

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-99-169

APPLICANT: Alfredo and Robin Trento

AGENTS: Jaime Harnish
Michael Andersson

PROJECT LOCATION: 25126 Pacific Coast Highway, Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a 6,706 sq. ft., 28 ft. high, two-story single family residence; a 749 sq. ft., 18 ft. high guest house; a 975 sq. ft., 18 ft. high detached garage; a 525 sq. ft., 14 ft. high detached garage; a pool; a driveway; a septic system; and a concrete v-ditch drainage swale system. The project also includes the construction of a 420 ft. long 3-6 ft. high retaining wall, a 120 ft. long 2-3 ft. high retaining wall, and approximately 3,802 cu. yds. of grading (1,302 cu. yds. of cut, 630 cu. yds. of fill, and 1,870 cu. yds. of removal and recompaction).

Lot area:	4.78	acres
Building coverage:	8,733	sq. ft.
Pavement coverage:	16,977	sq. ft.
Ht. abv. ext. grade:	28 ft.	

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department, Approval in Concept for City of Malibu Engineering and Geotechnical Review, Approval in Concept City of Malibu Environmental Health Department (Septic).

SUBSTANTIVE FILE DOCUMENTS: Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 10/25/99; Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 9/17/99; Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 9/1/99; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 3/19/99; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 7/10/98; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 3/23/98; Limited Geologic and Soils Engineering Investigation Report by GeoConcepts, Inc. dated 10/23/97; Response Letter Regarding Phase III Mitigation Program by E. Gary Stickel, Ph.D. dated 6/3/99; Phase 2 (Test Phase) of Archaeological Site CA-LAN 803 Report by E. Gary Stickel, Ph.D. dated March 1999; Proposed Program for Test Phase (Phase 2) Archaeological Evaluation Report by E. Gary Stickel, Ph.D. dated 11/25/97; Coastal Development Permits (CDPs) 4-98-142, 143, & 163 (Duggan & Levinson), CDP 4-97-031 (Anvil), CDP 5-90-020 (Young).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with nine (9) special conditions as outlined on pages 4-8. The applicant is proposing the construction of a 6,706 sq. ft., 28 ft. high, two-story single family residence, a 749 sq. ft. guest house, a 975 sq. ft. detached garage, a 525 sq. ft. detached garage, a pool, a driveway, a septic system, and a concrete v-ditch drainage swale system. The project also includes the construction of a 420 ft. long 3-6 ft. high retaining wall, a 120 ft. long 2-3 ft. high retaining wall, and approximately 3,802 cu. yds. of grading (1,302 cu. yds. of cut, 630 cu. yds. of fill, and 1,870 cu. yds. of removal and recompaction).

The subject site is a vacant bluff top lot located on the south (seaward) side of Pacific Coast Highway and north of Malibu Road (Exhibit 1). Pacific Coast Highway is designated as a scenic highway in the previously certified County of Los Angeles Malibu/Santa Monica Mountains Land Use Plan (LUP). The subject site is designated as a "Priority One" (highest scenic value) viewshed for Pacific Coast Highway by the LUP. All vegetation on the bluff top portion of the site has been previously removed and views of the ocean from the highway are available across the entire site.

In previous permit actions, the Commission has limited the height of new structures and landscaping on bluff top lots with ocean views to an elevation adequate to retain public views of the ocean over the entire site where feasible. In this case, the proposed residence will be 28 ft. in height above existing grade and will extend approximately 5 or more ft. higher in elevation than the highway, substantially reducing public views of the ocean over a portion of the site. In addition, although the proposed accessory structures will be less than 18 ft. in height from existing grade, due to the closer location of these structures in relation to the highway and slope elevation, portions of these structures will also exceed the elevation of Pacific Coast Highway by approximately 2-3 ft. To minimize adverse effects to public views, Special Condition One (1) requires the submittal of revised project plans which show that the proposed development will be no more than 20 ft. in height above existing grade and will not, in any case, exceed the 175 ft. elevation line in height (approximate elevation of Pacific Coast Highway). Special Condition Two (2) has been required to ensure that vegetation on the subject site shall be limited to low-lying species that will not block or adversely impact public views of the ocean from the highway. To ensure that any future structures, additions, or landscaping that may be exempt from coastal permit requirements are reviewed by the Commission for consistency with the visual resource protection policies of the Coastal Act, Special Condition Eight (8) has been required.

Although the proposed development will be designed to ensure stability, three separate landslides have been identified on the bluff slope in the south eastern portion of the project site. Due to the inherent hazard of constructing new development adjacent to an identified landslide, Special Condition Nine (9) requires the applicant to acknowledge the potential hazards on the project site and waive any claim of liability against the Commission. In past permit actions regarding bluff top development, the Commission has required that new development be setback no less than 25 ft. from the bluff edge. In this case, the proposed driveway will be located less than 25 ft. from the edge of the bluff. To ensure geologic and structural stability, Special Condition One (1) requires the submittal of revised plans which show that the proposed driveway will be located no less than 25 ft. from the edge of the bluff. In addition, to further ensure structural and site stability, Special Condition Five (5) requires the submittal of project plans certified by all consulting geotechnical consultants as conforming to all recommendations.

The applicant's representative has indicated that the applicant is not in agreement with Special Condition One (1) which requires the applicant to submit revised plans to reduce the height of the proposed residence from 28 ft. in height to 20 ft. in height.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve with conditions Coastal Development Permit No. 4-99-169 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. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **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.
7. **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. Revised Plans

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised project plans which show that:

- (a) All proposed development is no more than 20 ft. in height above existing grade and will not, in any case, exceed the 175 ft. elevation line in height (approximate elevation of Pacific Coast Highway). Any substantial changes to the footprint of the proposed structures will require an amendment to this permit.
- (b) The proposed driveway, including all associated grading and fill slopes, is located no less than 25 ft. from the seaward most top edge of the bluff.
- (c) The proposed 42 inch high masonry wall adjacent to Pacific Coast Highway is deleted. Fencing consisting of visually permeable designs and materials (e.g. wrought iron or non-tinted glass material) and low-lying vegetation consistent with Special Condition Two (2) shall be allowed. Fencing on site shall be limited to no more than 6 ft. in height. All bars, beams, or other non-visually permeable materials used in the construction of the proposed fence shall be no more than 1 inch in thickness/width and shall be placed no less than 12 inches in distance apart. Alternative designs may be allowed only if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views.

2. 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 October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such

planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

- 3) 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 on the subject site shall be limited to low-lying species that will not block or adversely impact public views of the ocean from the highway. Vegetation within Zone A, as shown on Exhibit 4, shall be limited to no more than 2 ft. in height. Vegetation within Zone B, as shown on Exhibit 4b, shall be limited to no more than 14 ft. in height. In no case shall vegetation on the subject site exceed the 175 ft. elevation line in height (approximate elevation of Pacific Coast Highway). The use of any vegetation of greater height than otherwise provided for above may be allowed only if the Executive Director determines that such landscaping is consistent with the intent of this condition and will serve to minimize adverse effects to public views.
- 6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project

site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring.

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

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

3. Removal of Natural Vegetation

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

4. Archaeological Resources

By acceptance of this permit, the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation, site preparation, installation of irrigation systems or landscaping features that involve any earth moving operations. The number of monitors shall be adequate to observe the earth moving activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the

purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist, the City of Malibu archaeologist and the native American consultant consistent with CEQA guidelines.

5. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 10/25/99; Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 9/17/99; Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 9/1/99; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 3/19/99; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 7/10/98; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 3/23/98; and the Limited Geologic and Soils Engineering Investigation Report by GeoConcepts, Inc. dated 10/23/97. shall be incorporated into all final design and construction including all grading, septic, and drainage improvements. All plans must be reviewed and approved by the geologic and the geotechnical engineering consultants as conforming to said recommendations. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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.

6. Drainage System Design and Maintenance Responsibility

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a detailed run-off and erosion control plan designed by a licensed engineer which assures that the proposed concrete v-ditch drainage system to be constructed on the bluff face shall be of an earthtone color similar to the soil of the surrounding bluff slope. White tones shall not be acceptable. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage 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 the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

8. Future Development Deed Restriction

- A. This permit is only for the development described in coastal development permit No. 4-99-169. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the proposed residence or the entire subject parcel. Accordingly, any new development on the subject parcel or future improvements to the permitted single family residence, guesthouse, or garages, including but not limited to landscaping or repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit 4-99-169 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- 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, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

9. 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing the construction of a 6,706 sq. ft., 28 ft. high, two-story single family residence; a 749 sq. ft., 18 ft. high guest house; a 975 sq. ft., 18 ft. high detached garage; a 525 sq. ft., 14 ft. high detached garage; a pool; a driveway; a septic system; and a concrete v-ditch drainage swale system. The project also includes the construction of a 420 ft. long 3-6 ft. high retaining wall, a 120 ft. long 2-3 ft. high retaining wall, and approximately 3,802 cu. yds. of grading (1,302 cu. yds. of cut, 630 cu. yds. of fill, and 1,870 cu. yds. of removal and recompaction).

The subject site is a 4.78 acre vacant bluff top lot located on the south (seaward) side of Pacific Coast Highway and north of Malibu Road (Exhibit 1). Slopes on site gently descend to the south approximately 20-40 ft. in elevation from Pacific Coast Highway to the top seawardmost edge of the bluff. Slopes descend more steeply from the top of the bluff to Malibu Road at an approximate gradient of 2:1 (26°) to 1:1 (45°). All proposed development, with the exception of the new concrete bluff slope v-ditch drainage system, will be located on the relatively gently sloping bluff top portion of the site (Exhibit 5). A segment of Puerco Road, an existing private road constructed in the mid-1920's, is located on the south facing bluff slope on the subject site immediately north of Malibu Road. However, Puerco Road does not extend to the bluff top portion of the subject site where development is proposed and access to the project site is from Pacific Coast Highway only.

Pacific Coast Highway is designated as a scenic highway for coastal views in the previously certified County of Los Angeles Malibu/Santa Monica Mountains Land Use Plan (LUP). In addition, the subject site is designated as a "Priority One" (highest scenic value) viewshed for Pacific Coast Highway by the LUP. All vegetation on the bluff top portion of the subject site has been previously removed and views of the ocean from Pacific Coast Highway are available across the entire site. In addition, archaeological resources are present on the subject site (listed in the State of California Archive as Archaeological Site CA-LAN-803).

In past permit actions regarding beachfront development along Pacific Coast Highway, the Commission has required the construction of sidewalk improvements to eliminate adverse effects to public access from such development. Although, the subject site is located adjacent to Pacific Coast Highway, the proposed development is separated from the beach by Malibu Road and numerous residences and located along a semi-rural stretch of Pacific Coast Highway where there is adequate open area for pedestrian use of the road shoulder. As such, the proposed development will not result in any adverse effects to public access and a condition requiring the construction of sidewalk improvements is not necessary.

B. 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 which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, 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.

Further, Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property. To assist in the determination of whether a project is consistent with section 30253 of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The Malibu LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. Due to the geologic instability of bluffs and their continuing role in the ecosystem, the certified LUP contains specific policies regarding development on or near bluffs. For instance, Policy 164, in concert with the Coastal Act, provides that new development shall be set back a minimum of 25 ft. from the top edge of the bluff or a stringline drawn between the nearest corners of the adjacent structures, *whichever distance is greater*, but in no case less than would allow for a 75-year useful life for the structure.

The proposed project includes the construction of a single family residence, a guest house, two detached garages, a pool, a concrete v-ditch drainage swale system, retaining walls, and approximately 3,802 cu. yds. of grading (1,302 cu. yds. of cut, 630 cu. yds. of fill, and 1,870 cu. yds. of removal and recompaction). The subject site is located in an area of Malibu prone to landslide activity. The Limited Geologic and Soils Engineering Investigation Report by GeoConcepts, Inc. dated 10/23/97 indicates that portions of three separate landslides are located on the bluff slope in the south eastern portion of the subject site. However, the applicant's geologic and geotechnical consultants have indicated that the bluff top area of the subject site, where the proposed development will be located, is relatively stable and suitable for residential development. The Limited Geologic and Soils Engineering Investigation Report by GeoConcepts, Inc. dated 10/23/97 asserts that a stability analysis was performed the site and that their analysis indicates that

the subject site is grossly stable. Further, the Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 9/17/99 indicates that the proposed project will be free from geologic hazards. The addendum states:

It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained.

The Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 10/25/99; Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 9/17/99; Geologic and Soils Engineering Investigation Addendum by GeoConcepts, Inc. dated 9/1/99; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 3/19/99; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 7/10/98; Supplemental Geologic and Soils Engineering Report by GeoConcepts, Inc. dated 3/23/98; and the Limited Geologic and Soils Engineering Investigation Report by GeoConcepts, Inc. dated 10/23/97 include a number of geotechnical recommendations to ensure the stability and geotechnical safety of the site. Therefore, to ensure that the recommendations of the geotechnical and geologic engineering consultants have been incorporated into all proposed development, Special Condition Five (5) requires the applicant to submit project plans certified by the consulting geotechnical and geologic engineer as conforming to all recommendations regarding structural and site stability. 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.

However, the Commission notes that, although the subject site is considered grossly stable from a geologic standpoint, the steep slopes on the subject site are still subject to potential erosion and soil slippage. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding environment. Further, the Limited Geologic and Soils Engineering Investigation Report by GeoConcepts, Inc. dated 10/23/97 states:

All slopes should be maintained with a dense growth of plants, ground covering vegetation, shrubs and trees which possess dense, deep root structures and require a minimum of watering. It is recommended that a landscape architect be consulted regarding planting adjacent to improvements

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. Therefore, in order to ensure the stability and geotechnical safety of the site, Special Condition Two (2) requires that all proposed disturbed and graded areas on subject site are stabilized with native vegetation. Special Condition Three (3) has been required in order to ensure that no vegetation may be removed on the subject site for the purpose of fuel modification until after the local government has issued a building or grading permit.

In addition, in order to minimize erosion and increase the geologic stability of the subject site, the proposed project includes the construction and installation of a new concrete v-ditch drainage system which will direct all drainage away from those portions of the subject site prone to landslide. To ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by Special Condition Five (5), to submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations. Further, to ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage structures shall be repaired should the structures fail in the future, Special Condition Six (6) also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

As discussed above, the subject site is located on a coastal bluff top. As stated above, due to the inherent geologic instability of bluffs, Policy 164 of the LUP, in concert with the Coastal Act, provides that new development shall be set back a minimum of 25 ft. from the top edge of the bluff or a stringline drawn between the nearest corners of the adjacent structures, whichever distance is greater, in order to ensure geologic and structural stability. In the case of this project, the 25 ft. setback is the greater and proper setback distance, not the stringline measurement. Although the proposed buildings (main residence, guesthouse, two garages) and the pool will be setback 25 ft. or more from the top edge of the bluff, the Commission notes that portions of the proposed driveway will be located less than 25 ft. from the delineated top edge of the bluff. Specifically, the fill slope for approximately 75 linear ft. of the proposed driveway on the west side of the property will be located only 11 ft. from top edge of the bluff (the paved portion of the driveway will be located only 15 from the top edge of the bluff). In addition, the fill slope for approximately 60 linear ft. of the driveway on the central portion of the site (between the main residence and the guest house) will be setback only 19 ft. from the bluff edge. Therefore, in order to ensure geologic and structural stability, Special Condition One (1) requires the applicant, prior to the issuance of the coastal permit, to submit, for the review and approval of the Executive Director, revised project plans which show that the proposed driveway (including all associated grading

and fill slopes) will be located no less than 25 ft. from the seaward most top edge of the bluff as delineated on Exhibit 3. Therefore, the Commission notes that, only as conditioned, will all development (with the exception of landscaping and drainage improvements which serve to increase the geologic stability of the site) be setback at least 25 ft. or more from the bluff edge as consistent with past Commission action and Policy 164 of the LUP.

Further, the Commission also notes that the amount of new cut grading proposed by the applicant is larger than the amount of fill to be placed and will result in approximately 672 cu. yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, Special Condition Seven (7) requires the applicant to remove all excavated material, including concrete debris resulting from the removal of the existing pool, from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

As discussed above, the Commission notes that the applicant's engineering consultants have indicated that the proposed development will serve to ensure relative geologic and structural stability on the subject site. However, the Commission also notes that the Limited Geologic and Soils Engineering Investigation Report by GeoConcepts, Inc. dated 10/23/97 indicates that three separate landslides are located on the bluff slope in the south eastern portion of the subject site. The Commission further notes that because there remains some inherent risk in building on sites underlain or located adjacent to a landslide, such as the subject site, and 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 the associated risks as required by Special Condition Nine (9). This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development throughout the Malibu/Santa Monica Mountains region.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

C. 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.

Coastal Act Section 30251 requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. In addition, to assist in the determination of whether a project is consistent with Section 30251 of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified County of Los Angeles Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. For instance, in concert with Section 30251 of the Coastal Act, Policy 125 of the LUP provides that new development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline. Policy 125 further provides that, where feasible, new development on sloped terrain should be set below road grade. Policy 130 of the LUP provides that in highly scenic areas and along scenic highways, new development and landscaping shall be sited so as to not significantly intrude into the skyline. Policy 138 of the LUP provides that new development on the ocean side of and fronting Pacific Coast Highway shall occupy no more than 80% of the lineal frontage of the site. In addition, Policy 141 of the LUP provides that "fencing or walls to be erected on the property shall be designed and constructed to allow for view retention from scenic roadways." Further, Policy 142 of the LUP provides that new development along scenic roadways, such as Pacific Coast Highway, shall be set below the road grade on the down hill side wherever feasible to protect designated ocean views.

The project site is a vacant bluff top lot on the seaward side of Pacific Coast Highway in a partially built-out area of Malibu primarily consisting of residential development. Pacific Coast Highway is designated as a scenic highway for coastal views by the LUP. In addition, the subject site is designated as a Priority One (highest scenic value) viewshed for Pacific Coast Highway by the LUP. All vegetation has been previously

removed from the bluff top portion of the site. Views of the ocean from Pacific Coast Highway are available across the entire 430 ft. wide lot. Further, the Commission notes that Pacific Coast Highway is also a major coastal access route, not only utilized by local residents, but also heavily used by tourists and visitors to access several public beaches located in the surrounding area which are only accessible from Pacific Coast Highway. Public views of the beach and water from Pacific Coast Highway have been substantially reduced, or completely blocked, in many areas by the construction of single family residences, privacy walls, fencing, landscaping, and other residential related development between Pacific Coast Highway and the ocean. This type of development limits the public's ability to view the coast or ocean to only those few parcels which have not yet been developed. The Commission notes that the construction of individual beachfront or bluff top residences, when viewed on a regional basis, results in potential cumulative adverse effects to public views and to the visual quality of coastal areas.

In past permit actions, consistent with Coastal Act Section 30251, the Commission has required that new development located on the seaward side of Pacific Coast Highway be sited and designed to protect public bluewater views of the ocean and, where feasible, to restore and enhance visual quality in visually degraded areas. Specifically, in regard to new development located on beachfront lots, where it is not possible to limit the height of new structures to an elevation lower than the highway, the Commission has required that new development occupy no more than 80% of the lineal frontage of Pacific Coast Highway in order to maintain a public view corridor over the lot for ocean views [Saban (4-99-146), Broad (4-99-185), 4-99-154 (Montanaro)]. However, in past permit actions regarding development on bluff top sites where slopes descend seaward from the highway, such as the proposed project site, the Commission has further limited the height of new structures and landscaping to an elevation adequate to ensure that public views of the ocean are retained over the entire project site [CDPs 4-98-142, 143, & 163 (Duggan & Levinson), CDP 4-97-031 (Anvil), CDP 5-90-020 (Young)]. Coastal Development Permits 4-98-142, 143 and 163 were approved by the Commission in 1998 for the construction of three new single family residences on the three separate neighboring vacant lots immediately east of the subject site. The Commission notes that the approved single family residences on the neighboring lots to the east were limited to a single story of no more than 18 ft. in height in order to ensure that ocean views were retained above the rooflines of the residences.

In the case of the proposed project, the Commission notes that the proposed 28 ft. high main residence, although located downslope from Pacific Coast Highway, will extend approximately 5 or more ft. higher in elevation than the highway and will significantly reduce or completely block public views of the ocean over a portion of the subject site. In addition, although the proposed accessory structures (guest house and garages) will be less than 18 ft. in height from existing grade, due to the closer location of these structures in relation to the highway and slope elevation, portions of these structures will also exceed the elevation of Pacific Coast Highway by approximately 2-3 ft and result in adverse effects to public views of the ocean from the highway. Staff has

confirmed during a site visit that the proposed structures would significantly block public views of the ocean from Pacific Coast Highway. At Staff's request, prior to the site visit, the project site was staked with poles adequate to indicate the footprint and height of the proposed buildings. Staff notes, based on visual analysis of the staked project site, that the rooflines of all proposed structures would extend near or above the horizon line significantly blocking public bluewater views of the ocean from the highway. Therefore, in order to ensure that adverse effects to public views are minimized, Special Condition One (1) requires the applicant to submit revised project plans which show that all proposed development will be no more than 20 ft. in height above existing grade and will not, in any case, exceed the 175 ft. elevation line in height (approximate elevation of Pacific Coast Highway). Any substantial changes to the footprint of the proposed structures will require an amendment to this permit. The Commission notes that Special Condition One (1) will still allow the applicant to construct a large multi-level residence (including the proposed 1,500 sq. ft. "basement" level located below the first floor of the residence shown on Exhibit 6) and that it is clearly feasible to redesign this project consistent with Section 30251 of the Coastal Act and the guidance provided by Policy 142 of the LUP which mandates that views to the ocean be protected. In addition, the Commission notes that any future development on the subject site (such as a new structure, a second-story addition, changes to the roofline, or landscaping) would result in potential adverse effects to visual resources on the subject site. Therefore, Special Condition Eight (8) requires the applicant to record a future improvements deed restriction to ensure that any future structures, additions, or landscaping that would otherwise be exempt from coastal permit requirements are reviewed by the Commission.

In addition, the Commission also notes that public views of the ocean from Pacific Coast Highway have been significantly reduced or completely blocked by landscaping associated with residential development. Currently, the ocean is visible from Pacific Coast Highway over the entire parcel since all vegetation has been previously removed from the bluff top area of the site. However, the Commission notes that new landscaping on the subject site will result in a potential reduction in the public's ability to view the ocean from the highway. Therefore, Special Condition Two (2) has been required to ensure that vegetation on the subject site shall be limited to low-lying species that will not block or adversely impact public views of the ocean from the highway. Vegetation within Zone A (generally located upslope and near the highway), as shown on Exhibit 4b, shall be limited to no more than 2 ft. in height. Vegetation within Zone B (general located downslope and farther from the highway), as shown on Exhibit 4b, shall be limited to no more than 14 ft. in height. In no case shall any vegetation on the subject site exceed the 175 ft. elevation line in height (approximate elevation of Pacific Coast Highway). The use of any vegetation of greater height than otherwise provided for above may be allowed only if the Executive Director determines that such landscaping is consistent with the intent of this condition and will serve to minimize adverse effects to public views.

The proposed project also includes a large amount of grading that will result in landform alteration of the subject site (approximately 1,302 cu. yds. of cut and 630 cu. yds. of fill). However, in the case of the this project, the Commission notes that the majority of the proposed grading is for excavation that will allow the proposed structures and driveway to be "set" lower into the hillside, thereby reducing the amount of structural surface visible from upslope public viewing areas such as Pacific Coast Highway. As such, the Commission notes that the proposed grading plan will serve to minimize adverse effects to public views on the subject site.

Further, the proposed project includes the construction and installation of a new concrete v-ditch drainage system on the bluff slope. The Commission notes that the proposed drainage system will minimize erosion and increase the geologic stability of the subject site. The Commission also notes that the minimization of erosion on the subject site will also serve to protect public views of the bluff slope on the subject site from Malibu Road. However, the Commission further notes that the proposed concrete v-ditch drainage system itself will result in adverse effects to the visual quality of the subject site if constructed using white or non-earthtone colors. Therefore, Special Condition Six (6) requires that the proposed concrete v-ditch drainage system on the bluff face be earthtone in color and designed to blend with the surrounding bluff slope in order to minimize adverse effects to visual resources.

The Commission notes that the proposed project includes the construction of a 42 inch high solid masonry wall with a wrought iron fence on top located adjacent to Pacific Coast Highway. The Commission further notes that even a relatively short, 42 inch high, solid privacy wall and gate in the proposed location, immediately adjacent to Pacific Coast Highway, would diminish the public's ability to view the ocean from the highway and would not be consistent with either the above referenced policies of the LUP or with past Commission action regarding the protection of public views along the coast. The Commission further notes that a feasible alternative to the construction of the proposed solid wall and gate structure would include the construction of a less visually intrusive fence and gate. Therefore Special Condition One (1) requires the applicant to submit, for the review and approval of the Executive Director, revised project plans which show that the 42 inch high solid masonry wall/gate is deleted in order to ensure that adverse effects to public views of the ocean from the highway are minimized. The Commission notes that Special Condition One (1) will still allow the applicant to submit revised plans, for the review and approval of the Executive Director, which would allow for the construction of a fence/gate along Pacific Coast Highway, provided that such a fence is of a design that is (1) of a visually permeable design and material (e.g. wrought iron or non-tinted glass material); (2) no more than 6 ft. in height; and (3) all bars, beams, or other non-visually permeable materials used in the construction of the proposed fence are no more than 1 inch in thickness/width and placed no less than 12 inches in distance apart. Alternative designs may be allowed only if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views.

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.

D. Archaeological Resources

PRC Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of the Santa Monica Mountains which contains one of the most significant concentrations of archaeological sites in southern California. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

A portion of Archaeological Site CA-LAN-803 is located on the subject site. The recorded map of CA-LAN-803 indicates that the archaeological site extends over almost the entire subject site, including the proposed locations for the residence, guesthouse, pool, and two detached garages. A Phase II archaeological study of the subject site consisting of the archaeological excavation of 35 test pits located on different areas of the subject site has been previously conducted. The study concluded that although some artifacts have been discovered on the subject site, CA-LAN-803 is not highly significant from an archaeological perspective. The Phase 2 (Test Phase) of Archaeological Site CA-LAN 803 Report by E. Gary Stickel, Ph.D. dated March 1999, states:

Given the lack of variability of the data recovered from the 35 units [test pits] that were excavated for the Test Phase (Phase 2)...with only a few formal tools recovered and with the vast majority of the data limited to waste flaked material (debitage)...it would appear that site CA-LAN-803 is not a highly significant site (i.e. it lacks major habitation indicators, lacks burials and/or cemeteries, lacks religious site data, and it lacks other unique data that would

make it a highly significant site. Nonetheless, if the site does, in fact date to the Early Period, it does provide data important to our understanding of that period (albeit on a limited data set basis).

Although the above mentioned archaeological study found that the subject site is not highly significant from an archaeological perspective, the Commission notes that archaeological artifacts have been found on the subject site and that the proposed project may result in potential adverse effects to archaeological resources from grading and construction activity. In past permit actions regarding development on sites containing archaeological resources, the Commission has required that a qualified archaeologist and appropriate Native American consultant be present on-site during all grading, excavation and site preparation that involve earth moving operations. Therefore, to ensure that adverse effects to archaeological resources are minimized during the construction of the proposed development, Special Condition Four (4) requires that the applicant have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation in order to monitor all earth moving operations. In addition, if any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the City of Malibu's archaeologist, the applicant's archaeologist, and the Native American consultant consistent with California Environmental Quality Act (CEQA) guidelines. Further, staff notes that Archaeological Site CA-LAN-803 extends over almost the entire subject parcel. To ensure that any future potential adverse effects to the archaeological resources on site are minimized, Special Condition Eight (8) provides that any future development of the site will be reviewed by the Commission which might otherwise be exempt from permit requirements.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30244 of the Coastal Act.

E. 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:

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

Section 30252 of the Coastal Act states:

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

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of a parcel increasing impacts on public services, such as water, sewage, electricity and roads. New development also raises issues as to whether the location and amount of new development maintains and enhances public access to the coast.

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

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

As proposed, the 749 sq. ft. second residential unit (guesthouse) conforms to the Commission's past actions allowing a maximum of 750 sq. ft. for a second dwelling unit in the Malibu area. However, the Commission notes that any future improvements or additions to the structure would increase the size of the guest unit beyond the maximum of 750 sq. ft. and constitute a violation of this coastal development permit. Therefore, Special Condition Ten (10) has been required to ensure that any additions or improvements to the guesthouse structure will be reviewed by the Commission.

Therefore, the Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

F. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states 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, minimizing alteration of natural streams.

The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 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 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.

SMH-VNT

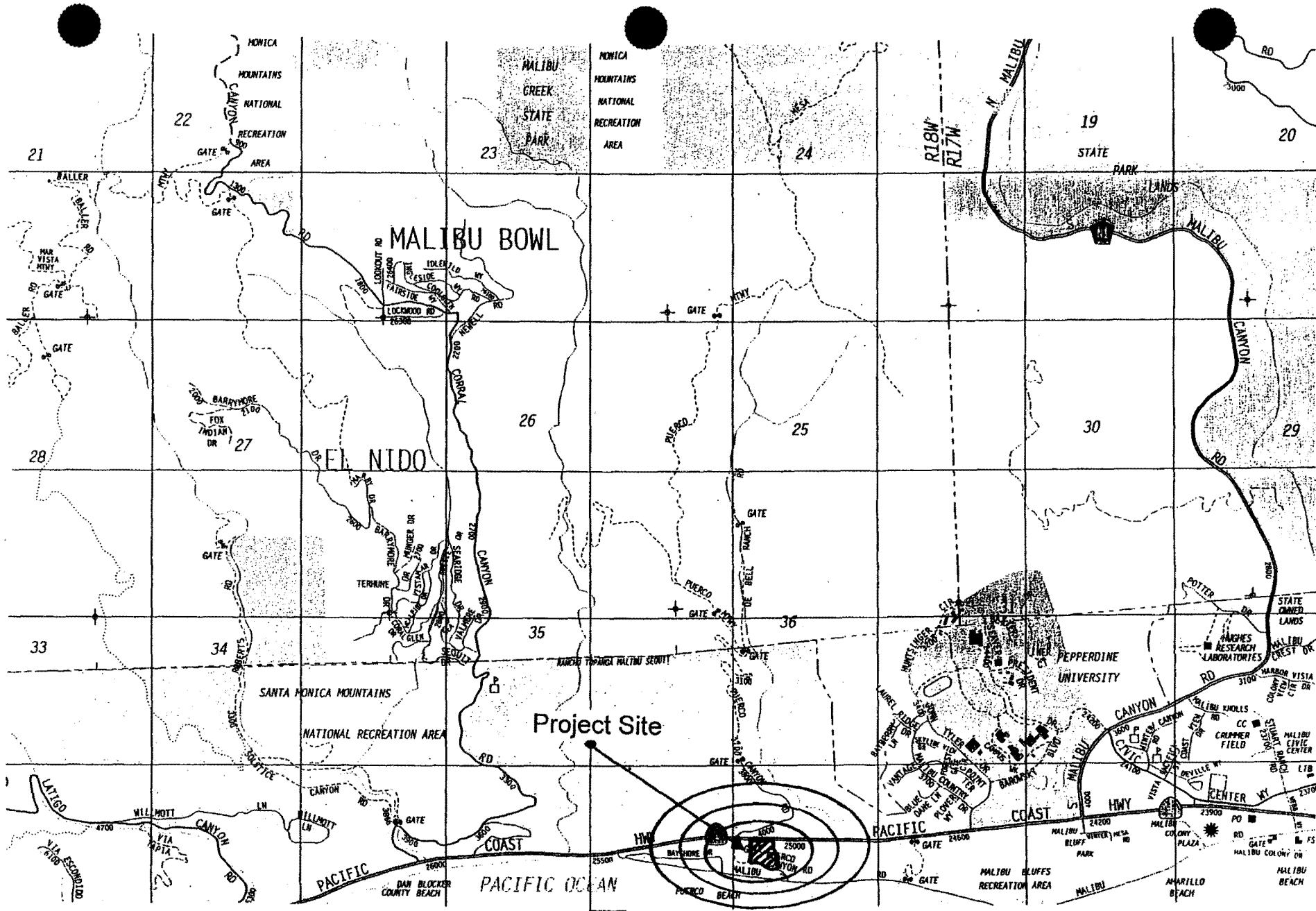


EXHIBIT 1
CDP 4-99-169 (Trento)
Location Map

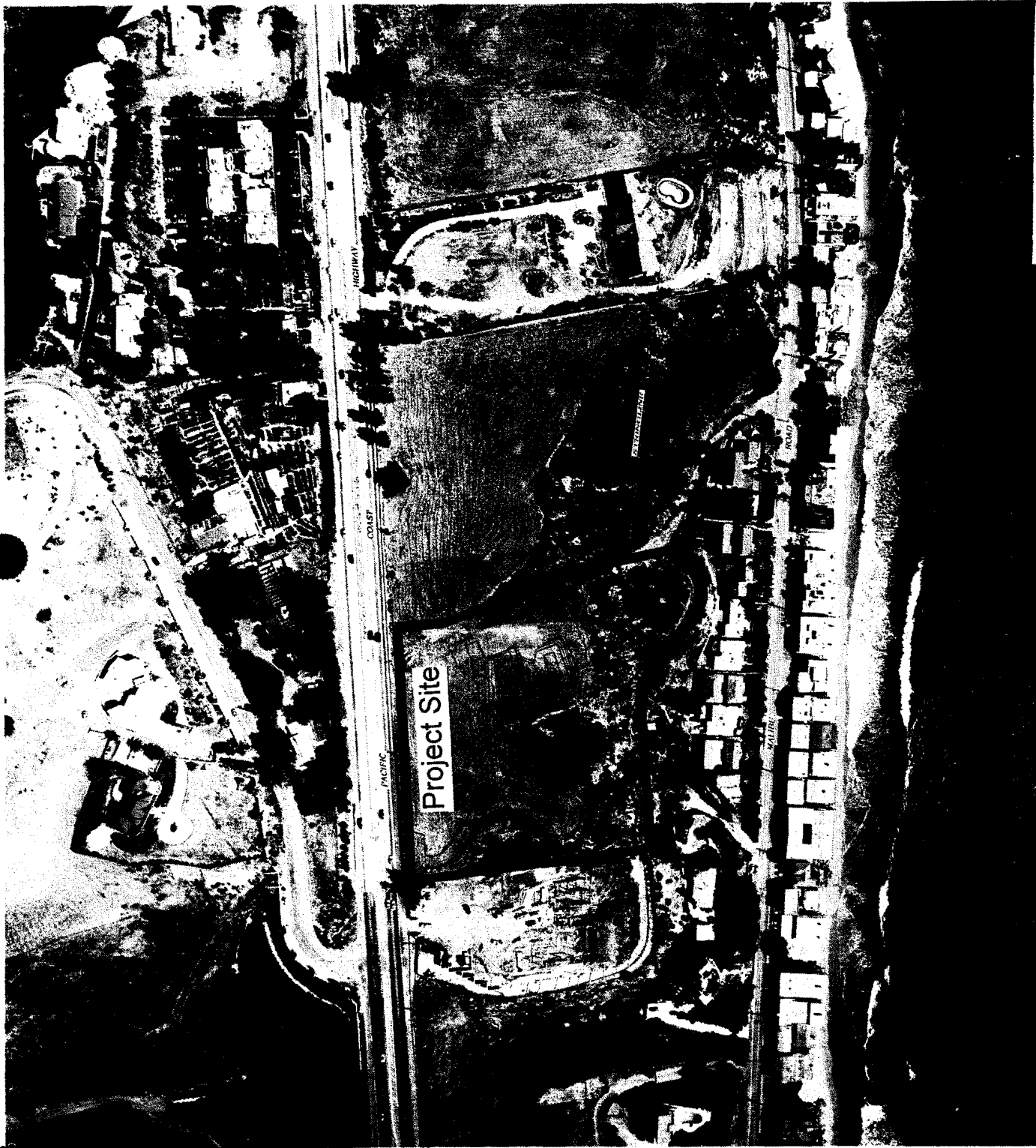


EXHIBIT 3

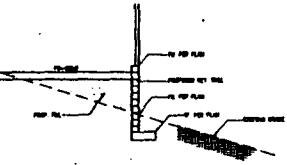
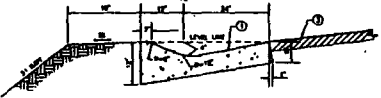
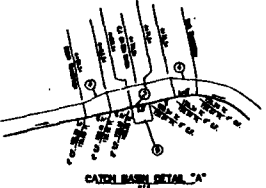
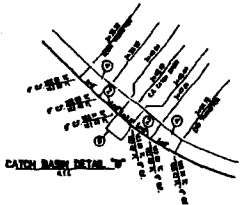
CDP 4-99-169 (Trento)

Aerial Photograph

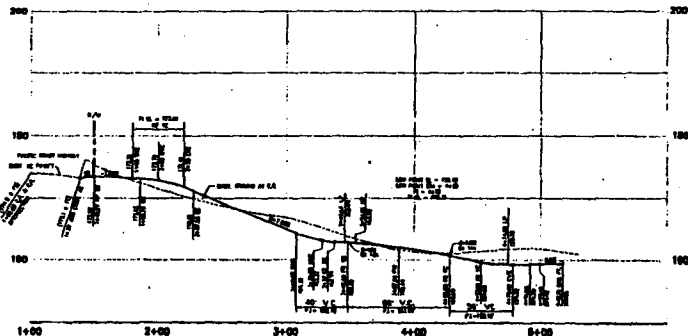
Note: See Site Plan (Exhibit 4) for Minor Revision to Location of Driveway by Applicant.

TO SHEET CDP 4-99-169
FROM SHEET CDP 4-99-168

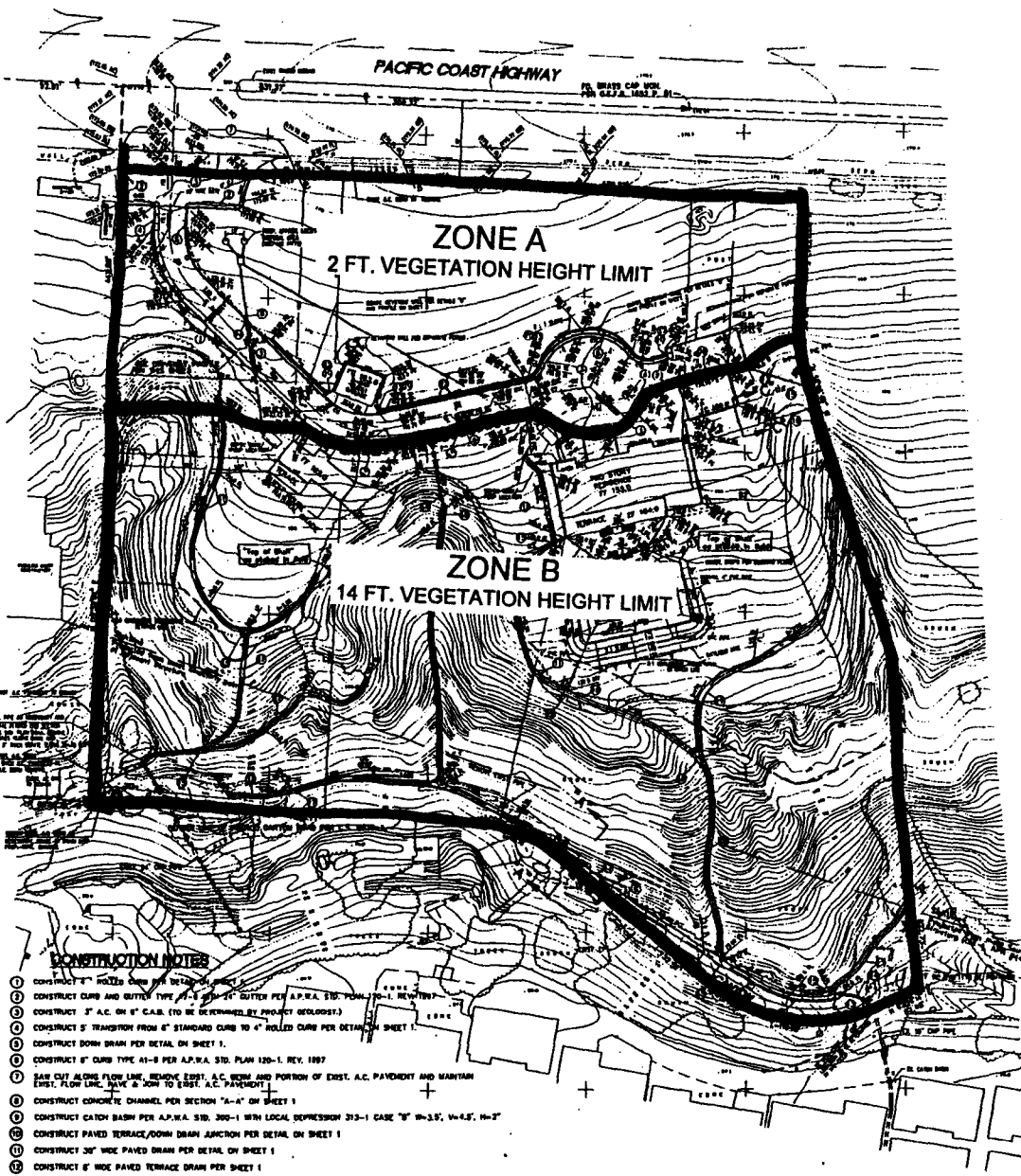
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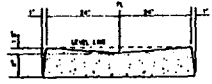
SECTION C-C



DRIVEWAY PROFILE



SCALE: 1" = 30'



CROSS GUTTER DETAIL

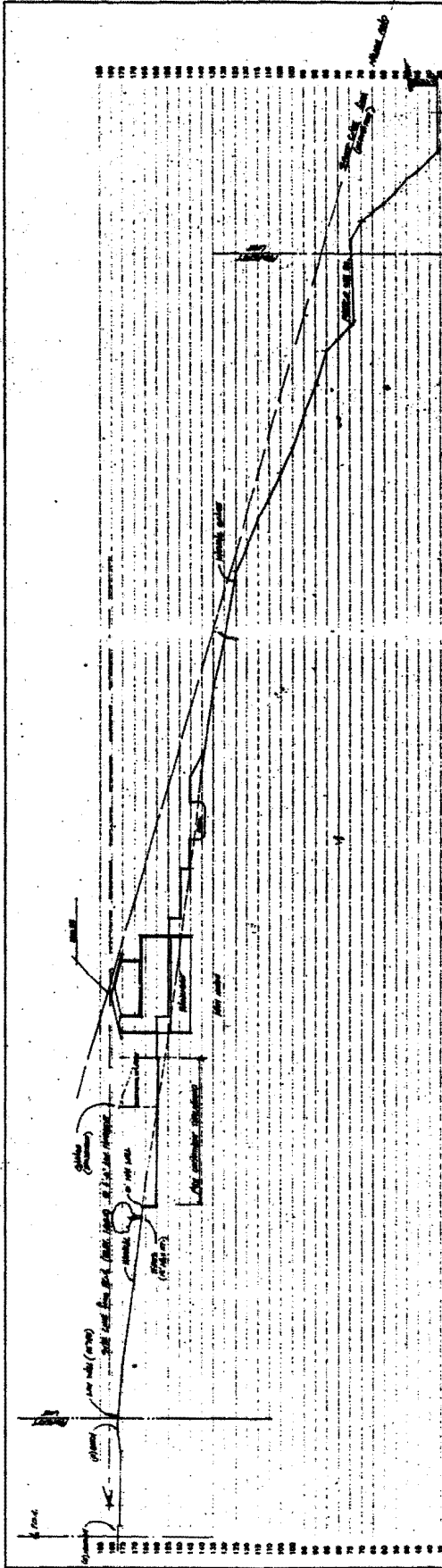
CONSTRUCTION NOTES

1. CONSTRUCT 8" ROLLED CURB PER DETAIL ON SHEET 1.
2. CONSTRUCT CURB AND GUTTER TYPE "A" 3" x 24" GUTTER PER A.P.R.A. STD. PLAN 300-1, REV. 1987.
3. CONSTRUCT 3" A.C. ON 8" C.B. (TO BE DETERMINED BY PROJECT GEOLOGIST).
4. CONSTRUCT 5" TRANSITION FROM 8" STANDARD CURB TO 4" ROLLED CURB PER DETAIL ON SHEET 1.
5. CONSTRUCT DOWN DRAIN PER DETAIL ON SHEET 1.
6. CONSTRUCT 8" CURB TYPE A1-B PER A.P.R.A. STD. PLAN 120-1, REV. 1987.
7. SAW CUT ALONG FLOW LINE, REMOVE EXIST. A.C. CURB AND PORTION OF EXIST. A.C. PAVEMENT AND MAINTAIN EXIST. FLOW LINE, WALK & JOIN TO EXIST. A.C. PAVEMENT.
8. CONSTRUCT CONCRETE CHANNEL PER SECTION "A-A" ON SHEET 1.
9. CONSTRUCT CATCH BASIN PER A.P.R.A. STD. 300-1 WITH LOCAL DEPRESSION 3/8"-1 CASE "B" W=15', V=4.5', H=2'.
10. CONSTRUCT PAVED TERRACE/DOWN DRAIN JUNCTION PER DETAIL ON SHEET 1.
11. CONSTRUCT 30" WIDE PAVED DRAIN PER DETAIL ON SHEET 1.
12. CONSTRUCT 8" WIDE PAVED TERRACE DRAIN PER SHEET 1.
13. CONSTRUCT INLET STRUCTURE PER DETAIL ON SHEET 1.
14. INSTALL 18" CMP PIPE, 18 GAUGE.
15. CONSTRUCT 3 FT. HIGH SPLASH WALL.
16. CONSTRUCT DOWN DRAIN WITH SPLASH WALL PER DETAIL ON SHEET 1.
17. CONSTRUCT PAVED DRAIN WITH SPLASH WALL PER DETAIL ON SHEET 1.
18. CONSTRUCT TRANSITION STRUCTURE PER DETAIL ON SHEET 1.
19. CONSTRUCT 2 FEET HIGH BLOCK DIVIDER WALL, JOIN PROPOSED QUARTZ SHALE, REMOVE EXIST. A.C. PAVT AS NECESSARY.
20. CONSTRUCT PIPE DOME PER DETAIL 20, ON SHEET 3.
21. CONSTRUCT 12"x12" INLET (ENDS PRODUCT) ON EQUAL.
22. CONSTRUCT KEYSTONE WALL DRAIN PER DETAIL 22 ON SHEET 3 (PROVIDE SPACING AS RECOMMENDED BY MANUFACTURER).
23. CONSTRUCT 24"x24" CATCH BASIN (BROOKS STD.) ON EQUAL.
24. INSTALL 6" PVC PROTECTION SLEEVE AND BACKFILL WITH SAND.
25. CONSTRUCT 4" CROSS GUTTER PER DETAIL HERE-ON.

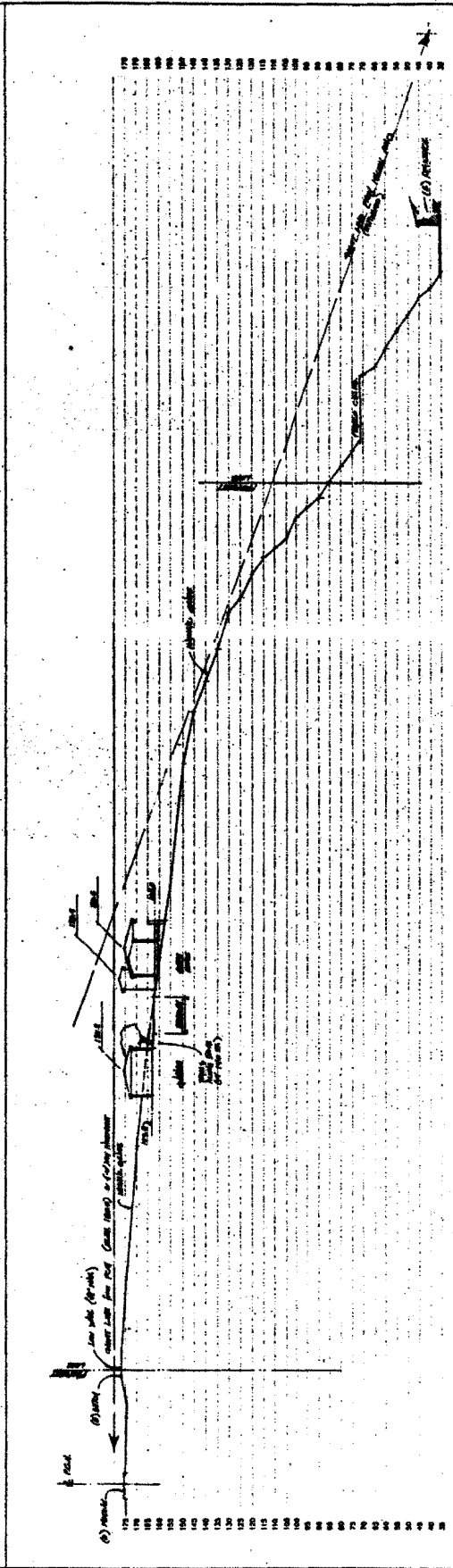
Date	By	Sheet	Description
10/1/98	UC	2	REVISE LOCATIONS OF 8" PVC TRENCH & 18" WIDE PAVED DRAIN
10/1/98	UC	2	18" WIDE PAVED DRAIN
10/1/98	UC	2	REAR POINT DRAIN

EXHIBIT 4b
CDP 4-99-169 (Trento)
Site Plan/Vegetation Zones

DESIGNED BY:	DATE:	SCALE:	REVIEWED BY:	Proj. No. 87824-00
	OCT. 1998	1" = 30'	S. ALVAREZ	SHEET 2 OF 3 SHEETS

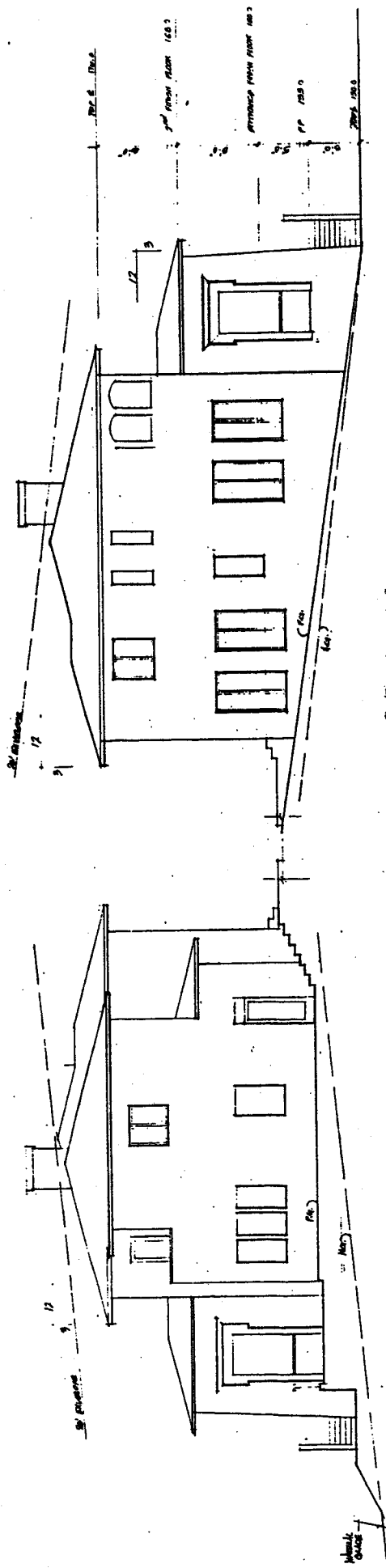


SECTION Z-Z

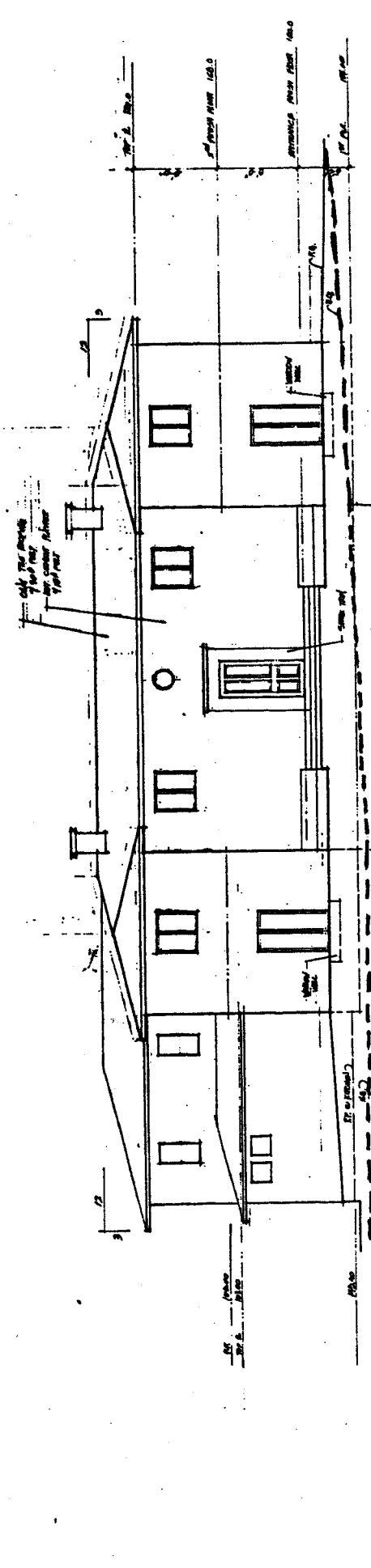


SECTION X-X

EXHIBIT 5
CDP 4-99-169 (Trento)
Cross Section of Subject Site



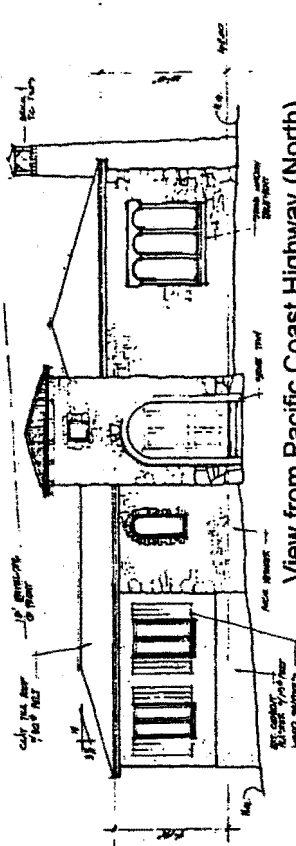
EXIST. GRADE



EXISTING GRADE

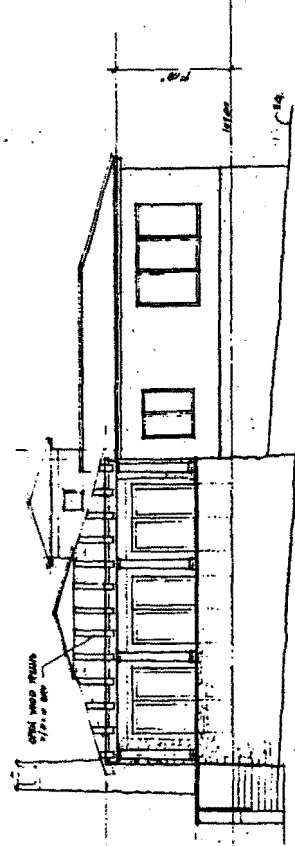
EXHIBIT 7
CDP 4-99-169 (Trento)
Main Residence: Elevations

View from Pa... Coast Highway (North)



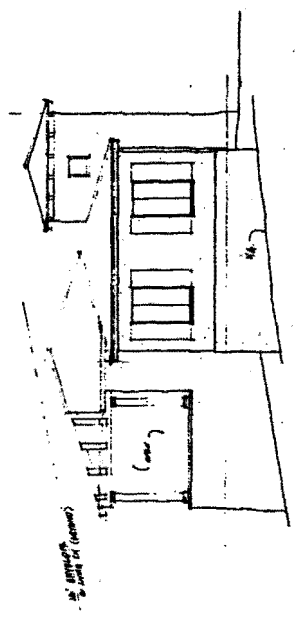
View from Pacific Coast Highway (North)

FRONT

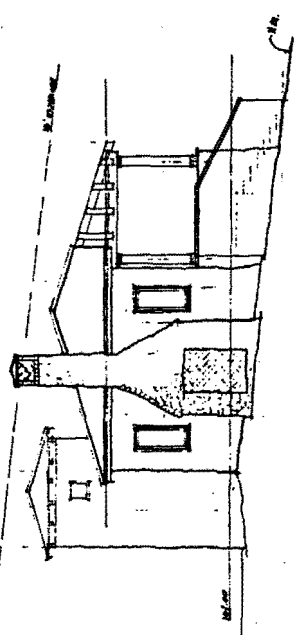


View from South

BACK



LEFT



RIGHT

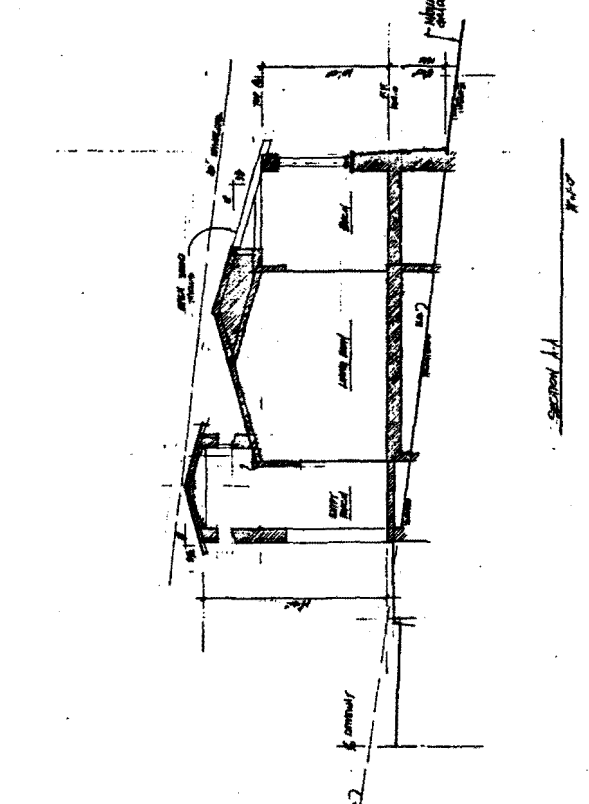
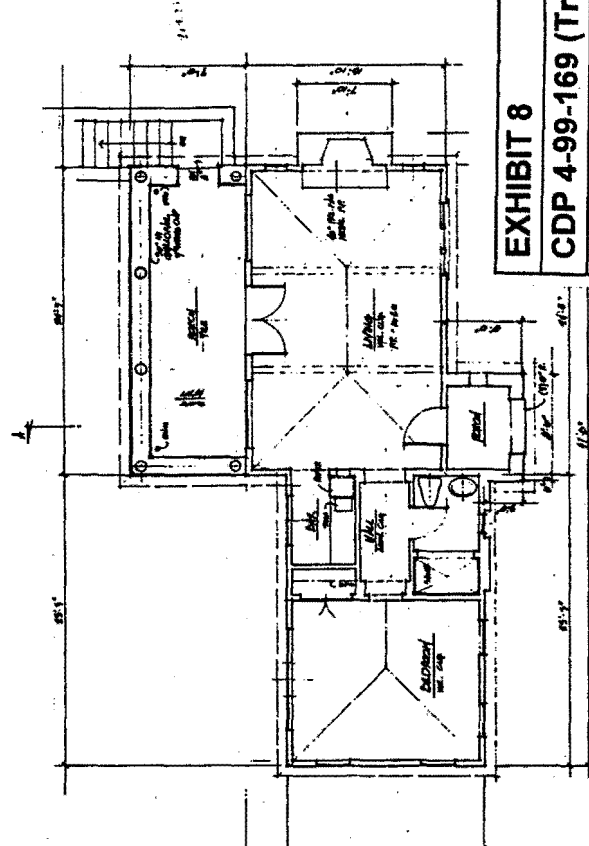
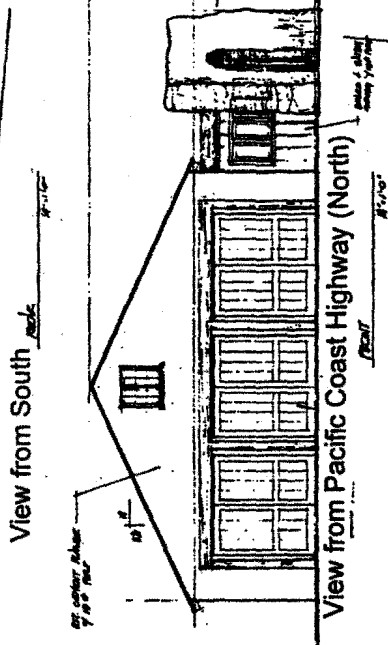
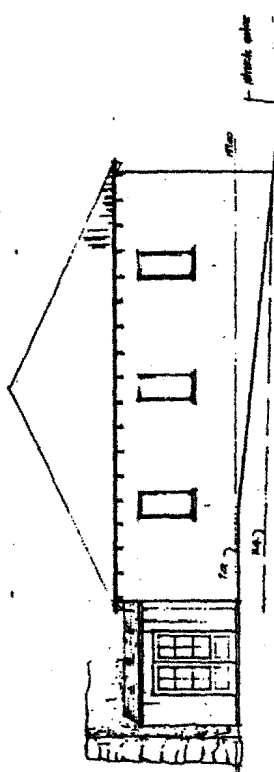
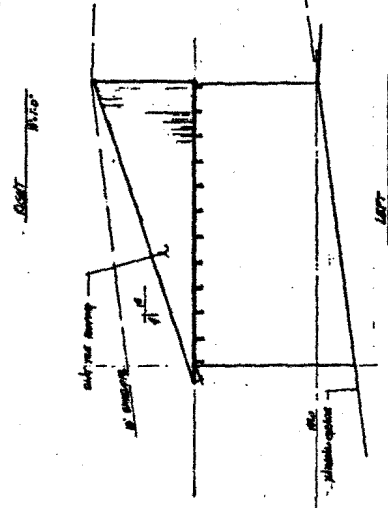
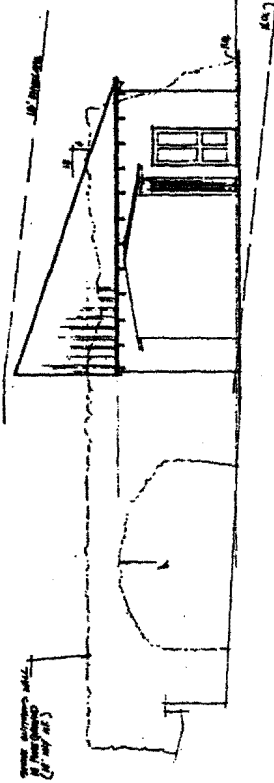


EXHIBIT 8

CDP 4-99-169 (Trento)

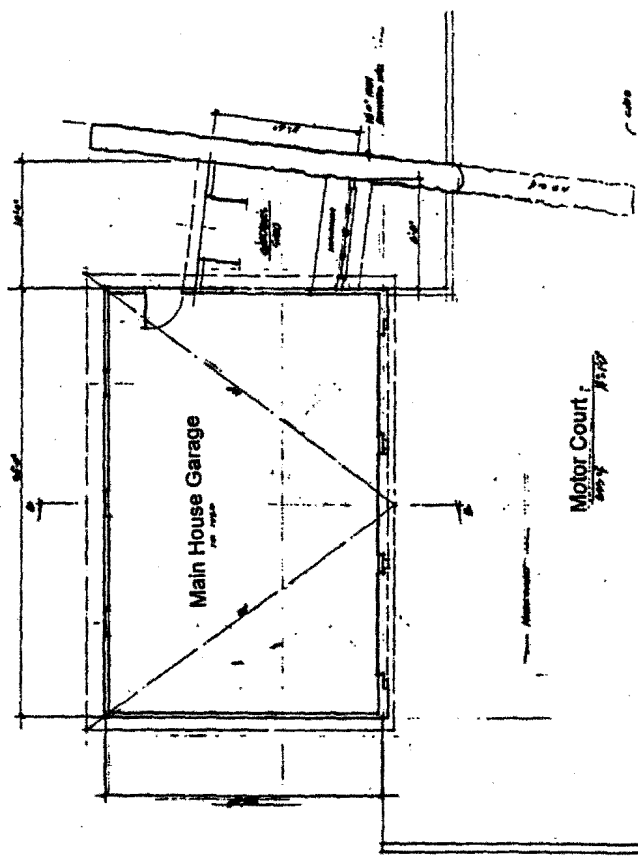
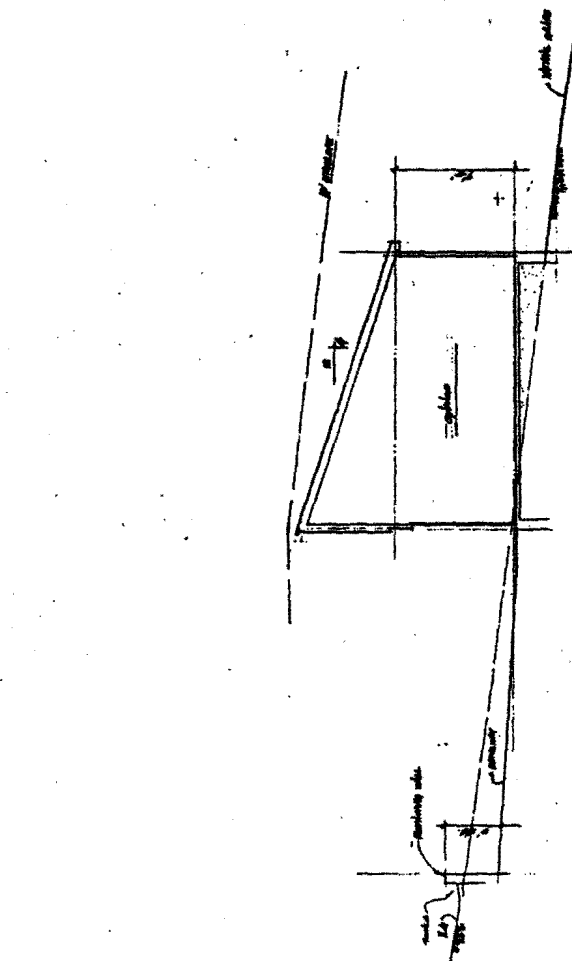
Guest House Plans

HOUSE	The Trento Residence	DATE	10/10/19
ARCHITECT	BRCT CONSULTING, INC.	SCALE	AS SHOWN
PROJECT NO.	4-99-169	DATE	10/10/19



View from South

View from Pacific Coast Highway (North)



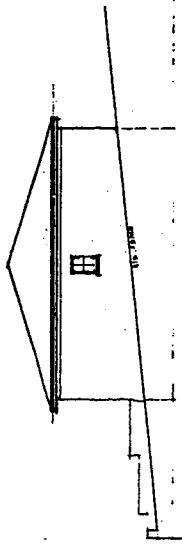
Main House Garage

Motor Court

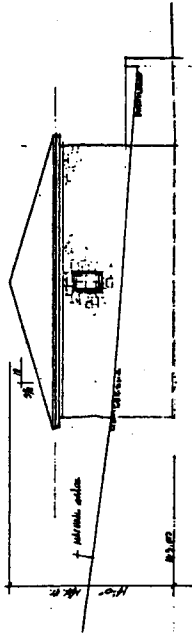
EXHIBIT 9

CDP 4-99-169 (Trento)

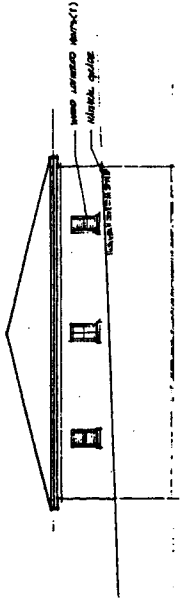
Main House Garage PI



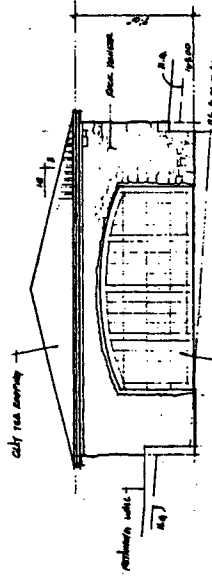
RIGHT N-1/10



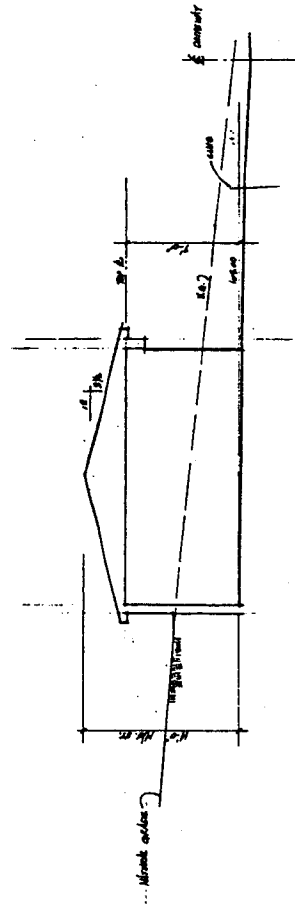
LEFT N-1/10



View from Pacific Coast Highway (North) N-1/10



View from South N-1/10



SECTION C-C N-1/10

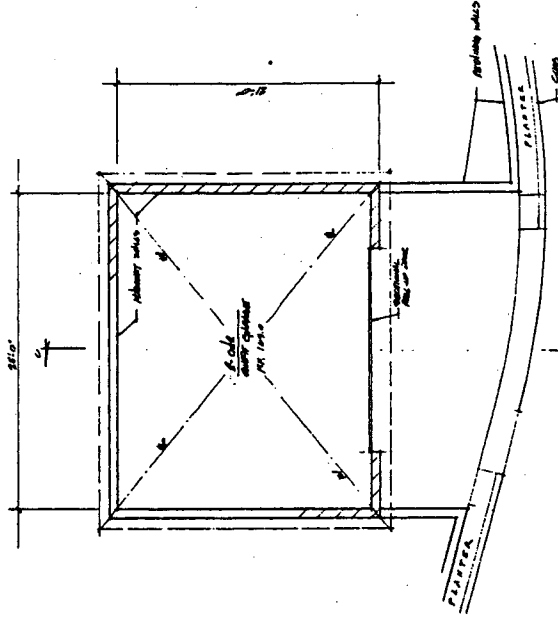


EXHIBIT 10

CDP 4-99-169 (Trento)

Guest House Garage Plans

