

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Staff: J Johnson-V
 Staff Report: 11/12/03
 Hearing Date: 12/9-12/03
 Comm Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-03-067

APPLICANT: Chris and Ha Roda

PROJECT LOCATION: 22380 Swenson Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 30 foot high, two story, 1,609 sq. ft. single family residence with two car 413 sq. ft. garage, driveway, water tank and lines, septic system, temporary residential trailer, and 900 cubic yards of grading.

Lot area:	2.36 acres
Building coverage:	1,700 sq. ft.
Pavement coverage:	6,000 sq. ft.
Landscape coverage:	7,000 sq. ft.
Parking spaces:	2
Ht abv fin grade:	30 ft.
Plan Designation:	Rural Land I and II
Zoning:	1 dwelling unit/10 and 1du/5 acres
Project Density	one du/2 acres

SUMMARY OF STAFF RECOMMENDATION

The applicants request approval to construct a single family residence, detached garage on an existing parcel accessed from a common driveway serving two parcels and two private roads, Swenson Drive and Rockview Terrace, leading to a public road, Saddle Peak Road. The applicants propose to share an existing water well located on the adjacent property at 22370 Swenson Drive with that property owner (Rauls) thereby providing domestic and fire suppression water to both residences. The proposed project is located on a flat pad just below a ridge located to the north. The visual backdrop of the higher Saddle Peak Ridge is located further to the northwest. The proposed development site is not located within an ESHA but is located north about eight hundred (800) feet from a 'blue line' tributary of Las Flores Creek. However, there is some degraded chaparral on the subject property located to the southwest, south and east of the building pad. The ESHA designated portion of

this creek is located about two thousand (2,000) feet to the south of the parcel. In the project vicinity, the tributary is not designated as an Environmentally Sensitive Habitat Area (ESHA) in the certified Malibu/Santa Monica Mountains Local Coastal Program Land Use Plan. The property is visible from portions of the Tuna Canyon Trail, portions of Las Flores Heights Road to the east, from Schueren and Las Flores Canyon Roads to the west, and Hume, Briarbluff, and Castlewood Roads from the southwest. However, due to the distance and the recommended Special Conditions addressing landscaping and color restriction deed restriction, public visibility will be limited. Staff recommends approval of the proposed project with Special Conditions addressing: a wildfire waiver of liability; landscape, erosion control and fuel modification plans; removal of natural vegetation; drainage and polluted runoff control plan; plans conforming to geologic recommendation; a color restriction, lighting restriction, deed restriction, and access road survey and revised access easements. The project, as conditioned, will therefore be consistent with the Coastal Act.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 6/25/03; Los Angeles County Department of Health Services, dated 6/5/2003 for septic system; County of Los Angeles Fire Department, Coastal Commission Approval Only driveway access, dated 5/6/03 and Preliminary Fuel Modification Plan dated 6/9/03.

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Memorandum Report Update, dated July, 8, 2003, by Strata-Tech, Inc.; "Designation of ESHA in the Santa Monica Mountains", dated March 25, 2003 by John Dixon, Coastal Permit No. 4-00-076, Wilkins; Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-03-067 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

I. RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development

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

II. Standard Conditions.

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. WILDFIRE WAIVER OF LIABILITY

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

2. LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All graded & disturbed areas and the existing graded building pad areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. After the temporary construction/residential trailer is removed pursuant to Special Condition Number Three, the disturbed site of the temporary construction/residential trailer shall also be planted and maintained for erosion control purposes. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) All cut and fill slopes on the subject site shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils. The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed residence, from public roads and a trail to the south, west, and east. Any fencing on the property is limited to the perimeter of building pad surrounding the residence and garage and a gate at the driveway entry to the garage;
- 3) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 5) Vegetation within 20 feet of the proposed residence garages and driveway 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 final fuel modification plan shall

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include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the Final Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

- 6) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

B) Interim Erosion Control Plan

- 1) The landscape/erosion control plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geo-fabric covers or other appropriate cover, install geo-textiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geo-textiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

Five (5) years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

3. REMOVAL OF TEMPORARY CONSTRUCTION/RESIDENTIAL TRAILER

With the acceptance of this coastal permit, the applicants agree that the temporary construction/residential trailer shall be removed from the site within two years of the issuance of this Coastal Permit or within sixty (60) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles, whichever is less, to a site located outside the Coastal Zone or a site with a valid coastal development permit for the installation of a temporary construction/residential trailer. After the trailer is removed the disturbed site shall be revegetated as required by Special Condition Number Two within sixty (60) days.

4. REMOVAL OF NATURAL VEGETATION

Removal of natural vegetation for the purpose of fuel modification within the 20 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 20-200 foot fuel modification zone shall not occur until commencement of construction of the structure approved pursuant to this 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. 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. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Engineering Geologist and Geologist consultant's review and approval of all project plans. All recommendations contained in the submitted reports titled: Geotechnical Memorandum Report Update, dated July 8, 2003, by Strata-Tech, Inc., shall be incorporated into all final design and construction including: grading, setbacks, foundations, lateral support, retaining walls, expansive soils, floor slabs, concrete flatwork, seismic design, drainage, settlement, temporary excavations, access road pavement. All plans must be reviewed and approved by the consultants.

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.

7. COLOR RESTRICTION

A. 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 4-03-067. 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, 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, light shades, or steel, aluminum, or metal tones or shades, and no bright tones. All windows shall be comprised of non-glare glass. Night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector.

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 4-03-067 if such changes are specifically authorized by the Executive Director as complying with this special condition.

8. Lighting Restriction

A. The only outdoor night lighting allowed on the subject parcel are limited to the following to minimize night time intrusion of light and disruption of wildlife traversing this area at night within this rural area:

1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas and driveways, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.
2. Security lighting attached to the residence, garage/guest house and entry gates that is controlled by motion detectors is limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of Lumens, unless a higher wattage is authorized by the Executive Director.
3. The minimum lighting necessary for safe vehicular use of the driveways. That lighting shall be limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12-watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.

B. No lighting on the remainder of the parcel, including the slopes and flat areas, and no lighting for aesthetic purposes is allowed.

9. Deed Restriction

Prior to issuance of the coastal development permit the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the

applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to these permits, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of these permits as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

10. ACCESS ROAD SURVEY AND REVISED ACCESS EASEMENTS

Because portions of one of the existing private roads, Swenson Drive, are located outside of the legal easement granted to the applicants to access the subject lot a revised Grant of Easement is needed. Therefore, **Prior to the Issuance of the Coastal Development Permit**, the applicants shall submit evidence for the review and approval of the Executive Director that the applicants have obtained the right to use this portion of the existing private road for ingress and egress to the subject site, APN 4448-023-033 from Saddle Peak Road, a public road.

IV. Findings and Declarations.

A. Project Description

The project site is located approximately two miles inland of the coast east of the intersection of Pacific Coast Highway and Las Flores Canyon Road, and just south of Saddle Peak Road. The parcel is accessed from Saddle Peak Road, a public road, Rockview Terrace and Swenson Drive, private roads and a common driveway shared by with the neighboring parcel to the north with an existing residence (Coastal Permit No. 4-99-132, Rauls) (Exhibit 1).

The applicants propose to construct a 30 foot high, two story, 1,609 sq. ft. single family residence with two car 413 sq. ft. garage, driveway, water tank and water lines, septic system, temporary construction/residential trailer, and 900 cubic yards of grading (Exhibits 2 – 6). The water well is located within shared easement on adjoining property at 22370 Swenson Drive (Coastal Permit No. 4-99-132, Rauls); a pipeline along the driveway will be constructed to connect the well to the proposed water tank. The 2,500 gallon water tank, 7.5 feet high by 8 feet in diameter, will be located to the north of and adjacent to the garage (Exhibit 3).

The building site is a 2.36 acre lot located south of Saddle Peak Road and east of Swenson Road . The proposed building site is located on the upper portion of the lot at an elevation of about 1,950 feet above sea level on an existing graded building pad

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created over thirty years ago according to the applicant's Engineering Geologist. The building site is located on a gently sloping broad crest of a ridge, the top of the ridge is located to the north where the residence on the adjoining parcel is located. The majority of the property is in its natural state with the exception of an building pad and a graded access driveway. The area surrounding the building pad has been cleared and thinned of brush as a result of the fuel modification for the construction of the residence on the adjoining parcel to the north (Rauls). The site is surrounded by vacant lots to the east, an existing residence to the north (Rauls) and a residence under construction to the south (Mastoras). In addition, there are two other existing residences further to the south and two located to the northwest (Bolanowski).

The subject site is an irregular shaped parcel with seven sides, descending south from the building pad with an overall topographic relief of about 125 feet with gradients ranging from nearly horizontal at the building site to as steep as 2 : 1 along the southern and western portion of the lot. A moderate growth of native vegetation is recovering on the slope areas which burned in the 1993 Malibu fire.

The certified Malibu/Santa Monica Mountains Land Use Plan designates the 2.36 acre site as Rural Land I and II (one dwelling unit for ten and five acres respectively). The subject parcel is not located within or near any designated wildlife corridor or any designated Environmentally Sensitive Habitat Area (ESHA); it is located about 800 feet west and about 1,000 feet north of the upper reach of an unnamed tributary of Las Flores Creek. No mapped hiking or riding trails cross the subject property, although the Tuna Canyon Trail crosses a portion of Swenson Drive along property located to the west, south and north of the project site. The Tuna Canyon Trail traverses north to south connecting the Backbone Trail to Tuna Canyon and Pacific Coast Highway (Exhibits 9 and 10).

The property is visible from portions of the Tuna Canyon Trail, portions of Las Flores Heights Road to the east, from Schueren and Las Flores Canyon Roads to the west, and Hume, Briarbluff, and Castlewood Roads from the southwest.

The improvements proposed by the applicants include extending the existing driveway to the building site. An existing shared driveway is improved from Swenson Drive to the entrance of the applicant's proposed driveway. This driveway also accesses the adjacent parcel to the north where an existing residence is located (Rauls). In addition, the water line connecting the existing well on the adjoining property to the north, located north of the shared driveway, will cross that same parcel and a portion of the parcel to the west along the driveway. The applicants have provided evidence of the ingress and egress access easements for the driveway and water line over these parcels. Regarding the property owners, across whose property these proposed improvements are located, these individuals have been notified of this development pursuant to section 30601.5 of the Coastal Act. Section 30601.5 states as follows: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant." These property owners were notified of the pending permit action under Section 30601.5 (Exhibit 7). As of the date of this report, no response was received. If any

response to this letter is received by staff prior to the Commission's December 9-12, 2003 meeting, it will be reported to the Commission at the public hearing.

B. Individual and Cumulative Impacts in Sensitive Resource Areas

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

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

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

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

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts

which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

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

Regarding the first test, the proposed project is located about two miles inland of the coast on the southwest slope of Saddle Peak Road within the Santa Monica Mountains. This inland area of the western Santa Monica Mountains is partially developed with residential and public recreational land uses. The Commission considers this portion of the Santa Monica Mountains to not be a developed area, including the subject site, and therefore it does not meet the first test. The analysis of the proposed development with respect to the second test is needed.

The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services.

The applicant proposes to construct a 30 foot high, two story, 1,609 sq. ft. single family residence with two car 413 sq. ft. garage, driveway, water tank and water lines, septic system, temporary construction/residential trailer, and 900 cubic yards of grading (Exhibits 2 - 6). The water well is located within shared easement on adjoining property at 22370 Swenson Drive (Coastal Permit No. 4-99-132, Rauls); a pipeline along the driveway will be constructed to connect the well to the proposed water tank. The 2,500 gallon water tank, 7.5 feet high by 8 feet in diameter, will be located to the north of and adjacent to the garage (Exhibit 3).

The subject site is provided with public and private services including public and private road access from Saddle Peak Road, Rockview Terrace and Swenson Drive, water, electricity, and telephone. Water availability and private road access are issues discussed below.

The applicant proposes to use an existing water well on an adjoining property to serve the proposed residence. The water well is proposed to be shared with the adjoining property owner and an approved residence (Coastal Permit No. 4-99-132, Rauls). This water well was approved by the County of Los Angeles Department of Health Services on January 14, 1999. The water well is located about 250 feet northwest of the building site, north of the existing driveway also shared with the adjoining property owner (Rauls). The Rauls' Well Completion Report dated 9-26-97 which was filed with the Department of Water Resources, State of California indicates that the well produces an estimated 60 gallons per minute of water during a test conducted on 11-29-97. The Los Angeles County Health Department requires that water wells produce

potable water with a reasonable quantity of water production. The 'reasonable' quantity of water production according to Los Angeles County Health Department (staff telephone discussion with Mr. Saleh of this Department on March 20, 2000) is 15 to 25 gallons per minute of potable water in order to adequately serve one residence. Since the adjoining property owner's Water Completion Report concluded that the well produces 60 gallons per minute of water, Therefore, the applicant currently has adequate private water resources to serve the Rauls' residence and this proposed residence consistent with Los Angeles County Health Department requirements.

The applicant proposes to construct an on-site septic system to adequately dispose of sewage generated on-site. The applicant has provided an 'Approval in Concept' for the septic system from the Los Angeles County Health Department. Therefore, the Commission finds that the proposed project, as conditioned, meets the guidance provided by the Los Angeles County Land Use Plan and meets the second test required in Section 30250, that the development will be located in an area able to accommodate it.

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

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

Staff's previous review of Coastal Permit No. 4-94-084, Lane and Coastal Permit No. 4-98-004, Bolanowski, indicated that there are two portions of Swenson Drive, a private road, which are physically located outside of the legal easement granted to the applicants to access the subject lot. It is not feasible to relocate the existing roadway to this legal easement due to steep topographic considerations and substantial additional grading which would be required to physically relocate the roadway. Further in 1984, the Commission approved paving improvements to this existing roadway in its present alignment in Coastal Permit No. 4-94-084, Lane. Therefore, a revised Grant of Easement is needed to be co-terminus with the existing paved roadway to eliminate these potential adverse effects to the environment. Therefore, **Special Condition Number Ten** is needed to require prior to the issuance of Coastal Development Permit, that the applicants submit evidence for the review and approval of the Executive Director that the applicants have obtained the right to use the existing private road for ingress and egress to the subject site, APN 4448-023-033 from Saddle Peak Road, a public road.

1. Protection of Environmental Resources

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through, among other means, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination one must focus on three main questions:

- 1) Is a habitat or species rare?
- 2) Is the habitat or species especially valuable because of its special nature or role in the ecosystem?
- 3) Is the habitat or species easily disturbed or degraded by human activities and developments?

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Monica Mountains is itself rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, habitat areas that provide important roles in that ecosystem are especially valuable and meet the second criterion for the ESHA designation. In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these reasons, the Commission finds that large contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains meet the definition of ESHA. This is consistent with the Commission's past findings on the Malibu LCP¹.

For any specific property within the Santa Monica Mountains, it is necessary to meet three tests in order to assign the ESHA designation. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? Second, is the habitat undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation?

Commission staff inspected the subject property in the summer of 2001 during the review of a former project on this same site (Coastal Permit No. 4-00-076, Wilkins) Staff visually confirmed that the existing pad and immediate surrounding area was cleared as a result of fuel modification for the adjoining residence located to the north (Coastal Permit No. 99-132, Rauls). In addition, substantial areas to the south included non-native grasses, possibly the result of the 1993 Malibu fire. The area

¹ Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

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within about 200 feet of the subject building pad located to the southwest, south and east includes degraded chaparral. This surrounding area is not considered ESHA.

A review of the Commission's aerial photographic records indicates that the subject building pad including cut and fill slopes existed since 1986. The existing pad and driveway was identified in the staff report as existing in Coastal Permit No. 4-00-076, Wilkins, approved in 2000. Within areas of the Santa Monica Mountains with chaparral and coastal sage scrub which is considered ESHA, the Commission has required, through past permit actions, that development be clustered on a lot and the building pad size not exceed 10,000 sq. ft. as measured from the top of the cut slope to the bottom of the fill slope, excluding the size of the necessary fire truck hammerhead turnaround area, to minimize impacts on this sensitive habitat and the surrounding watershed. In his case, the applicant proposes to use an existing building pad about 3,200 sq. ft. in size for the proposed development (excluding the Fire Department required hammerhead turnaround area). As proposed the applicant will use this existing pad for the proposed development. Only a limited amount of grading is needed to construct the proposed project. Therefore, the proposed site plan will minimize the size of the landform altered for the construction of the proposed development and the remainder of the property will be planted with landscaping with native plants on the pad beyond the buildings and paved areas as required by **Special Condition No. Two.**

The applicants are required to submit a Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, both plans will include native plants that are less flammable consistent with those identified in the "Recommended List of Native Plants for Landscaping in the Santa Monica Mountains", by the California Native Plant Society, dated February 5, 1996. The Landscape and Fuel Modification Plan will indicate that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway may be cleared and replaced with native plant species that are less flammable. As a result of fuel modification completed around the subject building site, there are few remaining native plants. As required by **Special Condition Number Two**, the graded and disturbed areas on the building site will be replanted primarily with native plants. Also as required by **Special Condition Number Two**, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the main residential structure with trees and shrubs as viewed from the public Tuna Canyon Trail planned to the west and southwest of the subject site and public roads located to the west, south and east of the site.

The applicant proposes to construct a single family residence and garage on the parcel. The subject site is located in an area surrounded by existing, under construction, or permitted residential development. There is an existing residence located to the immediate north and an existing residence located to the west of the

subject site. There is an approved residence with a secondary structure located immediately south of the subject site. Further south across Swenson Drive there are three existing residences. As a result of these existing and permitted residential developments, the subject site is surrounded by fuel modification created by previously permitted or constructed development. The surrounding areas include degraded chaparral. The required fuel modification plan will not affect any ESHA within the 200 foot area of Zones A, B and C. The proposed site plan will not directly affect any ESHA resources and therefore, as conditioned, will not create any impacts to nearby ESHA. The Commission has determined that in conjunction with siting new development to eliminate or minimize impacts to ESHA, additional actions can be taken to minimize adverse impacts to ESHA. The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition No. Two** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

The Commission notes that streams and drainages, such as Las Flores Creek located about 800 feet to the east of the building pad, provides important habitat for riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat. Sheet flow and minor drainages onsite transmits runoff directly beyond the subject parcel into Las Flores Creek as such, the Commission finds that potential adverse effects of the proposed development on riparian habitat of this stream may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition No. Five**, the Drainage and Polluted Run-off Control Plan, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, and building pad area, is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways.

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In addition, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains environmentally sensitive habitat. Therefore, **Special Condition No. Eight**, Lighting Restriction, limits night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity security lighting will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area. Thus, the proposed setback from the sensitive habitat area and natural topography in concert with the lighting restrictions will attenuate the impacts of unnatural light sources and will not impact sensitive wildlife species.

Furthermore, fencing of the subject parcel would adversely impact the movement of wildlife through the subject property with its chaparral plant species, except for fencing identified on the landscape plan surrounding the proposed structural developments on the existing building pad. Therefore, the Commission finds it is necessary to limit fencing to the perimeter of building pad and a gate at the driveway entry as required in **Special Condition No. Two**.

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

The applicant proposes to construct a 30 foot high, two story, 1,609 sq. ft. single family residence with two car 413 sq. ft. garage, driveway, water tank and water lines, septic system, temporary construction/residential trailer, and 900 cubic yards of grading (Exhibits 2 - 6). The water well is located within shared easement on adjoining property at 22370 Swenson Drive (Coastal Permit No. 4-99-132, Rauls); a pipeline along the driveway will be constructed to connect the well to the proposed water tank. The 2,500 gallon water tank, 7.5 feet high by 8 feet in diameter, will be located to the north of and adjacent to the garage (Exhibit 3).

The building site is located near the northern portion of the lot which is accessed by a common driveway approved to be improved (Coastal Permit No. 4-99-132, Rauls) from Swenson Drive to the west. The applicant's propose to improve the last 250 feet of the driveway to access the subject residence and garage. This driveway improvement will cross a thirty foot portion of two adjoining parcels located to the north and west. The residential development is limited to one site consisting of a pad size of about 3,200 sq. ft. including the fire truck turnaround, and does not include other development, such as a guest house, tennis court, or equestrian facilities.

To the south a 'blue line' tributary of Las Flores Creek is located about eight hundred (800) feet of the subject building pad. The ESHA designated portion of this creek is located about two thousand (2,000) feet to the south of the parcel. Las Flores Creek drains into the ESHA designated Las Flores Creek and eventually into the Pacific Ocean. Due to the distance, the proposed residence and development, as conditioned, will not directly affect these ESHA and Creek habitats as the proposed project is not located within or nearby the designated ESHA's.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

2. Cumulative and Individual Impacts of Development

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

The applicant's proposed new driveway leading from the common driveway shared with the adjoining property to the north to the proposed residence is a maximum of about 240 feet in length. The proposed project includes a clustered residence and detached garage. To the north on the adjoining property is an existing residence and garage (Coastal Permit No. 4-99-132, Rauls) which is located as close as about 70 feet from the proposed garage.

However, to address the need for a landscape plan, minimize erosion hazards for all disturbed and graded areas, and minimize the alteration of physical features, **Special Condition Number Two** is necessary. The applicants submitted a Preliminary Fuel Modification Plan approved by the Los Angeles County Fire Department. **Special Condition Number Two** will help to ensure that the biological productivity and quality of coastal streams, such as Las Flores Creek, is maintained and that the habitat values of the subject sites are protected against significant disruption. Therefore, to ensure that no adverse impacts on the site and beyond the subject site will occur from increased runoff, **Special Condition Number Two** requires a landscape, erosion control and Final Fuel Modification Plan to landscape all disturbed and graded areas on the project site including the requirement to revegetate the building pad on the areas beyond the developed area of the building pad allowed for development and the area where the temporary construction residential trail will be located after its removal pursuant to **Special Condition Number Three**. The revised landscape plan and fuel modification plan needs the language of these Special Conditions also added to the final approved plans. **Special Condition Number Two** also requires an erosion control plan to minimize erosion on the site and sedimentation offsite and may be incorporated in the applicant's proposed storm water runoff plan. **Special Condition Number Four** requires that the Final Fuel Modification Plan will not commence within the 20 foot zone surrounding the proposed structure until after the local government has issued a building or grading permit for development approved pursuant to this permit and the vegetation thinning beyond this zone will not occur until commencement of construction of the structure. **Special Condition Number**

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

3. Water Quality

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

As described above, the proposed project includes the construction of a 30 foot high, two story, 1,609 sq. ft. single family residence with two car 413 sq. ft. garage, driveway, water tank and lines, septic system, temporary residential trailer, and 900 cubic yards of grading. Further, use of the site for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The removal of natural vegetation and placement of impervious surfaces allows for less infiltration of rainwater into the soil thereby increasing the rate and volume of runoff causing increased erosion and sedimentation. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

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

In order to ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through **Special Condition Number Five**, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site that may be incorporated into the applicant's proposed storm water runoff plan. Such a revised plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 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 Number Five**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

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

Lastly, the County of Los Angeles Environmental Review Board (ERB) did not review this development project as the project is not located within any ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and Degraded Sensitive Resource Area.

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. Therefore, the Commission finds that the project, as conditioned, is in conformance with the guidance provided in the LUP policies that pertain to locating development near designated ESHA's, while protecting streams and ESHA's from disturbance to the greatest extent possible. Therefore, the project site is not located within any of the three resource protection and management

categories, thus, development can proceed according to the base land use classification and in conformance with all policies and standards contained in the Los Angeles County Land Use Plan as guidance.

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

C. Geologic and Fire Hazards

Section 30253 of the Coastal Act states:

New development shall:

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

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted a geologic report titled: Geotechnical Memorandum Report Update by Strata-Tech, Inc., dated July 8, 2003. This report states:

Earth materials encountered consisted of residual soil over bedrock. The residual soil consists of interlayered basalt, mudstone / siltstone and sandstone, deeply weathered to very hard.

This report concludes that:

It is the opinion of the undersigned, based upon our work as outlined in the referenced report and this report, that if constructed in accordance with our recommendations and properly maintained, (1) the proposed structure(s) will be safe against hazard from landslide, settlement, or slippage, and that (2) the proposed building or grading construction will have no adverse effect on the geologic stability of property outside the building site. The nature and extent of tests conducted for purposes of this declaration are, in the opinion of the undersigned, in conformance with generally accepted practice in the area. Test findings and statements of professional opinion do not constitute a guarantee or warranty, expressed or implied.

The recommendations in this geology report addresses the following issues: grading recommendations, setbacks, foundations, lateral support, retaining walls, expansive soils, floor slabs, concrete flatwork, settlement, temporary excavations, and access road pavement. Based on the findings and recommendations of the consulting engineer and geologist, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by these consultants as conforming to their recommendations, as noted in **Special Condition Number Six** for the final project design, grading, and drainage plans for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Las Flores Creek. The applicant has submitted a Landscape and Preliminary Fuel Modification Plan for the proposed development. These plans incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans also illustrate that vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on-site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species. **Special Condition Number Two** requires that this Fuel Modification Plan be revised to reflect the proposed revised project and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau as a Final Plan.

The proposed project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion,

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affect site stability, and impact downslope water quality in the ESHA designated Las Flores Creek. As a result, site drainage needs to be collected and distributed in a non-erosive manner. Because of the slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. The applicants have submitted a storm water runoff control plan to partially address this issue. To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions Numbers Two and Six**, to submit drainage / erosion control plans conforming to the recommendations of the consulting geologist and engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped primarily with appropriate native plant species, as specified in **Special Condition Number Two**.

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

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for

frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated. The subject site burned in the 1993 Malibu fire.

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 the Wildfire Waiver of Liability special condition, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by **Special Condition Number One.**

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

D. Visual Resources.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The applicants propose to construct a 30 foot high, two story, 1,609 sq. ft. single family residence with two car 413 sq. ft. garage, driveway, water tank and lines, septic system, temporary residential trailer, and 900 cubic yards of grading on a 2.36 acre sloping parcel near Saddle Peak Road at an elevation 1,950 above sea level (Exhibits 1 and 2). The project site includes a rough graded building site that is proposed to be used to construct a residence and garage.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. Saddle Peak Road, north and east of the site is recognized as a "second priority scenic highway" with ocean vistas, deep valleys and canyons, and rugged mountains as the features of scenic vistas. However, this scenic highway designation is the result of the visibility of public views along the significant ridgeline designated in the Malibu Santa Monica Mountains Land Use Plan. The project site is on the south facing slope of a southwesterly descending ridge about thirty feet below the top of this ridgeline and well below Saddle Peak Road. The proposed residence is not visible from Saddle Peak Road. Further, the project

site is not located within a designated "Viewshed" on the Visual Resources Map which is part of the certified Malibu/Santa Monica Mountains Land Use Plan.

The Commission examines the building site, the proposed grading, and the size of the building pad and proposed structures. The development of the residence and garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails or lands will be impacted.

The staff conducted a visual review of the proposed residence and garage from public roads in the vicinity of the project site. A review of the public locations from where the proposed structures will be visible indicate that the proposed structures will be limited in size due to the distance. The proposed development is also visible from the public locations noted below against the backdrop of an existing residence and garage (Coastal Permit No. 4-99-132, Rauls) located on the adjacent lot to the north. This adjacent residence and garage is located as close as 70 feet from the proposed garage at an finished grade elevation of about 30 feet higher on the top of the southwesterly trending ridge top. The proposed residence includes a maximum height of 30 feet, which the peak is proposed to be located below the same elevation as the finished grade of the existing residence behind it. Staff's review concludes that the proposed residence and garage will be visible from portions of the following roadways: from the west, Schueren Road between Puma Road and Tabard Road; Las Flores Canyon Road between Rambla Pacifico and Manzanita Park Avenue; from the south, the upper portion of Briarbluff below Azurelee Drive; the upper portion of Hume Road near Rambla Pacifico, and from the east along a portion of Las Flores Heights Road near the Tuna Canyon Road. (See Exhibit 8)

The proposed residence and garage will not be visible from Saddle Peak Road, the public road closest in proximity, due to the southwesterly trending ridge line and other intervening topography. Swenson Drive and Little Las Flores Road are private roads, except for the Tuna Canyon Trail located on a portion of Swenson Drive noted below, which are not an issue relative to public views.

Regarding public trails, the proposed residence and garage will be visible from portions of the Tuna Canyon Trail (Exhibits 9 and 10) which is located to the west as close as about 500 feet (along the portion traversing Swenson Drive) and to the south as close as about 900 feet (along the portion located below Little Las Flores Road. The project site appears to be visible from portions of this trail to the northeast, east and southeast. The project site does not appear to be visible from land owned by the Santa Monica Mountains National Recreation Area located along Las Flores Canyon Road due to an intervening slope.

The applicants propose to construct the residence at a maximum height of 30 feet above the finished grade; the maximum height will be located at the 1,981 foot elevation level. The residence will be cut into the slope below the top of the ridge with a finished floor at elevation 1,951 feet. The proposed garage will also be cut into the slope with a maximum height of ten feet from the south elevation on the down slope portion of the structure. There are also a few other larger residences located in the

general vicinity of the project site. As noted above, there is an existing residence and garage on the adjoining parcel to the north located on the top of the southwesterly trending ridge with a maximum elevation of about 30 feet, 9 inches (Coastal Permit No. 4-99-132, Rauls). The subject residence and garage will be visible against the backdrop of this ridge, and will be visible from public locations below the site as being located below the top of the ridge and also below the Raul residence, just above the subject site. To the north west of the project site is another existing residence well below the ridge of Saddle Peak and west of Swenson Road, the Bolanowski residence now under construction. To the south of the project site are two residences along Little Las Flores Road. The Commission approved the construction of a residence northwest of the subject site at the April 12, 2000 Commission meeting (Coastal Permit No. 4-98-004, Bolanowski), and two residences located to the south at the June 13, 2000 Commission meeting (Coastal Permit No. 4-00-064, Mastoras) and at the November 16, 2000 meeting (Coastal Permit No. 4-00-087, Sheldon & Berger). The Commission also approved a residence, guest house and caretakers residence on a parcel located across Swenson Drive to the west of the subject site (Coastal Permit No. 4-02-110, Khalsa).

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded and restored areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. The applicant has submitted a preliminary Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the Plan indicates that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway will be cleared and replaced with native plant species that are less flammable. As required by **Special Condition Number Two**, the disturbed and restored areas will be replanted with native plants. As required by **Special Condition Number Two**, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from public trail located to the south, east, and north.

In order to ensure that the structural appearance, i.e. color of the structures, roofs, retaining walls, and driveway and the potential glare of the glass windows, will not create adverse visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by **Special Condition Number Eight**. In addition, **Special Condition Number Eight** requires that night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the night time rural

Roda

character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Finally, **Special Condition No. Nine** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

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

E. Septic System

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

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

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

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds

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

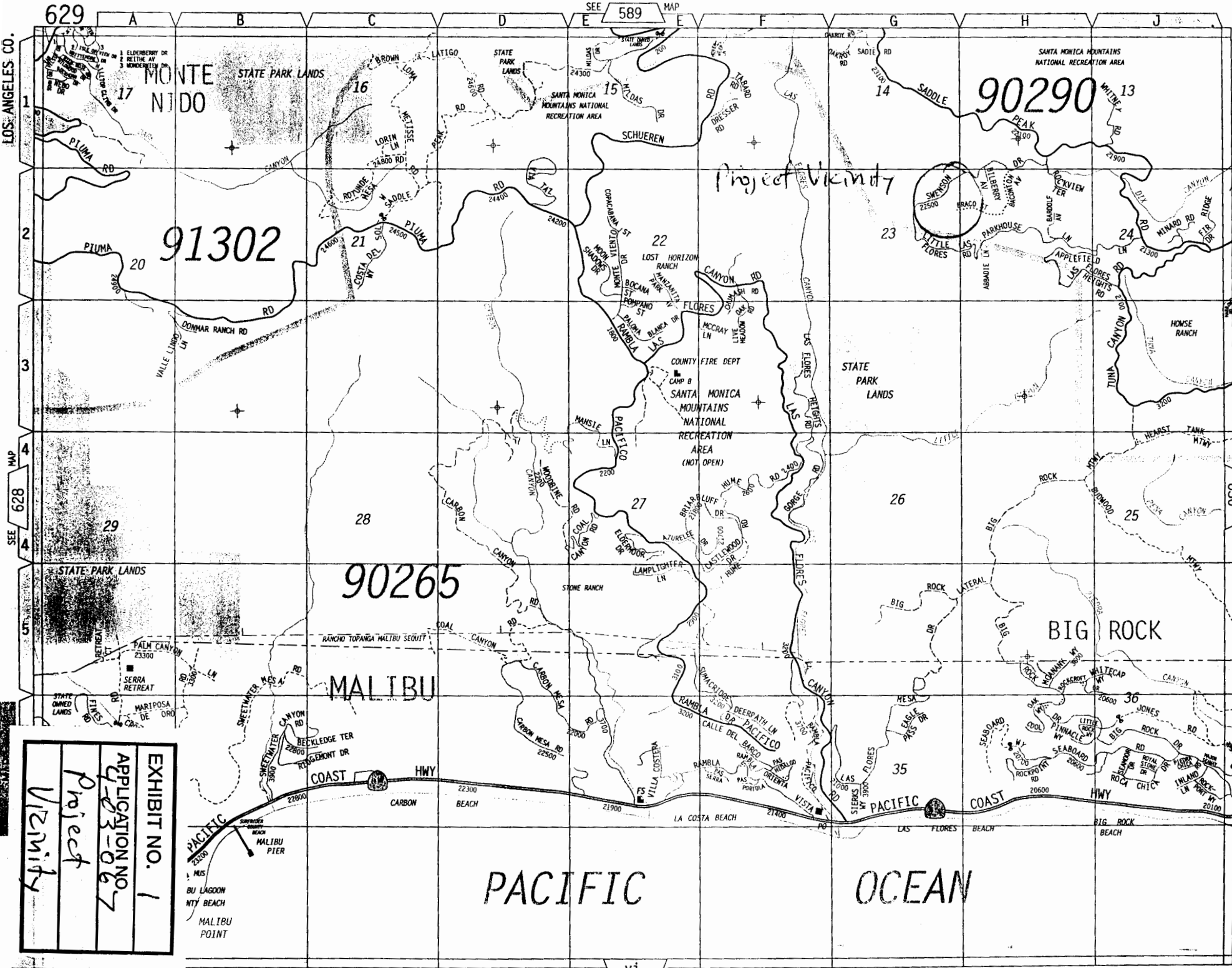
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

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

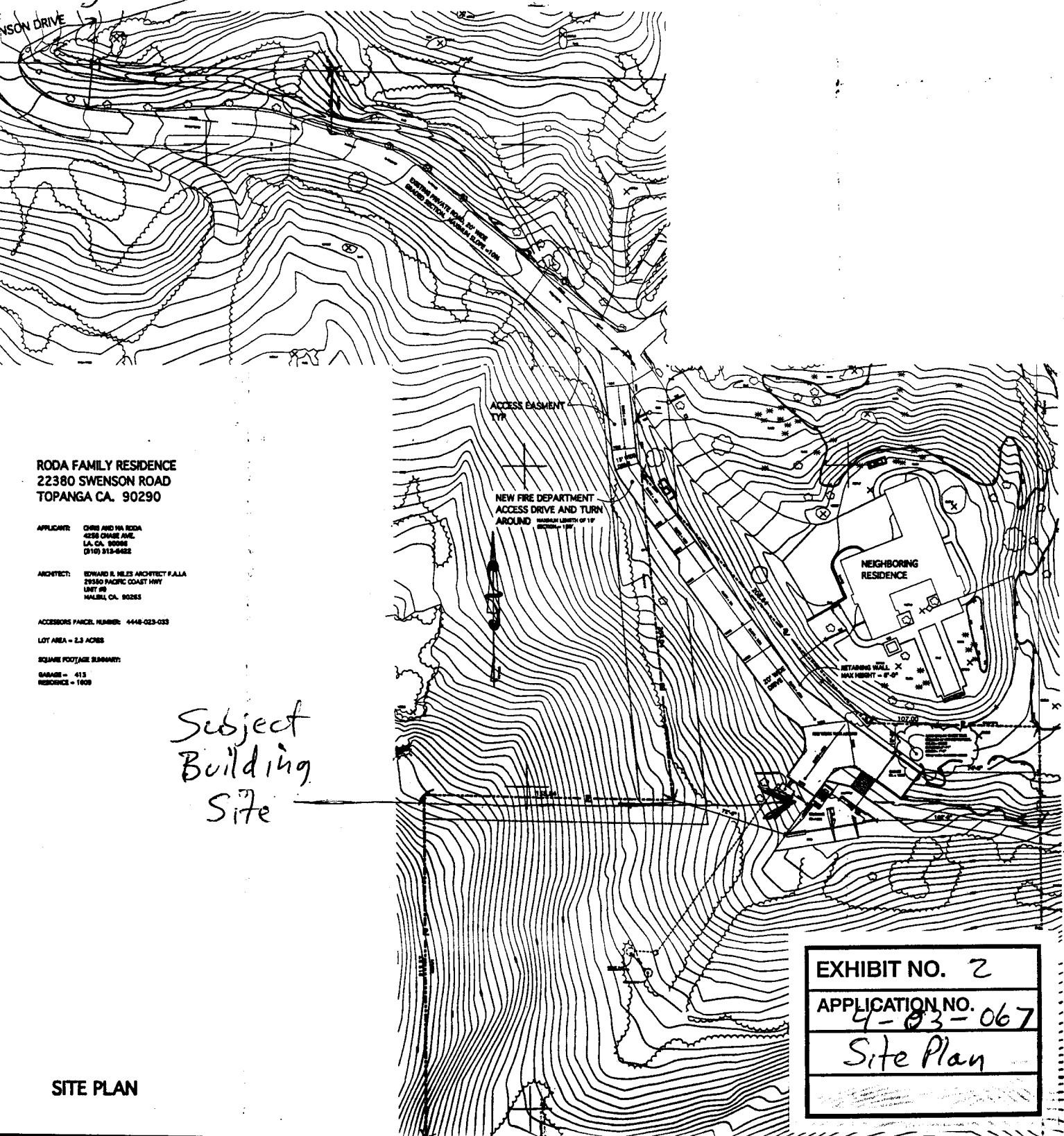
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be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

403067rodareport



Project Vicinity	EXHIBIT NO. 1
	APPLICATION NO. 4-03-067

SWENSON DRIVE



RODA FAMILY RESIDENCE
22380 SWENSON ROAD
TOPANGA CA. 90290

APPLICATOR: CHS AND WA BZDA
4256 CHASE AVE.
LA, CA. 90008
(310) 313-6432

ARCHITECT: EDWARD H. HILES ARCHITECT P.A.A.
29550 PACIFIC COAST HWY
UNIT #9
MALIBU, CA. 90265

ACCESSORS PARCEL NUMBER: 4448-023-033

LOT AREA - 2.3 ACRES

SQUARE FOOTAGE SUMMARY:

GARAGE - 415
RESIDENCE - 1600

Subject
Building
Site

SITE PLAN

EXHIBIT NO. 2
APPLICATION NO.
4-03-067
Site Plan

EDWARD H. HILES ARCHITECT P.A.A.
29550 PACIFIC COAST HWY.
UNIT #9
MALIBU, CALIFORNIA 90265
1/11/03

RODA FAMILY RESIDENCE
22380 SWENSON ROAD

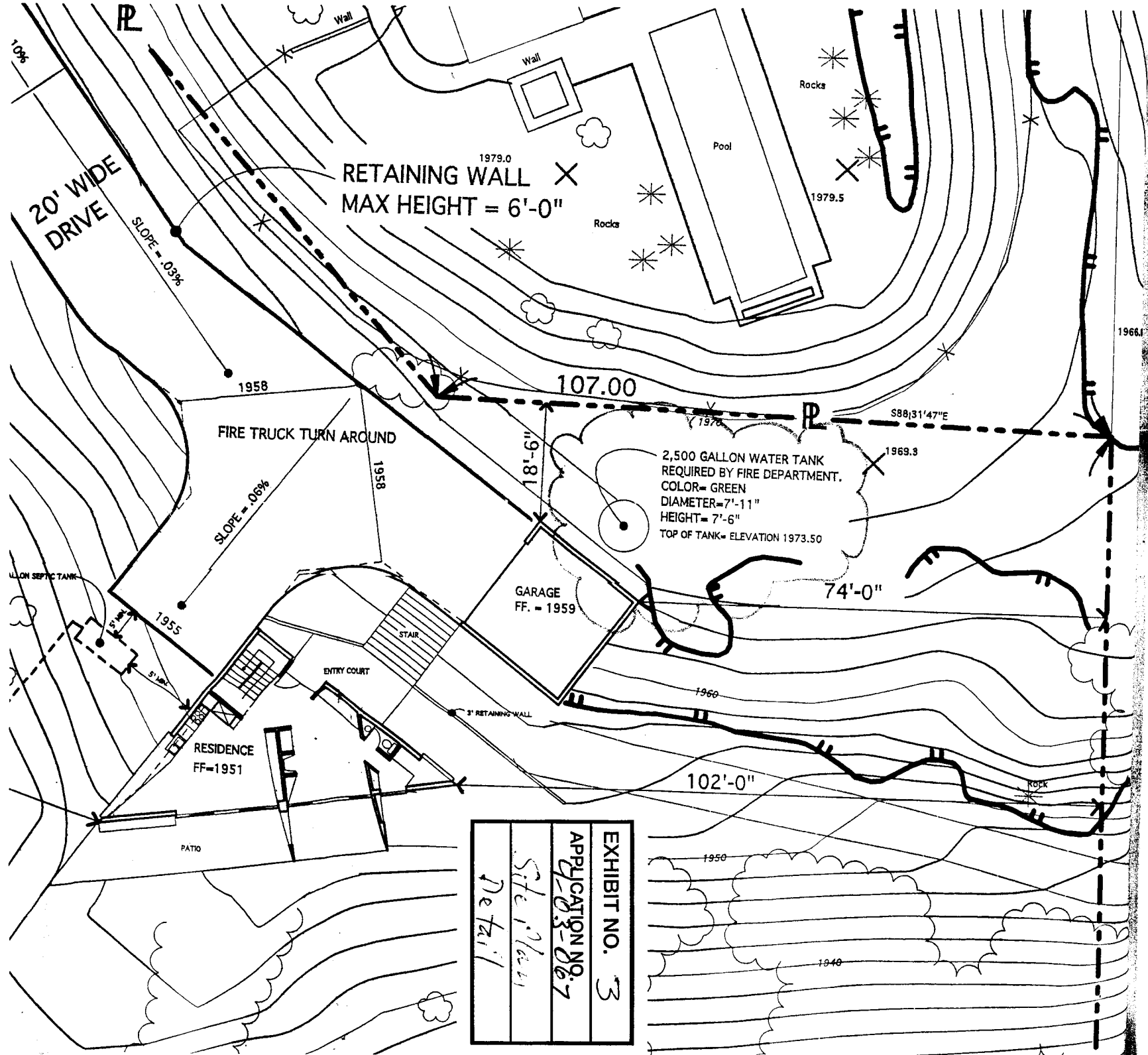
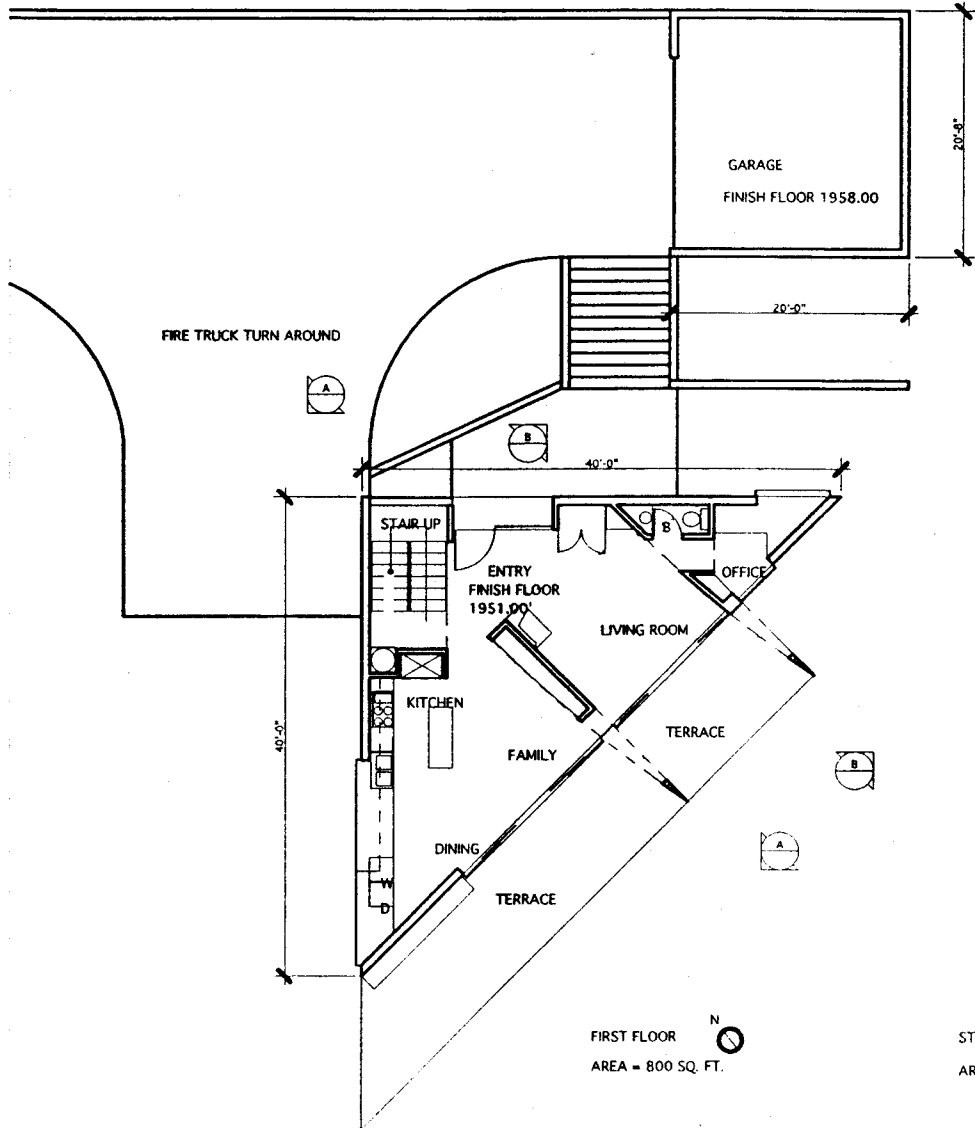
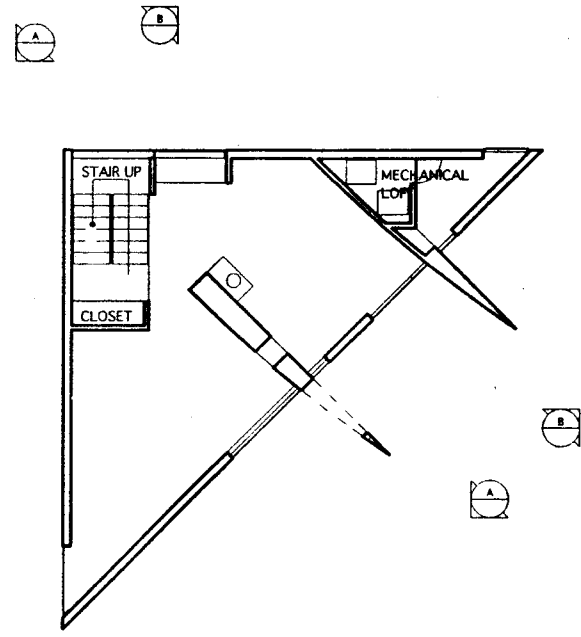


EXHIBIT NO. 3
APPLICATION NO. 2-83-287
Site Plans
Detail

EXHIBIT NO. 4
APPLICATION NO. 03-067
Floor Plans



FIRST FLOOR
 AREA = 800 SQ. FT.



STAIR INTERMEDIATE LANDING AND MECHANICAL LOFT
 AREA = 90 SQ. FT.

EDWARD R. NILES ARCHITECT F.A.I.A.
 29350 PACIFIC COAST HWY #9
 MALIBU, CA. 90265
 (310) 457-3602

RODA FAMILY RESIDENCE
 22380 SWENSON ROAD
 TOPANGA, CA. 90290

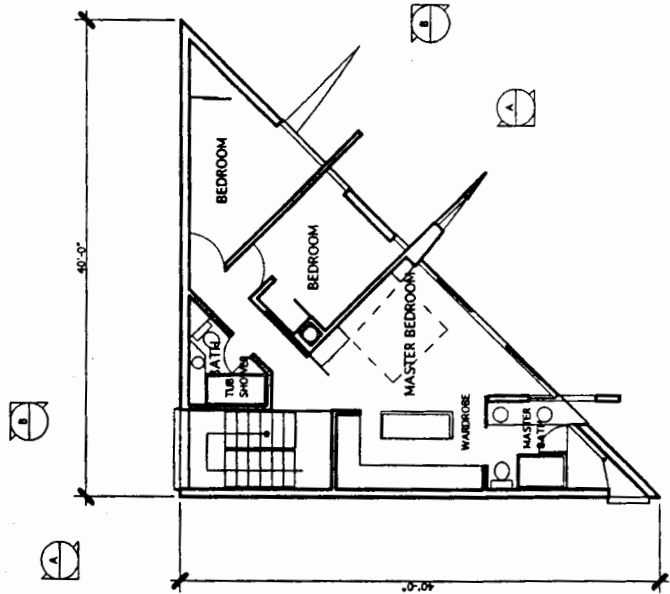
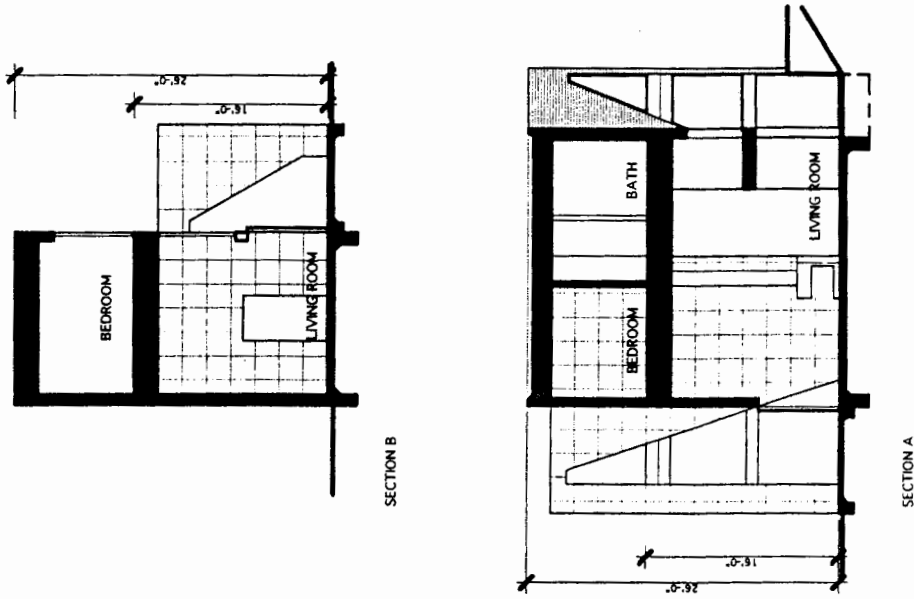
1/16" = 1'-0"

EDWARD R. NILES ARCHITECT F.A.A.
 29350 PACIFIC COAST HWY #9
 MALIBU, CA. 90265
 (310) 457-3602

RODA FAMILY RESIDENCE
 22380 SWENSON ROAD
 TOPANGA, CA. 90290

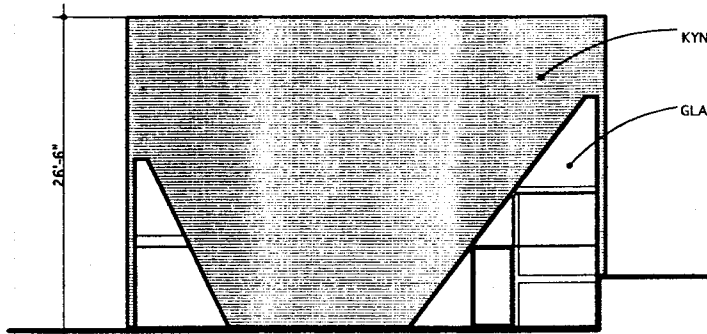
1/16" = 1'-0"

3



N
 SECOND FLOOR
 FLOOR AREA: 719 SQ. FT.

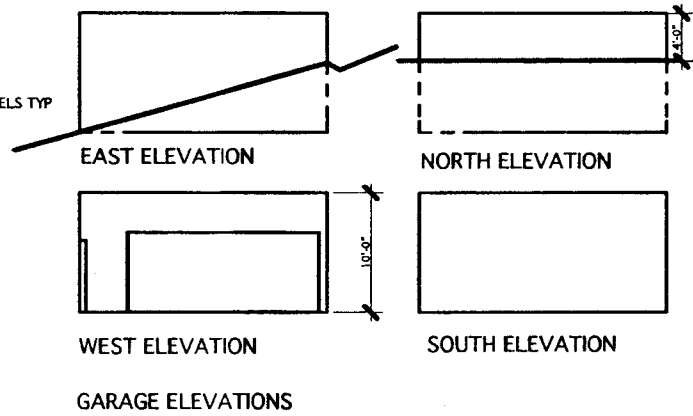
EXHIBIT NO. 5
APPLICATION NO. 4-03-067
Second Floor



KYNAR FINISH ALUMINUM PANELS TYP

GLAZING TYP

26'-6"



EAST ELEVATION

NORTH ELEVATION

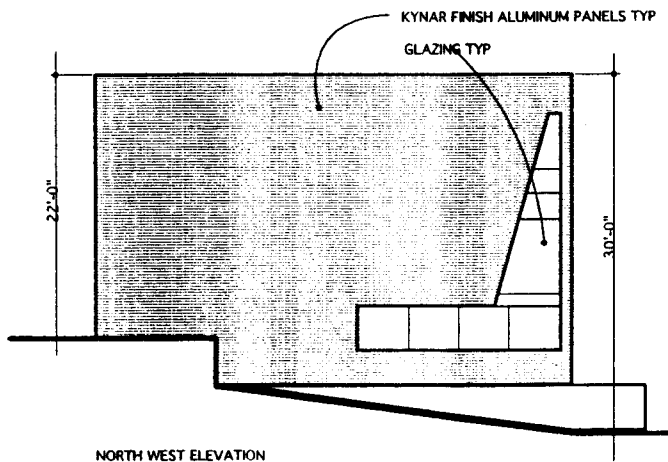
WEST ELEVATION

SOUTH ELEVATION

GARAGE ELEVATIONS

10'-0"

NORTH EAST ELEVATION



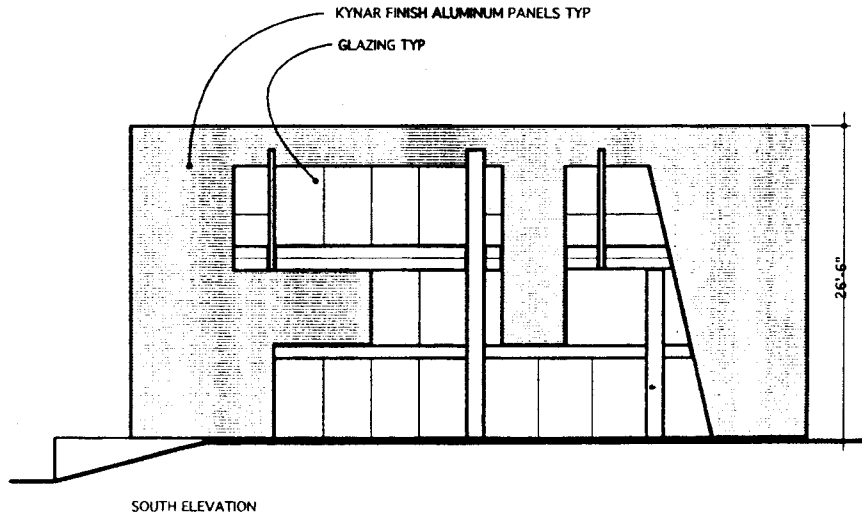
KYNAR FINISH ALUMINUM PANELS TYP

GLAZING TYP

22'-0"

30'-0"

NORTH WEST ELEVATION



KYNAR FINISH ALUMINUM PANELS TYP

GLAZING TYP

26'-6"

SOUTH ELEVATION

EXHIBIT NO.	6
APPLICATION NO.	4-23-067
Elevations	

EDWARD R. NILES ARCHITECT F.A.I.A.
29350 PACIFIC COAST HWY #9
MALIBU, CA. 90265
(310) 457-3602

RODA FAMILY RESIDENCE
22380 SWENSON ROAD
TOPANGA, CA. 90290

1/11 2007

CALIFORNIA COASTAL COMMISSION

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



November 7, 2003

Jeffrey & Lyn Rauls
 22370 Swenson Drive
 Topanga, CA 90290-3471

RE: Coastal Development Permit Application No. 4-03-067, Chris & Ha Roda, 22380 Swenson Drive, Topanga, CA

Dear Jeffrey & Lyn Rauls;

This office has received a request to process Coastal Permit Application Number 4-03-067 from Chris & Ha Roda to construct a 30 foot high, two story, 1,609 sq. ft. single family residence with two car 413 sq. ft. garage, driveway, water tank and lines, septic system, temporary residential trailer, and 900 cubic yards of grading.

The project site is located at 22380 Swenson Drive Malibu, CA. The application is filed and scheduled for a public hearing at the Coastal Commission's December 9-12, 2003 meeting in San Francisco.

Coastal Act Section 30601.5 states as follows:

All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

Because our records in the application file indicate that you are the owner of a fee interest in the property across which a portion of the driveway and water line improvements are proposed, the Commission is notifying you of this application pursuant to Section 30601.5. With this letter, staff are inviting you to join this application as a co-applicant if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter. If you have any questions or need further information about this application or the proposed project before you sign and return this letter, please call me or Jack Ainsworth at the number above or call the applicants at 310-313-6422.

Sincerely,

James Johnson
 Coastal Program Analyst

AGREED:

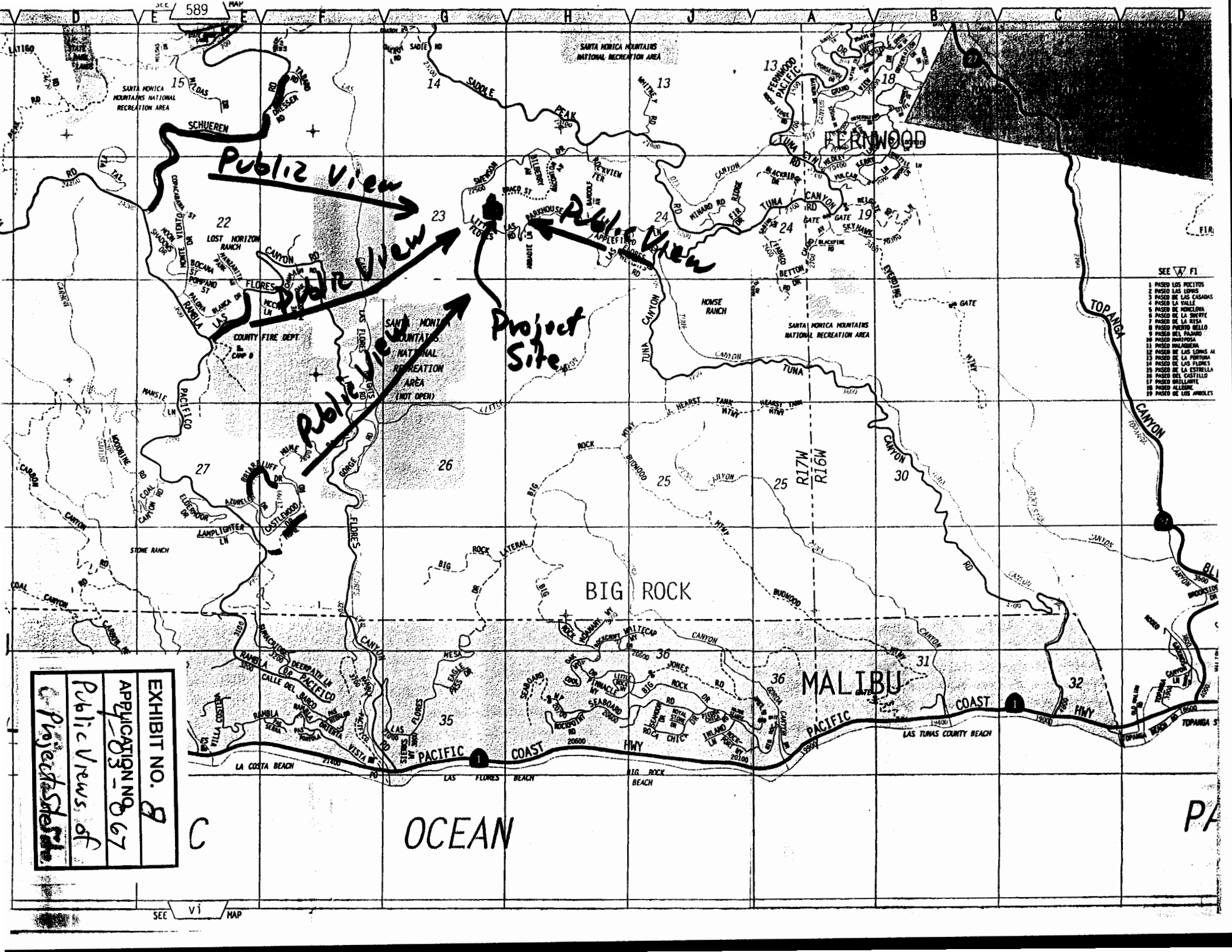
 Names (Print)

 Signatures

 Property Address

cc: Chris & Ha Roda
 403067rodacoapplicantletter

EXHIBIT NO. 7
APPLICATION NO. 4-03-067
Co-Applicant
Letter



Public View

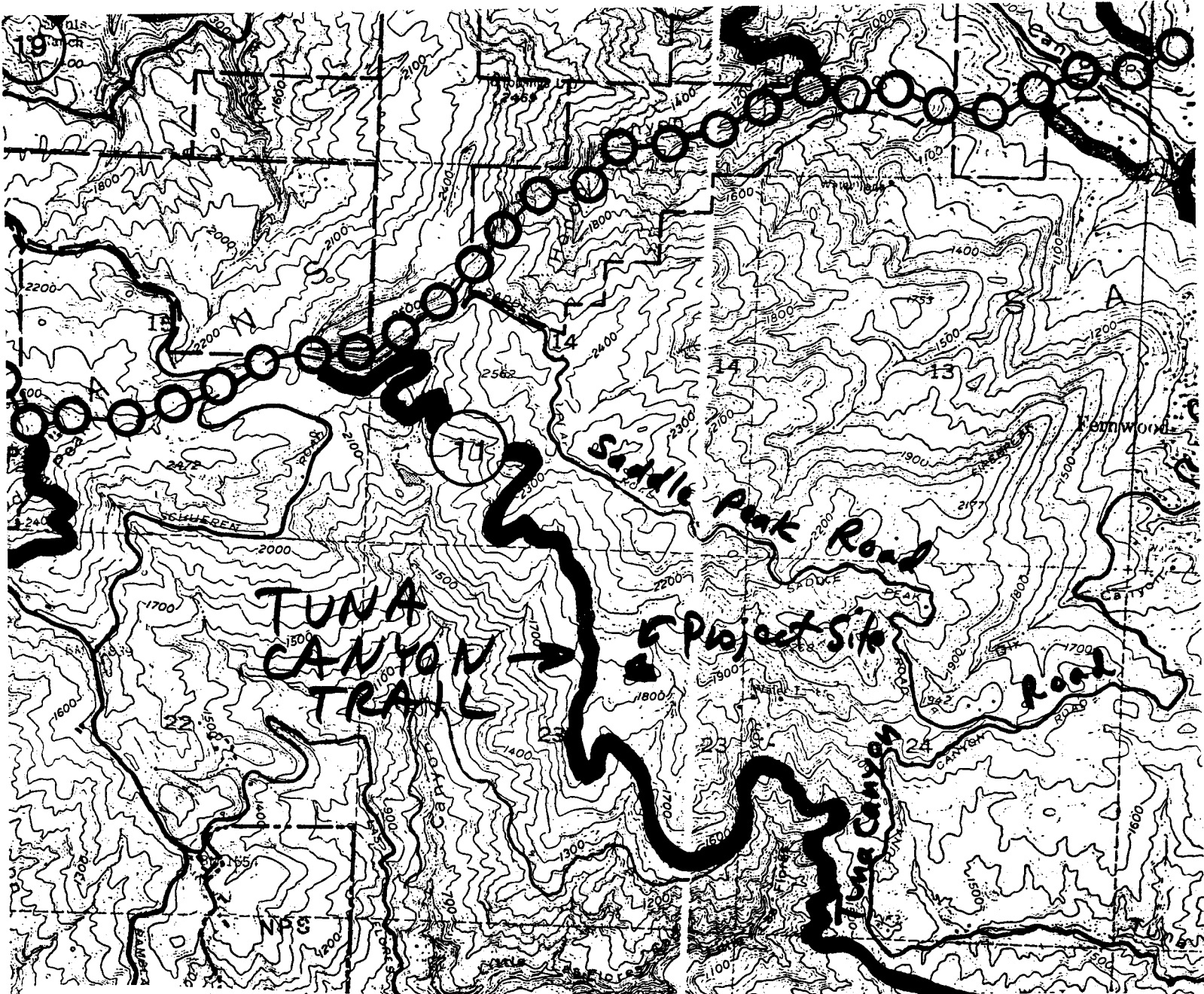
Public View

Public View

Project Site

- SEE VI
- 1 PASO LOS POCITOS
 - 2 PASO LAS LOMAS
 - 3 PASO DE LAS CASAS
 - 4 PASO LA VALLE
 - 5 PASO DE MONTELOVA
 - 6 PASO DE LA TRINITY
 - 7 PASO DE LA RISA
 - 8 PASO PUERTO BELLO
 - 9 PASO DEL PANCHO
 - 10 PASO PARROQUIA
 - 11 PASO MALDENIA
 - 12 PASO DE LAS LOMAS AL
 - 13 PASO DE LA PORTANA
 - 14 PASO DE LAS FLORES
 - 15 PASO DE LA ESTRELLA
 - 16 PASO DEL CASTILLO
 - 17 PASO MILLANTE
 - 18 PASO ALLEGR
 - 19 PASO DE LOS ANJOS

EXHIBIT NO. 8
 APPLICATION NO. 867
 Project Sites
 Public Views of



malibu/santa mountains TRAIL SYSTEM

- BACKBONE TRAIL
- ③ MAJOR FEEDER TRAIL
- 11 TUNA CANYON TRAIL

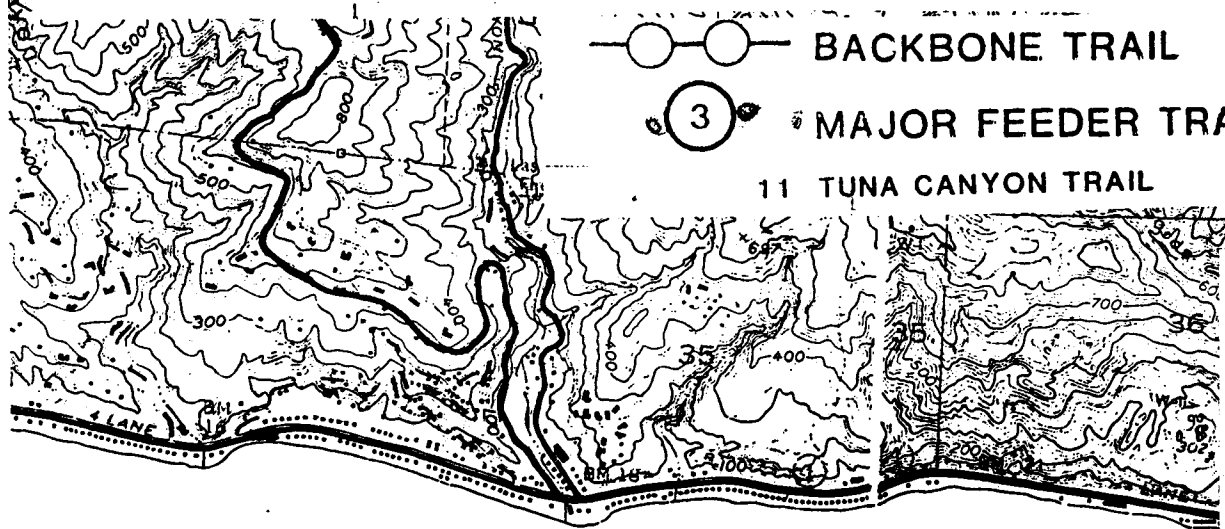
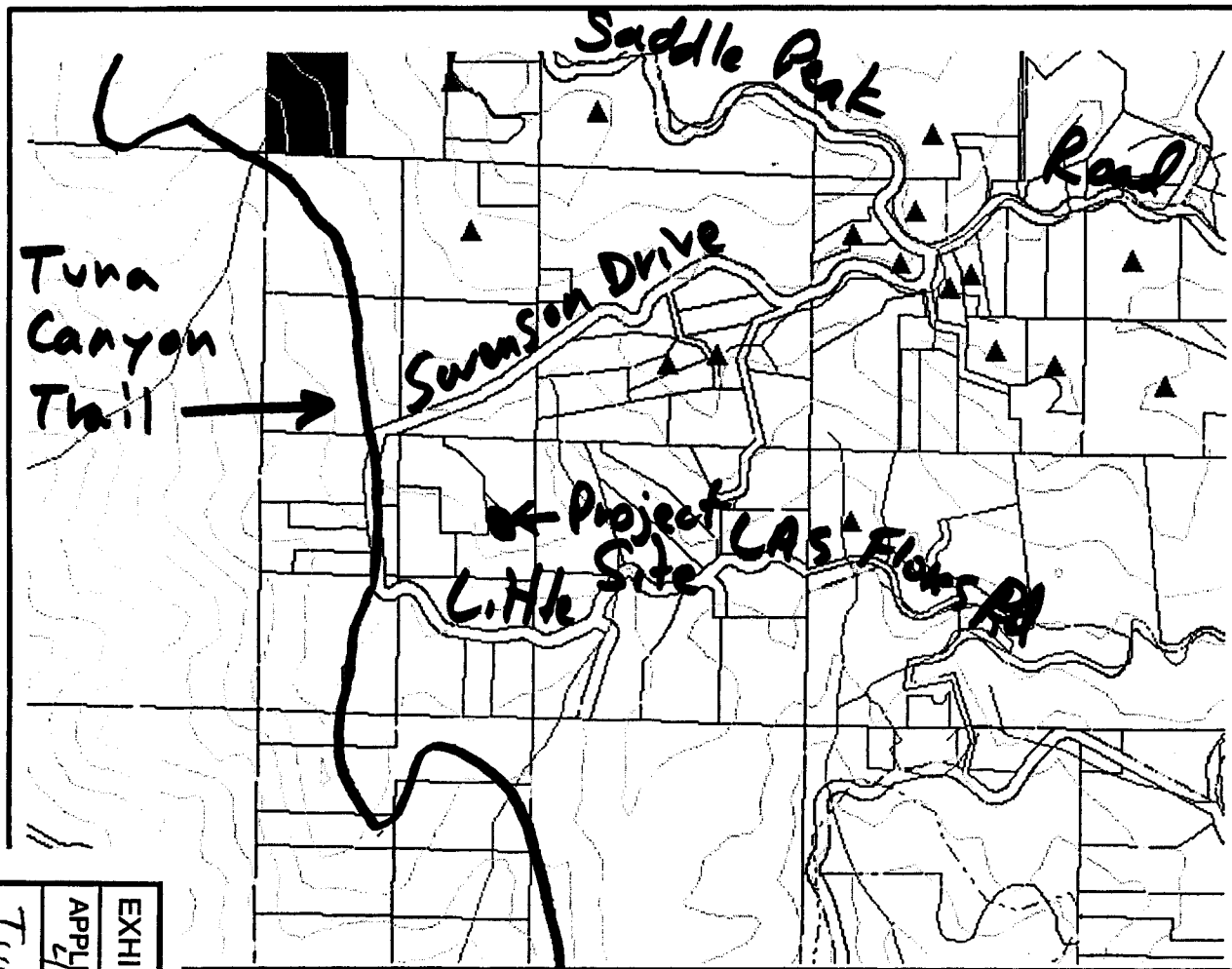


EXHIBIT NO. 9
APPLICATION NO. 4-03-067
Trail
System

tuna canyon trail



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

EXHIBIT NO. 10
APPLICATION NO. 7-C3-067
Tuna Canyon Trail