

**CALIFORNIA COASTAL COMMISSION**

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



Filed: 4/7/98  
49th Day: 5/26/98  
180th Day: 10/4/98  
Staff: GM-V *ja*  
Staff Report: 4/17/98  
Hearing Date: 5/15/98

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.: 4-98-072****APPLICANT: Lawrence Lasarow****AGENT: Marissa Coughlan****PROJECT LOCATION: 3211 Rambla Pacifico Street, Malibu****PROJECT DESCRIPTION: Addition of a swimming pool to an existing single family residence. The project will require 539 cubic yards of grading (67 cu. yds. cut and 472 cu. yds fill).**

<b>Lot area:</b>	7.46 acres
<b>Building coverage:</b>	1,704 sq. ft.
<b>Pavement coverage:</b>	2,490 sq. ft.
<b>Landscape coverage:</b>	5,000 sq. ft.
<b>Parking spaces:</b>	2
<b>Ht abv fin grade:</b>	n/a

**LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning, Approval in Concept City of Malibu Geology and Geotechnical.****SUBSTANTIVE FILE DOCUMENTS: Preliminary Geotechnical Investigation by Miller Geosciences, Inc. (Hayes, GE 386) dated 12/27/95; Updated Geotechnical Investigation by Miller Geosciences, Inc. (Hayes, GE 386) dated 5/22/97; Preliminary Engineering Geologic Report by Mountain Geology, Inc. (Holt, CEG 1200) dated 10/24/95; Supplemental Engineering Geologic Report by Mountain Geology, Inc. (Holt, CEG 1200) dated 11/13/97, and Coastal Development Permit Application 4-93-139.**

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the project with three (3) special conditions relating to plans conforming to geological recommendations, landscaping and erosion control plans, and revised drainage plans.

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**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. Revised Plans

Prior to issuance of a coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised drainage plans prepared by a licensed engineer, which assures that subdrainage will be conveyed off site in a non-erosive manner. Drainage pipes or velocity reducing structures shall not be placed in the stream channel of Carbon Canyon Creek. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor in interest shall be responsible for any necessary repairs and restoration.

#### 2. Plans Conforming to Geologic Recommendations

Prior to the issuance of coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Preliminary and Supplemental Geotechnical Investigations by Miller Geosciences (Hays, GE 386) dated 12/27/95 and 5/22/97 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.

#### 3. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologic and geotechnical consultants to ensure that the

plans are in conformance with the consultants' geotechnical recommendations. 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 within (60) days of final occupancy of the residence. 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 Mountains 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 cut and fill 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 (2) years, and this requirement shall apply to all disturbed soils;
- (c) Should grading 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 the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate dumping location outside the coastal zone or to a site with a valid coastal development permit approved to receive fill.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description/Background**

The applicant proposes the construction of a 12' x 40' swimming pool as an improvement to an existing single family residence. The 7.26 acre parcel is located off of Rambla Pacifico Street and has slope gradients ranging from 2:1 to 3:1. Maximum relief on the parcel is approximately 400 feet. Carbon Canyon Creek runs through the extreme western portion of the parcel with the existing single family residence lying on the extreme east side. The proposed swimming pool will be located immediately to the west of the single family residence (Exhibits 1-4).

The proposed project is located in a neighborhood known as La Costa Beach in the City of Malibu. This area is known for both fire and geologic hazards. The applicant's garage was destroyed in the 1993 Topanga Firestorm and recent landslides have closed nearby streets. The subject parcel, however, has been observed to be free of any landslides. Carbon Canyon Creek runs through the western portion of this neighborhood and is designated as an Environmentally Sensitive Habitat Area (ESHA) in the 1986 Certified Malibu/Santa Monica Mountains Land Use Plan. The combination of steep gradients and the erosion potential of fill slopes on site and in the surrounding area cause a concern for the effects of development on the riparian habitat.

### B. 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 applicant has submitted a Preliminary Engineering Geologic and Seismic Report, dated 10/24/95, prepared by Mountain Geology, Inc., and a Preliminary Geotechnical Engineering Investigation, dated 12/27/95, prepared by Miller Geosciences, Inc., for the subject site.

The primary geotechnical concerns for the proposed project involve slope stability with respect to slope gradient and drainage issues.

According to Miller Geosciences, Inc.:

*"Any grading to be done shall be done in accordance with our grading guidelines (attached). Cut or fill slopes should not exceed the recommended slope gradient of 2:1 (where favorable geologic conditions are pervasive) and should be constructed in accordance with the Los Angeles County Grading ordinance unless otherwise specified herein."*

In regard to surficial stability, a surficial stability analysis was performed for the existing slope gradient of 2:1, which indicated the surficial slopes up to soil thickness' of 9 feet have a factor of safety in excess of 1.5. In the opinion of Miller Geosciences, Inc.:

*"Calculations indicate that the site construction as proposed will be grossly stable."*

And

*"Based on the findings of our investigation, the site is considered to be suitable from a geotechnical engineering standpoint for the reconstruction of a bumout garage; remodel and additions to the existing residence; and the construction of a guest studio and swimming pool, provided the recommendations included herein are followed and integrated into the building plans."*

In conclusion, the geological investigation states that:

*The swimming pool shall be engineered as free-standing and supported upon bedrock with the use of deepened foundations. The swimming pool shall be provided a subdrainage system per City Requirements.*

And

*Pad and roof drainage should be collected and directed towards the natural drainage course in non-erosive drainage devices. Drainage should not be allowed to pond on the pad or against any foundation or retaining wall.*

Based on the site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data limited to subsurface exploration of the site, both the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to the design of the building foundation, building pad drainage, and construction of the swimming pool.

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 special condition number two (2) for the final project plans for the proposed project.

## 2. Erosion

In order to construct the proposed swimming pool, the applicant proposes to create a 2:1 fill slope with the import of approximately 500 cu. yds. of material. The potential for erosion of this newly created fill slope will be high unless a strategy for landscaping and erosion control is adopted and implemented. Therefore, the Commission finds it necessary to require the applicant to submit detailed landscape and erosion control plans for the proposed development. Special condition number three (3) provides for such a landscape and erosion control plan prepared by a licensed landscape architect. Furthermore, given that the consulting engineer specifically recommended landscaping 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 as required by special condition number three (3).

In projects involving the construction of swimming pools, it is important to include adequate drainage and subdrainage systems. If water is allowed to saturate the ground, it can lead to slope instability. It is also important to ensure that all collected water is conveyed off-site in a non-erosive manner. Increased slope erosion can also lead to slope instability as well as siltation of the nearby Carbon Canyon Creek ESHA. The applicant has submitted adequate plans for surface drainage, showing that all roof and pad drainage will be collected and transferred to four (4) rip-rap velocity control basins downslope of the proposed swimming pool. However, a subdrainage system for the pool area is not addressed in the project plans.

In order to ensure that subdrainage from the swimming pool area is conveyed from the site and in a non-erosive manner, the Commission finds it necessary to require the applicant to submit revised drainage plans, as required by special condition number one (1). This condition requires the drainage plan to be completed by a licensed engineer.

The Commission finds that only as conditioned above is the proposed project 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 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 is located off of Rambla Pacifico Street. Although Rambla Pacifico is not a designated scenic highway and the area is already sparsely developed with single family residences, the development will produce adverse visual impacts as seen from both Pacific Coast Highway to the south and nearby Carbon Canyon Road to the west unless these impacts are mitigated. The grading involved with the creation of a 6' high fill slope will leave the slope void of all vegetation. Any adverse visual impact as seen from Pacific Coast Highway will be minimal since the site is located approximately 2,000 feet up Carbon Canyon from Pacific Coast Highway. However, Carbon Canyon Road is located only 900 feet to the west and downslope from the project site. Any slope denuded of vegetation on the subject parcel will produce an adverse visual impact as seen from Carbon Canyon Road unless the slope is landscaped with plants native to the area. To insure visual compatibility with the surrounding area, the Commission finds it necessary to require the applicant to landscape the site with plants native to the area in order to screen and soften the visual impacts and in a manner as to minimize erosion as is required in special condition three (3). The Commission finds that, only as conditioned does the project conform with Section 30251 of the Coastal Act and the applicable provisions of the Malibu LUP.

**D. Environmentally Sensitive Habitat Areas/Land Resources**

Section 30240 of the Coastal Act States:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30230 of the Coastal Act States:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act States:

*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, and minimizing alteration of natural streams.*

The development site is located approximately 600 feet east of the Carbon Canyon Creek ESHA. The terrain is characterized by high slope gradients (2:1) and fill slopes on the project site and on neighboring parcels. This combination causes an increased potential for erosion into the downslope riparian ESHA. Increased erosion can and will lead to a decrease in riparian habitat value unless impacts are mitigated. Active ways in which to mitigate the impacts of erosion are to ensure that all graded areas are landscaped in such a way as to prevent erosion and to ensure that drainage systems are adequately designed to reduce stormflow runoff velocities and discharge directly into drainage courses designated as ESHAs. In order to protect the habitat value of the Carbon Canyon Creek ESHA from erosion, the Commission finds it necessary for the applicant to submit landscaping plans as required by special condition three (3) to ensure that the fill slope is stabilized and that erosion is minimized.

Additionally, drainage and erosion control devices are important for the protection of streams against siltation. Adequate designs must be incorporated into development plans, especially for new development adjacent to creeks designated as ESHAs. The applicant has incorporated drainage and erosion control devices into the development plans. Specifically, a barrier of straw hay bails will be placed at the toe of the newly created fill slope until the landscaping has been established. Drainage controls have been designed to divert runoff from the house and proposed swimming pool area and direct it to four (4) rip-rap velocity control basins downslope of the proposed development. However, not addressed in the project plans is the subdrainage system showing the method of water transfer from the pool area to Carbon Canyon Creek. Recommendations by the City of Malibu Geologic and Geotechnical Engineering Review include the need for a water velocity reduction device associated with the subdrainage system. As such, the Commission finds it necessary for the applicant to submit a revised set of detailed drainage plans showing the subdrainage system including the method of water collection and transfer to the canyon bottom, area of outflow, and velocity reduction strategy as required in special condition one (1).

The Commission finds that only as conditioned does the project conform with Sections 30240, 30230, and 30231 of the Coastal Act and all applicable provisions of the Certified Malibu/Santa Monica Mountains Land Use Plan.

**E. 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).*

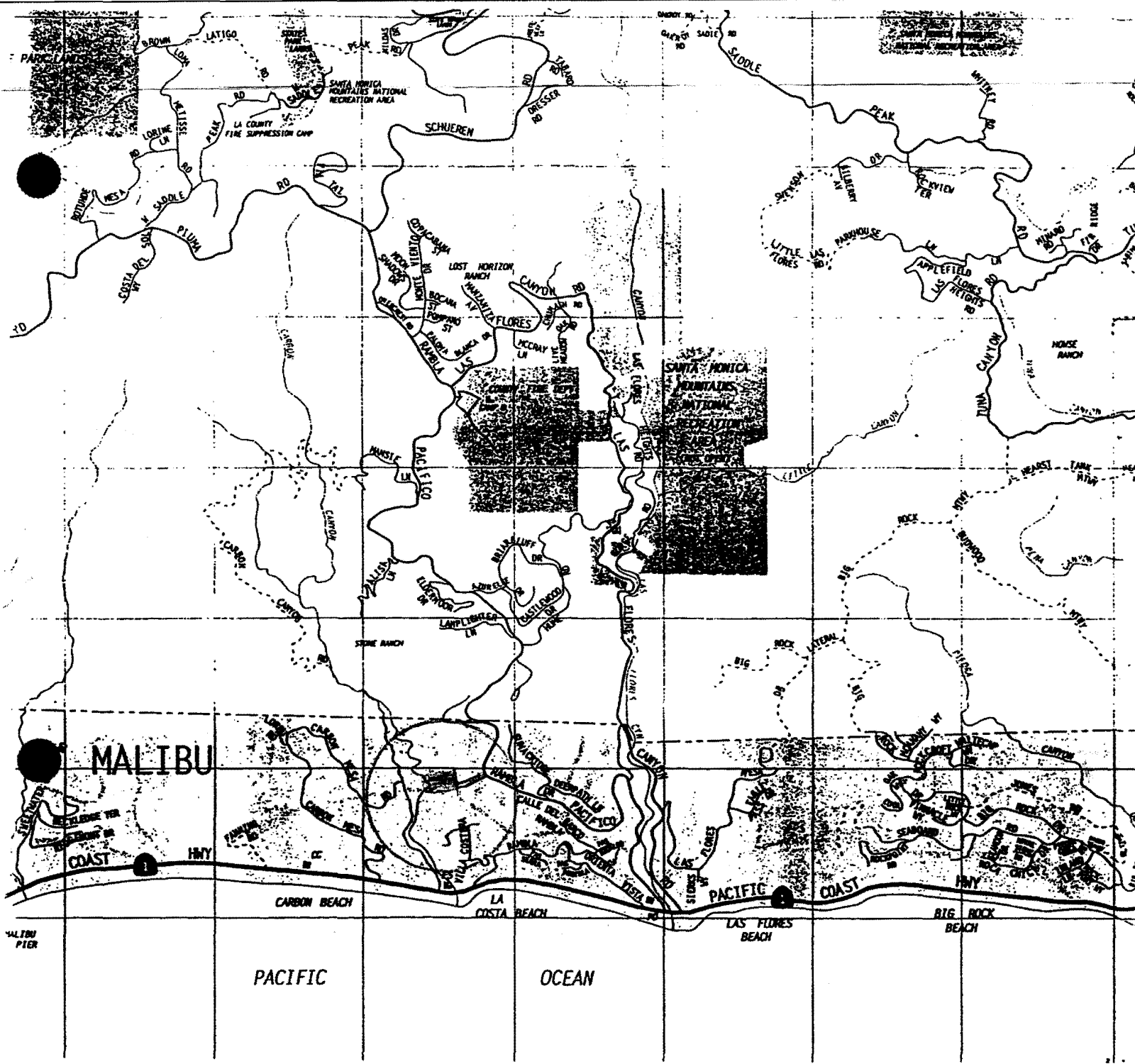
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

**F. 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)(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 would have on the environment.

There proposed development would not cause significant, adverse environmental effects 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.

**GM-V**



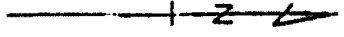
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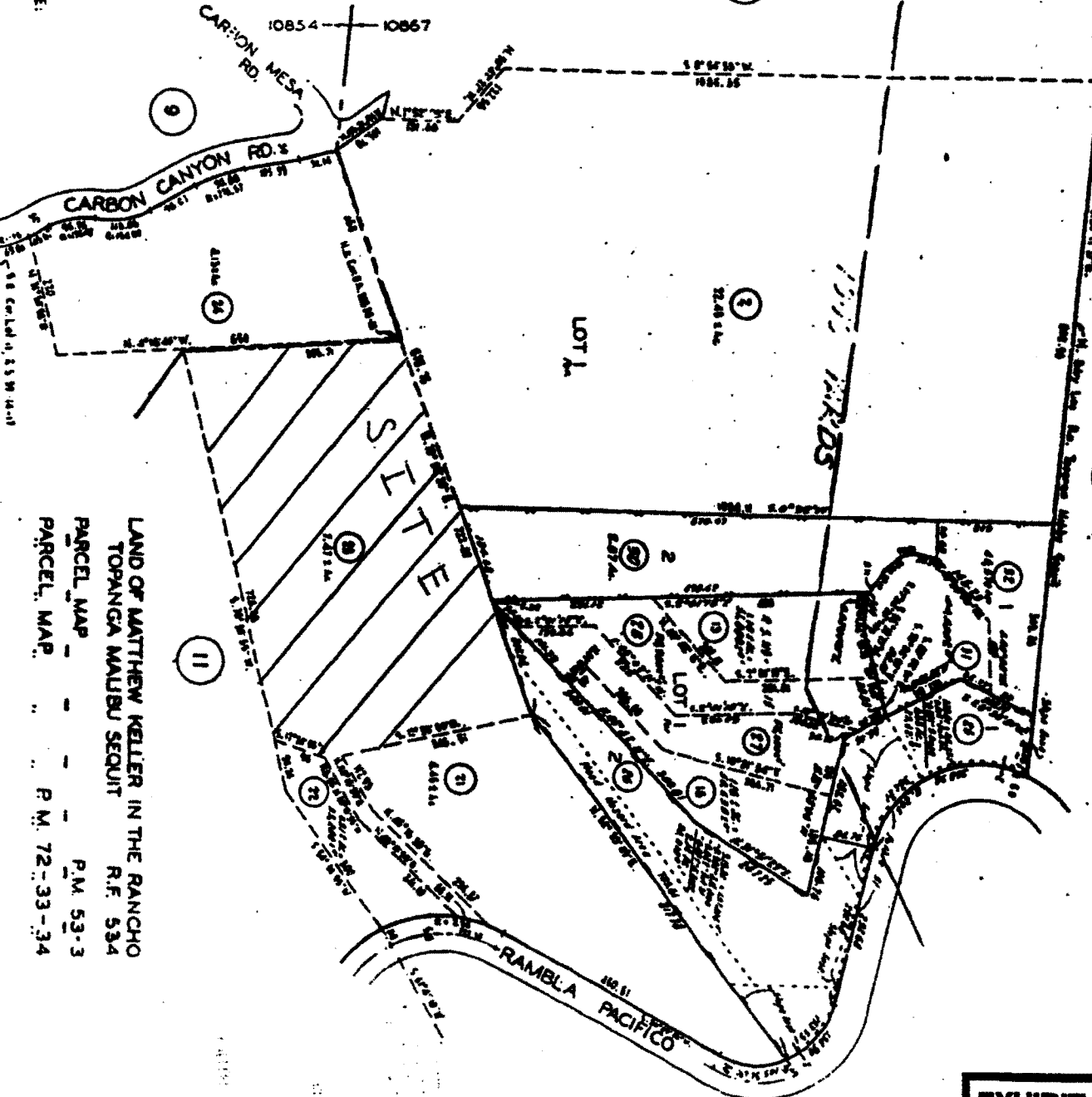
CENTRAL  
CITY CENTER

EXHIBIT NO.	1
APPLICATION NO.	
4-98-072	

4451 | 13  
 SCALE 1" = 200'  
 1992



Map to Cal. L.A. 44-98-072  
 1992  
 1992



BK  
 4453

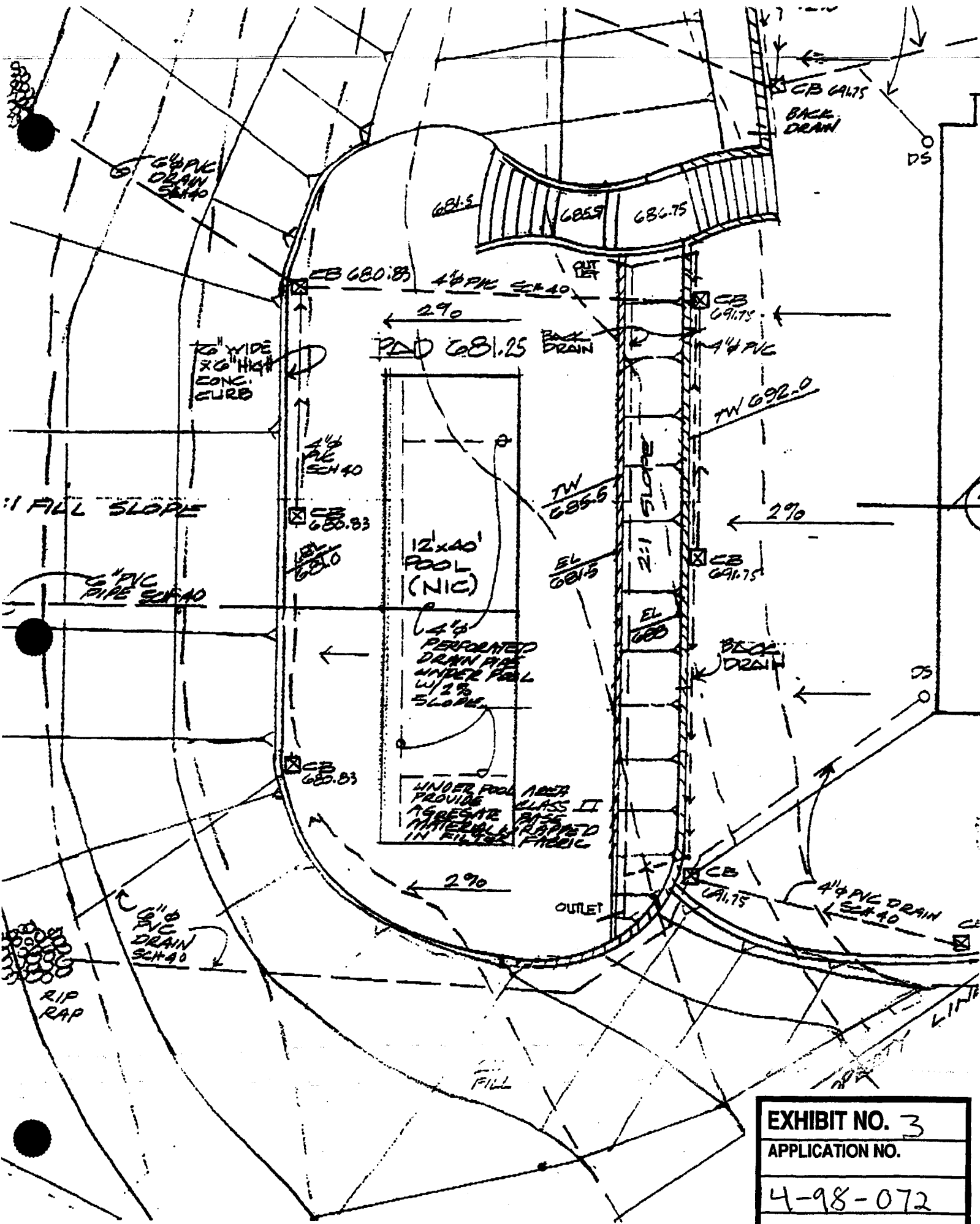
EXHIBIT NO. 2  
 APPLICATION NO.  
 4-98-072

CODE  
 10854  
 10867

FOR PREV ASSN'T. SEE:  
 -45-128-13

LAND OF MATTHEW KELLER IN THE RANCHO  
 TOPANCA MAUBU SEQUIT R.F. 534  
 PARCEL MAP P.M. 53-3  
 PARCEL MAP P.M. 72-33-34

APPROVED  
 1992

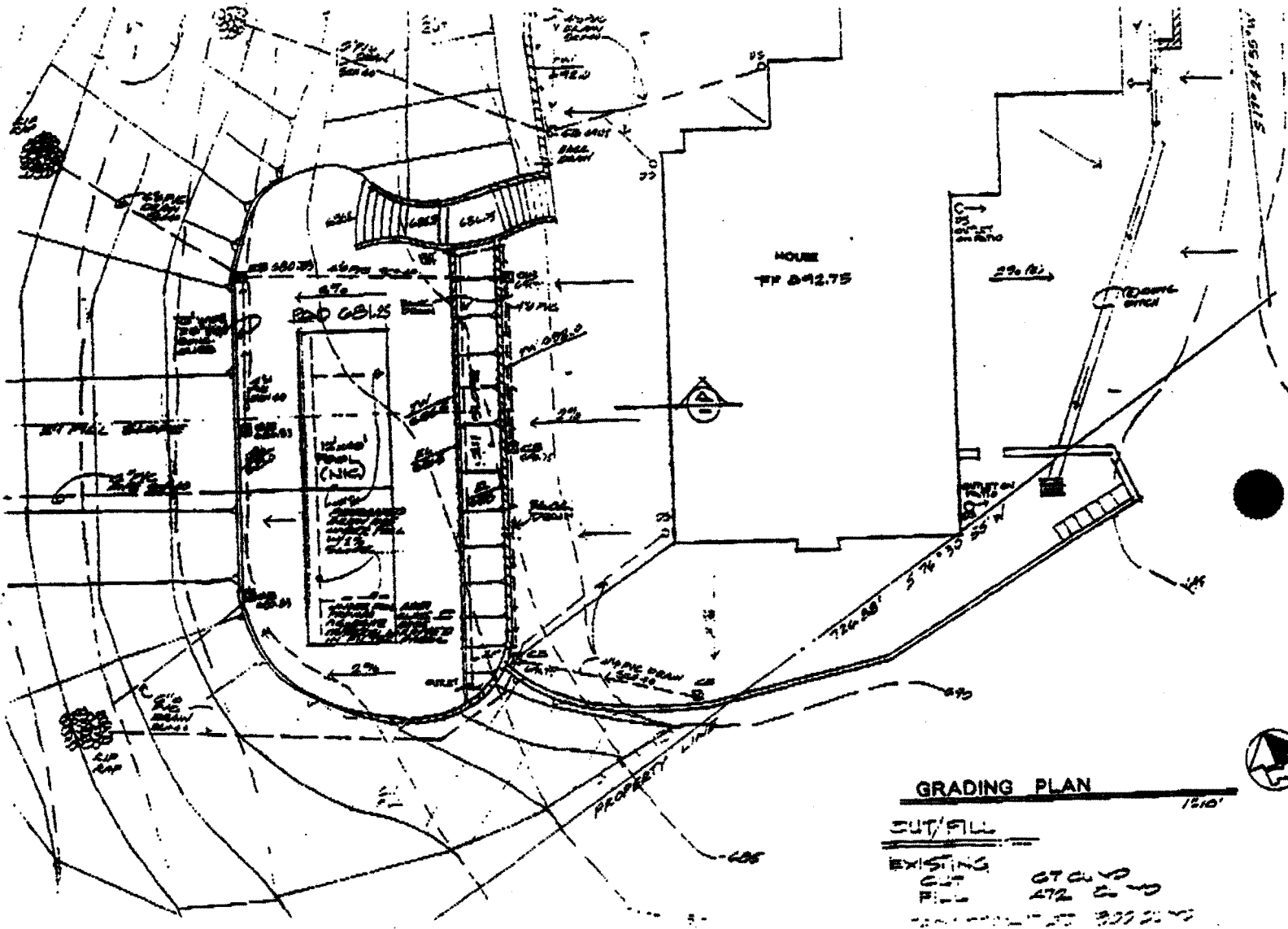


<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b>
4-98-072

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APR 16 1998

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



**GRADING PLAN**

1210'

CUT/FILL	
EXISTING	
CUT	67' 00' 00'
FILL	472' 00' 00'
TOTAL	327' 00' 00'

**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**4-98-072**