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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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

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Commission Action:
7354A



STAFF REPORT: REGULAR CALENDAR

W24d

APPLICATION NO.: 4-96-090
APPLICANT: Ken and Dawn Frazier
PROJECT LOCATION: 24566 Piuma Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 2,400 sq. ft., three story, 35 ft. high from finished grade, single family residence with attached 1,200 sq. ft. 2-car garage and basement beneath the two story habitable residence, pool, driveway, various retaining walls, septic tank and seepage pits, and a 3,000 gallon water tank. Grading of about 819 cubic yards of cut and 624 cubic yards of fill is proposed on the building pads, additional cut material will be distributed and secured on site and transported to the Calabasas Landfill if necessary. The property includes a building area and paved driveway from Piuma Road serving adjoining residences.

Lot Area	4.91 acres
Building Coverage	1,450 sq. ft.
Pavement Coverage	3,000 sq. ft.
Landscape Coverage	21,780 sq. ft.
Parking Spaces	2
Plan Designation	Mixed-Rural Land I and II, Mountain Land 2
Zoning	1 du/ 10 acres, 1 du/ 5 acres, 1 du/ 20 acres
Project Density	1 du/ 4 acres
Ht abv fin grade	35 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, Department of Regional Planning, Los Angeles County, dated 3/6/96; Sewage Disposal Approved, Department of Health Services, Los Angeles County, dated 3/14/96; Fire Department, Los Angeles County, dated 1/9/96.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit No. 4-96-047, DaSilva; Coastal Permit P-5984, Backfisch; Coastal Permit No. 5-89-078, Ramirez; Coastal Permit No. 4-93-192, Douglas.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with six (6) Special Conditions; addressing the consulting geologist's recommendations, an assumption of risk, a wild fire waiver of liability, future improvements restriction, a landscaping and fuel modification plan, and design restrictions. The project site is located on a significant ridgeline along the south side of Piuma Road within and at the edge of the Malibu/Cold Creek Resource Management Area. The proposed Saddle Peak Trail is located seaward and below the ridge along Costa Del Sol Way on the applicant's property. The residence is proposed to be located just below and on the north side of the ridge. The project as conditioned will protect these environmental and visual resources.

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 consultant's review and approval of all project plans. All recommendations contained in the two reports, 1) "Preliminary Engineering Geologic Report Proposed Custom Single

Family Residence Parcel 3 Parcel Map 5212, 24566 Piuma Road Malibu, California", dated February 6, 1996 by Mountain Geology Inc., and 2) "Preliminary Geotechnical Investigation For Proposed Single-Family Residence and Swimming Pool Parcel 2, Parcel Map 5212, 24566 Piuma Road, Malibu Area, Los Angeles County, California", dated 2-15-96 by Miller Geosciences, Inc., shall be incorporated into all final design and construction including final grading, foundation and slab design, retaining walls, septic system, and drainage must be incorporated into the final 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. APPLICANT'S ASSUMPTION OF RISK

Prior to the issuance of the coastal development 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 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 the coastal development permit, the applicant shall submit a landscaping and fuel modification plan prepared by a licensed landscape architect and approved by the Los Angeles County Forestry Department for review and approval by the Executive Director. The applicant shall also submit an drainage/erosion control plan for the control of erosion prepared by a licensed engineer for review and approval by the Executive Director. These plans shall incorporate the following criteria:

- a) All graded areas on the subject site and access easement shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist

primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

- b) All cut and fill slopes and disturbed soils shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 100 percent coverage within three years and shall be repeated, if necessary, to provide such coverage.
- c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.
- (d) Vegetation within 50 feet of the proposed house 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' 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.
- e) The drainage/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. Site drainage shall not be accomplished by sheet flow runoff over the face of the slope which descends to a drainage area on the northern portion of the parcel. The erosion control plan shall include revegetation of the building sites with drought-tolerant, native species more specifically described in the landscape plan above. 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 device fail or any erosion result from drainage from the project, the applicant or successor interests shall be responsible for any necessary repairs and restoration.

5. FUTURE IMPROVEMENTS

Prior to the 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, stating that the subject permit is only for the development described in the coastal development permit 4-96-090, and that any future additions or improvements to the property, including clearing of vegetation and grading, will require an amendment to permit 4-96-090 or will

require an additional permit from the Coastal Commission or its successor agency. The removal of vegetation consistent with special condition four (4) (d) of this permit 4-96-090 is permitted. The document shall be recorded as a covenant with the land binding all successors and assigns in interest to the subject property, and shall be recorded free of prior liens.

6. DESIGN RESTRICTIONS

Prior to the 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 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 liens.

IV. Findings and Declarations.

A. Project Description and Background

The applicant proposes to construct a 2,400 sq. ft., three story, 35 ft. high from finished grade, single family residence with attached 1,200 sq. ft. 2-car garage and basement beneath the two story habitable residence, pool, driveway, various retaining walls, septic tank and seepage pits, and 3,000 gallon water tank. Regarding grading, about 819 cubic yards of cut and 624 cubic yards of fill is proposed on the building pads, additional cut material (expected to be topsoil and bedrock material) will be distributed and properly compacted on site. These sites include the top of the ridge area for topsoil, a dip in the land at the northeast corner of the driveway and Piuma Road, and along the driveway and to the east near the pool for various boulders as noted in a letter and plan dated June 10, 1996 from the applicants. The remaining material will be transported to the Calabasas Landfill. A water tank, required by the Fire Department, is proposed to the west of the building site near the ridge near existing trees and the adjoining parcel's parking area. The tank will provide gravity feed to a new fire hydrant and will be also gravity fed from the swimming pool. The property includes a building area and paved driveway from Piuma Road leading to the site. The driveway is shared with two existing residences located on either side along the ridge top. (See Exhibits 1 - 14)

The project site is located south-east of the Monte Nido area, east of Las Virgenes - Malibu Canyon Road, west of Las Flores Canyon Road and Schueren Road. The 4.91 acre site is located on the south side of Piuma Road, and includes land from Piuma Road at the north, south to the crest of the ridge and then drops steeply to Costa Del Sol Way. At the south-east edge of a significant watershed within the Malibu/Cold Creek Resource Management Area, the property includes numerous oak trees, chaparral vegetation and grasses, although some of the vegetation was burned in the 1993 Malibu Fire. Los Angeles County Department of Regional Planning determined that Environmental Review Board review was not required because the site is not located within a sensitive environmental resource area (the northern portion of the site including the building pad and driveway extension is actually located in such an area designated as the Malibu/Cold Creek Resource Management Area noted in Exhibit 15. However, the County recognized that the site is located on a significant ridgeline along a designated scenic highway, Piuma Road. The project was required to replant all graded slopes, use earth tone finishes, roof materials, glass with low reflectivity rating, and meet new building,

fire and plumbing code requirements enacted in August 1995 for wildfire safety.

The subject site is lot 2 of a four lot subdivision created in 1975 prior to the Commission's coastal permit responsibilities. The subject property includes a portion of Costa Del Sol Way, a private road which also includes a hiking and equestrian trail, the Saddle Peak Trail, which are located to the south near the bottom of the canyon along Costa Del Sol Way. The adjoining parcels to the west and east include completed residences as a result of coastal permits P-5984, Backfisch, and 5-89-078, Ramirez.

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.

P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.

P154 Continue to review development proposals to ensure that new development does not generate excessive runoff, debris, and/or chemical pollution that would have a significantly negative impact on the natural hydrologic system.

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

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The property consists of a partially graded hillside parcel located along both sides of the crest of a southwest-northwest trending ridge. The building site

is located on the south and upslope side of Piuma Road. The property ranges from the 980 foot elevation at north along Piuma Road to 1180 feet at the ridge crest to 790 feet at the southern property boundary near Coasta Del Sol Way. The building pad is located at about the 1160 foot elevation which is about twenty feet below the peak of the ridge. Hillside residences are located on the adjacent properties to the west, east and downslope to the south along Costa Del Sol Way. Past grading on the site for the driveway consisted of minor cutting and filling for access to the adjacent parcels to the west and east. Site drainage is by sheet flow runoff directed towards the north and south on either side of the ridge. The drainage on the north side is collected via the asphalt driveway into natural drainage courses. The engineering geologic report indicates that a prehistoric landslide exists on the southern portion of the parcel on the south-facing descending slope. This landslide consists of sedimentary bedrock which failed down and into Carbon Canyon. The engineering geologist recommends that the residence be located below the ridge on the north side behind the 1.5:1 geologic setback plane. (Exhibit 16) This plane is located along the face of the southern slope of the property and behind the scarp of the landslide. The applicant's proposed residence is located beyond this setback plane. Although there is a minor amount of soil and fill (from the driveway grading) on the building site area, the underlying bedrock consists of sandstone, siltstone, and mudstone mapped as part of the Topanga Formation.

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 erosion hazard, the applicants submitted two geology reports titled, 1) "Preliminary Engineering Geologic Report Proposed Custom Single Family Residence Parcel 3 Parcel Map 5212, 24566 Piuma Road Malibu, California", dated February 6, 1996 by Mountain Geology Inc., and 2) "Preliminary Geotechnical Investigation For Proposed Single-Family Residence and Swimming Pool Parcel 2, Parcel Map 5212, 24566 Piuma Road, Malibu Area, Los Angeles County, California", dated 2-15-96 by Miller Geosciences, Inc..

These reports addresses the geology and soil issues by stating:

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 stability of the site or adjacent properties.

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 recommendations in these reports address the following issues: grading, retaining walls, foundation setback, conventional foundations, friction piles, caissons, lateral design, fill treatment, temporary excavations, foundation settlement, swimming pool and shell design, floor slabs, sewerage disposal, and drainage.

Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with 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 applicants to submit the final project plans that have been certified in writing by the geology consultant as conforming to their recommendations, as noted in special condition one (1).

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 residence and other development is in an area subject to extraordinary potential for damage or destruction from landsliding. 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 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 landslide hazards by waiving all Commission liability.

The Coastal Act requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. In fact, a portion of the property burned in the 1993 Malibu Fire. 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).

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in an environmentally sensitive habitat area within a significant watershed known as the Malibu/Cold Creek Resource Management Area. As noted above, the building site drains north into an existing drainage area, which leads to Dark Canyon and eventually into Cold Creek, a designated environmentally sensitive habitat area. (Exhibit 15) The

certified Malibu/Santa Monica Mountains Land Use Plan seeks to minimize non-essential vegetation clearance in the Malibu/Cold Creek Resource Management Area, where the proposed project is located.

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. For these reasons the Commission finds it necessary to require an erosion control plan prepared by a licensed engineer to minimize erosion on the site and sedimentation offsite in this significant watershed and environmentally sensitive habitat area, as noted in special condition four (4).

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. For these reasons, the Commission finds it necessary to require the applicant to submit a landscape plan to provide plantings primarily of native species as noted in special condition four (4). The applicant's proposed planting plan, Exhibit 12, partially meets special condition four (4).

In addition, the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing and thinning the area 200 feet from the residence. 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 from the equestrian trail below the building pad. Special Condition number four (4) also requires a landscape plan that provides for the use of native plant materials, plant coverage and replanting requirements and the submittal of a fuel modification plan approved by Los Angeles County Department of Forestry and for sediment basins if grading occurs during the rainy season.

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist; provide for an assumption of risk; a wild fire waiver of liability; and require a landscape and erosion control plan will the proposed project be consistent with Section 30253 of the Coastal Act.

C. Visual Impacts

Section 30251 of the Coastal Act states in part 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.

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 applicants propose to construct a three story residence and garage on an building pad cut into the hillside below the peak of seaward of Piuma Road. A water tank is proposed to be located below the peak of the ridge to the west of the building site for fire suppression purposes. The building sites are located about 525 feet beyond and about 180 feet above Piuma Road. An existing private driveway from Piuma Road provides access to the subject parcel and two adjoining parcels, to the east and to the west. (Exhibits 4 and 14)

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 Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. The Malibu/Cold Creek Resource Management area is recognized as a "Scenic Area" which is given special treatment when evaluating potential impacts caused by new development.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence, garage and water tank 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 siting, size and grading for the building pad will be partially visible from Piuma Road. The water tank site will not be visible from Piuma because of its location and existing mature trees screening the site. East bound travelers along the road will see the building site up a small canyon along the ridge. West bound travelers have only limited visibility of the site because a hill blocks the view of the site until the driveway is reached along Piuma Road. The proposed grading of the building site is modest as the building pad will be cut into the ridge. Regarding public views from public roads to the south,

such as, Rambla Pacifico, the a portion of the third story and the roof of the structure will be visible. The structure will be cut into the north side of the ridge, thereby blocking the view of the first floor(garage) and most of the second floor. Compared to the visibility of the residences immediately adjacent to the proposed project, public views of the structure will be minimal. The water tank will be cut into and located below the ridge top and will be screened from view from roads to the south by landscaping as noted below.

Regarding public trails, a proposed equestrian and hiking trail the Saddle Peak trail, is located on the southern portion of the subject parcel along the Costa Del Sol Way. This portion of the trail does not exist at this time, it is planned for the future on the Los Angeles County Parks and Recreation, Malibu/Santa Monica Mountains Area Plan Trails System, dated June 1983. (Exhibit 17) The proposed residence, garage and water tank will not be visible from this planned trail. The site will not be visible from any other trails.

The applicants proposed planting plan appears to include native, drought resistant, and fire retardant plants compatible with the surrounding vegetation. In addition, the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing the area 200 feet from the structure. The replacement plants will minimize and control erosion, as well as screen and soften the visual impact of the proposed development. The existing oak trees along the western portion of the property will be retained. The landscape plan provides for new plants which will blend with the surrounding native vegetation. In addition, the existing trees and landscape plan will reduce potential visual impacts of the residence, garage and water tank. Special Condition number four (4) requires a landscape plan and fuel modification plan that also provides for the use of only native plant materials, plant coverage and replanting requirements and submission of a fuel modification plan approved by Los Angeles County Department of Forestry and for sediment basins if grading occurs during the rainy season.

In addition, future developments or improvements to the property have the potential to create visual impacts as seen from the public places noted. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, is reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. Condition number five (5), the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Further, because the residence and garage will be visible to a limited degree from Puima Road and only a portion of the proposed residence and garage will be visible along public roads to the south, it is necessary to ensure that the design of the project will not create visual impacts. To ensure that the colors of the structures and the potential glare of window glass will not create visual impacts, the Commission find it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass as required by special condition number six (6).

Therefore, the proposed project, as conditioned, will not impact the scenic public views in this area of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. Public Access and Recreation

Generally, the Coastal Act requires that public access and recreational opportunities to and along the coast be provided in all new development projects except where adequate access exists nearby. (Sections 30210, 30212 and 30214) In addition, the certified Los Angeles County Land Use Plan includes the following policy regarding protection of public access and recreational opportunities, 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.

P32 Provide a safe trail system throughout the mountain and seashore that can achieve the following:

- * Link major recreational facilities
- * Link with trail systems of adjacent jurisdictions
- * Provide recreational corridors between the mountains and the coast
- * Provide for flexible, site-specific design and routing to minimize impact on adjacent property, communities, and fragile habitats. In particular, ensure that trails located within Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife values
- * Provide connections with populated areas
- * Provide for and be designed to accommodate multiple use (walking, hiking and equestrian) wherever appropriate
- * Facilitate linkages to community trail systems
- * Provide for a diversity of recreational and aesthetic experiences
- * Reserve certain trails for walking and hiking only
- * Prohibit public use of motorized vehicles on hiking/equestrian trails

The project site is located nearly five miles from the coast and inland of the first public road along the coast, Pacific Coast Highway. Therefore, access to the beach is not an issue. Rather, access to and along the coast is the issue. The Santa Monica Mountains include a number of public hiking and equestrian trails established to allow the public to access the area to and along this section of coast. There is one major trail in the vicinity of this project as noted in the map of the Malibu/Santa Monica Mountains Trail System, Los Angeles County Department of Parks and Recreation, dated June 1983. (Exhibit 17) This trail, the Saddle Peak trail, is proposed to be located on the southern portion of the subject property. The proposed project will not block access to this proposed trail. Coasta Del Sol Way and this trail are also within a Los Angeles County slope easement that extends along both sides of the road and trail on the subject property. The Costa Del Sol road/trail leading from Piuma Road terminates about a half a mile south of the subject property. It is not currently an improved public trail and, therefore, is not heavily used by the public.

Therefore, the Commission finds that the proposed project does not affect public access to and along the coast and is thus, consistent with the public access and recreation policies, Sections 30210, 30212, and 30214, of the Coastal Act.

E. Land Resources/Environmentally Sensitive Habitat Areas

Section 30250 (a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

Section 30250

(a) 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 a 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 only 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 surrounding parcels.

Sections 30230 and 30231 of the Coastal Act are designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

The Malibu/Cold Creek Resource Management Area includes Cold Creek Canyon, a relatively undisturbed watershed with year round water supporting a well developed native vegetation and wildlife. In addition to oak woodlands and native chaparral habitat several pockets of native grassland occur within this watershed encompassing about eight square miles (5000 acres). The watershed serves as tributary areas to Cold Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas. The Cold Creek watershed has also been included in the inventory of California Natural Areas Coordinating Council, which includes this area as one of the 1,250 such natural areas in the State of California exhibiting "the significant features of the broad spectrum of natural phenomena that occur in California..." These areas include those that are unique or outstanding examples and those that are typical or representative of a biotic community of geological formation. All areas have been selected on their merit..."

The Malibu/Santa Monica Mountains LUP contains several policies (P63 - P68, P74, P82, P84, P88, P91, and P96) designated to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development. The northern half of the subject parcel, along the northern edge of the ridge, is located within the Malibu/Cold Creek Resource Management Area.

The applicant proposes to construct residence and garage cut into the ridge including a water tank, pool and driveway. The grading proposed to cut a building pad, pool, driveway and pad for the water tank is about 819 cubic yards of cut and about 624 cubic yard of fill, additional cut rock and earth will be properly distributed on the site. A drainage area leads from the building pads to Piuma Road and ultimately to Cold Canyon Creek. As noted above special condition four (4) requires an erosion control plan to minimize erosion on the site and offsite sedimentation. This same condition also provides for all disturbed or graded areas to be stabilized and landscaped properly following construction activities. To ensure that no adverse impacts result from vegetation management activities, required by the Los Angeles County Fire Department, these landscape plans will also illustrate how fuel modification is implemented on site. Thus, this landscape, fuel modification, and erosion control plan will serve to ensure that the proposed development will not adversely impact the sensitive watershed.

Further, future developments or improvements to the property normally associated with a single family residence, which might otherwise be exempt, have the potential to impact these sensitive environmental resources noted above. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, is reviewed by the Commission for compliance with the coastal resource protection policies of the Coastal Act. Condition number five (5), the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Thus, the Commission finds that as conditioned, the proposed project is consistent with Sections 30230, 30231, 30240, and 30250(a) of the Coastal Act.

F. 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.

In addition, the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan includes the following policies concerning sewage disposal, which are used as guidance:

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

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

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

The proposed development includes constructing a new septic pit and system to provide sewage disposal. The applicant has submitted an approval for the sewage disposal from the Department of Health Services, Los Angeles County. (Exhibit 4) This approval indicates that the sewage disposal system for the project complies with all minimum requirements of the County of Los Angeles 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.

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).

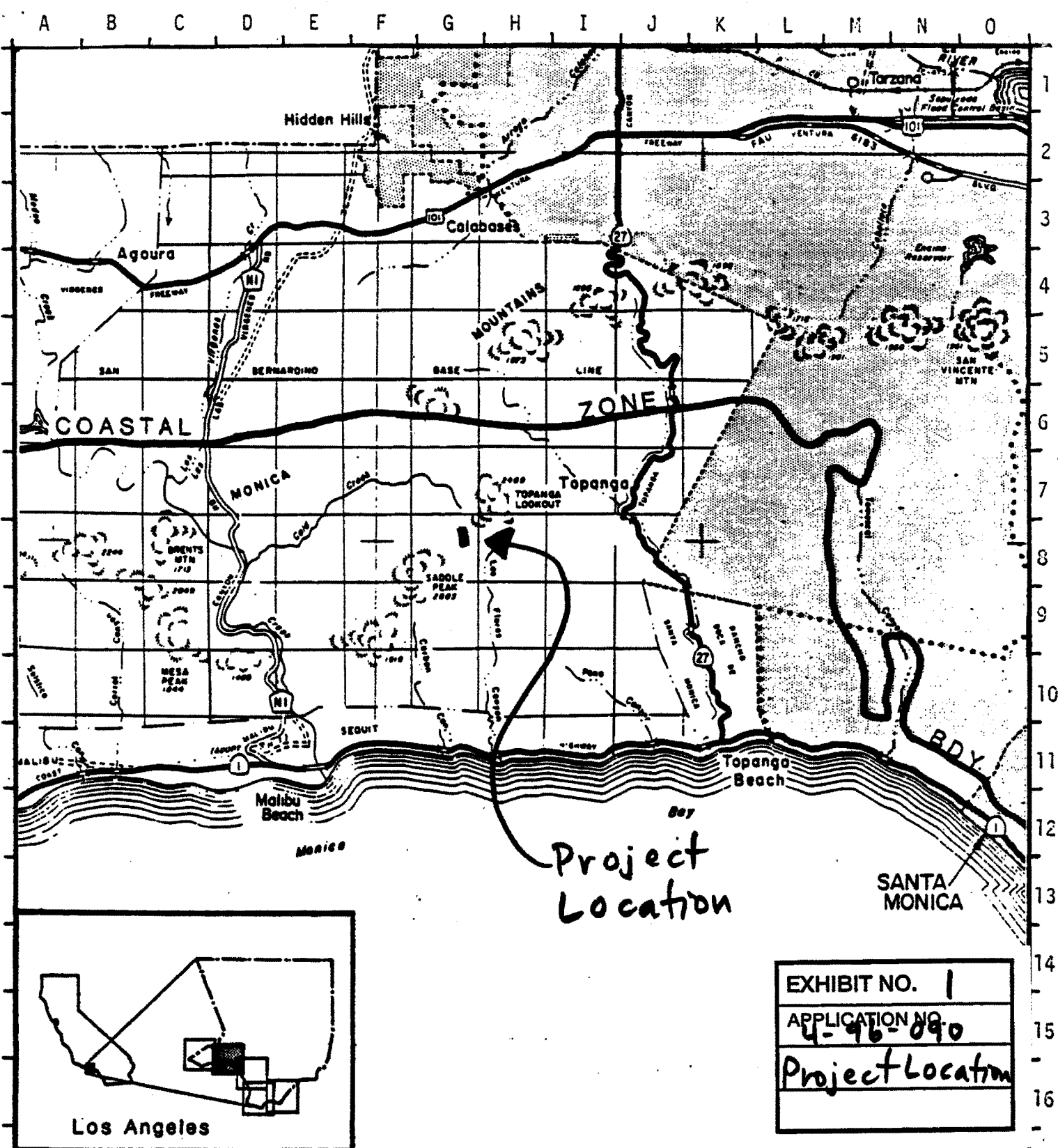
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

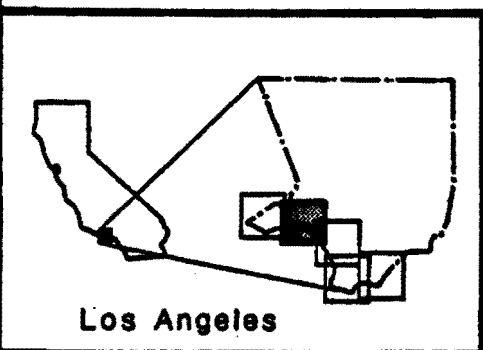
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any 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 all recommendations by the applicant's consulting geologist, an applicant's assumption of risk, a wild fire waiver of liability, a landscape and fuel modification plan, a future improvements restriction, and design restrictions. 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.

7354A



Project Location

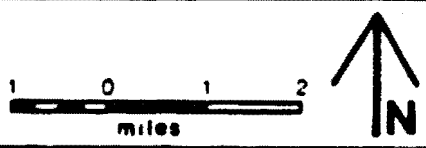


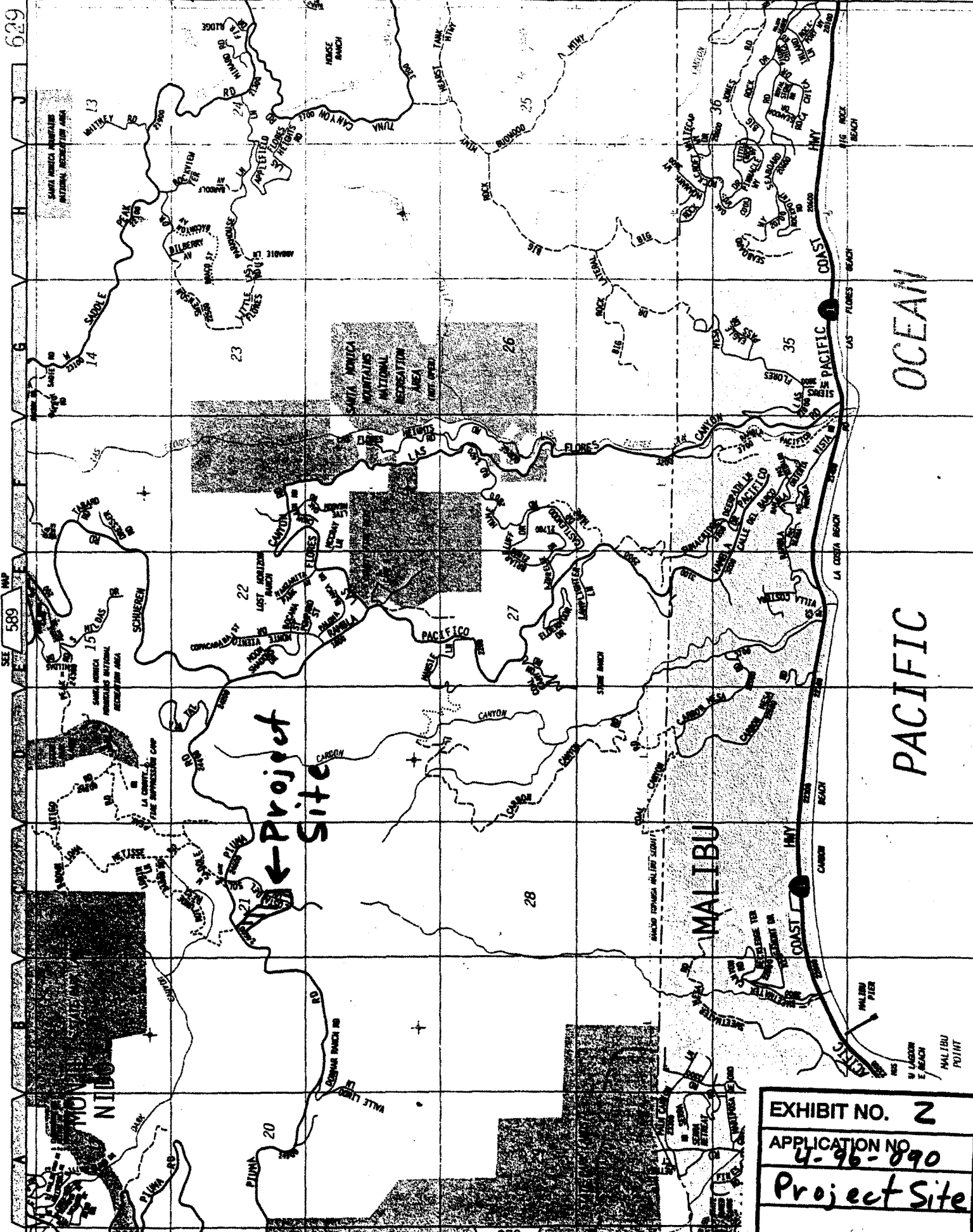
Los Angeles

EXHIBIT NO.	1
APPLICATION NO.	4-96-090
Project Location	



LOCATION MAP





Project Site

EXHIBIT NO. 2
APPLICATION NO 4-96-890
Project Site

SUBJECT PROPERTY
 24566 PIUMA RD. - MALIBU, CA 90265
 PARCEL 2, AS SHOWN ON PARCEL MAP NO. 5212,
 IN THE COUNTY OF LOS ANGELES, STATE OF
 CALIFORNIA, AS PER MAP FILED IN BOOK
 59 PAGE 80 OF PARCEL MAPS, IN THE
 OFFICE OF THE COUNTY RECORDER OF SAID
 COUNTY.
 APN: 4453-002-075

SITE PLAN

SCALE 1" = 50'
 CONTOUR INTERVAL: 5'

**SITE PLAN &
 TOPOGRAPHY SURVEY**

PARCEL 2 B 3, PARCEL MAP NO. 5212
 BOOK NO 59, PAGE 80

AS SURVEYED FOR:
 WILLIAM HEIN

JUNE 12-17, 1989

LANDSCAPE AREA APPROX. 3/2 ACRES
 CLEARED AND REPLANTED WITH
 FIRE RESISTANT GRASS AND COVER,
 SHRUBS AND TREES. AREAS NOT
 PLANTED WILL BE CLEARED ACCORDING
 TO FIRE DEPARTMENT REGULATIONS.

PROPOSED WATER SUPPLY PER
 FIRE DEPARTMENT.

Existing House

DRIVEWAY APPROX.
 1/4" = 100'

MAXIMUM HEIGHT 35'
 3 STORY HOUSE

LAP POOL
 40' x 15' x 5'

Existing Driveway

FOR UTILITIES AND
 EQUIPMENT

IRRIGATION TRUNK

WATER LINE FROM HYDRO
 ON CREST OF HILL

Existing House

GEOLOGIC MAP

- 3-1-0 LOCATION OF BORING
- TP-1-0 LOCATION OF TEST-PIT
- STRIKE AND DIP OF BEDDING
- STRIKE AND DIP OF JOINTING

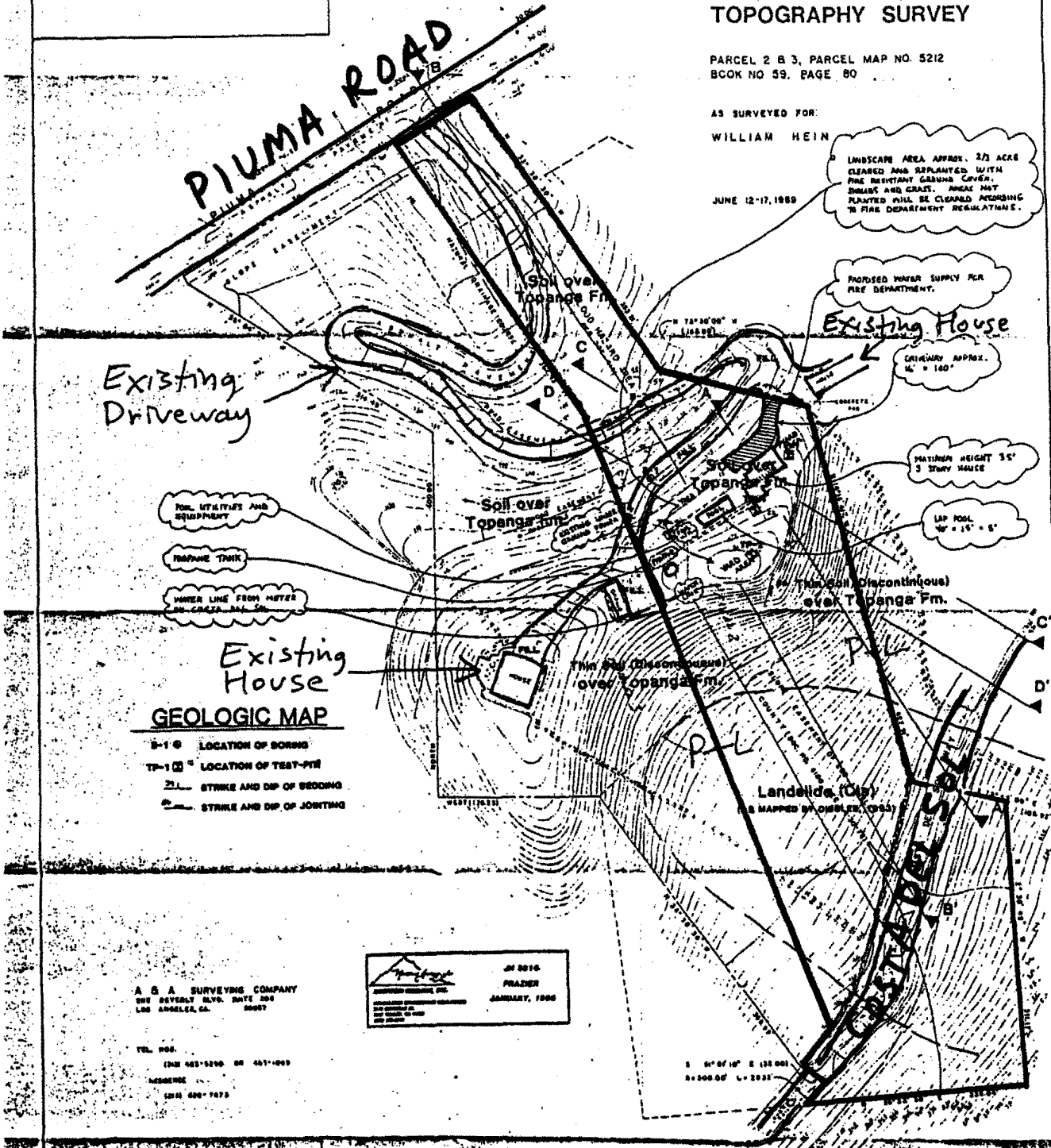
A & A SURVEYING COMPANY
 290 SEVENTH AVENUE, SUITE 200
 LOS ANGELES, CA 90017

TEL. 900
 (213) 463-5200 OR 463-1000
 FACSIMILE
 (213) 460-7873

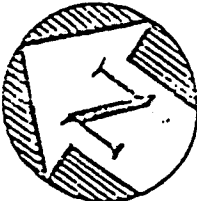
ARTUR SPADIN, INC.
 2010
 MALIBU, CALIF. 90265
 JANUARY, 1989

ARTHUR SPADIN, P.E.

EXHIBIT NO. 3
 APPLICATION NO.
 4-96-090
 Site Plan &
 Topography



Sewage Disposal System
 Approved For DESIGN
 PURPOSES ONLY, As
 Required For California
 Coastal Commission Review.
 Final Approval Required
 Prior To Start Of
 Construction Or Issuance
 Of Permits.

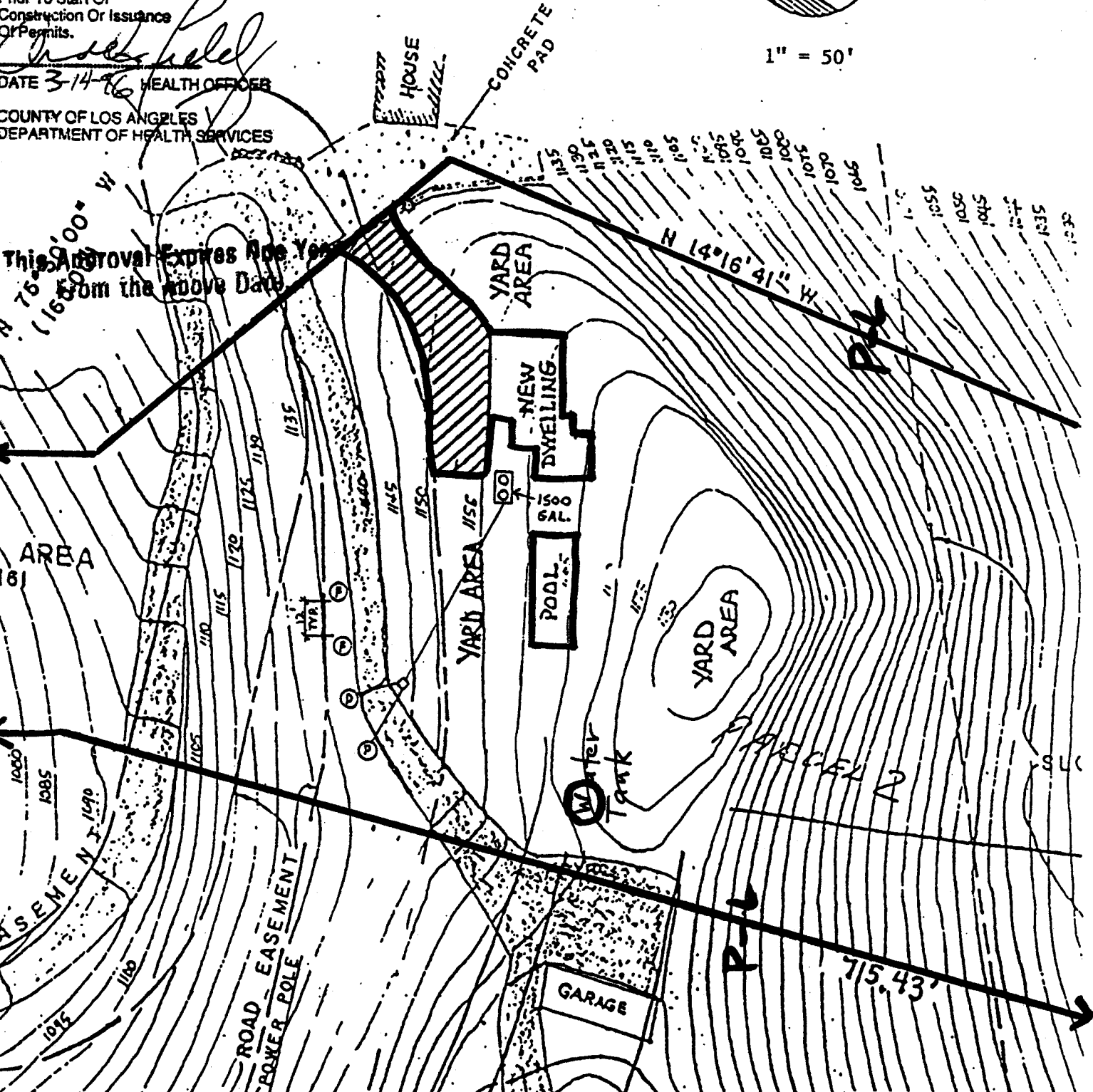


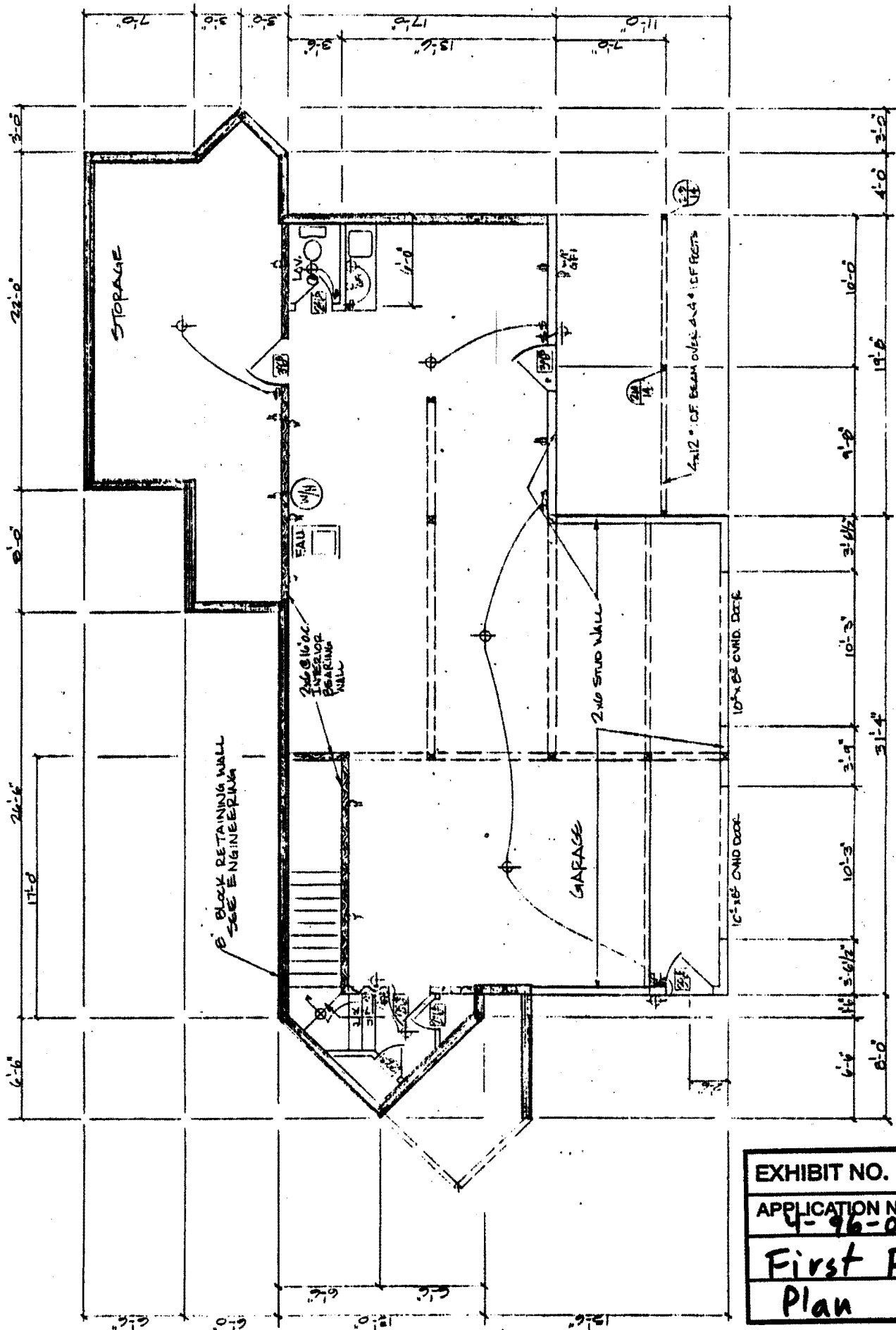
1" = 50'

DATE 3-14-90 HEALTH OFFICER

COUNTY OF LOS ANGELES
 DEPARTMENT OF HEALTH SERVICES

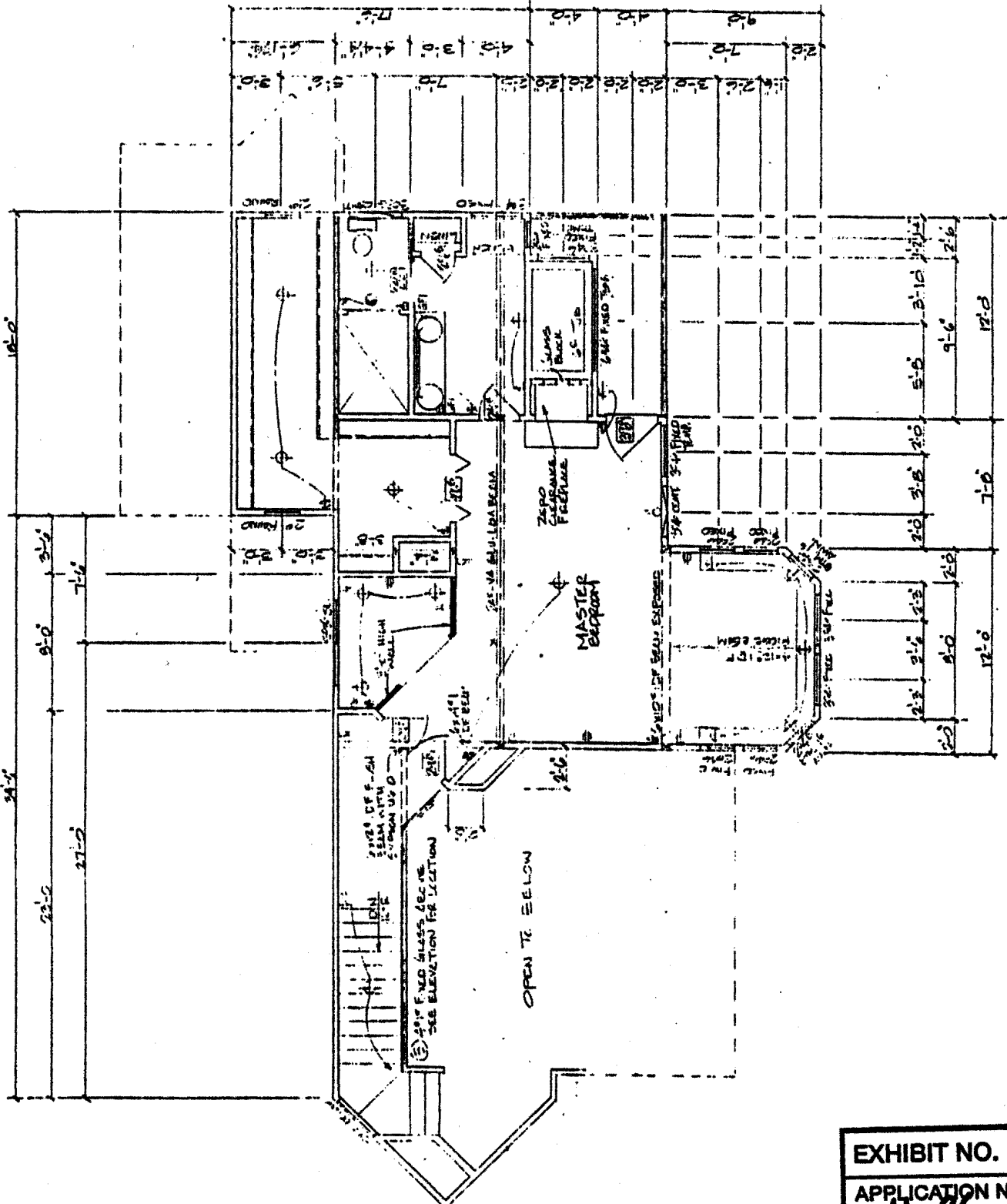
This Approval Expires One Year
 From the Above Date





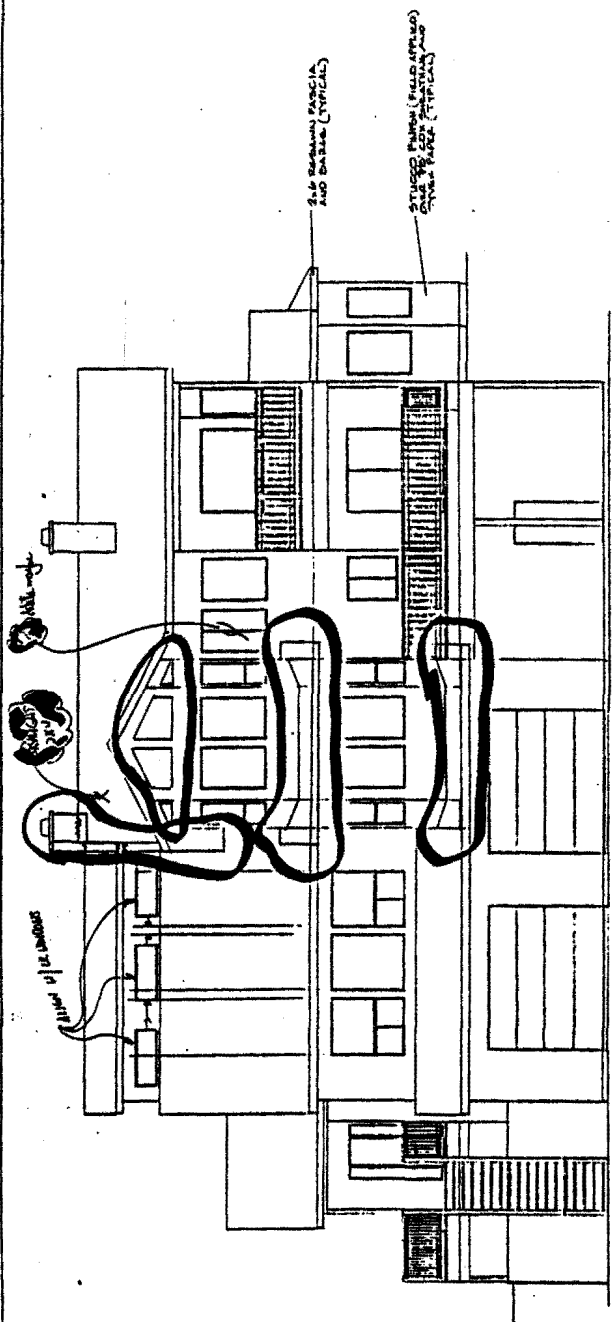
LOWER LEVEL

EXHIBIT NO. 6
APPLICATION NO. 4-96-090
First Floor
Plan

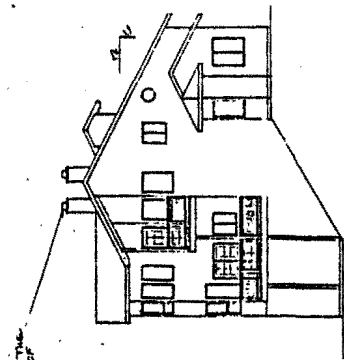


UPPER LEVEL

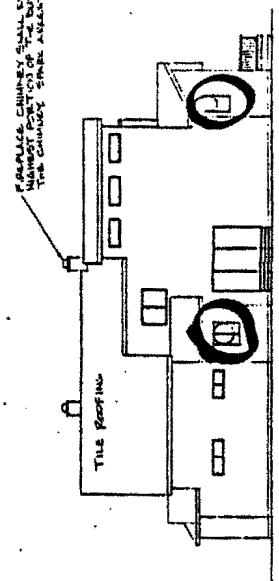
EXHIBIT NO.	8
APPLICATION NO.	4-96-090
Third Floor	
Plan	



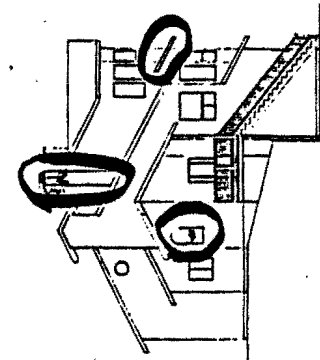
FRONT ELEVATION 1/8"=1'-0"



RIGHT ELEVATION 1/8"=1'-0"



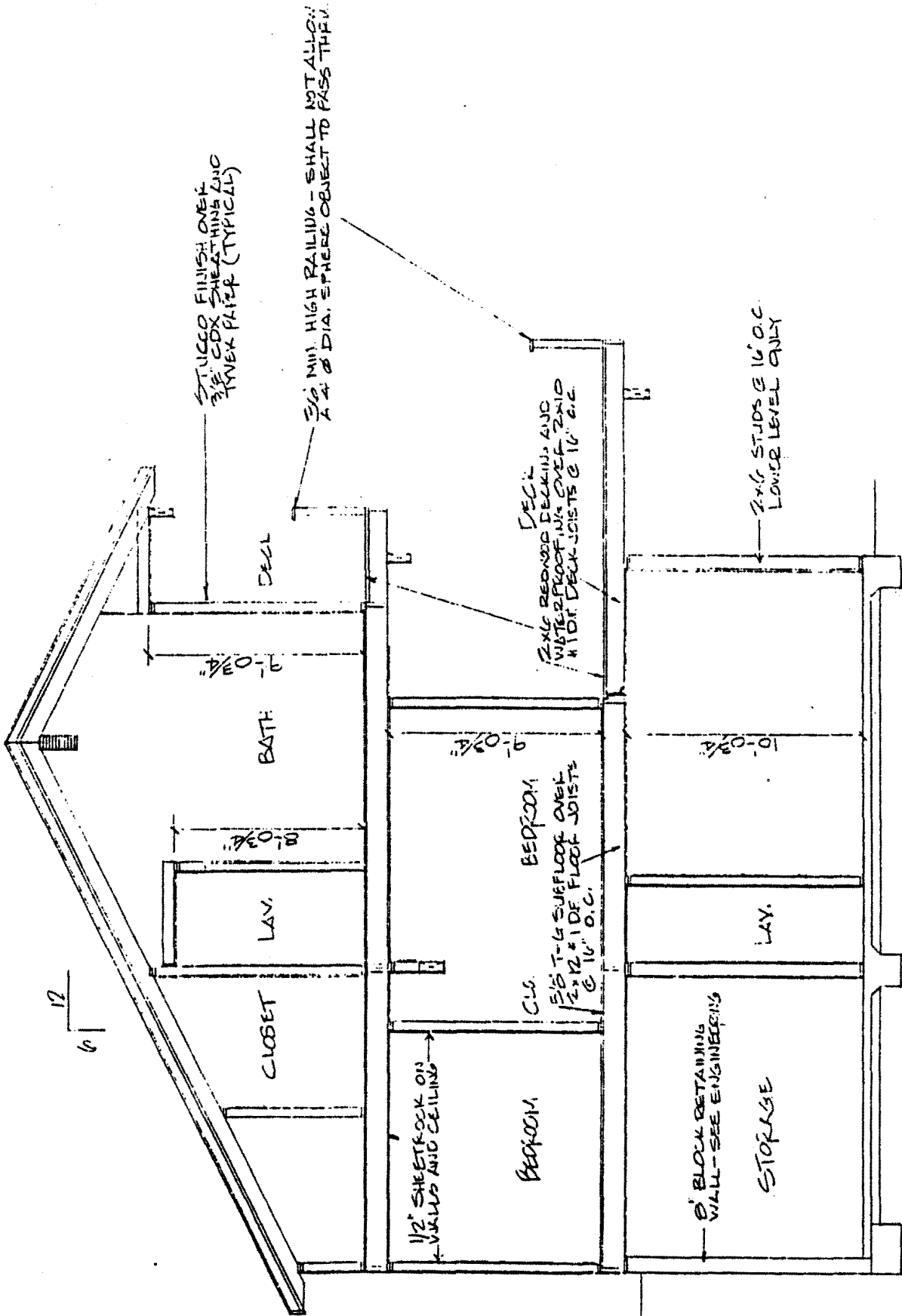
REAR ELEVATION 1/8"=1'-0"



LEFT ELEVATION 1/8"=1'-0"

REPLACE CHIMNEY SHALL EXTEND 2'-0\"/>

EXHIBIT NO.	9
APPLICATION NO.	4-96-090
Elevations	



CROSS SECTION (C) 1/4" = 1'-0"

EXHIBIT NO.	11
APPLICATION NO.	4-96-090
Cross Section	

PLANTING PLAN

DATE: Ken and Dawn Foster
ADDRESS: 3128 Fort Covatta Drive
THUNDERBOLT, CA 91202
BY: [Signature]

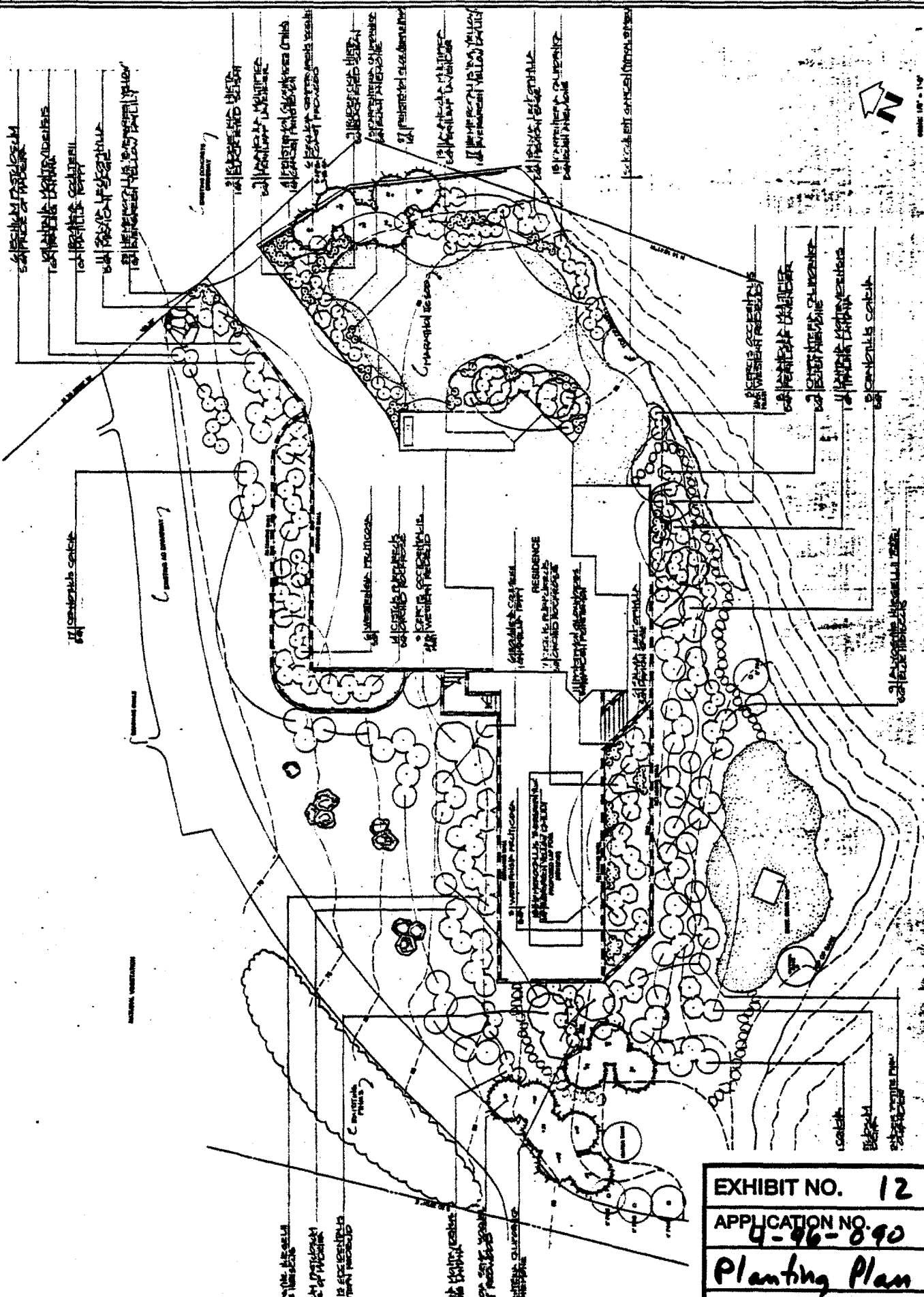
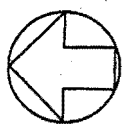
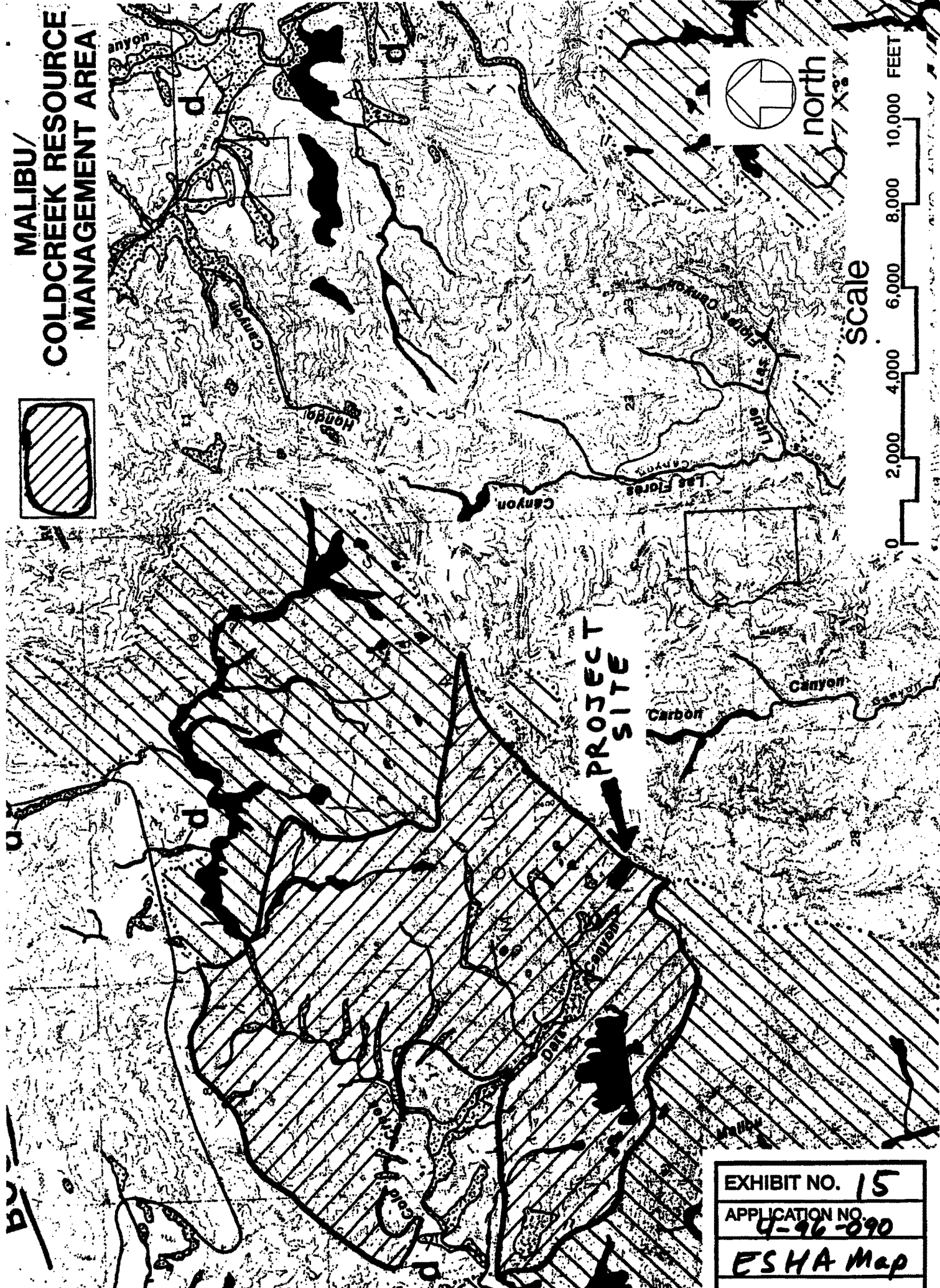


EXHIBIT NO. 12
APPLICATION NO. 4-96-090
Planting Plan

**MALIBU/
COLD CREEK RESOURCE
MANAGEMENT AREA**



north

scale



EXHIBIT NO. 15
APPLICATION NO. 4-96-890
ESHA Map

COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING

GEOLOGIC SECTIONS

PROPOSED RESIDENCE
PROPOSED DRIVEWAY

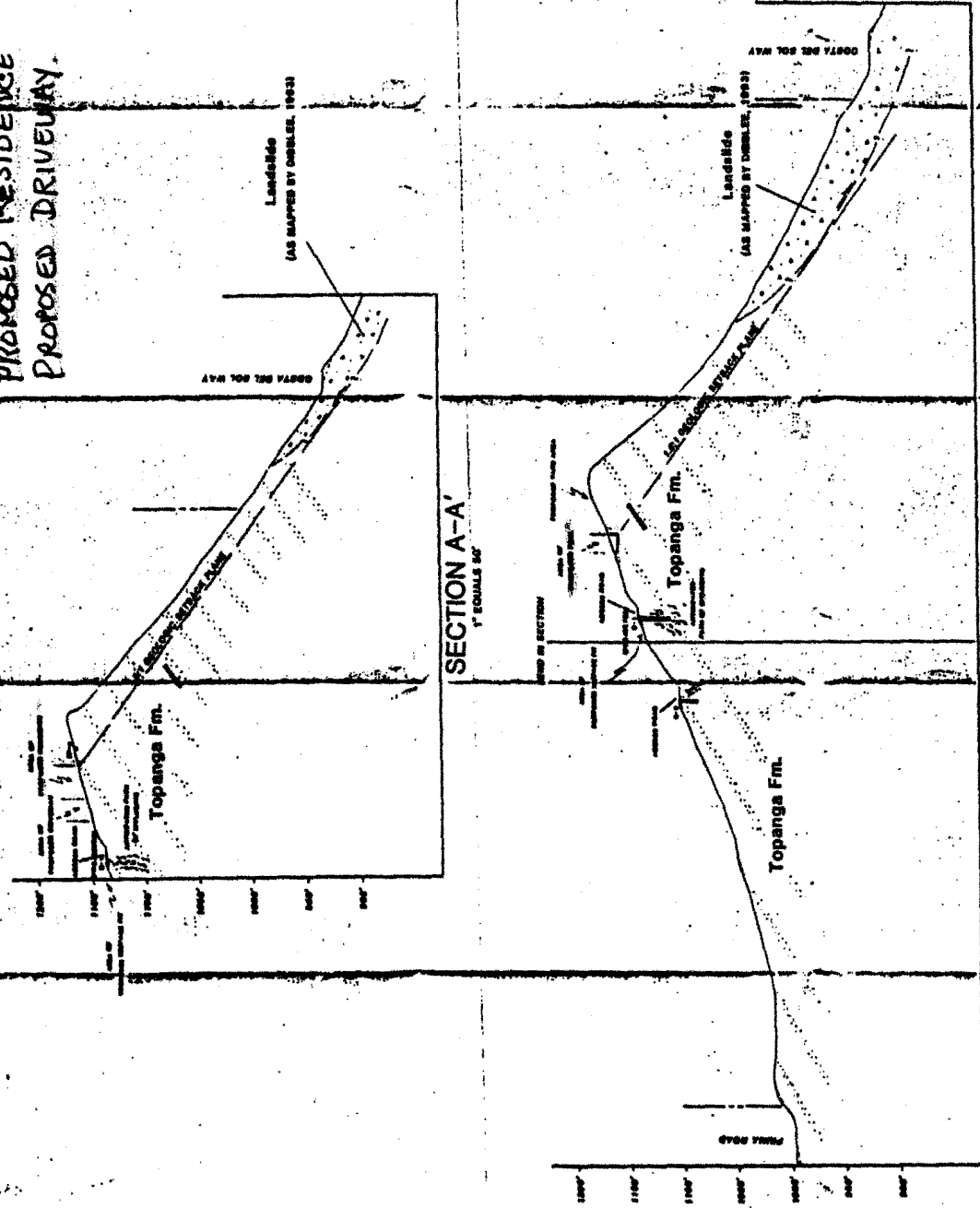


EXHIBIT NO. 16
 APPLICATION NO.
 4-46-090
 Geologic
 Sections



PROJECT
SITE

SIDE
PEAK

MALIBU LAGOON
STATE BEACH

EXHIBIT NO. 17
APPLICATION NO. 4-96-090
Trail Map

