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CALIFORNIA COASTAL COMMISSION

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



Filed: 11/24/97
 49th Day: 1/12/98
 180th Day: 5/23/98
 Staff: JEL-V *ja*
 Staff Report: 12/12/97
 Hearing Date: 1/12-16/98

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.: 4-97-193****APPLICANT: Matthew Saver****AGENT: A.T. Torres****PROJECT LOCATION: 30254 Morning View Drive**

PROJECT DESCRIPTION: Demolition of existing 3,779 sq. ft. single family residence and construction of a 8,217 sq. ft., 28 foot high, 2-story single family residence, 954 sq. ft. basement, 837 sq. ft. attached garage, new septic system, swimming pool and driveway modification. 480 cu. yds. of grading is proposed for swimming pool and basement excavation.

Lot area:	2.65 acres
Building coverage:	5,048 sq. ft.
Pavement coverage:	11,202 sq. ft.
Landscape coverage:	54,184 sq. ft.
Parking spaces:	four covered
Ht abv fin grade:	28 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval in Concept, 9/19/97; Environmental Health, In-Concept Approval, 7/9/97; Geology and Geotechnical Engineering, Approved In-concept, 7/30/97.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountain Land Use Plan; Geotechnical Engineering Report, Coastline Geotechnical Consultants, 7/14/97; Geologic Report, Mountain Geology, 6/25/97; Geologic Report Addendum, Mountain Geology, 8/8/97.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to conformance with geologic recommendations 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. 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. Plans Conforming to Geologic Recommendations

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 Geotechnical Engineering Report, Coastline Geotechnical Consultants, 7/14/97; Geologic Report, Mountain Geology, 6/25/97; and Geologic Report Addendum, Mountain Geology, 8/8/97, shall be incorporated into all final design and construction including slope stability, pools, foundations and drainage. 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. 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 and Background

The applicant proposes to demolish the existing 3,779 square feet single family residence and construct a 8,217 square foot, 28 foot high, two-story single family residence, with a 954 square foot basement, a 837 square foot attached garage, a new septic system, swimming pool and an expanded driveway. The project will require 480 cubic yards of grading for the swimming pool and basement excavation. The existing two-story residence and septic system were permitted by the County of Los Angeles in April 1976.

The 2.65 acre property consists of a moderately level, irregularly shaped parcel, measuring approximately 232 feet wide and 494 feet deep. The proposed site is located on the south side of Morning View Drive, west of Kanan Dume Road, north of Pacific

Coast Highway, west of Ebbtide Way, and east of Via Cabrillo. The property is bounded on the north, across Morning View Drive, by Malibu Elementary School, on the south and east by developed residential properties, and on the west by a vacant property.

A blue line stream is located from 100 to 150 feet to the west and runs through the adjacent vacant property to the west. There are no streams or ESHA areas located on the property, nor are there any trails on or adjacent to the subject site.

The proposed two story project will be consistent in design with the surrounding residential development. The proposed residence will be constructed over the existing building foot print, located 175 feet south of the property line that abuts Morning View Drive, and screened from public view by mature vegetation. The proposed structure will not be visible from Pacific Coast Highway. There will be no visual impact.

B. Geologic Stability & 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 on the southern flank of 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

Prominent geomorphic features in the area are Zuma Canyon to the east, Trancas Canyon to the west, Zuma Beach to the south-southwest, and numerous smaller northeast-southwest trending ridges and canyons. Past grading on the site consisted of minor cutting and filling in the northeast and central portion of the subject property associated with the construction of the residence, driveway and landscaping. Physical relief on the property is approximately forty-six feet, with slope gradients ranging from nearly horizontal to as steep as 9 degrees towards the southwest property line. Site drainage is by sheet flow runoff directed toward the south-southwest via existing contours.

The applicant has submitted a Geotechnical Engineering Report and addendum, dated 6/25/97 & 8/8/97 prepared by Coastline Geotechnical Consultants and a Geologic Report, dated 7/14/97, prepared by Mountain Geology, for the subject site. The primary geotechnical concern for the proposed project are the expansive soils and the need to design the grading, drainage, foundation, and retaining walls to mitigate any future potential expansion.

The geotechnical report concludes that:

Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading and construction are properly and adequately executed, it is our opinion that construction within the proposed building area would not be subject to hazards from slippage or settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely effect the stability of the site, nor adjacent properties, with the same provisos listed above.

According to the geologic report, the proposed site improvements will be free from geologic hazards such as landslides, slippage, active faults, and undue differential settlement. No signs of surficial or deep-seated instability were observed on the site or upon immediately adjacent properties.

However, the Geologic report identifies the expansive soils as an area of concern. Soil samples were excavated and laboratory tests conducted to determine density, moisture content, shearing resistance, consolidation, compaction and expansion characteristics. These tests indicated the surface sandy clay is an active, expansive natural material which changes in volume with changes in moisture content. Based on these results, the consulting geologist has developed related recommendations to address foundation design, grading, excavations, the proposed swimming pool, and drainage.

Both the geotechnical and geological reports recommend either an embedded footing design or the removal and recompaction of the loose fill and near surface soils to provide uniform support to all foundations. The applicant has indicated that a system of embedded footings shall be employed to satisfy the foundation concern. The geotechnical and geological reports also briefly identify site drainage as an issue of concern. Both reports recommend drainage dispersion by non-erosive devices, to preclude concentrated run-off and erosion over the site, and further, prohibit ponding or down slope drainage in a "concentrated and uncontrolled manner".

Based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the 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 geologist and geotechnical engineer

as conforming to their recommendations, as noted in condition number one (1) for the final project plans for the proposed project.

The Commission therefore finds the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

2. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act 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 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, Terrestrial Vegetation of California, 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 four.

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

C. 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 project will replace the existing septic system with a 1,500 gallon septic tank and two seepage pits. The proposed system was reviewed in the Geology Report, Mountain Geology, 6/26/97 and found not to create or cause adverse conditions to the site or adjacent properties due to the favorable geologic structure and the favorable nature of the earth materials, with respect to percolation rates. The percolation rates meet Uniform Plumbing Code requirements for a four to five bedroom residence and are sufficient to serve the proposed single family residence.

The City of Malibu has completed a review of, and approved-in-concept, the proposed septic system replacement with 1,500 gallon septic tank and seepage pits. The Commission has found in past permit decisions that approval in concept by the City of Malibu will ensure that discharge of septic effluent from a proposed project will not have adverse effects upon coastal resources.

Therefore, the Commission finds the proposed residence is consistent with section 30231 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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).

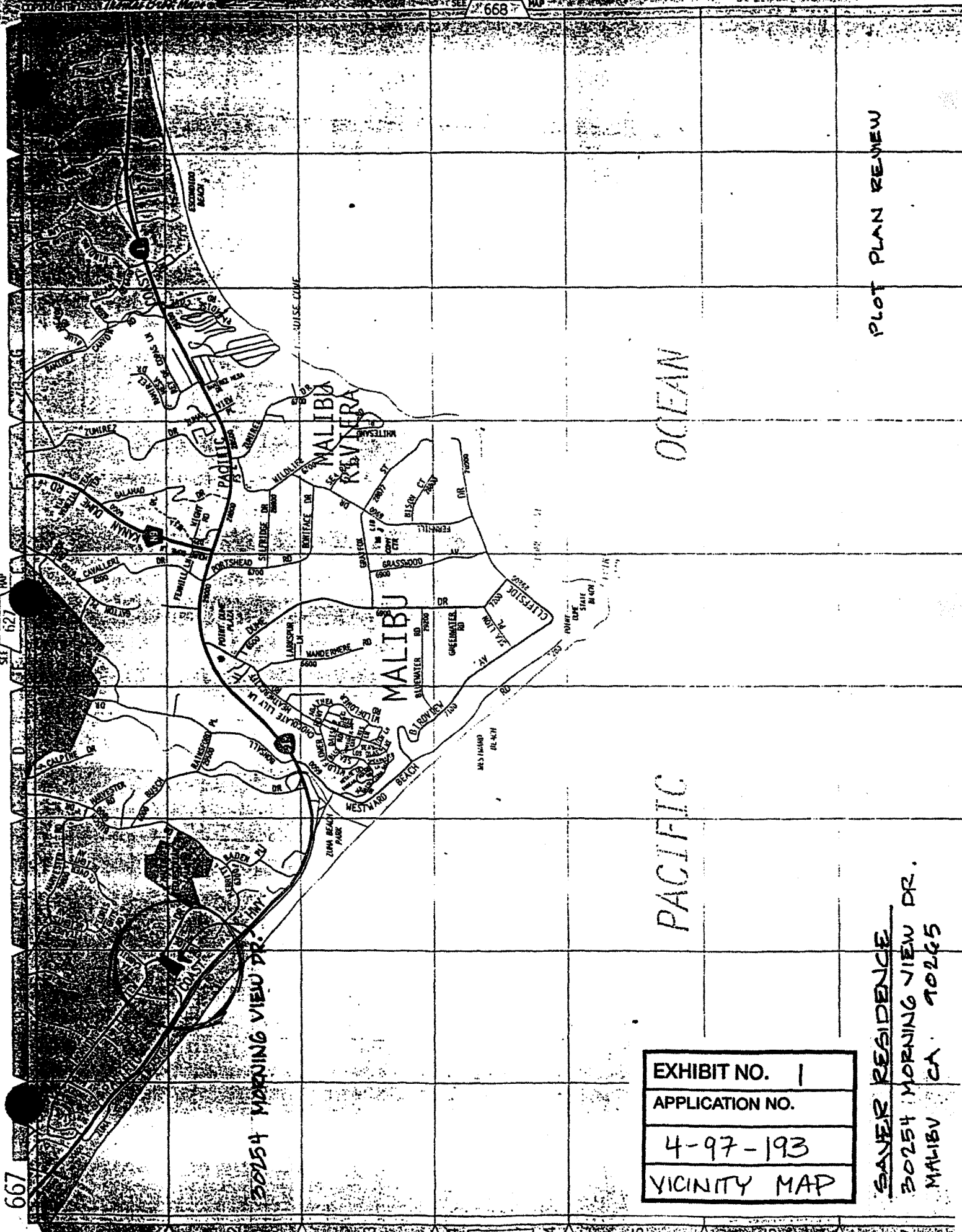
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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).

E. 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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SEE 627 MAP

30254 MORNING VIEW DR.

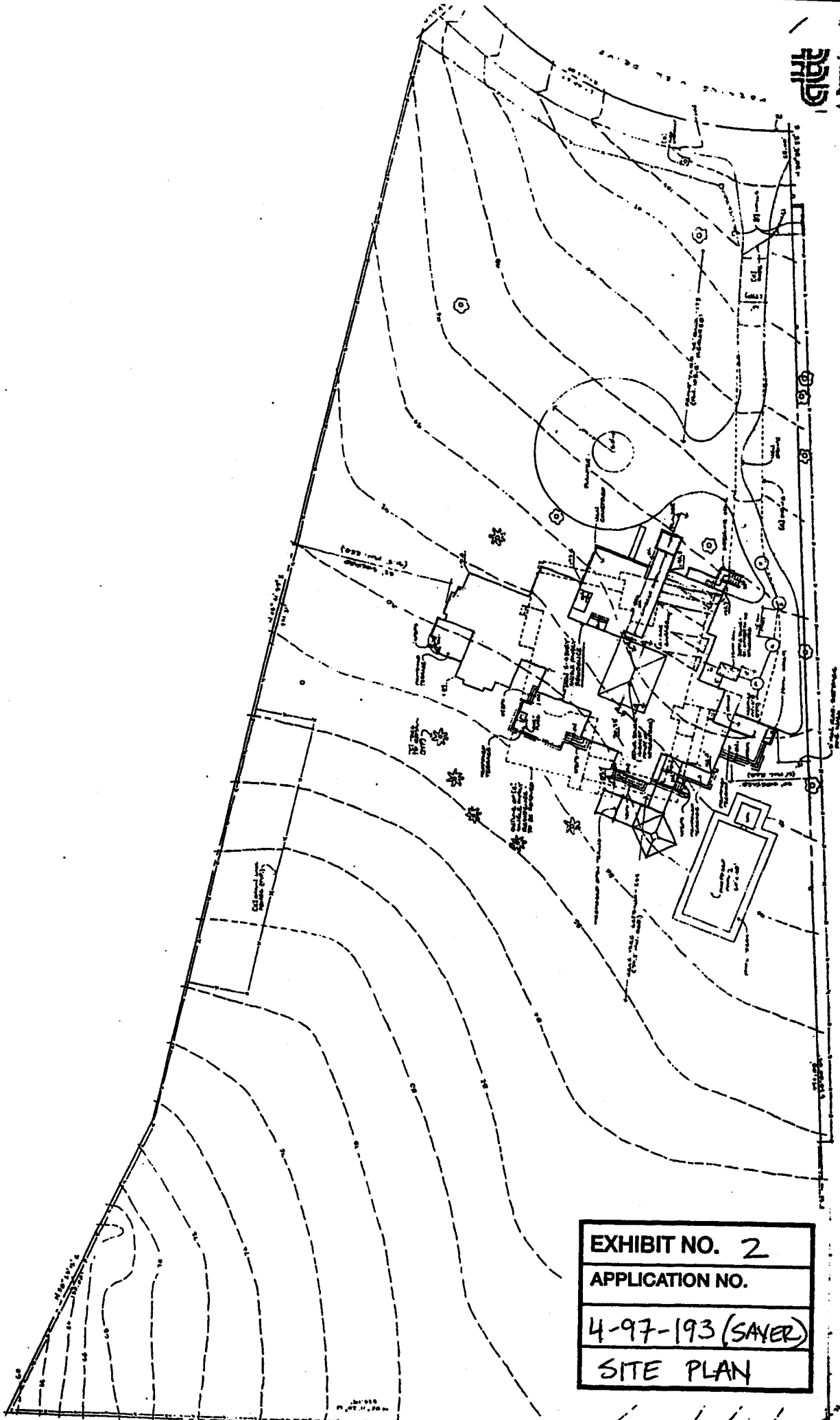
EXHIBIT NO. 1
APPLICATION NO.
4-97-193
VICINITY MAP

SAVER RESIDENCE
 30254 MORNING VIEW DR.
 MALIBU CA 90265

PLOT PLAN REVIEW

OCEAN

PACIFIC



GLUE
 A. Thomas Torres, At
 21531 Republic Way,
 Malibu, California 902

MS. 17166, SAYER
 3/15/97
 10/11/97
 10/11/97

(A)

DATE: 10/11/97
 BY: [Signature]

SITE PLAN
 1/2" = 1'-0"



LEGEND
 --- Existing Building
 --- New Building
 --- Parking

EXHIBIT NO. 2
APPLICATION NO.
4-97-193 (SAYER)
SITE PLAN

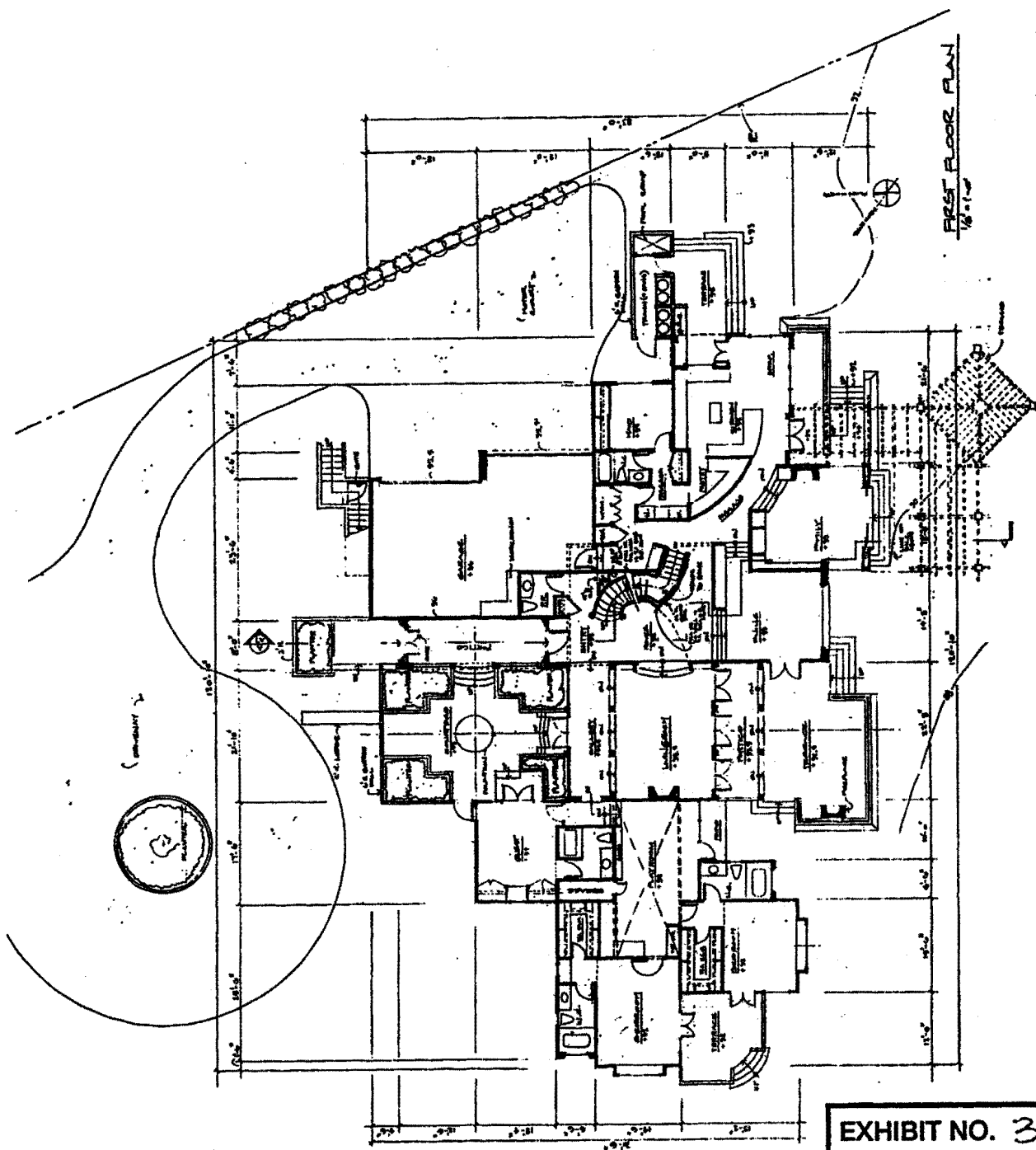


EXHIBIT NO. 3
APPLICATION NO.
4-97-193 (SAYER)
FLOOR PLAN

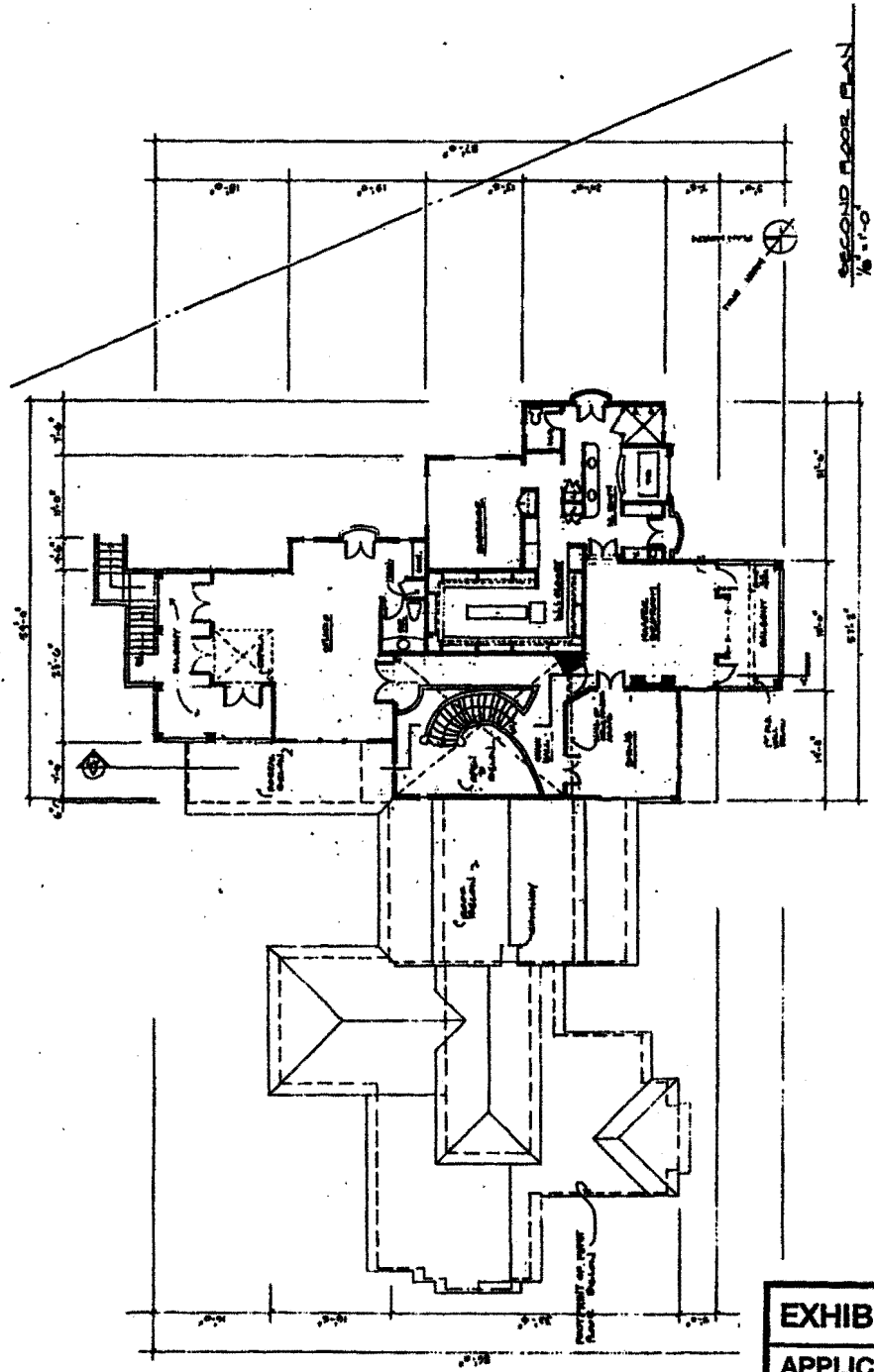
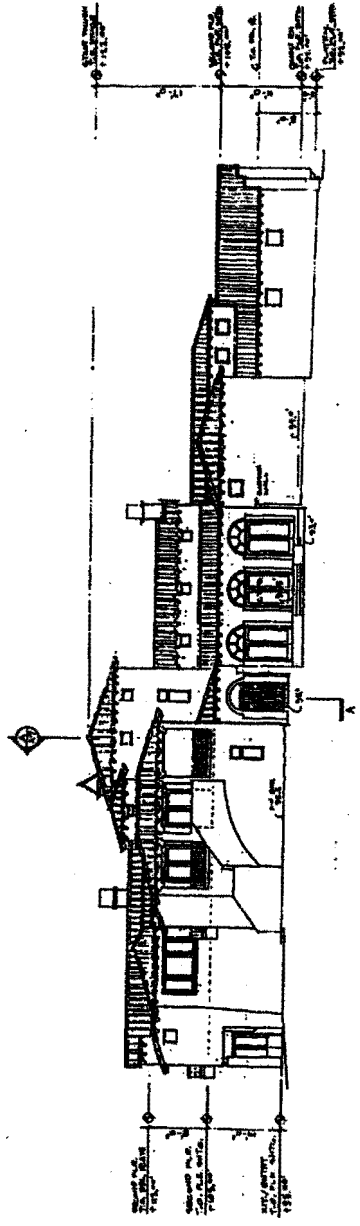
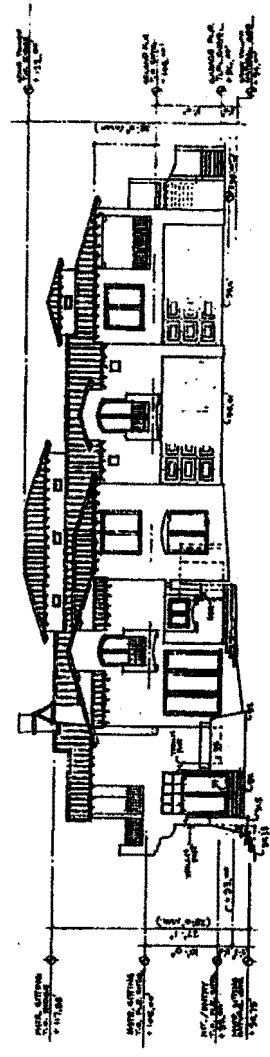


EXHIBIT NO. 4
APPLICATION NO.
4-97-193 (SAVER)
FLOOR PLAN

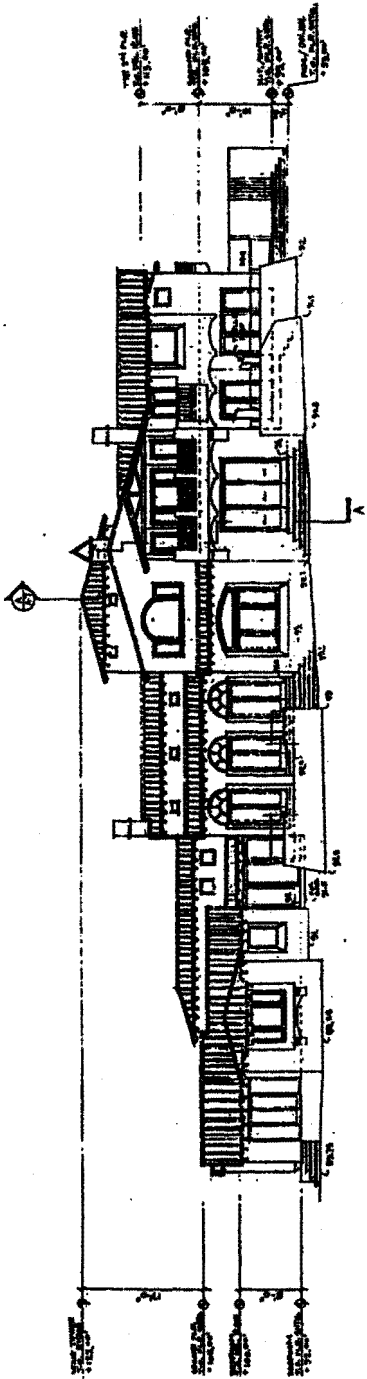


NORTH ELEVATION
 1/8" = 1'-0"

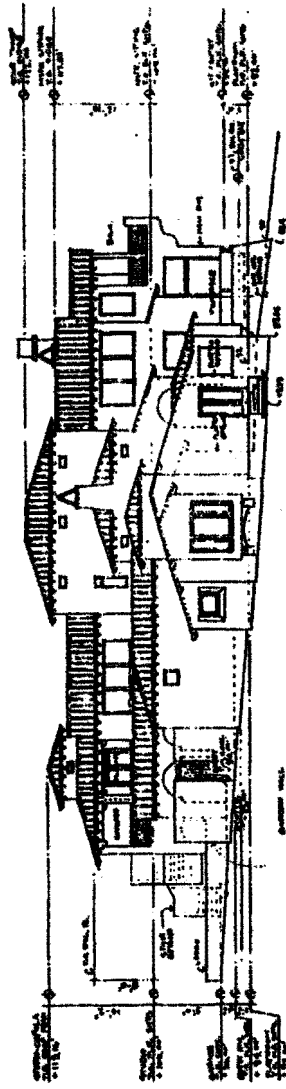


EAST ELEVATION
 1/8" = 1'-0"

EXHIBIT NO. 5
APPLICATION NO.
4-97-193(SAVER)
ELEVATIONS



SOUTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

EXHIBIT NO. 6
APPLICATION NO.
4-97-193 (SAUER)
ELEVATIONS