

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff: S. Hudson *ja*
Staff Report: 11/15/00
Hearing Date: 12/12/00
Commission Action:

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

APPLICATION NO.: 4-00-180

APPLICANT: SEVA Corporation of America

AGENTS: Fred Dean
Wendy Adler

PROJECT LOCATION: 5812 South Rambla del Orto, Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a 475 sq. ft. gatehouse, a 400 sq. ft. trash enclosure, a 192 sq. ft. dog run/enclosure, two entry gates; fencing, a septic system, and pavement of approximately 300 linear feet of an existing gravel-surface driveway.

Lot area:	4.81 acres
Building coverage:	475 sq. ft.
Pavement coverage:	15,525 sq. ft.
Ht. abv. ext. grade:	11 ft.

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department, Approval in Concept for City of Malibu Engineering and Geotechnical Review, Approval in Concept City of Malibu Environmental Health Department (Septic); Approval by Los Angeles County Fire Department.

SUBSTANTIVE FILE DOCUMENTS: Update Report for Engineering Geologic and Geotechnical Engineering Report by Miller Geosciences, Inc. dated 9/18/00; Supplemental Engineering Geologic, Geotechnical and Percolation Testing Report by Miller Geosciences, Inc. dated 9/11/99; Engineering Geologic and Geotechnical Report by Miller Geosciences, Inc. dated 6/12/99.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with eight (8) special conditions regarding submittal of revised landscape and erosion control plans, removal of natural vegetation, plans conforming to geologic recommendation, drainage and polluted runoff control plans, required approvals, structural appearance and color restrictions, future development deed restriction, and an assumption of risk deed restriction.

Although no existing residential development is located on the subject site, the proposed gatehouse is intended to serve the applicant's ridge top residence located on a separate parcel to the southeast. The subject site is located on a northwest trending ridgeline overlooking Pacific Coast Highway and the Pacific Ocean. The proposed development will be visible from portions of Trancas Canyon Road and Pacific Coast Highway. A small, surficial landslide is located on the southwest facing slope of the ridge approximately 100-150 ft. downslope from the project site.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-180 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
- 4. 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.
- 5. 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. Revised Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised landscaping and erosion control plans (including revisions to Sheet A1 of the project plans prepared by Crespo – Dean Architects dated 3/31/00) prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultant to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Revised Landscaping Plan

- (1) All 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 February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. All graded & 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.
- (2) All disturbed areas shall be stabilized with planting at the completion of construction. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) Vertical elements shall be utilized to screen the proposed development from public viewing areas including Pacific Coast Highway and Trancas Canyon Road.
- (5) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (6) Vegetation within 50 feet of the proposed structure may be removed to mineral earth, vegetation within a 150 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such 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 Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

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

C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the gatehouse 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.

2. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

3. Plans Conforming to Geologic Recommendation

All recommendations contained in the Update Report for Engineering Geologic and Geotechnical Engineering Report by Miller Geosciences, Inc. dated 9/18/00; Supplemental Engineering Geologic, Geotechnical and Percolation Testing Report by Miller Geosciences, Inc. dated 9/11/99; and the Engineering Geologic and Geotechnical Report by Miller Geosciences, Inc. dated 6/12/99 shall be incorporated into all final design and construction including all grading and drainage improvements. All plans must be reviewed and approved by both the geologic and the geotechnical engineer as conforming to said recommendations. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultants 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 recommended by the consultants shall require an amendment to the permit or a new coastal permit.

4. Drainage and Polluted Runoff Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs 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.

5. Required Approvals

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director evidence that the applicant has obtained permission from the appropriate landowner to construct the proposed access road/driveway improvements (including paving) on that portion of the project site that is located on the neighboring privately owned parcel, or evidence that such permission is not required.

6. Structural Appearance

- A. The color of all structures, roofs, and driveway pavement 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.
- 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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure 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.

7. Future Development Deed Restriction

- A. This permit is only for the development described in Coastal Development Permit 4-00-180. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the proposed gatehouse, dog run, or trash enclosure. Accordingly, any future improvements to the permitted structures or any other development on the subject site, including but not limited to landscaping or repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Coastal Development Permit 4-00-180 from the Commission or shall require a new 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 both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslides, erosion, and wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing the construction of a 475 sq. ft. gatehouse, a 400 sq. ft. trash enclosure, a 192 sq. ft. dog run/enclosure, two entry gates; fencing, a septic system, and pavement of approximately 300 linear feet of an existing gravel-surface driveway. The subject site is located on a 4.8 acre parcel located west of Trancas Canyon, atop a northwest trending ridgeline overlooking Pacific Coast Highway and the Pacific Ocean (Exhibit 1). Topographically, slopes descend from the top of the ridge to both the northeast and the southwest at an average gradient of 1.5:1 (H:V).

South Rambla del Orto (a private gravel-surface access road/driveway) crosses the subject site along the top of the ridge. The private road/driveway serves the applicant's main residence (which is located on a separate parcel approximately 300 ft. southeast of the subject site) and one other residence on a separate neighboring parcel located southwest of the subject site and adjacent to Anacapa View Drive. Other existing development on the project site consists of an existing flat pad area on top of the ridge adjacent to the road, a gravel-surface parking area, a gate, and a small 84 sq. ft. portable gatehouse. The existing 84 sq. ft. portable gatehouse structure will be removed after construction of the new gatehouse is completed. All proposed development will be located within the existing roadway and on the existing flat pad area/parking area. No grading is proposed or required. In addition, no streams, environmentally sensitive habitat areas, or public pedestrian or equestrian trails are present on the site.

Although no existing residential development is located on the subject site, the proposed gatehouse is intended to serve the applicant's ridge top residence located on a separate parcel to the southeast. The existing residence was approved by the Commission on September 12, 1990, pursuant to Coastal Development Permit 5-90-497 (Anacapa View Estates) for demolition of an 8,000 sq. ft. single-family residence and construction of a 17,838 sq. ft., 32-ft-high single family residence with an 11-car garage, guesthouse, cabana, swimming pool, septic system, and mechanical building at the terminus of South Rambla del Orto. This permit was subject to five (5) special conditions regarding future improvements, color restrictions, landscaping, geology, and assumption of risk. In addition, Coastal Development Permit 4-97-003 was approved on March 13, 1997, for paving portions of South Rambla del Orto.

With the exception of one neighboring parcel located immediately adjacent to Anacapa View Drive, the applicant owns all other parcels (approximately nine altogether) located along South Rambla del Orto. However, the proposed development includes paving a portion of South Rambla del Orto that is partially located on the parcel that is not owned by the applicant. Therefore, Special Condition Five (5) has been required to ensure the applicant has obtained permission from the appropriate landowner for all proposed paving and roadway improvements on that portion of the project site that is located on the neighboring privately owned parcel, or evidence that such permission is not required.

B. Geologic Stability and Hazards

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. The applicant has submitted a vegetation fuel modification plan approved by the Los Angeles County Fire Department which indicates that the proposed project will not require the removal of any vegetation on any adjacent sites not owned by the applicant where vegetation clearance is not already required to protect other existing structures.

The subject site is located in an area of Malibu where previous landslide activity has occurred. The Supplemental Engineering Geologic, Geotechnical and Percolation Testing Report by Miller Geosciences, Inc. dated 9/11/99 indicates that although no landslides are located on the building site itself, the proposed development is located approximately 100-150 ft. upslope and northwest of a mapped small, surficial landslide located on the southwest facing slope of the ridge. The report also asserts, however, that because the identified landslide is relatively small and located a sufficient distance from the proposed development, it is not expected to result in any adverse effects to geologic stability of the building area. The applicant's geotechnical consultants have conducted a slope stability analysis for the project site which indicates that the slopes on site possess a factor of safety greater than 1.5 and, therefore, are considered grossly stable. Based on the above analysis, the report finds that the subject site is generally stable from a geologic point of view and that the proposed development is expected to ensure structural stability. The Engineering Geologic and Geotechnical Report by Miller Geosciences, Inc. dated 6/12/99 states that:

No landsliding was observed in the area of the proposed...structure. One landslide has been mapped to the southwest of the proposed building site. Borings by Merrill indicated that the landslide is relatively shallow. Borings recently drilled by this firm near the top of the mapped landslide indicate the upper limits are west of the existing driveway...Our analysis indicates that the ridge is stable. Based on that analysis, it is our opinion that the landslide will not influence the subject site.

It is our opinion that the proposed...structure is geotechnically feasible provided that the following recommendations are integrated into the design and construction of the

project...It is the finding of this firm that the proposed building...will be safe and that the property will not be affected by any hazard from landslide, settlement, or slippage and the completed work will not adversely affect adjacent property...provided our recommendations are followed.

In addition, the applicant's geotechnical consultants have indicated that the proposed septic system (which will involve the construction of two septic pits approximately 230 ft. northeast of the gatehouse) will neither be adversely impacted by the mapped landslide or result in any adverse effects to the stability of the slide due to its location on the opposite (north east facing) side of the ridge and adequate distance from the slide. The Supplemental Engineering Geologic, Geotechnical and Percolation Testing Report by Miller Geosciences, Inc. dated 9/11/99 states that:

Our analysis indicates that the landslide will not influence the proposed septic system. Effluent dispersal is expected to be at relative steep gradients along fractures. The landslide is significantly distant from the proposed system that the proposed septic system will not influence the stability of the landslide.

As such, the Commission notes that the proposed development is expected to ensure relative geologic stability and structural integrity. The Commission also notes that the geologic and engineering consultants have included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure that the recommendations of the geotechnical consultants are incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by Special Condition Three (3), to submit project plans certified by the consulting geologic and geotechnical engineering consultants as conforming to their recommendations.

The Commission finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants compatible with the surrounding environment. In this case, the applicant has submitted a proposed landscaping plan which would incorporate several non-native species. In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, Special Condition One (1) requires the applicant to submit a revised landscaping plan to ensure that all disturbed areas on site are stabilized with native vegetation. To ensure that the landscaping effort is successful, five years from the completion of construction activity, the applicant shall submit for the review and approval

of the Executive Director, a revegetation monitoring report that certifies that the on-site landscaping is in conformance with the plan approved pursuant to this special condition.

In addition, the Commission further notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition Number One (1) also specifically requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. In addition, Special Condition Two (2) has been required in order to ensure that no vegetation may be removed on the subject site for the purpose of fuel modification until after the local government has issued a building permit for the proposed development.

The proposed development will be located along the top of a narrow ridgeline. Steep slopes descend from either side of the ridge. The Commission notes that the addition of impermeable area from pavement of the existing access road/driveway would result in potential erosion of the steep slopes on site if drainage is not properly conveyed off site. Therefore, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by Special Condition Four (4), to submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations. Further, to ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage structures shall be repaired should the structures fail in the future, Special Condition Four (4) also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

As discussed above, the Commission notes that the applicant's engineering consultants have indicated that the proposed development will serve to ensure relative geologic and structural stability on the subject site. However, the Commission also notes that the Engineering Geologic and Geotechnical Report by Miller Geosciences, Inc. dated 6/12/99 indicates that a mapped landslide is located approximately 100-150 ft. southeast and downslope from the project site. The Commission further notes that because there remains some inherent risk in building on sites underlain or located adjacent to a landslide, such as the subject site, and due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by Special Condition Eight

(8). This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

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

Therefore, for the reasons stated above, the Commission finds that the proposed project, only as conditioned, is consistent with Section 30253 of the Coastal Act.

C. 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 subordinated to the character of its setting.

The applicant is proposing the construction of a 475 sq. ft. gate house (11 ft. in height), a 400 sq. ft. trash enclosure (6 ft. in height), a 192 sq. ft. dog run/enclosure (6 ft. in height), two entry gates; fencing, a septic system, and pavement of approximately 300 linear feet of an existing gravel-surface driveway. The proposed development will be visible from portions of Trancas Canyon Road and Pacific Coast Highway. The proposed gatehouse will be relatively low in profile (less than 11 ft. in height) and will be setback from the southwest facing edge of the ridgeline. As such, although the proposed development will be located on top of a prominent ridgeline, only a small portion of the proposed gatehouse will be visible from the highway located downslope and to the south of the project site. However, all proposed development (including the gatehouse, driveway, dog run/enclosure and the trash enclosure) will be visible from Trancas Canyon Road.

Therefore, because the proposed ridge top development will be highly visible from public viewing areas, it is necessary to ensure that the design of the project will minimize any visual impacts to the maximum extent feasible. To ensure any visual

impacts associated with the colors of the structures, roof, or driveway pavement and potential glare of the window glass will be minimized, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by Special Condition Six (6). In addition, visual impacts associated with proposed structures and driveway pavement can be further reduced by the use of appropriate and adequate landscaping. Special Condition One (1) requires that vertical screening elements be incorporated into the revised landscaping plan to soften views of the proposed structures (gatehouse, dog run/enclosure, and trash enclosure) from both Pacific Coast Highway and Trancas Canyon Road. Further, the Commission also notes that any future development on the subject site (such as a second-story addition to the gatehouse, changes to the roofline, or landscaping) may result in potential adverse effects to visual resources on the subject site. Therefore, Special Condition Seven (7) requires the applicant to record a future improvements deed restriction to ensure that any future structures, additions, or landscaping that would otherwise be exempt from coastal permit requirements are reviewed by the Commission.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

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, minimizing alteration of natural streams.

The proposed project includes construction of a 475 sq. ft. gate house; a trash enclosure, a dog run/enclosure; two entry gates; fencing, and a septic system. The proposed project also includes pavement of the existing gravel-surface driveway. The site is considered a "ridge line" development. The project involves construction of new development along a ridge line. Steep slopes on site, which are susceptible to erosion, descend both north and south of the subject ridge line development.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition Four (4), and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-

development stage. Therefore, the Commission finds that Special Condition Four (4) is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site septic system to serve the gatehouse. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

E. 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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, 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. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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.

SMH-VNT

File: smh/permits/regular/4-00-180 SEVA report.

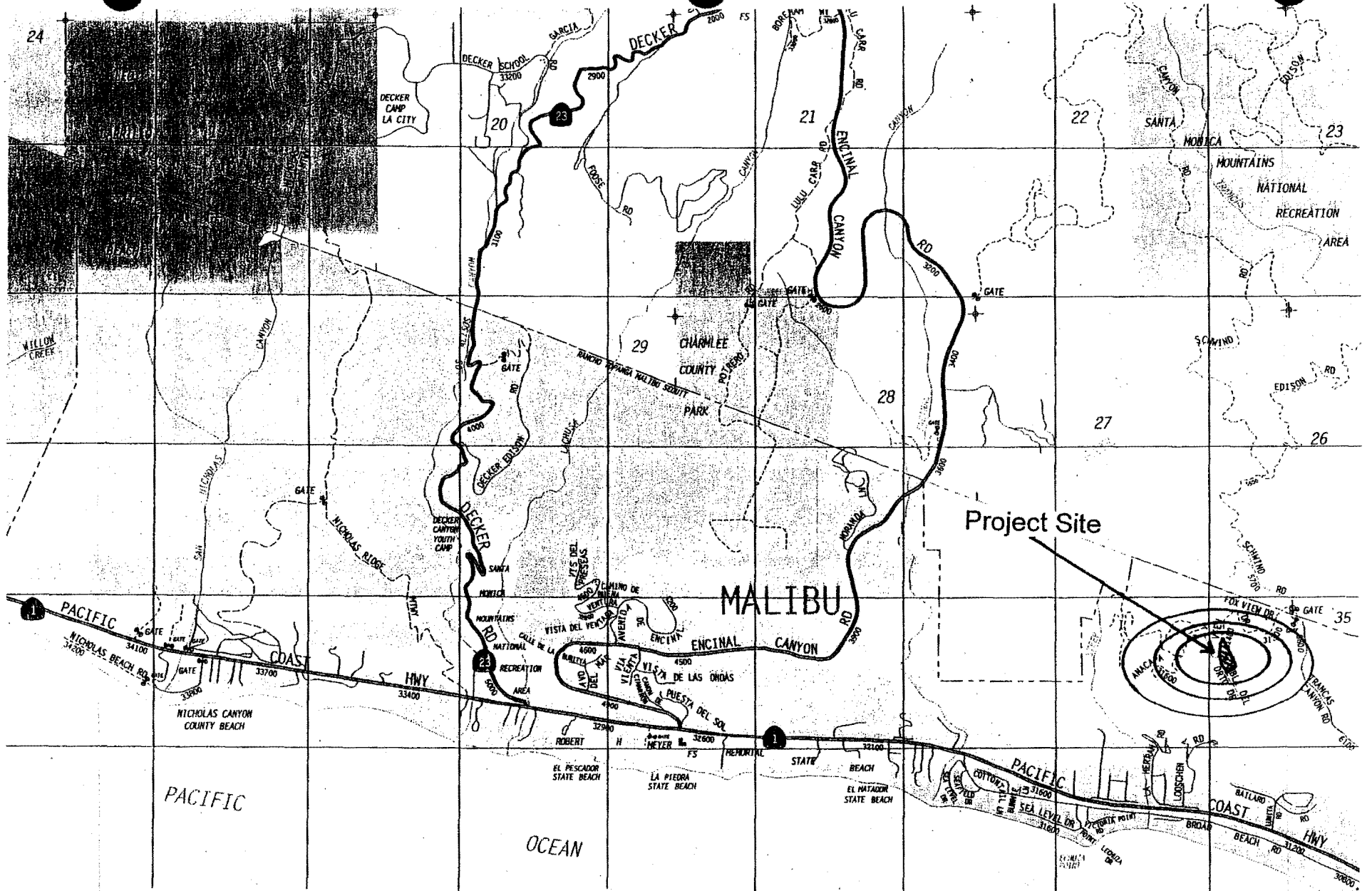
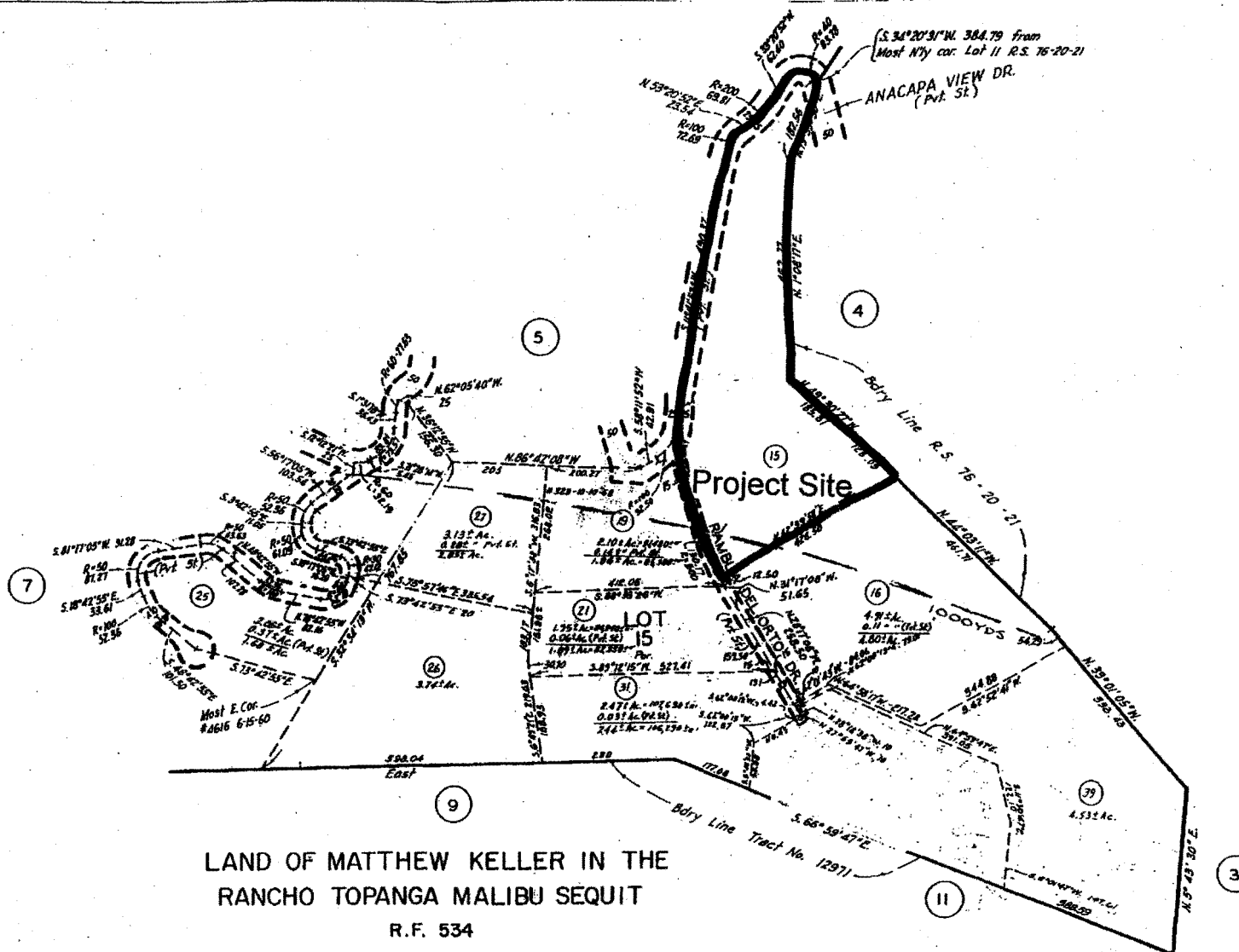


EXHIBIT 1
CDP 4-00-180 (SEVA Corp.)
Location Map

4470

6'

SCALE 1" = 200'



CODE 10853

FOR PREV. ASSM'T, SEE: 4470-47

EXHIBIT 2
CDP 4-00-180 (SEVA Corp.)
Parcel Map

PARTIAL SITE PLAN

LANDSCAPING AND FUEL MODIFICATION

ALLOWABLE STRUCTURE SIZE

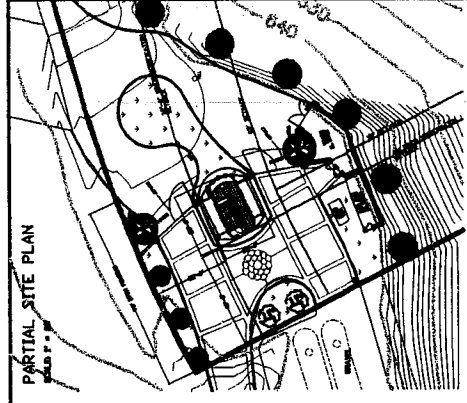
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 ALLOWED LOT SIZE - 17,200 S.F.
 ALLOWABLE S.F. - 14,200 S.F.
 PROPOSED S.F. - 14,200 S.F.
 REMAINING ALLOWANCE - 0 S.F.

ALLOWABLE IMPERVIOUS SURFACE

LOT 100 - 4.8 ACRES - 100,000 S.F.
 ALLOWED LOT SIZE - 17,200 S.F.
 ALLOWABLE S.F. - 14,200 S.F.
 PROPOSED S.F. - 14,200 S.F.
 REMAINING ALLOWANCE - 0 S.F.

NOTES

- 1) NO DRIVING IS NECESSARY FOR THIS PROJECT
- 2) SEE TOTAL SQUARE FOOTAGE OF DEVELOPMENT UNDER PROP. IS 470 S.F.
- 3) OCCUPANCY - R1
- 4) CONSTRUCTION - TYPE III



LOT # 4470-006-021
1.88 ACRES

LOT # 4470-006-016
4.60 ACRES

Anacapa View Drive

S. Rambla del Oro

SEPTIC PITS

Project Site
LOT # 4470-006-016
4.61 ACRES

EXHIBIT 3
CDP 4-00-180 (SEVA Corp.)
Site Plan



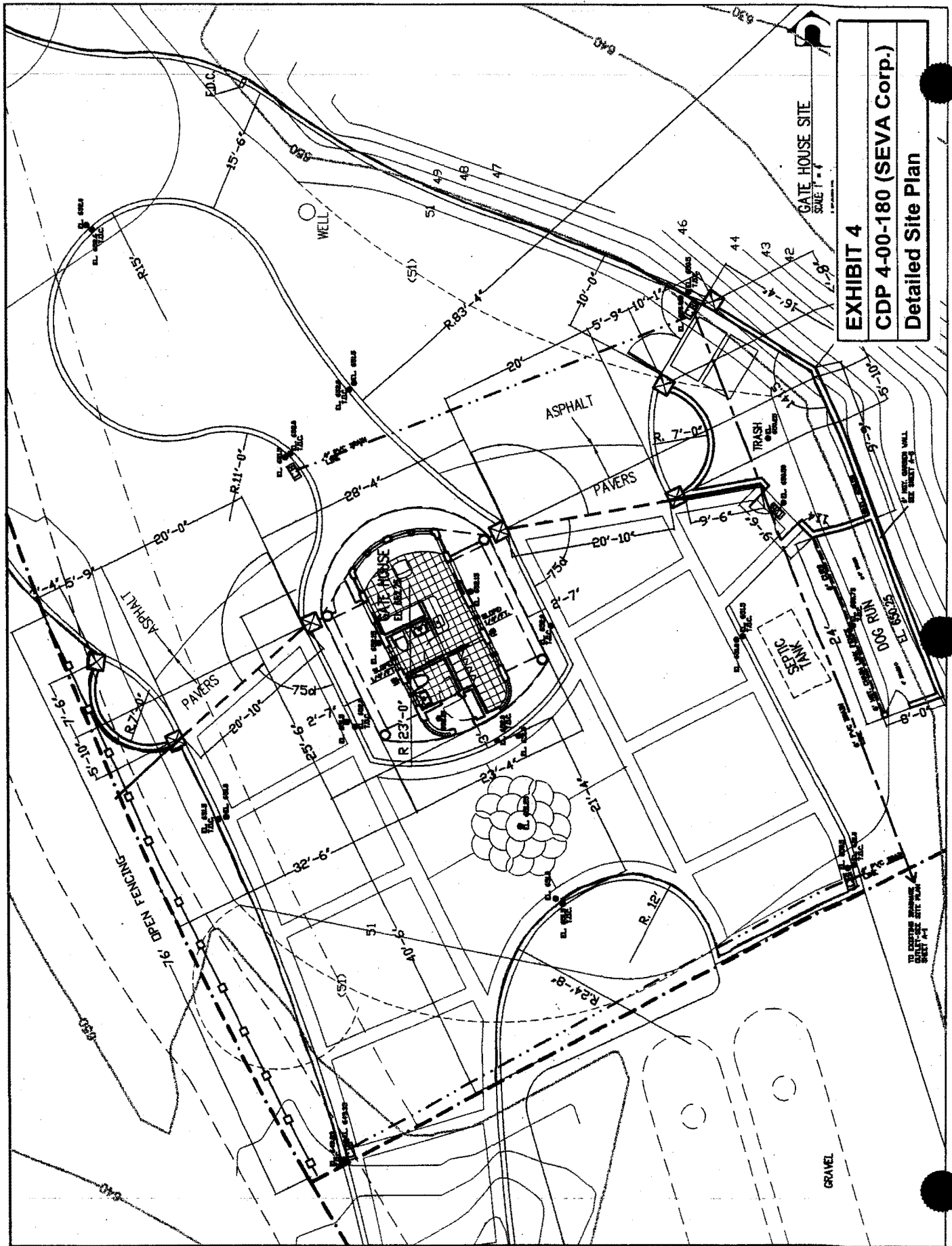


EXHIBIT 4
CDP 4-00-180 (SEVA Corp.)
Detailed Site Plan

GATE HOUSE SITE
 SCALE 1" = 4'

TO EXISTING MANSION
 QUADRETT DRIVE SIDE PARK
 DRIVE #1

FLOOR PLAN

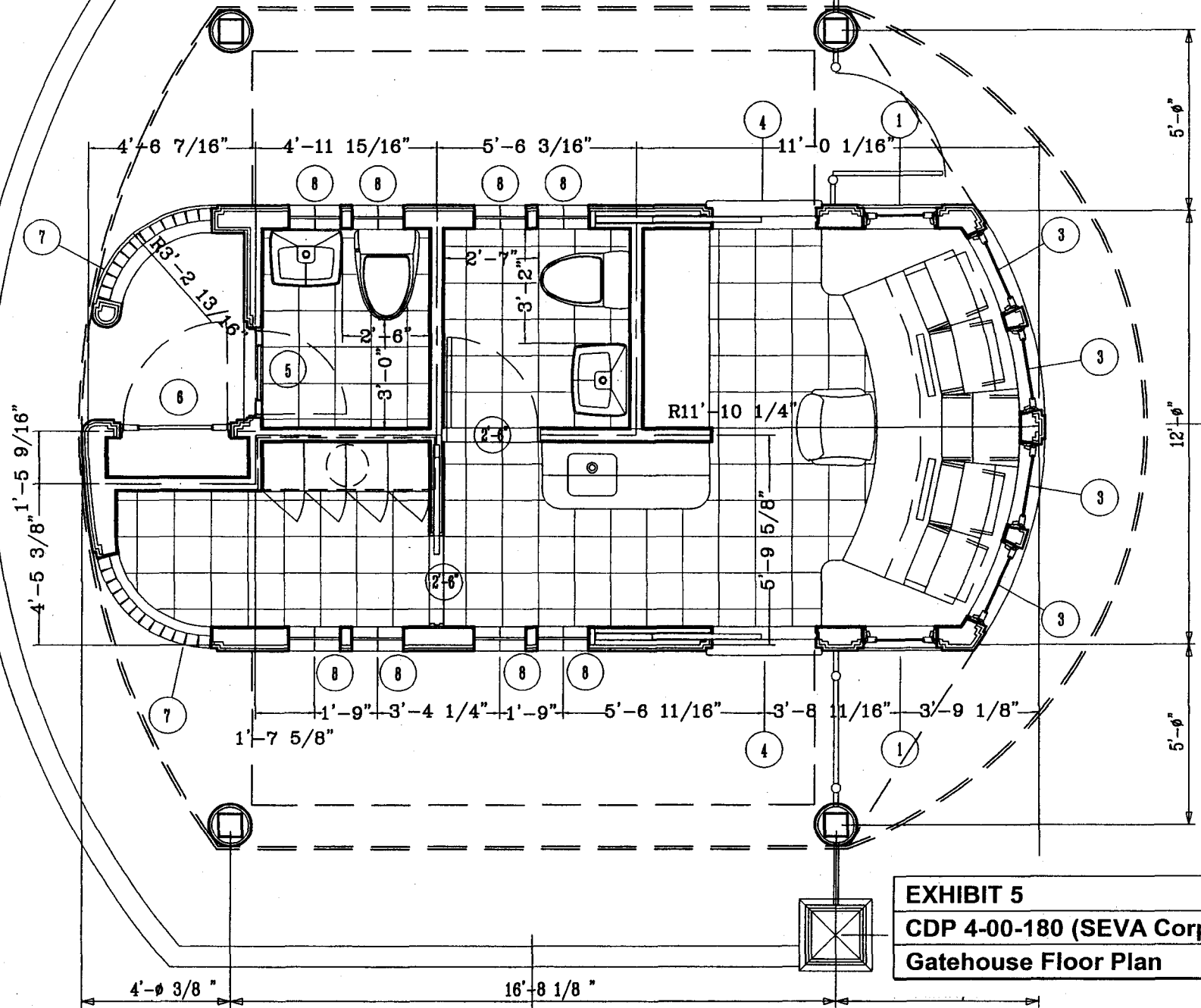
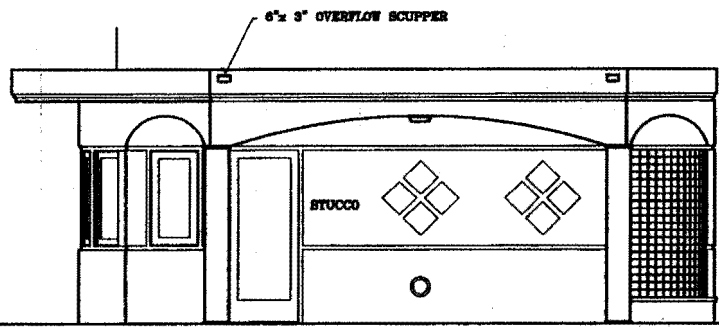
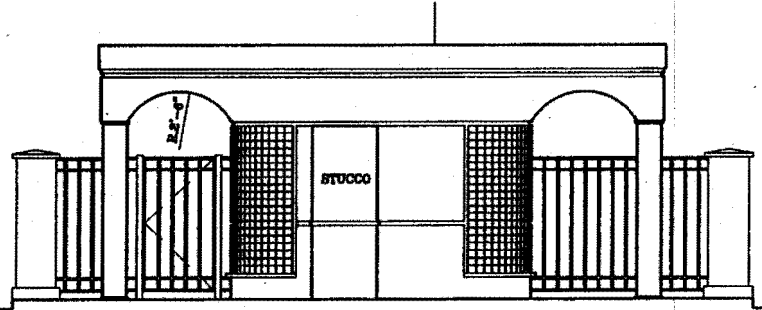


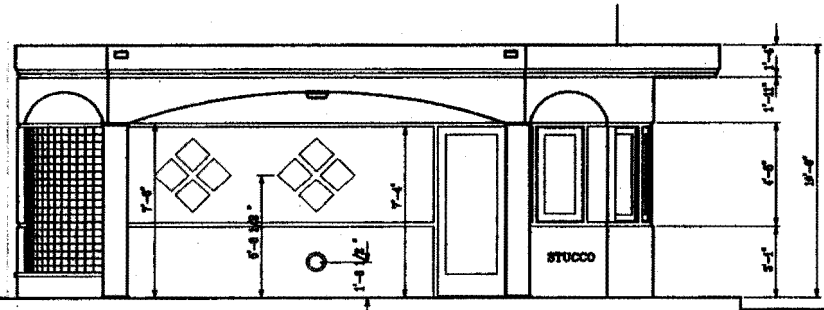
EXHIBIT 5
CDP 4-00-180 (SEVA Corp.)
Gatehouse Floor Plan



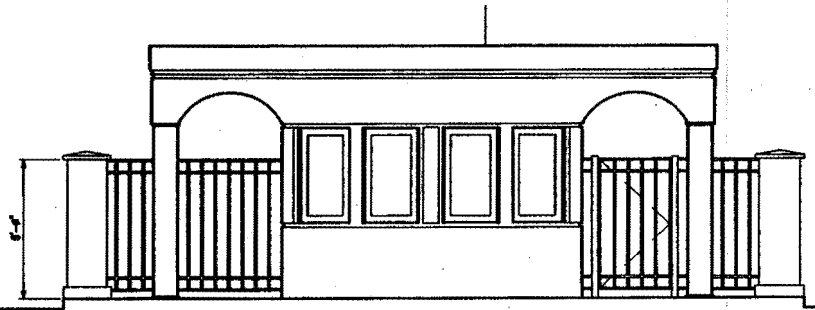
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

EXHIBIT 6
CDP 4-00-180 (SEVA Corp.)
Gatehouse Elevations