

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
MALIBU, CA 93001
(5) 641-0142

Filed: 11/1/96
49th Day: 12/20/96
180th Day: 4/30/97
Staff: J. Johnson
Staff Report: 11/20/96
Hearing Date: 12/10-13/96
Commission Action:
7597A

STAFF REPORT: CONSENT CALENDAR

Th 3d

APPLICATION NO.: 4-96-157

APPLICANT: John & Lori Tartol

AGENT: Taryn Breen

PROJECT LOCATION: 30240 Morning View Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a two story 26 feet high structure attached to a single family residence with a three car garage on the ground floor and a second floor exercise room and bathroom of 816 sq. ft. Install a septic tank to existing sewage disposal system.

Lot area:	2.39 acres
New building coverage:	816 sq. ft.
Total building coverage:	4,081 sq. ft.
Total Pavement coverage:	2,850 sq. ft.
Landscape coverage:	16,000 sq. ft.
Parking spaces:	3 covered
Plan Designation:	Residential I
Zoning:	1 du/ 1 acre
Project Density:	1 du/ 2 acres
Ht abv fin grade:	26 ft.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department dated 8/19/96; In Concept Approval for Septic System, Department of Environmental Health, City of Malibu, dated August 12, 1996; Soils Engineering Investigation, Proposed Garage and Exercise Room Addition, dated August 28, 1996, by Alpine Geotechnical; Approval in Concept, Fire Department, County of Los Angeles, dated 8/26/96.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit 4-96-064, Thatcher; Coastal Permit 4-96-022, Smith.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with two (2) Special Conditions addressing plans conforming to the consulting geotechnical engineer's recommendations, and landscape and erosion control / drainage plans. The project site is located within a partially developed subdivision about 500 feet north of Pacific Coast Highway and Zuma Beach Park. The site now includes a residence without a garage. The former garage was converted to living space a number of years ago. The proposed garage and second floor recreation room is attached to the residence by a second floor deck. The proposed development is not visible from Pacific Coast Highway or Zuma Beach Park.

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development 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, and will not have any significant adverse impacts 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in the report, "Soils Engineering Investigation, Proposed Garage and Exercise Room Addition", dated August 28, 1996, by Alpine Geotechnical Consultants, including issues related to: grading - compacted fills, spread footings, foundation settlement, floor slabs, concrete work, drainage, vegetation and irrigation, utility trench backfill, and plan review shall be incorporated in

the final project plans, including the landscape plan. All plans must be reviewed and approved by the geotechnical engineering consultant.

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.

2. LANDSCAPE AND EROSION CONTROL PLANS

Prior to issuance of permit, the applicant shall submit a landscape plan and an erosion control / drainage plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- a) All disturbed 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, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- b) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the approved landscape plan within thirty (30) days of final occupancy of the residence. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.
- c) 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 disposal location.
- d) The erosion control plan shall assure that run-off from the roof, patios, driveway and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area and drains surface water to the existing drainage channel in a non-erosive manner. By the acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to insure that the system functions properly. Should the devices fail or any erosion result from drainage from the project, the applicant or successor interests shall be responsible for any necessary repairs and restoration.

IV. Findings and Declarations.

A. Project Location and Description

The project site is located within a partially developed subdivision about one tenth of a mile north of Pacific Coast Highway and Zuma Beach Park. (Exhibits 1 and 2) The site is a 2.39 acre parcel with an existing residence located on the landward side of a relatively flat mesa along Morning View Drive. The residence had an existing garage which was converted a few years ago to a family room. The property ranges from the 24 foot to 30 foot elevation above sea level, gently sloping towards Pacific Coast Highway and the beach. However, the parcel extends only part way from Morning View Drive towards Pacific Coast Highway. The parcel is mostly landscaped except in the area of the proposed addition.

The applicants propose to construct an addition to the existing residence consisting of a two-story garage and second floor recreation room. The addition is attached to the existing residence with a second floor deck and breezeway. The first floor is a three car garage (816 sq. ft.) and stairway. The second floor includes a recreation room and bath room of 816 sq. ft. and an exterior deck. The proposed project is not a secondary dwelling unit or guest house. The existing residence's septic system will be connected to the proposed addition with an additional septic tank. A small amount of grading, about 75 cubic yards, will occur to cut the project site and recompact the fill material on site. (Exhibits 3 - 5)

The Los Angeles County Land Use Plan designates the lot as Residential I, one dwelling unit per acre. The City of Malibu designates the zoning on the lot as Rural Residential, with a two acre minimum lot size. The parcel with one dwelling unit per two acres conforms with the Los Angeles County Land Use Plan.

B. Geologic and Fire 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 Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted a geologic report titled: "Soils Engineering Investigation, Proposed Garage and Exercise Room Addition, dated August 28, 1996 by Alpine Geotechnical. This report addresses the geology issues by concluding:

Based upon the exploration performed for this investigation, it is our finding that construction of the proposed garage with a second story exercise room is feasible from a soils engineering standpoint, provided our advice and recommendations are made a part of the plans and are implemented during construction.

The recommendations in this soil engineering investigation address the following issues: grading - compacted fills, spread footings, foundation settlement, floor slabs, concrete work, drainage, vegetation and irrigation, utility trench backfill, and plan review. Based on the findings and recommendations of the consulting geotechnical engineer, the Commission finds that the development is consistent with PRC Section 30253 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 are certified in writing by the consulting geotechnical engineer as conforming to their recommendations, as noted in condition number one (1) for the final project design, grading and drainage, and landscape and irrigation plans for the proposed residence.

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in the drainage leading to Pacific Coast Highway and Zuma Beach Park. In addition, the recommendations of the consulting engineer emphasizes the importance of proper drainage and erosion control measures to ensure the stability of development on the site. A landscape and erosion control plan which includes a drainage plan is needed to minimize erosion from the project site and potential sedimentation into an adjoining drainage channel. For this reason, the Commission finds it necessary to require the applicant to submit landscape, erosion control and drainage plans to minimize erosion and to provide plantings primarily of native species. To ensure all disturbed slopes and soils are stabilized with landscaping after construction, a landscape plan that includes native drought resistant, and fire retardant plants compatible with the surrounding vegetation is necessary. Special Condition number two (2) requires landscape and erosion control/drainage plans that provides for the use of native plant materials, plant coverage and replanting requirements and the submittal of a drainage plan that will minimize erosion from the project site, and drain surface water in a non-erosive manner. The drainage plan should provide for the positive discharge of water through drainage routes in a manner that reduces the potential for erosion. The above soils report includes recommendations regarding surface drainage which will be applied as appropriate by the consulting geotechnical engineer when the final plans are reviewed and approved by the consulting engineer.

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geotechnical engineer and require landscape and erosion control / drainage plans will the proposed project be consistent with Section 30253 of the Coastal Act.

C. Visual Impacts

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 project site is located about one tenth of a mile inland from Pacific Coast Highway and Zuma Beach County Park on top of a mesa. The proposed addition will not be visible from either Pacific Coast Highway or Zuma Beach Park due to the topography of the landform; the proposed structure is located at the far side of a relatively flat mesa, at the 75 foot elevation.

Regarding public trails, the Zuma Ridge Trail is located about one third of a mile further inland from the project site. It is unknown if the proposed project will be visible from this trail. In any event, the visibility of the proposed structure is relatively small compared to the visibility of the existing residence on the site, and more importantly the significantly larger and more visible residential compounds in the immediate neighborhood.

In conclusion, the structure will not be visible from public viewing areas along the Pacific Coast Highway or Zuma Beach Park, although it may be visible to a limited degree from the Zuma Ridge Trail and Morning View Drive. Grading of the proposed site is limited to about 75 cubic yards of cut and recompaction for the construction of the building pad. This grading will not result in any significant landform alteration on the site and will not be visible to the public. In any event, any visual impacts of the site and structure can be further mitigated by requiring all graded areas and the perimeter of the structure to be adequately landscaped. Although the applicant proposes to landscape the area surrounding the structure, the plan has not been submitted. The landscaping should consist of native, drought resistant plants. The landscape plan should be designed to minimize and control erosion, as well as, screen and soften the visual impact of the structure as viewed from the Zuma Ridge Trail and Morning View Drive. Therefore, condition number two (2) requires the applicant to submit a landscape plan meeting the above requirements to minimize the visual impact and an erosion control plan to minimize erosion as a result of the proposed project. The Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal 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, and minimizing alteration of natural streams.

Section 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes installing a septic tank to the existing residence's sewage disposal system to provide for adequate sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services, City of Malibu. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

E. 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 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).

F. 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 Commission 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 plans conforming to the consulting geotechnical engineer's recommendations, and landscape and erosion control / drainage plans. As conditioned, 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 Commission finds that the proposed project, as conditioned 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.

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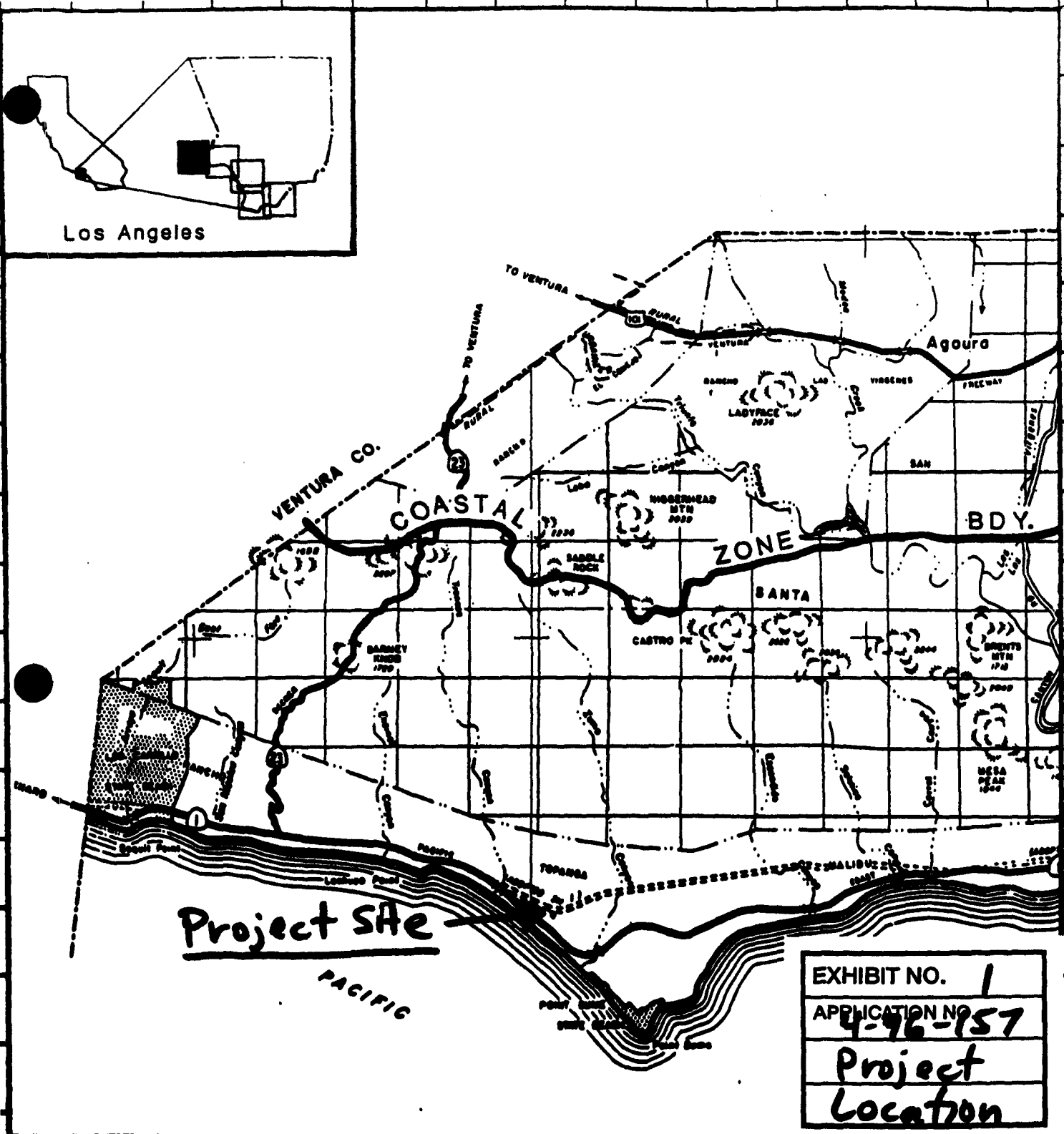
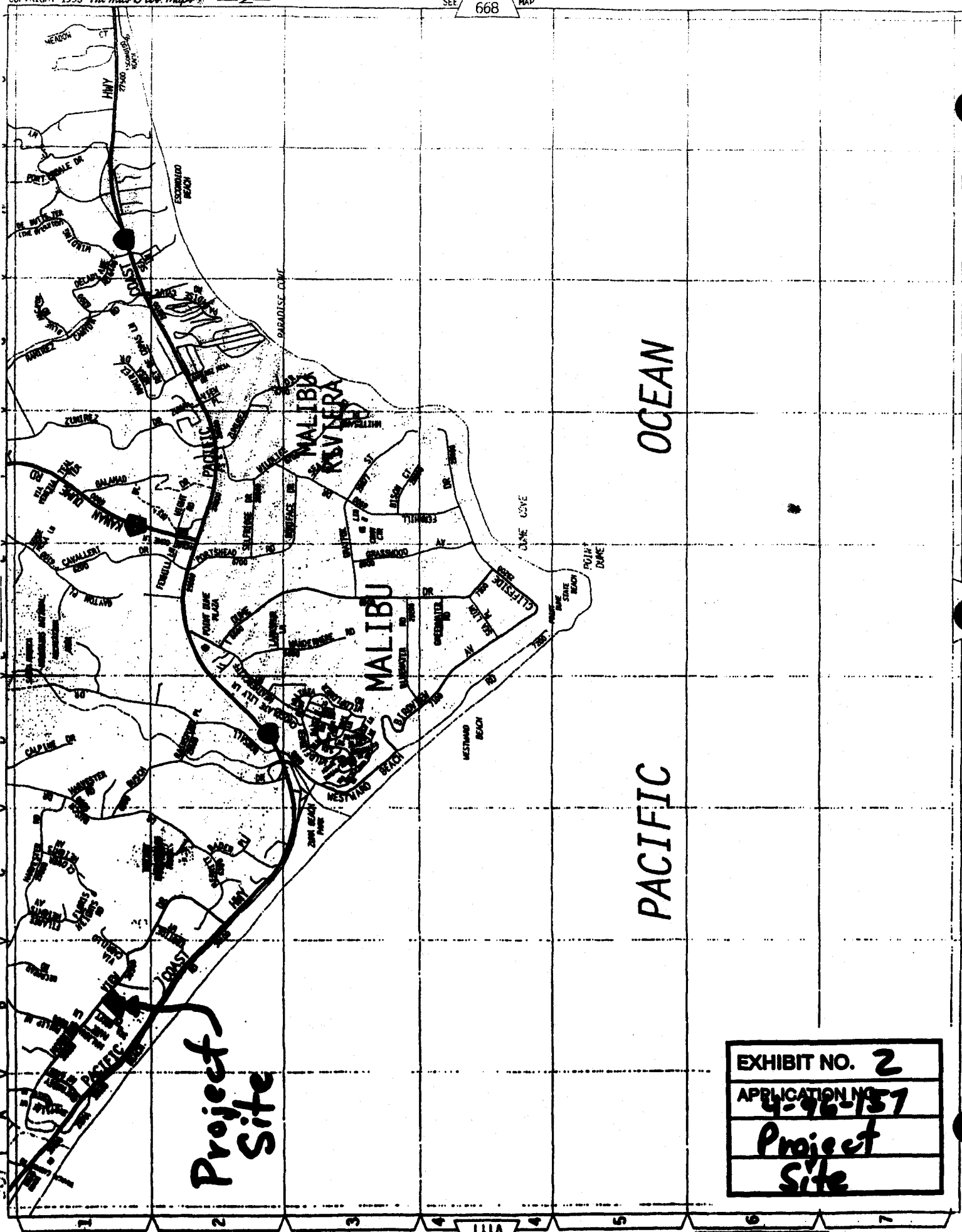


EXHIBIT NO.	1
APPLICATION NO.	4-96-157
Project	
Location	

LOCATION MAP



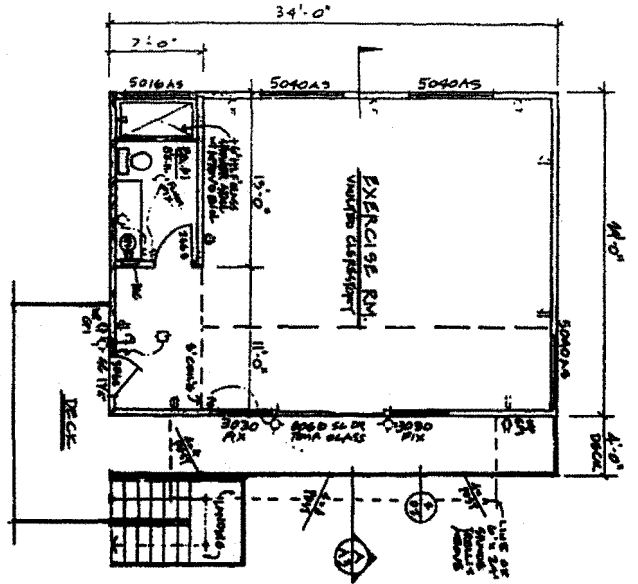
California Coastal Commission
County of Los Angeles



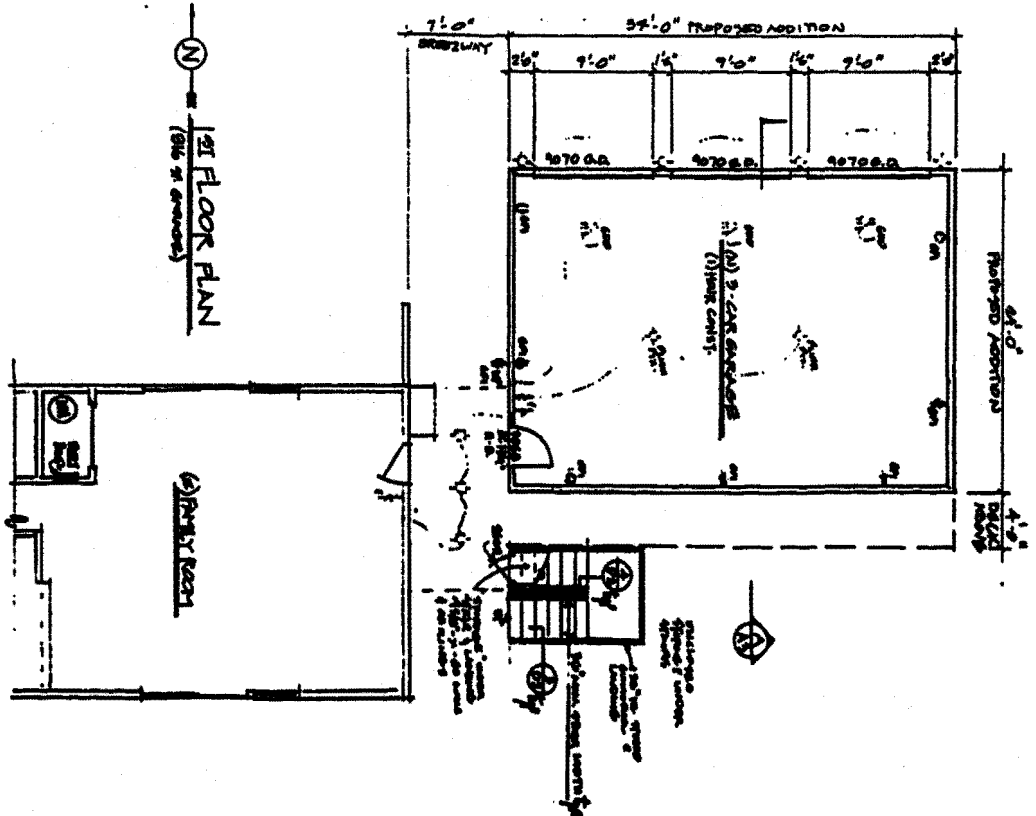
Project Site

EXHIBIT NO. 2
APPLICATION NO. 4-96-157
Project Site

2ND FLOOR PLAN
(816 SF Addition)



1ST FLOOR PLAN
(816 SF Addition)

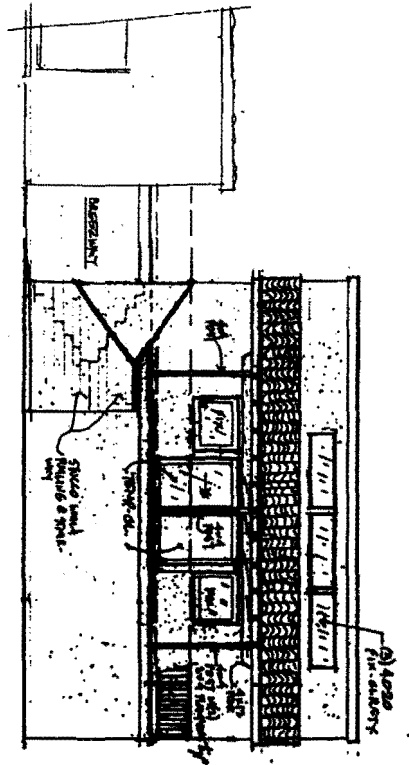


2-A-2

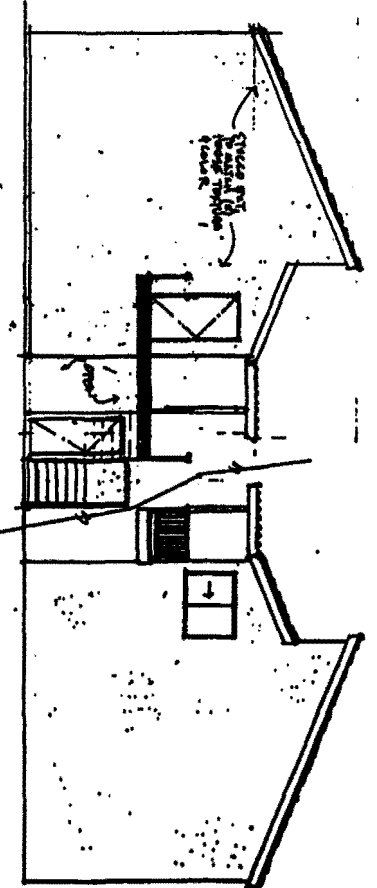
PAUL H. SEIDER & ASSOCIATES
200 S. 10th St. Suite 100
Tulsa, Oklahoma 74103-1000

PROPOSED ADDITION
TARTOL RE
801-20 MORRIS
MILWAUKEE, WI 53201

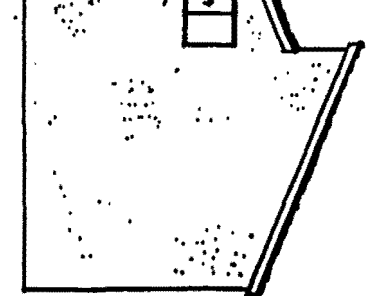
EXHIBIT NO. 4
APPLICATION NO. 4-96-157
Floor Plans



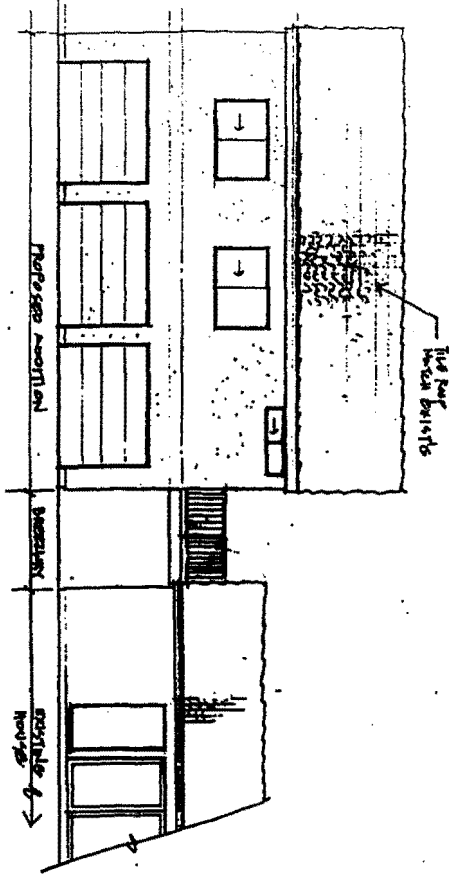
NORTH ELEV.



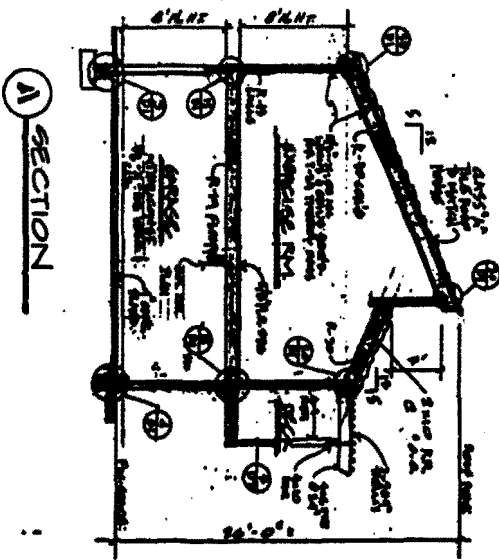
WEST ELEV.



EAST ELEV.



SOUTH ELEV.



A SECTION

DATE	10/1/78
BY	PAUL R. SINGER
SCALE	1/4" = 1'-0"
PROJECT	TARTOL RES.
NO.	4-98-157

PAUL R. SINGER & ASSOCIATES 1000 Ocean Blvd., Suite 100 Santa Monica, CA 90401	PROPOSED SECTION FOR TARTOL RES. 10400 MORNING VIEW MALIBU, CA 90263
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EXHIBIT NO. 5
APPLICATION NO. 4-98-157
Elevations