

# Tu 16j

**CALIFORNIA COASTAL COMMISSION**  
SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



## RECORD PACKET COPY

**DATE:** August 23, 2001  
**TO:** Commissioners and Interested Persons  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Correct application number for CDP 4-01-102 (Harges).

Please note that the correct number for this Coastal Development Permit application is 4-01-102. The September Meeting Notice incorrectly shows the application number as 4-01-103.



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Filed: 7/10/01  
49<sup>th</sup> Day: 8/28/01  
180<sup>th</sup> Day: 1/06/02  
Staff: LKF-V *CR*  
Staff Report: 8/23/01  
Hearing Date: 9/11-14, 2001  
Commission Action:

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.** 4-01-102

**APPLICANT:** The Harges Community Property Trust

**PROJECT LOCATION:** 6231 De Butts Terrace, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a two-story, 28 ft. high, 5,838 sq. ft. single family residence with attached 3-car garage, swimming pool, spa, septic system, two retaining walls, 996 cu. yds. of grading (537 cut, 459 fill), and removal and recompaction of 13,200 cu. yds. of previously approved fill material.

<b>Lot Area:</b>	39,216 sq. ft.
<b>Building Coverage:</b>	4,094 sq. ft.
<b>Pavement Coverage:</b>	3,849 sq. ft.
<b>Landscaped Area:</b>	31,273 sq. ft.
<b>Parking Spaces:</b>	3
<b>Height above existing grade:</b>	28 feet

**LOCAL APPROVALS RECEIVED:** Approval in Concept, City of Malibu Planning Department, dated 4/26/01; In Concept Approval (Septic System), City of Malibu Environmental Health Department, dated 1/12/01; Approval In Concept, City of Malibu Geology and Geotechnical Engineering, dated 3/15/01; In Concept Approval (Fuel Modification), County of Los Angeles Fire Department, dated 6/28/01; In Concept Approval (Access), County of Los Angeles Fire Department, dated 5/15/01.

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with eight (8) special conditions regarding (1) Conformance with Geologic Recommendations, (2) Wildfire Waiver of Liability, (3) Landscaping and Erosion Control, (4) Drainage and Polluted Runoff, (5) Removal of Excess Graded Material, (6) Color Restriction, (7) Future Development, and (8) Revised Plans. These

conditions address the proposed development's potential impacts to coastal resources, as outlined below and on pages 4-23 of this staff report.

#### Public Access

The subject site is located on the west side of De Butts Terrace, approximately ½ mile north of Pacific Coast Highway, in the City of Malibu (**Exhibit 1**). The De Butts Terrace right-of-way extends approximately 25 feet westward into the parcel, roughly paralleling its eastern property line. The proposed project includes a railroad tie stairway and a small corner of the building pad within the De Butts Terrace right-of-way (**Exhibit 8**). The Ramirez Canyon Connector Trail is located along the eastern side of De Butts Terrace and shares the same right-of-way. Obstruction of the western side of the De Butts Terrace right-of-way could impact future use of the trail should it become necessary to widen the road. In order to prevent any potential adverse effects to public access, **Special Condition One (8)** requires the applicant to submit revised plans removing all development from the De Butts Terrace right-of-way.

#### Visual Resources

Stakes erected on the site indicate that the proposed residence will be visible from the Ramirez Canyon Connector Trail (De Butts Terrace) and the Coastal Slope Trail (Winding Way). Because the proposed project is visible from viewing areas along public trails, **Special Conditions Three (3)** and **Six (6)** require the applicant to incorporate design restrictions and vertical landscaping elements that will minimize the intrusion of the project into public views.

#### Geologic Stability and Erosion Control

The subject parcel is one of three lots created by a subdivision approved by the Commission in 1991 (CDP 5-90-991 (Revere)). The approximately 7,000 sq. ft. pad and descending 2:1 fill slopes on the subject site were graded in 1991-92, pursuant to CDP 5-90-991. However, the compacted fill placed on the subject site was never certified. For this reason, the applicants' consulting geologists have recommended the removal and recompaction, to bedrock, of all surficial material within the area of previous grading, including the previously placed fill and underlying natural colluvium. The applicant estimates the volume of that material to be 13,200 cu. yds. The consulting geologists have stated that the proposed project, including the removal and recompaction of the pad and fill slopes, will be safe from geologic hazards if their recommendations are implemented. Accordingly, **Special Condition One (1)** requires that all recommendations of the consulting geologists be incorporated into final project plans. In addition, **Special Conditions Three (3)** (landscaping and erosion control), **Four (4)** (drainage and polluted runoff) and **Five (5)** (removal of excess graded material) will serve to minimize erosion and ensure site stability.

#### Water Quality and Sensitive Resources

The subject site is located on the eastern slope of a southwest trending ridge between two blue line streams. Runoff from the site travels eastward toward De Butts Terrace and a blue line stream in Fouquier Canyon approximately 125 feet downslope. Fouquier Canyon creek empties into the Pacific Ocean at Escondido Beach, approximately 2/3 mile downstream (**Exhibit 2**). In addition, the nearshore marine environment off Escondido Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the Certified Malibu/Santa Monica Mountains Land Use Plan. **Special Condition Four (4)** requires the applicant to implement a drainage and runoff control plan to further minimize erosion, sedimentation, and polluted runoff into coastal waters. As discussed above, **Special Conditions One (1)**, **Three (3)**, and **Five (5)** will also help protect sensitive resources by further minimizing erosion.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan (1986); Update Engineering and Geologic Report, Proposed Residential Development, Parcel 1, Parcel Map No. 21304, De Butts Terrace, Malibu, California (Mountain Geology, Inc., 12/08/00); Updated Geotechnical Engineering Report, Proposed Residential Development, Parcel 1, Parcel Map No. 21304, De Butts Terrace, Malibu, California (West Coast Geotechnical, 12/21/00); Addendum Engineering Geologic Report #1, Proposed Residential Development, Parcel 1, Parcel Map No. 21304, De Butts Terrace, Malibu, California (Mountain Geology, Inc., 2/20/01); Addendum Geotechnical Engineering Report, Response to the City of Malibu Geology and Geotechnical Engineering Review Sheet, Log #1925 (Old #883) BYA Project #49.17691.0001, Dated January 19, 2001, Proposed Residential Development, Parcel 1, Parcel Map No. 21304, De Butts Terrace, Malibu, California (West Coast Geotechnical, 2/27/01); Percolation test and site investigation report prepared by Barton Slutske, dated 6/23/99; City of Malibu Planning Commission Agenda Report, Plot Plan Review 00-169 / Site Plan Review 00-171 & Variance 01-009, dated 2/23/01; City of Malibu Planning Commission Resolution No. 01-010(A) dated 4/16/01; Coastal Development Permit 5-90-991 (Revere); Coastal Development Permit 4-92-075 (Revere); Coastal Development Permit 4-99-234 (Bindley); Coastal Development Permit 4-00-067 (Harris).

## **II. STAFF RECOMMENDATION**

**MOTION:** I move that the Commission approve Coastal Development Permit No. 4-01-102 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 Update Engineering and Geologic Report, by Mountain Geology, Inc., dated December 8, 2000; the Updated Geotechnical Engineering Report by West Coast Geotechnical, dated December 21, 2000; the Addendum Engineering Geologic Report #1 by Mountain Geology, Inc., dated February 20, 2001; and the Addendum Geotechnical Engineering Report by West Coast Geotechnical, dated February 27, 2001 shall be incorporated into all final design and construction including recommendations concerning site preparation, grading, fill placement, keyways, benching and subdrains, transition pads, bearing materials, retaining walls, retaining wall and utility trench backfilling, foundations, lateral design, foundation settlement, foundation setback, temporary excavations and shoring, concrete slabs-on-grade, AC pavement, swimming pool, expansive soils, drainage and moisture protection, sewage disposal, and site observation. All plans must be reviewed and approved by the consulting geologists.

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 of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs, including the landscape and erosion control plan required pursuant to **Special Condition Three (3)**, and the drainage and runoff control plan required pursuant to **Special Condition Four (4)**.

- (b) The final plans approved by the consulting geologists shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, drainage, and sewage disposal. 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. Wildfire Waiver of Liability**

PRIOR TO 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, and liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

## **3. Landscape and Erosion Control Plan**

PRIOR TO THE ISSUANCE OF THE 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 geologists to ensure that the plans are in conformance with the consulting geologists' recommendations. The plans shall incorporate the following criteria:

### **A) Landscaping Plan**

- (1) All graded & 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 plant species which tend to supplant native species shall not be used.

- (2) The property shall be planted with native species of sufficient height and density to screen the project from public viewing areas along the Ramirez Canyon Connector Trail (De Butts Terrace) and the Coastal Slope Trail (Winding Way).
- (3) 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.
- (4) 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.
- (5) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the 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.
- (6) The landscape plan shall include an irrigation plan that employs a drip irrigation system. Sprinkler systems shall not be used.
- (7) 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 shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains. Areas of existing native coastal sage scrub and chaparral vegetation within a 200 foot radius of the proposed structures shall be preserved, consistent with fire safety requirements.



**B) Interim Erosion Control Plan**

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C) Monitoring**

- (1) 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 that 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. 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 plan shall be reviewed and approved by the consulting geologists to ensure the plan is in conformance with the consulting geologists' recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

#### **5. Removal of Excess Graded Material**

The applicant shall remove all excess graded material, consisting of approximately 78 cu. yds. of cut, to an appropriate disposal site located outside of the Coastal Zone. 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.

#### **6. Color Restriction**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit 4-01-102. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-01-102 if such changes are specifically authorized by the Executive Director as complying with this special condition.

PRIOR TO THE ISSUANCE THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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

This permit is only for the development described in coastal development permit No. 4-01-102. Pursuant to Title 14 California Code of Regulations §13250 (b)(6), the exemptions otherwise provided in Public Resources Code §30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the entire property, including but not limited to the permitted residence, garage, swimming pool, any change of use to the permitted structures, and any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition No. Three (3)**, shall require an amendment to Permit No. 4-01-102 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 legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

## **8. Revised Plans**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised project plans. The plans shall show all development removed from the De Butts Terrace right-of-way. The plans shall also provide grading information, including cross-sections and revised grading totals, that reflects the above revisions.

## **V. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. Project Description and Background**

The applicant proposes to construct a two-story, 28 ft. high, 5,838 sq. ft. single family residence with attached 3-car garage, swimming pool, spa, septic system, and two retaining walls. (**Exhibits 3-7**). The proposed project includes 996 cu. yds. of grading (537 cu. yds. cut and 459 cu. yds. fill), to lower and expand the building pad and to repair the gullied driveway. (**Exhibits 8-10**). The proposed project also includes removal and recompaction of 13,200 cu. yds. of previously approved fill material and natural colluvium.

The subject site is located at 6231 De Butts Terrace, approximately ½ mile north of Pacific Coast Highway, in the City of Malibu (**Exhibit 1**). The site is located on the west side of De Butts Terrace. The De Butts Terrace right-of-way extends approximately 25 feet westward into the parcel, roughly paralleling its eastern property line (**Exhibit 8**). The Ramirez Canyon Connector Trail is located along the eastern side of De Butts Terrace.

The property is located in an area partially developed with existing single family residences of similar bulk and height. Stakes erected on the site indicate that the proposed residence will be visible from the Ramirez Canyon Connector Trail (De Butts Terrace) and the Coastal Slope Trail (Winding Way). The site is not visible from the Escondido Falls Trail due to intervening topography. The site is minimally visible from Pacific Coast Highway.

The 0.9-acre parcel consists of an approximately 7,000 sq. ft. graded pad surrounded by steep (2:1) slopes descending to the east and southeast (towards De Butts Terrace) and ascending to the northwest. (**Exhibit 11**). The parcel contains weedy vegetation, mostly fennel, and scattered native chaparral. The site is located on the eastern slope of a southwest trending ridge between two blue line streams. Runoff from the site travels eastward toward De Butts Terrace, where it is intercepted by catch basins that direct runoff into a blue line stream in Fouquier Canyon approximately 125 feet downslope. Fouquier Canyon creek empties into the Pacific Ocean at Escondido Beach, approximately 2/3 mile downstream (**Exhibit 2**). In addition, the nearshore marine environment off Escondido Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the Certified Malibu/Santa Monica Mountains Land Use Plan.

The subject parcel is one of three lots created by a subdivision approved by the Commission in 1991 (CDP 5-90-991 (Revere)). CDP 5-90-991 also approved 13,679 cu. yds. of grading (6,889 cu. yds. cut, 6,790 cu. yds. fill) to construct building pads on each lot and an access driveway. A subsequent permit, CDP 4-92-075 approved the placement of a temporary mobile home on Lot 2, located immediately west of the subject site.

## **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

stability, or destruction of the site or surrounding area. The site of the proposed project is an approximately 0.9 acre parcel consisting of a nearly level graded pad in the center, descending slopes to the south and southeast, and an ascending slope to the northwest. The building pad is constructed of artificial fill, as are the descending slopes to the east and southeast of the pad. The fill slopes descend at a 2:1 gradient (25 vertical feet over an approximately 50 horizontal foot distance) to the western edge of De Butts Terrace.

The applicant proposes to construct a two-story, 28 ft. high, 5,838 sq. ft. single family residence with attached 3-car garage, swimming pool, spa, septic system, and two retaining walls. The proposed project includes 996 cu. yds. of grading (537 cu. yds. cut and 459 cu. yds. fill) to lower and expand the building pad and to repair the gullied driveway. The proposed project also includes removal and recompaction of 13,200 cu. yds. of previously approved fill material and natural colluvium.

The applicant proposes to construct the two concrete retaining walls at the base of a 2:1 slope that descends to the building pad from the northwest (**Exhibits 8-10**). The westernmost retaining wall is approximately 58 ft. long and 4 ft. high, dropping to 3 ft. high at its southern end. The easternmost wall is approximately 175 ft. long and 6 ft. high, dropping to 3 ft. high at its southern end. The proposed retaining walls allow for construction of a 15 ft. wide driveway to the residence, as per Los Angeles County Fire Department requirements. The applicant has received a variance from the City of Malibu to construct the retaining walls on a slope less than 2 ½:1.

The applicant has submitted four reports: Update Engineering and Geologic Report, by Mountain Geology, Inc., dated December 8, 2000; Updated Geotechnical Engineering Report by West Coast Geotechnical, dated December 21, 2000; Addendum Engineering Geologic Report #1 by Mountain Geology, Inc., dated February 20, 2001; and Addendum Geotechnical Engineering Report by West Coast Geotechnical, dated February 27, 2001. These reports make numerous recommendations regarding site preparation, grading, fill placement, keyways, benching and subdrains, transition pads, bearing materials, retaining walls, retaining wall and utility trench backfilling, foundations, lateral design, foundation settlement, foundation setback, temporary excavations and shoring, concrete slabs-on-grade, AC pavement, swimming pool, expansive soils, drainage and moisture protection, sewage disposal, and site observation. The December 21, 2000 report by West Coast Geotechnical concludes that

***It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction.***

The December 8, 2000 report by Mountain Geology Inc. concludes that

***Based upon our exploration and experience with similar projects, the proposed development is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction.***

In addition, the February 27, 2001 addendum report by West Coast Geotechnical states

***Based on our responses provided herein and the data/recommendations presented in our referenced reports, it continues to the opinion of this office that the proposed development, as planned, is considered feasible from a geotechnical engineering standpoint, provided our recommendations and those of the project geologist, Mountains Geology, Inc., are made part of the development plans and implemented during construction.***

The reports give special consideration to the stability of the building pad and recommend that surficial materials in fill areas be removed to bedrock and recompacted. West Coast Geotechnical's December 21, 2000 report states that

***As previously stated, grading associated with development of the site was performed under the geotechnical observation of Ralph Stone and Associates, Inc., and Advanced Geotechnical Services, Inc., circa 1991/1992, respectively. Rough-grading reports certifying the compacted fill were never prepared or submitted to the City of Malibu for approval. Accordingly, due to the uncertainties and the lack of geotechnical certification for the previously placed compacted fill onsite, West Coast Geotechnical recommends that all existing fill and soil be removed to expose the site bedrock, and recompacted to a certified compacted fill as part of the development of the subject property.***

As noted above, the proposed project includes removal and recompaction of 13,200 cu. yds. of surficial material, including previously approved fill material and natural colluvium underlying the artificial fill.

Based on the conclusions of the West Coast Geotechnical and Mountain Geology, Inc. reports, the Commission finds that the proposed development will be safe from geologic hazards if all recommendations of the consulting geologists 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 December 8, 2000, December 21, 2000, February 20, 2001, and February 27, 2001 reports are incorporated into the final plans and designs.

## **2. Erosion**

Section 30253 of the Coastal Act requires that new development neither create nor contribute significantly to erosion. As noted above, the proposed development is located on a site that contains steep fill slopes descending to and from the central pad. The proposed project includes 996 cu. yds. of grading (537 cu. yds. cut and 459 cu.

yds. fill), to lower and expand the building pad and to repair the gullied driveway. The proposed project also includes removal and recompaction of 13,200 cu. yds. of previously approved fill material and natural colluvium. In addition, the proposed project will result in 3,849 sq. ft. of paved surfaces, along with 4,094 sq. ft. of building coverage.

The site currently drains by sheet flow runoff. Runoff from the site travels eastward toward De Butts Terrace, where it is intercepted by catch basins that direct runoff into a blue line stream in Fouquier Canyon approximately 125 feet downslope. Fouquier Canyon creek empties into the Pacific Ocean at Escondido Beach, approximately 2/3 mile downstream (**Exhibit 2**). In addition, the nearshore marine environment off Escondido Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the Certified Malibu/Santa Monica Mountains Land Use Plan.

In total, the project will result in 7,943 sq. ft. of impervious surface area on the site, increasing both the volume and velocity of storm water runoff. Unless surface water is controlled and conveyed off of the site in a non-erosive manner, this runoff will result in increased erosion on and off the site. Consequently, Mountain Geology, Inc. recommended in their December 8, 2000 report that

***Pad and roof drainage should be collected and transferred to the city street in non-erosive drainage devices. Drainage should not be allowed to pond on the pad, against any foundation or retaining wall, or be allowed to flow uncontrolled over slopes.***

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 erosion and sedimentation from site runoff are minimized, the Commission requires the applicant to submit a drainage plan, as defined by **Special Condition Four (4)**. **Special Condition Four (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. Fully implemented, the drainage plan will reduce or eliminate the resultant adverse impacts to the water quality and biota of coastal streams. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams. 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, the Commission finds that temporary erosion control measures implemented during construction will also minimize erosion and enhance site stability. **Special Condition Three (3)** therefore requires the applicant to implement interim erosion control measures should grading take place during the rainy season. Such measures include stabilizing any stockpiled fill with geofabric covers or other erosion-controlling materials, installing geotextiles or mats on all cut and fill slopes, and closing and stabilizing open trenches to minimize potential erosion from wind and runoff water.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site, provided that minimal surface irrigation is required. Therefore, **Special Condition Three (3)** requires the applicant to submit landscaping plans, including irrigation plans, certified by the consulting geologists as in conformance with their recommendations for landscaping of the project site. **Special Condition Three (3)** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

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 the use of 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. Such changes have resulted in the loss of native plant species and the soil retention benefits they offer. Therefore as noted the implementation of **Special Condition Three (3)** will ensure that primarily native plant species are used in the landscape plans and that potentially invasive non-native species are avoided.

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 Three (3)**. In addition, **Special Condition Three (3)** requires that areas of existing native vegetation within 200 feet of the proposed structures be preserved, consistent with fire safety requirements.

In addition, the applicant proposes to cut 537 cu. yds. of earth on the site and use 459 cu. yds. of this material for fill, thus producing 78 cu. yds. of excess graded material. The Commission finds that stockpiling excavated material may contribute to increased

erosion at the site. Furthermore, the Commission notes that additional landform alteration would result if the excavated material were to be collected and retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition Five (5)** requires the applicant to remove all excess graded material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit.

Finally, in order to ensure that future site development, including additional vegetation clearance, is reviewed for its potential to create or contribute to erosion, the Commission finds it necessary to impose **Special Condition Seven (7)**, which requires the applicant to obtain a coastal development permit for any future development on the site, including improvements that might otherwise be exempt from permit requirements.

For the reasons cited above, the Commission finds that the proposed project as conditioned by **Special Conditions Three (3), Four (4), Five (5), and Seven (7)** 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 an individual's property rights.

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. The applicant has submitted fuel modification plans, approved

by the Los Angeles County Fire Department, that include fuel modification zones extending to the property line. The 200-foot brush clearance radius for the site encompasses parts of four adjacent developed properties, as well as four undeveloped parcels. Two of the undeveloped parcels are Lots 2 and 3 of the subdivision approved under CDP 5-90-991 (Thorne). These lots contain disturbed weedy vegetation with remnant patches of chaparral. Much of Lot 2 is located within the brush clearance radius of a recently approved single family residence (CDP 4-00-067 (Harris)). The remaining two parcels contain native chaparral vegetation on steep slopes, descending to Fouquier Canyon creek. The brush clearance radius for the subject site encompasses an approximately 10,000 sq. ft. area within these two parcels. In order to minimize removal of native vegetation, and the associated impacts to coastal resources, **Special Condition Three (3)** requires that all native vegetation within 200 feet of the proposed structures be preserved, consistent with fire safety requirements. As conditioned, the approval of the project will not result in significant additional brush clearance in the vicinity of the site.

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 acknowledges the liability from these associated risks. Through **Special Condition Two (2)**, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

The Commission finds that only as conditioned by **Special Condition Two (2)** is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

In summary, the Commission finds that, as conditioned by **Special Conditions One (1), Two (2), Three (3), Four (4), Five (5), and Seven (7)** the proposed project will be consistent with the requirements of Coastal Act Section 30253 applicable to geology, site stability, and hazards.

### **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 to construct a two-story, 28 ft. high, 5,838 sq. ft. single family residence with attached 3-car garage, swimming pool, spa, septic system, and two retaining walls. The proposed project includes 996 cu. yds. of grading (537 cu. yds. cut and 459 cu. yds. fill) to lower and expand the building pad and to repair the gullied driveway. The proposed project also includes removal and recompaction of 13,200 cu. yds. of previously approved fill material and natural colluvium. The existing building pad is surrounded by steep (2:1) slopes.

The site is located on the eastern slope of a south west trending ridge between two blue line streams. Runoff from the site travels eastward toward De Butts Terrace, where it is intercepted by catch basins that direct runoff into a blue line stream in Fouquier Canyon approximately 125 feet downslope. Fouquier Canyon creek empties into the Pacific Ocean at Escondido Beach, approximately 2/3 mile downstream. In addition, the nearshore marine environment off Escondido Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the Certified Malibu/Santa Monica Mountains Land Use Plan.

The proposed project will result in 3,849 sq. ft. of paved surfaces, along with 4,094 sq. ft. of building coverage. In total, the project will result in 7,943 sq. ft. of impervious surface area on the site, increasing both the volume and velocity of storm water runoff. An increase in impervious surface area 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, 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.

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

The 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 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 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 measures 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 Three (3)** is necessary to ensure that the proposed development will not adversely impact water quality or coastal resources.

Finally, the applicant proposes to construct a new 3000-gallon septic tank and disposal system as shown on the plans approved "In-Concept" by the City of Malibu Department of Environmental Health on January 12, 2001. The conceptual approval by the City indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code. The Commission has found the City of Malibu's minimum health and safety standards for septic systems to be protective of coastal resources and to take into consideration the percolation capacity of soils, the depth to groundwater, and other pertinent information. Therefore the Commission further finds that project compliance with the City's standards for septic disposal will minimize any potential for wastewater discharge that could adversely impact coastal waters.

For all of these reasons, therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

#### **D. Visual Resources**

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.***

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 highways. The Commission also examines the building site and the size of the proposed structure(s).

The applicant proposes to construct a two-story, 28 ft. high, 5,838 sq. ft. single family residence with attached 3-car garage, swimming pool, spa, septic system, and two retaining walls. The proposed project will require 996 cu. yds. of grading (537 cu. yds.

cut and 459 cu. yds. fill), to lower and expand the building pad and to repair the gullied driveway.

The proposed project site is located on De Butts Terrace, approximately ¼ mile north of Pacific Coast Highway, and is bordered by residential development to the south and east and, more distantly, to the north. Several single family residences are located approximately ¼ mile north of the site, and a 26 ft. high, 7,035 sq. ft. single family residence was recently approved approximately 500 feet north of the site (CDP 4-00-067 (Harris)).

As noted above, stakes erected on the site indicate that the proposed residence will be visible from the Ramirez Canyon Connector Trail (De Butts Terrace) and the Coastal Slope Trail (Winding Way). The site is not visible from the Escondido Falls Trail due to intervening topography. The site is minimally visible from Pacific Coast Highway. While portions of the proposed residence will be visible from public viewing areas to the east of the site, the Commission notes that the proposed retaining walls, located north and west of the residence, will be mostly hidden.

Because the proposed project is visible from viewing areas along public trails, the Commission finds it necessary to impose design restrictions to minimize the intrusion of the project into public views from the recreational trails. Accordingly, **Special Condition Six (6)** restricts the use of colors to a natural background palette and requires the use of non-glare glass.

In addition, to ensure that future development of the site is reviewed for potentially adverse effects on coastal visual resources, the Commission finds it necessary to impose **Special Condition Seven (7)**, which requires the applicant to obtain a coastal development permit for any future development of the site, including improvements that might otherwise be exempt from coastal permit requirements.

The Commission notes that visual impacts can be further minimized by the implementation of a landscape plan that employs a native plant palette and vertical elements. **Special Condition Three (3)** specifies that the property shall be planted with native species of sufficient height and density to screen the project from public viewing areas along the Ramirez Canyon Connector Trail (De Butts Terrace) and the Coastal Slope Trail (Winding Way). The Commission also notes that visual impacts will be further mitigated by requiring by the implementation of erosion control measures, as in **Special Conditions Three (3), Four (4), Five (5)**. Implementation of the requirements of these conditions will ensure that the adverse visual effects of obtrusive non-native landscaping, denuded slopes, and uncontrolled erosion are avoided.

For all of the reasons set forth above, the Commission finds that the proposed project, as conditioned by **Special Conditions Three (3), Four (4), Five (5), Six (6) and Seven (7)** is consistent with Section 30251 of the Coastal Act.



**E. Public Access and Recreation**

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act has several policies which address the issues of public access and recreation within coastal areas.

Section 30210 of the Coastal Act states:

***In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.***

Section 30213 of the Coastal Act states:

***Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.***

Section 30223 of the Coastal Act states:

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

Coastal Act sections 30210 and 30223 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and provided, where feasible. In order to preserve and formalize the public's right to use trails in the Malibu/Santa Monica Mountains area, a trail system map has been included as part of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). The trail system is composed of the Backbone and Coastal Slope Trails in addition to numerous connector trails, including the Ramirez Canyon Connector Trail.

The subject site is located on the western side of De Butts Terrace, and includes an approximately 25 foot wide right-of-way for the road. The right-of-way extends from the southern to the northern boundary of the lot, and roughly parallels its eastern property line. The proposed project includes a railroad tie stairway and a small corner of the building pad within the De Butts Terrace right-of-way.

The Ramirez Canyon Connector Trail is located on the eastern side of De Butts Terrace. The Ramirez Canyon Connector Trail is an integral part of a significant trail system that serves to provide access between the growing urban areas on and above the coastal terrace and the Santa Monica Mountain park system. The trail network provides hikers and equestrians with a large number of varied destinations and highly



scenic locations. Significant coastal views from the public trail system include panoramic views of the coastline, the Channel Islands, and mountain views.

In the Malibu/Santa Monica Mountains area, the existing system of heavily used historic trails located on private property has been adversely impacted by the conversion of open lands to housing. Although the Ramirez Canyon Connector Trail does not cross the subject site, it shares the same right-of-way. Obstruction of the western side of the De Butts Terrace right-of-way could impact future use of the trail should it become necessary to widen the road.

Therefore, in order to avoid any cumulative and site specific adverse effects to public access resulting from the proposed development and to enhance the Santa Monica Mountains Trail System, **Special Condition Eight (8)** requires the applicant to submit revised plans removing all development from the De Butts Terrace right-of-way. The Commission therefore finds that the proposed project, as conditioned, is consistent with Sections 30210, 30213, and 30223 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 City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).



Approximate location  
of project site

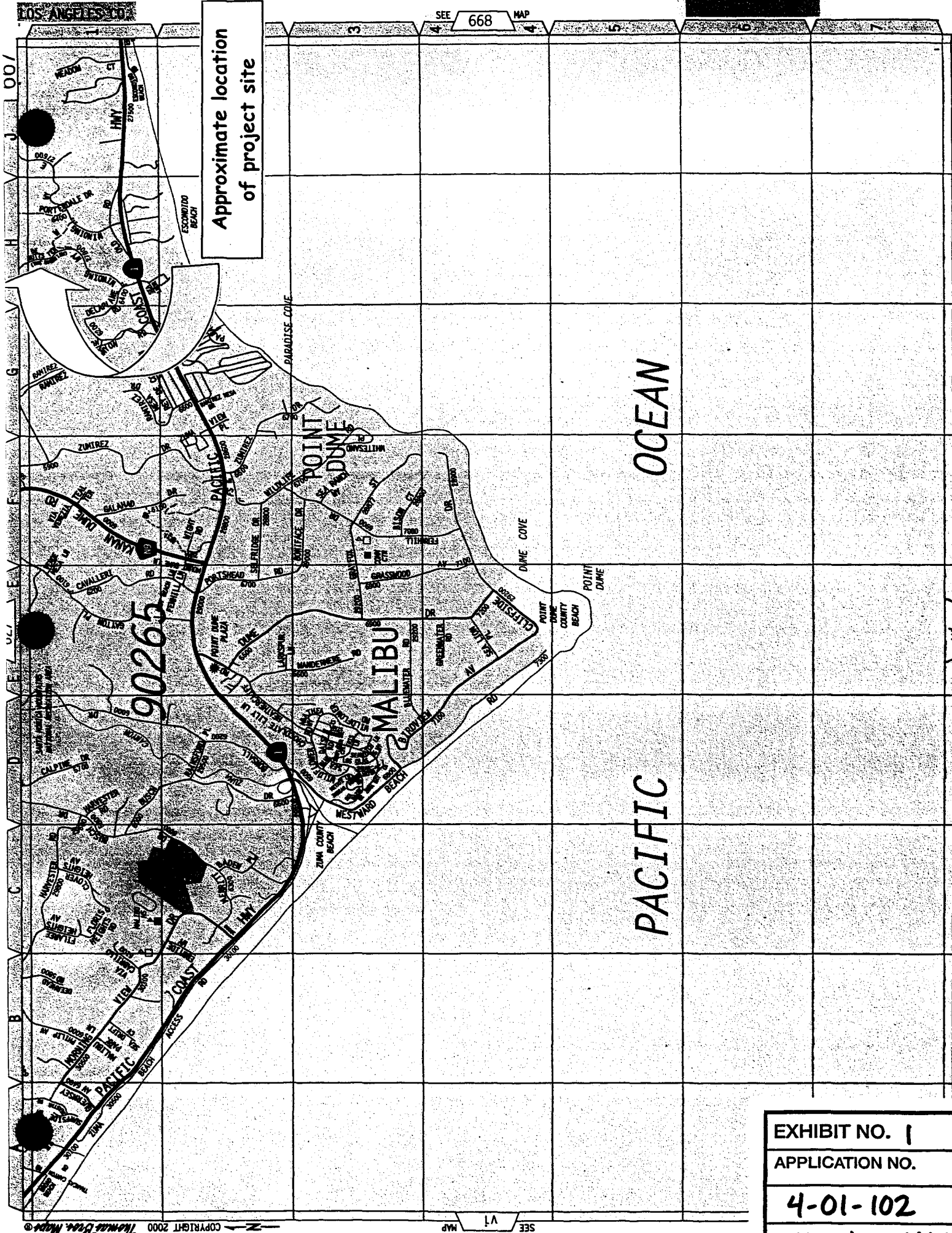


EXHIBIT NO. 1

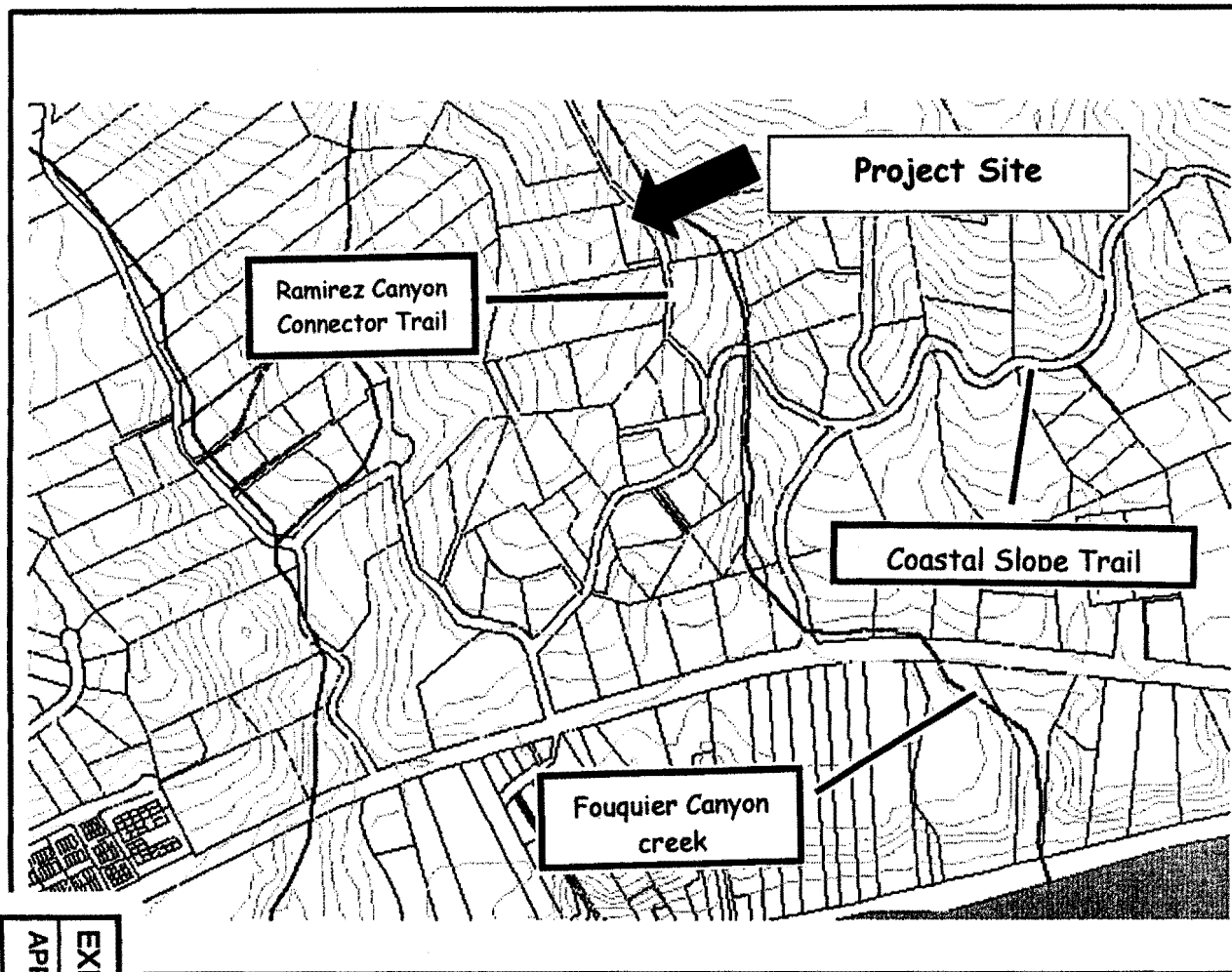
APPLICATION NO.

4-01-102

VICINITY MAP

ESRI ArcExplorer 1.1

4-01-102 (Harges) 6231 De Butts Terrace



contours @ 20ft

Blue Line Streams

laprcls

Ocean



Monday, Aug 20 2001

EXHIBIT NO. 2

APPLICATION NO.

4-01-102

COASTAL RESOURCES

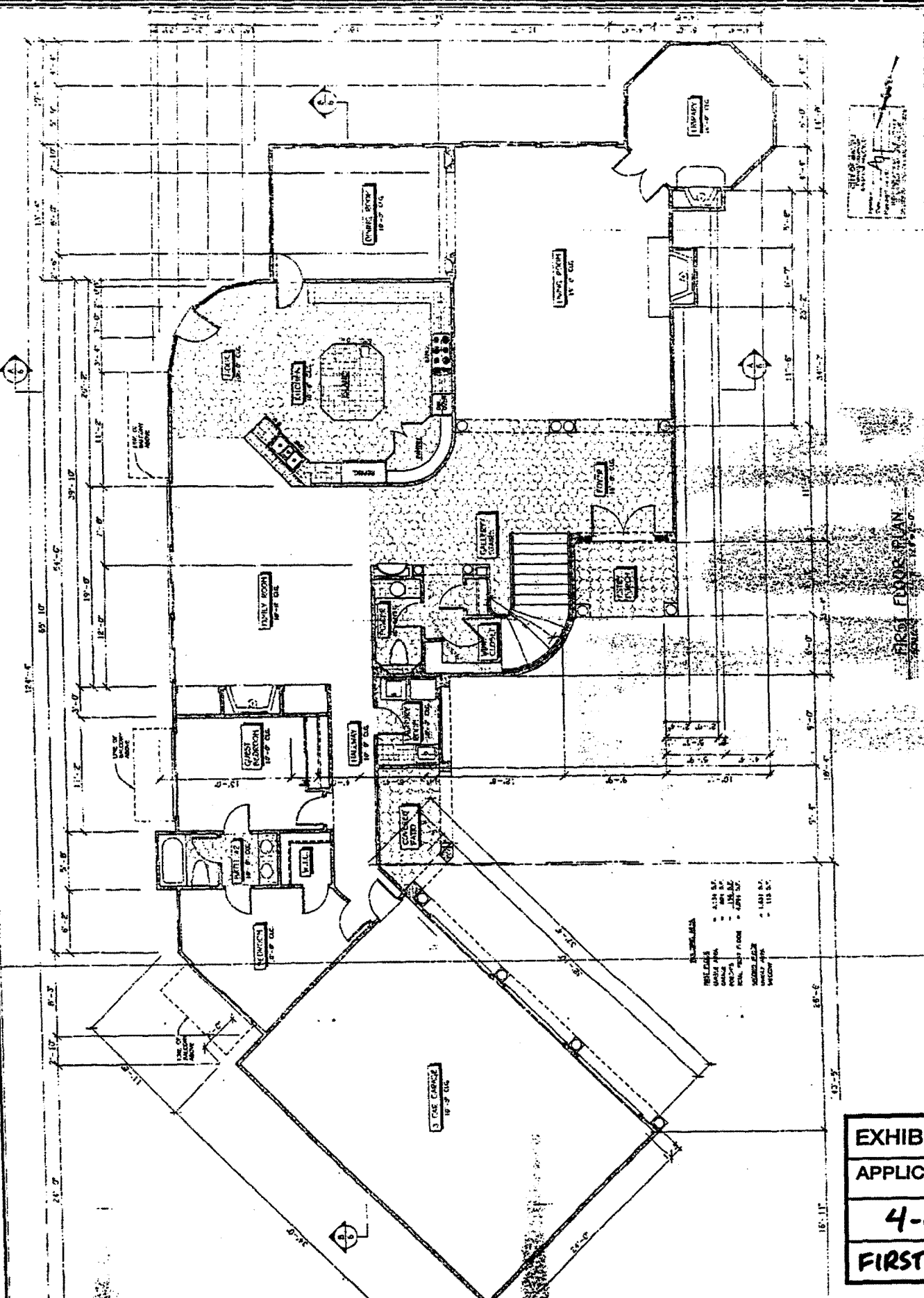
**PLOT PLAN**



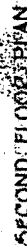
**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**4-01-102**  
**FIRST FLOOR PLAN**

**MR. KEN HARDES**  
SINGLE FAMILY RESIDENCE  
4377 SPRINGFIELD ST. SIM. VALLEY, CALIF. 93053  
DESIGNS  
16101 883-1112 (IN 905) 883-1652

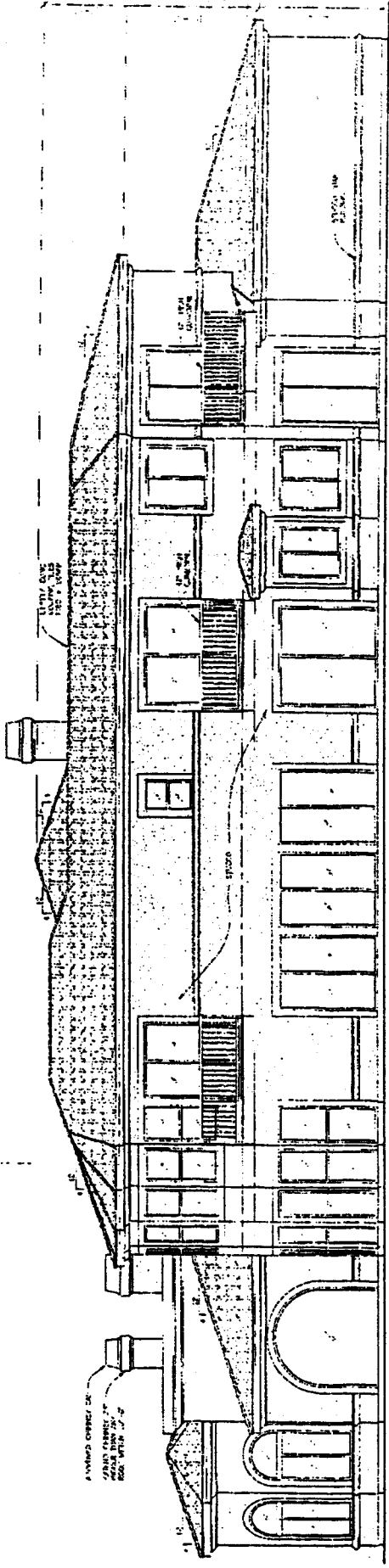
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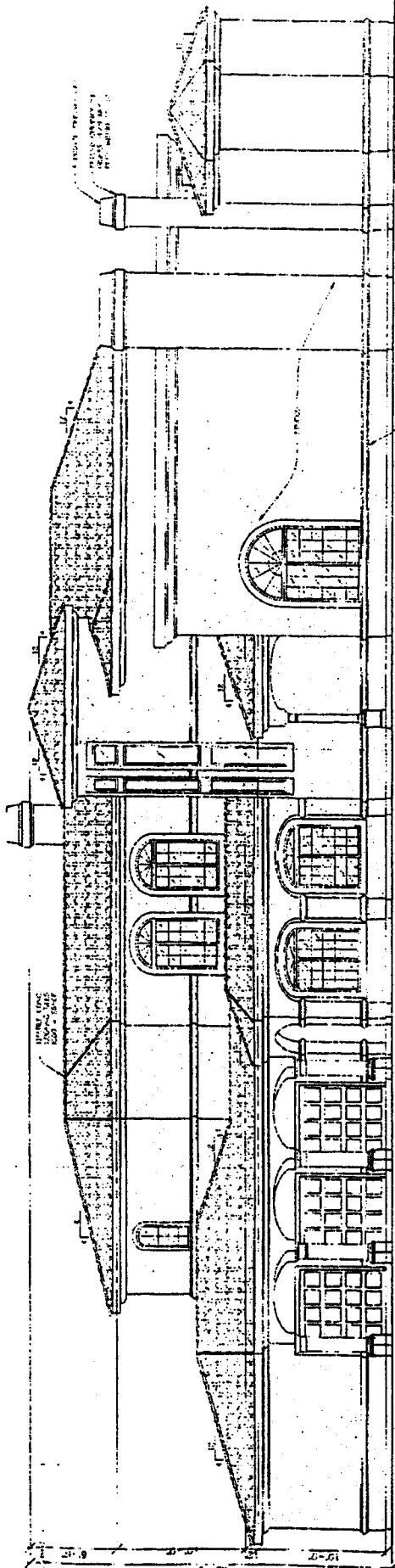
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**APPLICATION NO.**  
**4-01-102**  
**FIRST FLOOR PLAN**



## SECOND FLOOR PLAN



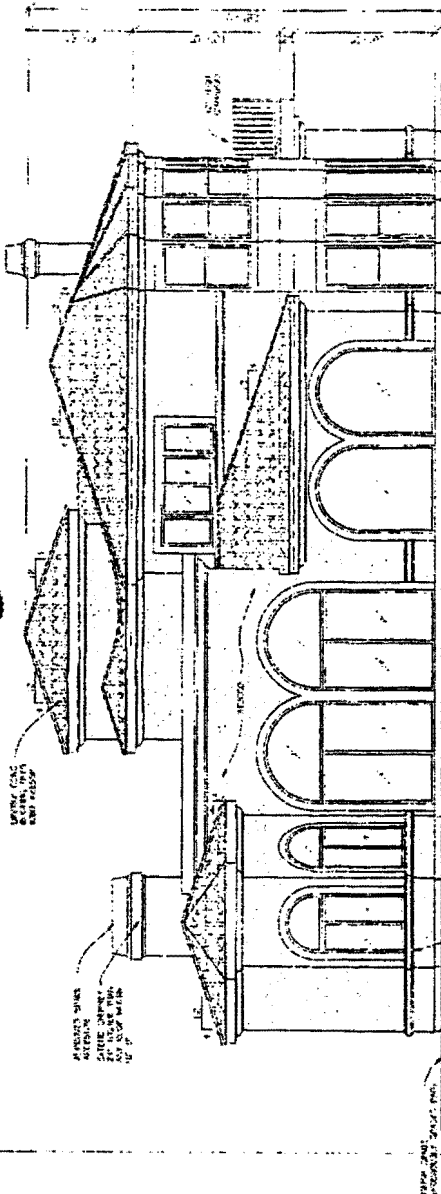
**EAST ELEVATION**  
SCALE 1/4" = 1'-0"



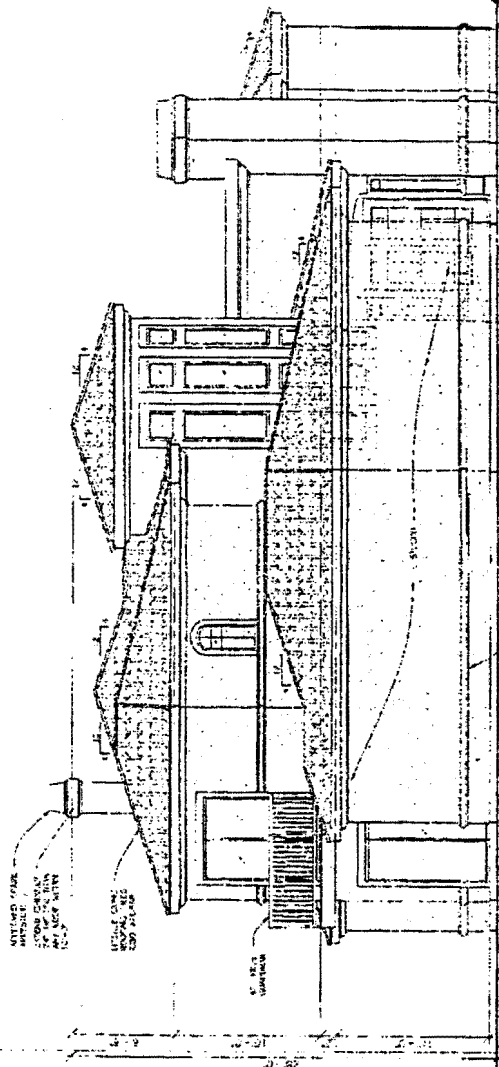
**WEST ELEVATION**  
SCALE 1/4" = 1'-0"

EXHIBIT NO. <b>6</b>
APPLICATION NO.
<b>4-01-102</b>
<b>ELEVATIONS</b>





**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"





EXHIBIT NO. 10
APPLICATION NO.
4-01-102
RETAINING WALL NOTES