

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

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Filed: 2/28/01  
49th Day: 4/18/01  
180th Day: 8/27/01  
Staff: K. Kemmler  
Staff Report: 5/23/01  
Hearing Date: 6/12-15/01  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 4-01-023**APPLICANT:** Mildas Drive Road Association, Inc.**AGENT:** Charles Myall**PROJECT LOCATION:** Between Mildas Drive and Schueren Road, Malibu (Los Angeles Co.)

**PROJECT DESCRIPTION:** Proposal to construct a new access road on a vacant parcel to connect Mildas Drive and Schueren Road with 1,785 cu. yds. grading (1,560 cu. yds. cut and 225 cu. yds. fill), which will serve as an alternate route to access 10 existing residences, as the existing access road has been severely damaged by landslide. The proposed project includes an offer to dedicate the portions of the parcel outside of the road easement as open space.

<b>Lot area</b>	2.38 acres
<b>Pavement coverage</b>	12,800 sq. ft.
<b>Landscape coverage</b>	12,800 sq. ft.

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept, October 10, 2000; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, May 10, 2001.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan; "Engineering Geologic Report," Mountain Geology, Inc., June 16, 1998; "Preliminary Geotechnical Investigation," Miller Geosciences, Inc., July 30, 1998; "Update Engineering Geologic Report," Mountain Geology, Inc., February 7, 2001; "Update Geotechnical Investigation and Grading Plan Review," Miller Geosciences, Inc., March 12, 2001.

**Summary of Staff Recommendation**

Staff recommends **approval** of the proposed project with **six (6) special conditions** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control, (4) conservation easement, (5) color restriction, and (6) removal of excess excavation material.

## **I. Staff Recommendation**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-01-023 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 Geologic Recommendations

All recommendations contained in the Engineering Geologic Report dated June 16, 1998 and Update Engineering Report dated February 7, 2001 prepared by Mountain Geology, Inc. and the Preliminary Geotechnical Investigation dated July 30, 1998 and Update Geotechnical Investigation and Grading plan Review dated March 12, 2001 prepared by Miller Geosciences, Inc. shall be incorporated into all final design and construction including *foundations, grading, and drainage*. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, sewage disposal and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

#### 2. Drainage and Polluted Runoff Control Plans

*Prior to the Issuance of the Coastal Development Permit*, the applicants shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and geologist to ensure the plan is in conformance with consultant'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 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.

### **3. Interim Erosion Control Plans**

*Prior to issuance of a coastal development permit*, the applicants shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical engineering and geologic consultant to ensure that the plans are in conformance with the consultant's recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

#### **a. Landscaping Plan**

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of completion of grading operations. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such plantings shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

#### **b. Interim Erosion Control Plan**

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 - March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag

barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

#### **c. Monitoring**

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

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

#### **4. Conservation Easement**

- A. The applicant has proposed to dedicate a conservation easement over that portion of the property ( APN 4453-026-039) located outside of the developed roadway, as generally shown on Exhibit 5.

In order to implement the applicant's proposal, the applicant agrees that no development, as defined in Section 30106 of the Coastal Act, shall occur in the conservation easement area designated on Exhibit 5, except for: utility easements or the removal of vegetation pursuant to County of Los Angeles Fire Code requirements.

- B. *Prior to issuance of Coastal Development Permit No. 4-01-023*, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development and granting a conservation easement covering the area identified above, to the Santa Monica Mountains Conservancy, or a

public agency or private association approved by the Executive Director. The document shall provide that the conservation easement shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use that may exist on the property. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being conveyed. The conservation easement shall run with the land, binding the applicant and the grantee, and all successors and assignees of the applicant and the grantee, and shall be irrevocable. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the easement area.

## **5. Color Restriction**

The color of the access road permitted hereby shall be restricted to a color compatible with the surrounding sandstone landscape (white tones shall not be acceptable).

*Prior to the issuance 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 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.

## **6. Removal of Excess Excavation Material**

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavation material from the site. Should the disposal 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 is proposing to construct a new access road on a vacant parcel to connect Mildas Drive and Schueren Road with 1,785 cu. yds. grading (1,560 cu. yds. cut and 225 cu. yds. fill) (see Exhibit 4), which will serve as an alternate route to access 10 existing residences, as the existing access road has been severely damaged by a landslide. The proposed project includes an offer to dedicate the portions of the parcel outside of the road easement as a conservation easement (Exhibit 5).

The project site is a 2.38 acre parcel between Mildas Drive and Schueren Road in a sparsely populated hillside area (Exhibit 1). The parcel is bounded on the north and east by vacant lots, on the west and south by residences, on the southwest by Mildas Drive and on the northeast by Schueren Road (Exhibit 2). Existing vegetation on the lot consists of natural grasses, shrubs

and trees. No environmentally sensitive habitat exists on site. The slope gradient within the parcel varies from nearly flat to as steep as 2:1 in the area of the proposed road. The subject parcel is located in an area with many scenic vistas. The site is visible from the Backbone Trail, a designated hiking and equestrian trail in the Malibu/Santa Monica Mountains Land Use Plan, which is the main trail in the Santa Monica Mountains and connects many other lateral trails (Exhibit 3). The site is also visible from Schueren Road, a designated scenic highway in the LUP. Furthermore, the site is adjacent to the Schueren Road Sandstone, a bench-like sandstone outcropping that is a designated scenic element in the LUP. The site is free from landslides and mudflows, however, landslides are present to the northwest, north and southeast of the site.

The Mildas Drive landslide to the northwest of the site damaged a large portion of Mildas Drive near its connection with Stunt Road. Despite numerous roadway repair efforts to sustain interim access over Mildas Drive from Stunt Road, the magnitude of the slide prevents permanent road repairs across the slide area. The applicant's consulting geologist assessed the options for restoration of street access: to rebuild the landslide-damaged portion of Mildas Drive along the existing alignment; or to abandon the northern portion of Mildas Drive and construct a new access road outside the areas influenced by active slides. The latter is a more feasible alternative due to the massive grading, retaining wall construction, dewatering, and high cost involved in rebuilding the damaged portion of Mildas Drive, as well as, the geologist's opinion that the road will continue to sustain further damage from the landslide and require additional repairs. Some of the property owners elected to form the Mildas Drive Road Association, Inc. to create a permanent alternate to the existing access road. Thus, two alternate connecting roadway alignments were considered as options to provide a permanent access route to the area where the homes exist on the parcel acquired by the Mildas Drive Road Association, Inc. The proposed road alignment is the option that involves less impacts on landform alteration and scenic resources.

## **B. Geologic Hazards**

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

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

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

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. As previously described, the proposed project includes

a new access road on a vacant parcel to connect Mildas Drive and Schueren Road with 1,785 cu. yds. grading (1,560 cu. yds. cut and 225 cu. yds. fill), which will serve as an alternate route to access 10 existing residences, as the existing access road has been damaged by a landslide. As mentioned above, several landslides have occurred in the vicinity of the proposed project. The Mildas Drive landslide to the northwest of the site damaged the northern portion of Mildas Drive near its connection with Stunt Road. According to the applicant's consulting geotechnical engineer, although temporary repairs have been made over the roadway, the magnitude of the slide prevents making permanent road repairs across the slide area. The proposed road alignment lies outside of any active slide areas and although there are three landslides in close proximity to the project site, due to intervening geomorphic features, the consulting geologists state that there is no threat to the proposed road should any of those landslides reactivate.

The applicant has submitted a Preliminary Geotechnical Investigation dated July 30, 1998 and an Update Geotechnical Investigation and Grading plan Review dated March 12, 2001 prepared by Miller Geosciences, Inc. and an Engineering Geologic Report dated June 16, 1998 and an Update Engineering Geologic Report dated February 7, 2001 prepared by Mountain Geology, Inc., which evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development the consultants have found that the project site is suitable for the proposed project. The project's consulting geotechnical engineer states in the Update Engineering Geologic Report dated February 7, 2001 prepared by Mountain Geology, Inc.:

***..the proposed road will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The construction of the road will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.***

The geotechnical engineering consultant concludes that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Preliminary Geotechnical Investigation dated July 30, 1998 and Update Geotechnical Investigation and Grading plan Review dated March 12, 2001 prepared by Miller Geosciences, Inc. and the Engineering Geologic Report dated June 16, 1998 and Update Engineering Geologic Report dated February 7, 2001 prepared by Mountain Geology, Inc. contain several recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition No. One (1)**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

Controlling and diverting run-off in a non-erosive manner from the proposed impervious surfaces, will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the



applicants to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Conditions No. Two and Three (2 & 3)**.

In addition, the quantity of earth removal required for construction of the proposed road is more than the quantity of recompaction required for construction resulting in an excess of 1,335 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition No. Six (6)** requires the applicant to export all excess excavation material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. Three (3)** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. Special Condition No. Three also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Finally, 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 notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition No. Three (3)**.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project will serve to minimize potential geologic hazards of the project site and adjacent properties and, thus, is consistent with §30253 of the Coastal Act.

## C. Visual Resources

Section 30251 of the Coastal Act 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 reservation 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 addition, the certified Malibu/Santa Monica Mountains LUP contains numerous policies regarding the protection of visual resources. The Coastal Commission has utilized these policies as guidance in past permit decisions. LUP policies particularly applicable to the proposed project include:

- P 91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.
- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands.
- P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.
- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:
- ◆ Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.
  - ◆ Minimize the alteration of natural landforms.
  - ◆ Be landscaped to conceal raw-cut slopes.
  - ◆ Be visually compatible with and subordinate to the character of its setting.
  - ◆ Be sited so as to not significantly intrude into the skyline as seen from public viewing places.
- P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides, which are traversed by scenic, public trails. The project site is visible from the Backbone Trail, the main hiking and equestrian trail identified in the Malibu/Santa Monica Mountains LUP that connects many lateral trails and is located to the north of the property. The site connects to and, thus, is visible from Schueren Road, which is a designated scenic highway in the Malibu/Santa Monica Mountains LUP. In addition, the proposed road is located adjacent to the Schueren Road Sandstone, which is a bench-like sandstone outcropping designated as a scenic element in the LUP.

As stated previously, the applicant proposes to construct an access road on a vacant parcel to connect Mildas Drive and Schueren Road with 1,785 cu. yds. grading (1,560 cu. yds. cut and 225 cu. yds. fill). The project site is located on a sparsely developed hillside on a north-facing slope highly visible from the recreational areas mentioned above. Grading for the access road is proposed only within the immediate area of the road alignment and the remaining portions of the 2.38 acre parcel are proposed to be offered as a conservation easement. The dedication of the conservation easement over the remainder of the parcel to the Santa Monica Mountains Conservancy (or other public agency or private association) will eliminate the potential for future residential development on this parcel. The conservation easement will also serve to protect natural scenic elements and public viewing areas. **Special Condition No. Four (4)** ensures the implementation of the applicant's proposal to dedicate all areas of the site outside of the road easement proposed herein for permanent preservation and conservation as a conservation easement.

Staff notes that the proposed road will be visible along the Backbone Trail and Schueren Road. Due to the highly visible nature of the project site from several public vistas, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site. Thus, the Commission finds it necessary to require the applicant to record a deed restriction which limits the materials and colors acceptable for the

construction of the road to natural tones that blend with the background of the sandstone landscape, as specified in **Special Condition No. Five (5)**.

Visual impacts associated with proposed road, can be further reduced by the use of appropriate and adequate landscaping. **Special Condition No. Three (3)**, the landscaping plan, 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 No. Three, therefore, will help to partially screen and soften the visual impact of the development as seen from recreational use areas near the subject site. In order to ensure that the final approved landscaping plans are successfully implemented, Special Condition No. Three also 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.

Therefore the Commission finds that, as conditioned, the proposed development will minimize adverse impacts to scenic public views in this area of the Santa Monica Mountains, and is consistent with §30251 of the Coastal Act.

#### **D. Water Quality**

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

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

As described, the proposed project includes construction of a new access road on a vacant parcel to connect Mildas Drive and Schueren Road with 1,785 cu. yds. grading (1,560 cu. yds. cut and 225 cu. yds. fill). The site is considered a "hillside" development, as it involves moderate to steeply sloping terrain with soils that are susceptible to erosion.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with a road include pollutants such as petroleum hydrocarbons including oil and grease from vehicles, heavy metals, synthetic organic chemicals, dirt litter, 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 No. Two (2)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control 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 No. Three (3)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

## E. Local Coastal Program

Section 30604(a) of the Coastal Act states:

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

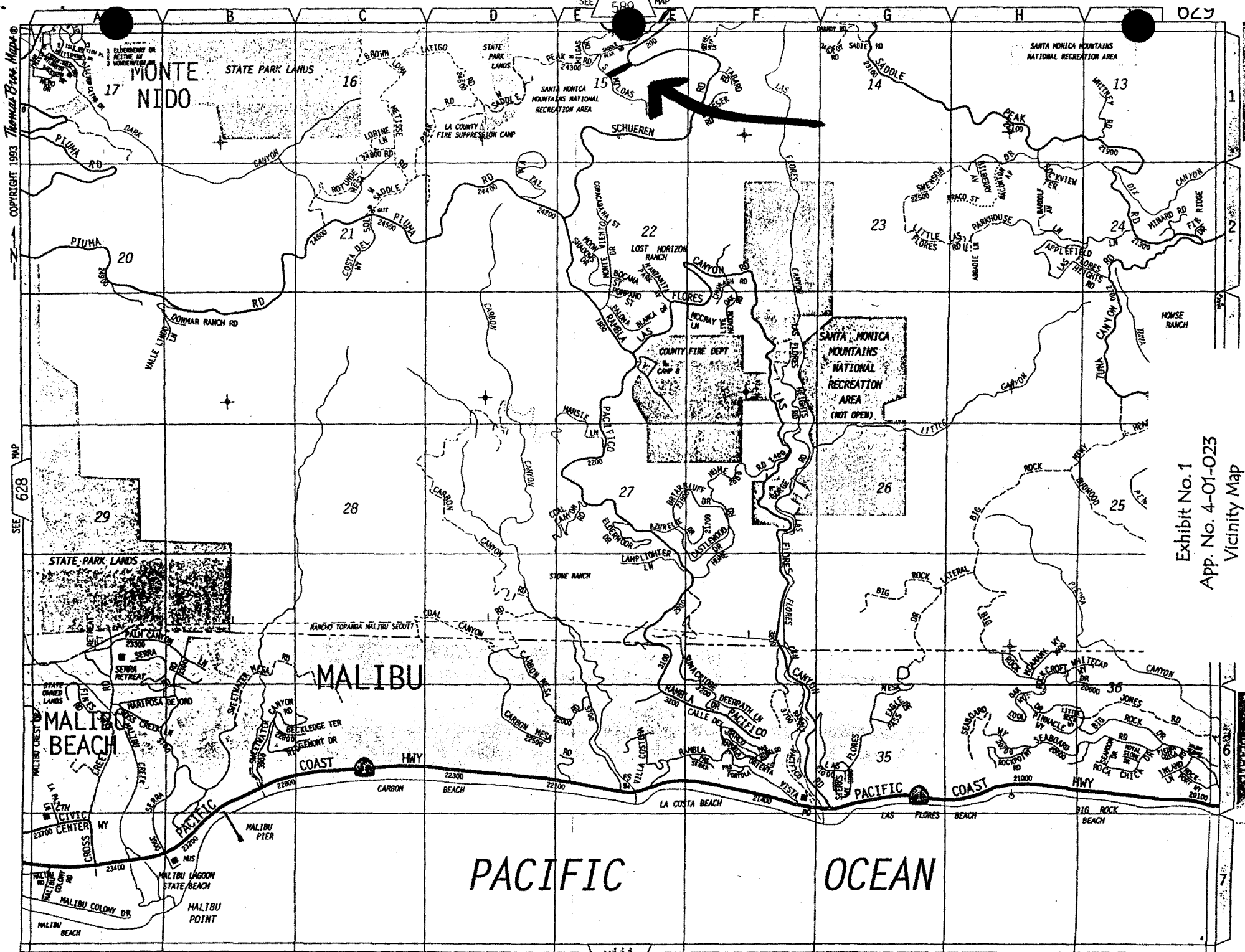
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to

prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area which is consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

## **F. California Environmental Quality Act**

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

The Commission finds that, the proposed project, as conditioned, will not have any 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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SEE 628 MAP

SEE viii MAP

Exhibit No. 1  
App. No. 4-01-023  
Vicinity Map

LOS ANGELES, CALIF.

4453 26 1989  
SCALE 1" = 200'

CODE  
4988  
FOR PREV ASSMT SEE:  
4453-26

T.I.S., R.17 W  
PARCEL MAP - P.M. 72-59

SECTION LINES PER C.S.B. 498-II

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

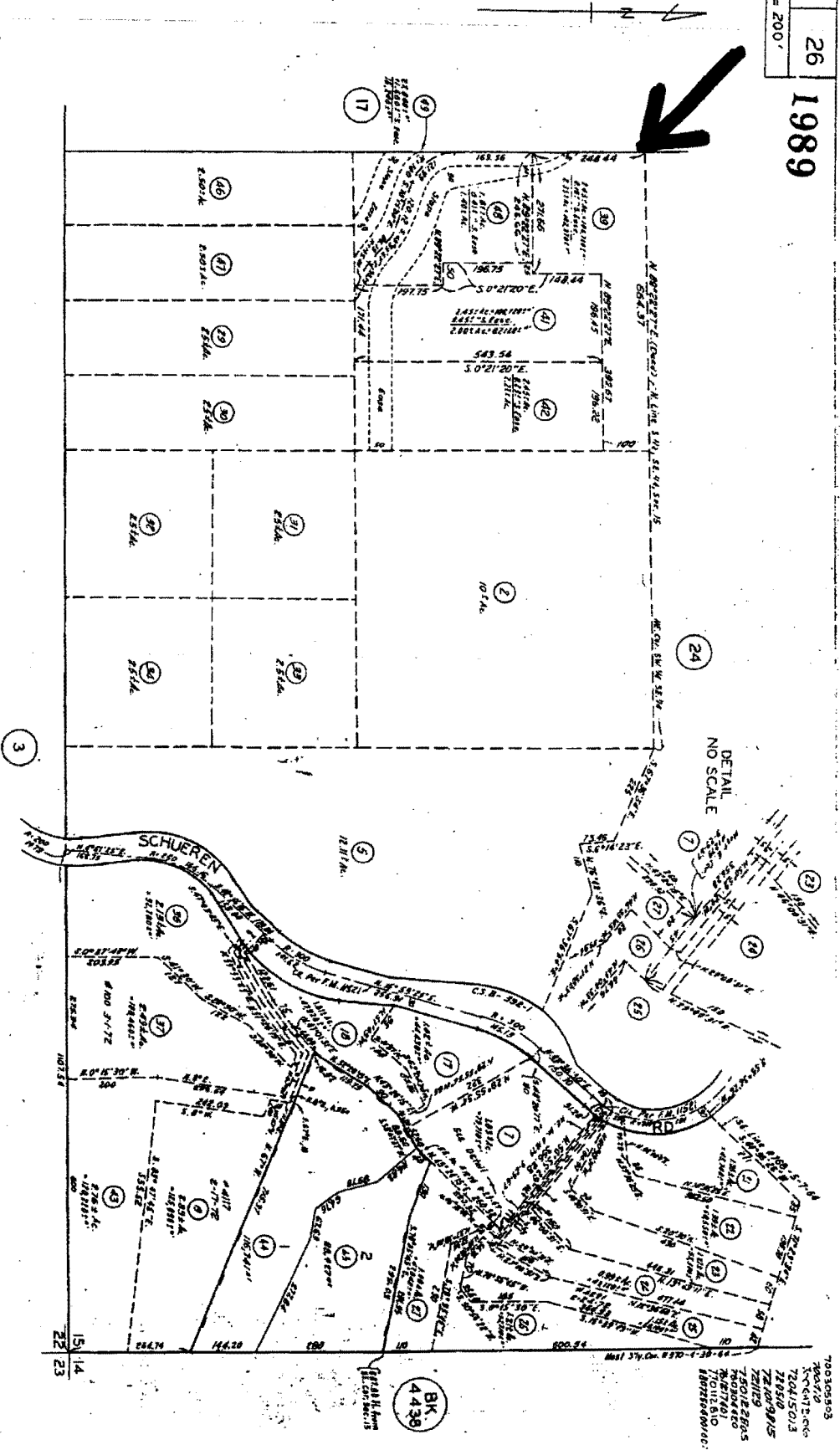
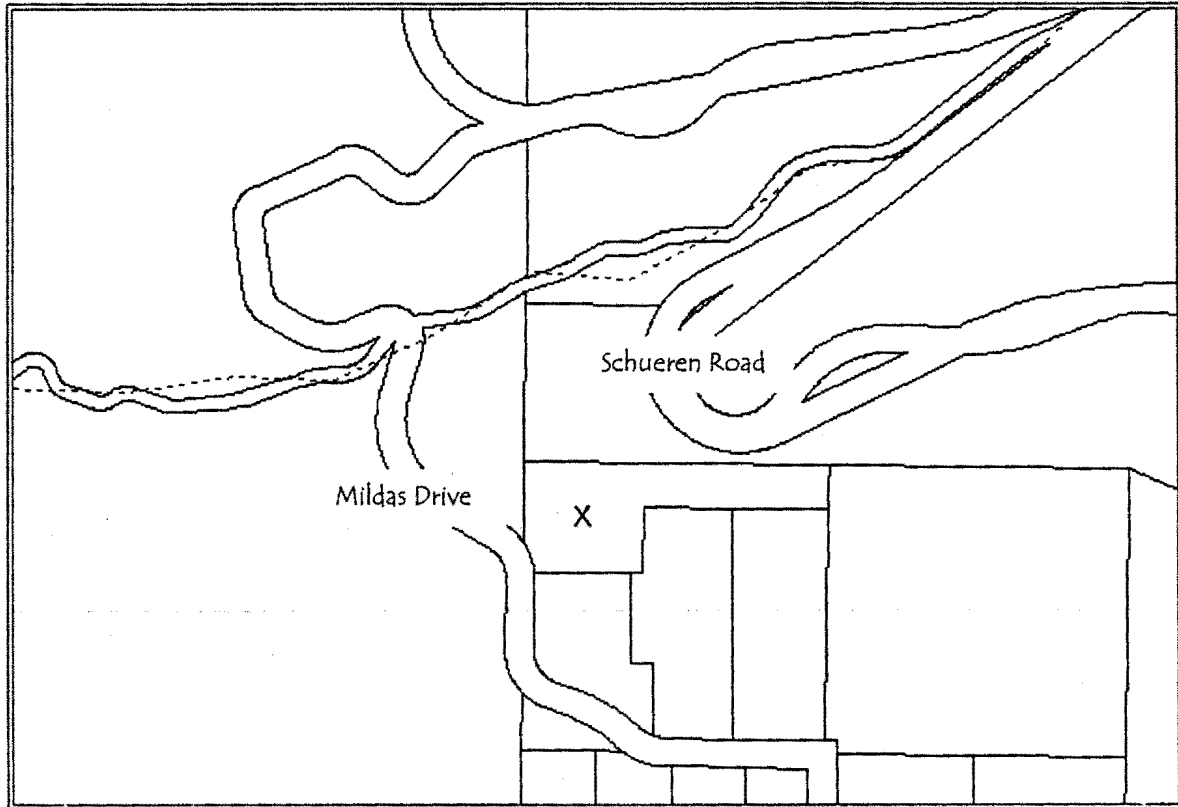


Exhibit No. 2  
App. No. 4-01-023  
Parcel Map

*Mildas Drive Road Association, Inc.*



----- Backbone Trail

X Subject Parcel



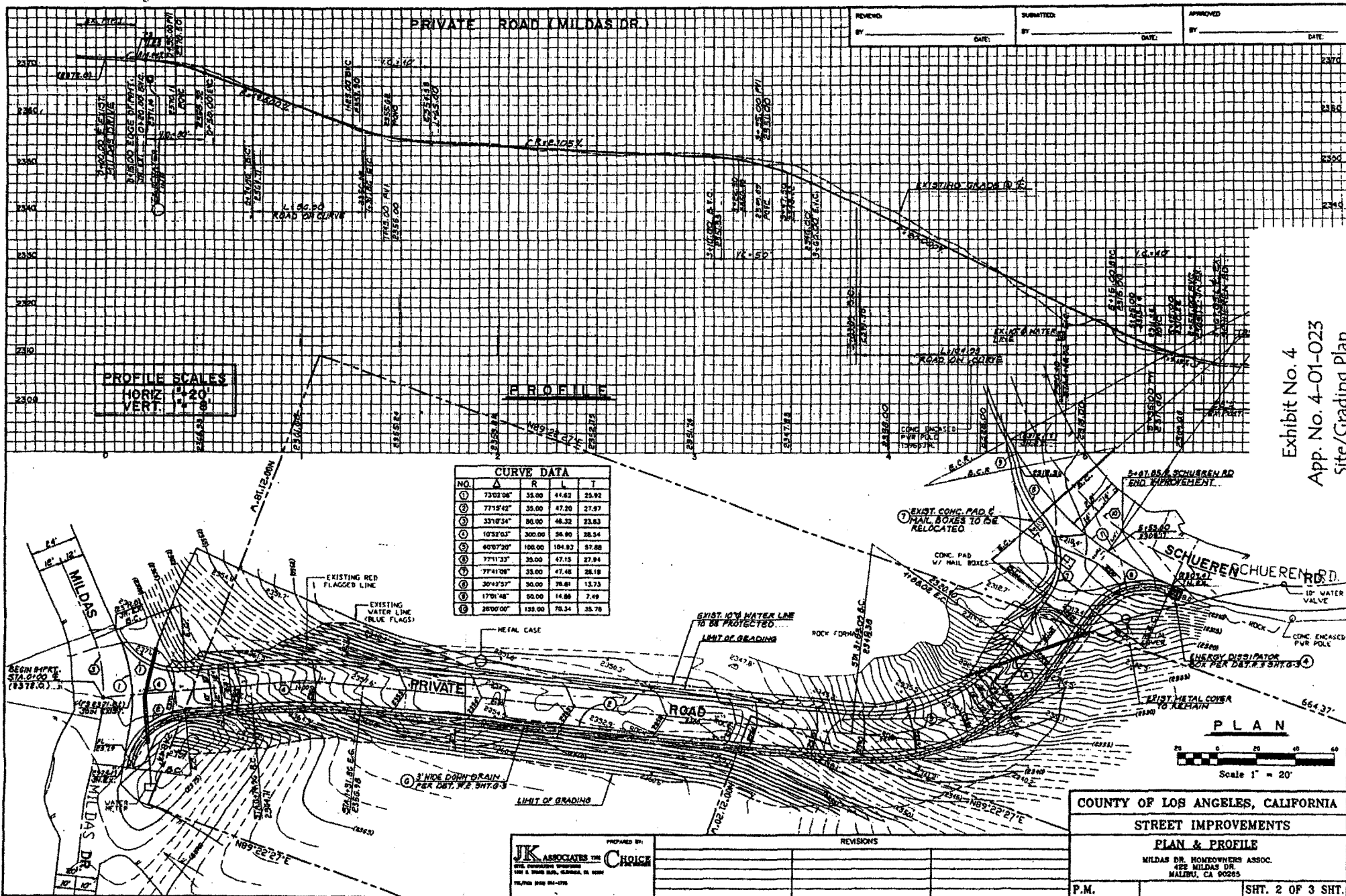


Exhibit No. 4  
App. No. 4-01-023  
Site/Grading Plan

Mildas Drive Road Association, Inc.  
Offer To Dedicate Open Space

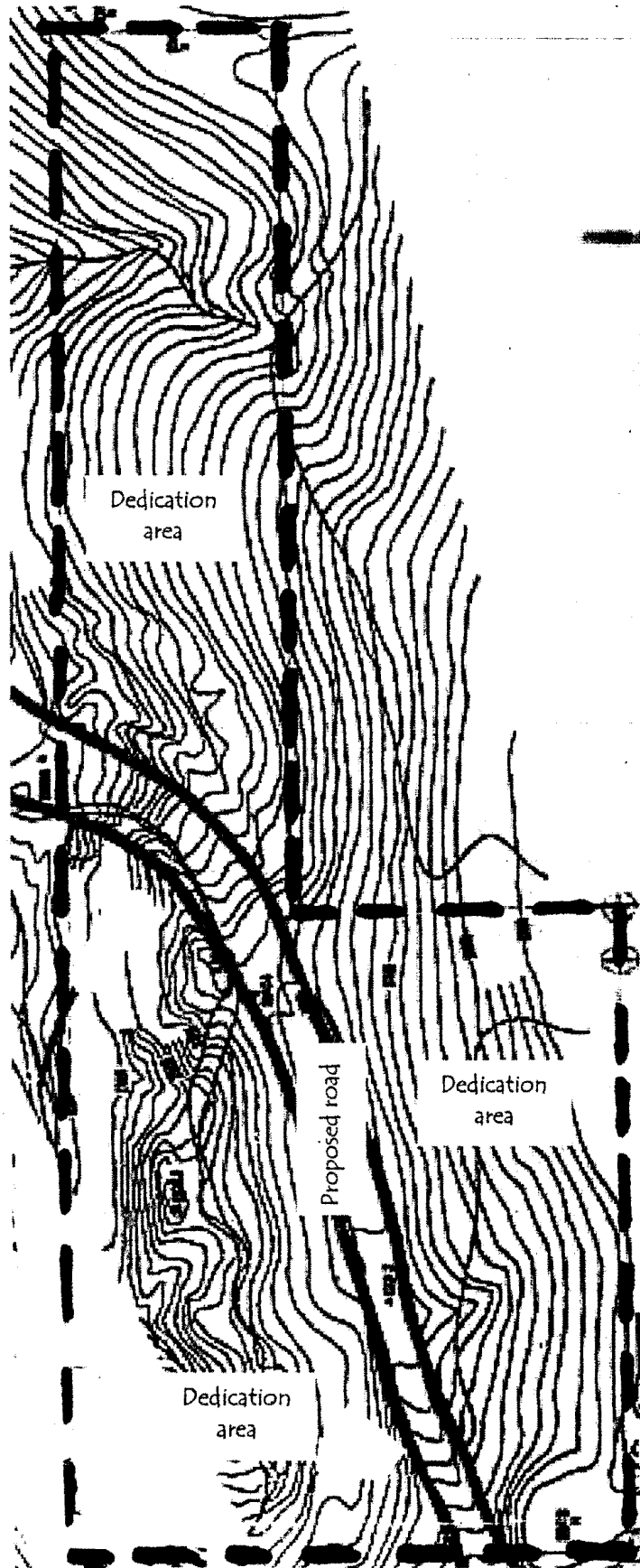


Exhibit No. 5  
App. No. 4-01-023  
Dedication Areas