

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff Report: 01/21/2000
Hearing Date: 02/17/2000
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-99-225

APPLICANT: Luanne Wells

AGENT: Paul Williger

PROJECT LOCATION: 6122 Busch Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a two-story, 6,364 sq. ft. single family residence, with attached 4-car garage, 28 ft. in height, a detached 742 sq. ft. garage and two-story 706.5 sq. ft. workshop/storage, new alternative sewage disposal system, gravel motor court and court yard, site retaining walls up to 6 ft. in height, grading of 2,006 cu. yds. (1,003 cu. yds. cut, 1,003 cu. yds. fill), and approximately 250 cu. yds. overexcavation.

Lot area:	60,088 sq. ft.
Building coverage:	6,051 sq. ft.
Pavement coverage:	1,675 sq. ft.
Landscape coverage:	37,962 sq. ft.
Parking spaces:	5

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval-In-Concept 9/27/99, City of Malibu Department of Environmental Health In-Concept Approval for alternative private sewage disposal system 6/07/99, City of Malibu Geology and Geotechnical Engineering Review Approval In-Concept 7/16/99.

SUBSTANTIVE FILE DOCUMENTS: City of Malibu Notice of Decision for Site Plan Review Number 98-092 and Minor Modification Number 99-003 7/14/99, Prepared by Grover Hollingsworth and Associates, Inc.; Geologic and Soils Engineering Exploration 11/20/98, Addendum Report 3/03/99, Geotechnical Comments for Proposed Alternative Private Sewage Disposal System 6/22/99, City of Malibu Geology and Geotechnical Engineering Review Sheet 7/16/99, Coastal Development Permit # 5-89-1221 (Malibu Associates), 5-90-613 (Malibu AssociatesII), and 4-94-005 (Karino).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with **7 Special Conditions** regarding conformance to geologic recommendations for design and construction, drainage and maintenance responsibilities, landscaping and erosion control, removal of natural vegetation, color restriction, future development, and wildfire waiver of liability.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-99-225 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

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

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the reports prepared by Grover Hollingsworth and Associates, Inc. in relation to the proposed development including Geologic and Soils Engineering Exploration 11/20/98, Addendum Report 3/03/99, and Geotechnical Comments for Proposed Alternative Private Sewage Disposal System 6/22/99 shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the geologic and geotechnical consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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 permit.

2. Drainage Plans and Maintenance Responsibility

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from all impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. 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 landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultant to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and 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. 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.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings 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) Invasive and non-native plants species within and immediately adjacent to the natural drainage course shall be removed and the area restored and revegetated with appropriate native riparian plant species as recommended by the City of Malibu Biologist.
- (4) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence from the views of the Malibu Equestrian Trail easement located along the south side of Busch Drive opposite the subject property.
- (5) 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.
- (6) 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.
- (7) 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.

4. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding 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.

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 the issuance 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.

6. Future Improvements

This permit is only for the development described in **Coastal Development Permit No. 4-99-225**. 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, future improvements, or change of use to the permitted structures, including the detached garage and workshop/storage structure approved under Coastal Development Permit No: 4-99-225, and any 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 3, shall require an amendment to **Permit No. 4-99-225** from the Commission or shall require an additional Coastal Development Permit from the Commission or from the applicable certified local government.

Prior to the 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 incorporating all of the above terms of this condition. The deed restriction shall include 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.

7. Wildfire Waiver of Liability

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a two-story, 6,364 sq. ft. single family residence, with attached 4-car garage, 28 ft. in height, a detached 742 sq. ft. garage and two-story 706.5 sq. ft. workshop/storage, new alternative sewage disposal system, gravel motor court and court yard, site retaining walls up to 6 ft. in height, grading of 2,006 cu. yds. (1,003 cu. yds. cut, 1,003 cu. yds. fill), and approximately 250 cu. yds. overexcavation.

The project site is a 60,088 sq. ft. vacant parcel located north of Busch Drive approximately 3,000 ft. north of where Busch Drive intersects Pacific Coast Highway. The subject parcel descends toward Busch Drive at a natural gradient of approximately 2:1 and 3:1, however, past grading operations related to previously approved Coastal Development Permits at the site have created 1 ½ :1 cut and fill slopes along the northern portions of the property. The site consists of an overall southerly descending slope which drains sheet flow run-off to a drainage course traversing the entire south and south-west portion of the property, which then drains directly to Zuma Canyon.

In response to the presence of the natural drainage along the south and south-west portion of the subject property the County of Los Angeles has required an easement for flood control purposes varying in width along that portion of the property of which the drainage traverses (Exhibit 4). The City of Malibu has approved a minor modification for the front yard setback of the proposed development along the north property boundary

from 65 ft. to 32.5 ft. which will allow the proposed residence to be constructed on the northern portion of the property outside of the delineated flood zone associated with the drainage course.

The project site is located in an area of the City of Malibu partially developed with several single family residences. The site is vegetated with sparse weeds and grasses and an alignment of Eucalyptus trees along a private driveway and fire lane adjacent to the north and north-west property boundaries. The proposed project will be consistent with the character of surrounding development and will not be visible from Pacific Coast Highway. However, the proposed project will be significantly visible from a 12 ft. trail easement for the Malibu Equestrian Connector Trail that exists along the south-west side of Busch Drive opposite the subject property [reference CDP # 4-94-005 (Korino), Exhibit 11]. The Malibu Equestrian Connector Trail easement was originally required by the County of Los Angeles as a result of a Parcel Map approval. The trail runs parallel along the south and west sides of Busch Drive ultimately heading north where Busch Drive dead-ends into the Santa Monica Mountains National Recreation Area.

The subject parcel was created under Coastal Development Permit 5-89-1221 (Malibu Associates). Under CDP 5-89-1221 the Commission approved a subdivision of a 6.4 acre parcel into four separate single family residential lots, of which lot 4 is now the subject property of the proposed project. The permit also included 1,800 cu. yds. of grading (900 cu. yds. cut and 900 cu. yds. fill) to create the existing private driveway, which also serves as a fire lane, located along the north and north-west property boundary. Coastal Development Permit # 5-90-613 (Malibu Associates) was later granted for the construction of a two-story, 4,917 sq. ft., 30 ft high single family residence, with an attached 3-car garage, septic system, and 50 cu. yds. of grading. The project approved under CDP # 5-90-613 was partially constructed, however, the property owner ceased development and the project was never completed. Remnants of the partially constructed residence were apparently demolished in 1997 leaving the subject site vacant. The previously approved Coastal Development Permit # 5-90-613 was never transferred to subsequent owners of the property and the new applicant has submitted a different project proposal than that previously approved, therefore a new Coastal Development Permit is required.

B. Geology and Fire Hazard

Geology

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

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.***

Section 30253 of the Coastal Act mandates that new development shall be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted a Geologic and Soils Engineering Exploration report dated 11/20/98 and an Addendum report dated 5/03/99 prepared by Grover Hollingsworth and Associates, Inc. which evaluate the geologic stability of the subject site in relation to the proposed development. The consultants have determined that the project site is appropriate for the proposed development. The Geologic and Soils Engineering Exploration report dated 11/20/98 states:

Based upon our exploration, it is our finding that construction of the proposed residence is feasible from a geologic and soils engineering standpoint, provided our advice and recommendations are made a part of the plans and are implemented during construction.

The subject property is considered a suitable site for the proposed development from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed development will be safe against hazards from landslide, settlement or slippage, and that the proposed grading and development will not have an adverse effect on the geologic stability of the property outside the building site provided our recommendations are followed during construction.

The Geologic and Soils Engineering Exploration report dated 11/20/98 and Addendum dated 3/03/99 prepared by Grover Hollingsworth and Associates include several geotechnical and geologic engineering recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the project site. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting

geotechnical and geologic engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control methods, and appropriate landscaping into proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical and geologic engineer, as specified in **Special Conditions 2 and 3**.

The Commission also finds that landscaping of the graded and disturbed areas on the project site will serve to enhance and maintain the geologic stability of the project site. Therefore, **Special Condition 3** requires the applicant to submit revised landscaping plans certified by the consulting geotechnical and geologic engineer as in conformance with their recommendations for landscaping of the project site. Special Condition 3 also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site. Furthermore, the applicant has submitted landscaping plans indicating that plantings in the area of the natural drainage course will consist of plant species recommended by the City of Malibu Biologist, which shall be consistent with Special Condition 3, for the use of appropriate riparian plant species to restore and revegetate the natural drainage course.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has also caused the loss or degradation of major portions of the native habitat and the loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees that originate from other continents, that have been used as landscaping in this area, have invaded and seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, 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 grading or 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 grading or building permits have been secured and construction of the permitted structures has commenced.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. 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 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 **Special Condition 7**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 7, 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, as conditioned to incorporate all recommendations defined by the project's geotechnical and geologic engineering consultant for construction, design, drainage, erosion control, and landscaping, and inclusion of the wildfire waiver of liability, the proposed project is consistent with Section 30253 of the Coastal Act.

C. VISUAL IMPACTS

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

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 is proposing to construct a two-story, 6,364 sq. ft. single family residence, with attached 4-car garage, 28 ft. in height, a detached 742 sq. ft. garage and two-story 706.5 sq. ft. workshop, new alternative sewage disposal system, gravel motor court and court yard, site retaining walls up to 6 ft. in height, grading of 2,006 cu. yds. (1,003 cu. yds. cut, 1,003 cu. yds. fill), and approximately 250 cu. yds. overexcavation.

The project site is located in an area of the City of Malibu partially developed with single family residences. The proposed project will be consistent with the character of surrounding development and will not be visible from Pacific Coast Highway. The proposed project will not exceed 28 ft. in height from existing grade and is designed to step-down with the natural contours of the project site so that it will not block or interfere with any significant viewshed. The step-down design of the residence will also eliminate the need for excessive grading and landform alteration. Furthermore, the proposed residence is designed with a majority of proposed retaining walls screened by the residence from public views. However, the proposed project will be significantly visible from a trail easement for the Malibu Equestrian Trail that exists along the south side of Busch Drive opposite the subject property, thus the Commission finds it necessary to require mitigation measures to minimize visual impacts of the proposed project on public views.

Impacts on public views can be minimized by requiring the residence to be finished in a color consistent with the surrounding natural landscape and, further, requiring that the windows of the proposed structure be of a non-reflective glass type. In order 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**.

Visual impacts associated with proposed grading, and the structure itself, can be further reduced by the use of appropriate and adequate landscaping. **Special Condition 3**, the landscape and fuel modification plan, incorporates the requirement that vertical screening elements be added to the landscape plan to soften views of the proposed residence from the Malibu Equestrian Trail. In addition, Special Condition 3 requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. The implementation of Special Condition 3, therefore, will help to partially screen and soften the visual impact of the development from the Malibu

Equestrian Trail Connector. In order to ensure that the final approved landscaping plans are successfully implemented, Special Condition 3 requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

Finally, regarding future developments or improvements, certain types of development 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 any future development or improvements normally associated with the entire property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition 6** the Future Development Deed Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

The proposed project, as conditioned, will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore the Commission finds that, as conditioned, the proposed development is consistent with section 30251 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.

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act Section 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in 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, and 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). Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

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 forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or 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. Thus, 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 in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant is proposing to construct a two-story, 6,364 sq. ft. single family residence, with attached 4-car garage, and a detached 742 sq. ft. garage and two-story 706.5 sq. ft. workshop/storage. Total square footage for the detached garage and two-story workshop/storage is 1,448.5 sq. ft. The two-story 706.5 sq. ft portion of this structure consists of a first floor workshop and bathroom, a second floor storage area, and an internal stairway to connect the two floors. The Commission finds that the 742 sq. ft. garage and 706.5 sq. ft. two-story workshop and storage structure is not proposed as habitable square footage. However, the Commission notes that the 706.5 sq. ft. two-story workshop/storage with bath and internal stairway could easily be converted into a second residential unit.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units which may be considered a secondary dwelling. The Commission finds that the 706.5 sq. ft. workshop and storage is less than the 750 sq. ft. allowed by the Commission in past permit action. However, the Commission also finds it necessary to ensure that no additions or improvements are made to the detached 706.5 sq. ft. two-story workshop and storage in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicant to record a future development deed restriction, as specified in **Special Condition 5**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the workshop and storage structure are proposed in the future. The Commission further 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 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 applicant proposes to construct a new alternate private sewage disposal system as shown on the plans approved "In-Concept" by the City of Malibu Department of

Environmental Health. The proposed alternative sewage disposal system passes effluent through a sand filter which is then discharged in shallow trenches such that the effluent will dissipate through evapotranspiration and percolation. The conceptual approval of the alternative disposal system by the City indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City's Plumbing Code.

The Commission has found in past permit actions that compliance with local 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 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

Section 30604 of the Coastal Act states:

- 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 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).***

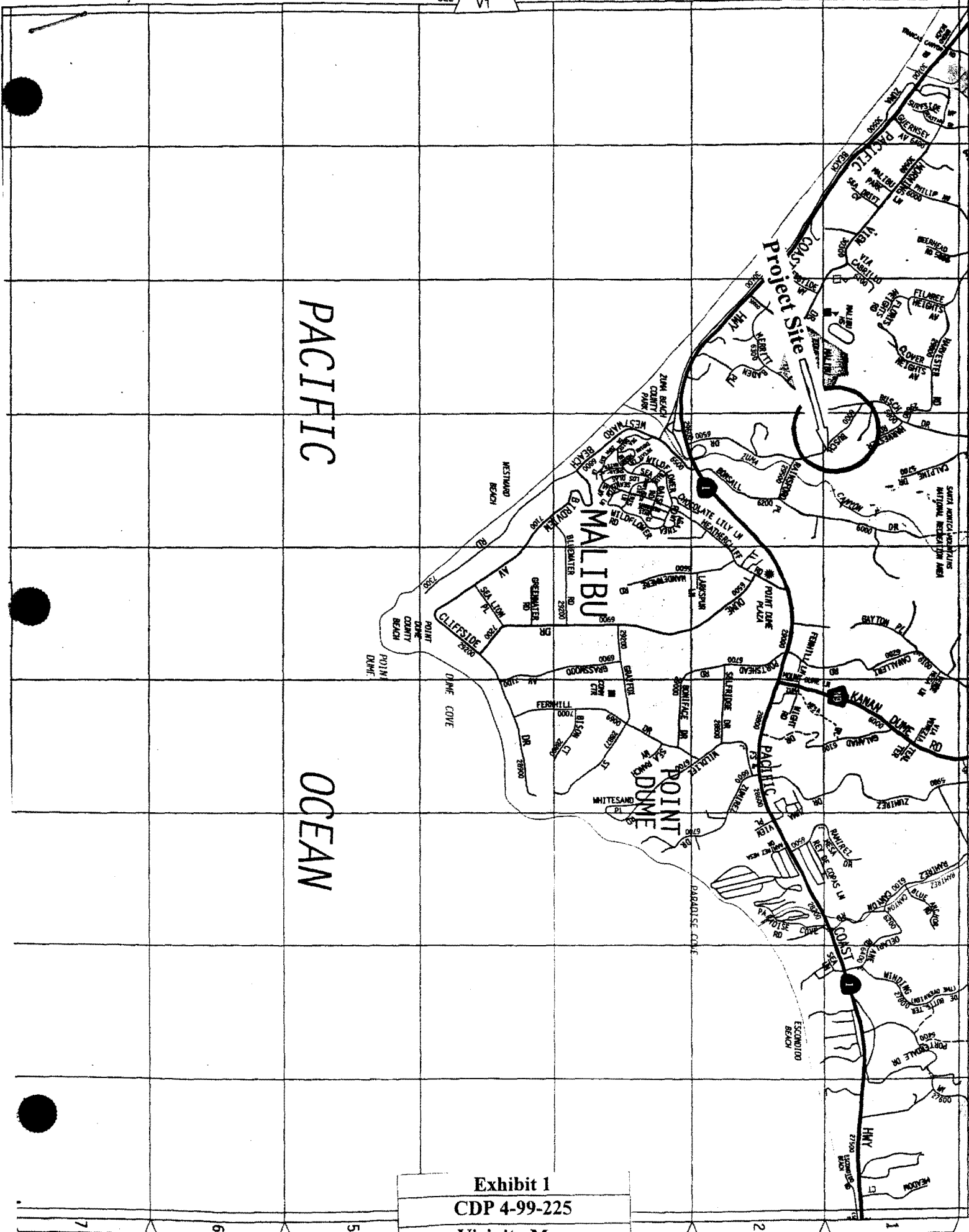
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 project 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 for the City of Malibu area and Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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 which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have 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 determined to be consistent with CEQA and the policies of the Coastal Act.



PACIFIC

OCEAN

Exhibit 1
 CDP 4-99-225
 Vicinity Map

7

6

5

2

1

00/

4467 28

SCALE 1" = 200'

930621030031

1994

1 9

32,100' -
- 16,550' - Pct. St.
- 1,965' - S. Eas.
- 2,381' - P. N. Area
17,280'

26,580' -
- 8,220' - Pct. St.
- 8,247' - S. Eas.
78,781'

26,591' -
- 8,240' - Pct. St.
- 8,220' - S. Eas.
78,337'

0.63 Ac. - 28,820' -
0.201' - Pct. St.
0.4374' - 24,010'

MERRITT DR.

24,510' -
- 8,950' - Pct. St.
- 2,130' - S. Eas.
- 1,000' - P. N. Area
78,330'

Project Site

BK. 4469

PARCEL MAP

P.M. 74-65-66

PARCEL MAP

P.M. 70-14

PARCEL MAP

P.M. 37-63

RECORD OF SURVEY

R. S. 56 - 14 - 17

PARCEL MAP

P.M. 74-95

PARCEL MAP

P.M. 74-72

PARCEL MAP

P.M. 258-56-57

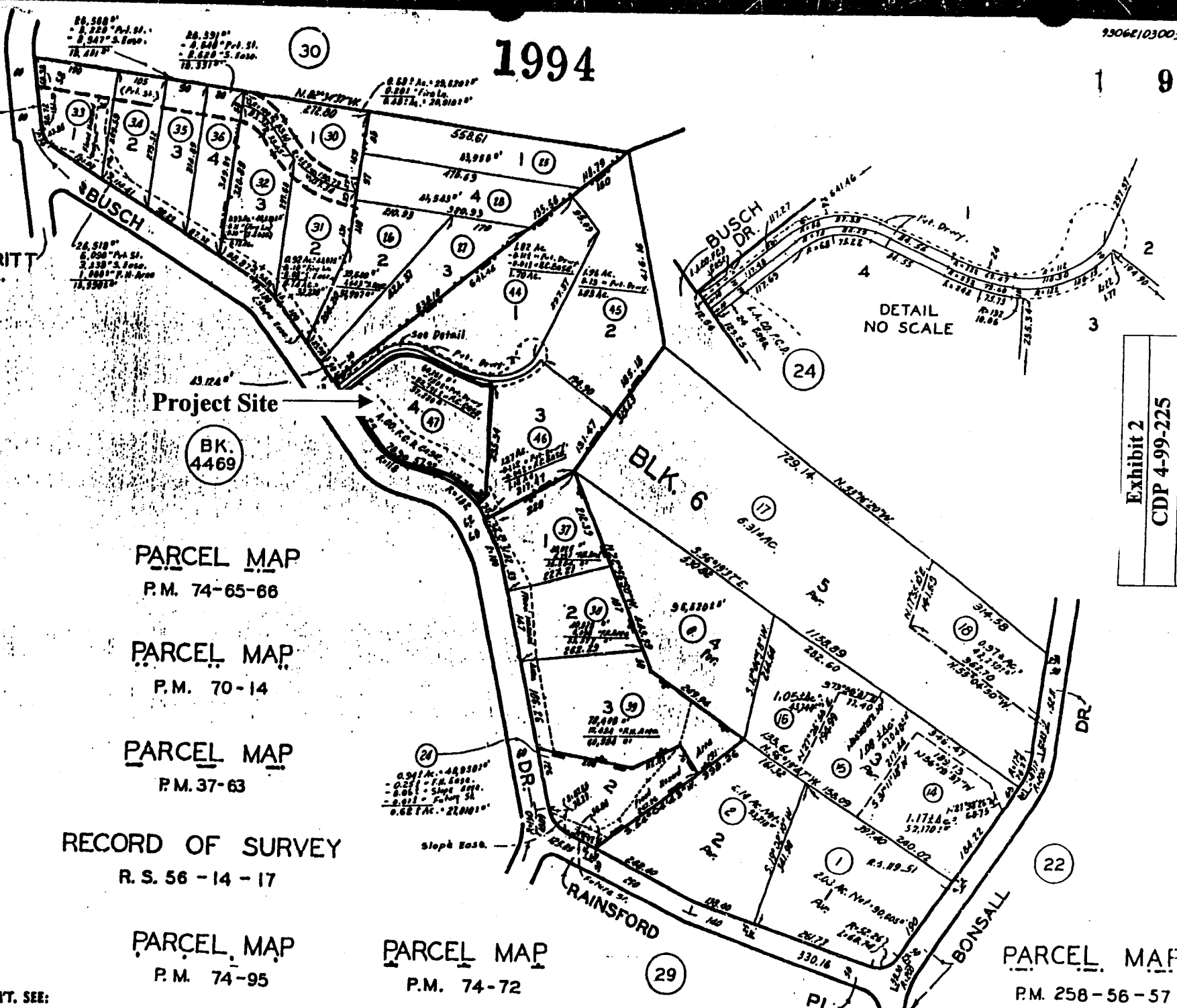
DETAIL NO SCALE

Exhibit 2
CDP 4-99-225
Parcel Map



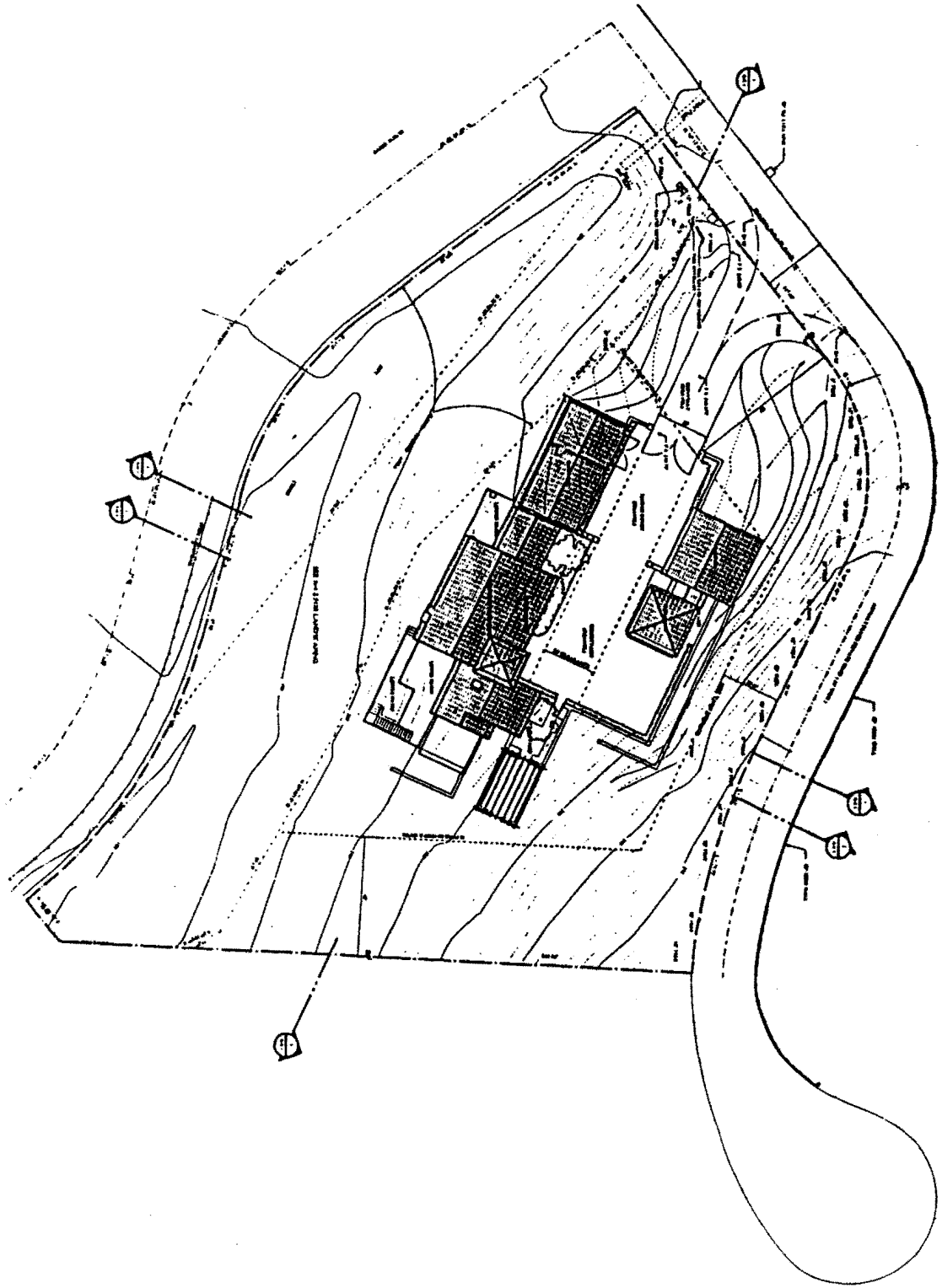
CODE 10853

507 FOR PREV. ASSMT. SEE: 4467-28



SITE PLAN

1



LEGEND

- Existing Building
- New Building
- Existing Parking
- New Parking
- Existing Landscaping
- New Landscaping
- Existing Utility
- New Utility

MAX. ALLOW. SIGN AREA PROPORTION

Sign Type	Area	Proportion
Billboard	100 sq. ft.	10%
Sign on Building	100 sq. ft.	10%
Sign on Structure	100 sq. ft.	10%
Sign on Wall	100 sq. ft.	10%
Sign on Fence	100 sq. ft.	10%
Sign on Gate	100 sq. ft.	10%
Sign on Pole	100 sq. ft.	10%
Sign on Tree	100 sq. ft.	10%
Sign on Rock	100 sq. ft.	10%
Sign on Other	100 sq. ft.	10%

LANDSCAPING (L) AND SIGNAGE (S)

Item	Quantity	Notes
Planting	10	See Schedule 'B'
Signage	5	See Schedule 'C'



Wells Residence
6122 Busch Drive
Malibu, California

Exhibit 3
CDP 4-99-225

Site Plan

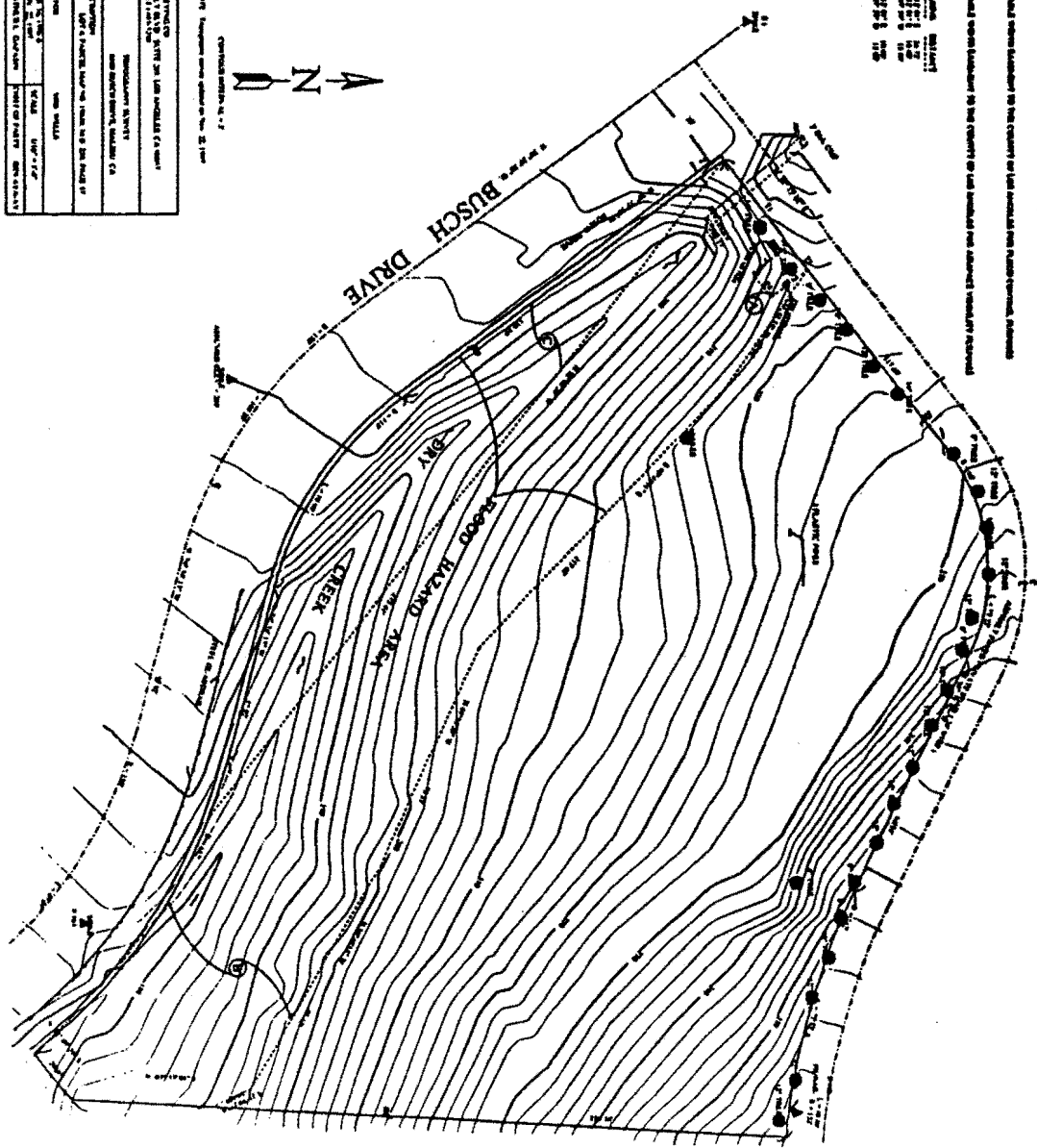
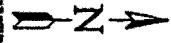
Appleton & ASSOCIATES, INC
ARCHITECTS

11500 E. 17th Street, Suite 1000, Denver, CO 80202
303.755.0000

A-1.1

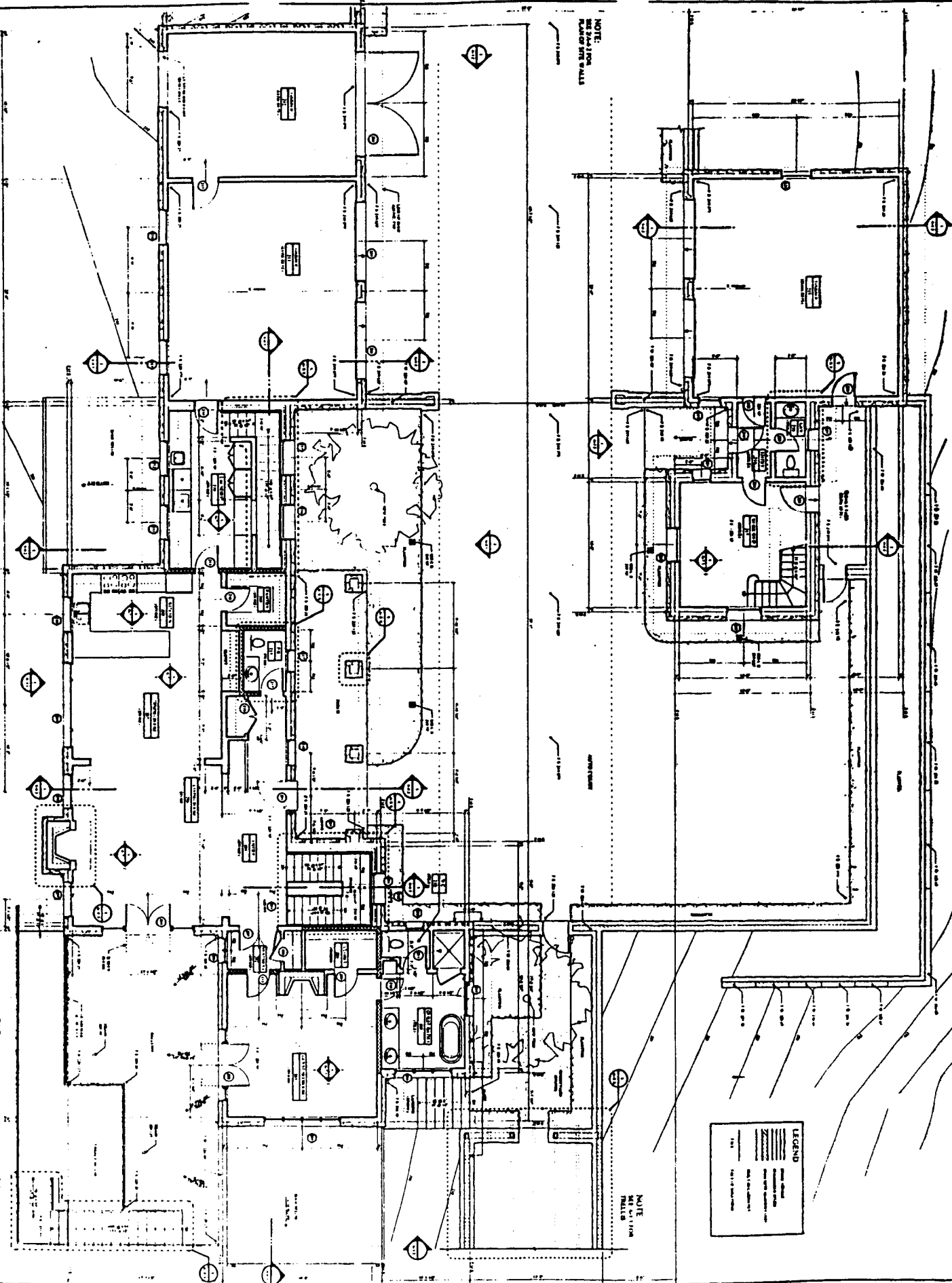
- ① All elevations are based on the datum of Mean Sea Level (MSL) as shown on the Flood Hazard Easement map.
- ② Elevation contours are shown by the quantity of feet above and below the datum.
- ③ Elevation contours are shown by the quantity of feet above and below the datum.

DATE	1/1/77	BY	APP
REVISION			
DESCRIPTION			
PROJECT	WELLS RESIDENCE		
CLIENT	WELLS RESIDENCE		
ADDRESS	6122 BUSCH DRIVE, MALibu, CALIFORNIA		
DATE	1/1/77	BY	APP
REVISION			
DESCRIPTION			



SURVEY

MAIN LEVEL FLOOR PLAN



NOTE:
ALSO
NUMBER THE WALLS

LEGEND

NOTE:
MATERIALS

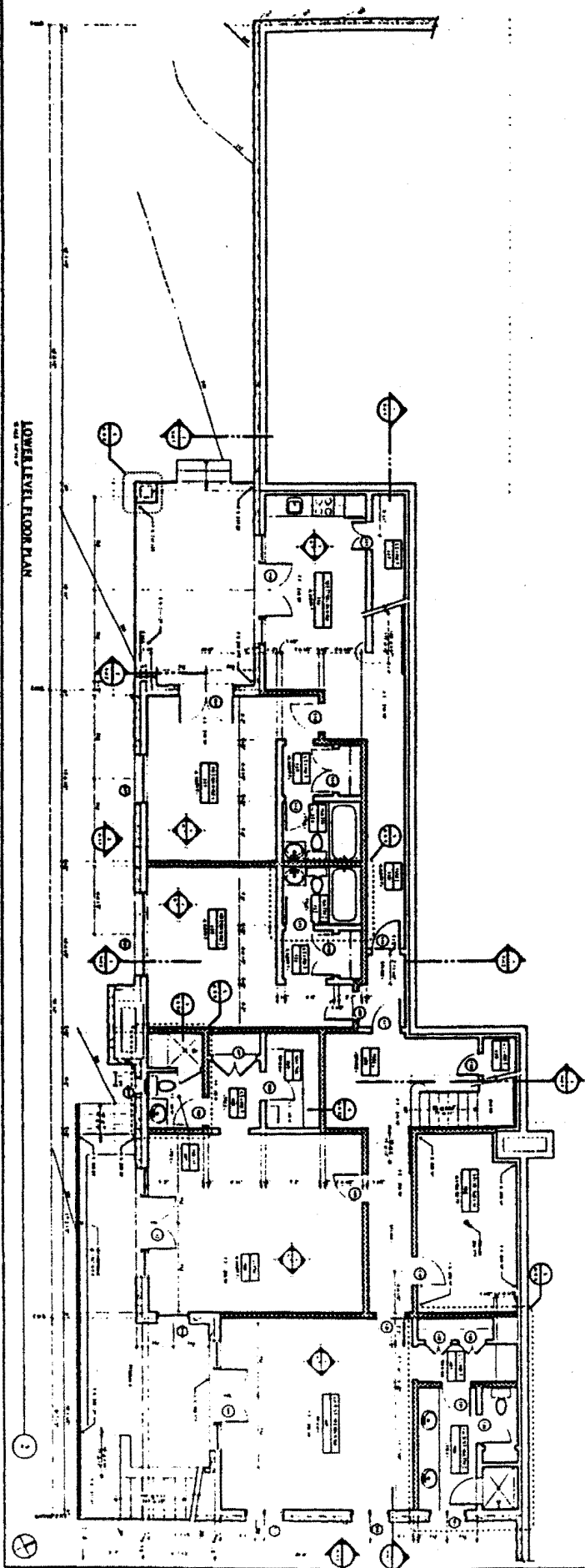
A-2.1
DATE
SCALE
BY
CHECKED
APPROVED

Wells Residence
6122 Busch Drive
Malibu, California

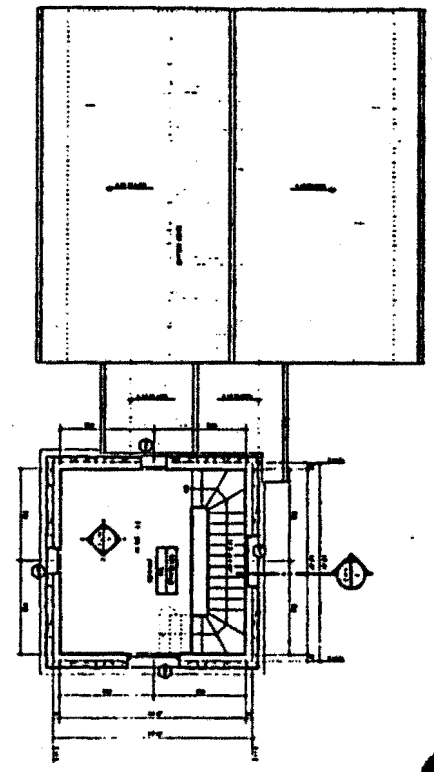
Exhibit 5
CDP 4-99-225
First Floor Plan

Appleton & Associates, INC
ARCHITECTS
1710 17th Street, Santa Monica, CA 90404
310-316-0000 FAX 310-316-0045

LOWER LEVEL FLOOR PLAN



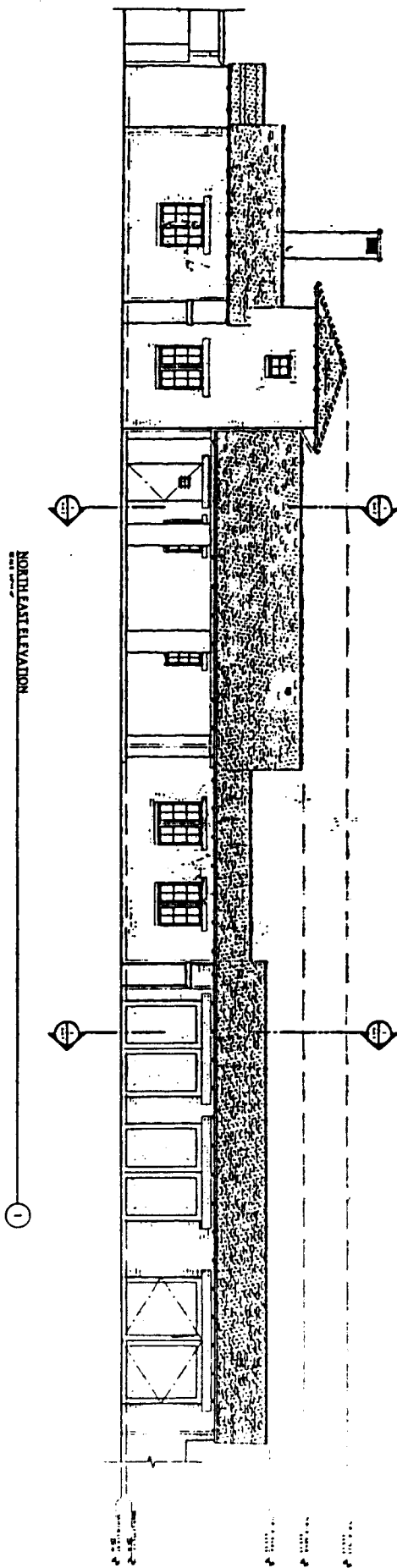
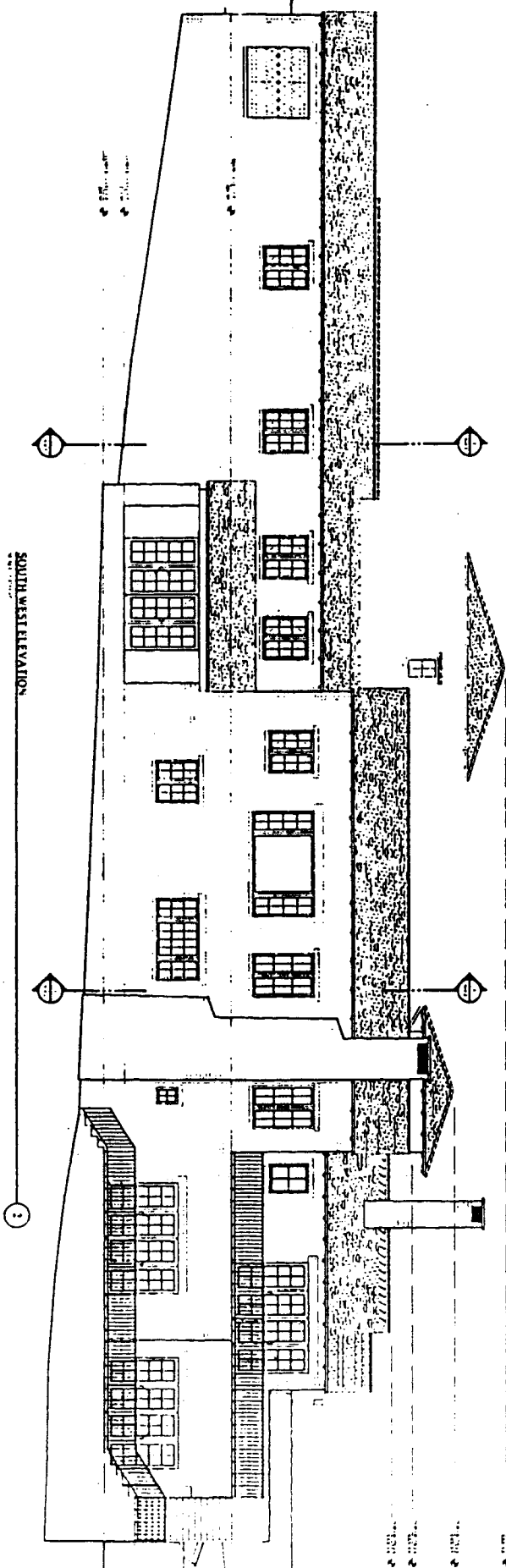
UPPER LEVEL FLOOR PLAN



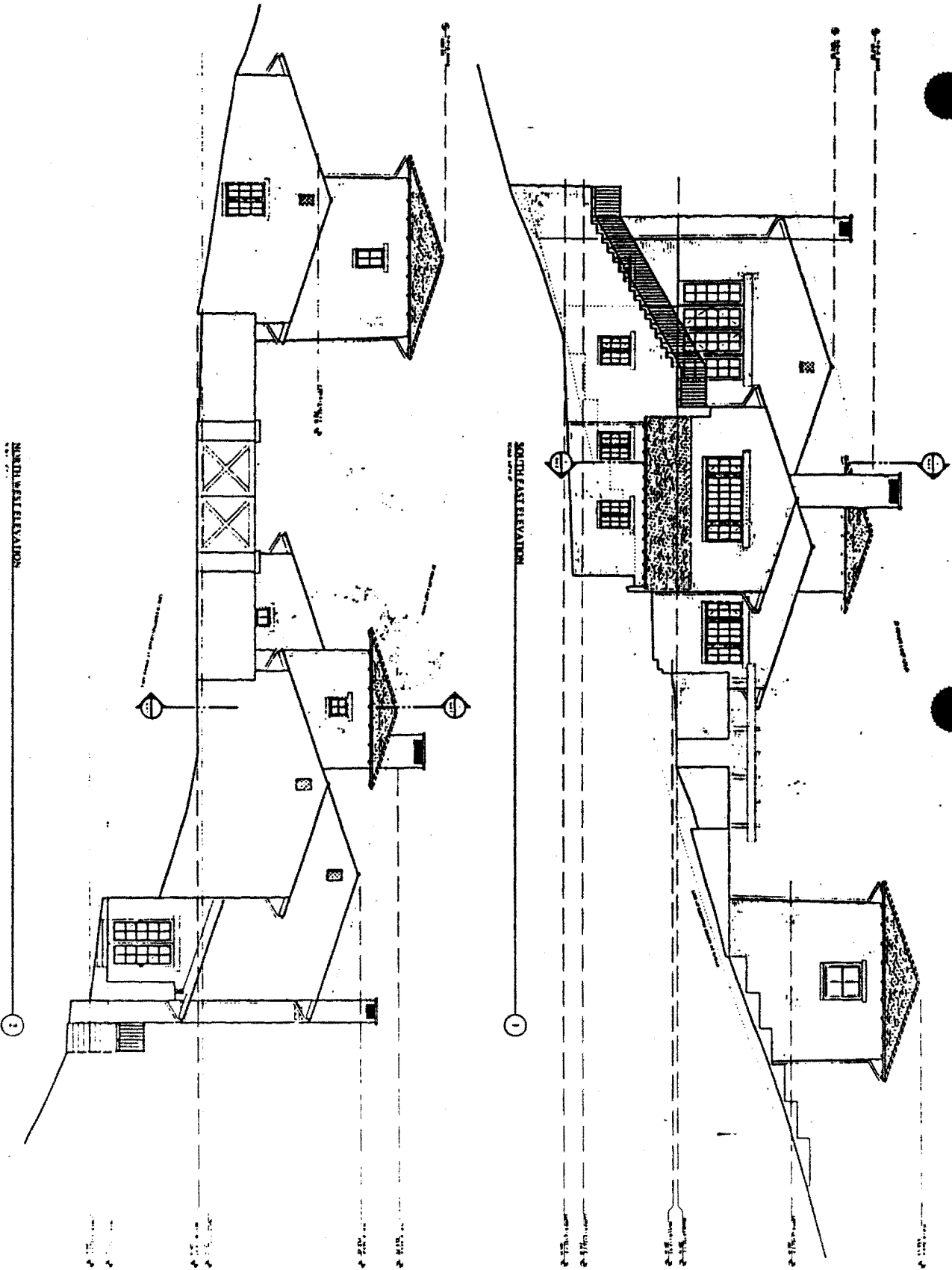
LEGEND

- Solid Wall
- - - - - Glass Wall
- Door
- Window
- Staircase
- Elevation
- Section

A-2.2	Wells Residence 6122 Busch Drive Malibu, California	Exhibit 6 CDP 4-99-225 Second Floor Plan	Appleton & ASSOCIATES, INC ARCHITECTS <small>1100 17th Street Santa Monica, CA 90404 (310) 310-0100 FAX (310) 310-0051</small>	
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A-311	Wells Residence 6122 Busch Drive Malibu, California	Exhibit 7 CDP 4-99-225	Appleton & Associates, INC ARCHITECTS <small>1570 17th Street Santa Monica, CA 90404 310-320-0430 FAX 310-320-0411</small>
	Elevations		



NORTH ELEVATION

SOUTH EAST ELEVATION

Wells Residence
6122 Husch Drive
Malibu, California

Exhibit 8
CDP 4-99-225
Elevations

Appleton & ASSOCIATES, INC
ARCHITECTS

11760 E. 2nd Street, Suite 100, Los Angeles, CA 90040
310-800-9600 FAX: 310-800-9601

A-32

DETACHED GARAGE, WORKSHOP SOUTH WEST ELEVATION

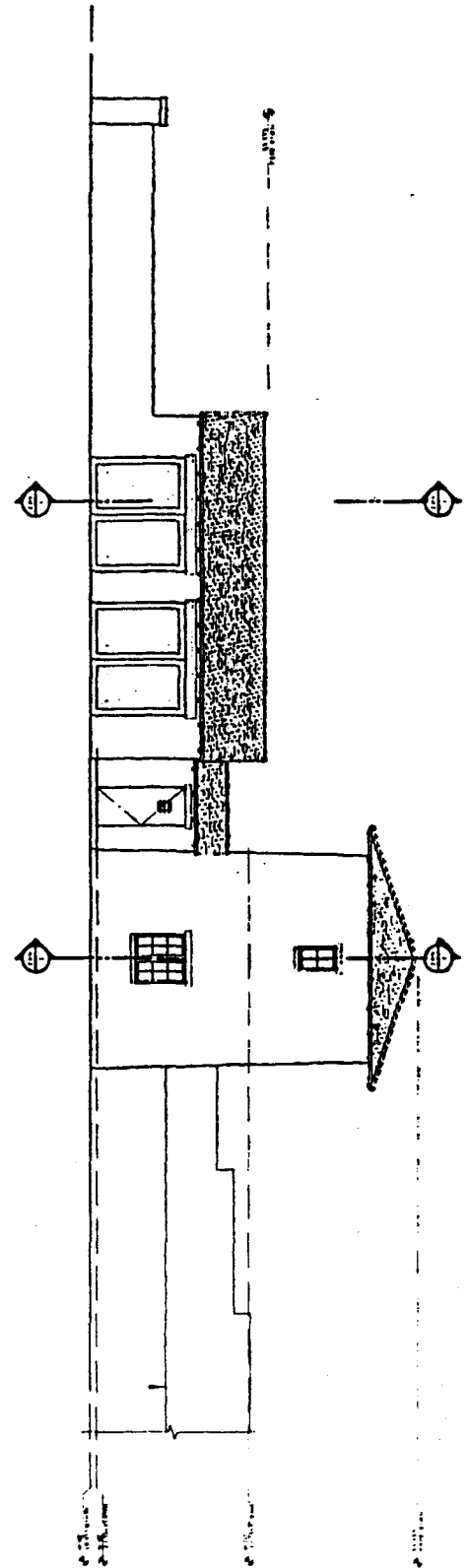


Exhibit 9

CDP 4-99-225

**Detached
Garage/Workshop
Elevation**

Wells Residence
6122 Busch Drive
Malibu, California

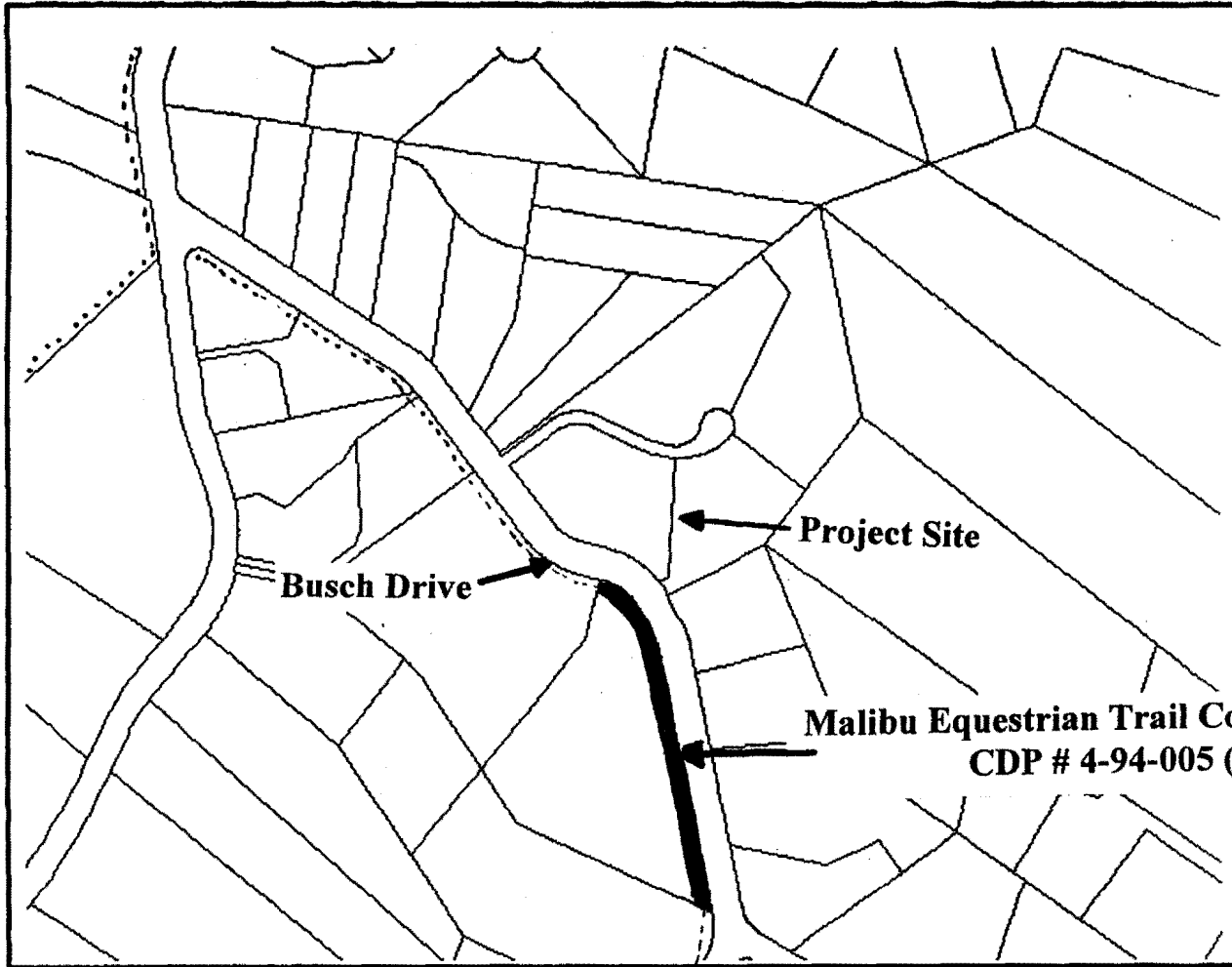
Appleton & ASSOCIATES, INC
ARCHITECTS

1144 17th Street Santa Monica, CA 90404
310 310-0000 FAX 310 310-0011

A-3.3

DATE	
BY	
REVISION	
NO.	

Malibu Equestrian Trail Easement



laprcls

Project Site

Busch Drive

Malibu Equestrian Trail Connector Easement
CDP # 4-94-005 (Karino)



Monday, Jan 24 2000

Exhibit 11

CDP 4-99-225

Malibu Equestrian Trail
Alignment

