

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

ITEM: **TU 5m**
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Hearing Date: 12/8/98
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO. 4-98-276

APPLICANTS: Malibu Investors **AGENT:** John Kilbane

PROJECT LOCATION: 27453 Calicut Road, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 5,236 sq. ft., one story, 18 foot high, single family residence, including an attached 4-car garage, a swimming pool, driveway, patios and landscaping, and excavate 127 cu. yds. of material (for construction of swimming pool) to be disposed of at the Calabasas Landfill.

Lot Area: 1.33 acres/57,499 sq. ft.
Building Coverage: 5,236 sq. ft.
Pavement Coverage: 10,726 sq. ft.
Landscaped Area: 20,000 sq. ft.
Parking Spaces: 4 (garage)
Plan Designation: Residential I
Zoning: One du/1 acre
Project Density: One du/1 acre
Ht. abv ext grade: 18 feet maximum.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department, dated October 9, 1998; City of Malibu, Notice of Decision, Site Plan Review Number 98-013, dated September 24, 1998; In Concept Approval (Septic System), City of Malibu Environmental Health Department, dated July 31, 1998; Los Angeles County Fire Department, Preliminary Approval, dated October 13, 1998; Approval in Concept, City of Malibu Geology and Engineering Review, dated August 4, 1998; City of Malibu Archaeological Review Phase I Report, dated August 14, 1998.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan, Coastal Development Permit 5-89-1149 (Thorne); 4-97-157 (Malibu Investors); 4-97-189 (Segal); 4-97-120 (Malibu Investors); 4-97-121 (Malibu Investors).

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the project with special conditions addressing: **Landscape and Erosion Control Plan; Plans Conforming to Geologic Recommendations, Wildfire Waiver of Liability, and Design Restrictions.** The subject 1.33-acre parcel is Lot 17, Tract 46851, of the 19-lot "Malibu Pacifica" subdivision located west of Latigo Canyon Road, in Malibu, approximately one mile north of Pacific Coast Highway (Exhibits 1-3). Lot 17 contains a 24,680 square foot level pad previously graded pursuant to the underlying permit for the subdivision (CDP 5-89-1149 (Thorne)).

The site is located near Latigo Canyon Road, which is designated in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as a scenic highway. In addition, several scenic public viewing areas designated on the LUP Visual Resources Map are located along the adjacent portions of Latigo Canyon Road (Exhibit 4). No designated environmentally sensitive habitat areas have been identified on or adjacent to Lot 17.

The Commission has approved four other coastal development permits for the development of single family residences on lots within this subdivision during the past year (see substantive file documents above). The present application is accompanied by three other applications proposing single family residential development of Malibu Pacifica lots on this month's agenda. (Application Nos. 4-98-274, 4-98-275, 4-98-277).

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 Plan and Fuel Modification
 - A. Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:
 - (1) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within sixty (60) days of receipt of the Certificate of Occupancy from Los Angeles County. 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. 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 pad. Plantings

shall include vertical elements to screen and soften the visual impact of the residence and garage as seen from Latigo Canyon Road north and southeast of the site.

- (2) Vegetation within 50 feet of the proposed house may be removed to mineral earth or planted in a zone of irrigated lawn or similar ground cover. Selective thinning, for purposes of fire hazard reduction shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The applicant shall submit evidence to the satisfaction of the Executive Director that the fuel modification plan required herein has been approved by the Los Angeles County Forestry Department.
- (3) 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.
- (4) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape or fuel modification plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal-Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (5) 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 approved dumping location.

2. Monitoring Plan

- (1) Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards

specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

2. Plans Conforming to Geologic Recommendations

- (a) All recommendations contained in the Building Plan Review, Lot 17, Tract 46851, dated July 13, 1998, prepared by Geosystems, Environmental and Geotechnical Consultants, shall be incorporated into all final design and construction including all recommendations concerning foundations, grading, drainage, erosion control, retaining walls (new and existing), site preparation, friction piles, general construction specifications and precautions, floor slabs, pavement, swimming pool, and sewage disposal. All plans must be reviewed and approved by the geotechnical consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.
- (b) 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. The Executive Director shall determine whether required changes are "substantial."

3. 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, 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. 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 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.

5. Swimming Pool Drainage Plan

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a swimming pool drainage plan prepared by a licensed engineer that connects the swimming pool drain directly to the previously-constructed storm drain system. The swimming pool drainage plan shall certify that the proposed drainage system is adequate to drain the subject pool's volume of stored water at full capacity and shall specify that swimming pool drainage shall not be accomplished by pumping the drained effluent onto adjacent open areas or slopes.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The proposed project site is located at 27453 Calicut Road (APN 4460-034-007), about one mile inland and north of the Pacific Ocean, and west of Latigo Canyon Road (see Exhibits 1-5). The building site on the subject 1.33-acre, 57,499 square foot parcel is a 24,680 square foot graded pad centrally located on the southeast-facing (generally toward Latigo Canyon Road) lot.

The applicant proposes to construct a 5,236 sq. ft., one story, 18 foot high, single family residence, including an attached 4-car garage, a swimming pool, driveway, patios and landscaping, and to excavate 127 cubic yards of material (for construction of swimming pool) to be disposed of at the Calabasas Landfill.

The subject parcel is one of nineteen lots created by a subdivision approved by the Commission in 1990 (CDP 89-1149(Thorne)). Many of the parcels in the subdivision, which is now known as "Malibu Pacifica," are subject to extensive open space deed restrictions, and a geologic restricted use area affects Lots 7 and 8. The subject parcel, Lot 17, is not affected by these restrictions, however.

The southerly lots of the subdivision drain to Escondido Canyon Creek, an Environmentally Sensitive Habitat Area (ESHA), and development of these parcels must

be evaluated for potential effects upon the ESHA. Lot 17, however, drains southeasterly toward Calicut Road and into the previously constructed storm drain system serving the subdivision. Thus, the proposed development will not affect Escondido Canyon Creek. No environmentally sensitive habitat has been identified on Lot 17.

Lot 17 is situated approximately 48 feet above Latigo Canyon Road to the northeast, and is visible from several scenic vistas along Latigo Canyon Road that are designated as coastal visual resources in the certified Malibu/Santa Monica Mountains Land Use Plan. The proposed building pad is constructed at the 865-foot elevation. The Commission has approved the development of single family residences on four of the lots in this subdivision within the past year, including:

- Lot 3 (7/8-acre): CDP 4-97-120 (Malibu Investors), for a 4,365 square foot, one story single family residence, etc., at 4765 Latigo Canyon Road.
- Lot 4 (1 acre): CDP 4-97-121 (Malibu Investors), for a 4,356 square foot, one story single family residence, etc., at 4767 Latigo Canyon Road.
- Lot 7 (13.2 acres): CDP 4-97-157 (Malibu Investors), for a 4,351 square foot, two-story single family residence, etc., at 4775 Latigo Canyon Road.
- Lot 11 (4.28 acres): CDP 4-97-189 (Segel), for a 7,102 square foot, two story single family residence, etc., at 4771 Latigo Canyon Road, Malibu.

Three other lots are presently proposed for development pursuant to pending Coastal Development Permit applications 4-98-274 (Lot 14) at 27457 Latigo Bay View Drive; 4-98-275 (Lot 16) at 27425 Calicut Road; and 4-98-277 (Lot 18) at 27467 Calicut Road.

B. Geology and Fire Hazards

Coastal Act Section 30253 provides in pertinent part that:

Section 30253.

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 Malibu/Santa Monica Mountains LUP, which the Commission has certified and utilized as guidance in past permit decisions, contains policies applicable to the proposed project:

P 147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P 149 Continue to require a geologic report, prepared by a registered engineer...

P 156 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.

1. Geology; Site Stability

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The applicant has submitted a geology report titled Building Plan Review, Lot 17, Tract 46851, dated July 13, 1998, prepared by GeoSystems Environmental and Geotechnical Consultants.

As stated previously, the applicant proposes to construct a 5,236 square foot, one story, 18 foot high, single family residence, including an attached 4-car garage, a swimming pool, driveway, patios and landscaping, and to excavate 127 cubic yards of material (for construction of a swimming pool). The proposed project will be sited on a previously constructed and graded 24,680 square foot pad (CDP 5-89-1149, Thorne). As such, the Commission in previous permit actions has already considered the general geologic competence of the site and the suitability of performing the landform alterations associated with the underlying subdivision.

The building pad is constructed on a 30-foot high compacted fill slope that descends at a 2:1 gradient toward the adjacent building pad on Lot 16. The northeastern side of the building pad is supported by a compacted fill slope, which descends some 55 feet to Latigo Canyon Road. To the west of the pad, a 2:1 compacted fill slope ascends approximately 21 feet to a graded pad on Lot 18.

The applicant proposes to excavate 116 cubic yards of material to construct the proposed swimming pool. The applicant states that the resultant debris will be disposed of at the Calabasas Landfill.

The Geosystems report states that the subdrain system for the swimming pool will collect overspillage and discharge it through a drainage system to the slope face about midway down the slope. The applicant's agent, John Kilbane, has confirmed that the subdrain system will only collect minimal amounts of overtopping or incidental spillage from the pool. The geotechnical report does not state, however, how maintenance drainage of the swimming pool would be managed. Drainage of the swimming pool's full storage capacity into or onto the adjacent slope could saturate or erode the slope, resulting in the destabilization and potential failure of the slope.

To ensure that maintenance or emergency drainage of the pool is directed to the paved streets and ultimately into the storm drain system, **Special Condition 5** requires the applicant to prepare and submit for the Executive Director's approval a swimming pool drainage plan prepared by a licensed engineer. The plan must specify how swimming pool drainage will be conducted to the storm drain system; drainage to open areas, or onto or within slope areas, is unacceptable. Implementation of the drainage plan required by **Special Condition 5** will ensure that swimming pool drainage is managed in a non-erosive manner consistent with preserving the stability of the site.

The Geosystems report makes numerous recommendations regarding site preparation, foundation and building setbacks, foundation footings, support piles, design requirements, erosion control, retaining walls, drainage protection, sewage disposal, and other considerations potentially affecting site stability. The Geosystems report concludes that:

It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the County Code, provided our recommendations are followed.

Based on the recommendations of the Geosystems geologists and soils engineers, therefore, the Commission finds that the proposed development, as conditioned herein, minimizes risks to life and property from geologic hazards and assures stability and structural integrity, as required by Section 30253 of the Coastal Act, so long as the recommendations set forth in the Geosystems report 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 geologist and soils engineer as conforming to their recommendations (**Special Condition 2**).

Section 30253 of the Coastal Act states that new development shall not create or contribute significantly to erosion, in addition to the other site stability issues addressed above. **Special Condition 1** requires the applicant to submit for the Executive Director's

approval landscape and fuel modification plans incorporating erosion control measures and providing for landscaping with suitable, locally native plant species. Established native plants, particularly chaparral shrub species, have deep root systems that hold soil in place and inhibit erosion. Use of the materials and methods required by that special condition will, therefore, stabilize the site immediately after disturbance and additionally protect against long-term site erosion.

The landscape plan required by **Special Condition 1** requires that disturbance caused by grading and/or excavations be immediately stabilized and planted for erosion control with approved, locally native plant species. Temporary measures must also be incorporated into the landscape plan to protect excavated soils from erosion while construction is in progress during the rainy season. Such measures may include, but are not limited to, covering stockpiled soils and exposed graded areas with weighted plastic coverings, constructing siltation and debris basins, and strategically placing sandbags, haybales, or geotextiles as necessary to provide adequate protection of soils.

Commission staff determined during a site visit in November, 1998 that the existing graded pad and constructed slope areas of this lot and others in the Malibu Pacifica subdivision have not been successfully landscaped and that replanting and other erosion control measures will be necessary to achieve the degree of site stability required by Coastal Act Section 30253. The landscape and erosion control requirements of **Special Condition 1** are applicable to the entire parcel and require continued replanting and application of erosion control measures until successful results are achieved in accordance with the requirements of that condition.

The Commission notes that the use of native plants to landscape disturbed areas of the site (in addition to the use of native plants for overall landscape design), provides superior erosion control to that provided by more common applications, such as the hydroseeding with non-native annual grasses that is often employed along roadcuts or burned areas. Non-native grass seeding provides a quick, shallow layer of growth and a more immediate "greening" effect, but the grasses quickly deplete the soil of available nutrients, crowd slower-growing native plant seedlings, and potentially preclude establishment of erosion controlling, native shrub species altogether.

Native shrub species common to the chaparral vegetation that characterizes much of the Santa Monica Mountains are more deeply rooted than annual grasses, and thus provide superior long-term slope stability and erosion control. Non-native annual grasses, by contrast, are shallow-rooted and tend to attract foraging by pocket gophers. Gopher tunnels provide conduits for rainwater intrusion and resultant slope loading, which may result in washouts and gullyng as rainwater is funneled into burrows. Gross slope failure may eventually result. Even minor slope failures and resultant erosion further deplete the topsoil layer and exacerbate the difficulty in establishing vegetation. Thus, a negative "feedback loop" can easily become established when site disturbance is not controlled by adequate measures. These measures, as discussed above and as required by **Special**

Condition 1, including landscaping with appropriate native species in conjunction with other erosion control techniques.

In addition, the fine, dry fuel provided by dead annual grasses--often used to seed disturbed areas--carries fire quickly and may fuel fires that further retard establishment of native brush species where the underlying seedbank has been disturbed by new development.

For these reasons, the Commission finds it necessary to impose **Special Condition 1** as a condition of approval of the proposed development, thereby ensuring that erosion is controlled and that native plants are appropriately utilized for slope stabilization and landscaping.

Therefore, for all of the reasons set forth above, Commission finds that the proposed project as conditioned by **Special Conditions 1, 2, and 5** will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

2. Wild Fire

Section 30253 of 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.

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.

Much of the Malibu Pacifica subdivision, including the applicant's parcel, burned during the 1993 Malibu Fire. 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 **Special Condition 3**, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition 3** the applicant agrees to indemnify the Commission, its officers,

agents and employees against any and all claims, demands, damages, costs, expenses or 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.

In addition, **Special Condition 1** requires the applicant to submit landscape and fuel modification plans. These plans require the use of locally native plant species while incorporating the fuel modification requirements of the Los Angeles County Fire Department, thus reducing the threat of wildfire to the proposed residence that might otherwise exist.

The Commission finds that only as conditioned by **Special Conditions 1 and 3** is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

Therefore, for all of the reasons cited above, the Commission finds that the proposed project, as conditioned by **Special Conditions 1, 2, 3, and 5** will be consistent with the provisions of Coastal Act Section 30253 applicable to geology, site stability, and fire hazards.

C. Visual Resources

Section 30251 of the Coastal Act states:

Section 30251.

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 reservation 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 LUP contains numerous policies regarding the protection of visual resources. The Coastal Commission has utilized these policies as guidance in past permit decisions. LUP policies particularly applicable to the proposed project include:

- P 91 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.**

- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands.**
- 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 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 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.**
- P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.**

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 expansive mountain vistas. The site is visible from Latigo Canyon Road, a designated scenic highway in the LUP, particularly from mapped scenic vistas to the north and east of the project site, along Latigo Canyon Road (see Exhibit 4).

As stated previously, the applicant proposes to construct a 5,236 sq. ft., one story, 18 foot high, single family residence, including an attached 4-car garage, a swimming pool, driveway, patios and landscaping, and to excavate 127 cubic yards of material (for construction of a swimming pool). The proposed project would be sited on a previously constructed 24,680 square foot pad (CDP 5-89-1149 (Thorne)).

An underlying open space easement for the preservation of views and sensitive habitat areas was required by the Commission as a condition of approval of the subdivision (CDP 5-89-11249, Thorne). That easement traverses the majority of the nineteen parcels in the subdivision, but the subject lot, Lot 17, is not one of those parcels. Nevertheless, the subject site is visible from a designated scenic highway and from specifically identified public viewing locations. Therefore, the Commission finds it necessary to

require the proposed home to be constructed in accordance with specific design restrictions that limit the color of the proposed residence, garage, and associated roofs to colors compatible with the surrounding environment, and to require non-glare glass only for windows. These requirements are contained in **Special Condition 4**, and will ensure that the effects on public coastal views from Latigo Canyon Road and associated vista points that may be caused by the proposed development are minimized.

In addition, **Special Condition 1**, discussed in Section B above, requires immediate stabilization and planting of all disturbed areas with native plant species. The condition requires the applicant to prepare a landscape plan that draws upon a palette of locally native plants for the landscape design of the subject parcel. The appropriate use of native plant materials will not only minimize the potential for erosion (as discussed previously) and resultant adverse visual impacts, but will ensure that any residual visual effects of the proposed project on public coastal views are minimized. To further mitigate any residual impacts on public views that may be caused by the proposed development, the **Special Condition 1** further requires that the approved planting plan include vertical elements to screen and soften the visual impact of the proposed development as seen from public viewing areas, particularly along Latigo Canyon Road.

The Commission finds that the proposed project, as conditioned to incorporate the specified design restrictions and landscaping plans required by **Special Conditions 1 and 4**, is consistent with Section 30251 of the Coastal Act.

2. Landform Alteration

As stated previously, the proposed site has already been graded to construct the existing 24,680 square foot pursuant to the previously approved subdivision. The applicant proposes a minor amount of excavation (127 cubic yards) to construct a swimming pool. The applicant states that the excavated material will be disposed of at the Calabasas Landfill, which is authorized to receive such material. The excavation necessary to construct the proposed swimming pool will be relatively minor; nevertheless, any disturbance of the constructed slopes can lead to significant erosion and a resultant scarring effect on the slopes. Such impacts would adversely affect the panoramic mountain views available from Latigo Canyon Road, a designated scenic highway.

To ensure that these potentially adverse effects are fully mitigated or avoided, **Special Condition 1**, as discussed above, requires the immediate stabilization of excavated areas and landscaping with locally native plant species.

Additionally, the applicant's geotechnical consultant has recommended measures needed to prevent erosion in the report cited above. **Special Condition 2** requires the applicant to submit evidence that the final project plans and designs incorporate all of these recommended measures

The Commission finds that as conditioned by **Special Conditions 1, 2, and 4**, the proposed project minimizes impacts to public views to and along the coast and thus is consistent with the requirements of Coastal Act Section 30251.

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards 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, minimizing alteration of natural streams.

The applicant proposes to construct a new 1,500 gallon septic system with a drain field as shown on the plans approved by the City of Malibu, July 31, 1998. The conceptual approval by the City of Malibu Environmental Health Department indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

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. In addition, the applicant's geologist has made specific recommendations for the sewage disposal system that will be incorporated into the final project plans and designs as required by **Special Condition 2**. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. 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 development 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'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).

F. 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 effect which the activity would have on the environment.

The Commission finds that the proposed project, 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 effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

COASTAL COMMISSION
SOUTH CENTRAL COAST DIST.

4-98-276
Malibu Inv.

VICINITY MAP

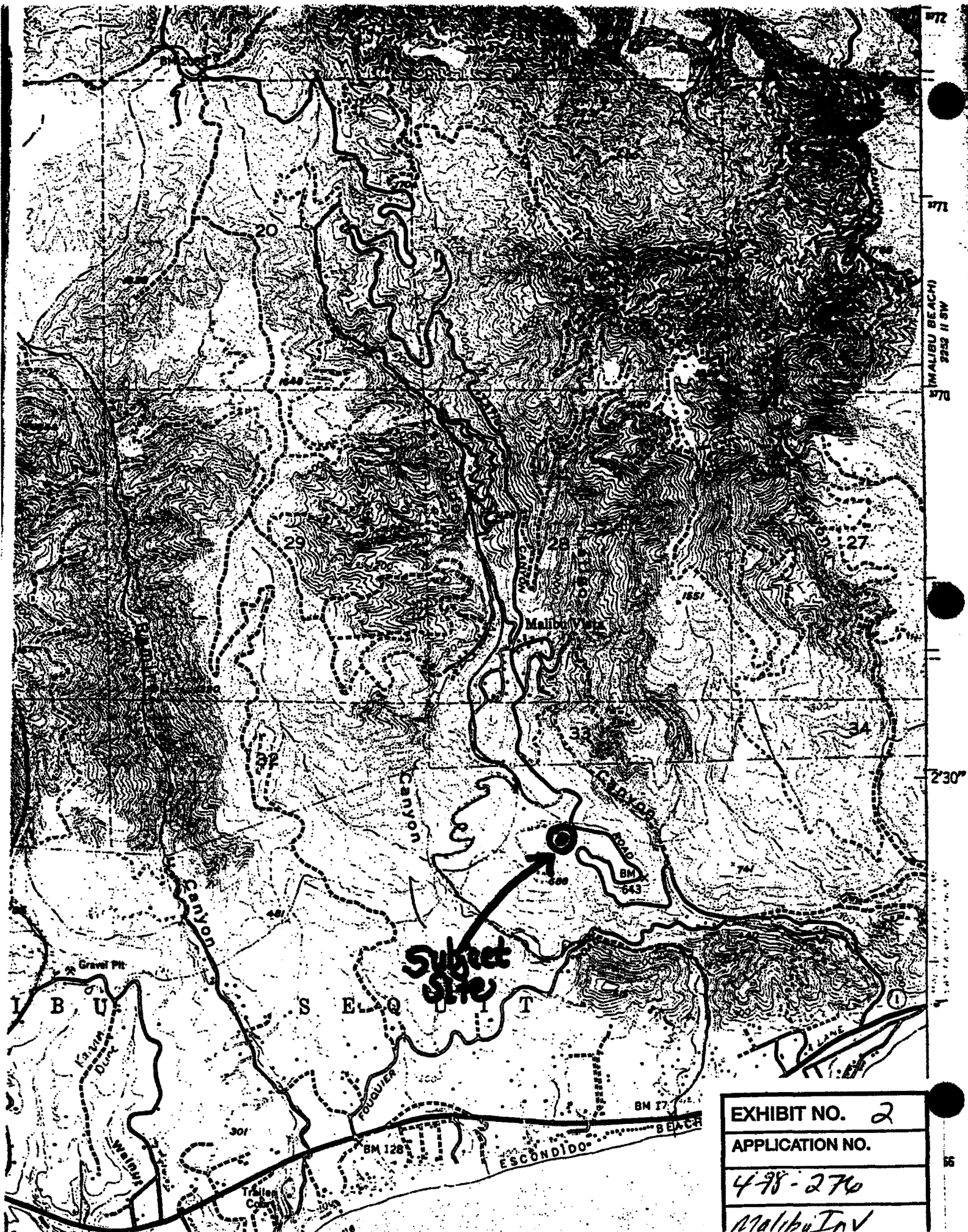
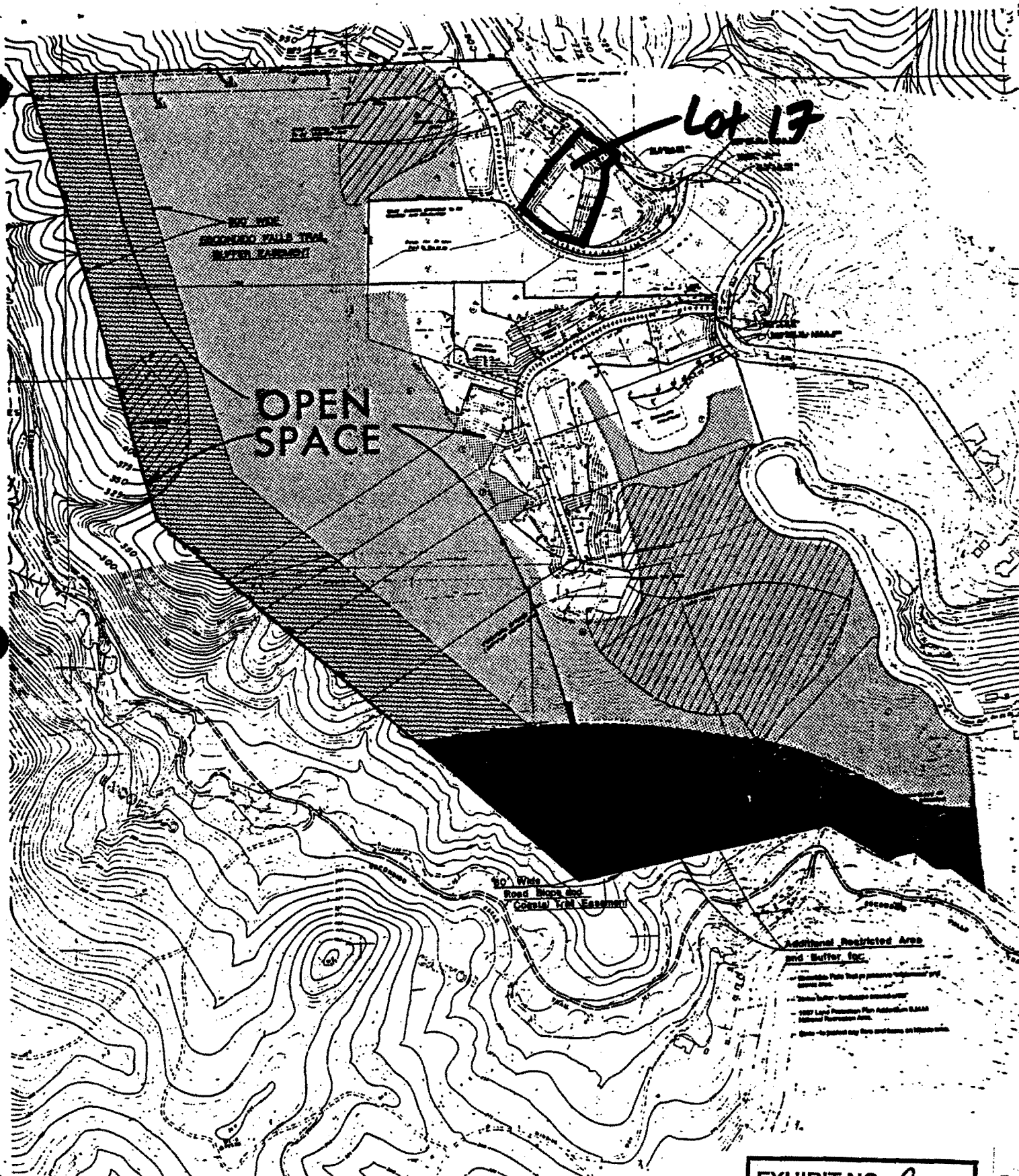


EXHIBIT NO.	2
APPLICATION NO.	4-98-276
Malibu Inv	



5-89-1149
EXHIBIT 4

OPEN SPACE
VEST. T

ES00

EXHIBIT NO. 3
APPLICATION NO.
4-98-270
Malibu Inv.

A
ATH
2000

LUP Visual Resources Map
* = Public Viewing Area

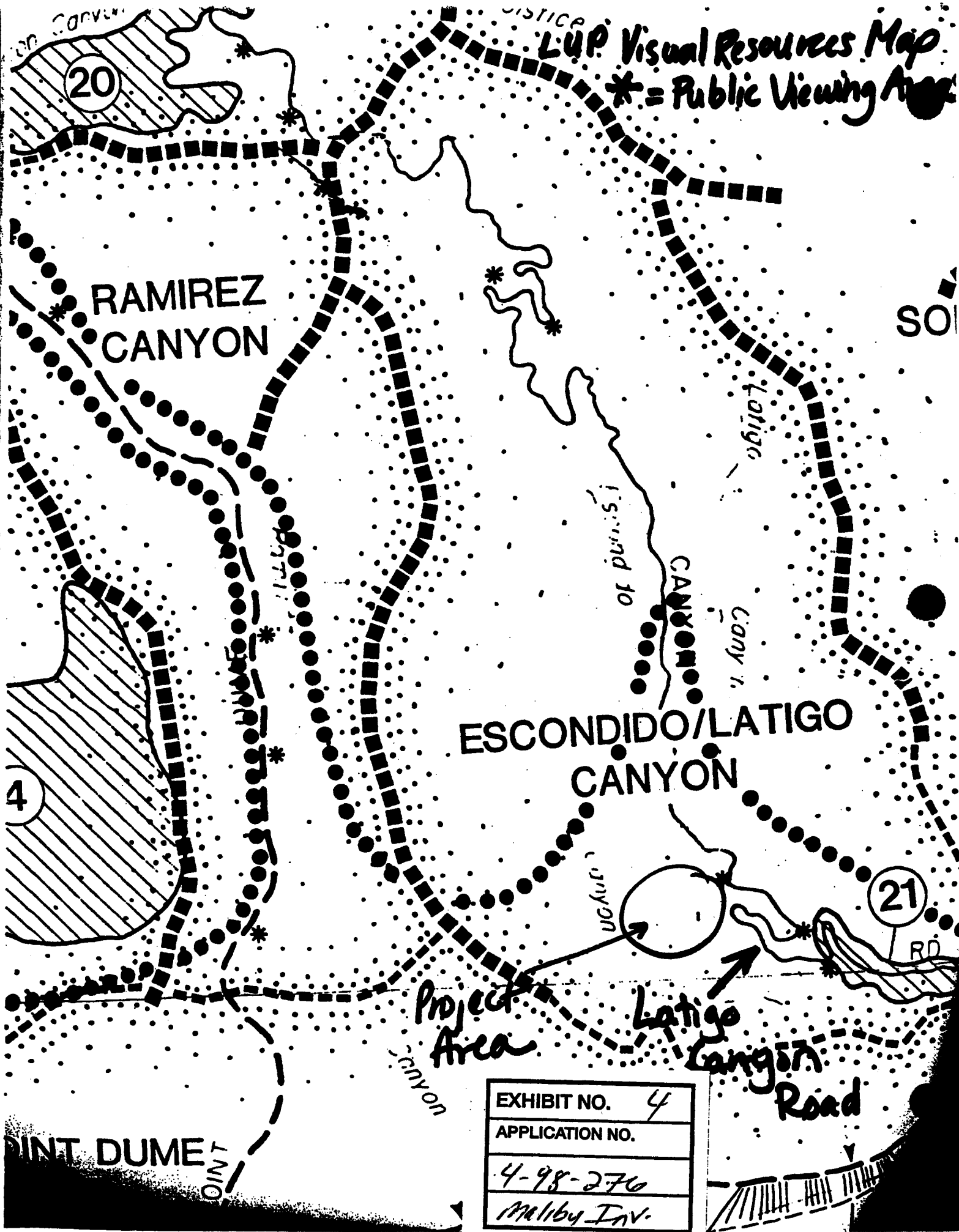
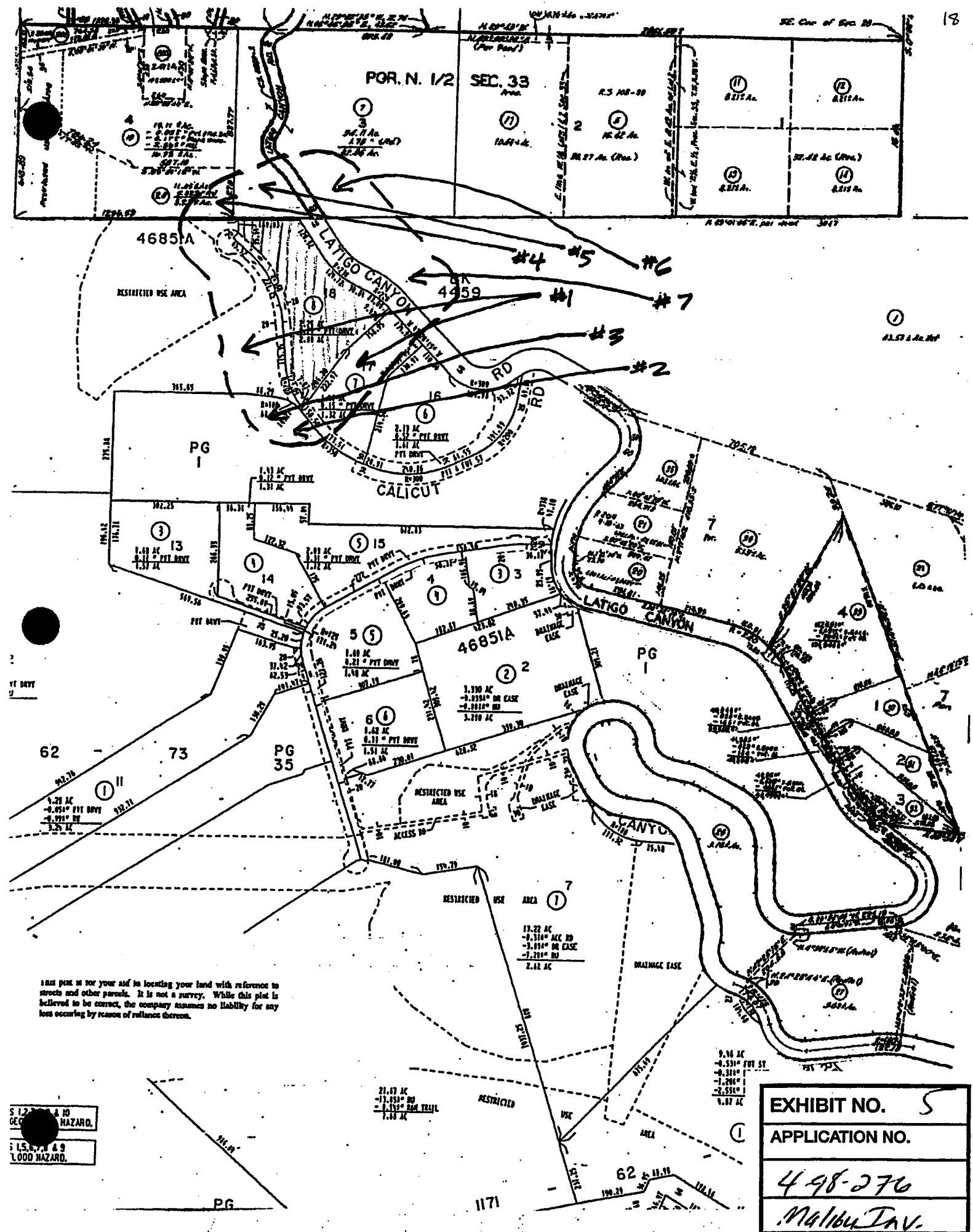
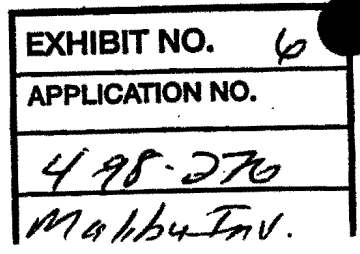


EXHIBIT NO.	4
APPLICATION NO.	4-98-276
	Malibu Inv.





PROJECT:
MALIBU PACIFICA, LOT 18
27467 CALICUT ROAD
MALIBU, CA 90265

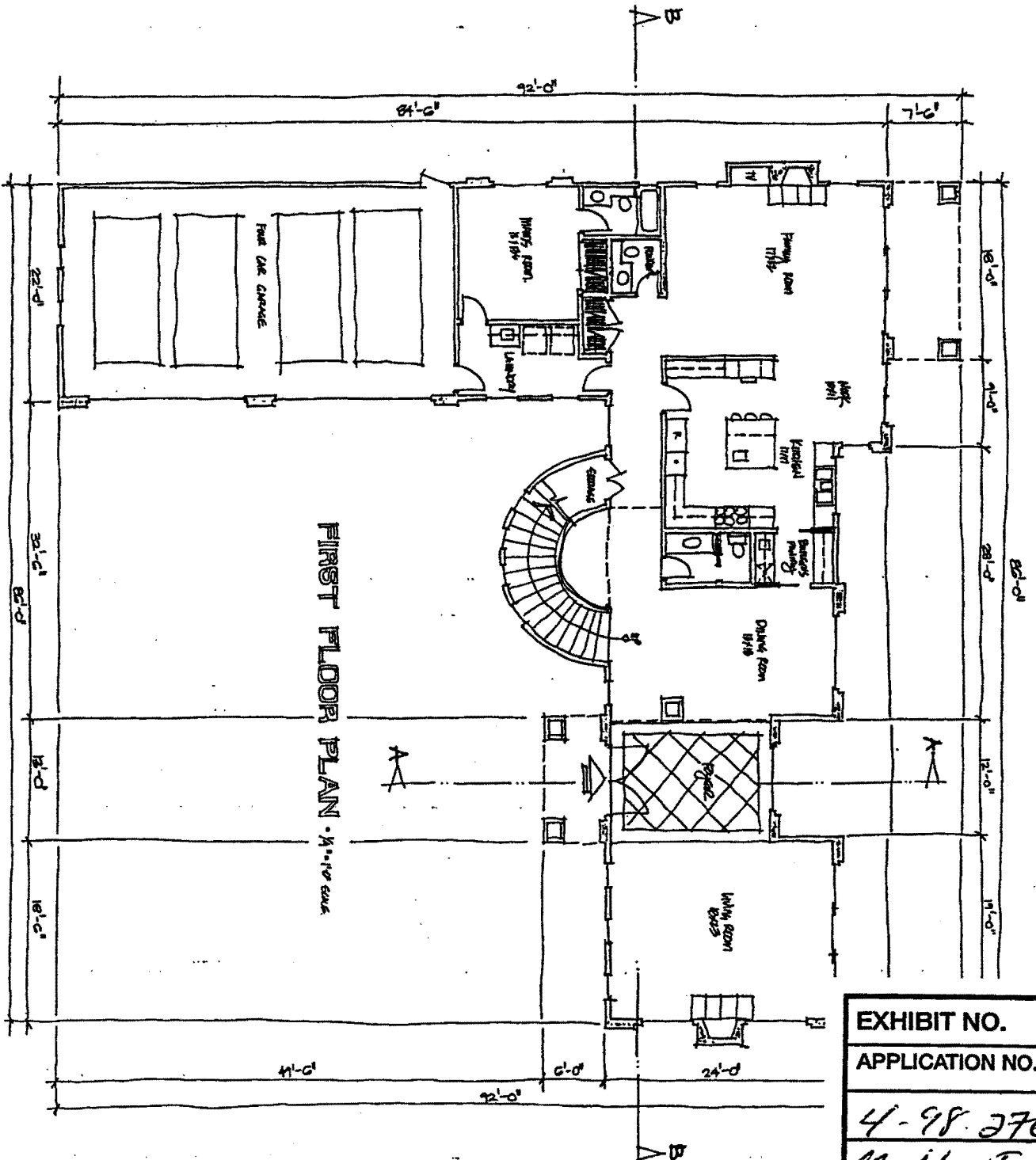


EXHIBIT NO. 7

APPLICATION NO.

4-98-276

Malibu Town

PROJECT OWNER:
MALIBU INVESTORS, LLC
4747 LATICO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 389-2664 FAX: (310) 389-2811

ARCHITECT:
ARCHWEST DEVELOPMENTS, INC.
4747 LATICO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 389-2664 FAX: (310) 389-2811

PROJECT:
MALIBU PACIFICA, LOT 18
37417 CALLETT ROAD
MALIBU, CA 90265

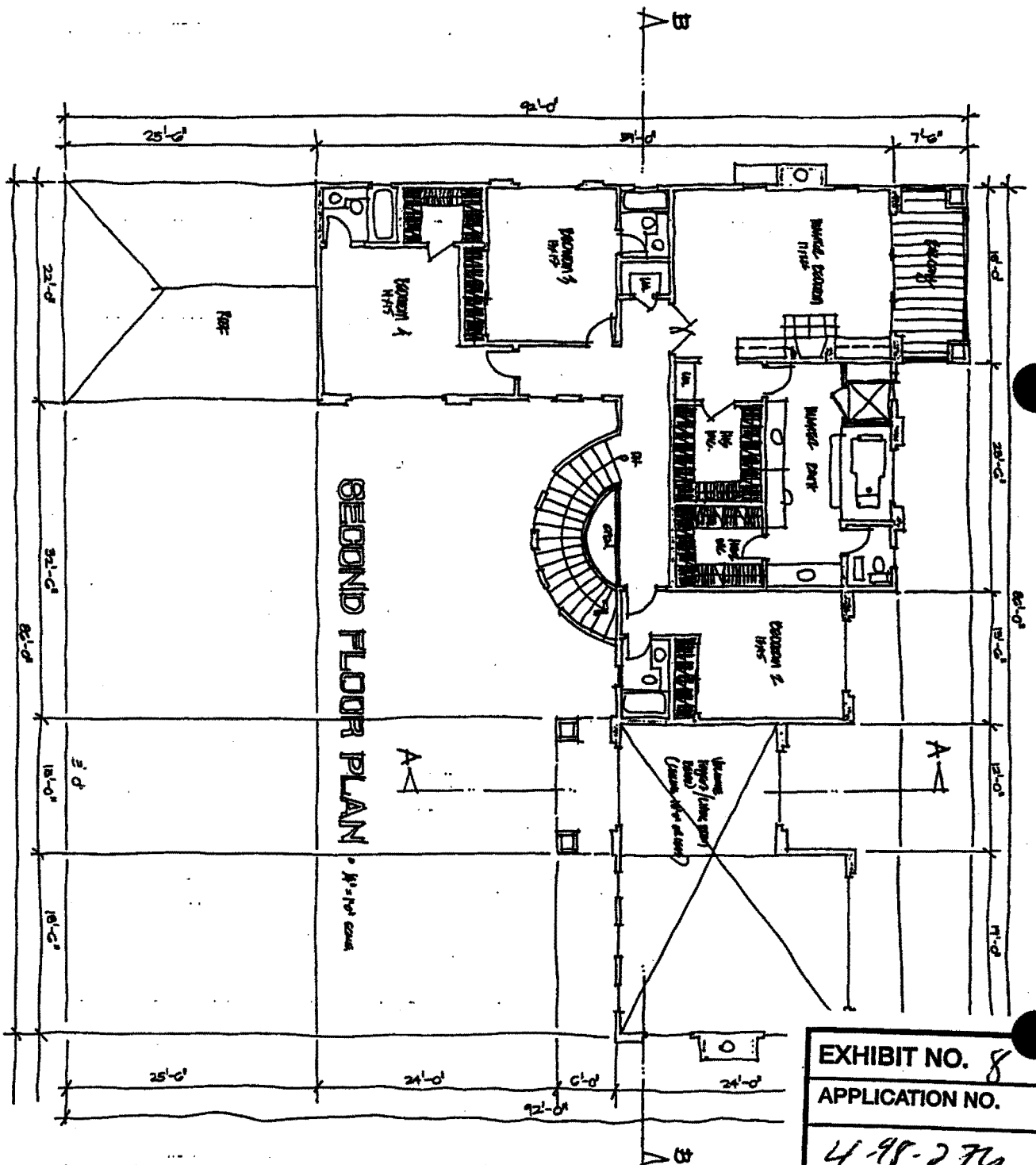


EXHIBIT NO. 8
APPLICATION NO.

4-98-276

11/1/98

PROJECT OWNER:
MALIBU INVESTORS, LLC
4347 LATIGO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 589-2664 FAX: (310) 589-2814

ARCHITECT:
ARCHWEST DEVELOPMENTS, INC.
4347 LATIGO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 589-2664 FAX: (310) 589-2814

PROJECT:
MALIBU PACIFICA, LOT 18
27437 CALICUT ROAD
MALIBU, CA 90265

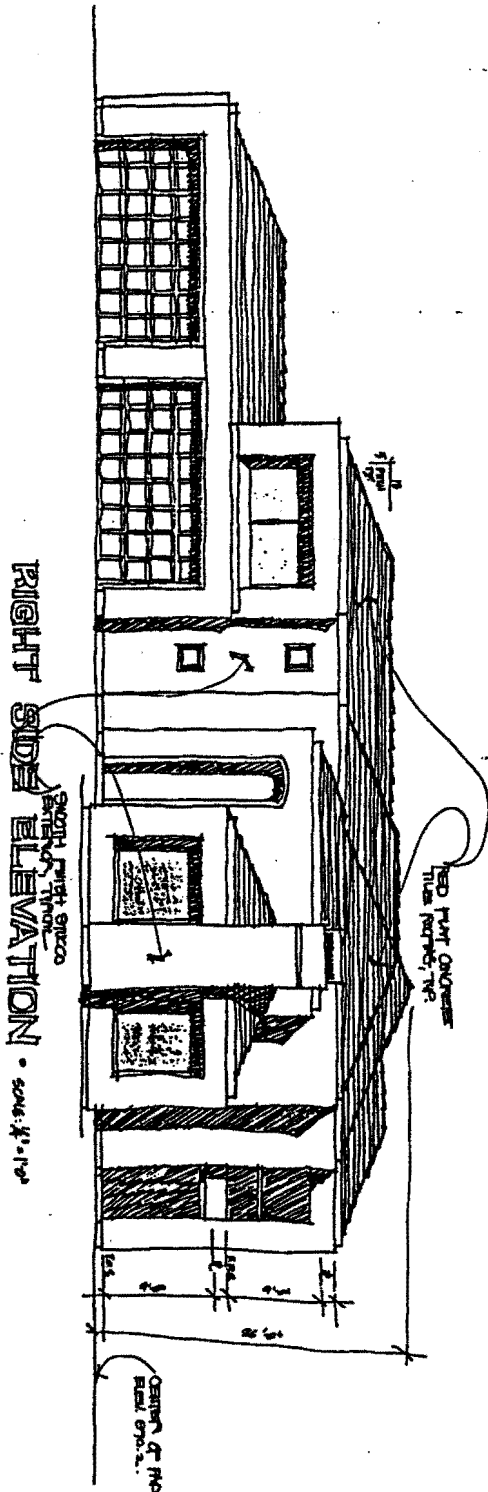
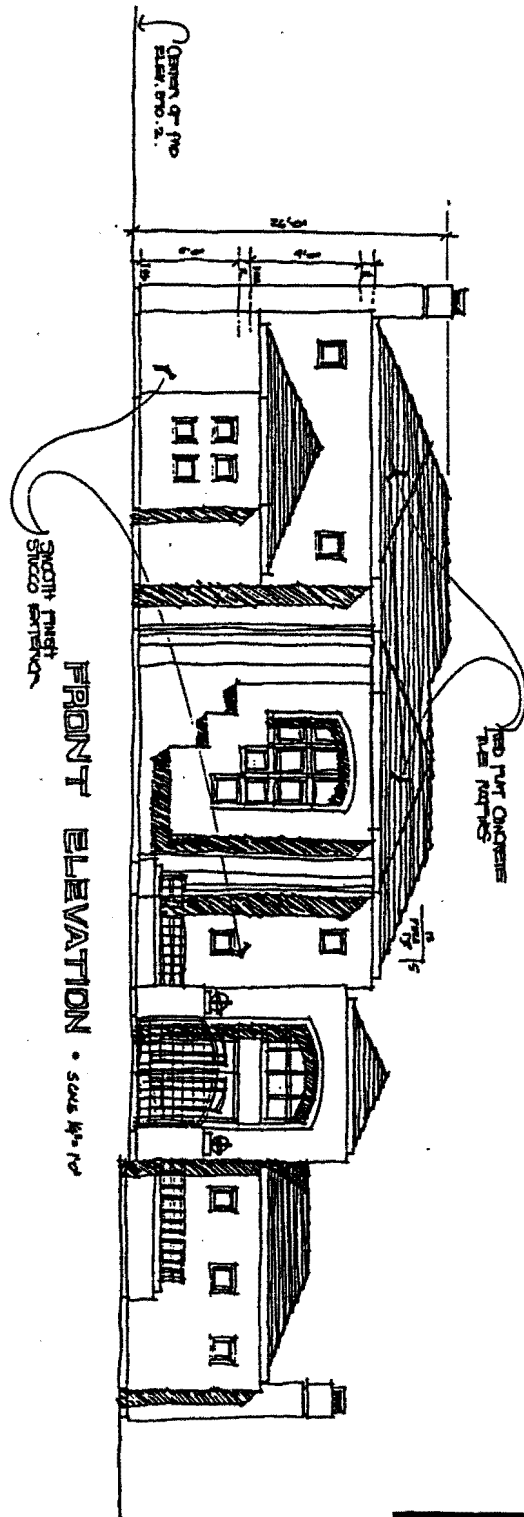


EXHIBIT NO. 9
APPLICATION NO.

4-98-270
Malibu Trv.

PROJECT OWNER:
MALIBU INVESTORS, LLC
4747 LATIGO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 585-2664 FAX: (310) 585-2811

ARCHITECT:
ARCHWEST DEVELOPMENTS, INC.
4747 LATIGO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 585-2664 FAX: (310) 585-2811

PROJECT:
MALIBU PACIFICA, LOT 18
37447 CALVERT ROAD
MALIBU, CA 90265

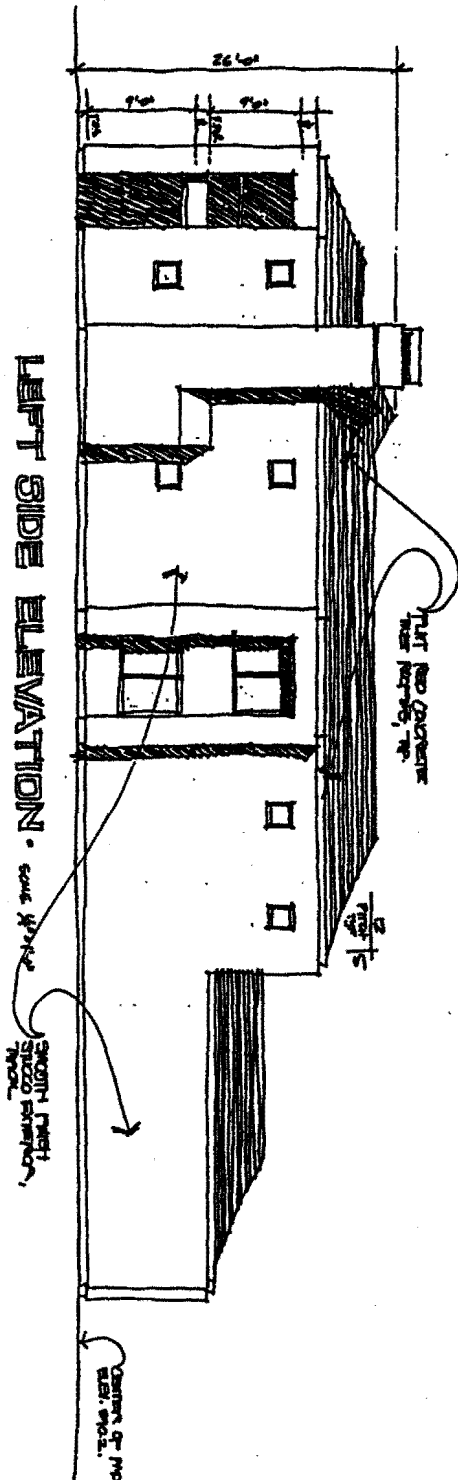
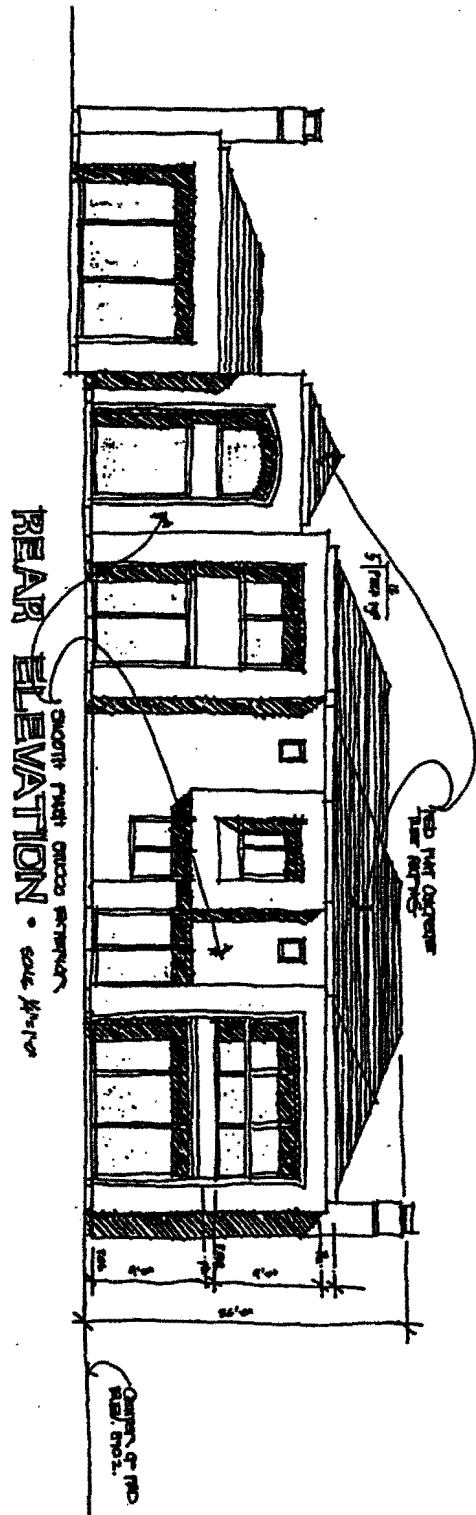


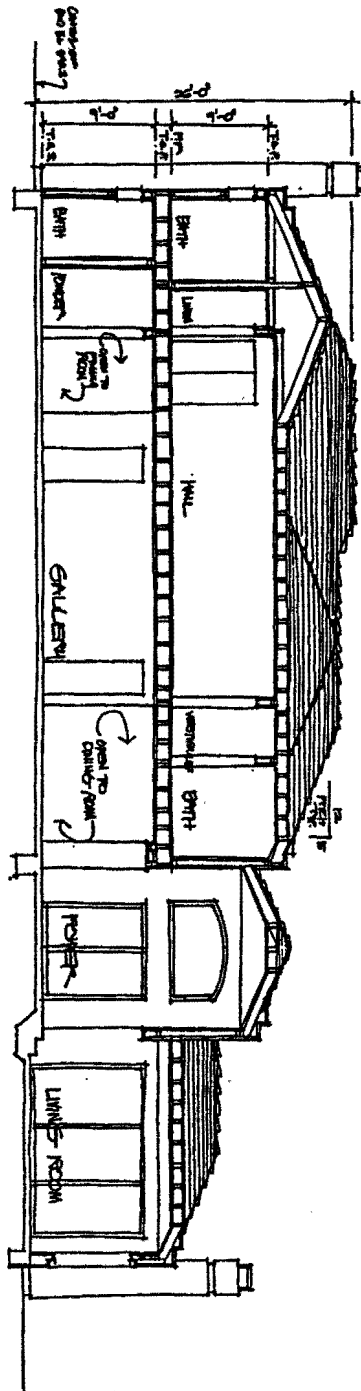
EXHIBIT NO.	18
APPLICATION NO.	4-98-276
Malibu Inn.	

PROJECT OWNER:
MALIBU INVESTORS, LLC
4747 LATIGO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 589-2664 FAX: (310) 589-2814

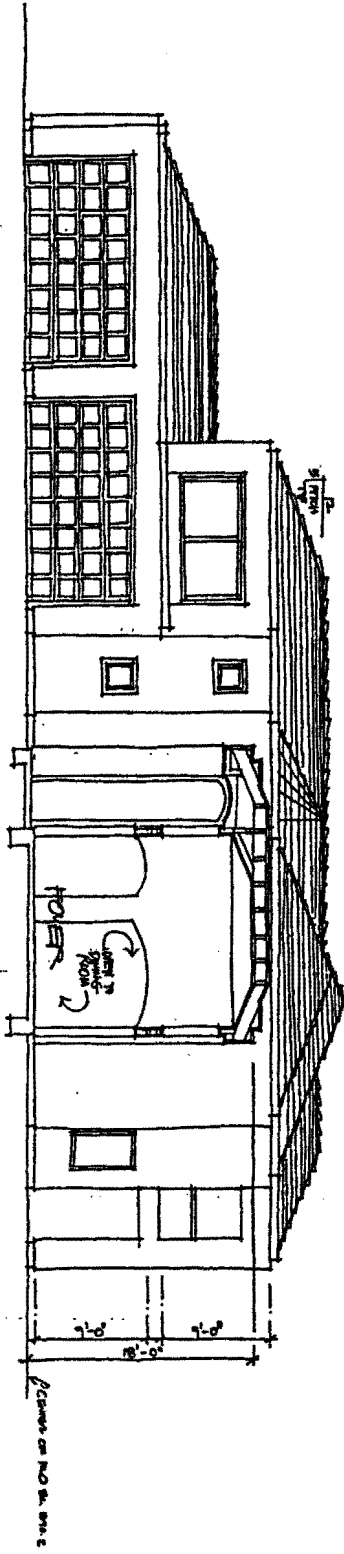
ARCHITECT:
ARCHWEST DEVELOPMENTS, INC.
4747 LATIGO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 589-2664 FAX: (310) 589-2814

PROJECT:
MALIBU PACIFICA, LOT 18
37447 CALVERT ROAD
MALIBU, CA 90265





SECTION B
1/4" = 1'-0" SCALE



SECTION A
1/4" = 1'-0" SCALE

EXHIBIT NO. 11
APPLICATION NO.
4-98-276
MAL. INC.

PROJECT OWNER:
MALIBU INVESTORS, LLC
4747 LATIGO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 389-2664 FAX: (310) 389-2814

ARCHITECT:
ARCHWEST DEVELOPMENTS, INC.
4747 LATIGO CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 389-2664 FAX: (310) 389-2814

PROJECT:
MALIBU PACIFICA LOT 18
37447 CALVERT ROAD
MALIBU, CA 90265

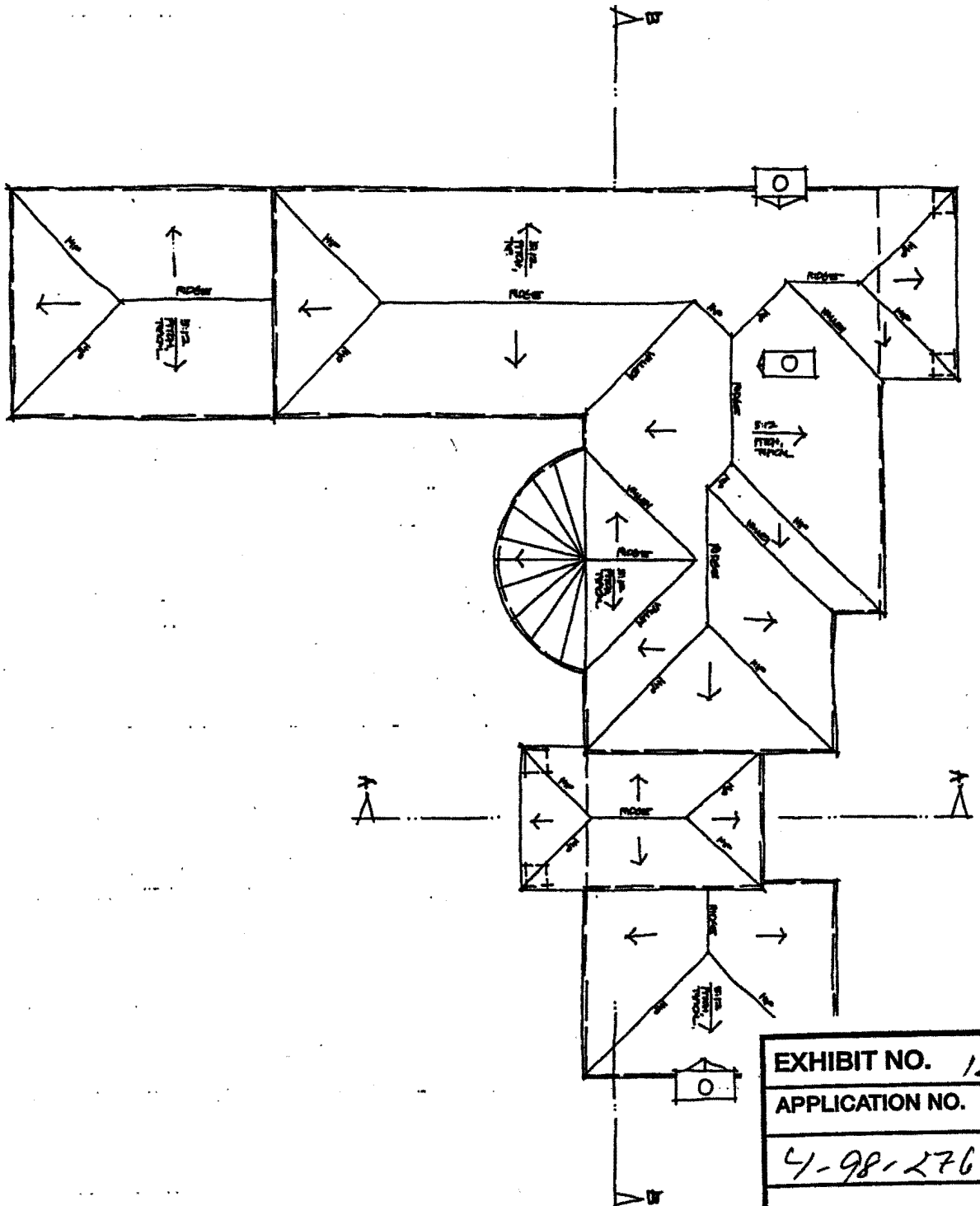


EXHIBIT NO.	12
APPLICATION NO.	4-98-276
	MAL. JAW.

PROJECT OWNER:
MALIBU INVESTORS, LLC
4347 LATOUD CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 559-2664 FAX: (310) 559-2814

ARCHITECT:
ARCHWEST DEVELOPMENTS, INC.
4347 LATOUD CANYON ROAD, MALIBU, CA 90265
PHONE: (310) 559-2664 FAX: (310) 559-2814

PROJECT:
MALIBU PACIFICA, LOT 18
37447 CALLE DE LA LUNA
MALIBU, CA 90265

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