CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Staff Report: 06/22/00
Hearing Date: July 11-14,2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-059

APPLICANT: John & Kathy Haag

PROJECT LOCATION: 20173 Rockport Way, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new, 6,189 sq. ft., 28 ft. high, two-story single family residence (SFR) with an 897 sq. ft. basement, a 797 sq. ft. attached 3-car garage, a 120 sq. ft. utilities shed, a swimming pool / spa, a grove of citrus trees, and an evapotranspiration type septic system to replace a 3,880 sq. ft. home destroyed by wildfire. The project also includes a lot combination, two 6-foot retaining walls, and 2,590 cu. yds. of grading (520 cut, 460 fill, 1,610 removal / recompaction).

Lot area	76,830 sq. ft.	(1.76 ac.)
Building coverage:	5,492 sq. ft.	
Pavement coverage:	17,508 sq. ft.	
Landscape coverage:	31,230 sq. ft.	
Unimproved area:	16,340 sq. ft.	
Parking spaces:	3 (covered) + motor court	
Ht abv fin grade:	27'6"	

LOCAL APPROVALS RECEIVED: Approval in Concept -- City of Malibu Planning Department; Approval in Concept -- City of Malibu Environmental Health Department (Septic System).

SUBSTANTIVE FILE DOCUMENTS: *Reconnaissance Geology Report for Fire Restoration - 20173 Rockport Way and Adjacent Undeveloped Parcel, Big Rock Mesa Area, Malibu, California*, by consulting geologist E.D. Michael, dated November 21, 1995; *Geotechnical Engineering Reconnaissance Report - Proposed Remedial Residential Fire Re-Build - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated December 10, 1995; *Sewage Treatment System Description and Report for 20173 Rockport Way, Malibu, California*, by Topanga Underground, dated December 13, 1995; *City of Malibu Geology and Geotechnical Engineering Review Sheet for Site Address -- 20173 Rockport Way*, dated January 4, 1996; *Addendum Letter #1 - Response to the City of Malibu Review Comments - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated February 1996; *Agreement and Covenant to Hold Property as One Parcel*, dated July 16, 1997; *City of Malibu Geology and Geotechnical Engineering Review Sheet for Site Address -- 20173 Rockport Way*, dated July 17, 1996; *Retaining Wall Calculations - Proposed Remedial Residential Fire Re-Build - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated October 27, 1999; *City of Malibu Geology Referral Sheet for Job Address -- 20173 Rockport Way*, dated October 28, 1999; *Supplemental Comments Re: E.D. Michael November 21, 1995 Reconnaissance Geology Report for Fire Restoration - 20173 Rockport Way and adjacent Undeveloped Parcel, Big Rock Mesa area, Malibu, California*, by consulting geologist E.D. Michael, dated November 3, 1999; *Geotechnical and Geologic Update Report - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated November 15, 1999; *City of Malibu Geology and Geotechnical Engineering Review Sheet for Site Address -- 20173 Rockport Way*, dated December 8, 1999; *Sewage Treatment System Description and Specifications for 20173 Rockport Way, Malibu, California*, by Topanga Underground, dated January 3, 2000.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with six (6) special conditions regarding landscape and erosion control plans, drainage and polluted runoff control plans, plans conforming to geologic recommendations, removal of excavated material, assumption of risk, and combination of lots.

STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below.

MOTION

Staff recommends a **YES** vote on the following motion:

I move that the Commission approve with special conditions Coastal Development Permit (CDP) Number 4-00-059 per the staff recommendation as set forth below.

The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA).

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. 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.

5. 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. Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit landscaping / erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall identify the species, location, and extent of all plant materials and shall incorporate the following criteria:

a) Landscaping

All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (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 cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety percent (90%) coverage within two (2) years, and this requirement shall apply to all disturbed soils. Planting shall 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 the applicable landscape requirements.

Vegetation within fifty feet (50') of the proposed house may be removed, and vegetation within a two-hundred foot (200') radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such removal and 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 Fire Department of Los Angeles County. Irrigated lawn, turf, or groundcover planted within a fifty foot (50') radius (fuel modification zone) of the proposed residence shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

b) Erosion Control

The landscaping / erosion control plans shall delineate areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and/or stockpile areas. Natural areas to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

The plans shall specify that should grading take place during the rainy season (November 1 – March 31), the applicant shall construct or install temporary sediment basins (including debris basins, desilting basins, and/or silt traps), temporary swales, sandbag barriers, silt fencing, and geofabric or other appropriate cover (including stabilizing any stockpiled fill cover and installing geotextiles or mats on all cut or fill slopes) on the project site. The applicant shall also close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall 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.

The plans 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 swales, and sediment basins. The plans shall also specify that all disturbed areas 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 (5) years from the date of 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 plans 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 plans must be prepared by a licensed Landscape

Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plans that have failed or are not in conformance with the original approved plans.

2. Drainage and Polluted Runoff Control Plan

PRIOR TO 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 to minimize the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

(a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture or treat runoff from all roofs, parking areas, driveways and other impervious surfaces shall be identified and incorporated into final plans. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner

(b) The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps / separators and/or filters 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 or other BMPs 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. Plans Conforming to Geologic Recommendations

All recommendations contained in the *Geotechnical Engineering Reconnaissance Report - Proposed Remedial Residential Fire Re-Build - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated December 10, 1995, and the *Retaining Wall Calculations - Proposed Remedial Residential Fire Re-Build - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated October 27, 1999, shall be incorporated into final design and construction including foundations, grading, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic / geotechnical consultant's 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 to the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

4. Removal of Excavated Material

PRIOR TO 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 dump site be located in the Coastal Zone, a coastal development permit shall be required.

5. Assumption of Risk

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.

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, shall run with the land binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Combination of Lots

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a evidence, for review and approval by the Executive Director, that the two lots designated on Assessor Parcel Map numbered 4450-11-029 and 4450-11-030 have been merged into one lot in a manner consistent with applicable state and local statutes.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing construction of a new, 6,189 sq. ft., 28 ft. high, two-story single family residence (SFR) with an 897 sq. ft. basement, a 797 sq. ft. attached 3-car garage, a 120 sq. ft. utilities shed, a swimming pool / spa, a grove of citrus trees, and an evapotranspiration (ET) type septic system to replace a 3,880 sq. ft. home destroyed by wildfire. The project includes two 6-foot retaining walls and 2,590 cu. yds. of grading (520 cut, 460 fill, 1,610 removal / recompaction). The applicant apparently intends to construct a tennis court, pavilion, and batting cage on the lower pad area in the future; but such construction is not proposed as part of this coastal permit application. The property is located in the Big Rock Mesa area of the City of Malibu, north and inland from Big Rock Beach. Access to the project site is from Pacific Coast Highway via Big Rock Drive to Rockport Way, a publicly accessible street which passes immediately south of the subject property.

There have been no previous coastal permits obtained for the subject property, but there was existing development on-site including a 3,880 sq. ft. single family residence (SFR) and a driveway. This previously existing home was destroyed in the 1993 Topanga wildfire leaving only the foundation, the driveway, and portions of the chimney.

The property is located on a sloping, southeast facing ridge in the Santa Monica Mountains. The western portion of the property descends into Dry Canyon. Drainage on the property is by sheetflow over the existing contours. The proposed site for the residence lies on a gently sloping upper pad area located on the west side of an north / south trending ridge. The property then slopes down to the lower portion of the property consisting of roughly two acres of level-to-gently rolling terrain with a flatter portion at the bottom of the canyon.

Drainage from the property flows overland in a southwesterly direction overland and along the driveway to Rockport Way. The drainage then travels southeast through various public and private curb and gutter stormwater conveyance systems, passes under Pacific Coast Highway, and outlets at Big Rock Beach.

B. Hazards

Section 30253 of the Coastal Act states (in part):

> ***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, geologic 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...***

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

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

The proposed development is located in the Santa Monica Mountains, 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 include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the ridgeline of the Santa Monica Mountains to the north, Big Rock Beach and Santa Monica Bay to the south, Las Flores Canyon to the west, and Tuna Canyon to the east. The site is located on a sloping area with two near-level pad areas separated by an approximately 2:1 slope. A significant amount of grading is proposed mostly for excavation for the basement and fill for the lawn area. The upper site area where construction is planned consists of a previously graded near-level pad area with slopes up to the property line to the west. To the east, the slope breaks and drops down to the lower portion of the property. Overall elevation change from west to east across the site is approximately seventy feet (70'). Surface drainage on-site is currently accomplished naturally by sheetflow towards Rockport Way to the south. Runoff is then collected in various curb and gutter stormwater conveyance systems and transported south under Pacific Coast Highway to outlet at the beach.

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the project. However, it is acknowledged by the applicants' geologists that the subject property is located within the Big Rock Mesa Landslide area. The Big Rock Mesa Landslide is a deep-seated regional landslide which activated in September 1993. The slide area encompasses approximately 150 acres involving some 216 single family residences. The Big Rock Area has been implementing the landslide mitigative measures recommended by Bing Yen & Associates including drainage improvements, hydraugers, and dewatering wells which, according to the consulting geologists, should serve to increase the factor of safety against renewed earth movement.

Under Coastal Act provisions, any residential structure destroyed by wildfire is exempt from coastal permit requirements so long as the replacement structure does not exceed the original by more than ten percent (10%) in floor area, height, or bulk. The residence proposed under this permit application exceeds the previously existing residence by sixty percent (60%); therefore, a coastal permit is required for the new development. However, the geologic hazards for this site remain similar for any structure; and the increase in lot size achieved by combining the two subject parcels will result in an overall reduction in density from what was previously existing on-site and may actually result in a reduction in the risk of earth movement.

Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have prepared reports and provided recommendations to address the specific geotechnical conditions related to the site. The *Geotechnical Engineering Reconnaissance Report - Proposed Remedial Residential Fire Re-Build - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated December 10, 1995, states:

> ***[T]he site is located in the Big Rock Landslide, and the overall stability of the site will be directly related to the stability of the adjacent area. ... At the time of our site reconnaissance, no evidence of recent damage, cracks, or other evidence of slope instability was observed. It should be noted that the future stability of the Big Rock Mesa Landslide can not be reliably predicted or modeled however...***

The 1995 RJR Engineering Group report concludes:

> ***It is the opinion of RJR Engineering Group that the site can be re-developed under the current City guidelines for fire re-builds as discussed above. The proposed remedial re-development, as planned, will not decrease the stability of the site or surrounding areas, relative to the conditions that existed at the time of the fire. It should be noted that the future stability of the Big Rock Landslide can not be reliably predicted or modeled, however, as the mitigate measures recommended by Bing Yen & Associates will further increase the factor of safety against renewed movement. More importantly, it should be recognized that the stability of the site can be directly affected by movement or condition changes that could occur in other portions of the Big Rock Mesa Landslide.***

This concluding statement is repeated nearly verbatim in the subsequent *Geotechnical and Geologic Update Report - 20173 Rockport Way; Malibu, California*, by RJR Engineering Group, dated November 15, 1999. The *Supplemental Comments Re: E.D. Michael November 21, 1995 Reconnaissance Geology Report for Fire Restoration - 20173 Rockport Way and adjacent Undeveloped Parcel, Big Rock Mesa area, Malibu, California*, by consulting geologist E.D. Michael, dated November 3, 1999, states:

> ***Except for the effects of a strong earthquake which are essentially unpredictable, it is my opinion that so long as the dewatering system for the Mesa is maintained and ground-water levels are kept low, the subject property should experience about the same degree of movement as it has during the previous 17 years. In my opinion, on this basis, further movement should be of the same mode and order of magnitude as experienced previously, i.e., without significant effect in the subject property, although a more adverse effect in response to an unusually severe storm season, or because of a reduction in the effectiveness of the existing dewatering system, might eventually occur. In this regard, an especially stiff design for the proposed structures seems highly desirable.***

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Three**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

However, because there remains some inherent risk in building on sites located within or near potentially active landslides, such as the subject site, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by **Special Condition Five**. 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 and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. It should be noted that an assumption of risk deed restriction for hazardous geologic conditions is commonly required for new development throughout the greater Malibu / Santa Monica Mountains region in areas where there exist potentially

hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or near sites under consideration.

The proposed evapotranspiration septic system extends across the two lots (APN #s 4450-11-29 and 4450-11-30) which are the subject of this coastal permit application. The evapotranspiration system is necessary because of the sensitive geologic nature of the Big Rock Mesa area with respect to groundwater and potential earth movement. ET septic systems require a larger land area than a standard system in order to disperse the effluent produced. In this case, the ET system has been designed to extend over the two adjoining parcels which are subject of this permit. The applicant has submitted an agreement and covenant deed restriction to hold the two properties as one parcel, but this covenant could conceivably be removed in the future. It is important to ensure continued functionality of the proposed septic system and the associated evapotranspiration fields to ensure geologic stability on-site and to protect downslope water quality. To ensure that the two subject lots are combined in perpetuity in order to provide an adequate area for the septic system, the Commission finds it necessary to require the applicant to legally merge the two subject parcels, as required by **Special Condition Six**, in order to ensure that the proposed septic system functions properly in the future and is not jeopardized by further residential development on the lower parcel.

The project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. The applicant's geologic / geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. The building pad area is gently sloping but is surrounded by steeper descending slopes to the west. Because of these slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through velocity reduction and/or other best management practices (BMPs). To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions One, Two, and Three**, to submit landscaping / erosion control and drainage plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

Erosion and sedimentation can also be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. The applicant has estimated 2,590 cu. yds. of grading including 520 cu. yds. of cut, 460 cu. yds. of fill, and 1,610 cu. yds. of removal / recompaction which equates to a net export of 60 cu. yds. of dirt. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, streams, rivers, and the ocean. Therefore, **Special Condition Four** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site and roadways be removed from the site and properly disposed of.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the geological stability of the site. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. Long-term erosion can also be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants, compatible with the surrounding environment.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that non-native and invasive plant species do not serve to stabilize slopes and that such vegetation results in potentially adverse effects to the stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Also, 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 caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees originating from other continents which have been used for landscaping in this area have already seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition One**.

Finally, the Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the property. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through an assumption of risk deed restriction, as incorporated in **Special Condition Five**, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states that:

> ***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.***

The subject site is located in the developed Big Rock Mesa subdivision and is bordered by other residential parcels to the south, east, and west. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic highways. The Commission also examines the building site and the size of the proposed structure. Staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the neighboring residential development. The Pacific Ocean (Santa Monica Bay) is visible from the subject property, but there is no white-water or beach view. The subject site is not visible from Pacific Coast Highway. The proposed residence will use the existing graded pad and foundation area in order to minimize landform alteration, and the majority of the grading is for removal / recompaction in order to excavate the basement into the existing pad area. Furthermore, the proposed building plans are substantially in character with the type and scale of development in the surrounding area. The proposed project, therefore, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. The Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. 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, construction of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as additional 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, and minimizing alteration of natural streams.***

As described previously, the proposed project includes the construction of a new, 6,189 sq. ft., 28 ft. high, two-story single family residence (SFR) with an 897 sq. ft. basement, a 797 sq. ft. attached 3-car garage, a 120 sq. ft. utilities shed, a swimming pool / spa, a grove of citrus trees, and an evapotranspiration septic system to replace a 3,880 sq. ft. home destroyed by wildfire. The project includes two 6-foot retaining walls and 2,590 cu. yds. of grading (520 cut, 460 fill, 1,610 removal / recompaction). The continued conversion of the project site from its natural state will increase the amount of impervious coverage and reduce the naturally vegetated area on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. Further, use of the site for residential purposes may introduce potential sources of pollutants such as petroleum, household cleaners and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The subject property is sloping and encompasses significant elevation change from the western to the eastern property boundaries. Because of these slopes on-site, the increase in impervious coverage, and the resultant potential for significant water velocities, soil erosion, and pollutant transport, it is important to adequately control site drainage through velocity reduction and/or other best management practices (BMPs). 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. Methods such as vegetated filter strips, gravel filters, and other media filter devices decrease water velocity and provide some treatment of stormwater. The slower flow of runoff allows sediment and other pollutants to be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

The project is conditioned to implement and maintain a drainage plan designed to ensure that runoff is conveyed in a non-erosive manner. This drainage plan is required in order to make certain that risks from geologic hazard are minimized and that erosion and sedimentation is minimized. In order to further ensure that runoff is conveyed off-site in a non-erosive manner and to minimize the volume, velocity, and pollutant load of stormwater leaving the developed site thereby ensuring that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through **Special Condition Two**, to submit a drainage and polluted runoff control plan, designed by a licensed engineer, for review and approval by the Executive Director, which incorporates filter elements that intercept and/or treat the runoff from the site and to assume responsibility for the maintenance of all drainage devices on-site. Such a plan will allow for the 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. These flows carry the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains and the resultant installation of septic systems may contribute to adverse health effects and geologic hazards in the local area. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. In fact, the use of an evapotranspiration system, as proposed, is preferable in areas with a history of earth movement, such as the Big Rock Mesa neighborhood, because ET systems use "gray" water for landscaping thereby permitting less seepage into groundwater than a standard septic drainfield. The applicant has submitted in-concept approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the Uniform Plumbing Code. The City of Malibu minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources.

The proposed evapotranspiration septic system extends across the two lots (APN #s 4450-11-29 and 4450-11-30) which are the subject of this coastal permit application. The evapotranspiration system is necessary because of the sensitive geologic nature of the Big Rock Mesa area with respect to groundwater and potential earth movement. The applicant has submitted an agreement and covenant to hold the two adjoining properties as one parcel, but this agreement could potentially be broken in the future. It is important to ensure continued functionality of the proposed septic system and the associated evapotranspiration fields to ensure geologic stability on-site and to protect downslope water quality. Since the proposed septic system extends across both lots, the Commission finds it necessary to require the applicant to legally combine the lots, as required by **Special Condition Six**, in order to ensure that the proposed septic system functions properly in the future and is not jeopardized by further residential development on the lower parcel. The Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

> ***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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200). ...***

Section 30604(a) of the Coastal Act stipulates 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 development will not create significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for the City of Malibu 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 (CEQA)

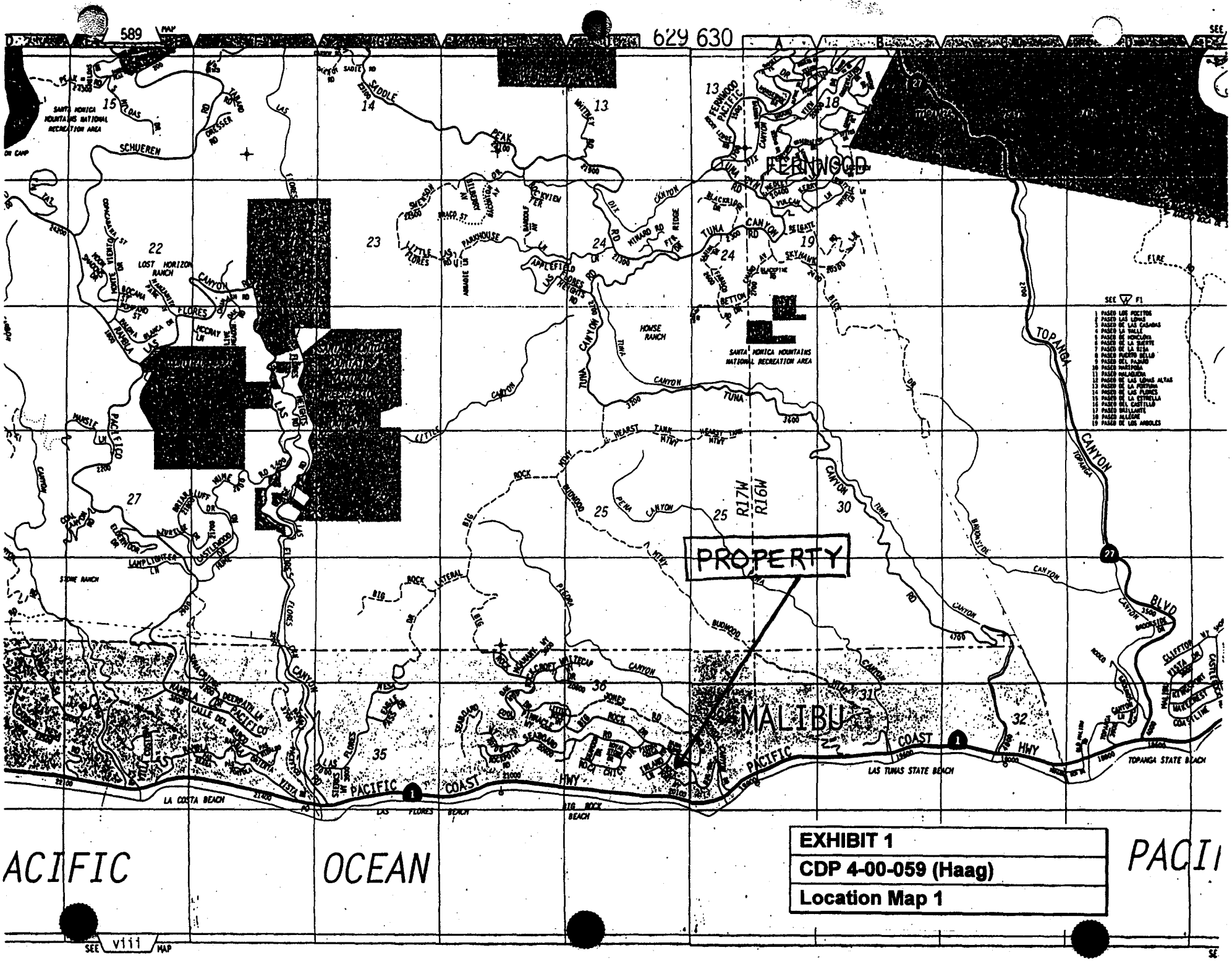
Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures

available which would substantially lessen any significant adverse effect 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.

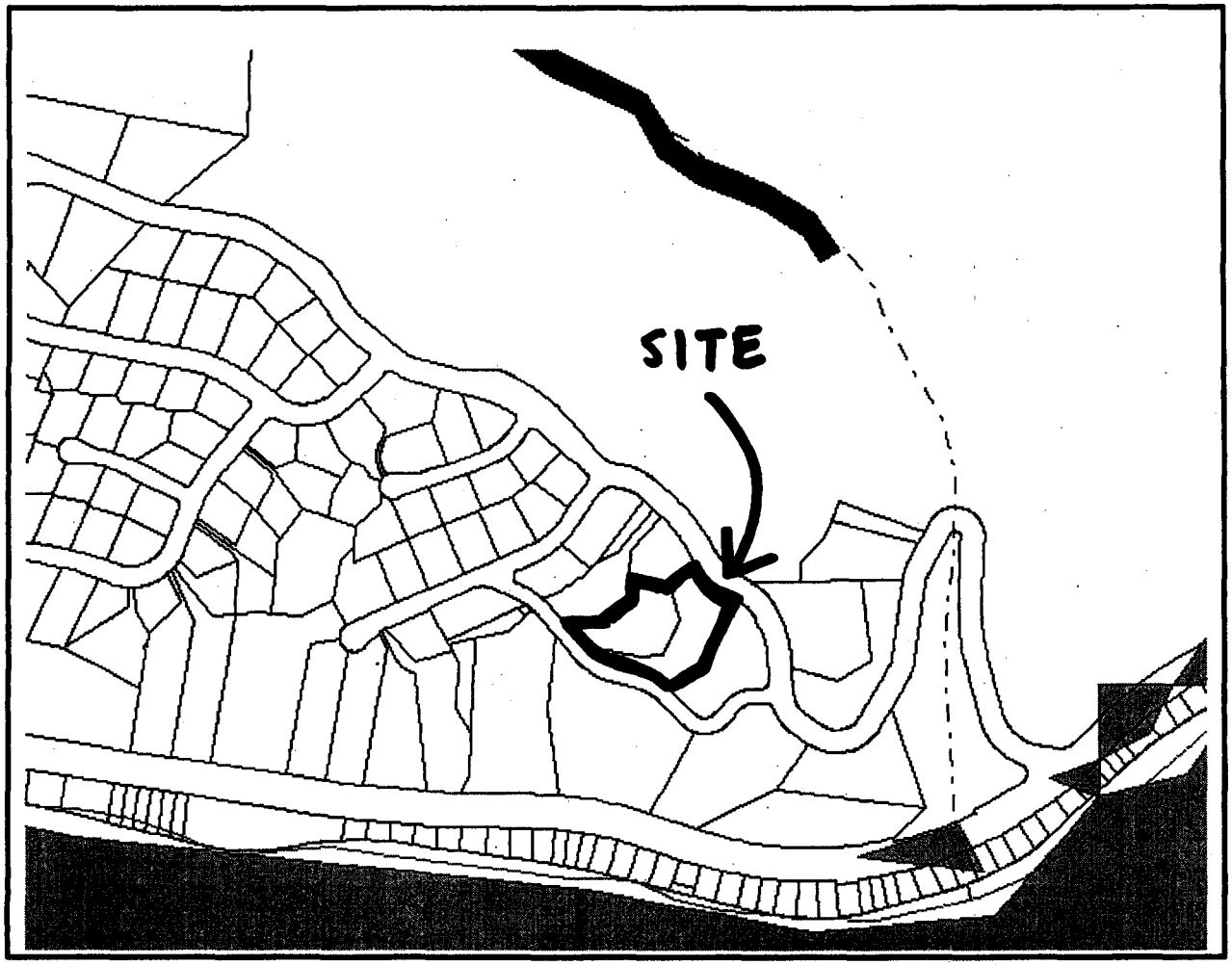
BCM/bcm

File: BCM/permits/4-00-059 Haag


PROPERTY
MALIBU
PACIFIC COAST HWY
PACIFIC OCEAN
EXHIBIT 1
CDP 4-00-059 (Haag)
Location Map 1

ESRI ArcExplorer 1.1

4-00-059 Haag (20173 Rockport Way)



- Malibu City Boundary
- LA-Ventura County Boundary
- Trails - LA County LUP
- Blue Line Streams
- shoreline
- czbdy
- laprcls
- esha
- Small lot subdivisions
- Ocean

N

EXHIBIT 2
CDP 4-00-059 (Haag)
Location Map 2

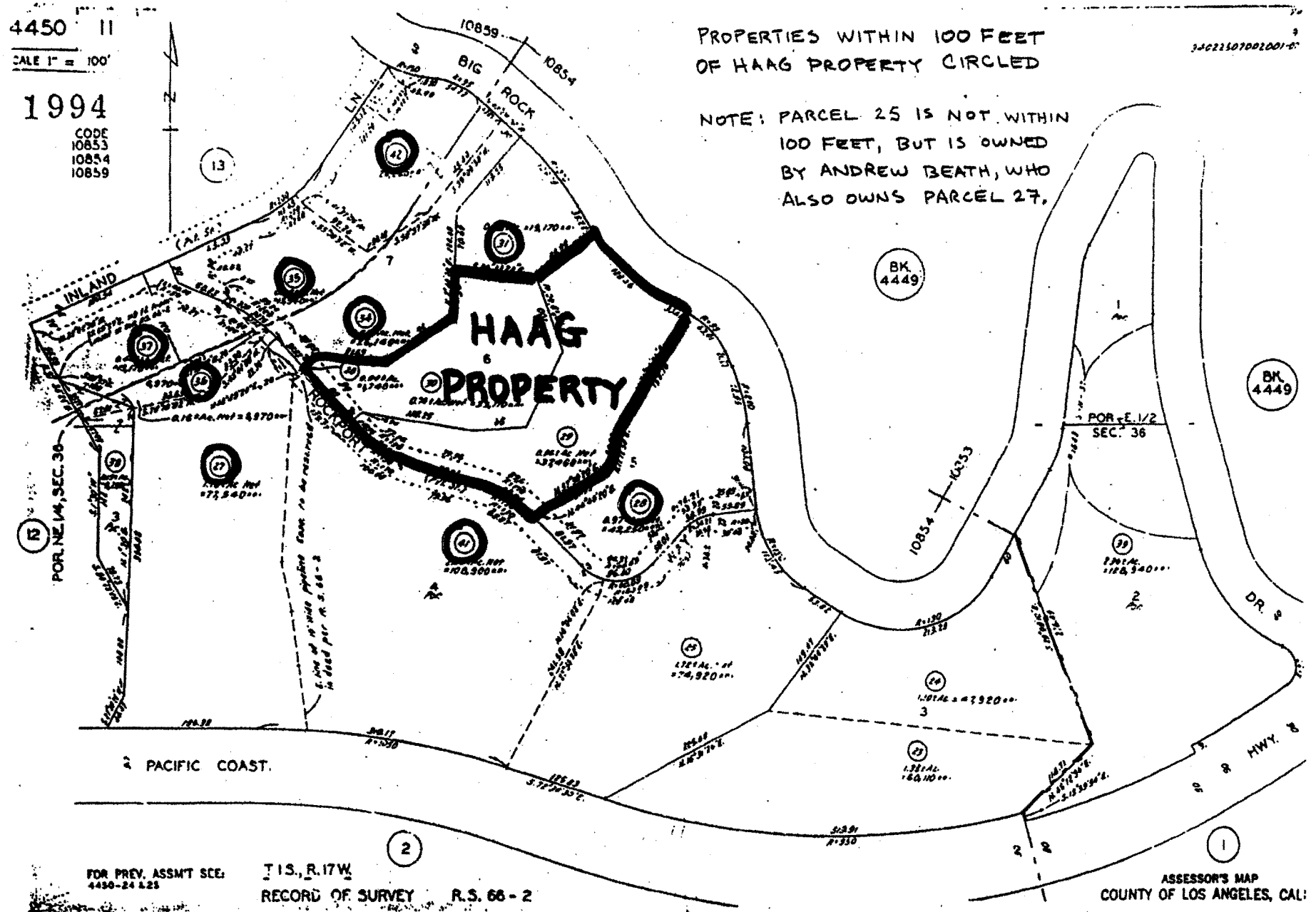
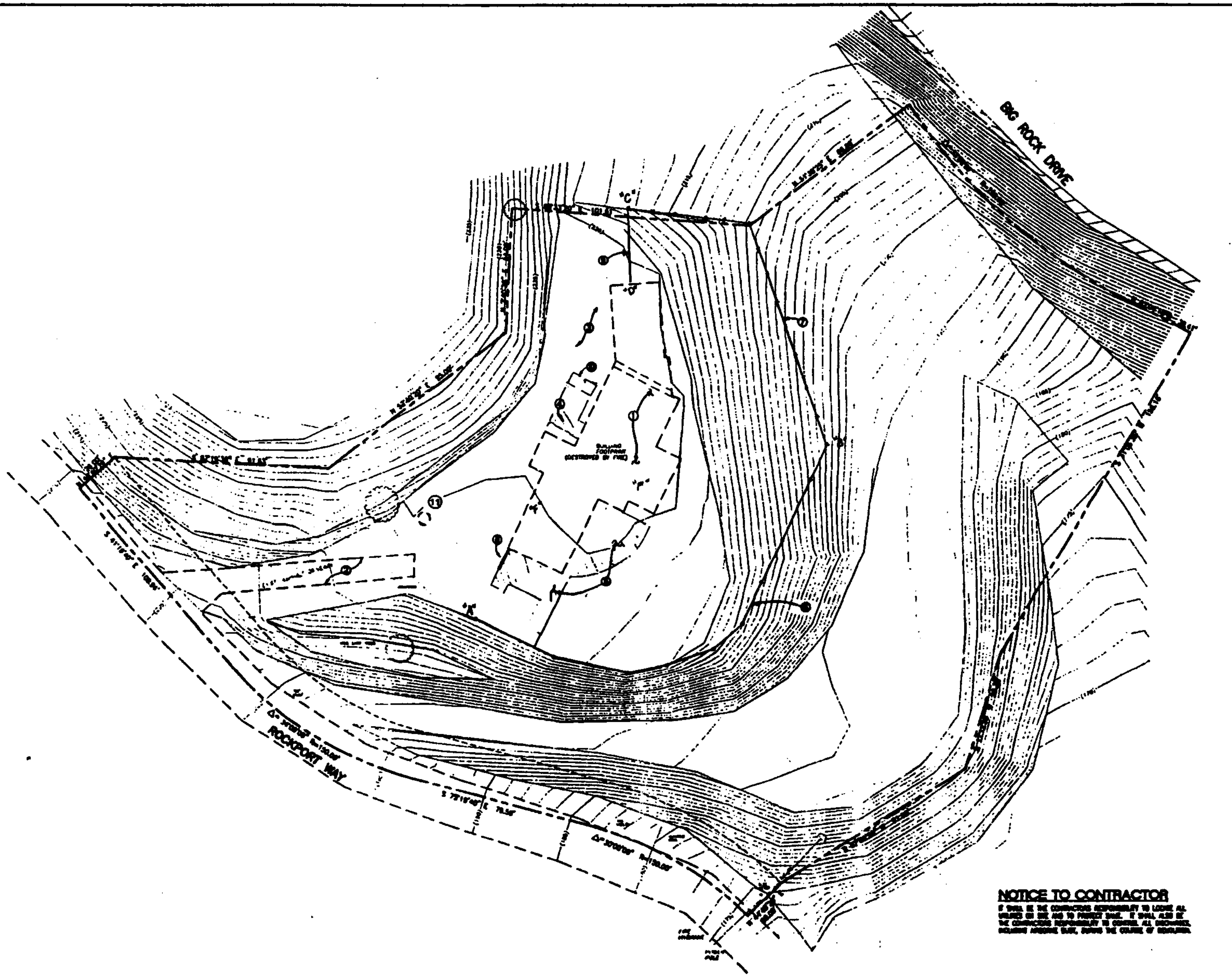


EXHIBIT 3
CDP 4-00-059 (Haag)
Parcel Map



IMPROVEMENTS REMAINING AFTER THE 11/2/93 FIRE

1. House And Garage Foundation (And Fireplaces = F)
2. Blacktop Driveway
3. Concrete Driveway
4. Front Brick Patio
5. Back Brick Patio
6. Metal Fence (Points "A" To "B")
7. Chain Link Fence (Points "B" To "C")
8. Brick Patio Wall
9. Short Patio Fence
10. Septic Tank (Underground)
11. Cess Pit (Underground)

Items To Be Demolished Initially

① ③ ④ ⑤ ⑧ ⑨ ⑩

Items To Be Demolished At End Of Construction

② = To Be Replaced

Items To Remain Until Replaced

⑥ ⑦

ITEMS TO BE USED ⑪

THE HAAG'S PROPERTY

APN's 4460-011-030 and -011-029

Previously The Mosers

20173 Rockport Way

Malibu

3/24/98 JLM (Revised JRH 8/24/01)

This lot is a portion of Parcel 6 in Record of Survey (L.A. County) Book 66 Page 2.

UNDERGROUND SERVICE ALERT

EXHIBIT 4

CDP 4-00-059 (Haag)

Demolition Plan

DEMOLITION PLAN

HAAG RESIDENCE

20173 ROCKPORT WAY, MALIBU

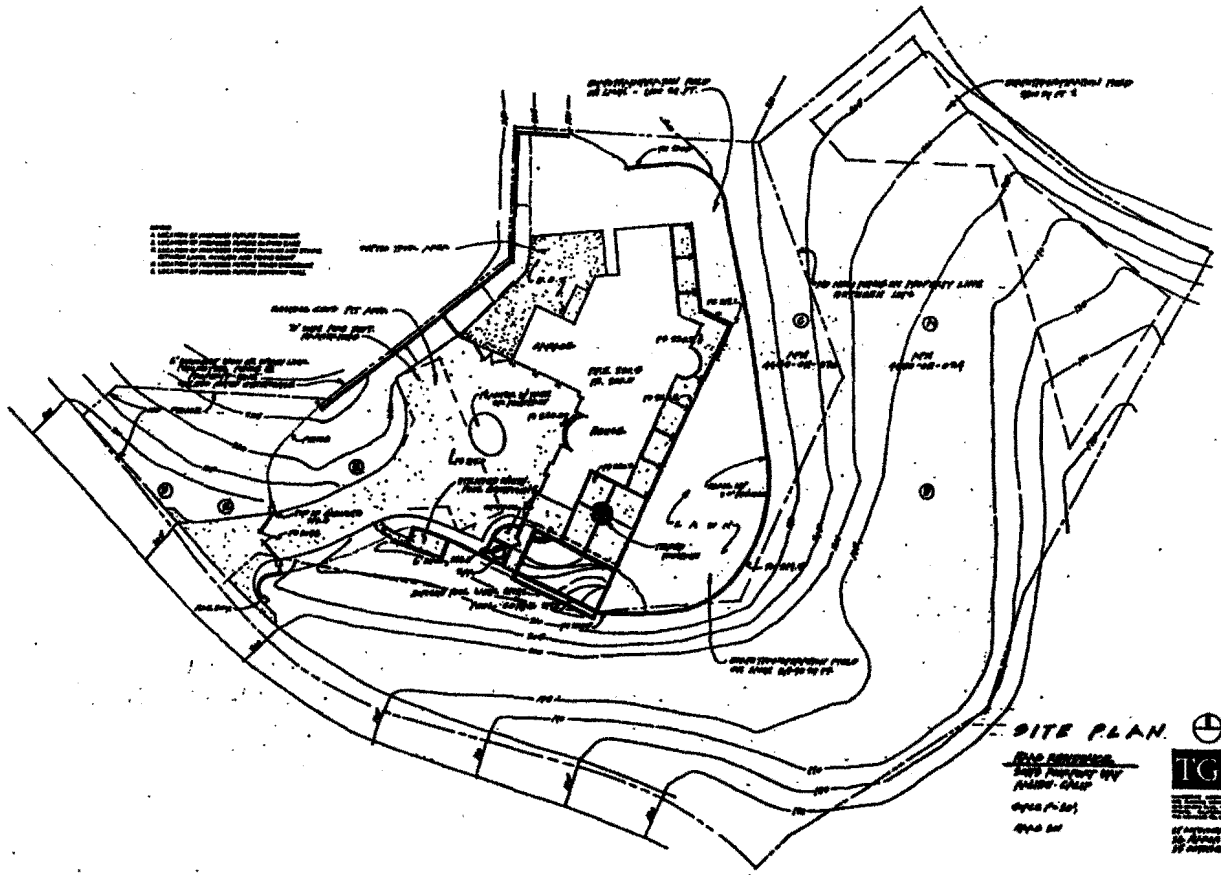
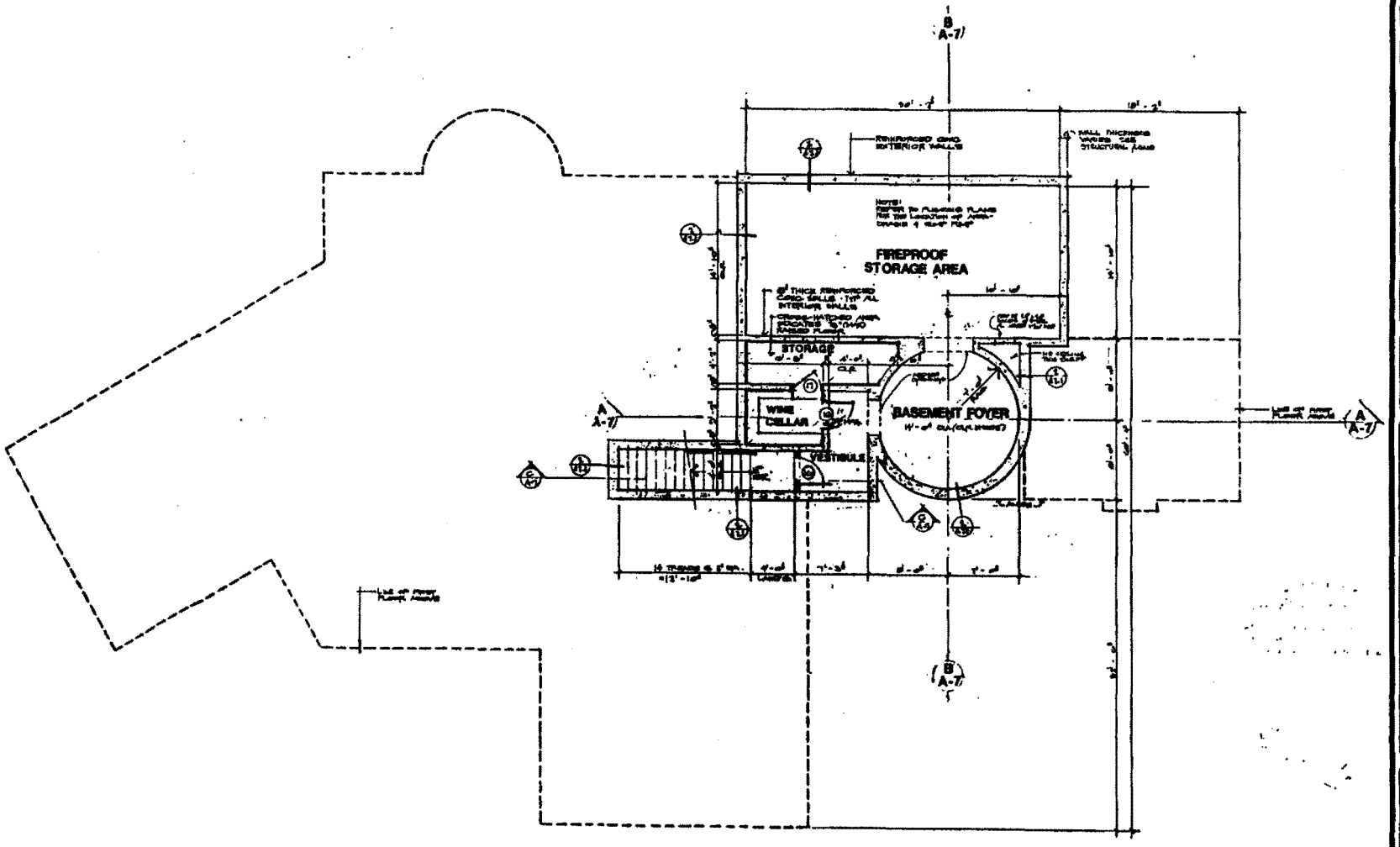


EXHIBIT 5
CDP 4-00-059 (Haag)
Site Plan

NEW RESIDENCE PROPOSED RESIDENCE FOR:
MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL & ASSOCIATES, INC.
ROBERT L. EARL, AIA, ARCHITECT

L-1



FLOOR PLAN FOR BASEMENT LEVEL

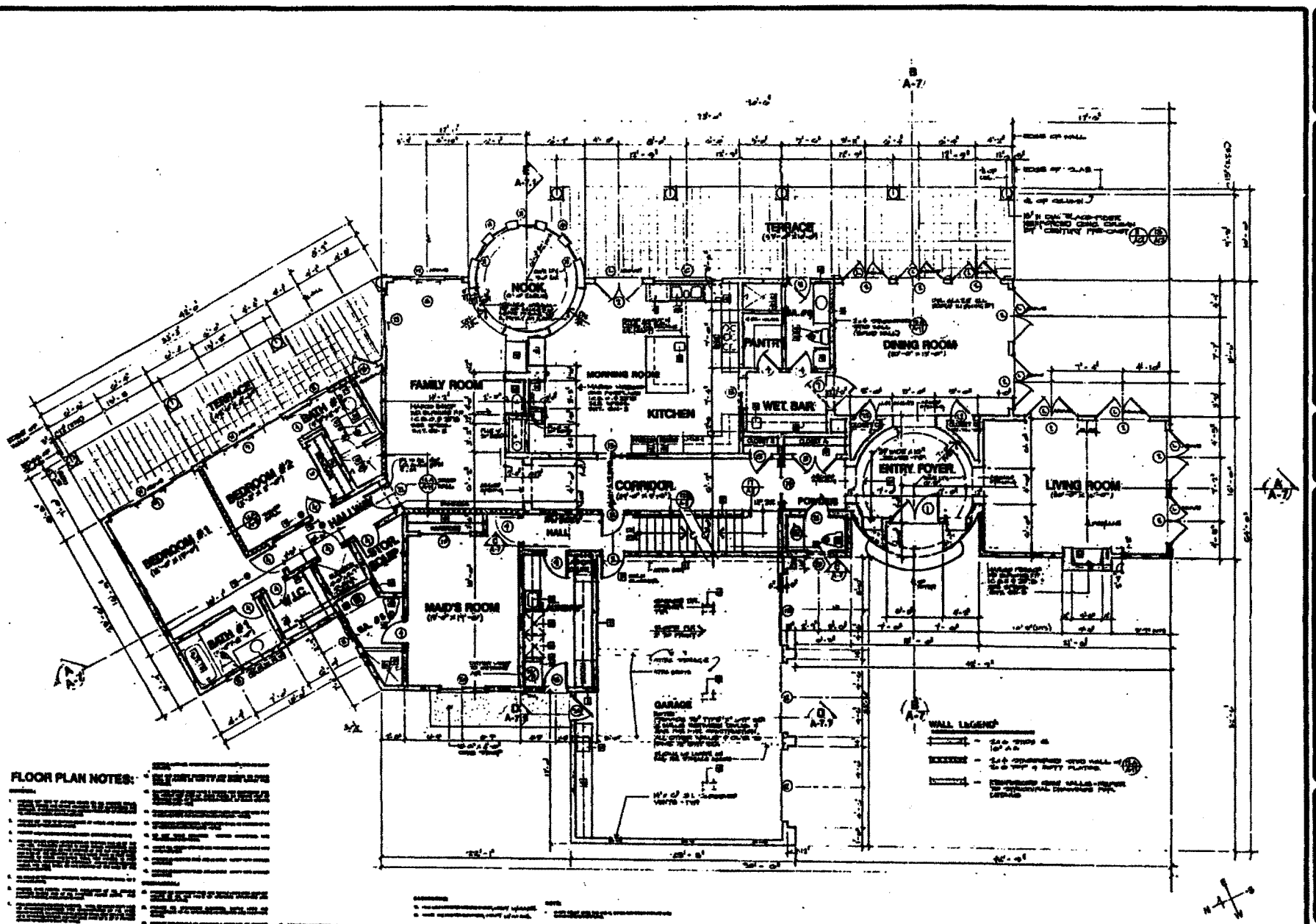
NOTE: REFER TO STRUCTURAL PLANS FOR ALL DETAILS AND CONDITIONS.

EXHIBIT 6
CDP 4-00-059 (Haag)
Floor Plan - Basement

FIRE REBUILD PROPOSED RESIDENCE FOR:
MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL, AIA, ARCHITECT
& ASSOCIATES, INCORPORATED

DATE 1 OCT. 99
DRAWN A.R.
JOB 1104
SHEET A-1



FLOOR PLAN NOTES:

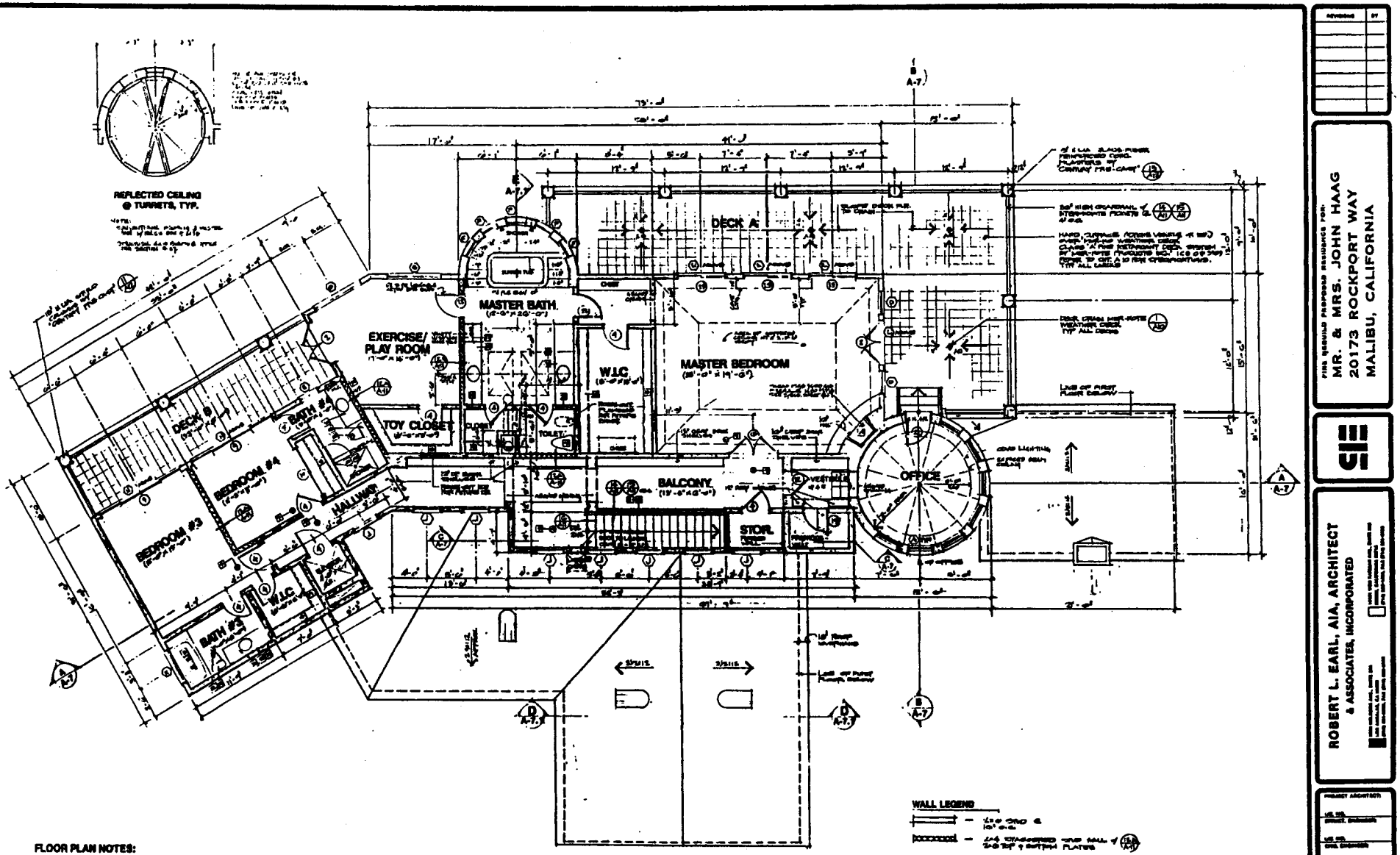
EXHIBIT 7
CDP 4-00-059 (Haag)
Floor Plan - Main Floor

FLOOR PLAN FOR MAIN FLOOR LEVEL

FOR PERMIT PROGRESS DRAWINGS FOR:
MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL, AIA, ARCHITECT
& ASSOCIATES, INCORPORATED

DATE 1 OCT. 99
DRAWN A.R.
JOB 1104
SHEET A-2



FLOOR PLAN NOTES:

FLOOR PLAN FOR SECOND FLOOR LEVEL

EXHIBIT 8
CDP 4-00-059 (Haag)
Floor Plan - Second Floor

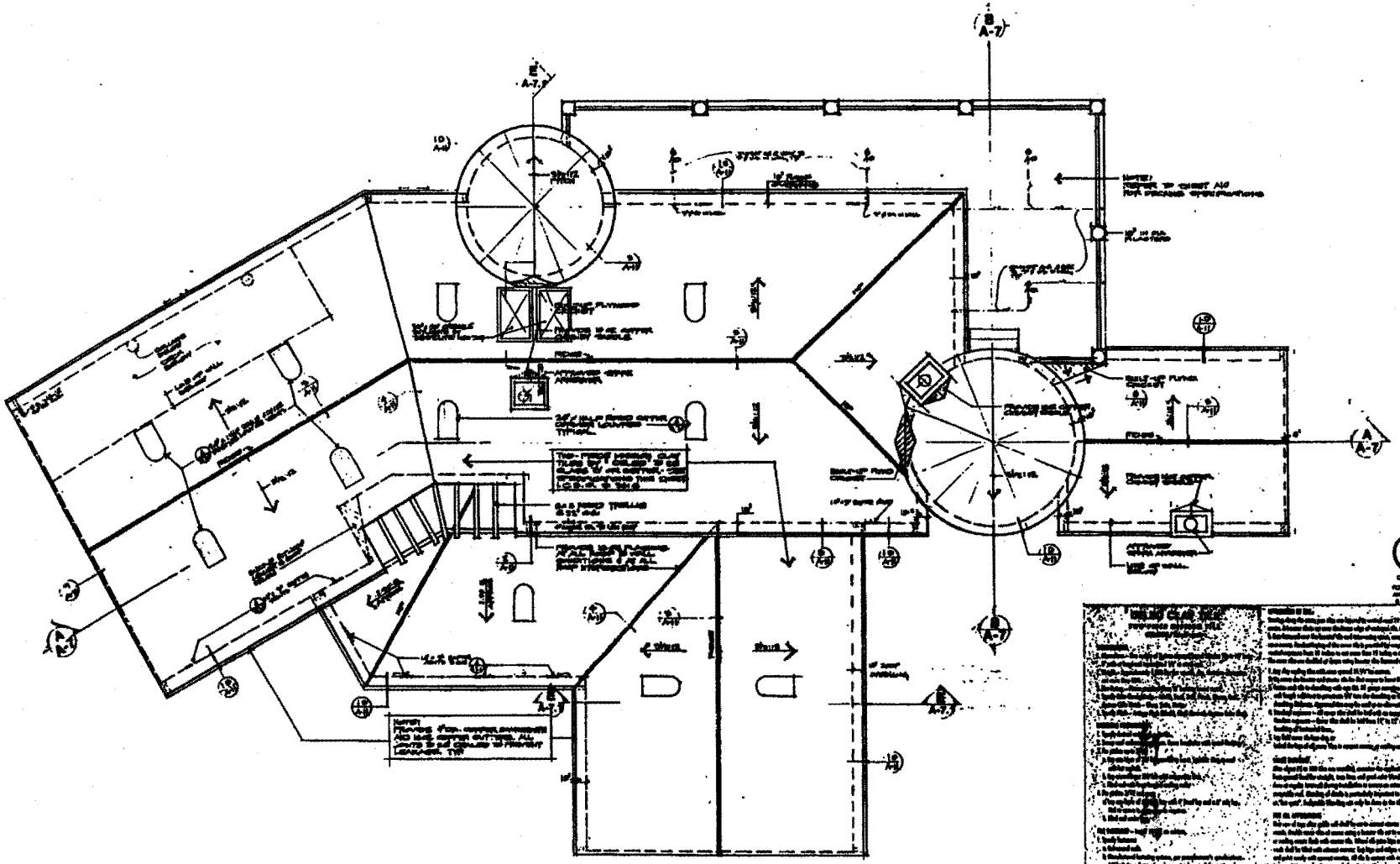
FINAL REVISED PROPOSED RESIDENCE FOR:
MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL, AIA, ARCHITECT
& ASSOCIATES, INCORPORATED

1 OCT. 99

1104

A-3



ROOF PLAN

ATTIC VENTING CALCULATIONS

EXHIBIT 9
CDP 4-00-059 (Haag)
Roof Plan

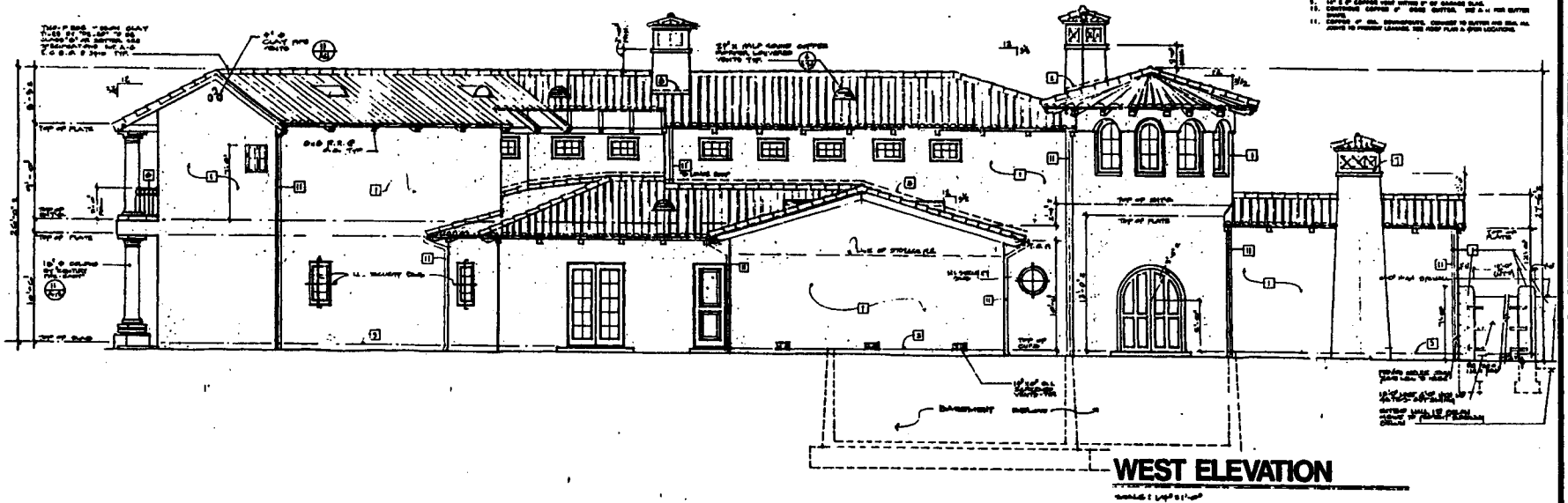
FOR BIDDING PROPOSED RESIDENCE FOR:
MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL, AIA, ARCHITECT
& ASSOCIATES, INCORPORATED

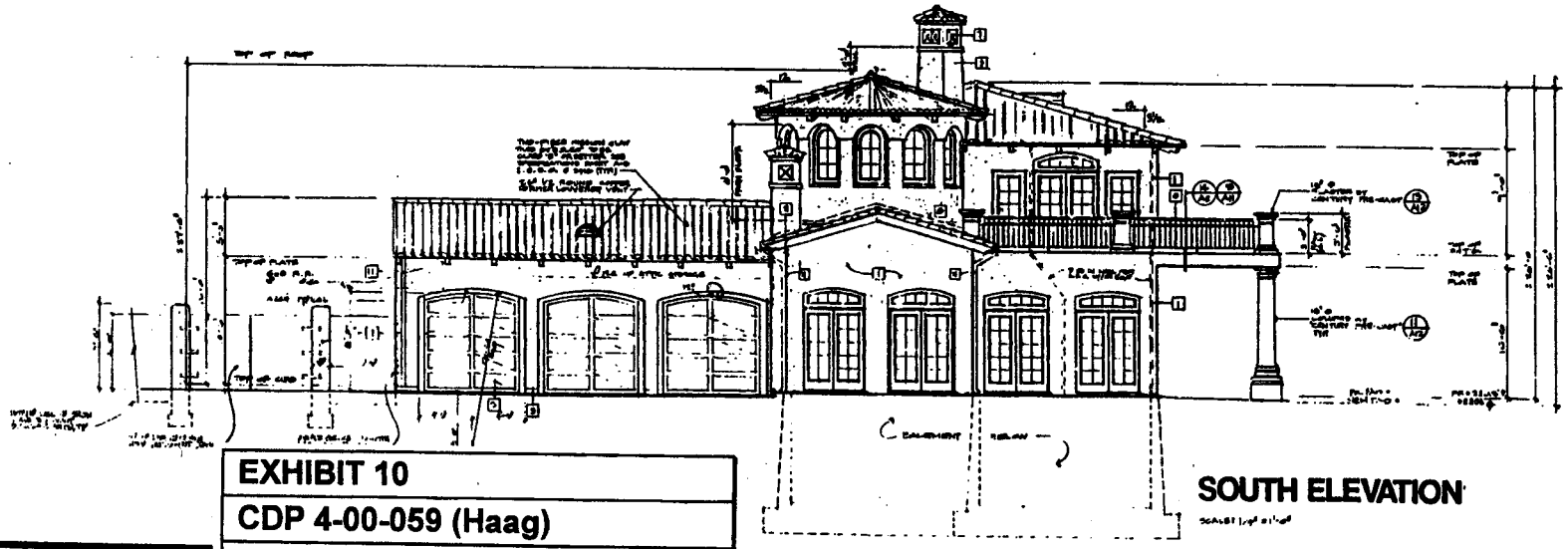
DATE 1 OCT 99
DRAWN A.R.

A-4

EXTERIOR ELEVATION NOTES:



WEST ELEVATION



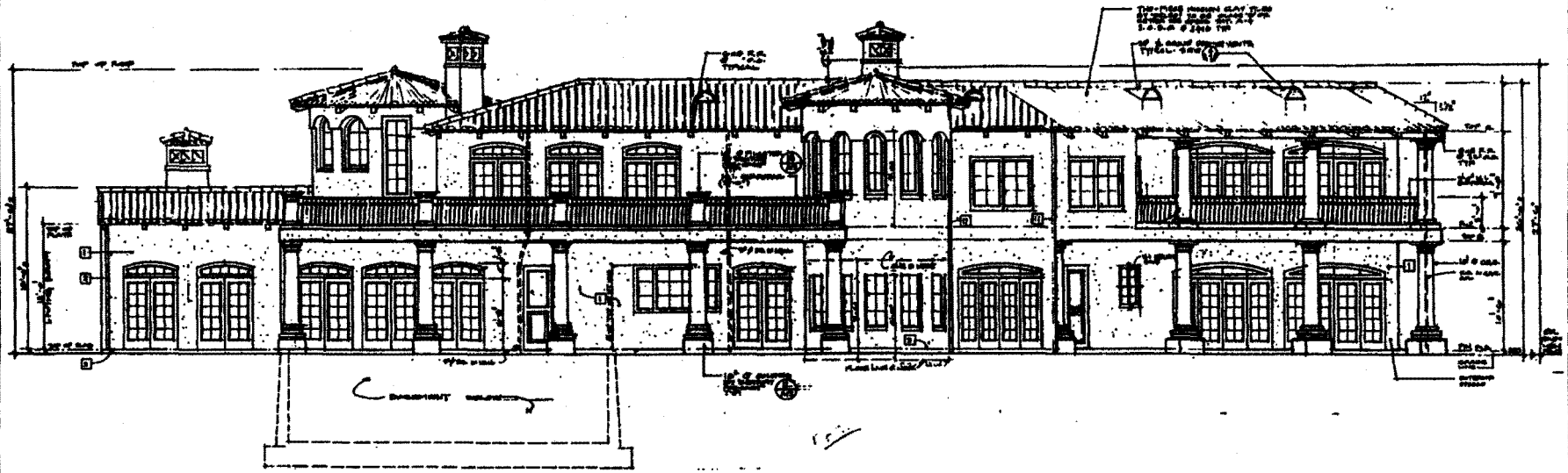
SOUTH ELEVATION

EXHIBIT 10
CDP 4-00-059 (Haag)
W/S Elevations

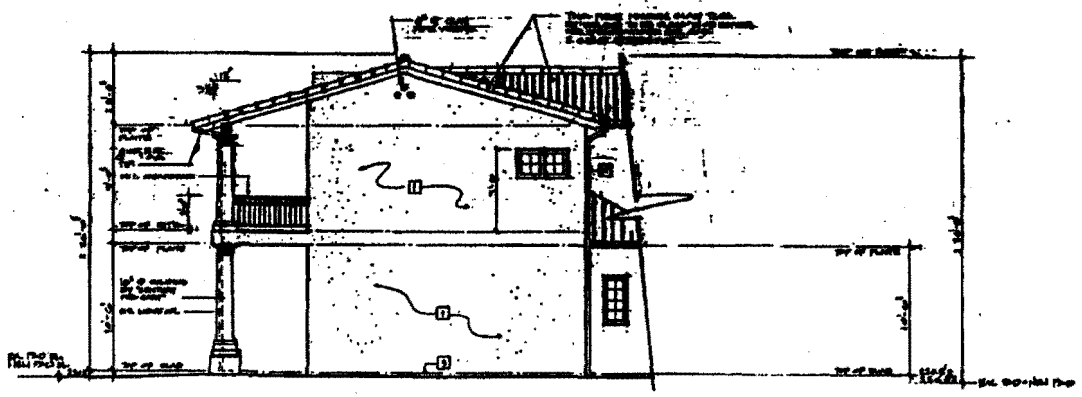
FIRE REBUILD PROPOSED RESIDENCE FOR:
MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL, AIA, ARCHITECT
& ASSOCIATES, INCORPORATED

DATE 1 OCT. 99
JOB 1104
SHEET A-5



EAST ELEVATION



NORTH ELEVATION

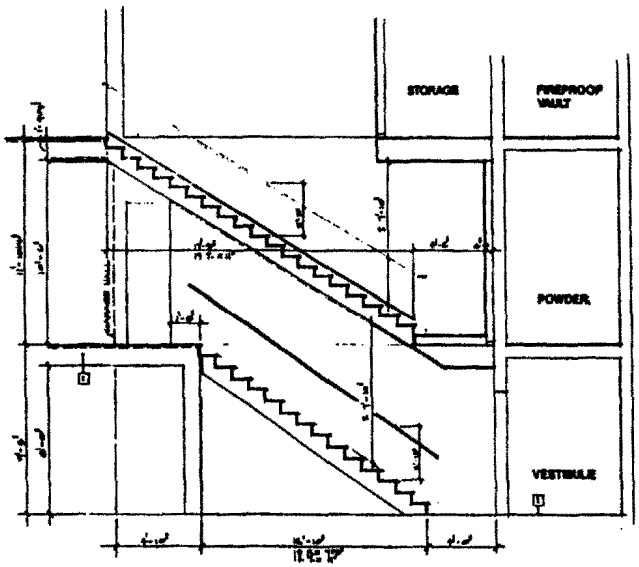
EXTERIOR ELEVATION NOTES:

EXHIBIT 11
CDP 4-00-059 (Haag)
E/N Elevations

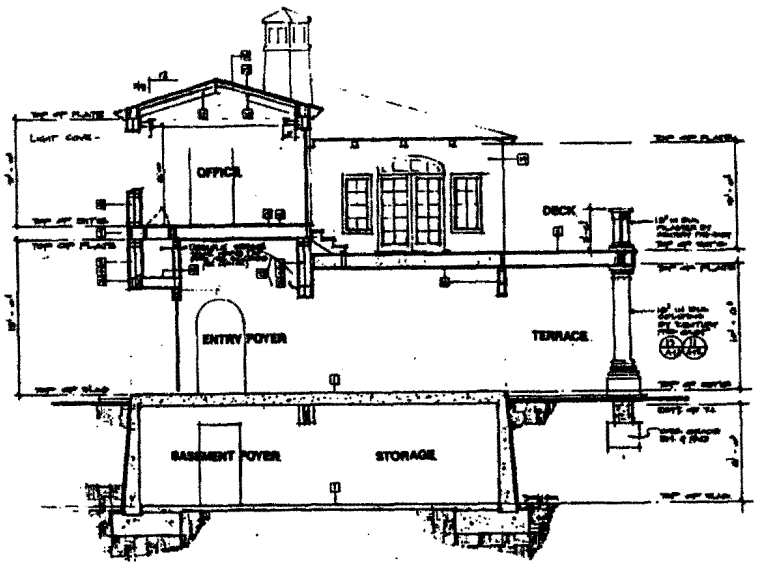
THE RESIDENCE FOR MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL, AIA, ARCHITECT
& ASSOCIATES, INCORPORATED

A-6

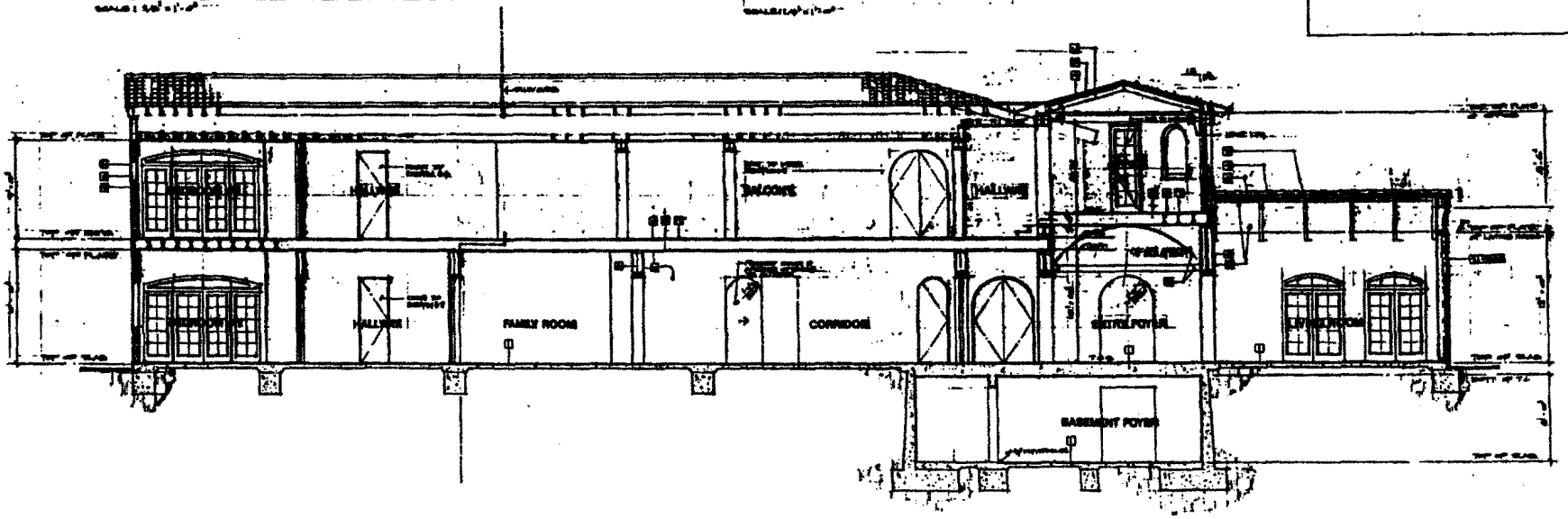


STAIR SECTION C-C



BUILDING SECTION B-B

SECTION NOTES:



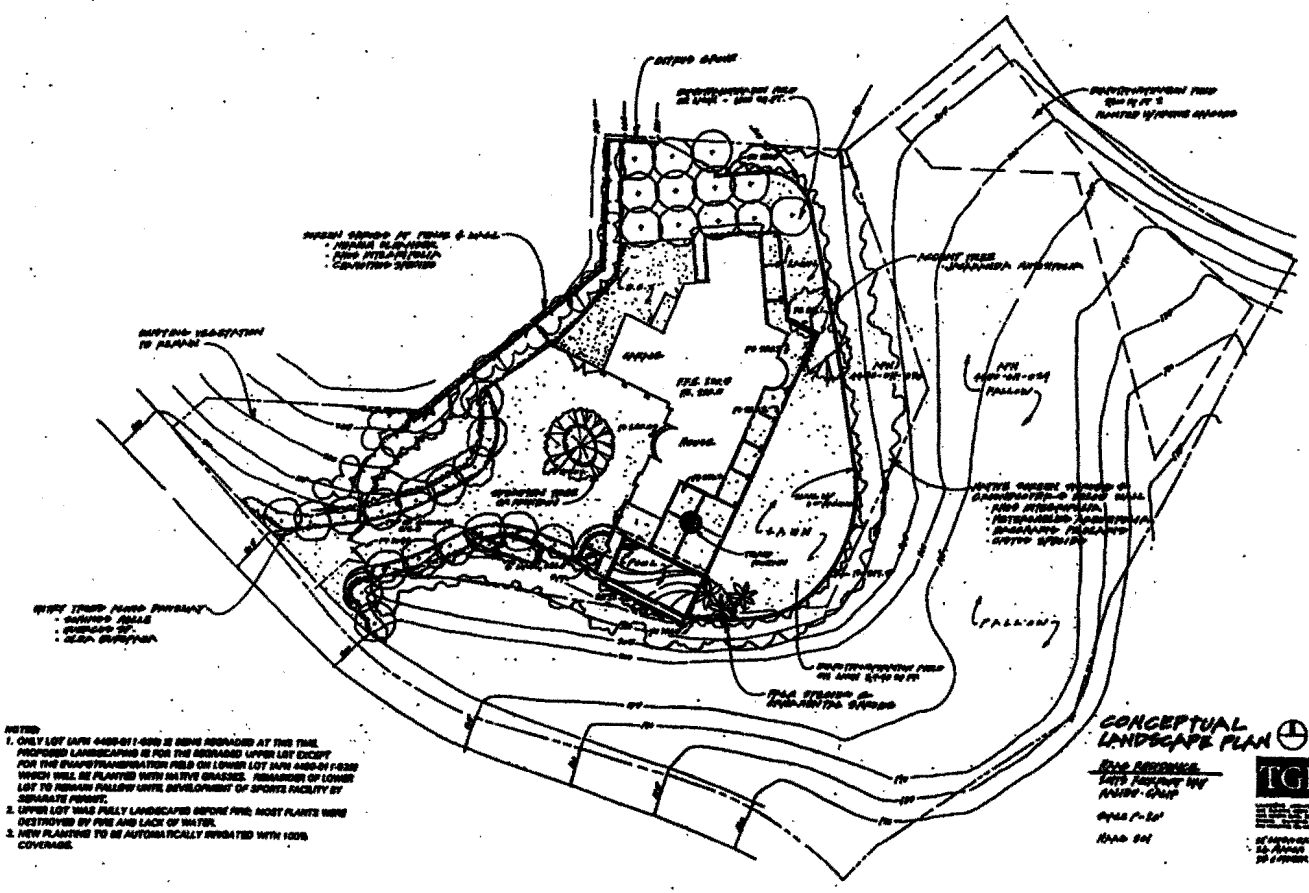
BUILDING SECTION A-A

FOR REVISED PROPOSED ASSURANCE FOR:
MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL, AIA, ARCHITECT
& ASSOCIATES, INCORPORATED

DATE 1 OCT. 99
SCALE 1/4"=1'
DRAWN POL
APPROVED
JOB 1104
SHEET A-7

EXHIBIT 12
CDP 4-00-059 (Haag)
Sections



CONCEPTUAL LANDSCAPE PLAN

TGP

NOTES:
1. ONLY LOT (APN 4469-011-029) IS BEING REGRADED AT THIS TIME. PROPOSED LANDSCAPING IS FOR THE REGRADED UPPER LOT EXCEPT FOR THE EVAPOTRANSPIRATION FIELD ON LOWER LOT (APN 4469-01-030) WHICH WILL BE PLANTED WITH NATIVE GRASSES. REMAINDER OF LOWER LOT TO REMAIN FALLOW UNTIL DEVELOPMENT OF SPORTS FACILITY BY SEPARATE PERMIT.
2. UPPER LOT WAS FULLY LANDSCAPED BEFORE FIRE; MOST PLANTS WERE DESTROYED BY FIRE AND LACK OF WATER.
3. NEW PLANTING TO BE AUTOMATICALLY IRRIGATED WITH 100% COVERAGE.

EXHIBIT 13
CDP 4-00-059 (Haag)
Landscape Plan

FIRE REBUILD PROPOSED RESIDENCE FOR:
MR. & MRS. JOHN HAAG
20173 ROCKPORT WAY
MALIBU, CALIFORNIA

ROBERT L. EARL & ASSOCIATES, INC.
ROBERT L. EARL, AIA, ARCHITECT

JOB 1104

L-2