

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
MIRAMONTE, CA 93001  
(805) 585-1800

Filed: 2/18/01  
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Staff: LKF-V  
Staff Report: 6/15/01  
Hearing Date: 7/10-13, 2001  
Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: AMENDMENT

**APPLICATION NO.:** 4-95-133-A2

**APPLICANT:** Dr. David Lewis

**PROJECT LOCATION:** 31213 Bailard Road, Malibu (Los Angeles County)

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construction of a 6,172 sq. ft., three-level, single-family residence with 787 sq. ft. attached garage, septic system, driveway, retaining wall, tennis court, and 1,500 cu. yds. of grading (1,000 cu. yds. of cut and 500 cu. yds. of fill) on a 50,086 sq. ft. lot.

**PREVIOUSLY AMENDED FOR:** (A1) Relocation of tennis court; reduction of grading from 1500 cu. yds. to 1320 cu. yds. (875 cu. yds. cut and 445 cu. yds. fill); addition of a 120 ft. long, 3 ft. high retaining wall, a 60 ft. long, 4 ft. high retaining wall, and a 25 ft. long, 6 ft. high retaining wall; and implementation of changes to the revegetation plan for affected areas.

**DESCRIPTION OF AMENDMENT:** Elimination of an approximately 7200 sq. ft. tennis court from site plans, after-the-fact restoration of tennis court pad to natural grade including the addition of 220 cu. yds. of fill, after-the-fact relocation of a stable access driveway and after-the-fact addition of approximately 836 sq. ft. of patio and decking.

**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department Approval-in-Concept 12/08/2000.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permits 4-95-133 (Lewis), 4-95-133-A1 (Lewis);

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*

**3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.**

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

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**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission approve the proposed amendment with four (4) Special Conditions regarding (1) landscape and erosion control, (2) drainage and polluted runoff control, (3) revised plans, and (4) condition compliance.

**I. STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-95-133-A2 pursuant to the staff recommendation.***

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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

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Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

## II. STANDARD AND SPECIAL CONDITIONS

**Note: Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-95-133 and 4-95-133-A1 continue to apply. In addition, the following revised and additional special conditions are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-95-133-A2. Additions to Special Condition 3 and Special Condition 4 are underlined; deletions to these Special Conditions are stricken.**

### Special Conditions

#### 3. Revised Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit detailed 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 plans shall identify the species, location, and extent of all plant materials and shall incorporate the following criteria:

##### A) Landscaping Plan

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes at the completion of final grading using accepted planting procedures, consistent with fire safety requirements. To minimize the need for irrigation and to screen and soften the visual impact of development all landscaping shall consist of native, drought resistant plants species indigenous to the Santa Monica Mountains, 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 ~~October 4,~~ 1994 February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

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- 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 ninety percent (90%) coverage within ~~90 days~~ one (1) year of the issuance of the permit, and shall be repeated, if necessary, to provide such coverage and this requirement shall apply to all disturbed soils. Planting shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the applicable landscape requirements.
- 3) Should grading take place during the rainy season (November 1—March 31). Applicant shall minimize sediment from runoff waters during construction through the use of sediment basins (including debris basins, desilting basins, or silt traps) on the project site prior to or concurrent with the initial grading operations and maintained through the development process. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- 4) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape or fuel modification plans shall be reported to the Executive Director. No changes to said plans 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 fifty feet (50') of the proposed house may be removed, and vegetation within a two-hundred foot (200') radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such removal and 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 Fire Department of Los Angeles County. Irrigated lawn, turf, or groundcover planted within a fifty foot (50') radius (fuel modification zone) of the proposed residence shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

**B) Monitoring**

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

**4. Revised Drainage and Erosion Polluted Runoff Control Plans**

~~PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area.~~ two (2) sets of revised drainage and runoff control plans, including supporting calculations. Site drainage shall not be accomplished by sheetflow runoff. The erosion control plan shall include revegetation with drought tolerant, native species more specifically described in the landscape plan required by Special Condition 3. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and geologist to ensure the plan is in conformance with consultant's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-

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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) Drainage Plans shall demonstrate that site design will allow runoff draining from or through, any and all equestrian structures and facilities to sheet flow through vegetated or gravel filter strips for treatment and infiltration purposes, prior to being collected, where necessary, and conveyed off site in a non-erosive manner. The plan shall also include measures to prevent surface flow into equestrian facilities from upslope areas.
- d) Vegetated and/or gravel filter strips must be appropriately sized, properly designed and engineered to: 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. Vegetated filter strips shall consist of native 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. Filter elements shall be designed to intercept and infiltrate or treat the runoff volume from a 25-year, 24-hour runoff event. The Plan shall include regular maintenance provisions, in order to ensure proper function of filtering elements.
- e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- f) The plan shall include management practices for the collection, storage, and disposal of stable wastes, including manure and bedding. Such wastes shall be collected and disposed of offsite in a manner and location prescribed in the approved plan.

## 5. Revised Plans

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, revised plans indicating proposed materials, such as gravel and/or decomposed granite, to be used in construction of the stable access driveway. The driveway shall be designed to minimize erosion and maximize stormwater infiltration.

## 6. Condition Compliance

The requirements specified in the foregoing special conditions that the applicants are required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 120 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will result in the nullification of this permit approval.

## IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

### A. Project Description and Background

The applicant is seeking to amend CDP 4-95-133 to obtain after-the-fact approval for several improvements to a previously approved single family residence, including the addition of 220 cu. yds. of fill to restore natural grading contours to a previously approved tennis court pad, the addition of approximately 836 sq. ft. of decking and patio areas, and the relocation of a stable access driveway. The subject site is a 1.15 acre parcel located in the western end of the City of Malibu about ¼ miles north of Pacific Coast Highway. The parcel slopes in a southeasterly direction towards Bailard Road at its intersection with Lunita Road. A three-level, 6,172 sq. ft. house and 782 sq. ft. garage occupy the southwest quarter of the parcel, and a riding ring and stables occupy a graded pad in the northern half. The filled area is situated in the southeast corner of the site. Slope gradients within the subject parcel range from relatively flat in the area of the pads to 2:1 on slopes bordering the pad areas, with a maximum relief of approximately 40 feet.

The filled area slopes southeasterly toward a concrete drainage swale along the eastern property line. The swale drains directly to a culvert at the intersection of Bailard and Lunita roads. A blue-line stream that discharges at Trancas Beach is located downstream of the culvert. Trancas Beach has been designated an environmentally sensitive habitat area (ESHA) in the County of Los Angeles Malibu/Santa Monica Mountains Land Use Plan (LUP), as have kelp beds located immediately off shore.

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A previous coastal development permit (CDP No. 4-95-133) was approved by the Commission in June 1996 for construction of the existing 6,172 sq. ft. residence, attached garage, driveway, retaining walls, and septic system on-site. A subsequent permit amendment (CDP No. 4-95-133-A1), approved in April 1997, relocated the tennis court, reduced grading from 1500 to 1320 cu. yds., altered the revegetation plans, and added three retaining walls.

In addition, a previous coastal development permit (CDP No. 5-89-1213) was approved by the Commission in February 1990 for subdivision of a 6.7 acre lot into three lots, one of which is the project site (Lot 1). Approximately 1,000 sq. ft. in the south-east corner of Lot 1 was dedicated to the City of Malibu in 1994 when the parcel map for the subdivision was recorded. However, this change in lot line was not indicated on site maps submitted and approved for CDP No. 4-95-133. The Commission notes the change in lot line on site maps submitted with the current application, but does not approve or deny this change at this time. Commission review of the matter requires an application to amend CDP No. 5-89-1213, which the applicant has not submitted.

**B. Water Quality / Sensitive Resources**

The Coastal Act mandates that coastal waters, marine resources, and sensitive environmental habitats be protected and maintained.

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 states:

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



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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 means such as 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. Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption and degradation of habitat values.

In addition, Section 30253 of the Coastal Act states that new development shall:

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30253 mandates that new development neither create nor contribute significantly to erosion.

As described, the proposed project includes after-the-fact placement of 220 cu. yds. of fill to restore a tennis court pad to natural grade, the addition of approximately 836 sq. ft. of deck and patio area, and relocation of a stable access driveway. The restored area is partially vegetated with grass, and crossed by a bare earth path that provides stable access. A drainage swale is located immediately to the east and below the graded area. Runoff from the rest of the project site, including the riding ring and new patio areas, flows southeasterly towards the restored pad and the swale, which carries runoff from the site to a City of Malibu culvert. This culvert directs flow towards a blue line stream located approximately 750 ft. southeast of the project site, which in turn discharges at Trancas Beach. Trancas Beach is designated as an inland environmentally sensitive habitat area (ESHA) in the Malibu/Santa Monica Mountains LUP, as are kelp beds located immediately offshore.

The Commission, in granting the original permit (CDP # 4-95-133), required the applicant to submit landscaping, erosion control, and drainage plans to minimize

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potential impacts on coastal resources. The improvements currently proposed, however, have altered drainage and landscaping conditions, and have introduced new potential for erosion on the site.

The Commission notes that an increase in impervious surface decreases the infiltrative function and capacity of permeable land and leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. The addition of deck and patio areas near the west end of the horse stables has increased the amount of impervious surface in that area by approximately 836 sq. ft. Conversely, the elimination of plans for a 7200 sq. ft. tennis court has significantly decreased the proposed amount of impervious surface area at the project site. Therefore, the total amount of runoff expected to leave the site is less than previously approved; however, surface flow across the restored tennis court pad area and down the relocated stable access driveway introduces other water quality concerns.

Specifically, the placement of fill to restore natural grade has created a slope vulnerable to erosion. The direction of run-off onto this slope further increases the potential for erosion and transport of sediments into the drainage swale. The use of this slope for a stable access driveway also facilitates the transport of animal wastes and associated pathogens into the drainage system.

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, animal wastes, and other pollutant sources. 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, diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to

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

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Four (4)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

In addition, in order to stabilize the fill slope and minimize the transport of sediment into the drainage swale, and subsequently into coastal waters, the Commission finds it necessary to require the applicant to submit revised landscaping and erosion control plans, as outlined in **Special Condition Three (3)**.

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 Three (3)** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

In addition, in order to reduce erosion and transport of animal wastes from the stable area and riding ring, the Commission finds it necessary to require **Special Condition Five (5)**, which requires the applicant to submit plans detailing materials to be used in

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the relocated stable access driveway, and that these materials be designed to maximize stormwater infiltration and minimize erosion.

Lastly, in order to ensure that these measures are implemented within a reasonable amount of time, **Special Condition Six (6)** requires that the applicant fulfill all conditions within 120 days of the issuance of this permit.

Therefore, the Commission finds that the proposed project, as conditioned, will not cause significant adverse impacts to sensitive environmental resources of the Trancas Canyon Watershed and is consistent with Sections 30230, 30231, 30240, and 30253 of the Coastal Act.

#### **D. Violations**

Development has occurred on site without the benefit of a coastal development permit, including 220 cu. yds. of grading to restore a tennis court pad to natural grade, the addition of approximately 836 sq. ft. of deck and patio area, and relocation of a stable access driveway. To ensure that revegetation of the graded area, delineation of a relocated stable access driveway, and implementation of drainage BMPs are carried out in a timely manner, **Special Condition Six (6)** requires that the applicants satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

#### **E. 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 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

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of the Coastal Act. The preceding sections provide findings that the proposed amendment will be in conformity with the provisions of Chapter 3. The proposed amendment 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 amendment, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**F. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit Amendment application to be supported by a finding showing the application 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 effects which the activity would have on the environment.

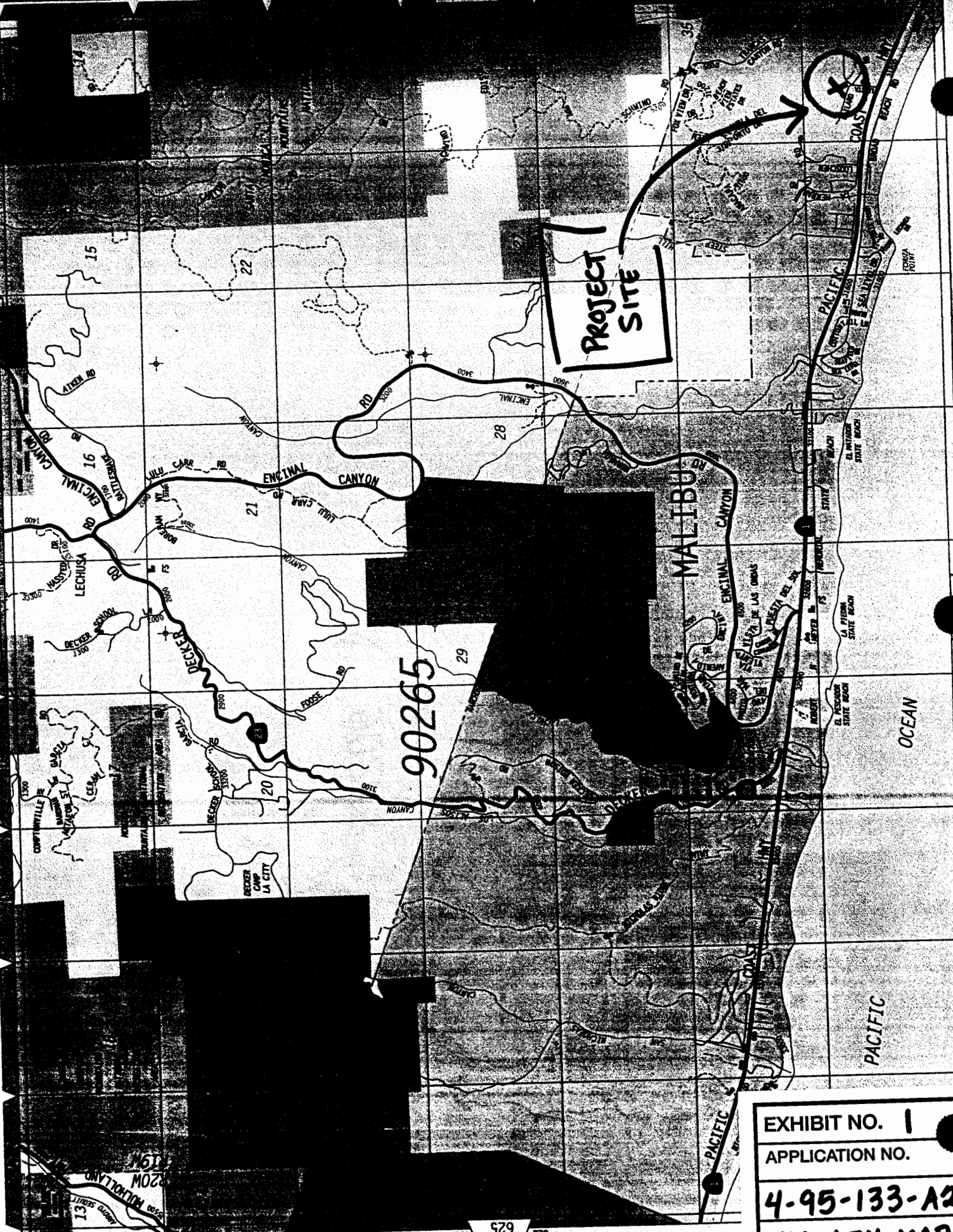
The proposed amendment would not cause significant, adverse environmental effects. Therefore, the proposed amendment is found consistent with CEQA and with the policies of the Coastal Act.

**LKF-V**

626

SEE 586 MAP

SEE 586 MAP



90265

PROJECT SITE



EXHIBIT NO. 1  
 APPLICATION NO.  
 4-95-133-A2  
 VICINITY MAP

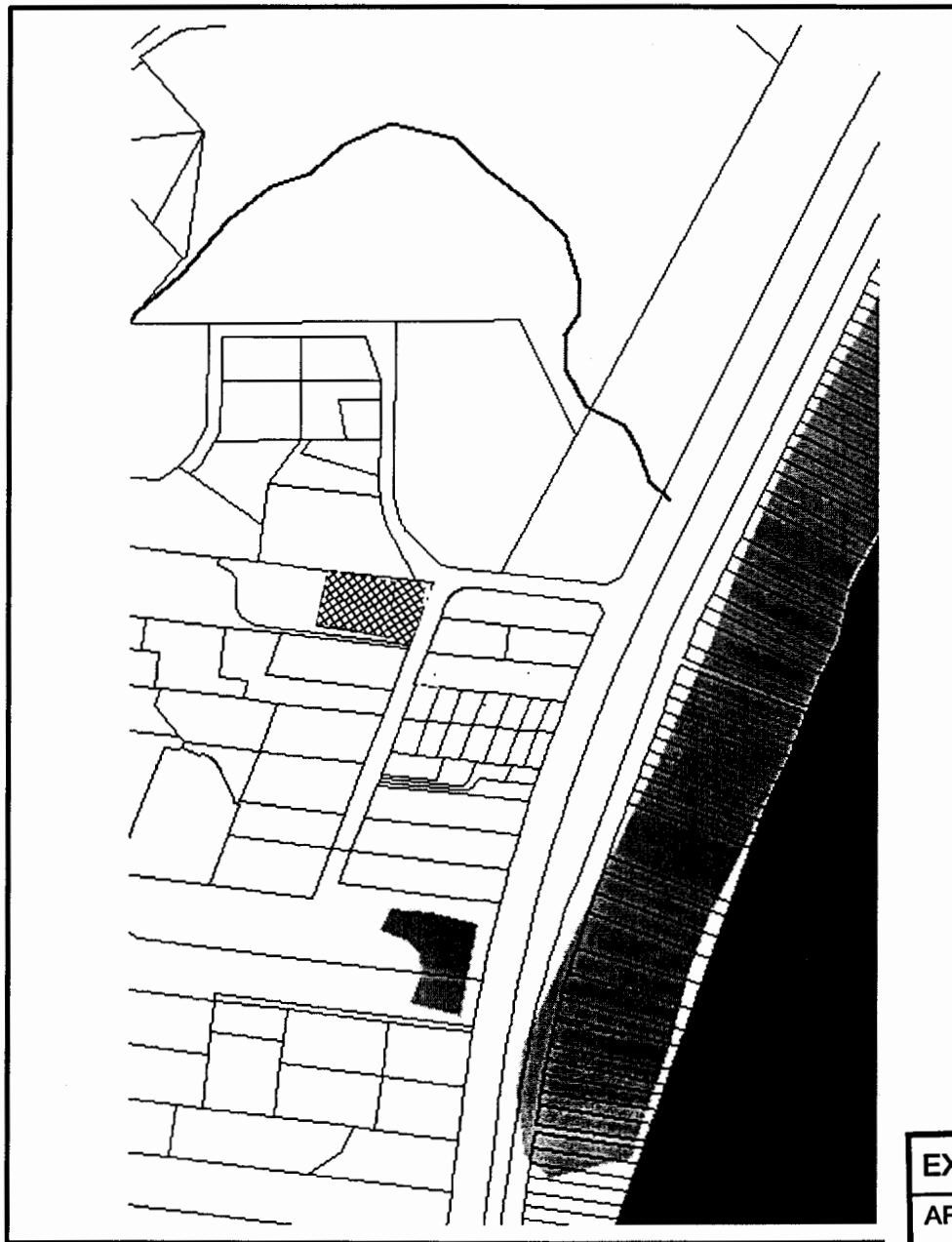
SEE 625 MAP

SEE MAP

ESRI ArcExplorer 1.1

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31213 Bailard Road



- Blue Line Streams
- Inland esha
- 31213 Bailard Road
- Ocean



Thursday, Jun 7 2001

EXHIBIT NO. 2
APPLICATION NO.
4-95-133-A2
LOCAL RESOURCES

SCALE: 1" = 100'

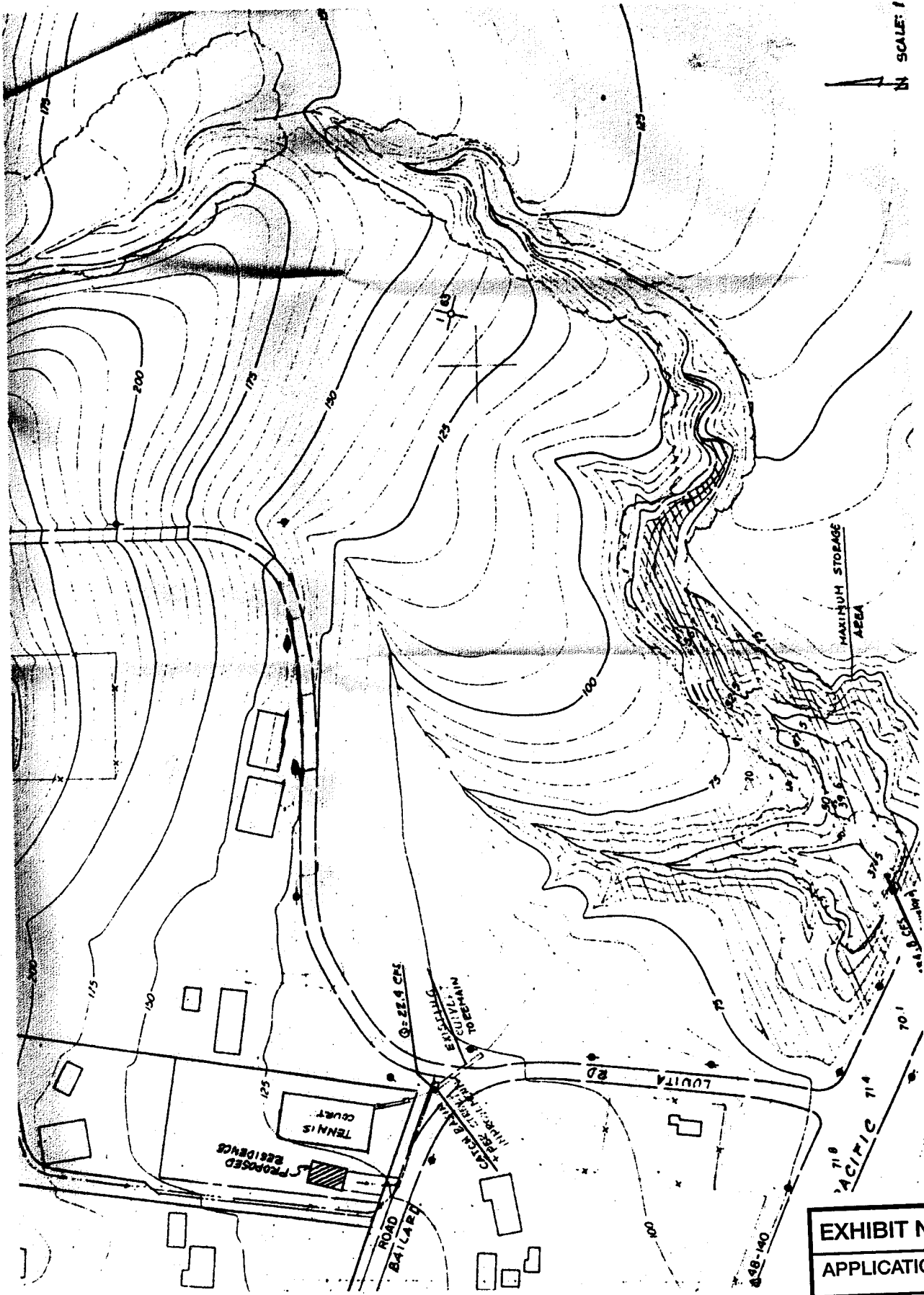


EXHIBIT NO. 3  
 APPLICATION NO.  
 4-95-133-A2  
 DRAINAGE



END:  
 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

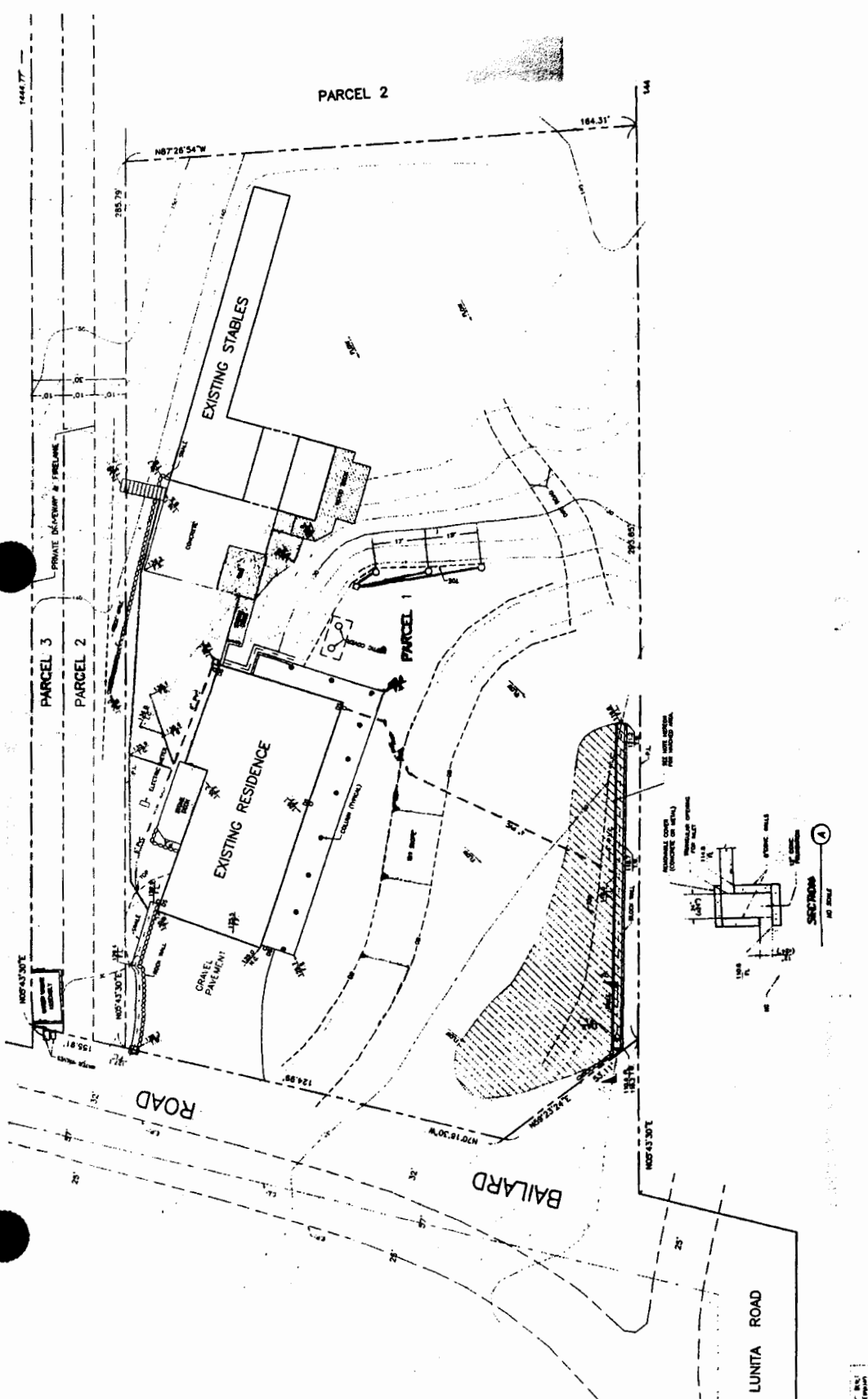
LEGAL DESCRIPTION  
 PARCEL 1, PARCEL MAP NO. 20380

TOTAL LOT AREA = 50,087 S.F.  
 IMPERMEABLE AREAS = 8,642 S.F. = 17%  
 PERMEABLE AREAS = 41,445 S.F. = 83%

|                    |               |
|--------------------|---------------|
| EARTH WORK VOLUMES |               |
| CUT AND FILL (CY)  | AS-BUILT S.P. |
| 1404               | 1624          |

NOTE:  
 SEE EXCESS FILL LOCATION  
 OF THE EXCESS FILL.

SCALE 1" = 16'  
 MARCH 10, 2000



|   |   |   |              |       |              |       |                 |        |             |        |          |             |      |    |   |                      |        |    |
|---|---|---|--------------|-------|--------------|-------|-----------------|--------|-------------|--------|----------|-------------|------|----|---|----------------------|--------|----|
| <p>PREPARED FOR:<br/>         DR. DAVID LEWIS<br/>         3013 LINDSEY AVENUE<br/>         MALIBU, CALIFORNIA 90265</p>  | <p><b>AS-BUILT<br/>         GRADING PLAN</b><br/>         FOR<br/>         PARCEL 1<br/>         PARCEL MAP NO. 20380</p> | <p><b>EJ</b></p> <p>EDUARDO JARQUIN, P.E.<br/>         CIVIL ENGINEERING - LAND SURVEY<br/>         1830 LINCOLN BOULEVARD, SUITE 108<br/>         SANTA MONICA, CALIFORNIA 90404-4524<br/>         TEL: (310) 392-1650 FAX: (310) 392-4772</p> |              |       |              |       |                 |        |             |        |          |             |      |    |   |                      |        |    |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DATE</td> <td>BY</td> <td>DATE</td> <td>BY</td> </tr> <tr> <td>8/7/00</td> <td>EJ</td> <td>8/7/00</td> <td>EJ</td> </tr> <tr> <td>REVISION</td> <td>DESCRIPTION</td> <td>DATE</td> <td>BY</td> </tr> <tr> <td>1</td> <td>EXCESS FILL LOCATION</td> <td>8/7/00</td> <td>EJ</td> </tr> </table> |   |   | DATE         | BY    | DATE         | BY    | 8/7/00          | EJ     | 8/7/00      | EJ     | REVISION | DESCRIPTION | DATE | BY | 1 | EXCESS FILL LOCATION | 8/7/00 | EJ |
| DATE  | BY  | DATE  | BY           |       |              |       |                 |        |             |        |          |             |      |    |   |                      |        |    |
| 8/7/00  | EJ  | 8/7/00  | EJ           |       |              |       |                 |        |             |        |          |             |      |    |   |                      |        |    |
| REVISION  | DESCRIPTION   | DATE  | BY           |       |              |       |                 |        |             |        |          |             |      |    |   |                      |        |    |
| 1   | EXCESS FILL LOCATION  | 8/7/00  | EJ           |       |              |       |                 |        |             |        |          |             |      |    |   |                      |        |    |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>APPROVED BY:</td> <td>DATE:</td> <td>APPROVED BY:</td> <td>DATE:</td> </tr> <tr> <td>EDUARDO JARQUIN</td> <td>8/7/00</td> <td>DAVID LEWIS</td> <td>8/7/00</td> </tr> </table>   |   |   | APPROVED BY: | DATE: | APPROVED BY: | DATE: | EDUARDO JARQUIN | 8/7/00 | DAVID LEWIS | 8/7/00 |          |             |      |    |   |                      |        |    |
| APPROVED BY:  | DATE:   | APPROVED BY:  | DATE:        |       |              |       |                 |        |             |        |          |             |      |    |   |                      |        |    |
| EDUARDO JARQUIN   | 8/7/00  | DAVID LEWIS   | 8/7/00       |       |              |       |                 |        |             |        |          |             |      |    |   |                      |        |    |

**EXHIBIT NO. 4**

APPLICATION NO.

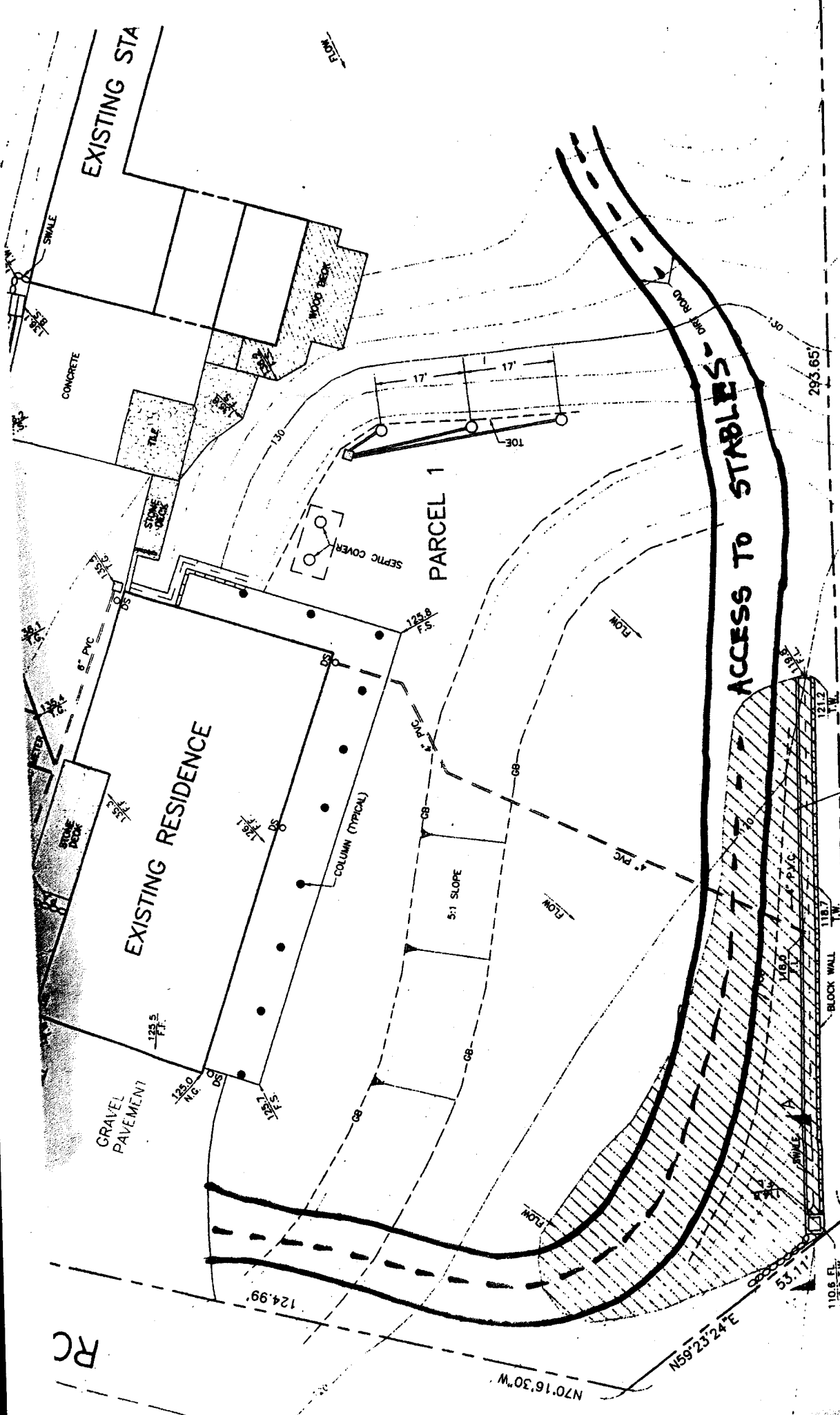
**4-95-133-A2**

**SITE PLAN**

15.12.00  
 TLF 10-04

RECEIVED  
 JUN 11 1981  
 COUNTY OF LOS ANGELES  
 DEPARTMENT OF PUBLIC WORKS

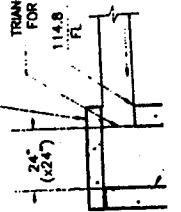
4-95-133-A2



SEE NOTE HEREON FOR HATCHED AREA.

REMOVABLE COVER (CONCRETE OR METAL)

TRIANGULAR OPENING FOR INLET



**EXHIBIT NO. 5**  
**APPLICATION NO.**  
**4-9-81-59-4**  
**STABLE ACCESS**

RC

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
39 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

RECEIVED

JUL 12 1996

Page 1 of 4  
Date: June 28, 1996  
Permit No. 4-95-133



CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT  
COASTAL DEVELOPMENT PERMIT

On October 12, 1996, the California Coastal Commission granted to David Lewis this permit subject to the attached Standard and Special conditions, for development consisting of:

Construct 6,172 sq. ft., three-level, single family residence with 787 sq. ft. attached garage, septic system, driveway, retaining wall, tennis court, and 1,500 c. yds. of grading (1,000 cu. yds of cut and 500 cu. yds. of fill) on a 186,431 sq. ft. lot, and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 31213 Bailard Road, Malibu.

Issued on behalf of the California Coastal Commission on June 28, 1996.

PETER DOUGLAS  
Executive Director

*John L. Ainsworth*  
By: JOHN L. AINSWORTH  
Supervising Planner

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

✓ IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

7/3/96  
Date

*M. David Lewis a.i.d.*  
Signature of Permittee

2743C/pg5/sm

|                 |
|-----------------|
| EXHIBIT NO. 6   |
| APPLICATION NO. |
| 4-95-133-A2     |
| CDP# 4-95-133   |

## COASTAL DEVELOPMENT PERMIT

Page 2 of 4  
Permit No. 4-95-133

### 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

### SPECIAL CONDITIONS:

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Updated Soils and Geologic-Seismic Investigation dated 2/27/95, prepared by California Geosystems shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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

COASTAL DEVELOPMENT PERMIT

Page 3 of 4  
Permit No. 4-95-133

2. Wild Fire Waiver of Liability

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

3. Landscaping and Erosion Control Plans

Prior to issuance of permit, the applicant shall submit detailed landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes at the completion of grading. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) 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 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (c) Should grading take place during the rainy season (November 1 -- March 31), applicant shall minimize sediment from runoff waters during construction through the use of sediment basins (including debris basins, desilting basins, or silt traps) on the project site prior to or concurrent with the initial grading operations and maintained through the development process. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

4. Drainage and Erosion Control Plans.

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the

COASTAL DEVELOPMENT PERMIT

Page 4 of 4  
Permit No. 4-95-133

subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff. The erosion control plan shall include revegetation with drought-tolerant, native species more specifically described in the landscape plan required by Special Condition 3. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

2743C

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
 VENTURA, CA 93001  
 (805) 641-0142

AMENDMENT TO PERMIT

RECEIVED  
 JUN 24 1997  
 SOUTH CENTRAL COAST DIST.  
 CALIFORNIA COASTAL COMMISSION

Date: April 24, 1997

Permit Number 4-95-133-A1 issued to David Lewis for: Construction of a 6,172 sq. ft., three-level, single family residence with 787 sq. ft. attached garage, septic system, driveway, retaining wall, tennis court, and 1,500 c. yds. of grading (1,000 cu. yds of cut and 500 cu. yds. of fill) on a 50,086 sq. ft. lot.

at: 31213 Bailard Road, City of Malibu, Los Angeles County

has been amended to include the following changes:

Relocate tennis court; reduce grading from 1500 cu. yds. to 1320 cu. yds. (875 cu. yds. cut and 445 cu. yds. fill); add: 120 ft. long, 3 ft. high retaining wall, 60 ft. long, 4 ft. high retaining wall, and 25 ft. long, 6 ft. high retaining wall; implement changes to revegetation plan for affected areas.

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received.

This amendment will become effective upon return of a signed copy of this form to the Commission Area office. Please note that the original permit conditions are still in effect.

Sincerely,

Peter M. Douglas  
 Executive Director

*Merle Betz, Jr.*  
 By: MERLE BETZ, JR.  
 Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by its conditions and the remaining conditions of permit number 4-95-133

Date 4/26/97

Signature Lewis ce D.

7883Apg2/sm

|                         |
|-------------------------|
| EXHIBIT NO. <b>7</b>    |
| APPLICATION NO.         |
| <b>4-95-133-A2</b>      |
| <b>CDP# 4-95-133-A1</b> |

