

## CALIFORNIA COASTAL COMMISSION

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### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-97-067

**APPLICANT:** Kip Corley

**PROJECT LOCATION:** 2982 Gorge Road, City of Malibu; Los Angeles County

**PROJECT DESCRIPTION:** Construction of a 1,650 sq. ft. single family residence, 575 sq. ft. garage, septic system, driveway, retaining walls, and landscaping. The project also includes the removal of an existing travel trailer, tool shed, and storage shed upon completion of the project.

<b>Lot area:</b>	1.30 acres
<b>Building coverage:</b>	2,225 sq. ft.
<b>Pavement coverage:</b>	560 sq. ft.
<b>Landscape coverage:</b>	0.5 acres
<b>Parking spaces:</b>	3 new proposed
<b>Ht above fin grade:</b>	16'0"

**LOCAL APPROVALS RECEIVED:** L.A. County Regional Planning Approval-in-Concept; L.A. County Health Department Approval; L.A. County Department of Public Works Materials Engineering Division Approval; L.A. County Department of Regional Planning ERB Approval; L.A. County Fire Department Forestry Department Variance of Oak Tree Permit Requirement, PP #44640; L.A. County Fire Department Final Approval.

**SUBSTANTIVE FILE DOCUMENTS:** Report of Soil Engineering Investigation by SWN Soiltech Consultants, Inc. dated October 19, 1989; Update Report of Soil Engineering Investigation by SWN Soiltech Consultants, Inc. dated June 5, 1998; Addendum Update Report of Soil Engineering Investigation by SWN Soiltech Consultants, Inc. dated June 29, 1998; Supplemental Engineering Geologic Report by Harley Tucker, Inc. dated May 20, 1991; Update Engineering Geologic Report and Acceptance of Engineering Geologic Responsibility by Pacific Geology dated April 14, 1997; Supplemental Engineering Geologic Report by Pacific Geology Consultants, Inc. dated June 1, 1998; Existing Site Plan by Kip Corley dated August 14, 1998; Site and

Building Plans by Kip Corley dated August 12, 1998; Coastal Development Permit 5-90-440 (Corley); Coastal Development Permit 5-91-214 (Corley).

### **SUMMARY OF STAFF RECOMMENDATION**

The applicant proposes to construct a 1,650 sq. ft., 16 ft. high single family residence with an attached two-car garage, septic system, driveway, retaining walls, and landscaping. The project also includes the removal of an existing travel trailer, tool shed, and storage shed. Staff recommends that the Commission approve the proposed project subject to five (5) special conditions relating to landscaping, a deed restriction for future improvements, revised plans, waiver of wildfire liability, and conformance with geologic recommendations.

The subject site is located east of Las Flores Canyon Road within the Santa Monica Mountains. The subject site comprises of a level pad area previously graded on a west-facing slope that descends to Gorge Road. There is an existing seasonal creek, which is a U.S.G.S. designated blueline stream that transcends the western portion of the site. The Malibu/ Santa Monica Mountains Land Use Plan (LUP) has designated the blueline stream and surrounding oak woodland riparian corridor area as an environmental sensitive habitat area.

The proposed single family residence will be located on the existing graded pad. Previously a single-family residence occupied the site in approximately the same location as the proposed project, however the residence was destroyed in a fire during the 1970s. A trailer, tool shed, storage shed, water well, and a water tank presently occupy the subject site. Portions of the site have been terraced and are supported by rubble walls. The applicant proposes to reconstruct and reconfigure the rubble walls to conform to current building requirements.

The proposed project will not result in any additional landform alteration and does not pose any geological hazard. As conditioned the proposed project does not cause any significant adverse environmental effects and is found to be consistent with all applicable Chapter Three sections of the Coastal Act.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

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

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

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years from the date of initial planting, and this requirement shall apply to all disturbed soils;
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (d) All plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (e) The permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plan, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

## 2. Future Improvements

Prior to the issuance of a coastal development permit, the applicant as landowner 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 Coastal Commission Permit 4-97-067 and that any future additions or improvements to the subject property, that might otherwise be exempt under Public Resource Code Section 30610(b), will require a permit from the Coastal Commission or the local government certified to issue such permit. The deed restriction shall specify that clearance of vegetation consistent with the fuel modification plan approved by the Los Angeles County Fire Department on June 3, 1998 is permitted.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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

## 4. Revised Plans

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised project plans which indicate reconfiguration of all permanent structures, with the exception of driveways and walkways, so as to maintain a minimum 50 foot setback from the riparian corridor delineated by the edge of the rock revetment located at the edge of the creek channel.

## 5. Plans Conforming to Geologic Recommendations

Prior to the issuance of coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in "Report of Soil Engineering Investigation" by SWN Soiltech Consultants, Inc. dated October 19, 1989, and all supplemental and update reports shall be incorporated into all final design and construction including slope stability, pools, foundations and drainage. All plans must be reviewed and approved by the consultants.

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

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicant is proposing the construction of a 1,650 sq. ft., 16 ft. high single family residence with an attached two car garage, septic system, driveway, retaining walls, and landscaping on an existing graded pad area (Exhibit 3-9). The project does not include any additional grading.

The subject site is located on a 1.3 acre lot within the Las Flores Canyon area in the unincorporated portion of Malibu (Exhibit 1-2). The Malibu/ Santa Monica Land Use Plan, which may be used by the Commission as guidance for this area in evaluating a project's consistency with the policies of the Coastal Act, designates the property as Rural 1 and Mountain Land. The eastern portion of the subject lot is designated Mountain Land and the western portion of site, the proposed site of the residence, is designated Rural Land 1.

**Mountain Land.** *Generally very rugged terrain and/or remote land characterized by very low-intensity rural development. Principal Permitted uses would include very low-intensity residential development. Low-intensity recreational uses, the undeveloped or open space portions of rural and urban developments, and lower cost visitor residential and recreational uses designed for short-term visitor use such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional uses, provided that any residential use for more than short term visitor occupancy shall not exceed the intensity of use of the equivalent residential density. The maximum residential density standard is one dwelling per 20 acres average, consistent with other policies of the LUP.*

**Rural Land.** *Generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities. Principal permitted land uses shall include large lot residential use. Low-intensity commercial residential uses, agricultural activities, the less intensively developed or open space portions of urban and rural developments, and lower cost visitor residential and recreational uses designed for short-term visitor use such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional uses, provided that any residential use for more than short term visitor occupancy shall not exceed the intensity of use of the equivalent residential density. The maximum*

*residential density standard is one dwelling unit per ten acres average, consistent with other policies of the LUP.*

The site is an eastern sloping canyon hillside at a ratio from 1.5:1 to 0.5:1 with an existing terraced, flat pad area. There is an existing U.S.G.S. designated blueline stream, which crosses the northwestern corner of the property. The Malibu/ Santa Monica Mountains Land Use Plan has designated the blueline stream and surrounding oak woodland riparian corridor as an inland environmental sensitive habitat area (Exhibit 10). In addition, many of the surrounding parcels are owned by the Santa Monica Mountain Conservancy as open space.

During the 1930's a single family residence and guesthouse/ art studio were constructed on the existing terraced flat pad area. The main residence was located on the subject site approximately 30 feet from the stream and riparian corridor and the studio was placed on the adjacent parcel, now owned by the SMMC. Both the guesthouse and main house were destroyed in a fire during the 1970's. The site currently contains cement foundations, a dirt driveway, concrete walkway, a stone wall, and remains from rock retaining walls remaining from the previous residence (Exhibit 12). The applicant has also installed a water well, water tank, trailer, storage shed, and tool shed on the property. The applicant is proposing to remove the trailer, tool shed, and storage shed and construct a 1,650 square foot single family residence and two-car garage on the existing flat pad area. The proposed residence will be setback at a location of approximately 33 feet from the stream bank.

The site has been subject to two previous coastal development permits. Coastal Development Permit 5-90-440 (Corley) was for the installation of a 3,500 gallon galvanized water tank on a flat pad located approximately 75 feet above the building pad, the replacement of a 1,000 gallon wooden tank with a new 1,000 gallon fiberglass tank to hold water collected from a spring, brush clearance for fire protection purposes, and landscaping. On February 7, 1991, the Commission approved the project attached with four special conditions. During the Commission hearing, the Mountains Restoration Trust raised issues regarding the legality of allowing the applicant to tap into a natural spring. Therefore, Special Condition Four (4) required the applicant to submit revised plans showing the removal of all water tanks and pipeline on the property. The Commission found that the placement of the trailer and tool shed were exempt under Section 30610(g) of the Coastal Act and, therefore, did not require a coastal development permit. Section 30610(g) states that a coastal development permit is not required to replace structures destroyed by a natural disaster provided that the replaced structure conforms to zoning requirements, is for the same use, and does not exceed either the floor area, height or bulk of the destroyed structure.

On July 18, 1991, the Commission approved Coastal Development Permit 5-91-214 (Corley) for the placement of a water well and a 3,500 gallon water tank attached with two special conditions regarding future improvements and color restriction.

**B. Environmentally Sensitive Habitat Areas**

Section 30231 of the Coastal Act states:

*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 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values. Furthermore, development adjacent to ESHAs shall be sited and designed to prevent impacts that would degrade those areas.

The certified Malibu/ Santa Monica Mountains Land Use Plan (LUP), which may be used by the Commission as guidance for this area in Los Angeles County in evaluating a project's consistency with Coastal Act Policies, and past Commission actions have designated the blueline stream located adjacent to the building site and the surrounding riparian corridor as an environmentally sensitive habitat area.

To assist in the determination of whether a project is consistent with Section 30231 and 30240 of the Coastal Act, the Commission has, in past coastal development permit actions, looked to the Malibu/ Santa Monica Mountains LUP for guidance. The Malibu/ Santa Monica Mountains LUP has been found to be consistent with the Coastal Act and provides specific standards for development within the Santa Monica Mountains. The following LUP policies are designed to protect ESHAs and water supplies:



- P67 Any project or use which cannot mitigate significant adverse impacts as defines in the California Environmental Quality Act on sensitive environmental resources shall be denied.***
- P69 Development in areas adjacent to environmentally sensitive habitat areas shall be subject to the review of the Environmental Review Board, 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.***
- P79 To maintain natural vegetation buffer area that protect all sensitive riparian habitats as required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be set at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation.***
- P91 All new development shall be signed to minimize impacts and alterations of physical impacts and alterations of physical features, such as ravines and hillsides and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.***

The subject site is an easterly sloping hillside with a flat pad area terraced approximately 75 feet from Gorge Road. Beyond the flat pad area the site steeply slopes upward for approximately 200 feet. There is an U.S.G.S. designated blue-line stream, located adjacent to the building pad area, which crosses the northwestern corner of the property. The subject site and adjacent property contain several sycamore and oak trees, which are typically associated with riparian corridors. The Malibu/ Santa Monica Mountains Land Use Plan has designated the blue-line stream and surrounding riparian corridor as an inland environmental sensitive habitat area (Exhibit 10). Many of the surrounding parcels within this canyon are owned by the Santa Monica Mountains Conservancy and have been designated as open space.

The proposed building site for the single-family residence is located adjacent to the blue-line stream. The site consists mostly of native savanna vegetation, primarily native grasses and shrubs. The site also contains several oak trees of the species Quercus dumosa, more commonly known as Scrub Oak. The Commission notes that oaks are easily damaged and are very sensitive to disturbances that occur to the tree or the surrounding environment. Their root system is extensive, but shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains much of its surface water and nutrients here, as well as conducts an important exchange of air and other gases (Los Angeles County Regional Planning Oak Tree Ordinance). In past permit actions, the Commission has recognized the importance of the habitat area provided by riparian areas. Natural streams and associated riparian areas have been identified as extremely important to the wildlife resources of California.

The Los Angeles County Department of Regional Planning Environmental Review Board has reviewed and approved the proposed project on February 26, 1996. In addition, the Los Angeles County Fire Department Forestry Division has reviewed the site plan for the proposed project and has declared that no oak tree permit is required. The ERB has

recommended that the applicant incorporate the following in all final plans: remove the existing Vinca (periwinkle) from the site; use only native species in the landscaping and fuel modification plans; paint the house earth tone colors; and direct all lighting downward.

As previously mentioned Las Flores Creek, a blue line stream, flows intermittently across the northwestern corner of the lot. The Commission through past permitting actions has required that all development be located a minimum of 50 feet from the riparian corridor surrounding streams to maintain the natural vegetation buffer areas that protect riparian habitat and minimize the adverse effect of water runoff and control erosion as required by Section 30231 of the Coastal Act. In addition, Policy P79 of the Malibu/ Santa Monica Mountains LUP requires all development other than driveways and walkways to be set at least 50 feet from the outer limit of the designated environmentally sensitive riparian vegetation.

The stream bank along this portion of the property has been lined with a rock retaining wall to protect the property and Gorge Road from the stream's high flow velocity and any potential erosion. Due to the steep slopes of the canyon as well as the natural rock outcrops located along the stream bank, the riparian corridor along this portion of the stream is extremely narrow. Therefore, the retaining wall can be used as the boundary edge for the stream and riparian corridor. The proposed location of the garage and residence will be setback approximately 23 feet from the perimeter of the retaining wall and 33 feet from the middle of the stream, which would be consistent with the 50 foot setback required by the Commission in past permit actions (Exhibit 13). In addition, the applicant is proposing to reconfigure the existing dirt driveway closer to the stream to lead directly to the proposed garage. According to Policy 79 of the LUP driveways and walkways are exempt from the 50 foot setback requirement. The applicant has submitted a survey which indicates that the previous single family residence which was destroyed by a fire, was located in approximately the same location as the propose residence (Exhibit 11). As discussed earlier, by utilizing the same location as the previous residence, the applicant has reduced the amount of grading and landform alteration required.

Nevertheless, the Commission finds that there are alternatives that the applicant could incorporate into the proposed project that would allow for a 50 foot required setback. The current design of the residence includes an outside courtyard area approximately 27 feet in length. By removing the proposed courtyard or by relocating the courtyard to the level area located behind the residence, the applicant could cluster all livable space at least 50 feet away from the stream providing a buffer area between the proposed development and sensitive resources. Therefore, the Commission finds it necessary to require the applicant to submit revised plans which indicate that all development will be setback at least 50 feet from the blueline stream, as indicated in Special Condition Four (4).

In reviewing the proposed project the Commission must also consider the effects to the adjacent stream caused by drainage and brush clearance. The proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces on site will increase both the volume and velocity of storm water runoff from the site, and could lead to further erosion on site. An increase in erosion

would also cause an increase in mudflow and sedimentation into the stream. The applicant has submitted a drainage plan, which has been reviewed and approved by the consulting engineer. The proposed plan includes the usage of drainage devices and structures which will convey drainage off site in a non-erosive manner. However, in order to prevent further erosion from occurring that could have potential adverse effects to the stream, the Commission finds it necessary to require the applicant to submit landscaping plans. The applicant shall landscape with primarily native/drought resistant plants common to the Santa Monica Mountains as recommended by the Los Angeles County Environmental Review Board and further described in Special Condition One (1).

The applicant has also submitted final fuel modification plans that have been reviewed and approved by the Los Angeles County Fire Department Fuel Modification Division. The fuel modification indicates that there is no off site vegetation clearance necessary for fire prevention purposes. Instead the plan specifically requires the applicant to remove and/ or thin undesirable combustible vegetation and landscape the site with native/drought resistant species common to the Santa Monica Mountains.

Therefore, the Commission finds that only as conditioned above is the proposed project consistent with Sections 30231 and 30240 of the Coastal Act.

### C. Visual Resources and Landform Alteration

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 Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of visual resources. The Coastal Commission as guidance, in the review of development proposals in the Santa Monica Mountains has applied these policies.

*P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.*

*P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.*

*P130 In highly scenic areas and along scenic highways, 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 LUP.*
- *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 to not significantly intrude into the skyline as seen from public viewing places.*

*P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.*

## 1. Visual Resources

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected. The subject site is located within a rural area characterized by steep canyon slopes and a seasonally running stream. Portions of the site can be seen from Las Flores Canyon Road and Hume Road. Although these streets are not designated scenic roadways, they are public roadways used for access into Las Flores Canyon.

Coastal Development Permit 5-91-214 (Corley) permitted a water tank located approximately 75 feet above the existing pad. In order to mitigate against any adverse visual effects the Commission required the applicant to paint the existing water tank either green or brown and to landscape the surrounding area. The proposed residence will be located downslope from the water tank within the canyon. The proposed residence is a two-story, 16 feet high from existing grade single family residence. The front portion of the property is vegetated with oak trees which would partially screen the proposed residence. However, in order to ensure any adverse visual effects resulting from development and disturbance on site is adequately mitigated, the Commission finds it necessary to require the applicant to submit a landscaping plan as required per Special Condition One (1). The landscaping plan will also partially screen and mitigate the visual impacts of the proposed development as seen from Las Flores Road. The landscape plan provides for new plants in graded or disturbed areas, which will blend with the surrounding native vegetation. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.

The Commission finds that the proposed project, as conditioned to include a landscaping plan to mitigate against adverse visual impacts, is consistent with Section 30251 of the Coastal Act.

## 2. Landform Alteration

Section 30251 requires new development to minimize the alteration of natural landforms. As previously stated, the subject site has a dirt driveway leading to a flat level pad area where the trailer and two sheds are located. The applicant is proposing to remove the existing structures upon completion of the proposed project. The proposed project does

not include any additional grading. The applicant is proposing to reconstruct the driveway to end at the location of the proposed garage. The existing dirt driveway will then be transformed into a stairway leading from the garage up to the residence.

The Commission finds that because the proposed location of the project does not require any additional grading the existing pad area is the preferred location of the residence. Any development proposed on the steeper portions of the site would require additional grading resulting in an increase in adverse visual impacts and an increase in landform alteration of the site.

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

#### D. Geological and Natural Hazards

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

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

The Malibu/ Santa Monica Mountains certified Land Use Plan also provides policy guidelines, in regards to hazards, as follows:

- P144 Continue to provide information concerning hazards and appropriate means of minimizing the harmful effects of natural disasters upon persons and property.*
- P147 Continue to evaluate all new development for impact on, and from, geologic hazard.*
- P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.*
- P151 Continue to evaluate all new development for its impact on, and from flood and mudflow hazard.*
- P152 Prohibit buildings within areas subject to inundation or erosion unless proper mitigation measures are provided to eliminate flood hazard.*

***P156 Continue to evaluate all new development for impact on, and from, fire hazard.***

The proposed development is located in the Santa Monica Mountains, an area that 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.

Section 30253 of the Coastal Act requires that new development minimizes risk to life and property in areas of high geologic, flood and fire hazard, and assures stability and structural integrity. In addition, the certified Malibu/ Santa Monica Mountains Land Use Plan (LUP) contains several policies and standards regarding hazards and geologic stability. The Commission has used these policies as guidelines in reviewing projects within the Malibu area.

The applicant is proposing to construct a 1,650 square foot single family residence, two-car garage, driveway, retaining walls, and landscaping. The applicant has submitted an Updated Report of Soil Engineering Investigation dated June 5, 1998 prepared by SWN Soiltech Consultants, Inc. The geologic report states:

***It is our opinion, based upon tests conducted as described in this report, copies of test results being available for view, that the proposed residence, as well as the proposed retaining walls and grading, will not be affected by hazards from landslide, settlement, or slippage, and that the proposed development will have no adverse effect on the geologic stability of properties outside of the subject site, provided it is constructed and maintained in accordance with recommendations presented in this report.***

Based on the recommendations of the consulting geologists, the Commission finds that the development can minimize risks to life and property from geologic hazards and assure stability and structural integrity, as required by Section 30253 of the Coastal Act, so long as these recommendations are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans (as required to be revised per Special Condition Four) that have been certified in writing by the consulting geologists as conforming to their recommendations as further described in Special Condition Five (5).

Based on the findings and recommendations of the consulting geologist, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act.

## 2. Erosion

Section 30253 also states that new development shall neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area. Minimizing the erosion on the site is important to maintaining the geologic stability of the site, as well as minimizing the

sediment deposition to offsite areas. Although the proposed project does not include any additional grading, disturbing the existing vegetation on site could increase the amount of onsite erosion.

The consulting soil engineer has recommended that "the slopes shall be planted and maintained with a suitable deep-rooted ground cover as soon as possible. Additional protection may be provided by the use of jute mesh or suitable geofabrics. If adequate ground cover is not established before the rainy season, sloughing and slumping of the surficial soils may occur." The Commission finds that the potential impacts of erosion caused by removing vegetation and disrupting the site can be mitigated by the landscape plan required by Special Condition One (1). All graded and disturbed areas on the subject site are required to be planted with native species within 60 days of the final occupancy of the residence. Also, all cut and fill slopes are required to be planted with native species at the completion of final grading.

The Commission finds that the project, with the inclusion of Special Condition Two (2), is consistent with section 30253 of the Coastal Act.

### 3. Wildfire Hazard

The Coastal Act 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. 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 responsible for the applicant's decision to develop.

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 combined with the natural characteristics of the native vegetation pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as required by Special Condition Four (4).

The Commission finds that, only as conditioned to landscape graded and disturbed area to incorporate geologic recommendations and to waive liability arising from the risk of wildlife, is the proposed project consistent with Sections 30253 of the Coastal Act.

## E. Septic System

Section 30231 of the Coastal Act states that:

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

Also, the policies of the Malibu/ Santa Monica Mountains Land Use Plan that can be used as guidance in evaluating this project include the following:

*P80 The following setback requirements shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leach fields, and (b) at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits. A larger setback shall be required if necessary to prevent lateral seepage from the disposal beds into stream waters.*

The proposed project includes the installation of an on-site septic system to serve the residence. A favorable percolation test was performed on the property, which indicates that the percolation rate is sufficient to serve the proposed project on the subject site. The applicant proposes to locate the new leach field approximately 80 feet from the existing stream bank.

Section 30231 of the Coastal Act requires the biological productivity and the quality of streams be maintained and restored through maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. Furthermore, the Malibu/ Santa Monica Land Use Plan P80 used by the Commission as guidance, requires that leach fields be located at least 50 feet from the outer edge of the existing riparian. The proposed location of the leach field provides a 50 foot riparian setback. In addition, both the septic system and leach field are adequately setback from the existing water well. The applicant has obtained approval in concept for their septic system from the Los Angeles County Department of Health on August 20, 1998. Therefore, the proposed septic system will minimize any impact to streams and water quality.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.



## F. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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

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

## G. California Environmental Quality Act

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

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

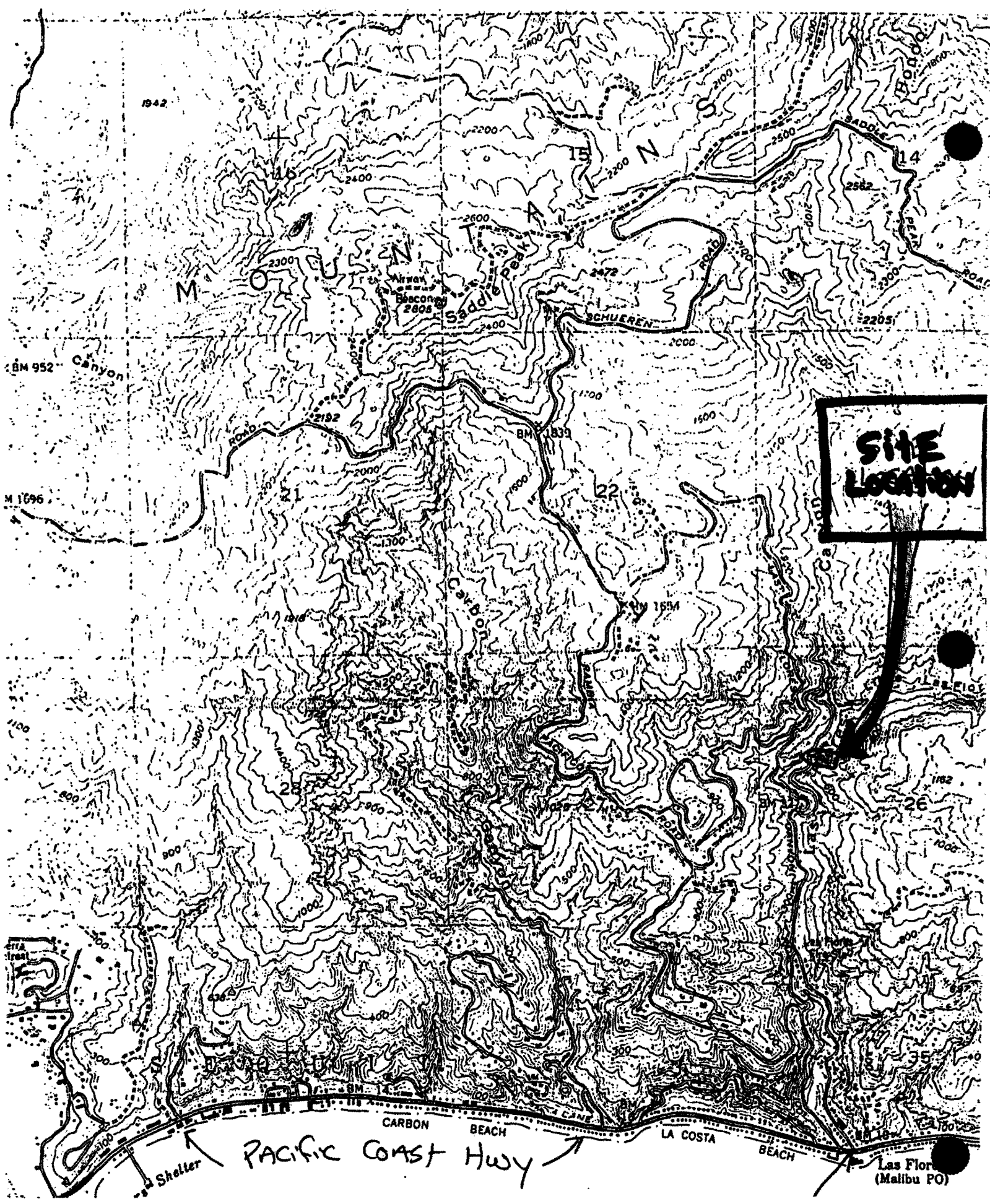


Exhibit 1  
CDP 4-97-067 (Corley)  
Area Map

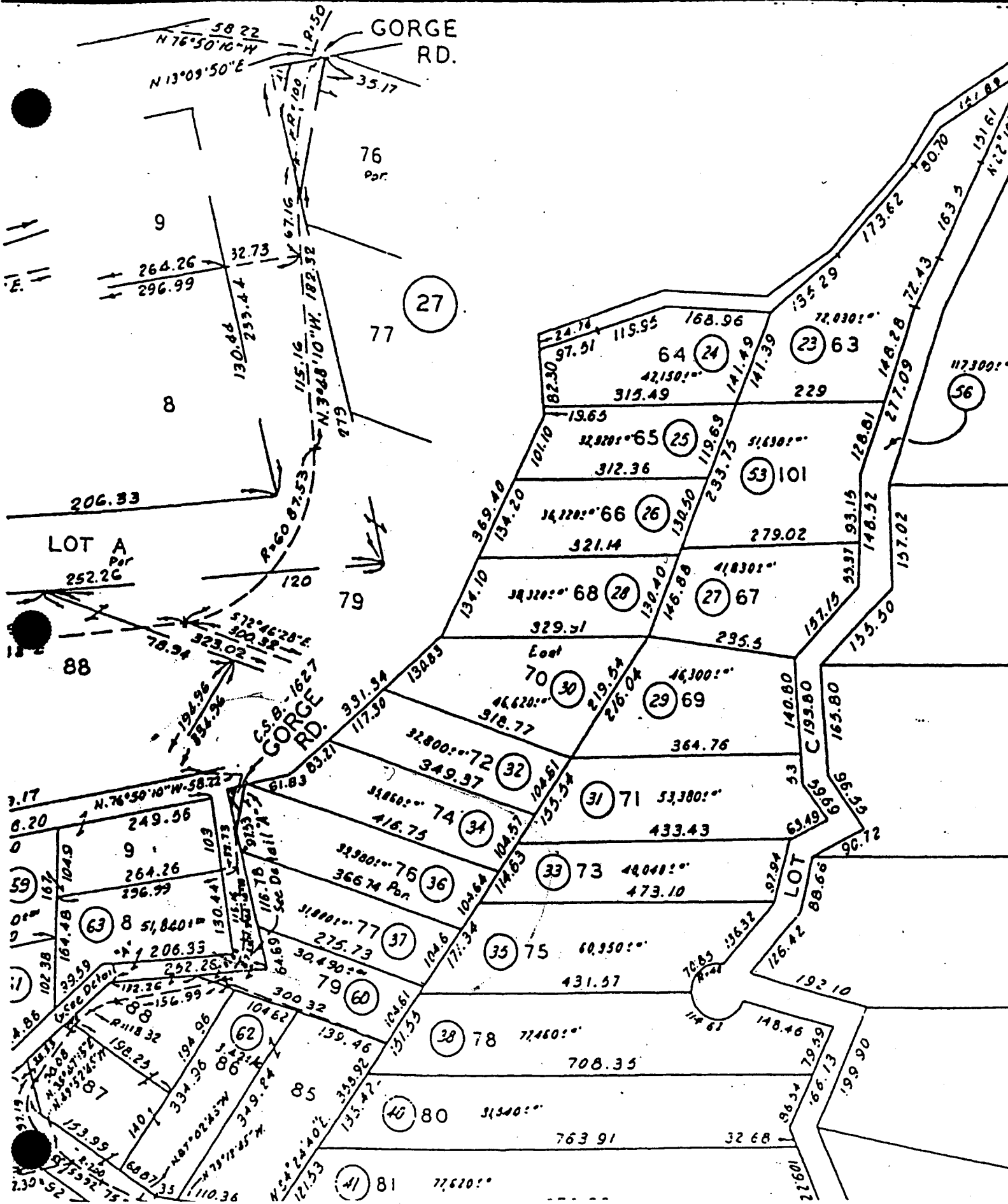
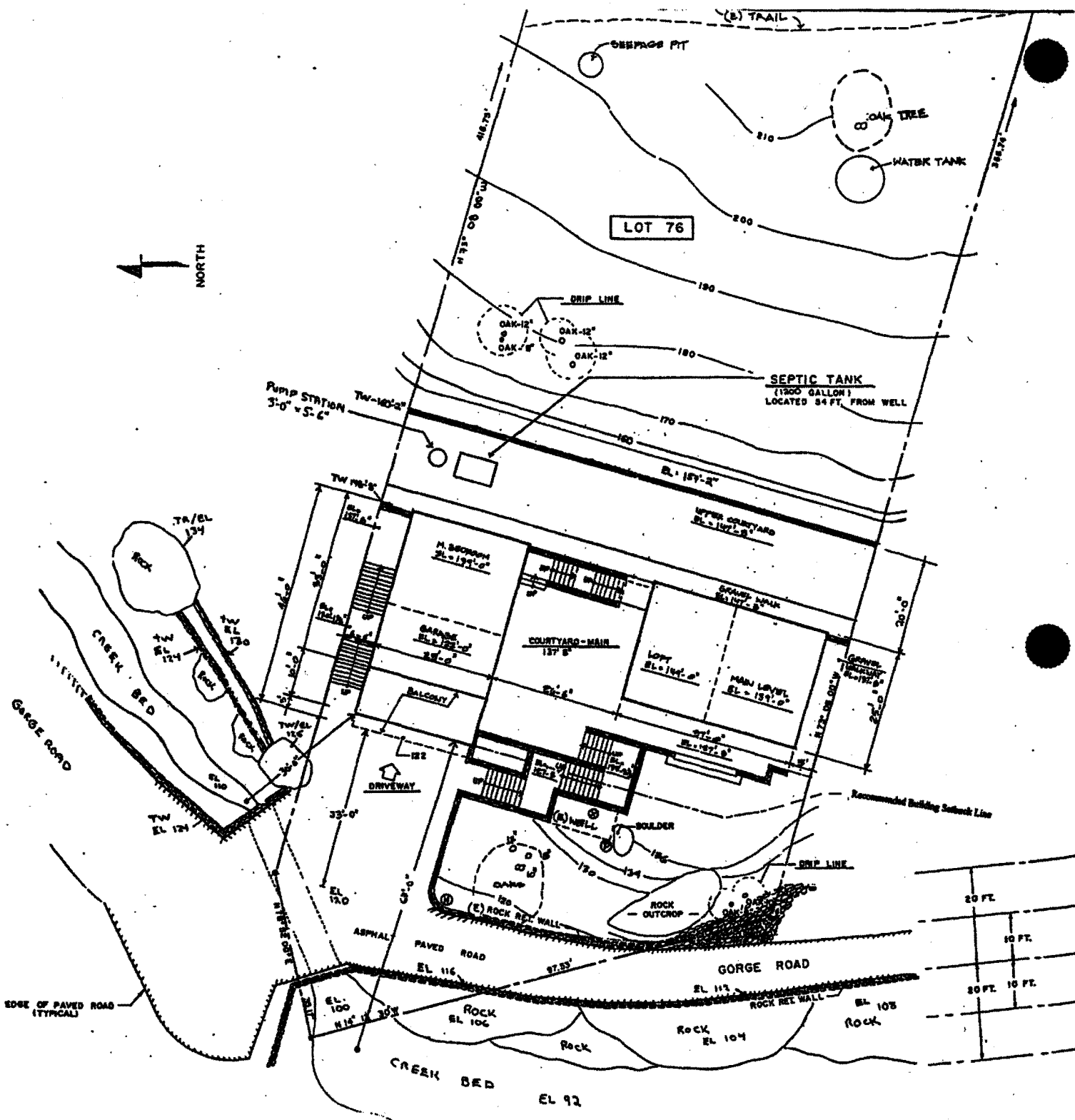
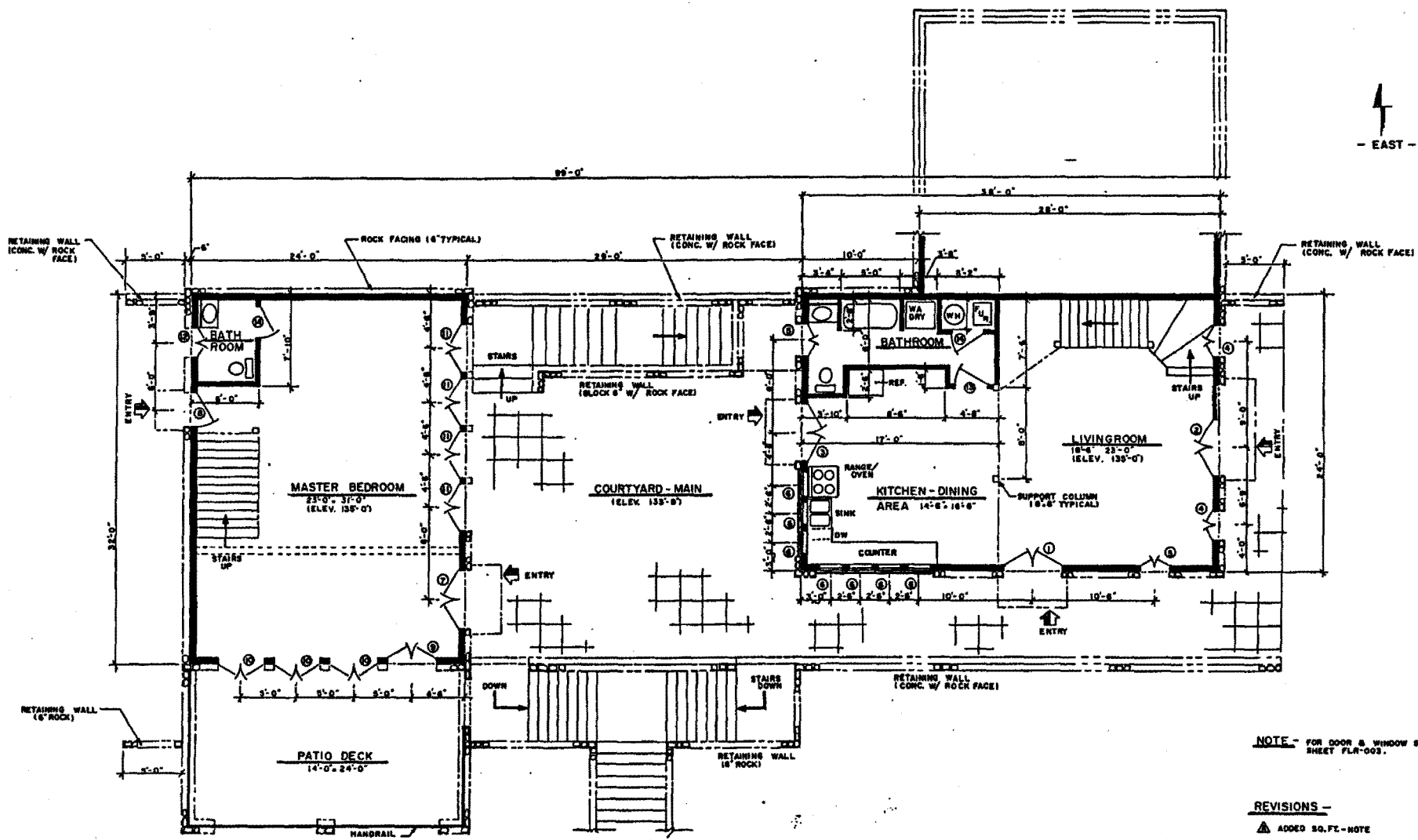


Exhibit 2  
 CDP 4-97-067 (Corley)  
 Parcel Map



**Exhibit 3**  
**CDP 4-97-067 (Corley)**  
**Site Plan**

Exhibit 4  
 CDP 4-97-067 (Corley)  
 Floor Plan - Main Level



NOTE - FOR DOOR & WINDOW SCHEDULE SEE SHEET FLR-003.

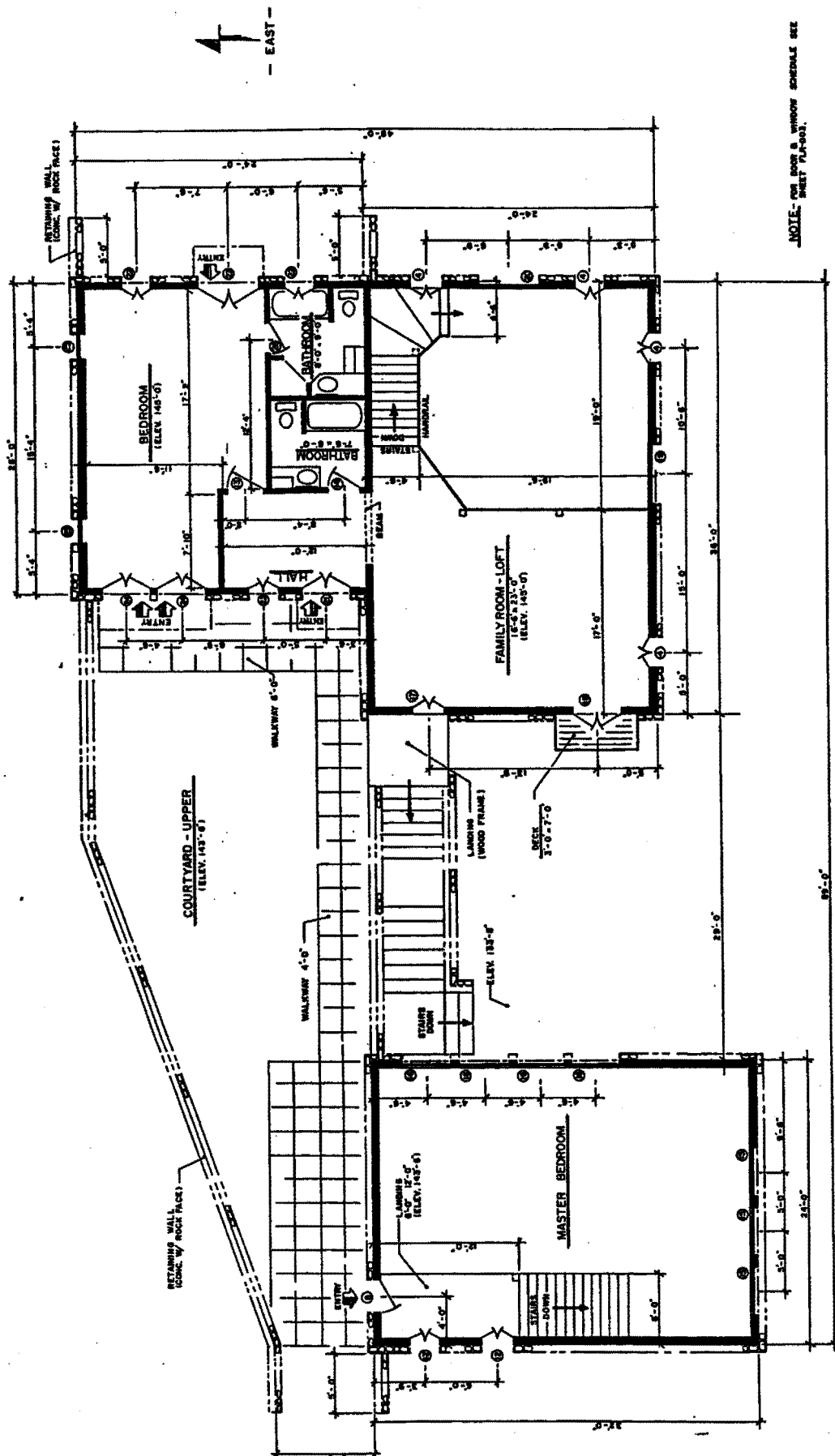
REVISIONS -

- ▲ ADDED SQ. FT. - NOTE

▲ SQUARE FOOTAGE  
 2884 SQ. FT. - LIVING AREA  
 576 SQ. FT. - GARAGE  
 3240 SQ. FT. TOTAL

FLOOR PLAN - MAIN LEVEL - HOUSE  
 SCALE: 1/4" = 1'-0"

- CORLEY RESIDENCE -			
2982 GORGE ROAD MALIBU, CALIF.			
DATE: AS NOTED	DESIGNED BY:	DRAWN BY: E.L.C.	
DATE: 8-2-95			
FLOOR PLAN - MAIN LEVEL - HOUSE			
PROJECT NUMBER: FLR-001A			



NOTE - FOR DOOR & WINDOW SCHEDULES SEE SHEET P10001.

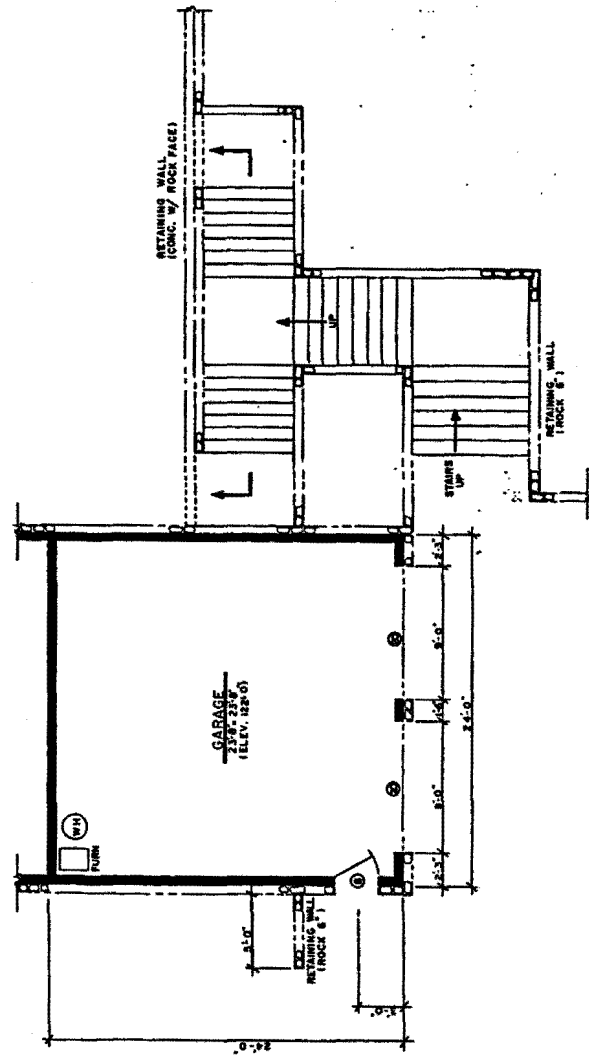
FLOOR PLAN - UPPER LEVEL - HOUSE  
SCALE: 1/8" = 1'-0"

CORLEY RESIDENCE	
2005 GARDEN ROAD	MILPITAS, CALIF.
DATE: 11/11/03	PROJECT NO.: 030303
DESIGNER: J. J. CORLEY	ARCHITECT: J. J. CORLEY
FLOOR PLAN - UPPER LEVEL - HOUSE	
PLAN NO. 002	

Exhibit 5  
CDP 4-97-067 (Corley)  
Floor Plan - Inner Level

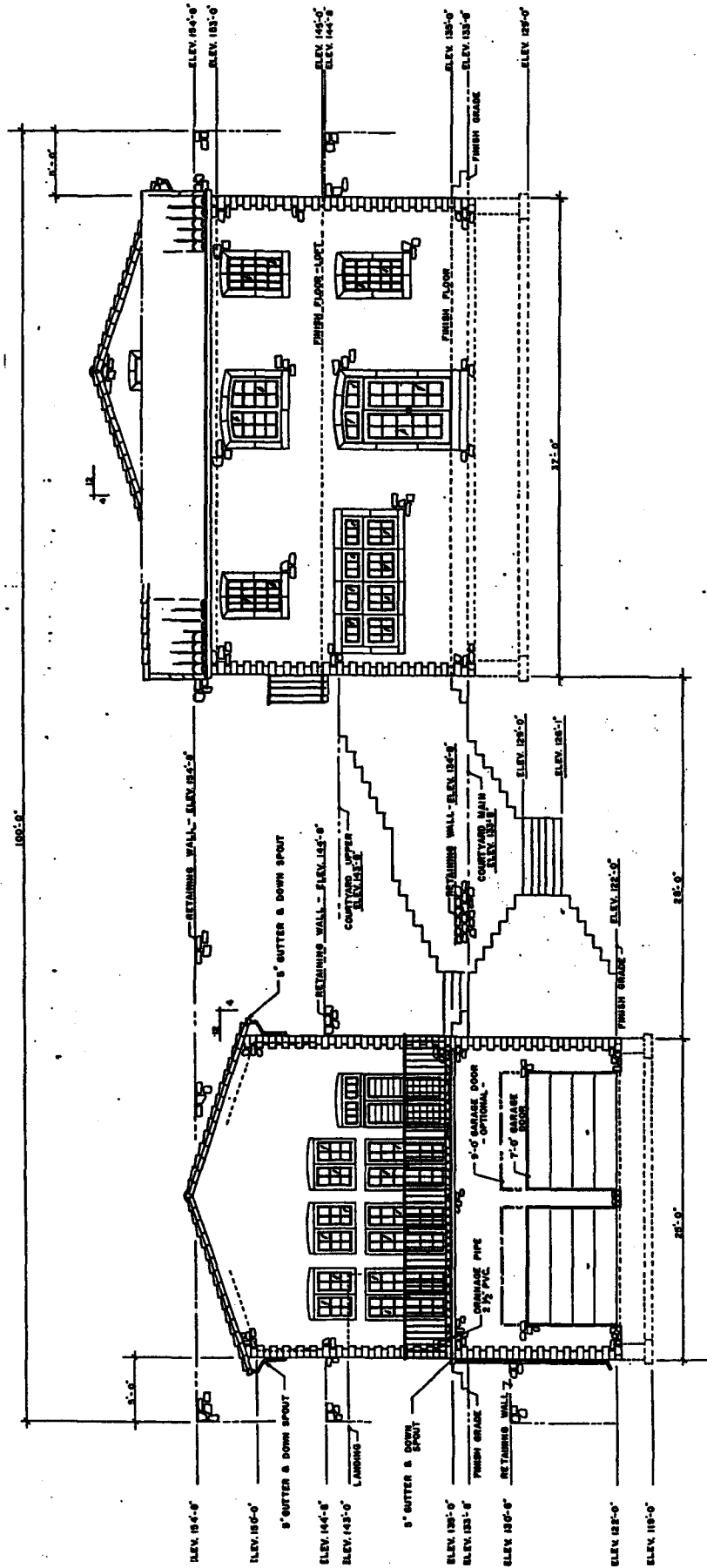
- CORLEY RESIDENCE -  
 1982 - CORSE ROAD  
 MALIBU, CALIF.  
 DRAWN BY: [Signature] PROJECT NO. R.E.  
 DATE: 8-2-83  
 FLOOR PLAN - LOWER LEVEL - GARAGE  
 PLR-003

↑  
 - EAST -



FLOOR PLAN - LOWER LEVEL - GARAGE  
 SCALE: 1/4" = 1'-0"

Exhibit 6  
 CDP 4-97-067 (Corley)  
 Floor Plan - Garage

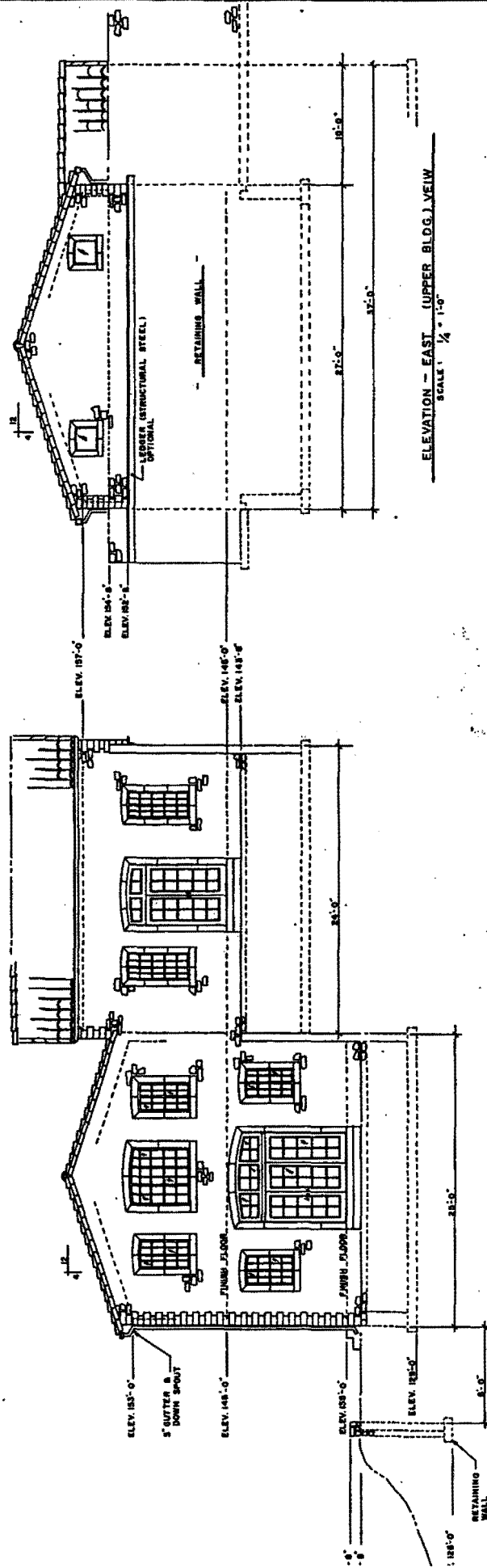


CORLEY RESIDENCE	
2882 ORANGE ROAD MALIBU, CALIF.	
DATE: 12/15/77	SCALE: 1/4" = 1'-0"
BY: R. J. [unreadable]	PROJECT NO. [unreadable]
ELEVATION - WEST VIEW	
ELEV. 001	

ELEVATION - WEST VIEW  
SCALE: 1/4" = 1'-0"

Exhibit 7  
CDP 4-97-067 (Corley)  
West Elevation



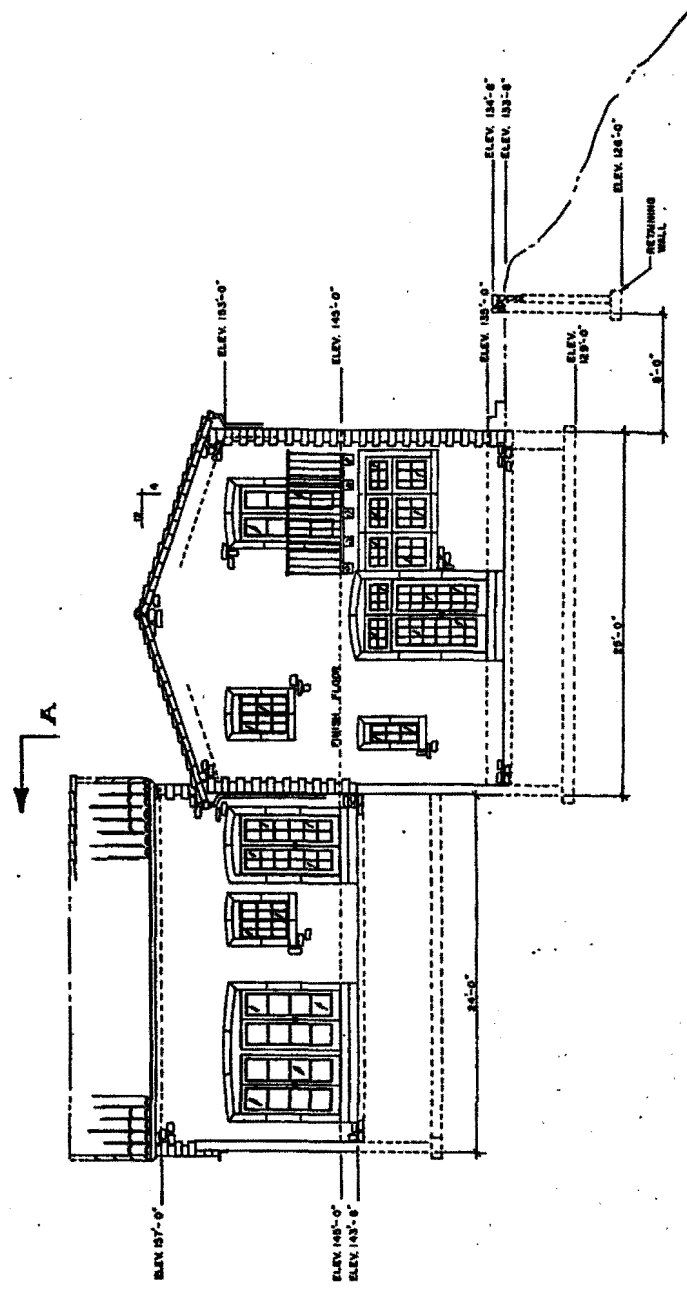


CORLEY RESIDENCE -	
FIVE HORSE ROAD	MALIBU, CALIF.
DATE AS NOTED	ARCH. B. 21-53
ELEVATION - SOUTH & EAST VEIW	
UPPER BUILDING	
ELEV. 002	

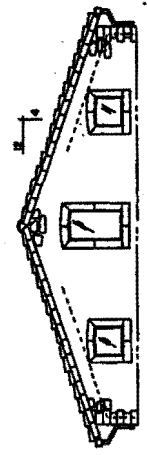
ELEVATION - SOUTH (UPPER BLDG.) VEIW  
SCALE: 1/4" = 1'-0"

ELEVATION - EAST (UPPER BLDG.) VEIW  
SCALE: 1/4" = 1'-0"

Exhibit 8  
CDP 4-97-067 (Corley)  
South Elevation



ELEVATION - NORTH (UPPER BLDG.) VIEW  
SCALE: 1/4" = 1'-0"



VIEW IN DIRECTION OF ARROW  
- A - WEST ELEVATION

CORLEY RESIDENCE	
2802 CORSE ROAD MALDEN, CALIF.	
DATE: 12.13.53	PROJECT: REC.
ELEVATION - NORTH VIEW	
UPPER BLDG.	
ELEV. 003	

Exhibit 9  
CDP 4-97-067 (Corley)  
North Elevation

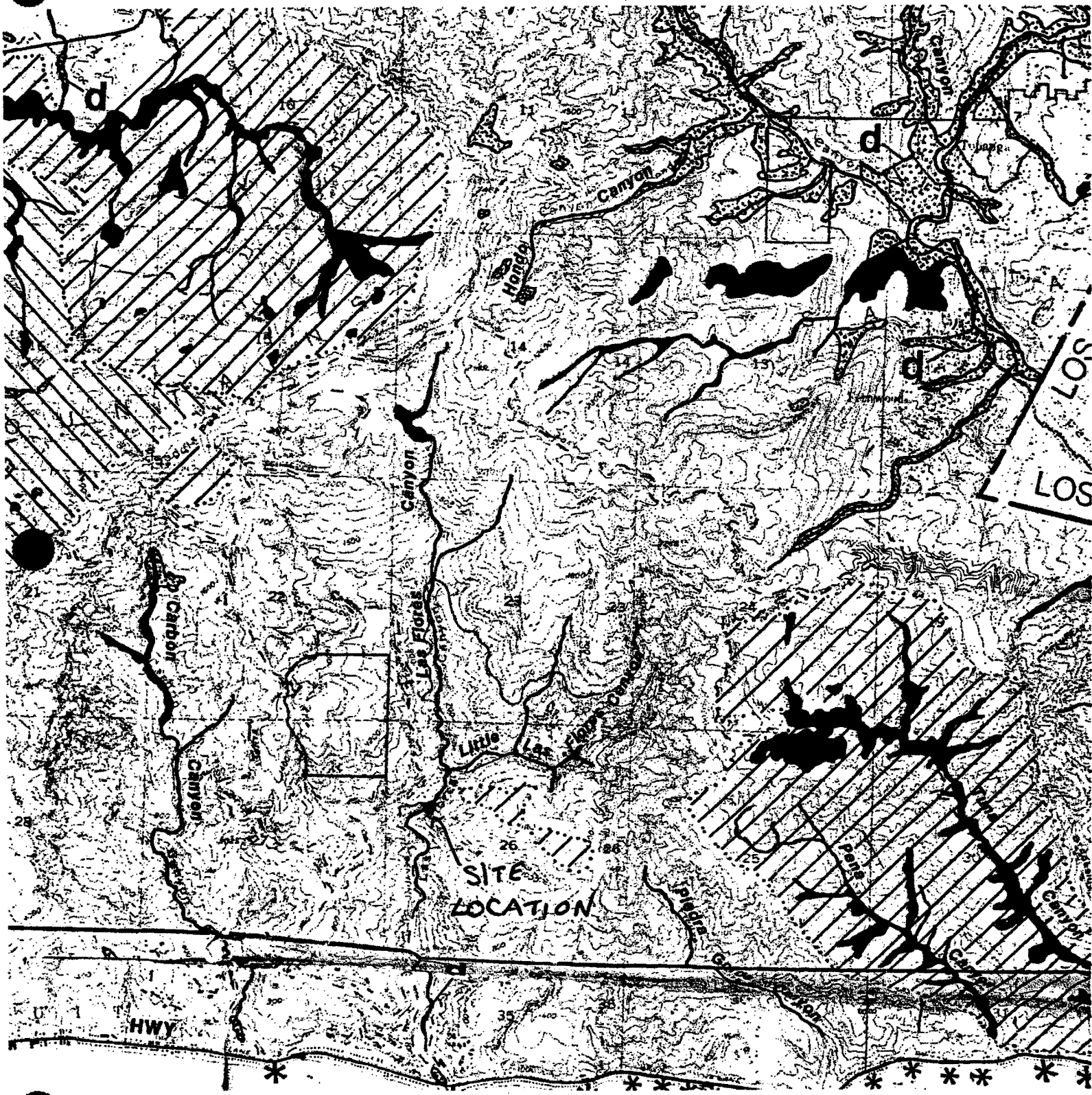


Exhibit 10  
CDP 4-97-067 (Corley)  
EHSA Map

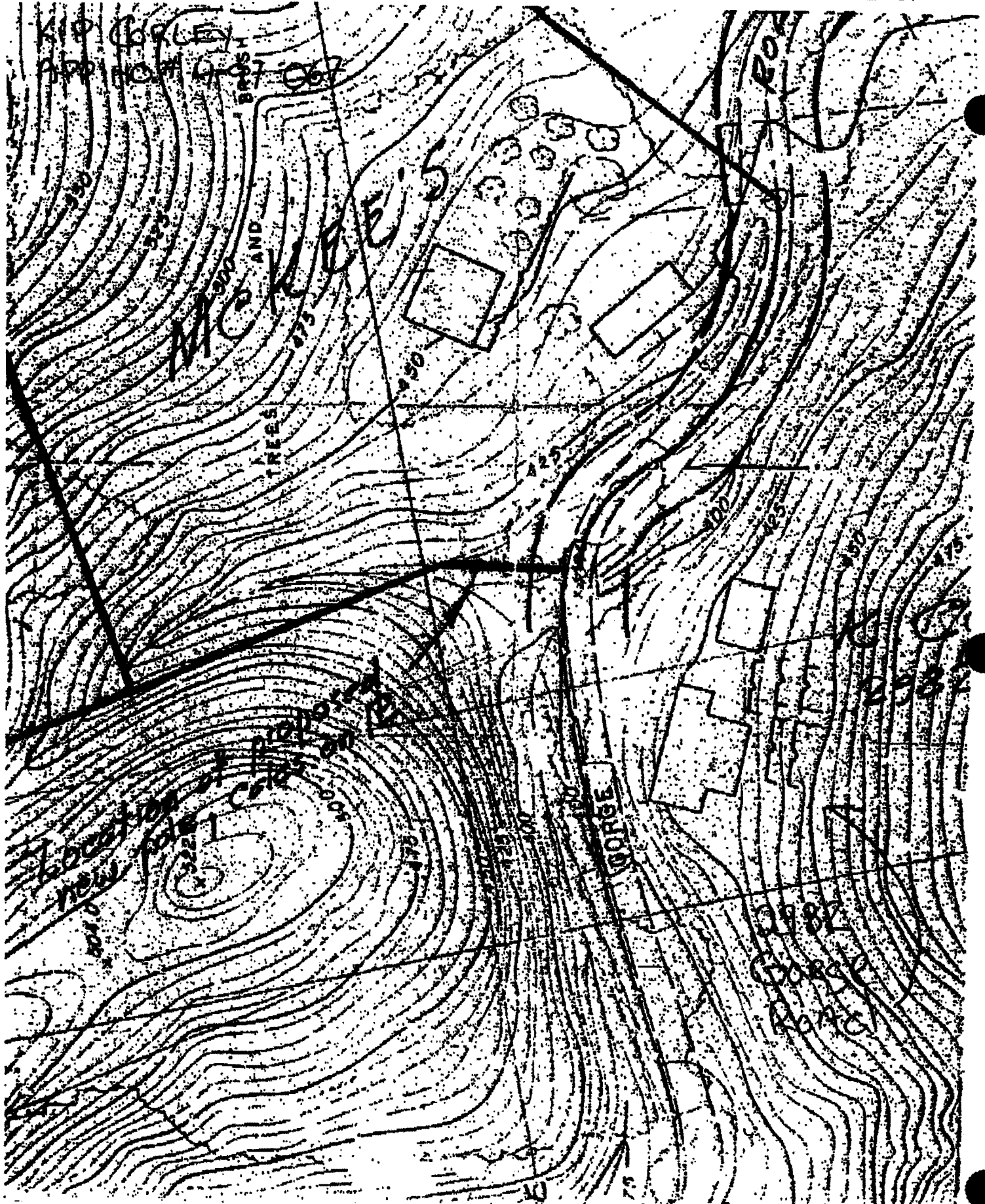
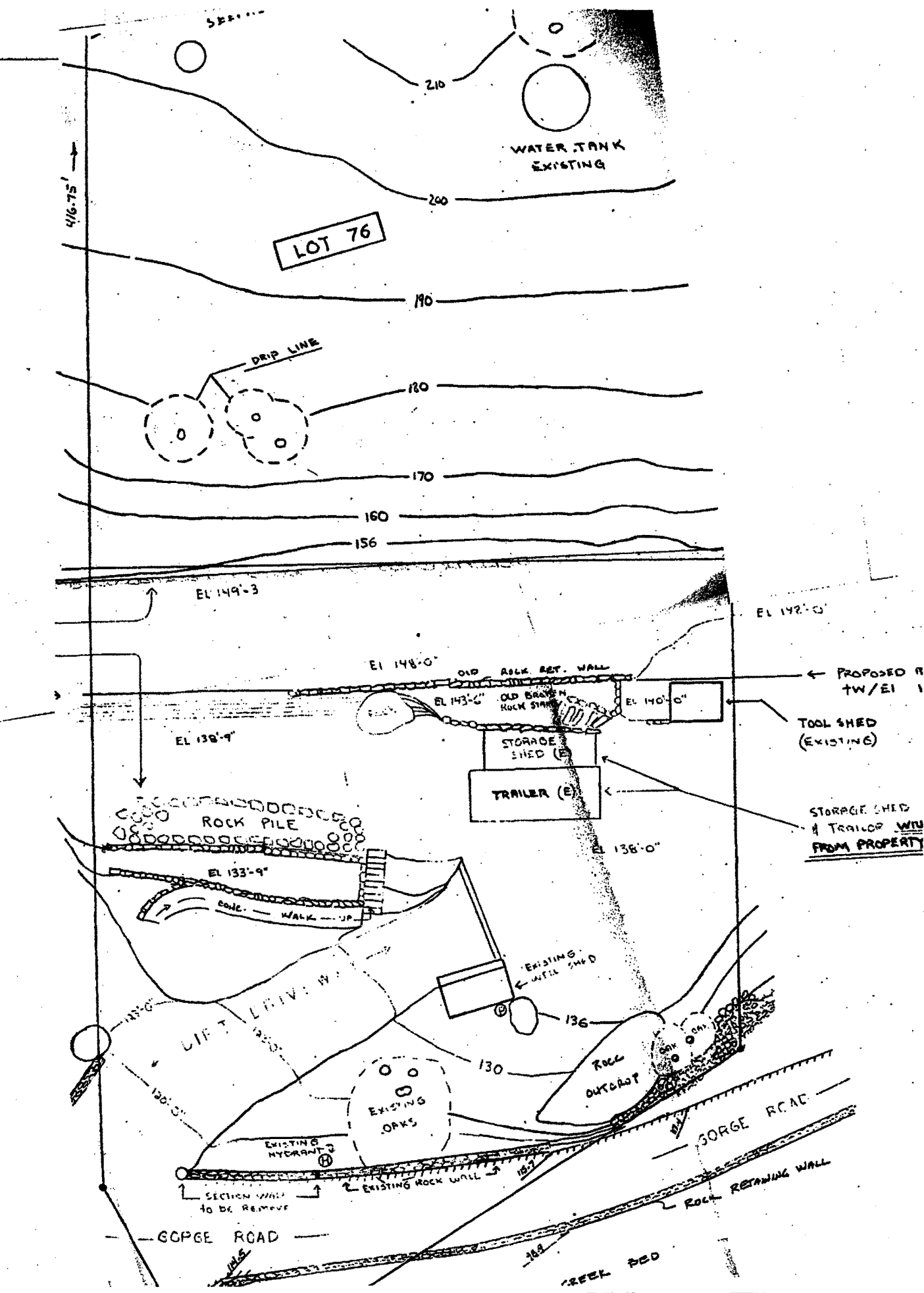


Exhibit 11  
 CDP 4-97-067 (Corley)  
 Survey



**Exhibit 12**  
**CDP 4-97-067 (Corley)**  
**Existing Site**

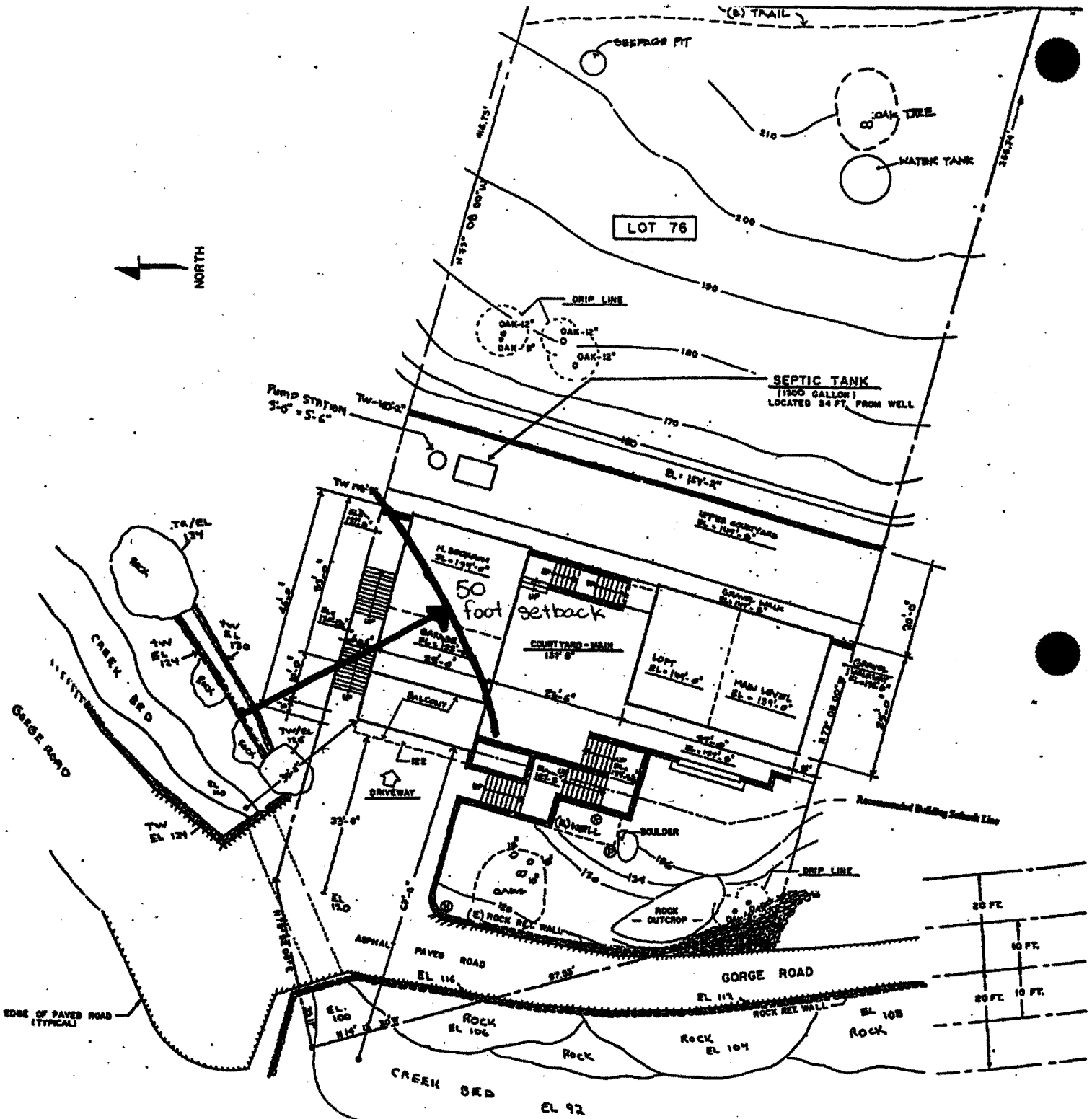


Exhibit 13  
 CDP 4-97-067 (Corley)  
 Setback Requirements