

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff: JEL-V *jr*
Staff Report: 6/17/98
Hearing Date: 7/7-10/98

STAFF REPORT: REGULAR CALENDAR**APPLICATION NO.: 4-97-232****APPLICANT: Scott REIF****AGENT: Rosalind Nelson****PROJECT LOCATION: 515 Sadie Lane, Malibu, CA (Los Angeles County)**

PROJECT DESCRIPTION: Construct 3,940 sq. ft., two-story, 35 foot high, single family residence with attached 800 sq. ft. garage, retaining walls, septic system, swimming pool, cantilevered decks and driveway. 214 cu. yds. of grading (54 cu.yds. cut & 160 cu. yds. fill).

Lot area:	98,876 sq.ft. (2.27 acres)
Building coverage:	3,020 sq. ft.
Pavement coverage:	3,000 sq. ft.
Landscape coverage:	23,214 sq. ft.
Parking spaces:	four covered
Ht abv fin grade:	35 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles: Regional Planning, Approval In Concept, 8/13/97; Health Services, Approved for Design Purposes, 2/17/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; As-Graded Geologic Report & Update of Geologic Report, 4/24/97, Keith Ehlerl Geologist; Response to Review Letter, 2/27/98, Keith Ehlerl Geologist; As-Graded Compaction Report & Soil Engineering Investigation Update, 4/28/97, SWN Soiltech Consultants; Soil Engineering Investigation Addendum, 3/3/98, SWN Soiltech Consultants; Coastal Development Permit: 5-90-800 (Robinson); 5-91-257 (Parry).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the project with special conditions relating to: ***color restriction, future improvements restriction, landscaping and erosion control plan, conformance to geologic, and waiver of fire liability.***

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, 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. **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. Structure and Roof Color Restriction

Prior to issuance of a coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which restricts the color of the subject structure to natural earth tones, compatible with the surrounding earth colors (gray color of the corrugated metal is acceptable, white tones on the stucco portions will not be acceptable). The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-97-232; and that any additions to permitted structures, change of use, future structures or improvements to the property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with the fuel modification plan specified in Special Condition 3(g) below is permitted.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologic and geotechnical consultants to ensure that the plans are in conformance with the consultants' geotechnical recommendations. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. 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 List of Plants 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 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 two (2) years, and this requirement shall apply to all disturbed soils;
- (c) 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;
- (d) 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.
- (e) 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.
- (f) The landscape plan shall specifically include trees and plantings to screen and soften the visual impact of all visible retaining walls and the 8' high privacy wall along the driveway.
- (g) Vegetation within 30 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot 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. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County.

4. Plans Conforming to Geologic Recommendation

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the

As-Graded Geologic Report & Update of Geologic Report, 4/24/97, Keith Ehler Geologist; the Response to Review Letter, 2/27/98, Keith Ehler Geologist; the As-Graded Compaction Report & Soil Engineering Investigation Update, 4/28/97, SWN Soiltech Consultants; and the Soil Engineering Investigation Addendum, 3/3/98, SWN Soiltech Consultants all shall be incorporated into all final design and construction plans including recommendations concerning: grading, foundations, setback, settlement, bearing capacity, friction resistance, lateral design, downhill creep, swimming pool, retaining walls, backdrains, backfill, slabs, slope stability, drainage, and excavation. 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.

5. Waiver of Liability

Prior to the issuance of a 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, operation, 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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 3,940 sq. ft., two-story, 35 foot high, single family residence with attached 800 sq. ft. garage, retaining walls, septic system, swimming pool, cantilever decks and driveway. The entire project will require 214 cu. yds. of grading; 160 cu. yds. of fill to restore a portion of the erosion damaged northwest slope, and 54 cu. yds of cut to create a four foot high by 100 foot long retaining wall between the residence and the upslope.

The proposed project includes two cantilever decks and an eight foot high privacy wall. The first deck is 165 sq. ft. and cantilevered approximately 15' over the western slope, 8' above natural grade. The second deck is a 480 sq. ft. metal pool deck cantilevered over the existing south retaining wall and extends for a distance of 30 feet. From its furthest point southward, this deck will be approximately 14 feet above natural grade. The 8' privacy wall will be constructed as part of the driveway, and serve to block views of the pool area from Sadie Lane.

The 2.4 acre property is located southwest of Saddle Peak Road and east of the intersection of Saddle Peak Road and Schueren Road in the Santa Monica Mountains. The site includes a gentle area on the east side of the site which overlooks a west facing slope that descends for about 300 feet onto a southerly descending natural drainage course. A portion of drainage course, just below the building pad, is severely eroded due to the directed but uncontrolled drainage from the adjacent property to the north. The slope has an average gradient of about 2.5:1. There are existing single family residences to the north and south of the site.

In 1990, a Coastal Development Permit (CDP) was issued for the subject site, 5-90-800 (Robinson), for the construction of a two-story, 5,933 sq. ft. single family residence with a 880 sq. ft. garage and septic system. The project included 900 cu. yds of grading, most of which consisted of imported fill material. The CDP was approved subject to four special conditions: 1) geology, 2) landscaping plan 3) future improvements, and 4) assumption of risk. All of the special condition were met, and in January 1991 CDP 5-90-800 (Robinson) was issued. However, the approved project was never constructed.

In September of 1991, CDP 5-90-800 (Robinson) was amended to increase the area of the structure from 5,933 sq. ft. to 6,719 sq. ft., and to reconfigure and reduce the driveway from 96 feet to 45 feet. Subsequent to the approval of the amendment, the grading was completed, including the construction of three retaining walls: two walls along the south facing downslope, 40' long x 16' high (maximum point) and 114' long x 18' high (maximum point); and one wall on the west facing upslope, 70' long x 9' (maximum point).

The applicant is now requesting approval for a redesigned project which would reduce the amount of square footage by approximately sixty percent, from 6,719 sq. ft. to 3,940 sq. ft., and set the residential structure back, up against the slope, considerably further than both the original and amended site layouts. The two exceptions being: the 8' high x 47' long wall along the southwestern corner of the elevated driveway, and the two decks which will cantilever out over the south and west slopes.

B. 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 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.

In addition, the certified Malibu/Santa Monica Mountains LUP includes the following policies regarding protection of visual resources, which are used as guidance and are applicable to th

proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public park lands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

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 land forms;***
- ***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.***

P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

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.

P138b Buildings located outside of the Malibu Civic Center shall not exceed three (3) stories in height, or 35 feet above then existing grade, whichever is less.

To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible. In addition, the Malibu/Santa Monica Mountains Land Use Plan (LUP) protects visual resources in the Santa Monica Mountains. In this particular case, the Malibu/Santa Monica Mountains LUP recognizes Saddle Peak Ridge, as a "significant ridgeline", and Saddle Peak Road as a "scenic highway". The Commission examines the building site, any proposed grading, and the size of the building pad and structures. The proposed two-story residence, deck and driveway raise two issues regarding siting and design: one, whether or not views from public roadways will be impacted, and two, whether or not views from public trails will be impacted.

The proposed 3,940 sq. ft., two-story, 35 foot high, single family residence, pool, and projecting decks is located on Sadie Lane, west of Saddle Peak Road, and approximately 150 yards south of the Saddle Peak ridgeline crest. The site is clearly visible from eastbound traffic on Saddle Peak/Schueren Road, as well as from northbound traffic. Saddle Peak Trail is located to the east of the subject site, running north/south, and has clear views of the subject site.

The residential structure is designed in an "L" shape and sited at the rear of the building pad to integrate with the natural contour of the topography, which will help minimize the visual impact. The project also includes a 165 sq. ft. residential deck, that will extend over the western slope approximately 15' and above natural grade 8', and a 480 sq. ft. pool deck that will extend 30' over the existing retaining wall and 14' above natural grade at its furthest point southward.

Given these decks will be cantilevered, with no understory supports and the slope of the terrain will serve as a visual backdrop, these structures will not create any significant adverse visual impact from Saddle Peak Road. Similarly, the proposed 8' high privacy wall along the western side of the driveway will, at the top of the wall, equal the elevation of Sadie Road to the east which will provide a visual backdrop, and therefore not create any significant adverse visual impact from Saddle Peak Road.

The partial use of corrugated metal as a finish material is also a potential visual resource issue of concern, as it could create a significant amount of reflective glare. The proposed structure is designed with two exterior finishes: stucco for the walls, and corrugated metal for the roof and selected sections of the walls. The applicant has indicated the proposed corrugated metal is of a flat, non-reflective nature. Further, the applicant suggested staff inspect a similar use of the material for CDP 5-91-257 (Parry), located at 4110 Escondido Drive, Malibu.

Staff visited the site of the Parry residence and found the use of corrugated metal siding to be non-reflective, and consistent with the surrounding environment. In this case, the use of the proposed gray colored corrugated metal siding and roofing will not produce any significant adverse visual impacts as seen from public viewpoints.

However, because the subject site is located on Saddle Peak, a "*significant ridgeline*", adjacent to and visible from Saddle Peak Road, a "*scenic highway*", and visible from the Saddle Peak Trail, it is necessary to ensure the color of the residence and future changes are compatible with the surrounding environment. Therefore, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by *special condition number one (1)*.

Future developments or improvements to the property also have the potential to create visual impacts as seen from the public places, as noted above. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. *Special condition number two (2)*, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

In addition, the Commission has found through past permit action that landscaping softens, screens and mitigates the visual impact of development. Therefore, the Commission finds it necessary to require a landscaping plan in keeping with the native vegetation of the Malibu/Santa Monica Mountains to mitigate any visual impacts of development, and specifically the retaining walls and the privacy wall, through the use of native, drought tolerant plantings, as specified in *special condition number three (3)*. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Geologic Stability and 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, 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. 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 subject parcel generally descends west at an overall ratio of 2.5:1, and includes a relatively gentle area on the east side of the site. The proposed building site is located on the east portion of the site and descends southwest at an overall ratio of about 5.5:1 about 300 feet onto a southerly descending natural drainage course.

1. Geology

The applicant has submitted an As-Graded Geologic Report & Update of Geologic Report, dated 4/24/97, prepared by Keith Ehlert Geologist and a Response to Review Letter dated 2/27/98, Keith Ehlert Geologist; As-Graded Compaction Report & Soil Engineering Investigation Update, dated 4/28/97, prepared by SWN Soiltech Consultants; Soil Engineering Investigation Addendum, dated 3/3/98, prepared by SWN Soiltech Consultants for the subject site.

No geologic or other maps reviewed by the consultant indicated active faults trend through the site. In 1980, a landslide was mapped west of the proposed building site. The easternmost portion of the landslide underlying the southwesterly most corner of the subject parcel. However, the consulting engineering geologist found no features which would indicate that a landslide was present on-site, and in any event, the consultant

indicates, the proposed building site appears to be underlain by in-place bedrock with favorable bedding plane orientations.

In regard to gross and surficial stability, analysis was performed by the soils engineering consultant which indicated that the subject slope below the area of proposed construction exhibits adequate factors-of-safety against gross and surficial failure. Factors of safety in excess of 1.50 and 1.10 were obtained for static and pseudostatic loading conditions. Likewise, a factor-of-safety in excess of 1.50 was obtained for the surface of the existing slope.

As noted above, under coastal development permit 5-90-800 (Robinson) the site has been previously graded, primarily through the placement of 900 cu. yds. of fill behind a set of three retaining walls, that vary from one foot to 12 feet in height. Since the time the rough grading was completed an erosion gully was formed along and over the building pad (see below). In the As-Graded Geologic Report, dated 4/24/97, the consulting engineer reported the following:

"It is our opinion that site geology is suitable for the proposed construction and the grading was performed in conformance with site geologic conditions. No features were observed which indicate the site has experienced major geologic instability problems. The erosion gully should be corrected and appropriate site drainage should be incorporated into the proposed development."

In conclusion, the geologic report states that:

"It is this consultant's opinion the proposed development can proceed without hazard of landslide or undue differential settlement and the proposed house can be constructed without similar adverse impact on adjoining properties. Obtaining these goals will require adherence to good construction practices and following the recommendations on our report and in a soils engineering report."

Thus, based on the geotechnical consultants' site observations, evaluation of previous research, review of aerial photographs, subsurface exploration, logging and evaluation of trench features, laboratory testing, analysis and mapping of geologic data, both the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to grading, foundations, setback, settlement, bearing capacity, friction resistance, lateral design, downhill creep, swimming pool, retaining walls, backdrains, backfill, slabs, slope stability, drainage, and excavation.

Based on the findings and recommendations of the consulting geologist and geotechnical 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 the consulting geologist and geotechnical engineer as conforming to their recommendations, as noted in special condition number four (4) for the final project plans for the proposed project.

2. Erosion

Since the time the retaining walls were built and the rough grading completed, an erosion gully approximately 4 to 6 feet in depth along the northwestern corner of the building pad was formed. According to the consulting engineering geologist, the gully appears to be a result of concentrated flow of runoff over the slope, which can be corrected by designing appropriate site drainage. The soils engineering consultant, also identifies the potential for significant future slope erosion on site, and the need to address the erosion gully in particular. Three general landscape and drainage recommendations are submitted for the site in general to minimize the amount of erosion and a set of five recommendations are developed to specifically address the gully drainage.

Given both the consulting geologist and soils engineers have identified the potential for erosion on-site, the existence of an erosion gully along and to the west of the building pad, and have provided extensive erosion control recommendations to mitigate these potential impacts, the Commission thus finds there to be a potential for significant erosion on-site with associated erosion and sedimentation impacts off-site in the drainage course below the subject site.

Therefore, the Commission finds it necessary to require the applicant to submit detailed landscape and erosion control plans for the proposed development. Special condition number three provides for such a landscape/erosion control plan prepared by a licensed landscape architect. Furthermore, given that the consulting engineer specifically recommended landscaping to minimize erosion of potentially erosive soils on site, the Commission finds that the landscape plans must be reviewed and approved by the consulting engineering geologist as required by special condition number three (3).

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 can only approve the project if the applicant assumes the liability from these 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 *special condition number five (5)*.

The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 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 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 septic system includes a 1,500 gallon septic tank with seepage pits. The installation of a private sewage disposal system was review by the consulting geologist, Keith W. Ehler, who found the proposed on-site sewage disposal system will not have an adverse impact on the geologic stability of the site and will not have an adverse impact on the geologic stability of nearby properties.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a four bedroom residence and is sufficient to serve the proposed single family residence. The applicant has submitted a conceptual approval for the sewage disposal system from the Los Angeles County Department of Health Services, based on a four bedroom single family residence. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform 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 Section 30231 of the Coastal Act.

E. 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 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's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, 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 effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

THE
NATIONAL
ARCHIVES

ACH

SITE

15

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21

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PACIFIC

CARSON BEACH

EXHIBIT NO. 1

APPLICATION NO.

4-97-232 (REIF)

VICINITY MAP

PLAN CHECK NO.

THIS IS NOT A PERMIT

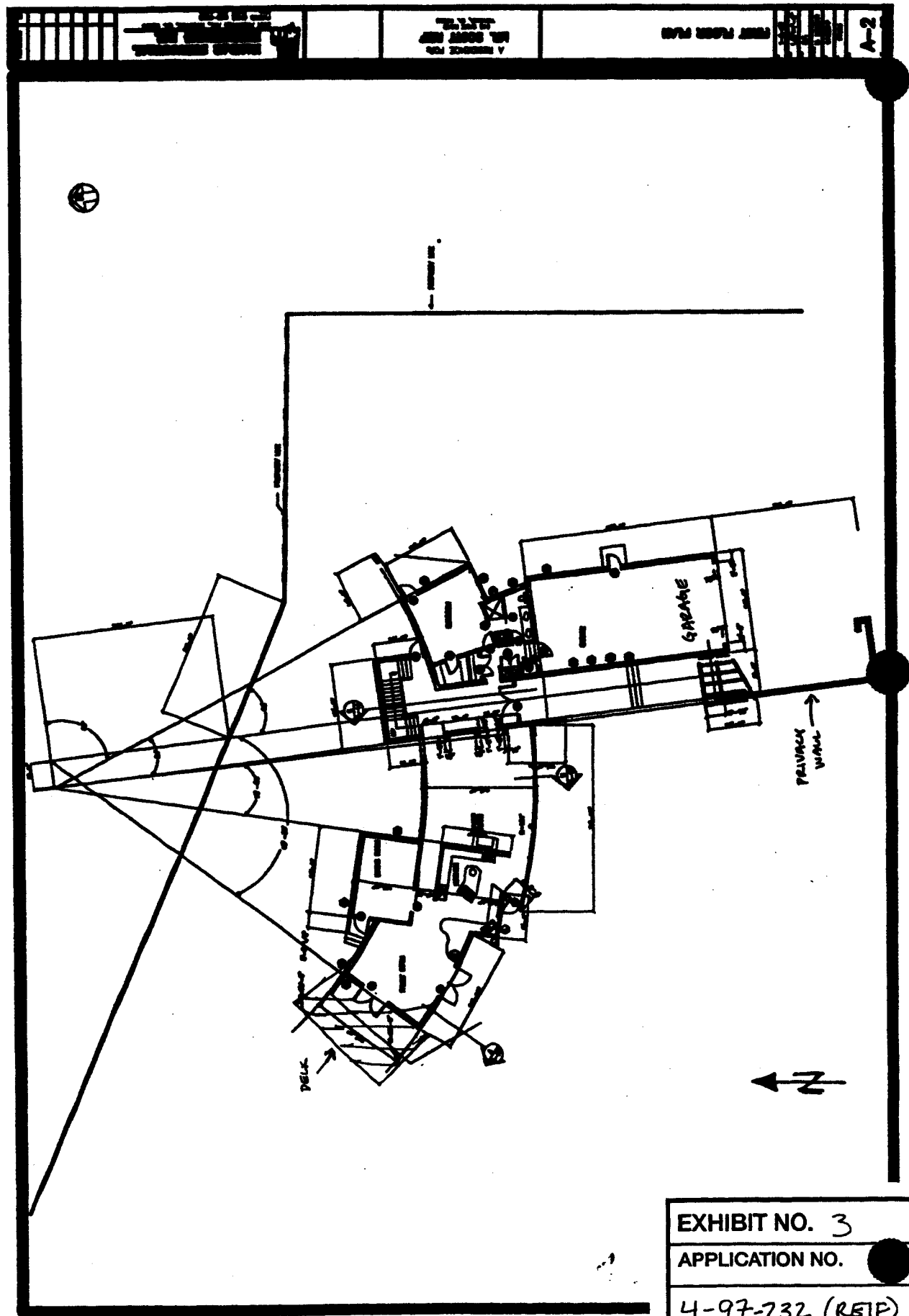
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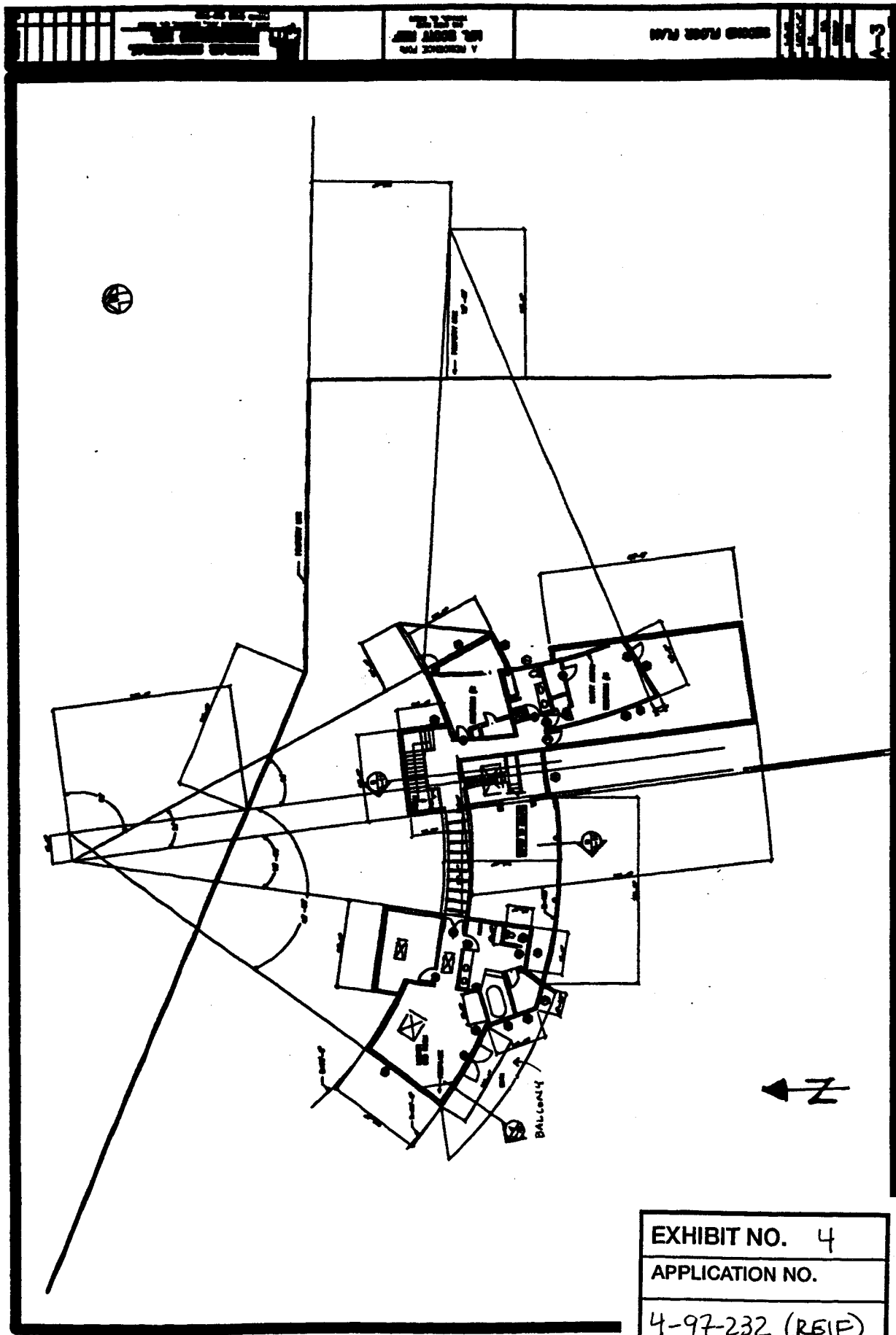
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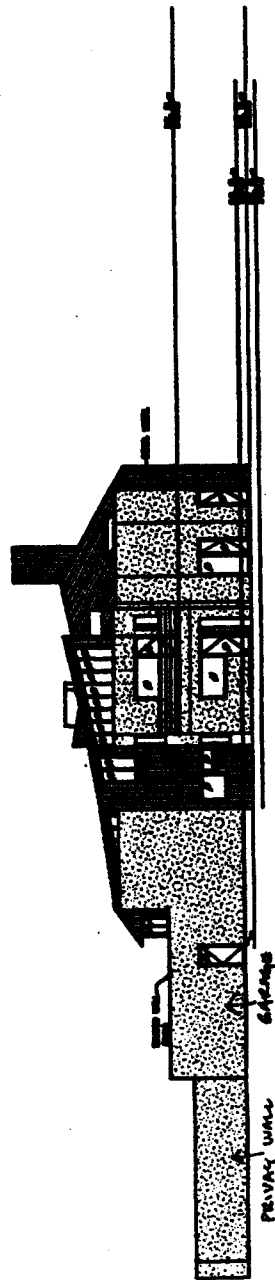
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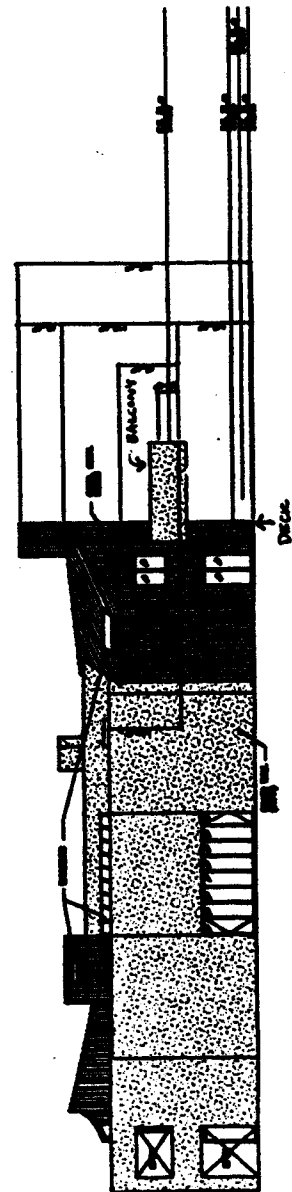
SITE PLAN







FRONT ELEVATION
SHEET A-7



SIDE ELEVATION
SHEET A-7

EXHIBIT NO. 6

APPLICATION NO.

4-97-232 (REIF)

ELEVATIONS

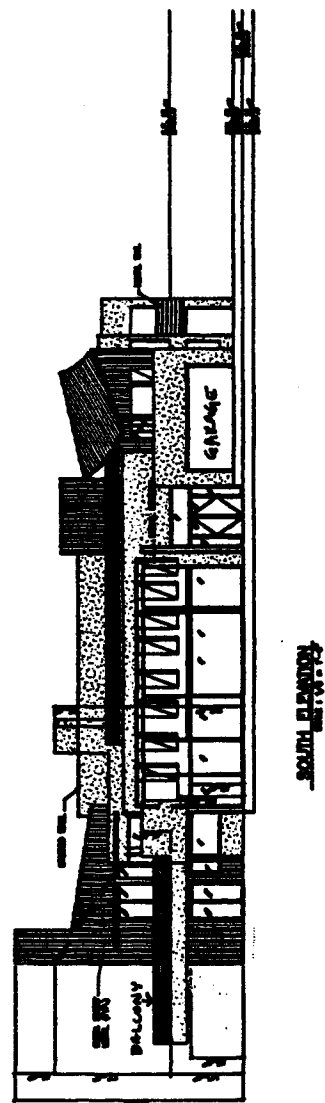
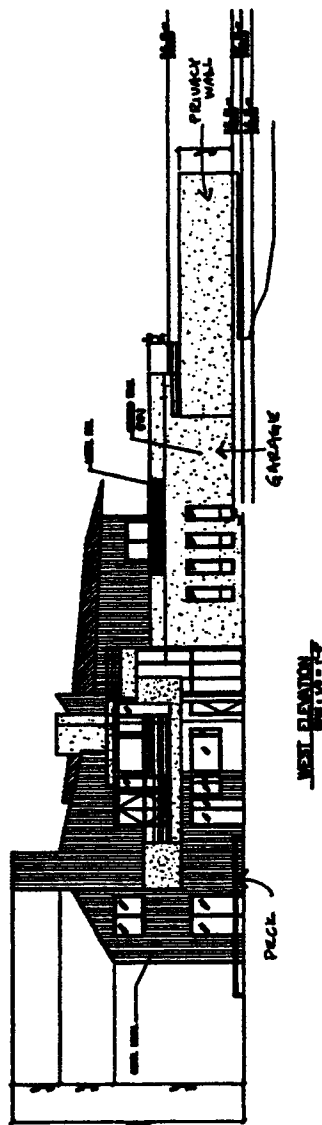


EXHIBIT NO. 5
APPLICATION NO.
4-97-232(REF)
ELEVATIONS

