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E OF CALIFORNIA -- THE RESOURCES AGENCY

GRAY DAVIS, *Governor*

ALIFORNIA COASTAL COMMISSION
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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO. 4-00-278

APPLICANT: Robert Hirsch

PROJECT LOCATION: 24842 W. Brown Latigo Road, Los Angeles County

PROJECT DESCRIPTION: Construction of a new 2,900 sq. ft., 32 ft. high above existing grade, single-story, single family residence with 400 sq. ft. attached garage, septic system, retaining walls, paved driveway, and 500 cu. yds. of grading (225 cu. yds. fill, 275 cu. yds cut).

Lot Area:	263,103 sq. ft. (6 acres)
Building Coverage:	3,300 sq. ft.
Pavement Coverage:	6,000 sq. ft.
Landscaped Area:	500 sq. ft.
Parking Spaces:	5
Height above existing grade:	32 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval In Concept, dated 7/31/00; County of Los Angeles, Fire Department, Fire Protection Engineering, Preliminary Approval, dated 2/5/01; County of Los Angeles, Fire Department, Fire Prevention Bureau, Preliminary Fuel Modification Plan Approval, dated 6/5/01.

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 eight (8) special conditions regarding (1) Conformance with Geologic Recommendations, (2) Landscaping and Erosion Control, (3) Removal of Excavated Material, (4) Drainage and Polluted Runoff, (5) Wildfire Waiver, (6) Removal of Natural Vegetation, (7) Color Restriction, (8) Future Improvements Deed Restriction.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (1986); Updated Geologic and Geotechnical Engineering Report for Proposed Single-Family Residence, West End of Brown Latigo Road, Saddle Peak Area, County of Los Angeles (Gold Coast GeoServices, Inc., 10/10/00); Percolation Test and Septic Design Report for Proposed Single-Family Residence, 24853 Brown Latigo Road, Saddle Peak Area (Gold Coast GeoServices, Inc., 10/11/00); Updated Geologic/ Geotechnical Engineering Report, Proposed Single Family Residence, Six Acre Parcel on Brown Latigo Road (Gold Coast GeoServices, Inc., 9/20/99); Updated Geologic/ Geotechnical Engineering Report, Proposed Single Family Residence, Six Acre Parcel on Brown Latigo Road (Gold Coast GeoServices, Inc., 9/30/98); Geologic and Geotechnical Engineering Report for Proposed Single Family Residence (Gold Coast GeoServices, Inc., 5/15/96);

II. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit No. 4-00-278 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 *Updated Geologic and Geotechnical Engineering Report for Proposed Single-Family Residence (Gold Coast GeoServices, Inc., 10/10/00); Updated Geologic/ Geotechnical Engineering Report, Proposed Single Family Residence, Six Acre Parcel on Brown Latigo Road (Gold Coast GeoServices, Inc., 9/20/99); Updated Geologic / Geotechnical Engineering Report, Proposed Single Family Residence (Gold Coast GeoServices, Inc., 9/30/98); Geologic and Geotechnical Engineering Report for Proposed Single Family Residence (Gold Coast GeoServices, Inc., 5/15/96)* shall be incorporated into all final design and construction including recommendations concerning site preparation, fill placement, shrinkage and bulking, import material, cut slopes and excavations, building area removal depth, excavation characteristics, fill slope construction, erosion control, site drainage, natural areas, foundation systems, septic system, retaining walls, seismicity and seismic design, and plan review. All plans must be reviewed and approved by the geotechnical consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval 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 applicant 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 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel

modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

(1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

(2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion 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 applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape

Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

3. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

4. Drainage and Polluted Runoff Control Plan

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, two (2) sets of 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 plans shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

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

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

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

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

result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

5. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

6. 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.

7. Color Restriction

The color of the structures, roofs, walls, and driveways permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the 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.

8. Future Improvements Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-00-278. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) 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 4-00-278, 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. 4-00-278 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 applicant 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 applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this Coastal Development Permit.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description and Background

The project site is a vacant 6-acre parcel located in a gated community accessed from Piuma Road via West Saddle Peak Road, Loma Metisse Road, and Brown Latigo Road in the Santa Monica Mountains (Exhibit 1). The subject parcel is bordered by privately owned land to the north, south, and east and is bordered by State Lands to the west (Exhibit 2). The area surrounding the project site is characterized by natural hillside terrain and is moderately developed with custom single family residences.

The applicant proposes to construct a new 2,900 sq. ft., 32 ft. high above existing grade, single-story, single family residence with 400 sq. ft. attached three-car garage, septic system, retaining walls, and paved driveway. The project proposal also includes 500 cu. yds. (225 cu. yds. fill, 275 cu. yds cut) of grading, primarily to develop the driveway. (Exhibits 3-8)

The residence is proposed on an approximately 9,748 square foot level pad on a hilltop in the northwest portion of the subject parcel. Geology reports submitted for the proposed development indicate that the building site contains artificial fill and other indications of past grading activities. The applicant's geotechnical consultant provided a copy of the 1969 site conditions as shown from a L.A. County Survey Division File Map. The geoconsultant has certified, via correspondence dated February 8, 2001, that the 1969 map shows the same site topographic conditions as they presently exist.

Except for the existing building pad, the subject parcel is comprised of moderate to steep hillside terrain. Slopes in the area of the planned building site vary, from the 1½:1 cut slopes ascending northerly from the building site, to 2:1 fill slopes descending along

the southerly side of the building pad area. Steep, high slopes within the confluence of Dark Canyon descend about 100 feet south of the planned building site.

Parcel runoff is by topographically controlled sheetflow which flows south-southwesterly into a drainage course that is tributary to Dark Canyon, a U. S. Geological Survey (USGS) designated blueline stream, located approximately ½-mile downgradient of the subject site. Dark Canyon drains into Cold Creek Canyon, a USGS blueline stream, which subsequently drains to Malibu Creek, also a designated USGS blueline stream. Malibu Creek drains into Malibu Lagoon, an area designated as an Environmentally Sensitive Habitat Area (ESHA) on the Certified Malibu/Santa Monica Mountains Land Use Plan (LUP) maps, and ultimately reaches the Pacific Ocean greater than six miles downgradient of the subject parcel.

The project site is located on the periphery within the Cold Creek Resource Management Area (Exhibit 3). Vegetation at the project site is disturbed in the vicinity of the existing building pad due to previous grading operations (prior to the Coastal Act) and fuel modification requirements associated with Brown Latigo Road. There are no designated environmentally sensitive habitat areas mapped at the project site; however, the descending slopes south of the building site which have not been previously disturbed for fuel modification purposes support extensive native vegetation and natural habitat. The parcel to the south has been found to contain a unique inland wetland habitat characterized by a sensitive natural foliage and seasonal pond that drains to a tributary that crosses onto the subject site in the southeast corner and ultimately drains to Dark Canyon (Coastal Development Permit 4-99-190 Mahoney). The proposed project, including a 200-foot fuel modification zone for the proposed house, does not encroach into the sensitive habitat area (Exhibit 8).

The Fuel Modification Plan submitted by the applicant, and approved by the L.A. County Fire Department, for the proposed project indicates that no off-site brush clearance will be required on the property to the west that is owned by California State Parks (Exhibit 8). Impacts to native habitat as a result of additional fuel modification are addressed in Section D, Environmentally Sensitive Habitat Areas.

As mentioned, the identified building site for the proposed development is an existing building pad located on a hilltop. The existing building pad is highly visible from several scenic public viewing areas and lookout points along Piuma Road, a designated scenic highway. Visual impacts are addressed further in Section E. Visual Resources.

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 applicant proposes to construct a new 2,900 sq. ft., 32 ft. high above existing grade, single-story, single family residence with 400 sq. ft. attached three-car garage, septic system, retaining walls, paved driveway, and 500 cu. yds. (225 cu. yds. fill, 275 cu. yds cut) of grading.

The applicant has submitted several documents regarding the on-site geologic conditions, including: *Updated Geologic and Geotechnical Engineering Report for Proposed Single-Family Residence (Gold Coast GeoServices, Inc., 10/10/00); Updated Geologic/ Geotechnical Engineering Report, Proposed Single Family Residence, Six Acre Parcel on Brown Latigo Road (Gold Coast GeoServices, Inc., 9/20/99); Updated Geologic / Geotechnical Engineering Report, Proposed Single Family Residence (Gold Coast GeoServices, Inc., 9/30/98); Geologic and Geotechnical Engineering Report for Proposed Single Family Residence (Gold Coast GeoServices, Inc., 5/15/96).* These reports make numerous recommendations regarding site preparation, fill placement, shrinkage and bulking, import material, cut slopes and excavations, building area removal depth, excavation characteristics, fill slope construction, erosion control, site drainage, natural areas, foundation systems, septic system, retaining walls, seismicity and seismic design, and plan review. The reports conclude that the site is suitable for the intended use provided that the recommendations of the geotechnical consultant are incorporated into the design and subsequent construction of the project.

In addition the geotechnical consultant's review of the building site and proposed project plans, the consultants have reviewed the site to determine an adequate site for the proposed private sewage disposal system which will service the new residence. The October 11, 2000 Gold Coast GeoServices, Inc. report presents percolation test date and septic system design information for the proposed residence. The consultants found that the site and proposed location for the sewage disposal system is feasible, and the October 10, 2000 Gold Coast GeoServices, Inc. report states:

It is our finding that the site of the proposed seepage pit is suitable from an engineering geologic standpoint, and that the sustained use of the seepage pit will not adversely impact the safety or stability of the slopes on or adjacent to the property.

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

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 is by topographically controlled sheetflow which flows south-southwesterly into a drainage course that is tributary to Dark Canyon, a U. S. Geological Survey (USGS) designated blueline stream, located approximately ½-mile downgradient of the subject site. Dark Canyon drains to Cold Creek Canyon, to Malibu Creek, and into Malibu Lagoon, an area designated as an Environmentally Sensitive Habitat Area (ESHA) on the Certified Malibu/Santa Monica Mountains Land Use Plan (LUP) maps. This drainage route reaches the Pacific Ocean greater than six miles downgradient of the subject parcel.

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 creek on an interim basis and after construction. Additionally, the consulting geologist recommended in the October 10, 2000 report that all surface water drainage from the building pad be directed away from the residence and from the slopes to an approved drainage disposal area.

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 Four (4)**. Special Condition 4 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 applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

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

The landscape plan required pursuant to **Special Condition Two (2)** requires the use of exclusively native plant species. 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 finds 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, invasive species and therefore aid in preventing erosion.

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

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

The proposed project will entail 500 cu. yds. of grading, 225 cu. yds. fill and 275 cu. yds cut, primarily for the driveway. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition Three (3)** requires the applicant to remove all excavated

material, including any debris resulting from demolition of existing development, from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Six (6)**. Through the elimination of premature natural vegetation clearance, erosion is reduced on the site and disturbance of the soils is decreased. Therefore, Special Condition 6 specifies that vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced.

For the reasons cited above, the Commission finds that the proposed project as conditioned by Special Conditions 1, 2, 3, 4, and 6 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 Fuel Modification Unit of the Los Angeles County Fire Department has determined that no off-site brush clearance (or other fuel modification) will be required

on the adjoining State Park property, in order to accommodate concerns for removal of native vegetation. Final Fuel Modification Plans are recorded as a covenant on the deed to the property, and implemented through local inspections and enforcement. The Los Angeles County Fire Department has recently updated its procedure to ensure that the fire department standards are implemented and enforced consistent with the Fuel Modification Plans. Impacts to native 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 applicant assumes the liability from these associated risks. Through **Special Condition Five (5)**, assumption of risk, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 5 the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk.

The Commission finds that only as conditioned by Special Condition 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 applicant proposes construction of a new 2,900 sq. ft., 32 ft. high above existing grade, single-story, single family residence with 400 sq. ft. attached garage, septic system, retaining walls, paved driveway, and 500 cu. yds. of grading (225 cu. yds. fill, 275 cu. yds cut). The site is considered a hillside development with slopes in the area of the planned building site varying from 1½:1 (horizontal:vertical) slopes ascending

northerly from the building site and 2:1 (H:V) slopes descending along the southerly side of the building pad area. Steep, high slopes within the confluence of Dark Canyon descend about 100 feet south of the planned building site. As noted previously, the applicant's parcel drains south-southwesterly into a drainage course that is tributary to Dark Canyon, a USGS designated blueline stream, located approximately ½-mile downgradient of the subject site. Dark Canyon drains into Cold Creek Canyon, a USGS blueline stream, which subsequently drains to Malibu Creek, also a designated USGS blueline stream. Malibu Creek drains into Malibu Lagoon, an area designated as an Environmentally Sensitive Habitat Area (ESHA) on the Certified Malibu/Santa Monica Mountains Land Use Plan (LUP) maps, and ultimately reaches the Pacific Ocean greater than six miles downgradient of the subject parcel.

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 Four (4)**, to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Four (4)**, 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 1,200 gallon tank to serve the residence. The 1,200 gallon septic tank will be located on the north side of the building pad. Effluent will be pumped to a seepage pit north and east of the residence (see Exhibit 5). The applicant's geologic consultants performed percolation tests and evaluated the proposed septic system. The report concluded that the septic system is feasible and that 'the site of the proposed seepage pit is suitable

from an engineering geologic standpoint, and that the sustained use of the seepage pit will not adversely impact the safety or stability of the slopes on or adjacent to the property." In addition, the report states: "Due to the favorable northwest dip of the bedding within the underlying bedrock and steeply inclined fractures, effluent will not daylight on the slopes on the property or adjoining properties."

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.

To assist in the determination of a proposed project's consistency with §30230, §30231 and §30240 of the Coastal Act, the Commission has looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December 1986 that:

> ***Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitats, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.***

The proposed development is located within the periphery of the Cold Creek Resource Management Area, as designated in the previously certified LUP. The LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. For instance, in concert with Sections 30230, 30231, and 30240 of the Coastal Act, Table 1 policies of the LUP specifically address the Malibu-Cold Creek Resource Management Area. Table 1 of the LUP states, in relevant part, that:

- ***Allowable structures shall be located in proximity to existing roadways, services, and other development to minimize impacts on the habitat, and clustering and open space easements to protect resources shall be required in order to minimize impacts on the habitat.***
- ***Grading and vegetation removed shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road, and brush clearance required by the Los Angeles County Fire Department.***
- ***Stream protection standards shall be followed.***

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies towards development in the Cold Creek Resource Management Area. Where the Commission has found that single-family development, including accessory structures, would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, such development has been permitted.

The applicant proposes to construct a new 2,900 sq. ft., 32 ft. high above existing grade, single-story, single family residence with 400 sq. ft. attached garage, septic system, retaining walls, paved driveway, and 500 cu. yds. of grading (225 cu. yds. fill, 275 cu. yds cut).

As noted previously, the project site is a large vacant parcel with an existing building pad and moderate to steeply sloped hillside terrain throughout the rest of the subject

parcel. The project site is located within the Cold Creek Resource Management Area, and though no designated environmentally sensitive habitat areas are mapped onsite, the descending slopes surrounding the building site which have not been previously disturbed for fuel modification purposes support extensive native vegetation and natural habitat. In addition, the parcel to the south has been found to contain a unique inland wetland habitat characterized by a sensitive natural foliage and seasonal pond that drains to a tributary that crosses onto the subject site and drains to Dark Canyon (Coastal Development Permit 4-99-190 Mahoney).

Parcel runoff is by topographically controlled sheetflow which flows south-southwesterly into a drainage course that is tributary to Dark Canyon, a USGS designated blueline stream, located approximately ½-mile downgradient of the subject site. Dark Canyon drains into Cold Creek Canyon, a USGS blueline stream, which subsequently drains to Malibu Creek, also a designated USGS blueline stream. Malibu Creek drains into Malibu Lagoon, an area designated as an Environmentally Sensitive Habitat Area (ESHA) on the LUP maps, and ultimately reaches the Pacific Ocean greater than six miles downgradient of the subject parcel.

The proposed building site is located along a natural ridgeline and would utilize an existing building pad, constructed prior to the Coastal Act, approximately 100 feet from the access point off of West Brown Latigo Road. The location of the proposed residence is constrained by the fact that a building pad exists on site, and the sloping terrain throughout the remaining areas of the subject property would require extensive grading, landform alterations, and vegetation removal to create an alternate building pad and driveway. Development is further constrained by sensitive wetland habitat along the southeast boundary, located on the adjacent parcel to the south and state parks property to the west. In order to determine whether impacts to the habitat value of the subject site and adjoining parkland could be further minimized or eliminated, staff analyzed alternative building sites. In particular, the Commission noted that development of the small knoll, in the northeastern portion of the property, to allow development to be clustered nearer to the developed roadway would require extensive grading and landform alteration on the highest, and hence most visible, portion of the site. Though this alternative pad site would reduce the cumulative impacts of fuel modification, a residence at this location would not minimize grading, landform alteration, or visual impacts of the hillside development from public scenic viewing areas along Piuma Road.

Section 30240 of the Coastal Act states, in relevant part, that "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 those areas and shall be compatible with the continuance of those habitat recreation areas." In accordance with this, the Commission has repeatedly required that new development adjacent to parklands in the Malibu/Santa Monica Mountain Area be sited consistent with a 200 foot setback from park property, in order to minimize impacts associated with fuel modification. The subject site adjoins state parks property along its westernmost boundary (Exhibit 3, Exhibit 8). As proposed, the normally required 200 ft. fuel

modification zone around the residence would overlap onto the north and west property boundaries on the adjacent parcels, including the property to the west that is owned by California State Parks.

The applicant has submitted a Fuel Modification Plan, approved by the Los Angeles County Fire Department, Fuel Modification Unit for the proposed project that indicates that no off-site brush clearance will be required on State Park land. Final Fuel Modification Plans are recorded as a covenant on the deed to the property, and implemented through local inspections and enforcement. The Los Angeles County Fire Department has recently updated its procedure to ensure that the fire department standards are implemented and enforced consistent with the Fuel Modification Plans (Brush Clearance Unit, pers. communication). In the case of the proposed project, the Commission notes that given that there is no other alternative building site that would significantly reduce potential adverse environmental impacts on sensitive resources, it is not possible to construct the proposed development on the subject site consistent with a 200 ft. setback from State Parks property as typically required by the Commission. The Commission further notes that due to the location of the existing building pad in relation to the natural drainage and associated native habitat, neighboring state parkland, and nearby sensitive wetland habitat, a reduction in the size or reorientation of the proposed residence would not serve to provide a significantly larger setback area of the proposed development from the sensitive habitat areas. In addition, the potential impacts to State Parks as a result of fuel modification for the proposed residence will be avoided since the Fuel Modification Unit has approved a fuel modification strategy that does not require vegetation modification on State Park lands.

The parcel is further constrained by sensitive habitat identified on the adjoining parcel to the south which has been found to contain a unique inland wetland habitat characterized by a sensitive natural foliage and seasonal pond. The pond drains to a tributary that crosses onto the subject site and ultimately drains to Dark Canyon (Coastal Development Permit 4-99-190 Mahoney). The proposed project, including a 200-foot fuel modification zone, is sited to avoid encroachment of fuel modification into this sensitive habitat area.

As proposed, the location for the residence will not accommodate the required setbacks typically required by the Commission for resource protection of sensitive habitat areas, any alternative location for siting the development will not serve to significantly reduce environmental impacts associated with development of the site. Therefore, the Commission notes that due to the location of the existing building pad, and the fact that any alternative building site would cause to increase potential environmental impacts resulting from significant grading, landform alteration, and increased visibility, it is not feasible to construct any type of new development, including the proposed residence, that would be setback 200 ft. or more from the state park land, sensitive wetland habitat, and the natural drainages supporting extensive native and relatively undisturbed habitat. Given the above mentioned constraints, the Commission notes that the proposed location is the most feasible site for the residence with the least impact to the surrounding sensitive resources and that the relocation of the proposed development

site would not accommodate any less environmentally damaging alternative building location.

The Commission has regularly required that grading be minimized to ensure that the potential negative effects of run-off and erosion on watersheds, streams, and sensitive habitat areas is minimized. In past permit actions involving new development, the Commission has found that graded pad areas larger than 10,000 sq. ft. do not minimize grading, result in significant removal of vegetation and increased erosion which will not maintain the biological productivity, diversity, or habitat values. The applicant proposes to construct a residence, garage, and patio area with a footprint of approximately 3,600 sq. ft. on an existing 9,748 sq. ft. graded pad.

The proposed project includes approximately 500 cu. yds. of grading. Although no environmentally sensitive habitat areas (ESHAs) are located on the subject site, grading activities at the project site have the potential to increase erosion on site and increase sedimentation into the natural drainage course and ultimately, Cold Creek 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 Six (6)** which addresses the timing of removal of vegetation for fuel modification purposes. Special Condition 6 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.

The Commission further finds that the implementation of **Special Condition Three (3)**, removal of excess graded material, will ensure that additional soil and debris are removed from the site, and therefore will not contribute to additional erosion and sedimentation.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Specifically, Section 30231 states that biological productivity and quality of coastal waters shall be sustained through maintaining natural vegetation buffer areas that protect riparian habitats and minimizing alteration of natural streams, among other means. This hillside parcel is upstream of the blueline tributary of Dark Canyon and is relatively undisturbed with the exception of the graded pad, access road, and associated fuel modification.

For fire suppression, and to protect residences, the Fire Department requires the reduction of fuel through the removal and thinning of vegetation for up to 200 feet from any structure. Currently, fuel modification is undertaken on the subject site and properties to the north to maintain a buffer around Brown Latigo Road. A 200-foot fuel

modification zone around the proposed house site would overlap onto the properties to the north and west. Cumulative impacts to native vegetation on state parklands have been avoided since off-site fuel modification is not required, as indicated by the fuel modification plan approved by the Los Angeles County Fire Department (as described above). The cumulative impacts to off-site vegetation as a result of the proposed residence are concentrated within the privately-owned parcels to the north. However the Commission notes, as discussed above, that the proposed building site provides the most feasible development location with the least impact to environmental resources available on this site. To ensure the most minimal disturbance feasible of the native habitat, **Special Condition Two (2)** requires the applicant to submit an approved long-term fuel modification plan for the review and approval by the Executive Director.

The Commission further 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 Commission notes that seasonal streams and drainages, such as the natural tributary located on the subject site, in conjunction with primary waterways, provide important habitat for riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat.

The Commission finds that the value and quality of the riparian habitat on the subject site is directly related to the water quality of the coastal tributary that sustains the habitat. As such, the Commission finds that potential adverse effects of the proposed development on riparian habitat at the site may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission

requires **Special Condition Four (4)**, the Drainage and Polluted Run-off Control Plan, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed residence, impervious surfaces, and building pad area is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. (See Section C. Water Quality for a more detailed discussion of coastal water quality).

Finally, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. The Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Los Angeles County Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn may have significant impacts within the Cold Creek Resource Management Area due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a Future Development Deed Restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the coastal resource policies of the Coastal Act. **Special Condition Six (6)** is necessary to ensure that any future additions or vegetation removal, which otherwise may be exempt from coastal permit requirements will be consistent with the Coastal Act.

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

Section 30251 of the Coastal Act states that:

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

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building site and the size of the proposed structure.

Staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the surrounding existing development.

The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides. The building site for the proposed project is an existing level pad located on a hillside highly visible from public scenic viewing areas along portions of Piuma Road, a designated scenic highway. The area surrounding the project site is moderately developed with custom single family homes.

The applicant proposes to construct a new 2,900 sq. ft., 32 ft. high above existing grade, single-story, single family residence with 400 sq. ft. attached garage, septic system, retaining walls, paved driveway, and 500 cu. yds. of grading (225 cu. yds. fill, 275 cu. yds cut). Grading for the project is proposed only within the immediate area of the existing building pad and driveway to prepare the site for construction of the new development, therefore no significant landform alteration of the site will result from the proposed grading. However, the proposed residence will be visible from some locations along Piuma Road to the south and west of the project site. Due to the highly visible nature of the project site from public scenic viewing points along Piuma Road, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

The proposed project's impact on public views can be mitigated by requiring the residence and retaining walls to be finished in a non-obtrusive manner. The Commission therefore finds it necessary to minimize the visual impact of the project by requiring the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by **Special Condition Seven (7)**. These restrictions generally limit colors to natural tones that will blend with the background of the environment and require the use of non-glare glass. White and red tones are not acceptable. If fully implemented by present and future owners of the proposed residence, Special Condition 7 will ensure that development of the site will be as visually unobtrusive to visual resources of the area as possible.

In addition, future construction on the property has the potential to negatively affect the visual character of the area as seen from the scenic highway. To insure that no additions or improvements are made to the property that may affect visual resources on-site without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the site are proposed in the future, as required by **Special Condition Eight (8)**. This condition ensures that future development or improvements normally associated with the entire property, which might otherwise be exempt, are reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. Special Condition 8 ensures that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

In addition, visual impacts associated with grading and the structure itself can be further reduced by the use of adequate and appropriate landscaping. A landscape plan relying

principally on native, non-invasive plant species will ensure that the vegetation on-site remains visually compatible with the native flora of surrounding areas. In addition, vertical screening elements added to the landscape plan can soften views of the proposed residence from public areas such as Piuma Road. The Commission therefore finds it necessary to ensure that the final approved landscaping plans are successfully implemented to soften the visual impact of the development, as required by **Special Condition Two (2)**.

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 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 applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County'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.

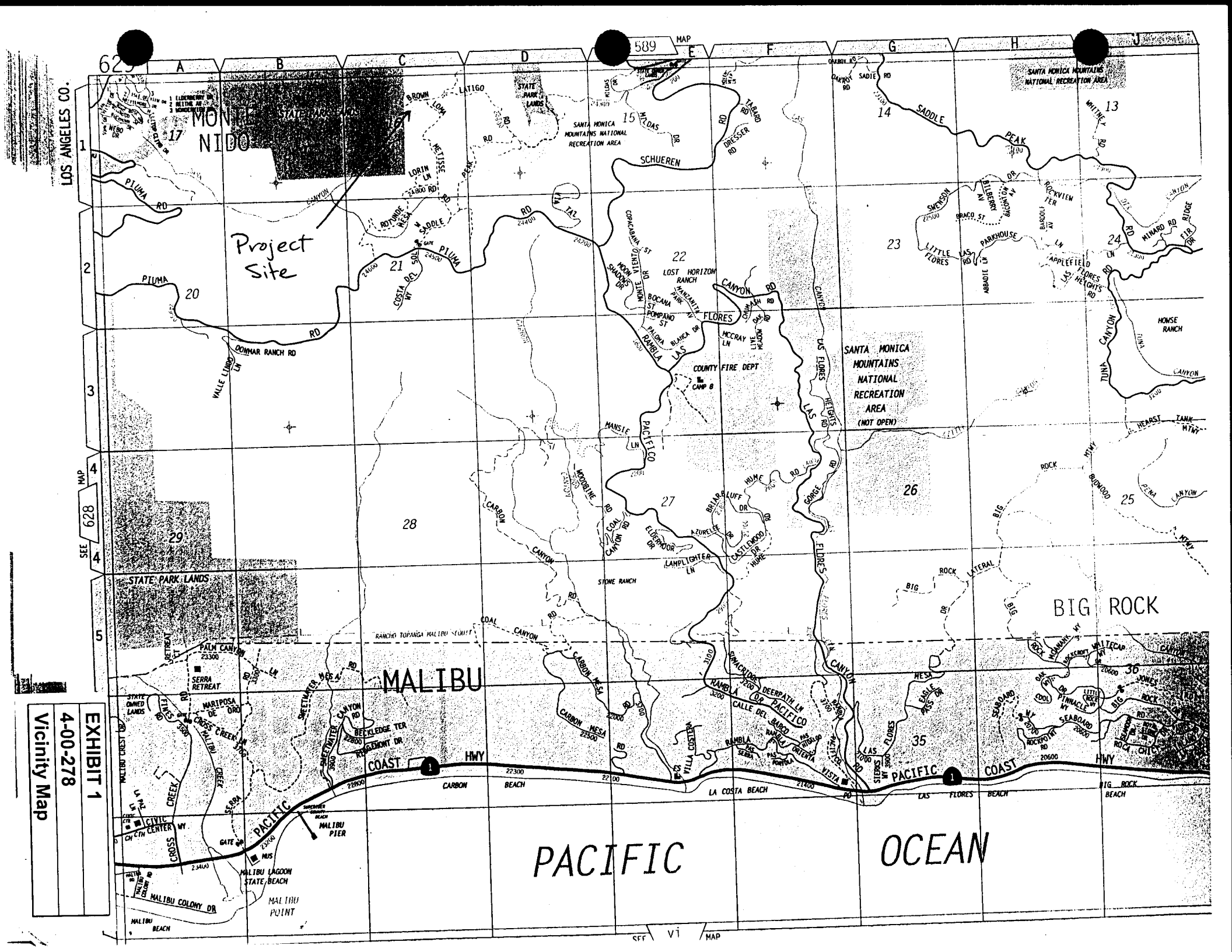
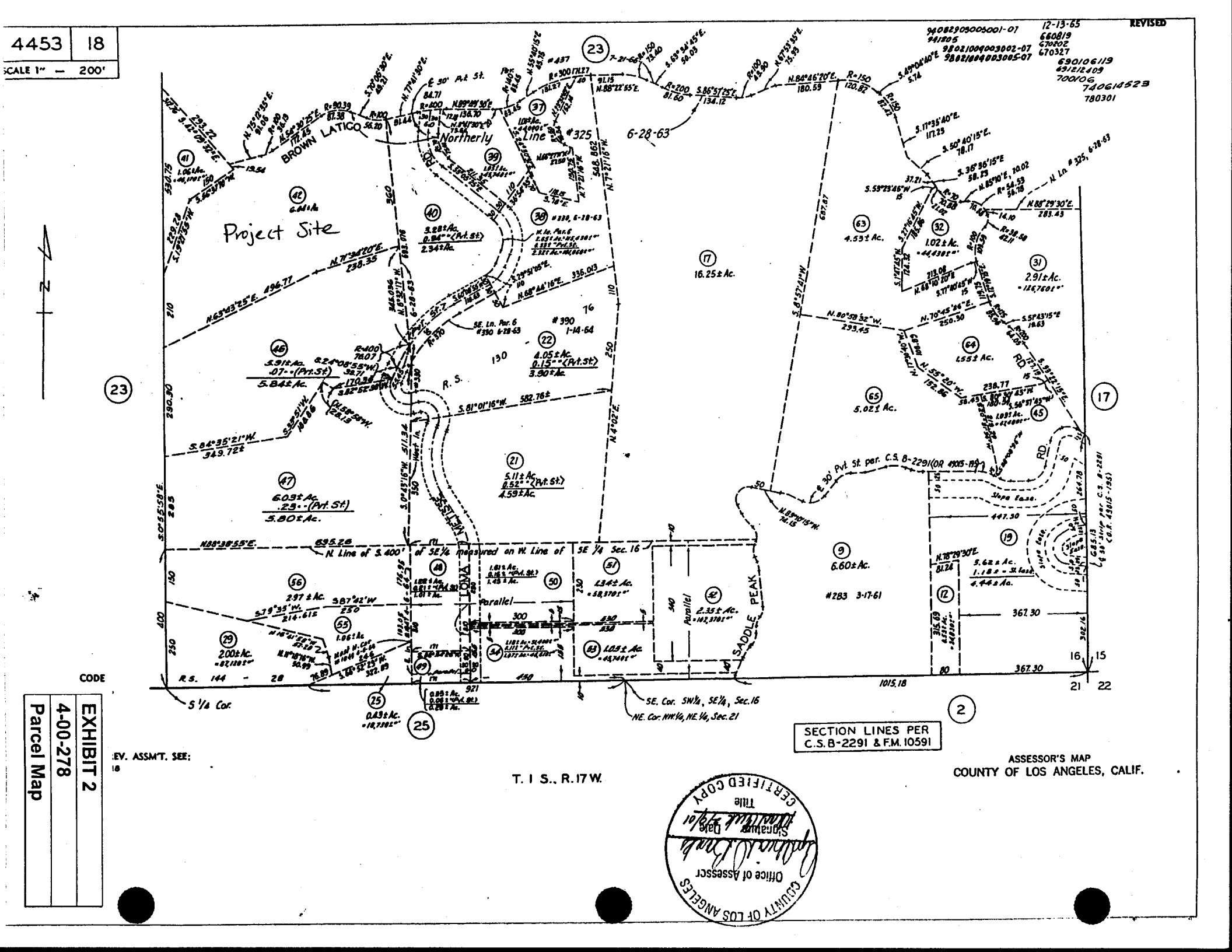


EXHIBIT 1
4-00-278
Vicinity Map
Project Site
MONTE NIDO
MALIBU
PACIFIC OCEAN
BIG ROCK
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA (NOT OPEN)
STATE PARK LANDS
COUNTY FIRE DEPT
CAMP 8
LOST HORIZON RANCH
STONE RANCH
HONSE RANCH
SERRA RETREAT
MALIBU LAGOON STATE BEACH
MALIBU POINT
MALIBU PIER
CIVIC CENTER
PACIFIC COAST HWY
CARBON BEACH
LA COSTA BEACH
LAS FLORES BEACH
BIG ROCK BEACH
PIUMA RD
SADDLE PEAK
SCHUEREN RD
LAS FLORES CANYON RD
CARBON CANYON RD
COAL CANYON RD
MALIBU CANYON
TUNA CANYON
LOS ANGELES CO.
SEE MAP 628
SEE MAP 589
SEE MAP VI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6-28-63
Project Site
BROWN LATIGO
Northerly Line #325
SE. Ln. Par. 6 #390 6-28-63
#390 1-14-64
#283 3-17-61
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LOMA
Parallel
Parallel
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6.60± Ac.
5.84± Ac.
3.90± Ac.
4.59± Ac.
5.80± Ac.
2.34± Ac.
4.53± Ac.
5.02± Ac.
4.55± Ac.
2.91± Ac.
4.46± Ac.
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1.02± Ac.
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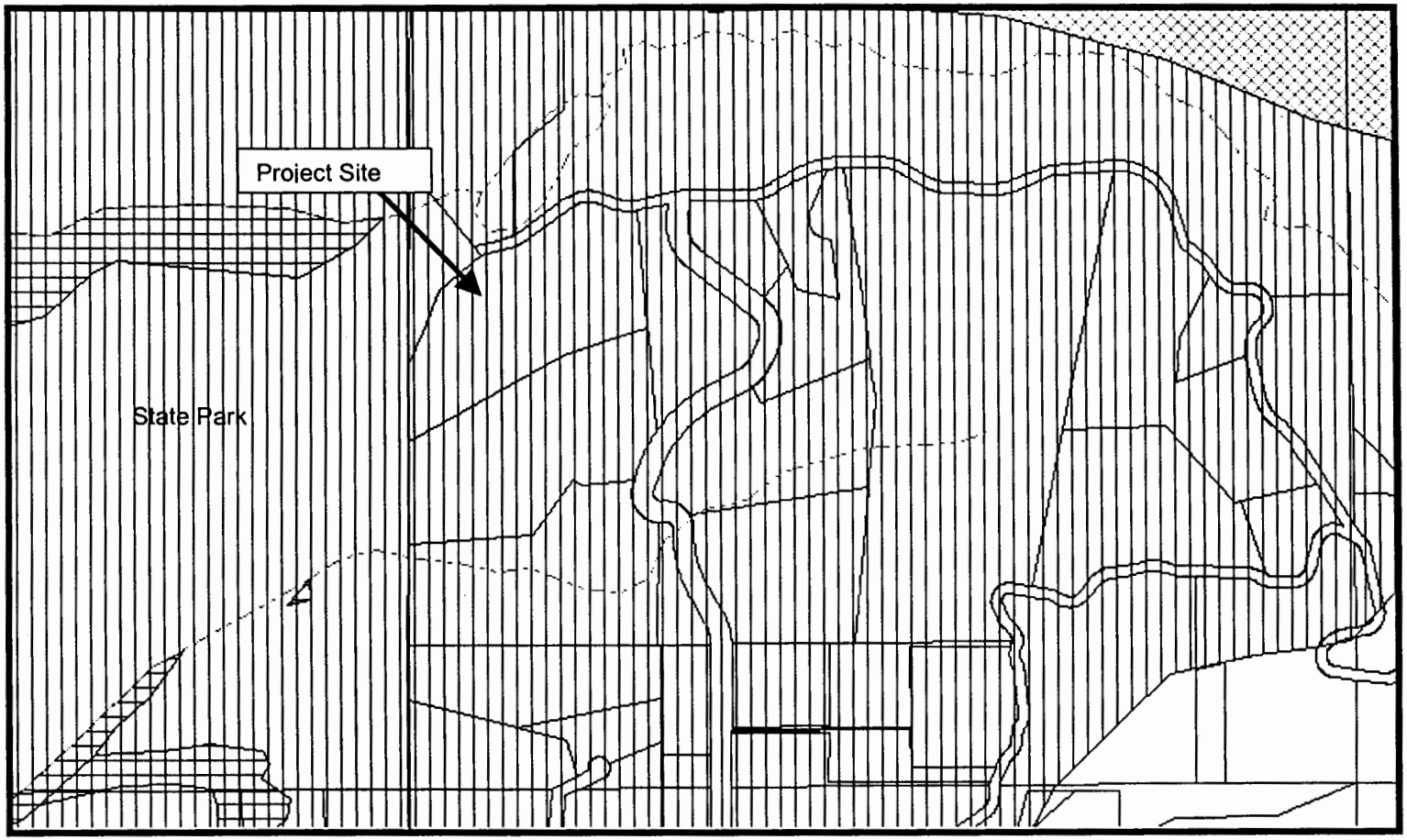
1.09± Ac.
5.62± Ac.
N. Line of S. 400' of SE¼ measured on W. Line of SE ¼ Sec. 16
S. 30' Pvt. St. per C.S. B-2291 (OR 4005-195)
Slope Ease.
SE. Cor. SW¼, SE¼, Sec. 16
NE. Cor. NW¼, NE¼, Sec. 21
S ¼ Cor.
R.S. 144 - 28
SECTION LINES PER C.S. B-2291 & F.M. 10591
T. 1 S., R. 17 W.
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.
CODE
EXHIBIT 2
4-00-278
Parcel Map
REV. ASSM'T. SEE: 18
CERTIFIED COPY
COUNTY OF LOS ANGELES
Office of Assessor
Signature
Date
Title

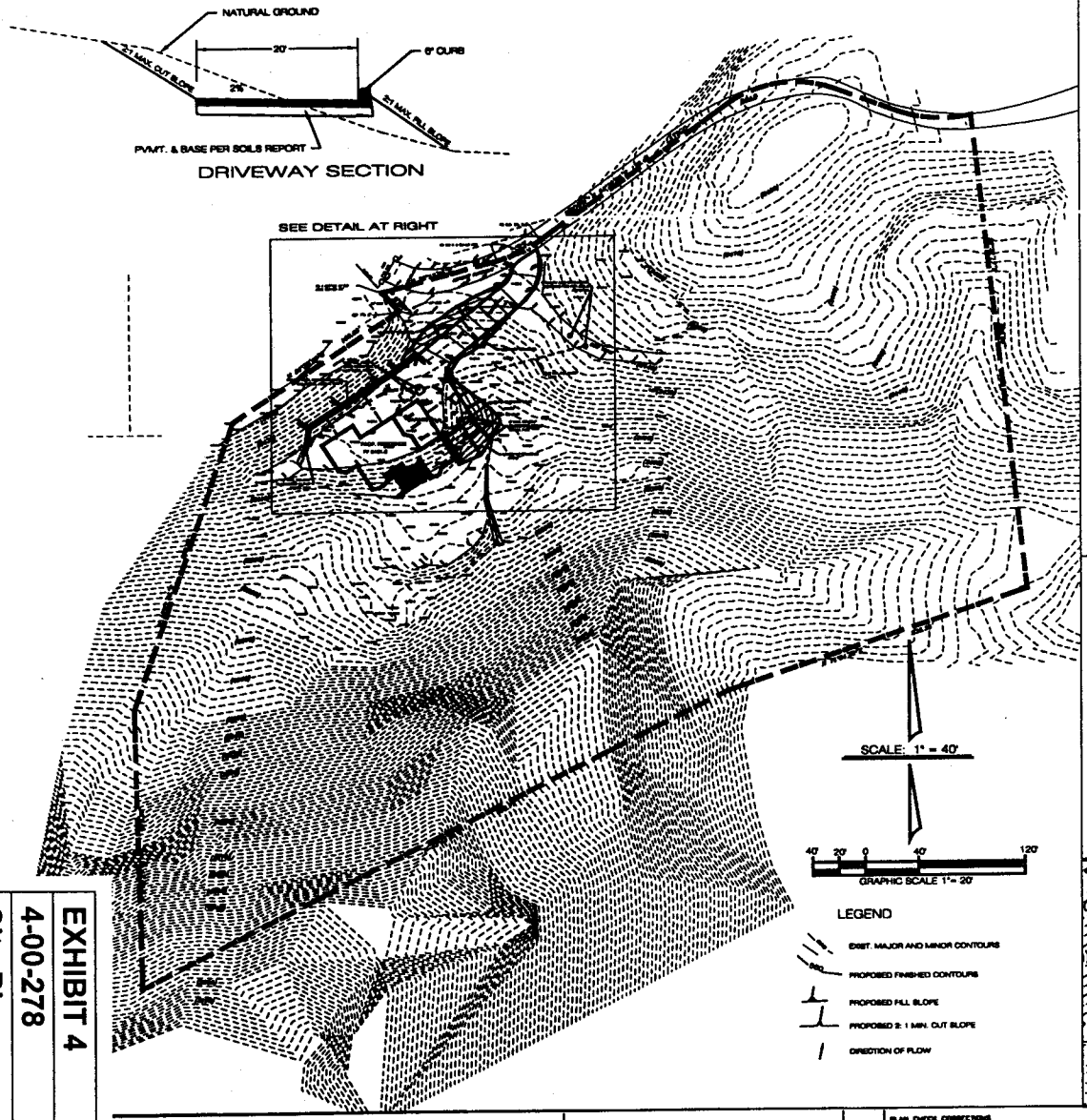


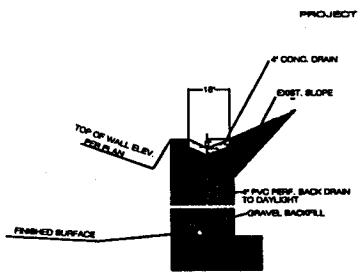
Environmentally Sensitive Habitat Areas (ESHA)

- Malibu/Cold Creek Resource Mgt. Area
- Significant Watershed
- Oak Woodlands and Savannahs
- U.S. Geological Survey Blueline Stream

N

EXHIBIT 3
4-00-278
LUP Map Designations





RETAINING WALL DETAIL

6' MAX. RETAINING WALL PER SEPARATE PERMIT FROM BUILDING & SAFETY DEPARTMENT

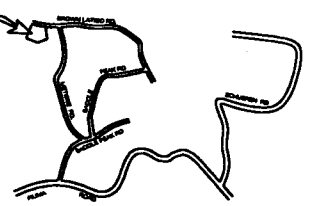
EARTH WORK CALCULATIONS:
(UNADJUSTED)

TOTAL:
226 C.Y. FILL
275 C.Y. CUT

DRIVEWAY AREA:
226 C.Y. FILL
185 C.Y. CUT

HOUSE AREA:
0 C.Y. FILL
40 C.Y. CUT

RETAINING WALL
0 C.Y. FILL
50 C.Y. CUT



VICINITY MAP

GENERAL NOTES

1. NO FILL SHALL BE PLACED UNTIL STRIPPING OF VEGETATION, REMOVAL OF UNSUITABLE SOILS AND INSTALLATION OF SUBDRAINS (IF ANY) HAVE BEEN INSPECTED AND APPROVED.
2. NO ROCK OR SIMILAR MATERIAL GREATER THAN 12" IN DIAMETER WILL BE PLACED IN THE FILL UNLESS RECOMMENDATIONS FOR SUCH PLACEMENT HAVE BEEN SUBMITTED BY THE SOILS ENGINEER AND APPROVED IN ADVANCE BY THE BUILDING OFFICIAL.
3. RETAINING WALLS REQUIRE SEPARATE PERMIT.
4. ALL GRADING SITES AT FINAL GRADING MUST HAVE A MINIMUM SLOPE OF 2 % TOWARD THE STREET OR DESIGNED DRAINAGE SYSTEM(S).
5. THE SPECIFICATIONS AND RECOMMENDATIONS CONTAINED IN THE SOILS REPORT BY GOLDSMITH ENGINEERING INC., DATED OCTOBER 19, 2009 ARE HEREBY MADE A PART OF THIS PLAN.
6. CONTOURS SHOWN ON THIS PLAN REPRESENT THE EXISTING GROUND SURFACE AS SURVEYED BY LARRY PEARCE, LS 4448, ON 4/4/08
7. PRIOR TO ISSUANCE OF THE BUILDING PERMITS, A SOILS EXPANSION TEST SHALL BE DONE.
8. CUT AND FILL SLOPES SHALL BE WELL PLANTED WITH LIGHTWEIGHT, FIRE RESISTANT, LOW WATER DEMANDING GROUNDCOVER AND 5-GALLONS FOR EROSION CONTROL PURPOSES.
9. 5% MIN. POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES (TYP.)

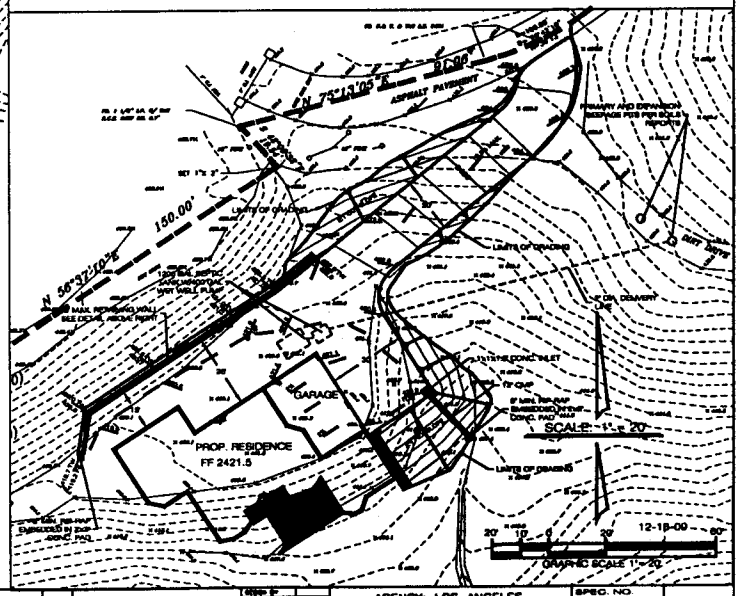


EXHIBIT 4
4-00-278
Site Plan

Holmes Enterprises Inc.
uctural and Civil Engineering
00 W[illegible]s Rd. Moorpark, CA. 93021
(805) 532-1571
fax: (805) 532-1596

PREPARED FOR
ROBERT HIRSCH
4036 BLACKBIRD WAY
CALABASAS, CA. 91302

DATE	PLAN CHECK CORRECTIONS / REVISION	BY

DESIGN BY
DRAWN BY
CHECKED BY
FINAL APPR.
SUBMIT DIV.
DEPARTMENT OF PUBLIC WORKS
APPROVED BY
DATE

AGENCY: LOS ANGELES COUNTY PUBLIC WORKS DEPT.
RESIDENTIAL GRADING PLAN
24842 BROWN LATIGO CANYON
MALIBU, CALIFORNIA

SPEC. NO.
JOB. NO.
DRAWING NO. 1
SHEET 1

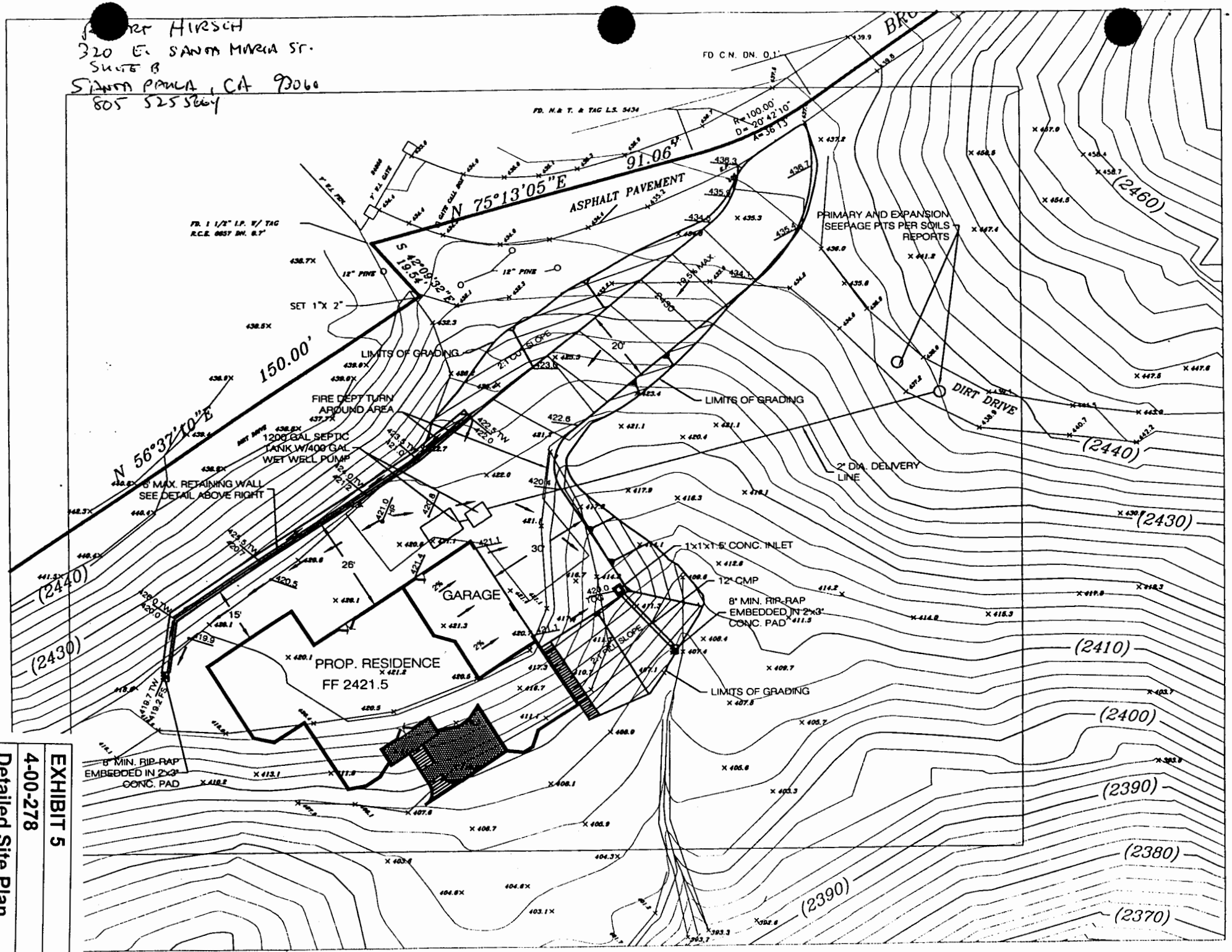
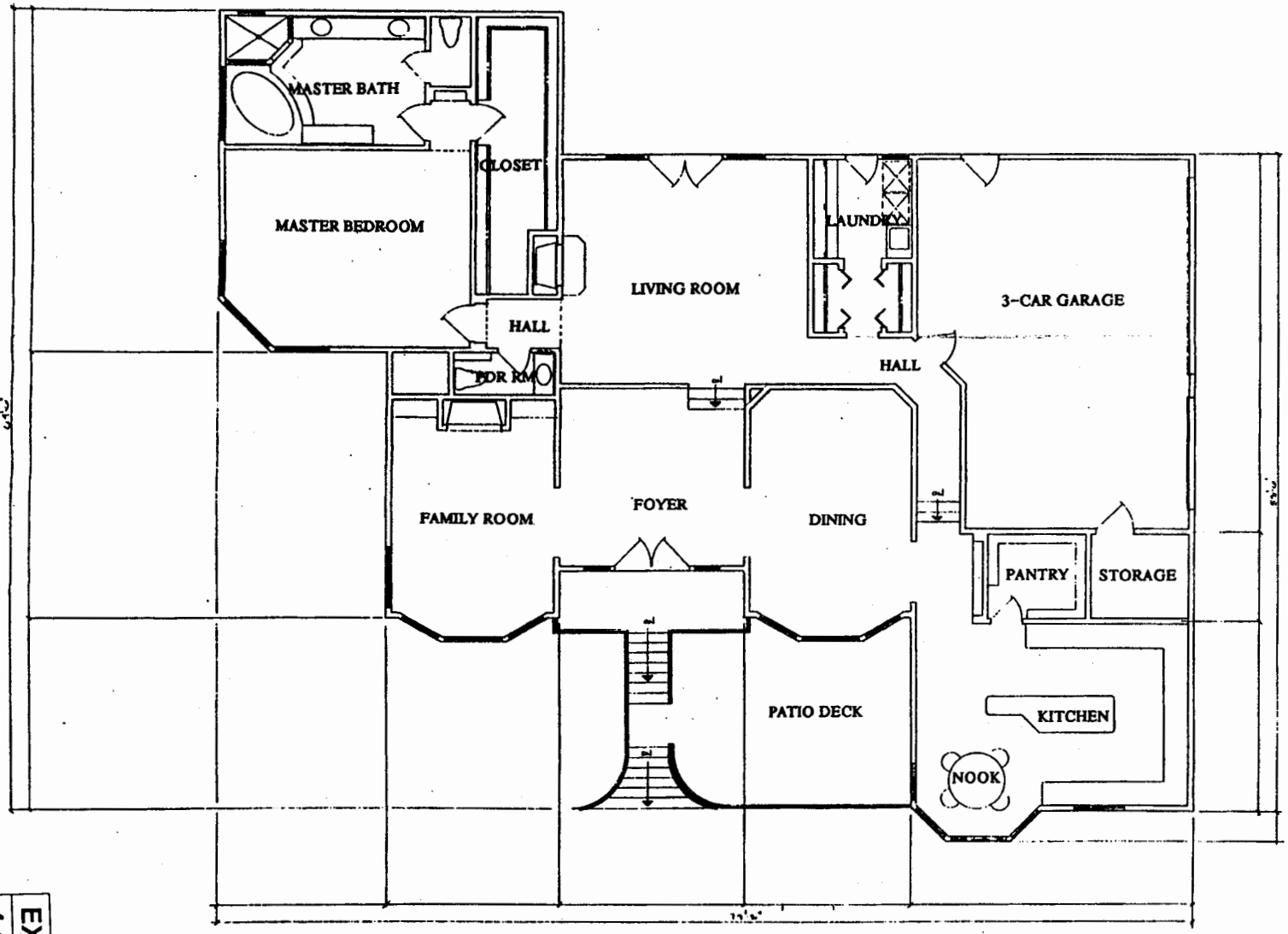


EXHIBIT 5
4-00-278
Detailed Site Plan



1ST FLOOR PLAN

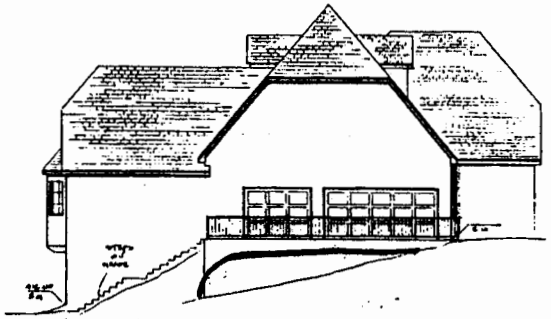
APPLICANT:

Robert Hirsch
for Site Study

RECEIVED
FEB 15 2001
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 6
4-00-278
Floor Plan

SOUTHEAST ELEVATION



NORTHEAST ELEVATION

NORTHWEST ELEVATION

SOUTHWEST ELEVATION

APPLICANT:
Robert Hirsch
805 525 5564
S DESIGN
DRAFTING SERVICES

EXHIBIT 7
4-00-278
Elevations

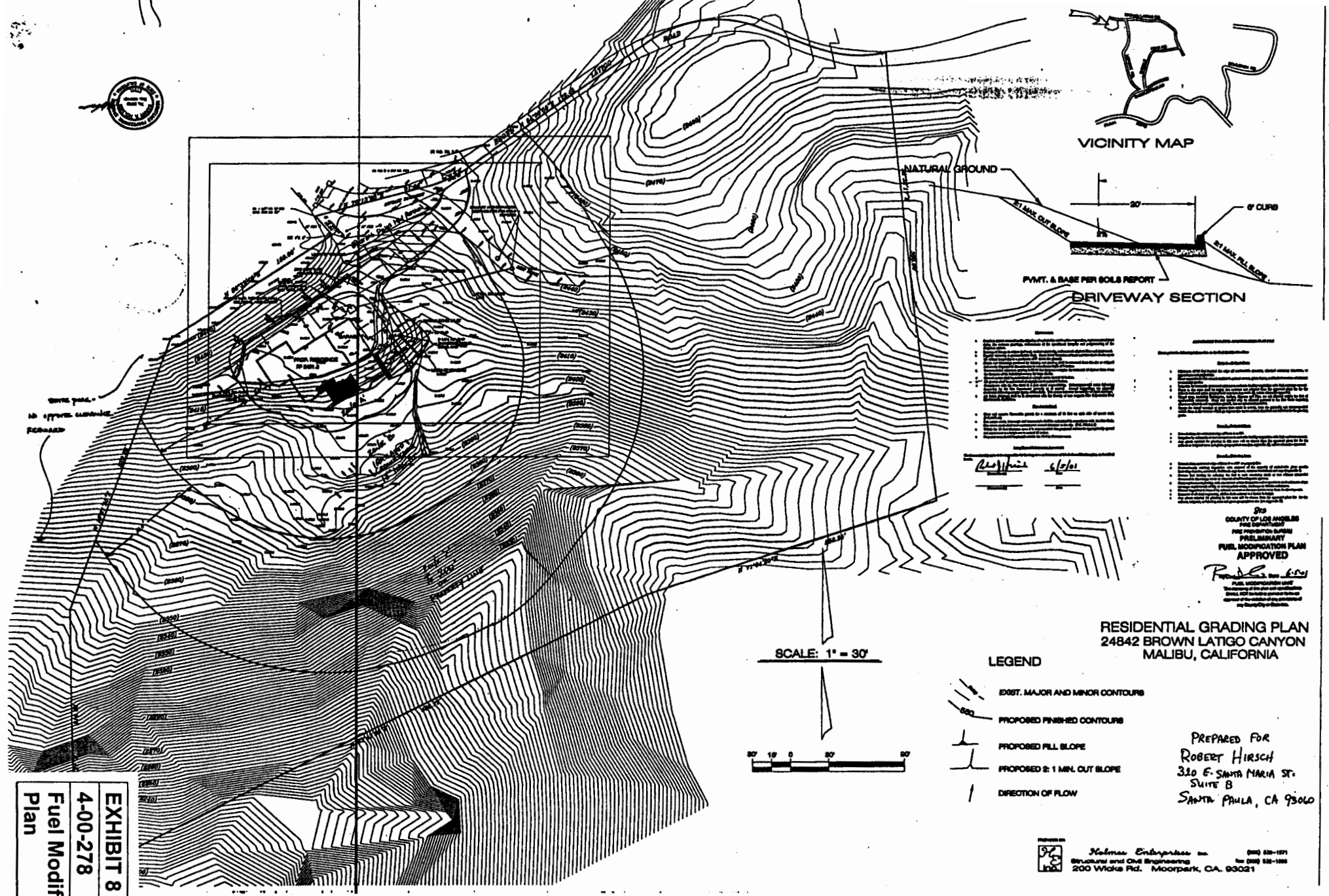


EXHIBIT 8
4-00-278
Fuel Modification Plan