

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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Commission Action:

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

**APPLICATION NO.:** 4-00-262

**APPLICANT:** Esther Hadad

**PROJECT LOCATION:** 24517 Piuma Road, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a new 7,531 square foot, 35 foot high single family residence with attached three car garage, driveway, retaining walls, swimming pool, and septic system with 3,438 cubic yards of grading (2,638 cubic yards of cut and 800 cubic yards of fill).

<b>Lot Area:</b>	3.04 acres
<b>Building Coverage:</b>	4,825 square feet
<b>Paved Area:</b>	10,710 square feet
<b>Height Above Finished Grade:</b>	35 feet

**LOCAL APPROVALS RECEIVED:** County of Los Angeles, Department of Regional Planning, Approval in Concept, August 29, 2000; County of Los Angeles, Fire Department, Approval in Concept, March 29, 2001; and County of Los Angeles Department of Environmental Health, Approval in Concept, May 23, 2001.

**SUBSTANTIVE FILE DOCUMENTS:** "Geotechnical Investigation, Proposed Single-Family Residential Lot, Piuma Road," Sage Engineering, Inc., October 18, 1999; "Cultural resources survey and impact assessment for a residential property," C.A. Singer & Associates, Inc., March 14, 2001; "Update Review of Geotechnical Report," Testing Engineers-San Diego, Inc., March 23, 2001 Coastal Development Permits No. 5-81-552 (Adelman), 5-82-287 (Demery), 5-81-569 (MacGowan), 5-88-1030 (Kagon), and 4-99-214 (Droeger); and the certified Malibu/Santa Monica Mountains Land Use Plan.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **approval** of the proposed project with eight (8) special conditions regarding geotechnical engineering recommendations, landscape and erosion control, removal of natural vegetation, wildfire waiver of liability, drainage and polluted runoff, color, future improvements, and removal of excavated material.

## **I. STAFF RECOMMENDATION**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 4-00-262 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **II. Standard Conditions**

1. **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. Plans Conforming to Geotechnical Engineers' Recommendations**

All recommendations contained in the reports prepared by Sage Engineering, Inc. dated October 18, 1999 and Testing Engineers-San Diego, Inc. dated March 23, 2001 shall be incorporated into all final design and construction including recommendations concerning foundation, drainage, and septic system plans and must be reviewed and approved by the consultant prior to commencement of development. Prior to issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant 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 consultant shall require an amendment to the permit or a new coastal permit.

#### **2. Landscaping and Erosion Control Plans**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or 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 consultant's recommendations. The plans shall incorporate the following criteria:

##### **A. Landscaping Plan**

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation and to screen and soften the visual impact of development, 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 that tend to supplant native species shall not be used. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site.

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 ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

- 2) 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;
- 3) 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.
- 4) Vegetation within fifty (50) feet of the proposed house may be removed to mineral earth, vegetation within a two hundred (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 (50) 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.
- 5) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence from the views of Piuma Road and the Saddle Peak Trail.

#### **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, and shall 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 throughout 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 of the coastal zone or within the coastal zone to a site 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 thirty (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 (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 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 Natural Vegetation**

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

### **4. Wildfire Waiver of Liability**

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

damages, costs, and 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 wildfire exists as an inherent risk to life and property.

## **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 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (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 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

## **6. Color Restriction**

The color of the structures, roofs, 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.

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

#### **7. Future Development Deed Restriction**

This permit is only for the development described in Coastal Development Permit No. 4-00-262. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted single family residence structure, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscaping, and erosion control plans prepared pursuant to Special Condition Two (2), shall require an amendment to Permit No. 4-00-262 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- A. 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.

#### **8. Removal of Excavated Material**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site, including any building or construction debris resulting from the demolition of the existing structures. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description and Background**

The applicant proposes to construct a new two-story, 35 foot high, 7,531 square foot, 35 foot high single family residence with attached three car garage, driveway, retaining walls, swimming pool, and septic system with 3,438 cubic yards of grading (2,638 cubic yards of cut and 800 cubic yards of fill). The subject site is located at 24517 Piuma Road (on the north side of Piuma Road), approximately 50 meters east of Saddle Peak Road and 1.2 kilometers west of Schueren Road, in the Santa Monica Mountains area of Los Angeles County.

The subject property is an irregular shaped parcel situated on a narrow east-west trending ridgeline. The site is currently undeveloped, with the exception of an unimproved access road and below grade water storage facility or cistern, both purportedly constructed prior to 1950. Site elevations range from 2,200 to 2,300 feet above mean sea level. Vegetation on the site includes sparse native brush. Properties in the near vicinity of the project site, properties at a higher elevation to the north of the property, are developed with moderate to large single family residences.

Historically, Saddle Peak Trail, a designated trail in the Malibu/Santa Monica Mountains Land Use Plan (LUP), ran along West Saddle Peak Road in the general area of the road easement and actually traversed the subject site. In order to mitigate the impact of development on public access and recreational use of the trail the Commission, in past permit actions, required the dedication of a trail easement as a condition of permit approval for many new developments located along West Saddle Peak Road for that portion of the trail which traversed these properties, including CDP Nos. 5-81-552 (Adelman), 5-82-287 (Demery), 5-81-569 (MacGowan), and 5-88-1030 (Kagon). Trail maps illustrate the Saddle Peak Trail traversing the subject site from the south to north property boundaries (Exhibit 9).

In a letter dated November 14, 1989, however, the County of Los Angeles Department of Parks and Recreation indicates that the County adopted an alternative trail alignment for the Saddle Peak Trail (Exhibit 11). The newly aligned trail right of way was established along Piuma Road and no longer affects property owners along West Saddle Peak Road. In response to this new alignment for the Saddle Peak Trail, CDP 5-82-287-A2, located at 24772 West Saddle Peak Road, was amended in December of 1989 to delete the condition requiring an offer to dedicate a public access trail easement. Establishment of a new trail right of way by the County of Los Angeles to avoid traversing West Saddle Peak Road and adjacent properties, and Commission permit action on CDP 5-82-287-A2, indicate that development on the subject property will not physically encroach within or physically affect the Saddle Peak Trail.

In sum, the proposed development will not be constructed on the major ridgeline, is compatible with the character of the surrounding area, and will not physically affect the Saddle Peak Trail. Furthermore, the subject is not located within a designated sensitive resource area and is approximately 150 feet outside of the Cold Creek Resource Management Area.



## **B. Hazards and Geologic Stability**

The proposed development is located in the Malibu/Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

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

The applicant has submitted a geologic report entitled, "Update Review of Geotechnical Report," prepared by Testing Engineers-San Diego, Inc., dated March 23, 2001, which states:

*From information obtained from previous investigation activities, our recent site reconnaissance and understanding of the proposed development, we conclude that the proposed development is geotechnically feasible if recommendations contained in the original report and the information provided above is incorporated into the design and implemented during construction.*

*It is our opinion that the proposed development will not be adversely affected by landslides, settlement or slippage. Additionally, it is our opinion that the development of the site as planned will not create any adverse geologic or geotechnical impacts on adjacent properties.*

In addition, the applicant has also submitted a geologic report, entitled "Updated Soils and Engineering-Geologic Report for Proposed Residence," also prepared by GeoSystems, Environmental and Geotechnical Consultants, dated October 28, 1999, evaluating the geologic stability of the proposed development. This report incorporates the numerous recommendations regarding construction, foundations, and drainage from previous referenced reports and states:

*It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the building code, provided our recommendations are followed.*

In addition, the report prepared by Sage Engineering dated October 18, 1999 also makes recommendations for the construction of the residence and accessory structures, including retaining walls

That report recommends:

*Continuous and/or isolated spread footings are considered suitable for support of the proposed residential structures. All footings should be founded entirely in properly compacted fill soil, which exhibits low expansion characteristics. No transitions between cut bedrock and fill should exist beneath structural improvements.*

Therefore, the Commission finds that based on the recommendations of the applicant's geotechnical consultant, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geotechnical engineering consultant's recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicant to submit final project plans that have been certified in writing by the geotechnical consultant as conforming with all recommendations of the consultant, in accordance with **Special Condition One (1)**.

In addition, **Special Condition Two (2)** requires the implementation of landscaping and erosion control measures designed to reduce or eliminate potential erosion that might otherwise occur pursuant to the proposed development. As such, landscaping of the disturbed and graded areas on the subject property, as required by **Special Condition Two (2)**, will serve to enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will also minimize erosion and enhance site stability. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to revegetate all disturbed and graded areas of the site with native plants, compatible with the surrounding environment.

The landscape plan required pursuant to **Special Condition Two (2)** requires the use of primarily native plant species. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development.

Therefore, the Commission finds that in order to ensure site stability, the disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Two (2)**.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Three (3)**. Through the elimination of premature natural vegetation clearance, erosion is reduced on the site and disturbance of the soils is decreased. Therefore, **Special Condition Three (3)** specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced.

Further, the Commission also notes that the amount of new cut grading proposed by the applicant is larger than the amount of fill to be placed and will result in approximately 1,838 cubic yards of excess excavated or cut material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition Eight (8)** requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

#### **Wildfire Waiver**

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wildfire. The typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney, in *Barbour, Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wildfires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition Four (4)**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Four (4)**, the applicant also agrees to indemnify the Commission, its officers, agents, and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that only as conditioned to incorporate the landscape and erosion control plans, all recommendations by the applicant's consulting geotechnical engineer, and the wildfire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

#### **E. Water Quality**

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation; increase of impervious surfaces; increase of runoff, erosion, and sedimentation; and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Furthermore, the Commission also recognizes that the potential build-out of lots in Malibu, 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:

*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 above, the proposed project includes the construction of a new 7,531 square foot, 35 foot high single family residence with attached three car garage, driveway, retaining walls, swimming pool, and septic system with 3,438 cubic yards of grading (2,638 cubic yards of cut and 800 cubic yards of fill). The conversion of the project site from its natural state will result in an increase in the amount of impervious surface and reduction in the naturally vegetated area. Further, use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as accumulated pollutants from rooftops and other impervious surfaces and effluent from the septic system.

Furthermore, in their report dated October 18, 1999, Sage Engineering, Inc., state:

*Control of the surface drainage is a critical part of the foundation design. Subslab moisture protection recommendations are contained herein. Drainage should be designed to collect and direct surface waters away from the proposed structure and into approved drainage facilities. Positive drainage with a minimum gradient of 4 percent away from all structures should be provided and maintained for a distance of at least 5 feet to reduce the saturation of foundation soils. For earth areas, a minimum gradient of 2 percent should be maintained, and drainage should be directed toward approved swales or drainage facilities. Drainage patterns approved at the time of grading should be maintained throughout the life of the development.*

This report also states:

*Due to the granular characteristics of the on-site soils, areas of fresh grading or exposed ground may be subject to erosion. During construction, surface water should be controlled via berms, sandbags, siltation basins, positive surface grades, or other method to avoid damage to the finish work or adjoining properties. The contractor should take remedial measures to prevent erosion of freshly graded areas until such time as permanent drainage and erosion control measures have been installed. After completion of grading, all excavated surfaces should exhibit positive drainage and no areas where water might pond.*

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

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter, or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e., the BMP capacity beyond which, insignificant increases in pollutants removal (and hence

water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Five (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 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 Five (5)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the applicant proposes to construct a new 1,500 gallon septic tank and disposal system to service the new single family residence. Percolation tests have been performed on the subject site. In addition, in their report dated October 10, 2000, Testing Engineers-San Diego, Inc., states:

*Based on our investigation and evaluation of the collected information, we conclude that utilization of a vertical seepage pit is suitable for use at the site. . . .*

*The seepage pit must be capped at a depth of 10 feet below the existing grade in order to provide a minimum 15-foot horizontal daylight distance from the descending natural slope surface.*

Furthermore, the Environmental Health Department of the County of Los Angeles has also given in concept approval for the proposed sewage disposal system. This conceptual approval by the County of Los Angeles indicates that the sewage disposal system for the project in this application comply with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that conformance with the provisions of the plumbing, health, and safety codes is protective of resources and serves to minimize any potential for wastewater discharge that could adversely impact coastal waters. 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.

#### **F. VISUAL IMPACTS**

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected and states:

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

***and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline 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.***

The applicant proposes the construction of a new 7,531 square foot, 35 foot high single family residence with attached three car garage, driveway, retaining walls, swimming pool, and septic system with 3,438 cubic yards of grading (2,638 cubic yards of cut and 800 cubic yards of fill). Incidentally, the applicant originally proposed to perform 3,800 cubic yards of cut grading, but was able to reduce this amount to 2,638 cubic yards of cut grading, thereby reducing landform alteration. As stated previously, the subject property is an irregularly shaped parcel situated on a narrow east-west trending ridgeline. The site is currently undeveloped, with the exception of an unimproved access road and below grade water storage facility or cistern, both purportedly constructed prior to 1950. Site elevations range from 2,200 to 2,300 feet above mean sea level. Vegetation on the site includes sparse native brush. Properties in the near vicinity of the project site and located at behind the site at a higher elevation to the north, are developed with moderate to large single family residences.

As stated earlier, historically the Saddle Peak Trail, a designated trail in the Malibu/Santa Monica Mountains Land Use Plan (LUP), ran along West Saddle Peak Road in the general area of the road easement and actually traversed the subject site. In order to mitigate the impact of development on public access and recreational use of the trail the Commission, in past permit actions, required the dedication of a trail easement as a condition of permit approval for many new developments located along West Saddle Peak Road for that portion of the trail which traversed these properties, including CDP Nos. 5-81-552 (Adelman), 5-82-287 (Demery), 5-81-569 (MacGowan), and 5-88-1030 (Kagon). Historic trail maps illustrate the Saddle Peak Trail traversing the subject site from the south to north property boundaries (Exhibit 9).

Further, as stated above, in a letter dated November 14, 1989, however, the County of Los Angeles Department of Parks and Recreation indicates that the County adopted an alternative trail alignment for the Saddle Peak Trail (Exhibit 11). The newly aligned trail right of way was established along Piuma Road and no longer affects property owners along West Saddle Peak Road (Exhibit 10). In response to this new alignment for the Saddle Peak Trail, CDP 5-82-287-A2, located at 24772 West Saddle Peak Road, was amended in December of 1989 to delete the condition requiring an offer to dedicate a public access trail easement. Establishment of a new trail right of way by the County of Los Angeles to avoid traversing West Saddle Peak Road and adjacent properties, and Commission permit action on CDP 5-82-287-A2, indicate that development on the subject property will not physically encroach within or physically affect the Saddle Peak Trail. In sum, the proposed development will not be constructed on the major ridgeline and is compatible with the character of the surrounding area.

The project site is located at along a ridge the top of a narrow ridgeline and will be visible from areas along Piuma Road, a designated scenic highway in the Malibu/Santa Monica Mountains Land Use Plan, and the area designated as the new right of way for

the Saddle Peak Trail. The project site is located in a neighborhood consisting of several moderate to large single family residences. The proposed project will be consistent with the character and scale of the existing neighborhood and the applicant has reduced the amount of grading originally proposed, specifically the amount of cut grading from 3,800 cubic yards of cut to the presently proposed 2,638 cubic yards of cut. As a result, the revised project minimizes grading and landform alteration, to the extent feasible. However, due to the highly visible nature of the project site as seen from Piuma Road and the Saddle Peak Trail, the Commission finds it necessary to require mitigation measures to minimize visual impacts.

Impacts on public views can be mitigated by requiring the residence to be finished in a color consistent with the surrounding natural landscape and, further, requiring that the windows of the proposed structure be of a non-reflective glass type. In order to ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by **Special Condition Six (6)**.

Visual impacts associated with proposed retaining walls, grading, and the structure itself, can be further reduced by the use of appropriate and adequate landscaping. **Special Condition Two (2)**, the landscape and fuel modification plan, incorporates the requirement that vertical screening elements be added to the landscape plan to soften views of the proposed residence from Piuma Road and the Saddle Peak Trail. In addition, **Special Condition Two (2)** requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. The implementation of **Special Condition Two (2)**, therefore, will help to partially screen and soften the visual impact of the development from Piuma Road and the Saddle Peak Trail. In order to ensure that the final approved landscaping plans are successfully implemented, **Special Condition Two (2)** requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time. In addition, fuel modification requirements can affect natural vegetation for up to 200 feet from the footprint of defensible structures. As a result, the fuel modification plan should be designed to reduce negative visual impacts from Piuma Road and the Saddle Peak Trail that may be caused by vegetation clearance. Therefore, the Commission finds that it is necessary to require the applicant to submit a landscape plan and to monitor the success of that plan and a fuel modification plan, as specified under **Special Condition Two (2)**.

The Commission also notes that although there will be some new areas affected by fuel modification required by the Los Angeles County Fire Department, as fuel modification requirements can affect natural vegetation for up to 200 feet from the footprint of defensible structures. However, there are already other single family residences in the vicinity of the project site with overlapping fuel modification zones that extend into the area in which fuel modification will be required for the proposed development (Exhibit



8). As a result, impacts from the proposed development from fuel modification are reduced as the residence has been sited adjacent to the existing development to the northwest. Thus, there are no feasible, alternative locations on the subject site that would further reduce fuel modification associated with development on the site.

In addition, as stated previously, the Commission also notes that the amount of new cut grading proposed by the applicant is larger than the amount of fill to be placed and will result in approximately 1,838 cubic yards of excess excavated or cut material. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition Eight (8)** requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

Finally, regarding future developments or improvements, certain types of development of the property normally associated with a single family residence, that might otherwise be exempt from further permit requirements, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the entire property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition Seven (7)**, the future development deed restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

The proposed project, as conditioned, will not result in a significant adverse impact to scenic public views or the character of the surrounding area in this portion of the Santa Monica Mountains. Therefore the Commission finds that, as conditioned, the proposed development is consistent with section 30251 of the Coastal Act.

#### **E. Local Coastal Program**

Section 30604 of the Coastal Act states:

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

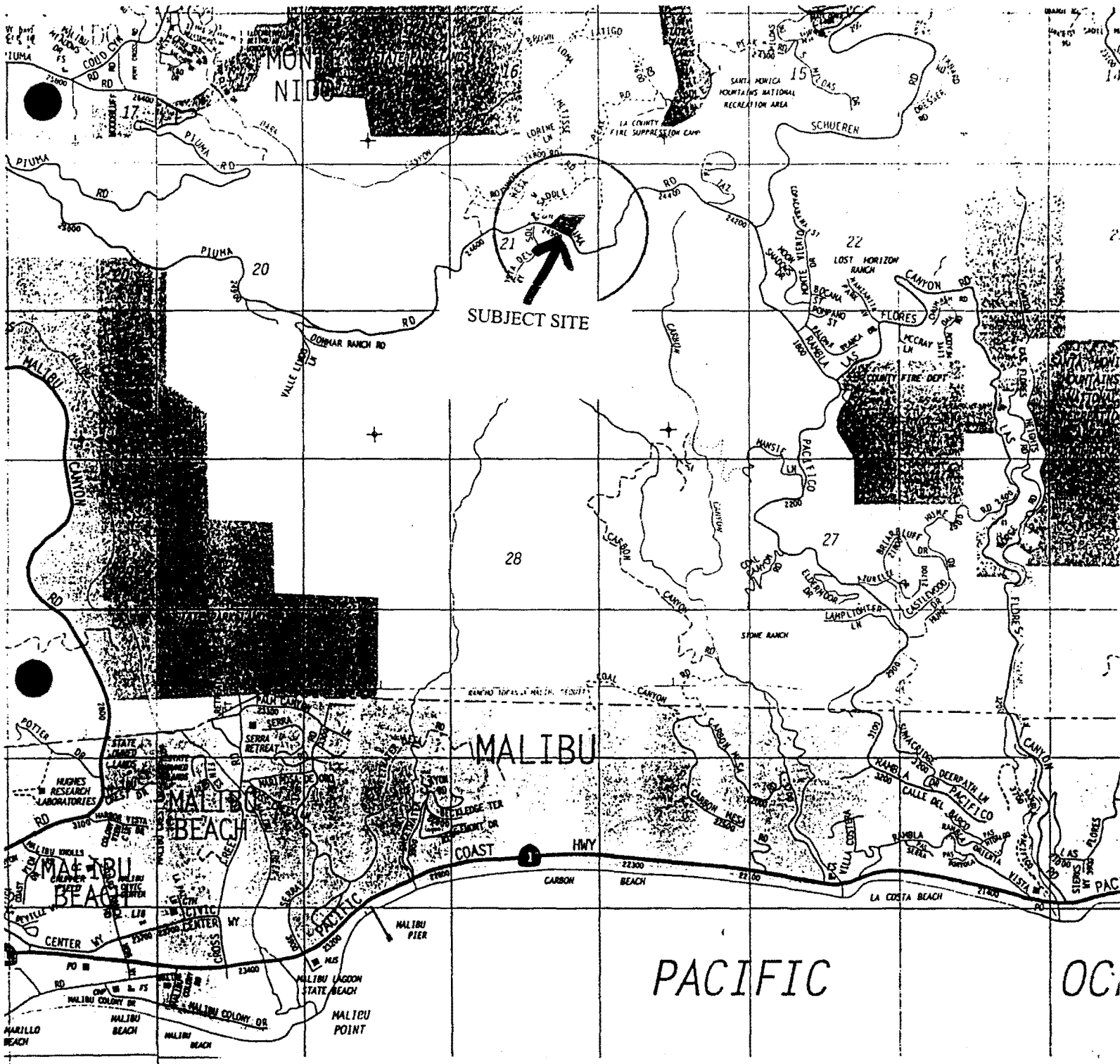
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding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

#### **F. CEQA**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 that 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.



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SOUTH CENTRAL COAST DISTRICT

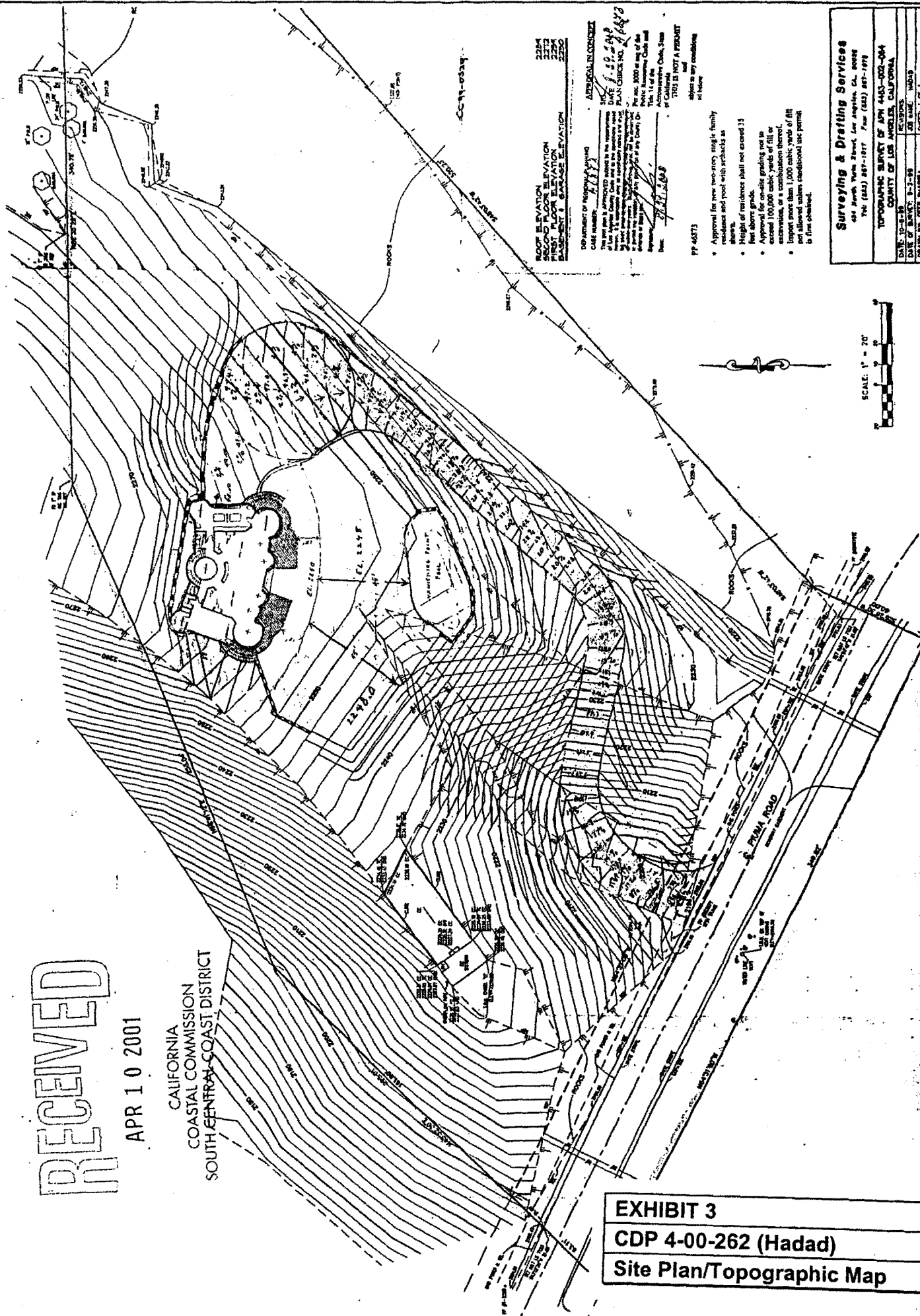
EXHIBIT 1

CDP 4-00-262 (Hadad)

Location Map



CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



2254	ROOF ELEVATION
2272 <th>SECOND FLOOR ELEVATION</th>	SECOND FLOOR ELEVATION
2294 <th>FIRST FLOOR ELEVATION</th>	FIRST FLOOR ELEVATION
2290 <th>BASEMENT &amp; GARAGE ELEVATION</th>	BASEMENT & GARAGE ELEVATION

[illegible]

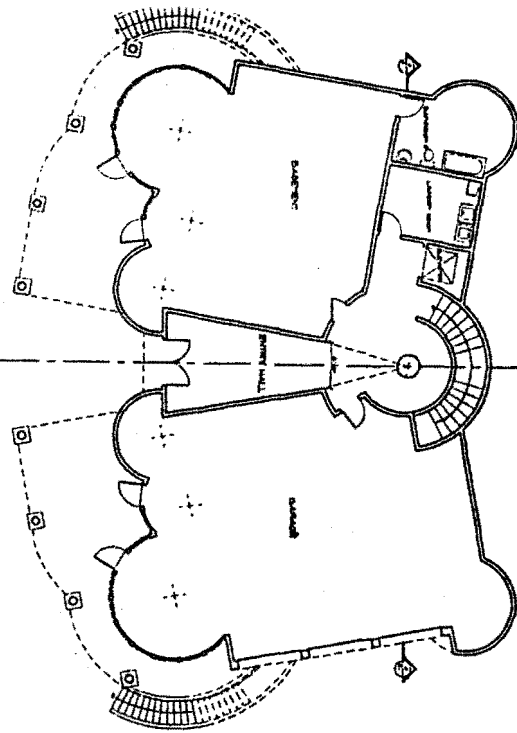
Approval for new two-story, single-family residences and pool with setbacks as shown.

**Surveying & Drafting Services**  
434 North York Street, Los Angeles, CA. 90058  
Tel: (813) 867-1817 Fax: (813) 867-1878

TOPOGRAPHIC SURVEY OF APN 4463-002-064	
COUNTY OF LOS ANGELES, CALIFORNIA	
DATE: 10-8-98	REVISIONS:
DATE OF SURVEY: 9-2-98	JOB NAME: HQ049
DRAWN BY: OTH SHAPPA	SHEET 1 OF 1

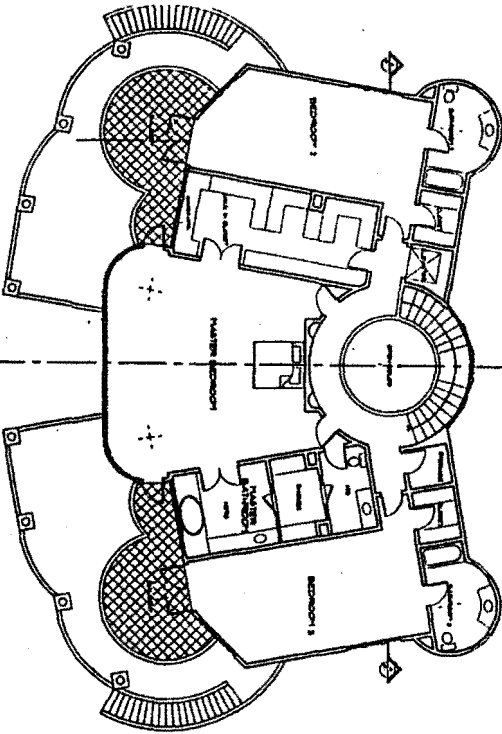
EXHIBIT 3
CDP 4-00-262 (Hadad)
Site Plan/Topographic Map

SECOND FLOOR PLAN



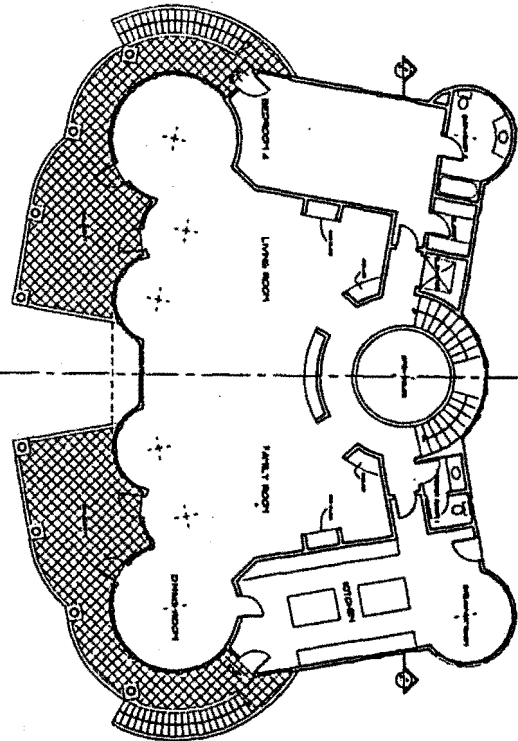
2776

SECOND FLOOR PLAN



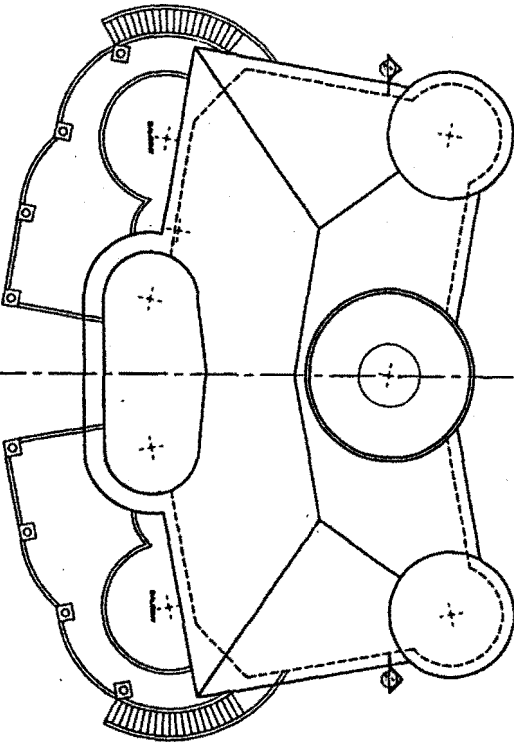
2271 S.F.

FIRST FLOOR PLAN



2340 S.F.

FIRST FLOOR PLAN



# EXHIBIT 4

CDP 4-00-262 (Hadad)

Floor Plans

PROJECT:

RESIDENCE  
PIUMZ  
MALI

TITLE:

FIRST, SECOND, THIRD, FLOOR  
PLAN, AND ROOF PLAN

DATE:

06-18-08

SCALE:

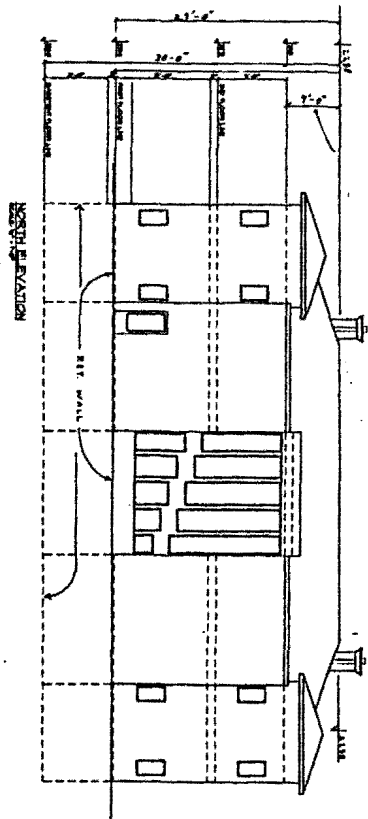
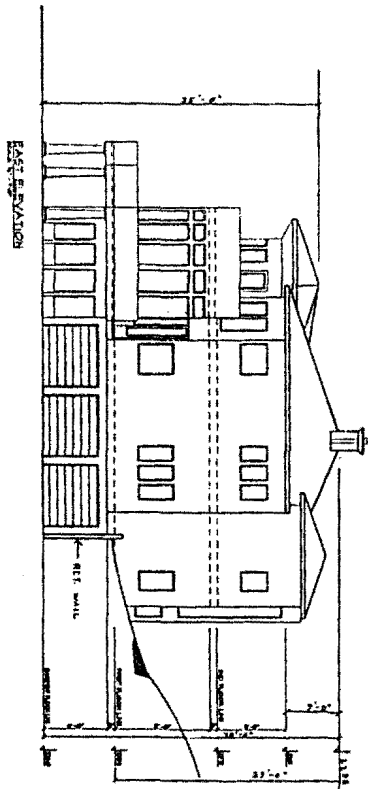
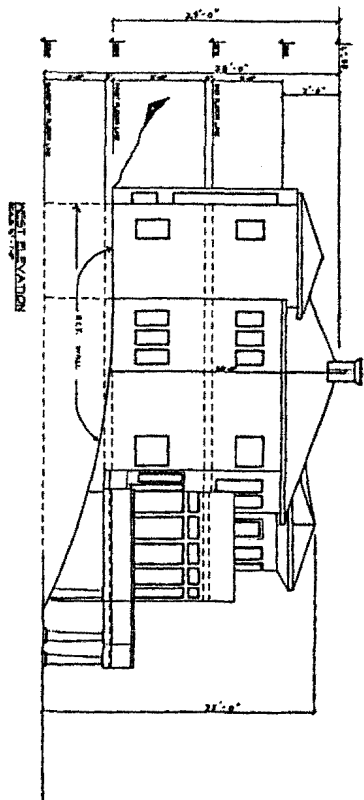
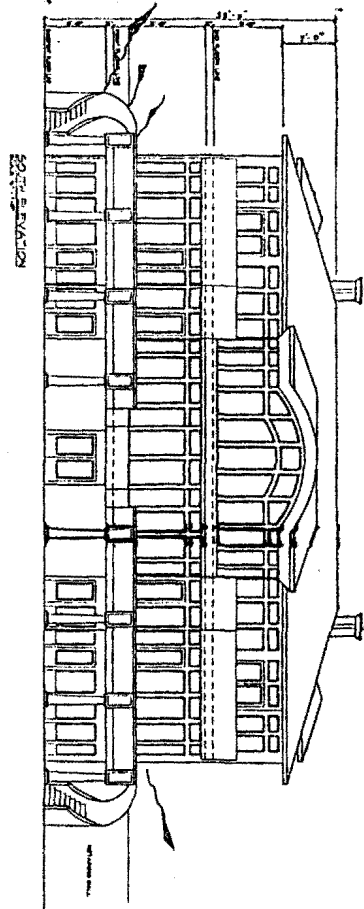
1/8" = 1'-0"

DRAWN BY:

ADN

SHEET:

A-2



**EXHIBIT 5**  
**CDP 4-00-262 (Hadad)**  
**Elevations**

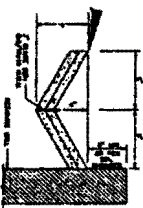
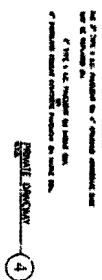
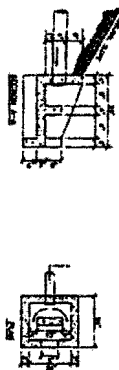
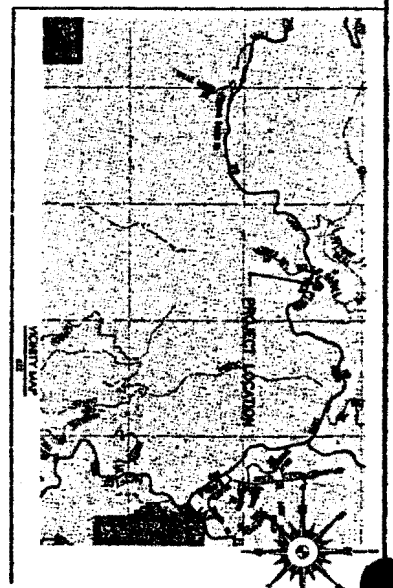
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**WILSON PLAY GROUP, Inc.**

MAY 15 2001

COMMISSION  
SOUTHERN COAST DISTRICT

[illegible]

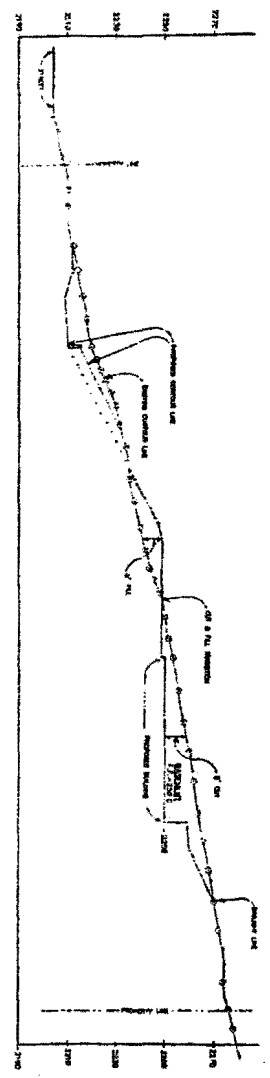
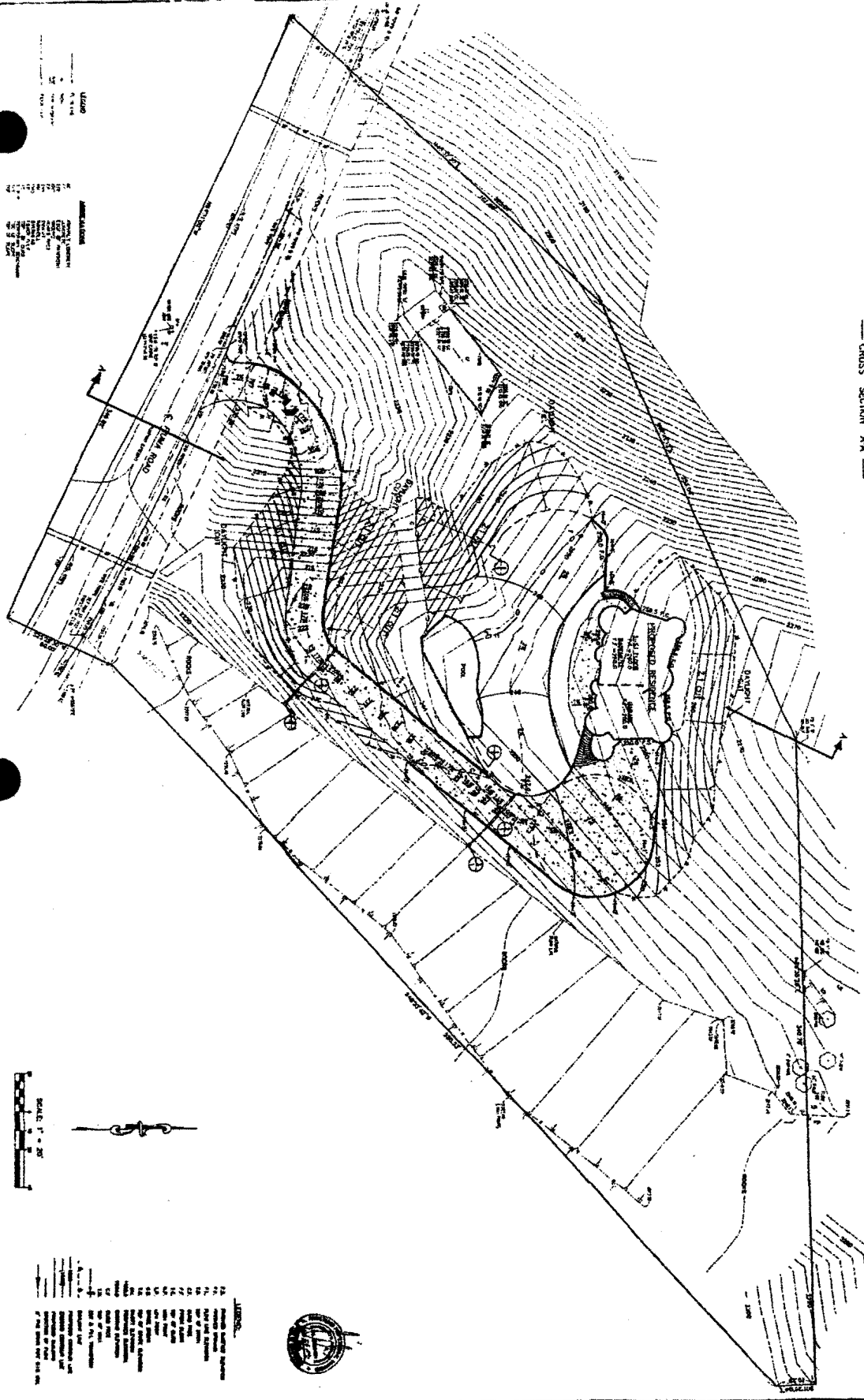
<b>EXHIBIT 6</b>
<b>CDP 4-00-262 (Hadad)</b>
<b>Grading Plan Notes</b>

VPL CONSULTING, INC.  
4625 HAYVENHURST AVE. #16, VAN NUYS, CA 91411  
(818) 786-5872

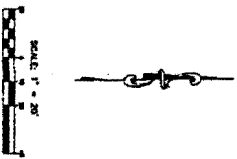
**GRA**

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CHECKED	V.C.
SALT	040701
FOALS	N.T.A.
PER NO.	
SHEET	
1	
OF 3 SHEETS	





CROSS SECTION A-A



VPL CONSULTING, INC.

7625 HAYVENBURST AVE. #16, VAN NUYS, CA 91406  
(818) 784-5072

GRADING &  
APN  
PIL

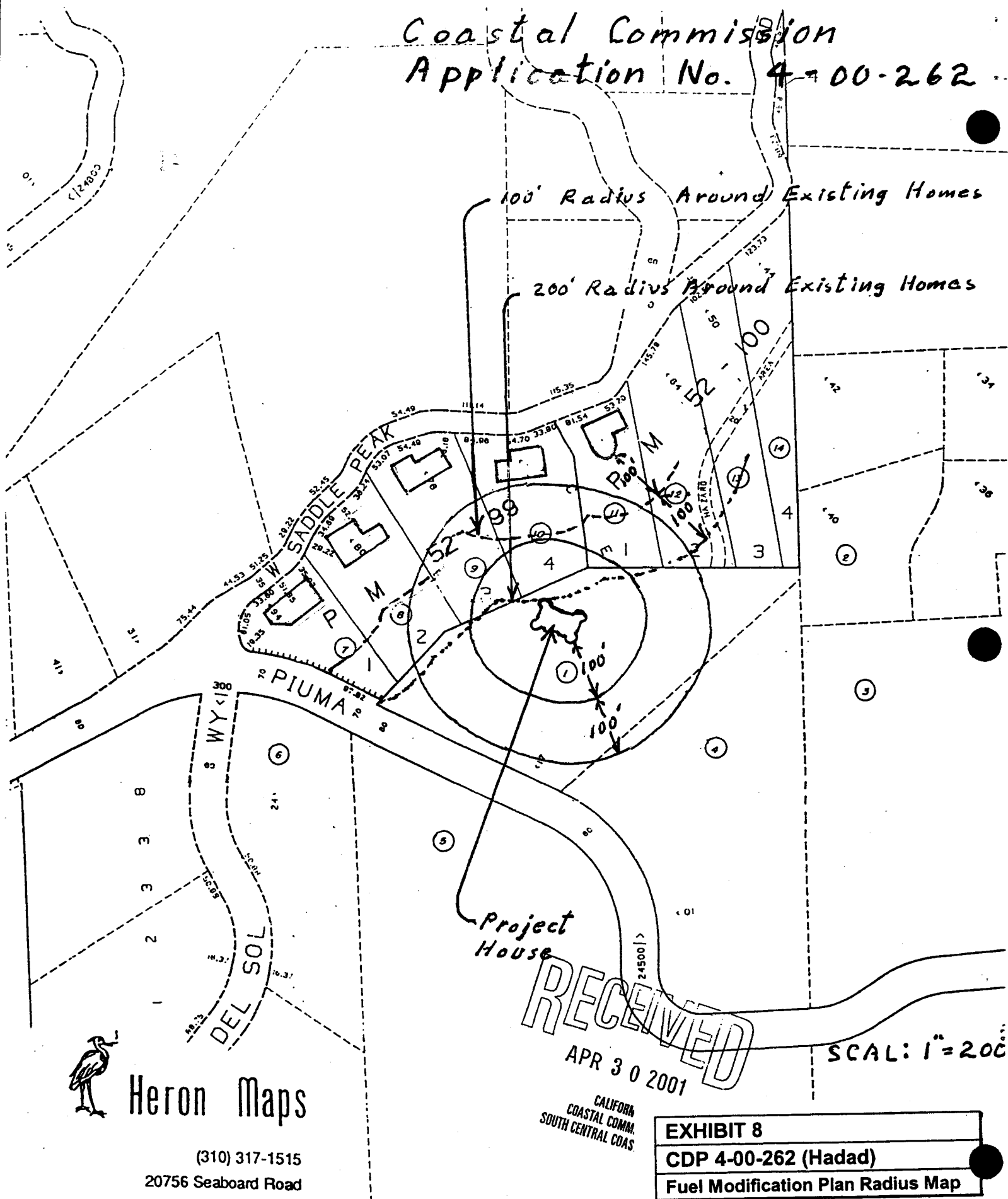
EXHIBIT 7

CDP 4-00-262 (Hadad)

Grading Plan

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PREPARED FOR SUBMITTAL	11/11/01	VPL	VPL
2	REVISION	11/11/01	VPL	VPL

Coastal Commission  
Application No. 4-00-262



Heron Maps

(310) 317-1515  
20756 Seaboard Road  
Malibu CA 90265

CALIFORNIA  
COASTAL COMM.  
SOUTH CENTRAL COAS

EXHIBIT 8

CDP 4-00-262 (Hadad)

Fuel Modification Plan Radius Map

Fire-Department Fuel Modification Plan

Saddle Peak Trail  
 also called Coastal Slope  
 trail on the proposed Co.  
 (see File)

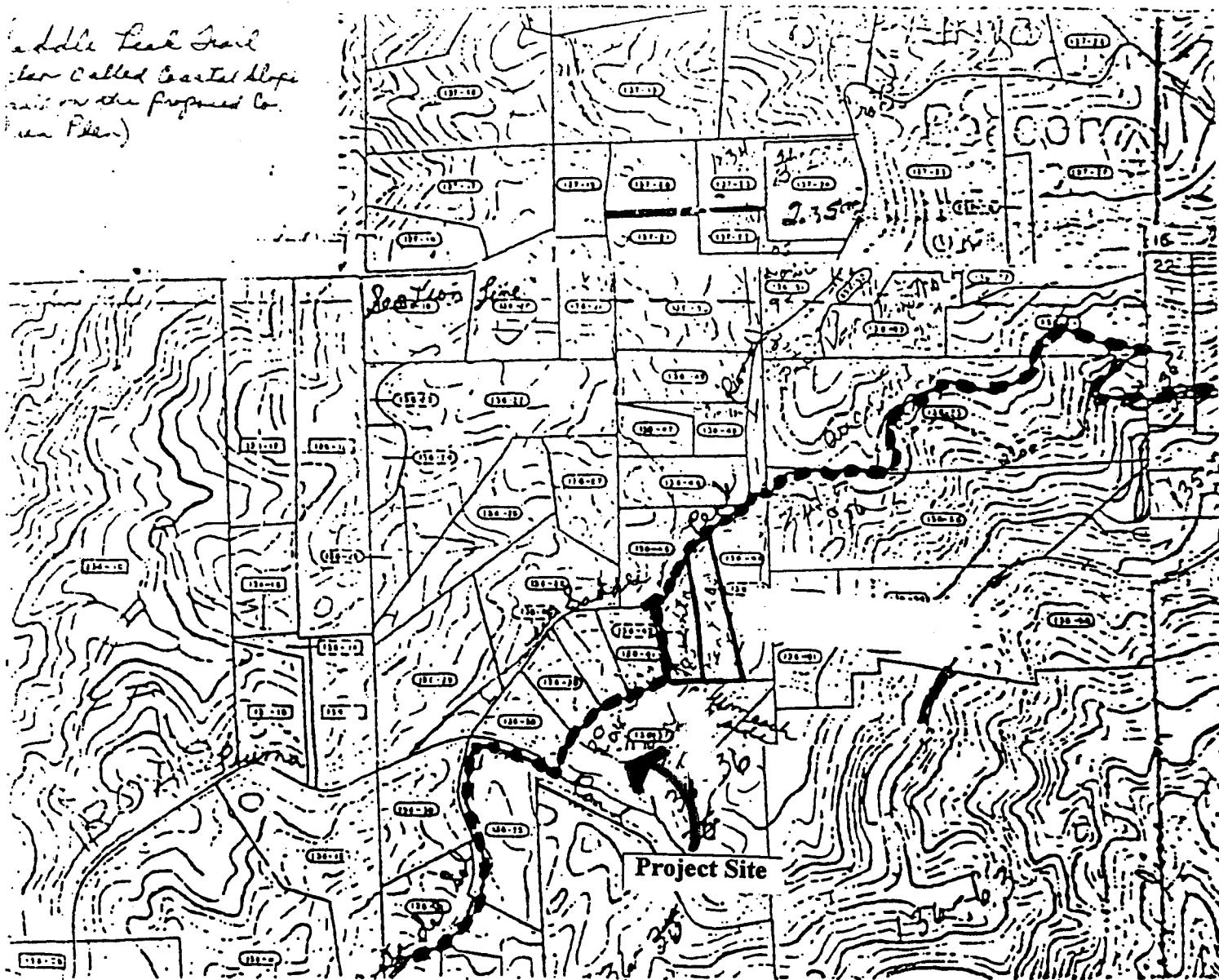


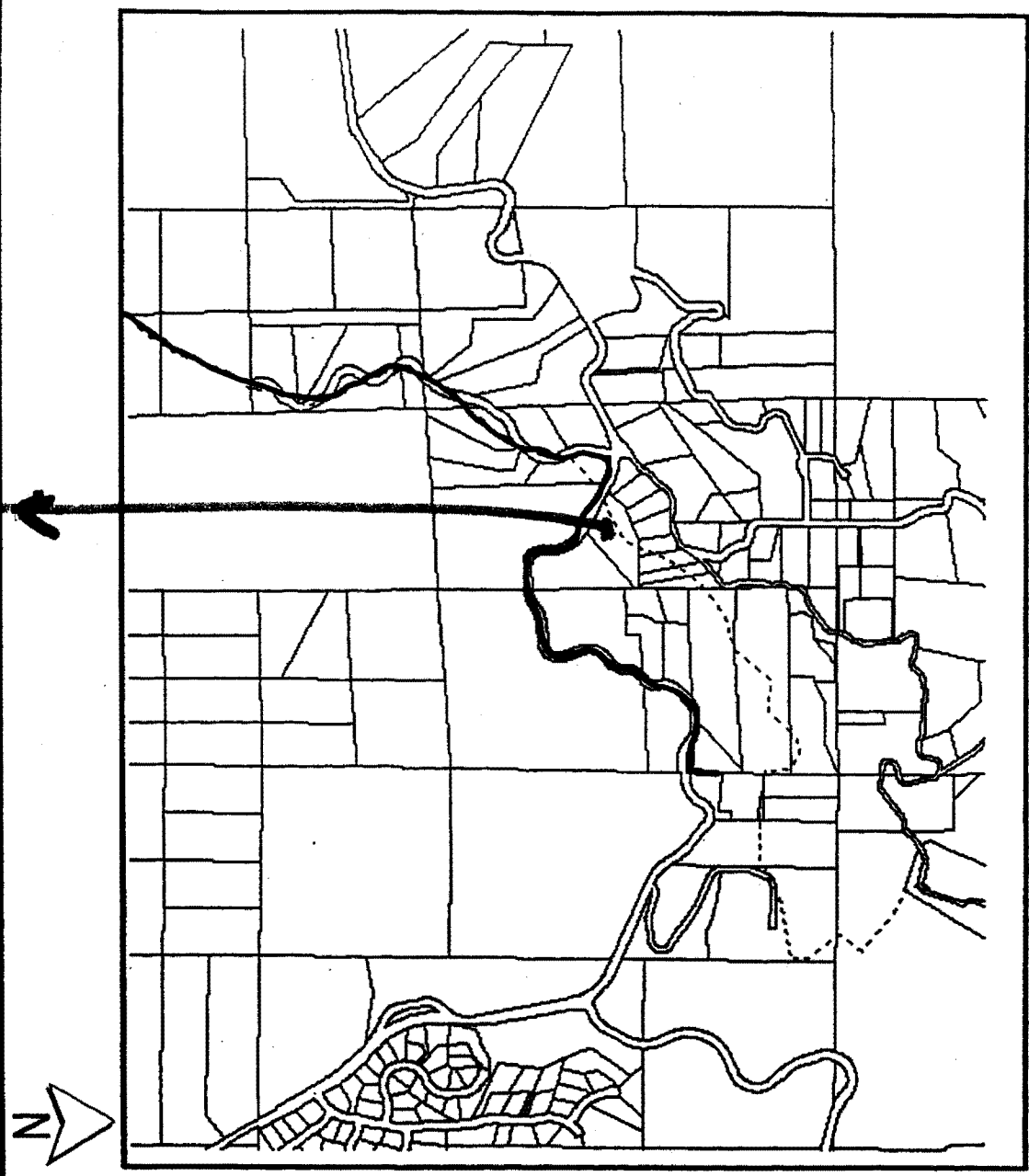
EXHIBIT 9

CDP 4-00-262 (Hadad)

Historic Saddle Peak Trail Map

ESRI ArcExplorer 1.1

# Saddle Peak Trail Alignment



SUBJECT SITE

Old Trail Alignment

New Trail Alignment

EXHIBIT 10
CDP 4-00-262 (Hadad)
Current Saddle Peak Trail Map



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PARKS AND RECREATION

433 South Vermont Avenue - Los Angeles, California 90020-1975 - (213) 738-2961

Rodney E. Cooper, . . . Director

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Deane Dana  
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November 14, 1989

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NOV 16 1989

CALIFORNIA

Peter Douglas, Executive Director COASTAL COMMISSION  
California Coastal Commission SOUTH COAST DISTRICT

P.O. Box 1450

Long Beach, California 90801

Attention: Gary Timm

### SADDLE PEAK TRAIL ALTERNATIVE ALIGNMENT

As we discussed, the County of Los Angeles, Department of Parks and Recreation has been evaluating alternative right of way to realign the Saddle Peak Trail. As we committed to the Coastal Commission, a new trail alignment has been mapped and we are now ready to begin acquisition activities.

As indicated on the attached plan, the new alignment will now travel along Piuma Road to reach the Saddle Peak connecting trail and National Park Services property. We have identified initial funding to identify affected property owners and acquisition costs. We are optimistic that this acquisition can be completed this fiscal year. I will provide you with an update in March, 1990.

If you have any questions, please call me at (213) 738-2965.

Sincerely,

*Jim Park*

Jim Park  
Head Park Planner

cc: Dorothy Hurd



EXHIBIT 11

CDP 4-00-262 (Hadad)

Letter to CCC from County  
Regarding New Trail Alignment

