

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
 22 SOUTH CALIFORNIA ST., SUITE 200  
 SANTA ANA, CA 92701  
 714-641-0142

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 Commission Action:



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**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-01-113

**APPLICANT:** Allen Mayer

**PROJECT LOCATION:** 22800 Beckledge Terrace, City of Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Demolition and removal of existing house and pool foundations. Construction of a new 3,187 sq. ft., 18 ft. high, one-story single family residence (SFR), 359 sq. ft. attached 2-car garage, pergola, patio, pool, septic system, a 3,500-gallon water tank and widening of 120 ft. of an existing, offsite access road. The project also includes the repair and expansion of the existing retaining walls, and proposes of 2,968 cu. yds. of grading (253 cu. yds. cut, 215 cu. yds. of fill, and 2500 cu. yds. of removal and recompaction).

Lot area	46,169 sq. ft. (1.3 ac.)
Building coverage:	3,547 sq. ft.
Pavement coverage:	1,522 sq. ft.
Landscape coverage:	2,500 sq. ft.
Unimproved area:	38,600 sq. ft.
Parking spaces:	2
Ht abv fin grade:	18'0"

**LOCAL APPROVALS RECEIVED:** Approval in Concept, City of Malibu Planning Department, dated 6/7/2001; Approval in Concept (Septic System), City of Malibu Environmental Health Department, dated 6/12/2001; Approval in Concept, City of Malibu, Geology and Geotechnical Engineering, dated 6/4/2001; Approval in Concept, Los Angeles County Fire Department, Fire Prevention Bureau, dated 4/4/2001; Approval in Concept, Los Angeles County Fire Department, Fire Protection Engineering, dated 6/14/2001.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the proposed project with **9 Special Conditions** regarding Color Restriction, Conformance with Geologic Recommendations, Drainage and Polluted Runoff, Landscaping and Erosion Control, Assumption of Risk, Removal of Natural Vegetation, Removal of Excavated Material, Future Development Deed Restriction, and Pool Drainage and Maintenance.

**SUBSTANTIVE FILE DOCUMENTS:** *Limited Geologic and Soils Engineering Investigation for Proposed Single Family Residence, 22800 Beckledge Terrace, Malibu, by GeoConcepts Inc., dated 11/1/2000; Addendum Report No. 1, by GeoConcepts Inc., dated 1/29/2001; Addendum Report No. 2, by GeoConcepts Inc., dated April 6, 2001; Addendum Report No. 3, by GeoConcepts Inc., dated May 10, 2001; Addendum Report No. 4, by GeoConcepts Inc., dated 7/31/2001; Letter from Epsilon Engineering and Inspection Inc., Re: Private Sewage Design, and dated 1/12/1998; City of Malibu Plot Plan Review Determination, dated 6/7/2001.*

## **I. STAFF RECOMMENDATION**

1. **Motion:** *I move that the Commission approve Coastal Development Permit No. 4-01-113 pursuant to the staff recommendation.*

### **2. 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.

### **3. 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 term or 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. **Color Restriction**

*Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit 4-01-113. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.*

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-01-113 if such changes are specifically authorized by the Executive Director as complying with this special condition.

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.

#### 2. **Plans Conforming to Geologic Recommendations**

- a) All recommendations contained in the *Limited Geologic and Soils Engineering Investigation for Proposed Single Family Residence, 22800 Beckledge Terrace, Malibu*, by GeoConcepts Inc., dated 11/1/2000, *Addendum Report No. 1*, dated 1/29/2001; *Addendum Report No. 2*, dated 4/6/2001; *Addendum Report No. 3*, dated 5/10/2001; *Addendum Report No. 4*, dated 7/31/2001; and the letter from Epsilon Engineering and Inspection Inc., *Re: Private Sewage Design*, dated 1/12/1998, shall be incorporated into all final design and construction including **site preparation, grading, foundations, retaining walls, foundation settlement, drainage,**

**subdrainage, and sewage disposal.** 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 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 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. The Executive Director shall determine whether required changes are "substantial."

**3. Drainage and Polluted Runoff Control Plan**

Prior to issuance of a coastal development permit, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control 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 geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary 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 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 or BMPs 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.

4. **Landscape and Erosion Control Plan and Fuel Modification**

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

A) **Landscaping Plan**

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) 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 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (3) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to soften the views of the residence and retaining walls from Pacific Coast Highway;
- (4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (5) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (6) Vegetation within 50 feet of the proposed house may be removed to mineral earth; vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such

thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

**B) Interim Erosion Control Plan**

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) **Monitoring**

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

5. **Assumption of Risk**

- A. By acceptance of this permit, the applicants acknowledge and agree to the following:
- (1) The applicants acknowledge and agree that the site may be subject to hazards from ***erosion, earth movement, landslide, and wildfire***.
  - (2) The applicants acknowledge and agree to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.
  - (3) The applicants unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.
  - (4) The applicants agree to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. PRIOR TO ISSUANCE OF THIS 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 subsection (A) of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the

restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**6. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding 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.

**7. 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 excavated material from the site. Should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.

**8. Future Development Deed Restriction**

This permit is only for the development described in Coastal Development Permit No. 4-01-113. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the residence. Accordingly, any future structures, additions, or improvements related to the residence approved under Coastal Development Permit No. 4-01-113 will require a permit from the California Coastal Commission or its successor agency.

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

**9. Pool Drainage and Maintenance**

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a written plan to mitigate the potential of leakage from the proposed swimming pool. The plan shall at a minimum: 1) provide a separate water meter for the pool to allow monitoring of water levels for the pool, 2) identify the materials, such as plastic linings or specially treated cement, to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these materials, 3) identify methods to control pool drainage and to control infiltration and run-off resulting from pool drainage and maintenance activities, and 4) provide for off-site disposal of pool water at an appropriate wastewater disposal facility. The applicant shall comply with the mitigation plan approved by the Executive Director.



#### IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

##### A. Project Description and Background

The applicant is proposing to construct a 3,187 sq. ft., 18 ft. high, one-story single family residence (SFR), attached 2-car garage, pergola, patio, pool, septic system and driveway, 3,500-gallon water tank, retaining walls up to 6 ft. high, and approximately 468 cu. yds. of grading (253 cu. yds. cut, 215 cu. yds. of fill, and 2500 cu. yds. of removal and recompaction) at 22800 Beckledge Terrace Drive, Malibu, Los Angeles County. Additionally, in order to comply with fire department requirements, the applicant is proposing to widen a portion of the existing access road to a minimum of 15 ft. Improvements to the road will require remedial grading of approximately 188 cu. yds. of grading (133 cu. yds. of cut and 55 cu. yds. of fill) for the widening of a 120 ft. portion of the road easement as it approaches the property, and for purposes of installing a retaining wall along the uphill (northern) slope of this section of the driveway. The improvements proposed are located within the existing road easement. The project also includes the repair and expansion of the existing retaining walls on site. No prior permits exist for this property.

The subject site is a 46,169 sq. ft. (1.06 ac.) parcel located on a moderately developed hillside just east of Sweetwater Canyon, and west of Carbon Canyon. Access to the project site is provided from Beckledge Terrace Road via an existing private road easement. In order to comply with fire department requirements for access to the site, the applicant is proposing to widen a 120 ft. long portion of this easement to 15 ft. as it approaches the entrance to the project site and the proposed fire department turnaround. The improvements proposed to the existing easement/access road cross a portion of property owned by Mr. and Mrs. Paul Dorn. The applicant has provided evidence of the ingress and egress access easement for the road over this parcel. Additionally, the property owners of the affected parcel have been notified of this development pursuant to section 30601.5 of the Coastal Act, which states:

***"All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant."***

These property owners were notified of the pending permit action under Section 30601.5 (Exhibit 10). As of the date of this report, no response was received. If any response to this letter is received by staff prior to the Commission's October 9-12, 2001 meeting, it will be reported to the Commission at the public hearing.

The subject parcel is situated on a south-facing slope that ascends northerly from the existing access road with a general gradient of 1:1. The proposed development is to be constructed in approximately the same location as a previous residence on this parcel. This former residence was lost to fire in 1993; however, the concrete slab and foundation system, chimney, and the swimming pool remain (Exhibit 4). The applicant proposes the removal of the pool and existing foundation system, and the removal and recompaction of the underlying soils prior to the construction of the proposed new residence. Consistent with the recommendations of the consulting geologist, the applicant is also proposing the repair and extension of a 6 ft. high retaining wall along the north side of the building pad and the removal and replacement of the existing retaining walls along the east and south sides of the building pad.

The property is situated on the south flank of a northwest trending ridge within the southeast portion of the Santa Monica Mountains. Slopes descend to the east, and south, and ascend to the north of the existing pad. Maximum topographic relief on-site is approximately 150 feet. Drainage from the property is by sheetflow down the slopes east and south of the site, and to the street. There are no designated environmentally sensitive habitat areas (ESHA) on the site and staff did not observe any ESHA on the site. The project site is visible from the Malibu pier, nearby beaches, and several locations along Pacific Coast Highway, a designated scenic highway in the certified Malibu/Santa Monica Mountains Land Use Plan. There are no public trails that traverse the subject property.

## **B. 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 visible from Pacific Coast Highway, a Malibu / Santa Monica Mountains Land Use Plan (LUP) designated scenic highway, located downslope, to the south of the site. 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 roads. 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 surrounding existing development.

The property is located on a south trending minor ridge and the finished project will be visible from the surrounding area including Malibu Pier, stretches of Carbon Beach, and Pacific Coast Highway, thereby requiring mitigation of visual impacts as discussed below. Nearby residences are of a similar massing, character, and location to be similarly visible, and the proposed building plans are substantially in character with the type and scale of development in the surrounding area.

For this project, the applicant is proposing 2,968 cu. yds. of grading (253 cu. yds. cut, 215 cu. yds. of fill, and 2500 cu. yds. of removal and recompaction). Approximately 188 cu. yds. of this grading (133 cu. yds. of cut and 55 cu. yds. of fill) is proposed for the completion of the widening of a 120 ft. long section of the easement/access road to 15 ft. as it approaches the residence and for excavation of a retaining wall along the northern slope of the road. The preparation of the site for both the residence and the driveway will encompass an additional 2500 cu. yds. of overexcavation and recompaction. Additionally, the proposed development is to be constructed in approximately the same location as a previous residence on this parcel, and utilizing the existing level building pad area, thereby minimizing the amount of landform alteration necessary for construction of the residence.

The residence itself, has been designed as a one-story structure, a maximum 18 feet in height, in order to minimize its potential visual impacts. Additionally, a series of retaining walls are proposed for the project in order to ensure slope stability on site. Several sections of retaining wall still remain from the previous residence. The applicant's proposal includes the repair and expansion the existing retaining wall on the north side of the building pad, and the removal and replacement of the existing sections of wall along the east and south sides of the building pad. The proposed walls will be located a few feet further downhill from the existing walls, are a maximum of 6 feet in height, and will extend a total of approximately 520 linear feet around the perimeter of the building pad (Exhibits 4 and 5). Due to the project's location, and visibility from public viewing areas and Pacific Coast Highway, the Commission finds it necessary to require mitigation measures, as discussed below, to minimize the visual impacts of the development as seen from nearby scenic areas.

The proposed project's impact on public views can be mitigated by requiring the residence and retaining walls to be finished in a non-obtrusive manner (i.e.: in a color compatible with the surrounding natural landscape and with non-reflective windows). The Commission therefore finds it necessary to minimize the visual impact of the project by requiring the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by **Special Condition One**. In addition, future construction on the property has the potential to negatively affect the visual character of the area as seen from the scenic highway and public viewing areas, such as the Malibu Pier and nearby public beaches. To insure that no additions or improvements are made to the property that may affect visual resources on-site without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the site are proposed in the future, as required by **Special Condition Eight**.

Visual impacts associated with the proposed residence and retaining walls can be further mitigated by the use of adequate and appropriate landscaping. A landscape plan relying principally on native, non-invasive plant species will ensure that the vegetation on-site remains visually compatible with the native flora of surrounding areas. In addition, vertical elements added to the landscape plan can screen and soften views of the proposed residence and retaining walls from public areas such as Pacific Coast Highway. The Commission therefore finds it necessary to ensure that the final approved landscaping plans are successfully implemented to partially screen and soften the visual impact of the development, and retaining walls as required by **Special Condition Four**.

Therefore, 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 Malibu. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

### **C. Geologic Stability and Hazards**

Section 30253 of the Coastal Act states in pertinent part that new development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

**(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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, contiguous with, or in close proximity to 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 can 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 Santa Monica Mountains to the north, the Pacific Ocean to the south, Sweetwater Canyon and Malibu Lagoon to the west, and Carbon Canyon to the east. The site itself consists of a relatively level, existing building pad notched into the hillside above Pacific Coast Highway. From the building site, slopes descend to the east and south, and ascend to the north. Maximum topographic relief on-site is approximately 150 feet.

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the project and that no potentially active faults, adversely oriented geologic structures, or other hazards were observed by the consultants on the subject property. However, the reports also indicate that a fault was encountered on-site within the geologic test pits and borings. This fault was determined to have a northeast strike and northwest dips ranging between 27 and 61 degrees and is assumed to be associated with the Malibu Coast fault, the main trace of which is located approximately 100 feet south of the subject property. The applicants' geologic consultants utilized calculations of the deterministic prediction of peak horizontal acceleration, based on digitized California faults, to estimate the site's seismic potential during the lifetime of the proposed development. 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 addressing the specific geotechnical conditions related to the site.

The *Limited Geologic and Soils Engineering Investigation for Proposed Single Family Residence, 22800 Beckledge Terrace, Malibu*, by GeoConcepts Inc., dated 11/1/2000, in evaluating the various engineering geologic factors affecting site stability and the existing site conditions, discussed the slope stability and the existence of the above mentioned fault encountered on the subject site. Slumping and slope failures within the southern descending slope were also noted, as were slips scars; however the overall stability analysis determined that the slopes are grossly stable. The report further stated:

***It is the finding of this corporation, based on the subsurface data, that the proposed project and the private sewage system will be safe from landslide, settlement, or slippage, and will not adversely affect the adjacent property, provided this***

*corporation's recommendations and those of the City of Malibu and Uniform Building Code are followed and maintained.*

The Commission notes that the geologic and engineering consultants have included a number of recommendations regarding site preparation, subdrainage, foundations, building setback, retaining walls, foundation settlement, drainage, sewage disposal, and grading, 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 Two**, to submit project plans certified by the geologic/geotechnical engineering consultant as conforming to their recommendations.

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. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and through implementation of a drainage and runoff control plan. 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 Two, Three, and Four** to submit drainage / erosion control plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director, to adequately control runoff from impervious surfaces, 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 2,968 cu. yds. of grading (253 cu. yds. cut, 215 cu. yds. of fill, and 2500 cu. yds. of removal and recompaction will be necessary for the proposed development. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. Therefore, **Special Condition Seven** 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 be removed 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 stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate 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 such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have 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 Four**.

Additionally, in order to ensure that vegetation clearance for fire protection does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition Six**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by **Special Condition Six** avoids the loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off devices and implementation of the landscape and interim erosion control plans required by **Special Conditions Three and Four**.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of earth movement, landslide, and erosion on the site and adjacent properties. However, the Commission finds that there remains an inherent risk in building on the subject site with the geologic constraints described in this section, and due to the fact the project site is located in an area subject to an extraordinary potential for damage or destruction from wildfire. 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. Therefore, the Commission can only approve the project if the applicant assumes the liability from these associated risks as required by **Special Condition Five**. Through the written recordation of an assumption of risk, the applicant acknowledges and appreciates the nature of the hazards which exists on the site and which may affect the safety of the proposed development. Therefore, Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

The project also involves the construction and installation of a swimming pool. The Commission notes that the proposed project is conditioned to incorporate the recommendations of the project's consulting geologists and to incorporate adequate drainage, erosion control, and landscaping to assure stability of the project site and adjacent properties consistent with Section 30253 of the Coastal Act. However, the Commission also notes that both leakage and drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess run-off and erosion from the project site potentially causing instability of the site and adjacent properties. Therefore, Commission finds it necessary to require the applicant, through **Special Condition Nine**, to submit a written plan for the mitigation of potential leakage from the proposed swimming pool, for review and approval by the Executive Director, which will identify the materials and methods used to control pool drainage, and infiltration and run-off resulting from pool drainage and maintenance activities. The plan shall include a separate water meter for the pool, which will serve to monitor water levels of the pool and identify leakage. The plan shall also include a description of the materials to be utilized to prevent leakage of the pool shell and shall identify methods to control infiltration and run-off from pool drainage and maintenance activities. The plan also requires the applicant to dispose of pool water off-site at an appropriate wastewater

disposal facility, in order to ensure that pool water is not drained onto the slope areas. The Commission finds that, as conditioned by **Special Condition Nine**, to minimize potential impacts of the proposed pool, the project is consistent with section 30253 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, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

*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 above, the proposed project includes the construction of a new 3,187 sq. ft., 18 ft. high, one-story single family residence (SFR), 359 sq. ft. attached 2-car garage, pergola, patio, pool, septic system, a 3,500-gallon water tank, retaining walls, and widening of a 120 ft. long portion of the existing easement/access road. The proposal also includes 2,968 cu. yds. of grading (253 cu. yds. cut, 215 cu. yds. of fill, and 2500 cu. yds. of removal and recompaction). The redevelopment of the project site 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 will introduce potential sources of pollutants such as petroleum, household cleaners and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The building area is sited primarily on the cut portion of a previously graded building pad; however, much of the site encompasses significant elevation change down the slopes located to the east and south. Because of these slopes, 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 runoff detention, velocity reduction, filtration, and/or other best management practices (BMPs).

The redevelopment of the project site will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to



coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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. 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.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The project is conditioned, by **Special Condition Three**, 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. 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 Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Three**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine resource protection policies of the Coastal Act.

The proposed development also includes the construction of a swimming pool, to be situated on the south side of the building pad. Swimming pools can have deleterious effects on aquatic habitat if not properly maintained and drained outside of the watershed. Chlorine and other chemical are commonly added to pools and spas to maintain water clarity, quality, and pH levels. The commission notes that both leakage and drainage of the proposed pool, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing instability of the site and adjacent properties and may result in the transport of chemicals, such as chlorine, into coastal waters. In order to minimize adverse impacts from the proposed pool on coastal water quality, the Commission requires the applicant, through **Special Condition Nine**, to submit a written plan which includes measures to be implemented during maintenance and drainage of the pool. The plan shall include a separate water meter for the pool which will serve to monitor water levels of the pool and identify leakage. The plan shall also include a description of the materials to be utilized to prevent leakage of the pool shell and shall identify methods to control infiltration and run-off from pool drainage and maintenance activities. This plan shall also require the applicant to dispose of pool water at an appropriate off-site wastewater disposal facility, in order to ensure that pool water is not drained onto the site's slope areas.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The applicant is proposing the installation of an alternative sewage disposal system consisting of a 2500-gallon septic tank, which is designed to act as a passive, low-rate anaerobic digester, resulting in a cleaner effluent discharge to the seepage pits. 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. Their report concludes that the site is suitable for the proposed septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. 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 Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

## **G. 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 Los Angeles County which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

## **H. 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.

bkl

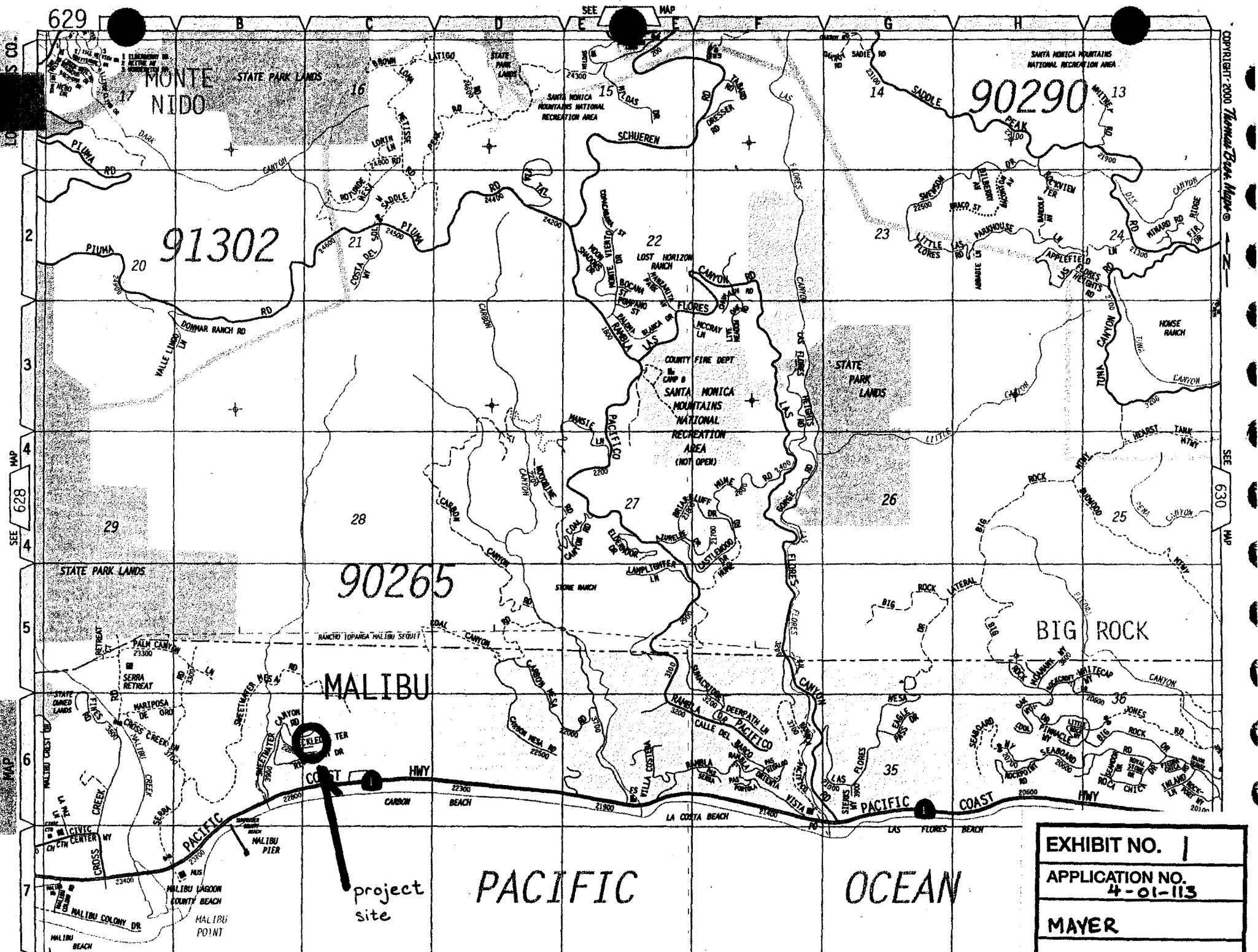


EXHIBIT NO.
APPLICATION NO. 4-01-113
MAYER
VICINITY MAP

COPYRIGHT 2000 Thomas Cook Maps®  
 SEE 630 MAP

# LOCATION



Reference: James Montgomery Scale: 1" = 100'

Project Address: 22800 Beckledge Terrace  
Malibu, California

EXHIBIT NO. 2
APPLICATION NO. 4-01-113
MAYER
TOPO - LOCATION







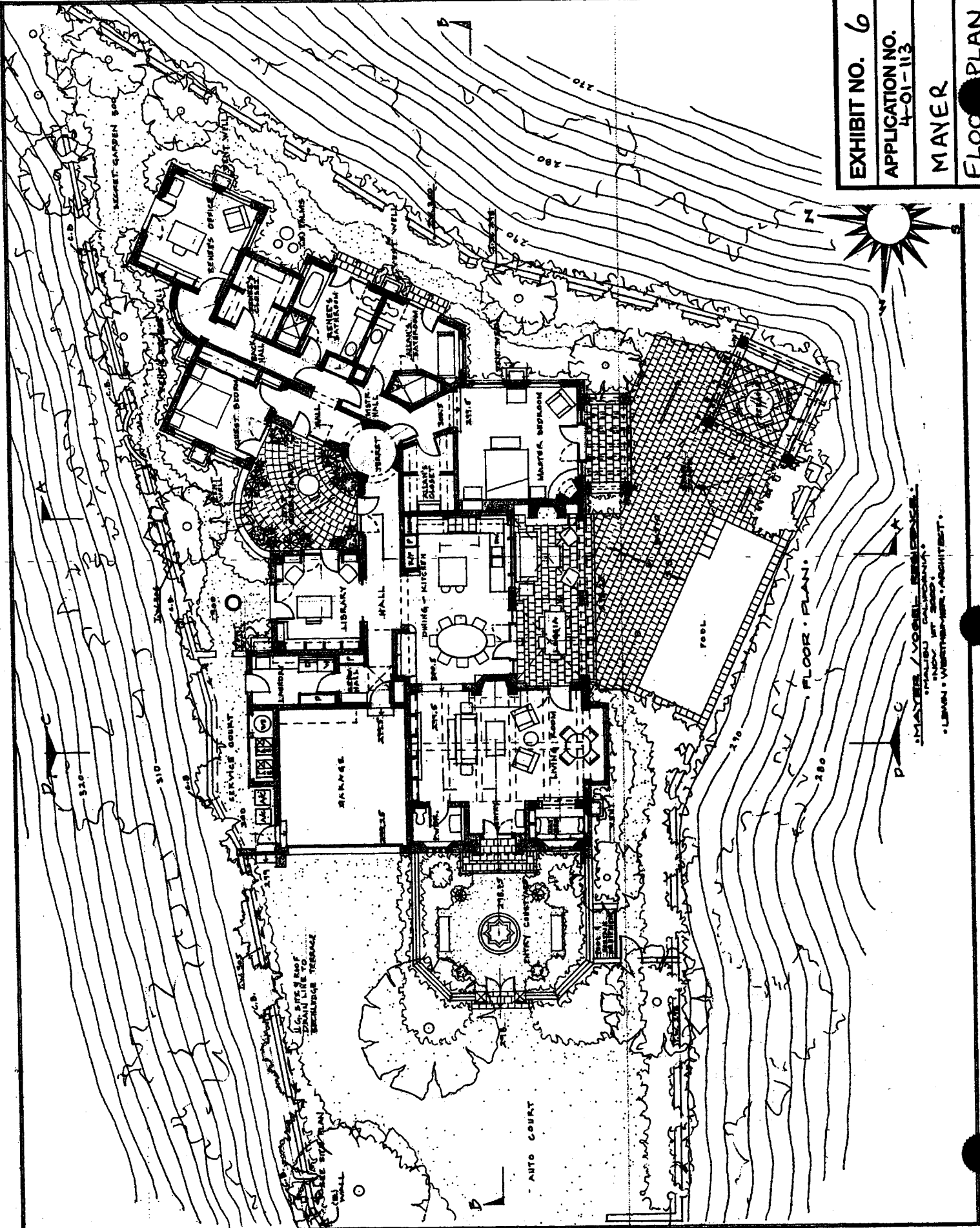


EXHIBIT NO. 6

APPLICATION NO.  
4-01-113

MAYER

FLOOR PLAN

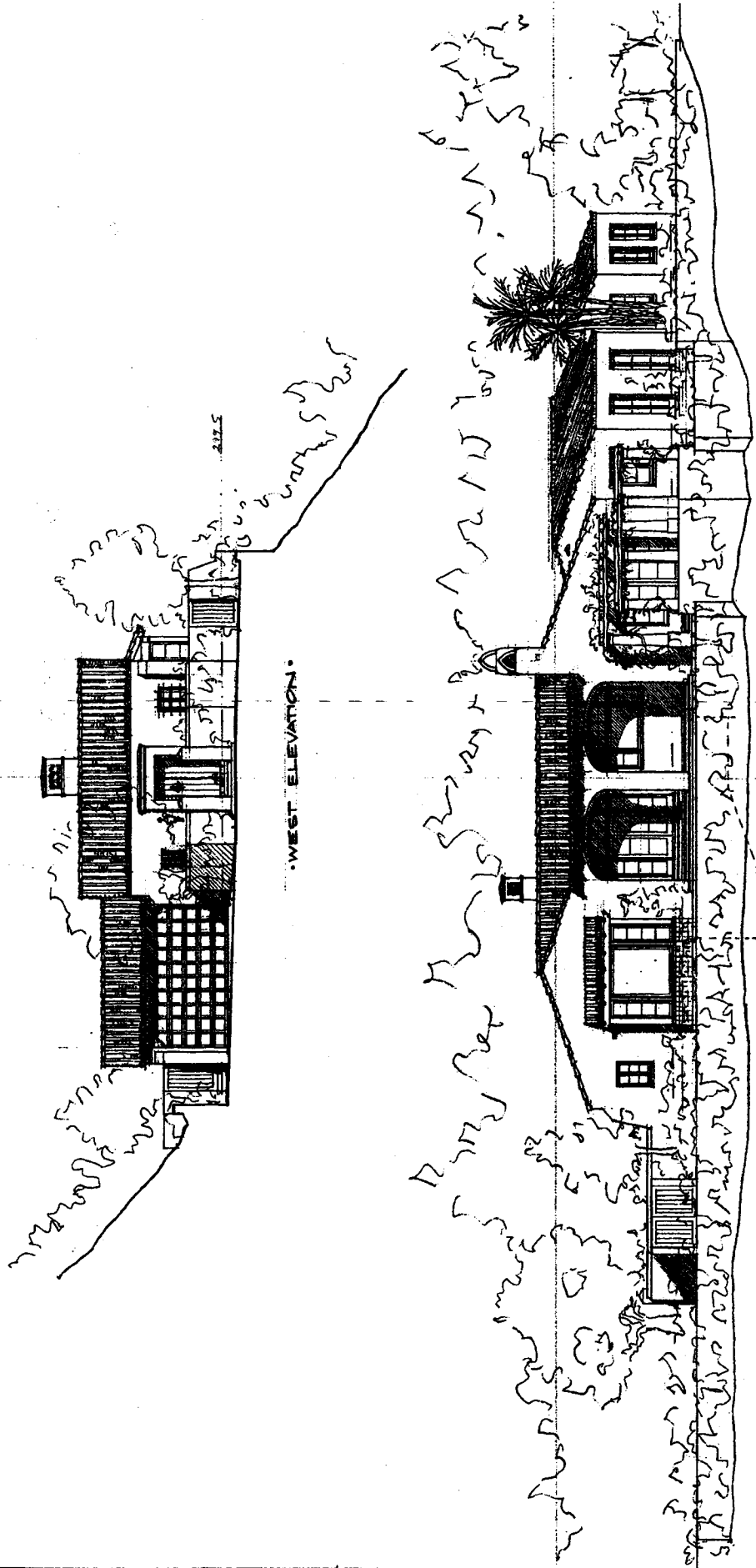


MAYER / VOSE / BERKELEY  
ARCHITECTS  
LEBANON, NEW HAMPSHIRE

AUTO COURT

FLOOR PLAN



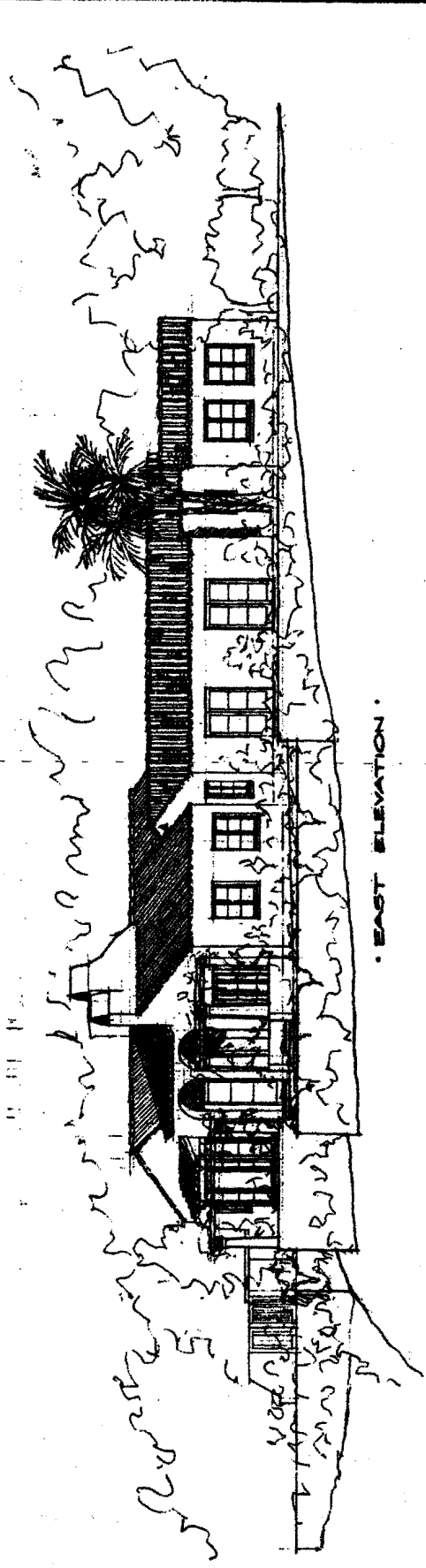


• WEST ELEVATION •

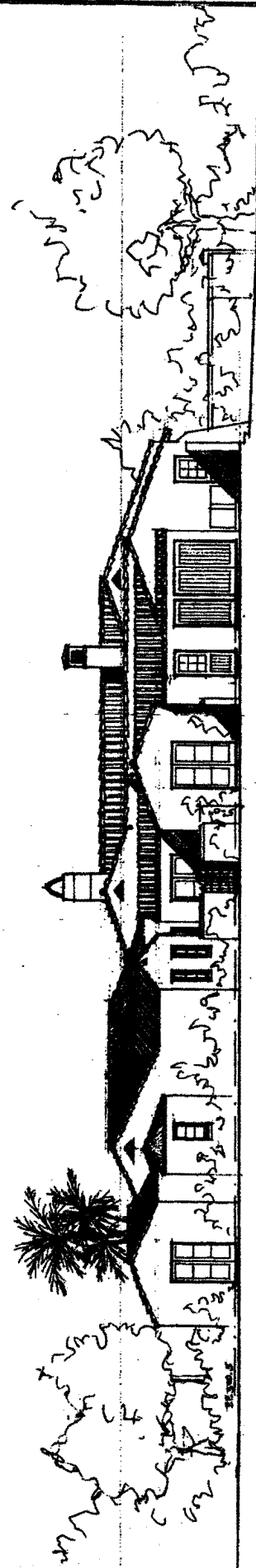
• SOUTH ELEVATION •

EXHIBIT NO. 7
APPLICATION NO. H-01-113
MAYER
ELEVATIONS W/S

• MAYER / VOGEL RESIDENCE •  
 • MALIBU CALIFORNIA •  
 • NOV 1ST 2000 •  
 • LEWAN • WERTHEIMER • ARCHITECT •



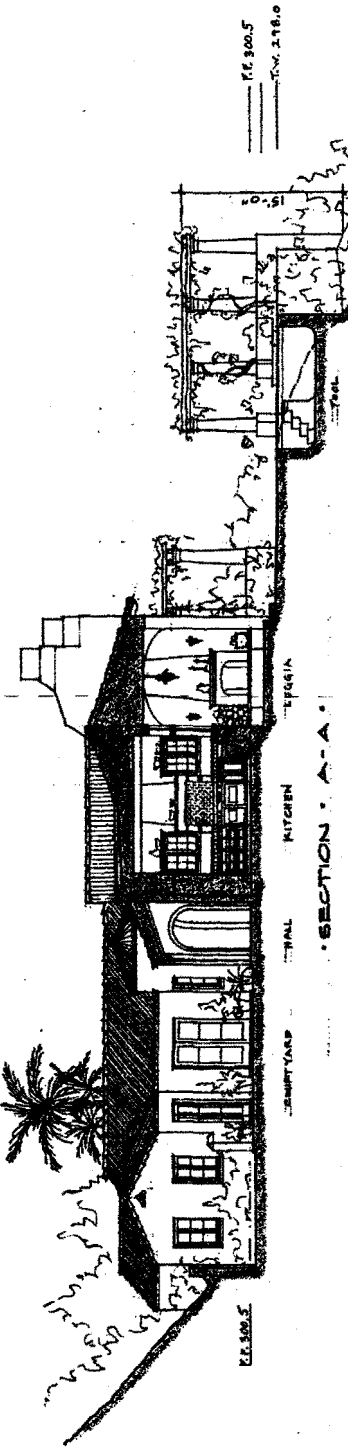
• EAST ELEVATION •



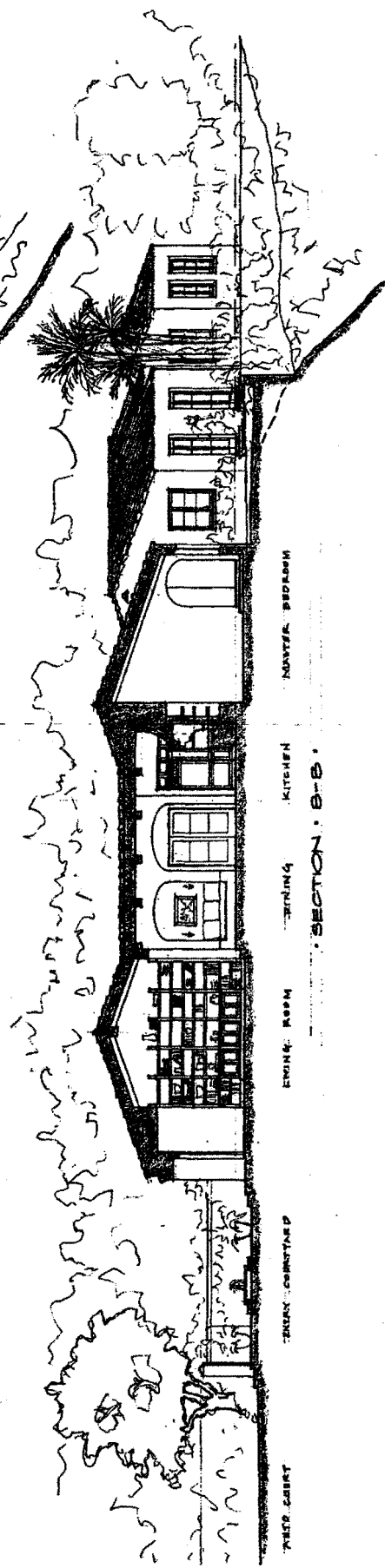
• NORTH ELEVATION •

EXHIBIT NO. 8
APPLICATION NO. 4-01-113
MAYER
ELEVATIONS E/M

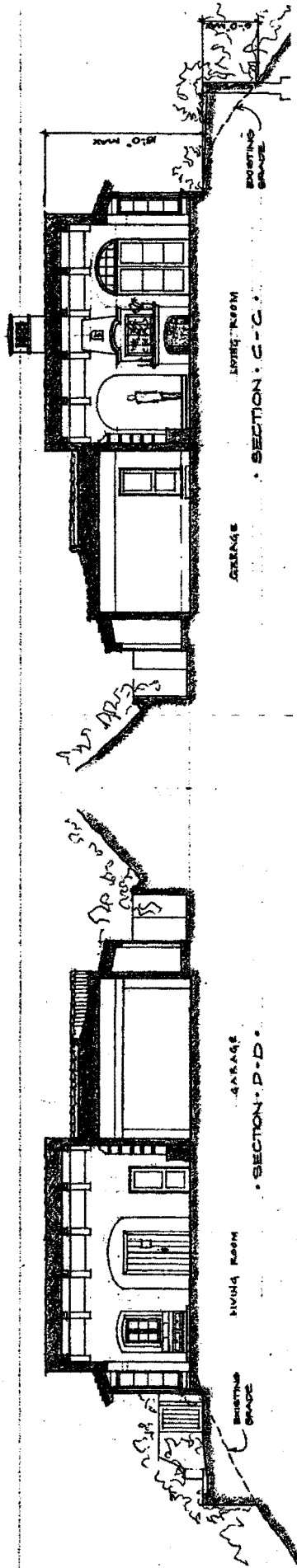
• MAYER / VOSEL RESIDENCES •  
 MALIBU CALIFORNIA •  
 NOV. 18, 1900 •  
 LEWIN / WESTHEIMER • ARCHITECT •



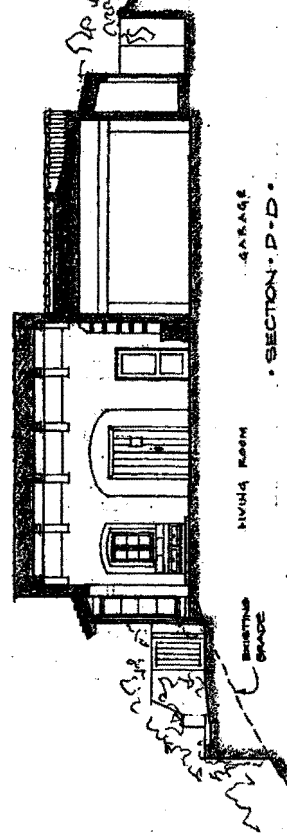
SECTION A-A



SECTION B-B



SECTION C-C



SECTION D-D

EXHIBIT NO. 9  
 APPLICATION NO.  
 4-01-113  
 MAYER  
 HOUSE CROSS-SECTIONS

MAYER / YOSSEL RESIDENCE  
 MALIBU CALIFORNIA  
 NOV. 18, 2000  
 LEVIN WISCHMEIER ARCHITECT

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
 89 SOUTH CALIFORNIA ST., SUITE 200  
 VENTURA, CA 93001  
 (805) 585-1800



September 18, 2001

Paul and Tanya Dorn  
 3662 Sweetwater Canyon Drive  
 Malibu, CA 90265

RE: Coastal Development Permit Application No. 4-01-113, Allan Mayer, 22800 Beckledge Terrace, Malibu, CA

Dear Paul and Tanya Dorn,

This office has received a request to process Coastal Development Permit Application Number 4-01-113 from Allan Mayer to remove existing house and pool foundations, and construct a new one-story, 18 ft. high, 3,187 sq. ft., single family residence with attached two-car garage, pergola, patio, pool, septic system, and 3,500-gallon water tank. The project additionally proposes the repair and expansion of the existing retaining walls, and the widening of 120 linear foot portion of the easement/access road to 15 feet wide as it approaches the property. The project involves 2,968 cu. yds. of grading (253 cu. yds. of cut, 215 cu. yds. of fill, and 2500 cu. yds. of removal and recompaction).

The project site is located at 22800 Beckledge Terrace, Malibu, CA. The application is filed and scheduled for a public hearing at the Coastal Commission's October 9-12, 2001 hearing in Coronado.

Coastal Act Section 30601.5 states as follows:

***All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.***

Because our records in the file application indicate that you are the owner of a fee interest in the property across which a portion of the driveway is proposed, the Commission is notifying you of this application pursuant to Section 30601.5. With this letter, staff are inviting you to join this application as a co-applicant, if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter. If you have any questions or need further information about this application or the proposed project before you sign and return this letter, please call me at (805) 585-1800, or contact the applicant's architect, Lewin Wertheimer, at (310) 392-4252.

Sincerely,

Bonnie Luke  
 Coastal Program Analyst

Agreed: \_\_\_\_\_  
 Names (Print)

\_\_\_\_\_  
 Signatures

\_\_\_\_\_  
 Property Address

cc: Allan Mayer; Lewin Wertheimer

EXHIBIT NO. 10
APPLICATION NO. 4-01-113
MAYER
CO-applicant letter