

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Th11c

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-07-157

APPLICANT: Gail Conn

PROJECT LOCATION: 24744 Saddle Peak Road, Malibu, Los Angeles County
(Assessor's Parcel Number 4453-025-044)

PROJECT DESCRIPTION: Construct a three-story, 35-foot-tall, 3,486-square-foot single-family residence with an attached garage, deck, pool, driveway, septic system, landscaping, retaining walls, and 367 cubic yards of grading (101 cubic yards of cut, 266 cubic yards of fill, 165 cubic yards of material imported).

Lot area:	1.14 acres
Building coverage:	1,360 sq. ft.
Pavement coverage:	1,891 sq. ft.
Landscape coverage:	6,068 sq. ft.
Height:	35 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Regional Planning Approval in Concept, May 2, 2007; County of Los Angeles Fire Department Preliminary Fuel Modification Plan Approval, June 28, 2007; Los Angeles County Department of Health Services, Sewage Disposal System Design Approval, November 1, 2007; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, December 19, 2007.

SUBSTANTIVE FILE DOCUMENTS: "Percolation Test Report, 24744 W. Saddle Peak Road, Malibu, CA 90265," Lawrence Young, Registered Environmental Health Specialist, June 14, 2007; "Preliminary Geologic & Soils Engineering Investigation, Single Family Residence, APN # 4453-025-044-Saddle Peak Road" SubSurface Designs Inc., August 23, 2006; "Update Report to August 23, 2006 Preliminary Soils Engineering Investigation," SubSurface Designs Inc., January 29, 2008; Parcel Map 2856, recorded with the County of Los Angeles, June 19, 1974.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **Eleven (11) CONDITIONS** regarding (1) plans conforming to geologic recommendation, (2) drainage and polluted runoff control plans, (3) landscaping and erosion control, (4) assumption of risk, (5) structural appearance, (6) lighting, (7) removal of natural vegetation, (8) future development restriction, (9) deed restriction, (10) pool and spa drainage and maintenance, and (11) condition compliance.

The applicant proposes to construct a three-story, 35-foot-tall, 3,486-square-foot single-family residence with an attached garage, deck, pool, driveway, septic system, landscaping, retaining walls, and 367 cubic yards of grading (101 cubic yards of cut, 266 cubic yards of fill, 165 cubic yards of material imported).

The project site is a vacant 1.14-acre hillside parcel (APN 4453-025-004) located at 24744 Saddle Peak Road, northeast of the intersection of Saddle Peak Road and Loma Metisse Street, in the Santa Monica Mountains area, in western Los Angeles County. The area surrounding the parcel is primarily developed with low density single family residences. While the subject parcel supports scattered mixed chaparral vegetation, this vegetation is not considered to be environmentally sensitive habitat area (ESHA), as the subject site is surrounded by other residentially developed parcels and is, thus, not part of a large, contiguous block of relatively pristine native vegetation. Therefore, due to its location, the proposed development will not result in any loss of ESHA from either the construction of the residence or from any associated fuel modification requirements.

A portion of the Backbone Trail is located approximately one mile north of the subject property. However, the Backbone Trail does not cross any portion of the subject site and the proposed development will not result in any adverse impacts to public access.

The standard of review for the proposed permit application is the Chapter Three policies of the Coastal Act. As conditioned by the conditions proposed below, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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EXHIBITS

- Exhibit 1: Vicinity Map
- Exhibit 2: Site Plan
- Exhibit 3: North Elevation
- Exhibit 4: West Elevation
- Exhibit 5: East Elevation
- Exhibit 6: Grading Plan
- Exhibit 7: Parcel Map for Lot Creation

I. STAFF RECOMMENDATION:

I. Approval with Conditions

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-07-157 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS

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

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the following reports: (1) "Updated Report, 24744 Saddle Peak Road," SubSurface Designs Inc., January 29, 2008; and (2) "Preliminary Geologic and Soils Engineering Investigation, Proposed Single Family Residence, APN # 4453-025-044-Saddle Peak Road," SubSurface Designs Inc., August 23, 2006. These recommendations, including recommendations concerning foundations, construction, retaining walls, grading, septic system, 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. Drainage and Polluted Runoff Control Plans

- A. ***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.
 - (e) The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Landscaping and Erosion Control Plans

Prior to issuance of a Coastal Development Permit, the applicant shall submit 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 incorporate the criteria set forth below. All development shall conform to the approved landscaping and erosion control plans:

A) Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping and revegetation 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. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by 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 shall be primarily of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. 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) 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 thirty 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.

- 5) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

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.

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.

C) Monitoring.

- (1) Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The applicant, or successors in interest, shall implement the approved version of the revised or supplemental landscape plan.

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

5. Structural Appearance

Prior to 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. 4-07-157. 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 and constructed 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. 4-07-157 if such changes are specifically authorized by the Executive Director as complying with this special condition.

6. 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 fewer lumens than the amount 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 fewer lumens than the amount generated by a 60 watt incandescent bulb.
 3. The minimum necessary to light the entry area to the driveway with the same or fewer lumens than the amount generated by a 60 watt incandescent bulb.
- B. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

7. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to Coastal Development Permit 4-07-157.

8. Future Development Restriction

This permit is only for the development described in Coastal Development Permit No. 4-07-157. 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 any future development on any portion of the parcel. Accordingly, any future improvements to any portion of the property, including but not limited to the residence,

garage, water tank, septic system, landscaping, and removal of vegetation or grading other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition Three (3), shall require an amendment to Coastal Development Permit No. 4-07-157 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 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.

10. Pool Drainage and Maintenance

By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity balance to ensure any runoff or drainage from the pool will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a three-story, 35-foot-tall, 3,486-square-foot single-family residence with an attached garage, deck, pool, driveway, septic system, landscaping, retaining walls, and 367 cubic yards of grading (101 cubic yards of cut, 266 cubic yards of fill, 165 cubic yards of material imported) (**Exhibits 2 through 6**).

The project site is a vacant 1.14-acre hillside parcel (APN 4453-025-004) located at 24744 Saddle Peak Road, northeast of the intersection of Saddle Peak Road and Loma Metisse Street, in the Santa Monica Mountains area in western Los Angeles County (**Exhibit 1**). The property is located on a southeast-facing slope that descends approximately 75 feet from Saddle Peak Road into a northeast-southwest trending drainage ravine. The southeast descending slopes exhibit slope ratios ranging from 1:1 to 2:1. The slope areas are vegetated with a moderate amount of wild grasses and shrubs. The subject parcel is within the Carbon Canyon watershed and directly south of the Cold Creek Management Area. The property is also approximately 1,700 feet east of the Las Flores Canyon blue line stream designated by USGS and 1,000 feet west of a branch of the Dark Canyon blue line stream. A flat pad, where the proposed residence would be located, currently exists on the project site directly adjacent to Saddle Peak Road. Review of 1977 aerial photographs indicates that this area was graded prior to the effective date of the Coastal Act.

The areas surrounding the subject parcel are developed with single-family residences. While the subject parcel supports some scattered mixed chaparral vegetation, the location of this vegetation does not constitute an environmentally sensitive habitat area (ESHA), as the subject property is surrounded by development and is not part of a large, contiguous block of native vegetation. The Backbone Trail is located approximately one mile north of the subject site. There are no public trails on any portion of the subject site and the proposed development will not result in any adverse impacts to public access.

The subject 1.14-acre parcel was created through Parcel Map 2856, which was recorded with the County of Los Angeles on June 19, 1974. (**Exhibit 7**). Therefore, the subject parcel was created in compliance with all applicable laws at the time of creation prior to the effective date of the Coastal Act of 1977 and is, therefore, considered a legal lot.

B. Hazards and Geologic Stability

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

- Special Condition 1:** Plans Conforming to Geotechnical Engineer's Recommendations
- Special Condition 2:** Drainage and Polluted Runoff Control Plans
- Special Condition 3:** Landscaping and Erosion Control Plans
- Special Condition 4:** Assumption of Risk, Waiver of Liability and Indemnity

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 because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed development will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated

with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health. Additionally, both leakage and periodic maintenance drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing the instability of the site and adjacent properties and potential impacts from pool chemicals (i.e. pool water algaecides, chemical pH balancing, and other water conditioning chemicals).

Therefore, in order to minimize the potential for such adverse impacts to water quality resulting from drainage runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site, including: 1) sizing post-construction structural BMPs to accommodate (infiltrate, filter, or otherwise treat) the runoff from all storms up to and including the 85th percentile storm runoff event; 2) implementing erosion control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30231 of the Coastal Act:

- Special Condition 2:** Drainage and Polluted Runoff Control Plans
- Special Condition 3:** Landscaping and Erosion Control Plans
- Special Condition 7:** Removal of Native Vegetation
- Special Condition 10:** Pool Drainage and Maintenance

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. 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.***
- P142** ***New development along scenic roadways shall be set below the road grade on the down hill side wherever feasible, to protect designated scenic canyon and ocean views.***

The proposed development has been designed to minimize landform alteration on site and visual impacts on the surrounding areas. The residence would be built into the hillside slope on an existing building pad that was graded prior to the effective date of the Coastal Act and would have a final roof elevation of approximately 16 feet above the existing roadway grade. Access to the portion of Saddle Peak Road on which the subject development is proposed is currently restricted by a private electronic gate. Given that the roadway adjacent to the subject parcel is private, construction of the proposed single-family residence would not have any impacts to views from Saddle Peak Road.

Additionally, the Backbone Trail runs in an east-west direction approximately one mile north of the subject property. The Backbone Trail does not cross any portion of the subject site and the proposed project will not result in any adverse impacts to public access. A significant east-west ridgeline lies north of the subject property and south of the Backbone Trail. The final elevation of the proposed residence would be below the elevation of this ridgeline; therefore, the proposed residence would not be visible by members of the public utilizing the Backbone Trail.

The project site is located at the top of a ridge crest that is visible from Piuma Road, a designated scenic highway in the Malibu Land Use Plan. However, the proposed residence would not significantly alter the existing visual resources in the area. While the subject property is currently vacant, there are existing single-family residences in the immediate vicinity surrounding the project site. The proposed project will be consistent with the character and scale of the existing neighborhood and is designed to “step down” with the natural contours of the land minimizing the need for excessive grading and landform alteration. However, due to the highly visible nature of the project site as seen from Piuma Road, the Commission finds it necessary to require mitigation measures to minimize visual impacts.

In past permit actions, the Commission has found that the visual impact of new development can be minimized by requiring all surfaces 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. Therefore, 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 Five (5)**.

Visual impacts can be further reduced by the use of appropriate and adequate landscaping. Therefore, **Special Condition Three (3)** requires the applicant to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. To ensure that the final approved landscaping plans are successfully implemented, Special Condition Three (3) 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.

Additionally, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains creates a visual impact to nearby scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, **Special Condition Six (6)** limits night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. Additionally, the lighting restrictions will attenuate the impacts of unnatural light sources and reduce impacts to sensitive wildlife species that may move across the project site.

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 visual resources in this area. Thus, it is necessary to ensure that any future development or improvements normally associated with the entire property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. Therefore, **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 project, as conditioned, minimizes adverse effects to visual resources by protecting public views to and along the coast, minimizing the alteration of natural landforms, and by being visually compatible with the character of the surrounding area. Therefore, the Commission finds that the proposed project, as conditioned, 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

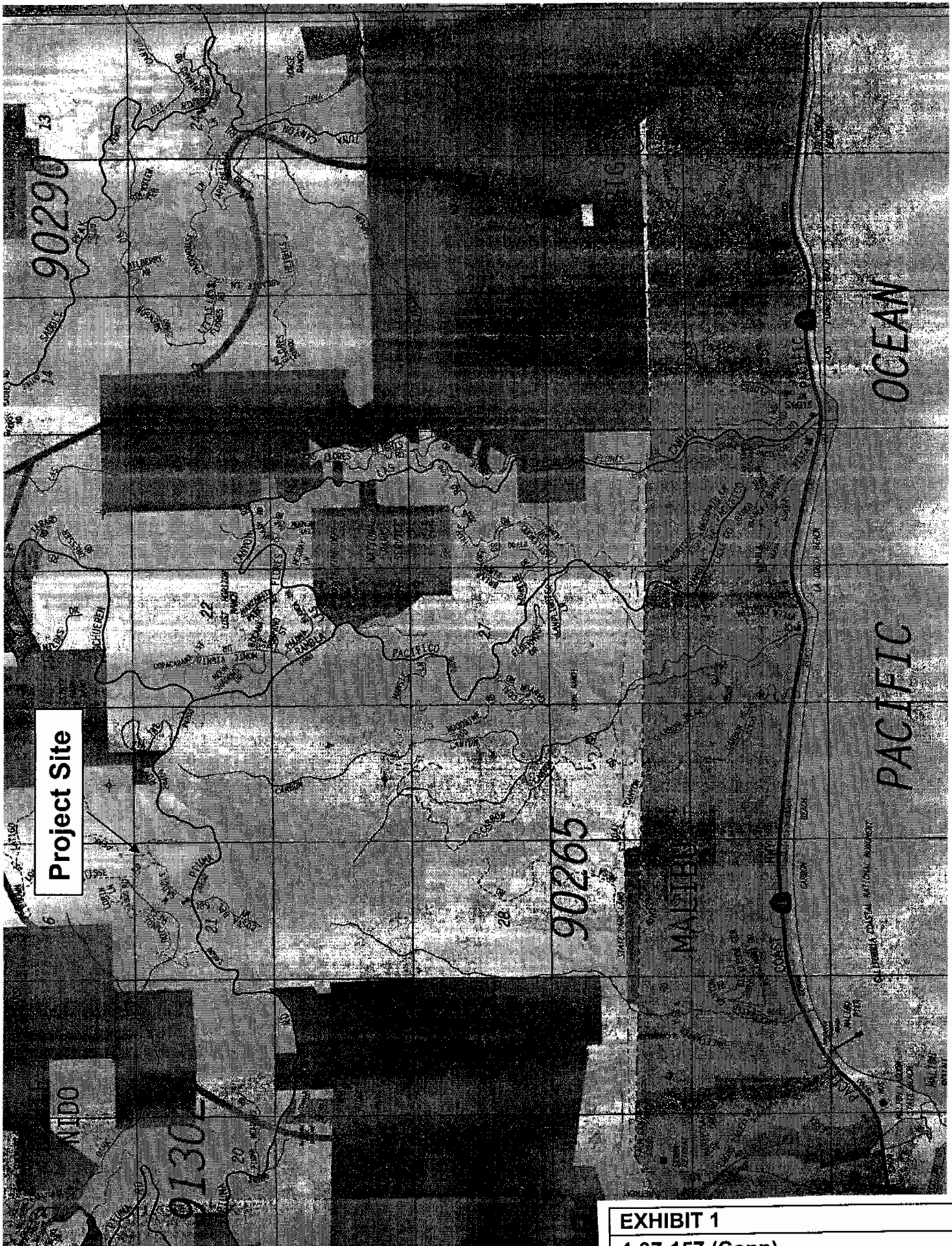
commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with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



Project Site

EXHIBIT 1

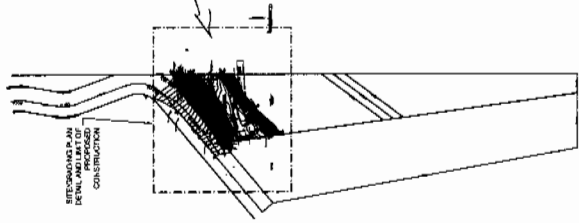
4-07-157 (Conn)

Vicinity Map

NO.	DATE	DESCRIPTION
1	04.18.08	PRELIMINARY
2	05.15.08	REVISED
3	06.10.08	REVISED
4	07.05.08	REVISED
5	08.20.08	REVISED
6	09.15.08	REVISED
7	10.10.08	REVISED
8	11.05.08	REVISED
9	12.01.08	REVISED
10	01.15.09	REVISED
11	02.10.09	REVISED
12	03.05.09	REVISED
13	04.01.09	REVISED
14	04.28.09	REVISED
15	05.25.09	REVISED
16	06.20.09	REVISED
17	07.15.09	REVISED
18	08.10.09	REVISED
19	09.05.09	REVISED
20	09.30.09	REVISED
21	10.25.09	REVISED
22	11.20.09	REVISED
23	12.15.09	REVISED
24	01.10.10	REVISED
25	02.05.10	REVISED
26	02.28.10	REVISED
27	03.23.10	REVISED
28	04.18.10	REVISED
29	05.13.10	REVISED
30	06.08.10	REVISED
31	07.03.10	REVISED
32	07.28.10	REVISED
33	08.23.10	REVISED
34	09.18.10	REVISED
35	10.13.10	REVISED
36	11.08.10	REVISED
37	12.03.10	REVISED
38	12.28.10	REVISED
39	01.23.11	REVISED
40	02.18.11	REVISED
41	03.13.11	REVISED
42	04.08.11	REVISED
43	05.03.11	REVISED
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95	05.13.11	REVISED
96	05.08.11	REVISED
97	05.03.11	REVISED
98	04.28.11	REVISED
99	04.23.11	REVISED
100	04.18.11	REVISED



SITE PLAN: 1" = 80'-0"



SITEGRADING PLAN DETAIL: 1/8"=1'-0"

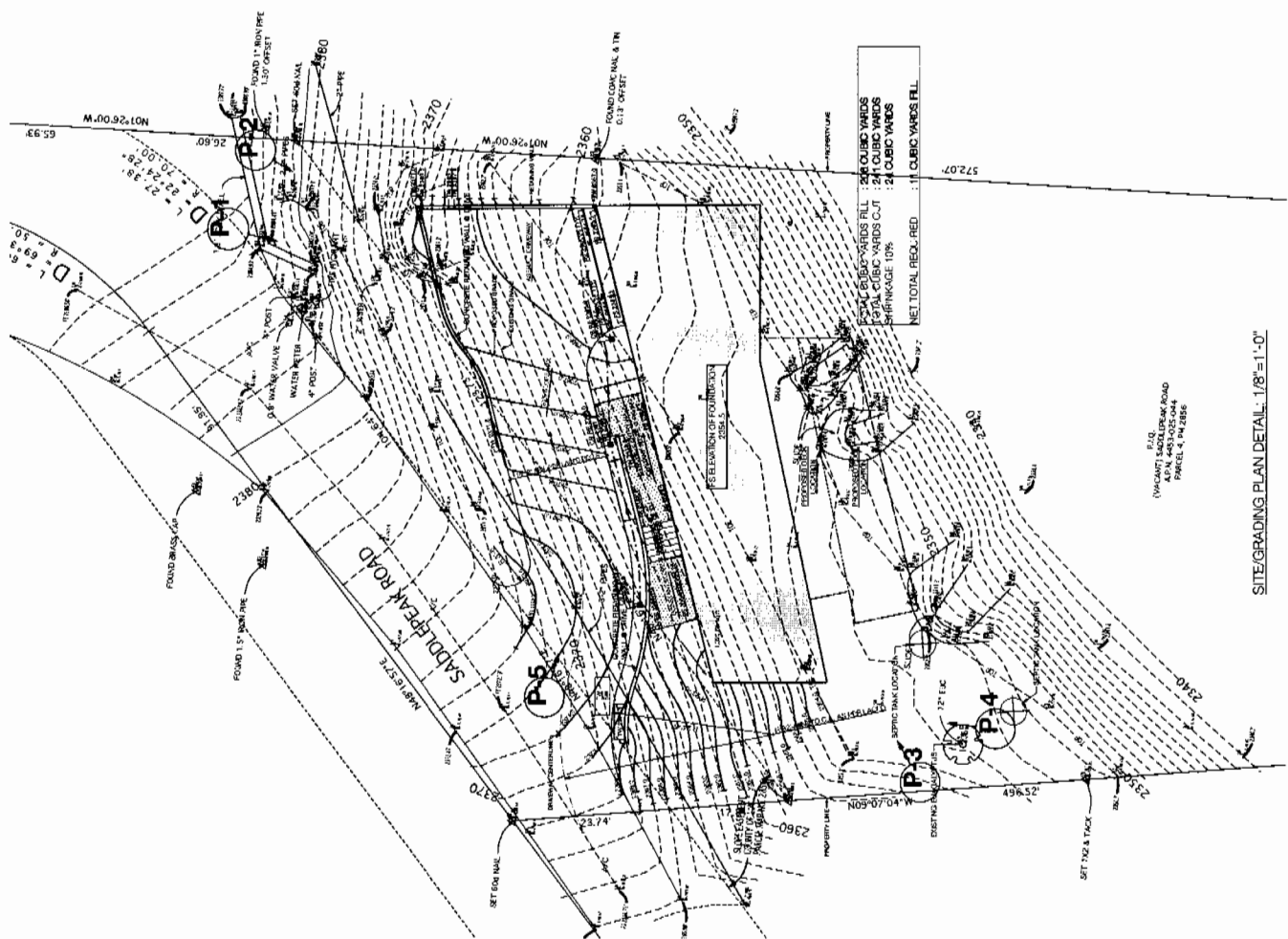


EXHIBIT 2
4-07-157 (Conn)
Site Plan

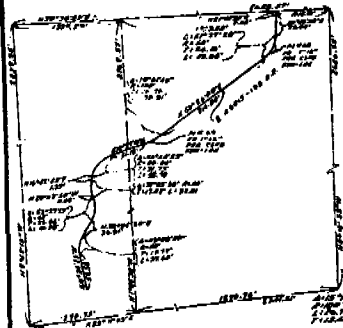
SCALE: 1" = 50'

PARCEL MAP NO. 2856

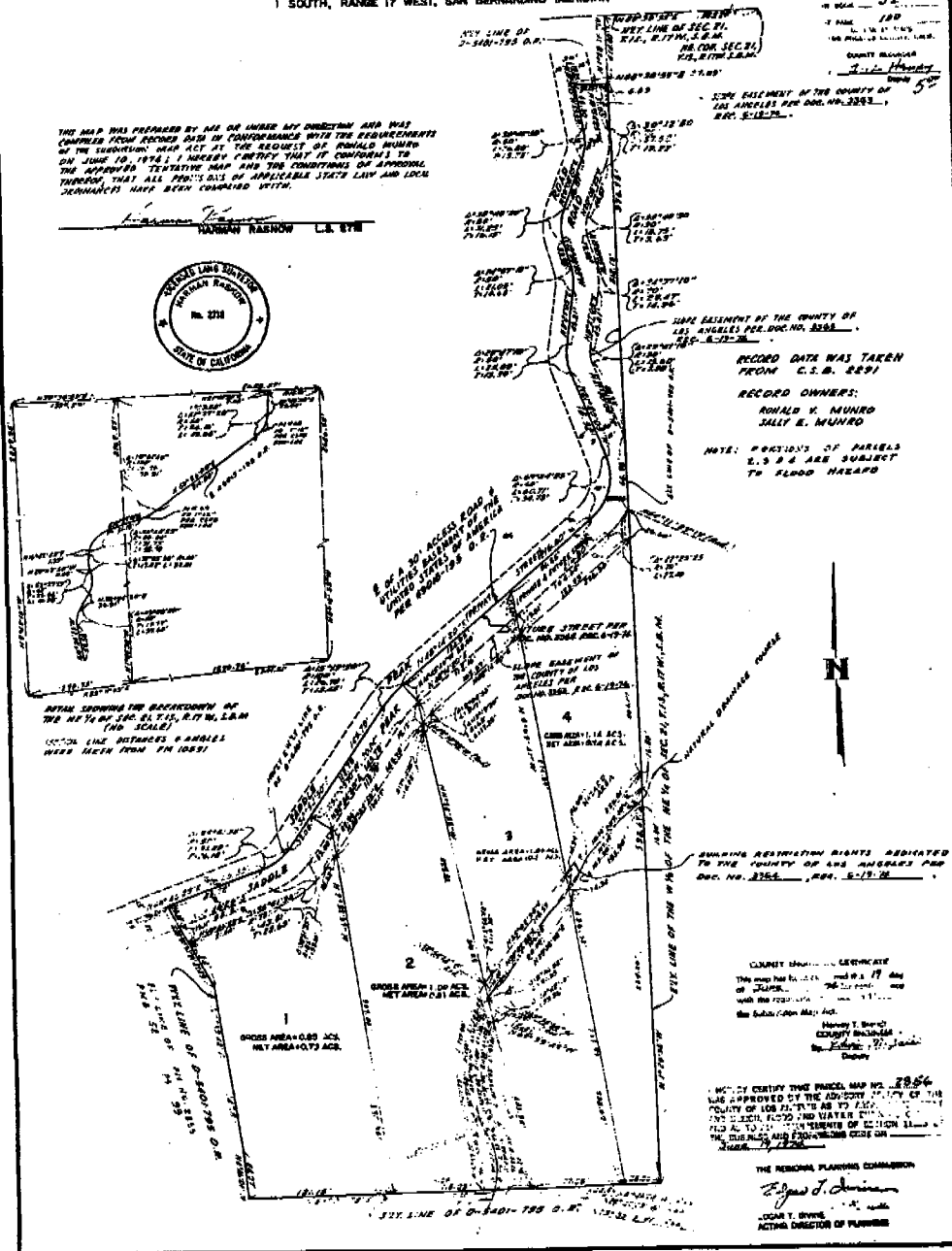
IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
BEING A DIVISION OF A PORTION OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN

FILED AT REQUEST OF
RONALD MUNRO
JUNE 10, 1974
11:27 AM
52
100
L.S. 111115
100
COUNTY RECORDER
J. L. Munro
Deputy

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS COMPILED FROM RECORDS KEPT BY CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEYING MAP ACT AT THE REQUEST OF RONALD MUNRO ON JUNE 10, 1974. I HEREBY CERTIFY THAT IT COMPLETS TO THE APPROVED TITLING MAP AND THE CONDITIONS OF APPROVAL, PROVIDED THAT ALL PROVISIONS OF APPLICABLE STATE LAW AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.



DETAIL SHOWING THE BACKGROUND OF THE MAP BY SEC. 21, T. 1 S., R. 17 W., S. 1 M. SECTION LINE DISTANCES & ANGLES WERE TAKEN FROM THE 1905



RECORD DATA WAS TAKEN FROM C.S.B. 2291
RECORD OWNERS:
RONALD V. MUNRO
JILLY E. MUNRO
NOTE: PORTIONS OF PARCELS 2, 3 & 4 ARE SUBJECT TO FLOOD HAZARD



BUILDING RESTRICTION RIGHTS REPLICATED TO THE COUNTY OF LOS ANGELES AND DOC. NO. 2764, REG. 5-12-74

COUNTY CLERK'S OFFICE
This map has been filed and is a part of the public records of the County of Los Angeles, California.
The Subdivision Map Act.
Harvey T. Smith
County Recorder
Deputy

I HEREBY CERTIFY THIS PARCEL MAP NO. 2856 WAS APPROVED BY THE ADVISORY BOARD OF THE COUNTY OF LOS ANGELES AS TO THE FLOOD HAZARD, FLOOD AND WATERShed DIVISION AND TO THE CONFORMANCE OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN.

THE REGIONAL PLANNING COMMISSION
Edgar J. Anderson
LOCAL T. BRYNE
ACTING DIRECTOR OF PLANNING

EXHIBIT 7
4-07-157 (Conn)
Parcel Map for Lot Creation