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CALIFORNIA COASTAL COMMISSION

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Filed: 02/11/00
49th Day: 03/30/00
180th Day: 08/08/00
Staff: S. Tilles *for*
Staff Report: 02/24/00
Hearing Date: 03/14/00-03/17/00
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION No. 4-99-257

APPLICANT: Steven Zaslou

AGENT: Roger DuPont

PROJECT LOCATION: 3909 Sierks Way, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new single-story, 18 feet above grade, 449 square foot detached studio and upgrade of the existing septic system with a new seepage pit on a lot with an existing 2,900 square foot single family residence and attached 422 square foot garage. No grading is proposed.

Lot Area:	29,284 square feet
Building Coverage:	4,435 square feet
Deck/Paving Coverage:	3,050 square feet
Height Above Finished Grade:	18 feet

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval-In-Concept, August 20, 1999; City of Malibu, Geology Approval, June 17, 1999; City of Malibu Environmental Health, In-Concept Approval, January 19, 1999; Report of Initial Archaeological Study, Chester King, February 17, 1998; and County of Los Angeles, Department of Health Services, Approval, June 28, 1988.

SUBSTANTIVE FILE DOCUMENTS: "Proposed Office and Guesthouse," Geoplan, Inc., February 23, 2000; "Geology and Geotechnical Engineering Review Sheet," City of Malibu, June 17, 1999; "Reply to Geology and Geotechnical Engineering Review Sheet from City of Malibu," Strata-Tech, Inc., May 24, 1999; "Engineering Geologic Memorandum," Geoplan, Inc., April 1, 1999; "Geology and Geotechnical Engineering Review Sheet," City of Malibu, January 26, 1999; "Preliminary Geotechnical Investigation for Proposed Detached Office/Guesthouse," Strata-Tech, Inc., April 3, 1998; "Engineering Geologic Report, Proposed Office/Guesthouse," Geoplan, Inc., March 16, 1998; and the certified Malibu Santa Monica Mountains Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project with six (6) special conditions regarding geologic recommendations, landscape and erosion control, drainage, wildfire waiver of liability, future improvements, and condition compliance.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-99-257 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 within a reasonable period of time. Application for an 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 that the assignee files with the Commission an affidavit accepting all of the 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 Geologists' and Engineers' Recommendations

All recommendations contained in the submitted geologic engineering reports prepared by Geoplan, Inc., and Strata-Tech, Inc., relating to foundations and drainage shall be incorporated into all final project plans, designs, and construction. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting engineer's and geologists' stamps and signatures to the final project plans and designs.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, foundation, and drainage. 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 development permit. The Executive Director shall determine whether required changes are "substantial."

2. Landscape Plan

Prior to issuance of a coastal development permit, the applicant shall submit 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 engineering geologist to ensure that the plans are in conformance with the consultant's recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

- 1) All 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 detached studio. 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. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- 2) 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;
- 3) 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.
- 4) Vegetation within 50 feet of the proposed detached studio may be removed to mineral earth and vegetation within a 200 foot radius of the proposed 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 50 foot radius of the proposed structure 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 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 construction 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 disturbed 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

construction 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 construction or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled material, access roads, disturbed soils and slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary drains, 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 construction operations resume.

C) Monitoring

Five (5) years from the date of the receipt of the Certificate of Occupancy for the detached studio, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

3. Drainage Plan 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 the roof, patios, and all other impervious surfaces of the proposed development are collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff. With acceptance of this permit, the applicant agrees that should the project's drainage structures fail or result in erosion of the site, the applicant or successors in interest shall be responsible for any necessary repairs and restoration.

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, and 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 wildfire 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. 4-99-257. 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 studio. Accordingly, any future improvements to the second residential unit (~~detached studio~~) structure, including but not limited to clearing of vegetation, other than as provided for in the approved fuel modification, landscaping, and erosion control plans prepared pursuant to **Special Condition Number Two (2)**, shall require an amendment to Permit No. 4-99-257 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- A. 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 above restrictions on development in the deed restriction and shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Condition Compliance

Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a new single-story, 18 feet above grade, 449 square foot detached studio and upgrade the existing septic system with a new seepage pit on a lot with an existing 2,900 square foot single family residence and attached 422 square foot garage. No grading is proposed.

The subject property is a roughly rectangular parcel on the corner of Las Flores Mesa Drive and Sierks Way in the City of Malibu. The lot is bordered by Las Flores Mesa Drive to the north, Sierks Way to the east, another residence to the south, and a vacant lot to the west. The subject site is currently occupied by a two-story single family residence, which is located on the east end of the property and was constructed prior to the Coastal Act. The elevation differential within the subject site is about 55 feet, although the west-descending slope extends to Las Flores Canyon Road about 400 feet west from the property at an average gradient of 2.3:1 (horizontal: vertical). Furthermore, the slope to the west of the proposed studio is roughly a 1.8:1 (horizontal : vertical) slope. The detached studio is proposed on the northwest corner of the existing flat pad, adjacent to Las Flores Mesa Road, approximately 50 feet west of the existing single family residence. The proposed site for the detached studio is covered with light vegetation, including an invasive, exotic ivy species and two pine trees, which are also not a native species. The site is located at the top of the west-descending slope. In addition, the consulting geologist, John D. Merrill of Geoplan, Inc., states that there is a landslide below the south end of Sierks Way, located approximately 300 feet south of the subject site. Geoplan, Inc., states that this landslide has been repaired by Cal-Trans and that at no time was the landslide a threat or hazard to the subject property. In addition, although Geoplan, Inc., states that surficial deposits on the site are subject to downslope creep, they also maintain that the site exhibits no evidence of large-scale instability and is judged to be grossly stable. Additionally, there are no active faults beneath the subject property and the existing single family residence sustained no evident damage as a result of the Northridge Earthquake of January 17, 1994. The subject site is not visible from the Pacific Coast Highway or any nearby beaches.

B. Hazards

The proposed development is located in the Malibu/Santa Monica Mountains area, an area that 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. Wildfires 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.

The applicant has submitted a geotechnical report, entitled "Preliminary Geotechnical Investigation for Proposed Detached Office/Guesthouse," prepared by Strata-Tech, Inc., dated April 3, 1998, evaluating the geologic stability of the proposed development. The report incorporates numerous recommendations regarding construction, foundations, and drainage, and states that:

"It is the opinion of the undersigned, a duly registered Geotechnical Engineer, based upon our work as outlined in the referenced report and in those referenced by it, that if constructed in accordance with our recommendations and properly maintained, (1) the proposed structure(s) will be safe against hazard from landslide, settlement, or slippage, and that (2) the proposed building or grading construction will have no adverse effect on the geologic stability of property outside of the building site."

The applicant has also submitted a geologic report entitled, "Engineering Geologic Report, Proposed Office/Guesthouse," prepared by Geoplan, Inc., dated March 16, 1998, which also evaluates the geologic stability of the proposed development. This report incorporates numerous recommendations regarding construction, foundations, and drainage, and states that:

"The building site is not affected by landslide, settlement or slippage. Implementation of the proposed development in compliance with plans and specifications, appropriate elements of the building code and the recommendations of the consultants will not affect neighboring property adversely."

As stated previously, the consulting geologist, Geoplan, Inc., has stated that there is a developing landslide below the south end of Sierks Way, located approximately 300 feet to the south of the subject site. Geoplan, Inc., reports that Cal-Trans has completed repair of the landslide. Furthermore, according to Geoplan, Inc., at "no time was the landslide, about 300 feet south, a threat or hazard to subject property" and that with "successful repair of the slide no further "condition" exists which would bar your issuance of a permit for the proposed office/guesthouse." Although Geoplan, Inc., states that surficial deposits on the site are subject to downslope creep, they hold that the site exhibits no evidence of large-scale instability and is judged to be grossly stable. Furthermore, even if the site is subject to downslope creep, the proposed detached studio will be supported on a caisson and grade beam foundation system. In their report entitled, "Preliminary Geotechnical Investigation for proposed Detached Office/Guesthouse", Strata-Tech, Inc., also states that the proposed foundation system shall be designed to withstand a creep load of 1,000 pounds per square foot to a depth of five (5) feet. In addition, to further ensure increased stability of the subject site, the City of Malibu has also required that the project not be constructed on slopes between 2.5:1 to 3:1 (horizontal: vertical).

Therefore, the Commission finds that based on the recommendations of the applicant's geotechnical consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geotechnical consultants' recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicant to submit project plans that

have been certified in writing by the geotechnical consultants in accordance with **Special Condition Number One (1)**.

In addition, the geology and geotechnical reports submitted by the applicant discuss the potential for downhill creep influences and indicate that the implementation of specific requirements for drainage and erosion control are critical in order to ensure continued stability and safety on the site. As previously noted, the site is very steeply sloping to the west of the proposed studio, with a slope of roughly 1.8:1 (horizontal: vertical). The applicant's consulting geologist, Geoplan, Inc., states in their report, entitled "Engineering Geologic Report," dated March 16, 1998, that appropriate "drainage control will be implemented by directing all storm water from the proposed building to Las Flores Mesa Road." The applicant's geotechnical consultant, Strata-Tech, Inc., also states in their report, entitled "Preliminary Geotechnical Investigation for Proposed Detached Office/Guesthouse," dated April 3, 1998, that site "drainage shall be such that waters are not dispersed onto or over slopes in an uncontrolled manner" and that runoff "shall be directed away from the residence, utilizing eave gutters and approved drainage devices." In addition, both of these reports state that the site is subject to downslope creep. Therefore, due to these considerations, the Commission finds it necessary to require the applicant to submit drainage and erosion control plans prepared by a qualified engineer for the review and approval of the geotechnical consultant and the Executive Director, prior to the issuance of the coastal development permit, as required by **Special Conditions Number Two (2) and Three (3)**. Further, to ensure that the project's drainage structures will not contribute to 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 Number Three (3)** 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.

The subject site is presently landscaped and only the area where the detached studio is proposed will be disturbed. Landscaping of the disturbed areas on the project site will enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will minimize erosion and enhance site stability. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to revegetate all disturbed areas of the site with primarily native plants, compatible with the surrounding environment.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage 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 already seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, the disturbed areas of the site shall be landscaped primarily with appropriate native plant species, as specified in **Special Condition Number Two (2)**.

Wildfire Waiver

The proposed project is located near the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wildfire. The typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wildfires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of native vegetation to pose a risk of wildfire 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 wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition Number Three (3)**, 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 Number Three (3)**, the applicant also agrees to indemnify the Commission, its officers, agents, and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that only as conditioned to incorporate the landscape plans, erosion control plans, drainage plans, all recommendations by the applicant's consulting geologist and engineer, and the wildfire waiver of liability, will the proposed project be 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:

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.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of a parcel increasing impacts on public services, such as water, sewage, electricity and roads. New development also raises issues as to whether the location and amount of new development maintains and enhances public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units (including detached studios) on residential parcels in the Malibu and Santa Monica Mountain areas. The issue of second units on lots with primary residences has been the subject of past Commission action in the certification of the Santa Monica Mountains/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 square feet) was necessary given the traffic and infrastructure constraints which exist in Malibu and the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 square feet) and the fact that they are likely to be occupied by one, or at most two people, would cause such units to have less of an impact on the limited capacity of the Pacific Coast Highway and other roads (including 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).

The Commission has also raised the second unit issue 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 functions, which in large part consist of: 1) a second unit with kitchen facilities, such as a granny unit, caretaker's unit, or farm labor unit and 2) a guest house, 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. As such, 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 (certified Malibu/Santa Monica Mountains Land Use Plan, 1986, page 29). Therefore, as a result, the Commission has found that guest houses, pool cabanas, studios, second units, or maid's quarters can

intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

As proposed, the 499 square foot detached studio conforms with the Commission's past actions, allowing a maximum of 750 square feet for a second dwelling unit in the Malibu area.

The Commission has approved many similar projects that have established a maximum size of 750 square feet of habitable space for development that may be considered a secondary dwelling unit. The detached studio is considered a potential second residential unit. To ensure that no additions or improvements are made to the detached studio that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal development permit if additions or improvements to the detached studio are proposed in the future, as required by **Special Condition Number Five (5)**.

Therefore, the Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

E. Septic System

The Commission recognizes that the potential build-out of lots in Malibu and the resultant installation of septic systems may contribute to adverse health effects and geologic hazards 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.

Section 30250(a) of the Coastal Act states in part that:

New residential . . . development . . . shall be located within . . . existing developed areas able to accommodate it . . . and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

In 1988, the applicant installed a new seepage pit for the existing septic system that services the existing single family residence, without the benefit of a coastal development permit. As a result, the installation of this new seepage pit is part of the applicant's current proposal. The construction of the new seepage pit to serve the existing 1,000 gallon septic system received approval from the County of Los Angeles, Department of Health Services on June 28, 1988. Furthermore, the existing 1,000 gallon septic tank and disposal system are adequate to service the existing single family

residence and the proposed detached studio, as shown on the plans that received in-concept approval from the City of Malibu, Environmental Health Department. This conceptual approval by the City, and the past approval by the County, indicates that the sewage disposal system for the project in this application complies with all of the minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. **Special Condition Number Five (5)** dictates that the requirements specified in all of the special conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit, must be fulfilled within 120 days of Commission action. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 and 30250 of the Coastal Act.

F. Violations

As stated previously, the applicant installed a new seepage pit for the existing septic system that services the existing single family residence in 1988 without the benefit of a coastal development permit. The applicant has, however, included this upgrade of the existing septic system as a part of the current permit application. Approval of this coastal development permit will result in an after the fact approval of the seepage pit. In order to ensure that the violation portion of this development project is resolved in a timely manner, **Special Condition Number Five (5)** requires that the applicant satisfy all conditions of this permit, which are prerequisites to the issuance of this permit, within 120 days of Commission action.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 development 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 of the Coastal

Act, 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 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. 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, 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 that the activity would have on the environment.

The proposed project, as conditioned, will not have any 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 consistent with CEQA and the policies of the Coastal Act.

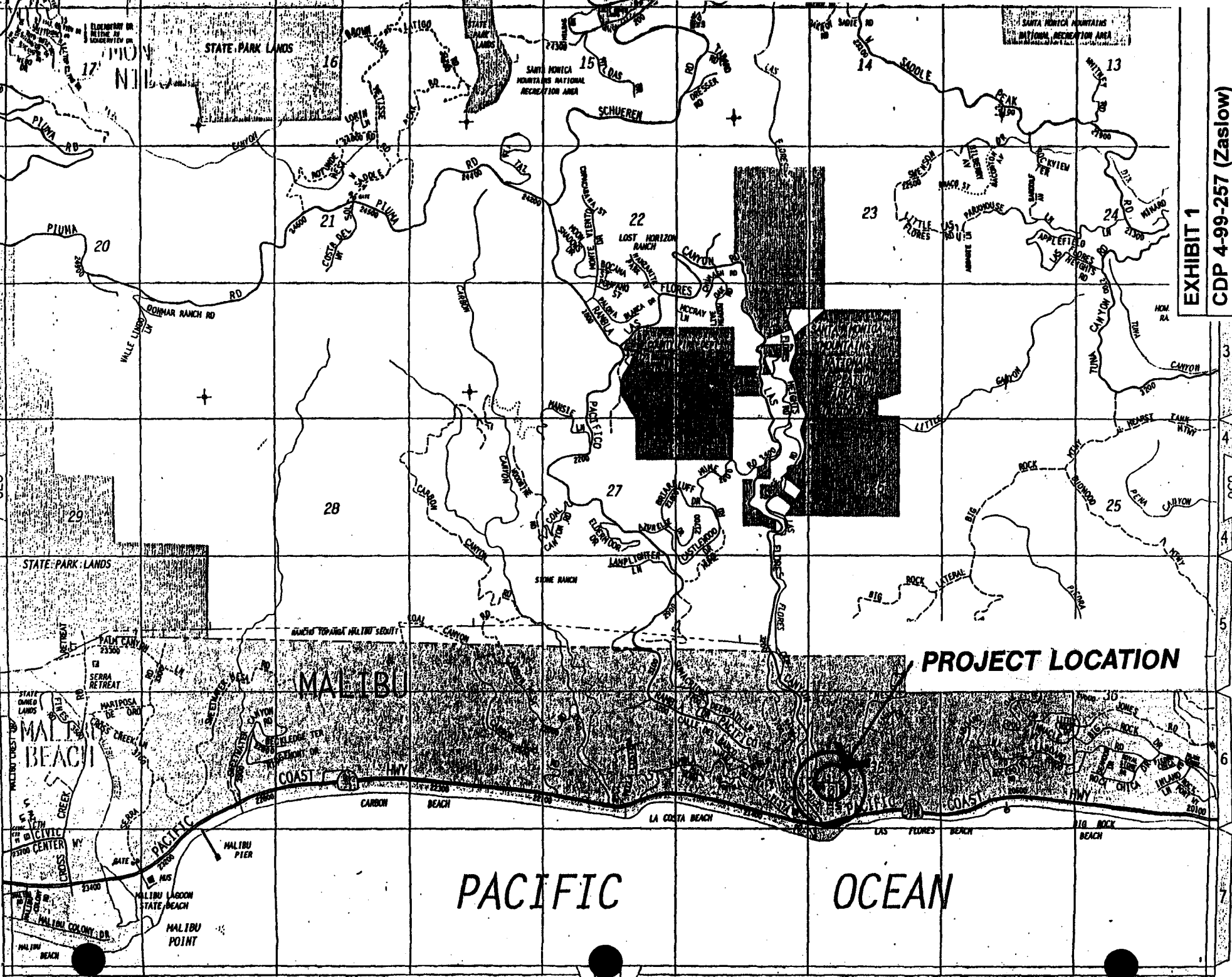


EXHIBIT 1

CDP 4-99-257 (Zaslow)

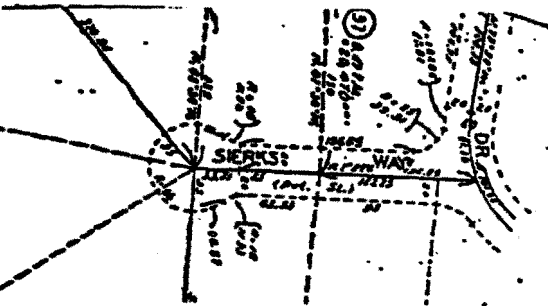
Location Map

PROJECT LOCATION

PACIFIC

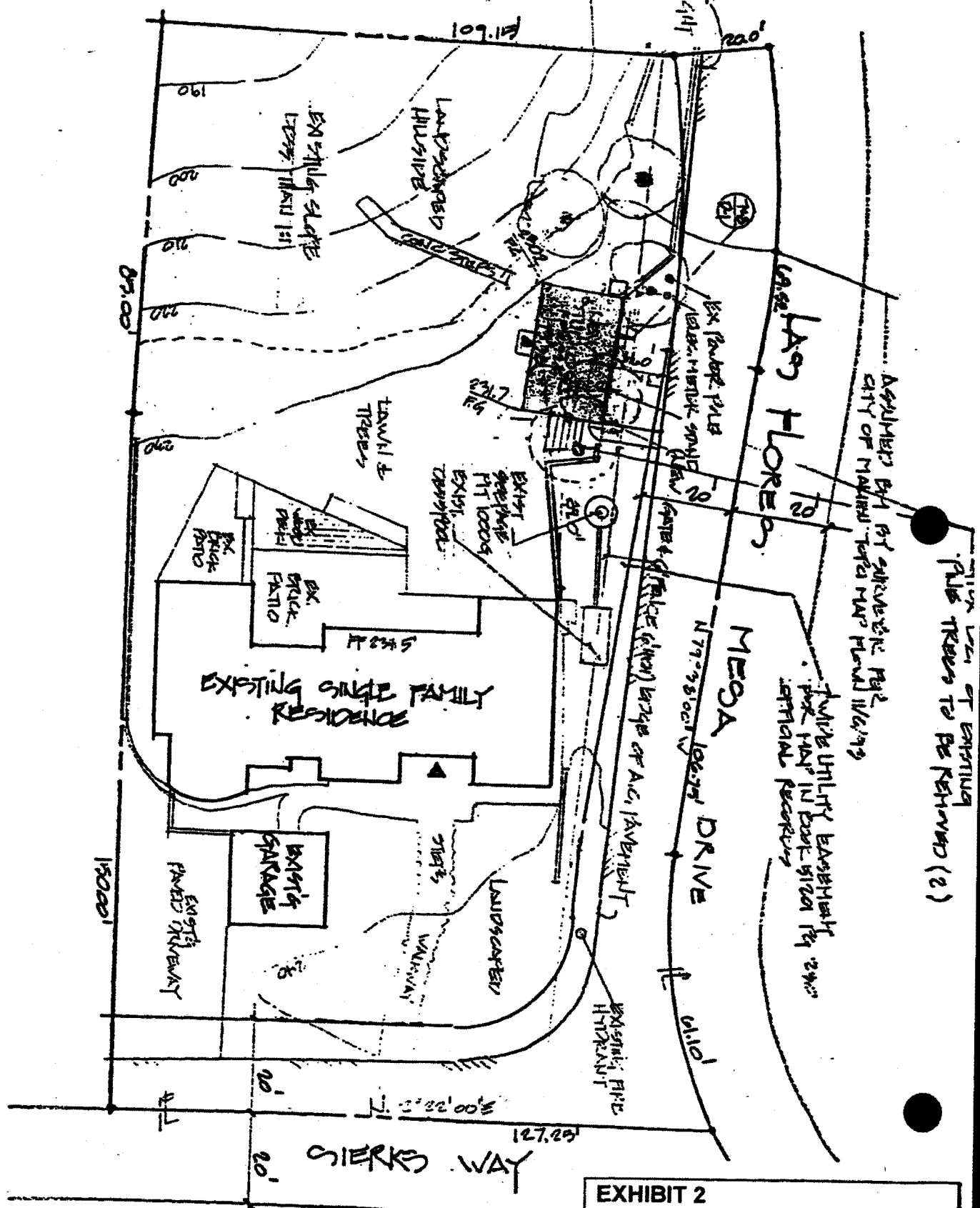
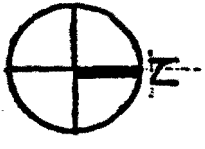
OCEAN

DEAL



SITE PLAN

SCALE 1" = 20'-0"



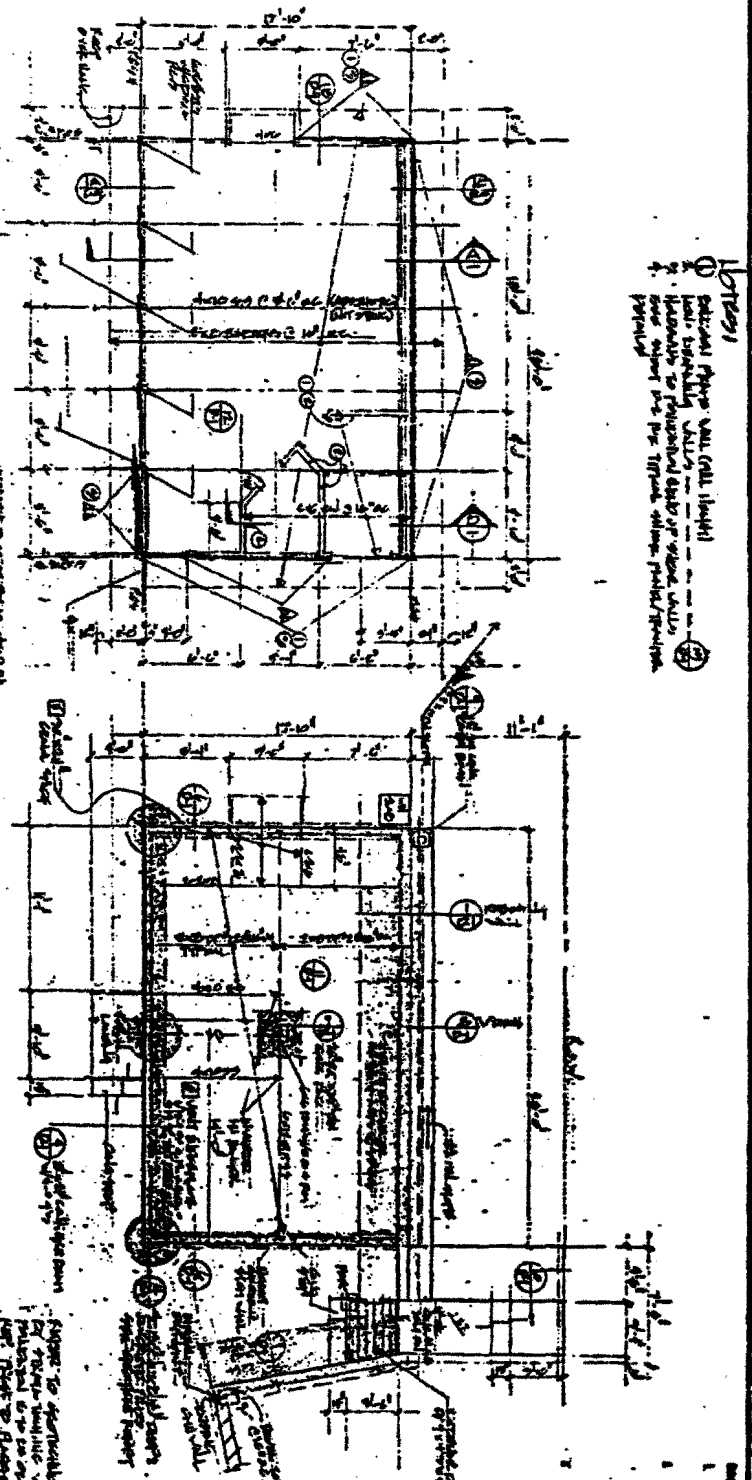
Plus trees to be removed (2)

As shown by the site plan, the City of Madison has approved the plan.

Final Utility Easement for 20' for Main in front of 1500' by 20' Official Record

EXHIBIT 2
CDP 4-99-257 (Zaslow)
Site Plan

- Notes:
1. All framing shall be in accordance with the provisions of the International Building Code.
 2. All framing shall be in accordance with the provisions of the International Building Code.
 3. All framing shall be in accordance with the provisions of the International Building Code.
 4. All framing shall be in accordance with the provisions of the International Building Code.



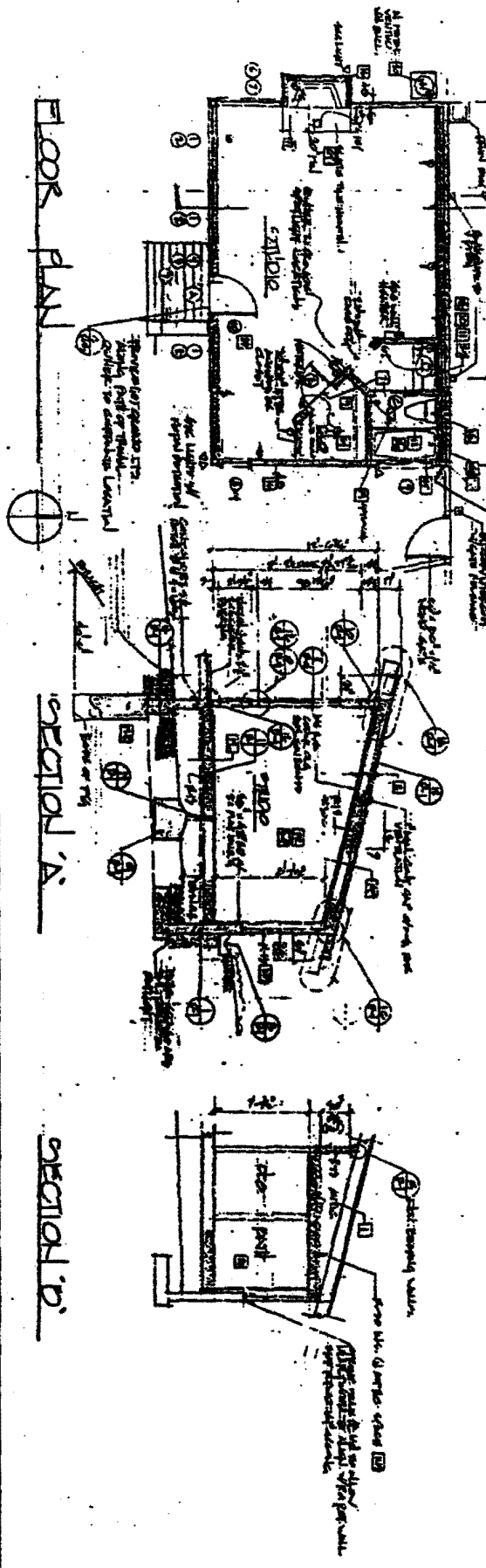
FRAMING PLAN

FOUNDATION PLAN

FLOOR PLAN

SECTION 'A'

SECTION 'B'

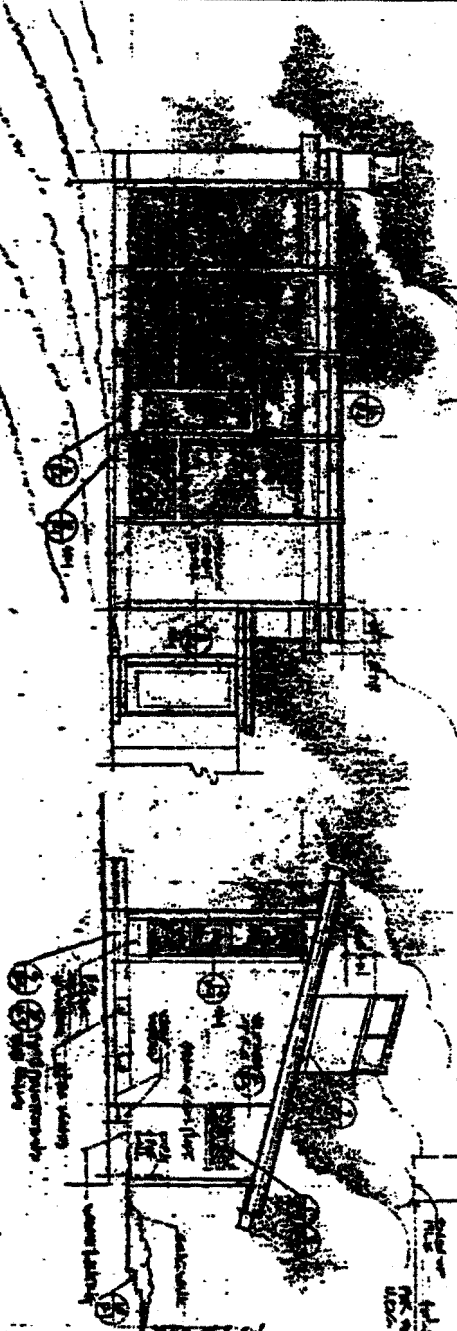


Notes:

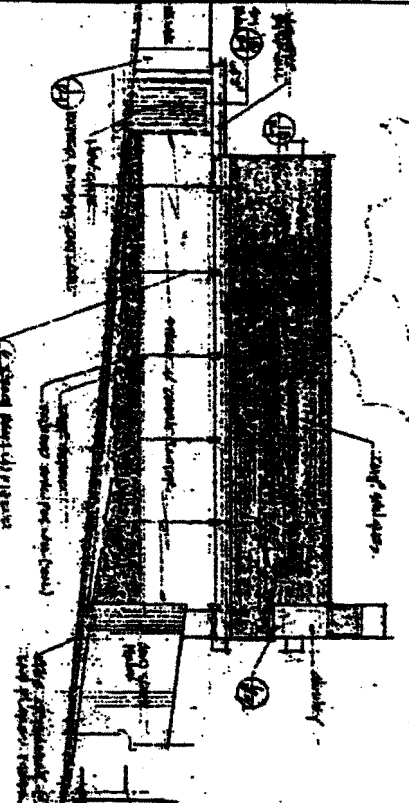
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3. All framing shall be in accordance with the provisions of the International Building Code.
4. All framing shall be in accordance with the provisions of the International Building Code.

EXPANSION ELEVATIONS

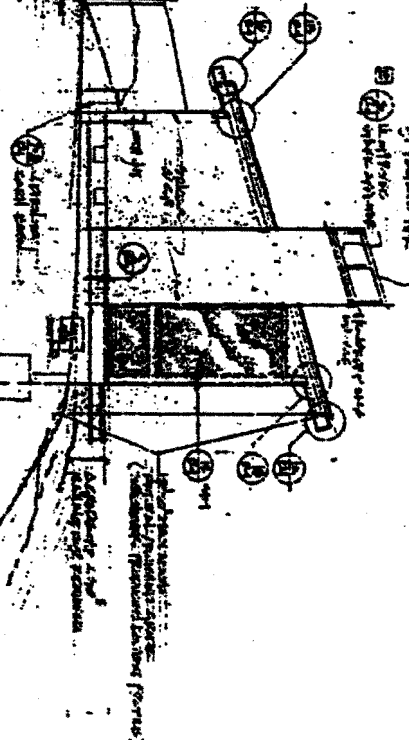
SOUTH



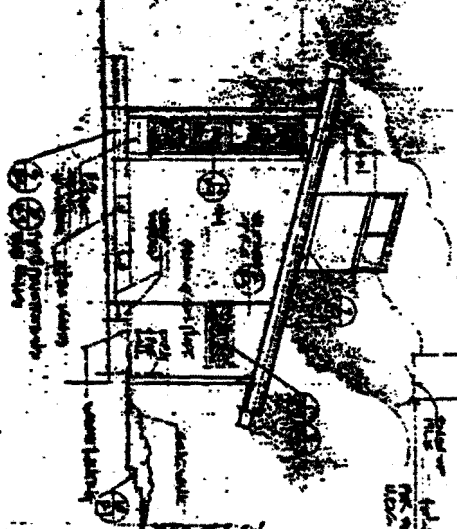
NORTH



WEST



EAST



Point to elevation lines - all are

EXHIBIT 4
CDP 4-99-257 (Zaslow)
Elevations