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CALIFORNIA COASTAL COMMISSION South Central Coast 89 S. California St. Ste 200 Ventura, CA 93001-2801 (805) 641-0142 Filed: 1/08/96 49th Day: 2/26/96 180th Day: 7/05/96 Staff: JCJ/V Staff Report: 1/22/96 Hearing Date: 2/7/96 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.:

4-95-230

APPLICANT:

Mr. J. Mace Stanley

AGENT: Matt Kivlin, Architect

PROJECT LOCATION:

6747 Zumirez Drive, City of Malibu

PROJECT DESCRIPTION: Construct a two story residence, guest house, detached four car garage, swimming pool, spa, septic system, and entry gate and fences. Grade 252 cubic yards of material on the site.

Lot Area 76,665 sq. ft.
Building Coverage 6,842 sq. ft.
Pavement Coverage 14,219 sq. ft.
Landscape Coverage 4,000 sq. ft.
Parking Spaces 4 spaces

Zoning Residential I; one du/acre Plan Designation Residential

Project Density 1 du/acre
Ht abv fin grade 28 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, Planning Department, City of Malibu, dated 11/20/95; In Concept Approval for Septic System, Department of Environmental Health, City of Malibu; Approval in Concept, County of Los Angeles Fire Department.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit No. 5-87-682, (Kilroy); Coastal Permit 5-89-888, (Kilroy), Coastal Permit No. 5-88-870 (Martinez), and Coastal Permit No. 5-89-308 (Albert).

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with four (4) Special Conditions addressing: plans conforming to the consulting geologist's recommendations; a wild fire waiver of liability; a landscaping and erosion control plan; and a future development restriction. The project site includes a flat pad area adjacent to the road and a canyon with disturbed sensitive habitat at the west portion of the site. The Commission has, in past permit actions, found that the canyons on Point Dume are disturbed sensitive resource areas with value as sensitive habitat. Although not inhabited by the same wildlife as undisturbed areas, they continue to sustain large native populations, especially birds. To minimize impacts to these areas, the Commission has required development to be located close to the roads and back from the canyon edges. The proposed project includes an adequate setback.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby <u>grants</u> 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.

- 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. <u>Expiration</u>. 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. <u>Compliance</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 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. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the "Engineering Geology and Geotechnical Report for Proposed Single Family Residence, Guest House, and Swimming Pool, at 6747 Zumirez Drive, City of Malibu, Los Angeles County, California", dated June 1, 1995 by Donald B. Kowalewsky, Environmental & Engineering Geology, including issues related to grading, foundations, friction piles, swimming pool, slabs, interior and exterior retaining walls, septic pit and septic tank sewage disposal system, surface drainage, and recompaction, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants. Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the consultant's 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 applicant 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, operations, 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

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

- a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species 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.
- b) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the approved landscape plan within thirty (30) days of final occupancy of the residence.

Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting 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 disposal location.

4. FUTURE DEVELOPMENT RESTRICTION

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 Coastal Development Permit Number 4-95-230, which allows for the construction of a single family residence, garage, guest house, pool, entry gate, fences, and septic system. Any future structures, additions or improvements to the property, including but not limited to clearing of vegetation and grading will require a permit from the Coastal Commission or its successor agency. The removal of vegetation consistent with the Fire Department requirements is permitted. 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 conveyed.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Location

The site is located in the Point Dume area northwest of Paradise Cove in the City of Malibu. (See Exhibits 1 and 2) The project site is accessed from Zumirez Drive and bounded by Zumirez Drive on the east, another residence and lot on the north and to the south, and the base of a drainage canyon on the west. The parcel is located about 1,000 feet from the Pacific Ocean. The 1.759 acre lot descends from approximately 102 feet at Zumirez Drive to 43 feet elevation at the base of the drainage course. (See Exhibit 3)

The applicants propose to construct a 4,107 sq. ft., 28 ft. high single family residence with 1985 sq. ft. four-car garage, a 750 sq. ft. guest house, septic system, driveway, swimming pool, entry gate, and fences. (See Exhibits 4 - 14) The Los Angeles County Land Use Plan designates the lot as both Residential I, one dwelling unit per one acre, on the flat portion of the lot, and Mountain Land, one dwelling unit per 20 acres, on the slope leading to the drainage course. The City of Malibu designates the zoning on the lot as Rural Residential one acre minimum lot size.

The lot is presently undeveloped, while the flatter portions of the lot with grasses have been disced. There are a couple dozen eucalyptus trees along the adjoining property boundary to the north and about a dozen pine trees along the adjoining property to the south. All of these trees including one eucalyptus north of the entry driveway will be retained. The western portion of the parcel slopes to a creek drainage. The creek area and the lower slopes are designated environmentally sensitive habitat as a significant oak woodland and savannah. However, on the applicant's property there does not appear to be an oak woodland near the creek which is located about 320 feet from proposed guest house and pool.

B. Environmentally Sensitive Habitats

The Coastal Act includes a policy to protect environmentally sensitive habitats against disruption of habitat values. Section 30240 of the Coastal Act states that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The project site is located to the west of Zumirez Drive and east of Wildlife Road. The project site is a large flat area directly adjacent to Zumirez Drive. A guest house and pool is proposed for the eastern portion of the relatively flat area of the lot. There is another lot to the west of the subject site, on the opposite side of the canyon, between this site and Wildlife Road. The western portion of the site slopes steeply to an unnamed blue lined stream which is designated by the Los Angeles County Malibu Land Use Plan as a disturbed Oak Woodland Savannah. There does not appear to be any oak trees on the subject parcel. The slope is vegetated with one tree, species unknown, and dense brush. The existing eucalyptus and pine trees along the northern and southern boundaries of the parcel will be retained on site. All of the flatter portions of the parcel and a portion of the upper slope have been disked in the past, apparently for fire prevention purposes.

Although the Commission has found, in past permit actions, that the drainage canyons on Point Dume are disturbed, the canyons have value as sensitive habitat areas. The Commission has found these canyons to be "disturbed sensitive resource" areas. These modified habitats no longer have the same biological significance or sensitivity to disturbance as an undisturbed environmentally sensitive habitat area (ESHA), but nonetheless sufficiently valuable to warrant protection from further impacts. majority of the disturbed sensitive resource areas are riparian and oak woodlands that have been modified by fairly intense residential development. Although not inhabited by the same assemblage of wildlife as undisturbed areas, they continue to sustain large native wildlife populations, especially birds.

In order to minimize impacts to these areas, the Commission has required development to be located close to the roads and back from the canyon edges. Although the Commission has not developed a specific distance that development must be setback from the canyons on Point Dume, the Commission has required new development to be setback as least as far as existing adjacent development. The Commission required the applicants in coastal permits 5-89-308 (Albert) and 5-88-870 (Martinez) to revise their plans to resite development back from the canyon edge.

In the subject application, the proposed structure extends no further toward the canyon than existing development on either side of the proposed project site. The proposed guest house and pool is located about 320 feet from the creek and at least 100 feet from the existing designated environmentally sensitive habitat area (ESHA).

In addition to setbacks, the Commission has also required project applicants to minimize grading and landform alteration in order to minimize the impacts of erosion and runoff from graded areas. The applicant proposes no grading for the proposed project aside from excavation for the foundation and septic system. As such, the applicant has minimized grading and landform alteration. In order to ensure that any disturbed areas of the building pad are landscaped to further minimize erosion, the Commission finds it necessary to require the applicant to prepare and implement landscape plans for the upper portion of the site as required by condition number three (3). Finally, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, which will require any future additions to the property to be reviewed by the Commission as required by condition number four (4). This will allow the Commission to ensure that any future additions to the parcel or development on the parcel will minimize impacts to ESHA areas. The Commission finds that, as conditioned, the proposed project will not adversely impact the designated ESHA, and is thus, consistent with Section 30240 of the Coastal Act.

C. Geologic and Fire 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, geologic 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 area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area 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.

The applicant submitted a geology report titled: "Engineering Geology and Geotechnical Report For Proposed Single Family Residence, Guest House, and Swimming Pool, at 6747 Zumirez Drive, City of Malibu, Los Angeles County, California", dated June 1, 1995, by Donald B. Kowalewsky. The report addresses the geology issues by concluding:

From an engineering geologic and geotechnical engineering standpoint, the construction of a single family residence with attached (actually detached) garage, pool/guest house, and swimming pool at the subject site is feasible provided the following recommendations are incorporated in the design. As previously indicated, there are no apparent geological hazards on this site that will affect the proposed development. Based on this investigation including testing conducted as described in this report and provided the recommendations in this report are followed, the proposed building site will be safe from adverse geologic hazards including landslide, settlement, and slippage and development will not adversely affect geologic stability of adjacent property. It should be noted that

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on site soils have a moderate to high potential for expansion. These materials swell in the presence of moisture and shrink when dried. This should be considered in design of slabs and pavements.

The recommendations in the Geotechnical report address the following issues: grading, foundations, skin-friction piles, swimming pool, concrete slabs-on-grade, retaining walls, septic disposal system, surface drainage, and excavations. Condition number one (1) provides for final review and approval by the consulting geologist of the final project design, grading and drainage plans for the residence prior to the issuance of the permit.

The applicant has submitted a grading plan which includes a drainage plan. This plan provides for the positive discharge of water through underground drainage routes and an energy dissipator in a manner that appears to reduce the potential for erosion. The above geology report includes recommendations regarding surface drainage which will be applied as appropriate by the consulting geologist when the final plans are reviewed and approved by the consulting geologist.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, 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, as incorporated by condition number two (2).

Minimizing the erosion of the site is important to reduce geological hazards and minimize sedimentation of the creek and the oak woodland, savannah, and riparian habitat downstream of the project site. The applicant has submitted a Drainage and Excavation Plan indicating that surface runoff from the proposed impervious surfaces will be routed in underground subdrains to the southwest of the property to a water dispersal device part way down the slope. To ensure that all disturbed areas and soils are adequately stabilized with landscaping after construction, the Commission finds it is necessary to require condition number three (3), a landscape and erosion control plan to be completed on the project site.

The Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist, the wild fire waiver of liability, and the landscape and erosion control plan will the proposed project be consistent with Section 30253 of the Coastal Act.

D. Septic System

The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. 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, and minimizing alteration of natural streams.

Section 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes the construction of a seepage pit and septic tank sewage disposal system to serve the new residence and guest house. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services, City of Malibu. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

E. Second Residential Unit

Sections 30250, 30251, and 30252 of the Coastal Act address the cumulative impacts of new developments. Based on these policies, the Commission has limited the development of second dwelling units (the guest house) on residential parcels in the Malibu and Santa Monica Mountain areas. The Commission has found that second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

As proposed, the 750 sq. ft. guest house conforms to the Commission's past actions allowing a maximum of 750 sq. ft. for a second dwelling unit in the Malibu area. To ensure that any additions or improvements that could futher intensify the use of this parcel will be reviewed by the Commission, condition number four (4) is required. Therefore, Commission finds that, as conditioned, the proposed development is consistent with Sections 30250, 30251, and 30252 of the Coastal Act.

F. 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 Chapter 3 (commencing with Section 30200) 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 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

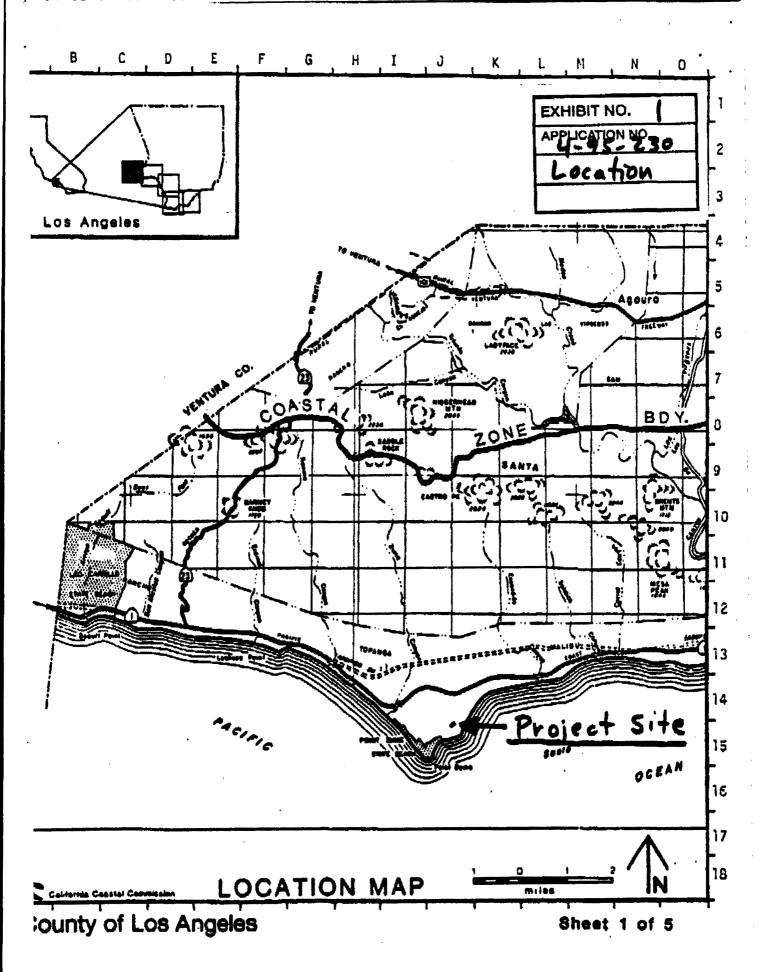
provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable 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 for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

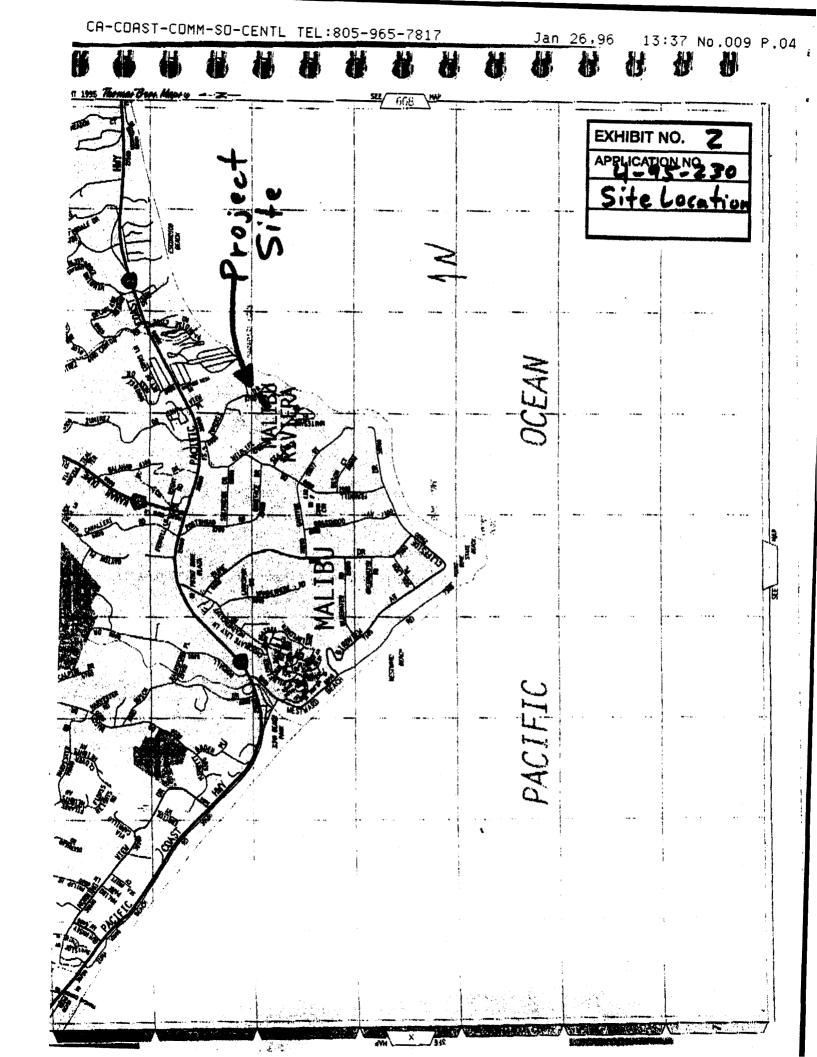
G. California Environmental Quality Act

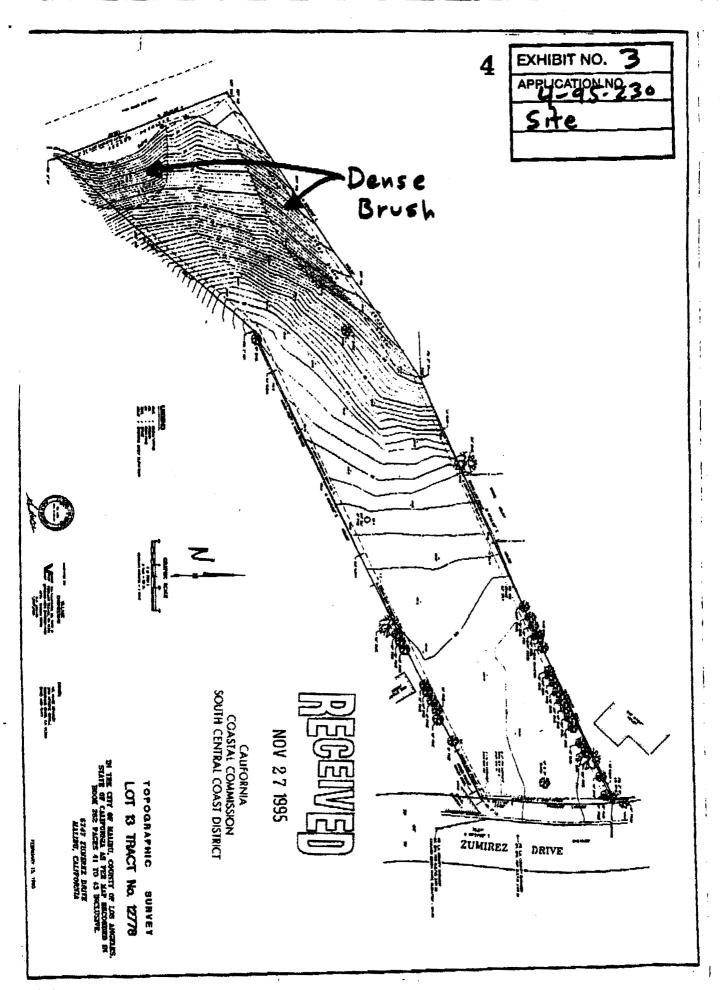
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate the the recommendations by the consulting geologist, a wild fire waiver of liability, a landscaping and erosion control plan, and a future development restriction. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would 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, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

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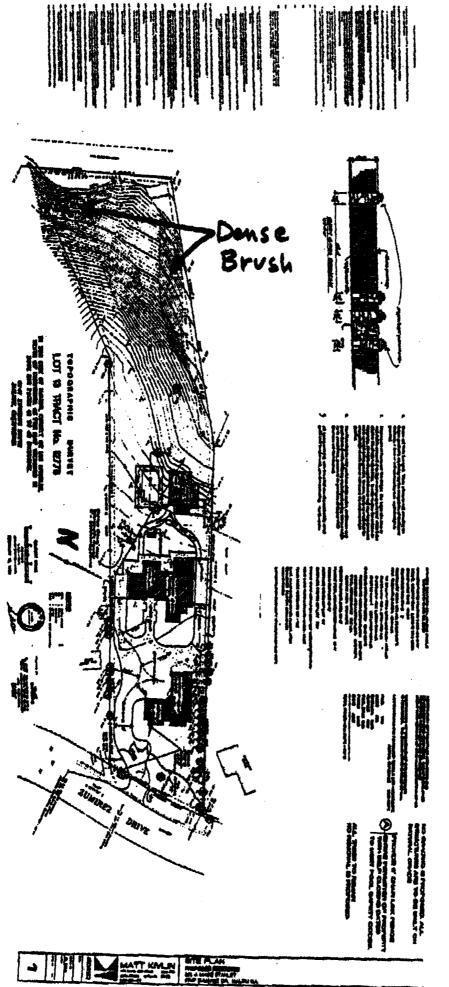


EXHIBIT NO. 4

APPLICATION NO. 230

Site Plan



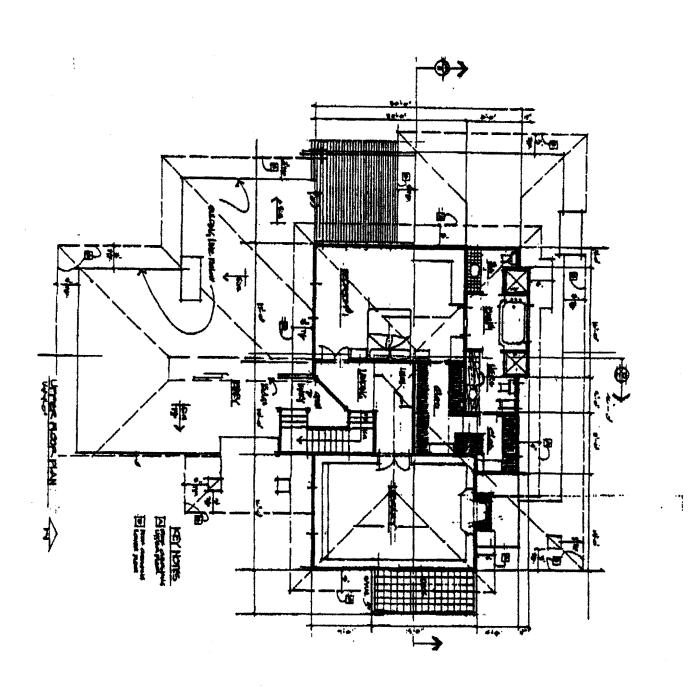
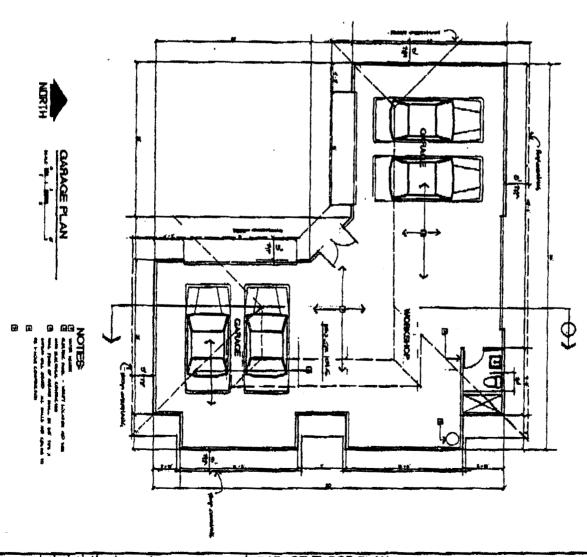


EXHIBIT NO. 7

APRHCATISHNO230

Garage
Floor Plan



APPLICATION 8

APPLICATION NO. 30

Guest House

Floor Plan

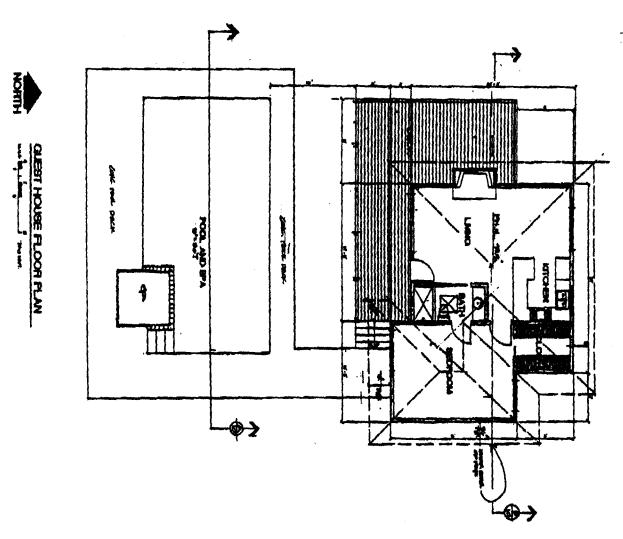


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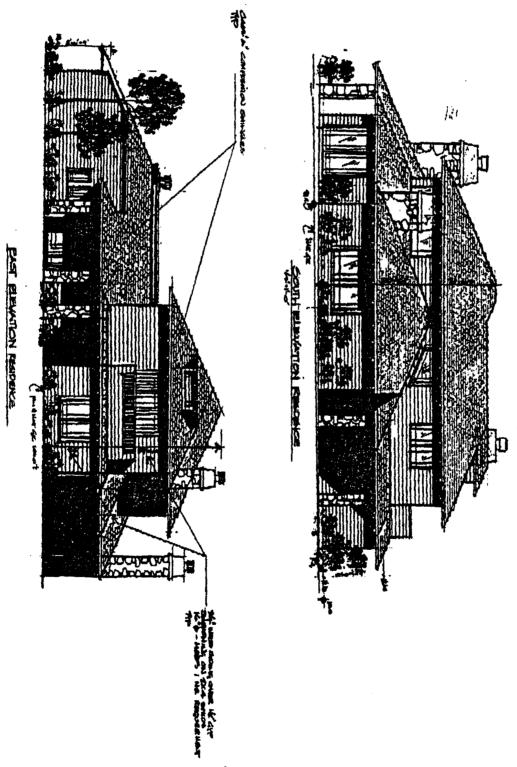
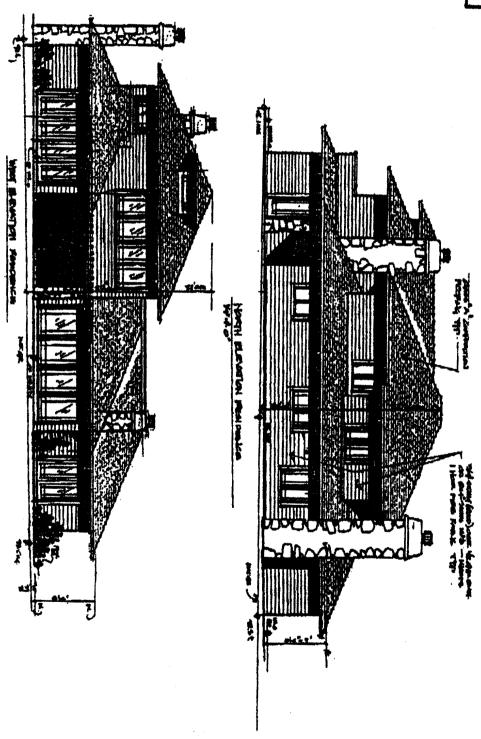
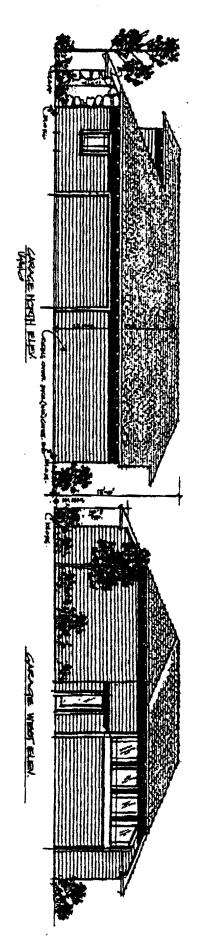


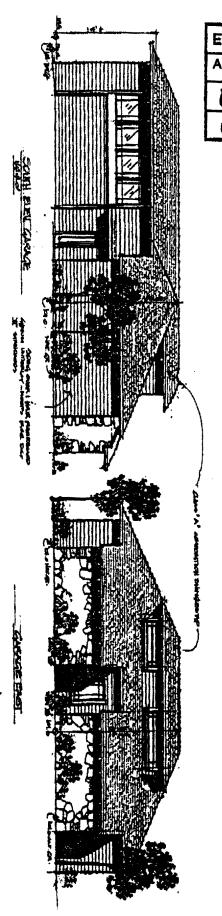
EXHIBIT NO. 10

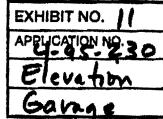
APRHICATION NO. 230

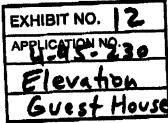
Elevation
Residence

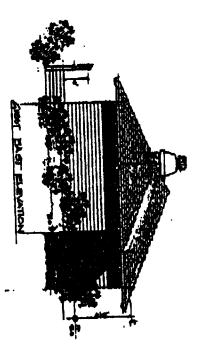


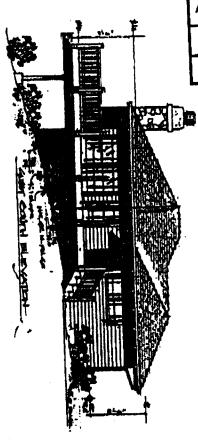


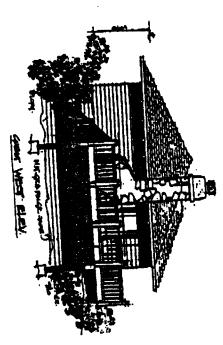


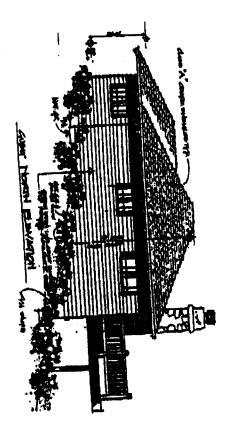












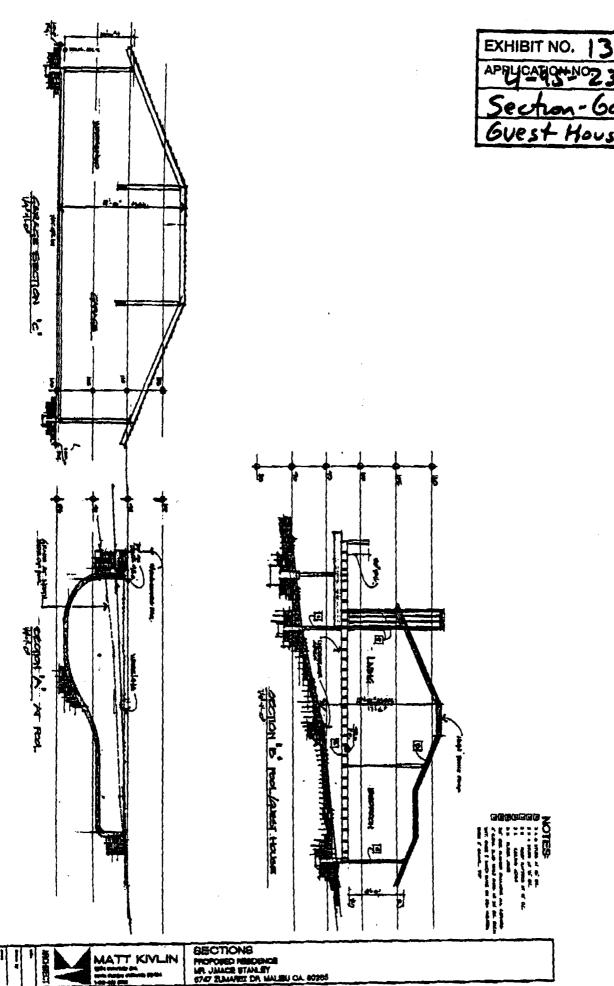
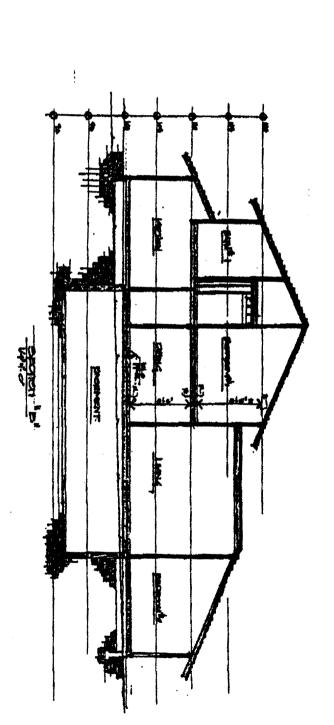
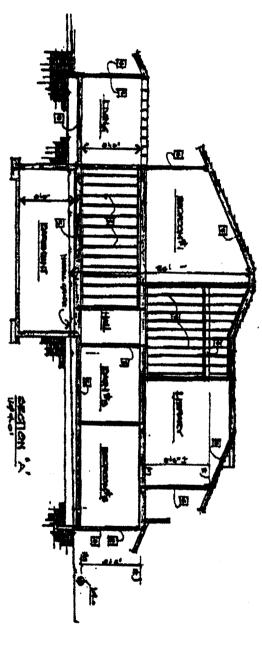


EXHIBIT NO. /4







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