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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Staff: R. Richardson
Staff Report: 10/24/96
Hearing Date: 11/12-15/96
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **4-96-133**

APPLICANT: Richard Landry

PROJECT LOCATION: 3020 Corral Canyon, unincorporated Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a 4,380 sq. ft. single family residence with detached 3-car garage, 620 sq. ft. horse stable, 3,000 sq. ft. horse corral, 400 ft. driveway, 300 ft. long retaining wall, pool, chain link fence surrounding the development, septic system and 3,800 cu. yds. of grading (1,900 cu. yds. cut and 1,900 cu. yds. fill). The 11 acre site is located in the Corral Canyon Significant Watershed.

Lot area:	11.08 acre
Building coverage:	5,768 sq. ft.
Pavement coverage:	14,818 sq. ft.
Landscape coverage:	1.5 acre
Parking spaces:	4 spaces
Project Density:	Mountain Land (M2)
Ht abv fin grade:	35 ft.

LOCAL APPROVALS RECEIVED: Los Angeles County Environmental Review Board Approval with conditions, Los Angeles County Regional Planning Department Approval in Concept, Los Angeles County Fire Department Approval in Concept, Los Angeles County Department of Health Services Approval.

SUBSTANTIVE FILE DOCUMENTS: Los Angeles County Environmental Review Board Findings and Recommendations; Coastal Development Permit 5-86-592 (Central Diagnostic Labs), 5-83-193 (Central Diagnostic Labs).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the approval of the proposed project which consists of the construction of a 4,380 sq. ft. single family residence with detached 3-car garage, 620 sq. ft. horse stable, 3,000 sq. ft. horse corral, 400 ft. driveway, 300 ft. long retaining wall, pool, chain link fence surrounding the development, septic system and 3,800 cu. yds. of grading (1,900 cu. yds. cut and 1,900 cu. yds. fill). The 11 acre site is located in the Corral Canyon Significant Watershed and, therefore, subject to review by Los Angeles County Environmental Review Board (ERB) (*Exhibit 3*). The ERB found the project consistent with the County's environmental policies and recommended that the applicant remove all of the non-native invasive vegetation, specifically castor bean and eucalyptus tree, that were planted previously on the site. The subject property is located in the immediate vicinity of the October 1996 firestorm that burned approximately 15,000 acres in the Malibu/Calabassas area.¹ The Corral Canyon Environmentally Sensitive Habitat Area (ESHA) is located approximately 1,500 ft. east of the project site. The applicant's consulting geologist and geotechnical engineers have identified three ancient landslides mapped to the south and southeast of the site. The site is adjacent to the west of Santa Monica Mountains Conservancy parkland and the *Coastal Slope Trail* traverses the site. Staff is recommending approval of the proposed development subject to the following special conditions which respond to the above stated issues: landscaping and fuel modification plans; future improvements deed restriction; conformance to geologic recommendations; drainage and erosion control plans; wild fire waiver of liability; and, color deed restriction.

II. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 Exact acreage burned as a result of the 1996 Malibu/Calabassas firestorm unknown at date report was written.

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. Compliance. All development must occur in strict compliance with the proposal as 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 development during construction, 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 terms and conditions.

III. Special Conditions

1. Landscape and Fuel Modification Plan.

Prior to the issuance of a Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director a revised landscaping and irrigation plan that includes specifications for the removal of non-native, invasive vegetation including *castor bean* and *eucalyptus* and the removal of all irrigation improvements that are located outside of the area to be developed as generally depicted on Exhibit 1. The landscape architect shall verify that the plans incorporates the use of drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. The plan shall also incorporate the following criteria:

(a) The landscaping plan shall also include vertical elements along the eastern border of site's development to screen and soften the structures' visibility from the adjacent to the east *coastal slope trail* and *park land*.

(b) All cut and fill slopes shall be stabilized with planting within 30 days completion of final grading. Such planting shall be adequate to provide 90% coverage within two years and shall be repeated, if necessary, to provide such coverage.

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

(d) Vegetation within 50 ft. of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with the fuel modification plan submitted pursuant to this special condition. However, in no case shall vegetation thinning occur in areas greater than 200 ft. radius of the main structure. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and 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 Departments of L.A. County.

2. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-96-133; and that any additions to permitted structures, future structures or improvements to the property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection is permitted. The findings contained herein shall be included in the recorded document. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

3. Plans Conforming to Geologic Recommendation

All recommendations contained in the Soils and Engineering Geologic Investigation Report, dated April 28, 1982 and the Updated Soils and Engineering Geologic Report,

dated May 11, 1995 shall be incorporated into all final design and construction including restricted use area and foundations. All plans, including the landscape and fuel modification 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.

4. Drainage and Erosion Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and erosion control plan designed by a licensed engineer which will not result in increases in either peak run-off volume or velocity for a 25/year/24 hour rainfall event. Specifically, runoff volumes and velocities for a 25-year and 24-hour event must be calculated for existing and post-project condition to demonstrate that no increase in runoff volume or velocity will occur. The drainage and erosion control plan shall include, but not be limited to, a system that collects run-off from the roofs, patios, horse corral and all other impervious surfaces, and discharges it in a non-erosive manner, including if appropriate on-site detention/desilting basins, dry wells, etc. The applicant agrees to the annual maintenance of all drainage devices to insure the proper functioning of the system. Should the devices fail or any erosion result from drainage from the project, the applicant or successor in interest shall be responsible for any necessary repairs or monitoring.

5. 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, costs, expenses of liability arising out of 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.

6. Color Restriction

Prior to the 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 shall be recorded free of prior liens.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing the construction of a 4,380 sq. ft. single family residence with detached 3-car garage, 620 sq. ft. horse stable, 3,000 sq. ft. horse corral, 400 ft. driveway, 300 ft. long retaining wall, pool, chain link fence surrounding the development and a septic system. The total building pad area for the proposed development is 17,300 sq. ft. The project involves 3,800 cu. yds. of grading (1,900 cu. yds. cut and 1,900 cu. yds. fill). Of the total grading 2,310 cu. yds. is necessary for the construction of the building pad for the residence and stable and the remaining 1, 490 cu. yds. is necessary for constructing the driveway and car court area.

The 11 acre site is located in the Corral Canyon Significant Watershed and the Corral Canyon ESHA is located approximately 1,500 ft. east of the project site. The site is adjacent to the west of Santa Monica Mountains Conservancy parkland and the *Coastal Slope Trail* traverses the site. West of the property is Malibu Bowl Small Lot Subdivision.

The subject property has been subject to two past coastal development permit actions. First in 1983, the Commission approved a two lot subdivision (5.5 acres each) and approximately 8,000 cu. yds of grading.² The following special conditions of approval were required: cumulative impact mitigation; recordation of an open space deed restriction; recordation of a trail dedication over the north/south section of the Coastal Slope Trail; and, limitations on future site grading and future structure heights. In 1986, the Commission approved substantially the same project as in 1983 with the following special conditions: revising the project plans to eliminate one driveway entrance; cumulative impact mitigation; recordation of an open space deed restriction; recordation of a trail dedication over the north/south section of the Coastal Slope Trail; revising grading plans to reduce the total site grading; and, submittal of a drainage and erosion control plan.

B. Significant Watershed and Visual Resources

The subject site is located within the Corral Canyon Significant Watershed and is approximately 1,500 ft. away from the Corral Canyon ESHA. Corral Canyon supports a dense, diverse, well developed riparian woodland. The upper stretches of the watershed are heavily wooded both with a mixture of riparian trees and with dense oak woodland.

² Coastal development permit 5-83 -193 (Central Diagnostic Labs).

the subject site does not, however, contain any oak trees. The site is adjacent to the Santa Monica Mountains Conservancy parkland area. The Coastal Act sections listed below are considered when reviewing development located in sensitive resource areas.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

Section 30231:

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

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

Section 30240:

(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 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 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.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP), which is considered guidance, recognizes 10 significant watershed areas as areas that contain environmentally sensitive terrestrial habitats and afford these watersheds additional protection as specified in performance standards under Table 1. Policy language from Table 1 sets specific design standards for all development located in significant watersheds and includes provisions which include: location of structures from the available roadway; clustering of development to allow for open space and habitat protection; minimization of grading and vegetation removal; allowance of only one ancillary structure; creation of a 10,000 maximum building pad; site grading that maximizes erosion; and, allowance of 300 ft. long driveway. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with Sections 30231, 30240, 30253 and 30251 of the Coastal Act

As set forth in Table 1, residential development is allowed in significant watersheds providing that the project is in accordance with the specified policies and standards. As stated in the preceding section the proposed development consists of the construction of a 4,380 sq. ft. single family residence with detached 3-car garage, 620 sq. ft. horse stable, 3,000 sq. ft. horse corral, 400 ft. driveway, 300 ft. long retaining wall, pool, chain link fence surrounding the development and a septic system. The total building pad area for the proposed development is 17,300 sq. ft. The project involves 3,800 cu. yds. of grading (1,900 cu. yds. cut and 1,900 cu. yds. fill). Of the total grading 2,310 cu. yds. is necessary for the construction of the building pad for the residence and stable and the remaining 1,490 cu. yds. is necessary for constructing the driveway and carcourt area. When evaluating the proposed project against the above referenced Table 1 policy language regarding watersheds, the Commission finds that except for the graded pad size and driveway length, the project is generally consistent with the provisions.

The site has been previously graded, prior to January 1, 1977, and, as such, a 14,100 sq. ft. pad area and dirt roads (along the eastern portion of the site) exist. The applicant is proposing to expand the existing pad area by 3,200 sq. ft. and has employed a step pad design to minimize the total grading. Further, the applicant is proposing to abandon the dirt roads that traverse the eastern section of the site. As stated in the previous section, the Commission previously approved a subdivision of this 11 acre site with 8,000 cu. yds. of grading. The applicant has stated that he has no intention of subdividing the subject property at any time in the future. Further, the current land use designation contained in the County LUP, suggests that the minimum parcel size of lots in Corral Canyon Significant Watershed is a minimum of 20 acres. Therefore, should a subdivision or additional site development be proposed by the applicant or by a future owner on the site, the Commission finds that the site development and grading proposed under this permit application, 4-96-133, are the maximum amounts that could be considered consistent with the Coastal Act and the Malibu/Santa Monica Mountains LUP. Furthermore, to ensure that the balance of remaining on-site watershed cover will not be threatened from further development without review by the Commission, or it's successor in interest, special

condition #2 has been drafted. Special condition #2 will preclude the applicant from carrying out additional development on this site in the future that might otherwise be exempt from coastal development permit requirements. The findings contained in the staff report will be attached to the deed to ensure that any future property owners are aware of the coastal development permit history and the Chapter 3 Coastal Act issues that are raised in approving development on the subject site.

In addition to the Table 1 policies relating to significant watersheds, the LUP contains several policies and standards regarding viewsheds, habitat protection, ESHAs, and erosion control. Corral Canyon Significant Watershed is relatively undisturbed, with the exception of the El Nido and Malibu Bowl Small Lot Subdivisions, a few structures in the lower canyon and scattered dirt roads. The canyon is notable for supporting a broad, wooded flood plain at the canyon mouth north of and immediately adjacent to Pacific Coast Highway.

Past development that has occurred on the site includes planting of non-native invasive vegetation -- castor bean and eucalyptus trees. Permanent irrigation extending along the northern property lines also exists on the site. L. A. County ERB has recommended that this vegetation be removed in order to ensure the maintenance of natural vegetative cover for habitat protected. Therefore, special condition #1 has been drafted to require the applicant to remove the castor bean and eucalyptus trees in order to bring the project into conformance with Coastal Act section 30240.

Overall site disturbance for grading and fuel modification will result in loss of watershed cover that is important in protecting the drainages from erosion and sedimentation. In certifying the Malibu LUP the Commission found that, "Coastal Canyons in the Santa Monica Mountains require protection against significant disruption of habitat values..." Moreover, policy 86 recommends that site design incorporate drainage control systems to mitigate the impacts on downstream sensitive riparian habitats. In addition, policy 91 suggests that all new development 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.

With regard to site drainage, the Commission has routinely required in past permit actions that the installation of properly designed drainage systems in order to ensure that storm runoff is conveyed from the project site in a non-erosive manner and that peak runoff is not increased as a result of the project. For all the reasons regarding potential site erosion and sedimentation that could occur as a result of the proposed project and for the purpose of maintaining the integrity of the biological productivity of the stream, the Commission finds it necessary to require the applicant to submit detailed drainage and erosion control plans. In order to ensure that drainage on the site will not result in increases to peak runoff volumes or velocity as a result of the proposed project, the Commission finds it necessary to require the applicant to submit plans, consistent with the consulting geotechnical engineer's recommendations, for a system which will ensure the project will

not result in increases in either peak runoff volume and velocity for a 25 year/24 hour rainfall event.

In order to minimize impacts to ESHA and riparian areas from development, the Commission has consistently required that graded or disturbed areas be landscaped with native vegetation. Restoring vegetative cover reduces the erosion potential of bare soil. As demonstrated in numerous other projects located in the Santa Monica Mountains area, the timely revegetation of graded cut and fill slopes lessens the likelihood of slope failure and of sedimentation. Therefore, in order to ensure that all graded areas are properly revegetated, the Commission finds it necessary to require the applicant to prepare a landscape and fuel modification plan that insures maximum protection of the native riparian habitat. These plans must incorporate the use of native vegetation to minimize the need for irrigation. Planting of denuded slopes and graded areas shall occur within 30 days maximum of the completion of such activity.

Additionally, the Commission finds that the site is located in a visually sensitive area. As stated previously, the *Coastal Slope Trail* traverses the eastern section of the site and the property abuts parkland. The certified Malibu/Santa Monica Mountains LUP contains a number of policies regarding viewsheds and the protection of unobstructed vistas from public roads, parks and beaches consistent with the Coastal Act. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with Section 30251 of the Coastal Act. Policy 125, for example, suggests that new development be sited and designed to protect public views from scenic highways. Policy 129 further suggests that structures be designed and located to create an attractive appearance and harmonious relationship with the environment. Therefore, special condition #6 has been drafted to ensure that all future development on the site is of a color that will not adversely impact views of the mountains from parklands and the trail. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30231, 30240, and 30251 of the Coastal Act.

C. Geologic Stability and Septic System

Relative to site stability and minimizing erosion, 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 Commission recognizes that the potential build-out of lots in Malibu, 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.

In addition, the certified Malibu/Santa Monica Mountains LUP contains a number of policies regarding geologic stability, and water quality consistent with the Coastal Act. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with Sections 30253 of the Coastal Act. Policy 147, for example, recommends that development be evaluated for impacts on and impacts to geologic hazards. Policies 218 and 225, suggest that individual septic systems should comply with health, building and plumbing code requirements.

The applicant has submitted a Soils and Engineering Geologic Investigation Report, dated April 28, 1982 and the Updated Soils and Engineering Geologic Report, dated May 11, 1995 which identifies 3 ancient mapped landslides located south and southeast of the project site. The applicant's geotechnical consultant has recommended that the southern section of the property be restricted from development of buildings intended for human occupancy. The report also states that, "non-human structures such as corrals and stable may be constructed within the restricted use area." The report concludes that the subject site is:

It is the finding of this firm that the subject site is suitable for the proposed residence from a soils and engineering-geologic standpoint provided the recommendations included herein and in the referenced reports are incorporated to the final foundation and grading plans. The bedrock underlying the site is considered grossly stable and suitable for support of the proposed residence.

Based on the above discussion and on the discussion contained within the preceding Significant Watershed section, the Commission finds that it is necessary to require the applicant to follow all recommendations of the engineering geologic consultants. So long as the recommendations of the consulting engineering geologist are incorporated into the project design, the Commission finds that the project will be consistent with Section 30253 of the Coastal Act.

In addition, the Commission has, in past permit actions, required the submittal of drainage and erosion control plans and of fuel modification plans to assure that the development will not adversely impact coastal resources. One of the most common reason for habitat degradation due to slope failures is related it inadequate drainage systems that were either constructed wrong or not maintained, as evidenced by existing development in the Santa Monica Mountains. Adequate site drainage, landscaping, fuel modification and erosion control measures are necessary to ensure that the project maintains its structural integrity and stability consistent with Section 30253 of the Coastal Act. As stated in the previous section, the applicant is required to submit a landscape, a fuel modification and a drainage and erosion control plan. The successful implementation of these plans will also serve to protect the scenic and visual qualities of the coast from scenic highways, minimize risks to life and property and minimize site erosion that could potentially alter natural landforms.

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, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Given that the project is located in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property, special condition #5 has been drafted to require the applicant to waive the Coastal Commission from all liability associated of damage to the permitted project that may result from wild fire.

The applicant has submitted septic system "Approval" from Los Angeles County Department of Health Services which indicates that the septic system proposed exceeds the maximum Plumbing Code requirements for the project.. As reviewed by the County and as set forth in the geotechnical analysis of the septic system, the Commission finds that the proposed project will not adversely impact the biological productivity and quality of Corral Canyon stream that is located approximately 1,500 east of the proposed project and nearby coastal waters.

Therefore, the Commission finds that as conditioned, the proposed project is consistent with Sections 30231 and 30253 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 County'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).

H. 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 Commission finds that, 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.

1. The proposed development is a single family residence located on a portion of the site shown on the attached map. The site is bounded by Corral Canyon Road to the north and the Malibu River to the south. The site is approximately 1.5 acres in size.

2. The proposed development consists of a main residence, a detached garage, and a pool. The residence is to be located on the eastern portion of the site, and the pool is to be located on the western portion. The garage is to be located between the residence and the pool.

3. The proposed development is to be constructed on a slope of approximately 15%. The site is to be graded to provide a level area for the residence and pool. The pool is to be constructed on a concrete pad.

4. The proposed development is to be constructed in accordance with the applicable zoning regulations. The zoning regulations require that the residence be a single family residence, and that the pool be a swimming pool.

5. The proposed development is to be constructed in accordance with the applicable building codes. The building codes require that the residence be constructed of masonry or concrete block, and that the pool be constructed of concrete.

6. The proposed development is to be constructed in accordance with the applicable fire codes. The fire codes require that the residence be constructed of fire resistant materials, and that the pool be constructed of fire resistant materials.

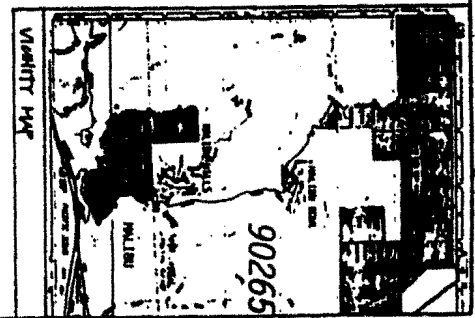
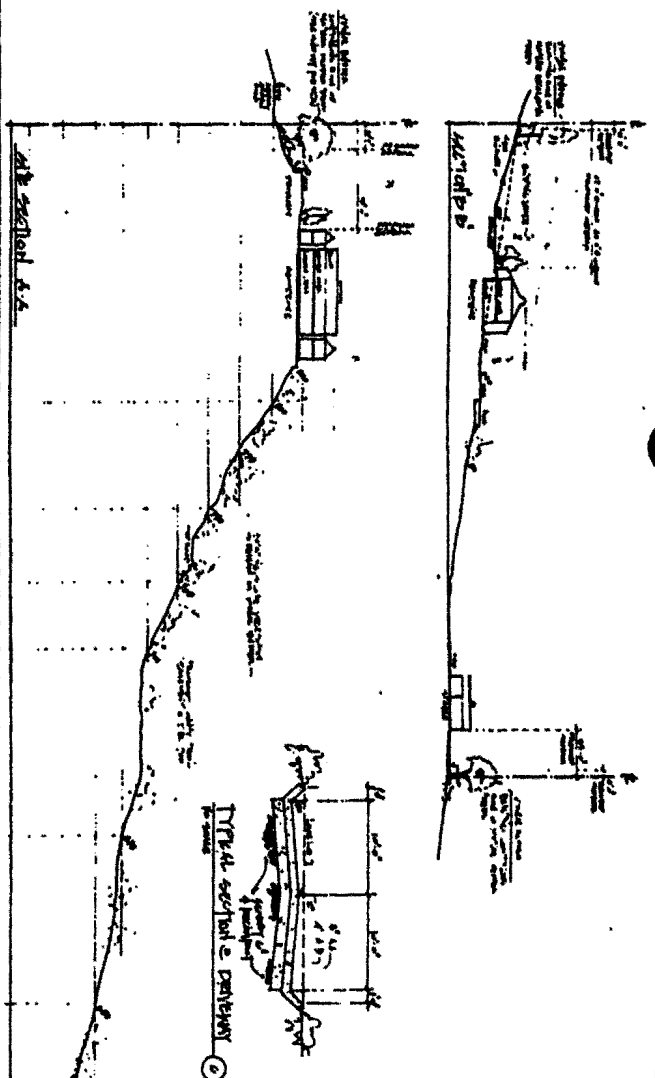
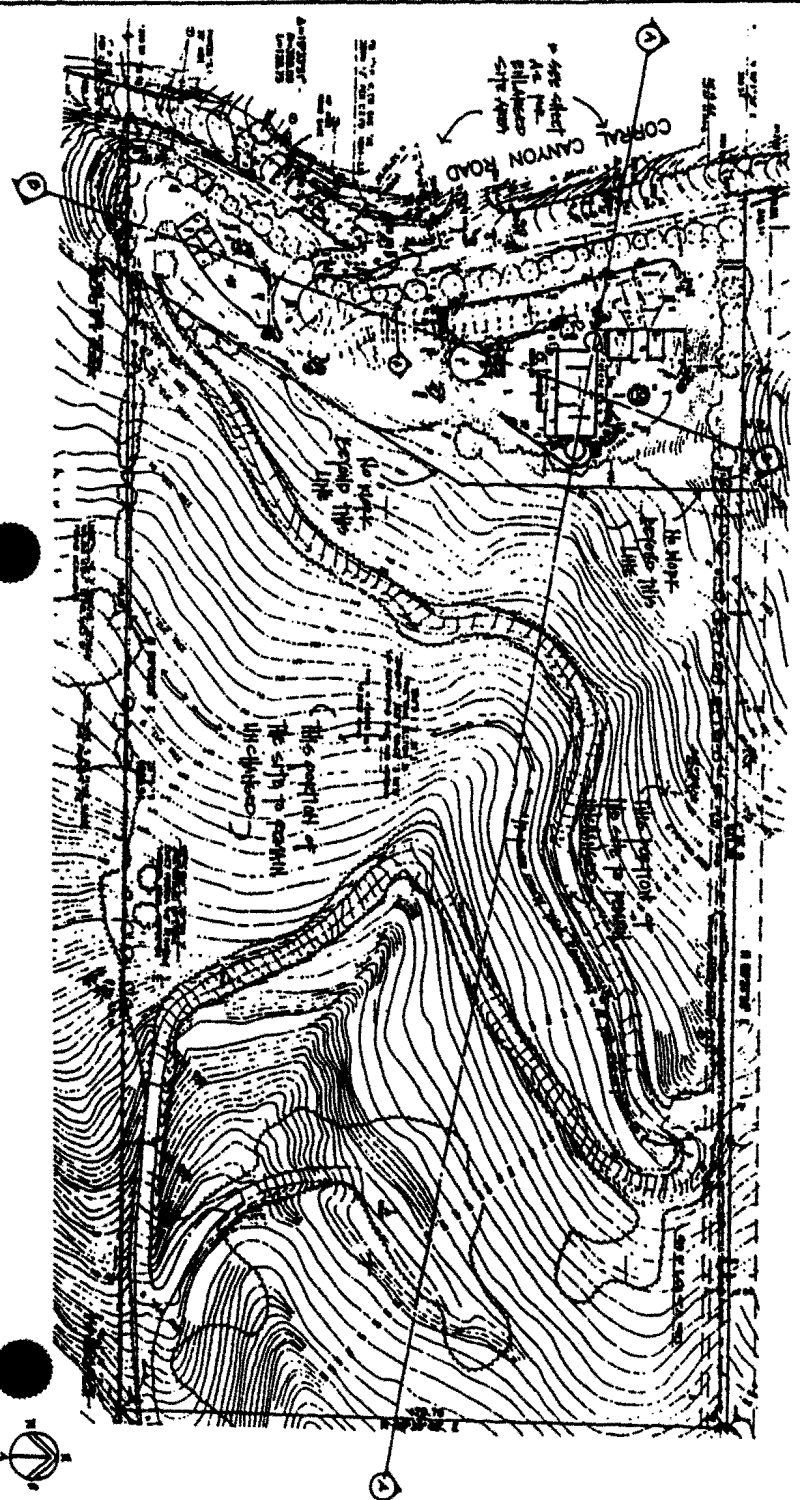
7. The proposed development is to be constructed in accordance with the applicable health codes. The health codes require that the pool be constructed of a material that is resistant to bacteria, and that the pool be constructed of a material that is resistant to mold.

8. The proposed development is to be constructed in accordance with the applicable safety codes. The safety codes require that the residence be constructed of a material that is resistant to fire, and that the pool be constructed of a material that is resistant to fire.

9. The proposed development is to be constructed in accordance with the applicable environmental codes. The environmental codes require that the residence be constructed of a material that is resistant to fire, and that the pool be constructed of a material that is resistant to fire.

10. The proposed development is to be constructed in accordance with the applicable utility codes. The utility codes require that the residence be constructed of a material that is resistant to fire, and that the pool be constructed of a material that is resistant to fire.

EXHIBIT 1
4-96-133
SITE PLAN &
CROSS
SECTIONS



ENVIRONMENTAL REVIEW BOARD

EXHIBIT 3
 4-96-133
 ENVIRONMENTAL
 REVIEW BOARD

Case No. Plot Plan 44771
Location 3020 Corral Canyon Road, Malibu
Applicant Richard Landry
Request New Single-Family Residence, swimming pool and stable
Resource Category Corral Canyon Significant Watershed

ERB Meeting Date: May 20, 1996

Staff Recommendation: Consistent Inconsistent

Suggested Modifications: - Existing dirt road to east side of property should be abandoned if no easement exists.

ERB Evaluation: Consistent Inconsistent

Recommendations:

- Wooden decking should be eliminated in project design.
- Design has one extra allowable structure if a pool is considered a structure.
- Castor bean (*Ricinus communis*) to be removed from property site.
- *Eucalyptus* along north property boundary should be removed; recommend planting oaks (*Quercus agrifolia*) if replaced.
- Plant only native species on all slopes; use California Native Plant Society (CNPS) list for landscape species; landscaping to be consistent with current Fire Department standards.
- Use earth tone colors of local area for house exterior; lighting to be directed downward and of low intensity.