

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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(805) 585-1800

**RECORD PACKET COPY**

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Staff: BL-V
Staff Report: 12/17/01
Hearing Date: 1/8-11/02

STAFF REPORT: AMENDMENT

APPLICATION NO: 4-01-027-A1

APPLICANT: Antony Koursaris

AGENT: Mike Barsochinni

PROJECT LOCATION: 4440 Encinal Canyon Road, Malibu, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 3,315 sq. ft., 28 ft. high, two-story single family residence (SFR), with 815 sq. ft. attached four-car garage and 700 sq. ft. guest house (for a total of 4,830 sq. ft), paved driveway and motor court, swimming pool, spa, septic system, retaining walls, landscaping, removal of on-site storage container, and 2,700 cu. yds. of grading (1,400 cut, 490 fill, and 810 of overexcavation / recompaction). After-the-fact approval for installation of a security gate and fencing along Encinal Canyon Road.

DESCRIPTION OF AMENDMENT: Applicant proposes an amendment to install a 10,000-gallon water storage tank and seeks after-the-fact approval for a water well to serve the previously approved residence. The installation and siting of the water well will utilize 6 ft. high retaining walls, and require 1.68 cu. yds. of excavation/cut.

LOCAL APPROVALS RECEIVED: 1990 well driller's report, Local Agency Review Form, dated 8/30/01

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit: 4-01-027 (Koursaris), Malibu Santa Monica Mountains Land Use Plan

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

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

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

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

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed amendment with 3 Special Conditions regarding (1) revised color restriction, (4) landscaping, (10) condition compliance.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-01-027-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

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

II. STANDARD AND SPECIAL CONDITIONS

Note: Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-01-027 continue to apply. In

addition, the following revised special conditions are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-01-027-A1. Additions to Special Conditions 1,4 and 10 are underlined; deletions to these Special Conditions are ~~stricken through~~.

SPECIAL CONDITIONS

1. Color Restriction

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

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

4. Landscape and Erosion Control Plan and Fuel Modification

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

A) Landscaping Plan

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

- 3) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to soften the views of the residence, water storage tank, and retaining walls from Pacific Coast Highway;
- 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) The plan shall provide for the removal of the existing non-native and invasive plantings along those portions of the property adjacent to Encinal Canyon Road, the disturbed area where the storage container is currently located, and along the proposed driveway (Exhibits 10 and 11). Landscaping adjacent to and fronting Encinal Canyon Road shall consist of low profile vegetation and shall not exceed two feet in height. Landscaping on the site shall not block or obscure bluewater views of the ocean as seen from Encinal Canyon Road. Vegetation shall be maintained to ensure bluewater views of the ocean as seen from Encinal Canyon Road are not blocked or obscured. Additionally, the existing fencing along Encinal Canyon must be modified to a design that it is visually permeable and does obstruct public views to the ocean as seen from Encinal Canyon Road.
- 6) 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.
- 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 planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and

swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

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

C) Monitoring

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

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

10. Condition Compliance

Within 120 days of Commission action on this coastal development permit amendment, 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.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

Approved Project, Location and Setting

The approved project includes the construction of a new 3,315 sq. ft., 28 ft. high, two-story single family residence (SFR), with an 815 sq. ft. attached four-car garage and 700 sq. ft. guest house (for a total of 4,830 sq. ft), paved driveway and motor court, swimming pool, spa, septic system, retaining walls, landscaping, and the removal of an on-site storage container. The project includes 2,700 cu. yds. of grading (1,400 cu. yds. cut, 490 cu. yds. fill, and 810 cu. yds. of overexcavation / recompaction). The project also includes after-the-fact approval for installation of a security gate and fencing along Encinal Canyon Road.

The subject site is a 202,350 sq. ft. (4.65 ac.) parcel located in the Encinal Canyon area of the City of Malibu. The property is situated on the crest of a south-trending ridge of a southern portion of the Santa Monica Mountains. Slopes descend to the east, south, and west down the flanks and nose of the ridge. Maximum topographic relief on-site is approximately 200 feet. Drainage from the property is by sheetflow to the ravines east and west of the site. There are no designated environmentally sensitive habitat areas (ESHA) on the site and staff did not observe any ESHA on the site. The project site is highly visible from Pacific Coast Highway and Encinal Canyon Road, both of which are designated scenic highways in the certified Malibu/Santa Monica Mountains Land Use Plan. There are no public trails that traverse the subject property.

Access to the project site is from Pacific Coast Highway to Encinal Canyon Road, a public street which borders the northeast of the property. The site is accessed via an unimproved road on the south side of Encinal Canyon Road. The site is bordered by existing single-family residences to the north and southwest. There have been no previous coastal development permits obtained for the subject property.

Permit History

At the Commission's July 18, 2001 hearing the Commission approved the above proposed project with ten (10) special conditions including : Color Restriction, Conformance with Geologic Recommendations, Drainage and Polluted Runoff, Landscaping and Erosion Control, Removal of Natural Vegetation, Removal of Excavated Material, Wildfire Waiver of Liability, Future Deed Restriction, Removal of Storage Container and Fencing, and Condition Compliance (Exhibit 1).

Present Amendment

Following Commission approval of the coastal development permit in July 2001, the applicant applied for Commission review for a water well which had been installed in 1990, and for the construction of a 10,000-gallon water storage tank (Exhibits 3-5). The tank is proposed to be located on a 12' by 12' pad, and will be approximately 7 feet high (Exhibit 4).

The subject property is not served by the county water system, and therefore necessitates the use of a well for water service to the residence. The storage tank is to be located upslope of the residence, and adjacent to the driveway, in order to maintain the necessary downward flow of water (head) from the well to the residence. Additionally, the tank will be cut into the hillside

(Exhibit 4) to reduce the visual impacts from the tank as seen from Pacific Coast Highway. The siting of the tank into the hillside will utilize 3 three, maximum 6 foot high, retaining walls, and require 1.68 cu. yds. of cut. This placement minimizes the amount of grading necessary for siting of the tank. The applicant additionally proposes to screen the tank area and retaining walls with vegetation; however, the tank will still be minimally visible from the southbound side of Pacific Coast Highway.

Undergrounding of the tank, while further minimizing the potential visual impacts of the tank, would require additional grading and would result in the tank being placed further upslope in order to achieve the necessary "fall" to the residence. This would result in less clustering of the development, and additional visual concerns from Pacific Coast Highway. Therefore, the Commission staff finds that the location of the proposed storage tank is appropriate and will minimize the impacts of the development on coastal resources.

B. 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.

The subject site is visible from two Malibu / Santa Monica Mountains Land Use Plan (LUP) designated scenic highways, Pacific Coast Highway to the south and Encinal Canyon Road to the north (Exhibit 2). To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building site and the size of the proposed structure. The water well was installed in 1990 at the north end of the site, and is not visible from any public viewing areas. The proposed building site for the water storage tank is located adjacent and upslope of the driveway on a southwestern facing slope. This location will not be visible from Encinal Canyon Drive, however, it will be minimally visible from southbound Pacific Coast Highway. The 10,000-gallon water tank is proposed to be notched into the hillside, adjacent to the approved driveway (Exhibits 3-4). The siting of the tank will require 1.68 cu. yds. of excavation into the hillside, and will utilize retaining walls (maximum 6 ft. high) in order to reduce the visual impacts of the tank and minimize the amount of landform alteration. The applicant is also proposing landscaping to screen the tank and retaining walls, thereby further reducing the visual impacts of the tank from Pacific Coast Highway.

The proposed project's impact on public views can be further mitigated by requiring the water storage tank to be finished in a non-obtrusive manner (i.e.: in a color compatible with the surrounding natural landscape). The Commission therefore finds it necessary to minimize the visual impact of the project by requiring the applicant to use colors compatible with the

surrounding environment, as required by **Special Condition One**. In addition, the visual impacts associated with the retaining walls and tank can be minimized through the use of adequate and appropriate landscaping. A landscape plan relying principally on native, non-invasive plant species will ensure that the vegetation on-site remains visually compatible with the native flora of surrounding areas. In addition, vertical screening elements added to the landscape plan can soften views of the proposed water tank from public areas such as Pacific Coast Highway. As stated above, the applicant is proposing landscaping elements to screen the retaining walls and tank from public view. Therefore, the Commission finds it necessary to ensure that the final approved landscaping plans are successfully implemented to partially screen and soften the visual impact of the development, as required by **Special Condition Four**. As conditioned, the Commission finds the project to be consistent with Section 30251 of the Coastal Act.

C. Violations

Section 30106 of the Coastal Act states that:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; use of land,... change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility...

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As stated previously, the installation of the water well occurred in 1990 without the required coastal development permit (Exhibit 3). The applicant seeks after-the-fact approval for the installation the well under this permit application. To ensure that the violation portion of this development project that is addressed in this permit action is resolved in a timely manner, **Special Condition Ten** requires that the applicant satisfy all conditions of this permit, which are prerequisites 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.

D. Local Coastal Program

Section 30604 of the Coastal Act states, in part, that:

- (a) 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 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 will not prejudice the City's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

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

The proposed development would not cause significant, adverse environmental effects that would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

CALIFORNIA COASTAL COMMISSION

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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Date: July 12, 2001

Permit Application No. 4-01-027

NOTICE OF INTENT TO ISSUE PERMIT

On July 10, 2001, the California Coastal Commission granted to Antony Koursaris, permit 4-01-027, subject to the attached conditions, for development consisting of: Construction of a new 3,315 sq. ft., 28 ft. high, two-story single family residence (SFR), with an 815 sq. ft. attached four-car garage and 700 sq. ft. guest house (for a total of 4,830 sq. ft); paved driveway and motor court, swimming pool, spa, septic system, retaining walls, landscaping, and the removal of an on-site storage container. The project includes 2,700 cu. yds. of grading (1,400 cu. yds. cut, 490 cu. yds. fill, and 810 cu. yds. of overexcavation / recompaction). The applicant is also seeking after-the-fact approval for installation of a security gate and fencing along Encinal Canyon Road. This permit is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 4440 Encinal Canyon Road, Malibu.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 1-10, imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
Executive Director

By: Bonnie Luke
Coastal Planner

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 4-01-027, and fully understands its contents, including all conditions imposed.

7/14/01
Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

EXHIBIT NO. 1
APPLICATION NO.
4-01-027-A1
Special Conditions

NOTICE OF INTENT TO ISSUE PERMIT

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Permit Application No. 4-01-027

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.

SPECIAL CONDITIONS:

1. Color Restriction

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

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

EXHIBIT NO. 1
APPLICATION NO.
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Special Conditions

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2. Plans Conforming to Geologic Recommendations

- a) All recommendations contained in the *Preliminary Engineering Geologic and Geotechnical Investigation for Proposed Single-Family Residence, 4440 Encinal Cyn. Rd., Malibu, California*, by Miller Geosciences, Inc., dated March 8, 2001, shall be incorporated into all final design and construction including site preparation, subdrainage, foundation and building setback, foundations, lateral design, retaining walls, foundation settlement, floor slabs, temporary excavation slopes, pavement, drainage, sewage disposal, and grading. All plans must be reviewed and approved by the geologic / geotechnical consultant. Prior to 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.
- b) The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes to 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."

3. Drainage and Polluted Runoff Control Plan

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

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th-percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.

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- (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. Landscape and Erosion Control Plan and Fuel Modification

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

A) Landscaping Plan

- 1) All 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) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- 3) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to soften the views of the residence and retaining walls from Pacific Coast Highway;

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- 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) The plan shall provide for the removal of the existing non-native and invasive plantings along those portions of the property adjacent to Encinal Canyon Road, the disturbed area where the storage container is currently located, and along the proposed driveway (Exhibits 10 and 11). Landscaping adjacent to and fronting Encinal Canyon Road shall consist of low profile vegetation and shall not exceed two feet in height. Landscaping on the site shall not block or obscure bluewater views of the ocean as seen from Encinal Canyon Road. Vegetation shall be maintained to ensure bluewater views of the ocean as seen from Encinal Canyon Road are not blocked or obscured. Additionally, the existing fencing along Encinal Canyon must be modified to a design that it is visually permeable and does obstruct public views to the ocean as seen from Encinal Canyon Road.
- 6) 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.
- 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 planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

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

NOTICE OF INTENT TO ISSUE PERMIT

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

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

NOTICE OF INTENT TO ISSUE PERMIT

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5. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surroundings 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.

6. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

7. 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.

8. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-01-027. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) & 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a)&(b) shall not apply to the residence. Accordingly, any future structures, additions, or improvements related to the residence approved under Coastal Development Permit No. 4-01-027 will require a permit from the California Coastal Commission or its successor agency.

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

NOTICE OF INTENT TO ISSUE PERMIT

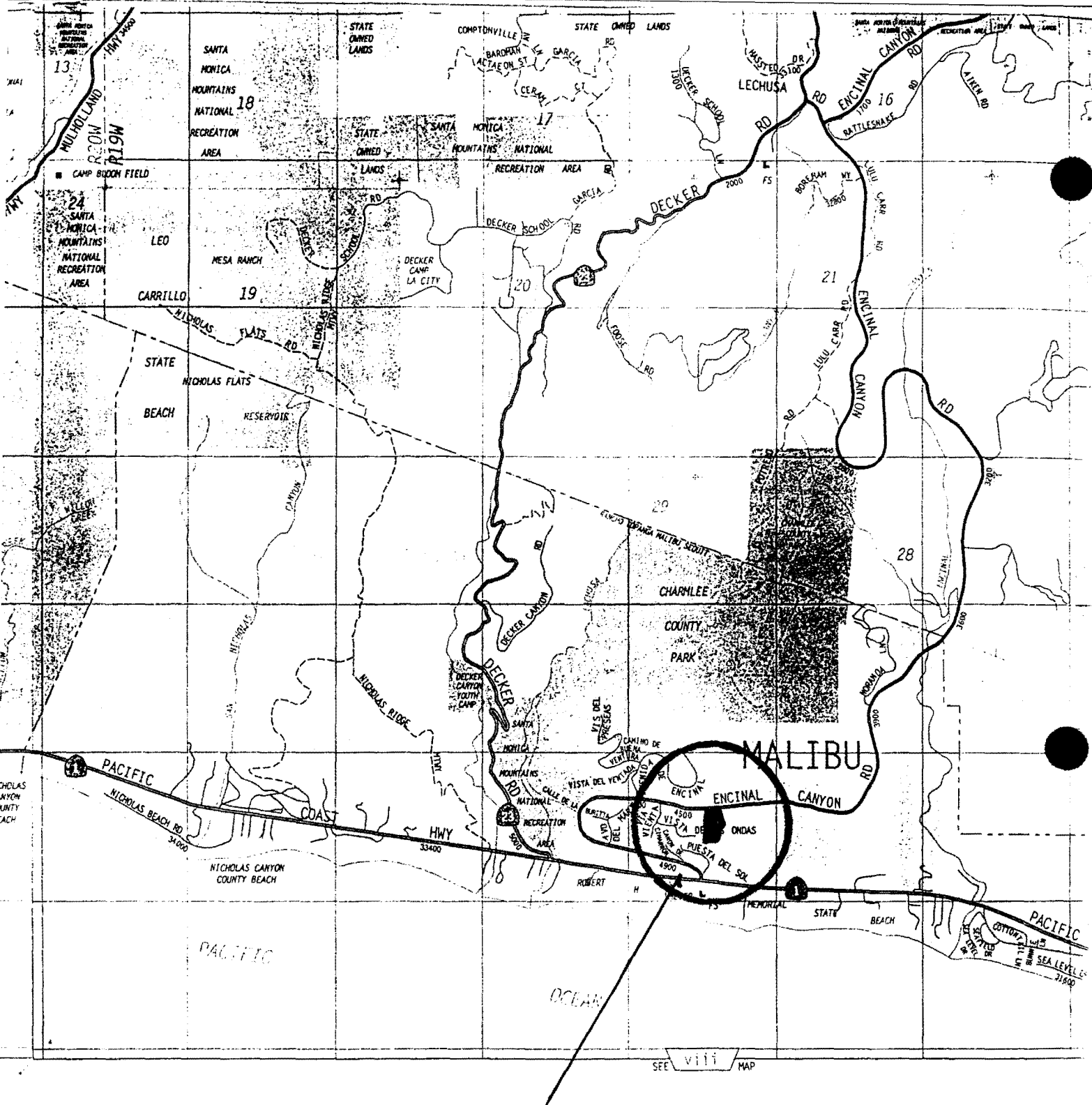
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9. Removal of Storage Container and Fencing

The storage container on site shall be removed within 90 days of the issuance of this permit. After the container is removed, the disturbed site shall be revegetated as required by **Special Conditions Three and Four** within sixty (60) days. The fencing fronting Encinal Canyon Road, as shown on Exhibit 10, shall be removed or replaced with fencing consistent with **Special Condition 4.A(5)** above, within sixty (60) days of issuance of this permit. The Executive Director may grant additional time for good cause.

10. 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.



Project Location

EXHIBIT NO. 2

APPLICATION NO.

4-01-027-A1

VICINITY MAP

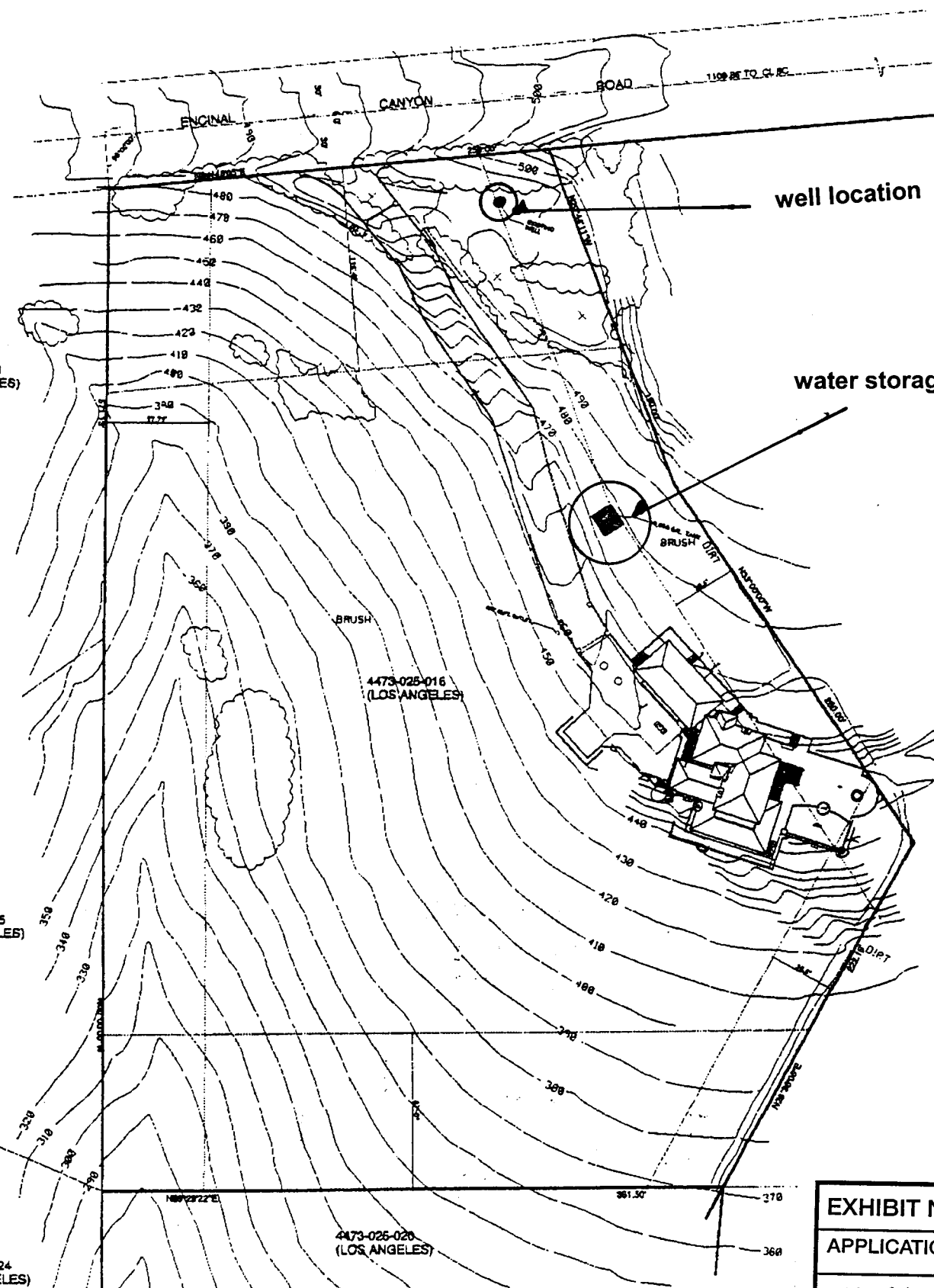
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(LOS ANGELES)

4473-011-025
(LOS ANGELES)

4473-011-024
(LOS ANGELES)

4473-025-016
(LOS ANGELES)

SITE PLAN



well location

water storage tank

EXHIBIT NO. 3

APPLICATION NO.

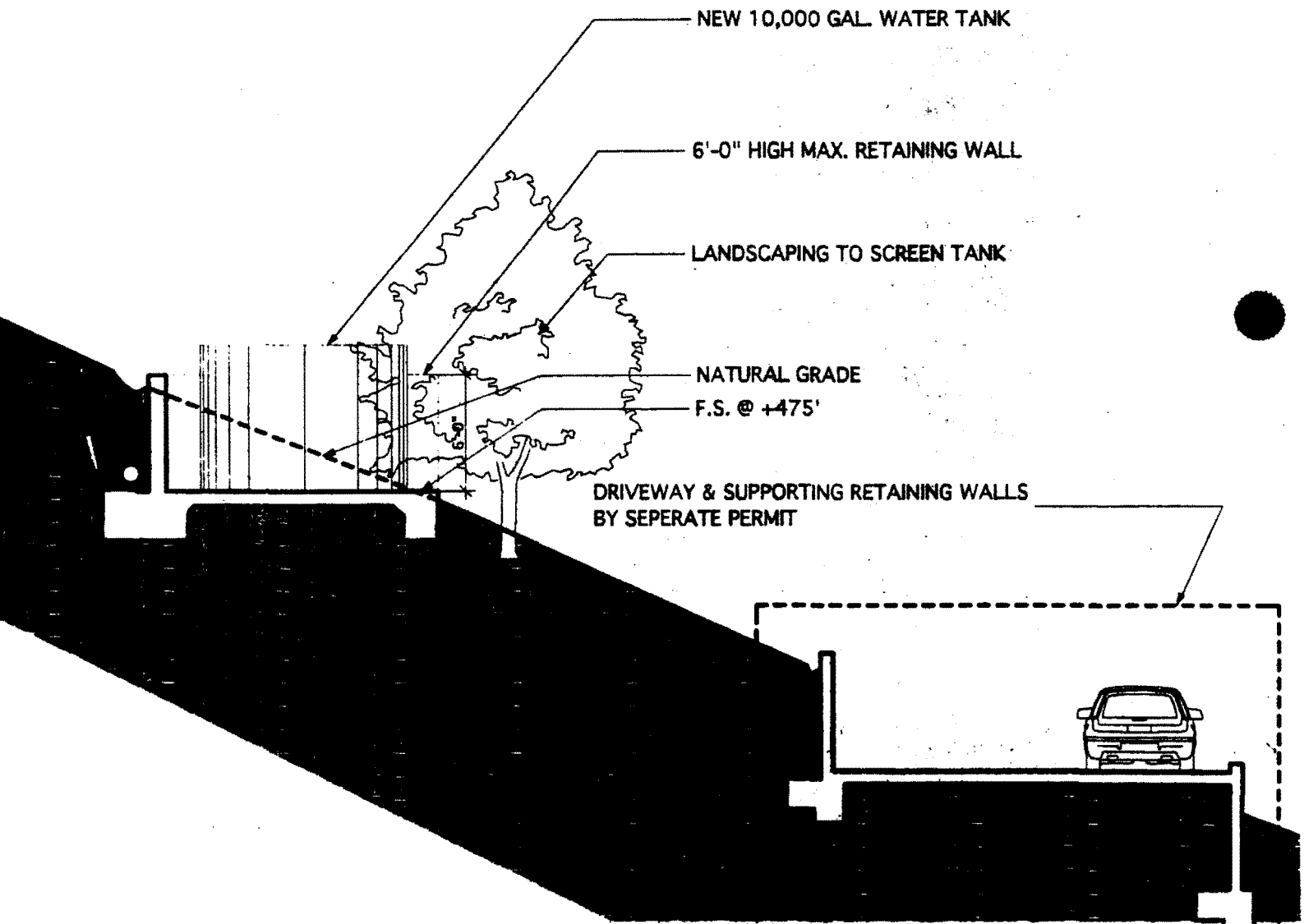
4-01-027-A1

SITE PLAN

1"=40'-0"

WATER TANK PLAN

1/8"=1'-0"



SECTION A-A

EXHIBIT NO. 4
APPLICATION NO.
4-01-027-A1
CROSS SECTION

WATER TANK PLAN

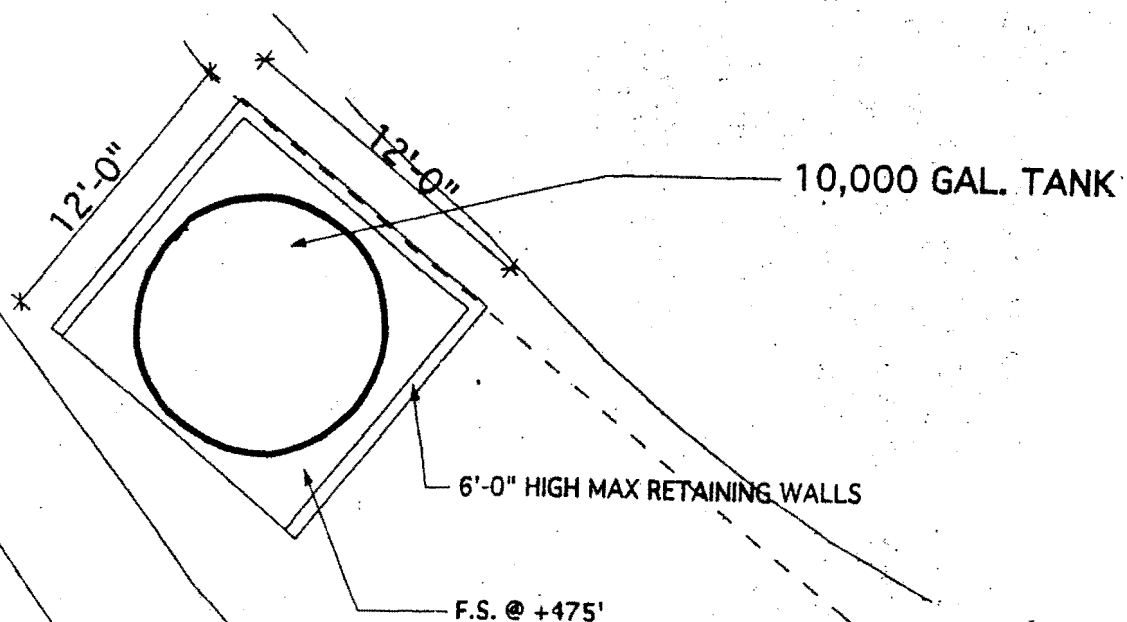


EXHIBIT NO. 5
APPLICATION NO.
4-01-027-A1
TANK DETAIL

