

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
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Hearing Date: 6/11-14/96
Commission Action:
7063A



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-95-216

APPLICANT: Joseph Cosentino AGENT: Mike Barsocchini, AIA

PROJECT LOCATION: 2700 Hume Road, Malibu

PROJECT DESCRIPTION: Construct additions to approved 2200 sq. ft. single family residence; 592 sq. ft. first floor and 976 sq. ft. second floor, 20 feet high; and two single car carports. The first floor addition, 592 sq. ft., is an 'as-built' addition consisting of two rooms, a bathroom, and entry area; this addition was built without benefit of a coastal development permit. No grading is proposed.

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|--------------------|----------------------------------|
| Lot Area | 10.36 acres |
| Building Coverage | 2,876 sq. ft. |
| Pavement Coverage | 504 sq. ft. |
| Landscape Coverage | 10,000 sq. ft. |
| Parking Spaces | 5 spaces |
| Plan Designation | Rural Land III and Mountain Land |
| Zoning | 1 du/2 acres and 1du/20 acres |
| Project Density | 1 du/10 acres |
| Ht abv fin grade | 20 feet |

LOCAL APPROVALS RECEIVED: Approval in Concept, Planning Department, County of Los Angeles, dated 8/30/95 and March 11, 1996; Sewage Disposal Approval, Department of Health Services, Los Angeles County, dated 7/3/95.

SUBSTANTIVE FILE DOCUMENTS: Engineering Geologic Memorandum, Graded Slopes, 2700 Hume Road & Vicinity, Malibu, by GeoPlan, Inc., dated May 13, 1996; Update, Proposed Additions 2700 Hume Road, Malibu, California, by Geoplan, Inc., dated July 27, 1995 and Engineering Geologic Memorandum Effluent Discharge, dated November 20, 1995; Engineering Geologic Memorandum Response to Staff Report, Geoplan, Inc., dated January 19, 1996; Engineering Geologic Report, 2700 Hume Road, Malibu, California, by Geoplan, Inc., dated September 24, 1987 and Engineering Geologic Supplement, dated September 29, 1987; Engineering Geologic Report, Tentative Parcel Map 5999, Malibu, CA, by John D. Merrill C.P.G. Engineering Geologists, dated November 26, 1975; Coastal Permit No. 5-87-442, Cosentino.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed addition to the residence with six (6) Special Conditions addressing: plans conforming to the consulting geologist's recommendations; an assumption of risk; a wild fire waiver of liability; landscape and fuel modification plan; design restrictions, and a condition compliance requirement.

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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth 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. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the consulting geologist's review and approval of all project plans. All recommendations contained in the four (4) reports: 1) Update, Proposed Additions 2700 Hume Road, Malibu, California, by Geoplan, Inc., dated July 27, 1995 and Engineering Geologic Memorandum Effluent Discharge, dated November 20, 1995; 2) Engineering Geologic Memorandum, Response to Staff Report, Geoplan, Inc., dated January 19, 1996; 3) Engineering Geologic Report, 2700 Hume Road, Malibu, California, by Geoplan, Inc., dated September 24, 1987 and Engineering Geologic Supplement, dated September 29, 1987; 4) Engineering Geologic Report, Tentative Parcel Map 5999, Malibu, CA, by John D. Merrill C.P.G. Engineering Geologists, dated November 26, 1975; including issues related to footings, surface drainage control, and aseismic design, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultant.

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. ASSUMPTION OF RISK

Prior to issuance of permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landsliding, mudflow and erosion, and the applicant agrees to assume the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the Commission, and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage or destruction due to natural hazards.

The document shall run with the land, binding all successors and assigns, and shall be recorded free from prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

3. 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.

4. LANDSCAPE AND FUEL MODIFICATION PLAN

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

- a) All 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, 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) Vegetation within 50 feet of the proposed residence may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200 foot radius of the main structure. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the County of Los Angeles Forestry Department.

5. DESIGN RESTRICTIONS

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 restricts the color of the subject structures and roofs to colors compatible with the colors of the surrounding environment. White tones shall not be acceptable. All windows and glass for the proposed structure shall be of non-glare glass. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens.

6. CONDITION COMPLIANCE

All requirements specified in the foregoing condition that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 90 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will nullify this permit approval.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Location

The site is located in the Las Flores Canyon area along the upper portion of the west ridge of Las Flores Canyon. (See Exhibits 1 and 2) The project site is accessed from Hume Road and bounded by Hume Road on the west and north, Las Flores Canyon Road and the Santa Monica Mountains National Recreation Area land on the east, and developed residential property to the south. The 10.36 acre lot descends from approximately the 800 foot elevation level along Hume Road to the 520 feet elevation near Las Flores Canyon Road. The building site is located at the 800 foot elevation above sea level. (Exhibits 3 and 4.)

The applicant proposes to construct an addition to a 2,200 sq. ft. single family residence approved by the Commission in December 1987 in Coastal Permit 5-87-442. The first floor addition, 592 sq. ft., is an 'as-built' addition consisting of two rooms, a bathroom, and entry area; this addition was built without benefit of a coastal development permit. The applicant now proposes a first floor addition consisting of a new entry and stairway and two separate carports located on the south and north sides of the residence. The applicant also proposes a second floor addition, 976 sq. ft., consisting of two bedrooms, two bathrooms and the stairway. The addition will create a residence with a gross floor area including the two carports of 4,272 sq. ft. (See Exhibits 3 and 4.) The applicant has submitted a revised landscape plan, Exhibit 5, and drainage plan, Exhibit 6.

The lot is presently developed with a one story residence which is 2,792 sq. ft. in size. The property is now landscaped in the vicinity of the residence along Hume Road and the flat portion of the lot. To the north, this ten acre parcel includes a portion of tributary draining into Las Flores Creek. The property is not located within nor near any designated Environmentally Sensitive Habitat or Significant Watershed. The property includes two separate areas of unstable land to the north and the south of the project site which are considered and mapped as restricted use areas by the consulting geologist. The applicant's residence is located on the designated building site as recommended by the consulting geologist.

The Los Angeles County Land Use Plan designates the lot as both Rural Land III, one dwelling unit per two acres and Mountain Land, one dwelling unit per twenty acres. The density at one dwelling unit per ten acres is consistent with the allowable density in the Los Angeles County certified Land Use Plan. There are no existing or proposed trails within one mile of the property.

B. 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.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

P147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P156 Continue to evaluate all new development for impact on, and from, fire hazard.

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 property consists of an irregular shaped parcel of about 10 acres located west of Las Flores Road, and south and east of Hume Road. The site is east and downslope of the intersection of Hume Road and Briarbluff Drive. The site includes part of the crest and flanks of a narrow sinuous, asymmetric, rocky ridge that descends east from Hume Road to the bottom of Flores Canyon. The north flank of the ridge descends at 1:1 (45 degrees) and is an eroded fault line scarp. The south flank is more gentle; the elevation differential within the parcel is about 300 ft. with slopes ranging from horizontal at the building site to 1/2:1 on the steep outcrops.

The building site is a triangular pad of about one half acre. The ten acre parcel includes two separate areas of unstable land to the north and to the south of the project site which are considered and mapped as restricted use areas by the consulting geologist. The applicant's residence is located on the designated building site adjacent to Hume Road as recommended by the consulting geologist in 1975. Bedrock units of the Martinez formation underlie the subject property consisting of light yellow-brown cobble conglomerate and light brownish-yellow sandstone. These strata are faulted and have been intruded by basalt. These rocks are exposed in cut slopes along Hume Road and along Las Flores Canyon Road. The conglomeratic crops out on the ridge east from the building site and east canyon wall across Las Flores Canyon.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, erosion and fire hazards. Regarding the geologic and erosion hazards, the applicant submitted five geologic reports or letters to address this issue: 1) Engineering Geologic Memorandum, Graded Slopes, 2700 Hume Road & Vicinity, Malibu by GeoPlan, Inc., dated May 13, 1996; 2) Update, Proposed Additions 2700 Hume Road, Malibu, California, by Geoplan, Inc., dated July 27, 1995 and Engineering Geologic Memorandum Effluent Discharge, dated November 20, 1995; 3) Engineering Geologic Memorandum, Response to Staff Report, Geoplan, Inc., dated January 19, 1996; 4) Engineering Geologic Report, 2700 Hume Road, Malibu, California, by Geoplan, Inc., dated September 24, 1987; and 5) Engineering Geologic Supplement, dated September 29, 1987; Engineering Geologic Report, Tentative Parcel Map 5999, Malibu, CA, by John D. Merrill C.P.G. Engineering Geologists, dated November 26, 1975. The applicant's consulting geologist, John Merrill, Geoplan, Inc. prepared these reports and letters addressing the geology issues on this property since 1975.

These reports indicate that this particular building site where the additions are proposed to be constructed are free from hazard of landslide, settlement or slippage and that the proposed additions are feasible. However, the remainder of the site includes landslides, mudflows and potential landslide debris. These hazard areas are considered "Restricted Use Areas" by the consulting geologist and are mapped in the geology reports. The reason the building site is considered stable is because it a sloping ridge of sandstone which was cut and flattened for a portion of Hume Road and the subject building site.

The applicant submitted an updated geologic report titled: "Update; Proposed Additions, 2700 Hume Road" dated July 27, 1995 by Geoplan, Inc. The report describes the topography of the parcel and its hazards by stating:

The building site and its near environs have not been affected by the landslides on nearby slopes including the recent large scale earthflow in the ravine bottom northwest from the site and the rotational slumps to the southeast, on the flank of Las Flores Canyon. These unstable areas were previously identified as Restricted Use Areas. A minor slump at the northwest corner of the pad poses no risk to the building site.

None of the new or reactivated landslides is within 100 feet from the dwelling and none poses significant or direct adverse affect on the dwelling. However, access to the property is limited to Hume Road which is maintained on a frequent basis by the County Road Department not only for the convenience of the home owners but also for emergency equipment.

This geology report addresses the geologic conditions of the building site by stating:

The original development was located and implemented in conformance with recommendations contained in the comprehensive engineering geologic report dated 24Sept87. ... The findings of the comprehensive investigation demonstrated that the building pad would be safe for residential development. Inspection confirms that there has been no evident change in geologic conditions at or effectively near the site.

This geology report concludes by stating:

It is concluded from reconnaissance examination and from review of site specific geology data that the site is free from hazard of landslide, settlement or slippage and that proposed additions are feasible but must be designed and implemented in compliance with the Uniform Building Ordinance and the recommendations of the project consultants. Implementation of the proposed development in conformance within this framework and upon the basis of approved plans and specifications will not affect neighboring property adversely.

Due to concerns regarding the hazardous nature of the subject property and the nearby area, staff requested the applicant's geologist address any potential effect of additional sewage effluent from the existing disposal system now proposed to serve the larger residence.

The consulting geologist responded in a letter report titled "Engineering Geologic Memorandum, Effluent Discharge" dated November 20, 1995 by stating:

Please refer to the attached memorandum dated 8May88 which specifically discharges the potential use and effectiveness of the then proposed private sewage disposal system for 4700 (now 2700) Hume Road.

Note in particular that the test results confirming that the system would be adequate to serve a 4 bedroom dwelling. The potential effect of application of sewage effluent from 2 additional bedrooms has been taken into account in the design and implementation of the existing system. When the addition is complete and is operational, it will deliver effluent to a system which had been predetermined to meet the demand of a 4 bedroom dwelling.

There has been no change in site conditions whether by slope deterioration or by influence of effluent application from neighboring properties. Accordingly, the existing sewage disposal system can be relied upon to operate to the benefit of the proposed addition without adverse effect and in compliance with the Uniform Plumbing Code.

In response to staff concerns, regarding whether or not additional grading was done on the site since the residence was constructed in 1990, the consulting geologist responded in a letter dated January 19, 1996:

The current topographic expression of the building site at Lot 3 reflects grading which was effected around 1975 by the original subdivider. No grading has taken place on Lot 3 since 1975.

Staff raised further concerns that additional geologic investigation should be considered due to the un-permitted development; a prior 592 sq. ft. addition to the one story residence. The proposed new development would add a second story to a portion of this un-permitted first floor addition; in effect, the first floor would become the support for the second floor addition. According to Los Angeles County in a letter dated March 11, 1996, the applicant obtained all necessary approvals from the County Department of Regional Planning. Staff requested a revised geology report addressing this first floor addition. In response, the consulting geologist stated in the letter dated January 19, 1996:

All footings of the existing building, including the garage are founded 2 feet into competent bedrock in conformance with recommendations of the engineering geologist and geotechnical engineer for the project and were confirmed by geologic inspection. It is concluded from review of records that questions in the staff report dated 12Dec95 have been resolved satisfactorily without need for subsurface exploration. (note: actually a staff letter to the applicant's agent dated 12/20/95.)

The 8-scale architectural survey utilized by Barsocchini accurately reflects topographic conditions of the building site as they existed when the original development was undertaken in conformance with Coastal Application 5-87-442.

Staff conducted a site visit with the applicant's agent and the consulting geologist on April 24, 1996 to review the stability of the site. The consulting geologist confirmed that the site has not been graded since 1975 except for a minor amount of earth grading completed in about 1987 to create an earthen driveway from the upper building pad (west) to the lower pad (east). This driveway is at the far south portion of the building pad beyond

the residence along the stable portion of the ridge. This area is also where the existing septic tank and seepage pit is located. In response, the consulting geologist stated in a letter dated May 13, 1996:

Based on review and comparison of topographic maps (7-24-67, 6-20-75) and upon the writer's records and recollections, the last grading took place between June 20, 1975 and November 26, 1995 and none since. The dates are accurate because grading followed the survey dated 6-20-75 which created Parcel Map 5999 of which Lot 3 is part. Grading had been effected by 11-26-75 when Merrill examined Parcel 3 and environs as basis for the Engineering Geologic Map which accompanied the report describing the Tentative Parcel Map.

The recommendations in these geology reports applicable to the proposed addition to the existing residence include: footings, drainage control, and aseismic design. Condition number one (1) provides for final review and approval by the consulting geologist of the final project design and drainage plans for the residence, prior to the issuance of the permit, to incorporate these recommendations.

The applicant has submitted a drainage plan. This plan provides for the positive discharge of water through drainage routes and an energy dissipator located south of the building pad in a manner that reduces 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.

The applicant may decide that the economic benefits of development outweigh the risk of harm that may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the proposed addition to the existing residence is in an area subject to extraordinary potential for damage or destruction from landsliding, mudflows, and erosion. The Commission can only approve this project if the applicant assumes the liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the natural hazards that exist on the parcel that may affect the stability of the proposed development. Because this risk of harm cannot be completely eliminated, the Commission must require the applicant to waive any claim of liability on the part of the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of hazards from landslides, mudflows, and erosion which exist on the site, and which may adversely affect the stability or safety of the proposed development. Condition number two (2) requires the applicant to assume these risks of development from landsliding, mudflows, and erosion hazards by waiving all Commission liability.

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. According to the Los Angeles County of Public Works Department, the OES-FEMA map dated 9-21-94 indicates that this site has burned in the past 1 to 10 years. 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 three (3).

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

C. Visual Impacts

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 of 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 Los Angeles County Land Use Plan includes the following policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

P91 All new development shall 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 maximum extent feasible.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

- minimize the alteration of natural landforms.

- be landscaped to conceal raw-cut slopes.

- be visually compatible with and subordinate to the character of its setting.

- be sited so as not to significantly intrude into the skyline as seen from public viewing places.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

The applicant propose to construct a one and two story addition to an existing residence and two carports on the parcel. The applicant has completed the construction of the residence and site grading for the building pad and septic system. No further grading is proposed.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Commission examines the building site and the proposed structure.

The County of Los Angeles Malibu Land Use Plan protects visual resources in the Santa Monica Mountains. Las Flores Canyon Road is recognized as a third priority "Scenic Highway", in Table 28 and second priority in Table 29, which is given special treatment when evaluating potential impacts caused by new development. Hume Road is not a designated scenic highway. The project site is located on the hillside west of Las Flores Canyon Road and on a portion of the ridgeline descending from the intersection of Hume Road and Briarbluff Drive. The residence is visible at grade from Hume Road. The addition to the residence raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails will be impacted. The size of the proposed two story addition is about 1, 568 sq. ft. which will create a residence with carports of about 4,272 sq. ft. in total on a one-half acre building pad.

Regarding views from public roadways, the residence and proposed two story addition will be directly visible from Hume Road, although Hume Road is not a designated scenic roadway. The residence will be visible from Las Flores Canyon Road, particularly the east facing elevation. The existing residence, first floor 'as built' portion, and proposed second story will be visible from this public roadway as the building pad is located about 400 feet above Las Flores Canyon Road.

Regarding public trails, the nearest trail is the Tuna Canyon Trail, which is about a mile to the east. Due to the distance, the project site will have limited visibility from this trail.

In conclusion, the residence and proposed additions will be visible from public viewing areas along Las Flores Canyon Road and the Tuna Canyon Trail. In order to ensure that the color of the structures and the potential glare of the glass windows will not create visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass as required by condition number four (4).

Additionally, visual impacts can be further mitigated by requiring all disturbed areas and the perimeter of the structures to be adequately landscaped. The landscaping should consist of native, drought resistant plants. The landscape plan should be designed to minimize and control erosion, as well as, screen and soften the visual impact of the structures. The applicant has submitted a landscape and drainage plan which addresses these issues. Although most of the landscaping proposed in this plan has been completed on the site, the landscape plan was not approved by the Los Angeles County Forestry Department as a fuel modification plan as the plan relates to the proposed residential development. As noted above, this property is located in a high fire hazard area. Condition number five (5) provides for such review and approval to ensure that fire retardant plants compatible with

the surrounding vegetation are planted and the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing the area around the proposed addition. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 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 using the existing septic system for the proposed addition to provide for adequate sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Los Angeles County Health Department. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Los Angeles County 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. Violation

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

Because a portion of the proposed project includes after the fact development (592 sq. ft. addition to the residence) and requires a coastal permit in order to be in conformance with the Coastal Act, the Commission finds it necessary to require the applicant to fulfill the requirements of special condition number six (6) within a reasonable period of time, within ninety (90) days of Commission action. Only as conditioned is the proposed development consistent Sections 30231, 30250, 30251 and 30253 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).

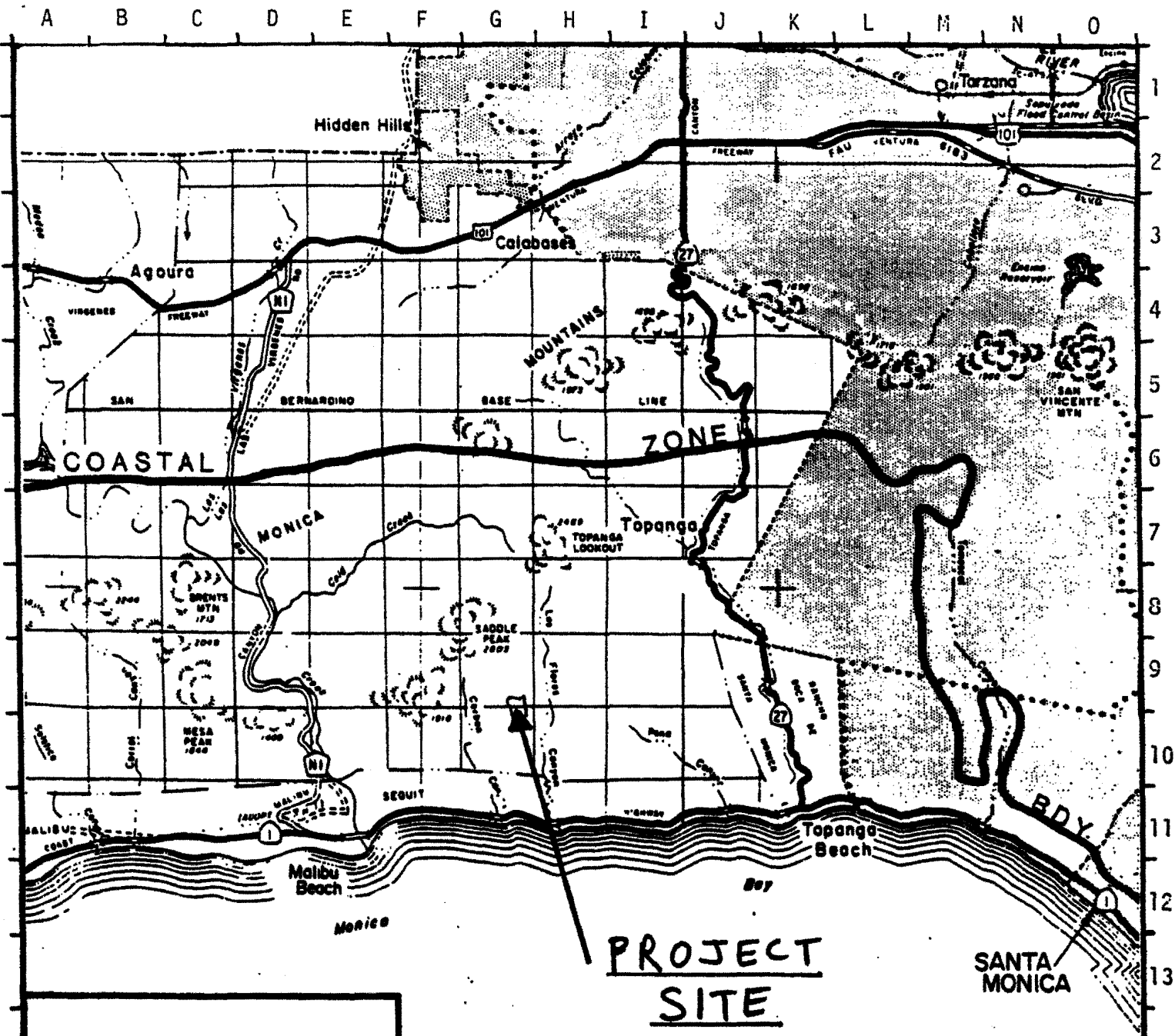
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 County of Los Angeles' 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.

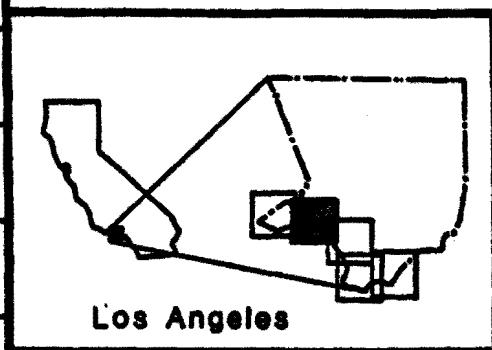
As discussed above, the proposed project has been mitigated to incorporate the recommendations of the consulting geologist, an applicant's assumption of risk, a waiver of wildfire liability, landscape and fuel modification plan, design restrictions, and condition compliance requirement. As conditioned, 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.

7063A



**PROJECT
SITE**

SANTA
MONICA



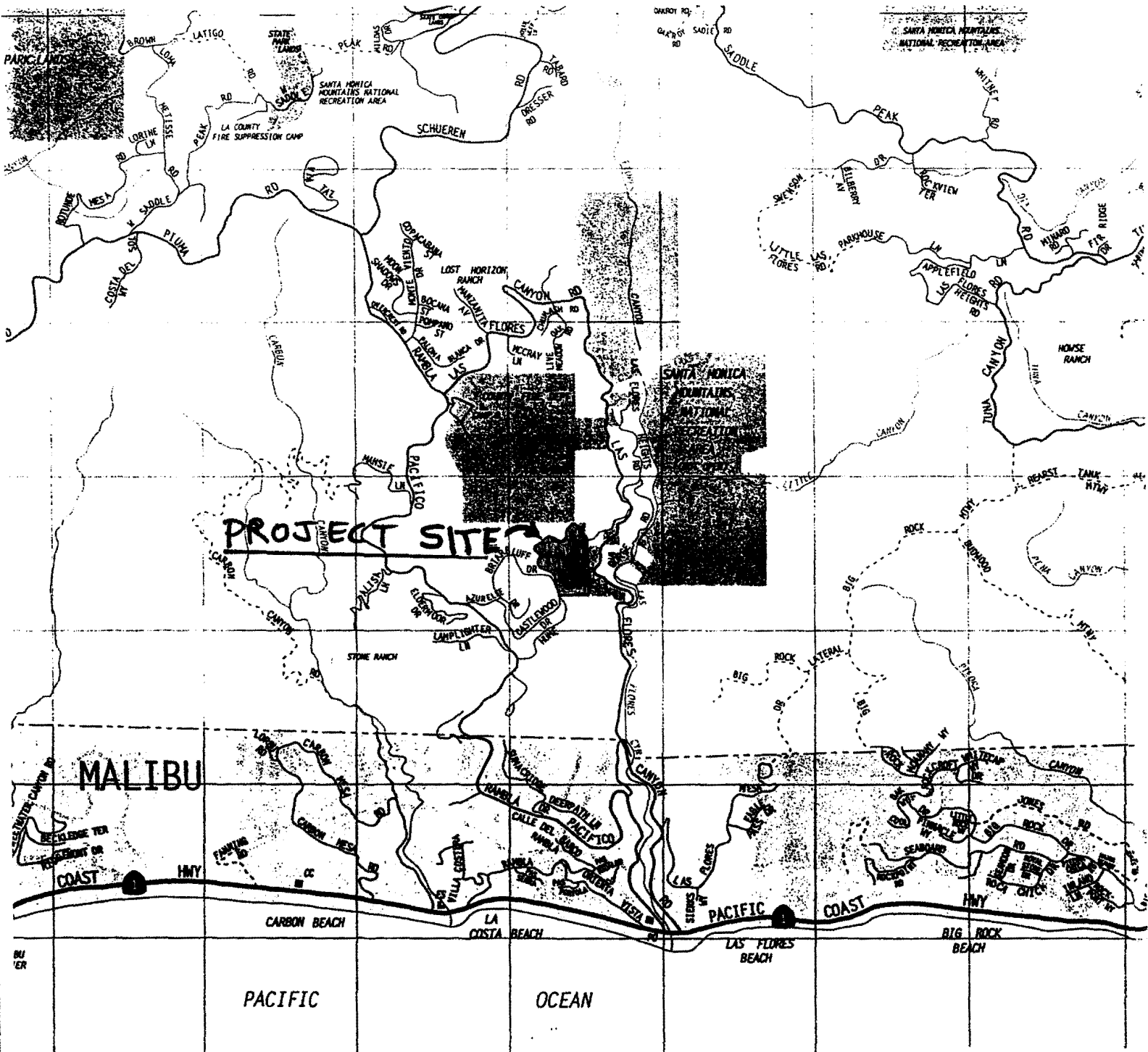
Los Angeles

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|-----------------------------|
| EXHIBIT NO. 1 |
| APPLICATION NO. 4-95-216 |
| Vicinity Map |



LOCATION MAP

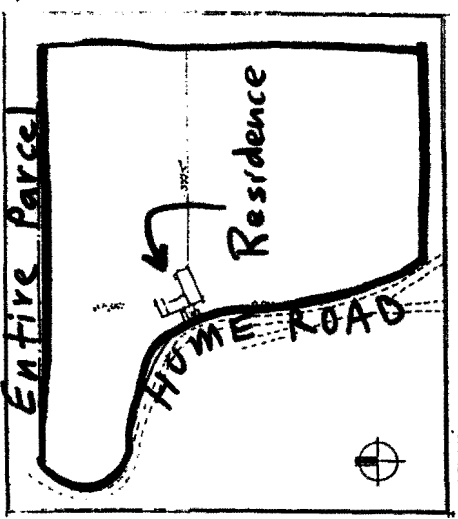




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 SOUTH CENTRAL COAST DISTRICT

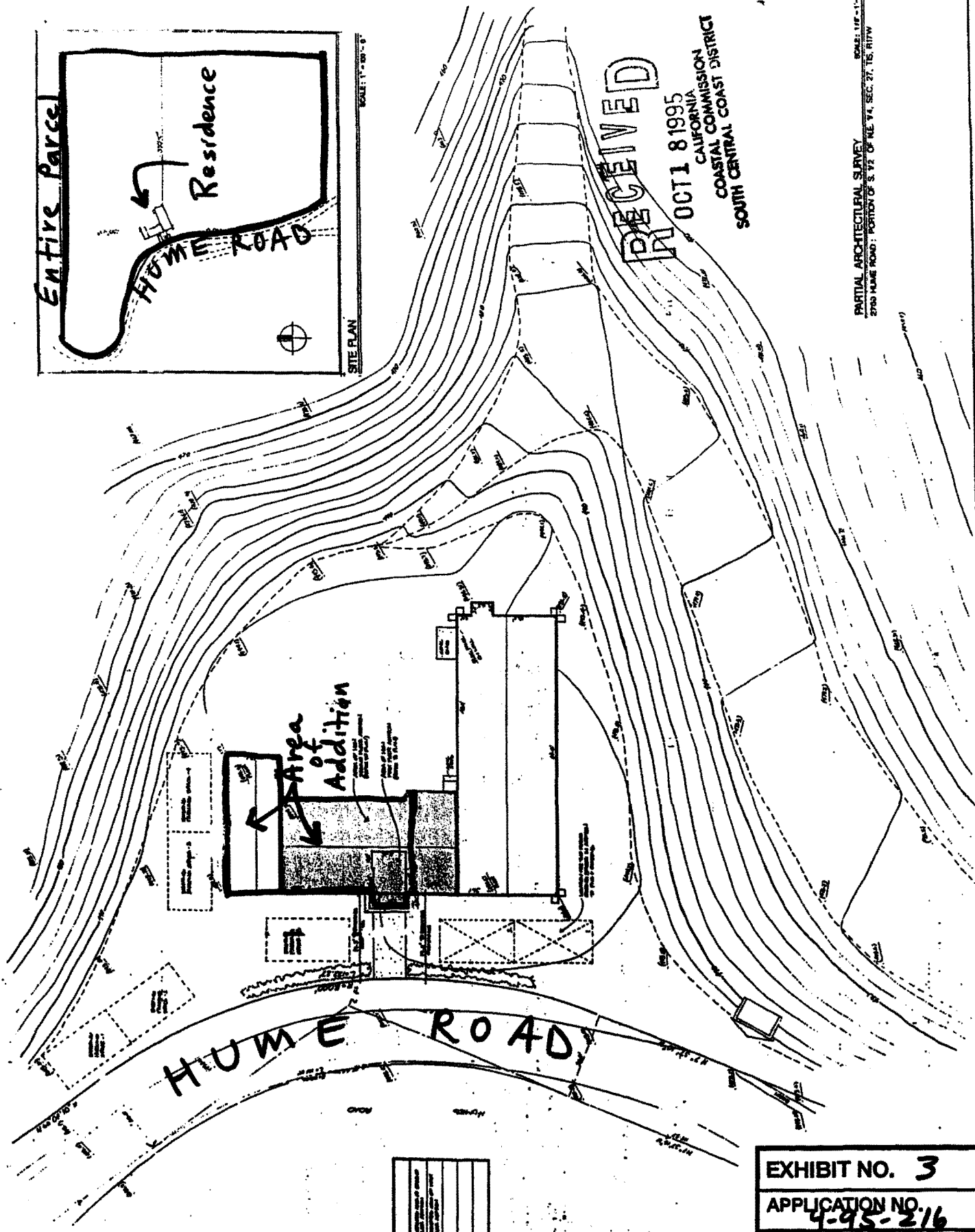
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|-----------------------------|
| EXHIBIT NO. 2 |
| APPLICATION NO. 4-95-216 |
| Vicinity Map |

4-95-216



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 SOUTH CENTRAL COAST DISTRICT

PARTIAL ARCHITECTURAL SURVEY
 SCALE: 1/8" = 1' - 0"
 2700 HOME ROAD, PORTION OF S. 1/4 OF NE. 1/4, SEC. 27, T15, R11W



4-95-216

| LEGEND | | | |
|--------|--|--|--|
| | | | |
| | | | |
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EXHIBIT NO. 3
 APPLICATION NO. 4-95-216
 Site Plan

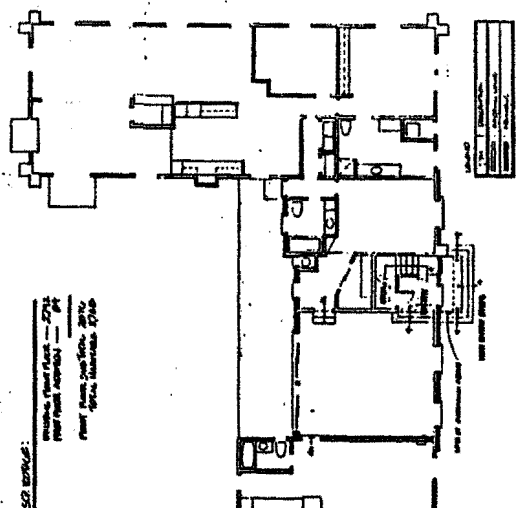
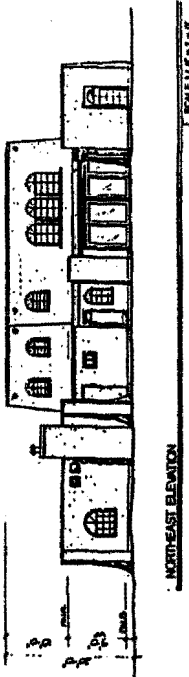
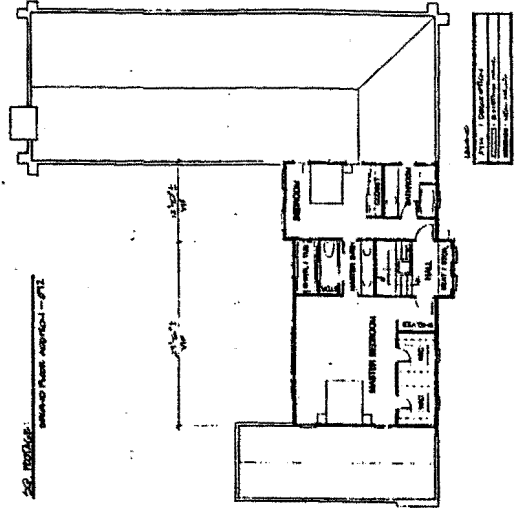
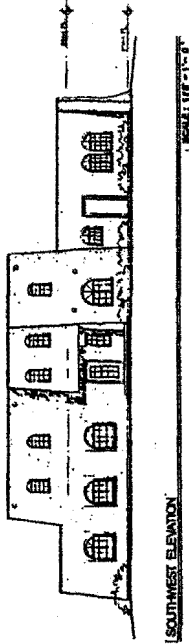


EXHIBIT NO. 4
 APPLICATION NO. 9-95-216
 Elevations &
 Floor Plans

