

CALIFORNIA COASTAL COMMISSION

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

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 Hearing Date: 3/9/99
 Commission Action:

STAFF REPORT: CONSENT CALENDARAPPLICATION NO.: **4-98-265**APPLICANT: **Herbert White**PROJECT LOCATION: **3769 Puerco Canyon Road, City of Malibu, Los Angeles County**

PROJECT DESCRIPTION: Construct a two-story, 28 feet high, approximately 6,837 sq. ft. single family residence and attached four car garage, a 728 sq. ft. guest house, pool, spa, two open terraces, motorcourt/driveway, six retaining walls, and a septic system. Grading consists of 300 cubic yards of cut, 250 cubic yards of fill, while 50 cubic yards of material will be disposed outside the coastal zone.

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| Lot area: | 53,606 sq. ft. |
| Building coverage: | 4,542 sq. ft. |
| Pavement coverage: | 11,458 sq. ft. |
| Landscape coverage: | 2,500 sq. ft. |
| Parking spaces: | 4 |
| Plan Designation: | Rural Land III |
| Zoning: | 1 unit/2 acres |
| Project Density: | 1 du/ 1 acre |
| Ht abv fin grade: | 28 ft. |

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with five (5) Special Conditions addressing: Structural Appearance, Landscape and Fuel Modification Plans, Plans Conforming to the Geologist's and Engineer's Recommendations, a Wild Fire Waiver of Liability, and a Future Development Deed Restriction to bring the proposed project into compliance with the Coastal Act.

The project site is located within a partially developed eight lot subdivision located about one eighth (1/8) mile inland and north of Pacific Coast Highway and about one and one quarter (1 ¼) of a mile west of Malibu Canyon Road. The site is below a small ridge on the west side of Puerco Canyon Creek Watershed. The vacant site is the

northern most lot leading west from a private drive near the north end of the paved Puerco Canyon Road. The Coastal Slope Trail traverses Puerco Canyon no closer than about one half mile north of the site. The proposed development will be visible from Pacific Coast Highway, a designated scenic highway, recently acquired property of the Santa Monica Mountains Conservancy, and possibly from the Coastal Slope Trail. There are no designated environmentally sensitive habitat resources on the site. The project, as conditioned, will protect these visual and environmental resources.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department dated 9/29/98; In Concept Approval for Septic System, Department of Environmental Health, City of Malibu, dated May 29, 1998; Approved in Concept in Planning Stage, City of Malibu Geology and Geotechnical Engineering Review Sheet, dated 6/1/98; Coastal Commission Approval Only, County of Los Angeles Fire Department, dated 11/3/98.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit No. 4-96-022, Smith; Coastal Permit No. 4-98-007; Coastal Permit No. 5-90-514, Petrusis; Coastal Permit No. 5-90-1131, Petrusis; Updated Soils and Engineering-Geologic Investigation, by Geosystems, dated July 17, 1997; Preliminary Soils and Engineering Geologic Investigation Report for Tentative Parcel Map No. 20433, by Geosystems, Inc., dated 12-20-88.

I. STAFF RECOMMENDATION

Approval with Conditions

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

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. STRUCTURAL APPEARANCE

The color of the structures and roofs 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 shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

2. LANDSCAPE AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a landscape and fuel modification plan prepared by a licensed landscape architect and approved by the Los Angeles County Fire Department for review and approval by the Executive Director. The plans shall incorporate the following criteria:

A. Landscape Plan Criteria All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape plan within ninety (90) days of receipt of

the certificate of occupancy for the residence. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. 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, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species 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. The plan shall include vertical elements, such as trees and shrubs, which break up the appearance of the proposed structure and guest house while partially screening these structures from Pacific Coast Highway located to the south, the property owned by the Santa Monica Mountains Conservancy located to the west, and the Coastal Slope Trail located to the north.

B. Sediment Basins 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 disposal site located outside the coastal zone or to a disposal site located within the coastal zone with an approved coastal permit.

C. Fuel Modification Plan Vegetation within 50 feet of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure, or as determined by the Los Angeles County Fire Department. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the County of Los Angeles Fire Department, Forestry Division, Fire Prevention Bureau. Irrigated turf, lawn, or groundcover planted within the 50 foot radius of the proposed residence shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

D. Monitoring Plan Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant, or successor in interest, 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 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 successors 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.

3. PLANS CONFORMING TO GEOLOGIST'S AND ENGINEER'S RECOMMENDATIONS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Geotechnical Engineer consultant's review and approval of all project plans. All recommendations contained in the two submitted geologic reports titled: 1) "Updated Soils and Engineering-Geologic Investigation For Proposed Single Family Residence Lot 1, Tract 43451 Puerco Canyon Road, Malibu, California", dated February 23, 1998, by Geosystems, Environmental and Geotechnical Consultants; and 2) "Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, 3769 Puerco Canyon Road, Lot 1 Tract 43451, Puerco Canyon Road, Malibu California", dated May 13, 1998, by Geosystems, including issues related to discussion, foundations, friction piles, lateral design, expansion index, temporary excavation slopes, foundation settlement, floor slabs, pre-saturation, pavement, foundation and building setback, swimming pool, swimming pool subdrainage, drainage protection, and private sewage disposal system, shall be incorporated in the final project plans. 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. WILD FIRE WAIVER OF LIABILITY

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

5. FUTURE DEVELOPMENT DEED RESTRICTION

This permit is only for the development described in coastal development permit No. 4-98-265. 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)-(b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures (the guest house and single family residence), including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition number two (2), shall require an amendment to Permit No. 4-98-265 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. 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.

IV. Findings and Declarations

A. Project Location, Description and Background

The project site is located within a partially developed subdivision area about one quarter of a mile north of Pacific Coast Highway between Corral and Puerco Creek Canyons in the City of Malibu. The vacant site is the northern most lot of a partially developed five (5) lot subdivision located at the northern end of Puerco Canyon Road (Exhibits 1 and 2). The project site is located below the top of a small knoll that descends to the west and south at a slope of about 3 : 1. The graded pad is accessed from the east along a relatively flat driveway to a paved private drive leading from Puerco Canyon Road. This subject lot is one of five lots created as the result of the subdivision of a 12-acre site through Coastal Permit No. 5-85-503. This prior coastal permit was conditioned to allow a total of 1,000 cubic yards of grading for each lot. Coastal Permit No. 5-85-503 was later amended (5-85-503-A-1) to allow 8,900 cubic yards of grading for the construction of a private driveway from Puerco Canyon Road to serve three parcels including the subject site.

The lot is located within the Puerco Canyon watershed. Beyond the western boundary of the site is a small unnamed drainage course which leads to Puerco Beach. The lot is covered with grasses and includes a graded flat building pad. The site drains through storm drains to a storm drain beneath Puerco Road and then to the west into this

unnamed drainage which eventually leads to Puerco Beach. Regarding resources, the project site is not located within a designated environmentally sensitive habitat area.

The applicant proposes to construct a two-story 5,637 sq. ft., 28 ft. high single family residence and four car, 1,200 sq. ft. garage (6,837 sq. ft. total area), 728 sq. ft. guest house, pool, spa, two open terraces, motorcourt/driveway, retaining walls, and septic system. Access to the site would be provided along a short driveway from the existing private driveway separated from Puerco Canyon Road by a private locked gate. From the short driveway a motorcourt is proposed leading to the garage with the guest house located above it. Six retaining walls along the motorcourt, pool terrace, and lower terrace range from 1' to 6' in height and from 20 feet to 150 feet in length are proposed (Exhibits 3 - 9). The proposed grading consists of 300 cubic yards of cut, 250 cubic yards of fill balanced on site, while 50 cubic yards of material will be disposed at an appropriate landfill location located outside the coastal zone (Exhibit 10).

The Los Angeles County Land Use Plan designates the lot as Rural Land III, one dwelling unit per two acres. The subject lot is non-conforming as to its lot size of 1.23 acres. The City of Malibu designates the zoning on the lot as Rural Residential two acre minimum lot size.

In 1991, the Commission approved Coastal Permit Number 5-90-837 (Darbonne) to construct a 5,012 sq. ft. 34 foot, 9 inch high single family residence with attached three car garage, septic system and no grading on this same lot. This permit was issued in 1991 with conditions addressing plans conforming to geologic recommendations, a landscape plan, and a structure and roof color restriction. This coastal permit expired in 1993 and the project was never constructed.

B. Visual Impacts

Section 30251 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.

The site is surrounded by vacant lots, while an existing residence is located one lot beyond to the east. Additional residences are located to the south and south east in an area of about eight lots. This area is characterized by lower intensity rural-type residential development.

Regarding public roadways, the project site is located at about the 350 foot level elevation level above the sea which is about 175 feet above the roadway elevation of Pacific Coast Highway located to the south. Pacific Coast Highway is located about 700 feet south of the site; the project site will be visible from the Highway. The Malibu/Santa Monica Mountains Land Use Plan designates this section of the Highway as a second priority scenic segment (See Exhibit 7 for the south elevation of the residence). In addition, because the location of the proposed residence is about an eighth (1/8) of a mile north of Pacific Coast Highway, the size and appearance of the residence will be visible as viewed by the public from the Highway.

Regarding public lands and trails, the proposed project site is located about a half mile south of the Coastal Slope Trail connecting (west trail) on the west to (east trail) to the east. However, the subject site is partially screened from the Coastal Slope Trail by a small west-east knoll partially located on the subject site. As a result, the visibility of this project site is limited if at all visible from the Coastal Slope Trail. A large property which is a portion of the Corral Canyon watershed was recently transferred to the Santa Monica Mountains Conservancy by a previous private landowner. This property is located to the west and north of the subject site. The proposed project will be visible from the portion of this property located to the west of the subject site.

In order to ensure that the structural appearance, i.e. color of the structures and the potential glare of the glass windows, will not create adverse visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by Special Condition Number One (1).

Regarding future developments or improvements, these type of developments to the property normally associated with a single family residence, which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the residence and garage, which might otherwise be exempt, is reviewed by the Commission for compliance with the coastal resource protection policies including the scenic resource policy, Section 30251 of the Coastal Act. Special Condition number five (5), the Future Development Deed Restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Additionally, visual impacts can be further mitigated by requiring all graded areas and the perimeter of the structures to be adequately landscaped. Although the applicant proposes to landscape the area surrounding the residence, a preliminary landscape plan has been submitted. The landscaping should consist of native, drought resistant plants. The final landscape plan should be designed to minimize and control erosion, as well as, screen and soften the visual impact of the structures from the west, north, and south. It is important to note that the additional grading proposed for the site is located along the existing graded narrow driveway and building pad area. The additional cut and fill grading is necessary to cut the residence, garage and guest house together with the motorcourt into the hillside to ensure the proposed

development is subordinate to the natural landform and the small hilltop above the site. The additional cut, 300 cubic yards, into the hillside is minimal and most of the cut material, 250 cubic yards, will be balanced on site along the downslope area. In addition, sediment basins will be constructed on site if grading will take place during the rainy season. Therefore, condition number two (2) requires the applicant to submit a landscape plan with a monitoring plan meeting the above requirements to minimize the visual impact and to minimize erosion, and sediment basins shall be required if grading occurs in the rainy season, as a result of the proposed project. The Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Geologic and Fire 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, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. The project site is a sloping lot which is accessed from a private driveway leading from Puerco Canyon Road. Although a majority of the lot slopes south and southwest towards the ocean at a slope at about 3 : 1, the site includes a flat graded building site created after the subdivision was approved by the Commission in 1986.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic and flood hazards, the applicant submitted two geologic reports titled: 1) Updated Soils and Engineering-Geologic Investigation For Proposed Single Family Residence Lot 1, Tract 43451 Puerco Canyon Road, Malibu, California, dated February 23, 1998, by Geosystems, Environmental and Geotechnical Consultants; and 2) Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, 3769 Puerco Canyon Road, Lot 1 Tract 43451, Puerco Canyon Road, Malibu California, dated May 13, 1998, by Geosystems. The applicant also submitted a Geology and Geotechnical Engineering Review Sheet from the City of Malibu, dated 6/1/98, indicating that the subject Geology Report is "approved in concept" in the planning stage. These reports address the geology issues by concluding:

Based on the findings of our investigation, the site is considered to be suitable from a soils and engineering-geologic standpoint for construction of the proposed residence provided the recommendations included herein are followed and integrated into the building plans.

It is the finding of this firm that the proposed building and or grading will be safe and that the property will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with county code, provided our recommendations are followed.

The recommendations in the Geology Update Report address the following issues: discussion, foundations, friction piles, lateral design, expansion index, temporary excavation slopes, foundation settlement, floor slabs, pre-saturation, pavement, foundation and building setback, swimming pool, swimming pool subdrainage, drainage protection, and private sewage disposal system. Based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the geologist and engineer consultants as conforming to their recommendations, as noted in condition number three (3) for the final project design, grading and drainage plans for the residence.

The applicant has submitted grading plans for the project site and a drainage plan addressing impervious surfaces. The grading plan indicates that the residence will be cut into the hillside by grading a nearly balanced cut and fill proposal on the site. The applicant proposes to cut 300 cubic yards of material to cut the residence, garage, and motorcourt into the hillside, while 250 cubic yards of fill is necessary to construct the lower portion of the residence, terrace, and motorcourt. The remainder of the cut, 50 cubic yards of material, will be disposed at an appropriate disposal site in Calabasas that is located outside the Coastal Zone. The drainage plan will provide for the positive discharge of water through drainage routes and energy dissipaters in a manner which would reduce the potential for erosion. The above geology reports include recommendations regarding surface drainage which will be applied as appropriate by the consulting geologist and geotechnical engineer when the final plans are reviewed and approved by the these consultants.

The subject site does not include any flood restricted areas; such areas area located to the west beyond the subject site on the adjoining lot to the west and southwest. Further, 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 will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number Four (4).

In addition, the site will be selectively cleared of native vegetation and grasses pursuant to Fire Department requirements for clearing and thinning the area up to 200 feet from the residence. The replacement plants provided in the landscape plan will minimize and control erosion while reducing the fire hazard of the site. Special Condition number two (2) requires a final landscape plan that provides for the use of native plant materials, plant coverage and replanting requirements for all disturbed areas on the site and the submittal of a fuel modification plan approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau.

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

D. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

(a) 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 dwelling units (including the proposed guest house) 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 second unit issue has also been raised by the Commission 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 including a granny unit, caretaker's unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses 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, or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The applicants propose to construct a 728 sq. ft. guest house on the site, consisting of two bedrooms, a living/dining/kitchen room, and bath. The guest house is located on top of the four car garage which is attached to the single family residence. The guest house is separated from the residence by a terrace at the same level as the second floor of the residence. Therefore, the proposed 728 sq. ft. guest house complies with the Commission's size limit of 750 sq. ft of habitable space.

The Commission has many past precedents on similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. The guest house is considered a second residential unit. However, to ensure that no additions or improvements are made to the guest house 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 development (guest house) are proposed in the future as required by condition number five (5). For these reasons, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

E. 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. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

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

Section 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 proposed development includes constructing a septic system for the new residence and guest house to provide for adequate sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services, City of Malibu, dated May 29, 1998. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu 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 Sections 30231 and 30250 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

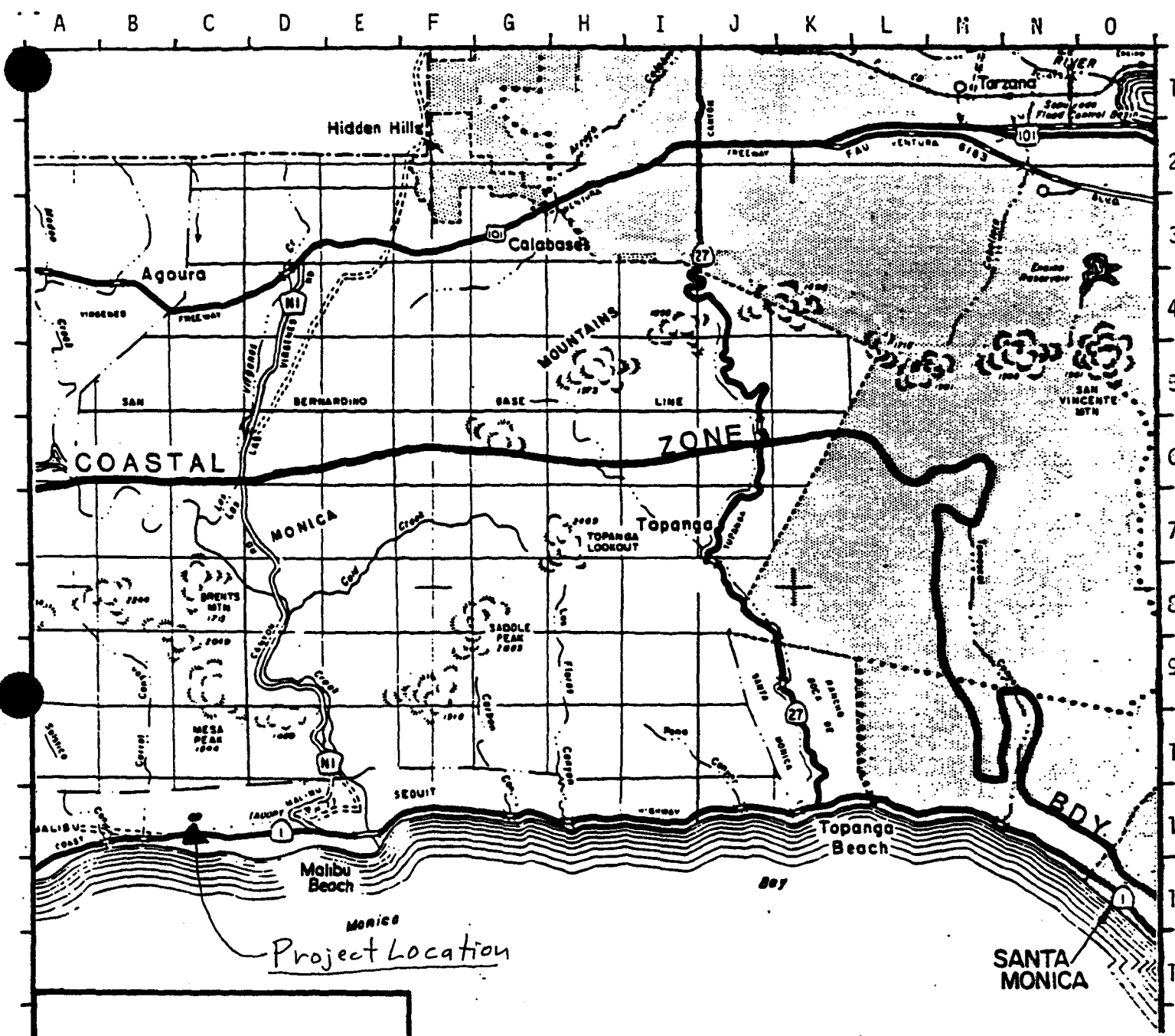
(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice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

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

G. California Environmental Quality Act

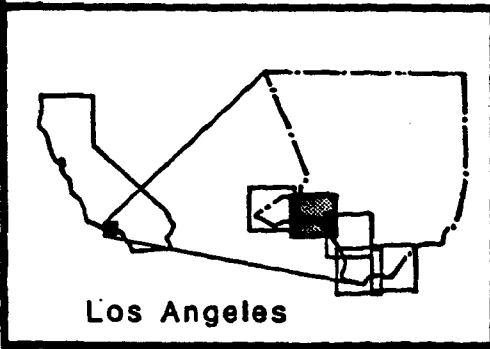
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



Project Location

SANTA MONICA



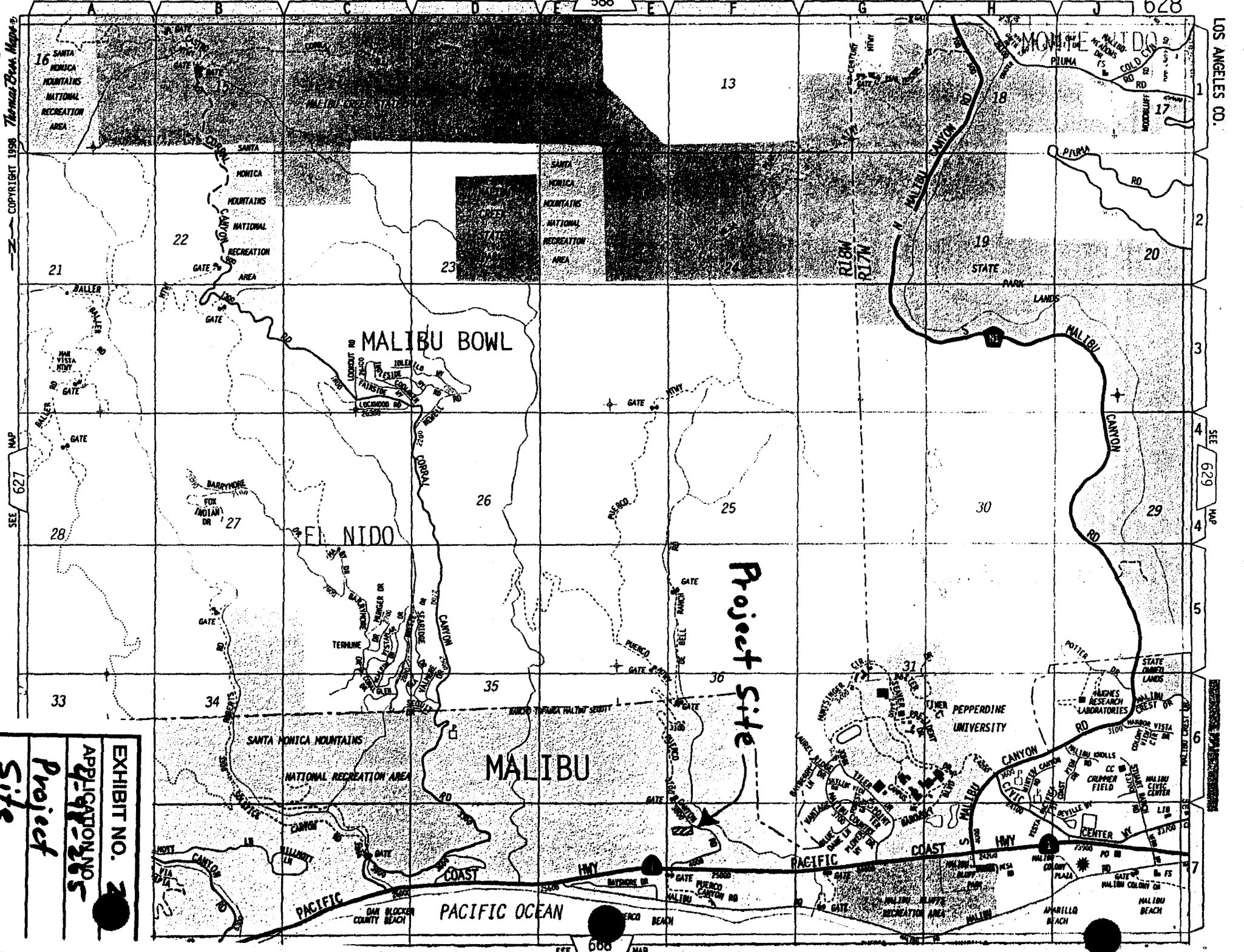
Los Angeles

| |
|--------------------------|
| EXHIBIT NO. 1 |
| APPLICATION NO. 4-98-265 |
| Project |
| Location |

California Coastal Commission

LOCATION MAP





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MAP 627

SEE 588 MAP

628

LOS ANGELES CO.

SEE 629 MAP

EXHIBIT NO. 20
APPLICATION NO. 205
Project Site

SEE 608 MAP

File# 4-98-265
 3769 Puero Canyon Dr.
 Malibu CA 90265

RECEIVED

NOV 16 1998

COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

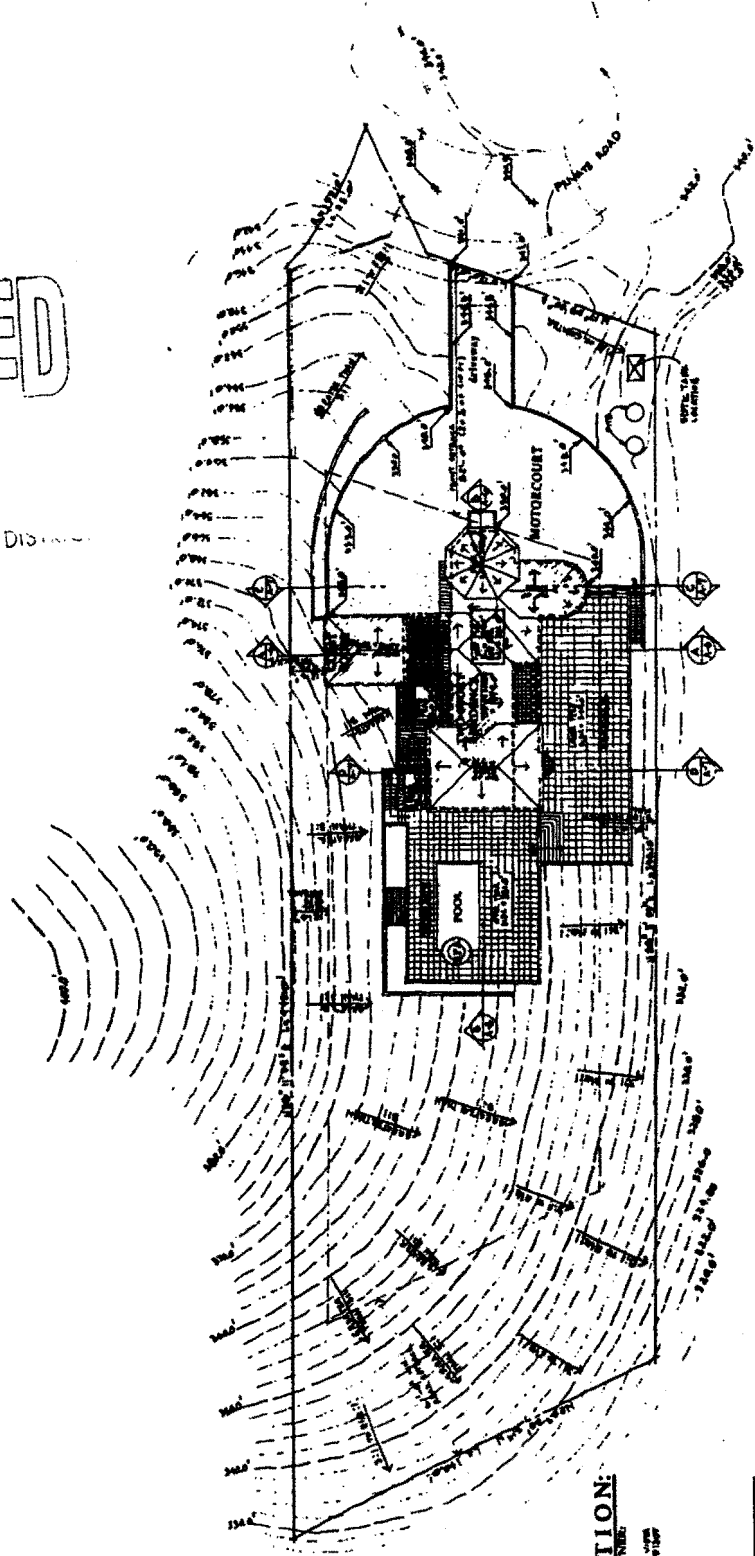


EXHIBIT NO. 3
 APPLICATION NO. 4-98-265
 Site Plan

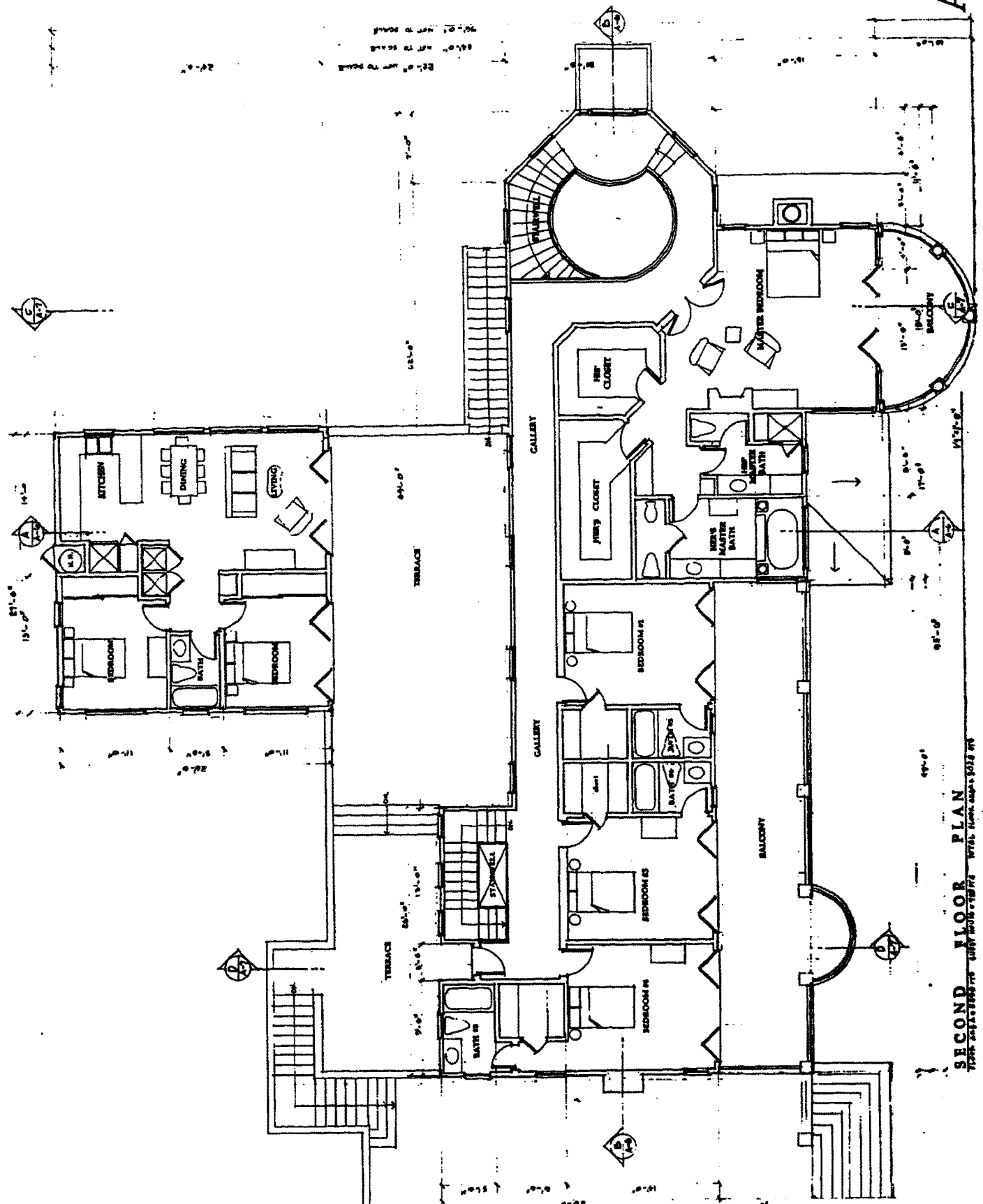
PROJECT INFORMATION:
 PROJECT ADDRESS: 3769 PUERO CANYON DR MALIBU, CA 90265
 PROJECT OWNER: HERBERT WHITE 818-711-2625
 ARCHITECT: LINDSEY COPEN DESIGN MALIBU, CALIF. 90272 310-771-8724
 CIVIL ENGINEER: JOHN W. HARRIS 310-771-8724
 TOTAL LOT AREA = 84,446 sq ft (1.53 ac) IMPERMEABLE COVERAGE = 46,400 sq ft (1.04 ac)
 PROPOSED GRADING = 104,000 sq ft (2.38 ac) (see sheet 041) (see sheet 042)

Area Summary:
 Total Floor Area = 24,444 sq ft
 Second Floor Area = 22,848 sq ft
 Total Floor Area = 1,596 sq ft
 Total Floor Area = 1575 sq ft
 Legal Floor Area = 0
 Legal Floor Area = 0

A-1

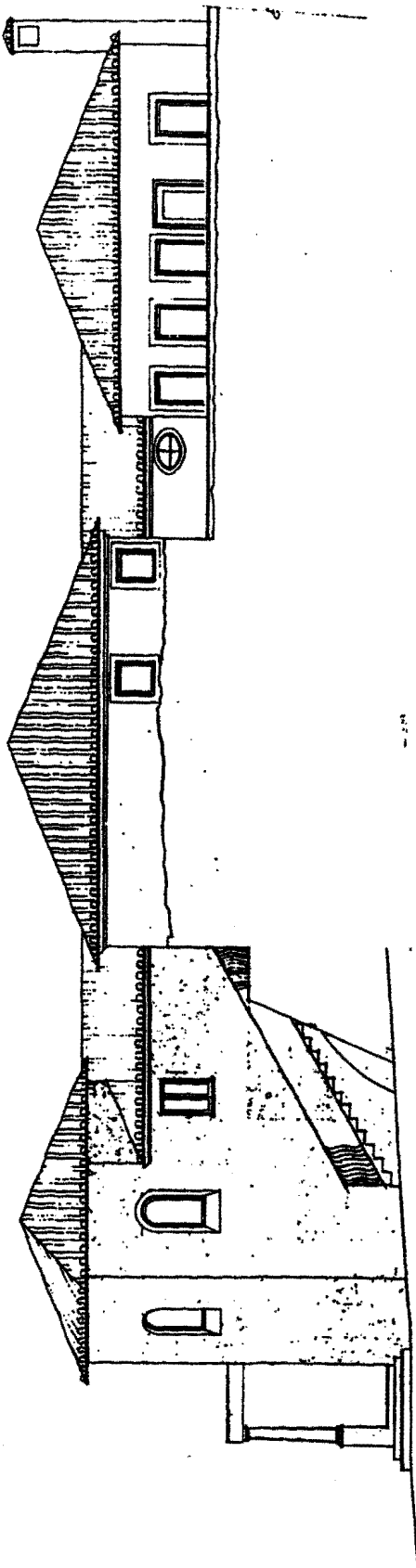
A NEW SPECIALLY DWELLING AND COURT HOUSE FOR
 HERBERT WHITE
 3769 PUERO CANYON ROAD, MALIBU, CA 90265

PLANNING DEPARTMENT
 15000 PLAZA DRIVE, MALIBU, CA 90265
 TEL: 310-771-8724 FAX: 310-771-8725

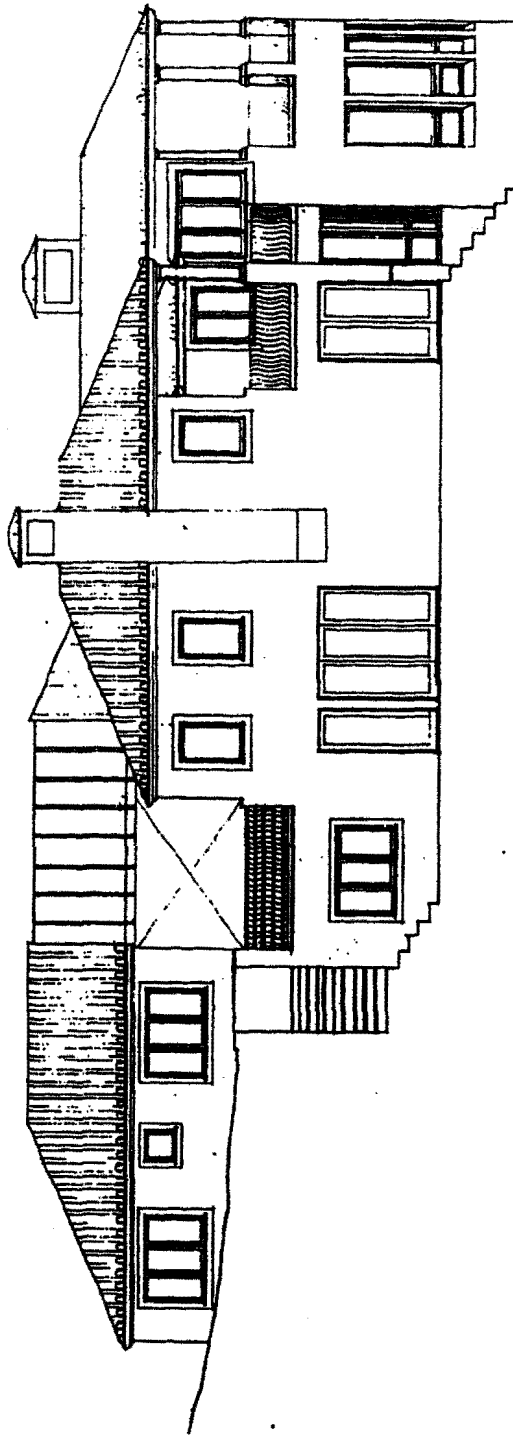


SECOND FLOOR PLAN
THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON.

EXHIBIT NO. 5
APPLICATION NO. 4-98-265
Second Floor
Plan

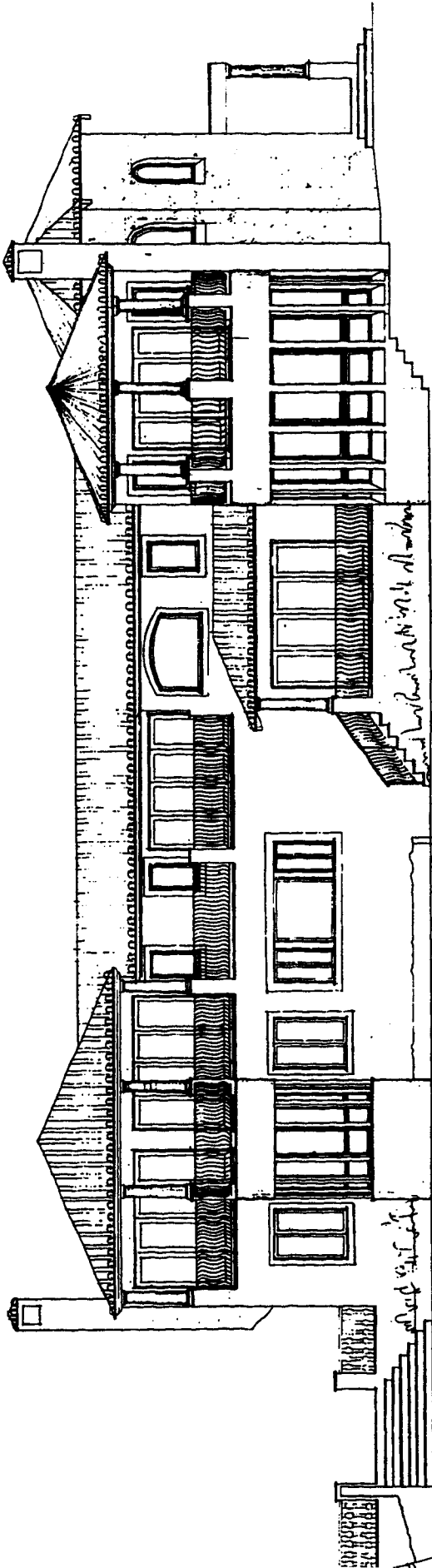


NORTH ELEVATION

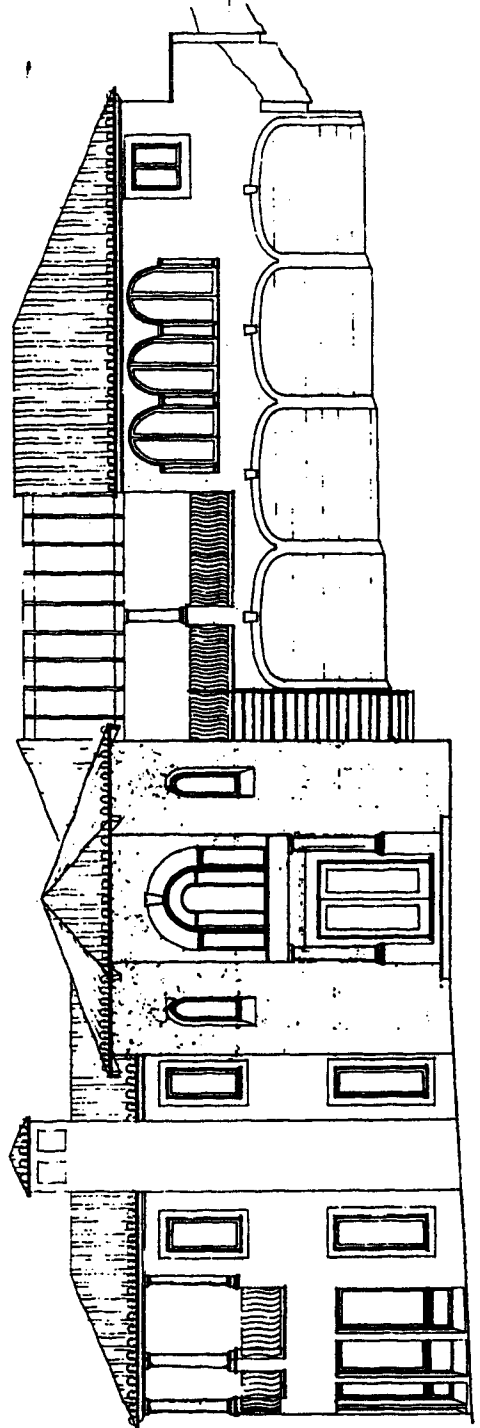


WEST ELEVATION

| | |
|-----------------|----------|
| EXHIBIT NO. | 6 |
| APPLICATION NO. | 4-98-265 |
| N. & W. | |
| Elevations | |

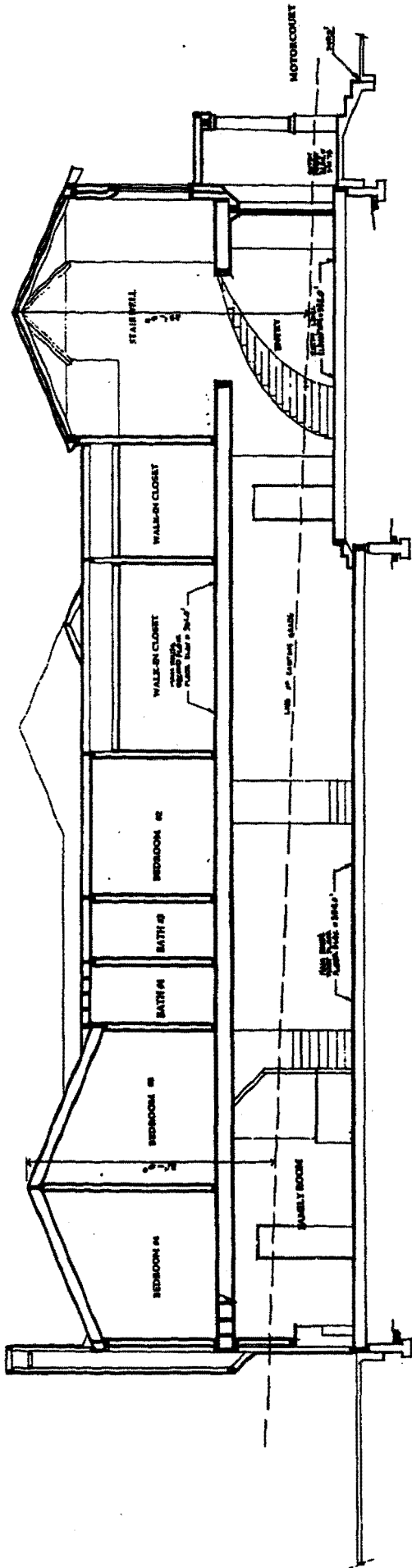


SOUTH ELEVATION



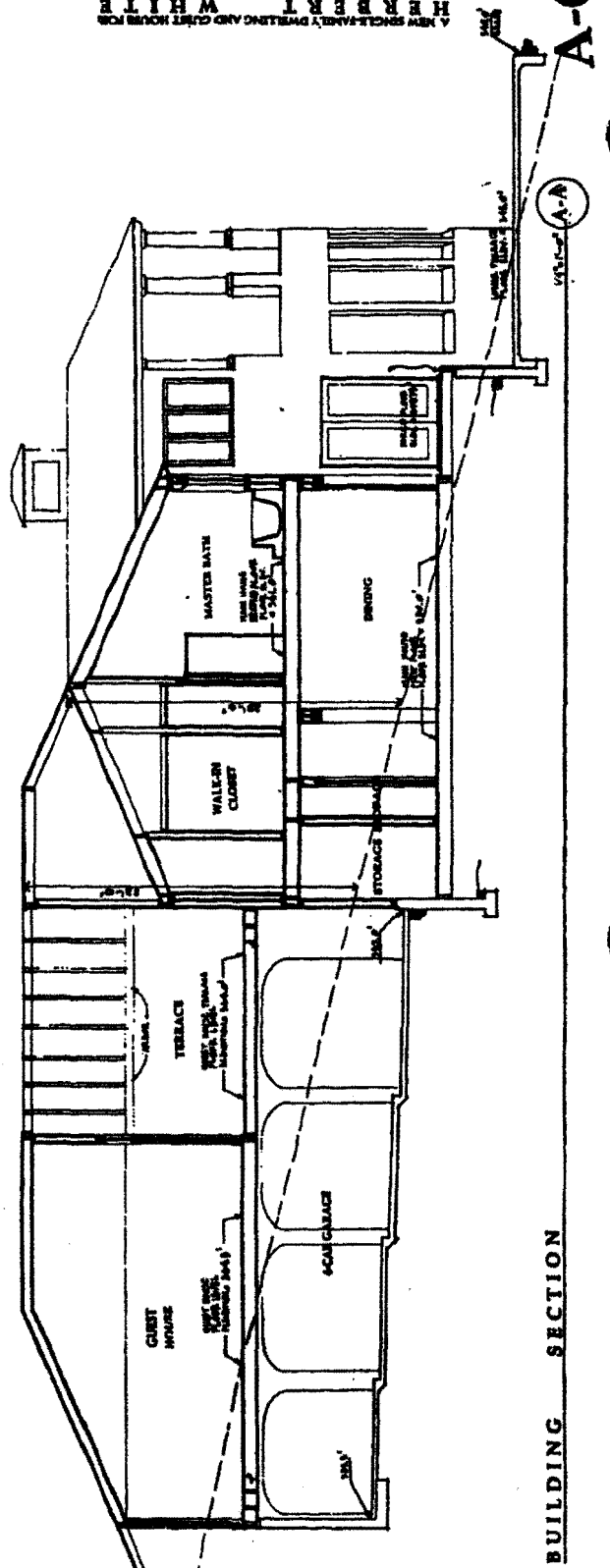
EAST ELEVATION

| | |
|-----------------|----------|
| EXHIBIT NO. | 7 |
| APPLICATION NO. | 4-98-265 |
| S. & E. | |
| Elevations | |



BUILDING SECTION

W-W-B-B



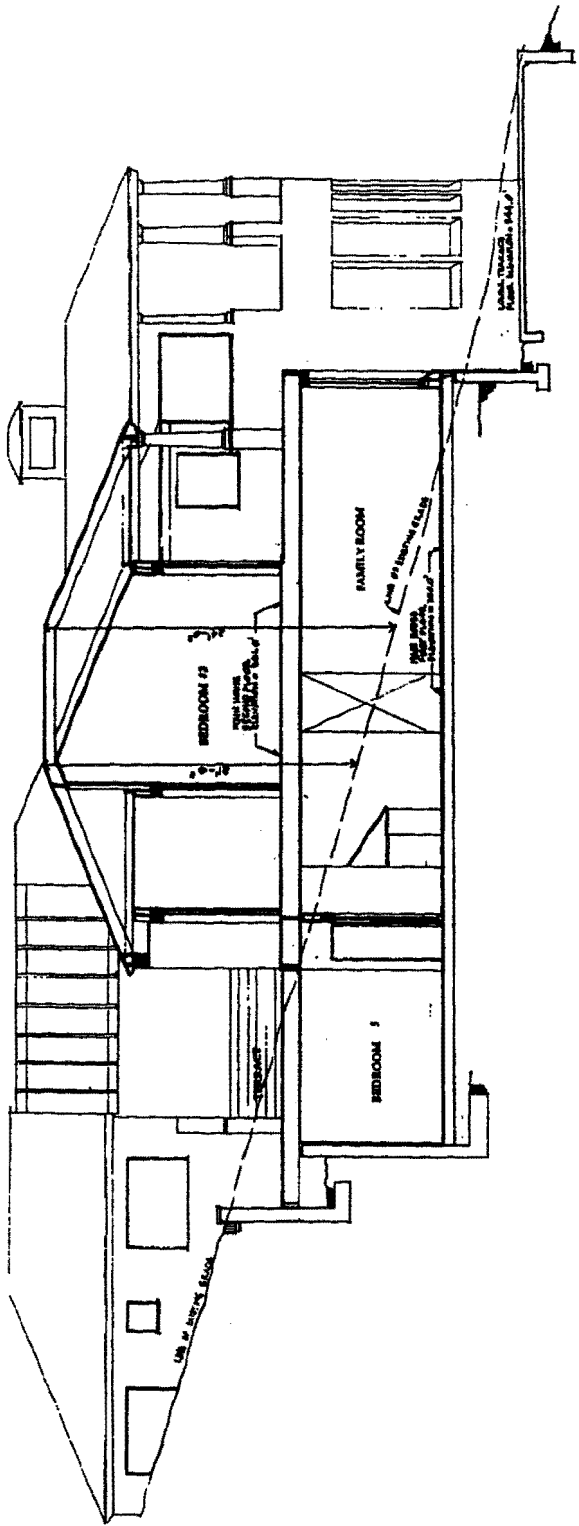
BUILDING SECTION

A-A

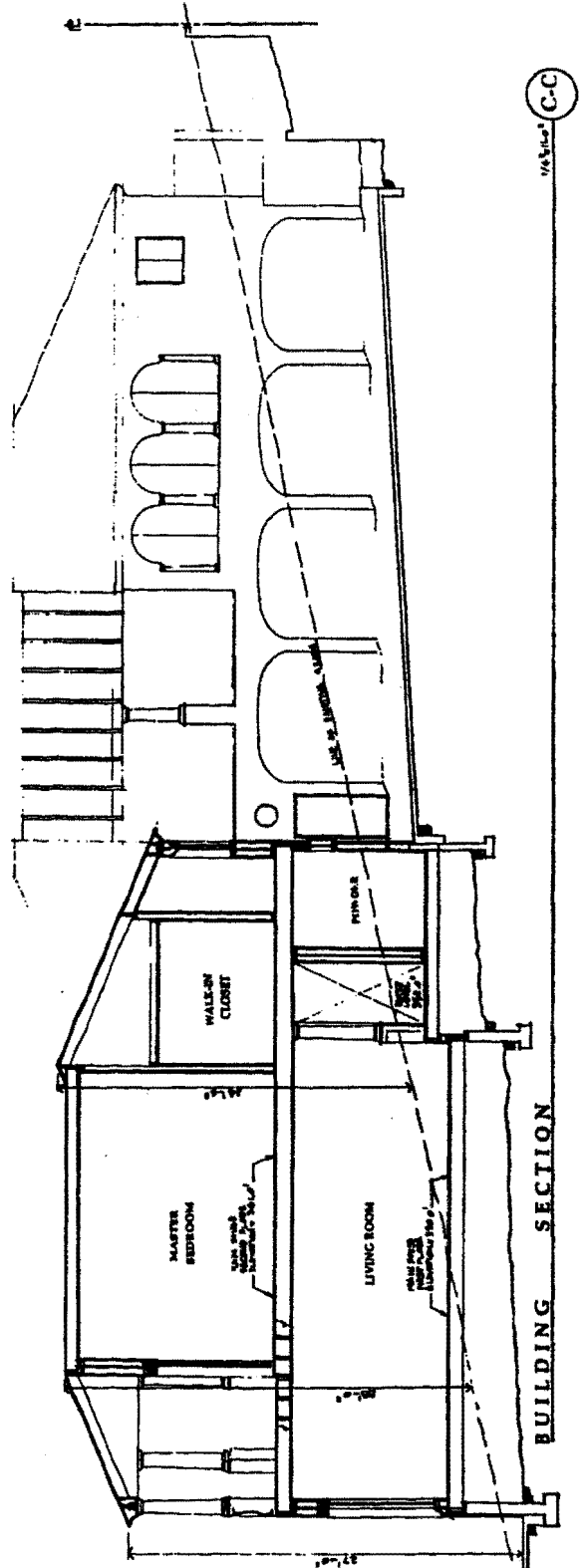
A-6

A NEW SINGLE-FAMILY DWELLING AND GUEST HOUSE FOR
HERBERT WHITE
3755 PETERS CANYON ROAD, MALIBU, CA 90265

| | |
|---------------------|----------|
| EXHIBIT NO. | 8 |
| APPLICATION NO. | 4-98-265 |
| Building Section | |



BUILDING SECTION
1/4\"



BUILDING SECTION
1/4\"

EXHIBIT NO. 9
APPLICATION NO. 4-98-265
Building
Section

HERBERT WHITE
A NEW ENGLAND DRAINAGE AND CURB HOUSE FOR
2769 Puerto Canyon Road, Malibu, CA 90265

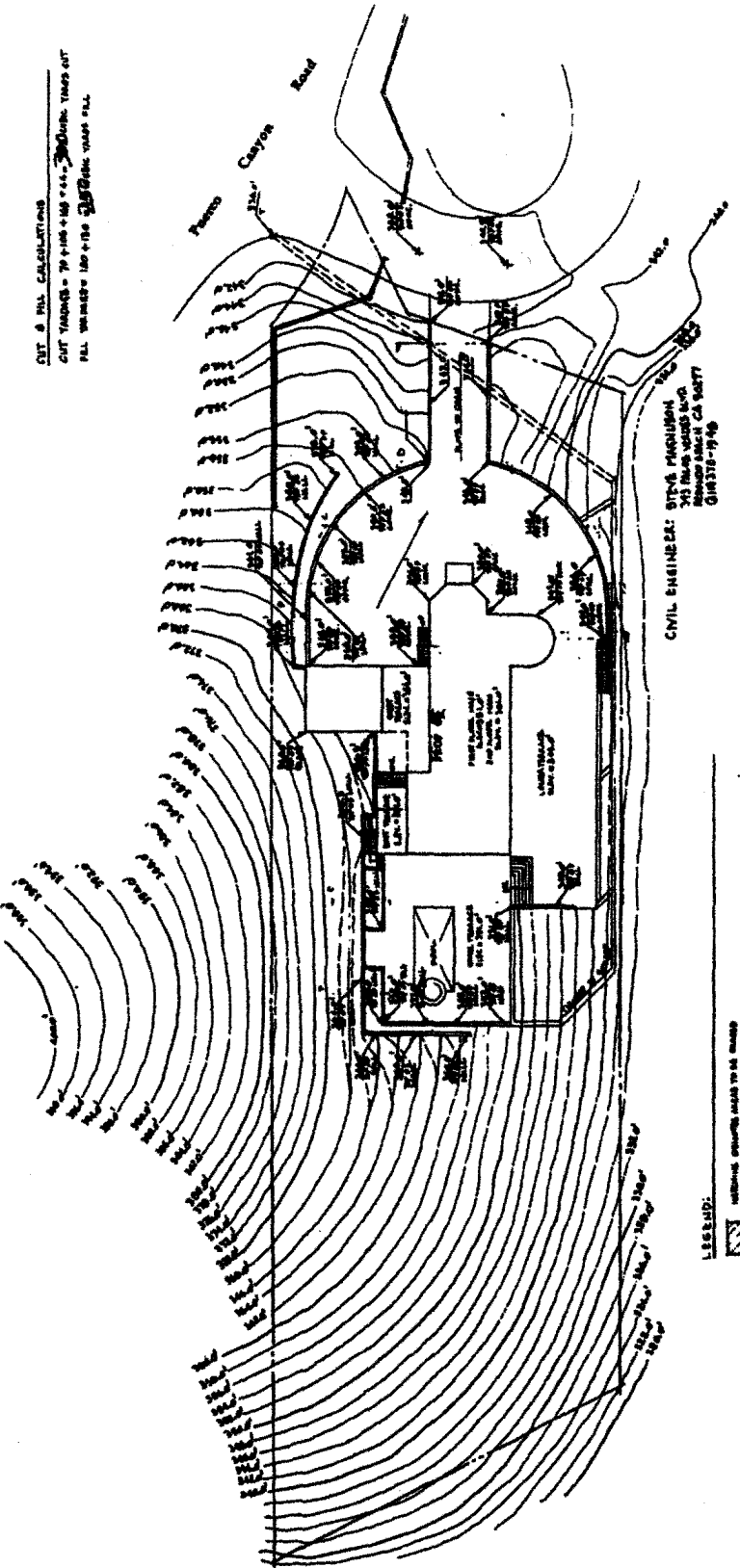
- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. ALL GRADES ARE TO BE FINISHED GRADE UNLESS OTHERWISE NOTED.
- 3. ALL CUTS ARE TO BE 1:1 UNLESS OTHERWISE NOTED.
- 4. ALL FILLS ARE TO BE 1:1 UNLESS OTHERWISE NOTED.
- 5. ALL EROSION CONTROL MEASURES ARE TO BE INSTALLED AND MAINTAINED.
- 6. ALL UTILITIES ARE TO BE DEPTH MARKED AND PROTECTED.
- 7. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF MALIBU SPECIFICATIONS.
- 8. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CALIFORNIA SPECIFICATIONS.
- 9. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE FEDERAL SPECIFICATIONS.
- 10. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE STATE SPECIFICATIONS.



CUT
 AREA 1/100 = 1:100
 AREA 2/100 = 1:100
 AREA 3/100 = 1:100

FILL
 AREA 1/100 = 1:100
 AREA 2/100 = 1:100
 AREA 3/100 = 1:100

CUT & FILL CALCULATIONS
 CUT VOLUMES = 75 + 100 + 100 = 275 CUBIC YARDS
 FILL VOLUMES = 100 + 100 = 200 CUBIC YARDS



CIVIL ENGINEER: STEVE MAGUIRE
 315 N. WOODS BLVD
 MALIBU, CALIF. 90265
 310-318-1946

LEGEND:
 HATCHED SQUARE: EXISTING GRADE TO BE MAINTAINED

GRADING PLAN

| |
|--------------------------|
| EXHIBIT NO. 10 |
| APPLICATION NO. 4-98-265 |
| Grading Plan |

DING NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL GRADES ARE TO BE FINISHED GRADE UNLESS OTHERWISE NOTED.
 3. ALL CUTS ARE TO BE 1:1 UNLESS OTHERWISE NOTED.
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