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CALIFORNIA COASTAL COMMISSION

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Staff Report: 2/22/01
Hearing Date: 3/15/01
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO. 4-01-003

APPLICANT: Kamyar Lashgari

PROJECT LOCATION: 5930 Busch Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct 5,618 sq. ft., 18 ft high, single-story single family residence, 3,050 sq. ft. basement, attached two-car garage, septic system, retaining walls, paved driveway and motorcourt, and 2,553 cu. yds. of grading (1,158 cu. yds. cut, 952 cu. yds. fill, 443 cu. yds. excavation for basement).

Lot Area:	43,150 sq. ft.
Building Coverage:	5,618 sq. ft.
Pavement Coverage:	6,900 sq. ft.
Landscaped Area:	8,500 sq. ft.
Parking Spaces:	2
Height above existing grade:	18 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department, dated 1/03/01; In Concept Approval (Septic System), City of Malibu Environmental Health Department, dated 12/29/00; Approval In Concept, City of Malibu Geology and Geotechnical Engineering, dated 9/29/00; In Concept Approval, County of Los Angeles Fire Department, Fire Prevention Engineering, dated 2/6/01.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project with five (5) special conditions regarding Conformance with Geologic Recommendations, Landscaping and Erosion Control, Wild Fire Waiver of Liability, Removal of Excavated Material, and Drainage and Polluted Runoff.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (1986); Coastal Development Permit 4-92-250; Response to City of Malibu Geology and Geotechnical Engineering Review Sheet Dated August 14, 2000 and

Updated Soils and Engineering – Geologic Investigation for Proposed Single-Family Residence Lot 3, Parcel Map 6353, 5930 Busch Drive, Malibu, California (GeoSystems, 9/14/00); Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, Dated September 29, 2000, Lot 3, Parcel Map 6353 (GeoSystems, 10/14/00).

II. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit No. 4-01-003 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.

III. 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.

IV. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

- (a) All recommendations contained in the Geosystems Updated Soils and Engineering Geologic Investigation dated September 14, 2000 and the Response to City of Malibu Geology and Geotechnical Engineering Review dated October 14, 2000, prepared by Geosystems, Inc. shall be incorporated into all final design and construction including recommendations concerning site preparation, subdrainage, foundation and building setback, foundations, lateral design, retaining walls, foundation settlement, floor slabs, temporary excavation slopes, pavement, drainage, sewage disposal, and grading. All plans must be reviewed and approved by the geotechnical consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.
- (b) 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. The Executive Director shall determine whether required changes are "substantial."

2. Landscape and Erosion Control Plan and Fuel Modification

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 consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

- (1) All graded & disturbed areas on the subject site including all disked areas 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.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 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.

3. Wild Fire Waiver of Liability

Prior to the 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 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.

4. 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 excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

5. Drainage and Polluted Runoff Control Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, 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 engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall 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.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 5,618 sq. ft., 18 ft high from existing grade, single-story single family residence, 3,050 sq. ft. basement, attached two-car garage, septic system, retaining walls, paved driveway and motorcourt, and 2,553 cu. yds. of grading (1,158 cu. yds. cut, 952 cu. yds. fill, 443 cu. yds. excavation for basement). (See Exhibits 1-11)

The subject site is a vacant lot located at 5930 Busch Drive, approximately $\frac{3}{4}$ -mile north of the intersection of Busch Drive and Pacific Coast Highway, in the City of Malibu. Access to the property is via Little Busch Drive, a private driveway off of Busch Drive. The property, approximately one-acre in size, is located in an area developed with existing single family residences. The building site and hardscape on the subject 43,150 square foot parcel is proposed on a 12,518 square foot graded pad in the northern portion of the property. The entire parcel has been subject to disking and contains disturbed weedy vegetation.

The property trends northeast-southwest, with a relatively level pad in the northeastern corner descending at gradient of approximately 3:1 in the rear half of the parcel. The southwesterly 30 feet of the lot, adjacent to Busch Drive, is designated as a Flood Hazard Area, and serves as an easement to the County for slope purposes. No development is proposed in the Flood Hazard Area.

The project site is within the Zuma Canyon Watershed drainage; however, it is not within the LUP designated Significant Watershed. Parcel runoff flows southwesterly into a drainage course that is tributary to Zuma Creek, approximately one quarter of a mile downgradient. Zuma Creek is designated as a blue line stream on the U. S. Geological Survey quadrangle maps. The riparian area surrounding Zuma Creek downgradient of the proposed project location is designated as a Disturbed Sensitive Resource Area (DSR) on the Malibu/Santa Monica Mountains Land Use Plan (LUP) maps. Zuma Creek drains into coastal wetlands designated as Environmentally Sensitive Habitat

Areas (ESHAs) on the LUP maps, and finally into the Pacific Ocean approximately one mile downgradient of the subject parcel. (See Exhibits 1-3)

In 1993 the Commission approved a two story, 29 foot high 8,926 sq. ft. residence on the subject parcel with a four-car garage, swimming pool, 671 sq. ft. guest house, septic system, and 2,710 cu. yds. of grading (1,355 cu. yds. cut, 1,355 cu. yds. fill). The permit was not extended and has expired. The previously approved site plan located the residence in about the same location as the proposed design. However, the 4-car garage/guest house was eliminated and the swimming pool and yard area located on a fill slope southwest of the residence was eliminated from the new application.

B. Geologic Stability and Hazards

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, geologic 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. ...

In addition, the Malibu/Santa Monica Mountains LUP, which the Commission has certified and utilized as guidance in past permit decisions, contains policies applicable to the proposed project:

P 147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P 149 Continue to require a geologic report, prepared by a registered engineer...

P 156 Continue to evaluate all new development for impact on, and from, fire hazard.

The proposed development is located in the Santa Monica Mountains, 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 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 requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic

stability, or destruction of the site or surrounding area. The applicant proposes to construct a 5,618 sq. ft., 18 ft high, single family home, attached two-car garage, 3,050 sq. ft. livable basement, septic system, retaining walls, paved driveway and motorcourt, with 2,553 cu. yds. of grading (1,158 cu. yds. cut, 952 cu. yds. fill, 443 cu. yds. excavation for basement) on an approximately 1-acre parcel.

As described above, the applicant's parcel drains into a water course that is tributary to Zuma Creek, and ultimately to Zuma Creek Lagoon, a designated ESHA, and the Pacific Ocean approximately one mile downgradient of the proposed project site. (See Exhibits 2-3)

The applicant has submitted two reports: Response to City of Malibu Geology and Geotechnical Engineering Review Sheet Dated August 14, 2000 and Updated Soils and Engineering – Geologic Investigation for Proposed Single-Family Residence (GeoSystems, Sept. 2000) and Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, Dated September 29, 2000 (GeoSystems, Oct. 2000). These reports make numerous recommendations regarding site preparation, subdrainage, foundation and building setbacks, foundations, lateral design, retaining walls, foundation settlement, floor slabs, temporary excavation slopes, pavement, drainage, sewage disposal, and grading. The report states that the site is suitable for the intended use provided that the recommendations of the geotechnical consultant are incorporated into the design and subsequent construction of the project.

Based on the conclusions of the GeoSystems, Inc. reports, the Commission finds that the proposed development will be safe from geologic hazards if all recommendations of the geotechnical consultants are incorporated into the final project plans and designs. Accordingly, Special Condition 1 requires the applicant to demonstrate to the Executive Director's satisfaction that all recommendations in the September 14, 2000 and October 14, 2000 reports are incorporated into the final plans and designs.

Section 30253 of the Coastal Act states that new development shall not create or contribute significantly to erosion, in addition to other site stability issues addressed above. Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and eventually into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams. Extensive research undertaken during the past decade has shown that single family residences are the top ranking contributor of sediment pollutants discharged into Santa Monica Bay, for example.

Among the measures available to avoid erosion during and after construction are the implementation of rainy season controls such as the use of sediment basins (including

debris basins, desilting basins, or silt traps) and the timely planting of appropriate, locally native landscape materials. These measures are among the requirements set forth in Special Condition 2.

Special Condition 2 requires the applicant to submit for the Executive Director's approval landscape and fuel modification plans that address on-site landscape and erosion control measures. Special Condition 2 requires the use of locally native plant species, which have been shown to provide superior erosion control when compared to the use of non-native species in the Santa Monica Mountains, for landscaping and erosion control. Use of the materials and methods required by that special condition will stabilize the site immediately after disturbance and additionally protect against long-term site erosion. Special Condition 2 (C) further requires the applicant to submit a monitoring report to demonstrate that the required landscaping and erosion control measures in the approved landscape plan have been successfully implemented. If fully implemented, Special Condition 2 will provide significant erosion control on the subject site, both during construction and during the life of the proposed development.

The proposed project will entail 2,553 cubic yards of grading, including: 1,872 cu. yds. (941 cu. yds. cut, 931 cu. yds. fill) for the hardscape areas, 218 cu. yds. (197 cu. yds. cut, 21 cu. yds. fill) for the building site, 20 cu. yds. of cut for the offsite easement, and 443 cu. yds. of excavation for the basement. The applicant has indicated that loss due to clearing, shrinkage, and compaction will result in no net gain in material at the site. However, the Commission finds it necessary to impose Special Condition 4, Removal of Excavated Material, thereby requiring the applicant to provide evidence of disposal should the project result in excess material excavated from the site.

Therefore, for all of the reasons cited above, the Commission finds that the proposed project as conditioned by Special Conditions 1, 2 and 4 will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

C. Wild Fire

Section 30253 of the Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of 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 3, the wild fire 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 3 the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or 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.

The Commission finds that only as conditioned by Special Condition 3 is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire. Additionally, the Commission finds that there will be no cumulative brush clearance impacts as a result of fuel modification requirements. The fuel modification of adjacent properties will overlap with the fuel modification of the proposed project.

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, 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 that:

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

As described, the applicant proposes to construct a 5,618 sq. ft., 18 ft high, single-story home, 3,050 sq. ft. basement, attached two-car garage, septic system, retaining walls, paved driveway and motorcourt, and 2,553 cu. yds. of grading (1,158 cu. yds. cut, 952 cu. yds. fill, 443 cu. yds. excavation for the basement). The site is considered a "hillside" development, as the rear half of the parcel descends at a 3:1 gradient.

As noted previously, the applicant's parcel drains toward southwesterly along the lot into a drainage that is tributary to Zuma Creek, and ultimately to Zuma Creek Lagoon (a designated ESHA on the Malibu/Santa Monica Mountains LUP Maps) and the Pacific Ocean approximately one mile downgradient of the proposed project site. In addition, Zuma Creek is flanked by habitat designated as a Disturbed Sensitive Resource Area (DSR) on the LUP maps.

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.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, drainage and water pollution control measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site is returned to the soil, overall runoff volume is reduced. Slow surface flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

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 project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

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 5, 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 resource protection policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition 2 is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes installation of an on-site septic system with a 4,000 gallon tank to serve the residence. The 4,000 gallon septic tank will be located on the north side of the building pad, from which effluent from the septic system will be pumped and disposed of through a seepage pit (see Exhibit 11). The applicants' 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.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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

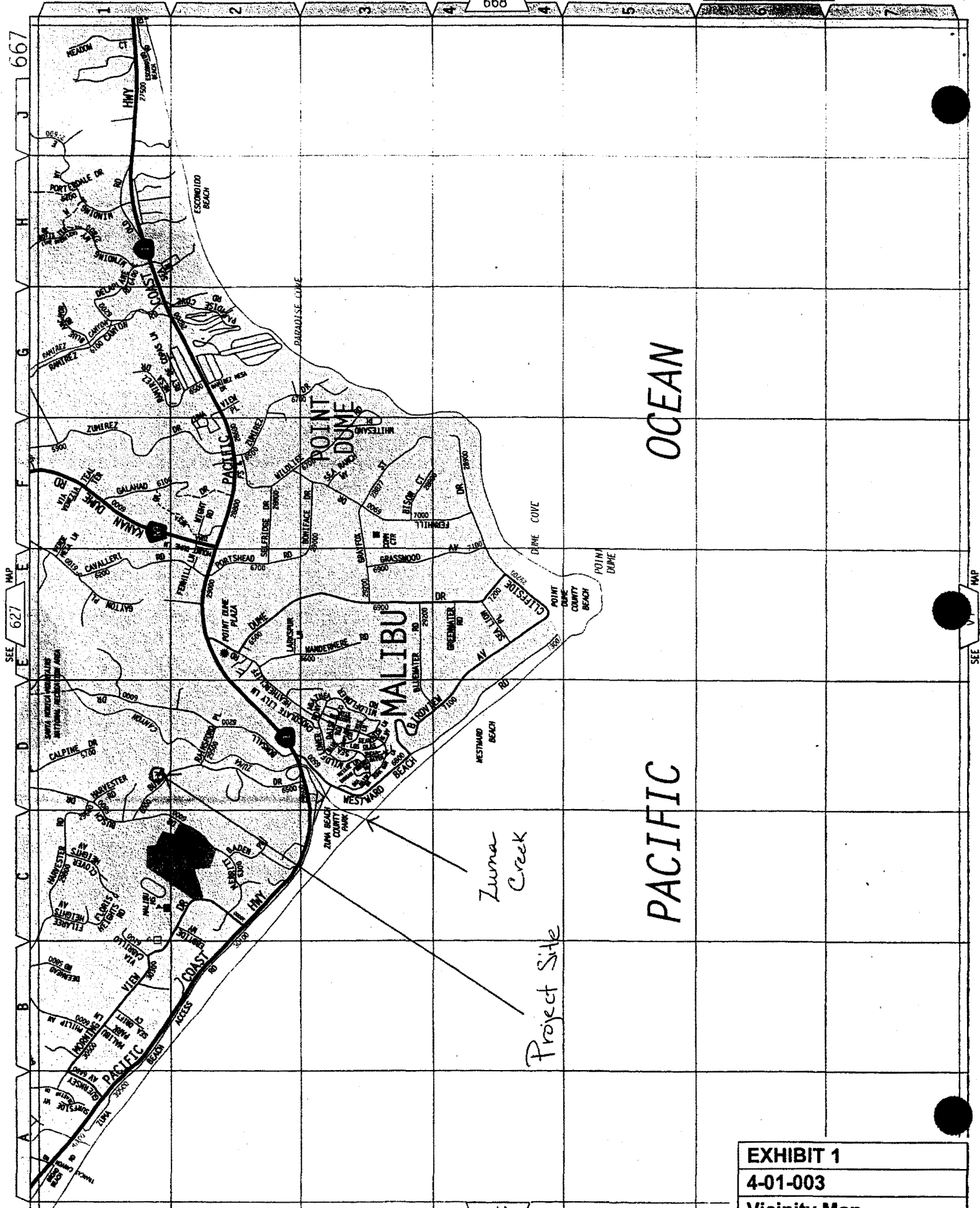
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. 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, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity would 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 Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



OCEAN

PACIFIC

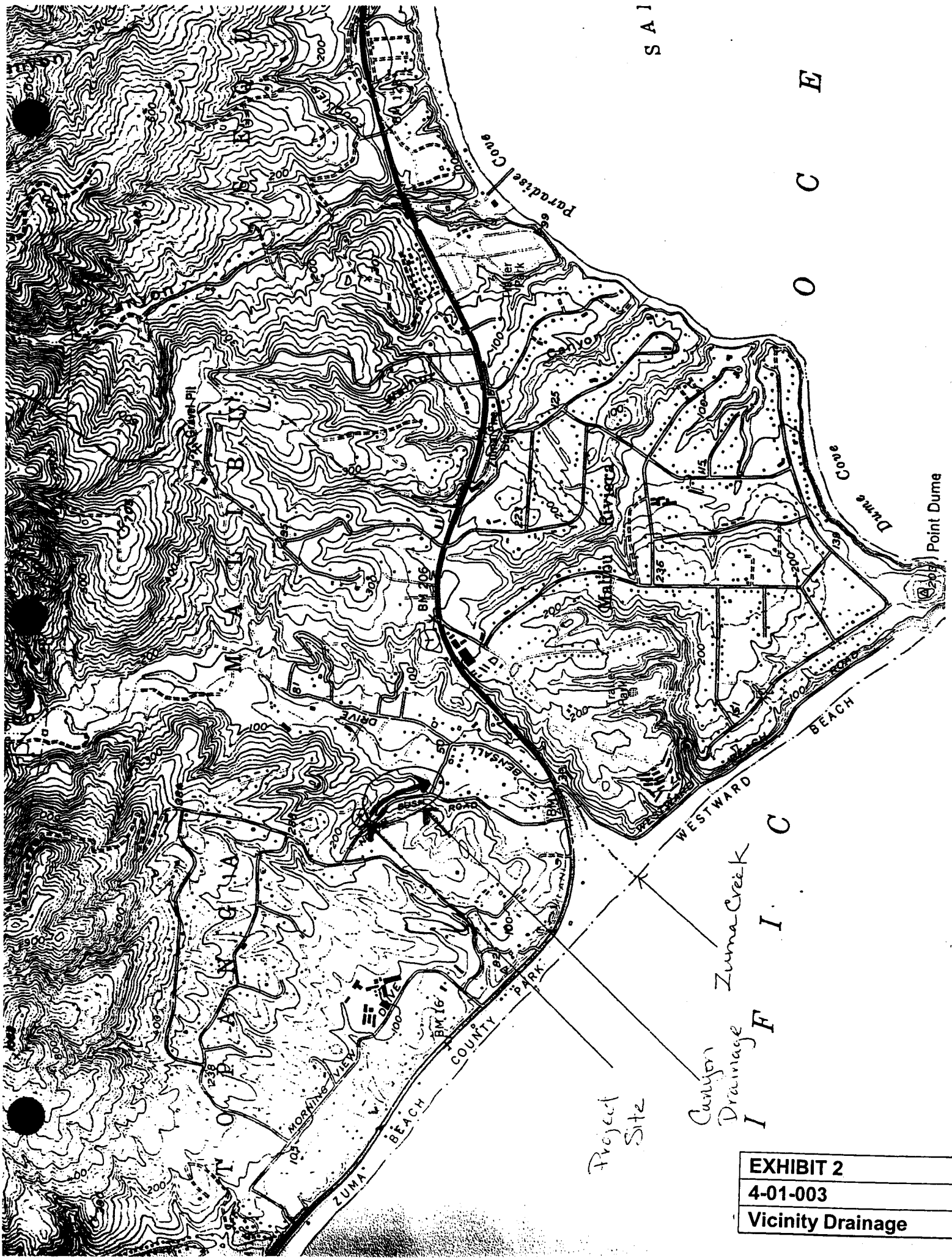
Zuma Creek

Project Site

EXHIBIT 1
4-01-003
Vicinity Map

MAP 667
J
I
H
G
F
E
D
C
B
A

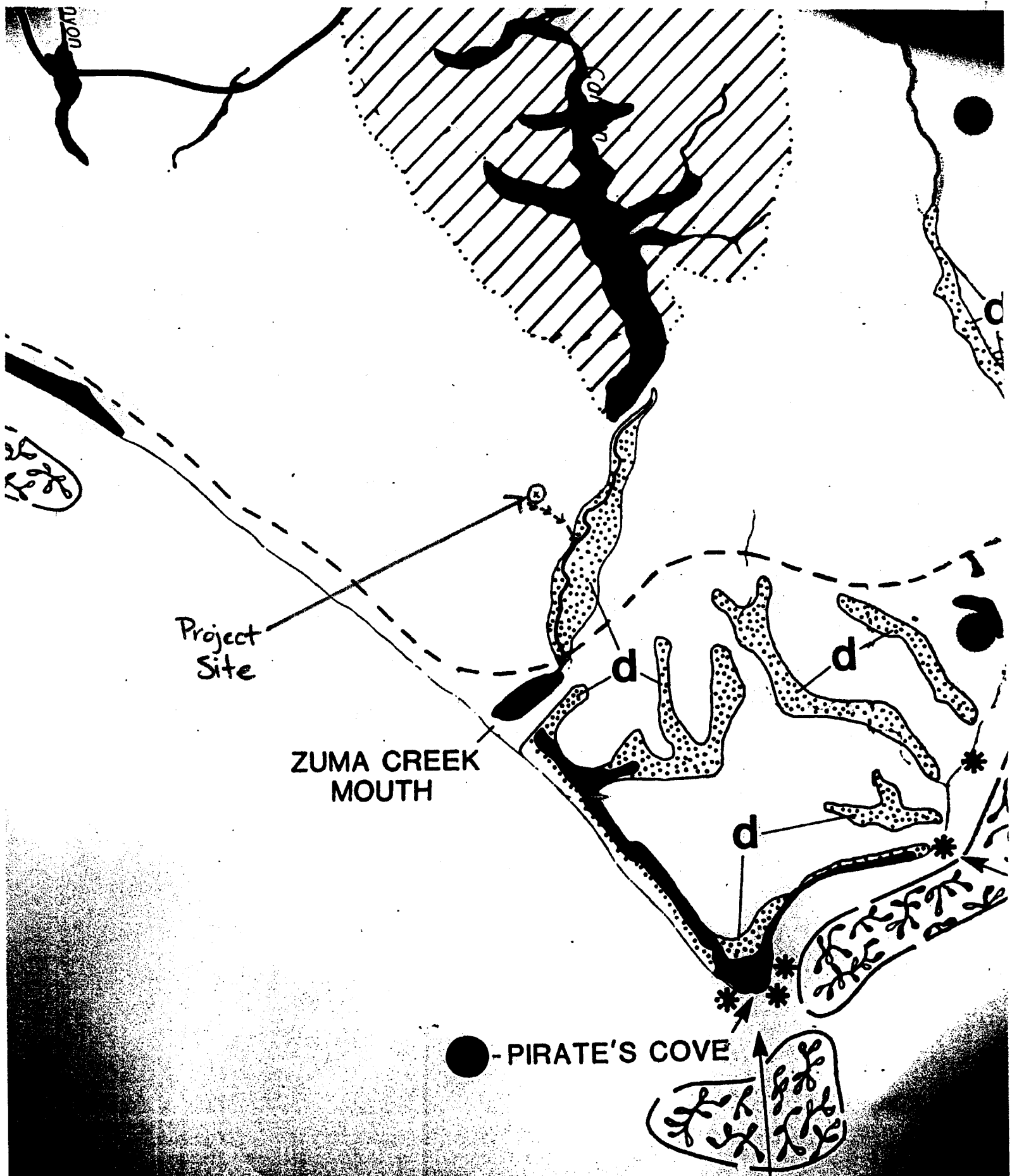
MAP
V1
SEE



Project Site

Canyon Drainage I
Zuma Creek F I C

EXHIBIT 2
4-01-003
Vicinity Drainage



Project Site

ZUMA CREEK MOUTH

● - PIRATE'S COVE

POINT D

EXHIBIT 3
4-01-003
LUP Map Designations

4467 28

SCALE 1" = 200'

93062103003004-07 3-14-65

REVISED
3-6-61
1-18-65

1998

MERRITT DR.

PARCEL MAP
P.M. 74-65-66

PARCEL MAP
P.M. 70-14

PARCEL MAP
P.M. 37-63

RECORD OF SURVEY
R. S. 56-14-17

PARCEL MAP
P.M. 74-95

PARCEL MAP
P.M. 74-72

PARCEL MAP
P.M. 258-56-57

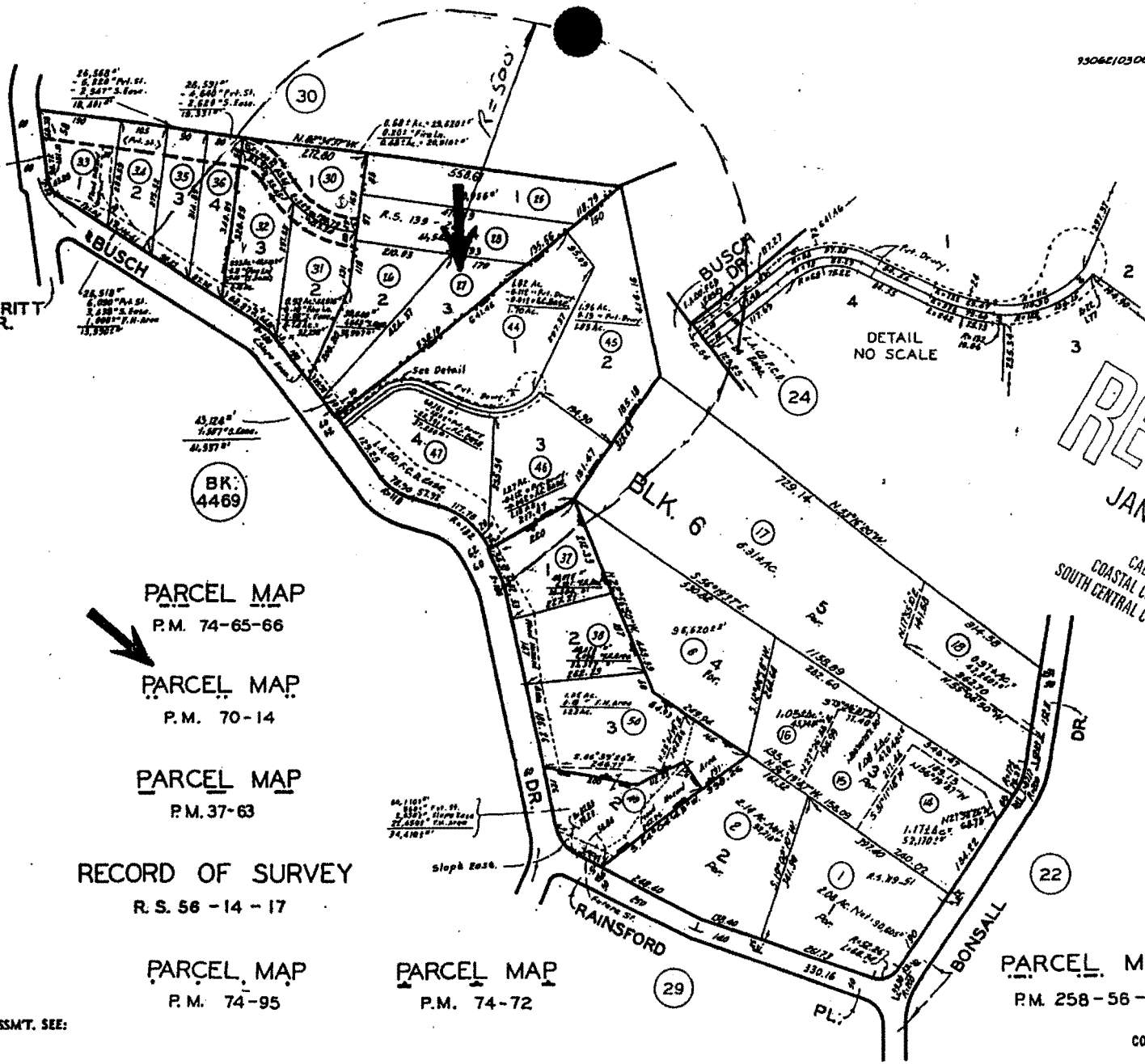


CODE
10853

FOR PREV. ASSM'T. SEE:
4467-28

EXHIBIT 4
4-01-003
Parcel Map

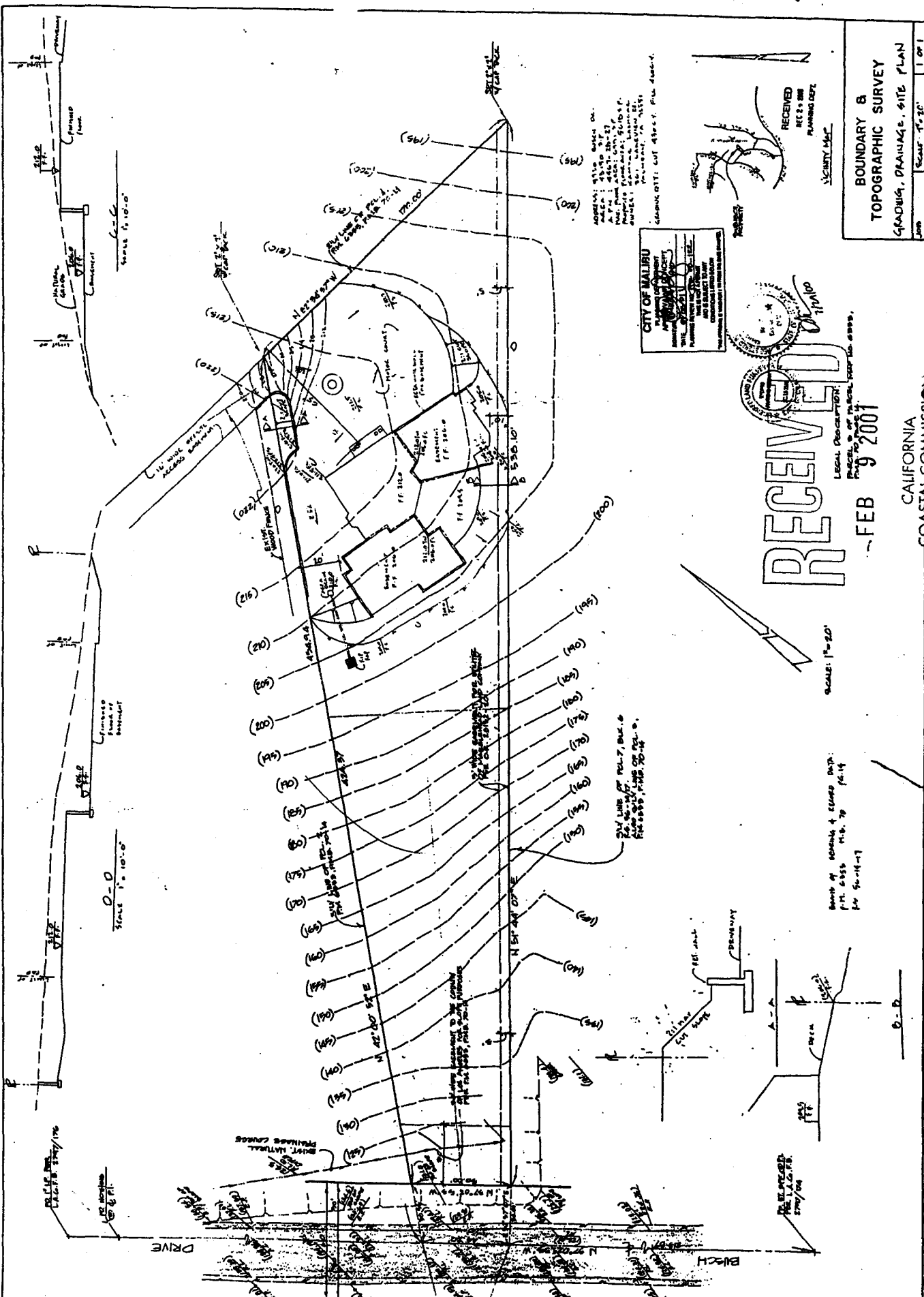
07



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- 68123
- 690122
- 720214
- 720628
- 720906/02
- 721017
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- 7611048004
- 77012505
- 770228
- 770104401
- 901000000001-07
- 901010
- 91007
- 9700000001-07
- 971000001002-07

RECEIVED
JAN 04 2001
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.



BOUNDARY &
 TOPOGRAPHIC SURVEY
 GRADING, DRAINAGE, & SITE PLAN
 SCALE: 1"=20'
 DATE: FEB 9 2001

CITY OF MALIBU
 PLANNING DEPARTMENT
 24110 MALIBU ROAD
 MALIBU, CALIF. 90263
 PHONE: (310) 316-2000
 FAX: (310) 316-2000
 WWW: WWW.CITYOFMALIBU.CA.GOV

RECEIVED
 FEB 9 2001
 LEGAL PROCEEDINGS
 RECEIVED
 REC'D 888
 PLANNING DEPT.
 VICENTY INC.

EXHIBIT 5
4-01-003
Site Plan & Grading Plan

REVISION	DATE	BY

KALIBU BUCHH ESTATE
9950 BUCHH DR., MALIBU, CA

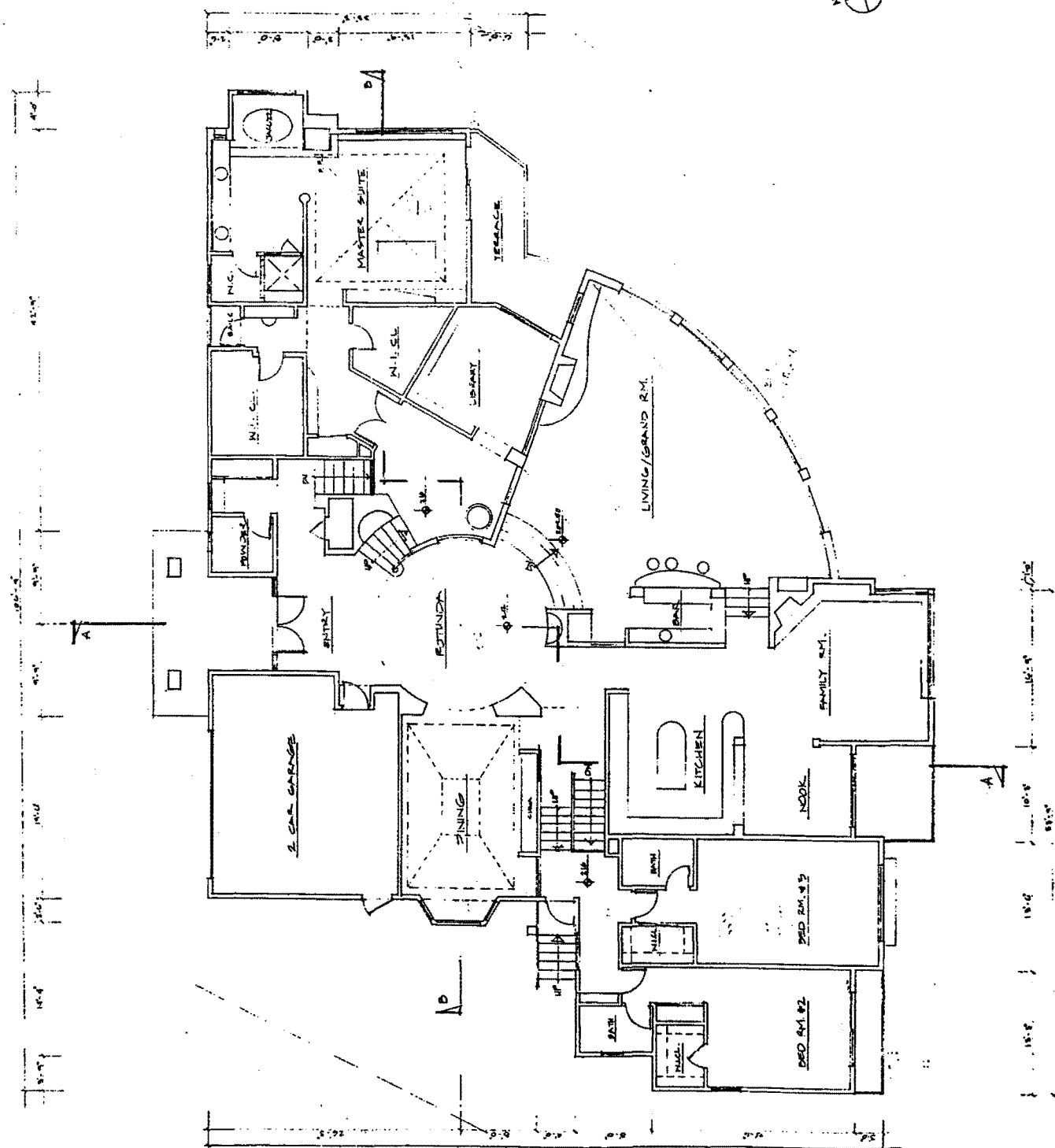


EXHIBIT 6
4-01-003
Ground Floor Plan

ARCHITECT M. T. O.	REVISION	DATE	BY
PROJECT: MALIBU BUSCH ESTATE 9930 BUSCH DR., MALIBU, CA.			
DATE	DESIGNER	SCALE	PROJECT NUMBER
10-21-77	M.T.O.	1/8" = 1'-0"	A-2

MALIBU BUSCH ESTATE
 9930 BUSCH DR., MALIBU, CA.

PLANNING PLAN

DATE: 10-21-77
 DESIGNER: M.T.O.
 SCALE: 1/8" = 1'-0"
 PROJECT NUMBER: A-2

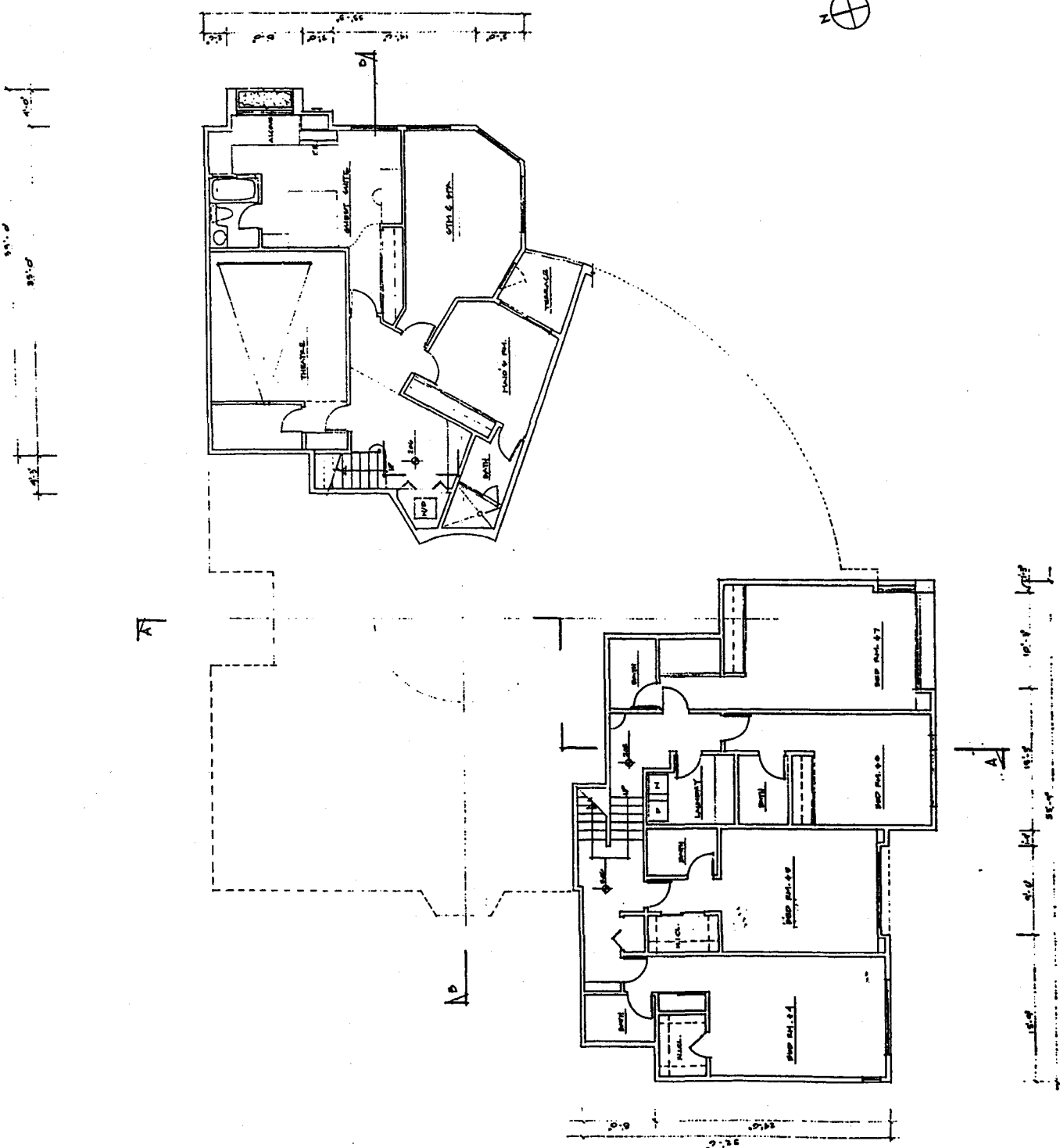


EXHIBIT 7
4-01-003
Basement Floor Plan

ARCHIT
10

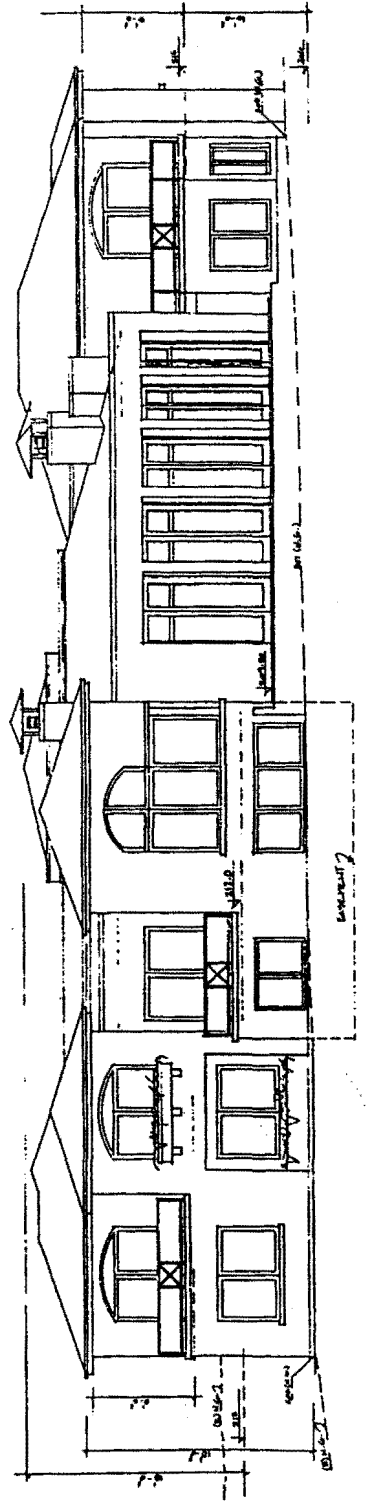
DATE	BY	REV.

MALIBU BUSCH ESTATE
8750 BUSCH DR., MALIBU, CA

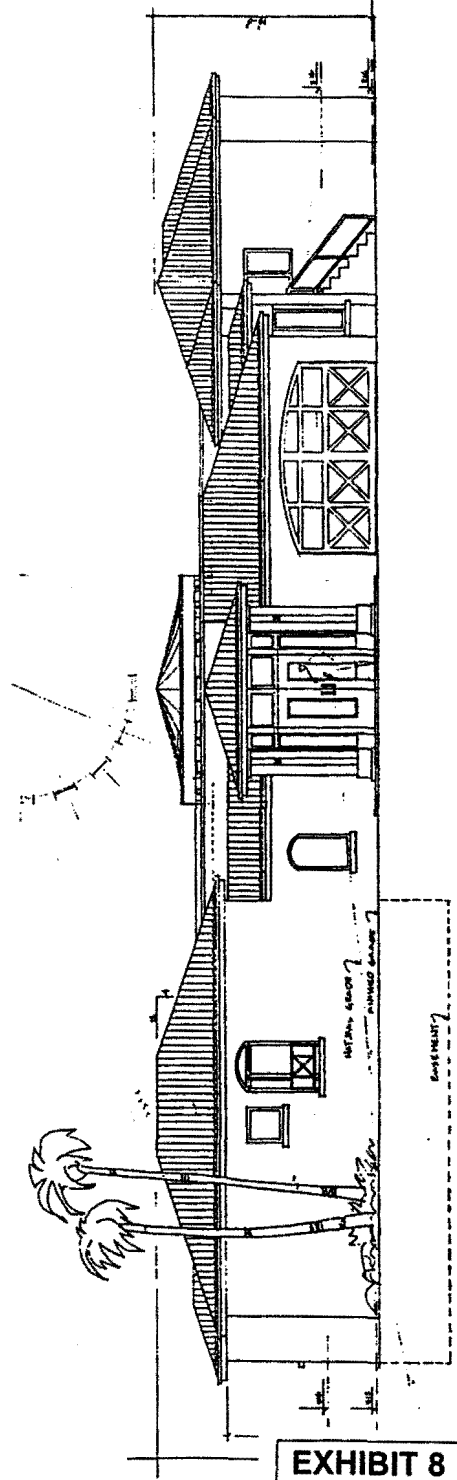
PROJECT
ELEVATION

SCALE	1/4" = 1'-0"
DRAWN	J.B.P.
DATE	FEB. 2000
CLIENT	5250
PAGE	

A-4



SOUTH ELEVATION



NORTH (ENTRANCE) ELEVATION

EXHIBIT 8
4-01-003
Elevations

ARCHITECT

Architect: [Blank]

Project: [Blank]

Date: [Blank]

Scale: [Blank]

Sheet: [Blank]

MALIBU BUSCH ESTATE
 9730 BUSCH DR., MALIBU, CA.

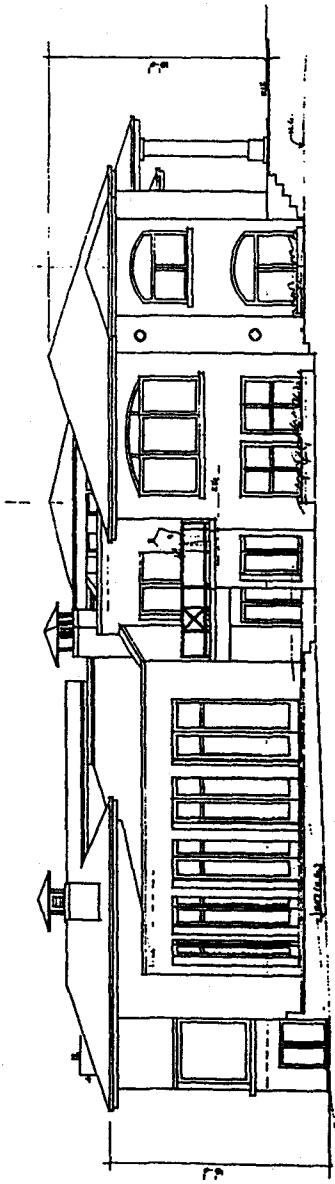
BACK ELEVATIONS

SCALE: 1/4" = 1'-0"

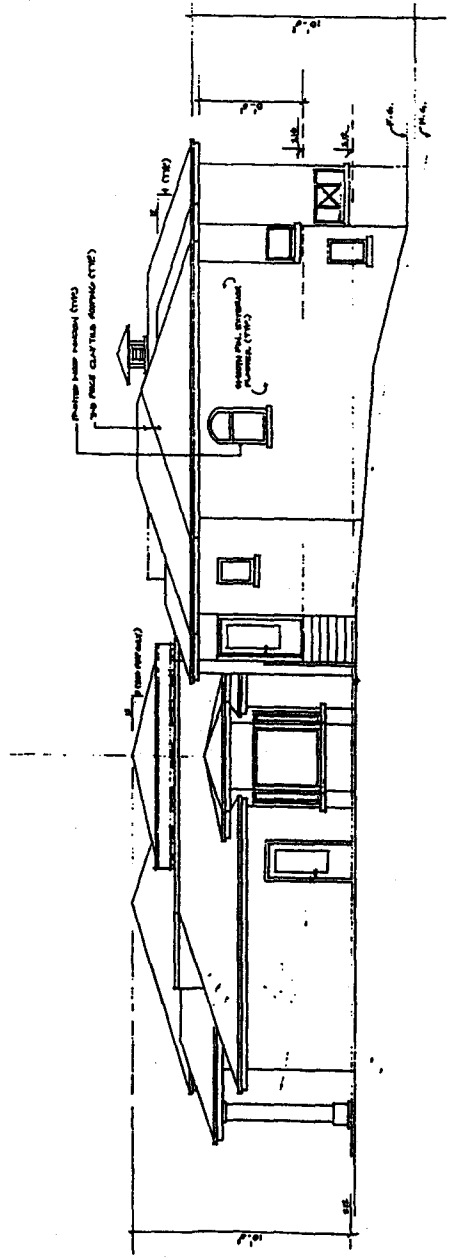
DATE: 07/14/03

PROJECT: MALIBU BUSCH ESTATE

NO. A-5



EAST ELEVATION



WEST ELEVATION

EXHIBIT 9

4-01-003

Elevations

ARCHIT

NO.	DATE	BY	REVISION

MALIBU BUSH CREST ESTATE
 5920 BUSH DR. MALIBU, CA.

BLDG SECTION

SCALE 1/4" = 1'-0"

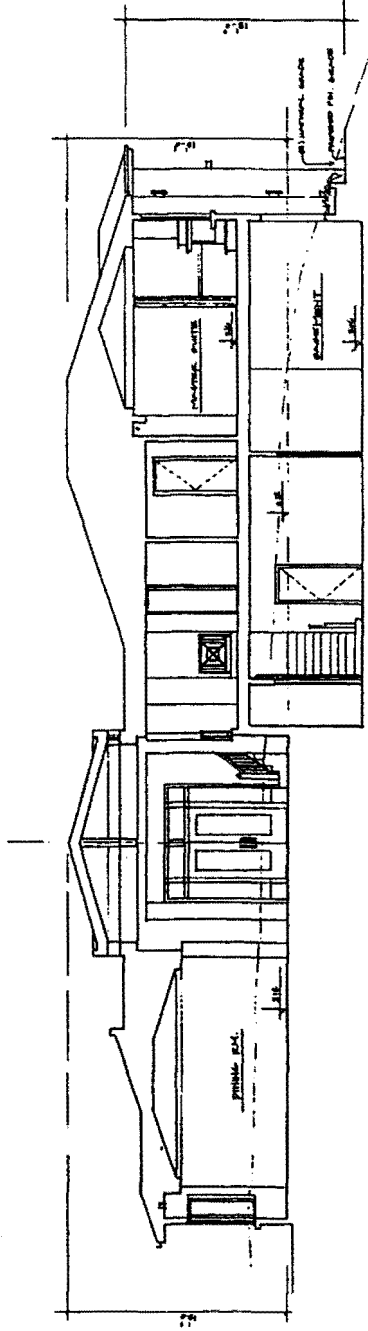
DATE 11-11-82

DESIGNER J.P.B.

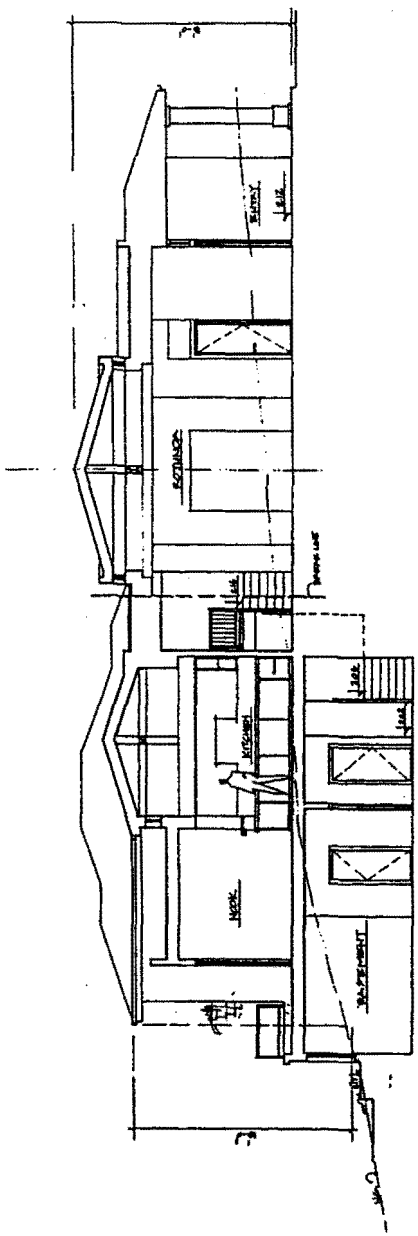
CLIENT J.P.B.

PROJECT 5920 BUSH DR. MALIBU, CA.

A-6



SECTION 'D'



SECTION 'A'

5930 BUSCH DR.
MALIBU, CA 90265

REVISION OF 10-05-00 APPROVAL
SUPERSEDES ALL PRIOR APPROVALS

S.F.D.: 9 Bedroom/106 F.U. (N)
SEPTIC TANK: 4000 Gallon w/Effluent Filter (N)
ACTIVE: 2 - 6' X 32' BI w/10' Cap (N)
FUTURE: 100X
PERC RATE: 7183.5 gpd/11.92 gpcf

CITY OF MALIBU ENVIRONMENTAL HEALTH
IN-CONCEPT APPROVAL
SIGNATURE DEC 29 2000 <i>LY</i>
FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.

RECEIVED

JAN 04 2001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



1" = 40'

NOTES:

1. This approval is for a 9 bedroom (108 fixture units) single family dwelling. A new private sewage disposal system shall be installed, as shown.
2. This approval only relates to the minimum requirements of the City of Malibu Uniform Plumbing Code and does not include an evaluation of any geological, or other potential problems, which may require an alternative method of wastewater disposal.
3. This approval is valid for one year or until City of Malibu Uniform Plumbing Code and/or Administrative Policy changes render it noncomplying.

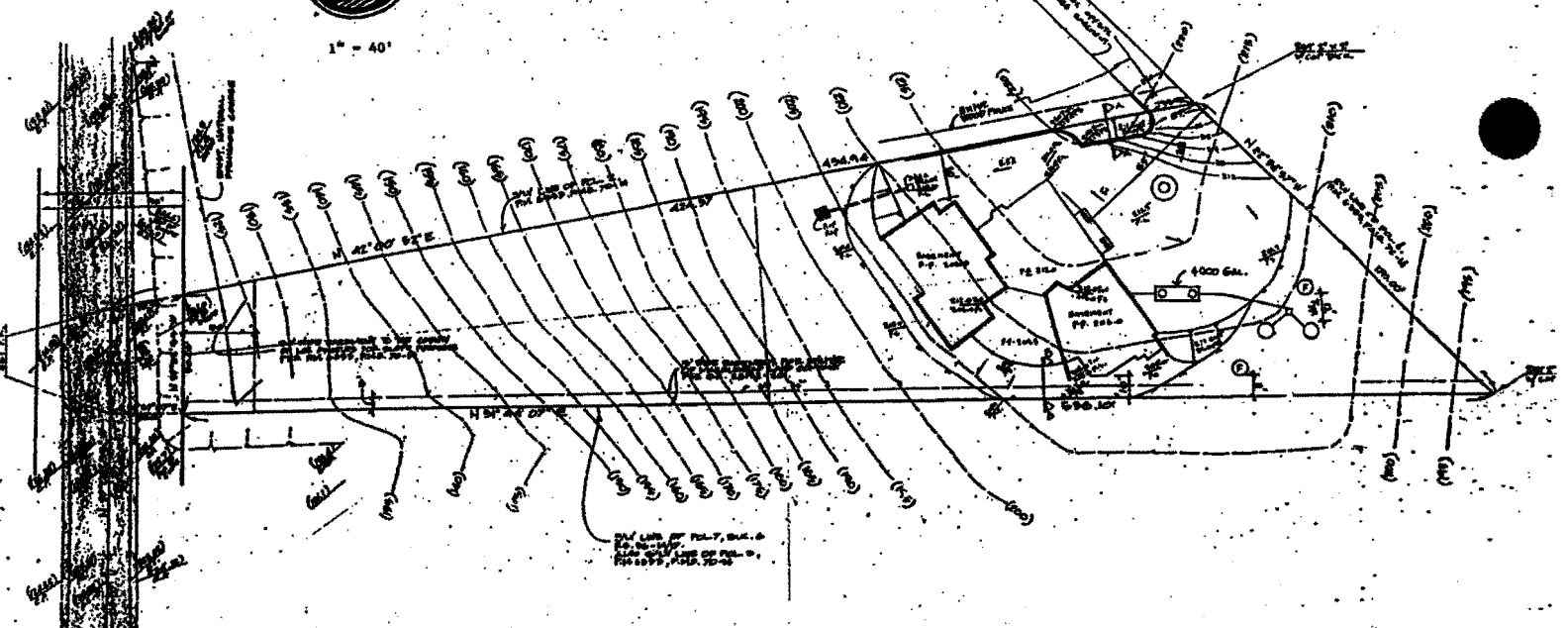


EXHIBIT 11
4-01-003
Septic Approval