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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

OTH CALIFORNIA ST., SUITE 200

RA, CA 93001

(805) 641-0142

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August 1, 1997 September 19, 1997 January 12, 1998

180th Day: Staff:

Betz-V 4 August 15, 1997

Staff Report: Hearing Date:

September 9-12, 1997

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.:

4-97-114

APPLICANT: Thomas & Thea Gottschalk c/o Holst Brothers AGENT: Clive Dawson

PROJECT LOCATION: 6113 Ramirez Canyon Road, City of Malibu, Los Angeles

County.

PROJECT DESCRIPTION: Construct a 2 story, 28 ft. high (above natural grade), 2,377 sq. ft. single family residence with attached 2 car garage, septic system, and grading (cut) of 114 cu. yds. Removal of unpermitted mobile home (modular home/coach) after temporary use for construction purposes.

Lot Area
Building Coverage
Pavement Coverage
Landscape Coverage
Parking Spaces
Plan Designation

3.49 acres .04 acres .07 acres 1.50 acres 2 covered

Rural land III, 1 Du/2 ac Residential 1, 1 Du/ac

Project Density Ht abv nat grade .27 du/ac 28 feet

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval In-concept, dated 5/9/97; Environmental Health In-concept Approval, dated 8/27/96; Geology and Geotechnical Engineering Review Sheet, Approved in-concept, dated 4/7/97.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permits 4-96-207 (Itzaki), 4-94-185 and 4-96-051 (Tuchman), 4-95-162 (Arbaut); Coastline Geotechnical Consultants, Inc., Geotechnical Engineering Investigation, June 15, 1995; Mountain Geology, Inc.: Preliminary Engineering Geologic and Seismic Report, March 6, 1995; Percolation Test Boring Logs, June 28, 1996.

<u>SUMMARY OF STAFF RECOMMENDATION</u>: The proposed development is located on a previously disturbed site approximately 500 ft. west of Ramirez Canyon creek. Staff recommends approval of the proposed project with five (5) Special Conditions addressing revised landscape and erosion control plans, drainage plans, removal of modular residence/coach, plans conforming to the consulting geologist's recommendations and wild fire waiver of liability.



STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

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I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

- 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 this permit is reported to the Commission. 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. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 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. <u>Terms and Conditions Run with the Land</u>. 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. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit detailed landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes at the completion of grading. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) 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 years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads.
- Should grading take place during the rainy season (November 1 March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

2. Drainage Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

3. Plans Conforming to Geologic Recommendation

Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans. All recommendations contained in the Coastline Geotechnical Consultants, Inc., Geotechnical Engineering Investigation, June

15, 1995 and Mountain Geology, Inc., Preliminary Engineering Geologic and Seismic Report, March 6, 1995 including <u>slope stability</u>, <u>foundations</u> and <u>drainage</u> shall be incorporated in the final project plans. All plans must be reviewed and approved by the consultants.

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

4. Wild Fire Waiver of Liability

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

5. Removal of Modular Home/Coach

With the acceptance of this permit, the applicant shall agree that the modular home/coach shall be removed within 60 days of the receipt of the certificate of occupancy from the City of Malibu for the proposed single family residence.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes the construction of a 2 story, 28 ft. high (above natural grade), 2,377 sq. ft. single family residence with a attached 2 car garage, septic system, and grading (cut) of 114 cu. yds. The site presently contains sections of lawn, driveway and a modular home/coach associated with the existing single family residence and windmill located on the adjacent property to the northeast under the same ownership. The modular home/coach was installed without benefit of a coastal permit. The applicant proposes to use the building as a temporary construction office, requiring moving it to the north of the present location within the building site, and remove it after occupancy of the new residence.

Surrounding development includes single family residential development and vacant grassland. The blueline stream, Ramirez Canyon Creek, designated by the United States Geologic Survey, is located west of the site and Ramirez Canyon Road. The creek is approximately 500 ft. east, and approximately eighty ft. below, the project site.

B. Environmentally Sensitive Resources

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

As previously noted, the applicant proposes construction of a 2 story, 28 ft. high (above natural grade), 2,377 sq. ft. single family residence with a attached 2 car garage, septic system, and grading (cut) of 114 cu. yds. The project site is located outside the mapped area of disturbed oak woodland/riparian corridor designated along Ramirez Canyon Creek in the certified LUP. The project plans do not include drainage plans or landscaping plans. Approximately three fourths of the site will remain undeveloped above the approximate 175 ft. contour.

The Commission has consistently emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. Ramirez Creek is a recognized blue line stream on the U.S.G.S. maps.

This area is designated as a locally disturbed sensitive resource area in the Land Use Plan previously developed by Los Angeles County. The area is now part of the City of Malibu and the LUP is used for guidance only. Ramirez Canyon creek is recognized by the Commission as an environmentally sensitive habitat area (ESHA), in the upper reach of the stream, most recently in Coastal Permits 4-95-162 (Arbaut) and 4-96-051 (Tuchman). However, this project is located in the lower reach of the stream, which is a designated disturbed resource area (DSR).

The build-out of this area can create adverse impacts to Ramirez Canyon creek and the riparian corridor by increasing sediments and polluted runoff into this coastal water. In addition, the Commission recognized the environmental significance of the creek and riparian corridor when certifying the ESHA map for the Malibu/Santa Monica Mountains LUP.

On the LUP map, the upper reaches of Ramirez Canyon are recognized as an inland ESHA and the lower reaches, where the proposed development is located, is recognized as a disturbed sensitive resources area (DSR). A DSR is a riparian woodland or stream area which would normally be considered an ESHA, but is located within an area of existing development and no longer maintains its pristine quality. A DSR maintains some habitat quality but is degraded because of development. As with most riparian areas, increases in sedimentation and other pollutants have detrimental effects on the function and value of the habitat as explained below.

Because of the distance from the stream, as noted above at approximately 500 ft. east, and approximately eighty ft. below, the project site, the project does not directly impact on the riparian area. However, based on past Commission actions, the impacts of development within the drainage area of the creek are significant. The construction of numerous residences in Ramirez Canyon has resulted in increased impervious surfaces, disturbed erodible soils and areas cleared of vegetation. The increase in impervious surfaces results in a greater fraction of rainfall to runoff at higher velocities over soils which are easily eroded. This erosion results in sedimentation of the tributary and Ramirez Canyon Creek and degrade the stream and riparian corridor. Sediments which are carried to the ocean would degrade coastal waters and adversely impact the kelp beds.

Increased sediment in water courses will adversely impact riparian streams and water quality in the following ways:

- Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients alter the pH of the water and trigger algal blooms. The algae deplete the oxygen available in the water and reduce reduce water clarity; these actions lead to fish kills, and create odors.
- 2. Erosion of streambanks and adjacent areas destroys stream side vegetation that provides aquatic and wildlife habitats.
- 3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning and feeding areas.
- 4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
- Suspended sediment abrades and coats aquatic organisms.
- 6. Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.

- 7. Erosion in streams also reduces the potential for recreation and increases the potential for hazards arising from flooding of streambanks.
- 8. Introduction of pollution, sediments, and turbidity is eventually introduced downstream into marine waters and the nearshore bottom and has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

The project does not contain landscape or drainage plans. There is no provision for erosion control if construction and grading takes place during the rainy season nor do they include a timing provision to implement the landscaping plan. To ensure that the proposed project minimizes sedimentation of coastal waters and the adjacent stream and minimize erosional impacts the Commission finds it necessary to require the applicant to submit detailed drainage plans which illustrate how runoff will be conveyed off-site in a non-erosive manner. In addition, landscaping of the areas disturbed by construction activities in a timely manner and erosion control measures during the rainy season will also serve to minimize erosion, ensure site stability and minimize sedimentation impacts to the nearby riparian corridor. Therefore, the Commission finds it necessary to require the applicant to submit revised landscape and erosion control plans as special conditions of approval number one (1) and two (2).

These conditions will ensure that all impacts of site disturbance and runoff from increased impervious surfaces resulting from the proposed project are mitigated to the maximum extent feasible, thereby minimizing any adverse affects on the habitat of the designated blueline stream and offshore kelp beds. Therefore, the Commission finds that only as conditioned will the proposed project be consistent with the policies found in Sections 30230, 30231, and 30240 of the Coastal Act.

D. Geologic Stability/Visual Resources

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states, in part, that:

New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

As previously noted, the applicant proposes construction of a 2 story, 28 ft. high (above natural grade), 2,377 sq. ft. single family residence with a attached 2 car garage, septic system, and grading (cut) of 114 cu. yds. The site has been previously graded and contains a fault splay which the proposed residence will be set back from.

The applicant has submitted geotechnical reports for the proposed project. The geotechnical report, Mountain Geology, Inc.: Preliminary Engineering Geologic and Seismic Report, March 6, 1995 states that:

Construction of the proposed residence and installation of a private sewerage disposal system will have no adverse effect on upon the site or adjacent properties. ... Based upon our investigation, the construction of the proposed residence is free from geologic hazards such as landslides, slippage, active faults, and undue differential settlement provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

Based on the recommendations of the consulting engineer and geologist the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations are incorporated into project plans. Therefore, if the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist as conforming to their recommendations.

Additionally, 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. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

The Commission also finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all graded and disturbed areas of the site with native plants. Furthermore, directing runoff off-site in a nonerosive manner will enhance site stability. Therefore, the Commission finds that it is necessary to require the applicant to submit landscaping plans (Special condition #1) and drainage plans (Special condition #2) to ensure site stability.

Regarding landform alteration and visual resources, the amount of final grading to prepare the building site is minimal, comprising only incidental grading. The applicant's project will minimize grading and will not significantly alter the existing landform on the property; therefore, the proposed project is clearly consistent with the Coastal Act and the guidance provided by the Malibu/Santa Monica Mountains Land Use Plan (LUP) policies regarding landform alteration.

The site is not visible from Pacific Coast Highway. A small portion of the proposed residence may be visible briefly from the Ramirez Canyon Connector Trail, looking westward up the long driveway. The driveway is located in a natural drainage between existing development. Views up this driveway are shielded by vegetation along the driveway and a large tree on subject property. This impact is not significant because it is similar and less than existing development, such as residences to the north and south, fronting fully on Ramirez Canyon Road.

For the above reasons, the Commission finds that the proposed development, as conditioned, is consistent with Section 30251 and 30253 of the Coastal Act.

E. Septic System.

The proposed development includes the installation of an on-site septic system to provide sewage disposal consisting of a septic tank and leachfield. The Commission has recognized, in past permit actions, that the potential build-out of lots in the Malibu area and the resultant installation of septic systems may contribute to adverse health effects. 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, and minimizing alteration of natural streams.

The septic system includes a new septic tank with seepage pit. A percolation test was performed on the subject site dated June 28, 1996. The test indicated the site can accommodate the proposed septic system in compliance with uniform plumbing code requirements. The system as also received in-concept approval from the Environmental Health division of the City of Malibu, dated August 27, 1996. This approval indicates that the sewage disposal system complies with all minimum requirements of the City of Malibu Plumbing Code.

The Commission has found in past permit actions that compliance with the uniform plumbing code (health and safety codes) will minimize the potential for waste water discharge which could adversely impact coastal streams and waters. Therefore, based on the above information, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. Violation

Although development of a modular home/coach has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

Section 30250 of the Coastal Act addresses the cumulative impacts of new developments. Based on these policies, the Commission has limited the development of second dwelling units on residential lots in the Santa Monica Mountains. The Commission has found that guest houses or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

There is a modular home/double wide coach on subject property which has been included as a part of the requested development, as a temporary construction trailer. The location will change during construction and the structure will be removed after completion of the proposed new residence. If the trailer were to remain on the property after completion of the residence, it would result in intensification of residential development if used as a residence. This in turn would raise issues related to the cumulative effects of development and be inconsistent with past Commission actions limiting the number of units in the Malibu/Santa Monica Mountains area.

The Commission, through past permit actions has considered such development to be second units and subject to the same consideration as guest houses relative to cumulative impacts. To avoid the excessive cumulative impacts that would accrue if an additional second unit were permanently approved, the Commission finds that use of a trailer on site is acceptable only until City of Malibu issues a certificate of occupancy for the main residence.

Therefore, the Commission finds it necessary to require the applicant, as required by special condition number five (5) to remove the structure in a reasonable period of time, within 60 days of Commission action. Only as conditioned is the proposed development consistent Sections 30231, 30240, 30250, 30251 and 30253 of the Coastal Act.

F. Local Coastal Program.

Section 30604(a) 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 coastal 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. 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 of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

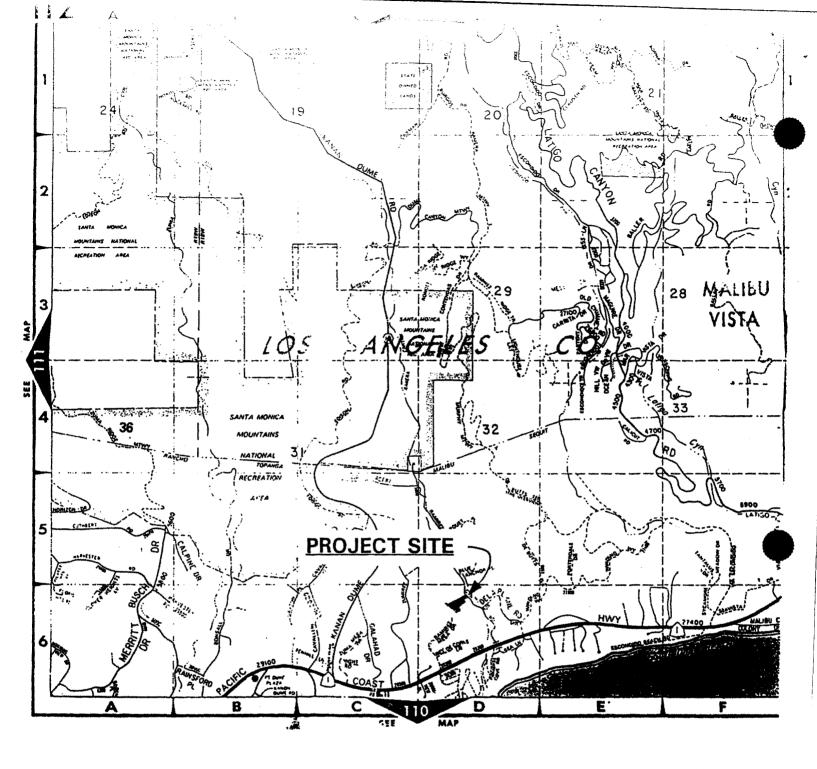
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G. CEQA

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)(i) 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 impact which the activity may have on the environment.

As conditioned, there are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project as conditioned is found consistent with CEQA and the policies of the Coastal Act.

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LOCATION NO SCALE

MAP

APPLICATION NO.

4-97-114 Gottschalk

Project Location

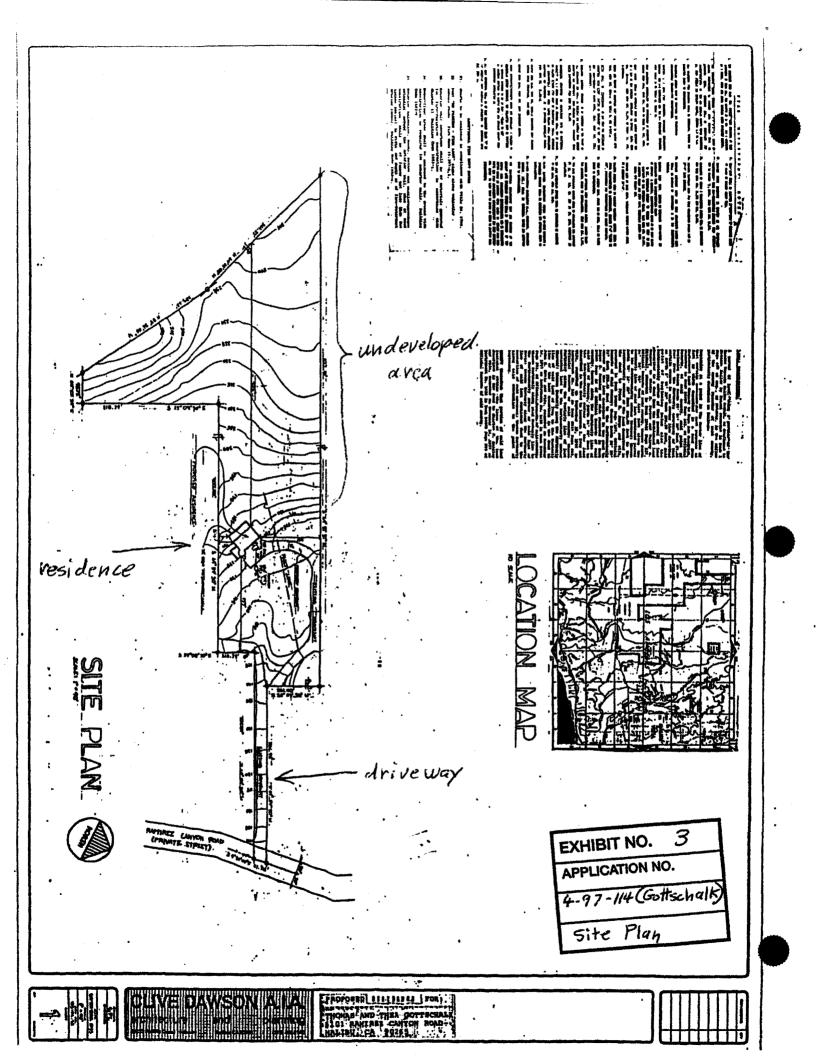
GOTTSCHALK RESIDENCE BOOK 4467, MAP 13 (3) **(F**) <u>@</u> **(3**) (F) <u>@</u> 9 POCK 4467, MAP 12 (B) (B) **(**4) BOOK 4467, MAP 9 (G) SUBJECT <u>(0)</u> 3 (P) (3) PROPERT BOOK 4467, MAP 10 (G) **©** 3 **a** ROAD AHYON **(** (2) <u>(J)</u> <u>(ii)</u> Θ <u>(5)</u> (P) BOOK 4467, MAP 5 BOOK 4467, MAP 6 **€ (E) (4)**

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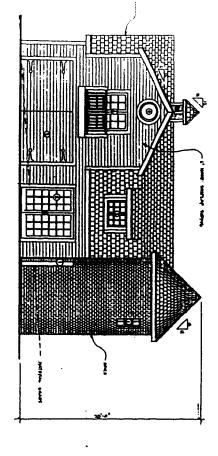
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EXHIBIT NO. APPLICATION NO.

-97-117 Gottschalk Project Location









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ELEVATION

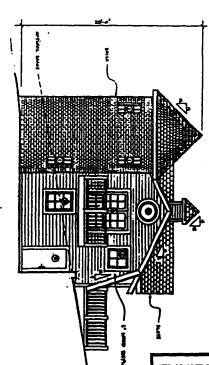


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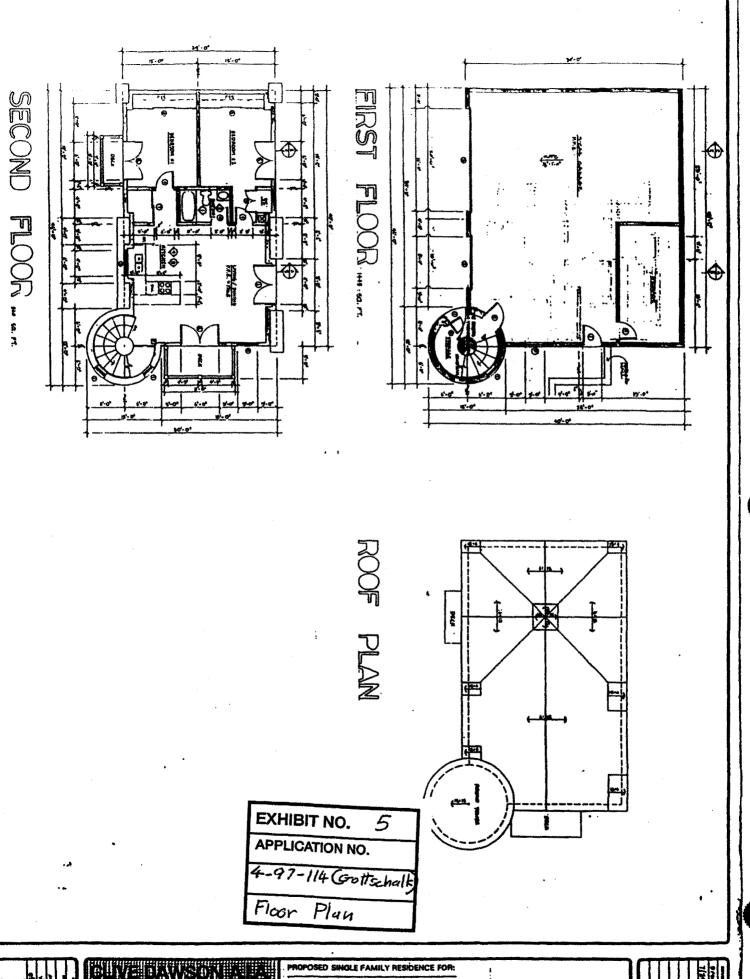
Elevations





PROPOSED SINGLE FAMILY RESIDENCE FOR

THOMAS & THEA GOTTSCHALK @ 8113 RAMIREZ CANYON ROAD MAUBU, CA 90285







THOMAS & THEA GOTTSCHALK & 113 RAMIREZ CANYON ROAD MALIBU, CA 90265

