

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

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Staff Report: 5/23/01
Hearing Date: 6/15/01
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-01-053

APPLICANT: Bob Helper, Chong Soon Martin **AGENT:** Bob Helper

PROJECT LOCATION: 29637 & 29725 Pacific Coast Highway, City of Malibu

PROJECT DESCRIPTION: Construct a 520 foot long access driveway to serve two existing vacant lots including fire truck turn around, gate, retaining walls, and grade 1,445 cubic yards of cut and 620 cubic yards of fill.

Parcel A area: 3.81 acres
Parcel B area: 2.16 acres
Pavement coverage: 14,180 sq. ft.
Plan Designation: Residential I, 1 dwelling unit per acre

LOCAL APPROVALS RECEIVED: Approval In Concept, City of Malibu Planning Department, dated 3/12/01; Geology and Geotechnical Engineering Review Sheet, City of Malibu, dated February 8, 2001; Coastal Commission Approval Only, Los Angeles County Fire Department, dated 3/14/01.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit Number 4-99-022, Martin; Updated Soils and Engineering-Geologic Investigation by California GeoSystems, dated October 27, 2000; Phase One Archaeological Study by Robert Wlodarski, Historical, Environmental, Archaeological, Research Team, dated August 2000.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with five Special Conditions addressing; plans conforming to geologic recommendation, a landscape plan, drainage and polluted runoff control plan, disposal of excess material, and driveway and retaining wall appearance deed restriction. The two subject parcels were part of a three parcel lot line adjustment approved by the Commission in June 1999. The Commission's approved plan for this prior approved lot line adjustment identified this proposed common driveway and the two building sites as the conceptual project for future residential development on these parcels. Therefore the proposed project, as conditioned, is consistent with the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

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

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

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **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.

5. **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

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Engineer consultant's review and approval of all project plans. All recommendations contained in the submitted geologic report titled:

Updated Soils and Engineering-Geologic Investigation by Geosystems, dated October 27, 2000,

shall be incorporated into all final design and construction including: site preparation, retaining walls, and pavement/proposed parking area/fill placement. All plans must be reviewed and approved by the consultants.

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. LANDSCAPE PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) Landscaping Plans

All graded & disturbed areas and the graded building pad 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 February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

All cut and fill slopes on the subject site 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. The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed project, from the Pacific Coast Highway, Zuma Beach, and the Pacific Ocean to the south and southeast;

Plantings shall 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;

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.

B) Interim Erosion Control Plan

The landscape/erosion control 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 to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

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 geo-fabric covers or other appropriate cover, install geo-textiles 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.

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 geo-textiles 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 (5) years from the date of the applicant's receipt of the Building Permit Completion from the City of Malibu for the driveway, 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. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control 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 geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary 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 or BMPs 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.

4. Disposal of Excess Material

The applicant shall dispose of all of the excavated or cut excess material consisting of 825 cubic yards to an appropriate disposal site located either outside of the Coastal Zone or a site located within the Coastal Zone with a valid Coastal Development Permit for the disposal of fill material, except for the 620 cubic yards of material proposed to be used for fill on the project site.

5. DRIVEWAY AND RETAINING WALL APPEARANCE DEED RESTRICTION

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, two copies of a revised site and elevation plans identifying the specific color (provide a color palate

sample) of the proposed exposed surface of the driveway and all retaining walls as a color compatible with the surrounding environment. The color of the exposed surface of the driveway and retaining wall permitted hereby shall be restricted to a color compatible with the surrounding environment (white and black tones shall not be acceptable).

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants are requesting approval of a 520 foot long access driveway to serve two existing lots including a fire truck turn around, gate, retaining walls consisting of three walls (0 ft. – 2 ft. high, 46 feet long, 2 ft. – 4 ft. high, 90 feet long, 4 ft. - 6 ft. high, 164 ft. long) and grade 1,445 cubic yards of cut and 620 cubic yards of fill (Exhibits 3 and 4).

The subject site, two vacant lots, are located inland of Pacific Coast Highway and directly across from Zuma Beach Park (Exhibits 1 and 2). The site is surrounded by residential development located to the west, north, and east. The subject site fronts on Pacific Coast Highway. To the south of the site beyond Pacific Coast Highway is Zuma Beach Park. Driveway access to the two lots is directly from Pacific Coast Highway and will be taken immediately off of an existing driveway used by other existing residences located to the west of the site. The applicant proposes to construct a new residence on one of the subject lots in Application Number 4-01-045 scheduled for the Commission's June 2001 agenda.

The Los Angeles County Land Use Plan designates these parcels as Residential I, one dwelling unit per acre. The subject site is not located within any designated environmentally sensitive habitat areas. The existing drainage on a portion of these lots is not a mapped stream. The applicant provided an archaeological report titled; Phase One Archaeological Study by Robert Wlodarski, Historical, Environmental, Archaeological, Research Team, dated August 2000. The results of the Study indicated that no prehistoric or historic archaeological resources were encountered within the project area and that any proposed improvements to the project area will have no adverse impact on known cultural resources.

The project site has been the subject of previous permit actions by the Commission. On June 7, 1999, the Commission approved Coastal Development Permit No. 4-99-022 to adjust the lot lines among three existing lots; two lots are still vacant, and one lot included a duplex. No new lots were created as a result of this Permit. On July 13, 1989, the Commission approved Coastal Development Permit No. 5-89-187 to demolish a single family residence, and subdivide three parcels into 10 residential lots and one common area lot for road and landscaping, construct 10 single family residences, 35 feet above existing grade, pools and decks, two parking courts, 45 parking spaces, septic systems and extension of Baden Place, a public street. The Commission in January 1992 extended this Coastal Permit for an additional year. Coastal Permit No. 5-89-187 expired in July 1993 and the project was never constructed.

B. Individual/ Cumulative Impacts of Development on Coastal Resources

Section 30250 (a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

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 30105.5 of the Coastal Act defines the term "cumulatively", as it is applied in Section 30250(a) to mean that:

...the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states as follows:

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

encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30253 of the Coastal Act provides that new development minimize risks to life and property in areas of high geologic and fire hazard:

New development shall:

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

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

The Coastal Act requires that new development, including driveways to future building sites, be permitted within contiguous, or in close proximity to existing developed areas, or if outside such areas, only where public services are adequate and only where public access and coastal resources will not be individually or cumulatively affected by such development. Section 30250 requires three tests to be met by the proposed development.

The new development proposed in this project consists of a constructing a 520 foot long access driveway to serve two existing vacant lots including a fire truck turn around, gate, three retaining walls, and grade 1,445 cubic yards of cut and 620 cubic yards of fill, located at 29637 & 29725 Pacific Coast Highway, in the City of Malibu (Exhibits 3 and 4). The proposed project is located within an existing residential subdivision that appears to have been created in 1949 prior to the effective date of the Coastal Act. The majority of the surrounding lots are developed with residences, except for a lot to the east of the site that is developed as a small commercial shopping center. Because most of the surrounding lots are already developed and the site is located in the lower marine terrace area of the Santa Monica Mountains in the City of Malibu, the Commission finds that the new development proposed in this application will be located within an existing developed area, and meets the first test.

The two vacant lots are already provided or are adjacent to public services, (i.e., public road access, water, electricity and telephone), therefore, the development is located in an area able to accommodate it and meets the second test. The third test, addressing whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources is discussed below. Potential individual impacts on coastal resources will be addressed first.

The Commission has reviewed and approved the previous lot line adjustment on this site in Coastal Permit Number 4-99-022 to ensure that reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically stable and include an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In this case, the Commission has reviewed a conceptual common driveway leading from an existing driveway leading from Pacific Coast Highway to two building sites on the northern portions of these two lots. The applicant proposes to construct this common driveway to serve the two building sites on these two lots. (Exhibit 3) The grading proposed is the minimum necessary to meet the Los Angeles County Fire Department requirements for fire protection purposes. As identified in Coastal Permit Number 4-99-022, (Martin) the proposed common driveway route and location is the preferred alternative to minimize grading and landform alteration necessary to complete residential development on these parcels. The site does not include any designated environmentally sensitive resources on site, and the site is not located within a sensitive watershed area.

The applicant submitted a soils and geology report that addresses the proposed residence and pool (this development is the subject of Application No. 4-01-045, Helper & Schoenberger) and the subject driveway and retaining walls. The "Updated Soils and Engineering-Geologic Investigation by California GecSystems, dated October 27, 2000, found that there are no observed geologic hazards on the site. This geology report concluded that the surface and geologic conditions at this site are suitable for construction of the proposed development from a soils and engineering-geologic standpoint provided the recommendations included herein are incorporated into the development plans. This report concludes:

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

The applicant submitted a Geology and Geotechnical Engineering Review Sheet, dated February 8, 2001 from the City of Malibu for the proposed driveway and retaining walls in addition to the proposed residence. The City's Geologist and Engineer determined that this proposed project is "approved in concept" in the planning stage. The recommendations in this geology report addresses the following issues: site grading, building recommendations, and sewage disposal system. Based on the findings and recommendations of the consulting geologist and engineer, 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 these consultants as conforming to their recommendations, as noted in Special Condition Number One for the final plans for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition into the drainages leading to Zuma Creek and the designated wetland at the mouth of Zuma Creek. As required by Special Condition Number Two, the applicants are required to submit a Landscape Plan for the proposed development. These plans incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities.

Regarding non-point source pollution and the effects of runoff and erosion on sensitive coastal resources discussed above previously such effects need to be minimized. The proposed project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality in the ESHA designated Zuma Creek and Wetland. As a result, site drainage needs to be collected and distributed in a non-erosive manner. Because of the slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through Special Conditions Numbers Two and Three, to submit drainage / erosion control plans conforming to the recommendations of the consulting geologist and engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall

be landscaped with appropriate native plant species, as specified in Special Condition Number Two.

The applicant proposes to excavate 1,445 cubic yards of material and fill 620 cubic yards on site to construct the driveway, fire department turn around, and retaining walls on the subject lots. To ensure that the remainder of the cut material is disposed of at an appropriate site located either outside the coastal zone or a site located within the coastal zone with a valid coastal development permit for the disposal of fill material, Special Condition Number Four is necessary.

The Commission finds that the proposed project meets the first test of Section 30250 and will not create impacts to coastal resources on an individual or cumulative basis, and therefore, the Commission finds the project meets the third test of Section 30250. Thus, the Commission finds that, only as conditioned, is the proposed project consistent with Section 30231, 30240, 30250, and 30253 of the Coastal Act.

C. 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 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.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Commission reviews the visibility of the proposed project from public roads, lands, and trails. The project site will highly visible from the nearest public highway, Pacific Coast Highway, located immediately adjacent to the south. Regarding public lands, the project site will also be highly visible from Zuma Beach Park, the public beach and the ocean located to the south and southeast of the project site. The project will not be visible from public trails. The two future building sites are visible from Pacific Coast Highway and Zuma Beach Park. The future building sites are located at an elevation of about 75 feet above sea level or about 50 feet above the road elevation of Pacific Coast Highway. Although the building sites will be visible from the Highway and Zuma Beach, the visibility will be reduced because the building sites are located near the most landward portion of the lot. These building sites are located about 340 and 380 feet landward from Pacific Coast Highway. However, the proposed driveway and retaining walls will be highly visible from Pacific Coast Highway and Zuma Beach Park, the beach and ocean. Special Condition Number Five addresses and mitigates the visual impact to public views by requiring the color of the exposed surfaces of the proposed driveway and retaining walls be a color compatible with the surrounding

environment and that white or black tones will not be accepted. This Condition will be addressed by requiring the applicant to submit revised site and elevation plans for the review and approval of the Executive Director identifying the specific color by providing a color palate sample of the proposed exposed surface of the driveway and all retaining walls as a color compatible with the surrounding environment. The applicants will also be required to record this development appearance restriction as provided in Special Condition Number Five.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded and restored areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. As required by Special Condition Number Two, the disturbed and graded areas will be replanted with native plants. As required by Special Condition Number Two, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the driveway and retaining walls with trees and shrubs as viewed from publicly visible locations located to the south and southeast.

Regarding landform alteration, the applicant has provided a grading plan prepared by a registered engineer indicating that 1,445 cubic yards of cut and 620 cubic yards of fill is needed to create the common driveway and retaining walls for the two vacant lots. As noted on Exhibit 3, the future driveway will be a spur to the east of an existing driveway, cross a flat area, and then rise up about 45 feet to the building sites on proposed two lots. A 20 foot wide consolidated driveway rising up a 17 % slope to the two future building sites will require a total of 2,065 cubic yards of cut and fill with the offsite disposal of the difference consistent with Special Condition Number Four to meet the minimum Los Angeles County Fire Department emergency access requirements. As identified in Coastal Permit Number 4-99-022, (Martin) the proposed common driveway route and location is the preferred alternative to minimize grading and landform alteration necessary to complete residential development on these parcels. Therefore, the Commission finds that the design of the proposed project will minimize the alteration of landform and physical features on the site and minimizes impacts to public views to and along the coast. Thus, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30251.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

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

E. California Environmental Quality Act (CEQA)

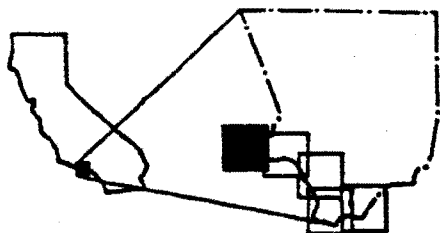
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

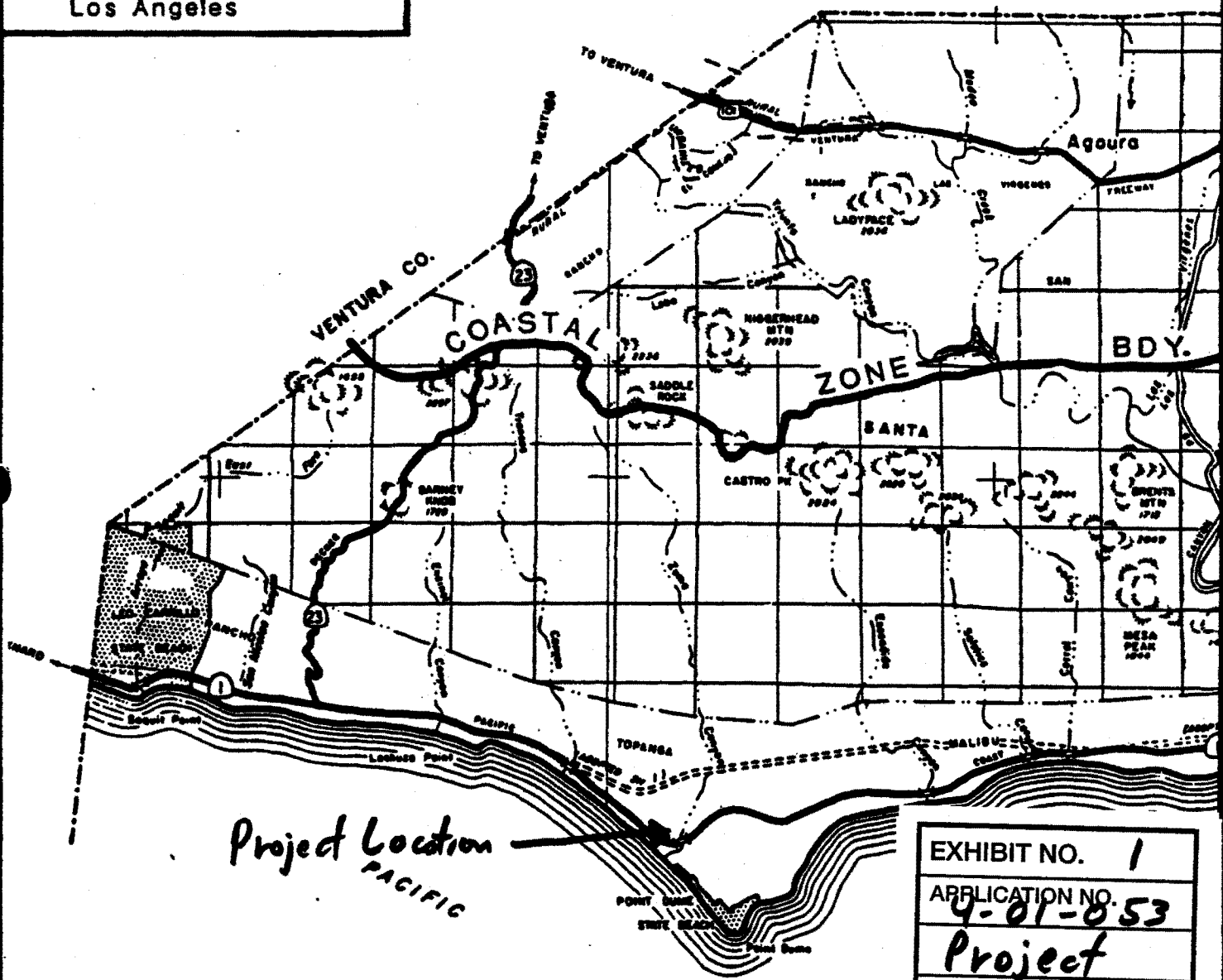
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Los Angeles



Project Location
PACIFIC

EXHIBIT NO. 1
APPLICATION NO. 4-01-053
<i>Project</i>
<i>Location</i>

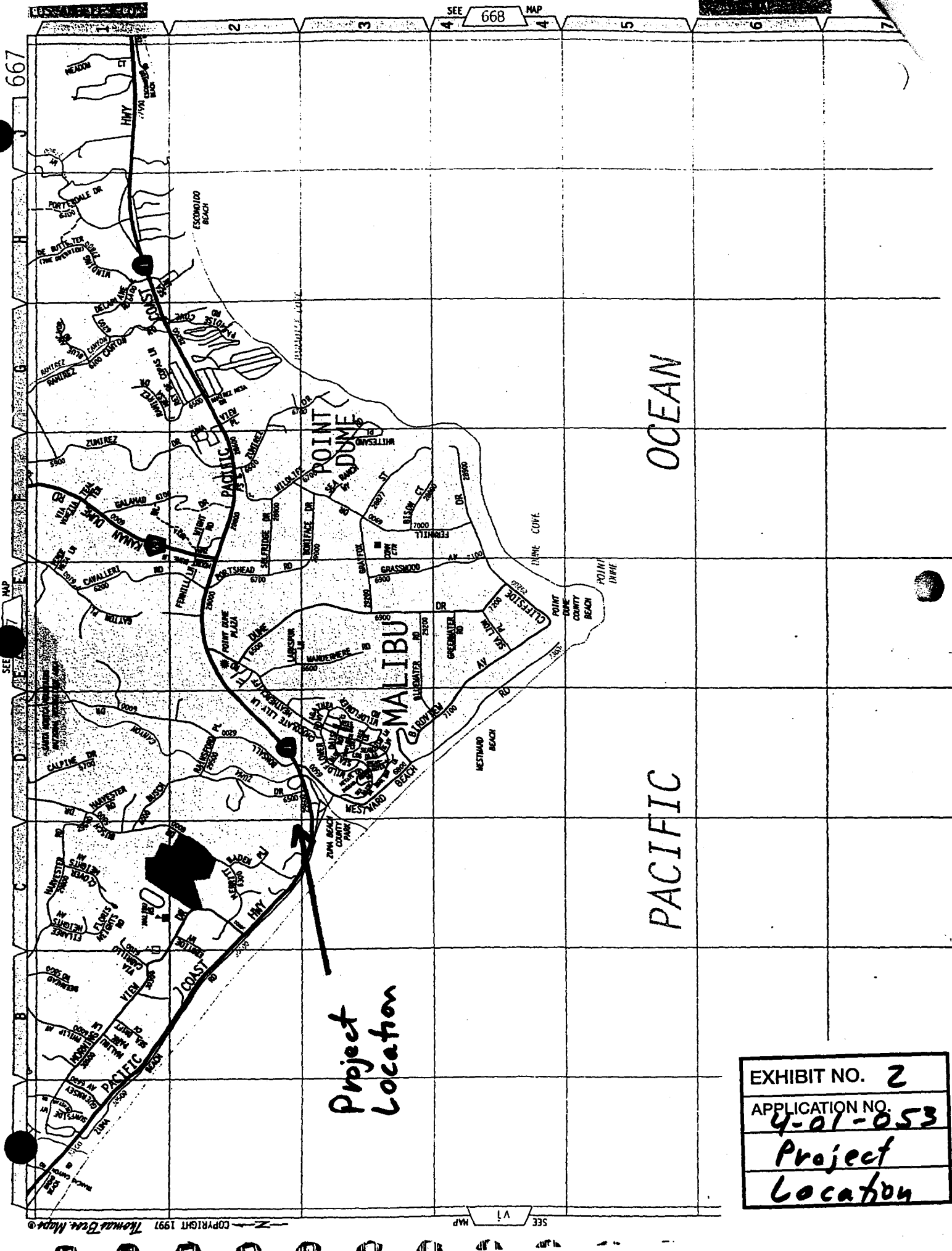
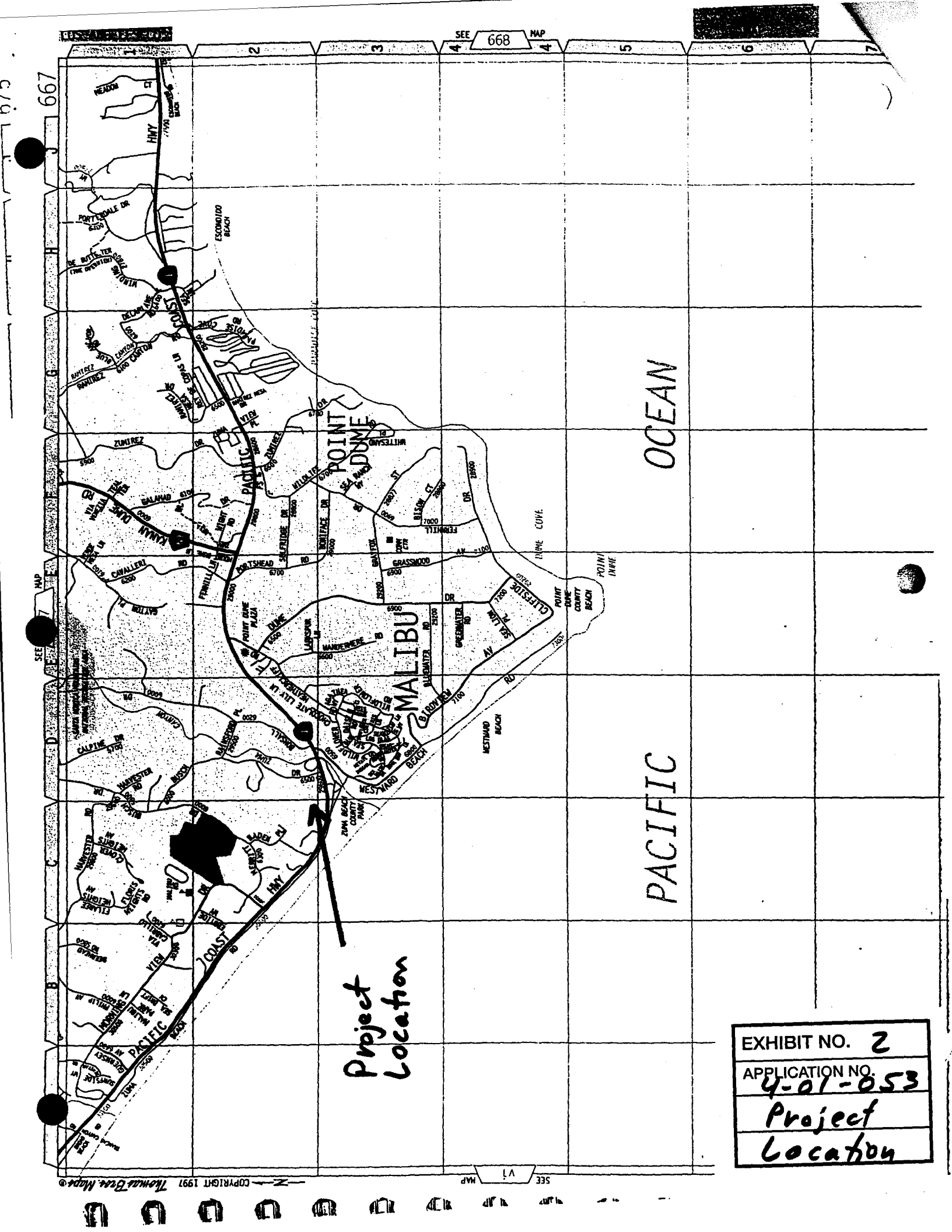
California Coastal Commission

LOCATION MAP



County of Los Angeles

Sheet 1 of 5



Project Location

OCEAN

PACIFIC

EXHIBIT NO. 2
APPLICATION NO. 4-01-053
Project Location

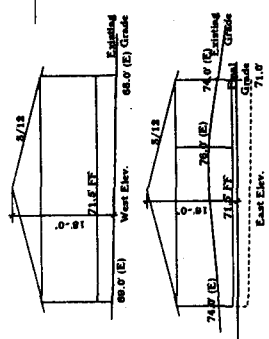
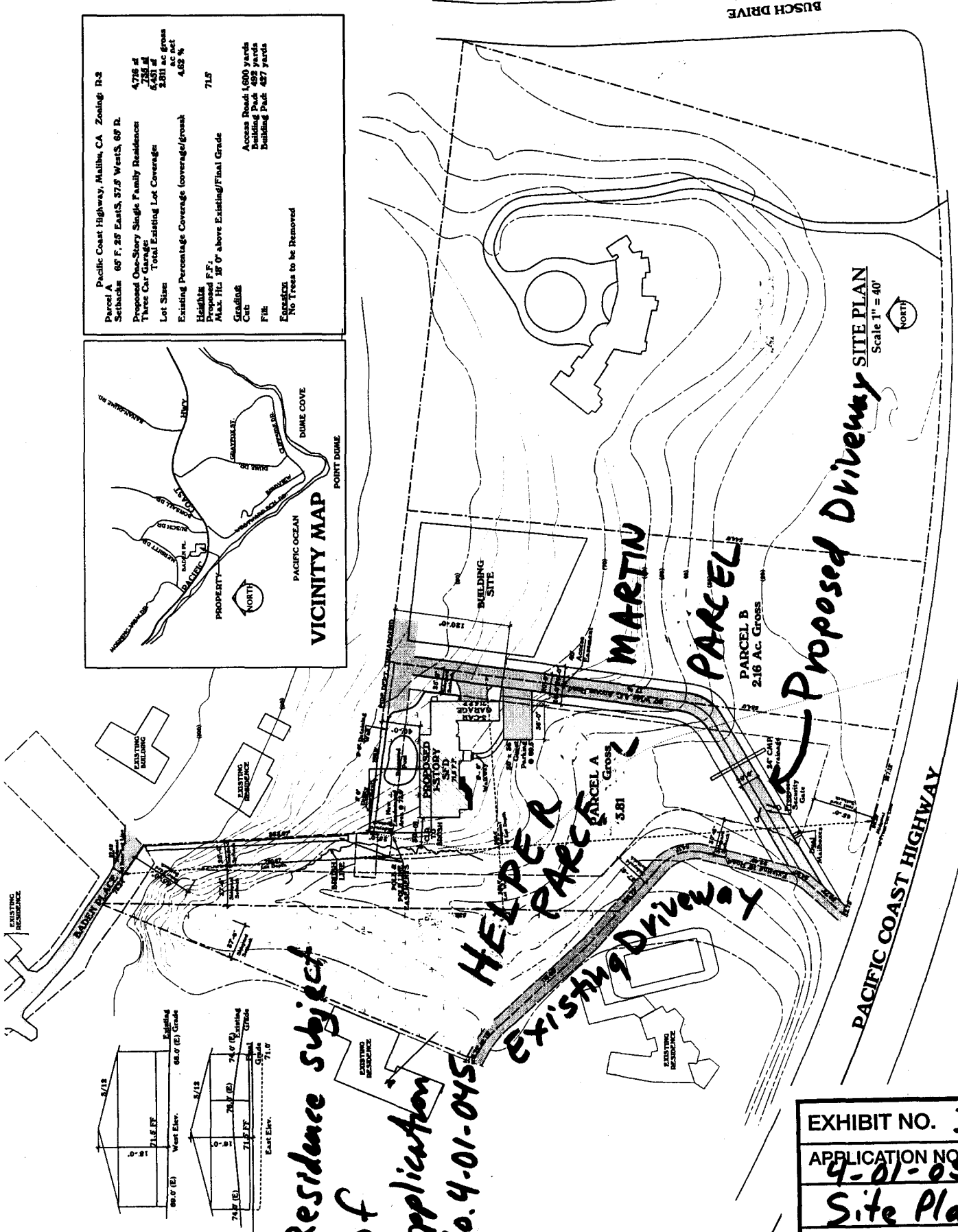
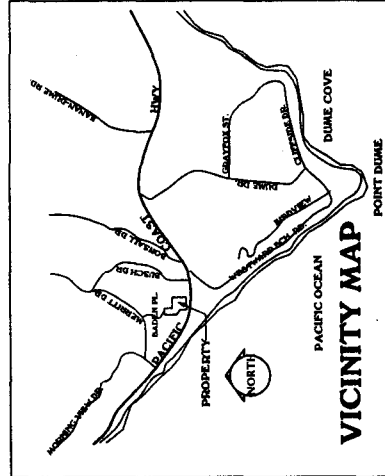
Drawn by: *Cliff Cowles*
 Plans & Permits
 Cliff Cowles
 510.689.9195 Fax: 510.689.9195
 Malibu, CA 90264
 P. O. Box 6746

Mr. & Mrs. Robert Helper/*Martin*
 29725 Pacific Coast Highway, Malibu, CA 90265
 Los Angeles City AP No. 017-4469-022, 310457/8394

SITEPLAN

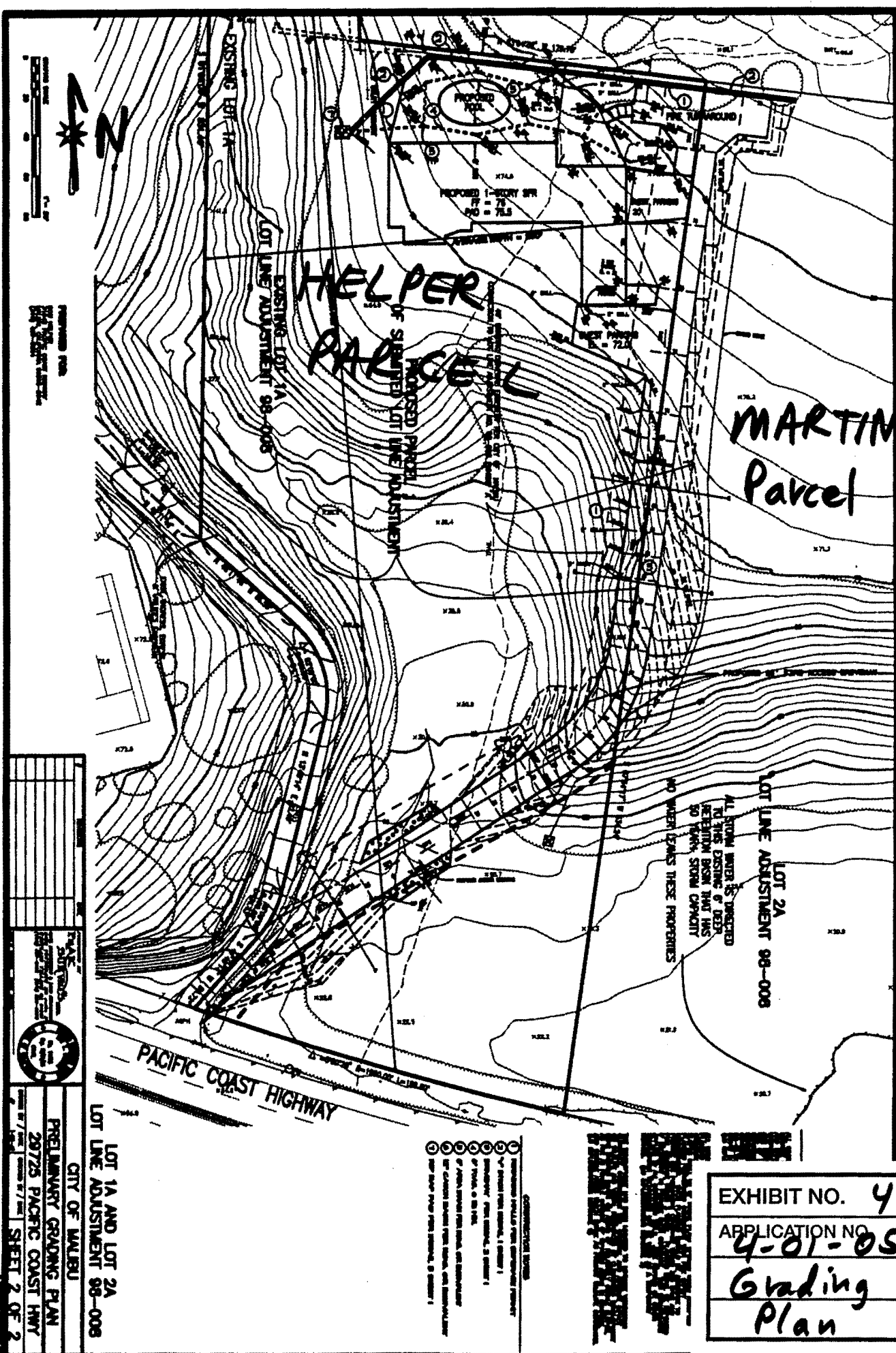
1

Parcel A
 Pacific Coast Highway, Malibu, CA Zoning: R-2
 Setbacks: 60' F, 25' East, 37.5' West, 60' R.
 Proposed One-Story Single Family Residence
 Three Car Garage
 Total Existing Lot Coverage
 Lot Size
 Existing Percentage Coverage (coverage/gross)
 4.62 %
 4.78 %
 755 sq ft
 5,431 sq ft
 2,811 sq ft
 4.62 %
 7LF
 Height: Proposed F.F., Max. Ht. 25' 0" above Existing/Final Grade
 Access Road: 1600 yards
 Building Pad: 492 yards
 Building Foot: 437 yards
 Grading: Cat
 F.R. Exposure: No Trees to be Removed



Residence subject of Application No. 4-01-045

EXHIBIT NO. 3
APPLICATION NO. 4-01-053
Site Plan



N

Scale: 1" = 20'

PREPARED FOR
THE CITY OF MALIBU
 28725 PACIFIC COAST HWY

**HELPER
 Parcel**

**MARTIN
 Parcel**

EXISTING LOT 1A

EXISTING LOT 2A
 LOT LINE ADJUSTMENT 98-008

PROPOSED LOT LINE ADJUSTMENT

LOT 2A
 LOT LINE ADJUSTMENT 98-008

PACIFIC COAST HIGHWAY



PRELIMINARY GRADING PLAN
 28725 PACIFIC COAST HWY
 SHEET 2 OF 2

LOT 1A AND LOT 2A
 LOT LINE ADJUSTMENT 98-008

- 1. PROPOSED LOT LINE ADJUSTMENT
- 2. PROPOSED 1-STORY SWR
- 3. PROPOSED 1-STORY SWR
- 4. PROPOSED 1-STORY SWR
- 5. PROPOSED 1-STORY SWR
- 6. PROPOSED 1-STORY SWR
- 7. PROPOSED 1-STORY SWR
- 8. PROPOSED 1-STORY SWR
- 9. PROPOSED 1-STORY SWR
- 10. PROPOSED 1-STORY SWR

EXHIBIT NO. **4**
 APPLICATION NO.
4-01-053
**Grading
 Plan**

