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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MALIBU, CA 93001

(805) 641-0142



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 Staff Report: 10/19/99
 Hearing Date: 11/02/99-11/05/99
 Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION No. 4-99-191****APPLICANT:** Joseph and Lillian McCoy**PROJECT LOCATION:** 6390 Meadows Court, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new two-story, 7455 sq. ft. single family residence, 28 ft. above existing grade, including an attached four-car garage, detached 693 sq. ft. pool cabana, swimming pool, spa, intermittent sand filter private sewage disposal system, and automatic gate and wall constructed with wrought iron and plaster columns that will enclose all of the structures. No grading is proposed.

Lot area:	67,147 sq. ft. (net)
Building coverage:	8,147.5 sq. ft.
Pavement coverage:	12,600 sq. ft.
Parking spaces:	6 (4 Garaged, 2 Open)
Height above finished grade:	28 ft

LOCAL APPROVALS RECEIVED: Plot Plan Review 99-069, Site Plan Review 99-025, Environmental Health Department In-Concept Approval, City of Malibu Approval In-Concept.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Coastal Development Permits 5-81-11(A)(A2), As-Built Engineering Geologic Report, Mountain Geology, Inc., March 4, 1991; Update Engineering Geologic Report, Mountain Geology, Inc., September 13, 1994; Update and Addendum Engineering Geologic Report, Mountain Geology, Inc., October 18, 1996; Update Engineering Geologic Report, Mountain Geology, Inc., January 7, 1999; Supplemental Engineering Geologic Report, Mountain Geology, Inc., April 5, 1999; Addendum Engineering Geologic Report #1, Mountain Geology, Inc., May 17, 1999; and Update Geotechnical Engineering Report, West Coast Geotechnical, July 2, 1999.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with **6 Special Conditions** relating to: conformance with geologic recommendations, future development, landscaping and erosion control, removal of natural vegetation, color restriction, and wildfire waiver of liability.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

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 within 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 Commission 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 Geologist's and Engineer's Recommendations

All recommendations contained in the submitted geologic engineering reports prepared by West Coast Geotechnical and Mountain Geology, Inc. relating to grading, foundations, septic systems, and drainage shall be incorporated into the final project plans and designs. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologist's stamp and signature to the final project plans and designs.

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

2. Future Development Deed Restriction

This permit is only for the development described in coastal development permit No. 4-99-191. Pursuant to Title 14 California Code of Regulations Sections 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, additions, or improvements related to the pool cabana approved under coastal development permit number 4-99-191, will require a permit from the Coastal Commission or its successor agency.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant as landowner shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

3. Revised Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised 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 consultant's recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

- 1) All areas disturbed by construction activities on the subject site shall be planted and maintained for erosion control purposes within 60 days of receipt of the certificate of occupancy for 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 that tend to supplant native species shall not be used. The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed structures and perimeter wall as viewed from the trail easement along the eastern property boundary;
- 2) All slopes disturbed by construction activities shall be stabilized with planting at the completion of construction. 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;
- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required; and
- 5) Vegetation within 50 feet of the proposed house may be removed to mineral earth and vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the type, size, and location of plant materials to be removed, and how frequently thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated

lawn, turf, and ground cover planted within the 50-foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should construction activities take place during the rainy season (November 1 – March 31), the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, and silt fencing, shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all slopes, and close and stabilize disturbed areas as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial construction operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should construction activities or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, and disturbed soils with geotextiles and/or mats, sand bag barriers, silt fencing, temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until construction operations resume.

C) Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence, the applicant shall submit for the review and approval of the Executive Director a landscape monitoring report prepared by a licensed Landscape Architect or qualified Resource Specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates that the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successor in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The

revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50-foot zone surrounding the proposed structures shall not commence until the local government has issued a building permit for the development approved pursuant to this permit. Vegetation thinning within the 50 to 200-foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

5. Color Restriction

The color of the structures, roofs, and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant as landowner shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

6. 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, and 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a new two-story, 7455 sq. ft. single family residence, 28 ft. above existing grade, including an attached four-car garage, detached 693 sq. ft. pool cabana, swimming pool, spa, intermittent sand filter private sewage disposal system, and automatic gate and wall constructed with wrought iron and plaster columns that will enclose all of the structures. No grading is proposed.

The parcel is located just north of Pacific Coast Highway in the Escondido Beach area of Malibu in Los Angeles County and consists of a partially graded hillside lot located on the southern flank of the Santa Monica Mountains. The property is located near the northern terminus of Meadows Court, east of Winding Way, and west of Latigo Canyon Road, in a previously approved residential subdivision (Exhibit 1). The parcel is described as a level pad below street grade at the top of an east and southeast-facing, descending fill slopes. Two Restricted Use Areas are present on the subject lot due to a determined fault line. No habitable structures shall be, nor are proposed to be, constructed within these established Restricted Use Areas.

B. Background

On September 18, 1981, the Commission approved coastal development permit 5-81-11 for the subdivision of two parcels totaling 14.5 acres into 8 parcels ranging in size from approximately 1.5 acres to 2.7 acres. The permit also included the construction of an access road and the installation of utilities on the site. No additional grading or construction was proposed on any of the parcels. The permit was originally approved on September 18, 1981, with four special conditions relating to archaeology, an open space easement, geology, septic systems, and cumulative impacts.

The above mentioned permit was extended seven times. The above mentioned special conditions were complied with and the permit was issued on August 31, 1990. Although the Commission in 1981 approved the subdivision, utilities, and construction of an access road, grading amounts were not specified nor was a grading plan approved on October 10, 1990. The Commission granted an amendment to the permit to grade 15,000 cu. yds. (7,500 cu. yds. cut, 7,500 cu. yds. fill) for the construction of building pads, driveways, and access roads. The amendment was approved subject to conditions regarding landscaping and submission of a revised tract map.

C. Hazards

The proposed development is located in the Malibu/Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area 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.

Section 30253 of the Coastal Act states in pertinent 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 original subdivision permit included a geologic and soils report indicating that the project would be free of geologic hazards. In addition, Special Condition No. 3 required the applicant to submit drainage and sewage disposal plans for each building site including a sewage disposal plan for each building site including a statement from a registered geologist/engineer verifying that future development would not contribute to erosion, flooding, health hazards, or other geologic problems on any of the subject parcels including those located across Pacific Coast Highway on Escondido Beach.

The applicant has submitted an updated geologic report titled "Addendum Engineering Geologic Report #1," prepared by Mountain Geology, Inc., dated May 17, 1999, evaluating the geologic stability of the proposed development. The report incorporates numerous recommendations regarding construction, foundations, and drainage, and states that:

"...Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and installation of the private sewage disposal system will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction."

Therefore, the Commission finds that based on the recommendations of the applicant's geotechnical consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geologic consultants' recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the geotechnical consultants in accordance with **Special Condition 1**.

The applicant has submitted a geologic report titled "Update Engineering Geologic Report," prepared by Mountain Geology, Inc., dated January 7, 1999, which addresses the seismic considerations presented by this property site. During grading of this tract under the prior amended permit for the subdivision, inactive splays of the Malibu Coast Fault Zone were discovered on the subject property. As a result, Mountain Geology, Inc. established three restricted use areas to prevent the construction of habitable structures within 25 feet of the traces of these potentially active fault splays. These restricted use areas were illustrated on the tract map for the underlying subdivision. In the "Update Engineering Geologic Report," Mountain Geology, Inc. states that uninhabitable structures, such as the swimming pool, spa, and driveway proposed by the applicant, may be located within these restricted use areas. All of the habitable structures proposed by the applicant, including the pool cabana, are located outside of the three restricted use areas.

Additionally, landscaping of areas disturbed by construction activity on the project site will enhance the geological stability of the site. Furthermore, interim erosion control measures implemented during construction will minimize erosion and enhance site stability. The applicant did submit a landscaping plan for the property. However, this plan did not include provisions for the use of native, non-invasive plant species, timing for plantings, fuel modification for fire control, interim erosion control measures, or monitoring program. The Commission has typically required the above landscaping and erosion control measures on coastal development permits for single family residential projects in the Malibu/Santa Monica Mountain area. Therefore, the Commission finds it is necessary to require the applicant to submit a revised landscape and erosion control plan as specified in **Special Condition 3**.

In addition, in order to ensure vegetation clearance for fire protection purposes does not occur prior to commencement of construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 4**. This restriction specifies that natural vegetation shall not be removed until building permits have been secured and construction of the permitted structures has commenced.

Wildfire Waiver

The proposed project is located near the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wildfire. The typical vegetation in 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 wildfires. The typical warm, dry, summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire 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 wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition**

6, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard that exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition 6**, the applicant also agrees to indemnify the Commission, its officers, agents, and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that only as conditioned to incorporate the landscape and erosion control plans, all recommendations by the applicant's consulting geologists and engineers, and the wildfire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

Section 30250(a) of the Coastal Act states in part that:

New residential, ...development, ...shall be located within, ...existing developed areas able to accommodate it...and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The applicant proposes to construct a new 2,000-gallon septic tank and intermittent sand filter private sewage disposal system, as shown on the plans approved by the City of Malibu, Environmental Health Department. The conceptual approval by the City indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code and City Plumbing Code⁴.

The Commission has found in past permit actions that compliance with the City's health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 and 30250 of the Coastal Act.

E. Second Potential Residential Unit

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. 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 only 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 surrounding parcels.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence exists intensifies the use of a parcel raising potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development maintaining and enhancing public access to the coast.

Based on these policies, the Commission has limited the development of second potential dwelling units (the pool cabana) on residential parcels in the Malibu and Santa Monica Mountain areas. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in the certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single

family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The Commission has also raised the second unit with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities such as a granny unit, caretaker's unit, or farm labor unit; and 2) a guest house, without separate kitchen facilities, including units such as the applicant's pool cabana. Past Commission action has consistently found that both second units and guest houses/pool cabanas inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (certified Malibu/Santa Monica Mountains Land Use Plan, 1986, page 29). Therefore, as a result, the Commission has found that guest houses, pool cabanas, second units, or maid's quarters can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

As proposed, the 693 sq. ft. detached pool cabana conforms with the Commission's past actions allowing a maximum of 750 sq. ft. for a second dwelling unit in the Malibu area.

The Commission has approved many similar projects that have established a maximum size of 750 sq. ft. habitable space for development that may be considered a secondary dwelling unit. The pool cabana is considered a potential second residential unit. To ensure that no additions or improvements are made to the pool cabana that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the pool cabana are proposed in the future as required by **Special Condition 2**. For these reasons, the Commission finds that , as conditioned, the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

F. Visual Impacts

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected:

Section 30251

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

The applicant proposes to construct a two-story, 7455 sq. ft. single family residence, 28 ft. above existing grade, including an attached four-car garage, detached 693 sq. ft. pool cabana, swimming pool, spa, intermittent sand filter private sewage disposal system, and automatic gate and wall constructed with wrought iron and plaster columns that will enclose all of the structures. The proposed residence is sited on lot No. 6 of the subdivision and is not visible from Pacific Coast Highway or any other scenic highways. There is, however, an easement to the County of Los Angeles for equestrian and hiking trail purposes that runs along the eastern property line of the project site, which could become a public trail in the future.

The proposed development will be constructed on a previously graded pad and will thus require no additional grading. Therefore, the development will not result in any additional land form alteration. The proposed structure conforms to the shape of the hillside on the level pad and is consistent with other development in the area in that the structure, size, siting of the structure, and height of the structure are consistent with the surrounding development.

Due to the highly visible nature of the project from the easement to the County of Los Angeles for equestrian and hiking trail purposes that runs along the eastern property line of the project site, however, the Commission finds it necessary to require mitigation measures to minimize the visual impacts of the project.

Requiring the residence to be finished in a color consistent with the surrounding natural landscape and, further, that the windows of the proposed structure be of a non-reflective nature, can mitigate the impact on public views. To ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass are 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 5**.

Furthermore, requiring the residence to be adequately landscaped can also mitigate visual impacts. The landscaping should consist of native, drought resistant species and be designed to minimize and control erosion, as well as partially screen and soften the visual impact of the structures and perimeter wall from the easement with vertical elements such as trees and shrubs. Therefore, the Commission finds that it is necessary to require the applicant to submit a landscape plan as specified in **Special Condition 3**.

In addition, future developments or improvements to the property have the potential to create significant adverse visual impacts as seen from the easement to the County of Los Angeles for equestrian and hiking trail purposes. 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 2**, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains.

The Commission finds that only as conditioned is the proposed development consistent with the relevant visual resource policies of the Malibu LUP and section 30251 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 development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

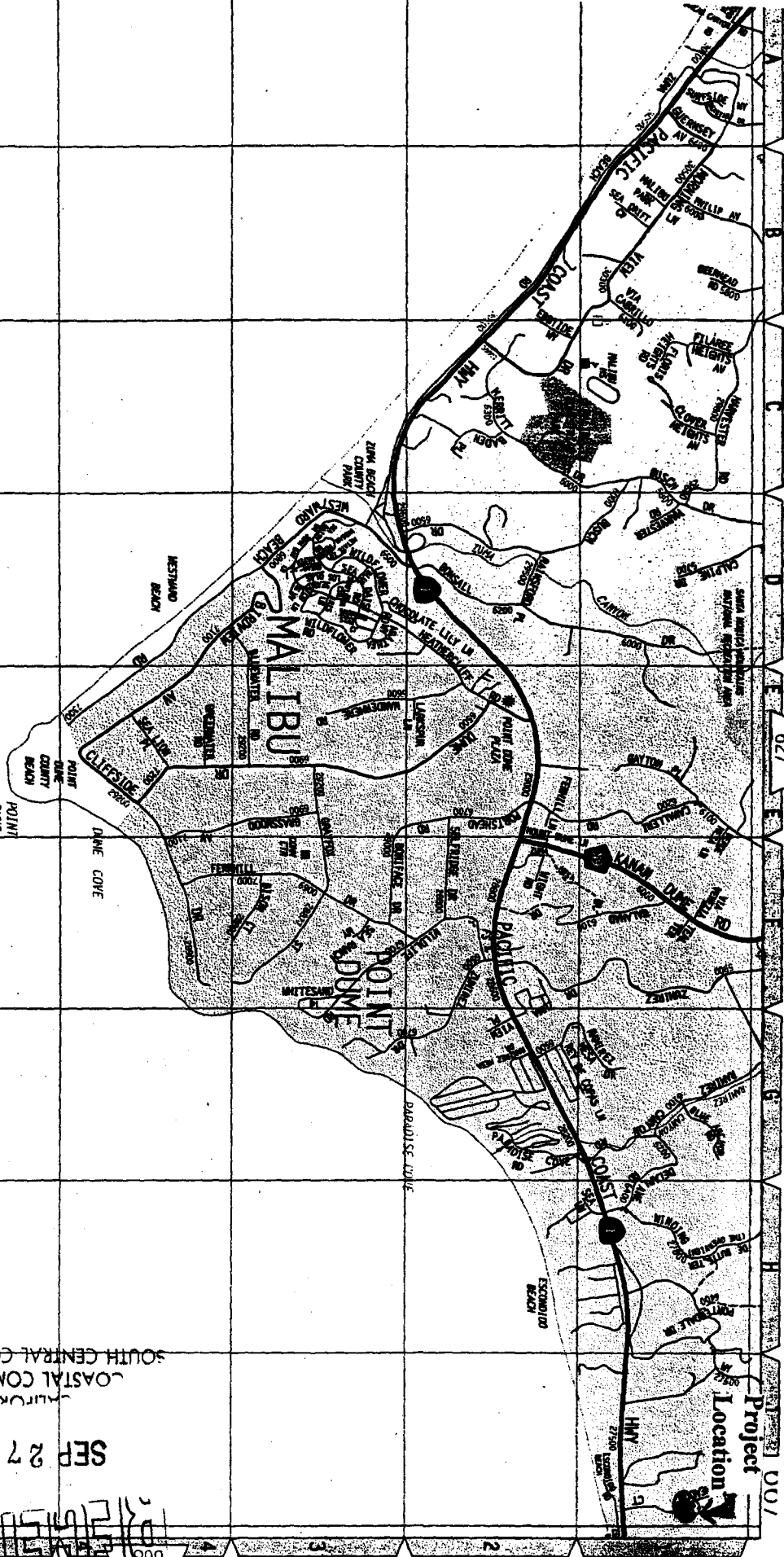
H. California Environmental Quality Act

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

The proposed project, as conditioned, will not have any significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is consistent with CEQA and the policies of the Coastal Act.

PACIFIC

OCEAN



CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

SEP 27 1999

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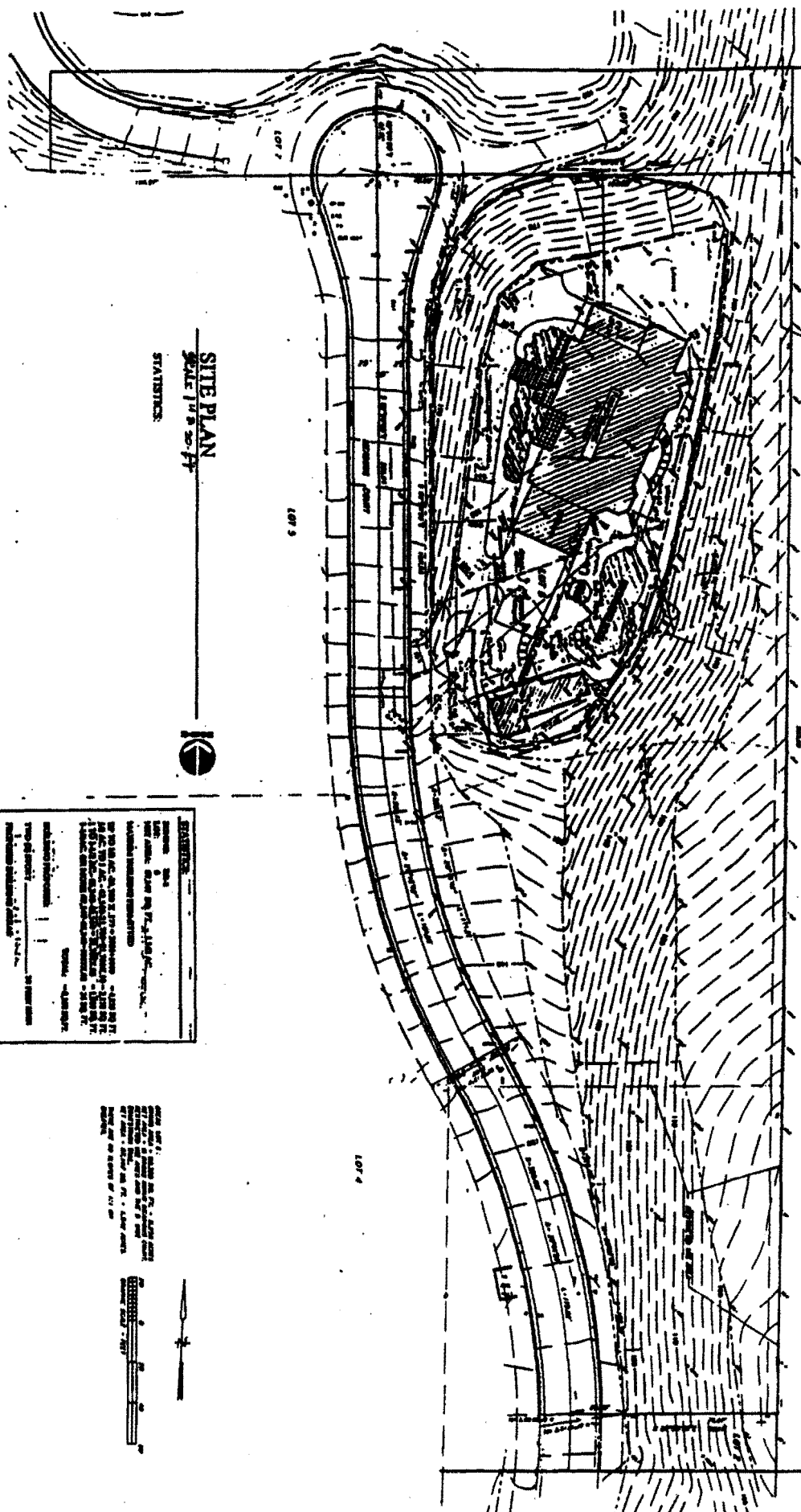
EXHIBIT 1
CDP 4-99-191 (McCoy)
Location Map

SEE VI

SEE 627 MAP

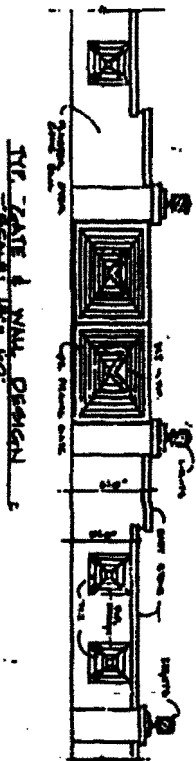
Project Location 007

TOPO MAP
 IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA
 LOT 6 OF TRACT NO. 40816, MAP 1194-1P-21
 FEB. 1988 SCALE 1" = 20'



SITE PLAN
 SCALE 1/8" = 1'-0"

STATISTICS:



REVISIONS	
NO.	DATE
1	10/15/88
1. Initial site plan and topographic map.	
2. Final site plan and topographic map.	
3. Final site plan and topographic map.	
4. Final site plan and topographic map.	
5. Final site plan and topographic map.	
6. Final site plan and topographic map.	
7. Final site plan and topographic map.	
8. Final site plan and topographic map.	
9. Final site plan and topographic map.	
10. Final site plan and topographic map.	
11. Final site plan and topographic map.	
12. Final site plan and topographic map.	
13. Final site plan and topographic map.	
14. Final site plan and topographic map.	
15. Final site plan and topographic map.	
16. Final site plan and topographic map.	
17. Final site plan and topographic map.	
18. Final site plan and topographic map.	
19. Final site plan and topographic map.	
20. Final site plan and topographic map.	

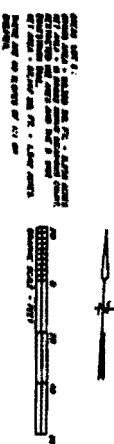


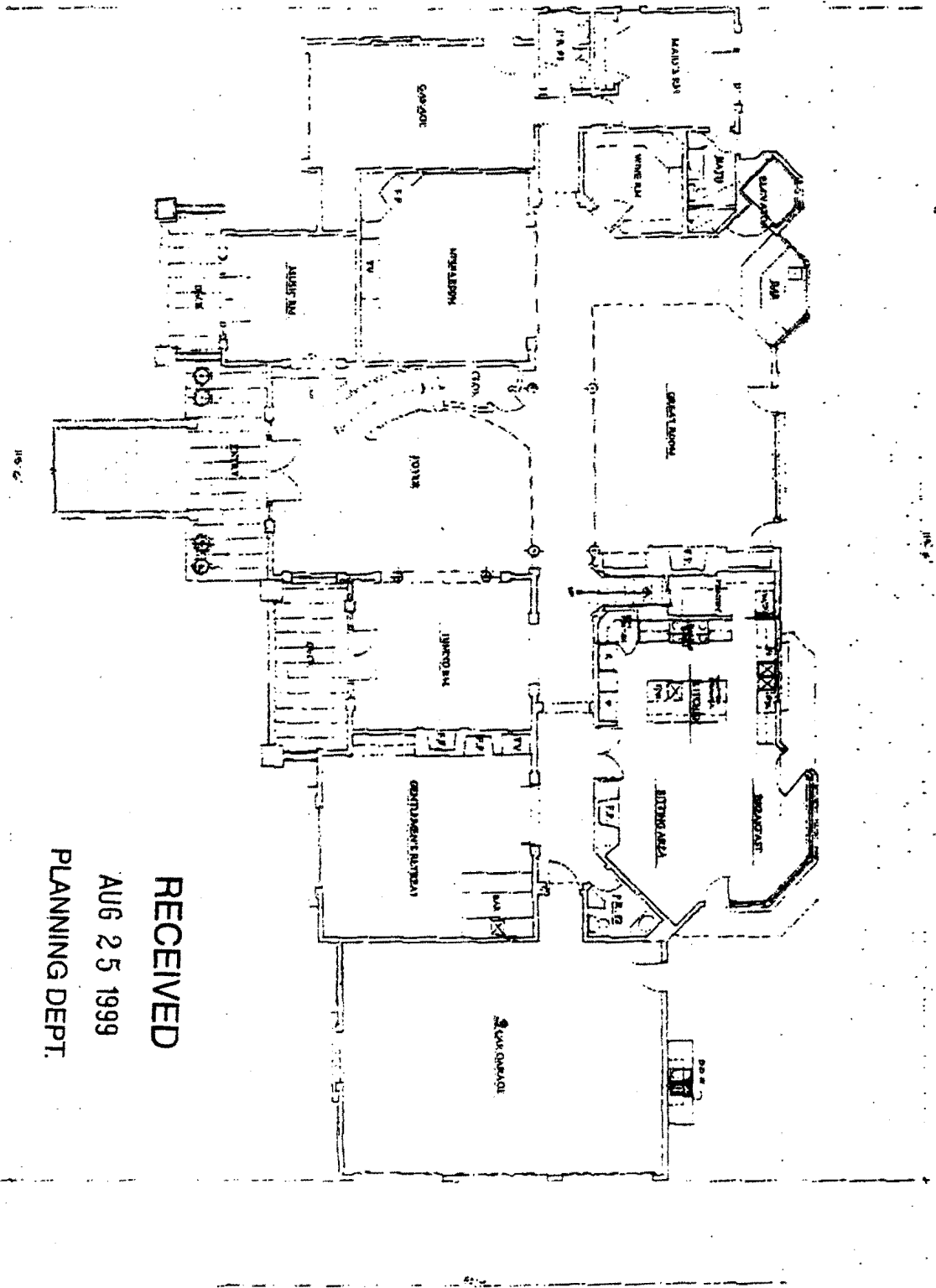
EXHIBIT 2
CDP 4-99-191 (McCoy)
Site Plan

A RESIDENCE FOR
MR. & MRS. Mc COY
 6390 MEADOWS COURT MALIBU, CA. 90265

A-1

GROUND FLOOR PLAN

Scale: 1/4" = 1'-0"



RECEIVED
 AUG 25 1999
 PLANNING DEPT.

1/4" = 1'-0"

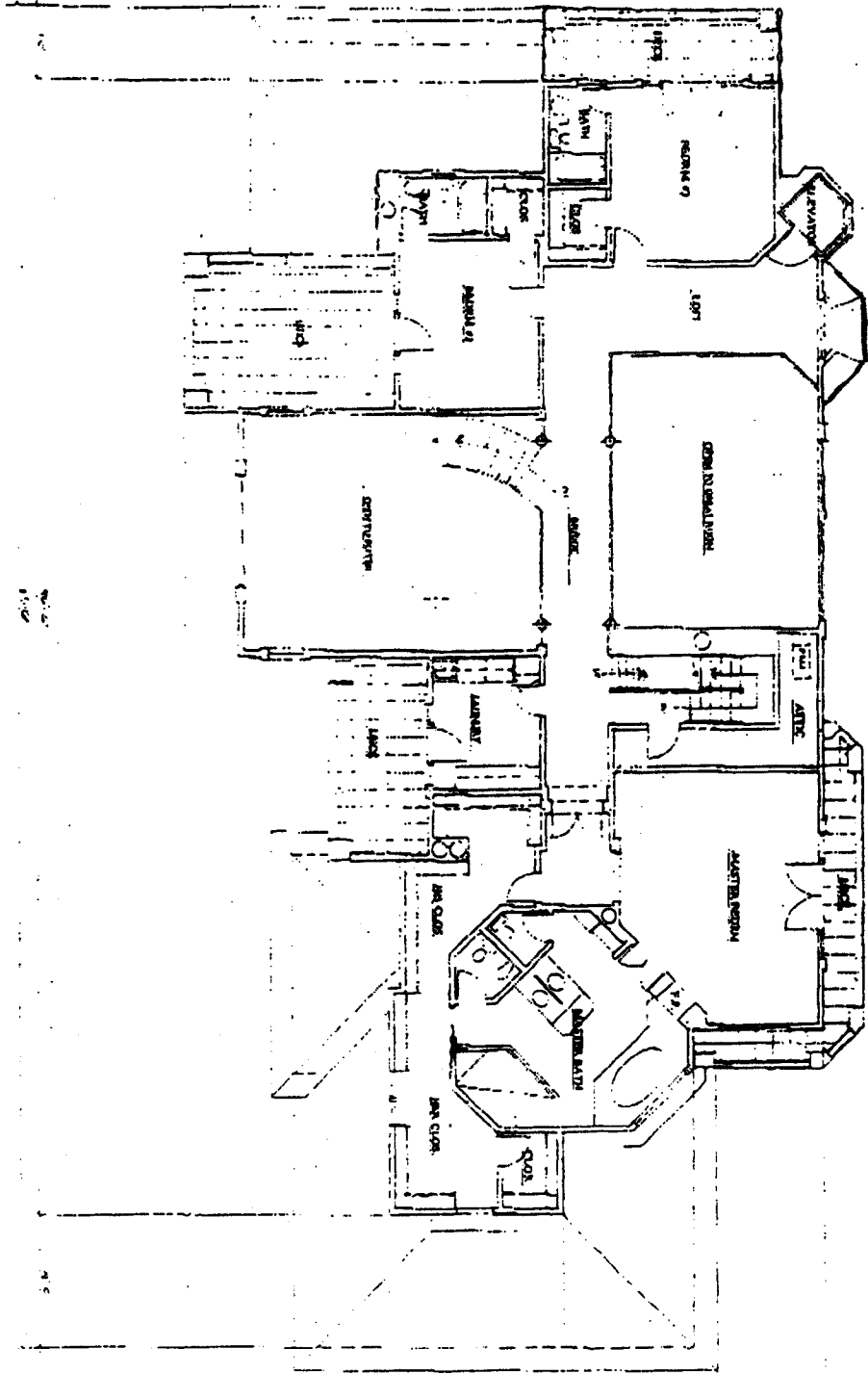
A-2

A RESIDENCE FOR
MR. & MRS. McCoy
 6399 MEADOWS COURT MALIBU, CA. 90265

Scale: 1/4" = 1'-0"
 1/4" = 1'-0"

EXHIBIT 3
CDP 4-99-191 (McCoy)
Ground Floor Plan

SECOND FLOOR PLAN



1/2" = 1'-0" (1/4" = 3'-0")

A-3

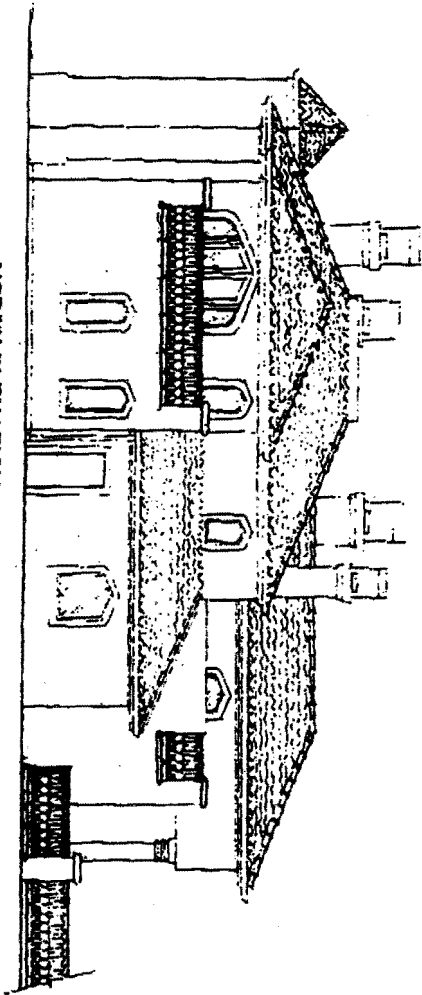
A RESIDENCE FOR
MR. & MRS. Mc COY
 6390 MEADOWS COURT MALIBU, CA. 90265

ED
 DONALD S. BOGGS, ARCHITECT
 37 HAYWARD AVENUE
 SAN FRANCISCO, CALIF. 94118
 TEL. 398-1111 FAX 398-1112

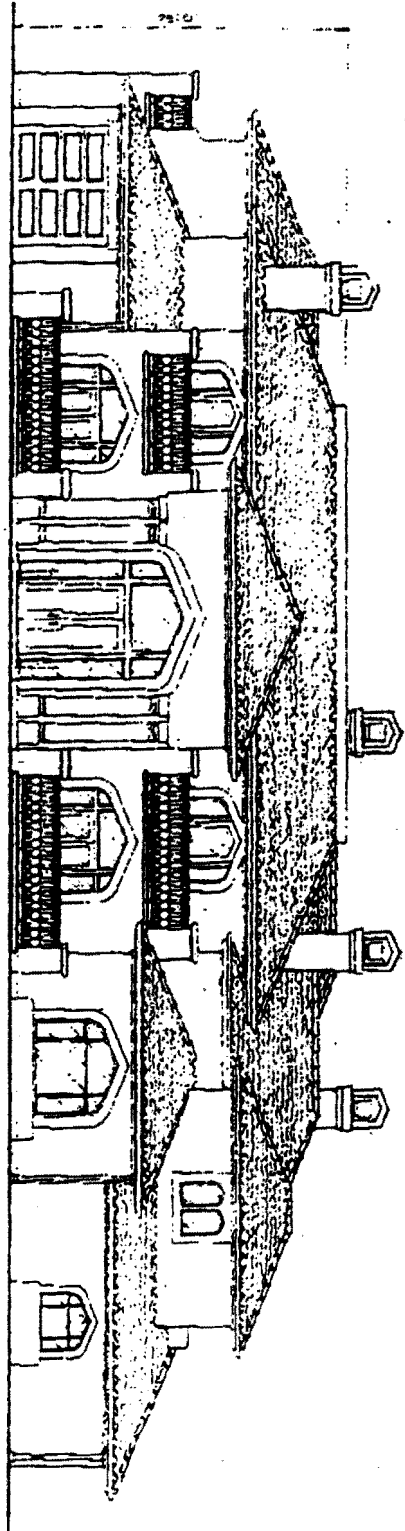
FF

EXHIBIT 4
CDP 4-99-191 (McCoy)
Second Floor Plan

NORTH ELEVATION




WEST ELEVATION
SCALE: 1/8" = 1'-0"



A-4

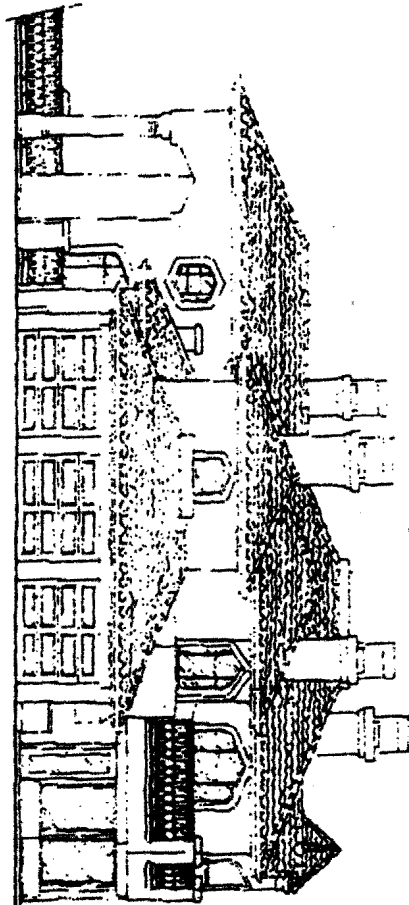
A RESIDENCE FOR
MR. & MRS. Mc COY
6390 MEADOWS COURT MALIBU, CA 90265

 DONALD E. PETERSON, ARCHITECT
MEMBER AMERICAN INSTITUTE OF ARCHITECTS
17 JEFFERSON SQUARE, OCEANA, CALIF. 90747
TEL: 310-264-3330 FAX: 310-264-3331

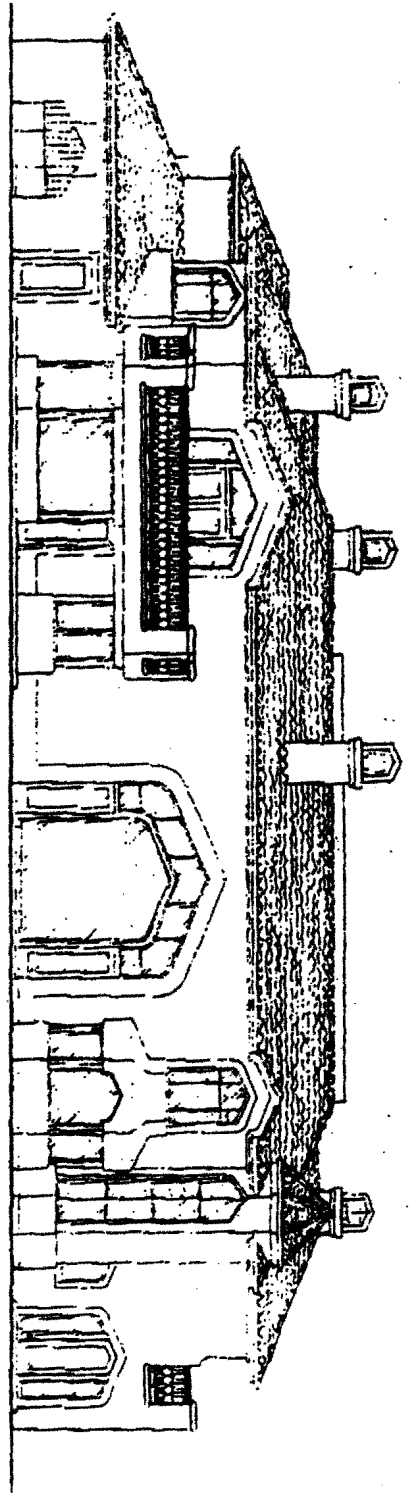
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DRAWN BY: [illegible]
CHECKED BY: [illegible]

EXHIBIT 5
CDP 4-99-191 (McCoy)
Building Elevations (West/North)

SOUTH ELEVATION



EAST ELEVATION



A-5



A RESIDENCE FOR
MR. & MRS. Mc COY
6390 MEADOWS COURT MALIBU, CA. 90265

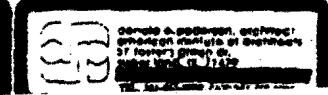
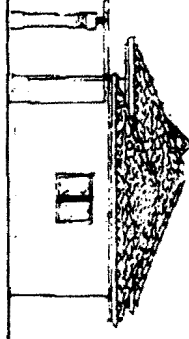
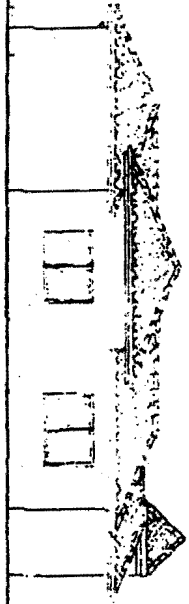
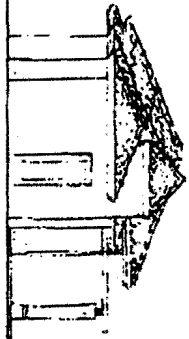


EXHIBIT 6
CDP 4-99-191 (McCoy)
Building Elevations (East/South)

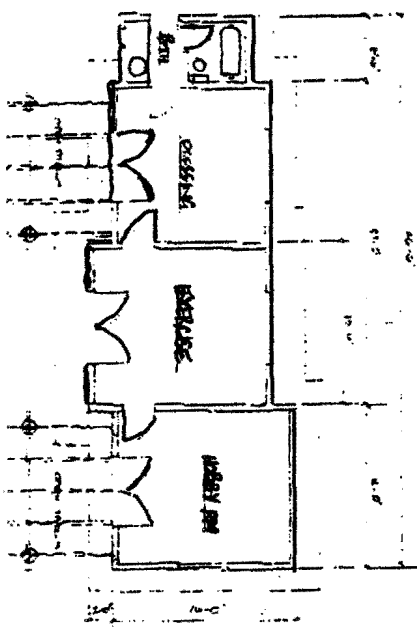
EAST ELEVATION

SOUTH ELEVATION

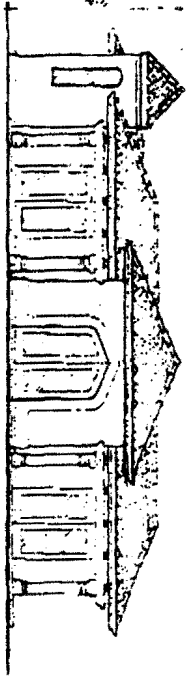
WEST ELEVATION



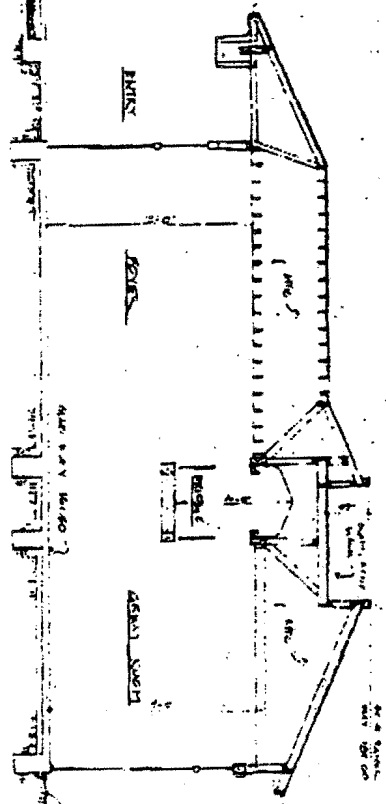
POOL CABANA FLOOR PLAN
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING SECTION
SCALE: 1/8" = 1'-0"



A-6

A RESIDENCE FOR
MR. & MRS. Mc COY
6390 MEADOWS COURT MALIBU, CA. 90265

George S. Pedersen, Architect
57 Canyon Plaza Dr.
Malibu, CA 90265
Tel. 310-316-7433

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EXHIBIT 7
CDP 4-99-191 (McCoy)
Pool Cabana(FloorPlan/Elevations)

