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## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
YORBA LINDA, CA 93001  
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Staff: J Johnson *ja*  
Staff Report: 6/17/97  
Hearing Date: 7/8-11/97  
Commission Action:  
7965ASTAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-163

APPLICANTS: Philip K. and Joan R. Embleton and Leo and Kathy Cullum

PROJECT LOCATION: 2848 Searidge Drive and 2900 Valmere Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct 2,228 sq. ft. two story single family residence with attached 960 sq. ft. two car garage and storage area, swimming pool and deck, septic system and three retaining walls, and a total of 600 cubic yards of grading, 400 cubic yards of cut, 200 cubic yards of fill onsite, and 200 cubic yards to be disposed of outside the coastal zone. The applicant is also requesting "after the fact" approval of a construction storage shed, grading of 50 cubic yards (included above) for a driveway, and a lot line adjustment involving two lots.

Lot Line Adjustment

	Applicant	Existing Lot Area	Proposed Lot Area	Assessor Parcel No.
Lot 1	Embleton	5,570 sq. ft.	12,080 sq. ft.	4457-19-19, 03
Lot 2	Cullum	2.32 acres	2.17 acres	4457-01-22

Proposed residence lot 1

Total building lot:	12,880 sq. ft.
Building coverage:	2,400 sq. ft.
Pavement coverage:	3,005 sq. ft.
Landscape coverage:	2,500 sq. ft.
Plan designation:	Rural Land II, III, and Residential I
Zoning:	one du / 5, 2 and 1 acres
Parking spaces:	2
Ht abv fin grade:	30 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions addressing landscape and drainage plans, future improvements, plans conforming to the geologic recommendation, applicant's assumption of risk, wildfire waiver of liability, design restrictions, removal of storage structure, and condition compliance to bring this project into compliance with the Coastal Act. The project site is located partially within and just outside of the El Nido Small Lot Subdivision west of Corral Canyon Road. The land proposed to be added to

the subject lot through the proposed lot line adjustment is located outside and adjacent to the El Nido Small Lot Subdivision. The donor lot includes a residence approved by the Commission in 1988. This is an after-the-fact permit request for a lot line adjustment that will more than double the size of the subject lot where the new single family residence is proposed. The residence is proposed as 2,228 sq. ft. with an attached 960 sq. ft. two-car garage and storage, within the maximum gross structural area (GSA) allowed by the Malibu/Santa Monica Mountains Land Use Plan.

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LOCAL APPROVALS RECEIVED: Los Angeles County Division of Building and Safety Approval for Lot Line Adjustment # 100,909, dated April 4, 1990; Los Angeles County Department of Regional Planning Approval in Concept for proposed residence, dated 12/3/96; and Los Angeles County Department of Health Services Approval, dated 6/24/96; Geology Approval, Los Angeles County Department of Public Works Materials Engineering Division, dated 7/17/96; Geotechnical Approval, Los Angeles County Department of Public Works Materials Engineering Division, dated 8/19/96.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits; 4-95-136, (Kaplan), 4-95-052 (Bardin), 5-89-434, (Skeisvoll), 5-88-553 (McManamy), 5-81-004, (Lacono and Blum); "Addendum Geology Report" by Mountain Geology, Inc., dated April 23, 1997; "Addendum Geology Report" by Mountain Geology, Inc., dated December 12, 1995; "Addendum Geology Report", by Mountain Geology, Inc., dated June 5, 1995; "Log of New Seepage Pit Boring ...", by Mountain Geology, Inc., dated January 9, 1995; "Updated Engineering Geologic Report", by Mountain Geology, Inc., dated October 20, 1994; "Engineering Geologic Memorandum", by Mountain Geology, Inc., dated June 22, 1993; "Updated Engineering Geologic Report", by Mountain Geology, Inc., dated February 15, 1993; "Addendum Engineering Geologic Report", by Mountain Geology, Inc., dated July 18, 1991; "Updated Engineering Geologic Investigation", by Mountain Geology, Inc., dated May 10, 1990; "Preliminary Engineering Investigation", by Mountain Geology, Inc., dated February 8, 1988; "Addendum Geotechnical Engineering Report No. 2 Proposed Residential Development" by Coastline Geotechnical Consultants, Inc., dated May 15, 1996; "Addendum Geotechnical Engineering Report" by Coastline Geotechnical Consultants, Inc., dated January 2, 1996; "Supplemental Geotechnical Engineering Investigation Report", by Coastline Geotechnical Consultants, Inc., dated June 30, 1995; "Soils Investigation Proposed Lot Line Adjustment and Single Family Residence", by Coastline Geotechnical Consultants, Inc., dated June 11, 1990; "Soils Engineering Investigation", by West Coast Soils, dated March 4, 1988; "Cumulative Impacts of Small Lot Subdivision Development in the Santa Monica Mountains Coastal Zone", by the Coastal Commission and Santa Monica Mountains Comprehensive Planning Commission, dated January 1979.

#### STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

##### I. 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. LANDSCAPE/EROSION CONTROL AND DRAINAGE PLANS

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a landscape / erosion control plan designed by a licensed landscape architect and a drainage plan designed by a licensed engineer. 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 according to the submitted landscape plan within ninety (90) 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 of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled "Recommended Native Plant Species for Landscaping Wildland Corridors 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 ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including the existing graded driveway and pads. Plantings shall include vertical elements to screen and soften the visual impact of the residence as seen from Corral Canyon Road to the east.
- 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) The drainage plan shall illustrate that run-off from the roof, patios, driveway and all other impervious surfaces on the subject parcel and along the driveway will be collected and discharged in a non-erosive manner which avoids ponding on the site. Site drainage shall not be accomplished by sheet-flow runoff. Should the residential project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

## 2. FUTURE IMPROVEMENTS RESTRICTION

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 the subject permit is only for the development described in the Coastal Development Permit No. 4-96-163; and that any future structures, additions or improvements to the property, including the residence and garage/storage structure, but not limited to clearing of vegetation, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards consistent with special condition number one (1) is permitted. 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 being conveyed.

## 3. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the Geotechnical Engineering Reports and Addenda, prepared by Coastline Geotechnical Consultants, Inc., and Preliminary Engineering Geologic Report, Addenda and Updates, by Mountain Geology, Inc. shall be incorporated into all final design and construction plans including grading, foundations, footings, temporary excavations, sewerage disposal, lateral design, expansive soils, retaining walls, floor slabs, and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for

review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultants 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 consultants shall require an amendment to the permit or a new coastal permit.

#### 4. APPLICANT'S ASSUMPTION OF RISK

Prior to 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 from erosion and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

#### 5. WILDFIRE 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. 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 residence, garage, and roofs to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structures approved in this permit, 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 being conveyed.

#### 7. REMOVAL OF STORAGE STRUCTURE

With the acceptance of this permit, the applicant shall agree that the "temporary construction storage shed" on the site shall be removed within 60 days of receipt by the applicants of the certificate of occupancy from Los Angeles County.

## 8. CONDITION COMPLIANCE

All requirements specified in the above conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 120 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will nullify this permit approval.

### IV. Findings and Declarations

The Commission hereby finds and declares as follows:

#### A. Project Description and History

The project site is located within a partially developed subdivision, El Nido Small Lot Subdivision, about one mile inland along the west facing slope of Dry Canyon. The lot is accessed from Corral Canyon Road, Sea Breeze, and Searidge Drives. (Exhibits 1 and 2)

The applicants propose two projects through this coastal development permit. First, a lot line adjustment is proposed between two existing lots, one located within the El Nido Small Lot Subdivision and one larger lot located adjacent and outside the Subdivision. The smaller lot, Lot 1, is vacant and the larger lot, Lot 2, includes an existing residence. This lot line adjustment was recorded in 1990 without the benefit of a coastal development permit and is considered 'unpermitted'. (Exhibits 3 and 4)

The second project is a proposed two story, 2,228 sq. ft., two story single family residence with attached 960 sq. ft. two car garage and storage area, swimming pool and deck, septic system and three retaining walls, and 600 cubic yards of grading (400 cubic yards of cut, 200 cubic yards to be filled on site and 200 cubic yards to be disposed of outside the coastal zone). Two portions of this project include unpermitted 'as built' developments including a construction storage shed, and about 50 cubic yards of grading (included above) for a driveway. (Exhibits 5 - 12)

The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) designates the site as; Rural Land II (marked 4, on Exhibit 3), III (marked 5), and Residential I (marked 6), allowing one dwelling unit (du) per five (5), two (2), and one (1) acres, respectively. Surrounding the project site are existing residences and a vacant lot to the west. To the east of the site is Corral Canyon Road. Solstice Canyon Park - Santa Monica Mountains Conservancy is located about one third of a mile to the south beyond the existing El Nido subdivision. There are no significant environmental resources on the site, although the designated environmental sensitive habitat area (ESHA) along Dry Creek, a significant woodland, is located about 250 feet from the building site in the canyon, which is about 75 feet below the project site. As a result, Los Angeles County determined that the development site is exempt from review by the Environmental Review Board.

#### B. New Development / Cumulative Impacts

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 30105.5 of the Coastal Act defines the term "cumulatively", as it is applied in Section 30250(a) to mean that:

... the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

1. Lot Line Adjustment

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development in the Santa Monica Mountains Coastal Zone".

The study acknowledged that the existing small lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of those areas that include: geologic hazards, road accessibility, degradation of water quality, disruption of community character, creation of unreasonable fire hazards, among others.

Following an intensive one year planning effort by Commission staff, including five months of public review and input, new development standards relating to residential development on small lot on hillsides, including the Slope-Intensity/Gross Structural Area Formula (GSA) were incorporated into the Malibu District Interpretative Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2).

This LUP policy (271) also addresses lot line adjustments and land divisions and has been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act. Policy 271 states, in part, that:

New development in the Malibu Coastal Zone shall be guided by the Land Use Plan Map and all pertinent overlay categories. The land use plan map is inserted in the inside back pocket ...

The land use plan map presents a base land use designation for all properties. Onto this are overlaid three resource protection and management categories: (a) significant environmental resource areas, (b) significant visual resource areas, and (c) significant hazardous areas. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein. Residential density shall be based on an average for the project; density standards and other requirements of the plan shall not apply to lot line adjustments. (emphasis added)

The Coastal Act requires that new development, including land divisions, be permitted within contiguous, or in close proximity to existing developed areas or if outside such areas, only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu and Santa Monica Mountains area in past permit actions. The Commission has reviewed land division applications to ensure that newly created or reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots can minimize landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of the large number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

The project site is located within the El Nido Small Lot Subdivision and outside and adjacent in a separate subdivision. The existing lots within the El Nido Subdivision range in size from about 4,000 to about 11,000 square feet. The characteristics of the small lot portion of the project site are that the average slope is about 25 percent (25%), is 5,570 sq. ft. in size, and is covered with grasses. The second larger lot involved in the lot line adjustment is adjacent and outside the El Nido subdivision. The characteristics of the larger lot are that the lot is 2.32 acres (gross), is also about 25 percent (25%) slope and is covered with grasses. The applicants propose to adjust the size of these lots to result in 12,080 sq. ft. and 2.17 (gross) acres, respectively. (Exhibit 4, Lot Line Adjustment Map Number 100,909) The larger lot was approved by the Commission in 1981 (CDP # 5-81-4, Lacono and Blum) as part of a three lot subdivision (Parcel Map 15290). This lot also includes a residence approved by the Commission (CDP # 5-88-553, McManamy).



In past permit actions, the Commission has looked to the land use designations of the certified Malibu/Santa Monica Mountains Land Use Plan for guidance on the maximum allowable density and intensity of land use that may be permitted in any particular area. The Land Use Plan designated the proposed project site for three density categories: one, Residential I which allows one dwelling unit per one acre of land; two, Rural Land II which allows one dwelling unit per two acres of land; and three, Rural Land III which allows for one dwelling unit per five acres of land.

Based on these density designations, the majority of the larger parcel is designated as Residential I (about 1.6 acres), while the remainder is designated as Rural Land III (about 0.7 acres). About 0.15 acres of the 2.32 acre lot (gross size) is proposed to be adjusted to the smaller lot. The smaller parcel is designated as Rural Land II. The result of the proposed lot reconfiguration is that a small portion of the larger lot which is designated Residential I will be added to the small non-conforming lot. Due to the split LUP designations, the larger lot cannot be divided before or after the proposed adjustment. The small lot, designated Rural Land II, as adjusted, will be less non-conforming at about one quarter acre in size, while maintaining the overall density of the proposed project site. Further, this small lot will be increased in size to more closely conform to LUP density standards of two dwelling units per acre. While the proposed lot line adjustment will result in adding to the land area of the proposed project site, and therefore, increase the maximum allowable GSA of the smaller lot, it will also not affect the density of the larger lot. As noted above, the larger lot is outside of the El Nido Small Lot Subdivision. Further, the proposed lot line adjustment will allow the siting of the residence further up the lot from Searidge Drive. The residence will be located across the existing lot boundary on both the existing small lot and the lot area to be adjusted. Thus, the proposed lot line adjustment will result in lots which are more closely conforming to the LUP Designations and will not increase or have the potential to increase lot density. Therefore, the Commission finds that the proposed lot line adjustment is consistent with Section 30250 of the Coastal Act.

## 2. Proposed Residence GSA Calculation

Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan suggests that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable gross structural area (GSA) of a residential unit. The Commission, in numerous past permit actions, has used this formula to limit the size of residences in small lot subdivisions pursuant to Section 30250 of the Coastal Act. The basic concept of the formula assumes that the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development of steep slopes has a high potential for adverse impacts on coastal resources.

### SLOPE INTENSITY FORMULA

$$GSA = (A/5) \times ((50 - S)/35) + 500$$

GSA is the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A is the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S is the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I is the contour interval in feet, at not greater than 25 foot intervals, resulting in at least 5 contour lines.

L is the total accumulated length of all contours of interval "I" in feet.

A is the area being considered in square feet.

The subject lot is located within the El Nido small lot subdivision. Residences in this area are limited in size by the GSA formula. The applicant is proposing to add additional land area to the small lot by adjusting land from the adjoining parcel through the lot line adjustment.

Staff has calculated the GSA for this lot at 2,244 square feet. Since the residence is proposed at 2,228 square feet, the square footage of the residence is within the maximum allowable GSA. The applicant's proposed three car garage was approved by Los Angeles County as a two car garage with one garage bay considered to be storage. The third car bay of this garage structure does not qualify, according to the County, as a garage bay for the purpose of parking an automobile, because there is not adequate backup space for a car backing out of the garage between the garage bay opening and the residence stairway and fountain, which are directly behind the garage entrance. However, the applicant proposes to construct the garage so that it's design will appear as a third entrance bay while still allowing for the parking of a smaller car. This additional parking area or storage is not located in the residence and is located at an elevation level eleven (11) feet below the first floor of the residence. As a result, the garage storage space is not included in the GSA calculation for the residence as the garage storage area is designed for the storage of a car consistent with the definition of GSA. Therefore, the proposed residential gross structural area is within the maximum GSA provided by the slope-intensity formula for this lot.

Some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Many of the lots in these areas are so steep or narrow that they can not support a large residence without increasing or exacerbating the geologic hazards on and/or off site. Additional buildout of small lot subdivisions affects water

usage and has the potential to impact water quality of coastal streams in the area. Other impacts to these areas from the buildout of small lot subdivisions include increases in traffic along mountain road corridors and greater fire hazard. For all these reasons, as this lot is within a small lot subdivision and further structures, additions or improvements to the residence and garage/storage structure could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission finds it necessary for the applicant to record a future improvements deed restriction on this lot (Condition number 2) which would require that any future structures, additions or improvements, beyond those proposed now, would require review by the Commission to ensure compliance with the policies of the Coastal Act regarding cumulative impacts and geologic hazards. At that time, the Commission can ensure the new project complies with the guidance of the GSA formula and is consistent with the Coastal Act.

The applicants propose to construct an unpermitted 'as built' temporary storage shed located near the garage to be used during construction. Once construction is complete, the applicants propose to remove this temporary structure. This area will be landscaped as required by condition number one (1). The Commission finds it necessary to require the removal of the temporary storage structure within 60 days of the applicant's receipt of the certificate of occupancy from Los Angeles County, as required by condition number seven (7) to reduce potential cumulative impacts by exceeding the maximum GSA allowed on this site. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act section 30250.

### C. Hazards

Section 30253 of the Coastal Act states:

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 Santa Monica Mountains, within and outside of the El Nido Small Lot Subdivision, 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.

Regarding the proposed lot line adjustment, the proposed lot configurations will allow for a larger residence. The building site on this expanded parcel is located across the existing small lot onto the land to be added from the larger lot. However, the additional land area to be added may allow for the construction of a larger residence that may bring the residence closer to a historic landslide feature located on the both parcels. The existing larger parcel already includes a residence.

## 1. Geologic Hazards

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 hazard, the applicants submitted two geologic reports with numerous addenda, the first is titled "Preliminary Engineering Geologic Report", dated February 8, 1988, Updated May 10, 1990, Addenda dated July 18, 1991, February 15, 1993, June 22, 1993, October 20, 1994, January 9, 1995, December 12, 1995, April 23, 1996, and June 5, 1996, prepared by Mountain Geology, Inc.

The property is a partially graded hillside located north of Pacific Coast Highway, west and downhill of Corral Canyon Road, east and uphill of Searidge Drive within a partially developed neighborhood. Physical relief on the property is about 30 feet with slopes ranging from nearly level in the area of the access road and pad to as steep as 1:1 on the cut slope adjacent to Searidge Drive and the driveway. The average slope gradient is about 5:1, according to the geologist.

These reports identified two geologic structures to consider. First, the building site was identified to overlay a sedimentary bedrock termed 'creep-prone bedrock' in the May 10, 1990 update.

The earth materials underlying the subject property consist of minor fill and soil over sedimentary bedrock as described in the preliminary report. However, a thin profile of weathered, creep-prone bedrock was observed in the two additional test pits excavated during our updated investigation. The creep-prone bedrock is described as siltstone and shale which is tan and medium brown, locally soft, and contains some soil-filled fractures.

It is recommended that the proposed cut pad be excavated to a depth that will remove creep-prone bedrock materials and allow the proposed residence and retaining wall foundations to be founded in hard bedrock.

Second, additional borings in the January 9, 1995 update identified an erosional remnant of a prehistoric landslide.

The earth materials underlying the proposed residence site consist of fill and soil over sedimentary bedrock as described in our preliminary report. An erosional remnant of a prehistoric landslide was encountered in the upper 16 feet of Boring 2. The prehistoric landslide remnant consists of shale bedrock (siltstone and mudstone) which are tan, brown, and greenish brown, moderately hard, thinly bedded, fractured, and moderately to very weathered. ... The landslide failed down shallow north-dipping bedding into a west-trending secondary canyon. Since the original failure, the majority of the landslide mass has been eroded away.

According to the June 1995 updated geology map, the northeast corner of the proposed residence will be located about four feet away from the southern edge of the landslide. This June 1995 Addendum concluded:

Based upon our exploration and experience with similar projects, construction of the proposed residence and use of the seepage pit is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction.

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 use of the private sewerage disposal system will have no adverse effect upon the site or adjacent properties.

The recommendations in this geology report address the following issues: grading, retaining walls, foundation setback, temporary excavations, sewerage disposal, drainage, and plan review.

The County of Los Angeles Department of Public Works Materials Engineering Division has completed their review of the geology reports by Mountain Geology, Inc. and approved the plans from a geological standpoint on 7/17/96.

The second geotechnical engineering report and numerous addenda titled "Soils Engineering Investigation" dated March 1988 by West Coast Soils was updated as "Soils Investigation", dated June 11, 1990 and prepared by Coastline Geotechnical Consultants, Inc. The Coastline report states:

Based on the findings of our investigation, the site is considered to be suitable from a soils engineering standpoint for the construction of a custom, single family residence, provided the recommendations included herein are followed and integrated into the building plans.

The recommendations in this report address the following issues: foundations, lateral loads, creep, retaining walls, drainage, floor slabs-on-grade, and grading.

The County of Los Angeles Department of Public Works Materials Engineering Division has completed their review of the geotechnical engineering reports and approved the plans from a geotechnical engineering standpoint on 8/19/96. The approval also noted that the onsite landslide should be considered a restricted use area.

Based on the findings and recommendations of the consulting engineering geologist and engineer, the Commission finds that the development is consistent with geologic hazard policy of Section 30253 of the Coastal Act 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 have been certified in writing by the consulting Engineering Geologist and engineer as conforming to their recommendations, as noted in condition number three (3) for the final project design and drainage plans for the proposed project.

In addition, because of the landslide and erosion hazards on the property, 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 project location on a hillside lot that includes a portion of a landslide and a building site located on creep-prone bedrock, is in an area subject to extraordinary potential for damage or destruction from landslides, earth movement and erosion. The Commission can only approve the 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 this hillside site that may affect the stability of the proposed development. Condition number four (4) requires the applicant to assume these risks by waiving all Commission liability.

## 2. Wildfire Hazards

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act 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. The property has burned in the last 10 - 30 years according to a map by the Office of Emergency Services and Federal Emergency Management Agency (OES - FEMA), dated 9/21/94. 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).

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

## D. Scenic and 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.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan includes numerous policies which are applicable to the proposed development.

These policies include: minimizing alterations of physical features, such as ravines and hillsides; site and design new development to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands; structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; in highly scenic areas 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; and site structures to conform to the natural topography, as feasible.

As previously stated, this project involves the construction of a 30 foot high, 2,228 square foot, two story single family residence and an attached 960 sq. ft. two car garage and storage area, cut into a hillside. The site includes an 'as built' graded driveway. The amount of grading to prepare the building site and driveway is minimal, comprising of 400 cubic yards of cut, 200 cubic yards of fill to be disposed outside the coastal zone and 200 cubic yards of fill to be retained onsite primarily along retaining walls. All material spread on the site will be landscaped as required by condition number one (1) to minimize erosion of the fill material. Minimizing grading and landform alteration is clearly consistent with the Coastal Act and the guidance provided by the Malibu/Santa Monica Mountains Land Use Plan (LUP) policies regarding landform alteration.

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 LUP protects visual resources in the Santa Monica Mountains. Corral Canyon Road is recognized as a second priority Scenic Highway and Solistice Canyon is recognized as a first priority Viewshed which is given special treatment when evaluating potential impacts caused by new development. A Significant Ridgeline is located to the east of Corral Canyon Road. Dry Canyon is the north east canyon within Solistice Canyon Park - Santa Monica Mountains Conservancy. The project site is located along the eastern slope of Dry Canyon below Corral Canyon Road and the significant visual ridgeline designated in the LUP. The proposed project is located between Searidge Drive and the end of Valmere Drive within and beyond the El Nido Small Lot Subdivision.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence and garage 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 proposed two story residence will be visible from limited portions of Corral Canyon Road to the east; the site is about 150 feet below the Road to the immediate east. The site is not visible from Pacific Coast Highway, well below the Canyon, at an elevation about 700 feet lower.

Regarding public trails, an existing hiking trail, the Dry Creek Trail, is located about one third of a mile south of the project site. Due to the distance, the lower elevation of the trail, and the intervening residences and

trees between the site and the trail, public views from this trail of the proposed residence will not occur. Another trail, the Rising Sun Trail, is located to the west about a half mile of the site behind a ridgeline; the residence will not be visible from this trail.

Because the site is near a significant ridgeline and will be visible from portions of Corral Canyon Road, mitigation to address potential visual impacts is needed. The proposed two story residence, garage, and roof will be less visually intrusive through the use of earth tones for the structures and roofs and non-glare glass which helps the structures blend in with the natural setting. The Commission finds it necessary to impose condition number six (6), design restrictions, to restrict the color of the subject structures to those compatible with the surrounding environment and prohibit the use of white tones, while requiring the use of non-glare glass windows.

Furthermore, in order to ensure that future additions, which might otherwise be exempt from coastal permit requirements, are reviewed for compliance with Section 30251 of the Coastal Act, the Commission finds it necessary to require that any future developments will require Commission review as provided by condition number two (2).

Although there is no way to fully screen the residence from Corral Canyon Road, it is possible to partially screen the proposed structure by requiring the applicant to landscape the site with native plants, compatible with the surrounding environment and designed to screen and soften the visual impacts of the development. The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of new development in the Santa Monica Mountains. The use of native plant materials to revegetate graded or disturbed areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs, and soften the appearance of development within areas of high scenic quality. Condition number one (1) requires that the landscape plan be completed within thirty (90) days of residential occupancy and that planting coverage be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. The landscaping plan shall include vertical elements to break up the view of the proposed structures as seen from the east. Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast, and thus, is consistent with Section 30251 of the Coastal Act.

#### E. Septic Systems

The proposed development includes the construction of a septic system. The Commission recognizes that the potential buildout of lots in the Santa Monica Mountains, 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, and minimizing alteration of natural streams.



In addition, the Malibu/Santa Monica Mountains Land Use Plan includes policies addressing sewage disposal: wastewater management operations within Malibu Coastal Zone shall not degrade streams or adjacent coastal waters; the construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes; 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 applicant proposes to install a septic tank and seepage pit to accommodate the sewage of the proposed development. The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Building Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coast, the depth of groundwater, etc.

The consulting engineer has reviewed the site and concluded that the construction of a septic system will not adversely affect the proposed site or the adjacent properties, provided the system is constructed in conformance with the requirements of Los Angeles County. The Commission therefore finds that the project is consistent with Section 30231 of the Coastal Act.

#### F. Violation

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

Because a portion of the proposed project includes unpermitted development (lot line adjustment, storage shed, and driveway and grading) and requires a coastal permit in order to be in conformance with the Coastal Act. The Commission finds it necessary to require the applicants to fulfill all of the special conditions as a prerequisite to the issuance of this permit, as required by special condition number eight (8) within a reasonable period of time, within 120 days of Commission action. Only as conditioned is the proposed development consistent with Sections 30231, 30250, 30251 and 30253 of the Coastal Act.

#### G. Local Coastal Program.

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. On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. The certified LUP contains policies to guide the types, locations, and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding new development, visual issues, geologic and fire hazards, and septic systems. As conditioned, the proposed development will not create adverse impacts and is consistent with the policies contained in

the LUP. 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 implementation program for Malibu and the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act (CEQA)

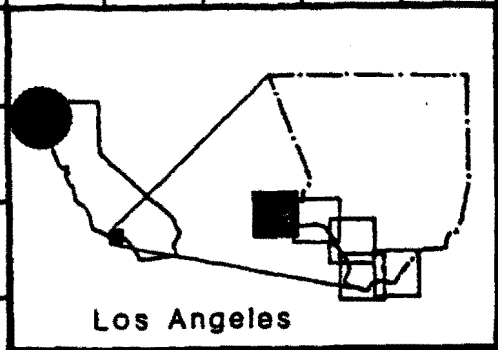
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any 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 conditions addressing coastal issues discussed above. As conditioned, there are no mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project has been determined to be consistent with CEQA and the policies of the Coastal Act.

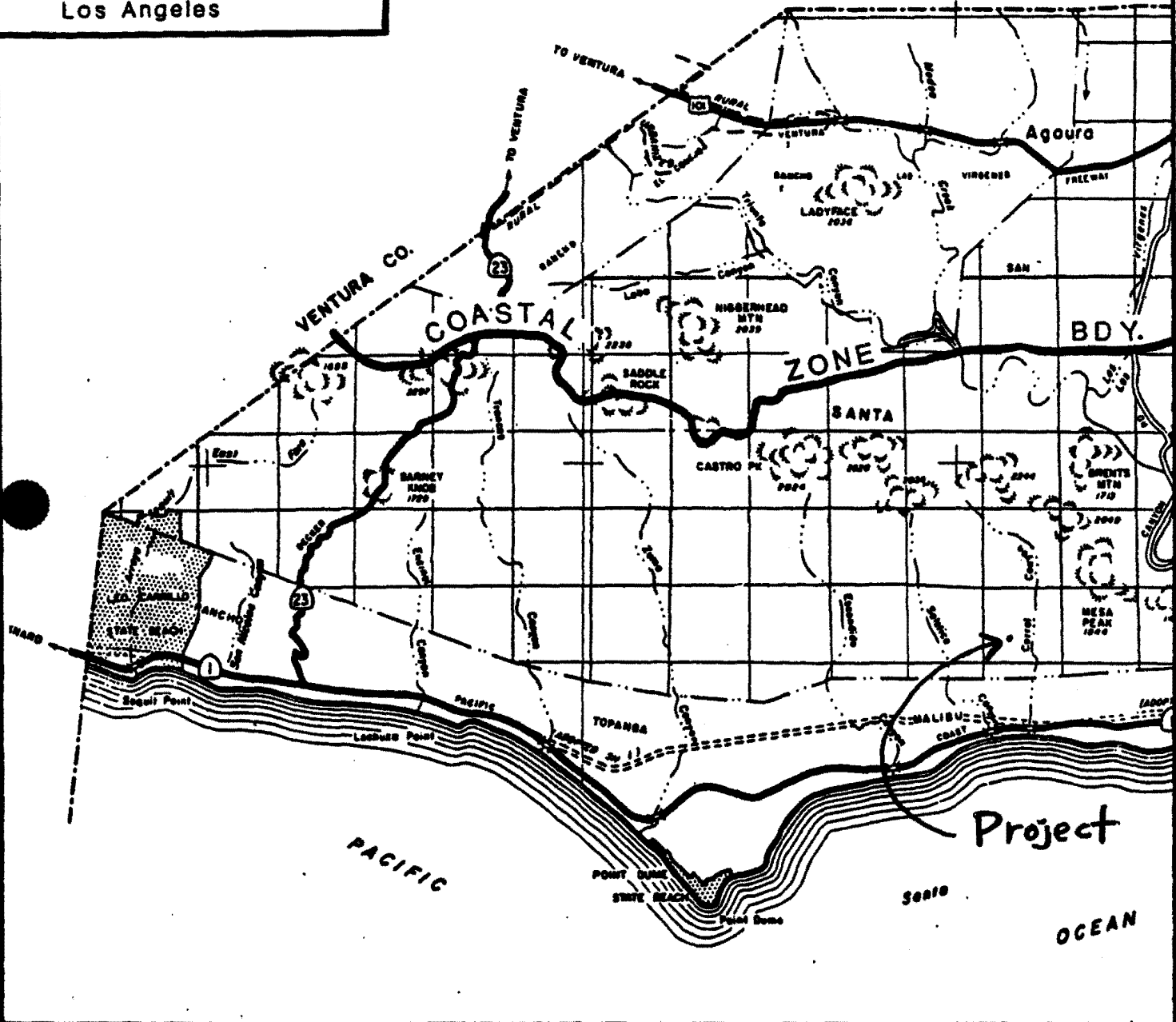
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Los Angeles



California Coastal Commission  
County of Los Angeles

# LOCATION MAP



EXHIBIT NO.	1
APPLICATION NO.	4-96-163
Project	
Location	

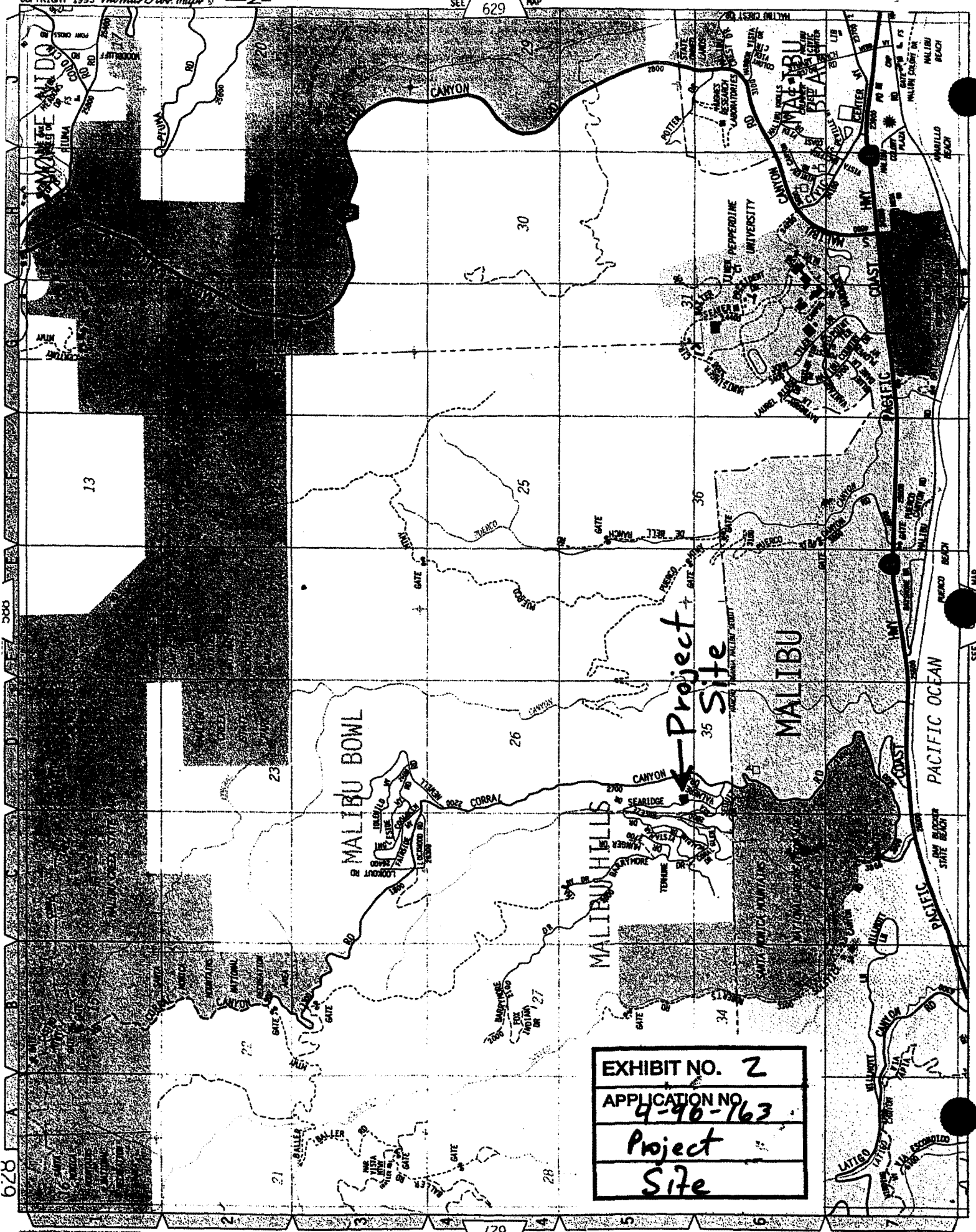


EXHIBIT NO. 2

APPLICATION NO. 4-96-163

Project Site

BOUNDARY PLAN  
LAND USE  
BOUNDARY

CORRAL CANYON ROAD

Area of  
Lot 2 to  
be added to  
Lot 1

LOT 2

SUB-DIVISION

VALMERE DR

SEARIDGE DR

LOT 1

SMALL LOT

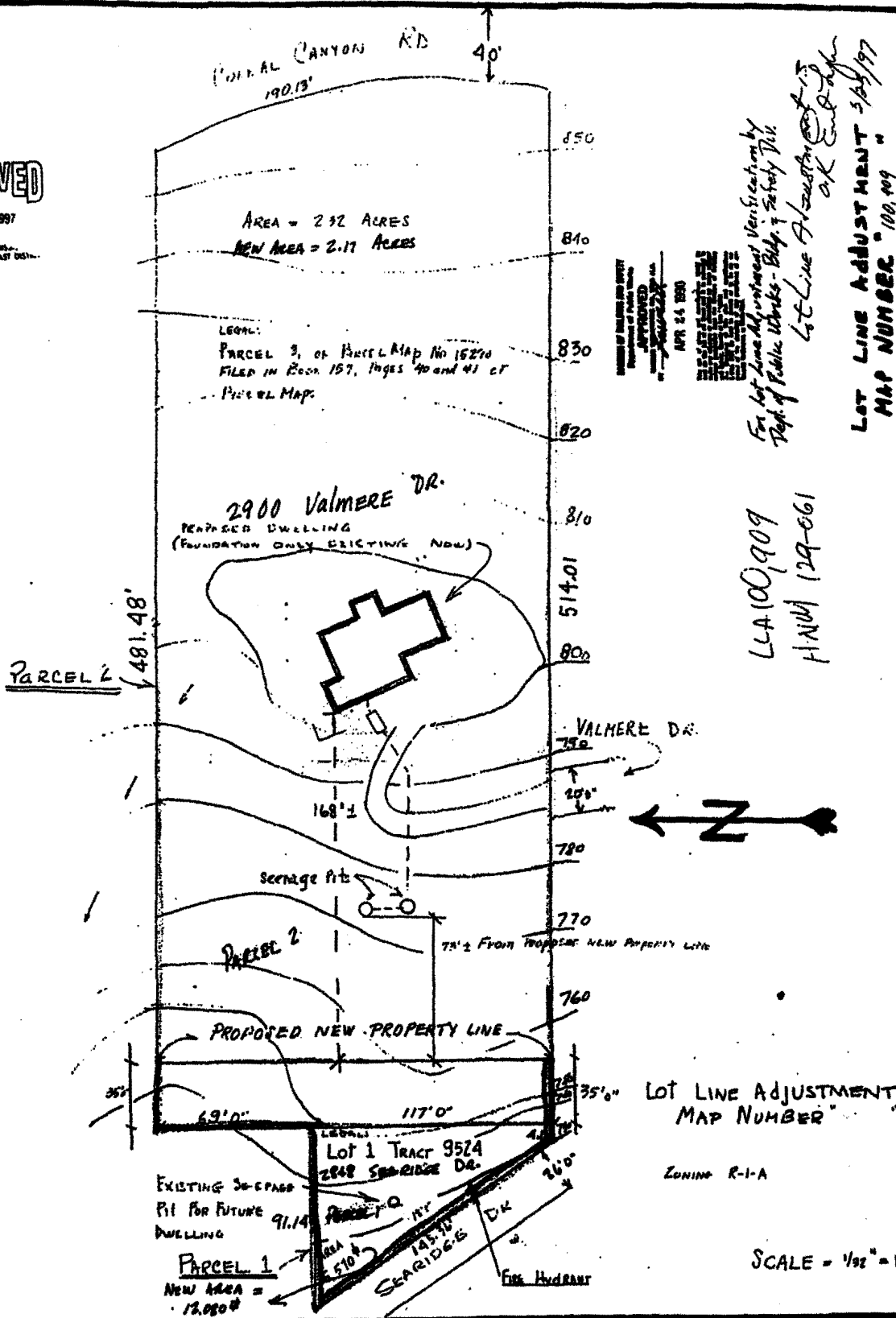
EL NIDO

EXHIBIT NO. 3
APPLICATION NO. 4-96-163
Project
Lots

**RECEIVED**

MAR 26 1997

COUNTY OF LOS ANGELES  
SOUTH CENTRAL COAST DIST.



FOR LOT LINE ADJUSTMENT VERIFICATION BY  
DEPT. OF PUBLIC WORKS - BUREAU OF SURVEYING  
APPROVED  
APR 24 1997

LLA 100,009  
FIN 129-061

For Lot Line Adjustment Verification by  
Dept. of Public Works - Bureau of Surveying  
Lot Line Adjustment  
LOT LINE ADJUSTMENT 3/24/97  
MAP NUMBER 100,009

ZONING R-1-A  
OWNERS - Phil & Joan Embleton  
SCALE = 1/32" = 1'0"

4-16-90

RECEIVED	DATE	TIME	BY	REMARKS

**LOT LINE ADJUSTMENT**  
**Lot 1, Tract 9524**

**OWNERS**  
Phil & Joan Embleton  
2847 SEARIDGE DR.  
MALIBU CAL 90265  
213 456-5620

**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**4-96-163**  
**Lot Line**  
**Adjustment**

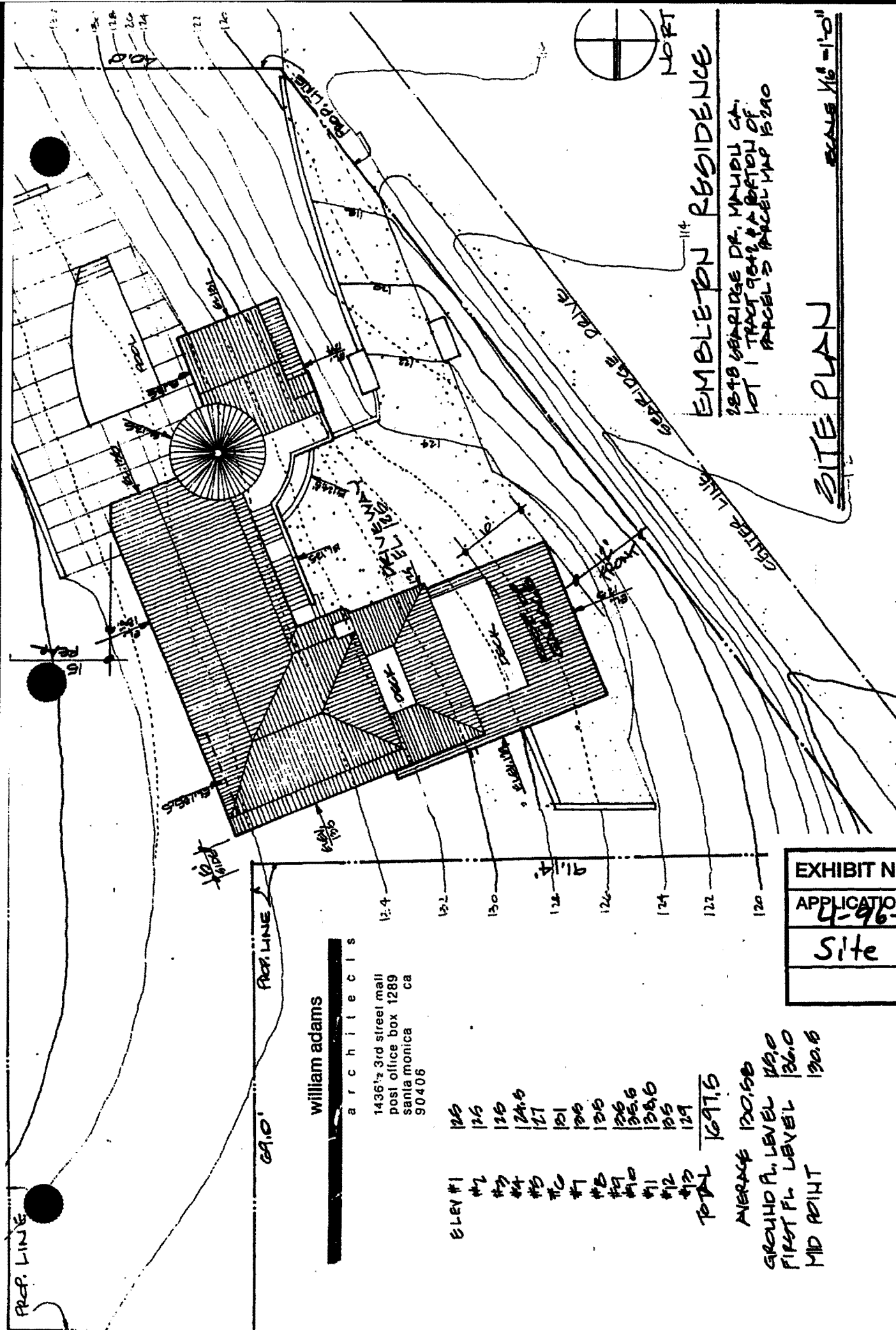
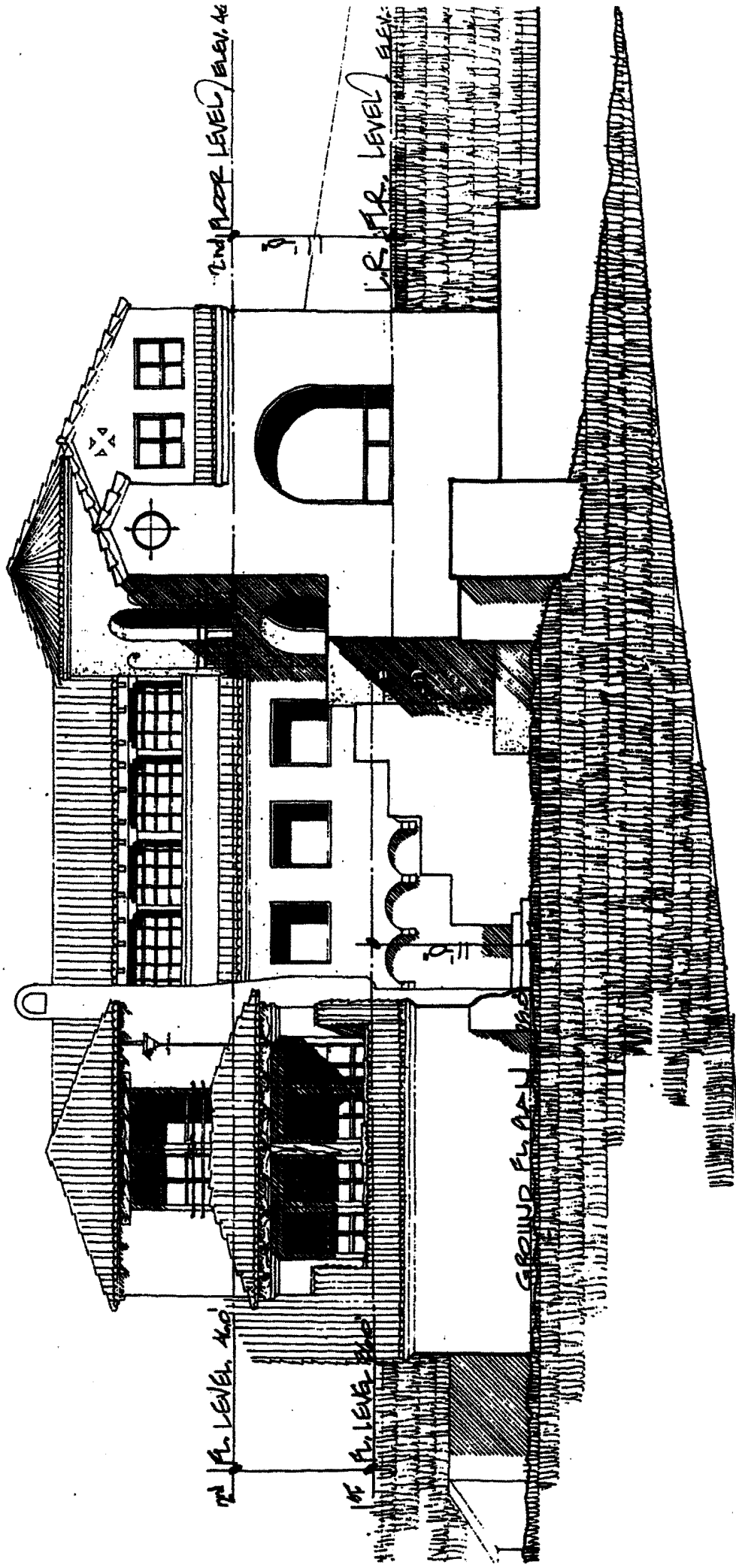


EXHIBIT NO. 5  
 APPLICATION NO. 4-96-163  
 Site Plan

william adams  
 architects  
 1436 1/2 3rd street mall  
 post office box 1289  
 santa monica ca  
 90406

ELEV #1	126
#2	126
#3	126
#4	124.6
#5	127
#6	131
#7	130
#8	126
#9	126.6
#10	126.6
#11	126.6
#12	126
#13	129
TOTAL	1697.6
AVERAGE	130.58
GROUND FL. LEVEL	129.0
FIRST FL. LEVEL	136.0
MID POINT	130.6





WEST ELEVATION

scale 1" = 10'

EXHIBIT NO. 6
APPLICATION NO. 4-96-163
West Elevation



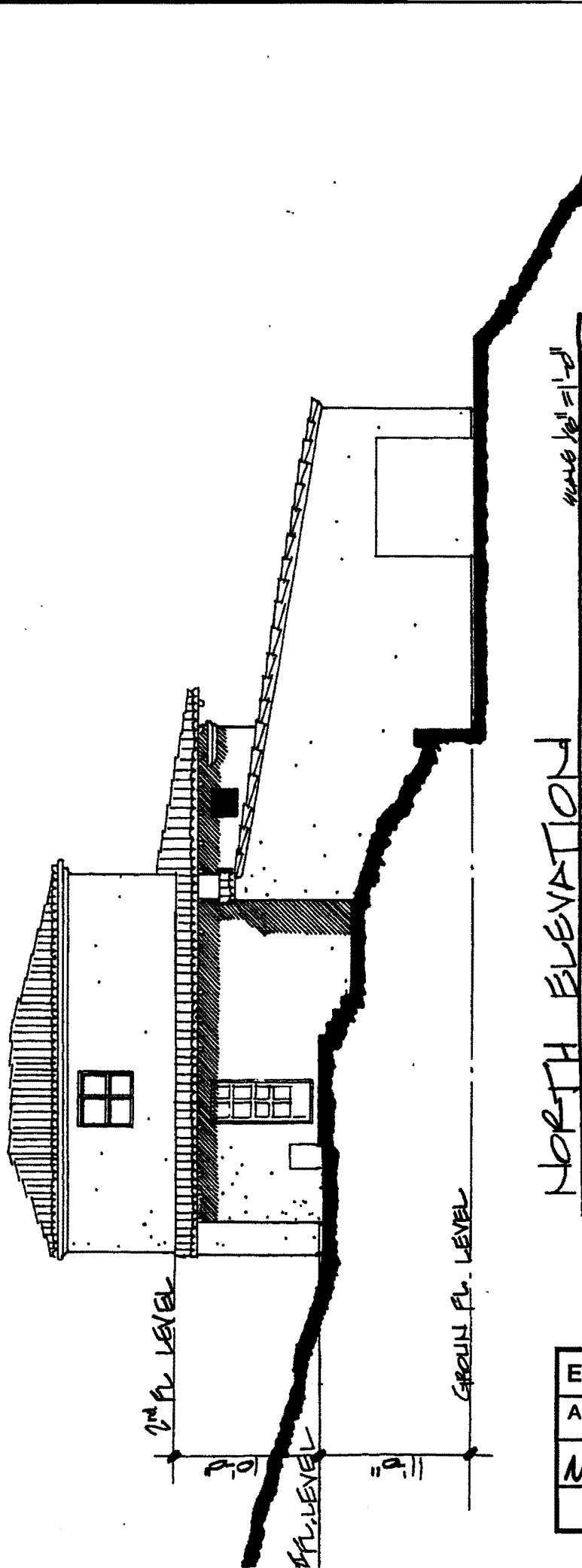
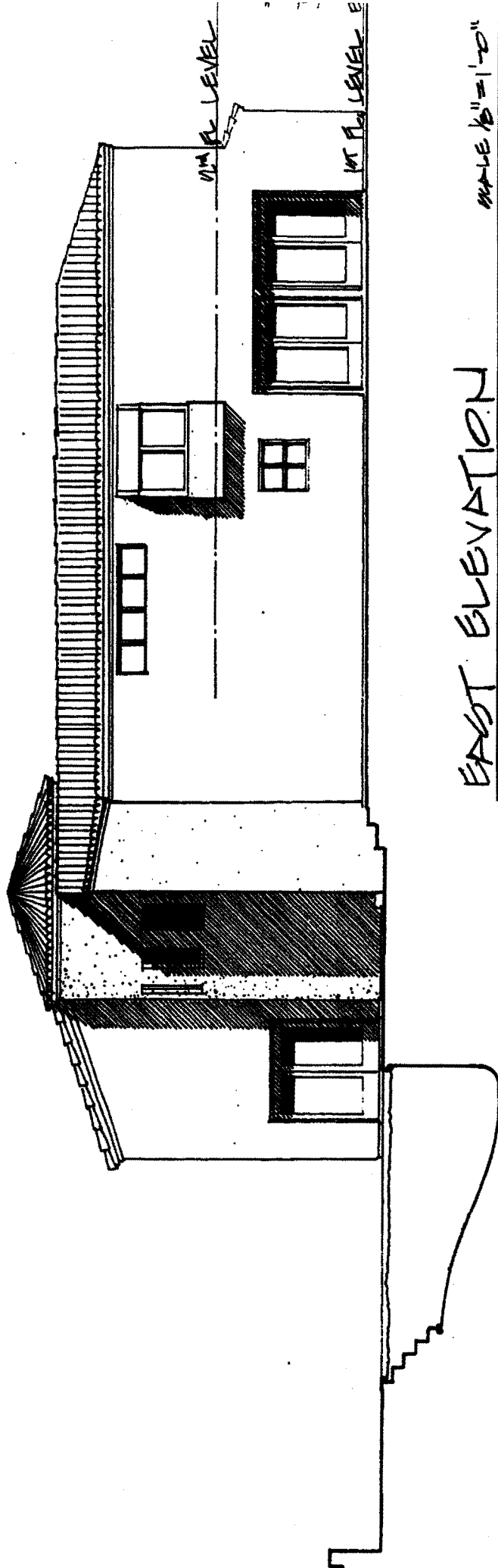


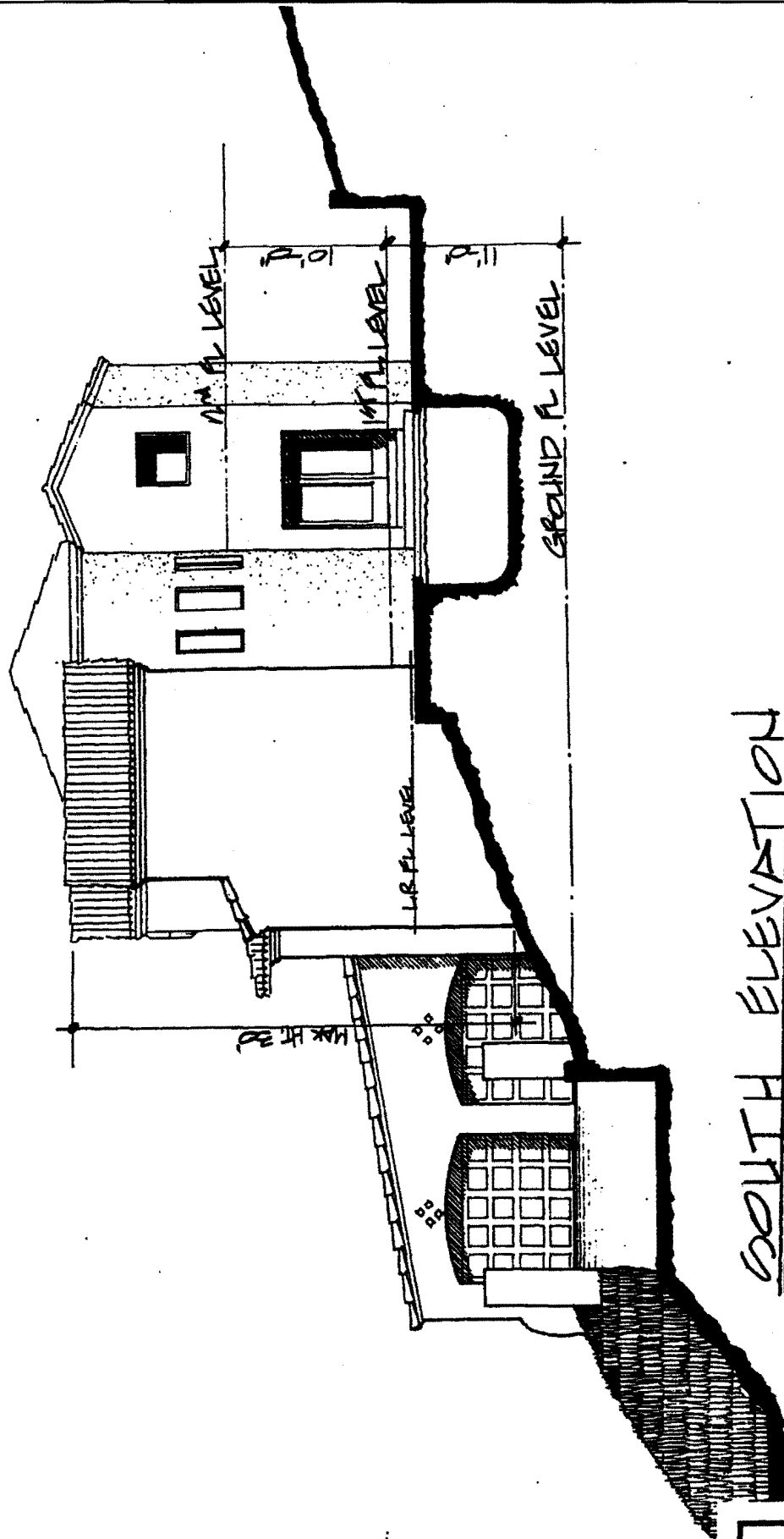
EXHIBIT NO. 7
APPLICATION NO. 4-96-163
North Elevation



EAST ELEVATION

SCALE 1/8" = 1'-0"

EXHIBIT NO. 8
APPLICATION NO. 4-96-163
East Elevation



SOUTH ELEVATION

EXHIBIT NO. 9

APPLICATION NO.  
4-96-163

South Elevation

EDGE OF PDA PAGE

UAF-11-200

GROUND FLOOR PLAN

SCALE 1/8" = 1'-0"

2020-2021

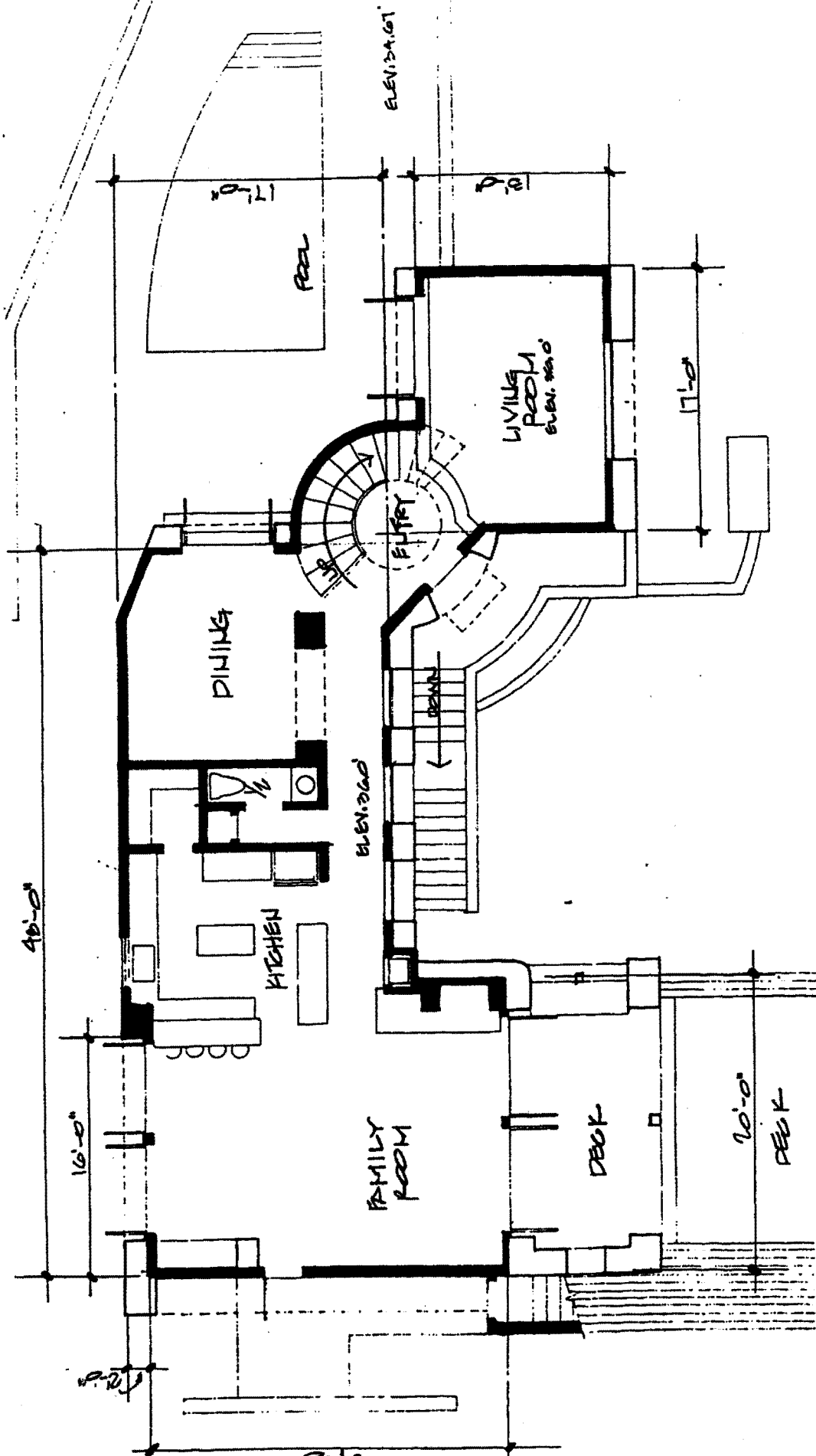
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**EXHIBIT NO. 10**

APPLICATION NO  
4-96-163

## Ground

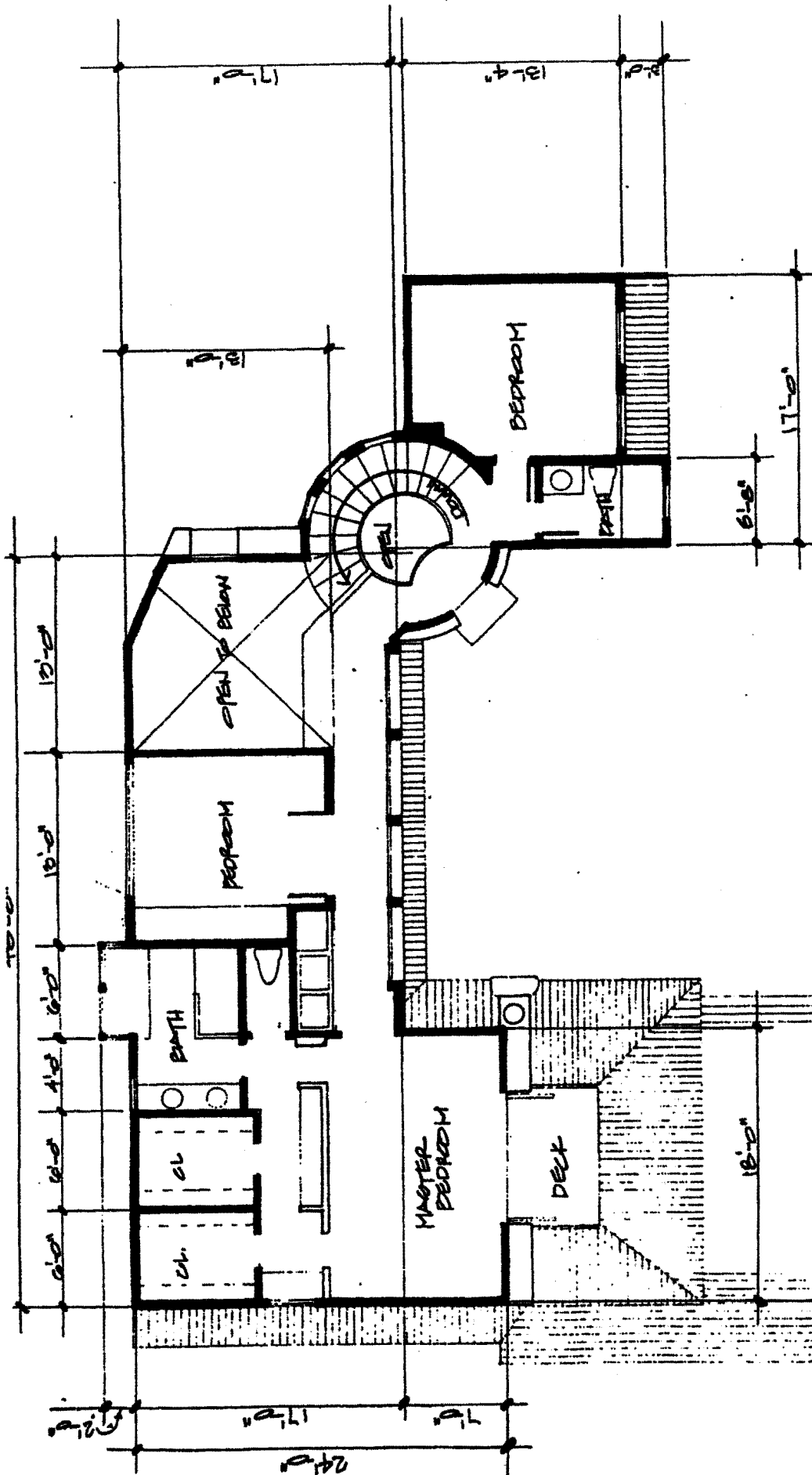
Floor



# First Floor Plan

NO. 4 TOTAL 2228#

EXHIBIT NO. 11
APPLICATION NO. 4-96-163
First
Floor



# SECOND FLOOR PLAN

EXHIBIT NO. 12
APPLICATION NO. 4-96-163
Second Floor