

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 WEST BROADWAY, SUITE 380

LONG BEACH, CA 90802

(213) 590-5071

RECEIVED
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COASTAL COMMISSION
SOUTH COAST DISTRICT

Permit Application No. 5-89-1193

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Date 3/22/90



ADMINISTRATIVE PERMIT

APPLICANT: Nat Brenner

PROJECT DESCRIPTION: Construction of a 4,490 sq. ft., 31 ft. high as measured from existing grade, single-family residence with attached garage, septic system and 2,553 cu. yds. of grading (2,053 cu. yds. of cut and 500 cu. yds. of fill).

PROJECT LOCATION: 22778 Saddle Peak Road, Malibu

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

9:00 A.M. - Thursday, April 12, 1990 (619) 260-8500
Ramada Inn - Old Town, 2435 Jefferson Street, San Deigo, CA 92110

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Title: Coastal Program Analyst

B1: 4/88

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 this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The applicant proposes to construct a 4,490 square foot, 31 foot high single-family residence with attached three car garage, septic system and 2,553 cu. yds. of grading (2,053 cu. yds. cut, 500 cu. yds. of fill) on a 9 acre lot on Saddle Peak Road, Malibu.

The proposed building area is located adjacent to Saddle Peak road above a westward draing canyon. The slope between the pad and the canyon is as steep as 1:1 horizontal to vertical in some areas where rock outcrops are exposed and is as high as sixty feet. General slope gradients for the remainder of the iste are approximately 2:1 or flatter to the west and southwest.

B. Background

On September 14, 1984, the Commission approved permit 5-84-274 (Goodstein & Watson) for the subdivision of 3 parcels totalling 60 acres into 14 parcels. Grading and pad location was addressed in the permit. The permit was approved with conditions including transfer of development credits (11), trail dedication, viewing area, and an open space easement. All conditions were met and the permit was issued.

The subject permit is for a house on one of the previously approved lots under permit 5-84-274 (Goodstein & Watson). The proposed project is in conformance with all of the concerns addressed in the previously approved permit and conforms to the height requirement of the Malibu certified LUP.

C. Grading and Landform Alteration

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character 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 addition, the Malibu LUP contains the following policies regarding protection of visual resources which are applicable to th proposed development:

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

- P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.
- P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.
- P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.
- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:
- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.
 - minimize the alteration of natural landforms.
 - be landscaped to conceal raw-cut slopes.
- P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.
- P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The proposed building pad will be located south of Saddle Peak Road and approximately 80 feet from the road. The proposed project will require 2,053 cu. yds. of grading for the construction of a building pad and driveway. The driveway will also serve as access for three other lots approved by the subdivision. Grading for the building pad and road and the pad location are in conformance with the approved subdivision plan.

As proposed the visual impact and landform alteration to the subject property and surrounding area will not be significant. To ensure that the potential for erosion is mitigated the applicant shall submit landscaping and erosion control plans that indicate that all cut and fill slopes will be landscaped to stabilize the slopes and to minimize erosion, and that all sediment from runoff during construction is retained on site. The Executive Director determines, therefore, as conditioned the project will be consistent with past Commission permit decisions for the area and with applicable policies of the LUP and Section 30251 of the Coastal Act.

D. Geologic Hazards

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

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

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

The geologic report prepared for the applicant by Buena Engineers, Inc. (11/1/89) states that the site is suitable for the proposed development and that the property will be safe from landslide, settlement or slippage provided that the recommendations are incorporated into the plans and implemented. Recommendations include foundations, grading and drainage. The report further concludes that the completed work will not adversely affect adjacent properties. The Executive Director determines, therefore, that only as conditioned to incorporate all recommendations by the consulting Geologist will the proposed project be consistent with Section 30253 of the Coastal Act.

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

E. Water Quality:

Section 30231 of the Coastal Act states that:

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

In addition, the Malibu/Santa Monica Mountains Land Use Plan contains the following policies concerning sewage disposal:

P217. Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes....

P226 The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

A favorable percolation test was performed on the subject property which indicates that the percolation rate is sufficient to serve a future single-family dwelling on the site. The applicant has submitted approval of the septic system from the Department of Health Services. Furthermore, the consulting geologist states that the site is suitable for the septic system and there should be no adverse influence on the site and surrounding areas downslope. The Executive Director determines, that the project as proposed is consistent with Section 30231 of the Coastal Act and all relevant policies of the LUP.

F. 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 Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains LCP. The Certified LUP contains policies to guide the types, locations and intensity of future development in the Malibu/Santa Monica Mountains area. As proposed, the development will not create adverse impacts and is consistent with the policies contained in the LUP. Therefore, the Executive Director determines, that approval of the proposed development will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

SPECIAL CONDITIONS:

1. Landscaping and Erosion Control Plan

Prior to transmittal of permit, the applicant shall submit landscaping and erosion control plans prepared by a licensed architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (c) 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 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads;
- (d) Vegetation within 30 feet of the proposed house may be removed to mineral earth, vegetation within a 100' 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.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic Engineering Report prepared by Buena Engineers, Inc. (11/1/89) regarding the proposed development shall be incorporated into all final design and construction plans including grading, foundation and drainage. All plans must be reviewed and approved by the consultants. Prior to transmittal of the permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all final design and construction plans.

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

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Nate Brenner
Applicant's Signature

08-15-90
Date of Signing

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