

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MALIBU, CA 93001

(805) 641-0142

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Filed: 9/29/97
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Staff: JEL-V *ja*
Staff Report: 10/10/97
Hearing Date: 11/4-7-97

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.:** 4-97-178**APPLICANT:** Bluewater Builders**AGENT:** Gary Shuman**PROJECT LOCATION:** 4271 Avenida De La Encinal, Malibu, Los Angeles**PROJECT DESCRIPTION:** Construct 3,445 sq. ft., 23 foot high, two-story single family home with 800 sq. ft attached garage, driveway, water tank, and septic system. 990 cu. yds of grading (540 cu. yds cut, 460 cu. yds fill; 80 cu. yds compacted).

Lot area:	23,000 sq.ft.(0.52 acre)
Building coverage:	2,775 sq. ft.
Pavement coverage:	2,700 sq. ft.
Landscape coverage:	17,525 sq. ft.
Parking spaces:	three covered
Ht abv fin grade:	23'

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval-in-Concept, 9/8/97; Geology and Geotechnical, Approved "in-concept", 6/30/97; Environmental Health, In-Concept Approval, 5/26/97; Biological Review, approved in the planning stage, 5/8/97. County of Los Angeles: Fire Department, conceptual approval, 9/8/97

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Geologic Report, Geoplan, March 24, 1997; Response to Geologic Review Sheet, Geoplan, May 12, 1997; Geotechnical Investigation, Strata-Tech, March 25, 1997; Response to Geotechnical Review Sheet, Stra-Tech April 18, 1997.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to conformance to geologic and geotechnical recommendations, landscaping and erosion control plan, and waiver of liability.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 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 development during construction, 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 permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans. All recommendations contained in the Geologic Report, Geoplan, March 24, 1997 and the Geotechnical Investigation, Strata-Tech, March 25, 1997 shall be incorporated into all final design and construction including slope stability, foundations and drainage. All plans must be reviewed and approved by the 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. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologic and geotechnical consultants to ensure that the plans are in conformance with the consultants' geotechnical recommendations. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants 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 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 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

3. 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, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a 3,445 sq. ft., 23 foot high, two-story, single family home with an attached 800 sq. ft, three car garage, concrete driveway, water tank and septic system. The project will require 990 cubic yards of grading (540 cu. yds cut, 460 cu. yds fill; and 80 cu. yds compacted).

The subject property is an irregularly shaped parcel which fronts along the west side of Avenida de la Encinal, about one-quarter mile northeast from Encinal Canyon Road in the La Chusa Highlands subdivision. The parcel is approximately 0.52 acres, and comprises part of a broad, gently sloping terrace, flanked on the east by a low, rounded ridge. The proposed lot is set within an established subdivision and surrounded on each side by single family homes of a similar size and height.

D. Visual Resources

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character 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 proposed site is located in the middle of a southeast facing terrace cleared of all natural vegetation. The proposed residence is essentially an infill project, located within a small subdivision, surrounded on all sides by mostly two story, single family homes. The project will require a minimal amount of grading, 100 cubic yards, given the slope of the underlying natural terrace. The proposed residence will be in-keeping with the character of the surrounding development.

The subject site is not visible from Pacific Coast Highway, nor from any trails or public viewing areas. There will be no visual impact as a result of the project, given the terrace location and the surrounding residential development.

Therefore, the Commission finds that the proposed project, is consistent with Section 30251 of the Coastal Act.

E. Geologic Stability and 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, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

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

1. Geology

The subject property has an elevation differential within the site of about 40 feet, with an average slope gradient of 6:1. An existing fill slope, inclined at about 2:1, descends from Avenida de la Encinal to the easterly side of the building area. Consequently, the site will require a nominal amount of grading, 990 cubic yards, to create conformable cut and fill slopes at a 3:1. Maximum fill thickness will be about six feet.

The applicant has submitted a Geologic Report, prepared by Geoplan, dated March 24, 1997, and a Geotechnical Investigation, prepared by Strata-Tech, dated March 25, 1997, on the subject site. The primary geologic and geotechnical concerns and recommendations, regarding soil compaction, erosion control and landscaping, relate to the grading and stabilization of the building pad. The geotechnical consultant has provided specifications for slope ratio, soil compaction and final plan review. According to the geologic report, the grading plan is adequate although landscaping remains a concern:

The grading plan is acceptable; drainage control will be implemented on virtually all the lot. Surfaces to be exposed by grading are expected to consist of stream terrace deposits. The cut slopes are expected to be grossly stable but subject to erosion until landscaping attains firm root. Landscape vegetation that consists of deep-rooted, fire-retardant, drought resistant, vine type

plants is preferred. This concept allows native vegetation that conforms environmentally with the south-facing coastal slope.

In conclusion, the geologic report states that:

The sum of findings produced by comprehensive exploration at Lot 27c and on other adjacent and nearby properties has confirmed that Lot 27c is free of hazard of landslide, settlement or slippage and that proposed grading and residential development may be implemented in compliance with the Uniform Building Code, the guidelines of the Malibu Building Department and the recommendations of the project consultants. Implementation of the proposed project within this framework will not affect neighboring property adversely.

Based on the recommendations of the consulting geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations 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, as specified in condition one (1).

2. Erosion Control and Habitat Protection

As noted above, the consulting geologist has expressed a concern regarding the need to supplement the grading plan with native, drought tolerant landscape, primarily as an erosion control measure. The City of Malibu biologist has reviewed the applicant's landscape plan and notes the site's proximity to Escondido Canyon and the canyon's "relatively undisturbed, rich, and important habitat area within the Santa Monica Mountains". In order to mitigate what the City perceives to be potential "habitat, visual and surface runoff impacts" to the canyon, the City of Malibu has recommended native, drought tolerant revisions to the landscape plan.

The Commission has found through past permit actions that minimization of erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all graded and disturbed areas of the site with native plants, compatible with the surrounding environment. The applicant has submitted landscape plans that include the use of non-native/exotic plant species and does not include provisions regarding timing and implementation of the landscaping and erosion control.

Therefore, the Commission finds it necessary to require the applicant to submit a detailed landscape plan for the proposed development. Special condition number two (2) provides for such a landscape/erosion control plan prepared by a licensed landscape architect. Furthermore, given that the consulting engineer specifically recommended landscaping to minimize erosion of potentially erosive soils on site, the Commission finds that the landscape plans must be reviewed and approved by the consulting engineering geologist.

3. Fire

The Coastal Act also 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. 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 above is the proposed project consistent with Section 30253 of the Coastal Act.

F. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The proposed septic system includes a septic tank with seepage pits. A percolation test was performed on the subject property dated December 12, 1988, and was reviewed in the Geologic Report, dated March 24, 1997. The test indicated the percolation rate meets Uniform Plumbing Code requirements for a four bedroom residence and is sufficient to serve the proposed single family residence.

The City of Malibu has completed a review of, and approved-in-concept, the proposed septic system with a 1500 gallon septic tank and seepage pits. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration percolation capacity of soils, depth of groundwater, etc.

Therefore, the Commission finds the proposed residence is consistent with section 30231 of the Coastal Act.

G. Local Coastal Program

Section 30604 of the Coastal Act states that:

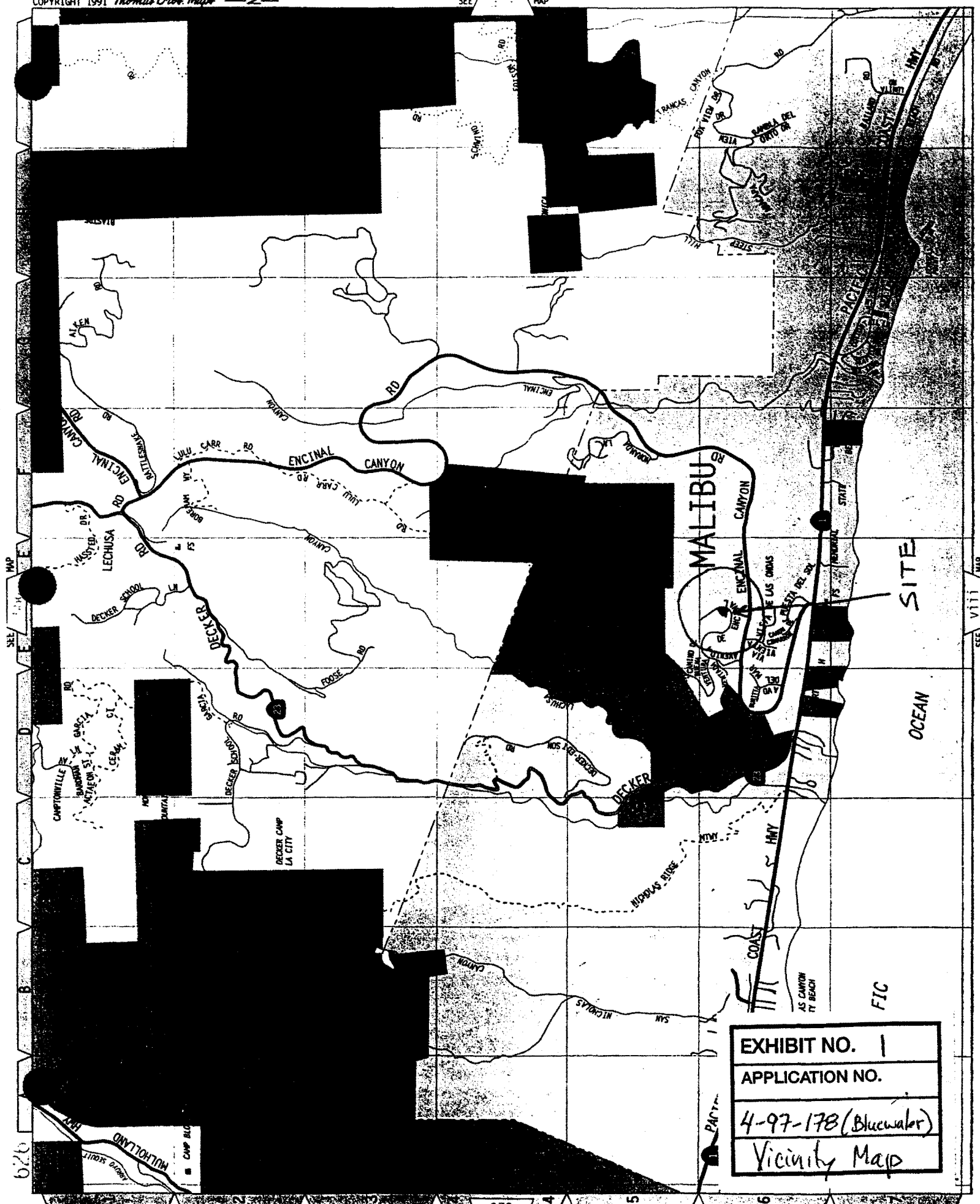
- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

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

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity would have on the environment.

There proposed development would not cause significant, adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

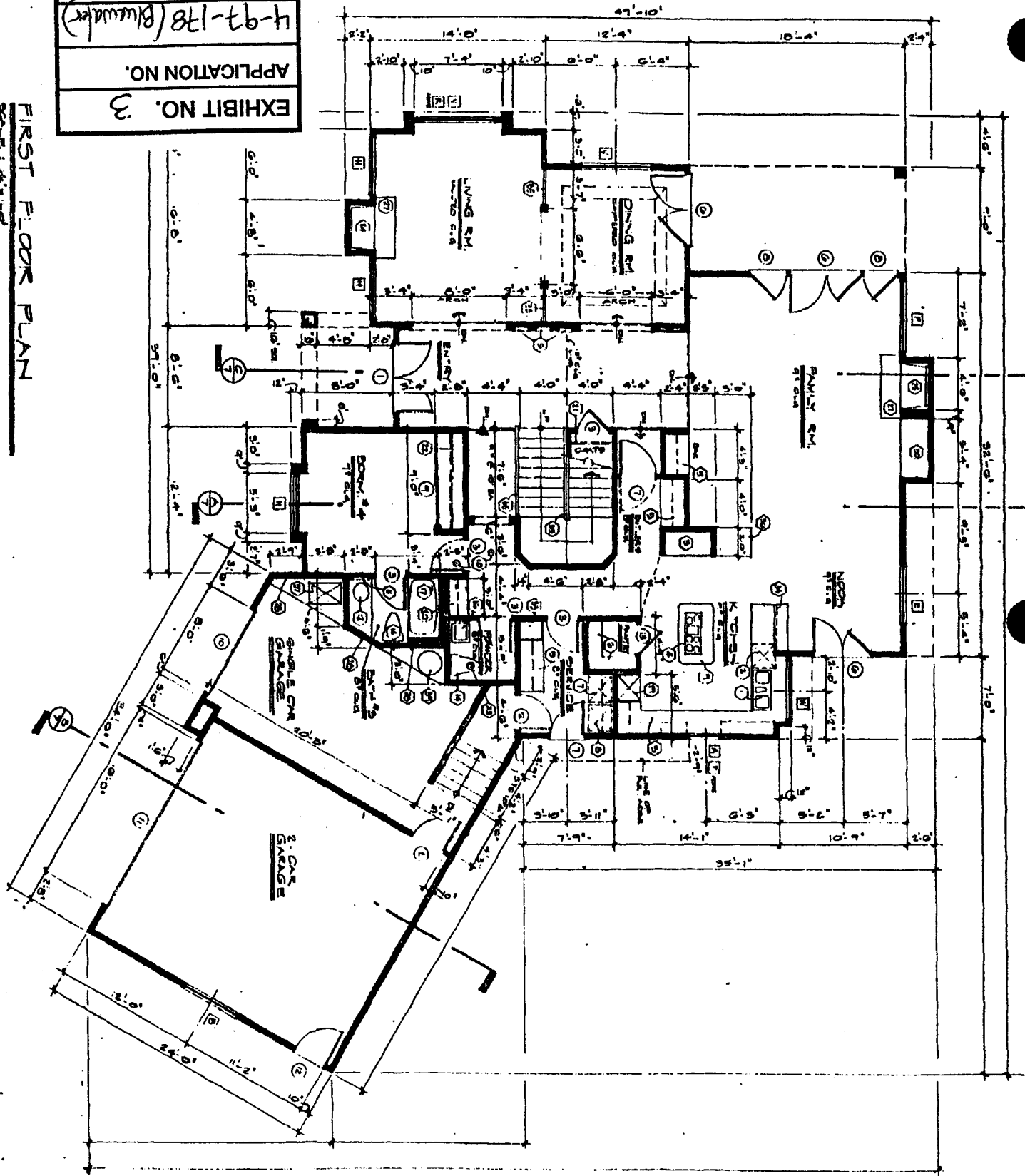



Site Plan

EXHIBIT NO. 3
APPLICATION NO.
4-97-178 (Bluewater)
Floor Plan - 1st

FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"
FIRST FLOOR AREA: 1,775 S.F.
GARAGE AREA: 800 S.F.
TOTAL: 2,575 S.F.



 K.E.S. CORPORATION Architecture, Planning & Construction 13401 E. Alhambra Road, Suite 200 • Alhambra, CA 91801 Telephone: (818) 961-1701 Fax: (818) 961-1917	FIRST FLOOR PLAN		PROJECT NAME: ENCINAL PROJECT CUSTOM RESIDENCE 4071 AVENIDA DE LA FENIA, MALIBU, CA	DEVELOPER: BLUEWATER BUILDERS 6646 BUCKLEUP AVE. AGONA, CA 92006 (619) 597-1400
	DRAWN: DATE:	PLAN CHECK: PERMIT:		

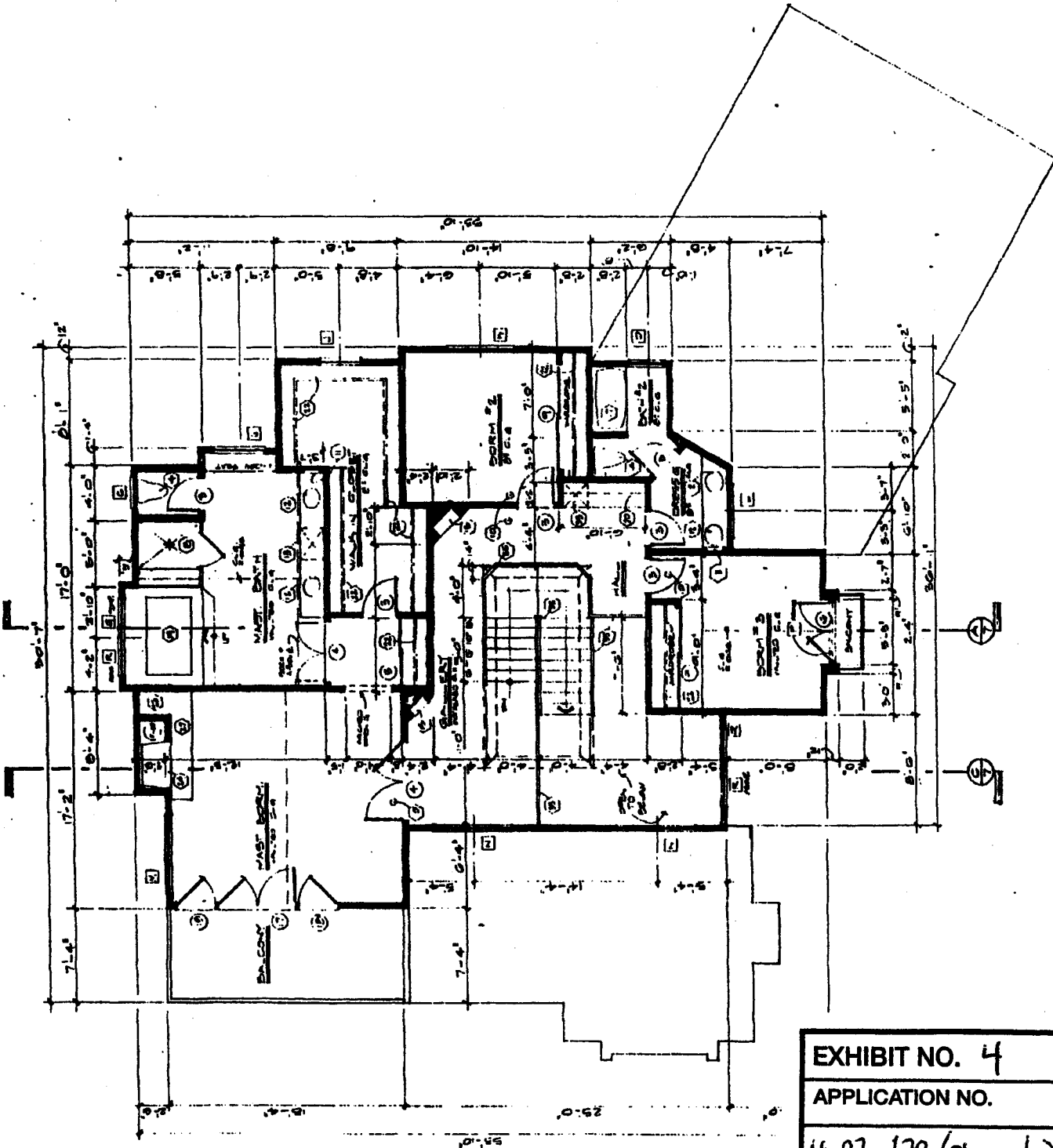
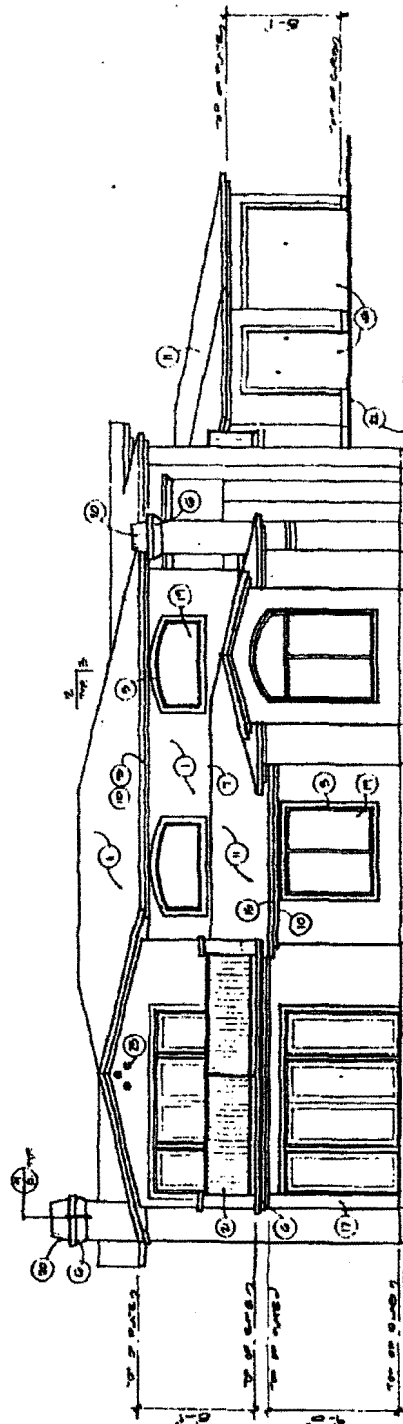
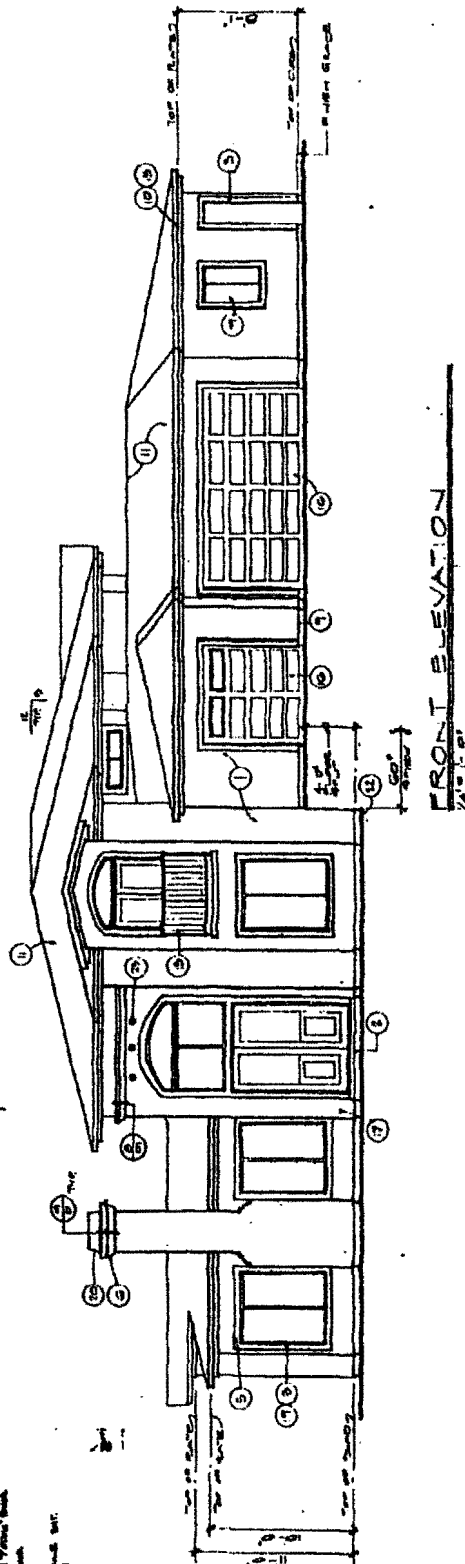


EXHIBIT NO. 4
APPLICATION NO.
4-97-178 (Bluewater)
Floor Plan - 2 nd

SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 SECOND FLOOR 470 SF



TO THE HONORABLE



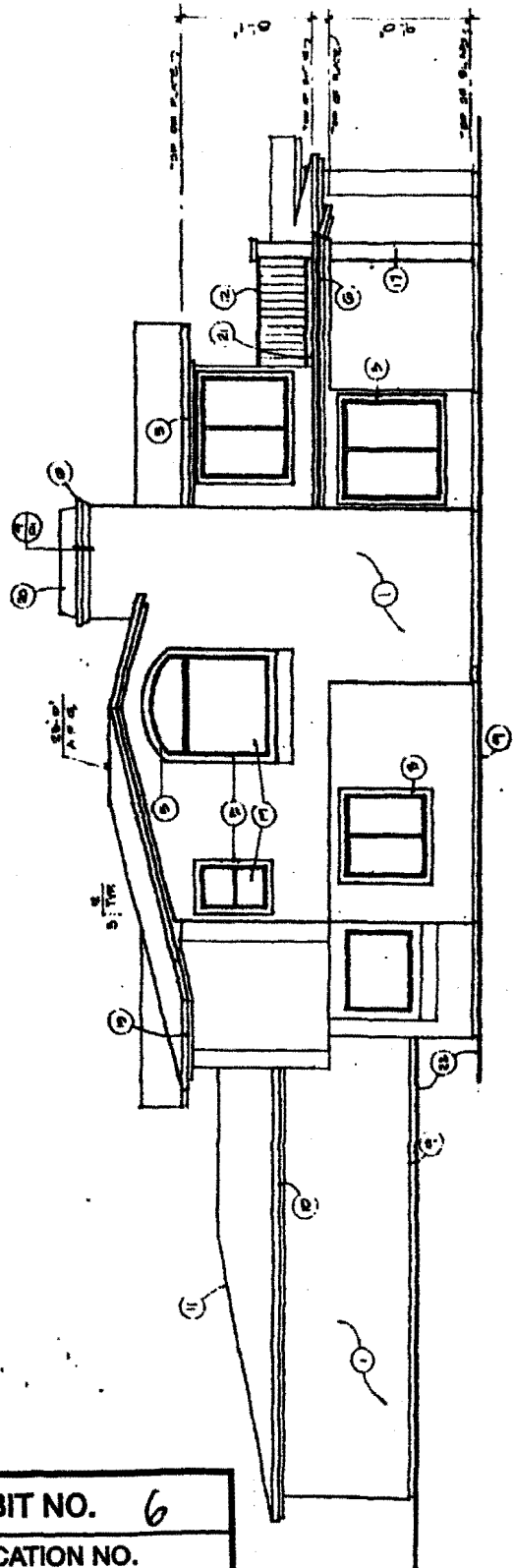
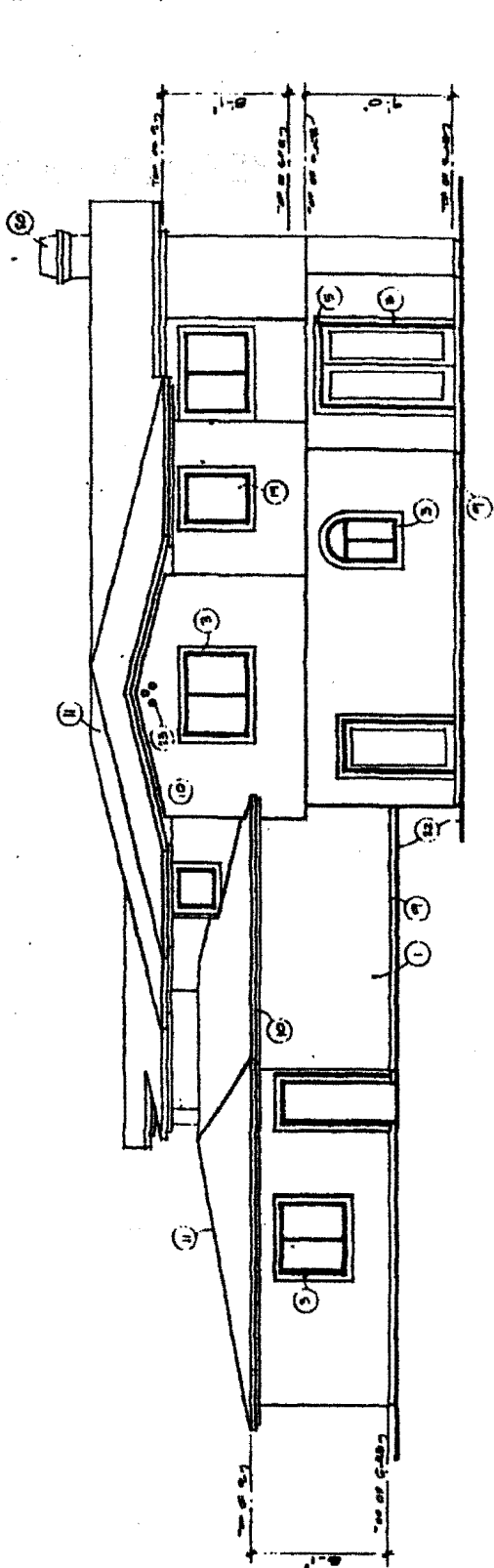
FRONT ELEVATION 7

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EXHIBIT NO. 5

APPLICATION NO.

4-97-178 (Bluewater)
Elevations



NOT TO SCALE
 DIMENSIONS ARE IN FEET AND INCHES
 (1" = 1'-0")

REAR ELEVATION
 SCALE: 1/4" = 1'-0"

EXHIBIT NO. 6
APPLICATION NO.
4-97-178 (Bluwater)
Elevations