

CALIFORNIA COASTAL COMMISSION

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

Filed: 12/17/00
49th Day: 2/4/01
180th Day: 6/15/01
Staff: AAV
Staff Report: 2/27/01
Hearing Date: 3/13-16/01
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-237

APPLICANT: Mark Lever

AGENT: Clare Bronowski

PROJECT LOCATION: 28827 Grayfox Street, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a two-story, 24 ft. high, 5,198 sq. ft. single family residence with attached 750 sq. ft. guest unit, detached 1,035 sq. ft. garage, new driveway, septic system, terraces, and pool, 766 cu. yds. grading (634 cu. yds. cut, 132 cu. yds. fill, 502 cu. yds. export).

Lot area:	45,790 sq. ft.
Building coverage:	4,710 sq. ft.
Pavement coverage:	6,228 sq. ft.
Landscape coverage:	23,000 sq. ft.
Unimproved:	11,852 sq. ft.

LOCAL APPROVALS RECEIVED: Local Approval Filing Requirement Waived; County of Los Angeles Fire Department, Fire Prevention Bureau, Final Fuel Modification Plan Approval, 2/15/01.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (LUP); Geologic and Soils Engineering Exploration, Proposed Residence and Private Sewage Disposal System, 10/15/97, prepared by Grover Hollingsworth and Associates; Geologic and Soils Engineering Update, Proposed Residence and Private Sewage Disposal System, 1/26/99, prepared by Grover Hollingsworth and Associates; Coastal Development Permit 4-99-211 (Lever); and Emergency Coastal Development Permit 4-99-261-G (Lever).

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, 3) Landscaping and Erosion Control, 4) Removal of Natural Vegetation, 5) Removal of Excavated Material, 6) Wildfire Waiver of Liability, 7) Future Development, 8) Condition Compliance.

The applicant proposes to construct a two-story, 24 ft. high, 5,198 sq. ft. single family residence with attached 750 sq. ft. guest unit, detached 1,035 sq. ft. garage, new driveway, septic system, terraces, pool, and 766 cu. yds. grading (634 cu. yds. cut, 132 cu. yds. fill, 502 cu. yds. export). The proposed project involves the construction of a single family residence on a vacant lot on Grayfox Street, in the Point Dume area of the City of Malibu. The subject parcel contains a terrace that gradually slopes from Grayfox to the rear one-third of the parcel, which then descends sharply to the northeast into Malibu Riviera Canyon. Malibu Riviera Canyon contains a blueline stream that runs parallel to and just outside the subject parcel's northeast property boundary, and the canyon is designated as a disturbed sensitive resource area (DSR). As described in detail in the sections that follow, the proposed project, as conditioned, will serve to minimize geologic hazards, excessive landform alteration, erosion, and potential adverse impacts on natural vegetation and sensitive habitat, and water quality. As conditioned the proposed project is consistent with all applicable sections of the Coastal Act.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-237 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 Recommendation

All recommendations contained in the Geologic and Soils Engineering Exploration, Proposed Residence and Private Sewage Disposal System, 10/15/97, and the Geologic and Soils

Engineering Update, Proposed Residence and Private Sewage Disposal System, 1/26/99, prepared by Grover Hollingsworth and Associates 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 engineering geologist. 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) 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.

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. Fuel Modification, 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 engineer and engineering geologist consultants to ensure that the plans are in conformance with the consultants' recommendations for erosion control and slope stability. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Fuel Modification and Landscaping Plan

- (1) The applicant shall submit revised Final Fuel Modification Plans, reviewed and approved by the Forestry Department of Los Angeles County, which clearly illustrate the revised fuel modification Zone B requirements as noted on the County of Los Angeles Fire Department, Fire Prevention Bureau, Final Fuel Modification Plan Approval, dated 2/15/01. The revised Fuel Modification Plan shall clearly delineate each Fuel Modification Zone A, B, and C, and shall illustrate the extended fuel modification Zone B requirement to exceed no more than 60 feet from the outer edge of Zone A. 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, and irrigation and maintenance requirements. 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.
- (2) Invasive and non-native plants species on the canyon slopes of the property and within and immediately adjacent to the Malibu Riviera Canyon bottom shall be removed. The canyon bottom and slopes at the subject property shall be restored and revegetated, to the furthest extent feasible, with appropriate native plant species as listed by the California Native Plant Society, Santa Monica Mountains Chapter, Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996, and as recommended by the City of Malibu Biologist, consistent with the Forestry Department of Los Angeles County fuel modification requirements.
- (3) 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.

- (4) 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.
- (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.

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 control 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. 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. Removal of Excavated Material

Prior to the 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 disposal site be located in the Coastal Zone, a coastal development permit shall be required.

6. Wildfire Waiver of Liability

Prior to the issuance of a Coastal Development Permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs,

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.

7. Future Development

This permit is only for the development described in Coastal Development Permit No. 4-00-237. 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. 4-00-237, including the residence 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, shall require an amendment to Permit No. 4-00-237 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 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.

8. Condition Compliance

Within 90 days of Commission action on this Coastal Development Permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all the requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action with respect to the development approved in this permit under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a two-story, 24 ft. high, 5,198 sq. ft. single family residence with an attached 750 sq. ft. guest unit, detached 1,035 sq. ft. garage, new driveway, septic system, terraces, decks, walkways, and pool (Exhibits 4-8). The proposed project also includes 766 cu. yds. grading (634 cu. yds. cut, 132 cu. yds. fill, 502 cu. yds. export).

The proposed project involves the placement and construction of a single family residence on a deep, rectangular, approximately 1-acre lot at 28827 Grayfox Street, in the Point Dume area of the City of Malibu (Exhibits 1,2). A relatively level upper terrace comprises approximately the first two-thirds of the rectangular parcel as measured from the entrance on Grayfox. The terrace slopes gradually to the rear one-third of the parcel, which descends sharply to the northeast into Malibu Riviera Canyon (Exhibit 3). Malibu Riviera Canyon bisects much of the Point Dume coastal terrace, and comprises one of the most extensive stretches of natural habitat and wildlife corridor remaining on Point Dume. An intermittent blueline stream runs along the canyon bottom and outlets to the Pacific Ocean, less than one half mile downstream from the subject site. As mentioned, the project site is a hillside parcel that descends northeasterly to the blueline stream contained within Malibu Riviera Canyon. The blue line stream runs parallel to and just outside the northeast property boundary of the subject site.

Malibu Riviera Canyon is one of the coastal canyons of the Point Dume area identified as a Disturbed Sensitive Resource Area (DSR) in the certified Malibu/Santa Monica Mountains Land Use Plan. The DSR designation indicates that the habitat is an Environmentally Sensitive Habitat Area (ESHA) that has been disturbed by the encroachment of development, and therefore no longer retains the seamless habitat value and diversity of more remote and less disturbed habitat areas. DSR areas are frequently invaded by non-native, invasive exotic plant species that escape from nearby ornamental gardens, and are subject to increased volume and velocity of runoff and resultant erosion from the increased impervious surfaces of upslope development. In addition, DSR areas of Point Dume are often subject to increased disturbance of natural vegetation and habitat resulting from fuel modification requirements associated with upslope development. New development on Point Dume may require fuel modification up to 200 feet from the subject structures, including lands on adjacent parcels. Such fuel modification requirements raise issue with respect to potential new adverse impacts to natural vegetation on the sensitive canyon slopes and riparian corridors on Point Dume. These new impacts may further reduce what remains of these canyon habitats, which are remnant ESHAs. Therefore, in order to protect what remains of the canyon habitats of Point Dume, the Commission must consider all new potential adverse impacts on the sensitive habitat areas of the canyon slopes and riparian corridors that may result from approving new development in the Point Dume area.

The project site has been the subject of a prior Coastal Commission action on Coastal Development Permit 4-99-211 (Lever). In July 1999, the Commission denied the applicant approval to construct a single family residence at the subject site, finding that the proposed residence was inconsistent with the resource protection policies of the Coastal Act. The

Commission found that the proposed project would result in significant adverse impacts on the DSR of Malibu Riviera Canyon and coastal water quality, that the project would require unnecessary landform alteration, cause excessive erosion, and that a feasible, less environmentally damaging alternative to the proposed project existed that would minimize the potential impacts of the development. More specifically, the Commission found that the location of the previously proposed project footprint extending over and beyond the top of the canyon slope, below the 90 ft. contour (Exhibit 4), would directly impact the quality of the DSR and coastal waters through the direct displacement of habitat and natural vegetation by the proposed structures, extended fuel modification zone requirements into the canyon bottom, and increased run-off, erosion, and sedimentation resulting from grading and locating development on the canyon slope. The Commission found that a feasible project alternative consisting of locating the proposed residence with a 20 ft. setback from the designated top of slope on the level portion of the site would not result in the direct displacement of coastal slope habitat, would minimize the extent of the required fuel modification zones down the canyon slope and into the canyon bottom, would minimize the need for grading and landform alteration, thereby reducing run-off, erosion, and sedimentation.

The applicant has submitted a new project application that incorporates the Commission's previous findings for a project alternative with resource protection measures which can adequately minimize the potential adverse impacts on coastal resources associated with new development of the project site. Project plans submitted for the pending permit application indicate that the proposed development will provide a full 20 ft. setback from the designated top of slope, the 90 ft. contour line (Exhibit 4), and that no portion of the development, except proposed landscaping, restoration and fuel modification requirements and maintenance, will extend beyond the 20 ft. setback from the top of the canyon slope. Additionally, the footprint of building coverage at the site has been reduced from that originally proposed, 5,560 sq. ft. to 4,710 sq. ft., and total hard surface coverage has been reduced from 13,690 sq. ft. to 6,228 sq. ft. The decrease in the overall amount of impervious surfaces at the site will reduce the volume and velocity of run-off which would otherwise result in excessive erosion and sedimentation. The amount of grading that will be required for the proposed project has also been significantly reduced from 1,479 cu. yds. to 766 cu. yds. which will further serve to minimize natural landform alteration, slope instability, run-off, erosion and sedimentation. Finally, the new project proposal locates the development on the relatively level terrace of site, removing all structural development from the canyon slopes and eliminating the direct displacement of the sensitive natural habitat areas by physical development.

In addition to eliminating displacement of natural habitat, the reduced and relocated overall footprint of the proposed development also limits the extent of fuel modification zone requirements on the canyon slopes and into the canyon bottom (Exhibit 9). The Commission notes that though fuel modification requirements will be imposed over the entire subject parcel, the 20 ft. setback from the top of slope provided for in the new project submittal limits the entire 20 ft. Zone A fuel modification requirement, which requires substantial irrigation and allows only groundcovers, green lawns, some ornamentals and mineral earth, to the level terrace area. As such, no portion of the Zone A fuel modification radius requiring significant vegetation clearing and irrigation will be implemented over the steep slopes of the

project site. Similarly, the setback from the top of slope further limits the Zone B fuel modification requirement, a moderately irrigated zone that allows for some native species to be maintained, to an 80 ft. radius beyond the proposed structure. The constricted fuel modification zones described further allow the new project proposal and associated fuel modification requirements to accommodate a Zone C fuel modification area over the lower portion of the canyon slopes and bottom, where natural and native plant species may be enhanced and maintained with minimal water supplement, consistent with Fire Department requirements.

The applicant has submitted a Fuel Modification Plan with Final Approval by the County of Los Angeles Fire Department, Fire Prevention Bureau, dated 2/15/01, which indicates that the fuel modification zone requirements for the proposed residence will extend into the sensitive habitat area along the canyon slopes and canyon bottom. However, the Commission notes that the new project footprint location allows for the lower canyon slopes and canyon bottom habitat to be maintained consistent with Zone C requirements, which allow for maintaining existing and native vegetation without a substantial reduction of canopy cover and root systems. In addition, the Fuel Modification Plan and a review of existing adjacent development also indicate that vegetation removal and/or thinning requirements to reduce fire hazard will be limited to an area previously disturbed by yearly fuel modification completed for adjacent development (Exhibit 10). As such, the required fuel modification measures for the proposed project will not result in adverse impacts to previously undisturbed vegetation on the project site or properties adjacent to the site. Finally, the applicant has submitted a Fuel Modification Plan indicating that invasive and exotic plant species at the site will be removed and that appropriate native plant species will be planted in order to enhance and maintain the sensitive habitat area and as well as control erosion. As such, the proposed development is sited and designed to minimize potential adverse impacts to sensitive native vegetation of the canyon slopes at the project site. Therefore, the proposed project will not result in significant adverse impacts to sensitive habitat areas.

In addition to addressing potential impacts of the proposed development on sensitive habitat areas of Malibu Riviera Canyon, the Fuel Modification Plan submitted by the applicant for the proposed development incorporates restoration and slope stabilization components permitted under Emergency permit 4-99-261-G (Lever), issued for the purpose of minimizing erosion and potential slope destabilization resulting from an unpermitted and unspecified amount of vegetation removal and grading that occurred on the site prior to the submittal of this permit application. Therefore, the pending permit application will also serve as the required follow-up permit necessary to make the development approved under Emergency permit 4-99-261-G permanent.

The area surrounding the project site is developed with numerous single family residences and the proposed project site is not visible from any designated scenic highway or scenic public viewing area. As previously discussed, the proposed project will be located on a relatively level portion of the project site therefore minimizing the need for extensive grading and landform alteration. Therefore, the proposed project will not result in a significant adverse impact on scenic 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 to minimize risks to life and property in areas of high geologic, flood, and fire hazard. The project site is a hillside parcel composed of a relative level to steeply descending slope. As previously described, the proposed development will be located with a 20 ft. setback from the designated top of slope on a relatively level terrace area. The proposed project is designed to minimize the need for excess grading and landform alteration and will be supported on a deepened foundation system. As such, the Commission notes that the proposed development is designed to minimize alterations of the site's natural topography and existing drainage patterns, and therefore will reduce the potential for erosion and geologic instability.

Furthermore, the applicant has submitted a Geologic and Soils Engineering Exploration, Proposed Residence and Private Sewage Disposal System, 10/15/97, and the Geologic and Soils Engineering Update, Proposed Residence and Private Sewage Disposal System, 1/26/99, prepared by Grover Hollingsworth and Associates 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 geologists state in the Geologic and Soils Engineering Update, Proposed Residence and Private Sewage Disposal System dated 1/26/99:

It is the opinion of the undersigned that construction of the proposed improvements remains feasible from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed development will be safe against hazards from landslide, settlement or slippage, and that the proposed grading and development will not have an adverse affect on the geologic stability of the property outside the building site provided our recommendation are followed during construction. This opinion is based upon the findings of our investigation. It is our opinion that the nature and extent of the investigation is in conformance with generally accepted practice in the area. Test findings and statements of professional opinion do not constitute a guarantee or warranty, expressed or implied

Site conditions observed during our recent visit remain similar to those observed during our original exploration performed in September and November 1997. Conclusions and recommendations presented in the above-referenced reports remain applicable.

The geology consultants conclude that the proposed development is feasible and will be free from geologic hazards provided their recommendations are incorporated into the proposed development. The Geologic and Soils Engineering Exploration, Proposed Residence and Private Sewage Disposal System, 10/15/97, and the Geologic and Soils Engineering Update, Proposed Residence and Private Sewage Disposal System, 1/26/99, prepared by Grover Hollingsworth and Associates 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. To ensure that the recommendations of the consultants 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 geologists 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.

Though the proposed project is conditioned to incorporate all recommendations of the geology consultants for site stability and safety, the Commission notes that minimization of site erosion will add to 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 erosion control plans certified by the consulting geologists, as specified in **Special Conditions 2 and 3**.

Additionally, the Commission notes that the quantity of cut grading required for construction of the proposed residence is more than the quantity of fill required for construction resulting in an excess of 634 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition 5** requires the applicant to export all excess grading material

from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site. Therefore, **Special Condition 3** requires the applicant to submit landscaping plans certified by the consulting geologists 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, consistent with fuel modification requirements, 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 6**, 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 Resources

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 vacant hillside parcel that descends to a blueline stream contained within Malibu Riviera Canyon. The blueline stream runs parallel to and just outside the east property boundary of the subject site. Malibu Riviera Canyon is designated as a disturbed sensitive resource (DSR) area supporting native vegetation and habitat established on the lower slopes of the project site and along the canyon corridor. In past permit actions involving new development adjacent to sensitive habitat and blueline streams, the Commission has required that new development be sited to protect such sensitive habitats. 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.

The area proposed for construction of the new development is the western portion of the site adjacent to Grayfox, located upslope from the identified sensitive habitat area. The proposed development will be located on the most moderately sloped terrace portion of the subject site with a 20 ft. minimum setback from the designated top of slope. Therefore, the proposed development does not include any structural development on the steeper slopes of the site and will not result in the direct displacement of any sensitive natural habitat areas established on the canyon slopes or within the stream corridor by physical development. In addition to avoiding the direct displacement of natural habitat areas, the project location setback on the upper terrace also limits the extent of fuel modification zone requirements on the canyon slopes and into the canyon bottom.

The applicant has submitted a Fuel Modification Plan with Final Approval by the County of Los Angeles Fire Department, Fire Prevention Bureau, dated 2/15/01, which indicates that the fuel modification zone requirements for the proposed residence will extend over the entire parcel and into the sensitive habitat area along the canyon slopes and canyon bottom. However, the Commission notes that though fuel modification requirements will be imposed over the entire subject parcel, the 20 ft. setback from the top of slope limits the entire Zone A fuel modification requirement to the level terrace area, and further limits the Zone B modification requirement to an 80 ft. radius extending beyond the proposed structure. In addition the proposed footprint and location of development and associated fuel modification requirements allow for a Zone C fuel modification area to be established over the lower portion of the canyon slopes and bottom, where natural and native habitat may be enhanced

and maintained consistent with Fire Department requirements. As such, the lower canyon slopes and canyon corridor habitat will be maintained consistent with Zone C requirements, which allow for maintaining an array of existing and native plant species without a substantial reduction of canopy cover and root systems within the habitat. Finally, the applicant has submitted a Fuel Modification Plan indicating that invasive and exotic plant species at the site will be removed and that appropriate native plant species will be planted in order to enhance and maintain the sensitive habitat area and as well as control erosion. Therefore, the proposed development is sited and designed to minimize potential adverse impacts to native vegetation and sensitive habitat areas at the project site

In addition, the Fuel Modification Plan submitted by the applicant and a review of existing adjacent development indicate that vegetation removal and/or thinning requirements to reduce fire hazard will be limited to areas previously disturbed by yearly fuel modification completed for adjacent development. The cumulative fuel modification exhibit (Exhibit 10) illustrates that though the 200 ft. fuel modification radius will extend over some natural areas subject to vegetation thinning 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 not result in adverse impacts of previously undisturbed natural vegetation on the project site or properties adjacent to the 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 blueline stream located directly adjacent to the subject site, in conjunction with primary waterways, provide important habitat for sensitive 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 sensitive 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.

In the case of the proposed project, the Commission notes that, as described in detail above, the development and necessary fuel modification requirements proposed will serve to minimize potential adverse impacts on the sensitive resource area. However, the Commission finds that the value and quality of the sensitive habitat at the subject site is directly related to the water quality of the coastal stream that sustains the habitat. As such, The Commission finds that potential adverse effects of the proposed development on sensitive habitat at the site may be further minimized by maintaining good water quality 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 the natural drainage. 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 and impervious surfaces 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). 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 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 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 7**, 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, 24 ft. high, 5,198 sq. ft. single family residence with attached 750 sq. ft. guest unit, detached 1,035 sq. ft. garage, new driveway, septic system, terraces, decks, walkways, and pool. The proposed project also includes 766 cu. yds. grading (634 cu. yds. cut, 132 cu. yds. fill, 502 cu. yds. export). The project site is an undeveloped, approximately 1 acre parcel located on relatively level to steeply sloped terrain which descends to a sensitive habitat area and blueline stream collecting run-off within Malibu Riviera Canyon in the Santa Monica Mountains. 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. 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 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 2** 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 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.

E. Violation

Unpermitted development has taken place prior to submission of this permit application, including an unspecified amount of grading and vegetation removal on the western portion of the subject property. The applicant requests after-the-fact approval for the grading and vegetation removal, and approval to construct a two-story, 24 ft. high, 5,198 sq. ft. single family residence with attached 750 sq. ft. guest unit, detached 1,035 sq. ft. garage, new driveway, septic system, terraces, and pool, with 766 cu. yds. grading (634 cu. yds. cut, 132 cu. yds. fill, 502 cu. yds. export). The subject permit application addresses the unpermitted grading and vegetation removal, as well as the development permitted under Emergency permit 4-99-261-G (Lever) for site restoration and stabilization. In order to ensure that the matter of unpermitted development is resolved and that the restoration and slope

stabilization components proposed in the Landscaping/Fuel Modification Plan are implemented in a timely manner, **Special Condition 8** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. Local Coastal Program

Section 30604 of the Coastal Act states:

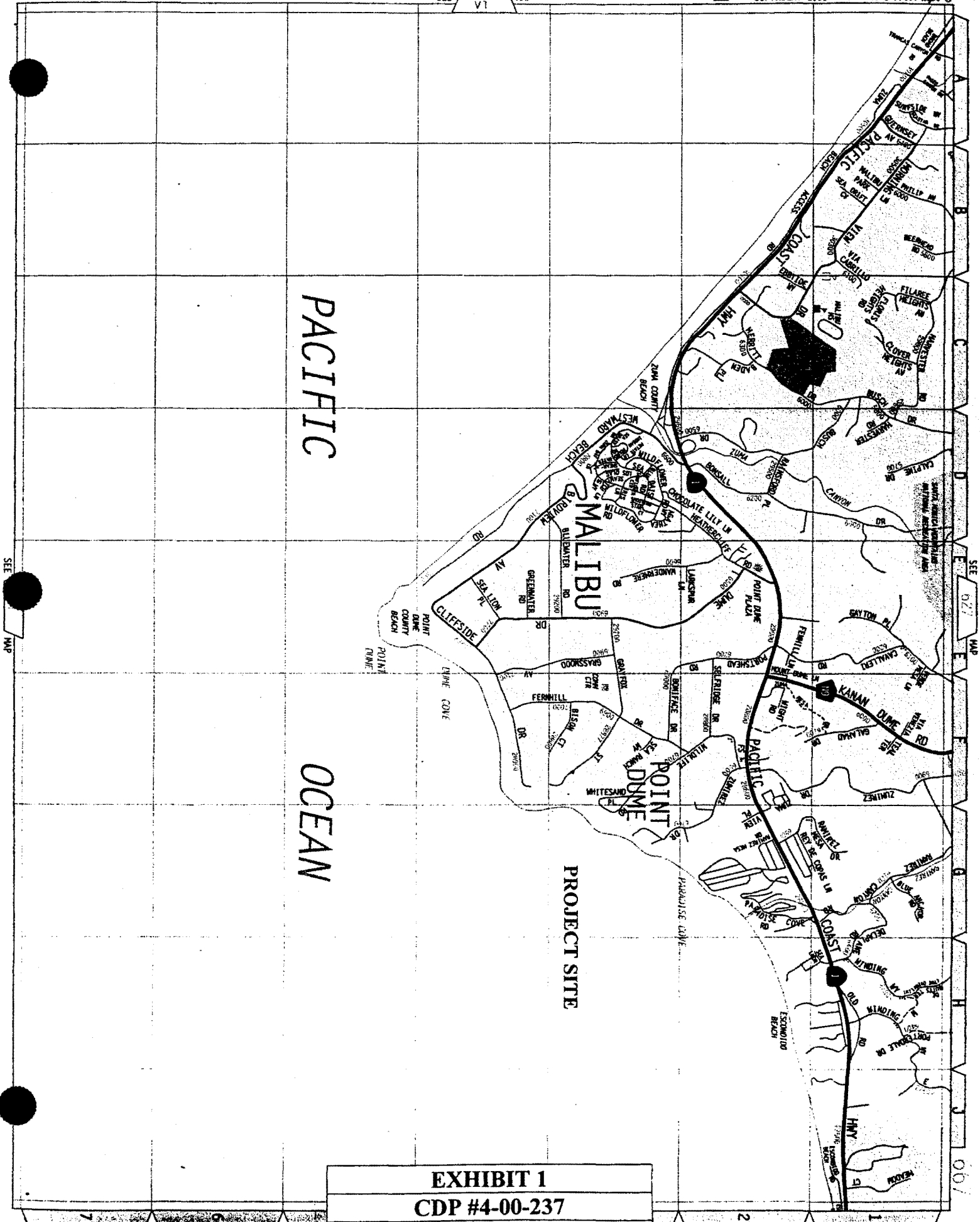
- A) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal 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 of Malibu'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).

G. 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.



SEE MAP

SEE MAP

PACIFIC

OCEAN

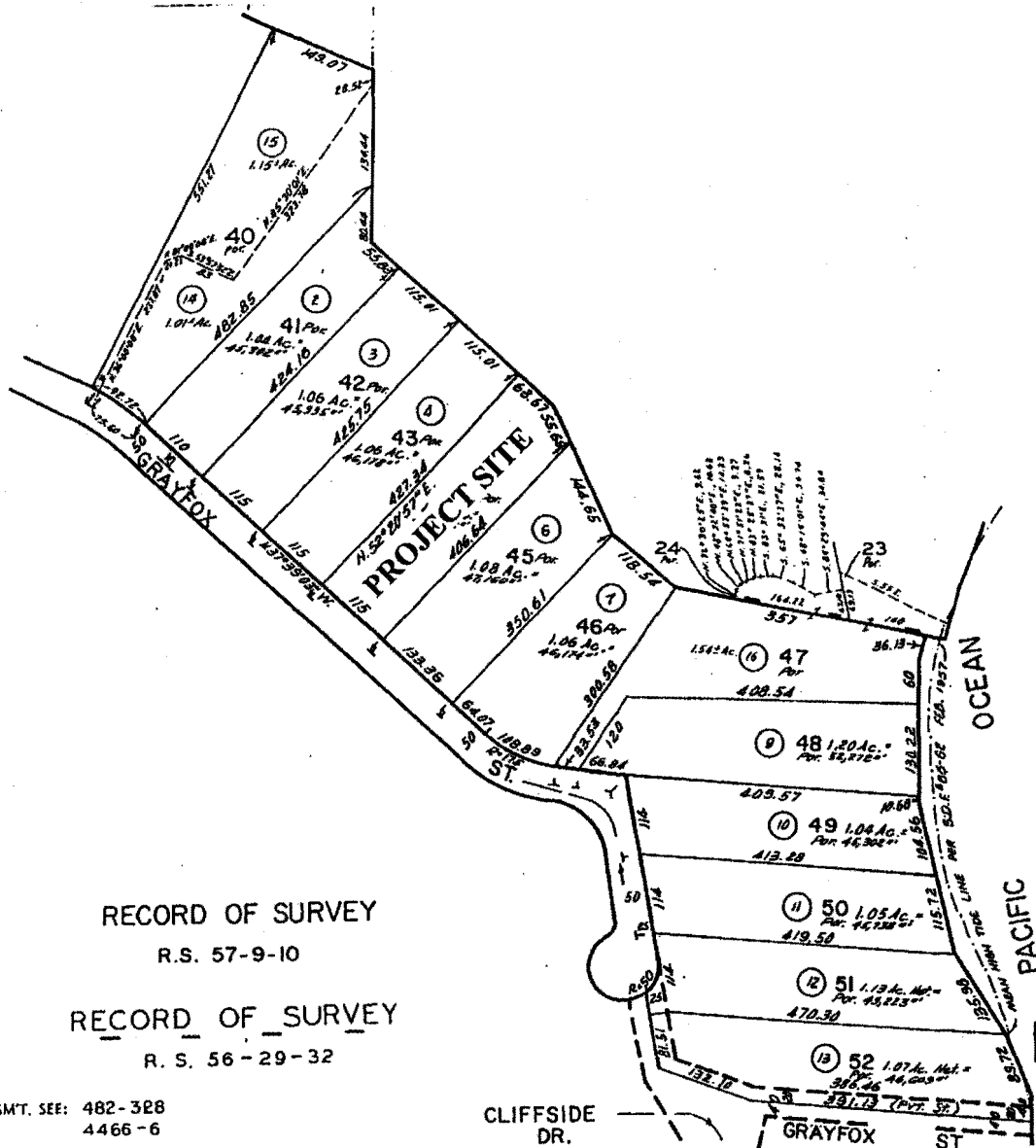
PROJECT SITE

EXHIBIT 1
CDP #4-00-237
Location Map

4466 | 8
SCALE 1" = 150'

1992

20710
40019
44780-4
20170000-3
3101001001003-01
SIGNAGE



CODE 10860

RECORD OF SURVEY
R. S. 57-9-10

RECORD OF SURVEY
R. S. 56-29-32

FOR PREV. ASSMT. SEE: 482-328
4466-6

CLIFFSIDE DR.

GRAYFOX ST

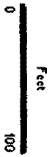
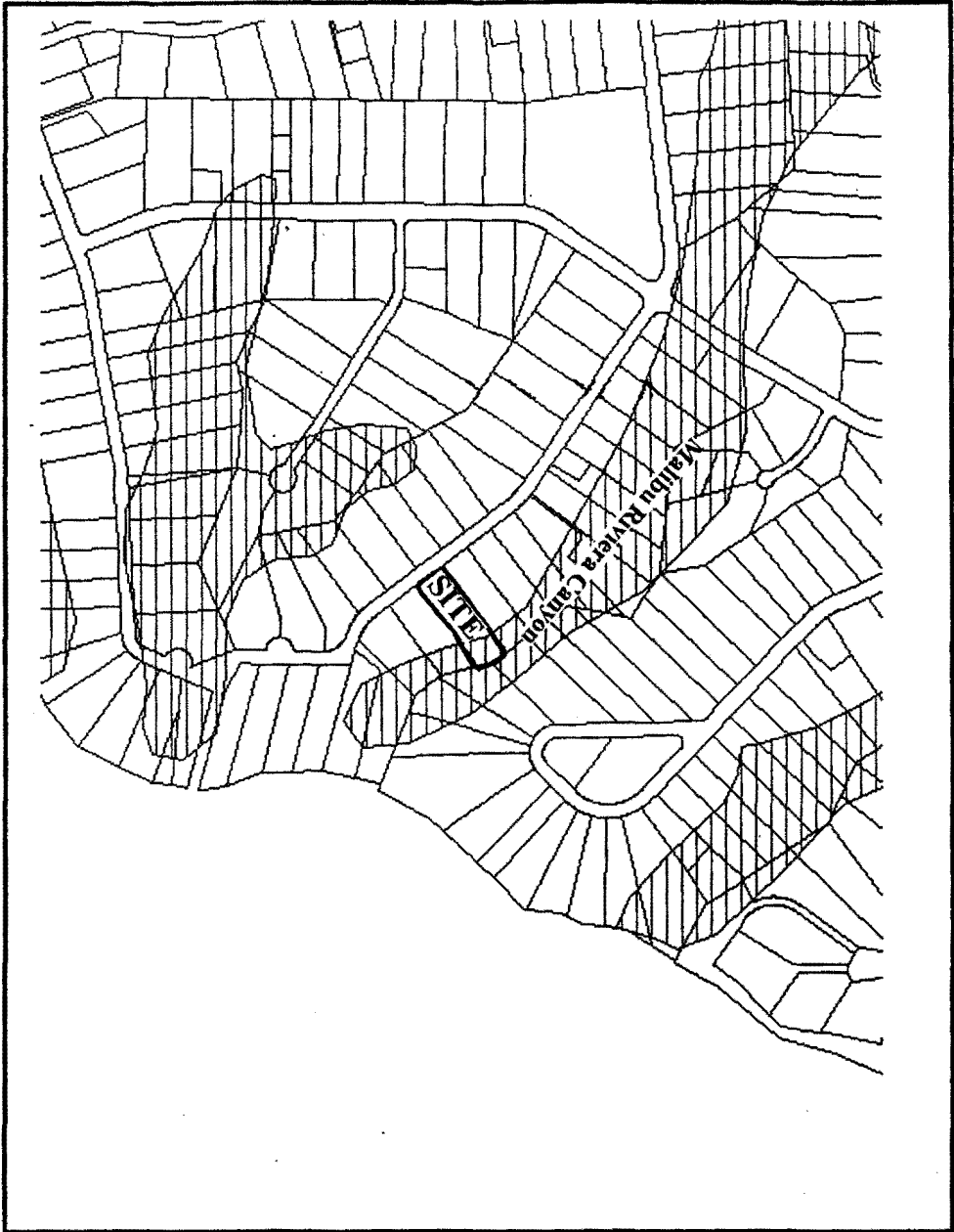
OCEAN

PACIFIC

ALL ACREAGES ON THIS PAGE ARE NET

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT 2
CDP # 4-00-237
Parcel Map



- laprcis
- esha (ESHA)
- Coldcreek management area
- Inland
- locally disturbed resources
- oak woodlands and savannahs

Monday, Feb 26 2001

EXHIBIT 3
CDP # 4-00-237
Sensitive Habitat Area

PROJECT DATA

OWNER:
MARK LEVER

SITE ADDRESS:
2027 GRAYFOX STREET
MALIBU CALIFORNIA

LEGAL DESCRIPTION:
PARCEL 44
RECORD SURVEY 87 PAGE 9 & 10

FRONT YARD SETBACKS:
AVERAGE LOT DEPTH 402.35 FT.
FRONT YARD SETBACK 85 FT.

SIDE YARD SETBACKS:
AVERAGE LOT WIDTH 85.5 FT.
REQUIRED COMBINED SIDE YARD (25% LOT WIDTH) 20.88 FT.
MINIMUM SIDE YARD 60% LOT WIDTH 51.32 FT.
MAXIMUM SIDE YARD 85% LOT WIDTH 72.33 FT.

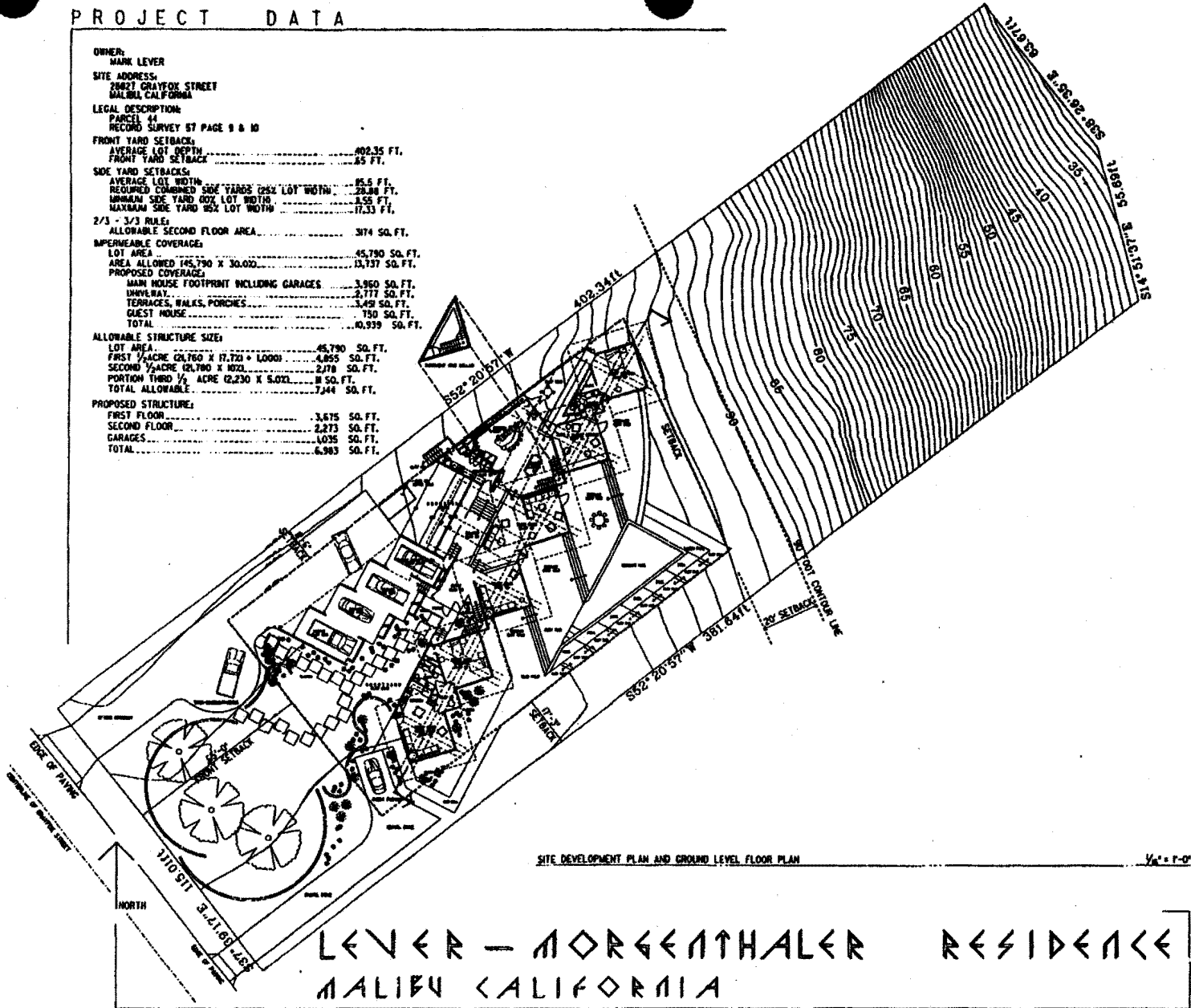
2/3 - 3/3 RULE:
ALLOWABLE SECOND FLOOR AREA 3174 SQ. FT.

IMPERMEABLE COVERAGES:
LOT AREA 45,790 SQ. FT.
AREA ALLOWED (45,790 X 30.0%) 13,737 SQ. FT.

PROPOSED COVERAGES:
MAIN HOUSE FOOTPRINT INCLUDING GARAGES 3,960 SQ. FT.
UNWEIGHTED 2,777 SQ. FT.
TERRACES, WALKS, PORCHES 3,499 SQ. FT.
GUEST HOUSE 750 SQ. FT.
TOTAL 10,939 SQ. FT.

ALLOWABLE STRUCTURE SIZE:
LOT AREA 45,790 SQ. FT.
FIRST 1/3 ACRE (24,760 X 17,720 + 1,000) 4,855 SQ. FT.
SECOND 1/3 ACRE (24,790 X 17,720) 2,778 SQ. FT.
PORTION THIRD 1/3 ACRE (2,230 X 5,012) 8 SQ. FT.
TOTAL ALLOWABLE 7,444 SQ. FT.

PROPOSED STRUCTURE:
FIRST FLOOR 3,675 SQ. FT.
SECOND FLOOR 2,273 SQ. FT.
GARAGES 1,035 SQ. FT.
TOTAL 6,983 SQ. FT.



SITE DEVELOPMENT PLAN AND GROUND LEVEL FLOOR PLAN

1/4" = 1'-0"

LEVER - MORGENTHALE RESIDENCE
MALIBU CALIFORNIA

EXHIBIT 4
D E N C E

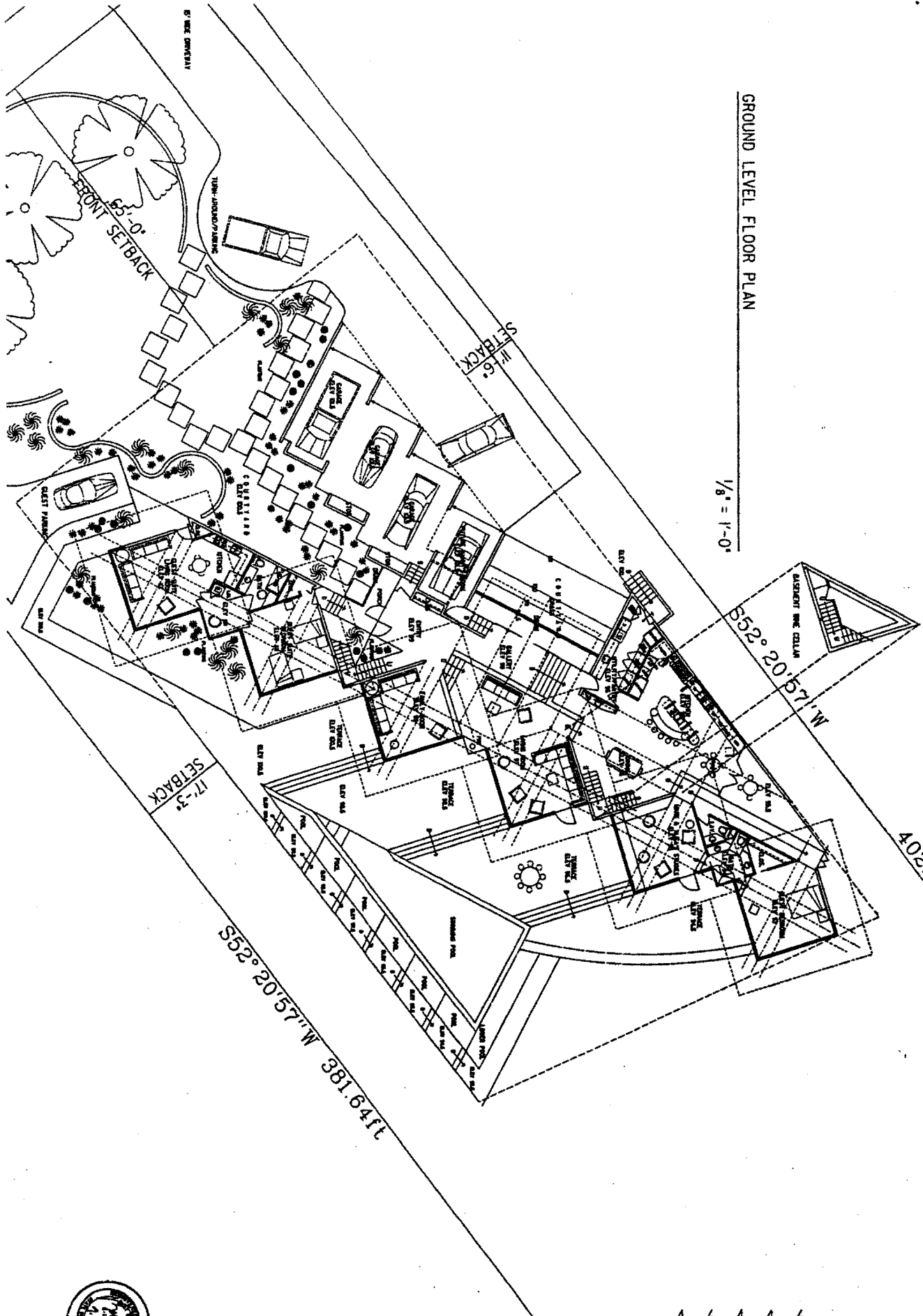
EXHIBIT 4
CDP # 4-00-237

Site Plan






LE

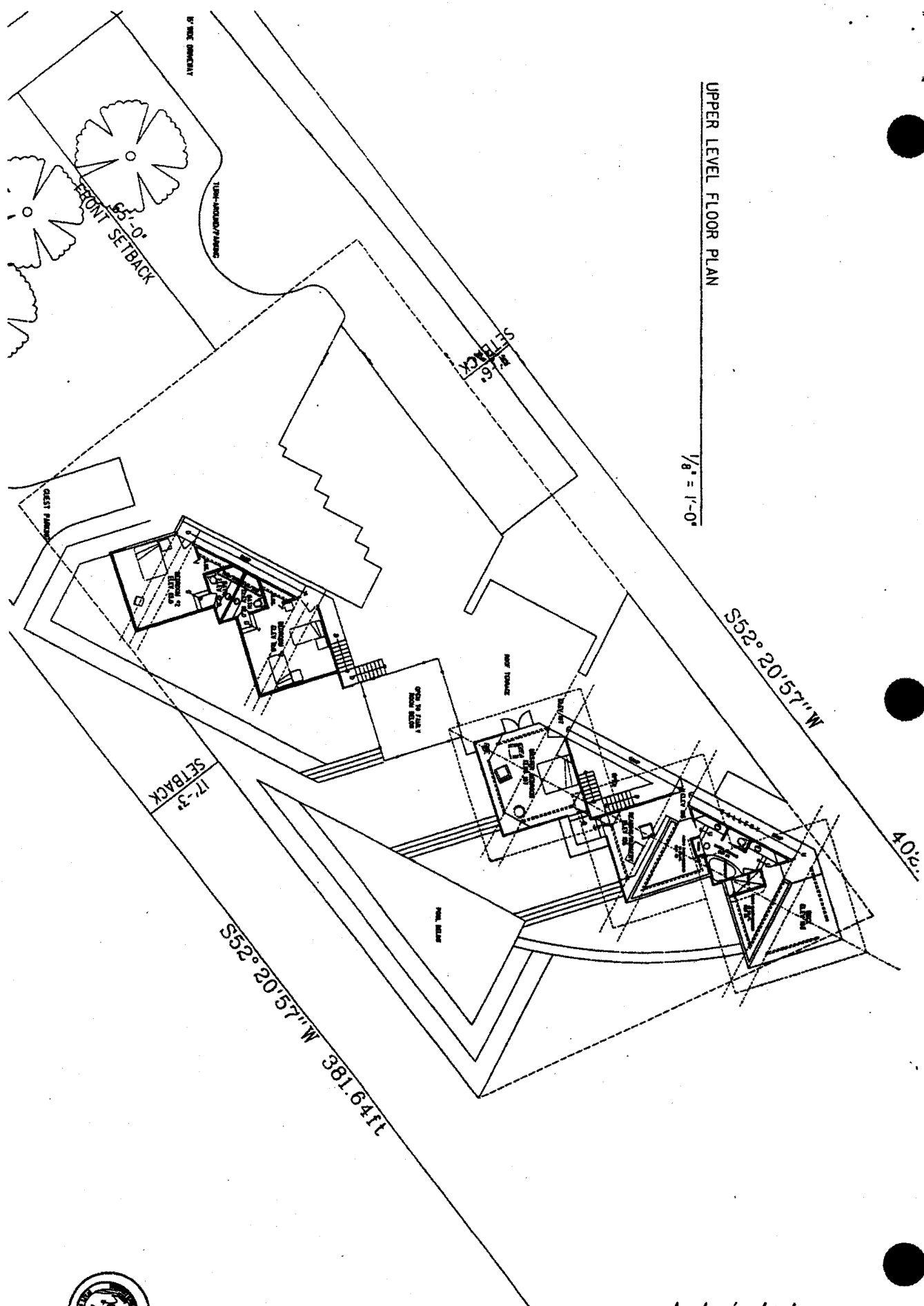
3/8



GROUND LEVEL FLOOR PLAN

1/8" = 1'-0"



EXHIBIT 5
CDP # 4-00-237
Lower Floor Plan




UPPER LEVEL FLOOR PLAN

1/8" = 1'-0"

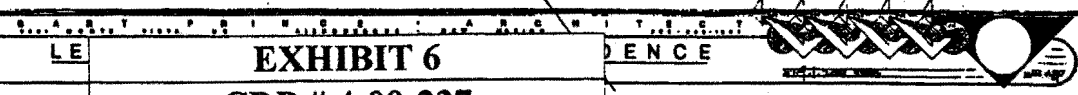
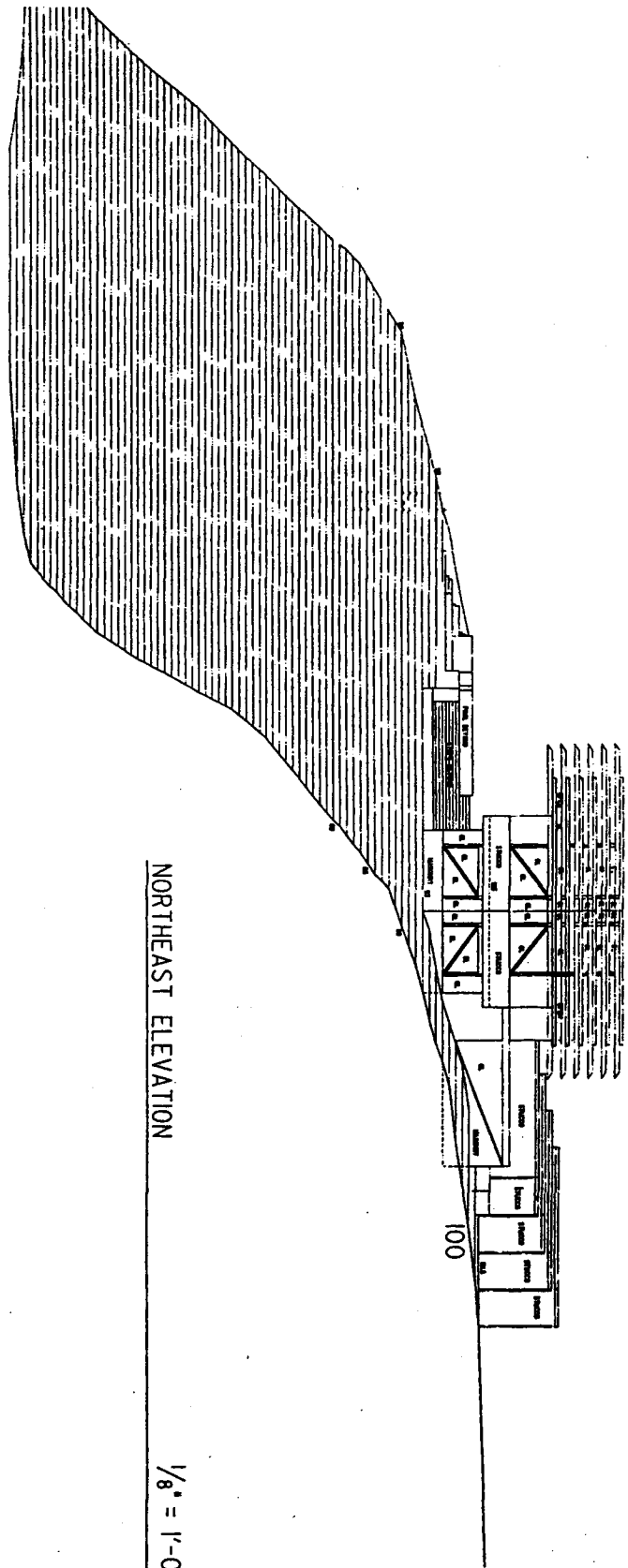


EXHIBIT 6

CDP # 4-00-237

Upper Floor Plan

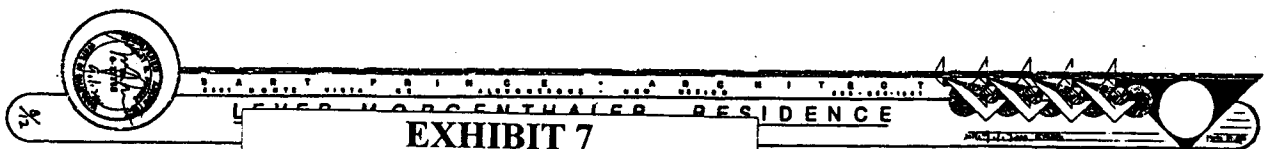
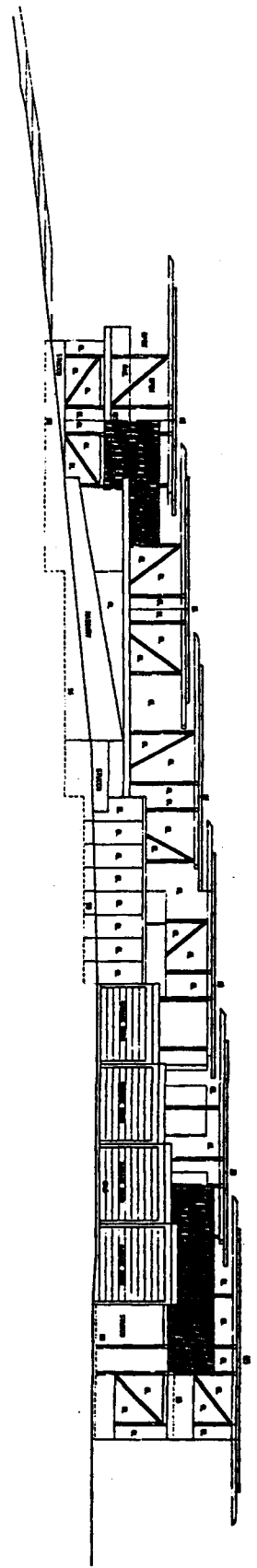


NORTHEAST ELEVATION

$1/8" = 1'-0"$

NORTHWEST ELEVATION

$1/8" = 1'-0"$
 NOTE: DIMENSION REPORTS ARE SHOWN IN PLAN
 ON ANOTHER SHEET IN THIS SET.



LEVER MORGENHAUER RESIDENCE

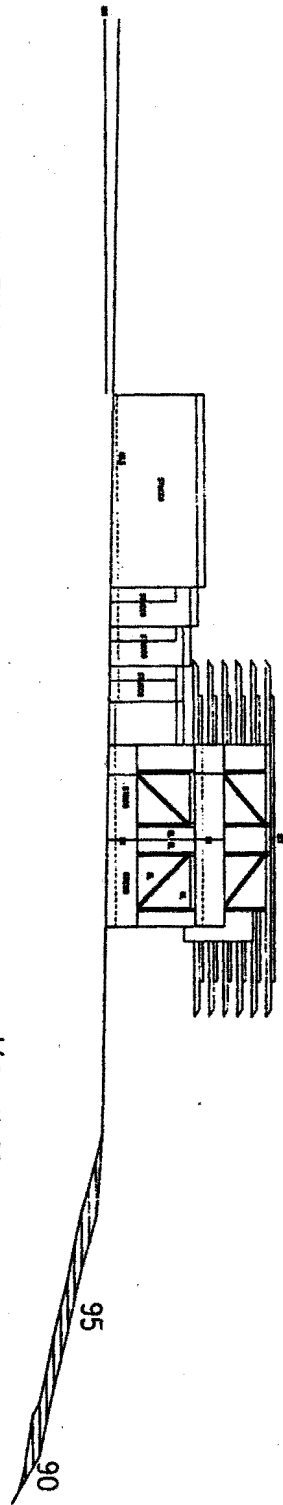
EXHIBIT 7

CDP # 4-00-237

Elevations

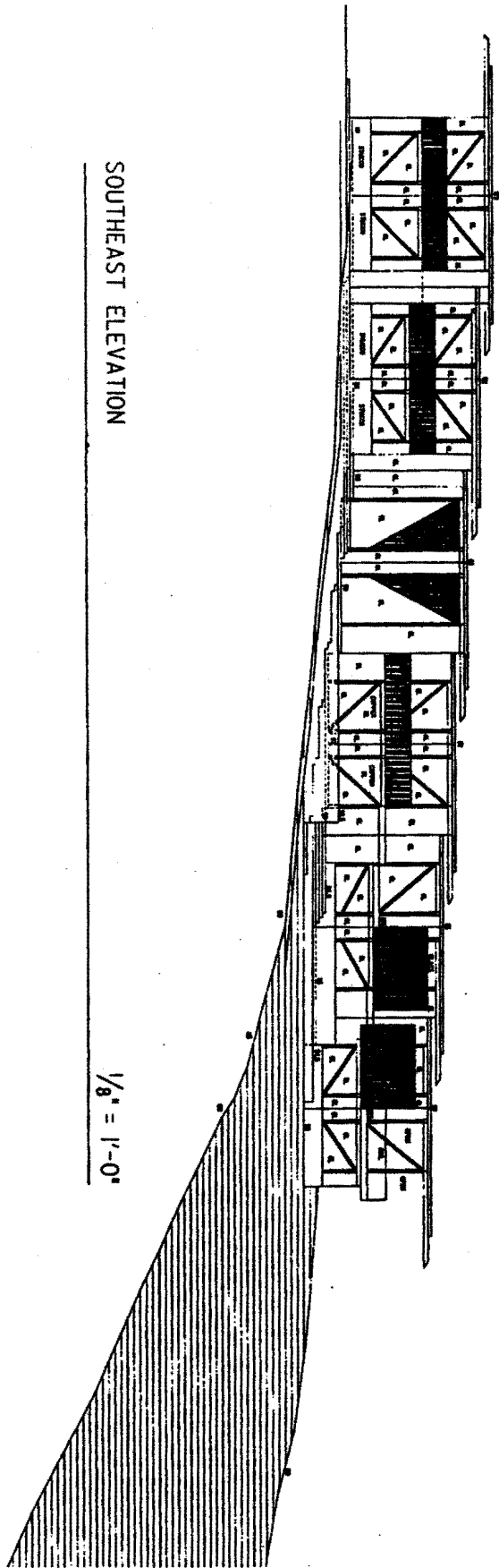
SOUTHWEST ELEVATION

$\frac{1}{8}'' = 1'-0''$



SOUTHEAST ELEVATION

$\frac{1}{8}'' = 1'-0''$



LEVER-MORGENTHALER RESIDENCE

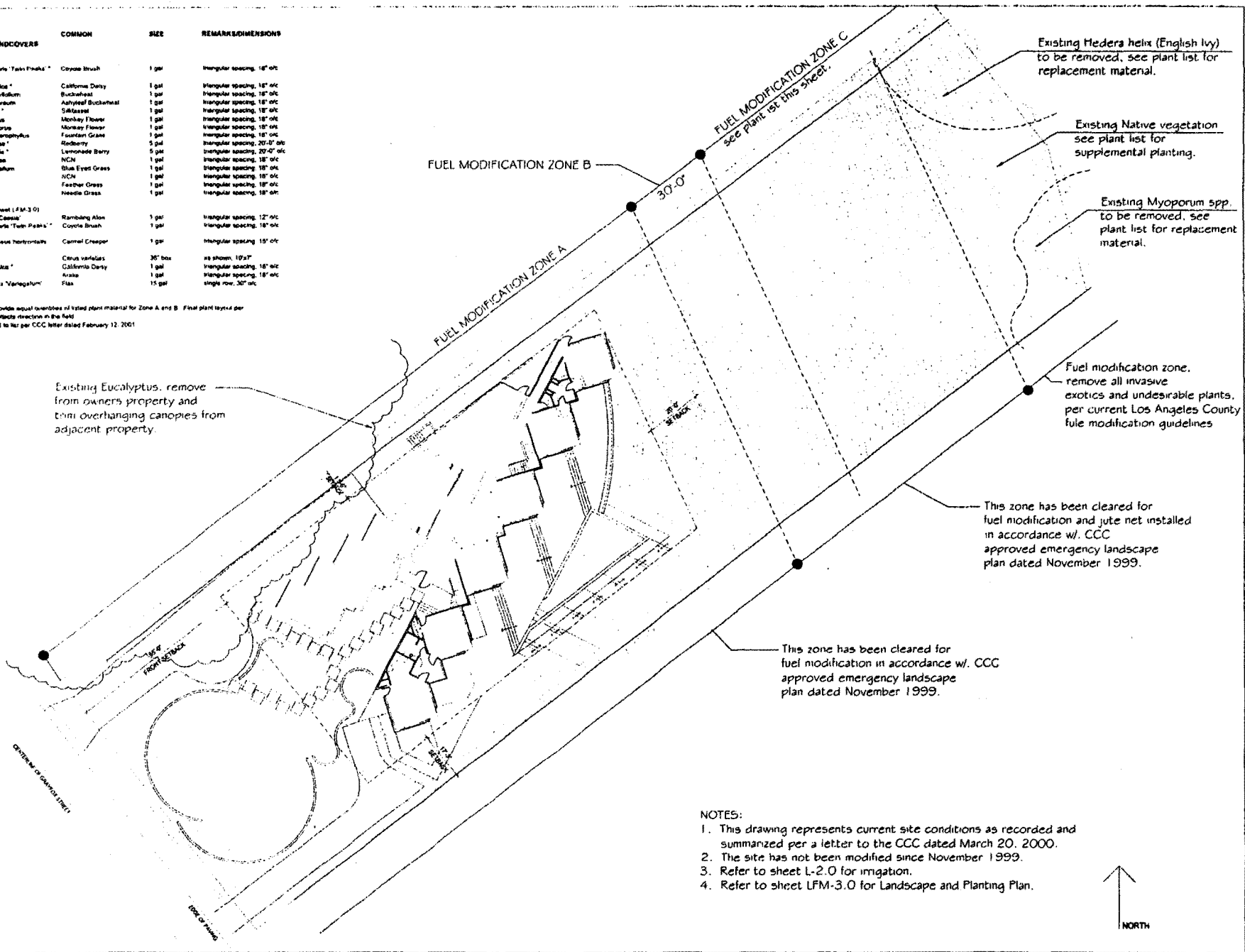
EXHIBIT 8

CDP # 4-00-137

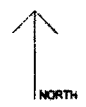
Elevations

PLANT LIST	COMMON	SIZE	REMARKS/DIMENSIONS
SHRUBS & GROUNDCOVERS			
ZONE C			
<i>Baccharis pilularis</i> "Twin Peaks"	Coyote Brush	1 gal	triangular spacing, 18" o/c
<i>Eucalyptus californica</i> *	California Daisy	1 gal	triangular spacing, 18" o/c
<i>Eriogonum parviflorum</i>	Buckwheat	1 gal	triangular spacing, 18" o/c
<i>Eriogonum cinereum</i>	Ashyleaf Buckwheat	1 gal	triangular spacing, 18" o/c
<i>Quercus wislizeni</i> *	Silkleaf	1 gal	triangular spacing, 18" o/c
<i>Mimulus guttatus</i>	Monkey Flower	1 gal	triangular spacing, 18" o/c
<i>Mimulus torriflorus</i>	Monkey Flower	1 gal	triangular spacing, 18" o/c
<i>Panicum heermansii</i>	Fountain Grass	1 gal	triangular spacing, 18" o/c
<i>Rhamnus crocea</i> *	Redberry	5 gal	triangular spacing, 20" o/c
<i>Rhus integrifolia</i> *	Lemonade Berry	5 gal	triangular spacing, 20" o/c
<i>Sabbia spaldiana</i>	NCA	1 gal	triangular spacing, 18" o/c
<i>Sayornisium betham</i>	Blue Eyed Grass	1 gal	triangular spacing, 18" o/c
<i>Solanum nemis</i>	NCA	1 gal	triangular spacing, 18" o/c
<i>Sida acuta</i>	Feather Grass	1 gal	triangular spacing, 18" o/c
<i>Sida acuta</i>	Needle Grass	1 gal	triangular spacing, 18" o/c
ZONE B (refer to sheet LFM-3.0)			
<i>Aloe vera</i> "Cactus"	Rambling Aloe	1 gal	triangular spacing, 12" o/c
<i>Baccharis pilularis</i> "Twin Peaks"	Coyote Brush	1 gal	triangular spacing, 18" o/c
<i>Ceanothus griseus horizontalis</i>	Cornel Creeper	1 gal	triangular spacing, 18" o/c
<i>Citrus spp</i>	<i>Citrus variegatus</i>	36" box	as shown, 10x7"
<i>Eucalyptus californica</i> *	California Daisy	1 gal	triangular spacing, 18" o/c
	Arava	1 gal	triangular spacing, 18" o/c
<i>Phoradendron lewisii</i> "Varegalum"	Flax	15 gal	single row, 30" o/c

NOTES:
 Contractor to provide equal quantities of listed plant material for Zone A and B. Final plant layout per Landscapes Architects revision in the field.
 * Plants added to list per CCC letter dated February 12, 2001.



- NOTES:**
1. This drawing represents current site conditions as recorded and summarized per a letter to the CCC dated March 20, 2000.
 2. The site has not been modified since November 1999.
 3. Refer to sheet L-2.0 for irrigation.
 4. Refer to sheet LFM-3.0 for Landscape and Planting Plan.



PROJECT TITLE:
LEVER RESIDENCE

28627 GRAYFOX STREET
 MALIBU, CALIFORNIA



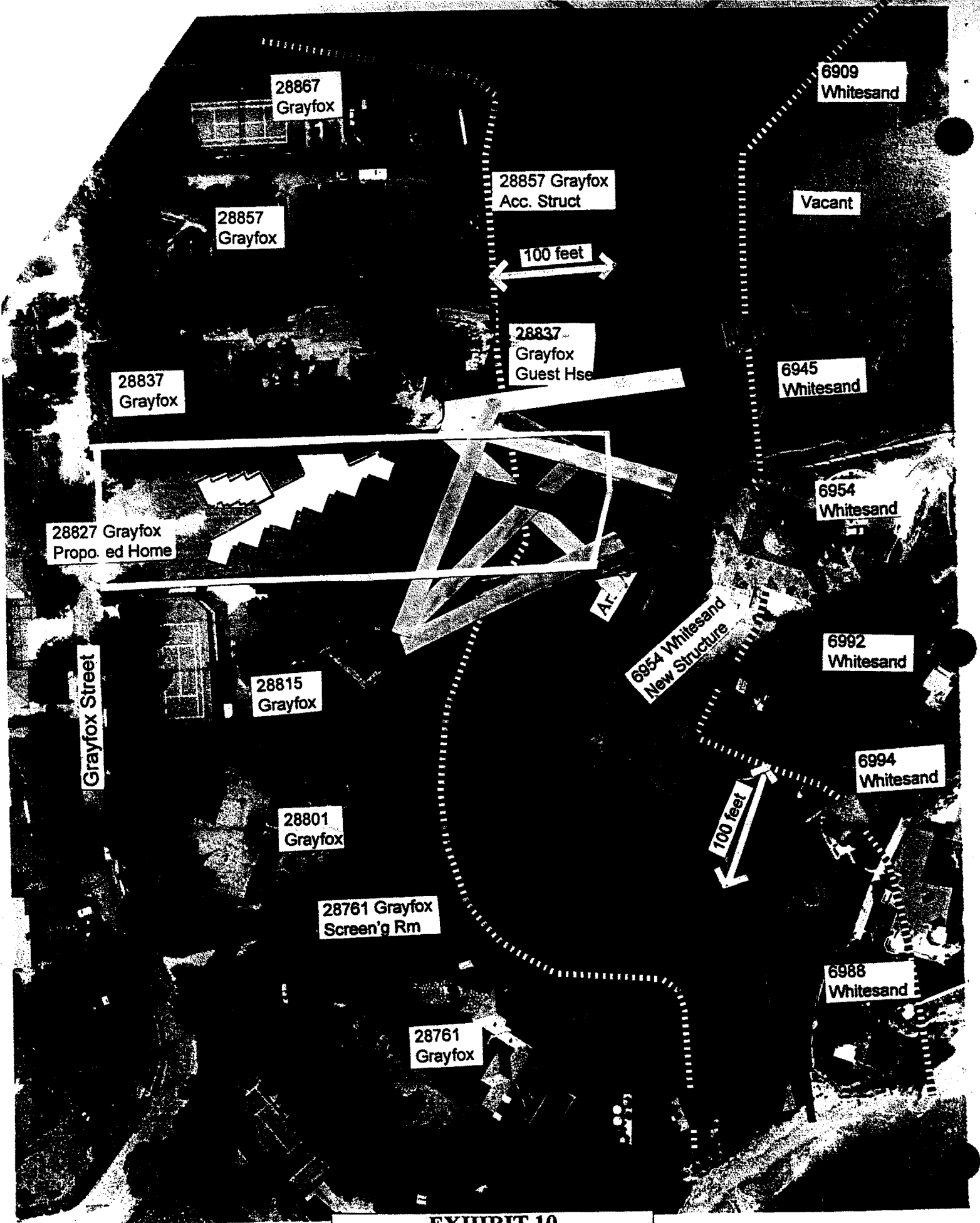
LANDSCAPES ARCHITECTS
 10000 WILSON BOULEVARD, SUITE 100
 LOS ANGELES, CALIFORNIA 90024
 TEL: (310) 551-1111 FAX: (310) 551-1112
 WWW.LANDSCAPESARCHITECTS.COM

EXHIBIT 9
 CDP # 4-00-237
 Fuel Modification Plan

DATE: 02/14/01
 SCALE: 1/16" = 1'-0"
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 PROJECT NO.: [blank]
 SHEET NO.: [blank]

EXISTING CONDITION
 FUEL MODIFICATION

LFM-1.C



28867
Grayfox

6909
Whitesand

28857
Grayfox

28857 Grayfox
Acc. Struct

Vacant

100 feet

28837
Grayfox
Guest Hse

6945
Whitesand

28837
Grayfox

28827 Grayfox
Propo. ed Home

6954
Whitesand

Grayfox Street

28815
Grayfox

6954 Whitesand
New Structure

6992
Whitesand

28801
Grayfox

6994
Whitesand

100 feet

28761 Grayfox
Screen'g Rm

6988
Whitesand

28761
Grayfox

EXHIBIT 10
CDP # 4-00-237
Fuel Modification Exhibit