

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

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Staff: SMB - VNT *fg*
Staff Report: 01-08-98
Hearing Date: February 5, 1998

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-97-235

APPLICANT: Mark & Jean Giangiorgi

AGENT: Wence A. Sarmiento

PROJECT LOCATION: 7145 Grasswood Avenue, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: The construction of a swimming pool, two retaining walls, landscape terrace, stone fence and widen driveway. The project includes 583 cu. yds. of grading (482 cu. yds. fill and 100 cu. yds. cut).

Lot area:	1.38 acres
Building coverage:	0 new proposed
Pavement coverage:	12,720 sq. ft. new proposed
Parking spaces:	0 new proposed
Landscape coverage:	30,700 sq. ft. new proposed
Project density:	43,420 sq. ft.

LOCAL APPROVALS RECEIVED: Approval-in-concept from the City of Malibu

SUBSTANTIVE FILE DOCUMENTS: Malibu/ Santa Monica Mountains Land Use Plan. Coastal Development Permit 4-97-003 (Seva); Coastal Development Permit 4-95-078 (Tobin).

SUMMARY OF STAFF RECOMMENDATION:

The applicant is applying for the construction of a swimming pool, two retaining walls, landscape terrace, stone fence and widen driveway. The project raises no adverse environmental or visual issues. Staff recommends that the Commission approve the project with special conditions regarding geological compliance and drainage improvements.

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, 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 governments 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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic and Geotechnical Engineering Investigation report by C.Y. Geotech, Inc. dated September 8, 1997 shall be incorporated into all final design and construction plans including foundations, grading and drainage plans. ***Prior to the issuance of the coastal development permit***, the applicant shall submit for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans incorporates all of the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.

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 on a new coastal permit.

2. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/ drought resistant plants as listed by the California Native Plant Society, Santa Monica Chapter, in their document entitled Recommended List of Plants 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.
- (b) All graded and disturbed slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage.

IV. Findings and Declarations.:

A. Project Description and Background

The applicant proposes a swimming pool, retaining wall, landscape terrace, fence and widen driveway. The project site is located north of Point Dume within a residential neighborhood. The site is occupied with a single family residence built in 1948 and is not subject to any previous coastal development permits.

Currently, the subject site has a 10 foot paved driveway running along the southern end of the property extending from Grasswood Avenue to the single family residence. The applicant proposes to pave an additional 12,720 sq. ft. to widen the driveway to 20 feet. The driveway will include a gravel turn around area as required by the fire department. The applicant is also proposing to build a landscape terrace with two retaining walls, and a staircase located between the existing single family residence and the 10:1 sloping front yard. The project requires 582 cu. yds. of grading (482 cu. yds. of fill and 100 cu. yds. of cut).

B. Geological Hazards

Section 30253 of the Coastal Act states:

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.

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed project is located on a gently sloping hillside in Malibu, an area which is generally considered to be subject to an unusually high amount of natural hazards. Among these hazards include landslides, erosion, and flooding.

The project includes 582 cu. ft. (482 cu. yds. of fill and 100 cu. yds. of cut) of grading to construct a swimming pool, terrace area, stone fence, and widen the existing driveway. The swimming pool will be constructed within the upper level area located near the single family residence. This upper level area will be supported by two retaining walls which will also support the proposed landscape terrace area. The landscape terrace will include filling a portion of the descending slope to build a stairway that leads from the upper swimming pool area to the lower lawn area. The project also includes leveling the area of the proposed stone fence that will run along the eastern edge of the property adjacent to Grasswood Avenue. The 100 cu. yds. of cut will originate from widening the existing 10 ft. wide driveway to 20 ft. which runs along the southern edge of the property.

The applicant has submitted a Geotechnical Report, prepared by C.Y. Geotech, Inc., dated September 8, 1997. The geotechnical report concludes that the project "...is feasible from a geologic and geotechnical engineering viewpoint provided the recommendations of this report are properly incorporated into design and are implemented during construction." Based on the findings and recommendations of the consulting geologist, the Commission finds that the proposed development is consistent with the Coastal Act as long as all recommendations are incorporated into the project plans as noted in Special Condition 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 landscape all graded and disturbed areas of the site with primarily native plants, compatible with the surrounding environment. Therefore, Special Condition 2 has been added to ensure that all proposed disturbed areas are stabilized and vegetated. The Commission finds that only as set forth in the above conditions will the proposed development 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 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 of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(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 project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

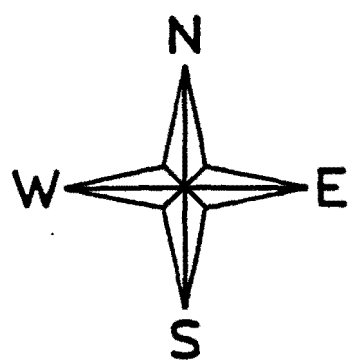
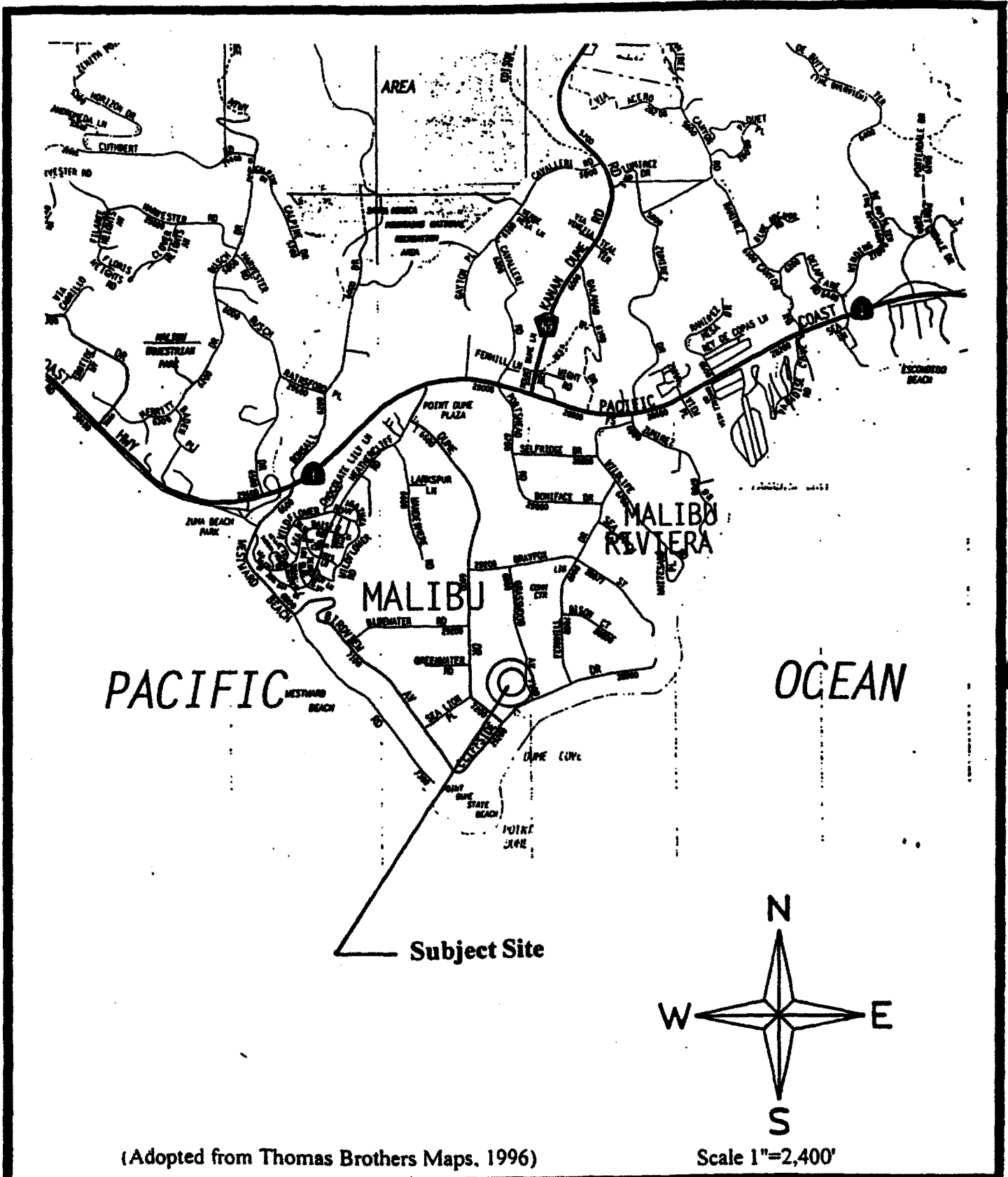


Exhibit 1
4-97-235 (Giangiorgi)

Site Location Map
7145 Grasswood Avenue, Malibu

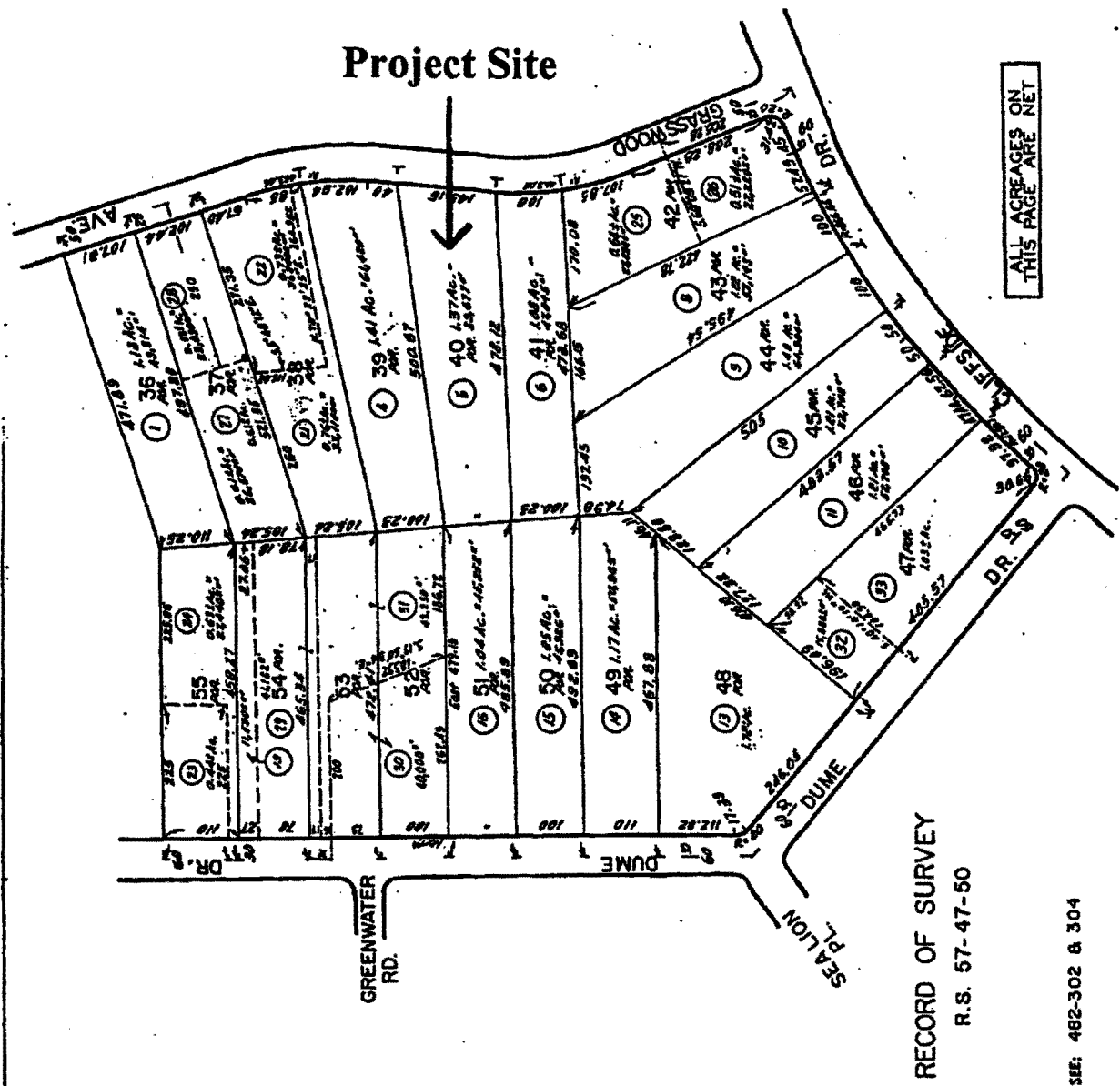
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Figure 1

4466
 14
 SCALE 1" = 150'
 1992

4466
 14
 SCALE 1" = 150'
 1992

1992



ALL ACRESAGES ON THIS PAGE ARE NET

RECORD OF SURVEY
 R.S. 57-47-50

CODE
 10860

FOR PREY. ASSMT. SEE: 482-302 & 304

ASSESSOR'S MAP
 COUNTY OF LOS ANGELES, CALIF. I

Exhibit 2
 Parcel Map
 4-97-235 (Giangiorgi)

