

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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 Comm Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-01-087

APPLICANT: Maren & Terry Bowman AGENT: Steven Kent, Architect  
 Don Schmitz

PROJECT LOCATION: 2400 Rambla Pacifico, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a three story, 35 feet high, 3,830 sq. ft. single family residence with two car 620 sq. ft. garage, 960 sq. ft. decks, septic system, grade 120 cubic yards of cut and 120 cubic yards of fill.

Lot area:	2.78 acres
Building coverage:	3,100 sq. ft.
Pavement coverage:	900 sq. ft.
Landscape coverage:	2,000 sq. ft.
Parking spaces:	2 covered 2 open
Ht abv fin grade:	14 - 35 ft.
Plan Designation:	Residential IVB and Mountain Land
Zoning:	1 dwelling unit/10 acres and 20 acres
Project Density	one du/2 acres

**SUMMARY OF STAFF RECOMMENDATION**

The applicants request approval to construct a three story single family residence and garage accessed from a short driveway from Rambla Pacifico. Staff recommends approval of the proposed project with eight Special Conditions addressing: landscape, erosion control and fuel modification plans; future development deed restriction; drainage and polluted runoff control plans; an assumption of risk and wildfire waiver of liability; conformance to engineering recommendations; a color restriction deed restriction; a lighting restriction deed restriction; and removal of natural vegetation. The project, as conditioned, will therefore be consistent with the Coastal Act.

**LOCAL APPROVALS RECEIVED:** Approval in Concept: Los Angeles County Regional Planning Department dated 4/23/2001; Los Angeles County Department of Health Services, dated 6/12/2001 for septic system.

**SUBSTANTIVE FILE DOCUMENTS:** Development of Single Family Home at 2400 Rambla Pacifico, dated July 24, 2001, by Schmitz and Associates; Update Engineering Geologic Report, dated October 26, 2000, by Mountain Geology, Inc.; Updated Geotechnical Engineering Investigation Report dated March 20, 2001, by Coastline Geotechnical Consultants, Inc.; Letter dated September 4, 1990 regarding 2400 Rambla Pacifico, Malibu from David Riggle, consulting environmental health specialist; Coastal Permit No. 4-98-222, Rochin; Coastal Permit No. 4-00-076, Wilkins; Coastal Permit No. 4-00-068, Srivastava.

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**STAFF RECOMMENDATION:**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-01-087 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.

**I. 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

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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. **LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS**

**PRIOR TO THE ISSUANCE OF THE 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 revised plans shall incorporate the following criteria:

**A) Landscaping and Erosion Control Plans**

1) All graded & disturbed areas and the existing graded building pad 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 disturbed areas on the subject site 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. The plan shall include vertical elements, such as trees and shrubs, which partially screen and soften the appearance of the proposed

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residence and garage as seen from Rambla Pacifico, a public road located to the north, south, and east of the subject site of the residence, and Saddle Peak Trail located to the Northwest of the residence;

- 3) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with 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 20 feet of the proposed residence and garage structure may be removed to mineral earth, vegetation within a 200 foot radius of the 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 final 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 Final Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any 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.
- 6) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

**B) Interim Erosion Control Plan**

- 1) The landscape/erosion control 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 to be left undisturbed such as native vegetation 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 geo-fabric covers or other appropriate cover, install geo-textiles or mats on all cut

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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 geo-textiles 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 (5) 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.

**2. FUTURE DEVELOPMENT DEED RESTRICTION**

- A. This permit is only for the development described in Coastal Development Permit No. 4-01-087. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall **not** apply to the entire property. Accordingly, any future improvements to the entire property, including but not limited to the residence and garage structure, and clearing of vegetation or grading other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two (2), shall require an amendment to Permit No. 4-01-087 from the Commission or shall

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require an additional coastal development permit from the Commission or from the applicable certified local government.

- B. 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 above restrictions on development in the deed restriction and 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.

**3. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN**

**PRIOR TO ISSUANCE OF THE 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 the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

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

**4. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY**

- A.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire, landslide, or earth movement; (ii) to

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assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant and landowner 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.

**5. PLANS CONFORMING TO ENGINEERING RECOMMENDATION**

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Engineering consultant's review and approval of all project plans. All recommendations contained in the submitted reports titled: Update Engineering Geologic Report, dated October 26, 2000, by Mountain Geology, Inc.; Updated Geotechnical Engineering Investigation Report dated March 20, 2001, by Coastline Geotechnical Consultants, Inc.; Letter dated September 4, 1990 regarding 2400 Rambla Pacifico, Malibu from David Riggle, consulting environmental health specialist shall be incorporated into all final design and construction including: cast in place friction piles, retaining walls, drainage, floor slabs-on-grade, grading and retaining wall backfill, foundation setback, temporary excavations, and sewage disposal. All plans must be reviewed and approved by the consultant.

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

**6. COLOR RESTRICTION DEED RESTRICTION**

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit 4-01-087. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include

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the colors proposed for the roof, trim, exterior surfaces, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-01-087 if such changes are specifically authorized by the Executive Director as complying with this special condition.

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

**7. LIGHTING RESTRICTION DEED RESTRICTION**

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which specifies that the only outdoor night lighting that is allowed on the site is the following to minimize night time intrusion of light and disruption of wildlife traversing this area at night within this rural area:

A. 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 incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.

B. Security lighting attached to the residence and garage that is controlled by motion detectors is limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.

C. The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.

No lighting on the remainder of the site, including the slope, and no lighting for aesthetic purposes is allowed.

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

**8. REMOVAL OF NATURAL VEGETATION**

Removal of natural vegetation for the purpose of fuel modification within the 20 foot zone surrounding the proposed structures shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 20-200 foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

**IV. Findings and Declarations.**

**A. Project Description**

The project site is located approximately four miles inland of the coast bounded by Mulholland Highway on the north and a loop of Cold Canyon Road on the south (Exhibits 1 and 2). The building site is designated as Rural Land I and Mountain Land by the Malibu/Santa Monica Mountains Land Use Plan allowing one residence per ten acres and per twenty acres. The subject site is a 2.78 acre parcel. The surrounding area includes residentially developed and vacant parcels.

The applicants propose to construct a two and three story, 14 to 35 feet high, 3,830 sq. ft. single family residence with two car 620 sq. ft. garage, 960 sq. ft. decks, septic system, grade 120 cubic yards of cut and 120 cubic yards of fill. (Exhibits 3 - 9.) The proposed building site is located on a narrow flat pad along the western edge of Rambla Pacifico.

The project site is located within the Carbon Canyon Watershed inland about a mile and one quarter from the coast. The site drains west into Carbon Canyon Creek which is designated an environmentally sensitive habitat area (ESHA) on the Sensitive Resources Map of the Malibu Santa Monica Land Use Plan (LUP) (Exhibit 10). The elevations on the site range from about 900 to 1180 foot elevation above sea level, the latter is where the proposed residence will be located.

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Staff reviewed the legal status of this parcel as it was not included in the Commission staff review of the build out of all existing parcels in 1978 within the Santa Monica Mountain areas in Los Angeles County. This parcel was identified as part of the adjoining parcel adjacent to the west in that review. Staff requested further clarification of the legal status from the applicant and received additional information on July 30, 2001 confirming that the subject parcel was created by a legal subdivision that occurred prior to January 1, 1977, the effective date of the Coastal Act of 1976 for the subject site.

Although there are no mapped hiking or riding trails crossing the subject property, there is one mapped trails to the west and northwest of the project site, known as the Saddle Peak Trail (Exhibit 12). Although the project site will be visible from the northwest portion of this trail near Piuma Road, it will not be visible from the portion of this trail to the west due to the intervening topography.

**B. Individual and Cumulative Impacts in Sensitive Resource Areas**

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.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used 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.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states as follows:

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

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vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Coastal Act Section 30250 provides for three tests to determine whether new development is appropriately located from the standpoint of cumulative impacts. The first test is whether or not the proposed new development is located within, contiguous or in close proximity to an existing developed area. If the proposed development does not meet the first test, an analysis of whether it meets the second test is necessary. The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The third test is whether or not the proposed project will or will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Regarding the first test, the proposed project is located about one and one quarter miles inland of the coast within the watershed of Carbon Canyon Creek within the Santa Monica Mountains. This inland area of the western Santa Monica Mountains is partially developed with residential land uses. The Commission considers this portion of the Santa Monica Mountains to not be a developed area, including the subject site, and therefore it does not meet the first test. The analysis of the proposed development with respect to the second test is needed.

The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The applicant proposes to construct a one to three story, 14 - 35 feet high, 3,830 sq. ft. single family residence with two car 620 sq. ft. garage, 960 sq. ft. decks, septic system, grade 120 cubic yards of cut and 120 cubic yards of fill. The project site is served with adequate public and private services including public road access, water, electricity and telephone. The applicant proposes to construct a private septic system and has provided an 'Approval in Concept' for the septic system from the Los Angeles County Health Department. Therefore, the Commission finds that the proposed project, as conditioned, meets the guidance provided by the Los Angeles County Land Use Plan and meets the second test required in Section 30250, that the development will be located in an area able to accommodate it.

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The third test of Section 30250 examines whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources and is discussed below.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because of the larger number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches is expected to grow tremendously.

The Los Angeles County Malibu/Santa Monica Mountains Land Use Plan, certified by the Commission, provides guidance for the Commission to consider in this application. The LUP includes a New Development Policy (P271), which notes that new development in the Malibu coastal zone will be guided by the LCP Land Use Plan map and all pertinent overlay categories. The policy also notes that all properties are designated for a specific use that reflects the mandates of the California Coastal Act, all policies contained in this Local Coastal Plan, and the constraints and sensitivities of resources present in the coastal zone. Further, the policy states that the land use plan map presents a base land use designation for all properties overlaid by three resource protection and management designations. For those parcels overlaid by a resource management designation, development must adhere to the special policies, standards, and provisions of the pertinent designation.

Staff's review of the LUP Sensitive Resource Map indicates that there are no designated environmentally sensitive habitats on the subject property. However, within Carbon Creek, there is a riparian habitat designated ESHA which the project site drains to located as close as about 800 feet to the west of the subject building site. Since the all drainage from the parcel drains to Carbon Canyon Creek and its designated ESHA, residential development must adhere to the development standards that protect this ESHA.

**1. Protection of Environmental Resources**

The Land Use Plan (LUP) includes several policies designed to protect the environmentally sensitive habitat areas (ESHA's) and address stream protection and erosion control, from both the individual and cumulative impacts of development. These policies include:

P68 Environmentally sensitive habitat areas (ESHA's) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resources dependent use.

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P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscaping plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing covers to reduce heat output may be used. Within ESHA's and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

P88 In ESHA's and Significant Watersheds and other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

Structures should be clustered.

Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.

Require all sidecast material to be recompacted to engineering standards, re-seeded, and mulched and/or burlapped.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrologic, water percolation and runoff) to the maximum extent feasible.

P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies towards development in areas near ESHA's. Where the Commission has found that single-family development, including accessory structures, would not cumulatively or individually create adverse impacts on habitat or

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other coastal resources, or that adequate mitigation could be provided, it has been permitted.

The applicant proposes to construct a three story, 35 feet high, 3,830 sq. ft. single family residence with two car 620 sq. ft. garage, 960 sq. ft. decks, septic system, grade 120 cubic yards of cut and 120 cubic yards of fill on a flat graded pad at the top of the parcel at the same grade as Rambla Pacifico. West of the proposed building site about 800 feet is Carbon Canyon Creek which is designated as an ESHA. Due to the distance from the proposed residential building site, the proposed residence will not directly affect these ESHA and Creek habitats as the proposed project is not located within or nearby the designated ESHA's.

**2. Cumulative and Individual Impacts of Development**

In analyzing the proposed project for conformance with the resource protection policies of the Coastal Act and the Land Use Plan, one can address the project with regard to each policy in sequence.

For instance, Policy P 68 specifies that ESHA's shall be protected against significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas. The applicant's proposed residence and garage is not located within an ESHA and is separated by from the ESHA by about 800 feet.

Policy P74 specifies that new development be located as close as feasible to existing roadways, services and existing development to minimize the effects on sensitive environmental resources. The applicant's proposed residence is located adjacent to and as close as 10 feet from Rambla Pacifico, an existing public roadway which accesses the proposed driveway to the garage.

Policy P82 specifies that grading be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized. Policy P91 specifies that all new development be designed to minimize impacts and alterations of physical features, such as ravines and hillsides. The applicant proposes to construct the residence on an existing graded pad at the top of the parcel alongside a public roadway by grading 120 cubic yards of cut and 120 cubic yards of fill on the site. The Commission finds that the proposed grading is the minimum necessary to construct the proposed project and meets the guidance provided in Policies P82 and P91.

Policy P 88 specifies that in areas of high potential erosion hazard, site design is required to minimize grading activities and reduce vegetation removal based on guidelines that: 1) structures should be clustered, 2) grading for access roads and driveways should be minimized and new on-site access roads be a maximum of 300 feet or one third the depth of the parcel, which ever is less. Policy P91 specifies that all new development be designed to minimize impacts and alterations of physical features, such as ravines and hillsides and processes of the site to the maximum extent feasible. The applicant's proposed residence and garage is clustered on the flat building pad area of the subject parcel and will not include any development within

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a ravine or along the hillside. The proposed driveway will extend about twenty feet from the public road, Rambla Pacifico, to the garage. Therefore, the proposed project meets the guidance provided in Policy P88.

Policy P 84 specifies that in disturbed areas, landscaping plans balance long-term stability and minimization of fuel load. To address the need for a landscape plan, minimize erosion hazards for the disturbed and graded areas proposed for the development, and minimize the alteration of physical features, Special Condition Number One is necessary. Special Condition Number One will help to ensure that the biological productivity and quality of coastal streams, such as Carbon Canyon Creek, is maintained and that the habitat values of the subject site are protected against significant disruption. Therefore, to ensure that no adverse impacts on the site and beyond the subject site will occur from increased runoff, Special Condition Number One requires a landscape, erosion control and Final Fuel Modification Plan to landscape all disturbed areas on the project site including the requirement to revegetate the building pad on the areas beyond the developed area of the building pad allowed for development. The landscape plan and fuel modification plan needs the language of this Special Condition to be added to the final approved plans. .Special Condition Number Eight requires that the fuel modification plan will not commence within the 20 foot zone surrounding the proposed structures until after the local government has issued a building or grading permit for development approved pursuant to this permit and the vegetation thinning beyond this zone will not occur until commencement of construction of the structures.

Special Condition Number One also requires the applicant to implement a landscape plan with native plant species to stabilize and vegetate the site. The Commission further notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition Number One also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. Special Condition Number One further requires an interim erosion control plan to minimize erosion of the site and sedimentation offsite during the construction of the project and requires a landscape monitoring report five years from the date of receipt of the Certificate of Occupancy for the residence.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential and related development which would be exempt

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from coastal development permit requirements. The Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Los Angeles County Fire Department or may adversely affect the designated ESHA on the subject site. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the Carbon Canyon Creek watershed due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a Future Development Deed Restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the coastal resource policies of the Coastal Act. Special Condition Number Two is necessary to ensure that any future additions, or vegetation removal, which otherwise may be exempt from coastal permit requirements will be consistent with the Coastal Act.

**a. Water Quality**

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the construction of a one to three story, 14 - 35 feet high, 3,830 sq. ft. single family residence with two car 620 sq. ft. garage, 960 sq. ft. decks, septic system, grade 120 cubic yards of cut and 120 cubic yards of fill.

Further, use of the site for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces. The removal of vegetation and placement of impervious surfaces allows for less infiltration of rainwater into the soil thereby increasing the rate and volume of runoff causing increased erosion and sedimentation. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed

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from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly diminished.

In order to ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through Special Condition Number Three, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site that may be incorporated into the applicant's proposed storm water runoff plan. Such a revised plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition Number Three, 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.

Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development. Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a revised drainage and polluted runoff control plan for the proposed residence and garage, is consistent with Section 30231 of the Coastal Act.

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. Therefore, the Commission finds that the project, as conditioned, is in conformance with the guidance provided in the LUP policies that pertain to locating development near designated ESHA's, while protecting streams and ESHA's from disturbance to the greatest extent possible. Therefore, the project site is not located within any of the three resource protection and management categories, thus, development can proceed according to the base land use classification and in conformance with all policies and standards contained in the Los Angeles County Land Use Plan as guidance. The subject property is located within the Rural Land I and Mountain Land land use designations, thus, since the parcel is 2.78 acres in size, the proposed project is not conforming with the density guidance provided by the Land Use Plan designation.

The Commission's standard of review for this project are the policies of the Coastal Act. Regarding Section 30250 of the Coastal Act, the proposed project is located in an area that is not considered a "developed area" and does not meet the first test of Section 30250. Therefore, the Commission finds that the project is located in an "other area with adequate public services" and meets the second test of Section 30250. We move on to the third test. The Commission finds that the biological productivity and quality of coastal waters, riparian habitat, and ESHA will be protected as a result of the proposed project, as conditioned, and as required by Sections 30231 and 30240 of the Coastal Act. Lastly, the Commission finds that the project will not have significant adverse effects, either individually or cumulatively, on coastal resources to meet the third test of Section 30250. Thus, the proposed project, as conditioned, will result in development that is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

**C. Geologic and Fire Hazards**

Section 30253 of the Coastal Act states:

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.

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu 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.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted two reports: Update Engineering Geologic Report, dated October 26, 2000, by Mountain Geology, Inc.; Updated Geotechnical Engineering Investigation Report dated March 20, 2001, by Coastline Geotechnical Consultants, Inc. Both reports indicate that there is landslide debris mapped on the southeast portion of the subject property beyond the proposed building site and "creep prone bedrock" located west and northwest of this mapped landslide feature within a portion of the proposed building site, which is considered potentially unstable.

The Update Engineering Geologic Report states that:

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Quaternary landslide debris has been mapped on the southeast portion of the subject property and on offsite properties to the north, northeast, and southeast (See Exhibit 11)

The bedrock failures to the northeast are attributed to adverse orientations of north-dipping joint planes. The bedrock failures to the southeast are attributed to adverse bedding plane orientations.

These unfavorable conditions do not exist on the subject property as shown on the Geologic Sections.

However, an area of creep-prone bedrock has been mapped by Mountain Geology, Inc. to the west and northwest of the mapped landslide which may be considered potentially unstable. This creep-prone bedrock area is located to the southeast of the proposed garage/guest house and is partially within the area of the proposed residence of the subject property.

The Updated Geotechnical Engineering Investigation Report also states that:

Prehistoric landslide debris occupies the southern half of the parcel, which must be considered potentially unstable. In addition, as reported by Mountain Geology, the subject site has creep prone bedrock in the upper 10 feet. It is recommended that the residence be supported entirely by drilled, cast-in-place friction piles, designed to resist creep loads.

The Update Engineering Geologic Report concludes that:

Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and installation of the private sewage disposal system will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

The Updated Geotechnical Engineering Investigation Report concludes that:

Based on the findings summarized in this and our prior report, and provided the recommendations of this report are followed, and the designs, grading and construction are properly and adequately executed, it is our finding that construction within the building site, including grading, will not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our finding that the proposed building and anticipated site grading will not adversely effect the stability of the site, or adjacent properties, with the same provisos listed above.

These reports include numerous recommendations to address project stability including: cast in place friction piles, retaining walls, drainage, floor slabs-on-grade, grading and retaining wall backfill, foundation setback, temporary excavations, and

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sewage disposal. Based on the findings and recommendations of the consulting geologist and engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by these consultants as conforming to their recommendations, as noted in Special Condition Number Five for the final project design, grading, and drainage plans for the proposed project.

The Coastal Act requires that new development minimize the risk to life and property in areas of high geologic and also fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

As noted above the subject site includes a landslide feature beyond the building site and within the building pad creep-prone bedrock. Although the applicant's consultants conclude that the proposed development will be stable if their recommendations are incorporated, the Commission can only approve the project if the applicant assumes the liability from these associated risks.

In addition, there are wildfire hazards on this subject site. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated. In fact the Commission's records indicate that this site has burned 5 or 6 times during the past century.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from landslides, earth movement, or wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the Assumption of Risk, Waiver of Liability, and Indemnity special condition, the applicant acknowledges and appreciates the nature of these hazards which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number Four.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in Carbon Canyon Creek. Landscape and fuel modification plans are needed to minimize erosion and needed to be approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau as a

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Final Fuel Modification Plan. These plans need to incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans also illustrate that vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on-site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species. Special Condition Number One requires a Fuel Modification Plan to reflect the proposed project and be approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau as a Final Plan.

Regarding non-point source pollution, the Los Angeles County Land Use Plan Policy P96 specifies that degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands. Policy P82 specifies that grading be minimized to ensure the potential negative effects of runoff and erosion on these resources are minimized.

The proposed project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality in the ESHA designated Carbon Canyon Creek. As a result, site drainage needs to be collected and distributed in a non-erosive manner. Because of the slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability as required by Special Condition Number One. Water quality issues are addressed in Special Condition Three. To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through Special Conditions Numbers One and Three, to submit drainage / erosion control plans conforming to the recommendations of the consulting engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. 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 has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of

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major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped primarily with appropriate native plant species, as specified in Special Condition Number One.

The Commission finds that, only as conditioned, is the proposed project consistent with Section 30253 of the Coastal Act.

**D. Visual Resources.**

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character 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.

In addition, the certified LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the proposed development:

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

minimize the alteration of natural landforms.

Be landscaped to conceal raw-cut slopes.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The applicant proposes to construct a one, two and three story, 14 - 35 feet high, 3,830 sq. ft. single family residence with two car 620 sq. ft. garage, 960 sq. ft. decks, septic system, grade 120 cubic yards of cut and 120 cubic yards of fill.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. The Commission examines the building site, the proposed grading, and the size of the building pad and proposed structures. The development of the residence and garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails or lands will be impacted.

The project site is located on an existing flat graded pad adjacent to the public roadway, Rambla Pacifico. This pad, divided by a parcel line, is shared by adjoining lots including the subject parcel. This pad area is the logical building site for the subject parcel and appears to be the same for the adjoining parcel. The immediately surrounding parcels are undeveloped at this time possibly in part due to the steep nature of the surrounding topography. However, the areas along Rambla Pacifico to the south and further to the north along this road are developed with residences; many were rebuilt after loss of former residences due to wildfires.

The proposed one, two and three story residence and garage (visible as a one and two story 14 to 24 foot high structure from the area immediately adjacent to Rambla Pacifico, Exhibit 8, East Elevation) is proposed to be located along Rambla Pacifico, a designated scenic highway with ocean views from the Road. The potential impact that this project has along this scenic roadway are public views to and along the coast that may be adversely affected by the proposed structure. The views of the one, two and three story components of the residence and garage ranging from 14 to 24 to 35 feet high is identified in Exhibits 7 and 8 as the North, South and East Elevations. In addition, there is one public trail, the Saddle Peak Trail, located to the north of the subject site which has public views south towards the proposed one and two story component of the residence and garage structure from a distance of about one to one and one quarter miles (Exhibit 12). The public view from this trail is identified in Exhibit 7 as the North Elevation. As required by Special Condition Number One, additional landscaping with vertical elements such as trees and shrubs will partially screen and soften the appearance of the proposed residence and garage from Rambla Pacifico and Saddle Peak Trail. Exhibit 6, Roof Plan, identifies the height of various sections of the proposed residence and garage ranging from 14 to 35 feet high.

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The residence will be located on the existing flat building pad area, except for the proposed grading of 120 cubic yards of excavation and 120 cubic yards of fill for the foundation and surrounding area which is determined to be a minimal amount of grading necessary to construct the project.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. As required by Special Condition Number One, the graded and disturbed areas will be replanted with native plants. Also required by Special Condition Number One, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from the public trail located to the north and as seen by the public from Rambla Pacifico to the south, east and north and Saddle Peak Trail to the northwest.

In order to ensure that the structural appearance, i.e. color of the residence and garage, roof, driveway, and retaining walls and the potential glare of the glass windows, will not create adverse visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by Special Condition Number Six. In addition, Special Condition Number Seven requires that night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts on the property. The restriction on night lighting is necessary to protect the night time rural character and wildlife residing in this portion of the Santa Monica Mountains consistent with the scenic and visual qualities and wildlife habitat of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

**E. Septic System**

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse

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effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The applicant is proposing to construct a larger septic system to accommodate the sewage of the existing residence and proposed residential and garage. The applicant has submitted a design approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils within the Santa Monica Mountains, among other criteria. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

**F. Local Coastal Program**

Section 30604 of the Coastal Act states 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, as conditioned, will not prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**G. California Environmental Quality Act (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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

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Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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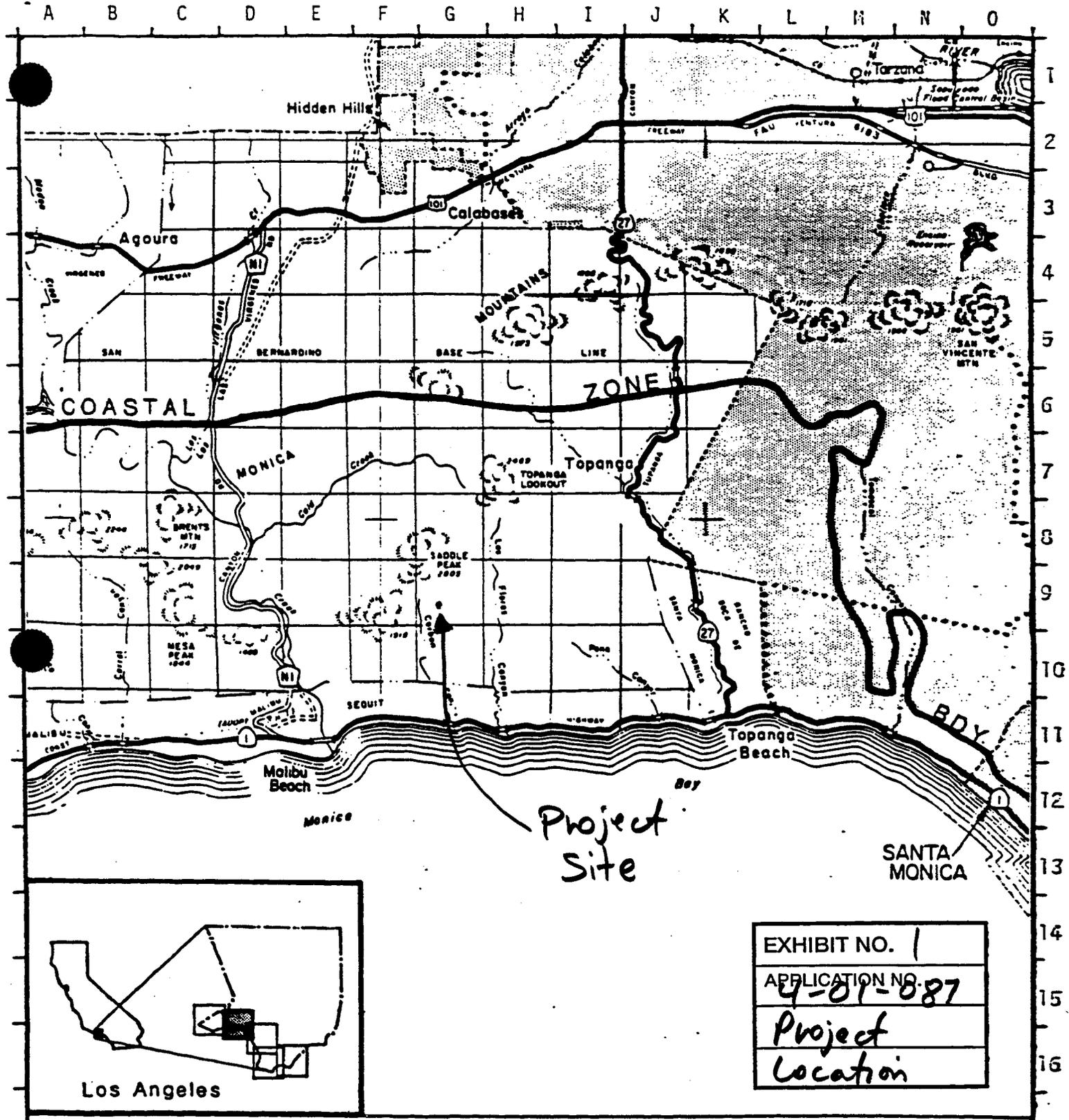
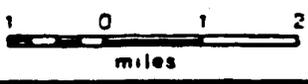


EXHIBIT NO. 1
APPLICATION NO. 4-01-087
Project
Location

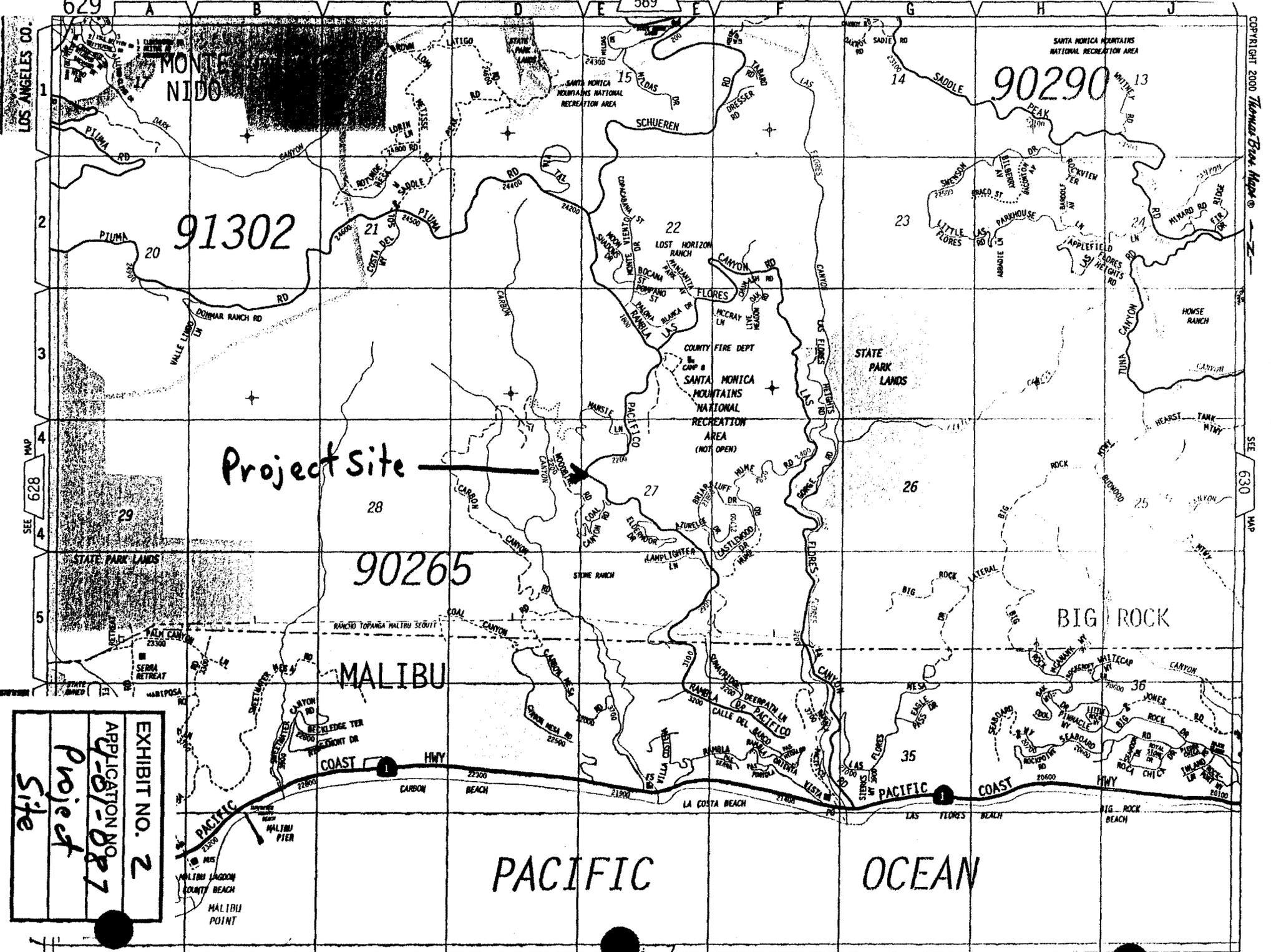
California Coastal Commission

# LOCATION MAP



County of Los Angeles

Sheet 2 of 5



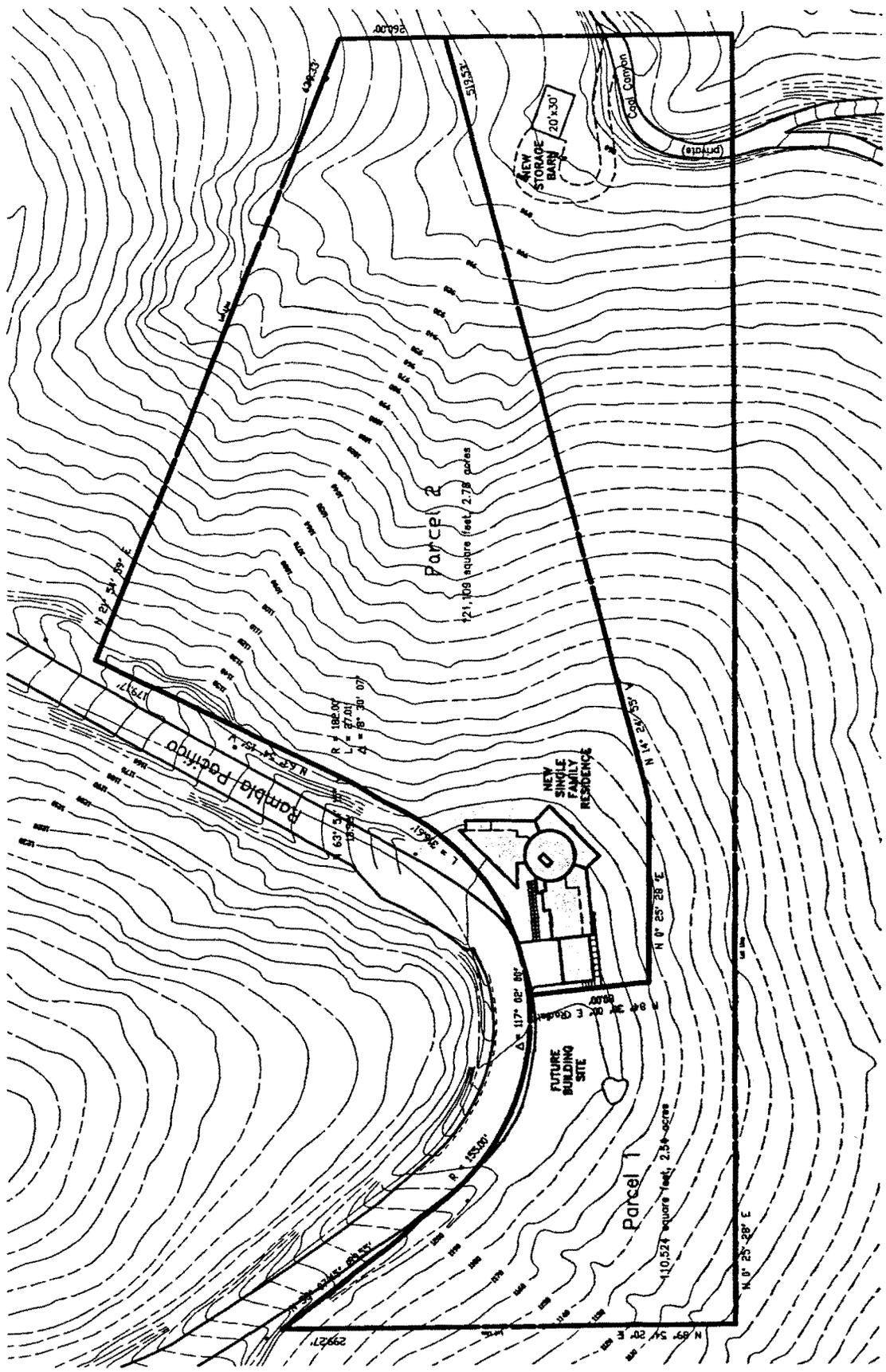
SEE 628 MAP

EXHIBIT NO. 2  
 APPLICATION NO. 9-87-887  
 Project Site

# SITE PLAN

SCALE 1" = 80' 0"

EXHIBIT NO. 3
APPLICATION NO. 4-01-087
Site Plan





Project Name/Address	
Client	
Architect	
Date	

PROJECT NO. 4-01-087  
 DATE 11/11/08  
 SCALE 1/8" = 1'-0"

GROUND LEVEL PLAN

Sheet No.	A-9.2
Project No.	4-01-087

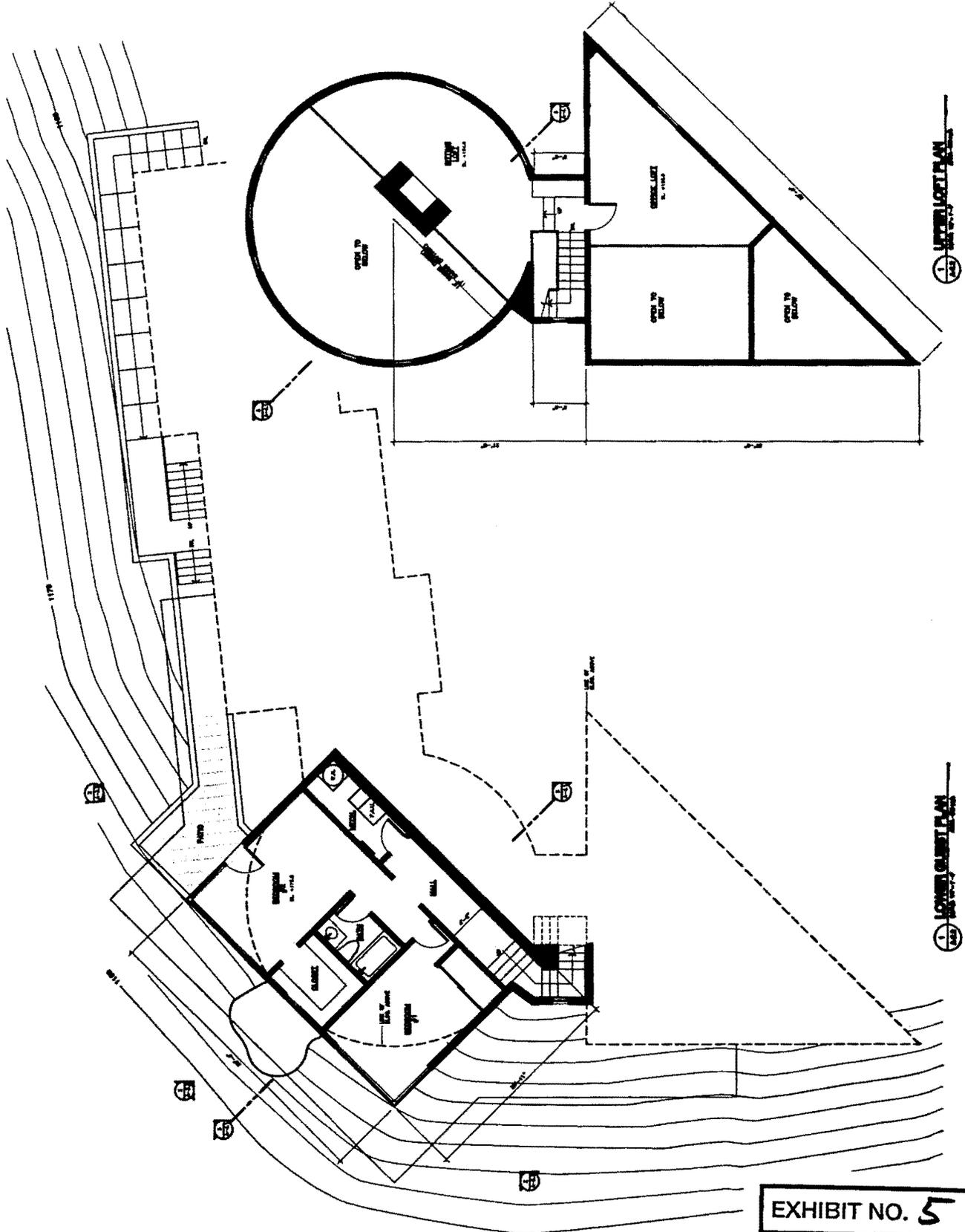


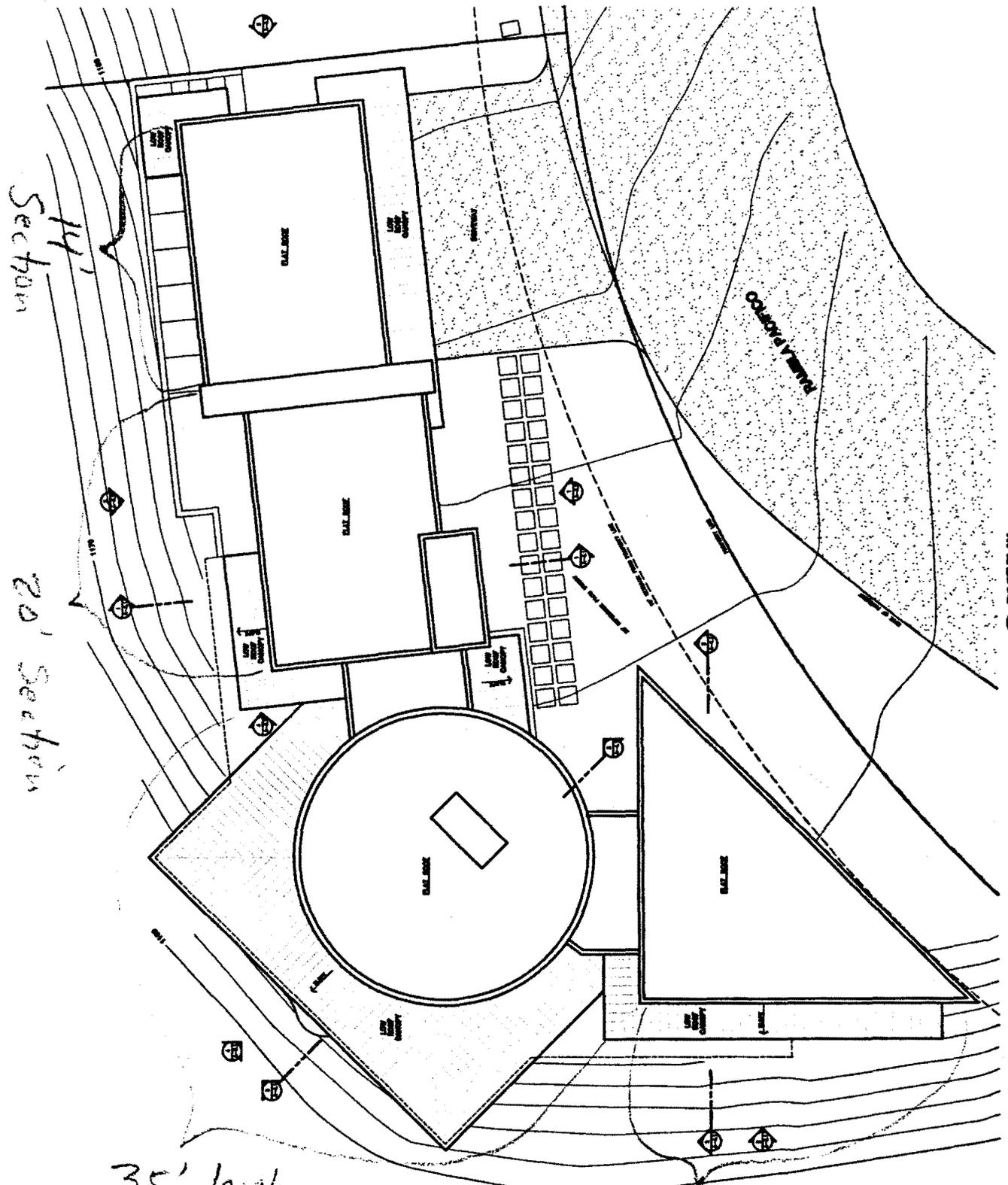
EXHIBIT NO. 5
APPLICATION NO. 4-01-087
Lower level & loft Plans

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GENERAL NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO FACE.  
 3. SEE SHEET A-2.3 FOR FINISHES.

GENERAL LEVEL 1 PLAN  
 SHEET NO. 1 OF 1

PROJECT NO. _____ DRAWN BY _____ CHECKED BY _____ DATE _____	A-2.3 
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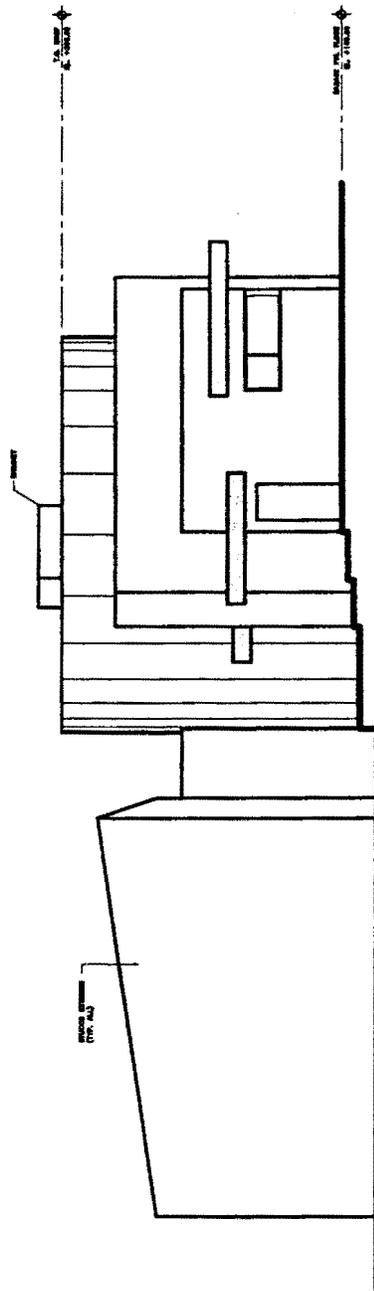
14' Section

20' Section

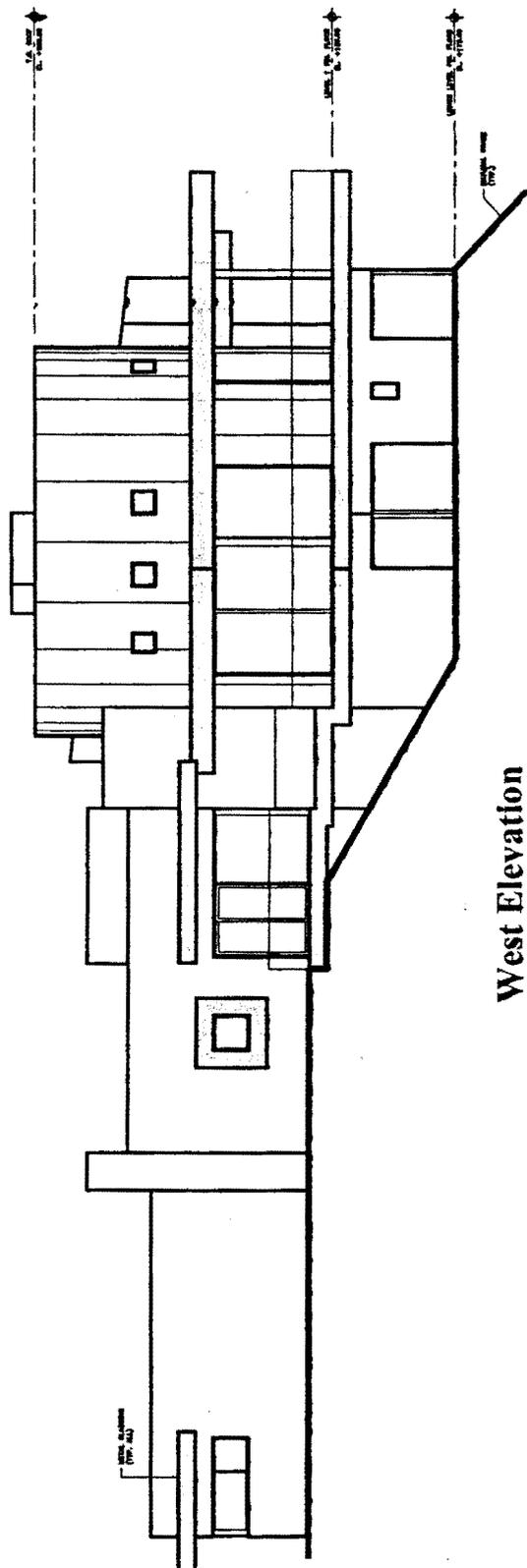
35' high Section

18-24' Section

EXHIBIT NO. 6
APPLICATION NO. 4-01-087
Roof Plan



North Elevation



West Elevation

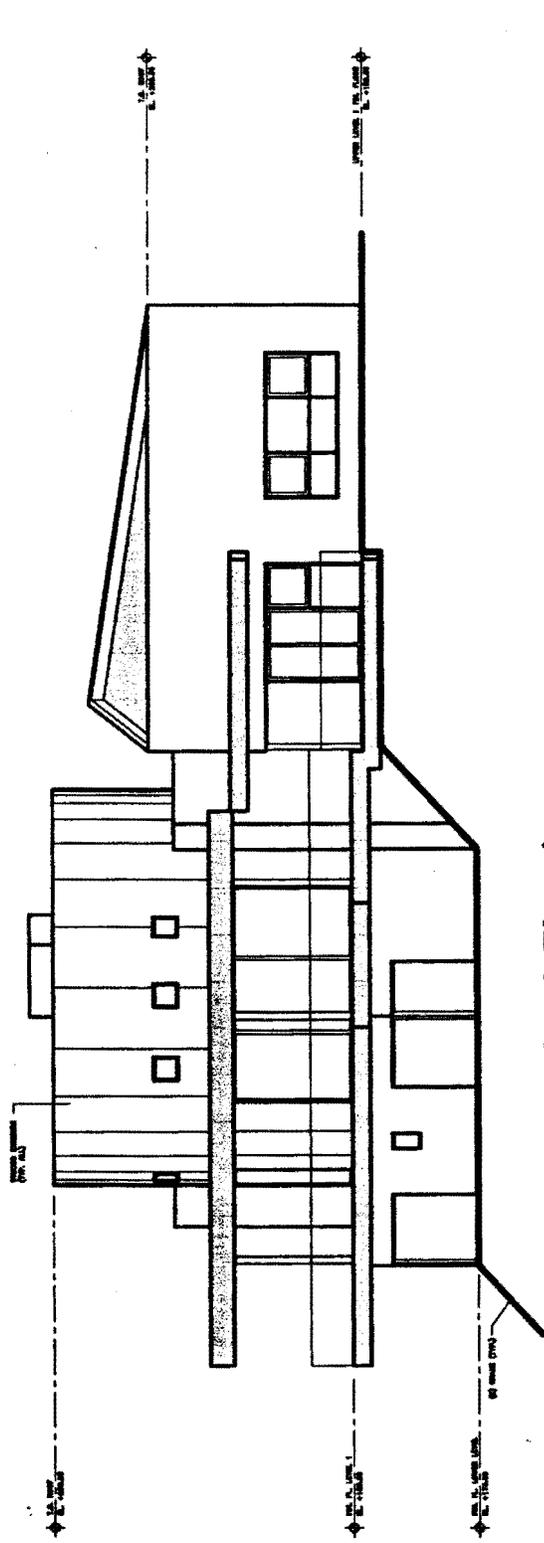
EXHIBIT NO. 7
APPLICATION NO. 4-09-087
West & South Elevations

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<p>Architect Name</p>
<p>Address</p>
<p>City</p>
<p>State</p>
<p>Zip</p>

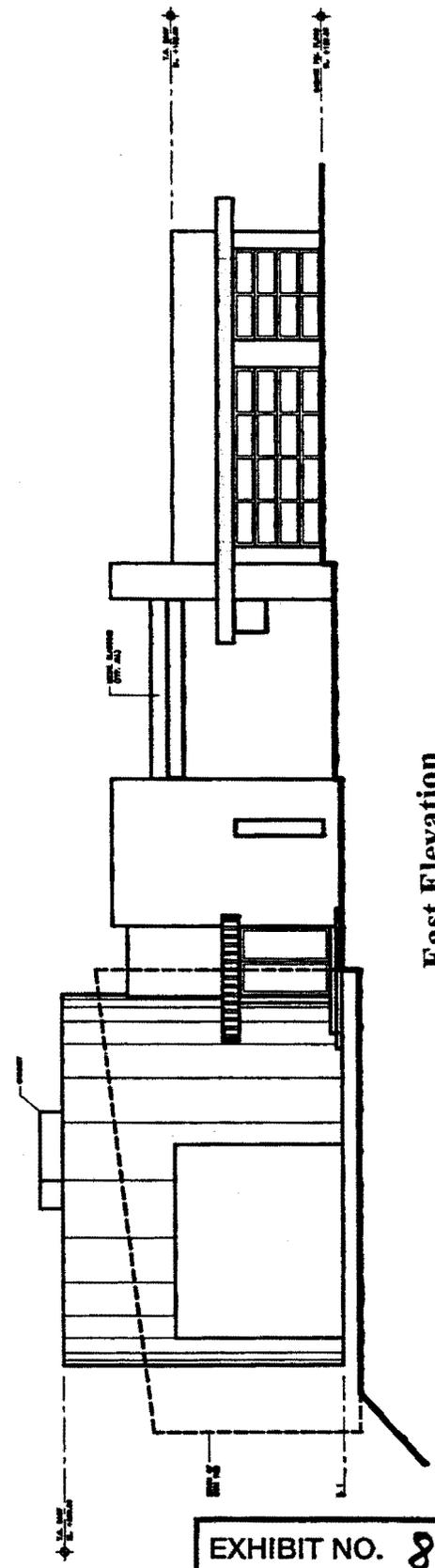
NOT TO SCALE  
FOR INFORMATION ONLY  
DO NOT CONSIDER THIS  
A CONTRACT DOCUMENT

<p>BUILDING ELEVATION</p>
<p>DATE</p>
<p>BY</p>

<p>NO. 1000</p>
<p>PROJECT NO.</p>
<p>A-32</p>



South Elevation

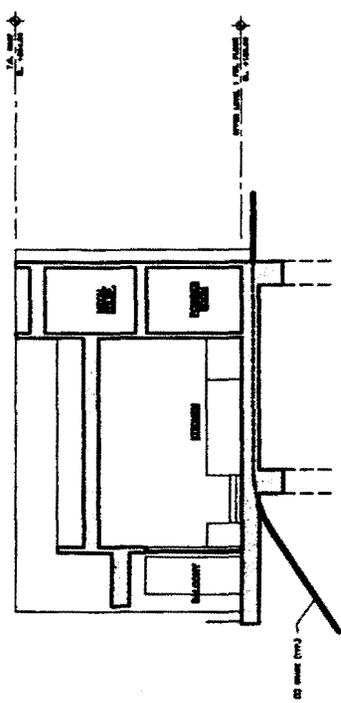


East Elevation

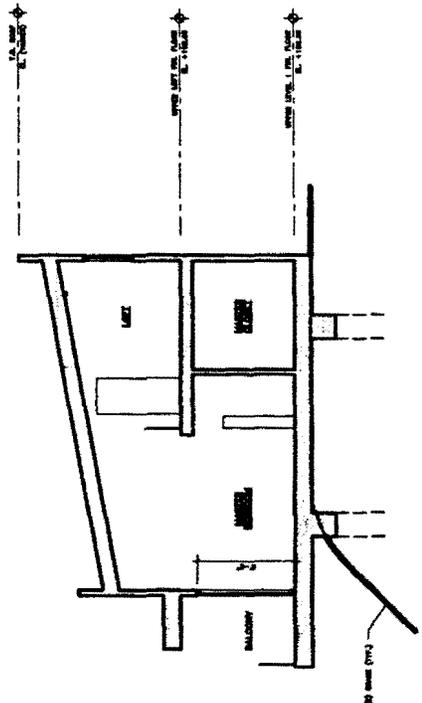
<p>EXHIBIT NO. 8</p>
<p>APPLICATION NO.</p>
<p>9-01-087</p>
<p>East &amp; North</p>
<p>Elevations</p>

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.   
 ALL WALLS ARE 200mm THICK UNLESS OTHERWISE SPECIFIED.   
 ALL FLOORS ARE 100mm THICK UNLESS OTHERWISE SPECIFIED.   
 ALL ROOFS ARE 100mm THICK UNLESS OTHERWISE SPECIFIED.

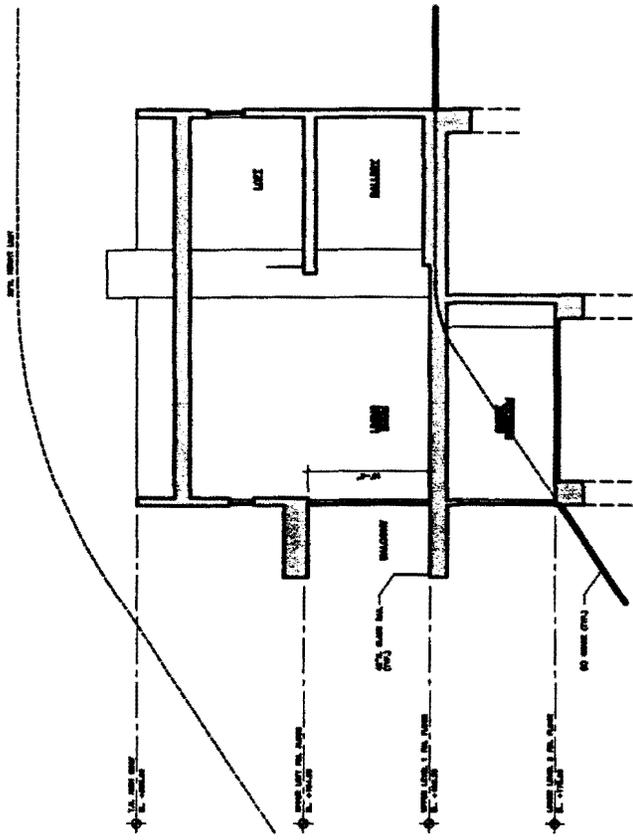
BUILDING SECTIONS   
 SECTION A-A.1



LIVING ROOM SECTION   
 A-1



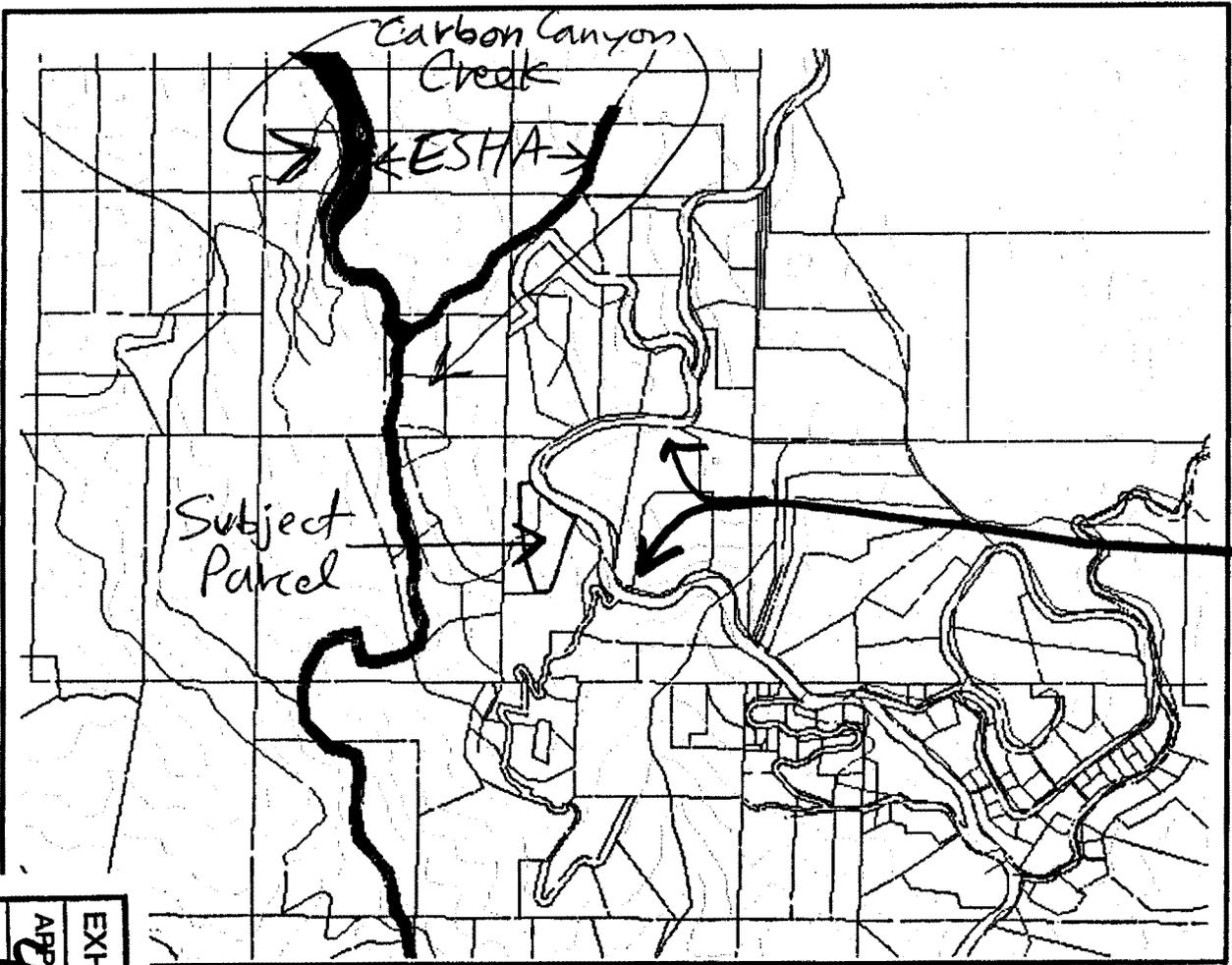
KITCHEN SECTION   
 A-1



LIVING ROOM SECTION   
 A-1

EXHIBIT NO. 9   
 APPLICATION NO. 4-01-087   
 Sections

### 401087bowman esha creeks trails



- contours @ 100ft
- Trails - LA County LUP
- Blue Line Streams
- streets
- trailotds (OTDSTATUS)
  - Accepted
  - Not Recorded
  - Recorded
- laprcls
  - esha
  - Ocean

Rambla Pacifico



EXHIBIT NO.	1D
APPLICATION NO.	4-87-887
ESHA	

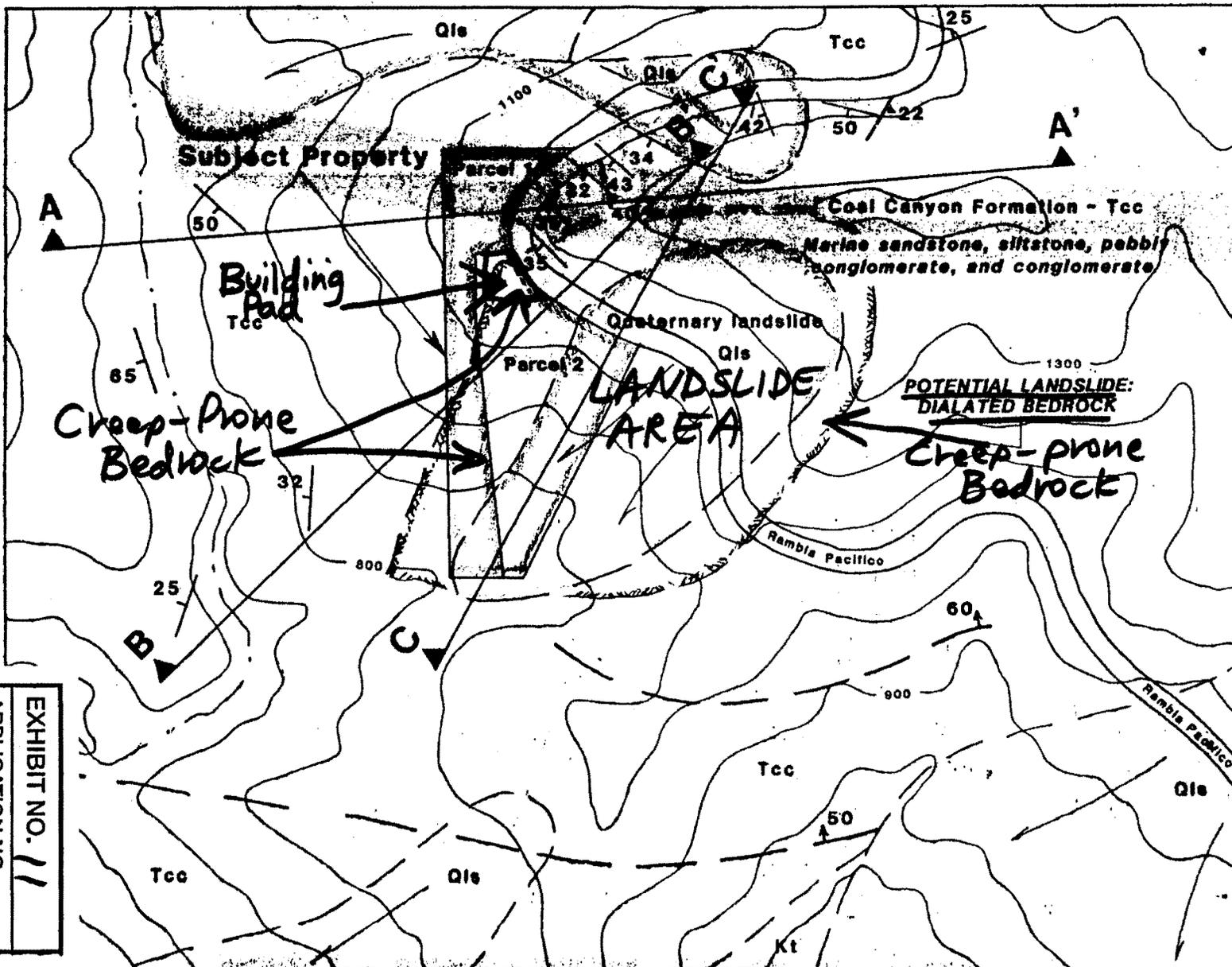


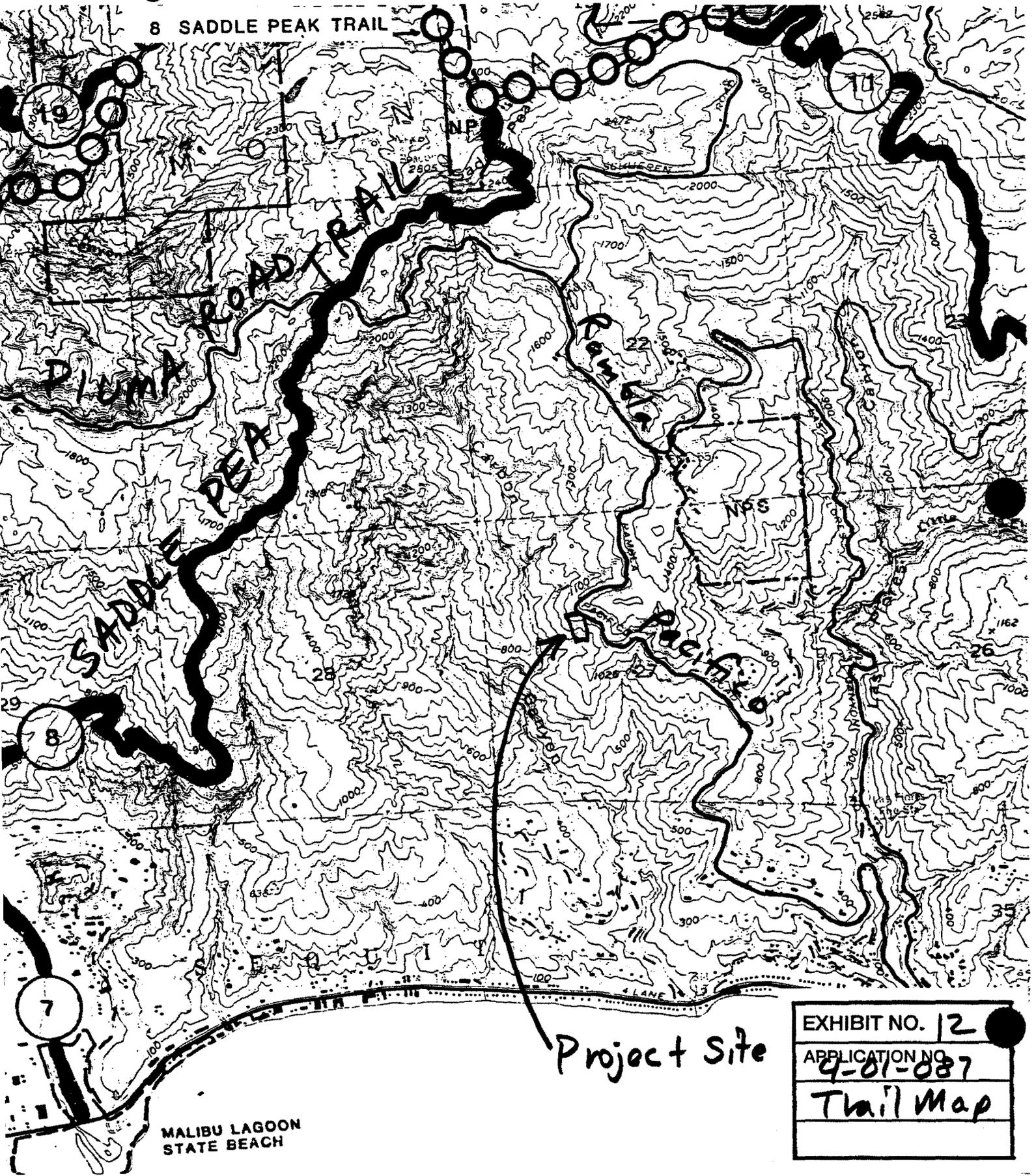
EXHIBIT NO. 11
APPLICATION 087-087
Geologic Map

BASE MAP DERIVED FROM U.S.G.S. TOPOGRAPHIC MAP, MALIBU BEACH, CA., ENLARGED TO 1" EQUALS 215'. GEOLOGY IS FROM R.F. YERKES AND R.H. CAMPBELL, U.S.G.S., 1980

# malibu/santa MONICA MTS TRAIL SYSTEM

○—○ BACKBONE TRAIL  
③ MAJOR FEEDER TRAIL

8 SADDLE PEAK TRAIL



Project Site

EXHIBIT NO. 12
APPLICATION NO. 9-01-087
Trail Map

MALIBU LAGOON  
STATE BEACH