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**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

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 Hearing Date: 9/12-15/00  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.** 4-00-141**APPLICANT:** Malibu Investors **AGENT:** John Kilbane**PROJECT LOCATION:** 27495 Latigo Bay View Drive, City of Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construct a 6,011 sq. ft., two story, 28-foot high, single family residence, with three car attached garage, 387 sq. ft. guest unit, swimming pool, septic system, and 505 cu. yds. of grading (359 cu. yds. cut and 146 cu. yds. fill) to be disposed of outside the coastal zone.

<b>Lot Area:</b>	308,404 sq. ft.
<b>Building Coverage:</b>	3,893 sq. ft.
<b>Pavement Coverage:</b>	4,453 sq. ft.
<b>Landscaped Area:</b>	300,058 sq. ft.
<b>Parking Spaces:</b>	3 covered
<b>Plan Designation:</b>	Residential I, One du/1 acre
<b>Project Density:</b>	One du/7 acre
<b>Height above existing grade:</b>	28 feet

**LOCAL APPROVALS RECEIVED:** Approval in Concept, City of Malibu Planning Department, dated 6/5/00; In Concept Approval (Septic System), City of Malibu Environmental Health Department, dated October 29, 1999; Los Angeles County Fire Department, Fuel Modification Plan, dated 2/7/00.

**SUMMARY OF STAFF RECOMMENDATION:**

The subject parcel is Lot 9, Tract 46851, of the 19-lot "Malibu Pacifica" subdivision located west of Latigo Canyon Road, in Malibu, approximately one mile north of Pacific Coast Highway. Lot 9 contains an approximate 17,000 square foot split level pad previously graded pursuant to the underlying permit for the subdivision (CDP 5-89-1149 (Thorne)). Staff recommends approval of the project with special conditions addressing Plans Conforming to Geologic Recommendations, Landscape and Erosion Control Plan, Removal of Natural Vegetation, Wildfire Waiver of Liability, Drainage and Polluted Runoff, Color Restriction, and Deed Restriction on Future Development.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains Land Use Plan, Coastal Development Permits 89-1149 (Thorne) and 4-98-275 through 277 and 4-00-058, -069 and -080 (Malibu Investors); Geosystems, Building Plan Review, 27495 Latigo Bay View Drive, October 1, 1999, Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, November 11, 1999 and February 15, 2000.

## **I. STAFF RECOMMENDATION**

**MOTION:** I move that the Commission approve Coastal Development Permit No. 4-00-141 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. 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. Plans Conforming to Geologic Recommendations**

- (a) All recommendations contained in the Geosystems, Building Plan Review, dated September 16, 1999 shall be incorporated into all final design and construction including recommendations concerning foundations, grading, drainage, erosion control, retaining walls (new and existing), site preparation, friction piles, general construction specifications and precautions, floor slabs, pavement, swimming pool subdrainage, and sewage disposal. All plans must be reviewed and approved by the geotechnical consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.
- (b) The final plans approved by the consultants 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 consultants shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial."

#### **2. Landscape and Erosion Control Plan and Fuel Modification**

- A. Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:
  - (1) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within sixty (60) days of receipt of the Certificate of Occupancy from Los Angeles County. To minimize the need for irrigation and to screen or soften the visual impact

of development, 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 February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, shall be repeated, if necessary, to provide the required coverage. This requirement shall apply to all disturbed soils including the existing graded pad and slopes. Plantings shall include vertical elements to screen and soften the visual impact of the residence and cabana as seen from Escondido Canyon.

- (2) Vegetation within 50 feet of the proposed house may be removed to mineral earth or planted in a zone of irrigated lawn or similar ground cover. Selective thinning, for purposes of fire hazard reduction shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The applicant shall submit evidence to the satisfaction of the Executive Director that the fuel modification plan required herein has been approved by the Los Angeles County Forestry Department.
- (3) All plantings 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 applicable landscape requirements.
- (4) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape or fuel modification plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal-Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (5) Should grading take place during the rainy season (November 1 – March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an approved dumping location.

**B. Monitoring Plan**

- (1) 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.

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

**3.           Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surroundings the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

**4.           Wild Fire Waiver of Liability**

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

**5.           Drainage and Polluted Runoff**

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 the consulting geotechnical engineer and engineering geologist to ensure the plan is in conformance with the consultants' 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 from the building site in a non-erosive manner.
- (c) The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- (d) The plan shall include, for the review and approval of the Executive Director, a swimming pool drainage plan prepared by a licensed engineer that is adequate to drain the subject pool's volume of stored water at full capacity and shall specify that swimming pool drainage shall not be accomplished by pumping the drained effluent onto adjacent open areas or slopes.

**6. Color Restriction**

The color of the structures, roofs, and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

7. Future Improvements

This permit is only for the development described in coastal development permit No. 4-00-141. Pursuant to Title 14 California Code of Regulations Sections 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition 2, shall require an amendment to Permit No. 4-00-141 from the Commission or shall require an additional coastal development.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. 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.

8. Removal of Excavated Material

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

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 6,011 sq. ft., two story, 28-foot high, single family residence, with three car attached garage, 387 sq. ft. guest unit, swimming pool, septic system, and 505 cu. yds. of grading (359 cu. yds. cut and 146 cu. yds. fill) with the remainder of excess cut to be disposed of outside the coastal zone. The subject parcel is Lot 9 of Tract 46851, of the 19-lot "Malibu Pacifica" subdivision located west of Latigo Canyon Road, in Malibu, approximately one mile north of Pacific Coast Highway.

The proposed project site is located at 27495 Latigo Bay View Drive (APN 4460-035-009). The building site on the subject 308,404 sq. ft. parcel is an approximate 17,000 square foot graded pad. Much of the remainder of the parcel is in a recorded open space easement extending into Escondido Canyon which was required as part of the earlier permit to subdivide the parcel. The subject parcel is one of nineteen lots created

by the subdivision approved by the Commission in 1990 (CDP 89-1149 (Thorne)). Many of the parcels in the subdivision now known as "Malibu Pacifica", including subject parcel 9, are subject to extensive open space deed restrictions, and a geologic restricted use area affects Lots 7 and 8, but does not extend into Lot 9.

Further, the subject lot, along with lots 10, 11 and 12, was subject to a visual setback limiting height of buildings and structures in an area within 35 feet of the retaining wall. No structures were permitted in the first fifteen feet, and structures within the remaining twenty feet were limited to a maximum height of fifteen feet. No structure could exceed twenty-eight feet in height. The proposed development conforms to these height and setback requirements.

There are no United States Geological Survey (U.S.G.S.) designated "blue line" drainage courses within the subdivision. Escondido Canyon Creek, a U.S.G.S. blue line stream and Environmentally Sensitive Habitat Area (ESHA), flows roughly parallel to the western and southern site boundaries of the subdivision at distances from 300-700 lineal feet. The subject parcel drains in this direction. Escondido Canyon Creek contains environmentally sensitive habitats including a significant oak woodland, as well as the blue line stream and associated riparian area.

The Commission has approved development of a number of single family residences in this subdivision including coastal development permit 4-98-275 (Malibu Investors) and applications 4-00-058, 4-00-069 and -080 (Malibu Investors) approved at the July, 2000 Commission meeting. Previous applications reviewed by the Commission include: Lot 3, CDP 4-97-120 at 4765 Latigo Canyon Road; Lot 4, CDP 4-97-121 at 4767 Latigo Canyon Road; Lot 7, CDP 4-97-157 at 4775 Latigo Canyon Road; Lot 11, CDP 4-97-189 at 4771 Latigo Canyon Road; Lot 14, CDP 4-98-274 at 27457 Latigo Bay View Drive; Lot 16, CDP 4-98-275 at 27425 Calicut Road; Lot 18, CDP 4-98-277 at 27467 Calicut Road; Lot 17, CDP 4-98-276 at 27453 Calicut Road; and Lot 1, CDP 4-98-318 at 27460 Latigo Bay View Drive.

## **B. Geology and Fire Hazards**

Coastal Act Section 30253 provides that:

### **Section 30253.**

#### ***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 along bluffs and cliffs. ...***

In addition, the Malibu/Santa Monica Mountains LUP, which the Commission has certified and utilized as guidance in past permit decisions, contains policies applicable to the proposed project:

***P 147 Continue to evaluate all new development for impact on, and from, geologic hazard.***

***P 149 Continue to require a geologic report, prepared by a registered engineer...***

***P 156 Continue to evaluate all new development for impact on, and from, fire hazard.***

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains 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.

**1. Geology**

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The applicant has submitted geology reports by Geosystems including Building Plan Review, 27495 Latigo Bay View Drive, October 1, 1999 and Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, November 11, 1999 and February 15, 2000 .

As stated previously, the applicant proposes to construct a 6,011 sq. ft., two story, 28-foot high, single family residence, with three car attached garage, 387 sq. ft. guest unit, swimming pool, septic system, and 505 cu. yds. of grading (359 cu. yds. cut and 146 cu. yds. fill) with the excess to be disposed of outside the coastal zone. The proposed project would be sited on a previously constructed and graded approximate 17,000 square foot split level pad created under a prior permit (5-89-1149, Thorne). As such, the Commission in previous permit actions has already considered the underlying geologic stability and mitigation measures necessary to undertake the development of the approved, underlying subdivision.

The building pad is constructed on a south trending ridge that descends toward the west at a 2:1 gradient from the building pad toward Escondido Canyon on compacted fill slopes. The applicant proposes to excavate 359 cubic yards of material predominantly

to construct a swimming pool. The applicant states that the resultant debris will be disposed of at the Calabasas Landfill.

The Geosystems report makes numerous recommendations regarding site preparation, foundation and building setbacks, swimming pool drainage, sewage disposal, and other considerations potentially affecting site stability. The report concludes that:

It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the County Code, provided our recommendations are followed.

Based on the recommendations of the consulting geologists, therefore, the Commission finds that the proposed development, as conditioned herein, minimizes risks to life and property from geologic hazards and assures stability and structural integrity, as required by Section 30253 of the Coastal Act, so long as the recommendations set forth in the Geosystems report are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geologist and soils engineer as conforming to their recommendations (Special Condition 1).

Section 30253 of the Coastal Act states that new development shall not create or contribute significantly to erosion, in addition to other site stability issues addressed above. Special Condition 2 requires the applicant to submit for the Executive Director's approval landscape and fuel modification plans incorporating erosion control measures and providing for landscaping with suitable, locally native plant species. Established native plants, particularly chaparral shrub species, have deep root systems that hold soil in place and inhibit erosion. Use of the materials and methods required by that special condition will therefore stabilize the site immediately after disturbance and additionally protect against long-term site erosion. Temporary erosion control measures for implementation during the rainy season must also be incorporated into the landscape plan to protect excavated soils from erosion while construction is in progress.

The Commission notes that the use of native plants to landscape disturbed areas of the site (in addition to the use of native plants for overall landscape design), provides superior erosion control to that provided by more common applications, such as hydroseeding with non-native annual grasses as employed along roadcuts or burned areas. For these reasons, the Commission also finds it necessary to impose Special Condition 2 as a condition of approval of the proposed development, thereby ensuring that erosion is controlled and that native plants are appropriately utilized for slope stabilization and landscaping.

The slope extending into Escondido Canyon contains the open space designated by the underlying subdivision to the west of the building pad. Exhibit 1b illustrates this open space area. This area and portions of lots 7, 8, and 10 may be affected by fire clearance. Special condition number 3 is necessary to ensure that removal of natural

vegetation for the purpose of fuel modification does not take place without the proposed development being implemented. This will avoid unnecessary fuel modification without an underlying permitted development. Such fuel modification would be inconsistent with PRC Section 30253 provisions to ensure site stability and avoid potentially adverse impacts of erosion and sedimentation.

Therefore, for all of the reasons cited above, the Commission finds that the proposed project as conditioned by Special Conditions 1, 2 and 3 will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

## **2. Wild Fire**

Section 30253 of the Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, 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 his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Much of the Malibu Pacifica subdivision, including the applicant's parcel, burned during the 1993 Malibu Fire. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through Special Condition 4, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 4, the applicant agrees 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 or destruction from wild fire exists as an inherent risk. The Commission finds that only as conditioned by Special Condition 4 is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

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, 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 applicant proposes to construct a 6,011 sq. ft., two story, 28-foot high, single family residence, with three car attached garage, 387 sq. ft. guest unit, swimming pool, septic system, and 505 cu. yds. of grading (359 cu. yds. cut and 146 cu. yds. fill) to be disposed of outside the coastal zone. 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. As previously stated, the subject site drains toward Escondido Canyon and Creek, which is a designated ESHA.

The project plans include a surface drainage system designed by a civil engineer including rip rap water flow restrictors to accommodate anticipated runoff. However, the plans must address the Commission's concerns relative to water quality and polluted runoff. The removal of natural vegetation and placement of impervious surfaces associated with new residential development reduces infiltration of rainwater into the soil thereby increasing the rate and volume of runoff, which in turn causes increased erosion and sedimentation. Infiltration of precipitation into the soil reduces runoff and provides 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 and coastal waters 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, drainage and water pollution control 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 is returned to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. Slow surface 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 is greatly reduced.

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, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas on or near the site. 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, as specified in Special Condition 5. 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.

The Geosystems report states that the proposed pool will be provided with a subdrain system consisting of sand, a geomembrane, gravel, and a PVC drain outletted to the descending slope. This system is included in the application materials. However, the geotechnical report does not state how maintenance drainage of the swimming pool would be managed. Drainage of the swimming pool's full storage capacity onto the adjacent slope could saturate or erode the slope, resulting in destabilization and the potential failure of the slope. Consequently, the drainage and polluted runoff plan requirement must be augmented to require that the applicant ensure that maintenance or emergency drainage of the pool is directed to the paved streets and ultimately into the storm drain system through Executive Director's approval a swimming pool drainage plan prepared by a licensed engineer. The plan must specify, and show the means by which, all swimming pool drainage will be conducted to the street and storm drain system. Swimming pool drainage to open areas, or onto or within slope areas, is unacceptable.

The proposed development includes installation of an on-site septic system with a 2500 gallon tank to serve the residence. The 2500 gallon septic tank will be located on the northern side of the building pad, from which effluent from the septic system will be pumped and disposed of through septic pits. The applicants' engineering geologic consultants have evaluated the site relative to a potential septic system and conclude that the site is suitable for the septic system and that there will be no adverse impact to the site or surrounding area from use of the proposed septic system. Finally, the County

of Los Angeles Department of Health Services has approved the design of the proposed sewage disposal 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 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. ...***

In addition, the certified Malibu/Santa Monica Mountains LUP provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains and include: ***P 125 sited and designed relative to LCP-designated scenic highways, views to and along the shoreline, and scenic coastal areas; P129 designed and located for attractive appearance and harmonious relationship with the surroundings; P130 In highly scenic areas and along scenic highways, sited and designed to protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural land forms, conceal raw-cut slopes, compatible with and subordinate to the character the setting, and not intrude into the skyline as seen from public viewing places; P134 sited to conform to the natural topography.***

As described, the applicant proposes to construct a 6,011 sq. ft., two story, 28-foot high, single family residence, with three car attached garage, 387 sq. ft. guest unit, swimming pool, septic system, and 505 cu. yds. of grading (359 cu. yds. cut and 146 cu. yds. fill) to be disposed of outside the coastal zone. To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations from which the proposed development is visible, such as beaches, parks and trails. The Commission typically also examines the building site and the size of the structure.

The proposed development will be visible from portions of Escondido Canyon. Escondido Canyon contains the Escondido Falls Trail, a popular hiking trail, stream and waterfall. The Site is also visible from the coast, including Pacific Coast Highway, and from National Recreation Area Land to the west. Past Commission actions have

considered that development of single family residences in the subject subdivision creates a visual impact which must be mitigated appropriately.

The subject parcel 9, as noted above, along with lots 10, 11 and 12, was subject to a deed restriction providing for a visual setback limiting height of buildings and structures in an area with 35 feet of the retaining wall. No structures are permitted in the first fifteen feet, and structures within the remaining twenty feet are limited to a maximum height of fifteen feet. No structure could exceed twenty-eight feet in height. The proposed development, as noted previously, conforms to these requirements.

As noted previously, a large portion of the site is retained in open space. Although these previous deed restriction requirements ensure that the proposed residence has less potential visual impact on the above-described areas, the structure will still be visible. Further, later expansion of the structure has the potential to create adverse visual impacts unless subject to further Commission review. Additions to single family residences in this area would otherwise be exempt under Commission review under the administrative regulations.

The impact on public views can be mitigated by requiring that: the residence to be finished in a color consistent with the surrounding natural landscape; the windows of the proposed structure be of a non-reflective nature; and the driveway be colored in a manner that blends into the surrounding area. There is need to ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized. Therefore, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment, non-glare glass, and a natural colored driveway as required by Special Condition number six.

In addition, future developments or improvements to the property have the potential to create significant adverse visual impacts as seen from the surrounding area. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. Special Condition number seven, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Furthermore, visual impacts can be mitigated by requiring that the west facing slopes be adequately landscaped. The landscaping plan, discussed above, will include native, drought resistant plants and partially screen and soften the visual impact of the structure, as required by Special Condition number two. Plantings will also include vertical elements to screen and soften the visual impact of the residence and garage as seen from Escondido Canyon.

In summary, the proposed project as conditioned 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. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

**E. Cumulative Impacts of Second Residential Units**

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

***(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

Section 30252 of the Coastal Act states:

***The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.***

New development raises Coastal Act issues related to cumulative impacts on coastal resources. The proposed secondary residential unit on the site, where a larger, primary residence is proposed would intensify the use of a parcel, resulting in potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development relative to maintaining and enhancing public access to the coast by increasing demand for such facilities or impeding their use.



Based on these policies, the Commission has limited the development of second dwelling units on residential parcels in the Malibu and Santa Monica Mountain areas. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action and in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.), and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, pool house or cabana, caretaker's unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29). Therefore as a result, the Commission has found that guest houses, pool cabanas, or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The proposed project includes a 387 sq. ft. guest unit/cabana connected to the residence by a trellis. The guest unit contains a bathroom and wetbar and is of a design that could be used as a dwelling unit. The Commission finds that this unit may be used as a guest unit or a single family unit in the future. The Commission has many past precedents on similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. To ensure that no additions or improvements are made to the residence, which further intensifies the use, without due consideration of the potential cumulative impacts, it is necessary to require the applicant to record a future development deed restriction. The future development deed restriction requires that the applicant obtain an amended or new coastal permit if additions or improvements to the development and convert the proposed residence to a guest house.

For the above reasons, special condition seven addresses the concerns of the Coastal Act relative to cumulative impacts of development and capacity of public services. Only

through this special condition can the Commission find that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

**F. Local Coastal Program**

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

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

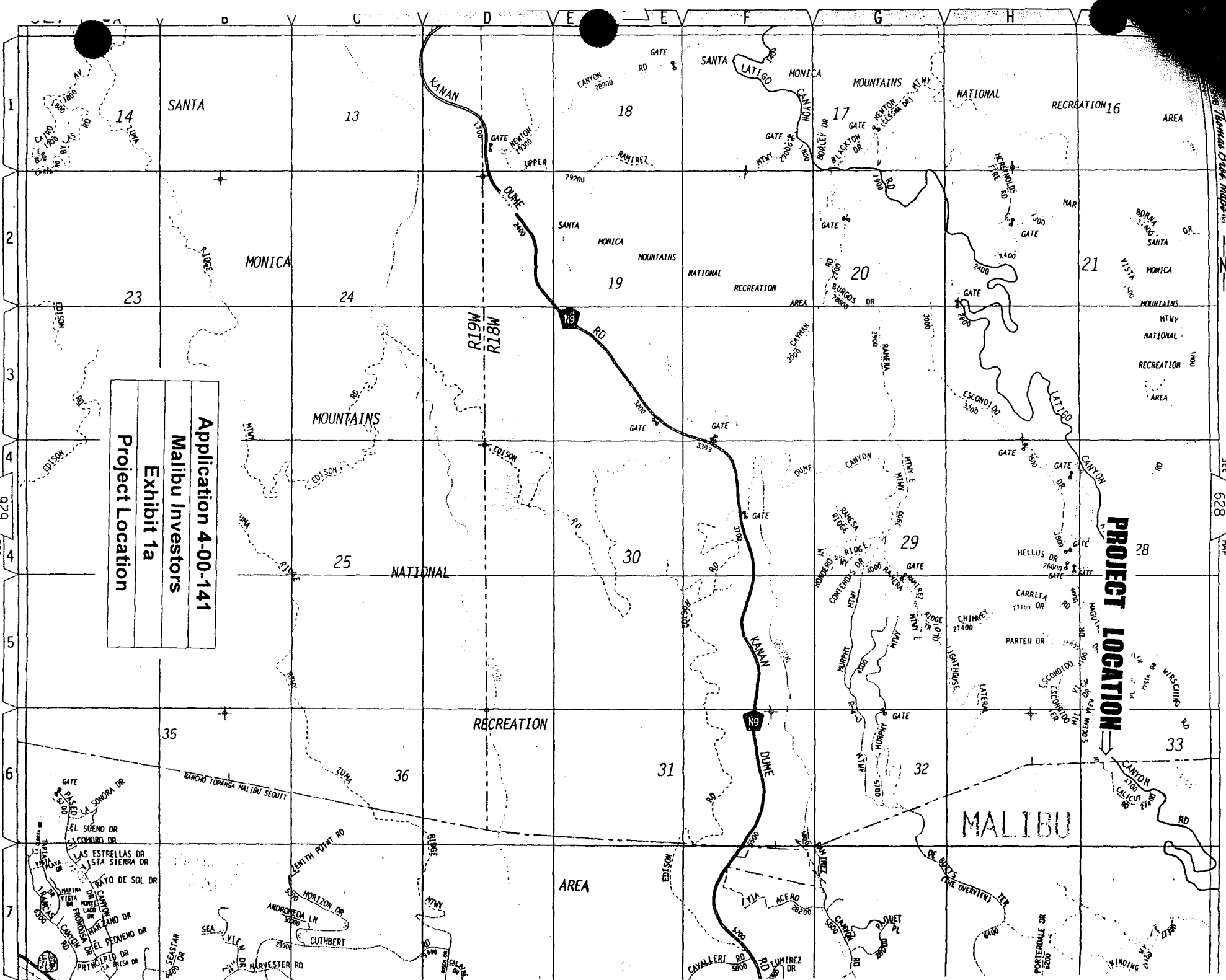
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding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

**G. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, 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 would have on the environment.

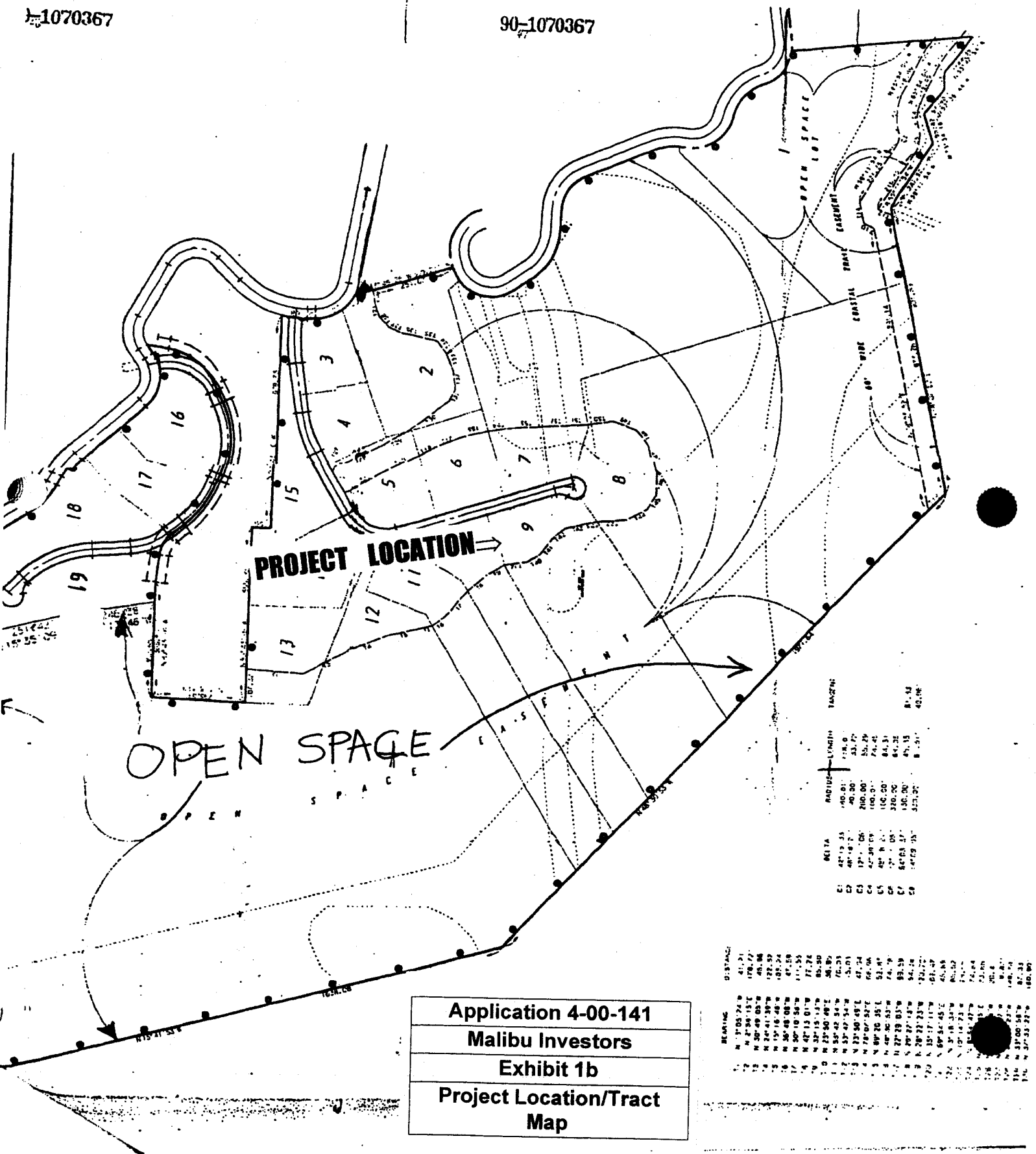
The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects,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

# PROJECT LOCATION



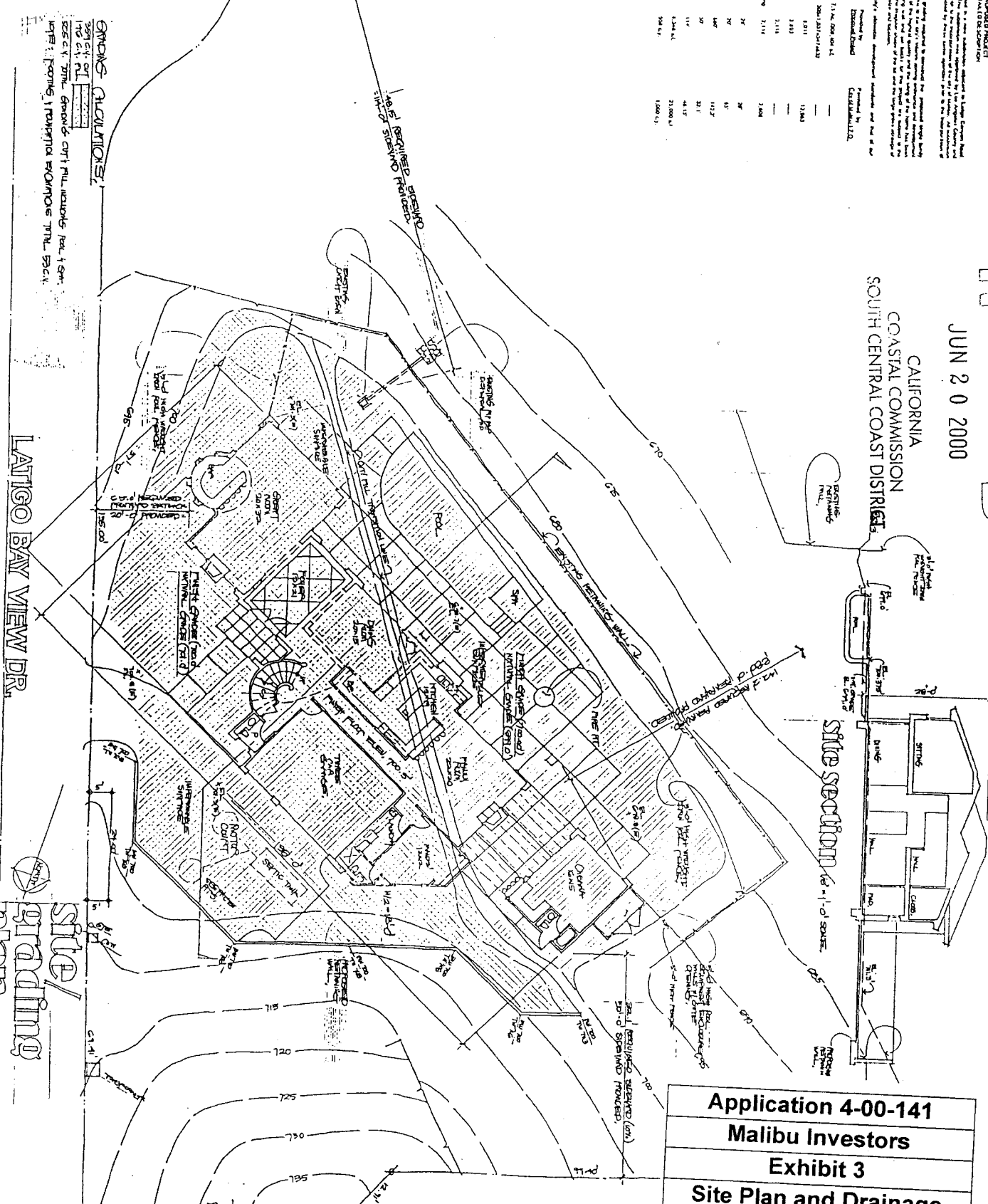
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CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

[illegible]

Application 4-00-141
Malibu Investors
Exhibit 3
Site Plan and Drainage

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JUN 20 2000 LOT 11

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Project  
Location

Application 4-00-141  
Malibu Investors  
Exhibit 2  
Site Topography

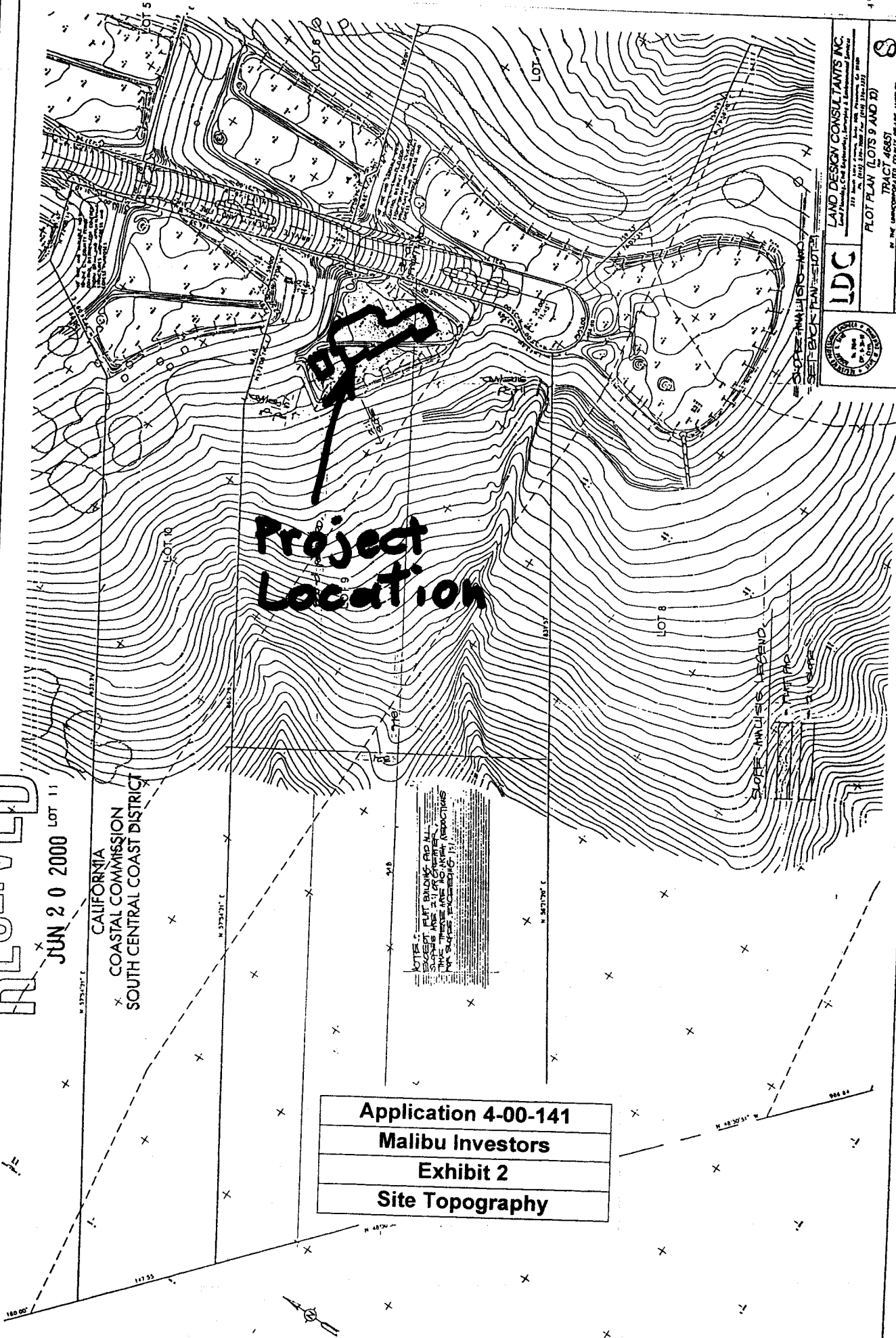
NOTES:  
1. ALL ELEVATIONS ARE IN FEET.  
2. THE TOPOGRAPHY WAS OBTAINED FROM AERIAL PHOTOGRAPHS AND FIELD SURVEYING.  
3. THE ELEVATIONS ARE TO THE CENTER OF THE LOT.

**LDC**  
LAND DESIGN CONSULTANTS INC.  
222 West 10th Street, Suite 200  
Santa Monica, CA 90401  
Tel: (310) 314-2800 Fax: (310) 314-2805

**PROJECT ANALYSIS AND  
SITE DESIGN PLAN - LOT 11**

**TRACT 4685**  
PLOT PLAN (LOTS 9 AND 10)

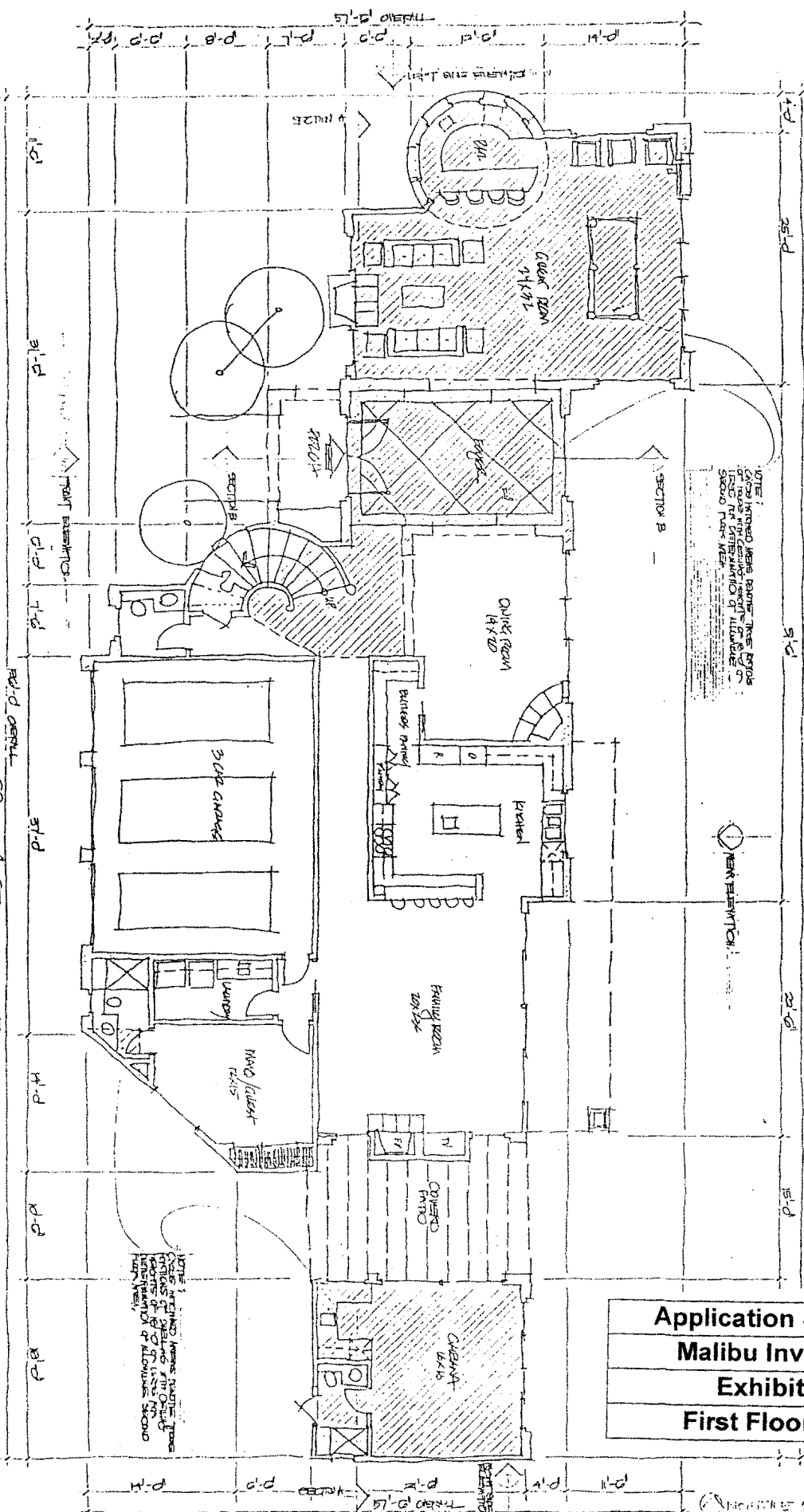
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DATE: \_\_\_\_\_  
RECEIVED FROM: \_\_\_\_\_  
SCALE: 1" = 40'  
SHEET NO. 11 OF 11



JUN 6 1966

COASTA  
SOUTH CENT

**Application 4-00-141**  
**Malibu Investors**  
**Exhibit 4a**  
**First Floor Plan**



# first floor plan

PROJECT:  
MALIBU PACIFICA LOT 9

PROJECT OWNER:  
MALIBU INVESTORS, LLC

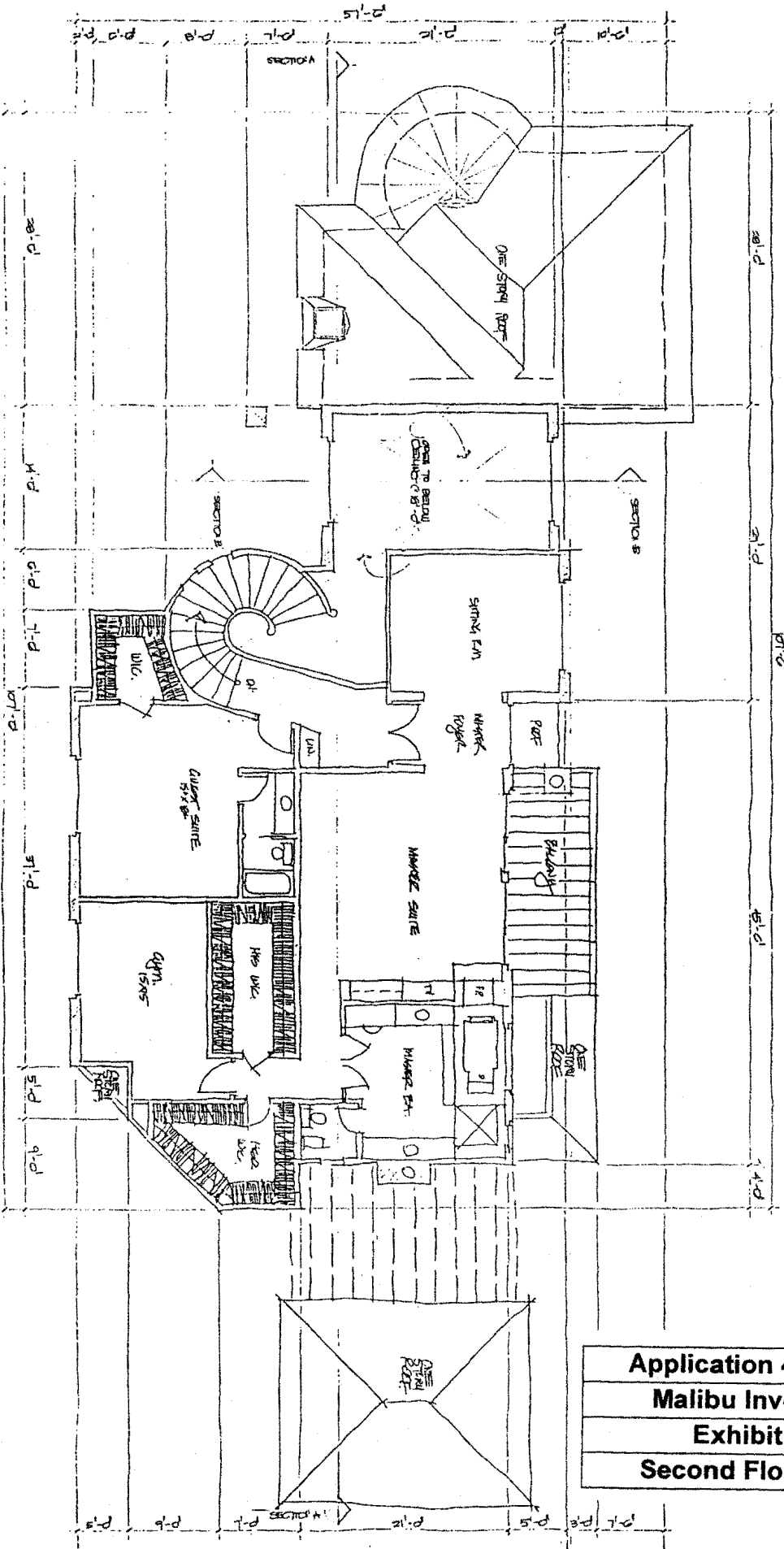
ARCHITECT:  
ARCHWEST DEVELOPMENT, INC.

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CALIFORNIA  
COASTAL (C)  
SOUTH CENTRA

Application 4-00-141  
Malibu Investors  
Exhibit 4b  
Second Floor Plan



PROJECT:  
MALIBU PACIFICA, LOT 9  
27495 LATICO BAY VIEW DRIVE, MALIBU, CA 90265

PROJECT OWNER:  
MALIBU INVESTORS, LLC  
27116 OCEAN PARK BLVD., SUITE 1048, SANTA MONICA, CA 90405  
TELEPHONE: (310) 399-4118 FAX: (310) 392-2117

ARCHITECT:  
ARCHWEST DEVELOPMENTS, INC.  
27116 OCEAN PARK BLVD., SUITE 1048, SANTA MONICA, CA 90405  
TELEPHONE: (310) 399-4118 FAX: (310) 392-2117

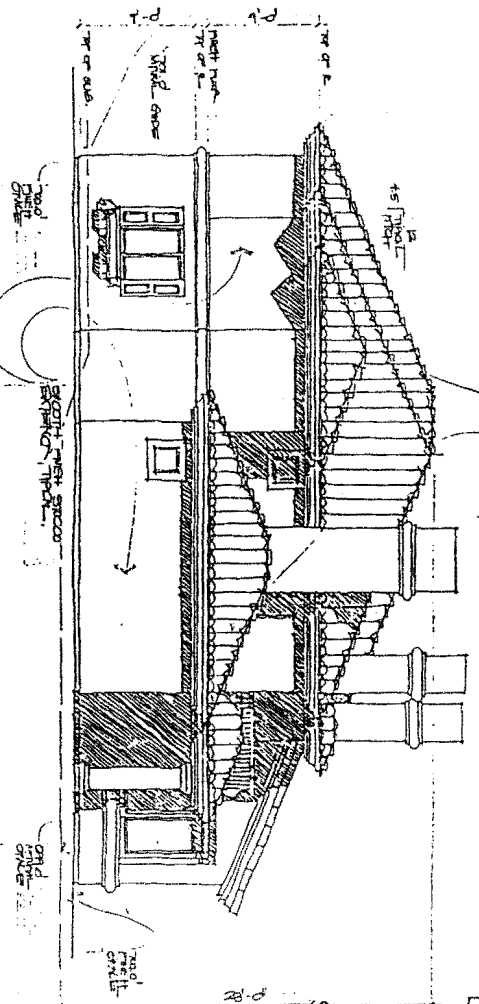
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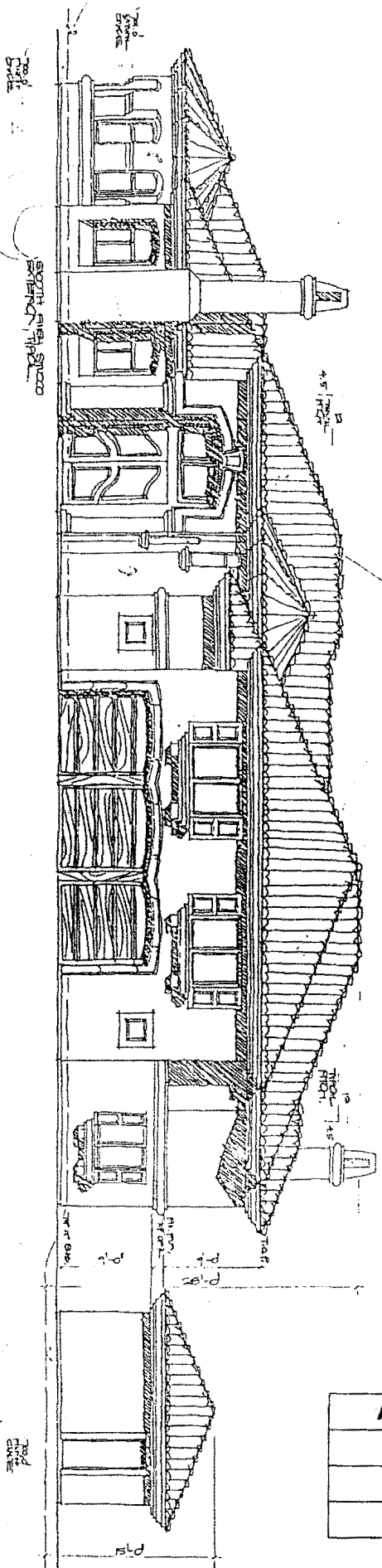
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SOUTH CENTRAL COAST DISTRICT



right side elevation 1/4" = 1'-0" SCALE



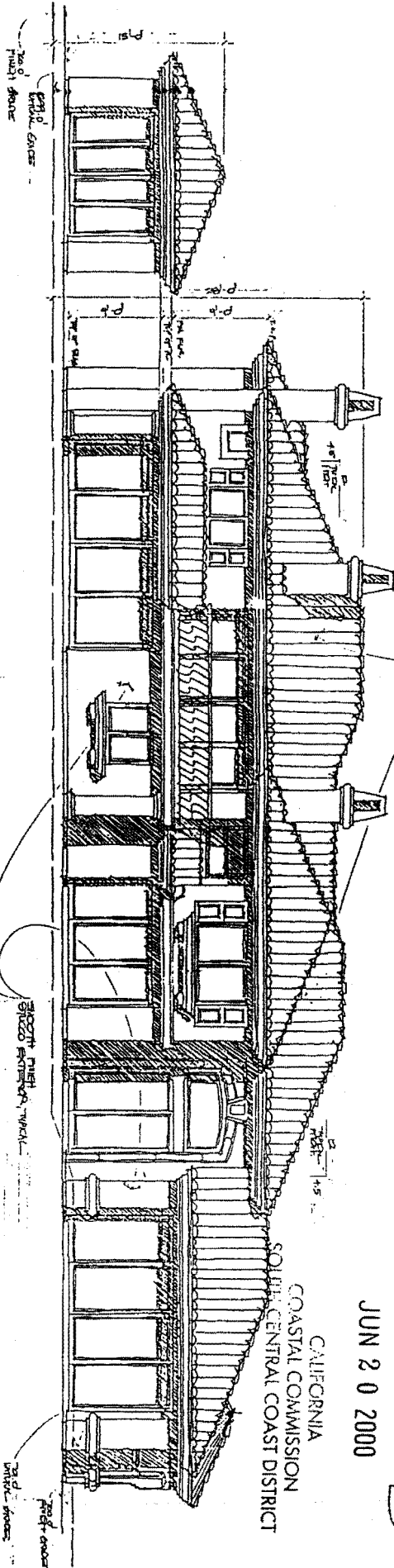
front elevation 1/4" = 1'-0" SCALE

Application 4-00-141
Malibu Investors
Exhibit 5a
Elevation

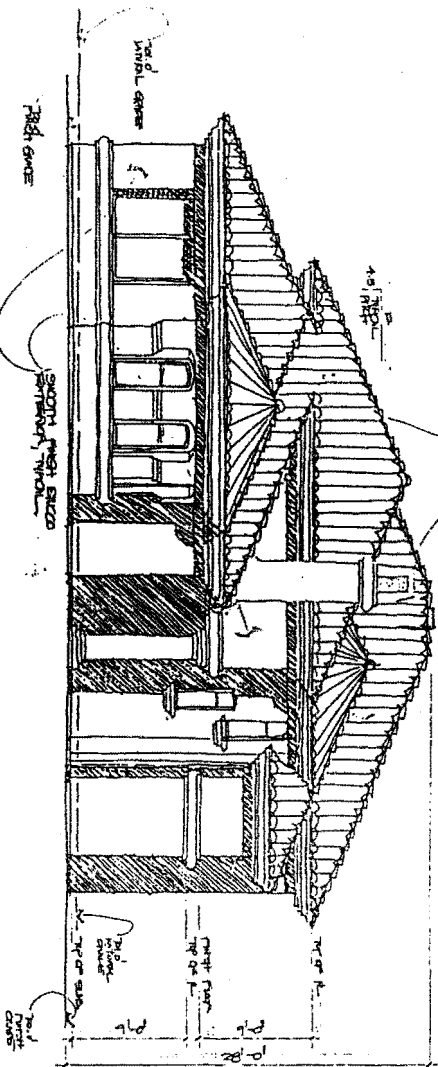
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SOUTH CENTRAL COAST DISTRICT



front elevation 1/4" = 1'-0" scale



left side elevation 1/4" = 1'-0" scale

Application 4-00-141
Malibu Investors
Exhibit 5b
Elevation

PROJECT:  
MALIBU PACIFICA, LOT 9  
27493 LATIGO BAY VIEW DRIVE, MALIBU, CA 90263

PROJECT OWNER:  
MALIBU INVESTORS, LLC  
2718 OCEAN PARK BLVD., SUITE 1048, SANTA MONICA, CA 90405  
TELEPHONE: (310) 399-4116 FAX: (310) 399-2117

ARCHITECT:  
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