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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
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Filed: 6/12/98
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Staff: JEL-V *for*
Staff Report: 6/18/98
Hearing Date: 7/7-10/98

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.: 4-98-088****APPLICANT: Robert HELPER****AGENT:****PROJECT LOCATION:** 31543 Pacific Coast Highway, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct 4,408 sq. ft., 28 foot high, one-story, single family residence, with attached 735 sq. ft. garage; septic system; swimming pool & spa. 640 cu. yds. of grading (430 cu yds. fill, 210 cu yds. cut) is required.

Lot area:	41,380 (.95 acre)
Building coverage:	5,145 sq. ft.
Pavement coverage:	1,380 sq. ft.
Landscape coverage:	20,000 sq. ft.
Parking spaces:	three covered
Ht abv fin grade:	28 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval in Concept, 6/4/98; Geology and Geotechnical Engineering, Approved "in-concept", 2/11/98; Environmental Health, In-Concept Approval, 2/24/98; Los Angeles County Fire Department, In-concept approval, 5/14/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Geotechnical Engineering Investigation, A.G.I. Geotechnical, 10/10/97; Response to City of Malibu Review Letter, A.G.I. Geotechnical, 1/16/98; Coastal Development Permit 5-86-595

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the project with special conditions relating to:
conformance with geologic, landscape and erosion control plan, fire waiver of liability.

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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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

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. Plans Conforming to Geologic Recommendations

Prior to the issuance of a 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 Geotechnical Engineering Investigation, A.G.I., 10/10/97; Response to City of Malibu Review Letter, A.G.I., 1/16/98 shall be incorporated into all final design and construction plans including recommendations concerning compaction, fill placement, grading, foundation, lateral pressures, slabs, floors, excavations, retaining walls, pools, and drainage. 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.

2. Landscape and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscape and erosion control plans for review and approval by the Executive Director. The landscape 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, and disturbed areas, 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) Plantings will 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;
- (d) 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 approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill;
- (e) An erosion control plan shall be 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 manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff over the slope.
- (f) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

3. Waiver of Liability

Prior to the issuance of a 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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 4,408 sq. ft., 28 foot high, one-story, single family residence, with attached 735 sq. ft. garage, and septic system. The proposed project also includes a swimming pool and spa located in the rearyard. The project will require 640 cu. yds. of grading (430 cu yds. fill, 210 cu yds. cut). The proposed structure is designed with a non-habitable understory to minimize grading on the slope of the building pad.

The subject one acre property is located on the north side of Pacific Coast Highway, approximately 1,000' west of Steep Hill Canyon and approximately 1,000' north of Lechuza point. The site is situated on the west side of a private driveway which provides access to the subject site and the adjacent R. G. Harris Nursery to the east, and several single family residences to the north. The parcel immediately to the west is vacant, although there are numerous single family residences further to the west.

The south side of the parcel is almost completely screened from Pacific Coast Highway by a large set of mature shrubs. Four mature trees are located on the proposed building pad, a result of the previous nursery use associated with the adjacent R. G. Harris operation, and will be removed. There are no oak trees nor other significant native trees on-site. The subject site is not visible from any public park or trail.

The proposed project will not create any significant adverse visual impacts given its location within a residentially developed portion of Malibu, the mature vegetation on the south side of the property, which screens the parcel from Pacific Coast Highway, and the absence of any visual exposure to a public park or trail.

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 Malibu/Santa Monica Mountains certified Land Use Plan also provides policy guidance, in regards to geologic hazards, as follows:

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| P147 | <i>Continue to evaluate all new development for impact on, and from, geologic hazard.</i> |
| P148 | <i>Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.</i> |
| P149 | <i>Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.</i> |
| P150 | <i>Continue Hillside Management procedures as contained in Ordinance No. 82-0003 for proposed development on sites with an average slope greater than 25 percent (4:1). Grading and/or development-related vegetation clearance shall be</i> |

prohibited where the slope exceeds 2:1, except that driveways and/or utilities may be located on such slopes where there is no less environmentally damaging feasible alternative means of providing access to homesites located on slopes of less than 50%, where no alternative homesites exist on the property, and where maximum feasible mitigation measures are taken.

The proposed development is located in the southernmost flank of 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.

There has been some minor grading associated with the previous use of the property as part of the adjacent R. G. Harris Nursery, which predates the Coastal Act. The subject property gently slopes towards the south, with a relief of 36 feet across the site. There is a level area along the northside of the property and shallow fill soils are located on the downslope side of the pad.

1. Geology

The applicant has submitted a Geotechnical Engineering Investigation, dated 10/10/97, prepared by A.G.I. Geotechnical, and a Response to City of Malibu Review Letter, dated 1/16/98, prepared by A.G.I. Geotechnical, for the subject site. According to the Geotechnical Engineering Investigation there are no mapped landslides on or in close proximity to the site, nor does a fault exist on-site.

Based on the geotechnical consultant's site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data, the geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to compaction, fill placement, grading, foundation, lateral pressures, slabs, floors, excavations, retaining walls, pools, and drainage.

In conclusion, the geotechnical engineers states in response to the City of Malibu's review that:

"Based on the findings summarized in our original report, it is our professional opinion that the proposed construction will not be subjected to a hazard from settlement, slippage or landslide, provided the recommendations of that report are incorporated into the proposed construction. It is also our opinion that the proposed construction will not adversely affect the geologic stability of the site or adjacent properties provided the recommendations contained in our original report are incorporated into the proposed construction."

Based on the findings and recommendations of the consulting 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 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. Erosion

The consulting geotechnical engineer address the issue of erosion in relation to maintaining site stability:

"It is essential to site stability that all waters landscaping or rainwater be diverted towards the street. No water should be allowed to pond on the property. The drainage swales need to be kept free of soil accumulations which can block and divert water over slopes. It is recommended that the house be equipped with rain gutters which divert the roof water away from the structure."

Thus, the Commission finds that uncontrolled storm water runoff associated with the construction of the proposed project could create significant erosion and site instability. In order to ensure that drainage and potential erosion from the residential building pad is conveyed from the site in a non-erosive manner and erosion is controlled and minimized during construction, the Commission finds it necessary to require the applicant to submit a landscape and erosion control plan, as required by *special condition number two (2)*. This condition requires the erosion control plan to be completed by a licensed engineer.

3. 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 *special condition number three (3)*.

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 a 1,500 gallon septic tank with seepage pits. The installation of a private sewage disposal system was reviewed by the consulting geologist, A.G.I. Geotechnical, 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 six 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 six 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.

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.

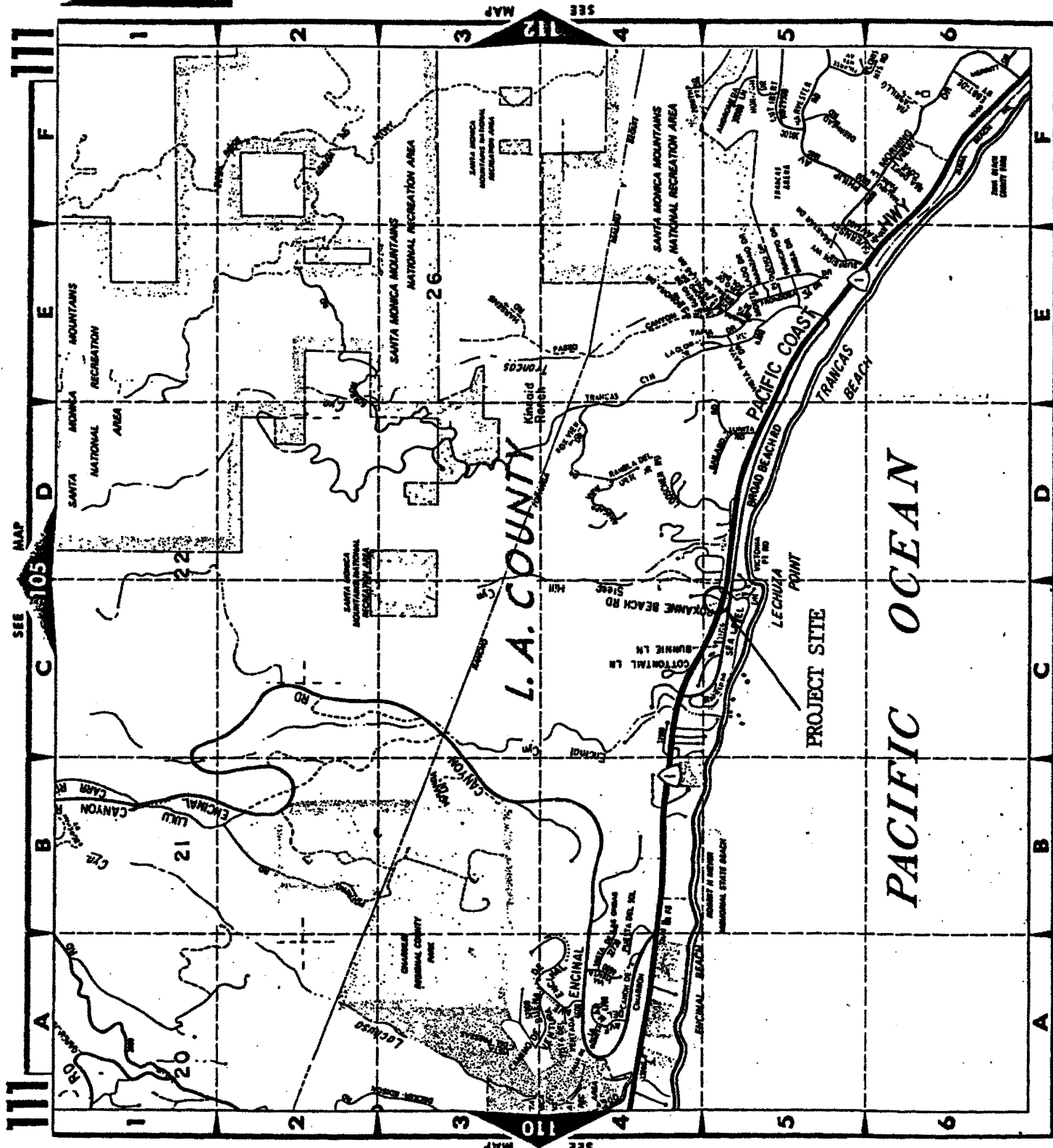
Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

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.

The 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.

LOS ANGELES CO.



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EXHIBIT NO.
APPLICATION NO.
4-98-088(HELPER)
VICINITY MAP

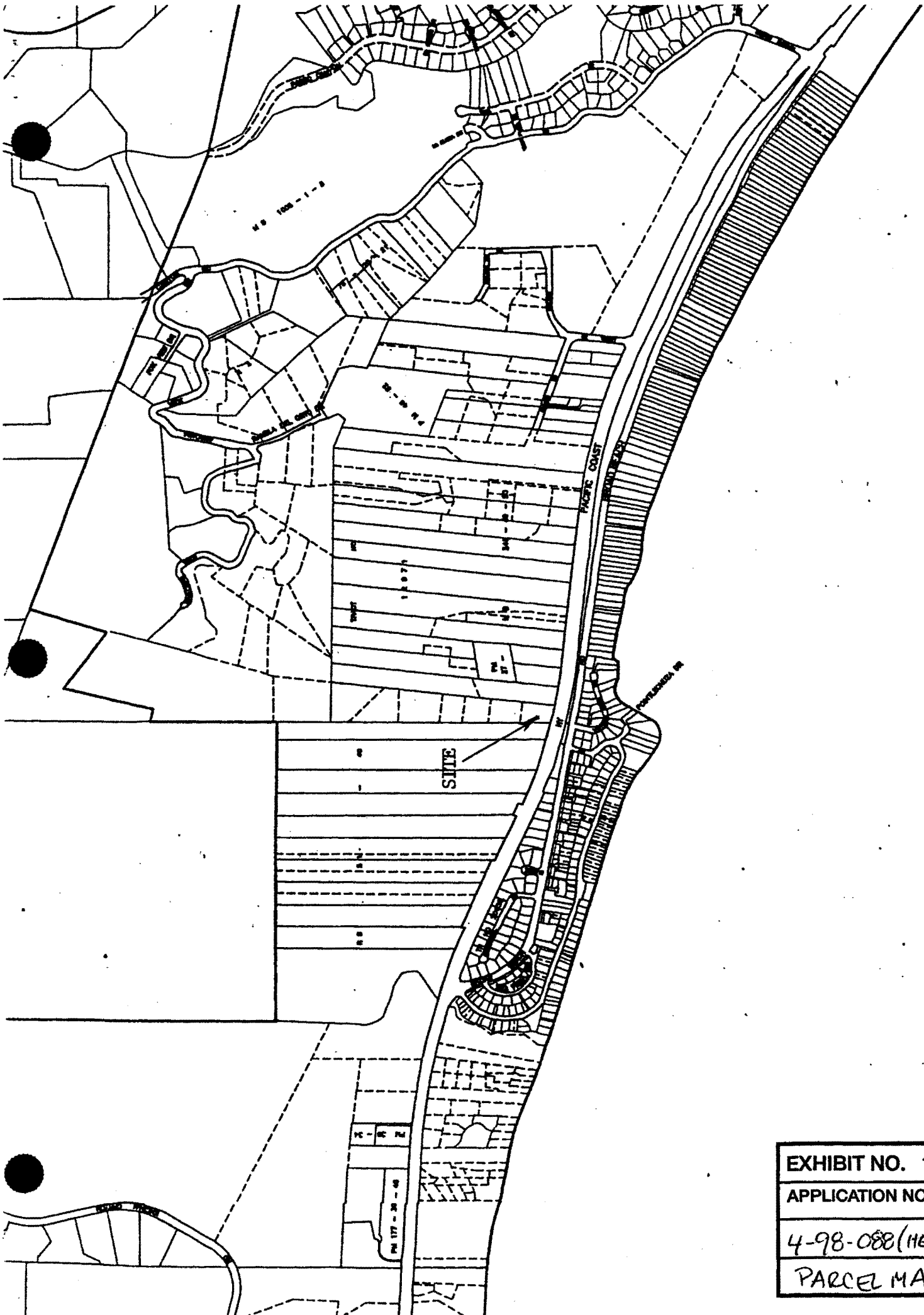


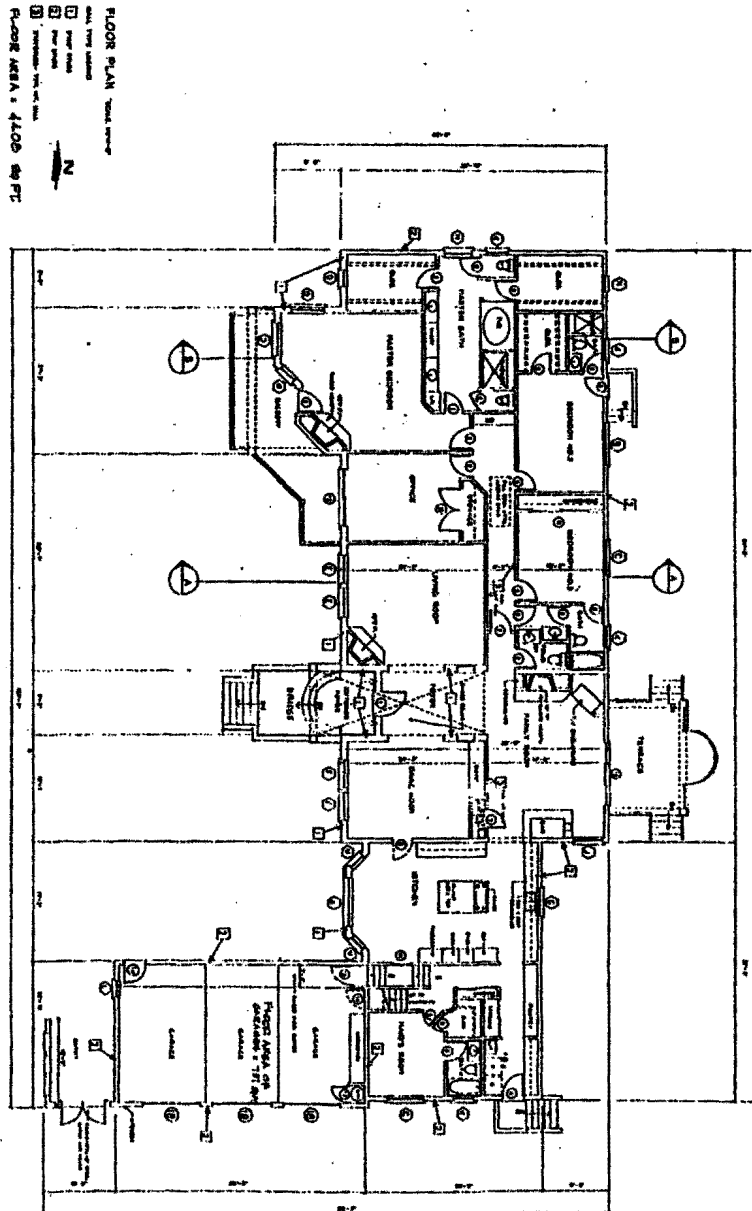
EXHIBIT NO. 2

APPLICATION NO.

4-98-088 (HELPER)

PARCEL MAP

EXHIBIT NO. 4



63106 307 7503

PROPOSED RESIDENCE
AT 31453 PACIFIC COAST HIGHWAY,
MALIBU, CALIF. FOR
MR. & MRS. ROBERT HELPER

ARCHITECT

JERROLD M. CARIS

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Project No.	
Sheet No.	
Client No.	
Contract No.	
Date	
Drawn By	
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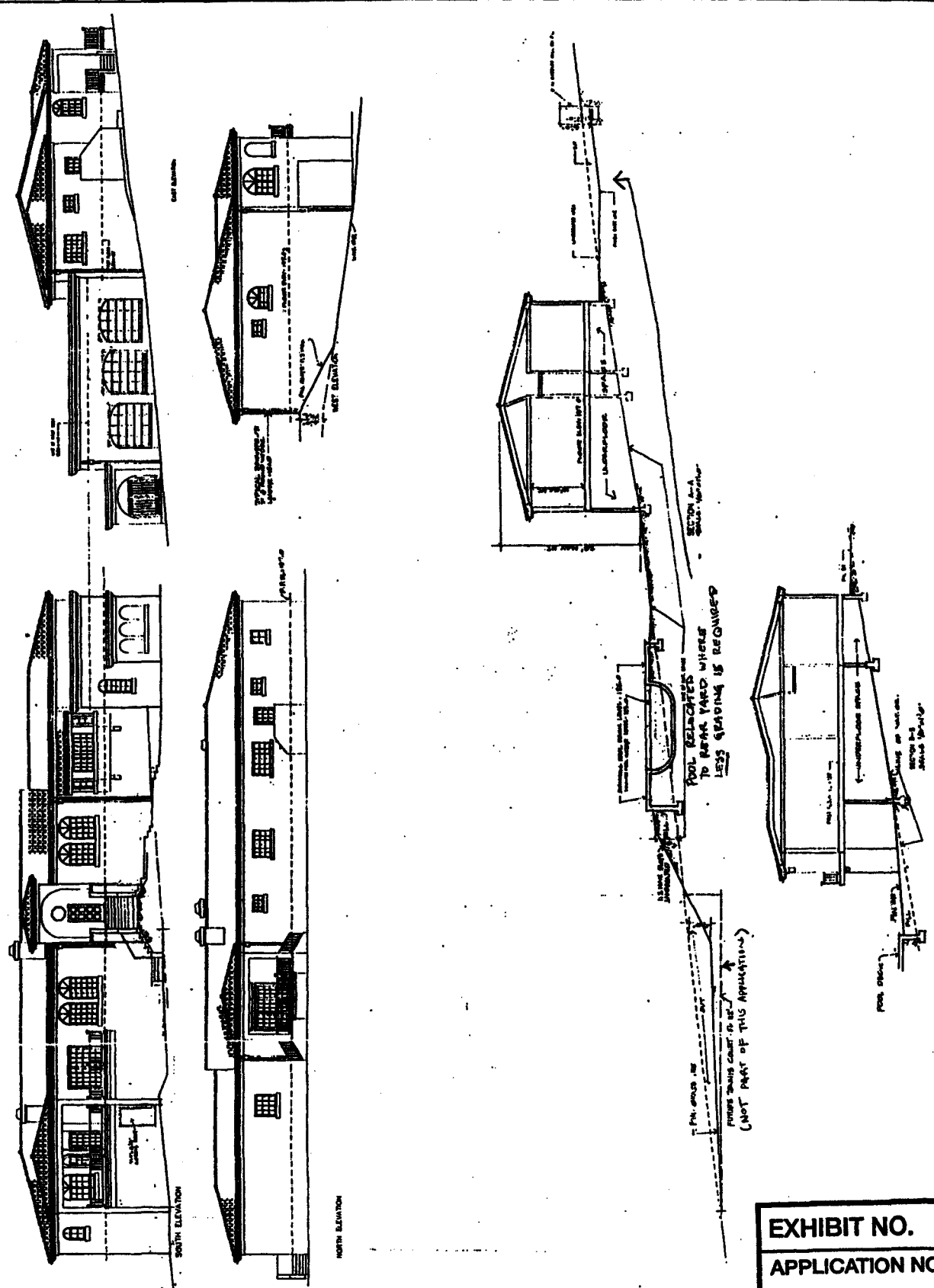


EXHIBIT NO. 5
APPLICATION NO.
4-98-088(HELPER)
ELEVATIONS