

CALIFORNIA COASTAL COMMISSION

1000 SOUTH CENTRAL COAST AREA
1000 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585 - 1800

Filed: 9/21/02
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Staff: K. Kemmler
Staff Report: 2/14/02
Hearing Date: 3/5-8/02
Commission Action:



RECORD PACKET COPY

STAFF REPORT: PERMIT EXTENSION REQUEST

APPLICATION NO.: 4-94-199-E5

APPLICANT: Pacific Home Developers, LLC

AGENT: Kirkor Suri

PROJECT LOCATION: Cavalleri Road, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Request for time extension on previously approved coastal development permit to construct a two story 28 ft. high, 5,652 sq. ft. single family residence with attached 520 sq. ft., three car garage, swimming pool, private driveway, septic system and perform 1,660 cu. yds. of grading (830 cu. yds. cut and 830 cu. yds. fill).

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; "Update Engineering Geologic Report," Mountain Geology, Inc., August 30, 2001.

PROCEDURAL NOTE: The Commission's regulations require that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstance the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act (14 C.C.R. Section 13169).

If three (3) Commissioners object to the extension on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional year. Thus, if this extension is granted, the extended permit will expire on February 8, 2003.

STAFF RECOMMENDATION:

The staff recommends that the Commission find no changed circumstances, which results in **approval** of the request for a one year extension of the permit:

MOTION: *I move that the Commission determine that there are changed circumstances that affect consistency of the development proposed in Coastal Development Permit 4-94-199 with the Coastal Act and therefore the request for a one year extension of the permit is denied.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **NO** vote and adoption of the Resolution and Findings set forth below. If three Commissioners vote YES, the request for a one year extension of the permit is denied. If three Commissioners do not vote YES, the one year extension is granted.

RESOLUTION:

The Commission hereby determines that there are no changed circumstances that affect the consistency of the development proposed in Coastal Development Permit No. 4-94-199 with the Coastal Act and therefore a one year time extension of the permit is granted.

STAFF ANALYSIS

A. PROJECT DESCRIPTION

On February 8, 1995, the Commission approved Coastal Development Permit No. 4-94-199 (Reese). Subsequently, the permit has been transferred to the current applicant, Pacific Home Developers, LLC and has been extended four times. The applicant has requested an additional one year extension of the previously approved coastal development permit to construct a two story 28 ft. high, 5,652 sq. ft. single family residence with attached 520 sq. ft., three car garage, swimming pool, private driveway, septic system and perform 1,660 cu. yds. of grading (830 cu. yds. cut and 830 cu. yds. fill). The permit was approved with three special conditions regarding (1) landscaping plans, (2) geologic recommendations and (3) wildfire waiver.

The proposed project site is located on Cavalleri Road just north of Pacific Coast Highway and east of Kanan Dume Road in an existing developed neighborhood in the City of Malibu. The subject parcel is an approximately 1 acre rectangle. The site is accessed via the proposed driveway off Cavalleri Road, which borders the northwest portion of the site.

B. ANALYSIS OF OBJECTION TO EXTENSION REQUEST

On January 25, 2001, the Coastal Commission received a fifth time extension request for the original permit approval. Staff analyzed the request and determined there were no changed circumstances affecting the project's consistency with the Coastal Act. Pursuant to Section 13169 of the Commission's regulations, notice was given to all property owners within 100' of the property, from a list supplied by the applicant, and all known interested parties of this determination on April 2, 2001. A written objection to this determination was received on April 9, 2001 filed by Joseph M. Perlmutter, a neighbor. Upon following up on Mr. Perlmutter's

objection, staff was informed that there were some geologic issues in relation to the proposed development that raised concern regarding potential adverse effects on the neighboring properties. Mr. Perlmutter owns an adjacent lot downslope from the subject property and expressed concern that the proposed project would adversely affect his development as he had experienced some ill effects due to another neighboring development on a nearby lot. Mr. Perlmutter stated that he had replaced his entire septic system due to increased groundwater levels and earth movement created as a result of the development of another adjacent lot located upslope from his lot. Staff visited the site to view possible earth movement and did observe some movement along the property boundaries. Mr. Perlmutter submitted another letter subsequent to the site visit with a photo attached illustrating the earth movement downslope toward his property, see attached Exhibit 1. Staff contacted the applicant and requested that the applicant submit an update to the geologic report addressing the geologic conditions at the site and the likelihood of adverse effects on adjacent properties.

The applicant submitted an "Update Engineering Geologic Report" dated August 30, 2001 prepared by Mountain Geology, Inc., which was received on September 12, 2001. This report sufficiently addresses the geologic issues raised in relation to the proposed development pursuant to staff's request. The Update Engineering Geologic Report dated August 30, 2001 prepared by Mountain Geology, Inc. states:

The site is currently free from any recent rain-related damage such as landslides or mudflows.

However, slope movement is reported to have occurred on the extreme southern portion of the site during the heavy rains of February, 1998. This slope movement was reported by the adjacent property owner and was NOT observed by Mountain Geology, Inc.

It should be noted that there is currently NO visible evidence of significant downslope movement of the surficial earth materials or deep-seated landslide movement.

Based on the current undeveloped state of the subject property, the reported slope movement most likely involved minor slumping of the surficial soil near the southern property line due mainly to the current absence of drainage control devices...on the subject property.

It should be noted that the proposed development of the site will improve the surficial drainage situation and will thus promote slope stability as long as the recommendations of the project geologist, geotechnical engineering and civil engineer are implemented during design and construction.

The Update Engineering Geologic Report dated August 30, 2001 prepared by Mountain Geology, Inc. goes on further to state:

Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults and settlement. The proposed development and installation of the private sewage disposal system will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

The geotechnical engineering consultant concludes that the proposed development is feasible and adjacent properties will be safe from adverse effects provided their recommendations are incorporated into the proposed development. Special Condition No. Two on the original coastal

permit requires that all recommendations contained in the geologic reports submitted for the proposed project be incorporated into project construction, design, sewage disposal and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. The condition also states that 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 development permit. Therefore, if the project undergoes any substantial changes due to the most recent geologic recommendations in order to ensure geologic safety and stability, the applicant shall apply for an amendment to CDP No. 4-94-199.

The Commission found, in its approval of Permit 4-94-199, that the proposed project was consistent with Chapter 3 policies of the Coastal Act, and would not prejudice the ability of the City of Malibu to prepare a local coastal program, which is consistent with the provisions of the Coastal Act. As discussed above, the objections raised by Mr. Perlmutter's letter have been addressed by an updated geologic report submitted by the applicant and do not constitute changed circumstances which would affect the proposed project's consistency with the Coastal Act.

Specifically, the Update Engineering Geologic Report dated August 30, 2001 prepared by Mountain Geology, Inc. finds that the circumstances surrounding geologic stability have not changed and therefore, do not affect the project's consistency with the Coastal Act.

Staff investigation has identified no other possible changed circumstances. There have been no other changes to the proposed project or the project site which would cause the Commission to find the project inconsistent with the Coastal Act. The proposed project is consistent with the Coastal Act and will not prejudice the ability of the City of Malibu to prepare an LCP which is consistent with the Coastal Act.

Accordingly, the Commission finds that there are no changed circumstances present which have occurred since the project's approval that affect the project's consistency with the Coastal Act. Therefore, the Commission grants a one year extension of the coastal development permit.

Joseph M. Perlmutter

Phone (310) 317-6844

Email joseph@perlmutter.net

July 17, 2001

California Coastal Commission
Attn: Kara Kemmler
Coastal Planner
South Central Coast Area Office
89 So. California Street, Suite 200
Ventura, CA 93001

RECEIVED

JUL 18 2001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: 6320 and 6324 Cavalleri Road, Malibu, CA 90265

Dear Ms. Kemmler:

In follow up to your site visit, I have enclosed a photo of the slide area which resulted from the rains in 1998. This location is adjacent to the above referenced sites. I do not have any other written reports available, but I do have the following notes:

1. The slide was noticed on February 14, 1998, during a period of heavy rains. Over the next several days, the slide was inspected by LA County Fire Department, Don Kowalosky (Geologist) (310) 457-2456, and Richard Glandsen (818) 500-9533, of California Geo Systems. Both engineers suggested a complete re-grading of the hill side.
2. In 1996, my septic system completely failed as a result of increased levels of high ground water. The bottom of my 5 pits, which went to a depth of 28 feet, were constantly filled with water. It was believed this was a result of increased levels of high ground water. Bart Slutsky handled the installation of a new system. I encourage you to speak with Bart regarding his views of the increased water levels on Cavalleri Road. Bart's phone number is (805) 499-6620.

I urge CCC to hold off extending the applicable permits until the soils and geology reports are updated to reflect some of these site condition changes that have occurred in this immediate area. As an adjacent property owner, at a grade below the proposed project, I am deeply concerned that these reports are dated and do not reflect current conditions.

Sincerely,



Joseph M. Perlmutter

