STATE OF CALIFORNIA -- THE RESOURCES AGENCY Arnold Schwarzenegger, *Governor*

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

ADDENDUM

DATE: December 6, 2007

TO: Commissioners and Interested Parties

FROM: South Central District Staff

SUBJECT: Agenda Item **W 9a**
Coastal Development Application No. **4-05-187 (Nikniai)**

The purpose of this addendum is to attach correspondence to the Commission received from interested parties and to make corrections to the November 20, 2007 staff report for CDP Application No. 4-05-187, as follows.

A. Special Condition No. 9 (Deed Restriction) on page 8 of the staff report is hereby replaced by the following condition language:

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 against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, 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; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. 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.

B. The last paragraph on page 19 of the staff report is hereby revised as follows (additions are underlined; deletions are shown in ~~strike out~~):

Additionally, 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. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition No. ~~Ten (10)~~ Eight (8)**, the future development restriction, has been required. **Special Condition No. ~~Eleven (11)~~ Nine (9)** 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.

C. Correspondence to the Commission has been received from a neighboring property owner, Jacqueline Peterson, in opposition to the proposed project, dated December 5th and 6th, 2007 (attached as Exhibit 1 of this addendum). Ms. Peterson indicates that the parcel is too small for the proposed project, the off-site oak trees will be adversely affected, and extensive grading has already been performed without a permit. Staff notes that the proposed project is located on a small, constrained lot within a small lot subdivision, but that the proposed residence conforms to the maximum allowable gross structural area requirement and avoids encroachment into the protected zones of off-site oak trees. Regarding site grading, staff has visited the site and confirmed minor ground disturbance associated with geologic and percolation testing work. The proposed residence on this hillside lot will be constructed on a friction pile foundation, so no grading for a building pad has been performed or will be required.

Correspondence to the Commission has also been received from another neighboring property owner, Jack Kern, in opposition to the proposed project, dated December 6, 2007 (attached as Exhibit 2 of this addendum). Mr. Kern points out site constraints and indicates the lot is too small for the proposed development.

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W 9a

Filed:	7/11/07
49th Day:	8/29/07
180th Day:	1/7/08
Staff:	D. Christensen
Staff Report:	11/20/07
Hearing Date:	12/12/07

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO: 4-05-187

APPLICANT: Parviz Nikniai

PROJECT LOCATION: 27132 Carrita Drive, Malibu Vista Small Lot Subdivision, Santa Monica Mountains, Los Angeles County (APN 4461-025-019)

PROJECT DESCRIPTION: Construction of a 1,290 sq. ft., two-story single-family residence with attached 695 sq. ft. garage, driveway, septic system, and no grading.

Lot area:	**6,070 sq. ft.**
Building coverage:	**1,290 sq. ft.**
Pavement coverage:	**475 sq. ft.**
Max. ht. abv. fin. grade:	**32 ft.**

LOCAL APPROVALS RECEIVED: Los Angeles County Regional Planning Department Approval-in-Concept, dated August 6, 2007; Los Angeles County Department of Health Services approval of septic system, dated June 26, 2007; Los Angeles County Fire Department, Fire Protection Engineering approval, dated January 5, 2006; Los Angeles County Fire Department Final Fuel Modification Plan approval, dated October 16, 2007.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; "Percolation Test Results" by Strata-Tech, Inc., dated August 26, 2005; "Geotechnical Engineering Investigation" by Strata-Tech, Inc., dated March 10, 1999; "Geologic Engineering Report" by Geoplan, Inc., dated February 25, 1999; and "Geotechnical Update" by Strata-Tech, Inc., dated September 22, 2005.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with **nine (9) special conditions** regarding geotechnical recommendations, assumption of risk, drainage and polluted runoff control plans, final landscaping and erosion control plans, oak tree protection, structural appearance, lighting, future development restriction, and deed restriction. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance.

STAFF NOTE: DUE TO PERMIT STREAMLINING ACT REQUIREMENTS, THE COMMISSION MUST ACT ON THIS PERMIT APPLICATION AT THE DECEMBER 2007 COMMISSION HEARING.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No 4-05-187 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 PERMIT:

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

II. STANDARD CONDITIONS

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

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

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

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

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

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the Geotechnical Report prepared by Strata-Tech, Inc., dated September 22, 2005. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes 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. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement.

3. Drainage and Polluted Runoff Control Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's

recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

(a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms 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 (i.e., 2 or greater), for flow-based BMPs.

(b) Runoff shall be conveyed off site in a non-erosive manner.

(c) Energy dissipating measures shall be installed at the terminus of outflow drains.

(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.

4. Landscaping and Erosion Control Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit two sets of final 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 plans shall identify the species, extent, and location of all plant materials and shall incorporate the criteria set forth below. All development shall conform to the approved landscape and erosion control plans.

A. Landscaping Plan

(1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation, all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or the State of California, shall be employed or allowed to naturalize or persist on the

site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.

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

(3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

(4) The permitee 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 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 the submitted long-term fuel modification plan approved by the Fire Department. Irrigated lawn, turf and ground cover planted within the twenty 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) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

(7) No permanent irrigation is permitted within the protected zone (defined as a five foot radius outside the dripline, or 15 feet from the trunk, whichever is greater) of any oak tree on the project site or adjacent property, and landscaping within the oak tree protected zones shall be limited to native oak tree understory plant species.

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.

B. Interim Erosion Control Plan

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

(2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

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

C. Monitoring

Five (5) years from the date of occupancy, 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. Failure to comply with deadlines to submit the landscape monitoring report may result in the commencement of enforcement proceedings, including potential judicial action and administrative orders, as well as the recordation of a notice of violation in the chain of title for the property.

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 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 permitee shall implement the remedial measures specified in the approved supplemental landscape plan.

5. Oak Tree Protection

To ensure that the oak trees that overhang the subject property are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. In addition, no permanent irrigation is permitted within the protected zone (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of any oak trees and landscaping within the oak tree protected zones shall be limited to native oak tree understory plant species.

6. Structural Appearance

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 No. 4-05-187. 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 roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit No. 4-05-187 if such changes are specifically authorized by the Executive Director as complying with this special condition.

7. Lighting Restriction

A. The only outdoor night lighting allowed on the subject parcel is limited to the following:

1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.

2. Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60 watt incandescent bulb.

3. The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60 watt incandescent bulb.

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

8. Future Development Restriction

This permit is only for the development described in Coastal Development Permit 4-05-187. 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 development governed by Coastal Development Permit 4-05-187. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to Special Condition No. 4 shall require an amendment to Coastal Development Permit 4-05-187 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. Deed Restriction

Prior to the 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 and Background

The applicant proposes to construct a 1,290 sq. ft., two-story, 32-ft. high single-family residence with attached 695 sq. ft. garage, driveway, and septic system at 27132 Carrita Drive in the Malibu Vista small lot subdivision in the Santa Monica Mountains (**Exhibits 3-8**). A friction pile foundation will be used to support the proposed structure and no grading will be required. The subject property is 6,070 sq. ft. in size and situated among single-family residences to the north and south, Carrita Drive to the west, and Old Chimney Road to the east (**Exhibits 1-2**). The proposed project site is located within the Escondido Canyon watershed, at an elevation of approximately 1,100 feet above sea level. The property is situated on the east slope of a ridge the forms the west shoulder of Escondido Canyon. Site slopes descend to the east at a 30 percent slope. Maximum relief on the site is 24 feet. Escondido Canyon Creek, a U.S. Geological Survey (U.S.G.S.) designated blue-line stream, lies approximately 300 feet downslope to the east of the site. The subject site is visible from Latigo Canyon Road approximately 600 feet away along an adjacent ridge to the east (**Exhibit 9**).

There is a vacant parcel between the subject parcel and Old Chimney Road to the east that contains several isolated multi-trunk Coast Live Oak trees (*Quercus agrifolia*). Two of the off-site oak tree clusters overhang the subject parcel (**Exhibit 3**). However, due to the fact that the site has been previously disturbed by the presence of roads and residential development, this area is not considered to be an environmentally sensitive habitat area (ESHA). Nonetheless, in past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, as discussed in greater detail below.

B. Cumulative Impacts

The proposed project involves the construction of a new single-family residence, which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

> ***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.***

Section 30252 of the Coastal Act states:

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

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.***

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development in the Santa Monica Mountains Coastal Zone".

The study acknowledged that the existing small lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: geologic, road access, water quality, disruption of rural community character, creation of unreasonable fire hazards and others. Following an intensive one year planning effort regarding impacts on coastal resources by Coastal Commission staff, including five months of public review and input, new development standards relating to residential development on small lots in hillsides, including the Slope-Intensity/Gross Structural Area Formula (GSA) were incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2) to reduce the potential effects of buildout as 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 that 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 creates cumulative impacts on coastal resources and public access over time. Because of this, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Coastal Commission, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas consistent with the policies of the Coastal Act. Additionally, the Commission has, through coastal development permit actions, consistently applied the Slope Intensity Formula to new development in small lot subdivisions. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

Slope Intensity Formula

GSA = (A/5) × ((50-S)/35) + 500

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

S = I × L/A × 100

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines
L = total accumulated length of all contours of interval "I" in feet
A = the area being considered in square feet

The proposed project site is located in the Malibu Vista small lot subdivision, an area subject to the provisions of the slope intensity formula. The applicant proposes the construction of a new 1,290 sq. ft., two-story single-family residence with attached

garage on a parcel that is 6,070 sq. ft. in size. The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 1,297 sq. ft. of habitable space. Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions. The proposed 1,290 sq. ft. of habitable space is consistent with the maximum allowable GSA of 1,297 sq. ft.

Some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Many of the lots in these areas are so steep or narrow that they cannot support a large residence without increasing or exacerbating the geologic hazards on and/or off site. Additional buildout of small lot subdivisions affects water usage and has the potential to impact water quality of coastal streams in the area. Other impacts to these areas from the buildout of small lot subdivisions include increases in traffic along mountain road corridors and greater fire hazards. For all of these reasons, future improvements on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, finds it necessary to require a future improvements deed restriction on this lot, as noted in **Special Condition No. Eight (8)**, which would ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act.

Finally, **Special Condition No. Nine (9)** 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.

The Commission therefore finds that the proposed project, only as conditioned, is consistent with Sections 30250(a) and 30252 of the Coastal Act.

C. 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 applicant has submitted geotechnical and geologic engineering reports ("Geotechnical Update Report," and "Engineering Geologic Report," by Strata-Tech, Inc., dated September 22, 2005 and February 25, 1999, respectively) that evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development, the consultants have found that the project site is suitable for the proposed project.

The submitted geologic reports contain several recommendations to be incorporated into project construction, foundations, sewage disposal, and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development, the Commission, as specified in **Special Condition No. One (1)**, requires the applicant to comply with and incorporate the recommendations contained in the submitted geologic reports into all final design and construction, and to obtain the approval of the geotechnical consultant prior to commencement of construction. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant 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 also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicant to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Condition Nos. Three (3)** and **Four (4)**.

In addition, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. Four (4)** requires the applicant to submit landscaping/fuel modification plans that utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission 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. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition No. Four (4)**.

Wild Fire

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition No. Two (2)**, the assumption of risk, 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 2, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

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

D. Environmentally Sensitive Habitat and Water Quality

Section **30231** states:

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

Section **30240** states:

> ***(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.***
>
> ***(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.***

Section 30250(a) of the Coastal Act states:

> ***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.***

Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. Section 30251 of the Coastal Act, states that:

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

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 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Section 30250 of the Coastal Act requires that development be located and designed to ensure that significant adverse

impacts, both individual and cumulative, be avoided. Finally, Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected.

Woodlands that are native to the Santa Monica Mountains, such as oak woodlands, are important coastal resources. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife species, contribute nutrients to watersheds, and are important scenic elements in the landscape. In the Santa Monica Mountains, coast live oak woodland occurs mostly on north slopes, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry, California bay laurel, coffeeberry, and poison oak. Coast live oak woodland is more tolerant of salt-laden fog than other oaks and is generally found nearer the coast[1]. Coast live oak also occurs as a riparian corridor species within the Santa Monica Mountains. Valley oaks are endemic to California and reach their southern most extent in the Santa Monica Mountains. Valley oaks were once widely distributed throughout California's perennial grasslands in central and coastal valleys. Individuals of this species may survive 400-600 years. Over the past 150 years, valley oak savanna habitat has been drastically reduced and altered due to agricultural and residential development. The understory is now dominated by annual grasses and recruitment of seedlings is generally poor. This is a very threatened habitat. The important ecosystem functions of oak woodlands and savanna are widely recognized[2]. These habitats support a high diversity of birds[3], and provide refuge for many species of sensitive bats[4]. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats. Therefore, because of their important ecosystem functions and vulnerability to development, the Commission has consistently found in past permit decisions that oak woodlands and savanna within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

However, there are also areas in the Santa Monica Mountains where past development patterns have resulted in the fragmentation and disturbance of oak woodlands and savannas. This is particularly true in "small lot subdivision" areas where small "urban scale" parcels were created in the past, many within oak woodlands or savannas. The dense level of residential development in many of these subdivisions has resulted in significant disturbance and fragmentation of the oak woodlands although many oak trees still remain. The subject site is within the Malibu Vista small lot subdivision, which

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[1] NPS 2000. op. cit.
[2] Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72–76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos, California. 184 pp.
[3] Cody, M.L. 1977. Birds. Pp. 223–231 *in* Thrower, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas*. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701
[4] Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

is an oak woodland that has been highly disturbed over time by dense residential development on small, suburban scale parcels. The subject site is situated among existing single-family residences and flanked by two private roads. Due to the fact that the subdivision has been previously disturbed by the construction of roads and residential development, the overall oak woodland area would not be considered an environmentally sensitive habitat area (ESHA). However, in past permit actions in the Santa Monica Mountains the Commission has found that native oak trees are an important coastal resource, even if the overall woodland would not be considered ESHA. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Native trees that are not part of a larger, intact habitat may nonetheless provide nesting or roosting habitat for raptors and other birds that are rare, threatened, endangered, fully protected, or species of special concern. Furthermore, individual oak trees such as those on the adjacent parcel to the east and which overhang the subject property do provide some habitat for a wide variety of wildlife species and are considered to be an important part of the character and scenic quality of the area.

According to Oaks of California, "Coast live oak is unique among the California oaks in its ability to thrive along the coast…Proximity to the ocean provides a milder climate for coast live oak, with warmer winters (seldom encountering frost or snow) and less sweltering summers than found inland. Fog is common, providing additional relief from heat and drought…Inland, it can be found at elevations up to 5,000 feet with groves that spread across valleys, on steep hillsides, in rocky canyons, and along streams and intermittent watercourses" (Pavlik, Muick, Johnson, and Popper, 1991). The coast live oak is a large, evergreen tree with a dense, round crown and large limbs. Its trunk divides into either erect limbs or, more commonly, into crooked, wide-spreading limbs that sometimes touch or trail the ground. They can grow to 30 to 70 feet high and 35 to 80 feet wide.

Oaks are easily damaged and are very sensitive to disturbances that occur to the tree or the surrounding environment. Their root system is extensive, but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases (Los Angeles County Regional Planning Oak Tree Ordinance).

Oak trees are a part of the California native plant community and need special attention to maintain and protect their health. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree. Oak trees provide important habitat and shading for other animal species, such as deer and bees. Oak trees are very long lived, some up to 250 years old, relatively slow growing, becoming large trees between 30 to 70 feet high, and are sensitive to surrounding land uses,

grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant and disturbance to root areas are the most common causes of tree loss.

Encroachments into the protected zone of an oak tree can result in significant adverse impacts. The article entitled "Oak Trees: Care and Maintenance" prepared by the Forestry Department of the County of Los Angeles states:

> ***Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.***

This publication goes on to state:

> ***Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. . . . Construction activities outside the protected zone can have damaging impacts on existing trees. . . . Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed. . . . Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced. The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees. If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips . . .***

Given the importance of oak woodlands and individual oak trees, even those that have been disturbed or fragmented by development, the Commission has consistently required, through past permit actions, that new development avoid the removal of oak trees, unless there is no feasible alternative for siting or designing the structures. Further, given the sensitivity of oak trees to disturbance or encroachment of development into the root zone, the Commission has required that encroachments within the protected zone (5 feet beyond the dripline, or 15 feet from the trunk, whichever is greater) be avoided unless there is no feasible alternative for the siting of development. If encroachments cannot be avoided, then the Commission requires that encroachments be minimized to the maximum extent feasible. If encroachments extend a minimal distance within the protected zone of an oak tree, the Commission has required the affected tree to be monitored for a period of ten years, to identify if the tree has been harmed by the encroachment. If it is determined that the tree has been adversely affected, then mitigation is required. In the case of significant encroachments within the protected zones of oak trees, the Commission has determined that the

affected trees are likely to suffer worsened health as a result and mitigation has been required. The oak tree mitigation that the Commission has required is the planting of replacement trees, at a ratio of at least ten seedlings for every tree impacted. If there is suitable area on the project site, replacement trees should be provided on-site. The Commission has found, through permit actions, that replacement trees, particularly oak trees, are most successfully established when the trees are seedlings or acorns. Many factors, over the life of the restoration, can result in the death of the replacement trees. In order to ensure that adequate replacement is eventually reached, it is necessary to provide a replacement ratio of at least ten replacement trees for every tree removed or impacted to account for the mortality of some of the replacement trees.

The proposed project involves construction of a 1,290 sq. ft., two-story single family residence with attached garage, driveway, and septic system on a 6,070 sq. ft. parcel in the Malibu Vista small lot subdivision. A friction pile foundation will be used for the proposed residence and no grading is proposed. The vacant parcel to the east contains several isolated multi-trunk Coast Live Oak trees (*Quercus agrifolia*). Two off-site oak tree clusters overhang the subject parcel (**Exhibit 3**). However, due to the fact that the site has been previously disturbed by the presence of Carrita Drive, Old Chimney Road, and residential development in close proximity, the project area is not considered to be an environmentally sensitive habitat area (ESHA). The subject property lies within the fuel modification area of adjacent residences and contains only non-native grasses. The applicant originally proposed a backup seepage pit for the proposed septic system within the dripline of an off-site oak tree. However, in order to avoid the dripline and protected zone of all off-site oak trees the applicant relocated the backup seepage pit to beneath the driveway at the western end of the property. Therefore, the proposed residence foundation and septic system are now located outside the dripline and protected zone of the off-site oak trees. The septic system with seepage pits are situated as far as possible from the off-site oak trees. As such, the proposed development will not encroach upon, or otherwise impact the existing off-site oak trees.

In order to ensure that no impacts outside the scope of work allowed by this permit occur to these oak trees during construction, **Special Condition Five (5)** requires the applicant to place temporary construction fencing outside the protected zones of the two offsite oak tree clusters during construction operations. In addition, to ensure the oak trees are not adversely affected by irrigation or inappropriate landscaping, **Special Conditions Four (4) and Five (5)** include a provision that prohibits permanent irrigation within the protected zone of any oak trees, and landscaping within the oak tree driplines or the protected zones shall be limited to native oak tree understory plant species.

Additionally, 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. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition No. Ten (10)**, the future development restriction, has been required. **Special Condition No. Eleven (11)**

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.

The Commission also 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.

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.

Further, as stated previously, the site is located approximately 300 feet away from Escondido Canyon Creek, a blue-line stream within the Escondido Canyon watershed, and involves sloping hillside terrain with soils that are susceptible to erosion. In past permit actions the Commission has found that new development adjacent to or upslope of 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.

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 to accommodate (infiltrate, filter or treat) the runoff from the more frequent storms, rather than for the largest 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 American Society of Civil Engineers (ASCE) and the Water Environment Federation (WEF) have recommended a numerical BMP design standard for storm water that is derived from a mathematical equation to maximize treatment of runoff volume for water quality based on rainfall/runoff statistics and which is economically sound.[5] The maximized treatment volume is cut-off at the point of diminishing returns for rainfall/runoff frequency. On the basis of this formula and rainfall/runoff statistics, the point of diminishing returns for treatment control is the 85th percentile storm event. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. Three (3)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

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

The applicant is proposing to construct a septic system, consisting of a 1,708-gallon septic tank and seepage pits, to accommodate the sewage of the proposed development. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The 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 proposed septic system, as designed to meet these standards, will minimize adverse impacts to water quality. As conditioned to provide construction-phase and post-construction drainage controls, and to

[5] *Urban Runoff Quality Management*, *WEF Manual of Practice No. 23, ASCE manual and Report on Engineering Practice No. 87.* WEF, Alexandria, VA; ASCE, Reston, VA. 259 pp (1998); Urbonas, Guo, and Tucker, "Optimization of Stormwater Quality Capture Volume," in *Urban Stormwater Quality Enhancement - Source Control, Retrofitting, and Combined Sewere Technology, Proceedings of an Engineering Foundation Conference*, Harry C. Torno, ed. October 1989. New York: ASCE, pp. 94-110.

landscape disturbed areas, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

For the reasons set forth above, the Commission finds that the project, as conditioned, will protect ESHA against any significant disruption of habitat values, consistent with Section 30240 of the Coastal Act. The project, as conditioned, will maintain the biological productivity and quality of coastal waters by minimizing adverse effects of waste water, controlling runoff, and minimizing erosion. Therefore, the Commission finds that, as conditioned, the project is consistent with Section 30231 of the Coastal Act. Finally, the Commission finds that the project, as conditioned, will minimize individual and cumulative impacts to coastal resources and visual resources, by protecting the oak trees that overhang the site, consistent with Sections 30250 and 30251 of the Coastal Act.

E. Visual Resources

Section 30251 of the Coastal Act states:

> ***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline 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.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of visual resources. The Coastal Commission, as guidance in the review of development proposals in the Santa Monica Mountains, has applied these policies.

> ***P91*** ***All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.***
>
> ***P125*** ***New development shall be sited and designed to protect public views from LCP- designated highways to and along the shoreline and to scenic coastal areas, including public parklands. Where***

physically and economically feasible, development on a sloped terrain should be set below road grade.

P129 ***Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.***

P130 ***In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:***

- ***Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LUP.***
- ***Minimize the alteration of natural landforms***
- ***Be landscaped to conceal raw cut slopes***
- ***Be visually compatible with and subordinate to the character of its setting.***
- ***Be sited so as to not significantly intrude into the skyline as seen from public viewing places.***

P131 ***Where feasible, prohibit placement of structures that will break the ridgeline views, as seen from public places***

P134 ***Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The proposed project area is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides. In the review of the proposed project, Commission staff analyzed the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. Staff examined the building site, the size of the proposed structure, and alternatives to the size, bulk and scale of the structure. The development of the residence raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be affected.

The proposed project is located on a small hillside parcel located adjacent to existing residential development within the Malibu Vista small lot subdivision. The site is situated on the east slope of a ridge the forms the west shoulder of Escondido Canyon. As such, the subject site is visible from Latigo Canyon Road approximately 600 feet away along an adjacent ridge to the east.

The applicant proposes to construct a 1,290 sq. ft. single-family residence with 695 sq. ft. attached garage, driveway, and septic system. The proposed residence is two-stories with a maximum height of 32 feet from existing grade at any given point. A friction pile foundation will be used to support the proposed structure and no grading will be

required. The residence is designed to be stepped into the hillside. The proposed building site and design minimizes the amount of grading and landform alteration necessary for the project and there are no siting alternatives where the building would not be visible from Latigo Canyon Road. To reduce the structure's visual impact, the applicant has reduced the maximum height of the house from 35 feet, as originally proposed, to 32 feet. In addition, several mature Coast Live Oak trees are located on the adjacent property to the east, just downslope of the proposed development site. The proposed residence will be partially screened by the off-site oaks trees when viewed from Latigo Canyon Road. The proposed structure is not excessive in height or size and is compatible with the character of other residential development in the area. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the policies of the Malibu/Santa Monica Mountains LUP. However, since the proposed development will still be unavoidably visible from Latigo Canyon Road, a major public roadway, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

The visual impact of the proposed structure can be minimized by requiring the structure to be finished in a color consistent with the surrounding natural landscape and, further, by requiring that windows on the proposed residence be made of non-reflective glass. To ensure visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, the Commission requires the applicant to use colors compatible with the surrounding environment and non-glare glass, as detailed in **Special Condition Six (6)**.

Visual impacts can be further reduced by the use of appropriate and adequate landscaping. Therefore, **Special Condition Four (4)** requires the applicant to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. Implementation of Special Condition Four (4) will soften the visual impact of the development from public view areas. To ensure that the final approved landscaping plans are successfully implemented, Special Condition 4 also requires the applicant to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time.

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 roads and trails. Therefore, Special Condition Seven (7) 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 nighttime rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area.

Finally, regarding future developments or improvements, certain types of development on the property, normally associated with a single-family residence, which might

otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that any future development or improvements normally associated with the property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition Eight (8)**, the Future Development Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Further, **Special Condition Nine (9)** 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 subject property and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property.

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

F. Local Coastal Program

Section **30604** of the Coastal Act states:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and are implemented by the applicant. As conditioned, the proposed development will not create significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, 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).

G. California Environmental Quality Act

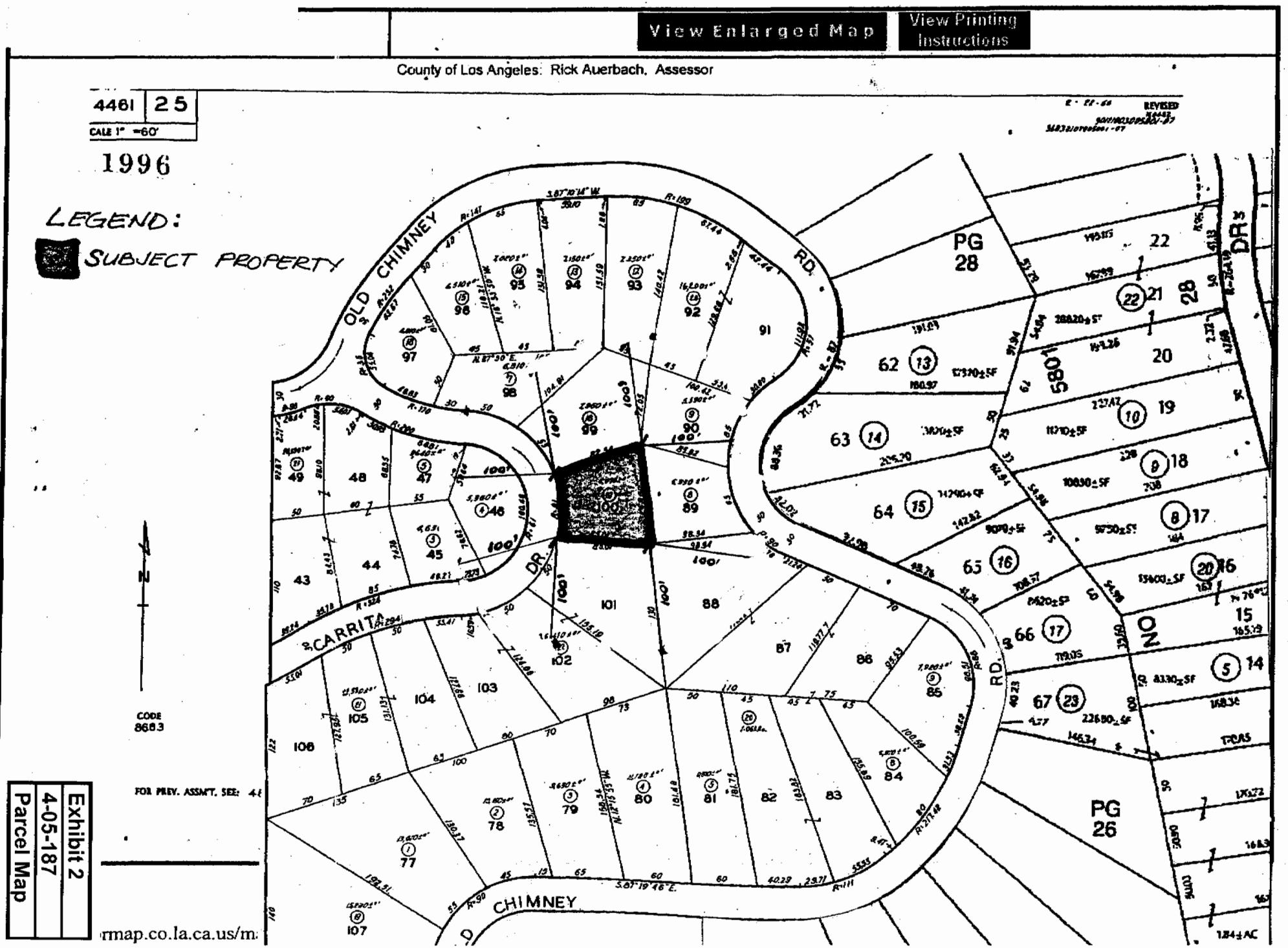
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent

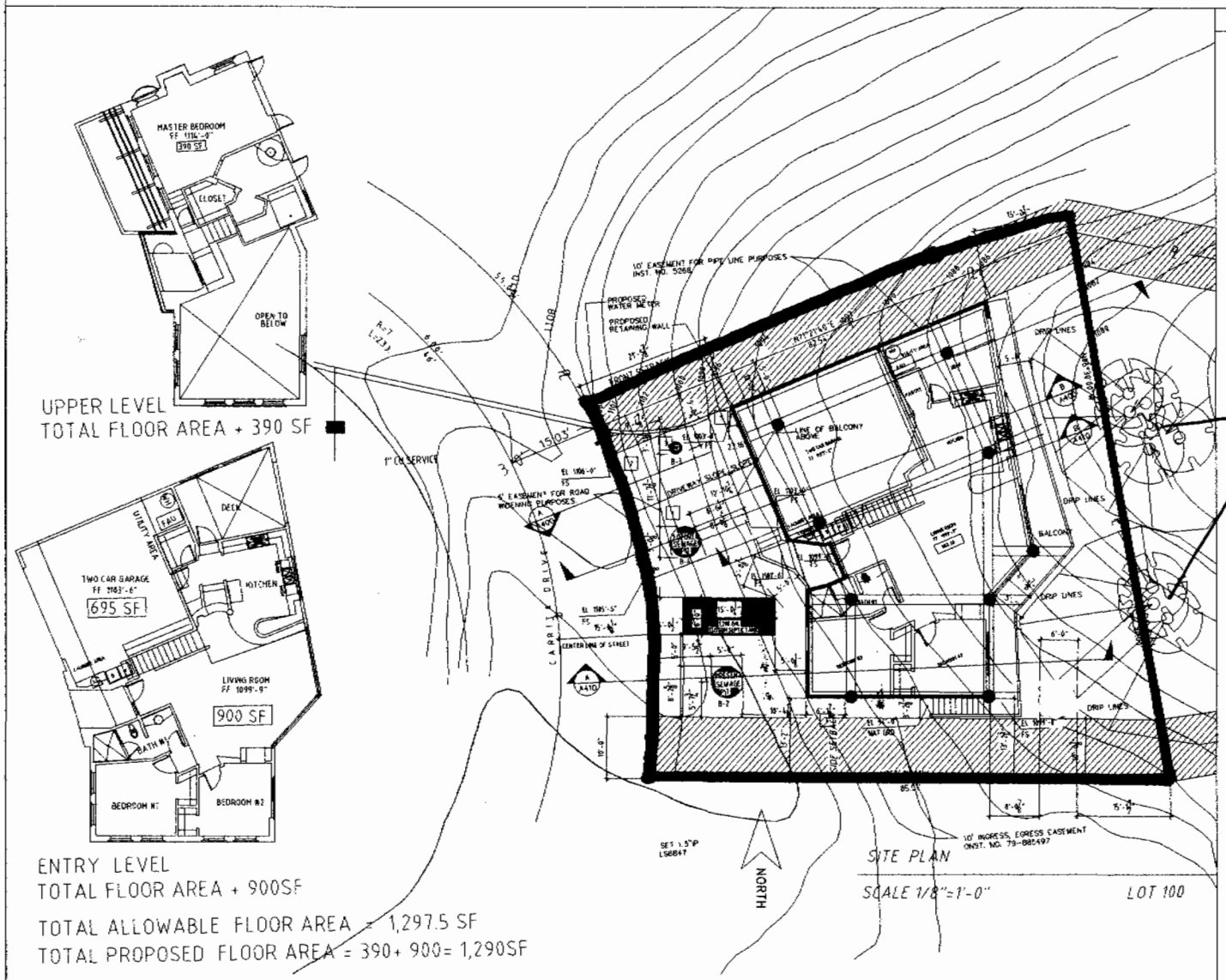
with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

COPYRIGHT 1998 Thomas Bros. Maps®
SEE 628 MAP
Project Location
SEE 587 MAP
SEE 667 MAP
SEE 626 MAP
627
R19W
R18W
MALIBU
MALIBU PARK
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
LATIGO CANYON RD
PACIFIC COAST HWY
DUME RD
RAMIREZ CANYON RD
KANAN DUME RD
EDISON
Exhibit 1
4-05-187
Vicinity Map

100' RADIUS MAP





CONSTRUCTION KEY NOTES

1. CONCRETE DRIVEWAY
2. CONCRETE WALKWAY
3. NEW 8" CMU WALL 42" HIGH WITH 7/8" STUCCO OVER AND PRE CAST CONCRETE CAP, SEE DETAIL
4. NEW ELECTRICAL PANEL LOCATION, PERMIT BY OTHERS.
5. PROVIDE HOUSE STREET NUMBER VISIBLE AND LEGIBLE FROM STREET, NUMBERS SHALL BE OF NON-COMBUSTIBLE MATERIAL IN SPECIAL FIRE PROTECTION AREAS.

PROPOSED SITE PLAN | 1/8"=1'-0" | A

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PARMZ NIKNIA
DESIGNER

DESIGNER

NIKNIA RESIDENCE

CLIENT

PROPOSED
SINGLE FAMILY HOUSE

ADDRESS
27132 CARRITA DRIVE
MALIBU, CA

PROJECT

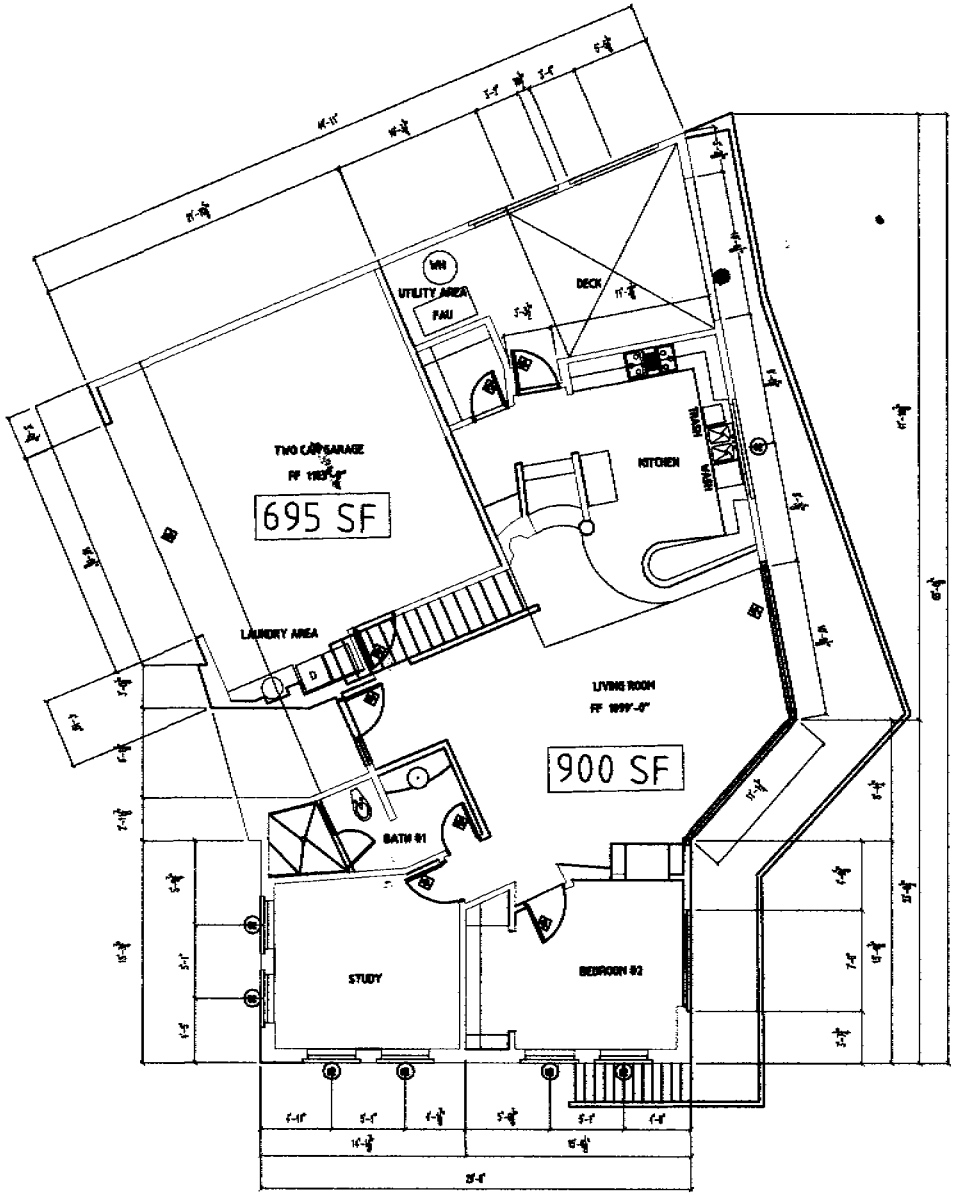
REVISIONS
- PLANNING SUBMITTAL 07.04.05

PROJECT NO
DATE
DRAWN BY
REVISIONS

SITE PLAN

A110

Exhibit 3
4-05-187
Site Plan



ENTRY LEVEL FLOOR PLAN | 1/4"=1'-0" | A

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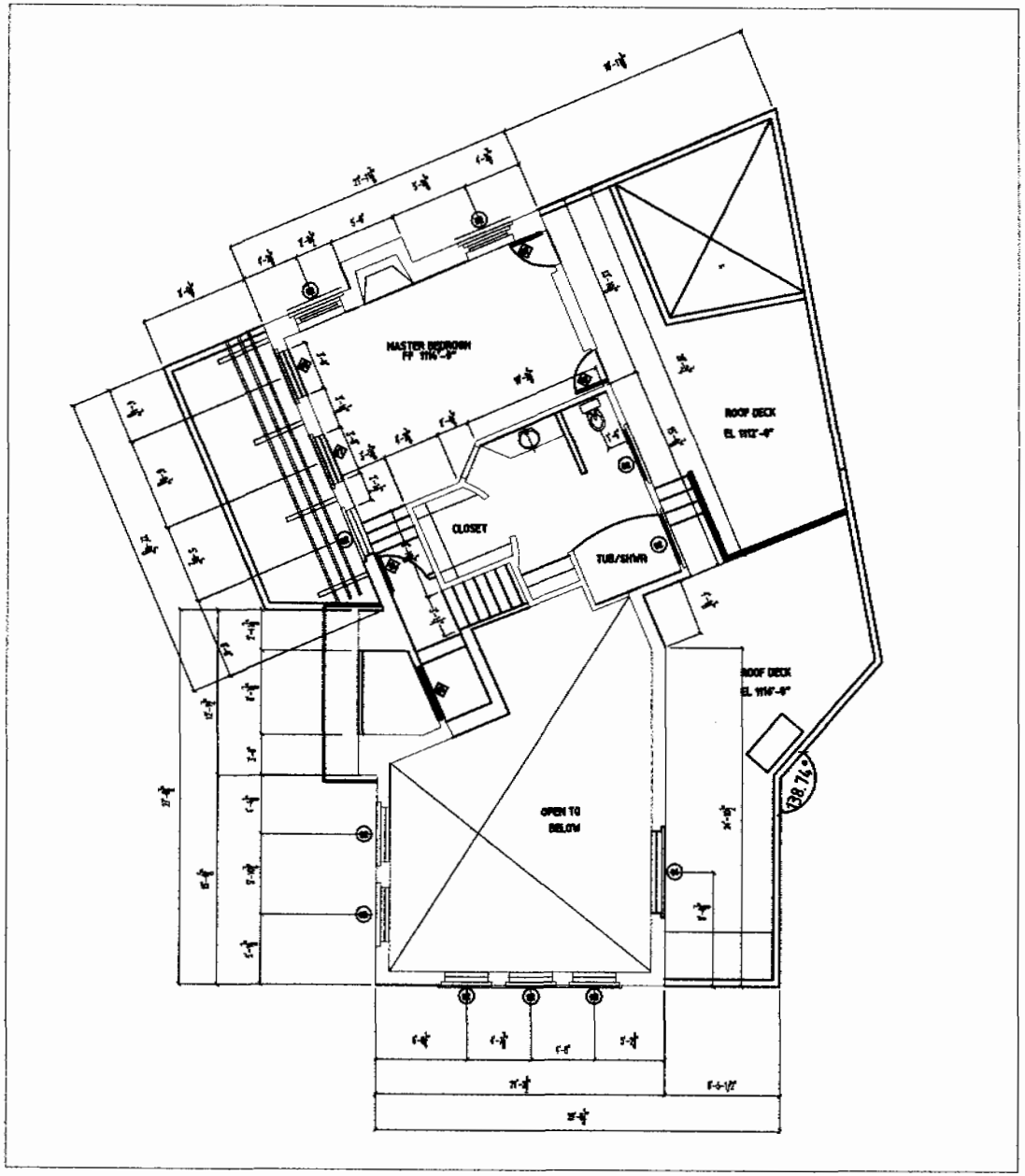
PLANNING SUBMITTAL 070405

ENTRY LEVEL FLOOR PLAN

A200

Exhibit 4
4-05-187
1st Floor Plan



SECOND LEVEL FLOOR PLAN | 1/4"=1'-0" | A

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PLANNING SUBMITTAL 070405

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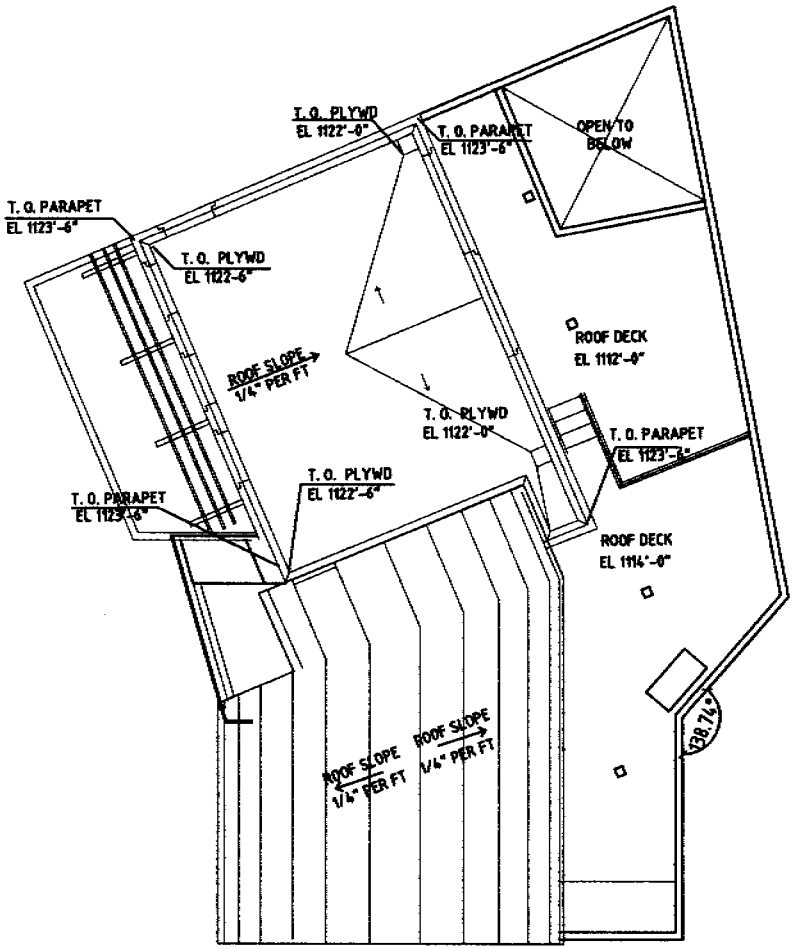
UPPER LEVEL
FLOOR PLAN

A210

Exhibit 5
4-05-187
2nd Floor Plan



ROOF PLAN | 1/4"=1'-0" | A

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REVISIONS
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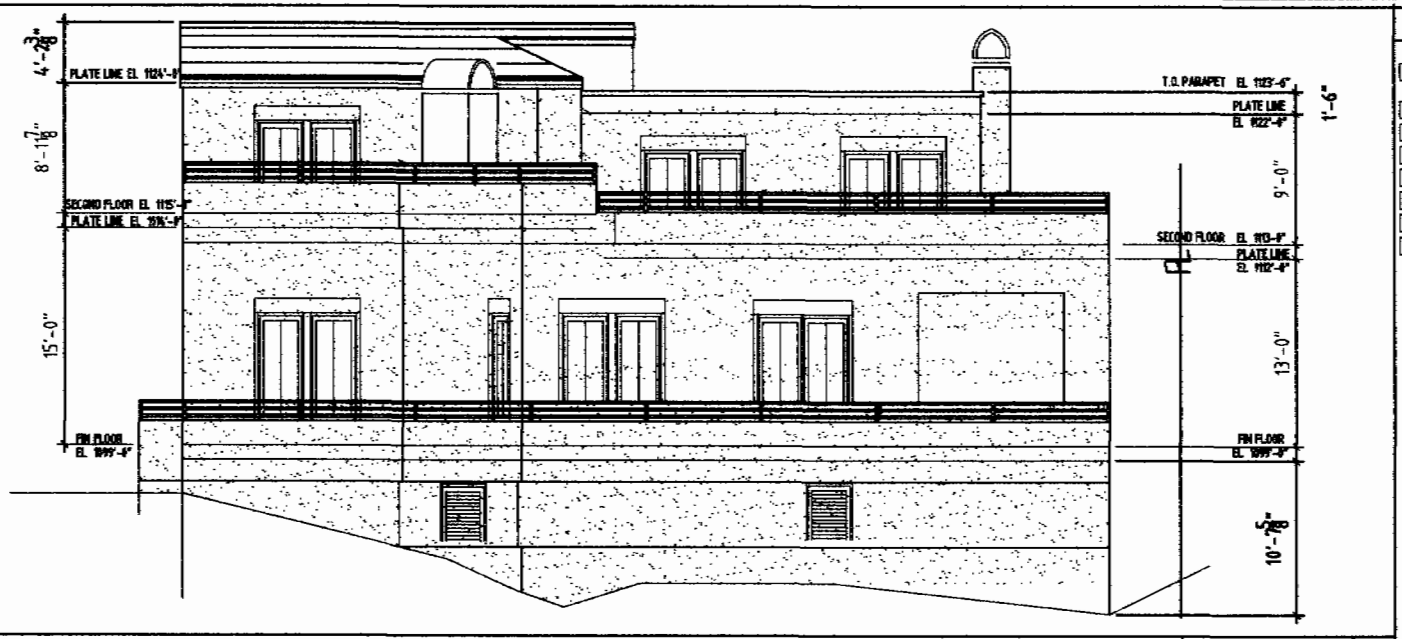
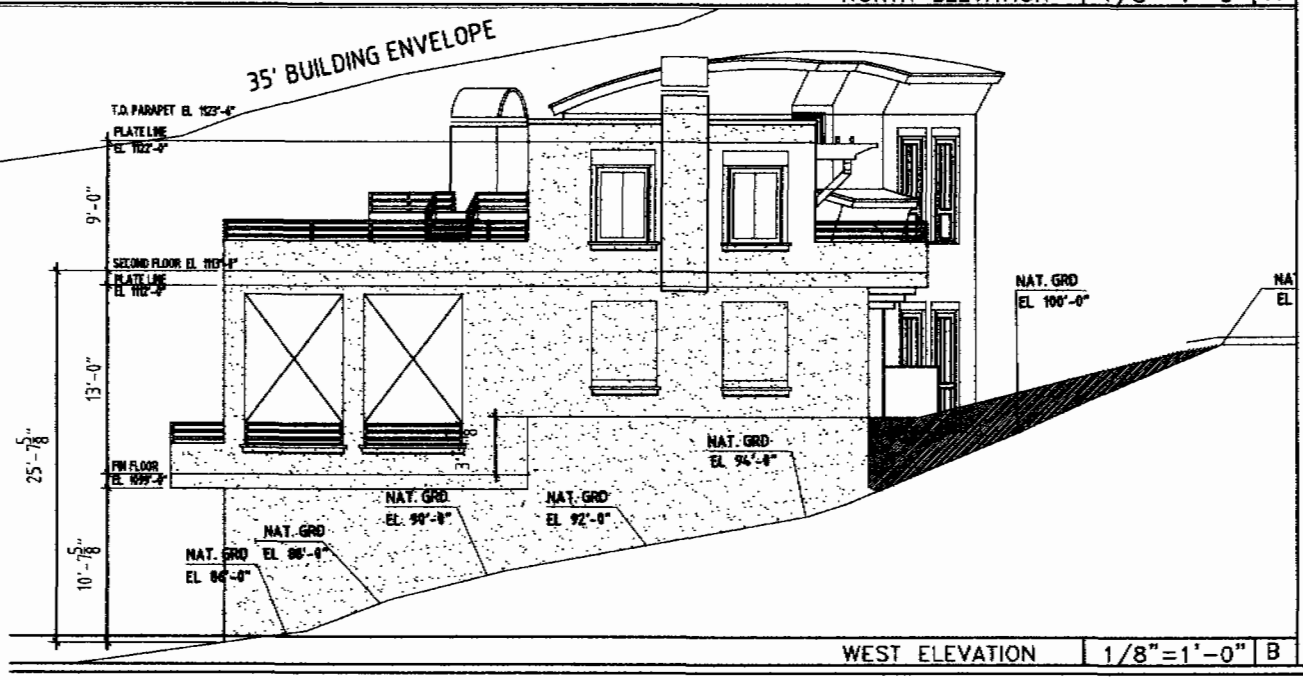
ROOF PLAN

A220

Exhibit 6
4-05-187
Roof Plan



NORTH ELEVATION | 1/8"=1'-0" | A



WEST ELEVATION | 1/8"=1'-0" | B

KEY NOTES

1. 1" SMOOTH STUCCO OVER LATH OVER WATER PROOFING OVER PLYWOOD SHEATHING
2. WOOD TRELLIS
3. TILE ROOFING
4. EXTERIOR PLASTER SCRATCH (TYP.)
5. PLASTER EXPANSION JOINT
6. ASPHALT ROOFING MATERIAL
7. PARAPET WITH METAL CAP
8. ALUMINUM CLAD WOOD WINDOWS

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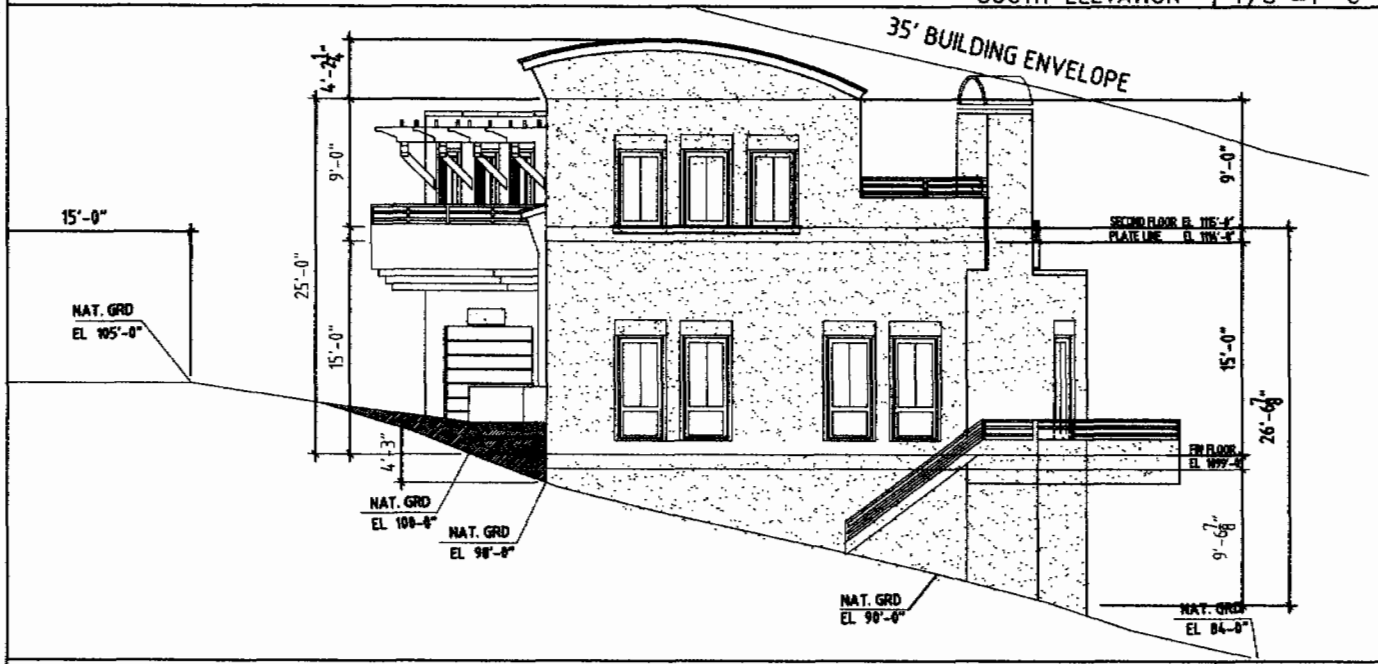
EXTERIOR ELEVATIONS

A300

Exhibit 7
4-05-187
Elevations

SOUTH ELEVATION | 1/8"=1'-0" | A



EAST ELEVATION | 1/8"=1'-0" | B

KEY NOTES

1. 7/8" SMOOTH STUCCO OVER LATH OVER BUILDING PAPER OVER PLYWOOD SHEATHING
2. WOOD TRELLIS
3. TILE SILLS
4. EXTERIOR PLASTER SOFFIT (TYP.)
5. PLASTER EXPANSION JOINT
6. ASPHALT ROOFING MATERIAL
7. PARAPET WITH METAL CAP
8. ALUMINUM CLAD WOOD WINDOW

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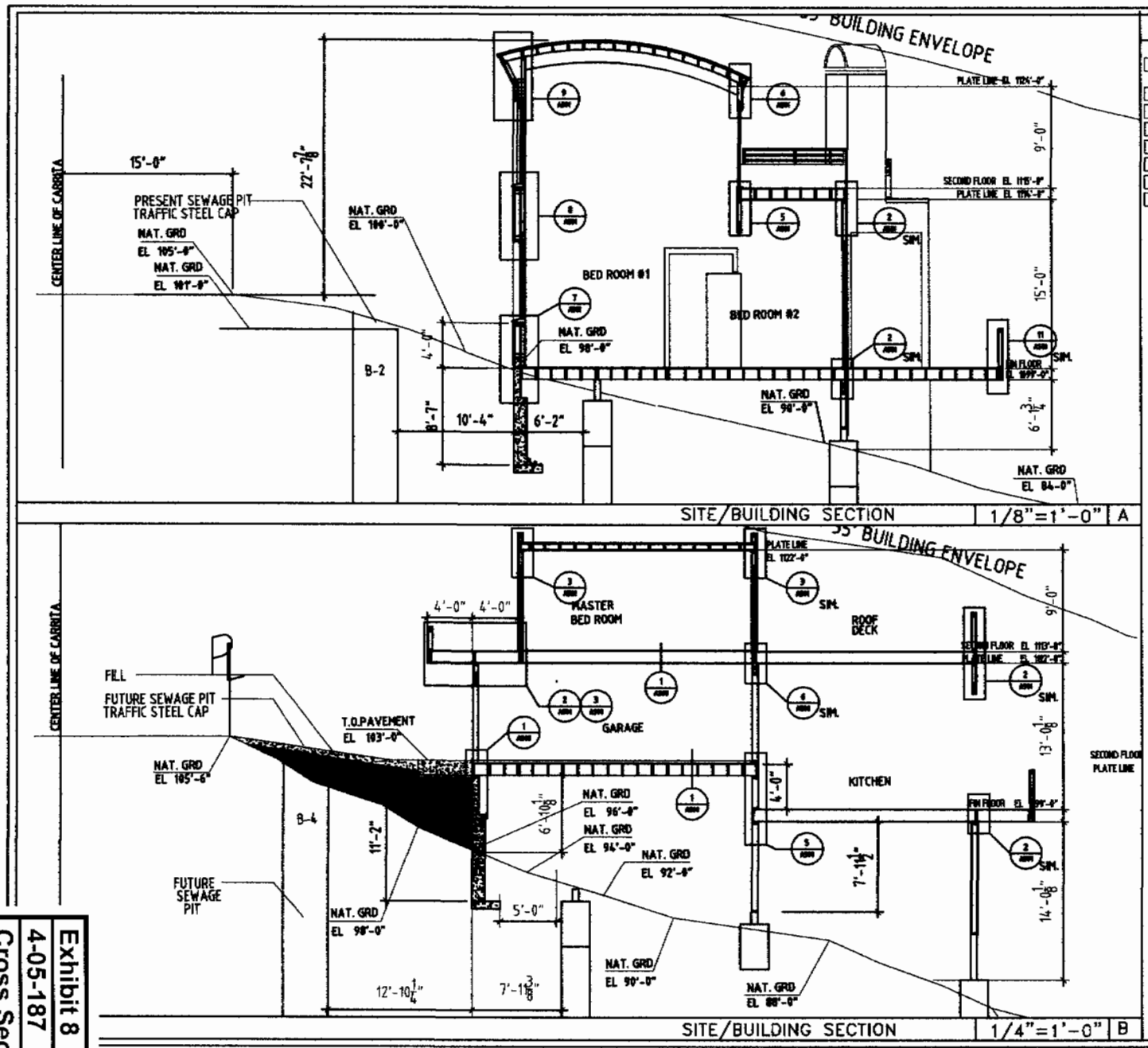
EXTERIOR ELEVATIONS

A310



KEY NOTES

1. 7/8" SMOOTH STUCCO OVER LATH OVER WATER PROOFING OVER PLYWOOD SHEATHING
2. WOOD TRELLIS
3. TILE FLASHING
4. EXTERIOR PLASTER REPAIR (TYP.)
5. PLASTER EXPANSION JOINT
6. ASPHALT ROOFING MATERIAL
7. PARAPET WITH METAL CAP
8. ALUMINUM CLAD WOOD WINDOWS

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REVISIONS
1. PLANNING SUBMITTAL 070405

PROJECT NO
DATE
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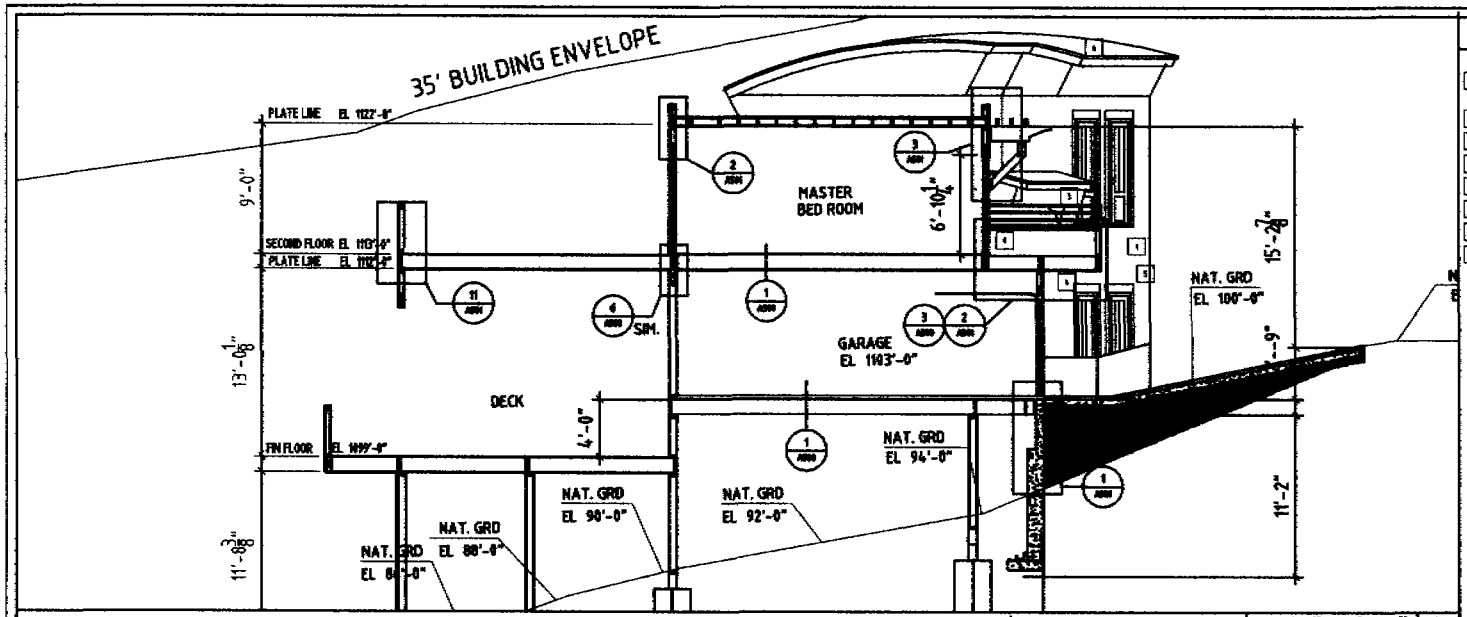
CHECKED

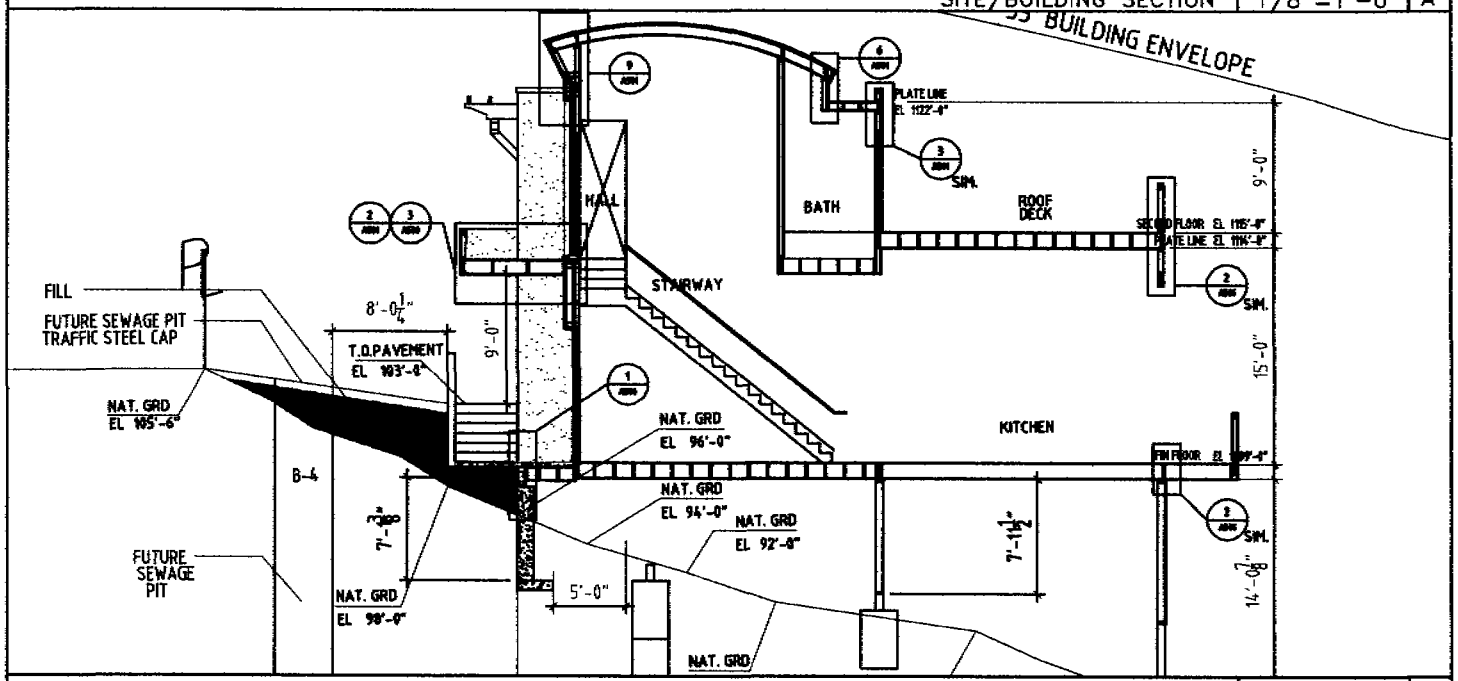
SITE/BUILDING SECTIONS

A400

Exhibit 8
4-05-187
Cross Sections



SITE/BUILDING SECTION | 1/8"=1'-0" | A



8

KEY NOTES

1. 7/8" SMOOTH STUCCO OVER LATH OVER TYVEK PERMEABLE OVER PLYWOOD SHEATHING
2. WOOD TRELLIS
3. [illegible]
4. EXTERIOR PLASTER SOFFIT (TYP.)
5. PLASTER EXPANSION JOINT
6. ASPHALT ROOFING MATERIAL
7. PARAPET WITH METAL CAP
8. ALUMINUM CLAD WOOD WINDOWS

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PERMIT

PLANNING SUBMITTAL 07/24/05

PROJECT NO
DATE/REVISIONS
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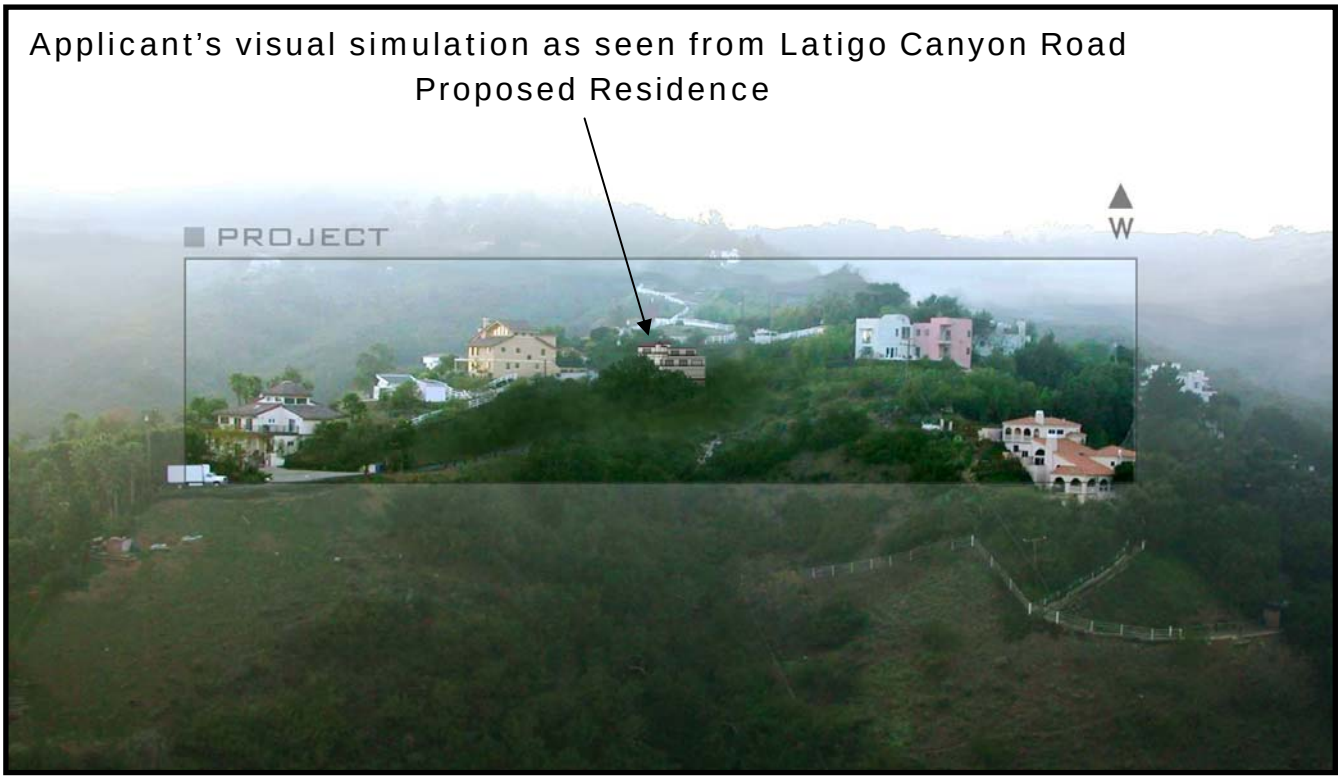
REVISIONS

SITE/BUILDING SECTION

A410

Applicant's visual simulation as seen from Latigo Canyon Road

Proposed Residence



Subject site as seen from Latigo Canyon Road

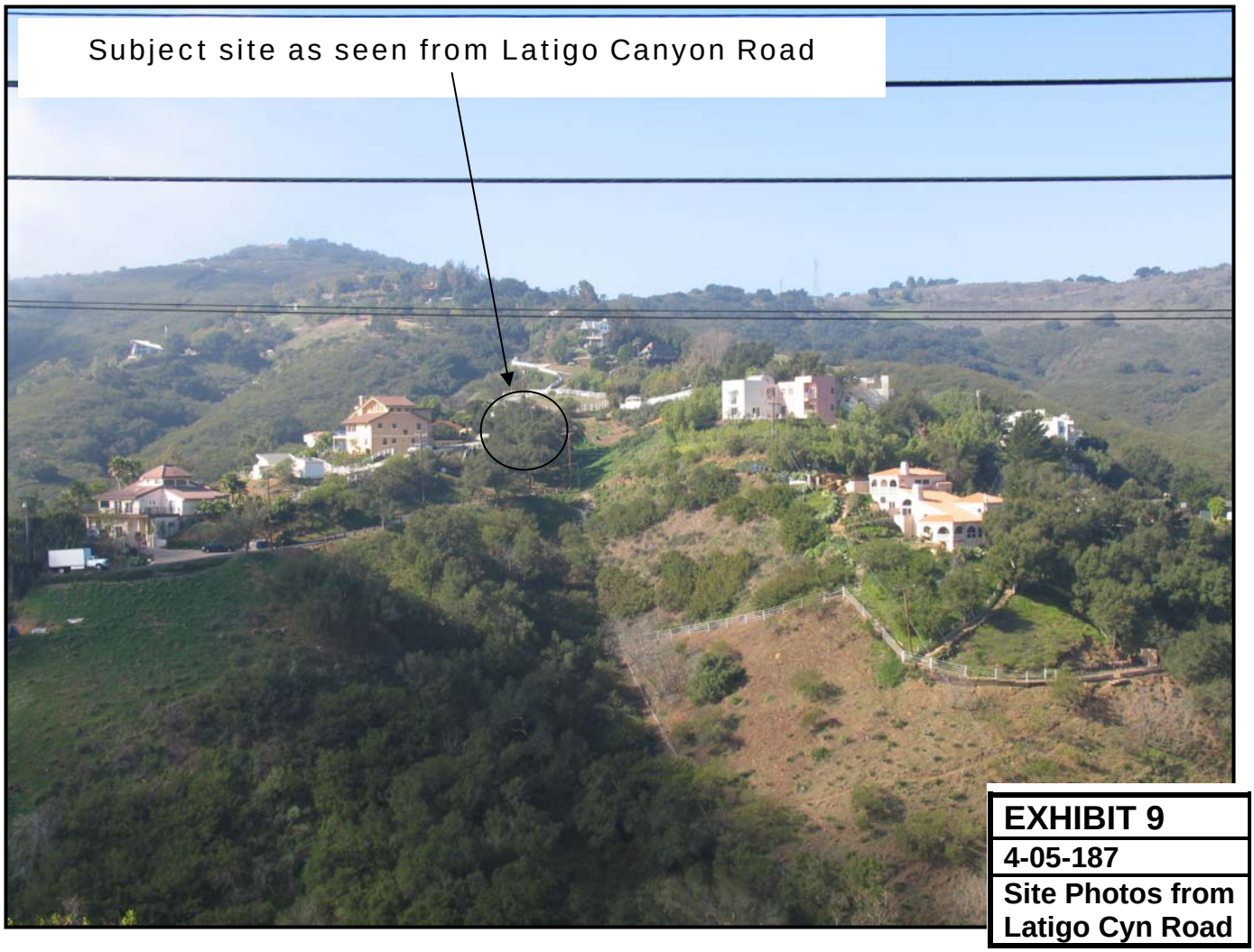


EXHIBIT 9

4-05-187

Site Photos from Latigo Cyn Road