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CALIFORNIA COASTAL COMMISSION

1000 SOUTH CENTRAL COAST AREA
1000 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

Filed: 2/3/99
49th Day: 3/24/99
180th Day: 8/2/99
Staff: M. Betz 
Staff Report: 3/24/99
Hearing Date: 4/13-16/99

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-99-009
APPLICANT: Donovan Green
AGENT: Don Schmitz
PROJECT LOCATION: 3949 Ridgemont Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 24 feet high, 793 sq. ft. garage and 947 sq. ft. master bedroom addition on grade beam and pile foundation to an existing single family residence with a 550 sq. ft. deck. Project includes relocation of the septic system and removal of a carport. No grading is proposed.

Lot area: 49,075 sq. ft.
Building coverage: 3,803 sq. ft. (with addition)
Pavement coverage: 6,147 sq. ft. (with addition)
Parking spaces: 3
Plan Designation: M2, Mountain Land 1du/20 acres

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department Approval in Concept dated 12/25/98 and Site Plan Review dated December 11, 1998; Department of Environmental Health, In Concept Approval for Septic System, dated May 29, 1998.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; West Coast Geotechnical: Addendum Geotechnical Engineering Report, December 15, 1998 and Addendum Geotechnical Engineering Report, November 5, 1998; Mountain Geology, Inc., Engineering Geologic Report, February 18, 1998; Geotechnical Engineering Investigation, February 23, 1998; Addendum Engineering Geologic Report # 1, September 29, 1998; and Addendum Engineering Geologic Report # 2, November 2, 1998.

SUMMARY OF STAFF RECOMMENDATION:

The proposal is for a two story addition to a single family residence in a developed area overlooking the Pacific Coast Highway and the Malibu Pier. Staff recommends approval of the proposed project with three (3) Special Conditions addressing *landscape, erosion*

and drainage control plans, conformance to the geologist's and engineer's recommendations and wild fire waiver of liability.

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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. Landscape, Drainage and Erosion Control Plan

- a. Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:
- (1) All disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of the receipt of certificate of occupancy of 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.
 - (2) 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;
 - (3) A *Drainage Plan*, designed by a licensed engineer, which assures that run-off from the building addition and deck addition are collected and discharged in a manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff down the slope. Should the project's drainage structures fail or result in erosion, the applicant/ landowner or successor interests shall be responsible for any necessary repairs and restoration. The permittee shall undertake development in accordance with the final approved plan. Any changes to the final approved 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.
- b. Monitoring
- Five years from the completion of development 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.

2. Plans Conforming to Geologic Recommendations

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Geotechnical Engineer consultant's review and approval of all project plans. All recommendations contained in the Mountain Geology, Inc., Engineering Geologic Report, February 18, 1998 and Geotechnical Engineering Investigation, February 23, 1998 including issues related to grading, retaining walls, foundation, sewage disposal, and drainage, shall be incorporated in the final project plans. 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.

3. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, 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

A. Project Location, Description and Background

The applicant proposes to construct a two story, 24 feet high, 793 sq. ft. garage and 947 sq. ft. master bedroom addition to an existing single family residence with an adjacent second story 550 sq. ft. deck. The proposed addition is on a grade beam and pile (concrete caisson) foundation. The application includes relocation of a septic system and removal of a carport. No grading is proposed although some incidental foundation work can be anticipated including installation of a pile and grade beam system. There is a record of a previous coastal development permit for installation of the carport which is now proposed for removal.

The project site is located within an existing developed area in the City of Malibu. The site is at the approximate 150 foot elevation and located approximately one-fifth mile inland of the Malibu Pier, Carbon Beach and the Pacific Coast Highway, a designated scenic route in the Certified Malibu/Santa Monica Mountains Land Use Plan for Los Angeles County. Although the proposed development is partially visible from Pacific Coast Highway, the proposed development will be of a size and appearance which will be similar in character to the mixture of single family development in the surrounding area.

B. Geologic and Fire 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, 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.

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area 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 Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic and flood hazards, the applicant submitted six geotechnical and geologic reports titled: West Coast Geotechnical: Addendum Geotechnical Engineering Report, December 15, 1998 and Addendum Geotechnical Engineering Report, November 5, 1998; Mountain Geology, Inc., Engineering Geologic Report, February 18, 1998; Geotechnical Engineering Investigation, February 23, 1998; Addendum Engineering Geologic Report # 1, September 29, 1998; and Addendum Engineering Geologic Report # 2, November 2, 1998. The Geotechnical Engineering Investigation, February 23, 1998 reports addresses the geology issues of the project and concludes:

Based upon our investigation, corresponding geotechnical analyses, and experience with similar projects, the proposed development is considered feasible from a geotechnical engineering standpoint, provided our recommendations are made part of the development plans and are implemented during construction.

It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or

immediate vicinity, provided our recommendations are made part of the development plans and implemented during construction.

The project plans indicate that the project will involve approximately 950 sq. ft. of new impervious area. Such increase in surface area can increase the potential for erosion and affect site stability unless controlled and directed away from the adjacent slopes. The Commission finds that the project will significantly increase the amount of impervious surfaces on the site, which will increase 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 which could destabilize the site. Therefore, the Commission finds it necessary to require the applicant to submit a landscape, drainage and erosion control plan to mitigate such impacts as certified in writing by the geologist and engineer consultants, as noted in *special condition number one (1)*.

The recommendations in the Geotechnical Engineering Investigation addresses issues such as grading, retaining walls, foundation, sewage disposal, and drainage which are of relevance to the stability and geologic integrity of the site. Based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit final project plans that have been certified in writing by the geologist and engineer consultants as conforming to their recommendations, as noted in *special condition number two (2)*.

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 to incorporate the landscape and erosion control plans, all recommendations by the applicant's consulting geologist and geotechnical engineer, and the wild fire waiver of liability, will the proposed project be 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. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. 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, and minimizing alteration of natural streams.

Section 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes constructing a septic system for the residence and addition to provide for adequate sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services, City of Malibu, dated May 29, 1998. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu 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 Sections 30231 and 30250 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

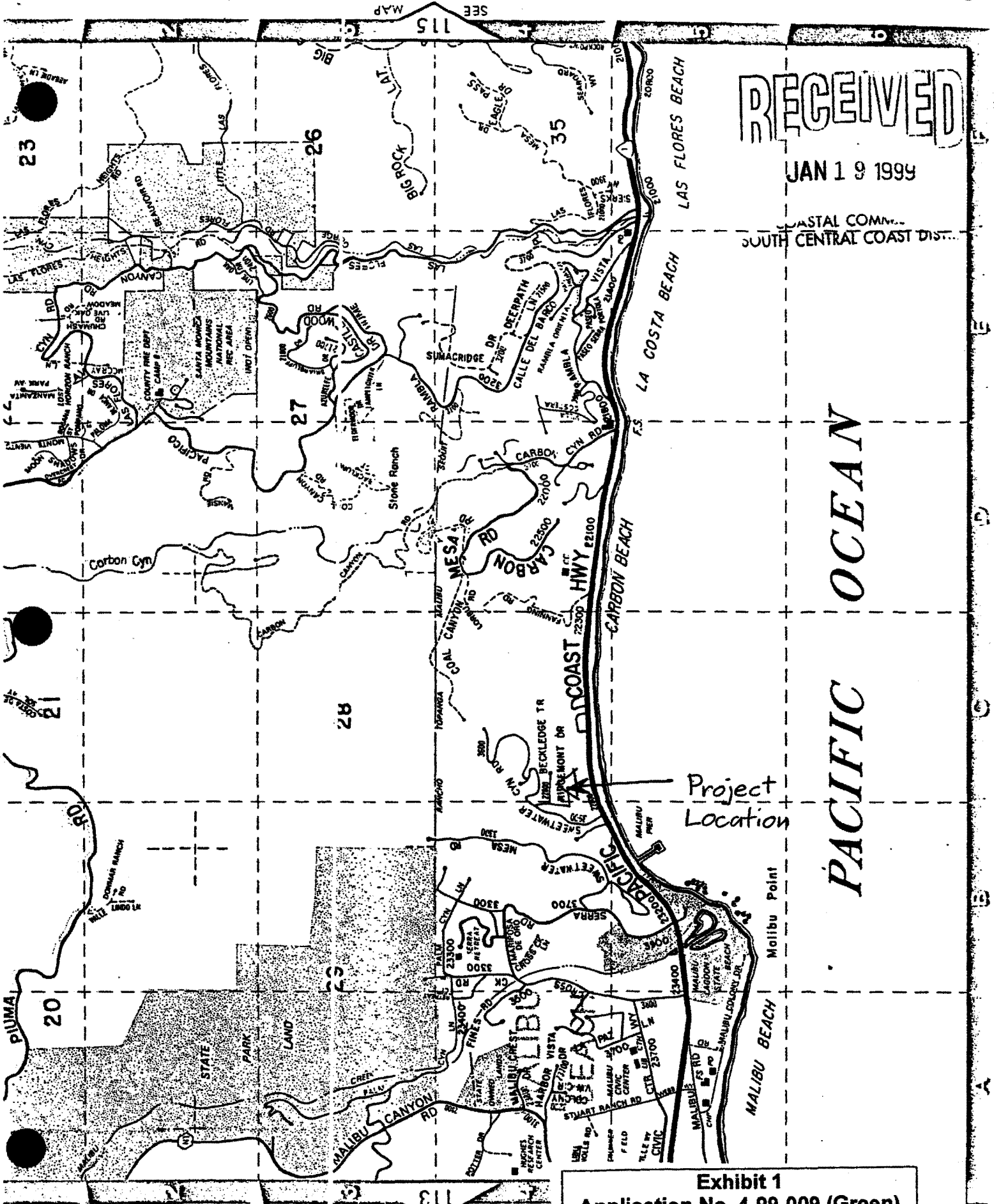
(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice 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 City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu 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 Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, 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 to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



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COSTAL COMM...
SOUTH CENTRAL COAST DIST...

PACIFIC OCEAN

Project Location

Exhibit 1
Application No. 4-99-009 (Green)
Project Location

City of Seattle
 Department of Planning & Development
 3200 1st Avenue, Suite 200
 Seattle, WA 98106
 Phone: (206) 462-3000
 Fax: (206) 462-3001
 Email: planning@seattle.gov
 Website: www.seattle.gov/planning

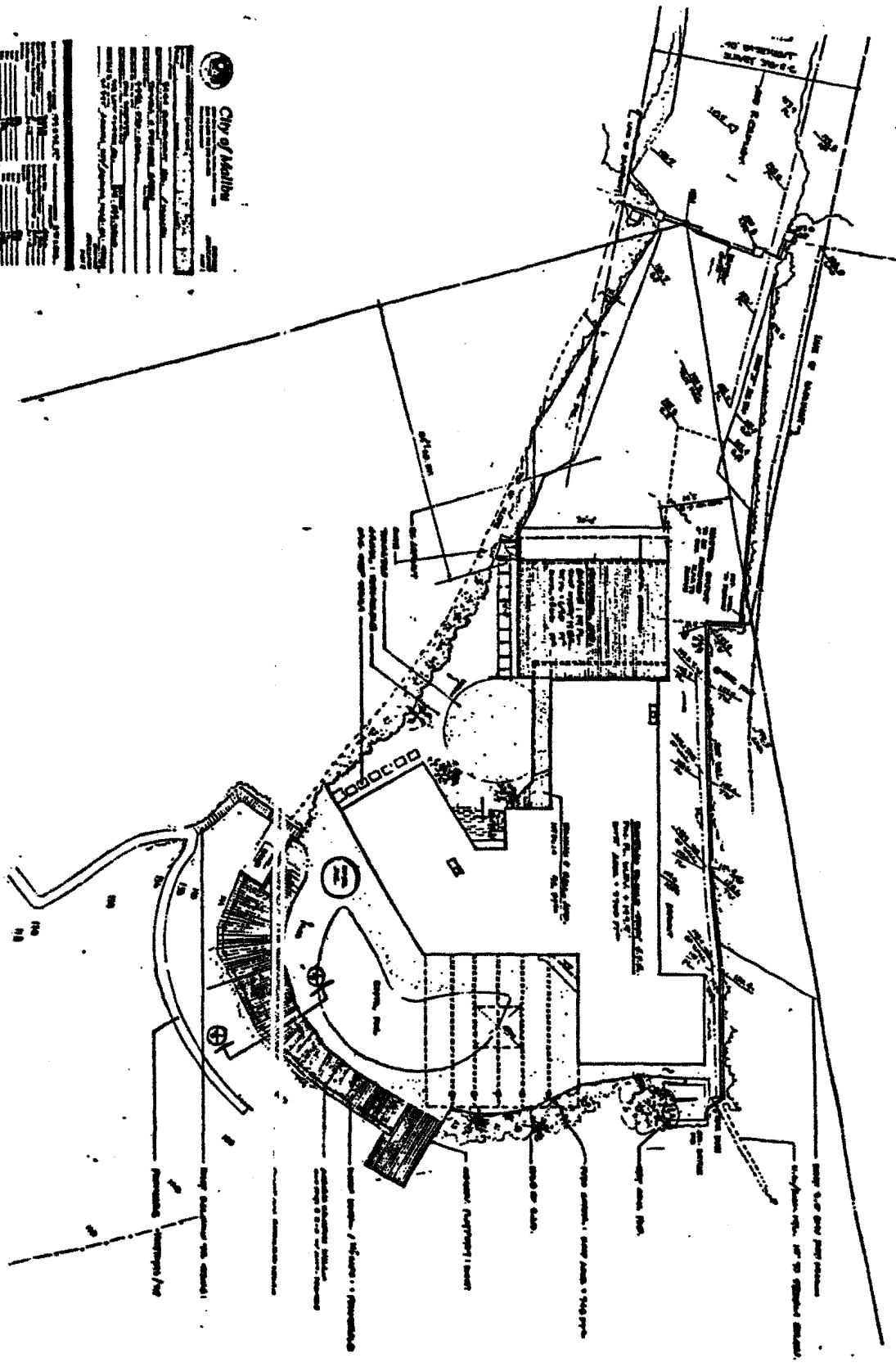
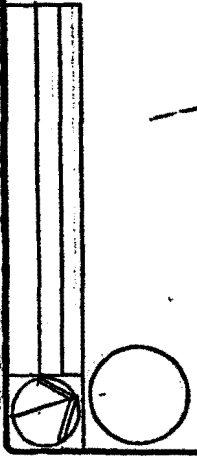


Exhibit 2 a
Application No. 4-99-009 (Green)
Site Plan



SITE PLAN:

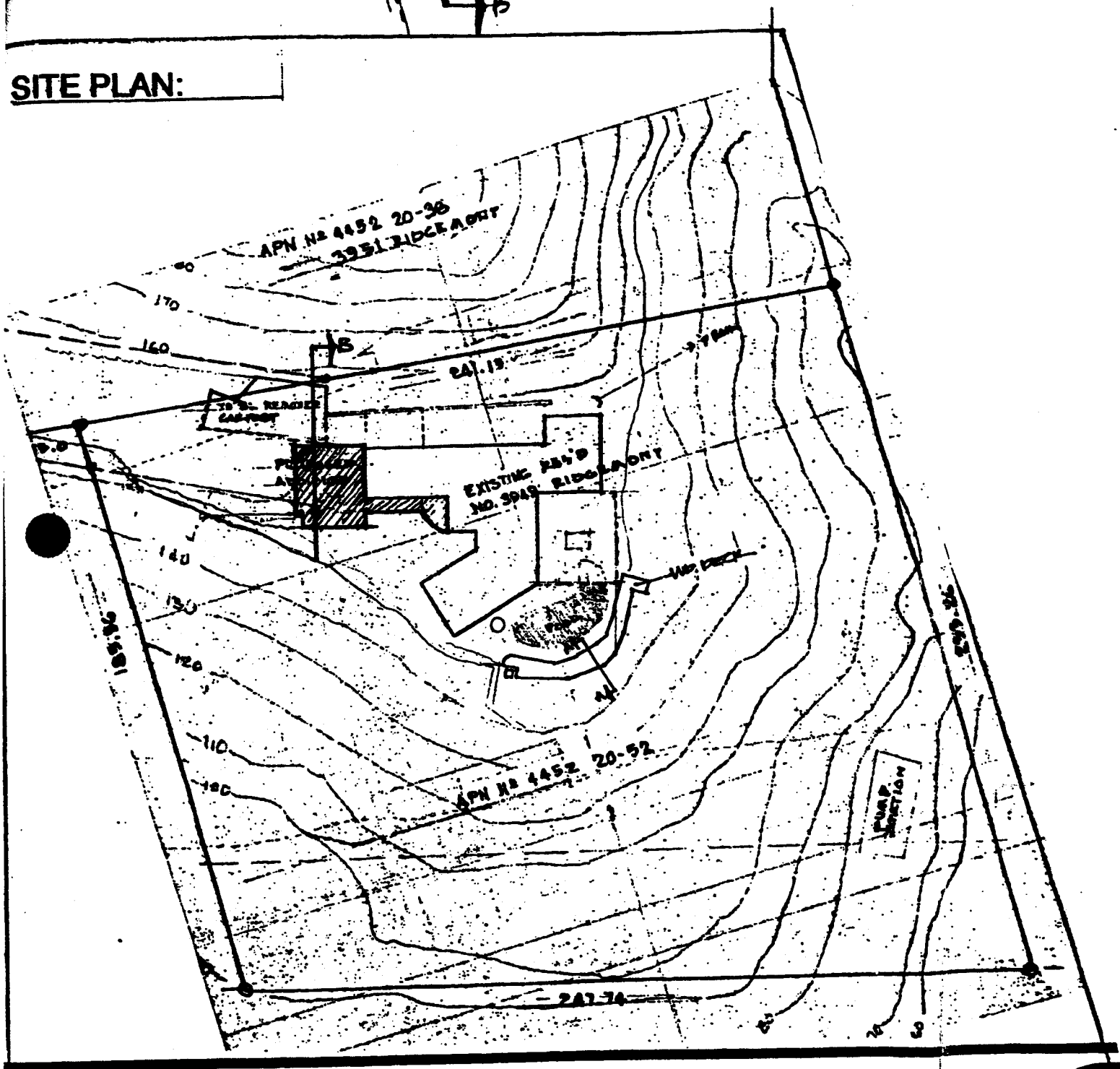


Exhibit 2 b
Application No. 4-99-009 (Green)
Site Plan

COASTAL COMMUNITY COLLEGE
SOUTH CENTRAL CAMPUS

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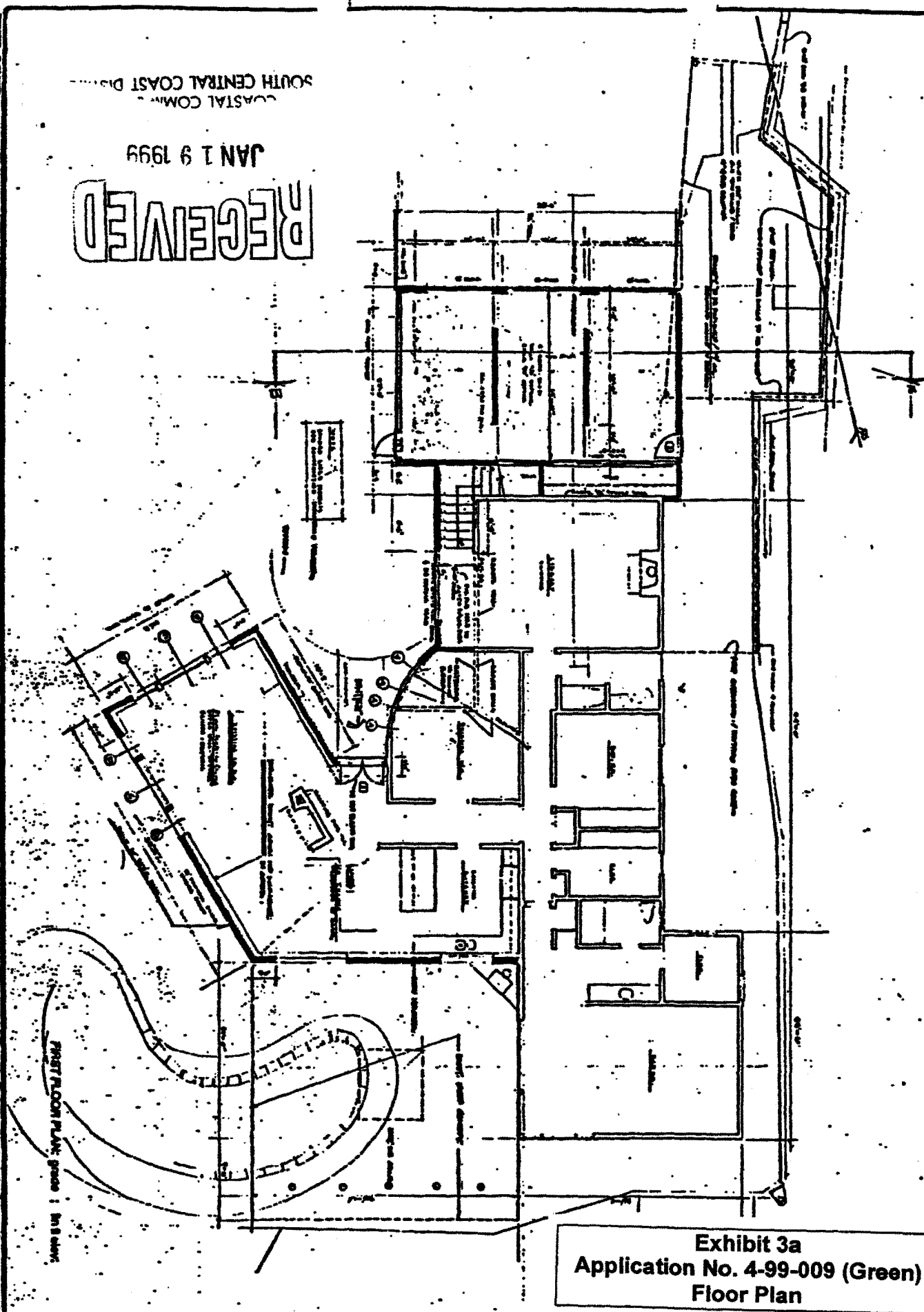
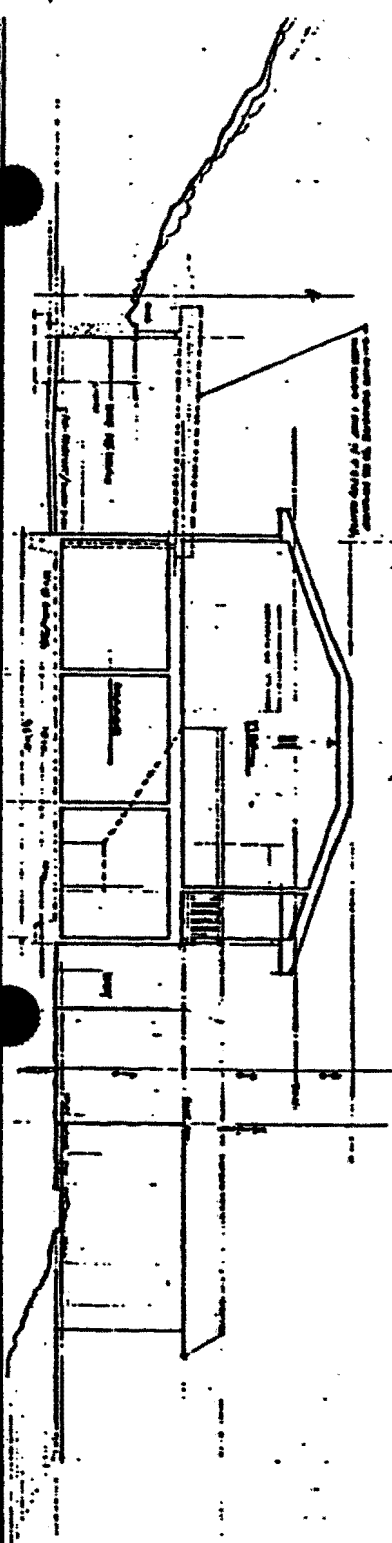
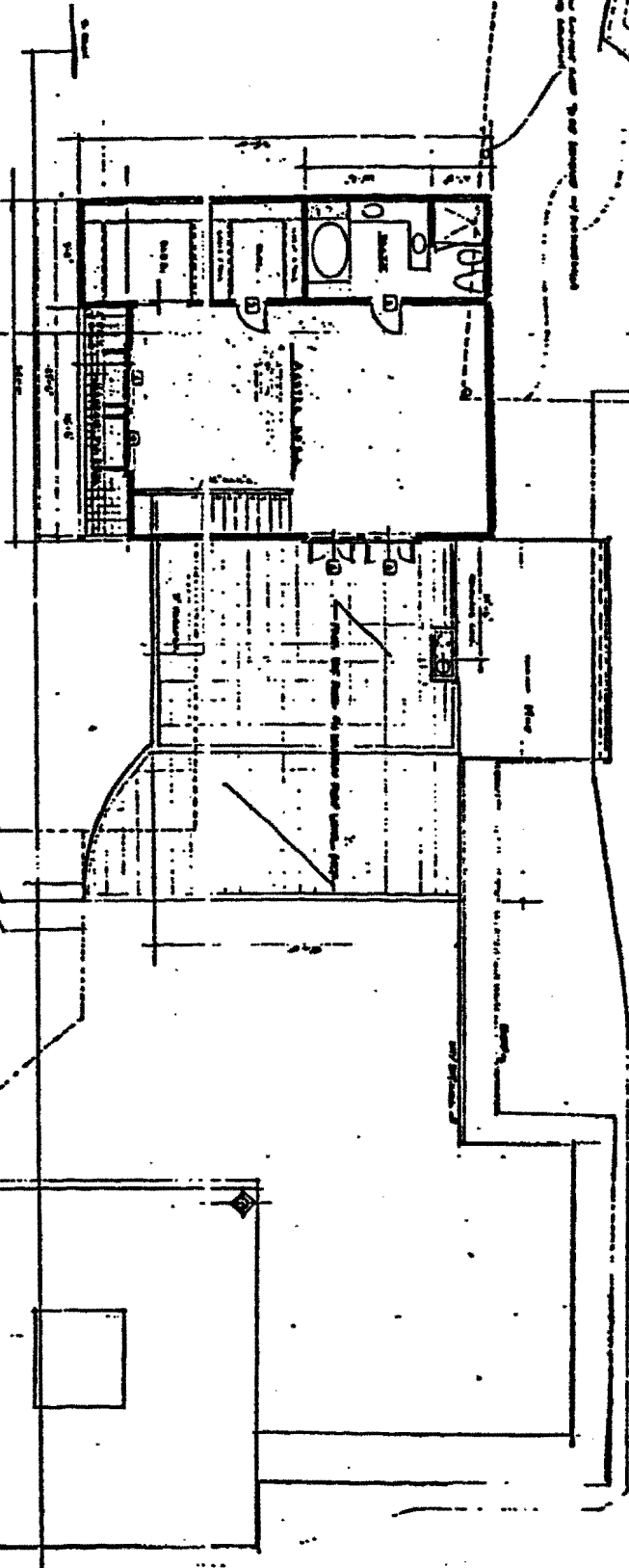
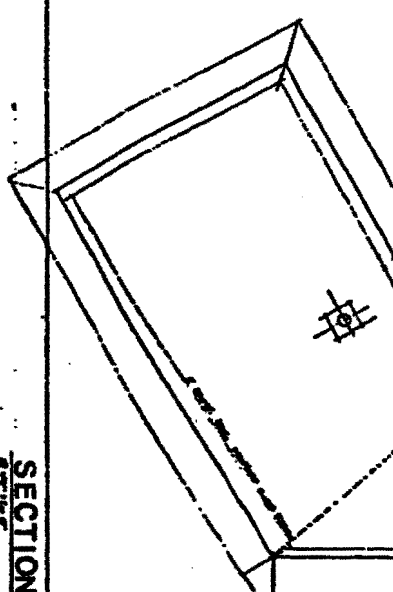


Exhibit 3a
Application No. 4-99-009 (Green)
Floor Plan

SECTION BB



SECOND FLOOR PLAN:



**Exhibit 3b
Application No. 4-99-009 (Green)
Floor Plan**

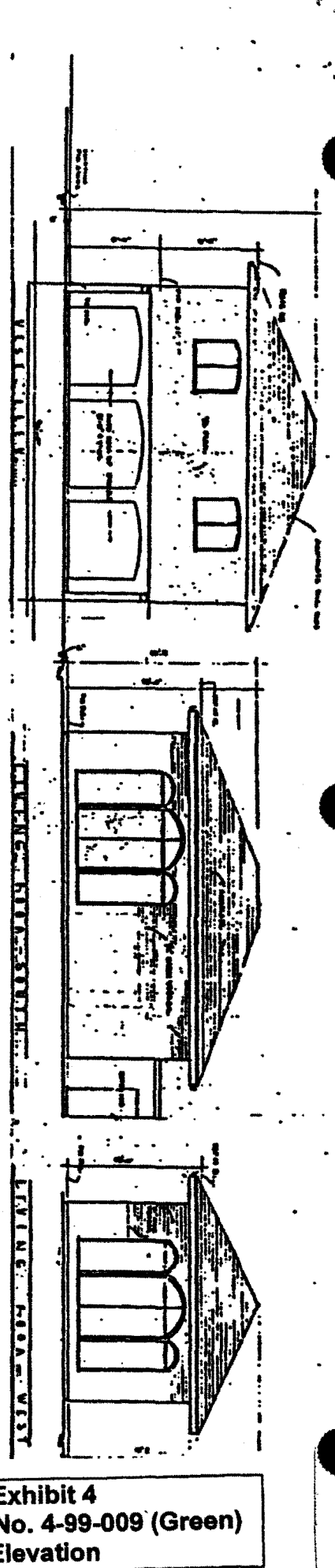
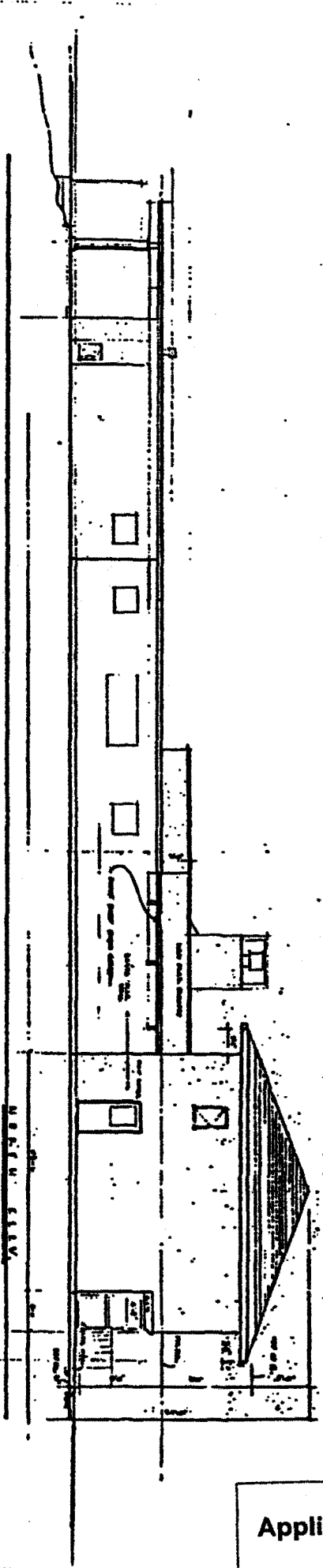
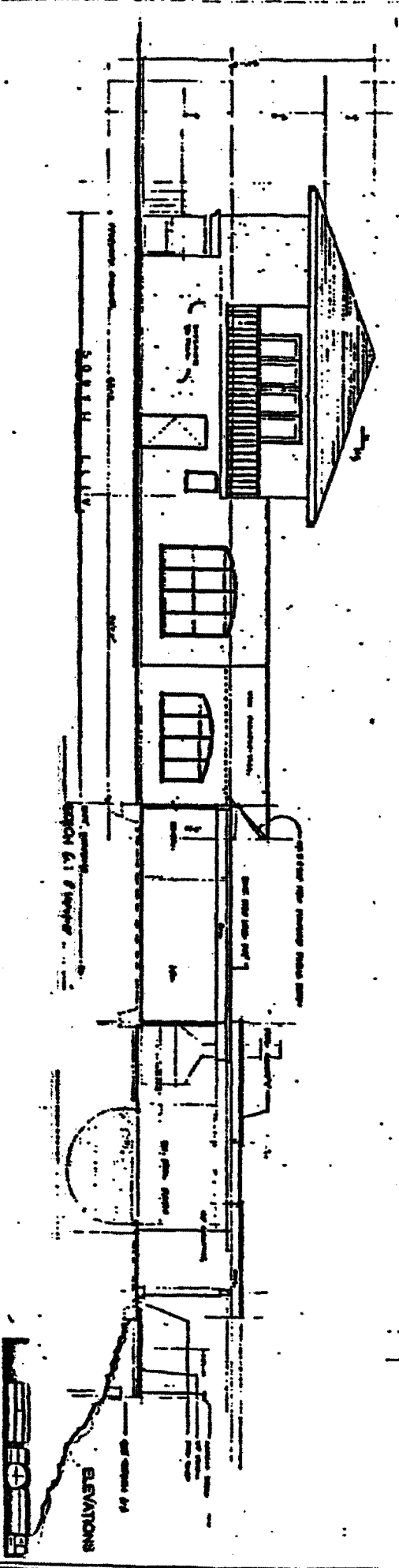


Exhibit 4
Application No. 4-99-009 (Green)
Elevation