

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

RECORD PACKET COPY



Filed: 4/22/96
49th Day: 6/10/96
180th Day: 10/19/96
Staff: MB-V
Staff Report: 5/21/96
Hearing Date: June 11-14, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-068

APPLICANT: Marcia Rybak and Stephan Uhring AGENT: Mike Barsocchini

PROJECT LOCATION: 23722 Harbor Vista Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Two story addition of 1899 sq. ft. to existing two story 3615 sq. ft. single family residence; addition of 260 square feet to existing 665 sq. ft. attached garage; replacement and relocation of three seepage pits. Grading of 75 cu. yds.

Lot Area	1.54 acres
Building Coverage	6,439 sq. ft.
Pavement Coverage	2,692 sq. ft.
Landscape Coverage	15,056 sq. ft.
Parking Spaces	3 covered, 4 open
Zoning	Rural Residential 1
Project Density	.75 dua
Ht abv fin grade	28 feet

LOCAL APPROVALS RECEIVED: City of Malibu, Environmental Health, In-concept approval dated March 26, 1996.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permits 4-95-023 (Pitsch) and 4-95-199 (Meltzer); Geotechnical Engineering and Geology Report, RJR Engineering Group, March 6, 1996.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions regarding drainage, landscaping and erosion control, geologic review, and wild fire waiver of liability.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that 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 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. Compliance. 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. 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 project during its development, 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. Drainage and Erosion Control 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 which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff. The erosion control plan shall include revegetation with drought-tolerant, native species more specifically described in the landscape plan required by Special Condition 2. 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.

2. Landscaping and Erosion Control

Prior to issuance of permit, the applicant shall submit a landscaping and erosion control plan prepared by a licensed landscape architect or other qualified professional for review and approval by the Executive Director. The plan shall incorporate the following criteria:

All disturbed areas and eroded slopes downhill of the existing pad on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. The plan shall include methods to stabilize the existing eroded slope below the 250 foot contour interval (e.g. erosion control matting in combination with revegetation). The plan shall also specify the removal of ice plant below the 250 foot contour interval and replacement with native drought resistant plants.

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 List of Native Plant Species 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. Plantings shall be adequate to provide 100 percent coverage within three years and shall be repeated, if necessary, to provide such coverage.

The applicant shall also submit a letter or other evidence to the satisfaction of the Executive Director that the landscaping and erosion control plan, including the amount of water to be delivered to the slope surface, has been reviewed and found acceptable and consistent with all of the recommendations set forth by the geotechnical consultant or licensed engineer, including recommendations to ensure slope stability.

3. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geotechnical Engineering and Geology Report prepared by RJR Engineering Group dated March 6, 1996 shall be incorporated into all final design and construction including grading, foundation and drainage. All plans must be reviewed and approved by the consultant. Prior to issuance of the 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 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 permit.

4. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants 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, operation, 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.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct an addition of two stories and 1899 sq. ft. attached to an existing 3615 sq. ft. single family residence, the addition of 260 square feet to an existing 665 sq. ft. attached garage, the replacement and relocation of three seepage pits, and grading of 75 cu. yds on a 1.54 acre lot overlooking the Pacific Coast Highway and the Malibu Colony. The addition will fill in a large side yard to the east of the existing residence. The pad for the residence and the addition overlooks a small, steep escarpment.

The property presently contains a split level two to three story single family residence with an attached garage. Previous coastal development permits on the site are P-9394 for a single family residence, pool, jacuzzi and tennis court and A-77-50 for a three story single family residence.

B. Geology

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 Geotechnical Engineering and Geologic Report prepared by RJR Engineering Group analyzed the site relative to the proposed addition and the surface and subsurface conditions of the site. The consultants found (p. 12) that:

Based upon our review of the site and the available data, the proposed improvements are feasible from a geologic and geotechnical standpoint, assuming the recommendations presented in this report and implemented during the design and implemented [sic] during the design and construction of the project. In addition, the stability of the site and surrounding areas will not be adversely affected by the proposed residential addition, based upon on [sic] our analysis and proposed design.

The proposed development is in a steep, disturbed area. Below the 250 foot contour there is a fill slope covered with iceplant which drains offsite into native vegetative slopes which, in turn, drains into Malibu Lagoon. Malibu Lagoon is an environmentally sensitive habitat area (ESH). The site (as observed during the staff site visit) has experienced erosion (gullyng) of the filled slope. This appears to be due in part to an incomplete drainage system, with the existing swale along the seaward boundary of the site of the proposed addition draining into a closed receptor at the southeast corner of the existing residence.

These observations are confirmed by the geologic report. As noted on page 3 of the report:

The slopes descending from the pad are fill over bedrock and contain numerous burrowing rodent holes and are irrigated with automatic sprinklers. The slopes are landscaped with iceplant (hottentot fig) which exacerbates the potential for erosion.

The existing drainage and erosion problems on site will be intensified by the proposed addition. The over 50 per cent increase in floor area increases the impermeable surface and volume of runoff. The geology report (p. 11) indicates that superficial soils are prone to future erosion and slumping and that "all slopes be vegetated and/or protected with an erosion control mat as soon as possible, and a thorough maintenance plan be implemented at the end of construction to ensure proper drainage, vegetation cover, and prevention of burrowing rodents."

An increase in impervious surfaces from the proposed addition and paving will increase runoff rates which will exacerbate the existing erosion problems on the fill slope below the residence if runoff is not adequately controlled. Increased erosion of the slope below the residence and proposed addition could destabilize the slope and contribute to siltation and sedimentation of the Malibu Creek/Lagoon ESHA. This siltation would adversely impact water quality and biological productivity of the lagoon.

To ensure runoff is conveyed off the site in a non-erosive manner, the Commission finds that it is necessary to require the applicant to submit a detail drainage and erosion control plan. In addition, the Commission finds that minimization of site erosion will add to the stability of the 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. Therefore, Special Condition No. 1 has been drafted to ensure that all disturbed areas and eroded areas are stablized and revegetated. This condition also requires the removal of ice plant which is not considered an appropriate planting for slopes. The applicants consulting geologist states:

The existing ice plant type vegetation is not considered acceptable for planting on slopes and should be removed and replaced with erosion and fire resistant vegetation. A Landscape Architect familiar with hillside maintenance should be considered.

To ensure the landscaping plan is consistent with the recommendations of the consulting geotechnical consultants special condition 1 requires review of the landscaping plan by the geotechnical consultants. Furthermore, to ensure all other recommendations of the geotechnical consultants are incorporated into the project plans the Commission finds it necessary to require the applicant

to submit project plans that have been certified by the geotechnical consultants as conforming to their recommendations.

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.

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 finds that the proposed development, 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 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.

The proposed project site is visible from the coast to the south, including the Pacific Coast Highway being located at an elevation of 140 to 250 feet, with the building pad at generally above 250 feet. The property is located on a secondary east-west ridge. Given this topography, and proximity to Pacific Coast Highway, any structure proposed for this site would be highly visible from the surrounding area.

However, the residential addition constitutes infill of a cul-de-sac already substantially developed with a variety of single family residences visible from the coast highway. As well, there is a developed ridge behind the site and the view impact is greatly affected by existing residences in this area, such as the prominent "crusader castle" overlooking the Malibu Civic Center. For these reasons, the Commission does not find it necessary to require the applicant to limit their color palette. It is likely that the addition will be painted or stained in a manner similar to the existing residence, which is a light grey.

Although it is not necessary to mitigate the color of the residence, revegetation is necessary for disturbed areas, for geologic stability as well as softening the visual impacts of disturbed areas. The ocean-facing eroded slope is visible from the surrounding area and this area, below the 250 foot contour, has a significant adverse visual impact.

The cumulative impacts of development intensification on visual impact can be mitigated if the disturbed slope and all other disturbed areas are landscaped with native, drought resistant plants. The use of other measures as recommended by the geology report, including a protective erosion control mat will facilitate this landscaping. Therefore, the Commission finds that the above condition, that requires the applicant to submit final landscaping plans which are designed to minimize and control erosion, will also screen or soften the visual impact of the development.

The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30251 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 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).

F. California Environmental Quality Act

Section 14096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirement 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.

The proposed development would cause no adverse environmental impacts which would not be adequately mitigated by the project conditions required herein. Therefore, the proposed project, as conditioned, is found to be consistent with CEQA and the policies of the Coastal Act.

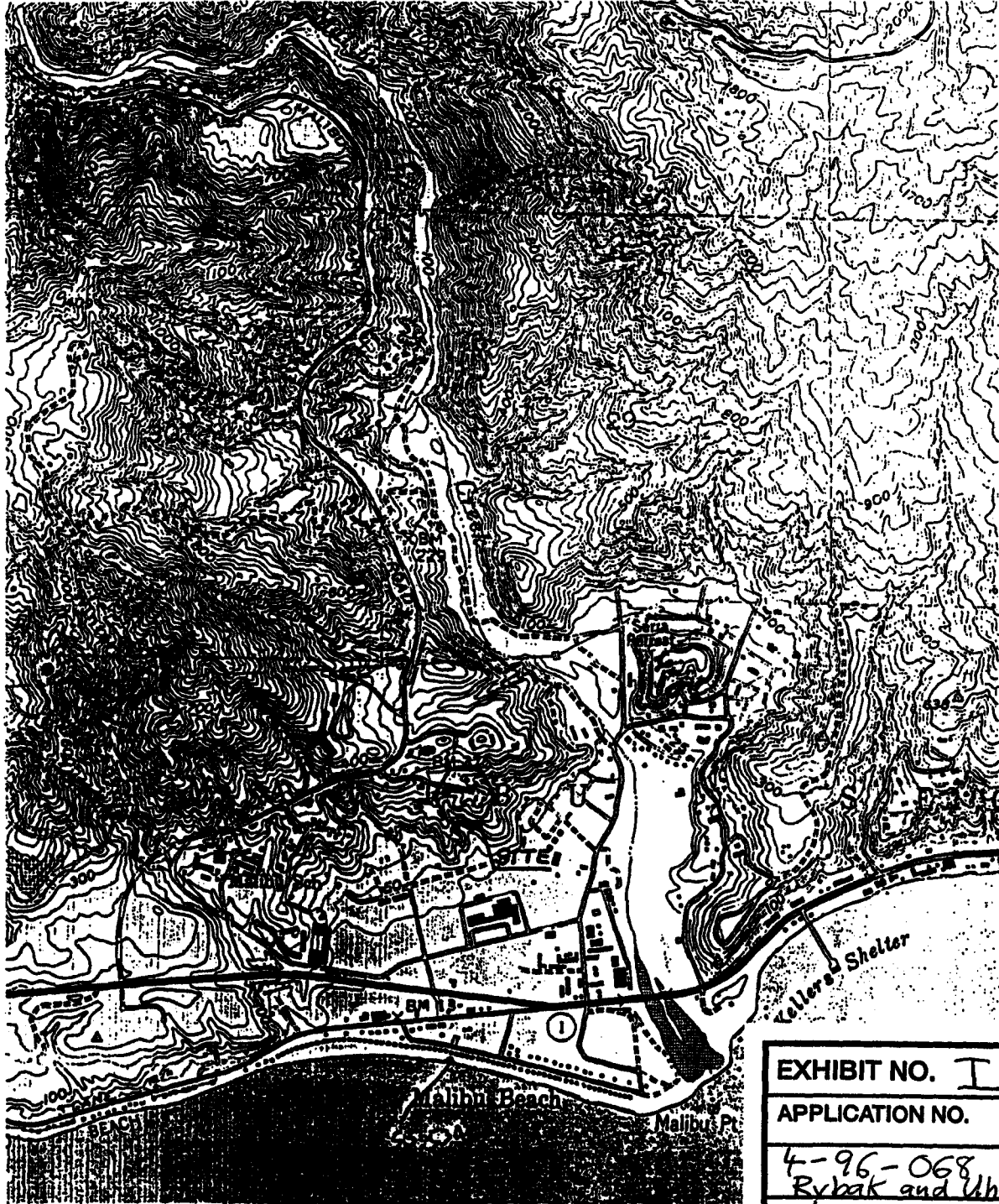


EXHIBIT NO. I
APPLICATION NO.
4-96-068
Rybak and Uhring
Project Location

Property Location 23722 Harbor Vista Drive, Malibu

Reference

4

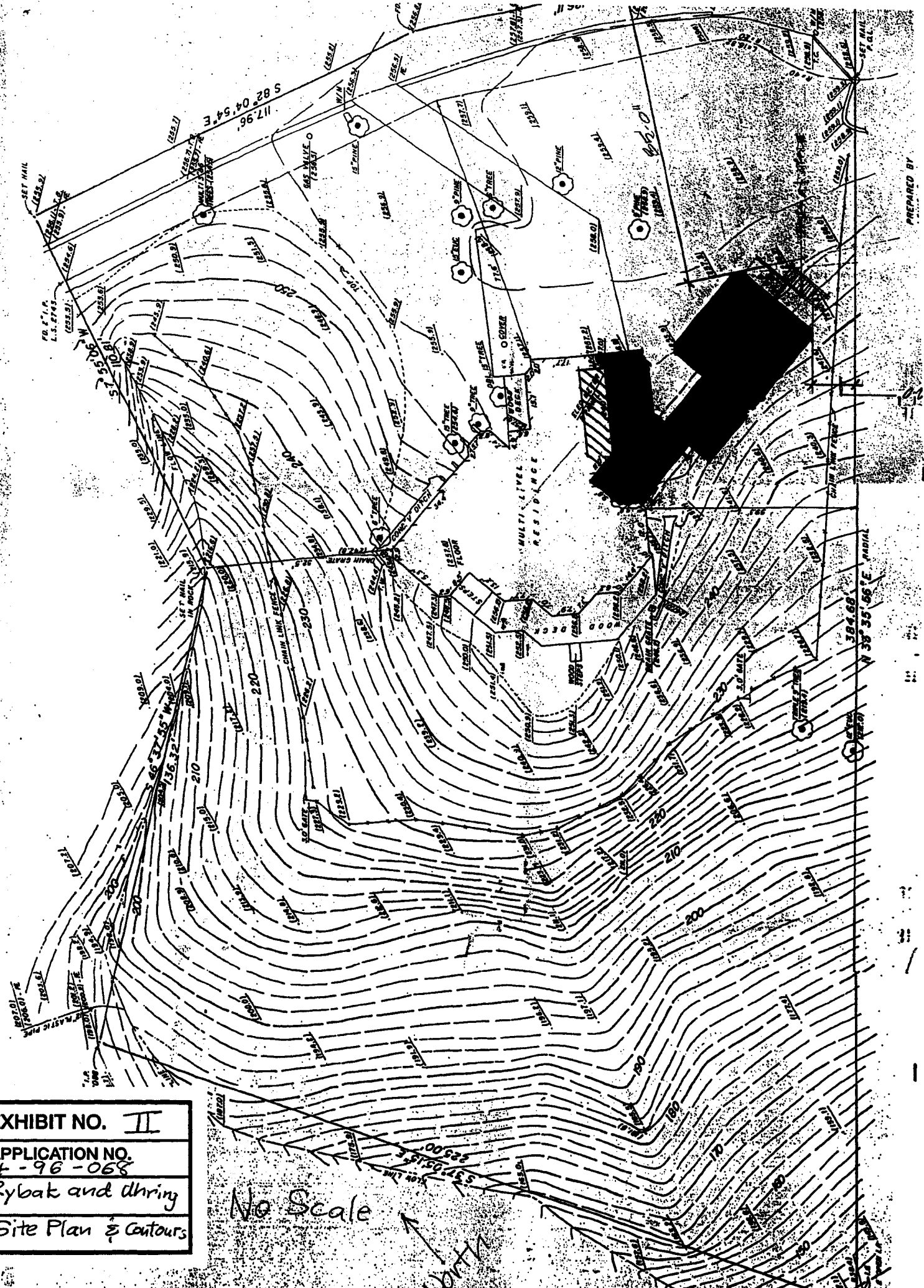
United States Geological Survey, Topographic Map Series,
Malibu Beach Quadrangle, dated 1950, Photorevised 1981.

North

Scale: 1" = 2000'

EXHIBIT NO. II
APPLICATION NO. 4-96-068
Rybak and Ohring
Site Plan & Contours

No Scale



PREPARED BY

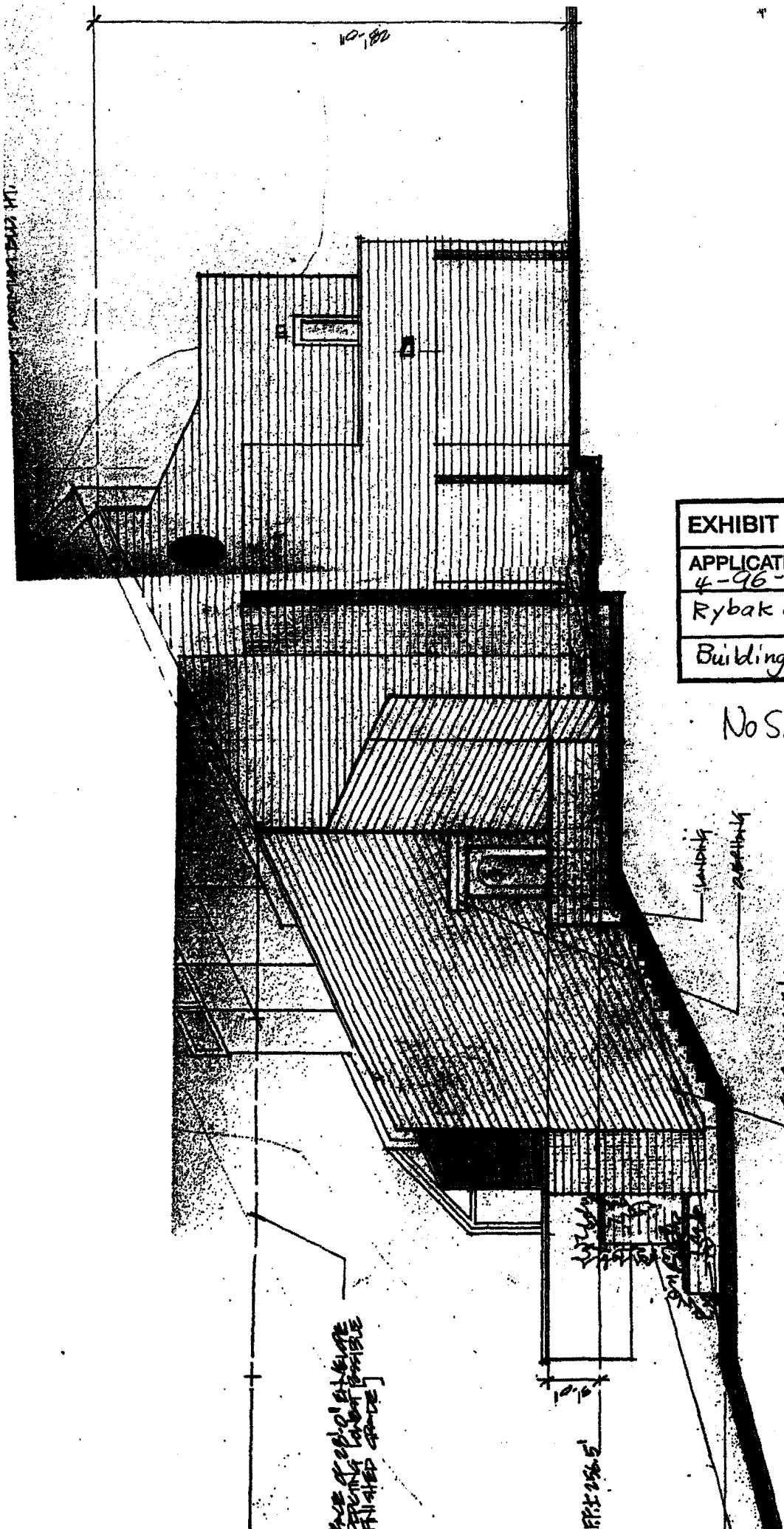


EXHIBIT NO. III
APPLICATION NO. 4-96-068
Rybak and Uhring
Building Profile

No Scale