

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MIRAMONTE, CA 93001

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RECORD PACKET COPY

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 Staff: J Johnson-V
 Staff Report: 3/22/00
 Hearing Date: 4/12/00
 Comm Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NO.:** 4-00-214**APPLICANT:** Navy Banvard**PROJECT LOCATION:** 5880 Ramirez Canyon Road, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a one story 6,955 sq. ft. residence with mezzanine level, basement, attached three car garage, swimming pool and spa, retaining walls, septic system, six foot high perimeter fence and gate, public hiking and equestrian trail across southern portion of property, temporary construction trailer, and 904 cubic yards of grading consisting of 206 cubic yards of cut and 698 cubic yards of fill.

Lot area:	1.78 acres
Building coverage:	5,882 sq. ft.
Existing Pavement coverage:	8,873 sq. ft.
Pavement coverage:	7,505 sq. ft.
Landscape coverage:	23,000 sq. ft.
Parking spaces:	3
Ht abv fin grade:	28 ft.
Plan Designation:	Rural Land III
Zoning:	1 dwelling unit/ 2 acres
Project Density	one du/acre

SUMMARY OF STAFF RECOMMENDATION

The applicants request approval to construct a single family residence on an existing lot accessed along a private driveway from Ramirez Canyon Road. Staff recommends approval of the proposed project with Special Conditions addressing: a wildfire waiver of liability; landscape, erosion control and fuel

modification plans; removal of temporary construction trailer; future development deed restriction; drainage and polluted runoff control plan; plans conforming to geologic recommendation; a structural appearance deed restriction, public trail plan and construction, and condition compliance. The project, as conditioned, will therefore be consistent with the Coastal Act.

LOCAL APPROVALS RECEIVED: Approval in Concept: City of Malibu Planning Department, dated 9/29/00; In Concept Approval, City of Malibu Environmental Health Department, dated March 20, 2001; Archaeological Review Waiver, City of Malibu, dated 8/24/99; Approval in Concept Biology Review, City of Malibu, dated 12/9/99; Approved in Concept Geology and Geotechnical Engineering Review Sheet, City of Malibu, dated 3/15/00; Preliminary Fuel Modification Plan, Los Angeles County Fire Department, dated 10/18/00; Coastal Commission Approval Only, County of Los Angeles Fire Department, dated 9/28/00.

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Investigation by G. A. Nicoll and Associates, Inc., dated March 4, 1999, December 6, 1999, and September 27, 2000; Percolation Testing by G. A. Nicoll and Associates, Inc., dated January 21, 2000, February 29, 2000, and June 8, 2000; Coastal Permit No. 4-98-064, Mastoras; Coastal Permit No. 5-88-614 and 5-88-614-A, Lascola; Coastal Permit No. 5-90-761, Naymie; Coastal Permit No. 5-90-761-A-1, Witkin; Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-214 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.

I. RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because

either; 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. **WILDFIRE 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, operations, 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.

2. **LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised 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 revised plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All graded & disturbed areas and the existing building pad 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. After the temporary construction trailer is removed pursuant to Special Condition Number Three, the disturbed site of the temporary mobile construction home shall also be planted and maintained for erosion control purposes. 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 on the subject site 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. The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed residence, from the public trail located to the west, south, and east;
- 3) Plantings shall 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 30 feet of the proposed residence garages and driveway 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 final 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 Final Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the 100 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.

- 6) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

B) Interim Erosion Control Plan

- 1) The landscape/erosion control 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 to be left undisturbed such as native trees and vegetation 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 geo-fabric covers or other appropriate cover, install geo-textiles 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 geo-textiles 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 (5) years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or 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. REMOVAL OF TEMPORARY CONSTRUCTION TRAILER

With the acceptance of this coastal permit, the applicant agrees that the temporary construction trailer shall be removed from the site within two years of the issuance of this Coastal Permit or within sixty (60) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the City of Malibu, whichever is less, to a site located outside the Coastal Zone or a site with a valid coastal development permit for the installation of a temporary construction trailer. After the structure is removed the disturbed site shall be revegetated as required by Special Condition Number Two within sixty (60) days.

4. FUTURE DEVELOPMENT DEED RESTRICTION

- A.** This permit is only for the development described in Coastal Development Permit No. 4-00-214. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall apply to the entire property. Accordingly, any future improvements to the entire property including the permitted residence and garage, and clearing of vegetation or grading, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two (2), shall require an amendment to Permit No. 4-00-214 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B.** PRIOR TO 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, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions 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.

6. 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.

7. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Engineering Geologist and Engineer consultant's review and approval of all project plans. All recommendations contained in the submitted geologic report titled:

Geotechnical Investigation by G. A. Nicoll and Associates, Inc., dated March 4, 1999, December 6, 1999, and September 27, 2000,

shall be incorporated into all final design and construction including: site grading, building recommendations, and sewage disposal system. All plans must be reviewed and approved by the consultants.

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.

8. STRUCTURAL APPEARANCE DEED RESTRICTION

- A. The color of the structures, roof and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass. Night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector.
- B. **PRIOR TO 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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

9. PUBLIC TRAIL PLAN AND CONSTRUCTION

In order to implement the applicant's proposal to design and construct a public trail, the applicant agrees to complete the following prior to the Issuance of a Coastal Development Permit: a Public Trail Plan located on four parcels (APN's 4467-007-017, 018, 019, 020) for a portion of the Coastal Slope Trail approved in concept by the City of Malibu. Prior to the applicant's receipt of a Certificate of Occupancy from the City of Malibu Building Department for the proposed residence and its occupancy, the applicant shall provide written evidence from the City of Malibu for the review and approval of the Executive Director that the portion of the trail on the applicant's parcel (APN 4467-007-019) has been constructed as complete consistent with the Public Trail Plan.

10. CONDITION COMPLIANCE

Within ninety (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 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 under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

A. Project Description and History

The project site is located on an eastern slope of Ramirez Canyon about one mile north of Pacific Coast Highway (Exhibits 1 and 2). The subject parcel is accessed from and bisected by an existing private driveway, providing access to a total of four parcels from Ramirez Canyon Road. One of these lots adjacent to Ramirez Canyon Road is developed. The irregular-shaped parcel consists of grasses and is surrounded on other properties by grasses, coastal sage scrub, and eucalyptus trees.

The applicant proposes to construct a one story 6,955 sq. ft. residence (three split levels with associated retaining walls) including a mezzanine level, 625 sq. ft. basement, attached three car garage, swimming pool and spa, septic system, six foot high perimeter fence and access gate, public hiking and equestrian trail across southern portion of property, temporary construction trailer, and 904 cubic yards of grading consisting of 206 cubic yards of cut and 698 cubic yards of fill. (Exhibits 3 – 9). The applicant has revised the project description to relocate the proposed septic system to the northwest portion of the lot from the southern portion of the lot and design the portion of the hiking and equestrian trail (Coastal Slope Trail) located on the four parcels known as Tract 19173 in the City of Malibu. The applicant's property is one of these four parcels within this tract. The applicant has agreed to secure preliminary approval of the design from the City of Malibu's designee charged with the review and approval of such designs. In addition, the applicant has agreed to secure final design approval for the portion of this trail that crosses his property and during the construction of this subject residence, the applicant has agreed to construct this portion of the trail on his property.

The building site is a 1.78 acre lot located on the north side of Ramirez Canyon Road. The proposed building site includes a topographic relief of about 60 feet, while total relief is about 90 feet.

The certified Malibu/Santa Monica Mountains Land Use Plan includes a Sensitive Environmental Resources Map. The subject parcel is not located within a designated wildlife corridor or any designated Environmentally Sensitive Habitat Area (ESHA) identified on this Map. It is located about 700 feet east of Ramirez Canyon Creek and its ESHA designated Significant Oak Woodland and riparian habitat. The Coastal Slope hiking and riding trail cross the subject property on the south side of the parcel. This trail issue is discussed further below.

In 1989, the Commission approved a subdivision creating the subject lot. The subdivision (Coastal Permit No. 5-88-614, Lascola) to divide two parcels totaling about 8.7 acres into four single family residential lots ranging in size from 1.57 to 3.25 acres. In addition, the Commission approved the construction of an access driveway requiring 15,000 cubic yards of grading. An existing gate is located across this existing driveway at Ramirez Canyon Road. The Commission's concerns about the amount of grading and landform alteration proposed for the driveway, natural hazards, visual resource impacts, and recreational resources impacts relative to the

Coastal Slope Trail segment on the subdivision property. In addressing these issues, the Commission approved the subdivision with special conditions addressing landscaping, erosion and drainage control, revised subdivision plans, sewage disposal future improvements, natural hazards, cumulative impact mitigation, and an open space easement and trail easement on the southern portion of the property. There is an opening at the southern end of the property for this public trail beyond an existing wall along Ramirez Canyon Road.

In 1990, the Commission approved an amendment to this permit (Coastal Permit No. 5-88-614-A-1, Lascola) to realign the driveway for the subdivision to encroach into the open space easement area, revise the map to relocate the open space easement including the hiking and equestrian trail, change the geologically restricted areas, construct a drainage system, and balance the 15,000 cubic yards of excavation for the driveway on site. At the hearing, the Commission imposed four additional special conditions, including a condition that the applicant construct the trail concurrently with the driveway to allow for continued public use of the trail after its construction. The Commission did not approve the applicant's requested grading of three building pads on three of the sloping lots (in excess of 20,000 cubic yards of grading). The Commission did note that the building pads would be approved on a lot by lot basis as each lot came back to the Commission as an application to construct residential development. The hiking and equestrian trail was never constructed concurrently with the driveway, to this date. The driveway was constructed between 1990 and 1995. To address this issue the applicant has amended the project description to include the construction of the hiking and equestrian trail on the applicant's property, in addition to preparing a plan and a design for the trail along the applicant's and the adjoining three other parcels located within this subdivision. The applicant also proposes to construct a six foot high fence with a gate to the proposed residence on the northern portion of the parcel opposite the existing access driveway and separate from the open space easement and hiking and equestrian trail route. These four parcels are accessed by an existing driveway with a gate at Ramirez Canyon Road.

B. Accommodating New Development Near Sensitive Resource Areas

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states as follows:

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.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

(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.

Coastal Act Section 30250 provides for three tests to determine whether new development is appropriately located from the standpoint of cumulative impacts. The first test is whether or not the proposed new development is located within, contiguous or in close proximity to an existing developed area. If the proposed development does meet the first test, an analysis of whether it meets the second test is not necessary. The Commission has determined in past permit actions that new residential development on existing parcels within the Malibu terrace area of the Santa Monica Mountains is a 'developed area'. In addition, the subject property is served by public and private services; a road access, septic, necessary utilities including, telephone, electricity and natural gas. Therefore the second test is not applicable. The third test is whether or not the proposed project will or will not have significant adverse effects, either individually or cumulatively, on coastal resources which is discussed below.

The third test of Section 30250 examines whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because of the larger number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches is expected to grow tremendously.

The Los Angeles County Malibu/Santa Monica Mountains Land Use Plan, certified by the Commission, provides guidance for the Commission to consider in this application. The LUP includes a Sensitive Environmental Resources Map identifying environmentally sensitive habitats in the coastal zone. The project site is not located within any of the three resource protection and management categories identified on this map.

1. Protection of Environmental Resources

Section 30231 of the Coastal Act requires new development to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values. Where the Commission has found that single-family development, including accessory structures, would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, it has been permitted.

The applicant proposes to construct a one story 6,955 sq. ft. residence including a mezzanine level, 625 sq. ft. basement, attached three car garage, associated retaining walls, swimming pool and spa, septic system, six foot high perimeter fence and gate, public hiking and equestrian trail across southern portion of property, temporary construction trailer, and 904 cubic yards of grading consisting of 206 cubic yards of cut and 698 cubic yards of fill. (Exhibits 3 – 9). The applicant has revised the project description to relocate the proposed septic system to the northwest portion of the lot from the southern portion of the lot.

To the west of the subject parcel is a 'blue line' stream named Ramirez Canyon Creek located at minimum about one thousand (1,000) feet of the subject parcel to the southeast. The Los Angeles County Sensitive Resources Map designates this portion of this creek as ESHA which is located at minimum about seven hundred (700) feet to the west of the parcel. Ramirez Canyon Creek drains into the Pacific Ocean. Due to the distance, the proposed residence will not directly affect these ESHA and Creek

habitats as the proposed project is not located within or nearby the designated ESHA's.

2. Cumulative and Individual Impacts of Development

In analyzing the proposed project for conformance with the resource protection policies of the Coastal Act one can address the project with regard to these policies. For instance, the applicant's proposed residence and other development is not located within an ESHA and is separated by from the ESHA by about seven hundred (700) feet. The proposed residence is located as close as feasible to existing roadways, services and existing development to minimize the effects on sensitive environmental resources. The applicant's proposed residence is located as close as 100 feet from an existing concrete driveway leading to Ramirez Canyon Road. There are no sensitive environmental resources on the subject site. The applicant's proposed residence is a split level design located on three separate elevations ranging from a finished floor elevation of 358 to the 368 foot elevation. A new driveway leading to the building site from the existing on site driveway is about 240 feet in length along a curving and semi-circular route to the rear of the residence where the garage entrance is located. Therefore, the design of the residence and driveway with a total of 904 cubic yards of grading will minimize the alteration of physical features and natural landforms on a relatively flat portion of a hillside. The proposed grading on site consisting of 206 cut and a fill of 698 cubic yards of material including an import of 492 cubic yards of material to the site.

However, to address the need for a landscape plan, minimize erosion hazards for all disturbed and graded areas, and minimize the alteration of physical features, Special Condition Number Two is necessary. The applicants submitted a Preliminary Fuel Modification Plan approved by the Los Angeles County Fire Department. In addition, the applicant has revised the proposed project to relocate the proposed septic system from the southern portion of the property to the northwest portion of the property. Special Condition Number Two will help to ensure that the biological productivity and quality of coastal streams, such as Ramirez Canyon Creek, is maintained and that the habitat values of the subject sites are protected against significant disruption. Therefore, to ensure that no adverse impacts on the site and beyond the subject site will occur from increased runoff, Special Condition Number Two requires a revised landscape, erosion control and Final Fuel Modification Plan to landscape all disturbed and graded areas on the project site including the requirement to revegetate the building pad on the areas beyond the developed area of the building pad allowed for development and the area where the temporary mobile construction home will be located after its removal pursuant to Special Condition Number Three. The revised landscape plan and fuel modification plan needs the language of these special conditions added to the final approved plans. Special Condition Number Two also requires an erosion control plan and Final Fuel Modification Plan to minimize erosion on the site and sedimentation offsite; the applicants have submitted such a plan although the language of this special condition needs to be added to the final plan. Special Condition Number Two also requires the applicant to implement a landscape plan with native plant species to stabilize and vegetate the site. The Commission further notes 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. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species 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 Number Two also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. Special Condition Number Two further requires an interim erosion control plan to minimize erosion of the site and sedimentation offsite during the construction of the project and requires a landscape monitoring report five years from the date of receipt of the Certificate of Occupancy for the residence.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential and related development which would be exempt from coastal development permit requirements. The Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Los Angeles County Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the Ramirez Canyon Creek watershed due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a Future Development Deed Restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the coastal resource policies of the Coastal Act. Special Condition Number Four is necessary to ensure that any future additions or vegetation removal, which otherwise may be exempt from coastal permit requirements will be consistent with the Coastal Act.

a. 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 in 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 requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the construction of a one story 6,955 sq. ft. residence including a mezzanine level, 625 sq. ft. basement, attached three car garage, associated retaining walls, swimming pool and spa, septic system, six foot high perimeter fence and gate, public hiking and equestrian trail across southern portion of property, temporary construction trailer, and 904 cubic yards of grading consisting of 206 cubic yards of cut and 698 cubic yards of fill. (Exhibits 3 – 9). The applicant has revised the project description to relocate the proposed septic system to the northwest portion of the lot from the southern portion of the lot.

The site is considered a "hillside" development, as it involves moderately sloping terrain with soils that are susceptible to erosion. Further, use of the site for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The proposed development will result in removal of vegetation and 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. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. 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.

When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much

of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly diminished.

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 Number Five, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

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

In order to ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through Special Condition Number Five, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site. 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.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. 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. 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.

b. Conclusion

The Commission's standard of review for this project are the policies of the Coastal Act. Regarding Section 30250 of the Coastal Act, the proposed project is located in an area that is considered a "developed area" and does meet the first test of Section 30250. Therefore, the Commission finds that the project is located within a developed area with adequate public services and meets the first test of Section 30250. The Commission finds that the biological productivity and quality of coastal waters, riparian habitat, and ESHA will be protected as a result of the proposed project, as conditioned, and as required by Sections 30231 and 30240 of the Coastal Act. Lastly, the Commission finds that the project will not have significant adverse effects, either individually or cumulatively, on coastal resources to meet the third test of Section 30250. Thus, the proposed project, as conditioned, will result in development that is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

C. Geologic and Fire Hazards

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.**
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic

hazards common to the Malibu 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.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted three Geology Reports titled: Geotechnical Investigation by G. A. Nicoll and Associates, Inc., dated March 4, 1999, December 6, 1999, and September 27, 2000. The report states:

The subject property is situated on the southern flanks of the central Santa Monica Mountains, within the Transverse Range Structural Province of California.

The Malibu Coast Fault is the most prominent geologic feature of the region and is located immediately south of the site.

Geologically-recent terrace deposits are present on the lower portion of the site, within the building area. These materials are comprised of stream and/or ocean sediments which have become isolated and hardened through sea level recession and erosion. A landslide was previously mapped within the southerly portion of the site and was stabilized as part of prior grading; though, the majority of the slide mass reportedly still exists.

The landslide was buttressed as part of the earthwork and a splay of the Malibu Coast Fault was encountered and mapped south of the proposed building pad during grading. Fine grading and retaining wall backfill was performed from 1991 to 1993, also under the observation and testing of Coastline Geotechnical Consultants, Inc.

A landslide was mapped and explored during prior investigation by previous consultants. The landslide, which is within the southerly portion of the parcel and extends onto the downslope properties, was buttressed during mass grading operations. The majority of the landslide was left in place during grading and, reportedly, was capped with a 10-foot thick layer of compacted fill.

The depth of the landslide debris was observed to be approximately 24 feet; however, the landslide likely deepens to the south. The slip plane was poorly defined and saturated; however, based on previous and present exploration, the slide does not extend into the building pad portion of the lot.

These reports concluded that:

If the project is constructed in accordance with the recommendations contained in our reports and the foundations are appropriately inspected by our firm prior to pouring of concrete, it is our considered opinion that the structure will be

safe and free from landslides and slippage. The anticipated settlement will not exceed the value allowed by the Los Angeles County Building Code. The proposed structure and evapotranspiration septic system will not adversely affect or impact adjacent properties.

The recommendations in this geology report addresses the following issues: site grading, building recommendations, and sewage disposal system. Based on the findings and recommendations of the consulting engineering geologist and engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by these consultants as conforming to their recommendations, as noted in Special Condition Number Seven for the final project design, grading, and drainage plans for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Ramirez Canyon Creek. The applicant has submitted a Preliminary Landscape and Fuel Modification Plan for the proposed development. These plans incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans also illustrate that vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on-site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species. Special Condition Number Two requires that this Fuel Modification Plan be revised to reflect the proposed revised project and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau as a Final Plan.

Regarding non-point source pollution and the effects of runoff and erosion on sensitive coastal resources discussed above previously such effects need to be minimized. The proposed project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality in the ESHA designated Ramirez Canyon Creek. As a result, site drainage needs to be collected and distributed in a non-erosive manner. Because of the slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through Special Conditions Numbers Two and Six, to submit drainage / erosion control plans conforming to the recommendations of the consulting geologist and engineer for review and approval by

the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped with appropriate native plant species, as specified in Special Condition Number Two.

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also 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 the Wildfire Waiver of Liability special condition, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number One.

The Commission finds that, only as conditioned, is the proposed project consistent with Section 30253 of the Coastal Act.

D. Visual Resources.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Commission reviews the visibility of the proposed project from public roads, lands, and trails. The project site will not be visible from the nearest public highway, Pacific Coast Highway, located about three quarters of a mile to the south. Regarding public trails, the subject parcel includes a portion of the Coastal Slope Trail traversing east – west along an inland portion of the coast from which the proposed project will be clearly visible. Depending on the location of this portion of the trail, the project is located within 100 to 200 feet of the proposed trail which is located south of the project site. As discussed below, this portion of the Coastal Slope Trail is established as a recorded offer to dedicate easement on the applicant's and adjoining properties, its exact location to be determined. The project site will be visible to a limited degree from land owned by the Santa Monica Mountains National Recreation Area located along Kanan Dume Road to the west and northwest.

The Commission examines the building site, the proposed grading, and the size of the building pad and structure. The development of the residence and garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails or lands will be impacted.

The applicant proposes to develop a three split level (one story) residence on a 1.78 acre sloping lot on the eastern slope of Ramirez Canyon at an elevation with a finished floor ranging from 358 feet to 368 feet above sea level (Exhibit 4). The project site includes a rough graded building site within 100 feet of an existing driveway leading up the slope from Ramirez Canyon Road. The proposed building pad and driveway turnaround area is about 13,387 sq. ft. in size, the existing driveway, a portion of it is located on the applicant's parcel, consists of a paved area of 8,873 sq. ft. in size. Therefore, the total lot coverage for the building and the paved area is 22,260 sq. ft.. A new driveway leading to the building site from the existing on

site driveway is about 240 feet in length along a curving and semi-circular route to the rear of the residence where the garage entrance is located. Therefore, the design of the residence and driveway with a total of 904 cubic yards of grading will minimize the alteration of physical features and natural landforms on a relatively flat portion of a hillside while reducing the visibility of the residence as a split level design as viewed by the public from the proposed Coastal Slope Trail. The proposed project will not be visible from public roads nearby such as Pacific Coast Highway; it may be visible from portions of Kanan Dume Road from distances beyond one mile.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded and restored areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. The applicant has submitted a Preliminary Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the Plan indicates that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 30 feet of the structure and the driveway will be cleared and replaced with native plant species that are less flammable. As required by Special Condition Number Two, the disturbed and restored areas will be replanted with native plants. As required by Special Condition Number Two, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from public trail located to the west, south, and east.

In order to ensure that the structural appearance, i.e. color of the structures, roofs, and driveway and the potential glare of the glass windows, will not create adverse visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by Special Condition Number Eight. In addition, Special Condition Number Eight requires that night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. Public Access and Recreation

Section 30210 of the Coastal Act states in part that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sandy and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states in part that:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Generally, the Coastal Act requires that public access and recreational opportunities to and along the coast be provided in all new development projects except where adequate access exists nearby. The project site is located about one mile inland from the coast and inland of the first public road along the coast, Pacific Coast Highway. Therefore, access to the beach is not an issue. Rather, access to and along the coast is the issue. The Santa Monica Mountains include a number of public hiking and equestrian trails established to allow the public to access the area to and along this section of coast. There is one major trail in the vicinity of this project as noted in the map of the Malibu/Santa Monica Mountains Trail System, Los Angeles County Department of Parks and Recreation, dated June 1983. This trail, the Coastal Slope Trail, is located along the southern boundary of the subject property. (Exhibit 10)

Coastal Act Sections 30210 and 30211 require that public access and recreational opportunities be provided for all people and that development not interfere with the public's right of access to the sea where acquired through use. The Los Angeles County Department of Parks and Recreation Trails Map indicates that the trail traversing the southern boundary of the subject site is a planned trail since 1983. A review of the Commission access records indicates that there is an offer to dedicate a twenty foot wide trail easement along this section of the Coastal Slope Trail located on the subject site in a variable location between the existing driveway and the southern property boundary and in a similar location to the west and east of the subject site on the adjoining properties. In addition, Coastal Permit No. 5-88-614 required the prior applicant to record an offer to dedicate conservation and open space easement dedication on the property located south of the driveway accessing the four parcels including the applicant's parcel. The Condition stated that the precise location of the trail would be determined upon agency acceptance of the easement. Both of these easement dedications have been recorded.

It is important to note that the previous project consisting of a land division of two parcels to create four parcels, and the grading and construction of a common driveway accessing the four building pads included a requirement to construct this entire portion of the trail concurrently with the construction of the driveway (Coastal Permit No. 5-88-614-A). The driveway was constructed, however the trail was not constructed as required by Coastal Permit No. 5-88-614-A. There is an opening in a wall at the southern end of the western most property for this public trail beyond an existing wall along Ramirez Canyon Road. The applicant has amended the project description to include preparing a plan and design for the Coastal Slope Trail along the above noted four parcels including one owned by the applicant, and constructing a portion of the Coastal Slope Trail on the applicant's parcel. The applicant has discussed a draft public trail plan, that the applicant has designed, with the City of Malibu Recreation Department staff. The City staff has expressed an interest in this trail. This offer by the applicant will be implemented as noted in Special Condition Number Nine.

Therefore, the Commission finds that the proposed project, as conditioned to accept the applicant's offer to prepare a plan for this portion of the Coastal Slope Trail and construction a portion of this trail on the applicant's property, does not interfere with access to and along the coast, and as conditioned, will maximize public access and recreation consistent with the public access and recreation policies, Sections 30210, 30211, and 30212, of the Coastal Act.

F. Violation

Although development that has taken place prior to the filing of this permit application, consideration of the 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 any violation of the Coastal Act that may have occurred.

The subject parcel is one of four parcels that are part of a completed subdivision map and access driveway. One of the Special Conditions required by the Commission in Coastal Permit Amendment No. 5-88-614-A was that a public trail, a portion of the Coastal Slope Trail, be constructed concurrently with the construction of the now existing driveway in order to be in conformance with the Coastal Act. The applicant has offered to design this portion of the Coastal Slope Trail across these four parcels, including the subject parcel and construct the trail on the subject parcel, as implemented in Special Condition Number Nine. The Commission finds it necessary to require the applicant to fulfill all of the Special Conditions as a prerequisite to the issuance of this permit, as required by Special Condition Number Ten within a reasonable period of time, within ninety (90) days of Commission action. Only as conditioned is the proposed development consistent with the Coastal Act.

G. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states 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.

The applicant is proposing to construct an alternative sewage disposal system also known as an evapotranspiration system to accommodate the sewage of the proposed development. The applicant initially proposed to construct this sewage disposal system in the open space easement and hiking and equestrian trail easement area along the applicant's southern property boundary. The applicant has revised the project description to relocate the proposed septic system at the northwest corner of the site. The applicant has submitted conceptual approval from the City of Malibu, Department of Environmental Health dated March 20, 2001 stating that the proposed septic system (in the amended location) is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, among other criteria. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

H. Local Coastal Program

Section 30604 of the Coastal Act states that:

- 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).

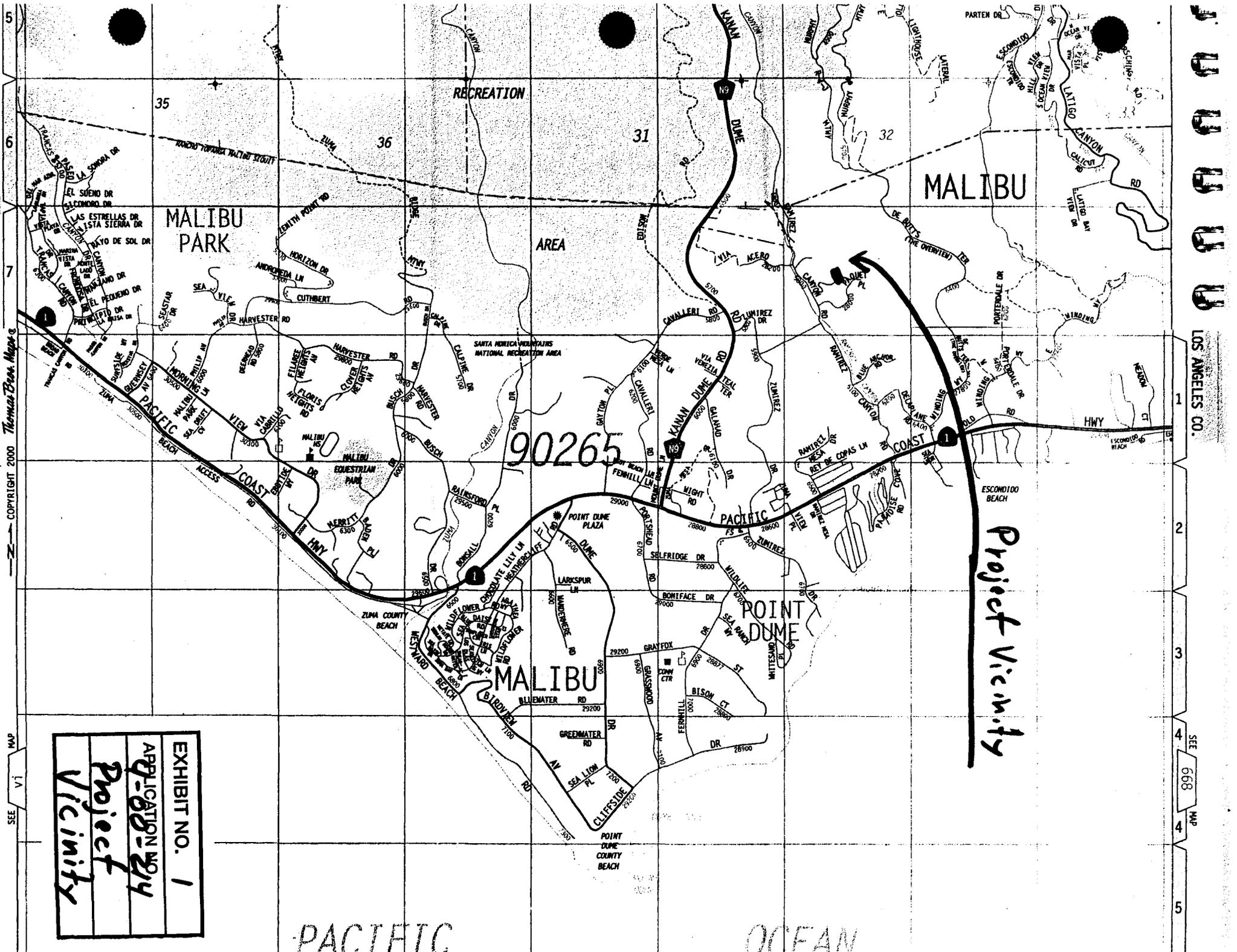
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 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 of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

I. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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.

400214banvardreport



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LOS ANGELES CO.

EXHIBIT NO. 1
APPLICATION NO. 08-24
Project Vicinity

PACIFIC

OCEAN

Project Vicinity

90265

MALIBU PARK

AREA

MALIBU

MALIBU

POINT DUME

SEE MAP 4

SEE MAP 4

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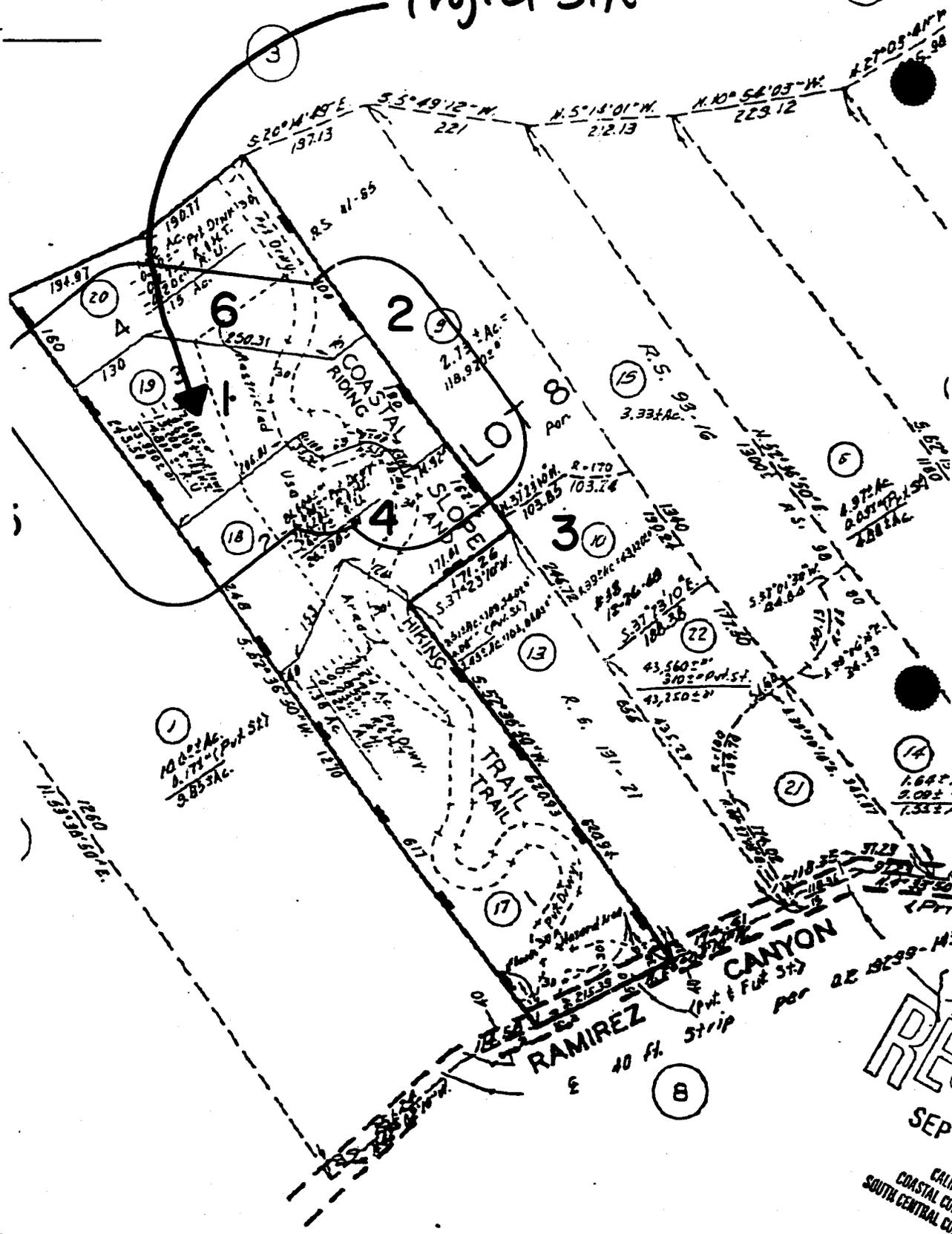
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Project Site



CODE 10853

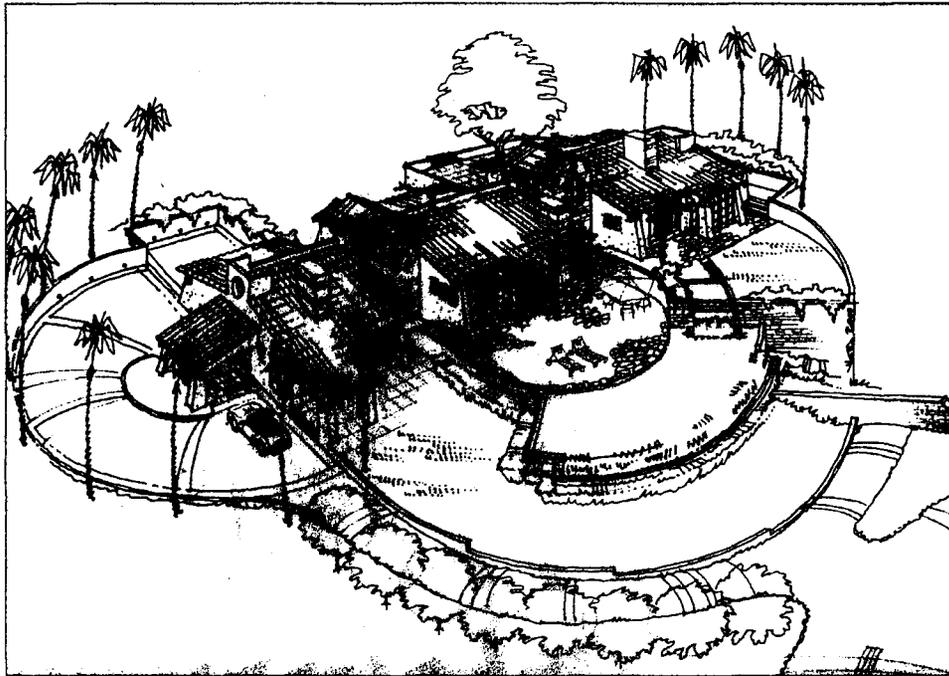
LAND OF MATTHEW KEI
IN THE RANCHO TOPANGA MAL

R. F. 534

FOR PRE. 4467-7

EXHIBIT NO.	2
APPLICATION NO.	4-00-214
Project Site	

CALIF. COASTAL CO. SOUTH CENTRAL CO.



RECEIVED

OCT 05 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 3
APPLICATION 99-08-294
Project Summary

SINGLE FAMILY RESIDENCE

5880 RAMIREZ CANYON ROAD, MALIBU, CALIFORNIA 90265

PROJECT SUMMARY

Proposed structure is a fully sprinklered, one story split level, single family dwelling with basement and mezzanine areas. The home has four bedrooms and four and one-half bathrooms. The floor areas and lot coverage summarized below.

BUILDING AREA CALCULATIONS	MALIBU	COASTAL
Basement	625 S.F.	
First Floor	4,857 S.F.	
Mezzanine	448 S.F.	
Covered Area	5,25 S.F.	
Garage	6,455 S.F.	500 S.F.
18' High Ceilings	1,239 S.F.	6,955 S.F.
	7,694 S.F.	
LOT COVERAGE CALCULATIONS		
Existing Paving	8,873 S.F.	
New Paving	7,505 S.F.	
Building	5,882 S.F.	
	22,260 S.F.	
Landscape Area	35,052 S.F.	
Unimproved Area	20,225 S.F.	
	55,277 S.F.	
Total Lot Area	77,537 S.F.	

CODE SUMMARY

LA County Building Code 1998 Edition
LA County Fire Code : Fire Zone 4 Requirements

PROJECT DIRECTORY

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(818) 313-8680

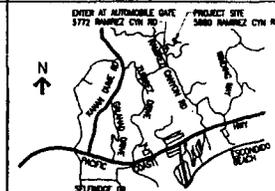
SOILS ENGINEER:
GA NICOLL & ASSOCIATES
17241 Murphy Avenue
Irvine, CA 92614-5917
Maham Upasami
(949) 250-9111
(949) 250-7411 fax

CIVIL ENGINEER:
PBS & J
18022 Cowan Suite 100A
Irvine, CA 92614
J. Pat Kapp
(949) 660-8600
(949) 852-0671 fax

LANDSCAPE ARCHITECT:
TGP, INC.
17000 Ventura Blvd., Suite 205
Encino, CA 91316
Marianne Liggett
(818) 907-8460
(818) 907-8461 fax

SURVEYOR:
LAND & AIR SURVEYING
22761 Pacific Coast Highway, Suite 260
Malibu, CA 90265
(310) 456-9381
(310) 456-9821 fax

PROJECT VICINITY MAP

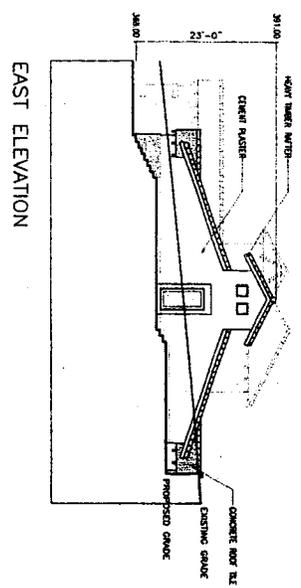
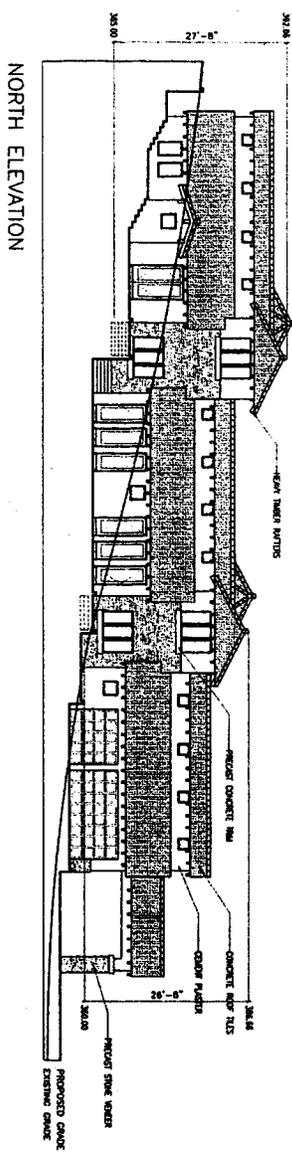


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- A-0 CONDITIONS OF APPROVAL
- A-1 SITE PLAN
- A-2 BASEMENT & FIRST FLOOR PLAN
- A-3 MEZZANINE & ROOF PLAN
- A-4 SOUTH & WEST ELEVATION
- A-5 NORTH & EAST ELEVATION SECTIONS
- A-6
- L-0 TOPO SURVEY
- L-1 LANDSCAPE PLAN
- L-2 BRUSH CLEARANCE PLAN
- G-1 GRADING AND DRAINAGE PLAN
- G-2 GRADING AND DRAINAGE PLAN

RECEIVED
OCT 05
CALIF
COASTAL CC
SOUTH CENTRAL

EXHIBIT NO. 8
APPLICATION NO. 4-00-214
No. 4 East Elevations



VAN TILBURG, BANVARD & SOMMERICH, AIA
ARCHITECTS - PLANNERS - INTERIORS
1000 RIVERSIDE DRIVE
SAN ANTONIO, TEXAS 78205
TEL: 512-343-1111
FAX: 512-343-1112

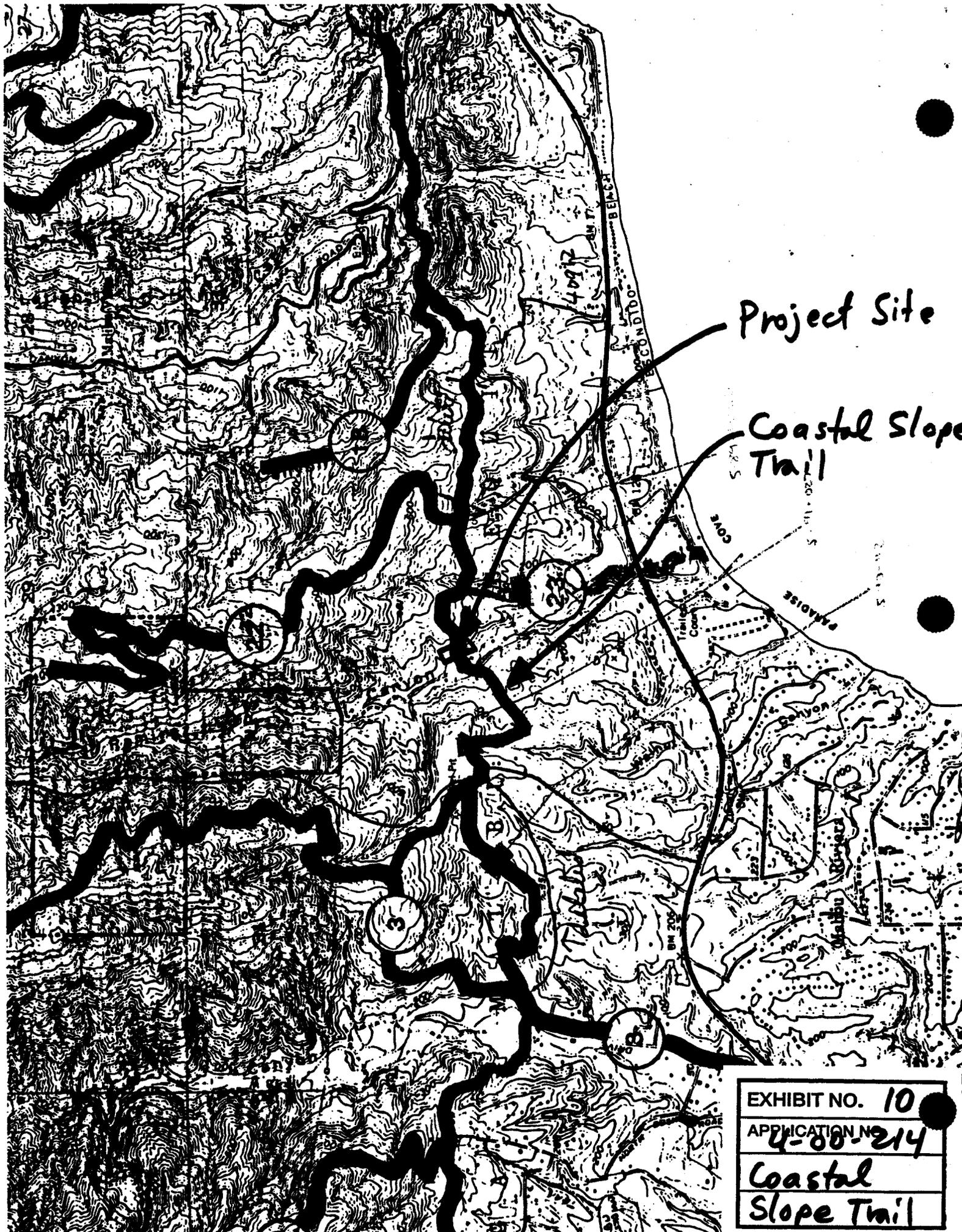
BANVARD RESIDENCE
5500 RIVERSIDE CANYON ROAD
MIDLAND, CALIFORNIA 95326

NAVY BANVARD
1000 RIVERSIDE DRIVE
SAN ANTONIO, TEXAS 78205
TEL: 512-343-1111
FAX: 512-343-1112

NORTH & EAST ELEVATION

PROJECT NO. 4-00-214
DATE: 10/05/05
SCALE: 1/8"=1'-0"

A-5



Project Site

Coastal Slope Trail

EXHIBIT NO. 10
APPLICATION NO. 4-88-214
Coastal Slope Trail