STATE OF CALIFORNIA-THE RESOURCES AGENCY

PETE WILSON, Governor

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

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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-244

APPLICANT: Steve and Laura Johnson AGENT: Barso

AGENT: Barsocchini & Associates

PROJECT LOCATION: 3238 Sumac Ridge, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 5,755 sq. ft., 28 ft. high single family residence with an attached 832 sq. ft. garage, driveway, pool, and septic system to replace a single family residence destroyed by the Malibu Firestorm. 750 cu. yds. of grading (all cut).

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LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval in Concept, 8/31/98;Geology and Geotechnical Engineering, Approved in Concept, 7/6/98; Environmental Health, In-Concept Approval, 3/20/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Geotechnical Engineering Report, RJR Engineering Group, 3/6/98; Addendum Letter, RJR Engineering Group, 6/17/98.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends <u>approval</u> of the project with special conditions relating to: *conformance to geologic recommendations; landscape, drainage and erosion control plans; exported excavation material; and fire waiver of liability.* The proposed single family fire rebuild is located on a slope that is subject to potential erosion and site instability, due to poor drainage and lack of vegetation. The location of the site in the Rambla Pacifico district is also subject to future fire hazards.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby <u>grants</u>, 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 effects 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.
- 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.

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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 Report, RJR Engineering Group, 3/6/98; Addendum Letter, RJR Engineering Group, 6/17/98 shall be incorporated into all final design and construction plans including recommendations concerning earthwork, foundations, concrete slabs-orr grade, retaining walls, trenches, swimming pool, 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, Erosion Control and Drainage Plans

Prior to issuance of the coastal development permit, the applicant shall submit landscape, erosion control and drainage plans for review and approval by the Executive Director. The landscape, erosion control and drainage plans shall be reviewed and approved by the consulting geologist to ensure the plans are consistent with the geologist's recommendations for slope stability and proper site drainage. The plans shall incorporate the following criteria:

- (a) Landscape and Erosion Control Plans, prepared by a licensed landscape architect, which assure all graded and 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 <u>Recommended List of Plants for Landscaping in the Santa Monica Mountains</u>, dated October 4, 1994. Invasive, nonindigenous plant species which tend to supplant native species shall not be used;
- (b) All cut slopes, and disturbed areas, shall be stabilized with planting at the completion of final grading. Planting should utilize 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) All plantings shall 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) Monitoring Plan

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Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

- (e) 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;
- (f) A Drainage Plan, 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 bluff. The drainage plan shall include installation of slope dewatering devices if determined necessary by the Consulting Engineer;
- (g) The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final landscape, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

3. Removal of Excavated Material

The applicant shall remove all excavated material from the site and shall provide evider to the Executive Director of the location of the disposal site prior to the issuance of the Application No. 4-98-244 (Johnson)

permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

4. Wildfire 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 wildfire 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 5,755 sq. ft., 28 ft. high two story high single family residence with an attached 832 sq. ft. garage, driveway, pool, and septic system. The proposed site includes two previously graded, level pads of 50' wide by 150' long and 150' wide and 200' long. No construction is proposed for the smaller upper pad area. The proposed residence will require 750 cu. yds. of grading, all of which shall be cut, to accommodate a sunken living room and to improve site drainage. The applicant has stated that all excess cut material shall be exported to an appropriate disposal location outside of the coastal zone.

The proposed project will replace a 6,660 sq. ft. one-story, single family residence destroyed in the 1993 Malibu Firestorm. Pursuant to P.R.C. Section 30610(g)(1) no Coastal Permit is required for the replacement of a 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 two story replacement structure exceeds the height of the previous one story structure and therefore a Coastal Permit is required.

The proposed site is located along the east side of Sumac Ridge Drive in the Rambla Pacifico area of Malibu, a residential district developed with custom homes. The subject parcel is surrounded by existing residences. The proposed structure will be only slightly visible from Pacific Coast Highway given the existing building pad is notched into a sloping hillside, and the level of development between the site and the highway will obscure the view of the proposed project from Pacific Coast Highway. The site is not visible from any public park or trail. Thus, given the location in a developed residential district, the slight visibility from Pacific Coast Highway, and the absence of any trail or public park views, the project as proposed will not create any adverse visual impacts.

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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:

- P147 Continue to evaluate all new development for impact on, and from, geologic hazard.
- P148 Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.
- P149 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 measure proposed to be used in the development.
- P150 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 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 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.

The applicant has submitted a Geotechnical Engineering Report, dated 3/6/98, prepared by RJR Engineering Group and an Addendum Letter, dated 6/17/98, also prepared by RJR Engineering Group, for the subject site.

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1. Geology

The two primary geologic and geotechnical issues identified by RJR Engineering are seismic hazards and future slope instability. However, as indicated in the report, there are no fault lines which directly cross the site and the nearest potentially active fault is the Malibu Coast Fault, located approximately 2.0 miles to the south. The geotechnical engineer did not conduct a new a slope stability analysis, however, based on their research of previous reports and their visual observations, the slopes may be prone to future surficial raveling, erosion, or surficial failures. The geotechnical engineer includes the following recommendation to mitigate any potential slope instability:

...the existing slopes be cleaned of loose debris, fire damaged vegetation and soil. As well, the existing ivy should be removed. Upon completion of construction, we suggest that all slopes be covered (with) an erosion control mat, and we recommend that the slopes be fully landscaped with erosion and drought resistant vegetation and carefully maintained to reduce the potential of erosion.

Based on the geotechnical consultant's site observations, evaluation of previous research, and geotechnical analysis for temporary excavations, bearing capacity, and lateral earth pressures; both the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to earthwork, foundations, concrete slabs-on grade, retaining walls, trenches, swimming pool, and drainage.

In conclusion, the geological investigation states that:

Based upon our review of the site and the available data, and based upon Section 111 of the Los Angeles County Building Code, the proposed improvements are feasible from a geological and geotechnical standpoint, and should be free of landslides, slumping and excess settlements as described in this report, assuming the recommendations presented in this report and implemented during the design and construction of the project. In addition, the stability of the site and surrounding areas will not be adversely affected by a proposed residence, constructed on the new created lot, based upon our analysis and proposed design.

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 One (1)* for the final project plans for the proposed project.

2. Erosion

Drainage of the property occurs by sheet flow controlled by the graded and natural topography to the street area. The geotechnical engineer has found that the sandy

materials that underlie the site are prone to erosion and surface runoff and should be diverted away from the face of the fill slopes. In addition, RJR Engineering notes that erosion control measures should be implemented if construction takes place during rainy periods and that it is essential these slopes be vegetated at the end of construction. Thus, the Commission finds that uncontrolled storm water runoff and ponding associated with the development and construction of the proposed project could create significant site instability, erosion and sedimentation impacts both on and offsite.

Therefore, the Commission finds it necessary to require the applicant to submit detailed landscape, drainage and erosion control plans for the proposed development. Special condition number two (2) provides for landscape and erosion control plans 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 two (2).

In addition, the amount of cut proposed by the applicant will result in approximately 750 cu. yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on or off site, and that landform alteration is minimized, *Special Condition Three (3)* requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

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, <u>Terrestrial Vegetation of California</u>, 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.

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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 four (4)*.

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. A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a four to 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 four to 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).

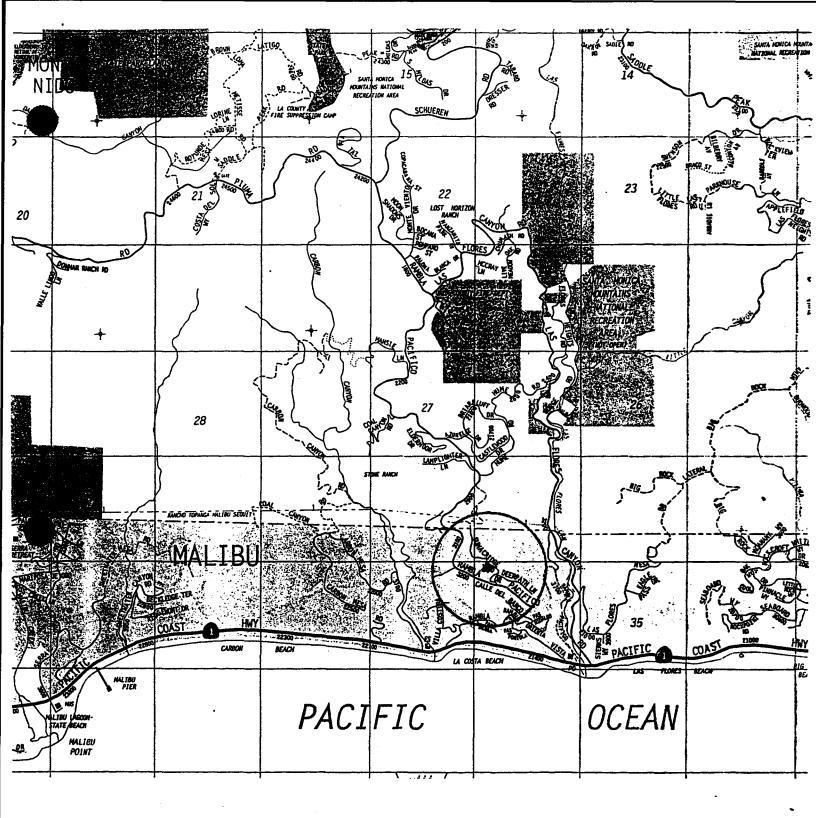
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

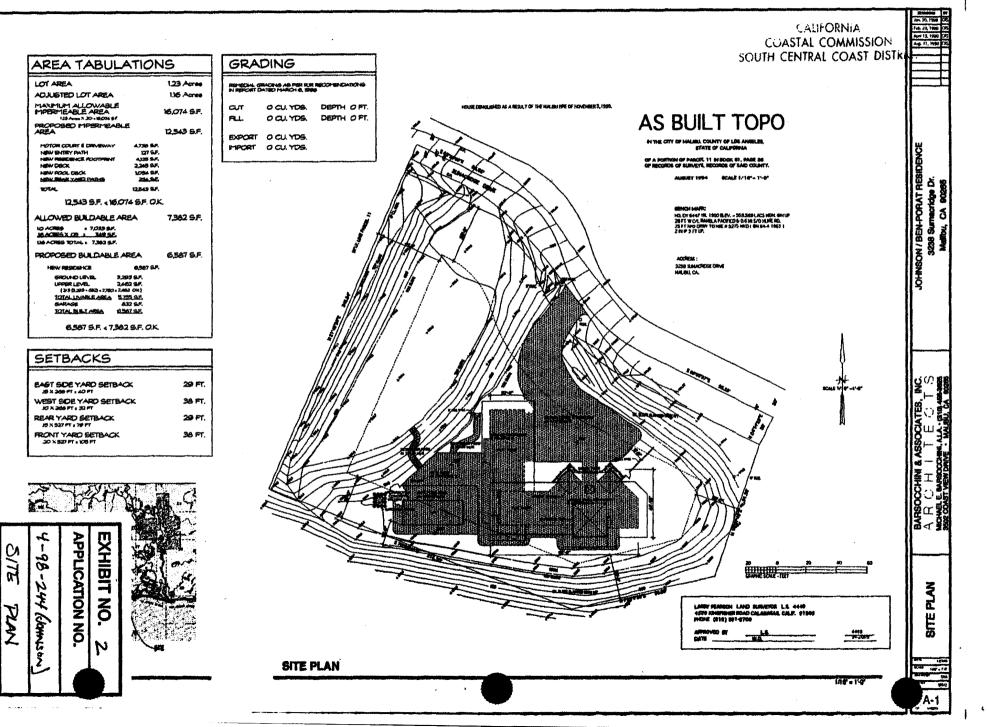
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