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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff: K. Kemmler
Staff Report: 12/20/01
Hearing Date: 1/8-11/02
Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-99-071
APPLICANT: Steven & Hillary Barth
AGENT: Schmitz & Associates
PROJECT LOCATION: 1060 & 1065 Meadows End Drive, Calabasas (Los Angeles Co.)

PROJECT DESCRIPTION: Proposal to construct a 5,174 sq. ft., 34 ft. high, two story single family residence with attached 2-car 329 sq. ft. garage and covered patios, swimming pool, septic system, 200 ft. long, 6 ft. high max. retaining wall, new 20 ft. wide driveway, improve and widen access road to 20 feet with a gravel base, 1,062 cu. yds. of grading (750 cu. yds. cut & 312 cu. yds. fill), 3,875 cu. yds. of removal/recompaction and demolition of an existing accessory structure. The proposal also includes a request for after the fact approval of a lot line adjustment converting two parcels from a 40 acre parcel (Lot 1) & approx. 1 acre parcel (Lot 2) to a 20 acre parcel (Lot 1) and 21 acre parcel (Lot 2).

Plan Designations: Mountain Land (1 du/20 acres), Rural Land I (1 du/10 acres), Rural Land II (1 du/5 acres), Residential I (1 du/acre) & Rural Land III (1 du/2 acres)
Lot 1 area: 40 acres (prior to adjustment) 20 acres (as proposed)
Lot 2 area: 1.1 acres (prior to adjustment) 21 acres (as proposed)

Proposed Development on Lot 1

Building coverage: 3,054 sq. ft.
Pavement coverage: 6,500 sq. ft.
Landscape coverage: 19,000 sq. ft.
Height Above Finished Grade: 34 ft.
Parking Spaces: 2

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, June 16, 1998; County of Los Angeles Environmental Health Services, Sewage Disposal System Design Approval, February 1, 1999; County of Los Angeles Fire Department, Fuel Modification Plan Approval, June 4, 1999; Certificate of Compliance for Lot Line Adjustment No. 100,667, recorded on Jan 17, 1989.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; "Soils and Engineering Geologic Investigation," GeoSystems, Inc., August 17, 1998.

Summary of Staff Recommendation

Staff recommends **approval** of the proposed project with **ten (10) special conditions** regarding (1) revised plans, (2) geologic recommendations, (3) drainage and polluted runoff control, (4) landscaping and erosion control, (5) wildfire waiver, (6) future improvements, (7) oak tree mitigation, (8) access approval, (9) removal of excess excavated material, (10) lighting restriction, (11) removal of natural vegetation, and (12) condition compliance.

I. Staff Recommendation

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-99-071 pursuant to the staff recommendation.*

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

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

II. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a

diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Revised Plans

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, 2 sets of revised final project plans which include:

- (a) A site plan illustrating all existing and proposed development, floor plans and elevations. The site plan shall also illustrate the nine (9) oak trees and their canopies located adjacent to the access road.
- (b) Final grading plans, prepared by an engineer, with cross sections, quantitative breakdown of grading amounts, and a building pad size calculation. The building pad shall be no larger than 10,000 sq. ft. in area, not including the driveway, as generally shown on Exhibit 7.
- (c) Removal of the unpermitted accessory structure and portion of the block wall on the southern portion of the property, as shown on Exhibit 14.
- (d) A maximum 20 foot wide gravel road surface for those portions of the proposed access road within the protected zone of any oak tree.

Any changes to the plans which do not reflect the proposed project as described in this staff report and attached exhibits shall require an amendment to the coastal development permit.

2. Plans Conforming to Geologic Recommendations

All recommendations contained in the Soils and Engineering Geologic Investigation dated August 17, 1998 prepared by GeoSystems, Inc. shall be incorporated into all final design and construction including *foundations, grading, sewage disposal and drainage*. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. *Prior to issuance of the coastal development permit*, the applicant shall submit, for review and approval by the Executive Director, two sets of plans with evidence of the consultant's review and approval of all project plans.

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

3. Drainage and Polluted Runoff Control Plans

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

4. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicants shall submit two 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 geotechnical engineering and geologic consultant to ensure that the plans are in conformance with the consultant's

recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site including the recontoured areas adjacent to the building pad, as shown on Exhibit 8, 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) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (5) Vegetation within zone A, usually a fifty foot radius per Forestry Department of Los Angeles County requirements, of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius (zone C) 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 revised 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 revised fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius (zone A) of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- (6) Fencing on the property shall be limited to the perimeter of zone A as shown on the approved fuel modification plan and adjacent to the driveway. Fencing of the perimeter of the property is prohibited.

B. Interim Erosion Control Plan

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

C. Monitoring

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

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the 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.

5. Wildfire Waiver

Prior to the issuance of a 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, and

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 wildfire exists as an inherent risk to life and property.

6. Future Improvements

This permit is only for the development described in Coastal Development Permit No. 4-99-071. 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 structures, future improvements, or change in intensity of use to the permitted structures approved under Coastal Development Permit No. 4-99-071, and any grading, fencing, clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition No. Four (4), shall require an amendment to Permit No. 4-99-071 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.

7. Oak Tree Mitigation and Monitoring Plan

The applicant shall retain the services of an independent biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during improvements to the access road. Protective fencing shall be used around the canopies or base of the oak trees or adjacent to the construction area that may be disturbed during construction or grading activities. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if an oak tree(s) is removed, damaged or impacted beyond the scope of the work allowed by Coastal Development Permits 4-99-071. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

For the nine (9) oak trees adjacent to the proposed access road, as shown on the revised plan pursuant to Special Condition No. One, that may be lost or suffer worsened health or vigor due to road improvement activities, replacement seedlings, less than one year old, grown from acorns collected in the area shall be planted at a ratio of at least 3:1 on the applicant's parcel (Assessor's Parcel No. 4456-001-005). *Prior to the issuance of the coastal development permit*, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree restoration and preservation shall be submitted for the review and approval of the Executive Director for each of the 10 years.

8. Access Road Approval

Prior to the issuance of the coastal development permit, the applicant shall provide evidence that approval has been obtained from the Los Angeles County Fire Department for the proposed access road, driveway and turnaround area, as shown on the revised project plans pursuant to Special Condition No. One. Any substantial changes to the access road as required by the Los Angeles County Fire Department will require an amendment to this coastal development permit.

9. Removal of Excess Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material and debris from the project site. Excess excavated materials and debris shall be deposited at an approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive such material.

10. Lighting Restriction

A. The only outdoor, night lighting that is allowed on the site is the following:

- 1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Executive Director.*
- 2) Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.*
- 3) The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.*

No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

B. 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.

11. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit.

Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

12 Condition Compliance

Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a 5,174 sq. ft., 34 ft. high, two story single family residence with attached 2-car 329 sq. ft. garage and covered patios, swimming pool, septic system, 200 ft. long, 6 ft. high max. retaining wall, new 20 ft. wide driveway, improve and widen access road to 20 feet with a gravel base, 1,062 cu. yds. of grading (750 cu. yds. cut & 312 cu. yds. fill), 3,875 cu. yds. of removal/recompaction and demolition of an existing accessory structure (Exhibits 7-13). The proposal also includes a request for after the fact approval of a lot line adjustment converting two parcels from a 40 acre parcel (Lot 1) & approx. 1 acre parcel (Lot 2) to a 20 acre parcel (Lot 1) and 21 acre parcel (Lot 2) (Exhibits 4 & 5).

The subject parcels are located south of Mulholland Highway and north of Meadows End Road in the Monte Nido area of the Santa Monica Mountains (Exhibits 1, 2a & 2b). Lot 2 contains an existing single family residence. Access to lot 1 is provided via a dirt/gravel road, which lies on the two adjacent lots to the south and connects to Meadows End Drive (Exhibit 6). This access road currently serves an existing residence on the adjacent property to the south of Lot 1, on which the access easement lies. The proposed building site on lot 1 is located just north of the property boundary line closest to the existing unimproved access road. The applicant is proposing to improve and widen the access road to provide access to the proposed residence from Meadows End Drive. The road improvements consist of a new gravel base to width of 20 feet. The existing access road for the most part is at a width of 20 feet but several areas will require minor widening (2-3 feet max.). The access road improvements will not require grading road as the road traverses a relatively level area. There are nine (9) oak trees located along the access road, as such those oak trees will be impacted by the proposed development, which is discussed further in section D. Sensitive Resources. The lot is bordered on the south by existing dense residential development and large vacant parcels to the north, west, and east. The slopes in the vicinity of the building site ascend north and northeast some 60 feet to the crest of a ridge. Vegetation on the site consists of primarily native grasses, brush, and sycamore trees and non-native grasses in the area of the proposed building site. Lot 1 lies within the Cold Creek Resource Management Area (Exhibit 3). The site is not visible from any public viewing area, and thus, will not have any adverse impacts on visual resources. There are no mapped trails crossing the subject property.

The applicant's original proposal included a new 5,503 sq. ft. residence with covered patios and a detached 830 sq. ft. garage, swimming pool, septic system, 200 ft. long, 6 ft. high max. retaining wall, new 160 ft. long, 20 ft. wide paved driveway (Exhibit 14). In analyzing this permit application commission staff discovered that a lot line adjustment involving the subject property and an adjacent parcel had occurred. In order to resolve the unpermitted lot line adjustment the applicant included it as part of this permit application. The certified Malibu/Santa Monica Mountains Land Use Plan designates the subject lots with a myriad of land use designations: Mountain Land (1 du/20 acres), Rural Land I (1 du/10 acres), Rural Land II (1 du/5 acres), Residential I (1 du/acre) & Rural Land III (1 du/2 acres). Local approval has been obtained from Los Angeles County Regional Planning Department for the current lot configuration. In addition, staff discovered existing development on site that occurred without the benefit of a coastal development permit. There is an approximately 17,000 sq. ft. existing graded building pad and a dirt road that traverses the ridge upslope from the building pad, which were graded sometime between 1977 and 1993 according to Commission owned aerial photos. It is unknown how much grading occurred to create the pad and road. The nearly level building pad exists near the southeast corner of the site which is the proposed location for the residence. The applicant has proposed the restoration of a portion of the graded pad, as shown on Exhibits 7 & 8, to conform to the 10,000 sq. ft. building pad size limitation for new development in the Cold Creek Resource Management Area. The road will not be addressed as part of this permit application and will be pursued as a separate matter by enforcement staff. There is also an existing accessory structure and block wall to the west of the building pad adjacent to the southern border of the property, which appear to be part of the development on the parcel to the south, however, they were constructed on Lot 1 (Exhibit 14). There are no permit records for these structures and they do not appear in Commission owned aerial photos. In order to resolve this violation, the applicant has included the demolition of these unpermitted structures as part of the project proposal.

As the parcel lies within the Cold Creek Resource Management Area, new development has certain restrictions imposed as laid out in detail in the certified Malibu/Santa Monica Mountains Land Use Plan, which include clustering all proposed structures onto a pad size limited to 10,000 sq. ft. max. The applicant has worked with staff to reduce the existing unpermitted building pad to 10,000 sq. ft. and cluster all proposed structures onto that pad area, as well as, restore the disturbed areas outside of the currently proposed pad. The restoration of that area will involve some grading on the adjacent property southeast of Lot 1, however, the applicant has submitted evidence of an easement granted by that property owner to the landowner of Lot 1 which allows such work in that area. These changes to the original proposal have resulted in revised plans, which have been provided in conceptual form to staff (Exhibits 7-13). The dimensions of the residence remain almost unchanged, except for the southwestern corner where an attached garage has been incorporated into the main structure by adding 64 sq. ft. to what was previously a library (Exhibits 9 & 15). The detached garage has been omitted and the pool has been relocated (Exhibits 8 & 14). Staff notes that the applicant has made an effort to work with staff, however, a complete set of final plans were not available in time for the Commission hearing, therefore, Special Condition No. One requires the applicant to submit two full sets of final revised plans for approval, which shall reflect the proposed project as described in this staff report.

B. Geology and Wildfire Hazard

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

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

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

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. As previously described, the proposed project includes a new two story single family residence with an attached garage and covered patios, a swimming pool, septic system, driveway, retaining wall, improvements to an existing dirt access road, and 1,062 cu. yds. of grading (750 cu. yds. cut & 312 cu. yds. fill) and 3,875 cu. yds. of removal/recompaction to prepare the building pad.

The applicant has submitted a Soils and Engineering Geologic Investigation dated August 17, 1998 prepared by GeoSystems, Inc., which evaluates the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development the consultants have found that the project site is suitable for the proposed project. The Soils and Engineering Geologic Investigation dated August 17, 1998 prepared by GeoSystems, Inc. states:

It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.

The geotechnical engineering consultant concludes that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Soils and Engineering Geologic Investigation dated August 17, 1998 prepared by GeoSystems, Inc. contains several recommendations to be incorporated into project construction, design, sewage disposal and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as

specified in **Special Condition No. Two (2)**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

Controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Conditions No. Three and Four (3 & 4)**.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. Four (4)** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. Special Condition No. Four also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Further, the Commission notes that the quantity of earth removal required for construction of the proposed residence is more than the quantity of recompaction required for construction, resulting in an excess of 438 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition No. Nine (9)** requires the applicant to export all excess excavated material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

Finally, Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition No. Four (4)**.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

Wildfire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in 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.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition No. Five (5)**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition No. Five, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. Furthermore, it is essential that adequate and safe access to the residence is provided for the use of Fire Department vehicles in case of emergency. The applicant has submitted a conceptual grading plan for the improvements to the existing access to the site, which appears to conform to the standard requirements of the Los Angeles County Fire Department, however, evidence of approval has not been provided to staff and, in addition, recent minor changes have been made to that plan, thus **Special Condition No. Eight (8)** requires the applicant to provide evidence that Fire Department approval of the proposed access road and turnaround area has been obtained to minimize risks to life and property.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with §30253 of the Coastal Act.

C. New Development/Cumulative Impacts

Section 30250 (a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively", as it is applied in Section 30250(a) to mean that:

... the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Coastal Act requires that new development, including land divisions, be permitted within, contiguous, or in close proximity to existing developed areas, or if outside such areas, only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. In past permit actions, the Commission has found that for Malibu and the Santa Monica Mountains, the coastal terrace area represents the existing developed area. The Commission has repeatedly emphasized, in past permit decisions, the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains coastal zone. The Commission has reviewed land division applications to ensure that newly created or reconfigured parcels (lot line adjustments) are of sufficient size, have access to roads and other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots can minimize landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas. Finally, the Commission has ensured that all new or reconfigured lots will have adequate public services, including road access that meets the requirements of the Fire Department.

The applicants are requesting after-the-fact approval for a lot line adjustment that will realign the property boundary between two existing legal parcels. Lot 1 will decrease in size from 40 acres to 20 acres and Lot 2 will be increase in size from 1 acre to 21 acres (Exhibits 4 & 5). The certified 1986 Malibu Land Use Plan density designation for this site is a combination of Mountain Land (1 du/20 acres), Rural Land I (1 du/10 acres), Rural Land II (1 du/5 acres), Residential I (1 du/acre) & Rural Land III (1 du/2 acres). The Commission uses the plan as guidance in their review of development projects to determine consistency with the Coastal Act. The proposed lot line adjustment will not result in any additional lots, create non-conforming lots, or create lot configurations that could increase residential density. Lot 2 is currently developed with a single family residence. The applicant is proposing a new single family residence on Lot 1. In addition, the reconfigured lots will continue to have adequate public services including water and electricity. With regard to Fire Department access to Lot 1, access to the lot currently exists via an dirt/gravel road. The applicant did submit an access plan that appears to conform to the standard requirements of the County of Los Angeles Fire Department, however, evidence of approval from the Fire Department has not been provided. Therefore, the applicant will be required through **Special Condition No. Eight (8)** to demonstrate approval of adequate access to the site for the purpose of fire protection pursuant to the County Fire Code. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250(a) of the Coastal Act.

D. Environmentally Sensitive Resources

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 30240 of the Coastal Acts states:

- a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30230 requires that the biological productivity and quality of coastal waters and the marine environment be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, and maintaining natural buffer areas.

To assist in the determination of whether a project is consistent with Section 30230 and 30240 of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The Malibu LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. In addition, Policy 63 provides that development shall be permitted in ESHAs, DSRs, significant watersheds, and significant oak woodlands, and wildlife corridors in accordance with Table 1 and all other policies of the LUP. Table 1 of the LUP states that:

- ♦ Clustering of structures shall be required to minimize the impacts on natural vegetation.
- ♦ Land alteration and vegetation removal shall be minimized.
- ♦ Site grading shall be accomplished in accordance with the stream protection and erosion policies.
- ♦ Development shall be limited to a 10,000 sq. ft. pad, a residence, garage, one accessory structure, and a driveway.

The proposed project site is located within the Malibu/Cold Creek Resource Management Area (Exhibit 3). The habitat values contained in the Cold Creek Resource Management Area and Watershed have been well documented. For example, a report prepared for Los Angeles County in 1976 by England and Nelson designates Cold Creek Significant Watershed as a Significant Ecological Area (SEA). The report describes the concept of a SEA as follows:

The 62 significant ecological areas selected were chosen in an effort to identify areas in Los Angeles County that possess uncommon, unique or rare biological resources, and areas that are prime examples of the more common habitats and communities. Thus, the goal of the project was to establish a set of areas that would illustrate the full range of biological diversity in Los Angeles County, and remain an undisturbed relic of what was once found throughout the region. However, to fulfill this function, all 62 significant ecological areas must be preserved in as near a pristine condition as possible...

The England and Nelson report also cites the specific habitat values of Cold Creek Canyon as follows:

This is a relatively undisturbed sandstone basin. The floor of the valley is steep, with springs and a perennial stream, Cold Creek. The year-round surface water, which is uncommon in southern California, supports an unusually diverse flora. The extreme range in physical conditions, from wet streambeds to dry rocky ridges, makes the area a showplace for native vegetation. Pristine stands of chaparral, southern oak woodland, coastal sage scrub, and riparian woodland are all found in the area. Several plant species that are uncommon to the general region are found here. Those include stream orchid (Epipachis gigantea), red mimulus (Mimulus cardinalis), Humboldt lily (Lilium humboldtii var. ocellatum), big-leaf maple (Acer macrophyllum) and red shank (Adenostema sparsifolium). In addition, the presence of several tree-sized flowering ash (Fraxinus dipetala), reaching 40 feet in height, is a unique botanical oddity. This scrub species has a normal maximum height of 15 to 20 feet.

Due to its many outstanding botanical features, the area serves an integral role as part of the instructional program for many academic institutions as well as a site for nature study and scientific research. The Mountains Restoration Trust and Occidental College have holdings in the area that are used for education and visited by qualified biologists. A complete herbarium collection and insect collection are housed in the biology department at Pierce College in Woodland Hills.

The Cold Creek watershed consists of about 8 square miles (5,000 acres) of generally rugged terrain within the heart of the Santa Monica Mountains. Both the lands and the remainder of the watershed serve as a tributary to Cold Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas. The Cold Creek watershed has also been included in the inventory of California Natural Areas Coordinating Council, which includes this area as one of the 1,2540 such natural areas in the State of California exhibiting "the significant features of the broad spectrum of natural phenomena that occur in California...These areas include those that are unique or outstanding examples and those that are typical or representative of a biotic community or geological formation. All areas have been selected on their merit..."

As noted, because the subject site is located within the Cold Creek Resource Management Area, the site is subject to standards set forth in Table 1 of the certified LUP. The Commission has relied on these policies for guidance in evaluating development within the significant watersheds and sensitive resource areas of the Santa Monica Mountains. Among other restrictions, Table 1 limits the size of development so situated to a 10,000 sq. ft. pad, one residence, one garage, one accessory structure, and a driveway.

The northern portion of the parcel is comprised of steeply sloping terrain. A nearly level approximate 17,000 square foot building pad exists near the southeast corner of the site which is the proposed location for the residence (Exhibit 8). As previously mentioned, this is an unpermitted pad that was graded sometime after 1977 according to Commission aerial photographs. The amount of grading required to construct this pad is unknown. However, the 1977 aerial photographs show a relatively level area in the location of the building pad. Therefore, the unpermitted grading did not result in a significant amount of landform alteration. The applicant proposes to resolve the violation aspect of the graded pad by restoring all

disturbed areas outside of the development envelope to reduce the size of the pad consistent with the allowable 10,000 sq. ft. area (Exhibit 8). All proposed structures are clustered on the building pad as proposed to conform to the 10,000 sq. ft. limitation. This location is adjacent to the southern boundary of the property closest to the access road, further clustering development adjacent to the existing residential development to the south. In addition, the applicant is proposing to demolish an existing unpermitted accessory structure and block wall located outside of the 10,000 sq. ft. building pad. The unpermitted graded dirt road along the ridge which ascends north of the proposed residence and building pad will be handled as a separate enforcement matter. This road is not directly related to the proposed development.

The proposed grading consists of 750 cubic yards of cut, 312 cubic yards of fill and 3,875 cu. yds of removal and recompaction. The proposed grading will not result in a significant alteration of the landforms on the site. As previously mentioned the unpermitted 17,000 sq. ft. pad was constructed on a relatively level to gently sloping area at the base of ascending hillside. This unpermitted grading did not result in a significant alteration of the landforms on the property. The proposed grading consists of a minor cut into the hillside, supported by a retaining wall, and some minor fill to create a wider pad area located closer to end of the driveway to accommodate a fire turn around area. In addition, the slightly wider pad allows for the garage and residence to be sited as close to the driveway and fire turn around area as possible. The remaining pad area that exceeds the 10,000 square foot pad requirement will be restored with contour grading to create a more natural appearing landform which will be revegetated with native plant species. The building pad also requires a 3,875 cubic yards of removal and recompaction to ensure a stable building pad that meets current building code requirements. This remedial grading will not result in any additional landform alteration.

As previously stated, the parcel lies within the Cold Creek Resource Management Area, and therefore, the proposed development has certain restrictions imposed upon it as laid out in detail in Table 1 of the certified Malibu/Santa Monica Mountains Land Use Plan, which include clustering all proposed structures onto a pad size limited to 10,000 sq. ft. max. The applicant has worked with staff to reduce the existing unpermitted building pad to 10,000 sq. ft. and cluster all proposed structures onto the reduced pad area, as well as, restore the disturbed areas outside of that pad area and remove the unpermitted structures also outside of that area to conform to the Cold Creek Resource Management Area development restrictions. These changes to the original proposal have resulted in revised plans, which have been provided in conceptual form to staff (Exhibits 7-13). The dimensions of the residence remain almost unchanged, except for the southwestern corner where an attached garage has been incorporated into the main structure by adding 64 sq. ft. to what was previously a library (Exhibits 9 & 15). The detached garage has been omitted and the pool has been relocated in addition to the changes described above to the existing unpermitted development (Exhibits 8 & 14). Staff notes that the applicant has made an effort to work with staff, however, final plans were not available in time for the Commission hearing, therefore, **Special Condition No. One (1)** requires the applicant to submit two full sets of revised site plan, architectural and grading plans for approval, which shall reflect the proposal as described in this staff report and as illustrated on the exhibits attached to this report. Any changes to the proposed project as approved under this coastal development permit shall require an amendment to the permit.

Access to Lot 1 currently exists as a dirt/gravel access road. This application includes proposed improvements to create an all-weather access road to the proposed development (Exhibit 13). The improvements consist of laying down additional gravel over the existing road and minor

widening the road in several areas (2-3 feet max.). There are nine (9) oak trees in close proximity to the edge of the access easement proposed to be improved. The canopies of these oak trees extend over the access road. A feasible alternative access route, which would result in development outside all oak tree protective zones does not exist. As such, the proposed road improvements will directly impact nine (9) oak trees. The developed lot south of Lot 1 on which the access easement lies, is currently accessed via the existing dirt/gravel access road, thus, the oak trees are currently experiencing some degree of soil compaction. The proposed road improvements involve some minor widening and new gravel base for the road to meet Los Angeles County Fire Department requirements for road access. The applicant indicates that no grading or recompaction of the road base is necessary. Although the oak trees are currently being impacted by vehicular access, the proposed improvements would increase the level of traffic, general use of the road and compaction of the soils by vehicles under the oak tree driplines, as well as, a minor encroachments further into driplines of the oak trees.

The proposed improvements of the access road and increased use of the road within the dripline of the nine oaks will negatively impact these oak trees. The additional disturbance and use of the road within the dripline of the oak trees will contribute to compaction of the soils, inhibit the exchange of air and water to the root zone of the trees and introduce oils and other toxic materials from vehicular use of the road. In the article entitled, "Oak Trees: Care and Maintenance," prepared by the Forestry Department of the County of Los Angeles, states:

Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.

This publication goes on to state:

Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. . . . Construction activities outside the protected zone can have damaging impacts on existing trees. . . . Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed. . . . Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced. The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees. If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips . . .

The Commission notes that the proposed development includes improvement of the existing access road which requires the widening, new gravel base within the dripline of the oaks. The additional use of the road and disturbance associated with the road widening will negatively impact the oak trees. The Commission also notes that the damage to the trees may not become apparent for many years. Therefore, the Commission finds that the applicant must mitigate for the adverse impacts to the oak trees resulting from the road improvements within the oak driplines. The Commission also recognizes that the oak trees are already subject to disturbance from the existing use of the access road and that the additional negative impacts are an

incremental increase in these impacts. Therefore, the Commission must consider these impacts on oak trees to determine the appropriate mitigation for the incremental negative impacts. In past permit actions the Commission has typically required a 10:1 mitigation ratio for the loss or removal of oak trees. In this case, although the oak trees will not be removed the trees will suffer incremental adverse impacts over time from the proposed road improvements. Therefore, the Commission finds that a more appropriate mitigation for the incremental long term impact to the oak trees, in this particular case, is replacement of the trees at a ratio of 3:1 on the subject site. In order to address the unavoidable long term impacts to the nine oak trees adjacent to the access road, **Special Condition No. Seven (7)** requires a oak tree mitigation and monitoring plan to be submitted to ensure that damage to the oaks as a result of the road improvements under the driplines of the oaks are fully and adequately mitigated. The oak tree mitigation plan requires that the oak trees adversely impacted by the proposed road improvements shall be mitigated at a 3:1 ratio. Furthermore, under **Special Condition No. 7**, the applicant must also submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful. Moreover, although there are nine oak trees that will be impacted by the road improvements the site plan submitted by the applicant only illustrates two trees adjacent the road and does not include the canopies or driplines of the oak trees (Exhibit 13). Therefore, **Special Condition No. One (1)** requires the applicant to submit a revised accurate site plan mapping all oak trees and their protective zones. **Special Condition No. One (1)** also requires a revised plan for the proposed road improvements that illustrate the proposed gravel base and increased road width in areas adjacent to any oak trees.

In addition, the Commission notes that natural habitat areas have been disturbed by past unpermitted actions and finds that it is necessary to enhance and restore graded and disturbed areas in order to prevent adverse effects on downstream areas through increased runoff and erosion. Therefore, per **Special Condition No. Four (4)**, the disturbed area that is proposed to be recontoured adjacent to the proposed building pad area, as shown on Exhibit 8, shall be revegetated with native plant and tree species.

Night lighting of a high intensity has the potential to disrupt the hunting, roosting, and nesting behavior of wildlife that occupy this sensitive habitat area. The disruptive effects of night lighting are particularly significant on the subject site because the area to the north is undeveloped and an undisturbed habitat for a number of sensitive species. Sensitive species, such as the Cooper's Hawk, which is a very localized and uncommon breeder in coastal Southern California, have been observed in the area. As a result, **Special Condition 10** restricts night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward.

In order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed development, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition 11 (Removal of Vegetation)**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced, preventing unnecessary disturbance of the area.

Finally, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition No. 6**, the future development deed restriction, has been required.

Therefore, the Commission finds, for all of the reasons set forth above, that the proposed project, as conditioned, is consistent the table one guidance policies of Malibu Land Use Plan and with the requirements of Sections 30230 and 30240 of the Coastal Act.

E. Water Quality

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

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

As described, the proposed project includes a new two story, 5,503 sq. ft. single family residence with attached 2-car garage and covered patios, swimming pool, septic system, 200 ft. long, 6 ft. high max. retaining wall, new 20 ft. wide driveway, 1,062 cu. yds. of grading (750 cu. yds. cut & 312 cu. yds. fill) and 3,875 cu. yds. of removal/recompaction to prepare the building pad.

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

leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. Three (3)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. Four (4)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system to serve the residence. The Los Angeles County Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Violations

Various developments have been carried out on the subject site without the required coastal development permits including the construction of an accessory structure, block wall and grading to create a building pad and dirt road that traverses the ridge behind the proposed development as described in previous sections. In addition, a lot line adjustment has occurred without the benefit of a coastal permit. The applicant has requested after-the-fact approval for the lot line adjustment as a part of this permit application. The applicant has also proposed to demolish the existing accessory structure and a portion of the block wall on the southern edge of

the property, retain a large portion of the graded pad to construct the proposed project, and restore a smaller portion of the pad to conform to the building pad size limitation for sites located in the Cold Creek Resource Management Area (Exhibit 8).

In order to ensure that the violation aspects of the project are resolved in a timely manner, **Special Condition No. Ten (12)** requires that the applicant 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. Review 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.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states:

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

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

H. California Environmental Quality Act

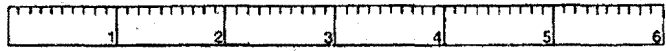
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

The Commission finds that, the proposed project, as conditioned, will not have any significant adverse effects on the environment, within the meaning of the California Environmental Quality

Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

SEE 62 MAP

1-800-345-7334



SCALE IN 1/10 OF AN INCH

4456 | 1
SCALE 1" = 300'

1998

Revised:
10-1-57
8-30-61
4-2-64
3-6-65

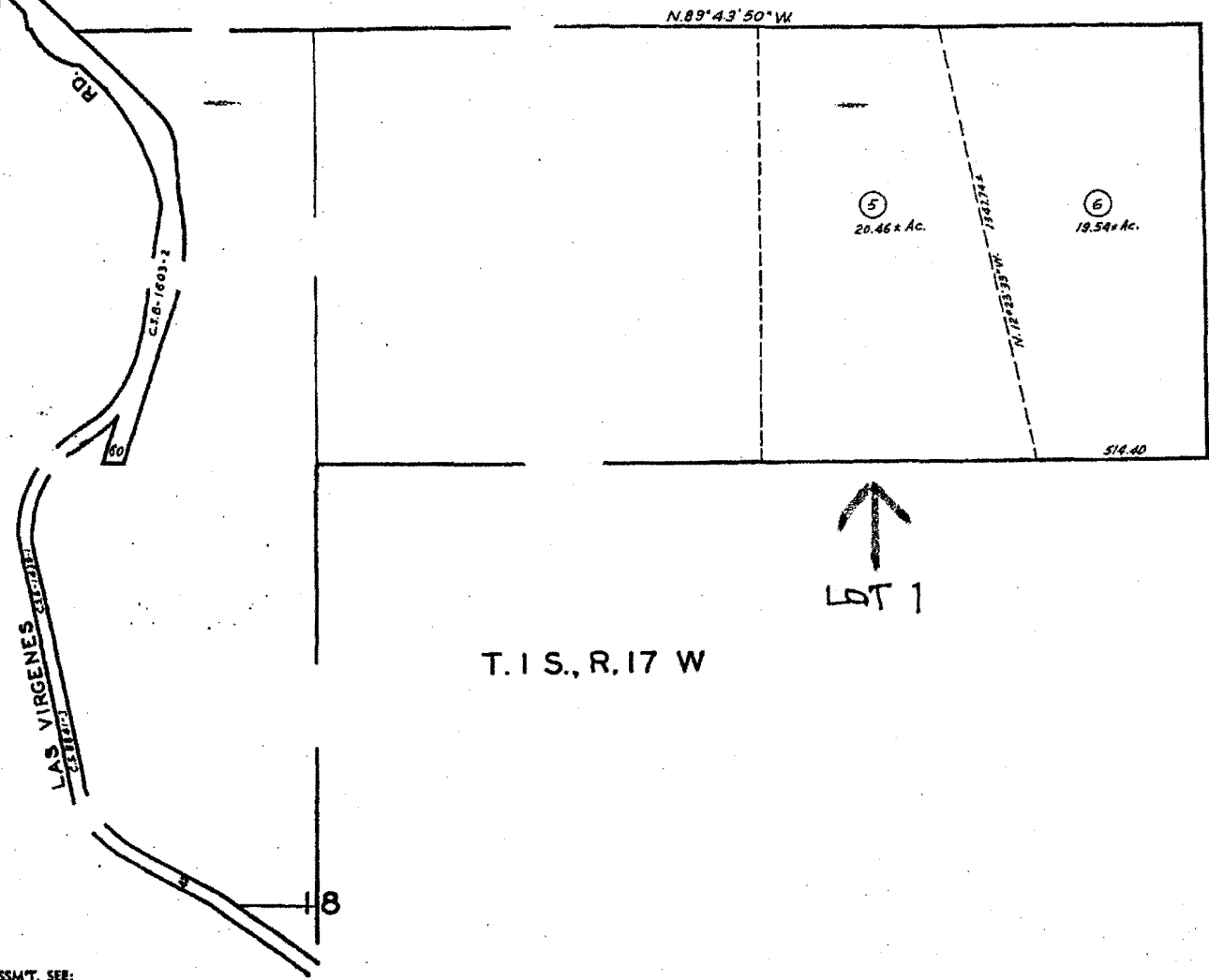
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Exhibit No. 2a
App. No. 4-99-071
Parcel Map: Lot 1



CODE
4971

FOR PREV. ASSM'T. SEE:
4458-1



OCT 21 1997

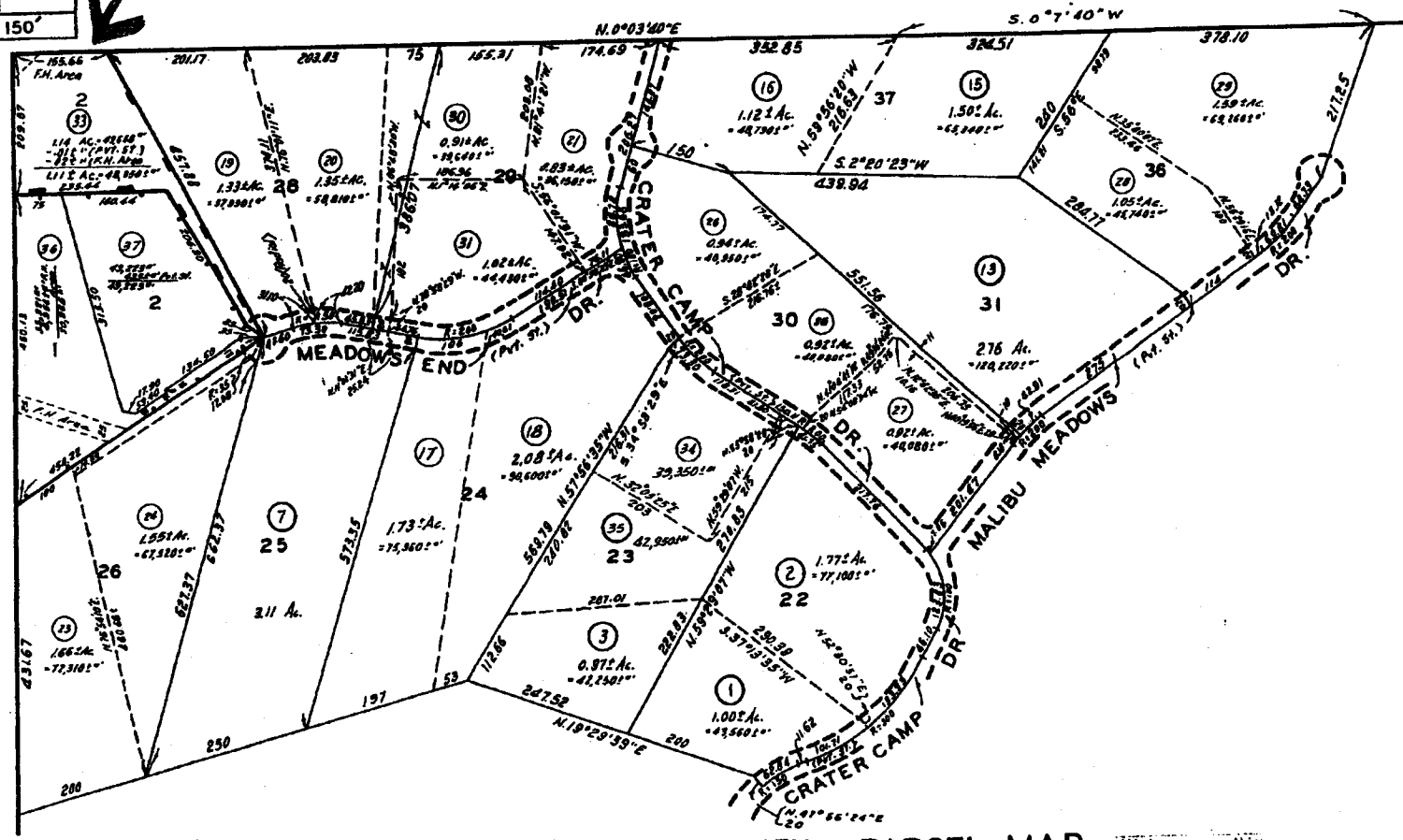
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

4456 | 3
SCALE 1" = 150'

LOT 2

3-6-65 Revised:
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12-1-58
4-26-60
12-18-62
9-27-63
11-30-63
3-18-64
4-2-64
7-20-64/03
7-20-64/03
8-02-64/03
8-02-64/03

Exhibit No. 2b
App. No. 4-99-071
Parcel Map: Lot 2



RECORD OF SURVEY PARCEL MAP
R.S. 68-22 P.M. 49-41
PARCEL MAP
P.M. 26-31

All Acreages on this
page are net, except
those tabulated.

CODE
4971

FOR PREV. ASSMT. SEE:
4456-3

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

1060 & 1065 Meadows End Drive, Calabasas

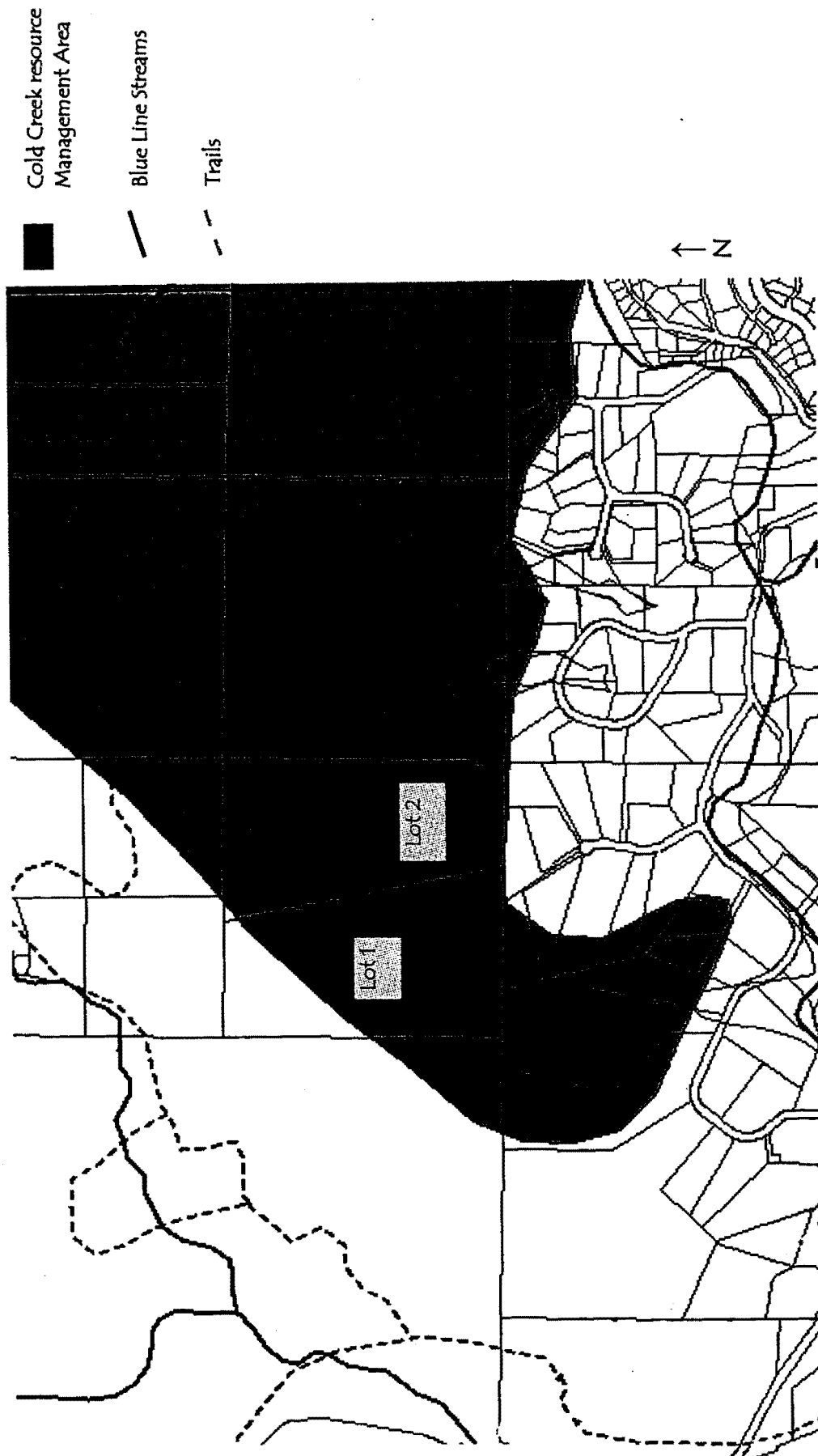
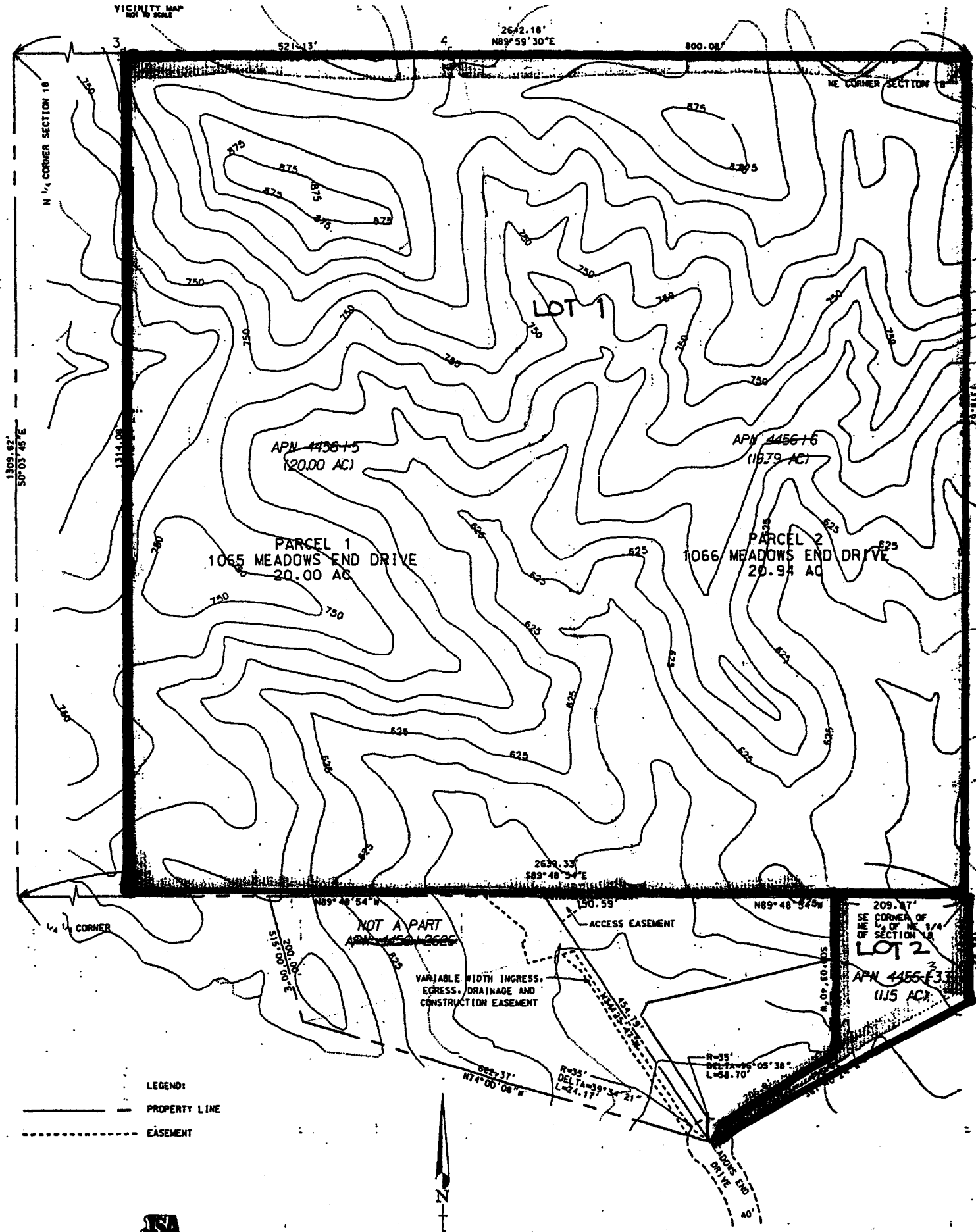


Exhibit No. 3
App. No. 4-99-071
Sensitive Resources Map

VICINITY MAP
NOT TO SCALE



CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS
23601 CALABASAS RD. SUITE 203B, CALABASAS, CALIFORNIA 91302
(818) 222-3700 • (800) 229-JSAA • FAX (818) 222-3710

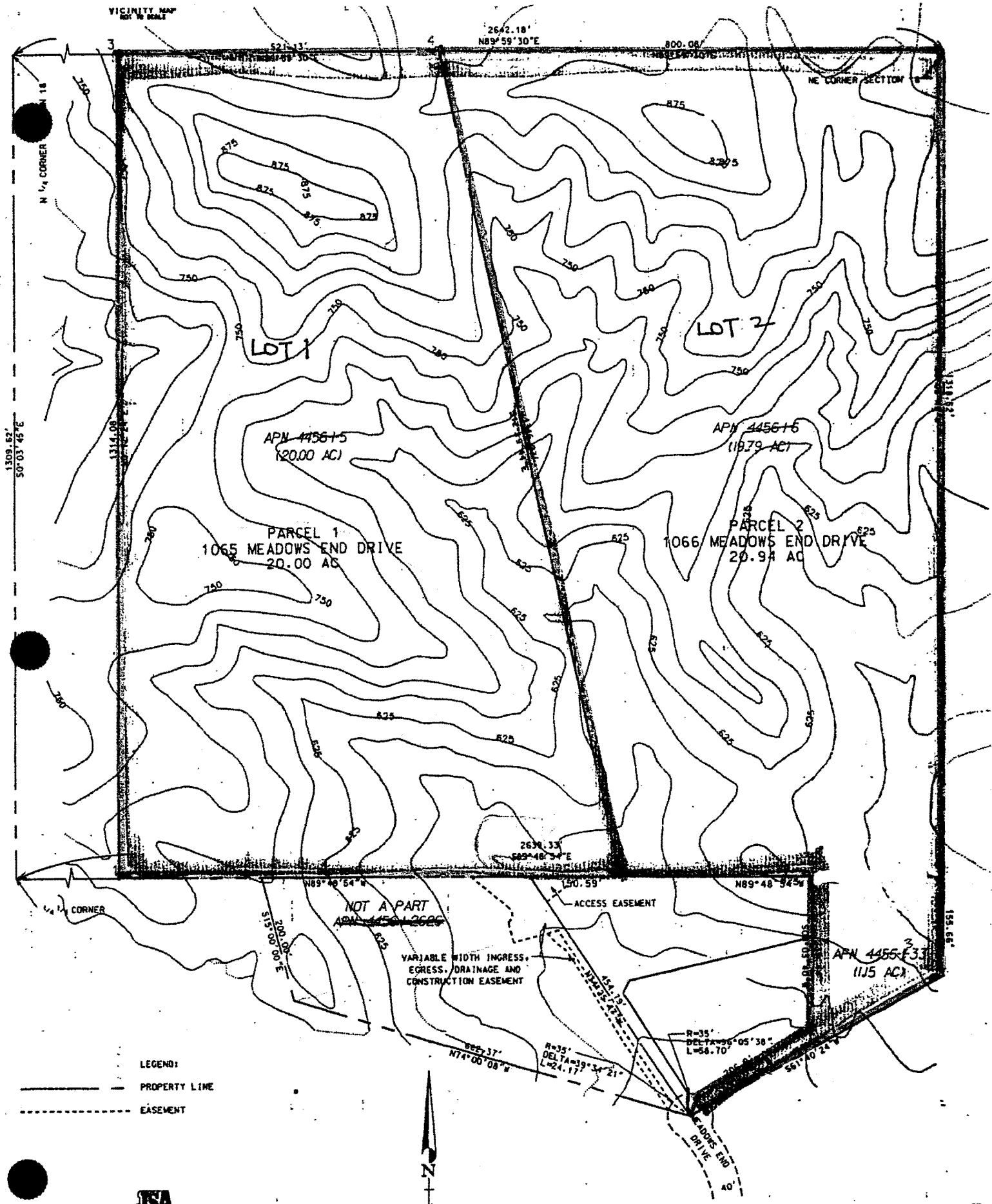
Exhibit No. 4
App. No. 4-99-071
Original Lot Line Configuration

---ATIVE LOT LINE ADJUSTMENT
MAP NUMBER ---
5 NOVEMBER 2001

2402-073 04

/s/ [Signature] 11/01/2001

VICINITY MAP
NOT TO SCALE



LEGEND:

PROPERTY LINE

EASEMENT



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23801 CALABASAS RD., SUITE 203B, CALABASAS, CALIFORNIA 91302
(818) 222-5700 • (800) 229-JSAA • FAX (818) 222-3710

Exhibit No. 5
App. No. 4-99-071
Proposed Lot Line Configuration

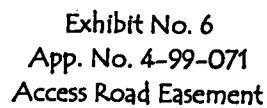
TENTATIVE LOT LINE ADJUSTMENT
 MAP NUMBER ----
 5 NOVEMBER 2001

SAC-WFS, LBS

2001/01/01/1011 no. 000

RECEIVED

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



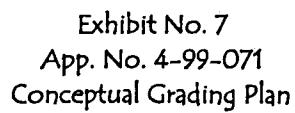
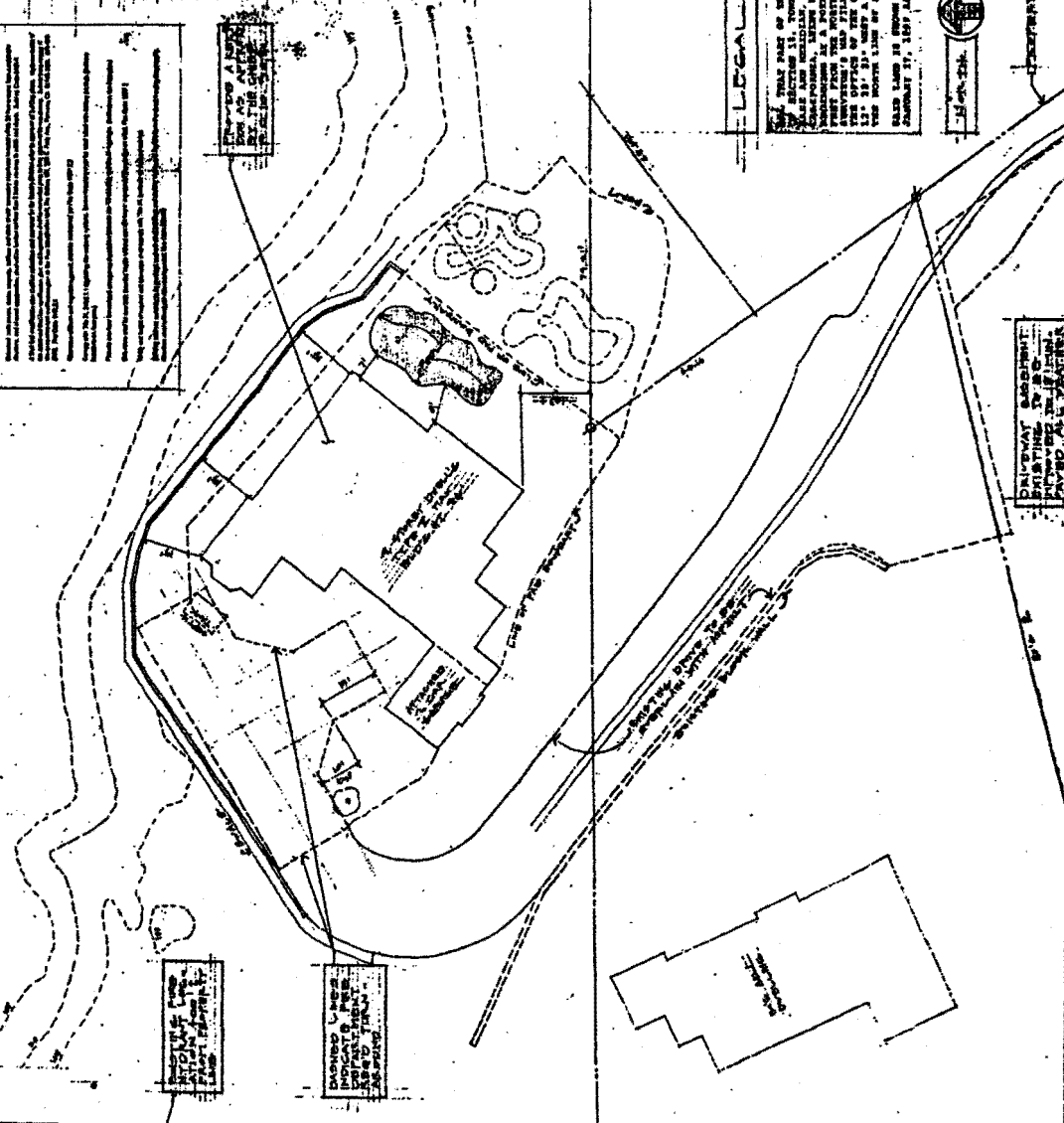


Exhibit No. 7
App. No. 4-99-071
Conceptual Grading Plan

[illegible]

THE DEFINITIVE HISTORY

[illegible]

LEGAL DESCRIPTION	ACRES	OWNER	REMARKS

[illegible]

Site Plan

DRIVEWAY ADJACENT
EXISTING TOWER
IMPROVED THE FUND.
PAID BY ALL PARTIES
OWNED BY DONALD
CAPABLE OF SUPPORT
THE TOWER OF
TOWN VEHICLE

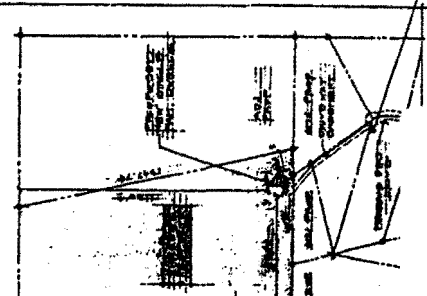
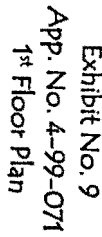


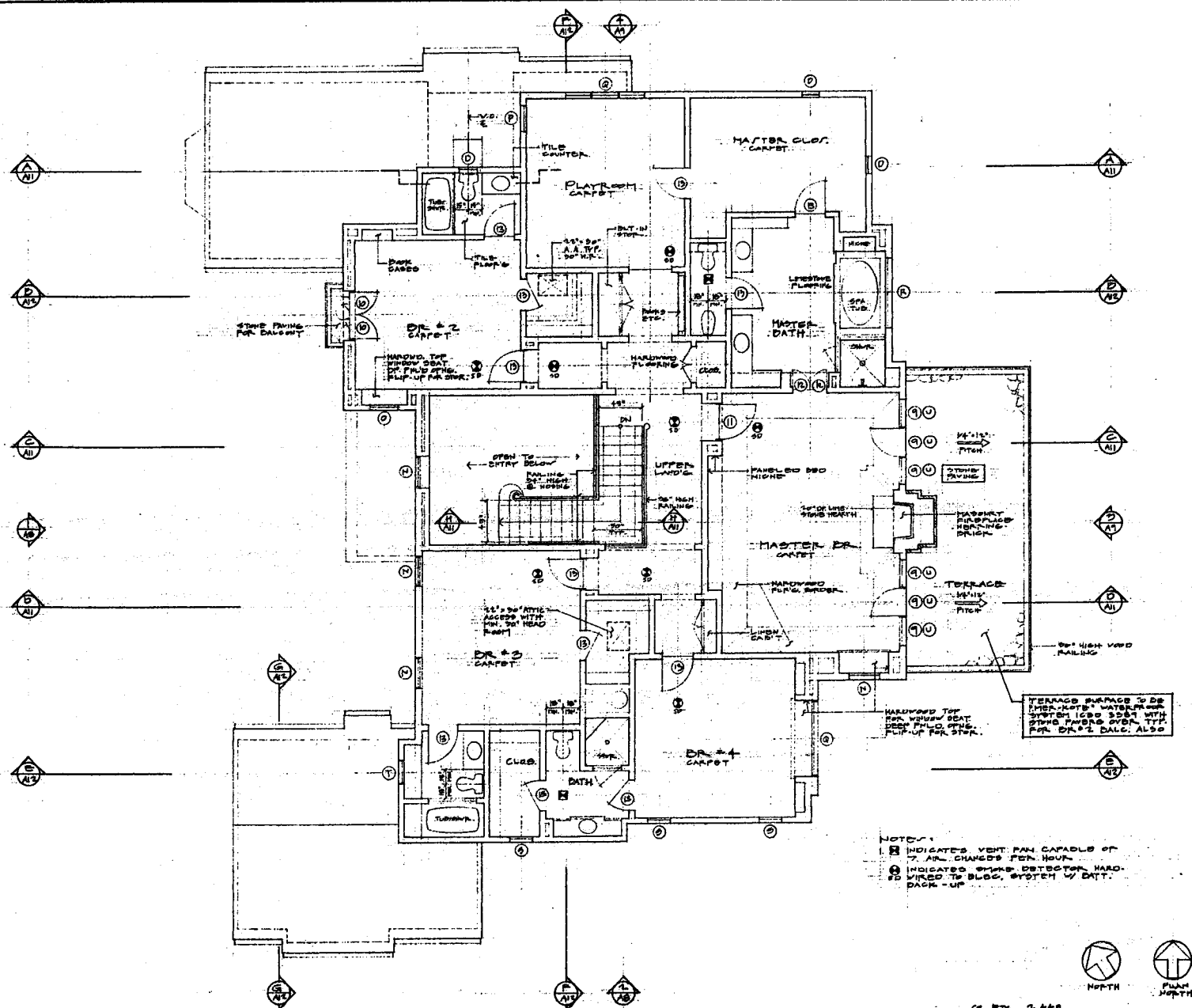
Exhibit No. 8
App. No. 4-99-071
Conceptual Site Plan





SECOND FLOOR PLAN, ARCHITECTURAL

Date
Scale 1/4" = 1'-0"
Drawn K. B. G.
Job DART-11
Sheet
A3
Of Sheets



se. P. 2, 449

Exhibit No. 10
App. No. 4-99-071
2nd Floor Plan

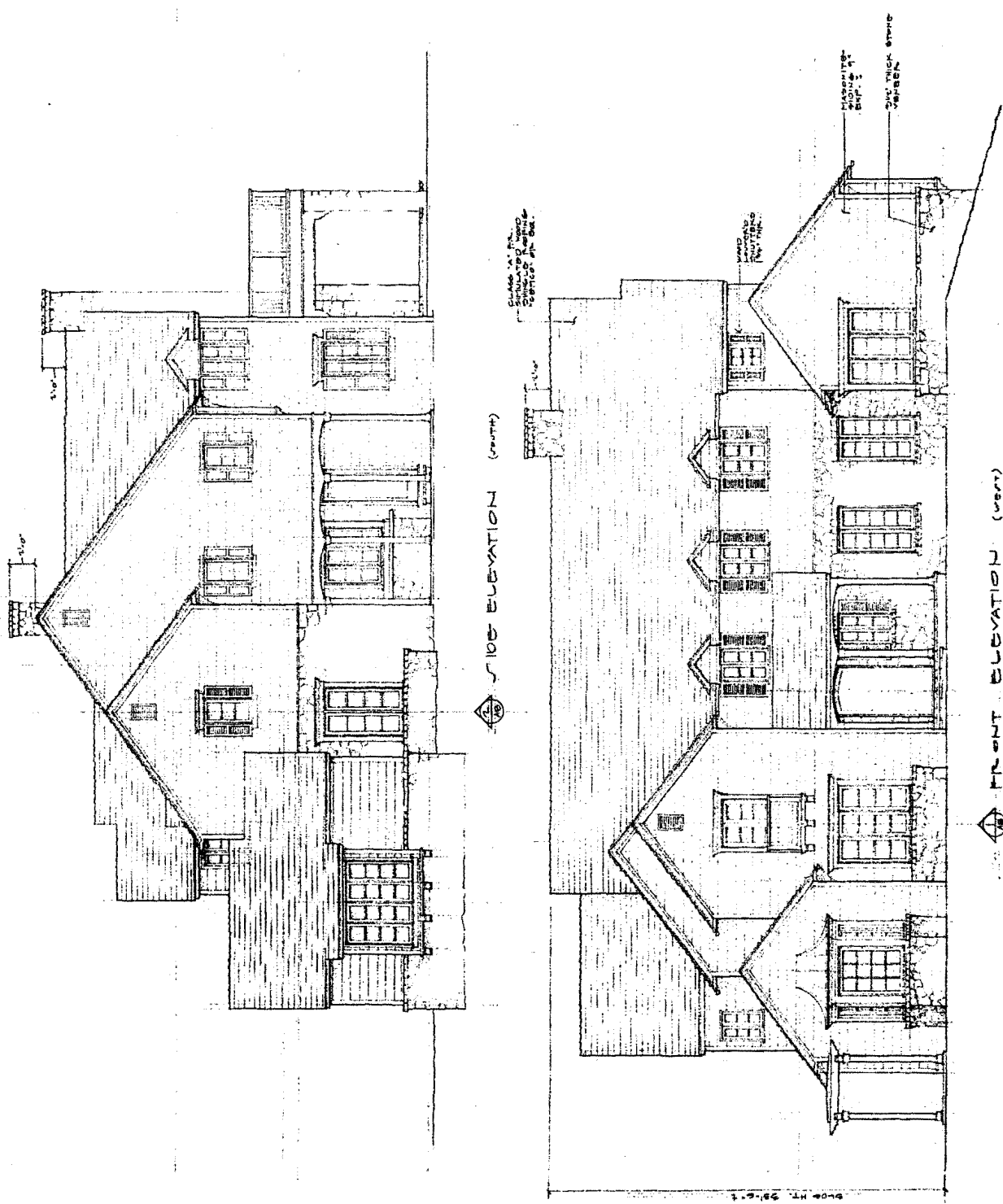


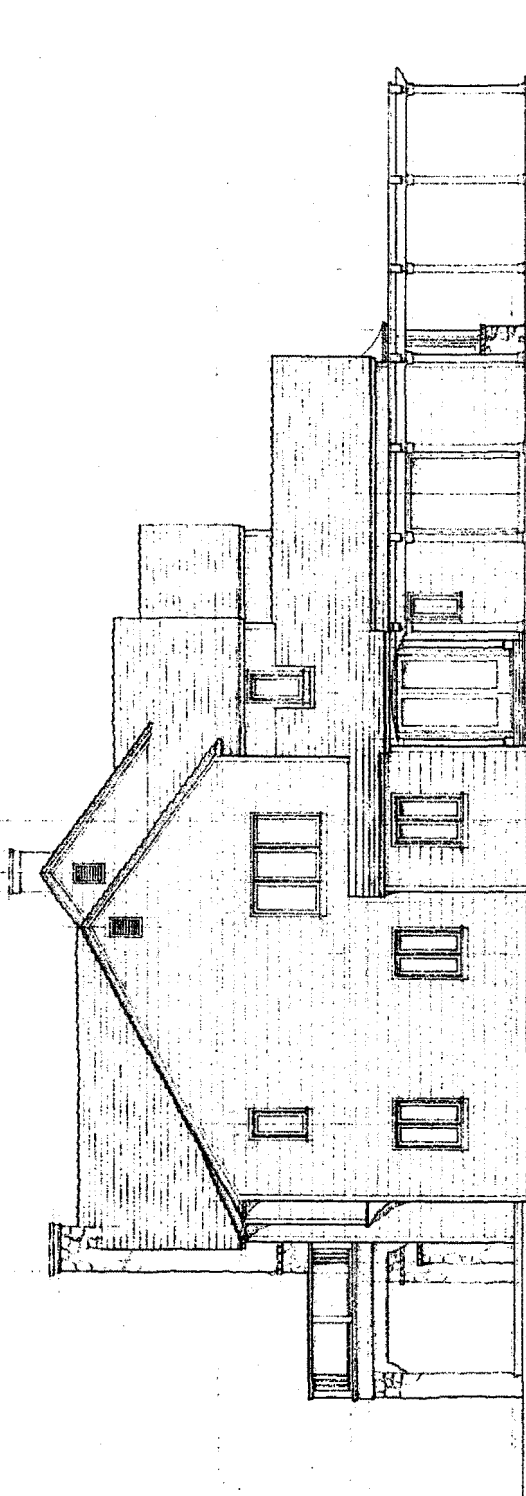
Exhibit No. 11
 App. No. 4-99-071
 South & West Elevations

REVISIONS	BY

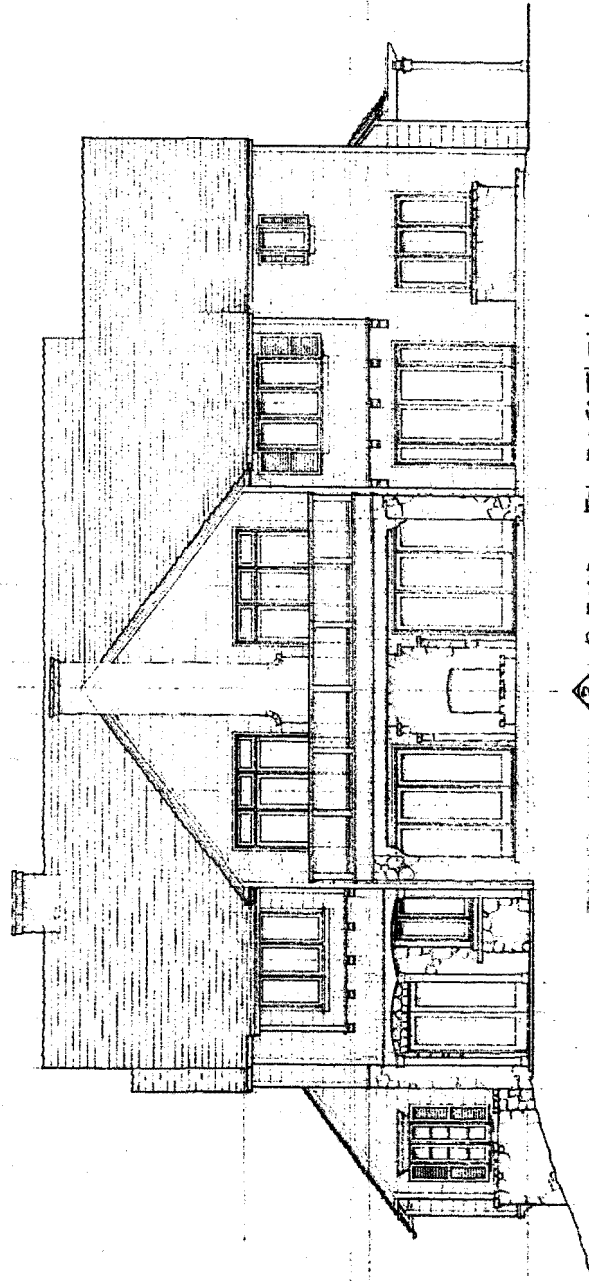
EXHIBIT NO. 12

DATE	10/1/01
BY	10/1/01
FOR	10/1/01
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NOTES (SEE)



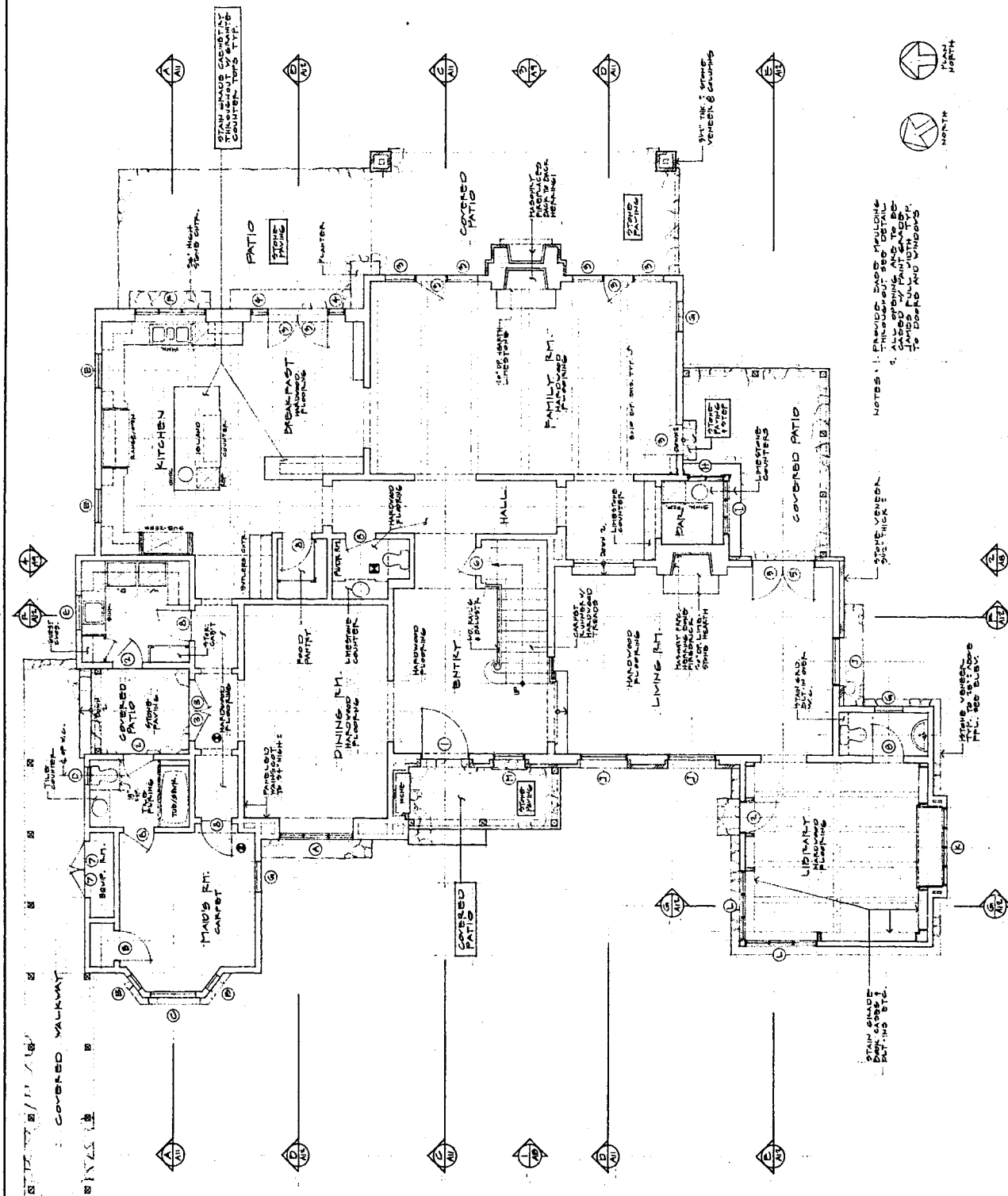
ELEVATION (EAST)

Exhibit No. 12
App. No. 4-99-071
North & East Elevations

REVISIONS	BY	DATE

1st Floor Plan

Date	10/1/87
Drawn by	W. J. H. H.
Check by	W. J. H. H.
Sheet	12
Project	12



NOTES: 1. PROVIDE DOOR SILLING
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Exhibit No. 15
App. No. 4-99-071
Original Proposal: 1st Floor Plan

