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CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Staff Report:	5/23/00
Hearing Date:	6/13-16/00
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-00-048

APPLICANT: Richard and Susan Douglass

PROJECT LOCATION: 27091 Sea Vista Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a two-story, 28 ft. above natural grade, 3,645 sq. ft. single family residence with an attached 3-car garage, new driveway, deck, alternative sewage disposal system, landscaping, and 373 cu. yds. of grading (127 cu. yds. cut, 246 cu. yds. fill, 119 cu. yds. import).

Lot area:	25,540 sq. ft.
Building/deck coverage:	4,902 sq. ft.
Pavement coverage:	2,582 sq. ft.
Landscape coverage:	18,056 sq. ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval-In-Concept 2/15/00; City of Malibu Department of Environmental Health In-Concept Approval for alternative private sewage disposal system 10/14/99; City of Malibu Geology and Geotechnical Engineering Review Approval In-Concept 6/23/99; County of Los Angeles Fire Department Final Fuel Modification Plan Approved 1/14/00.

SUBSTANTIVE FILE DOCUMENTS: Engineering Geologic and Geotechnical Engineering Exploration report prepared by Robertson Geotechnical Inc. dated 2/12/99; Addendum Report, Response to City of Malibu Geotechnical Review prepared by Robertson Geotechnical dated 5/21/99; Addendum Report No. 2, Response to City of Malibu Geotechnical Review prepared by Robertson Geotechnical dated 8/10/99; Addendum Report No. 3, Response to City of Malibu Geotechnical Review prepared by Robertson Geotechnical dated 3/8/00; City of Malibu Biology Review Referral Sheet dated 1/25/00; Report on Alternative Onsite Wastewater Treatment System by Bill Wilson-Environmental Planning & Design dated 4/1/98.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with **4 Special Conditions** regarding (1) conformance to geologic recommendations for design and construction, (2) drainage and polluted runoff control, (3) landscaping and erosion control, and (4) assumption of risk.

The applicants are proposing to construct a two-story, 28 ft. above natural grade, 3,645 sq. ft. single family residence with an attached 3-car garage, new driveway, deck, alternative sewage disposal system, and landscaping. The proposed project also includes 373 cu. yds. of grading (127 cu. yds. cut, 246 cu. yds. fill, 119 cu. yds. import). Due to geological constraints at the project site the entire residence is proposed to be constructed above grade on cast-in-place friction piles, with the exception of a 158 sq. ft. subgrade utility area and driveway which will be supported at grade by engineered retaining walls. Additionally, the proposed residence is to utilize an evapotranspiration system designed to recycle treated sewage effluent for use in irrigating landscaping on the lot to further alleviate potential geological risks of the proposed development.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-048 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 term or 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 Geologic and Geotechnical Engineering Exploration report prepared by Robertson Geotechnical dated 2/12/99, and subsequent Addendum Reports to the referenced report dated 5/21/99, 8/10/99, and 3/8/000 shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the geotechnical engineering 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 storm water leaving the developed site. The plan shall be reviewed and approved by project's geotechnical engineering consultant to ensure the plan is in conformance with the consultant's 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 30th 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 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) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the proposed project from the views from Pacific Coast Highway.

(5) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

(6) Vegetation within 50 feet of the proposed 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. <u>Monitoring</u>

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. Assumption of Risk

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicants are proposing to construct a two-story, 28 ft. above natural grade, 3,645 sq. ft. single family residence with an attached 3-car garage, new driveway, deck, alternative sewage disposal system, and landscaping (Exhibits 4-8). The proposed project also includes 373 cu. yds. of grading (127 cu. yds. cut, 246 cu. yds. fill, 119 cu. yds. import). Due to geological constraints at the project site (discussed in detail under Section B.), the entire residence is proposed to be constructed above grade on cast-in-place friction piles, with the exception of a 158 sq. ft. subgrade utility area and driveway, to be constructed and supported at finished grade by engineered retaining walls. Additionally, the proposed residence is to utilize an evapotranspiration system designed to recycle treated sewage effluent for landscape irrigation to further alleviate potential geological risks of the proposed development by reducing the infiltration of effluent that would otherwise occur.

The project site is a vacant parcel located at the southern end of Escondido Canyon, between Sea Vista Drive and Via Escondido Drive, in the City of Malibu (Exhibit 1). The subject parcel is a steeply descending slope, which descends approximately 66 feet westerly from the top of the slope at Sea Vista Drive to the toe of the slope at Via Escondido (Exhibit 2,4). The proposed project is to be constructed on the upper east portion of the property and accessed from Sea Vista Drive. Run-off from the project site drains from the hillside property directly to Via Escondido and ultimately to Escondido Creek, which is located approximately 200 ft. downslope of the subject site. The habitat area within the Escondido Creek riparian corridor is designated by the certified Malibu/Santa Monica Mountains Land Use Plan as a locally disturbed sensitive resource (DSR) area. Resource maps illustrate the eastern boundary of the DSR as traversing the lower west portion of the subject property (Exhibit 3). However, site visits to the project site confirm that no sensitive habitat area or resources exist on the site. The westernmost property line of the subject parcel is located approximately 200 ft. east of the Escondido Creek corridor and the site is separated from the canyon drainage by both Via Escondido Drive, and additional residential development located between Via Escondido and Escondido Creek. Additionally, the subject site is located in an area previously disturbed by adjacent development associated with the construction of roads and several single family residences in the near vicinity. Vegetation at the subject site consists of weeds and non-native grasses, and a small Eucalyptus grove which aligns the south property boundary. Due to the project site's distance and physical separation from the Escondido Creek corridor by Via Escondido and existing

residential development, and the amount of previous resource disturbance which has occurred at the project site, the proposed project will have no significant impact on sensitive habitat areas or species.

The project site is located just north of Pacific Coast Highway (PCH) on a hillside area developed with several single family residences and the proposed project will be compatible with the scale and character of existing development in the surrounding area. Due to the natural topography of the area, and the existing residential development and landscaping which presently screens the project site of views from PCH, the proposed project will be minimally visible from PCH. Staff notes however, that approximately 2-3 ft. of portions of the pitched roof will be visible from a minor point along PCH and that, should existing residential landscaping currently screening the project site be removed in the future, the proposed project may potentially result in an adverse impact to public views from PCH.

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.***

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and to minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted an Engineering Geologic and Geotechnical Engineering Exploration report prepared by Robertson Geotechnical Inc. dated 2/12/99 which evaluates the geologic stability of the subject site in relation to the proposed development. Additionally, the applicant has submitted three Addendum Reports to the above referenced report dated 5/21/99, 8/10/99, and 3/8/00 prepared by Robertson Geotechnical Inc. responding to

the City of Malibu's geotechnical comments for the proposed project. The consultants found that the project site is underlain at depth by hard, dense, impermeable bedrock potentially causing a perched water table within the permeable weathered bedrock zone blanketing the descending slope of the site. Furthermore, the consultant's conclude that three earthquake faults exists near the project site, the closest fault being the Malibu Coast Fault located 0.4 miles from the site, and the Santa Monica-Hollywood Fault and Santa Monica Mountains Thrust Fault located one and three miles from the site respectively. The Engineering Geologic and Geotechnical Engineering Exploration report dated 2/12/99 states:

> *Slope stability calculations suggest the descending slope is grossly stable under static conditions with a perched ground water table condition and loads from the proposed residence. Calculations suggest the weathered bedrock blanketing the slope may be potentially unstable during strong earthquake shaking when site accelerations are greater than 020.g. The calculations suggest the bedrock beneath the weathered zone has adequate factors of safety considering earthquake shaking. Calculations suggest high site accelerations could cause the weathered bedrock blanketing the slope to be potentially unstable. As typical in hillside areas, creep, erosion and surficial instability of the descending slope can be anticipated...The potential for surficial instability and deep weathering should be considered in the foundation design.*

The Engineering Geologic and Geotechnical Engineering Exploration report dated 2/12/99 further states:

> *Past percolation testing suggests bedrock underlying the subject property is impermeable and not suitable for deep seepage pits for sewage disposal. Seepage pits discharging into the fill, soil, terrace and weathered bedrock should not be utilized for effluent discharge.*

Due to the fact that conventional seepage pits are not feasible for the project site, the applicants are proposing to utilize an evapotranspiration system to recycle treated effluent for use in irrigation of the proposed landscaping for the site. The geotechnical consultants have evaluated the proposed alternative sewage disposal system for the site and determined that it is a feasible alternative to conventional seepage pits.

The project's geology consultants have identified and discussed geologic constraints of the subject property affecting development of the site and have made specific recommendations for the design and construction of the proposed residence and sewage disposal system to minimize potential geological hazards of the proposed development. The addendum report prepared by Robertson Geotechnical Inc. dated 3/8/00 states:

> *Perched groundwater in the form of seepage in the weathered bedrock is discussed in referenced reports. The potential for high groundwater adversely affecting the proposed development has been considered in the evaluation of slope stability and foundation design discussed in the referenced report. Specific recommendations to mitigate the risk*

of high groundwater have been presented in referenced reports. An alternative private sewage disposal system is to be used. Good drainage control will be incorporated into the project. The potential for creep in the weathered bedrock has been considered in foundation design. Drilled, cast-in-place friction piles founded 20 feet into unweathered bedrock are planned for foundation support.

Based on their evaluation of the project site in relation to the proposed project the geotechnical consultants have determined that the project site is appropriate for the proposed development and conclude in their Addendum Report dated 5/21/99 that:

> *Hillside developments involve risks that are not found in conventional flatland developments and these risks can never be eliminated. The referenced report and this Addendum Report present an assessment of the risks involved in the development and recommendations to minimize the risks. It is the opinion of the undersigned, based on the findings of the engineering geologic and geotechnical engineering exploration, that provided our recommendations are followed, the proposed residence utilizing the planned alternative private sewage disposal system will be safe against hazards from landslide, settlement or slippage and that the proposed residence utilizing the planned alternative private sewage disposal system will have no adverse affect on the geologic stability of property outside the building site.*

The Engineering Geologic and Geotechnical Engineering Exploration report dated 2/12/99, and subsequent Addendum Reports prepared by Robertson Geotechnical, Inc. include several geotechnical recommendations to be incorporated into project construction, design, drainage, and sewage disposal to ensure the stability and geologic safety of the proposed project. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition 1,** requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control, 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 erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 2 and 3.**

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve to enhance and maintain the geologic stability of the site.

Therefore, **Special Condition 3** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. Special Condition 3 also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission notes that non-native and invasive plant species with high surface/foliage 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 and invasive species, and once established aid in preventing erosion. 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.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties. However, the Commission finds that there remains an inherent risk in building on the subject site with the geologic conditions and constraints described in this section, and due to the fact that the project site is located in an area subject to an extraordinary potential for damage or destruction from wildfire. Typical vegetation in the Santa Monica Mountains consists predominantly 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. Additionally, 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.

Therefore, the Commission can only approve the project if the applicant assumes the responsibility and liability from the risks associated with developing the project as required by **Special Condition 4.** This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Moreover, through acceptance of Special Condition 4, the applicants agree to indemnify the Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or 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 from geologic and wildfire hazard exists as an inherent risk.

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

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Water Quality

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

Section **30231** of the Coastal Act states:

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

As described, the proposed project includes construction a two-story, 28 ft. above natural grade, 3,645 sq. ft. single family residence with an attached 3-car garage, new driveway, deck, alternative sewage disposal system, and landscaping. The proposed project also includes 373 cu. yds. of grading. The project site is an undeveloped parcel located on a steeply descending slope at the southern end of Escondido Canyon. The project site descends westerly approximately 66 ft. from the top of the slope at Sea Vista Drive to the toe of the slope at Via Escondido. Run-off from the project site drains from the hillside property directly to Via Escondido and ultimately to Escondido Creek, which is located approximately 200 ft. downslope of the subject site. 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, into run-off from the site which will ultimately drain to Escondido Creek and to the ocean.

Removal of natural vegetation and placement of impervious surfaces results in less infiltration of rainwater into soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Infiltration of precipitation into 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 alternative private sewage disposal system with a 1,500 gallon tank to serve the residence and an evapotranspiration system which will recycle treated effluent for use in landscaping of the property. The applicants' geologic consultants performed infiltration tests and evaluated the proposed septic system. The report concludes that the site is suitable for the evapotranspiration system and that no adverse impact to the site or surrounding areas will result from the use of the alternative 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.

D. VISUAL RESOURCES

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected and states:

> ***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

As previously mentioned, the applicant proposes to construct a new two-story, 28 ft. above natural grade, 3,645 sq. ft. single family residence with an attached 3-car garage, new driveway, deck, alternative sewage disposal system, and landscaping. The proposed project also includes 373 cu. yds. of grading (127 cu. yds. cut, 246 cu. yds. fill, 119 cu. yds. import). The proposed residence is to be constructed above grade on cast-in-place friction piles, with the exception of a 158 sq. ft. subgrade utility area and driveway which will be supported at grade by engineered retaining walls up to 6 ft. in height.

The project site is located just north of Pacific Coast Highway on a hillside area developed with several single family residences. Though the majority of the residence will be constructed on friction piles, the residence will at no point exceed 28 ft. in height above the natural grade of the project site and the proposed project will be compatible with the scale and character of existing development in the surrounding area. Additionally, because the residence is to be constructed on friction piles, the need for grading, retaining walls, and landform alteration for the project will be minimal. Grading in the amount of 373 cu. yds. and retaining walls no more than 6 ft. in height will be required for the 158 sq. ft. subgrade utility area and driveway only.

The project site, as viewed from Pacific Coast Highway, is situated in an area that is predominantly screened by the natural topography of the area and by existing

residential structures and landscaping located between the site and PCH. Due to these factors the subject site is minimally visible from a very small corridor from Pacific Coast Highway. The Commission notes that visual resources of this portion of PCH are degraded due to the amount and scale of existing development in the area and further notes that the proposed project constitutes infill development in a built-out section of Malibu. Therefore, the Commission finds that due to the existence of screening elements, (topography, residential development and landscaping), located between PCH and the project site, and the fact that the project is infill development and will be minimally visible from a minor point along Pacific Coast Highway, the project, as proposed, would not significantly impact visual resources. However, the Commission notes that approximately 2-3 ft. of portions of the pitched roof of the residence will be visible from a point along PCH and that, should existing residential vegetation which currently screens the project site be removed in the future, the proposed project may become more visible from PCH with the potential to significantly impact public views. Therefore, the Commission finds that incorporating vertical landscaping elements on the project site will screen and soften the appearance of the project, and serve to minimize the potential visual impacts of the project should future changes in existing landscaping which currently screens the site result in a larger view corridor of the project as seen from Pacific Coast Highway. Therefore, **Special Condition 3,** the landscaping and fuel modification plan, requires that vertical screening elements be incorporated into the landscaping plan to soften views of the proposed residence and retaining walls on the subject property. In addition, Special Condition 3 requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. In order to ensure that the final approved landscaping plans are successfully implemented, Special Condition 3 also requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time. Implementation of Special Condition 3, therefore, will help to partially screen and soften the potential visual impact of the development.

Therefore the Commission finds that, as conditioned, the proposed development will minimize adverse impacts to scenic public views in this area of Malibu, and is consistent with section 30251 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

Section **30604** of the Coastal Act states:

> ***A) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government***

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

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

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

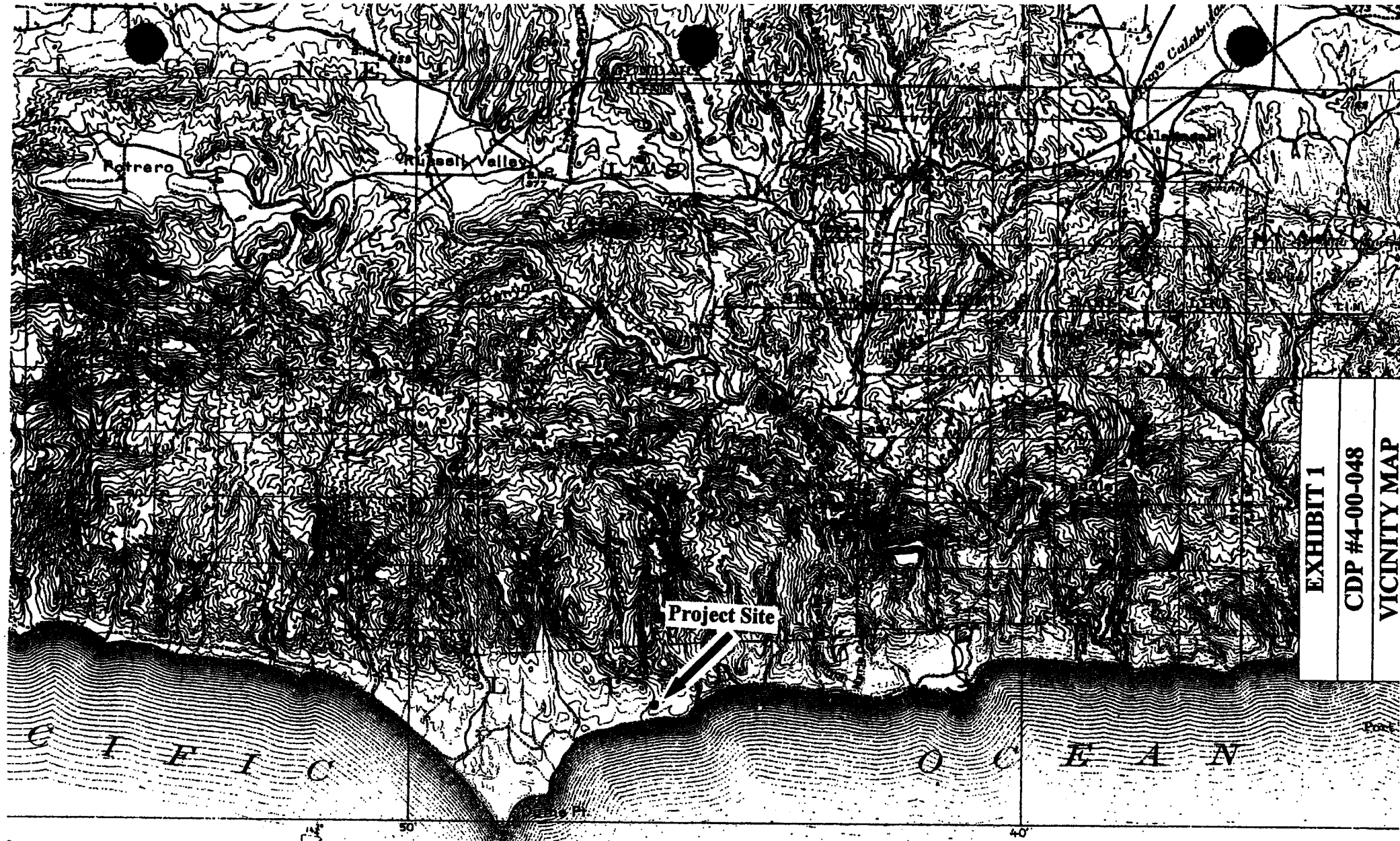


EXHIBIT 1
CDP #4-00-048
VICINITY MAP

e.
ore topography by
W. S. Post.

Scale 1:62500
1 0 1 2 3 4 5 Miles
1 0 1 2 3 4 5 Kilometers
Contour interval 100 feet.
Datum is mean sea level.

Edition
Polyconic projecti
move projection lin

Maps of the Santa Felicia Canyon, Saugus, Newhal Zelzah, Chatsworth, Resada, Dry Canyon, Seminole Russell Valley, Arroyo Sequit, Dume Point, Solstice Canyon, Las Flores, and Topanga Canyon quadrangles, scale 1:24,000, and the Piru, Santa Susana Calabasas, and Triunfo Pass quadrangles, scale 1:62,500, from later and more detailed surveys of this area, are available

Marshall

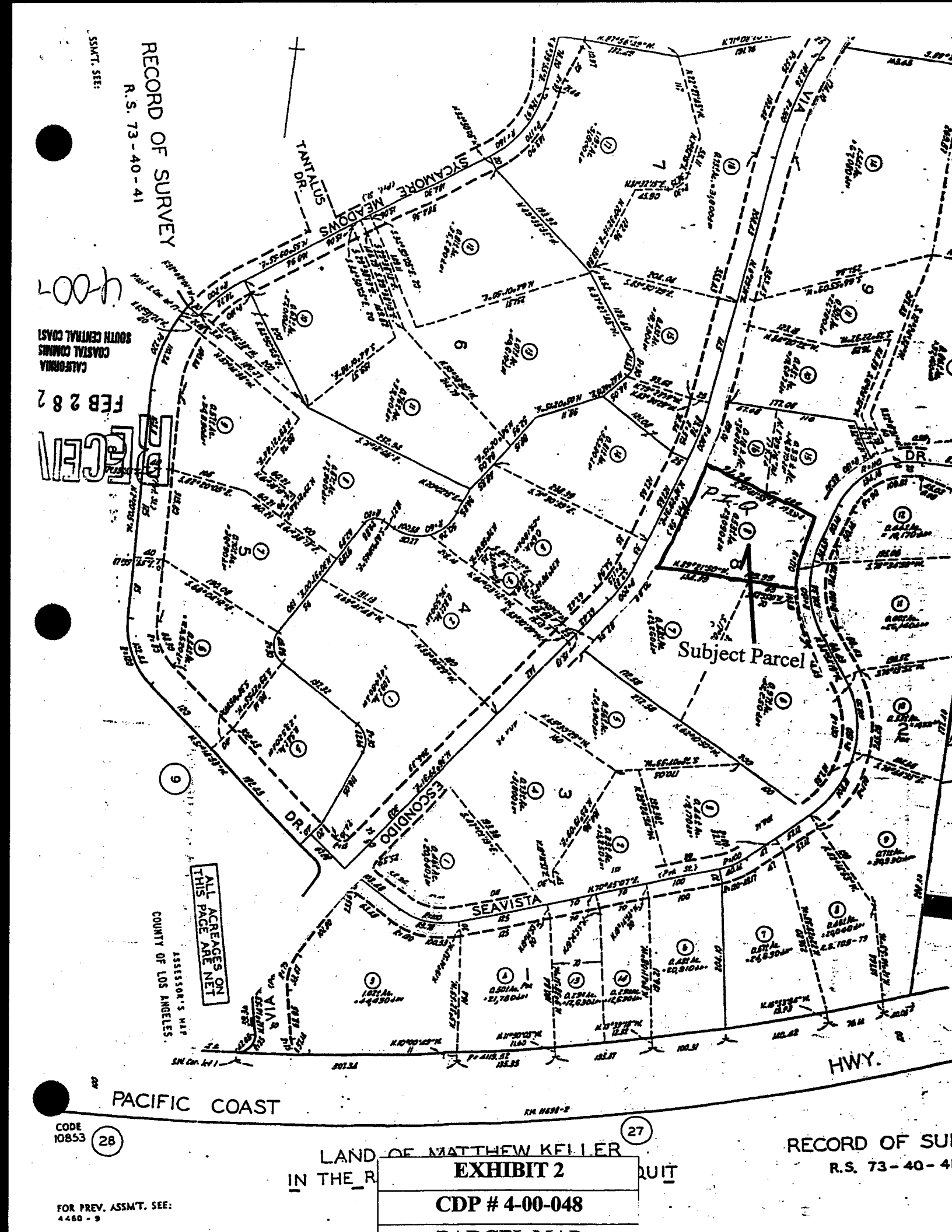
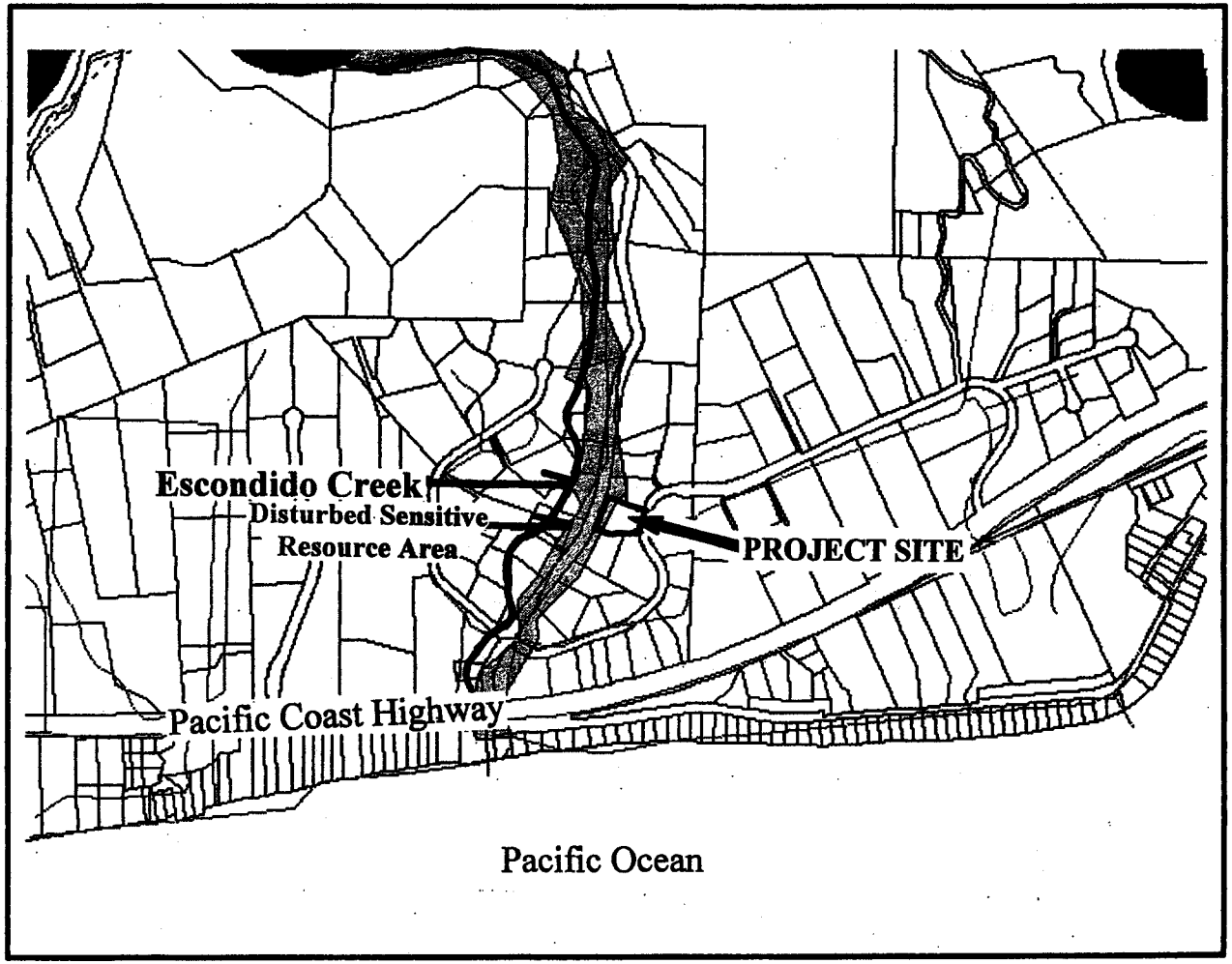


EXHIBIT 2

CDP # 4-00-048

ESRI ArcExplorer 1.1

4-00-048 (Douglass) 27091 Sea Vista Drive

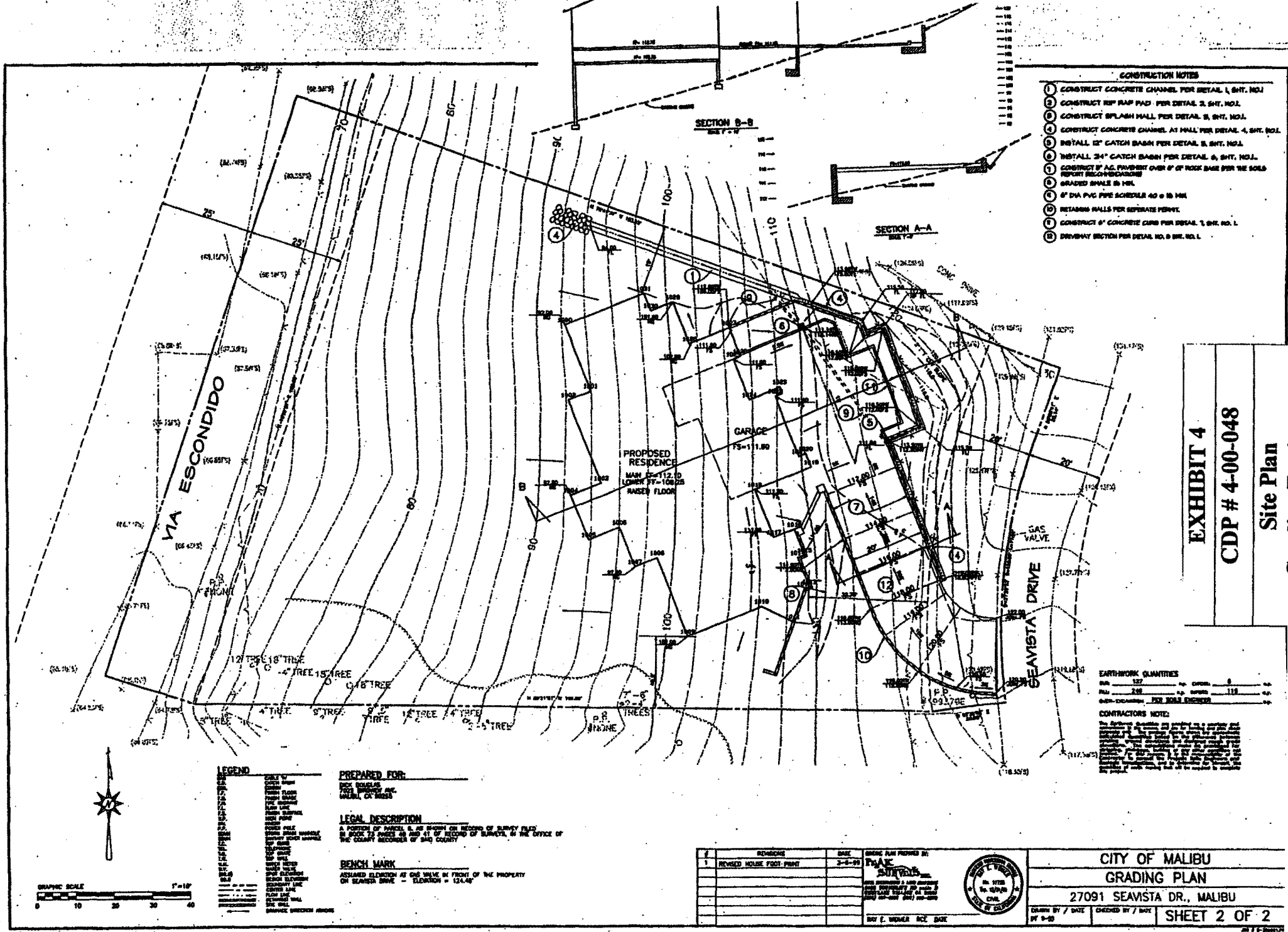


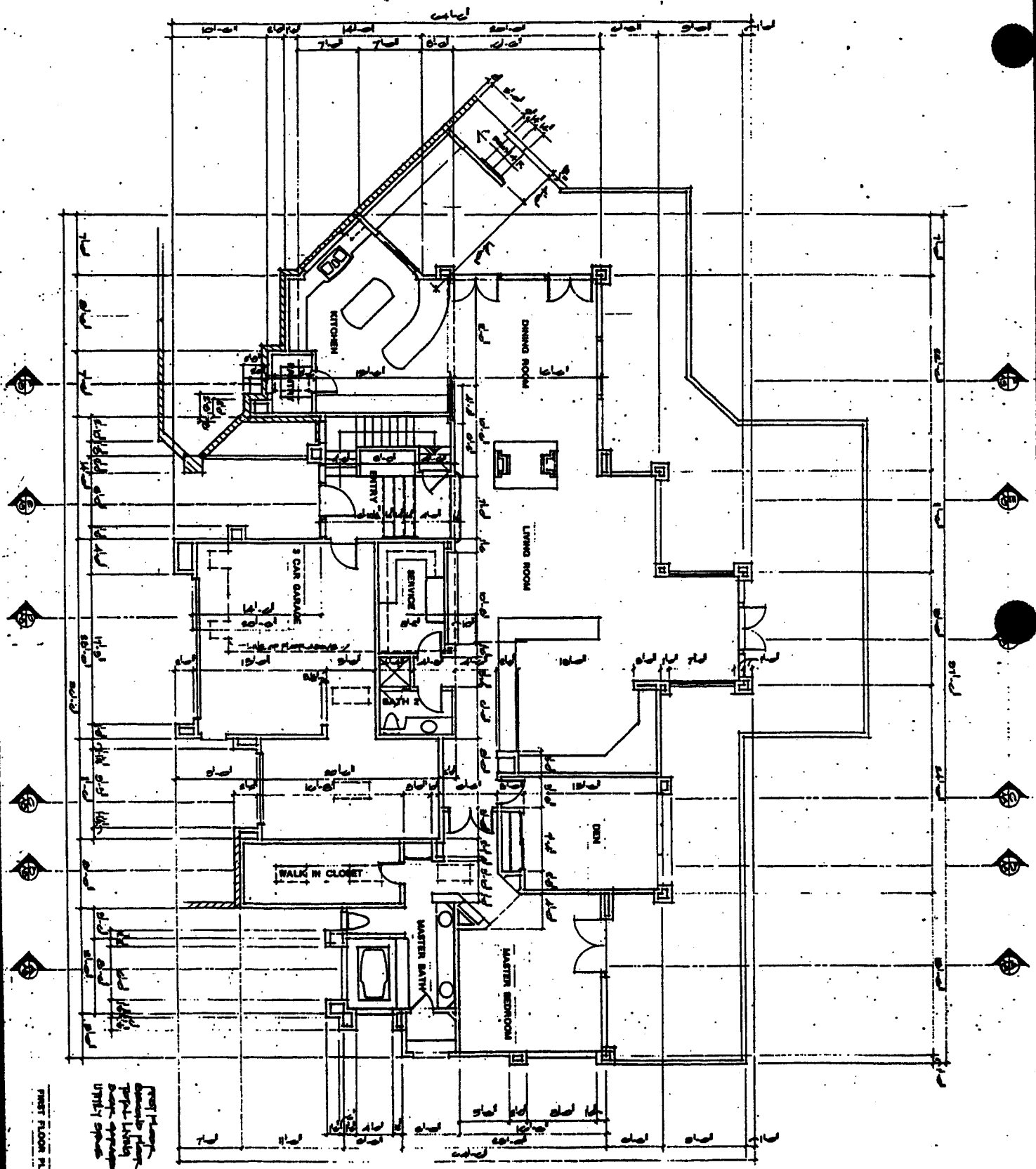
trailslacoplan
StrmsCCC
streets
laprcls
esha (ESHA)
Coldcreek management area
inland
locally disturbed resources
oak woodlands and savannahs
significant watersheds residenti
wildlife migration corridor
czbdy

N

Tuesday, Mar 28 2000

EXHIBIT 3
CDP # 4-00-048
Resource Man


SECTION B-B
SCALE 1"=5'
SECTION A-A
SCALE 1"=5'
CONSTRUCTION NOTES
1 CONSTRUCT CONCRETE CHANNEL PER DETAIL 1, SHT. NO.1
2 CONSTRUCT RIP RAP PAD PER DETAIL 2, SHT. NO.1.
3 CONSTRUCT SPLASH WALL PER DETAIL 3, SHT. NO.1.
4 CONSTRUCT CONCRETE CHANNEL AT WALL PER DETAIL 4, SHT. NO.1.
5 INSTALL 12" CATCH BASIN PER DETAIL 5, SHT. NO.1
6 INSTALL 24" CATCH BASIN PER DETAIL 6, SHT. NO.1.
7 CONSTRUCT 3" AC PAVEMENT OVER 6" OF ROCK BASE PER THE SOILS REPORT RECOMMENDATIONS
8 GRADED SWALE 5% MIN.
9 6" DIA PVC PIPE SCHEDULE 40 @ 1% MIN
10 RETAINING WALLS PER SEPERATE PERMIT.
11 CONSTRUCT 6" CONCRETE CURB PER DETAIL 7, SHT. NO. 1.
12 DRIVEWAY SECTION PER DETAIL NO. 8 SHT. NO.1.
VIA ESCONDIDO
SEAVISTA DRIVE
PROPOSED RESIDENCE
MAIN FF=112.10
LOWER FF=108.25
RAISED FLOOR
GARAGE
FF=111.90
GAS VALVE
P.P. FRONT
P.P. NONE
P.P. 091.78E
12" TREE
18" TREE
4" TREE
15" TREE
8" TREE
2-4" TREES
EARTHWORK QUANTITIES
CUT 127 cu. yds. FILL 240 cu. yds.
CONTRACTORS NOTE:
LEGEND
GRAPHIC SCALE 1"=10'
0 10 20 30 40
PREPARED FOR:
RICK DOUGLAS
7021 SEAVISTA AVE.
MALIBU, CA 90265
LEGAL DESCRIPTION
A PORTION OF PARCEL 8, AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 73 PAGES 48 AND 49 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY
BENCH MARK
ASSUMED ELEVATION AT GAS VALVE IN FRONT OF THE PROPERTY ON SEAVISTA DRIVE = ELEVATION = 124.49'
1 REVISED HOUSE FOOT PRINT 3-8-01
GRADING PLAN PREPARED BY:
PMC SURVEYS, INC.
BRY E. WEIMER RCE 26836
CITY OF MALIBU
GRADING PLAN
27091 SEAVISTA DR., MALIBU
DRAWN BY / DATE BY 9-00
CHECKED BY / DATE
SHEET 2 OF 2
EXHIBIT 4
CDP # 4-00-048
Site Plan



FIRST FLOOR PLAN

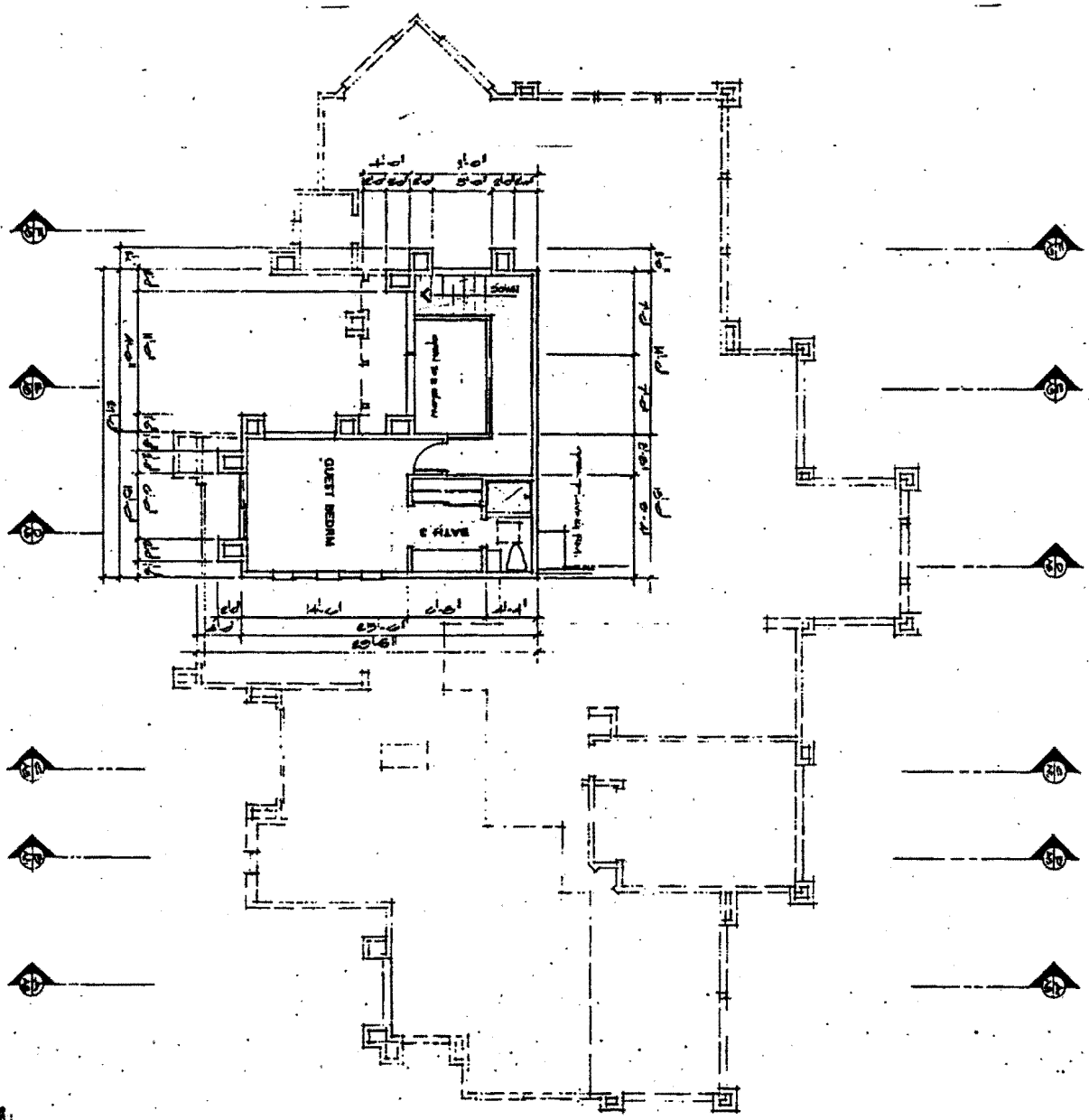
EXHIBIT 5

CDP # 4-00-048

1st Floor Plan

RICHARD DOUGLASS

C. A. RIOS & ASSOCIATES
5515 HICKORY DRIVE, UNIT H
OAK PARK, CA. 91377
818-865-1035



SECOND FLOOR PLAN

EXHIBIT 6

CDP # 4-00-048

2nd Floor Plan

C. A. REOS & ASSOCIATES
5815 HICKORY DRIVE UNIT H
OAK PARK, CA. 91377

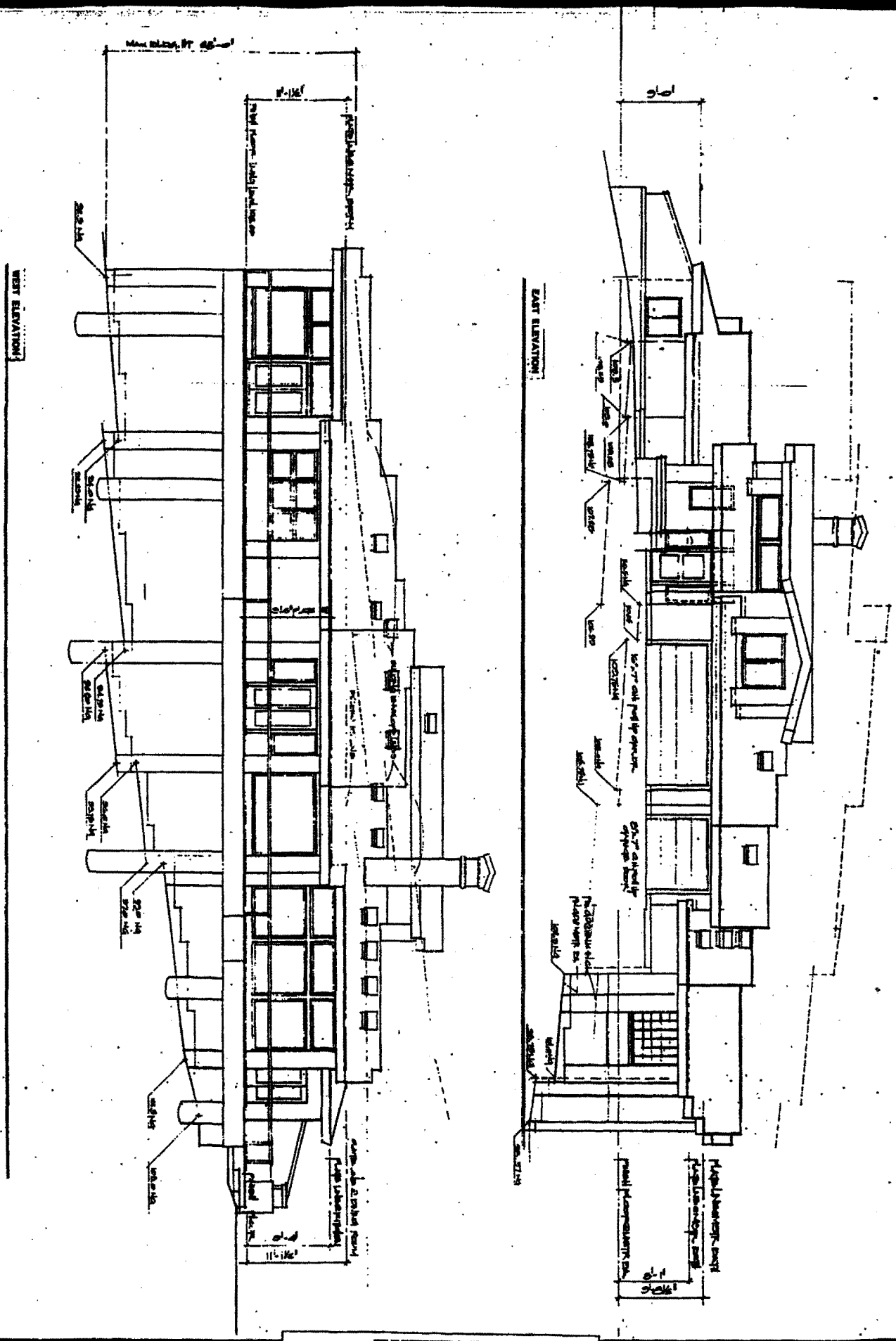


EXHIBIT 7

CDP # 4-00-048

Elevations

C. A. RIOS & ASSOCIATES
5815 HICKORY DRIVE UNIT H
OAK PARK, CA. 91377
818-865-1005

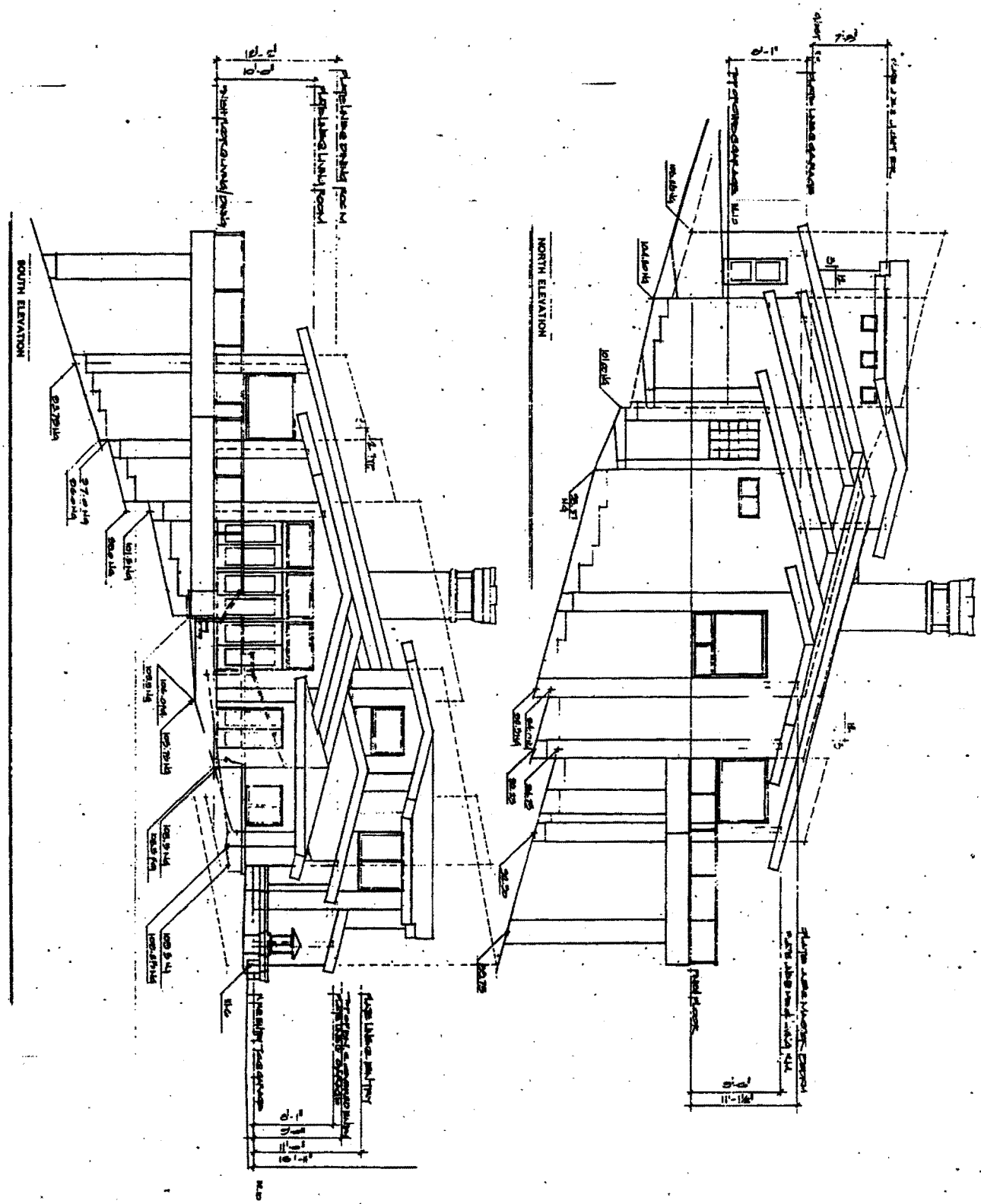


EXHIBIT 8

CDP # 4-00-048

Elevations

C. A. REOS & ASSOCIATES
5815 HICKORY DRIVE UNIT H
OAK PARK, CA. 91377
818-865-1635