

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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Staff: MHC
Staff Report: 3/11/97
Hearing Date: 4/8-11/97
Commission Action:

Th4c

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-002

APPLICANT: Donald Horton

AGENT: Ray Stroeber

PROJECT LOCATION: 2112 Bilberry Avenue, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construction of a two story, 26 foot high single family residence with a garage, septic system, water well, water tank and 1,200 cubic yards of grading.

Lot area:	44649 sq. ft.
New building coverage:	2552 sq. ft.
Total building coverage:	3102 sq. ft.
Total Pavement coverage:	650 sq. ft.
Landscape coverage:	1920 sq. ft.
Parking spaces:	2 covered; 2 uncovered
Plan Designation:	Rural Land I (1 du./10 ac.)
Ht abv fin. grade:	26 ft.

LOCAL APPROVALS RECEIVED: Approval in Concept, Los Angeles County Department of Regional Planning. In Concept Approval for Septic System, Department of Environmental Health, County of Los Angeles. Approval in Concept, Fire Department, County of Los Angeles, dated 12/30/96.

SUBSTANTIVE FILE DOCUMENTS: Gold Coast GeoServices, Inc. Geologic/Geotechnical Engineering Reports (3/26/93); Gold Coast GeoServices, Inc. Up-dated Geotechnical Report 4/19/96; 3/1/96); Gold Coast GeoServices, Inc. Response to Public Works Agency Review Letters, 8/12/96; Gold Coast GeoServices, Inc. Percolation Data Report 3/10/96; Gold Coast GeoServices, Inc. Septic System Design Report (3/3/96)

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project subject to special conditions regarding landscaping, conformance with geologic recommendations and wild fire waiver of liability.

I. STAFF RECOMMENDATIONApproval 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

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 the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology/geotechnical consultant's review and approval of all project plans. All recommendations contained in the Gold Coast GeoServices, Inc. Geologic/Geotechnical Engineering Report, 3/26/93; and Gold Coast GeoServices Up-date letters, 4/19/96 & 3/1/96 shall be incorporated into the final project plans including site preparation, foundations and drainage.

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 prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) 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 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 dumping 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 or as required by the fire department. 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 Forestry Department of Los Angeles County

3. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants 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.

A. Project Location and Description

The applicant proposes to construct a two story, 26 foot high single family residence with a garage, septic system, water well, water tank and 1,200 cubic yards of grading (600 cu. yds. cut, 600 cu. yds. fill) (Exhibits 1-5). The project is located on Bilberry Avenue which is off of Swenson Drive in the Saddle Peak Area of the Santa Monica Mountains.

The one acre parcel incorporates a north-south trending ridge and valley terrain, with a maximum relief on the property of about 70 feet. The building site is located adjacent to the existing roadway and is located near two existing single family residences. The site is not located within any sensitive resource area and no trails traverse the site.

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 stability of the site, the applicant submitted a geologic/geotechnical report addressing the geologic stability of the site. The report states:

It is the opinion of the undersigned that the proposed structure(s) will be safe against hazard from landslide, settlement, or slippage, and that the proposed construction will have no adverse geologic effect on off-site properties. Assumptions critical to our opinion are that the design recommendations will be properly implemented during the proposed construction, and that the property and adjoining properties will be properly maintained to prevent excessive irrigation, blocked drainage

devices, or other adverse conditions.

Based on the findings and recommendations of the consulting geologic/geotechnical consultants, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that are certified in writing by the consulting geotechnical engineer as conforming to their recommendations, as noted in condition number one (1).

Minimizing erosion of the building site is important to reduce geological hazards and minimize sediment deposition in nearby drainages and streams. Therefore, the Commission finds it necessary to require the applicant to submit a landscape plan to minimize site erosion which could result from site disturbance.

Finally, 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 the associated risks, as stated in special condition 3. 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.

Thus, the Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

C. Visual Impacts

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site is located in the Saddle Peak area of the Santa Monica Mountains on Bilberry Ave. 80 feet from the intersection of Swenson Rd. There are two existing single family residences on Bilberry Ave. nearby the proposed project site. Saddle Peak is recognized as a "Significant Ridgeline" in the Certified Malibu/Santa Monica Mountains Land Use Plan and is given special treatment when evaluating potential visual impacts caused by new development. The proposed development site is located south of the major Saddle Peak ridgeline. Because the proposed development is not located on the major ridgeline it will not adversely impact the scenic qualities of the ridgeline. In addition, the proposed residence will be screened from the south by the existing residences located just south of the building site.

The applicant is proposing 1,200 cubic yards of grading (600 cu. yds. cut, 600

cu. yds fill) for a building pad and driveway. The building pad is located adjacent to the street and the proposed grading will result in very minimal cut and fill slopes ranging from five to twelve feet in height. The proposed residence is a modest two story, 2,112 square foot, 26 foot high structure. As proposed the project will not adversely impact the visual resources of the area and is compatible with surrounding development.

To ensure the visual impacts of the proposed grading and soil disturbance have been mitigated to the greatest extent feasible and to minimize site erosion, the Commission finds, that it is necessary to require the applicant to submit landscaping and fuel modification plan for all graded and disturbed areas of the site. Therefore, the Commission finds that, only as conditioned to ensure that the visual impacts of the project are minimized, does the project conform 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.

The proposed development includes installing a septic tank and seepage pit to provide for sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services County of Los Angeles. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the County Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 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 County'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).

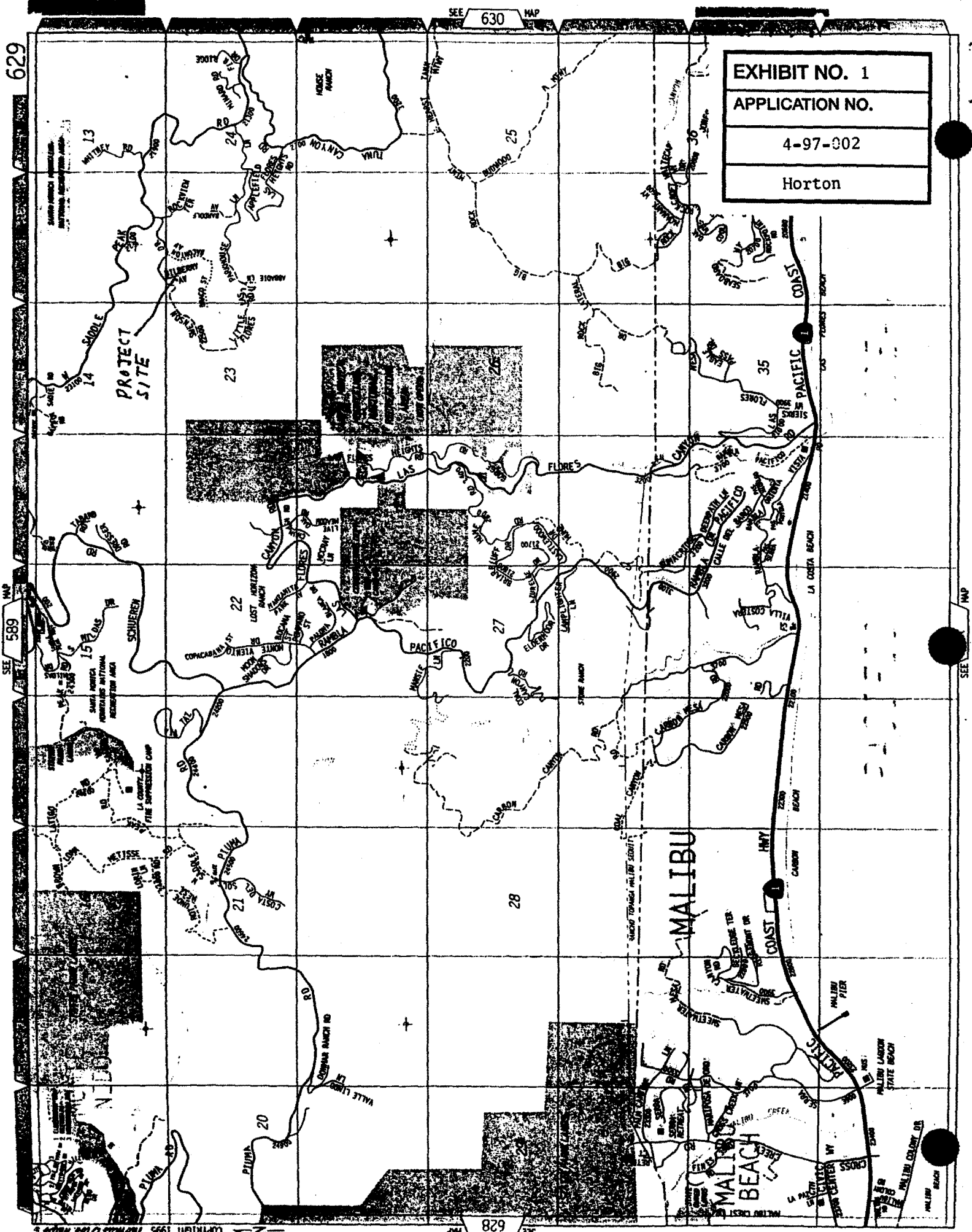
F. California Environmental Quality Act

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.

The proposed development would cause no adverse environmental impacts which would not be adequately mitigated by the project conditions required herein. Therefore, the proposed project, as conditioned, is found to be consistent with CEQA and the policies of the Coastal Act.

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EXHIBIT NO. 1
APPLICATION NO.
4-97-002
Horton



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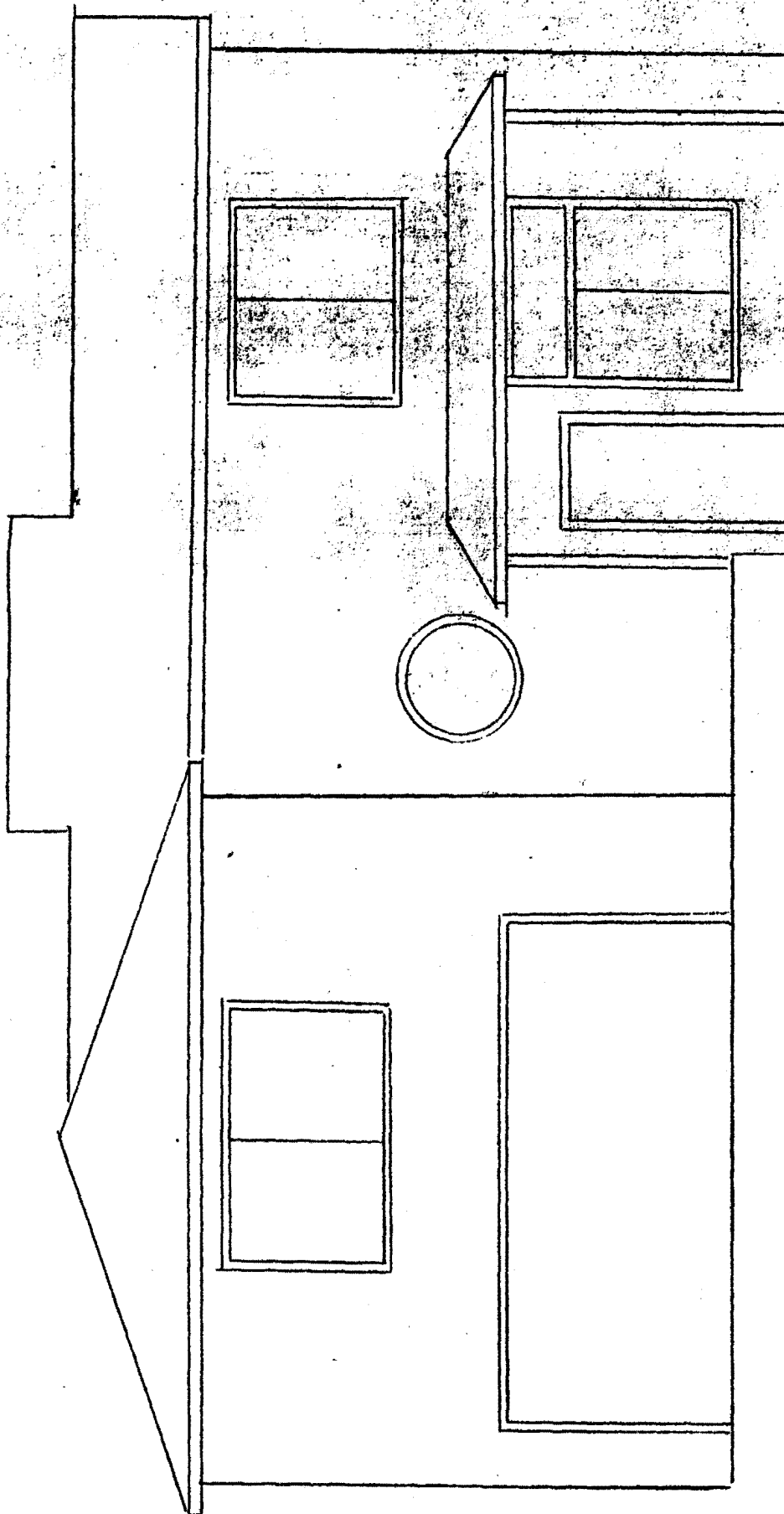


EXHIBIT NO. 3
APPLICATION NO.
4-97-002
Horton

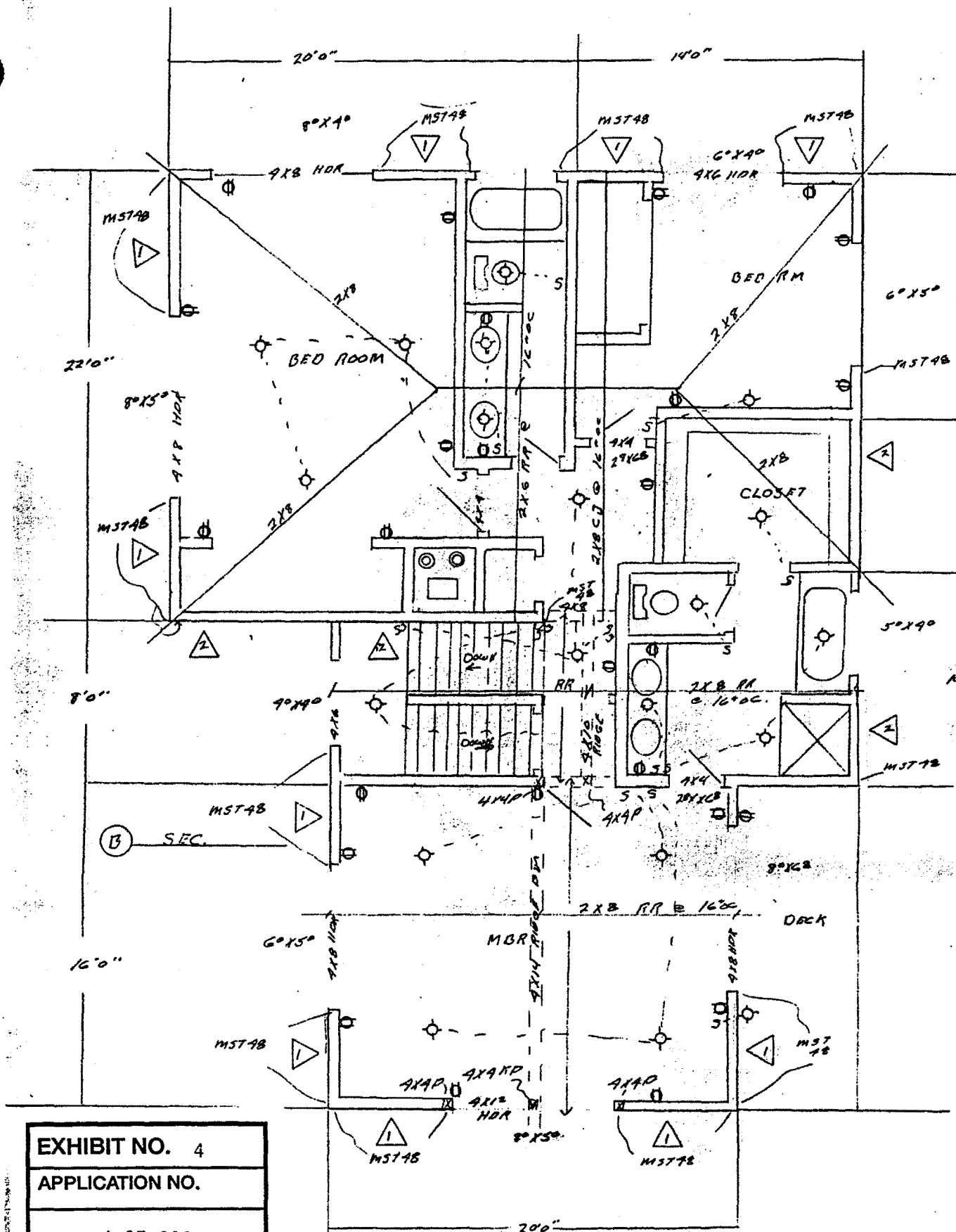


EXHIBIT NO. 4

APPLICATION NO.

4-97-002

Horton

