

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

Filed: 01/10/2000
49th Day: 02/28/2000
180th Day: 07/08/2000
Staff: A. Verbanac
Staff Report: 01/20/2000
Hearing Date: 02/17/2000
Commission Action:

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

APPLICATION NO.: 4-99-233

APPLICANT: Jeff Greene

AGENT: Steve Potter

PROJECT LOCATION: 30401 Morning View Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Demolish existing 1,460 sq. ft. single family residence with attached 450 sq. ft. garage, 175 sq. ft storage shed, and driveway, and construct a new two story, 7,685 sq. ft. single family residence, 24 ft. in height, with attached 3-car garage, detached 565 sq. ft guest house, new septic system, pool, and grading consisting of 1,200 cu. yds. (500 cu. yds. cut, 700 cu. yds. fill, 200 cu. yds import) and approximately 567 cu. yds. overexcavation. The proposed project also includes retaining a 1,253 sq. ft. stable/workshop structure on site to be utilized as a gym and storage.

Lot area:	104,388 sq. ft.
Building coverage:	5,418 sq. ft.
Pavement coverage:	19,382 sq. ft.
Landscape coverage:	79,588 sq. ft.
Parking spaces:	3

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval-In-Concept 10/01/99, City of Malibu Environmental Health In-Concept Approval for septic disposal system 5/26/99.

SUBSTANTIVE FILE DOCUMENTS: Geologic and Soils Engineering Investigation prepared by Alpine Geotechnical 2/18/99, City of Malibu Geology and Geotechnical Engineering Review Sheet 6/02/99.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with (5) **Special Conditions** regarding conformance to geologic recommendations for design and construction, drainage and maintenance responsibilities, landscaping and erosion control, wildfire waiver of liability, and Future Improvements

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-99-233 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.

I. 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. **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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic and Soils Engineering Investigation prepared by Alpine Geotechnical 2/18/99 shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the geotechnical consultants. 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, drainage, and sewage disposal. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

2. Drainage Plans and Maintenance Responsibility

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from all impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geotechnical engineer 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. Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (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 graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence.
- (2) 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 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) 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.
 - (5) Vegetation within 50 feet of the proposed house may be removed to mineral earth. Vegetation within a 200 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 measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment 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 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.

4. Wildfire Waiver of Liability

Prior to the issuance of a 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 of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

5. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. # 4-99-233. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future structures, additions, change of use, or improvements related to the detached guest house and gym/storage structure approved under coastal development permit number 4-99-233, will require a permit from the Coastal Commission or its successor agency. In addition, any future improvements including, but not limited to, clearing of vegetation or grading, other than as provided for in the landscape and erosion control plan, shall require an amendment to Permit No. 4-99-233 from the Commission or shall require an additional Coastal Development Permit from the Commission or from the applicable certified local government.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants as landowners 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 demolition of an existing 1,460 sq. ft. single family residence with an attached 450 sq. ft. garage, a 175 sq. ft. shed, and driveway, and the construction of a new two story, 7,685 sq. ft. single family residence, 24 ft. in height, with attached 3-car garage, detached 565 sq. ft. guest house, driveway, new septic system, pool, grading consisting of 1,200 cu. yds. (500 cu. yds. cut, 700 cu. yds. fill, 200 cu. yds. import), and approximately 567 cu. yds. overexcavation. Landscaping plans originally submitted for the proposed project illustrate a gazebo located north of the proposed residence. However, the agent representing the applicant for the proposed project has indicated that the gazebo has been deleted from the final project description.

In addition to constructing a new single family residence and detached guest house, the applicant is proposing to retain an existing 1,253 sq. ft. stable/workshop structure on site, a portion of which is to be converted for use as a gym and storage area. The

stable/workshop structure consists of two enclosed, dirt-bottom, storage areas measuring 170 sq. ft. and 211 sq. ft., an 87 sq. ft. full washroom/bathroom area, and a 785 sq. ft. workshop (Exhibit 9). The two storage areas were originally constructed as a barn or stable with an addition to the barn/stable consisting of the bathroom and workshop constructed in 1977. The entire 1,253 sq. ft. structure will remain as built with the exception of the 785 sq. ft. workshop, which the applicant proposes to renovate and use as a gym. No other additions or improvements are proposed for the structure.

The project site is located north of Pacific Coast Highway on the north side of Morning View Drive in a built out area of Malibu developed with numerous moderate to large single family residences. The subject property is a 2 1/3 acre south facing parcel that gently descends to Morning View Drive. As mentioned, the project site currently consists of a single family residence, small storage shed, and driveway, to be demolished, and a stable/workshop structure to remain on site. The proposed project will not be visible from Pacific Coast Highway or any other public view areas, will be compatible with the character of existing development of the area, and will therefore have no significant adverse impacts on visual resources.

B. Geologic Stability and Hazards

Geology

The proposed development is located in the Santa Monica Mountains area, 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 area 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.

Section 30253 of the Coastal Act states in pertinent part 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, 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 30253 of the Coastal Act mandates that new development shall be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has

submitted a Geologic and Soils Engineering Investigation dated 2/18/99 prepared by Alpine Geotechnical evaluating the geologic stability of the subject site in relation to the proposed development. The Geologic and Soils Engineering Investigation report concludes that the subject site is appropriate for the proposed development and states:

The subject property is considered a suitable site for the proposed development from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed development and septic system will be safe against hazards from landslide, settlement or slippage, and that the proposed grading and development will not have an adverse effect on the geologic stability of the property outside the building site provided our recommendations are followed during construction.

The Geologic and Soils Engineering Investigation report prepared by Alpine Geotechnical 2/18/99 for the proposed development of the project site includes several recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the project site. To ensure that the recommendations of the geologic consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control methods, and appropriate landscaping into proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 2 and 3**.

The Commission also finds that landscaping of the graded and disturbed areas on the project site will serve to enhance and maintain the geologic stability of the project site. Therefore, **Special Condition 3** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. Special Condition 3 also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

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

finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential 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. In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has also 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 that originate from other continents, that have been used as landscaping in this area, have invaded and seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 3.

Wild Fire

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition 4**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 4, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that, as conditioned to incorporate all recommendations defined by the project's geotechnical consultants for construction, design, drainage, erosion control, and landscaping, and inclusion of the wildfire waiver of liability, the proposed project will be sited and designed to provide geologic stability and minimize risks to life and property, and therefore, is consistent with Section 30253 of the Coastal Act.

C. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

- (a) ***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act Sections 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second

units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one, or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1). Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose – that is, as guest units -, rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant is proposing to demolish an existing 1,460 sq. ft. single family residence, a 175 sq. ft. shed, and the construction of a new 7,685 sq. ft. single family residence with an attached 3-car garage and a 565 sq. ft. detached guest house. As proposed, the 565 sq. ft. guest house is consistent with past Commission decisions which have limited detached guest units to 750 sq. ft. or less. However, the applicant is also proposing to retain an existing 1,253 sq. ft. stable/workshop structure and convert a portion of the structure, the 785 sq. ft. workshop, into a gym. The remaining structure will remain as built with an 87 sq. ft. washroom/bathroom and two dirt bottom stables measuring 170 and 211 sq. ft. to be used as storage. Project plans indicate that this structure will serve only as a gym and storage structure and that it will not be used as an inhabitable guest unit or secondary dwelling. Therefore, the structure may be reviewed as a detached, accessory use to the proposed single family residence which is to remain as non-habitable square footage, and therefore not subject to the 750 sq. ft. limit requirements for detached units.

The Commission finds it necessary to ensure that no additions or improvements are made to the 565 sq. ft. guest unit or the 1,253 accessory gym/storage structure in the future that may enlarge or further intensify its use of these structures without due consideration of the potential cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicant to record a future development

deed restriction, as specified in **Special Condition 5**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the guest unit or gym/storage structure are proposed in the future. The Commission further finds that, as conditioned, the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

D. SEPTIC SYSTEM

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

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

The applicant proposes to construct a new 4000-gallon septic tank and disposal system as shown on plans approved "In-Concept" by the City of Malibu Department of Environmental Health 5/26/99. The conceptual approval by the City indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City's Plumbing Code.

The Commission has found in past permit actions that compliance with local health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

Section 30604 of the Coastal Act states:

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

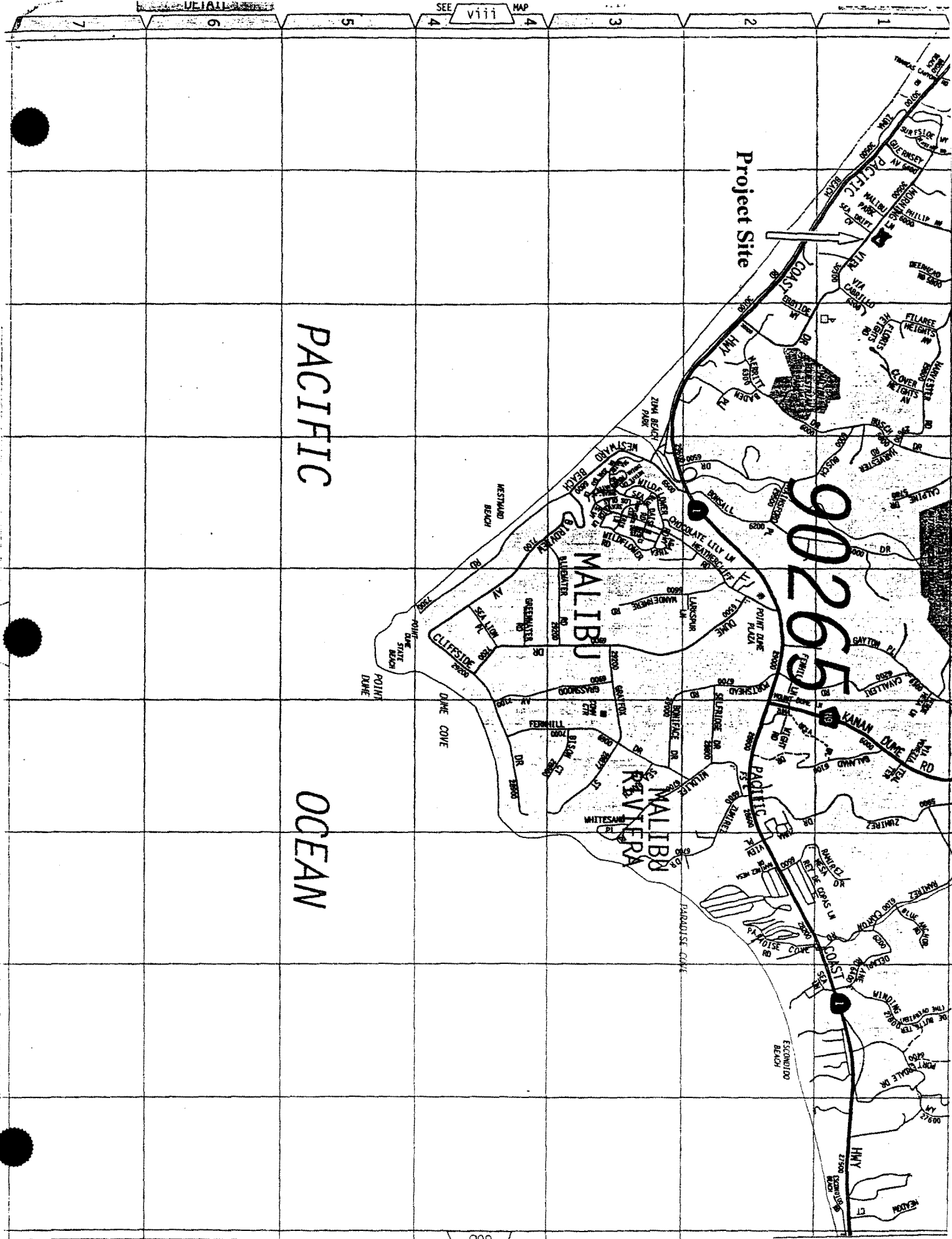
government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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 project 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 of Malibu's ability to prepare a Local Coastal Program for the area of Malibu and the Santa Monica Mountains 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

Section 13096(a) of the 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 Environmentally 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.



PACIFIC

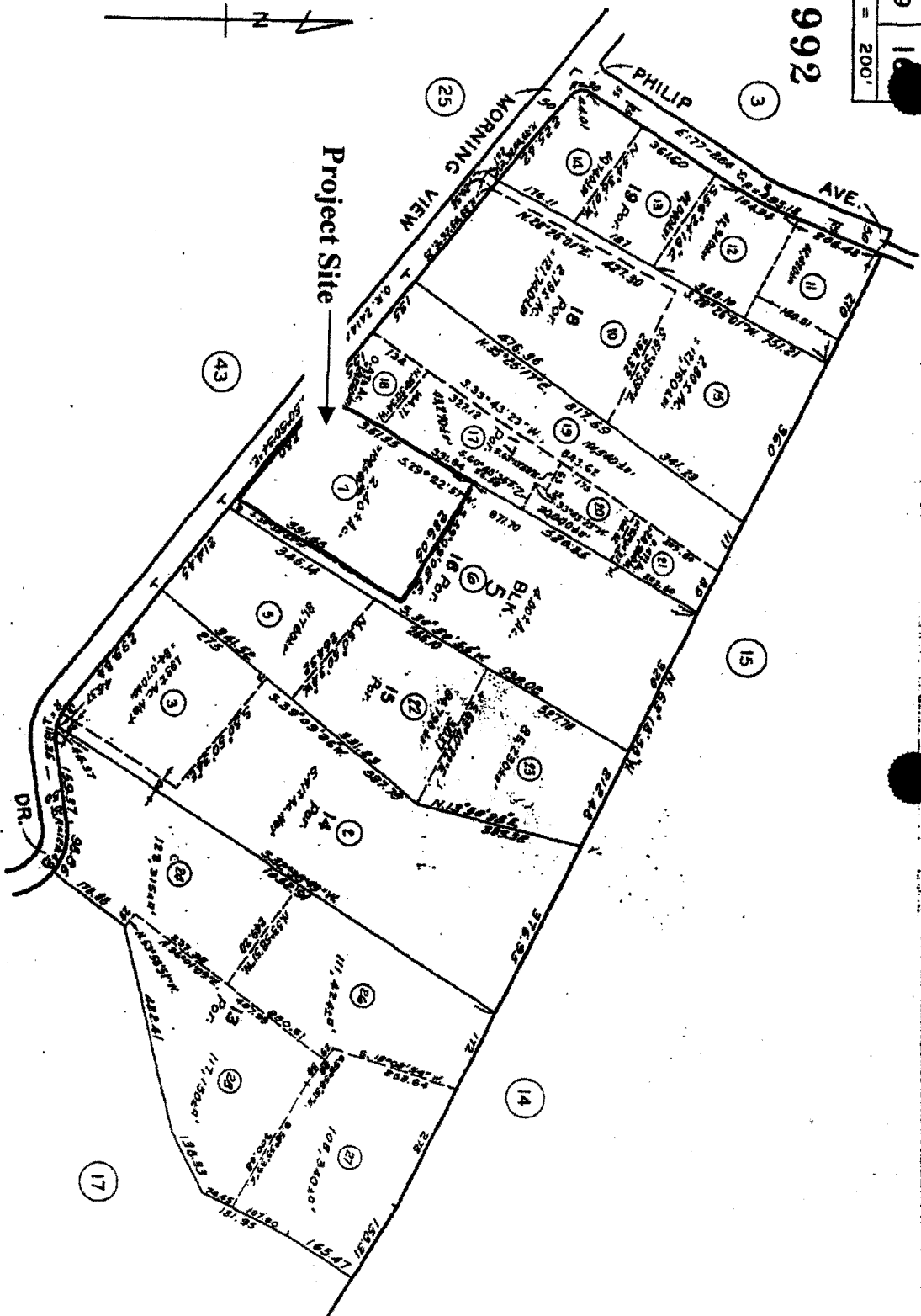
OCEAN

Project Site

90265

1992

169 168
1" = 200'



CODE
10853

FOR PREV. ASSM'T. SEE:
4469-16

RECORD OF SURVEY

R. S. 56 - 14 - 17

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

Exhibit 2
CDP 4-99-233
Parcel Map

TOTAL DEVELOPMENT - SQ.FT.

FIRST FLOOR:	4,350 SQ.FT.
GUEST HOUSE:	365 SQ.FT.
SECOND FLOOR:	3335 SQ.FT.
GYM:	503 SQ. FT.
TOTAL:	8,777 SQ.FT.

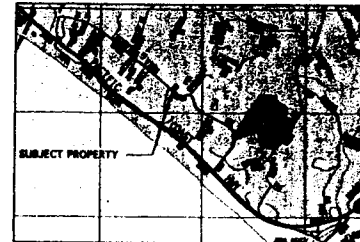
IMPERMEABLE COVERAGE:	104,388 SQ.FT.
GROSS LOT AREA:	25,000 SQ.FT.
ALLOWABLE IMPERMEABLE:	24,800 SQ.FT.
PROPOSED IMPERMEABLE:	

NOTE:

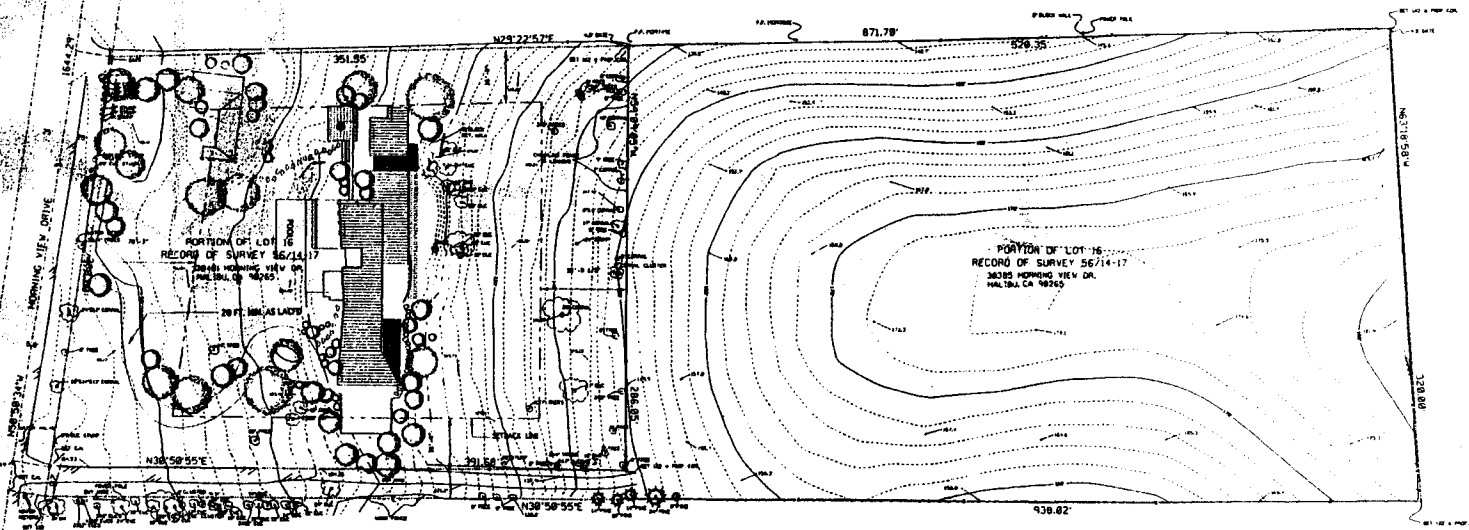
PURSUANT TO SECTION 93.02 (A) OF THE MUNICIPAL CODE, WALL AND FENCES SHALL NOT EXCEED SIX (6) FEET IN HEIGHT FOR ANY ONE WALL, NOR TWELVE (12) FEET FOR ANY COMBINATION OF WALLS. COMBINATION WALLS SHALL BE SEPARATED BY AT LEAST THREE (3) FEET OF LANDSCAPE AREA.

LEGAL DESCRIPTION

PORTION OF PARCEL:	A.P.N. 4469-016-005
GRADING:	
ALLOWABLE:	1,000 CU. YDS.
PROPOSED:	1,000 CU. YDS.
BUILDING HEIGHT:	
ALLOWABLE:	24 FEET
PROPOSED:	24 FEET



VICINITY MAP - NO SCALE



LEGEND

BUILDING:	
PROPERTY LINE:	
STREET CENTERLINE:	
ASPHALT DRIVE:	
MONUMENT:	
WATER METER:	
CHAIN LINK FENCE:	
TREES:	



SITE MAP - SCALE: 1" = 40'

ARCHITECT
**LORCAN O'H
ARCHITECTS**

5709 MESMER AVENUE
CULVER CITY, CALIFORNIA 90230
TEL: 310 398 0394
FAX: 310 398 2675

48 drawings, items, arrangements and items enclosed by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without the Architect's written consent. If these drawings are used for any other purpose or for other construction and shall be decided by the architect. Any errors in the drawings shall be brought to the attention of the client prior to the commencement of work.

REVISIONS

PROJECT 7 DRAWING

**SITE PLAN
LOCATION MAP**

J. GREENE
30401 MORNING VIEW DRIVE
MALIBU, CA 90265

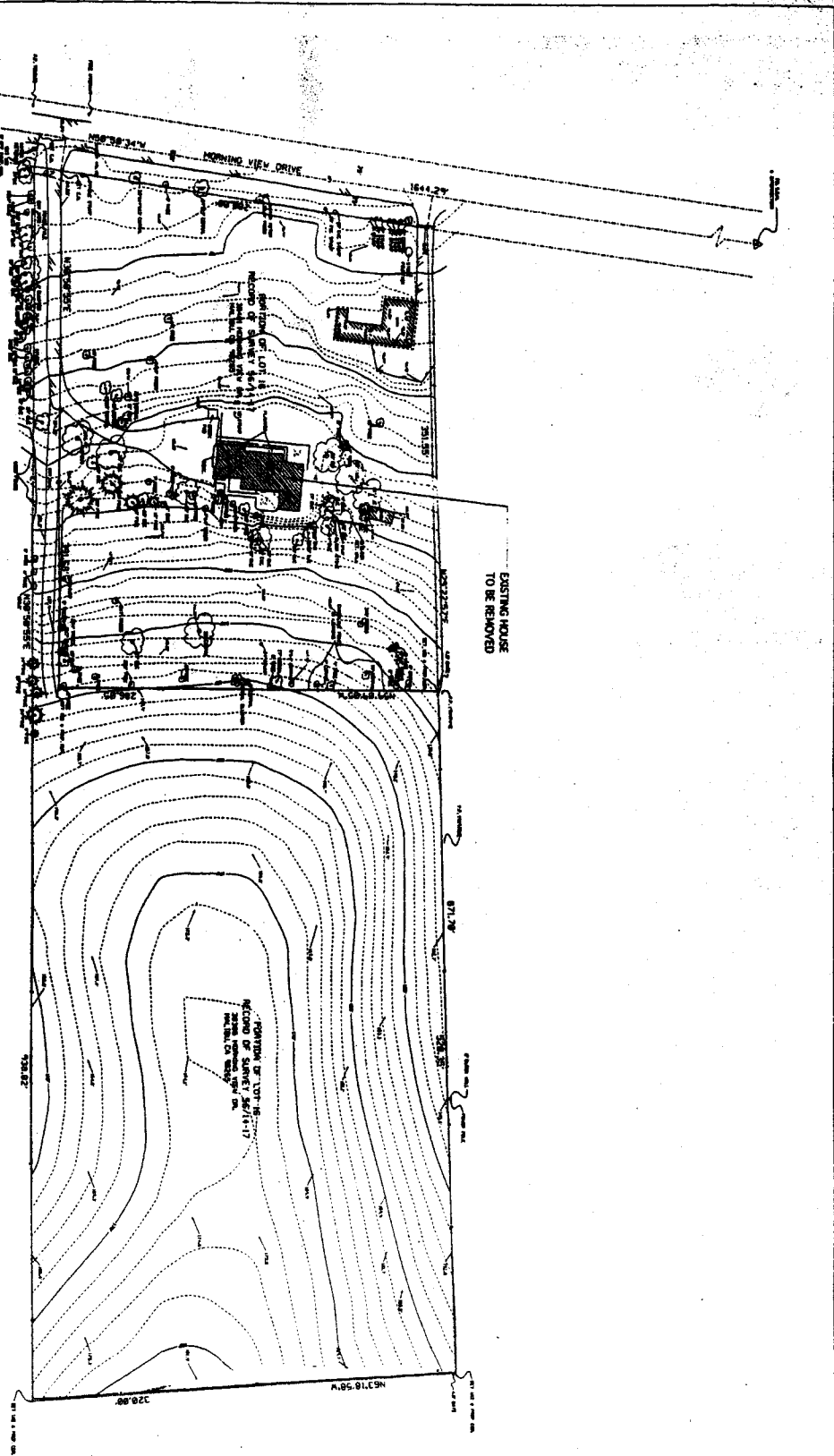
APR 99-089
SPR 99-035

DATE: FEBRUARY 7, 1999 SCALE: REFER TO DRAWING

JOB NO: 9817

CITY OF MALIBU
PLANNING DEPARTMENT
APPROVED FOR THE CITY
DATE: 10-1-99
BY: [Signature]
* 8,777 sq. NET GYM, GUEST HOUSE
24' in HEIGHT.

RECEIVED
PLANNING DEPARTMENT
A1



- LEGEND**
- PROPERTY LINE
 - STREET CENTERLINE
 - ADJACENT
 - OPEN LINE FENCE
 - METERS

SCALE: 1" = 40'



CITY OF MALIBU
 PLANNING DEPARTMENT
 22500 MALIBU ROAD
 MALIBU, CA 90265
 (310) 310-3333

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ARCHITECTS
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 TEL. 310 398 0394
 FAX. 310 398 2575

J. GREENE
 30401 MORNING VIEW DRIVE
 MALIBU, CA 90265

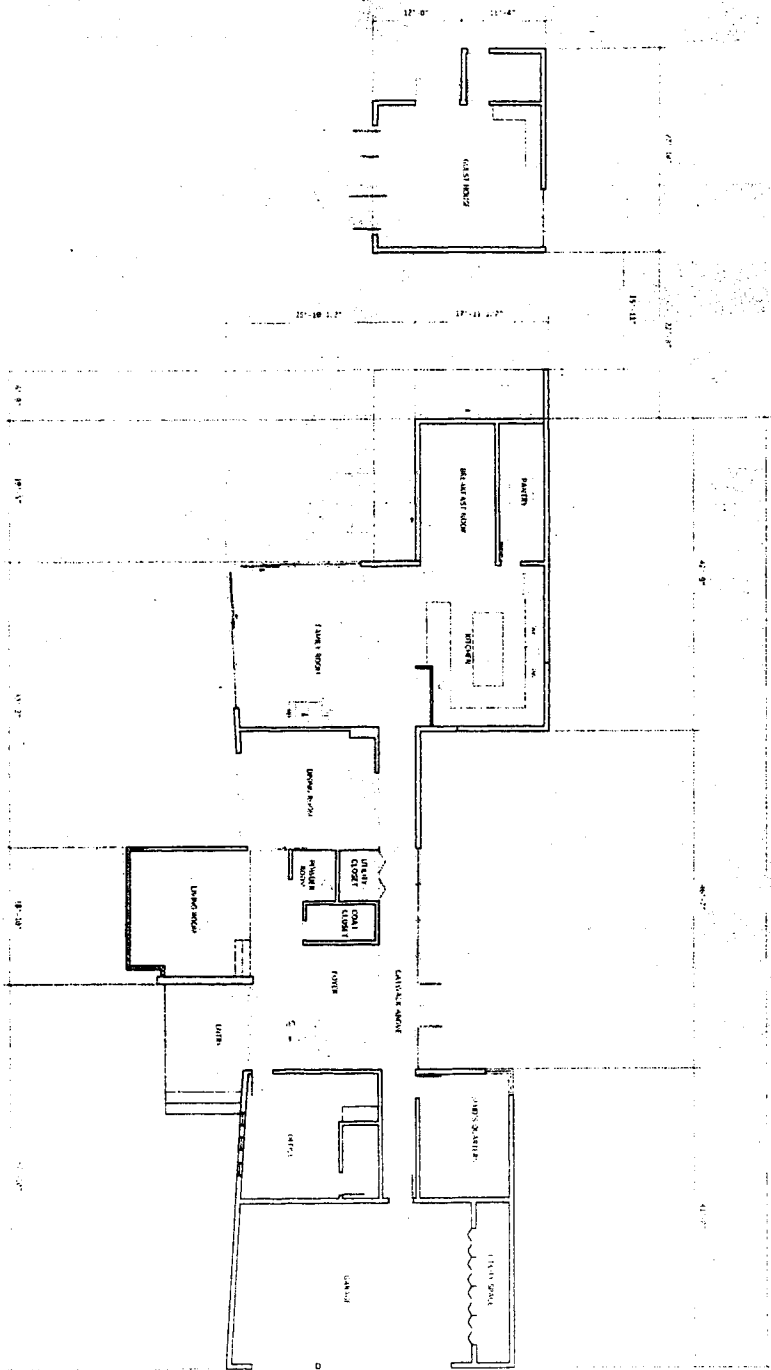
DEMOLITION PLAN

A1.1

Exhibit 4
CDP 4-99-233

Demolition Plan

FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



CITY OF MALIBU
APPROVED
DATE: 10/12/98
BY: [Signature]

ARCHITECT
LORCAN O'H
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3709 MESMER AVENUE
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TEL 310 398 0394
FAX 310 398 5075

PROJECT / DRAWING

FIRST FLOOR PLAN

J. GREENE
30401 MORNING VIEW DRIVE
MALIBU, CA 90265

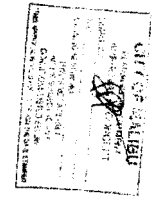
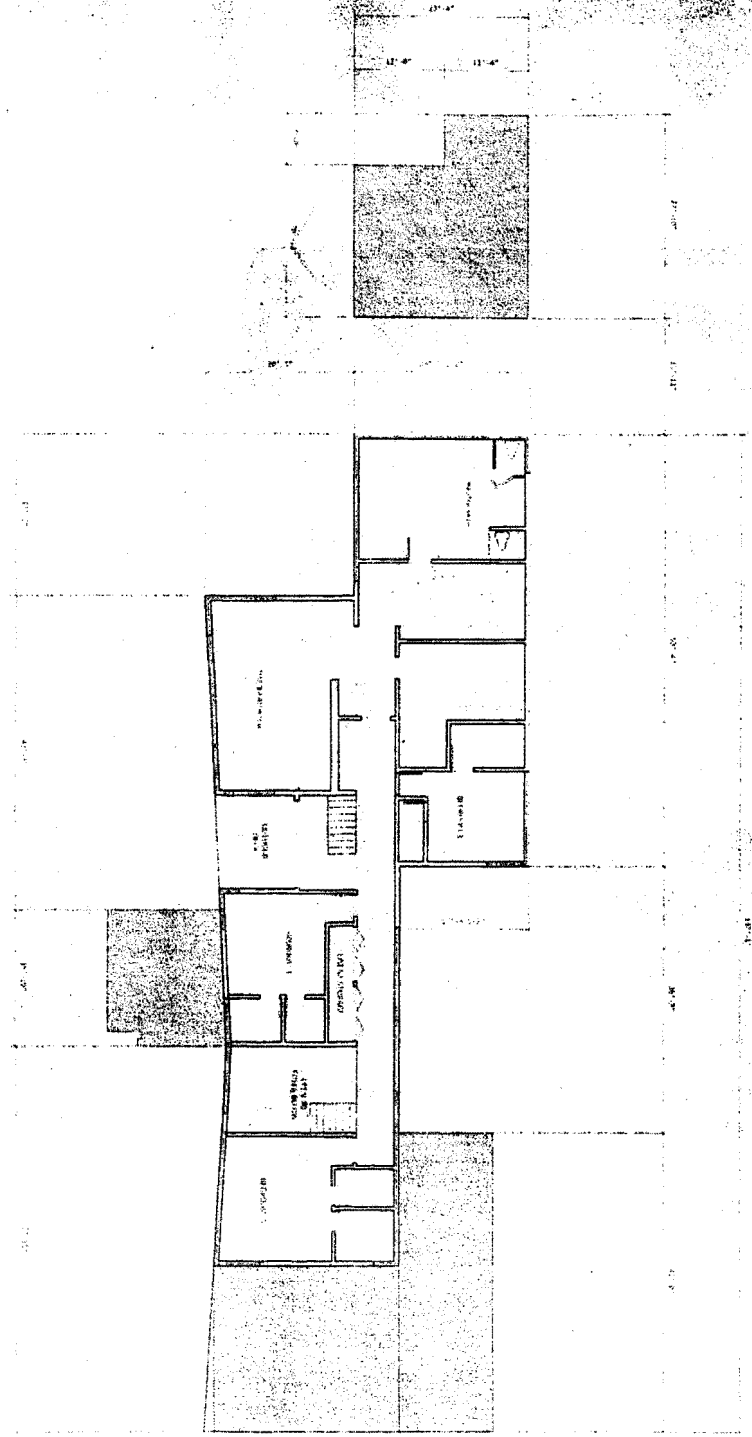
DATE: 10/12/98
SCALE: 1/8" = 1'-0"

A2

Exhibit 5
CDP 4-99-233

First Floor Plan

SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"



DATE: FEBRUARY 7, 1999
PROJECT: J. GREENE ARCHITECT
SCALE: 1/8" = 1'-0"

J. GREENE
30401 MORNING VIEW DRIVE
MALIBU, CA 90265

SECOND FLOOR PLAN

PROJECT / DRAWING

REVISIONS

1. THIS PLAN IS A PART OF THE ARCHITECTURAL CONTRACT FOR THE PROJECT OF THE ARCHITECT AND THE CLIENT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED.

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CULVER CITY, CALIFORNIA 90230
TEL. 310 598 0394
FAX 310 598 2875

ARCHITECT
LORCAN OH
ARCHITECTS

Exhibit 6
CDP 4-99-233
Second Floor Plan

A3

ARCHITECT
**LORCAN O'HE
ARCHITECTS**

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CULVER CITY, CALIFORNIA 90230
TEL: 310 398 0394
FAX: 310 398 2675

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REVISIONS

PROJECT / DRAWING

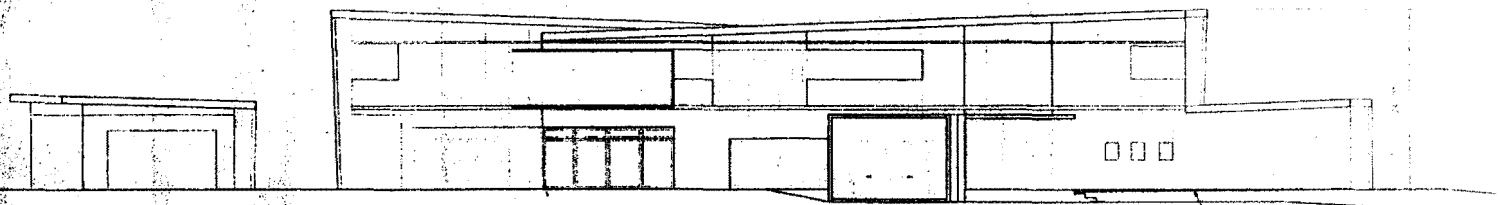
**EAST/NORTH
ELEVATION**

J. GREENE
30401 MORNING VIEW DRIVE
MALIBU, CA 90265

DATE: FEBRUARY 2, 1999 SCALE: 1/8" = 1'-0"

PROJECT: 1917

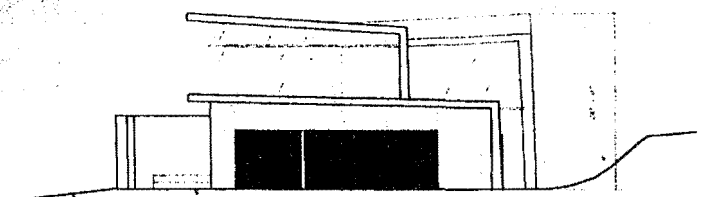
A5



EAST ELEVATION
@ 1/8" = 1' 0"

EXISTING NATURAL/
FINISH GRADE

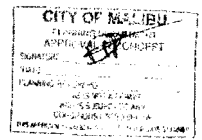
FINISHED GRADE
EXISTING
NATURAL GRADE
BEYOND



NORTH ELEVATION
@ 1/8" = 1' 0"

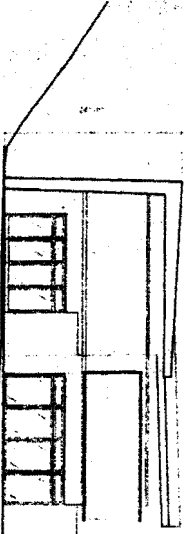
FINISH GRADE
EXISTING NATURAL GRADE/
FINISH GRADE

EXISTING NATURAL
GRADE



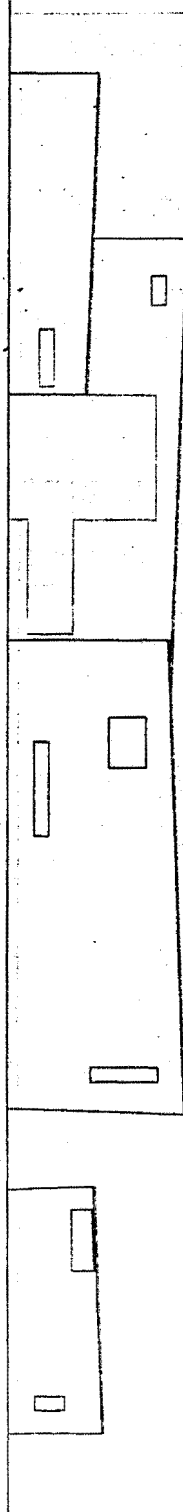
SOUTH ELEVATION
@ 1/8" = 1'-0"

EXISTING NATURAL GRADE
EXISTING NATURAL GRADE
FRESH GRADE BEYOND



WEST ELEVATION
@ 1/8" = 1'-0"

FRESH GRADE
EXISTING NATURAL GRADE/
FRESH GRADE



CITY OF MALIBU
APPROVED FOR THE CITY OF MALIBU
DATE: 11/15/07
PROJECT: 02-2010-0001
DRAWING: 02-2010-0001-001
SCALE: 1/8" = 1'-0"

J. GREENE

30401 MORNING VIEW DRIVE,
MALIBU, CA 90265

**WEST/SOUTH
ELEVATION**

PROJECT DRAWING

ARCHITECT
**LORCAN O'HE
ARCHITECTS**
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CULVER CITY, CALIFORNIA 90230
TEL: 310.398.2975
FAX: 310.398.2975

DATE: FEBRUARY 7, 2007
SCALE: 1/8" = 1'-0"

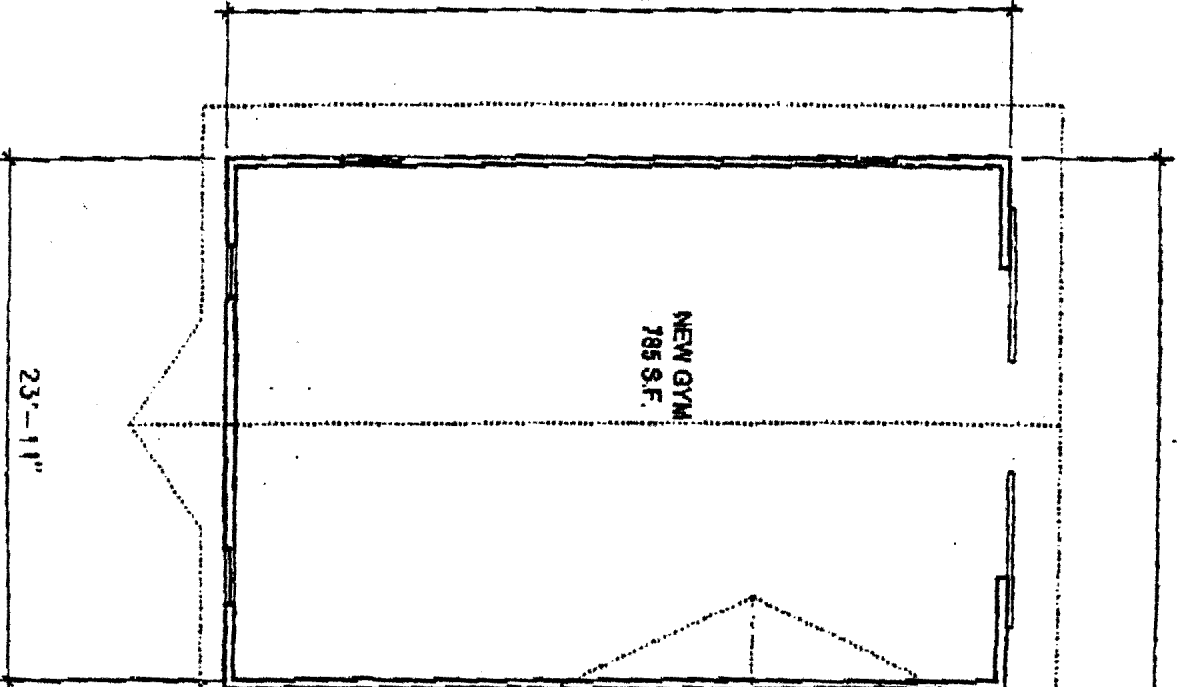
REVISIONS

**Exhibit 8
CDP 4-99-233
Elevations**

A6



34'-3"



23'-11"

W.C.
87 S.F.

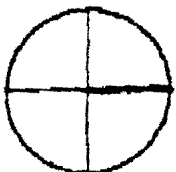
STORAGE
170 S.F.

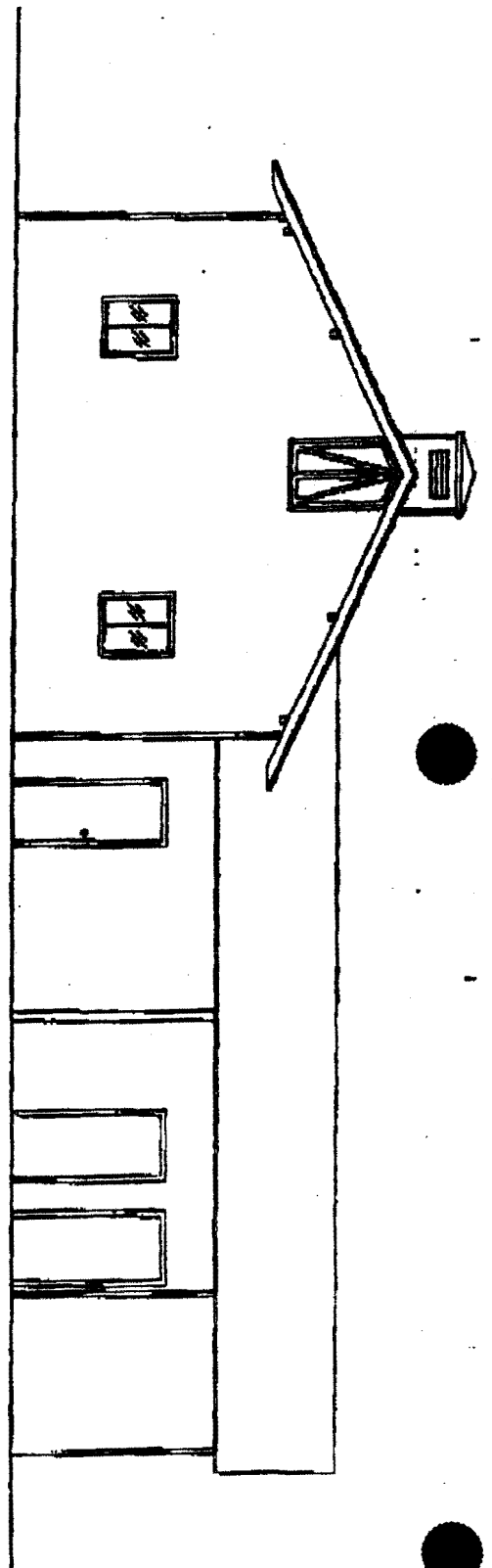
STORAGE
211 S.F.

58'-2"



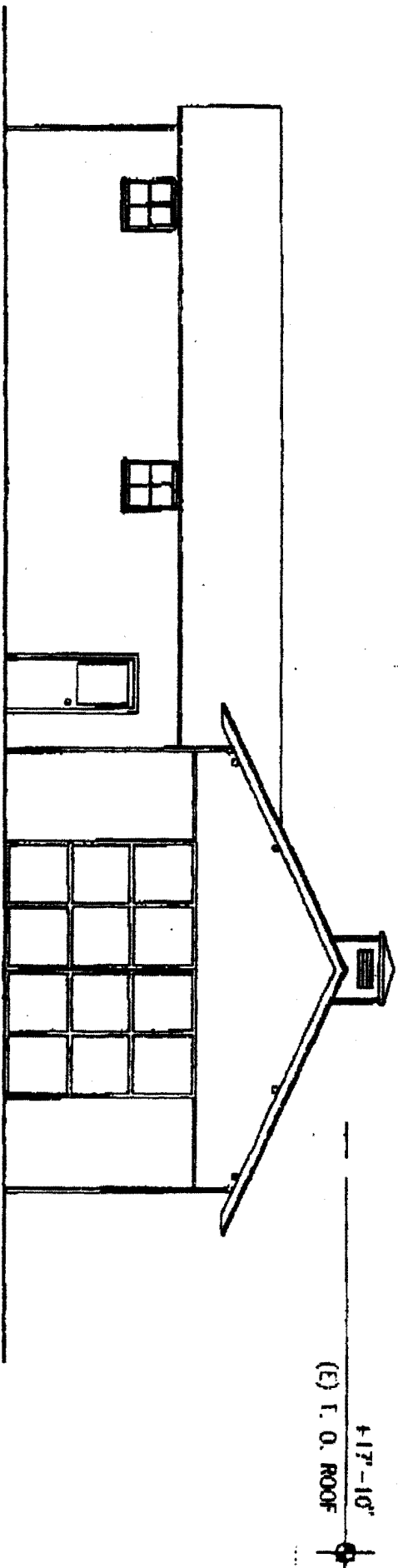
22'-3"





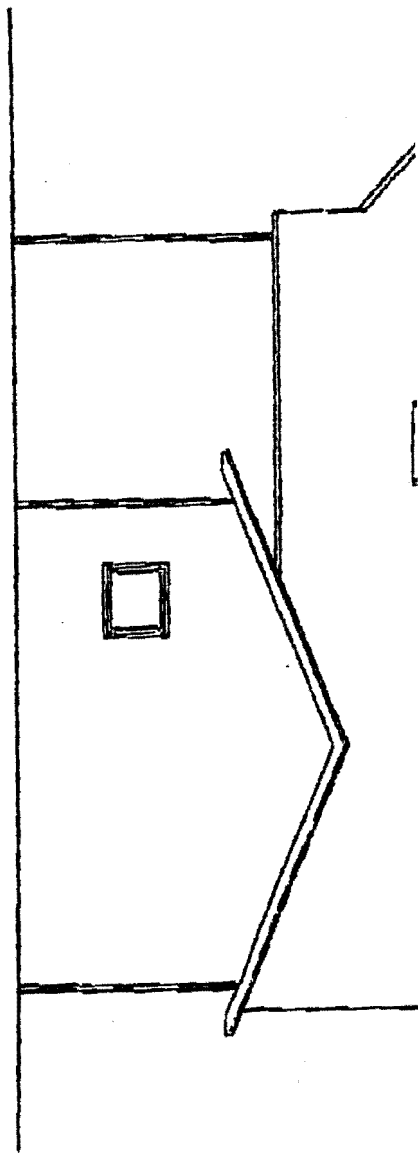
SOUTH ELEVATION

1/8" = 1'-0"



4'-17" - 10"
(E) F. O. ROOF

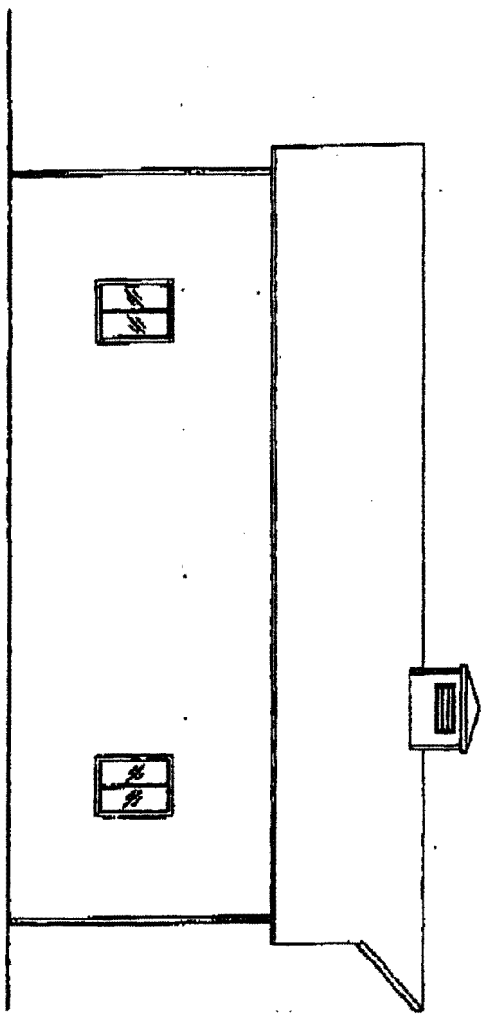
NORTH ELEVATION



WEST ELEVATION

1/8" = 1'-0"

3



EAST ELEVATION

1/8" = 1'-0"

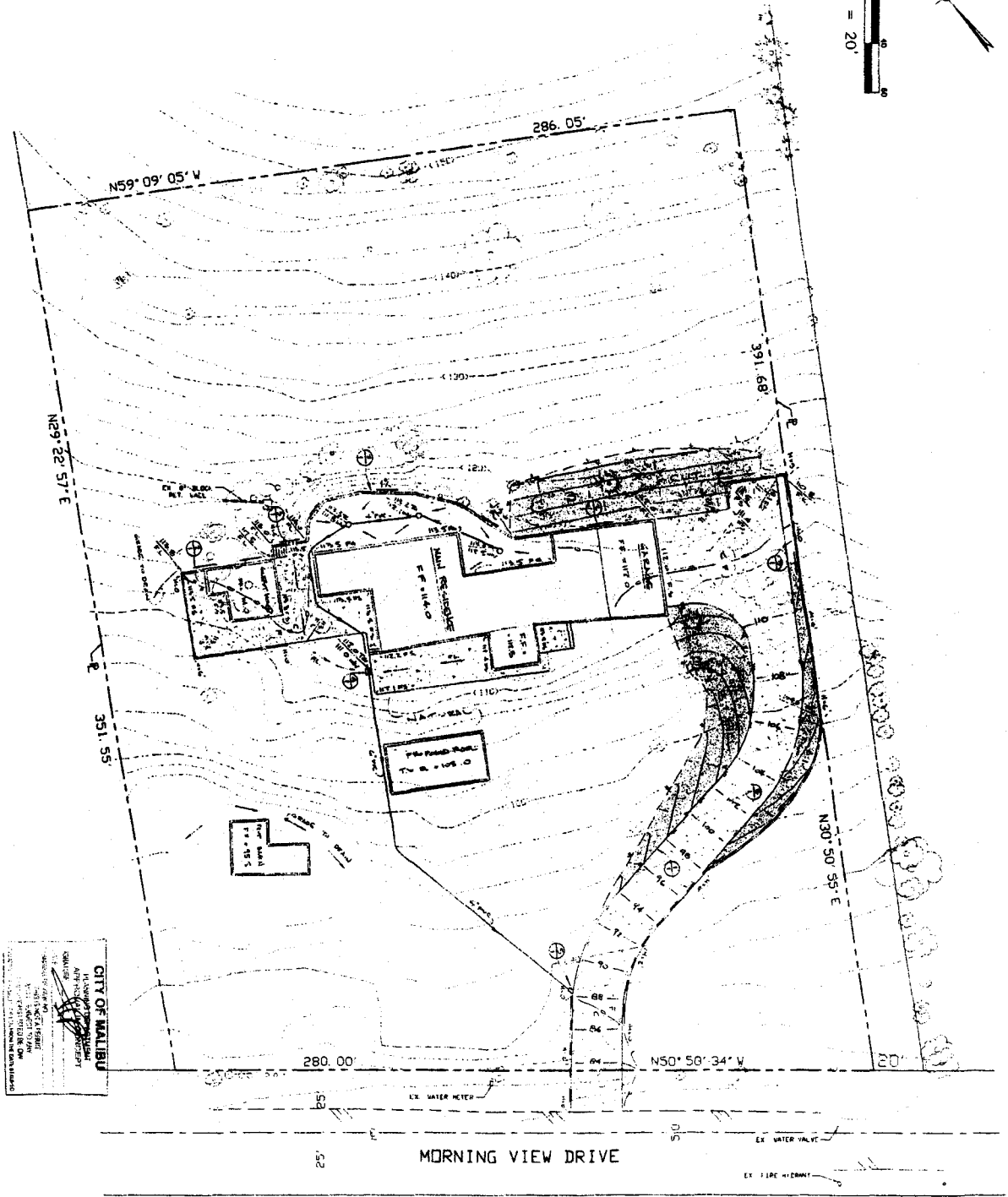
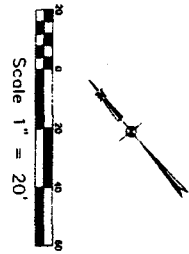
5

(E) T. O. ROOF

Exhibit 11

CDP 4-99-233

Gym/Storage Elevati



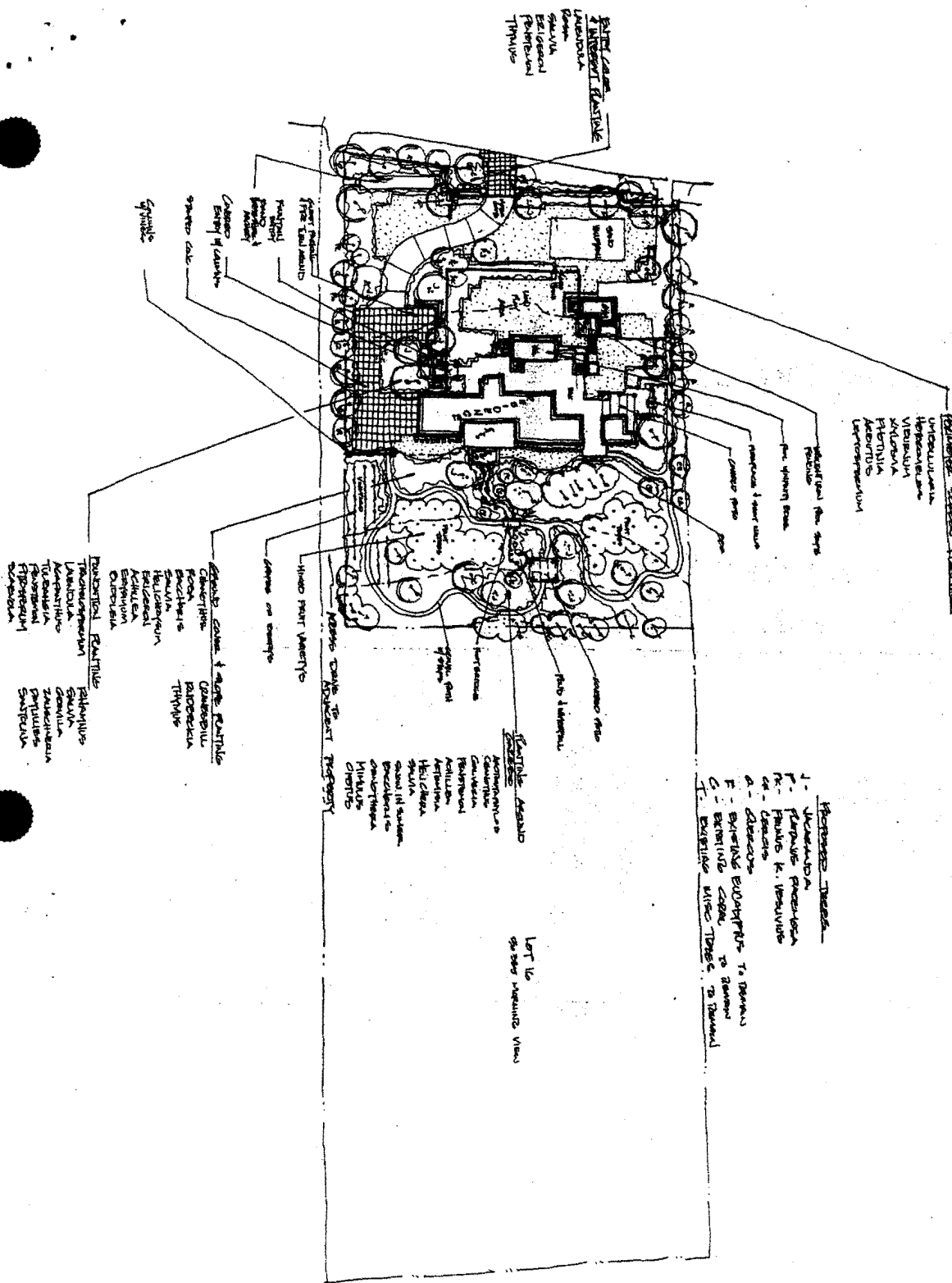
CITY OF MALIBU
 ENGINEER
 [Signature]



VPL ENGINEERING, INC.
 7625 HAYVENHURST AVE. #16, VAN NUYS, CA 91406
 (818) 786-5872

GRADING AND DRAINAGE PLAN
 ADDRESS: 30401 MORNING VIEW DRIVE
 MALIBU, CA. 90265
 OWNER: MILLENIUM HOLDINGS
 LEGAL: ASSESSORS PARCEL No. 4469-016-005

Exhibit 12
 CDP 4-99-233
 Grading And Drainage



- PLANTING - SPECIAL PLANTING**
- 1 - ULMUS
 - 2 - LIRIODENDRON
 - 3 - VIBURNUM
 - 4 - MAGNOLIA
 - 5 - PLATANUS
 - 6 - ASPIDISTRA
 - 7 - LIRIODENDRON
 - 8 - CLEMATIS
 - 9 - ROSA
 - 10 - LAVENDER
 - 11 - THYMUS

- PLANTING - SPECIAL PLANTING**
- Clematis
 - Rosa
 - Lavender
 - Thymus
 - Clematis
 - Rosa
 - Lavender
 - Thymus

PPR 99-089
SPR 99-089

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MAY 07 1999
PLANNING DEPT

CITY OF MALIBU
PLANNING DEPARTMENT
MAY 07 1999
RECEIVED

LANDSCAPE PLAN FOR: J. GREENE RESIDENCE 20401 MORNING VIEW DRIVE MALIBU, CA. 90265	BY: DESIGN CONCEPTS LANDSCAPE ARCHITECTURE 11910 SUMAC LANE CAMARILLO, CALIFORNIA (805) 522-1266 9302	DATE: 5/4/99 SCALE: 1"=40'-0" SHEET: 1 of 1	REVISIONS:	SIGNED: Exhibit 13 CDP 4-99-233 Landscape Plan
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