

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: PERMIT AMENDMENT

Application No.: 4-08-091-A1

Applicant: Jared Cook

Project Location: 21683 Saddle Peak Road, Santa Monica Mountains, Los Angeles County. (APN: 4448-020-050)

Project Description: Amend permit to include after-the-fact approval of two retaining walls that are approximately 42 feet and 137 feet in length, a propane tank, and cistern.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with four special conditions regarding: (1) permanent drainage and polluted runoff control plan, (2) revegetation plan, (3) removal of excavated material, and (4) condition compliance.

The proposed amendment includes after-the-fact approval of two retaining walls, approximately 42 feet and 137 feet in length, a propane tank, and cistern. The project site is located in the Santa Monica Mountains area of Los Angeles County, and is currently developed with a single family residence and associated development that was constructed pursuant to Coastal Development Permit 4-08-091. The project site is visible from both Saddle Peak Road and Tuna Canyon Road, which are designated scenic highways.

The project site is located in a rural area that is characterized predominately by naturally vegetated mountains and hillsides, and contains habitat which meets the definition of ESHA. As such, development on the subject property has been limited to a 10,000 square foot area. The development for which the applicant is seeking after-the-fact approval of would increase the

originally approved development area; however the total development area would remain within the 10,000 square foot maximum.

In order to minimize adverse impacts to both water quality and ESHA, Special Condition One (1) requires the applicant to submit a permanent drainage and polluted runoff control plan, which ensures the implementation of BMPs onsite.

In order to minimize adverse impacts to water quality and visual resources, and to further soften the appearance of the proposed retaining walls, Special Condition Two (2) requires that the applicant submit a revegetation plan that includes planting native species.

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.¹

¹ Please note that the Coastal Commission has approved Local Coastal Program Amendment No. LCP-4-LAC-14-0108-4 with suggested modifications (April 10, 2014) to approve the 2014 Land Use Plan. The County of Los Angeles has not yet accepted the suggested modifications. Additionally, the 2014 Local Implementation Program has not yet been considered by the Coastal Commission. As such, the policies of the 1986 Malibu – Santa Monica Mountains Land Use Plan continue to serve as guidance, as of this date.

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I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. 4-08-091 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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. Permanent Drainage and Polluted Runoff Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the retaining walls, and propane tank and cistern area, prepared by a qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate in the project design of developments in the following order of priority:

- a. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
- b. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
- c. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters. Where post-construction treatment of stormwater runoff is required, treatment control BMPs (or suites of BMPs) shall, at a minimum, be sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

The qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) Projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development, unless a credible

and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation.

- (2) Post-development runoff rates from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from hardscape areas, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches.
- (4) Landscape plants shall have low water and chemical treatment demands and be consistent with **Special Condition Two (2), Revegetation Plan**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with the engineered plans prepared by a qualified licensed professional.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed where needed to prevent erosion. Plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system shall be prepared by a qualified licensed professional. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The qualified, licensed professional shall ensure that all energy dissipaters use the minimum amount of rock and/or other hardscape necessary to protect the site from erosion.
- (7) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (9) For projects located on a hillside, slope, or which may otherwise be prone to geologic instability, site drainage and BMP selection shall be developed concurrent with the preliminary development design and grading plan, and final drainage plans shall be approved by a licensed geotechnical engineer or engineering geologist.
- (10) 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 affected 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.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

2. Revegetation Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit two sets of revegetation plans, prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Revegetation Plan is in conformance with the following requirements:

A) Revegetation Plan

- (1) All areas in front (downslope) of the retaining walls located on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the Coastal Development Permit Amendment. 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. 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 (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time 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 within the property.
- (2) Planting should be 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) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

C) Conformance with Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the approved Landscape and Fuel Modification Plans. The final Revegetation Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No

changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

Three years from the date of the receipt of the Coastal Development Permit Amendment is issued, the applicant shall submit to the Executive Director, a monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the revegetation plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the monitoring report indicates the landscaping is not in conformance with or has failed to meet the requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental revegetation plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial plan shall be implemented within 30 days of the date of the final supplemental revegetation plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

3. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

4. Condition Compliance

Within 90 days of Commission action on this coastal development permit amendment application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant is requesting after-the-fact approval of two retaining walls, approximately 42 feet and 137 feet in length and 2 to 4 feet in height, a propane tank, and cistern. The project site is an approximately 5-acre property located on the east side of Saddle Peak Road, and west of Tuna Canyon Road in the Santa Monica Mountains (Exhibits 1-2).

As described in further detail below, an existing single family residence and associated development have been constructed on the project site pursuant to Coastal Development Permit (CDP) 4-08-091. As the project site contains habitat that meets the definition of ESHA, in order to minimize significant disruption to habitat values, CDP 4-08-091 limited development on the project site to a maximum 10,000 square foot development area. As currently proposed, the development for which the applicant is seeking after-the-fact approval would increase the originally approved development area; however the total development area would remain under the 10,000 square foot maximum at 9,935 square feet.

In November 1987, the Commission approved CDP No. 5-87-197 (Sisson), which authorized the subdivision of a 20-acre parcel into four 5-acre lots. Grading for a road or pads was not approved as part of this subdivision permit. However, the location of a future building site on each parcel was identified as part of the permit. Further, as part of this approval, an offer to dedicate open space easement was required to be recorded across a portion of the site. The easternmost area of the subject property is part of that open space easement area.

CDP No. 4-03-102 (Cook) was approved in September 2004 for the construction of a two-story, 31-foot high, 2,682 square foot residence, detached 680 square foot guest house, septic system, and 223 cu. yds. of grading (173 cu. yds. cut and 50 cu. yds. fill) within a 9,775 sq. ft. development area on the subject property. Special conditions of approval associated with CDP 4-03-102 included geologic review, landscaping and erosion control plans, wildfire waiver of liability, drainage and polluted runoff control plan, lighting restriction, future development deed restriction, and habitat impact mitigation. In September 2006, the applicant applied for and the Commission approved an extension of time (for period not to exceed one year) to commence the approved development. However, the permit expired in September 2007 because the applicant did not commence construction of the approved development and did not request another one year permit extension prior to expiration.

As such, the applicant applied for another CDP, No. 4-08-091 (Cook), which was approved by the Commission in May 2009. This Coastal Development Permit allowed for the construction of a two-story, 27-foot high, 2,877 square foot single-family residence, 905 square foot attached garage, decks, driveway, septic system, as well as 911 cubic yards grading (818 cubic yards of cut, 93 cubic yards of fill), within an approximately 7,200 square foot development area. Conditions of approval for this CDP included a future development restriction, a deed restriction, and an open space conservation easement.

B. HAZARDS AND GEOLOGIC STABILITY

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.*

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 memorandum referenced as Substantive File Documents concludes 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.

However, 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, **Special Condition One (1)** requires the applicant to submit a permanent drainage and polluted runoff control plan certified by the geotechnical engineer. Further, in order to ensure stability of the project site, and to avoid contributing significantly to erosion, **Special Condition Two (2)** is required to ensure that the areas immediately adjacent to the proposed retaining walls are landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

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

Section 30231 of the Coastal Act states that:

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

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such

as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses and associated development cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants.

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.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff in the post-development stage, **Special Condition One (1)** requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures; and 3) revegetating graded and disturbed areas adjacent to the subject retaining walls with primarily native landscaping.

Originally, as a component of the subject amendment, the applicant requested after-the-fact approval of a third retaining wall, which was located downslope of the approximately 137 foot long retaining wall and a total of approximately 100 cu. yds. of fill for all three walls. However, during the amendment process, the applicant removed this retaining wall. Therefore, to ensure that excess excavated material located behind this third retaining wall is moved off site so as to minimize erosion and sedimentation from stockpiled excavated soil, **Special Condition Three (3)** requires that excess excavated material shall be disposed at an appropriate disposal site or to a site that has been approved to accept fill material.

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

D. ENVIRONMENTALLY SENSITIVE HABITAT

Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. 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 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has applied the following relevant policies as guidance in the review of development proposals in the Santa Monica Mountains.

- P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.*
- P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table I and all other policies of this LCP.*
- P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.*
- P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, 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.*
- P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development. Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.*
- P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.*

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.*
- P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.*

As mentioned above, the project site is located in the Santa Monica Mountains area of Los Angeles County. A majority of the project site located outside of the existing developed areas consists of relatively undisturbed native chaparral vegetation that has been protected as open space pursuant to CDP 4-08-091. The development for which the applicant is seeking after-the-fact approval is located adjacent to the existing residence, outside of designated open space areas.

Coastal Development Permit 4-08-091 required that development on the project site be clustered to one development pad area less than 10,000 square feet in size in order to reduce landform alteration and removal of native vegetation that is considered ESHA. Although the development for which the applicant is seeking after-the-fact approval will increase the total development area on the project site, it will remain under the 10,000 square foot maximum, at 9,935 square feet.

The eastern portion of the property, where the proposed retaining walls are located, extends downslope into Dix Canyon, which contains a riparian corridor. Although no portion of the proposed project will encroach into the riparian habitat on the property, adverse impacts to water quality and ESHA can result from runoff from the project site. As such, **Special Condition One (1)** requires the incorporation of Best Management Practices to control the volume, velocity, and pollutant load of flows leaving the subject property.

Additionally, the Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Furthermore, indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. In order to minimize these direct and indirect adverse impacts, **Special Condition Two (2)** requires that all planting surrounding the retaining walls consist of native species indigenous to the Santa Monica Mountains.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 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.

The project site is comprised of an approximately 5-acre parcel, located on the east side of Saddle Peak Road, and west of Tuna Canyon Road in the Santa Monica Mountains. The project area is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides with low density residential development. A portion of the proposed development will be visible at a distance from portions of Saddle Peak Road and Tuna Canyon Road, both of which are designated scenic highways. However, the proposed propane tank and cistern will not be visible from Saddle Peak Road or Tuna Canyon Road, as they are located on the west side of the property, between the existing residence and adjacent hillside.

The proposed retaining walls are located on the eastern portion of the property, and are visible from portions of both Saddle Peak Road and Tuna Canyon Road. Although the applicant has planted some vegetation in the vicinity of the retaining walls, in order to further minimize visual impacts additional planting of native landscaping is necessary to screen the retaining walls. As such, **Special Condition Two (2)** requires the applicant to submit a Revegetation Plan which requires the timely planting of native landscaping indigenous to the Santa Monica Mountains to soften the visual impact of the development.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

F. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permit. The unpermitted development includes the construction of retaining walls, and the installation of a propane tank and cistern. As described in the preceding sections, this application requests after-the-fact approval for this unpermitted development.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, **Special Condition Four (4)** requires the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit amendment, within 90 days of Commission action.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter Three policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. LOCAL COASTAL PROGRAM PREPARATION

Section 30604(a) 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 coastal 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 Three policies of the Coastal Act. The preceding sections provide findings that the proposed projects will be in conformity with the provisions of Chapter Three if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter Three. **Special Conditions One (1) through Four (4)** are required to assure the project's consistency with Section 30604 of the Coastal Act.

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 Three of the Coastal Act, as required by Section 30604(a).

H. 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 in detail above, the proposed project, 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. **Special Conditions One (1) through Four (4)** are required to assure the project's consistency with Section 13096 of the California Code of Regulations.

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.

APPENDIX 1

Substantive File Documents

Certified Malibu/Santa Monica Mountains Land Use Plan; The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D; Engineering Memorandum, prepared by Roland Acuna and Larry Finley, dated June 4, 2013; County of Los Angeles Department of Regional Planning, Approval in Concept, dated December 12, 2013; Coastal Development Permit No. 5-87-197 (Sisson); Coastal Development Permit No. 4-03-102 (Cook); Coastal Development Permit No. 4-08-091 (Cook).

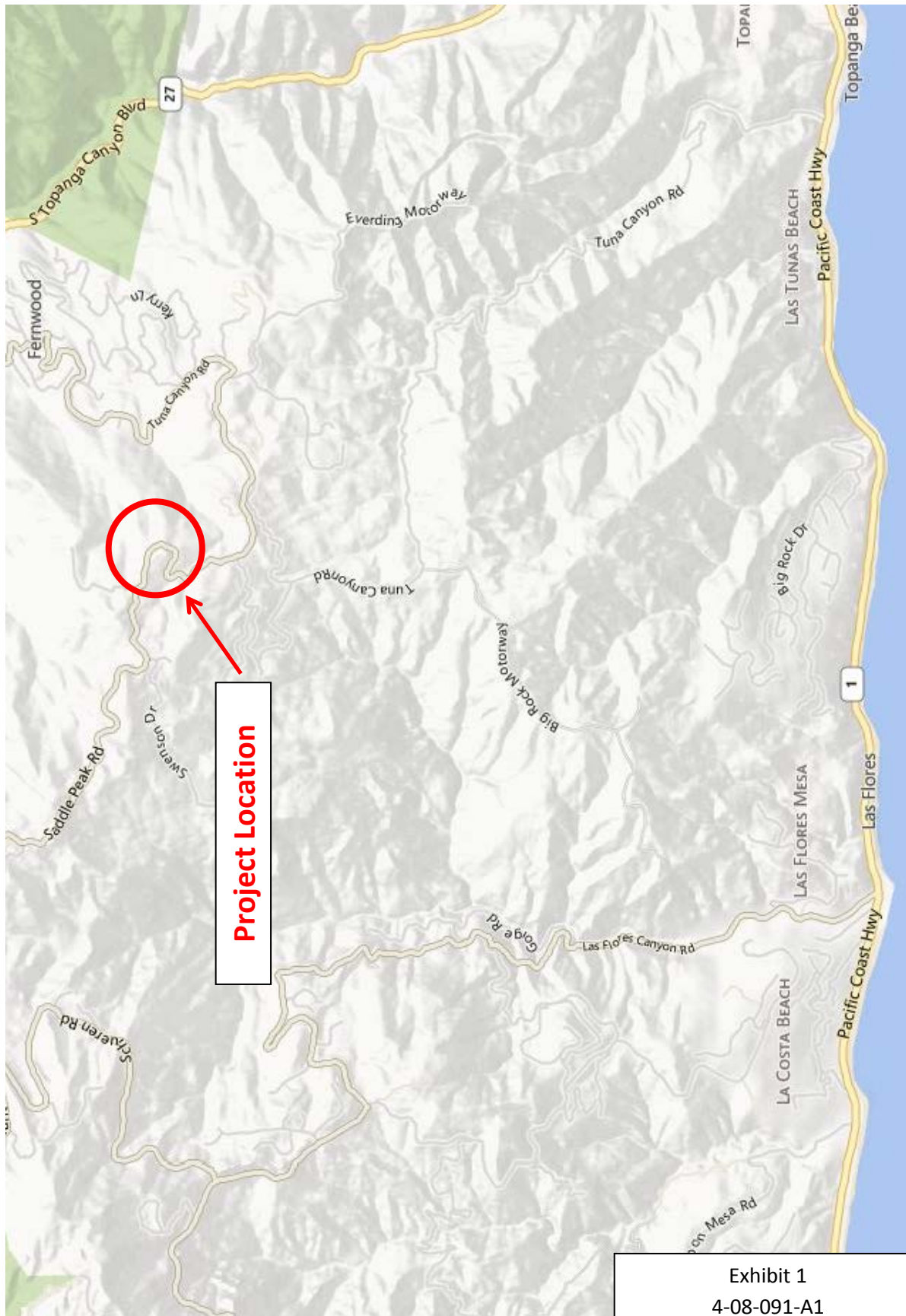
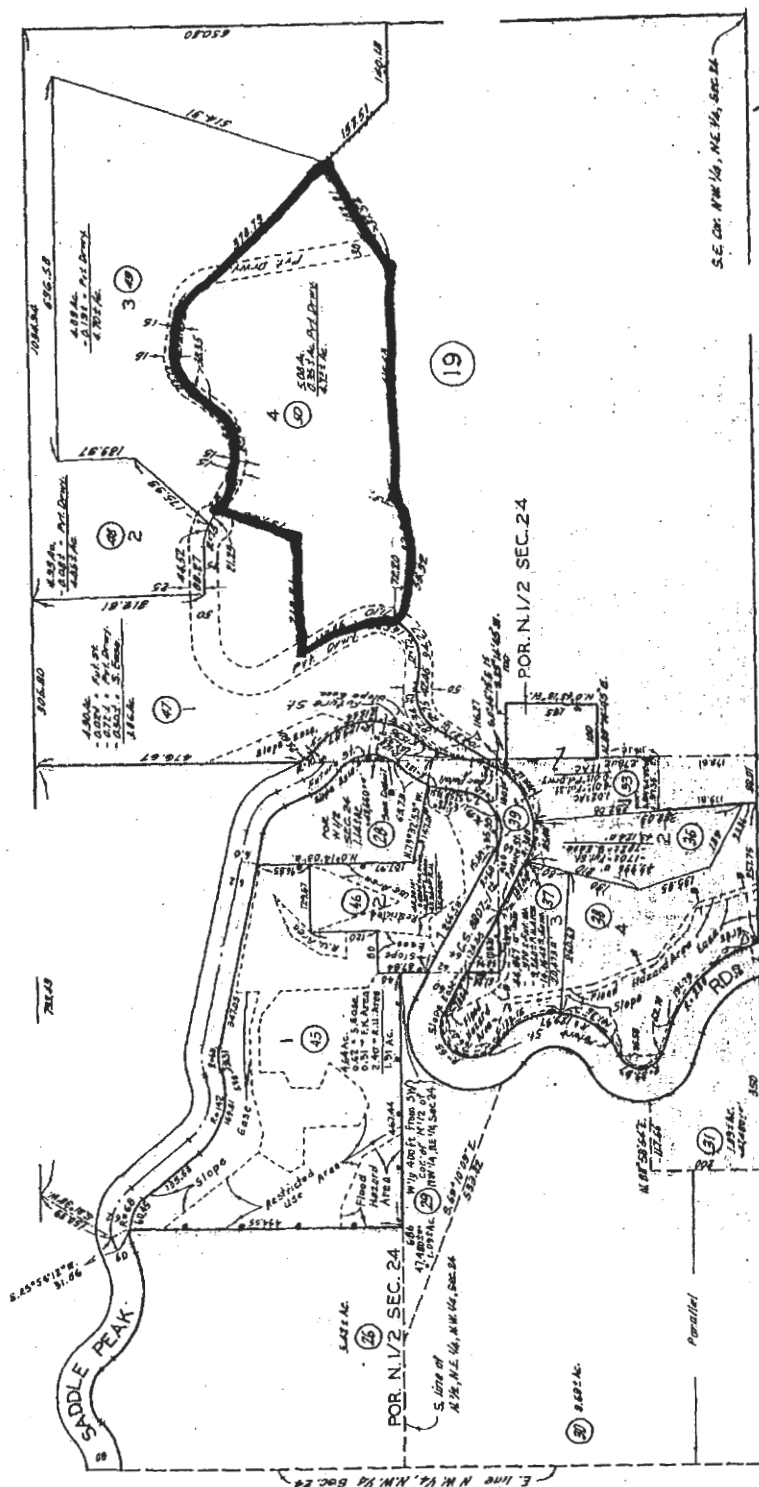


Exhibit 1
4-08-091-A1
Vicinity Map

LO-400000E2800002
 LO-300000E2800007
 LO-100000E2800016
 LO-1002000E2800068
 LO-1002000E2800088
 3-508802798
 91008
 101121004



PARCEL MAP	P. M. 284 - 64 - 66
PARCEL MAP	P. M. 216 - 66 - 67
PARCEL MAP	P. M. 201 - 89 - 90
T. I. S. R. 17 W.	
PARCEL MAP	P. M. 56 - 32

0635
8635

FOR REVIEW, EIGHT 66:
4448-7

DETAIL B
NO SCALE

SADDLE & PEAK

BRD.

North Arrow

ASSESSORS MAP
COUNTY OF LOS ANGELES, CALIF.

33.07
DETAIL A
NO. SCALE

21
1/11

ADDL 6 11-22-28

5.

u 56-32

2
Q.1
1

1

RCEL_ MA

PAF

1

4

Exhibit 2
4-08-091-A1
Parcel Map

