

**CALIFORNIA COASTAL COMMISSION**

WEST CENTRAL COAST AREA  
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Commission Action:

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

**APPLICATION NO.:** 4-99-273

**APPLICANT:** Jeffrey and Sheryl Kramer

**AGENT:** Richard Sol

**PROJECT LOCATION:** 28929 Bison Court, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Demolish a one-story, 3,090 sq. ft. single family residence with attached 3-car garage and construct a new two-story, 28 ft. high, 4,891 sq. ft single family residence, a detached 3-car garage with a 469 sq. ft. second floor storage attic, new septic system, driveway, motorcourt, swimming pool (existing) to remain onsite, and 300 cu. yds. of overexcavation.

Lot area:	77,432 sq. ft.
Building coverage:	3,304 sq. ft.
Pavement coverage:	7,028 sq. ft.
Landscape coverage:	3,000 sq. ft.
Unimproved:	64,100 sq. ft.
Parking:	3

**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department Approval-In-Concept 12/14/99, City of Malibu Department of Environmental Health In-Concept Approval for alternative private sewage disposal system 10/15/99, City of Malibu Geology and Geotechnical Engineering Review Approval In-Concept 7/14/99.

**SUBSTANTIVE FILE DOCUMENTS:** Engineering Geology and Geotechnical Report by Donald Kowalewsky, Environmental & Engineering Geology, 6/15/99; Addendum to Engineering Geology and Geotechnical Report by Donald Kowalewsky, Environmental & Engineering Geology, 9/28/99; Report on Residential Waste Water Disposal System by Barton Slutske dated 8/18/99; Soils Exploration for Proposed Swimming by Pacific Materials Laboratory, Inc, 7/29/96; Archaeological Reconnaissance prepared Chester King, City of Malibu Archaeologist, 8/06/96, California Coastal Commission Exemption Letter 8/19/96.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the proposed project with **7 Special Conditions** regarding (1) conformance to geologic recommendations for design and construction, (2) Drainage and Polluted Runoff Control Plan, (3) landscaping and erosion control, (4) demolition of existing residence, (5) future improvements, and (6) wildfire waiver of liability.

**I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-99-273 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. **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 Engineering Geology and Geotechnical Report prepared by Donald Kowalewsky dated 6/15/99 shall be incorporated into all final design and construction including foundations, grading, and drainage. Final plans must be reviewed and approved by the geologic and geotechnical consultant. 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 consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

#### 2. **Drainage and Polluted Runoff Control Plans**

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer which minimizes 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 the geologists' recommendations. The plan shall include but not be limited to the following criteria:

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- (b) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in non-erosive manner.
- (c) The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures 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 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 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. 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. 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) 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. Demolition of Existing Residence

With the acceptance of this coastal permit, the applicants agree that the existing 3,090 sq. ft. single family residence and attached 3-car garage on the site shall be demolished and all debris material removed within thirty (30) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the City of Malibu. After the residence has been demolished and all debris material exported from the project site, the disturbed site shall be revegetated as required by Special Condition 3 within 60 days.

#### **5. Future Improvements**

This permit is only for the development described in **Coastal Development Permit No. 4-99-273**. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, improvements, or change of use to the permitted structures, including the detached garage and attic structure approved under Coastal Development Permit No: **4-99-273**, and any clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition 3, shall require an amendment to **Permit No. 4-99-273** from the Commission or shall require an additional Coastal Development Permit from the Commission or from the applicable certified local government.

Prior to the 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.

#### **6. 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.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicants are proposing to demolish a one-story, 3,090 sq. ft. single family residence and attached 3-car garage and construct a two-story, 28 ft. high, 4,891 sq. ft. single family residence, a detached, 24 ft. high, 3-car garage with a second floor 469 sq. ft. storage attic, new septic system, driveway, motorcourt, and 300 cu. yds. of overexcavation. No additional grading is proposed for the new development. The applicants are also proposing to retain an existing swimming pool, which was exempted from Coastal Development Permit requirements in August of 1996 (reference Exemption Letter 8/19/96), and to construct the new 4,891 sq. ft. single family residence prior to demolition of the existing 3,090 sq. ft. residence so that they may maintain residency onsite during construction activities.

The project site is located on Bison Court, a residential neighborhood developed with numerous single family residences on Point Dume in the City of Malibu. The subject site is developed with an existing one-story, 3,090 sq. ft. single family residence with an attached 3-car garage, a driveway, and swimming pool. The subject site is relatively flat, particularly within the existing and proposed area of development, then begins to descend gently north-east with an approximately gradient of 4:1. Run-off from the project site drains to a natural ravine located outside of the north-east property boundary. The subject parcel contains landscaping from existing development while portions of the property which descend away from existing development remain naturally vegetated with weeds and grasses and a large strand of Eucalyptus trees which align the north-east property boundary.

The project is consistent with the character of existing development of the surrounding area, will not be visible from Pacific Coast Highway or any other public viewing area, and is not located in a designated Environmentally Sensitive Habitat Area. Therefore, the proposed project will have no significant adverse impact to environmental or visual resources.

Upon installation of the pool at the subject site, an Archaeological Reconnaissance Report was prepared for the project site by Chester King, City of Malibu Archaeologist, on August 6, 1996. The report indicates that that five archaeological sites and two isolated finds have been recorded within a half mile radius of the project site, however, no archaeological resources have been identified on the subject site. Additionally, the report states that a visit to the project site uncovered no evidence that archaeological resources exist at the site and that construction activities associated with the pool installation would not affect prehistoric site deposits. Based on previous studies of the



project site, and conclusions that there is no evidence that archaeological resources exist at the site, the City of Malibu has exempted the project site from further archaeological studies in relation to the proposed development. The proposed project will not require grading in excess of the 300 cu. yds. of overexcavation necessary to prepare the site for construction and, as mentioned, there is no evidence that archaeological resources are present at the project site. Therefore, the proposed project will not have a significant adverse impact to archaeological resources.

## **B. Geology and Fire Hazard**

### **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 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 an Engineering Geology and Geotechnical Report prepared by Donald Kowalewsky dated 6/15/99 which evaluates the geologic stability of the subject site in relation to the proposed development. The consultants have determined that the project site is appropriate for the proposed development and the Engineering Geology and Geotechnical Report dated 6/15/99 states:

*As previously indicated, there are no apparent geologic hazards on this site that will affect the proposed development. Based on this investigation including testing conducted as described in this report and provided the recommendations in this report are followed, the proposed building site will be safe from geologic hazards including landslide, settlement and slippage,*

*and development will not adversely affect geologic stability of adjacent property.*

The Engineering Geology and Geotechnical Report prepared by Donald Kowalewsky dated 6/15/99 includes several geotechnical and geologic engineering 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 consultant 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 and geologic 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, and appropriate landscaping into the 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 and geologic engineer, as specified in **Special Conditions 2 and 3**.

The Commission also finds that landscaping of the graded and disturbed areas on the subject 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 and geologic 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/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 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 6**, 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 6, 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 and geologic engineering consultant 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 minimize risks to life and property and assure geologic stability and structural integrity, and therefore, the proposed project 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 Section 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—as a guest unit—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 construct a two-story, 28 ft. high, 4,891 sq. ft. single family residence and a detached, 24 ft. high, 3-car garage with a 469 sq. ft. second story attic. Total square footage for the detached garage and second story attic is 1,170 sq. ft. The second story attic is proposed as 469 sq. ft. of open square footage with no plumbing. The Commission finds that the 3-car, 701 sq. ft. garage with 469 sq. ft. attic is not proposed as habitable square footage, however, the Commission notes that the attic structure could easily be converted to habitable square footage and used as second residential unit.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units which may be considered a secondary dwelling. The Commission finds that the 469 sq. ft. attic is less than the 750 sq. ft. allowed by the Commission in past permit action. However, the Commission also finds it necessary to ensure that no additions or improvements are made to the detached garage or 469 sq. ft. attic in the future that may enlarge or further intensify the use of this structure without due consideration of the 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 garage and attic structure are proposed in the future. As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

### **E. 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, 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 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.***

As described, the proposed project includes the demolition of a 3,090 sq. ft single family residence and garage and construction of a 4,891 sq. ft single family residence, detached 3-car garage, new septic system, and 300 cu. yds. of overexcavation. The use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The removal of natural vegetation and placement of impervious surfaces allows for less infiltration of rainwater into the soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Additionally, the infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff, leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly reduced.

As described above, the project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion and sedimentation is minimized. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project,

the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the site. This plan is required by Special Condition 2. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the proposed development includes the installation of an on-site septic system with a 1,500 gallon tank to serve the residence. 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.

## **F. 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 City of Malibu area and

Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**G. 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.



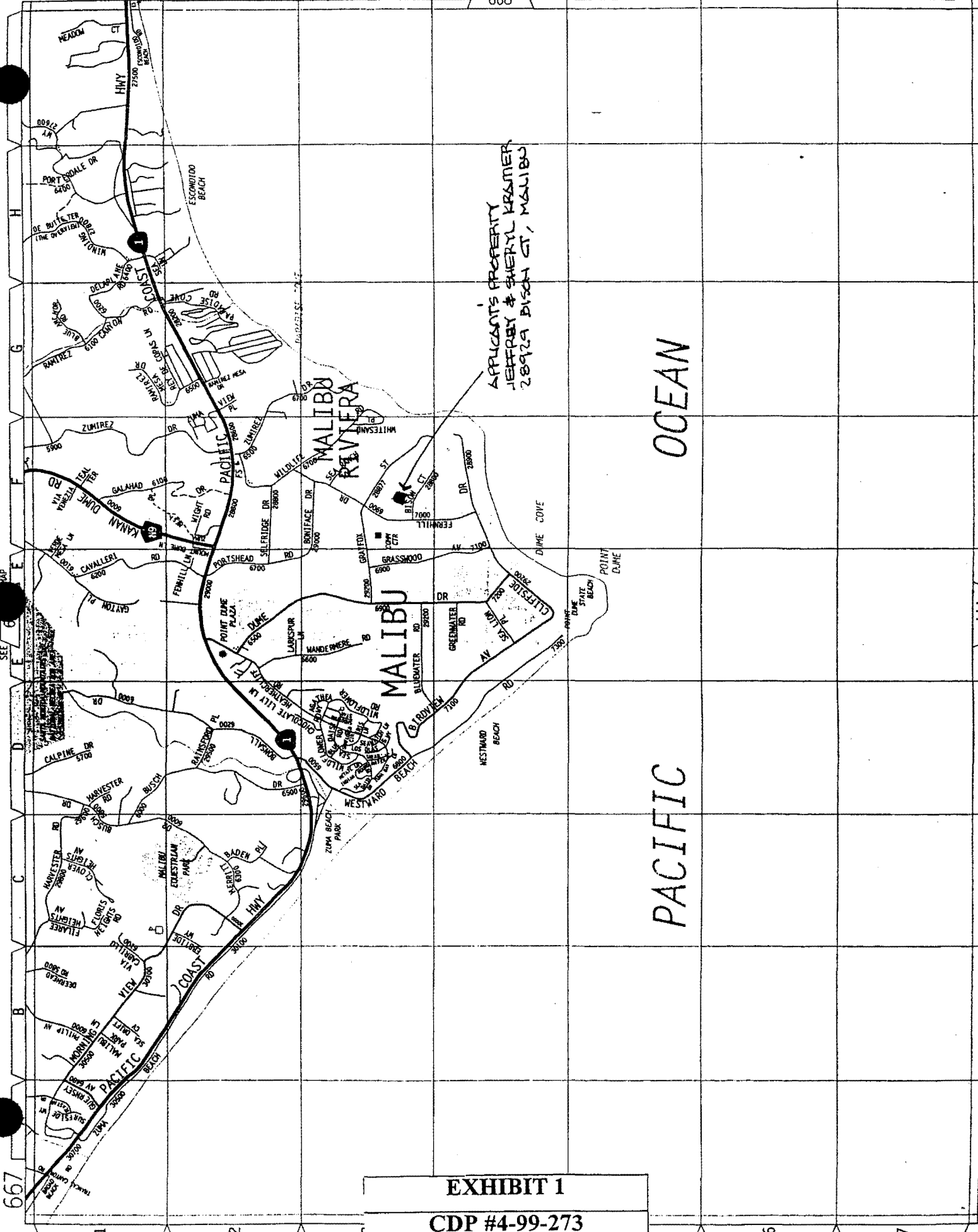
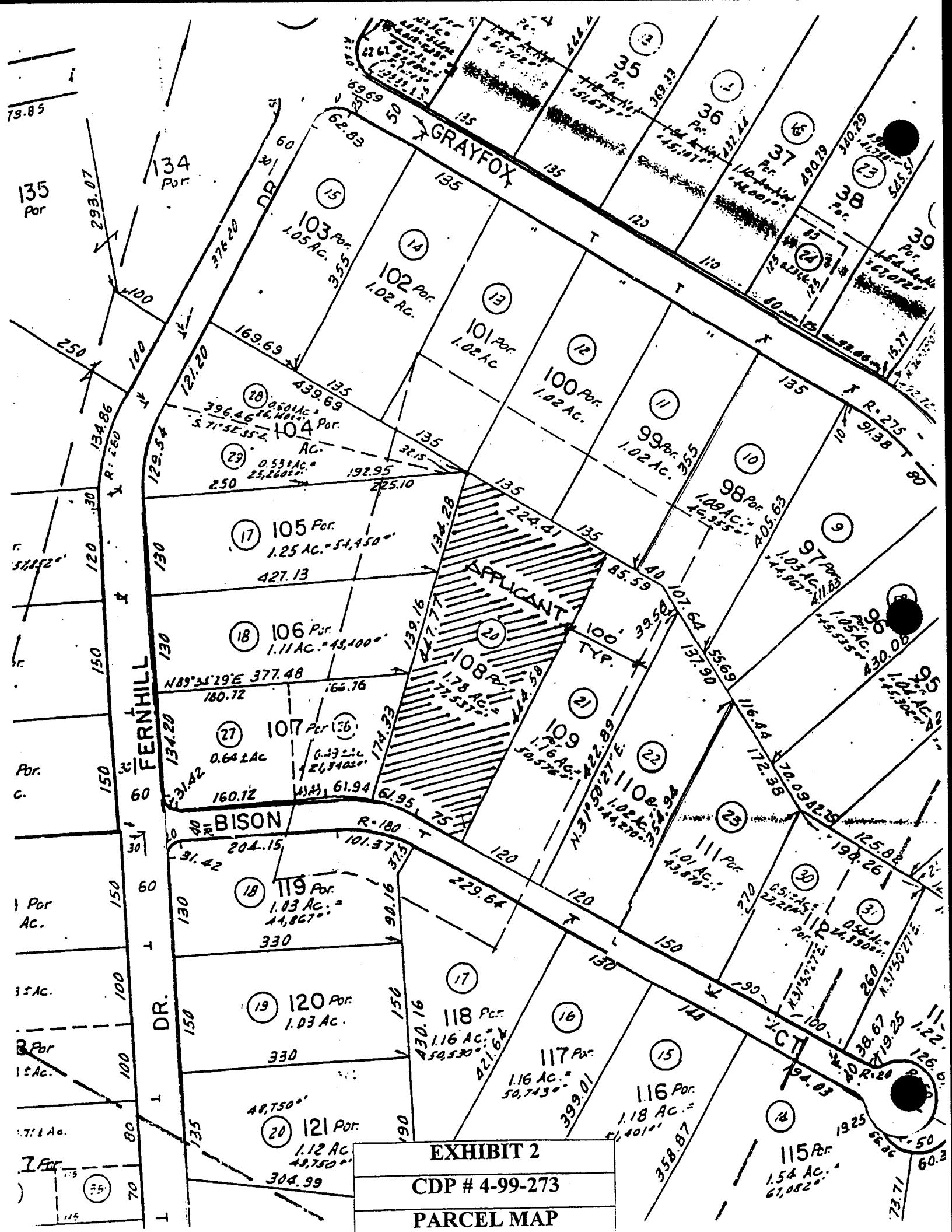


EXHIBIT 1

CDP #4-99-273

VICINITY MAP



**EXHIBIT 2**

**CDP # 4-99-273**

**PARCEL MAP**

RECEIVED  
 JUN 23 1999  
 PLANNING DEPT.

**GENERAL NOTES**

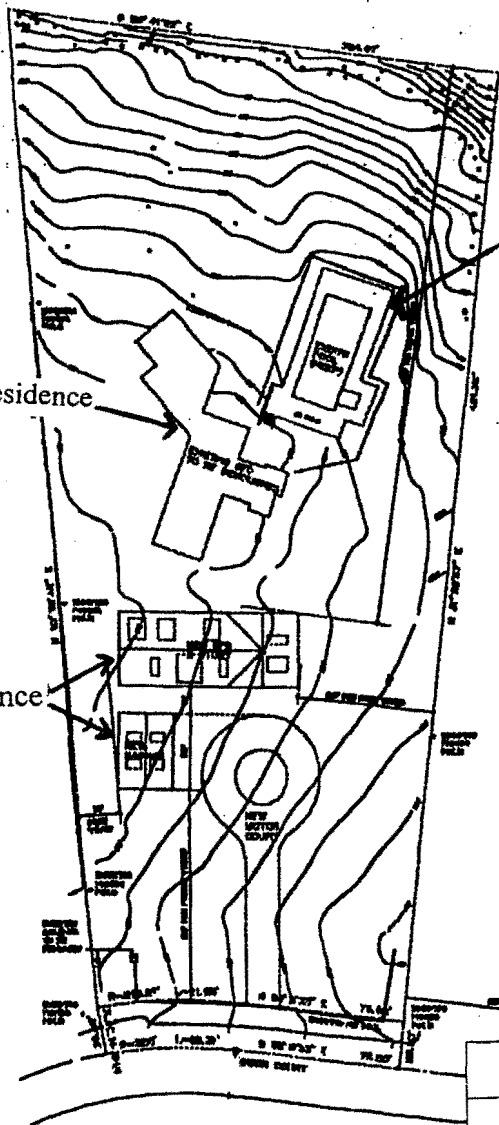
1. THIS PLAN IS BASED UPON THE TOPOGRAPHIC SURVEY AND THE EXISTING UTILITIES SHOWN THEREON. THE EXISTING UTILITIES ARE SHOWN AS APPROXIMATE LOCATIONS AND DEPTHS. THE EXISTING UTILITIES ARE NOT TO BE DELETED OR MOVED.
2. THE EXISTING UTILITIES ARE SHOWN AS APPROXIMATE LOCATIONS AND DEPTHS. THE EXISTING UTILITIES ARE NOT TO BE DELETED OR MOVED.

**BACKGROUND**

THIS PROJECT IS A RESIDENTIAL DEVELOPMENT IN AN UNINCORPORATED AREA OF THE CITY OF MALIBU, CALIFORNIA. THE PROJECT IS A 2.5 ACRE PARCEL.

**PROJECT DESCRIPTION**

1. CONSTRUCT NEW 2 STORY, SINGLE FAMILY DWELLING WITH DETACHED GARAGE
2. DEMOLISH EXISTING 1 STORY, SINGLE FAMILY DWELLING WITH ATTACHED GARAGE WHEN THE NEW HOUSE IS COMPLETED
3. NO GRADING IS PROPOSED
4. NO LANDSCAPING IS PROPOSED



Existing Pool

Demolish Existing Residence

Proposed Residence

**PROJECT DATA**

DEVELOPER	4-2
TOWN	2
ZONING CODE	SINGLE FAMILY RESIDENCE (SFR)
BUILDING CODE	1994 UNIFORM BUILDING CODE
LOT AREA (TOTAL)	74,000 SF
IMPERVIOUS LOT DEPTH	400 FT
IMPERVIOUS LOT WIDTH	180 FT
<b>STRUCTURE DATA</b>	
FOOTING	30 FT
FLOOR	60 FT
FRONT YARD	25 FT
REAR YARD	10 FT
DEVELOPMENT USE YARD	10 FT
<b>STRUCTURE DATA</b>	
BUILDING FLOOR AREA	2,500 SF
DETACHED GARAGE	1,000 SF
DETACHED GARAGE	1,000 SF
TOTAL	3,500 SF
<b>IMPERVIOUS SURFACE DATA</b>	
DRIVEWAY	1,000 SF
DETACHED GARAGE	1,000 SF
POOL & DECK (EXISTING)	1,000 SF
DRIVEWAY & MOTOR COURT	1,000 SF
EXTERNAL TERRACES & BALCONIES	1,000 SF
TOTAL	5,000 SF

OWNER  
 Jeffrey & Cheryl Kramer  
 28028 Edison Court  
 Malibu, California 90263  
 310-457-0000

ARCHITECT  
 Richard G. Lee, AIA  
 28028 Edison Court  
 Malibu, CA 90263  
 310-457-0000

ENGINEER / GEOTECHNICAL ENGINEER  
 Ron Sheehy / John Tamm  
 28028 Edison Court  
 Malibu, CA 90263  
 310-457-0000

LAND SURVEYOR  
 Brian Thompson  
 28028 Edison Court  
 Malibu, CA 90263  
 310-457-0000

**KRAMER RESIDENCE**

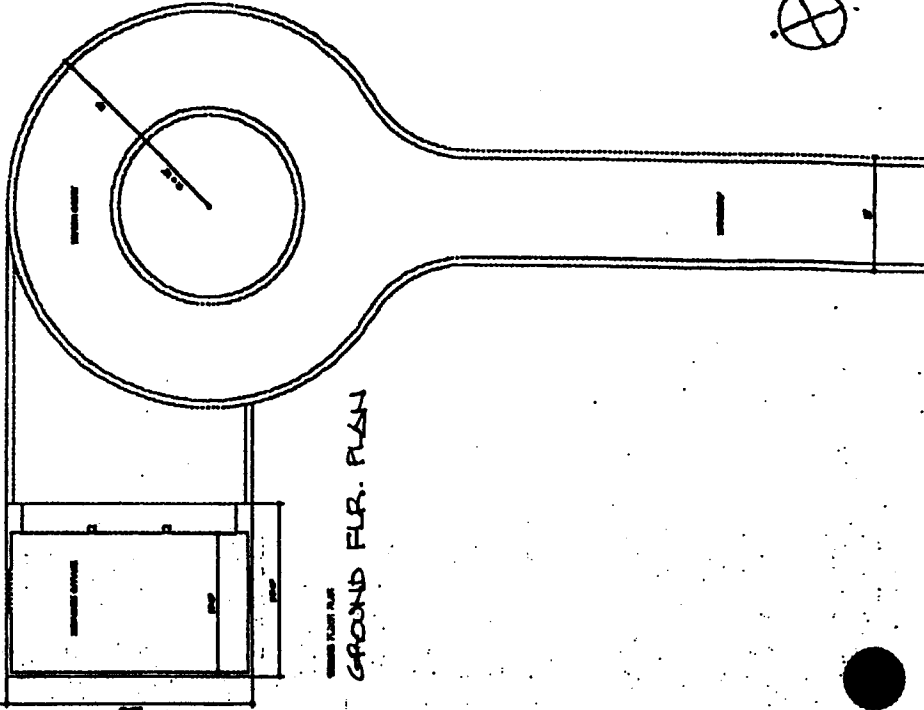
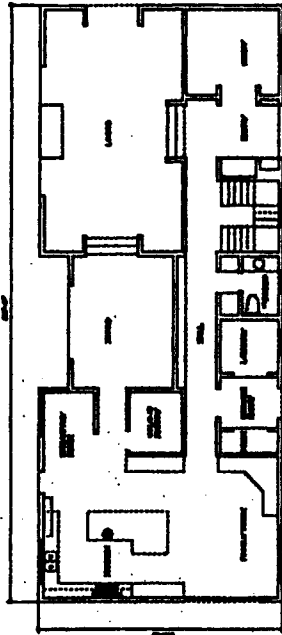
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 MALIBU, CA 90263

EXHIBIT 3  
 CDP # 4-99-273  
 SITE PLAN

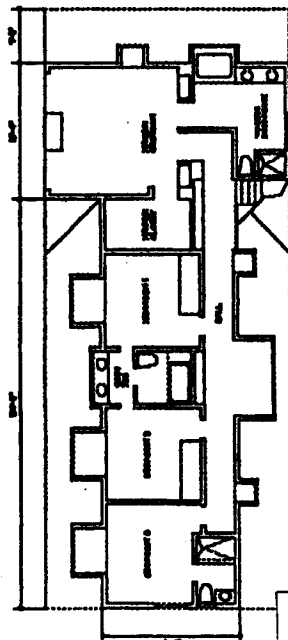


SITE PLAN DEMOLITION PLAN			
Job No.	Date	Scale	Sheet No.
499	6/23/99	1" = 40'	1 of 1
Drawn	Checked	Approved	PD

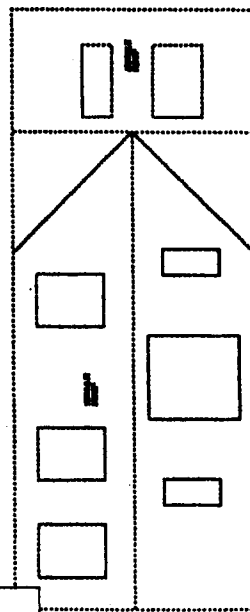
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 DATE: 6/23/99



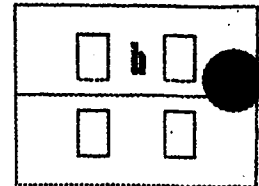
GROUND FLR. PLAN



SECOND FLR. PLAN



ROOF PLAN



**KRAMER  
RESIDENCE**

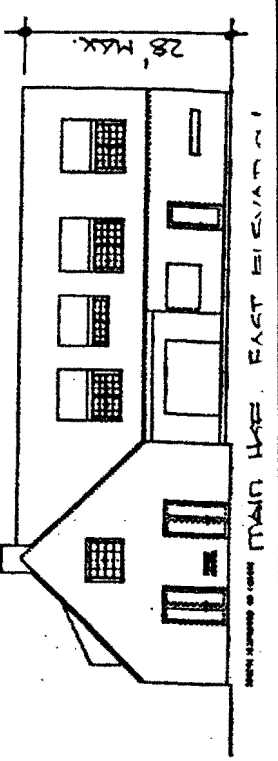
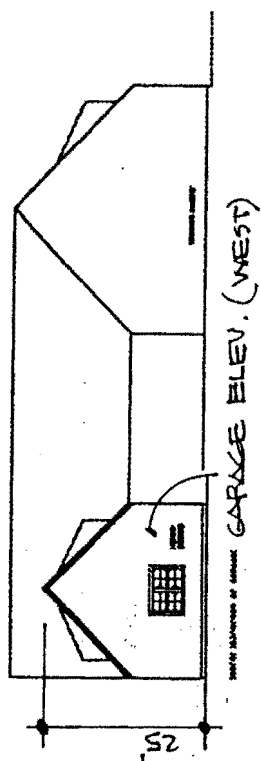
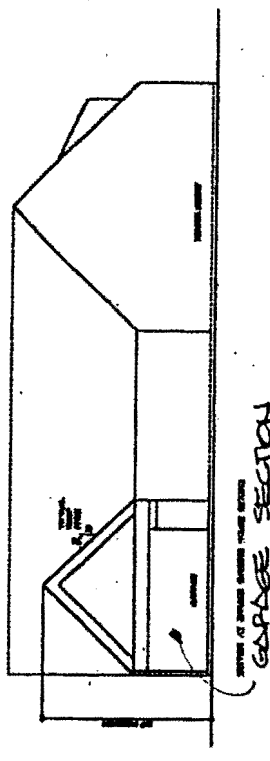
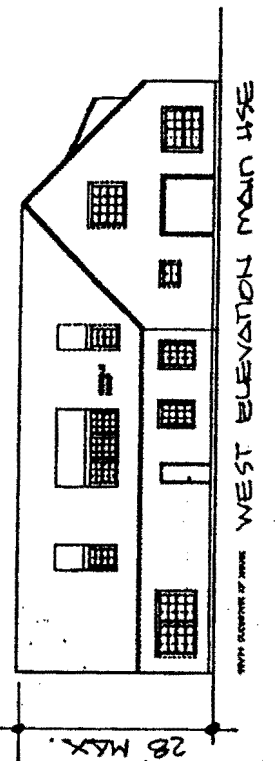
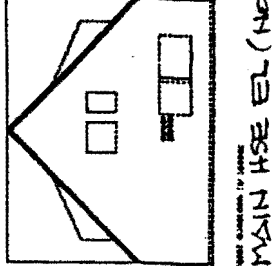
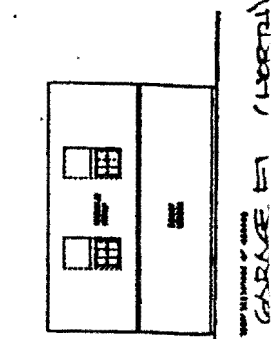
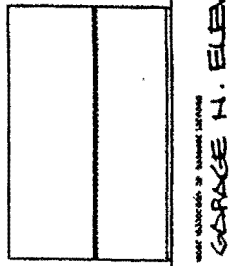
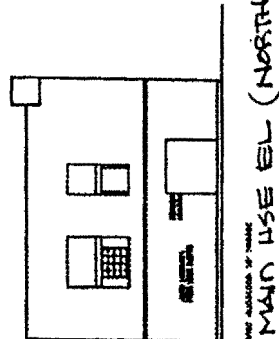
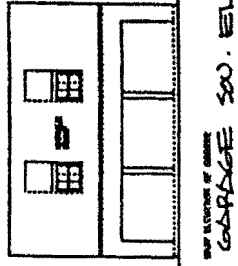
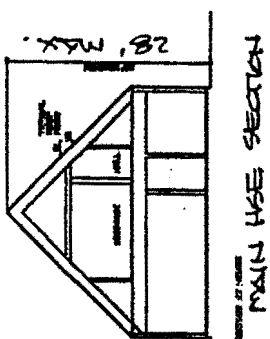
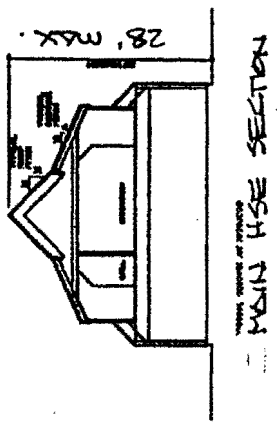
3000 INCH COURT  
MILLIKEN, CA 95035

FLOOR PLANS  
ROOF PLAN

P2

**EXHIBIT 4  
CDP # 4-99-273  
FLOOR PLANS**

**EXHIBIT 5**  
**CDP # 4-99-273**  
**ELEVATIONS**



**KRAMER  
 RESIDENCE**  
 2000 BUCH COURT  
 MALIBU, CA 90262

DATE	DESCRIPTION	BY
10/15/99	ISSUE PERMITS & PERFORM ELEVATIONS	DA

