

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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**Th 106**

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 Staff Report: 8/20/98  
 Hearing Date: 9/8-11/98

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.: 4-98-001****APPLICANT: Evan & Laura LEVY****AGENT: Terry Valente****PROJECT LOCATION: 24676 Brown Latigo, Malibu (Los Angeles County)**

**PROJECT DESCRIPTION:** Construct 3,096 sq. ft., 12' 6" high, one-story single family residence, septic system, water tank and access driveway. 724 cu. yds. of grading (444 cu. yds. of cut & 280 cu. yds. of fill).

<b>Lot area:</b>	5.82 acres
<b>Building coverage:</b>	4,176 sq. ft.
<b>Pavement coverage:</b>	4,000 sq. ft.
<b>Landscape coverage:</b>	6,904 sq. ft.
<b>Parking spaces:</b>	three uncovered
<b>Ht abv fin grade:</b>	12' 6"

**LOCAL APPROVALS RECEIVED:** Los Angeles County: Department of Regional Planning, Approval in Concept, 12/15/97; Environmental Review Board, Finding of Consistency, 2/24/97; Department of Health Services, Approval for Design Purposes, 10/30/97; Fire Department, Conceptual Feasibility Determination for Access, 1/30/97, and Approval in Concept for Fuel Modification Plan, 6/17/97.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Engineering Geologic Investigation Report, Pacific Geology, 4/7/97; Soils Engineering Investigation, Subsurface Designs, 4/17/98; Coastal Development Permit Waiver 4-97-147W (Brandon).

**SUMMARY OF STAFF RECOMMENDATION**

The applicant proposes to construct a one-story, single family residence located on the scenic Saddle Peak ridgeline and within the Malibu/Cold Creek Resource Management Area. The site is visible from the Backbone Trail and Mulholland Highway, and is surrounded by significant rock outcroppings characteristic of the ridgeline area. The proposed project creates visual

resource issues related to colors and glare, portions of the slopes are surficially unstable, and runoff will create erosion and sedimentation of the watershed. Staff recommends approval of the project with special conditions relating to color restriction; future improvements; conformance to geologic recommendations; landscape, erosion control and drainage plans; wildfire waiver of liability; water supply.

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## **STAFF RECOMMENDATION**

The staff recommends that the Commission adopt the following resolution:

### **I. Approval with Conditions**

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

### **II. Standard Conditions**

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

7. Terms and Conditions Run with the Land These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

1. 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). 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. 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. 4-98-001; and that any additions or future improvements to the permitted structure(s), or 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 an amendment to this permit or an additional permit from the Coastal Commission or the affected local government authorized to issue such coastal development permits. 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.

3. 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 Engineering Geologic Investigation Report, by Pacific Geology, dated 4/7/97; and the Soils Engineering Investigation, by Subsurface Designs, dated 4/17/98, shall be incorporated into all final design and construction plans including recommendations

concerning grading, foundations, settlement, slabs, erosion control, excavations, and drainage. All plans must be reviewed and approved by the geologic 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.

#### 4. Landscape, Erosion Control and Drainage Plans

Prior to issuance of the coastal development permit, the applicant shall submit landscape, erosion control and drainage plans for review and approval by the Executive Director. The landscape, erosion control and drainage plans shall be reviewed and approved by the consulting geologist to ensure the plans are consistent with the geologist's recommendations for slope stability and proper site drainage. The plans shall incorporate the following criteria:

- (a) *Landscape and Erosion Control Plans*, prepared by a licensed landscape architect, which assure all graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used;
- (b) All cut and fill slopes, and disturbed areas, shall be stabilized with planting at the completion of final grading. Planting should utilize 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) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (d) 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;

- (e) A *Drainage 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 over the slopes. The drainage plan shall include installation of slope dewatering devices if determined necessary by the Consulting Engineer;
- (f) The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final landscape, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Wildfire 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 wildfire exists as an inherent risk to life and property

6. Commitment for Water Supply and Access Thereto

Prior to the issuance of a coastal development permit the applicant shall provide verification, for the review and approval of the Executive Director, a copy of an agreement or commitment of adequate water supply capacity to the applicant's parcel.

In addition, prior to issuance of a coastal development permit, the applicant shall provide, for the review and approval of the Executive Director, documentation of a recorded easement or other legal right for any necessary water supply improvements to be constructed by the applicant that will be located on property that is not owned by the applicant.

#### IV. Findings and Declarations

The Commission hereby finds and declares:

##### A. Project Description and Background

The applicant proposes to construct a 3,096 sq. ft., 12 foot 6 inch high, one-story single family residence, with a septic system and water tank. The residence is of a pre-manufactured design and will rest on a permanent concrete slab foundation. No garage facilities are proposed as part of this application. Water will be provided by a well located offsite on the adjacent parcel to the south. The applicant has requested that the Commission condition the approval of the coastal development permit upon the recordation of the necessary water line easement.

The site is located on the south side of the dirt portion of Brown Latigo Road, approximately 1/4 mile east of its intersection with Loma Metisse Road, in the Saddle Peak area of Los Angeles County. The subject parcel is surrounded by one and two story, single family residences to the south along Saddle Peak Road and to the west and north along Brown Latigo Road.

The subject site includes an existing building pad and an unimproved accessway, from Brown Latigo Road, approximately 400 feet in length. The applicant proposes to widen the driveway to 20 feet, per Los Angeles County Fire Code requirements, and pave the surface. The driveway widening and finish pad grading will require 444 cu. yds. of cut and 280 cu. yds. of fill for a total of 724 cu. yds. of grading. The project will also require the removal and recompaction of 1,110 cu. yds. of material from the existing pad in order to prepare the proposed concrete foundation pad, per the recommendations of the geotechnical consultant.

In December of 1997, the Commission issued a Permit Waiver-De Minimis (4-97-147-W) for a minor lot line adjustment between the subject parcel and the two adjacent parcels, per the recorded Certificate of Compliance No. 101.539. The purpose for this lot line adjustment was to reconfigure the subject parcel to take advantage of the existing building pad, in order to reduce further grading, and to legalize an unpermitted water well on the adjacent parcel.

##### B. 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.*

In addition, the Malibu/Santa Monica Mountains Land Use Plan protects specific visual resources in the Santa Monica Mountains. In this particular case, Saddle Peak Ridge is recognized as a "significant ridgeline" which incorporates the adjacent "significant viewshed" to the north, and Mulholland Highway is recognized as a "scenic highway". The subject site is within the Saddle Peak "significant viewshed" and visible in the distance from Mulholland Highway which is a "scenic highway".

To assess any potential visual impacts of this project to the public, the Commission also reviews the publicly accessible locations where the proposed development is visible, such as

parks and trails. The Backbone Trail is located approximately 1,000 feet to the east and 1,700 feet to the south of the proposed site and would be visible by those using the trail. In addition, the existing building pad is just down slope and surrounded by a series of immense sandstone rock outcroppings, characteristic of the Saddle Peak ridgeline and identified in the Malibu/Santa Monica Mountains LUP as visual resources.

The Commission typically examines the building site, any proposed grading, and the size of the structure. Staff conducted a site visit of the subject property and found the existing building pad to be the most appropriate location for the proposed project given the deep ravines on either side of the access road, the large rock outcroppings to the south and what appears to have been a natural plateau where the building pad has been graded. Thus, the Commission finds the proposed site to be the best alternative for siting the proposed project.

Given the existing building pad is the best location for the proposed project, the project raises two visual resource issues regarding siting and design: one, whether or not views from public roadways will be impacted, and two, whether or not views from public trails will be impacted.

The proposed 3,096 sq. ft. residence of pre-manufactured design will not create any significant adverse impact on the surrounding visual resources due to the height, mass or bulk of the structure, given the single story, low profile building height of 12' 6". However, the proposed one story structure would degrade the views of the ridgeline and surrounding rock outcroppings from the Backbone Trail if it is finished in a color inconsistent with the surrounding earth and sand tones. Further, should the windows of the proposed structure be of a reflective nature, the resultant glare from the windows would create an adverse visual impact to both those using the Backbone Trail and those traveling along Mulholland Highway.

Thus, because the residence is located within a "*significant viewshed*" and visible from a public trail and a "*scenic highway*", 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 & non-glare glass, as required by *Special Condition number one (1)*.

The Commission has also 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 Santa Monica Mountains to mitigate any visual impacts of development through the use of native, drought tolerant plantings, as specified in *Special Condition number four (4)*.

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 two (2)*, 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.

C. 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 guidance, in regards to geologic hazards, as follows:

- P144** Continue to provide information concerning hazards and appropriate means of minimizing the harmful effects of natural disasters upon persons and property.
- P147** Continue to evaluate all new development for impact on, and from, geologic hazard.
- 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.
- P151** Continue to evaluate all new development for its impact on, and from flood and mudflow hazard.
- P152** Prohibit buildings within areas subject to inundation or erosion unless proper mitigation measures are provided to eliminate flood hazard.
- P156** Continue to evaluate all new development for impact on, and from, fire hazard.

The proposed development is located in the Santa Monica Mountains, an area 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. Wildfires 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 situated within the central portion of the uplifted Santa Monica Mountains. The majority of the site is in a natural state, with the exception of the graded access driveway which extends approximately 400 hundred feet from Brown Latigo Road to the level, graded pad area. The graded pad area is essentially at the top of slope; there is also a prominent outcrop of sandstone bedrock which rises above the southeast pad margin. A northwest-southeast trending, ephemeral drainage ravine extends across the central portion of the property below the building pad area.

Slopes within and adjacent to the pad area descend to the north approximately 75 feet at slope ratios ranging from 3:1 (18%) to 2:1 (26%). In addition, slopes descend off the southwestern pad margin approximately 30 feet to the secondary, ephemeral drainage ravine. Near vertical, 5 to 10 foot high cuts are present below the north pad margin along the south side of the access road.

Site drainage consists of sheet flow run-off of precipitation derived primarily within parcel boundaries. The consulting geologist did not observe any active springs or seeps on site, nor any active groundwater within the exploratory openings excavated on the site.

### 1. Geology

The applicant has submitted a Engineering Geologic Investigation Report, dated 4/7/97, prepared by Pacific Geology, and a Soils Engineering Investigation, dated 4/17/98, prepared by Subsurface Designs, for the subject site. In regard to unstable geologic conditions the geologist found no mapped landslide structure within or immediately adjacent to the subject property that would affect the stability of the site. In addition, examination of aerial photographs by the consultant revealed not active landslide activity.

The geotechnical consultant found the slope stability to be stable from a gross standpoint. However, the geotechnical engineer does not consider the graded, uncertified fill slope area directly north of the existing level building pad to be stable from a surficial standpoint, and has developed landscaping and erosion control recommendations to mitigate the issue accordingly.

Based on the geologist's consultant's site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data, both the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to grading, foundations, settlement, slabs, erosion control, excavations, and drainage.

In conclusion, the geologic investigation states that:

*"Providing the recommendations contained in this report , in addition to those of the Geotechnical Engineer are followed, the residence and garage will be safe from landslide hazard, settlement or slippage. In addition, the proposed construction will not adversely affect off-site properties from a geological standpoint. All specific elements of the County of Los Angeles Building Code shall be followed in conjunction with design and future construction work."*

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 three (3)* for the final project plans for the proposed project.

## 2. Erosion

The geologic investigation as well as the soils engineering investigation indicate that the surficial slope is unstable. Given that both the consulting geologist and geotechnical engineers found the existing surficial slope unstable, and particularly as it may be affected by uncontrolled runoff and erosion, the Commission finds that the project as proposed will be subject to surficial slope instability.

Therefore, the Commission finds it necessary to require the applicant to submit detailed landscape and erosion control plans to mitigate the surficial slope instability. *Special condition number four (4)* provides for landscape and erosion control plans to be prepared by a licensed landscape architect. Furthermore, given that the consulting geologist 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.

Further, In order to ensure that drainage and potential erosion from the residential building pad is conveyed from the site in a non-erosive manner and erosion is controlled and minimized during construction, the Commission finds it necessary to require the applicant to submit drainage plan, as required by *Special Condition number four (4)*. This condition requires the drainage plan to be completed by a licensed engineer.

## 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.

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 wildfire waiver of liability, as incorporated by *Special Condition number five (5)*, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development and agrees to indemnify the Commission against any liability arising out of the project.

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

#### D. 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.***

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.***

In addition, Section 30231 of the Coastal Act states that the biological productivity of coastal waters shall be protected, maintained and where feasible restored:

***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 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.

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 subject parcel 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 a 3,096 sq. ft., 12 foot 6 inch high, one-story single family residence, with a septic system and water tank. The applicant also proposes to widen the driveway to 20 feet and pave the surface. The driveway widening and finish pad grading will require 444 cu. yds. of cut and 280 cu. yds. of fill for a total of 724 cu. yds. of grading. The project will also require the removal and recompaction of 1,110 cu. yds. of material from the existing pad in order to prepare the proposed concrete foundation pad. Existing drainage is by

sheet flow runoff directed towards the north 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, 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 four (4)*, which requires landscape, erosion control and drainage plans, 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.

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 two (2)*, 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 30231 and 30240 of the Coastal Act.

#### E. Septic System and Water Supply

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.***

In addition, Section 30250 of the Coastal Act requires that all development shall be located adjacent to adequate public services:

***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.***

#### 1. Septic System

The proposed septic system includes a 1200 gallon septic tank with seepage pits. The installation of a private sewage disposal system was reviewed by the consulting geologist, Pacific Geology, and found the proposed system will not adversely affect the stability of the site, or off-site properties, providing the report recommendations are followed, in addition to those requirements of the County Health Department.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a four bedroom residence and is sufficient to serve the proposed single family residence. The applicant has submitted a conceptual approval for the sewage disposal system from the Los Angeles County Department of Health Services, based on a four 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.

#### 2. Water Supply

There is presently no existing water service to the site and no water well on-site. The applicant intends to obtain the water supply for the proposed development from a water well located on the adjacent parcel to the south of the site.

In order to connect the proposed development to the water well, it will be necessary to construct a water utility line over the adjacent tract. The owner of the tract has also

preliminarily agreed to allow such development on his tract. The owner of said tract has been invited to be a c0-applicant to this applicant pursuant to Section 30601.5 of the Commission's regulations.

Therefore, to ensure that adequate public services are available for the development, the Commission finds it necessary to require, in accordance with Special Condition No. 6, that prior to the issuance of a coastal development permit, the applicant shall provide evidence of a water supply commitment to the tract and documentation of a recorded easement or other legal right for any necessary water supply improvements to be constructed by the applicant on the property of others.

The Commission finds that only as conditioned above is the proposed project is consistent with Section 30250 of the Coastal Act.

Therefore, the Commission finds that only as conditioned above is the proposed project consistent with Sections 30231 and 30250.

#### F. Local Coastal Program

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

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

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

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

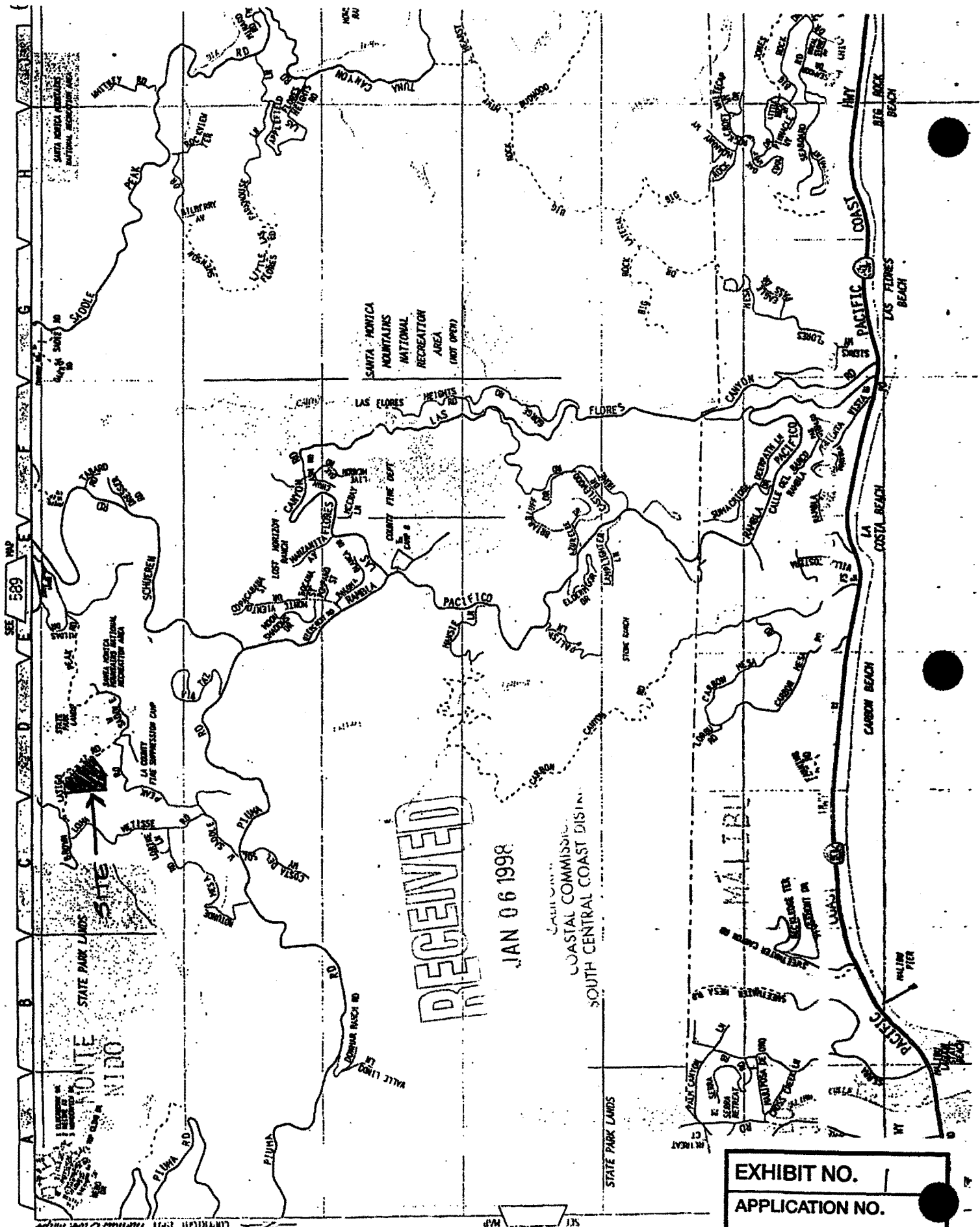
#### G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the



application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity would have on the environment.

The 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.



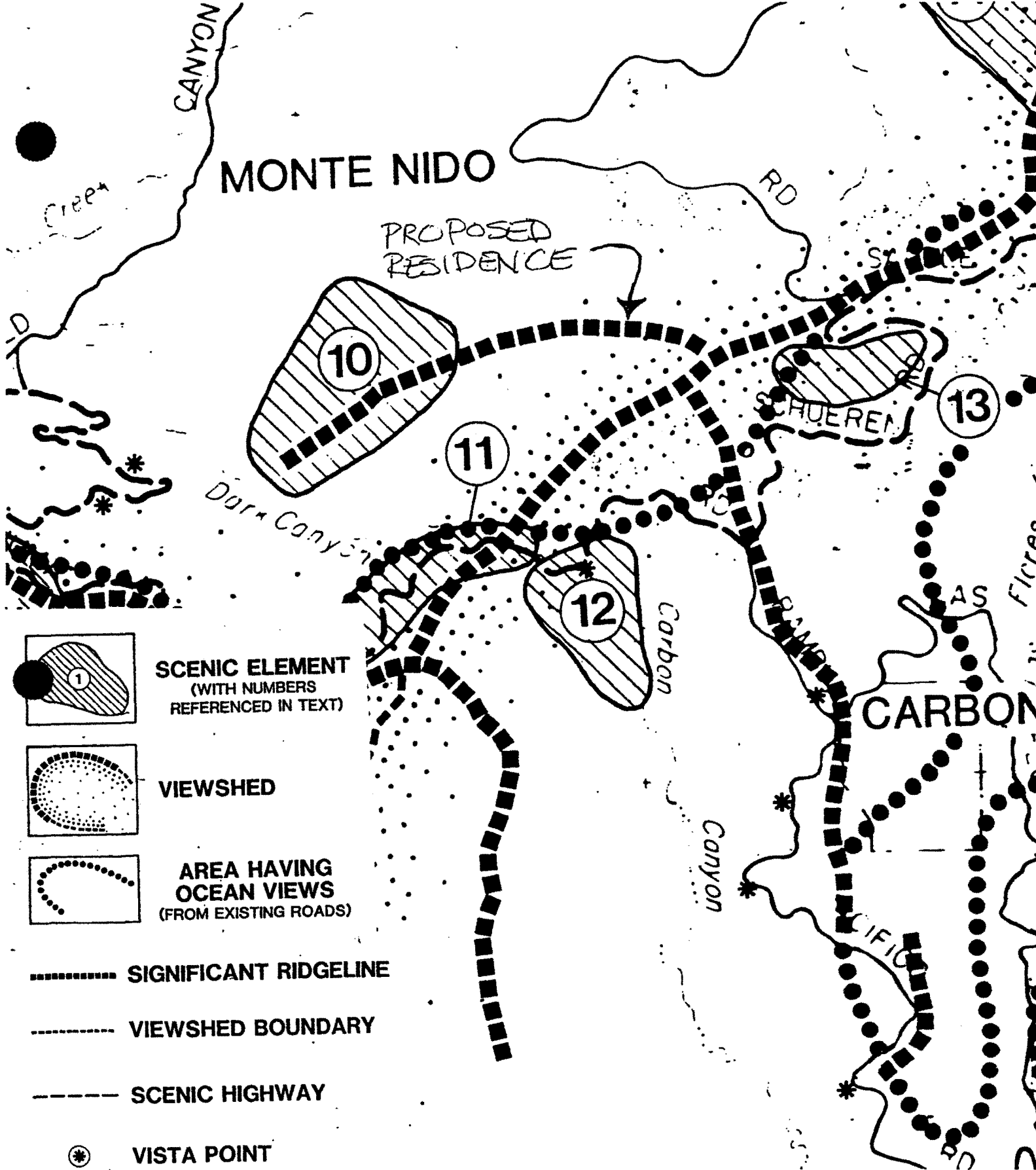
RECEIVED

JAN 06 1998

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO.	1
APPLICATION NO.	4-98-001 (BEVY)
VICINITY MAP	

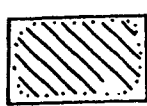
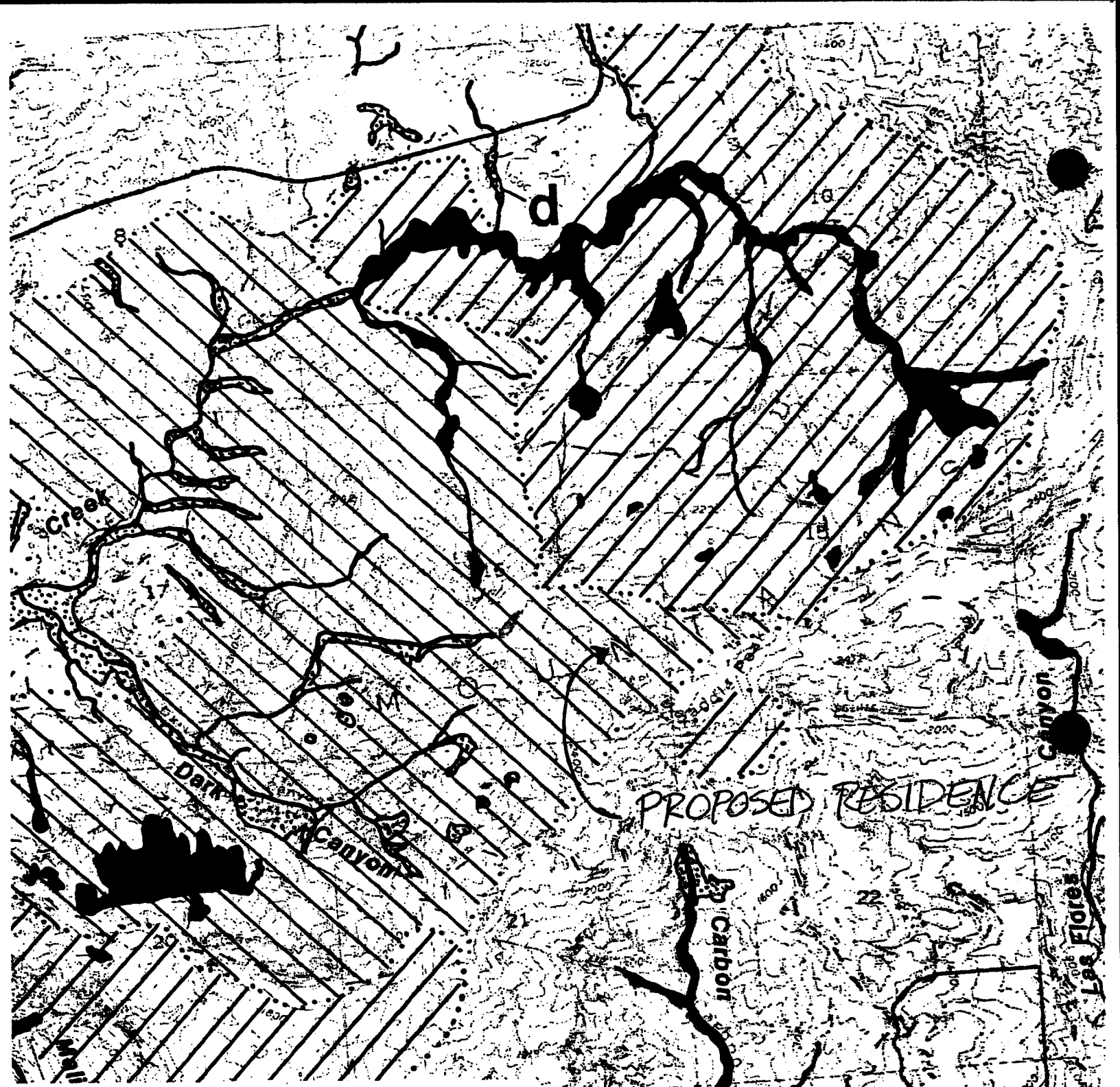
COURTESY 1991 Malibu City Maps



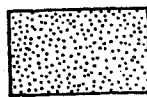
● PUBLIC VIEWING AREA

CENTER COAST HWY

EXHIBIT NO.	2
APPLICATION NO.	
	4-98-001 (LEVY)
VISUAL RESOURCE MAP	



**MALIBU/  
COLD CREEK RESOURCE  
MANAGEMENT AREA**



**SIGNIFICANT OAK WOODLAND  
AND SAVANNAHS**



**LOCALLY DISTURBED  
SENSITIVE RESOURCES AREAS**

EXHIBIT NO. 3
APPLICATION NO.
4-98-001 (LEV)
ESHA MAP

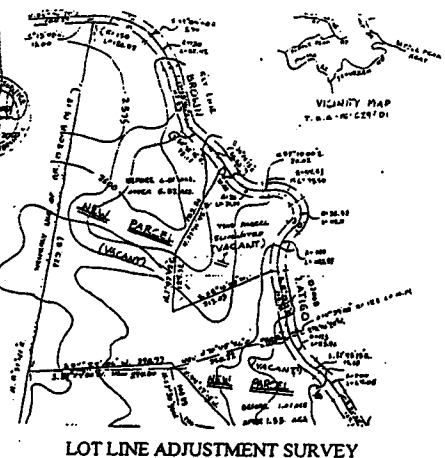
**CITY OF MALIBU**

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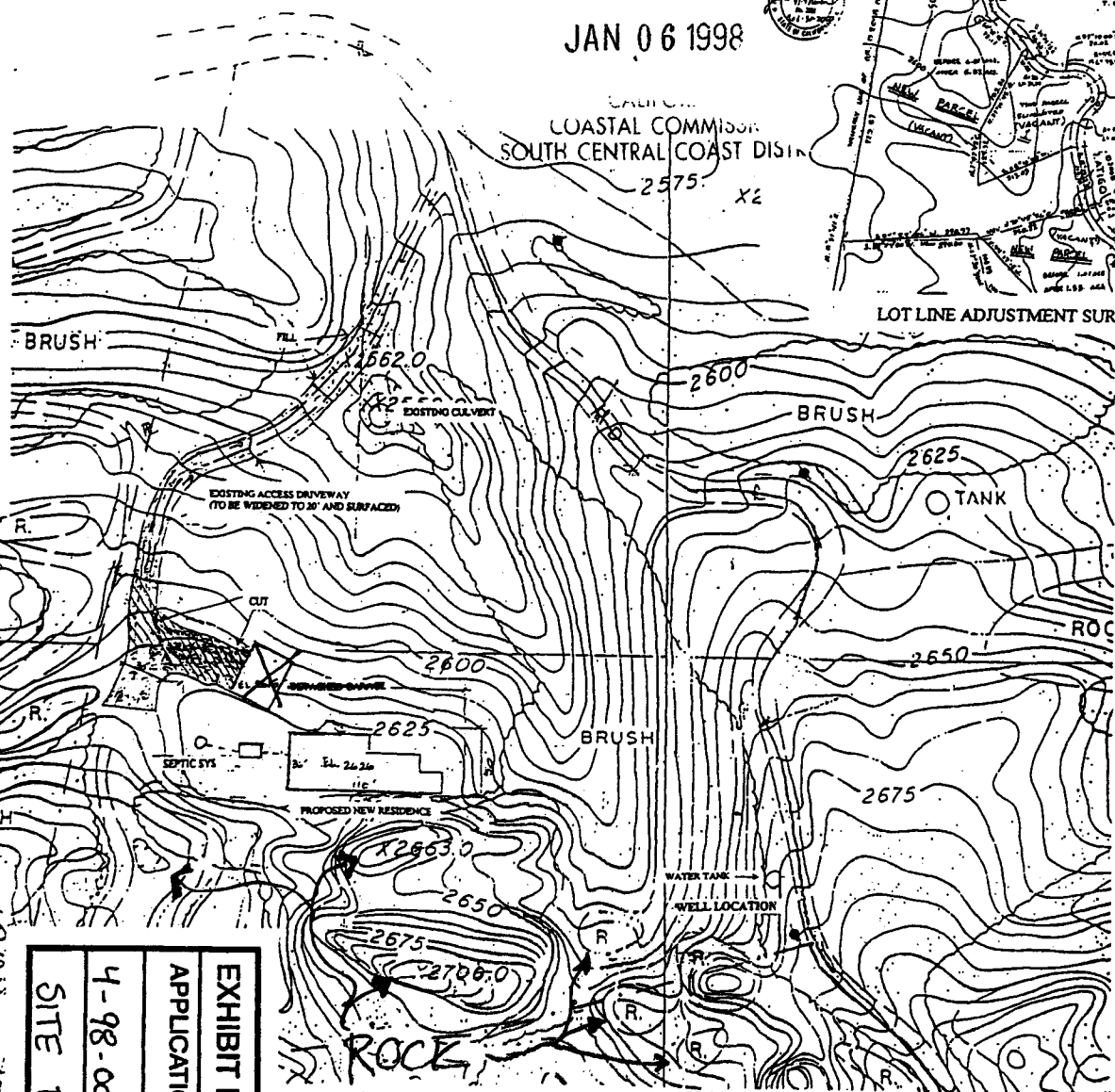
JAN 06 1998



COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



LOT LINE ADJUSTMENT SURVEY



ROCK  
OUTCROPPINGS

LOW SLIC:  
ELAN LEVY  
3200 TUNA CANYON  
TORRANCE, CA 90504  
(310) 455-4310

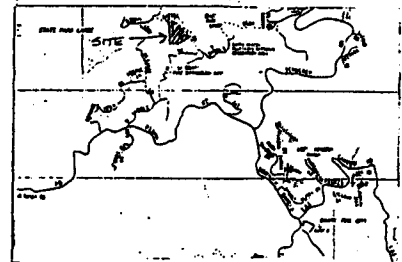
LEGAL DESCRIPTION:

Portion of the Southeast Quarter,  
Section 16, Township 1 South,  
Range 17 West, San Bernardino Meridian

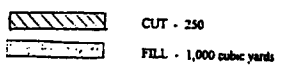
ASSESSORS PARCEL #4453-018-032 (6.72 AC)

SCOPE OF WORK:

To construct new 3,096 sq. ft. 4 bedroom  
single family dwelling with detached garage  
(Manufactured home on permanent foundation)



SEE ATTACHED  
CONDITIONS



Contact County Building and Safety  
for their requirements.

DEPARTMENT OF REGIONAL PLANNING  
CASE NUMBER: W45144

This plan shall be subject to the requirements  
of the California Public Resources Code and must  
be submitted to the California Department of  
Public Resources for review and approval.  
Approval of this plan does not constitute  
approval of any provision of any County Ordinance  
relating to this project.

Signature: [Signature]  
Date: 1/15/97

APPROVAL IN CONCEPT

SIG: [Signature]  
DATE: 12-15-97  
PLAN CHECK NO.: W45144

Per sec. 3000 et seq of the  
Public Resources Code and  
Title 14 of the  
Administrative Code, State  
of California

THIS IS NOT A PERMIT  
and  
is subject to any conditions  
issued below

SITE PLAN

LEVY PROPOSED RESIDENCE  
2406 BROWN LANTICO ROAD, MALIBU, CA

EXHIBIT NO. 4
APPLICATION NO.
4-98-001 (Levy)
SITE PLAN

REV 6/97  
REV 7/97

A-1

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JAN 06 1998

COASTAL COMMUNITY  
SOUTH CENTRAL COAST DISTRICT

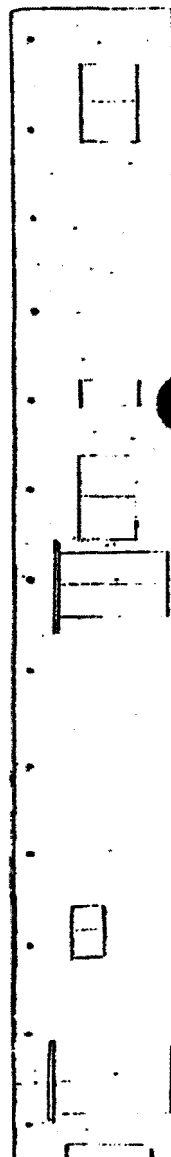
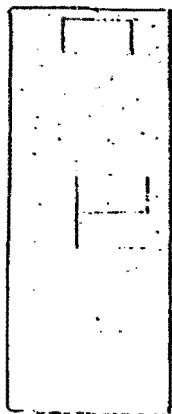
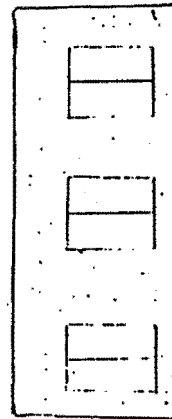
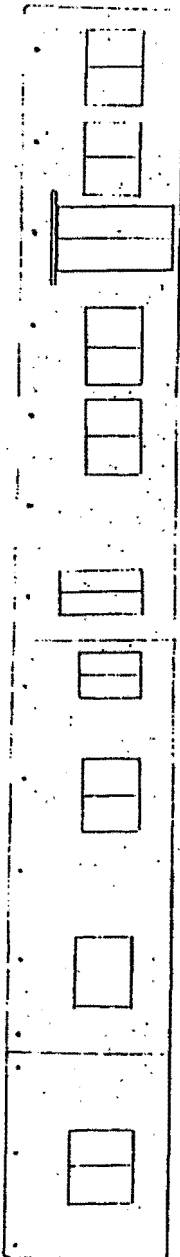
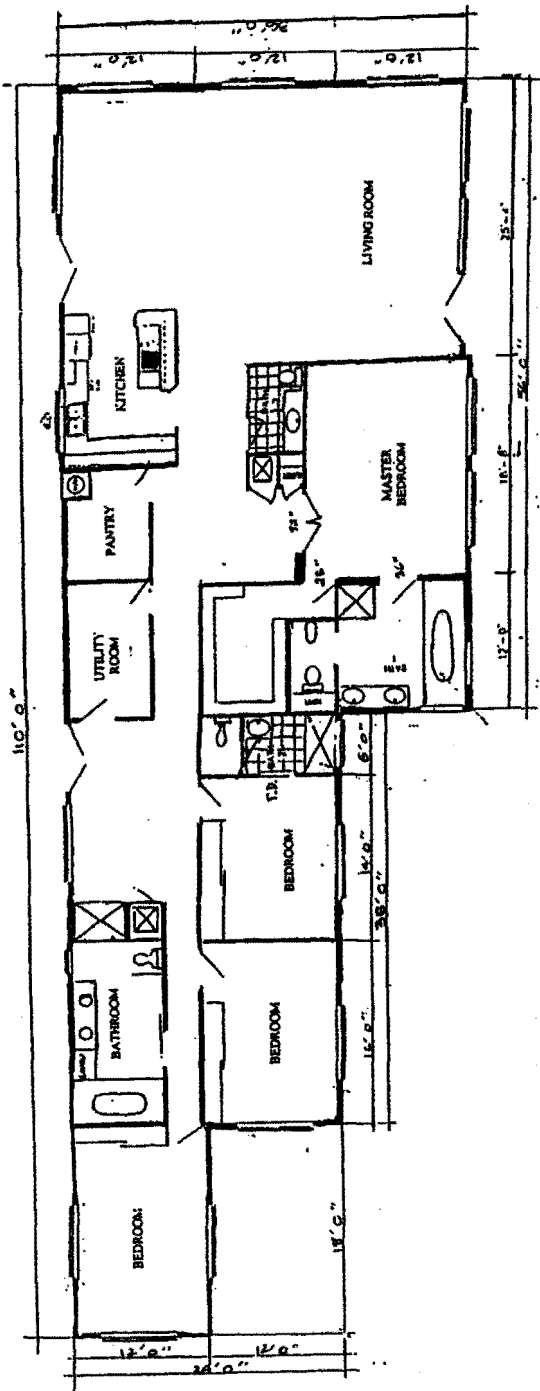


EXHIBIT NO. 5
APPLICATION NO.
4-98-001 (LEVY)
FLOOR PLAN/ELEVATIONS