

# CALIFORNIA COASTAL COMMISSION

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

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CONSENT CALENDAR STAFF REPORT:

APPLICATION NO.:

4-98-177

APPLICANT:

Ricardo Capretta

PROJECT LOCATION: 18400 Coastline Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Demolish existing single family residence and construct two story, 16 ft. high, 3,410 sq. ft. single family residence with attached garage and swimming pool. Export of 273 cu. yds.

> Lot Area Building Coverage Pavement Coverage Landscape Coverage Parking Spaces Plan Designation Project Density Ht abv fin grade

21,505 sq. ft. 3,815 sq. ft. new/proposed

2,523 sq. ft. 8,787 sq. ft. 2 covered

Residential III. 2 to 4 du/ac

.5 du/ac 16 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles, Approval in Concept, dated 5/20/98.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Geoplan, Inc., engineering geologic letter reports, March 31, 1998 and May 24, 1995.

## **SUMMARY OF STAFF RECOMMENDATION:**

The subject project is for the demolition and construction of a new residence in a large pre-Coastal Act housing tract overlooking the Pacific Coast Highway. Staff recommends approval with three (3) Special Conditions addressing landscape and erosion control plans, plans conforming to the consulting geologist's 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 effects on the environment within the meaning of the California Environmental Quality Act.

### II. Standard Conditions

- 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. <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. LANDSCAPE AND EROSION CONTROL PLANS

Prior to issuance of permit, the applicant shall submit a landscape plan and an erosion control plan for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- A landscape plan prepared by a licensed landscape architect for review and approval by the Executive Director. All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes with low water use and/or native vegetation according to the approved landscape plan within thirty (30) days of final occupancy of the residence. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.
- b) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- c) 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. Site drainage shall not be accomplished by sheetflow runoff. 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.
- d) The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final landscape, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal Commmission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

# 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 Geoplan, Inc., engineering geologic letter report, March 31, 1998 including issues related to <u>site preparation</u>, <u>foundations</u>, and <u>drainage</u>, 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 proposed development is to demolish an existing single family residence and construct a two story, 16 ft. high, 3,410 sq. ft. single family residence with attached garage and swimming pool in an existing housing tract above the Pacific Coast Highway with export of 273 cu. yds. of material. The development will connect to an existing sewer system. The project design will have the appearance of a single family residence from the street as the partial second story will be below street level.

The subject housing tract (Sunset Mesa) was completed approximately in 1961, when a large scale fill operation was completed. Sunset Mesa is located on an old, wave eroded terrace and the bluff facing it, on the inland side of the Pacific Coast Highway, is an old seacliff.

The fill shelf extends to approximately 125 feet south from the edge of the street (Coastline Drive). The shelf drops approximately twenty feet to the natural shelf, i.e. to the above-noted wave eroded terrace. Approximately 125 feet seaward of the base of the fill shelf is a natural cliff, or bluff, which descends steeply to the Coast Highway and drops in elevation approximately 150 feet. Because of the steep topography and setback from the edge of the cliff, there is no significant impact of development upon views to and along the coast for the public.

The applicant originally proposed a swimming pool seaward of the fill slope, and beyond the seaward extent of residences and decks in the project vicinity. Upon further discussions with staff, the applicant agreed to relocate the swimming pool to a location between the residence and the existing deck which is shown as to be removed on the revised project plans.

# 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.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains

(paraphrased): P82 grading minimized to ensure the potential negative effects of runoff and erosion; P84 landscape plans balancing long-term stability and minimization of fuel load and use native plant species consistent with fire safety requirements; P147: evaluate impact on, and from, geologic hazard; P 149: require a geologic report prior to approval; P 154: not generate excessive runoff, debris, and/or chemical pollution that would impact on the natural hydrologic system; and P 156: evaluate impact on fire hazard.

Further, there is a bluff erosion policy P163 which states that:

On blufftops, new development shall be set back a minimum of 25 feet from the top of the bluff or at a stringline drawn between the nearest corners of the bluff or at a stringline drawn between the nearest corners of adjacent structures, whichever distance is greater, but in no case less than would allow a 75-year useful life for the structure.

The 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. Active landslides are found approximately 450 ft. to west of the site and approximately 300 ft. to the east of the site. The landslide to the west has caused significant structural damage to the house located at 18456 Coastline Drive (Application 4-96-118). The project geologist has found that neither landslide affects subject property.

Improvements on the site and the surrounding area are located on fill which forms a shelf facing the Coast Highway at approximately the 200 ft. elevation. Typical development of the subject property and adjoining properties facing the ocean is a series of single family homes of uniform distance from the street, behind which are decks extending over the fill slope, also set back uniformly from the street. In summary, both the houses and the decks in the project vicinity conform to a de facto "stringline", although a review of past Commission decisions does not show use of a stringline concept in the project area. Because the project conforms to a stringline for adjacent properties and decks, is set back approximately 150 ft. from the edge of the bluff, and is located over a bedrock sandstone formation, it is not expected to be threatened during the useful life of the structure.

The proposed development, and review at the local level, raise no new issues relative to major geologic or flood hazards. Regarding the geologic hazards, the applicant submitted a Geoplan, Inc., engineering geologic letter report March 31, 1998. The report indicates that:

It is concluded upon review of findings generated through surface and subsurface geologic exploration at Lot 18 and environs and upon review of records that proposed renovation and construction of additions is feasible. ... The proposed improvements will not be affected by landslide,

settlement or slippage nor will the proposed improvements affect neighboring property adversely.

The report recommends that an appropriate drainage system be constructed, that fill be evaluated during construction, and that final plans have the engineering geologist's review and acknowlgement.

Based on the findings and recommendations of the consulting engineering 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 as required by special condition number one (1).

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 provide a landscape and erosion control plan to ensure replanting compatible with the surrounding environment and avoiding any erosion effects on the adjacent bluff. The applicant originally provided a grading and drainage plan which requires modification now that the swimming pool location has changed. This plan will minimize erosion by slowing down and deflecting the flow from the impermeable surfaces on the site and ensure that runoff will be conveyed off-site in a non-erosive manner i.e. to Coastline Drive. Therefore, the Commission finds that it is necessary to require the applicant to submit landscaping plans for all disturbed areas of the site as required by special condition two (2). Because the project is located in an existing developed housing tract with an urbanized area, the landscaping condition has been modified to reflect the project and surrounding area by not requiring exclusive use of native vegetation while still requiring low water use and/or native vegetation and avoiding introduction of invasive plants.

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 the geology recommendations, landscape plan, and wild fire waiver of liability will the proposed project be consistent with Section 30253 of the Coastal Act.

# C. 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 County's ability to prepare a Local Coastal Program for Malibu and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

## D. California Environmental Ouality 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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effects which the activity may have on the environment.

The proposed development would cause no adverse environmental effects 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.

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