

CALIFORNIA COASTAL COMMISSION

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

Filed: 7/05/05
49th Day: 8/23/05
180th Day: 1/01/06
Staff: LF-V
Staff Report: 8/25/05
Hearing Date: 9/15/05
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-05-041
APPLICANT: Alexander Arrow
AGENT: Malibu Design Associates / Mehrdad Sahafi
PROJECT LOCATION: 1563 Monte Viento Drive, Santa Monica Mountains (Los Angeles County)
APN NO.: 4453-030-030

PROJECT DESCRIPTION: Improvements to an existing 3,603 sq. ft. single family residence, including room additions and extensions totaling 800 sq. ft., an 886 sq. ft. underground theater, 171 sq. ft. detached pool house, swimming pool, spa, waterfalls, gazebo, patio areas, two retaining walls, and approximately 573 cu. yds. of grading (455 cu. yds. cut, 118 cu. yds. fill).

Lot area	22,200 sq. ft.
Building coverage	4,120 sq. ft.
Pavement coverage	5,055 sq. ft.
Landscape coverage	4,445 sq. ft.
Height Above Finished Grade	35 ft.
Parking spaces	3

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, May 16, 2005.

SUBSTANTIVE FILE DOCUMENTS: Malibu - Santa Monica Mountains Land Use Plan (LUP); "Preliminary Geotechnical Report - Proposed Residence Additions, Swimming Pool, and Pool House," Southwest Geotechnical, Inc., February 22, 2005.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **EIGHT (8) SPECIAL CONDITIONS** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) interim erosion control, (4) pool and spa drainage and maintenance, (5) wildfire waiver of liability, (6) future development, (7) deed restriction, and (8) removal of excess graded material.

The applicant proposes to construct improvements, including room additions and extensions, an underground theatre, a detached pool house, a swimming pool/spa, and other accessory structures, to an existing 3,603 sq. ft. single-family residence located in the Sea View Estates residential subdivision above Las Flores Canyon Drive and Rambla Pacifico in the Santa Monica Mountains. The site is surrounded by similarly sized custom single-family residences. The subject site is briefly visible from Schueren Road, a designated scenic road in the Malibu-Santa Monica Mountains Land Use Plan (LUP), but, due to surrounding development, the proposed addition does not significantly impact public views. The proposed development raises issues concerning hazards, water quality, and the cumulative impacts of development.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-05-041 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. *Plans Conforming to Geologic Recommendations*

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the submitted geologic report ("Preliminary Geotechnical Report – Proposed Residence Additions, Swimming Pool, and Pool House," Southwest Geotechnical, Inc., February 22, 2005). These recommendations, including those concerning construction, foundations, retaining walls, and drainage, shall be incorporated into all final design and construction, and must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, foundations, retaining walls, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. *Drainage and Polluted Runoff Control Plans*

Prior to the Issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and written approval, two sets of 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 engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms 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 (i.e., 2 or greater), for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 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 applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Interim Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit two sets of interim erosion control plans, prepared by a licensed engineer or a qualified resource specialist, for review and approval by the Executive Director. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (1) The plan shall delineate the areas to be disturbed by excavation or construction activities and shall include any 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 excavation and construction take place during the rainy season (November 1 – March 31), the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled material with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial excavation operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction.

- (3) The plan shall also include temporary erosion control measures should excavation or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled material and disturbed soils with geotextiles, mats, sand bag barriers, and/or silt fencing; and temporary drains, 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.

4. Pool and Spa Drainage and Maintenance

By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity balance to ensure any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

5. Wildfire Waiver of Liability

By acceptance of this permit, the applicant agrees to indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, and 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 wildfire exists as an inherent risk to life and property.

6. Future Development

This permit is only for the development described in Coastal Development Permit No. 4-05-041. Pursuant to Title 14 California Code of Regulations §13253(b)(6), the exemptions otherwise provided in Public Resources Code §30610(b) shall not apply to the entire parcel. Accordingly, any future improvements to the pool house shall require an amendment to Coastal Development Permit No. 4-05-041 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Deed Restriction

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and

enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

8. Removal of Excess Graded Material

Prior to issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of the material.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct improvements to an existing 3,603 sq. ft. single family residence, including room additions and extensions totaling 800 sq. ft., an 886 sq. ft. underground theater, 171 sq. ft. detached pool house, swimming pool, spa, waterfalls, gazebo, patio areas, two retaining walls, and approximately 573 cu. yds. of grading (455 cu. yds. cut, 118 cu. yds. fill) (**Exhibits 3 - 11**).

The project site is an approximately ½ acre parcel located in the Sea View Estates residential subdivision above Las Flores Canyon Drive and Rambla Pacifico in the Santa Monica Mountains (**Exhibits 1 - 2**). The site contains an existing 3,603 sq. ft. two story single-family residence, and is surrounded by similarly sized custom single-family residences. The subject site is briefly visible from Schueren Road, a designated scenic road in the Malibu-Santa Monica Mountains Land Use Plan (LUP), but, due to surrounding development, the proposed addition does not significantly impact public views.

The subject parcel was created by Tract Map No. 30203, prior to the January 1, 1977 effectiveness date of the Coastal Act. Therefore, the subject parcel is considered a legal lot.

B. GEOLOGY AND HAZARDS

The proposed development is located in the Santa Monica Mountains 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 area include landslides, rock fall, 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.*

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The applicant has submitted a geologic report ("Preliminary Geotechnical Report – Proposed Residence Additions, Swimming Pool, and Pool House," Southwest Geotechnical, Inc., February 22, 2005) that evaluates the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development the consultants have found that the project site is suitable for the proposed project. The project's geotechnical consultants state in the February 22, 2005 report:

Based upon the findings summarized in this report, it is our professional opinion that the proposed structures will be free from hazards of settlement, slippage, or landslide provided the recommendations of this report are incorporated into the site development and grading. It is also our opinion that the proposed site improvements will not adversely affect the stability of the site or adjacent properties. These opinions are provided assuming that the recommendations contained within this report are incorporated into site development.

The geotechnical engineering consultants conclude that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The submitted geologic reports contain several recommendations to be incorporated into project construction, foundations, retaining walls, and drainage, to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition One (1)**, requires the applicant to comply with and incorporate the recommendations contained in the submitted geologic reports into all final design and construction, and to obtain the approval of the geotechnical consultants prior to commencement of construction. Final plans approved by the consultants 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.

Additionally, 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 applicant assumes the liability from these associated risks. Through **Special Condition Five (5)**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Five (5)**, the applicant also agrees 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.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicant to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Conditions Two (2) and Three (3)**.

The Commission also notes that the quantity of grading required for construction of the proposed project will result in an excess of 337 cu. yds. of excavated material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition Eight (8)** requires the applicant to export all excess excavation material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with §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 located on a graded hillside lot in the Las Flores Creek watershed. The proposed development will result in an increase in impervious surfaces, 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 to accommodate (infiltrate, filter or treat) the runoff from the more frequent storms, rather than for the largest infrequent storms, results in improved BMP performance.

The American Society of Civil Engineers (ASCE) and the Water Environment Federation (WEF) have recommended a numerical BMP design standard for storm water that is derived from a mathematical equation to maximize treatment of runoff volume for water quality based on rainfall/runoff statistics and which is economically sound.¹ The maximized treatment volume is cut-off at the point of diminishing returns for rainfall/runoff frequency. On the basis of this formula and rainfall/runoff statistics, the point of diminishing returns for treatment control is the 85th percentile storm event. 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.

¹ *Urban Runoff Quality Management*, WEF Manual of Practice No. 23, ASCE manual and Report on Engineering Practice No. 87. WEF, Alexandria, VA; ASCE, Reston, VA. 259 pp (1998); Urbonas, Guo, and Tucker, "Optimization of Stormwater Quality Capture Volume," in *Urban Stormwater Quality Enhancement - Source Control, Retrofitting, and Combined Sewer Technology*, Proceedings of an Engineering Foundation Conference, Harry C. Torno, ed. October 1989. New York: ASCE, pp. 94-110.

As stated previously, the proposed project includes a swimming pool and spa. There is the potential for swimming pools and spas to have deleterious effects on aquatic habitat if not properly maintained and drained. In addition, chlorine and other chemicals are commonly added to pools and spas to maintain water clarity, quality, and pH levels. Further, both leakage and periodic maintenance of the proposed pool and spa, 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, adversely impacting intertidal and marine habitats. In order to minimize potential adverse impacts from the proposed swimming pool and spa, the Commission requires the applicant to install and use a no chlorine or low chlorine purification system, as detailed in **Special Condition Four (4)**. The condition also requires the applicant to ensure that any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality and that will prohibit the discharge of any chlorinated water or prohibit the discharge of non-chlorinated pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters.

Lastly, interim erosion control measures will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction. Therefore, the Commission finds that **Special Condition Three (3)** is necessary to ensure that the proposed development will not adversely impact water quality or coastal resources.

For all of the reasons stated above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. CUMULATIVE IMPACTS

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

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

Section 30252 of the Coastal Act states:

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

the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act Section 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu/Santa Monica Mountains Land Use Plan (LUP). In its review and action on the LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in the area and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose --as a guest unit-- rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The applicant proposes to construct a 210 sq. ft. pool house adjacent to the proposed swimming pool. The applicant is not proposing to construct a second residential unit, but is proposing to construct a significant detached structure that could potentially be converted for residential use in the future.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units that may be considered a secondary dwelling. The Commission notes that the applicant is not proposing to utilize the pool house as a guest unit or secondary dwelling, therefore the structure may be reviewed as an accessory building to the proposed single family residence. However, the Commission finds it necessary to ensure that no additions or improvements are made to the detached structure in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission imposes **Special Condition Six (6)**, the Future Development Restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the detached structure are proposed in the future. **Special Condition Seven (7)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act states:

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 that 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 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area that is consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

F. 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 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 any 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.

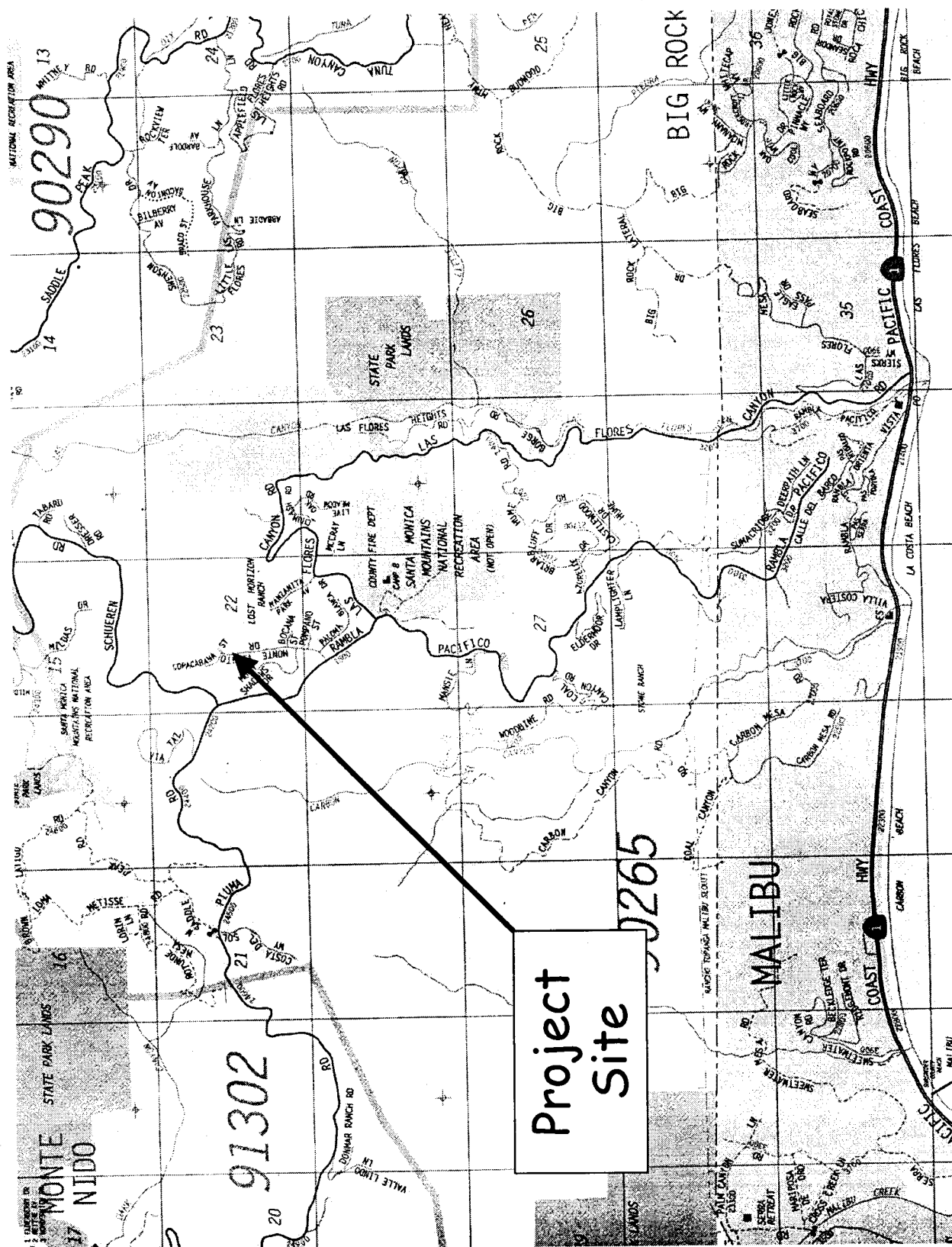


Exhibit 1
CDPA No. 4-05-041
Vicinity Map



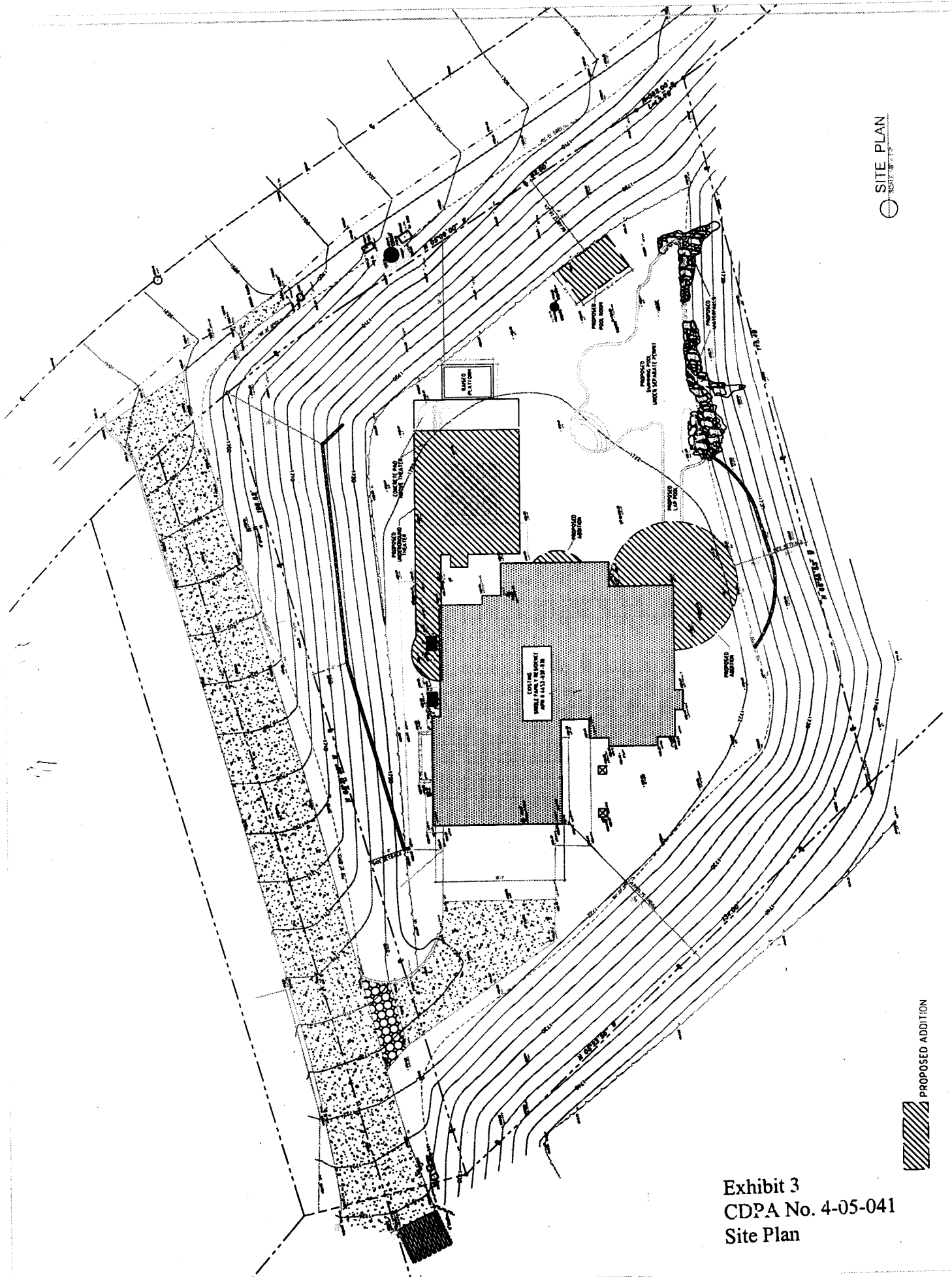
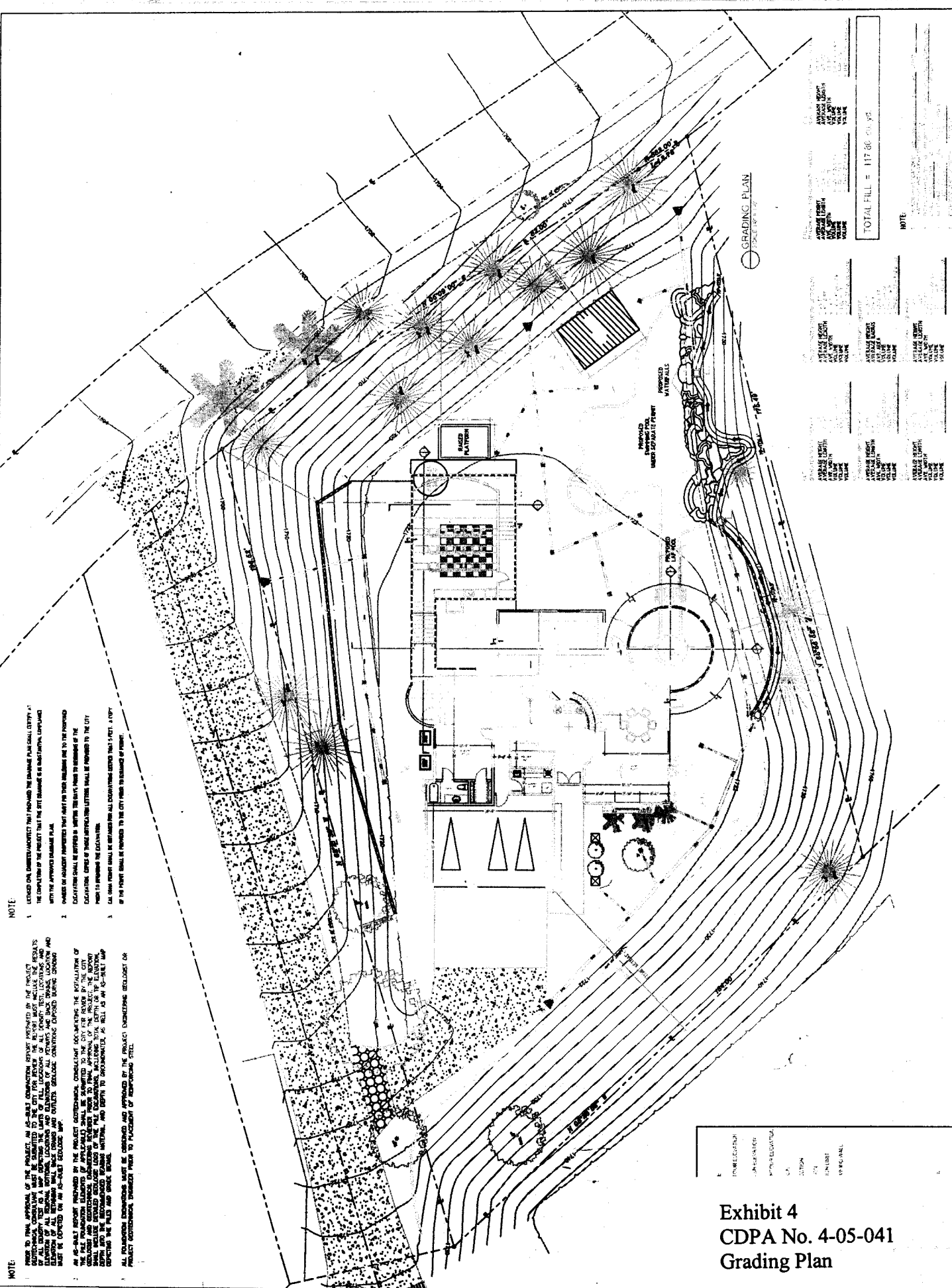


Exhibit 3
CDPA No. 4-05-041
Site Plan

HALINU DESIGN ASSOCIATES
1000 10th Ave NW
Seattle, WA 98107
206-461-1111
www.halinu.com



NOTE

1. EXISTING GRADE INFORMATION WAS OBTAINED FROM THE CITY OF SEATTLE'S EXISTING GRADE DATA. THE CITY OF SEATTLE IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS INFORMATION.
2. PROPOSED GRADE INFORMATION WAS OBTAINED FROM THE CITY OF SEATTLE'S PROPOSED GRADE DATA. THE CITY OF SEATTLE IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS INFORMATION.
3. THE CITY OF SEATTLE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PROPOSED GRADE INFORMATION.

NOTE

1. THE CITY OF SEATTLE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PROPOSED GRADE INFORMATION.
2. THE CITY OF SEATTLE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PROPOSED GRADE INFORMATION.
3. THE CITY OF SEATTLE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PROPOSED GRADE INFORMATION.

GRADING PLAN
SCALE 1/8" = 1'-0"

AREA	EXISTING ELEVATION	PROPOSED ELEVATION	CUT	FILL
1	117.00	117.00	0.00	0.00
2	117.00	117.00	0.00	0.00
3	117.00	117.00	0.00	0.00
4	117.00	117.00	0.00	0.00
5	117.00	117.00	0.00	0.00
6	117.00	117.00	0.00	0.00
7	117.00	117.00	0.00	0.00
8	117.00	117.00	0.00	0.00
9	117.00	117.00	0.00	0.00
10	117.00	117.00	0.00	0.00

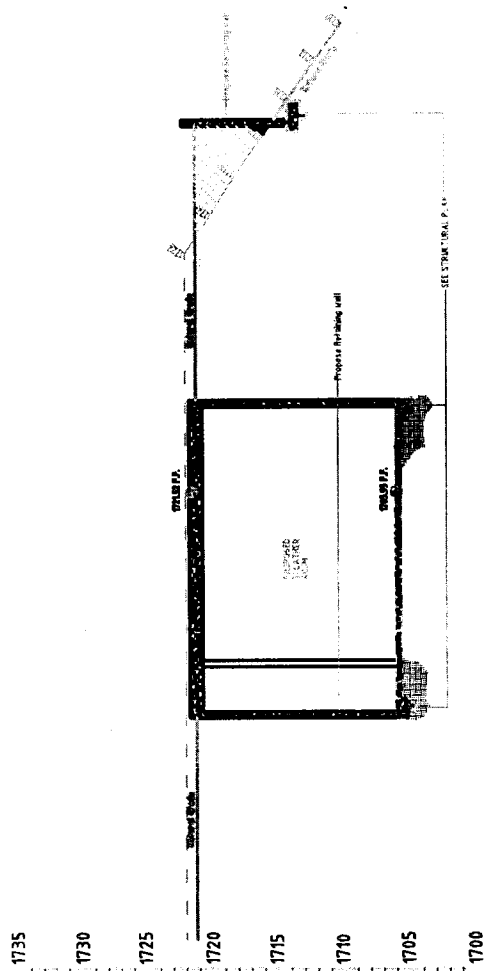
TOTAL FILL = 117.00 cu yd

NOTE

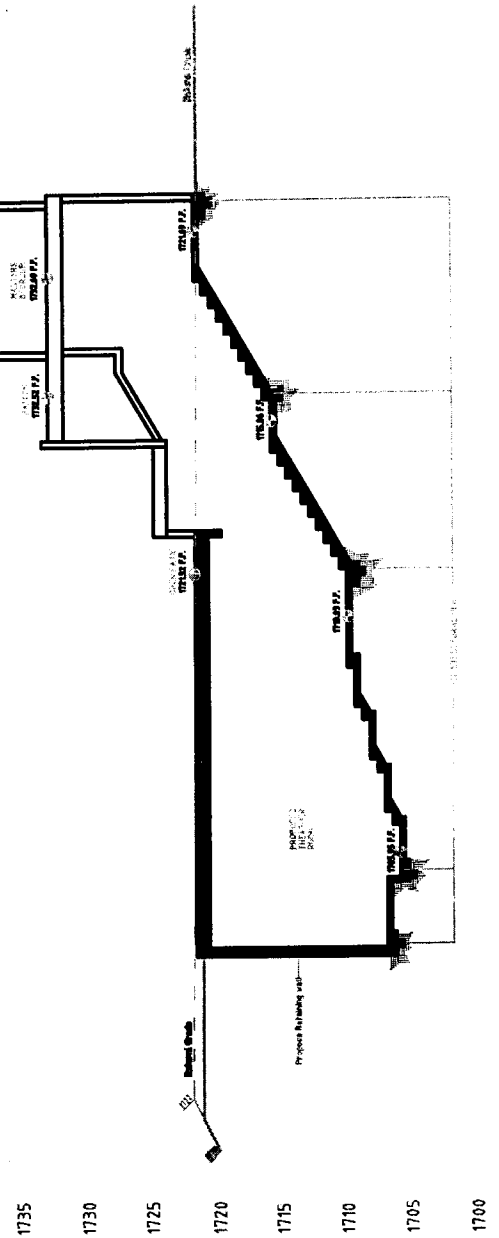
AREA	EXISTING ELEVATION	PROPOSED ELEVATION	CUT	FILL
1	117.00	117.00	0.00	0.00
2	117.00	117.00	0.00	0.00
3	117.00	117.00	0.00	0.00
4	117.00	117.00	0.00	0.00
5	117.00	117.00	0.00	0.00
6	117.00	117.00	0.00	0.00
7	117.00	117.00	0.00	0.00
8	117.00	117.00	0.00	0.00
9	117.00	117.00	0.00	0.00
10	117.00	117.00	0.00	0.00

TOTAL CUT = 117.00 cu yd

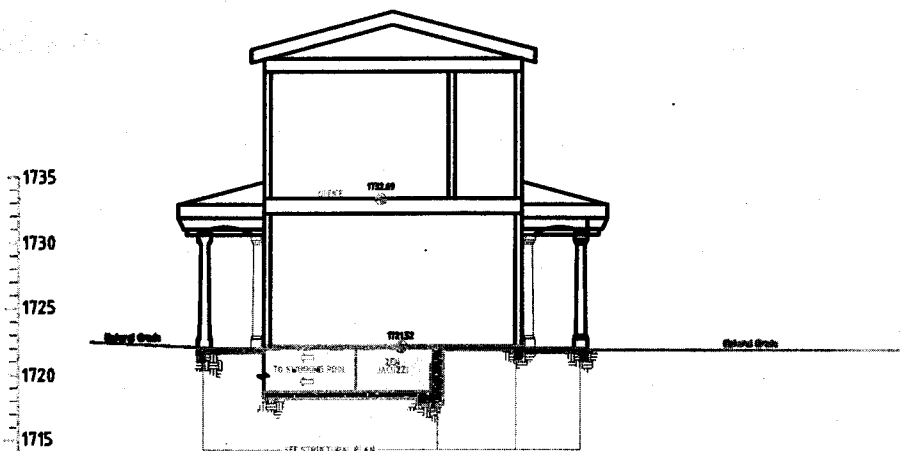
Exhibit 4
CDPA No. 4-05-041
Grading Plan



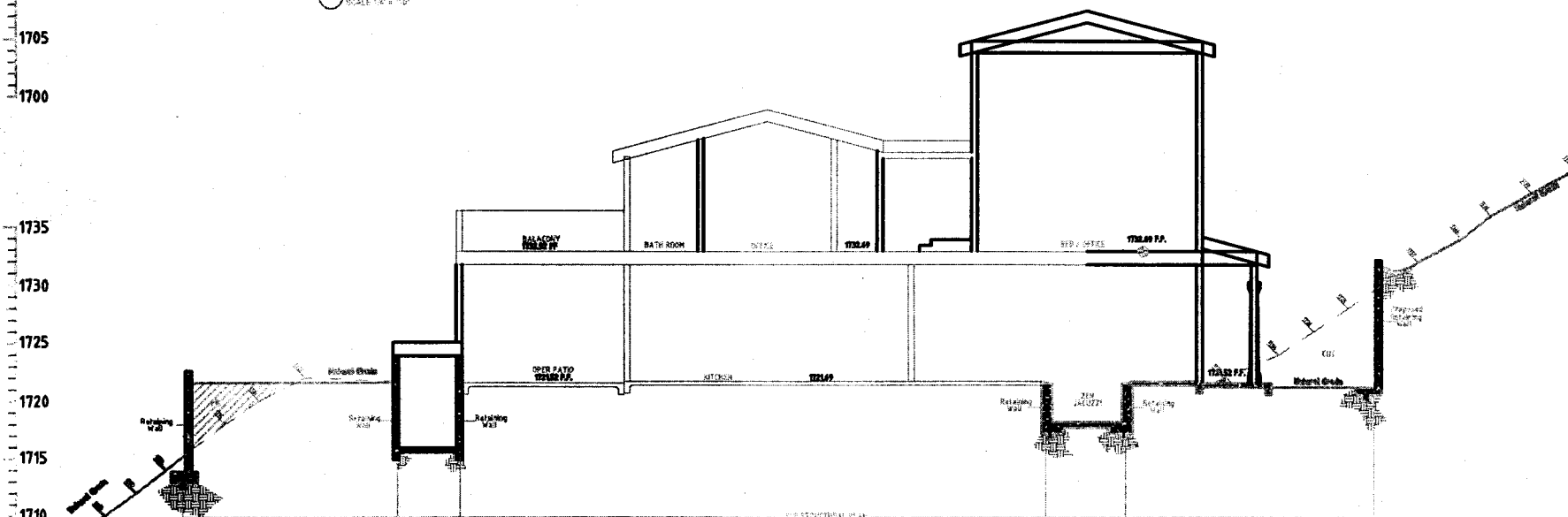
⊙ GRADING SECTION T-1 (L)
 SCALE: 1/4" = 1'-0"



⊙ GRADING SECTION T-2 (R)
 SCALE: 1/4" = 1'-0"

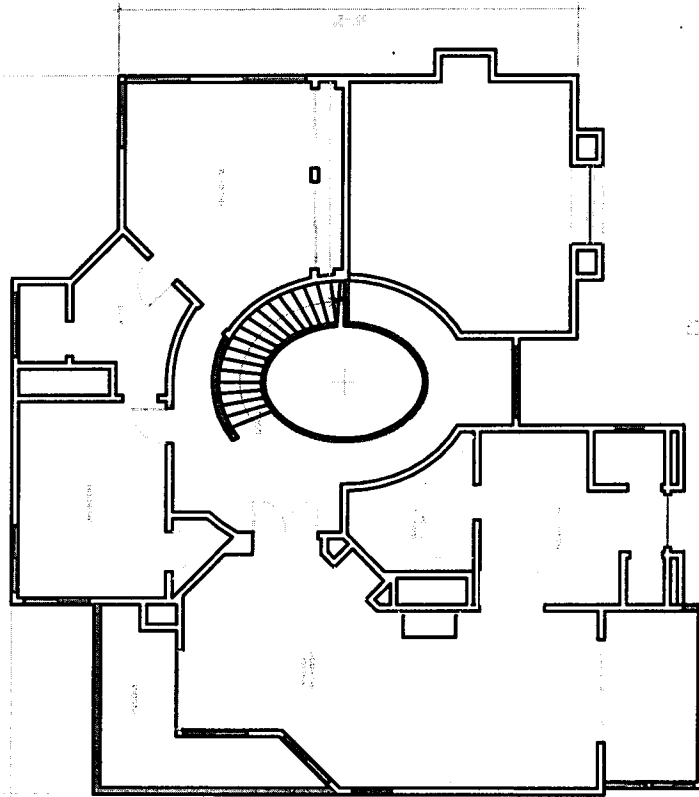


⊙ GRADING SECTION THRU "C"
SCALE 1/8" = 1'-0"

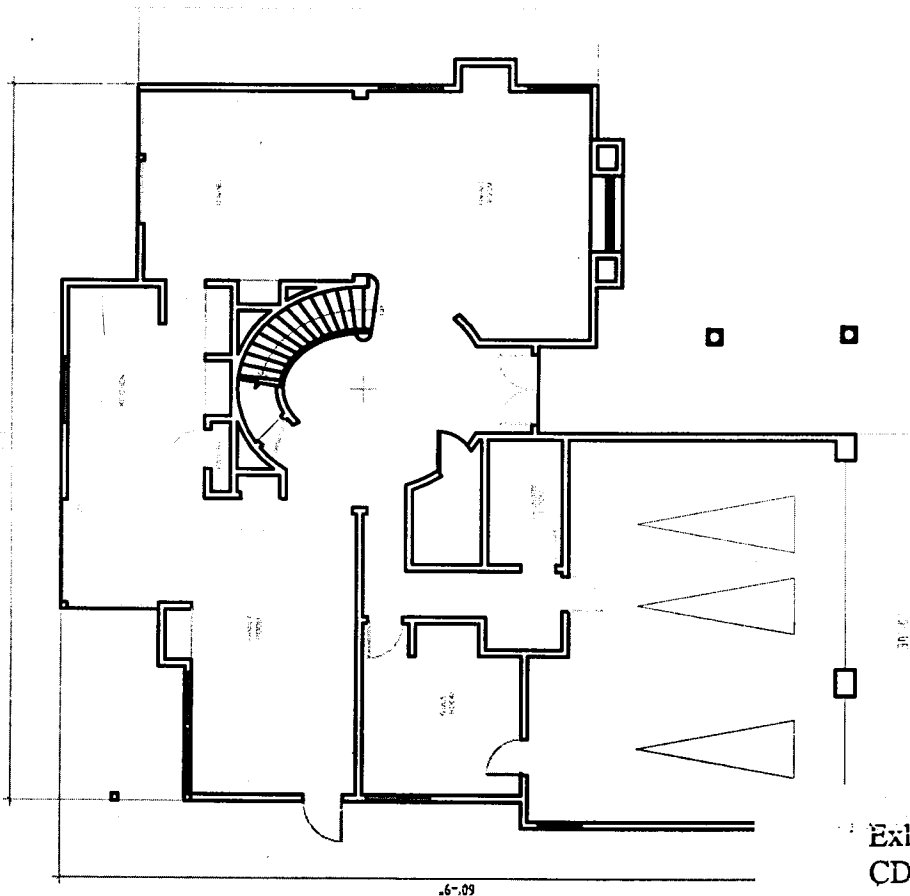


⊙ GRADING SECTION THRU "D"
SCALE 1/8" = 1'-0"

<p>MALIBU DESIGN ASSOCIATES 20243 PACIFIC COAST HIGHWAY, SUITE 210, MALIBU, CA 90265 PHONE (310) 457-4006 FAX (310) 457-2001</p>	<p>PROJECT NO. _____ SHEET NO. _____ DATE _____ DRAWN BY _____ CHECKED BY _____ TITLE _____</p>
---	--



EXISTING UPPER FLOOR PLAN



EXISTING LOWER FLOOR PLAN

Exhibit 6
 CDDA No. 4-05-041
 Existing Floor Plans

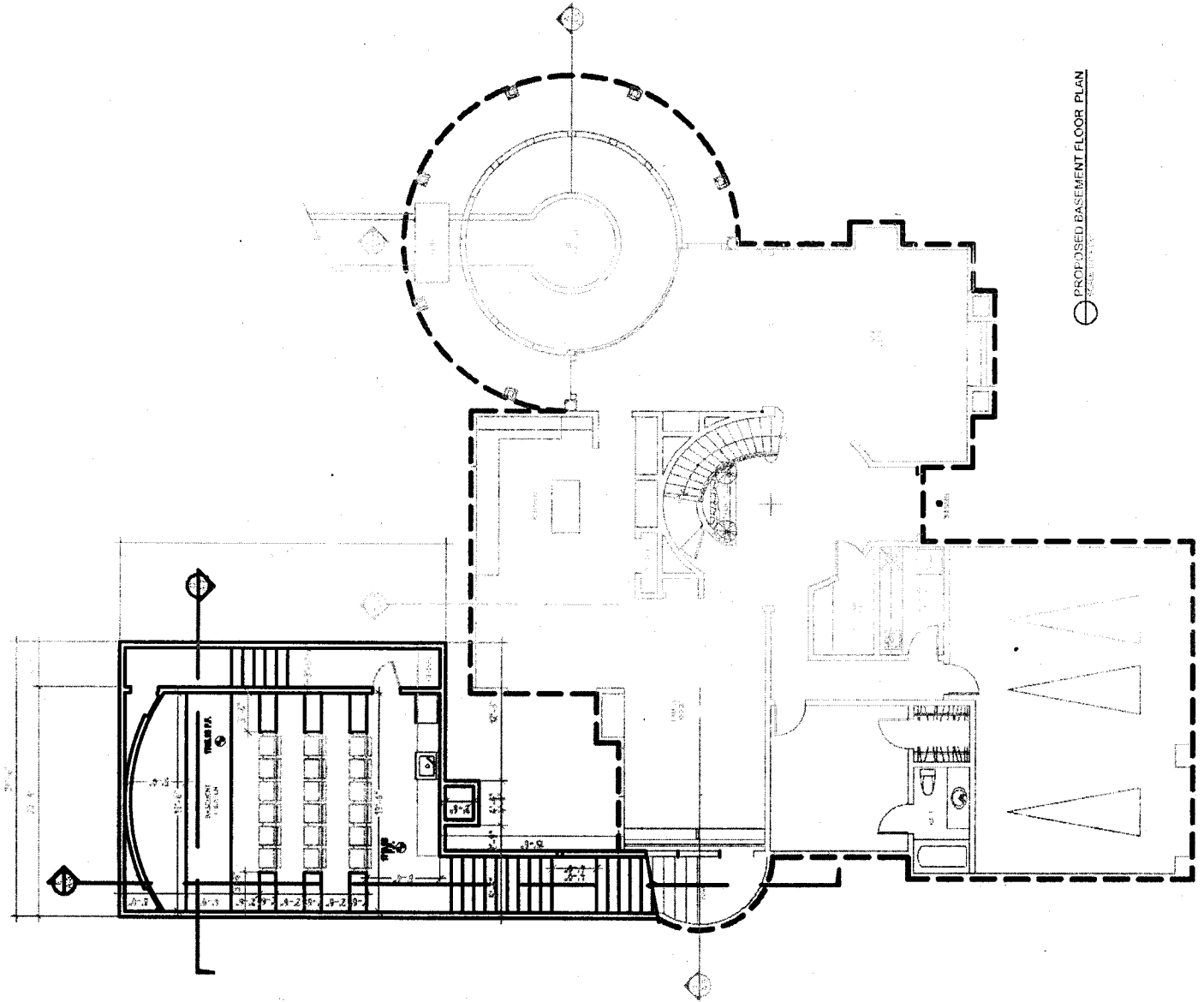


Exhibit 7
 CDPA No. 4-05-041
 Proposed Basement Floor Plan

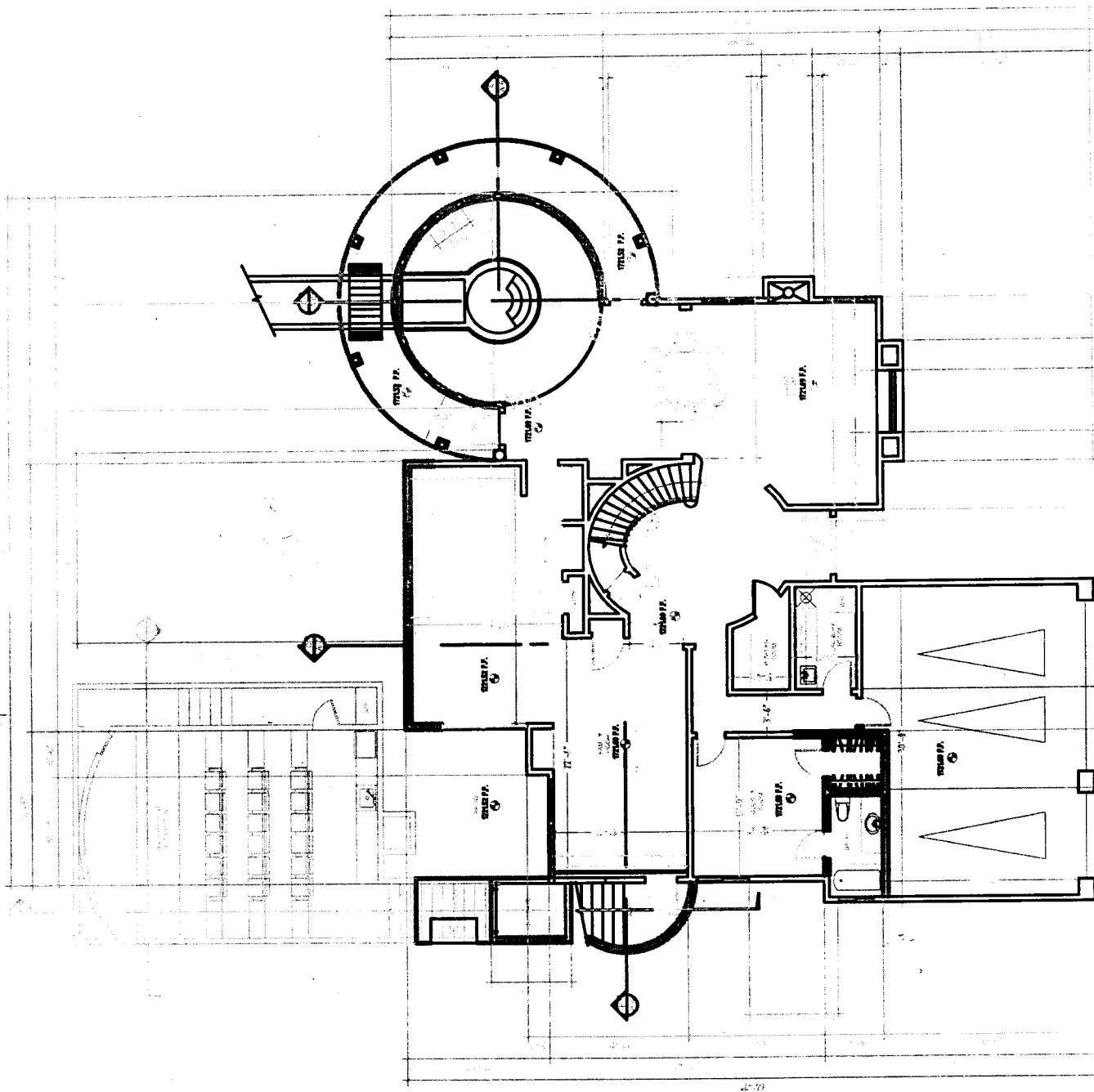
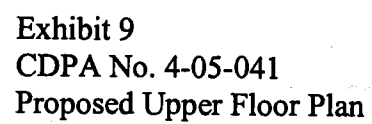


Exhibit 8
CDPA No. 4-05-041
Proposed Main Floor Plan



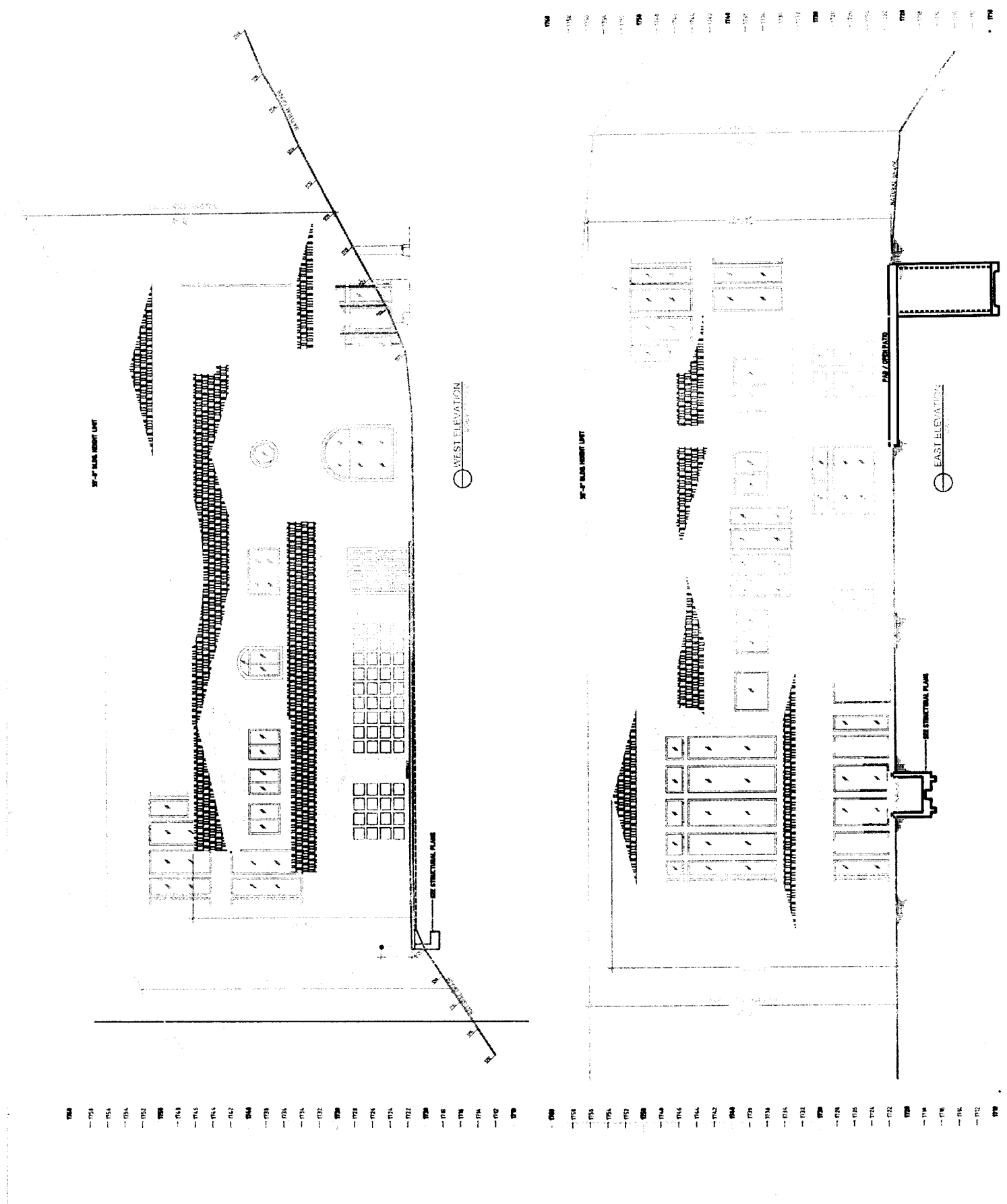
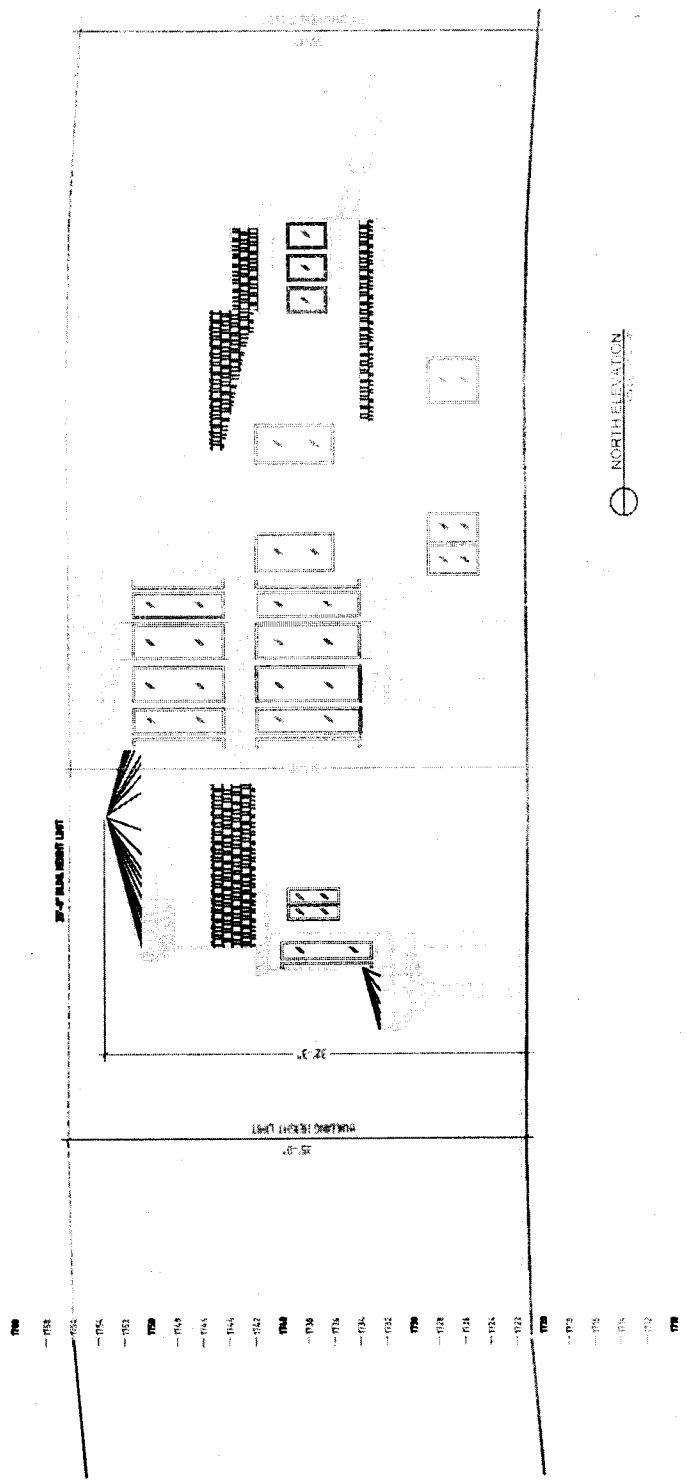


Exhibit 10
 CDPA No. 4-05-041
 Elevations (2 pages)



1750

1749

1748

1747

1746

1745

1744

1743

1742

1741

1740

1739

1738

1737

1736

1735

1734

1733

1732

1731

1730

1729

1728

1727

1726

1725

1724

1723

1722

1721

1720

1719

1718

1717

1716

1715

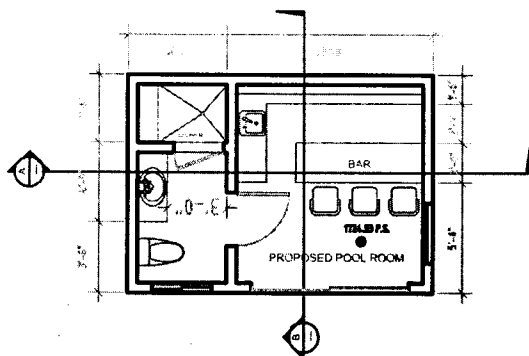
1714

1713

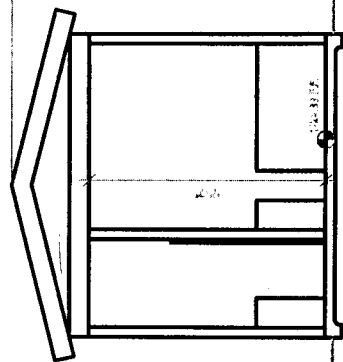
1712

1711

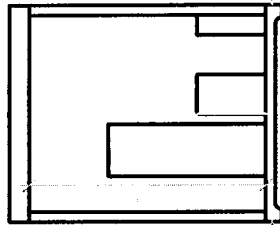
1710



PROPOSED POOL ROOM FLOOR PLAN



SECTION THRU 'A'



SECTION THRU 'B'

NORTH ELEVATION

SOUTH ELEVATION

EAST ELEVATION

WEST ELEVATION

Exhibit 11
CDPA No. 4-05-041
Pool House Plan

