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GRAY DAVIS. Governo

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST AREA 89 SOUTH CALIFORNIA ST., SUITE 200 VECTRA, CA 93001 (1990 5-1800



APPLICATION NO.: 4-01-170

APPLICANT: Darius Wolski

AGENT: David Cofrances and James Kaizura Architecture

PROJECT LOCATION: 6629 Wandermere Road, City of Malibu

RECORD PACKET COPY

PROJECT DESCRIPTION: Partial demolition and remodel to convert existing 2-story, 2,450 sq. ft. studio/garage into 28 ft. high, 3,857 sq. ft. main residence; conversion of existing 1-story, 2017 sq. ft. main residence into 750 sq. ft. guest unit and 394 sq. ft. garage; removal of an unpermitted secondary driveway/parking area; pool; and 54 cu. yds. of grading (49 cut, 5 fill). In addition the project also includes a request for after-the-fact approval of an existing septic system.

Lot area44,673sq. ft. (1.03 ac.)Building coverage:4,246sq. ft.Parking spaces:4 (2 covered)Ht above fin grade:28'0"

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department, dated 8/21/2001; Approval in Concept (Septic System), City of Malibu Environmental Health Department, dated 7/13/2001; Approval in Concept, City of Malibu, Geology and Geotechnical Engineering, dated 10/19/2000; Approval in Concept (Fuel Modification), Los Angeles County Fire Department, Fire Prevention Engineering, dated 12/9/2001; Los Angeles County Fire Department (Access) Approval, dated 10/25/2001; Approval in Concept, City of Malibu, Archaeology Review, dated 12/07/1999; Approval in Concept, City of Malibu, Biology Review, dated 10/26/00.

SUBSTANTIVE FILE DOCUMENTS: Soils and Engineering-Geologic Investigation for Proposed Addition and Swimming Pool, by Geosystems Inc., dated 3/21/2001; Percolation Test, dated 2/23/2001; Coastal Development Permit A-80-7312.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **nine (9)** special conditions regarding Conformance with Geologic Recommendations, Drainage and Polluted Runoff, Landscaping and Erosion Control, Removal of Excavated Material, Wildfire Waiver of Liability, Future Improvements Deed Restriction, Lighting Restriction, Retention of Second Unit During Construction, and Condition Compliance.

I. STAFF RECOMMENDATION

1. <u>Motion:</u> I move that the Commission approve Coastal Development Permit No. 4-01-170 pursuant to the staff recommendation.

2. <u>Staff Recommendation of Approval:</u>

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.

3. <u>Resolution to Approve the Permit:</u>

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

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

- a) All recommendations contained in the Soils and Engineering-Geologic Investigation for Proposed Addition and Swimming Pool, 6629 Wandermere Road, by Geosystems Inc., dated 3/21/2001; shall be incorporated into all final design and construction including <u>site preparation</u>, <u>grading</u>, <u>drainage</u>, and <u>foundations</u>, 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."

2. 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.
- (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.

3. 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 <u>Recommended List of Plants for Landscaping in the Santa Monica</u> <u>Mountains</u>, dated February 5, 1996. Invasive, non-indigenous plan 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) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (5) Vegetation within 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. The fuel modification plan shall also include a notation, which indicates that no off-site fuel modification shall be required within the environmentally sensitive habitat area located to the south of the site. 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) Fencing of the property shall be limited to those areas above the natural top of the slope of the canyon, above the 198 ft. contour line.

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) <u>Monitoring</u>

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.

4. <u>Removal of Excavated Material</u>

Prior to issuance of a 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.

5. 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.

6. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-01-170. 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. 4-01-170 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.

7. Lighting Restriction

- A. The only outdoor, night lighting allowed on the site shall be the following:
- (1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Executive Director.
- (2) Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.
- (3) The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.
- (4) No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

Prior to the issuance the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, 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. Second Residential Unit during construction

The applicant shall demolish the portions of the existing main residence in excess of 750 sq. ft., as shown on Exhibit 4 within two years of the issuance of this Coastal Permit or within ninety (90) days of the applicant's receipt of the Certificate of Occupancy for the proposed main residence from the City of Malibu. After the portions of the structure are removed, the disturbed areas of the site shall be revegetated as required by **Special Condition 3**. The Executive Director may grant additional time for good cause.

9. <u>Condition Compliance</u>

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

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing to partially demolish (approximately 75% of the walls) and remodel an existing 2-story, 2,450 sq. ft. studio/garage, and convert it into a 28 ft. high, 3,857 sq. ft. main residence (Exhibit 3-11). The applicant additionally proposes conversion of the existing 1-story, 2017 sq. ft. main residence into a 750 sq. ft. guest unit; retention of the existing 394 sq. ft. garage (Exhibits 3-5); installation of a pool, and a total of 54 cu. yds. of grading (49 cut, 5 fill). In addition, the applicant is proposing to remove a secondary driveway/parking area located on the east end of the property, which was constructed without the benefit of a coastal development permit. The proposed project also includes a request for after-the-fact approval for an existing septic system with 2,500 gallon tank which was installed in 2001.

The subject site is a moderately level, 44,673 sq. ft. (1.02 ac.) parcel located in west end of the Point Dume area of the City of Malibu (Exhibits 1-2). As stated above, the site is currently developed with a 1-story 2017 sq. ft. main residence, and a 2-story garage/studio that was approved on 11/3/1980 (CDP #A-80-7312). This accessory structure consisted of a first floor, 1,225 sq. ft. detached garage, with a 500 sq. ft. second-story studio and storage space for a total of 2,450 sq. ft.

The property is located on the south side of Wandermere Road, a public road, and is accessed via Pacific Coast Highway and Heathercliff Road (Exhibit 1). The subject property is located within an existing developed neighborhood. Maximum topographic relief on-site is approximately 45 feet. Slope gradients on the site vary from nearly level to 3:1 (horizontal to vertical). Approximately 45 to 80 feet west of the proposed building sites, the slope descends about 45 feet to a north-south trending coastal canyon. This is one of several coastal canyons which are environmentally sensitive habitat areas within Point Dume (Exhibit 2). Drainage from the property by sheet flow runoff into this coastal canyon which is located approximately half a mile from, and drains into, Westward Beach and the Pacific Ocean.

There is one previous coastal development permit (CDP permit #A-80-7312) on record for the subject site. It consists of approval for the construction of the 2,450 sq. ft. garage/studio (1,225 sq. ft. garage, 500 sq. ft. studio, and 725 sq. ft. storage space). This permit was approved with conditions on 11/3/1980. The structure was completed, however, changes in its usage and design have apparently occurred over time.

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.

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 final proposed project will consist of a 3,857 sq. ft., 2-story single-family residence, which will not exceed 28' in height from the existing grade, and a 750 sq. ft. detached guest unit, and a detached garage. The proposed structure will not impact any scenic views as seen from Pacific Coast Highway, and will not be visible from the nearby Westward and Zuma beaches. Staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the surrounding existing development. The site is located in a developed residential neighborhood consisting of single-family homes of similar size and design as the proposed residence.

For this project, the applicant is proposing 54 cu. yds. of grading consisting of 49 cu. yds. of cut, and 5 cu. yds. of fill. The grading is minor in nature and will result in increase the visual impacts of the development.

The Commission has found that night lighting of areas in the Malibu / Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, in order to mitigate any potential future visual and environmental impacts of the development on the nearby canyon, and to protect the night time rural character of this portion of the Santa Monica Mountains, consistent with the scenic and visual qualities of this coastal area, the Commission limits the nighttime lighting of the property and residence to that necessary for safety as outlined in **Special Condition 7.**

The proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

C. <u>Geologic Stability and Hazards</u>

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

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

Section 30250(a) of the Coastal Act states (in part):

New residential, ... development, ... shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are Zuma Canyon to the west, Point Dume to the south, and Paradise Cove to the east. The site is located on a near-level pad which drains to the south and west via existing contours into a coastal canyon that forms the southern boundary of the property, and has been designated as a locally disturbed resource (Exhibit 2). This canyon ultimately drains into the Pacific Ocean at Westward Beach, approximately 0.5 miles away.

The Soils and Engineering-Geologic Investigation for Proposed Addition and Swimming Pool, by Geosystems Inc., dated 3/21/2001, in evaluating the various engineering geologic factors affecting site stability and the existing site conditions, states:

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

The Commission notes that the geologic and engineering consultants have included a number of recommendations regarding <u>site preparation</u>, <u>grading</u>, <u>drainage</u>, and <u>foundations</u>, which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition 1**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The 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 offsite in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. As noted above, the southern portion of the site encompasses a north-south trending coastal canyon, which is an environmentally sensitive habitat area. This canyon drains into the Pacific Ocean approximately 0.5 miles downgradient of the subject site after joining with a stream from a neighboring canyon to the west (Exhibit 2). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and through implementation of a drainage and runoff control plan. To ensure that runoff is conveyed off-site in a non-erosive manner, and to minimize impacts to the nearby ESHA, the Commission finds it necessary to require the applicant, through Special Conditions 2 and 3, to submit drainage / erosion control plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director, to adequately control runoff from impervious surfaces, and to assume responsibility for the maintenance of all drainage devices on-site.

Erosion and sedimentation can also be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. The applicant has estimated 54 cu. yds. of grading consisting of 49 cu. yds. of cut, 5 cu. yds. of fill. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. Therefore, **Special Condition 4** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site be removed and properly disposed of.

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 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 with appropriate native plant species, as specified in Special Condition 3.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property.

The County of Los Angeles Fire Department, Fuel Modification Unit, in their 12/9/02 approval in concept, has indicated that no additional, fuel modification requirements will be required for the proposed development. Therefore, no additional fuel modification will occur as a result of the proposed project which will affect the existing natural vegetation on the adjacent properties, or in the nearby ESHA.

However, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition 5**, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

D. Environmentally Sensitive Resources

Sections 30231 and 30240 of the Coastal Act require that development in and adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade those areas. Section 30231 requires the protection of coastal waters and aquatic ecosystems, through, among other means, controlling runoff (drainage management and erosion control, for example) and limiting the removal of natural vegetation that serves to buffer adverse impacts upon these resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states that:

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

Section 30240 states:

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

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

The proposed project is located on a previously developed 1.02 acre site which slopes southward into a coastal canyon (Exhibit 2) that is an environmentally sensitive habitat area (ESHA). This canyon has been disturbed by the encroachment of development. and therefore no longer retains the seamless habitat value and diversity of more remote and less disturbed habitat areas. Disturbed ESHAs are frequently invaded by nonnative, invasive exotic plant species that escape from nearby ornamental gardens, and are subject to increased volume and velocity of runoff and resultant erosion from the increased impervious surfaces of upslope development. In addition, disturbed ESHA areas of Point Dume are often subject to increased disturbance of natural vegetation and habitat resulting from fuel modification requirements associated with upslope development. New development on Point Dume may require fuel modification up to 200 feet from the subject structures, including lands on adjacent parcels. Such fuel modification requirements raise issue with respect to potential new adverse impacts to natural vegetation on the sensitive canyon slopes and riparian corridors on Point Dume. These new impacts may further reduce what remains of these canyon habitats, which are remnant ESHAs. Therefore, in order to protect what remains of the canyon habitats of Point Dume, the Commission must consider all new potential adverse impacts on the sensitive habitat areas of the canyon slopes and riparian corridors that may result from approving new development in the Point Dume area.

The applicant is proposing to substantially redevelop the site with a 3,857 sq. ft., 2-story main residence; detached, 750 sq. ft., 1-story guest unit and 394 sq. ft. garage; pool; and new septic system. While the footprint of the proposed development is not encroaching any further in the direction of the coastal canyon, the applicant is essentially redeveloping the site and shifting the main bulk and intensity of the development southward on the parcel (Exhibits 3 and 4) and closer to the environmentally sensitive habitat area.

The top of the slope of the coastal canyon (ESHA) is located at approximately the 198 ft. contour. This ESHA is located approximately 55 feet from the proposed main residence, and 25 feet from the proposed pool. The proposed development does not include any structural development on the steeper slopes of the site and will not result in the direct displacement of any sensitive natural habitat areas established on the canyon slopes or within the drainage corridor by physical development. The placement of the proposed structures does not extend the fuel modification necessary for the development from that currently required, and the 25 foot setback of the development from the ESHA, in conjunction with a comprehensive landscaping plan, as required by **Special Condition 3**, serves to ensure that the effects of the development will not be encroaching further within the canyon.

The applicant has submitted an approval in concept from The Los Angeles County Fire Department, which indicates that since additions to the development are not in excess of 2,000 sq. ft., the fire department has no new requirements for the development beyond that currently required. However, in analyzing the impacts of the redevelopment of the site on the ESHA, the Commission finds it necessary to require the applicant, through Special Condition 3, to prepare and submit a landscape plan for the entire parcel, and which complies with the standard guidelines of the County of Los Angeles Fire Department for fuel modification. The Commission further finds that the use of nonnative 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 Adverse effects from such landscaping result from the direct Mountains area. occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition 3 requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. The implementation of the final approved plan will result in the usage of primarily locally native species, thus minimizing the impacts of the development on the ESHA.

As stated previously, the site drains into the canyon located on the southern portion of the subject site. This canyon is a environmentally sensitive habitat area which has been disturbed by the effects of previous development both onsite and as the result of the encroachment and impacts of development from other adjoining parcel. The

Commission finds that the minimization of non-point source pollutants from new development will help to maintain and enhance the quality of coastal waters, streams, wetlands, estuaries and lakes. Non-point source pollution is the pollution of coastal waters (including streams and underground water systems) which enters the waterway from numerous sources which are difficult to identify on an individual basis. Non-point source pollutants include suspended solids, coliform bacteria and nutrients. These pollutants can originate from many different sources such as overflow septic systems, storm drains, runoff from roadways, driveways, rooftops and horse facilities.

Grading for the proposed project will encompass a total of 54cu. yds. (49 cut and 5 fill). The applicant has submitted a geologic report dated 3/21/2001, and prepared by Geosystems Inc., which makes specific recommendations regarding site stabilization upon grading, and the proper management of site drainage to avoid erosion and ensure site stability. The Commission finds that the implementation of the geologic recommendations, as required by **Special Condition 1**, and the implementation of specific erosion management measures that must be implemented should grading be undertaken during the rainy season, pursuant to **Special Conditions 2 and 3**, will ensure that erosion is controlled consistent with the Section 30231 and will reduce the non-point source pollution impacts of the proposed development on the nearby drainage and downstream waters.

In order to address the issue of wildlife movement within the coastal canyon and surrounding resource areas, the Commission, through **Special Condition 3**, prohibits any perimeter fencing of the southern portion of the property (below the 198 ft. contour), thereby allowing the free passage of wildlife within the canyon. The Commission has additionally found that night lighting of a high intensity has the potential to disrupt the hunting, roosting, and nesting behavior of wildlife that occupy and pass through this sensitive habitat area. The Commission's application of **Special Condition 7** reduces the disruptive effects that night lighting can have on the wildlife occupying these habitat areas, by restricting outdoor night lighting to the minimum amount required for safety.

Finally, the Commission finds that future development within and near the on-site coastal canyon has the potential to detrimentally impact the sensitive coastal resources and habitat of the canyon (Exhibits 3 and 4). The City of Malibu Biologist, in their review, has additionally recommended that the applicant submit a landscape plan which identifies the canyon slope and stream below the 194 ft. contour line as a habitat and watershed protection area wherein no development including structures, septic systems, or landscaping shall be permitted. To insure that no additions or improvements are made to the property that may affect the sensitive coastal resources on-site, or within the adjoining coastal canyon complex, without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the site are proposed in the future, as required by **Special Condition 6**.

Therefore, the Commission finds that the proposed project, as conditioned by **Special Conditions 1, 2, 3, 6, and 7** is consistent with the policies of Sections 30230, 30231 and 30240 of the Coastal Act.

D. <u>Water Quality</u>

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

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

As described above, the proposed project includes the partial demolition and remodel of an existing 2-story, 2,450 sq. ft. studio/garage, converting it into a 28 ft. high, 3,857 sq. ft. main residence. The applicant proposes partial demolition of the existing 1-story, 2,017 sq. ft. main residence in order to convert it into a 750 sq. ft. guest unit; retention of the existing 394 sq. ft. garage; removal of an unpermitted secondary driveway/parking area located on the east end of the property; installation of a pool; and after-the-fact approval for installation of a new septic system with 2,500 gallon tank which took place in 2001. The project proposes a total of 54 cu. yds. of grading (49 cut, 5 fill).

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

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, drainage and water pollution control measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration.

Because much of the runoff from the site is returned to the soil, overall runoff volume is reduced. Slow surface flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

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

The project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 2**, 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 resource protection policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition 3** is

necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

The removal of natural 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 prevented 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 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 is greatly reduced.

Finally, the proposed development includes the request for after-the-fact approval for installation of an on-site septic system and 2,500-gallon septic tank to serve the residence. 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. The applicants' geologic consultant, performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. The applicant has submitted in-concept approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the Uniform Plumbing Code. The City of Malibu minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources. The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. <u>Cumulative Impacts</u>

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable



parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (I) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Pursuant to Coastal Act §30250 and §30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The applicant is proposing to convert the existing main residence into a 750 sq. ft. detached guesthouse (Exhibits 3-5) and 394 sq. ft. garage. There will be no interior connection between the guest unit and the 394 sq. ft. garage (Exhibit 5B). The applicant proposes to continue to reside in the existing main residence until the construction of the new main residence is complete.

Based on the requirements of Coastal Act Sections 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose -as a guest unit- rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities

including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant proposes to convert the existing main residence into a detached onestory, 750 sq. ft. questhouse adjacent to the 394 sq. ft garage (see Exhibits 4 –5). The 750 sq. ft. guest unit conforms with past commission permit actions in allowing a maximum of 750 sq. ft. for second units in the Malibu area. The Commission finds it necessary to ensure that no additions or improvements are made to the questhouse in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, as specified in Special Condition 6, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the detached structure are proposed in the future. Additionally, to ensure that the partial demolition and conversion of the existing main residence into a 750 sg. ft. quest unit occurs in a timely fashion, the Commission requires the applicant, through Special Condition 8, to demolish and convert those portions of the residence (identified in Exhibit 4) which will allow the structure to conform to the 750 sq. ft. limitation on second units, within two years of the issuance of the coastal development permit, or within 90 days of receipt of the certificate of occupancy for the new main residence. As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Sections 30250 and 30252 of the Coastal Act.

F. <u>Violations</u>

Development has occurred on the subject site without the required Coastal Development Permits, including t installation of a new septic system and 2,500-gallon tank and a secondary driveway/parking area at the east end of the site (Exhibits 4 and 5). The applicant seeks after-the-fact approval for the installation of the septic system under this permit application and proposes to remove the unpermitted secondary driveway/parking on the east end of the site. To ensure that the violation portions of this development project that are addressed in this permit action are resolved in a timely manner, **Special Condition 9** 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.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200). ...

Section 30604(a) of the Coastal Act stipulates 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 significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. California Environmental Quality Act (CEQA)

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