

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

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Staff: Betz-V MB
Staff Report: 9/19/96
Hearing Date: 10/8-11/96

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-147

APPLICANT: Sobel Development Company AGENT: Steven Potter & Marvin L. Sobel

PROJECT LOCATION: 6190 Galahad Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct 4,297 sq. ft. two story single family residence with septic system on Parcel 1 of Parcel Map 20737. No grading.

Lot Area	69,260 sq. ft.
Building Coverage	2,889 sq. ft.
Pavement Coverage	1,469 sq. ft.
Landscape Coverage	5,540 sq. ft.
Parking Spaces	3 covered
Project Density	.6 dua
Ht abv fin grade	24.5 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department dated 8/12/96; City of Malibu Site Plan Reviews and Minor Modifications, July 29, 1996; Percolation Test, Barton Slutske, undated; Percolation test, Gorian & Associates Inc., May 29, 1996; Geotechnical Update, Gorian & Associates Inc., May 6, 1996.; Compaction test results, Gorian & Associates Inc., July 21, 1995; Geotechnical Update, Gorian & Associates, February 2, 1996; Geotechnical Update, Gorian & Associates, July 30, 1993; Final Rough Grading Compaction Test Report, Gorian & Associates, March 19, 1991; Revised Sewage Disposal Calculations, Gorian and Associates, February 5, 1990; Response to County, Gorian and Associates, May 26, 1989; Preliminary Geotechnical Investigation, Gorian and Associates, January 23, 1989.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permits 4-96-016 (Danielson), 4-96-039 (Massan), and 5-89-1022 (G.A. Williams Construction) and 1022 A1 (Sobel Development Company).

SUMMARY OF STAFF RECOMMENDATION: The project site is located on a previously approved building pad on Parcel 1 within an undeveloped subdivision (Parcel Map 20737) inland of the Pacific Coast Highway and Paradise Cove. The subdivision was approved in 1989 under coastal development permit 5-89-1022 (G.A. Williams Construction), and recently subject to a lot line adjustment under permit 5-89-1022 A1 (Sobel Development Company). Staff recommends approval of the proposed project with three (3) Special Conditions addressing landscape and erosion control plans, plans conforming to geologic recommendations, and a wild fire waiver of liability.

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development 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

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 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. LANDSCAPE 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 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 January 20, 1992. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) Vegetation within 50 feet of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure. 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

2. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in the report, "Geotechnical Update", Gorian & Associates Inc., May 6, 1996, including issues related to site preparation, foundations, and drainage, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic 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.

3. 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.

IV. Findings and Declarations.

A. Project Location and Description

The project site is within a partially developed subdivision located one half mile inland and northwest of Paradise Cove and approximately one quarter mile inland of the Pacific Coast Highway. (Exhibits 1) The project is located on a previously approved building pad on Parcel 1 within an undeveloped subdivision (Parcel Map 20737). The subdivision was approved in 1989 under coastal development permit 5-89-1022 (G.A. Williams Construction), and recently subject to a lot line adjustment under permit 5-89-1022 A1 (Sobel Development Company).

The property is relatively flat and located at an elevation of about one hundred feet. Drainage trends toward the east toward Walnut Canyon which contains a blue line stream. The lot is vacant and unvegetated. No public parks or recreation areas are near or visible to the site.

The applicants propose to construct a two-story 4,247 sq. ft., 24.5 ft. high single family residence with an attached three car garage and a septic system on Lot 3 of the land division approved under Coastal Permit 5-89-1022 (G.A. Williams Construction). (Exhibits 2 through 4). No grading is proposed. The proposed development and density is consistent with the certified Land Use Plan for the Malibu/Santa Monica Mountains area which is used as guidance only in the City of Malibu.

B. Geologic and Fire 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 Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. The proposed development, and review at the local level, raise no new issues relative to major geologic or flood hazards. The findings for the underlying land division and development of one of the three lots, 5-89-1022 (G.A. Williams Construction), found that the project area was safe from geologic hazards and

development would not have an adverse effect on adjacent properties. Updates to this report were provided as part of the application for the proposed development. The percolation test results found that sewage effluent disposal would not have adverse affect on the stability of adjacent property.

The site visit and evaluation by Gorian & Associates (May 6, 1996) observed no major changes on the site and found that the geologic conditions and geotechnical data to be as presented during review of the subdivision. The 1996 Geotechnical update report addresses a number of issues and recommends reconditioning the building pads and slope faces. It also recommends further review of final foundation plans by the the project geotechnical consultant and additional drainage measures, relative to the residence, retaining walls, paved surfaces, and the overall site.

Based on the above findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds that it is necessary to require the applicant to meet conditions one (1) and two (2) relative to a landscape and erosion control plan and plans conforming to geologic recommendation.

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 disturbed areas of the site with native plants compatible with the surrounding environment. The grading, drainage, and landscape plan previously reviewed for the underlying land division only considered landscaping of fill slopes and not the remainder of the site. Therefore, the Commission finds that it is necessary to require the applicant to submit landscaping plans for all disturbed areas of the site.

Additionally, because the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes 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, as incorporated by condition number three (3). The Commission finds that only as conditioned to incorporate wild fire waiver of liability will the proposed project be consistent with Section 30253 of the Coastal Act.

C. Visual Impacts

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.

In contrast with the permit for the land division, which included one of three proposed residential units, the proposed development will result in addition of another residential unit. There is also a third house on the same agenda as the proposed development, which will complete the subdivision. Because such new development is proposed, analysis is necessary relative to the visual quality policies of the Coastal Act.

The project site is located in an area is characterized by lower intensity rural-type residential development. The project site is either not visible from trail and recreation areas, or only visible for a short period of time. Views from the beach are blocked by bluffs and intervening topography. The findings for the land division, permit 4-89-1022 (G. A. Williams Construction, Inc.), found that the site could be seen from only very short intervals from Pacific Coast Highway and that there was no cumulative adverse impact when considered in conjunction with existing development which already impacts on the viewshed.

Much of the immediate coast is characterized by bluffs which eliminate the visibility of sites at this relative low elevation (100 feet) from any view impact. Any development of the present site would blend into the hillsides and other residential development in the project area. Further, as noted, past Commission decisions, including the adjacent house and underlying land division, under 5-89-1033 and 1033 A (G.A. Williams Construction) do not include visual quality restrictions in this area. For these reasons, the Commission does not find that it is necessary to impose any conditions relative to visual quality and that the proposed development as proposed is consistent with the Coastal Act.

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. 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 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes constructing a septic system for the new residence to provide for adequate sewage disposal. The applicant has submitted a number of percolation reports that indicate that the percolation rate exceeds the maximum Plumbing Code requirements for the project. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

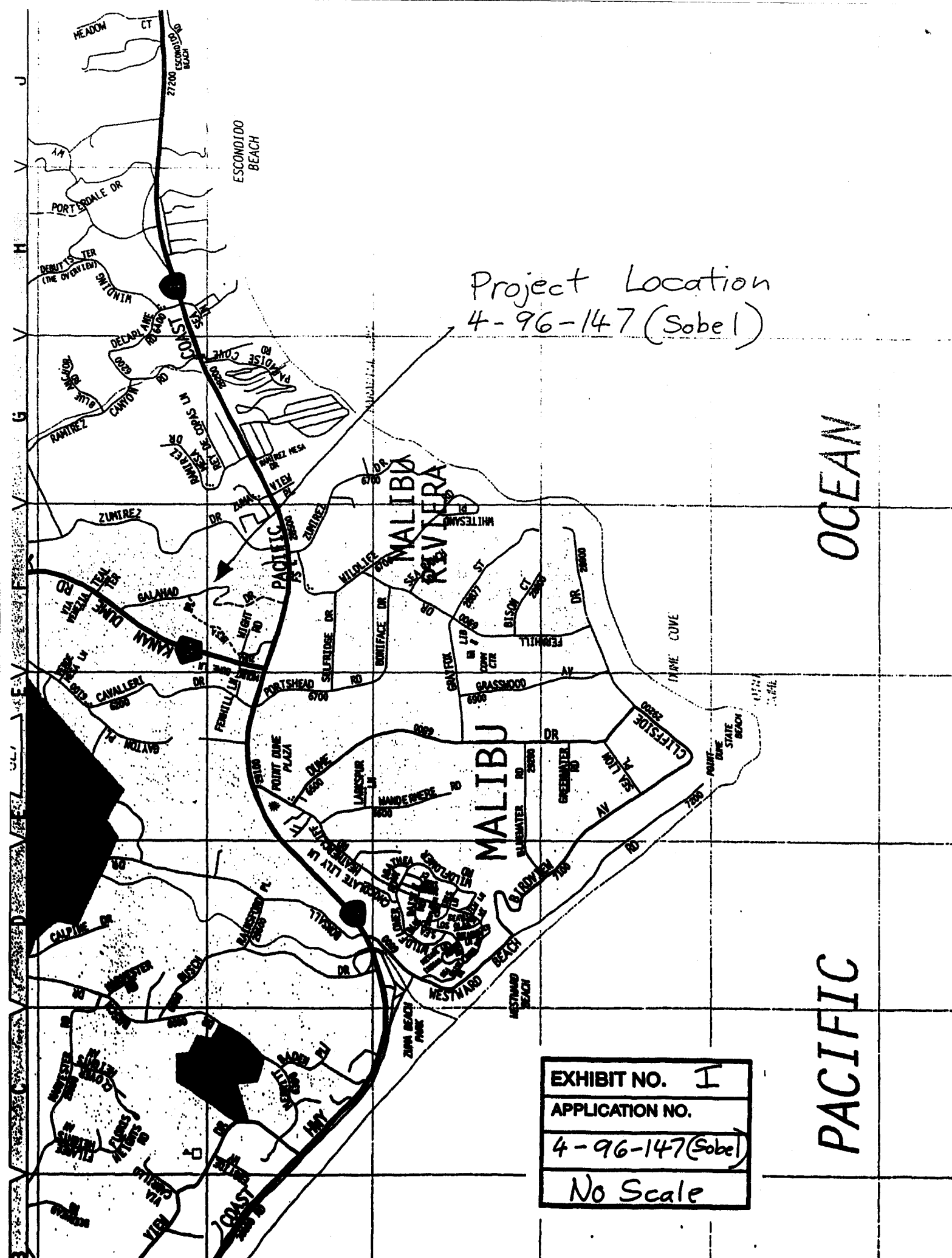
(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice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

F. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate conformance with geologic recommendations, a wild fire waiver of liability and a landscape and erosion control plan. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

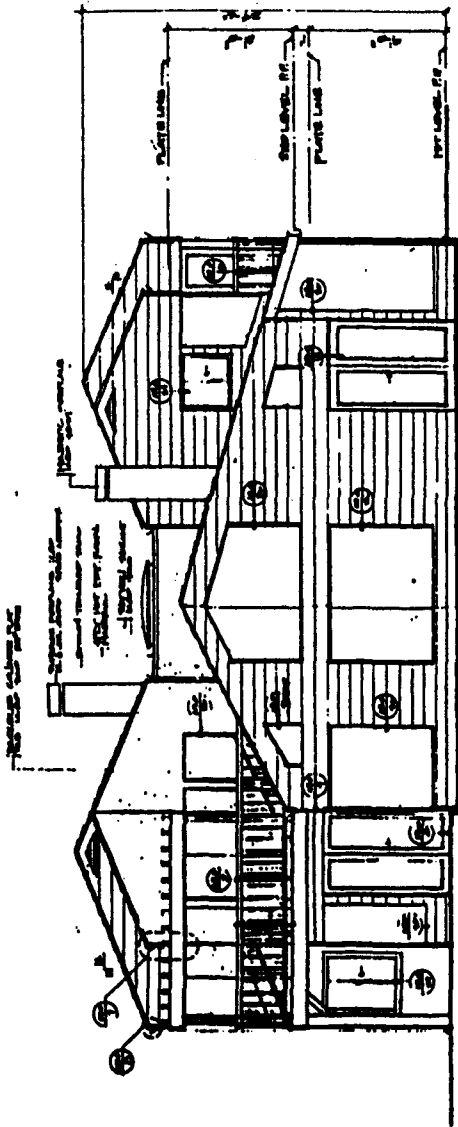


Project Location
4-96-147 (Sobel)

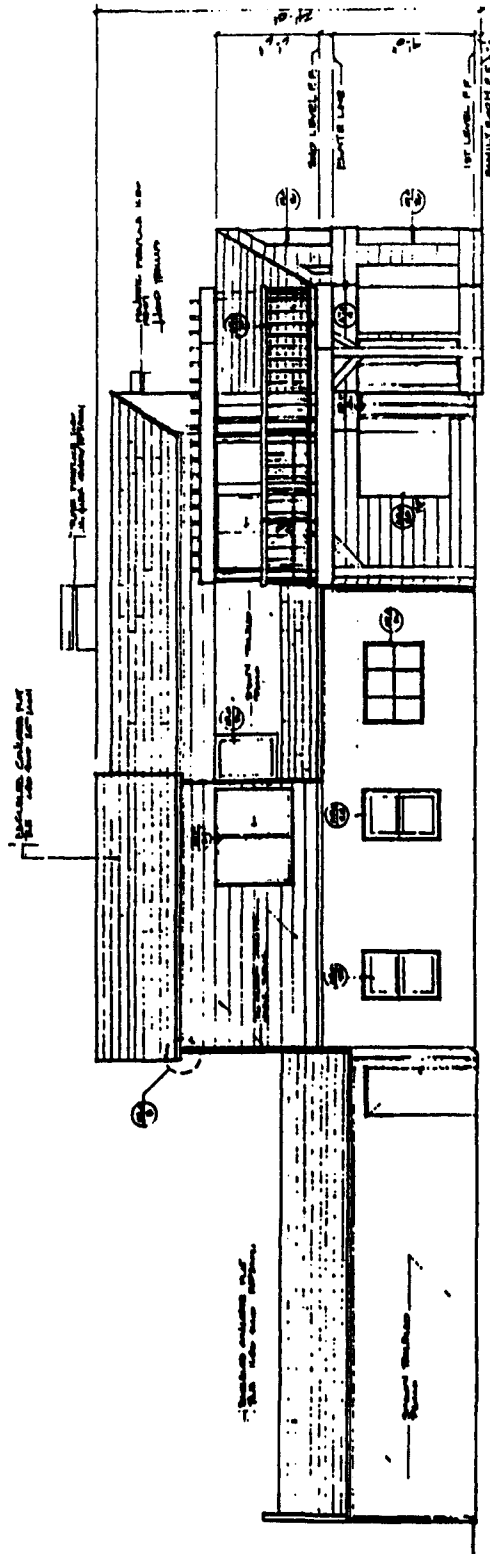
OCEAN

PACIFIC

EXHIBIT NO. I
APPLICATION NO.
4-96-147 (Sobel)
No Scale



SOUTH



WEST

EXHIBIT NO. IV
APPLICATION NO.
4-96-147 (Sobel)
Building Elevations