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STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO. 4-00-277

APPLICANT: David & Christine Zinneman

AGENT: Lynn Heacox

PROJECT LOCATION: 6170 Ramirez Canyon Road, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new 4,062 sq. ft., 24 ft. high above existing grade, two-story, single family residence with 462 sq. ft. attached garage, septic system, motor court, pool, and 1,360 cu. yds. of grading (670 cu. yds. cut, 690 cu. yds fill).

Lot Area:	69,322 sq. ft. (1.59 acres)
Building Coverage:	4,281 sq. ft.
Pavement Coverage:	9,937 sq. ft.
Landscaped Area:	20,000 sq. ft.
Parking Spaces:	2 covered, 4 open
Height above existing grade:	24 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval In Concept, dated 12/23/00; County of Los Angeles, Fire Department, Fire Protection Engineering, Preliminary Approval, dated 5/16/01; County of Los Angeles, Fire Department, Fire Prevention Bureau, Preliminary Fuel Modification Plan Approval, dated 6/8/00.

SUMMARY OF STAFF RECOMMENDATION: The proposed project is a single family residence on a parcel that is visible from several scenic public viewing areas and lookout points along Piuma Road, a designated scenic highway. Staff recommends **approval** of the proposed project with seven (7) special conditions regarding 1) Conformance with Geologic Recommendations, 2) Landscaping and Erosion Control, 3) Drainage and Polluted Runoff, 4) Removal of Natural Vegetation, 5) Assumption of Risk, 6) Future Improvements Deed Restriction; and 7) Woodburning Fireplace Restriction.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (1986); Addendum and Update Letter, Proposed Single Family Residence, 6170 Ramirez Canyon Road, Parcel 1 of PM 18071, Malibu, California (Alpine Geotechnical, 2/28/99); Report of Soil Engineering Investigation Proposed Subdivision of 7.5-acre parcel 6208 Delaplane Road (SWN Soiltech Consultants, Inc, 2/15/89); Final Compaction Test and Grading Observation Report, Proposed Single Family Residence; Engineering Geologic Report for Proposed Subdivision of a 7.5 acre propoerty into 4 parcels at 6208 Delaplane Road, Malibu (Kowaleswsky, 1/27/89);

II. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit No. 4-00-277 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

III. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

(a) All recommendations contained in the *Addendum and Update Letter, Proposed Single Family Residence, 6170 Ramirez Canyon Road, Parcel 1 of PM 18071, Malibu, California (Alpine Geotechnical, 2/28/99) along with the accepted recommendations contained in the Report of Soil Engineering Investigation Proposed Subdivision of 7.5-acre parcel 6208 Delaplane Road (SWN Soiltech Consultants, Inc, 2/15/89); and Final Compaction Test and Grading Observation Report, Proposed Single Family Residence; Engineering Geologic Report for Proposed Subdivision of a 7.5 acre propoerty into 4 parcels at 6208 Delaplane Road, Malibu (Kowaleswsky, 1/27/89)* shall be incorporated into all final design and construction including recommendations concerning restricted use areas, site preparation, settlement, grading, septic systems, excavations, foundations, retaining walls, drainage, inspections and reviews. All plans must be reviewed and approved by the geotechnical consultants. Prior to the issuance of the coastal development permit, the applicants shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of two (2) sets of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.

(b) The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial."

2. Landscape and Erosion Control Plan and Fuel Modification

Prior to issuance of a coastal development permit, the applicants shall submit two (2) sets of landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

(1) All disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plan species which tend to supplant native species shall not be used.

(2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

(3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

(4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

(5) Vegetation within 200 feet of the residence may be removed or selectively thinned in order to reduce fire hazard pursuant to an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

(6) No eucalyptus trees shall be removed along the drainage course on the subject site as generally depicted in Exhibit 12.

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, including barrier fencing around the eucalyptus stand near the planned development.

(2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

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

C) Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the 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 applicants, or

successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Drainage and Polluted Runoff Control Plan

Prior to the issuance of the coastal development permit, the applicants shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

(a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.

(b) Runoff shall be conveyed off site in a non-erosive manner.

(c) Energy dissipating measures shall be installed at the terminus of outflow drains.

(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicants/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 applicants 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.

4. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 20 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 20-200 foot fuel modification zone shall not occur until commencement of construction of the structure approved pursuant to this permit.

5. Assumption of Risk

A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from seismic activity, erosion, landslide, flooding, and wildfire; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. Prior to the issuance of the coastal development permit, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Future Improvements Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-00-277. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the entire parcel. Accordingly, any future structures, improvements, or change of use to the permitted structures approved under Coastal Development Permit 4-00-277, and any clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape, and erosion control plans prepared pursuant to Special Condition 2, shall require an amendment to Permit No. 4-00-277 from the Commission or shall require an additional Coastal Development Permit from the Commission or from the applicable certified local government.

Prior to the issuance of the Coastal Development Permit the applicants shall Execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicants' 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.

7. Woodburning Fireplace Restriction

Fireplaces, stoves, and firepits permitted hereby shall be restricted to non-woodburning types.

Prior to the issuance of the coastal development permit, the applicants 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.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description and Background

The project site is located along the nose of a ridge between Ramirez Canyon and east Ramirez Canyon approximately ¼-mile north of Pacific Coast Highway, immediately north of the intersection of Ramirez Canyon Road and Delaplane Road, in the City of Malibu (Exhibit 1-2). The subject parcel is a vacant 1.5-acre flag lot accessed by an existing, partially graveled, private road aligning seven parcels from Ramirez Canyon Road to the subject lot. The approximately 680-foot common access road roughly follows the linear portion of the lot, terminating at the building pad site for the proposed residence. Four of the seven lots off of the private road are developed.

The applicants propose to construct a new 4,062 sq. ft., 24 ft. high above existing grade, two-story, single family residence with 462 sq. ft. attached garage, septic system, motor court, pool, and 1,360 cu. yds. of grading (670 cu. yds. cut, 690 cu. yds fill), primarily to step the structure into the hillside. (Exhibits 3-12)

The proposed building site is on a gentle southeast-facing slope that has been subject to disking and contains weedy vegetation. The proposed building area is consistent with the location approved in the original subdivision permit and permit amendment (CDP 5-89-957, 5-89-957A). Slopes descend easterly from the building location to East Ramirez Canyon, a designated blueline stream on the U.S. Geological Survey (USGS) quadrangle maps. Maximum topographic relief is on the order of 50 feet between the uppermost portion of the building site and the stream.

Site drainage is by topographically controlled sheetflow runoff, through terrace drains and an underground pipe to the stream channel to the east. East Ramirez Canyon, a USGS blueline stream, flows southeast through the parcel, bisecting an eastern portion of the lot (see Exhibit 5). East Ramirez Canyon intersects with Ramirez Canyon, also a USGS blueline stream, approximately 1000 feet downstream of the site. However, East Ramirez Canyon drainage typically terminates prior to reaching Ramirez Canyon just

after a small waterfall. At this point any surface water collected within the stream generally infiltrates the subsurface. The riparian area surrounding Ramirez Canyon is designated as a Locally Disturbed Sensitive Resource Area on the Malibu/Santa Monica Mountains Land Use Plan (LUP) maps and encompasses a small portion of the subject flag lot at the westernmost tip. Ramirez Canyon courses to the Pacific Ocean approximately ½-mile from the confluence of the site drainage and Ramirez Canyon. Brush clearance for fuel modification and fire safety as a result the proposed project will not extend into the Locally Disturbed ESHA or Ramirez Canyon area (see Exhibit 5).

Vegetation at the project site is heavily disturbed in the vicinity of the proposed building location due to fuel modification requirements associated with existing development on adjacent properties. In addition, a road has been developed through the property to meet up with Delaplane Road. Vegetation on-site is relatively sparse, and consists of grasses, a few shrubs, eucalyptus trees, and other ornamental landscaping. With the exception of the very small area designated as Locally Disturbed Resources in the westernmost tip of the parcel, there are no designated environmentally sensitive habitat areas (ESHAs) mapped at the project site. However, staff noted on a prior visit to the site in December 1999, that Monarch butterflies were utilizing the Eucalyptus trees along the eastern drainage for a roosting or resting area. The actual function of the project site as a monarch overwintering site has not been determined through a study performed by a qualified specialist. Nevertheless, in recognition of the potential habitat value of the eucalyptus, the applicants propose to preserve the eucalyptus trees and plant native vegetation (see Exhibit 10).

In 1989, the Commission approved a subdivision creating the subject lot. The subdivision (Coastal Permit No. 5-89-957, Jameson) divided one 7.55 acre parcel into four single family residential lots ranging in size from 1.14 to 2.97 acres. In addition, the Commission approved the construction of two access driveways and three building pads requiring 4,000 cubic yards of grading. The Commission's concerns included the amount of grading and landform alternation, natural hazards, and recreational resources impacts relative to the Coastal Slope Trail segment on the subdivision property. In addressing these issues, the Commission approved the subdivision with special conditions addressing cumulative impacts mitigation, trail dedication, landscaping and erosion control plan, revised grading plans, plans conforming to geologic recommendations, and sewage disposal. A 10-foot wide trail easement was recorded, for hiking and equestrian uses, under the original subdivision permit north of and contiguous with Ramirez Canyon Road within the original 7.55 acre parcel. This includes the westernmost tip of the subject parcel along the 20-foot parcel length at its intersection with Ramirez Canyon Road. All conditions were complied with and the permit was issued.

In 1991, the Commission approved Coastal Development Permit application 5-91-206 for construction of a 7,264 sq. ft., 32.5 ft. high single family residence with attached three-car garage, pool, driveway, and septic system on the subject parcel. The approved grading plan indicated approximately 1,100 cubic yards of grading (400 cu. yds. cut, 700 cu. yds. fill) for the construction of a single family residence on the subject lot. Commission records do not indicate that any extensions of the 1991 permit were

applied for or granted prior to the expiration of the permit, two years from the date of the Commission vote on the application (November 12, 1991), and therefore the permit expired. Concurrent with CDP application 5-91-206, the applicants applied for an amendment to the original subdivision permit to re-site the residence and reduce the amount of grading on Lot #1 (the subject parcel). Under this amendment (5-89-957A), the development footprint was extended further eastward on the site but with a reduction in grading, down to a total of 44 cubic yards of cut grading, since the residence proposed in the 1991 application was designed with a raised foundation and stepped footings which would allow the structure to follow the contours of the hillside. This amendment was issued on December 7, 1992.

B. Geologic Stability and Hazards

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

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

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

1. Geology

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The applicants propose to construct a new 4,062 sq. ft., 24 ft. high above existing grade, two-story, single family residence with 462 sq. ft. attached garage, septic system, motor court, pool, and 1,360 cu. yds. of grading (670 cu. yds. cut, 690 cu. yds fill).

The applicants have submitted several documents regarding the site's geologic conditions, including: *Addendum and Update Letter, Proposed Single Family Residence, 6170 Ramirez Canyon Road, Parcel 1 of PM 18071, Malibu, California (Alpine Geotechnical, 2/28/99); Report of Soil Engineering Investigation Proposed Subdivision of 7.5-acre parcel 6208 Delaplane Road (SWN Soiltech Consultants, Inc, 2/15/89); and Final Compaction Test and Grading Observation Report, Proposed Single Family Residence; Engineering Geologic Report for Proposed Subdivision of a 7.5 acre propoerty into 4 parcels at 6208 Delaplane Road, Malibu (Kowaleswsky, 1/27/89).*

These reports make numerous recommendations regarding restricted use areas, site preparation, settlement, grading, septic systems, excavations, foundations, retaining walls, drainage, inspections and reviews. The reports conclude that the site is suitable for the intended use provided that the recommend-ations of the geotechnical consultant are incorporated into the design and subsequent construction of the project. However, landslide and seismic issues have been specifically identified at this site.

The Kowalewsky report dated January 27, 1989 notes, in the original subdivision geologic report, that landslide debris was present in the vicinity of the subject parcel (page 5):

> ***Landslide debris appears in the northern corner of the site as mapped by the USGS as part of the active 1964 slide across the stream channel. The large active landslide exists all along the west sloping ridge, west of DeButts Terrace and most recently moved in 1984. Landslide debris was not encountered in any borings or trenches and does not underlie any of the proposed building sites.***

The report further states that (page 8):

> ***The closest active or potentially active fault mapped by the USGS is the Malibu Coast fault located ½ mile north of the property. As noted above a potentially active fault trends through the site.***

As a result of these constraints, geologically restricted use areas have been designated on portions of the subject parcel. The restricted use area for the fault line is depicted in Exhibit 4. This restricted use area designates a minimum 50-foot wide restricted use zone on either side of the fault that trends through the site. The restricted area includes an additional 50-foot zone on the north side of the fault due to the moderately low angle of the fault. Special consideration must be given to foundation to be utilized for habitable structures located between the 50-foot and 100-foot zones. Non-habitable structures are appropriate land uses within either the 50-foot or 100-foot zones.

In addition a geologically restricted use area was designated by Kowalewsky in a small portion of the northeast corner of the subject site, below the toe of the offsite landslide. However, Alpine Geotechnical reports that (page 23, 2/15/99):

> ***Since the investigation and issuance of the report by Kowalewsky, Tierra Tech has performed extensive grading and stabilization of the portion of this landslide across the drainage... Based on the new work of stabilizing the portion of the landslide nearest the subject property under the recommendation, observation and testing of Tierra Tech, the potential landslide problem which prompted the recommendation for a Geologic Restricted Use Area by Kowalewsky has been stabilized. Therefore it is the opinion of the undersigned that the Geologic Restricted Use Area ... is no longer relevant and may be removed.***

The applicants' geoconsultant, Alpine Geotechnical, has reviewed the previous reports in addition to performing additional tests and preparing an update and addendum, and have concluded:

The subject property is considered a suitable site for the proposed development from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed development will be safe against hazards from landslide, settlement or slippage, and that the proposed grading, seepage pits and development will not have an adverse effect on the geologic stability of the property or adjacent properties, outside the building site provided our recommendations are followed during construction.

Based on the conclusions of the geologic and soils reports, the Commission finds that the proposed development will be safe from geologic hazards if all recommendations of the geotechnical consultants are incorporated into the final project plans and designs. Accordingly, **Special Condition One (1)** requires the applicants to demonstrate to the Executive Director's satisfaction that all recommendations in the geologic reports are incorporated into the final plans and designs.

As discussed above, the Commission notes that the applicants' engineering consultants have indicated that the proposed development will serve to ensure relative geologic and structural stability on the subject site. However, the Commission recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting coastal and geotechnical engineers, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property.

The Commission finds that due to the possibility of seismic activity, erosion, landslide, flooding, and wildfire, the applicants shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicants to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicants' assumption of risk, as required by **Special Condition Five (5)**, when executed and recorded on the property deed, will show that the applicants are aware of and appreciates the nature of the hazards associated with development of the site, and that may adversely affect the stability or safety of the proposed development.

2. Erosion

Section 30253 of the Coastal Act states that new development shall not create or contribute significantly to erosion, in addition to other site stability issues addressed above. As stated above, drainage of the property is comprised of sheetflow runoff easterly down the contours of the site to the East Ramirez Canyon which may drain to Ramirze Canyon approximately 1000 feet from the site. Ramirez Canyon drains to the Pacific Ocean approximately ½-mile from the confluence of the site drainage and Ramirez Canyon.

The proposed project will increase the amount of impervious surfaces on the site, increasing both the volume and velocity of storm water runoff. If not controlled and conveyed off of the site in a non-erosive manner, this runoff will result in increased

erosion on and off the site. Increased erosion may result in sedimentation of the nearby stream on an interim basis and after construction.

Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams.

In order to ensure that the risks from geologic hazard, erosion, and sedimentation are minimized, a drainage plan is required as defined by **Special Condition Three (3)**. Special Condition 3 requires the implementation and maintenance of a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Additionally, the applicants must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Among the measures available to avoid erosion during and after construction are the implementation of rainy season controls such as the use of sediment basins (including debris basins, desilting basins, or silt traps) and the timely planting of appropriate, locally native landscape materials. These measures are among the requirements set forth in **Special ConditionTwo (2)**.

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

The proposed project will entail 1,360 cubic yards of grading (670 cu. yds cut, 690 cu. yds fill). Since no other grading is proposed, the Commission recognizes that there will be no excess excavated material, and therefore no potential for stockpiling of material or associated potential for erosion.

For the reasons cited above, the Commission finds that the proposed project as conditioned by Special Conditions 1, 2, 3, and 5 will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

3. Wild Fire

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

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

As a result of the hazardous conditions that exist for wildfires in the Santa Monica Mountains area, the Los Angeles County Fire Department requires the submittal of fuel modification plans for all new construction to reduce the threat of fires in high hazard areas. Typical fuel modification plans for development within the Santa Monica Mountains require setback, irrigation, and thinning zones that extend 200 feet from combustible structures. Off-site fuel modification is generally not recommended due to problems inherent with enforcement of regulations on adjacent property and the potential for confusion regarding responsibility for fuel modifications outside legal ownership. The 200-foot fuel modification zone around the proposed house site overlaps onto the neighboring properties (see Exhibit 11). Due to the siting of the proposed building location in proximity with the surrounding development, a majority of the fuel modification required as a result of the proposed residence overlaps existing fuel modification zones, thereby minimizing cumulative impacts to surrounding resources. Impacts to habitat as a result of additional fuel modification are addressed in Section D, Environmentally Sensitive Habitat Areas.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through **Special Condition Five (5)**, assumption of risk, the applicants acknowledge 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 5 the applicants agree to indemnify the Commission, its officers, agents and

employees against any and all claims, demands, damages, costs, expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk.

The Commission finds that only as conditioned by **Special Condition Five (5)** is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

C. Water Quality

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

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

The applicants propose to construct a new 4,062 sq. ft., 24 ft. high above existing grade, two-story, single family residence with 462 sq. ft. attached garage, septic system, motor court, pool, and 1,360 cu. yds. of grading (670 cu. yds. cut, 690 cu. yds fill).

As noted previously, the applicants' parcel drains easterly into East Ramirez Canyon, a designated USGS blueline stream, intersecting with Ramirez Canyon approximately 1,000 feet downgradient from the site, and reaching the Pacific Ocean approximately ½-mile from the intersection of Ramirez Canyon and East Ramirez Canyon.

The proposed redevelopment of the site will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing

algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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

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

The project is conditioned, under **Special Condition Three (3)**, to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicants must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the

BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition 3, and finds that this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine resource protection policies of the Coastal Act.

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

Finally, the proposed development includes installation of an on-site septic system with a 3,000 gallon tank to serve the residence. The 3,000 gallon septic tank will be located on the north side of the proposed building site. Effluent will be diverted to two seepage pits. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concluded that the septic system is feasible and that the seepage pits will not have an adverse effect on the geologic stability of the property or adjacent properties provided that the geoconsultant's recommendations are followed. The City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

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

D. Environmentally Sensitive Habitat Area

Section 30230 of the Coastal Act states:

> ***Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.***

Section 30231 of the Coastal Act states that:

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

waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

The applicants propose to construct a new 4,062 sq. ft., 24 ft. high above existing grade, two-story, single family residence with 462 sq. ft. attached garage, septic system, motor court, pool, and 1,360 cu. yds. of grading (670 cu. yds. cut, 690 cu. yds fill).

With the exception of a very small area of riparian area surrounding Ramirez Canyon that is designated as Locally Disturbed Resources in the westernmost tip of the parcel, there are no designated environmentally sensitive habitat areas (ESHAs) mapped at the project site. The East Ramirez Canyon stream area is highly disturbed with a mixture of introduced ornamental plants, most notably the stands of eucalyptus trees. During a site visit in December 1999 (in conjunction with a previously proposed project), Commission staff noted that Monarch butterflies were utilizing the Eucalyptus trees along the eastern drainage for overwintering, or resting purposes. The actual value of the project site in terms of its role in the migratory process has not been determined through direct study by a qualified specialist; however, in recognition of the potential habitat value of the eucalyptus trees, the applicants propose to preserve the existing native landscaping and eucalyptus trees for butterfly habitat (see Exhibit 10, Exhibit 12).

Monarch butterflies are migratory, making their appearance along the California Coast in early October, when the chill of fall and decline in nectar signal the need to migrate south. Monarch butterflies seek shelter in groves of trees, including *Eucalyptus* species, that provide a suitable microclimate by influencing conditions such as the degree of protection from wind, humidity, amount of sunlight, time of day sunlight penetrates, and temperature. Butterflies will form dense clusters on the trees, each individual hanging with its wings down over the one below it. Monarchs will leave these clusters to search for food on warm, calm winter days, regrouping as the day cools. Monarch clusters were

noted by staff on the eucalyptus at this site. Therefore the Commission recognizes the eucalyptus groves at this site as a unique and sensitive habitat area.

The Commission recognizes that emissions from fireplace chimneys (smoke, heat, burning embers, and carbon dioxide) in the vicinity of roosting monarchs can cause disturbance to the butterflies. This may lead to increased flight activity, emigration, mortality, and reduced colony stability. Therefore, the project has the potential to adversely impact the habitat value of the eucalyptus groves. To ensure that adverse impacts to these sensitive environmental resources as a result of chimney emissions are avoided, the Commission imposes **Special Condition Seven (7)** requiring any fireplaces, stoves, or firepits on the site to be non-woodburning.

The proposed development will be located upslope and approximately 90 ft. from the centerline of the eastern drainage. Portions of the proposed development are as close as 35 feet to the westernmost stand of eucalyptus (Exhibit 10). The development is sited in the building location approved under the original permit and permit amendment. Additionally, the house is sited closest to the western parcel boundary and therefore is clustered with the existing development on surrounding properties and is located away from the eastern drainage area and eucalyptus stands. As such, the Commission finds that the proposed building site is the most feasible site for the residence with the least impact to the surrounding sensitive resources and that relocation of the proposed development site would not accommodate any less environmentally damaging alternative building location.

The applicants have worked with staff to avoid impacts to the eucalyptus trees on site as evidenced by the fuel modification / landscape plan. The applicants have submitted a preliminary Fuel Modification Plan that proposes to preserve the main grove of eucalyptus trees, along the drainage course on the east end of the property (Exhibit 10). In addition, the applicants have worked with the Fire Department to maintain most of the eucalyptus trees in the western stand near the building pad area. Eucalyptus trees are extremely flammable, and therefore the Fire Department is requiring trimming of the trees in the western stand and the removal of two eucalyptus trees near the proposed residence to maintain separation of eucalyptus groups. Because of the location of the western grove of eucalyptus and their known contribution to fire hazard, the Commission finds that the reduction in size or reorientation of the proposed residence would not serve to provide a significantly larger setback to avoid trimming and removal. The Commission finds that the applicants' proposal to preserve all of the eucalyptus trees on the site, with the exception of two trees near the residence, is protective of sensitive vegetation at the project site. To ensure that these sensitive resources remain protected, the Commission requires, under **Special Condition Two (2)**, the submission of a Final Fuel Modification Plan, authorized by the County of Los Angeles Fire Department and subject to Executive Director approval.

The Commission also notes that the Fuel Modification Plan submitted for the proposed project illustrates the zone requirements for vegetation removal and thinning for fire protection of the proposed structure. In the case of the proposed project, the County of Los Angeles Fire Department Fuel Modification Unit is imposing the normally required

200 ft. radius fuel modification area. The 200-foot fuel modification zone around the proposed house site overlaps onto the neighboring properties (see Exhibit 11). Due to the siting of the proposed building location in proximity with the surrounding development, a majority of the fuel modification required as a result of the proposed residence overlaps existing fuel modification zones, thereby minimizing cumulative impacts to surrounding resources. In addition, the new areas within the fuel modification zone are disturbed and therefore fuel modification requirements in this zone would have minimal impact to native habitat. Therefore, the Commission finds that the applicants have sited and designed the proposed residence to minimize cumulative impacts to surrounding vegetation and native habitat.

The proposed project includes approximately 1,360 cu. yds. of grading. Grading activities at the project site have the potential to increase erosion on site and increase sedimentation into the natural drainage course and downstream areas. The Commission finds that minimizing site erosion will reduce the project's individual and cumulative potential to adversely affect the native habitat associated with the natural drainage course, as well as sensitive resources located downstream of the project site. To avoid loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and runoff control devices and implementation of the landscaping and interim erosion control plans, the Commission imposes **Special Condition Four (4)** which addresses the timing of removal of vegetation for fuel modification purposes. Special Condition 4 requires removal or thinning of natural vegetation for fuel modification purposes to occur after grading or building permits have been secured from the local government and construction of the permitted development has commenced.

Section 30231 of the Coastal Act specifies that the quality of coastal waters be protected through various measures including maintaining natural vegetation buffer areas that protect riparian habitats and minimizing alteration of natural streams. The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development.

The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition Two (2)** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. The landscaping of the disturbed and graded areas of the subject site with such native plant species will assist in preventing erosion, displacement of native plant species by non-native or invasive species, and serve to protect downgradient riparian communities.

Due to the unique nature of the subject site, the Commission finds that the amount and location of any new development on the subject site is significantly limited by the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, or landscaping that may otherwise be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition Six (6)**, the future development deed restriction, is required.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

E. Visual Resources/Landform Alteration

Section 3025l of the Coastal Act states that:

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

The applicants propose to construct a new 4,062 sq. ft., 24 ft. high above existing grade, two-story, single family residence with 462 sq. ft. attached garage, septic system, motor court, pool, and 1,360 cu. yds. of grading (670 cu. yds. cut, 690 cu. yds fill), primarily to step the structure into the hillside. To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations from which the proposed development is visible, such as scenic highways, beaches, parks and trails. The Commission typically also examines the building site, building design and size of the structure.

The subject lot is located along the nose of a ridge between Ramirez Canyon and east Ramirez Canyon approximately ¼-mile north of Pacific Coast Highway and is not visible from any public viewing areas. The proposed building site is on a gentle southeast-facing slope and is consistent with the location approved in the original subdivision permit and permit amendment. Slopes descend easterly from the building location to East Ramirez Canyon, a designated blueline stream on the U.S. Geological Survey (USGS) quadrangle maps. Maximum topographic relief is on the order of 50 feet between the uppermost portion of the building site and the stream. Vegetation on the site consists of primarily non-native grass in the area of the proposed building site and other ornamental shrubs and trees, including eucalyptus habitat. The building site area has been disked for fuel modification for the residences located on the adjacent lots to the north and west.

In the original subdivision permit (CDP 5-89-957), 4,000 cubic yards of grading was approved for the construction of two access driveways and building pads on three of the lots. The subject parcel was allotted 1,100 cubic yards of grading (400 cu. yds. cut, 700 cu. yds. fill) for the building pad and driveway and received approval for an

approximately 7,200 sq. ft. graded pad. In 1991, in conjunction with a Coastal Development Permit application to construct a 7,264 sq. ft. single family residence, the subdivision permit was amended to re-site the residence and reduce the amount of grading on the subject parcel. Under this amendment (5-89-957A), the development footprint was extended further eastward on the site but with a reduction in grading, down to a total of 44 cubic yards of cut grading. The residence proposed in the 1991 application was designed with a raised foundation and stepped footings which would allow the structure to follow the contours of the hillside.

Under the present application, 1,360 cubic yards of grading is proposed on an approximately 6,000 square foot building pad. The proposed building pad is a stepped design that consists of an excavated lower terrace to support ground floor uses, a mid-level pad for the garage, and an upper terrace where the upper floor and pool are located. The proposed terraces will be supported by a retaining wall system with maximum wall heights not to exceed six feet. The proposed building pad improvements require 420 cubic yards of total grading (320 cu. yds. cut, 100 cu. yds. fill), and the proposed terraces and fire department turnaround area require 940 cubic yards of grading.

The applicants have minimized the potential visual impact of the proposed residence by excavating the residence into the hillside in a split level design. The applicants have also minimized grading through the use of a stepped building pad design. The Commission finds that the applicants have sited and designed the proposed residence to minimize grading and landform alteration and minimize the visual impact of the structure as seen from public view areas.

In summary, the proposed project will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

F. Local Coastal Program

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain

conditions are incorporated into the project and accepted by the applicants. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

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

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

EXHIBIT 1
4-00-277
Vicinity Map

4467	5
SCALE 1" =	200'

1992

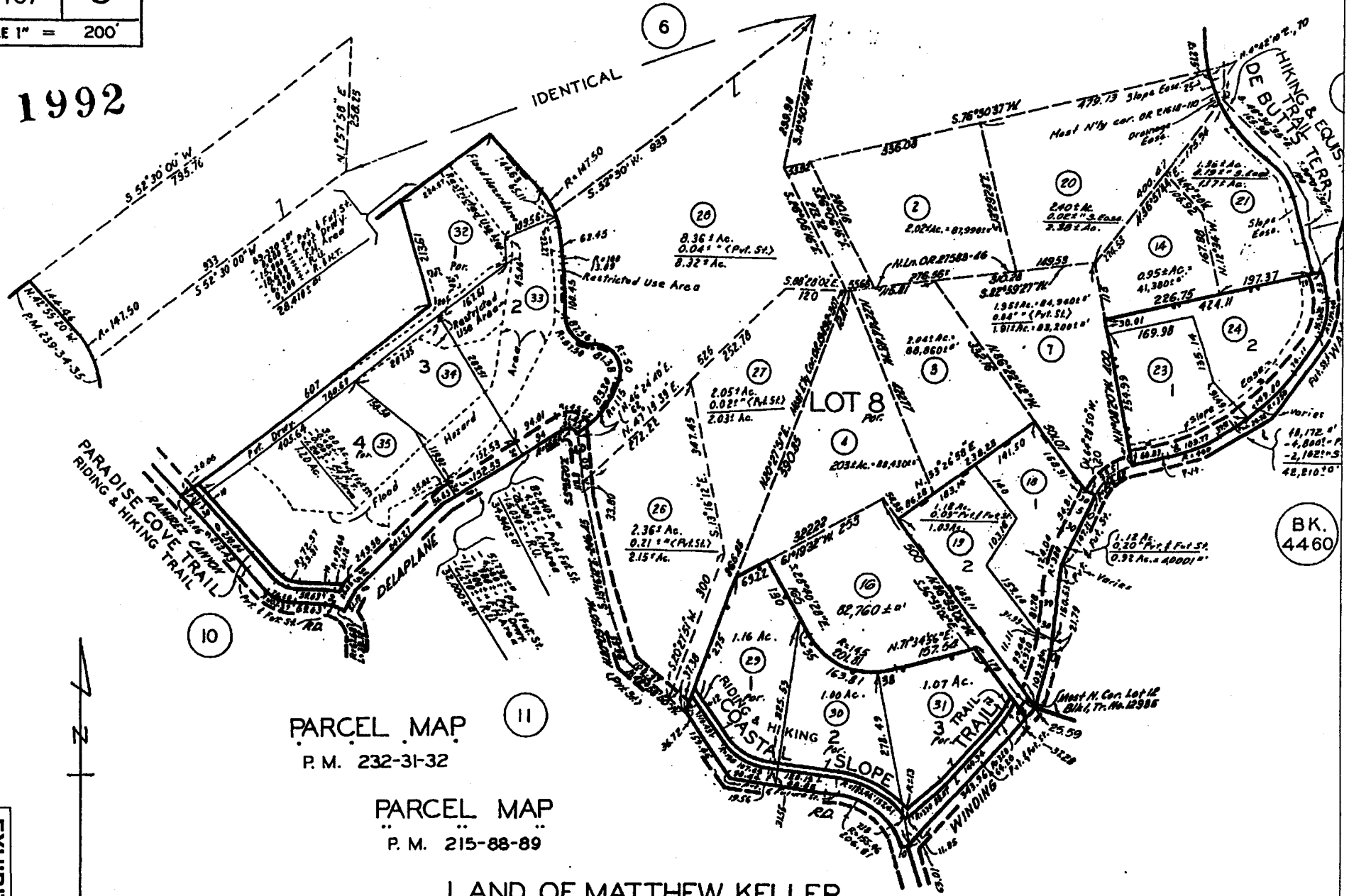

EXHIBIT 2
4-00-277
Parcel Map

FOR PREV. ASSM'T. SEE:
- 5

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SETBACK CALCULATION TABLE

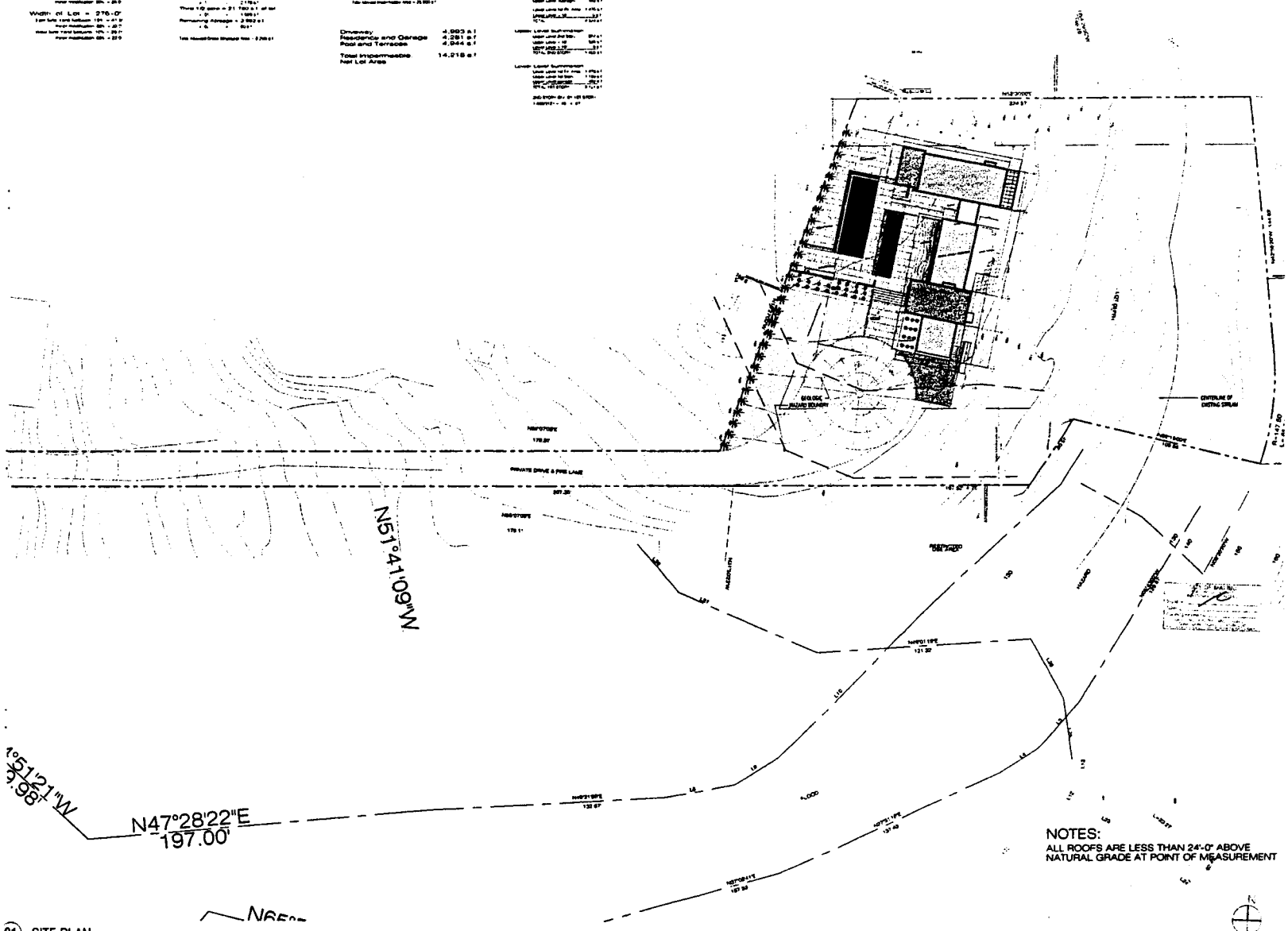
PERMITTED GROSS STRUCTURAL AREA

IMPERMEABLE COVERAGE TABLE

Driveway	4,993 s.f.
Residence and Garage	4,281 s.f.
Pool and Terraces	4,944 s.f.
Total Impermeable	14,218 s.f.
Net Lot Area	

FLOOR AREA SUMMATION

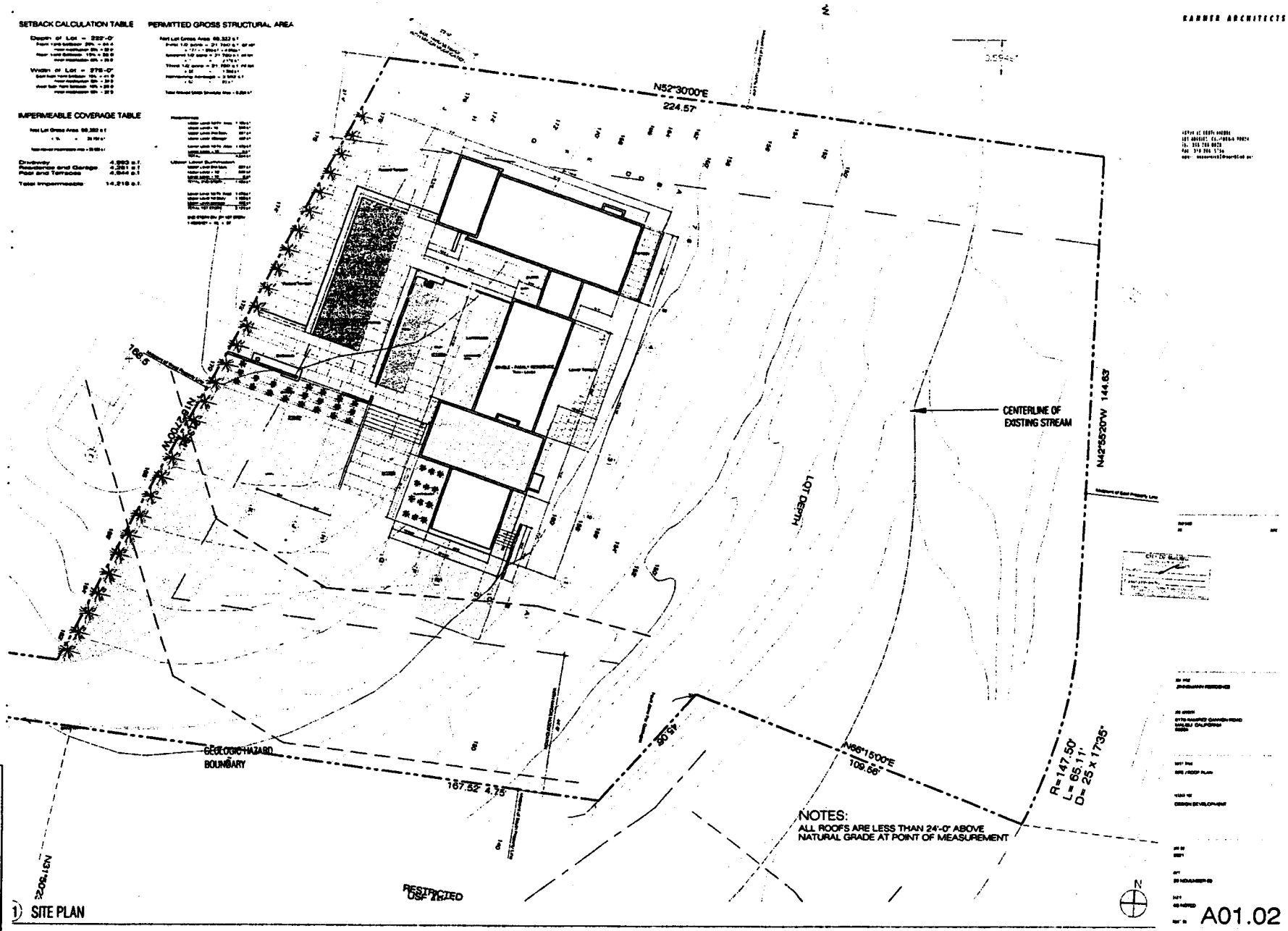
KANNER ARCHITECTS



01 SITE PLAN

A01.01

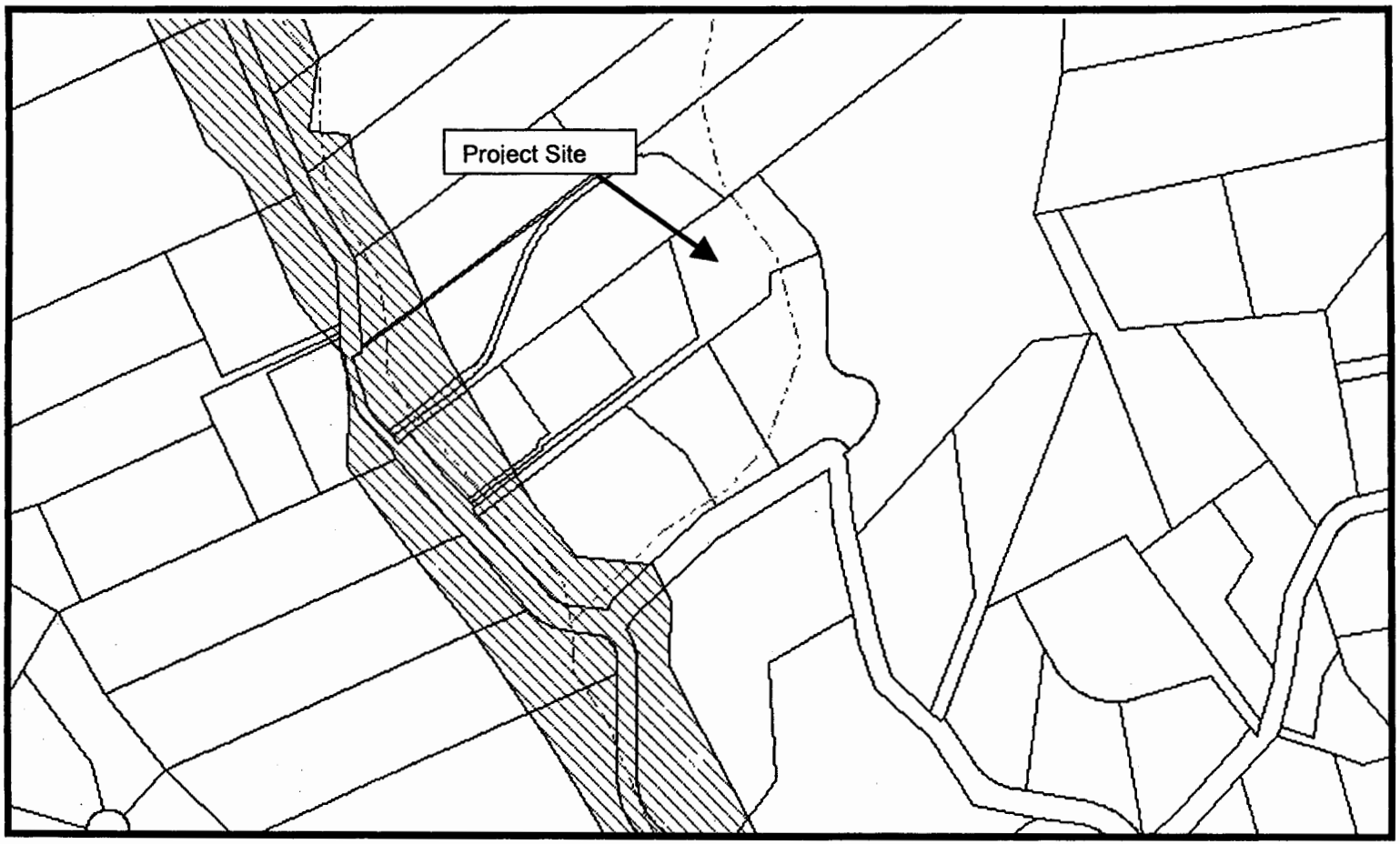
EXHIBIT 3
4-00-277
Site Plan



1) SITE PLAN

A01.02

EXHIBIT 4
4-00-277
Detailed Site Plan



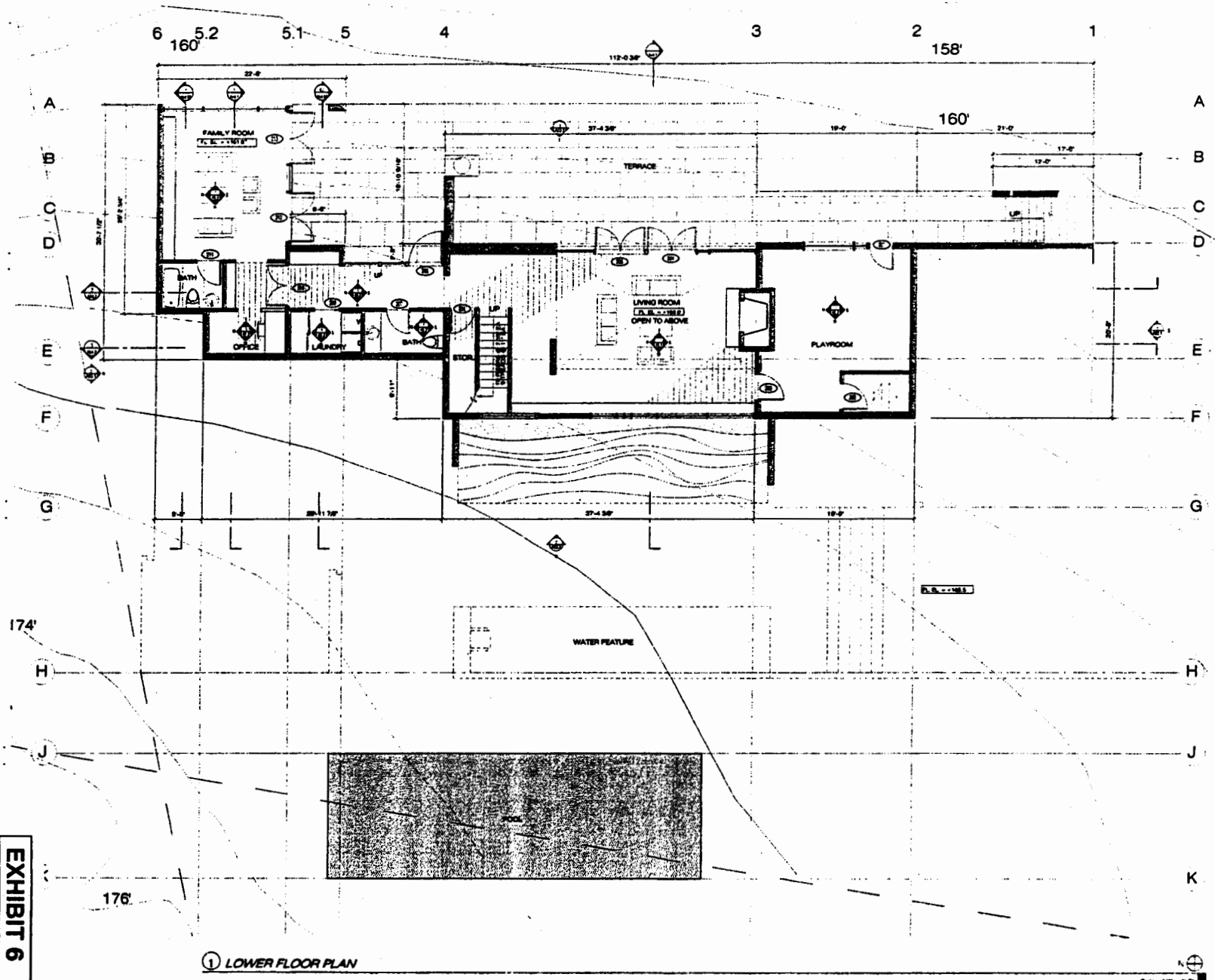
Environmentally Sensitive Habitat Areas (ESHA)

Locally Disturbed Resources

U.S. Geological Survey Blueline Stream

N

EXHIBIT 5
4-00-277
LUP Map Designations

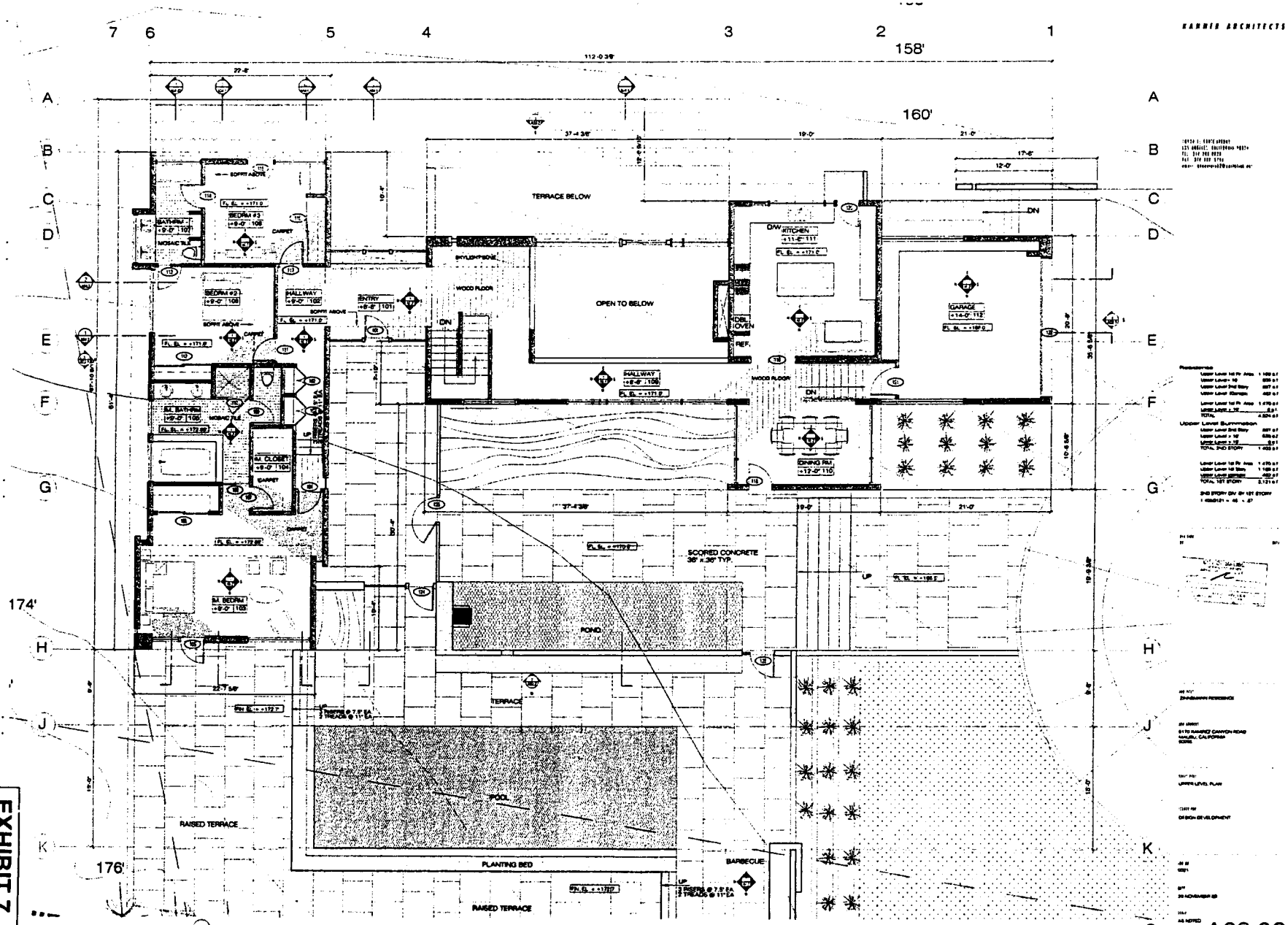


① LOWER FLOOR PLAN

HANNER ARCHITECTS

A02.04

EXHIBIT 6
4-00-277
Lower Level Floor Plan



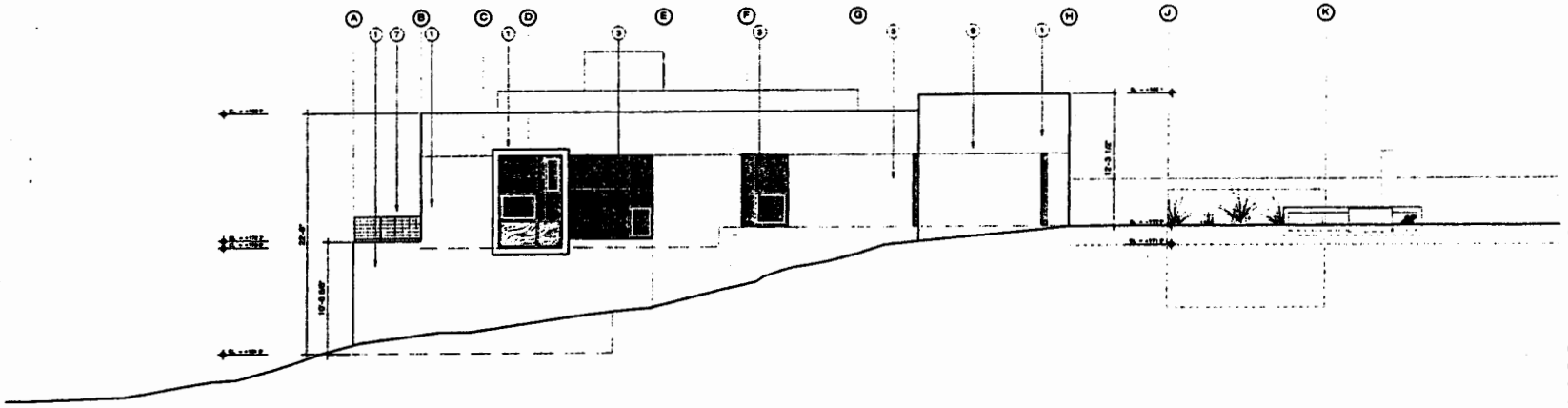
1 UPPER FLOOR PLAN

KANNER ARCHITECTS

A02.03

EXHIBIT 7
4-00-277
Upper Level Floor Plan

BARBER ARCHITECTS

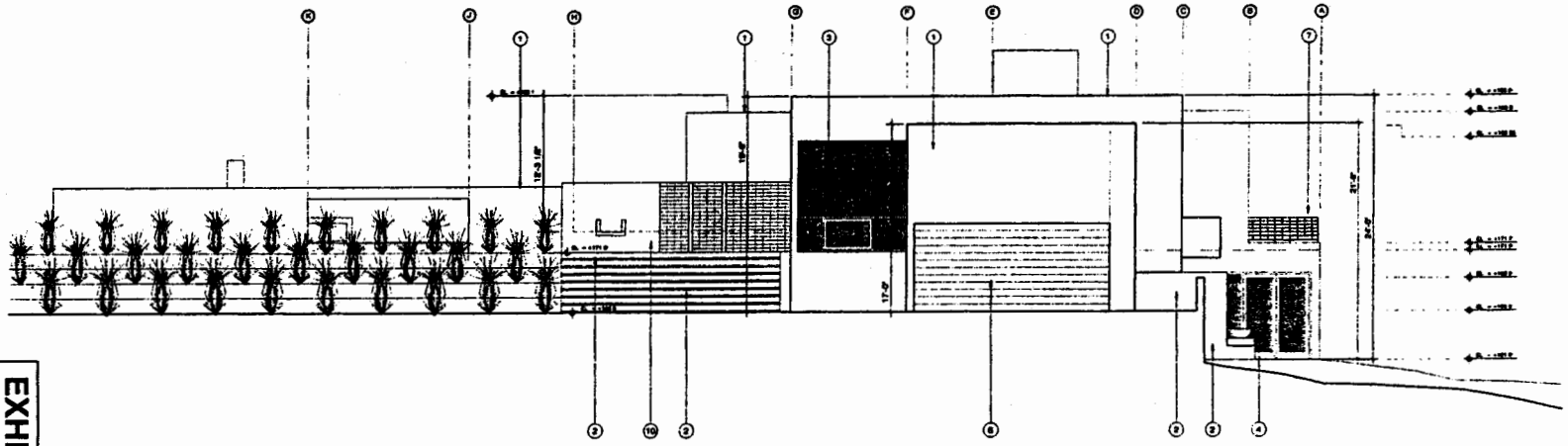


LEGEND

1. 30/60 Stucco Cement Plaster 7/8" PA Steel Trowelled Finish
2. Concrete Poured in Place
3. Glass Window assembly glazed with Douglas Fir Wood Mullion Beamed Profile Members
4. Wood / Glass Door
5. Wood / Glass Sliding Door
6. Wood Roll-up Door
7. Corten Steel Railing System
8. Douglas Fir Wood Panel
9. Metal Reveal
10. Corten Steel Screenwork

② NORTH ELEVATION

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



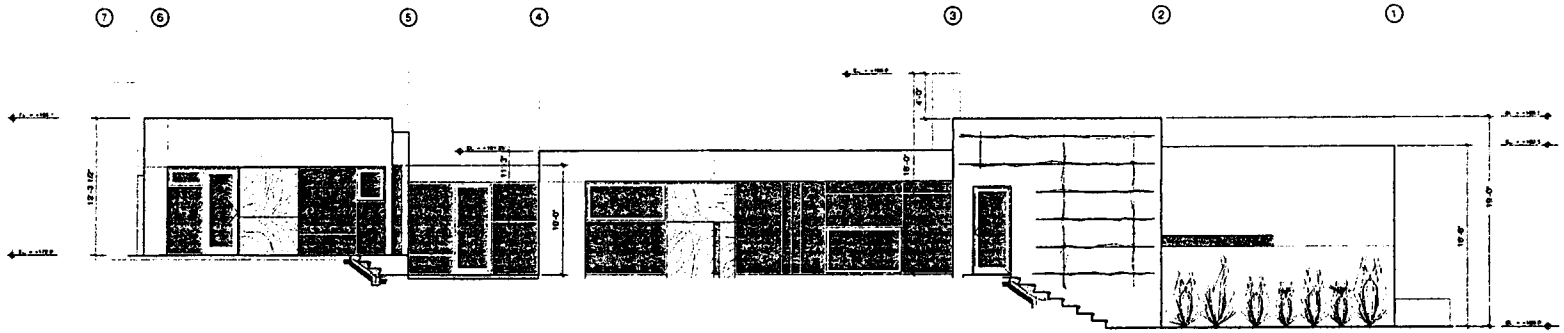
① SOUTH ELEVATION

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

ZAHRMANN RESIDENCE

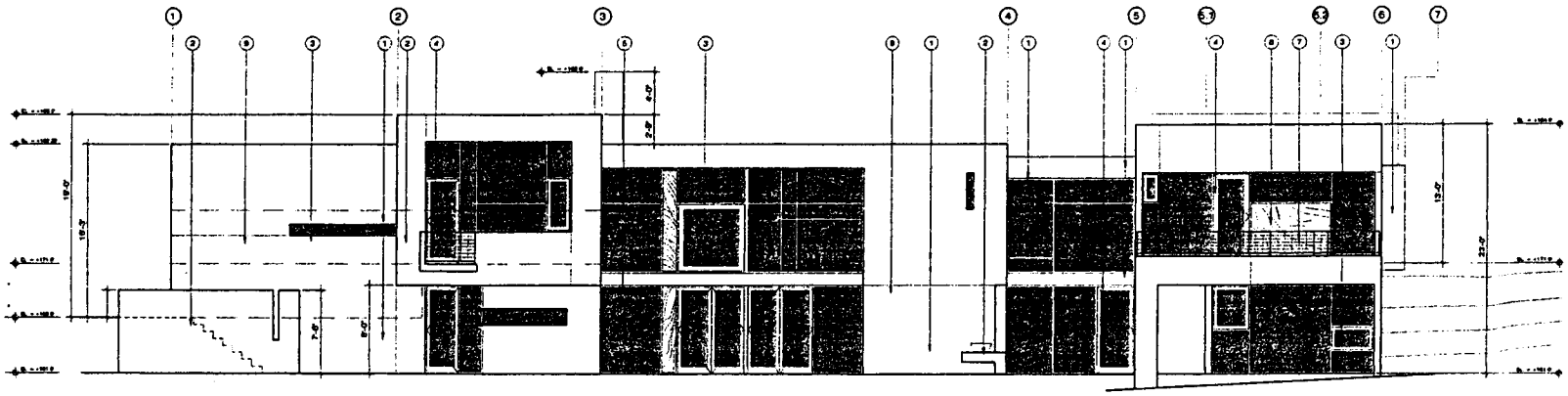
North / South Elevation

A03.01



② WEST ELEVATION

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



① EAST ELEVATION

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

LEGEND

1. 3080 Stica Cement Plaster 7/8" thk. Steel Troweled Finish
2. Concrete Poured in Place
3. Glass Window Module glazed with Douglas Fir Wood Mullion Squared Profile Members
4. Wood / Glass Door
5. Wood / Glass Sliding Door
6. Wood Roll-Up Door
7. Corten Steel Railing System
8. Douglas Fir Wood Panel
9. Metal Reveal
10. Corten Steel Screenwork

East Elevation - ALTERNATE 'A'

DESIGN DEVELOPMENT

A03.02

EXHIBIT 9
4-00-277
Elevations

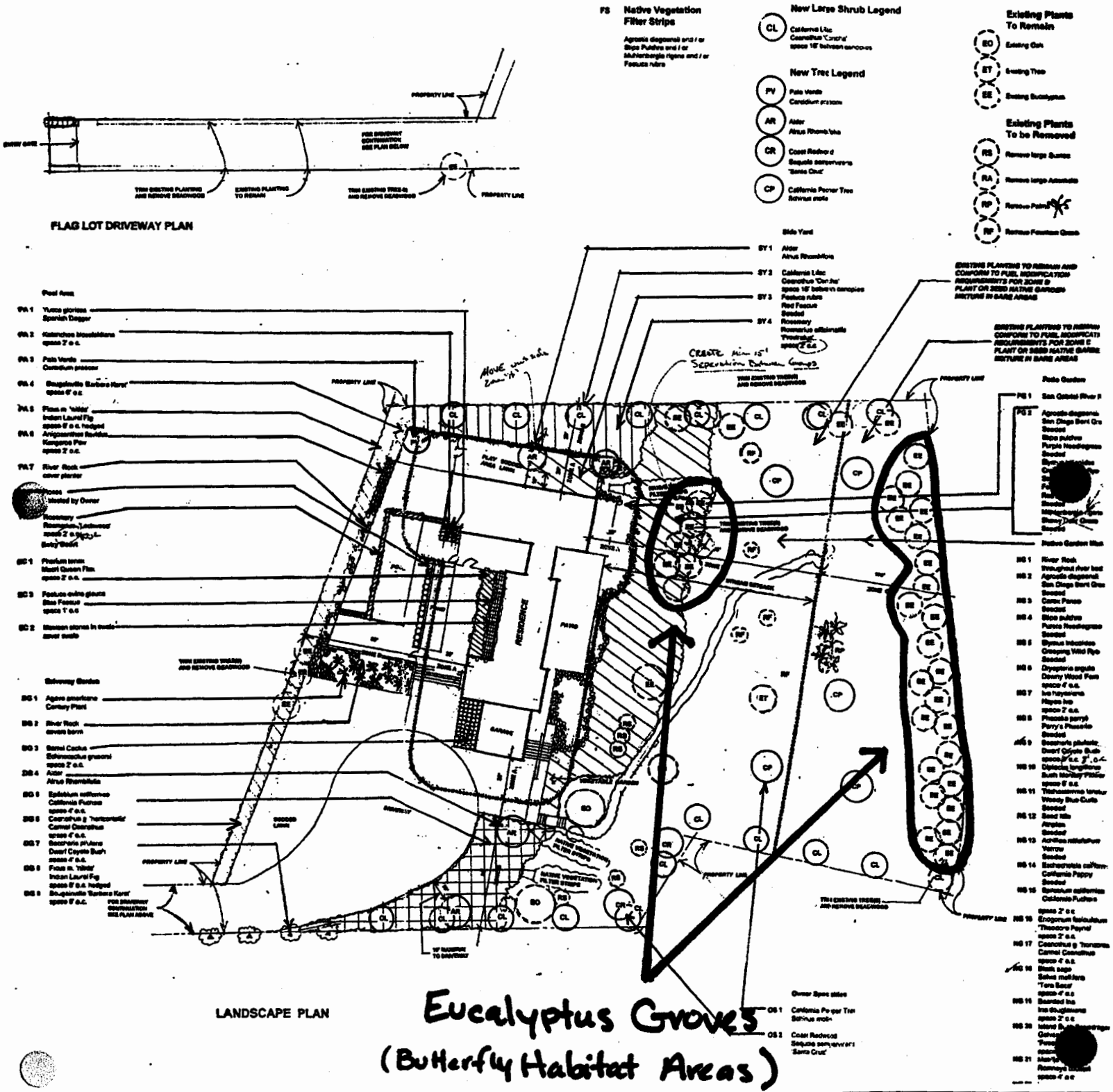
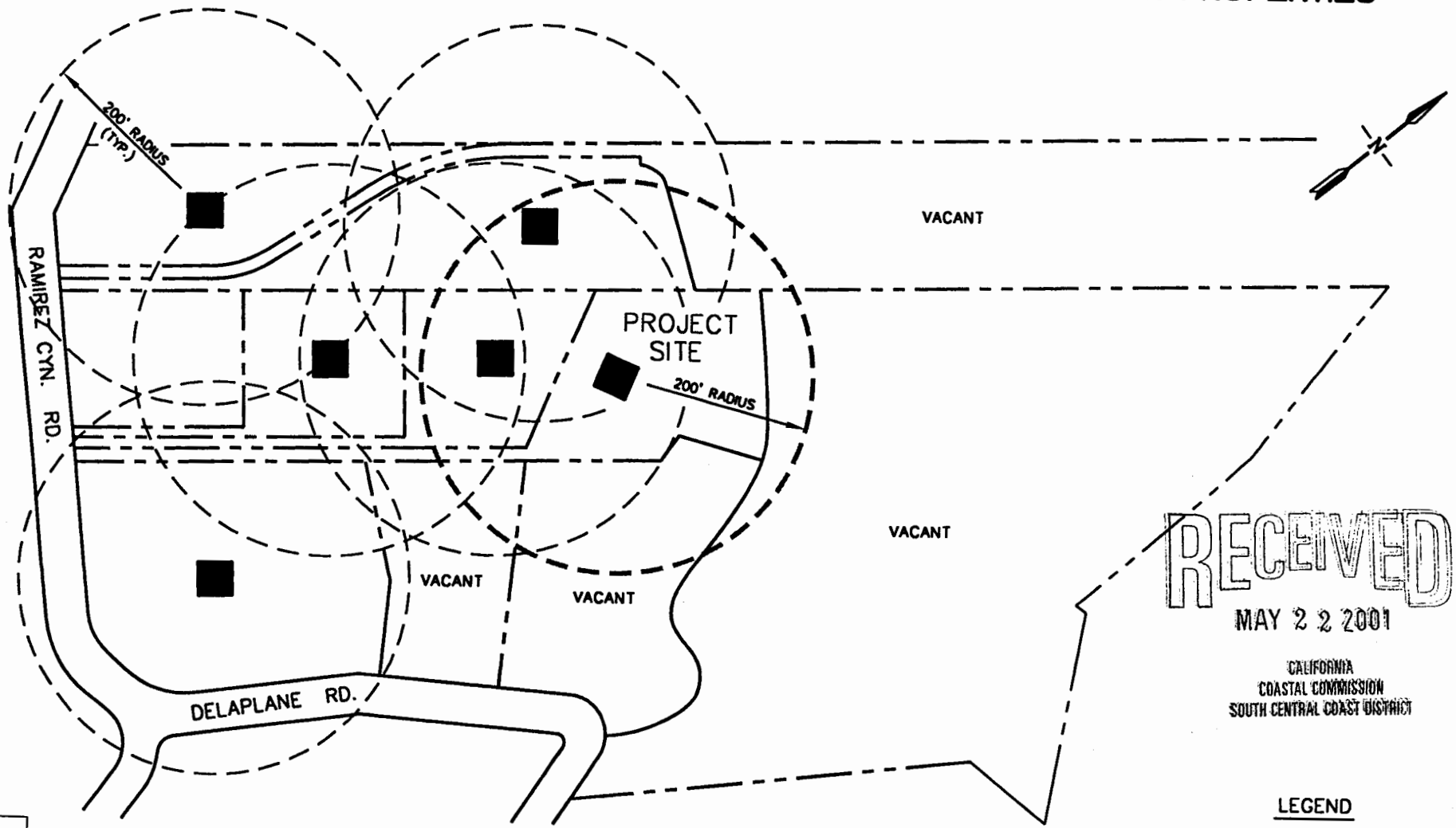


EXHIBIT 10

4-00-277

Fuel Modification Plan

4-00-277 (ZINNEMANN) FUEL MODIFICATION ZONES: ADJACENT PROPERTIES



LEGEND

■ EXISTING RESIDENCE APPROX. 40'X40'

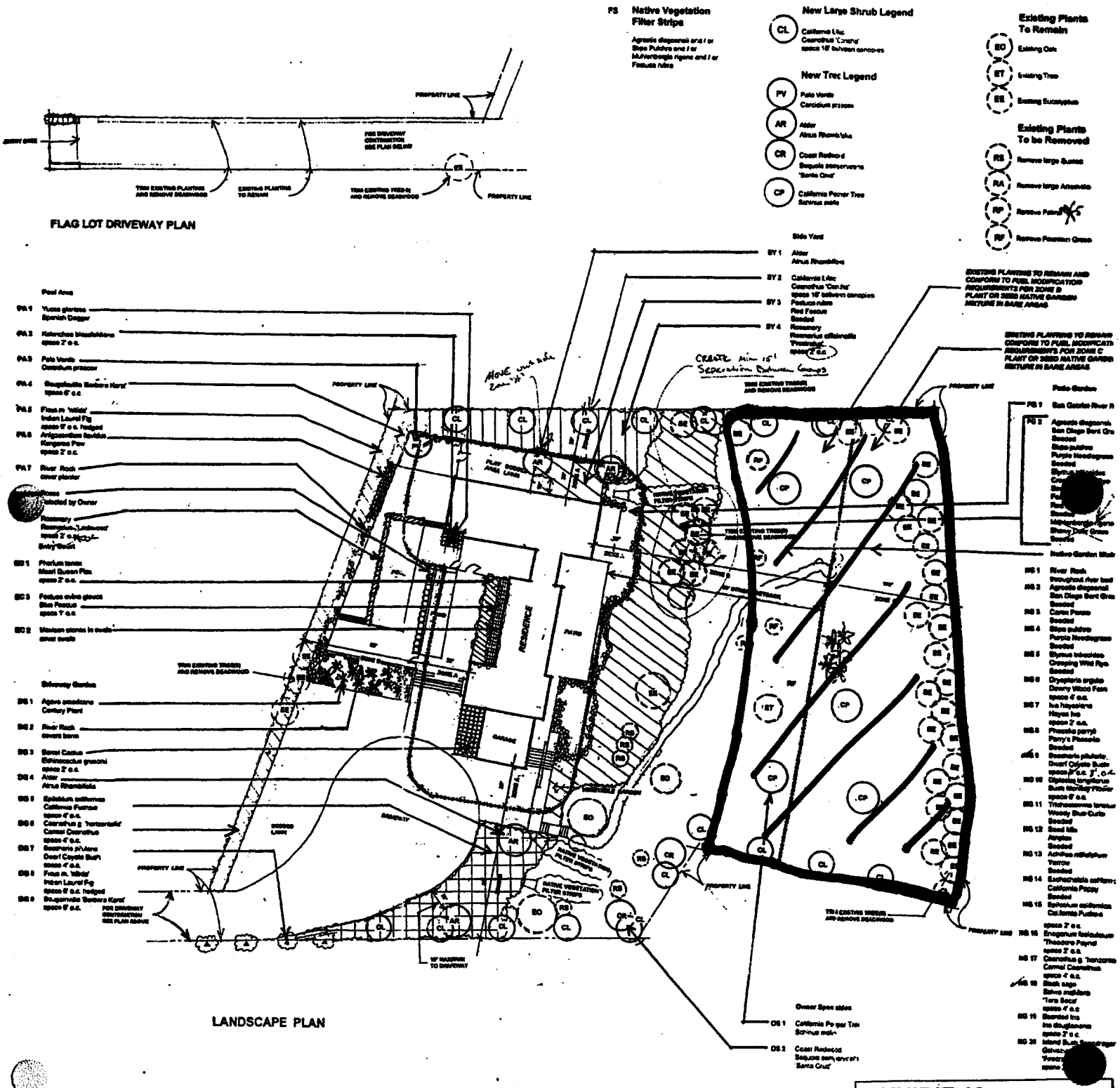
200 FT. FUEL MODIFICATION ZONE AROUND EXISTING RESIDENCE

VACANT = VACANT PARCEL

:: 1" = 175'

EXHIBIT 11
4-00-277
Brush Clearance Map

FLAG LOT DRIVEWAY PLAN



LANDSCAPE PLAN

EXHIBIT 12

4-00-277

Eucalyptus Tree / Butterfly Habitat Preservation Area