

CALIFORNIA COASTAL COMMISSION

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



Filed: 4/14/99
49th Day: 6/30/99
180th Day: 11/8/99
Staff: mb-V
Staff Report: 6/24/99
Hearing Date: 7/13-16/99

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-091

APPLICANT: Amy Perrone **AGENTS:** Jamie Harnish and Laura Hanson

PROJECT LOCATION: 6305 Gayton Place, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 3,269 sq. ft., two-story, 23 foot 6 inch high single family residence with detached 953 sq. ft. garage, horse shelter, driveway, pool, two retaining walls, and septic system. Grading for house of 563 cu. yds. (169 cu. yds. cut and 394 cu. yds. fill) with import of 255 cu. yds.. Grading for driveway 3,776 cu. yds. (3004 cu. yds. cut and 772 cu. yds. fill with export of 2,232 cu. yds. to approved disposal site outside the coastal zone.

Lot area:	48,551 sq. ft.
Building coverage:	3,921.5 sq. ft.
Pavement coverage:	4,836.5 sq. ft.
Landscape coverage:	20,943 sq. ft..
Parking spaces:	three covered, one open
Height above finished grade:	23 ft. 6 in.

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval In Concept, dated 4/2/99; Health Department, In-concept Approval dated Mar 26 1999.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Donald B. Kowalewsky, Updated Engineering Geologic Report and Response to Geology and Geotechnical Review Sheet, October 1, 1998 and Engineering Geology and Geotechnical Engineering Investigation, May 26, 1997.

SUMMARY OF STAFF RECOMMENDATION

The proposed development of a single family residence in an area facing Zuma Canyon west of Zuma Ridge and north of Pacific Coast Highway and Pt. Dume. Staff recommends approval of the project with special conditions relating to: ***conformance to geologic recommendations, landscape and erosion control, removal of natural vegetation, wild fire waiver of liability, and removal of excavated material.***

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

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

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment** The permit is not valid and development shall not commence until a copy of the permit, signed by the permutee 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 permutee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Plans Conforming to Geologic Recommendations

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Donald B. Kowalewsky, Updated Engineering Geologic Report and Response to Geology and Geotechnical Review Sheet, October 1, 1998 and Engineering Geology and Geotechnical Engineering Investigation, May 26, 1997 shall be incorporated into all final design and construction plans including site preparation, grading, and foundations. All plans must be reviewed and approved by the consultants.

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

2. Landscaping and Erosion Control Plans

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

A) Landscaping Plan

- 1) All graded & disturbed areas 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 which tend to supplant native species shall not be used.
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire

safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

- 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.
- 5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, 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 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 Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty 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 grading or 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 grading 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, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out 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 the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and 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 grading or 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 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. Removal of Natural Vegetation

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

4. Waiver of Liability

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

5. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 3,269 sq. ft., two-story, 23 foot 6 inch high single family residence with detached 953 sq. ft. four car garage, horse shelter, driveway, pool, two retaining walls, and septic system. Grading for the house is proposed consisting of 563 cu. yds. (169 cu. yds. cut and 394 cu. yds. fill) with import of 255 cu. yds.. Grading is proposed for the driveway shared with the residence proposed on the same agenda (4-99-092, Gayton Place Ranch) consisting of 3,776 cu. yds. (3004 cu. yds. cut and 772 cu. yds. fill) with export of 2,232 cu. yds. to approved disposal site outside the coastal zone. There are two retaining walls proposed of 155 and 175 ft. in length and up to four feet high on each side of the cut necessary for proper gradient for the driveway with a 15 ft. long connector at the downhill end.

The subject property is a flag lot with a driveway route extending downhill from Gayton Place. Development is proposed downhill and adjacent to the site for a residence proposed at 6305 Gayton Place the previously mentioned residence proposed on the same July, 1999 agenda (4-99-092, Gayton Place Ranch). The two residences will share the same driveway.

Surrounding development is a mixture of single family residential development and horse raising and agriculture. Vegetation is ruderal and consists primarily of grasses, with some mustard plants. The property to the north and east of the site is used for raising rosemary and thyme. There is a minor amount of natural vegetation on the site or in the surrounding area which would be affected by the

project's fuel modification area.

B. Geologic Stability and Hazards

Section 30253 of the Coastal Act states in part that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

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

The prominent geomorphic features in the area are Pt. Dume to the south and the LUP-designated Significant Ridgeline to the east. Physical relief across the lot is approximately one hundred feet. Slope drainage presently is by sheet flow runoff, but a system of drainage control is proposed by the applicant to control and direct runoff from the site.

1. Geology

The applicant has submitted a; Donald B. Kowalewsky, Engineering Geology and Geotechnical Engineering Investigation, May 26, 1997:

From an engineering geologic and geotechnical engineering standpoint, construction of a single family residence is feasible. Provided the following recommendations are incorporated in the plans and implemented, the building site will be safe from landslide, settlement or slippage. In addition, development, utilizing the following recommendations, will not adversely affect offsite property.

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been

certified in writing by the consulting engineering geologists as conforming to their recommendations, as noted in special condition number one (1) for the final project plans for the proposed project.

2. Erosion

Surface drainage is proposed to be collected and dissipated to avoid erosion impact which may affect the site or the surrounding area. The drainage plan collects drainage from the building and driveway through a system of drains, splash walls, walls, and swales and conveys it to a rip rap energy dissipator.

Although the applicant has submitted a drainage plan for permanent improvements, the Commission finds it necessary to require the applicant to include interim drainage and erosion control measures for several reasons. A landscaping component, review and approval by the consulting engineering geologist, measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring are all necessary to minimize the potential for erosion and disturbed soils and thereby ensure site stability and stream protection. Approval with *special condition number two (2)* is necessary, therefore, so that the landscape and erosion control plan can ensure site stability and avoidance of the potentially adverse impacts of erosion and sedimentation on the blue line stream in a manner consistent with PRC Section 30253.

In addition, *special condition number three (3)* is necessary to ensure that removal of natural vegetation for fuel modification purposes does not take place without implementation of the proposed single family residence. Unnecessary fuel modification should be avoided as it is contrary to the provisions of PRC Section 30253 including ensuring site stability and avoiding adverse impacts of erosion and sedimentation.

Further, special condition number five (5) is necessary to ensure that excess excavated material is disposed of in an appropriate dump site and that a permit be obtained if the dump site is in the Coastal Zone.

3. Fire

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

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the 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)*. The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

C. Visual Resources/Landform Alteration

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. ...

The Commission evaluates the proposed project in terms of the impact of the project on coastal views and from scenic highways, public land and trails. The proposed development overlooks a portion of Zuma Canyon and is not visible from the Pacific Coast Highway, a designated scenic route. The site is located to the east and approximately one-half mile uphill of Zuma Creek, a USGS-designated blue line stream surrounded by a disturbed oak woodland. Both the creek and woodland areas are designated environmentally sensitive habitat areas in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). The site is not visible from this resource area. The site is not visible from Kanan Dume Road, a designated scenic route, because of intervening topography. The site is visible from public land to the north and from a segment of the Zuma Ridge Trail approximately 500 feet to the north, but does not create a significant visual impact for the reasons noted below.

The residence is partially keyed into the slope. The site is located approximately

eighty feet below the minor ridgeline. The proposed single family residence in an area where large single family development is located along a minor ridgeline. This minor ridgeline is along the approximate route of Cavalleri Road. The proposed development is similar in character to this surrounding area.

The proposed development includes a large amount of grading for the proposed access (driveway). As previously noted, grading is proposed for the driveway shared with the residence proposed on the same agenda (4-99-092, Gayton Place Ranch) consisting of 3,776 cu. yds. (3004 cu. yds. cut and 772 cu. yds. fill) with export of 2,232 cu. yds. to approved disposal site outside the coastal zone. The proposed driveway is located in a cut flanked by retaining walls in a location where it will not be visible from the nearby trail. The proposed grading facilitates completion of the previously described "low impact" project design.

The location of the driveway grading and the stepped, low lying project design ensure that the proposal is not a significant alteration of natural landform. As noted, the project design is similar in character to the surrounding area. For these reasons, the project does not raise an issue relative to visual resources under PRC Section 30251. Therefore, the Commission finds that, as conditioned, the project is consistent with Section 30251 of the Coastal Act.

D. Septic System

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

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

The proposed septic system consists of a 1500 gallon septic tank. The installation of a private sewage disposal system was reviewed by the City Environmental Health Department and received in-concept approval. The approval indicates that the system complies with the minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the City health and safety codes will minimize any

potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

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

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

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

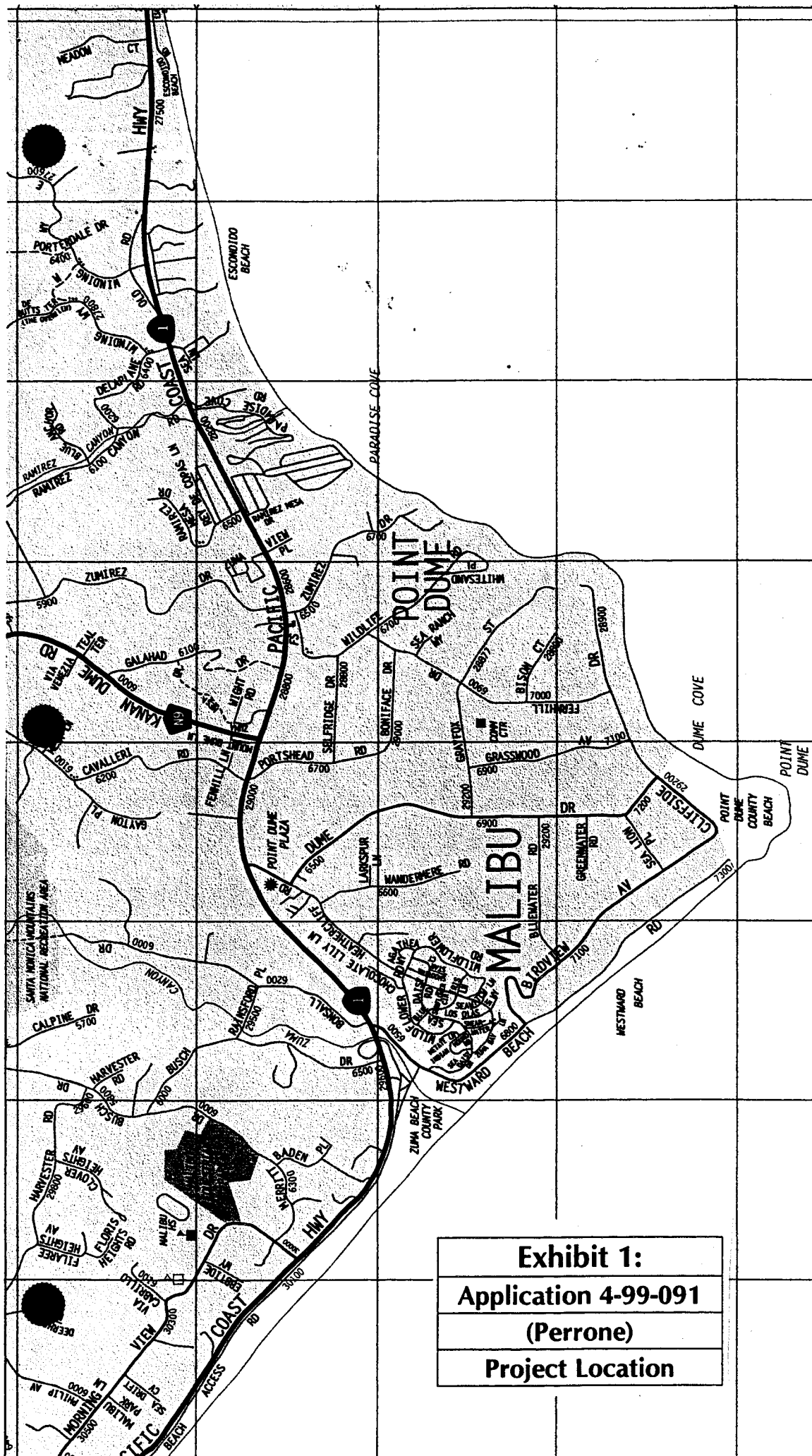
Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental

effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



OCEAN

PACIFIC

Exhibit 1:
Application 4-99-091
(Perrone)
Project Location

[illegible]

NET LUN NOTA MESSAGGE FOUNDA - 40,000 LUN 11
 "Fondazione" - 100,000 LUN 11

First Lot Square Footage = 48,346 sq. ft. 34 acres - 24.26 acres
 34,346 ÷ 0.877 = 39,164 1.251 - 4.946 sq. ft.
 48,346 - 34,346 = 14,000 24,000 ÷ 48.10 = 2.100 sq. ft.
 48,346 - 48,100 = 246 2,460 ÷ 9.40 = 262.87 sq. ft.
 48,346 - 246 = 48,100 48,100 ÷ 2,700 = 17.81 acres

PROPOSED SIMILAR SIZE

[illegible]

DEIACHTER: GARDNER & SUTHERLAND - 2013 02 11.

CGIA: PROPOSAL CIRCULAR 142 - 3200 1/2 11.

REMARKS: NO. OF INCHES ALLOWED - 3.75 IN SQ FT.

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

REMAINING: SCULPTURE TOURAGE ALLONGE

NO H MOVES OF OFFICE (MAG)

FOR OFFICIAL USE ONLY

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PT090470 **BULK SAMPLE FOR C**

DATE : 07-06-2024

677 - ADVISORY GROUP ON POLYMER

FOR THE DEPT. OF JUSTICE

100-443887-100

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2135

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~~APR 14 1999~~

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Exhibit 2:
Application 4-99-091
(Perrone)
Site plan

APR 12 1949

PLANNING DEPT.

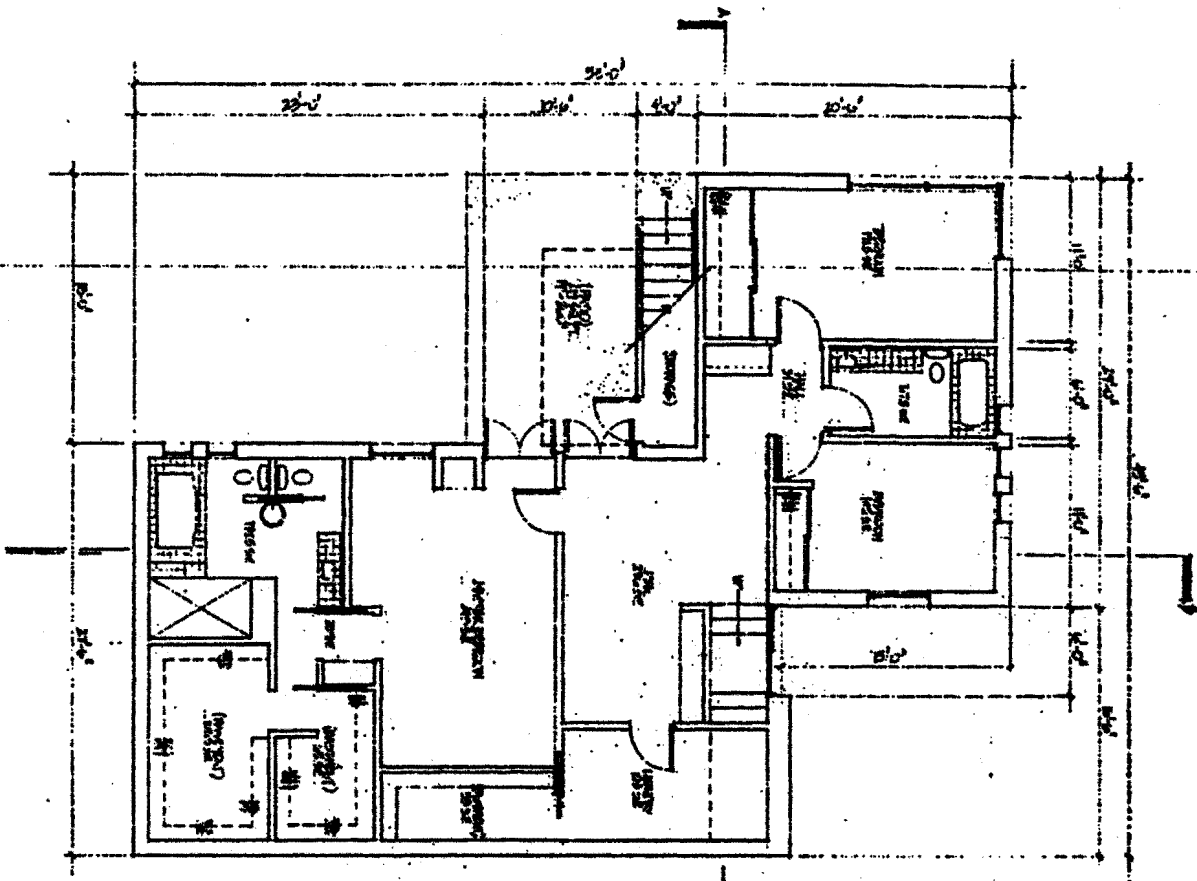
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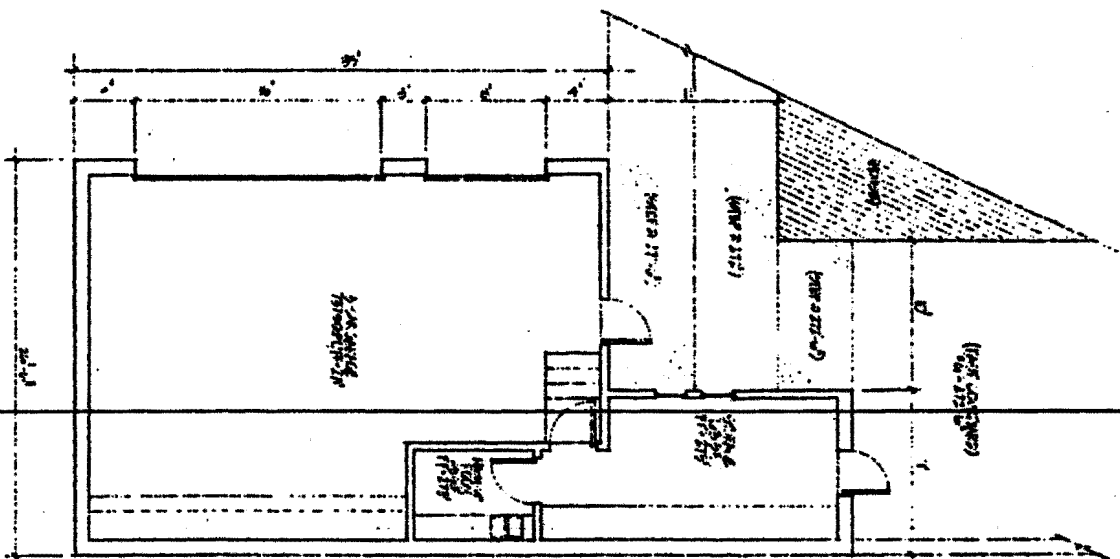
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APR 12 1994
PLANNING DEPT.



1000 S. 10th St.
Portland, OR 97204



1000 S. 10th St.
Portland, OR 97204

Exhibit 3:
Application 4-99-091
(Perrone)
Floor Plan

DATE					
TIME					

NAME	6
PERSON	6
451	6
0-10-8	6
11-1-8	6

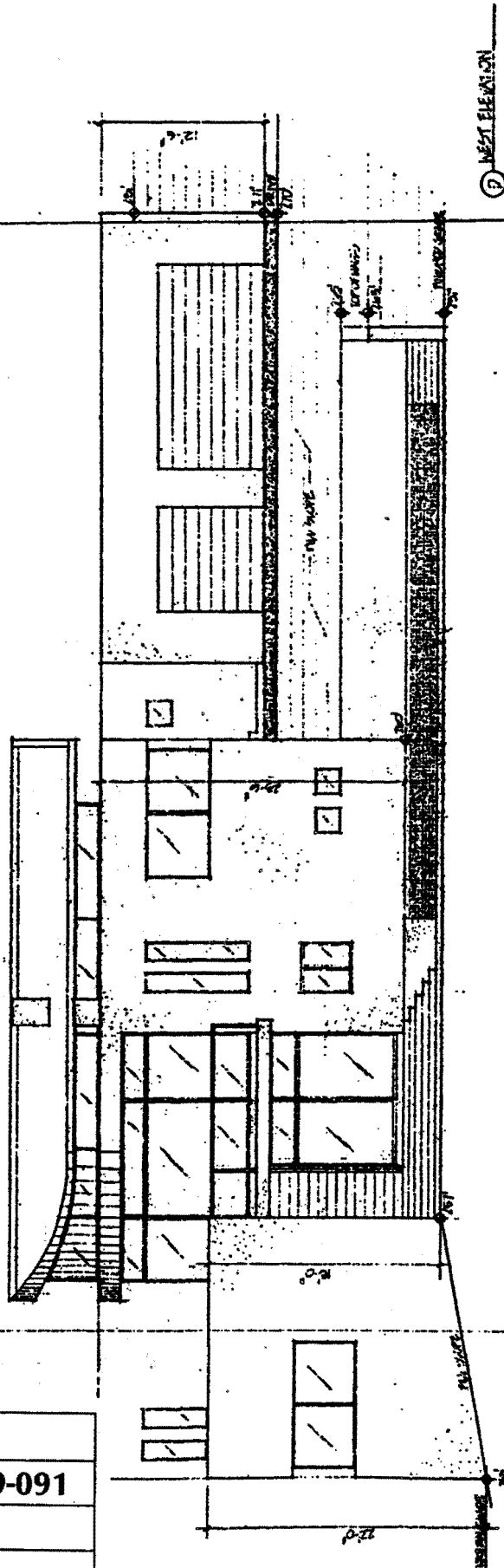
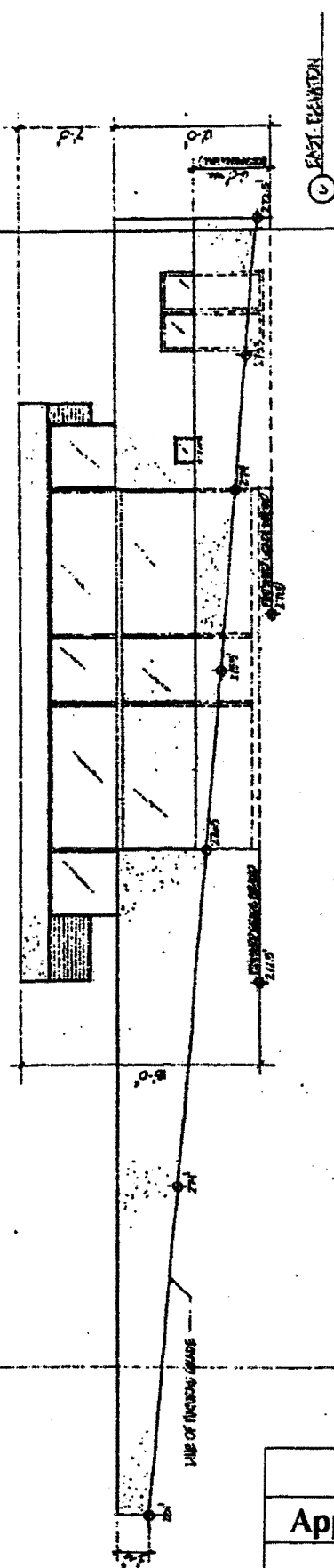


Exhibit 4:
Application 4-99-091
(Perrone)
Elevation

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~~ADD~~

PLANNING DEPT.

