

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
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Filed: 3/21/00
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 Staff: MB-V
 Staff Report: 4/19/00
 Hearing Date: 5/9-11/00

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-00-09

APPLICANT: Cariker & Associates **AGENT:** Edward D'Ahdrea

PROJECT LOCATION: 28927 West Beach Lane, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 3,050 sq. ft., two-story, 22 foot high single family residence with attached garage and septic system. No grading is proposed.

Lot area:	.29 acres
Building coverage:	3,050 sq. ft.
Pavement coverage:	350 sq. ft.
Landscape coverage:	6,000 sq. ft.
Parking spaces:	two covered
Height above finished grade:	26 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval In Concept, dated 3/10/00; and Health Department, In-concept Approval dated May 1, 2000.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Miller Geosciences, Inc., Supplemental Geologic Report for Proposed Single Family Residences Lot Nos. 1 & 2, July 24, 1999; Mountain Geology, Inc., Update Engineering Geologic and Seismic Report, June 30, 1998. Coastal development permits 4-98-281, 4-99-025, 4-00-008 (Cariker).

SUMMARY OF STAFF RECOMMENDATION

The proposed development is a single family residence in a previously approved small subdivision of eight lots on a short cul-de-sac street between Cavalleri Road and Kanan Dume Road. The project, if approved with the recommended special conditions, will not adversely impact on the nearby degraded blue line stream draining into Walnut Canyon and the Paradise Cove area. Staff recommends approval of the project with special conditions relating to: **conformance to geologic recommendations, landscape and erosion control, wild fire waiver of liability and drainage and a polluted runoff control plan.**

STAFF RECOMMENDATION:

I. Approval with Conditions

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-009 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 permit 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 Miller Geosciences, Inc., Supplemental Geologic Report for Proposed Single Family Residences Lot Nos. 1 & 2, July 24, 1999; Mountain Geology, Inc., Update Engineering Geologic and Seismic Report, June 30, 1998 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 plan 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) 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 Kanan Dume Road located east of the project site.

5) 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.

6) 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. 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.

4. Drainage and Polluted Runoff Control Plan

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

- (a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate or treat runoff from all roofs, parking areas, driveways and other impervious surfaces shall be identified and incorporated into final plans.
- (b) Selected BMPs shall, when implemented ensure that post-development peak runoff rate and average volume from the site, will be maintained at levels similar to pre-development conditions. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner.
- (c) The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps/separators and/or filters shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

1. Project Description

The applicant proposes to construct a 3,050 sq. ft., two-story, 26 foot high single family residence with attached garage and septic system. No grading is proposed.

Surrounding development is single family residential in character. The site is located to the west of an unnamed tributary which drains into Walnut Canyon and then into the sea west of Pt. Dume in the Paradise Cove area. The tributary/drainage channel flows into a culvert under Kanan Dume Road near the southeast corner of the project site. The unnamed tributary is a USGS-designated blue line stream and is also a County-designated flood hazard area. At the time of the staff site visit the blue line stream was shown to have been rerouted by Kanan Dume Road and to be overgrown with coastal sage scrub. This blue line stream is not a designated environmentally sensitive habitat area in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) and does not contain significant riparian vegetation in the vicinity of the project.

Surrounding development includes single family residences. The proposed development is similar to existing development of large single family residences west of and immediately overlooking Kanan Dume Road. In this developed area, the proposed development will have a potential impact on neighborhood character and views as discussed in greater detail below, because it is one of tier of four lots immediately adjacent to the Road.

2. Past Commission Actions

The Commission has previously acted on applications for development on the subject project site. The proposed development in this permit application is on Parcel 6 of the lots created through the subdivision approved under Permit 4-98-218. The Commission approved Permit 4-98-218 (Cariker) for the subdivision of a 3.03-acre (net) parcel on Cavalleri Road into eight single family residential lots ranging in size from 12,083 sq. ft. to 18,178 sq. ft. with 4,600 cu. yds. of grading (2,400 cu. yds. cut and 2,200 cu. yds. fill) for an access road with cul-de-sac and building pads for four of the proposed lots. This subdivision was approved with special conditions relating to cumulative impacts (TDCs), landscaping plans, conformance with geologic recommendations, drainage and erosion control plans, and disposal of excess cut material.

Structures on the remaining four lots were to be built to the existing slope. This permit also included a lot line adjustment between the existing project site and the adjacent

site to the south whereby the proposed project site was decreased in size from 3.23-acres to 3.03-acres (net). An area 30 feet wide along the east property boundary and an area ranging from 22 feet to 30 feet wide along the northern property boundary was attached to the adjacent parcel to the south, which is developed with the Malibu Gardens Condominiums. The area along the northern property line is to be utilized for additional seepage pits for sewage disposal from the condominium complex. Finally, the permit included the demolition of an existing single family residence and its accessory structures and the construction of a riprap drainage structure on the eastern portion of the site.

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 ten feet of elevation change. Slope drainage of the previously permitted building pad is by drainage directed toward the north toward the street which drains into the previously noted blue line stream.

1. Geology

The applicant has submitted a ; Mountain Geology, Inc., Update Engineering Geologic and Seismic Report, June 30, 1998 which states that:

Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and installation of the private sewage disposal systems will have no adverse effect upon the stability of

the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

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. Landscape and Erosion Control

Surface drainage is to be collected from the building pad and directed to the street and a common storm sewer directed toward the blue line stream/channel to the east. As noted above, the unnamed tributary is a USGS-designated blue line stream and is also a County-designated flood hazard area, but is not a designated environmentally sensitive habitat area in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) and does not contain significant riparian vegetation in the vicinity of the project. As also previously noted, the blue line stream was rerouted by Kanan Dume Road and is overgrown with coastal sage scrub in the project vicinity.

The project will significantly increase the amount of impervious surfaces on the site, increasing both the volume and velocity of storm water runoff. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site. Increased erosion may also result in sedimentation of the nearby stream/channel which resumes its blue line status south of Route 1 (Coast Highway) in Walnut Canyon.

The Commission has found in similar projects that additional landscaping and erosion control measures are necessary on the site to ensure site stability, and avoid adverse impacts on coastal waters. Such measures in the case of this project will protect the nearby stream, stabilize slopes and control fuel modification, as well as controlling interim erosion impacts and provide monitoring. Therefore, the Commission finds it necessary to require the applicant to submit a detailed landscaping and erosion control plan for the proposed development

Special condition number two (2) is necessary to ensure that the landscape and erosion control plan is reviewed and approved by the consulting engineering geologist and includes measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring. Such a plan ensures site stability and avoidance of the potentially adverse impacts of erosion and sedimentation in a manner consistent with PRC Section 30253. An individual drainage and pollution control plans will avoid pollution of the blue line stream and off-shore coastal waters, as discussed in further detail below.

The site was previously graded and natural vegetation on the building site has been eliminated. As noted above, Commission approval of the subdivision included provision for landscaping of disturbed areas and a condition is further recommended to ensure landscaping of all graded and disturbed areas, as discussed in greater detail below relative to visual quality.

Since the grading of the site took place as part of the underlying subdivision, there is no natural vegetation on the site presently. Therefore, an additional special condition is not necessary to ensure that removal of natural vegetation for the purpose of fuel modification does not take place without the proposed development being implemented.

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 three (3)*. The Commission finds that only as conditioned above is the proposed project consistent with PRC Section 30253.

C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and

sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic 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, minimizing alteration of natural streams.

As described above, the proposed project is to construct a 3,050 sq. ft., two-story, 22 foot high single family residence with attached garage and septic system. No grading is proposed. The project will result in an increase in the amount of impervious surface and reduction in the naturally vegetated area. Further, use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The removal of natural vegetation and placement of impervious surfaces allows for less infiltration of rainwater into the soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Additionally, the infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff, leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly reduced.

The drainage plan for the underlying subdivision, in combination with the landscaping and erosion control plans required by *special condition 2* above, controls and directs runoff from the site in a non-erosive manner to ensure that risks from geologic hazard

and sedimentation are minimized. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the site. This plan is required by *special condition four (4)*. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

D. Visual Resources

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 proposed project site is located between Cavalleri Road and Kanan Dume Road, approximately 300 feet north of Pacific Coast Highway. Kanan Dume Road has been designated as a scenic highway. The Commission has, in past decisions, required that development that may be viewed from scenic highways or other public areas minimize impacts to visual resources.

The approved subdivision that created the proposed project site included 4,600 cu. yds. of grading (2,400 cu. yds. cut and 2,200 cu. yds. fill) to create an access road with cul-de-sac and building pads for four of the proposed lots (Lots 1, 2, 7, and 8). As noted the proposed development is on Lot 6 which is one of the four lots along Kanan Dume Road, on the eastern slope of the subject site and descending to Kanan Dume Road, which create potential adverse visual impacts. Structures on these four lots (Lots 3, 4, 5, and 6) would be built to the existing slope on raised foundations.

The grading plan included the construction of a 3:1 fill slope necessary to support the proposed cul-de-sac. This fill slope is located on the western edge of the proposed Lots 4 and 5. The Commission found that the subdivision would minimize landform alteration and impacts to visual resources. The Commission did find that it may be necessary to impose design restrictions such as height limits, the use of earth tones for exterior materials, or landscaping on future permits for the individual residences.

In this case, the proposed project site is Parcel (Lot) 6 of the approved subdivision. This lot is directly adjacent to Kanan Dume Road. Kanan Dume Road is recognized as a scenic highway in the certified LUP. The applicant proposes no additional grading for the residence. The proposed residence would be 26 feet in height. Special conditions addressing visual quality, through deed restrictions on future development and color restrictions, have not been required for other residences in subject tract when reviewed by the Commission. Buildout of the tract will blend with the surrounding area and no significant views are affected by the buildout of the tract. The proposed development is below the ridge line which is of very minor significance by virtue of height and location. As designed, for these reasons, the proposed structure will minimize impacts to visual resources.

The applicant was required to provide landscape plans for the whole subdivision as a condition of Permit 4-98-281 (Cariker). However, these plans were more general and addressed the revegetation of graded and disturbed slopes. The Commission finds it necessary to require the applicant to submit a more specific landscaping plan for just the project site, which depicts the location and size of all plant material, including lawn areas. Such a plan shall have vertical elements to screen and soften the visual impact of the project as recommended by *special condition number two (2)*. Further, implementation of landscaping plans utilizing primarily native vegetation will ensure that the proposed development will blend with the surrounding area and minimize impacts to visual resources. This plan must also incorporate the use of native, drought tolerant vegetation to minimize the need for irrigation. In summary, *special condition number two (2)* requires the applicant to prepare a landscape plan and to monitor the success of this revegetation of the building site, and the surrounding Parcel 6.

In conclusion, the Commission finds that the proposed residence will minimize landform alteration. Further, if a landscape plan is developed, implemented, and monitored for the site in accordance with *Special condition number two (2)*, the proposed project will minimize impacts to visual resources. The Commission finds that, as so conditioned, the proposed project is consistent with Section 30251 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. Kanan Dume Road is recognized as a scenic highway in the certified LUP, but because of the location and character of the proposed development relative to the surrounding area, the proposed project will not impact on views along Kanan Dume Road.

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.

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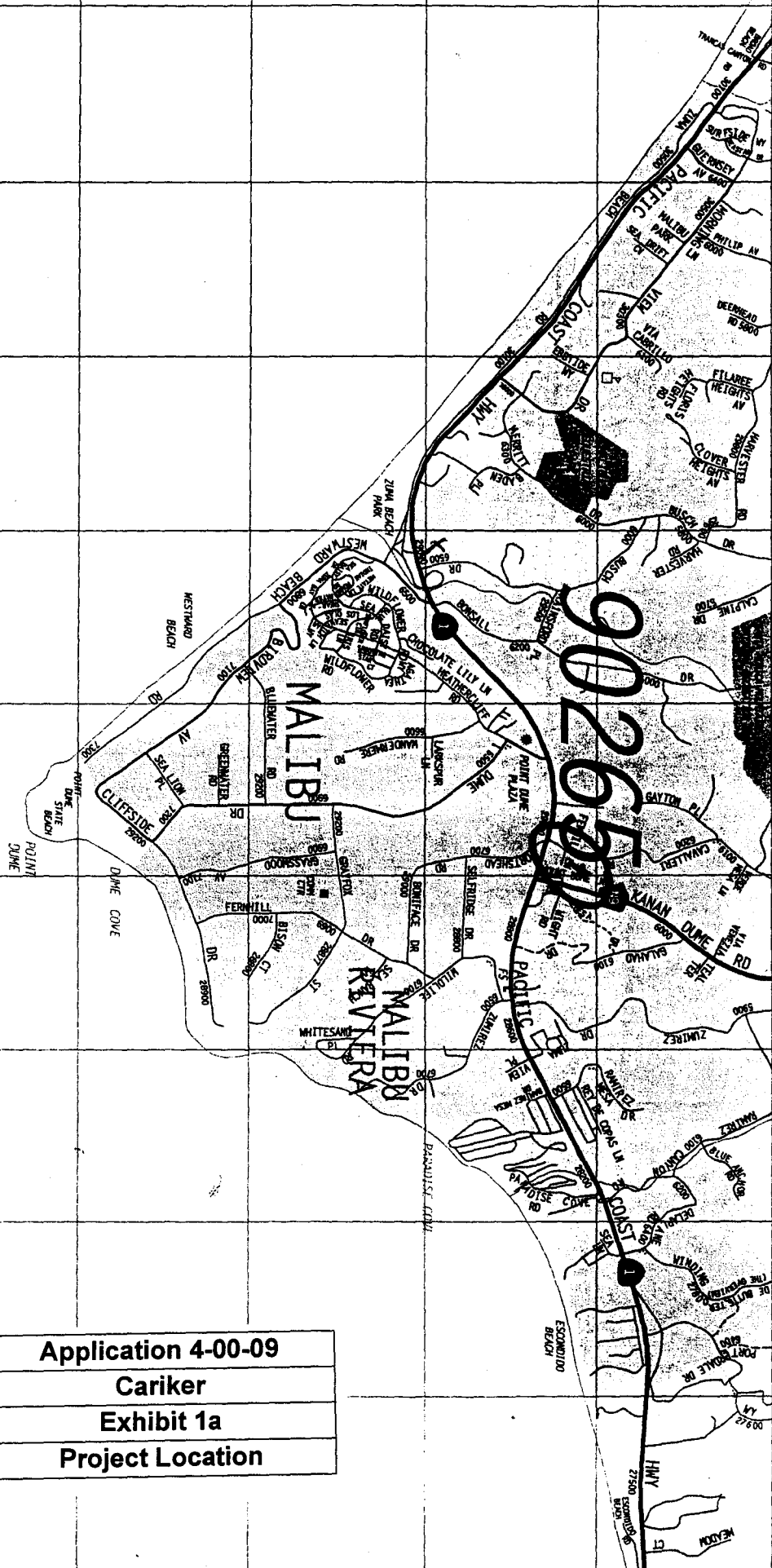
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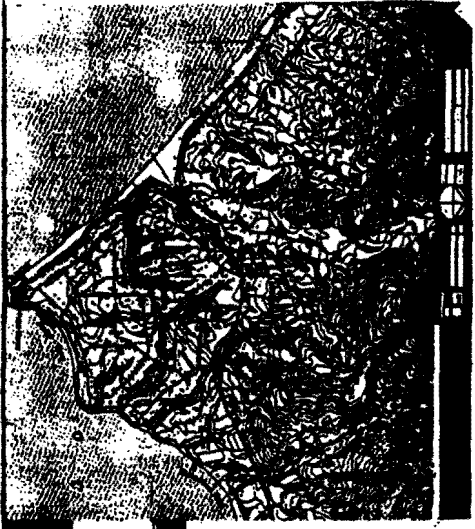
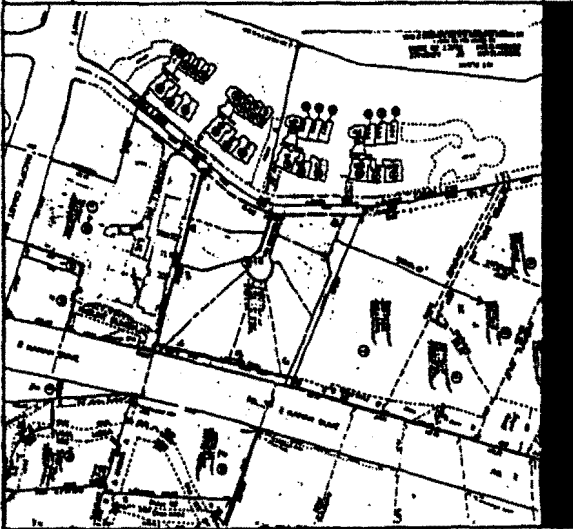
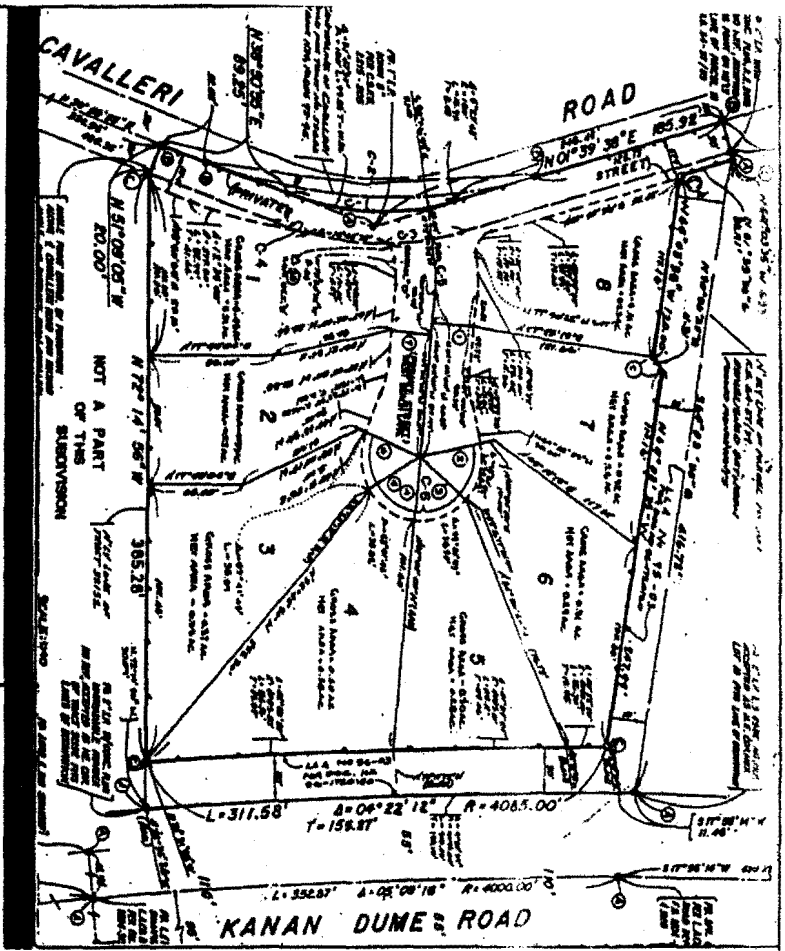
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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Application 4-00-09
Cariker
Exhibit 1a
Project Location

4-00-009



City of Malibu
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 21000 Malibu Canyon Road, Suite 100
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 Phone: (818) 360-1300
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 Applicant: [Redacted]
 Address: 437 5700
 City: Malibu, CA 90263

contents:

- 1 title
- 2 subdivision, landscape management plan
- 3 LA CO fire dept. access and water plan
- 4 fuel modification plan
- 5 Site Plan:
- 6
- 7 first floor architectural
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- 9 sections a-d b-d
- 10 elevations
- 11 details
- 12 general notes
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GENERAL NOTES:

1. All work shall conform to the City of Malibu Ordinance 10.01.010, 10.01.020, 10.01.030, 10.01.040, 10.01.050, 10.01.060, 10.01.070, 10.01.080, 10.01.090, 10.01.100, 10.01.110, 10.01.120, 10.01.130, 10.01.140, 10.01.150, 10.01.160, 10.01.170, 10.01.180, 10.01.190, 10.01.200, 10.01.210, 10.01.220, 10.01.230, 10.01.240, 10.01.250, 10.01.260, 10.01.270, 10.01.280, 10.01.290, 10.01.300, 10.01.310, 10.01.320, 10.01.330, 10.01.340, 10.01.350, 10.01.360, 10.01.370, 10.01.380, 10.01.390, 10.01.400, 10.01.410, 10.01.420, 10.01.430, 10.01.440, 10.01.450, 10.01.460, 10.01.470, 10.01.480, 10.01.490, 10.01.500, 10.01.510, 10.01.520, 10.01.530, 10.01.540, 10.01.550, 10.01.560, 10.01.570, 10.01.580, 10.01.590, 10.01.600, 10.01.610, 10.01.620, 10.01.630, 10.01.640, 10.01.650, 10.01.660, 10.01.670, 10.01.680, 10.01.690, 10.01.700, 10.01.710, 10.01.720, 10.01.730, 10.01.740, 10.01.750, 10.01.760, 10.01.770, 10.01.780, 10.01.790, 10.01.800, 10.01.810, 10.01.820, 10.01.830, 10.01.840, 10.01.850, 10.01.860, 10.01.870, 10.01.880, 10.01.890, 10.01.900, 10.01.910, 10.01.920, 10.01.930, 10.01.940, 10.01.950, 10.01.960, 10.01.970, 10.01.980, 10.01.990, 10.01.1000.

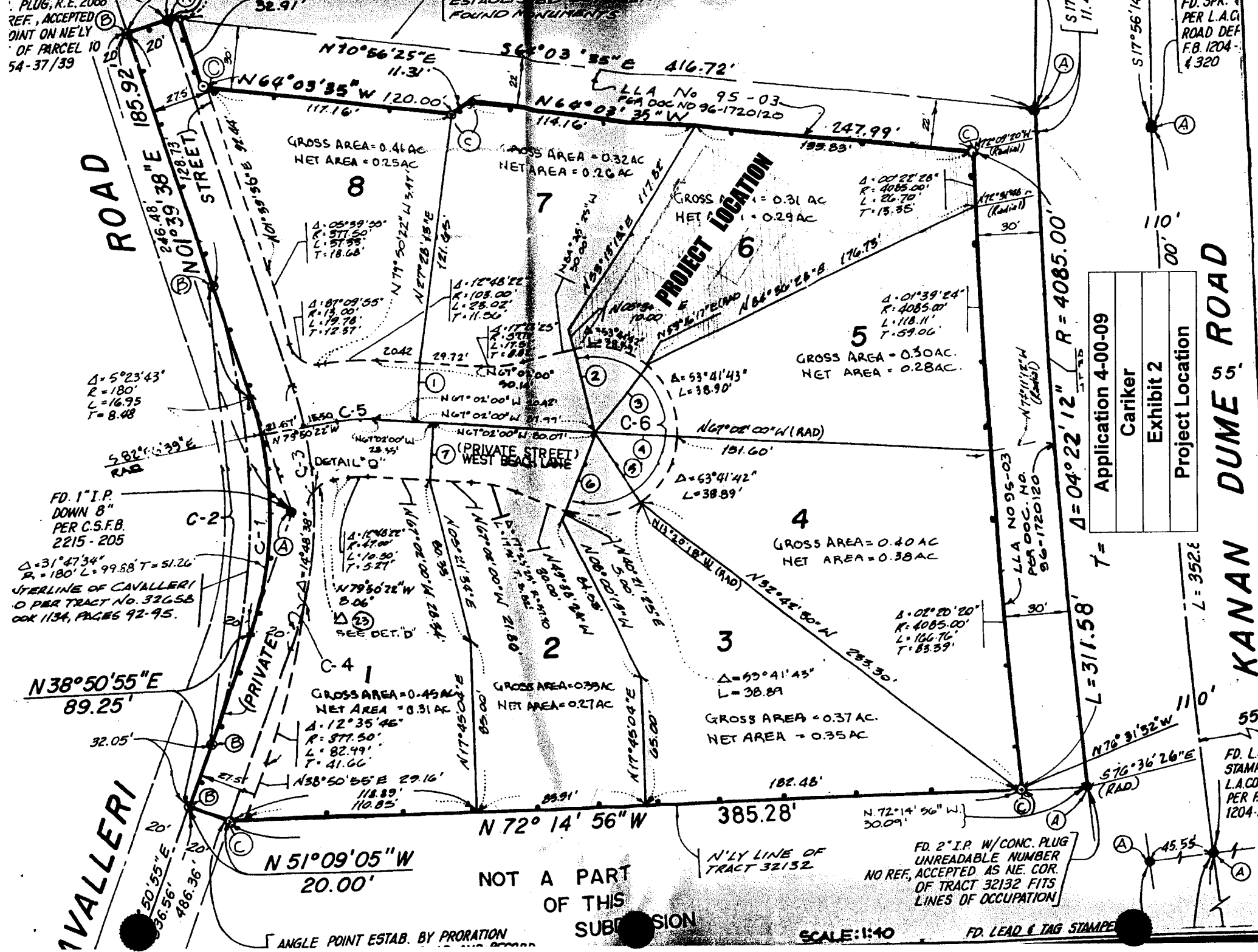
Application 4-00-09
Cariker
Exhibit 1b
Project Location

LOT 6 TRACT 4788
 Malibu, CA 90263
 Planning Department
 21000 Malibu Canyon Road, Suite 100
 Malibu, CA 90263
 Phone: (818) 360-1300
 Fax: (818) 360-1301
 Website: www.cityofmalibu.com

28927 WEST BEACH LANE MALIBU
proposed residence

PLUG, R.E. 2088
 REF. ACCEPTED
 DIANT ON NE'LY
 OF PARCEL 10
 54-37/39

FD. SPK. &
 PER L.A.C.D.
 ROAD DEF.
 F.B. 1204-
 4320



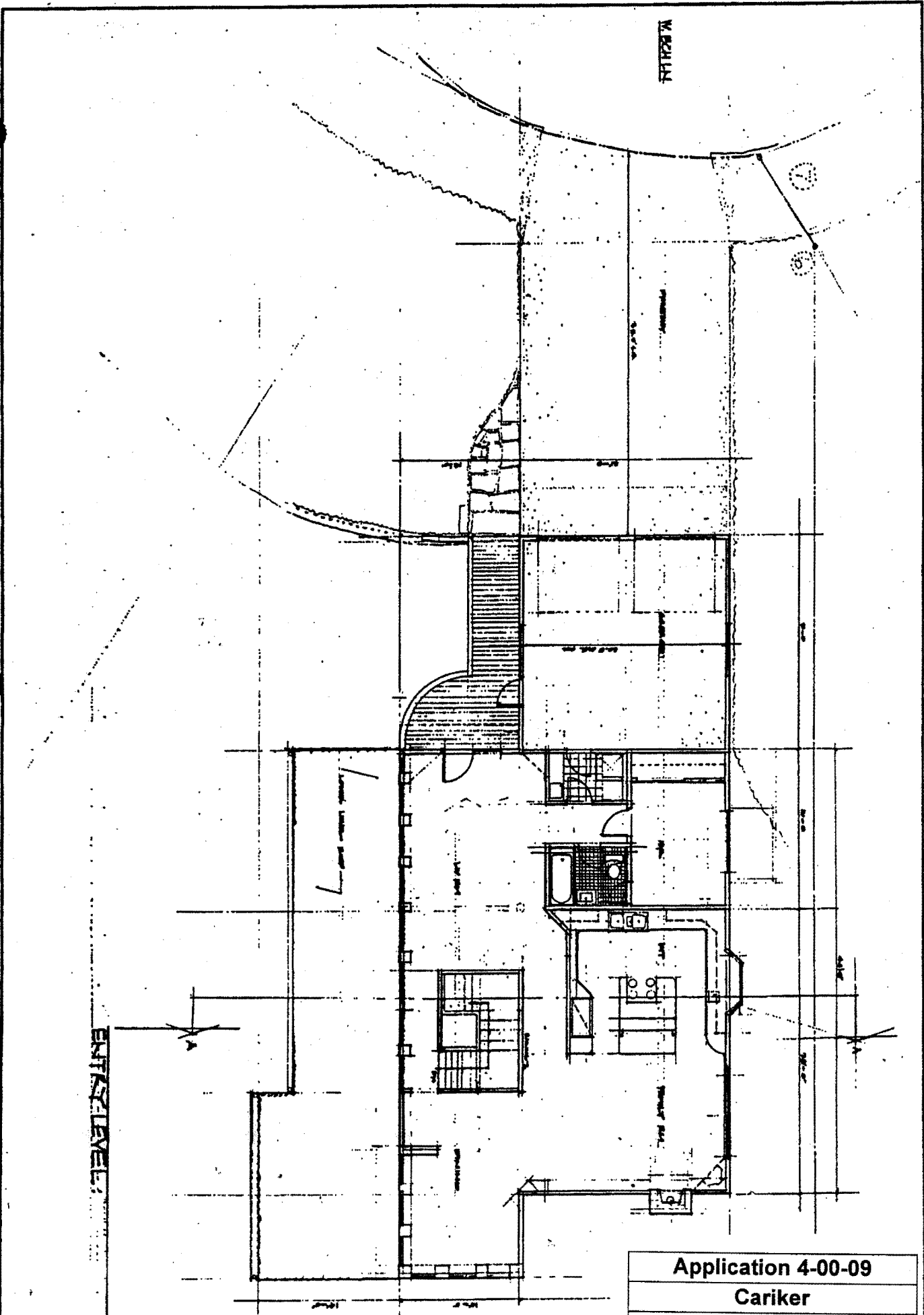
Application 4-00-09
Cariker
Exhibit 2
Project Location

NOT A PART
 OF THIS
 SUBDIVISION

SCALE: 1:40

FD. LEAD & TAG STAMPE

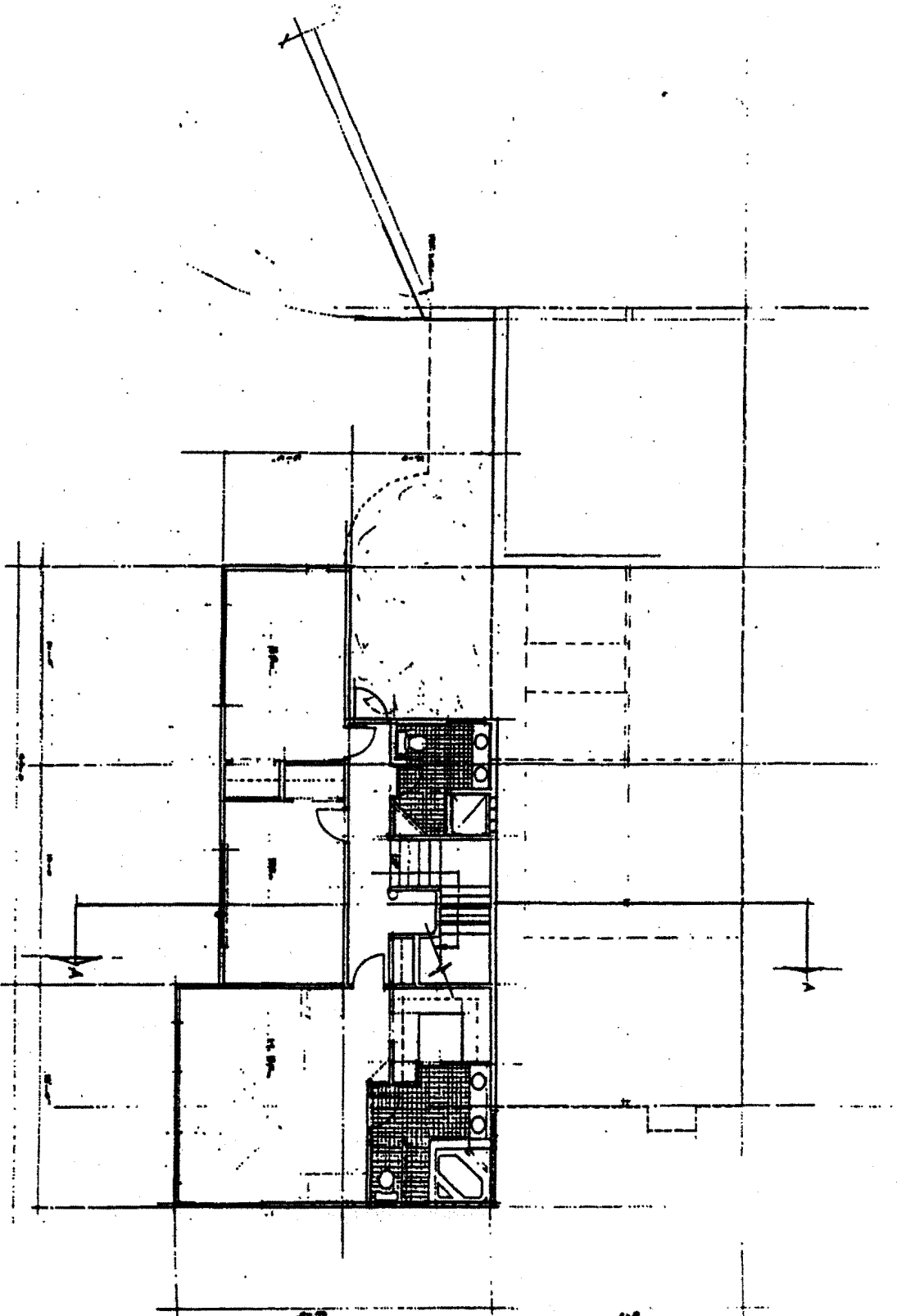
FD. LEAD
 STAMPE
 L.A.C.D.
 PER PW.
 1204-31



Application 4-00-09
Cariker
Exhibit 4 a
Floor Plan

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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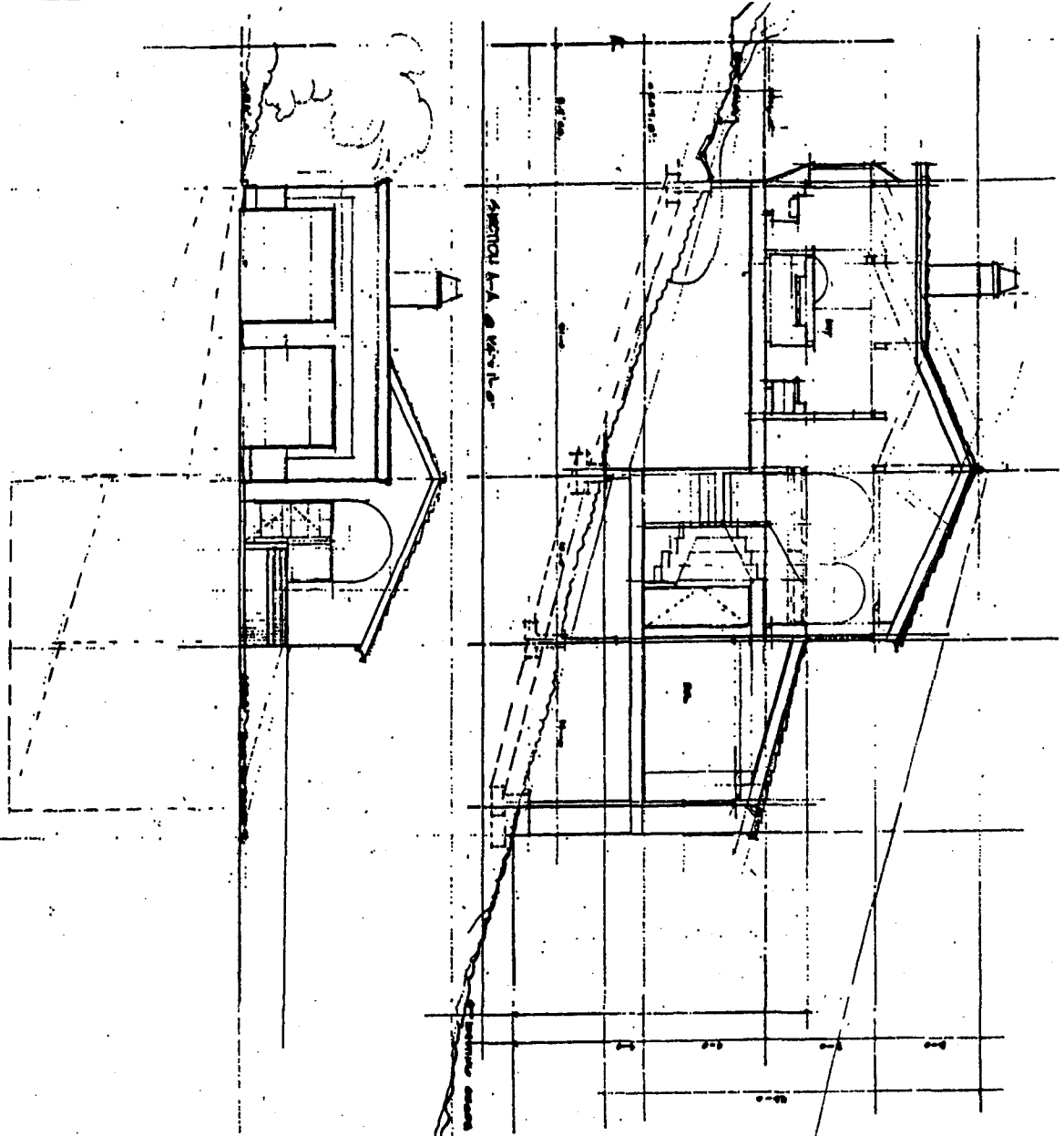
LOWER LEVEL



Application 4-00-09
Cariker
Exhibit 4 b
Floor Plan

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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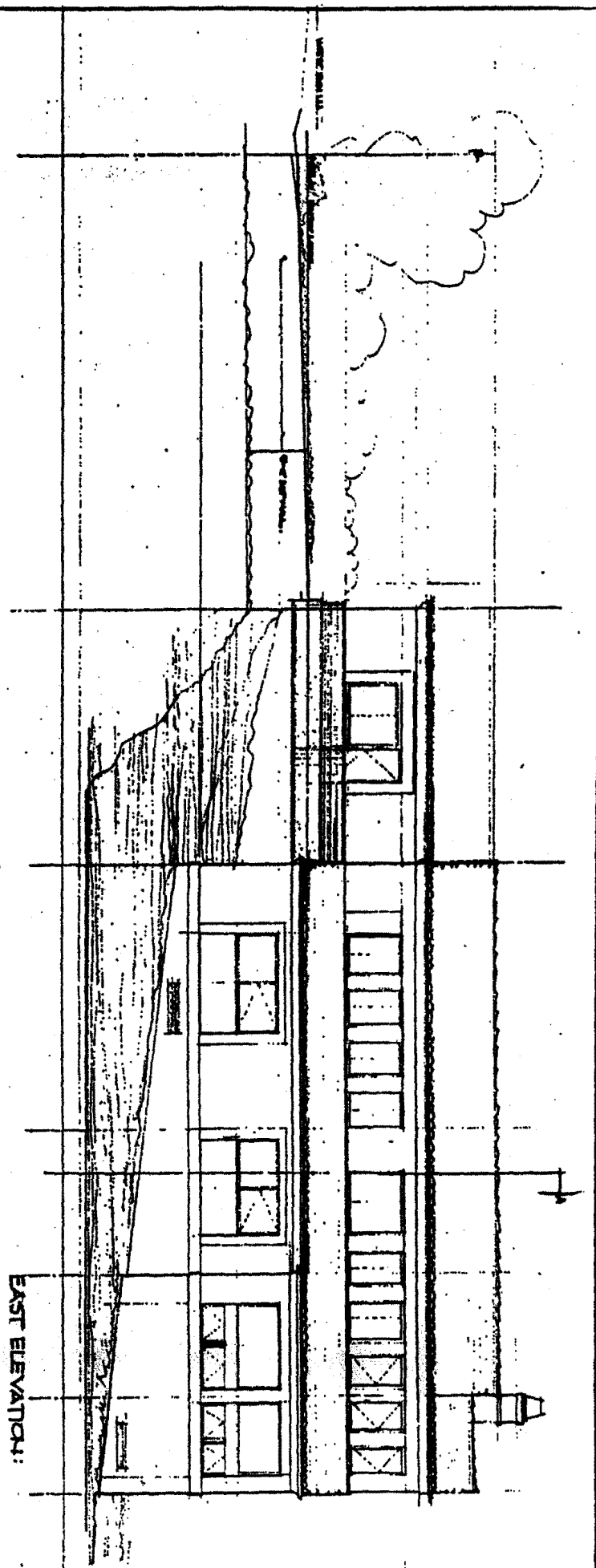
SECTION A-A - WEST ELEVATION



Application 4-00-09
Cariker
Exhibit 5 a
Elevations

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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EAST ELEVATION:



Application 4-00-09
Cariker
Exhibit 5 b
Elevations

1	2	3	4	5	6	7	8	9	10
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1	2	3	4	5	6	7	8	9	10
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