

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
41-0142

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Staff: Betz - V
Staff Report: 3/24/97
Hearing Date: 4/10/97

STAFF REPORT: CONSENT CALENDAR

Th 4e

APPLICATION NO.: 4-97-010

APPLICANT: John and Lucy Wiffen AGENT: Don Schmitz

PROJECT LOCATION: 6431 Busch Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a two-story 4,820 sq. ft., 28 ft. high, single family residence with 650 sq. ft. detached garage, 700 sq. ft. pool house, pool, spa, septic system, temporary construction trailer, orchard, and landscaping. 890 cu. yds. of grading (800 cu. yds. of cut and 290 cu. yds. of fill).

Lot area:	1.47 acres
Building coverage:	3,155 sq. ft.
Pavement coverage:	6,900 sq. ft.
Landscape coverage:	13,000 sq. ft.
Parking spaces:	3 covered, 3 uncovered
Plan Designation:	Residential I & Rural Land III
Zoning:	1 du/ 1 acre & 1du/ 2 acres
Project Density:	1 du/ 1 acre
Ht abv fin grade:	28 ft.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department dated 4/9/96; In Concept Approval for Septic System, Department of Environmental Health, City of Malibu, dated September 20, 1996; Gold Coast GeoServices, Inc.: Geologic/Geotechnical Engineering Report, June 18, 1996; Percolation Data and Septic System Design Report, June 19, 1996; Environmental Research Archaeologists, Phase I Site Survey, July, 1996.; Approval in Concept, Fire Department, County of Los Angeles, dated 1/6/96.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit 4-96-064, Thatcher; California Coastal Commission, Procedural Guidance Manual: Addressing Polluted Runoff in the California Coastal Zone, June, 1996.

SUMMARY OF STAFF RECOMMENDATION: The project site is located within a partially developed subdivision about one half mile north of Pacific Coast Highway within Zuma Canyon above Busch Road at the end of a private road. The proposed development will be visible to a limited degree from Pacific Coast Highway, but it will not be visible from Zuma Beach. Staff recommends approval of the proposed project with seven (7) Special Conditions addressing plans conforming to the consulting geologist's recommendations, wild fire waiver of liability, landscape and erosion control plans, drainage and erosion control plans, agriculture plan, deed restriction on future development, and removal of construction trailer.

I. STAFF RECOMMENDATION

Approval with Conditions

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

II. Standard Conditions

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 consultant's review and approval of all project plans. All recommendations contained in the Gold Coast GeoServices, Inc.: Geologic/Geotechnical Engineering Report, June 18, 1996 including issues related to foundations, drainage, and grading, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

2. Landscape and Erosion Control Plans

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

- a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. The plan shall include vertical elements, such as trees, which break up the appearance of the proposed structure and partially screens the structure from both Pacific Coast Highway and Busch Drive.
- b) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the approved landscape plan within thirty (30) days of final occupancy of the residence. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) year 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.

3. Drainage and Erosion Control Plans.

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, orchard, and all 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 sheetflow runoff. The erosion control plan shall include revegetation with drought-tolerant, native species more specifically described in the landscape plan required by Special Condition 2. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

4. Agricultural Plan.

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an agricultural plan for the proposed orchard. The plan shall include, but not be limited to the following requirements:

- a) The understory of the orchard shall be planted with native grasses to minimize erosion until such time as the orchard canopy matures and provides overhead protection of hillside surfaces.
- b) Terracing of the orchard site shall be prohibited. Trees shall be planted at grade to minimize site disturbance.
- c) A drip irrigation system will be utilized so no furrowing and plowing of the earth will be required.

5. 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.

6. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that any future structures, additions or improvements related to the pool house, approved under coastal development permit number 4-96-010, will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest conveyed.

7. Removal of Trailer.

With the acceptance of this permit, the applicant agrees that the temporary trailer for occupancy during construction shall be removed from the site within thirty days of issuance of the certificate of occupancy for the residence from the City of Malibu.

IV. Findings and Declarations.

A. Project Location and Description

The vacant one and one half acre site is located on the upslope side of Busch Road, north of Pacific Coast Highway, east of Merritt Drive, and west of Bonsall Drive, northwest of Point Dume. The project site is located within a partially developed subdivision about one half mile north of Pacific Coast Highway with full or partial views in all directions, including portions of Zuma Beach and the Pacific Coast Highway. The site has been previously cleared and contains predominantly introduced grasses and some scattered native laurel sumac. Prior improvements include planting of myoporum and pittosporum along the curb of the private road. The road is improved with curbs, gutters, and turnouts. The remainder of the site has been disced for fire control purposes.

The building site ranges from 145 feet to 175 above sea level. The project site is accessed from Newman Way, a private roadway. The project site is one parcel of a five lot subdivision approved in coastal permit 5-83-859 (Newman) at the end of Newman Way and below the top of the hillside that descends in a west-east direction to Busch Drive and Zuma Canyon Creek.

The applicants propose to construct a two-story 4,820 sq. ft., 28 ft. high, single family residence with 650 sq. ft. detached garage, 700 sq. ft. pool house, pool, spa, septic system, temporary construction trailer, orchard, and landscaping. The residence, garage, pool and pool (guest) house are proposed to be cut into the hillside with 800 cu. yds. of cut and 290 cu. yds. of fill). The proposed project includes a one-third acre orchard of avocados or citrus of approximately 50 trees.

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

The proposed amendment includes a report on archaeological resources. The Coastal Act requires the protection of such resources to reduce potential adverse impacts through the use of reasonable mitigation measures. The archaeological assessment, however, did not indicate that there were resources on the site or that any measures were necessary to protect such resources.

B. Hazards and Environmentally Sensitive Resources

PRC Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

PRC Section 30253 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 development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic and flood hazards, the applicant submitted a Gold Coast GeoServices, Inc., Geologic/Geotechnical Engineering Report, dated June 18, 1996. The report indicates that the site is not subject to flooding or affected by concentrated drainage, not affected by landslides, nor by faulting. The report addresses the geology issues by concluding:

... the property is suitable for the proposed development of a custom-built single family residence ... Applicable elements of these recommendations shall be incorporated into the foundation plans.

They further indicate that a set of building and foundation plans shall be submitted for their review prior to the initiation of construction and that "... all phases of the rough grading and foundation construction work be observed and approved by the engineering geologist and geotechnical engineer ...". Based on the findings and recommendations of the consulting engineering geologist and geotechnical engineer, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant, through condition one (1), to submit project plans that have been certified in writing by the consulting engineering geologist and geotechnical engineer as conforming to their recommendations, for the final project design, grading and drainage plans for the proposed residence.

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in the environmentally sensitive habitat area (ESHA) along Zuma Creek, located one-half mile to the east. Coastal Act Section 30240 generally provides for the protection of ESHA.

This ESHA includes significant oak woodland and riparian habitat along the creek and wetland habitat at the mouth of Zuma Creek. In addition, the recommendations of the consulting geologists emphasize the importance of proper drainage and erosion control measures to ensure the stability of development on the site.

A landscape/erosion control plan and a drainage plan is needed to minimize erosion from the project site and potential sedimentation into Zuma Creek and its wetland. For this reason, the Commission finds it necessary to require the applicant to submit landscape/erosion control and drainage plans to minimize erosion and to provide plantings primarily of native species. To ensure all disturbed slopes and soils are stabilized with landscaping after construction, a landscape plan that includes native drought resistant, and fire retardant plants compatible with the surrounding vegetation is necessary. The replacement plants provided in the landscape plan will minimize and control erosion, as well as screen and soften the limited visual impact of the proposed development as seen from Pacific Coast Highway which is about one quarter to one third of a mile to the east of the subject property.

The applicant proposes planting an orchard of approximately 50 trees on the sloping areas of the parcel which creates further potential for drainage impacts as described above. An orchard of this size cannot be considered as typical landscaping associated with a new single family residence as addressed by condition two (2), because of the number of trees, amount of ground cleared (on the order of one-third acre), and potential downstream impacts. The adverse impacts to the environmentally sensitive habitat areas downhill are greater with an orchard planted on bare ground than what would exist with the present or previous native cover. Although the proposed building site is not within an ESHA, development on this site could adversely impact the sensitive habitat resources if not properly designed.

The vegetation clearance and horticultural processes associated with an orchard will increase the potential for erosion from the site and adversely affect the water quality of Zuma Creek. These impacts can include increased nitrogen, phosphorus, and other nutrients. When these nutrients are carried into water bodies, they trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

The Commission finds that the adverse affects of agricultural conversion of existing vegetation on this sloping parcel would be significantly reduced by limiting the design of the orchard and by encouraging soil conservation measures and appropriate agricultural management practices. These practices include providing native plant cover between orchard trees until the canopy is sufficiently grown, prohibiting the terracing of the sloping site, and requiring use of drip irrigation. To implement these measures effectively, condition three (3) requires that the plan be subject to the review and approval of the Executive Director prior to issuance of the coastal development permit.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. According to the Los Angeles County Public Works Department, the OES-FEMA map dated 9-21-94 indicates that this site has burned in the past 10 - 30 years. The site is cleared of brush pursuant to the Fire Department requirements on an annual basis. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number five (5).

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist, require a landscape/erosion control plan and a drainage plans, provide for an agriculture plan, and provide for the wild fire waiver of liability, will the proposed project be consistent with Sections 30240 and 30253 of the Coastal Act.

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

Within Zuma Canyon, a public trail exists along Bonsall Drive. The Zuma Ridge Trail leads from Pacific Coast Highway along Bonsall Drive north to its intersection with the Coastal Slope Trail in the Santa Monica Mountains National Recreation Area. The residence will not be visible from the Zuma Ridge Trail because of the intervening topography and the substantial number of trees and other riparian vegetation that screens the public view from the trail.

Across Zuma Canyon, Pacific Coast Highway is located about one quarter to one third of a mile to the east as the grade of the highway rises to the Point Dume mesa area. The proposed residence will be visible to a limited degree from Pacific Coast Highway. Existing vegetation along the north-west side of Pacific Coast Highway provides for a visual screen along the majority of this section of highway. Although there are a few openings in the vegetation

through which the project site will be visible from public view along the highway, the public view of the proposed residence will not result in a significant impact because of intervening topography and because the residence will be cut into the hillside and will be landscaped to reduce its visibility. In addition, this portion of Pacific Coast Highway is not considered a first priority scenic highway, as the Malibu/Santa Monica Mountains Land Use Plan designates this section of the Highway as a second priority scenic segment.

In conclusion, the residence will not be visible from public viewing areas along the Zuma Ridge Trail or the Coastal Slope Trail, although it will be visible to a limited degree from Pacific Coast Highway. Additionally, visual impacts are further mitigated by the proposed orchard and other landscaping either existing or as proposed surrounding the residence, as part of the required landscape and erosion control/drainage plans.

Therefore, the project as conditioned above is consistent with Section 30251 of the Coastal Act.

D. Cumulative Effects of Development

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

(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 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.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence exists intensifies the use of a parcel raising potential impacts on

public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development maintaining and enhancing public access to the coast.

In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in the certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (certified Malibu/Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (Certified Malibu/Santa Monica Mountains Land Use Plan 1986, page 29).

Based on these policies, the Commission has limited the development of second dwelling units or those that appear to be a second dwelling unit. The proposed pool house is two stories with a small bathroom off to the side of a main recreation room with a fireplace and an upstairs study with a large deck. Although the application states the project is a pool house, the City of Malibu has designated this building as a guest house as part of their approval. The Commission considers the project to be a secondary dwelling unit.

Through hearing and voting on past permit actions, the Commission has established a maximum size of 750 sq. ft. for guest houses. As proposed, the 700 square foot pool/guest house is consistent with past Commission decisions. However, in order to ensure that no additions are made without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, which will require the applicant to obtain a new permit if additions or changes to the development are proposed in the future. As conditioned by special condition six (6), the guest house will be in conformance with Section 30250 of the Coastal Act.

The applicant also proposes to install a temporary trailer for living quarters during construction. The Commission, through past permit actions has considered such trailers to be second units and subject to the same consideration as guest houses. Because the applicant proposes the

construction of a guest unit, the trailer must be a temporary use only, to comply with the restriction to one accessory structure. To avoid the excessive cumulative impacts that would accrue if an additional second unit were permanently approved, the Commission finds that use of a trailer on site is acceptable only until the City issues a certificate of occupancy for the main residence. Special Condition seven (7) requires that the temporary trailer be removed after such issuance.

For these reasons, the Commission finds that, as conditioned, the proposed project is consistent with Sections 30250 and 30252 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. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

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

Section 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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

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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

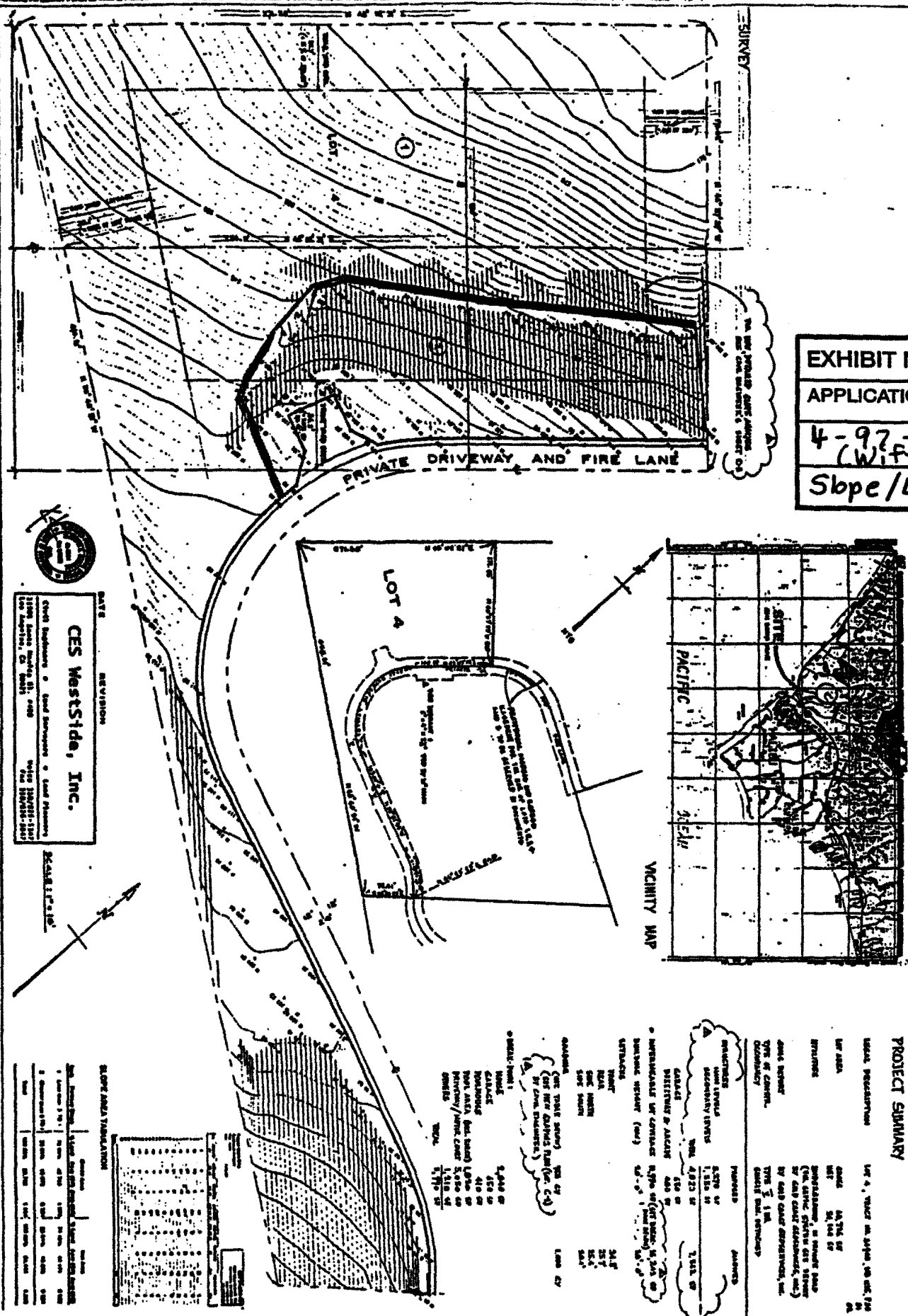
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

H. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate plans conforming to the consulting geologist's recommendations, wild fire waiver of liability, landscape and erosion control/drainage plans, agriculture plan, deed restriction on future development, and removal of construction trailer. 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 consistent with the requirements of CEQA and the policies of the Coastal Act.

EXHIBIT NO. 2
APPLICATION NO.
4-97-010 (Wiffen)
Slope/Location



CES Westside, Inc.

11000 Sunset Boulevard, Suite 100
Los Angeles, CA 90048
Tel: (310) 441-1100
Fax: (310) 441-1101

DATE **REVISION**

11/1/97	1	Initial Survey
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11/1/97	72	Final Survey
11/1/97	73	Final Survey
11/1/97	74	Final Survey
11/1/97	75	Final Survey
11/1/97	76	Final Survey
11/1/97	77	Final Survey
11/1/97	78	Final Survey
11/1/97	79	Final Survey
11/1/97	80	Final Survey
11/1/97	81	Final Survey
11/1/97	82	Final Survey
11/1/97	83	Final Survey
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11/1/97	85	Final Survey
11/1/97	86	Final Survey
11/1/97	87	Final Survey
11/1/97	88	Final Survey
11/1/97	89	Final Survey
11/1/97	90	Final Survey
11/1/97	91	Final Survey
11/1/97	92	Final Survey
11/1/97	93	Final Survey
11/1/97	94	Final Survey
11/1/97	95	Final Survey
11/1/97	96	Final Survey
11/1/97	97	Final Survey
11/1/97	98	Final Survey
11/1/97	99	Final Survey
11/1/97	100	Final Survey

A-1	SCOPE ANALYSIS/BOUNDARIES	NEW RESIDENCE FOR:
	PROJECT DATA	DR. & MRS. JOHN WHIFFEN
		6341 BUSCH DRIVE
		PACIFIC BEACH, CALIFORNIA 90265

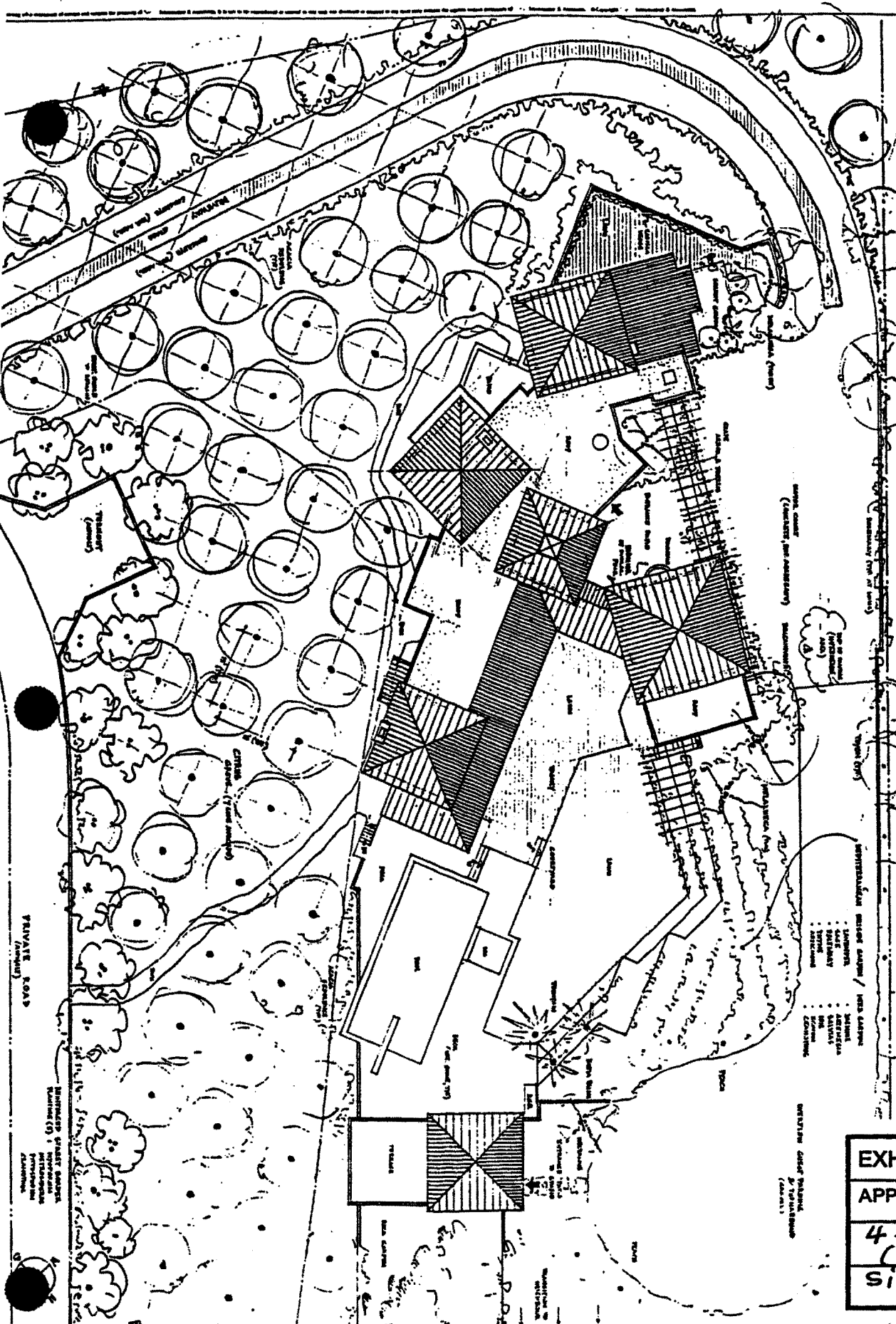


EXHIBIT NO. 3
APPLICATION NO.
4-97-010 (Wiffen)
Site Plan/Orchard

A-4

NEW RESIDENCE FOR:
 DR. & MRS. JOHN WHIFFEN
 6341 BUSCH DRIVE
 MALIBU, CALIFORNIA 90265

ROOF PLAN/LANDSCAPING

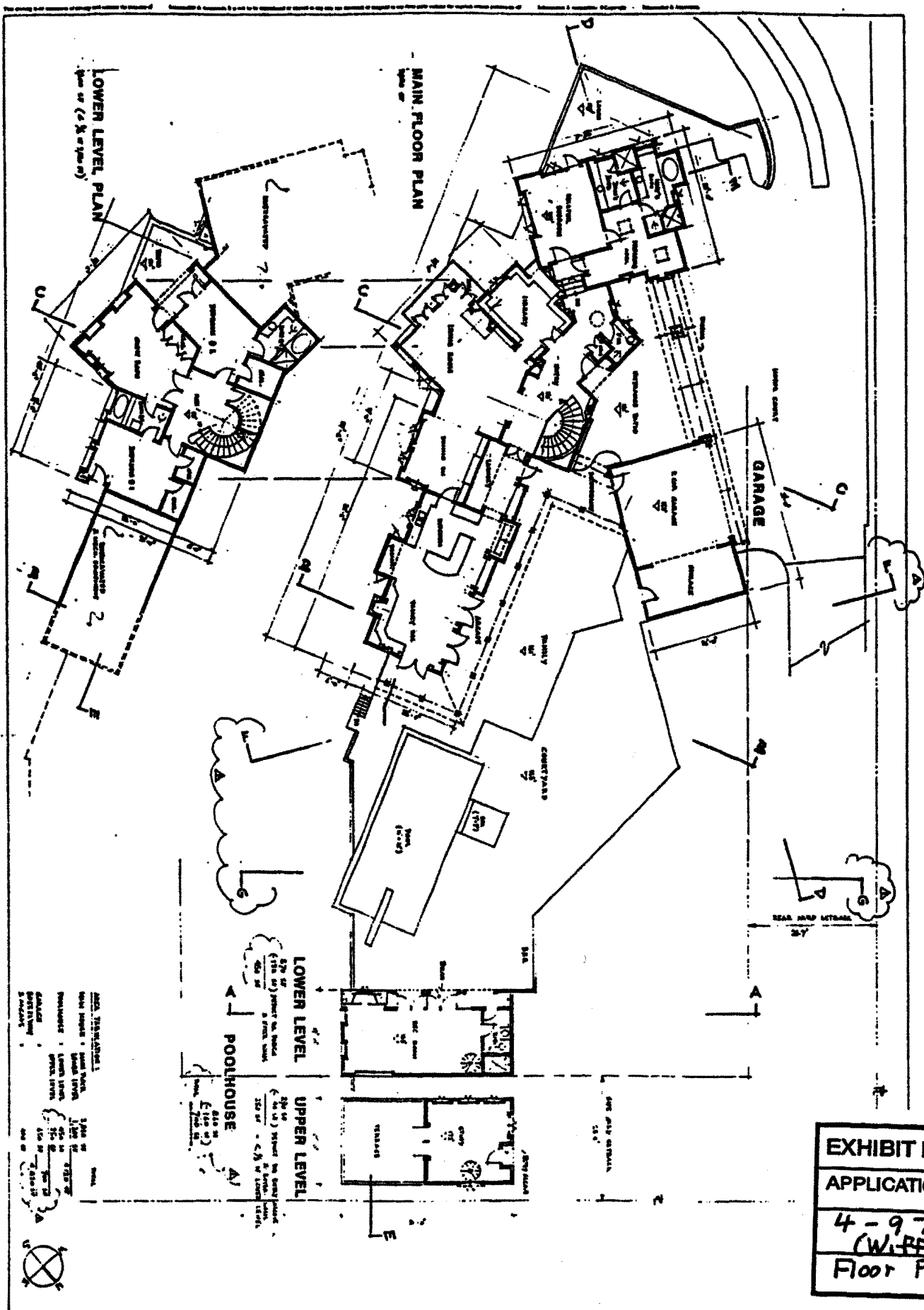


EXHIBIT NO. 4

APPLICATION NO.

4-97-010
(Whiffen)

Floor Plan

SOUTH ELEVATION

WEST ELEVATION

NORTH ELEVATION

NORTH ELEVATION

WEST ELEVATION

EXHIBIT NO. 4

APPLICATION NO.

4-97-010
(Written)

Elevations

ELEVATIONS

NEW RESIDENCE FOR:

DR. & MRS. JOHN WHIFFEN
6341 BUSCH DRIVE
MALIBU, CALIFORNIA 90265

A-7

