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CALIFORNIA COASTAL COMMISSION

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



Filed: 02-09-98
49th Day: 03/30/98
180th Day: 08/08/98
Staff: SMB - VNT
Staff Report: 02-11-98
Hearing Date: March 12, 1998

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-010

APPLICANT: Christy Farrer and Joan Conrad Sr.

AGENT: Chris Farrer

PROJECT LOCATION: 6855 Wildlife Road, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a 5,183 sq. ft., 28 ft. high single family residence with three car attached garage, septic system, and pool. There is no proposed grading.

Lot area:	50,000 sq. ft.
Building coverage:	3,300 sq. ft. new proposed
Pavement coverage:	1,800 sq. ft. new proposed
Parking spaces:	3 new proposed
Landscape coverage:	20,000 sq. ft. proposed
Parking Spaces	2 existing
Ht abv fin grade:	28 feet

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept, City of Malibu Environmental Health Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Malibu/ Santa Monica Mountains Land Use Plan. Coastal Development Permit 4-96-004 (Farrer), Soils and Engineering-Geologic Investigation, dated 09/12/97, Soils and Engineering-Geologic Response Report dated 11/06/97 by California GeoSystems, Engineering Geologic Report, dated 01/30/92 by Harley Tucker Inc., Archaeological Reconnaissance, dated 12/23/97 by Topanga Anthropological Consultants.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing a 5,183 sq. ft., 28 ft. high single family residence with a three car attached garage, septic system, and pool. The proposed project includes a flat pad area adjacent to the road and a canyon in the rear. The Commission has, in past permit actions, found the canyons on Point Dume to be "disturbed sensitive resource" areas composed of mainly riparian and oak woodlands disturbed by residential development. The proposed development includes an adequate setback to minimize the impact on these areas. The proposed project raises no adverse environmental or visual effects. Therefore, staff recommends approval of the proposed project with Special Conditions regarding landscaping, drainage, geology, future improvements, and wildfire waiver of liability.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, 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 governments having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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. Landscaping and Fuel Modification Plans

Prior to 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:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/ drought resistant plants as listed by the California Native Plant Society, Santa Monica 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) The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. The plan shall include a long-term fuel modification plan that includes the radii of the required fuel modification zones along with notations showing what work is required in each zone (i.e. clearing, trimming, removal of dead vegetation) and how often thinning is to occur. Vegetation clearance within the riparian corridor of the stream channel shall be minimized to the greatest extent feasible and shall be limited to hand clearance and thinning only. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County.

2. Drainage and Erosion Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan from a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. Drainage from the site shall not be accomplished by sheet flow runoff. With the acceptance of this permit, the applicant agrees that should the project's drainage structures fail or result in erosion, the applicant/ landowner or successor interests shall be responsible for any necessary repairs and restoration.

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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Soils and Engineering-Geologic Investigation, dated 09/12/97, and the Soils and Engineering-Geologic Response Report dated 11/06/97 by California GeoSystems shall be incorporated into all final design and construction plans including foundations, grading and drainage plans. ***Prior to the issuance of the coastal development permit***, the applicant shall submit for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans incorporates all of the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Future Improvements

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that: Coastal Commission Permit 4-98-010 is only for the proposed development and that any future additions or improvements to the property including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 50 feet outward from the approved residence and selective thinning within 200 foot radius of the approved residence as provided in Special Condition 1(b) above, is permitted and shall not require a new permit. 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.

IV. Findings and Declarations:

A. Project Description and Background:

The proposed project includes the construction of a 5,183 sq. ft., 28 foot high, single family residence, with attached three car garage, septic system, and pool. The applicant is not proposing any grading except for excavation for the foundation and septic system.

The proposed project site consists of a 50,000 sq. ft. parcel on Wildlife Road within a residential area known as Point Dume in the City of Malibu (Exhibits 1, 2). The subject site is

currently a vacant lot with a relatively flat terrace that extends approximately 90 feet from the site of the proposed single family residence to a ravine edge. The ravine slopes and bottom are designated as a "disturbed sensitive resource area" as designated by the Malibu/ Santa Monica Mountains Land Use Plan (LUP). The lot is a legal lot, with a land use designation of Residential 1 (1 du/ac.) and M2 (1 du/20 ac.). The City of Malibu's Archaeologist has surveyed the project site and has determined that there is no indication of the presence of cultural resources on the site. The applicant has also submitted approval-in-concept from the City of Malibu.

In 1992 the Commission approved Coastal Development Permit 5-91-731 (Conrad) for the placement of a 909 sq. ft. mobile home, with secondary improvements, necessary utilities, septic tank and seepage pits. The proposed mobile home was a temporary structure that was conditioned to be removed two years from the date the City of Malibu building moratorium is repealed or amended to allow for the construction of the single family residence. The mobile home was never placed on site and the permit has expired.

B. Environmentally Sensitive Resources:

Section 30231 of the Coastal Act states that:

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

Section 30240 of the Coastal Act states that:

(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.

The certified Malibu/ Santa Monica Mountains Land Use Plan (LUP), which is still used as guidance in the City of Malibu in evaluating a project's consistency with Coastal Act Policy, and through past permit actions has designated the slopes and bottom of the ravine, which is partially located on the project site, as a "disturbed sensitive resource" area. The majority of the disturbed sensitive resource areas within Point Dume are riparian and oak woodlands that have been modified by fairly intense residential development. These modified habitats no

longer have the same biological significance or sensitivity to disturbance as an undisturbed environmentally sensitive habitat area (ESHA), but nonetheless are sufficiently valuable to warrant protection from further impacts. Although these areas are no longer inhabited by the same diversity of wildlife as undisturbed areas, they continue to sustain large native wildlife populations, especially birds. In addition, the ravine consists of a creek which has been designated as a blueline stream by the United States Geologic Service. The blueline stream drains directly into the ocean where kelp beds, designated as environmentally sensitive resources, are located.

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.

In order to minimize impacts to these areas, the Commission has required through past permit actions that development be located close to the roads and setback from the canyon edges. The proposed pool is setback a distance of over 30 feet from the top of canyon slope and the single family residence is set back over 90 feet from the edge. This setback is considered adequate because the proposed project will not extend further toward the disturbed sensitive resource than the existing development located on either side of the project.

However, the Commission notes that the proposed project is located upslope from a blueline stream, which in turn drains directly to the ocean and the offshore kelp beds (also designated as ESHA). Increased erosion on site would subsequently result in an increase in the sedimentation of the downslope stream and offshore kelp beds. The minimization of site erosion will reduce the project's individual and cumulative contribution to sedimentation of the adjacent stream and offshore kelp beds. In order to ensure that erosion impacts to the ESHA are minimized, staff is recommending that the applicant be required to prepare and implement a landscaping plan. The Commission finds that the minimization of site erosion will reduce the project's individual and cumulative contribution to sedimentation of the adjacent stream and offshore kelp beds. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Therefore, special condition one (1) has been required to ensure that all proposed disturbed areas are stabilized and vegetated in order to minimize the proposed project's cumulative contribution to sedimentation of the stream and offshore kelp beds. Special condition two (2) has also been required to ensure that project drainage be achieved in a non-erosive manner and that the applicant assume responsibility for the maintenance of all drainage devices on site.

In addition, fire department fuel modification requirements for the proposed development requires that vegetation be thinned around the proposed structures with allowances made to minimize clearance in and around the riparian corridor. Although vegetation thinning will not extend to the riparian corridor, excessive thinning on the slope above the drainage course may increase the potential for erosion. In order to ensure that vegetation clearance adjacent to the riparian corridor is minimized, a fuel modification plan has been included as part of special condition one (1) which requires the applicant to submit a fuel modification plan approved by

the forestry department for the review and approval of the Executive Director. The Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

Further, the Commission finds that the applicant be required to record a future improvements deed restriction, which will insure that any additions or changes to the property is consistent with the resource protection policies of the Coastal Act. Therefore, the Commission finds that only as conditioned is the proposed project consistent with Sections 30231 and 30240 of the Coastal Act.

C. Geological Hazards

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act requires that new developments minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed project is located adjacent to a canyon slope within the City of Malibu, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the City of Malibu 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.

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 liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by special condition three (3).

The applicant has submitted a Soils and Engineering-Geologic Investigation Report, prepared by GeoSystems, dated September 12, 1997. The geotechnical report concludes that "the site is considered to be suitable from a soils and engineering geologic standpoint for construction of the proposed residential development provided the recommendations included herein are followed and integrated into the building, drainage and grading plans." Based on the findings and recommendations of the consulting geologist, the Commission finds that the proposed development is consistent with the Coastal Act as long as all recommendations are

incorporated into the project plans as noted in Special Condition four (4).

The Commission also finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all graded and disturbed areas of the site with primarily native plants, compatible with the surrounding environment. Therefore, Special Condition one (1) has been added to ensure that all proposed disturbed areas are stabilized and vegetated.

In addition, uncontrolled runoff over the bluff and canyon slopes will result in erosion and destabilization of the canyon slopes and eventually the building site. Therefore, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by special condition two (2), to submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations.

The Commission finds that based on the findings of the geologic and geotechnical reports, and as conditioned to incorporate the recommendations of the geologic consultants, the proposed project is consistent with Section 30253 of the Coastal Act.

D. 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, and minimizing alteration of natural streams.

The proposed project includes the installation of an on-site septic system to serve the residence. David L. Riggle, Consulting Sanitarian, undertook a percolation test on the site in 1989. The consulting geologist has stated that "it is our conclusion that geologic conditions at the site are favorable for use of seepage pits to serve the residence." Additionally, the applicant has submitted evidence of in-concept approval from the City of Malibu Environmental Health Department, which indicated that the septic system meets the standards of the plumbing code. The Commission has found in past permit decisions that the compliance of septic systems with the requirements of the plumbing code is protective of coastal resources. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with 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 City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. CEQA

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

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 proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

TRW-REDI
1-800-345-7334

SCALE IN 1/16 OF AN INCH

4466 0
SCALE 1" = 800'

1996

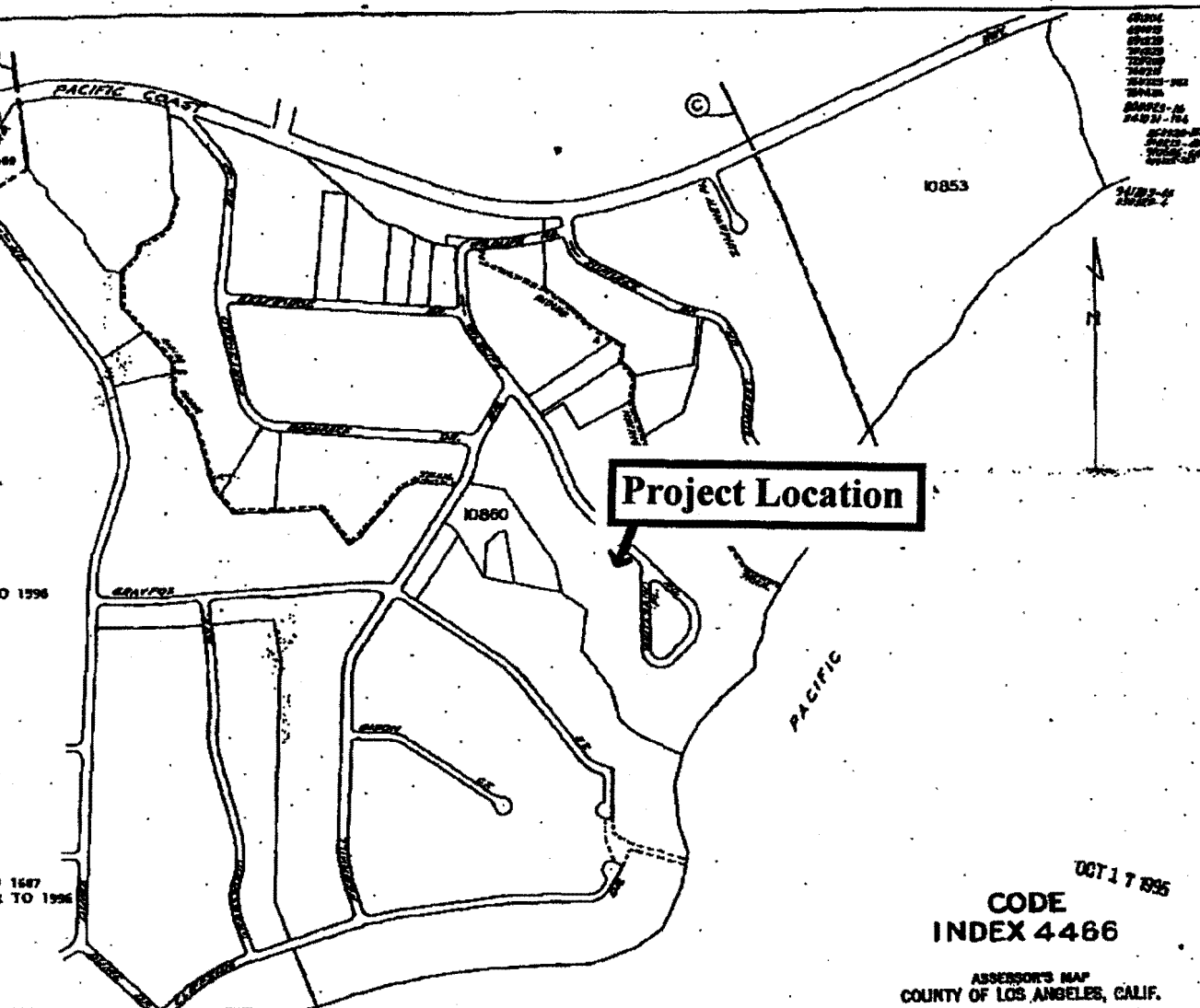
CITY OF MALIBU
TAX DIST. NO. 1

SANTA MONICA - MALIBU UNIFIED SCHOOL
SANTA MONICA COMMUNITY COLLEGE
CONSOLIDATED FIRE PROTECTION DIST.
OF L.A. CO.
L.A. CO. PUBLIC LIBRARY
SO. CALIF. RAPID TRANSIT DIST.
L.A. CO. WATERWORKS DIST. NO. 29
ALL IN WEST BASIN MUNICIPAL
WATER DIST. [SOLVER CITY]
WEST BASIN MUN. WATER CO. AREA
S.W.D.
L.A. CO. WEST VECTOR CONTROL DIST.
SS NAME CHANGE
L.A. CO. FLOOD CONTROL DIST.
LACO FIRE-PEP

- (A) CO. LIGHTING MAINTENANCE DIST.
NO. 1676 - PRIOR TO 1996
- (B) CO. LIGHTING MAINT. DIST. NO. 1676
85 ANNEX PET. NO. 133-83 - PRIOR TO 1996
- (C) POINT DUME COMMUNITY SERVICES DIST.
RE: FORMATION
- (D) MALIBU LIGHTING DIST.
96 ANNEX

NOW KNOWN AS:

- CO. LIGHTING MAINTENANCE DIST. NO 1687
91 ANNEX PROJ. NO. 1687-72 - PRIOR TO 1996



OCT 17 1995
CODE
INDEX 4466

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

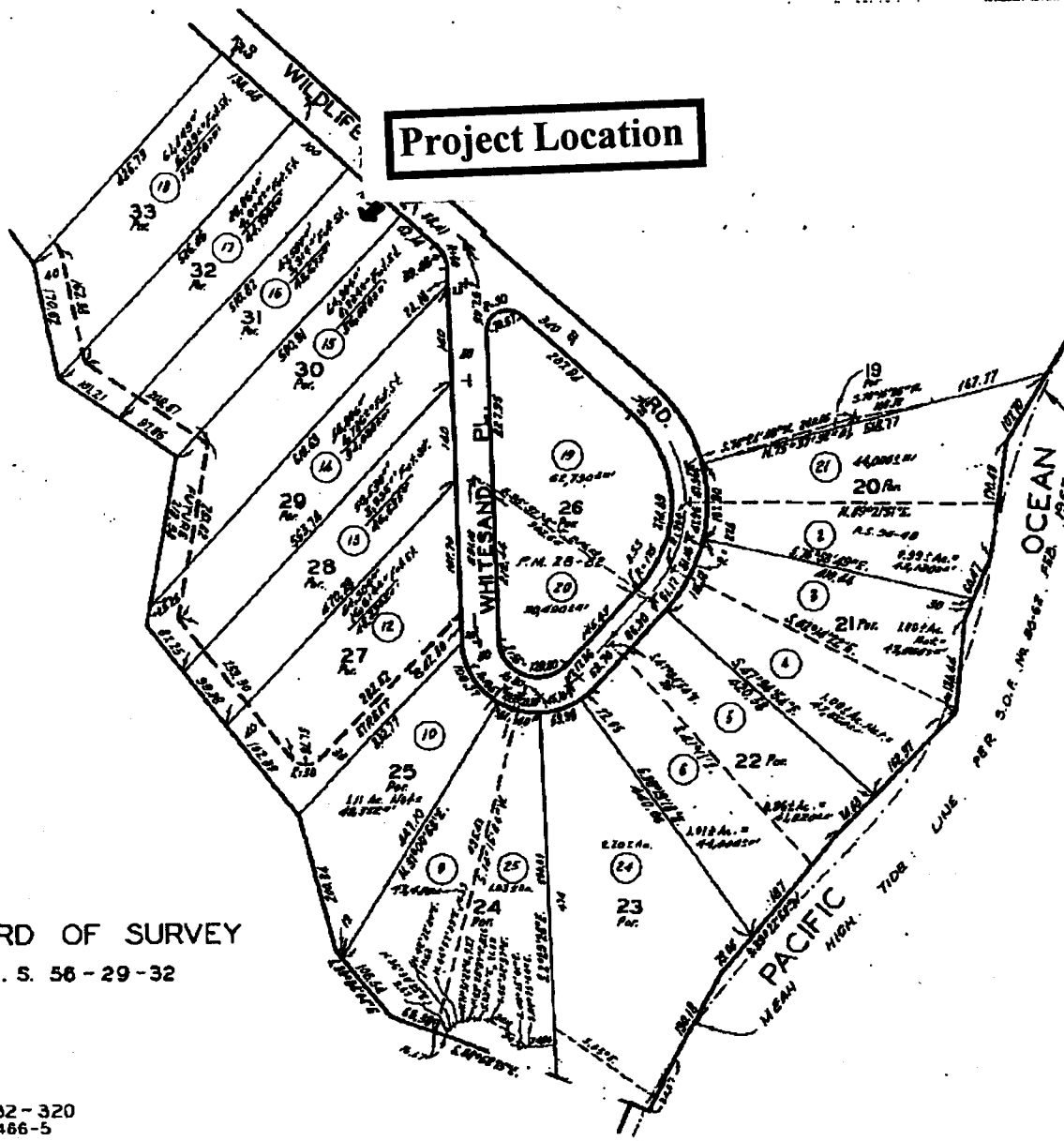
EXHIBIT NO. 1
APPLICATION NO.
4-98-010
Site Location

4466 6
SCALE 1" = 150'

1992

Project Location

REVISED
68204
720705
720725-20
760010
750123
77001302
853820-08
9101007001003-87
9101007001003-87
SHORE



RECORD OF SURVEY
R. S. 56 - 29 - 32

CODE
5042

ASSMT. SEE: 462 - 320
4466-5

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF. 1

EXHIBIT NO. 2
APPLICATION NO.
4-98-010
Site Parcel

6855 WILDLIFE RD.
MALIBU, CA 90265

S.F.D.:	5 Bedroom (N)
SEPTIC TANK:	1500 Gallon (N)
PRESENT:	2 - 5' X 35' BI w/5' Cap (N)
FUTURE:	100Z
PERC RATE:	6930 gpd/seepage pit

CITY OF MALIBU
ENVIRONMENTAL HEALTH

CONCEPT APPROVAL

FUTURE
19 1997 L Young

AL APPROVAL IS REQUIRED
OR TO THE ISSUANCE OF
CONSTRUCTION PERMITS.

EXHIBIT NO. 3

APPLICATION NO.

4-98-010

Site Plan

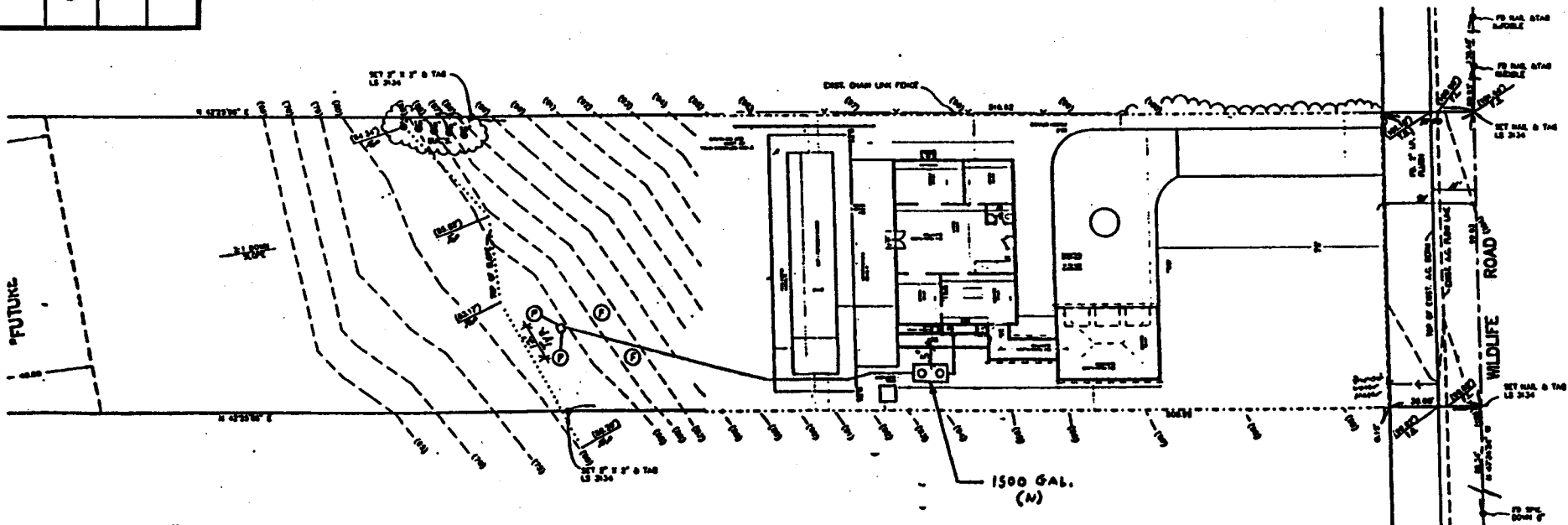
NOTES:

1. This approval is for a 5 bedroom single family dwelling. A new private sewage disposal system shall be installed, as shown.
2. This approval only relates to the minimum requirements of the City of Malibu Uniform Plumbing Code and does not include an evaluation of any biological, or other potential problems, which may require an alternative method of wastewater disposal.
3. This approval is valid for one year or until City of Malibu Uniform Plumbing Code and/or Administrative Policy changes render it noncomplying.

RECEIVED

JAN 27 1998

PLANS & SPECIFICATIONS
CENTRAL COAST INC.



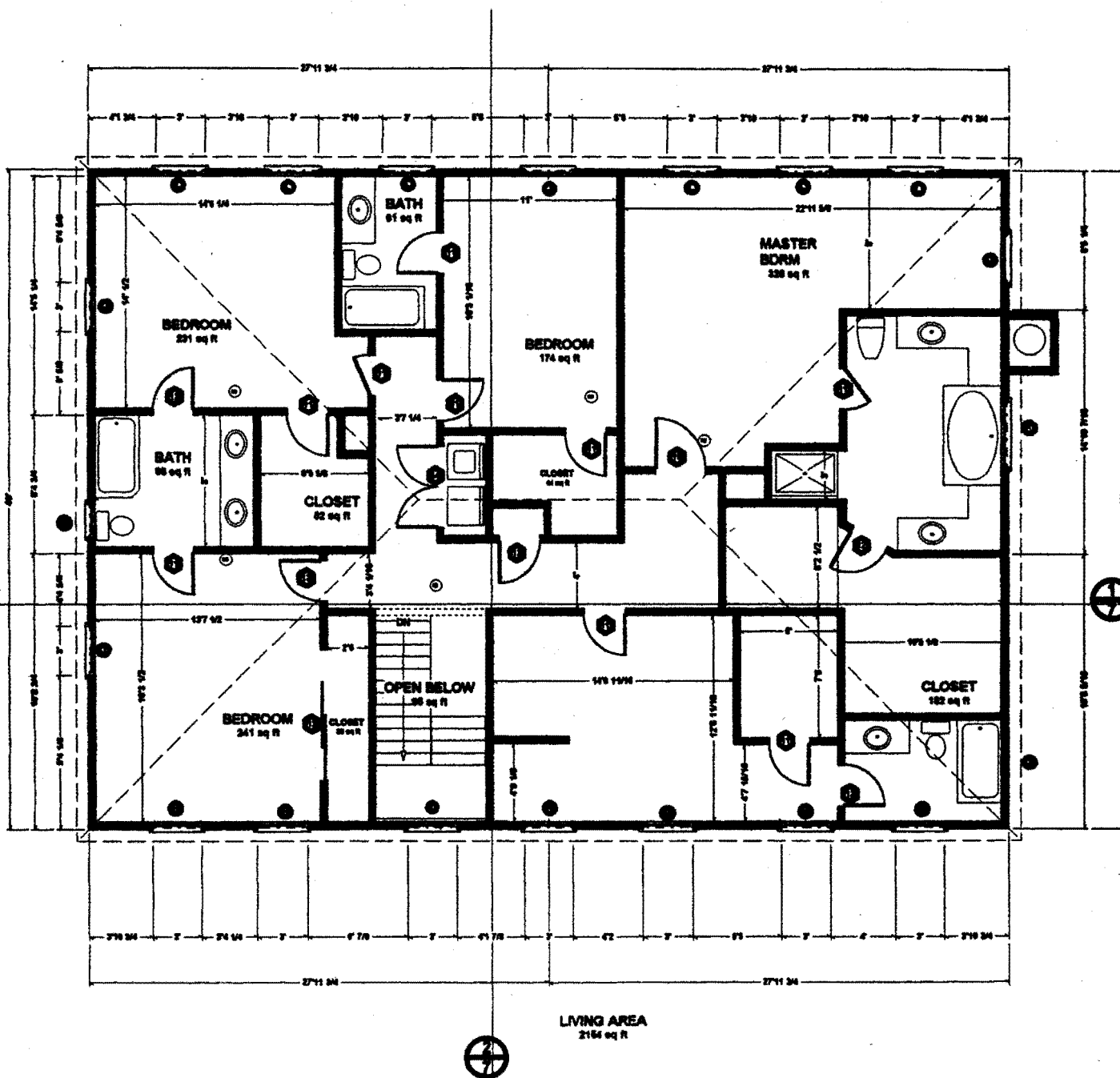


EXHIBIT NO. 5
APPLICATION NO.
4-98-010
Detailed Plan

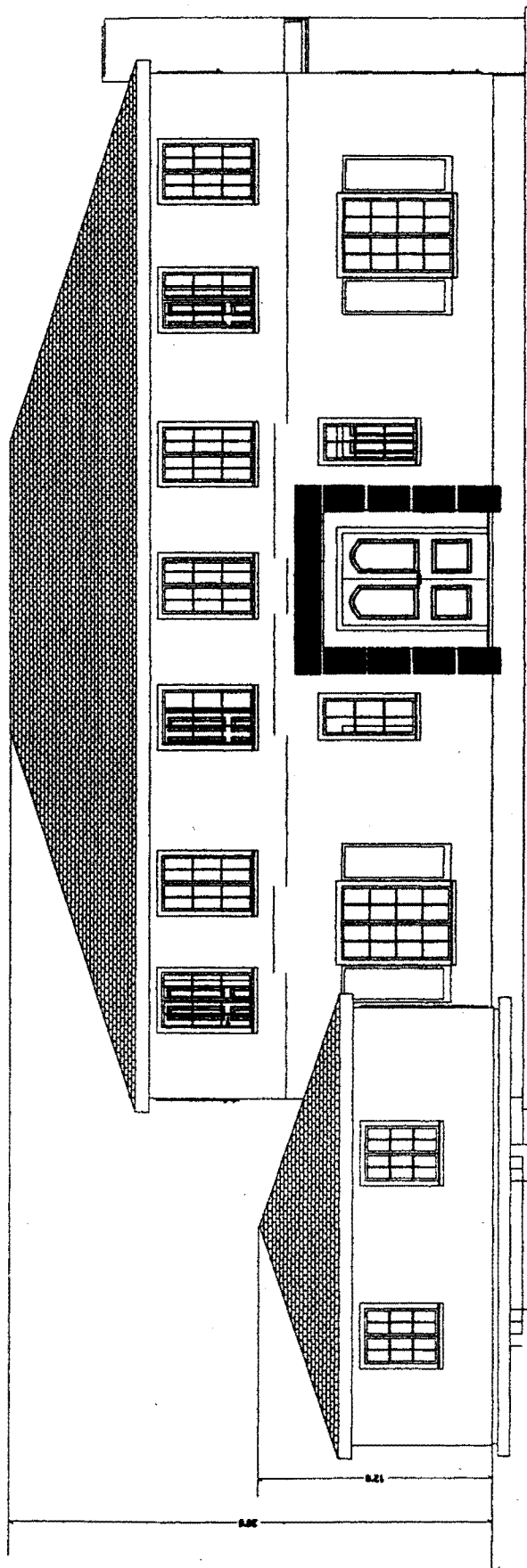


EXHIBIT NO. 6

APPLICATION NO.

4-98-010

Front Elevation

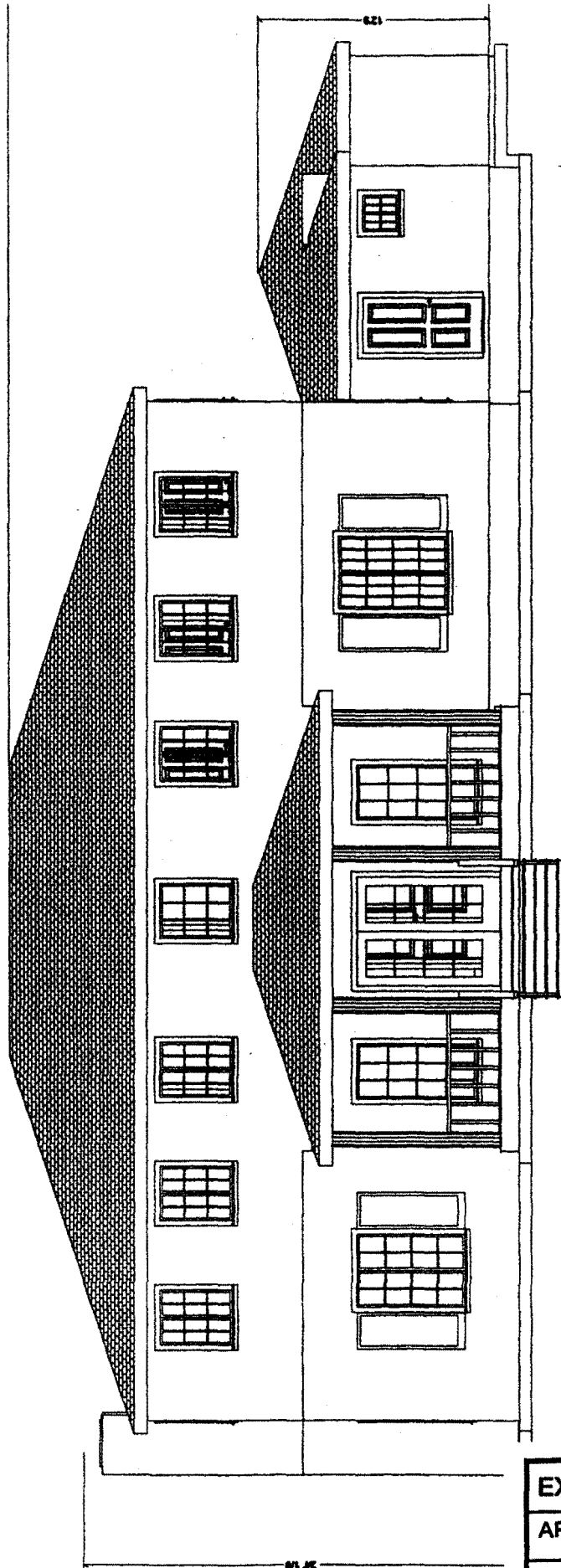


EXHIBIT NO.	7
APPLICATION NO.	
4-98-010	
Rear Elevation	

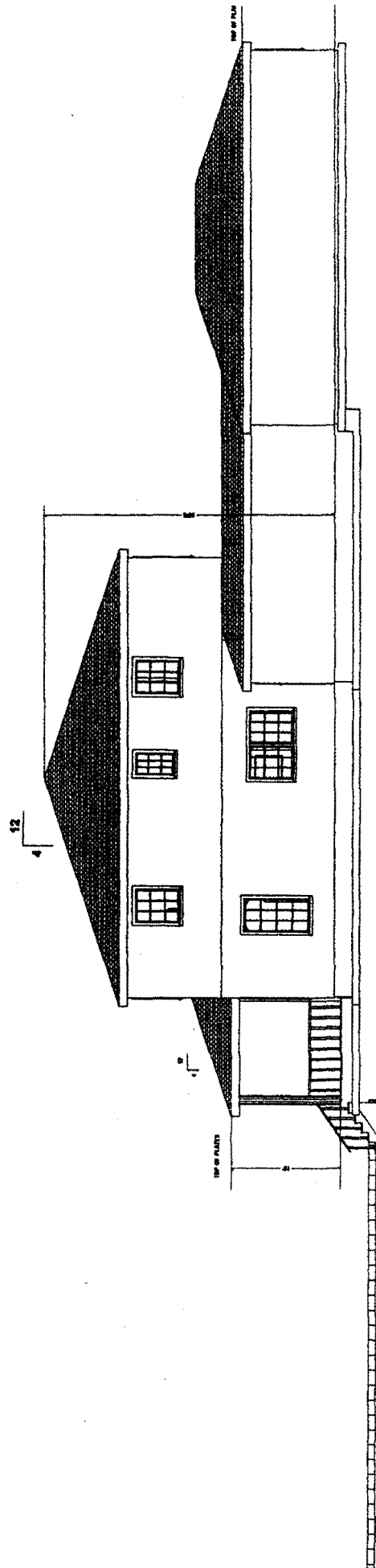


EXHIBIT NO. 8
APPLICATION NO.
4-98-010
Southeast elevation

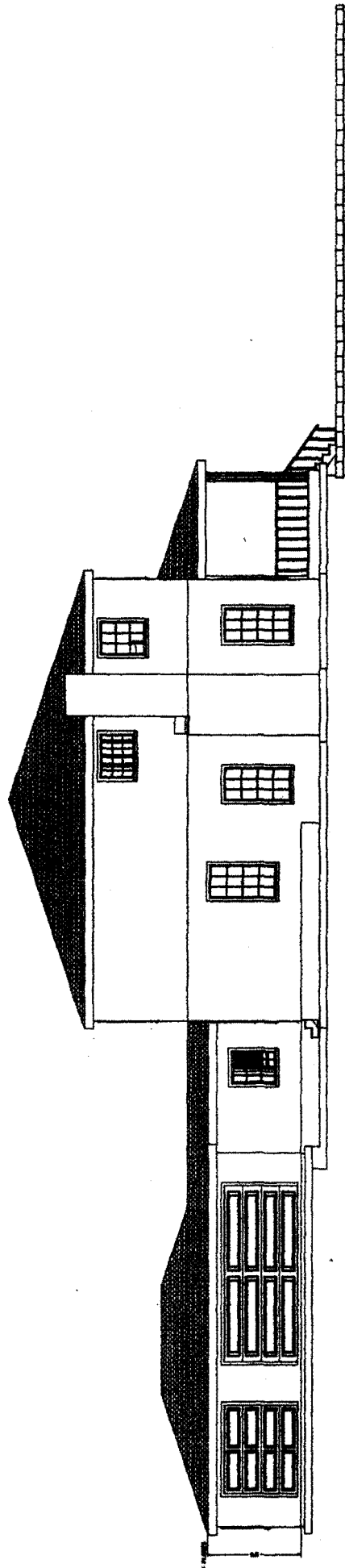


EXHIBIT NO. 9
APPLICATION NO.
4-98-010
Northwest Elevation