

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 9 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
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Filed: 5/11/98
 49th Day: 6/29/98
 180th Day: 11/7/98
 Staff: GM *jk*
 Staff Report: 5/18/98
 Hearing Date: June 8-11

RECORD PACKET COPY**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.: 4-98-131****APPLICANT: Casa Malibu, L. L. C.****AGENT: Michael Torrey****PROJECT LOCATION: 3810 Las Flores Canyon Road; City of Malibu**

PROJECT DESCRIPTION: Construction of a new 3 story, 25' 6" high single family residence with attached garage, 15 new caissons, driveway, and new 1,500 gallon septic tank to replace a single family residence destroyed by the 1993 Topanga Firestorm. No grading is proposed.

Lot area: .557 acres
Building coverage: 5,554 sq. ft.
Pavement coverage: 1,200 sq. ft.
Landscape coverage: 4,000 sq. ft.
Parking spaces: 6
Ht abv fin grade: 25' 6"

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department, Approval in Concept City of Malibu Geology and Geotechnical Engineering, Approval in Concept County of Los Angeles Fire Department.

SUBSTANTIVE FILE DOCUMENTS: Engineering Geologic Investigation dated 4/16/96 by Pacific Geology Consultants, Inc., Geotechnical Engineering Update Investigation dated 5/22/96 by Coastline Geotechnical Consultants, Inc., and Geotechnical Update letters dated 4/3/98 and 5/2/98 by Coastline Geotechnical Consultants, Inc.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with two (2) special conditions relating to a waiver of liability and a landscaping and erosion control 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. 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. 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

2. 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 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description/Background

The applicant is proposing the construction of a new 3 story, 25' 6" high, 5,554 sq. ft. single family residence with an attached 601 sq. ft. garage, driveway, 15 new caissons, and a new septic tank on a .557 acre parcel located on Las Flores Canyon Road just north of Pacific Coast Highway in the City of Malibu. The previous 2,792 sq. ft. single family residence was destroyed by the 1993 Topanga Firestorm. Pursuant to P.R.C. Section 30610(g)(1) no Coastal Development Permit is required for the replacement of the structure destroyed by disaster, if the structure(s) does not exceed either floor area, height, or bulk of the destroyed structure by 10%. In this case, the proposed structure

will exceed the previously destroyed structure by 99%. Therefore, a Coastal Development Permit is required.

The eastern (upslope) portion of the lot exists as a flat previously graded pad. The foundations from the destroyed structure have been removed. Six caissons used to support the destroyed structure remain and will be used for the proposed development. Westward from the pad area, the lot descends toward Las Flores Canyon Road at slope gradients ranging from 1:1 to 2:1. Vegetation on the slopes consists of mainly native brush and shrubs common to the chaparral community of the Santa Monica Mountains. However, there are a few non-native fruit and Eucalyptus trees on-site. The proposed development will be minimally visible from Las Flores Canyon Road. Any developed landscape or disruption of the natural landscape by construction activities would be visible from Las Flores Canyon Road. Las Flores Creek lies west of Las Flores Canyon Road and approximately 330 feet from the proposed development. The 1986 certified Malibu/Santa Monica Mountains Land Use Plan designates Las Flores Creek as an Environmentally Sensitive Habitat Area (ESHA). As proposed, the development will have no adverse effects on Las Flores Creek. Access to the site is provided by a paved driveway which extends approximately 500 feet northwest to Las Flores Canyon Road (Exhibits 1-3).

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 April 16, 1996, prepared by Pacific Geology and a Geotechnical Engineering Investigation, dated May 22, 1996, prepared by Coastline Geotechnical Consultants, Inc., for the subject site. In addition, the applicant has submitted a

letter from the geotechnical engineers dated April 3, 1998 updating the site conditions.

The primary geological and geotechnical concerns for the proposed project are in regards to foundations, drainage, slope stability and expansive soils.

According to Pacific Geology,

Based on field observation and evaluation of geologic conditions at the site, it is the professional geologic opinion of the undersigned that reconstruction of a single family residence and garage is feasible from a geologic standpoint. All recommendations contained herein and those provided by the Geotechnical Engineer, Coastline Geotechnical Consultants, Inc. shall be followed both during design and construction.

The engineering geologist from Coastline Geotechnical Consultants, Inc. discusses that possible hazards exist with the sandy-clay soil found on-site. Expansion tests performed indicate the soil to be moderately to highly expansive. The geotechnical consultants have provided recommendations to mitigate for this condition. Also discussed was the need for a properly designed drainage system in which water is conveyed off-site in a non-erosive manner. The plans submitted by the applicant and certified by the engineering geologist indicate that surface drainage is directed away (eastward) from the steep slope and toward the paved driveway.

In conclusion, the geotechnical investigation update letter states that:

The property has weathered the El Nino storms of 1997-98 with only minor signs of erosion. There was no condition observed during the recent site inspection which would change the recommendations of our prior geotechnical engineering reports.

Based on the findings summarized in this and prior reports, and provided the recommendations of these reports are followed, and the designs, grading and construction are properly and adequately executed, it is our opinion that construction within the building site would not be subject to geotechnical hazards from landslides, slippage or excessive settlement.

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 reconstruction 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. The applicant has provided the Commission with project plans which have been reviewed and certified

in writing as conforming to their recommendations. Therefore, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act.

2. Erosion

Landscaping on slopes with high slope gradients is an important factor for successful slope stability and erosion control. The lack of proper landscaping cover will contribute to erosion and can lead to slope failure. As proposed, the slopes on-site have adequate ground cover to provide for erosion control. No major grading is proposed and only minor excavation is required for the foundation. The steep slope to the west of the pad will not be impacted by the proposed development. However, the Commission recognizes that construction activities will often disturb the ground cover around the development site even if no significant grading is proposed. This landscape disruption will cause an increase in erosion unless impacts are mitigated through the re-landscaping of all areas disturbed by construction activities with plants native to the area and suitable for erosion control purposes.

In order to ensure that non-invasive and native plants adequate for proper erosion control are used in the landscaping of the site, the Commission finds it necessary to require the applicant to submit detailed landscape and erosion control plans for the proposed development. Special condition number two (2) provides for such a landscape/erosion control plan prepared by a licensed professional. 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 two (2).

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 one (1).

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 septic system includes an upgrade in the size of the septic tank from a 750 gallon to a 1500 gallon septic tank. The installation of a private sewage disposal system was reviewed and approved by the City of Malibu. Although the project proposes an upgrade in the size, no new seepage pits are required. The installation of a new septic tank is found not to create or cause adverse conditions to the site or adjacent properties.

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.

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).

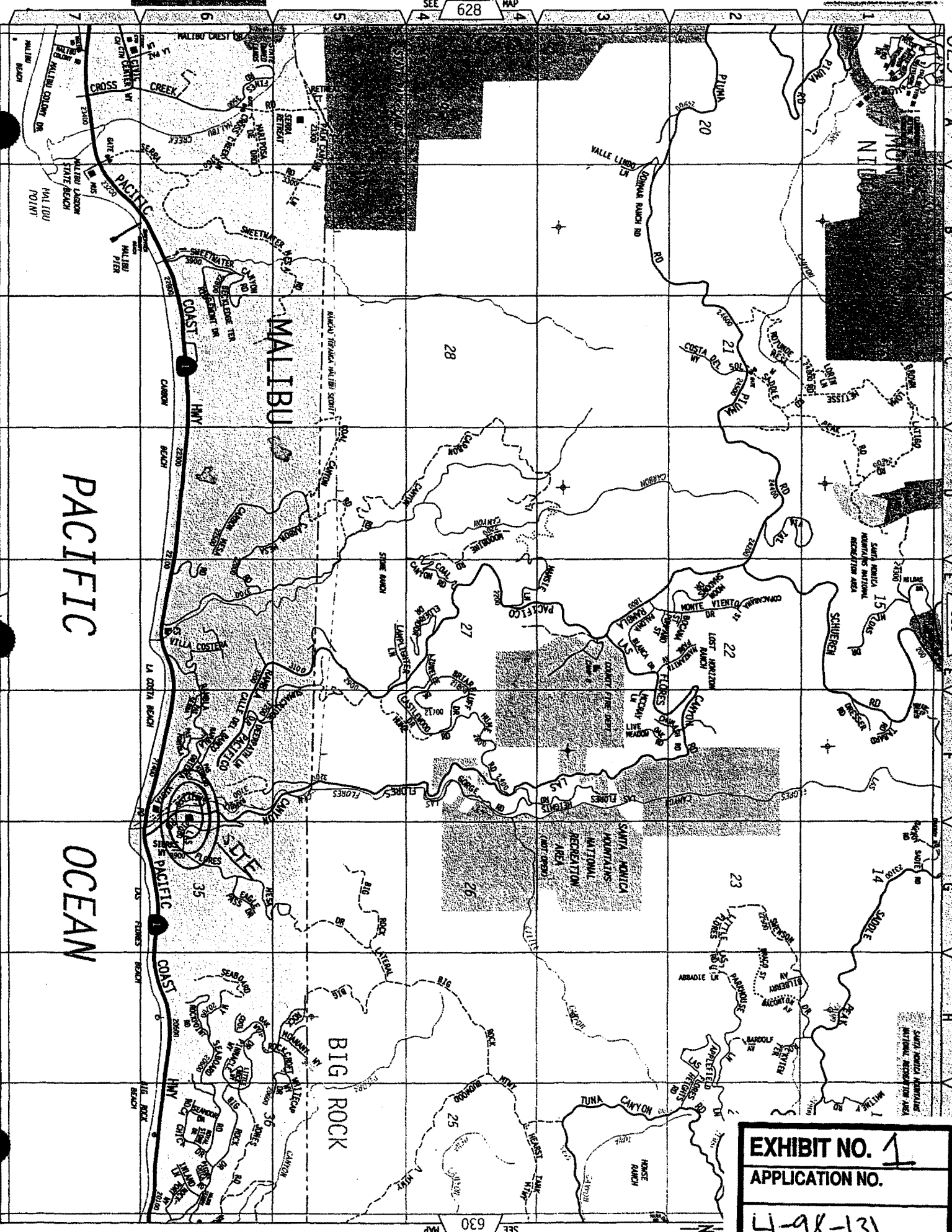
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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



PACIFIC

OCEAN

MALIBU

BIG ROCK

EXHIBIT NO. 1
 APPLICATION NO.
 4-98-131

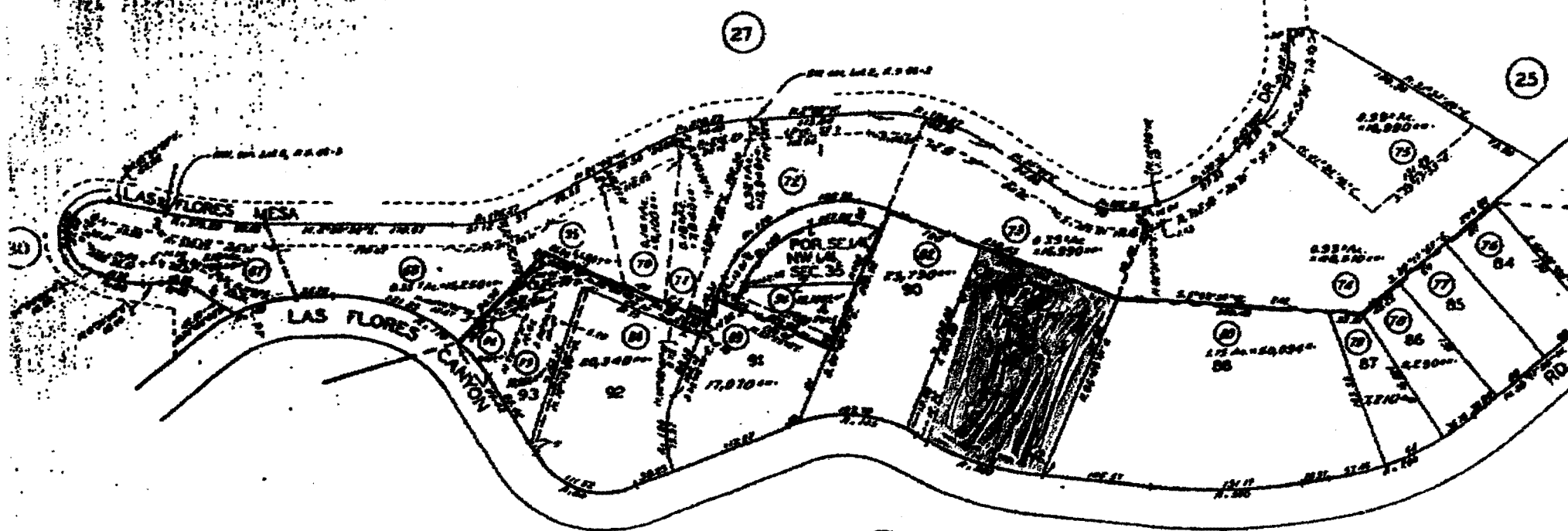
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APR 27 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

CODE
10865
10867

T. 1 S. 1 R. 17 W.
TRACT NO. 12634
RECORD OF SURVEY

M. B. 260 - 25 - 27
R. S. 66 - 3

FOR PREV. ASSMT SEE:
4450 - 5 & 8

EXHIBIT NO. 2
APPLICATION NO.
4-98-131

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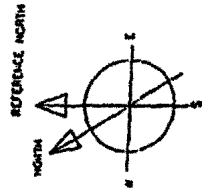
APR 27 1998

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158.97'

EXIST. 4' HIGH
C.L. FENCE 40'-0"

114.19'



1" = 20'

EXIST. 4' HIGH
C.L. FENCE

EXIST. 4' HIGH
C.L. FENCE 191.64'

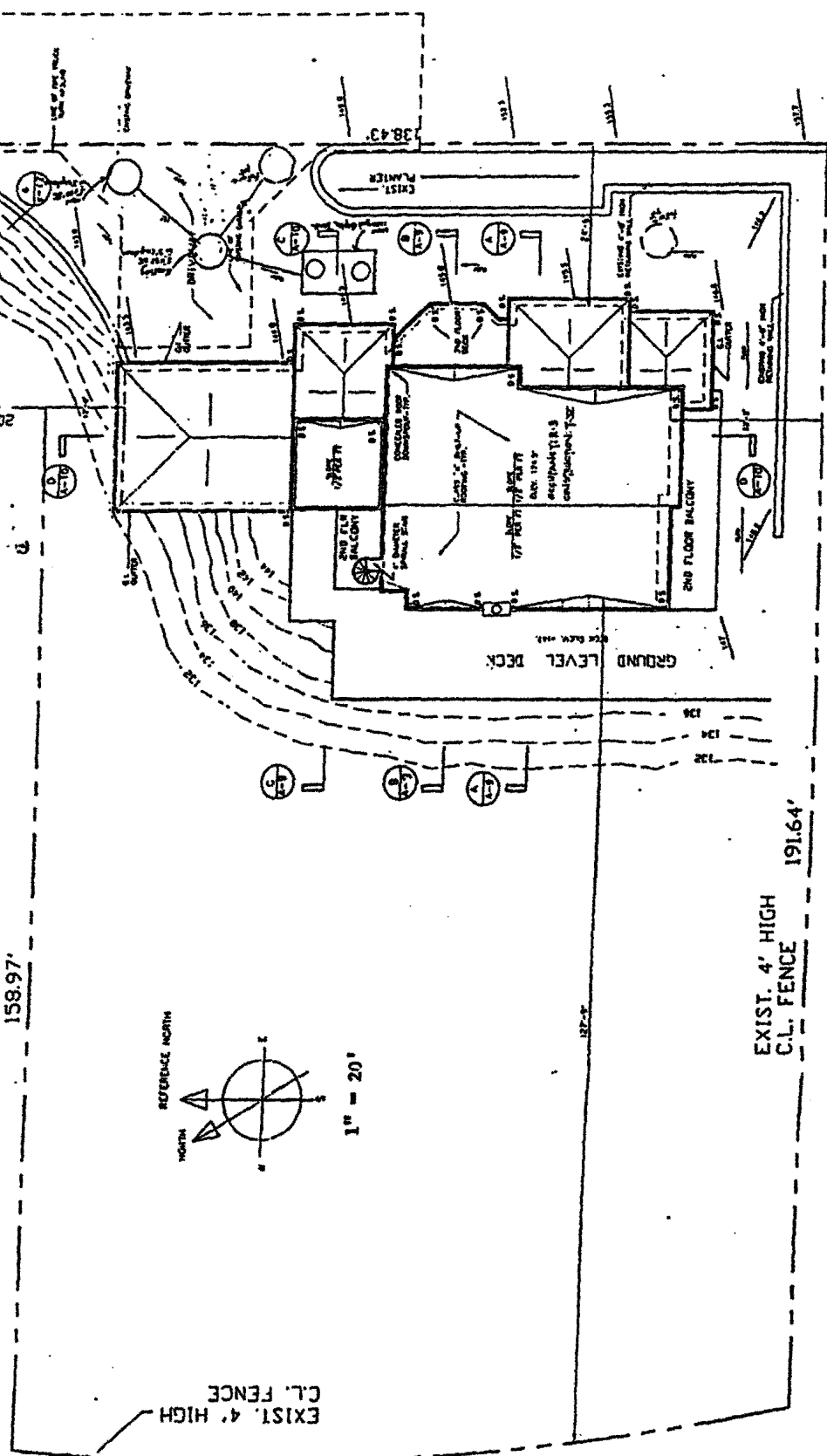


EXHIBIT NO. 3
APPLICATION NO.
4-98-131