

CALIFORNIA COASTAL COMMISSION

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

Filed: 4/26/96
49th Day: 6/14/96
180th Day: 10/26/96
Staff: J. Johnson
Staff Report: 5/20/96
Hearing Date: 6/11-14/96
Commission Action:
7306A



RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-048

APPLICANT: Malibu Country Inn, Mr. Wali AGENT: James Harinsh

PROJECT LOCATION: 6506 Westward Beach Inn, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct three small additions to existing motel office, storage and restaurant, add 22 parking spaces providing a total of 41 spaces on site, add 150 lineal foot retaining wall, replace 250 lineal foot retaining wall, and grade about 250 cubic yards for increased parking area.

Lot Area	1.99 acres
New Building Coverage	468 sq. ft.
Total Building Cover.	7,430 sq. ft.
New Pavement Coverage	3,824 sq. ft.
Total Pavement Covrg	18,476 sq. ft.
Landscape Coverage	43,518 sq. ft.
Parking Spaces	41
Zoning	Commercial
Plan Designation	Recreation-Serving Commercial
Ht abv fin grade	11 feet

LOCAL APPROVALS RECEIVED: Conditional Use Permit, CUP-95-011, approved January 16, 1996, and Approval in Concept, City of Malibu Planning Department dated 2/20/96; In Concept Approval for Septic System, Department of Environmental Health, City of Malibu, dated October 23, 1995.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit 4-96-039, Massan, Inc.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with three (3) Special Conditions addressing plans conforming to the consulting geologist's recommendations, a wild fire waiver of liability, and a landscape and erosion control plan.

The project site is located along the northwest slope of Point Dume near the entrance to Zuma Beach Park. The applicant proposes to construct three minor additions and double the on-site parking for an existing motel and restaurant. The project as conditioned is consistent with the Coastal Act.

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 two reports, "Limited Geologic And Soils Engineering Investigation, Malibu Country Inn, 6505 Westward Beach Road, Malibu, California, dated February 28, 1995, by Sousa & Associates and Response to City of Malibu Geology Review Sheet, dated March 26, 1996, by Sousa & Associates, including issues related to retaining walls, drainage and maintenance, wall backfill drainage, shall be

incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

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

2. WILD FIRE WAIVER OF LIABILITY

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

3. LANDSCAPE AND EROSION CONTROL PLANS

Prior to issuance of permit, the applicant shall submit a landscape and erosion control plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plan 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, 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. The plan shall include vertical elements, such as trees, which break up the appearance of the proposed parking area and building additions to partially screen the project from Pacific Coast Highway and Westward Beach Road.
- 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 building additions and new parking spaces. Such planting shall be adequate to provide one hundred (100) percent coverage within three (3) 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 ascending slope, roofs, patios, parking areas, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. The erosion control plan shall include revegetation of the slopes with drought-tolerant, native species more specifically described in the landscape plan above.

IV. Findings and Declarations.

A. Project Location and Description

The project site, located at the northwest portion of Point Dume near the entrance to Zuma Beach Park, is accessed from Westward Beach Road. Although the site is seaward of Pacific Coast Highway, the site is actually landward of the first public roadways paralleling the coast; Westward Beach, Birdview, Cliffside, and Dume Roads. (Exhibits 1 and 2)

The applicant proposes to construct three minor building additions, totalling 468 sq. ft., double the parking spaces on site, and replace a retaining wall with a new engineered retaining wall, all for an existing motel and restaurant constructed in the late 1950's. The existing motel and restaurant consists of 7,102 sq. ft.. (Exhibits 3 and 4) The proposed building additions include: 1) the office-reception building, 150 sq. ft. in two areas, and a portion of building is proposed to be remodelled; 2) a rental-storage building, 64 sq. ft., and a roof deck; and 3) the restaurant, a 254 sq. ft. kitchen and dining room addition in two areas. Nineteen of the proposed 22 parking spaces will be added along the north side of the entrance driveway, the remaining three spaces will be added elsewhere on the site providing a total of 41 spaces. A new 150 foot long retaining wall is proposed along the northside of this parking area. The existing retaining wall, which is a damaged rubble wall, will be removed and replaced with a 250 foot long engineered retaining wall designed to a maximum height of five (5) feet, including a two foot high debris fence. This retaining wall is located along the cut slope toe of the parking lot behind and south of the motel rooms. A total of about 250 cubic yards of grading is proposed for the new parking area on the north side of the driveway. Proposed drainage improvements include a retaining wall backdrain and paved swale drain, paved downdrains within two ravines, repair of the earthen berm above the parking lot cut slope and the addition of area drains. (Exhibit 5)

The Los Angeles County Land Use Plan designates the site as Recreation - Serving Commercial. The City of Malibu designates the site in the General Plan as Commercial Visitor and in the Interim Zoning Ordinance as a Commercial Neighborhood District.

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 project site appears to be cut into the north-west facing hillside of the Point Dume mesa. (Exhibits 3 and 5) The motel and proposed additions are located between about 70 to 75 feet above sea level on a near level pad with ascending slopes to the south leading to the mesa on Point Dume.

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 and flood hazards, the applicant submitted two geology reports titled: "Limited Geologic and Soils Engineering Investigation, Malibu Country Inn, 6505 Westward Beach Road, Malibu, California; and Response to City of Malibu Geology Review Sheet dated March 26, 1996. These reports address the geology issues by concluding:

Based on the results of this investigation and a thorough review of the proposed remedial repairs as discussed, the site is suitable for the intended use providing the following recommendations are incorporated into the design and subsequent construction of the project. Also, the development must be performed in an acceptable manner conforming to building code requirements of the controlling governing agency.

It is the finding of this corporation, based upon the subsurface data, that the proposed room additions and new parking lot will not be adversely effected by excessive settlement, landsliding, or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained. The proposed engineered retaining wall and debris fence to replace the rubble wall along the toe to the existing parking lot/ascending slope is subject to future rockfall hazards.

The recommendations in the Geotechnical report address the following issues: retaining walls, drainage and maintenance, and wall backfill. The applicant has submitted a drainage plan that appears to provide for the positive discharge of water through drainage swales and drainage lines in a manner would reduce the potential for erosion. (Exhibit 5) Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geology consultant as conforming to their recommendations, noted in condition number one (1) for the final project design, grading and drainage plans for the project.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number two (2).

Finally, the Commission finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Therefore, Special Condition three (3) is required to ensure that all proposed disturbed areas are stabilized and vegetated with native vegetation.

The Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist, and the wild fire waiver of liability, 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 Malibu/Santa Monica Land Use Plan provides guidance in Policy P130:

In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas signs and landscaping) should, where feasible:

- 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.

- be visually compatible with and subordinate to the character of its setting.

- be sited so as not to significantly intrude into the skyline as seen from public viewing places.

The project site, located at the northwest corner of Point Dume, is bounded by Pacific Coast Highway to the north, by Westward Beach Road to the west, and the Point Dume Mobile Home Club at the top of the Point Dume bluff along Wildflower Road, to the south and east. (Exhibit 2) This area is characterized by residential, public beaches and neighborhood commercial. The project site, including driveway parking and slope drainage swales, is located between the 40 foot and 90 elevation, well above Pacific Coast Highway.

Pacific Coast Highway (PCH) is designated a scenic view corridor in the Malibu/Santa Monica Mountains Land Use Plan. Eastbound travelers on PCH have a generally unobstructed view of Zuma Beach until the Point Dume land mass obstructs ocean views at Westward Beach Road. Westbound travelers on PCH have an ocean view as PCH descends to the Zuma Beach area. PCH along this section is considered a second priority scenic view corridor.

As seen from this public roadway, PCH, the Malibu Country Inn project site is visible along the north facing slope of Point Dume. The Inn is also visible to a limited degree from the intersection of Westward Beach Road and PCH to the west. However, most of the proposed building additions will not be visible from either PCH or Westward Beach Road due to their location and the existing landscaping on the site. Only two portions of the project will be visible from PCH: 1) the proposed retaining wall in front of the 19 proposed parking spaces along the north side of the driveway leading up to the motel; and 2) the north portion of the dining room addition, 150 sq. ft.. The parking and expansion of the driveway will remove some of the established vegetation that now screens the project site from PCH. The restaurant and dining room is now screened by existing landscaping.

Visual impacts created by the removal of the existing landscaping along the north side of the driveway can be mitigated by requiring this graded area and the perimeter of the driveway and the project site to be adequately landscaped. Additional landscaping as appropriate can be added to the site. The landscaping should consist of native, drought resistant plants. Therefore, condition number three (3) requires the applicant to submit a landscape and erosion control plan to minimize the visual impact 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 relatively small additions to an existing motel and restaurant which is adequately served by an existing sewage disposal system. 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 does not require any renovations for the project and it 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 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).

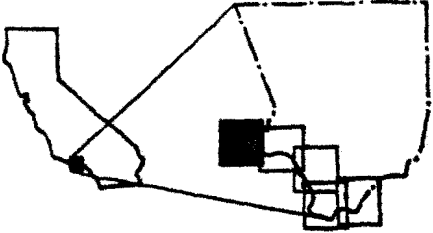
F. California Environmental Quality Act

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 geologist's recommendations, a wild fire waiver of liability, and a landscape and erosion control plan. 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. 7306A

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Los Angeles

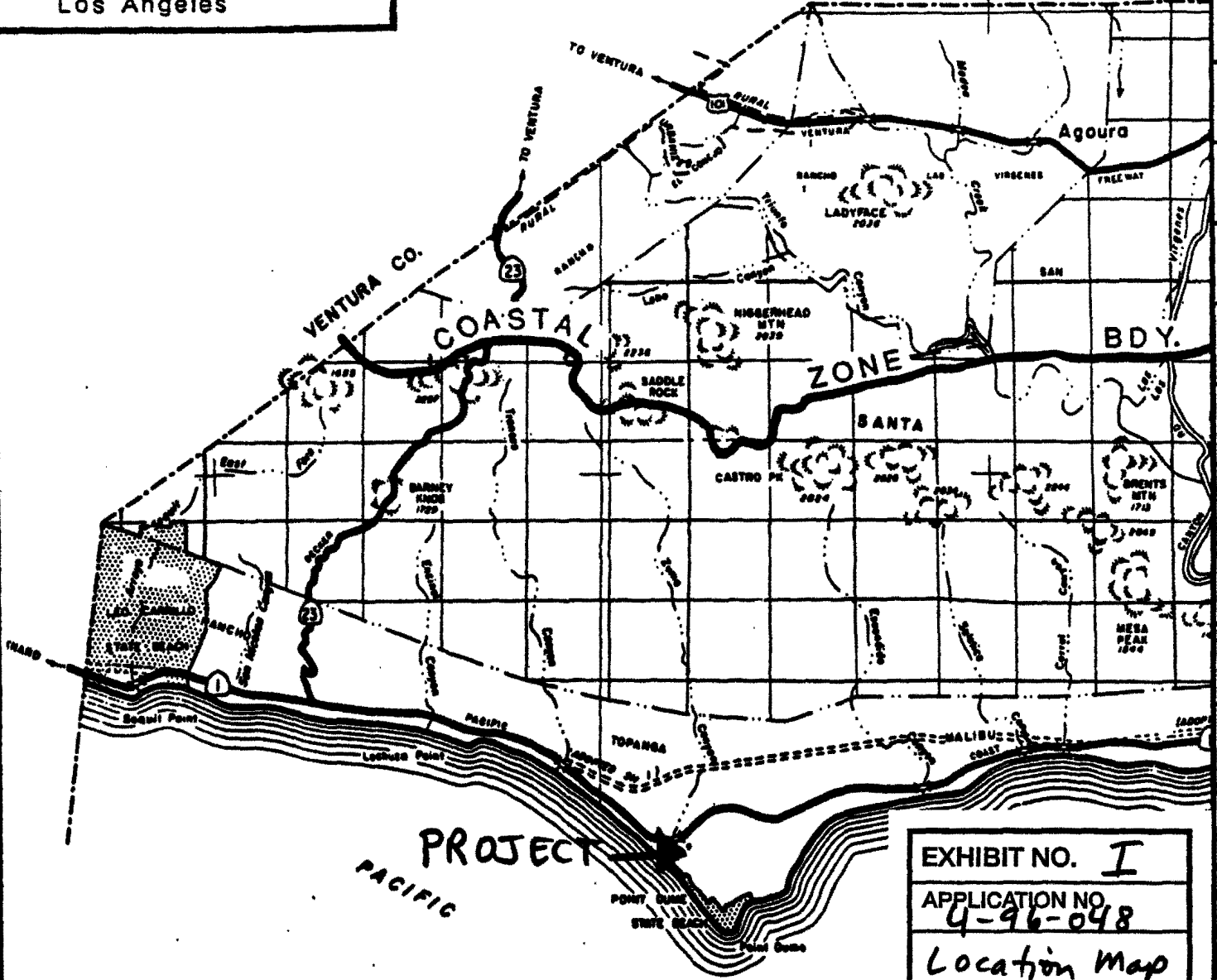


EXHIBIT NO. <i>I</i>
APPLICATION NO. <i>4-96-048</i>
<i>Location Map</i>



LOCATION MAP

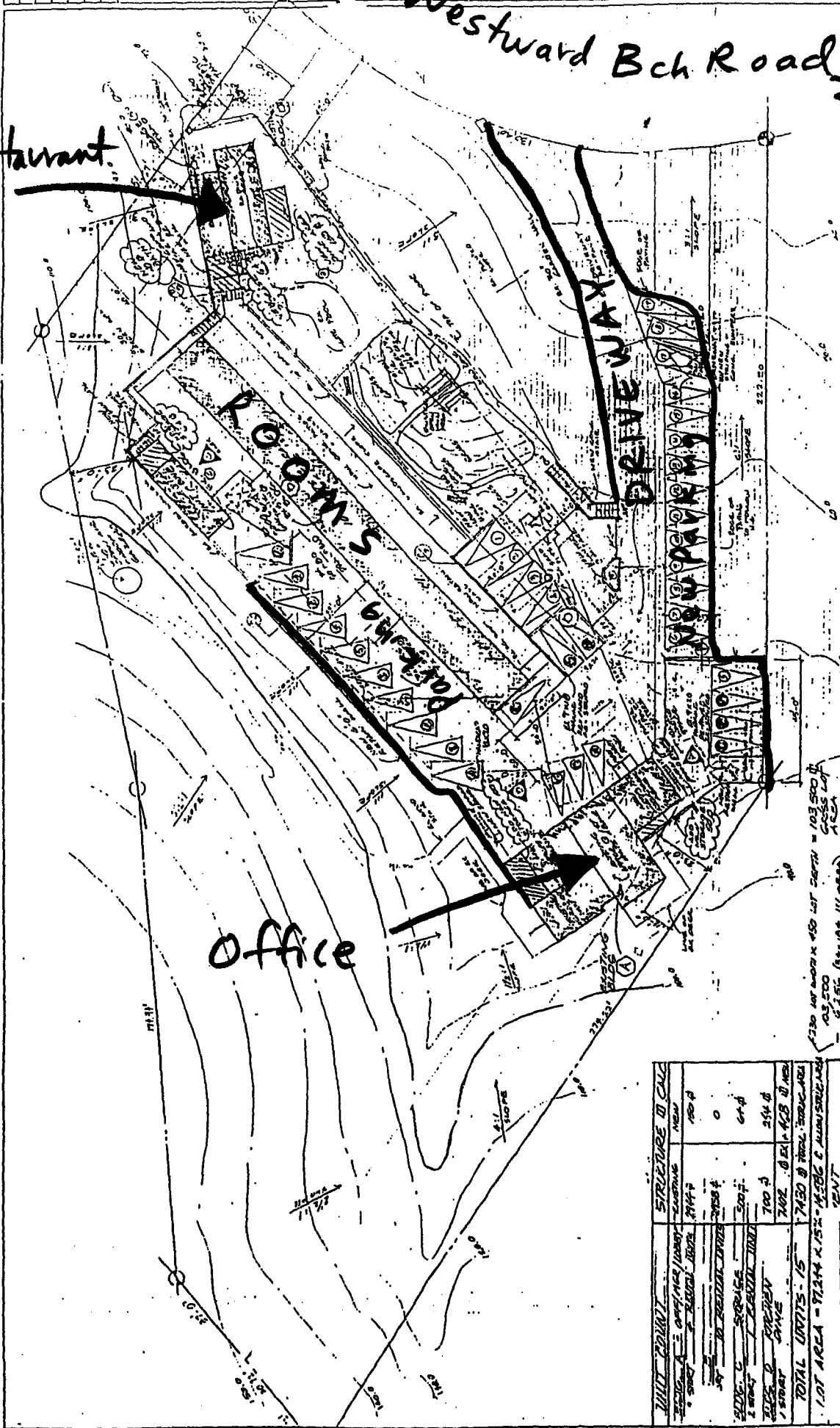


Restaurant

Westward Bch Road



SITE PLAN
 PARKING LAYOUT



Office

DRIVE WAY
 NEW PARKING

PCFH

ZONE	INDUST. DISTRICT
CN	DM

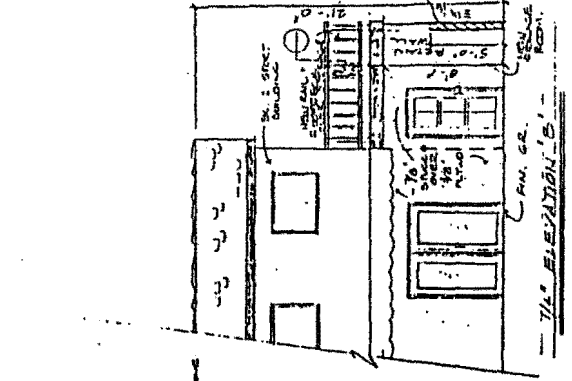
130' WIDE X 450' LOT 2871 = 103,500 sq ft GROSS LOT AREA
 2,500 sq ft (8' x 10' + 11' area) NET LOT AREA
 7,374 sq ft NET LOT AREA

SEE SHEET #4 FOR OVERALL SITE PLAN

STRUCTURE ID	TYPE	AREA	REMARKS
1	RESTAURANT	2,500	
2	OFFICE	2,500	
3	DRIVE WAY	2,500	
4	PARKING	2,500	
5	PARKING	2,500	
6	PARKING	2,500	
7	PARKING	2,500	
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EXHIBIT NO. 3
 APPLICATION NO. 4-96-048
 Site Plan

7000' 30" x 100' 0" = 700,000 sq ft



NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	WOOD TRIM				
2	PAINT				
3	GLASS				
4	DOORS				
5	WINDOWS				
6	STAIRS				
7	ROOFING				
8	MECHANICAL				
9	ELECTRICAL				
10	PLUMBING				
11	LANDSCAPE				
12	CONCRETE				
13	FOUNDATION				
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15	FOUNDATION				
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17	FOUNDATION				
18	FOUNDATION				
19	FOUNDATION				
20	FOUNDATION				

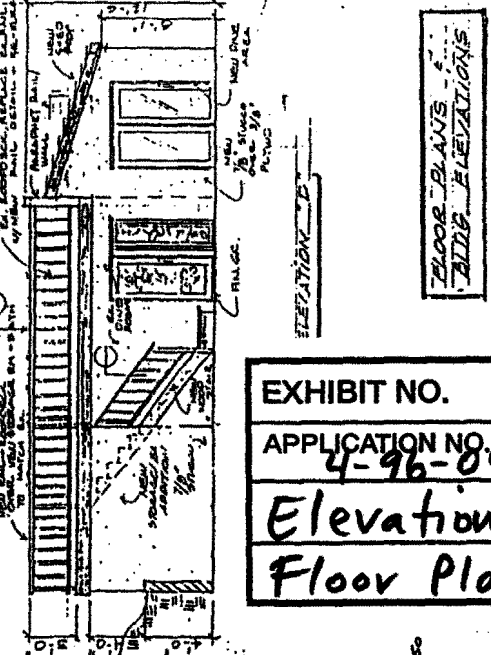
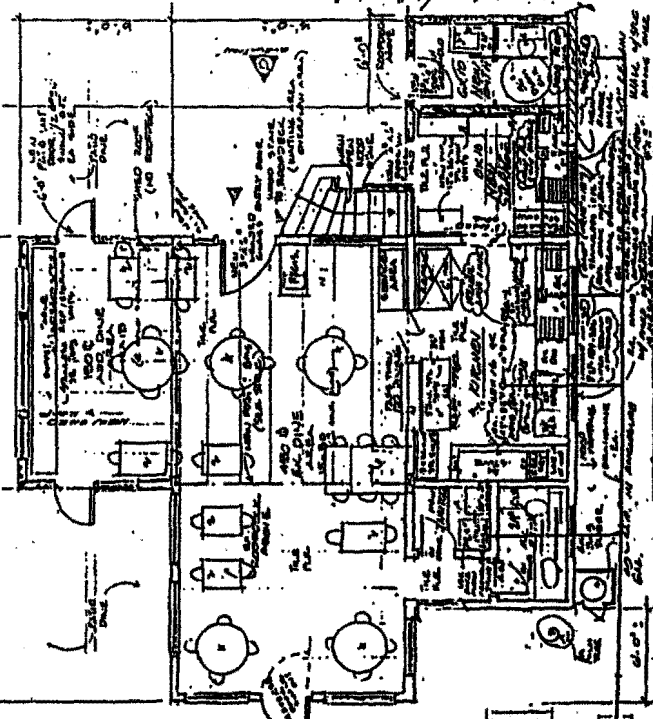
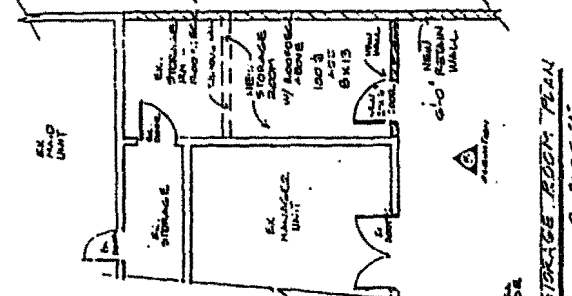


EXHIBIT NO. 4
APPLICATION NO. 4-96-048
Elevations
Floor Plans



RESTAURANT FLOOR PLAN
 G BUCK 10'
 TOTAL SEATING = 40 PERSONS
 TOTAL CHAIRS = 600
 TOTAL TABLES = 350

