

CALIFORNIA COASTAL COMMISSION

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



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 49th Day: 8/16/99
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 Staff: BCM-V
 Staff Report: 11/10/99
 Hearing Date: Dec. 7-10, 1999
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-99-108

APPLICANT: Mathew Carlson & Wendy Stretten **AGENT:** Jaime Harnish

PROJECT LOCATION: 20933 Big Rock Drive, City of Malibu (Los Angeles County).

PROJECT DESCRIPTION: Construction of a new 5,819 sq. ft., 28 ft. high, two-story single family residence (SFR) with an 800 sq. ft. basement and a detached 412 sq. ft. one-story guesthouse to replace a 5,731 sq. ft. SFR which was destroyed by wildfire. The project includes 1,288 cu. yds. of grading (948 cut, 340 fill). An existing 780 sq. ft. garage was constructed under a previous permit (4-99-026-W).

Lot area	55,692	sq. ft.
Building coverage:	4,181	sq. ft.
Pavement coverage:	20,959	sq. ft.
Landscape coverage:	29,772	sq. ft.
Parking spaces:	4	
Ht abv fin grade:	28'-0"	

LOCAL APPROVALS RECEIVED: Approval in Concept - City of Malibu Planning Department; Approval in Concept - City of Malibu Geology and Geotechnical Engineering Review; Approval in Concept - City of Malibu Environmental Health Department (Septic System).

SUBSTANTIVE FILE DOCUMENTS: *Final Report - Geotechnical Evaluation, Big Rock Mesa Landslide, Malibu, California for Los Angeles County Improvement District 2629R*, dated March 15, 1986; *Geologic Investigation Report* by E.D. Michael, Consulting Geologist, dated November 16, 1994; *Geotechnical Investigation* by Evans, Colbaugh and Associates, dated May 4, 1995; *Limited Geologic and Soils Engineering Report* by GeoConcepts, Inc., dated August 26, 1998; *Geology and Geotechnical Engineering Review Letter* by the City of Malibu, dated September 18, 1998; *Addendum Report No. 1* by GeoConcepts, Inc., dated September 29, 1998; *Addendum Report No. 4* by GeoConcepts, Inc., dated November 1, 1999.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with seven (7) special conditions regarding landscape and erosion control plans, drainage plans and maintenance responsibility, plans conforming to geologic recommendations, assumption of risk, removal of excavated material, restriction of future development, and revised septic system plans.

The project site is located on the periphery of a built-out residential neighborhood of Malibu near the modern, currently active Big Rock Mesa landslide and immediately adjacent to the ancient, currently inactive, Western Extension landslide area. The Big Rock Mesa landslide has a long history of landsliding, and between 1983 and 1985, experienced increased sliding due to, in large part, an artificially induced high groundwater level associated with urbanization of the area, including private septic systems. As a result, any amount of effluent from septic systems that may reach the landslide areas should be reduced or eliminated, to the extent feasible. Although an evapotranspiration sewage system would greatly reduce or eliminate any contribution of effluent to the landslide areas, it is not feasible due to the size, topography, and existing impervious area coverage on this parcel. A gray water system, designed to reduce the amount of septic effluent by 40-60%, will be required to mitigate potential adverse effects on the Big Rock Mesa and Western Extension landslide areas.

STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standards and special conditions below.

MOTION:

Staff recommends a **YES** vote on the following motion:

I move that the Commission approve with special conditions Coastal Development Permit (CDP) Number 4-99-108 per the staff recommendation as set forth below.

The motion passes only by affirmative vote of a majority of the Commissioners present.



RESOLUTION:

I. Approval with Conditions

Filed: 6/28/99
49th Day: 8/18/99

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that 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 (CEQA).

STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO. 1-20-00
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 Commission 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 OF STAFF RECOMMENDATION

1. Landscaping and Erosion Control Plan

Prior to the issuance of the coastal development permit, the applicant shall submit a landscaping and erosion control plan for review and approval by the Executive Director. The plan shall identify the species, location, and extent of all plant materials and shall incorporate the following criteria:

(a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development, all landscaping shall consist primarily of native / drought resistant plants as listed by the California Native Plant Society, 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. Irrigated lawn, turf, or groundcover planted within a 50 ft. radius (fuel modification zone) of the proposed residence shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

(b) All slopes on-site shall be stabilized with planting within 60 days of receipt of the certificate of occupancy. Existing invasive or non-indigenous vegetation shall be removed from slope areas. 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 ninety percent (90%) 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 the applicable landscape requirements.

(d) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, and/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) Five (5) years from the completion of development, 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 that 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 that 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 compliance with the original approved plan.

1. Approval with Conditions

2. Drainage Plans and Maintenance Responsibility

the conditions below, for the proposed development. It is agreed that the development will be in conformance with the conditions below. 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 is 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.

3. Plans Conforming to Geologic Recommendations

All recommendations contained in both the *Limited Geologic and Soils Engineering Report* by GeoConcepts, Inc., dated August 26, 1998, and the *Addendum Report No. 1* by GeoConcepts, Inc., dated September 29, 1998, 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.

4. Assumption of Risk, Waiver of Liability, and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (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.

PRIOR TO 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, incorporating all of the above terms 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.

5. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

6. Future Development Deed Restriction

This permit is only for the development described in coastal development permit No. 4-99-108. 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(b) shall not apply to the entire parcel. Accordingly, any future additions or improvements to the guest unit approved under coastal development permit number 4-99-108 will require a permit from the Coastal Commission or its successor agency.

PRIOR TO 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, incorporating all of the above terms 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.

7. Revised Septic System to Incorporate Gray Water Diversion

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a revised septic system plan that incorporates a gray water diversion system to decrease the amount of effluent that may be contributed to the Big Rock Mesa and Western Extension landslide areas. The revised septic system plan shall be reviewed and approved by the applicant's licensed sanitation engineer or septic system design consultant and shall be approved by the City of Malibu's Environmental Health Department.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing the construction of a new 5,819 sq. ft., 28 ft. high, two-story single family residence (SFR) with an 800 sq. ft. basement and a detached 412 sq. ft. guesthouse to replace a 5,731 sq. ft. SFR destroyed by wildfire. The project includes 1,288 cu. yds. of grading (948 cut, 340 fill). An existing 780 sq. ft. garage was constructed under a previous permit (4-99-026-W). Pursuant to Coastal Act Section 30610(g)(1), a coastal development permit is not required for the replacement of a structure destroyed by disaster if the structure does not exceed either floor area, height, or bulk of the destroyed structure by more than ten percent (10%). In this case, the proposed replacement single family residence and guesthouse will exceed the size of the previous structure by fifteen percent (15%) (888 sq. ft.) and, therefore, requires a coastal development permit.

The subject site is a 55,692 sq. ft. lot located on the north-east (upslope) side of a bend on Big Rock Drive, a private street. The site is located on the periphery of a built out area of Malibu consisting of numerous single family residences constructed on steep slopes (Exhibit 1), and the plans are consistent with neighboring development. The project site is not visible from Pacific Coast Highway, the proposed residence is consistent with the character of this area, and thus, the project will not result in a significant adverse impact on viewsheds or visual resources in the area.

The site is also located approximately one mile north of the active Malibu Coast fault, approximately one-fourth of a mile northwest of the currently active Big Rock Mesa Landslide, and immediately adjacent to the approximate boundary of an ancient (currently inactive) landslide (the "Western Extension" of the Big Rock Mesa landslide). Vehicular access to the site is through the active Big Rock Mesa Landslide.

An existing, near-level graded pad area, constructed for the previously existing single family residence, is located on-site. An existing swimming pool / spa and deck are located on the existing pad area immediately south of the proposed location for the new single family residence. An existing tennis court is located on the site northwest of the proposed location for the single family residence. The near-level pad is partially cut into the hillside with descending slopes to the north, south, east, and west. The predominant slope descends southwest for 30 to 60 feet from the level pad area to Big Rock Drive at an approximate slope ratio which varies from 1:1 to 2:1 (horizontal : vertical; 45° to 30°). Access to the property is provided by an existing short driveway from a private road off Big Rock Drive on the north side of the project site.

B. Geologic Stability and Hazards

Section 30253 of the Coastal Act states (in part):

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. ...*

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

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 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. In fact, this proposed development is to replace a previous single family residence which was destroyed by fire, along with approximately 51 other homes in the Big Rock Mesa area. Also, wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The *Final Report – Geotechnical Evaluation, Big Rock Mesa Landslide, Malibu, California for Los Angeles County Improvement District 2629R*, dated March 15, 1986, the *Limited Geologic and Soils Engineering Report* (the "Report") by GeoConcepts, Inc., dated 8/26/98, and the *Addendum Report No. 4* by GeoConcepts, Inc., dated November 1, 1999, show that the subject site is located near the active Big Rock Mesa landslide and immediately adjacent to an ancient (currently inactive) landslide (the "Western Extension" of the Big Rock Mesa landslide).

The Big Rock Mesa Landslide has a long history of sliding, and it experienced increased movement between 1983 and 1985. This increase was mainly the result of an artificially induced high groundwater level associated with urbanization of the area, including the proliferation of private wastewater disposal systems. Following the increased movement of this landslide during the 1980's, Los Angeles County conducted a geologic investigation and implemented a dewatering system for the Big Rock Mesa area. The City of Malibu is currently maintaining this dewatering system. The *Geotechnical Investigation* by Evans, Colbaugh and Associates, dated May 4, 1995, refers to the dewatering program stating:

Although the remedial efforts undertaken in the 1980's demonstrated that dewatering effectively arrested landsliding, the long-term stability of the landslide depends on continued maintenance and periodic improvement of the in-place dewatering system.

Although the theoretical Western Extension of the Big Rock Mesa landslide is currently considered to be ancient and inactive, it also warrants consideration because of its close proximity to the subject site and its potential for slippage should the Big Rock

Mesa landslides remain active. The *Geologic Investigation Report* by E.D. Michael, Consulting Geologist, dated November 16, 1994, discusses the Western extension stating:

Movements Associated with the Western Extension

... The western extension is an area adjacent to the north and northwest of the modern Big Rock Mesa landslide. Within it, widespread evidence observed during 1983 and 1984 indicated, in my opinion unequivocally, incipient landslide movement.

Slope Stability Analyses

The stability of the western extension is dependent upon that of the main Big Rock Mesa landslide mass which buttresses it. ... [T]he Region will likely experience intermittent movement...

CONCLUSIONS

... It should be clearly understood that future movements are likely to occur [in the Big Rock Mesa landslide area] and that such movements could cause significant damage to any proposed improvements.

The *Limited Geologic and Soils Engineering Report* by GeoConcepts, Inc., dated 8/26/98, however, indicates that no evidence of surficial or gross movement is evident at the subject site at this time. The Report incorporates numerous recommendations regarding construction, foundations, and drainage, and states:

It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement 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 GeoConcepts Report further states:

Based on the results of this investigation and a thorough review of the proposed development, as discussed, the site is suitable for the intended use. ... The existing bedrock slopes adjacent the building pad are grossly stable. ... A private sewage disposal system utilizing septic tank and seepage pit is geologically feasible within the bedrock. ... Based upon field observations, laboratory testing and analysis, the bedrock found in the test pits and borings should possess sufficient strength to support the new one and two story residence and guesthouse.

The Commission notes that the geologic and engineering consultants have included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure that the recommendations of the geologic / geotechnical consultant are incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by **Special Condition Three**, to submit project plans certified by the geologic and geotechnical engineering consultant as conforming to their recommendations.

However, because there remains some inherent risk in building on sites near active landslides and faults, such as the subject site, and due to the fact that the proposed project is located in an area subject to an 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 Four**. 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.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu / Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic or wildfire activity has occurred either directly upon or near sites under consideration. The Commission has required such deed restrictions for other development throughout the Malibu / Santa Monica Mountains region.

The Commission also finds that minimization of soil erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities and to landscape all disturbed areas and ascending and descending slopes on-site with native plants compatible with the surrounding environment. The applicant has estimated 203 cubic yards (c.y.) of cut and 75 c.y. of fill for the driveway. The basement excavation has been estimated at 480 c.y. of cut. The project geologist has estimated requiring 265 c.y. for overexcavation (removal and recompaction) underneath the new structures. Therefore the total soil balance of cut and fill equates to 948 c.y. of cut versus 340 c.y. of fill for a net export of 608 c.y. of dirt. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby drainage courses. Therefore, **Special Condition Five** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site and roadways be removed from the site and properly disposed of.

Landscaping of the graded and disturbed areas on the project site will enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will minimize erosion and enhance site stability. The Commission finds that minimization of site erosion will add to the stability of the site. In addition to controlling excess dirt during grading operations, erosion can also be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants, compatible with the surrounding environment.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that non-native and invasive plant species do not serve to stabilize slopes and that such vegetation results in potentially adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Also, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu / Santa Monica Mountains area. In addition, increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and the loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees originating from other continents which have been used for landscaping in this area have already seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition One**.

The applicant's geologic and geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. The building pad area is nearly level but is surrounded by descending slopes to the north, south, east, and west. The predominant slope descends southwest for 30 to 60 feet from the pad area to Big Rock Drive at an approximate slope ratio which varies from 1:1 to 2:1 (horizontal : vertical; 45° to 30°). Because of these steep slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, vegetated swales, and/or other best management practices (BMPs). To ensure that adequate drainage consideration is incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Two**, to submit drainage and erosion control plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

The site's location immediately adjacent to the Western Extension of the Big Rock Mesa landslide and near the active Big Rock Mesa landslide itself necessitates a careful review of the septic system and its potential to add effluent to the landslide mass. Although on a site by site basis, any particular lot, including the subject site, may contribute only a "small amount" to the groundwater flow, when examined in a cumulative fashion, this discharge may have significant effects on downgrade landslide areas. The increase in groundwater effluent loading from residential septic systems is known to potentially increase the risk of slippage in nearby landslides, although dewatering programs may help to mitigate this effect. The *Final Report – Geotechnical Evaluation, Big Rock Mesa Landslide, Malibu, California for Los Angeles County Improvement District 2629R*, dated March 15, 1986 states:

Merifield , et al (1978) describe early efforts to dewater the Big Rock Mesa study area subsequent to tract development. They ascribe evidence of renewed landslide activity to a general rise in the level of groundwater and increased artificial recharge from private wastewater disposal systems...

The L.A. County Improvement District report goes on to state:

The coincidence of current failure with ... the concentration of private waste water disposal effluent is convincing evidence that the current landslide is a result of an artificially induced high ground-water level.

The subject property has historically been part of an assessment district to dewater the Big Rock Mesa landslide under the County of Los Angeles Improvement District No. 2629. It is generally recognized that increased groundwater loading may contribute to lubrication of the Big Rock Mesa and Western Extension landslide areas, thereby decreasing stability and safety. Advanced septic system designs are available which can decrease the amount of effluent discharged into the potential landslide areas. Therefore, any amount of wastewater that may reach the landslide areas should be reduced or eliminated, to the extent feasible, due to the cumulative impacts that may result from increased effluent from septic systems in this area.

Although a private evapotranspiration sewage disposal system could greatly reduce or even eliminate any contribution of effluent to the landslide areas, it is not feasible on this parcel due to the lot size, topography, and existing impervious area coverage. A gray water diversion system, however, is feasible on the subject site and could result in forty to sixty percent (40-60%) of the waste water being diverted for use in the landscape, as

opposed to percolating through groundwater from the seepage pits into the landslide mass area. A gray water system diverts water from sinks, showers, and laundry facilities into a surge tank, from which it is dispersed into a "mini leach field" to be used in landscaped areas. Because of the property's location immediately adjacent to the Western extension of the Big Rock Mesa landslide and near the active Big Rock Mesa landslide itself, the Commission finds that it is necessary to require the applicant, through **Special Condition Seven**, to submit revised septic system plans that incorporate a gray water diversion system to decrease loading to the groundwater, to protect the subject site, to protect road access, and to protect downslope properties located in the Big Rock Mesa and Western Extension landslide areas.

The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

C. Septic System

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

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.

The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. However, due to the property's location immediately adjacent to the Western extension of the Big Rock Mesa landslide and near the active Big Rock Mesa landslide itself, the Commission finds that it is necessary to require the applicant, through **Special Condition Seven**, to submit revised septic system plans that implement a gray water diversion system to decrease loading to the groundwater, to protect the subject site, to protect road access, and to protect downslope properties located in the Big Rock Mesa and Western Extension landslide areas. The City of Malibu's minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources. Gray water diversion systems have been approved and adopted by the City of Malibu Uniform Plumbing Code and by the State of California. In addition, the surge tank that is incorporated into the gray water diversion system prevents any overflow of gray water above the set discharge rate that can be utilized in the landscape. The subject property is not located within the immediate vicinity of any reservoirs, lakes, or blue-line streams. Thus, the gray water diversion system will not result in any adverse impacts to coastal water quality. The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. 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 (and reconstruction of previously existing development) raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence is also being built intensifies the use of a parcel creating potential impacts on public services, such as water, sewage, electricity, and roads. Such development also raises issues regarding maintaining and enhancing public access to the coast.

Based on these policies, the Commission has limited the development of second potential dwelling units on residential parcels in the Malibu and Santa Monica Mountains areas. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the 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 the units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and 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; or 2) a guesthouse, with or without separate kitchen facilities. Past Commission actions have consistently found that second units, guesthouses, pool cabanas, maid's quarters and the like inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCPs 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 412 sq. ft. second residential unit (guesthouse) conforms to the Commission's past actions allowing a maximum of 750 sq. ft. for a second dwelling unit in the Malibu area. To ensure that no additions or improvements are made to the site that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the site are proposed in the future, as required by **Special Condition Six**. The Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

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 program that is in conformity with Chapter 3 (commencing with Section 30200). ...

Section 30604(a) of the Coastal Act stipulates 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 significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. 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 (CEQA)

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

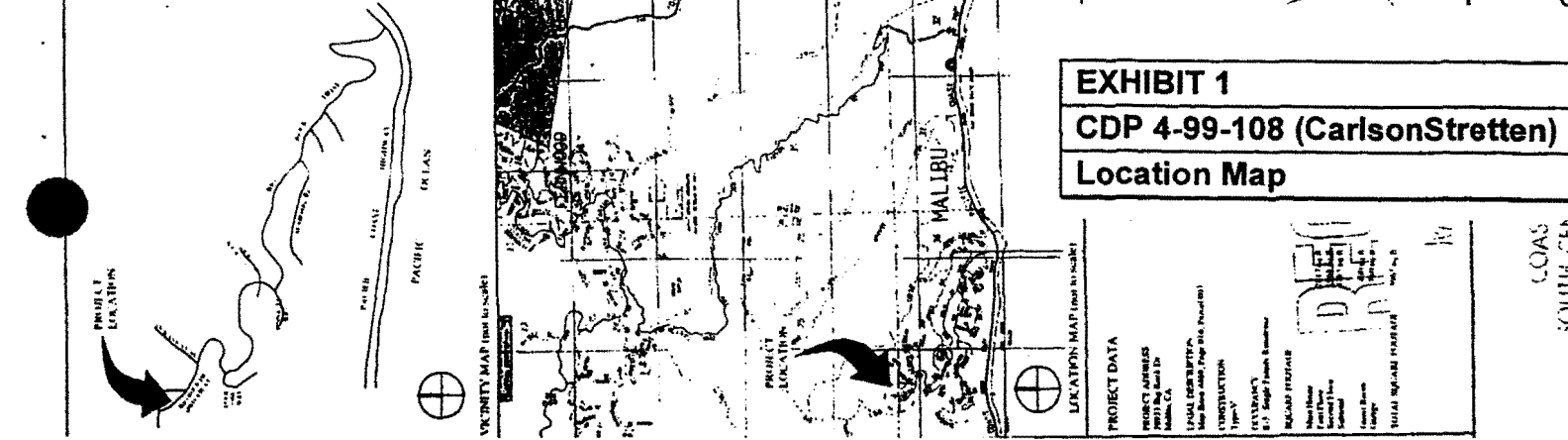
The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

BCM/bcm

File: BCM/permits/regular/4-99-108 CarlsonStetten



EXHIBIT 1
CDP 4-99-108 (CarlsonStretten)
Location Map



PROJECT DATA

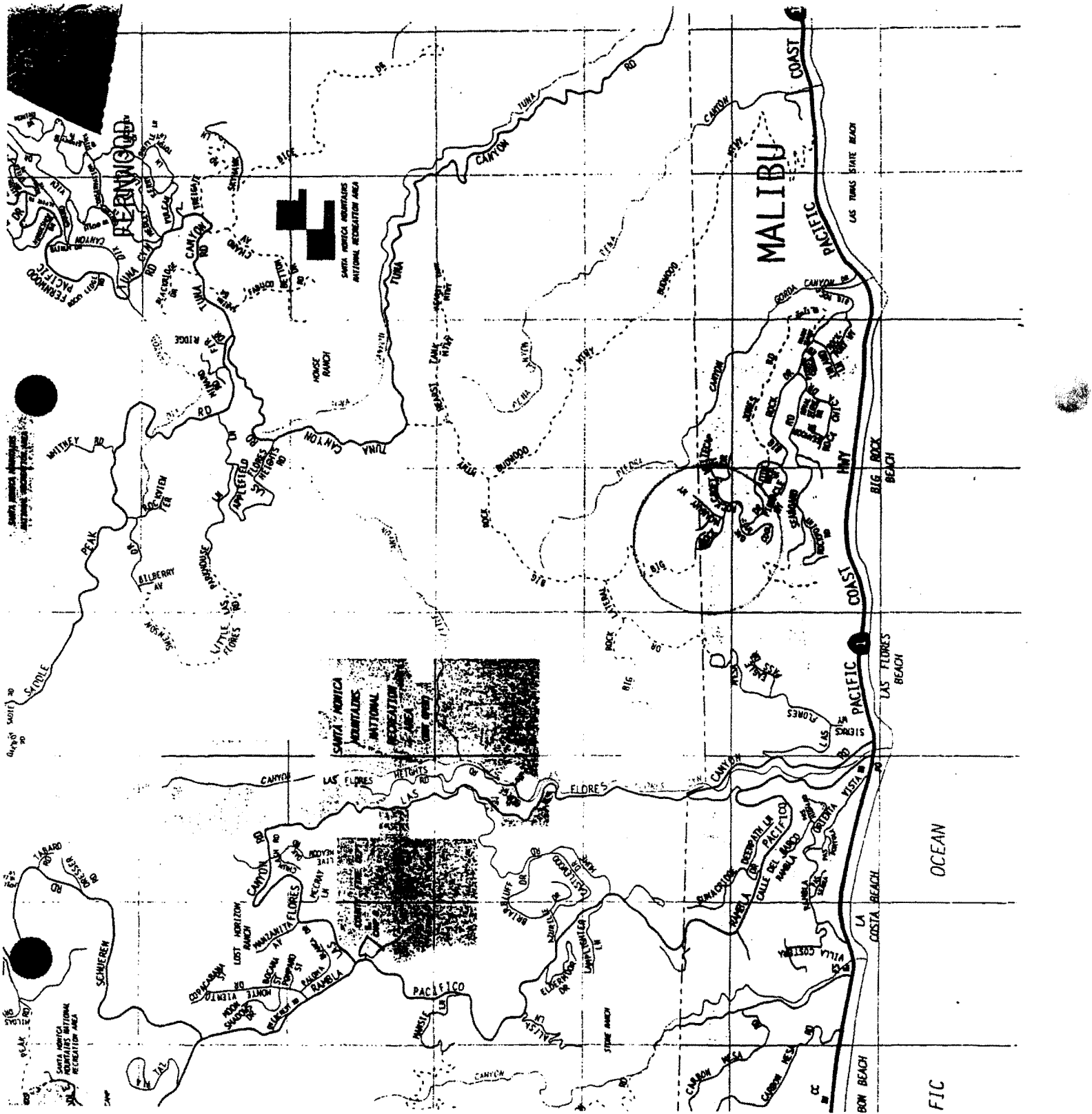
PROJECT ADDRESS
 10000 Malibu Dr
 Malibu, CA

LEGAL DESCRIPTION
 Map Book 499, Page 108 (Project)

CONSTRUCTION
 Type: " "

ESTIMATED
 E.T. Single Family Residence

REGARDING
 Date of Issue: 10/15/99
 Date of Revision: 10/15/99
 Issue Number: 10/15/99
 Issue Name: 10/15/99
 Issue Date: 10/15/99
 Issue Time: 10/15/99
 Issue User: 10/15/99
 Issue Password: 10/15/99



COAS
 SOUTH OF

20933 Big Rock Drive



↑ Western extension
EXPLANATION

↑ Big Rock Mesa landslide

- 1983 MAIN SLIDE BOUNDARY
- BYA WESTERN EXTENSION BOUNDARY
- BLUFF REGION
- HEADSCARP REGION

- CENTRAL MESA
- SOUTHEAST RE

EXHIBIT 2
CDP 4-99-108 (Carlson Stretten)
Location of Landslide Areas
(GeoConcepts Addendum Report #4)

NOTE: SEE GEOLOGIC OF GEOLOGIC L

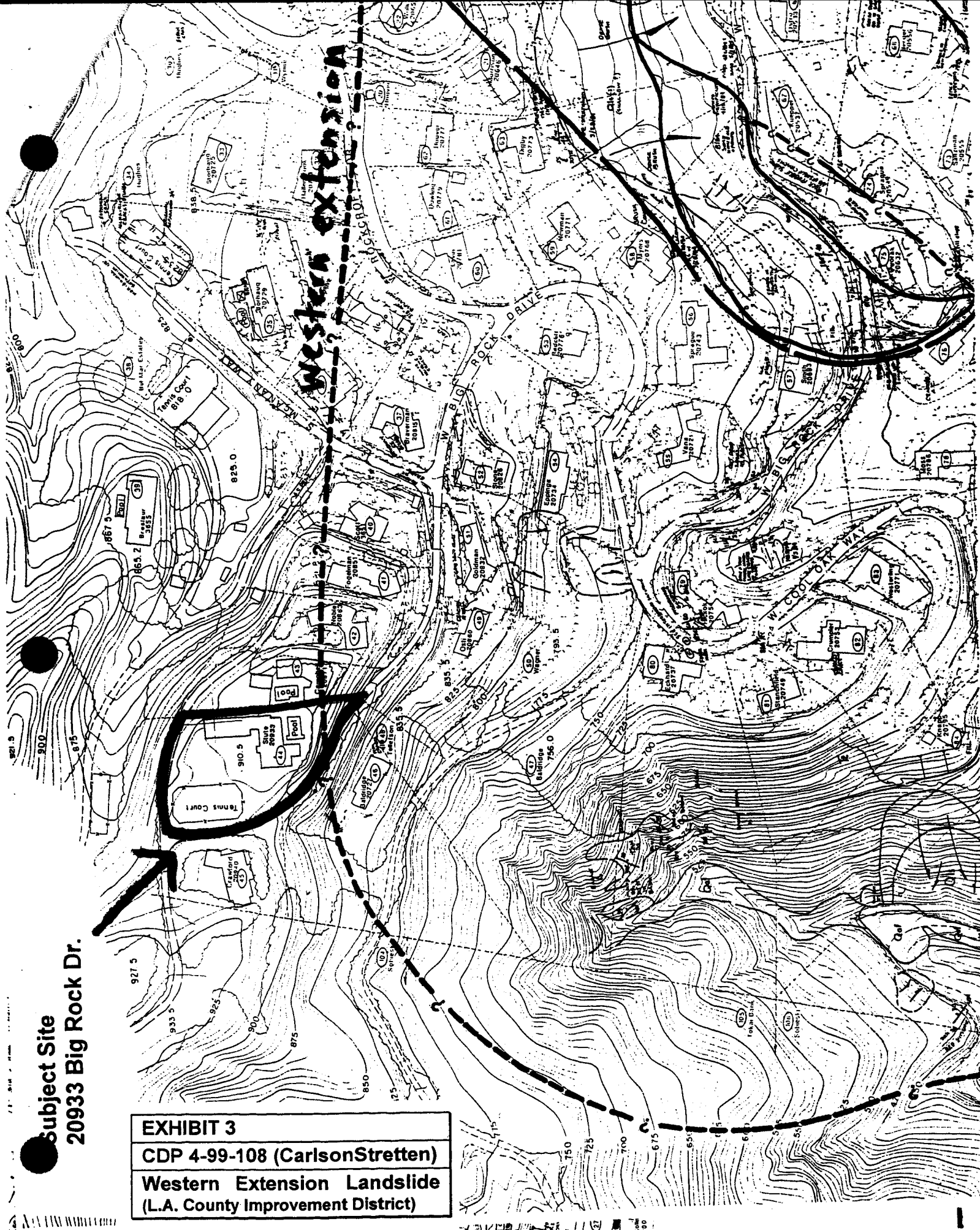
1. THESE REGIONS ARE DEFINED BY THEIR GEOMORPHOLOGICAL AND TECTONIC FEATURES AND OBSERVED DISTRESS TRENDS. FOR ILLUSTRATION PURPOSES THE REGIONAL BOUNDARIES ARE DEPICTED AS DISCRETE LINES. HOWEVER, THESE BOUNDARIES ARE TRANSITIONAL IN NATURE AND ARE NOT NECESSARILY DELINEATED BY LINES DEPICTED ON THIS MAP.
2. THE STABILITY OF THE VARIOUS REGIONS IS INTER-DEPENDENT. STABILITY IMPROVEMENT OR DETERIORATION IN ONE REGION WILL LIKELY HAVE SIMILAR EFFECT ON ADJACENT REGIONS. THE INTER-DEPENDENCY OF THE VARIOUS REGIONS SHOULD BE RECOGNIZED AS A GIVEN CONDITION FOR BIG ROCK MESA.

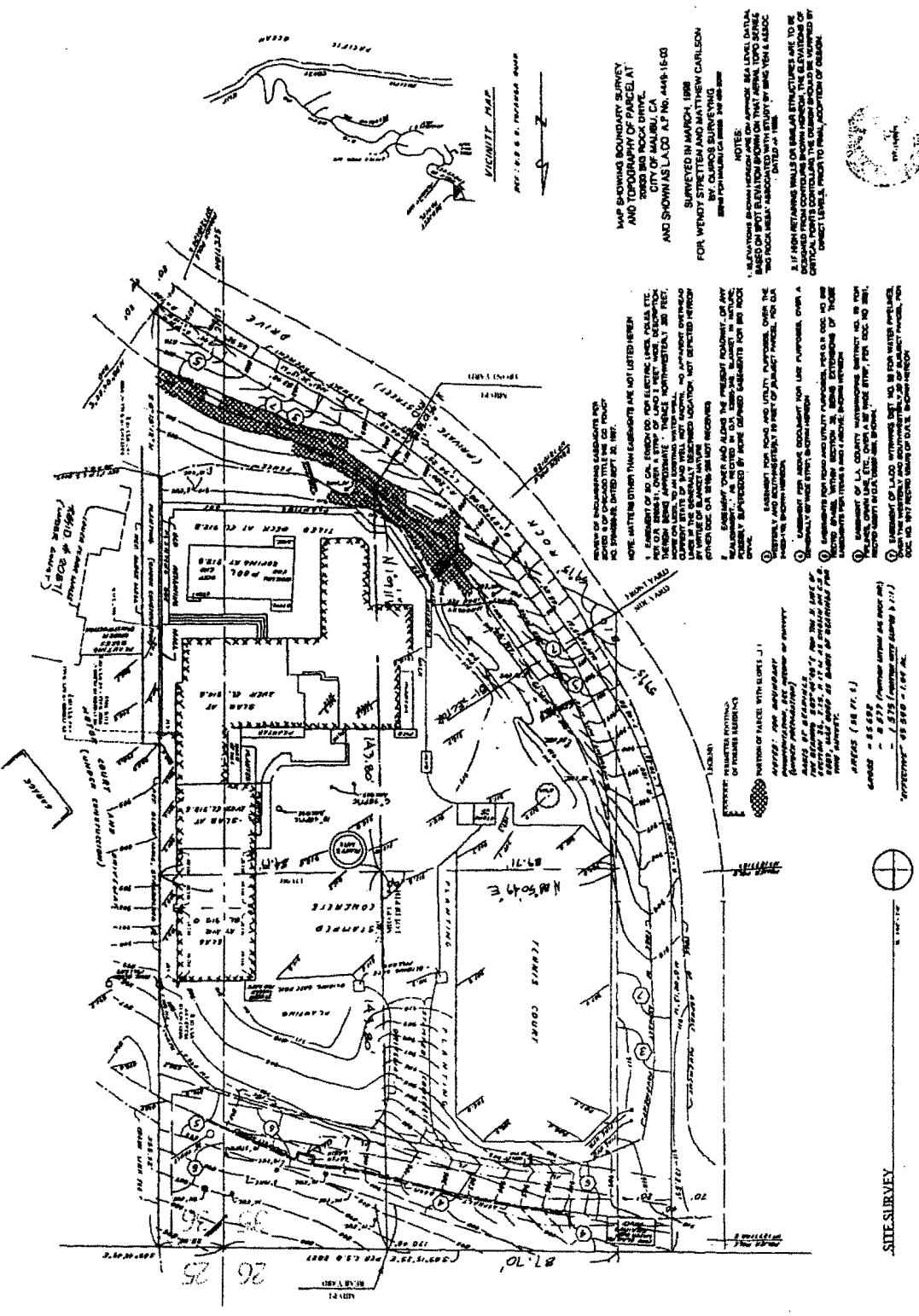
Subject Site
20933 Big Rock Dr.

EXHIBIT 3

CDP 4-99-108 (CarlsonStretten)

Western Extension Landslide
(L.A. County Improvement District)





MAP SHOWING BOUNDARY SURVEY AND DIMENSIONS OF PARCEL AT 20933 BIG ROCK DRIVE, CITY OF MALIBU, CA AND SHOWN AS L.O. A.P. No. 4448-15-03 SURVEYED IN MARCH, 1988 BY CARLSON SURVEYING FOR WENDY CARLSON AND MATTHEW CARLSON

NOTES:
 1. ELEVATIONS SHOWN HEREON ARE ON APPROX. SEA LEVEL DATA BASED ON SPOT ELEVATION POINT ON LOT OF 20933 BIG ROCK DRIVE, MALIBU, CA DATED 11/88.
 2. IF ANY REMAINS WILLS ON SIMILAR STRUCTURES ARE TO BE OBTAINED FROM COUNTY RECORDS, THE ELEVATIONS OF CERTAIN PORTS SHOULD BE RECHECKED TO BE SURE TO BE CORRECT TO THE POINT OF FINAL ACQUISITION OF GRANT.

NOTE: ALL OTHER THAN EASEMENTS ARE NOT LISTED HEREIN FOR THE RECORD OF THIS SURVEY AND IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY EASEMENTS FROM THE APPROPRIATE AGENCIES. THERE IS A NORTHWESTLY 300 FEET EASEMENT TO THE SOUTHWESTLY CORNER OF THE PARCEL FROM THE SOUTHWESTLY CORNER OF THE PARCEL TO THE SOUTHWESTLY CORNER OF THE PARCEL. THIS EASEMENT IS NOT SHOWN ON THIS SURVEY PLAN AND IS NOT RECORDED.

1. EASEMENT OVER AND ALONG THE PRESENT ROADWAY, OR ANY SUBSTITUTION THEREOF, IS SHOWN AS A SHADY AREA. THIS EASEMENT IS NOT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL, NOR IS IT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL. THE EASEMENT IS TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL, NOR IS IT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL.

2. EASEMENT OVER AND ALONG THE PRESENT ROADWAY, OR ANY SUBSTITUTION THEREOF, IS SHOWN AS A SHADY AREA. THIS EASEMENT IS NOT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL, NOR IS IT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL.

3. EASEMENT OVER AND ALONG THE PRESENT ROADWAY, OR ANY SUBSTITUTION THEREOF, IS SHOWN AS A SHADY AREA. THIS EASEMENT IS NOT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL, NOR IS IT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL.

4. EASEMENT OVER AND ALONG THE PRESENT ROADWAY, OR ANY SUBSTITUTION THEREOF, IS SHOWN AS A SHADY AREA. THIS EASEMENT IS NOT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL, NOR IS IT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL.

AREA OF PARCEL WITH SURVEY 'L' IS SHOWN AS A SHADY AREA. THIS AREA IS NOT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL, NOR IS IT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL.

AREA OF PARCEL WITH SURVEY 'L' IS SHOWN AS A SHADY AREA. THIS AREA IS NOT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL, NOR IS IT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL.

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AREA OF PARCEL WITH SURVEY 'L' IS SHOWN AS A SHADY AREA. THIS AREA IS NOT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL, NOR IS IT TO BE CONSIDERED AS A PART OF THE SURVEYED PARCEL.

EXHIBIT 5
 CDP 4-99-108 (CarlsonStretten)
 Survey Plan

2.0

DATE	11/11/09
BY	...
SCALE	...
PROJECT	...

Carlson/Stretten Residence
20933 Big Rock Drive
Maribu, CA

Basement Plan

Appleton & Associates, INC
ARCHITECTS
1000 10th Street
San Francisco, CA 94103
Tel: 415.774.2200
Fax: 415.774.2201

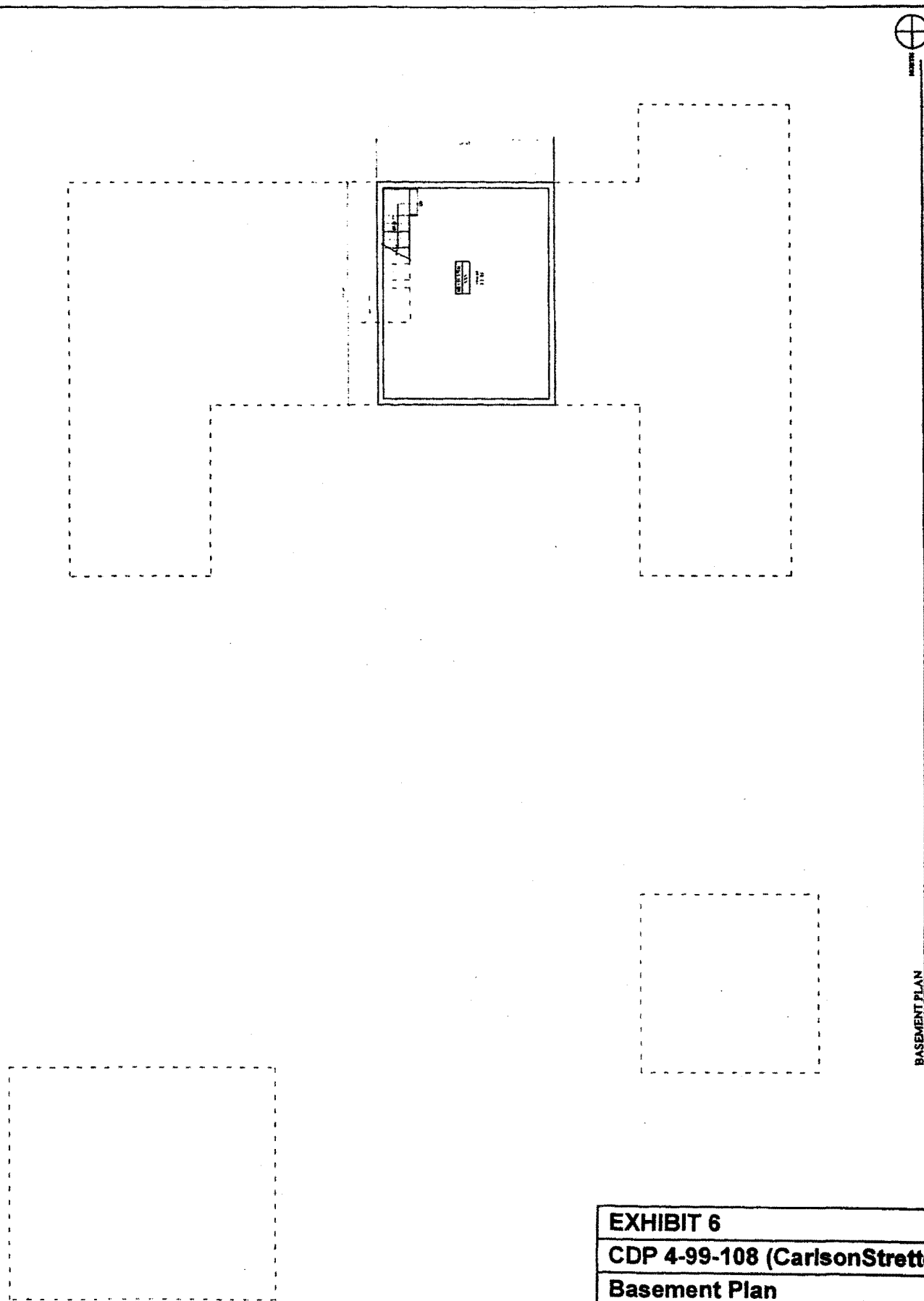


EXHIBIT 6
CDP 4-99-108 (CarlsonStretten)
Basement Plan

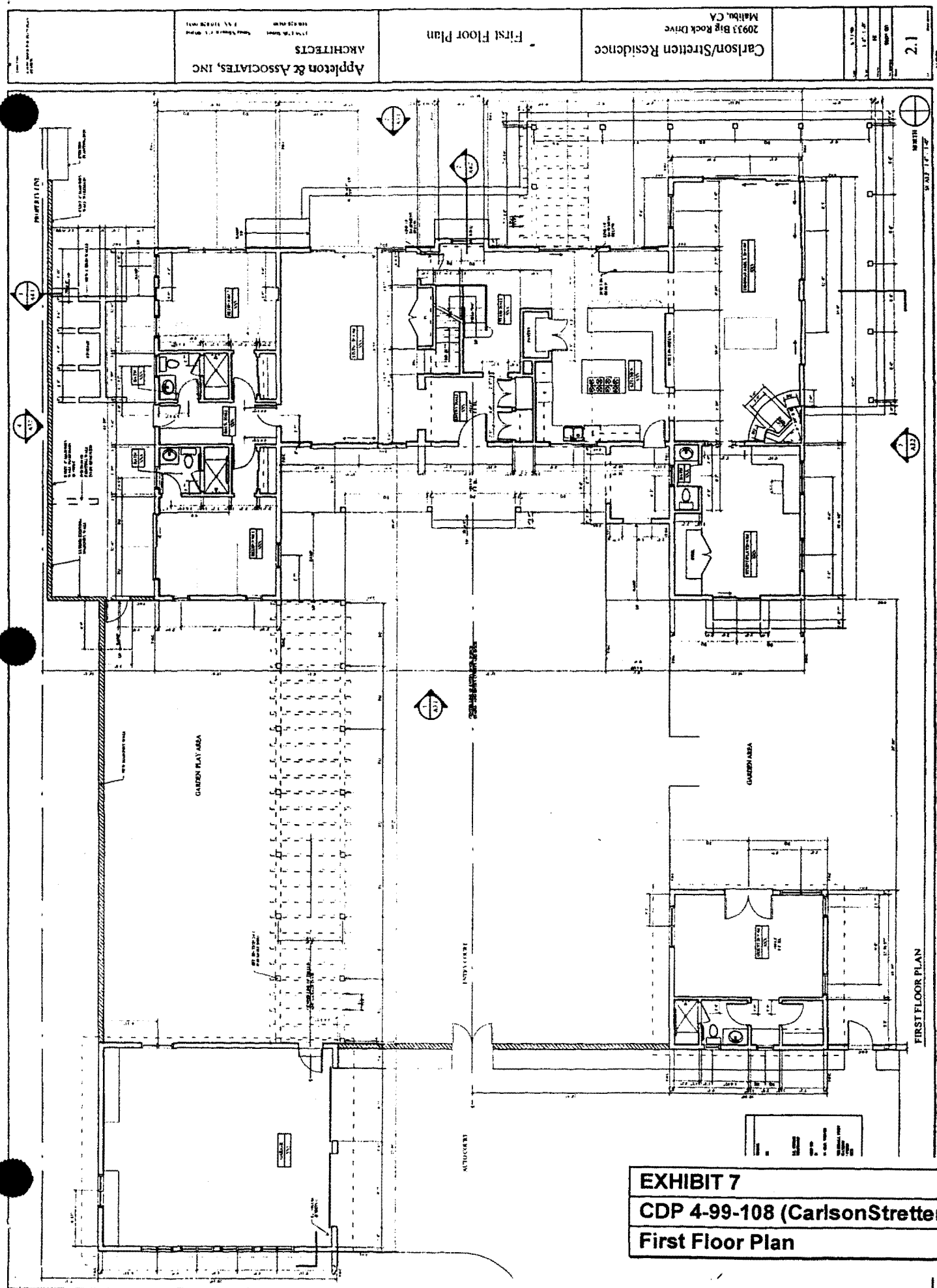


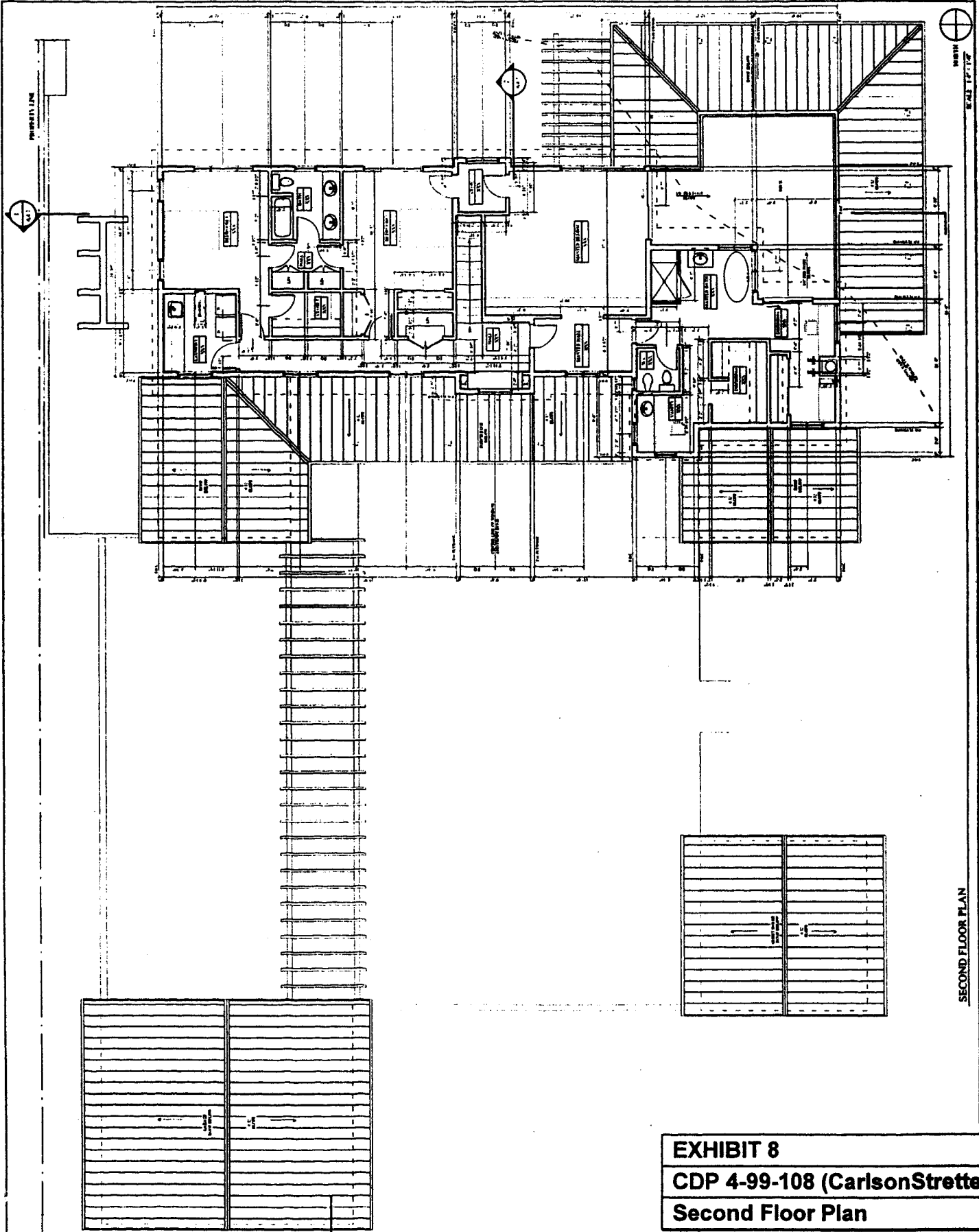
EXHIBIT 7
CDP 4-99-108 (CarlsonStretten)
First Floor Plan

2.2

Carlson/Stretten Residence
20933 Big Rock Drive
Malibu, CA

Second Floor Plan

Appleton & Associates, Inc
ARCHITECTS
1100 17th Street, Suite 100
Malibu, CA 90263
Tel: 310.306.1100
Fax: 310.306.1101



SECOND FLOOR PLAN

EXHIBIT 8
CDP 4-99-108 (CarlsonStretten)
Second Floor Plan

DATE	03/19
BY	LANDY/PC
SCALE	1/8" = 1'-0"
PROJECT	RESIDENCE

Carlson/Stretten Residence
 20933 Big Rock Drive
 Malibu, CA

Elevations

Appleton & Associates, Inc
 ARCHITECTS
 15000 Ventura Blvd.
 Suite 100
 Encino, CA 91436
 Tel: 818/709-1000
 Fax: 818/709-1001

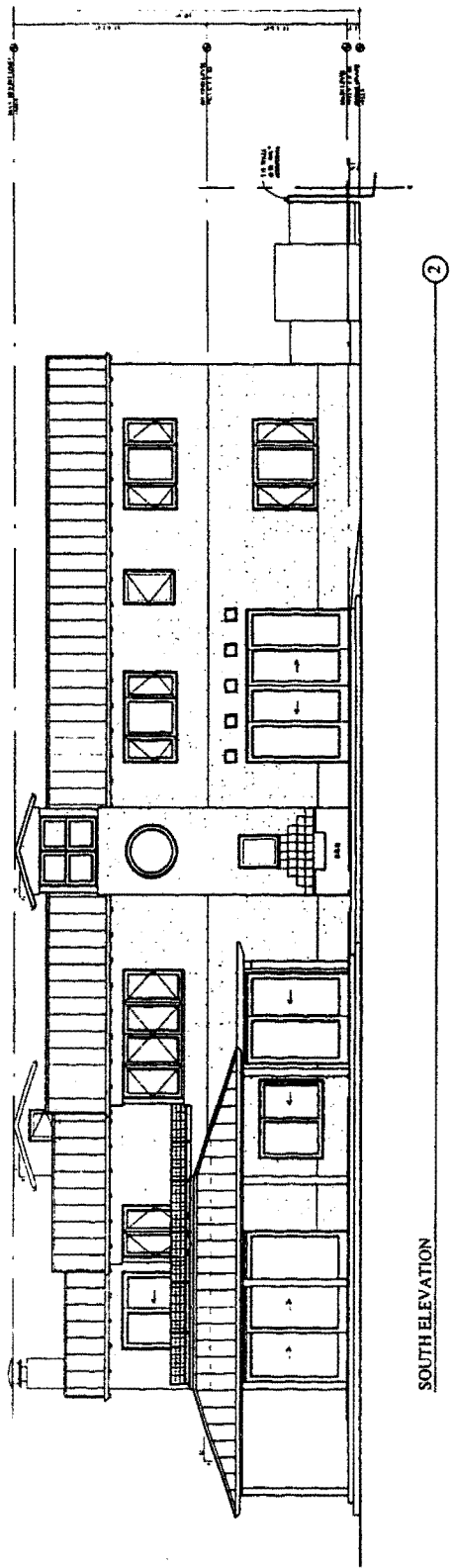
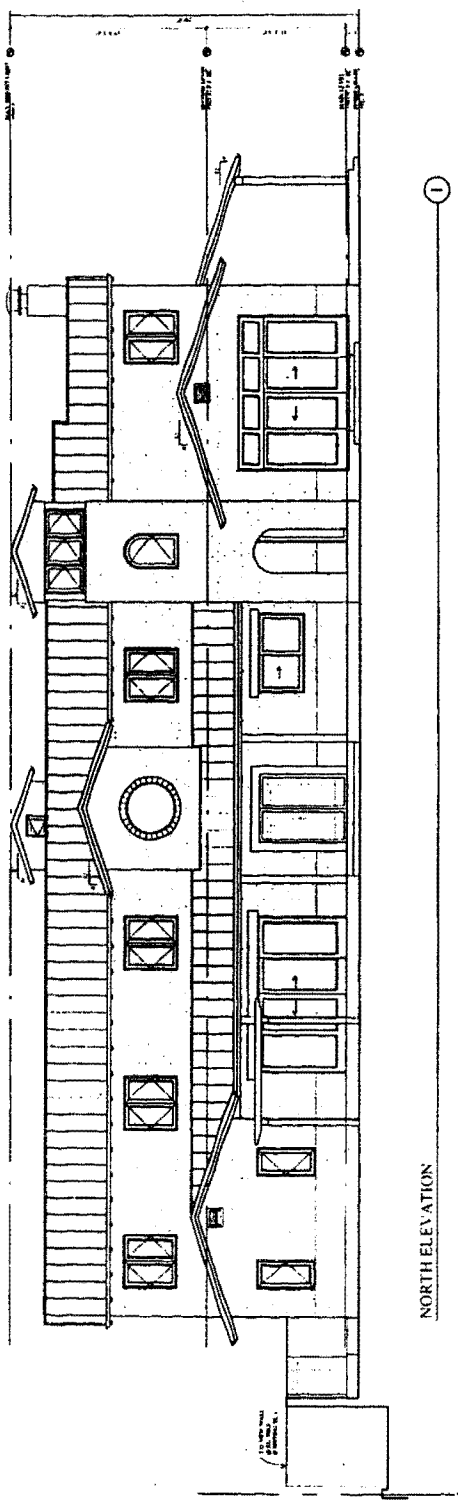


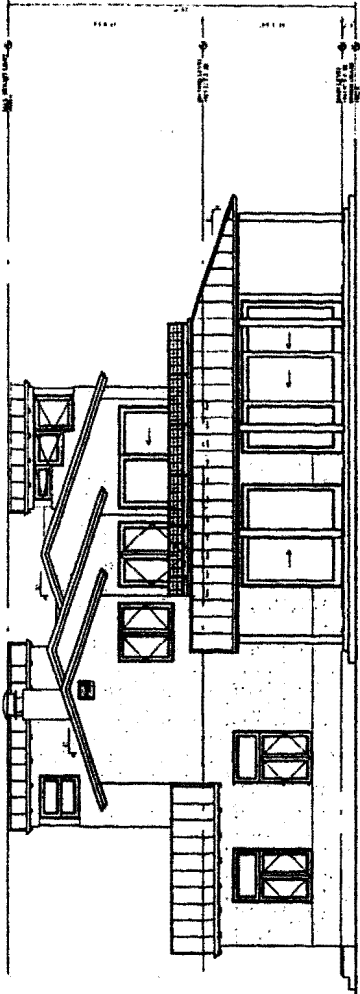
EXHIBIT 9
CDP 4-99-108 (CarlsonStretten)
Building Elevations (N and S)

EXHIBIT 10
CDP 4-99-108 (CarlsonStretten)
Building Elevations (E and W)

Elevations

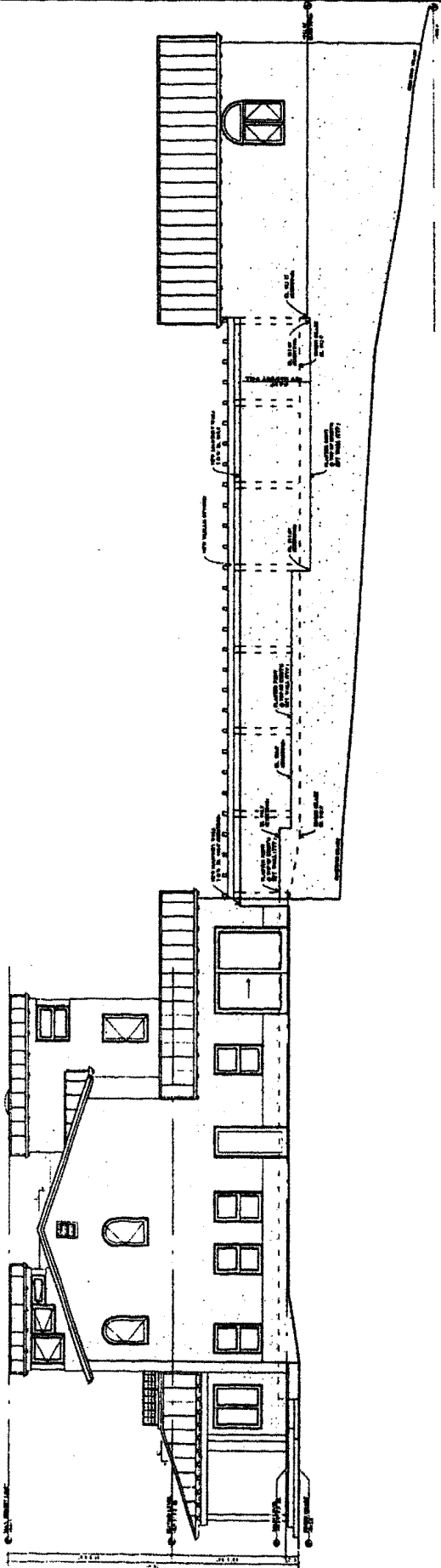
Carlson/Stretten Residence
 20933 Big Rock Drive
 Malibu, CA

A-3.2



1

WEST ELEVATION



2

EAST ELEVATION

EXHIBIT 11
CDP 4-99-108 (CarlsonStretten)
Building Sections (N/S and E/W)

Carlson/Stretten Residence
 20933 Big Rock Drive
 Malibu, CA

DATE	6.11.08
BY	J.P. / J.P.
SCALE	AS SHOWN
PROJECT NO.	4-99-108
A-4.1	

Sections

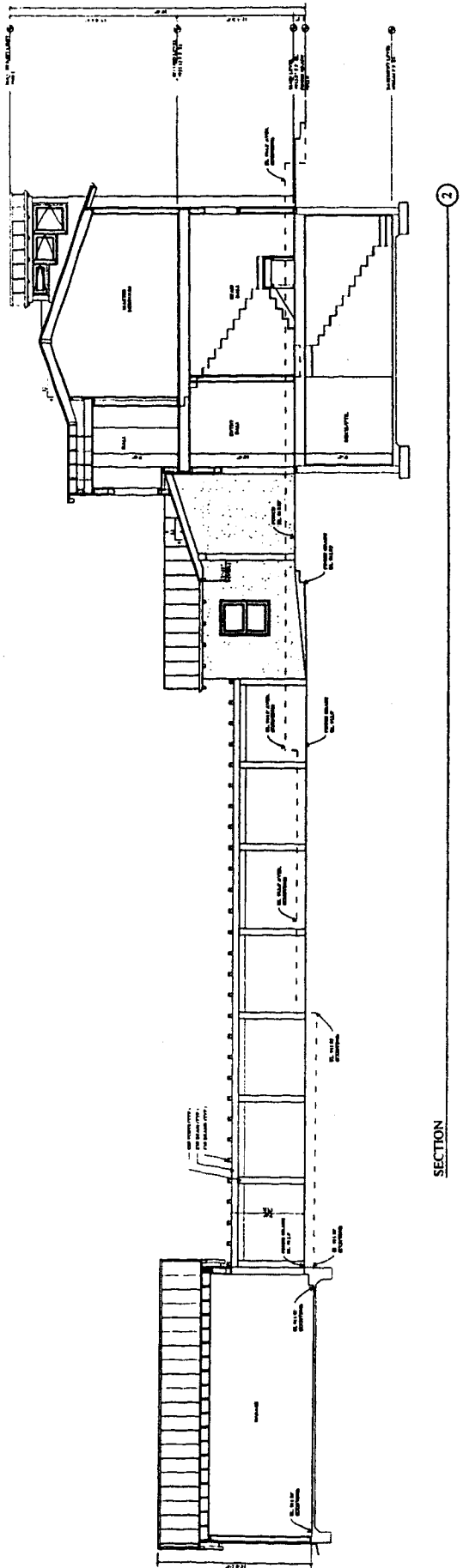
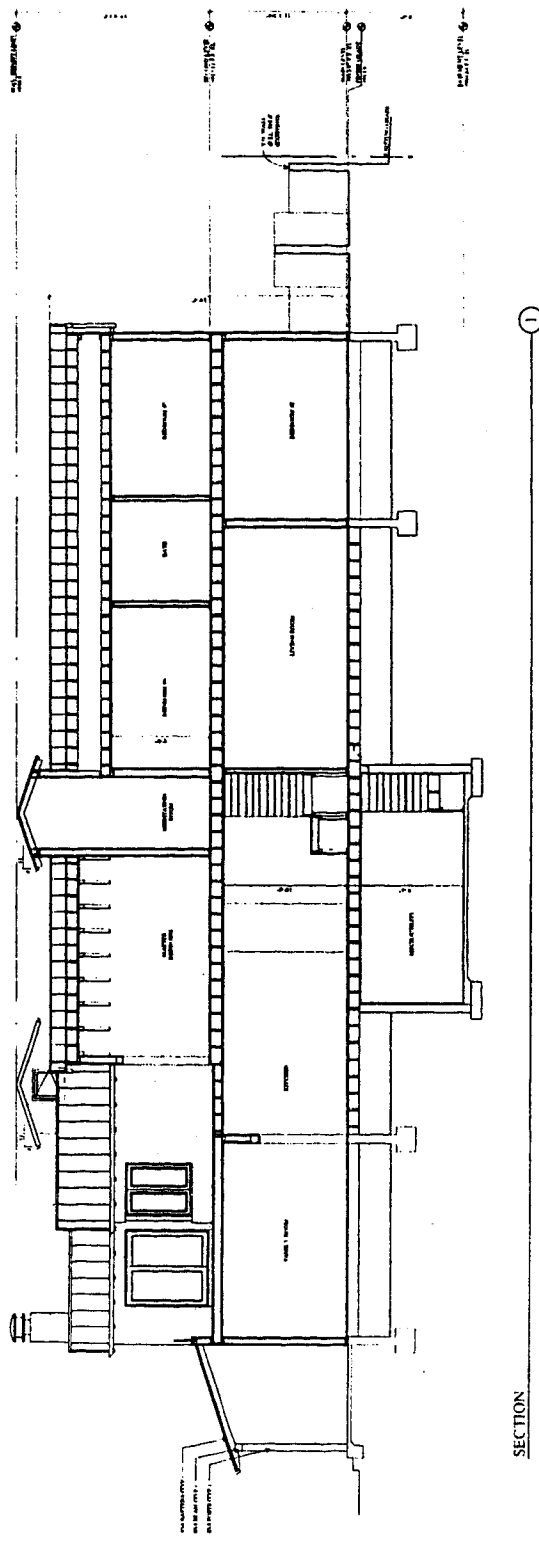


EXHIBIT 12

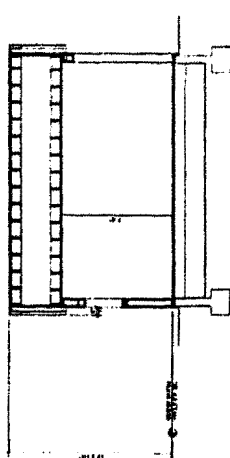
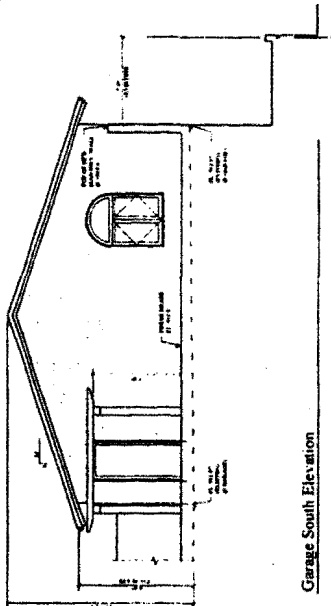
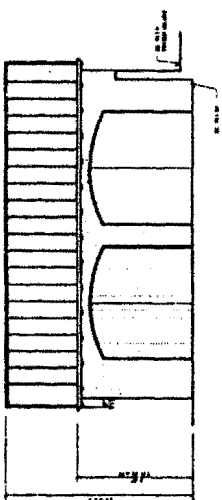
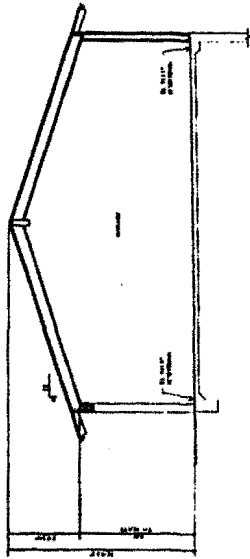
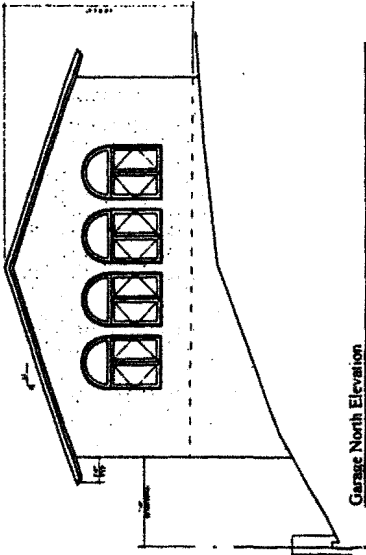
CDP 4-99-108 (CarlsonStretten)

Garage/Guesthouse Sections

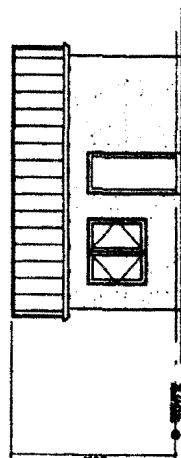
Guest House/Garage
Section/Elevations

Carlson/Stretten Residence
20933 Big Rock Drive
Malibu, CA

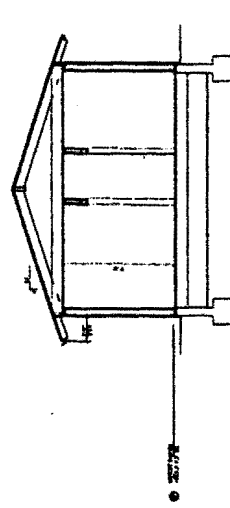
A-33



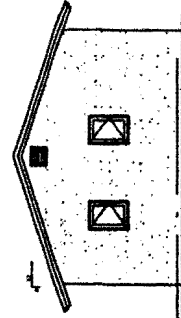
Guest House Section



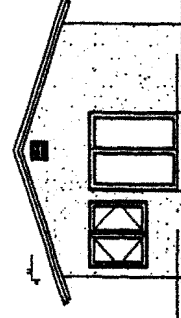
Guest House East Elevation



Guest House Section



Guest House North Elevation



Guest House South Elevation