

CALIFORNIA COASTAL COMMISSION

WITH CENTRAL COAST AREA
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Staff: AAV *[Signature]*
Staff Report: 12/21/00
Hearing Date: 1/9/01
Commission Action:

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

APPLICATION NO.: 4-99-190

APPLICANT: Jack and Louise Mahoney

AGENT: Rich Rothman

PROJECT LOCATION: 310 Loma Metisse, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a two-story, 27 ft. high, 3,470 sq. ft. single family residence, with a detached two-story, 22 ft. high, two-car garage/gym and 400 sq. ft. upstairs studio, septic system, 5,000 gallon water tank, retaining walls, 15 x 15 ft. single horse corral, 50 cu. yds. of grading (25 cu. yds. cut/25 cu. yds. fill) and 685 cu. yds. overexcavation.

Lot area:	5.8 acres
Building coverage:	2,810 sq. ft.
Pavement coverage:	5,900 sq. ft.
Landscape coverage:	2,500 sq. ft.
Parking spaces:	5

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of regional Planning, Approval In Concept 7/1/99; County of Los Angeles, Department of health Services, Approval for Sewage Disposal System Design 7/23/99; County of Los Angeles Fire Department, Final Fuel Modification Plan Approval 12/14/00.

SUBSTANTIVE FILE DOCUMENTS: Response to Plan Review Geotechnical Report by Advanced Geotechnical Services 2/29/00, Geotechnical Engineering Study by Advanced Geotechnical Services 12/23/98, Boring Observation, Proposed On-site Private Sewage Disposal System by Advanced Geotechnical Services 7/8/99, Residential Waste Water Disposal System Report by Barton Slutske 6/26/99, Environmental Review Board Evaluation 5/17/99.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with 8 Special Conditions regarding 1) Geologic Recommendations, 2) Drainage and Polluted Run-off Control Plans, 3) Landscaping and Erosion Control Plans, 4) Removal of Natural Vegetation, 5) Color Restriction, 6) Future Improvements, 7) Wildfire Waiver of Liability, and 8) Revised Plans.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-99-190 pursuant to the staff recommendation.*

I. 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 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 Geologic Recommendations

All recommendations contained in the Response to Plan Review Geotechnical Report dated 2/29/00, Geotechnical Engineering Study dated 12/23/98, Boring Observation, Proposed On-site Private Sewage Disposal System, dated 7/8/99, prepared by Advanced Geotechnical Services and the Residential Waste Water Disposal System Report by Barton Slutske 6/26/99, shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and waste water disposal specialist. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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

2. Drainage and Polluted Runoff Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineering to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.

- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall identify an area for animal waste containment and shall specify provisions to contain and prevent off-site migration of animal waste due to wind, rain, or run-off. The plan shall include drainage devices and BMPs which will ensure that run-off from the proposed horse corral and waste containment area will in no instance be conveyed toward the natural tributary and sensitive habitat area delineated on Exhibit 4, and that all run-off from these areas shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter devices shall be designed to trap sediment, particulates and other solids, and remove or mitigate contaminants through infiltration and/or biological uptake.

The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicants shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultant to ensure that the plans are in conformance with the consultant's recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

- (3) No clearing, thinning, or other disturbance of vegetation shall occur within the sensitive riparian habitat area identified within the natural drainage course and seasonal pond as delineated on Exhibit 4.
- (4) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence and retaining walls to minimize potential impacts of public views from Piuma Road.
- (5) 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.
- (6) 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.
- (7) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of

all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the 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 applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. Removal of Natural Vegetation

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

5. Color Restriction

The color of the structures, roofs, retaining walls and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white and red tones shall not be acceptable). All windows shall be comprised of non-glare glass.

- A. Prior to the issuance the coastal development permit the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Future Improvements

This permit is only for the development described in Coastal Development Permit No. 4-99-190. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit No. 4-99-190, including the detached garage/gym with 400 sq. ft. second-story studio, horse corral, and any fencing, grading, landscaping, clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 3, and any change in the intensity of equestrian use (i.e. number of horses) shall require an amendment to Permit No. 4-99-190 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Prior to the issuance of the coastal development permit the applicants shall Execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. 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, 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 wild fire exists as an inherent risk to life and property.

8. Revised Plans

Prior to issuance of Coastal Development Permit 4-99-190, the applicants shall submit a complete set of revised project plans which incorporate the applicant's proposal to redesign and relocate the detached garage/gym and studio structure to provide a 20 ft. minimum setback from the edge of any descending slope of the lower building pad.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicants are proposing to construct a two-story, 27 ft. high, 3,470 sq. ft. single family residence, with a detached two-story, 22 ft. high, two-car garage/gym with a 400 sq. ft. second-story studio, new septic system, 5,000 gallon water tank, 15 x 15 ft. single horse corral, and retaining walls

varying in height up to 6 ft. (Exhibits 4-8). The project proposal also includes 50 cu. yds. of grading (25 cu. yds. cut/25 cu. yds. fill) to smooth and upgrade the existing driveway and approximately 685 cu. yds. of removal and recompaction to prepare the site for the proposed development.

The project site is a vacant 5.8 acre parcel located in a gated community accessed from Piuma Road via West Saddle Peak Road and Loma Metisse Road in the Santa Monica Mountains (Exhibit 1,2). The subject parcel is bordered by privately owned land to the north, south, and east and is bordered by State Lands to the west (Exhibit 2). The area surrounding the project site is characterized by natural hillside terrain and is moderately developed with custom single family residences. The project site is currently developed with a split-level building pad, with an approximate 6 ft. difference between the upper and lower pad area, which is located at the extreme north-east corner of the subject parcel. The building pad is located on a hilltop and is accessed directly from Loma Metisse Road by an existing driveway. Geology reports submitted for the proposed development indicate that the building pad was graded in the early 1970's and aerial photographs indicate that the proposed building pads and driveway were existing prior to 1977.

Except for the existing building pad, the subject parcel is comprised of moderate to steep hillside terrain with slope gradients ranging from 1 ½:1 to 2:1. Natural slopes descend approximately 30-35 ft. from the north, south and east sides of the building pad and a steep slope descends from the west edge of the building pad beyond the west property boundary approximately 1200 ft. The proposed development is to be located entirely within the existing building pad area and no development is proposed on the slopes of the project site.

The project site is located on the periphery within the Cold Creek Resource Management Area. Vegetation at the project site is heavily disturbed in the vicinity of the existing building pad due to previous grading operations and fuel modification requirements associated with existing development on adjacent properties. There are no designated environmentally sensitive habitat areas mapped at the project site however, the descending slopes surrounding the building site which have not been previously disturbed for fuel modification purposes support extensive native vegetation and natural habitat. Additionally, a small tributary channels rainwater run-off from the hillsides east of the project site into a local depression forming a seasonal pond that extends across the site's east property boundary. Upon filling, water from the pond drains westerly through the tributary, which traverses the north-east corner of the property, and continues onto an adjacent site (Exhibit 4). The described tributary is not a designated blue-line stream, however, the seasonally saturated pond and tributary supports a unique inland wetland habitat characterized by sensitive natural foliage including a willow stand established along the banks of the water course.

The applicant has worked extensively with staff to minimize any potential impacts of the proposed development on the sensitive wetland habitat area and the native vegetation established over the sloping terrain at the project site, as well as potential impacts associated with excessive erosion resulting in geologic instability. Specifically, the applicant has incorporated a landscaping plan that will utilize native plant species to landscape the project area which will help to maintain native seed banks, reduce the need for irrigation over the steep slopes of the site, minimize erosion and therefore aid in maintaining the natural habitat of the area. The applicant has also submitted a County of Los Angeles Fire Department Final Approved Fuel Modification Plan dated 12/14/00 indicating that no fuel modification will be required along or within the pond and tributary banks and associated sensitive habitat canopy for fire protection of the proposed development. In addition, the applicant has revised the original project proposal, which included a large detached structure comprised of two garages, a gym and two-story studio on the lower pad area, to decrease the overall footprint of the proposed development and provide a slope setback. As originally proposed, the detached structure

was located at the northern slope edge of the lower building pad area with a driveway turn-around area that extended slightly over the slope edge (Exhibit 3). In consideration of extended fuel modification zones required for the originally proposed detached structure resulting in loss of vegetation over the descending slope and increased potential for erosion and geologic instability, the applicant has revised this portion of the proposed project description to include a two-car garage with a gym and a 400 sq. ft. upstairs studio designed and located to be setback a minimum of 20 ft. from any descending slope edge of the building pad (Exhibit 4).

The Fuel Modification Plan submitted by the applicant for the proposed project illustrates that the normally required 200 ft. fuel modification radius will extend beyond the north, southeast, and east property boundaries onto adjacent parcels. The 200 ft. fuel modification radius will be contained entirely within the western property boundary of the subject site and therefore will not extend onto State Lands bordering the west property line. Of the adjacent parcels in which the 200 ft. fuel modification radius will encroach upon only the neighboring parcel north of the subject site is vacant. The fuel modification exhibit illustrates the 200 ft. fuel modification zone extrapolated beyond the property boundaries of the subject site as well as 200 ft. radius fuel modification zones assumed to be associated with development on adjacent parcels (Exhibits 9,10). The cumulative fuel modification exhibit further illustrates that though the 200 ft. fuel modification radius will extend over some natural areas on adjacent properties not currently subject to vegetation thinning or clearing requirements, there is considerable overlap of the fuel modification areas required for the proposed project and adjacent development. Therefore, fuel modification requirements for the proposed project will result in minimal impacts of undisturbed natural vegetation on properties adjacent to the project site.

As mentioned, the identified building site for the proposed development is an existing split-level building pad located on a hilltop. The existing building pad is highly visible from several scenic public viewing areas and lookout points along Piuma Road, a designated scenic highway. Visual impacts are addressed further in Section E. Visual Resources.

B. Geology and Wildfire Hazard

The proposed development is located in the 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. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

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.***

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The project site is a parcel comprised of an existing building pad surrounded by moderately to steeply descending slopes. As previously described, the proposed development will be located at the extreme north-east corner of the subject property and will utilize the existing split-level building pad for a building location. No development is proposed on the sloping terrain of the site and the proposed project will require minimal grading (25 cu. yds cut/25 cu. yds fill), and approximately 685 cu. yds. over-excavation will be required to prepare the site and driveway for the proposed development. As mentioned, the applicants have revised the project description to redesign and relocate the detached structure proposed on the lower building pad area such that the structure will be setback a minimum of 20 ft. from the edge of the descending slopes at the site. As such, the Commission notes that the proposed development is designed to minimize the need for grading and excessive vegetation removal on the slopes of the property, as well as avoid direct development on sloped terrain, and therefore will reduce the potential for erosion and geologic instability.

Furthermore, the applicants have submitted a Geotechnical Engineering Study dated 12/23/98 and a Response to Plan Review report dated 2/29/00 prepared by AGS, Advanced Geotechnical Services, which evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development the consultants have found that the project site is suitable for the proposed project. The project's consulting geotechnical engineer states in the Response to Plan Review report dated 2/29/00 prepared by AGS:

...it is our opinion, within the scope of this study and the state-of-the-practice as of this date, that (1) the building site for the proposed structure will be geologically safe from landslides, settlement, or slippage and (2) the proposed building and grading will not negatively impact the geologic stability of adjacent property surrounding the project site, provided all recommendations in the geotechnical reports for this site are followed and the site is properly maintained

In addition the geotechnical consultant's review of the building site and proposed project plans, the consultants have reviewed the site to determine an adequate site for the proposed private sewage disposal system which will service the new residence. The consultants find that the site and proposed location for the sewage disposal system is feasible and the Boring Observation, Proposed On-site Private Sewage Disposal System report dated 7/8/99 prepared by Advanced Geotechnical Services states:

Based on presently available data, it is our professional opinion that an effluent disposal system constructed in accordance with the requirements of the County of Los Angeles Health Department, the Los Angeles County Plumbing Code, our recommendations, (if properly maintained) should have no adverse effect upon the proposed development nor on the stability of adjacent properties.

The geotechnical engineering consultant concludes that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Geotechnical Engineering Study dated 12/23/98, Response to Plan Review report

dated 2/29/00, and Boring Observation, Proposed On-site Private Sewage Disposal System report dated 7/8/99 prepared by AGS, Advanced Geotechnical Services, contain several recommendations to be incorporated into project construction, design, drainage, and sewage disposal to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

Though the proposed project is conditioned to incorporate all recommendations of the geology consultant for site stability and safety, the Commission notes that the proposed project involves construction of new development on an existing hilltop building pad surrounded by moderate to steeply descending slopes. The Commission notes that the original project proposal included a detached structure comprised of two garages, a gym, and two-story studio on the lower pad area which was to be located at the northern edge of the slope descending from the building site. The original project design also included a driveway turn-around area that extended slightly beyond the slope edge requiring a retaining wall to be constructed on the slope (Exhibit 3). In past permit actions, the Commission has found that soil disturbance on sloped hillside terrain, such as that terrain which exists at the project site, has the potential to significantly exacerbate the natural process of erosion by altering natural topography and drainage patterns, through removal of natural vegetation that serves to stabilize soil on hillsides, and through exposure of bare soil to wind, rain, and run-off. However, the Commission notes that in consideration of extended fuel modification zones required for the originally proposed detached structure resulting in a loss of vegetation cover on the descending slopes, and the increased potential for erosion and geologic instability occurring from construction on the slope edge, the applicant has revised the detached structure into a smaller two-car garage with a gym and a 400 sq. ft. upstairs studio, designed and located to be setback a minimum of 20 ft. from any descending slope edge of the building pad (Exhibit 4). The Commission finds that the revised design and location of the detached structure will minimize the loss of natural vegetation and reduce the potential for increased erosion on the site's descending slopes. Therefore, the Commission requires **Special Condition 8**, which specifies that prior to issuance of the coastal development permit, the applicants shall submit a complete set of project plans incorporating the applicants' revised project proposal for the design and location of the detached structure, clearly providing a 20 ft. minimum setback from the edge of the descending slopes at the project site.

The Commission further finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Conditions 2 and 3**.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition 3** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. Special Condition 3 also requires the applicant to utilize and maintain

native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage 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 and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 3.

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 that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 4**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by Special Condition 4 avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. 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 wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition 7**, 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 6, 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.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Sensitive Habitat

Section 30230 of the Coastal Act states that:

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

Section 30231 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 states:

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

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

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through means such as minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

The project site is a large vacant parcel comprised of an existing split-level building pad and driveway, and contains moderate to steeply sloped hillside terrain throughout the rest of the subject parcel. The project site is located on the periphery within the Cold Creek Resource Management Area, and though no designated environmentally sensitive habitat areas are mapped onsite, the descending slopes surrounding the building site which have not been previously disturbed for fuel modification purposes support extensive native vegetation and natural habitat. Additionally, a small tributary channels rain water run-off from the hillsides east of the project site into a local depression

forming a seasonal pond extending across the site's east property boundary. Upon filling, water from the pond drains westerly through the tributary, which traverses the northeast corner of the property, and continues onto an adjacent site (Exhibit 4). The described tributary is not a designated blue-line stream, however, the seasonally saturated pond and tributary supports a unique wetland habitat characterized by sensitive natural foliage including a willow stand established within and along the banks of the water course. The area proposed for construction of new development is an existing split-level building pad that is located upslope from the identified sensitive habitat area at the project site. As such, development of the proposed single family residence and detached garage and studio will occur within an area previously disturbed by past grading and vegetation removal, and therefore will not result in direct removal of sensitive wetland habitat.

In past permit actions involving new development adjacent to wetland habitat, the Commission has required that new development be sited to protect sensitive wetland habitats, and has required that new structures be located 100 ft. or more from the outer limit of sensitive habitat to provide adequate natural buffers areas from development. In addition, the Commission has regularly required that grading be minimized to ensure that the potential negative effects of run-off and erosion on watersheds, streams, and sensitive habitat areas is minimized. In the case of the proposed project, the Commission notes that due to the location of the existing building, and the fact that there is no other alternative building site that would significantly reduce potential adverse environmental impacts on sensitive resources, it is not possible to construct the proposed development on the subject site consistent with the 100 ft. setback from sensitive riparian habitat typically required by the Commission.

The proposed development will be located upslope and no less than approximately 70 ft. from the outer limit of the identified sensitive habitat area. The location of the proposed residence is constrained by the fact that a building pad exists on site, and the sloping terrain throughout the remaining areas of the subject property would require extensive grading, landform alterations, and vegetation removal to create an alternate building pad and driveway. Therefore, relocation of the proposed development site would not accommodate any less environmentally damaging alternative building location. In addition, the main residence is slightly setback from the southwest edge of the building pad, toward the sensitive habitat, to avoid construction on or near the slope edge and minimize the visibility of the hilltop development from public scenic viewing areas along Piuma Road (See Section E. Visual Resources discussion). Though the location for the proposed residence will not accommodate the required setbacks typically required by the Commission for resource protection of sensitive habitat areas, any alternative location for siting the development will not serve to significantly reduce environmental impacts associated with development of the site. Therefore, the Commission notes that due to the location of the existing building pad, and the fact that any alternative building site would cause to increase potential environmental impacts resulting from significant grading, landform alteration, increased visibility, and additional loss of natural vegetation at the subject site, it is not feasible to construct any type of new development, including the proposed residence and detached structure, that would be setback 100 ft. or more from the outer limit of sensitive habitat as typically required. The Commission further notes that due to the location of the existing building pad in relation to the natural drainage and wetland habitat, a reduction in the size of the proposed residence would not serve to provide a significantly larger setback area of the proposed development from the sensitive habitat area.

In addition to the previously noted setback/buffer area from the sensitive habitat, the applicant has submitted a Final Fuel Modification Plan approved by the County of Los Angeles Fire Department Fuel Modification Unit dated 12/14/00 which indicates that no cutting, clearing, or disturbance of vegetation will be required for fuel modification purposes in the identified wetland corridor. The

Approved Fuel Modification Plan indicates that the existing setback of the proposed residence from the outer edge of the riparian corridor will be adequate for vegetation thinning/clearance requirements for fire safety, and all existing vegetation in the sensitive habitat area will be preserved in a natural state. The Commission notes that no removal, thinning, or other disturbance of vegetation will occur in the riparian corridor as a result of constructing the proposed residence and subsequent fuel modification requirements, and therefore finds that the proposed project will not result in significant adverse impacts on the sensitive riparian habitat.

The Commission also notes that the Approved Fuel Modification Plan submitted for the proposed project illustrates the zone requirements for vegetation removal and thinning for fire protection of the proposed structure. In the case of the proposed project, the County of Los Angeles Fire Department Fuel Modification Unit is imposing the normally required 200 ft. radius fuel modification area, except in the area containing wetland habitat. As illustrated by the Fuel Modification Plan, vegetation established on the descending slopes adjacent to the building pad, as well as some isolated areas on adjacent properties, may be modified, thinned or removed, consistent with the zone requirements for fire protection. The Commission notes, however, that the applicants have revised the design and location of the proposed detached structure such that the footprint of the structure is reduced, and to provide a 20 ft. minimum setback from the slope edge of the building pad. The reduced size and relocation of the detached structure from the slope edge also locates the structure closer to the main residence reducing the overall fuel modification radius required for the proposed development, and further minimizing the need for vegetation disturbance on the naturally vegetated hillsides. As such, the Commission finds that the applicants' proposal to reduce the size and relocate to the proposed detached structure a minimum of 20 ft. from the slope edge will reduce potential adverse impacts on sensitive vegetation at the project site. Therefore the Commission requires **Special Condition 8**, which specifies that prior to issuance of the coastal development permit, the applicants must submit a complete set of project plans incorporating the applicants' revised project proposal for the design and location of the detached structure, clearly providing a 20 ft. minimum setback from the edge of the descending slopes at the project site. The Commission finds that the proposed project, as conditioned, is adequately located and designed, through minimum setback/buffer requirements and an accommodating fuel modification plan, to minimize significant disruption of sensitive vegetation and habitat existing at the project site.

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

The Commission notes that seasonal streams and drainages, such as the natural tributary located on the subject site, in conjunction with primary waterways, provide important habitat for wetland and riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural

streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat. As discussed in detail above, the Commission notes that although the proposed development will be located as far as feasible from the riparian habitat, due to the location of the existing building pad, it is not possible for the proposed development (or any feasible alternative) to be setback 100 ft. or more from the sensitive resource as typically required by the Commission to ensure adequate resource protection.

In the case of the proposed project, no removal of vegetation in the sensitive riparian habitat area identified on site is proposed and the Commission notes that a 70 ft. natural vegetation buffer area will be maintained. However, the Commission finds that the value and quality of the riparian habitat on the subject site is directly related to the water quality of the coastal tributary that sustains the habitat. As such, the Commission finds that potential adverse effects of the proposed development on riparian habitat at the site may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition 2**, the Drainage and Polluted Run-off Control Plan, which requires the applicants to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, building pad area, and horse corral is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. (See Section D. Water Quality for a more detailed discussion of coastal water quality).

In addition to controlling and treating run-off from the site to reduce potential impacts on water quality and sensitive habitats, Special Condition 2 also requires the applicants to identify an area for animal waste containment and ensure that run-off from the proposed horse corral and waste containment area will in no instance be conveyed toward the natural tributary and sensitive habitat area identified on the site. Animal husbandry, including horse facilities, is a recognized cause of non-point source pollution as such facilities concentrate the occurrence of animal waste which may adversely impact water quality if conveyed to coastal waterways. Therefore, Special Condition 2 also requires that run-off from the horse corral and animal waste containment area be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices to reduce the nutrient load of this run-off and further minimize the potential adverse impacts which may result from the occurrence of horses at the site. The Commission finds that controlling and treating run-off from the site as described will reduce potential adverse impacts on water quality and will therefore prevent impacts that would significantly degrade the identified sensitive riparian habitat, as well as sensitive resources located downstream of the project site.

Finally, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, change in landscaping or intensity of equestrian use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition 6**, the future development deed restriction, has been required.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

D. 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.

Section 30231 of the Coastal Act states:

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

As described, the proposed project includes construction of a two-story, 27 ft. high, 3,470 sq. ft. single family residence, with a detached two-story, 22 ft. high, two-car garage/gym and 400 sq. ft. upstairs studio, septic system, 5,000 gallon water tank, retaining walls, and a 15 x 15 ft. single horse corral. The proposed project also involves 50 cu. yds. of grading (25 cu. yds. cut/25 cu. yds. fill) and 685 cu. yds. overexcavation. The proposed building location is located upslope from a small tributary that sustains a seasonal pond and contains sensitive riparian habitat. The site is considered a "hillside" development, as it involves steeply to moderately sloping terrain with soils that are susceptible to erosion.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition, the Commission finds it necessary to require the applicants to incorporate BMPs which specifically address the containment of animal wastes at the project site, as well as appropriate treatment and drainage of run-off of the horse corral area away from the natural tributary and riparian habitat on site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 2**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition 3 is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system with a 1,500 gallon tank to serve the residence. The applicants' geologic consultants performed infiltration tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and that no adverse impact to the site or surrounding areas will result from the use of the alternative septic system. Finally, the County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

E. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the

character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides. The building site for the proposed project is an existing split-level pad located on a hilltop highly visible from public scenic viewing areas along portions of Piuma Road, a designated scenic highway. The area surrounding the project site is moderately developed with custom single family homes.

The applicants propose to construct a two-story, 27 ft. high, 3,470 sq. ft. single family residence, with a detached two-story, 22 ft. high, two-car garage/gym and 400 sq. ft. upstairs studio, septic system, 5,000 gallon water tank, retaining walls, a 15 x 15 ft. single horse corral, and 50 cu. yds. of grading. Grading for the project is proposed only within the immediate area of the existing building pad and driveway to prepare the site for construction of the new development, therefore no significant landform alteration of the site will result from the proposed grading. The proposed development will be consistent with existing development in the surrounding area of the project site, and the main residence is slightly setback from the southwest edge of the building pad to minimize the visibility of the structure from Piuma Road. Despite the setback, however, the proposed residence will be visible from some locations along Piuma Road to the south and west of the project site. Due to the highly visible nature of the project site from public scenic viewing points along Piuma Road, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

The Commission finds it necessary to require the applicant to record a deed restriction providing specific limitations on the materials and colors acceptable for the development on the subject site, as specified in **Special Condition 5**. These restrictions generally limit colors to natural tones that will blend with the background of the environment and require the use of non-glare glass. White and red tones are not acceptable. If fully implemented by present and future owners of the proposed residence, Special Condition 5 will ensure that development of the site will be as visually unobtrusive to visual resources of the area as possible.

Visual impacts associated with proposed retaining walls, grading, and the structure itself, can be further reduced by the use of appropriate and adequate landscaping. Therefore, **Special Condition 3**, the landscaping and fuel modification plan, requires that vertical screening elements be incorporated into the landscaping plan to soften views of the proposed residence and retaining wall from Piuma Road. In addition, Special Condition 3 requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. The implementation of Special Condition 3 will help to partially screen and soften the visual impact of the development as seen from scenic viewing areas near the subject site. In order to ensure that the final approved landscaping plans are successfully implemented, Special Condition 3 also requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

Finally, regarding future developments or improvements, certain types of development to the property, normally associated with a single family residence which might otherwise be exempt, have

the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the entire property, which might otherwise be exempt, are reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition 5** the Future Development Deed Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Therefore the Commission finds that, as conditioned, the proposed development will minimize adverse impacts to scenic public views in this area of the Santa Monica Mountains, and is consistent with section 30251 of the Coastal Act.

F. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The applicant is proposing to construct a detached garage and gym with an upstairs studio that is not proposed to be used as a second residential unit, however, the detached structure that could potentially be converted for residential use in the future.

Based on the requirements of Coastal Act Section 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose –as a guest unit- rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicants propose to construct a two-story, 27 ft. high, 3,470 sq. ft. single family residence, with a detached two-story, 22 ft. high, two-car garage/gym and 400 sq. ft. upstairs studio. The applicant is not proposing to construct a second residential unit, but is proposing to construct a significant detached structure and 400 sq. ft. habitable studio that could potentially be converted for residential use in the future. Total square footage of the detached structure is approximately 800 sq. ft. The Commission finds that the two car garage and gym is not proposed as habitable square footage and that the proposed 400 sq. ft. second story studio meets the 750 sq. ft. limitations for maximum habitable square footage for second units which may be considered a secondary dwelling. However, the Commission notes that should the garage and gym be converted into habitable square footage in the future, the total detached structure would exceed the Commission's 750 sq. ft. limitation for second units.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units which may be considered a secondary dwelling. The Commission notes that the applicants are not proposing to utilize the detached garage, gym, and studio as a guest unit or secondary dwelling, therefore the structure may be reviewed as an accessory building to the proposed single family residence, non-inhabitable, and therefore not subject to the 750 sq. ft. limitation for detached units. However, the Commission finds it necessary to ensure that no additions or improvements are made to the detached garage, gym and studio in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicants to record a future development deed restriction, as specified in **Special Condition 7**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the detached structure are proposed

in the future. As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

G. Local Coastal Plan

Section 30604 of the Coastal Act states:

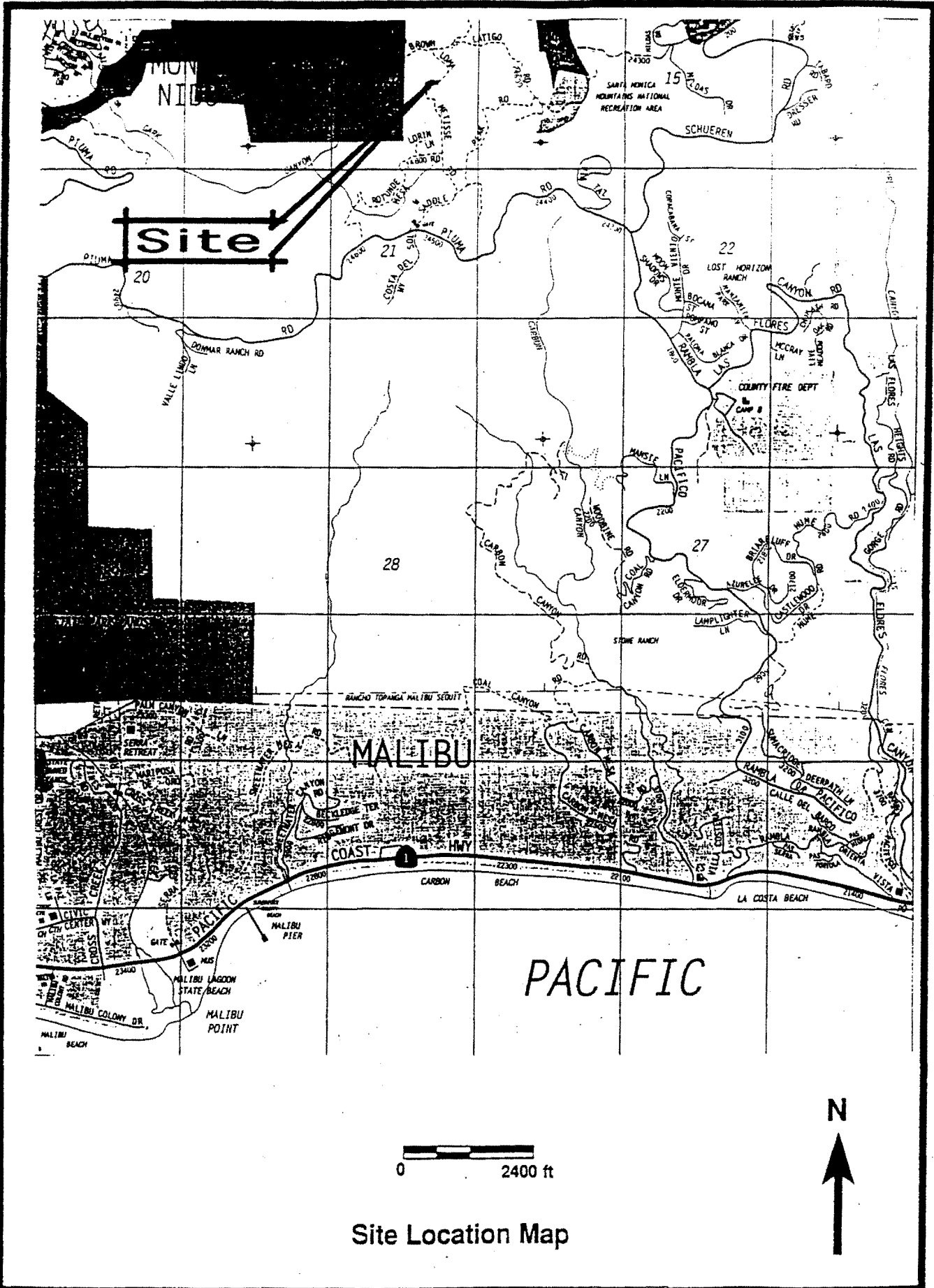
- A) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 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 project 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's ability to prepare a Local Coastal Program for the Malibu and Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

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 Environmentally Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

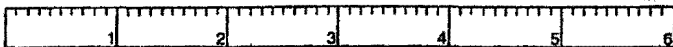


Site Location Map

EXHIBIT 1
CDP #4-99-190
Location Map

Figure 1

1-800-345-7334



SCALE IN 1/10 OF AN INCH

4453 | 18

SCALE 1" = 200'

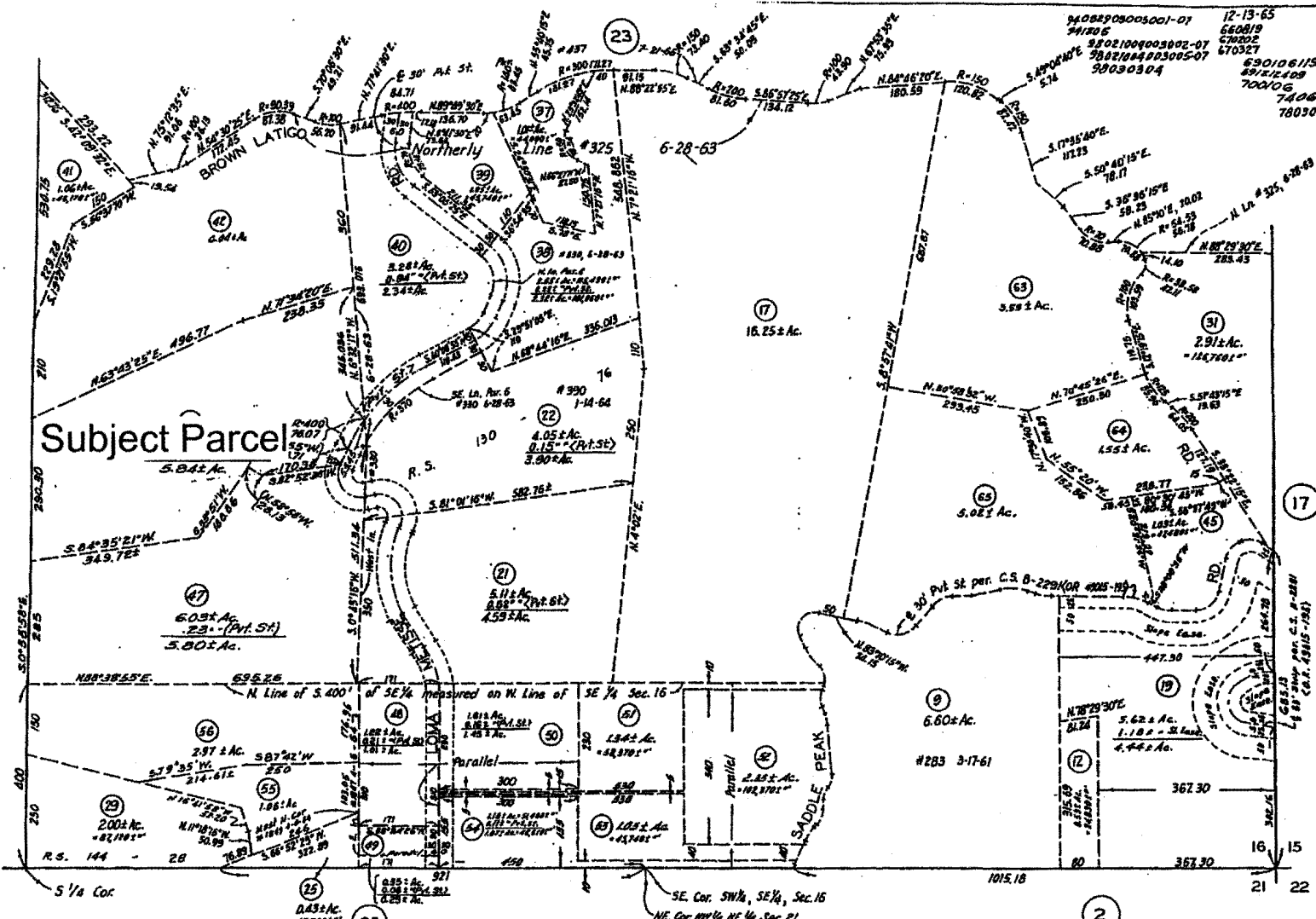
1998

REVISED

EXHIBIT 2
CDP # 4-99-190
Parcel Map

State
Lands

Subject Parcel



CODE
4988

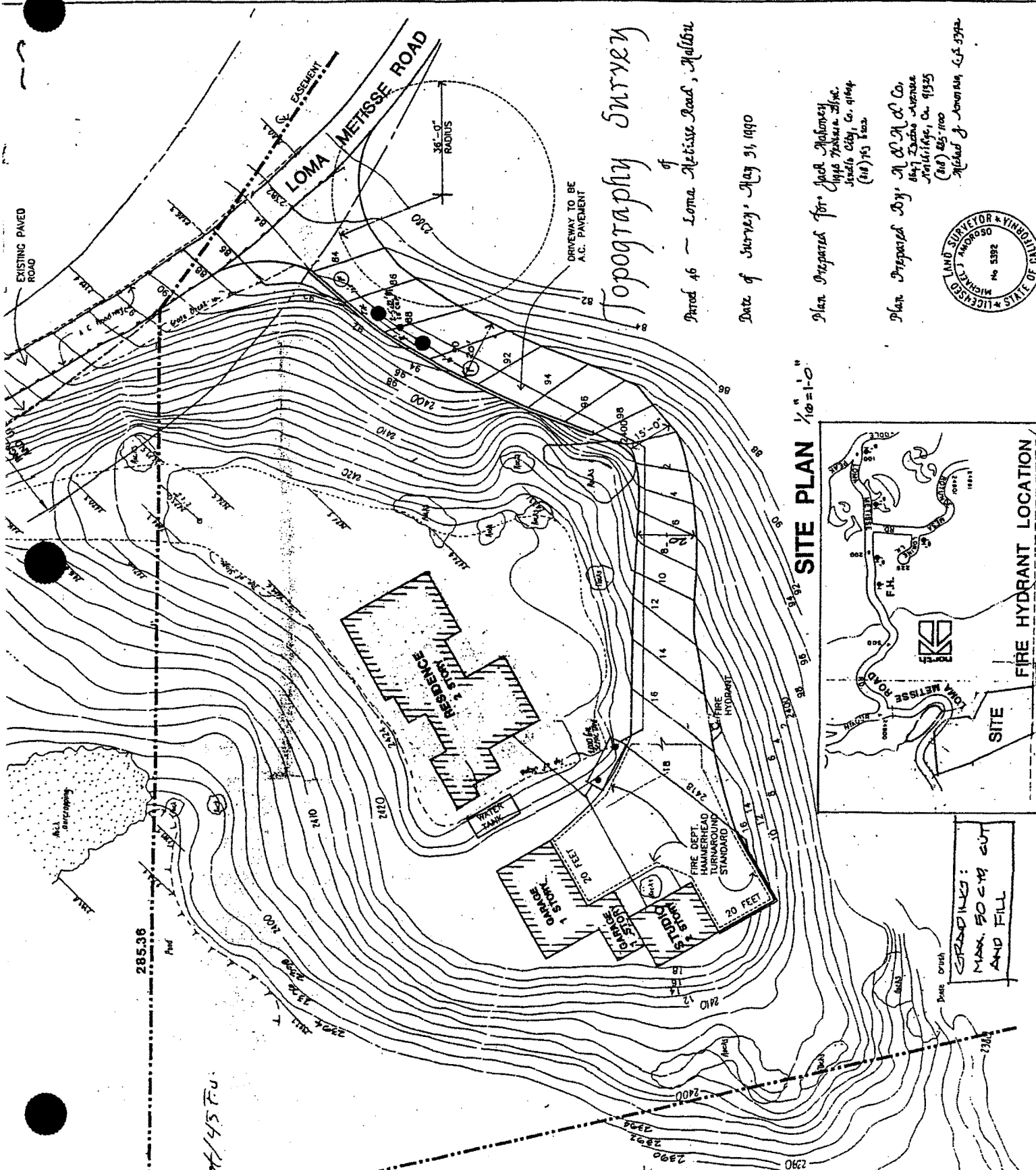
FOR PREV. ASSM'T. SEE:
4453-18

T. 1 S., R. 17 W.

SECTION LINES PER
C.S.B-2291 & FM. 10591

2

MAR 27 1998
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

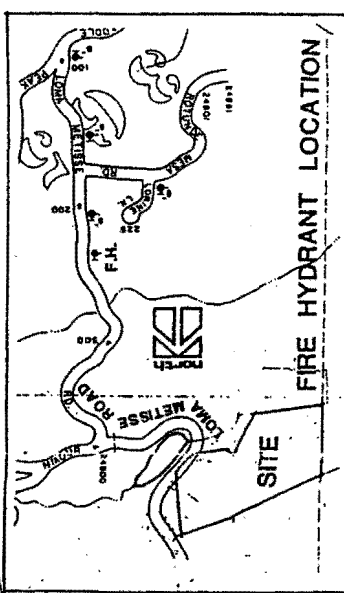


Topography Survey
 Parcel 46 - Loma Metisse Road, Malibu

Date of Survey: May 31, 1990

Plan Prepared for Jack Mahoney
 11940 Ventura Blvd.
 Studio City, CA 91604
 (818) 451-1000

Plan Prepared by: A. R. D. Co.
 647 Doheny Avenue
 Torrance, CA 90505
 (310) 251-1100
 (Head of American Land Surveyors)



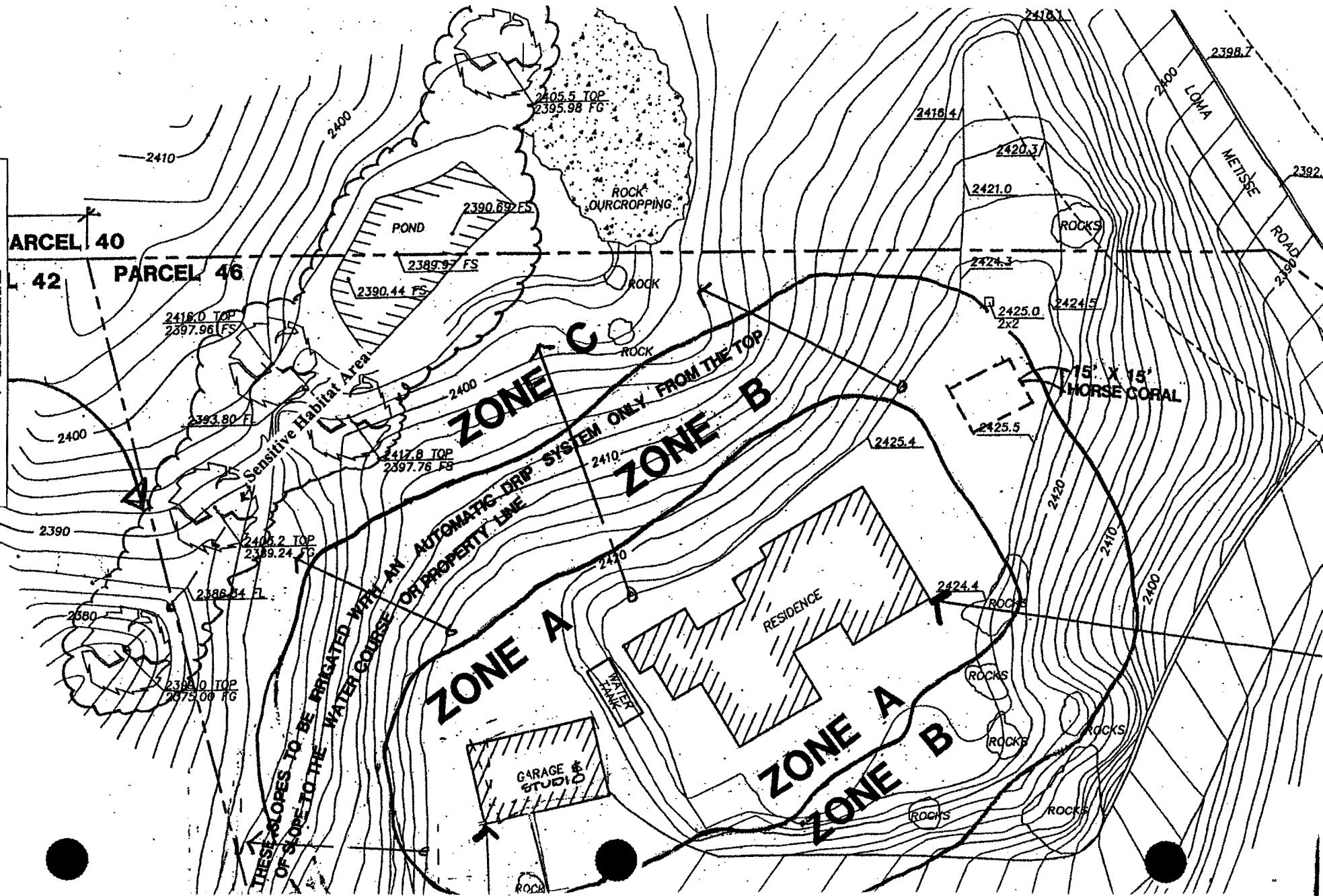
6-6-90/43 Fu.

EXHIBIT 3
CDP # 4-99-190
Site Plan (Original Proposal)

ARCEL 40

42

PARCEL 46



2400

2410

2400

2400

2410

2410

2418.4

2420.3

2421.0

2424.3

2425.0 2x2

2424.5

2425.5

2425.4

2420

2410

2400

2390

2388.34 F

2380

2388.0 TOP 2373.08 FG

2417.8 TOP 2397.76 FS

2390.69 FS

2389.97 FS

2390.44 FS

2405.5 TOP 2395.98 FG

2418.1

2398.7

2392.

ZONE A

ZONE B

ZONE C

ZONE A

ZONE B

THESE SLOPES TO BE IRRIGATED WITH AN AUTOMATIC DRIP SYSTEM ONLY FROM THE TOP OF SLOPE TO THE WATER COURSE OR PROPERTY LINE

Sensitive Habitat Area

AUTOMATIC DRIP SYSTEM ONLY FROM THE TOP OF SLOPE TO THE WATER COURSE OR PROPERTY LINE

POND

ROCK

ROCK

15' X 15' HORSE CORRAL

RESIDENCE

GARAGE & STUDIO

WATER TANK

ROCKS

ROCKS

ROCKS

ROCKS

ROCK

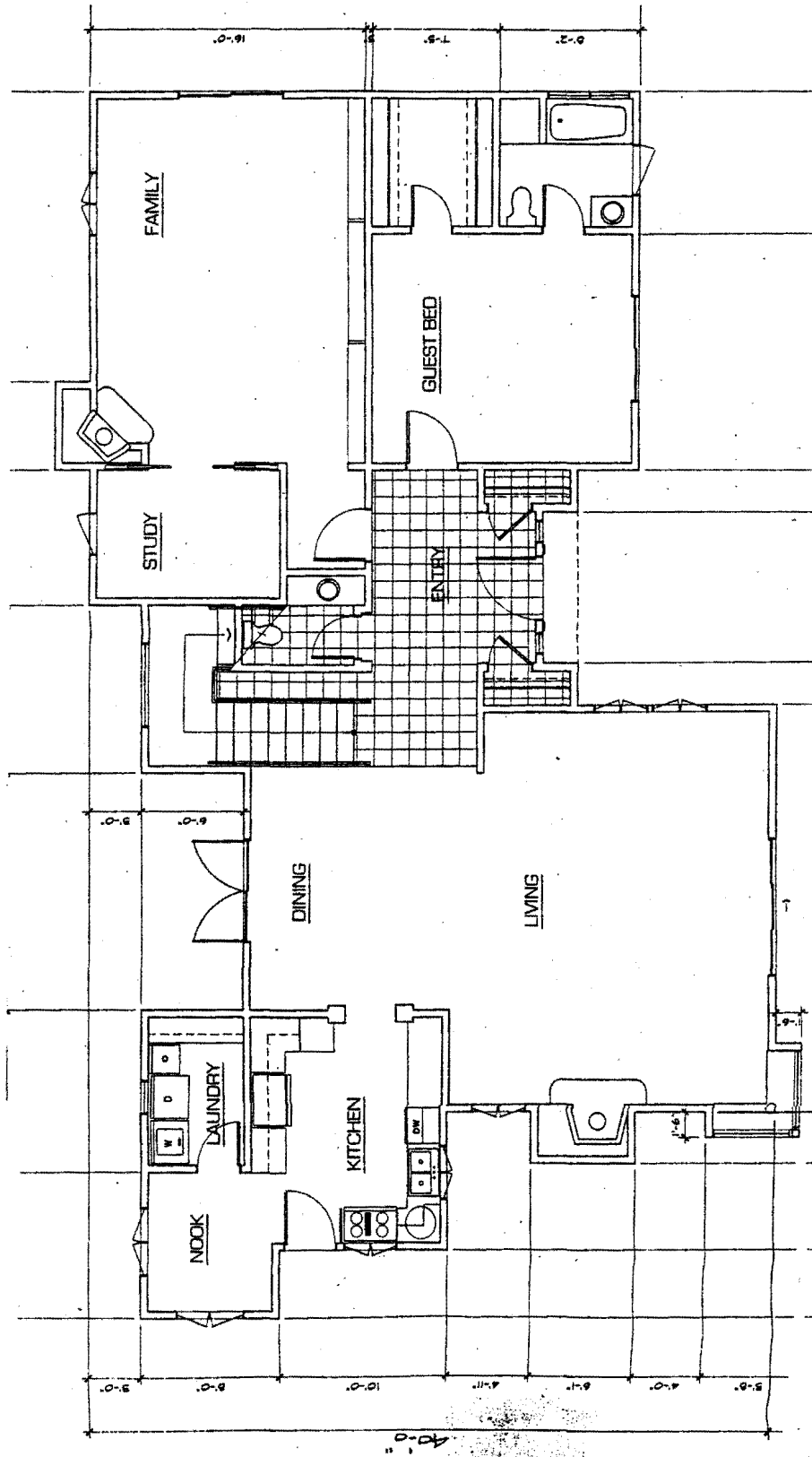


EXHIBIT 5
CDP # 4-99-190
Residence 1st Floor Plan

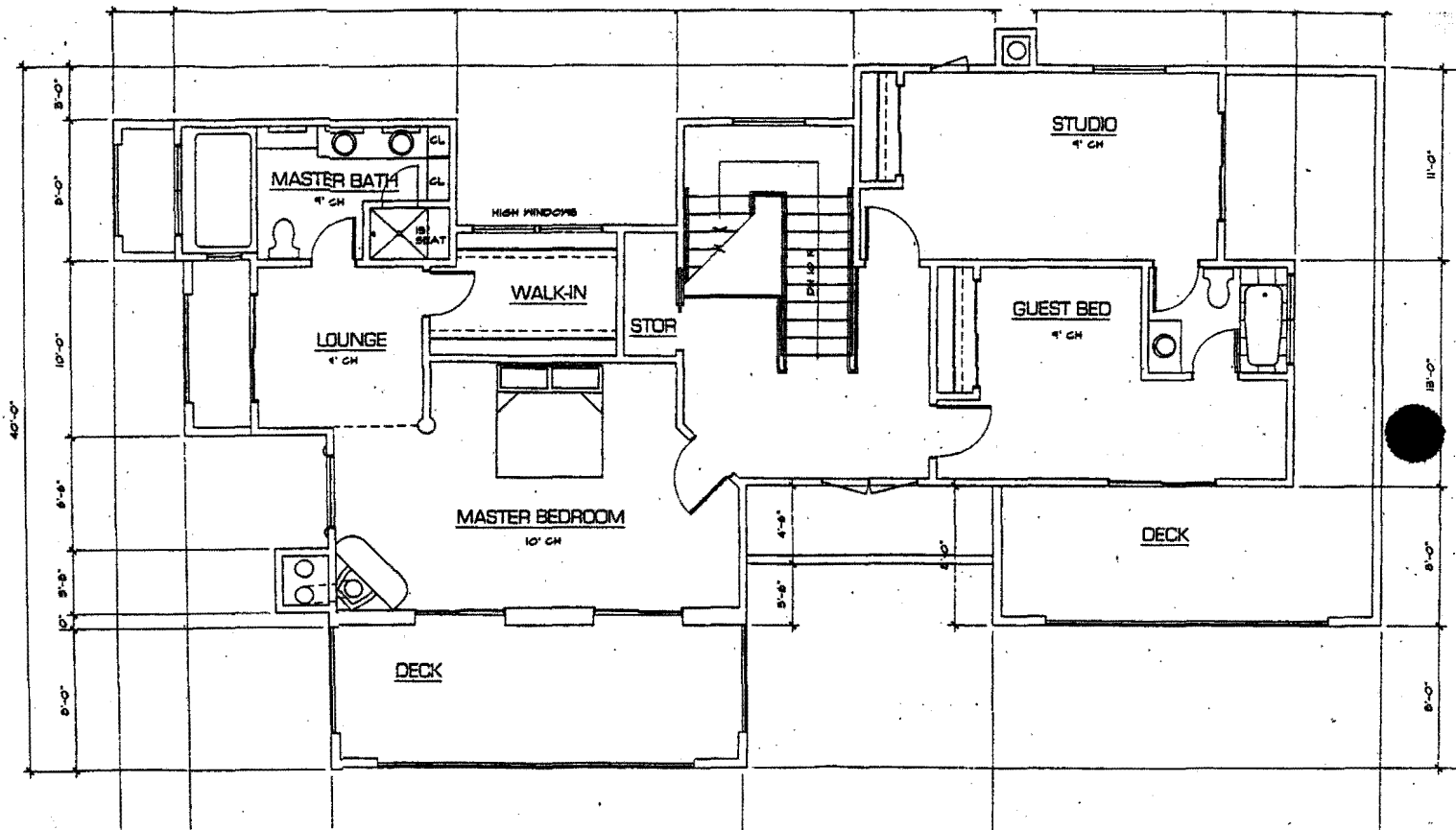
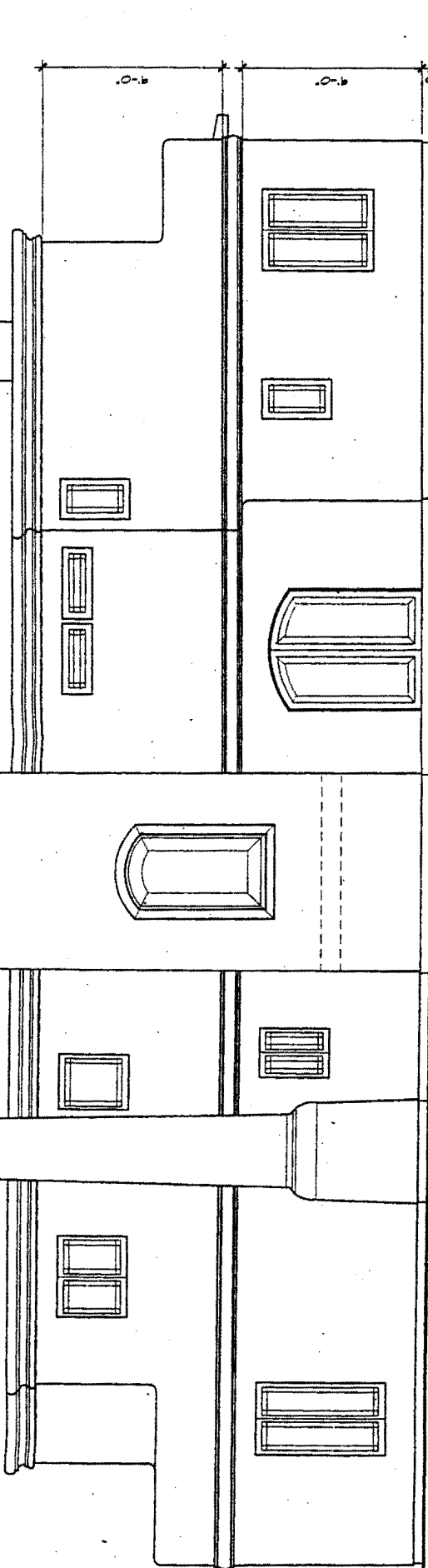
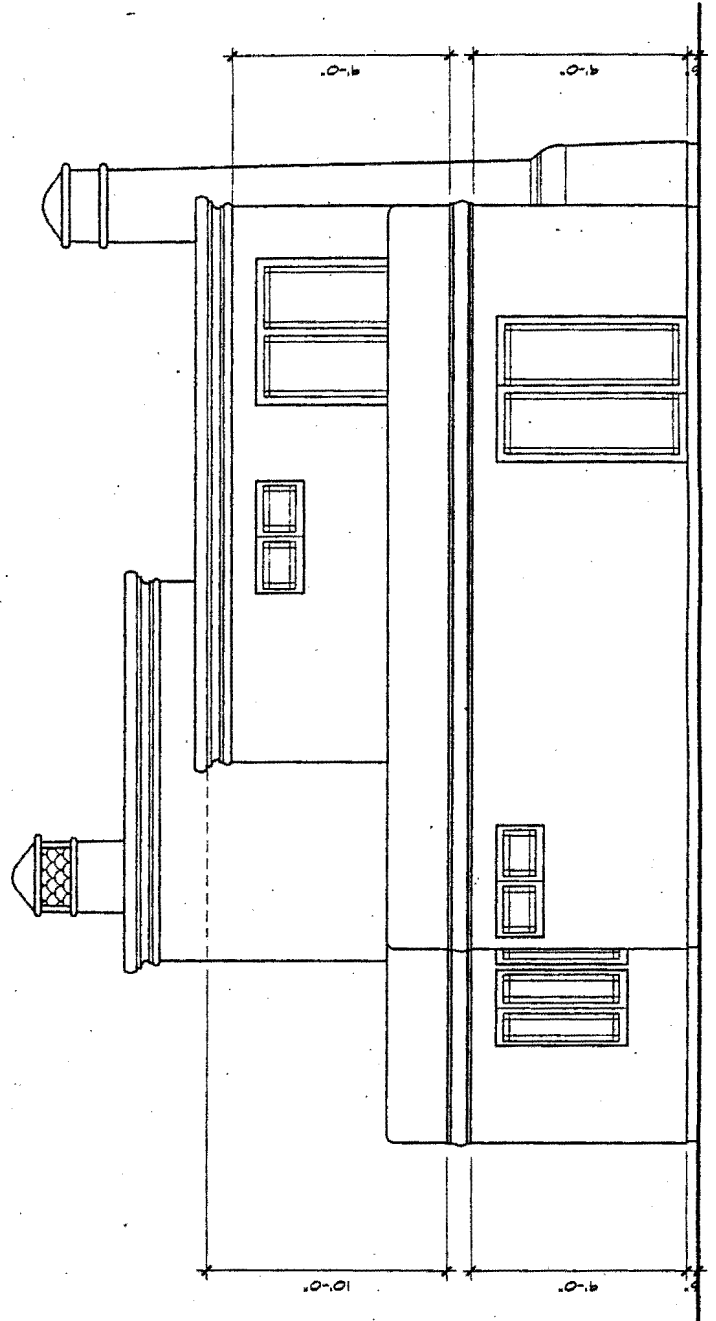


EXHIBIT 6
CDP # 4-99-190
Residence 2nd Floor Plan

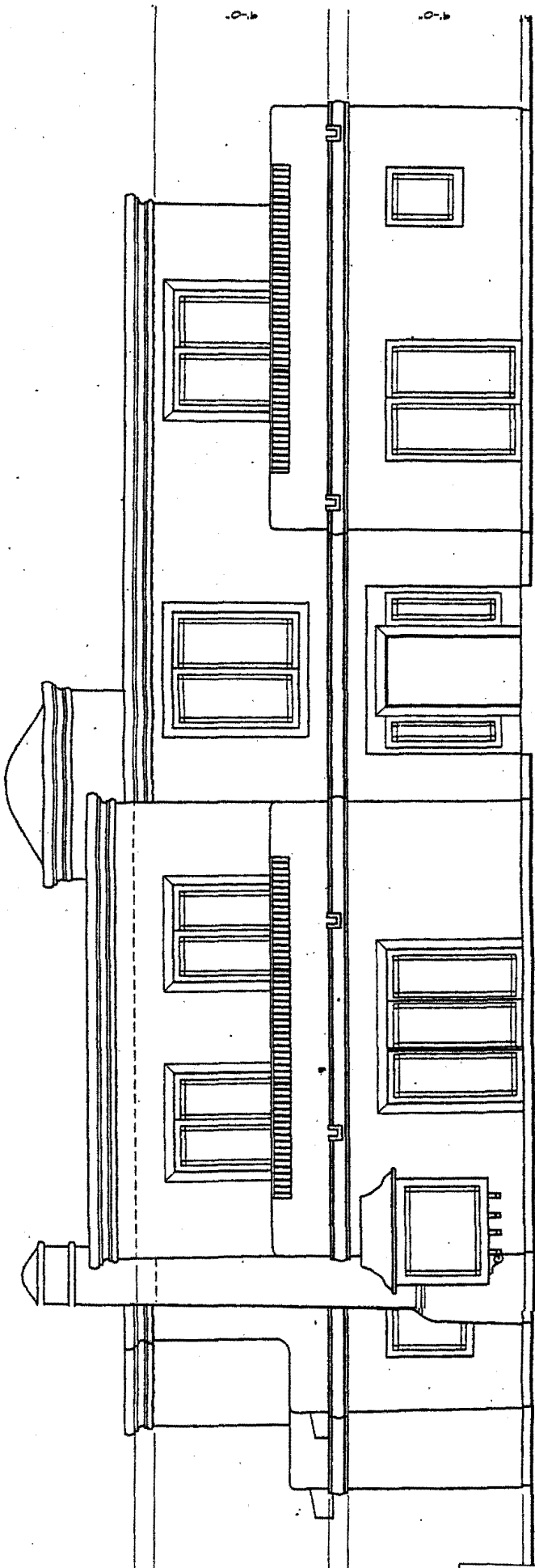


EAST

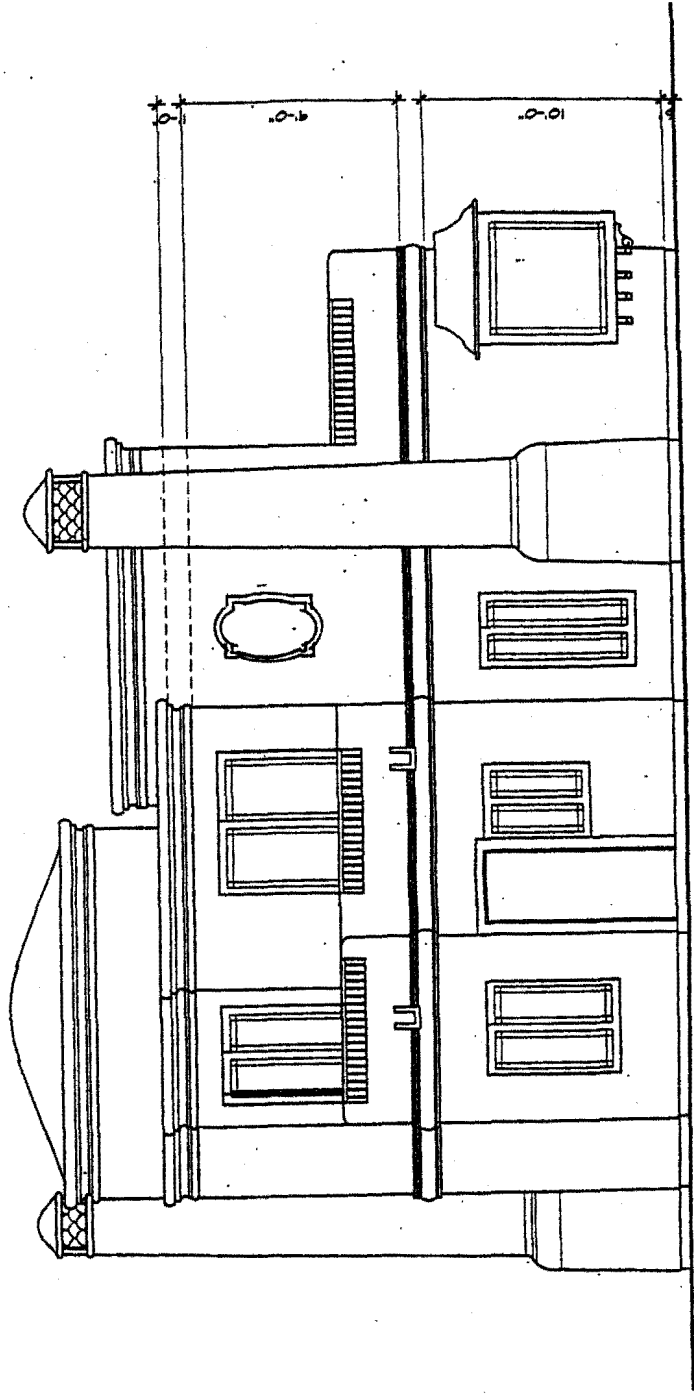


SOUTH

EXHIBIT 7
CDP # 4-99-190
Elevations



WEST



NORTH

EXHIBIT 8
CDP # 4-99-190
Elevations

Fuel Modification Plan

CDP # 4-99-190

EXHIBIT 9

NOTES FOR ZONE B

FULLY AUTOMATIC AND PROVIDE (AD TO HEAD). BE BOTH OVERHEAD AND DRIP. CONTAIN SOIL TENSIMETERS TO SATURATION OF SOIL (SLOPES). BEFORE ROTORS AND STREAM

ARE TO BE IRRIGATED BY AUTOMATIC (TO BE AN APPROVED ABOVE GRADE) G U.V. RESISTANT PVC PIPE ATTACHED WITH 4# REBAR J HOOKS. CONSIST OF TORO SUPER 700 SERIES. CONTAIN SOIL TENSIMETERS. ALL BE MONITORED FOR FLOW AND WILL EVENT OF RAIN AND BREAKAGE. BE ON THEIR OWN INDIVIDUAL BUBBLER

ZONE A

PLANTING - ZONE A
1. ARIZ 'TWIN PEAKS' 12" TO 18" HIGH
2. 'PURPLE FLOWER' 12" TO 18" HIGH
3. 'WEE POINT' 12" TO 18" HIGH
4. (SUCCULENT) 2" TO 4" VERY SLOW
5. CA (SUCCULENT) 2" HIGH

PLANTING - ZONE B

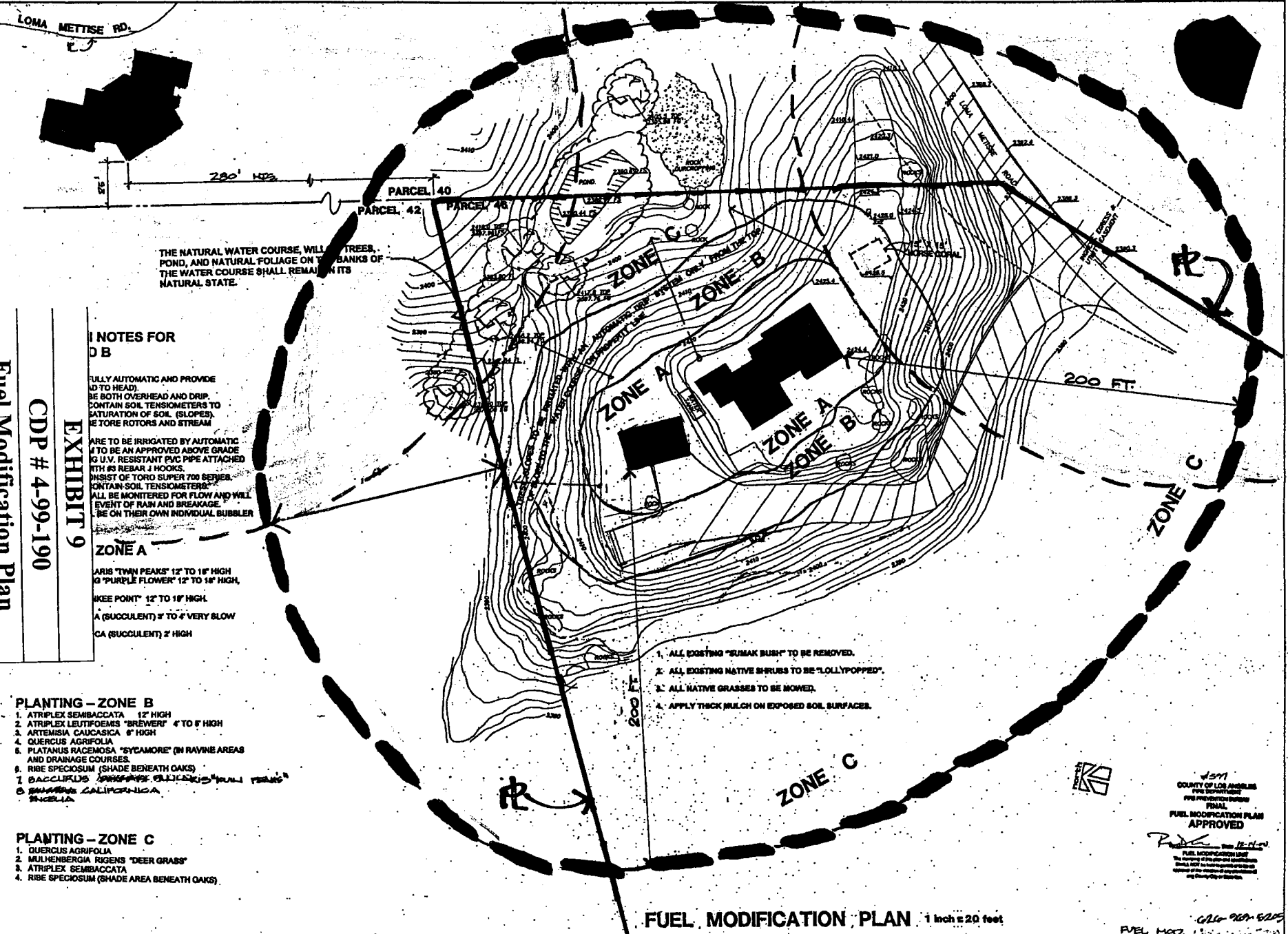
1. ATRIPLEX SEMIBACCATA 12" HIGH
2. ATRIPLEX LEUTFOENIS "BREWER" 4 TO 6" HIGH
3. ARTEMISIA CAUCASICA 6" HIGH
4. QUERCUS AGRIFOLIA
5. PLATANUS RACEMOSA "NYCAMORE" (IN RAVINE AREAS AND DRAINAGE COURSES)
6. RIBE SPECIOSUM (SHADE BENEATH OAKS)
7. BACILLIFLUS (SHADE BENEATH CHALLENGER "MULI TRENS")
8. BRUNELLA CALIFORNICA
9. BRUNELLA

PLANTING - ZONE C

1. QUERCUS AGRIFOLIA
2. MULHBERBERGIA RUGENS "DEER GRASS"
3. ATRIPLEX SEMIBACCATA
4. RIBE SPECIOSUM (SHADE AREA BENEATH OAKS)

THE NATURAL WATER COURSE, WILL TREES, POND, AND NATURAL FOLIAGE ON THE BANKS OF THE WATER COURSE SHALL REMAIN IN ITS NATURAL STATE.

LOMA METTISE RD.



FUEL MODIFICATION PLAN 1 inch = 20 feet

1. ALL EXISTING "SUMAK BUSH" TO BE REMOVED.
2. ALL EXISTING NATIVE SHRUBS TO BE "LOLLYPOPPED".
3. ALL NATIVE GRASSES TO BE MOWED.
4. APPLY THICK MULCH ON EXPOSED SOIL SURFACES.

1581
COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION BUREAU
FINAL
FUEL MODIFICATION PLAN
APPROVED

[Signature]
FUEL MODIFICATION LINE
FUEL MODIFICATION LINE
FUEL MODIFICATION LINE
FUEL MODIFICATION LINE
FUEL MODIFICATION LINE
FUEL MODIFICATION LINE
FUEL MODIFICATION LINE
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FUEL MODIFICATION LINE
FUEL MODIFICATION LINE

APR 20 2000
FUEL MOD.

REVISIONS	BY

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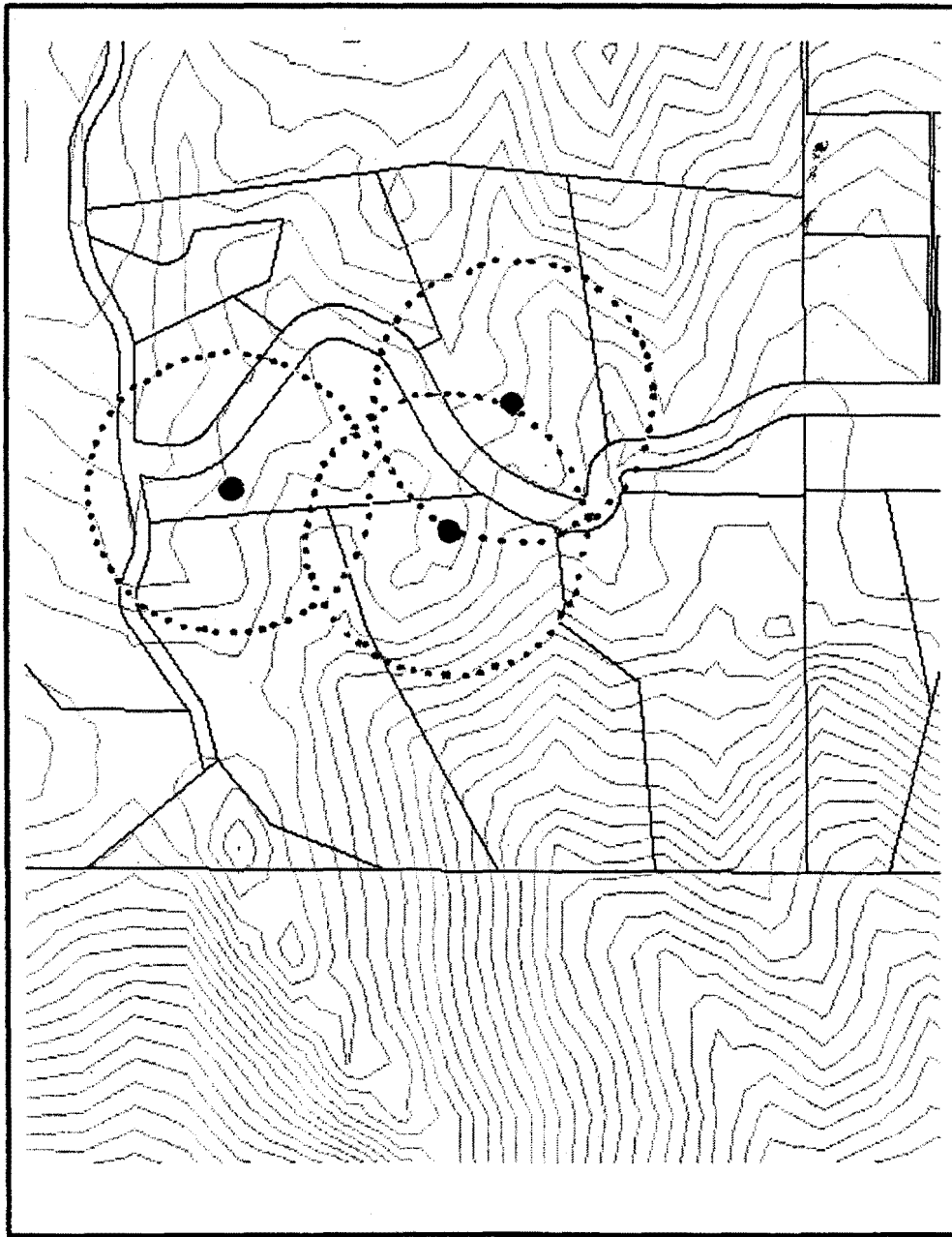
RESIDENCE AND STUDIO - OFFICE, w/ 3 CAR GARAGE

DATE: 04/20/00
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 04/20/00

C-4

ESRI ArcExplorer 1.1

301 Loma Metisse



laprcls
czbdy
contours20ft

Tuesday, Dec 19 2000

EXHIBIT 10

CDP # 4-99-190

Cumulative Fuel Modification