

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
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 Staff Report: 12/18/97
 Hearing Date: 1/12-16/98

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-179

APPLICANT: De Butts and Associates AGENT: None

PROJECT LOCATION: 5811 De Butts Terrace, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct two and one-half story, 27 ft. high, 5,769 sq. ft. single family residence with attached 728 sq. ft., three car garage, pool, patio, driveway, and septic system. Grading of 1,000 cu. yds. (500 cu. yds. cut and 500 cu. yds. fill).

Lot Area	80,586 sq. ft.
Building Coverage	3,557 sq. ft.
Pavement Coverage	3,443 sq. ft.
Landscape Coverage	2,000 sq. ft.
Parking Spaces	3 covered
Plan Designation	Rural Land II, 1 du/5 ac; Rural Land III, 1 du/2 ac
Project Density	.5 du/ac
Ht abv fin grade	27 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Geology and Geotechnical Review Sheet, dated 5/19/97; Planning Department, Plot Plan Review/Site Plan Review, dated July 16, 1997; Environmental Health Department, In-concept Approval, dated March 28, 1997.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Mountain Geology, Inc., Addendum Engineering Geologic Report, March 6, 1997; Coastline Engineering Investigation Report, January 28, 1997; Coastal development permits 5-90-1149 (Thorne), 5-90-1068 (Morten), 5-90-1060 (Traub), 5-90-921 (Landgate), 5-90-781 (Newman), 5-90-670 (Kirsten), 5-90-515 and -673 (Shriner).

SUMMARY OF STAFF RECOMMENDATION:

The proposed development site is located on a ridge line, is adjacent to or overlooking several trails and a riparian corridor, and is visible from scenic highways and public land. Staff recommends approval of the proposed project with six (6) Special Conditions addressing color restriction, future improvements, landscape and erosion control plans, drainage plans, plans conforming to the consulting geologist's recommendations, and a wild fire waiver of liability.

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. FUTURE IMPROVEMENTS

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit 4-97-179, and that any future additions or improvements to the property, including clearing of

vegetation and grading, will require an amendment to permit 4-97-179 or will require an additional permit from the Coastal Commission or its successor agency. The document shall be recorded as a covenant with the land binding all successors and assigns in interest to the subject property, and shall be recorded free of prior liens.

2. DESIGN RESTRICTIONS

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record deed restrictions for the property, in a form and content acceptable to the Executive Director, which restrict the color of the subject structures and roofs to colors compatible with the colors of the surrounding environment. White tones shall not be acceptable. All windows and glass for the proposed structure shall be of non-glare glass. The documents 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.

3. LANDSCAPE AND INTERIM EROSION CONTROL PLANS

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

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- b) All disturbed areas shall be stabilized with planting at the completion of construction. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 2 years and shall be repeated, if necessary, to provide such coverage.
- c) Should construction 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 site preparation 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.

4. 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 run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roofs, decks, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. 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.

5. 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 reports, Mountain Geology, Inc., Addendum Engineering Geologic Report, March 6, 1997 and Coastline Engineering Investigation Report, January 28, 1997 including issues related to site preparation, foundations, and drainage, 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.

6. 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.

IV. Findings and Declarations.

A. Project Location and Description

The proposed development is to construct a two and one-half story, 27 ft. high, 5,769 sq. ft. single family residence with attached 728 sq. ft., three car garage, pool, patio, driveway, and septic system, and grading of 1,000 cu. yds. (500 cu. yds. cut and 500 cu. yds. fill) on a 80,586 sq. ft. lot. (Exhibits 1 and 2)

The project site is located on a small portion of a lot which extends across De Butts Terrace and down into a tributary of Escondido Canyon Creek. (Exhibit 3) The lot is long and narrow, with a width of approximately 110 ft. and a length of approximately 1060 ft.. The site is located on the upper area of the lot, to the west of De Butts Terrace, comprising approximately 13,000 sq. ft., while the remainder of the lot, approximately 70,000 sq. ft., will remain undeveloped. This upper site sits below the ridge line, but will allow a portion of the residence to extend above the ridgeline and be seen from the west.

The project building site ranges from approximately 650 ft. to 670 ft. above sea level. The proposed development will be partially keyed into the side of the hill so that it will be three stories in appearance from the front facing onto Escondido Canyon and two stories from the rear, facing to the west.

Development of the 5,769 sq. ft. residence on this upper site required variances for encroachment into yard setbacks from the City of Malibu, as well as allowed height of 27 ft. which was above the City's 18 ft. limit.

The site is presently vacant and shows evidence of being disc'd for vegetation control. The site contains some coastal sage scrub. The area to the north, west and east of the site is vacant, while single family residences are found to the south. One residence is found to the north, further up the ridge.

The subject parcel is not located within any Environmentally Sensitive Habitat Area (ESHA), but is located above Escondido Canyon Creek and an unnamed tributary. The riparian corridors contain an inland ESHA and a Significant Oak Woodland.

B. 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 proposed development is located in the City of Malibu. However, the Commission has used the certified Los Angeles County Land Use Plan as guidance in past Commission decisions. The policies protecting visual resources have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains (paraphrased): P 91: minimize impacts and alterations of physical features; P 129: attractive appearance and harmonious relationship with the surrounding environment; P 130: conceal raw-cut slopes, not significantly intrude into the skyline as seen from public viewing places; P 134: conform to the natural topography, as feasible, massive grading and reconfiguration discouraged.

The project site overlooks Escondido Canyon and its tributary approximately 300 ft. above the stream in the canyon bottom. As noted above, the appearance will result from a 27 ft. high, three story residence facing into the Canyon. The major concern is the potential impact on the highly scenic trail in the Canyon bottom which extends from Winding Way to a waterfall (Escondido Falls) located approximately one half mile from the project site. An intervening ridge and vegetation block views of the site from the lower area of the falls.

The visual impact of development onto the trail viewshed has been a concern in past Commission actions. The Commission has permitted residential development on upper De Butts Terrace where the residence was sited and designed to minimize visual impacts upon views from the Escondido Canyon Trail viewshed. The Commission has also consistently conditioned permits in this area to mitigate and minimize visual impacts through landscaping, color restrictions, and future development restrictions. The existing residential structures on the ridgeline above or west of De Butts Terrace, with the exception of the top

of one architectural feature of one residence, are not visible from the Escondido Canyon trail because of intervening topography.

The proposed residence was reviewed by staff during several site visits. The applicant marked the site with pilons indicating the height of the proposed residence. Staff concluded that the development on the proposed site was only briefly visible from approximately ten feet along the trail near the canyon bottom because of intervening topography. Even this brief view was partially masked by riparian corridor vegetation in the canyon bottom.

In addition to the minor impact on views from the canyon bottom, the potential impact on other views deserves consideration. The proposed site is located directly on the trail along the right-of-way of De Butts Terrace which was required as a condition for coastal development permit P-81-7713 (Los Angeles County Waterworks District), and is visible from this trail route. The project site is also visible from the Old Coastal Slope Trail to the west and south. However, the Old Coastal Slope is no longer a County-designated trail as it was rerouted when the County improved the trail along Winding Way.

The project site is also visible from significant ridgelines in the project vicinity, as identified in the County's certified LUP, and from certain beach areas (Paradise Cove and Escondido Beach), and portions of scenic highways such as Pacific Coast Highway and Kanan Dume Road. Further, the site will be visible from a portion of the National Recreation Area land to the west.

As mentioned above, the surrounding area is characterized by concentration of residential development on the uphill portion of long narrow lots, on or near the ridgeline. Such development, by avoiding development on the downhill side of De Butts Terrace toward Escondido Canyon, avoids visual and environmental impacts on this sensitive area. The proposed building site is located on the uphill or west side of De Butts Terrace. This location is the preferred building site on this lot to minimize the visual impacts of the development on views from the Escondido Canyon trail and is consistent with existing development pattern in this area. The view impact is further mitigated by the building design which shows the residence being built partially into the hillside. Further, the applicant has minimized landform alteration by limiting grading to 1,000 cu. yds. In summary, the proposed development site is consistent with development in the surrounding area, is the most suitable location for a residence on this site, and the building design conforms with the natural landform.

Since the site will be visible from several public areas as described above, however, the following three conditions of approval are necessary to ensure consistency with PRC Section 30251.

While development is located on the west side of De Butts terrace in a manner consistent with past Commission actions and existing development patterns, future development (including accessory structures and additions to the single family residence) which would otherwise be exempt from Commission, may intrude into the area downhill, to the east of the road facing Escondido Canyon. Under existing regulations, such development would be exempt. As an example, the original plans for the proposed residence included a corral on the opposite side of De Butts Terrace, but this was deleted at the time of approval in concept by the City of Malibu. Therefore, condition 1 is necessary to ensure that any future development that might otherwise be exempt is reviewed by the Commission for conformity with the visual resource policies of the the Coastal Act.

Because the residence is located on a ridgeline that is visible from several trails, scenic highways, and public lands, there is need to avoid visually intrusive bright colors or white tones. The use of earth tones for buildings and roofs minimizes the visual impact of structures and helps blend in with the natural setting. The Commission finds that a deed restriction through special Condition # 2 will limit the future color of the residence to avoid adverse impacts on surrounding views.

Thirdly, use of native plant material in suitable landscaping plans can soften the visual impact of construction and development in the Santa Monica Mountains. The use of native plant materials to revegetate graded areas not only reduces the adverse effects of erosion, but ensures that the natural appearance of the site remains after development. Therefore, the Commission finds it necessary to require through condition # 3 that the applicant to submit final landscaping and erosion control plans designed to minimize and control erosion and screen or soften the visual impact of the development.

The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30251 of the Coastal Act.

C. Geologic and Fire Hazards

Section 30253 of the Coastal Act states, in part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains (paraphrased): P147: evaluate impact on, and from, geologic hazard; P 149: require a geologic report prior to approval; P 154: not generate excessive runoff, debris, and/or chemical pollution that would impact on the natural hydrologic system; and P 156: evaluate impact on fire hazard.

The proposed development is located in the Santa Monica Mountains area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the 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.

The Commission reviews the proposed project's risks to life and property for development such as proposed in this application in areas where there are geologic, flood and fire hazards.

Therefore, the Commission finds that condition 3 is necessary to replant

disturbed areas, stabilize areas with native vegetation, require special stabilization measures during the rainy season. The site, as noted above, has been partly cleared of native vegetation. Landscaping and interim erosion control measures during construction will minimize and control erosion, as well as screen and soften the visual impact of the proposed development. Special Condition # 3 requires a landscape plan that provides for the use of native plant materials, plant coverage and replanting requirements, and sediment basins if grading occurs during the rainy season.

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in nearby environmentally sensitive habitat area. The proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces created by the residence will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff will result in increased erosion on and off site. The consultant in their February 23, 1989 letter report included in the above-noted report by Mountain Geology, Inc., noted that the site required carefully crafted drainage plans. For these reasons, Special condition number # 4 for a drainage/erosion control plan is required to minimize erosion and provide for surface discharge in a non-erosive manner, as well as mitigate potential impacts on Environmentally Sensitive Habitat Areas.

The applicant has submitted a report -- Coastline Engineering Investigation Report, January 28, 1997 -- which notes that:

Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading, and construction are properly and adequately executed, it is our opinion that construction within the building site would not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely affects the stability of the site, or adjacent properties, with the same provision listed above.

Based on the findings and recommendations of the consulting geologist, 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 as noted in condition # 5. 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. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

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

D. Environmentally Sensitive Resource Areas

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate

public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

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.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states as follows:

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

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Malibu/Santa Monica Mountains Land Use Plan is used as guidance in Commission permit decisions in the City of Malibu. The LUP policies addressing protection of ESHAs are among the strictest and most comprehensive in addressing new development. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December 1986 that:

...coastal canyons in the Santa Monica Mountains require protection against significant distribution of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The Certified Malibu/Santa Monica Mountains Land Use Plan also contains a number of policies aimed at the protection of resources and stream protection and erosion control: P82: Grading minimized to minimize potential negative effects of runoff and erosion; and P96: Not degrade water quality of groundwater basins, nearby streams, or wetlands from development of the site; and not allow pollutants to discharge into or alongside coastal streams or wetlands.

The site is located above Escondido Canyon Creek and an unnamed tributary and these riparian corridors contain an inland ESHA and a Significant Oak Woodland. These areas are not impacted directly by the proposed development. The site itself is at a distance of approximately one half mile to the creek and drainage is into the street, but eventually reaches the canyon bottoms.

Section 30240 requires that development in areas adjacent to ESHAs shall be designed to prevent impacts which would significantly degrade such areas. In addition, Section 30231 of the Coastal Act requires that the biological productivity of streams be maintained through, among other means, minimizing waste water discharges and entrainment, controlling erosion,...and minimizing alteration of natural streams.

In this case, the proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces created by the building will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff will result in increased erosion on and off site. Increased erosion in addition to raising issues relative to geologic stability as addressed above, would also result in sedimentation of the nearby stream. The increased sediments in the water course can adversely impact riparian systems and water quality. These impacts include:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.
7. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects to the above 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 landscaping and interim erosion control plan required by Condition # 3 discussed above will not only minimize erosion and ensure site stability, but also minimize any adverse affects on the habitat of the designated blue-line stream and related riparian corridor and offshore areas. The drainage plan

required by condition # 4 discussed above will ensure that runoff will be conveyed off-site in a non-erosive manner and minimize the impact on the ESHA by controlling sedimentation and hydrological impacts. The Commission finds that these conditions are, therefore, necessary to protect against disruption of habitat values and protect biological productivity. The Commission finds that only as conditioned in conditions # 3 and 4 will the proposed project be consistent with the policies found in Sections 30231 and 30240 of the Coastal Act.

E. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, 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 new septic system. This system was subject to review by the City of Malibu Environmental Health Department for in-concept approval. The Commission has found in past permit actions that compliance with the City of Malibu health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters and streams. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

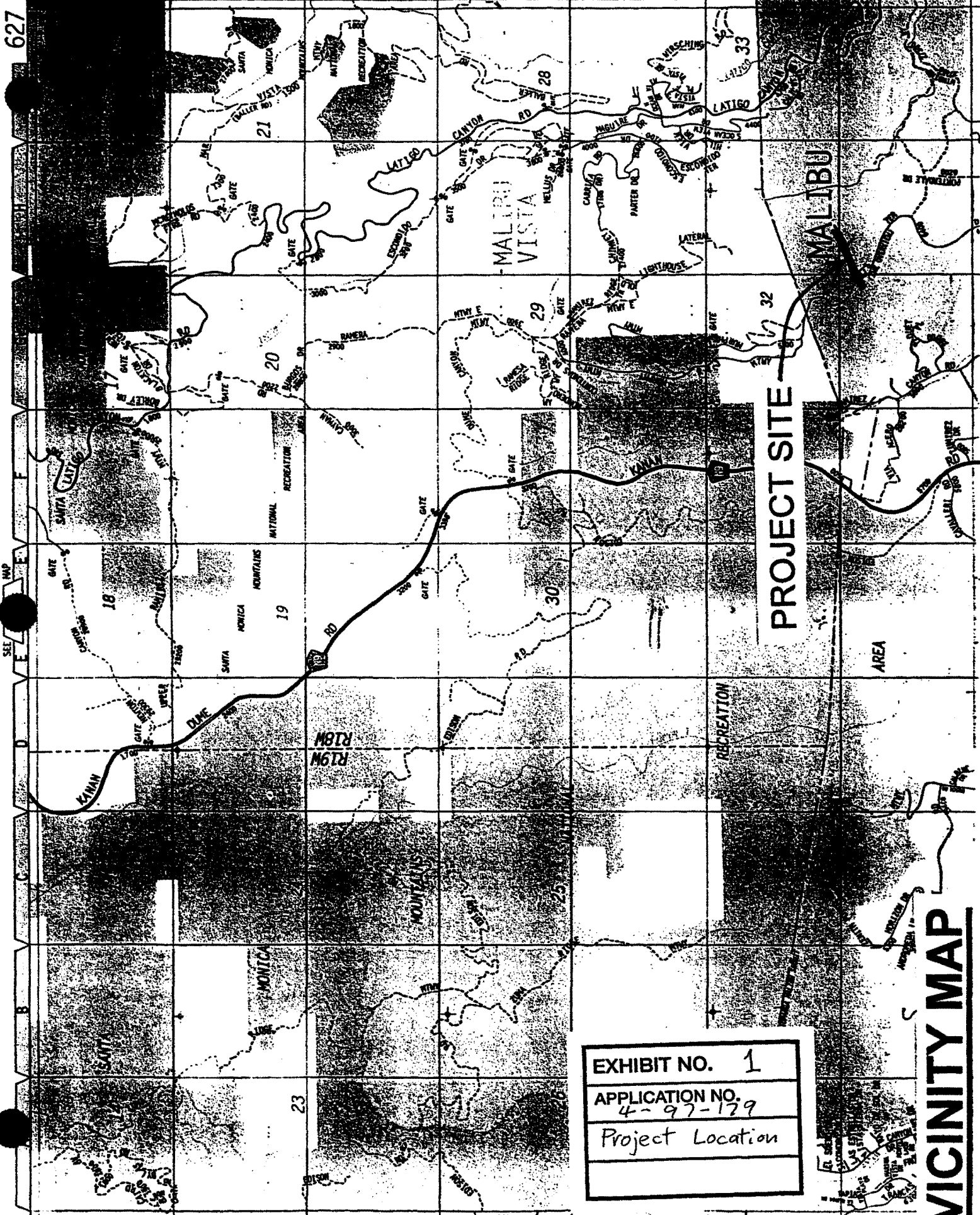
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local

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

G. California Environmental Quality Act

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

As discussed above, the proposed project has been mitigated to require further Commission review for future improvements, restrict color, and incorporate landscape and erosion control plans, drainage plans, plans conforming to the consulting geologist's recommendations, and a wild fire waiver of liability. The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. 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.



PROJECT SITE

MALIBU

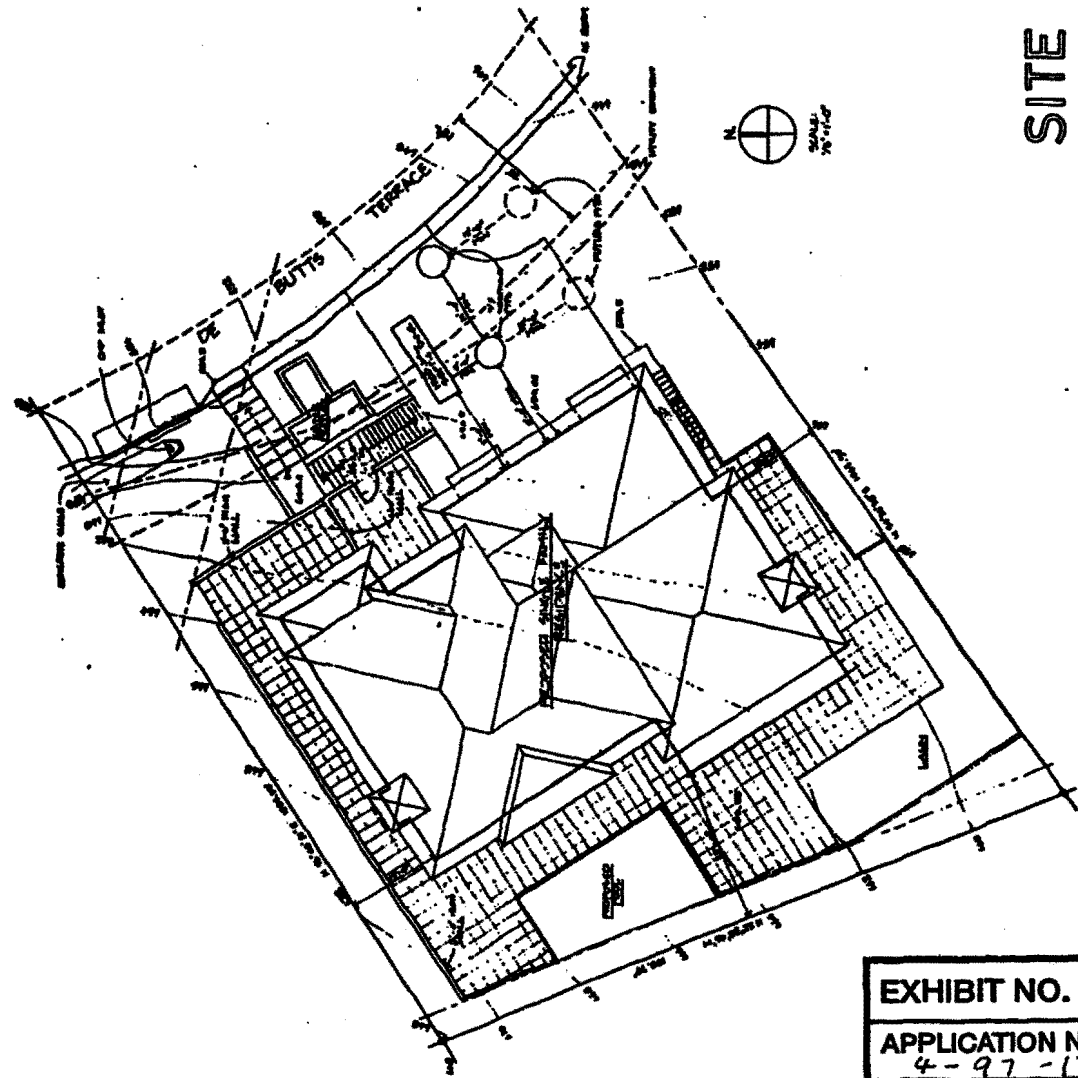
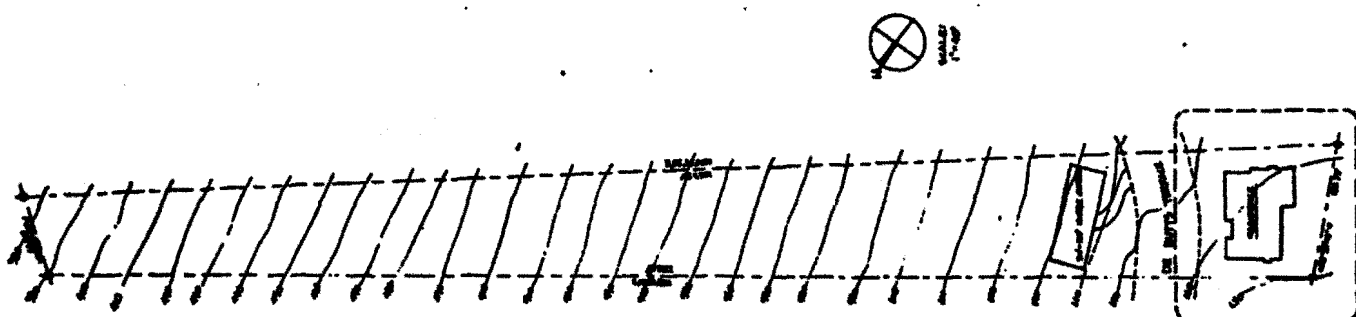
AREA

EXHIBIT NO. 1
APPLICATION NO. 4-97-179
Project Location

VICINITY MAP

PROPOSED SINGLE FAMILY RESIDENCE FOR
 GEORGE AND DENISE TORREANO
 8011 DE BUTTE TERRACE
 MALIBU, CA 90263





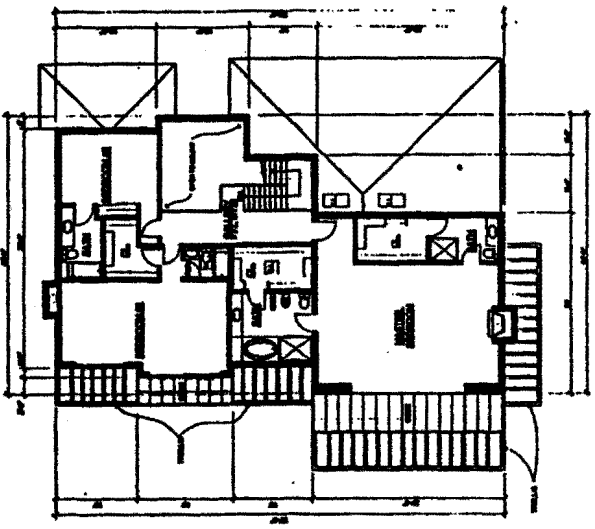
SITE PLAN

DATE: 10/15/97
 DRAWN BY: J. TORREANO
 CHECKED BY: G. TORREANO

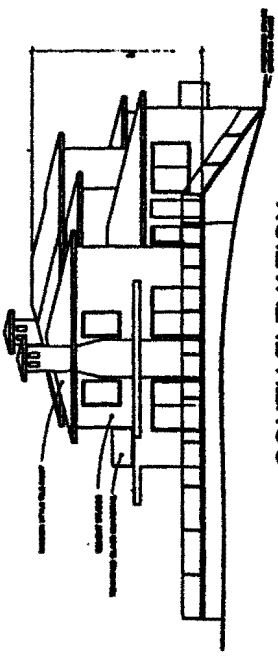
EXHIBIT NO. 2
APPLICATION NO. 4-97-179
Site Plan

PROPOSED SINGLE FAMILY RESIDENCE FOR
 GEORGE & DENISE TOBERMAN
 5411 DE BUTTS TERRACE
 MALIBU, CA 90265

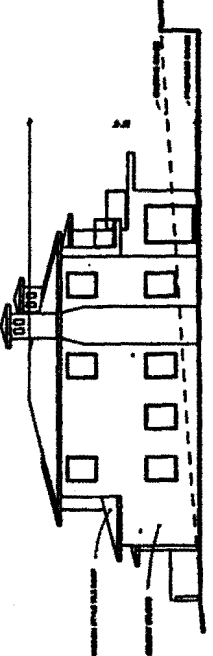
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 architecture and planning
 6225 Dayton Place, Malibu, CA 90265 (310) 886-1821



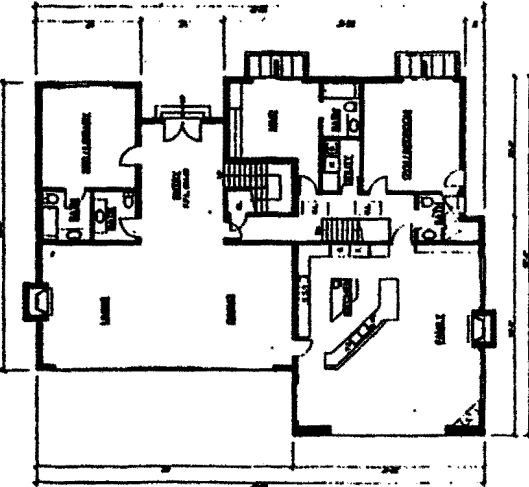
SECOND FLOOR
SCALE: 1/4" = 1'-0"



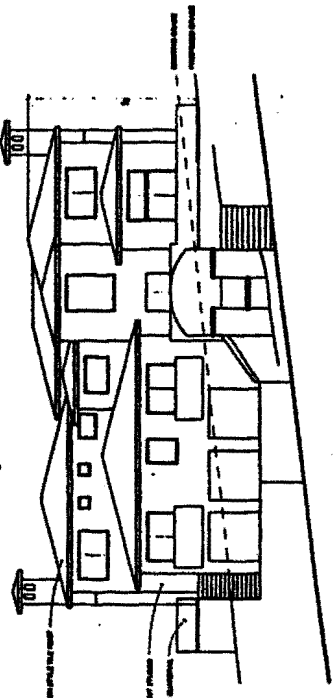
SOUTH ELEVATION



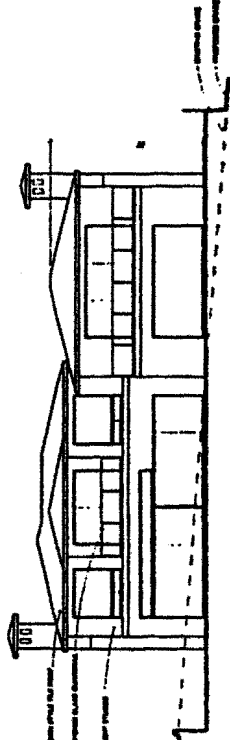
NORTH ELEVATION



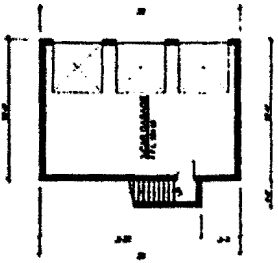
FIRST FLOOR
SCALE: 1/4" = 1'-0"



EAST ELEVATION



WEST ELEVATION



BASEMENT
SCALE: 1/4" = 1'-0"

EXHIBIT NO. 3
APPLICATION NO. 4-97-179
Elevations

TOBERMAN
 5811 DE BUTTS TERRACE
 MALIBU, CA 90265

BOOK 4467
 MAP 03

BOOK 4460
 MAP 02

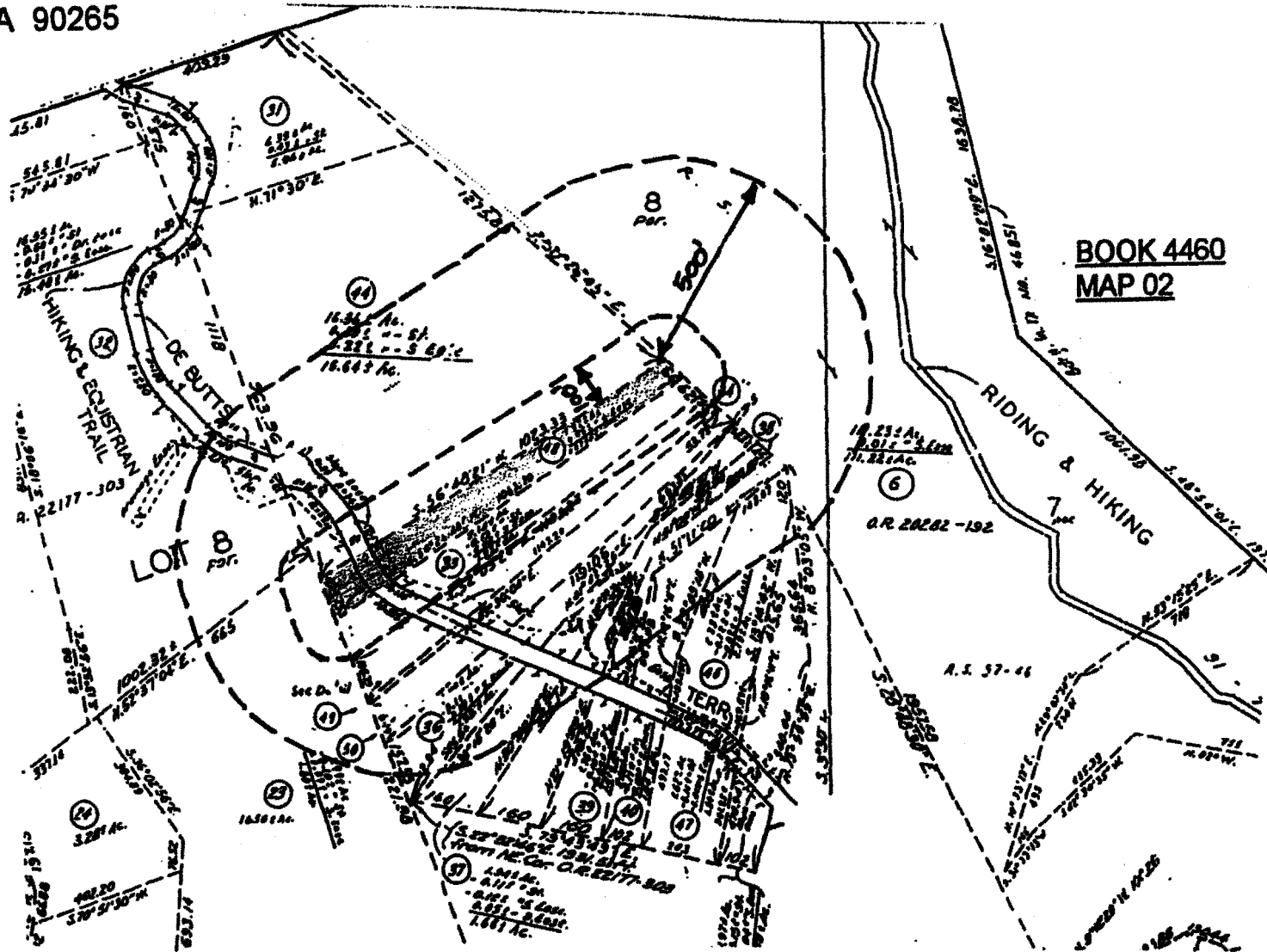
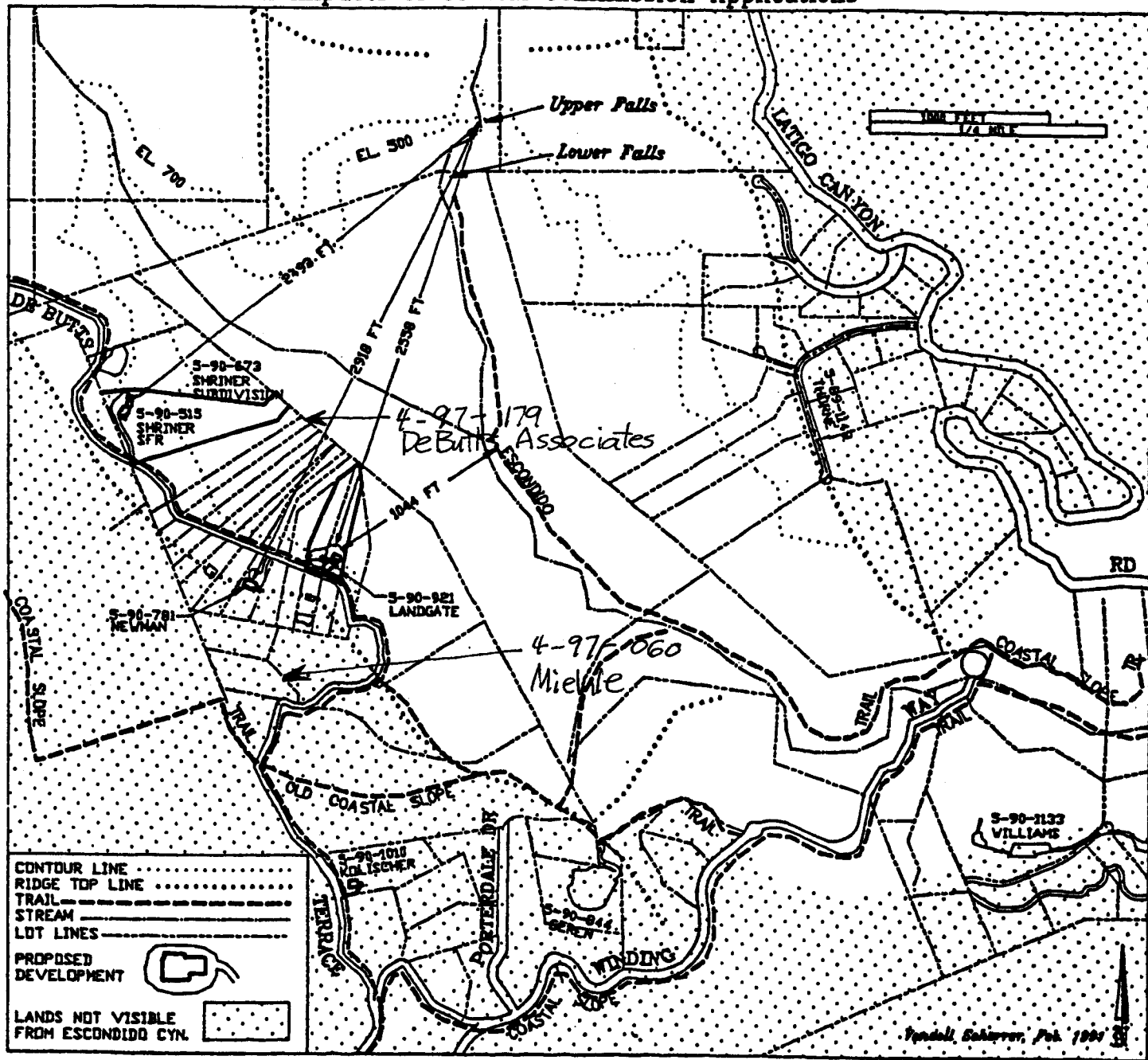


EXHIBIT NO.	4
APPLICATION NO.	4-97-179
Surrounding & Property	
Riding & Hiking Trail	

100 FT. AND 500 FT. RADIUS MAPS

Escondido Falls

Visual Impacts of Coastal Commission Applications



Pendell, Schirrer, Feb. 1984

EXHIBIT NO. 5
APPLICATION NO.
4-97-179
Surrounding Permits, Trails, Escondido Cyn

