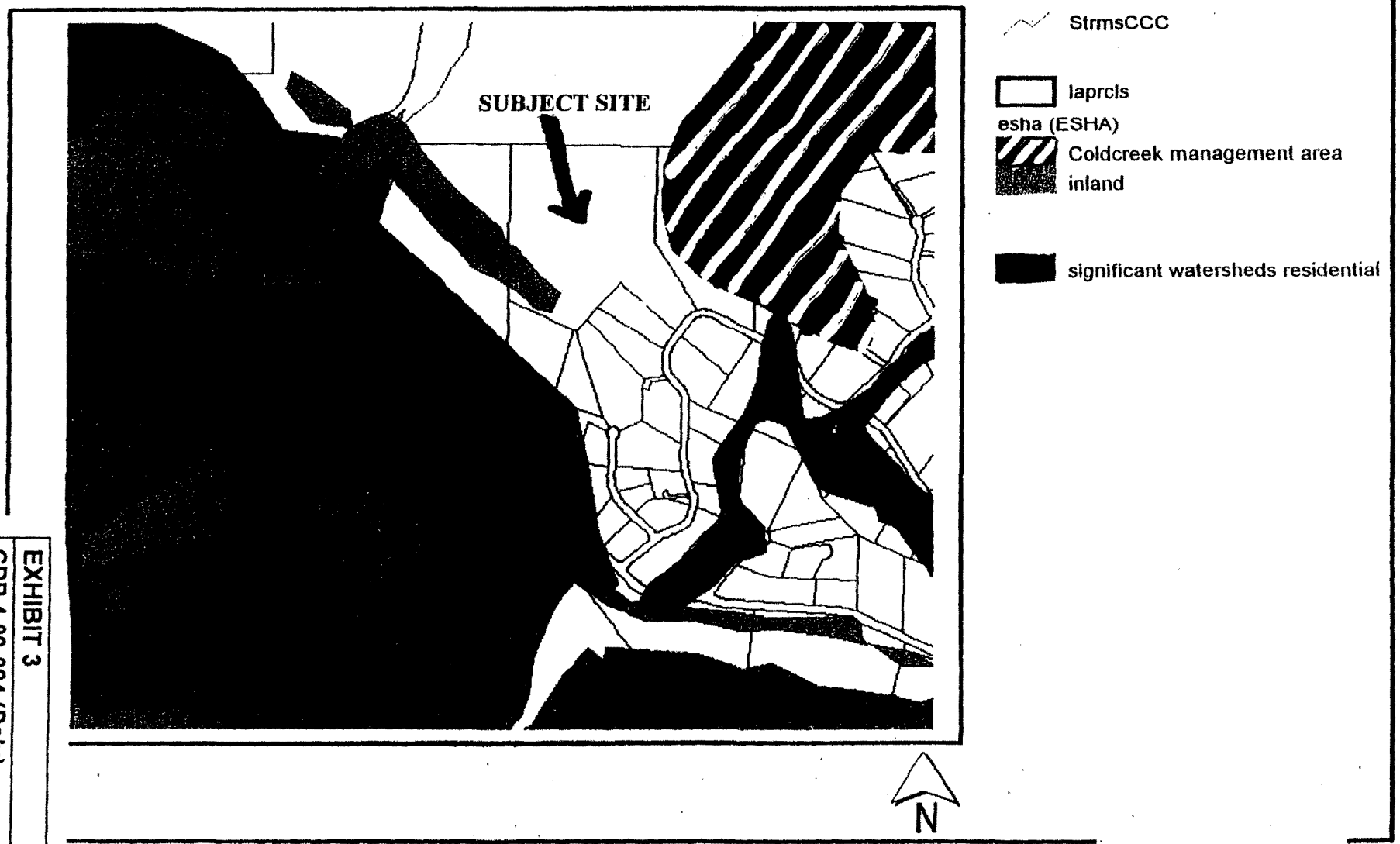
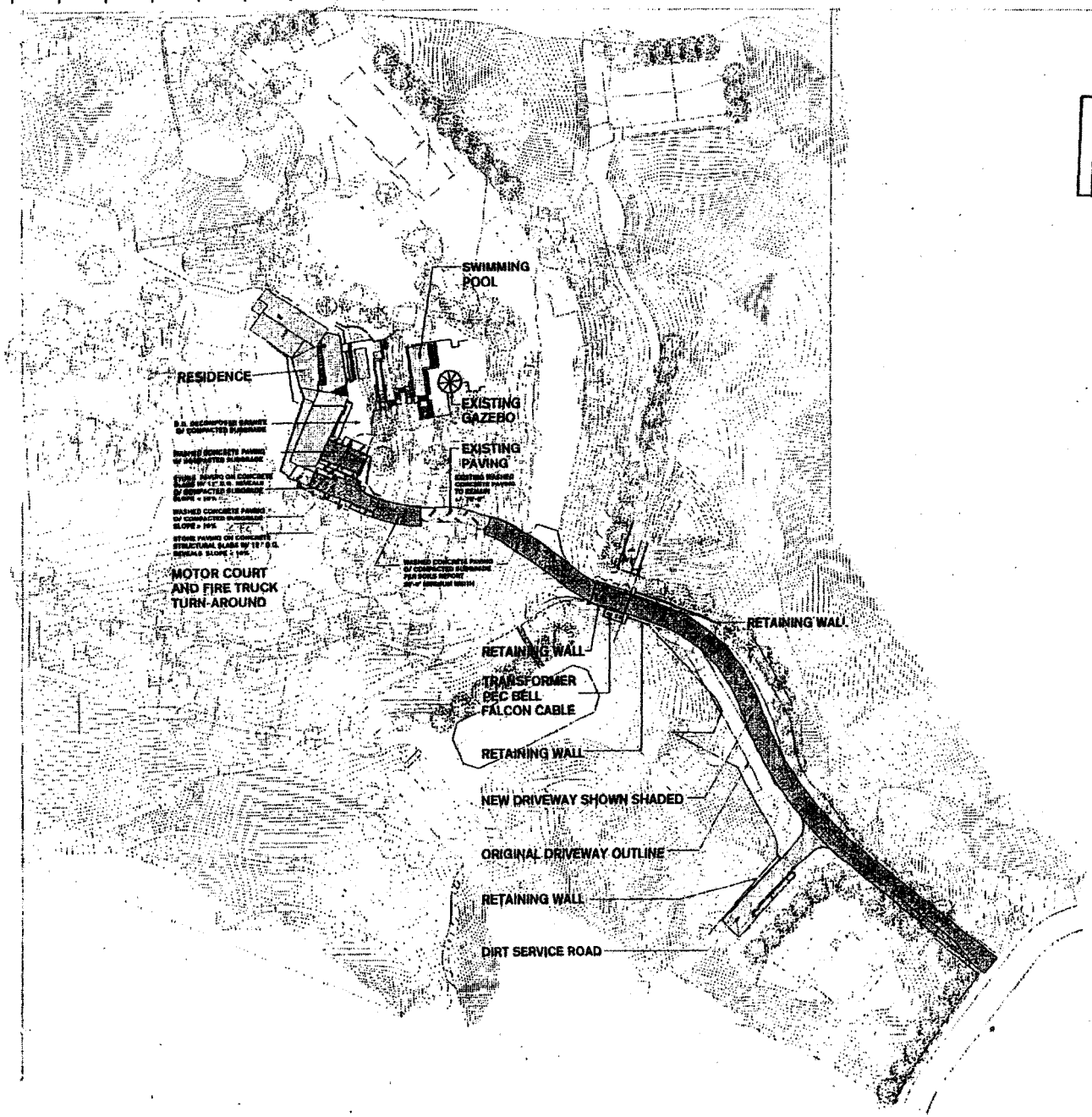


EXHIBIT 3
CDP 4-00-004 (Daly)
Resource Map



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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RIOS ASSOCIATES
8008 W 3RD ST
LOS ANGELES
CALIFORNIA
90048
323 852 6717
FAX 323 852 6719

DALY RANCH
Driveway Remodel

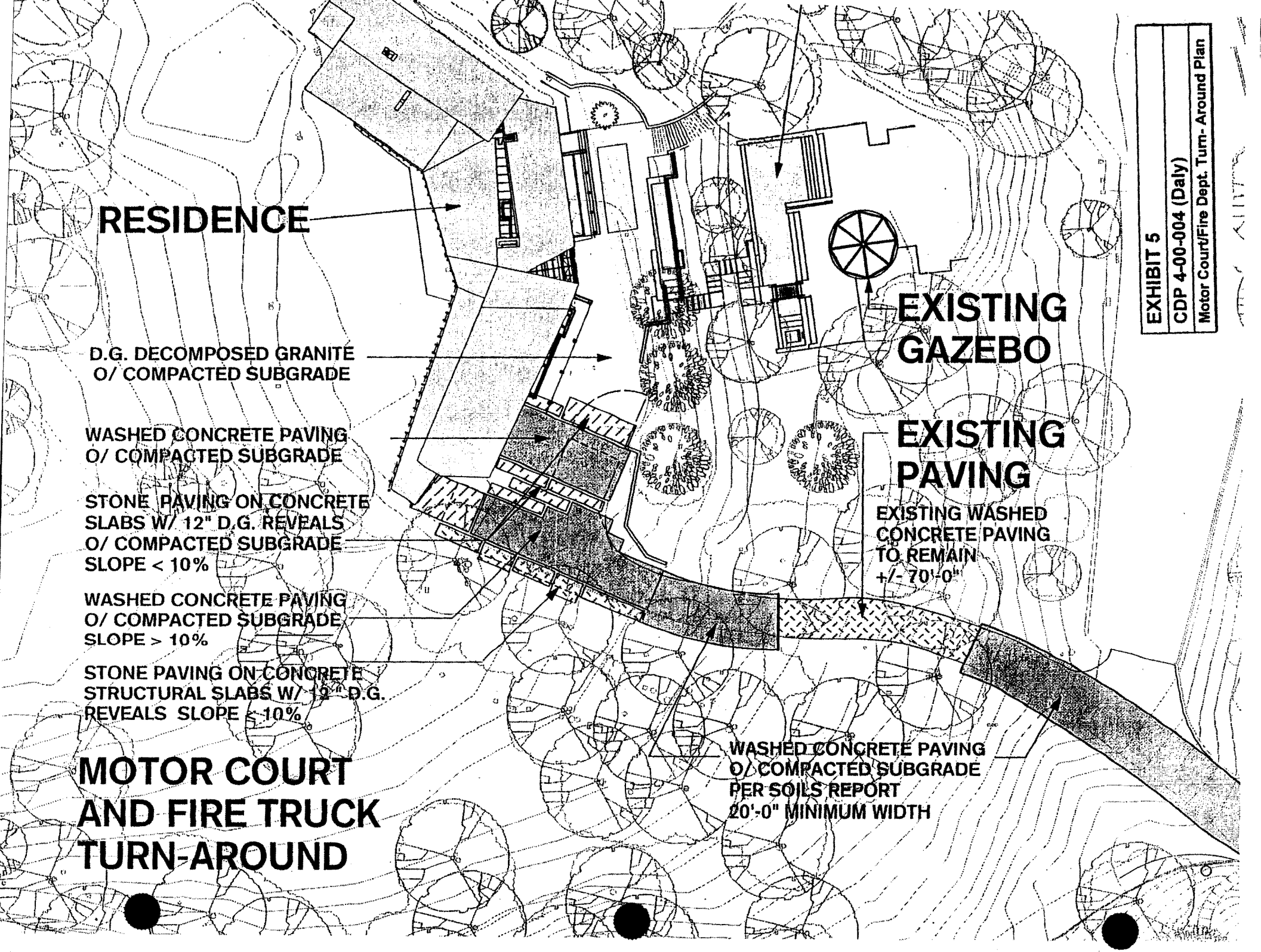
716 Crater Camp Drive
Malibu, California

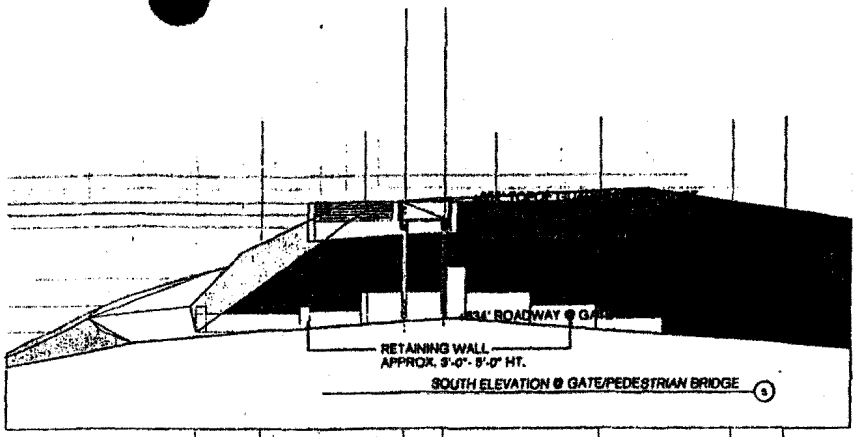
Driveway Plan

9911

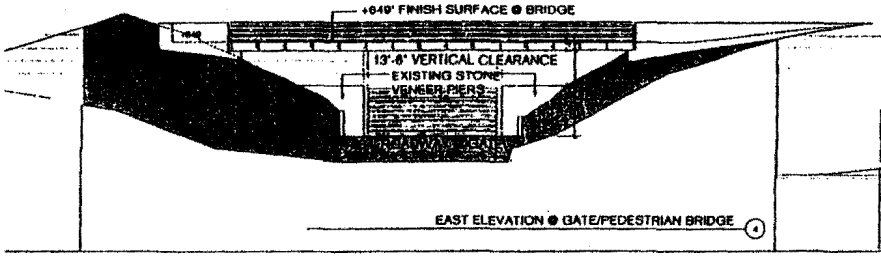
DW-1.3

EXHIBIT 4
CDP 4-00-004 (Daly)
Driveway Plan

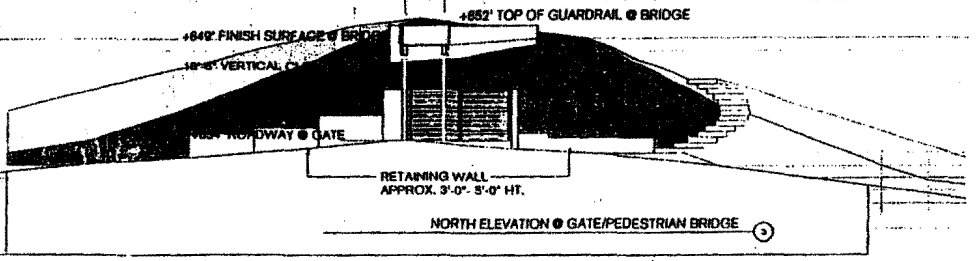

RESIDENCE
D.G. DECOMPOSED GRANITE O/ COMPACTED SUBGRADE
WASHED CONCRETE PAVING O/ COMPACTED SUBGRADE
STONE PAVING ON CONCRETE SLABS W/ 12" D.G. REVEALS O/ COMPACTED SUBGRADE SLOPE < 10%
WASHED CONCRETE PAVING O/ COMPACTED SUBGRADE SLOPE > 10%
STONE PAVING ON CONCRETE STRUCTURAL SLABS W/ 12" D.G. REVEALS SLOPE < 10%
MOTOR COURT AND FIRE TRUCK TURN-AROUND
EXISTING GAZEBO
EXISTING PAVING
EXISTING WASHED CONCRETE PAVING TO REMAIN +/- 70'-0"
WASHED CONCRETE PAVING O/ COMPACTED SUBGRADE PER SOILS REPORT 20'-0" MINIMUM WIDTH
EXHIBIT 5
CDP 4-00-004 (Daly)
Motor Court/Fire Dept. Turn- Around Plan



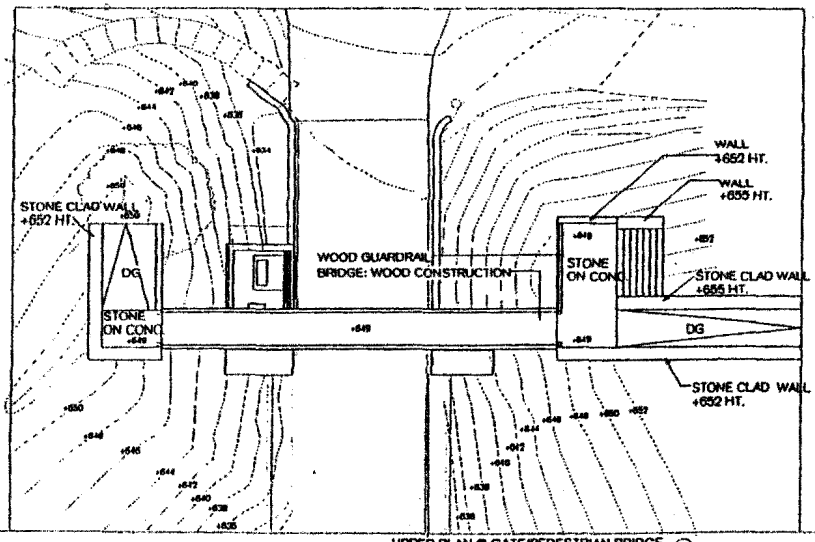
SOUTH ELEVATION @ GATE/PEDESTRIAN BRIDGE (5)



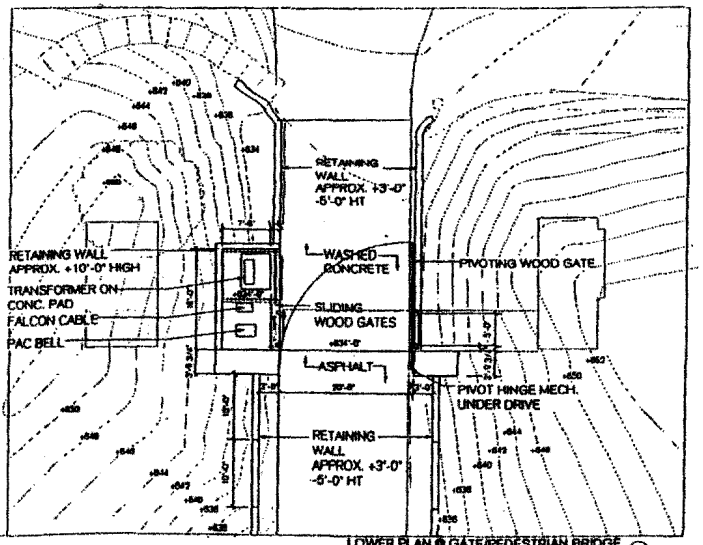
EAST ELEVATION @ GATE/PEDESTRIAN BRIDGE (4)



NORTH ELEVATION @ GATE/PEDESTRIAN BRIDGE (3)



UPPER PLAN @ GATE/PEDESTRIAN BRIDGE (2)



LOWER PLAN @ GATE/PEDESTRIAN BRIDGE (1)

EXHIBIT 6
CDP 4-00-004 (Daly)
Upper Gate/Pedestrian Bridge

Malibu, California

RECEIVED
JAN 07 REC'D
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST

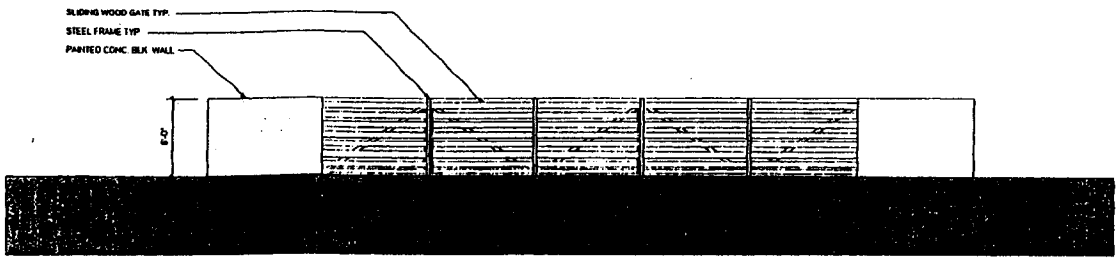
Upper Gate/
Pedestrian Bridge

1/8"=1'-0"

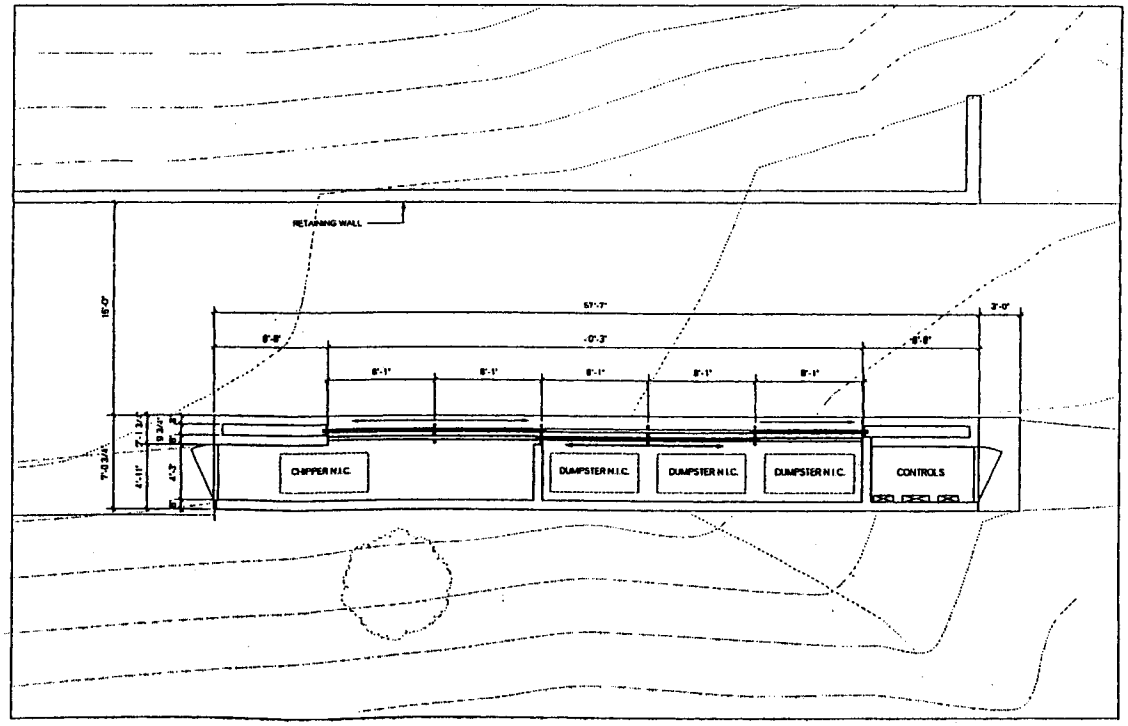
9911

10 December 1999

DW-2.1



EAST ELEVATION @ TRASH ENCLOSURE 3



TRASH ENCLOSURE PLAN 1

RIOS ASSOCIATES
8008 W 3RD ST
LOS ANGELES
CALIFORNIA
90048
323 852 6717
FAX 323 852 6719

DALY RANCH
Driveway Remodel
715 Crater Camp Drive
Malibu, California

CONSULTANTS

REVISIONS

RECEIVED
JAN 07 REC'D
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

SHEET TITLE
Trash Enclosure

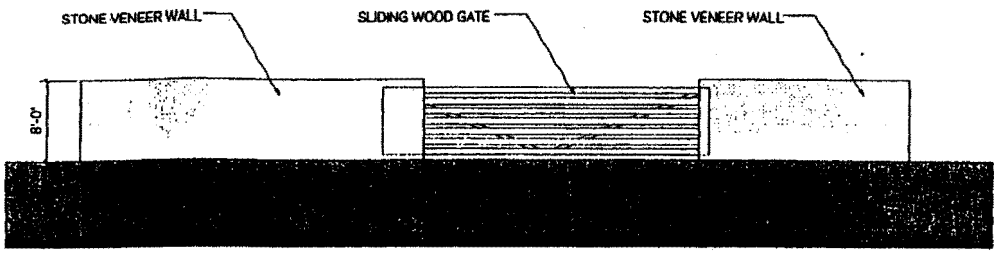
SCALE
1/4"=1'-0"

PROJECT NUMBER
9911

ISSUED
13 December 1999

DW-2.2

EXHIBIT 7
CDP 4-00-004 (Daly)
Trash Enclosure



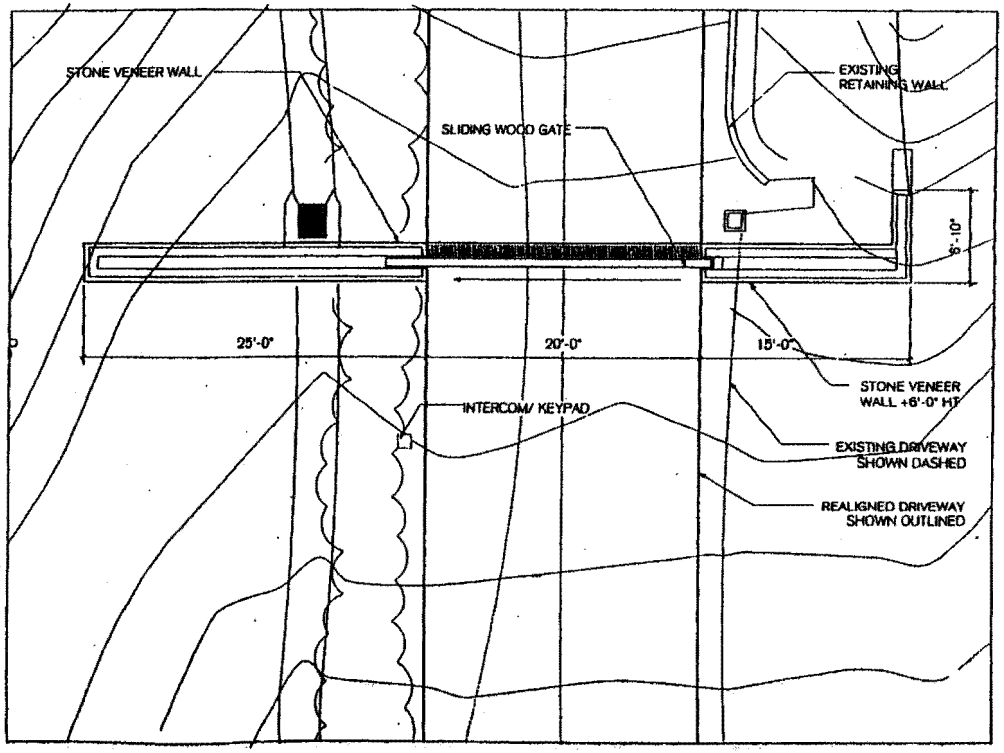


EXHIBIT 8
CDP 4-00-004 (Daly)
Lower Entry Gate

RIOS ASSOCIATES
8008 W 3RD ST
LOS ANGELES
CALIFORNIA
90048
323 852 6717
FAX 323 852 6719

DALY RANCH
Driveway Remodel

715 Crater Camp Drive
Malibu, California

RECEIVED
JAN 07 REC'D
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

Lower Entry Gate

1/4"=1'-0"

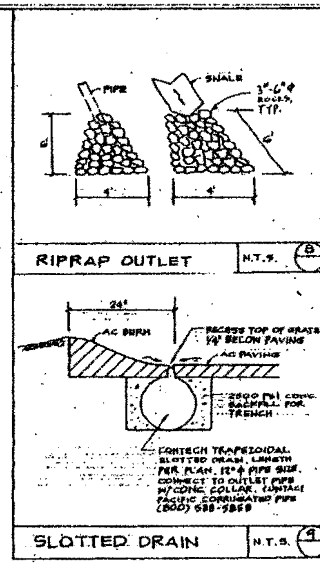
9911

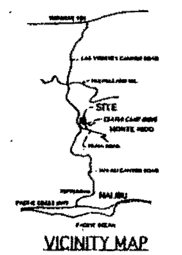
13 December 1999

DW-2.3

I. GENERAL NOTES

GEOLOGY AND SOILS NOTES





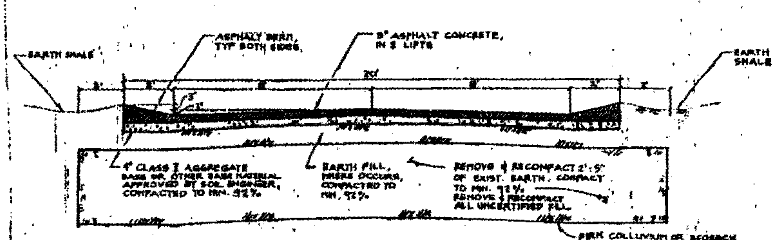
EARTHWORK

EXCAVATION:	280 C.Y.
FILL:	280 C.Y.
REMOVAL & RECOMPACTION	1,500 C.Y.

Note: Grading quantities are provided for Building Dept. information only. The Contractor shall make his own calculations.

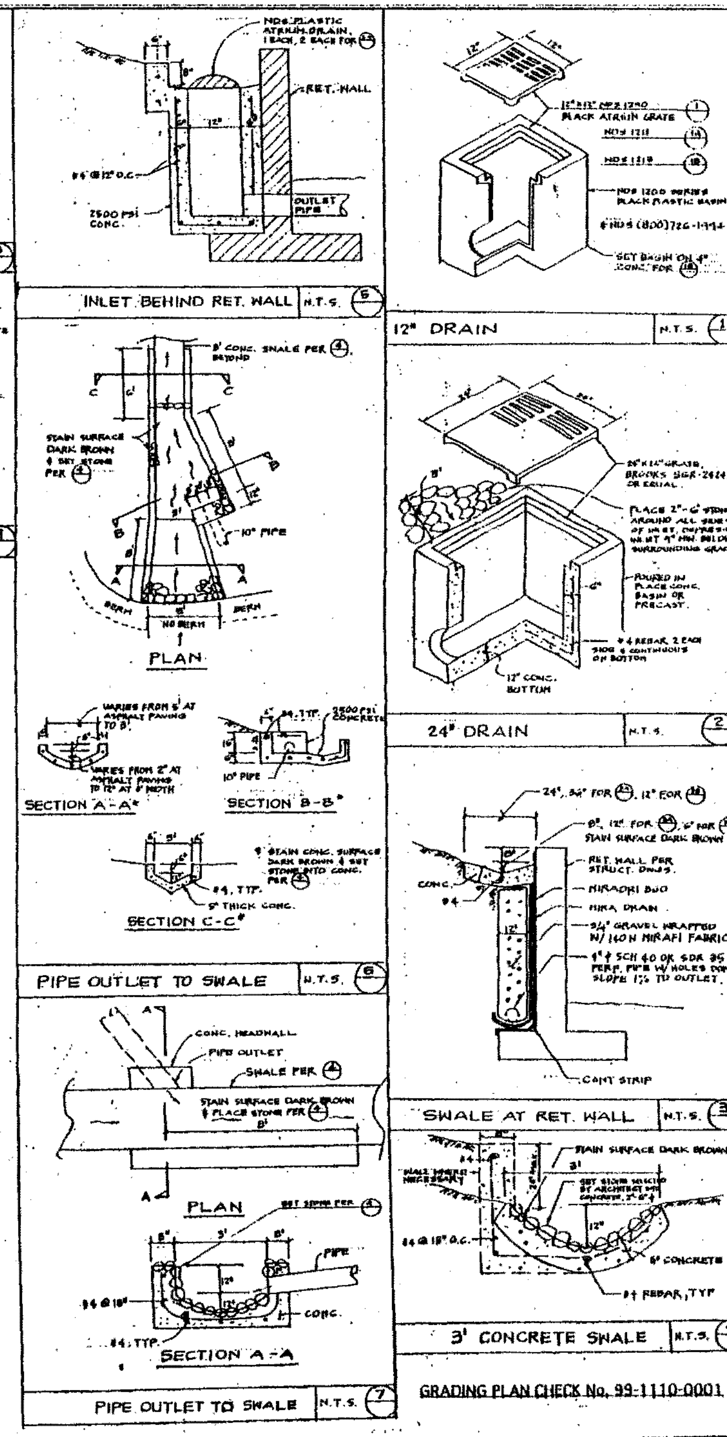
PROPOSED CONSTRUCTION PERIOD

Starting Date:	July 1, 2000
Completion Date:	Sept. 1, 2000



TYPICAL DRIVEWAY CROSS SECTION

SCALE: 1/2" = 1'



GRADING PLAN CHECK No. 99-1110-0001

REVISIONS	BY
12/9/99	
12/20/99	
12/22/99	
1/28/00	
1/30/00	
2/1/00	
2/24/00	
4/7/00	
6/5/00	
6/13/00	

ROBERT NEWLON & ASSOCIATES
3550 Las Flores Canyon Road, Malibu, CA 90265
(310) 456-8750 fax (310) 456-9009

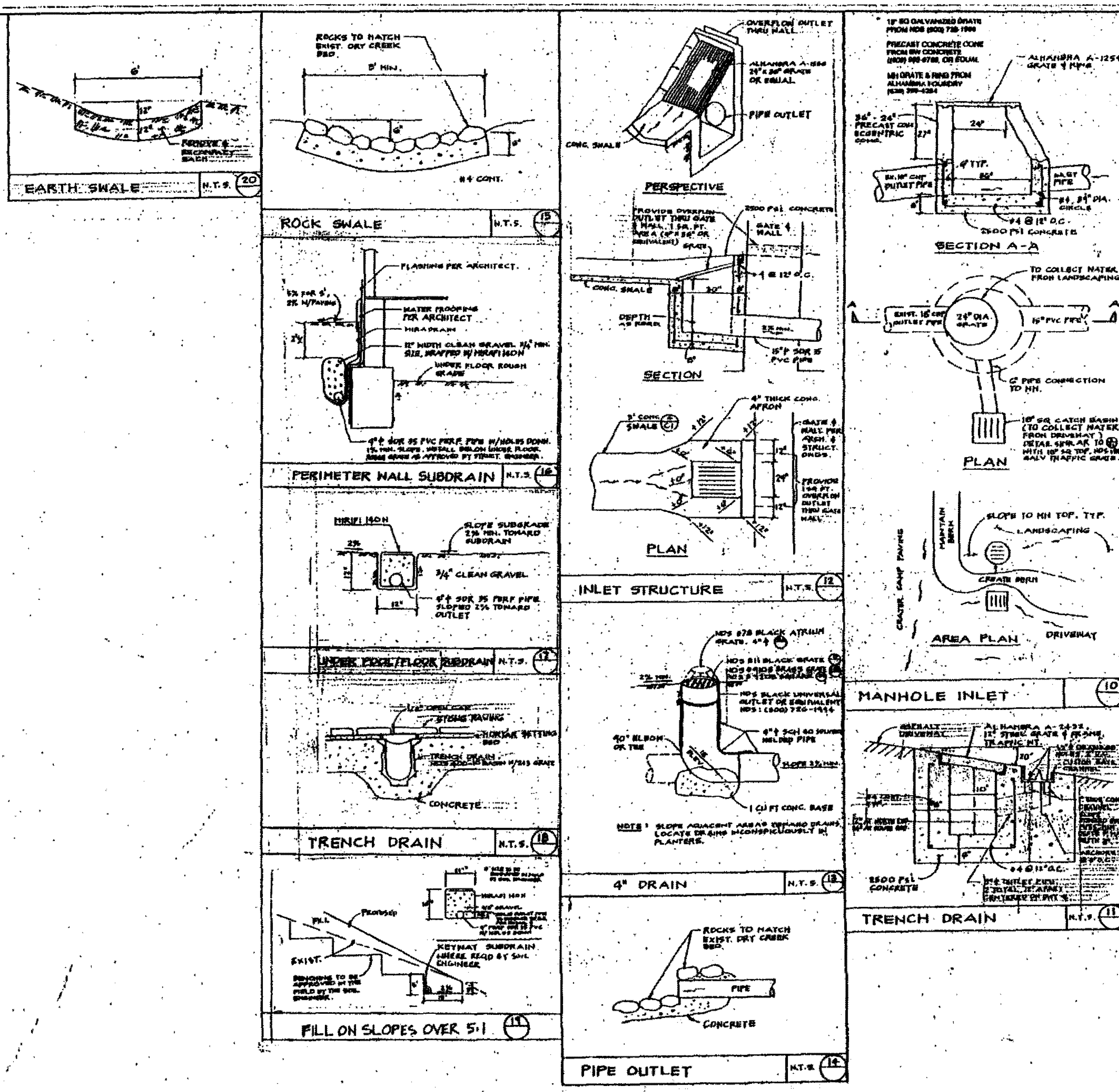
Grading Notes & Details for:
DALY RANCH
715 Crater Camp Drive, Malibu

Scale: AS NOTED
Sheet C-1

EXHIBIT 9

CDP 4-00-004 (Daly)

Grading Notes and Details I



ROBERT NEWLON & ASSOCIATES

Grading and Drainage Details for:
DALY RANCH
715 Crater Camp Drive, Malibu

C-1A

EXHIBIT 10
CDP 4-00-004 (Daly)
Grading Notes and Details II

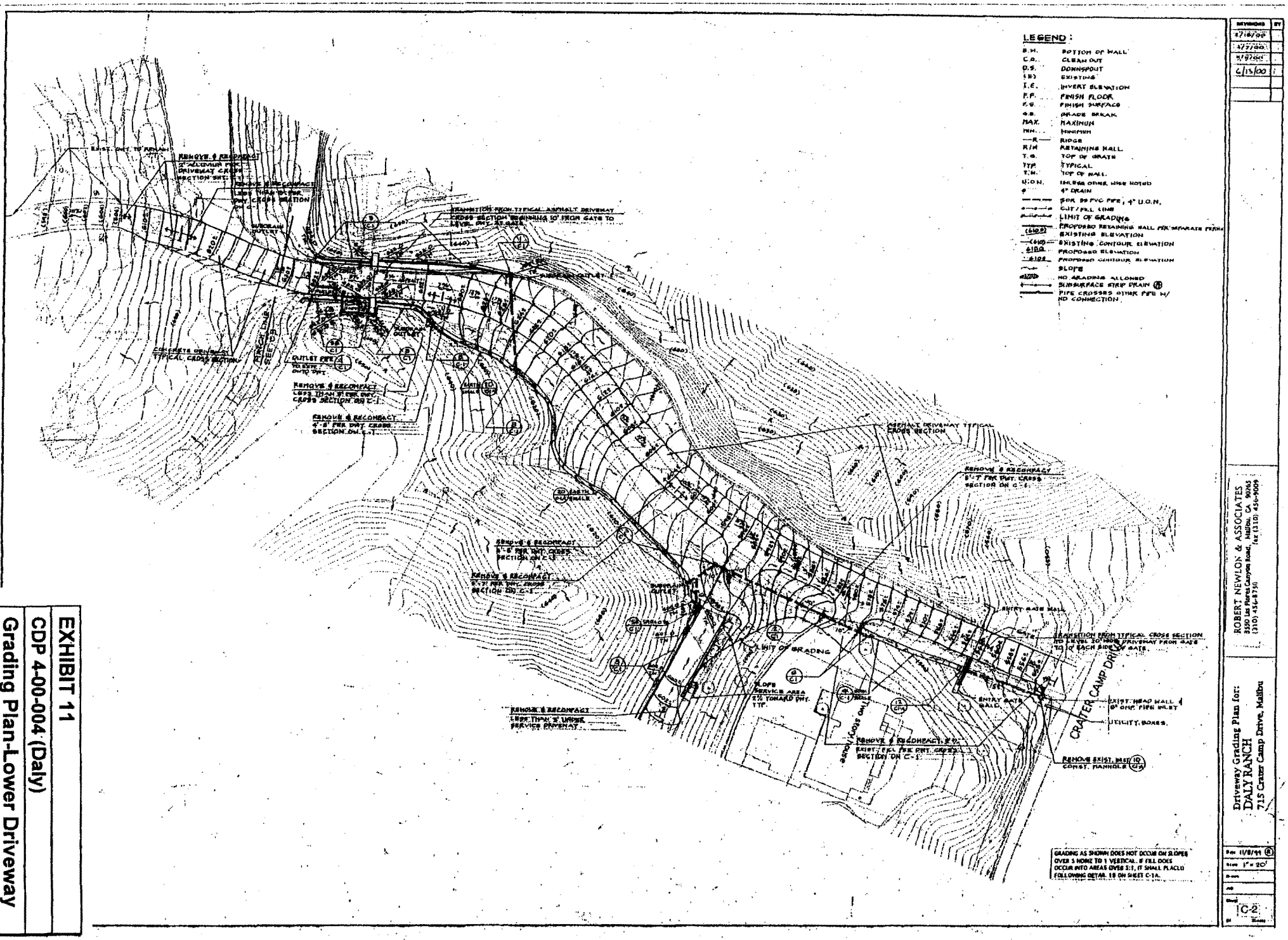
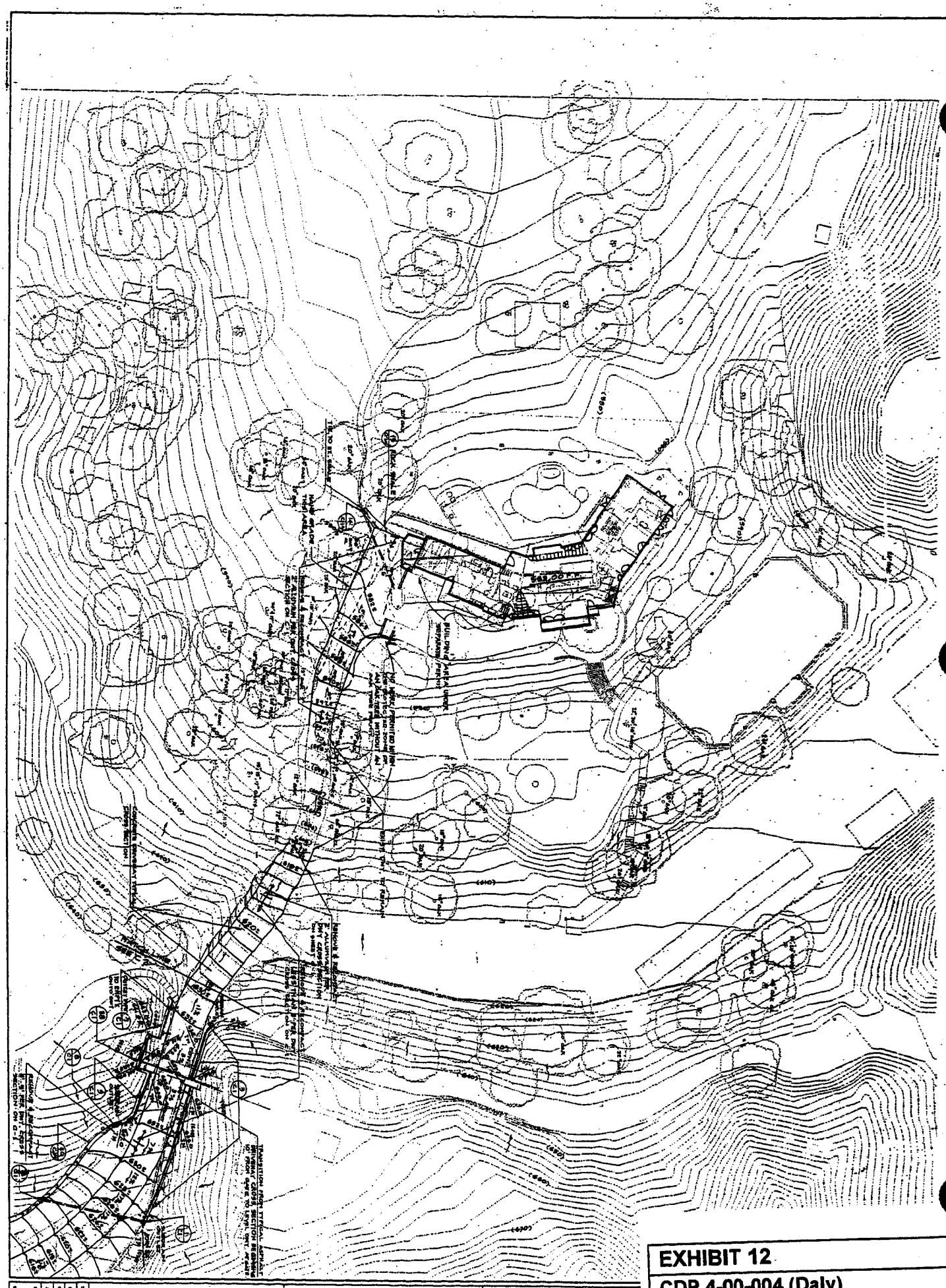


EXHIBIT 11

CDP 4-00-004 (Daly)

Grading Plan-Lower Driveway



Grading Plan for:
DALY RANCH
715 Crater Camp Drive, Malibu

ROBERT NEWLON & ASSOCIATES
3550 Las Flores Canyon Road, Malibu, CA 90265
(310) 456-8750 fax (310) 456-9009

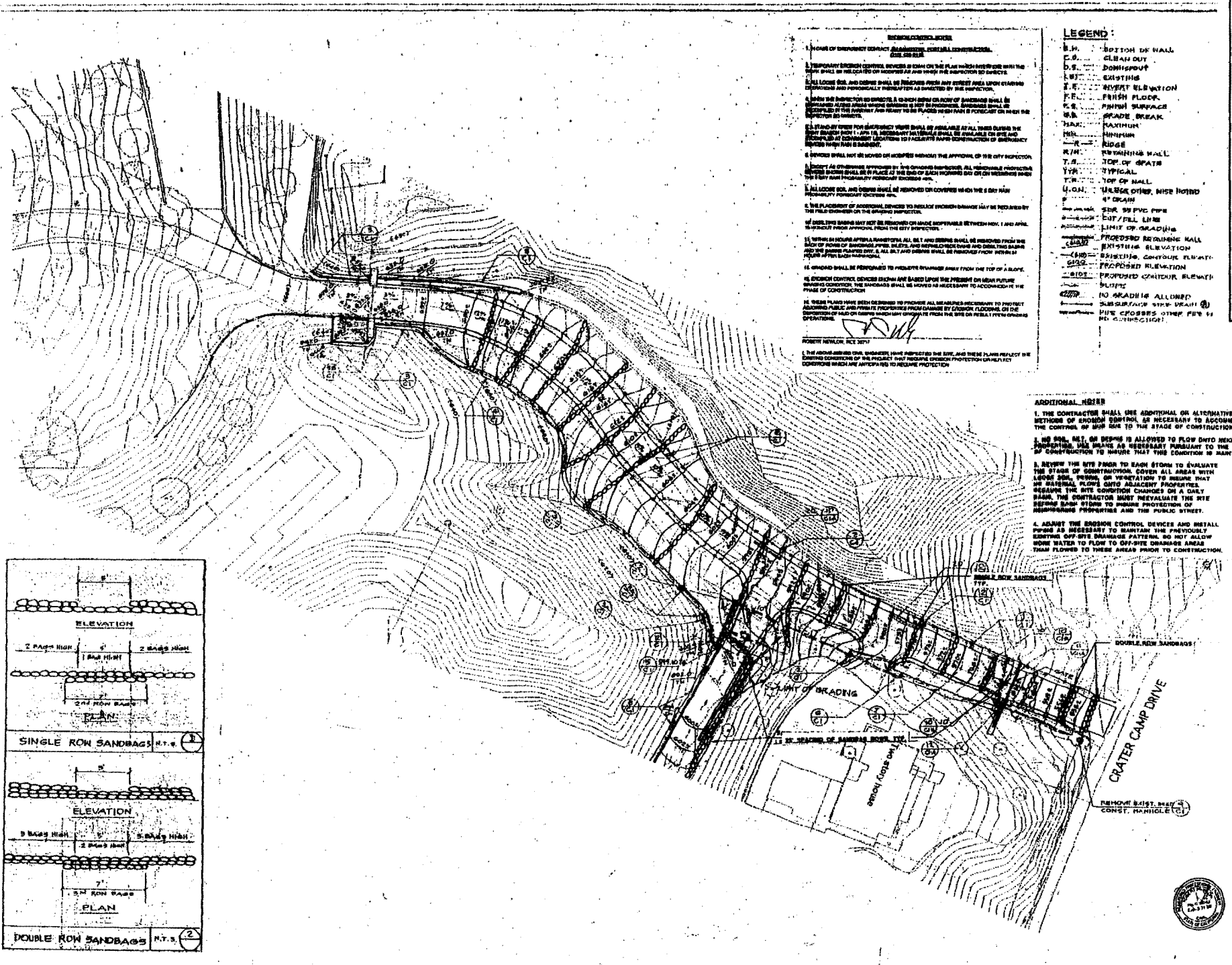
C-3

EXHIBIT 12
CDP 4-00-004 (Daly)
Grading Plan-Upper Driveway

EXHIBIT 13

CDP 4-00-004 (Daly)

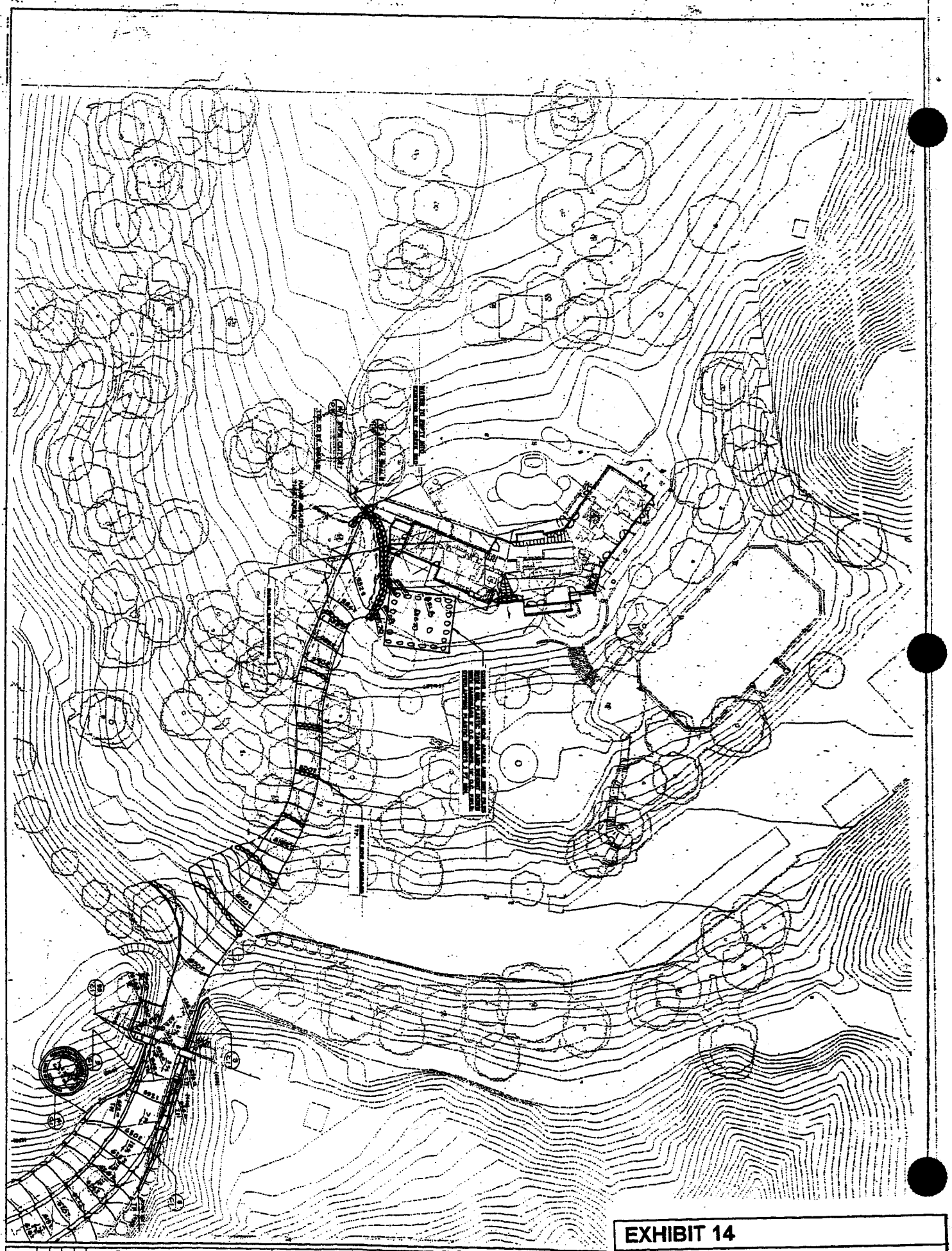
Erosion Control Plan-Lower Driveway



ROBERT NEWLON & ASSOCIATES
3590 Las Flores Canyon Road, Malibu, CA 90265
(310) 456-2710 fax (310) 456-9009

Erosion Control Plan for:
DALY RANCH
715 Crater Camp Drive, Malibu

ERO-1



Erosion Control Plan for:
DALY RANCH
715 Crater Camp Drive, Malibu

ROBERT NEWLON & ASSOCIATES
3550 Las Flores Canyon Road, Malibu, CA 90265
(310) 456-8750 fax (310) 456-9009

EXHIBIT 14
CDP 4-00-004 (Daly)
Erosion Control Plan-Upper Driveway

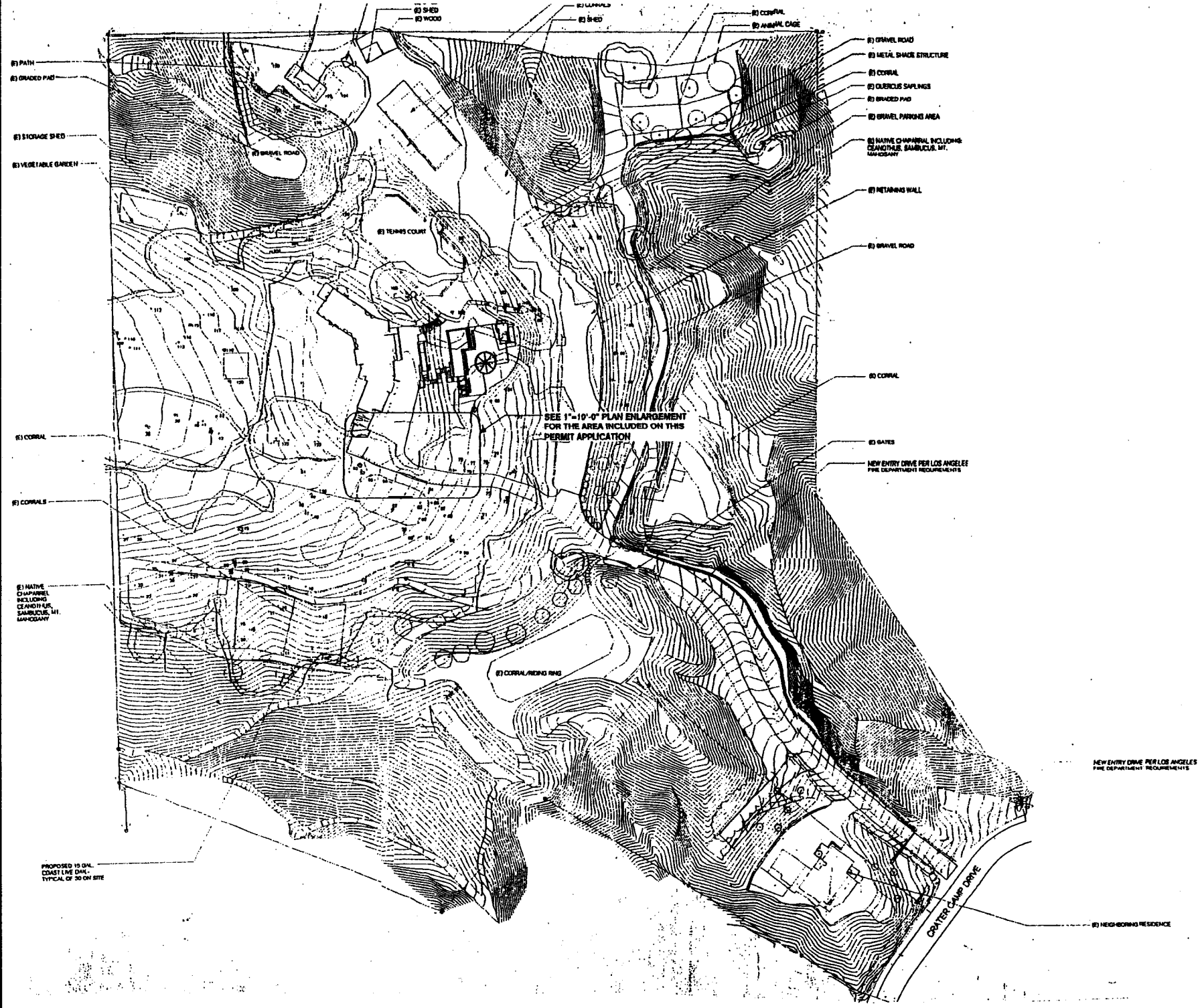


EXHIBIT 15
CDP 4-00-004 (Daly)
Oak Tree Permit Application Plan

REVISIONS

Oak Tree Permit Application - Drive

1"=40'-0"

9933

15 May 2000

RECEIVED
JUN 07 2000
CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

L - 1.1A

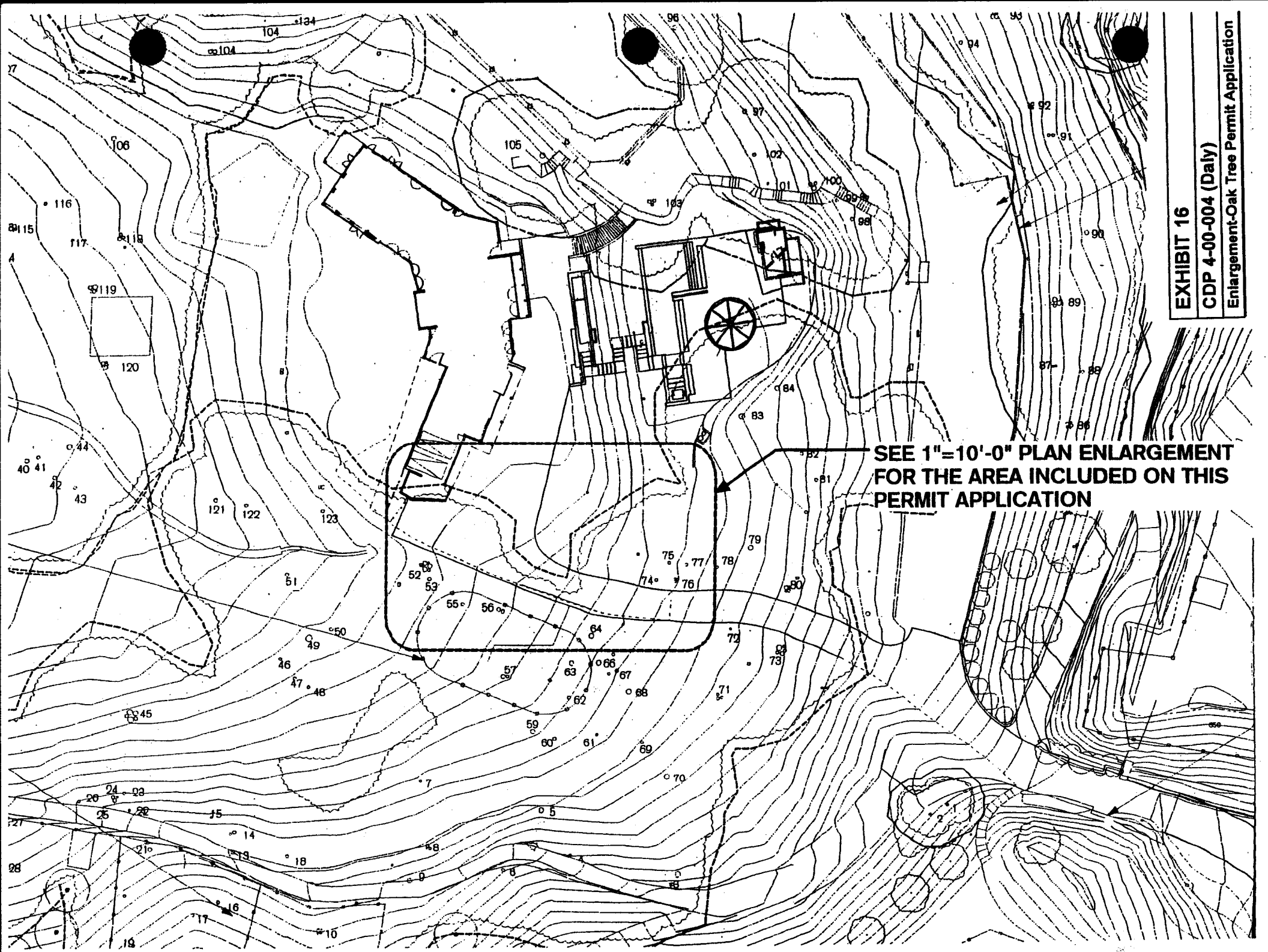
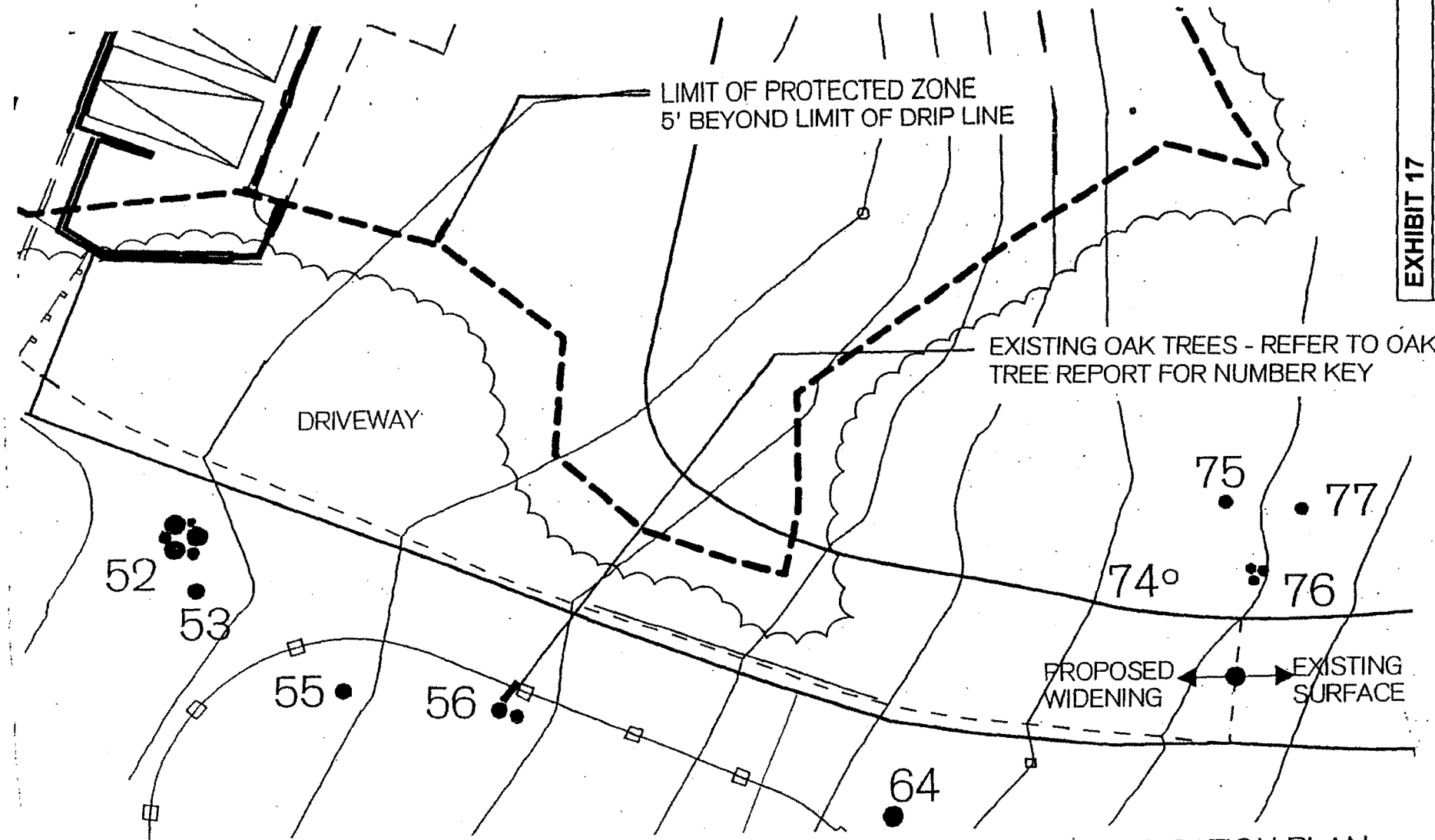


EXHIBIT 16
CDP 4-00-004 (Daly)
Enlargement-Oak Tree Permit Application
SEE 1"=10'-0" PLAN ENLARGEMENT FOR THE AREA INCLUDED ON THIS PERMIT APPLICATION

EXHIBIT 17
CDP 4-00-004 (Daly)
Enlargement-Oak Encroachment Area



DALY RANCH -DRIVEWAY
RIOS ASSOCIATES, INC.

OAK TREE PERMIT APPLICATION PLAN
1"=1'-0"
MAY 15,2000