

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

Filed: 8-7-95  
49th Day: 9-25-95  
180th Day: 2-3-96  
Staff: MB-VNT *MB*  
Staff Report: 11-27-95  
Hearing Date: Dec. 13, 1995  
Commission Action:

STAFF REPORT: CONSENT CALENDAR

**W18g**

APPLICATION NO.: 5-95-210

APPLICANT: Brian Bosworth

AGENT: Jaime Harnish

PROJECT LOCATION: 6375 Meadows Court, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Construct 28 foot high, two story, 8,250 sq. ft. single family residence with attached garage, tennis court, septic system. Modify and add to previously approved, internal, building pad drainage and retaining walls. No additional grading.

Lot Area	1.71 acres
Building Coverage	4,950 sq. ft.
Pavement Coverage	20,000 sq. ft.
Landscape Coverage	5,000 sq. ft.
Parking Spaces	3 covered
Zoning	RR 2
Plan Designation	RR 2
Project Density	.58 dua
Ht abv fin grade	28 feet

LOCAL APPROVALS RECEIVED: Approval in concept from the City of Malibu.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permit 5-81-11, 5-81-11A through A5 (Sycamore Meadows, Inc.); 5-90-1097A5 (Fishpan)

SUMMARY OF STAFF RECOMMENDATION: The proposed development involves constructing a single family residence in a previously approved subdivision -- Coastal development permit 5-81-11, 5-81-11A through A5 (Sycamore Meadows, Inc.) -- which has a complex history centering on a violation and the issues of drainage, open space restriction, visual quality and archaeological resources. These concerns centered on a lot at the opposite end of the subdivision downhill and to the south adjacent to Highway 1, subject to an amendment on the October, 1995 Coastal Commission agenda -- 5-90-1097A5 (Fishpan). While the present application will not alter the separate subdivision-wide drainage system already completed, i.e. taking care of drainage from outside the subdivision, the internal or "on-site" drainage system going to the street is modified by changes in the retaining wall and drainage system which "upgrades" that previously approved in 5-81-11A (Sycamore Meadows, Inc.), including consideration of a fault scarp through the

middle of the property. The only concern remaining to carry over from the previously approved subdivision is completion of required landscaping, which is resolved by the condition of approval recommended below. Conditions are also recommended relative to wildfire waiver of liability and conformance to landscaping and erosion control conditions.

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### STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

#### I. Approval with Conditions

The Commission hereby approves the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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.

#### III. Special Conditions.

##### 1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Addendum Engineering Geologic Report dated 4/20/95, prepared by Mountain Geology 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 relative to construction, grading and drainage. 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.

#### A. Project Description and Background

##### 1. Project Description

The applicant is proposing to construct a 28 foot high, two story, 8,250 sq. ft. single family residence with attached garage, tennis court, and septic system. (Exhibit II) All grading on this site for the residence was done under the original permit 5-81-11 and subsequent amendments to the permit for the subdivision. No additional grading is proposed. A cul-de-sac road and building pads were installed under the original permit as amended.

This parcel is located at the northeastern corner of a tract just north of Pacific Coast Highway. (Exhibit I) There is a fault scarp through the middle of the property.

Drainage systems were also required under the original permit and subsequent amendments. The present application will not alter the subdivision-wide drainage system already completed, conveying drainage from outside the subdivision to the south. There will be an internal or "on-site" drainage system from each lot to drain the individual pads, to be constructed with development of the individual lots. Both systems are noted on the staff signed map dated 12/14/90 approved as part of amendment 5-81-11A. In the case of the subject application, and most of the other lots as approved under the original subdivision, the drainage will go to the street.

The pad drainage design is modified, however, by the present application. First, it will change the layout and number of retaining walls which define

the areas collecting water as well as support their respective pads, for the house, the swimming pool, and the tennis court (see Exhibit II):

- o add a new retaining wall along the rear of the property
- o construct two new walls across the middle of the property instead of the one wall previously approved in the approximate location, at approximately the north and south boundary of the earthquake scarp
- o construct a new wall which provided privacy, slope protection and visual definition to an existing pedestrian and equestrian path along the west side and merges into a new wall along the southwest side of the driveway.

Because of the site location and the shape and elevation of topography to the south, these walls as well as the proposed residence will not impact on views from Highway 1.

Further, the present application will change the layout and number of "on-site" drains, since:

- o a new drain and line will be added to carry runoff from the fault scape area
- o the drains and lines from the north and south pads will be slightly altered as to location
- o the collector drain for the above three drains will be located closer to the east property line, but will still outfall onto the existing cul-de-sac

## 2. Background

This lot was created under coastal development permit 5-81-11 (Sycamore Meadows) which allowed for the subdivision of 2 lots, totaling 14.5 acres, into eight parcels ranging in size from 1.5 acres to 2.7 acres. The original permit for the subdivision was approved with four special conditions:

- o the submittal of plans stamped by the geologist and plans for a storm water drainage system and a sewage disposal system
- o the transfer of development credits
- o an open space easement over an archaeological area
- o either a revised tentative tract map locating the access road west of an identified archaeological midden site or an archaeological analysis indicating that the proposed development adequately protects the resources of the site.

Two amendments to the original subdivision were approved in 1990 and 1991. The first, 5-81-11A (Sycamore meadows) allowed for 15,000 cubic yards of grading and was subject to two special conditions regarding grading and landscaping plans and a revised tract map. The second amendment, 5-81-11A2 (Sycamore Meadows), approved eight months later, contained five special conditions including two which superceded the special conditions imposed on the first amendment. In all, nine conditions attached to the original subdivision project.

Another property in the same subdivision was subject to an amendment request on the October 10 through 13, 1995 Coastal Commission agenda, affecting the southeasternmost lot, adjacent to Highway 1. The single family dwelling was approved under 5-90-1097 (Sycamore Meadows) with special conditions relative to plans stamped by the geologist, landscaping plans, and condition compliance of the other two conditions. Three amendments to this permit have been subsequently issued. The concerns applicable to that lot concerning visibility from Highway 1, archaeology, open space, and setbacks do not apply to the present application. However, as discussed by the findings below, the landscaping requirements of the original subdivision, 5-81-11A (Sycamore Meadows) as amended, still remains to be met, which is resolved by the condition of approval recommended based on the findings below.

#### B. Geologic 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 report entitled Addendum Engineering Geologic Report dated 4/20/95, prepared by Mountain Geology Inc.. The applicant's geological investigation states that:

Based upon the preliminary geologic investigation, the updated investigations, and our site observations performed on the site during lot grading, the subject property is free of geologic hazards such as landslides and active faults. The proposed residential construction and installation of a private sewage system will not adversely effect the stability of the site or adjacent properties.

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 landscaping required for certain areas on-site required as part of approval of the underlying subdivision by the Commission has not taken place. See files for coastal development permit 5-81-11, 5-81-11A through A5 (Sycamore Meadows, Inc.). These locations for landscaping would be affected by the modification and addition of new retaining walls as shown on the project plans. 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 disturbance of the site to ensure long-term stabilization of the site.

The existing fault scarp is an inactive fault splay of the Malibu Coast Fault Zone found through seismic trenches in the area of the proposed development. The scarp was examined by the above noted geologic study and was found to not present a hazard to the site or future development. The scarp was found to be inactive, i.e. older than eleven thousand years, and the possibility of ground rupture to be "very low to remote". The proposed development is consistent with PRC Section 30253 because project plans delineate no development crossing the scarp except for the pool built within the scarp, and the findings of the geologic study indicate that there is a minimum risk to life and property and structural stability will be ensured..

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. 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 program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

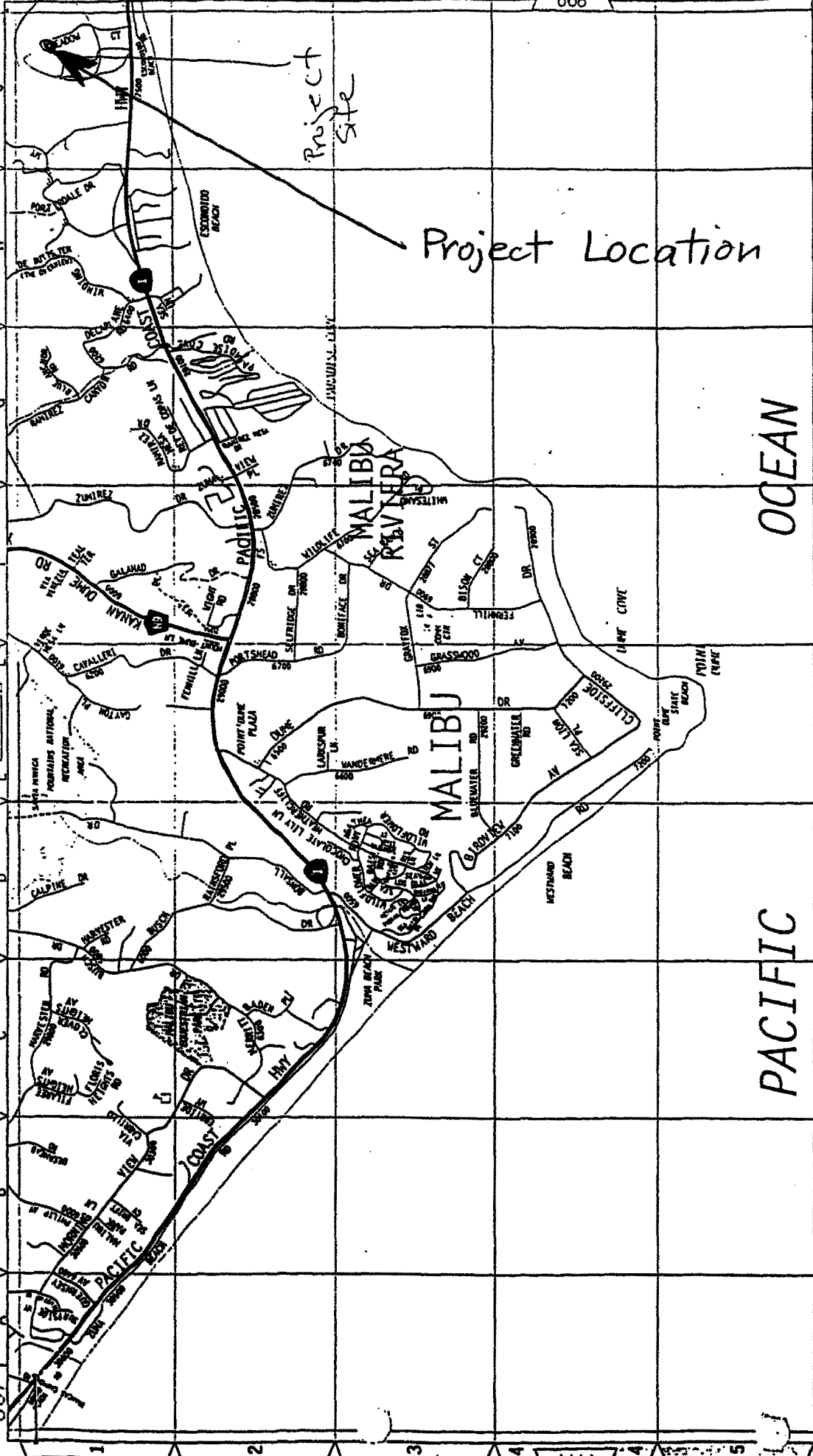
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. 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 by any conditions of approval, 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.

The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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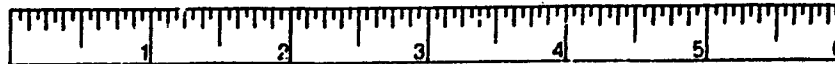
OCT 06 1995  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

4-95-210

EXHIBIT NO. Ia
APPLICATION NO.
5-95-210(Bosworth)
Project Location



W-REDI



1-800-

460 | 8 | 46  
SCALE 1" = 200'

TRACT NO. 40912  
M.B. 1154 - 19 - 21

1992

Project Location

BLK. I

TRAIL  
EQUESTRIAN & HIKING

MEADOWS

SYCAMORE MEADOWS DR.

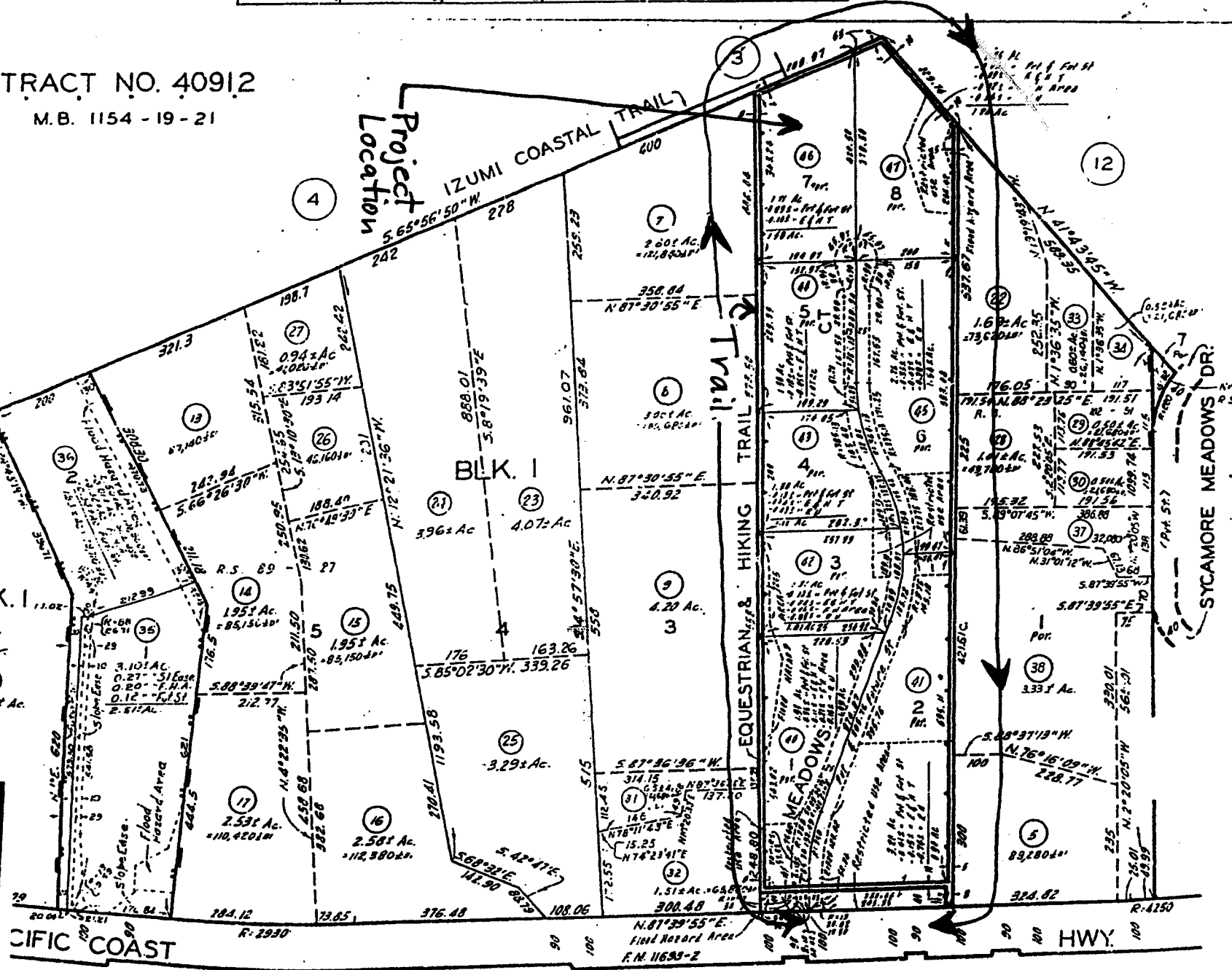


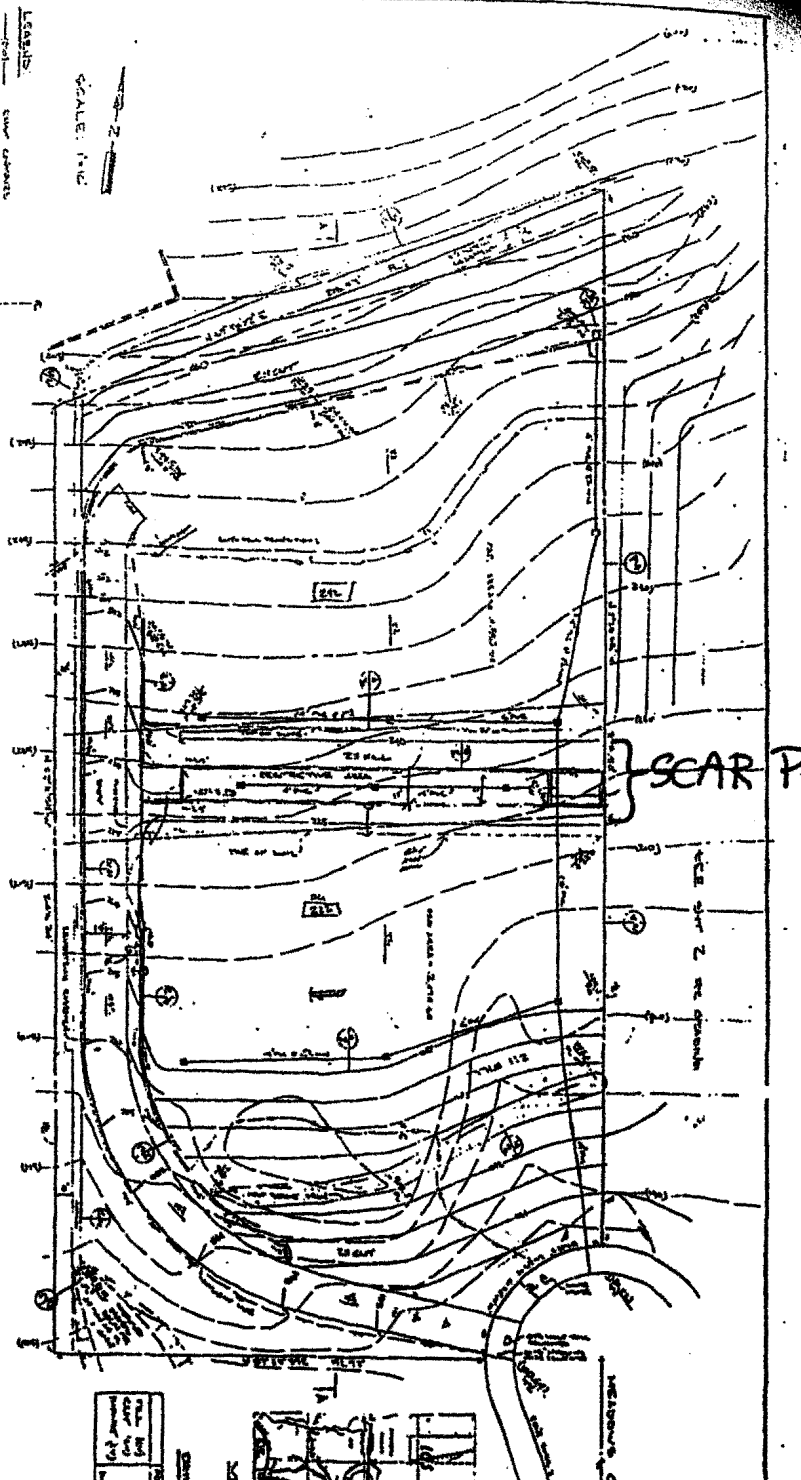
EXHIBIT NO. **TP**  
APPLICATION NO.  
**5-95-210 (Barnhart)**  
Project Location

TRACT NO. 12285

LAND OF MATHEW KELLER

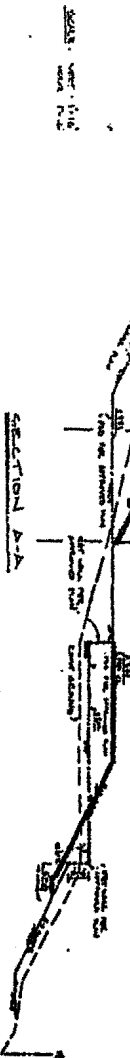
IN THE RANCHO TOPANGA MALIBU SEQUIT

PARC



SCALE: 1"=20'

- LEGEND**
- Proposed Structure
  - Existing Structure
  - Contour (10' intervals)
  - Proposed Grading
  - Existing Grading
  - Proposed Road
  - Existing Road
  - Proposed Utility
  - Existing Utility



**NOTES**

1. This plan is prepared for the proposed grading and existing conditions shown on the attached site plan.
2. The proposed grading is shown by solid lines and the existing grading is shown by dashed lines.
3. The proposed structures are shown by solid lines and the existing structures are shown by dashed lines.
4. The proposed roads are shown by solid lines and the existing roads are shown by dashed lines.
5. The proposed utilities are shown by solid lines and the existing utilities are shown by dashed lines.
6. The proposed scarp is shown by a solid line and the existing scarp is shown by a dashed line.
7. The proposed grading is to be in accordance with the attached site plan.
8. The proposed structures are to be in accordance with the attached site plan.
9. The proposed roads are to be in accordance with the attached site plan.
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11. The proposed scarp is to be in accordance with the attached site plan.

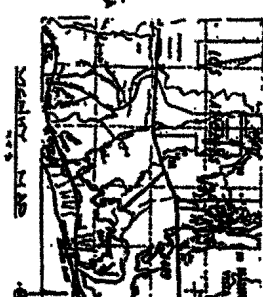
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11. The proposed scarp is to be in accordance with the attached site plan.

NO.	DESCRIPTION
1	Proposed Structure
2	Existing Structure
3	Proposed Grading
4	Existing Grading
5	Proposed Road
6	Existing Road
7	Proposed Utility
8	Existing Utility



**EXHIBIT NO. IIa**  
**APPLICATION NO.**  
**4-95-210 (Bosworth)**  
**Grading Plan**

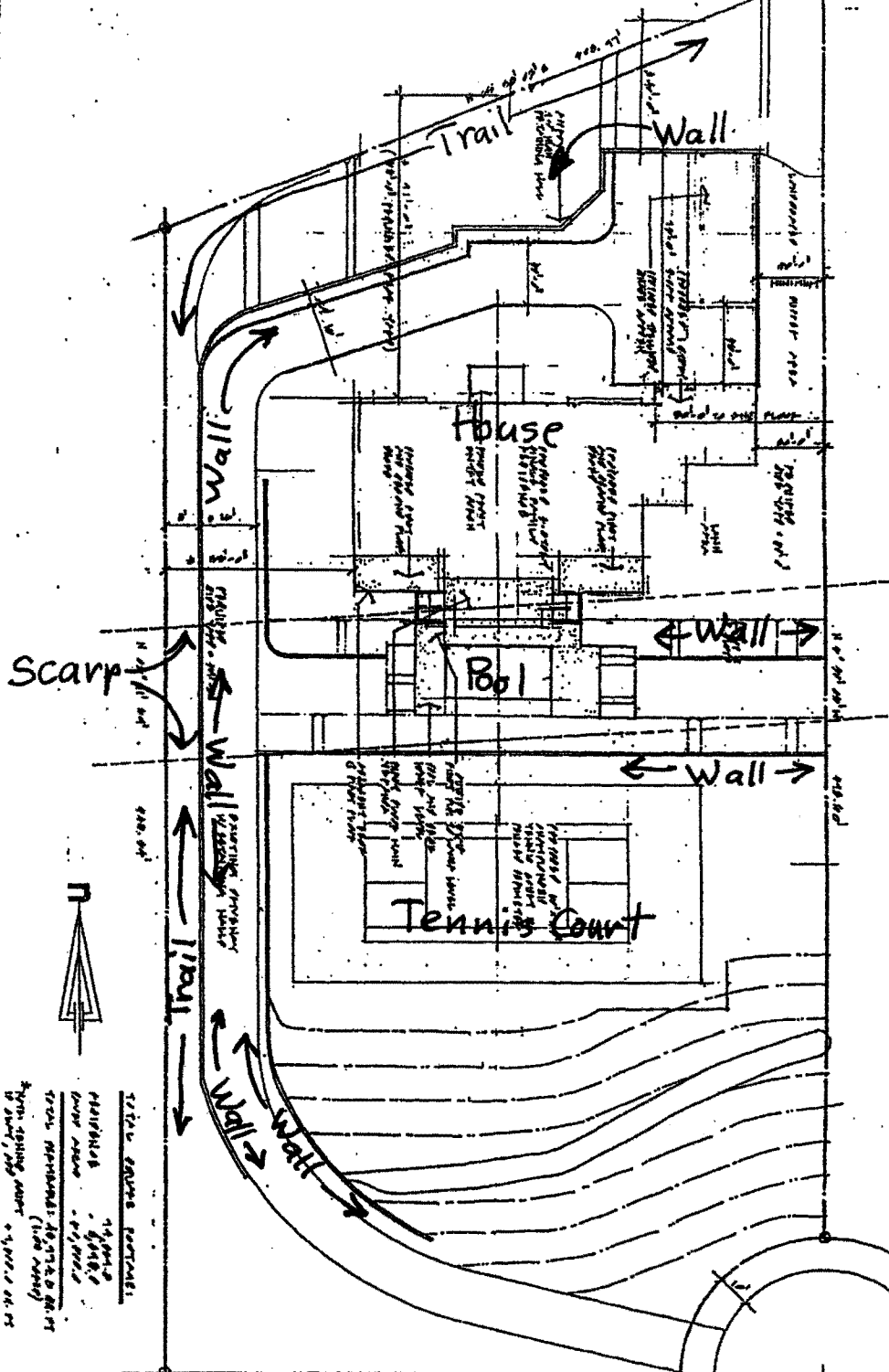
**BZ**  
**VER. ENGINEERING, Inc.**  
 11211 Avenue Road, Channahon, CA 91311  
 815-796-7800

**GRADING PLAN FOR**  
**LOT 7, TRACT 40912**

**Copyright** Brian Schwartz  
 22977 Pacific Coast Hwy, So 214,  
 Torrance, CA 90505

Particular attention should be given to the design of the site plan. The site plan should show the location of all buildings, walls, trails, and other features. The site plan should also show the location of all utility lines, including water, sewer, and gas lines. The site plan should be prepared in accordance with the requirements of the local zoning ordinance. The site plan should be submitted to the local planning commission for review and approval. The site plan should be prepared in accordance with the requirements of the local zoning ordinance. The site plan should be submitted to the local planning commission for review and approval.

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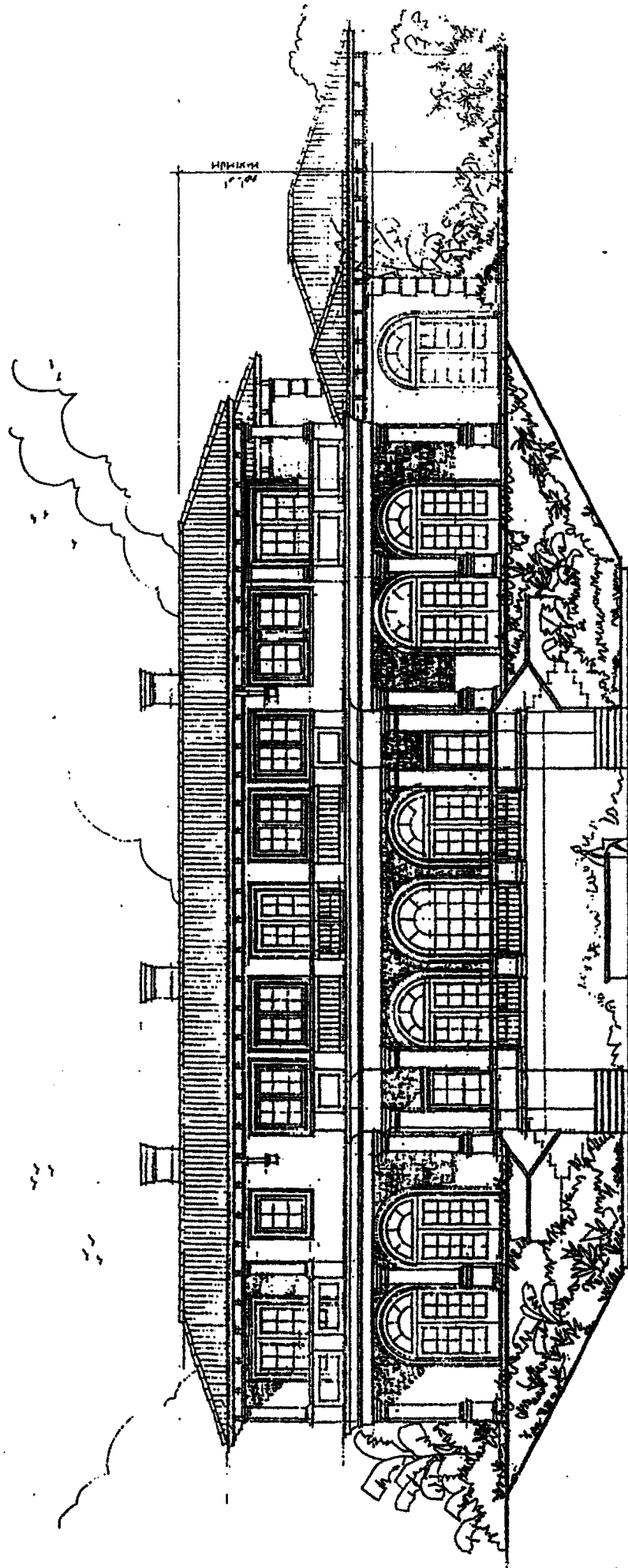
site plan



Site square footage:  
 14,000 sq. ft.  
 14,000 sq. ft.  
 14,000 sq. ft.  
 14,000 sq. ft.

14,000 sq. ft.  
 14,000 sq. ft.  
 14,000 sq. ft.  
 14,000 sq. ft.

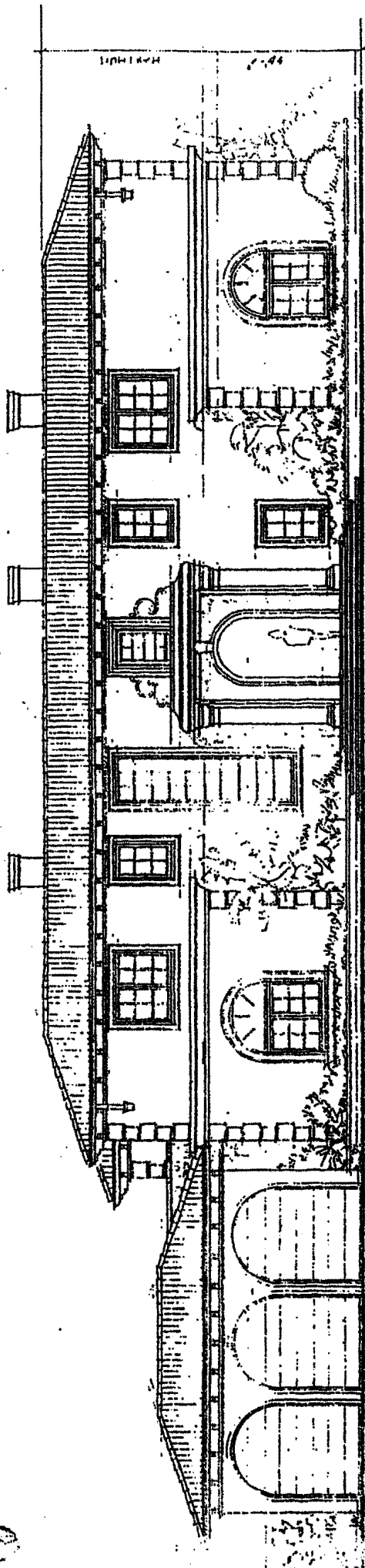
EXHIBIT NO. II b
APPLICATION NO.
4-95-210 (Bosworth)
Site Plan



rear elevation - south

Arch. No. 100  
Date: 4-1-40

EXHIBIT NO. III a
APPLICATION NO.
4-95-210 (Bosworth)
Elevation facing south toward Pacific Coast Hwy.



front elevation - north

Arch. & Eng'g  
400 - 10 - 10 - 10  
P. 10 - 10 - 10

EXHIBIT NO. III 6
APPLICATION NO.
4-95-210 (Bosworth)
Elevation facing toward north (Chilside)