

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
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 Hearing Date: 5/11/99
 Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-99-015

APPLICANT: Phillip Goebels

AGENT: Skylar Brown

PROJECT LOCATION: 1522 Decker Canyon Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 3,800 sq. ft., 26 ft. high, two story single family residence, detached 3-car garage adjacent to residence on an existing 7,900 sq. ft. pad atop a low knoll, fire department turnaround at upper mouth of existing driveway, 18 ft. high, two-story, additional detached 4-car garage with 800 sq. ft. first floor and 750 sq. ft. guest unit on second floor, six ft. high, approximately 66 linear ft., non-combustible fire wall along partial property line, swimming pool, septic system, and grade 170 cu. yds. of material, total (95 cu. yds. cut and 75 cu. yds. fill).

Lot area:	88,443 sq. ft. (approx. 2 acres)
Building coverage:	4,014 sq. ft.
Pavement coverage:	9,860 sq. ft.
Landscape coverage:	4,000 sq. ft.
Parking spaces:	7 enclosed, 2 guest (open)

LOCAL APPROVALS RECEIVED: Los Angeles County Regional Planning Approval-in-Concept, dated November 19, 1998; Los Angeles County Environmental Review Board determination of consistency with applicable policies, dated September 21, 1998; Fire Department Approval-in-Concept dated December 2, 1998; Preliminary Fuel Modification Approval (verbal) from County Dept. of Forestry, April 21, 1999; County Health Department Septic Approval, dated January 19, 1999.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Geologic and Soils Engineering Evaluation, prepared by Grover Hollingsworth and Associates, dated November 30, 1998; Coastal Development Permit 4-93-044 (Cuyugan).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with special conditions regarding landscape and erosion control, geologic recommendations, future development restrictions, and wildfire waiver of liability.

The proposed project is located in a wildlife corridor designated within the certified Malibu/Santa Monica Mountains Land Use Plan and as such is subject to certain restrictions identified herein and further addressed in the applicable special conditions. The applicant has redesigned the project to incorporate a fire wall in lieu of the modification of mature chaparral habitat that would otherwise have been required for fire risk reduction by the Los Angeles County Fire Department.

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 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. Landscape Plan and Fuel Modification

A. Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (1) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within sixty (60) days of receipt of the Certificate of Occupancy from the City of Malibu. 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 that tend to supplant native species shall not be used. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.

- (2) Vegetation within 50 feet of the proposed house may be removed to mineral earth or planted in a zone of irrigated lawn or similar ground cover. Selective thinning, for purposes of fire hazard reduction shall be allowed in accordance with an approved long-term fuel modification plan

submitted pursuant to this special condition. The applicant shall submit evidence to the satisfaction of the Executive Director that the fuel modification plan required herein has been approved by the Los Angeles County Forestry Department.

- (3) All plantings shall be maintained in good growing condition throughout the life of the project, and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape or fuel modification plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal-Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (5) Should grading take place during the rainy season (November 1 – March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an approved dumping location.

B. Monitoring Plan

- (1) 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.
- (2) 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.

2. Plans Conforming to Geologic Recommendations

- (a) All recommendations contained in the Geologic and Soils Engineering Exploration, dated November 30, 1998, prepared by Grover Hollingsworth and Associates, shall be incorporated into all final project designs and plans. All plans must be reviewed and approved by the geotechnical consultant. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultant's review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.
- (b) The final plans approved by the geotechnical 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 geotechnical consultant shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial."

3. Wild Fire Waiver of Liability

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

4. Future Development Deed Restriction

- A. This permit is only for the development described in coastal development permit No. 4-99-015. 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) and (b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation and grading, other than as provided for in the approved landscape plan prepared pursuant to Special Condition 1 and any fencing on the property that might otherwise be exempt under Public Resource Code Section 30610 (a), which are proposed within or along the boundaries of the subject parcel, shall require an amendment to Permit No. 4-99-015 from the

Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government

- B. **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, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 3,800 sq. ft., 26 ft. high, two story single family residence, detached 3-car garage adjacent to residence on an existing 7,900 sq. ft. pad atop a low knoll, fire department turnaround at upper mouth of existing driveway, 18 ft. high, two-story, additional detached 4-car garage with 800 sq. ft. first floor and 750 sq. ft. guest unit on second floor, six ft. high, approximately 66 linear ft., non-combustible fire wall along partial property line, swimming pool, septic system, and grade 170 cu. yds. of material, total (95 cu. yds. cut and 75 cu. yds. fill).

The proposed site is an approximately 2-acre parcel located at 1522 Decker Canyon Road, north of Encinal Canyon Road in Malibu. As shown on Exhibit 2, this area is located in an area designated as a Wildlife Corridor in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). No mapped riding or hiking trails traverse the property; and no environmentally sensitive habitat areas occur on or immediately adjacent to the site. The proposed project is in keeping with the character and scale of nearby development and will not be visible from Mulholland Highway, a scenic highway, or from parkland or trails. As such, the project will not have significant visual impacts.

B. Biological Resources

Sections 30231 and 30240 of the Coastal Act require that development in and adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade those areas. Section 30231 requires the protection of coastal waters and aquatic ecosystems, through, among other means, controlling runoff (drainage management and erosion control, for example) and limiting

the removal of natural vegetation that serves to buffer adverse impacts upon these resources.

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240.

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As noted previously, the proposed project is located in an area designated by the Malibu/Santa Monica Mountains Land Use Plan (LUP) as a Wildlife Corridor between the Arroyo Sequit Significant Watershed and the Trancas Canyon Significant Watershed. The LUP designates areas between several of the Significant Watersheds as Wildlife Corridors to ensure that wildlife populations which live in the relatively undisturbed habitat areas of the significant watersheds are able to freely pass between the watersheds. There are policies which provide for the protection of wildlife corridor areas in Table 1 of the LUP. Table 1 specifies that the same standards be applied to Wildlife Corridors as those applied to Significant Watersheds with the exception of density policies.

The LUP policies addressing protection of Significant Watersheds (and by reference Wildlife Corridors) are among the strictest and most comprehensive in addressing new development. In its findings regarding the LUP, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December, 1986 that:

Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The LUP contains several policies designated to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development:

Protection of Environmental Resources

P63: Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with the Table 1 and all other policies of this LCP.

Table 1 states that for "existing parcels smaller than 20 acres in proximity to existing development and/or services, and/or on the periphery of the significant watershed:, residential uses are permitted: "at existing parcel cuts (buildout of parcels of legal record) in accordance with specified standards and policies...". The Table 1 policies applicable to Significant Watersheds, and therefore, Wildlife Corridors, are as follows:

...Allowable structures shall be located in proximity to existing roadways, services and other development to minimize the impact on the habitat.

The applicant has concentrated the majority of the proposed structures on an existing pad that has been documented by Commission staff to date back to the 1960s, thus minimizing landform alteration or other impacts on the habitat of the wildlife corridor. The second garage/guest unit is located on a lower portion of the site, adjacent to an existing single family residence on the adjacent lot, in an area previously disturbed by fuel modification and vegetated primarily with ruderal annual grasses and other non-native vegetation.

...Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road and brush clearance required by the Los Angeles County Fire Department. The standard for a graded pad shall be a maximum of 10,000 sq. ft.

The applicant has revised the proposed project to incorporate a 6 ft. high, 66 ft. long fire wall to substitute for the 200 feet of clearance of mature chaparral that the fire department would otherwise have required on the eastern side of the subject site. The Los Angeles County Fire Department has notified the Commission staff that this substitution will be approved in lieu of fuel modification, thus minimizing the project's effects upon the chaparral habitat of value to migrating wildlife in the corridor. No other undisturbed native vegetation will be modified to comply with the fuel modification requirements of the Fire Department. Special Condition 1, however, requires the applicant to prepare and submit a landscape plan for the entire parcel that relies primarily upon the use of drought tolerant, native plants. The implementation of the final approved plan will result in the replacement of invasive, non-native species with locally native species, thus improving the wildlife corridor habitat overall.

With regard to the 10,000 sq. ft. pad limit, the existing pad is approximately 7,900 sq. ft. and will not be enlarged for the proposed project. The detached, second garage will require an additional pad of 800 sq. ft. with only 20 cu. yds. of grading in a previously disturbed area, therefore the project as proposed is consistent with this guideline.

...New on site roads shall be limited to a maximum of 300 feet or one third of the parcel depth, whichever is smaller.

Commission staff has verified that the existing driveway, while approximately 20 feet longer than the 300 feet allowed, predates the Coastal Act. The applicant does not propose to add any additional paved driveway extensions, and thus no new on site roads are proposed.

...Site grading shall be accomplished in accordance with the stream protection and erosion control policies.

Grading for the proposed project will be minimal. The existing pad predates the Coastal Act, and a total of 150 cu. yds. (75 cu. yds. cut and 75 cu. yds. fill) will be required to construct the fire department turnaround at the top of the knoll near the proposed residence. An additional 20 cubic yds. of grading (cut) will be required to prepare the pad for the detached garage/guest unit at the foot of the knoll, shown on Exhibit 4. The applicant has submitted a geologic report dated November 30, 1998, prepared by Grover Hollingsworth and Associates, Inc. The report makes specific recommendations regarding site stabilization upon grading, and the proper management of site drainage to avoid erosion and ensure site stability. The Commission finds that the implementation of the geologic recommendations, as required by Special Condition 2, and the implementation of specific erosion management measures that must be implemented should grading be undertaken during the rainy season, pursuant to Special Condition 1, will ensure that erosion is controlled consistent with the Table 1 policies.

The LUP contains an additional provision applicable to Wildlife Corridors:

...The fencing of entire parcels shall be prohibited in order to allow free passage of wildlife.

The applicant does not propose to install any fencing other than the fire retardant wall discussed previously on the eastern border of the parcel, adjacent to the residence and garage atop the knoll. Special Condition 4 restricts future development, however, and requires that the applicant seek a new permit or an amendment to this permit should additional development, such as a fence, be proposed. Such development would be evaluated to ensure that the perimeter of the property is not fenced, thereby inhibiting the free passage of wildlife in the Wildlife Corridor, and that any limited amount of fencing that is otherwise consistent with the applicable policies of the Coastal Act would be designed and constructed of materials that are safe for wildlife to pass through (chain link or barbed wire, for example, would not be acceptable anywhere on the site).

Therefore, the Commission finds that the proposed project, as conditioned by Special Conditions 1, 2, and 4, is consistent with the policies of Sections 30230, 30231 and 30240 of the Coastal Act. In addition, as noted above, the Commission has determined that the proposed project is also consistent with the applicable guidelines comprised by the policies of the certified Malibu/Santa Monica Mountains Land Use Plan, upon which the Commission has relied as a reference and guideline in reviewing previous coastal development permit applications.

C. Geologic Stability

Section 30253 of the Coastal Act states in pertinent part that:

Section 30253.

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 subject to a number 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.

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through Special Condition 3, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 3 the applicant also 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.

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area. The applicant proposes to construct a 3,800 sq. ft., 26 ft. high, two story single family residence, detached 3-car garage adjacent to residence on an existing 7,900 sq. ft. pad atop a low knoll, fire department turnaround at upper mouth of existing driveway, 18 ft. high, two-story, additional detached 4-car garage with 800 sq. ft. first floor and 750 sq. ft. guest unit on second floor, six ft. high, approximately 66 linear ft., non-combustible fire wall along partial property line, swimming pool, septic system, and grade 170 cu. yds. of material, total (95 cu. yds. cut and 75 cu. yds. fill).

The applicant has submitted a report titled Geologic and Soils Engineering Exploration, prepared by Grover Hollingsworth and Associates, Ltd., dated November 30, 1998. The report makes numerous recommendations regarding building setbacks, foundations, drainage and maintenance, grading and earthwork, slabs on grade, and piles, general construction specifications and precautions, floor slabs, pavement, and sewage disposal. The report concludes that the subject property is considered a suitable site for the proposed development from a geologic and soils engineering standpoint. The report states that:

"...It is the opinion of the undersigned that the proposed development will be safe against hazards from landslide, settlement or slippage, and that the

proposed grading and development will not have an adverse effect on the geologic stability of the property outside the building site provided our recommendations are followed during construction."

The Commission finds, therefore that it is necessary to impose Special Condition 2 to ensure that all of the geotechnical consultant's recommendations are incorporated into the final project plans and designs.

The applicant proposes to grade approximately 170 cu . yds. of material to construct complete the fire department turnaround and to groom a small pad on the lower portion of the site for placement of the second garage/guest unit. Special Condition 1 requires the applicant to implement erosion control measures should such grading be undertaken during the rainy season, and to prepare and submit a landscape and erosion control plan that uses mostly locally native, drought tolerant plant species. Native plants tend to be deeply rooted and to require a minimal application of irrigation water, once established. Thus, in addition to providing a compatible palette of form and color with adjoining native habitat, and providing habitat benefits for native wildlife, the use of native plants as required by Special Condition 1 additionally ensures optimal erosion control and site stability. In addition, Special Condition 2 requires the applicant to submit evidence that the geotechnical consultant's recommendations, including measures to control and prevent erosion, have been incorporated into the final project plans and designs.

For all of these reasons, therefore, the Commission finds that as conditioned by Special Conditions 1, 2 and 4, the proposed is consistent with the geologic stability requirements of Coastal Act Section 30253.

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.

The applicant proposes to construct a 750 sq. ft. guest unit over a proposed 4-car second garage, in addition to the proposed residential development on the subject 2-acre parcel. Pursuant to Section 30250 cited above, new development raises 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 raising potential impacts on public services, such as water, sewage, electricity and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by primary residential development.

Based on the requirements of Coastal Act Section 30250, the Commission has limited the development of second dwelling units (including the proposed guest unit above the second garage) on residential parcels in the Malibu and Santa Monica Mountain areas. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in the 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 units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as 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 Commission, through a long history of past permit actions, has established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. The guest unit proposed by the applicant is considered a second residential unit. However, to ensure that no additions or improvements are made to the guest unit 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 development (guest house) are proposed in the future as required by Special Condition 4. For these reasons, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 of the Coastal Act.

E. Septic Disposal

The Commission recognizes that the potential build-out of lots in Malibu and 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 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, 1,500 gallon septic tank and disposal system as shown on the plans approved by the Los Angeles County Health Department, dated January 19, 1999. 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 Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. In addition, the applicant has submitted a percolation report prepared by Barton Slutske, registered residential wastewater disposal system consultant, dated December 24, 1998, indicating that the percolation tests performed on the site prove the property's percolation capacity is consistent with the requirements of the Uniform Plumbing Code.

For all of these reasons, therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

- (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the

proposed development will not create adverse effects and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the unincorporated area of Malibu and the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

VENTURA CO
LOS ANGELES CO

East Fork

WILDLIFE
CORRIDOR (LUP)

Canyon

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EXHIBIT NO. 2

APPLICATION NO.

4-99-015

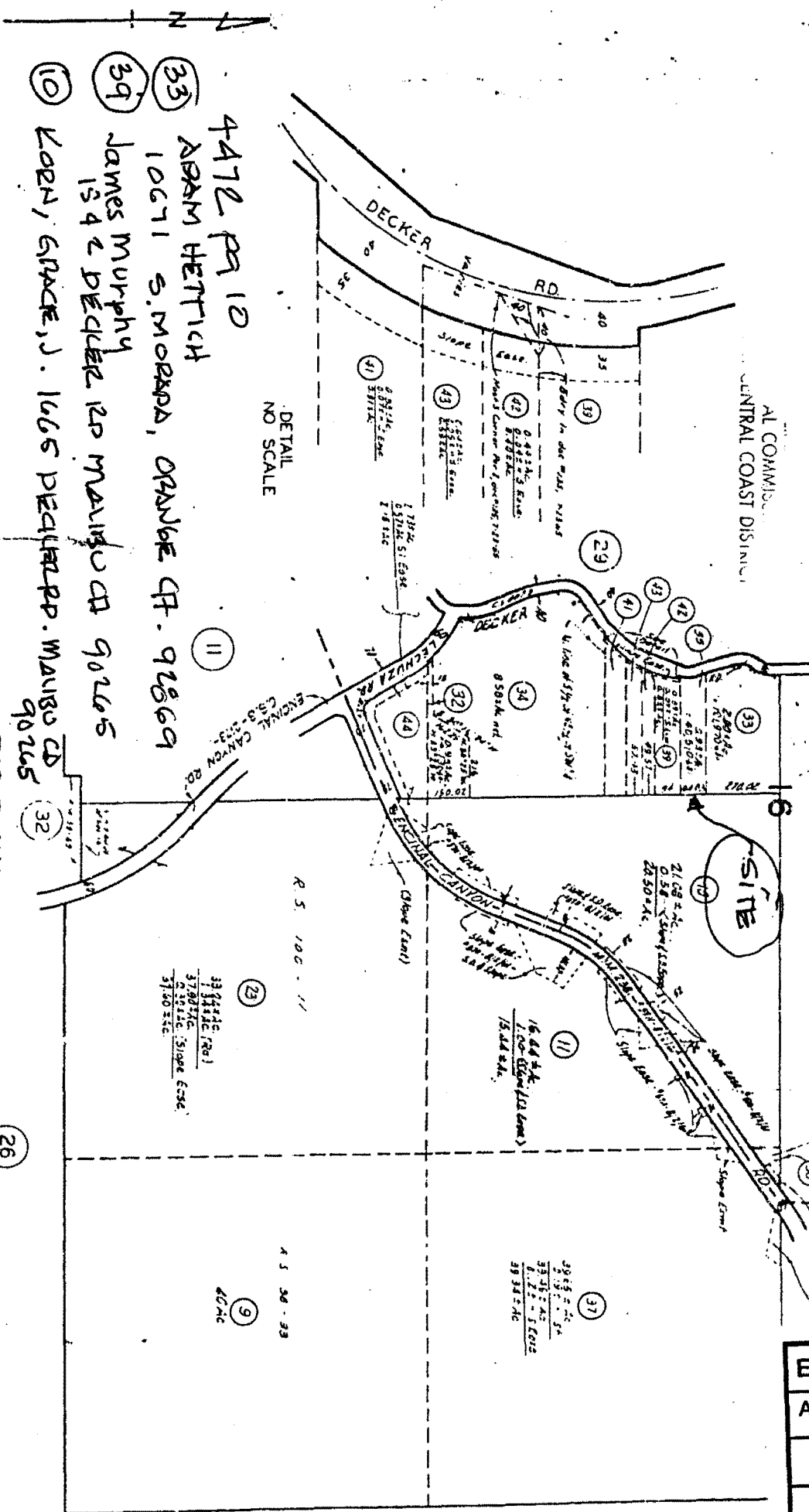
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CENTRAL COAST DISTRICT



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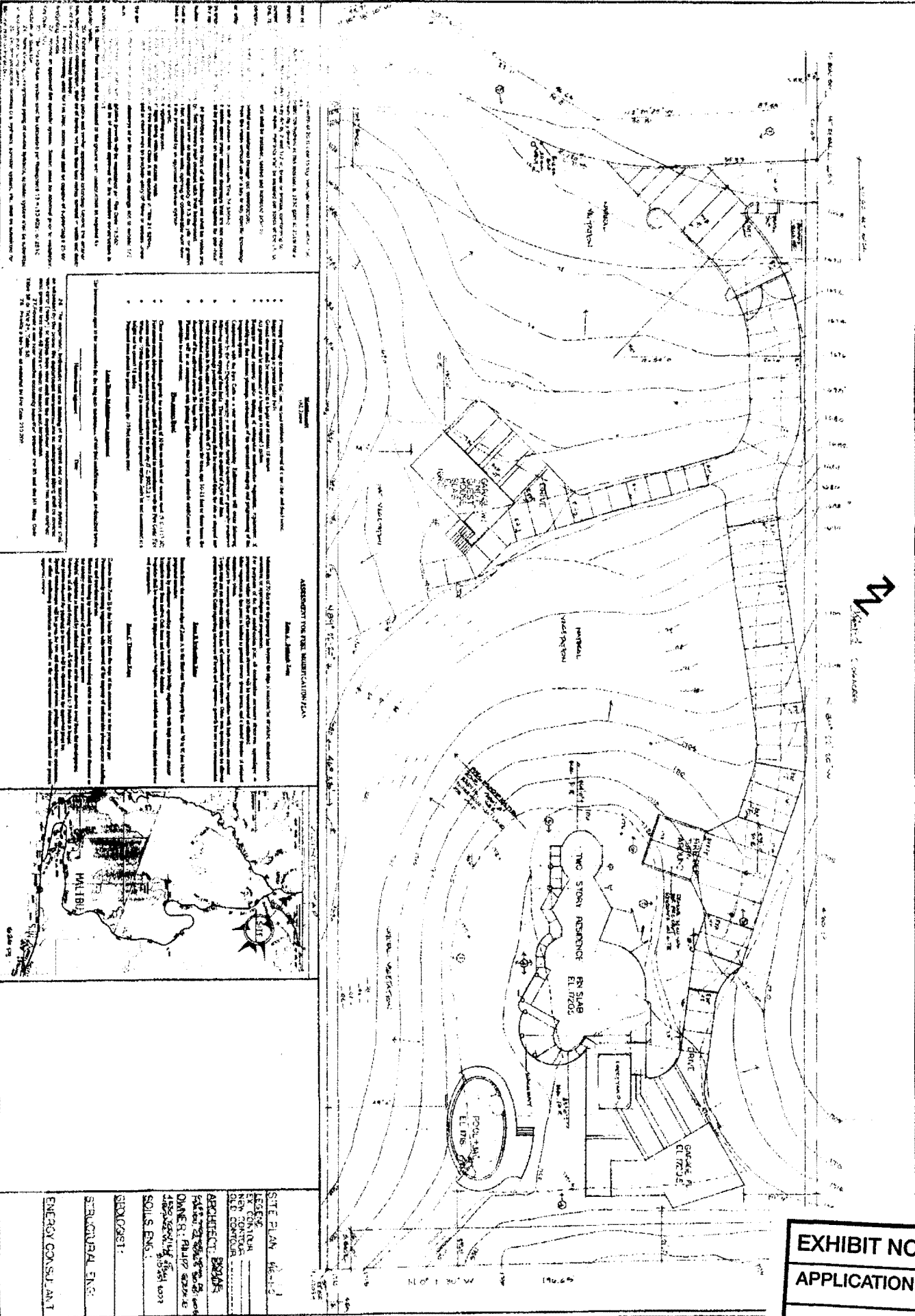
ASSES
COUNTY OF LOS

EXHIBIT NO. 3

APPLICATION NO.

4-99-015

Goebels



1. The proposed project is a two-story residence with a pool and driveway. The project is located on a lot of approximately 1.5 acres. The project is situated on a hillside with a steep slope. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties.

2. The proposed project is a two-story residence with a pool and driveway. The project is located on a lot of approximately 1.5 acres. The project is situated on a hillside with a steep slope. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties.

3. The proposed project is a two-story residence with a pool and driveway. The project is located on a lot of approximately 1.5 acres. The project is situated on a hillside with a steep slope. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties.



4. The proposed project is a two-story residence with a pool and driveway. The project is located on a lot of approximately 1.5 acres. The project is situated on a hillside with a steep slope. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties.

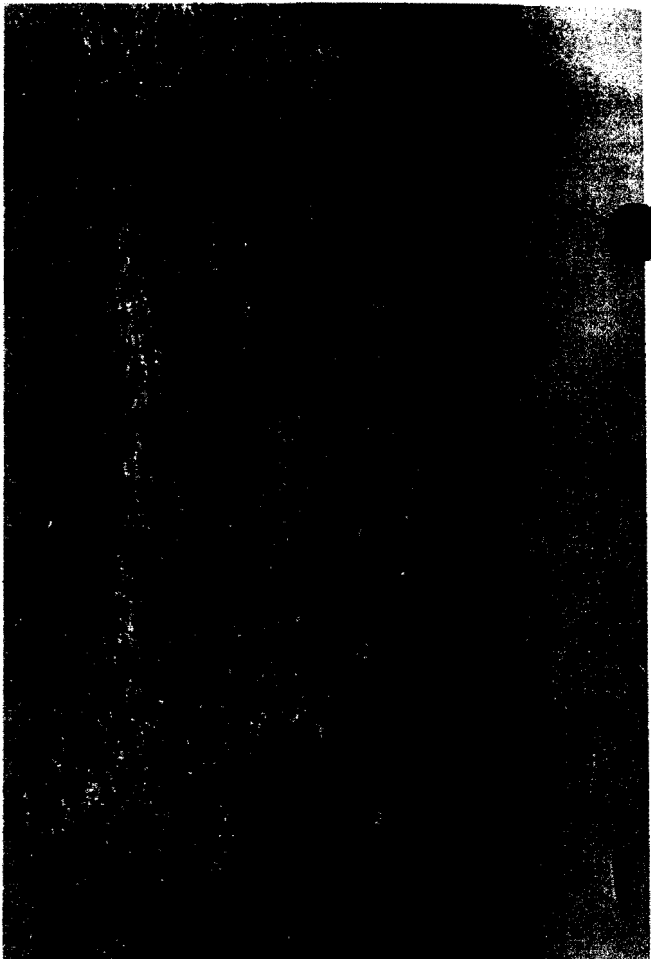
5. The proposed project is a two-story residence with a pool and driveway. The project is located on a lot of approximately 1.5 acres. The project is situated on a hillside with a steep slope. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties. The project is located in the City of Malibu, California. The project is situated on a lot that is zoned for residential use. The project is surrounded by other residential properties.

EXHIBIT NO. 4

APPLICATION NO.

4-99-015

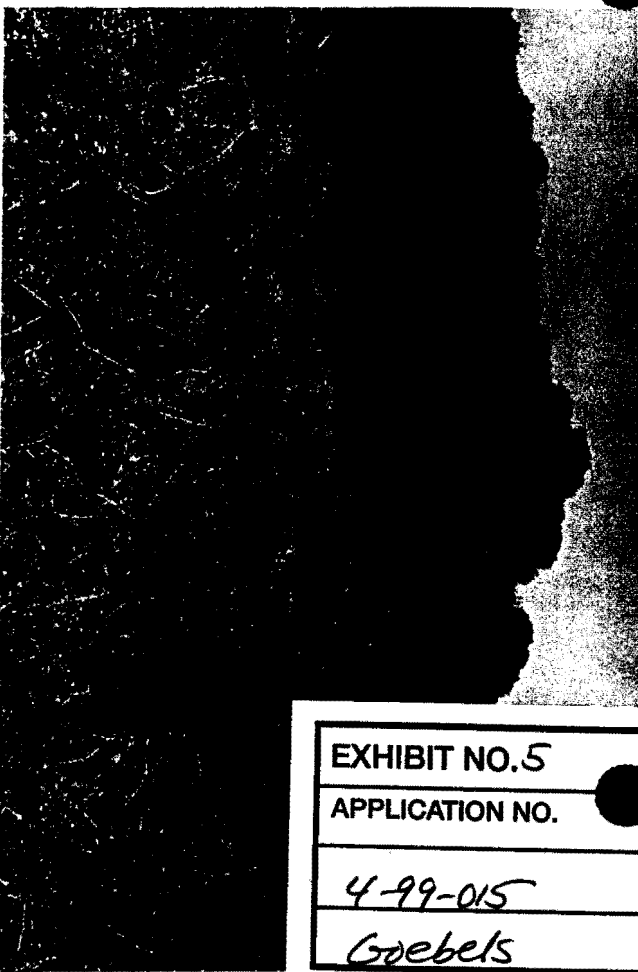
Goebels



4. TOP OF PAD LOOKING WEST



6. TOP OF PAD LOOKING N.W. TO DECKER RD.



5. TOP OF PAD LOOKING EAST



7. DECKER RD LOOKING SOUTH TO SITE

EXHIBIT NO.5
APPLICATION NO.
4-99-015
Goebels



EXHIBIT NO. 6

APPLICATION NO.

4-99-015

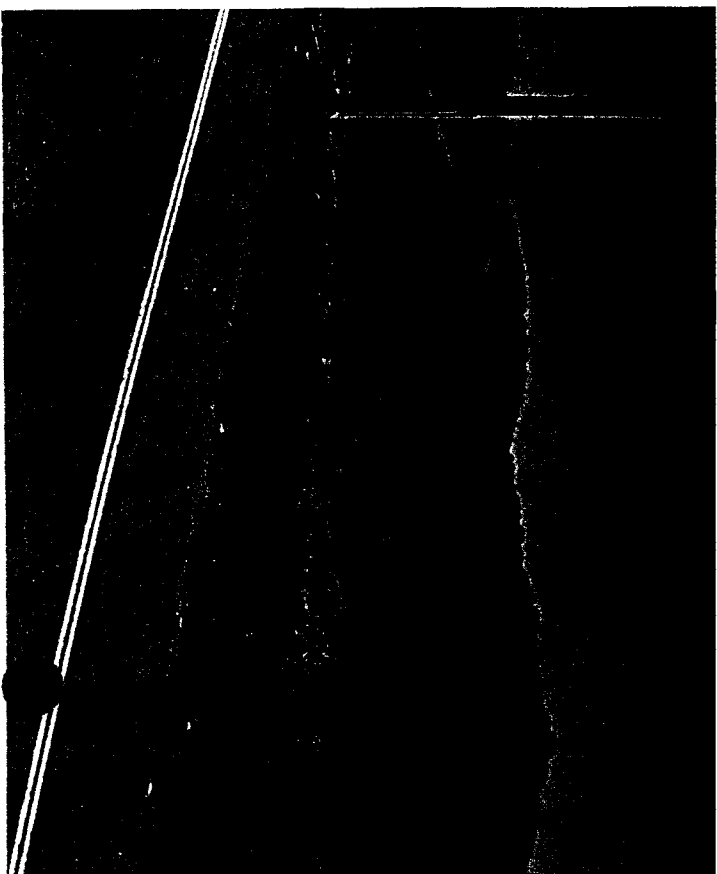
Guebels

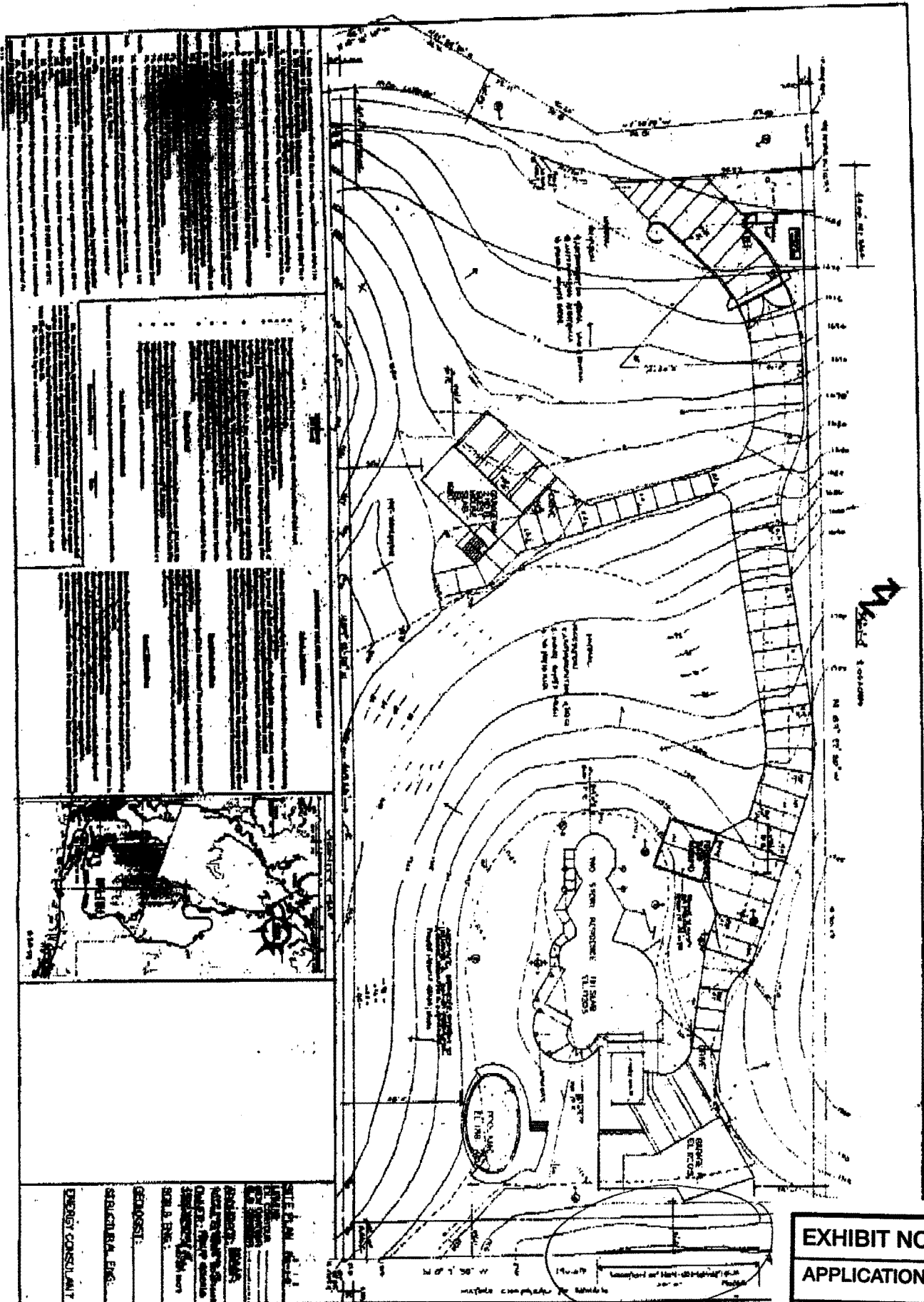
1 PANORAMIC FROM TOP OF P&D LOOKING SOUTH WEST.

2. TOP OF P&D LOOKING NORTH



3. DECKER RD LOOKING S&E TO SITE.





SITE PLAN
 ARCHITECT
 SKYE BROWN
 1522 DECKER CANYON ROAD MALIBU CA 90265
 4-99-015
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PHILIPP GOEBELS RESID. SKYLAR BROWN: ARCHIT
 1522 DECKER CANYON ROAD MALIBU CA 90265 6455 SYCAMORE MOWS MALIBU CA

EXHIBIT NO. 7
 APPLICATION NO.

4-99-015

Goebels

THE WALL