

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585 - 1800

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Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-02-046

**APPLICANT:** Everett Rollins      **AGENT:** Terry Valente

**PROJECT LOCATION:** 6414 Cavalleri Road, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a two-story, 21½ ft. high, 3080 sq. ft. single family residence with attached 2-car garage, pool and storage shed, driveway, and sewage disposal system. No grading proposed.

**Lot area:** 15,584 sq. ft.  
**Building coverage:** 2,185 sq. ft.  
**Pavement coverage:** 1,878 sq. ft.  
**Landscape coverage:** 11,521 sq. ft.  
**Maximum height:** 21½ ft.

**LOCAL APPROVALS RECEIVED:** City of Malibu, Planning Department, Approval In Concept dated 2/25/02; City of Malibu, Geology and Geotechnical Engineering Review Sheet, Approved In-Concept dated 7/31/00; City of Malibu, Geology Review Referral Sheet, 9/27/01; City of Malibu, Environmental Health, In-Concept Approval (Septic) dated 10/12/01; County of Los Angeles, Fire Department, Preliminary Fuel Modification Plan Approval dated 10/11/01.

**SUBSTANTIVE FILE DOCUMENTS:** ); Report of Preliminary Engineering Geologic Investigation, Future Construction of Four (4) Single-Family Residences, 6406 Cavalleri Road, City of Malibu, California, by Pacific Geology Consultants, Inc., dated March 22, 1999; Soils Engineering Investigation, Future Construction of Four Single Family Residences, 6406 Cavalleri Road, Malibu, California, by SubSurface Designs, Inc., dated March 31, 1999; Percolation Tests and Site Evaluations for Lots #1, 2, 3, & 4, Subdivision, 6406 Cavalleri Road, Malibu, by Environmental Health Specialist Barton Slutske, dated April 14 and May 4, 1999; Addendum I: Response to City of Malibu Review Sheet, 6406 Cavalleri Road, by Subsurface Designs Inc., dated February 10, 2000. Update Geologic Report -- Future Construction of Four (4) Single-Family

Residences -- 6406 Cavalleri Road, City of Malibu, California, by Pacific Geology Consultants, Inc., dated June 5, 2000.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with eight (8) special conditions relative to 1) conformance with geologic consultants' recommendations, 2) drainage and polluted run-off control, 3) pool drainage and monitoring, 4) landscaping and erosion control, 5) removal of natural vegetation, 6) wildfire waiver of liability, 7) color and design restriction, and 8) future improvements.

The applicant is proposing to construct a two-story, 21½ ft. high, 3080 sq. ft. single-family residence with an attached 2-car garage, pool and storage shed, driveway, and sewage disposal system. The new single-family residence will be constructed on a previously approved and graded building pad [Coastal Development Permit 4-00-097 (Rollins)]. As such, no grading is proposed.

The project site is located inland of Pacific Coast Highway in a built-out section of the City of Malibu. No environmentally sensitive habitat area exists on the subject parcel. The project site is visible from various scenic resource areas including Kanan Dume Road, a designated scenic highway in the Malibu/Santa Monica Mountains Land Use Plan (LUP), Walnut Canyon, and a public hiking and equestrian trail that traverses the western edge of the subject lot.

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 Permit No. 4-02-046 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 Recommendation

All recommendations contained in the Report of Preliminary Engineering Geologic Investigation dated March 22, 1999 prepared by Pacific Geology Consultants, Inc. and the Soils Engineering Investigation dated March 31, 1999 prepared by Subsurface Designs, Inc. shall be incorporated into all final design and construction including foundations, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and engineering geologist. ***Prior to issuance of the coastal development permit***, the applicant shall submit, for review and approval by the Executive Director, two sets of plans with evidence of the consultant's review and approval of all project plans

Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, drainage, and sewage disposal. 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. Drainage and Polluted Runoff Control Plans

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

- (a) For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), 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.

The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be

inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

### **3. 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 materials, 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.

### **4. Landscaping and Erosion Control Plans**

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

#### **A. Landscaping Plan**

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. 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.

- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the proposed structures to minimize potential impacts of public views from Kanan Dume, Walnut Canyon, and the public hiking/equestrian trail that is located along Cavalleri Road.
- (4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (5) The 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.
- (6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

**B. Interim Erosion Control Plan**

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

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

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

### **C. Monitoring**

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

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

### **5. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification

zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

**6. Wildfire Waiver of Liability**

Prior to the issuance of a Coastal Development Permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

**7. 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 approval of Coastal Development Permit 4-02-046 and 4-02-046. 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 Permits 4-02-046 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.



## 8. Future Improvements

These permits are only for the development described in Coastal Development Permit 4-02-046. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcels. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit 4-02-046, including any fencing, grading, or clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 4, shall require an amendment to Permit No. 4-02-046 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Prior to the issuance of the coastal development permit the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include legal description of the applicant's entire 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.

## IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

### A. Project Description and Background

The applicant is proposing to construct a two-story, 21½ ft. high, 3080 sq. ft. single-family residence with an attached 2-car garage, pool and storage shed, driveway, and sewage disposal system (Exhibits 3-6). The applicant is proposing to construct the new single-family residence on a previously approved and graded building pad [Coastal Development Permit 4-00-097 (Rollins)]. As such, no grading is proposed.

The subject parcel was created pursuant to the Commission's conditional approval of Coastal Development Permit 4-00-097 (Rollins). Under CDP 4-00-097 the Commission approved a subdivision of a 2.79 acre property into four (4) single family residential lots ranging in size from 15,484 sq. ft. to 43,438 sq. ft. Coastal Development Permit 4-00-097 also included demolition of previously existing structures on-site, an offer to deed restrict 30,375 sq. ft. for open space along the Walnut Canyon Creek riparian corridor,

and an offer to dedicate a public hiking and equestrian trail easement along Cavalleri Road (Exhibits 7,8).

The subject property is located between Cavalleri Road and Kanan Dume Road, approximately 1000 feet north of Pacific Coast Highway in the City of Malibu (Exhibit 1). Natural topography of the project site consists of an east-facing hillside parcel that gently descends from Cavalleri Road towards Kanan Dume Road. Run-off from the site ultimately drains to Cavalleri Road or the Walnut Canyon Creek stream corridor which is located approximately 290 ft. east of the subject site (Exhibit 7).

The area surrounding the project site is a built-out section of Malibu developed with a variety of residential densities. Two condominium complexes, containing 56 and 68 units, are located immediately to the west of the site. In addition, an eight-parcel subdivision located to the immediate south of the subject property was approved pursuant to Coastal Development Permit 4-98-281 (Cariker) and is currently under construction. Individual large-lot single-family residential development also exists to the immediate north of the property and a cluster of commercial development is located to the southeast of the project site on either side of Kanan Dume Road, north of Pacific Coast Highway.

The project site is visible from various scenic resource areas of the surrounding area. The property can be viewed from Kanan Dume Road, which is designated as a scenic highway in the Malibu/Santa Monica Mountains Land Use Plan (LUP). Additionally, the subject site is visible from portions of Walnut Canyon, and a public hiking and equestrian trail that traverses the western edge of the subject lot.

No environmentally sensitive habitat area or sensitive species are known to exist on the project site. Vegetation at the site appears to have been routinely disturbed by residential landscaping and fuel modification practices associated with adjacent development. The Walnut Canyon Creek stream corridor is located approximately 290 ft. east of the subject site and in its approval of Coastal Development Permit 4-00-097 (Rollins), the Commission determined that potential adverse impacts on the habitat area within the riparian corridor resulting from the approved subdivision and subsequent build-out of the approved parcel would be adequately mitigated by the special conditions imposed on that coastal permit, including the applicant's offer to deed restrict 30,375 sq. ft. for open space along the Walnut Canyon Creek riparian corridor.

## **B. Geology and Fire Hazard**

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.*

Section 30253 of the Coastal Act mandates that new development shall be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted a Report of Preliminary Engineering Geologic Investigation dated March 22, 1999 prepared by Pacific Geology Consultants, Inc., a Soils Engineering Investigation dated March 31, 1999 and an Update Letter dated February 9, 2001 prepared by Subsurface Designs, Inc., which evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development the consultants have found that the project site is suitable for the proposed project. The Report of Preliminary Engineering Geologic Investigation dated March 22, 1999 prepared by Pacific Geology Consultants, Inc. states:

*Providing the recommendations in this report, in addition to those of the Geotechnical Engineer are followed, the residences will be safe from landslide hazard, settlement and slippage. In addition, the proposed construction will not adversely affect off-site properties from a geological standpoint.*

Furthermore, the project's consulting geotechnical engineer states in the Soils Engineering Investigation dated March 31, 1999 prepared by Subsurface Designs, Inc.:

*It is the finding of this firm, based upon the subsurface data, that the subject building site will not be affected by settlement, landsliding, or slippage. Further, based upon the proposed location, development will not have an adverse effect on off-site property.*

The consulting geotechnical engineer and engineering geologist conclude that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Report of Preliminary Engineering Geologic Investigation dated March 22, 1999 prepared by Pacific Geology Consultants, Inc. and the Soils Engineering Investigation dated March 31, 1999 prepared by Subsurface Designs, Inc. contain several recommendations to be incorporated into project construction, design, sewage disposal and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical engineer and engineering geologist as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission,

which may be recommended by the consultants, shall require an amendment to the permit or a new coastal development permit.

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 consulting geotechnical engineer, as specified in **Special Conditions 2 and 4**. Special Condition 2 also 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 2.

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 4** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. Special Condition 4 also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

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 finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 4.

Furthermore, 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 that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 5**. This restriction 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 limitation imposed by Special Condition 5 avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission notes that the proposed project is conditioned to incorporate the recommendations of the project's consulting geotechnical engineer and to incorporate adequate drainage, erosion control, and landscaping to assure stability of the project site and adjacent properties consistent with Section 30253 of the Coastal Act. However, the Commission also notes that both leakage and drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess saturation of the hillside lot, and/or run-off and erosion from the project site potentially causing instability of the site and adjacent properties. Therefore, the Commission imposes **Special Condition 3** on the subject permit, which requires the applicant to submit a written plan which includes measures to minimize the potential of leakage from the pool and specific measures to be implemented during maintenance and drainage of the pool. The plan shall include a separate water meter for the pool which will serve to monitor water levels of the pool and identify 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 run-off from pool drainage and maintenance activities.

### **Wild Fire**

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition 6**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 6, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that, as conditioned to incorporate all recommendations defined by the project's geotechnical and geologic engineering consultant for construction, design, drainage, erosion control, and landscaping, and inclusion of the wildfire waiver of liability, the proposed project is consistent with Section 30253 of the Coastal Act.

### C. Visual Resources

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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. As described previously, the applicant is proposing to construct a two-story, 21½ ft. high, 3080 sq. ft. single-family residence with an attached 2-car garage, pool and storage shed, driveway, and sewage disposal system. The applicant is proposing to construct the new single-family residence on a previously approved and graded building pad [Coastal Development Permit 4-00-097 (Rollins)]. As such, no grading is proposed. The proposed development is located on a hillside lot and will be visible from Kanan Dume Road, and will also be visible from portions of Walnut Canyon and a public hiking and equestrian trail that traverses the western edge of the subject lot (Exhibits 7,8).

The proposed development will be consistent with existing development surrounding the project site, however, the development will nevertheless be visible from the scenic viewing areas described. Kanan Dume Road has been designated as a scenic highway in the Malibu/Santa Monica Mountains LUP and Walnut Canyon is a public scenic viewing area. The Commission has, in past decisions, required that development visible from scenic highways or other public areas minimize impacts to visual resources. In addition, there is a public hiking and equestrian trail easement along the western portion of the lot from which the proposed development would be visible. Due to the highly visible nature of the project site from public viewing areas, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

To mitigate potential visual impacts of the development, the applicant previously offered to set aside an area for open space, a 30,375 sq. ft. (0.70 ac) area along and contiguous with the Walnut Canyon Creek riparian corridor, as part of Coastal Development Permit 4-00-097 (Rollins). Natural vegetation exists on in this open space area and in the canyon which will serve to screen proposed development from the nearby scenic road. As such, the dedicated open space area will remain in a natural, undisturbed condition and will retain the riparian habitat and provide partial visual screening from Kanan Dume Road.

However, due to the highly visible nature of the project site from several significant public viewing areas, the Commission finds it necessary to soften the visual impacts of the development from the trail and further reduce impacts on views from Kanan Dume and Walnut Canyon. As such, the Commission finds it necessary to require the applicant to record a deed restriction providing specific limitations on the materials and colors acceptable for the development on the subject site, as specified in **Special Condition 7**. These restrictions generally limit colors to natural tones that will blend with the background of the environment and require the use of non-glare glass. White, metallic, and red tones are not acceptable. If fully implemented by present and future owners of the proposed residence, **Special Condition 7** will ensure that development of the site will be as visually unobtrusive to visual resources of the area as possible.

In addition, visual impacts associated with site disturbance caused by construction activities and of the structure itself can be further reduced by the use of appropriate and adequate landscaping. **Special Condition 4**, the landscape and fuel modification plan, incorporates the requirement that vertical screening elements be added to the landscape plan to soften views of the proposed residence from the scenic viewing areas. In addition, Special Condition 4 requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. Implementation of Special Condition 4 will partially screen the proposed structures and soften the visual impact of the development from the Malibu Equestrian Trail Connector. To ensure that the final approved landscaping plans are successfully implemented, Special Condition 4 also requires the applicant to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time.

Finally, regarding future developments or improvements, certain types of development to the property, normally associated with a single-family residence which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that any future development or improvements normally associated with the entire property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition 8** the Future Development Deed Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

The proposed project, as conditioned, will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore the Commission finds that, as conditioned, the proposed development is consistent with section 30251 of the Coastal Act.

## **D. Water Quality**

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

Section 30231 of the Coastal Act states:

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

The project site is a hillside parcel located on a descending slope that drains to Walnut Canyon Creek. As described in detail in the previous sections, the applicant is proposing to develop the subject site with a new single-family residence and other appurtenant structures.

The proposed development will result in an increase in impervious surface at the subject site, which in turn decreases the infiltrative function and capacity of existing permeable land on site. 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.

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 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 policies of the Coastal Act.

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, thereby impacting coastal water quality. The pool drainage and monitoring plan, as detailed in **Special Condition 3**, 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 3 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.

Furthermore, interim erosion control measures 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 4** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system to serve the residence. The applicant's environmental health specialist performed infiltration tests. The City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

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

### **E. 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 Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

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

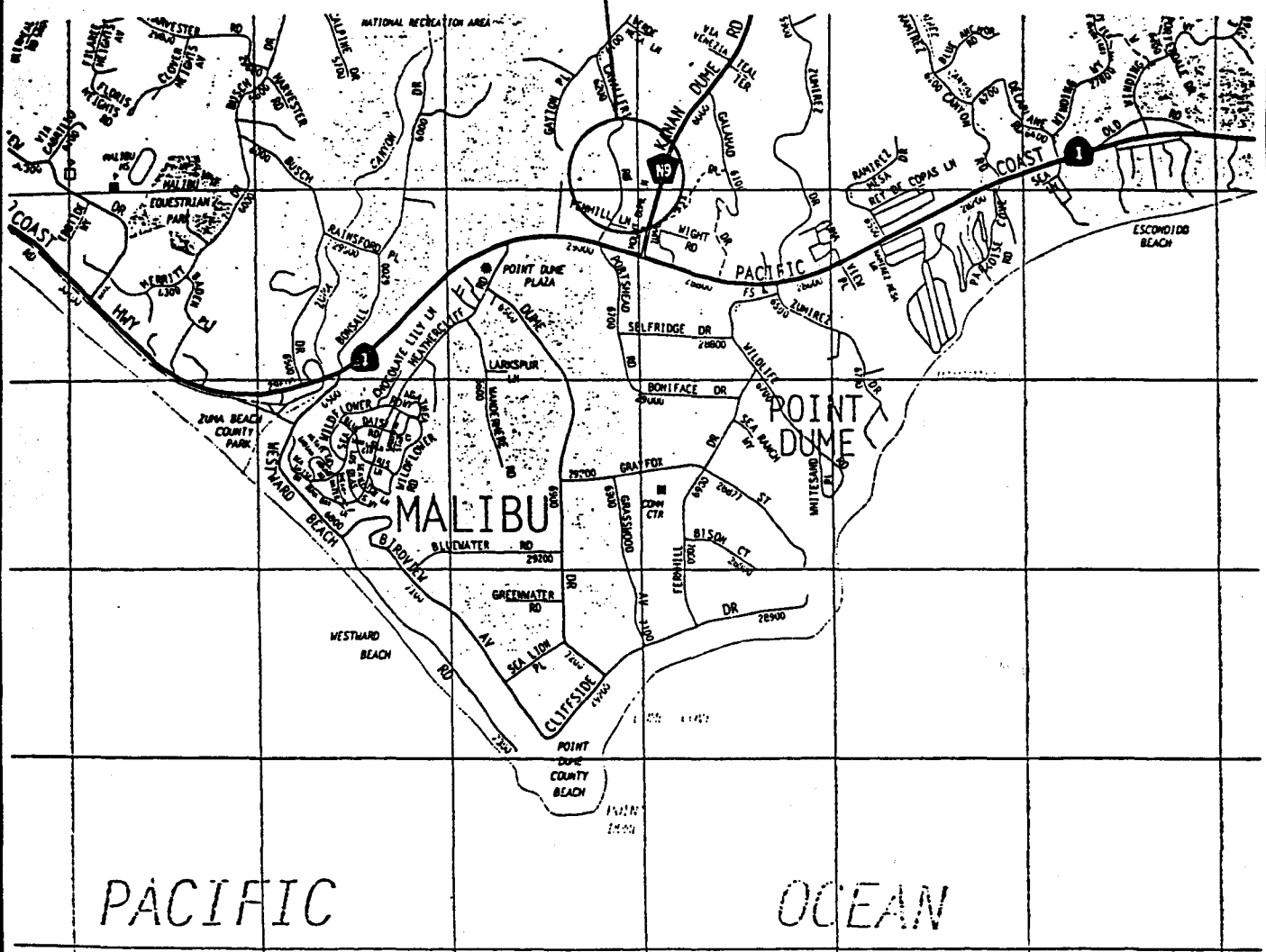
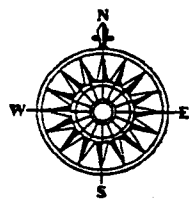
### **F. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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.

SUBJECT PROPERTY



SubSurface Designs, Inc.  
Geotechnical Engineers  
Forensic Engineering

Client: Rollins  
Subject: Vicinity Map  
Ref: Thomas Bros. Maps L.A. County, Page 667  
Scale: 1"=2400'

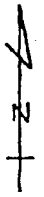
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A-I-1

Exhibit 1  
4-02-046  
Vicinity Map

467 36

100'



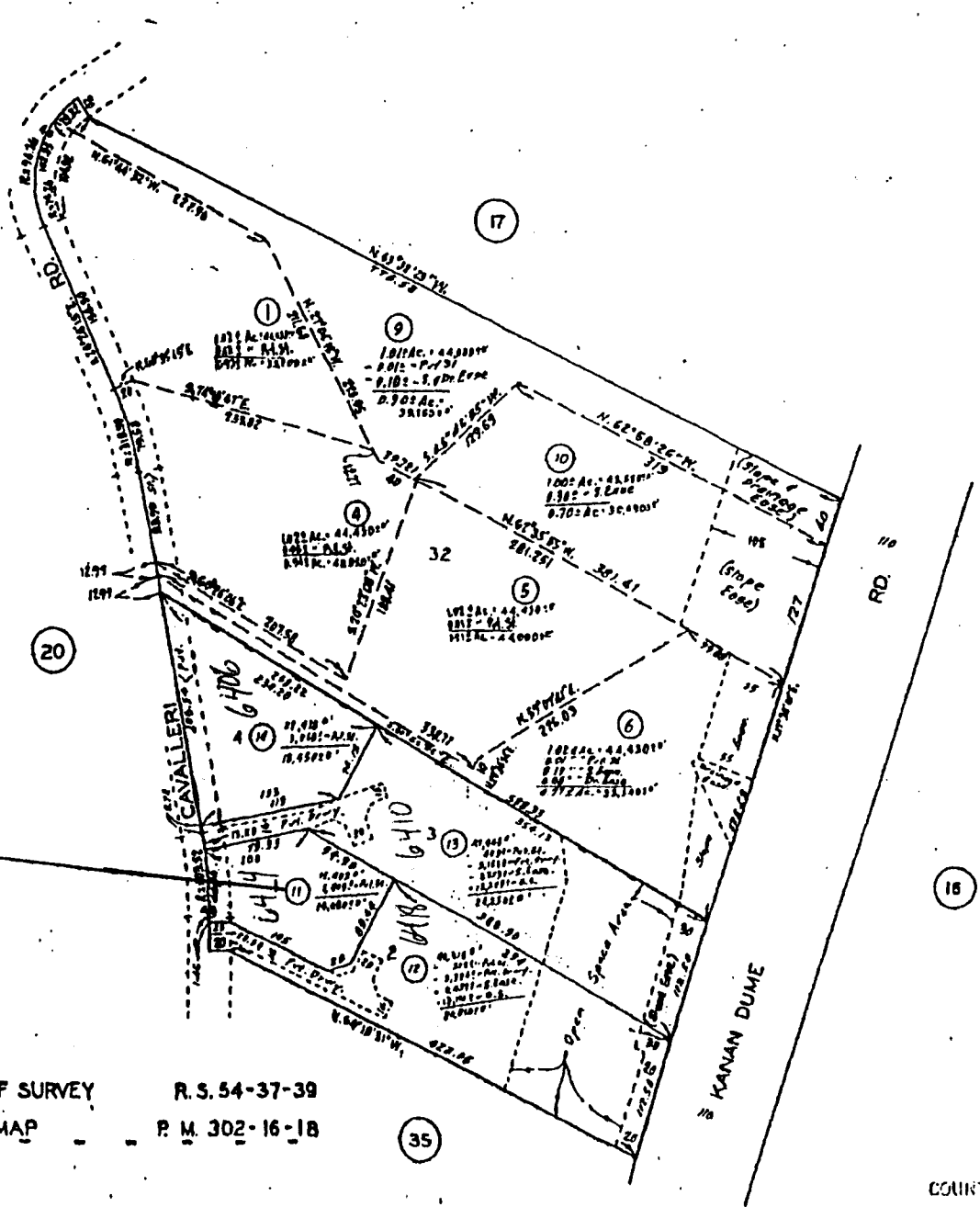
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TOTAL P. 01

Exhibit 2  
4-02-046  
Parcel Map

*Everett Rollins*  
*(310) 457-1358*

Subject Parcel



CODE  
10853

RECORD OF SURVEY R. S. 54-37-39  
PARCEL MAP P. M. 302-16-18

FOR DIST. ASSAYE LEE  
4467-36

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CAL



City of Orange & Associates  
 Architects  
 2201 Saddle River, Ste 110  
 Saddle River, NJ 07633  
 PH: 201-261-3440 FAX: 201-261-3441  
 Cell: 201-261-1775 Cell: 201-261-3440  
 Fax: 201-261-1775

Sheet Title  
**SITE PLAN**  
 PROJECT DATA

Job Name  
 E. ROLLINS RESIDENCE  
 644 CAVALIER RD  
 PALM BEACH, FL



Date Issued  
 4-26-88  
 10

Sheet  
 A.0  
 of  
 1

**PROJECT DATA**

OWNER / ARCHITECT: [REDACTED]

PROJECT ADDRESS: [REDACTED]

DATE OF WORK: [REDACTED]

CONTRACT TYPE: [REDACTED]

APPLICABLE DESIGN CODES: [REDACTED]

USDA ZONING: [REDACTED]

APPLICABLE REGULATIONS: [REDACTED]

CONTRACT NO.: [REDACTED]

DATE OF THIS SET: [REDACTED]

CONTRACT VALUE: [REDACTED]

DATE OF THIS SET: [REDACTED]

AREA INFORMATION

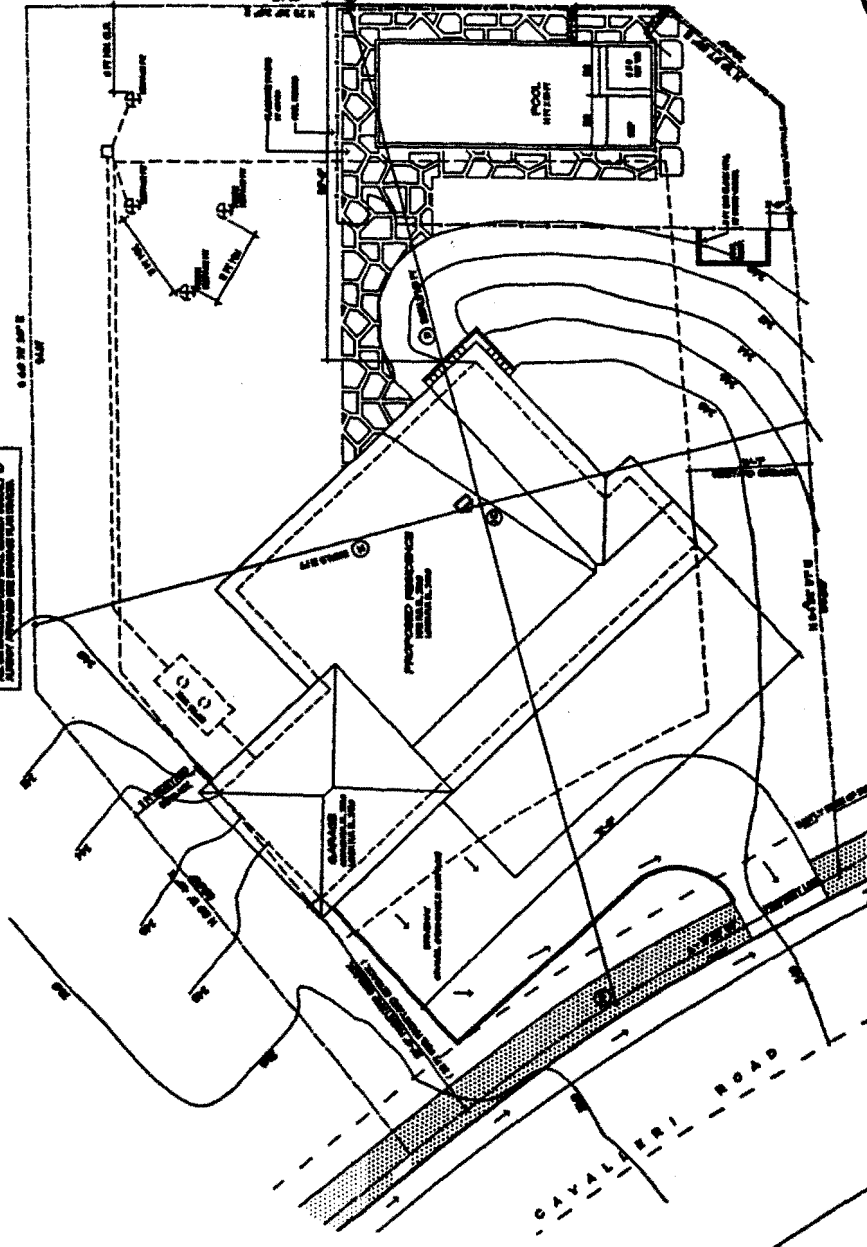
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TOTAL COVERED AREA	400 SQ. FT.
TOTAL OPEN AREA	700 SQ. FT.
TOTAL HARDWARE AREA	1,100 SQ. FT.
TOTAL HARDWARE AREA	400 SQ. FT.
TOTAL HARDWARE AREA	700 SQ. FT.

**VICINITY MAP**

THIRTY-THREE, PALM BEACH, FL

**SHEET INDEX**

21	GENERAL NOTES
22	EXISTING LANDSCAPE PLAN
23	PROPOSED LANDSCAPE PLAN
24	PROPOSED SITE PLAN
25	PROPOSED SITE PLAN
26	PROPOSED SITE PLAN
27	PROPOSED SITE PLAN
28	PROPOSED SITE PLAN
29	PROPOSED SITE PLAN
30	PROPOSED SITE PLAN
31	PROPOSED SITE PLAN
32	PROPOSED SITE PLAN
33	PROPOSED SITE PLAN
34	PROPOSED SITE PLAN
35	PROPOSED SITE PLAN
36	PROPOSED SITE PLAN
37	PROPOSED SITE PLAN
38	PROPOSED SITE PLAN
39	PROPOSED SITE PLAN
40	PROPOSED SITE PLAN



**SITE PLAN**

SCALE: 1" = 20'

NOTE TO SHEET A.2 - REFER TO SHEET FOR RESIDENCE DEVELOPER INFORMATION

NOTE TO SHEET A.3 - SEE SHEET FOR SWAMP PLAN FOR THE EXISTING STRIP

--- PROPOSED PLAN

SEE SHEET A.1 FOR ALL NOTES AND REVISIONS RELATED TO THIS PROJECT. ALL NOTES AND REVISIONS SHALL BE REFERENCED TO THIS SHEET AND THE PROJECT PLAN SHEET.

Exhibit 3  
 4-02-046  
 Site Plan



Copy to: **George & Associates**  
 1000 Industrial Blvd., Job 111  
 Channahon, IL 61615  
 PH: 815-521-7200 FAX: 815-521-7201

Sheet Title  
**FLOOR PLANS**

Job Name  
**E. ROLLINS RESIDENCE  
 544 CANTON RD  
 PALM BEACH, FL 33410  
 LOT 1**

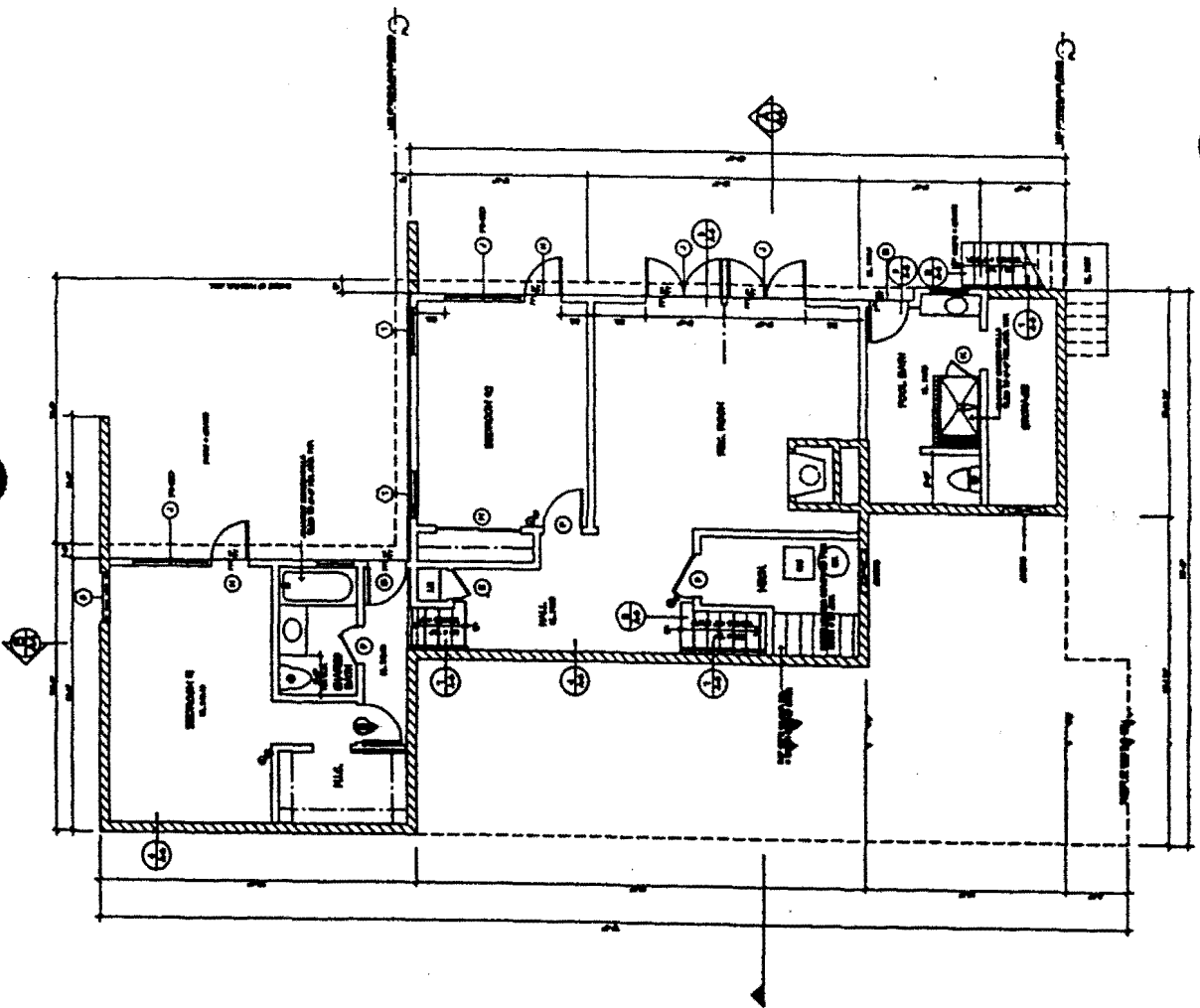
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Date-Revis.  
 [Redacted]

Sheet  
**A.2**

**DRAWING LEGEND**

+	FOUNDATION
○	DOOR
○	WINDOW
○	STAIR
○	MECHANICAL
○	ELECTRICAL
○	PLUMBING
○	TELEPHONE
○	TELEVISION
○	REFLECTOR
○	SMOKE DETECTOR
○	SPRINKLER
○	SWITCH
○	OUTLET
○	RECESSED LIGHT
○	RECESSED TV
○	RECESSED SPEAKER
○	RECESSED AIR
○	RECESSED FAN
○	RECESSED HEAT
○	RECESSED COOL
○	RECESSED GAS
○	RECESSED OIL
○	RECESSED WATER
○	RECESSED SEWER
○	RECESSED RAIN
○	RECESSED SLOPE
○	RECESSED CURB
○	RECESSED DRIVE
○	RECESSED WALK
○	RECESSED BIKE
○	RECESSED TRAILER
○	RECESSED SIGN
○	RECESSED LIGHT
○	RECESSED TV
○	RECESSED SPEAKER
○	RECESSED AIR
○	RECESSED FAN
○	RECESSED HEAT
○	RECESSED COOL
○	RECESSED GAS
○	RECESSED OIL
○	RECESSED WATER
○	RECESSED SEWER
○	RECESSED RAIN
○	RECESSED SLOPE
○	RECESSED CURB
○	RECESSED DRIVE
○	RECESSED WALK
○	RECESSED BIKE
○	RECESSED TRAILER
○	RECESSED SIGN



**BASEMENT FLOOR PLAN** BY S.E.E. AND  
 REFER TO ARCHITECTURAL DRAWING FOR DIMENSIONS, MATERIALS AND DETAILS  
 DATE: 11/15/88 (SEE SHEET FOR ALTERNATE)

Exhibit 4  
 4-02-046  
 First Floor Plan



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 2004 Building Plans, Inc. 112  
 11220 S. 112th St.  
 Tukwila, WA 98164  
 (206) 835-7171 • Fax (206) 835-7172  
 www.bip.com

Sheet Title  
**MAIN FLOOR  
 ROOF PLAN**

Job Name  
**R. ROLLING RESERVE  
 4401 CHALLENGER RD  
 TULALUM WA  
 LOT 1**

Copyright  
 Building Plans, Inc.

Date-Rev.  
 04-02-04

Sheet  
 A1

**SYMBOL LEGEND**

+	WALL
○	DOOR
⊗	WINDOW
⊙	CEILING LIGHT
⊕	FLOOR LIGHT
⊖	EXHAUST FAN
⊗	MECHANICAL EQUIPMENT
⊙	MECHANICAL EQUIPMENT
⊕	MECHANICAL EQUIPMENT
⊖	MECHANICAL EQUIPMENT
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⊙	MECHANICAL EQUIPMENT
⊕	MECHANICAL EQUIPMENT
⊖	MECHANICAL EQUIPMENT

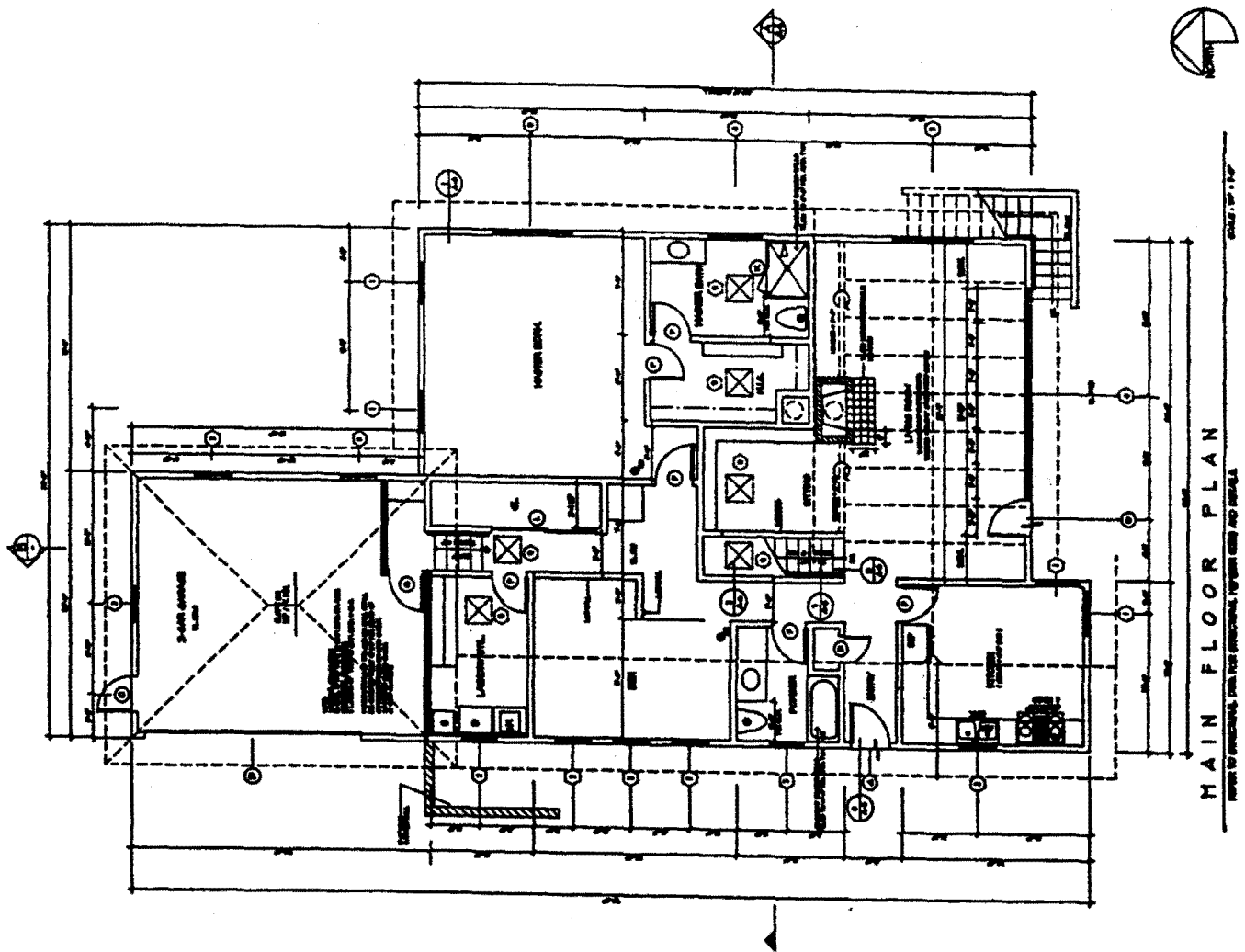


Exhibit 5  
 4-02-046  
 Second Floor Plan





Cory E. Cooper & Associates  
 Architects  
 2221 Lakeside Drive, Suite 110  
 Berkeley, CA 94702  
 415-841-7772 FAX 415-841-7768  
 415-841-7770

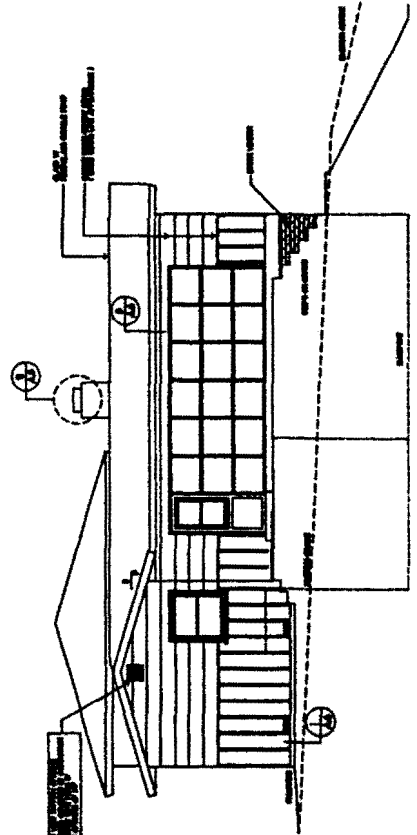
Sheet Title  
**BUILDING ELEVATIONS**

Job Name  
**HOLLINS RESIDENCE  
 540 CALLETON RD  
 PALMDALE CA**

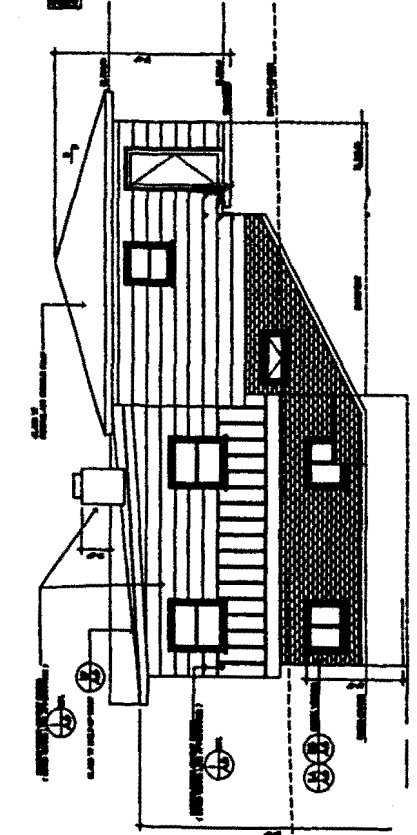
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Date-Rev.  
 4-2-04-001

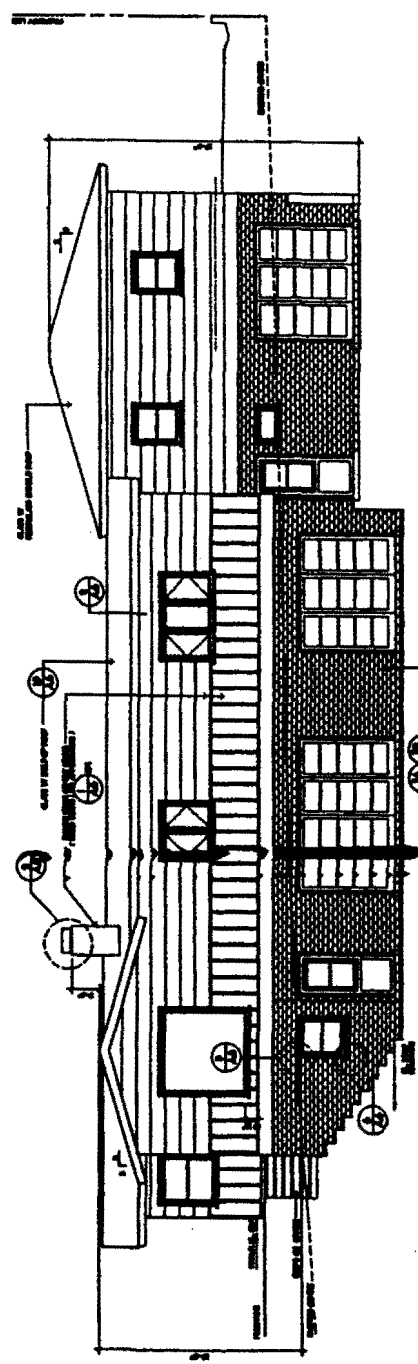
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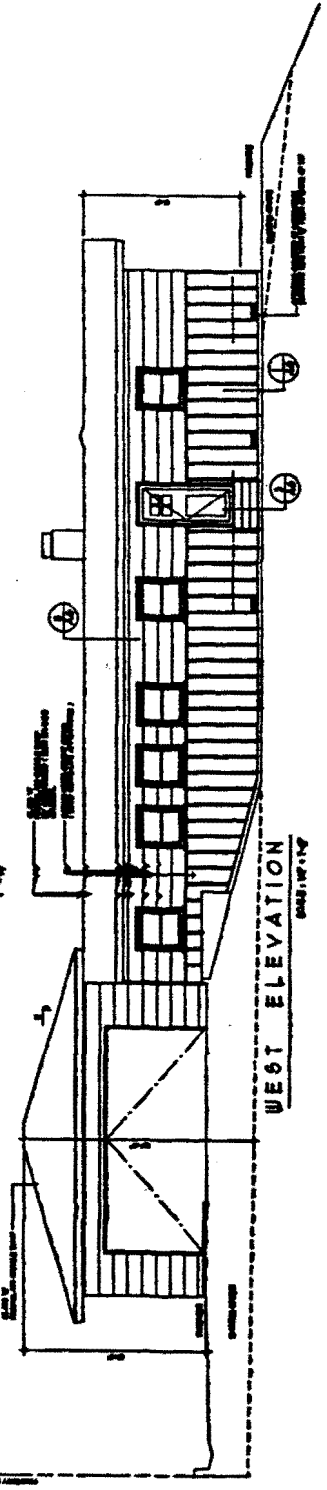
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**NORTH ELEVATION**  
 0042.10P.14P



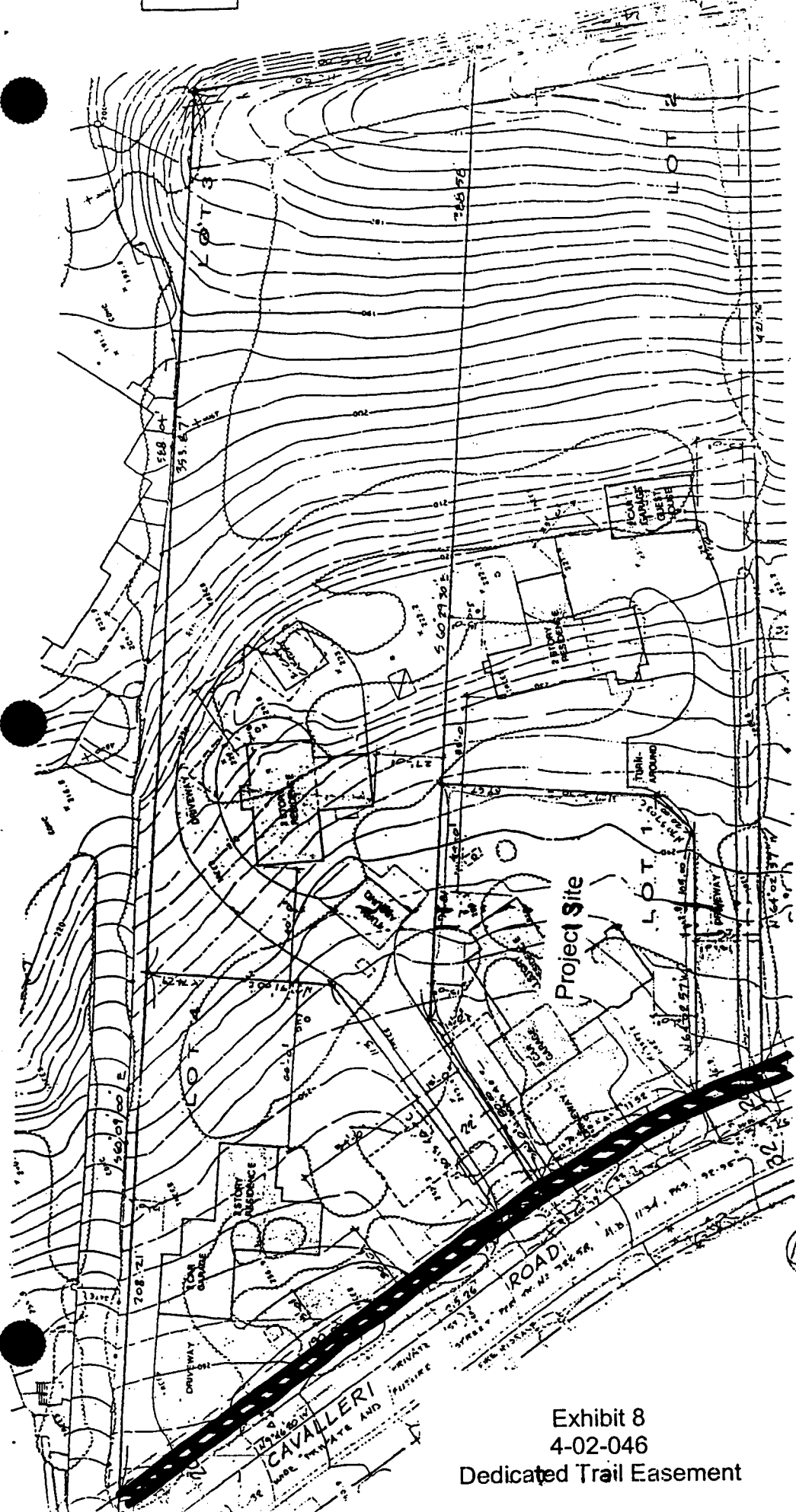
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 0042.10P.14P



**WEST ELEVATION**  
 0042.10P.14P

Exhibit 6  
 4-02-046  
 Elevations





SITE PLAN  
SCALE: 1" = 20'-0"

SITE NOTES:  
• No existing structure

**TRAIL**

Exhibit 8  
4-02-046  
Dedicated Trail Easement

EXHIBIT 11
CDP 4-00-097 (Rollins)
Trail Dedication Map

