

CALIFORNIA COASTAL COMMISSION

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

Filed: 4/10/00
49th Day: 4/29/00
180th Day: 10/07/00
Staff: A. Verbanac
Staff Report: 4/12/00
Hearing Date: 5/9-12/00
Commission Action:

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

APPLICATION NO.: 4-00-026

APPLICANT: James Allen Alsobrook

PROJECT LOCATION: 5725 Calpine Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction a one-story, 17.5 ft. above grade, 748 sq. ft. guest house with an attached 2-car garage, new septic system, driveway, patio, retaining walls, 310 cu. yds. of grading (190 cu. yds. cut, 120 cu. yds. fill, 70 cu. yds. export), and 240 cu. yds. of overexcavation on a parcel currently developed with a two-story, 2,220 sq. ft single family residence with attached garage.

Lot area:	44,906 sq. ft.
Building coverage:	3,619 sq. ft.
Pavement coverage:	2,588 sq. ft.
Landscape coverage:	8,200 sq. ft.
Unimproved:	30,499 sq. ft.
Parking:	4

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval-In-Concept 1/25/00, City of Malibu Department of Environmental Health In-Concept Approval for private sewage disposal system 12/03/99, City of Malibu Geology and Geotechnical Engineering Review Approval In-Concept 11/09/99.

SUBSTANTIVE FILE DOCUMENTS: Limited Geologic and Soils Engineering Investigation prepared by GeoConcepts, Inc. dated July 19, 1999.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with 5 Special Conditions regarding (1) conformance to geologic recommendations for design and construction, (2) landscaping and erosion control, (3) removal of excess grading material, (4) future improvements, and (5) wildfire waiver of liability.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-026 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 Limited Geologic and Soils Engineering Investigation prepared by GeoConcepts, Inc. dated July 19, 1999 shall be incorporated into all final design and construction including foundations, grading, and drainage. Final plans must be reviewed and approved by the geology 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. **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 geologic consultant to ensure that the plans are in conformance with the consultant's 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.

3. Removal of Excess Grading Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.

4. Future Improvements

This permit is only for the development described in **Coastal Development Permit No. 4-00-026**. 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 guest house and garage structure approved under Coastal Development Permit No: **4-00-026**, 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 2, shall require an amendment to **Permit No. 4-00-026** 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.

5. 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 applicant proposes to construct a one-story, 17.5 ft. above grade, 748 sq. ft. guest house with an attached 2-car garage, new septic system, driveway, patio, and retaining walls (Exhibits 6,7). Construction of the new guest unit will require approximately 310 cu. yds. of grading (190 cu. yds. cut, 120 cu. yds. fill) with an excess of 70 cu. yds. of graded earth material to be exported off site to an appropriate location for disposal. The proposed project will also require 240 cu. yds. of overexcavation to prepare the site for placement of hardscape and construction of the proposed structure.

The subject site is a 1.03 acre parcel located approximately 2 miles north of Pacific Coast Highway on a northwest trending ridge within the City of Malibu (Exhibit 1). The property is a west facing lot accessed directly from Calpine Drive and consists of a relatively level pad area adjacent to the east property boundary. The subject parcel gently descends from the eastern boundary and the level pad westerly to a drainage, then ascends from the drainage to the west property boundary. Slopes of the parcel have an average gradient of 4:1 and total physical relief over the subject property is approximately 72 ft. The level pad area of the eastern portion of the subject site is currently developed with a 2,220 sq. ft. single family residence with an attached garage, driveway, patios, and septic system (Exhibit 3).

The proposed guest house and garage will be constructed approximately 20 ft. south of the existing single family residence, on the existing building pad and over an area which gently descends approximately 10 ft. westerly (Exhibit 4). The proposed development has been designed to step-down with the natural contours of the project site, thus minimizing grading and landform alteration required for construction. The project site is not visible from Pacific Coast Highway or any public viewing areas, and will have no significant impact to visual resources.

Vegetation at the subject site consists of lawn areas, natural and introduced grasses, shrubs, chaparral, and trees. Additionally, the south and west portions of the subject parcel contain a variety of scattered fruit trees which appear to be remnants of a previously existing orchard (Exhibit 8). No designated environmentally sensitive habitat areas or species are known to exist at the subject site and construction of the proposed

project will occur in an area vegetated primarily with non-native plant species. Therefore, the proposed project will have no significant impact on native vegetation or environmentally sensitive habitat areas.

B. Geology and Fire Hazard

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.***

Geology

Section 30253 of the Coastal Act mandates that new development shall be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted a Limited Geologic and Soils Engineering Investigation prepared by GeoConcepts, Inc. dated July 19, 1999 which evaluates the geologic stability of the subject site in relation to the proposed development. The project's consultant has determined that the project site is appropriate for the proposed development. The proposed guest unit will be located on a relatively flat portion of the subject site and the Limited Geologic and Soils Engineering Investigation prepared by GeoConcepts dated July 19, 1999 reports that the descending slope at the project is grossly stable. The referenced report further states:

It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained.

The Limited Geologic and Soils Engineering Investigation prepared by GeoConcepts, Inc. dated July 19, 1999 includes several recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the project site. The Commission finds that, based on the findings and recommendations of the proposed project's geology and geotechnical engineering consultant, the proposed project is consistent with the requirements of Section 30253 of the Coastal Act. To ensure the recommendations of the consultant are incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geology and geotechnical engineering consultant 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 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 aid in maintaining the geologic stability of the project site, and that erosion will best be minimized by incorporating adequate erosion control measures during construction and appropriate landscaping into the proposed development. To ensure that adequate erosion control and appropriate landscaping is included in the proposed development the Commission requires the applicant to submit landscaping and interim erosion control plans certified by the consulting geology and geotechnical engineer, as specified in **Special Condition 2**. The Commission further finds that native and non-invasive landscaping of slopes and graded or disturbed areas on the project site will serve to maintain the geologic stability of the proposed development. Therefore, Special Condition 2 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. Alternatively, native plant species 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, often used as landscaping in this area, invade 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 2.

Additionally, the Commission notes that the quantity of cut grading required for construction of the proposed guest house and garage is more than the quantity of fill required for construction resulting in an excess of 70 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to significant landform alteration. Therefore, **Special Condition 3** requires the applicant to export all excess grading material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

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 5**, 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 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. 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/Santa Monica Mountains Land Use Plan (LUP). In its review and action on the 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 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 detached one-story, 17.5 ft. high, 748 sq. ft. guest unit with an attached two car garage and new septic system to service the proposed guest unit. The proposed guest unit consists of an entry, living room, kitchen, full-bath, one bedroom, and a covered porch (Exhibit 6). The Commission notes that only the 748 sq. ft. guest unit is proposed as habitable square footage, and that the proposed 748 sq. ft. guest unit conforms with the Commission's past actions in allowing a maximum of 750 sq. ft. for second dwellings in the Malibu area. However, the Commission notes that additions or improvements to the guest unit, covered porch, and garage could easily converted portions of the proposed structure to additional habitable square footage, beyond that approved by the Commission, therefore increasing the potential to use the proposed structure as a 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 proposed 748 sq. ft. guest unit 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 guest unit, garage, or covered porch 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 4**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the 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 the potential build-out of lots in Malibu and the Santa Monica Mountains, resulting in installation of private septic systems and increased septic effluent, has the potential to adversely impact coastal water quality, human health, and geologic stability. Section 30231 of the Coastal Act states:

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

The proposed project includes the installation of an on-site septic system with a 1,500 gallon tank to serve the detached guest unit. The applicant's geologic consultant 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 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.

PACIFIC

OCEAN

PROJECT SITE

MALIBU

POINT DUNE

EXHIBIT 1

CDP #4-00-026

SEE MAP

SEE MAP

667

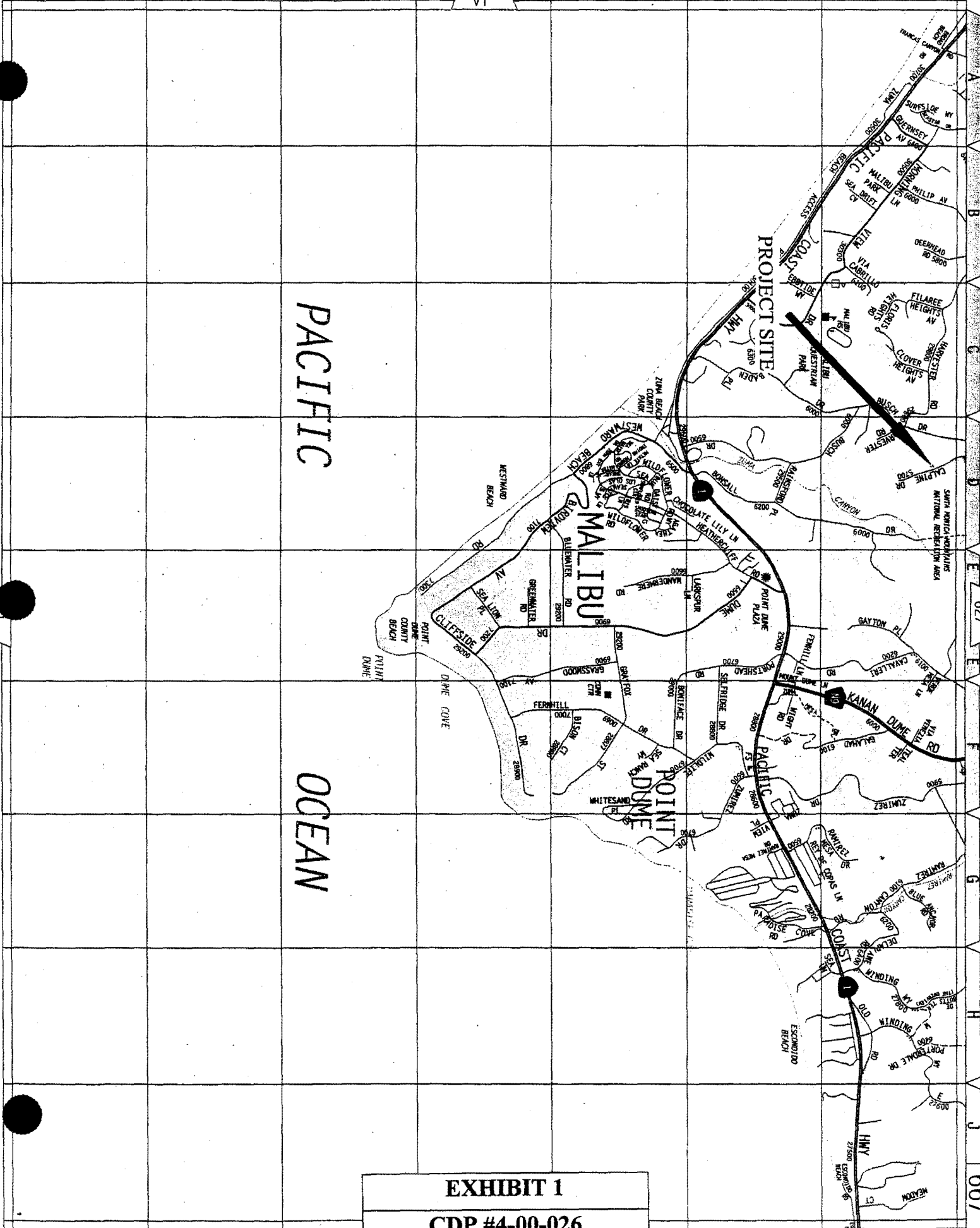
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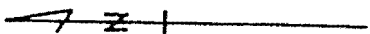
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SCALE 1" = 100'

1992



PROJECT SITE

DR.

50

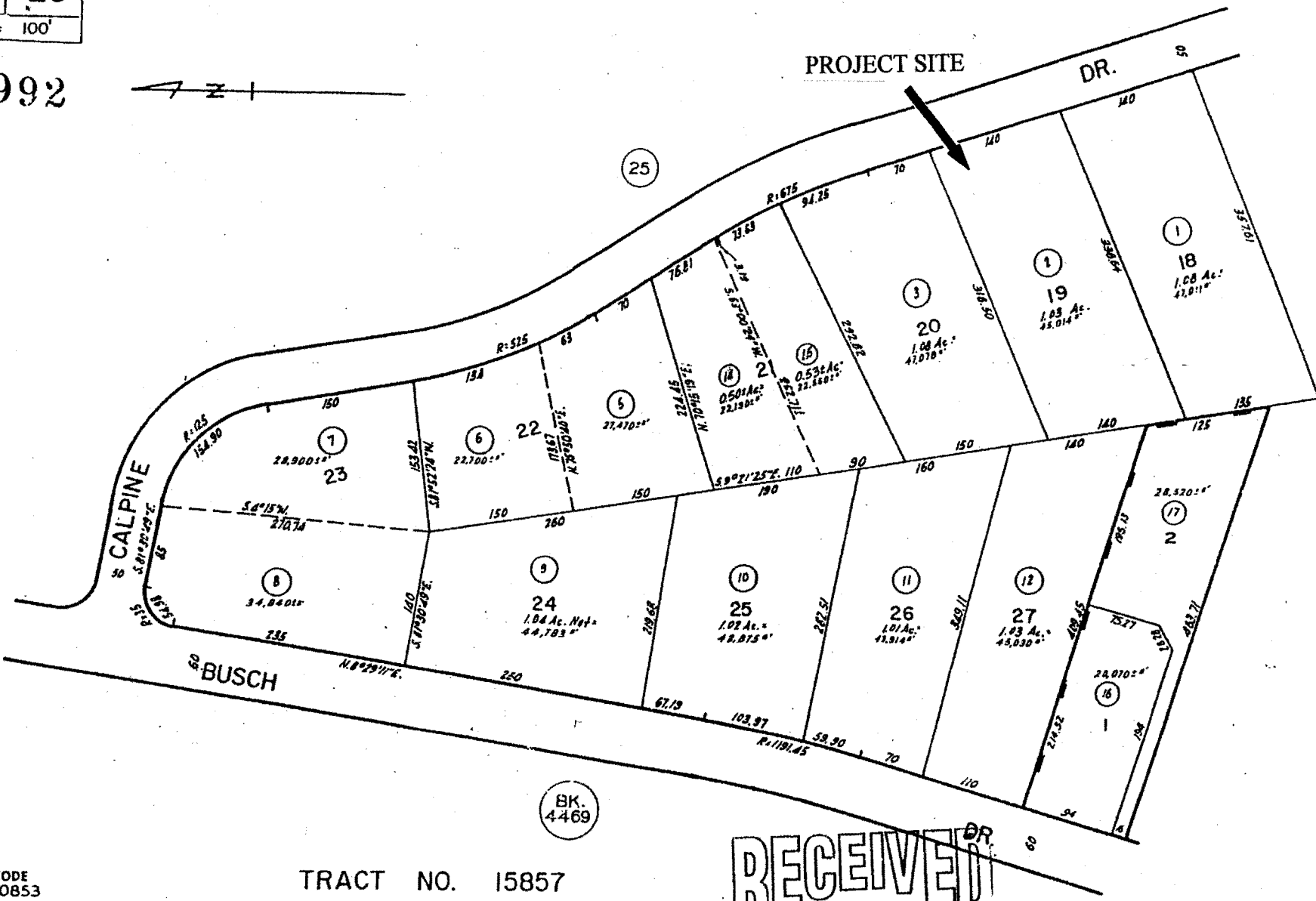


EXHIBIT 2
CDP # 4-00-026
PARCEL MAP

BK.
4469

CODE
10853

TRACT NO. 15857

M.B. 408-26-27

PARCEL MAP

P. M. 18-58

RECEIVED

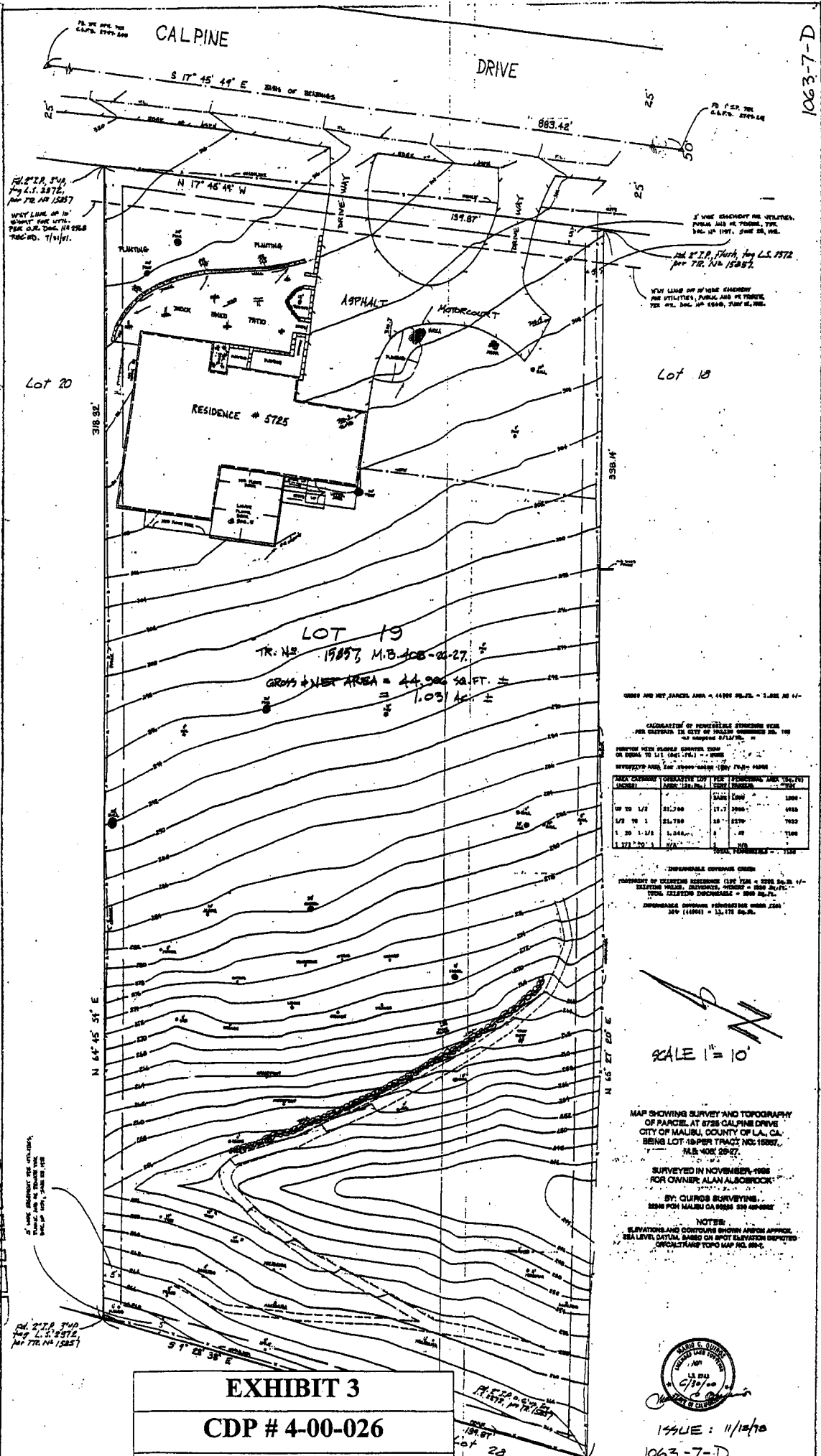
JAN 28 REC'D

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

FOR PREV. ASSMT. SEE:
4467-26

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CA

1063-7-D



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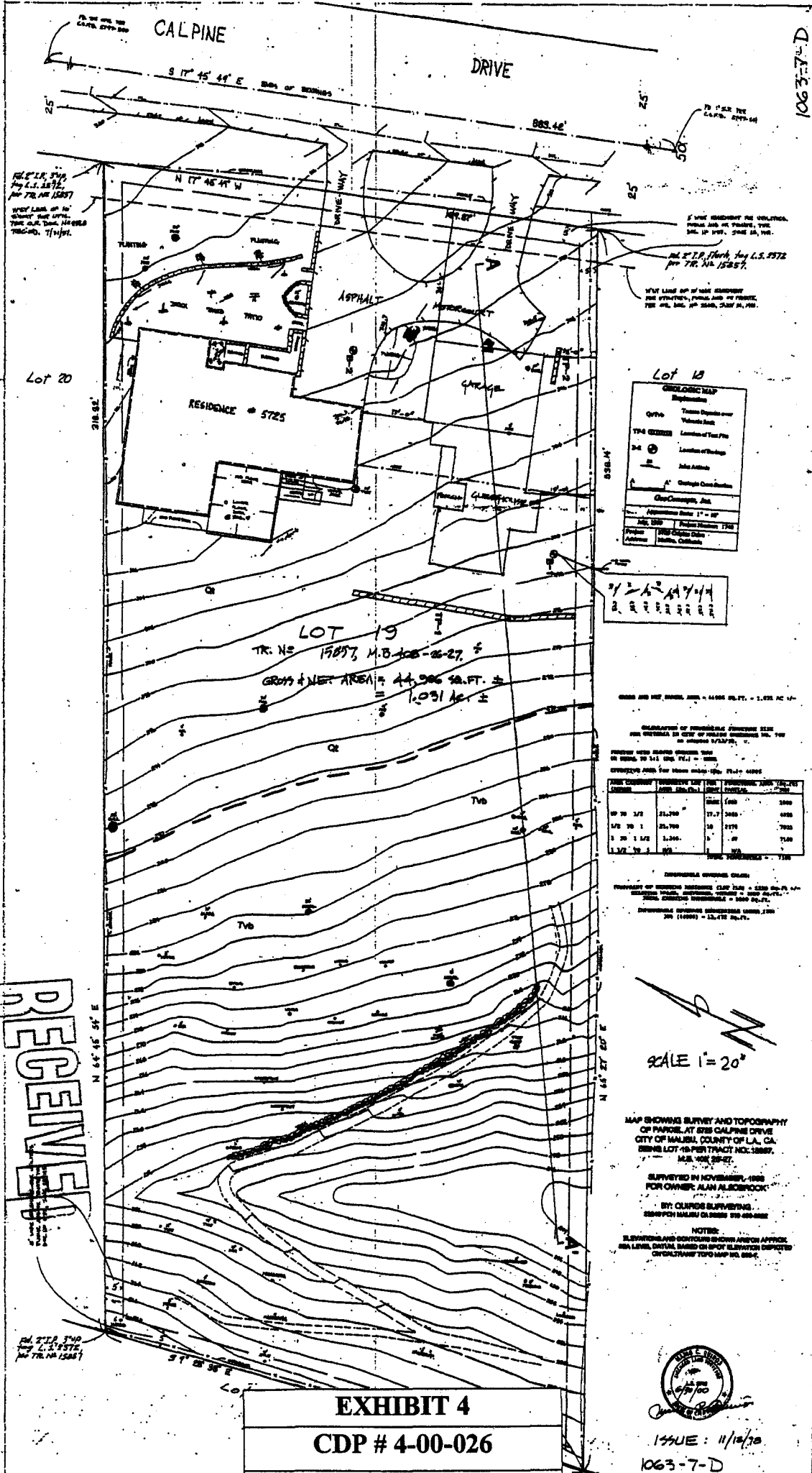
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CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

EXHIBIT 3 CDP # 4-00-026



DATE: 11/14/80 1063-7-D



FILE NO. 340
 July 2, 1972
 Map 710, No. 15857

FILE NO. 340
 July 2, 1972
 Map 710, No. 15857

Lot 19

CIRCUIT MAP

Reference:
 174 00000 Location of Tract No.
 24 00000 Location of Tract No.
 24 00000 Location of Tract No.
 24 00000 Location of Tract No.
 24 00000 Location of Tract No.

City of Malibu, California

LOT 19
 TR. NO. 15857, M.B. 100-26-27, 2
 GROSS & NET AREA = 44,006 SQ. FT. ±
 = 1.031 AC. ±

TRACT NUMBER	ACRES	SQ. FT.	PERCENTAGE OF TOTAL
10 20 3/2	21,200	37.7	85%
1/2 30 1	21,700	38	85%
1 20 1 1/2	1,300	2	5%
1 1/2 20 1	1,300	2	5%

SCALE 1" = 20'

MAP SHOWING SURVEY AND TOPOGRAPHY
 OF PARCEL AT 825 CALPINE DRIVE
 CITY OF MALIBU, COUNTY OF L.A., CALIFORNIA
 BEING LOT 19 PER TRACT NO. 15857,
 M.B. 100-26-27.

SURVEYED IN NOVEMBER, 1982
 FOR OWNER: ALAN ALBRECK

BY: CLAYTON SURVEYING
 6000 PCH MALIBU CA 90263 310-460-8888

NOTICE:
 ELEVATIONS AND DISTANCES SHOWN ARE FOR APPROXIMATE
 SEA LEVEL. DATA BASED ON SPOT ELEVATION DIFFICULTY
 OR DATUM TOPO MAP NO. 800-4.

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

JAN 28 REC'D

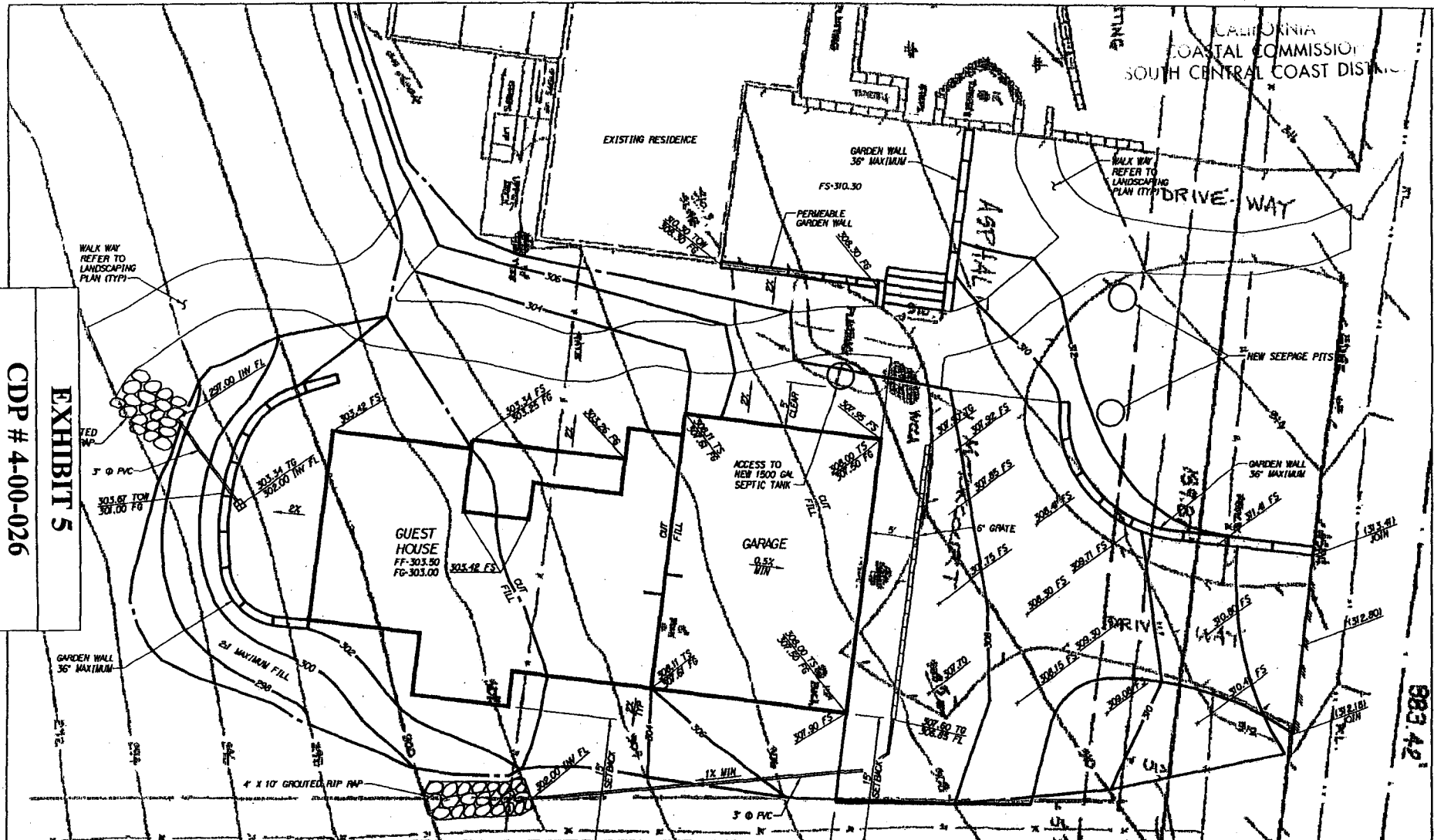
RECEIVED

EXHIBIT 4
CDP # 4-00-026
Site Plan (Proposed)

ISSUE: 11/10/80
 1063-7-D

RECEIVED

JAN 28 REC'D



CDP # 4-00-026
EXHIBIT 5

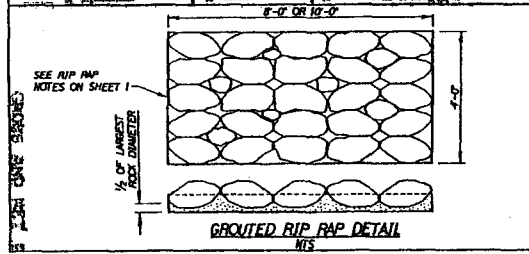
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



LILLY L. SHRAIDATT, PE
CIVIL ENGINEER

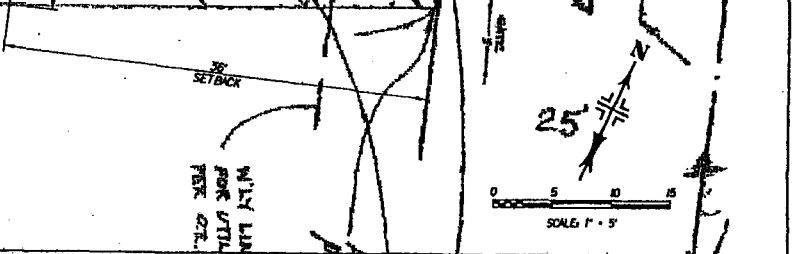
111 KANAN-RUNN ROAD
MALIBU, CA 90265
• 310 • 879-0767

OWNER TITLE	GRADING AND DRAINAGE PLAN
DATE	NOV 1999
SCALE	1" = 20'
DRAWN BY	AA1099
SHEET NO.	3 # 3
REVISION NO.	



338.14'

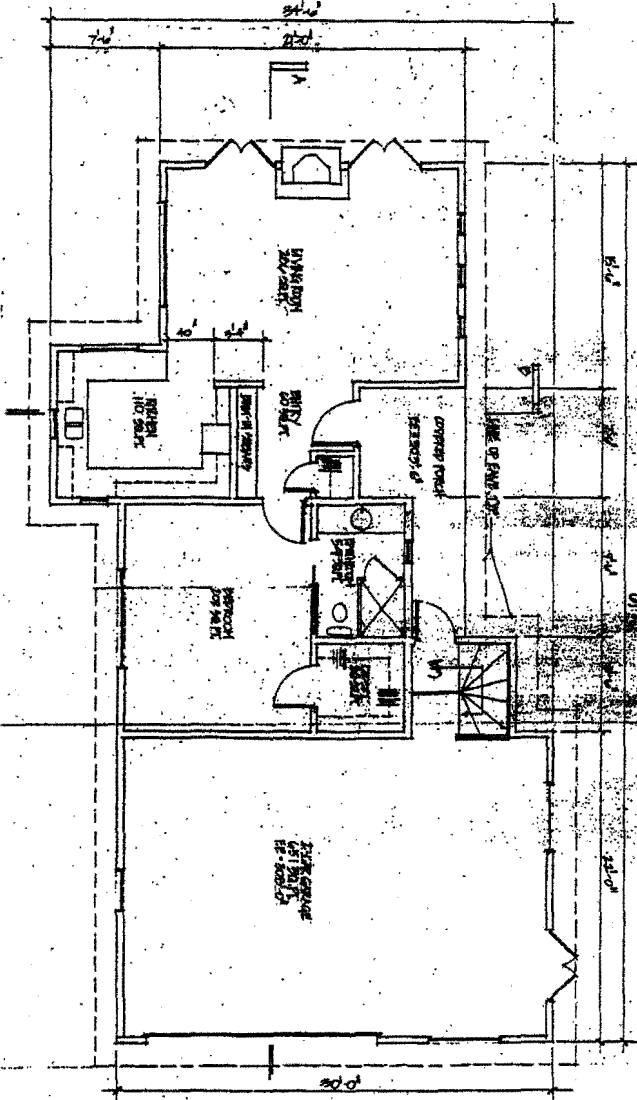
LEGEND	
FF	FINISH FLOOR
FG	FINISH GRADE
FL	FLOWLINE
FS	FINISH SURFACE
INV	INVERT
TG	TOP OF GRADE
TOW	TOP OF WALL
—— LIMITS OF GRADING	



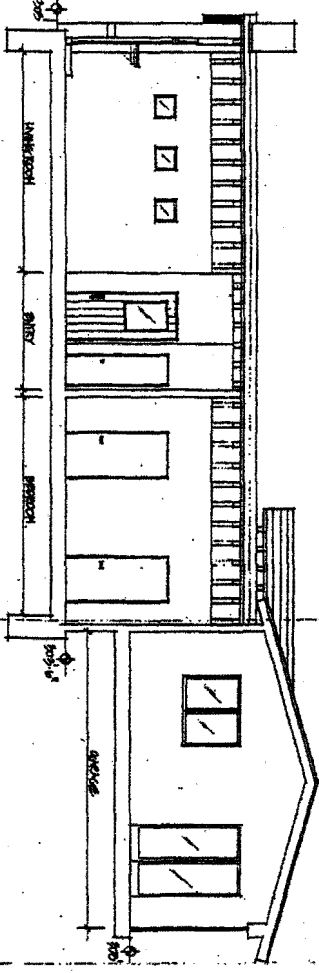
RECEIVED

JAN 28 REC'D

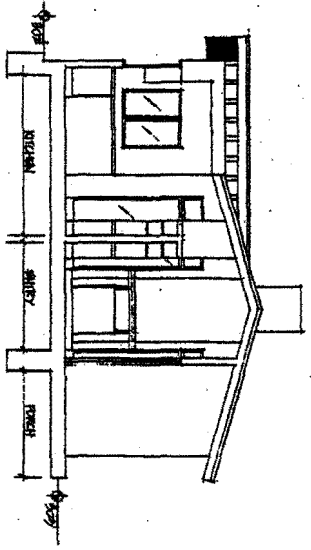
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



① FIRST UNIT GARAGE FLOOR PLAN
NO SCALE



② SECTION A-A



③ SECTION B-B

EXHIBIT 6
CDP # 4-00-026
Floor Plan & Sections

DATE	1/27/79
BY	M.A.T.O.
CHECKED	M.H.H.
SCALE	AS SHOWN
SHEET	1-1
TOTAL SHEETS	2

RECEIVED

JAN 28 REC'D

COUNTY OF SANTA MONICA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

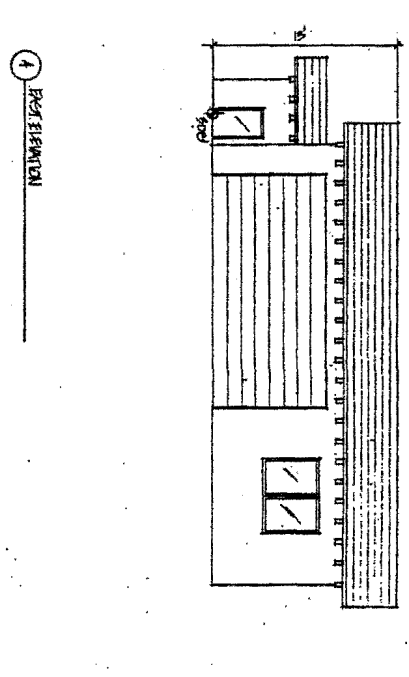
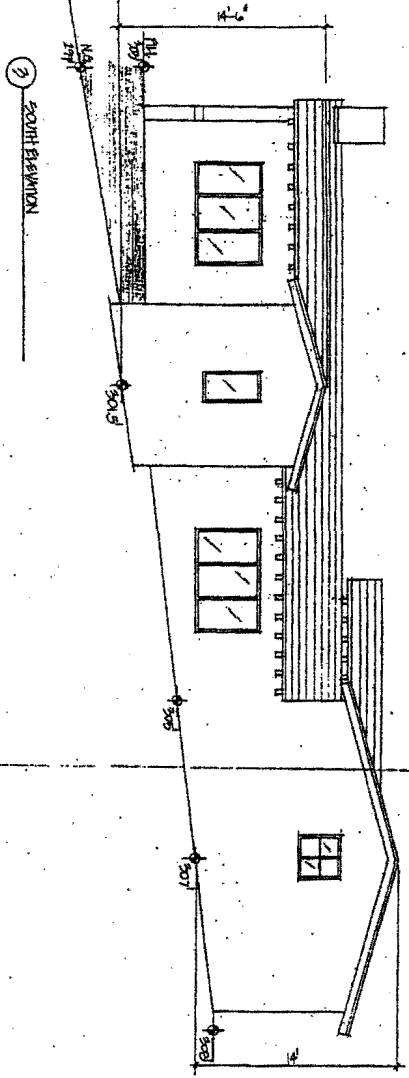
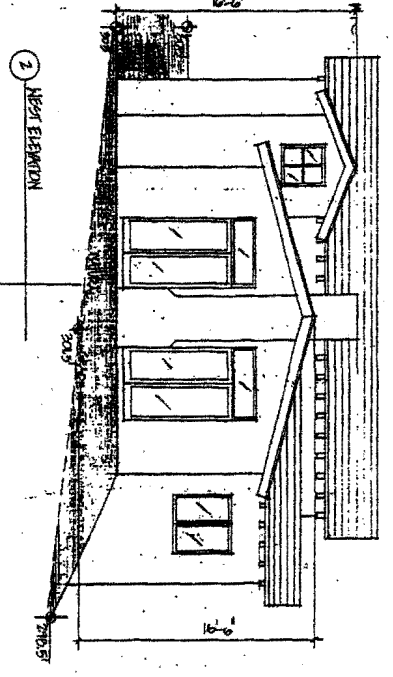
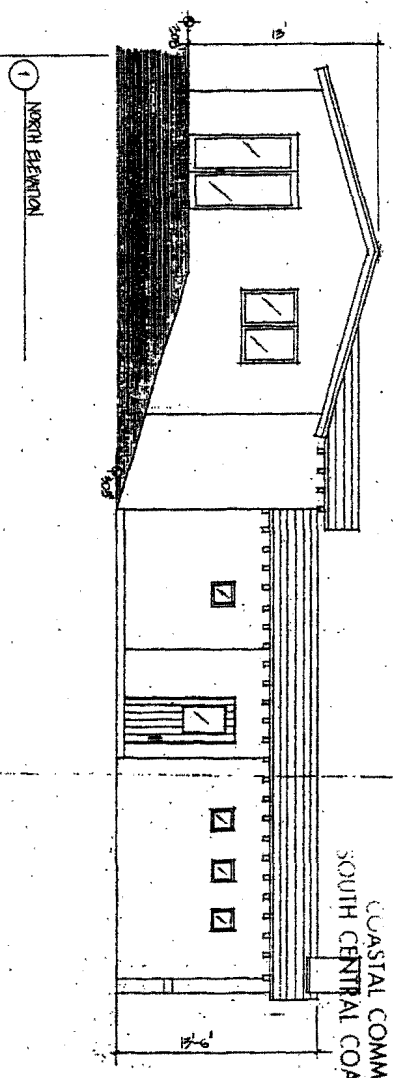


EXHIBIT 7

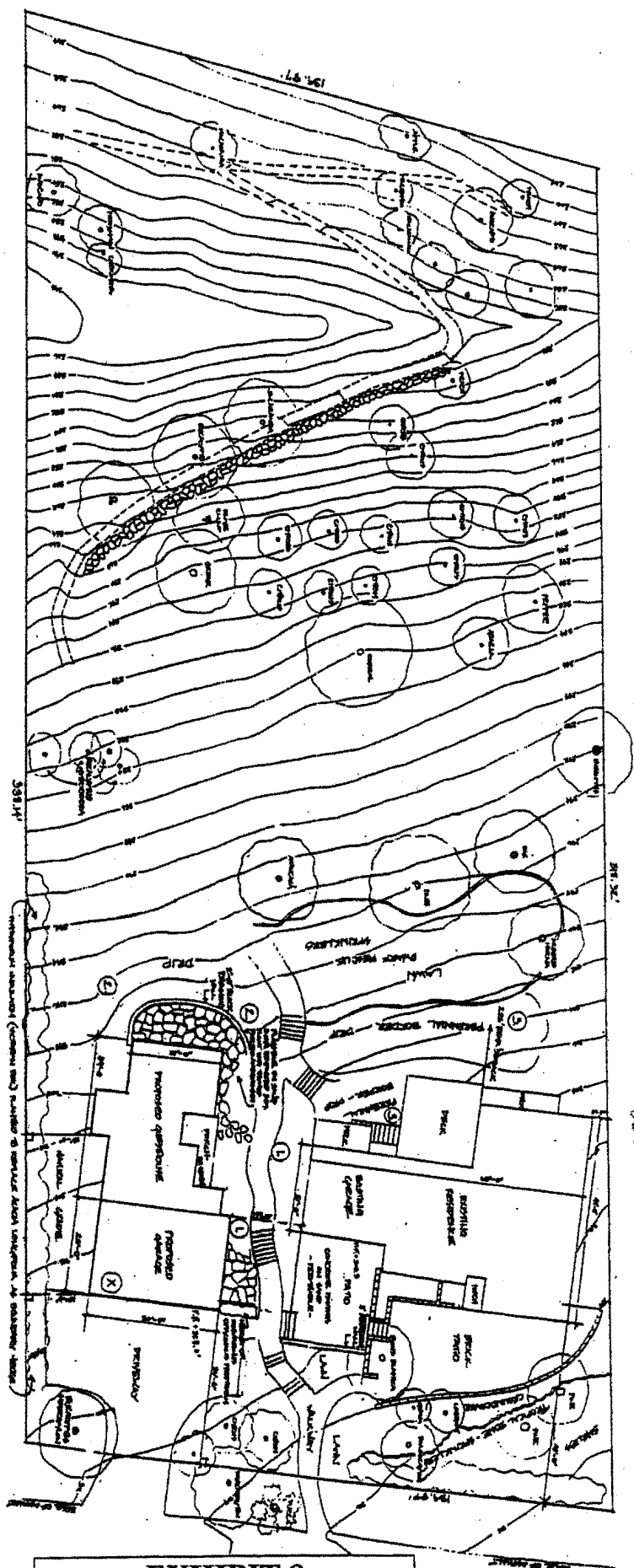
CDP # 4-00-026

DATE 4/21/99
DRAWN BY J. P. C.
CHECKED BY J. P. C.
DESIGNED BY J. P. C.
SCALE 1/2" = 1'-0"
SHEET NO. 2
OF 2 SHEETS

RECEIVED

JAN 28 REC'D

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



- PLANT LIST #1**
- Lantana camara (Common)
 - Lantana camara (Common)
 - Lantana camara (Common)
 - Lantana camara (Common)
 - Lantana camara (Common)

- PLANT LIST #2**
- Ornamental shrubs (Common)
 - Ornamental shrubs (Common)
 - Ornamental shrubs (Common)
 - Ornamental shrubs (Common)
 - Ornamental shrubs (Common)

- PLANT LIST #3**
- Ornamental shrubs (Common)
 - Ornamental shrubs (Common)
 - Ornamental shrubs (Common)
 - Ornamental shrubs (Common)
 - Ornamental shrubs (Common)

- EXISTING VEGETATION LEGEND**
- ① Existing trees to remain with minimal pruning
 - ② Existing trees to be removed
 - ③ Existing trees to be removed

SITE PLAN AND PRELIMINARY LANDSCAPE PLAN — 5725 CALIFORNIA DRIVE, MALIBU, CA 90265

EXHIBIT 8
CDP # 4-00-026
Landscaping