


CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

W15e

APPLICATION NO.: 4-96-040

APPLICANT: James O. Cariker

AGENT: none

PROJECT LOCATION: 6432 Cavalleri Road, City of Malibu

PROJECT DESCRIPTION: Subdivision of 3.03 acre site (net acreage) into eight single family residential lots ranging in size from 12,083 sq. ft. to 18,178 sq. ft. with 4,900 cu. yds. of grading (2,200 cu. yds. of cut and 2,700 cu. yds. of fill). The project also involves a lot line adjustment to decrease the size of the underlying lot from 3.23 acres to 3.03 acres (net acreage), the demolition of an existing single family residence and accessory structures, and the construction of a rip rap drainage structure.

Lot area:	3.32 (net acreage)
Building coverage:	N/A
Plan designation:	Residential IVB (6-8 du/ac)
Project density:	2.6 du/ac
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: City of Malibu "Approval in Concept", City of Malibu "Approval in Concept" Geology and Geotechnical Engineering Review, City of Malibu Approval Environmental Health Department and City of Malibu Archaeological Review.

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Malibu/Santa Monica Mountains Land Use Plan
2. Coastal Development Permits: 5-90-805 (Cariker/Kinser); 4-95-115 (Lauber, et. al.) 4-94-111 (Laden); 4-93-211 (Hovenweep); 4-93-132 (Nelson and Nadlman); 5-90-1060 (Traub); and 5-89-1149 (Thorne).
3. City of Malibu Tentative Tract Map No. 47533, Sept. 18, 1995.
4. City of Malibu Planning Department Negative Declaration No. 95-13.
5. Cavalleri Road Townhomes Traffic Study Malibu, CA by Robert Crommelin and Assoc., Inc.; 12/4/89

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed subdivision of a 3.03 acre site (net acreage) into eight single family residential lots ranging in size from 12,083 sq. ft. to 18,178 sq. ft. with 4,900 cu. yds. of grading (2,200 cu. yds. of cut and 2,700 cu. yds. of fill). The project includes a lot line adjustment which would result in a decrease in the size of the lot from 3.23 acres to 3.03 acres (net acreage). Additionally, the project involves the demolition of an existing single family residence and accessory structures and the construction of a rip rap drainage structure. The site is located between Kanan Dume Road, which is a designated Scenic Highway and Cavalleri Road. The 170 ft. long access road to the eight lots is proposed from Cavalleri Road. Future residential structures located on four of the eight building pads (lots 3, 4, 5 and 6) may adversely impact views from Kanan Dume road if not adequately designed and screened to minimize such impacts. Staff recommends that the applicant be required to prepare and implement landscaping plans to minimize visual impacts of the proposed grading and to minimize erosion and sedimentation. The northeastern corner of the site contains a small riparian corridor and a blue line stream. This segment of the stream is found on the 1972 U.S.G.S. maps. Eventhough the ripiarn corridor is not a mapped Environmentally Sensitive Habitat Area according to the 1986 Certified Malibu/Santa Monica Mountains LUP which is considered a guidance document, the area does contain some habitat value as set forth in the site review performed by the City of Malibu Biologist. Thus, staff recommends that the applicant be required to supply and implement drainage and erosion control plans to minimize impacts of the project on the riparian corridor. The subdivision will result in a density of 2.6 units per acre which is a lower density than contemplated by the Malibu LUP and is a lower density than that of the existing multifamily developments located on the sites to the south and the west of the subject property. In order to mitigate the cumulative impacts of creating seven new lots, staff recommends that the applicant be required to extinguish development rights for seven building sites in the coastal zone. As conditioned, staff recommends that the Commission find the proposed project consistent with the applicable sections 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 Program

- (a) Prior to the issuance of permit the applicant shall submit, for the review and approval of the Executive Director, landscaping plans for all areas impacted and disturbed by development activities. These plans shall be prepared by a licensed landscape architect or resource specialist. These plans shall incorporate the use of native, indigenous, plant species associated with the site and the surrounding area to minimize the need for irrigation and to soften the visual impact of development. These plans shall provide an outline of proposed maintenance activities, including the removal of weeds, or mid-course corrections (additional plantings), should they be required.

- (b) Grading shall not take place during the rainy season (November 1 - March 31). The development process shall minimize sediment from runoff waters during construction through the use of sediment basins (including debris basins, desilting basins, or silt traps) on the project site prior to or concurrent with the initial grading operations and maintained through the development process.
- (c) All grading activities shall be carried out as expeditiously as feasible and all building pads shall be hydroseeded with native grasses or annuals and the access road paved within 30 days of grading completion. In the event that grading activities are interrupted for a period of more than 30 days, all exposed areas shall be hydroseeded, the access road shall be paved and sediment retention methods shall be implemented.

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 drainage and erosion control plan, designed by a licensed engineer and approved by the City of Malibu Department of Public Works. The drainage and erosion control plan 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 conditions 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 which collects run-off from the roads, driveways, and other impervious surfaces, and discharges it in a non-erosive manner including, if appropriate, on-site detention/desilting basins, dry wells, etc.

Should the project's drainage structures fail or result in erosion, the applicant/landowner shall be responsible for any necessary repairs and restoration.

3. Cumulative Impact Mitigation

Prior to the issuance of the Coastal Development Permit, the applicants shall submit evidence, subject to the review and approval of the Executive Director, that the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains are adequately mitigated. Prior to issuance of this permit, the applicants shall provide evidence to the Executive Director that development rights for residential use have been extinguished on seven (7) building sites in the Santa Monica Mountains Coastal Zone. The method used to extinguish the development rights shall be either:

- a) a TDC-type transaction, consistent with past Commission actions;
- b) participation along with a public agency or private nonprofit corporation to retire habitat or watershed land in amounts that the Executive Director determines will retire the equivalent number of potential building sites. Retirement of a site that is unable to meet the County's health and safety standards, and therefore unbuildable under the Land Use Plan, shall not satisfy this condition.

4. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geologic Report from Mountain Geology, Inc. dated 1/5/95, as well as in the Geological Investigation, dated 4/25/89, prepared by Westland Geological Services, Inc., the Soils Exploration Report, dated 5/1/89, Supplemental Subsurface Investigation, dated 2/8/90, and the City of Malibu Geologic and Geotechnical Engineering Review Sheet, dated 4/28/95 shall be incorporated into all final design and construction including grading, septic systems, and drainage, all plans must be reviewed and approved by the consultant prior to commencement of development. Prior to the issuance of the coastal development permit, the applicant shall submit evidence for the review and approval of the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, septic systems, 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.

5. Fire Department Approval

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, evidence that the Los Angeles County Fire Department has reviewed and approved the access road and building sites and that the road meets all current Fire Department standards. Any substantial changes to the road which are required by the Fire Department shall require an amendment to the permit.

II. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing the subdivision of 3.03 acre site (net acreage) into eight single family residential lots ranging in size from 12,083 sq. ft. to 18,178 sq. ft. with 4,900 cu. yds. of grading (2,200 cu. yds. of cut and 2,700 cu. yds. of fill). The project also involves a lot line adjustment to decrease the size of the lot from 3.23 acres to 3.03 acres (net acreage). As represented by the applicant, an approximate 22 to 30 ft. wide section of the northern section of the property and a 30 ft. wide section of the eastern side of the property will be attached to the adjacent lot to the south of the site, which is presently developed with condominiums. In addition the project involves the demolition of an existing single family residence and accessory structures and the construction of a rip rap drainage structure along the eastern side of the property.

The project site is located between Cavalleri Road and Kanan Dume Road approximately 150 ft. north of Pacific Coast Highway. Access to the lots is proposed by a single 170 ft. long driveway from Cavalleri Road. The property comprises the crest and east-facing slopes of a north-south trending ridge along Cavalleri Road. Slope gradients on the site range from nearly flat

along the ridge crest to 3:1. Drainage is eastward across the site by sheet flow towards Kanan Dume Road. A phase I Archeological Report was prepared by the City of Malibu Archaeologist and he concluded that no cultural resources were located during the survey activities and no mitigation measures are warranted.

The west side of the site contains a USGS blue line stream and the riparian habitat found in this drainage course has been identified by the City of Malibu Biologist as a remnant of an ecologically important riparian habitat. In addition, the northern edge of the site contains a grove of Eucalyptus trees. According to the City's Biologist, Monarch Butterflies have not been observed on the site.

The project site is visible from Kanan Dume Road which is a designated scenic highway in the Malibu LUP, which the Commission considers as guidance. The surrounding area is developed with a mixture of varying densities of residential uses which include two condominium projects located immediately adjacent to the south and west of the subject site (56 units and 68 units respectively). In addition, a cluster of commercial development is located to the southeast of the subject site on the northern sides of the intersection of Kanan Dume Road and Pacific Coast Highway.

The site is currently designated as IVB in the Malibu LUP, which allows for 6-8 dwellings per acre. The 1986 Certified Malibu/Santa Monica Mountains LUP which is considered as guidance document, suggests that higher densities could be found consistent with the Coastal Act. As proposed the project is at a density of 2.6 dwelling per acres. This site was subject to previous Commission action in the approval of coastal development permit 5-90-805 (Cariker/Kinser). Under this permit the Commission approved a 23 unit multifamily development that required approximately 17,000 cu. yds. of grading with special conditions that required the applicant to revise the project plans to relocate all development outside of the existing Eucalyptus Grove, cumulative impacts mitigation, submittal of a landscaping, erosion control and drainage plan, record a future improvements deed restriction and submit evidence that the proposed project conformed to the geologic recommendations. The substantial redesign of the proposed project has necessitated that the applicant submit a new permit application.

B. Cumulative Impacts of New Development.

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The applicant is proposing the subdivision of a 3.03 acre parcel (net acreage) into eight parcels: Lot 1 -- 13,875 sq. ft.; Lot 2 -- 13,881 sq. ft.; Lot 3 -- 18,178 sq. ft.; Lot 4 -- 17,688 sq. ft.; Lot 5 -- 14,235 sq. ft.; Lot 6 -- 12,083 sq. ft.; Lot 7 -- 13,677 sq. ft.; and, Lot 8 -- 12,883 sq. ft. In addition, the project involves a lot line adjustment, which would result in decrease of the total area of the site by 18,817 sq. ft. to the subject 3.03 area described above. The 18,817 sq. ft. area, as proposed, will be attached to the site adjacent to the south of subject property. As represented by the applicant, the lot line adjustment is requested by the adjacent condominium owners for septic system expansion.

The Commission's standard of review for subdivisions is the Coastal Act. In this situation, because the project site is located on the coastal terrace in an existing developed area the average lot size criteria provided in Section 30250(a) is not applicable.

The subject site is located approximately 150 ft. north of Pacific Coast Highway, near the intersection of PCH and Kanan Dume Road in the City of Malibu. Under the previous permit (5-90-805), the applicant prepared a Traffic Study which analyzed traffic at four major intersections along PCH. This study concluded that individually, the proposed project which in 1990 consisted of 25 townhomes, would not have significant or measurable traffic impacts.

The Coastal Act requires that new development, including subdivisions and multi-family projects, be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impact problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects. Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches could be expected to grow tremendously. In addition, future build-out of many lots located in environmentally sensitive areas would create adverse cumulative impacts on coastal resources.

As a means of addressing the cumulative impact problem in past actions, the Commission has consistently required, as a special condition to development permits for land divisions and multi-unit projects, participation in the Transfer of Development Credit (TDC) program as mitigation (155-78, Zal; 158-78, Eide; 182-81, Malibu Deville; 196-86, Malibu Pacifica; 5-83-43, Heathercliff; 5-83-591, Sunset-Regan; and 5-85-748, Ehrman & Coombs). The TDC program resulted in the retirement from development of existing, poorly-sited, and non-conforming parcels at the same time new parcels or units were

created. The intent was to insure that no net increase in residential units resulted from the approval of land divisions or multi-family projects while allowing development to proceed consistent with the requirements of Section 30250(a).

In several permit actions in Los Angeles County prior to the City of Malibu's incorporation (5-86-592, Central Diagnostic Labs; 5-86-951, Ehrman and Coombs; 5-85-459A2, Ohanian; and 5-86-299A2 and A3, Young and Golling), the Commission found that until other mitigation programs were both in place and able to be implemented, it is appropriate for the Commission to continue to require purchase of TDC's as a way to mitigate the cumulative impacts of new subdivisions and multi-residential development. In 1986, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan, which is no longer legally binding within the City of Malibu. The Plan contained six potential mitigation programs that if in place would adequately mitigate the cumulative impacts of new development. However in approving the above cited permit requests, the Commission found that none of the County's six mitigation programs were defined in the LUP as "self-implementing" or adequate to offset the impact of increased lots in the Santa Monica Mountains and that mitigation was still required to offset the cumulative impacts created by land divisions and multi-unit projects. The Commission found that the TDC program, or a similar technique to retire development rights on selected lots, remained a valid means of mitigating cumulative impacts. Without some means of mitigation, the Commission would have no alternative but denial of such projects based on the provisions of Section 30250(a) of the Coastal Act.

The applicants propose to subdivide one parcel of land into eight residential lots. The proposed number of residential units is consistent with the character of the area. The subject parcel is an existing legal parcel. Therefore, no cumulative impact mitigation requirements shall be imposed as a condition of approval of this permit regarding the legality of the existing parcel.

As discussed above, the Commission has approved new subdivisions, but has continued to require purchase of TDC's as one of the alternative mitigation strategies. Staff review indicates that the incremental contribution to cumulative impacts would be the creation of one additional lot. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality and resource degradation would be associated with the development of the additional lot in this area. Therefore, the Commission determines that it is necessary to impose a requirement on the applicant, in order to insure that the cumulative impacts of the creation of one additional legal buildable lot is adequately mitigated. This permit has therefore been conditioned to require the applicant to mitigate the cumulative impacts of the subdivision of this property, either through purchase of seven (7) TDC. The Commission finds that as conditioned, the permit is consistent with Section 30250(a) of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and

protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character 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 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 to and along the shoreline. Policy 129 further suggests that structures be designed and located to create an attractive appearance and harmonious relationship with the environment. The site is located between Kanan Dume Road and Cavalleri Road northwest of the intersection of PCH and Kanan Dume. Improvements to the site include 4,900 cu. yds. of grading (2,200 cu. yds. of cut and 2,700 cu. yds. of fill). As illustrated on the grading plan (Exhibit 1), the lots would be accessed by an approximate 170 ft. long accessroad. Grading for the access road requires the construction of a 40 ft. high fill slope at the east end of the road. Pads for four of the eight lots proposed will require grading as well. These pads are 5,000 sq. ft. in size each and employ modest 3:1 fill slopes which vary in height from 10 to 24 ft. The applicant has indicated that the four lots closest to PCH (lots 3, 4, 5 & 6) will be constructed on raised foundation systems and would require minimal amounts of earth movement associated with pad preparation.

The Commission notes that the review and approval of the previous project (5-90-805) located on this site was based, in part, on special condition #1 which required the applicant to revise the project plans to ensure that the Eucalyptus Grove was not removed. This condition was based on 1) the possibility that the trees provided habitat for the Monarch Butterflies and 2) the visual screening of the development that the grove of trees would provide from the public traversing PCH. As described in the project description, the original project (5-90-805) involved the development of 23 units and as proposed the structures were 25 ft. high. This differs from the present proposal which consists of eight lots for the purpose of single family residential. In addition, the City's review of the proposed subdivision has limited the height of the structures on lots 4 and 5 to 18 ft. along the rear portion of the building pad closest to Kanan Dume Road. Additionally, the lot coverage of the site, as proposed under the previous permit (5-90-805), extended east within 70 ft. of Kanan Dume Road. As proposed in this project, the proximity of the site coverage to the scenic highway on lots 4 and 5 (the lots closest to Kanan Dume Road) if they were developed with a 5,000 sq. ft. building pad, would be approximately 20 ft. further west of Kanan Dume Road (as compared to the original permit). The Commission notes, however, that the subject application does not propose building pads on lots 3, 4, 5 & 6.

Given that the four lots located closest to PCH do not propose a pad location or grading, a visual analysis of future structures at this time would be pre-mature. As stated in the preceding paragraph, under the City of Malibu's approval of the Tentative Tract, they imposed condition #25 which requires the applicant to obtain Site Plan Review for all structures over 18 ft. in height in order to insure that visual resources are protected. Specific to lots 4 and 5 which are located closest Kanan Dume Road, the City has required the applicant to limit the height of the structure to 18 ft. along the rear portion of the building pad closest to Kanan Dume Road. In analyzing the proposed project against Section 30251 of the Coastal Act, the Commission notes that review of future development on all lots where the building pads are not designated (lots 3, 4 5 & 6) with respect to any potential visual impacts on Kanan Dume Road and nearby trails will be necessary. Further, future development proposals for the single family homes should incorporate methods into the project design to minimize the structures impacts on the scenic highway. Such methods include, but are not limited to, use of earth tones, landscaping to screen the development from public viewshed areas and low structural heights.

Although the Commission finds that the proposed project minimizes grading to the maximum extent feasible, the resultant manufactured slope on the east end of the accessway may potentially be visible from Kanan Dume Road which is a scenic highway. As such, it is necessary to require the applicant to submit a landscape and erosion control plan designed to screen visual impacts of the bare slopes and minimize and control erosion. Further, given the location of the proposed project adjacent to Kanan Dume Road and to a blueline stream, if for any reason the project were to be abandoned, even on a temporary basis, with bare soils exposed, adverse visual impacts would result both where the grading occurred and where potential stream degradation could occur. Therefore, the Commission finds it necessary to require the applicant to not carry out grading activities during the rainy season and to hydroseed all building pad areas with native grasses or annuals when either grading is complete or at such time as grading is interrupted for 30 days or more. The pad seeding must be provided as an interim measure to minimize erosion and adverse visual impacts from the pads until such time as houses are constructed. Native grasses or annuals may be easily removed prior to construction.

In conclusion, the Commission finds that, as conditioned to prepare a landscaping and erosion control plan, the proposed project will minimize landform alteration. The Commission finds that as conditioned, the proposed project is consistent with Section 30251 of the Coastal Act.

D. Environmentally Sensitive Habitat 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.

In addition, 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.

In addition, the Malibu/Santa Monica Mountains LUP contains several policies for stream protection and erosion control. 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 and 30240 of the Coastal Act. For example LUP policy 81 suggests that the maximum rate of storm water runoff to coastal waters, wetlands and riparian areas from new development should not exceed the peak level that existed prior to development. Additionally, policy 86 recommends that site design incorporate drainage control systems to mitigate the impacts on downstream sensitive riparian habitats. Finally, 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.

The site contains a blueline stream as designated on the USGS Maps. This drainage course has been identified by the City of Malibu's Biologist as a remnant ecologically important riparian habitat and as an area that can naturally moderate the effects of storm water runoff quantity and quality. Given the proposed configuration of the subdivision, future homes would be constructed away from the riparian area, which would make it feasible to maintain the riparian area in a natural state. The City's Biologist stated that such riparian area could be maintained if it were part of a, "comprehensive development and landscape management plan." The Commission finds that grading and drainage associated with the development of the access road and building pads could contribute to erosion and water quality problems which could adversely impact the small riparian area vegetation located on the site.

The site also contains mature trees which include pines on the northwest corner of the site and Eucalyptus on the northern edge of the property. In the Commission's review of the original permit (5-90-805), they required the grove of Eucalyptus trees be maintained for aesthetic and habitat benefit. In particular, the Commission found that Eucalyptus were important as habitat for Monarch Butterflies in that they provided roosting, breeding and foraging sites. While it is generally known that Monarch Butterflies preferentially select Eucalyptus Groves for roosting, it has also been documented that the majority of the trees are not always selected. For reasons not clear to Biologists, some Eucalyptus become annually utilized sites for habitat and warrant protection while others do not. The current documentation on which trees are utilized seems center on the relationship between the pattern of assemblage of the trees as well as other factors such as proximity to water courses. There is no evidence that the trees in question have been so utilized by Monarchs in the last six years since the past permit was approved by the Commission (Nov. 1990). In addition, the City of Malibu Biologist has confirmed that the City's Environmental Review Board has no evidence of Monarchs on the site. Therefore, these trees do not warrant special protection. In fact, as discussed in the approval of the tentative tract map, the City has called these trees out as non-native, invasive and representing a fire hazard to future development.

With respect to the riparian area contained on the site, the Commission has found in past permits, that development projects, particularly those involving grading and landform alteration, can adversely impact riparian and ESHA areas even where the habitat area is not located on the project site. As stated previously this site is presently developed with a single family residence and, thus, at issue is the proposed increased density on this site, which will result in a substantive increase in lot coverage from that which exists. As such, the removal of vegetative cover not only reduces the habitat area available, but also exposes bare soil which in turn increases erosion and sedimentation. In this way, riparian and ESHA areas on and offsite are impacted by development. Further, the replacement of native vegetation and soil with impervious surfaces like roads, structures, patios, etc., increases peak runoff. Natural vegetation captures and retains a significant amount of precipitation, releasing it to minor drainages hours and days after the precipitation event. When this process is removed by the placement of impervious surfaces, more storm runoff is conveyed much sooner and at a higher velocity to drainage channels, resulting in larger peak discharges occurring sooner after storm events. This can have serious impacts on stream channel morphology and can cause flooding. Changes in a stream channel by erosion and channel scour can result in loss of habitat area.

In order to minimize impacts to ESHA and riparian areas from development, the Commission has consistently required that alteration of landforms are minimized. The Commission has also consistently required that graded or disturbed areas be landscaped with native vegetation. Restoring vegetative cover reduces the erosion potential of bare soil. Further, the Commission has required 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.

As stated in the project description, the proposed project includes the construction of a rip rap drainage structure to serve as the inlet to the drainage pipe which runs along Kanan Dume Road. 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 erosion control plan. These plans must incorporate the use of native vegetation to minimize the need for irrigation. Further, the Commission finds it necessary to require the applicant to not carry out grading activities during the rainy season and to hydroseed all building pad areas with native grasses or annuals when either grading is complete or at such time as grading is interrupted for 30 days or more. The pad seeding must be provided as an interim measure to minimize erosion from the pads until such time as houses are constructed. Native grasses or annuals may be easily removed prior to construction.

With regard to drainage, 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, approved by the City of Malibu 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. As such, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30231 and 30240 of the Coastal Act.

E. 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 terrace area of 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. As stated in the City's approval of the Tentative Tract Map, any landscape plan will be required to include firesafe landscaping principles to mitigate future fire hazard of the proposed development. The accessway as proposed is approximately 170 ft. in length as measured from Cavalleri Road. However, in order to insure that the proposed building sites minimize risks to life and property as required in Section 30253 of the Coastal Act, the Commission finds it necessary to have the applicant submit for the review and approval of the Executive Director, evidence that the Los Angeles County Fire Department has reviewed and approved the access road and building sites and found that the road meets all current Fire Department standards.

The applicant has submitted a Geologic Report from Mountain Geology, Inc. dated 1/5/95, a Geological Investigation Report, dated 4/25/89, prepared by Westland Geological Services, Inc., as well as the Soils Exploration Report, dated 5/1/89, Supplemental Subsurface Investigation, dated 2/8/90, and a City of Malibu Geologic and Geotechnical Engineering Review Sheet, dated 4/28/95. The applicant's consultants conclude that the project may be developed from a geotechnical standpoint.

The consultants make many recommendations on site preparation, grading, septic system construction and drainage. They conclude that the proposed project site may be developed so long as their recommendations are incorporated into the project. The report states that:

It is our opinion that the proposed building site will be safe from the hazards of landslides, settlement, or slippage provided our recommendations are followed. The proposed project will have no adverse effect on the geologic stability of adjacent properties.

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. The Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

F. Septic System

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.

A favorable percolation test was performed on the subject property which indicates that the percolation rate exceeds the minimum Plumbing Code requirements for the project. In addition, the applicant has submitted septic system "Approval" from the City of Malibu Department of Environmental Health. As reviewed by the City and as set forth in the geotechnical analysis of the septic system, the proposed project will not adversely impact the biological productivity and quality of the coastal waters where a blueline stream is located on the northwestern section of the subject site. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

G: 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).

H. CEQA

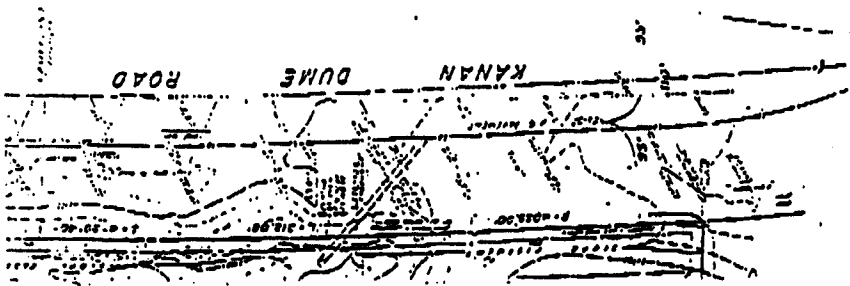
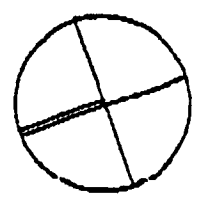
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

0120R

KANAN DUME RD

JIM CARIKER & ASSOCIATES, INC.
6432 CAVALLETTI RD.
TRACT # 47533

EXHIBIT NO. <u>1</u>
APPLICATION NO.
4-96-C410
Site plan



CAVALLETTI RD

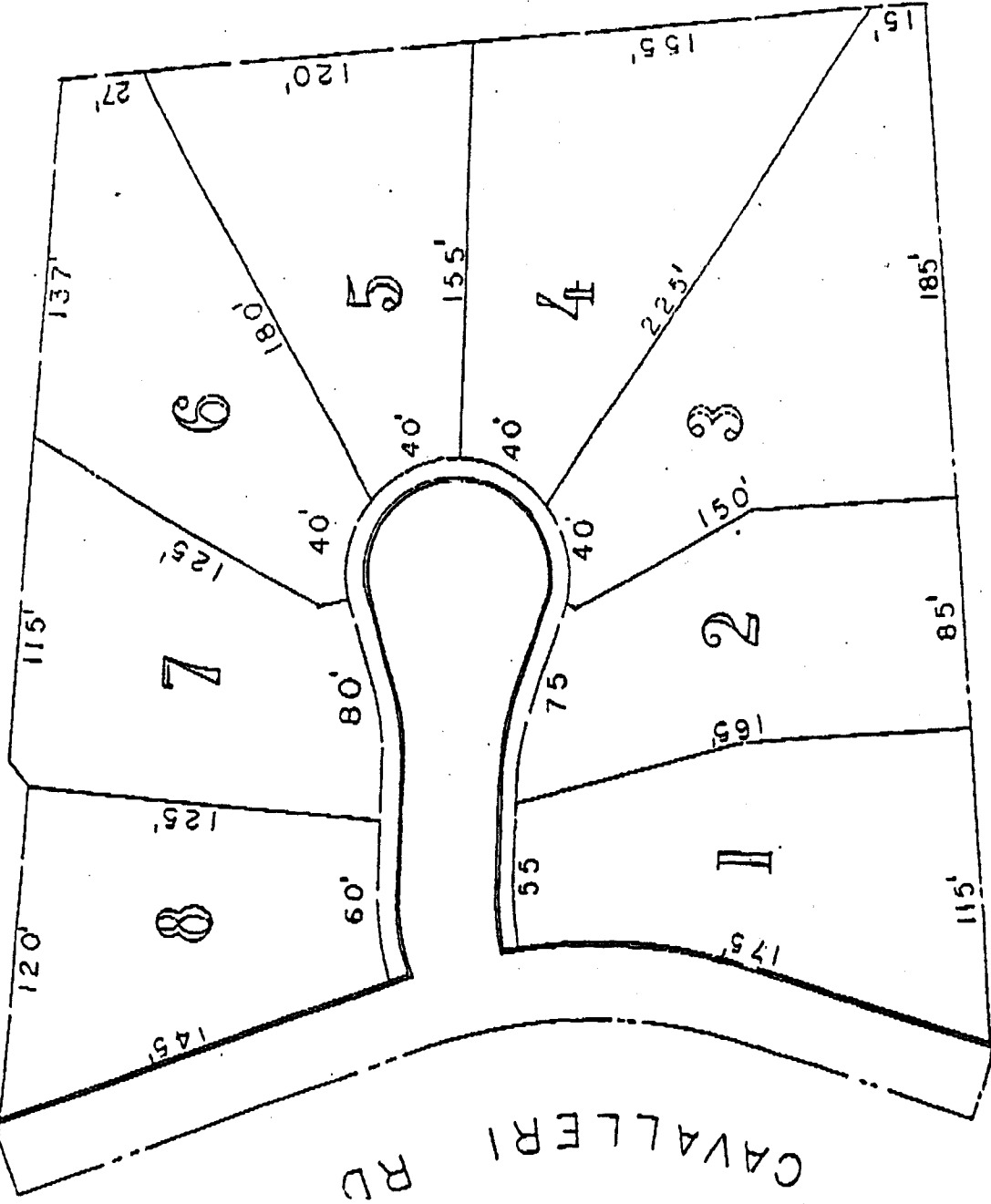
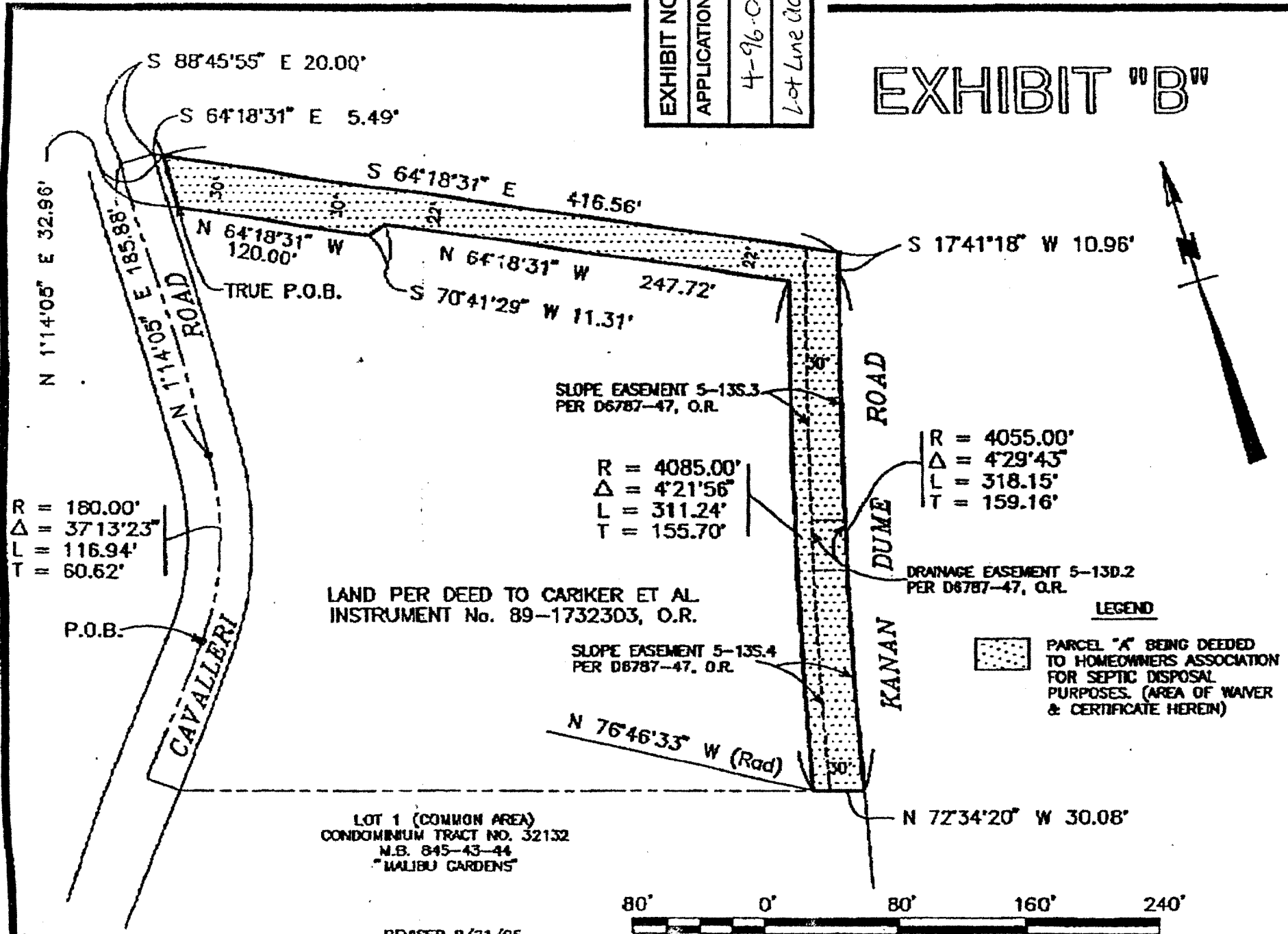


EXHIBIT NO. <i>a</i>
APPLICATION NO.
4-96-040
Lot Line Adjustment

EXHIBIT "B"




R = 180.00'
 Δ = 37°13'23"
 L = 116.94'
 T = 60.62'

R = 4085.00'
 Δ = 4°21'56"
 L = 311.24'
 T = 155.70'

R = 4055.00'
 Δ = 4°29'43"
 L = 318.15'
 T = 159.16'

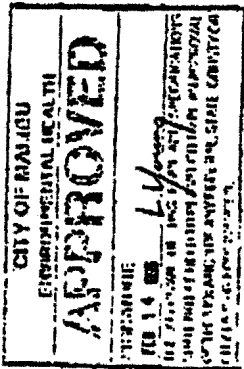
LAND PER DEED TO CARIKER ET AL.
 INSTRUMENT No. 89-1732303, O.R.

LEGEND

 PARCEL "A" BEING DEEDED TO HOMEOWNERS ASSOCIATION FOR SEPTIC DISPOSAL PURPOSES. (AREA OF WAIVER & CERTIFICATE HEREIN)



6432 CAVALLERI RD. TTM 117553
 HALLIQU, CA 90265



NOTES:

1. This approval is for the subdivision of the property above into eight lots. This approval is a revision of a prior approval dated 12-28-84.
2. This approval only relates to the minimum requirements of the City of Rancho Uniform Plumbing Code and does not include an evaluation of any geological, or other potential problems, which may require an alternative method of wastewater disposal.
3. This approval is valid for one year or until City of Rancho Uniform Plumbing Code and/or Administrative Policy changes render it noncomplying.



1" = 50'

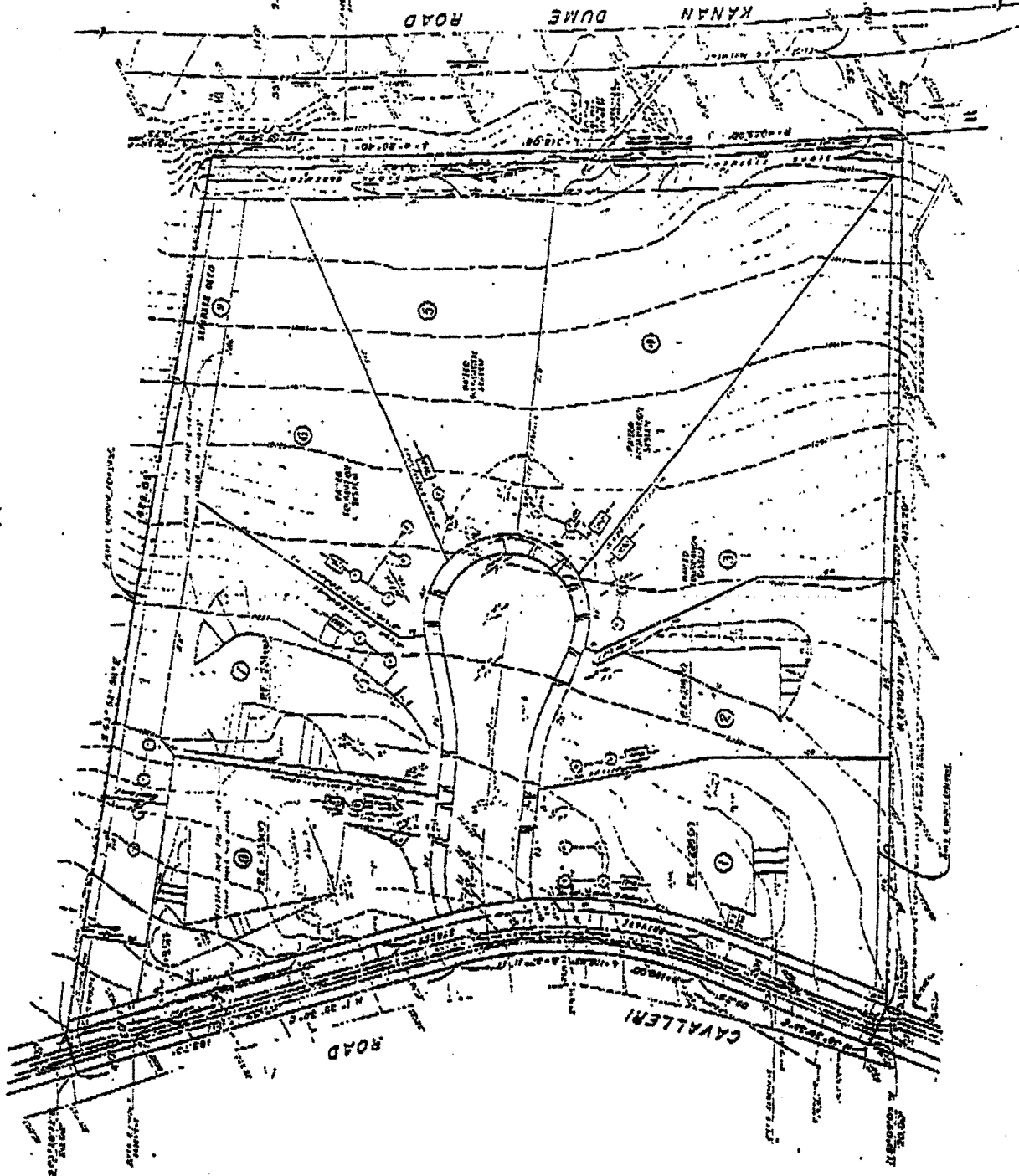


EXHIBIT NO. 2
APPLICATION NO.
4-96-CHC
Grading Plan / Public Department App.