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CALIFORNIA COASTAL COMMISSION

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

Page 1 of 6
 Application No.: 4-97-135
 Date: 8/21/97



ADMINISTRATIVE PERMIT

APPLICANT: Malibu Cross Creek Ltd.

AGENT: Darren Domingue

PROJECT DESCRIPTION: Installation of a new 665 sq. ft. tent canopy and "after the fact" approval for the construction of a 280 sq. ft. office structure and septic system for the purpose of an auto detail/car wash.

PROJECT LOCATION: 23410 Civic Center Way, City of Malibu, Los Angeles County

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:

September 9, 1997 9:00 A.M.
 Eureka Inn, 7th and F Streets
 Eureka, (707) 442-6441

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 acknowledgment 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: Steven M. Hudson
 Title: Staff Analyst

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 and Background

The applicant proposes to install a new 665 sq. ft. tent canopy and is requesting "after the fact" approval for the construction of a 280 sq. ft. office structure and septic system for the purpose of an auto detail/car wash. The project site is located in a built-out commercial area of Malibu in an existing shopping center parking lot. The 280 sq. ft. office structure was constructed without the benefit of a coastal development permit for the purpose of operating a car wash.

The project site has been the subject of past permit action by the Commission. On November 8, 1977, Coastal Development Permit 77-1048 was issued for the construction of a two-story commercial complex with retail/office space. Special conditions for this permit involved parking requirements, landscaping, maintenance and a runoff infiltration plan. Currently, 118 parking spaces are available within the existing parking lot. The proposed project includes restriping of the existing parking configurations in order to provide seven additional parking spaces (a total of 125 parking spaces) and to widen the existing handicapped parking spaces in order to bring them into compliance with regulations. The proposed development is not visible from Pacific Coast Highway, is consistent with surrounding development, and will not create any new adverse impacts to visual resources.

B. 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 proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. The applicant has submitted the Geotechnical Addendum Letter by RJR Engineering Group, Inc. dated 7/25/97 which states that:

No geologic hazards other than those associated with a seismic event will be encountered at the site. The Malibu Coast Fault is located within the area and the buried trace is shown to be north of the site

Therefore, as proposed, the Executive Director determines that the proposed development is consistent with Section 30253 of the Coastal Act.

C. Public Access

New development on a beach or between the nearest public roadway to the shoreline and along the coast raise issue with the public access policies of the Coastal Act.

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

In addition, Section 30250(a) of the Coastal Act requires that new development be permitted only where public services are adequate and where such development will not have any adverse impacts on coastal resources. Further, the Coastal Act requires that new development be consistent with public access policies (30210, 30211, and 30212) of the Coastal Act and assure the public's ability to access the coast. Finally, the Coastal Act requires that areas necessary to support coastal recreational uses, such as visitor-serving commercial uses, be protected for such uses. In addition, Coastal Development Permit 77-1048, previously issued for the project site, requires that public parking be allowed in the existing parking lot located on site during weekends and holidays.

On a statewide basis, the Commission has required through permit actions and approved local coastal programs that new developments have adequate parking. Parking standards required by the Commission were included in its certification of the Malibu/Santa Monica Mountains LUP in 1986. The Commission has consistently found in its review of permits in the Malibu/Santa Monica Mountains coastal zone that one of the fundamental impediments to coastal access is lack of public beach access parking. The Commission has further found that commercial projects can impact access through inadequate provision of off-street parking. If commercial enterprises do not provide adequate off-street parking for their patrons, people will utilize on-street parking areas for overflow parking. This can negatively impact coastal access by reducing the potential on-street parking which would ordinarily be available for beach-goers. In most beach communities, on-street parking is usually limited at best.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan contains a number of policies regarding parking facilities. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with Sections 30210, 30211, 30212, 30250 and 30252 of the Coastal Act. For example, Attachment 11 of the LUP on Parking Standards requires that a carwash facility must have three (3) spaces for each two (2) wash stalls. In the case of this project, the carwash/auto detailing facility will have a maximum of three (3) stalls (one stall for washing automobiles and two

stalls for auto detail work). Existing development on site consists of a shopping center and parking lot with 118 existing parking spaces. The applicant is proposing the creation of seven (7) new parking spaces through restriping of the existing parking lot to raise the number of available parking spaces to 125. Staff calculates, based on the requirements listed above and other available evidence, that the proposed project will not require more than five (5) additional parking spaces. As such, the proposed project does have adequate parking, will not displace current public parking and will not adversely impact public access to the coast. Therefore, as proposed, the Executive Director determines that the proposed development is consistent with Sections 30210, 30211, 30212, 30250 and 30252 of the Coastal Act.

D. Violations

The applicant is requesting "after the fact" approval for the construction of a 280 sq. ft. office structure and septic system for the purpose of an auto detail/car wash. All work has been previously carried out without the benefit of a coastal development permit and constitutes a violation of the Coastal Act. The applicant is now proposing to install a new 665 sq. ft. tent canopy in addition to retaining all past unpermitted development on site.

Although the above mentioned development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

E. Septic System

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

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

The proposed development includes "after the fact" approval for a septic system for the carwash/auto detail facility to provide for adequate wastewater disposal. The proposed septic system will not be used for sewage disposal but to contain wastewater resulting from operation of the carwash facility. The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Executive Director determines that the proposed project is consistent with Section 30231 of the Coastal Act.

F. 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 Chapter 3 (commencing with Section 30200) 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 Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that a coastal development permit shall be issued 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 drafted in this permit, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Executive Director determines that approval of the proposed development 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).

G. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate erosion control plans. As approved, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Executive Director finds that the proposed project, as drafted in this permit to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

SMH-VNT

FILE: SMH/4-97-135

4458 20
 SCALE 1" = 200'

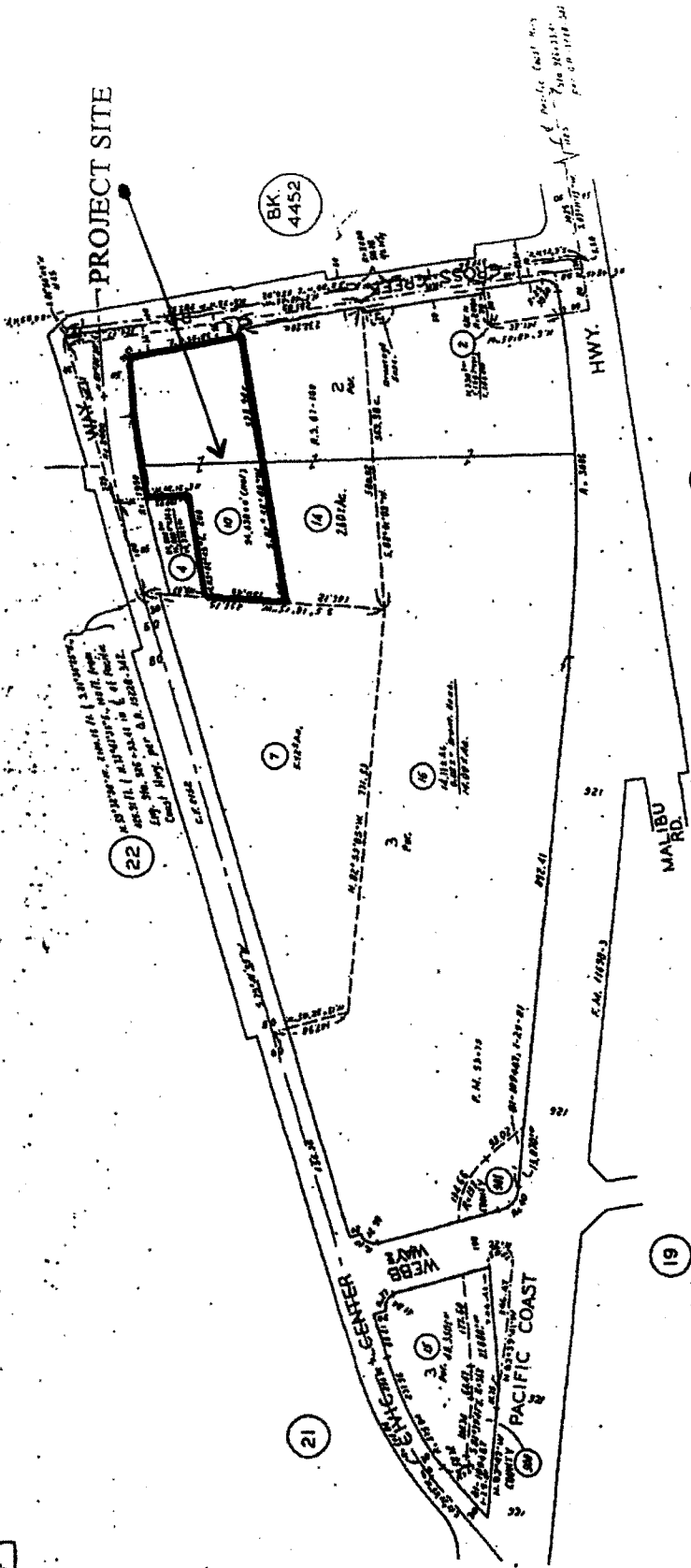
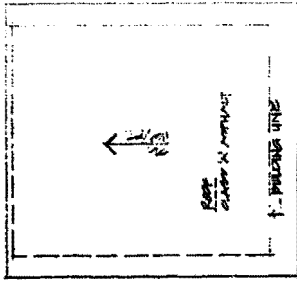
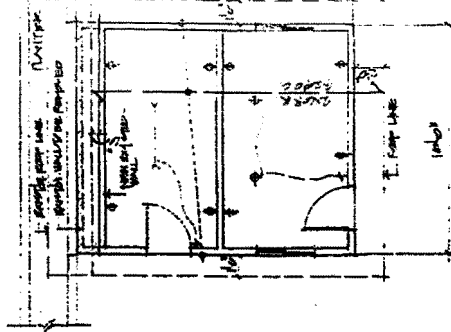


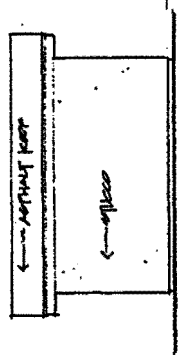
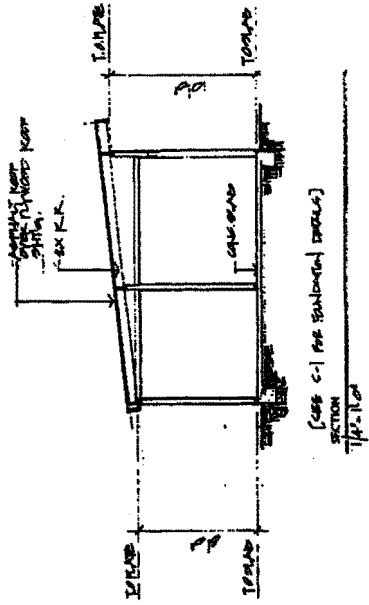
Exhibit No. 2: (4-97-135) Parcel Map for Project Site



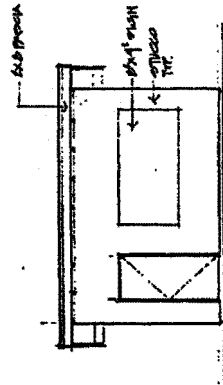
ROOF PLAN
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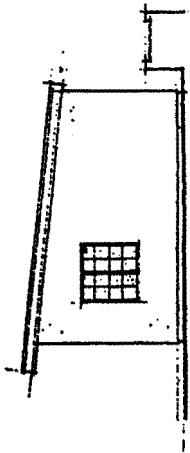
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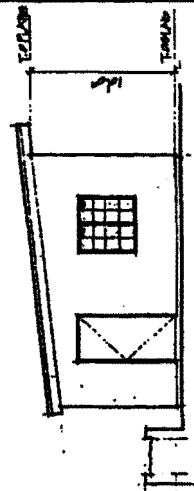
WEST ELEVATION
 1/4" = 1'-0"



EAST ELEVATION
 1/4" = 1'-0"



NORTH ELEVATION
 1/4" = 1'-0"



SOUTH ELEVATION
 1/4" = 1'-0"