

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Hearing Date: Jan. 11-14, 2000
 Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-99-235

APPLICANT NAME: Mr. & Mrs. Kim Hauck **AGENT:** Shahab Ghods

PROJECT LOCATION: 6325 Seastar Dr., City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new 5,810 sq. ft., 18 ft. high, one-story single family residence (SFR) with a 3-car, 895 sq. ft. attached garage, a swimming pool / spa, and a septic system. The project will require 992 cu. yds. of grading (517 cut, 475 fill).

Lot area	45,542	sq. ft.
Building coverage:	6,705	sq. ft.
Pavement coverage:	6,907	sq. ft.
Landscape coverage:	10,495	sq. ft.
Parking spaces:	3 (covered)	
Ht abv fin grade:	18'-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: Coastal Development Permit (CDP) No. 5-90-327 (Javid); Coastal Development Permit (CDP) No. 4-95-074 (Javid); *Geologic and Soils Engineering Investigation, Proposed Single Family Residence, Lot 4, Tract 45585, Seastar Drive, Malibu, California for Mr. Hauck*, by Alpine Geotechnical, dated July 8, 1998; *Addendum Letter, Response to City Review Sheet, Proposed Single Family Residence, 6325 Seastar Drive, Malibu, California*, by Alpine Geotechnical, dated May 31, 1999; *Geology and Geotechnical Engineering Review Sheet* by the City of Malibu, dated August 4, 1999; *Addendum Letter, Additional Comments, Revised Private Sewage Disposal System, Proposed Single Family Residence, 6325 Seastar Drive, Lot 4, Tract 45585, Malibu, California*, by Alpine Geotechnical, dated August 12, 1999.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with six (6) special conditions regarding color restriction, landscape and erosion control plans, drainage plans and maintenance responsibility, plans conforming to geologic recommendations, removal of excavated material, and wildfire waiver of liability.

STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard 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 4-99-235 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

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).

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

1. Color Restriction

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

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

2. Landscaping and Erosion Control Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a landscaping / erosion control plan, prepared by a licensed landscape architect or a qualified resource specialist, 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) Landscaping

All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation, 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.

All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety percent (90%) coverage within two (2) years, and this requirement shall apply to all disturbed soils. Planting 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.

Vegetation within fifty feet (50') of the proposed house may be removed, and vegetation within a two-hundred foot (200') radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such removal and thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes, and location of plant materials to be removed and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Fire Department of Los Angeles County. Irrigated lawn, turf, or groundcover planted within a fifty foot (50') 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) Erosion Control

The landscaping / erosion control plan shall delineate areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and/or stockpile areas. Natural areas to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

The plan shall specify that should grading take place during the rainy season (November 1 – March 31), the applicant shall construct or install temporary sediment basins (including debris basins, desilting basins, and/or silt traps), temporary swales, sandbag barriers, silt fencing, and geofabric or other appropriate cover (including stabilizing any stockpiled fill cover and installing geotextiles or mats on all cut or fill slopes) on the project site. The applicant shall also close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary swales, and sediment basins. The plans shall also specify that all disturbed areas be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

c) Monitoring

Five (5) years from the date of receipt of the Certificate of Occupancy for the residence, the applicant shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the

landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

3. Drainage Plans and Maintenance Responsibility

PRIOR TO 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. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the applicant / landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area. Should repairs or restoration become necessary prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

4. Plans Conforming to Geologic Recommendations

All recommendations contained in both the *Geologic and Soils Engineering Investigation, Proposed Single Family Residence, Lot 4, Tract 45585, Seastar Drive, Malibu, California for Mr. Hauck*, by Alpine Geotechnical, dated July 8, 1998, and the *Addendum Letter, Additional Comments, Revised Private Sewage Disposal System, Proposed Single Family Residence, 6325 Seastar Drive, Lot 4, Tract 45585, Malibu, California*, by Alpine Geotechnical, dated August 12, 1999, shall be incorporated into final design and construction including foundations, grading, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic / 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 to 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.

5. Removal of Excavated Material

PRIOR TO 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. Wildfire Waiver of Liability

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, and liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

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 5,810 sq. ft., one-story, 18 ft. high, single family residence (SFR) with a 3-car, 895 sq. ft. attached garage, a swimming pool / spa, and a septic system. The project will require 992 cu. yds. of grading (517 cut, 475 fill). The subject site is a 45,542 sq. ft. parcel located in a subdivision overlooking Pacific Coast Highway in the Trancas Canyon area of Malibu, west of Pt. Dume, inland from Broad Beach and Zuma Beach, and north of Morningview Drive. Access to the project site is provided by a short driveway from Seastar Drive on the south side of the property.

In August of 1990, the Commission approved Coastal Development Permit (CDP) number 5-90-327 (Javid), allowing the subdivision of a forty-five (45) acre parcel into twenty-one (21) lots with special conditions. Among these conditions were the dedication of trail easements, dedication of open space, revised plans to limit grading, and future grading restrictions. Nineteen of the lots, including the subject site, were designated for residential development; one lot was designated for common recreation; and one lot (Lot 20) was designated for open space. Since the approval of this subdivision in 1990, approximately seven of the nineteen lots have received approval for single family residences.

The subject site is located in the middle of the subdivision which itself is located on the periphery of a built-out area of Malibu consisting of numerous single family residences constructed on moderate to steep slopes. The site consists of a previously graded lot on a cut terrace located between the Santa Monica Mountains to the north, the Pacific Ocean to the south, and Trancas Canyon to the east. The lot was graded during rough grading for the Javid subdivision and slopes gently to the west with a total fall of approximately fifteen (15) feet in the immediate vicinity of the proposed structure. The site is visible from Pacific Coast Highway, but the building plans are substantially in character with the type and scale of development in the surrounding area. The proposed grading on this project is consistent with the grading limitation imposed as a condition of the underlying subdivision because it is minimized in a manner consistent with previous developments in the Javid subdivision (i.e.: grading is limited to that

necessary for driveway and foundation purposes, and the building pad is "stepped" into the slope in order to better conform to the natural terrain).

B. Visual Resources

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified Malibu / Santa Monica Mountains Land Use Plan (LUP) provides policies regarding protection of visual resources which are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands; P129 Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; P130 In highly scenic areas and along scenic highways, new development ... shall be sited and designed to protect views to and along the ocean and to and along other scenic features, ... minimize the alteration of natural land forms, ... conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places; P134 Structures shall be sited to conform to the natural topography, as feasible.

The site is located within a partially developed residential subdivision to be surrounded by other residential structures but is at least partially visible from various public resources. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, and trails. The Commission also examines the building site and the size of the proposed structure. Staff visited the subject site and found the proposed building location to be the most appropriate and feasible, given the terrain and street layout as developed in the underlying subdivision. Although the site is gently sloping, and the proposed house is only one-story, the finished project will be partially visible from the surrounding area including the Zuma Ridge Trail to the west, land to the north offered as open space to the National Park Service, beaches to the southeast and southwest near the Trancas Canyon Road and Pacific Coast Highway intersection, and from Pacific Coast Highway itself -- a scenic highway, thereby requiring mitigation of visual impacts. However, nearby residences are of a comparable massing, character, and location to be similarly, if not even more, visible from the beach, Pacific Coast Highway, public land, and trails.

To protect the scenic quality of this area, the Commission required all future development on the Javid subdivision sites to conform to the natural topography and to minimize grading to the amount necessary for driveway access under the original

subdivision permit (CDP 5-90-327). For this project, the applicant is proposing 992 cu. yds. of grading consisting of 517 cu. yds. of cut and 475 cu. yds. of fill. This grading is necessary for the construction of the driveway, fire department turn-around area, excavation, and notching of the main structure, garage, and swimming pool area into the existing slope. The building plans were designed so that the main house will be slightly stepped down and notched into the slope of the lot in order to minimize the need for grading and reduce visual impacts from the development. Thus, the residence is designed to conform to the topography of the site. However, due to the project's location and visibility from public resources, the Commission finds it necessary to require mitigation measures to minimize visual impacts as seen from nearby scenic areas.

The proposed project's impact on public views can be mitigated by requiring the residence to be finished in a non-obtrusive manner (i.e.: in a color compatible with the surrounding natural landscape and with non-reflective windows). The Commission therefore finds it necessary to minimize the visual impact of the project by requiring the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by **Special Condition One**.

In addition, visual impacts associated with grading and the structure itself can be further reduced by the use of adequate and appropriate landscaping. A landscape plan relying principally on native, non-invasive plant species will ensure that the vegetation on-site remains visually compatible with the native flora of surrounding areas. In addition, vertical screening elements added to the landscape plan can soften views of the proposed residence from nearby public areas. The Commission therefore finds it necessary to ensure that the final approved landscaping plans are successfully implemented to partially screen and soften the visual impact of the development, as required by **Special Condition Two**.

The proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

C. 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 due to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the ridgeline of the Santa Monica Mountains to the north, Broad Beach to the south, Zuma Beach to the southeast, and Trancas Canyon to the west. The site is located on a previously graded pad, and a moderate amount of grading is proposed for foundation and driveway work. The upper site area has a slope differential of approximately 25 feet. The slope changes and becomes slightly steeper in the extreme northern corner of the parcel.

Surface drainage on-site is currently accomplished naturally by sheetflow either toward Seastar Drive to the southeast or in a northwest direction toward Trancas Canyon which is located approximately one-half mile to the west. The majority of the site drains in the latter direction (northwest) where runoff is collected by an earthen ditch that diverts the water into a channelized natural drainage, eventually flowing to Trancas Canyon Creek, a United States Geological Survey (USGS) blue-line stream in the vicinity of Pacific Coast Highway. The drainage channel adjacent to the underlying subdivision is not designated as Environmentally Sensitive Habitat Area (ESHA) on the Malibu / Santa Monica Mountains Land Use Plan (LUP) Sensitive Environmental Resources Map. However, an area offshore of the coast, southwest of Trancas Canyon (i.e.: at the Creek entrance to the ocean) is a LUP-designated ESHA.

The project will significantly increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion and affect site stability. The applicant's geologic / geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. The building pad area is gently sloping but is surrounded by descending slopes to the northwest and southwest. Because of these 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, velocity reduction, and/or other best management practices (BMPs). To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions Two and Three**, to submit landscaping / erosion control and drainage 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.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the geological stability of the site. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. Long-term 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 Two**.

Erosion and sedimentation can also be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. The applicant has estimated 101 cu. yds. of cut for the driveway. The foundation excavation (removal / recompaction) has been estimated at 416 cu. yds. of cut and 475 cu. yds. of fill for grading underneath the new structures. Therefore the total soil balance of cut and fill equates to 517 cu. yds. of cut versus 475 cu. yds. of fill for a net export of 42 cu. yds. of dirt. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, streams, rivers, and the ocean. 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.

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the project and that no potentially active faults, adversely oriented geologic structures, or other hazards were observed by the consultants on the subject property. The geology reports do note the presence of the main trace of the Malibu Fault, located approximately 500 – 600 feet north / northeast of the site.

Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have provided recommendations to address the specific geotechnical conditions related to the site. The *Geologic and Soils Engineering Investigation* by Alpine Geotechnical, dated July 9, 1996, states:

The geologic structure is favorably oriented for the stability of the site and the proposed project. The massive nature of the older alluvium and bedrock is favorable for the gross stability of the site. ... Based upon the exploration performed for this investigation, it is our finding that construction of the proposed project is feasible from a geologic and soils engineering standpoint, provided our advice and recommendations are made a part of the plans and are implemented during construction. ...

The subject property is considered a suitable site for the proposed development from a geologic and soils engineering standpoint. ... [T]he proposed development will be safe against hazards from landslide, settlement or slippage, and 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 notes that the geologic / geotechnical engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that the recommendations of the geologic / geotechnical consultants are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Four**, to submit project plans certified by the geologic and geotechnical engineering consultant as conforming to their recommendations.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the property. 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 these associated risks. Through the waiver of liability, as incorporated in **Special Condition Six**, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

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

D. 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. 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. The Commission

therefore finds that the proposed project is consistent with Section 30231 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.

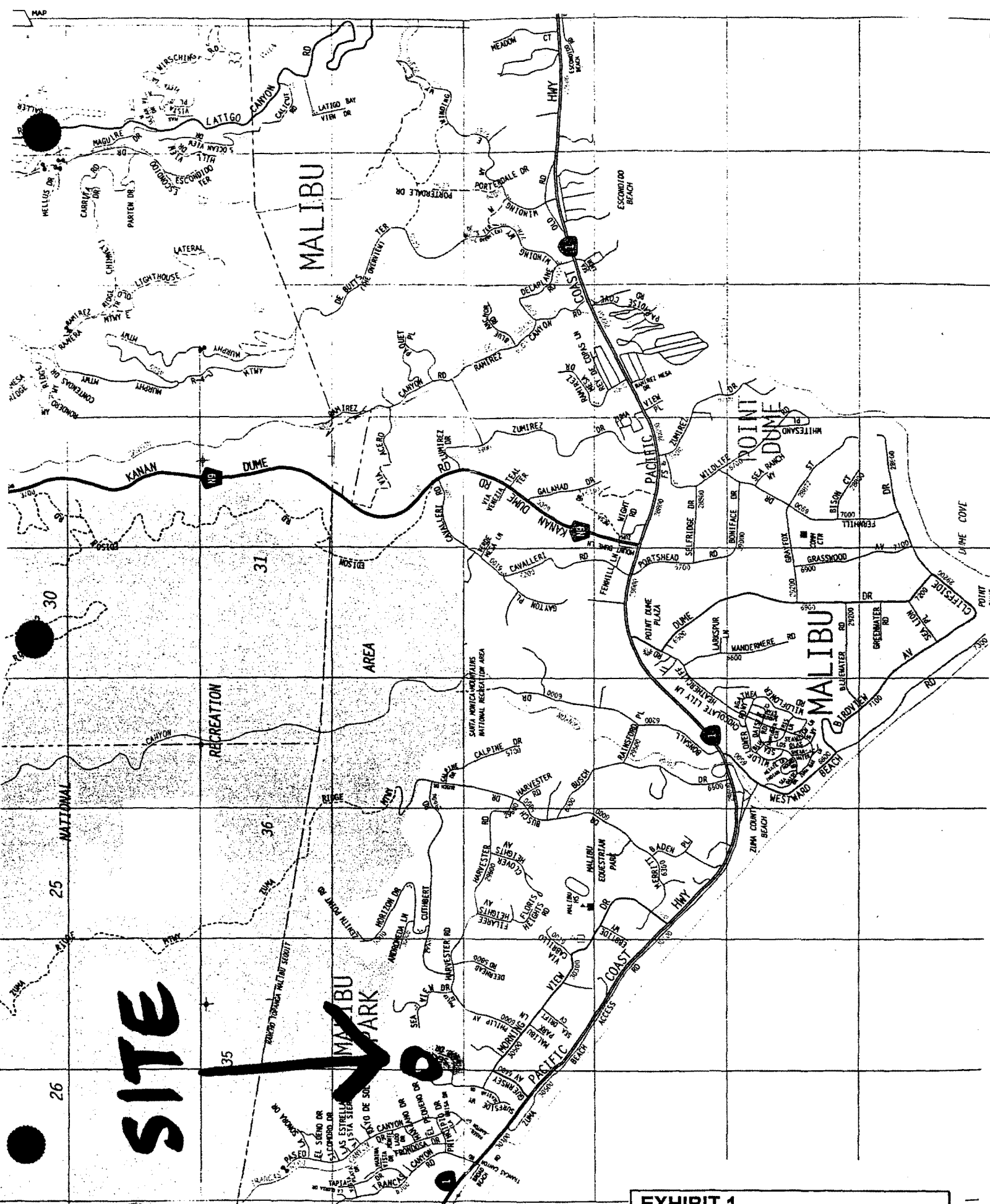
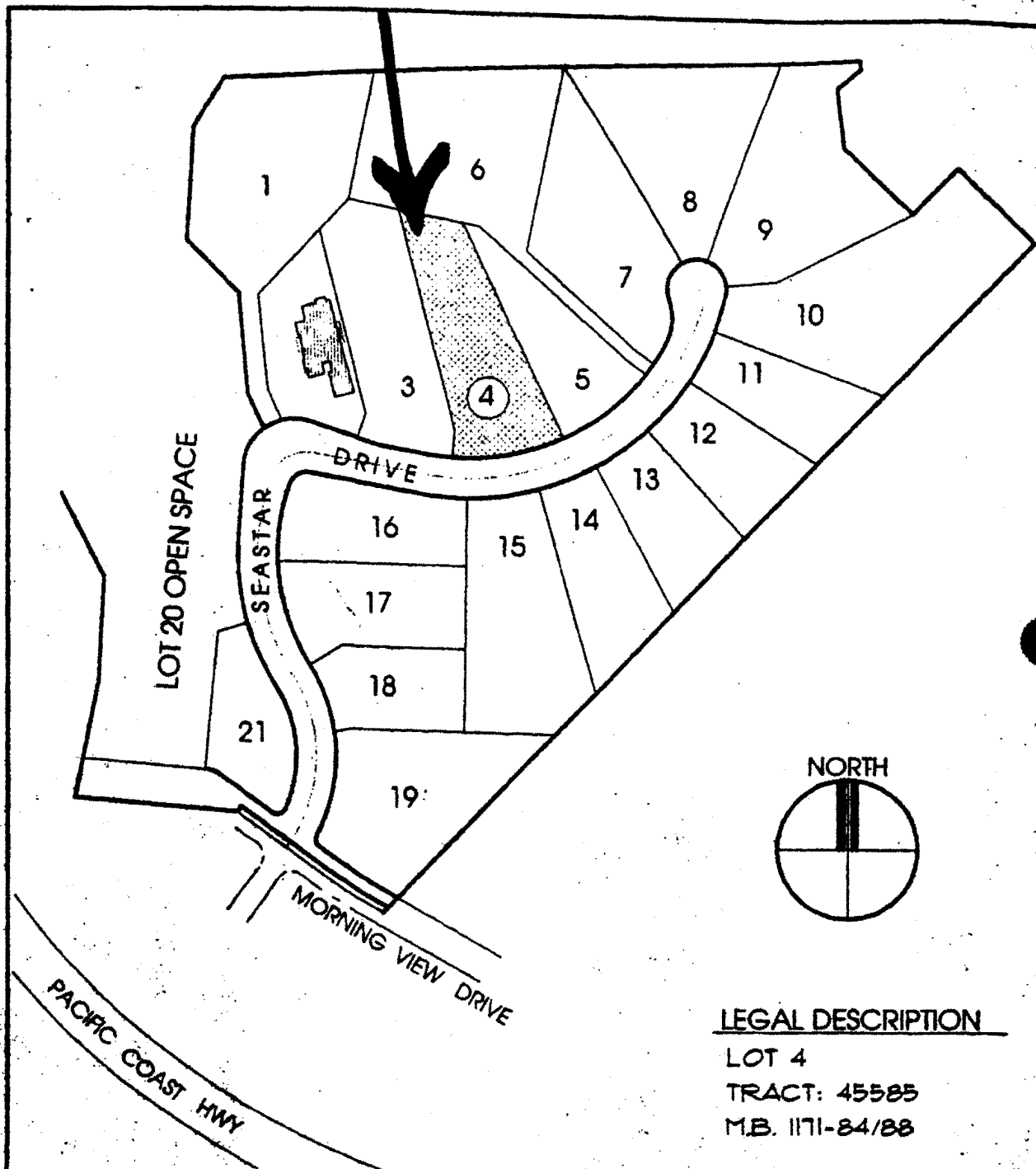


EXHIBIT 1
CDP 4-99-252 (Hauck)
Location Map

SITE

6



LEGAL DESCRIPTION

LOT 4

TRACT: 45585

M.B. 1171-84/88

VICINITY MAP

EXHIBIT 2

CDP 4-99-252 (Hauck)

Subdivision Map

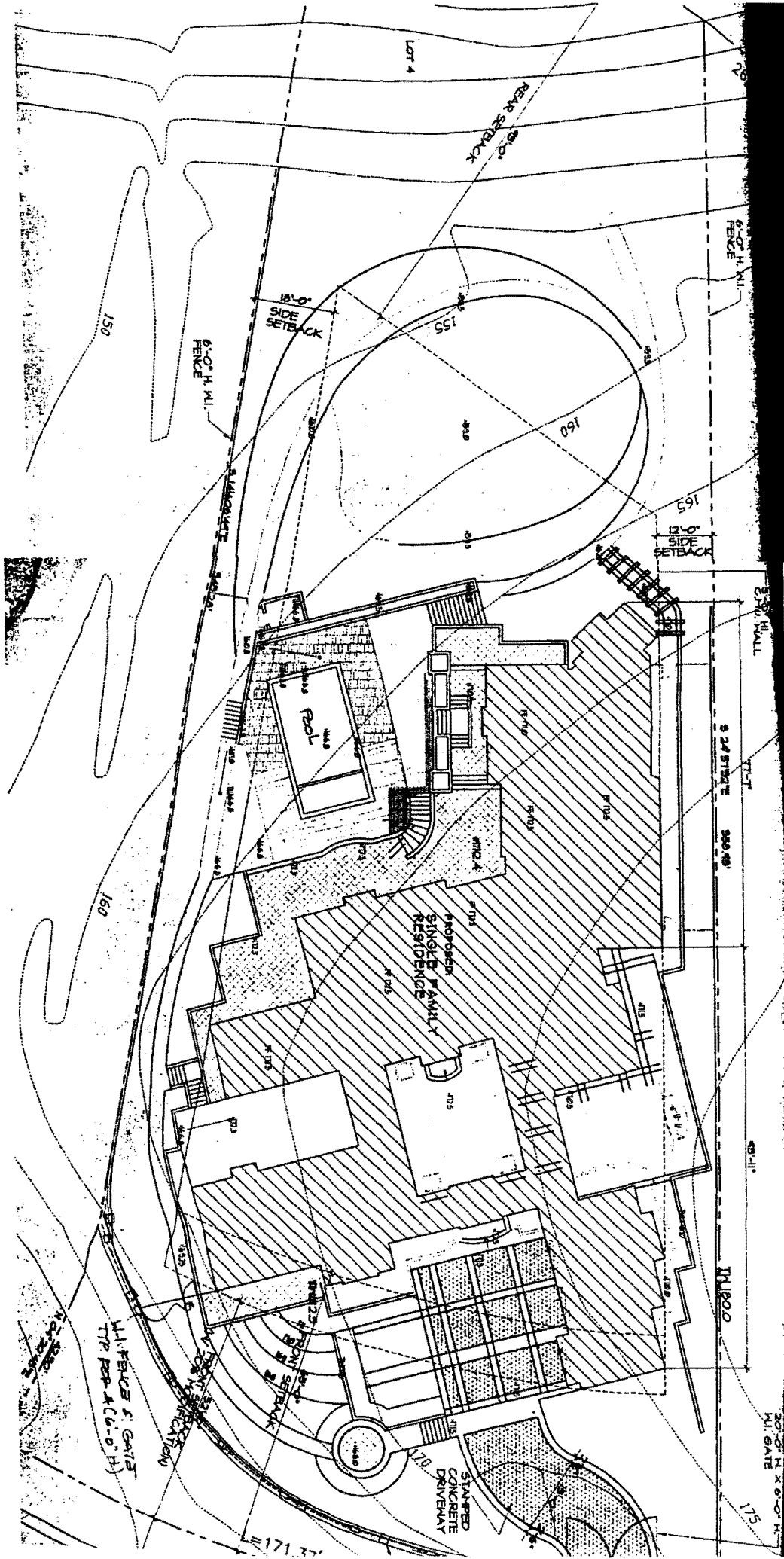


EXHIBIT 3
CDP 4-99-252 (Hauck)
Site Plan

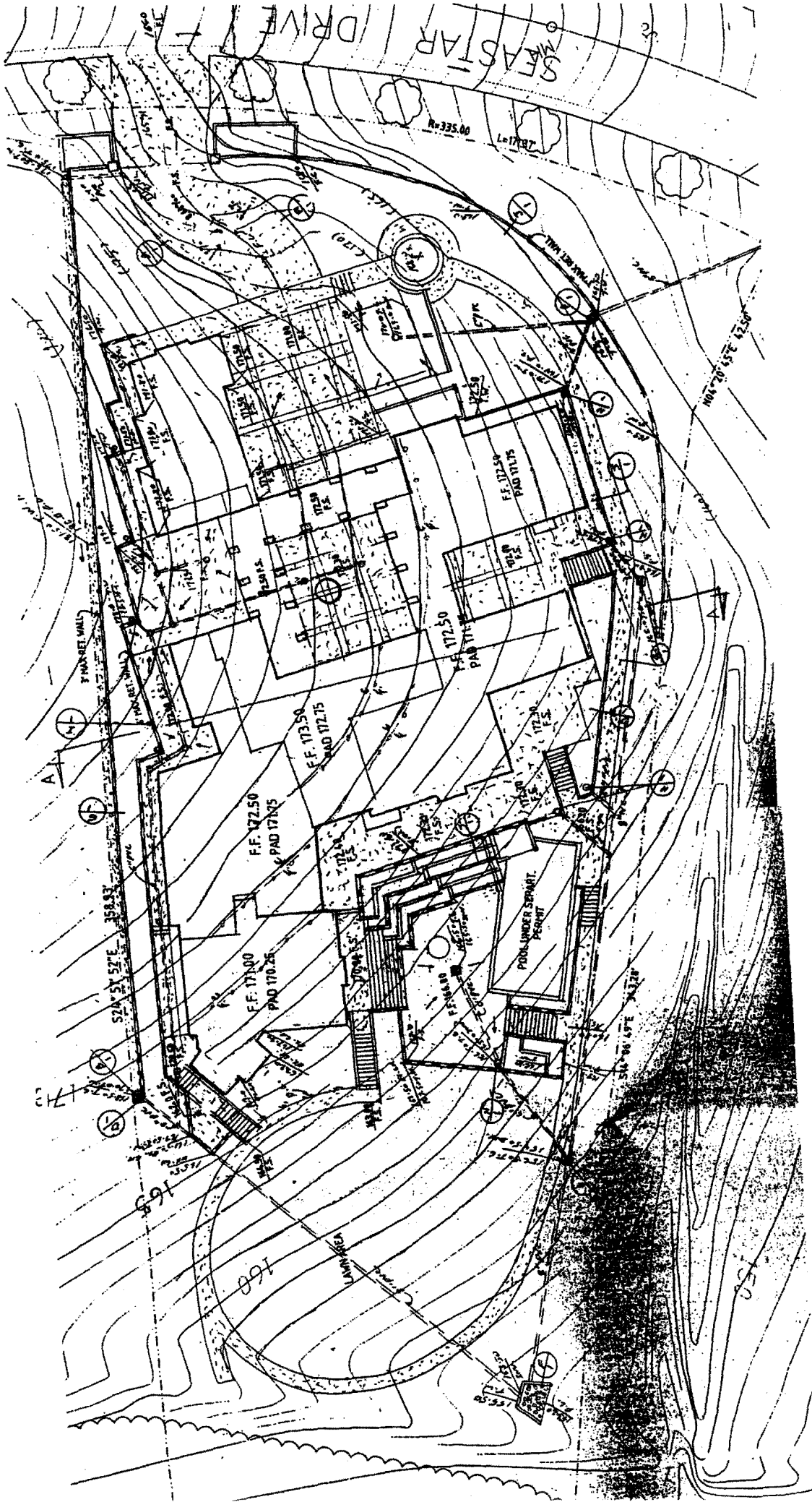
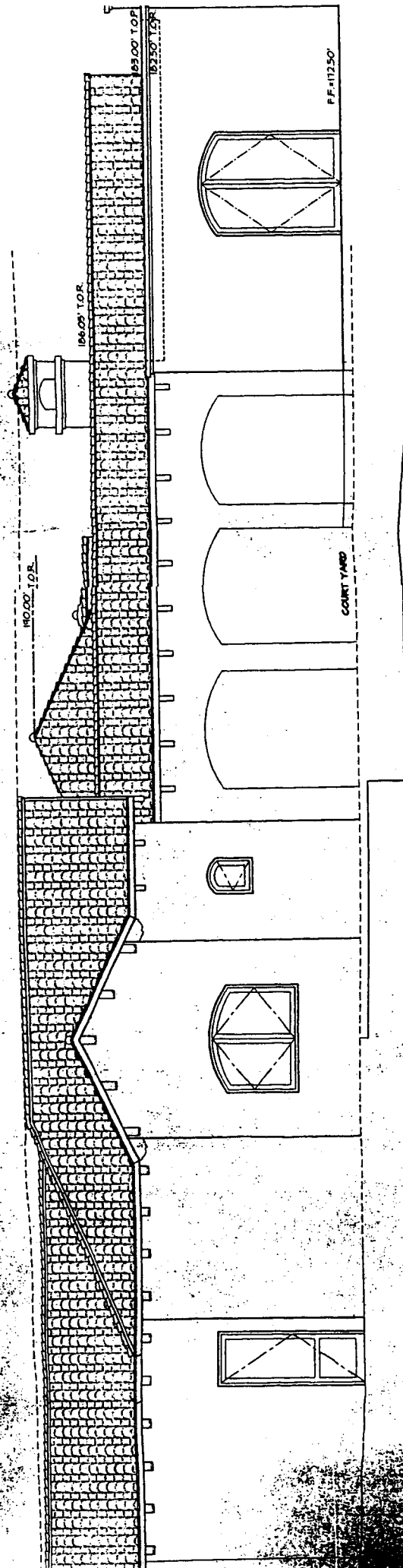


EXHIBIT 4
CDP 4-99-252 (Hauck)
Grading Plan



B EAST ELEVATION
SCALE 1/4" = 1'-0"

EXHIBIT 5
CDP 4-99-252 (Hauck)
East Elevation

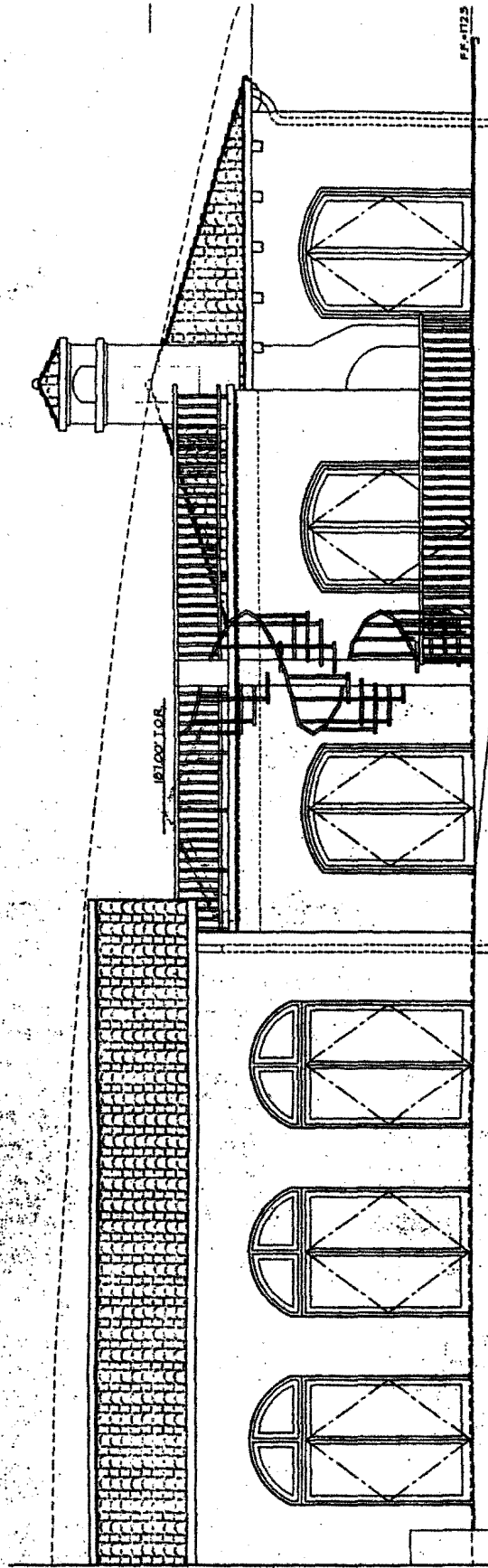


EXHIBIT 6
CDP 4-99-252 (Hauck)
North Elevation

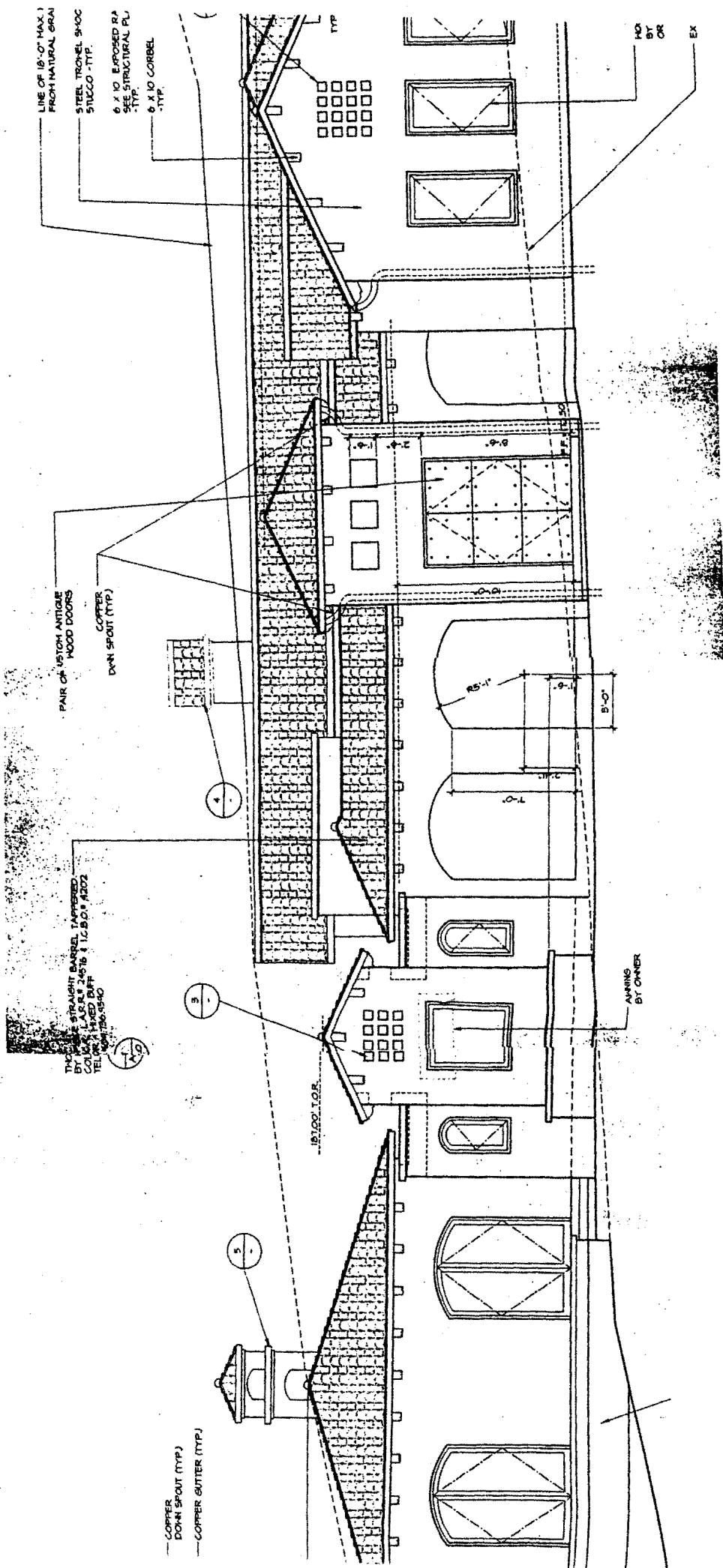


EXHIBIT 7

CDP 4-99-252 (Hauck)

South Elevation

THO-PIECE STRAIGHT BARKER, TYPED
BY MCA, LAYER 2.5% x 12.5% x 100
COLOR - HUED BUFF

COPPER GUTTER (TYP)

11'-6"

3
A3.0

5020.726

3'-0" H. H. RAILING
OVER 6'-H. CURB

FF +11250

106.00 N.G.

soft snow

EXHIBIT 8

CDP 4-99-252 (Hauck)

West Elevation