

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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Filed: 4/28/98
49th Day: 6/16/98
180th Day: 10/25/98
Staff: JEL-V
Staff Report: 5/21/98
Hearing Date: 6/9-12/98

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.: 4-98-062****APPLICANT: William & Alice Howe****AGENT: Alex Mertens****PROJECT LOCATION: 423 Latigo Canyon Road, Malibu (Los Angeles County)**

PROJECT DESCRIPTION: Construct 1,950 sq. ft. single story, 24 1/2 foot high, detached garage/storage building with toilet and sink; retaining wall; septic system; and entrance gate to an existing single family residence. 210 cu. yds. of grading (180 cu. yds. cut & 30 cu. yds. fill). Excess cut material to be exported outside coastal zone.

Lot area:	252,648 sq. ft. (5.8 acres)
Building coverage:	3,113 sq. ft.
Pavement coverage:	5,750 sq. ft.
Landscape coverage:	48,000 sq. ft.
Parking spaces:	204,648 sq. ft.
Ht abv fin grade:	26 1/2 feet sq. ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles: Regional Planning, Approval In Concept, 11/19/97; Health Services, Sewage Disposal System Design Approval, 2/24/98; Fire Department, Access Certification, 1/12/98; Fire Department, Fuel Modification Plan Approval, 3/4/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Soils and Foundation Evaluation, Soils Southwest, 11/13/97; Preliminary Geologic Investigation, 1/26/98, Frank E. Denison, Consulting Engineering Geologist; Percolation Test, Lawrence Young, 2/2/98; Coastal Development Permits: 5-81-366 (Peterson); 5-83-433 (Peterson)

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the project with special conditions relating to: ***conformance to geologic recommendations, landscape and erosion control plan, and fire waiver of liability.***

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. 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 Soils and Foundation Evaluation, Soils Southwest, 11/13/97, and the Preliminary Geologic Investigation, Frank E. Denison, 1/26/98, shall be incorporated into all final design and construction including foundations, slab-on-grade, lateral loads, shrinkage, construction, site prep, caving, pavement, retaining walls, backfill, seepage pit and drainage. All plans must be reviewed and approved by the consultants.

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

2. Landscaping and Erosion Control Plan

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation 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 which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

3. 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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 1,950 sq. ft. single story, 24 1/2 foot high, detached garage/storage building with toilet, sink and separate septic system on a 5.8 acre parcel with an existing single family residence. The applicant also proposes a two and a half foot high, 30 feet long sluff wall, and a six foot high by 12 feet long entry gate. The project will require 210 cu. yds. of grading (180 cu. yds. cut & 30 cu. yds. fill). The applicant has indicated that all excess cut material will be exported outside coastal zone.

The subject property consists of a partially graded hillside lot located near the crest of the western Santa Monica Mountains. The almost six acre parcel is irregular in shape, and bound by similar hillside parcels on three sides. Latigo Canyon Road establishes the property boundary on the southeast lot line. The highest ground on the site has been developed with a 1,163 sq. ft. single family residence, of modular design, and two water wells.

The proposed garage/storage building will be located on the east side of the site just north of the access driveway and west of Latigo Canyon Road. The proposed site is topographically situated between two knolls to the north and south, the north of which is occupied by the residence. The proposed site is an existing graded pad, ten feet lower in elevation than Latigo Canyon Road immediately to the west. The building pad is situated in a natural saddle area that appears to have been further leveled at the time

the adjacent access road to the residence was created. In 1981, the subject site was granted a Coastal Development Permit (CDP), 5-81-366 (Peterson), to install a temporary mobile home. In 1983, a second CDP was issued for the installation of the existing 1,163 sq. ft. residence of modular design.

The site is well screened by mature vegetation to the east and west, and not visible from any public trail or park. Thus, given the proposed location between two knolls, the lower elevation from Latigo Canyon Road, and the existing mature vegetation along the eastern property line, there will be no significant adverse visual impact from the proposed project.

B. 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 landforms along bluffs and cliffs.**

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

- P147** Continue to evaluate all new development for impact on, and from, geologic hazard.
- P148** Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.
- P149** Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.
- P150** Continue Hillside Management procedures as contained in Ordinance No. 82-0003 for proposed development on sites with an average slope greater than 25 percent (4:1). Grading and/or development-related vegetation clearance shall be prohibited where the slope exceeds 2:1, except that driveways and/or utilities may be located on such slopes where there is no less environmentally damaging feasible alternative means of providing access to homesites located on slopes of less than 50%, where no alternative homesites exist on the property, and where maximum feasible mitigation measures are taken.

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.

1. Geology

The applicant has submitted a Preliminary Geologic Investigation, dated 1/26/98, prepared by Frank E. Denison and a Soils and Foundation Evaluation, dated 11/13/97, prepared by Soils Southwest for the subject site.

These two reports indicate the geologic structure, ground water levels, soils and drainage associated with the subject site are free of geologic hazard and adequate to support the proposed non-habitable structure and septic system, provided their respective recommendations are included in the final site and structural designs.

Both the geotechnical engineer and engineering geologist have provided recommendations to address the specific soils and geologic conditions related to foundations, slab-on-grade, lateral loads, shrinkage, construction, site preparation, caving, pavement, retaining walls, backfill, seepage pit and drainage. In conclusion, the geotechnical engineer states that:

"Based on field explorations, laboratory testing and subsequent engineering analysis, it is our opinion that, from a geotechnical viewpoint, the site should be considered suitable for the development planned, provided the recommendations presented are incorporated in final design and in construction."

Based on the findings and recommendations of the consulting geotechnical engineers and engineering geologist, 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 soils engineers and engineering geologist as conforming to their recommendations, as noted in *special condition number one (1)* for the final project plans for the proposed project.

2. Erosion

Surface drainage on site is predominately by sheet flow toward the northwest, down a graded driveway that is located in the northwest trending canyon in which the proposed building pad is located. The consulting geologist is concerned about the drainage associated with the proposal and concludes:

"No runoff should be allowed to pond on the site or run uncontrolled over any slope face. Surface runoff should be collected and disposed of off-site of the property. To reduce the potential for surface erosion of surficial earth materials on the existing slopes, slopes should be planted with drought-tolerant vegetation that requires minimum irrigation."

Thus, the Commission finds that uncontrolled storm water runoff associated with the construction of the proposed project could create significant erosion and sedimentation impacts offsite.

Therefore, the Commission finds it necessary to require the applicant to submit a detailed landscape and erosion control plan for the proposed development. *Special condition number two (2)* provides for such a landscape/erosion control plan prepared by a licensed landscape architect. Furthermore, given that the consulting engineer specifically recommended landscaping to minimize erosion of potentially erosive soils on site, the Commission finds that the landscape plans must be reviewed and approved by the consulting engineering geologist, as noted in *special condition number one (1)*.

3. 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.

The subject site has been extensively planted within non-native trees, particularly in the vicinity of the proposed building pad, including eucalyptus, pine and cypress. To the south of the building pad is the driveway, the south knoll and residence, all of which have been planted with non-native trees. Likewise to the east, west and north, the building pad is surround within non-native trees. Beyond the trees to the north, the northern knoll is thickly vegetated with native shrubs and chaparral.

The applicant has submitted a Fuel Modification Plan approved by the County of Los Angeles on March 4, 1998 to reduce the potential threat of a fire hazard. This plan indicates three concentric zones emanating from the proposed project for: a 20' *setback* (clearance) zone; a 80' *irrigation* (thinning) zone; and a 100' *thinning* zone. In this particular instance, the 20' clearance zone is dominated by exotic trees and shrubs on all four sides. The 80' irrigation zone includes native vegetation on only the north side, as does the 100' thinning zone. Thus, given the amount of non-native vegetation surrounding the proposed site, and the absence of any clearance activity in the native vegetation to the north, the fuel modification plan will not create any significant loss of native habitat or watershed area.

However, 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 three (3)*.

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

C. 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 1,000 gallon septic tank with seepage pits. The installation of a private sewage disposal system was reviewed by the consulting geologist, Frank Denison, and found not to create or cause adverse conditions to the site or adjacent properties.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a seven plumbing fixture unit structure and is sufficient to serve the proposed garage/storage building. The applicant has submitted a conceptual approval for the sewage disposal system from the County of Los Angeles Department of Health Services, based on a one water closet and one lavatory, seven fixture unit structure. 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.

D. Local Coastal Program

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

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

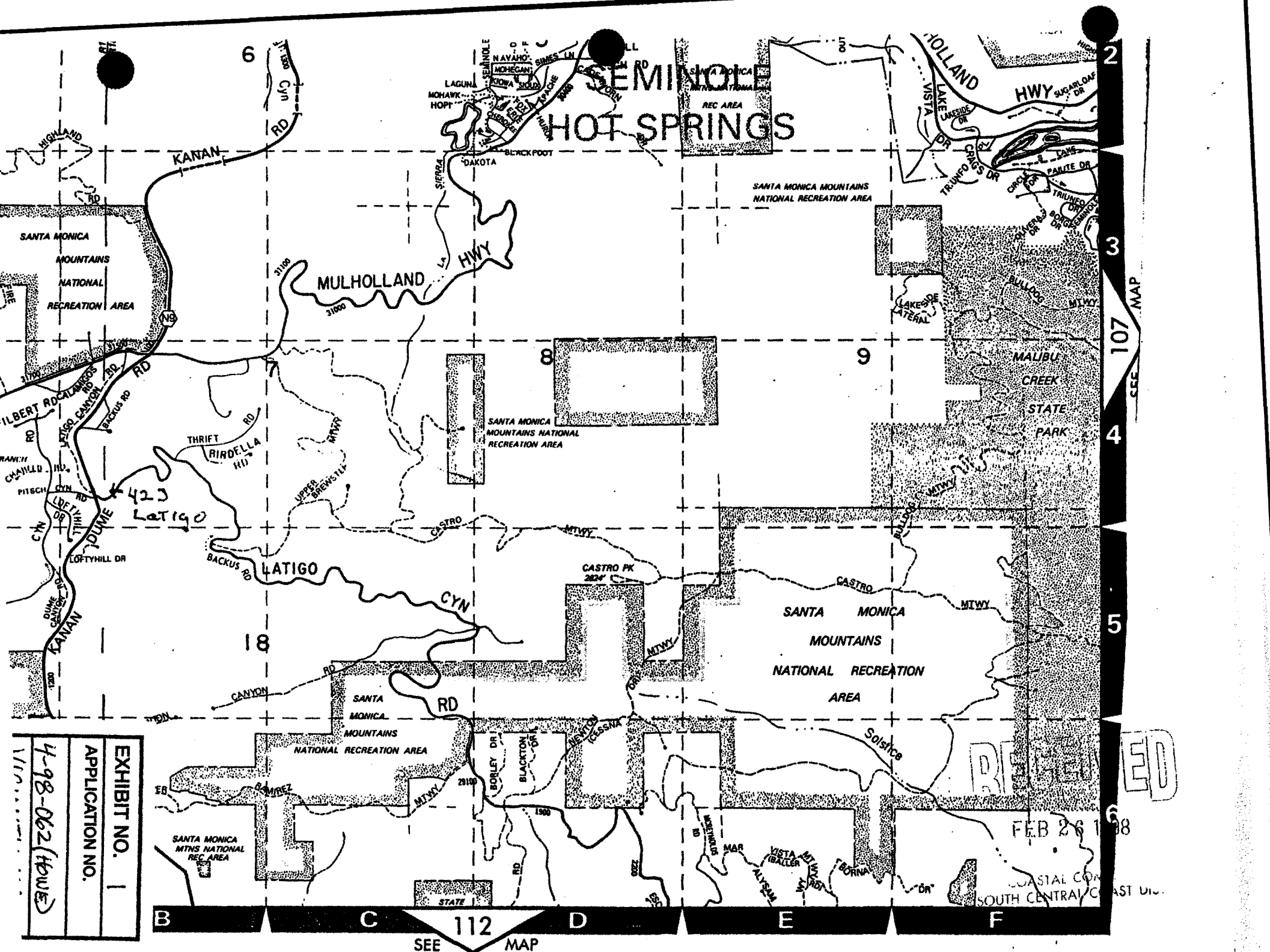
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. 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.



SEMINOLE HOT SPRINGS

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

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SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

COASTAL CORP SOUTH CENTRAL COAST DIV.

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SEE MAP 107

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SOUTH CENTRAL COAST DISTRICT

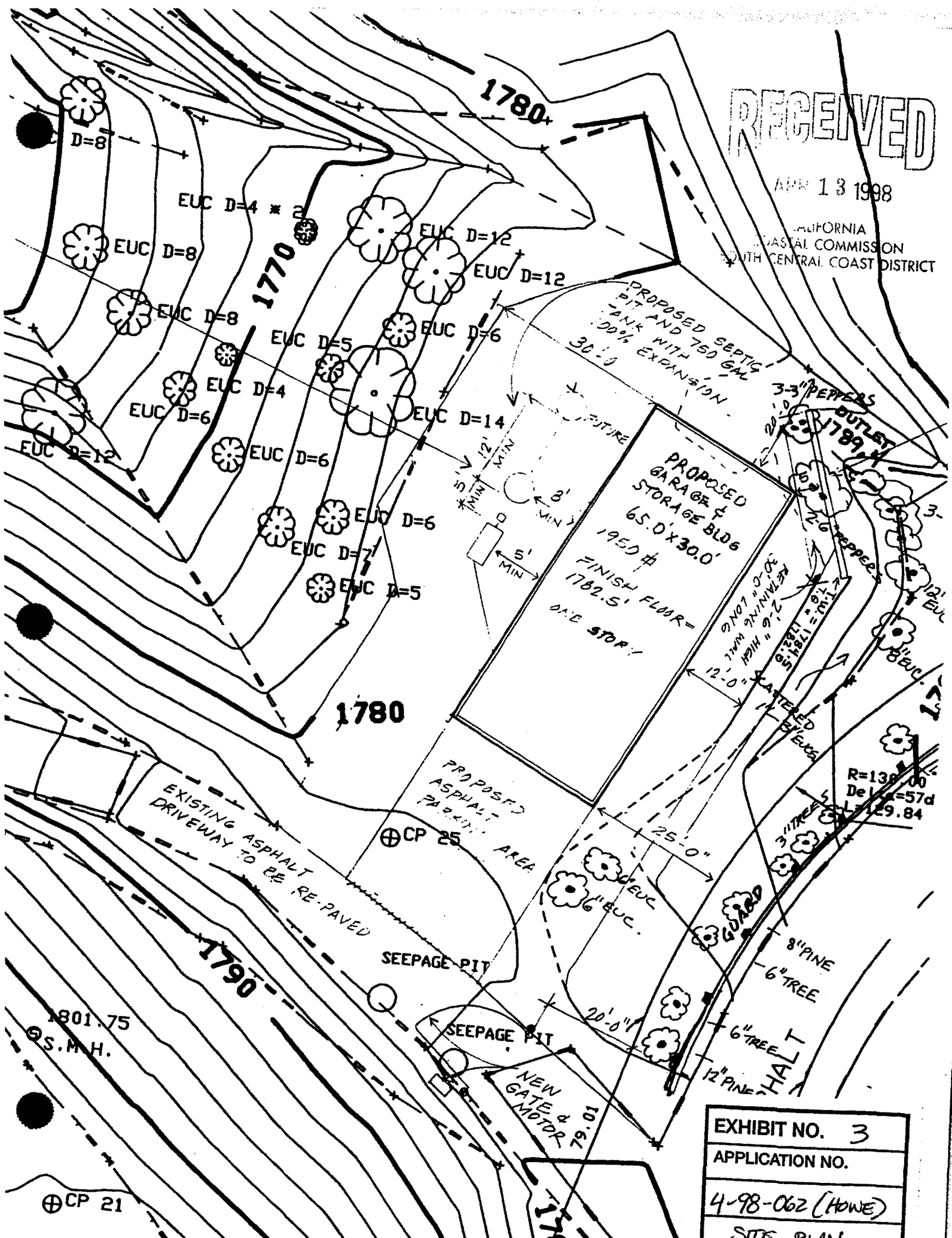


EXHIBIT NO. 3
APPLICATION NO.
4-98-062 (HOWE)
SITE PLAN

⊕ CP 21

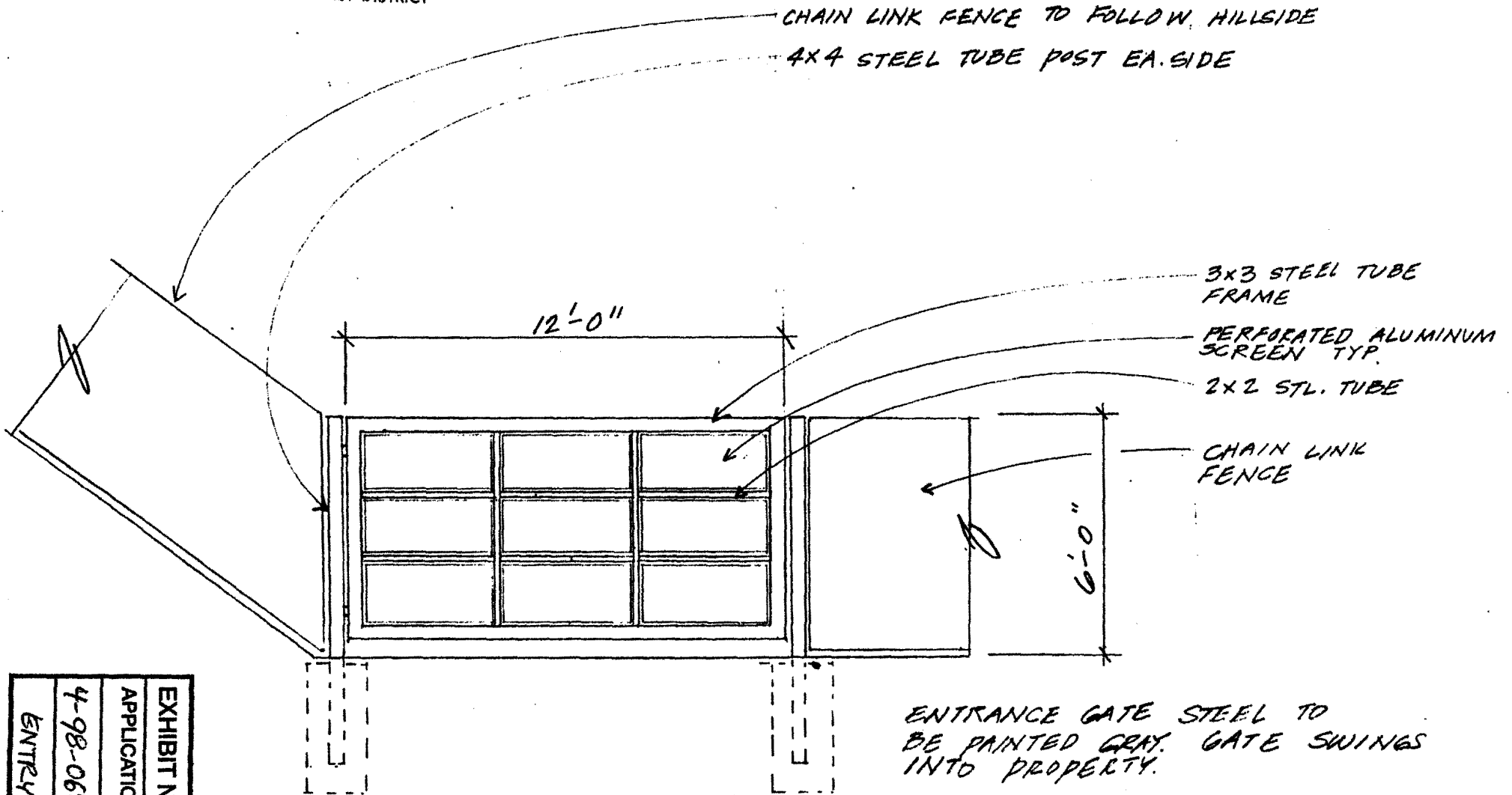
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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



ENTRANCE GATE STEEL TO BE PAINTED GRAY. GATE SWINGS INTO PROPERTY.

NCE GATE FOR 423 LATIGO RD MALIBU CA 90265

EXHIBIT NO. 5
APPLICATION NO.
4-98-062 (HOME)
ENTRY GATE

