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#### CALIFORNIA COASTAL COMMISSION

UTH CENTRAL COAST AREA **DUTH CALIFORNIA ST., SUITE 200** TURA, CA 93001 (805) 641 - 0142

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Commission Action:

# STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-313

**APPLICANT:** Larry Goodwin

PROJECT LOCATION: 21560 Hillside Drive, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a 4,000 sq. ft., one story, 19 ft. high single family residence, including attached 3-car garage, install 15,000 gallon water tank, and septic disposal system, with no grading.

Lot area:

9.4 acres

Building coverage:

4,840 sq. ft.

Pavement coverage:

1,240 sq. ft.

Landscape coverage:

2,000 sq. ft.

Parking spaces:

3 (garage)

LOCAL APPROVALS RECEIVED: Approval in Concept, Los Angeles County: Department of Regional Planning (11/6/98), and Fire Department and Health Services Department Conceptual Approvals (5/10/99).

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Engineering Geologic Memorandum and Update, prepared by Geoplan, Inc., dated April 17, 1999, and Engineering Geologic Report for 21560 Hillside Drive, prepared by Geoplan, Inc., dated November 15, 1994; Coastal Development Permit 4-94-022 (Goodwin).

#### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends Approval of the proposed project with special conditions regarding: Wildfire Waiver, Geologic Recommendations, Landscaping, and Removal of Natural Vegetation. The proposed project is consistent with the scale of adjacent development approved by the Commission, and the subject site is not located in or adjacent to environmentally sensitive habitat areas. The site is not visible from public scenic coastal viewing areas.



#### STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

# I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, 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 governments 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 term or 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. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants 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 or 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. Plans Conforming to Geologic Recommendations

- A. All recommendations contained in the engineering geologic reports prepared for the subject property by Geoplan, Inc., dated April 17, 1999 and November 15, 1994, shall be incorporated into all final designs, site, grading and construction plans including but not limited to requirements for foundations, grading, drainage, and erosion control. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.
- B. 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. The Executive Director shall determine whether required changes are "substantial."

# 3. Landscape and Fuel Modification Plans

A. Prior to the issuance of the coastal development permit, the applicant shall submit landscape and fuel modification plans prepared by a licensed landscape architect or qualified ecological restoration biologist for review and approval by the Executive Director. The plan shall incorporate the following criteria:

- (1) All areas on the subject site that are disturbed by construction activities shall be planted, and exposed areas stabilized by the application of geotextiles or other erosion control measures, immediately upon such site disturbances, such as vegetation removal for fuel modification required by the fire department. Plantings and other erosion control measures (such as the application of geotextiles or mulch to exposed soil areas) shall be continuously maintained for erosion control and visual enhancement purposes. 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, nonindigenous plant species that tend to supplant native species shall not be used. Irrigated lawn, turf, or ground cover utilized in planting plan shall be selected from the most drought-tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains area. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. Exposed soils shall be stabilized by geotextiles, mulch, or other effective erosion control measures until the ninety (90) percent coverage standard is achieved.
- (2) 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.
- (3) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape or fuel modification 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

#### B. Monitoring Plan

(1) Five years from the date of issuance of the Certificate of Occupancy by the City of Malibu, the applicants 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.

(2) 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.

#### 4. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

# IV. Findings and Declarations

The Commission hereby finds and declares:

# A. Background and Project Description

The applicant proposes to construct a 4,000 sq. ft., one story, 19 ft. high single family residence, including attached 3-car garage, to install a 15,000 gallon water tank, and septic disposal system, with no grading, on a 9.4-acre lot located at 21560 Hillside Drive, in Topanga, Los Angeles County. The Commission approved a similar single family residence, water tank, etc., on the adjacent lot at 21570 Hillside Drive, in 1994 (CDP 4-94-022-Goodwin).

The proposed project will be located on a relatively flat area of the subject parcel immediately adjacent to, and south of, Hillside Drive. The Los Angeles County Fire Department, Division of Forestry, staff have conducted a site visit and determined that no oak trees must be removed to achieve satisfactory fuel modification standards acceptable to the Division. The balance of the parcel slopes gently toward the southwest, downslope of Hillside Drive. The site is generally vegetated with typical mixed chaparral and sparse oak woodland vegetation. No environmentally sensitive

habitat areas or species of special concern are known to occur on or adjacent to the site. The subject site is not visible from any designated scenic viewing areas or public parks and will not result in significant, adverse effects upon coastal visual resources. As noted, the applicant does not propose any grading of the subject site.

# B. Geologic Stability; Hazards

Section 30253 of the Coastal Act states in pertinent 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, geologic 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.

In addition, the Malibu LUP, which the Commission has utilized as guidance in past permit decisions, contains policies applicable to the proposed project:

- P 147 Continue to evaluate all new development for impact on, and from, geologic hazard.
- P 149 Continue to require a geologic report, prepared by a registered engineer...
- P 156 Continue to evaluate all new development for impact on, and from, fire hazard.

The applicant proposes to construct a 4,000 sq. ft., one story, 19 ft. high single family residence, including attached 3-car garage, install a 15,000 gallon water tank and a septic disposal system, with no grading, on a gently sloping approximately 9 acre lot located on the southern side of Hillside Drive, in Topanga.

The proposed development is located in the Santa Monica Mountains, an area that 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; Site Stability

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The applicant has submitted engineering geology reports prepared for the subject property titled: "Engineering Geologic Memorandum and Update," prepared by Geoplan, Inc., dated April 17, 1999, and Engineering Geologic Report for 21560 Hillside Drive, prepared by Geoplan, Inc., dated November 15, 1994. The reports make a number of specific recommendations concerning construction practices, foundations, drainage, construction specifications, sewage disposal, etc., and conclude that:

The building site will not be affected by landslide, settlement, or slippage and implementation of the proposed development in conformance with plans and specifications, requirements of the Uniform Building Code and the elements of good and standard practice will not affect neighboring property adversely.

The Commission has, in past permit actions in the Malibu/Santa Monica Mountains area, found that geologic recommendations that ensure project consistency with the applicable requirements of the County Code provide acceptable assurance that a proposed project will be safe and free from geologic hazard, and will not contribute to offsite geologic hazards or erosion, provided the recommendations of the consulting geotechnical expert are implemented in all relevant final project plans and designs. Thus, the Commission finds that based on the recommendations of the consulting geologists, if the referenced geologic recommendations are adequately incorporated into the final project plans and designs, the project will be consistent with the requirements of Coastal Act Section 30253(a). To ensure that these recommendations are incorporated into the project, Special Condition 2 requires the applicant to provide evidence to the Executive Director's satisfaction that the consultant has verified that the recommendations in the referenced geologic reports have been incorporated into the final project plans and designs.

In addition, Special Conditions 3 (landscape and fuel modification plans) and 4 (removal of natural vegetation) impose limits on the disturbance of existing native species on site, allowing only that which is mandated by the Los Angeles County Fire Department to control fire hazards and then only at the appropriate time (at issuance of Certificate of Occupancy by the City of Malibu), thereby reducing the potential for erosion from wind and rain that follows the exposure of soils when vegetation removal is undertaken in excess and before necessary. Additionally, implementation of the approved landscape plan is more likely to succeed, and thereby minimize the adverse effects of site disturbance that may result from construction activities, when the site is actually occupied and residents are present to monitor the plantings.

Therefore, for all of the reasons cited above, the Commission finds that the proposed project, as conditioned by Special Conditions 1, 2, 3, and 4 will be consistent with the requirements of Coastal Act Section 30253 applicable to geologic stability.

#### 2. Wild 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 that is known to be 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 constructing a residence in an area known to be subject to these risks. Through Special Condition 1, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 1 the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or 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

In addition, Special Condition 3 requires the applicants to submit landscape and fuel modification plans. These plans require the use of locally native plant species while incorporating the fuel modification requirements of the Los Angeles County Fire Department, thus reducing the threat of wildfire to the proposed residence that might otherwise exist.

The Commission finds that as conditioned by Special Conditions 1 and 3, the proposed project is consistent with the provisions of Section 30253 of the Coastal Act applicable to hazards posed by wildfire.

# C. Septic Sytem

The Commission recognizes that the potential build-out of lots in Malibu and the Santa Monica Mountains, 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 applicant proposes to construct a new 1,500 gallon septic tank and disposal system as shown on the plans approved by the Los Angeles County Department of Environmental Health. The conceptual approval by the County 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 the County's health and safety standards for septic systems to be protective of coastal resources and to take into consideration the percolation capacity of soils, the depth to groundwater, etc. Therefore the Commission further finds that project compliance with the County's standards for septic disposal will minimize any potential for wastewater discharge that could adversely impact coastal waters.

For all of these reasons, therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

# D. Local Coastal Program

Section 30604 of the Coastal Act states that:

(a) 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 Chapter 3 (commencing

with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with 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 effects 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 County's ability to prepare a Local Coastal Program for the unincorporated area of Malibu and the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### E. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires that Commission approval of a Coastal Development Permit application be supported by a finding showing the proposed development, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with the requirements of CEQA and the policies of the Coastal Act.







