

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MALIBU, CA 93001

(805) 641-0142

Filed: 6/21/99  
49th Day: 8/9/99  
180th Day: 12/18/99  
Staff: MH-V  
Staff Report: 6/21/99  
Hearing Date: 7/13/99  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 4-98-218**APPLICANT:** The Kissel Company, Inc.**AGENT:** Steven Dahlberg**PROJECT LOCATION:** 28128 W. Pacific Coast Highway, Malibu, Los Angeles Co.

**PROJECT DESCRIPTION:** Install new 2,000 gallon septic disposal system and 4 new leach pits at 25-unit mobile home park. The existing system is inadequate for the total demand of the system. The project will require the excavation of approximately 35 cu. yds. of soil to be disposed at a presently unidentified location.

**LOCAL APPROVALS RECEIVED:** Not applicable for City of Malibu. Approval from State Dept. of Housing and Community Development dated 6/18/98.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan; Engineering Geologic Report, prepared by Mountain Geology, Inc., dated May 13, 1998; Percolation Test Report, prepared by Barton Slutske, residential waste water disposal system consultant, dated June 16, 1998.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the proposed project with 4 special conditions regarding Drainage and Erosion Control Plans, Conformance with Geologic Recommendations, Disposal of Excess Graded Material, and Conformance with Wastewater Disposal System Recommendations. The proposed project is necessary to abate the surface discharge of septic effluent that has resulted from the use of the undersized disposal system presently in place at the subject mobile home park.

**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. Drainage Control Plan**

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 control plan

prepared by a licensed engineer which provides for the collection of run-off from the adjacent road and all impervious surfaces on the subject parcel, and that the run-off is collected and discharged in a manner that prevents ponding near the seepage pits. The applicant shall additionally submit evidence that the drainage and erosion control plan has been reviewed and approved by the applicant's geotechnical consultants, prior to submittal to the Executive Director. The drainage and erosion control plan shall be implemented upon commencement of construction activities authorized by Coastal Development Permit 4-98-218. By acceptance of this permit, the applicant agrees to maintain and manage the drainage and erosion control measures required by the approved Drainage and Erosion Control Plan as frequently as necessary to ensure that the measures continuously function adequately. Should the drainage and erosion control measures implemented pursuant to this Special Condition fail or should any erosion or damage to the subject septic disposal system result from drainage associated with the subject site or street, the applicant or successor interests shall be responsible for any necessary repairs and/or restoration. 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 whether an amendment or new coastal development permit is required to authorize such work.

**2. Plans Conforming to Geologic Recommendations**

- (a) All recommendations contained in the report "Engineering Geologic Report: Proposed Upgrade of Existing Private Sewage Disposal System, Paradise Cove Trailer Park, Lower Area," prepared by Mountain Geology, Inc., dated May 13, 1998, shall be incorporated into all final project plans, designs and construction practices. All final project plans, designs, and construction specifications shall be reviewed and approved by the consulting engineering geologist to confirm that the subject recommendations have been adequately incorporated in the final project plans and designs. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting engineering geologist's stamp and signature to the final project plans and designs.
- (b) The final plans approved by the consulting engineering geologist shall be in substantial conformance with the plans approved by the Commission relative to construction practices, project location, excavation, and drainage management. 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 proposed changes are "substantial."

**3. Disposal of Excess Excavated Material**

Prior to the issuance of the coastal development permit, the applicant shall provide written notification to the Executive Director of the location where, and the means by which, the applicant proposes to dispose of the excess excavated (cut) material, together with evidence that the target disposal site is lawfully authorized to accept such material and has sufficient remaining capacity to do so.

**4. Plans Conforming to Wastewater Disposal System Recommendations**

All recommendations contained in the report addressing "Septic system requirements serving trailer units 1-23, 28128 Pacific Coast Highway, Malibu" prepared by Barton Slutske, registered environmental health specialist and residential wastewater disposal system consultant, dated June 16, 1998, shall be incorporated into all final project plans, designs and construction practices. All final project plans, designs, and construction specifications shall be reviewed and approved by the consulting environmental health specialist to ensure that the subject recommendations have been adequately incorporated in the final project plans and designs. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting environmental health specialist's signature to the final project plans and designs.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description**

The applicant proposes to install a new 2,000 gallon septic disposal system with 4 associated seepage pits in an existing 25-unit mobile home park (Paradise Cove Mobile Home Park) presently served by an existing septic disposal system of inadequate capacity for the volume of sewage effluent produced by the park.

The subject site is located at 28128 Pacific Coast Highway, in the City of Malibu, Los Angeles County, in a beachfront area known as Paradise Cove. The affected area of the mobile home park does not front the sandy beach.

**B. Geologic Stability and Hazards**

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

Section 30253

(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 applicant proposes to install a new septic disposal system in an existing mobile home park served by an inadequately sized septic disposal system. The applicant has submitted a report titled "Engineering Geologic Report, Proposed Upgrade of Existing Private Sewerage Disposal System, Paradise Cove Trailer Park, Lower Area," prepared by Mountain Geology, Inc., dated May 13, 1998. The report states that the proposed project is feasible from an engineering standpoint provided that the recommendations in the report are followed. These recommendations include construction and design specifications for the proposed project, drainage management, and other recommendations concerning observation of excavations by the consulting engineering geologist, etc. The report concludes that "...the installation of the proposed seepage pits will not adversely effect the stability of the site or surrounding slopes." To ensure that the consultant's recommendations are incorporated into the final project, thereby ensuring continued site stability and the adequate performance of the proposed project in light of site conditions, Special Condition 2 requires the applicant to submit evidence to the Executive Director that the recommendations of the consulting engineering geologist have been incorporated into the final project plans and designs.

In addition, the report prepared by the consulting engineering geologist recommends specific measures for the management of site drainage. These measures will avoid erosion and prevent the ponding of surface waters in the vicinity of the septic disposal system, thereby ensuring the system's successful performance. If on-site drainage and drainage from adjacent roadways is not managed in accordance with the consultant's recommendations, water may accumulate in the area of the system, saturate the surrounding and underlying soils, and prevent the anticipated volume of leachate from percolating downward. Therefore, the Commission finds it necessary to require the applicant to submit a Drainage and Erosion Control Plan prepared by a licensed engineer prior to permit issuance, in accordance with Special Condition 1.

In addition, because the excavation of 35 cubic yards of soil (all cut) is necessary to install the proposed system, and because the applicant has not identified a disposal site for the excess excavated material, the Commission finds it necessary to ensure that the cuttings are properly disposed of. Improperly disposed cuttings subjected to wind and rain erode, causing sediment pollution of streams, wetlands, and ultimately marine waters. Coastal Act Section 30253 cited above requires that new development not

contribute to erosion, and thereby to avoid these adverse impacts to coastal resources. Therefore, the Commission finds it necessary to require that the applicant disclose the selection of an appropriate site for such disposal prior to the issuance of the coastal development permit in accordance with the requirements of Special Condition 3. Implementation of Special Condition 3 will ensure that sediment pollution is not caused by the proposed project.

Therefore, for all of the reasons set forth above, the Commission finds that as conditioned by Special Conditions 1 through 3, the proposed project is consistent with the applicable policies of Coastal Act Section 30253.

**C. Septic System**

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

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

The applicant proposes to construct a new 2,000 gallon septic tank and 4 seepage pits as shown on the plans approved by the State of California, Department of Housing and Community Development dated June 18, 1998. The approval by the State indicates that the sewage disposal system proposed in this application complies with all minimum requirements of the Uniform Plumbing Code.

In addition, the applicant has submitted a percolation test and report providing recommendations for the construction of the proposed septic disposal system by Barton Slutske, registered environmental health specialist, dated June 16, 1998. The report recommends specific measures, such as the installation of an effluent filter on the outlet of the septic tank before discharge to the seepage pit area, to ensure the effective performance of the proposed system.

The Commission finds that compliance of the proposed project with the Uniform Plumbing Code, and with the recommendations of the applicant's waste water disposal system consultant, in accordance with the requirements of Special Condition 4, will ensure that the project is designed and constructed in a manner that effectively disposes of wastewater discharge from the subject mobile home park. The Commission further finds that compliance with the requirements of Special Condition 4 will minimize any potential for wastewater discharge from the mobile home park to adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

**D. 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 City's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**E. 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.



LOS ANGELES CO.

SEE 668 MAP

667

J

H

G

F

E

D

C

B

A

SEE 627 MAP

E

D

C

B

A

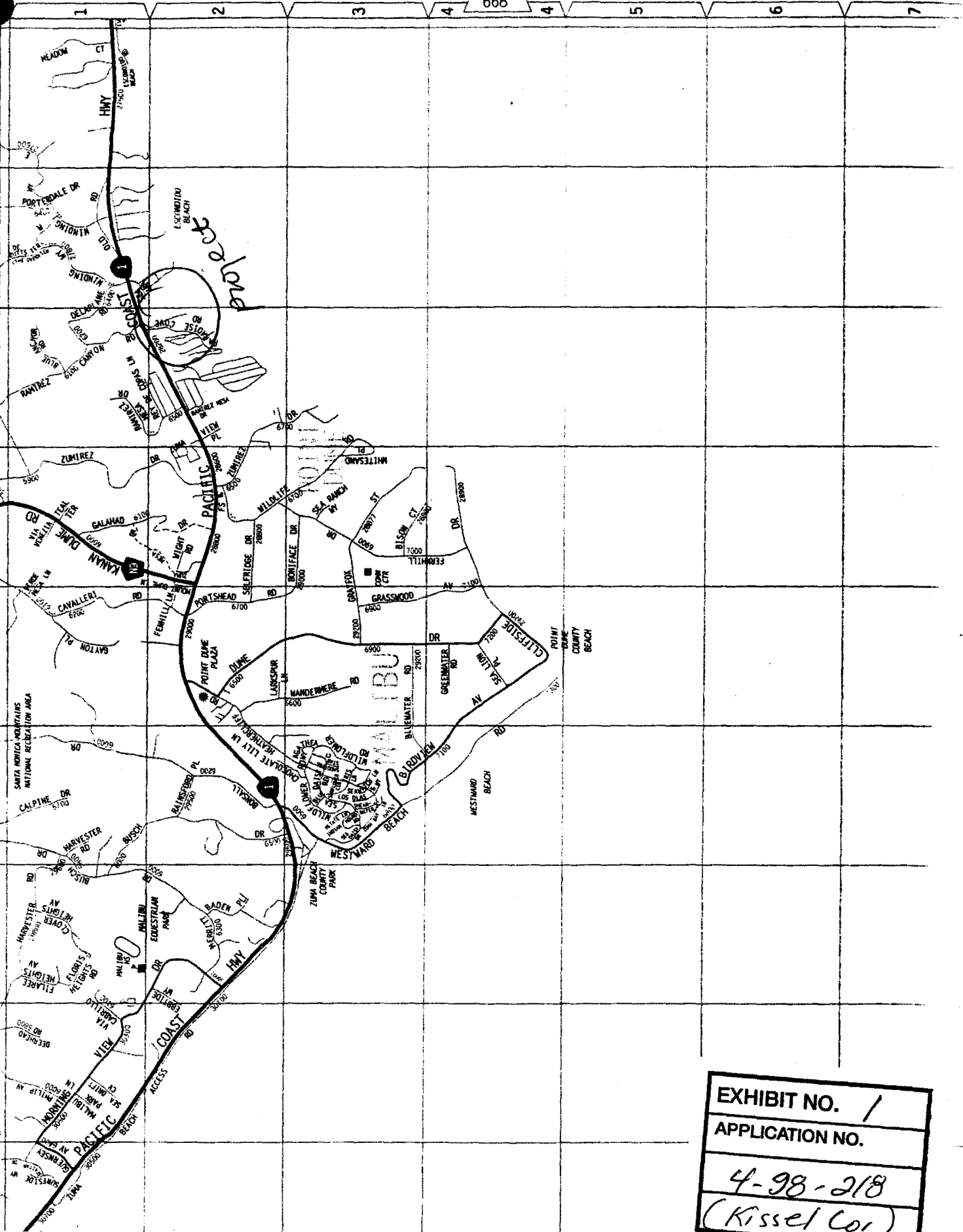
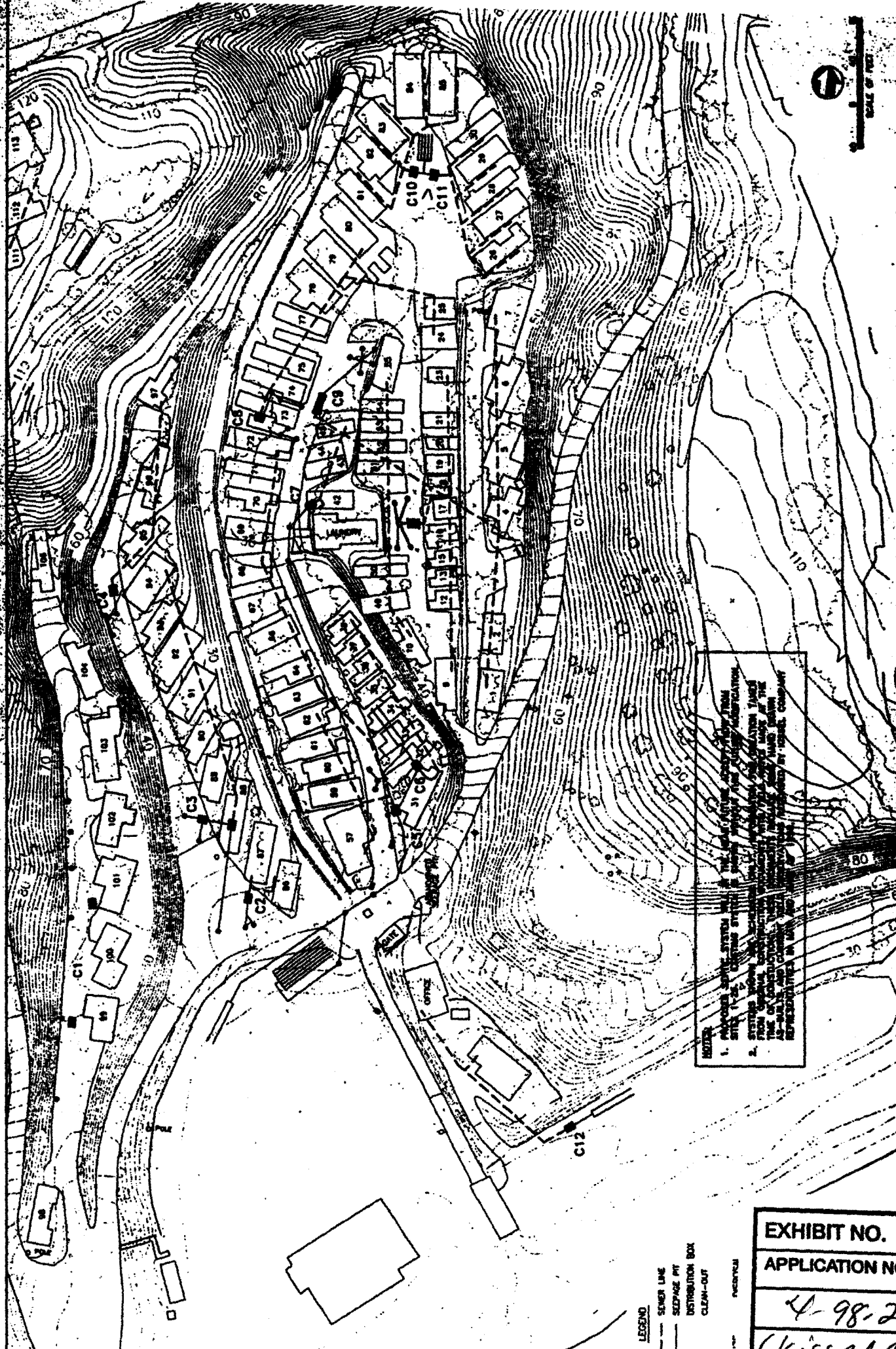


EXHIBIT NO. /

APPLICATION NO.

4-98-218  
(Kissel Cor)



1. PROPOSED SEWER SYSTEM SHALL BE THE PROPERTY OF THE CITY OF TAMPA.  
 2. THE CITY OF TAMPA SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF THE SEWER SYSTEM.  
 3. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARDS AND SPECIFICATIONS.  
 4. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARDS AND SPECIFICATIONS.  
 5. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARDS AND SPECIFICATIONS.  
 6. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARDS AND SPECIFICATIONS.  
 7. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARDS AND SPECIFICATIONS.  
 8. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARDS AND SPECIFICATIONS.  
 9. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARDS AND SPECIFICATIONS.  
 10. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF TAMPA'S STANDARDS AND SPECIFICATIONS.

LEGEND  
 --- SEWER LINE  
 --- SEEPAGE PIT  
 --- DISTRIBUTION BOX  
 --- CLEAN-OUT

EXHIBIT NO. 2  
 APPLICATION NO.  
 4-98-218  
 (Kissel Co.)

PROPOSED SEWER SYSTEM  
 WASTEWATER SYSTEM