CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA 89 SOUTH CALIFORNIA ST., SUITE 200 VENTURA, CA 93001 (805) 641-0142

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Hearing Date: Commission Action:

7352A

STAFF REPORT: CONSENT CALENDAR

wz3a

APPLICATION NO.:

4-96-064

APPLICANT: George & Maria Thatcher

AGENT: Eric Lloyd Wright, Architect

PROJECT LOCATION: 6307 Busch Drive, City of Malibu, Los Angeles Countv

PROJECT DESCRIPTION: Construct a two-story 6,912 sq. ft., 28 ft. high, single family residence and three car garage, pool, fencing, retaining walls, septic system, and grade about 491 cubic yards of cut and 491 cubic yards of fill material.

Lot area:

Building coverage: Pavement coverage:

Landscape coverage:

Parking spaces: Plan Designation:

Zonina:

Project Density:

Ht abv fin grade:

1.47 acres

3,155 sq. ft. 6.900 sg. ft.

13.000 sg. ft.

3 covered, 3 uncovered

Residential I & Rural Land III 1 du/ 1 acre & 1du/ 2 acres

1 du/ 1 acre

28 ft.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department dated 4/9/96; In Concept Approval for Septic System, Department of Environmental Health, City of Malibu, dated November 27, 1995; Geology and Geotechnical Engineering Review Sheet, City of Malibu, dated 3/22/96; Approval in Concept, Fire Department, County of Los Angeles, dated 2/29/96.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit 4-96-039, Massan, Inc.; Coastal Permit 5-83-859, Newman: Coastal Permit 5-84-284, Newman-Ragland; Coastal Permit 4-92-250, Rofeh.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with three (3) Special Conditions addressing plans conforming to the consulting geologist's recommendations, landscape and erosion control/drainage plans, and a wild fire waiver of liability.

The project site is located within a partially developed subdivision about one half mile north of Pacific Coast Highway within Zuma Canyon above Busch Road. The vacant site is at the end of a private road, Newman Way, overlooking Zuma Creek. The proposed development will be visible to a limited degree from Pacific Coast Highway; it will not be visible from Zuma Beach.

I. STAFF RECOMMENDATION

Approval with Conditions

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

II. Standard Conditions

- Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration</u>. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. 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.
- 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 geology consultant's review and approval of all project plans. All recommendations contained in the five reports, "Geotechnical Engineering Investigation, 6301 Busch Drive, Malibu, CA", dated August 17, 1995, by Coastline Geotechnical Consultants, Inc.; "Engineering Geologic and Seismic Investigation Report, Proposed Custom Single Family Residence, Lot 1, Tract 34908, 6301 Busch Road, Malibu California", dated July 20, 1995 by Mountain Geology, Inc.; "Addendum

Engineering Geologic Report(s), Proposed Custom Single Family Residence", dated February 8, 1996 and February 29, 1996 both by Mountain Geology, Inc.; and "Reply to Review Letter, 6301 Busch Drive, Malibu, California", dated March 6, 1996, by Coastline Geotechnical Consultants, Inc., including issues related to foundations on bedrock, lateral loads - spread footings, friction piles, retaining walls, temporary excavation slopes, drainage, floor slabs-on-grade, grading, swimming pool, and sewerage disposal shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

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. LANDSCAPE AND EROSION CONTROL PLANS

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

- a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. The plan shall include vertical elements, such as trees, which break up the appearance of the proposed structure and partially screens the structure from both Pacific Coast Highway and Busch Drive.
- b) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the approved landscape plan within thirty (30) days of final occupancy of the residence. Such planting shall be adequate to provide ninety (90) percent coverage within one (1) year and shall be repeated, if necessary, to provide such coverage.
- Should grading take place during the rainy season (November 1 March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.
- d) The erosion control plan shall assure that run-off from the roof, patios, driveway 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 and drains surface water to Busch Drive in a non-erosion manner. Site drainage shall not be

accomplished by sheet flow runoff over the face of the slope which descends to the southern portion of the parcel. By the acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to insure that the system functions properly. Should the devices fail or any erosion result from drainage from the project, the applicant or successor interests shall be responsible for any necessary repairs and restoration.

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.

IV. Findings and Declarations.

A. Project Location and Description

The project site is located within a partially developed subdivision about one half mile north of Pacific Coast Highway within Zuma Canyon Creek along the west hillside. (Exhibits 1, 2, and 3) The vacant one and one half acre site is located on the west and upslope side of Busch Road, north of Pacific Coast Highway, east of Merritt Drive, and west of Bonsall Drive, northwest of Point The project site is one parcel of a five lot subdivision approved in coastal permit 5-83-859, (Newman) at the end of Newman Way below the top of the hillside that descends in a west-east direction to Busch Drive and Zuma Canyon Creek. The property ranges from 45 feet above sea level at the southeast corner to 150 feet on the southwest side of the property. The slope gradient ranges from nearly horizontal to as steep as 1 1/2:1 along Busch The project site is accessed from Newman Way, a private roadway, and is opposite the residence at 6331 Busch Drive. A small level area has been cut into the ridge at the end of Newman Way at the southwest corner of the property (coastal permit 5-84-284, Newman-Ragland). The lot is covered with grasses and castor bean plants.

The applicants propose to construct a two-story 6,912 sq. ft., 28 ft. high single family residence with a three car garage, pool, fencing, various retaining walls, and a septic system. The residence and garage is proposed to be cut into the hillside with a cut of about 491 cubic yards and a fill of about 491 cubic yards of material. (Exhibits 4-8)

The Los Angeles County Land Use Plan designates the lot as Residential I, one dwelling unit per acre and Rural Land III, one dwelling unit per two acres. The City of Malibu designates the zoning on the lot as Rural Residential, with a five acre minimum lot size. The parcel conforms with the Los Angeles County Land Use Plan at one unit per acre.

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.

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 Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic and flood hazards, the applicant submitted five geologic reports titled: "Geotechnical Engineering Investigation, 6301 Busch Drive, Malibu, CA", dated August 17, 1995, by Coastline Geotechnical Consultants, Inc.; "Engineering Geologic and Seismic Investigation Report, Proposed Custom Single Family Residence, Lot 1, Tract 34908, 6301 Busch Road, Malibu California", dated July 20, 1995 by Mountain Geology, Inc.; "Addendum Engineering Geologic Report, Proposed Custom Single Family Residence", dated February 8, 1996 and February 29, 1996, both by Mountain Geology, Inc.; and "Reply to Review Letter, 6301 Busch Drive, Malibu, California", dated March 6, 1996, by Coastline Geotechnical Consultants, Inc., These reports address the geology issues by concluding:

Based upon our exploration and experience with similar projects, construction of the proposed residence is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction. The recommended bearing material is the sedimentary bedrock which can be reached with a combination and deepened foundation system following site preparation.

Based upon our investigation, the proposed development is free from geologic hazards such as landslides, slippage, active faults, and undue differential settlement provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction. The proposed development and installation of the private sewerage disposal system will have no adverse effect upon the site or adjacent properties.

The recommendations in these five geology and geotechnical reports address the following issues: foundations on bedrock, lateral loads, friction piles, retaining walls, temporary excavation slopes, drainage, floor slabs-on-grade, grading, inspection, swimming pool, and sewerage disposal. Based on the findings and recommendations of the consulting engineering geologist and geotechnical engineer, the Commission finds that the development is consistent

with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineering geologist and geotechnical engineer as conforming to their recommendations, as noted in condition number one (1) for the final project design, grading and drainage plans for the proposed residence.

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in the environmentally sensitive habitat area (ESHA) along Zuma Creek. Coastal Act Section 30240 generally provides for the protection of ESHA. This ESHA includes significant oak woodland and riparian habitat along the creek and wetland habitat at the mouth of Zuma Creek. The building site has about 105 feet of topographic relief and drains to and along Busch Road and ultimately into Zuma Creek, which is located about 250 feet from the subject property.

In addition, the recommendations of the consulting geologists emphasize the importance of proper drainage and erosion control measures to ensure the stability of development on the site. A landscape and erosion control plan which includes a drainage plan is needed to minimize erosion from the project site and potential sedimentation into Zuma Creek and its wetland. reason, the Commission finds it necessary to require the applicant to submit landscape, erosion control and drainage plans to minimize erosion and to provide plantings primarily of native species. To ensure all disturbed slopes and soils are stabilized with landscaping after construction, a landscape plan that includes native drought resistant, and fire retardant plants compatible with the surrounding vegetation is necessary. The replacement plants provided in the landscape plan will minimize and control erosion, as well as screen and soften the limited visual impact of the proposed development as seen from Pacific Coast Highway which is about one quarter to one third of a mile to the east of the subject property. The public visibility issue is discussed Special Condition number two (2) requires landscape and further below. erosion control/drainage plans that provides for the use of native plant materials, plant coverage and replanting requirements and the submittal of a drainage plan that will minimize erosion from the project site, and drain surface water to Busch Drive in a non-erosive manner. The drainage plan should provide for the positive discharge of water through drainage routes and energy dissipators in a manner that reduces the potential for erosion. above geology report includes recommendations regarding surface drainage which will be applied as appropriate by the consulting geologist when the final plans are reviewed and approved by the consulting geologist.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. According to the Los Angeles County Public Works Department, the OES-FEMA map dated 9-21-94 indicates that this site has burned in the past 10-30 years. The site is cleared of brush pursuant to the Fire Department requirements on an annual basis. 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).

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist, require landscape and

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erosion control plans, and provide for the wild fire waiver of liability, will the proposed project be consistent with Sections 30240 and 30253 of the Coastal Act.

C. <u>Visual Impacts</u>

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.

The project site is located about a quarter mile inland from the intersection of Busch Drive and Pacific Coast Highway opposite the entrance to Zuma Beach County Park. The proposed residence will not be visible from this intersection nor from Zuma Beach due to the topography of the intervening landforms and the oak, eucalyptus and sycamore woodland and riparian vegetation within Zuma Canyon and Zuma Creek.

Within Zuma Canyon, a public trail exists along Bonsall Drive. (Exhibits 2 and 9) The Zuma Ridge Trail leads from Pacific Coast Highway along Bonsall Drive north to its intersection with the Coastal Slope Trail in the Santa Monica Mountains National Recreation Area. The proposed residence is located across the canyon and the creek from the Zuma Ridge Trail. The residence will not be visible from the Zuma Ridge Trail because the Zuma Creek canyon includes a substantial number of trees and other riparian vegetation that screens the public view from the trail.

Across Zuma Canyon, Pacific Coast Highway is located about one quarter to one third of a mile to the east as the grade of the highway rises to the Point Dume mesa area. The proposed residence will be visible to a limited degree from Pacific Coast Highway. Existing vegetation along the north-west side of Pacific Coast Highway provides for a visual screen along the majority of this section of highway. Although there are a few openings in the vegetation through which the project site will be visible from public view along the highway, the public view of the proposed residence will not result in a significant impact. This is because the residence will be cut into the hillside and will be landscaped to reduce its visibility. In addition, this portion of Pacific Coast Highway is not considered a first priority scenic highway, as the Malibu/Santa Monica Mountains Land Use Plan designates this section of the Highway as a second priority scenic segment. (See Exhibit 8 for the south-east elevation of the residence.)

In conclusion, the residence will not be visible from public viewing areas along the Zuma Ridge Trail or the Coastal Slope Trail, although it will be visible to a limited degree from Pacific Coast Highway. Additionally, visual impacts can be further mitigated by requiring all graded areas and the perimeter of the structures to be adequately landscaped. Although the applicant proposes to landscape the area surrounding the residence, the plan has not been submitted. 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 as viewed from Pacific Coast Highway. Therefore, condition number two (2) requires the applicant to submit a landscape plan meeting the above requirements to minimize the visual impact and an erosion control plan to minimize erosion as a result of the proposed project. The Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. 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. 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 constructing a septic system for the new residence to provide for adequate sewage disposal. The applicant's geology reports indicate that the percolation rate is adequate to absorb effluent for the project. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services, City of Malibu. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

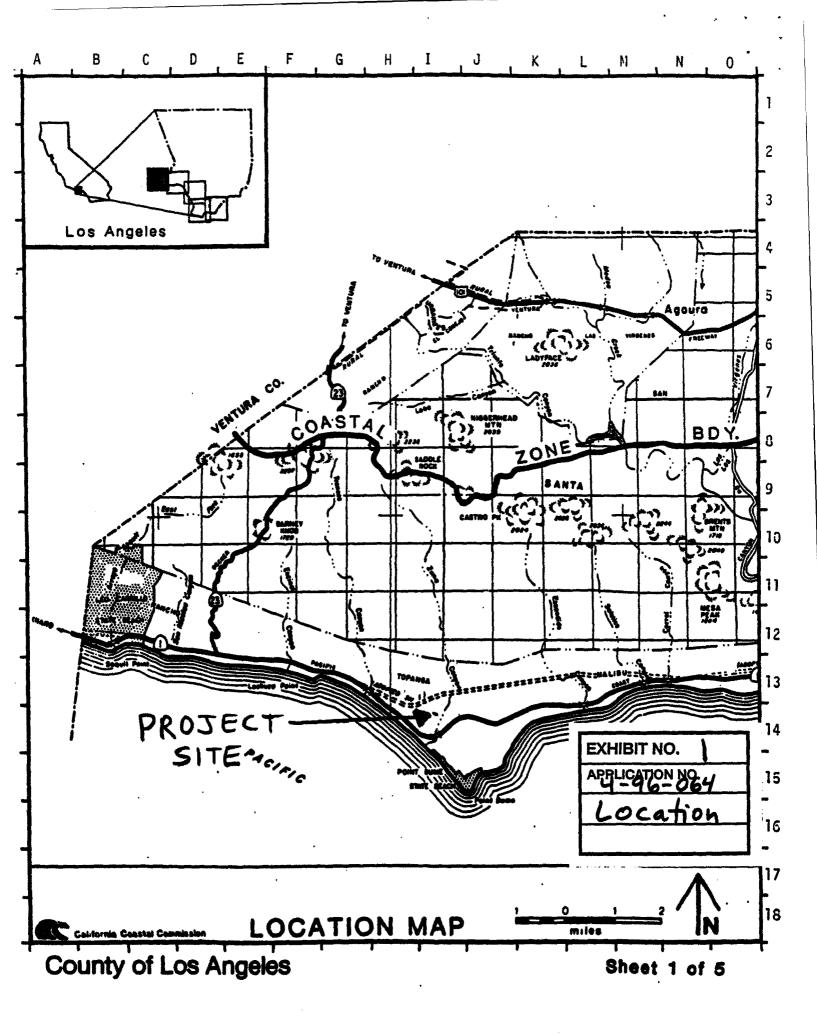
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

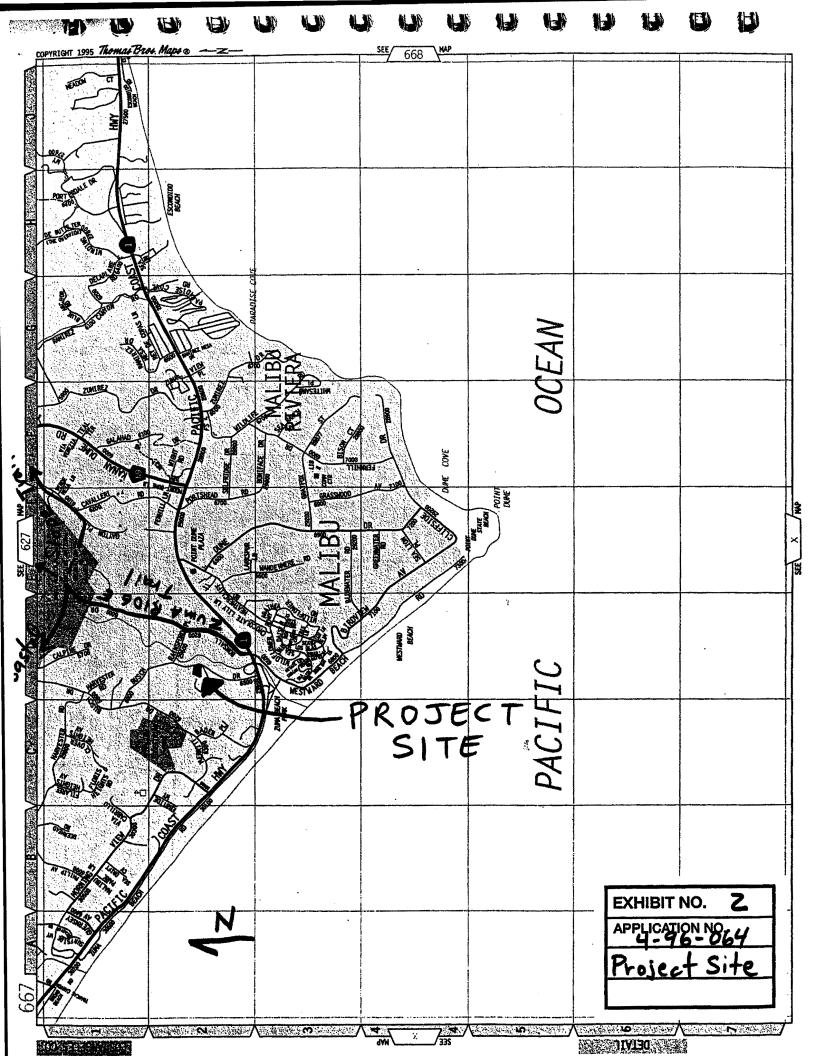
F. California Environmental Quality Act

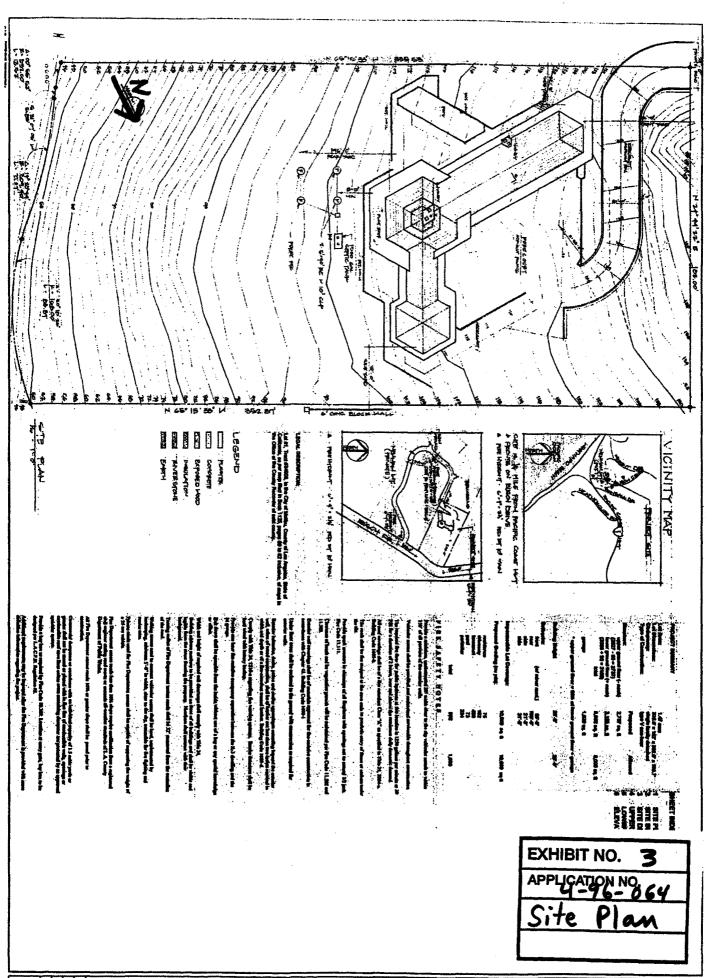
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any 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 plans conforming to the consulting geologist's recommendations, landscape and erosion control/drainage plans, and a wild fire waiver of liability. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

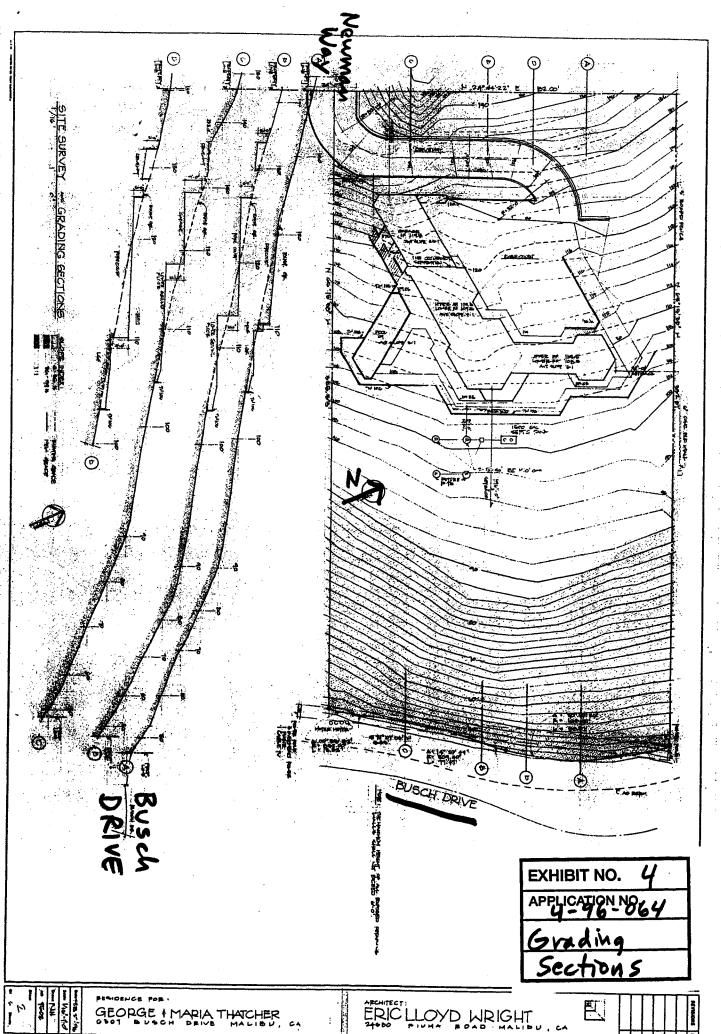
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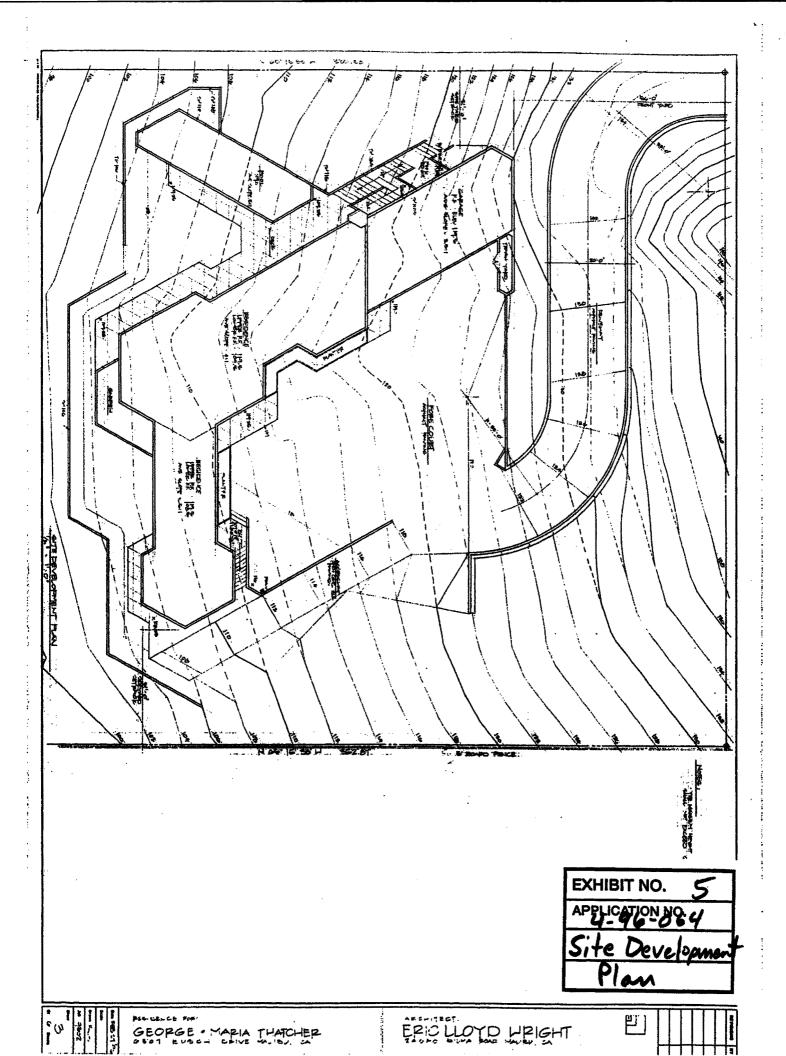


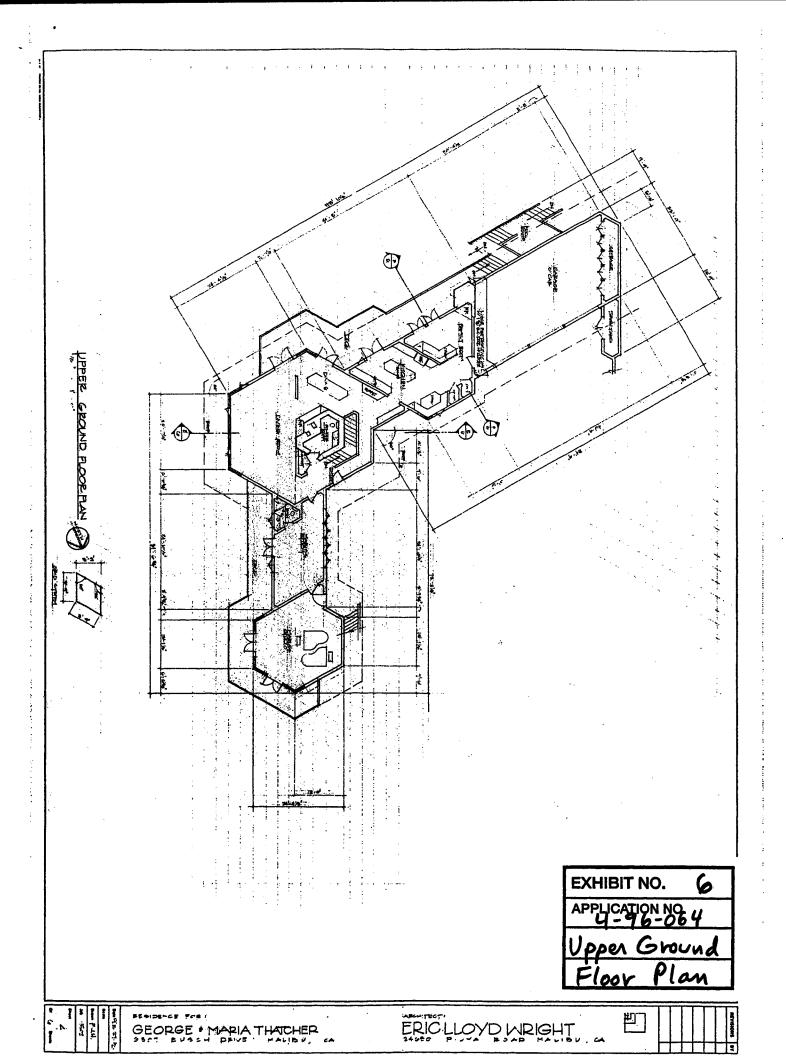


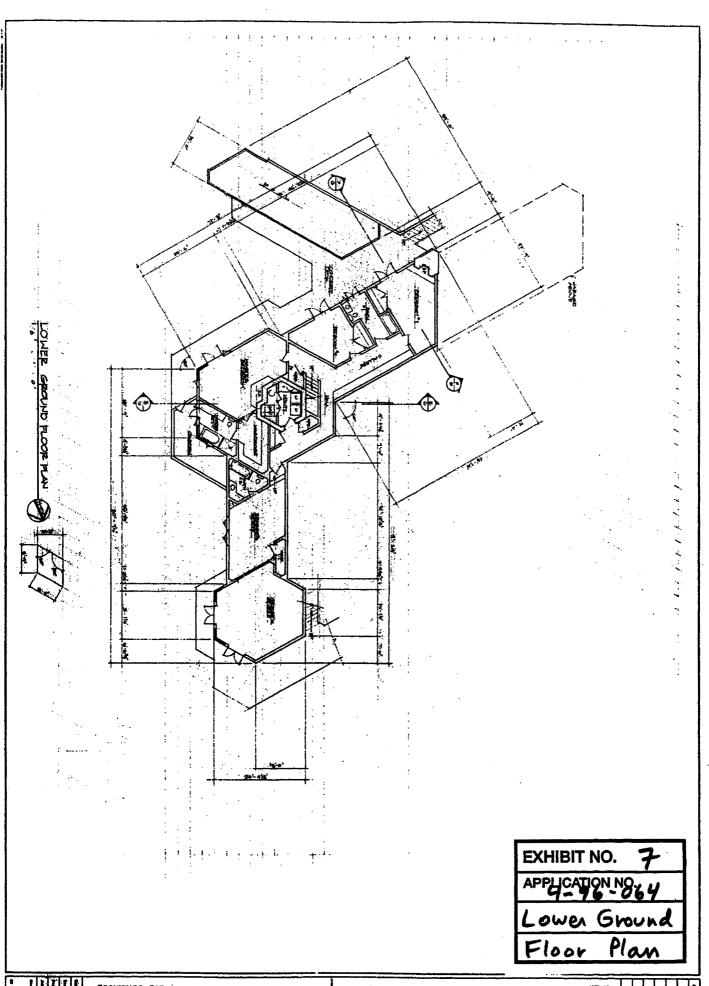
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