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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Staff: mb-V
 Staff Report: 11/12/99
 Hearing Date: 12/7-10/99

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-221
APPLICANT: Corbin Lambert
AGENT: Rick Weiss
PROJECT LOCATION: 28901 Verde Mesa Lane, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 5,155 sq. ft., two-story, 26-foot high single family residence with attached 3-car garage, septic system, and 910 cu. yds. of grading (800 cu. yds. cut, 110 cu. yds. fill, with remainder to be deposited outside coastal zone).

Lot area: 43,560 sq. ft.
Building coverage: 3,283 sq. ft.
Pavement coverage: 1,175 sq. ft.
Landscape coverage: 35,000 sq. ft. (approximate)
Parking spaces: three covered, three open
Height above finished grade: 28 feet

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval In Concept, dated 10/1/99; Health Department, In-concept Approval dated March 16, 1999.

SUMMARY OF STAFF RECOMMENDATION:

The proposed development is a single family residence in a previously approved small subdivision of seven lots at the end of Verde Mesa Road. The seven previously subdivided lots, i.e. permit 5-90-769 (Ming Fang), were approved in 1990 for construction of seven single family residences on seven contiguous lots. The proposed development is similar to existing development of other development in the vicinity consisting of large single family residences on an east-facing slope in a valley west of Kanan Dume Road. The project, if approved with the recommended special conditions, will not adversely impact on the nearby blue line stream draining into Walnut Canyon and the Paradise Cove area. Staff recommends approval of the project with special

conditions relating to: ***conformance to geologic recommendations, revised landscape and erosion control, wild fire waiver of liability, and removal of natural vegetation and removal of excess cut material.***

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Geoconcepts Inc.: Limited Geologic and Soils Engineering Investigation, December 7, 1998 and Private Sewage Disposal System, February 23, 1999. Coastal development permits 5-90-769 (Ming Fang), 4-97-106 (Lambert and Tolliver), and 4-99-152 (Maron).

STAFF RECOMMENDATION:

The staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

Staff recommends a YES vote on the following motion:

I move that the Commission approve with special conditions CDP #4-99-188 per the staff recommendation as set forth below.

A majority of the Commissioners present is required to pass the motion.

RESOLUTION

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development 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. **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 the Geoconcepts Inc.: Limited Geologic and Soils Engineering Investigation, December 7, 1998 shall be incorporated into all final design and construction plans including site preparation, grading, and foundations. All plans must be reviewed and approved by the consultants

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal development permit.

2. **Revised Landscaping and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a

qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation 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.

All cut and fill slopes 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;

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;

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.

Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and 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.

The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring.

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.

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.

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.

5. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 5,155 sq. ft., two-story, 26-foot high single family residence with attached 3 car garage, septic system, and 910 cu. yds. grading (800 cu. yds. cut, 110 cu. yds. fill, with remainder to be deposited outside coastal zone). Surrounding development is single family residential in character or vacant land.

The subject lot was created by a previous seven lot subdivision under coastal development permit 5-82-106 (Idler). The permit was subject to special conditions requiring purchase of six Transfer of Development Credits, a deed restriction limiting development within 50 feet of the streambed for Lots 3,4, 5, and 6, and elimination of geologic hazards. The present application for development on Lot 2 is consistent with these conditions. The seven previously subdivided lots were approved in 1990 for construction of seven single family residences on seven contiguous lots, i.e. permit 5-90-769 (Ming Fang). The project raises no issue with the findings and conditions of the Ming Fang permit, which was approved with conditions relative to compliance with

geology recommendations, future improvements requiring a permit, a grading and landscape plan, and assumption of risk relative to unstable and uncompacted fill.

The site is located to the west of an unnamed tributary which drains into Walnut Canyon and then into the sea west of Pt. Dume in the Paradise Cove area. The unnamed tributary is a USGS-designated blue line stream and is also a County-designated flood hazard area. This blue line stream is not a designated environmentally sensitive habitat area in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) and does not contain significant riparian vegetation in the vicinity of the project. The project design includes a drainage control plan directing runoff either down the driveway to the cul-de-sac or to the canyon through drains and a rip rap flow (energy) dissipater outlet i.e. below the house, located approximately one hundred twenty feet uphill of the blue line stream.

Surrounding development includes single family residences and vacant land. In this developed area, the proposed development will not have an adverse impact on neighborhood character or views to and along the coast. The proposed development is similar to existing development of other development in the vicinity consisting of large single family residences on an east-facing slope in a valley west of Kanan Dume Road. There is designated route of the Coastal Slope Trail and land owned by the National Park Service both approximately 1000 feet to the north. The proposed development will not have any adverse effect on views from the trail or NPS land.

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 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 prominent geomorphic features in the area are Pt. Dume to the south and the LUP-designated Significant Ridgeline to the east. Physical relief across the lot is

approximately sixty feet of elevation change at a 3:1 slope with the site having a twenty-five foot variation with development at the approximate 300 foot elevation. Slope drainage is by drainage directly or through the street toward the previously noted unnamed tributary.

1. Geology

The previous coastal development permit (5-90-769) for the development of a residence on this property included the condition of approval relative to a waiver of liability based on unstable and uncompacted fill. The geotechnical consultant has found that there is non-compacted fill on the project site and has recommended fill removal and/or recompaction.

The applicant has submitted a Geoconcepts Inc.: Limited Geologic and Soils Engineering Investigation, December 7, 1998 which states that:

It is the finding of this corporation, based on subsurface data, that the proposed project will be safe from landslide, settlement or slippage, and will not affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained.

Given the findings and recommendations of the consulting engineering geologists, 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 engineering geologists 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 project will significantly increase the amount of impervious surfaces on the site, increasing both the volume and velocity of storm water runoff. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site. Increased erosion may also result in sedimentation of the nearby stream.

The applicant did submit a detailed drainage plan, prepared by an engineer that illustrates how runoff will be collected and conveyed from the development area in a non-erosive manner. The proposed drainage system will ensure runoff will not result in erosion of the slopes on or offsite and will not adversely impact the nearby stream.

Landscaping of the graded and disturbed areas on the project site will also enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will minimize erosion and enhance site stability. The

Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants, compatible with the surrounding environment.

The application includes a landscaping plan which utilizes native plant species. However, the plan does not include provisions for interim erosion control during construction, timing for plantings, monitoring or a fuel modification plan approved by the County Forestry/Fire Department. Incorporation of these measures into the landscaping plan will enhance site stability during and after construction of the proposed development. Therefore, the Commission finds that it is necessary to require the submittal a revised landscaping plan, as required by Special condition number two (2) to incorporate the above outlined measures into the landscaping plan.

In addition, *special condition number four (4)* is necessary to ensure that removal of natural vegetation for the purpose of fuel modification does not take place without the proposed development being implemented. This will avoid unnecessary fuel modification without an underlying permitted development. Such fuel modification would be inconsistent with PRC Section 30253 provisions to ensure site stability and avoid potentially adverse impacts of erosion and sedimentation.

Further, the Commission also notes that the amount of new cut grading proposed by the applicant is larger than the amount of fill to be placed and will result in approximately 690 cu. yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. The applicant is proposing to export this excess material outside the coastal zone. However, in order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, Special Condition Five (5) requires the applicant to remove all excavated material 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, 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)*.

Therefore, 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 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 proposed septic system includes a septic tank and seepage pits. The closest proximity to the blue line stream is one hundred twenty feet. The installation of a private sewage disposal system was reviewed by the City Environmental Health Department and received in-concept approval. The approval indicates that the system complies with the minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the City 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).

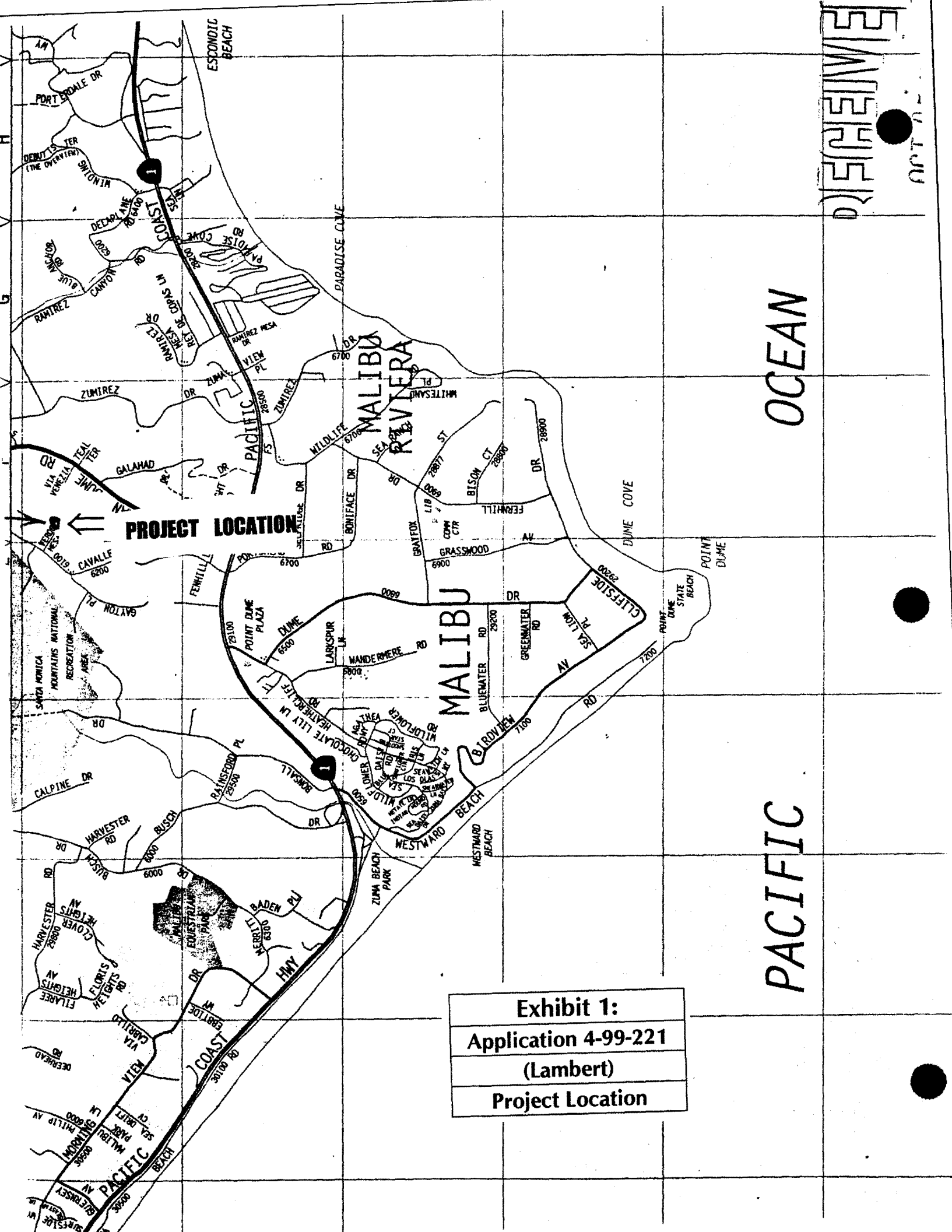
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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



PROJECT LOCATION

Exhibit 1:
Application 4-99-221
(Lambert)
Project Location

PREPARED BY
 OCT 7-1-

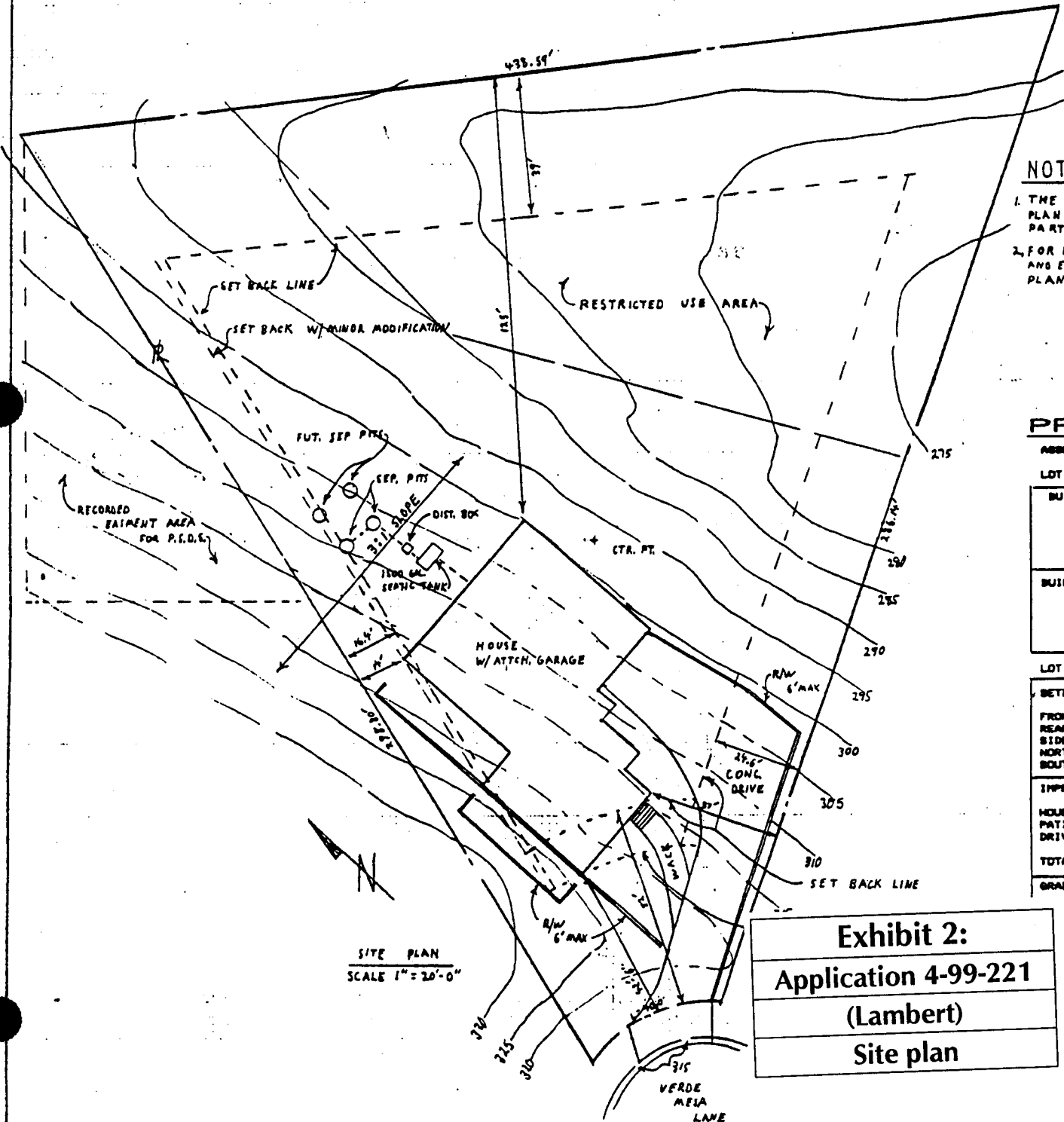
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OCT 05 1993

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



NOTE:

- 1. THE INCLOSED PLAN IS AN IN PART OF THIS
- 2. FOR PROPOSED AND ELEVATION PLAN,

PROJE

ASSESSORS PA
LOT AREA 43,
BUILDING 811
BUILDING FOOT
ONE
THE
LOT AREA 892
BETBACKS
FRONT
REAR
SIDE (TOTAL)
NORTH SIDE
SOUTH SIDE
IMPERMEABLE (
HOUSE / GARA
PATIO / WALK
DRIVEWAY
TOTAL
GRADING

SITE PLAN
SCALE 1" = 20'-0"

Exhibit 2:
Application 4-99-221
(Lambert)
Site plan

MAY
 TRAINING
 FOR PII
 (BTING)

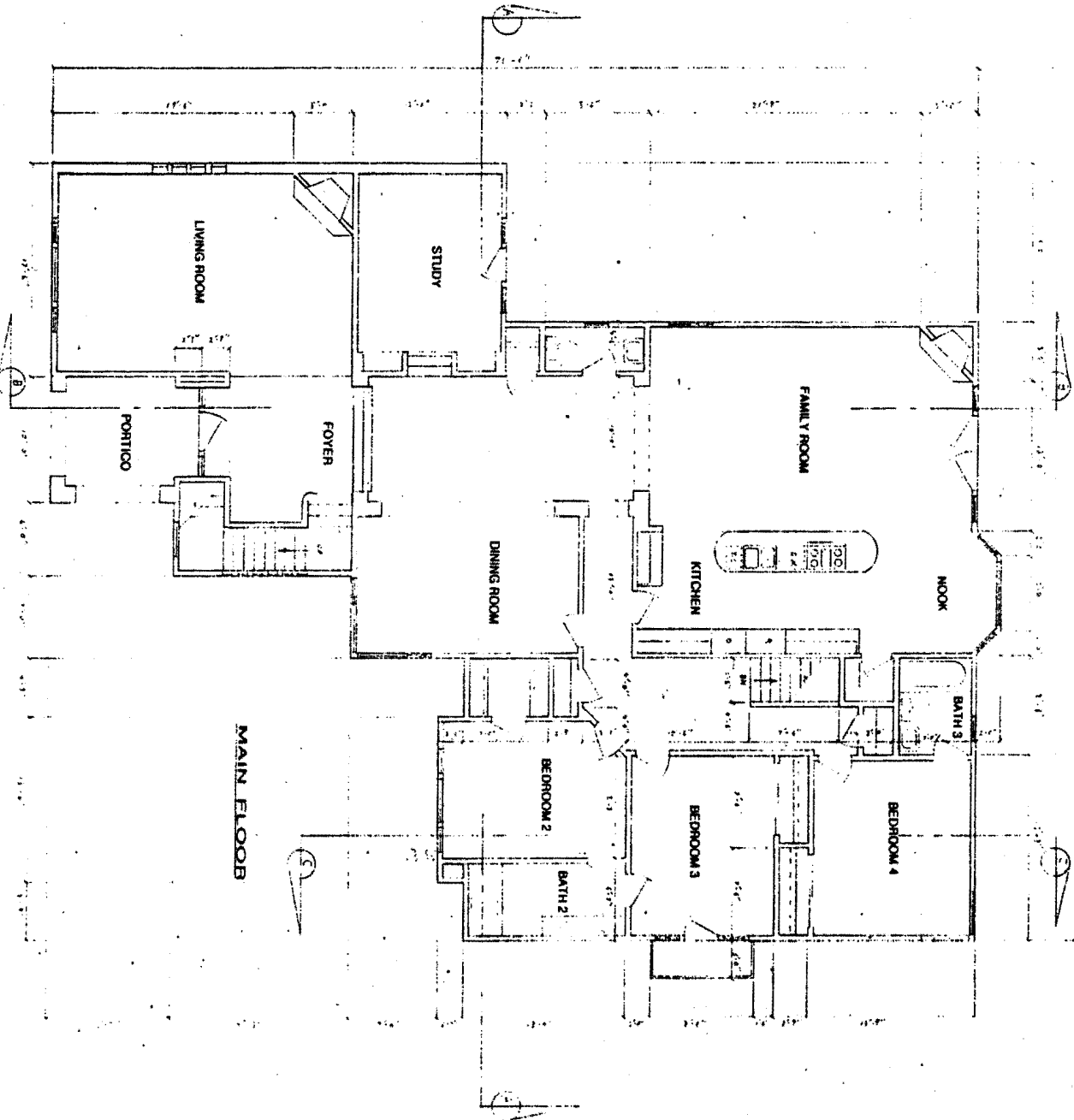
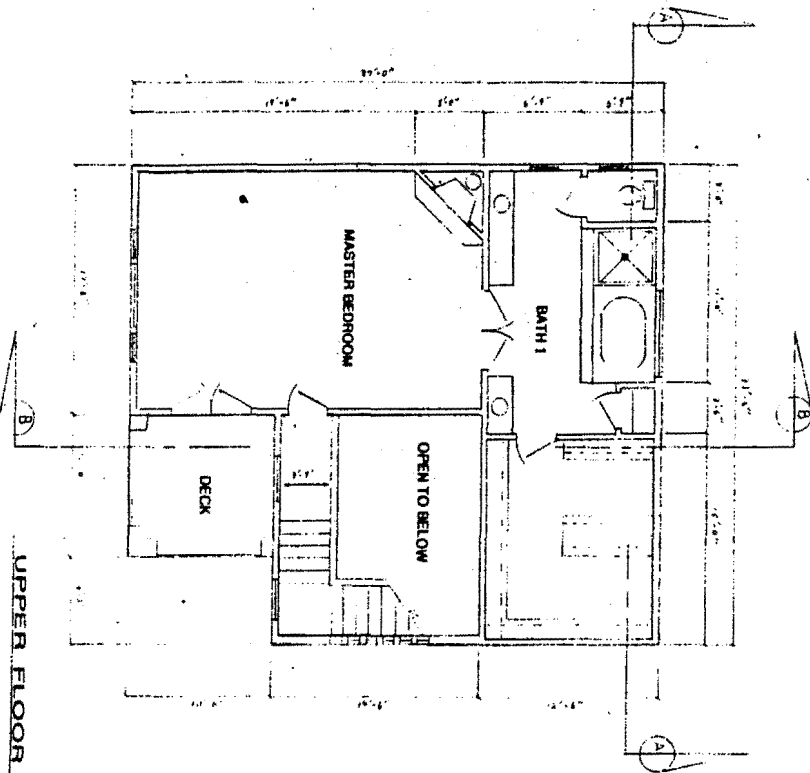
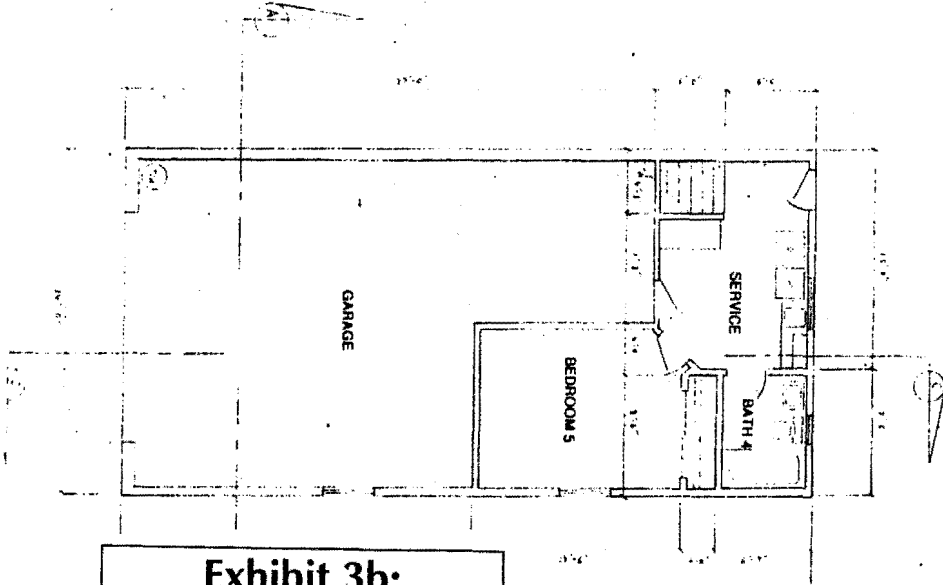


Exhibit 3a:
Application 4-99-221
(Lambert)
Floor Plan



UPPER FLOOR



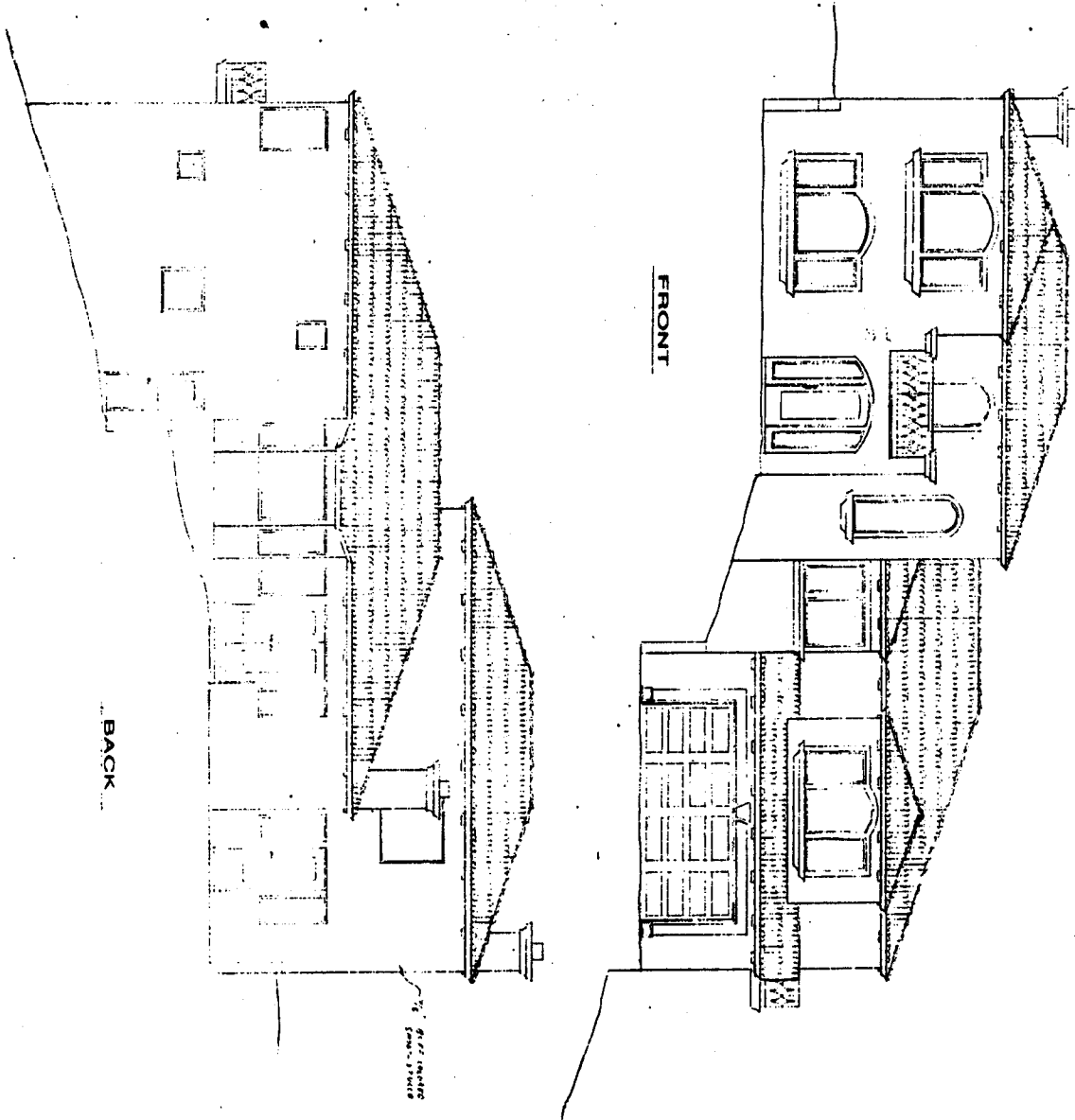
LOWER FLOOR

Exhibit 3b:
Application 4-99-221
(Lambert)
Floor plan

DATE
 11/17/97
 PAGE

FLOOR PLAN

28901 VERDE MESA LANE MALIBU
 LOT 2 TRACT 30641



FRONT

BACK

Exhibit 4:
Application 4-99-221
(Lambert)
Elevation