

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MIRAMONTE, CA 93001

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Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-139**APPLICANT:** Steve Weber**AGENT:** I. Kurt Weber**PROJECT LOCATION:** 320 Costa Del Sol Way, Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a new 4,132 sq. ft. single family residence, 35' ft. height, a detached 625 sq. ft. guest house, septic system, and covered parking spaces for three (3) cars. The project will require grading estimated at 375 cu. yds. of cut and 375 cu. yds. of fill. The applicant is also offering to dedicate a 20' ft. hiking and equestrian trail easement.

Lot area:	2.5 acres
Building coverage:	3,105 sq. ft.
Pavement coverage:	3,970 sq. ft.
Landscape coverage:	10,055 sq. ft.
Parking spaces:	3

LOCAL APPROVALS RECEIVED: Approval In-Concept from Los Angeles County, Department of Regional Planning; Los Angeles County Department of Health Services Sewage Disposal System Design Approval; County of Los Angeles Fire Department Approval for Fuel Modification Plan, dated 5/19/99.

SUBSTANTIVE FILE DOCUMENTS: Updated Geologic and Geotechnical Engineering Investigation, by C.Y. Geotech; Inc., dated 3/15/99; Individual Sewage Disposal System (percolation test) report by C.Y. Geotech Inc. dated 5/8/99; Addendum report to Individual Sewage Disposal System report, by C.Y. Geotech Inc., dated 6/6/99; County of Los Angeles Soils Engineering Review Sheet dated 8/12/99; Coastal Development Permit No. 5-82-867 (Owen).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with seven (7) special conditions regarding the incorporation of geotechnical recommendations into final plans, landscape and erosion control plans, drainage plans and maintenance responsibility, color restriction, future improvements condition, the recordation of an offer to dedicate a public hiking and equestrian trail easement, and applicant's assumption of risk.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, 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 governments 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 term or 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

All recommendations contained in the Updated Geologic and Geotechnical Engineering Investigation report prepared by C.Y. Geotech Inc., dated 3/15/99 and the Individual Sewage Disposal System (percolation test) report prepared by C.Y. Geotech Inc., dated 5/8/99, and the subsequent Addendum report to the Individual Sewage Disposal System report, by C.Y. Geotech Inc., dated 6/6/99; shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the geologic and geotechnical consultant. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic and geotechnical consultant's review and approval of all project plans.

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

2. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. The plan shall specify the erosion control measures

to be implemented and the materials necessary to accomplish short-term stabilization as needed on the site.

- (2) 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;
- (3) Plantings will 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;
- (4) 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.

B. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary

drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Drainage Plans and Maintenance Responsibility

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from all impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

4. Color Restriction

The color of the structures, roofs, and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

- A. Prior to the issuance the coastal development permit the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, landslide, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (a) of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

6. Future Improvements

- A. This permit is only for the development described in coastal development permit No. 4-99-139. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) & (b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition 2, shall require an amendment to Permit No. 4-99-139 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. Prior to the issuance of the coastal development permit the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction 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 Commission amendment to this coastal development permit.

7. Offer to Dedicate Public Hiking and Equestrian Trail Easement

In order to implement the applicant's proposal of an offer to dedicate a 20 ft. wide public access hiking and equestrian trail easement for passive recreational use as part of this project (see Exhibit No.2K), the applicant as landowner agrees to complete the following prior to issuance of the permit: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, that supercedes and replaces Instrument No. 83-1309791, recorded on November 3, 1983 in Los Angeles County, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access and passive recreational use in the same location and configuration as described on the existing trail easement identified as Instrument No. 83-1309791, of the Official Records, recorded on November 3, 1983. The dedicated trail easement shall not be open for hiking and equestrian use until a public agency or private association approved by the Executive Director agrees to accept responsibility for maintenance and liability associated with the easement. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use that may exist on the property

The offer shall provide the public the right to pass and repass over the dedicated route limited to hiking and equestrian uses only. The document shall be recorded free of prior encumbrances except for tax liens, that the Executive Director determines may

affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees of the applicant or landowner, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description, Background and Physical Setting

This applicant proposes the construction of a new 4,132 sq. ft. single family residence, 35' ft. high, a detached 625 sq. ft. guest house, and covered parking spaces for three (3) cars (see Exhibit No.'s 2A-K). The project will require grading estimated at 375 cu. yds. of cut and 375 cu. yds. of fill. There will be no import or export of soil. All fill will be retained by engineered retaining walls.

The subject site is located on Costa Del Sol Way, which runs along a southwest trending ridge in the Santa Monica Mountains. Costa Del Sol is located on the seaward side of Piuma Road, north of the Carbon Canyon drainage (see Exhibit No. 1). The project site is located outside of the Cold Creek Resource Management area. The site is bounded on the west by Costa Del Sol, on the north and south by neighboring residences, and on the east by a vacant lot.

The Saddle Peak Trail, a designated trail in the Malibu Land Use Plan, runs along Costa Del Sol Way, a private road, in the general area of the road easement. The Commission, in past permit actions, has required the dedication of trail easements, as a condition of permit approval for those properties located on Costa Del Sol Way (reference 5-89-123(Ashley); 5-89-124 (Ashley); 5-89-133 (Stiepel); 5-89-220 (Sack); and 5-89-260 (Van Haven); on which a portion of the Saddle Peak trail exists, for that portion of the trail which traverses the respective properties, in order to mitigate the impacts of the development on public access and recreational resources.

The Commission previously approved Coastal Development Permit number 5-82-867 in 1983, for construction of a single family residence, attached garage, swimming pool and septic system, on the subject site. A trail easement for the Saddle Peak Trail, along the right-of way of Costa Del Sol Way was required as a condition for approval of this permit, and was subsequently recorded. The development approved under this permit (5-82-867) was never exercised, and the permit expired.

The property was later sold; the current owner Steve Weber, (the applicant) recognizes the trail easement that currently exists on the subject property, and is offering to dedicate a trail easement in the same location, and of the same configuration, as that currently existing; to be associated with this new and current permit application.

B. Geologic Stability and Hazards

Section 30253 of the Coastal Act states 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. 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 applicant has submitted a report evaluating the geologic stability of the subject site in relation to the proposed development, entitled Updated Geologic and Geotechnical Engineering Investigation, dated March 15, 1999, prepared by C.Y. Geotech, Inc. In the report, the consulting engineers note the existence of a mapped landslide located immediately southwest of the subject site. However they state the following with regards to slope stability on site:

No evidence of deep-seated landslide within the site was observed during our field exploration or mapped in the published geologic maps. However, one landslide was mapped immediate southwest, outside of the subject site. The landslide is limited within the canyon area and does not affect the proposed residential site.

The above referenced report dated March 15, 1999, indicates that the existing fill and native soil on the subject site are not suitable for foundation or slab support in their present condition. Therefore the consulting engineers recommend the use of conventional spread footings and deep foundation such as skin friction piles or end bearing caissons founded into bedrock for foundational support.

The report concludes with the following statement:

Based on the findings of this investigation, the development of the proposed single family residence at the subject site is feasible from a geologic and geotechnical engineering viewpoint. Provided the recommendations of this update report are properly incorporated into design and are implemented during construction, the proposed residential development shall be safe from geologic hazards such as landslide, settlement and slippage.

To ensure that the recommendations of the geotechnical consultants are incorporated into all final project plans, The Commission finds it necessary to impose **Special Condition One (1)**, which requires the applicant to submit final project plans and designs certified by the geotechnical consultants as conforming to their recommendations.

The Commission also finds that minimization of site erosion, will add to the stability of the site. Erosion can best be minimized by the utilization of an adequate drainage system, appropriate landscaping, and erosion control on the subject site. To ensure that adequate drainage is incorporated into the project plans, the Commission finds that it is necessary to impose **Special Condition Three (3)**, which requires the applicant to submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations.

Further, **Special Condition Two (2)** requires the applicant to landscape all disturbed areas and slope areas on site, with native plants, compatible with the surrounding area. Additionally, **Special Condition Two (2)** requires the applicant to submit erosion control plans, which include provisions for implementing erosion control measures during construction. Thus, if implemented, **Special Condition Two (2)** will enhance the geologic stability of the site by ensuring that landscaping on the subject site is adequate, and erosion control measures are implemented.

The Commission finds, that as conditioned the proposed development will serve to minimize risks to life and property pursuant to Section 30253 of the Coastal Act. However, because there remains some inherent risk in building on a site located in close proximity to a mapped landslide area, such as the subject site, and due to the fact that the proposed project is located in an area subject to extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by **Special Condition Five (5)**. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Specifically, through acceptance of **Special Condition Five (5)**, the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability

arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area subject to the stated risks.

The Commission finds, that as conditioned, the proposed development is consistent with Section 30253 of the California Coastal Act.

C. Public Access

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act has several policies which address the issues of public access and recreation within coastal areas.

Section 30210 of the Coastal Act states:

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 resource areas from overuse.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act sections 30210, 30212.5, 30213, 30223, and 30252 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Further, Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and where feasible provided.

The subject property is located along a portion of the Saddle Peak Trail, identified by the County of Los Angeles as a segment of the Coastal Slope Lateral Trail, which serves as an important link between Leo Carrillo State Park in the western portion of Malibu and the Backbone Trail in the Saddle Peak area on the east. The coastal slope trail would connect Leo Carrillo State Beach and Charmlee Regional Park with the Backbone trail near Saddle Peak, and also intersects with several coastal canyon trails. The trail would traverse several scenic canyons with ocean views throughout, and is an important recreational link from populated areas to the parks.

In the Malibu/Santa Monica Mountains area, the existing system of heavily used historic trails located on private property has been adversely impacted by the conversion of open lands to housing. In order to preserve and formalize the public's right to use these trails, a trail system map has been included as part of the certified Malibu/Santa Monica Land Use Plan (LUP). The trail system is composed of the Backbone and Coastal Slope Trails in addition to several connector trails. The Backbone Trail is the primary hiking and equestrian trail leading from the Los Angeles metropolitan area through the Santa Monica Mountains to Point Mugu State Park in Ventura County. The trail network will provide hikers and equestrians with large number of varied destinations including such highly scenic locations as Escondido Falls or the Castro Crag area and historic sites including several motion picture locations and active film sets. Significant coastal views from the public trail system include panoramic views of the coastline, the Channel Islands, and mountain views.

As discussed above, an irrevocable offer to dedicate a 20' ft. wide trail easement within the general area of the road which is Costa Del Sol Way, for hiking/equestrian trail access, was required as a condition of approval for development of the subject property under Coastal Development Permit No. 5-82-867. The OTD has been recorded in the form of a deed restriction on the property which is irrevocable for a period of twenty-one (21) years, with such period running from the date of recording. The previous OTD was recorded on November 3, 1983 as Instrument No. 83-1309791, in the Official Records. The development approved under coastal development permit no. 5-82-867 was never exercised, and the property was later sold.

The applicant, who is the current owner of the subject property, therefore, is making an offer, which will be implemented through **Special Condition Seven (7)**, to dedicate a new 20' ft. wide trail easement for hiking and equestrian trail access (see Exhibit No. 2K), which is irrevocable, and is to be recorded in the form of a deed restriction which will run with the land in favor of the people of the State of California. The location and

configuration of the proposed easement shall match that of the existing easement, as specified in **Special Condition Seven (7)**.

The Commission finds the trail easement, as specified in, and required by **Special Condition Seven (7)**, will adequately serve to protect public access, and the proposed development is therefore consistent with the public access and recreation oriented policies of the Coastal Act.

D. Visual Impacts

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected:

Section 30251

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.

As stated above, the applicant proposes the construction of a new 4,132 sq. ft. single family residence, 35' ft. high, a detached 625 sq. ft. guest house, and covered parking spaces for three (3) cars. The project will require grading estimated at 375 cu. yds. of cut and 375 cu. yds. of fill. There will be no import or export of soil. All fill will be retained by engineered retaining walls. The residence has been designed to "step down", in a manner that follows the natural contour of the land (see Exhibit No. 2G).

The project site is on the upper limits of the viewshed from Pacific Coast Highway, only extensive clearing operations will be visible from the coastline. The project site is located in a neighborhood which consists of several large single family residences. The proposed project will be consistent with the character and scale of the existing neighborhood.

However, due to the highly visible nature of the project as seen from the Saddle Peak trail easement, the Commission finds it necessary to require mitigation measures to minimize visual impacts as seen from the public trail.

The impact on public views can be mitigated by requiring the residence to be finished in a color consistent with the surrounding natural landscape and, further, requiring that the

windows of the proposed structure be of a non-reflective glass type. In order to ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, 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 Four (4)**.

Visual impacts associated with the proposed retaining walls, and the structure itself, can be further reduced by the use of appropriate and adequate landscaping. The applicant has submitted a landscaping plan, approved by the Los Angeles County Fire Department for fuel modification requirements, which utilizes primarily native vegetation, and includes the use of vertical elements such as trees and shrubs. The landscaping plan submitted by the applicant is adequately designed to minimize, as well as, partially screen and soften the visual impact of the structure from the Saddle Peak Trail. In order to ensure that the final approved landscaping plans are successfully implemented, **Special Condition Two (2)** requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

Finally, regarding future developments or improvements, certain types of development to the property, normally associated with a single family residence and a second unit, which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the entire property including the residence, garage, and maid's quarters, which might otherwise be exempt, is reviewed by the Commission for compliance with the coastal resource protection policies including the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition Six (6)**, the Future Development Deed Restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. The Commission finds that only as conditioned is the proposed development consistent with the relevant visual resource policies of the Malibu LUP and section 30251 of the Coastal Act.

E. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in

close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30252 of the Coastal Act states:

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, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of a parcel increasing impacts on public services, such as water, sewage, electricity and roads. New development also raises issues as to whether the location and amount of new development maintains and enhances public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units (including guesthouses) on residential parcels in the Malibu and Santa Monica Mountain areas. The issue of second units on lots with primary residences has been the subject of past Commission action in the certification of the Santa Monica Mountains/Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people would cause such units to have less impact on the limited capacity of Pacific Coast Highway and other roads (including infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guesthouses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

As proposed, the 625 sq. ft. guesthouse is consistent with past Commission decisions. However, in order to ensure that no additions are made to the guest house, or other structures approved under this permit, without due consideration of the potential cumulative impacts, **Special Condition Six (6)** requires that any future structures, additions, or improvements related to the proposed guest house, or other structures approved under this permit, including, but not limited to, any expansion of the existing structure, will require a permit or permit amendment. Therefore, the Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

F. 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 applicant proposes to construct a new 1500-gallon septic tank and disposal system as shown on the plans approved "for design purposes" by the County of Los Angeles, Department of Health Services. The conceptual approval by the County indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the County's Plumbing Code.

The Commission has found in past permit actions that compliance with local health and safety codes will minimize any potential for wastewater discharge that could adversely

impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 and 30250 of the Coastal Act.

G. Local Coastal Program.

Section 30604 of the Coastal Act states, in part, that:

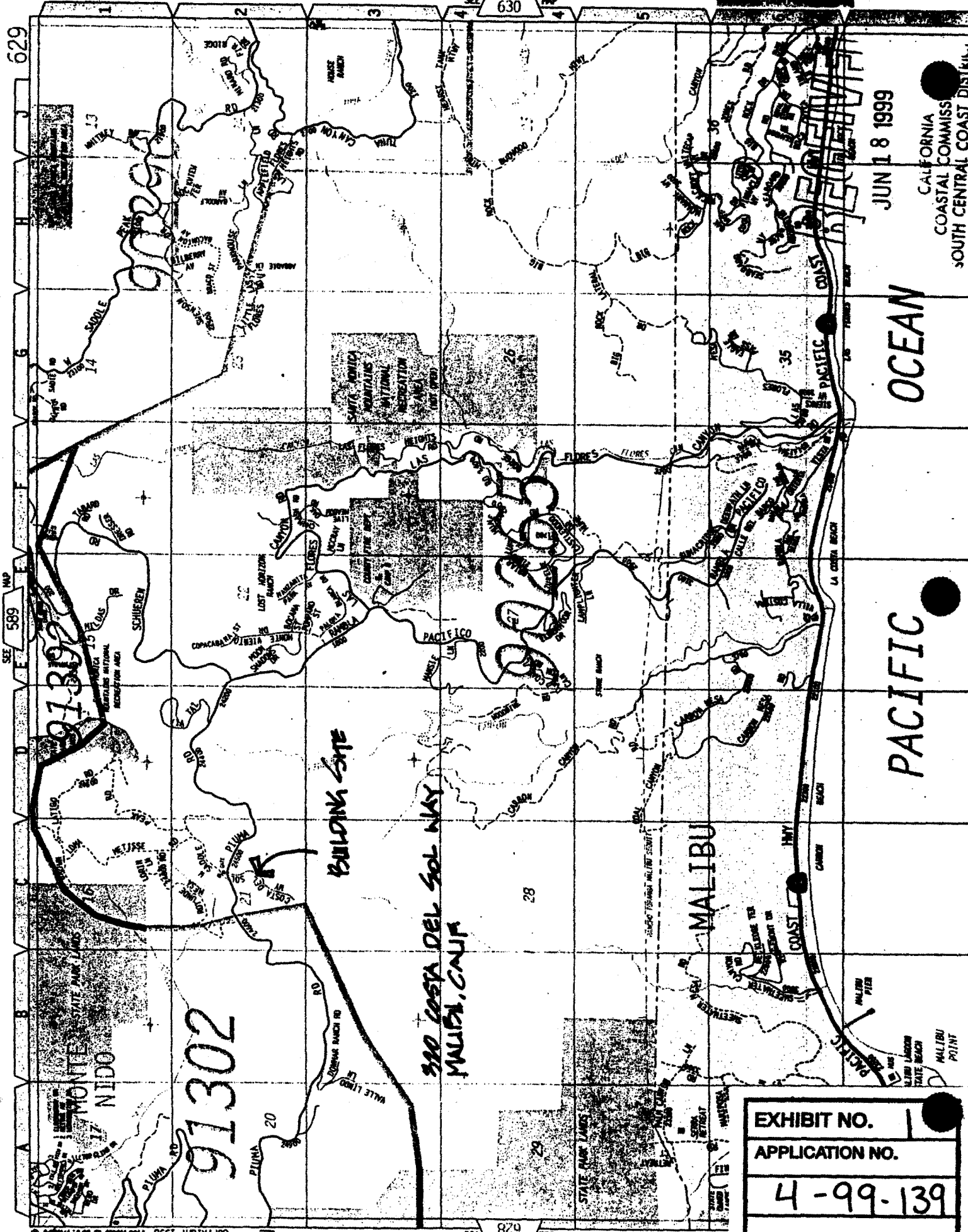
- (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 will not prejudice the County's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. 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)(i) 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 effect which the activity would have on the environment.

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



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CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

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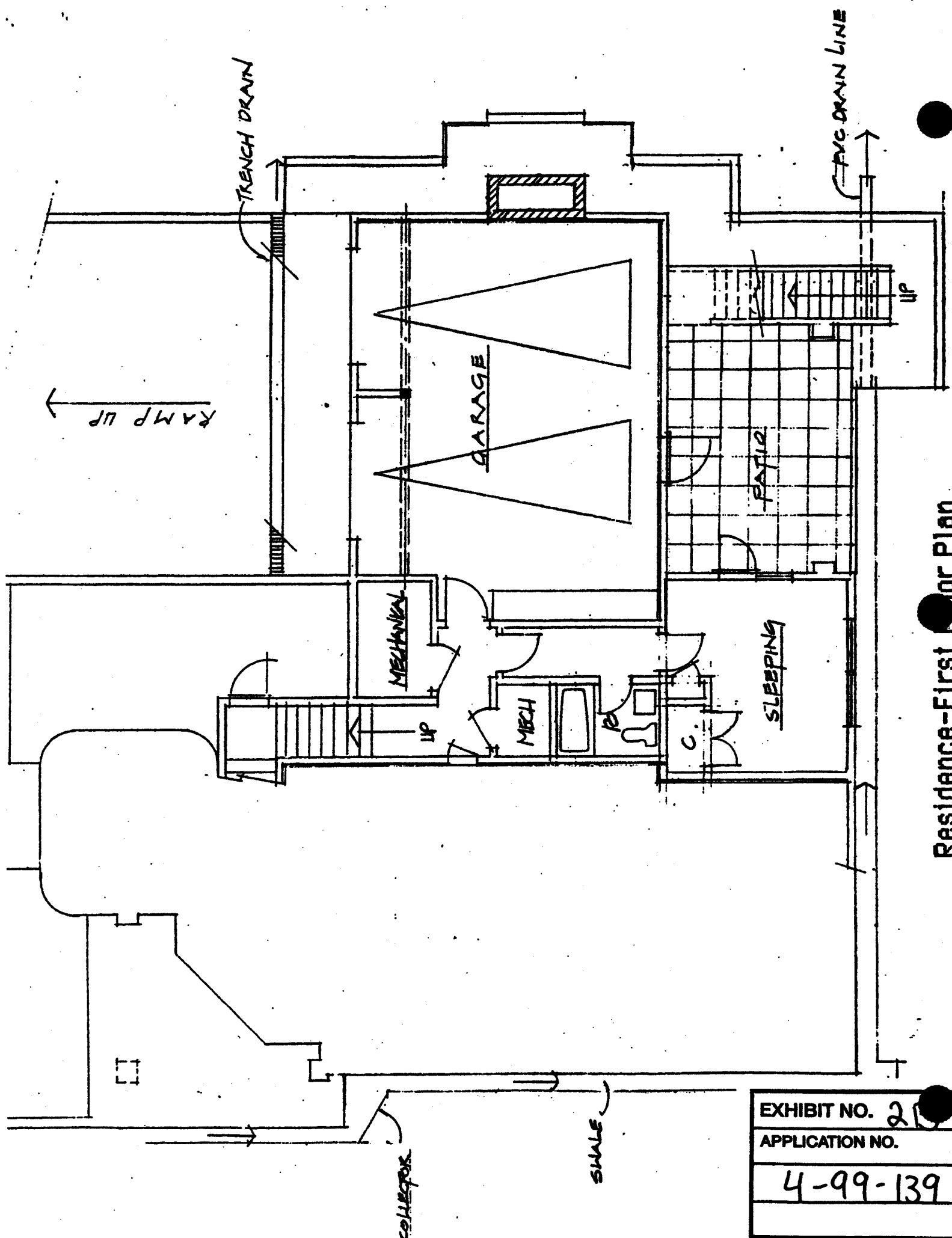
PACIFIC

BUILDING SITE

310 COSTA DEL SOL WAY MALIBU, CALIF

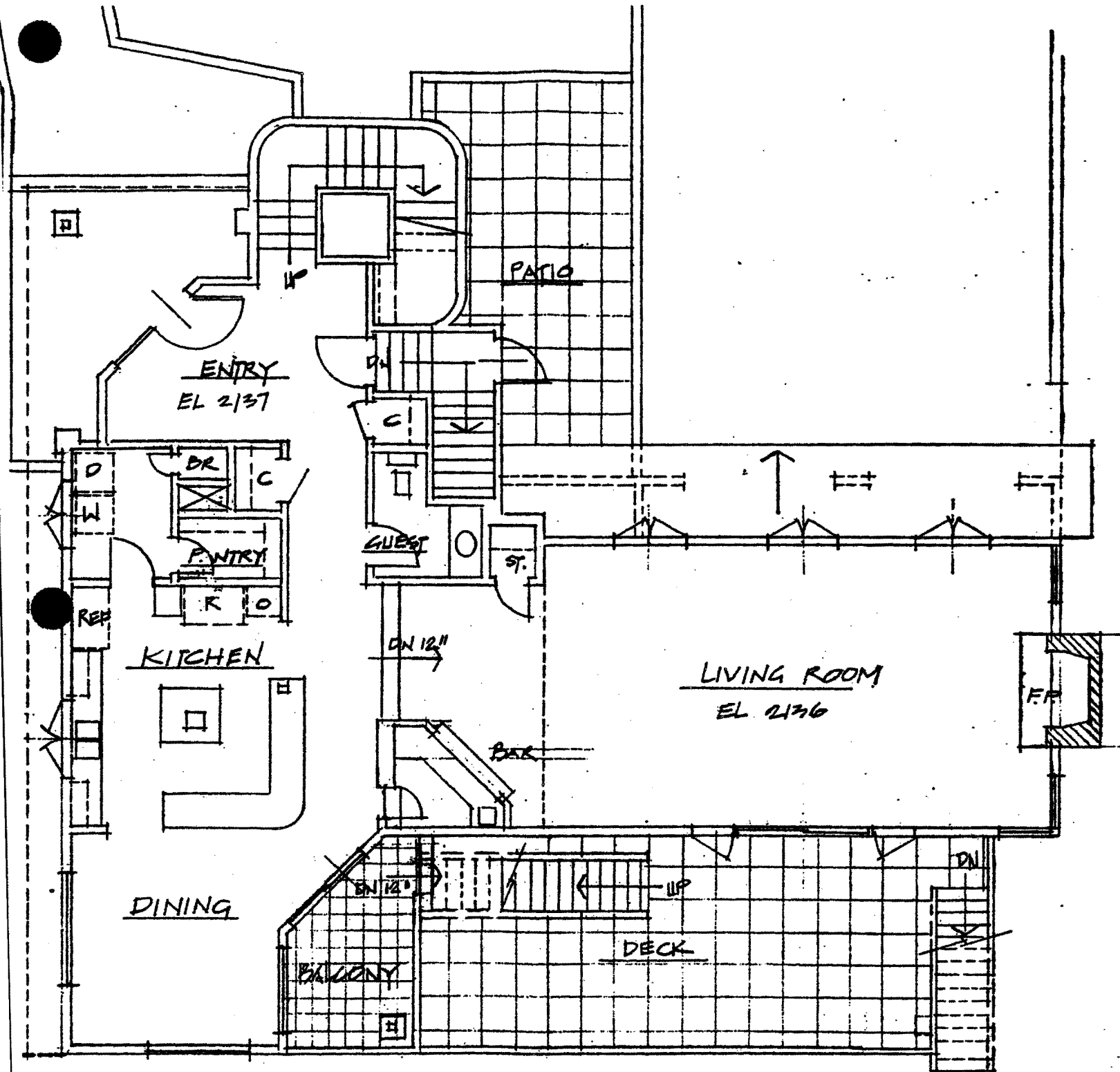
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EXHIBIT NO.	1
APPLICATION NO.	4-99-139



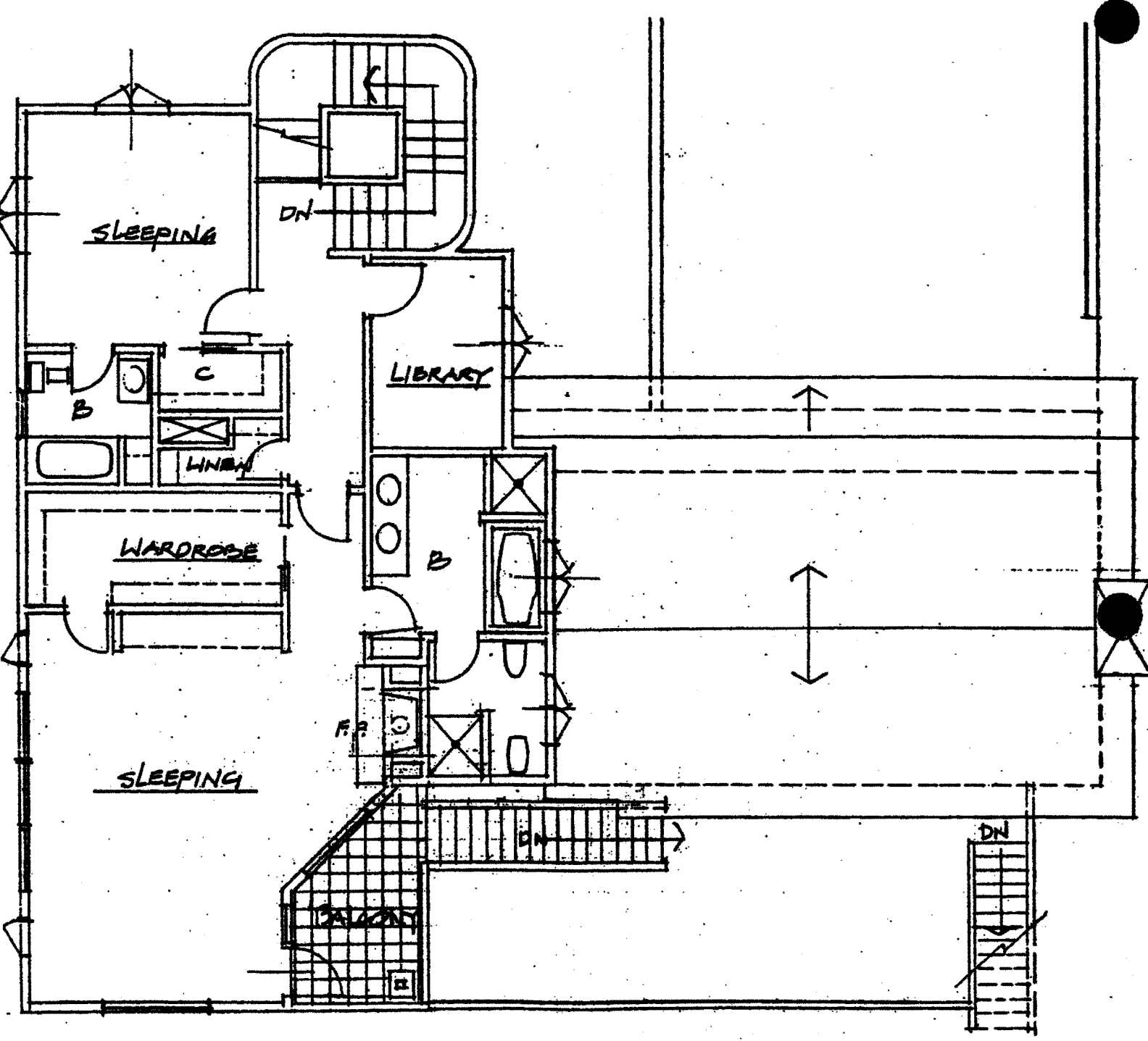
Residence-First Floor Plan

EXHIBIT NO. 2
APPLICATION NO.
4-99-139



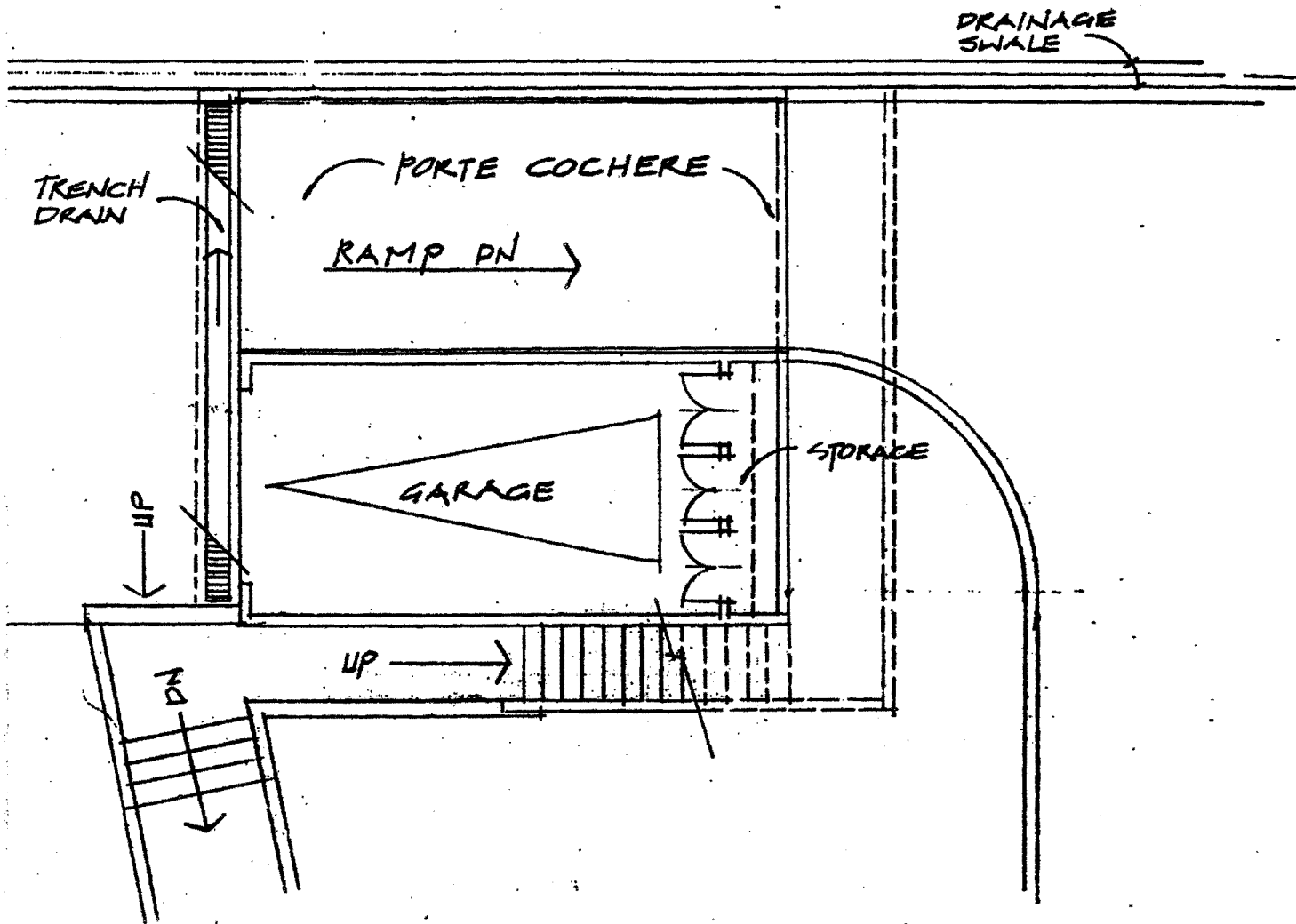
Residence-Second Floor Plan

EXHIBIT NO. 2C
APPLICATION NO.
4-99-139



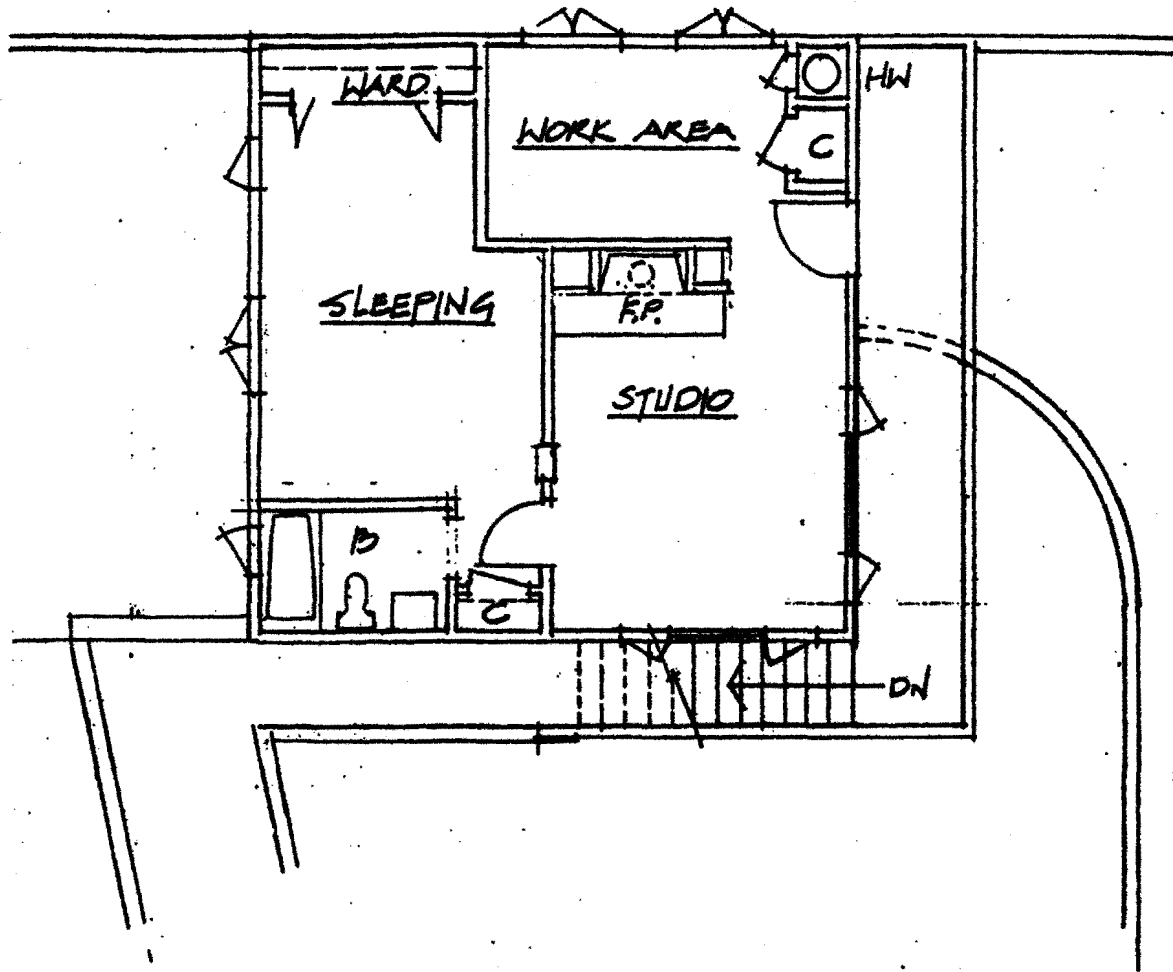
Residence-Third Floor Plan

EXHIBIT NO. 2
APPLICATION NO.
4-99-139



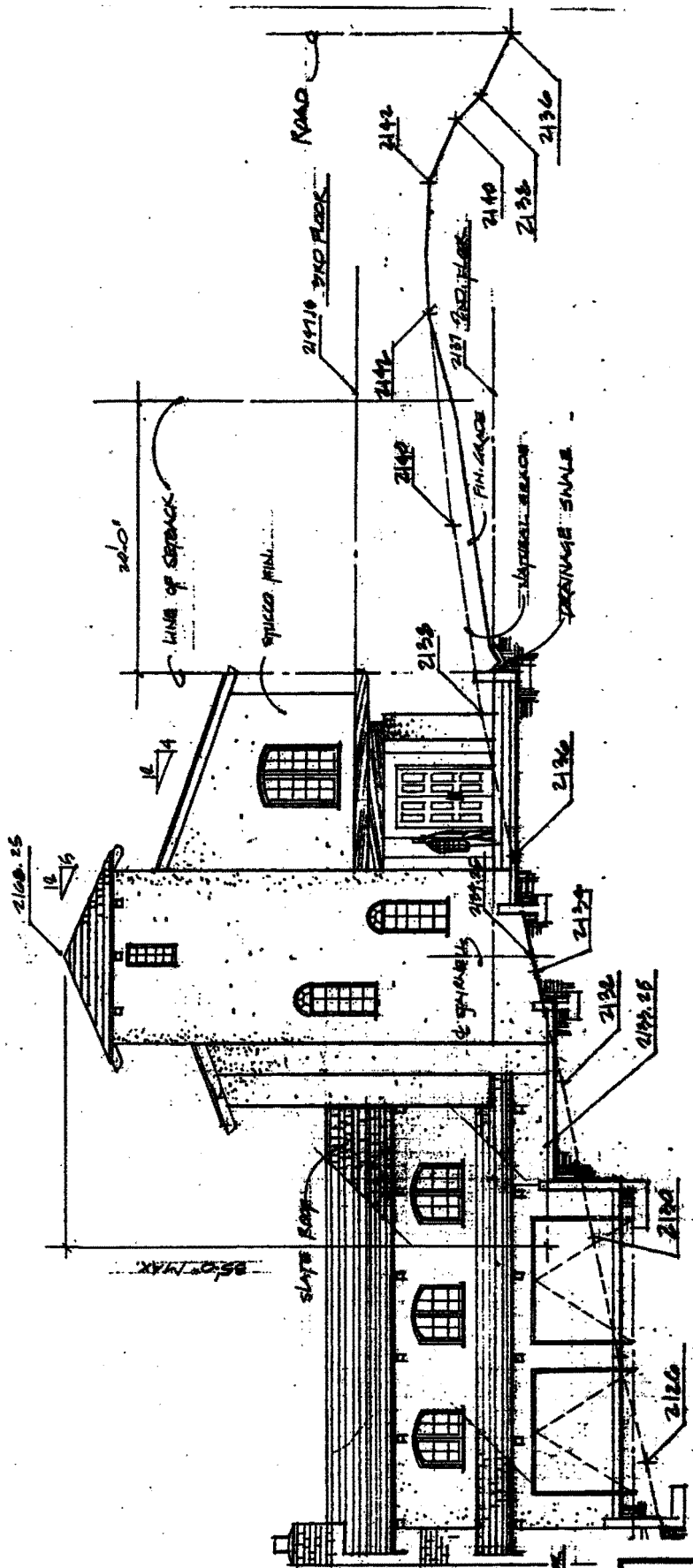
Guest House/Studio-First Floor Plan

EXHIBIT NO. 2 E
APPLICATION NO.
4-99-139



Guest House/Studio- Second Floor Plan

EXHIBIT NO. 2
APPLICATION NO.
4-99-139

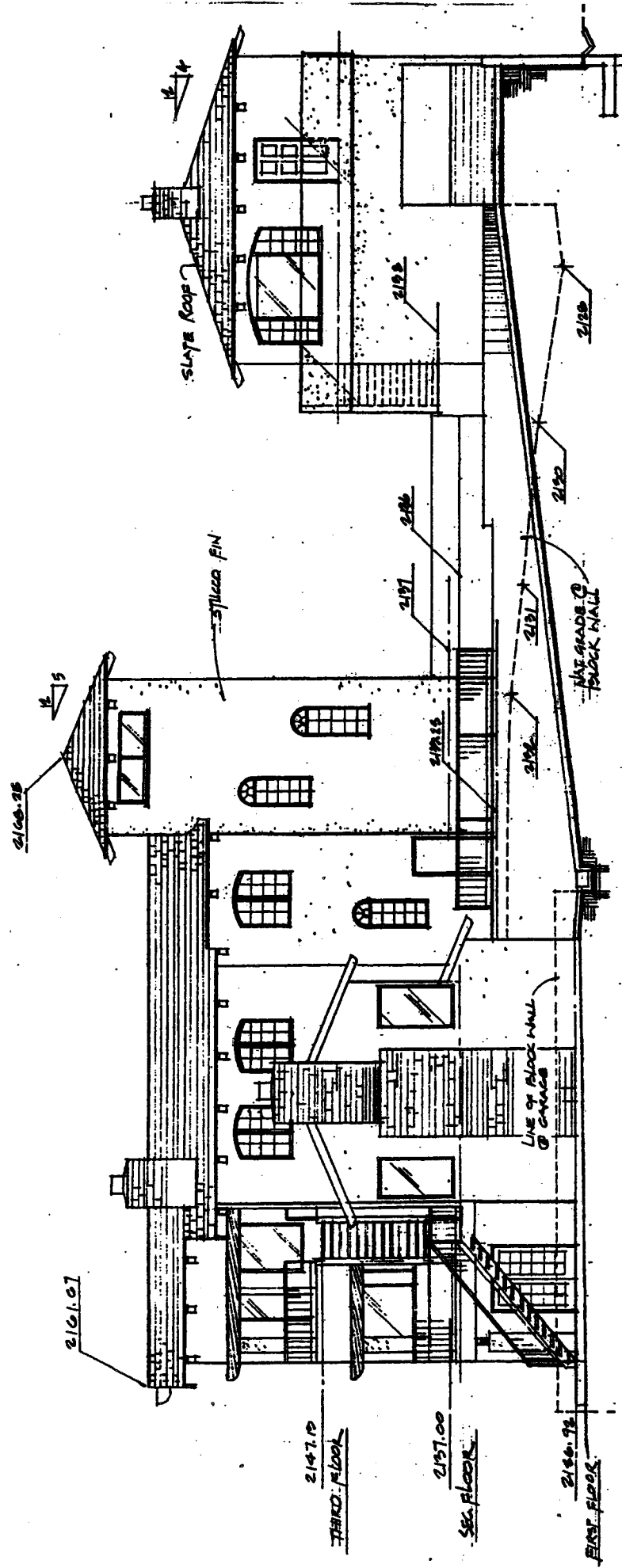


North Elevation/Section

SCALE 1/4" = 1'-0"

1 Way

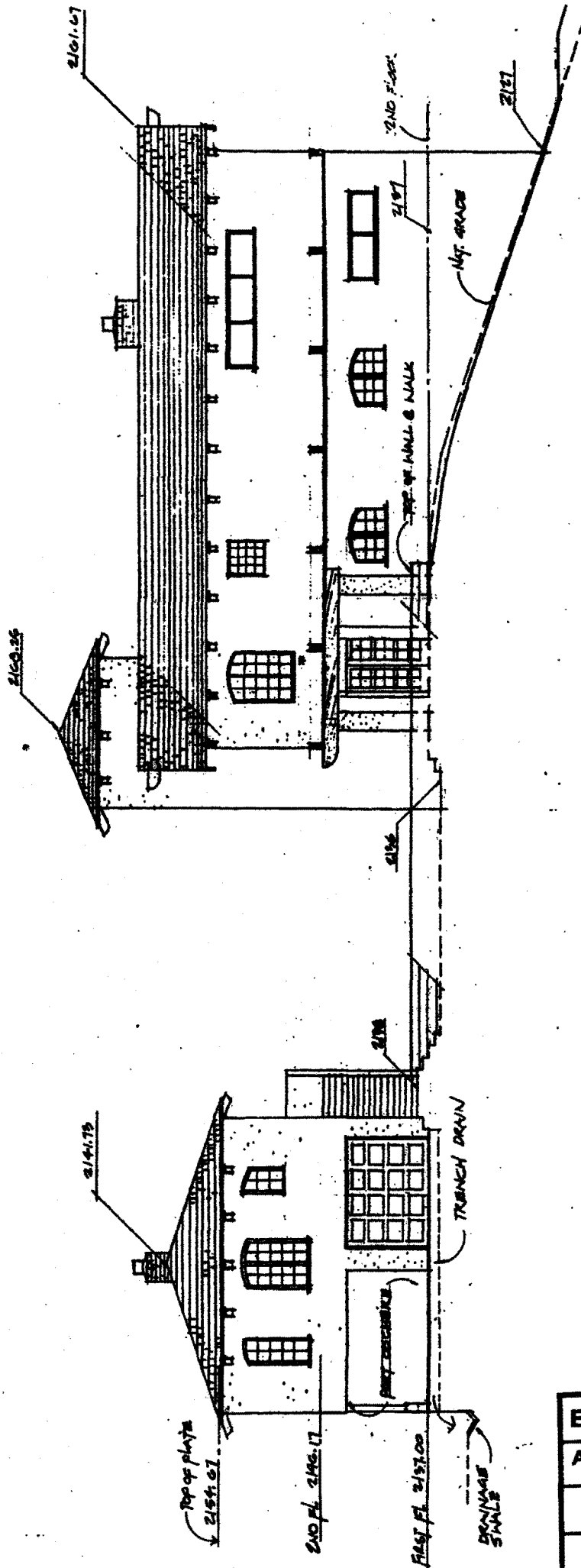
EXHIBIT NO. 26
APPLICATION NO.
4-99-139



East Elevation/Section

EXHIBIT NO. 2 I
APPLICATION NO.
4-99-139

Way



West Elevation

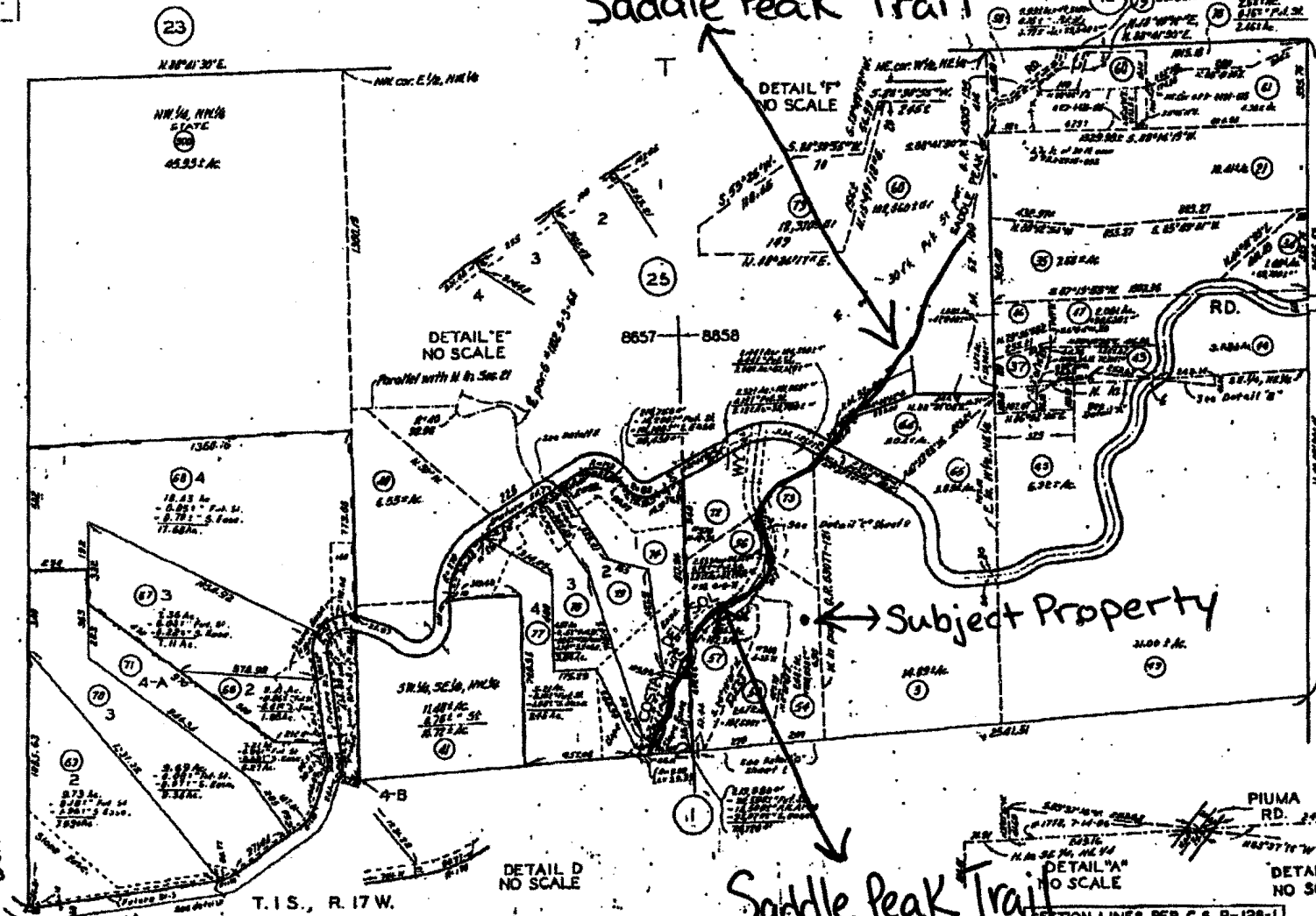
EXHIBIT NO. 2
APPLICATION NO.
4-99-139

May

4453 2
SCALE 1" = 400'

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Saddle Peak Trail



Saddle Peak Trail

CODE
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T. 1 S., R. 17 W.
PREV. ASSMT SEE: PARCEL MAP P.M. 58-28
PARCEL MAP P.M. 58-94

SECTION LINES PER C.S. B-128-1

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT NO. 2K
APPLICATION NO.
4-99-139

