CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST AREA SOUTH CALIFORNIA ST., SUITE 200 ITURA, CA 93001 (805) 641-0142

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# RECORD PACKET COPY

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# STAFF REPORT: CONSENT CALENDAR

**APPLICATION NO.:** 4-97-176

APPLICANT: Shawn Evenhaim, CA Home Builders

AGENT: Same

PROJECT LOCATION: 6202 Ramirez Mesa Drive, Malibu

**PROJECT DESCRIPTION:** Construct 5,640 sq. ft., 25 foot high, two-story single family residence with 888 sq. ft. attached garage, driveway, swimming pool, and septic tank. Existing building pad to be removed and recompacted to existing size and elevations.

Lot area:	50,829 (1.16 acres)
<b>Building coverage:</b>	3,965 sq. ft.
Pavement coverage:	8,000 sq. ft.
Landscape coverage:	8,000 sq. ft.
Parking spaces:	three covered
Plan designation:	RR-2
Ht aby fin grade:	25' 6"

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Commission Resolution 96-024 permitting a front yard setback reduction in from 76' to 24', 6/3/96; Planning Department Approval-in-Concept, 9/4/97; Geology and Geotechnical Engineering Approved "in-concept", 6/2/97; Environmental Health In-Concept Approval, 4/28/97; Paradise View Estates Homeowners Association Architectural Committee approval, 6/4/97.

SUBSTANTIVE FILE DOCUMENTS: City of Malibu/Santa Monica Mountains Land Use Plan, Engineering Geology and Soils Engineering Report, Donald Kowalewsky, 6/6/96; Geology and Soils Addendum, Donald Kowalewsky, 7/16/96; Percolation Test & Septic System Review, Donald Kowalewsky, 7/25/96; Malibu Geologic Review Response, Donald Kowalewsky, 5/10/97; Wastewater Disposal System Report, Barton Slutske, Environmental Health Specialist, 3/17/97

#### **SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the project with special conditions relating to conformance with geologic recommendations, drainage and erosion control, landscape and irrigation, and waiver of liability.



# **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

#### 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

- 1. <u>Notice of Receipt and Acknowledgment</u> 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. <u>Expiration</u> 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. <u>Compliance</u> 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. <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 development during construction, subject to 24-hour advance notice.
- 6. <u>Assignment</u> 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 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 Engineering Geology and Soils Engineering Report, Donald Kowalewsky, 6/6/96; and subsequent updates, shall be incorporated into all final design and construction including <u>slope</u> <u>stability</u>, <u>pools</u>, <u>foundations</u> and <u>drainage</u>. 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.

#### 2. 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 manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff over the face of the building pad which descends northeast. The erosion control plan shall include application of geotextiles or other appropriate materials to prevent erosion of the slope surface during establishment of new plantings. The drainage plan shall include installation of slope dewatering devices if determined necessary by the Consulting Engineer.

#### 3. Revised Landscape and Irrigation Plan

Prior to the issuance of a Coastal Development Permit, the applicant shall submit evidence to the satisfaction of the Executive Director that the landscaping and irrigation plan submitted, as revised below, including the amount of water to be delivered to the slope surface, has been reviewed and found acceptable and consistent with the recommendations to ensure slope stability set forth by the geotechnical consultant.

The landscape plan shall be revised to include the following criteria:

(a) All disturbed soils shall be planted with drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled <u>Recommended List</u> of Native Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species, or species which require artificial irrigation beyond that necessary to establish new plantings, shall not be used. The applicant shall use a mixture of seeds and plants to increase the potential for successful site stabilization. Such planting shall be adequate to provide 90 percent coverage within 2 years and shall be repeated, if necessary, to provide such coverage. The plan shall specify the measures to be implemented and the materials necessary to accomplish short-term stabilization.

- (b) A temporary, drip irrigation system shall be implemented to water the new plantings and use of a sprinkler system shall not be allowed on the slope. As an alternative, hand watering may be carried out to establish the landscaping, provided that only the minimum amount of water necessary to establish the plantings is applied. No permanent irrigation of the slope shall be permitted. The plan shall include a note to this effect and shall provide detailed watering requirements and scheduling to ensure plant survival. The plan shall set forth the weekly quantities of total water delivery to the slope surface deemed necessary to ensure plant survival during establishment.
- (c) Should recompaction 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 recompaction operations and maintained through the development process to minimize sediment from runoff waters during project construction and landscape installation. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

# 4. 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, 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 a 5,640 square foot, 25 foot high, two-story single family residence with a 888 square foot attached garage, driveway, swimming pool, and septic system. The existing building pad will be removed and recompacted, per the engineering geologist's recommendation, to match the existing size and elevations.

The project is located on a crest of the southwest-trending ridge of Ramirez Canyon. The site consists of a graded pad and the upper portion of a slope which descends to the northeast. The property lies approximately 1/4 mile north of Pacific Coast Highway accessible from Ramirez Mesa Drive.



On June 18, 1980, the Commission approved Permit A-42-80 (Levinson) for a subdivision of 23.2 acre site into 22 lots with related construction of roads, water lines, septic systems, utilities and grading for building pads. The permit was approved with conditions including transfer of development credits (17), provisions for low and moderate income housing, revised grading plans, landscaping plans, and geologic review of grading and septic system plans by the State Division of Mines and Geology. All conditions were met and the permit was issued.

The subject permit is to develop the last vacant lot within the previously approved lots under permit A-42-80. The proposed project is in conformance with all concerns addressed in the previously approved permit and is consistent with the policies of the special conditions.

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 subordinate to the character of its setting.

The proposed project will be located on a northeast facing slope which is visible from Ramirez Canyon Road. The proposed residence will be an infill project within an existing Ramirez Mesa Road subdivision. The project will be flanked on either side by two story residences of similar design and construction. Similar residential development is located on the canyon floor as well as across and up the canyon on the north and west facing slopes respectively. The site is not visible from Pacific Coast Highway, and the proposed structure will only be partially visible from the canyon floor, as it is set back on the building pad towards Ramirez Mesa Road.

The Commission has found through past permit action that landscaping softens, screens and mitigates the visual impact of development. Therefore, the Commission finds it necessary to require a revised landscaping plan more in keeping with the native vegetation of Ramirez Canyon to mitigate any visual impacts of development through the use of native, drought tolerant plantings, as specified in special condition number three.

Therefore, the Commission finds that the project, as conditioned, is consistent with Section 30251 of the Coastal Act.

#### D. Geologic Stability and 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, 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.

#### 1. Geology

The subject site is located on a crest of the southwest-trending ridge west of Ramirez Canyon. The site consists of a graded pad and the upper portion of a slope which descends to the northeast. The property lies approximately 1/4 mile north of Pacific Coast Highway and is accessible from Ramirez Mesa Drive. The property extends north from the Ramirez Mesa Drive cul-de-sac and downslope, in the direction of Ramirez Canyon, to an elevation of approximately 248 feet. Elevation within the parcel ranges from approximately 300 feet at the building pad to 248 feet above mean sea level, for a total relief of 52 feet. The existing, level building pad was graded under the 1980 subdivision approval and created by importing compacted fill.

The applicant has submitted an Engineering Geology and Soils Engineering Report, dated 6/6/96, prepared by Donald Kowalewsky, for the subject site. The primary geotechnical concern for the proposed project is the poorly compacted fill material. According to Kowalewsky Engineering:

It should be noted that on-site fill soils were found to have poorly compacted layers, that may be subject to future consolidation and ground surface settlement. In addition fill soils have a medium potential for expansion. These earth materials swell in the presence of moisture and shrink when dried. This should be considered in the design of slabs and pavements.

In consideration of the poorly compacted fill, the applicant has indicated that the pad will be removed and recompacted, per the recommendations of the consulting engineering geologist, to the existing size and elevations.

In regard to surficial stability, a surficial stability analysis was performed by Kowalewsky Engineering for the existing slope gradient which varies from 1.5:1 to 4:1, with an average slope gradient of approximately 3:1. A circular slope stability analysis was performed to determine the factor of safety for a 2:1 slope of 75 feet in height. The analysis indicated the surficial slopes have a factor of safety excess of 1.5 for static condition and a factor of safety of 1.11 for seismic conditions.

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Kowalewsky Engineering, however, does recommend drainage control and maintenance measures to mitigate water infiltration into the ground and pavement ponding within the site. No water should be allowed to pond within the site, flow adjacent to foundations, or flow uncontrolled down slopes. A drainage plan, according to Kowalewsky, should be submitted which conforms to City of Malibu requirements. In addition, drought resistant landscaping rather than high-water use vegetation was also recommended.

Therefore, to ensure runoff is conveyed offsite in a non-erosive manner and minimize infiltration of water into the pad, the Commission finds it is necessary to require the applicant to submit a drainage plan as required in special condition number two.

In conclusion, the geological report states that:

Based on this investigation including testing conducted as described in this report and provided the recommendations in this report are followed, the proposed building site will be safe from geologic hazards including landslide, settlement, and slippage and development will not adversely affect geologic stability of adjacent properties.

Based on the recommendations of the consulting geologists, 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, 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 specified in condition one (1).

#### 2. Erosion

As noted above, the consulting engineer is concerned with drainage issues, related to the location and slopes of the building pad, and has recommended drainage control and maintenance measures, as well as drought tolerant landscaping to minimize erosion. The proposed project does not include a drainage plan and the landscape plan utilizes non-native and invasive species. The inclusion of a drainage plan and the revision of the landscape plan, as noted, would mitigate the erosion of the disturbed areas.

The Commission has found through past permit actions 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 and implement erosion control measures.

Therefore, the Commission finds it necessary to require the applicant to submit detailed landscape and erosion control plans for the proposed development. Special condition numbers two (2) and three (3) provide for such erosion control and landscape plans to be prepared by a licensed engineering and landscape architect. Furthermore, given that the consulting engineer specifically recommended drought tolerant landscaping be used to minimize erosion of potentially erosive soils on site, the Commission finds that the landscape plans must be reviewed and approved by the consulting engineering geologist.

#### 3. <u>Fire</u>

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, <u>Terrestrial Vegetation of California</u>, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 these 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 five (5).

The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

#### E. 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 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 proposed septic system includes septic tanks with seepage pits. A percolation test was performed on the subject property dated 3/30/89, and was evaluated in the Engineering Geology and Soils Engineering Report, Donald Kowalewsky, 6/6/96; the Percolation Test & Septic System Design Review, Donald Kowalewsky, 7/25/96; and the Wastewater Disposal System Report, Barton Slutske, Environmental Health Specialist, 3/17/97. The test indicated that the percolation rate meets Uniform Plumbing Code requirements for a six bedroom residence and is sufficient to serve the proposed single family residence.

The City of Malibu has completed a review of, and approved, the proposed septic system for a 1,500 gallon septic tank and drain field. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration percolation capacity of the soil, depth of groundwater, etc. Therefore, the Commission finds the proposed residence is consistent with section 30231 of the Coastal Act.

## F. 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).

# G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, 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 would have on the environment.

There proposed development would not cause significant, adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.













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