

CALIFORNIA COASTAL COMMISSION

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

Filed: 5/22/02
49th Day: 7/10/02
180th Day: 11/18/02
Staff: AAV
Staff Report: 6/20/02
Hearing Date: 7/09-12/02
Commission Action:



RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-02-062

APPLICANT: Matt and Kathryn Bentzen

PROJECT LOCATION: 30119 Harvester Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Demolish 1947 sq. ft. single-family residence, construct two-story, 27 ft. high, 3970 sq. ft. single family residence and replace private sewage disposal system and rear yard retaining wall. No grading proposed.

Lot area: 23,975 sq. ft.
Building coverage: 3726 sq. ft.
Pavement coverage: 5075 sq. ft.
Landscape coverage: 15,171 sq. ft.

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval In-Concept 10/02/01; City of Malibu, Geology and geotechnical Engineering Review Sheet, Approved In-Concept 6/18/01; City of Malibu, Geology Referral Sheet 5/0302; City of Malibu, Environmental Health, In-Concept Approval 5/07/02.

SUBSTANTIVE FILE DOCUMENTS: Geologic Memorandum Concerning Construction of a New Dwelling, Donald B. Kowalewsky, Environmental & Engineering Geology, 5/08/02; Engineering Geologic Report and Geotechnical Report for an Addition to a Single Family Residence, Donald B. Kowalewsky, Environmental & Engineering Geology, 5/11/01; Report on Percolation Test Results, Donald B. Kowalewsky, Environmental & Engineering Geology, 7/03/01; Completion of Phase 1 Archaeological Survey and Records Search for 30119 Harvester Road, Compass Rose, Archaeological, Inc., 4/25/01.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with 4 Special Conditions regarding 1) Geologic Recommendations, 2) Drainage and Polluted Run-off Control, 3) Landscaping and Erosion Control, and 4) Wildfire Waiver of Liability.

The applicant proposes to demolish a 1947 sq. ft. single-family residence and to construct a new two-story, 27 ft. high, 3970 sq. ft. single-family residence, and to replace an existing rear yard retaining wall. The applicant is proposing to construct the new single-family residence on a level building pad within the same general footprint of the existing structure to be demolished. As such, no grading is proposed. The project site is located inland of Pacific Coast Highway in a built-out section of the City of Malibu. No environmentally sensitive habitat exists on or near the subject parcel and the project site and is not visible from any public viewing area. As conditioned the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-062 pursuant to the staff recommendation.*

I. STAFF RECOMMENDATION OF APPROVAL

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation

measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Plans Conforming to Geologic Recommendation**

All recommendations contained in the Engineering Geologic Report and Geotechnical Report for an Addition to a Single Family Residence, dated 5/11/01, and the Report on Percolation Test Results, dated 7/03/01, prepared by Donald B. Kowalewsky, Environmental & Engineering Geology, shall be incorporated into all final design and construction including foundations, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and engineering geologist. Prior to the issuance of the coastal development permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, drainage, and sewage disposal. Any substantial changes in the proposed development approved by the Commission, which may be required by the consultant, shall require an amendment to the permit or a new coastal permit.

2. Drainage and Polluted Runoff Control Plans

Prior to issuance of the coastal development permit the applicants shall submit to the Executive Director for review and written approval, 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 the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and engineering geologist to ensure the plan is in conformance with consultant's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (1) For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (2) Runoff shall be conveyed off site in a non-erosive manner.
- (3) Energy dissipating measures shall be installed at the terminus of outflow drains.

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 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 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 applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicants 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 plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and 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. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) 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 applicants 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 applicants 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 applicants 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 applicants, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. Wildfire Waiver of Liability

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

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to demolish a 1947 sq. ft. single-family residence and to construct a new two-story, 27 ft. high, 3970 sq. ft. single-family residence, to install a new private sewage disposal system and replace an existing rear yard retaining wall (Exhibits 3-8). The applicant is proposing to construct the new single-family residence on a level building pad and within the same general footprint of the existing structure to be demolished (Exhibit 3). As such, no grading is proposed for construction of new development.

The project site is a developed 23,975 sq. ft. parcel located inland of Pacific Coast Highway in the City of Malibu (Exhibits 1,2). Development at the project site consists of a single-family residence, sewage disposal system, driveway, patios, retaining walls, a spa and storage shed (Exhibit 3). The applicant has indicated that the existing driveway, spa and storage shed will be retained on the site in their present location and configuration.

The subject parcel is relatively level and contains gentle slope gradients in the area of the proposed building location, however, the parcel also consists of a 58 foot high slope at the northern property boundary that rises to the northeast (presently supported by a

retaining wall to be replaced), and a 10 foot high fill slope located south of the building site which has an overall gradient of 2:1.

Vegetation at the subject site consists primarily of domestic shrubs, grasses, and trees. No significant natural vegetation or designated environmentally sensitive habitat area exist on the site. The area surrounding the subject site is developed with several single family homes and residential landscaping, therefore, fuel modification requirements for the proposed structure will not result in thinning or removal of natural vegetation on or adjacent to the property. As such, the proposed project will not result in significant removal of natural vegetation or adverse impacts to sensitive habitat area.

As mentioned, the project site is located in a built-out section of the City of Malibu which is developed with numerous single family residences. The proposed development will be consistent with surrounding development and the project site and is not visible from any public viewing area. As conditioned the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

B. Geology and Wildfire Hazard

The proposed development is located in the Santa Monica Mountains/Malibu area, 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 and Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and to minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicants have submitted an Engineering Geologic Report and Geotechnical Report for an Addition to a Single Family Residence, dated 5/11/01 and a Report on Percolation Test Results, dated

7/03/01, prepared by Donald B. Kowalewsky, Environmental & Engineering Geology, which evaluate the geologic stability of the subject site in relation to the proposed development. Based on the evaluation of the site's geology and project design the consultant has found that the project site is suitable for the proposed project. The project's consulting engineering geologist states in the Engineering Geologic Report and Geotechnical Report for an Addition to a Single Family Residence, dated 5/11/01:

From an engineering geologic and soils engineering standpoint, the proposed addition to the existing single family residence is feasible. Provided the following recommendations are incorporated in the plans and implemented, the proposed addition will be safe from landslide, settlement or slippage. In addition, construction of the addition, utilizing the following recommendations, will not adversely affect offsite property.

In addition to the findings set forth in the above referenced Engineering Geologic Report and Geotechnical Report for an Addition to a Single Family Residence, dated 5/11/01, the applicant has submitted an update letter, a Geologic Memorandum Concerning Construction of a New Dwelling at 30119 Harvester Road, dated 5/08/02, prepared by the project's consulting engineering geologist that states:

This office prepared a geotechnical investigation of the subject property dated May 11, 2001. Although that report was titled "Engineering Geologic Report and Geotechnical Report for an Addition to a Single Family Residence" the work was done with the knowledge that essentially a new residence was to be created. It was our opinion that portions of the older house were to be utilized. We were recently informed that an entire new dwelling is to be constructed. The scope of our report was for both an extensive addition and a new dwelling. Trenches around the exterior of the older house were inspected by this office. Those trenches are located in a manner that allowed for a complete evaluation of foundation conditions in the location of the proposed new dwelling. Therefore, that report can be utilized for either project with no changes in the recommendation or conclusions. Construction of a new dwelling in accordance with the recommendations provided in our report will provide a structure that is safe from geologic hazards related to landslide, settlement or slippage and that work will not adversely affect offsite properties.

Finally, the Report on Percolation Test Results, dated 7/03/01, prepared by Donald B. Kowalewsky, Environmental & Engineering Geology states:

Effluent will infiltrate into natural earth materials. A test pit excavated to a depth of 16 feet encountered no ground water. Therefore, the proposed leach trenches will comply with the minimum required distance from groundwater. Onsite sewage disposal will not adversely affect stability of the surrounding slopes or offsite property.

The engineering geologic consultant concludes that the proposed development is feasible and will be free from geologic hazards provided project recommendations are incorporated into the proposed development. The Engineering Geologic Report and Geotechnical Report for an Addition to a Single Family Residence, dated 5/11/01 and a Report on Percolation Test Results, dated 7/03/01, prepared by Donald B. Kowalewsky,

Environmental & Engineering Geology, contain several recommendations to be incorporated into project construction, design, drainage, and sewage disposal to ensure the stability and geologic safety of the proposed project. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition One (1)**, requires the applicants to submit project plans certified by the consulting engineering geologist as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

Though the proposed project is conditioned to incorporate all recommendations of the geology consultant for site stability and safety, the Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicants to submit drainage and erosion control plans certified by the consulting engineering geologist, as specified in **Special Conditions Two (2) and Three (3)**.

Additionally, landscaping areas on the subject site disturbed during construction activities will reduce erosion and serve to enhance and maintain the geologic stability of the site. Therefore, **Special Condition Three (3)** requires the applicants to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition Three (3).

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which

are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through **Special Condition Four (4)**, the wildfire waiver of liability, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition Four (4), the applicants also agree to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

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

C. Water Quality

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

Section 30231 of the Coastal Act states:

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

The project site is a developed 23,975 sq. ft. parcel that generally contains gentle slope gradients, however, the project site is located on an overall southwest-facing hillside that descends toward Harvester Road. The proposed project includes demolition of an existing structure and construction of a new, larger structure on the site.

The proposed development will result in an increase in impervious surface at the subject site, which in turn decreases the infiltrative function and capacity of existing permeable land on site. 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.

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. 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 **Special Condition Two (2)**, 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, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Three (3)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system with a 2,000 gallon tank to serve the residence. The applicants' geologic consultant has performed and reviewed infiltration tests and evaluated the proposed septic system. The consultant concludes that the site is suitable for the septic system and that no adverse impact to the site or surrounding areas will result from the use of the septic system. Finally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states:

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

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

E. California Environmental Quality Act

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

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

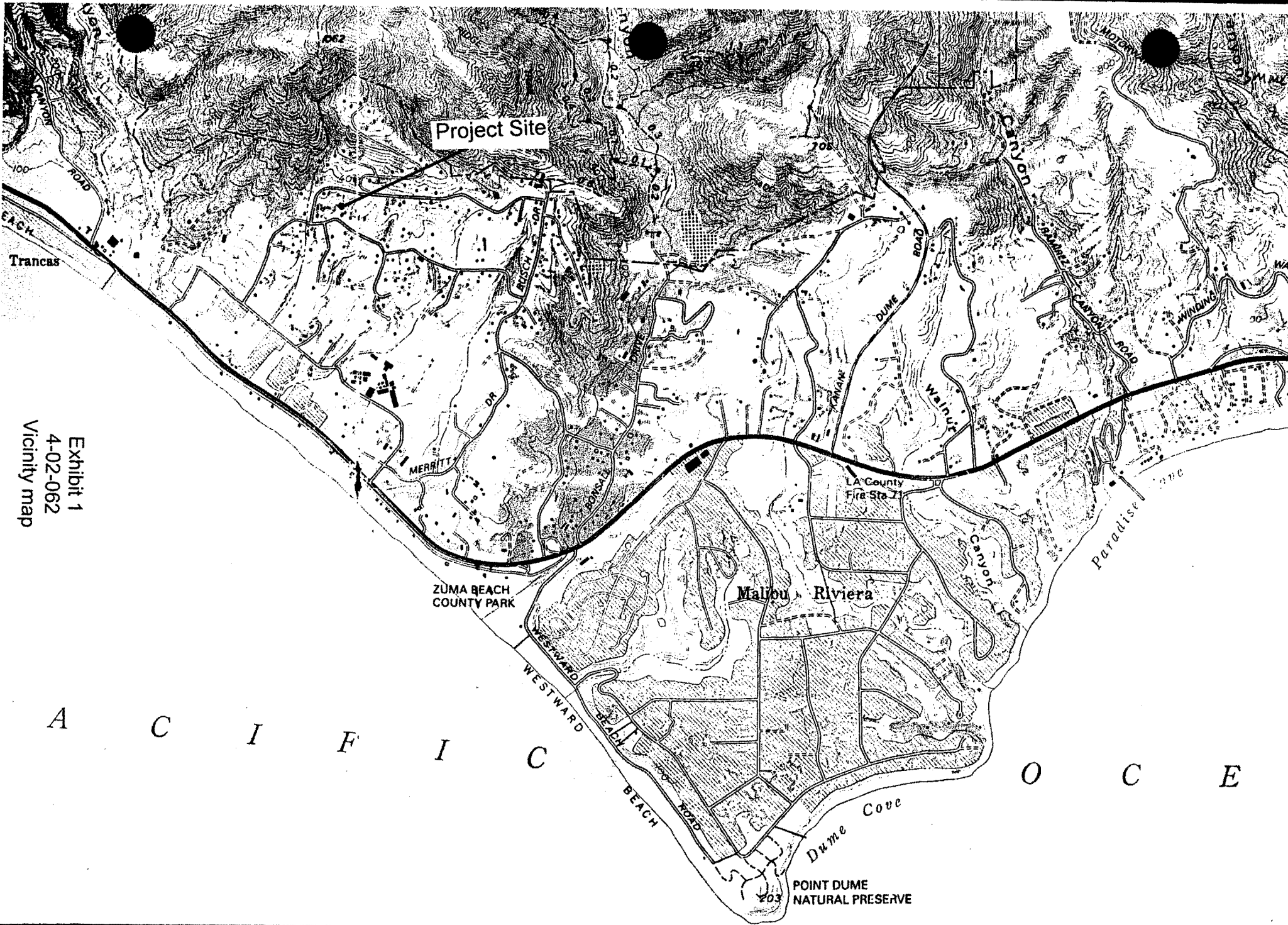


Exhibit 1
4-02-062
Vicinity map

A C I F I C O C E

4469 | 44
SCALE 1" = 100'

23/119 010
76103
310606

1992

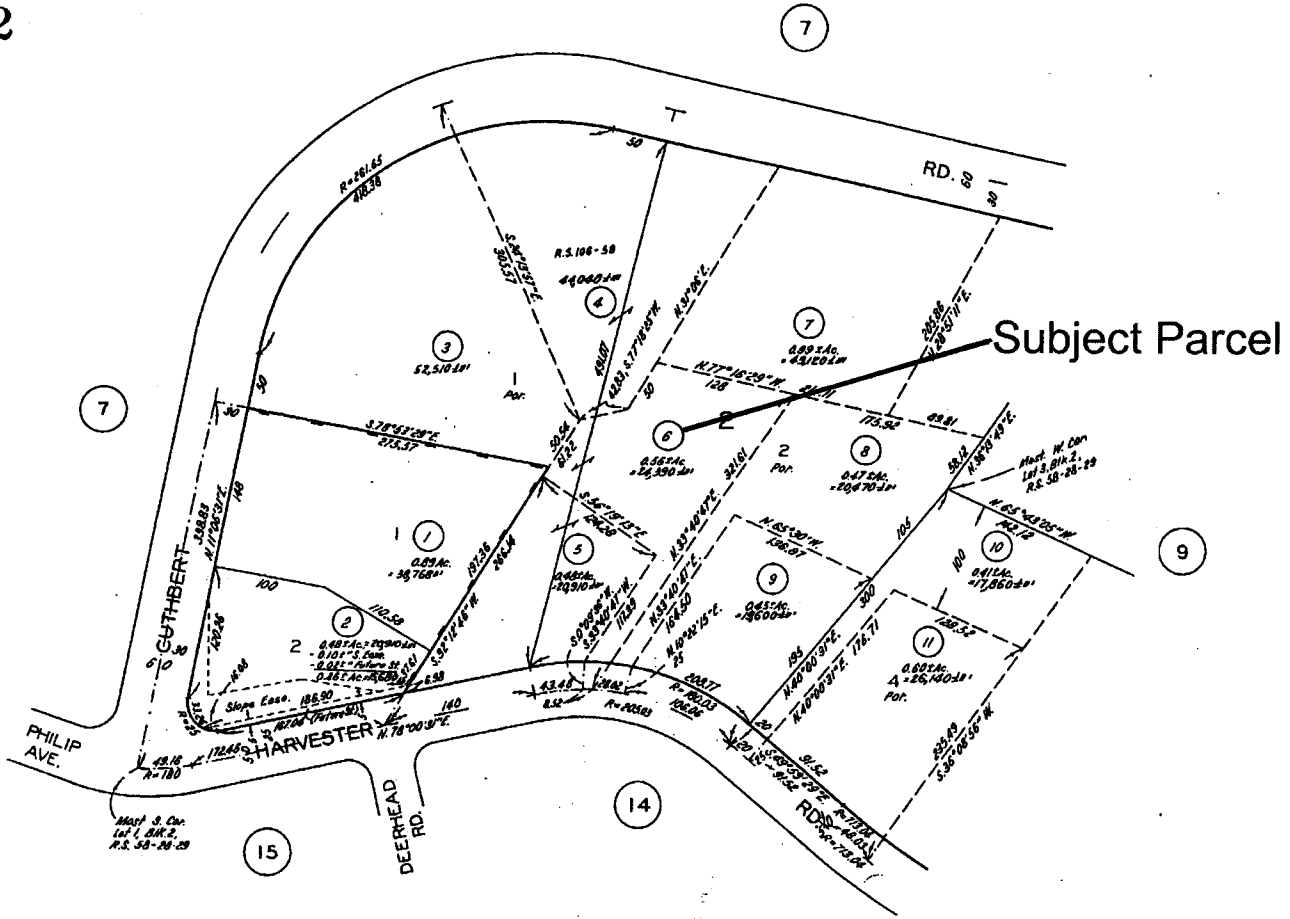


Exhibit 2
4-02-062
Parcel Map

CODE
10853

FOR PREV. ASSMT SEE:
4469 - 44

RECORD OF SURVEY R.S. 58-28-29
PARCEL MAP P.M. 46-93

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

30119 HARVESTER RD.
MALIBU, CA 90265

REVISION OF 07-24-01 APPROVAL
SUPERSEDES ALL PRIOR APPROVALS

S.F.D.:	4 Bedroom/45 Fixture Units (N)
SEPTIC TANK:	2000 Gallon w/Effluent Filter (N)
ACTIVE:	1 - 6' X 60' Drainfield (E)
	1 - 3' X 86' Leach Trench
	with 2' Extra Rock (N)
FUTURE:	100Z
PERC RATE:	10.25 minutes/inch

NOTES:

- This approval is for a 4 bedroom (45 fixture units) single family dwelling. A new conventional private sewage disposal system shall be installed, as shown.

Approval only relates to minimum requirements of the Malibu Uniform Plumbing Code and does not include an analysis of any geological, potential problems, which may require an alternative method of wastewater disposal.

Approval is valid for one year until City of Malibu Uniform Plumbing Code and/or Malibu Ordinance changes become noncomplying.

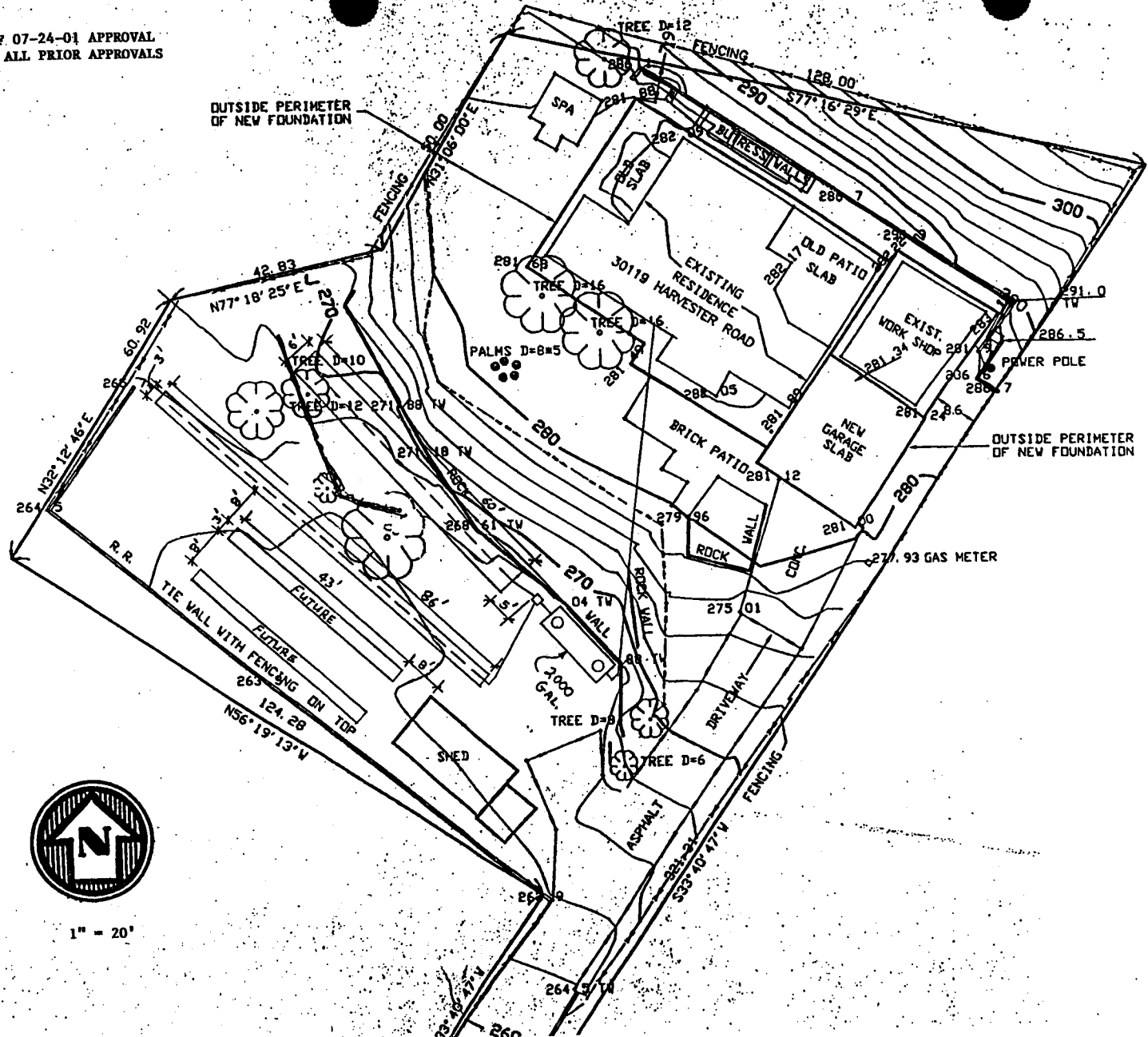


Exhibit 3
4-02-062
Site Plan

CITY OF MALIBU
ENVIRONMENTAL HEALTH

CONCEPT APPROVAL

SIGNATURE
MAY 07 2002 L Young

FINAL APPROVAL IS REQUIRED
PRIOR TO THE ISSUANCE OF
ANY CONSTRUCTION PERMITS.



1" = 20'

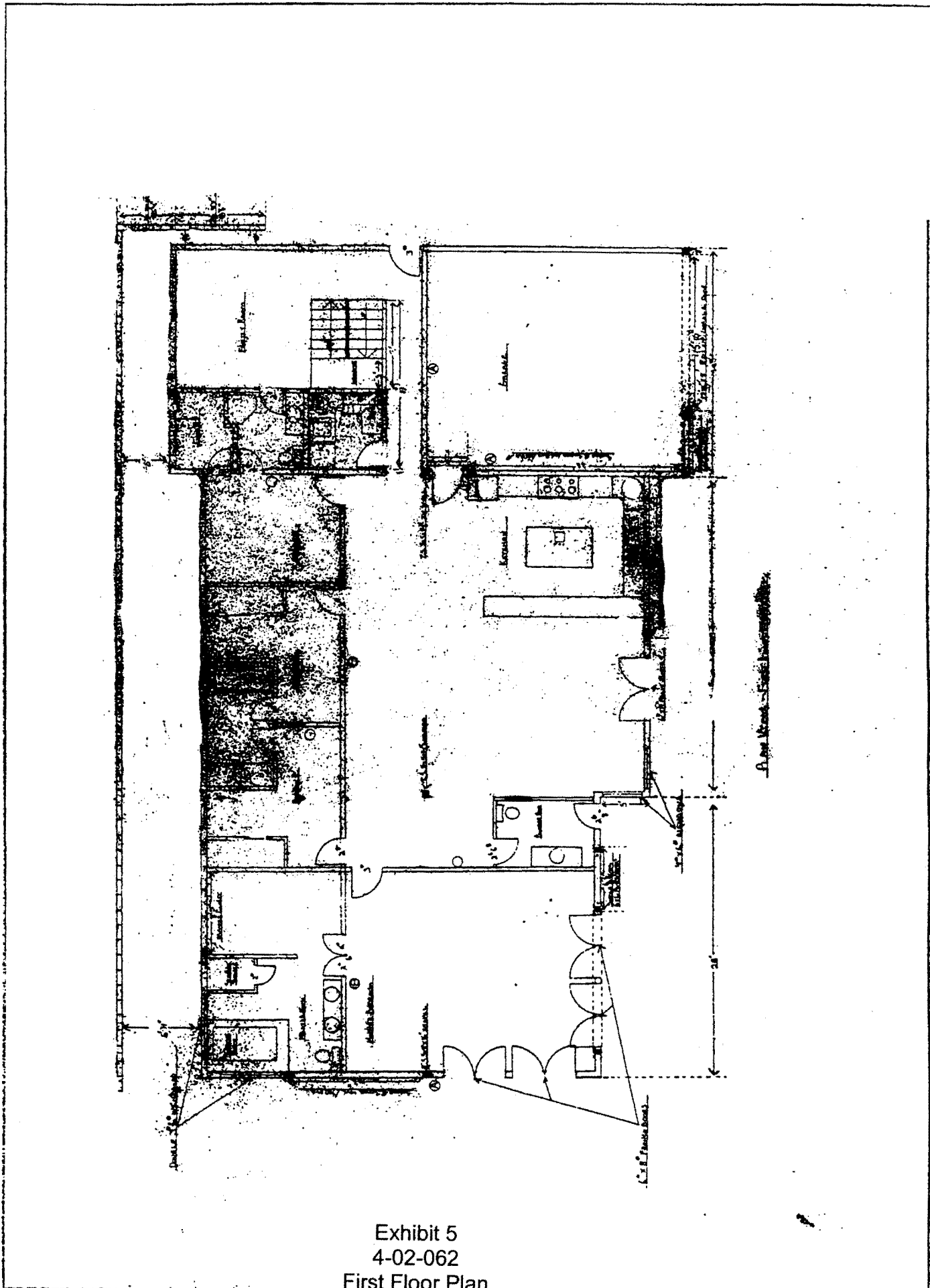


Exhibit 5
 4-02-062
 First Floor Plan

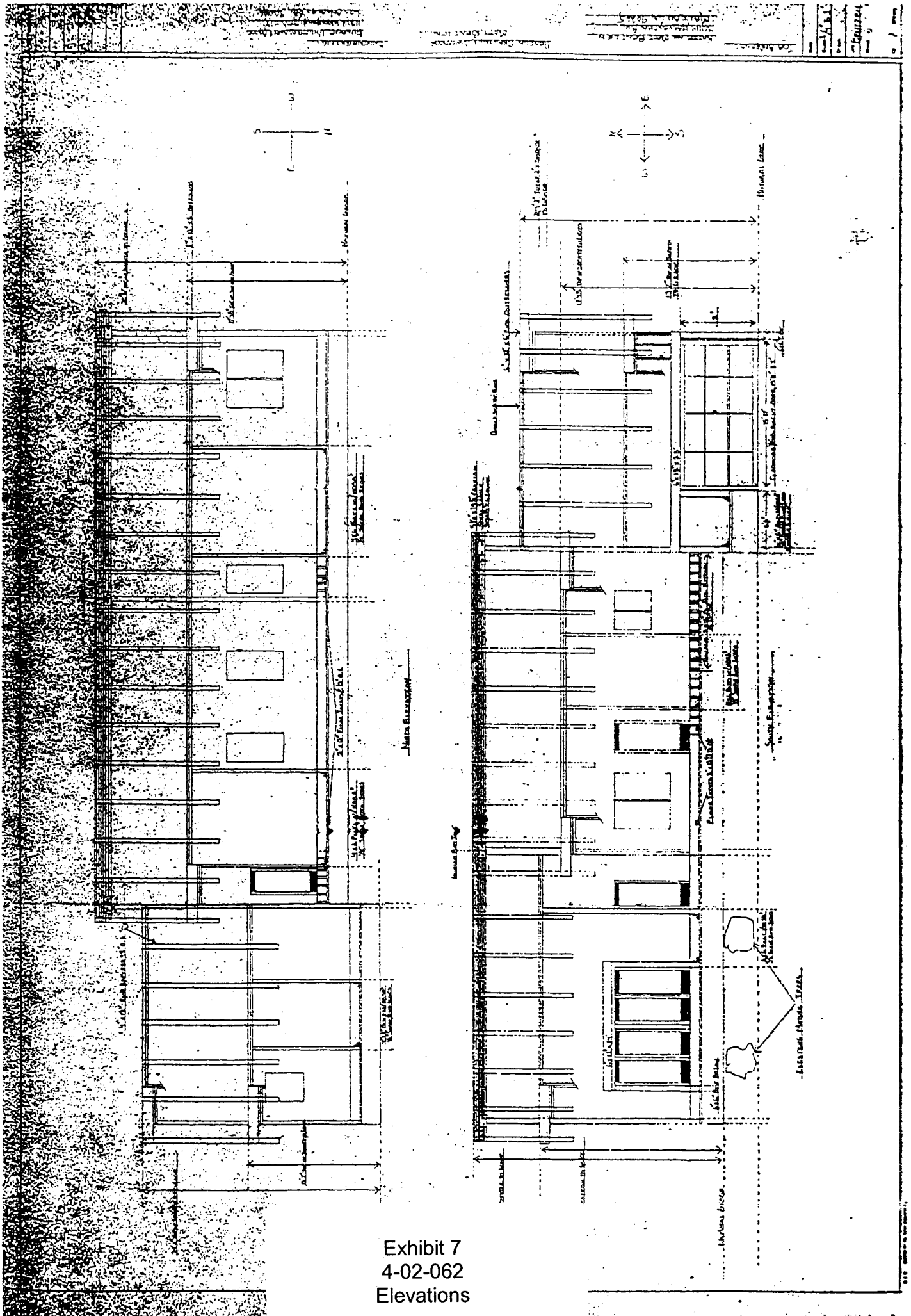


Exhibit 7
4-02-062
Elevations

