

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-159

APPLICANT: Dean Hamilton

AGENT: Greg Aftergood

PROJECT LOCATION: 24568 Piuma Road, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct 972 sq. ft. first floor addition, 1,324 sq. ft., 24 foot high second story addition (5,401 total sq. ft.); a 1,360 sq. ft., 22 foot high art studio over the existing garage; swimming pool and new septic system. No grading is proposed.

Lot area:	196,500 sq. ft. (4.5 acres)
Building coverage:	7,842 sq. ft.
Pavement coverage:	8,690 sq. ft.
Landscape coverage:	4,400 sq. ft.
Parking spaces:	five
Ht abv fin grade:	24' residence; 22' art studio

LOCAL APPROVALS RECEIVED: Los Angeles County: Department of Regional Planning, Approval in Concept, 9/21/95; Environmental exemption, 10/14/97; Fire Department, Fuel Modification Plan Approval in Concept, 11/6/97; Health Services, Sewage Disposal Approval, 3/20/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Preliminary Engineering Geologic and Geotechnical Investigation, Miller Geosciences, 11/14/97; Geologic Evaluation of Percolation Test, Pacific Geology, 2/23/98; Percolation Test, Lawrence Young, 3/2/98; Coastal Development Permits: P-5989 (Backfisch), 4-96-090 (Frazier).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to: *future improvements restriction, structure and roof color restrictions, landscape plan, conformance to geologic recommendations, wildfire waiver of liability, and drainage and erosion control plan.*

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 impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-97-159; and that any additions to permitted structures, change of use, future structures or improvements to either property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection 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.

2. Structure and Roof Color Restriction

Prior to issuance of a 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 structure to natural earth tones, compatible with the surrounding earth colors (white tones will not be acceptable). All windows shall be of non-glare glass. 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. Landscape Plan

Prior to the issuance of a coastal development permit, the applicant shall submit for review and approval of the Executive Director a landscaping plan prepared by a qualified landscape architect to ensure any visual impacts as a result of the construction of the residence, art studio and decks have been mitigated to the maximum extent feasible. The landscape architect shall verify that the plan incorporates the following criteria:

- (a) Vertical elements to screen, soften and mitigate the southeast and northwest elevations of the residence, and the southeast elevation of the art studio;

- (b) the landscape plan shall conform to the Fuel Modification Plan as submitted;
- (c) all disturbed soils shall be planted with drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species, or species which require artificial irrigation beyond that necessary to establish new plantings, shall not be used. The applicant shall use a mixture of seeds and plants to increase the potential for successful site stabilization. Such planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage. The plan shall specify the measures to be implemented and the materials necessary to accomplish short-term stabilization.

4. Plans Conforming to Geologic Recommendations

Prior to the issuance of a 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 the Preliminary Engineering Geologic and Geotechnical Investigation, Miller Geosciences, 11/14/97 and the Geologic Evaluation of Percolation Test, Pacific Geology, 2/23/98, shall be incorporated into all final design and construction including, grading, fill, materials, slope maintenance, soils, foundation setbacks and design, temporary slopes excavation, settlement, any future retaining walls, future pool design, slabs/decks, and drainage protection. 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.

5. Waiver of Liability

Prior to the issuance of a 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

6. Drainage and Erosion Control Plan

Prior to the issuance of a coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff. The erosion control element shall include application of geotextiles or other appropriate materials to prevent erosion of the slope surface during establishment of new plantings. The drainage element shall include installation of slope dewatering devices if determined necessary by the consulting engineer.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 972 sq. ft. first floor addition, and 1,324 sq. ft. 24 foot second story addition to the main residence for a total structure of 5,401 sq. ft.. In addition, a 1,360 sq. ft., 22 foot high art studio is proposed over the existing garage. The proposed project will require the installation of a new septic system. No grading is proposed. The existing pool shall be removed and filled; a new 16 foot diameter pool and deck area will be located to the south of the residence, in conformance with the existing topography of the ridgeline.

The existing 3,105 sq. ft. two-story residence has a stucco exterior and is finished with earth tone colors. The residential structure was constructed in a backwards "L" shape with a swimming pool in the corner of the "L". The proposed first and second story additions will be constructed primarily over the location of the existing pool to be removed, thus creating a two-story, square design. Floor-to-ceiling windows will be used extensively on all four elevations, and the exterior will be of wood siding. Decking will be constructed off three of the first floor elevations, and balconies will wrap around the entire second floor, with the exception of the two-story glass entry.

The existing 800 sq. ft. one-story garage is finished with wood siding, includes a set of sliding glass doors on the east elevation, and currently appears to be used as an office. The proposed 1,360 sq. ft. art studio would be constructed over the existing structure and cantilevered west into the slope. Six foot wide balconies would be constructed over the south and west elevations, with the south balcony extending beyond the original footprint of the structure, and the west balcony providing the main entry way landing.

The subject parcel is one of a four lot subdivision created in 1975 prior to the Commission's coastal permit responsibilities. The existing 3,105 sq. ft., 24 foot high,

two-story residence and garage structure was approved in 1977 under coastal development permit P-5989 (Backfisch).

There are an extensive number of mature pine trees on the site which line both sides of the driveway and significantly screen both the residence and the garage from the north, west and south. The applicant has recently cleared the low lying brush on the north and west slopes of the parcel, per a Los Angeles County conceptually approved Fuel Modification Plan, dated 11/6/97. The north slope has also been irrigated and planted.

Access from Piuma Road on the northern property line is provided via a paved driveway that includes an easement across the adjoining property. The subject property abuts Costa Del Sol Way to the south, a private road that also includes the Saddle Peak hiking and equestrian trail, which is located near the bottom of the canyon. The adjoining parcel to the east supports a three -story residence under construction, as a result of coastal permit 4-96-090 (Frazier).

The project site is located south-east of the Monte Nido area, east of Las Virgenes - Malibu Canyon Road, and west of Las Flores Canyon Road and Schueren Road. The 4.5 acre site is located on the south side of Piuma Road, and includes land from Piuma Road at the North, south to the crest of the ridge and then drops steeply to Costa Del Sol Way. The property includes pine trees, chaparral vegetation and grasses, although two large areas of vegetation have been recently cleared, as noted above.

The Los Angeles County Department of Regional Planning determined the project to be exempt from Environmental Review Board review. However, the northern portion of the site including the residence, garage, and driveway located in the Malibu/Cold Creek Resource Management Area noted in Exhibit 2. The site is also located on a significant ridge line along a designated scenic highway, Piuma Road. The County granted an approval in concept and required: replanting all graded slopes, the use earth tone finishes, and roof materials, glass with low reflectivity rating, and meeting new building, fire and plumbing code requirements enacted for fire safety.

B. Cumulative Impacts of New Development

The proposed project involves the development of a 5,401 sq. ft. single family residence and a 1,360 sq. ft. art studio over an existing 800 sq. ft. garage, which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. In particular, the construction of an accessory structure and potential second unit on a site where a primary residence exists intensifies the use of a site and impacts public services, such as water, sewage, electricity and roads. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

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

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

Section 30252 of the Coastal Act discusses new development requiring that the location and amount of new development should maintain and enhance public access to the coast. The section enumerates methods that would assure the protection of access and states that such maintenance and enhancement could be received by (in part), "...providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads... and by, assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by..."

In addition, the Coastal Act requires that new development, including second units and other accessory structures, be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impact of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impacts problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects.

Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches could be expected to grow tremendously. In addition, the presence of second units on each existing lot within the Coastal Zone would create adverse cumulative impacts on coastal resources and coastal access.

The issue of second units on lots with primary residences consistent with the new development policies of the Coastal Act has been a topic of local and statewide review and policy action by the Commission. These policies have been articulated in both coastal development permit conditions and implementing actions of LCPs. Further, the

long-time Commission practice of reviewing coastal development permits and the implementation actions of LCPs has upheld policies such as the 750 sq. ft. size limit in the Malibu Coastal Zone.

The certified Malibu LUP, which the Commission considers as guidance for implementing the Chapter 3 policies of the Coastal Act, contains policy 271 which states:

"In any single-family residential category, the maximum additional residential development above and beyond the principal unit shall be one guest house or other second unit with an interior floor space not to exceed 750 gross square feet, not counting garage space."

The Commission notes that concerns about the potential future impacts on coastal resources might occur with any further development of the subject property. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality and resource degradation would be associated with the development of an additional unit in this area. Limiting the size of second residential units, guest houses and other appurtenant structures generally results in a smaller number of occupants which also reduces the impacts on services such as roads, water and sewage disposal. Further, smaller second units and guest houses reduces the potential for these structures to become separate, permanent dwelling units.

In this particular case, the applicant is proposing a 1,360 sq. ft. art studio, including a small bathroom and a six foot wide wrap-around balcony on three sides. The proposed structure is a second floor addition to the existing, detached three garage, and will reach a maximum height of 22 feet above finished grade. No kitchen facilities are proposed, and the applicant has indicated the addition will not be used as guest quarters or as a second residential unit. Given the proposed use is an art studio, rather than guest quarters or a residential unit, the proposed studio would be defined as an ancillary use to the main structure and the 750 sq. ft. size limit would not apply.

However, the Commission notes that concerns about the potential future impacts on coastal resources might occur with any further development of the subject property, or change of use because of the size of the proposed development and the existence of plumbing and electrical facilities. The art studio could easily be converted into an additional large, permanent residential unit, with associated cumulative impacts to traffic, sewage disposal, recreational uses and resource degradation.

Therefore, the Commission finds it is necessary to require the applicant to record a future improvements deed restriction that limits future development and change of use, subject to the Commission's review. Thus, the findings attached to this permit and *Special Condition number one (1)* will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal Act. The Commission finds that as conditioned, the proposed project is consistent with Section 30250(a) and with all the applicable policies of the Coastal Act.

C. Visual Resources

Section 3025I of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified Malibu/Santa Monica Mountains LUP includes the following policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

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

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 park lands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

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 land forms;***
- be landscaped to conceal raw-cut slopes;***
- be visually compatible with and subordinate to the character of its setting;***
- be sited so as not to significantly intrude into the skyline as seen from public viewing places.***

P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public 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.

P138b Buildings located outside of the Malibu Civic Center shall not exceed three (3) stories in height, or 35 feet above then existing grade, whichever is less.

The applicant proposes to construct first and second story additions to enlarge the existing two-story structure to a size of 5,401 sq. ft.. The proposal also includes the creation a 1,324 sq. ft. art studio over the garage and cantilevered out and up the west slope. The cantilevered studio design will thus follow the contour of the ridge and help to minimize the visual impact of the structure. The existing residence and garage are visually screened on the north, west and to a lesser south elevations by mature pine trees.

Of particular concern, however, is the proposed use of floor-to-ceiling windows, on both the residence and art studio, which could potentially create a significant amount of reflective glare along the south and, for the residence only, the west elevation. The applicant has indicated, however, the intention to use non-reflecting glass per Los Angeles County's conditions of approval.

To asses any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible. In addition, the Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. In this particular case, the Piuma Road Crest, is a recognized "scenic element", and is given special treatment when evaluating potential impacts caused by new development. Likewise, Piuma Ridge is recognized as a "significant ridgeline" and Piuma Road is recognized as a "scenic highway". Finally, the proposed project will also be visible from three "vista points" along Rambla Pacifico Road.

The Commission examines the building site, any proposed grading, and the size of the building pad and structure. The proposed addition to the residence and the creation of a second-story art studio raises two issues regarding siting and design: one, whether or not views from public roadways an "vista points" will be impacted, and two, whether or not views from public trails will be impacted.

The east bound travelers along Piuma Road can, and will continue to, see the main residence up a small canyon along the ridge. However, the art studio will not be visible, as it will be located on the west slope of the ridge. West bound travelers along Piuma Road will not see the addition or the studio due to the mature pine trees. Regarding views from the three vista points along Rambla Pacifico, both the residential remodel

and the studio will be partially visible given the distance from the ridgeline and the mature vegetation screening the structures.

Regarding public trails, the Saddle Peak Trail, a proposed equestrian and hiking trail, abuts the subject parcel to the south along the Costa Del Sol Way. This portion of the trail is planned for the future on the Los Angeles County Parks and Recreation, Malibu/Santa Monica Mountains Area Plan Trails System, dated June 1983. The proposed project is directly above the trail and given the steep slope, will not be visible from this or any other planned trails in the area.

In response to staff concerns regarding the visual impact of the pool changing room located underneath the deck (thus, creating the appearance of a three level structure on the southeast elevation), a 30 foot cantilevered deck over the steep southeast slope, and the potential glare of the floor-to-ceiling windows, the applicant has proposed the following changes to the project description:

- 1) *Delete the changing room under the balcony.*
- 2) *The deck on the east side of the home will be reduced (from 30 feet) to 17 feet and the existing trees will be replanted to the east of the deck in conformance to fuel modification requirements.*
- 3) *It is my intent to use non-reflecting glass on the residence.*
- 4) *I would also like to include the alternative pool plan in the existing permit as outlined in the current architectural drawings. There will be no grading required and the improvements surrounding the pool will conform with the existing topography and ridgeline.*

With these proposed design changes the proposed project will not result in any significant adverse visual impacts. However, because the residence and art studio are located within a "scenic element", on a "significant ridgeline", adjacent to a "scenic highway" and visible from three "vista points", it is necessary to ensure that the design of the project will minimize any visual impacts to the maximum extent feasible. To ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass will be minimized, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by *Special Condition number two (2)*.

The Commission has found through past permit action that landscaping softens, screens and mitigates the visual impact of development. Therefore, the Commission finds it necessary to require a landscaping plan in keeping with the native vegetation of the Malibu/Cold Creek Resource Management Area to mitigate any visual impacts of development through the use of native, drought tolerant plantings, as specified in *Special Condition number three (3)*.

In addition, future developments or improvements to the property have the potential to create visual impacts as seen from the public places, as noted. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. *Special Condition number one (1)*, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Therefore, the proposed project, as conditioned, will not impact the scenic public views in this area of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. Geologic Stability and 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 land forms along bluffs and cliffs.***

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The subject property is topographically situated on the crest of the west-central Santa Monica Mountains. Physical relief on the property is in the order of 220 feet to the northwest and 170 feet to the southwest. However, off site the hillsides continue to descend to the canyon bottoms some 800 to 1200 feet to the southeast and west. Slope gradients vary from nearly level, in the vicinity of the existing residence, to as steep as 1:1 on the local southeast facing descending slope. The slopes to the north and west are generally more gentle, typically less than 2:1.

1. Geology

The applicant has submitted a Preliminary Engineering Geologic and Geotechnical Investigation, dated 11/14/97, prepared by Miller Geosciences, and a Geologic

Evaluation of Percolation Test dated 2/23/98, prepared by Pacific Geology for the subject site.

According to the investigation, landslides have been documented on the regional geologic maps in the area southeast of the proposed structures. The limits of these mapped landslides extend onto the property. Although direct surficial evidence was not observed at the time of the investigation, these landslides may be present. According to the geotechnical consultant, the landslides are more likely an accumulation of rock fall or talus debris. However, the geotechnical consultant concludes, since the proposed structures are to be located at the top of the ridge and since the surficial deposits are less than a foot thick, surficial stability is not a primary concern with respect to the proposed development.

In regard to gross stability, the geotechnical consultant, using a search of critical failure circles method, found the site to be grossly stable. A surficial stability analysis was performed for the existing slope gradient of 2:1, which indicated the surficial slopes have a factor of safety in excess of 1.5. According to Miller Geosciences since all slopes descend away from the ridge, surficial soils will not influence the proposed structures and no structures are directly down slope of the proposed development. Surficial soils at the proposed building sites will not influence off site property.

In conclusion, the geological investigation states that:

"Based on the findings of our investigation, the site is considered to be suitable from a soils and engineering geological standpoint for construction of a second story and two story addition to the existing single family residence and the possible construction of a new swimming pool and related facilities on the site, provided the recommendations included herein are followed and integrated into the construction plans."

Based on the evaluation of previous research, site observations, excavation and logging, laboratory testing, analysis and mapping of geologic data limited subsurface exploration of the site and, the geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to grading, fill, materials, slope maintenance, soils, foundation setbacks and design, temporary slopes excavation, settlement, any future retaining walls, future pool design, slabs/decks, and drainage protection.

Thus, based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geologist and geotechnical engineer

as conforming to their recommendations, as noted in *Special Condition number four (4)* for the final project plans for the proposed project.

2. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. 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 number five (5)*.

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

E. Environmentally Sensitive Resources

The Coastal Act defines an environmentally sensitive area in Section 30107.5 stating that:

Environmentally sensitive area means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

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

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

The proposed project is located in the Malibu/Cold Creek Resource Management Area which includes Cold Creek Canyon, a relatively undisturbed watershed with year round water supporting well developed native vegetation and wildlife. In addition to oak woodlands and native chaparral habitat several pockets of native grassland occur within this watershed encompassing about eight square miles (5,000 acres). The watershed serves as tributary areas to Cold Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas.

The Cold Creek watershed has also been included in the inventory of California Natural Areas Coordinating Council, which includes this area as one of the 1,250 such natural areas in the State of California exhibiting "the significant features of the broad spectrum of natural phenomena that occur in California. These areas include those that are unique or outstanding examples and those that are typical or representative of a biotic community of geological formation. All areas have been selected on their merit..."

The Malibu/Santa Monica Mountains LUP contains several policies (P63- P68, P74, P82, P84, P88, P91, and P96) designated to protect the watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development. The northern half of the subject parcel, along the northern edge of the ridge, is located within the Malibu/Cold Creek Resource Management Area, for which the Malibu/Santa Monica Mountains LUP specifies the following development standards and stream protection policies, under Table One:

- ***Allowable structures shall be located in proximity to existing roadways, services and other development to minimize impacts on the habitat, and clustering and open space easements to protect resources shall be required in order to minimize impacts on the habitat.***
- ***Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road, and brush clearance required by the Los Angeles County Fire Department.***
- ***Stream protection standards shall be followed.***

The applicant proposes to construct the 972 sq. ft. addition to the main residence on the existing building pad, which will not require any further grading of the site. Likewise, the 1,324 sq. ft. art studio will be constructed primarily on the foundation of the garage

structure, with a portion cantilevered out and up the west slope, without any grading. Existing drainage is by sheet flow runoff directed towards the south and west sides of the ridge. The drainage of the north side of the ridge is collected via the driveway and directed into natural drainage courses, and ultimately to Cold Canyon Creek.

Given the subject parcel is located in the Malibu/Cold Creek Resource Management Area and serves as one of the uppermost portions of the watershed for Cold Canyon Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas, the Commission is concerned about the potential effects of erosion and sedimentation. Should the proposed project further erosion and sedimentation of the natural waterways through uncontrolled runoff from the impervious surfaces, these significant environmental resources are at risk of degradation.

The geotechnical report recommends positive drainage away from the footings and from the lot. In addition, proper drainage is recommended away from the building footing and from the lot during construction. Further, all pad and roof drainage should be collected and transferred to the private street and/or drainage course in non-erosive drainage devices. Given it is necessary to ensure that proper drainage is provided in order to minimize erosion and offsite sedimentation into the Cold Creek watershed and other downstream coastal resources. *Special Condition number six (6)*, which requires a drainage and erosion control plan, will ensure the minimization of erosion and off site sedimentation in compliance with the Coastal Act.

Further, future developments or improvements to the property normally associated with a single family residence, which might otherwise be exempt, have the potential to adversely impact these sensitive environmental resources. Further grading of the site may create potential runoff and sedimentation impacts without adequate mitigation measures. New structures or significant additions to the existing improvements would create additional impervious surfaces with implications for the drainage system, and potential runoff and erosion impacts on coastal resources. In addition, the Malibu/Santa Monica Mountains LUP specifies, under Table One, that grading and vegetation removal be limited to accommodate only one accessory structure, which limit the subject site has now met.

Therefore, it is necessary to ensure that future developments or improvements normally associated with a single family residence, which might be otherwise exempt, is reviewed by the Commission for compliance with the coastal resource protection policies of the Coastal Act. *Special Condition number one (1)*, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Thus, the Commission finds that as conditioned, the proposed project is consistent with Sections 30230, 30231, 30240, and 30250(a) of the Coastal Act.

F. 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 proposed septic system includes a 1,500 gallon septic tank with seepage pits. The installation of a private sewage disposal system was reviewed by a consulting geologist, Pacific geology, and found not to adversely affect the stability of the site, or off-site properties.

A percolation test was performed on the subject property by Lawrence Young, on 3/2/98 which indicated the percolation rate meets Uniform Plumbing Code requirements for a two to three bedroom residence and one bedroom studio and is sufficient to serve the proposed residence and studio. The applicant has submitted an approval for the sewage disposal system from the Los Angeles County Department of Health Services, based on a three bedroom single family residence. This approval 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 waste water 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.

G. 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).

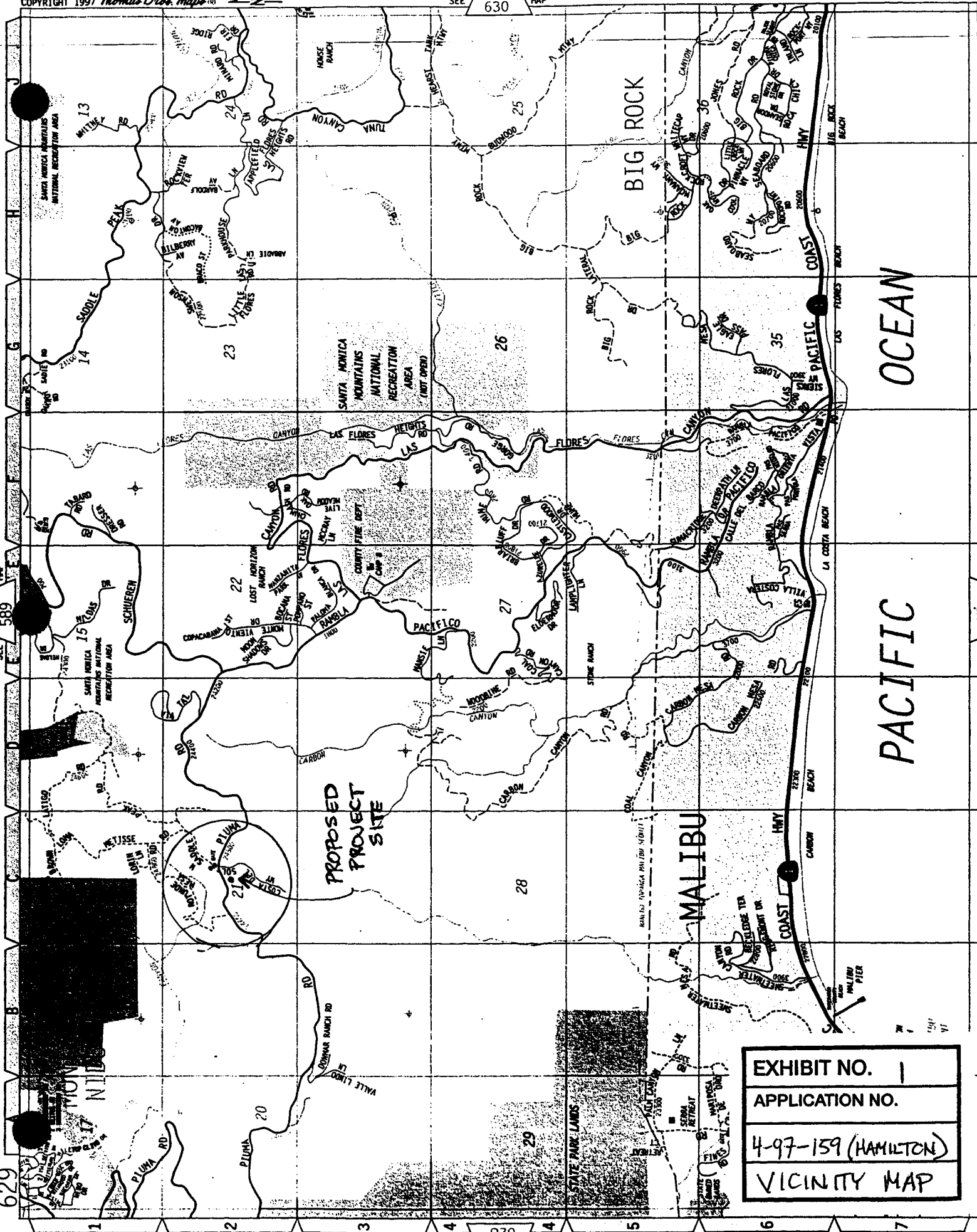
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 Los Angeles 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).

H. 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.



PROPOSED PROJECT SITE

MALIBU

OCEAN

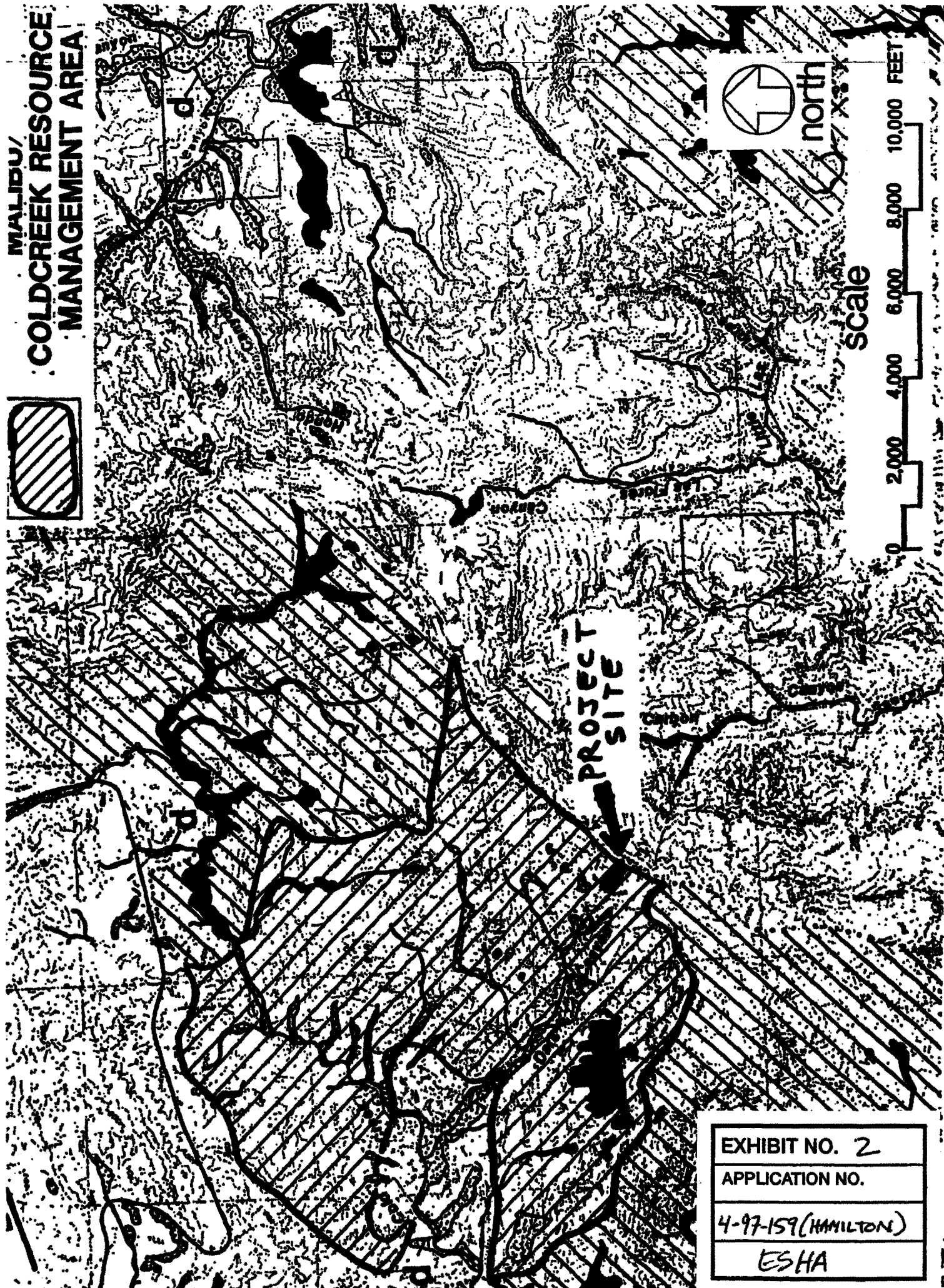
PACIFIC

EXHIBIT NO. 1
APPLICATION NO.
4-97-159 (HAMILTON)
VICINITY MAP

629

MALIBU/

COLD CREEK RESOURCE MANAGEMENT AREA



scale



EXHIBIT NO. 2
APPLICATION NO.
4-97-159 (HAMILTON)
ESHA

UP
TOP
CAI

MONTE NIDO

CANYON

RD

14

10

11

13

12

Dark Canyon

SCHUEREN

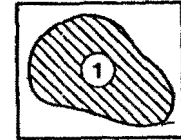
Carbon

AS

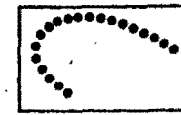
CARBON

PROPOSED
PROJECT
SITE

Canyon



SCENIC ELEMENT
(WITH NUMBERS
REFERENCED IN TEXT)



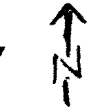
AREA HAVING
OCEAN VIEWS
(FROM EXISTING ROADS)

----- SIGNIFICANT RIDGELINE

----- VIEWSHED BOUNDARY

----- SCENIC HIGHWAY

* VISTA POINT



NTS

EXHIBIT NO. 3
APPLICATION NO.
4-97-159 (HAMILTON)
VISUAL RESOURCES

SCALE: 1"=100'

PARCEL MAP N° 5212

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

BEING A DIVISION OF A PORTION OF THE SOUTHEAST 1/4 OF THE
NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 17
WEST, SAN BERNARDINO MERIDIAN.

RECORD OWNER: STEPHEN J. VERNON AND
ANDREY C. VERNON

NOTE: DENOTES REPORT ITEM N° 2

This map was prepared by me or under my direction and was
compiled from record data in conformance with the requirements
of the Subdivision Map Act at the request of Stephen J. Vernon
in November 1974.
I hereby certify that it conforms to the approved tentative map
and the conditions of approval thereof; that all provisions of
applicable State law and local ordinances have been complied
with.

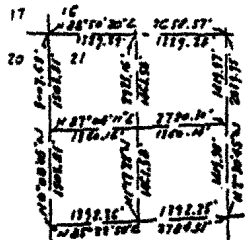
Orlando C. Quint
Orlando C. Quint
210. Surr. N° 5743

Record data is from C.S.B. 128-1
All bearings related 0°00'50" clockwise direction.

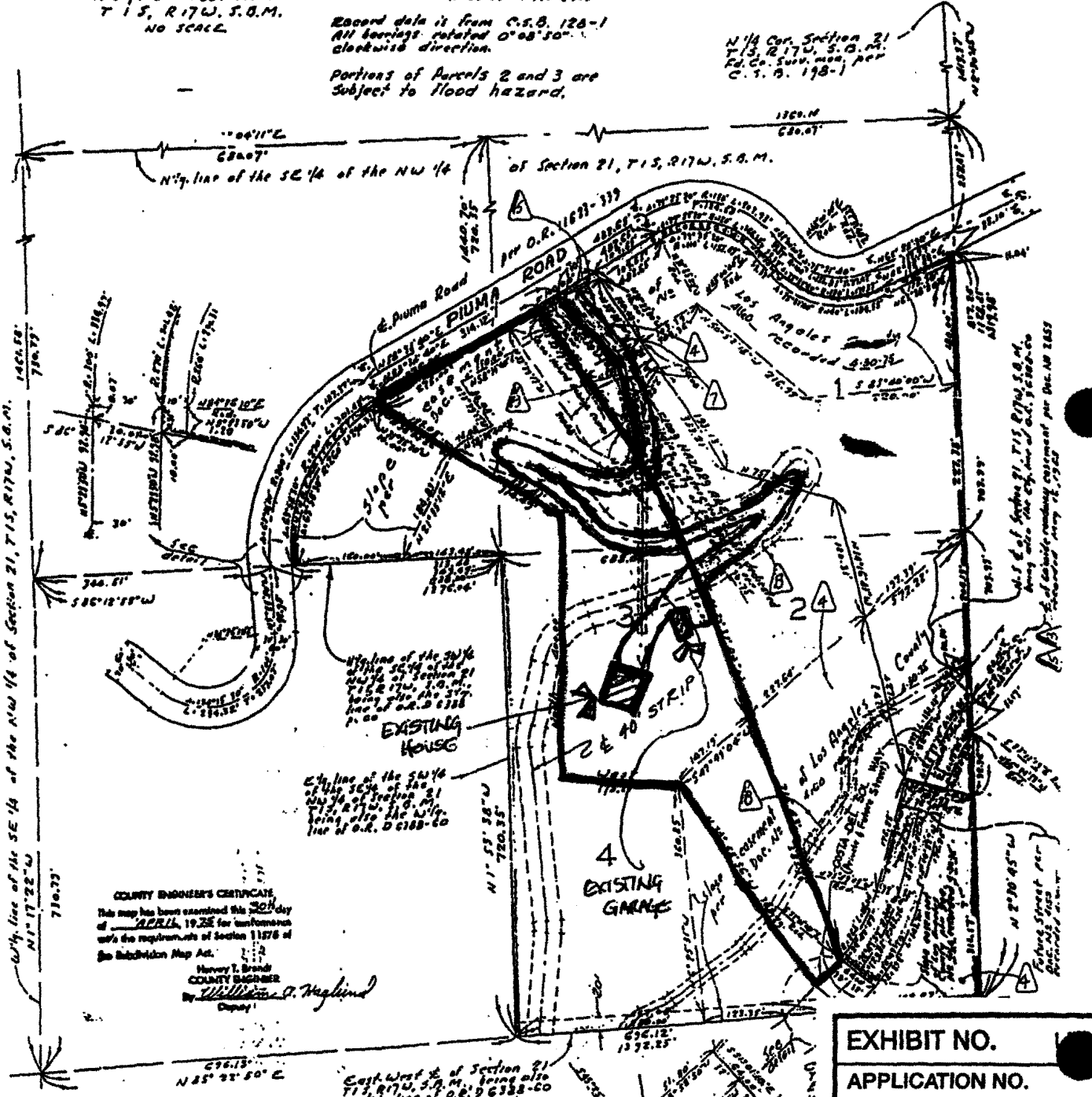
Portions of Parcels 2 and 3 are
Subject to flood hazard.

FILED
AT REQUEST OF
STEPHEN J. VERNON
11 MAY 1975
11 PAST 5 P.M.
18 BOOK - 59
12 PAGE - 80
14 PAR. - 1
OF PARCEL MAPS
LOS ANGELES COUNTY, CALIF.

Register Recorder
J. Hamilton
11 MAY 1975



INSERT MAP SHOWING
NW 1/4 OF SECTION 21
T 1 S, R 17 W, S. B. M.
NO SCALE.



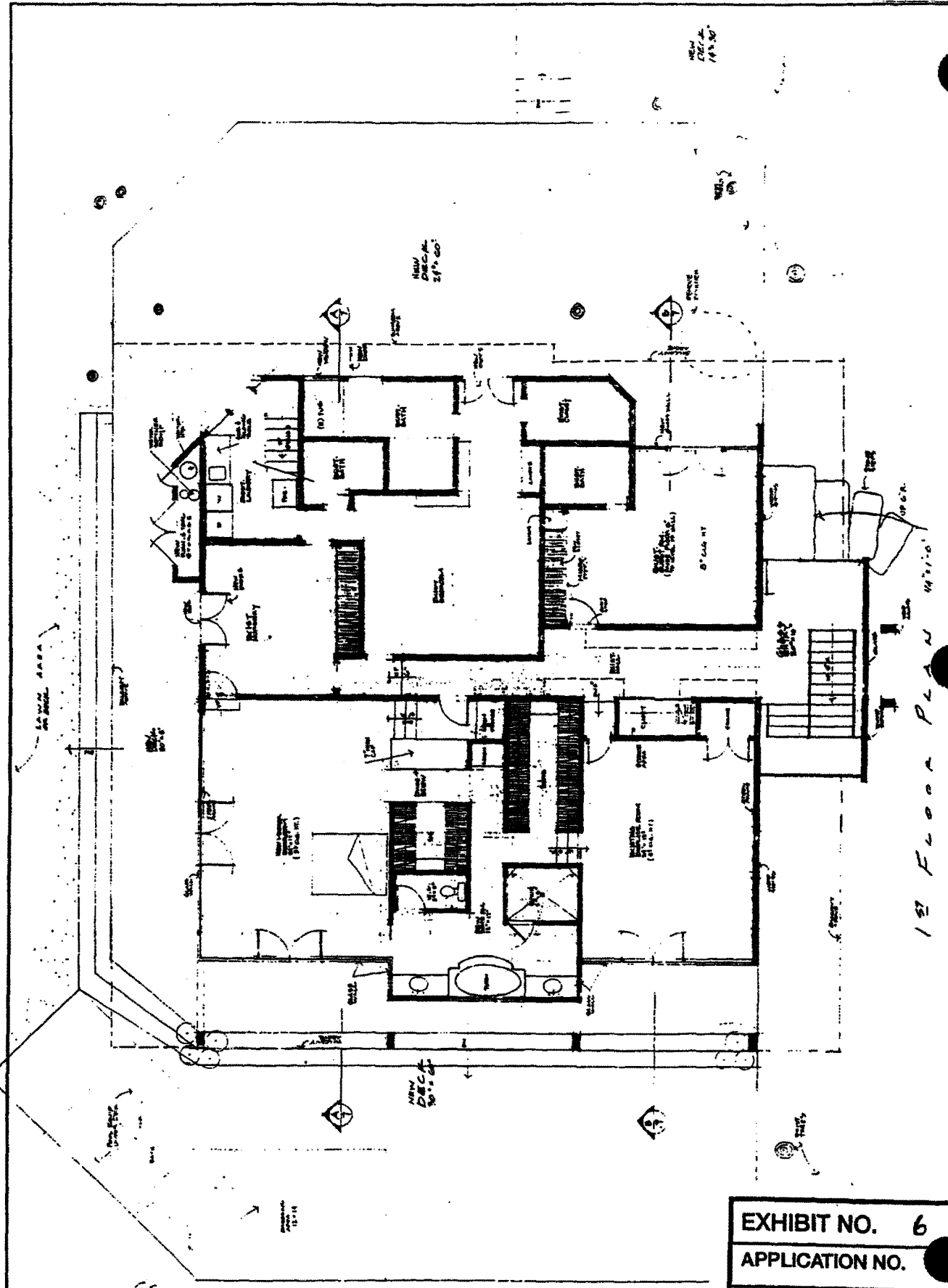
W 1/2 line of the NW 1/4 of Section 21, T 1 S, R 17 W, S. B. M.
N 1° 17' 22" W
710.77'

COUNTY ENGINEER'S CERTIFICATE
This map has been examined this 20th day
of APRIL, 1975 for conformance
with the requirements of Section 11576 of
the Subdivision Map Act.
Harvey T. Brandt
COUNTY ENGINEER
By William G. Highland
Deputy

EXHIBIT NO. 1
APPLICATION NO.
4-97-159 (HAMILTON)
PARCEL MAP

Approved
Robert Gunn
410 Seventeenth St.
Pacific Grove, Ca. 93950
408-646-1917

Residential Addition
for
Mr. Dean Hamilton
24568 Purms Rd. Marina, Ca.
APN 443-002-076



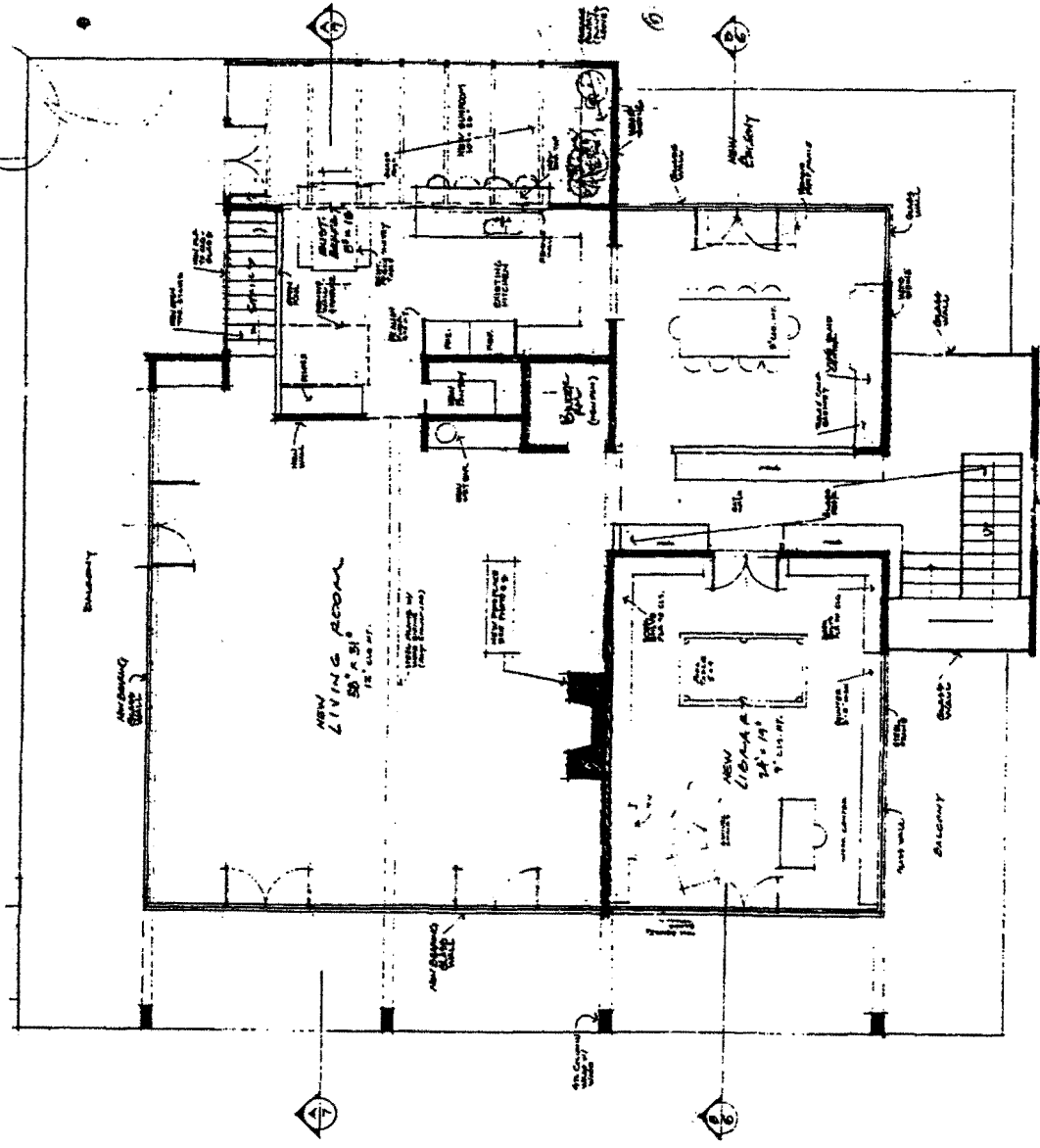
1st Floor Plan with

EXHIBIT NO. 6
APPLICATION NO.
4-97-159 (HAMILTON)
1st FLOOR PLAN

Robert Gunn
 410 Seventeenth St.
 Pacific Grove, Ca. 93950
 (408) 648-1972

Residential Addition
 for
 Mr. Dean Hamilton
 24568 Puma Rd. Malibu, Ca.
 APN 453-002-076

1	2
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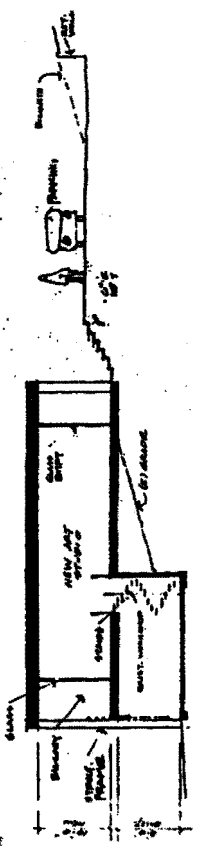
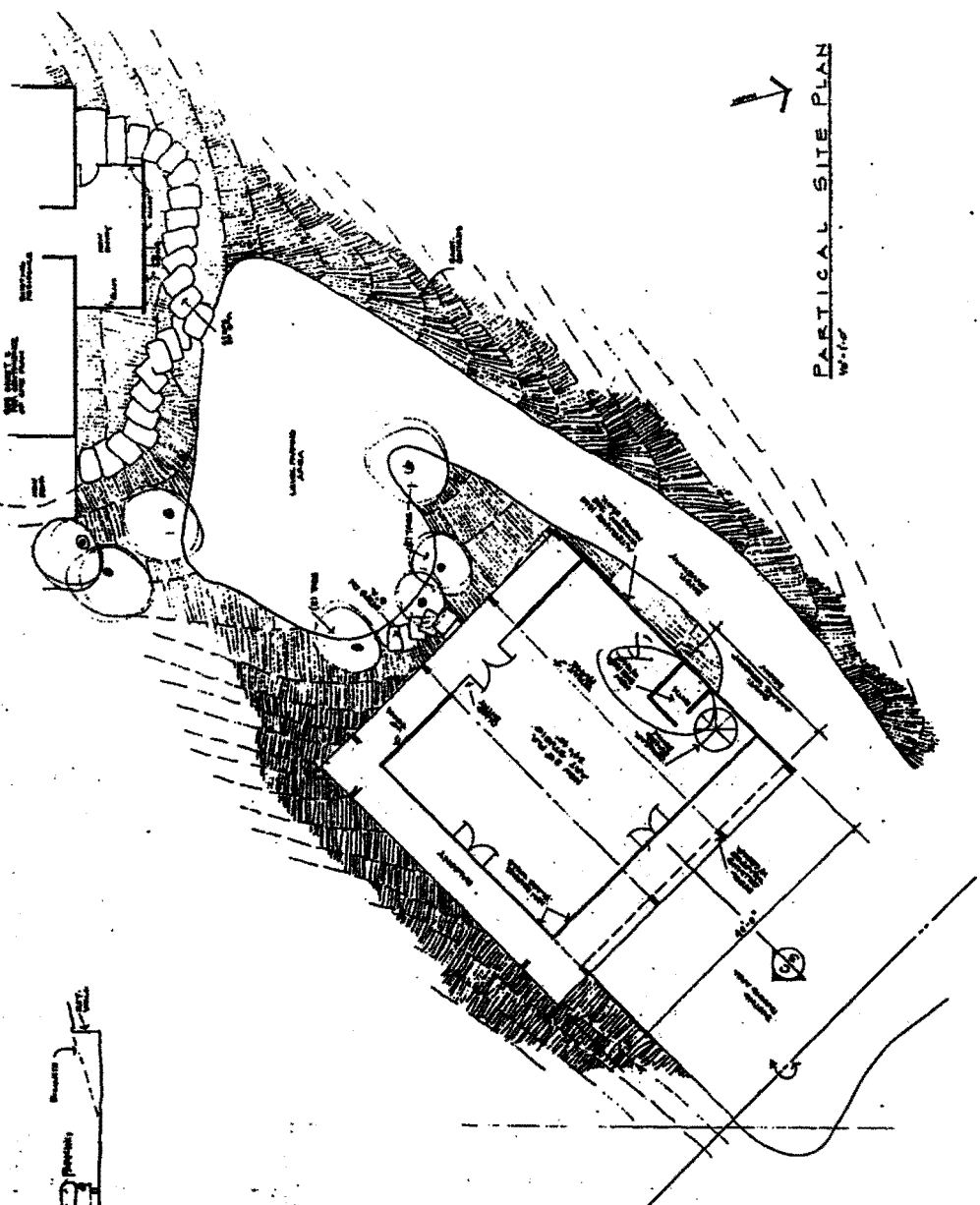
2nd Floor Plan 14.110

EXHIBIT NO. 7
APPLICATION NO.
4-97-159 (HAMILTON)
2nd Floor Plan

Residential Addition
 Mr. Dean Hamilton
 24564 Palms Rd., Malibu, Ca.
 APN 443-002-078

Architect
 Robert Gunn
 410 Seventeenth St.
 Pacific Grove, Ca. 93950
 (408-448-1917)

PARTIAL SITE PLAN

© CROSS SECTION

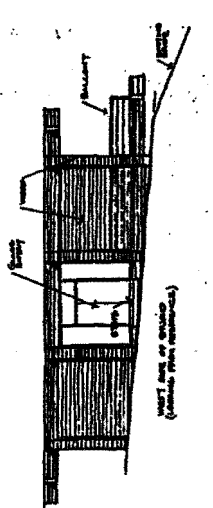
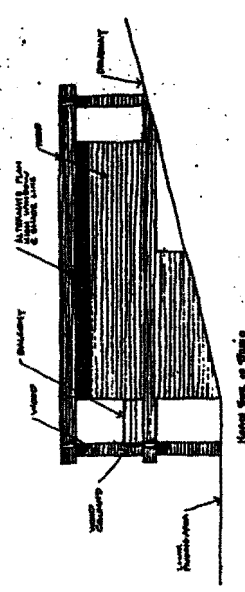
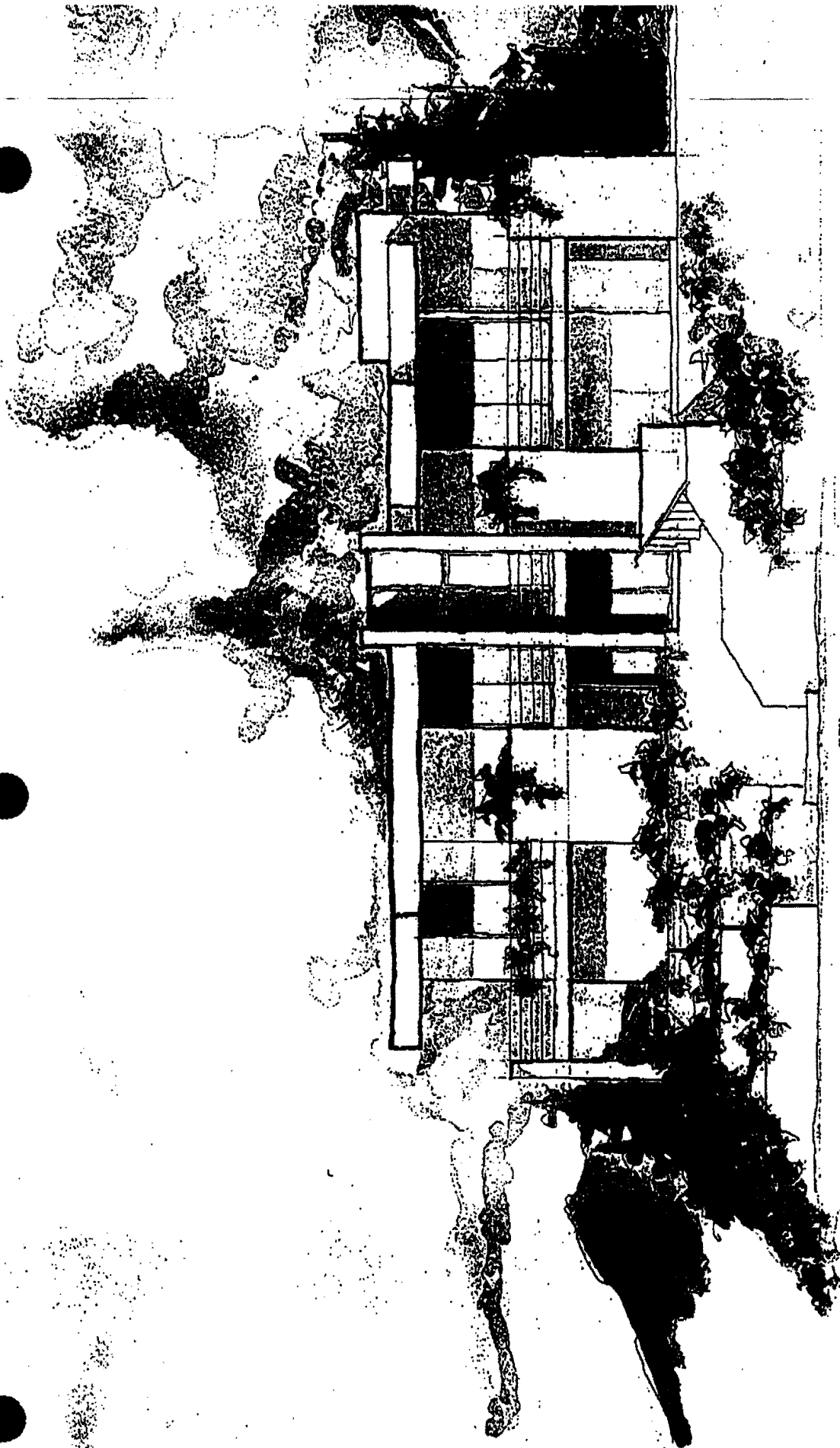


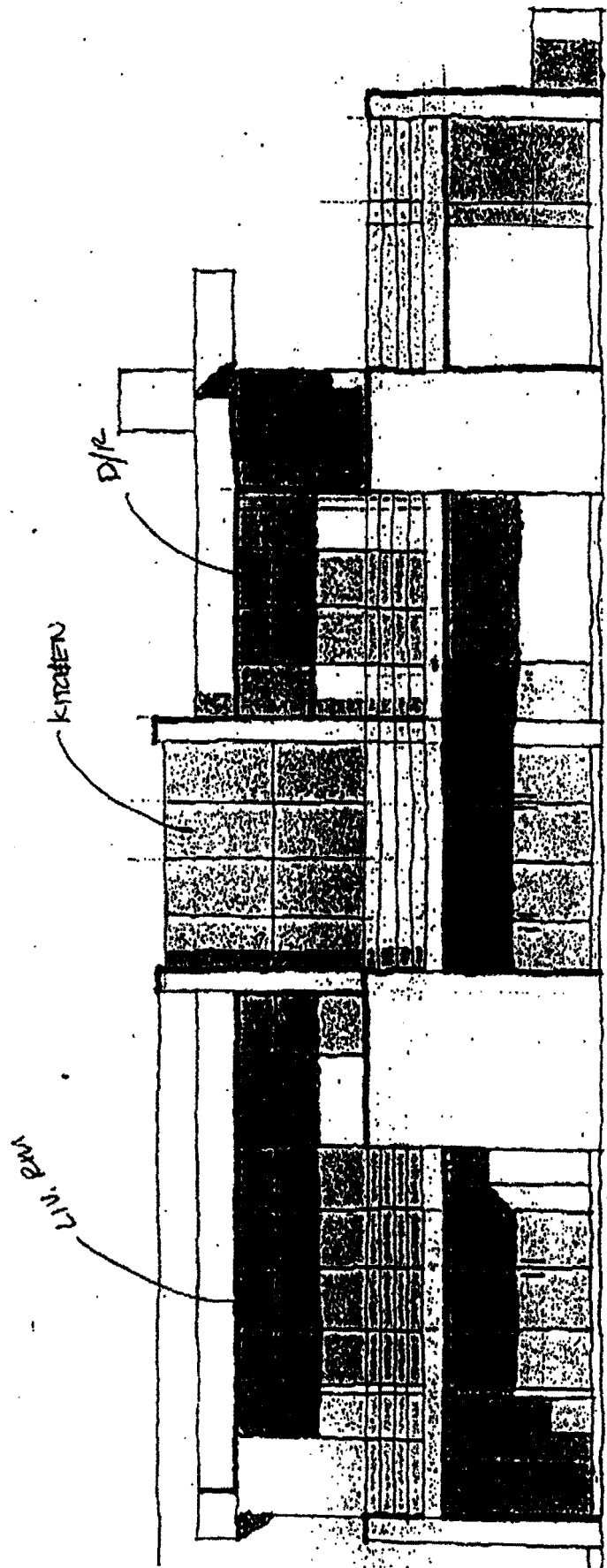
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APPLICATION NO.	4-97-159 (HAMILTON)
ART STUDIO	

EXHIBIT NO.	9
APPLICATION NO.	
4-97-159 (HAMILTON)	
ELEVATION (N)	

NORTH
1/8" SCALE

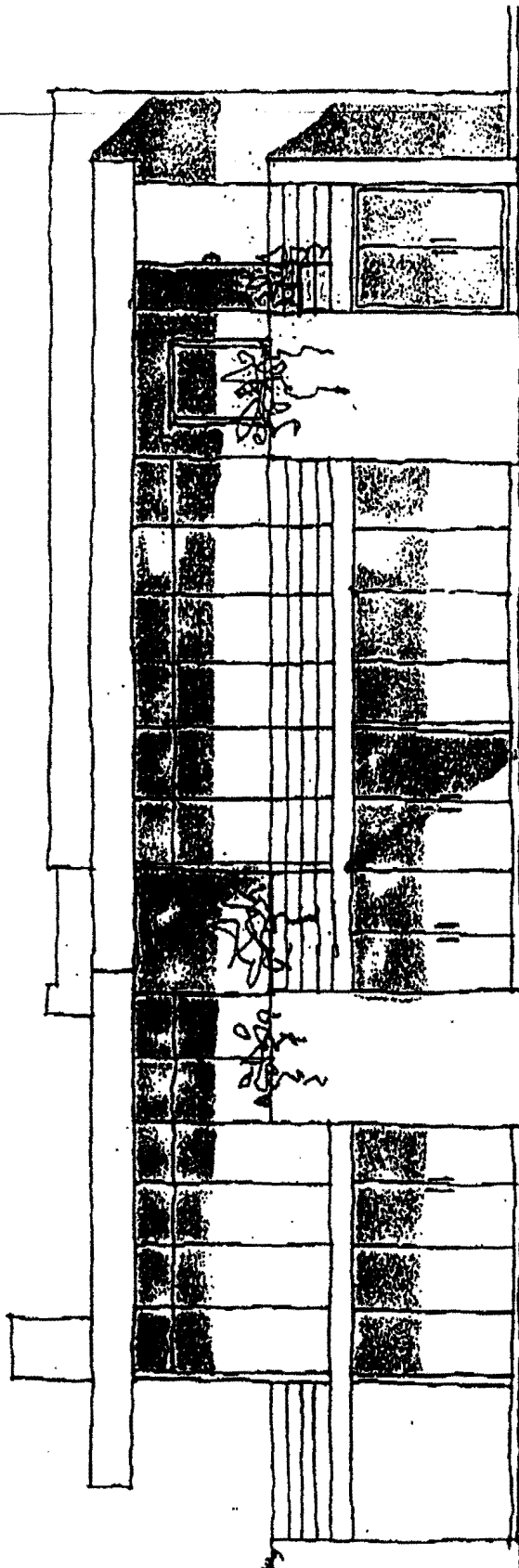
- 11. NORTH ELEVATION
- 12. FIRST FLOOR PLAN
- 13. 2ND FLOOR PLAN
- 14. ALTERNATE NORTH ELEVATION
- 15. SOUTH ELEVATION
- 16. EAST ELEVATION
- 17. WEST ELEVATION
- 18. LIVING ROOM PERSPECTIVE
- 19. REAR PERSPECTIVE
- 20. KITCHEN PERSPECTIVE





WEST
1/8" SCALE

EXHIBIT NO.	10
APPLICATION NO.	
4-97-159 (HAMILTON)	
ELEVATION (W)	



EAST
 1/8" SCALE

EXHIBIT NO.	11
APPLICATION NO.	
	4-97-159 (HAMILTON)
	ELEVATION (E)

SENT BY: OPEN 24 HOURS

: 5-29-94 : 17:26 :

Kinkos Monterey-

3104567080:# 7

