

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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Staff: MB-V MB
Staff Report: 10/26/95
Hearing Date: 11/14-17/95
Commission Action:



STAFF REPORT: CONSENT CALENDAR

TU 16d

APPLICATION NO.: 4-95-169

APPLICANT: Bruce and Toni Henning AGENT: Clive Dawson

PROJECT LOCATION: 3535 Coast View Dr., City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct two and one half story, 2358 sq. ft., single family residence with 787 sq. ft. attached garage, septic system, and 450 cu. yds. of grading (100 cu. yds of cut and 350 cu. yds. of fill).

Lot area:	10,890 sq. ft.
Building coverage:	1,665 sq. ft.
Pavement coverage:	2,146 sq. ft.
Landscape coverage:	7,079 sq. ft.
Parking spaces:	3 covered
Ht abv fin grade:	23 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Approval in Concept; City of Malibu Environmental Health Department Approval of Septic System.

SUBSTANTIVE FILE DOCUMENTS: 5-95 133 (Lewis).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions relating to landscaping, geology, drainage and erosion control, wild fire waiver, and color restriction. The proposed project poses no unusual threats to coastal resources that would not be mitigated by the proposed special conditions.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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

III. Special Conditions.

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Soils Engineering Investigation dated 9/9/94, prepared by Coastline Geotechnical Consultants, Inc. and the Addendum Engineering Geologic Report dated 5/11/95, prepared by Coastline Geotechnical Consultants, Inc. shall be incorporated into all final design and construction. All plans must be reviewed and approved by the consultants. Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

2. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

3. Landscaping and Erosion Control Plans

Prior to issuance of permit, the applicant shall submit detailed landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes at the completion of grading. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) 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 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.

- (c) Should grading take place during the rainy season (November 1 -- March 31), applicant shall minimize sediment from runoff waters during construction through the use of sediment basins (including debris basins, desilting basins, or silt traps) on the project site prior to or concurrent with the initial grading operations and maintained through the development process. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

4. Color Restriction.

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which restricts the color of the subject structure and roof to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant proposes to construct a 2,358 sq. ft., two and one half, 23 ft. high above grade, single family residence with a 588 sq. ft. attached garage, septic system, driveway, and 450 cu. yds. of grading (100 cu. yds. cut and 350 cu. yds. fill) on a 10,890 sq. ft. lot. The site is located at 3535 Coast View Drive, in the City of Malibu, in an undeveloped cul-de-sac at the end of a street developed with homes of similar size and character. The site overlooks Civic Center Way and Pacific Coast Highway and is across a canyon and east of the Pepperdine University Campus.

B. Geology: Hazards

Section 30253 of the Coastal Act states in 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 applicant has submitted a reports entitled Soils Engineering Investigation dated 9/9/94, prepared by Coastline Geotechnical Consultants, Inc. and the Addendum Engineering Geologic Report dated 5/11/95, prepared by Coastline Geotechnical Consultants, Inc.. The applicant's geological investigation states that:

... The proposed development is free from geologic hazards such as landslides, slippage, active faults, and undue differential settlement provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

Based on the recommendations of the consulting geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's recommendations are incorporated into project plans. Therefore, the Commission finds it necessary to impose Special Condition 1 (Geology).

The applicant proposes 450 cu. yds. of grading (100 cu. yds. of cut, 350 cu. yds. of fill). To ensure that sediment is properly contained during construction and that graded areas are stabilized by timely revegetation measures, the Commission finds it necessary to impose Special Condition 3 (Landscaping). This condition will ensure that geologic hazards that would be created by unstable post-grading slopes will be avoided by requiring that preventive erosion control measures be implemented during construction and that a revegetation measures will be implemented after grading to ensure long-term stabilization of the site.

In addition, the proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, and wild fire. Because 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 the associated risks. Through the waiver of liability, required by Special Condition 2, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

Therefore, the Commission finds, for the reasons set forth above, that only as conditioned would the proposed project be consistent with Section 30253 of the Coastal Act.

C. Septic.

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

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

The applicant has submitted favorable review of the septic design by the City of Malibu Environmental Health Department. The standards of approval of the City of Malibu Environmental Health Department for septic systems have been

found by the Commission in past decisions to be protective of coastal resources. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character 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 applicant proposes to construct a 2,358 sq. ft., two and one half story, 23 ft. high above grade, single family residence with a 588 sq. ft. attached garage, septic system, driveway, and 450 cu. yds. of grading (100 cu. yds. cut and 350 cu. yds. fill) on a 10,890 sq. ft. lot. The site is visible from Pacific Coast Highway, a designated scenic highway. The building site is located on an upslope on a steeply sloping hillside. The topography is such that the residence would be more visible from Pacific Coast Highway than the adjacent homes.

Through past Commission actions, developments similarly situated in significant coastal view corridors have been subject to color restrictions which limit outer walls and roofs to earth tones only and utilize non-glare glass. Therefore, to minimize the visual impact of the proposed project and ensure that the structure and roof colors are compatible with the surrounding environment, the Commission finds that it is necessary to require the applicant to record a deed restriction limiting the colors of the residence and roof to natural earth tones.

Finally, landscaping with locally-native species will soften the effects of development and minimize the visual impacts created by grading activities during construction. The use of vertical elements in the landscaping plan to soften the impacts of the proposed development will further mitigate adverse visual impacts. Therefore, to ensure that appropriate landscaping and erosion control measures are implemented to protect visual resources that would otherwise be adversely impacted by the proposed project, the Commission also finds it necessary to impose Special Condition 3 (Landscaping).

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

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

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

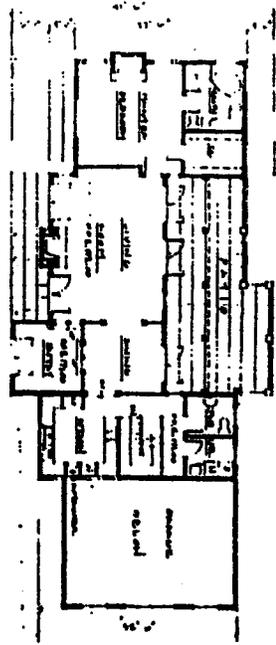
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

F. CEQA

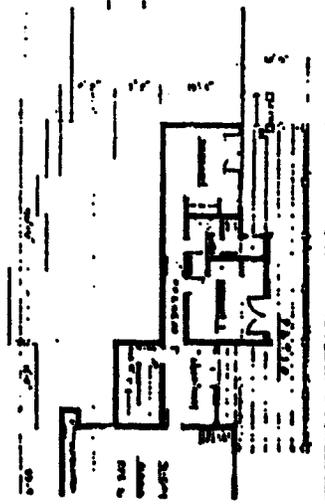
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

There are no negative impacts caused by the proposed development, as conditioned, which have not been adequately mitigated. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

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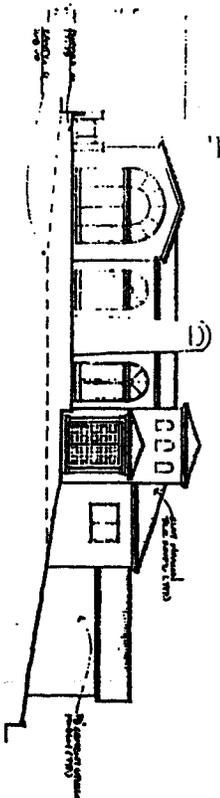


first floor

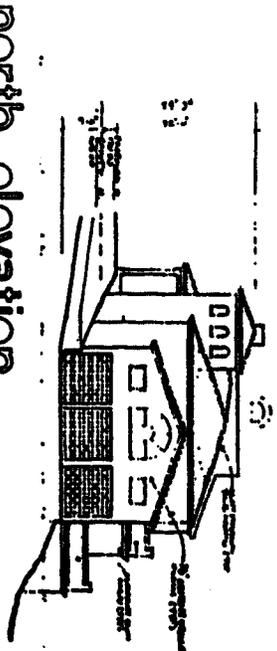


lower floor

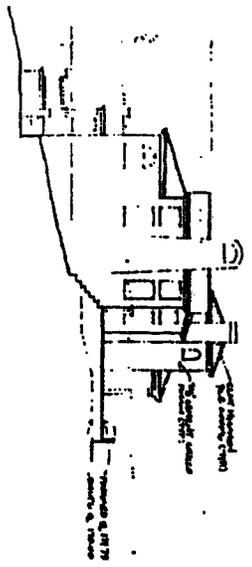
EXHIBIT NO. III
APPLICATION NO.
4-95-169
Elevations



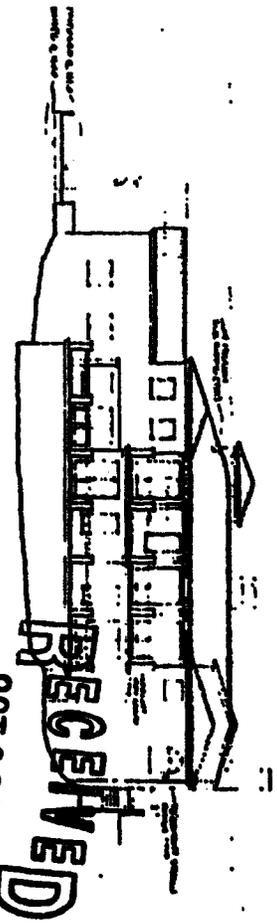
east elevation



north elevation



south elevation



west elevation

OCT 02 1995
 CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

BRUCE & TONI HENNING ARCHITECTS

1

OLIVE DAWSON

PROPOSED SINGLE FAMILY RESIDENCE FOR
 BRUCE & TONI HENNING @
 3838 COASTVIEW DRIVE
 MALIBU, CA 90266

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