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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff Report: 9/20/01
Hearing Date: 10/9-12/01
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-085-A1

APPLICANT: Terry Montgomery

AGENT: Chi-Pang Lai

PROJECT LOCATION: 5353 Horizon Drive, Malibu (Los Angeles County)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a three-story 28 foot in height (above natural grade) 3,622 square foot single family residence and septic system, with 870 cubic yards of grading (481 cubic yards of cut, and 389 cubic yards of fill).

DESCRIPTION OF AMENDMENT: Addition of an approximately 200 sq. ft. swimming pool and an approximately 45 sq. ft. spa on the south side, lower level of the previously approved residence.

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department (7/9/01); City of Malibu Geology and Geotechnical Engineering Review (6/17/99); City of Malibu Biological Review (8/30/99).

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountain Land Use Plan; Geotechnical Engineering Investigation, Proposed Residence, 5353 Horizon Drive, Malibu California, prepared by Coastline Geotechnical Consultants, October 27, 1998; Supplemental Engineering Geologic Report, Response to The City of Malibu Geology and Geotechnical Engineering Review, prepared by Pacific Geology Consultants Inc., May 1, 1999; Reply to Geotechnical Engineering Review Sheet, prepared by Coastline Geotechnical Consultants, Inc., May 21, 1999; Supplemental Engineering Geologic Report, prepared by Pacific Geology Consultants, Inc. July 19, 1999; City of Malibu Planning Commission Resolution No. 01-127 (7/18/01); City of Malibu Commission Agenda Report (7/18/01) re: Variance No. 99-007; Coastal Development Permit 4-00-085 (Montgomery).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Code of Regulations Section 13166). In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the proposed amendment with one (1) revised Special Condition regarding drainage and polluted runoff control and three (3) new Special Conditions regarding (1) pool drainage and maintenance, (2) updated geologic review, and (3) updated assumption of risk. In addition, all Special and Standard Conditions imposed under Coastal Development Permit 4-00-085 continue to apply.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit 4-00-085-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

Note: Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-00-085 continue to apply. In addition, the following revised and additional special conditions are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-99-085-A1. Additions to **Special Condition Six (6)** are underlined; deletions to **Special Condition Six (6)** are stricken through.

SPECIAL CONDITIONS

6. Revised Drainage and Polluted Runoff Control Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geologists to ensure the plan is in conformance with the geologists' recommendations. The plan shall be in substantial conformance with ~~subject to~~ the following requirements, ~~and shall at a minimum, include the following components:~~

- ~~(a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate or treat runoff from all roofs, parking areas, driveways and other impervious surfaces shall be identified and incorporated into final plans.~~
- ~~(b) Selected BMPs shall, when implemented ensure that post-development peak runoff rate and average volume from the site, will be maintained at levels similar to pre-development conditions. The drainage system shall also be designed to collect, convey and discharge runoff from the building site in non-erosive manner that does not result in increased infiltration from runoff into the slope.~~
- a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th 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) Vegetated and/or gravel filter strips must be appropriately sized, properly designed and engineered to: 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. Vegetated filter strips shall consist of native 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. Filter elements shall be designed to intercept and infiltrate or treat the runoff volume from a 25-year, 24-hour runoff event.

The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps/separators and/or filters shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

8. Pool Drainage and Maintenance Plan

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, and 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 and spa water at an appropriate wastewater disposal facility. The applicant shall comply with the mitigation plan approved by the Executive Director.

9. Updated Geologic Review

All recommendations contained in the: 1) Coastline Geotechnical Consultants, Inc. Geotechnical Engineering Investigation Proposed Residence 5353 Horizon Drive, Malibu California October 27, 1998; 2) Pacific Geology Consultant Inc. Supplemental

Engineering Geologic Report Response to The City of Malibu Geology and Geotechnical Engineering Review, May 1, 1999; 3) Coastline Geotechnical Consultants, Inc. Reply to Geotechnical Engineering Review Sheet, May 21, 1999; and 4) Pacific Geology Consultants, Inc. Supplemental Engineering Geologic Report, July 19, 1999, including issues related to site preparation, foundations, friction piles, spread footings, lateral loads, basement walls, drainage, and inspection shall be incorporated into the final project plans. All plans must be reviewed and approved by the consulting geologists.

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence of the consulting geologists' review and approval of all project plans for the swimming pool and spa addition. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs for the swimming pool and spa addition, including the drainage and runoff control plan required pursuant to **revised Special Condition Six (6)** and the pool drainage and maintenance plan required pursuant to **Special Condition Eight (8)**.

The final plans approved by the consulting geologists 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 recommended by the consulting geologists shall require an amendment to the permit or a new coastal development permit. The Executive Director shall determine whether required changes are "substantial."

10. Updated Assumption of Risk, Waiver of Liability and Indemnity

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

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. 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.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Project Site and Description

The applicant proposes to add an approximately 200 sq. ft. swimming pool and an approximately 45 sq. ft. spa to the lower level, south side of a previously approved 3 story, 28 ft. high (above average natural grade), 3,622 sq. ft. single family residence (**Exhibits 3 - 8**). Coastal Development Permit 4-00-085, for construction of the residence, septic system, and 870 cu. yds. of grading (481 cu. yds. cut, 389 cu. yds. fill) was approved in September 2000 (**Exhibit 9**).

The proposed pool and spa are shown in plans submitted under CDP 4-00-085, but were not included in the project description and were not approved under that permit. The applicant had intended to build the pool and spa at the same time as the residence, and had received geological and biological approval-in-concept for the entire project from the City of Malibu. However, in February 2000, the City of Malibu Planning Commission expressed concerns regarding slippage and leakage and asked the applicant to remove the pool and spa from project plans. The Commission approved the project, without the pool and spa, in September 2000 (CDP 4-00-085). Subsequently, the project, including the pool and spa, underwent structural plan check by the City of Malibu Building and Safety Department. The results of the plan check, along with Building and Safety approval, satisfied the Planning Department's concerns, and the City of Malibu granted approval-in-concept for the pool and spa on July 9, 2001.

As currently proposed, the pool and spa are constructed of concrete, and supported by a network of concrete beams that transfer vertical and lateral loads to eight concrete caissons. Four of the caissons share structural support with the residence, while the other four solely support the pool and spa.

The project site is a 13,069 sq. ft. lot at 5353 Horizon Drive in the City of Malibu (**Exhibit 1**). The site is surrounded with similarly sized lots on both sides of Horizon Drive, most of which have been developed with similarly sized residences (**Exhibit 2**). The property slopes steeply (at average gradients less than 2:1) and is vegetated with a mix of native and ruderal vegetation. The proposed development on the subject parcel would not be visible from National Park lands north of the site nor from any public trail. The project is not significantly visible from Pacific Coast Highway, located approximately ½ mile downslope, due to distance and intervening development and topography.

B. Geology and Hazards

Section 30253 of the Coastal Act states in 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 along bluffs and cliffs.***

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.

As previously noted, the applicant proposes to add an approximately 200 sq. ft. swimming pool and an approximately 45 sq. ft. spa to the lower level, south side of a previously approved 3 story, 3,622 sq. ft. single family residence. The project site is a steeply sloping lot that drops from the north to the south limb of Horizon Drive at an average of less than 2:1.

As noted above, the applicant has submitted four geotechnical reports for the proposed project: Geotechnical Engineering Investigation, Proposed Residence, 5353 Horizon Drive, Malibu California, prepared by Coastline Geotechnical Consultants, October 27, 1998; Supplemental Engineering Geologic Report, Response to The City of Malibu Geology and Geotechnical Engineering Review, prepared by Pacific Geology Consultants Inc., May 1, 1999; Reply to Geotechnical Engineering Review Sheet, prepared by Coastline Geotechnical Consultants, Inc., May 21, 1999; Supplemental Engineering Geologic Report, prepared by Pacific Geology Consultants, Inc. July 19, 1999. The geology reports make numerous recommendations regarding site preparation, foundations, friction piles, spread footings, lateral loads, retaining walls, basement walls, temporary excavation slopes, grading, floor slabs, drainage, and inspection.

The Supplemental Engineering Geologic Report, Response to The City of Malibu Geology and Geotechnical Engineering Review, prepared by Pacific Geology Consultants Inc., and dated May 1, 1999 specifically recommends that the structure, including the swimming pool, be supported by friction piles driven to bedrock and connected with grade beams. This report also notes that no active traces or splays of the Malibu Coast Fault, which is located approximately 500 ft. south of the project site, were found during seismic investigation of the property.

The original geotechnical report, Geotechnical Engineering Investigation, Proposed Residence, 5353 Horizon Drive, Malibu California, prepared by Coastline Geotechnical Consultants, October 27, 1998; concludes that:

Based on the finding summarize in this report, and provided the recommendations of this report are followed, and the design, grading and construction are properly and adequately executed, it our opinion that construction with the proposed building site would not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely effect the stability of the site, or adjacent properties, with the same provisos listed above.

Based upon the recommendations of the consulting geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the consulting geologists' recommendations 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 geologists as conforming to their recommendations. **Special Condition Nine (9)** requires that the final plans for the project be in substantial conformance with the geologic recommendations contained in the geologic reports prepared for the project.

In addition, the Commission finds that implementation of a drainage and polluted runoff control plan will serve to minimize erosion and enhance site stability. As discussed further in Section C, surface runoff, if not controlled and conveyed off site in a non-erosive manner, will result in erosion and may contribute to slope failure. In order to ensure that risks from geologic hazard and erosion are minimized, **revised Special Condition Six (6)** requires the applicant to submit a drainage and polluted runoff control plan that incorporates best management practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the site. **Revised Special Condition Six (6)** also requires the applicant to 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.

Furthermore, landscaping and interim erosion control measures, as detailed in **Special Condition One (1)** of the underlying permit, will serve to minimize the potential for erosion and slope instability during construction and in the post-development stage.

The Commission notes that the proposed project is conditioned to incorporate the recommendations of the project's consulting geologists and a drainage and polluted runoff control plan to ensure the 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, the Commission imposes **Special Condition Eight (8)** on the subject permit, which requires the applicant to submit a written plan which includes measures to minimize the potential of leakage from the pool and specific 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. Most importantly, the plan requires the applicant to dispose of pool and spa water off site at an appropriate wastewater disposal facility, in order to ensure that pool water is not drained onto the slope area.

Finally, the Commission recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting geologists, may still involve the taking of some 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 the subject property.

The Commission finds that due to the extreme steepness of the lot and the potential for slope failure due to various geologic processes, including earthquake, landslide, and soil saturation, as well as the potential for wildfires, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, as required by **Special Condition Ten (10)**, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of the hazards associated with development of the site, and that may adversely affect the stability or safety of the proposed development.

In summary, the Commission finds that, as conditioned by Special Condition One (1) of the underlying permit, **revised Special Condition Six (6), Special Condition Eight (8), Special Condition Nine (9), and Special Condition Ten (10)**, the project is consistent with section 30253 of the Coastal Act.

C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, 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 applicant proposes to add an approximately 200 sq. ft. swimming pool and an approximately 45 sq. ft. spa to the lower level, south side of a previously approved 3 story, 28 ft. high (above average natural grade), 3,622 sq. ft. single family residence.

The project site is a 13,069 sq. ft. parcel located between two blue line streams, which are located approximately 1000-1500 to either side of the proposed development. The site does not drain directly into any natural watercourse. However, the steepness of the lot, in addition to the impervious surfaces created, will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff could result in increased erosion on and off site and could adversely impact the quality of coastal waters.

The proposed development will result in an increase in impervious surface area, 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.

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 Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th 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 **revised Special Condition Six (6)**, 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 policies of the Coastal Act.

Furthermore, landscaping and interim erosion control measures, as detailed in **Special Condition One (1)** of the underlying permit, will serve to minimize the potential for adverse impacts to water quality resulting from runoff during construction and in the post-development stage.

The proposed project includes an approximately 250 sq. ft. swimming pool and 65 sq. ft. spa. Swimming pools can have deleterious effects on aquatic habitat if not properly maintained and drained outside of the watershed. Chlorine and other chemicals 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 imposes **Special Condition Eight (8)** on the subject permit, which requires the applicant to submit a written plan that includes measures to minimize the potential of leakage from the pool and specific 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. Most importantly, the plan requires the applicant to dispose of pool and spa water off site at an appropriate wastewater disposal facility, in order to ensure that pool water is not drained onto the slope area.

In summary, the Commission finds that, as conditioned by **Special Condition One (1)** of the underlying permit, **revised Special Condition Six (6)**, and **Special Condition Eight (8)**, the project 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. 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 subordinated to the character of its setting.

The proposed project site is located approximately one-half mile inland of Pacific Coast Highway in a residential subdivision which is partially developed with multi-storied residences. The building site is a steeply sloping lot that descends from Horizon Drive at an average gradient of less than 2:1 to the south. The lot is currently vacant and is bounded on the west by an empty lot, and on the north, south, and east by developed residential property.

The previously approved residence utilizes a split level design which steps the residence down the slope and thereby minimizes alteration of the landform and reduces the size of the over-all building envelope. The proposed additions would be located on the lower level, south side of the approved residence. The proposed additions, as well as the approved residence, would be minimally visible from the surrounding area, and would be practically screened by houses which are built upslope on the north side of Horizon Drive, and downslope on the south side of Horizon Drive. The proposed project will not be visible from parkland and will not block views of the shore from any public viewing area. The structure will not be significantly visible from Pacific Coast Highway because of the distance (approximately one-half mile) and the intervening irregular topography.

Therefore, for the reasons discussed above, the Commission finds that the proposed development, as proposed, will not result in any adverse effects to public views and is consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

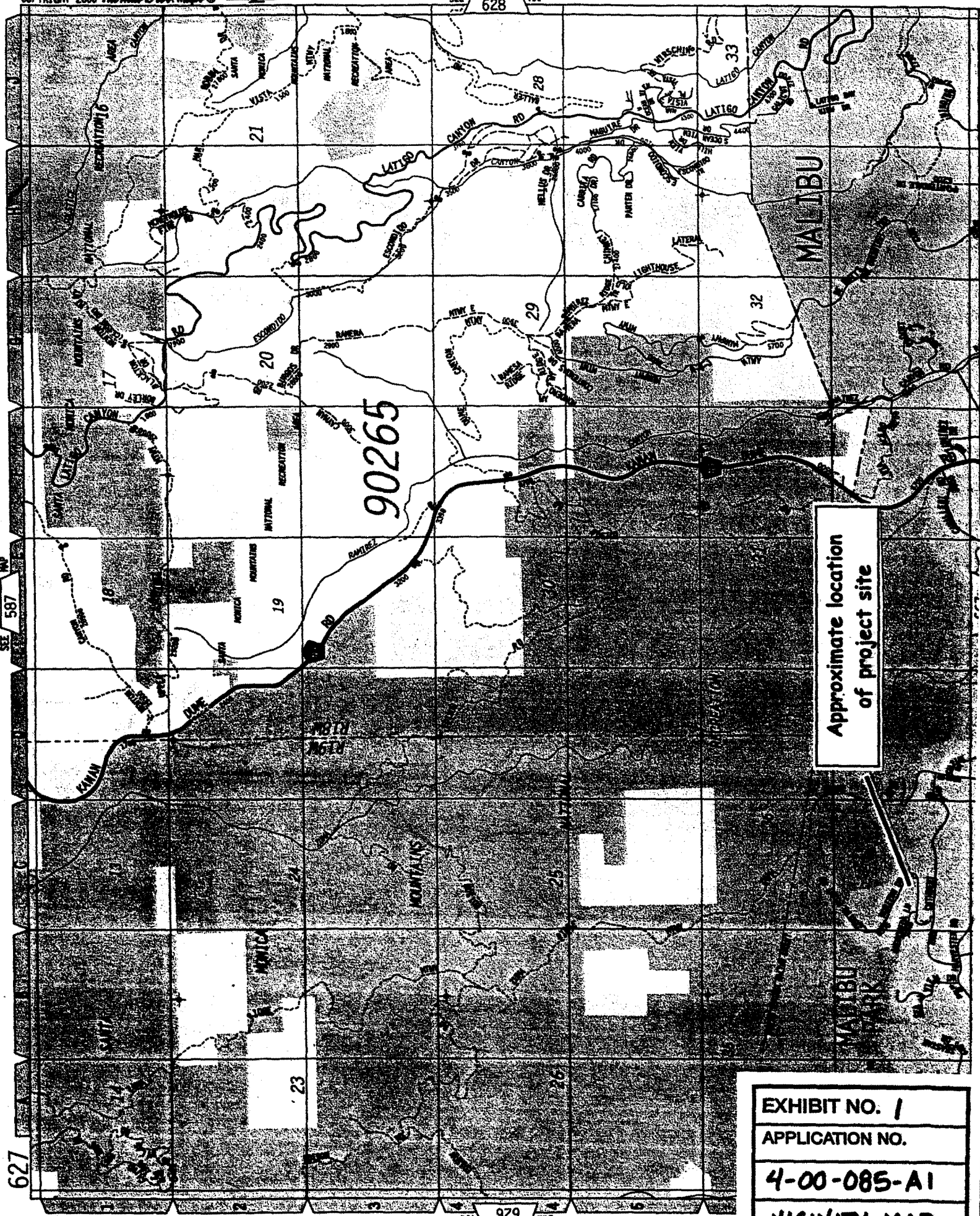
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed 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).

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 that 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.



Approximate location
of project site

EXHIBIT NO. 1
APPLICATION NO.
4-00-085-A1
VICINITY MAP

SEE 587 MAP

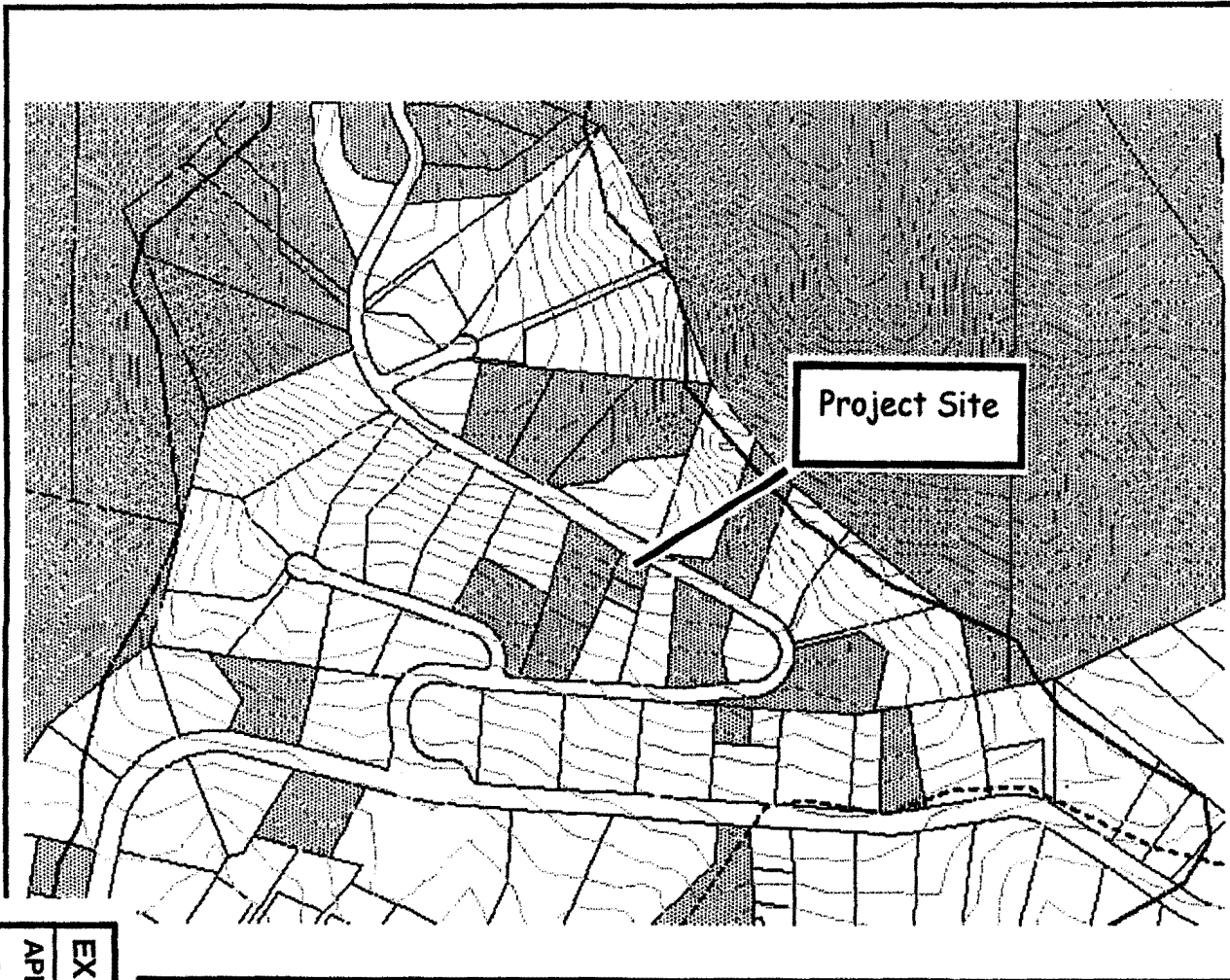
627

SEE 626 MAP

ESRI ArcExplorer 1.1

4-00-085-A1 (Montgomery) 5353 Horizon Drive

- contours @ 20ft
- Trails - LA County LUP
- Blue Line Streams
- vacant parcels



Thursday, Sep 13 2001

EXHIBIT NO. 2

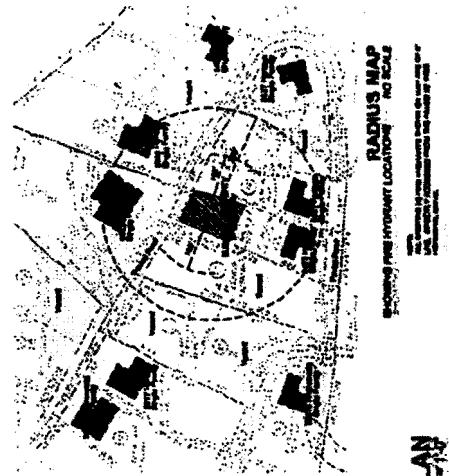
APPLICATION NO.

4-00-085-A1

COASTAL RESOURCES

L.A. COUNTY FIRE DEPARTMENT NOTES

1. Review all drawings and specifications for fire department use. Verify that all fire department requirements are met.
2. The building shall be designed to meet the fire department requirements for fire resistance, fire protection, and fire safety.
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LEGEND

- INDICATED GARAGE LEVEL
- INDICATED SECOND FLOOR
- INDICATED FIRST FLOOR
- INDICATED FINISH FLOOR
- INDICATED FINISH FLOOR
- INDICATED FINISH FLOOR
- INDICATED FINISH FLOOR

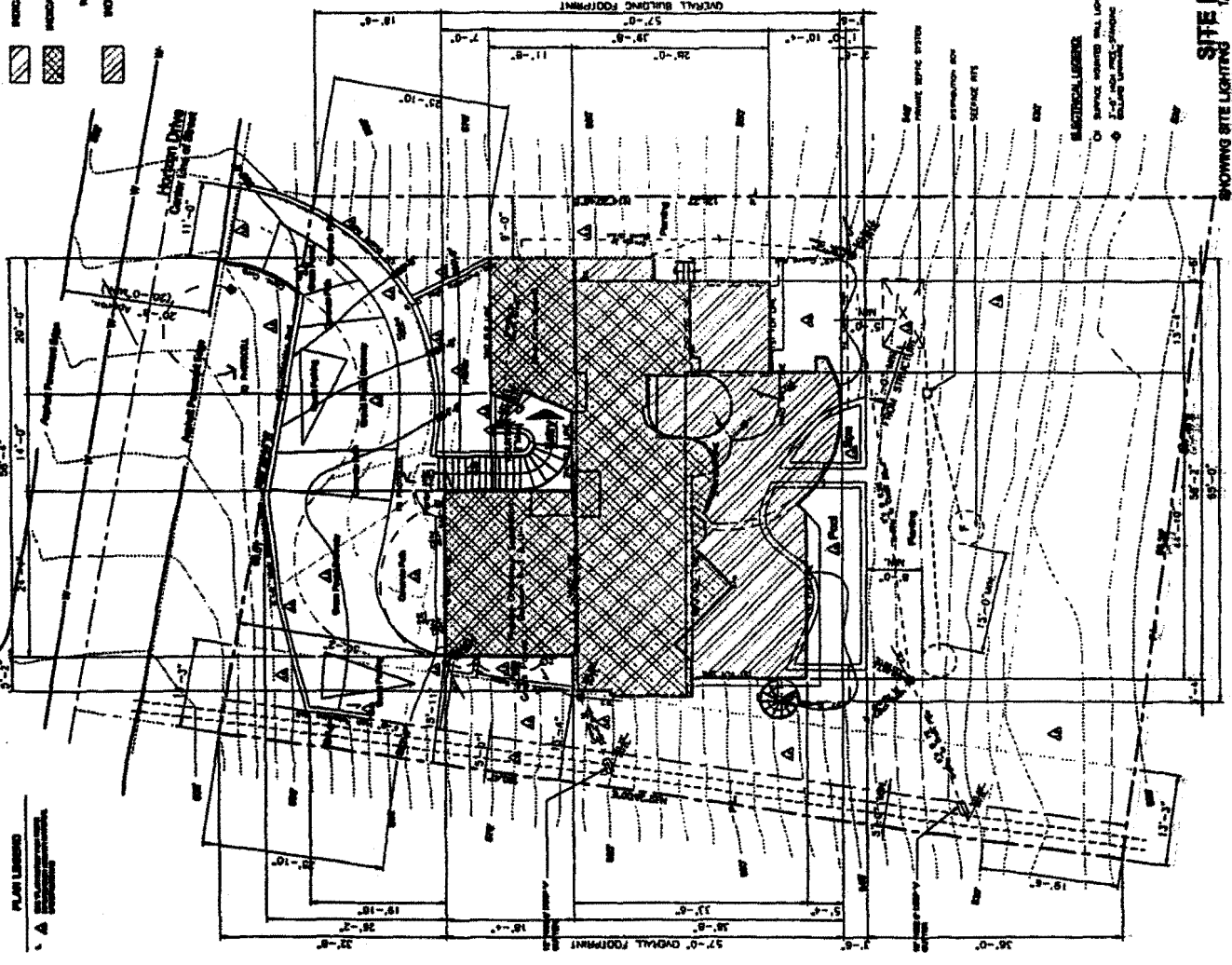
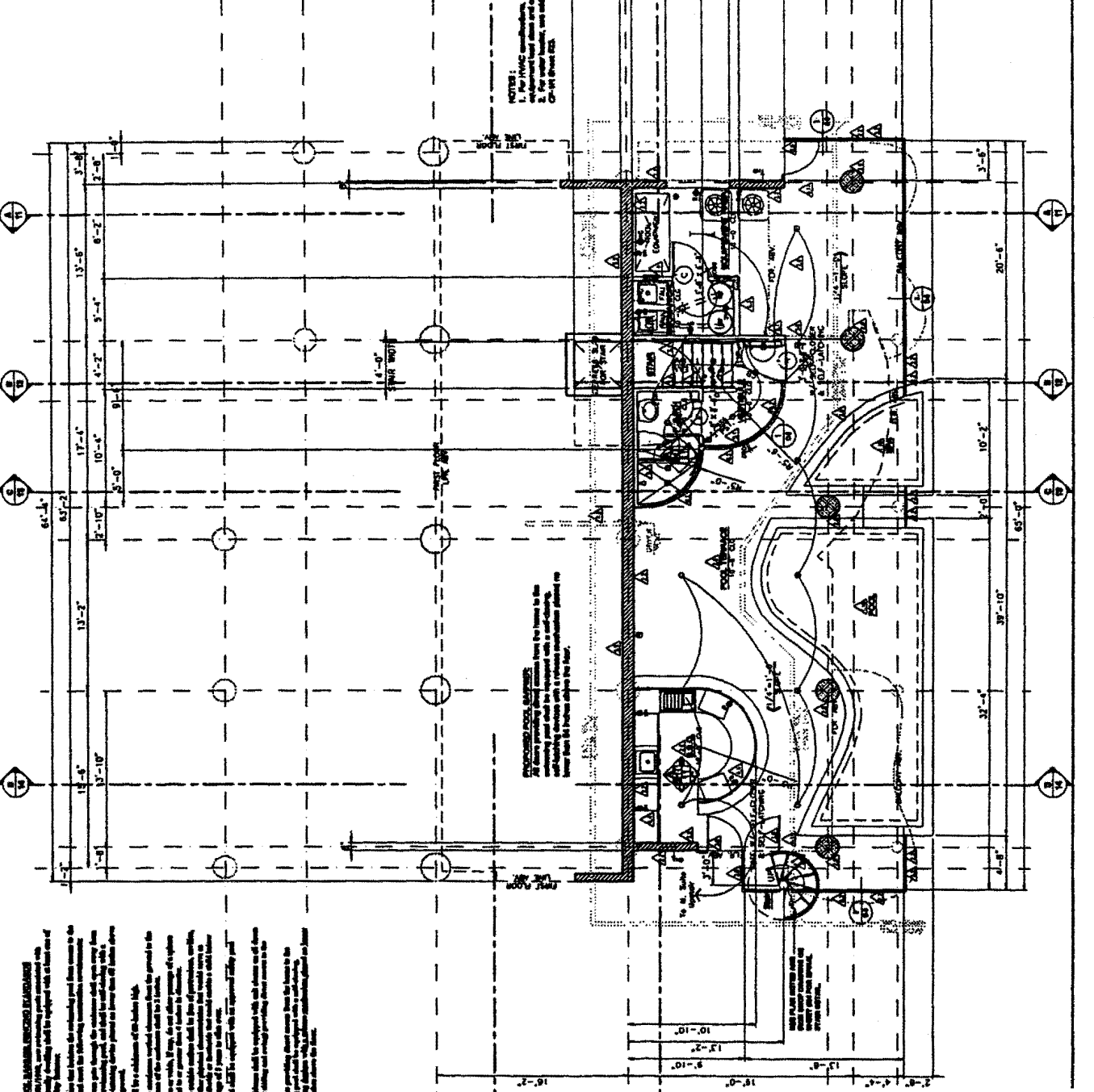


EXHIBIT NO. 3
 APPLICATION NO.
 4-00-085-A1
 SITE PLAN

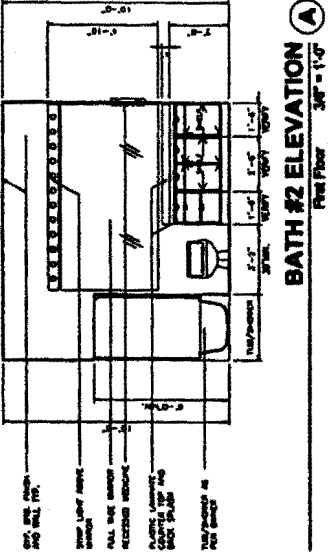
- PLAN LEGEND**
- 1. INDICATES AN ALTERNATE SPEC. SEE THE NOTES FOR DETAILED INFORMATION
 - 2. INDICATES AN WINDOW SPEC. SEE WINDOW SCHEDULE FOR INFORMATION
 - 3. INDICATES AN DOOR SPEC. SEE DOOR SCHEDULE FOR DOOR INFORMATION



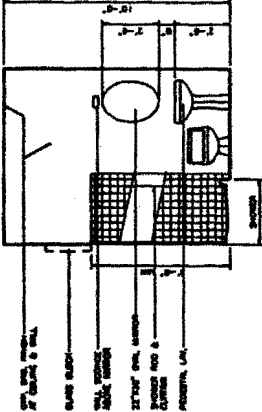
- REAR YARD PLAN**
1. The pool deck shall be finished with a non-slip surface. The pool deck shall be finished with a non-slip surface. The pool deck shall be finished with a non-slip surface.
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EXHIBIT NO. 4
APPLICATION NO.
4-00-085-A1
POOL AREA PLAN

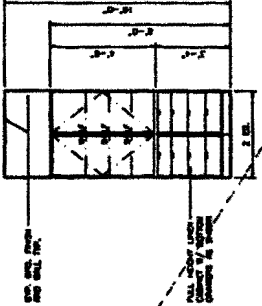
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		



BATH #2 ELEVATION
 First Floor 3/4" = 1'-0"

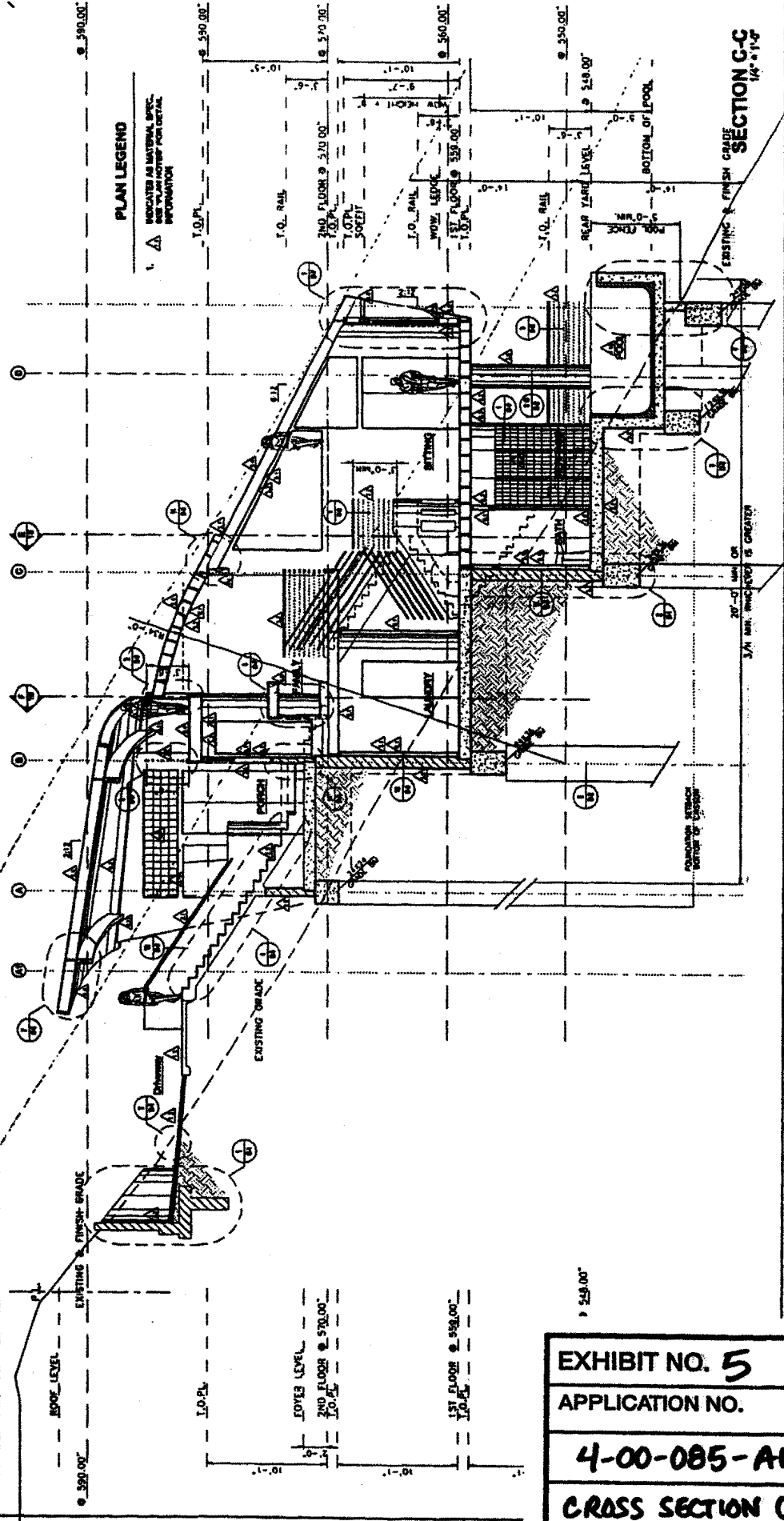


POWDER ROOM ELEVATION
 Second Floor 3/4" = 1'-0"



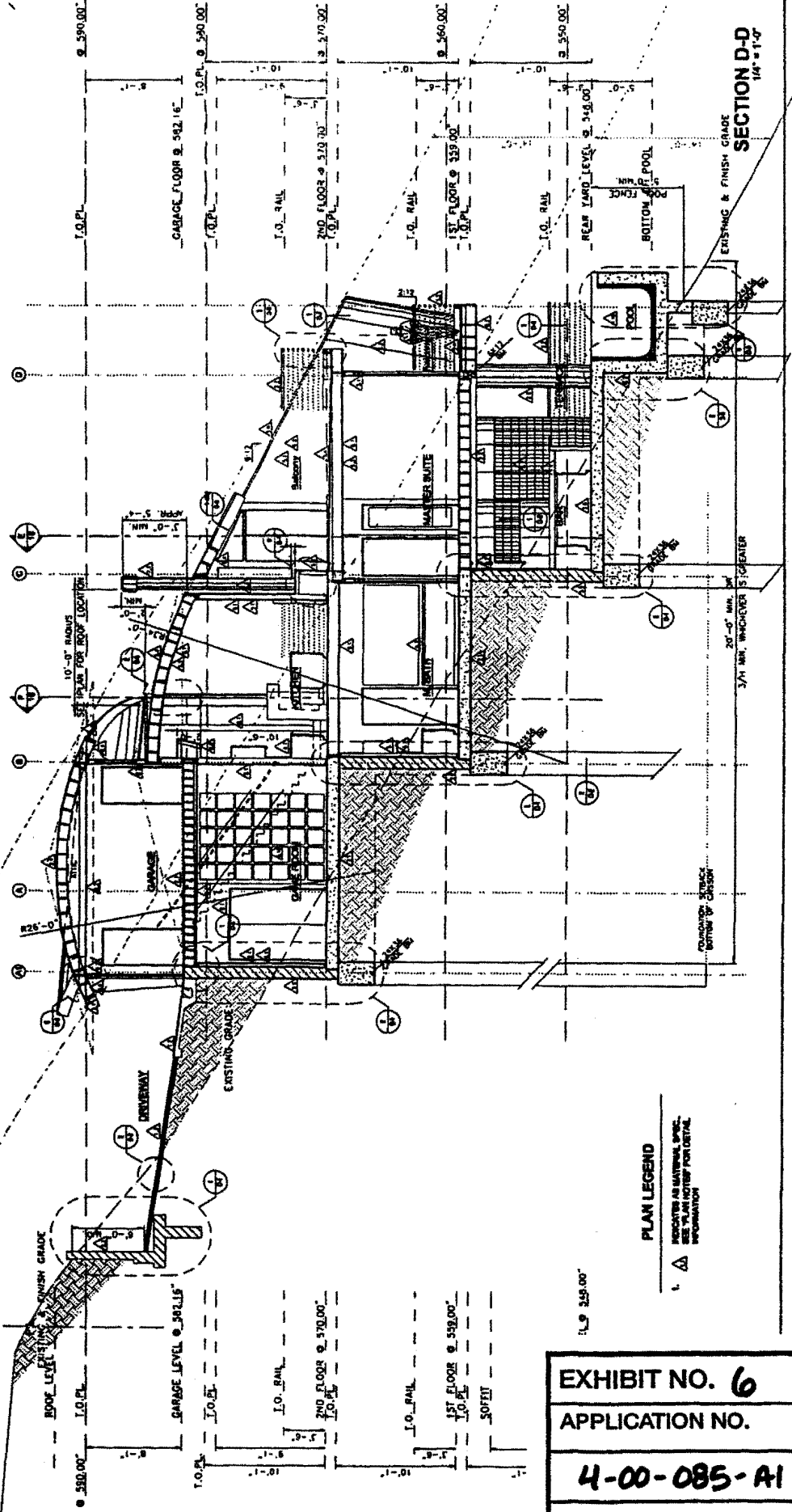
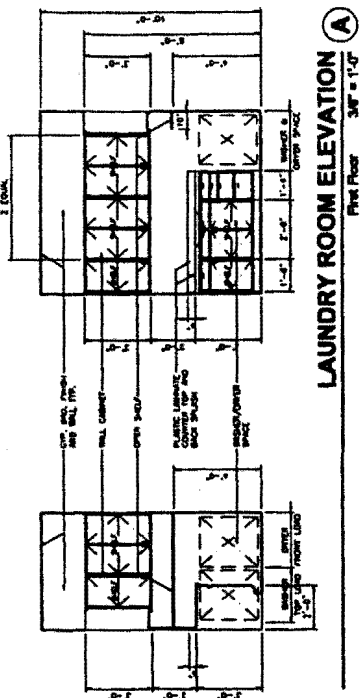
LINEN ELEVATION
 First Floor 3/4" = 1'-0"

PLAN LEGEND
 INDICATED AS MATERIAL SPEC. AND PLAN HISTORY FOR DETAIL INFORMATION



SECTION C-C
 1/4" = 1'-0"

EXHIBIT NO. 5
APPLICATION NO.
4-00-085-A1
CROSS SECTION C



PLAN LEGEND
 1. Δ INDICATES MATERIAL SPEC. SEE PLAN NOTES FOR DETAIL INFORMATION

EXHIBIT NO. 6
APPLICATION NO.
4-00-085-A1
CROSS SECTION D

DEPARTMENT OF BUILDING & SAFETY
 SPECIAL PERMIT FOR STRUCTURAL ALTERATIONS

1. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

2. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

3. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

4. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

5. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

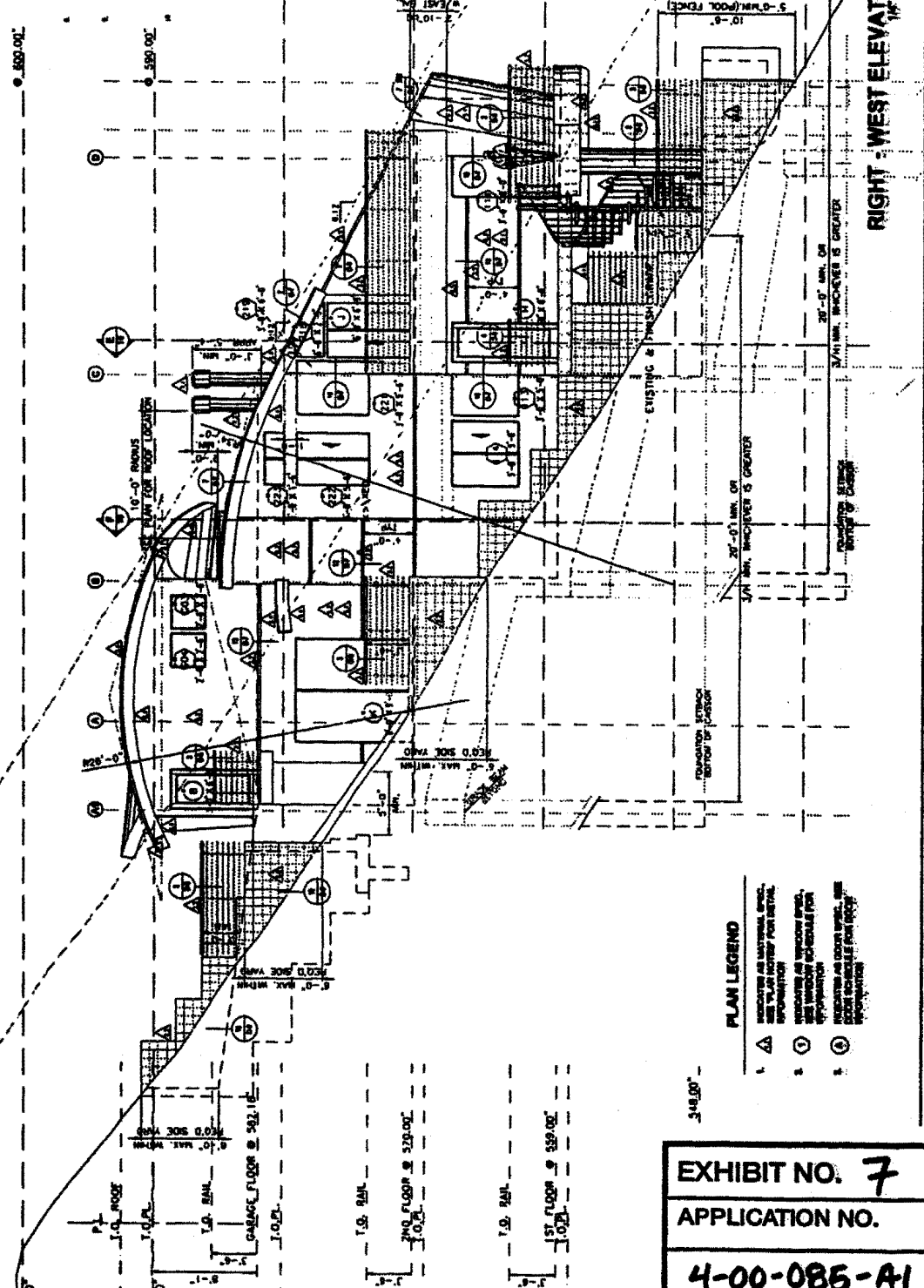
6. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

7. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

8. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

9. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.

10. The applicant hereby certifies that the proposed work is in accordance with the approved plans and specifications, and that the same have been prepared by a duly licensed architect or engineer.



PLAN LEGEND

1. INDICATES AN IMPROVED WALL OR PARTIAL WALL FINISH APPROXIMATION

2. INDICATES AN IMPROVED AREA AND FINISH APPROXIMATION

3. INDICATES AN OPEN SPACE, OR AN AREA TO BE OPENED UP FOR FINISH APPROXIMATION

EXHIBIT NO. 7

APPLICATION NO.

4-00-085-A1

WEST ELEVATION

DRIVEWAY CAISSON SCHEDULE

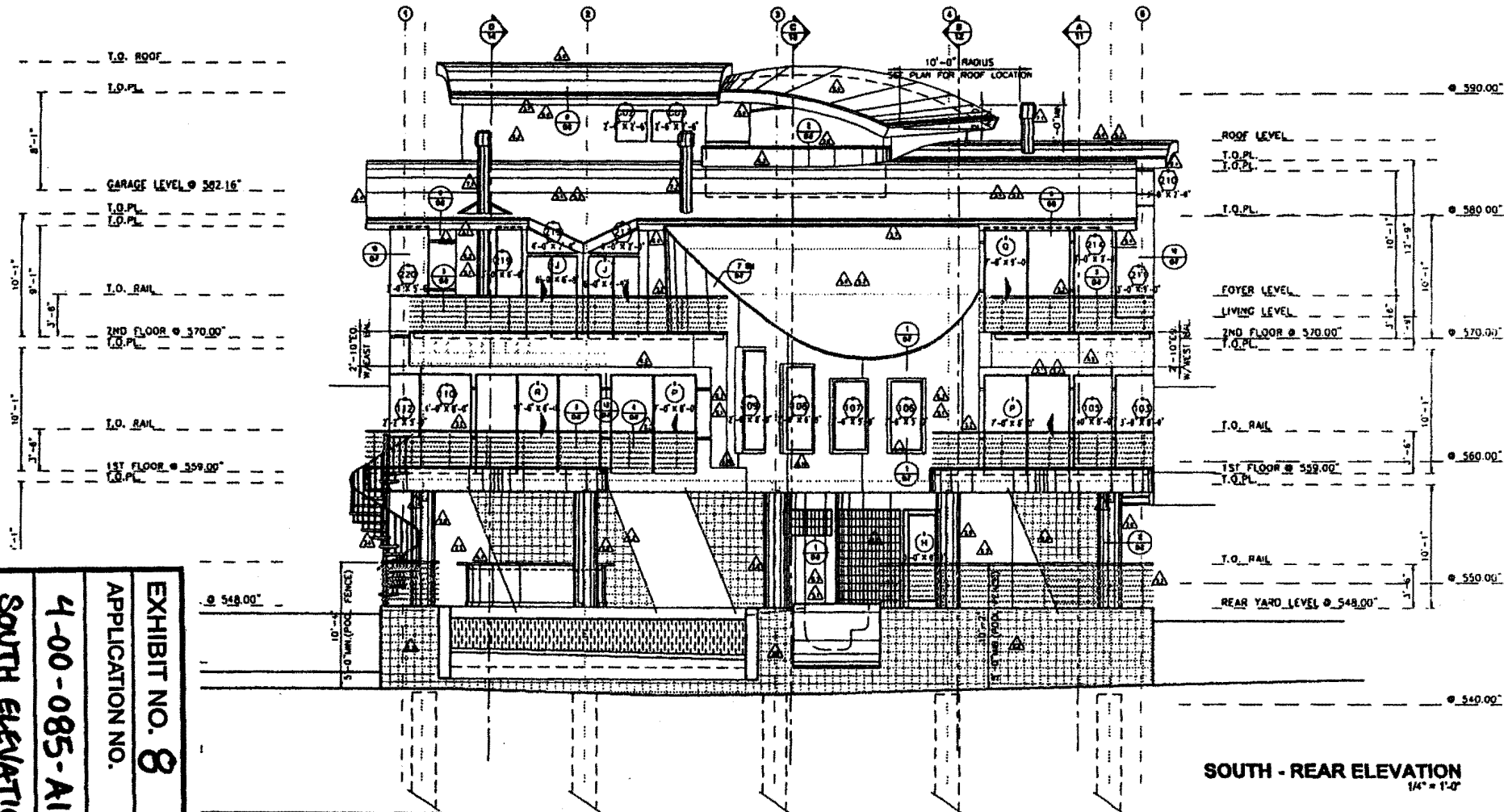
Caisson No.	Clearance	Other Details	Vertical Clear	To Roof	Remarks
101	12'-0"			10'-0" @ 12'-0"	
102	12'-0"			10'-0" @ 12'-0"	
103	12'-0"			10'-0" @ 12'-0"	
104	12'-0"			10'-0" @ 12'-0"	
105	12'-0"			10'-0" @ 12'-0"	
106	12'-0"			10'-0" @ 12'-0"	

NOTE:
1. SEE SHEET 04 FOR HOUSE FOUNDATION DETAILS.
2. SEE SHEET 05 FOR DRIVEWAY DETAILS.

DRIVEWAY GRADE BEAM SCHEDULE

Grade Beam #	Width	Depth	Bottom Steel #	Bottom Steel Size	Top Steel #	Top Steel Size	To Roof	Remarks
1001	2'-0"	2'-0"	4	#4	4	#4	10'-0" @ 12'-0"	
1002	2'-0"	2'-0"	4	#4	4	#4	10'-0" @ 12'-0"	
1003	2'-0"	2'-0"	4	#4	4	#4	10'-0" @ 12'-0"	
1004	2'-0"	2'-0"	4	#4	4	#4	10'-0" @ 12'-0"	
1005	2'-0"	2'-0"	4	#4	4	#4	10'-0" @ 12'-0"	
1006	2'-0"	2'-0"	4	#4	4	#4	10'-0" @ 12'-0"	
1007	2'-0"	2'-0"	4	#4	4	#4	10'-0" @ 12'-0"	
1008	2'-0"	2'-0"	4	#4	4	#4	10'-0" @ 12'-0"	

NOTE:
1. SEE SHEET 04 FOR HOUSE FOUNDATION DETAILS.



SOUTH - REAR ELEVATION
1/4" = 1'-0"

EXHIBIT NO. 8
APPLICATION NO.
4-00-085-A1
SOUTH ELEVATION


CHI-PANG LAI, AIA
Architects & Planners
2888 Wilshire Avenue, Los Angeles, California 90066 213-474-0888

MONTGOMERY RESIDENCE
5353 Horizon Drive
Malibu, California 90265

Tue 18b

CALIFORNIA COASTAL COMMISSION

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

Filed: 5/13/00
49th Day: 7/1/00
180th Day: 11/9/00
Staff: MHC 
Staff Report: 8/29/00
Hearing Date: 9/12-15/00
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-085

APPLICANT: Mr. & Mrs. Terry Montgomery **AGENTS:** Chi-Pang

PROJECT LOCATION: 5353 Horizon Drive, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a three-story 28 foot in height (above natural grade) 3,622 square foot single family residence and septic system, with 870 cubic yards of grading (481 cubic yards of cut, and 389 cubic yards of fill).

Lot area:	13,069 sq. ft
Building coverage:	3,622sq. ft.
Pavement coverage:	870 sq. ft.
Parking Spaces:	2 covered
Plan Designation:	RR 2, 1/2 du/ac
Project Density:	1/2 du/ac
Ht. abv. ext. grade:	28 ft.

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department, Geology & Geotechnical Engineering Review (6/17/99); Biological Review (8-3-/99; and Environmental Health Department Septic (7/23/99).

SUNSTATIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountain Land Use Plan; Coastline Geotechnical Consultants, Inc. Geotechnical Engineering Investigation Proposed Residence 5353 Horizon Drive, Malibu California October 27, 1998; Pacific Geology Consultant Inc. Supplemental Engineering Geologic Report Response to The City of Malibu Geology and Geotechnical Engineering Review, May 1, 1999; Coastline Geotechnical Consultants, Inc. Reply to Geotechnical Engineering Review Sheet, May 21, 1999; Pacific Geology Consultants, Inc. Supplemental Engineering Geologic Report, July 19, 1999.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with seven special conditions addressing landscape and erosion control plans, removal of natural vegetation, plans

EXHIBIT NO. 9

APPLICATION NO.

4-00-085-A1

4-00-085 STAFF REPORT

conforming to the consulting geologist recommendations, wildfire waiver of liability, assumption of risk, drainage and polluted runoff, and disposal of excavated material.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve with conditions Coastal Development Permit No. 4-00-85 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 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. Landscape and Erosion Control Plans

Prior to issuance of a Coastal Development Permit, the applicant shall submit a landscaping and erosion control plan, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plan 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 identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A) Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species that 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) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

- 5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- 6) All irrigation methods and structures shall be identified and the application of Supplemental irrigation water beyond that necessary to establish plantings shall be minimized.

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) No grading shall take place during the rainy season (November 1 – March 31).
- 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.

2. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the fifty (50) foot zone surrounding the proposed structure 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 fifty (50) to two hundred (200) foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

3. Plans Conforming to Geologic Recommendation

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in the: 1) Coastline Geotechnical Consultants, Inc. Geotechnical Engineering Investigation Proposed Residence 5353 Horizon Drive, Malibu California October 27, 1998; 2) Pacific Geology Consultant Inc. Supplemental Engineering Geologic Report Response to The City of Malibu Geology and Geotechnical Engineering Review, May 1, 1999; 3) Coastline Geotechnical Consultants, Inc. Reply to Geotechnical Engineering Review Sheet, May 21, 1999; and 4) Pacific Geology Consultants, Inc. Supplemental Engineering Geologic Report, July 19, 1999, including issues related to site preparation, foundations and drainage and septic system shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

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 to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

4. Wildfire Waiver of Liability and Indemnity

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 all claims, demands, damages, costs, expenses, or liability arising out of the acquisition, design, construction, operations, and maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

5. Assumption of Risk, Waiver of Liability and Indemnity

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, erosion, and wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Drainage and Polluted Runoff Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

- (a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate or treat runoff from all roofs, parking areas, driveways and other impervious surfaces shall be identified and incorporated into final plans.
- (b) Selected BMPs shall, when implemented ensure that post-development peak runoff rate and average volume from the site, will be maintained at levels similar to pre-development conditions. The drainage system shall also be designed to collect, convey and discharge runoff from the building site in non-erosive manner that does not result in increased infiltration from runoff into the slope.

The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps/separators and/or filters shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

7. Removal of Excavated Material

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Site and Description

The proposed project site is a steeply sloping lot that drops at an average of 30 degrees and is vegetated with a mix of native and ruderal vegetation. The site is surrounded with similarly sized lots on both sides of Horizon Drive, most of which have been developed with similarly size residences. The subdivision is adjacent to undeveloped natural National Park lands that are located north and east of Horizon

Drive. The proposed development on the subject parcel would be effectively screened from views from the north by existing development located on the north side of Horizon Drive, and would not be visible from any public trail. (Exhibits 1 through 3 and 8.)

The applicant proposes the construction of a 3 story, 28 ft. high (above average natural grade), 3,622 square foot single family residence with septic system with 481 cubic yards of cut and 389 cubic yards of fill on a 13,069 square foot lot at 5353 Horizon Drive, Malibu, Los Angeles County. Surrounding development includes single family residential development with a majority of the lots in the immediate area developed. (See Exhibits, 3 through 7.)

B. Geologic Stability

Section 30253 of the Coastal Act states in 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 along bluffs and cliffs.

As previously noted, the applicant proposed the construction of a 3-story, 28 ft. high (average natural grade), 3,622 square foot single family residence with septic system and 481 cubic yards of cut and 389 cubic yards of fill on a 13,069 square foot lot at 5353 Horizon Drive, Los Angeles County.

The project site is a steeply sloping lot that drops from the north to the south limb of Horizon Drive at an average of 30 degrees. The geologic reports prepared for the project recognized the potential instability of the steep slopes and recommend that the structure be supported by friction piles driven to bedrock and connected with grade beams. Additionally, the geologic reports indicate that the retaining wall proposed between the residence and Horizon Drive should be supported with foundations set below the surficial fill. Finally, the City Geologist has required that the geologic investigation survey the possibility of a surface trace of the Malibu Coast fault, which is located approximately 500 feet to the south, off of the subject parcel. No evidence of traces of the Malibu Coast fault in the area of the residence was detected as a result of additional trenching on the project site. (See Exhibit 9.)

As noted above, the applicant has submitted several geotechnical reports for the proposed project, which document the geologic conditions on the site. The original geotechnical report, Coastline Geotechnical Consultants Report, Inc. dated October 27, 1999 concluded that:

Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the design, grading and construction are properly and adequately executed, it is our opinion that construction with the proposed building site would not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely affect the stability of the site, or adjacent properties, with the same provisos listed above.

However, this initial geotechnical report has been supplemented by two additional reports which respond to specific questions and recommendations prepared by the City of Malibu and incorporate additional site-specific measures (including the provision a foundation for the retaining wall between the residence and Horizon Drive, the use of friction piles tied laterally by grade beams to support the residence, and relocation and capping of the septic seepage pits) to address geologic issues raised by the proposed project. These measures have been reviewed and approved by the City of Malibu and incorporated into the final plans for the project.

Based upon the recommendations of the consulting engineer and geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations 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 consultant Engineering Geologist as conforming to their recommendations. Special Condition #3 requires that the final plans for the project be in substantial conformance with the geologic recommendations contained in the updated geologic reports prepared for the project.

The Commission also finds that that the site stability maybe further assured with the minimization of site erosion by requiring the applicant to landscape the site with native plants, compatible with the surrounding environment. Therefore, the Commission finds its necessary to require the applicant to submit and implement-landscaping plan designed to revegetate disturbed and degraded areas of the site. Special Condition #1 requires the applicant to prepare and implement landscape and erosion control plans for the site.

In addition, in past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are

typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements.

Further, the Commission notes that the use of non-native and/or invasive plant species for landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition # 1 requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

Additionally, due to the fact that the proposed project is located in an area subject to extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant accepts the liability from the associated risks. Through the waiver of liability the applicant acknowledges and understands the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Special Condition #4 requires the applicant to acknowledge the risks from wildfire associated with the site.

Finally, because of the extreme steepness of the lot and the potential for slope failure due to various geologic process, including earthquake, soil saturation, as well as the potential for wildfires, the Commission can only approve the project if the applicant acknowledges the hazards associated with the site and assumes the risks and liability associated with such hazards. Special Condition #5 requires the applicant to acknowledge the hazards associated with the site and to assume the risks and liabilities associated with such hazards.

The Commission finds that the proposed development as conditioned is consistent with Section 30253 of the Coastal Act and applicable portions of the Malibu LUP.

D. Water Quality and Environmentally Sensitive Habitats.

Section 30231 of the Coastal Act provides that:

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.

Section 30240 of the Coastal Act provides that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The applicant proposes the construction of a 3-story, 28 ft. high (average natural grade), 3,622 sq. ft. single family residence with septic system on a 13,069 square foot lot with 481 cubic yards of cut and 389 of fill. The project site is not adjacent to or drain directly into any named or blue-line watercourse. (The nearest stream is Zuma Creek, which is approximately one mile to the east.)

However, the Commission has recognized, in past permit actions, that the potential build-out of lots in the Malibu area and the resultant installation of septic system may contribute to adverse health effects. The applicant proposes the construction of an on-site septic system that consists of a septic tank and seepage pits. A supplemental Engineering Geologic Report was prepared by Pacific Geology Consultants, Inc. to address the question of ground water level; this report determined that groundwater will not rise within ten feet of the bottom of the proposed seepage pit. Final review by the City Environmental Health Department, as noted above, in Substantive File Documents, reflects the adequacy of the proposed septic system. Past Commission decisions have found that compliance with City codes have resolved any potential problem of pollution of coastal waters by proposed development.

The Commission has consistently emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. Although the proposed building site is not within the ESHA, development on this site could adversely impact the sensitive habitat resources, including coastal waters as a result of the cumulative impact on water quality, if not properly designed. The applicant proposes only a minor amount of grading, and incidental amount of soil disturbance will result from the construction of the residence. However, the steepness of the lot, in addition to the impervious surfaces created, will increase both the volume and velocity of storm water

runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff would result in increased erosion on and off site.

To ensure that the proposed project minimizes erosion impacts the Commission finds it necessary to require the applicant to submit detailed plans which illustrate how runoff will be conveyed off-site in a non-erosive manner. Special Condition #1 requires the preparation of erosion and runoff control plans for the site. Additionally, Special Condition #7 requires the applicant to provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

Additionally, landscaping of the areas disturbed by construction activities will also serve to minimize erosion and ensure site stability. Therefore, the Commission finds it necessary to require the applicant to submit a landscape and erosion control plan as a special condition of approval. Special Condition # 1 requires the applicant to prepare and implement a landscaping plan for the site. Together, these conditions will ensure that all impacts of site disturbance and increased impervious surfaces and increase in peak runoff rates resulting from the proposed project are mitigated to the maximum extent feasible, thereby minimizing any adverse affects on the habitat of the designated blue-line stream and offshore kelp beds.

Finally, 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

As described above, the proposed project includes the construction of a single family residence, garage, guest house, and septic system with 870 cubic yards of grading (481 cubic yards cut and 389 cubic yards fill). The conversion of the project site from its natural state will result in an increase in the amount of impervious surface and reduction in the naturally vegetated area. 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 removal of natural vegetation and placement of impervious surfaces allows for less infiltration of rainwater into the soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Additionally, the infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff, leading to

stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly reduced.

As described above, the project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion and sedimentation is minimized. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the site. This plan is required by Condition #6. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that only as conditioned will the proposed project be consistent with the policies found in Sections 30231 and 30240 of the Coastal Act.

F. 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 subordinated to the character of its setting.

The proposed project site is located approximately one-half mile inland of Pacific Coast Highway in a residential subdivision which is partially developed with multi-storied residences. The building site is a steeply sloping lot that descends from Horizon Drive at an average of 30 degrees to the south. The lot is currently vacant and is bounded on the east and west by empty lots, and on the north and south by developed residential property.

The proposed residence utilizes a split level design which steps the residence down the slope and thereby minimizes alteration of the landform and reduces the size of the over-all building envelope. The structure would be minimally visible from the surrounding area, and would be practically screened by houses which are built upslope on the north side of Horizon Drive, and downslope on the south side of Horizon Drive. The proposed project will not be visible from parkland and will not block views of the shore from any public viewing area. The structure will not be significantly visible from Pacific Coast Highway because of the distance (approximately one-half mile) and the intervening irregular topography.

Therefore, for the reasons discussed above, the Commission finds that the proposed development, as proposed, will not result in any adverse effects to public views and is consistent with Section 30251 of the Coastal Act.

G. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed 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).

H. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 that the activity may have on the environment.

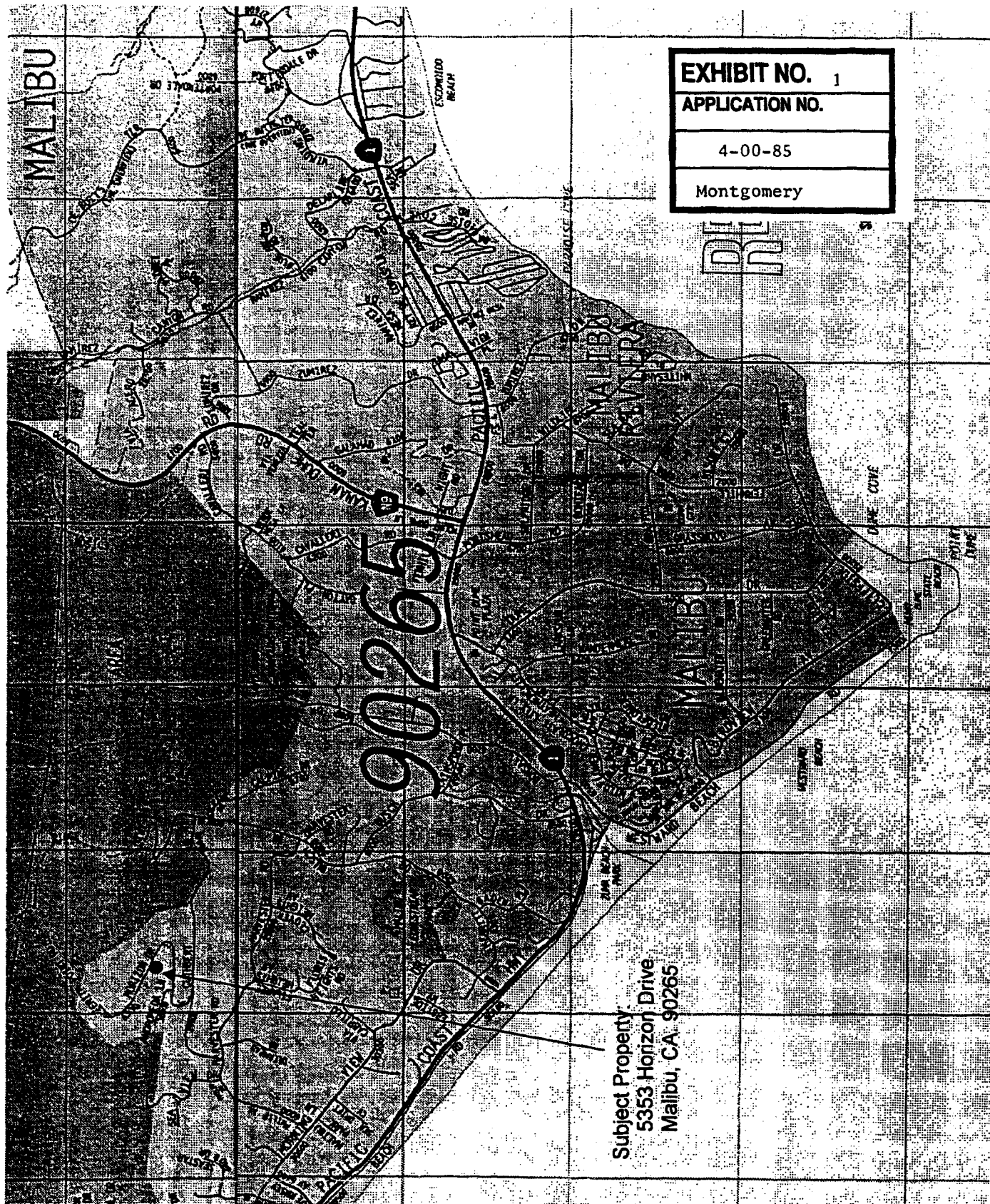
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be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

EXHIBIT NO. 1

APPLICATION NO.

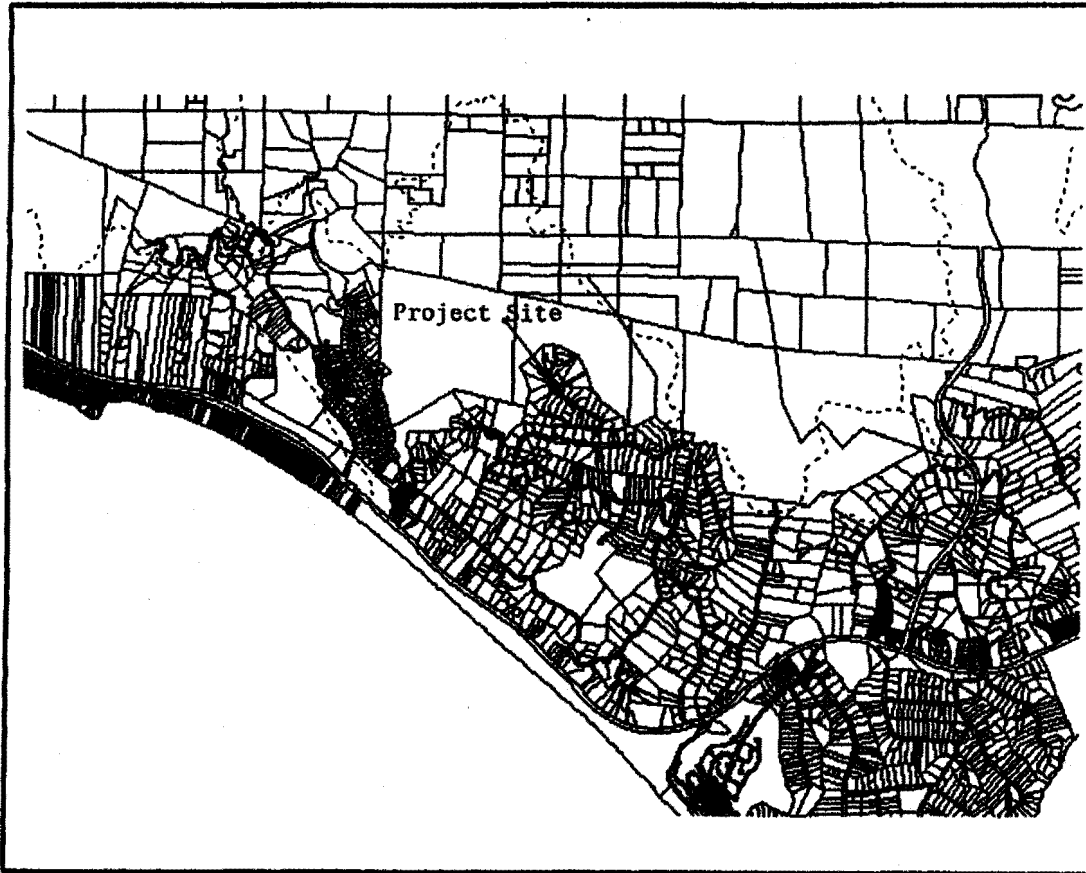
4-00-85

Montgomery



Subject Property
5353 Horizon Drive
Malibu, CA 90265

Map Title



- Un-opened Vertical OTDs
- Trails - LA County LUP
- laprcis

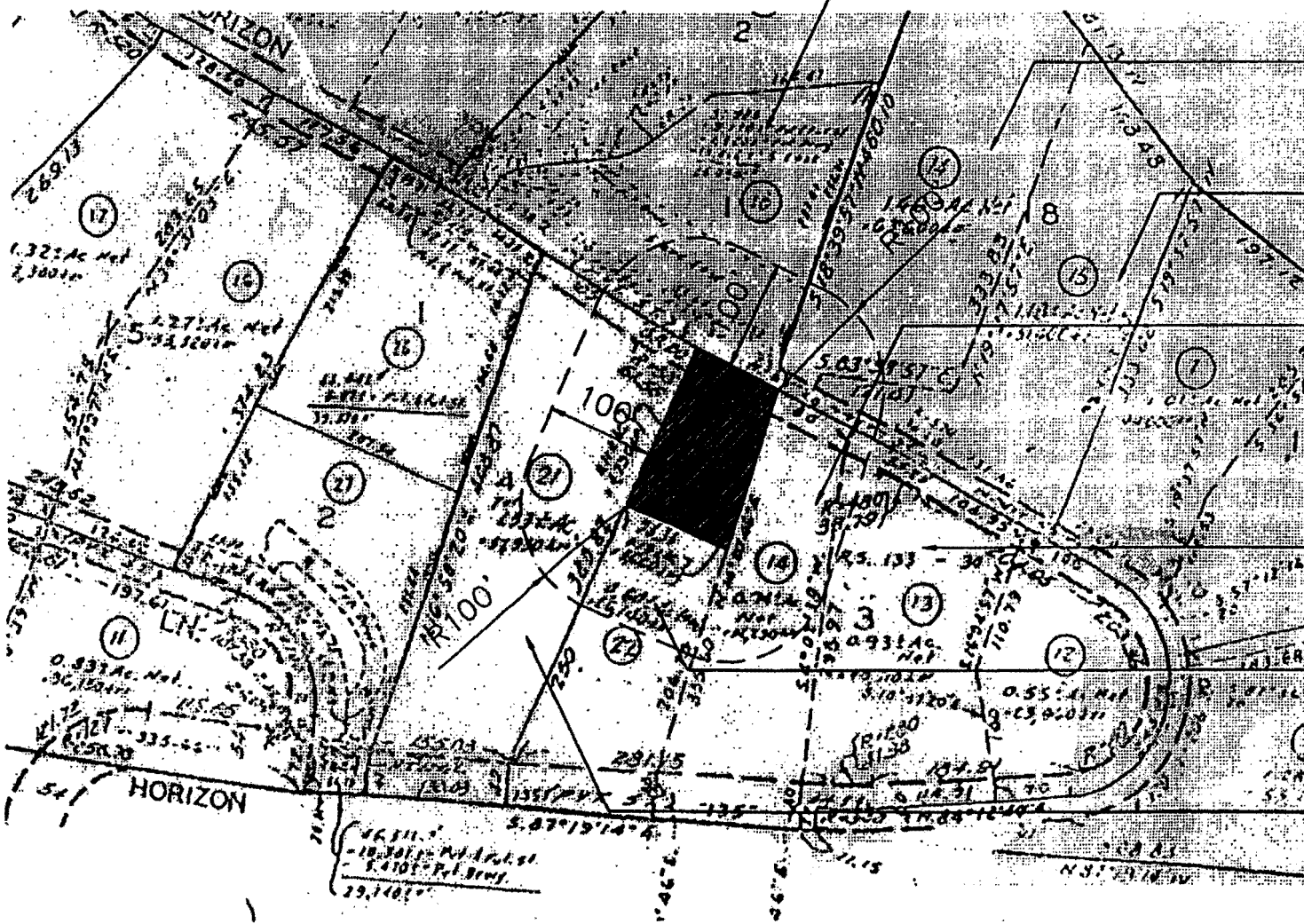
EXHIBIT NO. 1 A
APPLICATION NO.
4-00-085
Montgomery



SUBJECT PROPERTY: 5353 Horizon Drive
Malibu, CA. 90265

PARCEL MAP #: 4469-004-024
4469-004-025

EXHIBIT NO.	2
APPLICATION NO.	4-00-18
Montgomery	



PM# 4469-006-018
Jon Nokes
5322 Horizon Drive
Malibu, CA. 90265

PM# 4469-006-014 +017
Alan L. & Renee B. Shorr
5366 Horizon Drive
Malibu, CA. 90265

PM# 4469-006-015
George N. & Toula Balanis
2349 Hill Street
Santa Monica, CA. 90405

PM# 4469-004-014
Clarence C. Rubenacker
5461 Horizon Drive
Malibu, CA. 90265

PM# 4469-004-013
Mr. Pierre Morillo
520 S. Lake Avenue
Pasadena, CA. 91101

PM# 4469-004-022
Gerald A. & Lois J. Mochan
P.O. Box 49 Agoura Hills
CA. 91376
(3473 Horizon Drive)

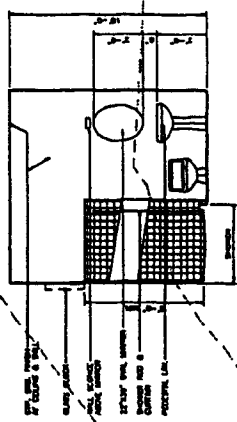
PM# 4469-004-021
Phillip V. & Britt V. Lorana Trv
402 Mercedes Lane
Arroyo Grande, CA. 93420

CHI-PANG LAI, AIA

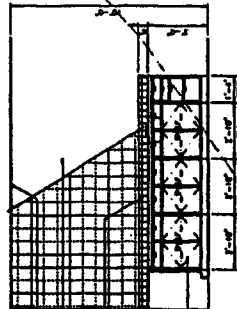
3555 Wilshire Avenue, Los Angeles, California 90010-3400
Architects & Planners

MONTGOMERY RESIDENCE
3333 Horizon Drive
Malibu, California 90265

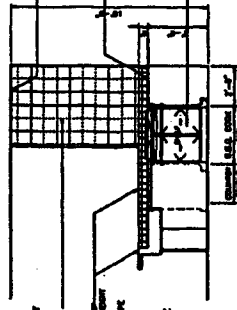
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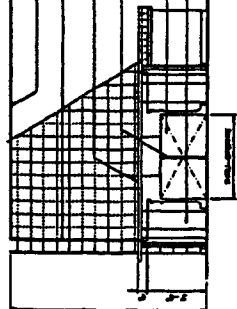
POOL TOILET ROOM ELEVATION (A)
Floor Level 345'-11 1/4"



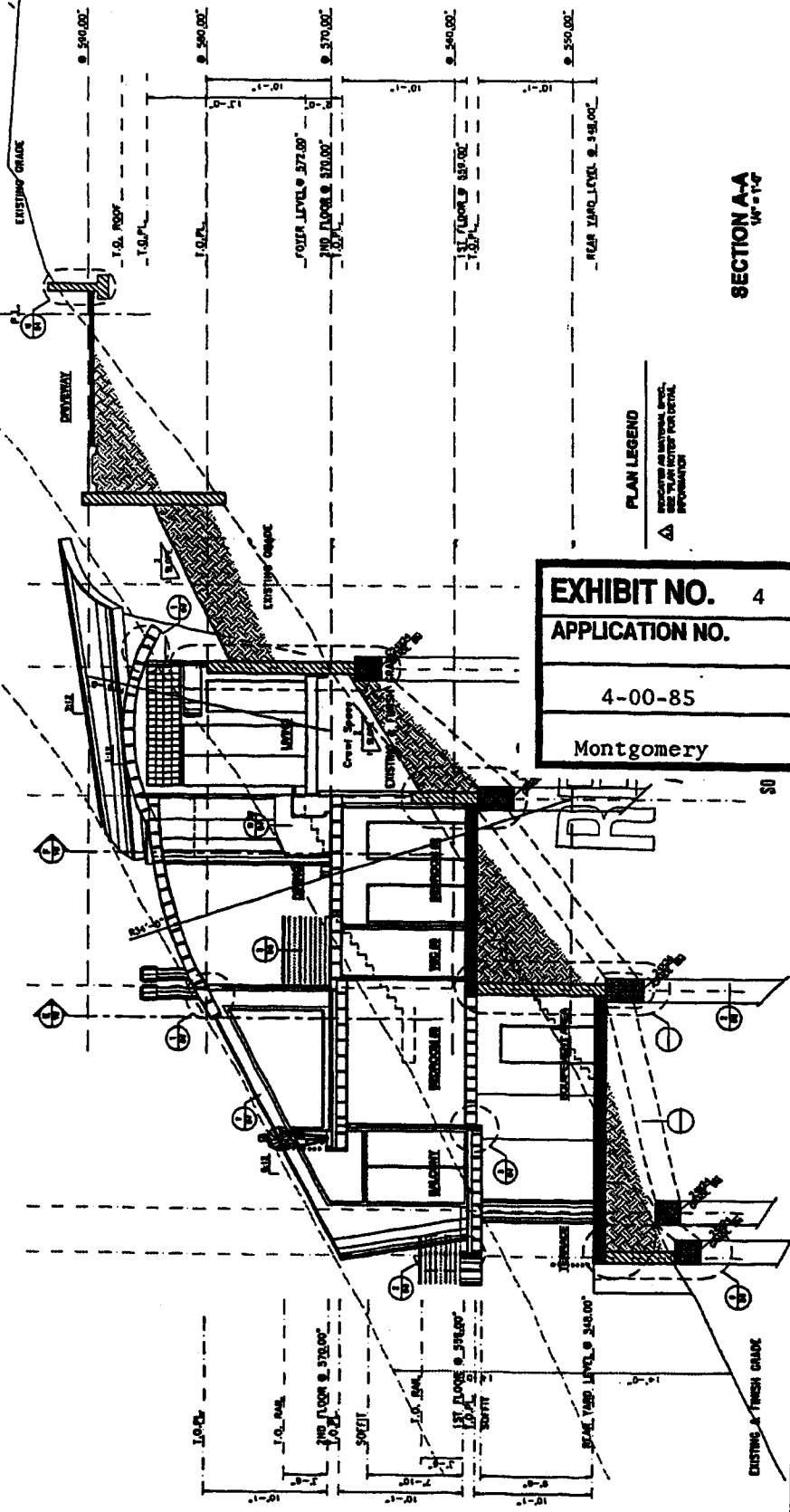
B.B.Q. ELEVATION (B)
Floor Level 345'-11 1/4"



B.B.Q. ELEVATION (C)
Floor Level 345'-11 1/4"



B.B.Q. ELEVATION (D)
Floor Level 345'-11 1/4"



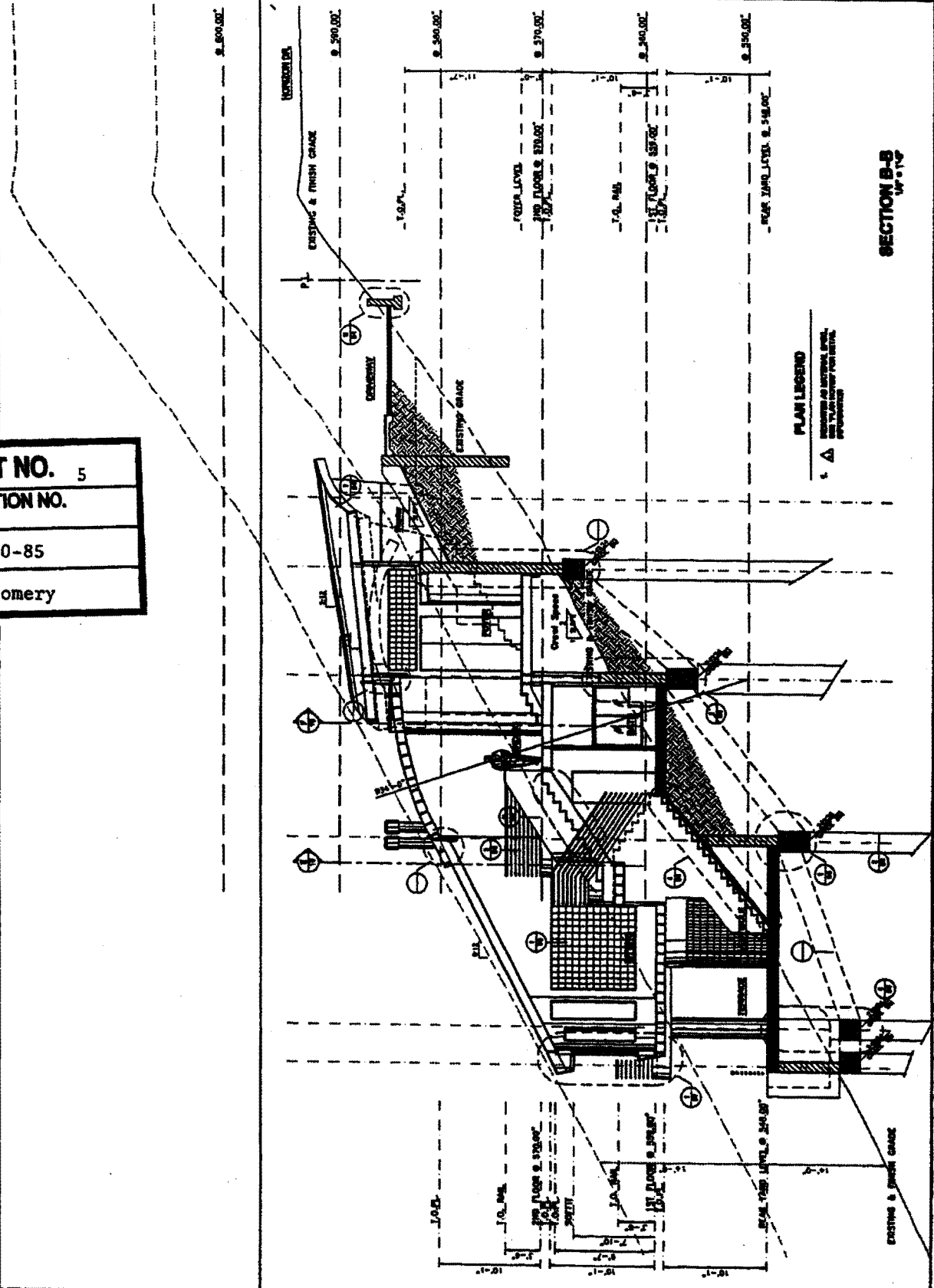
PLAN LEGEND
△ REWORK AS NOTED ON SPEC.
SEE PLAN NOTES FOR DETAIL INFORMATION.

EXHIBIT NO.	4
APPLICATION NO.	4-00-85
	Montgomery

SECTION A-A
11'-1 1/2"

EXISTING & FINISH GRADE

EXHIBIT NO. 5
APPLICATION NO.
4-00-85
Montgomery



PLAN LEGEND
 * Δ EXISTING AS SHOWN ON PLAN
 * Δ PROPOSED

SECTION B-B
 10'-0" x 14'

CHI-PANG LAI, AIA
Landscape Architect
2000 Westside Avenue, San Jose, CA 95128
415-354-0000

MONTGOMERY RESIDENCE
5253 Horseshoe Drive
Maribu, CA 90263

LS-1

PROJECT INFORMATION

CLIENT: CHI-PANG LAI & FAMILY
2000 WESTSIDE AVENUE
SAN JOSE, CALIFORNIA 95128
DATE: 04/00/85

LANDSCAPE INFORMATION

PLANT SPECIFICATIONS:

- PLANT 1: ...
- PLANT 2: ...
- PLANT 3: ...
- PLANT 4: ...
- PLANT 5: ...
- PLANT 6: ...
- PLANT 7: ...
- PLANT 8: ...
- PLANT 9: ...
- PLANT 10: ...
- PLANT 11: ...
- PLANT 12: ...
- PLANT 13: ...
- PLANT 14: ...
- PLANT 15: ...
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- PLANT 23: ...
- PLANT 24: ...
- PLANT 25: ...
- PLANT 26: ...
- PLANT 27: ...
- PLANT 28: ...
- PLANT 29: ...
- PLANT 30: ...

LANDSCAPE NOTES

1. ALL PLANTING TO BE INSTALLED BY THE CONTRACTOR.
2. ALL PLANTING TO BE INSTALLED AND MAINTAINED AS SHOWN.
3. ALL PLANTING TO BE INSTALLED AND MAINTAINED AS SHOWN.

EXHIBIT NO. 6
APPLICATION NO.
4-00-85
Montgomery

LANDSCAPING PLAN CONCEPTUAL 1/4" = 1'-0"

1. ALL PLANTING TO BE INSTALLED BY THE CONTRACTOR.
2. ALL PLANTING TO BE INSTALLED AND MAINTAINED AS SHOWN.
3. ALL PLANTING TO BE INSTALLED AND MAINTAINED AS SHOWN.
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28. ALL PLANTING TO BE INSTALLED AND MAINTAINED AS SHOWN.
29. ALL PLANTING TO BE INSTALLED AND MAINTAINED AS SHOWN.
30. ALL PLANTING TO BE INSTALLED AND MAINTAINED AS SHOWN.



PROJECT INFORMATION

OWNER: CHI-PANG LAI, AIA
 2825 Redwood Avenue, Los Angeles, California 90024 213-474-2825
 ARCHITECT: CHI-PANG LAI, AIA
 2825 Redwood Avenue, Los Angeles, California 90024 213-474-2825
 JOB NO.: 4-00-85
 DATE: 10/15/85
 SHEET: 1 OF 1

PROPOSED WORK:
 1. GRADING & DRAINAGE
 2. CONCRETE FLOOR SLAB
 3. CONCRETE FOUNDATION
 4. CONCRETE WALLS
 5. CONCRETE ROOF SLAB
 6. CONCRETE CURB WALLS

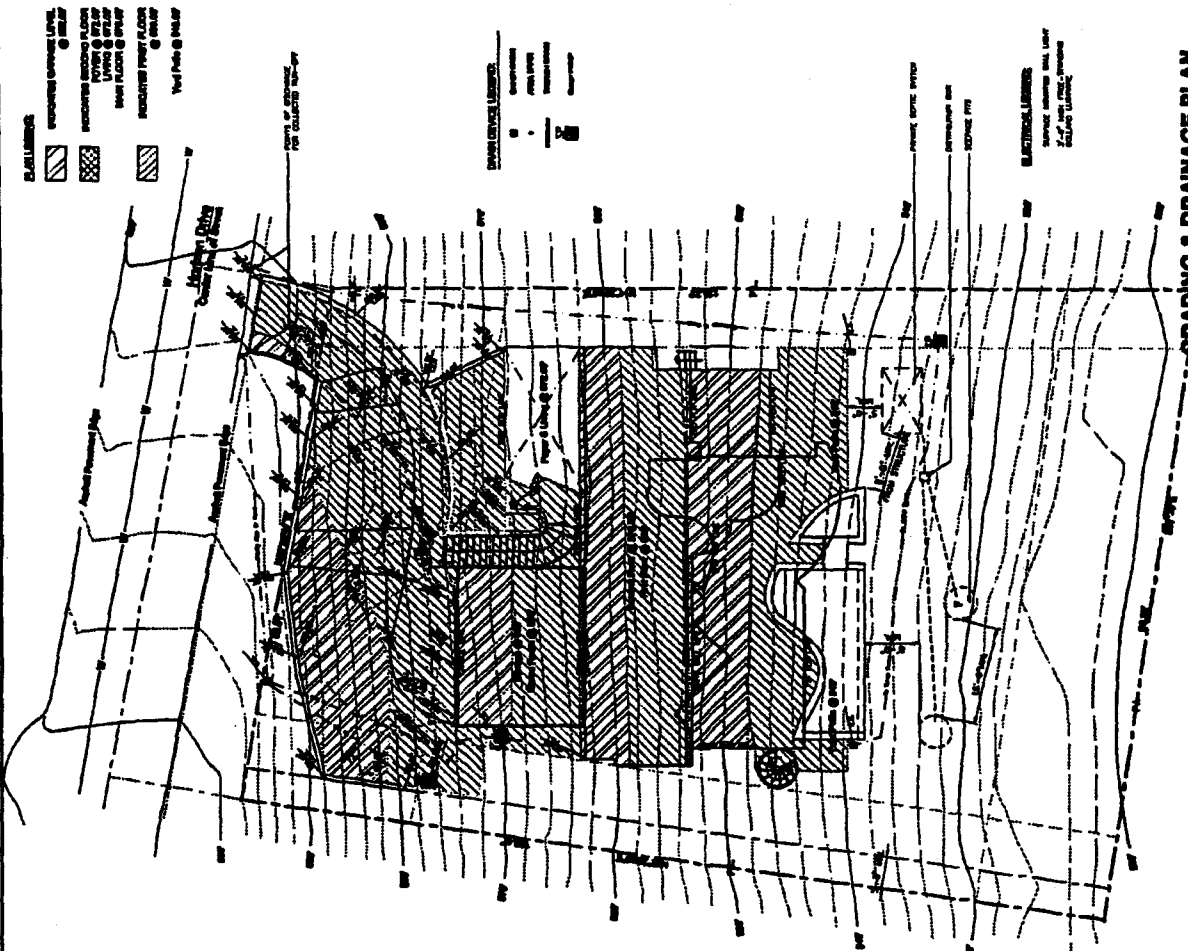
PROPOSED WORK:

Area	Volume
Concrete Floor Slab	10.00
Concrete Foundation	10.00
Concrete Walls	10.00
Concrete Roof Slab	10.00
Concrete Curb Walls	10.00

EXISTING CONDITIONS:

Area	Volume
Existing Floor Slab	10.00
Existing Foundation	10.00
Existing Walls	10.00
Existing Roof Slab	10.00
Existing Curb Walls	10.00

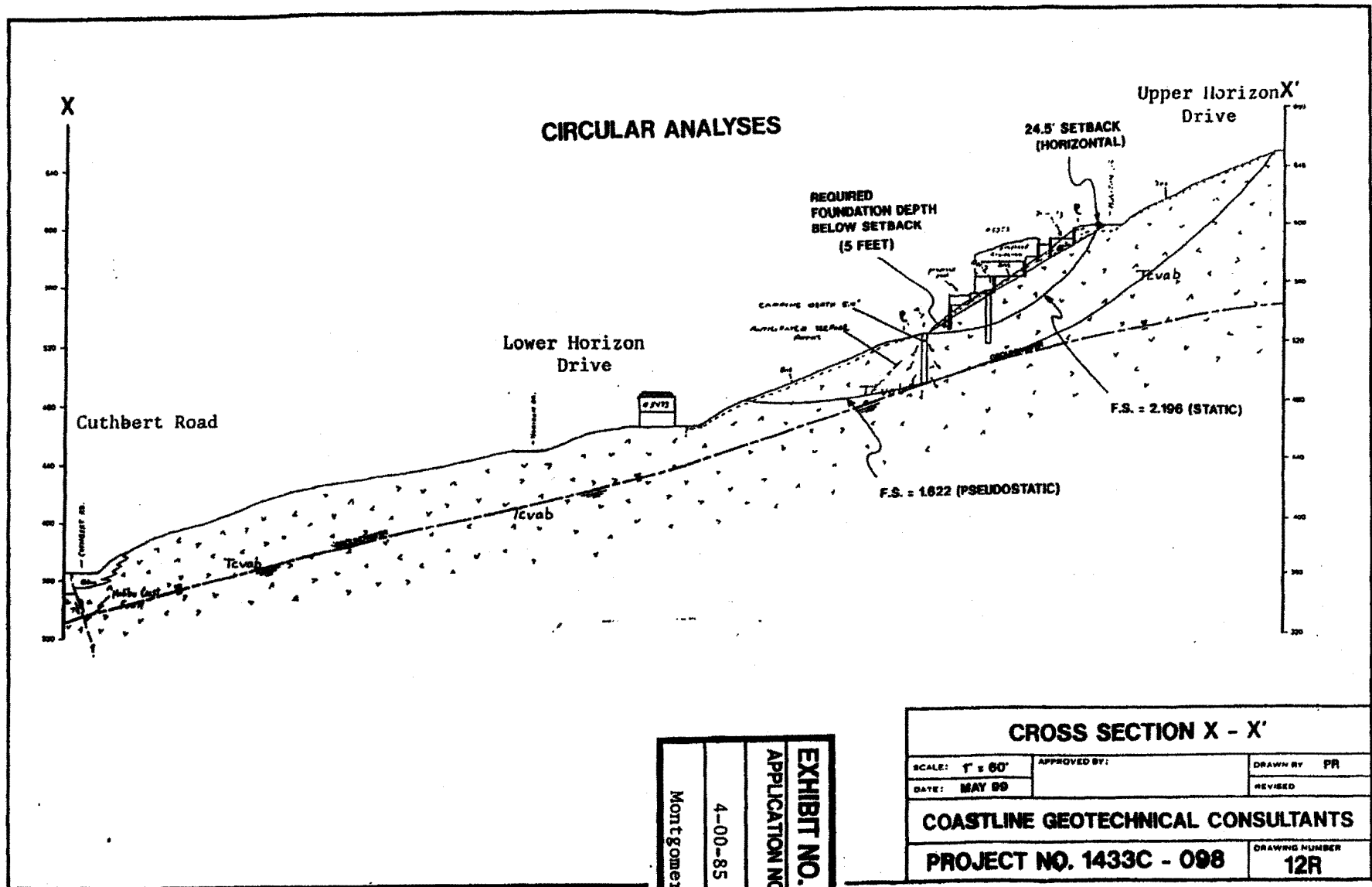
NOTES:
 1. ALL CONCRETE SHALL BE 3000 PSI STRENGTH.
 2. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ACI 308.3R-83.
 3. ALL CONCRETE SHALL BE CURED WITH WET BURLAP AND COVERED WITH PLYWOOD SHEETING.
 4. ALL CONCRETE SHALL BE TESTED FOR STRENGTH AND CURING RECORDS SHALL BE MAINTAINED.
 5. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ACI 308.3R-83.
 6. ALL CONCRETE SHALL BE CURED WITH WET BURLAP AND COVERED WITH PLYWOOD SHEETING.
 7. ALL CONCRETE SHALL BE TESTED FOR STRENGTH AND CURING RECORDS SHALL BE MAINTAINED.



GRADING & DRAINAGE PLAN
 1/4" = 1'-0"

EXHIBIT NO.	8
APPLICATION NO.	
	4-00-85
	Montgomery

RE



CIRCULAR ANALYSES

CROSS SECTION X - X'

SCALE: 1" = 60'	APPROVED BY:	DRAWN BY PR
DATE: MAY 99		REVISED
COASTLINE GEOTECHNICAL CONSULTANTS		
PROJECT NO. 1433C - 098		DRAWING NUMBER 12R

EXHIBIT NO. 9
APPLICATION NO. 4-00-85
Montgomery