

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-02-048

APPLICANT: George Toberman **AGENT:** Tim McNamara

PROJECT LOCATION: 5825 De Butts Terrace, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a two-story, 28 ft. high, 5428 sq. ft. single-family residence with attached three-car garage, pool/spa, driveway, septic system, retaining walls, maximum 6 ft. high entry wall, and approximately 1504 cu. yds. of grading (1221 cu. yds. cut, 283 cu. yds. fill, and 938 cu. yds export).

Lot area: 89,839 sq. ft.
Building coverage: 3791 sq. ft.
Pavement coverage: 6221 sq. ft.
Landscape coverage: 11,534 sq. ft.
Unimproved area: 68,293sq. ft.
Maximum height: 28 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval In Concept dated 3/04/02, City of Malibu Geology and Geotechnical Engineering Review Sheet Approved In-Concept dated 10/17/01, City of Malibu Environmental Health In-Concept Approval (Septic) dated 11/26/01, County of Los Angeles Fire Department Preliminary Fuel Modification Plan Approval dated 2/25/02.

SUBSTANTIVE FILE DOCUMENTS: Minor Phase 1 Cultural Resources Survey, August 2000, Pacific Archaeological Sciences Team; Slope Stability Calculations Facsimile, 7/31/01, Coastline Geotechnical Consultants, Inc.; Response to Geology and Geotechnical Engineering Review Sheet, 6/28/01, Coastline Geotechnical Consultants, Inc.; Response to Geology and Geotechnical Engineering Review Sheet, 4/26/01, Coastline Geotechnical Consultants, Inc.; Response to Geology and Geotechnical Engineering Review Sheet, 11/21/00, Coastline Geotechnical Consultants, Inc.; Geotechnical Engineering Investigation Report, 10/24/00, Coastline Geotechnical Consultants, Inc.; Addendum Engineering Geologic and Seismic Investigation Report #4, 7/27/01, Mountain Geology, Inc.; Addendum Engineering Geologic and Seismic Investigation Report #3, 4/03/01, Mountain Geology, Inc.; Addendum Engineering

Geologic and Seismic Investigation Report #2, 11/13/00, Mountain Geology, Inc.; Addendum Engineering Geologic and Seismic Investigation Report #1, 10/17/00, Mountain Geology, Inc.; Engineering Geologic and Seismic Investigation Report, 9/13/00, Mountain Geology, Inc.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with 10 special conditions regarding 1) geology recommendations, 2) landscaping and erosion control, 3) removal of vegetation 4) assumption of risk, 5) drainage and polluted runoff control, 6) color and design restriction, 7) future improvements, 8) removal of excavated material, 9) lighting restrictions, and 10) pool drainage and monitoring.

The project site is a vacant parcel located on a ridgeline above Escondido Canyon and is just north of Winding Way in the City of Malibu (Exhibits 1,2). The subject parcel is bisected by De Butts Terrace, such that one portion of the parcel is located to the south and one portion to the north of De Butts Terrace. Topography of the subject parcel consists primarily of steep hillside terrain. The project site is subject to a risk of wildfire present throughout the Santa Monica Mountains, and is also subject to an unusual degree of geologic hazards (landslide, earthquake fault, and expansive soils). As a result, the geotechnical engineering consultants have made specific recommendations regarding the proposed development to ensure site stability.

The proposed building site is presently vegetated with a mixture of grassy-weedy, exotic type vegetation and is generally void of significant native vegetation. Vegetation at the project site is highly degraded over the proposed building area due to fuel modification activities associated with adjacent development. The steeper descending slopes of the subject parcel north of De Butts Terrace, however, are vegetated with coastal sage scrub and both annual exotic and native grasses. No streams cross the site and no environmentally sensitive habitat area has been identified at the proposed building site, however, Escondido Canyon and the Escondido Canyon Creek blue line stream are located directly to the west and down slope of the ridge upon which the site is located. The areas down slope and to the west of the project site, including Escondido Canyon and Escondido Canyon Creek, have been designated as an environmentally sensitive habitat area (Exhibit 3).

In addition, the project site is located approximately one-third of a mile north and upslope of the Coastal Slope Trail, which runs along Winding Way. The site is also located to the west and directly above the Escondido Falls Trail, which runs along the bottom of Escondido Canyon. Further, the Ramirez Canyon Connector Trail is located along the east side of De Butts Terrace (Exhibit 3). Due to the proximity to De Butts Terrace and the Ramirez Canyon Connector Trail, the proposed development will be visible from this trail. The visual impact on public views from the Ramirez Canyon Connector Trail may be minimized through landscape and color conditions. Staff notes that public views of the structure will be limited due to the distance and intervening topography between the subject site and the Coastal Slope Trail. Further, Commission staff has conducted a site visit when the ridgelines of the proposed structure were staked and flagged thus confirming that these features were not visible from the Escondido Falls Trail.

As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permits No. 4-02-048 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any 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**

All recommendations contained in the reports prepared by Coastline Geotechnical Consultants, including the Slope Stability Calculations Facsimile, 7/31/01; Response to Geology and Geotechnical Engineering Review Sheet, 6/28/01; Response to Geology and Geotechnical Engineering Review Sheet, 4/26/01; Response to Geology and Geotechnical Engineering Review Sheet, 11/21/00; Geotechnical Engineering Investigation Report, 10/24/00; and those prepared by Mountain Geology, Inc. including the Addendum Engineering Geologic and Seismic Investigation Report #4, 7/27/01; Addendum Engineering Geologic and Seismic Investigation Report #3, 4/03/01; Addendum Engineering Geologic and Seismic Investigation Report #2, 11/13/00; Addendum Engineering Geologic and Seismic Investigation Report #1, 10/17/00; and the Engineering Geologic and Seismic Investigation Report, shall be incorporated into all final design and construction including recommendations concerning foundation, grading, drainage, and septic system plans and must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director of the consultants' review and approval of all final design and construction plans.

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.

2. **Landscaping Plan**

Prior to issuance of a coastal development permit, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or qualified resource specialist, for review and approval by the Executive Director. The revised landscaping and erosion control plans shall be reviewed and approved by the geotechnical engineering consultants 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 and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of

occupancy for the residence. To minimize the need for irrigation and to screen and soften the visual impact of development, 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 that tend to supplant native species shall not be used. The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed structures as viewed from the Coastal Slope Trail easement along Winding Way, which is adjacent to the subject site. Where plantings are visible from the Escondido Canyon Trail, exclusively native plantings shall be used that are visually harmonious and blend with the character of the surrounding undeveloped slopes. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the sites.

- 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 ninety (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 fifty (50) feet of the proposed house may be removed to mineral earth, vegetation within a two hundred (200) foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes, and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf, and ground cover planted within the fifty (50) 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 along the property boundaries of the site shall be of a design that is permeable to wildlife.

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

C) Monitoring

Five (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 revised 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 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.

3. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the fifty (50) foot zone surrounding the proposed structure 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 fifty (50) to two hundred (200) foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

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 fire, landsliding, earth movement, and erosion; (ii) to 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 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 both of the applicant's parcels. 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. 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. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with

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.

6. Color and Design 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 4-02-048. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-02-048 if such changes are specifically authorized by the Executive Director as complying with this special condition.

Prior to the issuance the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, 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. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-02-048. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted single family residence structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscaping, and erosion control plans prepared pursuant to Special Condition Two (2), shall require an amendment to Permit No. 4-02-048 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- A. 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.

8. Removal of Excavated Material

Prior to issuance of the Coastal Development Permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site, including any building or construction debris resulting from the demolition of the existing structures. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required

9. Lighting Restrictions

- A. The only outdoor, night lighting that is allowed on the site is the following:
- 1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do

not exceed two feet in height, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Executive Director.

- 2) Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.
- 3) The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.

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

- B. *Prior to issuance of Coastal Development Permit No.xxx*, the applicant shall execute and record a deed restriction reflecting the above restrictions. 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.

10. Pool Drainage and Monitoring

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a written plan to mitigate the potential of leakage from the proposed swimming pool. The plan shall at a minimum: 1) provide a separate water meter for the pool to allow monitoring of water levels for the pool, 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these material, and 3) identify methods to control pool drainage and to control infiltration and run-off resulting from pool drainage and maintenance activities. The applicant shall comply with the mitigation plan approved by the Executive Director.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a two-story, 28 ft. high, 5428 sq. ft. single-family residence with attached three-car garage, pool/spa, driveway, septic system, retaining walls, maximum 6 ft. high entry wall, and approximately 1504 cu. yds. of grading (1221 cu. yds. cut, 283 cu. yds. fill, and 938 cu. yds export), Exhibits 4-9).

The project site is a vacant 2.1 acre parcel located approximately 0.68 miles north of Pacific Coast Highway, just north of Winding Way, in the City of Malibu (Exhibits 1,2). Topographically, the subject site is located on a ridge above Escondido Canyon with slopes descending to the southwest and northeast. Slope gradient ranges from 2.5:1 (horizontal to vertical) to horizontal on the ridgeline. The subject parcel is bisected by De Butts Terrace, such that one portion of the parcel is located to the south and one portion to the north of De Butts Terrace.

The proposed building site is presently vegetated with a mixture of grassy-weedy, exotic type vegetation and is generally void of significant native vegetation. Vegetation at the project site is highly degraded over the proposed building area due to fuel modification activities associated with adjacent development on both adjacent parcels to the subject site. The steeper descending slopes of the subject parcel north of De Butts Terrace, however, are vegetated with coastal sage scrub and both annual exotic and native grasses. No streams cross the site and no environmentally sensitive habitat area has been identified at the proposed building site. However, Escondido Canyon and the Escondido Canyon Creek blue line stream are located directly to the west and down slope of the ridge upon which the site is located. The areas down slope and to the west of the project site, including Escondido Canyon and Escondido Canyon Creek, have been designated as an environmentally sensitive habitat area (Exhibit 3). Escondido Canyon includes portions of the perennial Escondido Canyon Creek and contains exceptional riparian woodland habitat flanked by relatively undisturbed coastal sage scrub with excellent shrub diversity growing on the adjacent slopes.

The project site is located approximately one-third of a mile north and upslope of the Coastal Slope Trail, which runs along Winding Way. The site is also located to the west and directly above the Escondido Falls Trail, which runs along the bottom of Escondido Canyon (Exhibit 3). Staff notes that public views of the structure will be limited due to the distance and intervening topography between the subject site and the Coastal Slope Trail. Further, Commission staff has conducted a site visit when the ridgelines of the proposed structure were staked and flagged thus confirming that these features were not visible from the Escondido Falls Trail. In addition, the Ramirez Canyon Connector Trail is located along the east side of De Butts Terrace (Exhibit 3). Through the California Coastal Commission's approval of the Los Angeles County Winding Way and De Butts Terrace Water Improvement Project No. 29 (CDP P-81-7713), the County agreed to construct a hiking and equestrian trail along the entire right-of-way of Winding Way and De Butts Terrace. The County has completed the project and provided the hiking and equestrian trail along the entire right-of-way, including this portion of the Ramirez Canyon Connector Trail. Due to the proximity to De Butts Terrace and the Ramirez Canyon Connector Trail, the proposed development will be visible from this trail.

Due to the topography, geology, and environmental and visual resources of the site, the applicant is proposing all development on that portion of the parcel located to the south of De Butts Terrace. The areas to the north, south, southwest, and southeast of the project site are characterized as built-out portions of Malibu consisting of similar

residential development, while the area to the east consists of parkland and maintains the Escondido Falls Trail, Escondido Canyon, and Escondido Canyon Creek.

B. Hazards and Geologic Stability

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

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

The proposed development is located in the Malibu/Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires 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 applicant has submitted a number of geotechnical engineering reports prepared by Coastline Geotechnical Consultants, and Engineering Geologic and Seismic Investigations Reports prepared by Mountain Geology which evaluate the geologic conditions of subject site in relation to the proposed development. The consultants have identified a number of geologic conditions at or near the site including landslides, faults and/or shear planes and expansive soils, and have made specific recommendations for ensuring stability of the site and proposed development.

The Addendum Engineering Geologic and Seismic Investigation Report #1, dated 10/17/00, prepared by Mountain Geology, Inc., states:

To clarify, active and prehistoric landslides are present approximately 150 to 200 feet to the southwest of the subject property as illustrated on the Regional Geologic Map (scale: 1" equals 80') included herein.

The limits of the mapped landslides to the south were easily determined by the review of the attached regional geologic maps, analysis of topographic maps and aerial photographs, and the review of the referenced engineering geologic reports.

In addition, the Engineering Geologic and Seismic Investigation Report, dated 9/13/00, prepared by Mountain Geology, Inc., states:

It should be noted that reactivation and/or continued movement of these landslide masses is NOT anticipated to have an adverse affect on the proposed structures of the subject property during the projected lifetime of the structures.

Nevertheless, for conservative geologic planning and construction practices, MGI has established a Geologic Setback Plane and Geologic Setback Line on the southwest portion of the site. The Geologic Setback Line marks the intersection of a 2.5:1 (23°) Geologic Setback Plane with the ground surface as projected upward from the interpreted base of the mapped landslide.

The Engineering Geologic and Seismic Investigation Report, dated 9/13/00, prepared by Mountain Geology, Inc., further states:

*The recommended bearing material for structures planned to the southwest of the established Geologic Setback Line is the underlying (unweathered) **bedrock** located at a depth below the established Geologic Setback Plane. This material can be reached with deepened foundation systems following site grading.*

*The proposed swimming pool is planned to be located to the southwest of the established Geologic Setback Line. As a result, the swimming pool may be constructed utilizing a free-standing design and shall be supported entirely upon the underlying (unweathered) **bedrock** located at a depth below the established Geologic Setback Plane. This material can be reached with deepened foundation systems following site grading.*

Additionally, the Addendum Engineering Geologic and Seismic Investigation Report #1, dated 10/17/00, prepared by Mountain Geology, Inc., also states the following regarding faulting and seismicity on the subject site:

However, based on our geologic mapping, exploration, and review of the aforementioned regional geologic maps, MGI has concluded that the Malibu Coast Fault is located approximately sixty (60) feet to the south of the extreme southwest corner of the subject property as illustrated on the Regional Geologic Map (scale: 1" equals 80') included herein.

The Addendum Engineering Geologic and Seismic Investigation Report #3, dated 4/03/01, prepared by Mountain Geology, Inc., further states:

The shear encountered in TT-4 is interpreted to be the same shear identified at the 62-foot station of TT-1. As illustrated on the Geologic Map (scale: 1" equals 20') include herein.

It is our opinion that the identified shear of the subject property is a plane of movement associated with pre-Holocene faulting and uplift of the region.

*Based upon the findings of our engineering and geologic investigation of the subject site, Mountain Geology, Inc. has concluded that a potentially active or active fault does **NOT** traverse the proposed building site of the subject property and is also **NOT** located within 50 (fifty) feet of the southern margin of the site.*

*As a result, the establishing a Restricted Use Area (i.e. fault hazard zone) or implementation of ground rupture mitigation will **NOT** be necessary as part of the proposed residential development.*

Finally, Addendum Engineering Geologic and Seismic Investigation Report #4, dated 6/27/01, prepared by Mountain Geology, Inc., states:

*Nevertheless, for conservative geologic planning and construction practices, MGI recommends that the proposed structures be founded into the underlying **bedrock** with the use of deepened foundation systems (i.e. piles and/or piers) which are structurally tied together with grade beams per the recommendations/design of the Project Geotechnical and Structural Engineer.*

This recommendation takes into account the close proximity of the site to the Malibu Coast Fault, the presence of the mapped shear/fault within the site, and is intended to reduce the risk of catastrophic structural damage in the event of seismic movement along the Malibu Coast Fault.

In sum, the applicant has submitted numerous engineering geologic and geotechnical engineering reports prepared by Mountain Geology, Inc. and Coastline Geotechnical Consultants which incorporate numerous specific recommendations regarding construction, foundations, grading, sewage disposal, and drainage for the subject site. The consultants have found that the proposed development is feasible and will be safe provided their recommendations are incorporated into the proposed project plans.

The Engineering Geologic and Seismic Investigation Report, dated 9/13/00, prepared by Mountain Geology, Inc., states:

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.

In addition, the Geotechnical Engineering Investigation Report, dated 10/24/00, prepared by Coastline Geotechnical Consultants states:

Based upon the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading, and construction are properly and adequately executed, it is concluded that

construction within the building site will not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is concluded that the proposed building and anticipated site grading will not adversely affect the stability of the site, or adjacent properties, with the same provisions listed above.

Therefore, the Commission finds that based on the recommendations of the applicant's engineering geologic and geotechnical engineering consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the consultants' recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicant to submit final project plans that have been certified in writing by the consultants as conforming to all recommendations of the consultants, in accordance with **Special Condition One (1)**.

However, because there remains some inherent risk in building on sites in the immediate vicinity of landslides and earthquake faults and on expansive soils, such as the subject site, and 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 the associated risks, as required by **Special Condition Four (4)**. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development throughout the Malibu/Santa Monica Mountains region.

The Commission finds that minimizing site erosion will aid in maintaining the geologic stability of the project site, and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consultants, as specified in **Special Conditions Two (2) and Five (5)**. **Special Condition Five (5)** requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a non-erosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of Special Condition Five (5).

The Commission also finds that appropriate landscaping of slopes and graded or disturbed areas on the project site will minimize erosion and serve to enhance and maintain the geologic stability of the proposed development. Therefore, **Special Condition Two (2)** requires the implementation of landscaping and erosion control measures designed to reduce or eliminate potential erosion that might otherwise occur pursuant to the proposed development. As such, landscaping of the disturbed and graded areas on the subject property, as required by **Special Condition Two (2)**, will serve to enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will also minimize erosion and enhance site stability. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to revegetate all disturbed and graded areas of the site with native plants, compatible with the surrounding environment.

The landscape plan required pursuant to **Special Condition Two (2)** requires the use of primarily native plant species. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Three (3)**. Through the elimination of premature natural vegetation clearance, erosion is reduced on the site and disturbance of the soils is decreased. Therefore, **Special Condition Three (3)** specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced.

The Commission also notes that the amount of new cut grading proposed by the applicant is larger than the amount of fill to be placed and will result in approximately 938 cubic yards of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional

landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition Eight (8)** requires the applicant to remove all excavated material, including any building or construction debris from the demolition of the existing structures, from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

The proposed project is conditioned to incorporate the recommendations of the project's consulting geologists to assure stability of the site and adjacent properties. However, leakage or drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess run-off and erosion on the subject property, which could potentially cause instability of the site. In addition, uncontrolled water loss from the proposed pool would result in excess water infiltration into the hillside lot, thereby creating a condition in which the subject site could potentially be susceptible to failure. Therefore, the Commission imposes **Special Condition Ten (10)** on the subject permit which requires the applicant to submit a written plan that includes measures to minimize potential water leakage from the pool and specific measures to be implemented during maintenance and drainage of the pool. Special Condition Ten (7) requires the applicant to install a separate water meter for the pool to monitor water levels and therefore identify water leakage. The plan shall also include a description of the materials to be utilized to prevent leakage of the pool shell and shall identify methods to control infiltration and uncontrolled run-off from pool drainage and maintenance.

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

C. Visual Impacts

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected:

Section 30251 of the Coastal Act states:

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.

In addition, in past actions, the Commission has provided for protection of visual resources when reviewing development proposals in the Santa Monica Mountains. For example, the Commission has found that new development shall be sited and designed to protect public views from scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands. In addition, the Commission has found in past actions that structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment. Furthermore, in highly scenic areas and along scenic highways, the Commission has found that new development shall be sited and designed to protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural land forms, conceal graded slopes, be visually compatible with and subordinate to the character of the setting, and not intrude into the skyline as seen from public viewing areas. In past actions, the Commission has also found that structures shall be sited to conform to the natural topography of the site, as is feasible.

As stated previously, the applicant is proposing the construction of a two-story, 28 ft. high, 5428 sq. ft. single-family residence with attached three-car garage, pool/spa, driveway, septic system, retaining walls, maximum 6 ft. high entry wall, and approximately 1504 cu. yds. of grading (1221 cu. yds. cut, 283 cu. yds. fill, and 938 cu. yds. export). The primary visual resource in the vicinity of the proposed project site are Escondido Canyon and the Escondido Falls Trail, which traverses the canyon bottom, and the Ramirez Canyon Connector Trail, running along the eastern side of De Butts Terrace (Exhibit 3).

With regard to the Escondido Falls Trail, the Commission, in hearing and voting on several permit applications, has consistently required that new development minimize and mitigate impacts to visual resources as seen from the public trail. The Commission has required the re-siting of development, height, color, and future development restrictions, as well as landscaping to minimize or eliminate any view of development from the trail. Most of the projects that carried these restrictions were also located on the slopes to the west of the canyon adjacent to DeButts Terrace, including CDPs 5-90-515 (Shriner), 5-90-670 (Kirsten), 5-90-673 (Shriner), 5-90-781 (Newman), 5-90-921 (Landgate), 5-90-1068 (Morton), and 4-99-010 (McNicholas). A subdivision was also approved on the slopes above the canyon to the east under CDP 5-90-1149 (Thorne), which also had restrictions for future homes on lots visible from the canyon to minimize visual impacts.

In this case, portions of the proposed project site are visible from portions of Escondido Canyon and the Escondido Falls Trail. The subject site is located to the southwest of the canyon, at the top of a ridge overlooking the canyon. As such, if the site were developed in a manner that was not sensitive to protecting visual resources from the trail, equestrians and hikers would gain a prominent view of the single family residences from portions of the trail. California Coastal Commission staff has been to the site when the ridgelines of the proposed structure were staked and flagged and has confirmed that these features were not visible from the Escondido Falls Trail.

The proposed development, however, may be visible from the Coastal Slope Trail, which follows Winding Way in this area. In addition, as the site is bisected by De Butts Terrace and therefore the Ramirez Canyon Connector Trail that runs along the eastern side of the De Butts Terrace, the development will be highly visible from this portion of the Ramirez Canyon Connector Trail.

The project site is located within a partially developed residential area consisting of similarly sized single family residences constructed on similarly sized lots. Large single family residences exist to the south, southwest, and southeast of the site. The proposed project, therefore, will be consistent with the character of the surrounding area. Furthermore, the design of the residence will incorporate measures to minimize negative visual impacts on public views. However, due to the visible nature of the project as seen from Ramirez Connector Trail and Coastal Slope Trail, the Commission finds it necessary to require mitigation measures to minimize visual impacts as seen from these scenic public resources.

Requiring the residence to be adequately landscaped will mitigate visual impacts. Graded and disturbed slopes can have visual impacts and can contribute to erosion. While the proposed project will not be visible from the Escondido Falls Trail, it will be highly visible from the Ramirez Connector Trail and may be visible from the Coastal Slope Trail. In order to ensure that potential visual impacts from the graded and disturbed areas of the project site are minimized, the Commission finds it necessary to require the applicant to prepare and implement a landscaping plan, comprised primarily of native vegetation, which provides for the revegetation of all graded and disturbed areas. The applicant must also monitor the landscaping and report to the Commission on the success of the revegetation in order to ensure that the landscaping is successful. The landscaping should consist of native, drought resistant plants and be designed to minimize and control erosion, as well as partially screen and soften the visual impact of the structures and grading, as seen from the Ramirez Canyon Connector Trail and the Coastal Slope Trail, with vertical elements such as trees and shrubs. In addition, fuel modification requirements can affect natural vegetation for up to 200 feet from the footprint of defensible structures. As a result, the fuel modification plan should be designed to reduce negative visual impacts from the Ramirez Canyon Connector Trail and the Coastal Slope Trail resulting from vegetation clearance. Therefore, the Commission finds that it is necessary to require the applicant to submit a landscape plan and to monitor the success of that plan, as specified in **Special Condition Two (2)**.

The Commission finds it necessary to require that the proposed residence be subject to the specific design restrictions set forth in **Special Condition Six (6)**. The purpose of these restrictions is to reduce the impacts of the proposed project on views from the Ramirez Canyon Connector Trail and the Coastal Slope Trail. These restrictions limit the color of the proposed residence, garage, and associated roofs to colors compatible with the surrounding environment, and require the use of non-glare glass for all windows. If fully implemented, this condition will reduce the negative impacts from the

proposed development on the visual resources of the Ramirez Canyon Connector Trail and the Coastal Slope Trail.

Finally, future developments or improvements to the property have the potential to create significant adverse visual impacts as seen from the Ramirez Canyon Connector Trail, the Coastal Slope Trail, and also from the Escondido Falls Trail. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. As a result, **Special Condition Seven (7)**, the future improvements deed restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act and to ensure that any proposal is designed to minimize impacts to visual resources and/or that appropriate mitigation measures are included in the project.

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the public views 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.

D. Environmental Sensitive Habitat Area

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.

Section 30240 of the Coastal Acts states:

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

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

Sections 30230 and 30231 require that the biological productivity and quality of coastal waters and the marine environment be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and

entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, and maintaining natural buffer areas.

In addition, the Coastal Act defines environmentally sensitive habitat areas (ESHAs) as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. Section 30240 of the Coastal Act permits development in areas that have been designated as ESHA only when the location of the proposed development is dependent upon those habitat resources and when such development is protected against significant reduction in value. As previously mentioned, the Malibu/Santa Monica Mountains LUP has also designated this portion of Escondido Canyon and Escondido Canyon Creek as an ESHA, specifically an inland ESHA due to the extensive undisturbed riparian vegetation (Exhibit 3).

The proposed development will be located approximately one quarter of a mile upslope from the Escondido Canyon and Escondido Canyon Creek environmentally sensitive habitat area (ESHA). Escondido Canyon Creek is a perennial blueline stream designated by the U.S. Geological Survey and the riparian corridor is an inland ESHA, as shown on the sensitive environmental resource map of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) and Draft Malibu LUP.

As required by the Coastal Act and as the Commission has required in past permit actions, the proposed project will be adequately set back from the ESHA riparian corridor of Escondido Canyon and Escondido Canyon Creek. Furthermore, the development site will be located entirely south of De Butts Terrace, rather than north of De Butts Terrace, which would be closer to Escondido Canyon and Escondido Canyon Creek. The applicant is not proposing any development on the portion of the parcel located north of De Butts Terrace, which consists largely of the sensitive Coastal Sage Scrub plant community and fuel modification requirements for the proposed structure will overlap with those areas presently disturbed by fuel modification practices for adjacent development. As such, the location and design of the proposed project will not adversely impact sensitive vegetation or habitat area near the site, and will preserve the watershed, vegetation, and habitat above Escondido Canyon and Escondido Canyon Creek.

The direct impacts of the proposed project, such as vegetation removal and hardscaping of the formerly natural areas of an undeveloped site, will be mitigated through the implementation of the applicable special conditions. **Special Condition Two (2)** requires a landscape plan comprised primarily of native plant species, in conjunction with an interim erosion control plan. The landscaping of the disturbed areas of the subject site, particularly with respect to particularly steep slopes, with native plant species will assist in preventing erosion and the displacement of native plant species by non-native or invasive species.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Three (3)**. This restriction specifies that natural vegetation shall not be removed until building permits have been secured and construction of the permitted structures has commenced, preventing unnecessary disturbance of the area.

Special Condition Five (5) requires a drainage and polluted runoff control plan, which will ensure that drainage will be conducted in a non-erosive manner. The Commission finds that a drainage system will serve to minimize the environmental and sensitive habitat degradation associated with erosion. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the subject site, as is also required by **Special Condition Five (5)**. Such a plan will allow for the infiltration and filtration of runoff from the developed areas of the site and will capture 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, making the capture of the "first flush" flow a vital component of the drainage and polluted runoff control plan. 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.

Furthermore, night lighting of a high intensity has the potential to disrupt the hunting, roosting, and nesting behavior of wildlife that occupy this sensitive habitat area. Sensitive species, such as the Cooper's Hawk, a very localized and uncommon breeder in coastal Southern California, were observed in the area of the subject site and have been identified through biological surveys. As a result, **Special Condition Nine (9)** reduces the disruptive effects that night lighting can have on the wildlife occupying these sensitive habitat areas, by restricting outdoor night lighting to the minimum amount required for safety. In addition, in order to lessen impacts on the surrounding sensitive species, **Special Condition Two (2)** also requires fencing along the property boundaries of the site to be of a design that is permeable to wildlife. Additionally, **Special Condition Seven (7)** addresses future development by ensuring that all future development proposals for the site, which might otherwise be exempt from review, would require prior review so that potential impacts to this sensitive habitat area may adequately be considered.

The effects of fuel modification, required on the applicant's project by the Los Angeles County Fire Department, have been reduced by siting the development in the direct vicinity of the access road (De Butts Terrace) and upslope from the Escondido Canyon and Escondido Canyon Creek ESHA areas. Fuel modification requirements can affect natural vegetation for up to 200 feet from the footprint of defensible structures. Further, the applicant is siting development on the southern rather than the northern portion of the parcel, thereby decreasing the amount of possible fuel modification that could be

required within the Escondido Canyon area or Coastal Sage Scrub native plant community. In sum, the applicant has sited and set back the proposed project from the designated ESHA, while still developing a single family residence on the subject parcel. Further, as there is existing development on either side of the proposed residence, there will not be any additional off site brushing or fuel modification required.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with the requirements of Sections 30231 and 30240 of the Coastal Act.

E. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation; increase of impervious surfaces; increase of runoff, erosion, and sedimentation; and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Furthermore, the Commission also recognizes that the potential build-out of lots in Malibu, 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:

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

As described above, the applicant is proposing to construct a two-story, 28 ft. high, 5428 sq. ft. single-family residence with attached three-car garage, pool/spa, driveway, septic system, retaining walls, maximum 6 ft. high entry wall, and approximately 1504 cu. yds. of grading (1221 cu. yds. cut, 283 cu. yds. fill, and 938 cu. yds. export). The project site is a vacant 2.1 acre hillside parcel that is located on a ridge above Escondido Canyon with slopes descending to the southwest and northeast. Slope gradient ranges from 2.5:1 (horizontal to vertical) to horizontal on the ridgeline.

Conversion of the project site from its natural state will result in an increase in the amount of impervious surface and reduction in the naturally vegetated area. Further, use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as accumulated pollutants from rooftops and other impervious surfaces and effluent from septic systems.

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

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

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter, or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e., the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Five (5)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-

development stage. Therefore, the Commission finds that **Special Condition Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

In addition, the proposed project is conditioned to also implement a pool drainage and monitoring plan to prevent leakage or uncontrolled drainage of the proposed swimming pool such that drainage of pool water does not result in excess run-off and erosion on the subject property to coastal streams and drainages. The pool drainage and monitoring plan, as detailed in **Special Condition Ten (10)**, requires the applicant to submit a written plan that includes measures to minimize potential water leakage from the pool and specific measures to be implemented during maintenance and drainage of the pool. Special Condition Ten (10) also requires the applicant to install a separate water meter for the pool to monitor water levels and therefore identify water leakage. The plan shall also include a description of the materials to be utilized to prevent leakage of the pool shell and shall identify methods to control infiltration and uncontrolled run-off from pool drainage and maintenance.

Finally, the proposed development includes the installation of an on-site private sewage disposal system. The applicant's geologic consultants performed infiltration tests and evaluated the proposed septic system. Their report concludes that the site is suitable for the private sewage disposal system and that no adverse impact to the site or surrounding areas will result from use of the septic system. Finally, the City of Malibu Environmental Health Specialist has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

The Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states:

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).

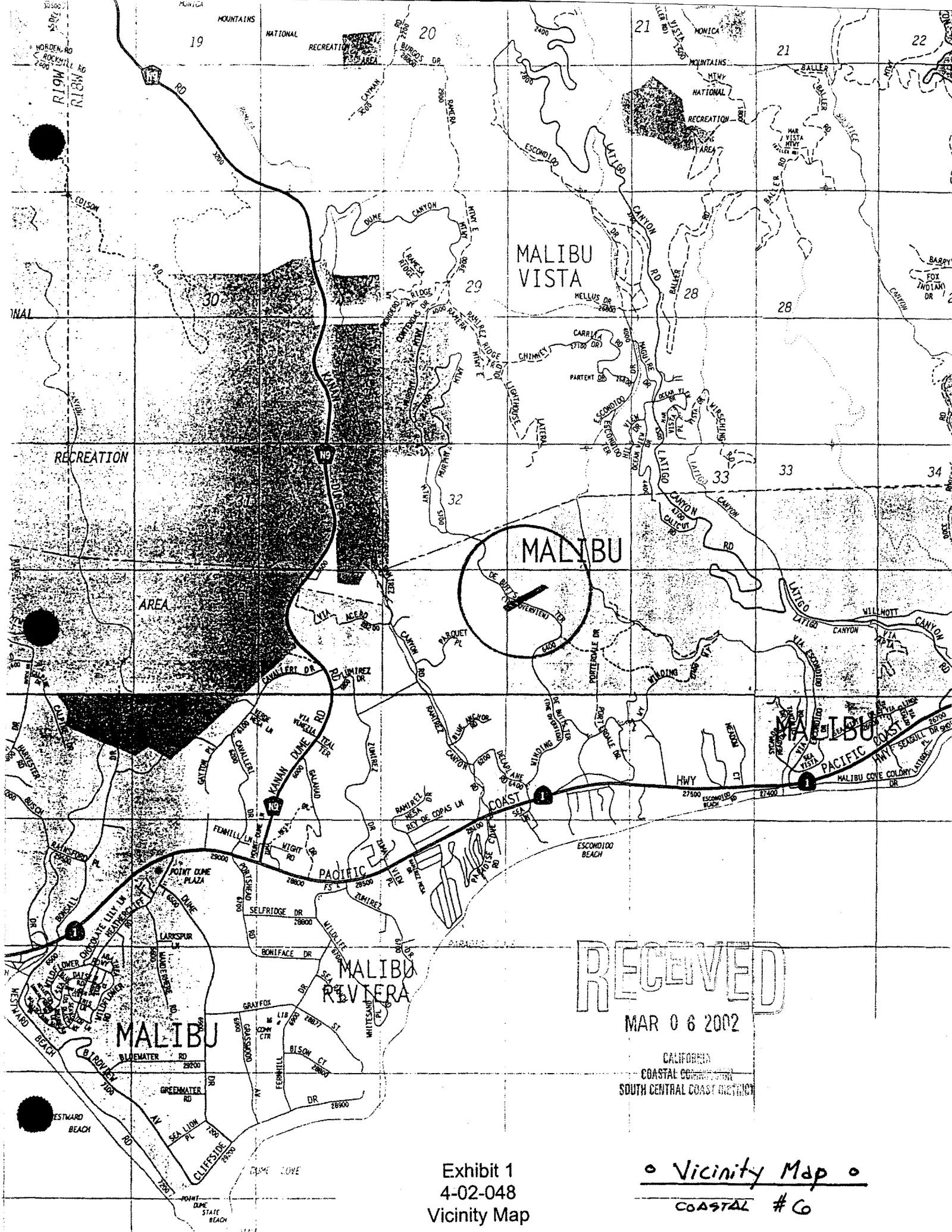
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the

proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. CEQA

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

The Commission finds that the proposed project, as conditioned, will not have 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.



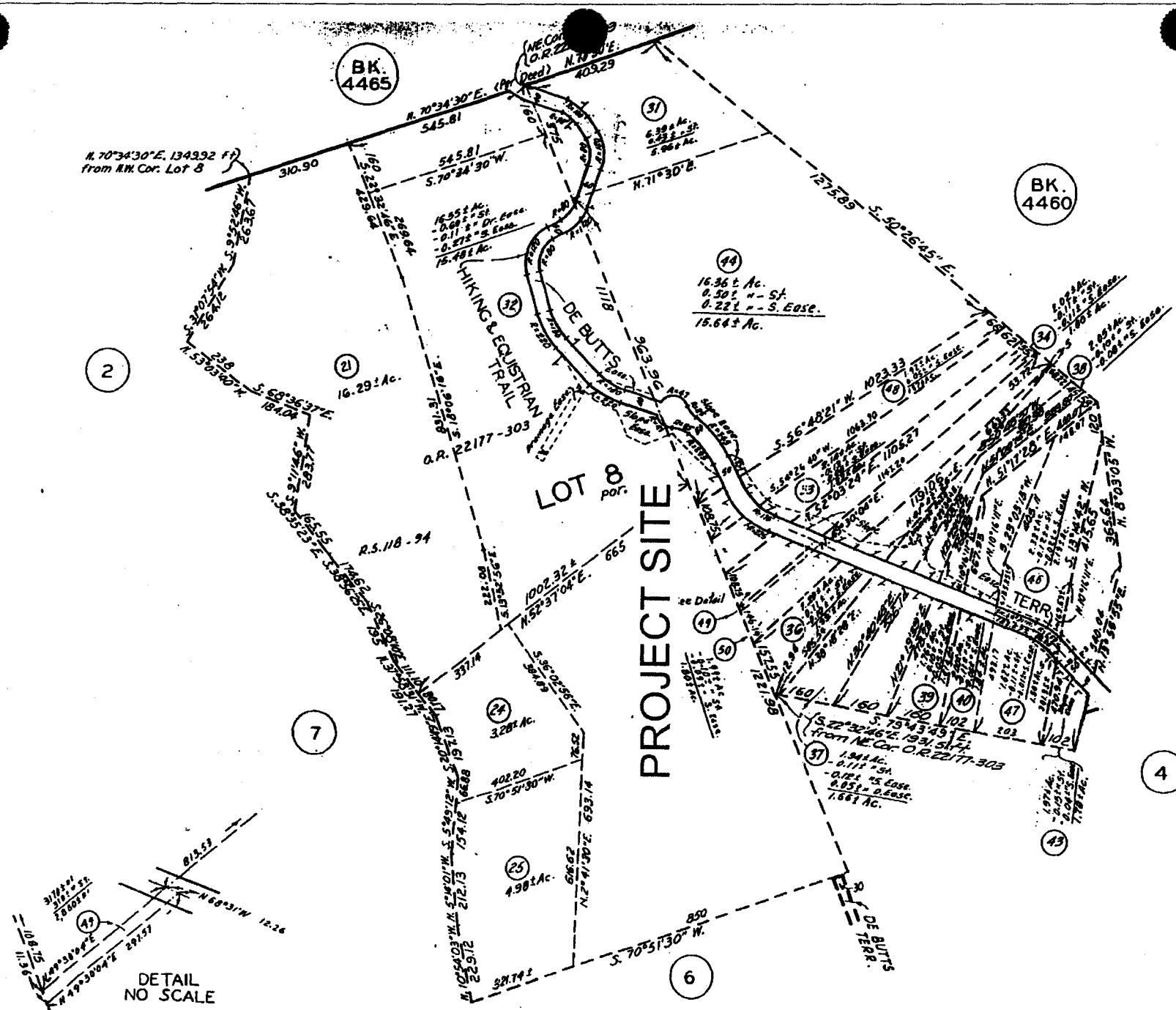
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CALIFORNIA
COASTAL COMMUNITY
SOUTH CENTRAL COAST DISTRICT

Exhibit 1
4-02-048
Vicinity Map

o Vicinity Map o
COASTAL # 6



LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT

R.F. 534

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Exhibit 2
4-02-048
Parcel Map

MAY 1

ASSESSOR'S M
COUNTY OF LOS ANGELES

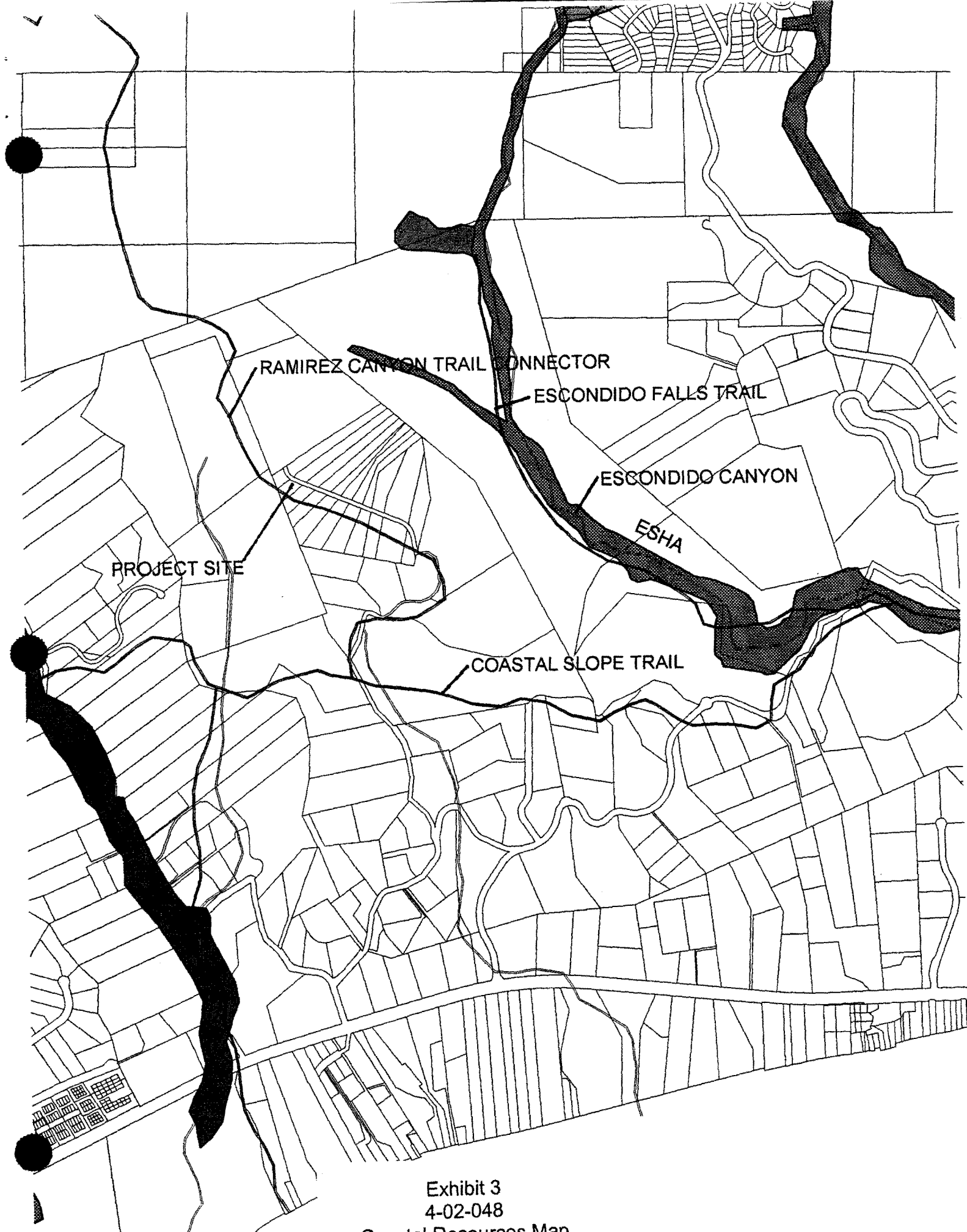
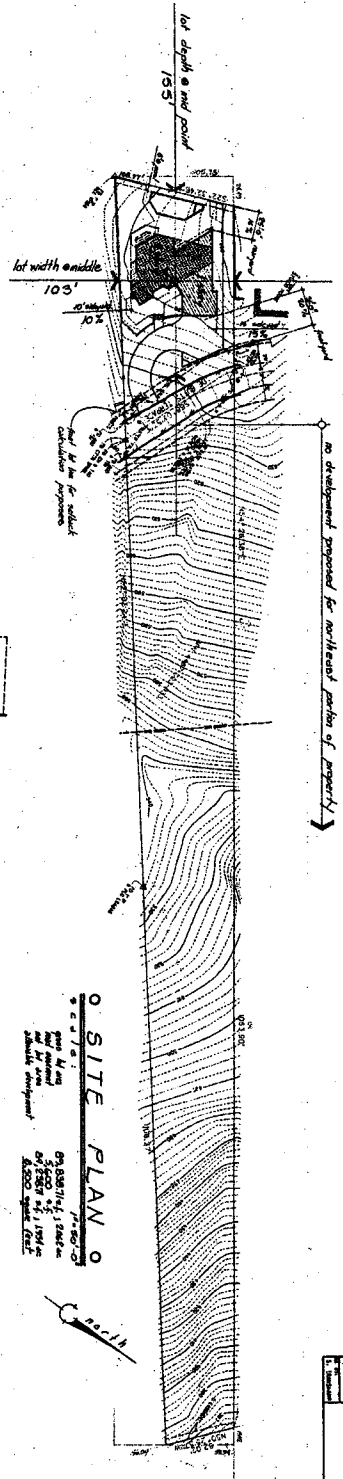


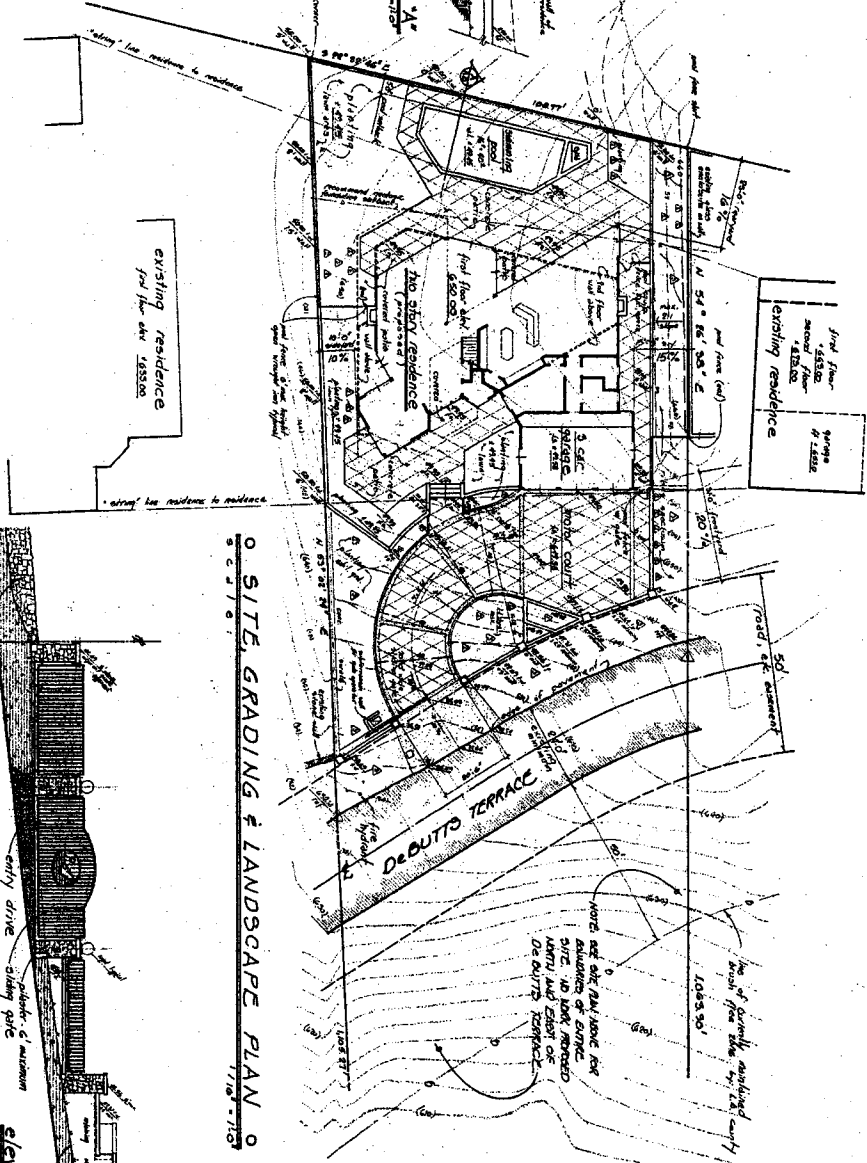
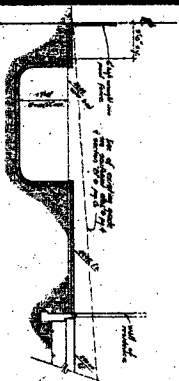
Exhibit 3
4-02-048
Coastal Resources Map



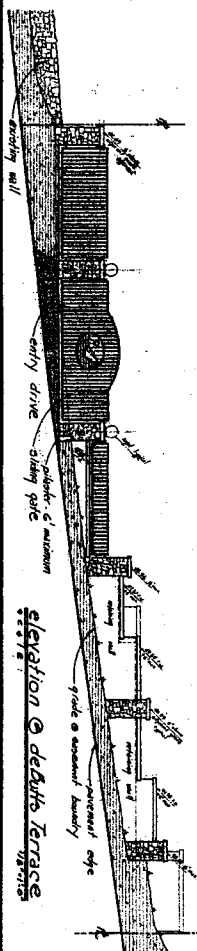
0 SITE PLAN 0
 17-007
 09/28/14, 1/28/15
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- LANDSCAPE LEGEND**
- ▲ existing landscape (field not fill)
 - ▲ site addition (padding space)
 - ▲ site subtraction (boundary)

001 SECTION 01



0 SITE GRADING & LANDSCAPE PLAN 0
 17-007-110



PROJECT SUMMARY

APN 4467-008-093

final floor living area	5,087 sq ft
second floor living area	2,341 sq ft
total living area	7,428 sq ft
garage	704 sq ft
covered patio	4,121 sq ft
total development area	12,254 sq ft
allowable development area	4,800 sq ft
building over 20 ft in height	2,792 sq ft
allowable building over 20 ft in height	63 sq ft
building impermeable	9,291 sq ft
total impermeable area	4,201 sq ft
percent coverage	19%

GRADING QUANTITIES

site work fill	285 cu yd
site work cut	431 cu yd
total site work grading	924 cu yd
cut for residence (padding)	570 cu yd
total export	924 cu yd

APR 14 2015	APR 14 2015
APR 14 2015	APR 14 2015
APR 14 2015	APR 14 2015
APR 14 2015	APR 14 2015

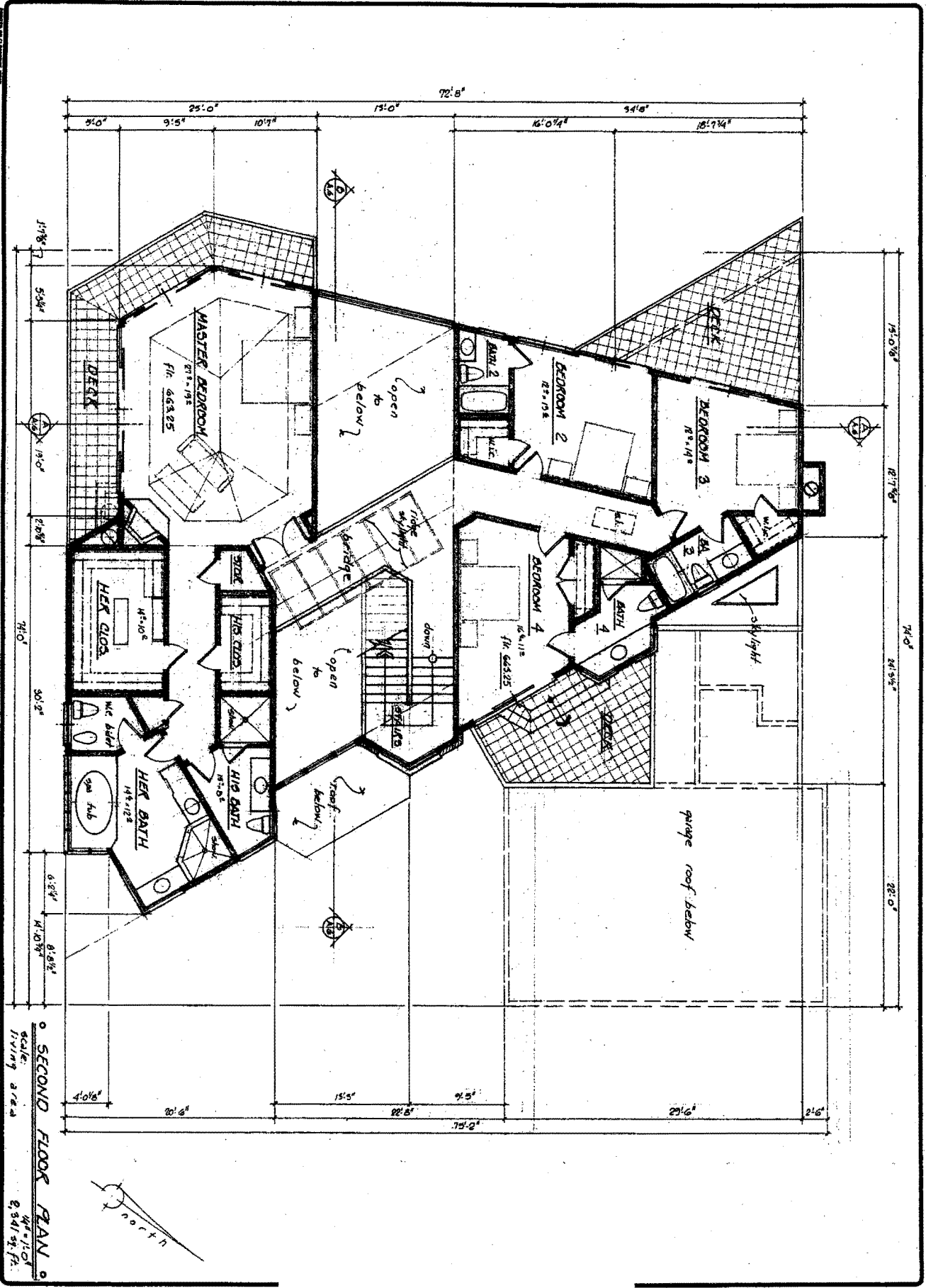
A.0

CUST
GEORGE &
 5825 I
MALIBU C

Exhibit 4
4-02-048
Site Plan

LANNING
NAMARA
AST HIGHWAY
NIA 90265.5507
310.317.0930

APR 14 2015	APR 14 2015
APR 14 2015	APR 14 2015
APR 14 2015	APR 14 2015
APR 14 2015	APR 14 2015



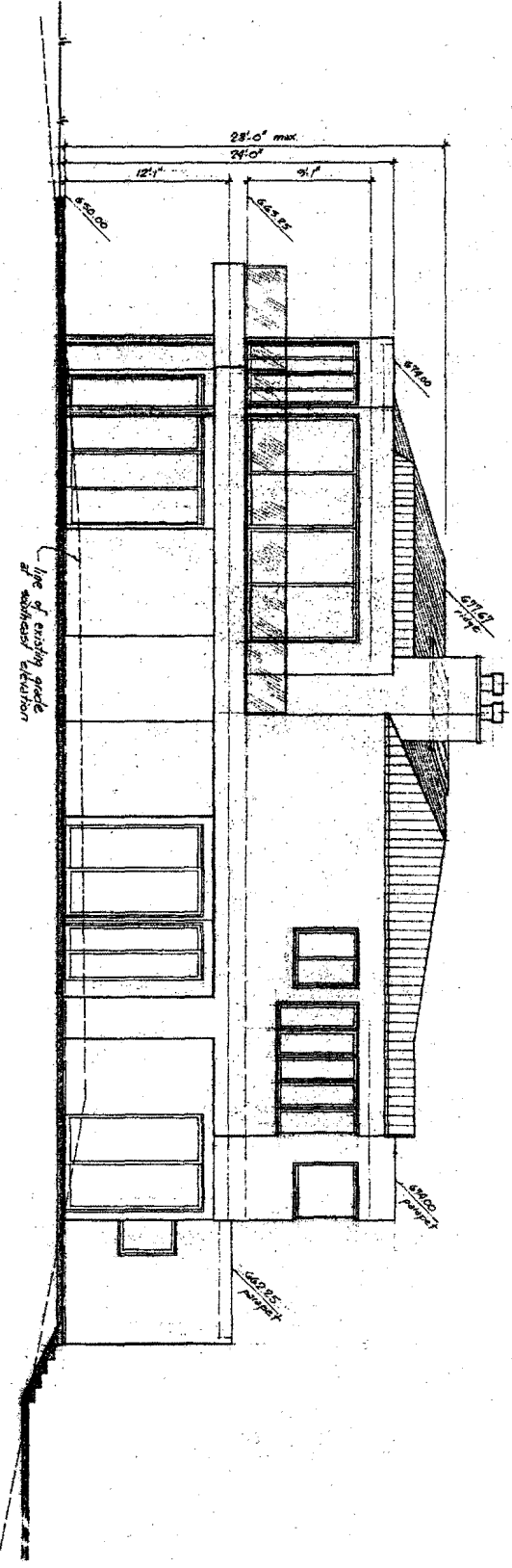
SECOND FLOOR PLAN
 scale: living area
 1/4" = 1'-0"
 8,341 sq. ft.

A.2

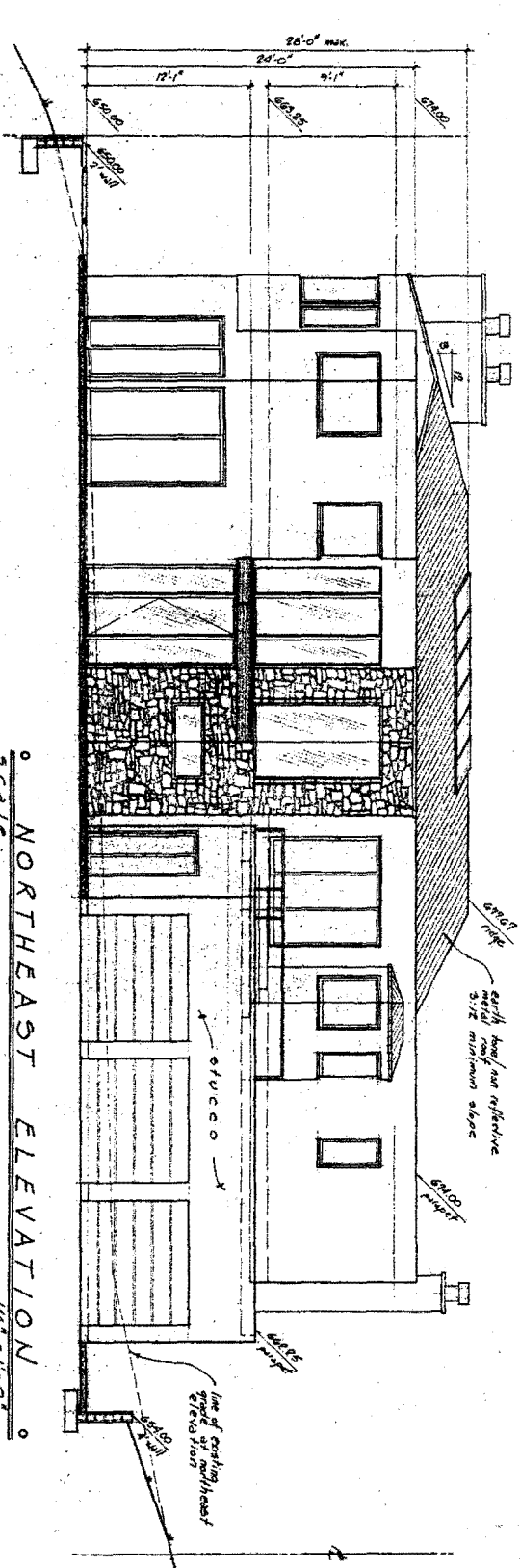
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 GEORGE
 5822
 MALIBU

Exhibit 6
 4-02-048
 Second Floor Plan

SOUTHEAST ELEVATION
Scale: 1/4" = 1'-0"



NORTHEAST ELEVATION
Scale: 1/4" = 1'-0"



A.4	DATE	12/1/10
	BY	MM
REVISION	NO.	DESCRIPTION

CUSTOM RESIDENCE
GEORGE & DENISE TOBERMAN
 5825 DeBUTTS TERRACE
 MALIBU CALIFORNIA 90265.4411

DESIGN & PLANNING
TERRY McNAMARA
TIM McNAMARA
 18711 PACIFIC COAST HIGHWAY
 MALIBU CALIFORNIA 90265.5507
 310.436.0570 & 310.317.0930

