

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Filed: 1/16/96

49th Day: 3/5/96

180th Day: 7/14/96

Staff: CARY *BK*

Staff Report: 1/17/96

Hearing Date: 2/6/96

Commission Action:



STAFF REPORT: CONSENT CALENDAR

W20j

APPLICATION NO.: 4-96-004

APPLICANT: Cameron Farrer

AGENT: None

PROJECT LOCATION: 6811 Wildlife Road, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a 3,092 sq. ft., 18 ft. high from existing grade single family residence with 2-car attached garage, 993 sq. ft. studio unit above garage, septic system and no grading.

Lot area:	33,079 sq. ft.
Building coverage:	3,612 sq. ft.
Pavement coverage:	1,860 sq. ft.
Landscape coverage:	10,600 sq. ft.
Parking spaces:	2
Ht abv ext grade:	18 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept, Preliminary Health Services Approval

SUBSTANTIVE FILE DOCUMENTS: 5-88-870 (Martinez), 5-89-308 (Albert), Preliminary Soils and Engineering Geologic Investigation, dated 11/24/95, prepared by California GeoSystems

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with Special Conditions regarding landscaping, drainage, geology, future improvements and wildfire waiver of liability. The proposed project site includes a flat pad area adjacent to the road and a canyon in the rear. The Commission has, in past permit actions, found that the canyons on Point Dume are disturbed but nonetheless 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 ESHA, but nonetheless are sufficiently valuable to warrant protection from further impacts. The 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 proposed project includes an adequate setback. To ensure that any impacts to the ESHA area are minimized, staff is recommending that the applicant be required to prepare and implement a landscaping and drainage plan, and to record a future improvements deed restriction. In order to ensure geologic stability, staff also recommends that the applicant be required to submit approval of the final plans from the consulting geologist and assume the risk of wild fire. As conditioned, the proposed project is consistent with all applicable policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed architect 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. 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, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200' radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.
- (c) 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 dumping location.

2. 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 run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

3. Plans Conforming to Geologic Recommendation.

All recommendations contained in the Preliminary Soils and Engineering Geologic Investigation, dated 11/24/95, prepared by California GeoSystems shall be incorporated into all final design and construction including foundations, grading and drainage. 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.

4. 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.

5. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 4-96-004 is only for the proposed development and that any future additions or improvements to the property including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 50 feet outward from the approved residence and selective thinning within a 200 foot radius of the approved residence as provided in Special Condition 1b above, is permitted and shall not require a new

permit. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description.

The applicant proposes the construction of a 3,092 sq. ft., 18 ft. high from existing grade single family residence with 2-car attached garage, 993 sq. ft. studio unit above the garage, septic system, and no grading. The proposed project site is a 33,079 sq. ft. parcel on Wildlife Road on Point Dume in the City of Malibu. The City of Malibu Archaeologist has surveyed the project site and has determined that there is no indication of the presence of cultural resources on the site.

B. Environmentally Sensitive Habitat Areas.

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.

As discussed above, the applicant proposes to construct a new single family residence. The project site has a large flat area directly adjacent to the street. The remainder of the site is a sloping canyon wall leading down into a blue-line stream. The Commission has, in past permit actions, found that the canyons on Point Dume are disturbed but nonetheless 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 ESHA, but nonetheless are sufficiently valuable to warrant protection from further impacts. The 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. In Permits 5-89-308 (Albert) and 5-88-870 (Martinez), the Commission required the applicants 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. 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. Further, in order to ensure that any impacts of drainage from the site are minimized, the applicant must submit drainage and erosion control plans for the proposed project. 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. This will allow the Commission to ensure that any future additions to the property will minimize impacts to ESHA areas. The Commission finds that, as conditioned, the proposed project is consistent with Section 30240 of the Coastal Act.

C. Geology

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 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.

The applicant has submitted a Preliminary Soils and Engineering Geologic Investigation, dated 11/24/95, prepared by California GeoSystems. The applicant's consultants conclude that the project may be developed from a geotechnical standpoint. Slope stability analyses carried out by the consultants indicate that the slopes have a factor of safety in excess of 1.5. The report states that:

It is the finding of this firm that the proposed building and/or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with Malibu City Code, provided our recommendations are followed.

Therefore, the Commission finds that the project will be consistent with

Section 30253 of the Coastal Act so long as the recommendations of the geologist are incorporated into the project design. Thus, the Commission finds it necessary to require the applicant to follow all recommendations of the consultants.

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 can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. The Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

D. Septic System

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.

In addition, the Malibu/Santa Monica Mountains Land Use Plan contains the following policies concerning sewage disposal:

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes....

P226 The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

The proposed development includes the installation of an on-site septic system to serve the residence. Percolation testing was undertaken and the consulting geologist states that the site is suitable for the septic system and there should be no adverse influence on the stability of the site or surrounding areas. Additionally, the applicant has submitted evidence of in-concept approval from the City of Malibu Environmental Health Department which indicates that the proposed septic system meets the standards of the plumbing code. The Commission has found in past permit decisions that the compliance of septic systems with the requirements of the plumbing code is protective of

coastal resources, consistent with the policies of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with Section 30231 of the Coastal Act and all relevant policies of the LUP.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local 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).

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned 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.

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

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BJC

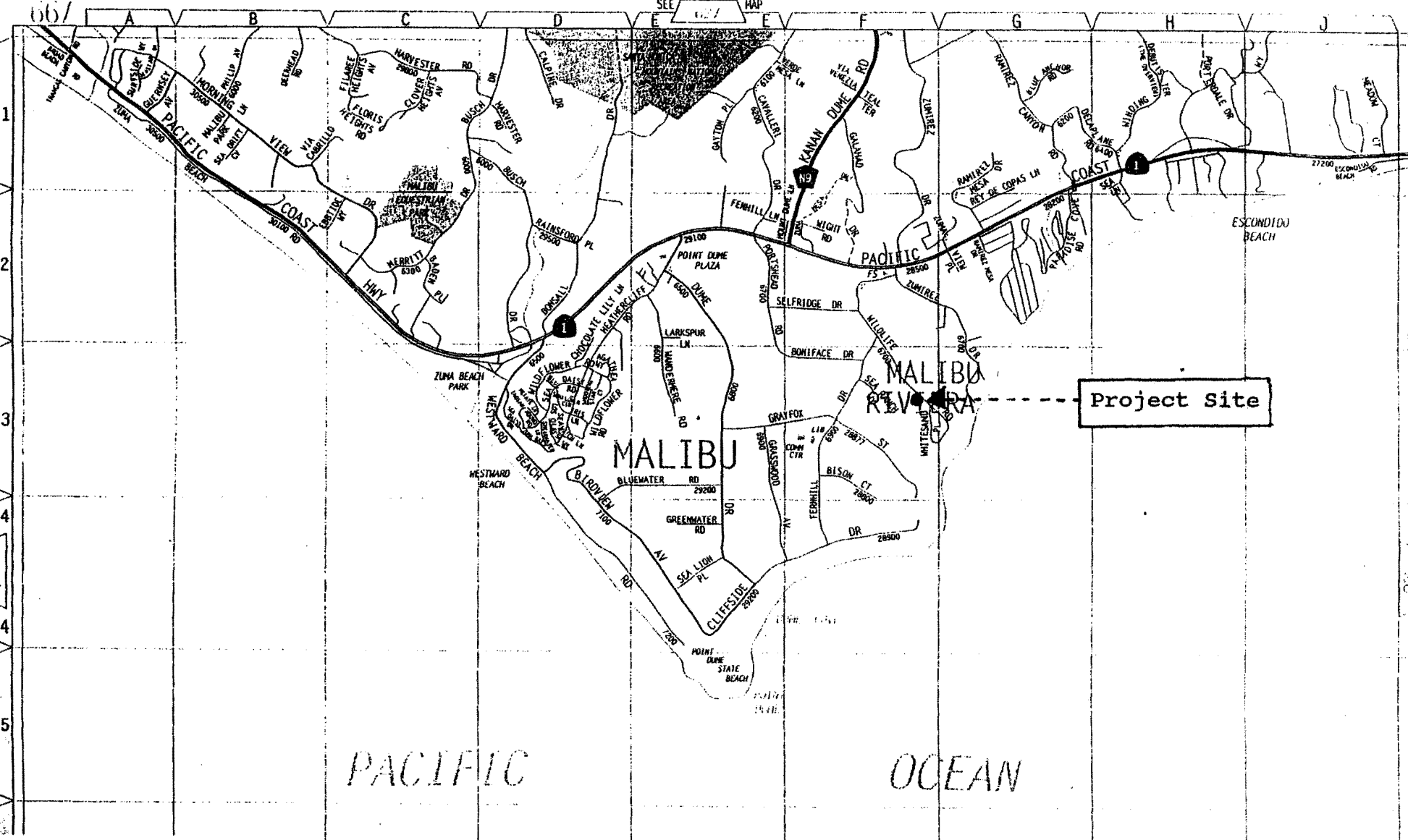
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SEE MAP

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MAP



Project Site

PACIFIC

OCEAN

EXHIBIT NO. 1

APPLICATION NO. 4-96-004

VICINITY

FARMER
RESIDENCE

1/1/78

WILLIAM H. HARRIS
ARCHITECT

2448 Wilshire Blvd., 9th
San Angeles, CA 90061

1/1/78

1/1/78

1/1/78

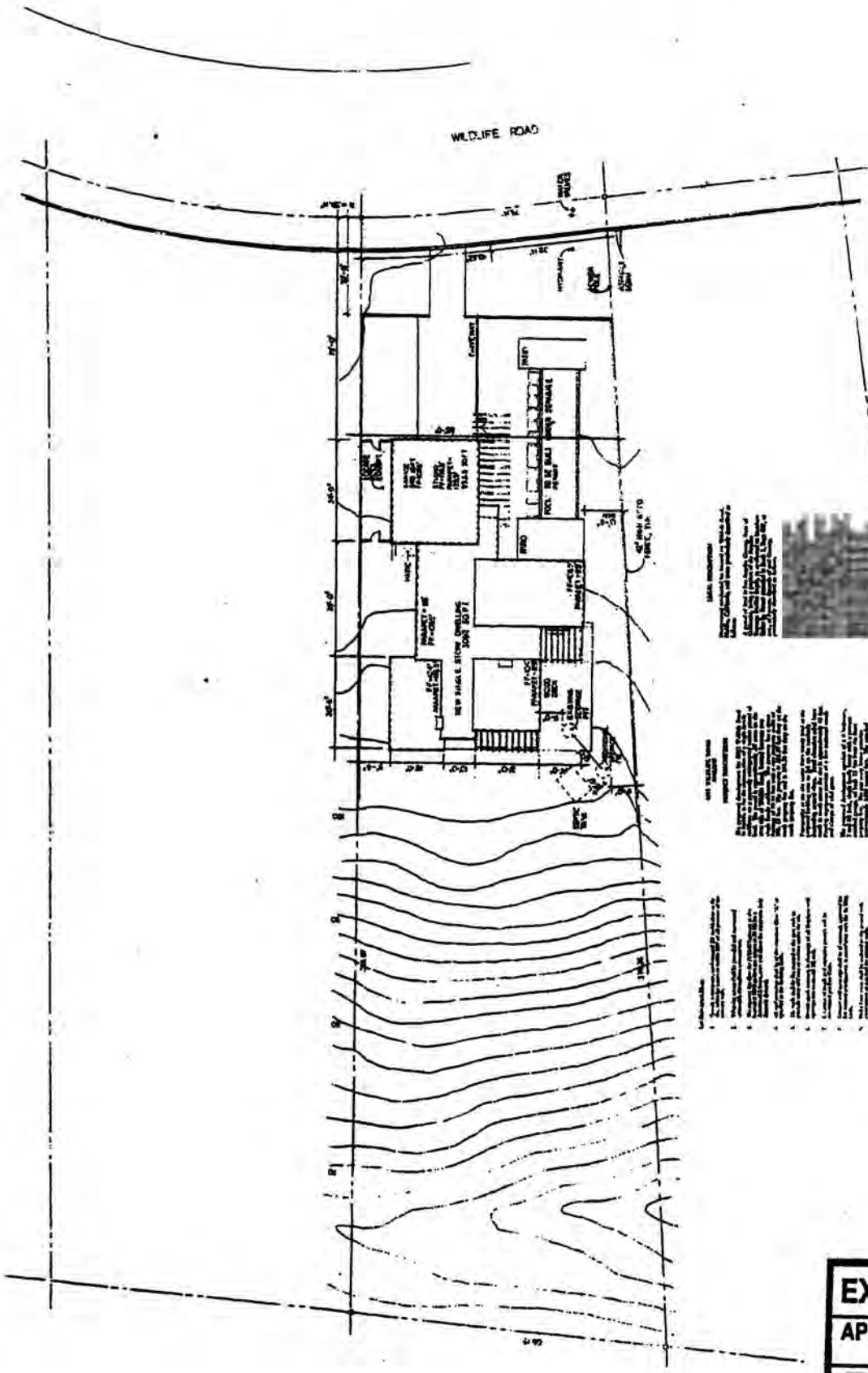
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EXHIBIT NO. 2
APPLICATION NO.
4-96-004
PLOT PLAN

FARRER
RESIDENCE

WILLIAM HENRY
ARCHITECT

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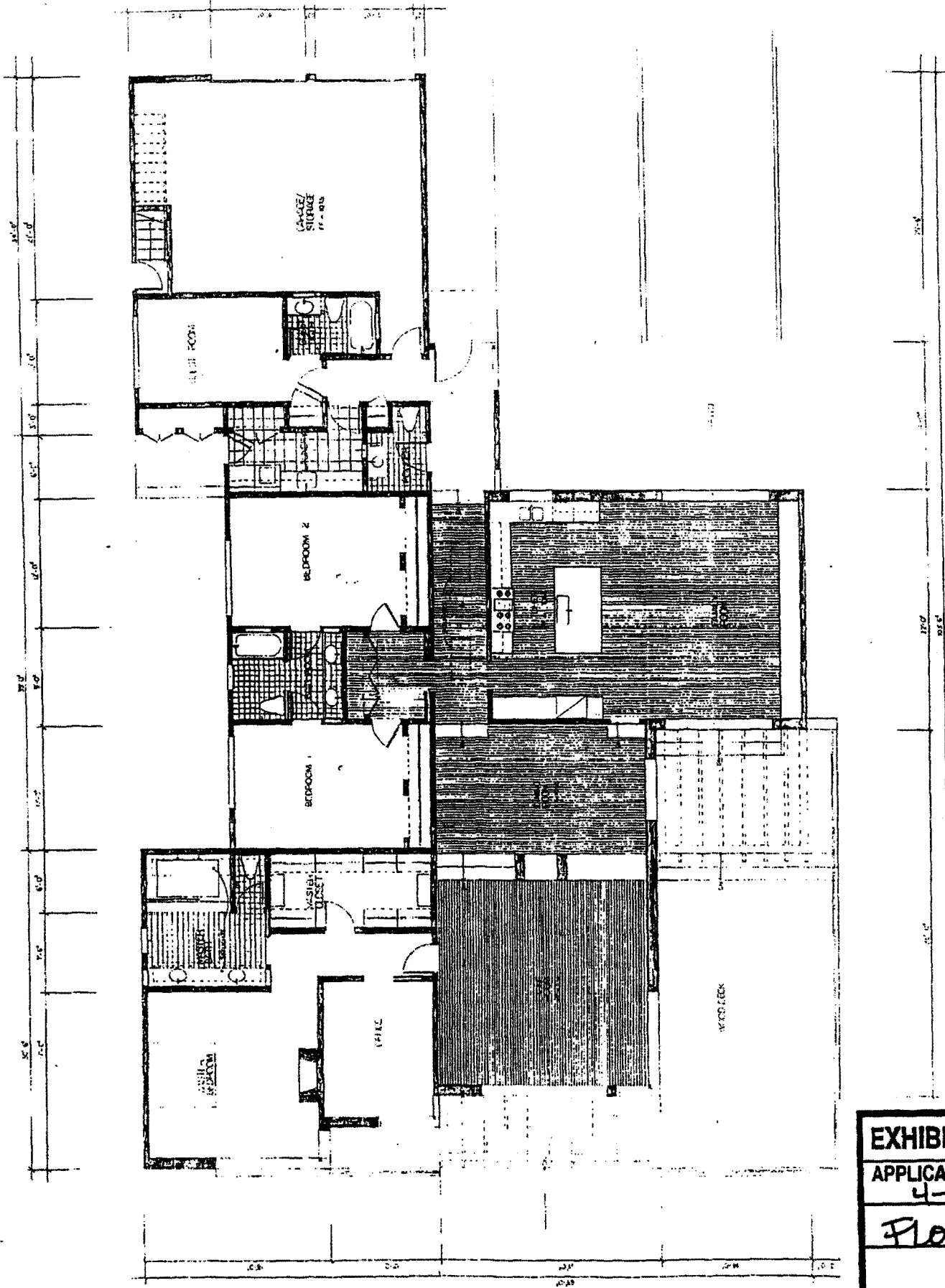


EXHIBIT NO. 3
APPLICATION NO.
4-96-004
Floor Plan

PARADE
RESIDENCE

PLANT PLAN, REAR
2.5.75

ARCHITECT
1300 WILSON BLVD. 4TH
FLOOR, CA 94068
TEL 333 771 1100
FAX 333 771 1100

PLANT PLAN, REAR
2.5.75

PLANT PLAN, REAR
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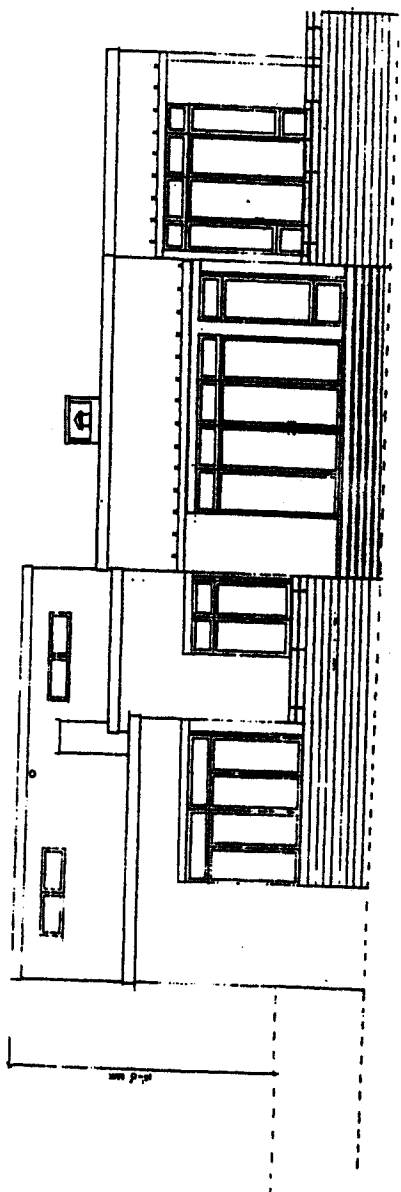
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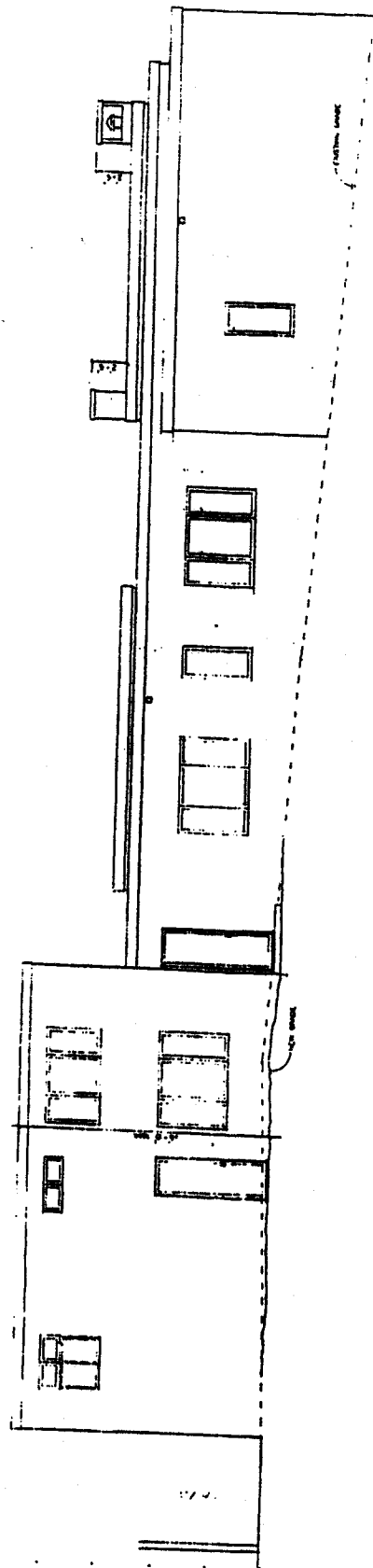
ELEVATIONS

PLANT PLAN, REAR
2.5.75

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SOUTH ELEVATION



WEST ELEVATION

EXHIBIT NO. 4
APPLICATION NO.
4-96-004
Elevations