

SOUTH CENTRAL COAST AREA OUTH CALIFORNIA ST., SUITE 200 TURA, CA 93001 505) 585-1800

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Commission Action:

# STAFF REPORT: REGULAR CALENDAR

Fr9

**APPLICATION NO.:** 4-01-101

**APPLICANT:** Bluewater Builders: Gary Schuman

PROJECT LOCATION: 6176 Galahad Drive, Malibu, Los Angeles County APN 4467-037-008

### **PROJECT DESCRIPTION:**

Construction of a two-story, 25 ft. above existing grade, 3,517 sq. ft. single-family residence with attached, 626 sq. ft., three-car garage, driveway, septic system, retaining walls, and approximately 675 cu. yds. of grading (670 cu. yds. cut, 5 cu. yds. fill, and 665 cu. yds export).

Lot area:	43,558 sq. ft.	
Building coverage:	2,702 sq. ft.	
Pavement coverage:	3,360 sq. ft.	
Landscape coverage:	8,000 sq. ft.	
Unimproved area:	29,496 sq. ft.	
Maximum height:	25 ft.	

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, dated 6/20/01; City of Malibu Environmental Health Department, Approval in Concept (Septic), dated 10/3/00; City of Malibu, Geology and Geotechnical Engineering Review Sheet, dated 9/18,00; Approval in Concept, Los Angeles County Fire Department, Preliminary Fuel Modification Plan Approval, dated 6/26/00; City of Malibu, Public Works Department, Approval/Permit for construction of driveway approach and paving over street easement, dated 6/18/2001.

SUBSTANTIVE FILE DOCUMENTS: Results of Additional Subsurface Exploration, Tentative Tract No. 40860, by GeoSystems, dated 6/8/92; Percolation Test Results. Tract 40860, by California GeoSystems, dated 4/9/97; City of Malibu Resolution No. 01-12, dated 4/24/01; Updated Soils and Engineering-Geologic Investigation, Lots 7 and 8, Tract 40860, by California GeoSystems, dated 5/22/00; Fault Rupture Potential, Expansion Index and File Review, Lots 7 and 8, Tract 40860, by GeoSystems, dated 7/18/00.

#### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **7 Special Conditions** regarding (1) conformance to geologic recommendations for design and construction, (2) drainage and polluted run-off control, (3) landscaping and erosion control, (4) removal of natural vegetation, (5) removal of excavated material, (6) future development, and (7) wildfire waiver of liability.

The applicant is proposing to construct a custom, two-story, 25 ft. above existing grade, 3,517 sq. ft. single-family residence with attached, 626 sq. ft., three-car garage, driveway, septic system, retaining walls, and approximately 675 cu. yds. of grading (670 cu. yds. cut, 5 cu. yds. fill, and 665 cu. yds export) at 6176 Galahad Drive (Exhibits 3-8).

The subject site is a 43,558 sq. ft. vacant parcel located inland of Pacific Coast Highway in a moderately developed area in the City of Malibu (Exhibits 1-3). Topography of the subject parcel consists of a small level area directly adjacent to Galahad drive, transitioning to a relatively steep, east facing hillside, sloping down to Walnut Creek, a USGS mapped blueline stream. Slope gradients at the subject site range from nearly level to 1.2:1. Total gradient change over the subject lot from Galahad Drive to the eastern property boundary is on the order of approximately 200 ft.

Vegetation on the level western portion of the project site is highly degraded due to fuel modification clearance associated with adjacent development, and the paving and maintenance of Galahad Drive. The steeper slopes on the eastern portion of the project site, however, are heavily vegetated with coastal sage scrub and both annual exotic and native grasses. No designated environmentally sensitive habitat area exists at the site; however, as mentioned above, a USGS mapped blueline stream traverses the eastern portion of the project site. The site is located inland of Pacific Coast Highway in a moderately developed area in Malibu; however, due to the nature of the surrounding topography, the proposed project will not be visible from any public viewing areas, beaches, or from Pacific Coast Highway. The proposed project, as conditioned, is consistent with all applicable policies of the Coastal Act.

#### I. STAFF RECOMMENDATION

<u>MOTION</u>: I move that the Commission approve Coastal Development Permit No. 4-01-101 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. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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.** <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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. 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 Recommendation

All recommendations contained in the *Updated Soils and Engineering-Geologic Investigation*, *Lots 7 and 8, Tract 40860*, by California GeoSystems, dated 5/22/00, shall be incorporated into all final design and construction including <u>foundations</u>, <u>grading</u>, <u>drainage</u>, and <u>sewage disposal</u>. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the 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, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

### 2. Drainage and Polluted Runoff Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant 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 engineer and engineering geologist to ensure the plan is in conformance with consultants' recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) The plan shall be configured and designed to generally conform with the conceptual drainage plan shown on Exhibit 4.
- (b) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> 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.
- (c) Runoff shall be conveyed off site in a non-erosive manner.
- (d) Energy dissipating measures shall be installed at the terminus of outflow drains.

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 30<sup>th</sup> 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 applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion

control plans shall be reviewed and approved by the geotechnical consultants to ensure that the plans are in conformance with the consultants' 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 <u>Recommended List of Plants for Landscaping in the Santa Monica Mountains</u>, dated February 5, 1996. Invasive, nonindigenous 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) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

# B. Interim Erosion Control Plan

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

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

### C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

#### 4. <u>Removal of Natural Vegetation</u>

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. <u>Removal of Excavated Material</u>

*Prior to issuance of the coastal development permit*, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

## 6. Future Improvements

This permit is only for the development described in Coastal Development Permit No. 4-01-101. Pursuant to Title 14 California Code of Regulations Sections 13250(b)(6) the exemptions otherwise provided in Public Resources Code Section 30610(a) 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. 4-01-101, including any fencing, grading, clearing, or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to **Special Condition 3**, shall require an amendment to Permit No. 4-01-101 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 applicant 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 parcels. 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 issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, and liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

# IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

# A. Project Description and Background

The applicant is proposing to construct a custom, two-story, 25 ft. above existing grade, 3,517 sq. ft. single-family residence with attached, 626 sq. ft., three-car garage, driveway, septic system, retaining walls, and approximately 675 cu. yds. of grading (670 cu. yds. cut, 5 cu. yds. fill, and 665 cu. yds export) at 6176 Galahad Drive (Exhibits 3-8).

The subject site is a 43,558 sq. ft. vacant parcel located inland of Pacific Coast Highway in a moderately developed area in the City of Malibu (Exhibits 1-3). The site is the subject of one prior Commission action. In 1997, the Commission approved CDP 4-96-095, the subdivision of an 8.02 acre lot with one single family residence into eight, one-acre lots with a total of 2,460 cu. yds. of grading. Topography of the subject parcel consists of a small level area directly adjacent to Galahad Drive, transitioning to a relatively steep, east facing hillside, sloping down to Walnut Creek, a USGS mapped blueline stream. Slope gradients at the subject site range from nearly level to 1.2:1. Total gradient change over the subject lot from Galahad Drive to the eastern property boundary is on the order of approximately 200 ft.

Vegetation on the level western portion of the project site is highly degraded due to fuel modification clearance associated with adjacent development, and the paving and maintenance of Galahad Drive. The steeper slopes on the eastern portion of the project site, however, are heavily vegetated with coastal sage scrub and both annual exotic and native grasses. No designated environmentally sensitive habitat area exists at the site; however, as mentioned above, a USGS mapped blueline stream traverses the eastern portion of the project site. The site is located inland of Pacific Coast Highway in a moderately developed area in Malibu; however, due to the nature of the surrounding topography, the proposed project will not be visible from any public viewing areas, or from Pacific Coast Highway.

Access to the project site is from Kanan Dume Road to Galahad Drive, a private street/cul-desac which borders the property to the west. A prior coastal development permit, CDP# 4-96-095, authorized this lot as part of a subdivision of one 8.02 acre parcel into 8 one acre lot parcels. The site is currently vacant, but is bordered by existing single-family residences to the south, and east. The site located immediately to the north is also vacant; however, the applicant has submitted a coastal development permit application (CDP# 4-01-051) for a single family residence similar in size and scope to that proposed here. This project is tentatively scheduled to be heard by the Commission at the November 2001 hearing in Los Angeles. Other singlefamily residences exist to the north of the vacant site.

The applicant has submitted Fuel Modification Plans with Preliminary Approval by the County of Los Angeles Fire Department, Fuel Modification Unit, dated 6/11/01, for the proposed residence which indicate the extent of vegetation removal and/or thinning requirements required to reduce fire hazard for the proposed residence. The area will overlap significantly with areas previously disturbed by yearly fuel modification completed for adjacent development, and with that proposed for the development under CDP# 4-01-051 (Exhibit 2). As such, the proposed development will not have an adverse impact on designated sensitive habitat areas or significant natural vegetation.

# B. Geology and Fire Hazard

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 proposed development is located in the Malibu/Santa Monica Mountains area, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/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.

### 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 consists of a steeply sloping, east facing parcel. The bulk of the development is proposed to be sited on the western portion of the property, near the top of the descending slope, however, the residence itself will be built over the descending slope.

The applicant has submitted two Response to City of Malibu Geology and Geotechnical Engineering Review Sheet reports, dated 11/5/96 and 9/26/00, and a Soils and Engineering-Geologic Investigation Lots 7 and 8, Tract 40860, dated 5/22/00, prepared by GeoSystems, the project s geologic consultants. The submitted reports evaluate the geologic conditions of the site and the suitability of the site for the proposed project. The geology consultants specifically address potential geologic hazards associated with an inferred thrust fault mapped by USGS, which is believed to traverse the subject property east of the building site (Exhibits 3 and 4). and the potential for downhill creep of fill and soil on the site to adversely affect the proposed development. In evaluating the geologic conditions of the project site and adjacent properties in relation to the proposed development, the geology consultants have determined that the proposed project will be safe from geologic hazards provided their recommendations are incorporated into the proposed development. As a result of the presence of the inferred thrust fault at the site and the potential for downhill creep in the underlying soils, the consulting geologists provide the following recommendations to ensure the safety and stability of the site and proposed development. The Response to City of Malibu Geology and Geotechnical Engineering Review Sheet report, dated 11/5/96, prepared by GeoSystems states:

A restricted use area has been recommended on the eastern portion of the property in the area of the inferred thrust fault. The presence of the thrust fault was inferred based on regional geologic maps by the USGS. No evidence of the fault was encountered in the exploratory trenches excavated in the proposed building area. Additional trenching may be necessary to confirm the presence and location of the fault if future structures are proposed on the eastern portion of the property.

In order to ensure that any future development proposed on the site is reviewed with regards to the above recommendations concerning the restricted use area and compliance with applicable Coastal Act policies, the Commission requires the applicant, through **Special Condition 6**, to record a future development deed restriction on the property.

The Updated Soils and Engineering-Geologic Investigation dated 5/22/00 prepared by GeoSystems provides the following additional recommendation:

It appears that a deepened, friction pile, foundation system will be necessary in order to penetrate existing fill and soil on the slope and to meet minimum foundation setback requirements. ...Fill and soil on the site is subject to downhill creep. Pile shafts are subject to lateral loads due to creep forces. Pile shafts should be designed for a lateral load of 1000 pounds per linear foot for each foot of shaft exposed to fill or soil.

Based on their investigation and recommendations the geology consultants have determined that the project site is appropriate for the proposed project. The Updated Soils and Engineering-Geologic Investigation dated 5/22/00 prepared by GeoSystems 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 Malibu City code, provided our recommendations are followed.

The Response to City of Malibu Geology and Geotechnical Engineering Review Sheet reports, dated 11/5/96 and 9/26/00, and the Updated Soils and Engineering-Geologic Investigation dated 5/22/00 prepared by GeoSystems include several recommendations to be incorporated into the project's construction, design, and drainage to ensure stability and geologic safety of the project site. To ensure that the recommendations of the above mentioned consultants are 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 consultants 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 consultants shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will aid in maintaining the geologic stability of the project site, and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 2 and 3**. **Special Condition 2** also requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a non-erosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of **Special Condition 2**.

The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. Therefore, **Special Condition 5** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site be removed and properly disposed of.

The Commission also finds that appropriate landscaping of slopes and graded or disturbed areas on the project site will minimize erosion and serve to enhance and maintain the geologic stability of the proposed development. 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/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. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and 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.

#### 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, <u>Terrestrial Vegetation of California</u>, 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 wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition Seven**, the applicant acknowledges and

# (Schuman.) Page 12

appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. For fire suppression, and to protect residences, the Fire Department requires the reduction of fuel through the removal and thinning of vegetation for up to 200 feet from any structure. The applicant has submitted a Fuel Modification Plan with final approval by the Los Angeles County Fire Department Fuel Modification Unit for this project. Additionally, a coastal development application (CDP# 4-01-051) for the adjacent property to the north has been submitted. This application is for the construction of a residence to be sited directly north of the currently proposed residence, which will result in the clustering of development and minimization of the potential impacts of fuel modification for both properties. Therefore, Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

# C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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

As described, the proposed project includes construction of a custom, two-story, 25 ft. above existing grade, 3,517 sq. ft. single-family residence with attached, 626 sq. ft., three-car garage, driveway, septic system, retaining walls, and approximately 655 cu. yds. of grading (670 cu. yds. cut, 5 cu. yds. fill, and 665 cu. yds export) at 6176 Galahad Drive. The site is considered a hillside development, as it involves steeply sloping terrain with soils that are susceptible to erosion, and creep forces. Additionally, there is a USGS mapped blueline stream, Walnut Creek, which traverses the eastern part of the property (Exhibits 3 and 4), and into which the property drains.

The proposed development will result 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

1 2

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. 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 85<sup>th</sup> 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 Two (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 measures 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 Three (3)** is necessary to ensure the proposed development will not adversely impact water quality of the blueline stream and downstream coastal resources.

As initially proposed, the project included a drainage system involving the collection of all onsite runoff and the channeling of this runoff to a 20 foot long storm water dispersal wall located at the bottom of the slope, where it would be released directly into the blueline stream. Commission staff worked with the applicant to revise this portion of the project in order to provide an alternative to the dispersal wall which would result in a less intrusive structure(s), set back as far as feasible from the blueline stream and flood hazard area, and which would allow for filtration and settlement of a portion of the runoff before entry into the blueline stream. This will result in a decrease in the amount of pollutants and other development related toxins being introduced into the water course, and ultimately, the ocean. The revised conceptual drainage system design involves the inclusion of an "filtration trench" and rip-rap splash block (Exhibit 4) which will serve to lessen the velocity of the water, and will allow filtration of the water prior to its release into the stream and off-site. In order to ensure that the proposed changes to the

drainage system are incorporated into the final project drainage plans, the Commission requires the applicant, through **Special Condition 2** to submit final drainage plans that reflect the conceptual drainage design (Exhibit 4) and which are sized to accommodate the runoff from an 85<sup>th</sup> percentile storm event.

Finally, the proposed development includes the installation of an on-site septic system with a 2,500-gallon to serve the residence. The applicant's geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. The City of Malibu 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.

# D. 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 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 City's ability to prepare a Local Coastal Program for the Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

# E. 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

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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.







EXHIBIT NO. 3 APPLICATION NO. 4-01-101 SITE PLAN

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#### LANDSCAPE NOTES

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centerline, of blueline stream limit of flood hazard area -ZONE "C" MIN, 200 FT FROM STRUCTURE Geologie -Restricted Ar line of existing mature Coastal sage ZONE 19" MIN. 100 FT FROM STRUCTURE <u>"</u>8" TS OF E) ZONE "A" MIN. 20 FT FROM STRUCTURE "A" --- I GALAHAD DRIVE

LANDSCAPE PLAN

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4-01-101 FUEL MOD. PLAN	APPLICATION NO.	EXHIBIT NO. q