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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA 89 SOUTH CALIFORNIA ST., SUITE 200 ENTURA, CA 93001 005) 641-0142



Filed: 4/8/98 49th Day: 5/27/98 180th Day: 10/5/98

Staff: GM-V/CSTAFF Report: 4/15/98 Hearing Date: 5/15/98

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-075

APPLICANT: Mical Company

AGENT: Michael Layman

PROJECT LOCATION: 5606 Seaview Drive, Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a new 27 foot high, 6540 square foot single family dwelling with attached garage, 6' high retaining wall, swimming pool/spa, driveway, and septic system.

Lot area:

1.03 acres

Building coverage:

6.540 sq. ft.

Pavement coverage:

5,350 sq. ft.

Landscape coverage:

10,705 sq. ft.

Parking spaces:

6

Ht abv nat grade:

27 feet

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Geology and Geotechnical, Approval in Concept City of Malibu Planning, Approval in Concept City of Malibu Environmental Health, Waiver of Phase 1 Archaeological Assessment, and City of Malibu Negative Declaration.

SUBSTANTIVE FILE DOCUMENTS: Update Geologic and Geotechnical Engineering Report dated March 25, 1998 by C.Y. Geotech, Inc., Response to City of Malibu Geotechnical Review Sheet dated June 3, 1993 by Advanced Geotechnical Services, Inc., Coastal Development Permit Applications 5-90-542, 5-88-943, 5-88-944, 5-88-945, and 5-88-986, City of Malibu waiver of Phase 1 Archaeological Assessment, and City of Malibu Negative Declaration.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with three (3) special conditions relating to plans conforming to geologic recommendations, a waiver of liability, and a fuel modification plan.

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 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 Geologic and Geotechnical Engineering Report dated March 25, 1998 by C.Y. Geotech, Inc. 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

3. Fuel Modification Plan

Prior to issuance of the coastal development permit, the applicant shall submit a fuel modification plan for review and approval by the Executive Director. The fuel modification plan shall be reviewed and approved by the by the Forestry Department of Los Angeles County and shall include the following criteria:

(a) Illustrations of the radii of the required fuel modification zone along with notations showing what work is required in each zone (i.e. clearing, trimming, removal of dead vegetation) and how often thinning is to occur. Vegetation clearance within the intermittent USGS blueline stream channel shall be minimized to the greatest extent feasible and shall be limited to hand clearance and thinning only.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description/Background

The applicant proposes the construction of a new 27' high, 6540 sq. ft. single family residence with attached 660 sq. ft. garage, 50' long, 6' high retaining wall, swimming pool/spa, driveway, and septic system. The project is located on Seaview Drive on the inland edge of the coastal terrace, east of Trancas Canyon and north of Zuma Beach near Philip Drive, Morningview and Cuthbert in western Malibu.

In 1985 the Coastal Commission approved a subdivision of 9.1 acres into 8 lots, grading of roads, pads and drainage devices, and installation of a water tank (5-85-459, Ohanian Investment Co.). This subdivision was approved with special conditions to control grading, provide seven (7) TDCs, dedicate the Zuma Ridge Trail, and preserve archaeological resources. Total grading for the subdivision was limited to 1,000 cubic yards of cut and 1,000 cubic yards of fill for each lot, or 16,000 cubic yards total. The easement for the Zuma Ridge Trail was conditioned to be recorded on lots 1-4 in the final parcel map. The proposed single family residence will be constructed on lot 7 of the subdivision which lies directly north of lots 3 and 4. The lot is not bounded by any sensitive environmental resources. However, the site is bounded on the north and west by a USGS intermittent blueline stream (Exhibits 1-6). The requirements for a phase 1 archaeological assessment have been waived by the City of Malibu.

B. Visual Resources

Section 3025l 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 in the coastal foothills north of Zuma Beach and east of Trancas Road in the western portion of Malibu. The site rests on a gentle seaward sloping coastal terrace at an approximate elevation of 400 feet. A steeper orogenic feature rises 662 feet to a visible ridgeline at an elevation of 1062 feet directly landward of the project site. The entire subdivision is visible from both Pacific Coast Highway to the south and from Trancas Canyon Road to the west.

Although the entire subdivision is visible from Pacific Coast Highway, due to the configuration of the subdivision, lots 1-4 are the most visible lots as seen from Pacific Coast Highway. Development on lots 5-8, as viewed from Pacific Coast Highway, are located landward of lots 1-4. Therefore, lots 5-8 are effectively screened from Pacific Coast Highway by the existing structures on lots 1-4. Since the proposed project site is located on lot 7, no significant adverse visual impact will occur from the development of this project as viewed from Pacific Coast Highway.

The pad for lot 7 was created as part of Coastal Development Permit 5-85-459 (Ohanian Investment Co.). As a condition of the permit, grading was limited to 2,000 cubic yards per lot. No additional grading is proposed as part of this project. The height (27 feet) and design of the structure is compatible with that of the surrounding structures. In addition, a 50 feet long, 6 foot high retaining wall is proposed on the east side of the structure. The wall will be visually screened by the existing structures on lots 1-4 and thus will cause no significant adverse visual impact.

Therefore, the Commission finds that the proposed project will have so significant effects on visual resources and is consistent with Section 30251 of the Coastal Act.

C. 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, Seismic and Geotechnical Report, dated June 3, 1993, prepared by Advanced Geotechnical Services, Inc., and an Updated Geologic and Geotechnical Engineering Investigation, dated March 25, 1998, prepared by C.Y. Geotech, Inc., for the subject site.

The primary geologic and geotechnical concerns for the proposed project deal with overexcavation, recompaction, and final grading plans.

According to Advanced Geotechnical Services:

...the foundation pad area was overexcavated a minimum of 3 feet to provide uniform foundation bearing material. Consolidation testing of compacted fill of 90% relative compaction indicates very low compressibility (see Plate CS-1 and CS-2). It is our opinion that the total and differential settlement of the proposed single-family residential development will be insignificant.

In addition, according to C.Y. Geotech, Inc.,:

The subject site was observed by one of our geologists on March 25, 1998. The site remains essentially unchanged from the date of our previous site visit in March 1996. In our opinion, the recommendations of referenced report are still applicable and should be incorporated into the design and implemented during construction.

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 four (4) feet have a factor of safety in excess of 1.5, which is the minimum factor of safety for an occupied structure.

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 one (1) for the final project plans for the proposed project.

2. <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 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 special condition number two (2).

In addition 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 outer limit of the proposed development is located approximately 100 - 150 feet away from the channel of a USGS blueline stream. Fire department fuel modification requirements for the proposed development require that vegetation be thinned around

the proposed structures with allowances made to minimize clearance in and around the USGS intermittent blueline stream. Vegetation clearance will most likely extend to the actual drainage channel which contains dense riparian vegetation. A complete denuding of the slope in the drainage channel would increase erosion, sedimentation, and adversely impact this stream corridor. Therefore, only the thinning of vegetation in the stream channel is expected to occur. In order to ensure that only thinning of vegetation in the USGS intermittent blueline stream channel occurs, a fuel modification plan has been required as special condition three (3).

The Commission finds that only as conditioned above is the proposed project consistent with Sections 30253 and 30231 of the Coastal Act.

D. 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 a 1500 gallon septic tank with seepage pits. The installation of a private sewage disposal system was reviewed by the consulting geologist, Advanced Geotechnical Services, Inc. (Tsao, RCE 46886), and found not to create or cause adverse conditions to the site or adjacent properties due to the favorable geologic structure, favorable nature of the earth materials with respect to percolation rates, and the favorable effect of a deep capping depth.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a five (5) bedroom residence and is sufficient to serve the proposed single family residence. The applicant has submitted a conceptual approval for the sewage disposal system from the City of Malibu Department of Environmental Health, based on a five (5) bedroom single family residence. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

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

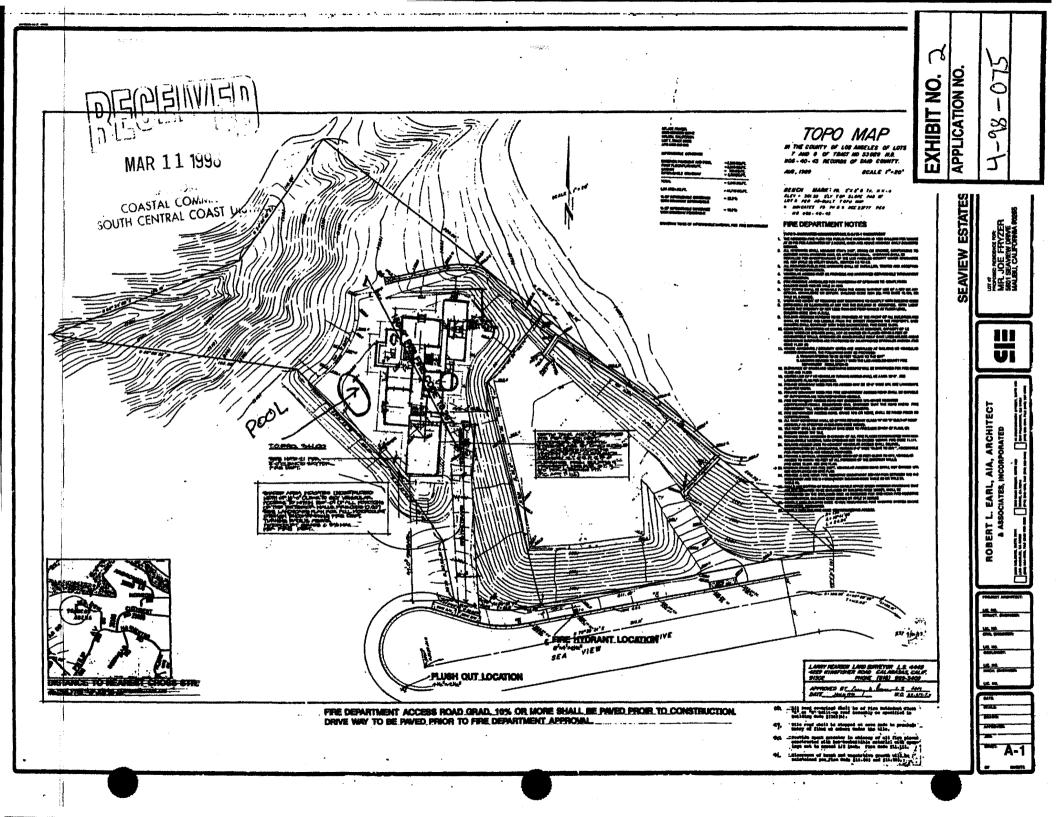
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (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.

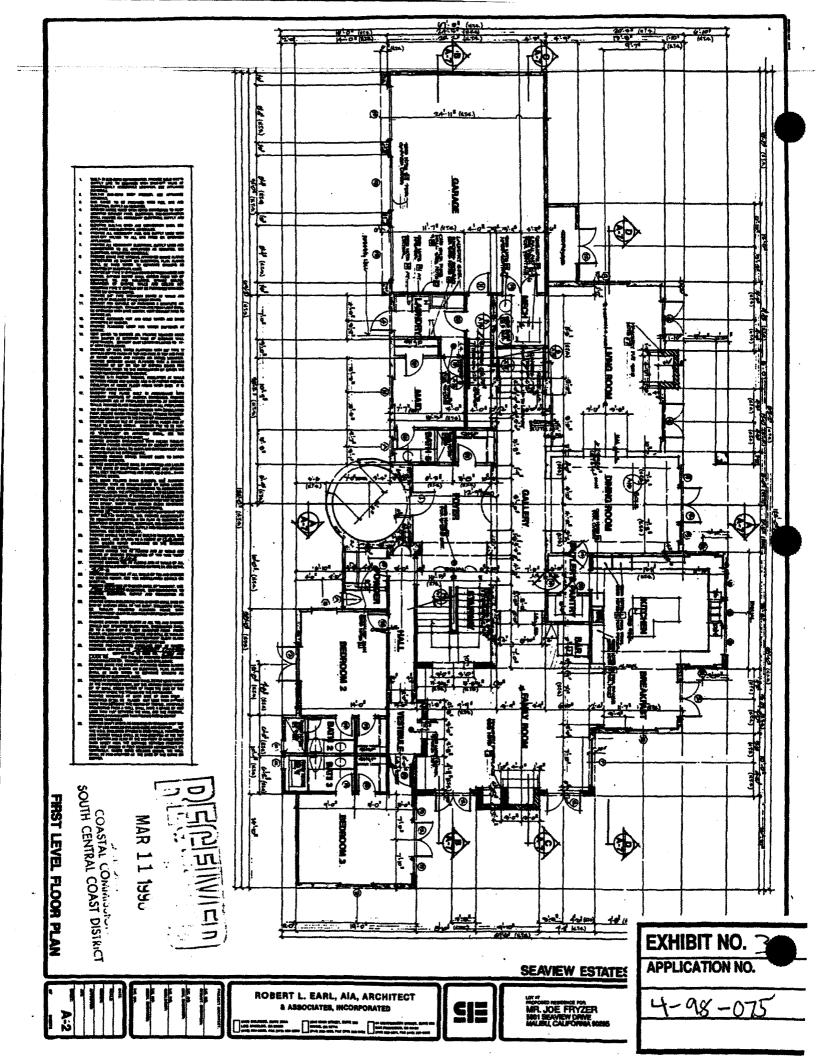
There proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

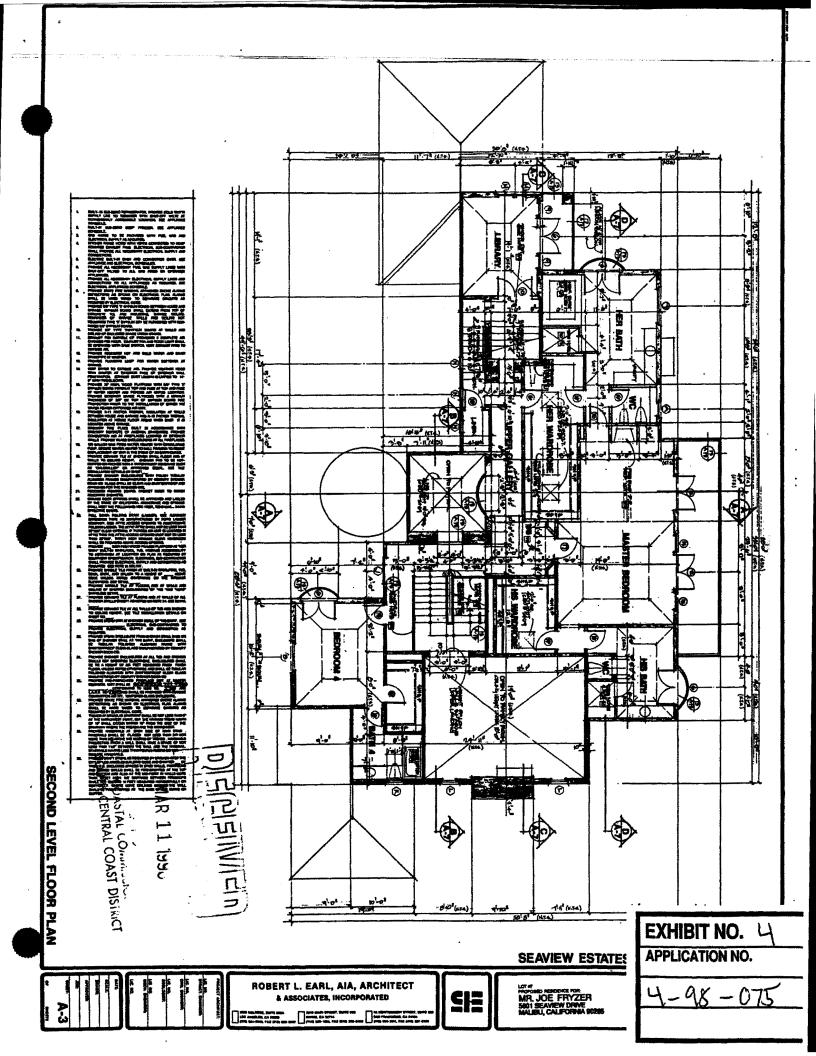
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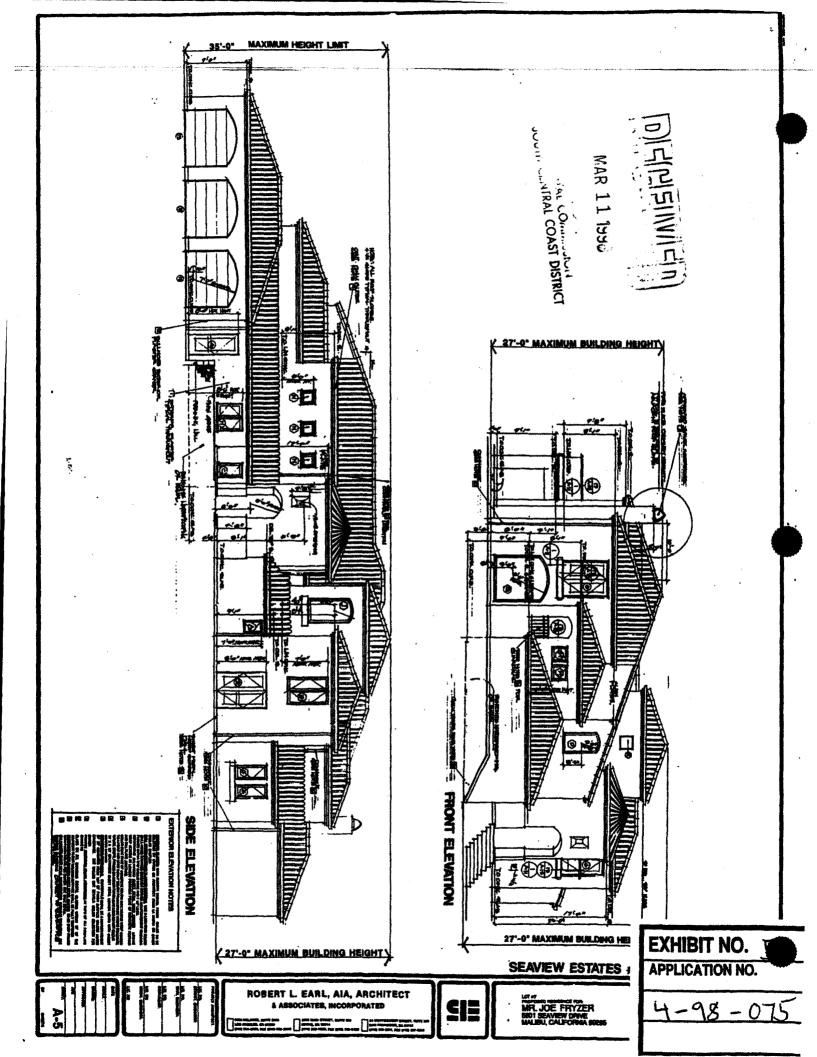


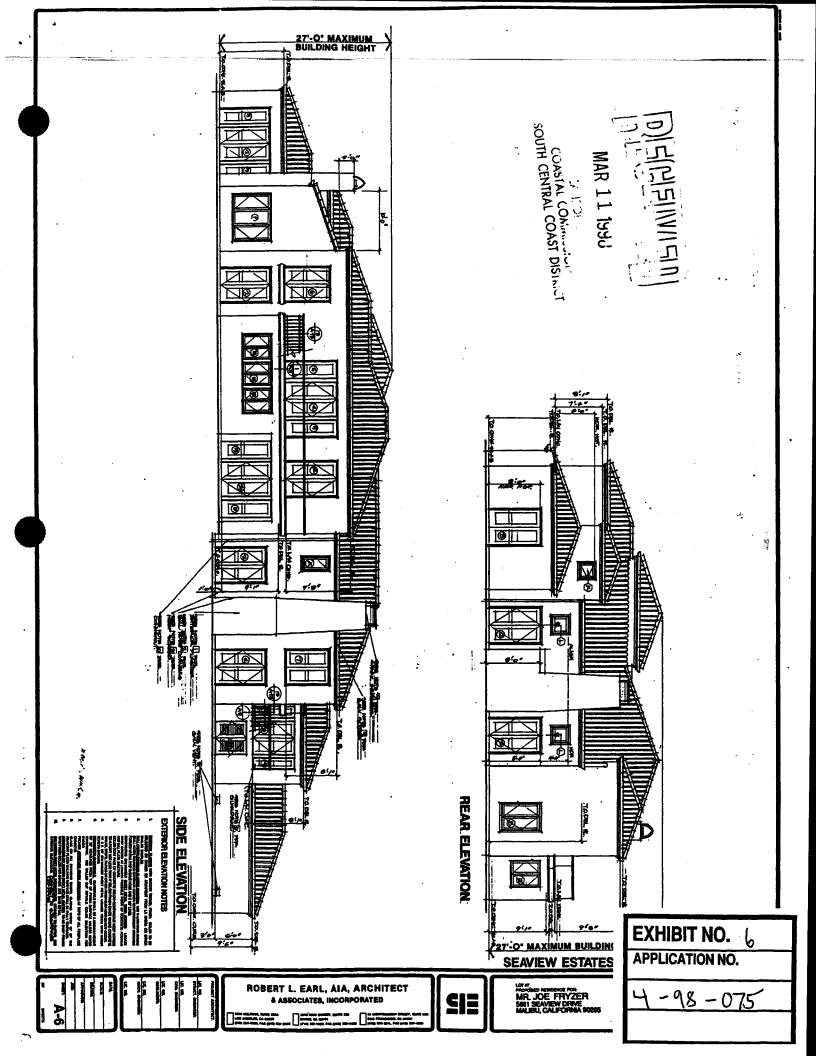
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