

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Filed: 2/26/04
180th Day : 8/24/04
Staff: J Johnson
Staff Report: 5/19/04
Hearing Date: 6/9/04
Comm Action:

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-03-110

APPLICANTS: Hossein Kia

PROJECT LOCATION: 26074 Mulholland Highway, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construct a 15 foot high one story, 1,759 sq. ft. prefabricated single family residence with a concrete foundation with no grading or garage located on approved existing graded site with septic system, drainage and retaining wall.

Lot area:	2.66 acres
Building coverage:	1,750 sq. ft.
Pavement coverage:	300 sq. ft.
Landscape coverage:	0.1 acres
Parking spaces:	2
Ht abv fin grade:	15 ft.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with special conditions relating to incorporation of geologic recommendations, landscaping and erosion control, drainage and polluted runoff control, wildfire waiver. The proposed project is located on parcel located south of Mulholland Highway and west of Cold Canyon Road and is accessed along a private driveway to the subject site. The subject site was approved with a Coastal Permit and an Amendment was issued (CDP 5-96-393-A, New York Construction) for a 4,993 sq. ft. single family residence and four car garage with 650 cubic yards of cubic and 520 cubic yards of fill. The site was graded and a retaining wall and septic system were constructed as approved but no residence was constructed on the site. The applicant now proposes to construct a modest sized residence on the existing graded pad. As conditioned, the proposed project will be consistent with the applicable policies of the Coastal Act.

LOCAL APPROVALS RECEIVED: Los Angeles County Approval in Concept.**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan; Up-Grade Soils Engineering Report, dated December 6, 2003, by Sampson

and Associates; Soils and Engineering Report for Proposed new Single Family Residence, dated April 10, 2004 by Sampson and Associates; Coastal Permit No. 5-86-393 (Kerslake); Coastal Permit No. 4-03-067 (Roda); Coastal Permit No. 4-03-059 (Abshier & Nguyen).

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No 4-03-110 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMITS:

The Commission hereby approves the Coastal Development Permits 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 permits complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

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

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

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

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

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

III. **Special Conditions**

1. **Plans Conforming to Geotechnical Engineer's Recommendations**

All recommendations contained in the Up-Grade Soils Engineering Report, dated December 6, 2003, by Sampson and Associates; Soils and Engineering Report for Proposed new Single Family Residence, dated April 10, 2004 by Sampson and Associates, shall be incorporated into all final design and construction, including recommendations concerning foundations, floor slabs and drainage, and must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. **Landscaping and Erosion Control Plans**

Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the following criteria:

A) Landscaping Plan

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of completion of the proposed development. To minimize the need for irrigation and to screen and soften the visual impact of development, landscaping shall consist of primarily 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, and shall be compatible with the character of the surrounding native environment. Invasive,

non-indigenous plant species that tend to supplant native species shall not be used. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site. The plan shall include trees and shrubs to partially screen the residence from the Calabasas – Cold Creek Trail located to the west, north and east of the residence's building site. All site fencing and any gates located on the graded pad area shall be identified on the final plan.

All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains, compatible with the surrounding environment, using accepted planting procedures, and consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed and graded soils;

- 2) 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;
- 3) 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(s) to the Coastal Development Permit(s), unless the Executive Director determines that no amendment is required.
- 4) Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the sites shall be clearly delineated on the project site with fencing or survey flags.

- 2) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five (5) years from the date of completion of the proposed development, 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 assesses the on-site landscaping and certifies whether it 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 these permits, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The supplemental landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The permittee shall implement the remedial measures specified in the approved supplemental landscape plan.

3. 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, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

4. Drainage and Polluted Runoff Control Plan

Prior to the 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 amendment(s) or new Coastal Development Permit(s) are required to authorize such work.

5. COLOR RESTRICTION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures, including the driveway pavement authorized by the approval of coastal development, permit 4-03-110. The palette samples shall be presented in a format not to exceed 8 1/2" X 11" X 1/2" in size. The palette shall include the colors proposed for the all of the roofs, trims, exterior surfaces, retaining walls, driveway, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones). Including shades of green, brown and gray with no white or light shades, galvanized steel, and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit No. 4-03-110 if such changes are specifically authorized by the Executive Director as complying with this special condition.

6. FUTURE DEVELOPMENT RESTRICTION

This permit is only for the development described in Coastal Development Permit No. 4-03-110. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall **not** apply to the entire property. Accordingly, any future improvements to the entire property, including but not limited to the residence, fencing, gates, grading, and clearing of additional vegetation, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two (2), shall require an amendment to Permit No. 4-03-110 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. 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 and garages that are 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 driveway. 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 other areas, and no lighting for aesthetic purposes is allowed.

8. 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a 15 foot high one story, 1,759 sq. ft. prefabricated single family residence with a concrete foundation with no grading or garage located on approved existing graded site with septic system, drainage and retaining wall located on

an existing 2.66 acre lot within a subdivision south of Mulholland Highway west of Cold Canyon Road (Exhibits 1 – 5). The proposed project site is located at the end of a private road leading across six parcels north to Mulholland Highway.

The subject parcel was originally approved by the Commission in Coastal Permit No. P-78-3444 which subdivided a 10-acre parcel into four approximate 2 ½ acre parcels. Subsequently, Coastal Permit No. P-81-7889 was approved by the Commission for the grading of building pads and private roadways and the installation of drainage devices to serve the newly created parcels. Los Angeles County Parks and Recreation Department has planned the Calabasas – Cold Creek Trail to traverse west to east along two routes in the vicinity of the subject parcel (Exhibit 6). One of the special conditions of approval required an offer to dedicate an easement to provide for a hiking/equestrian trail access across the northwest slope of the property (Exhibit 7). This portion of the trail is known as the Calabasas – Cold Creek Trail. There are two routes along this trail traversing west to east in this area, the southern route is steeper than the northern route. In 1986, the Commission approved a new residence on the subject parcel consisting of a one story 2,573 sq. ft. single family residence with a septic tank and leach field. The Commission approved Coastal Permit No. 5-86-393 (Kerslake) with a special condition requiring an offer to dedicate an easement for the hiking/equestrian trail access to clarify that a portion of this trail was located on the subject parcel as identified in Exhibit 7.

The subject parcel is beyond and located to the west of the Cold Creek Management Area. The site does not include any significant native vegetation, as it appears the majority of it was removed as a result the grading completed for the building site and driveway approved to create the subject parcel.

B. Hazards and Geologic Stability

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

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

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

Geology

The proposed project site consists of a graded parcel with a building pad and a retaining wall along the base of a slope on the eastern portion of the property. The applicant has submitted the Up-Grade Soils Engineering Report, dated December 6, 2003, by Sampson and Associates and Soils and Engineering Report for Proposed new Single Family Residence, dated April 10, 2004 by Sampson and Associates, address the geologic conditions on the site. The engineer and geologist consultants have found the geology of the proposed project site to be suitable for the construction of the proposed residence. They have identified no landslides or other geologic hazards on the site. The engineer and geotechnical engineering consultants conclude that:

This letter is to verify that the subject property is considered a suitable site for the proposed development from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed development will be safe against hazards from landslides, settlement or slippage, and that the proposed grading and development will not have an adverse effect on the geologic stability of the property outside the building site provided our recommendations are followed during construction.

The engineer and geologist consultants conclude that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Geotechnical Report contains several recommendations to be incorporated into the project construction regarding; foundations, floor slabs and drainage plan review, to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition No. 1**, requires the applicant to submit project plans certified by the consulting engineer and geologist as conforming to all structural and site stability recommendations for the proposed projects. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed developments, as approved by the Commission, which may be recommended by the consultants shall require an amendment to the permit or a new coastal development permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will minimize erosion and add to the geologic stability of the project sites. To ensure that adequate drainage and erosion control are included in the proposed developments the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consultants, as specified in **Special Conditions Nos. 2 and 4**. **Special Condition No. 4** requires the applicants to maintain a functional drainage system at the subject sites to insure that run-off from the project sites is diverted in a non-erosive manner to minimize erosion at the sites for the life of the proposed developments.

Should the drainage system of the project sites fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of **Special Condition No. 4**.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. 2** requires the applicant to submit and implement landscaping plans that utilize and maintain native and noninvasive plant species compatible with the surrounding area in order to revegetate all graded or disturbed areas.

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 notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion.

The Commission finds that the proposed project, as conditioned, will minimize potential geologic hazards of the project site and adjacent properties.

Wild Fire

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

Due to the fact that the proposed projects are located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition No. 3**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition No. 3**, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted projects.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Water Quality

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

Section 30231 of the Coastal Act states:

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

As described in detail in the previous sections, the applicant is proposing the construction of a single-family residence on an existing graded building pad that drains to a drainage area, designated as a blueline stream, located to the east of the site. To the southeast of the project site, this tributary joins Malibu Creek, which is also a designated blue-line stream. The project site is considered a "hillside" development, as it involves sloping hillside terrain with soils that are susceptible to erosion.

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

coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 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 No. 4**, and finds this will ensure the proposed developments will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. 2** is necessary to ensure the proposed developments will not adversely impact water quality or coastal resources.

Finally, the proposed developments include the installation of on-site private sewage disposal systems to serve the residences. The applicant's geologic consultants conducted percolation tests on the site as noted in the report "Up-Grade Soils Engineering Report", dated December 6, 2003 by Sampson and Associates. On the basis of prior tests, the septic system was designed to utilize seepage pits located in the western portion of the site. The County of Los Angeles, Department of Health Services, has given in-concept approval of the use of the existing septic system, dated 10/20/00, determining that the system meets the requirements of the plumbing code. The

Commission has found that conformance with the provisions of the plumbing code is protective of coastal resources.

For the reasons set forth above, the Commission finds that the proposed projects, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, are consistent with Section 30231 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 applicant proposes to construct a 15 foot high one story, 1,759 sq. ft. prefabricated single family residence with a concrete foundation with no grading or garage located on approved existing graded site with a septic system, drainage and retaining wall.

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 Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence raise 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 will be impacted. Although Mulholland Highway is recognized as a number 1 priority scenic highway, the project will not be visible to the public from this Highway (Exhibits 6 & 7). A public trail encircles the subject parcel and is located to the west, north and east of the project site. The Calabasas - Cold Creek Trail traverses west to east along two routes connecting Mulholland Highway and Kanan Dume Road on the west to the Stokes Ridge Trail on the east (Exhibit 6). A small portion of this trail is located on the northwest portion of the subject parcel approximately 20 to 40 feet below the elevation of the building pad which is at 770 feet above sea level. It is important to note that there are three residences located on the adjacent parcel to the west, north and northeast of the subject parcel.

Because the site and proposed structure will be visible from the Calabasas - Cold Canyon Trail located to the west, south and east, mitigation to address potential visual impacts is needed for the site and structure. The proposed one story residence will be less visually intrusive through the use of earth tones for the structures and roof while

non-glare glass will help the structure blend in with the natural setting. The Commission finds it necessary to impose **Special Condition No. 5** to restrict the color of the subject structure to those compatible with the surrounding environment and prohibit the use of white tones, while requiring the use of non-glare glass windows.

The Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the environmental constraints discussed above. To ensure that any future additions to the permitted structures, which would otherwise be exempt from coastal permit requirements, are reviewed for consistency with Section 30251 of the Coastal Act, the Commission finds, that it is necessary to require that all future additions or improvements to the permitted structures, or any future development on the subject parcel, will require a permit or permit amendment, as required by **Special Condition No. 6**.

Further, 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 or disturbed areas reduces the adverse effects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs, and soften the appearance of development within areas of high scenic quality. **Special Condition No. 2** requires that the landscape plan be completed within sixty days of residential occupancy with trees and shrubs to partially screen the development from the west, north, and east. The planting coverage shall also be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.

The Commission has found that night lighting of areas in the Malibu / Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, in order to protect the night time rural character of this portion of the Santa Monica Mountains, consistent with the scenic and visual qualities of this coastal area, the Commission limits the nighttime lighting of the property and residence to that necessary for safety as outlined in **Special Condition No. 7**.

Special Condition No. 8 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 and thus, is consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed developments 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 developments, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. CEQA

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

The Commission finds that the proposed projects, 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.

403110kiareportfinal

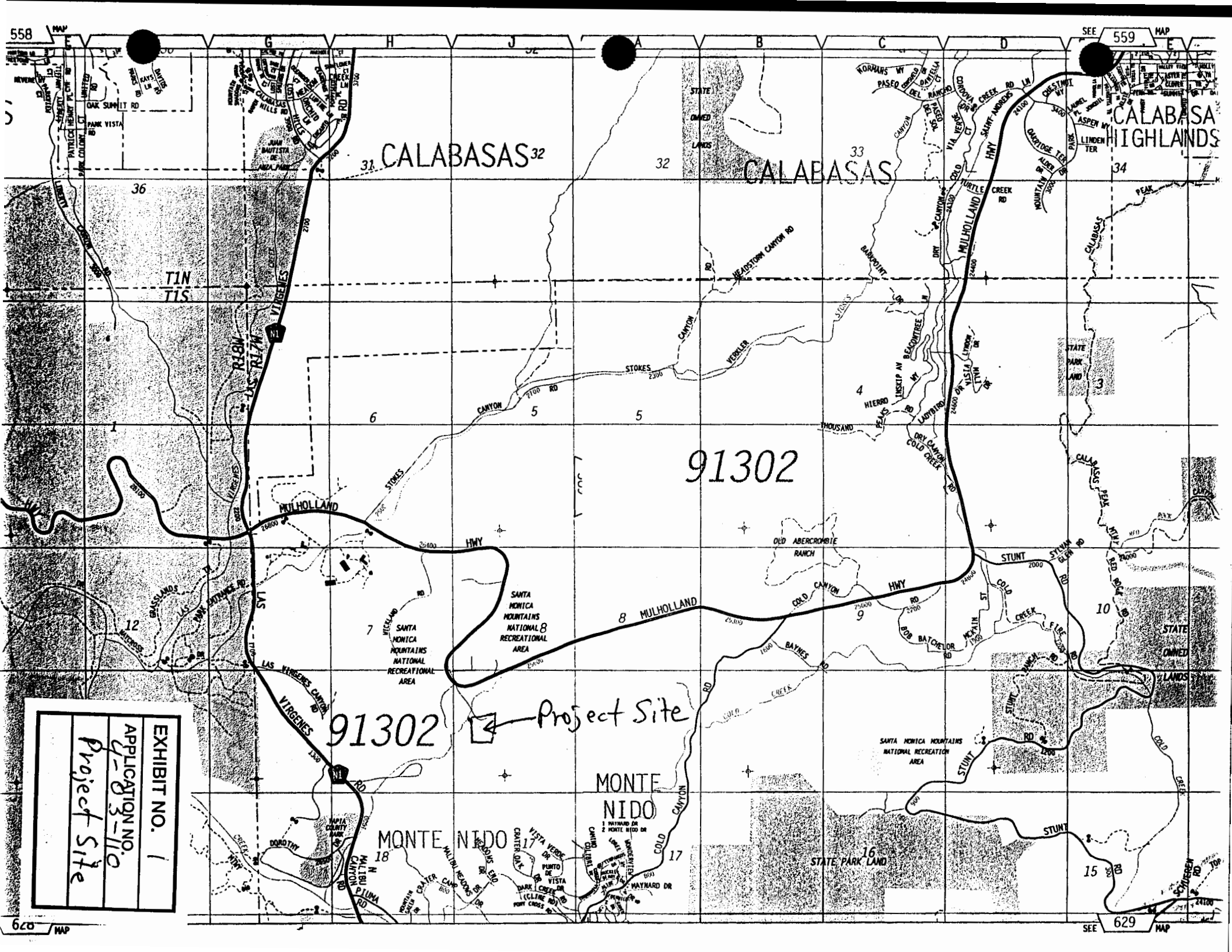


EXHIBIT NO. 1
APPLICATION NO. 4-83-110
Project Site

Subject Parcel

OWNER

THE UNIVERSITY OF CALIFORNIA
 1000 UNIVERSITY AVENUE
 BERKELEY, CALIF. 94720

ARCHITECT / ENGINEER

THE UNIVERSITY OF CALIFORNIA
 1000 UNIVERSITY AVENUE
 BERKELEY, CALIF. 94720

LEGAL DESCRIPTION

PARCEL NO. 3
 PARCEL MAP BOOK 124-15-16
 AREA C. 1.00 AC.
 SOILS REPORT

BUILDING STATISTICS

LIVING AREAS

FIRST FLOOR	1000
SECOND FLOOR	1000
BASEMENT	1000
TOTAL	3000

RETAINING WALLS

RETAINING WALLS	50 FT
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ZONING

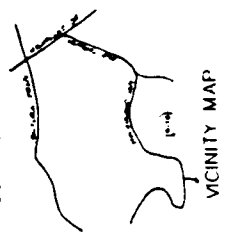
MAX HEIGHT	35 FT
FRONT SETBACK	20 FT
SIDE SETBACK	5 FT
REAR SETBACK	15 FT

SHEET INDEX

A1	1000
A2	1000
A3	1000

JOB ADDRESS

2000 UNIVERSITY AVENUE
 BERKELEY, CALIF. 94720



VICINITY MAP

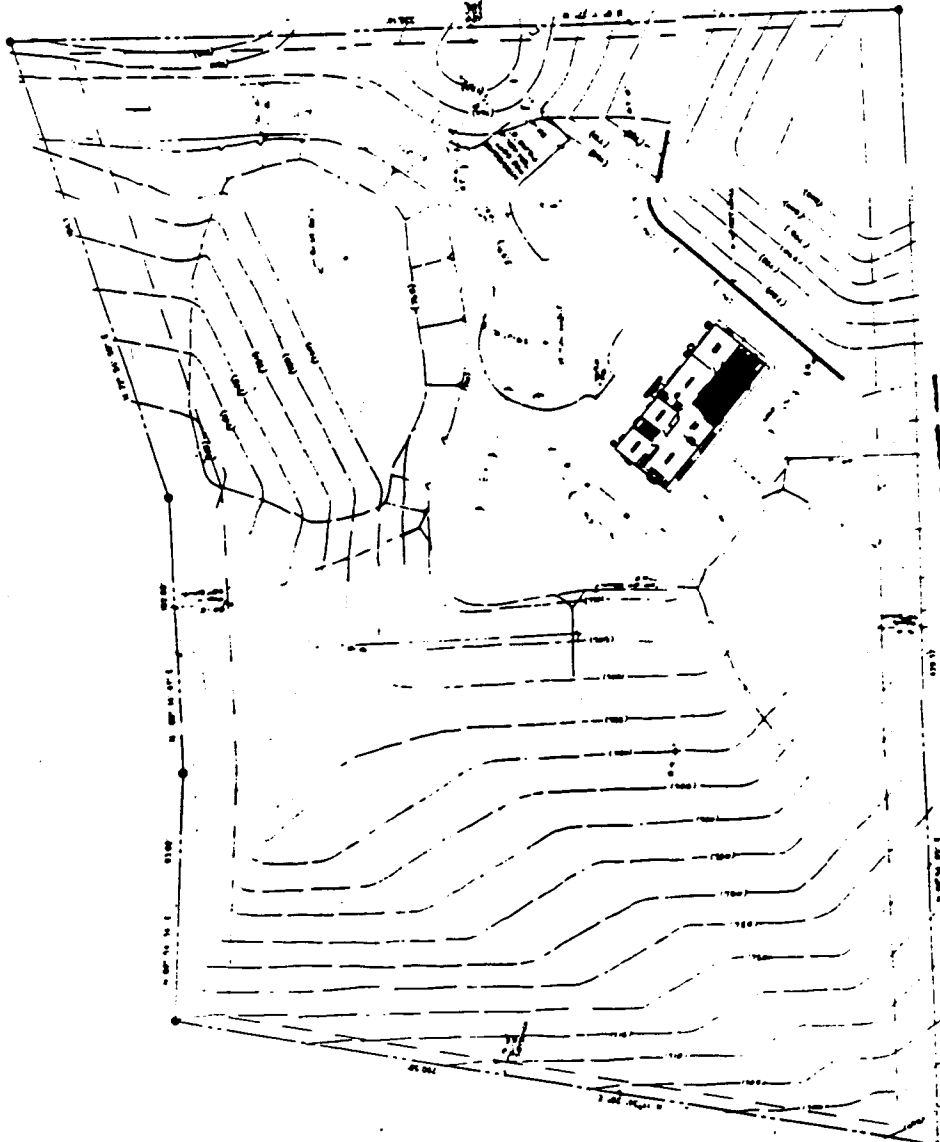
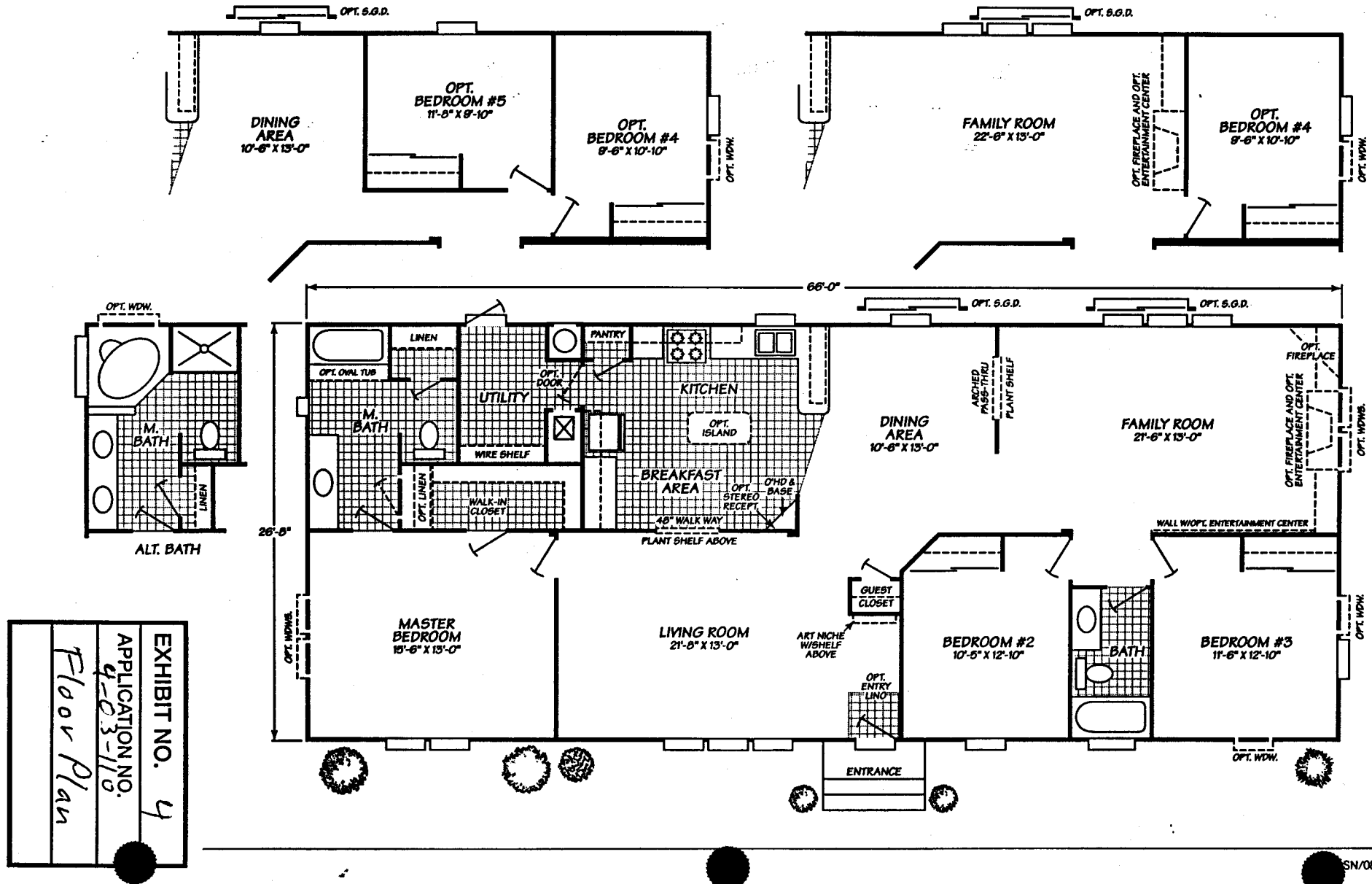
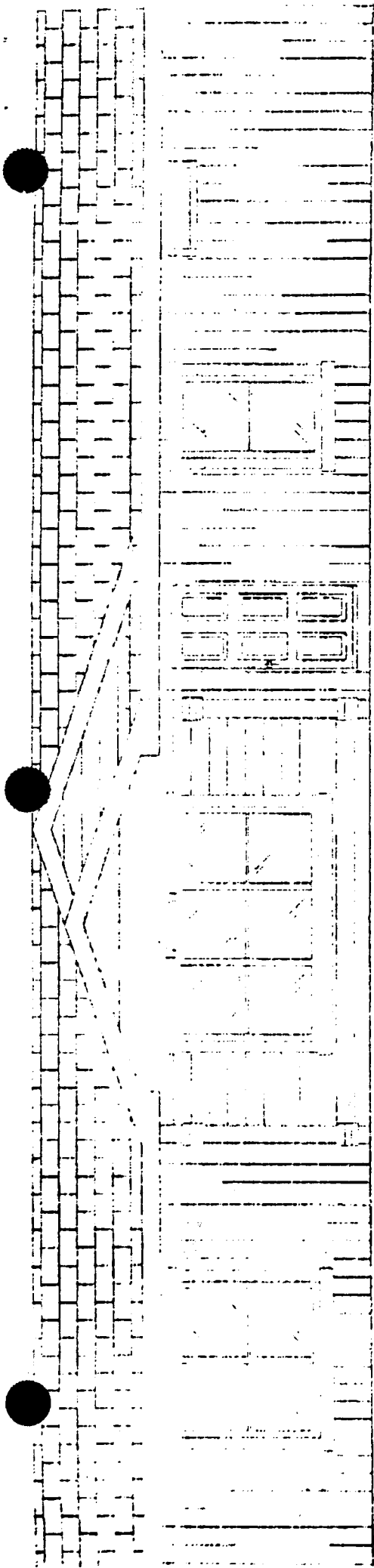


EXHIBIT NO. 3
APPLICATION NO. 4-03-110
Site Plan

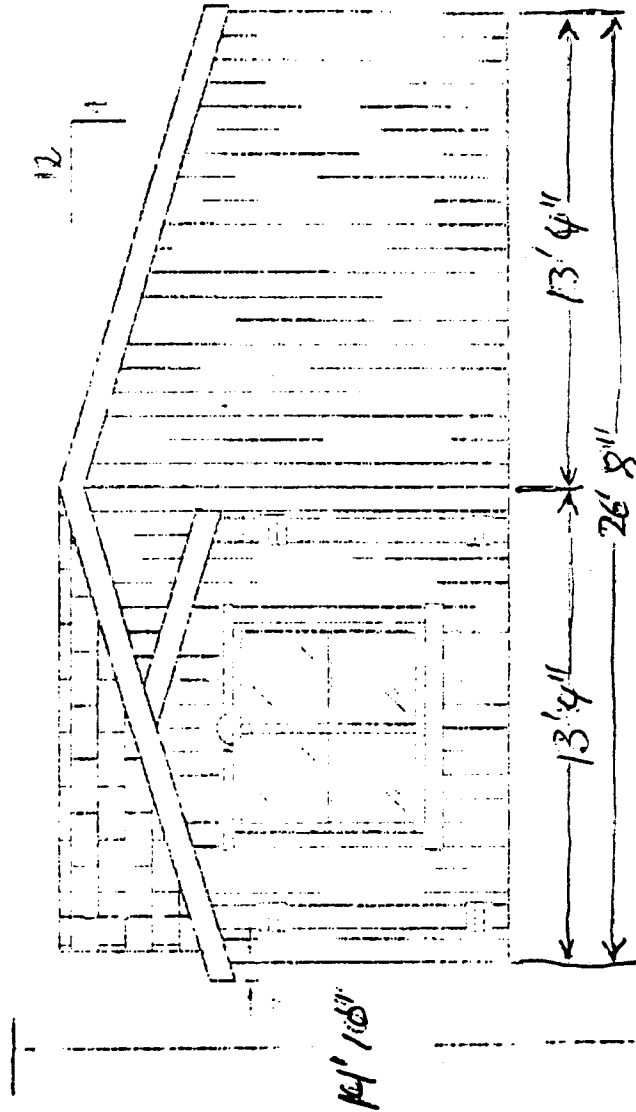




66' 0"

DOORSIDE ELEVATION

(W/ BELUMT DOORWAY)



RIGHTSIDE ELEVATION

EXHIBIT NO. 5

APPLICATION NO. 4-03-110

Elevations

DATE	1/10/2010
BY	DAVID W. BROWN
FOR	DAVID W. BROWN
SCALE	1/4" = 1'-0"

malibu/santa moni TRAIL SYSTEM

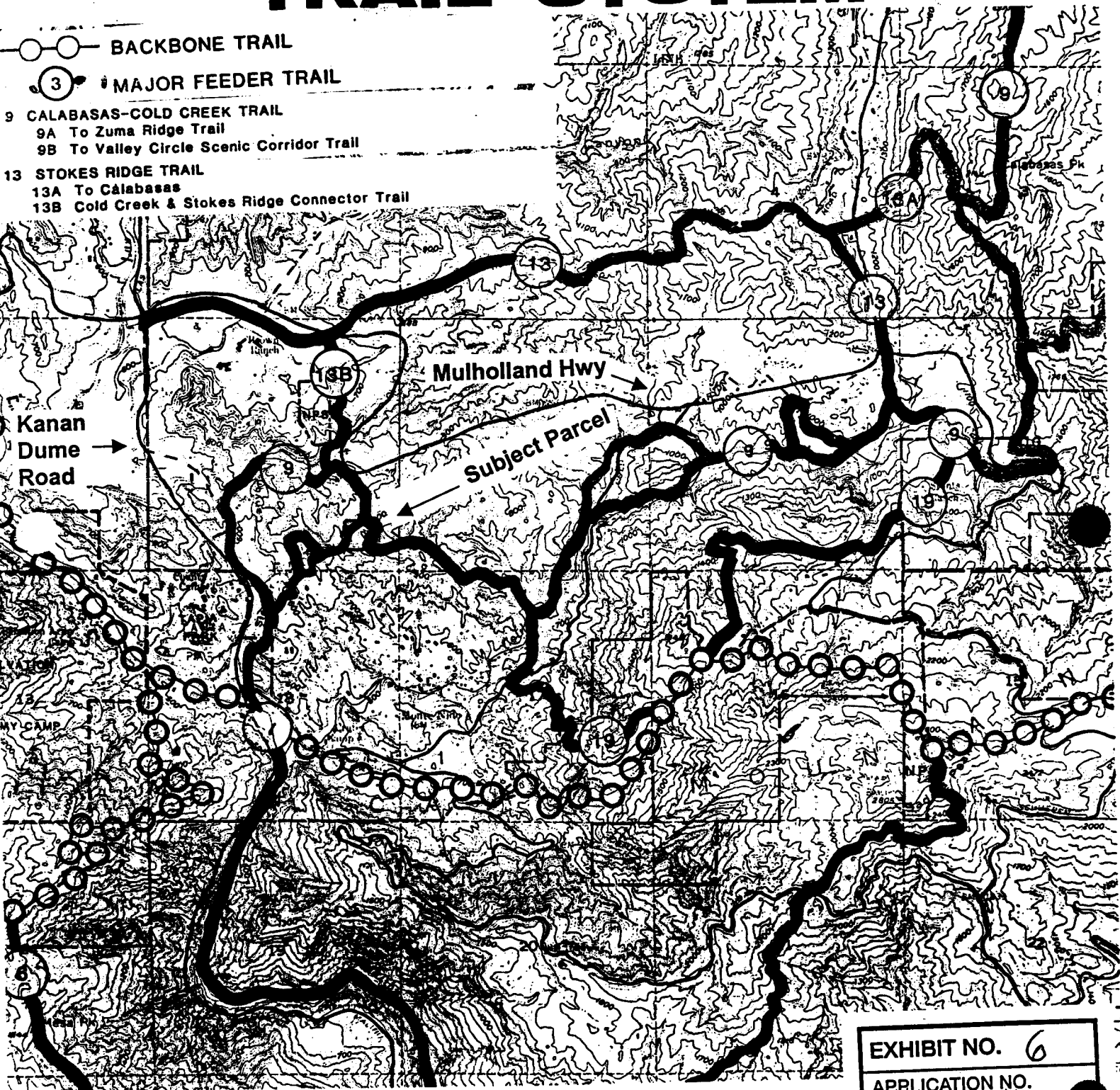


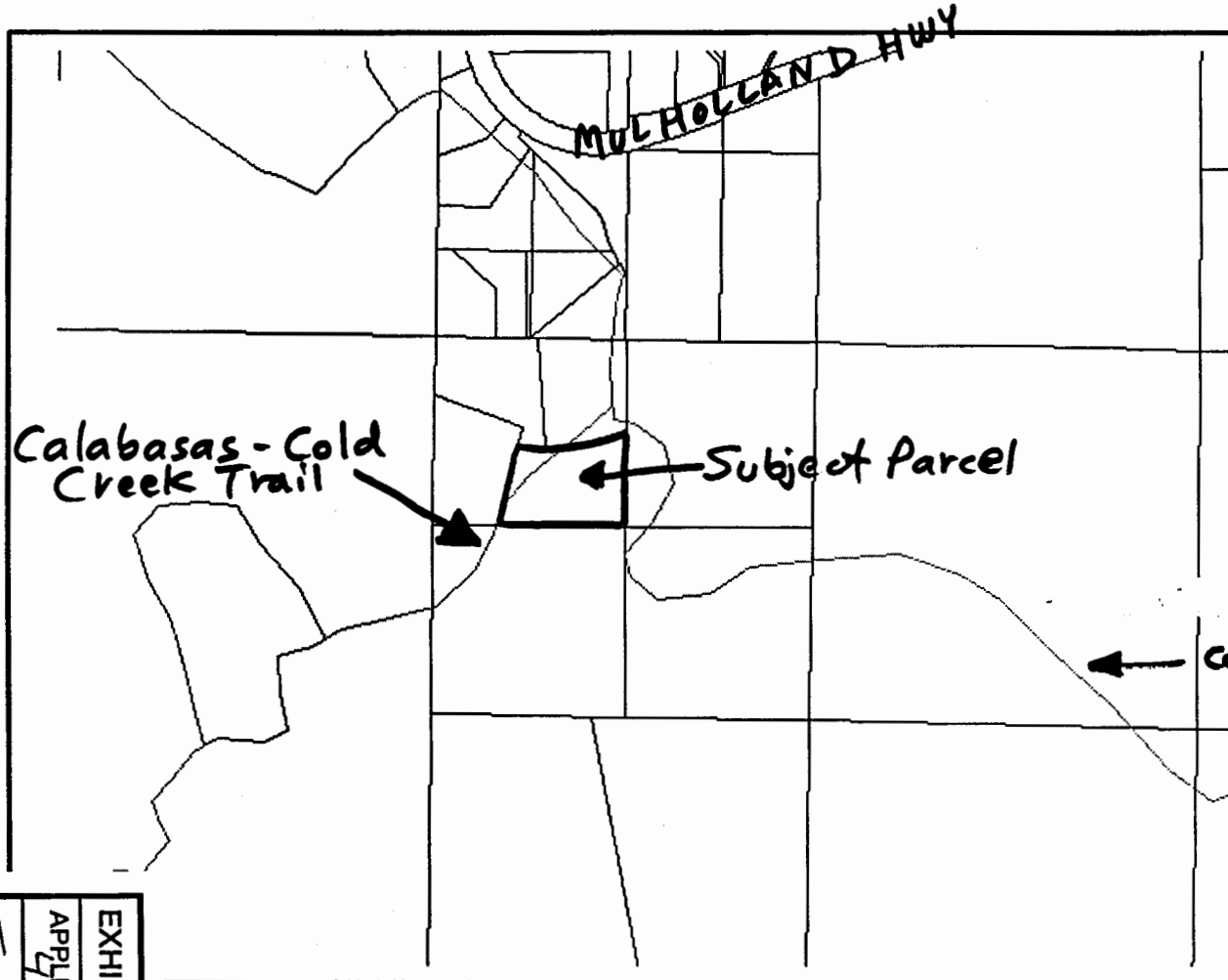
EXHIBIT NO. 6

APPLICATION NO.
4-03-110

Malibu/Santa Monica
Mts Trail System

ESRI ArcExplorer 2.0

403110kia calabasas - cold canyon trail



strmname
trails\acoplan
laprcls

EXHIBIT NO. 7
APPLICATION NO. 4-03-110
Trail Detail

Monday, May 10 2004

