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CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

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Staff Report:	06/22/00
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Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-00-083

APPLICANT: Gary Wooller

PROJECT LOCATION: 949 Crater Oak Drive, Calabasas, Los Angeles County.

PROJECT DESCRIPTION: Construction of a two-story, 24 foot high, 2,662 square foot single family residence with attached garage, a 150 foot long retaining wall one to eight feet high, septic system, and 200 cubic yards of grading (100 cubic yards of excavation and 100 cubic yards of fill).

Lot Area:	.78 acre
Building Coverage:	2,021 square feet
Paved Area:	2,800 square feet
Height Above Existing Grade:	24 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles, Department of Regional Planning, Approval in Concept, March 27, 2000; County of Los Angeles, Department of Public Works, Approval in Concept, December 1, 1999; County of Los Angeles, Department of Health Services, Approval in Concept, February 22, 2000; and County of Los Angeles, Fire Department, Approval in Concept, April 16, 1997.

SUBSTANTIVE FILE DOCUMENTS: "Soils and Engineering Geologic Investigation for Proposed Single Family Residence," GeoSystems, Environmental and Geotechnical Consultants, October 1, 1996; "Supplemental Percolation Testing," GeoSystems, Environmental and Geotechnical Consultants, October 23, 1997; "Updated Soils and Engineering-Geologic Report for Proposed Residence," GeoSystems, Environmental and Geotechnical Consultants, August 4, 1998; "Response to Los Angeles County Geologic and Geotechnical Engineering Review Sheets," GeoSystems, Environmental and Geotechnical Consultants, September 16, 1998; "Groundwater Level," GeoSystems, Environmental and Geotechnical Consultants, November 25, 1998; "Sewage Disposal System Design for Future Expansion Area," GeoSystems, Environmental and Geotechnical Consultants, June 29, 1999; "Response to County of Los Angeles, Department of Health Services, Official Inspection Report," GeoSystems, Environmental and Geotechnical Consultants, October 7, 1999; "Updated Soils and Engineering-Geologic Report for Proposed Residence," GeoSystems, Environmental

and Geotechnical Consultants, October 28, 1999; Coastal Development Permit No. 4-97-108 (Wooller); and the certified Malibu Santa Monica Mountains Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project with five special conditions regarding geologic and engineering recommendations, landscape and erosion control, removal of natural vegetation, wildfire waiver of liability, and drainage and polluted runoff.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-083 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 GeoSystems, Environmental and Geotechnical Consultants dated October 1, 1996; October 23, 1997; September 16, 1998; and October 7, 1999 shall be incorporated into all final design and construction including recommendations concerning foundation, drainage, and septic system plans and must be reviewed and approved by the consultant prior to commencement of development. Prior to issuance of the coastal development permit, the applicant 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 applicant 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 engineering geologist 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 sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation and to screen and soften the visual impact of development, all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated October 4, 1994. Invasive, non-indigenous plant species 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 using accepted planting procedures, 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 soils;

2) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

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) Vegetation within fifty (50) feet of the proposed house may be removed to mineral earth, vegetation within a two hundred (200) foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes, and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf, and ground cover planted within the fifty (50) foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, 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 fencing along the outermost limits of the driplines of the oak canopies within or adjacent to the construction area. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas.

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 qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the fifty (50) 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 fifty (50) to two hundred (200) foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

4. Wildfire Waiver of Liability

Prior to the issuance of a coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, 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 applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer which minimizes the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall include but not be limited to the following criteria:

(a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.

(b) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates, and other solids and 2) remove or mitigate

contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff 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 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a new two-story, 24 foot high, 2,662 square foot single family residence with attached garage, a 150 foot long retaining wall one to eight feet high, septic system, and 200 cubic yards of grading (100 cubic yards of excavation and 100 cubic yards of fill). The subject site is located at 949 Crater Oak Drive, just north of Cold Canyon Road, in the Calabasas area of Los Angeles County.

The property consists of an irregular shaped parcel traversed by Crater Oak Drive, a private street. Crater Oak Drive divides the parcel into an eastern and western portion. The proposed building site is located on the eastern portion of the property. Additionally, the applicant has stated that some fill material appears to have been placed on the building site during the late 1960's or early 1970's, perhaps at the time Crater Oak Drive or the residence to the northeast were constructed.

The building site is situated on the western side of a minor south trending spur ridge in the central portion of the Santa Monica Mountains. The slopes in the building area of the site ascend to the east from Crater Oak Drive approximately 60 feet to the crest of the ridge, with slope gradients ranging from 10 degrees near the street to 30 degrees on the upper portions of the slope. The property then extends westward across Crater Oak Drive into a gently sloping meadow area. Vegetation on the site consists of native

grasses and weeds, sparse brush, and several oak trees. In addition, approximately 150 feet to the northeast of the subject property an area has been designated by the certified Malibu Santa Monica Mountains Land Use Plan (LUP) as a significant oak woodland. The project site is not located within this designated sensitive resource area, however.

The proposed development is situated on the eastern portion of the property, rather than the western portion, which is traversed by a seasonally active stream. The proposed construction will not encroach within the protected zones of any of the oak trees on the site or require their removal. In addition, the subject site is located on a private road, Crater Oak Drive, and is not visible from any scenic highways or any other public view areas. The proposed development will not be constructed on the major ridgeline, is compatible with the character of the surrounding area, and will not adversely impact visual resources. Furthermore, the project site is also located outside of the small lot subdivision of the Monte Nido area.

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 applicant has submitted a geologic report entitled, "Soils and Engineering Geologic Investigation for Proposed Single Family Residence," prepared by GeoSystems, Environmental and Geotechnical Consultants, dated October 1, 1996, which states:

> ***Based on the findings of our investigation, the site is considered to be suitable from a soils and engineering standpoint for construction of the proposed residence provided the recommendations included herein are followed and integrated into the building and grading plans.***

In addition, the applicant has also submitted a geologic report, entitled "Updated Soils and Engineering-Geologic Report for Proposed Residence," also prepared by

GeoSystems, Environmental and Geotechnical Consultants, dated October 28, 1999, evaluating the geologic stability of the proposed development. This report incorporates the numerous recommendations regarding construction, foundations, 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.***

This conclusion is reiterated in the consultant's report dated August 4, 1998.

In their report dated October 1, 1996, GeoSystems, Environmental and Geotechnical Consultants, state that the fill and soil materials on the subject site are subject to downhill creep and are not suitable for foundation or interior floor slab support. In addition, GeoSystems, Environmental and Geotechnical Consultants, also makes recommendations pertaining to the retaining wall proposed by the applicant, in order to address the creep prone soil. In that report, however, the consultant concludes that based on the findings of their preliminary investigation, "the ascending slopes at the site are considered to be grossly and surficially stable." Their report dated October 7, 1999 also reiterates recommendations for the construction of this rear yard retaining wall.

In response to these recommendations, the applicant is proposing a grade beam and friction pile foundation system supported on firm, in place bedrock to enhance the stability of the proposed development, as recommended by the consultant. The applicant is also proposing to construct a 150 foot retaining wall, which will range in height from one to eight feet, and be situated behind the single family residence to provide for increased stability of the steep slope behind the residence. In order to place the friction piles into competent bedrock, approximately 100 cubic yards of excavation grading will be required. The excess 100 cubic yards of excavated material will then be compacted under the pad for the floor slab and used as back fill for the retaining wall. These measures are all in accord with the referenced recommendations of the geotechnical consultant.

Therefore, the Commission finds that based on the recommendations of the applicant's geotechnical consultant, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geologic consultant's recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicant to submit final project plans that have been certified in writing by the geotechnical consultant as conforming with all recommendations of the 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 primarily 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 structures 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 applicant assumes the liability from these associated risks. Through **Special Condition Four (4)**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Four (4)**, the applicant also agrees to indemnify the Commission, its officers, agents, and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

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

C. Sensitive Resources

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:

> ***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.

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 LUP, which contains numerous policies designated to protect sensitive resource 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. Table 1 of the certified LUP sets forth guidelines and standards for significant oak woodland areas, such as the area to the northeast of the subject site. Table 1 of the certified LUP states:

> ***Encroachment of structures within an oak woodland shall be limited such that at least 90% of the entire woodland is retained. Leachfields shall be located outside the dripline of the existing oak trees. . . . Clustering of structures shall be required to minimize the impacts on natural vegetation. . . . Land alteration and vegetation removal shall be minimized. . . . Structures shall be located as close to the periphery of the oak woodland, as feasible, including outside the oak woodland, or in any other location for which it can be demonstrated that the effects of development will be less environmentally damaging. . . . Structures shall be located as close as feasible to existing roadways and other services to minimize the construction of new infrastructure. . . . Site grading shall be accomplished in accordance with the stream protection and erosion policies.***

In addition, Policy 63 of the certified LUP states that uses shall be permitted in Significant Oak Woodlands in accordance with Table 1, referenced above. Policy 74 states that new development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources. The certified LUP also contains the following policies that specifically address stream protection and erosion control, which are also reference in Table 1. Under Policy 82, grading is to be minimized to reduce potential negative effects of runoff and erosion on resources. 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. 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, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Policy 87 requires abatement of any grading or drainage condition on the property that gives rise to existing erosion problems. Policy 88 requires a site design that will minimize grading and vegetation removal in areas of high potential erosion hazard. Furthermore, Policy 89 states that in 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 requires use of particular erosion and runoff control methods to be implemented if grading is permitted during the rainy season. Finally, Policy 94 requires cut and fill slopes to be stabilized with planting at the completion of final grading, while Policy 95 requires temporary vegetation, seeding, mulching, or other suitable stabilization methods to protect soils subject to erosion when construction extends into the rainy season.

As stated previously, the applicant is proposing to construct a new two-story, 24 foot high, 2,662 square foot single family residence with attached garage, a 150 foot long retaining wall one to eight feet high, septic system, and 200 cubic yards of grading (100 cubic yards of excavation and 100 cubic yards of fill). An area to the northeast of the subject property has been designated by the certified LUP as a significant oak woodland. A seasonally active stream also traverses the western portion of the subject parcel.

As required by the Coastal Act and the certified LUP, the proposed project will be adequately set back from the significant oak woodland and will minimize adverse impacts on the resources in the area through site design. The single family residence will be located approximately 150 feet downslope from the oak woodland and will be

sited on the eastern portion of the parcel, rather than the parcel traversed by the seasonal stream. The proposed present and future seepage pits will be located approximately 100 feet downslope from the oak woodland and over 80 feet outside of the dripline of two nearby, oak trees which are isolated from the oak woodland area. In addition, the proposed development will be located immediately adjacent to the access road, Crater Oak Drive. Furthermore, the applicant has minimized the amounts of grading required for the proposed project and minimized landform alteration on the site. The applicant is only proposing 200 cubic yards of grading, which includes 100 cubic yards of excavation for the foundation footings and 100 cubic yards of fill for the foundation area and backfill for the retaining wall.

In addition, the effects of fuel modification required by the Los Angeles County Fire Department have been reduced by siting the development in the immediate vicinity of the access road (Crater Oak Drive) and downslope from the significant oak woodland area. Fuel modification requirements can affect natural vegetation for up to 200 feet from the footprint of defensible structures. Due to the set back of the proposed development, the nearest corner of the proposed residence would be approximately 150 feet from oak woodland area. There are also two isolated oak trees in the immediate vicinity of the proposed residence, which are not within the designated oak woodland. Fuel modification will not significantly affect these isolated oak trees or the oak woodland, since the Fire Department does not require removal of oak trees pursuant to fuel modification, but only the understory. In addition, there are already other single family residences in the vicinity of the project site with overlapping fuel modification zones that extend into the area designated as an oak woodland. As a result, impacts from the proposed development on these significant resources for fuel modification will not be significant. The proposed development has been appropriately set back from the significant oak woodland and potential impacts to this significant resource area and the on site oak trees have been minimized.

The direct impacts of the proposed project, such as grading, vegetation removal and hardscaping of the formerly natural areas of a developed lot, will be mitigated through the implementation of the applicable special conditions. The landscaping of the disturbed and graded areas of the subject site with native plant species will assist in preventing erosion and the displacement of native plant species by non-native or invasive species. 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. Due to these considerations, **Special Condition Two (2)** requires a landscape plan comprised primarily of native plant species, in conjunction with an interim erosion control plan.

Furthermore, the on site oak trees, which are physically isolated from the designated significant oak woodland to the northeast of the site, will be afforded additional protection from construction activities and erosion through the installation of a temporary fence, as required by **Special Condition Two (2).** In addition, **Special Condition Two (2)** also provides for erosion control during construction and grading activities. 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).** This restriction specifies that natural vegetation shall not be removed until building permits have been secured and construction of the permitted structures has commenced, preventing unnecessary disturbance of the area. **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),** and **Five (5),** the proposed development will minimize removal of native vegetation and reduce erosion and polluted runoff, consistent with Table 1 of the certified LUP and LUP Policies 63, 74, 82, 85, 86, 88, 91, 93, 94, and 95. **Special Condition Two (2),** which requires native plant species in the landscaping plan, will also be consistent with the guidelines of LUP Policy 94. The erosion control and drainage and polluted runoff plans required by **Special Conditions Two (2)** and **Four (4)** will also be consistent with the intent of LUP Policies 85, 86, 88, 89, 92, 93, and 95. This project is also adequately set back from the area designated as a significant oak woodland and other on site resources, thereby minimizing potential negative impacts, in compliance with Table 1 of the certified LUP and Policies 74, 79, and 88. 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),** and **Five (5),** 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 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. Furthermore, the Commission also recognizes that the potential build-out of lots in Malibu, 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:

> ***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 proposed project includes the construction of a new two-story, 24 foot high, 2,662 square foot single family residence with attached garage, a 150 foot long retaining wall one to eight feet high, septic system, and 200 cubic yards of grading (100 cubic yards of excavation and 100 cubic yards of fill). The conversion of the project site from its natural state will result in an increase in the amount of impervious surface and reduction in the naturally vegetated area. Further, use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as accumulated pollutants from rooftops and other impervious surfaces and effluent from septic systems.

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 applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the subject site. 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 applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the applicant proposes to construct a new 1,500 gallon septic tank and disposal system to service the single family residence the proposed development. The applicant's geologic consultant has performed percolation tests and evaluated the proposed septic system. In their report dated June 29, 1999, GeoSystems, Environmental and Geotechnical Consultants, state:

> ***Effluent from seepage pits is expected to percolate downward within the fractured volcanic bedrock along favorably oriented fracture planes. Sustained, long-term use of the private sewage disposal system is not expected to adversely affect the site or adjacent site stability, or result in mounding or daylighting of sewage effluent provided that our recommendations are followed . . . It is the finding of this firm that the proposed sewage disposal system will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the County Code, provided our recommendations are followed.***

As stated in the above referenced report, the applicant will also be installing future seepage pits to service the residence under the current development proposal, since the future seepage pit locations will be blocked once the single family residence is constructed. The County of Los Angeles, Environmental Health Department has also given in concept approval for the sewage disposal system, including both the present and future seepage pits proposed by the applicant. This conceptual approval by the County indicates that the sewage disposal system for the project in this application comply with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that conformance with the provisions of the plumbing, health, and safety codes is protective of resources and serves to minimize any potential for wastewater discharge that could adversely impact coastal waters. 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.

E. 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 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' 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).

F. 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.

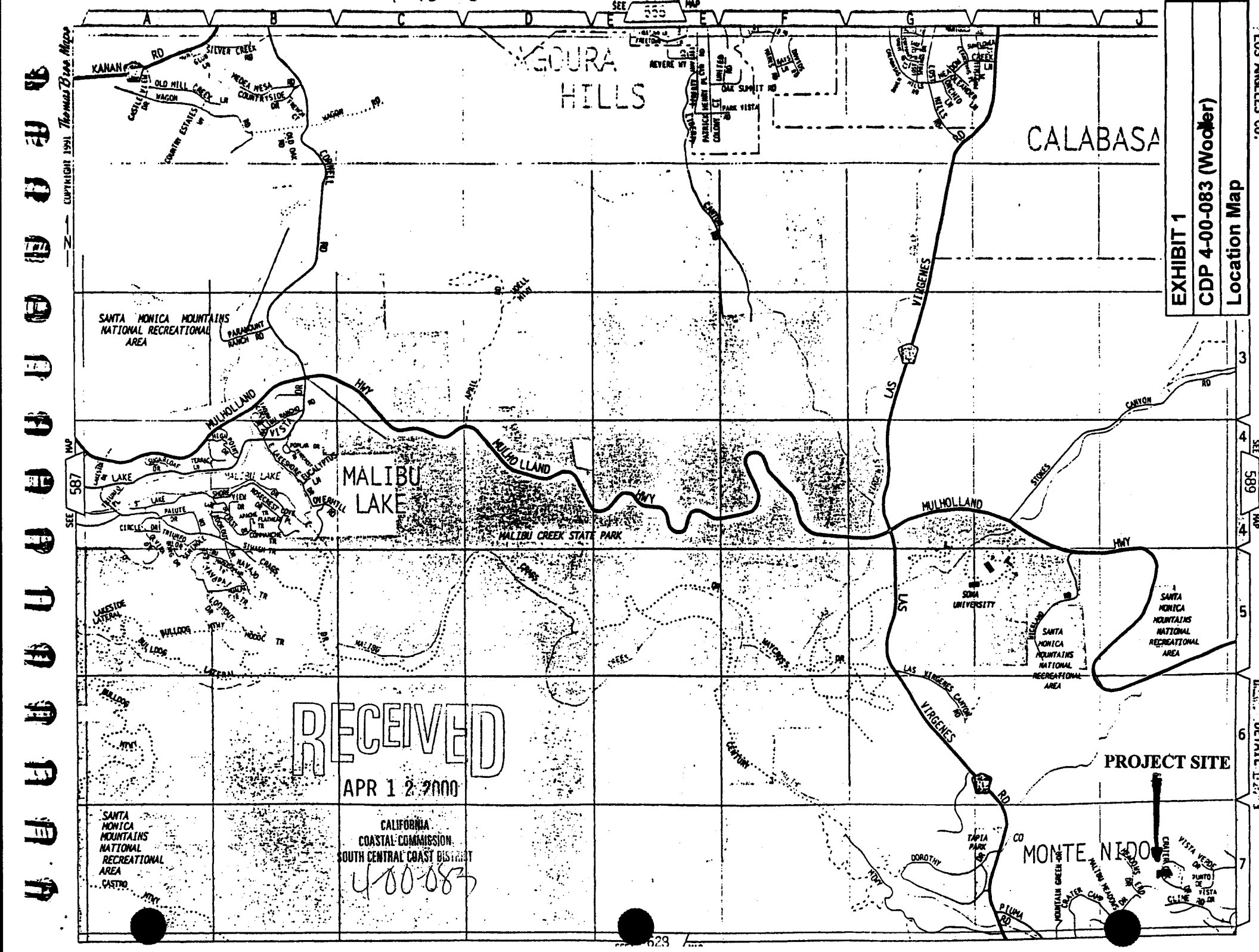


EXHIBIT 1
CDP 4-00-083 (Wooller)
Location Map
PROJECT SITE
RECEIVED
APR 12 2000
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
4-00-083
MALIBU LAKE
MALIBU CREEK STATE PARK
SANTA MONICA MOUNTAINS NATIONAL RECREATIONAL AREA
CALABASAS
MONTE NIDO
MULHOLLAND HWY
LAS VIRGENES
CONEJO GRADE
CORRELL RD
KANAN RD
PARAMOUNT RANCH RD
APRIL CANYON RD
STOKES CANYON RD
LAS VIRGENES CANYON RD
PIUMA RD
SEE MAP 587
SEE MAP 589
SEE MAP 623
Thomas Bros Maps
COPYRIGHT 1991

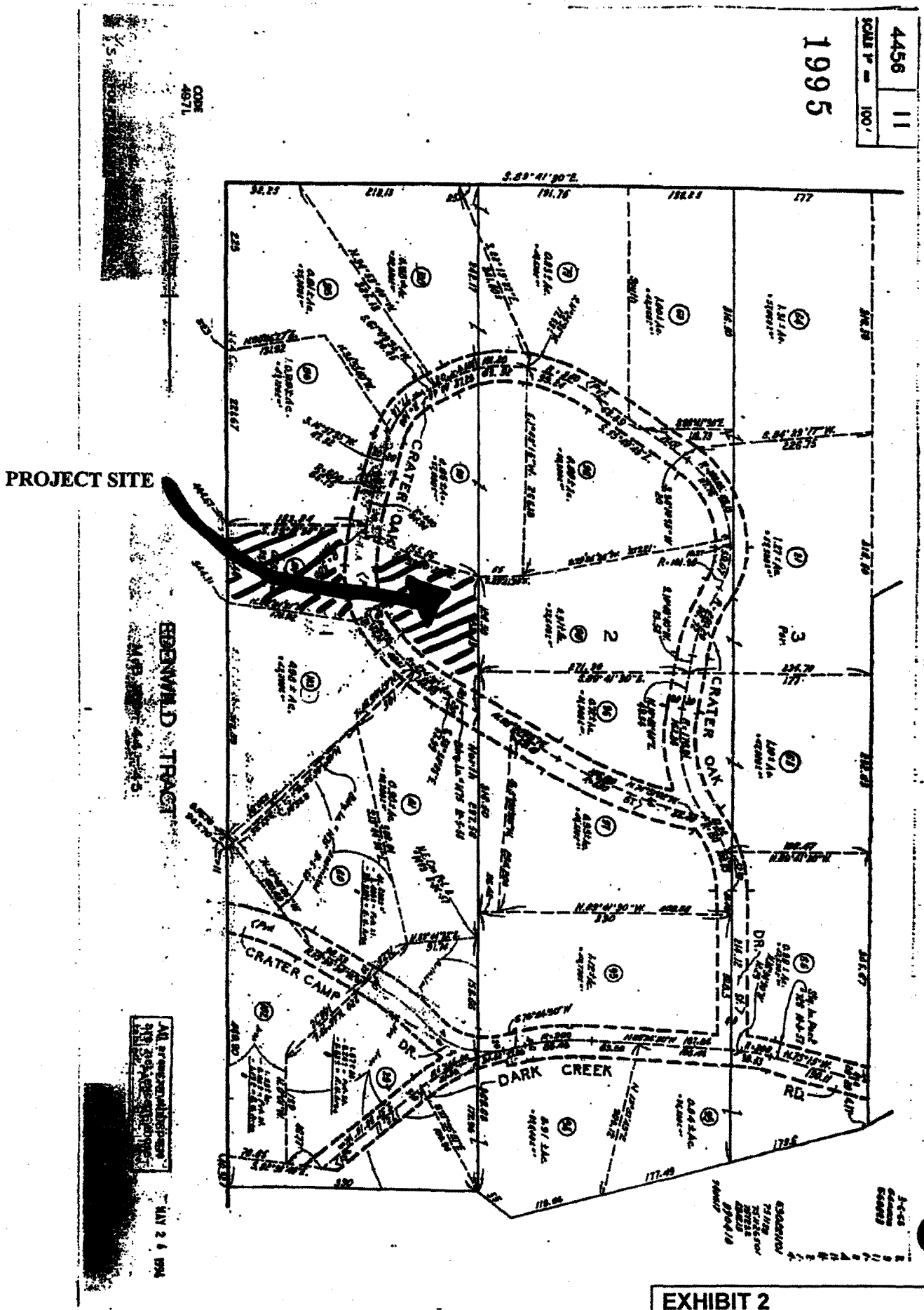
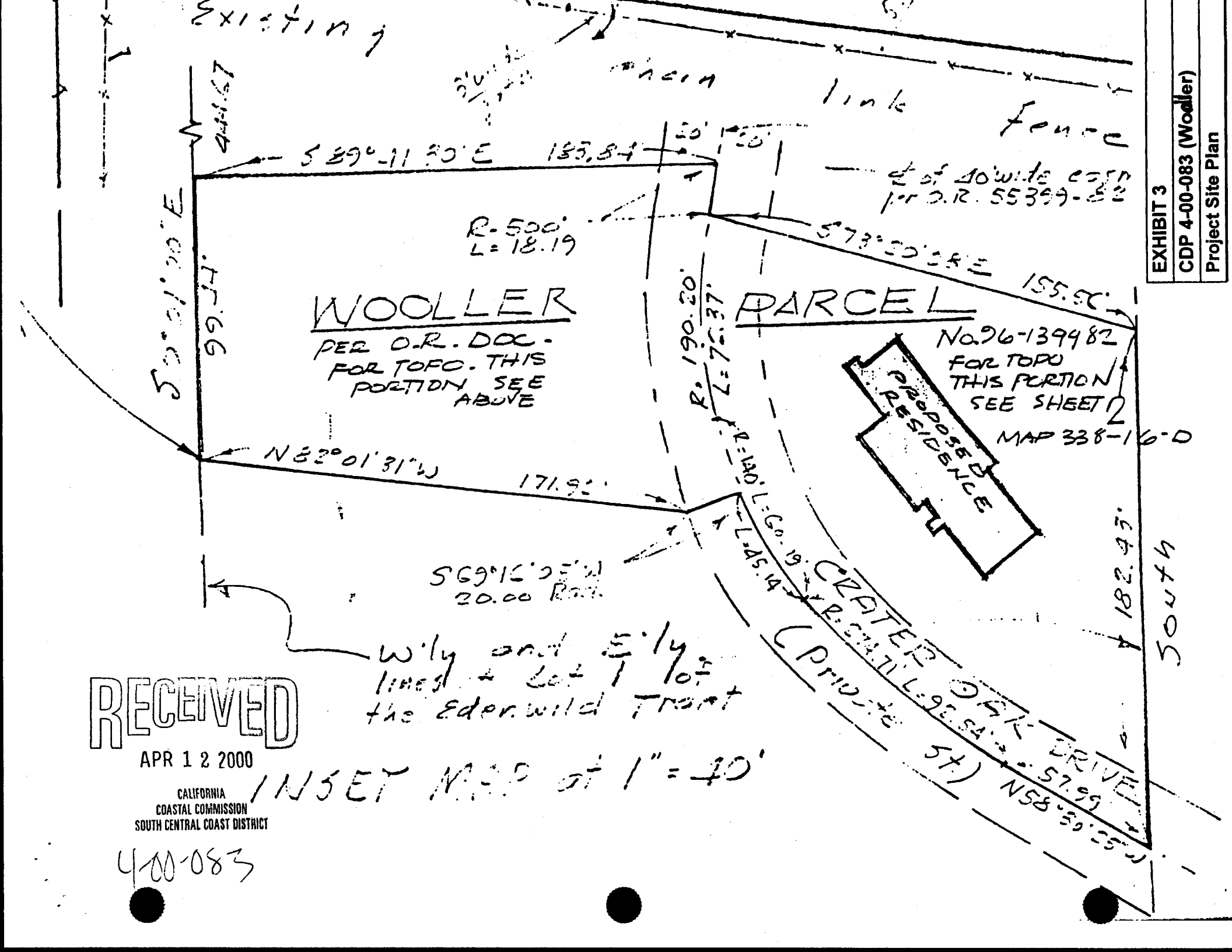


EXHIBIT 2
CDP 4-00-083 (Wooller)
Parcel Map



RECEIVED
APR 12 2000
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

4-00-083

EXHIBIT 3
CDP 4-00-083 (Woodler)
Project Site Plan

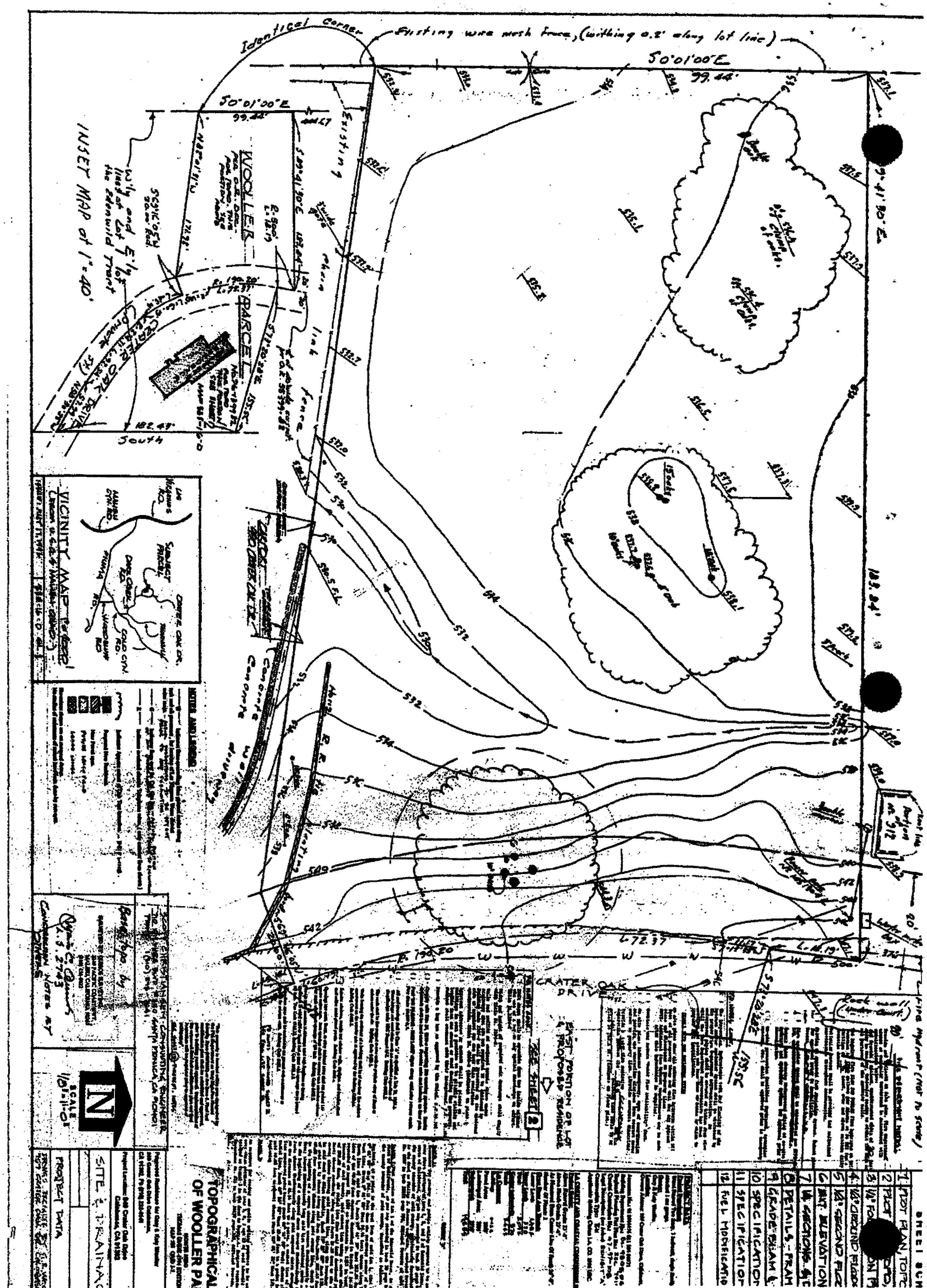


EXHIBIT 4

CDP 4-00-083 (Wooller)

Western Portion of Parcel

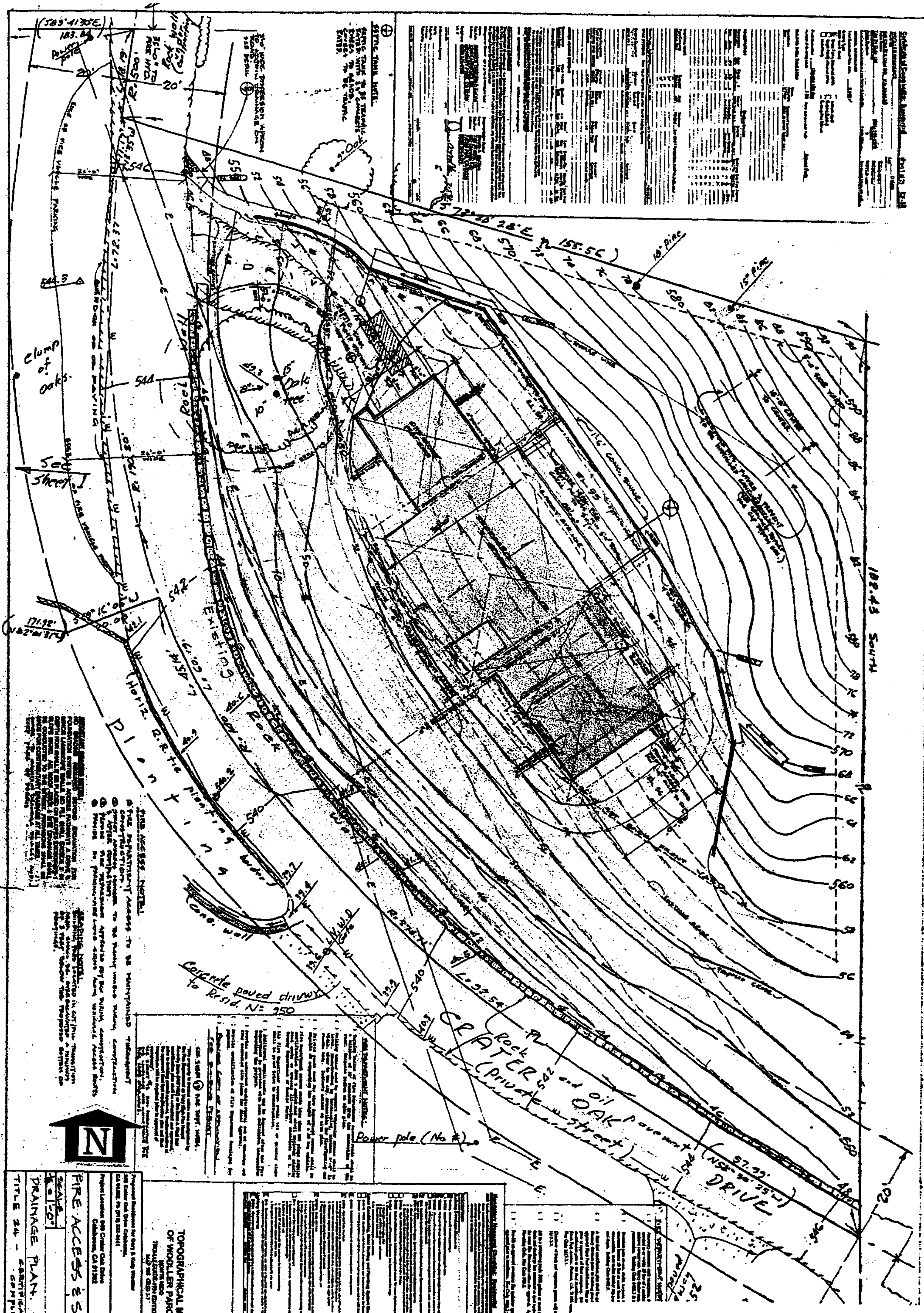
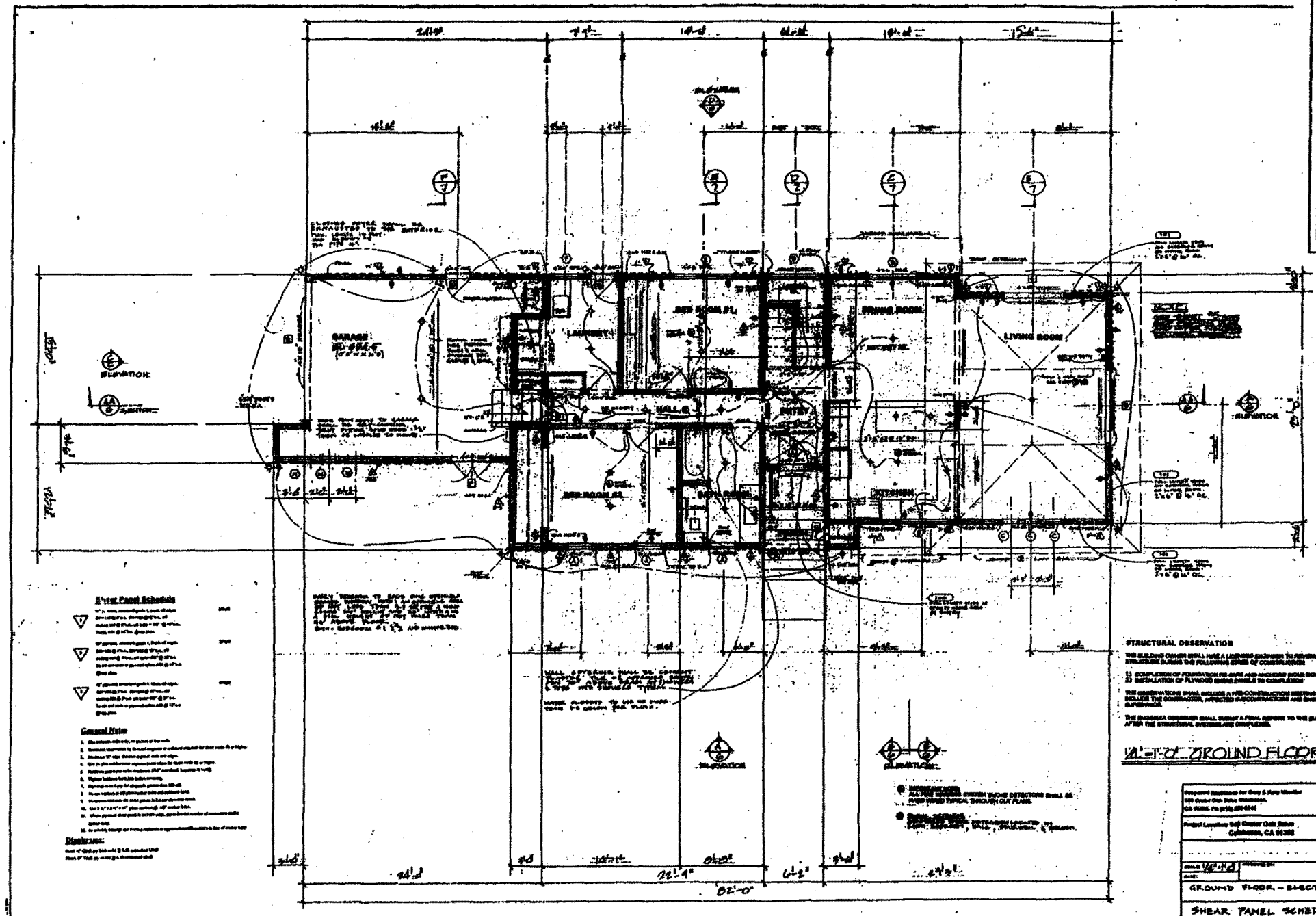


EXHIBIT 5

CDP 4-00-083 (Wooller)

Site Plan-Eastern Portion of Parcel

EXHIBIT 6
CDP 4-00-083 (Wooster)
First Floor Plan



Shear Panel Schedule

General Note

Disclosure:

STRUCTURAL OBSERVATION

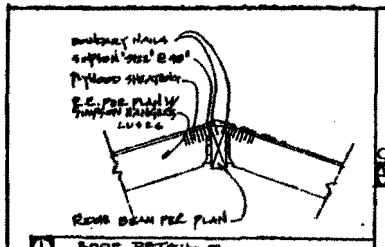
1/4"=1'-0" GROUND FLOOR PLAN

GROUND FLOOR - ELECTRICAL

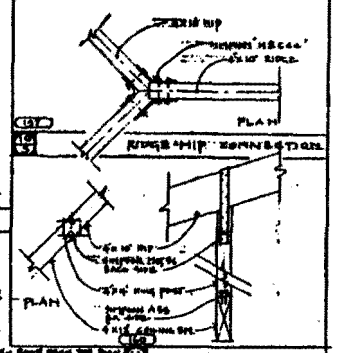
SHEAR PANEL SCHED.

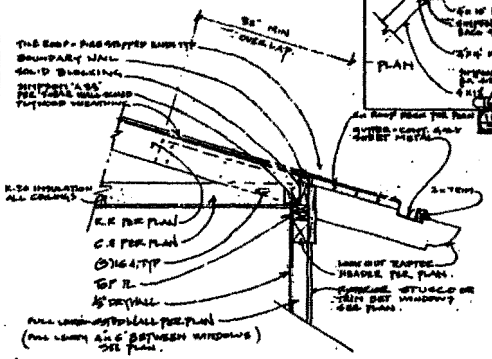
4

EXHIBIT 7
CDP 4-00-083 (Wodder)
Second Floor Plan

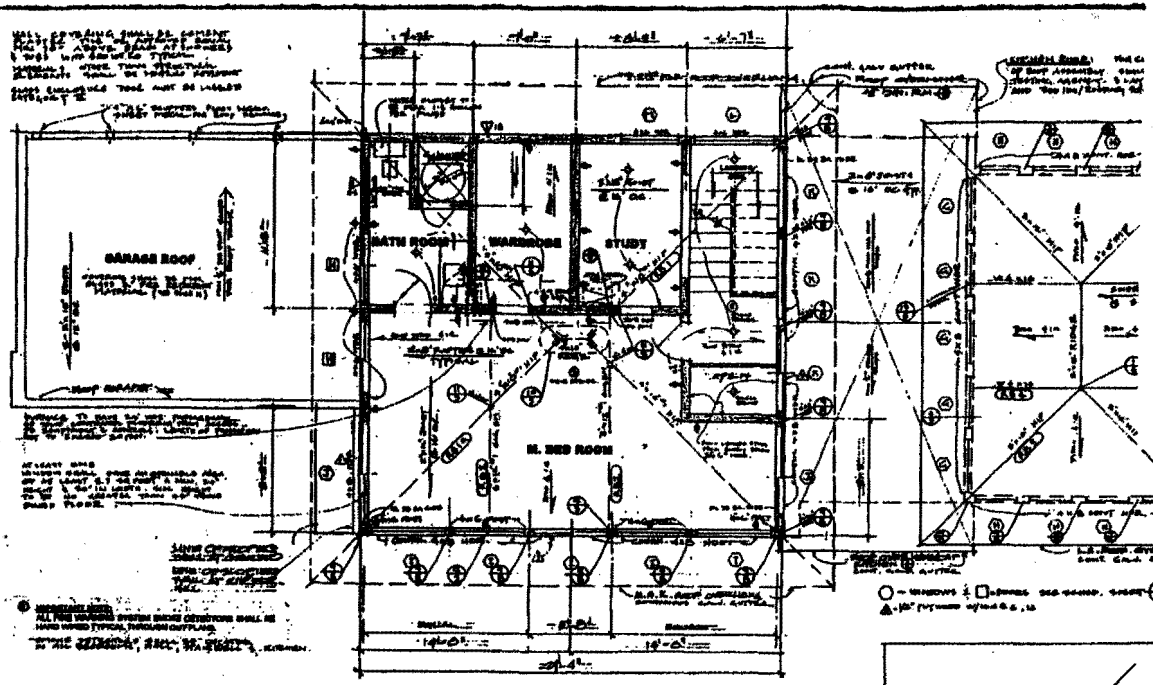


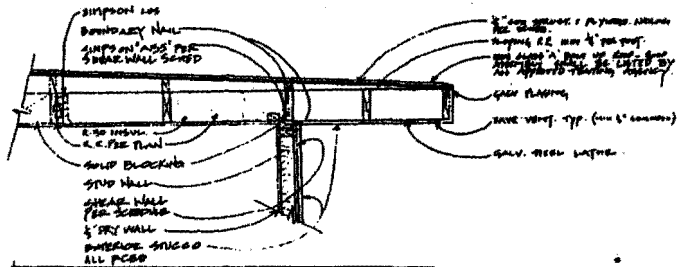
ROOF DETAIL - MASTER BED RIDGE



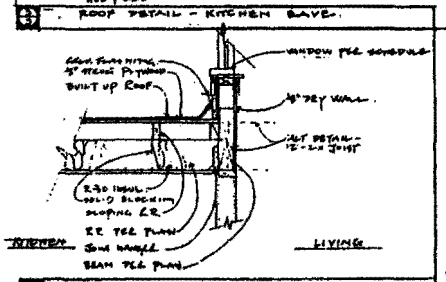


ROOF DETAIL - MASTER BED. BAVE

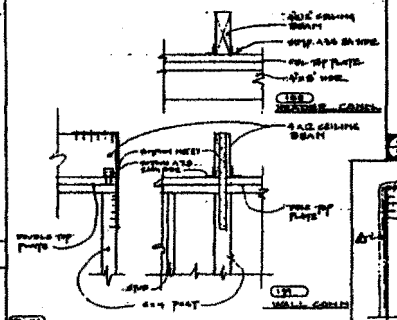




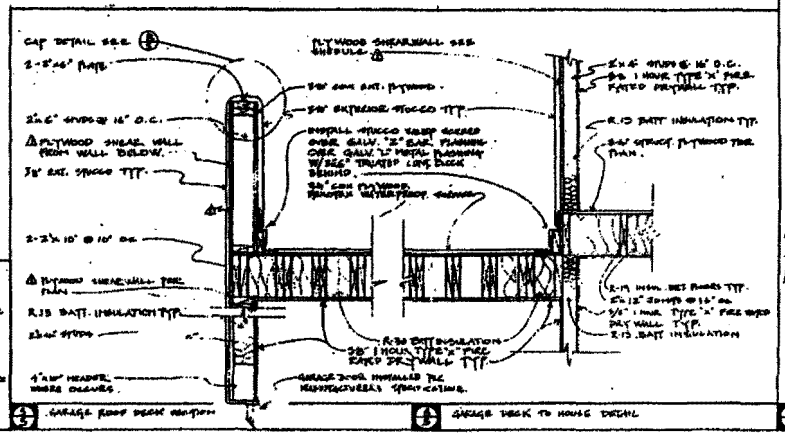
ROOF DETAIL - KITCHEN BAVE



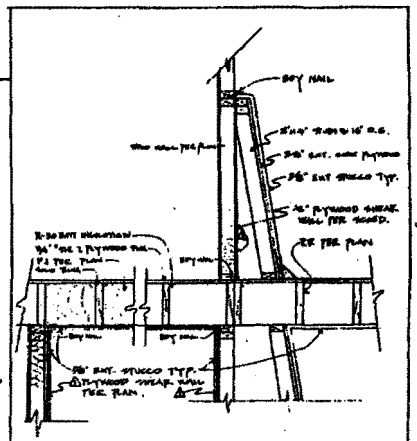
ROOF DETAIL @ BEAM. KITCHEN LIVING



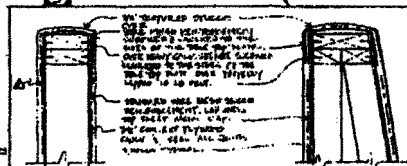
CEILING BEAM / WALL HEADER CONN.



GARAGE ROOF DECK DETAIL | GARAGE DECK TO HOUSE DETAIL



SECTION DETAIL - ENTRY PORCH



SOLID RAIL CAP DETAIL | SOLID RAIL CAP DETAIL

Proposed Residence for Gary & Kay Wodder
409 Center Oak Drive Calabasas,
CA 91302. PH (818) 222-2121

Project Location: 409 Center Oak Drive
Calabasas, CA 91302

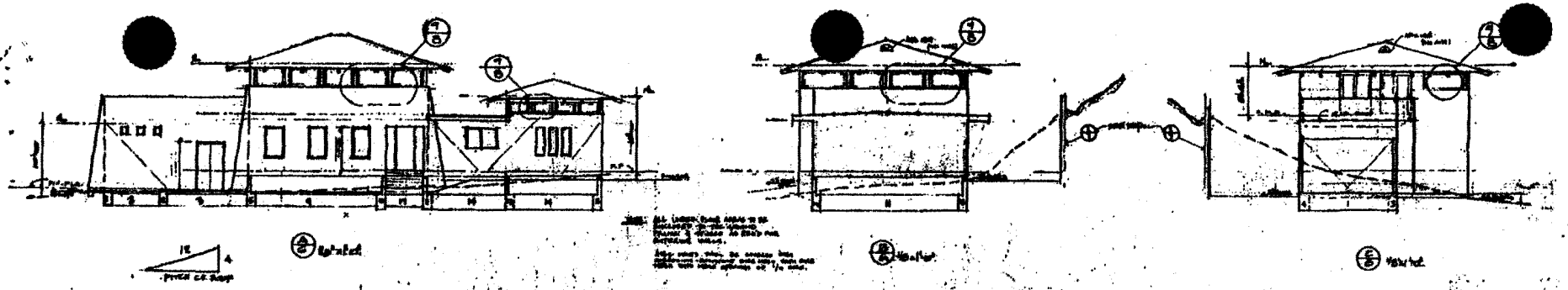
SHEET 5

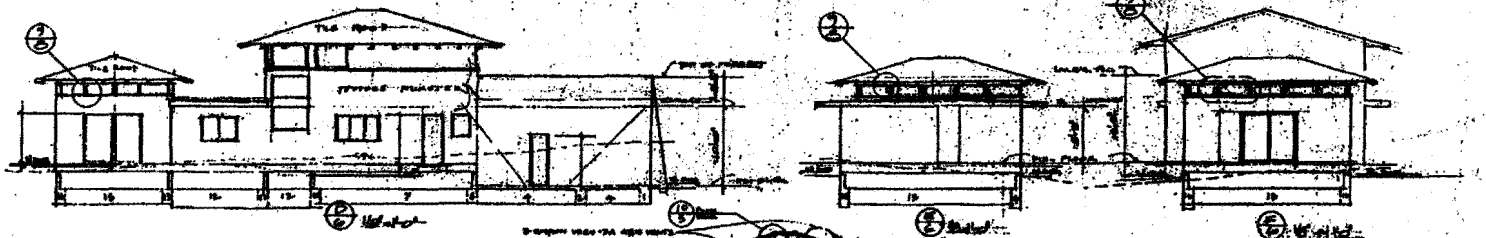
SECOND FLOOR PLAN - 1/4"=1 FOOT
ROOF FRAMING.

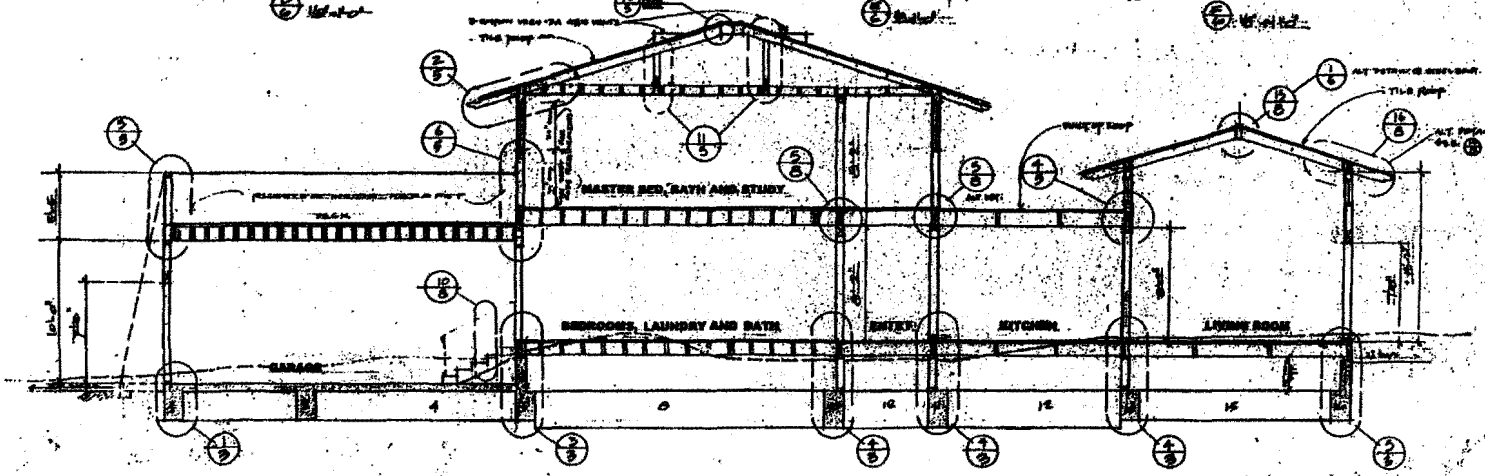
SCALE: AS NOTED

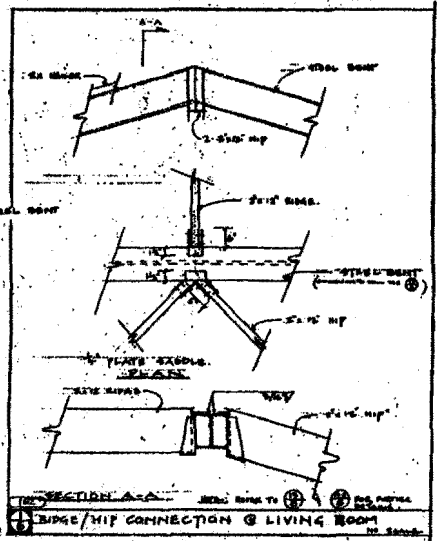
ROOF & ROOF DECK DETAILS - DO NOT SCALE

EXHIBIT 8
CDP 4-00-083 (Wodler)
Elevations and Cross Sections









1/8" EXT. ELEVATIONS &
1/4" SECTIONS (A/A)

STRUCTURAL OBSERVATION

THE BUILDING OWNER SHALL HIRE A LICENSED ENGINEER TO OBSERVE THE STRUCTURE DURING THE FOLLOWING STAGES OF CONSTRUCTION:

1.) COMPLETION OF FOUNDATION RE-BARS AND ANCHORS (HOLD DOWNS AND BOLTS)
2.) INSTALLATION OF PLYWOOD SHEAR PANELS TO COMPLETION

THE OBSERVATIONS SHALL INCLUDE A PRE-CONSTRUCTION MEETING THAT SHALL INCLUDE THE CONTRACTOR, AFFECTED SUBCONTRACTORS AND ENGINEER SUPERVISOR.

THE ENGINEER OBSERVER SHALL SUBMIT A FINAL REPORT TO THE BUILDING DEPT. AFTER THE STRUCTURAL SYSTEMS ARE COMPLETED.

Proposed Residence for Gary & Kelly Wodler
949 Cedar Oak Drive Goleta, CA 93117 Ph (805) 685-6161

Project Location: 949 Cedar Oak Drive Goleta, CA 93117

6

ELEVATIONS & SECTIONS

DETAIL: LIVING ROOM - HIP DETAIL

EXHIBIT 9
CDP 4-00-083 (Wooler)
Cross Sections

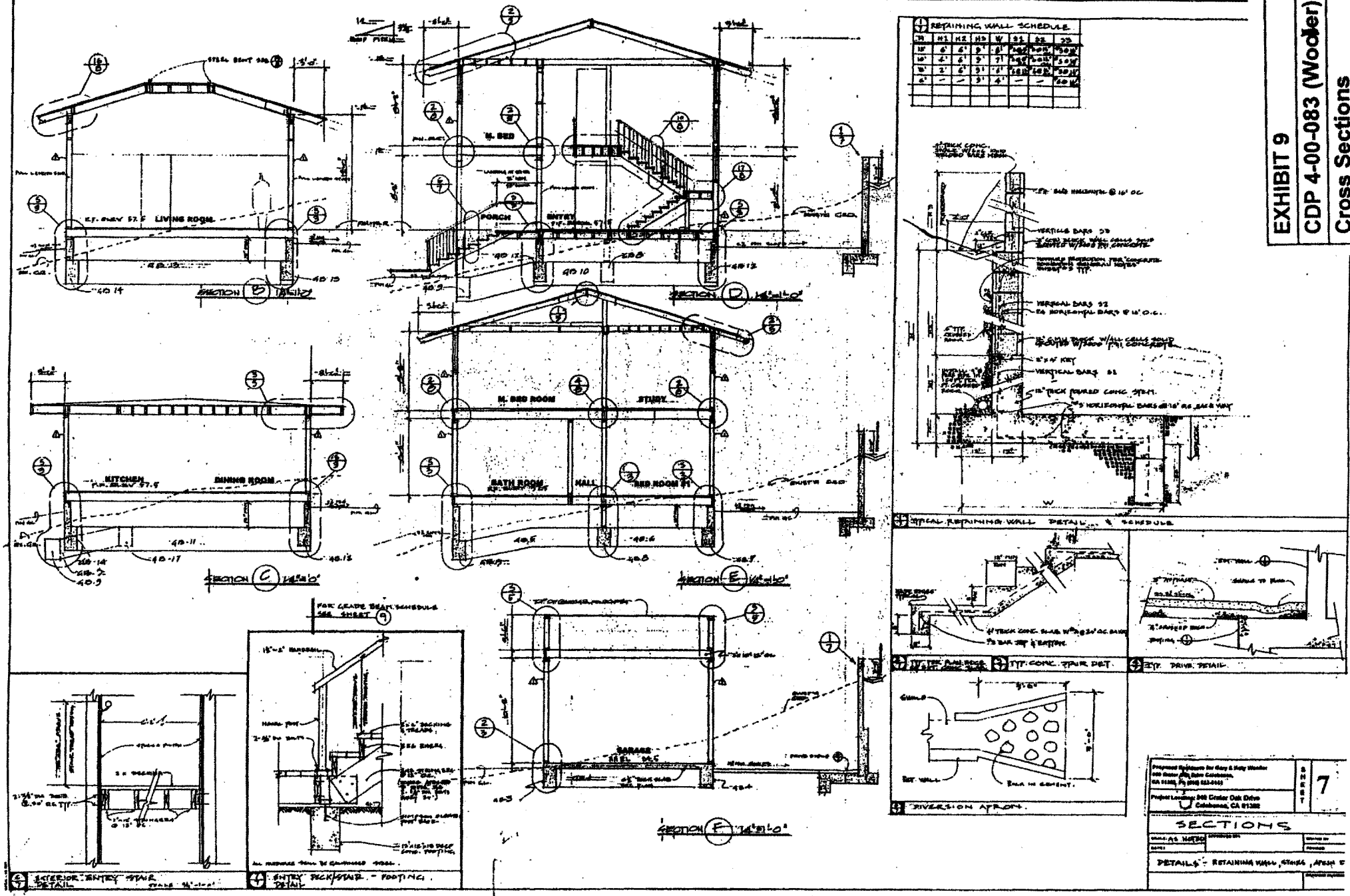
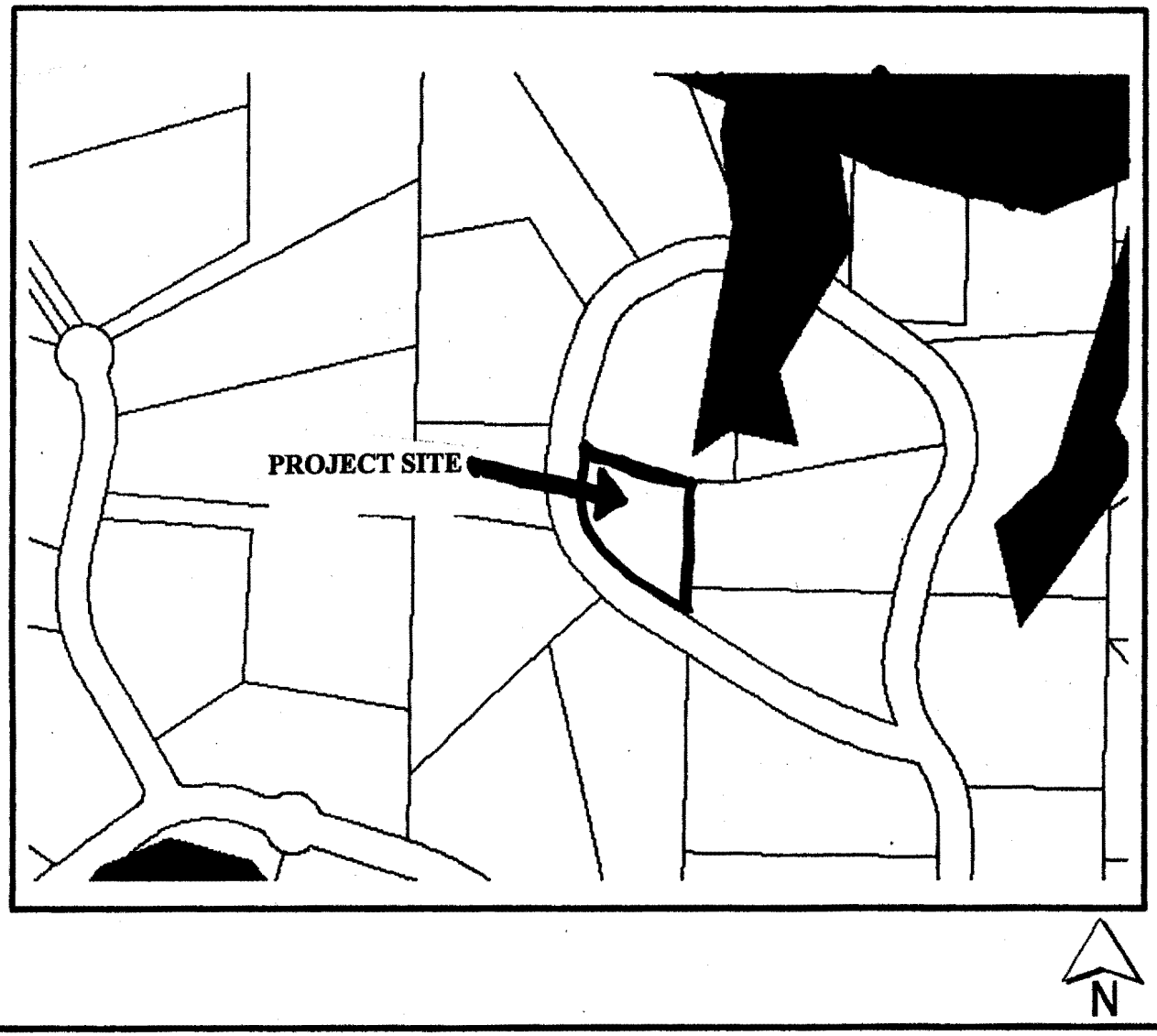


EXHIBIT 10
CDP 4-00-083 (Woo[illegible]er)
Resource Map

ESRI ArcExplorer 1.1



laprcls

Coldcreek management area

oak woodlands and savannahs

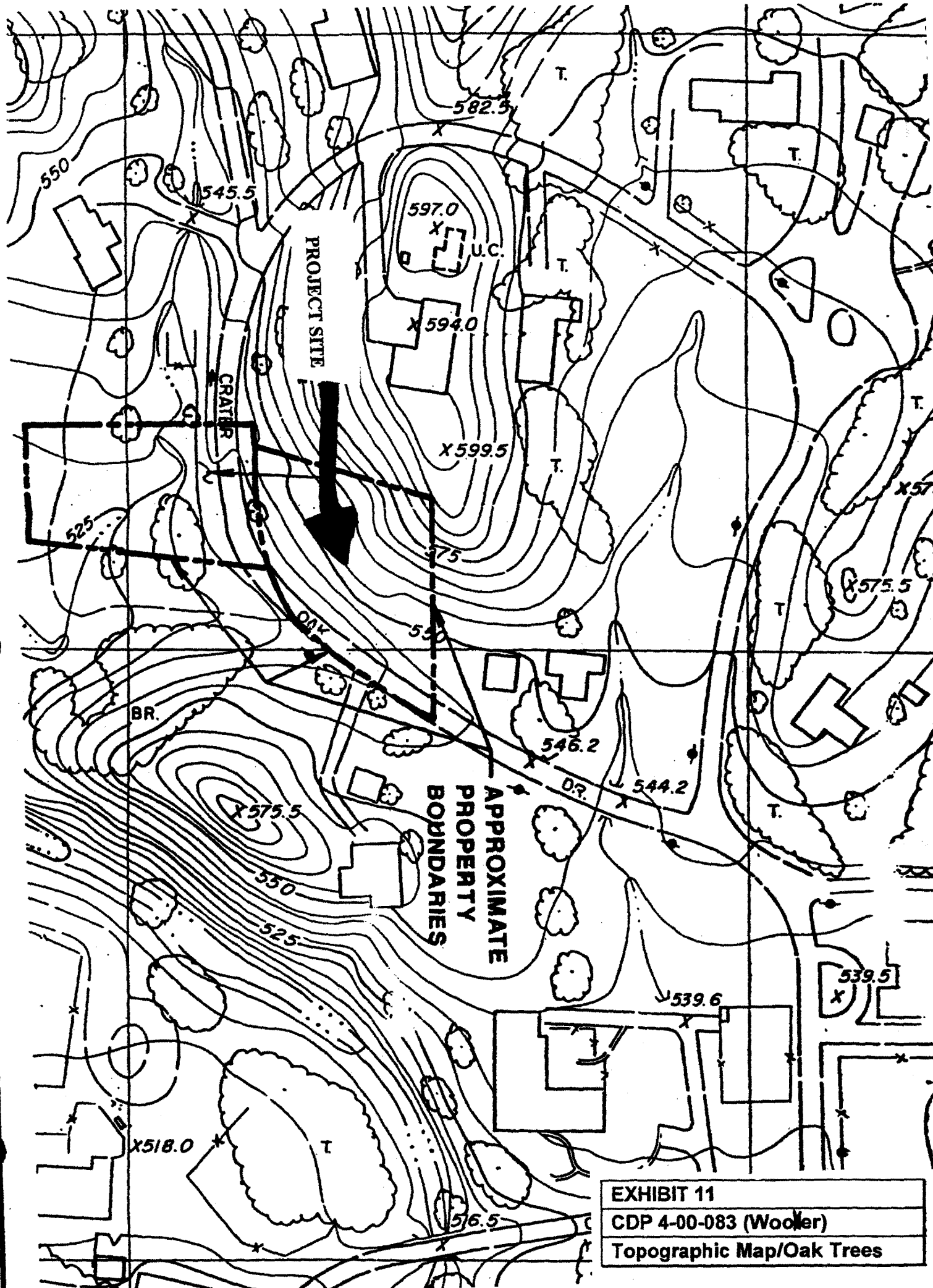


EXHIBIT 11
CDP 4-00-083 (Wooller)
Topographic Map/Oak Trees