

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

TURA, CA 93001

(805) 641-0142

**RECORD PACKET COPY**

Filed: 2/28/99
49th Day: 4/18/99
180th Day: 8/27/99
Staff: CAREY *sf*
Staff Report: 3/25/99
Hearing Date: 4/13-16/99

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO:** 4-99-017

APPLICANT: Andrew & Michelle Jackson and Bruce Terranova
AGENT: Carlos Rocha

PROJECT LOCATION: 28830 Bison Court, Malibu, Los Angeles County

PROJECT DESCRIPTION: Remodeling and addition of 3,736 sq. ft. to the first and second story of an existing 2-story, 3,155 sq. ft. single family residence, removal of 3rd story loft area, and no grading.

Lot area: 73,505 sq. ft.
Building coverage: 4,641 sq. ft.
Pavement coverage: 2,080 sq. ft.
Ht above ext grade: 18 ft. for new, 22 feet, 7 inches for existing

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept, Environmental Health In-Concept Approval

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Engineering Investigation Report, dated 6/16/98, prepared by Coastline Geotechnical Consultants, Inc.; Report of Limited Engineering Geologic Investigation, dated 6/6/98, prepared by Pacific Geology Consultants, Inc.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development with special conditions relating to landscaping, conformance with geologic recommendations, drainage and erosion control, and wildfire waiver of liability. As conditioned to prepare and implement landscaping and drainage control plans, the proposed project will minimize impacts to a "Disturbed Sensitive Habitat" area consistent with Sections 30230, 30231, and 30240 of the Coastal Act. As conditioned to conform to geologic recommendations and to waive the liability of developing in an area subject to the hazard of wildfire, the proposed project will minimize risks from hazards consistent with Section 30253 of the Coastal Act.

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. 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 this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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. Landscaping and Erosion Control.

A. Landscape Plan.

Prior to issuance of a coastal development permit, the applicant shall submit a landscaping and erosion control plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plan shall incorporate the following criteria:

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within sixty (60) days of the receipt of the Certificate of Occupancy for the residence. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) All graded and disturbed 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;
- (3) 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;
- (4) Should grading take place during the rainy season (November 1-March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be placed on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment form runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

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 necessary.

B. Monitoring Plan

- (1) 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.
- (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.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geotechnical Engineering Investigation Report, dated 6/16/98, prepared by Coastline Geotechnical Consultants, Inc.; and the Report of Limited Engineering Geologic Investigation, dated 6/6/98, prepared by Pacific Geology Consultants, Inc. shall be incorporated into all final design and construction including grading, foundations, septic systems, and drainage. All plans must be reviewed and approved by a geologic/geotechnical engineer as conforming to said recommendations. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, foundations, and drainage. Any substantial changes to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial".

3. Drainage and Erosion Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the road, driveways, pads, and all other impervious surfaces on the subject parcel are

collected and discharged in a non-erosive manner which avoids ponding. Site drainage shall not be accomplished by sheetflow runoff. 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.

4. 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.

The Commission hereby finds and declares:

A. Project Description and Background

The applicants propose the remodeling and addition of 3,736 sq. ft. to the first and second story of an existing 2-story, 3,155 sq. ft. single family residence, the removal of 3rd story loft area, new septic system, and no grading.

The proposed project site is located on Bison Drive on Point Dume in the City of Malibu. (Exhibits 1 and 2 show the vicinity and the subject parcel). The project site slopes down from the street towards a canyon at the rear. While the intermittent stream is not designated as a blue-line stream on the U.S.G.S Map for the area, the canyon has been recognized as a "disturbed sensitive habitat area".

Existing development on the site includes the 3,155 sq. ft. residence that is two-story in height with a 3rd story loft, decks, detached 2-car garage, pool, and pool house. The proposed project site is 1.5 acres in size.

B. Environmentally Sensitive Habitat Areas

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 30240 of the Coastal Acts states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The project site slopes down from the street toward a canyon at the rear. While the intermittent stream is not designated as a blue-line stream on the U.S.G.S Map for the area, the canyon has been recognized as a "disturbed sensitive habitat area". In its certification of the Malibu/Santa Monica Mountains Land Use Plan, as well as in past permit actions, the Commission has found that there are habitat areas that, due to their level of disturbance, do not meet the Coastal Act definition of ESHA, but nonetheless contain resources deserving of protection. The canyon in question has been recognized as one of these areas.

In the area of the proposed project site, the canyon is well vegetated, both with native and exotic species. The existing residence is located approximately 50 feet from the centerline of the creek at its nearest point. The proposed additions would not result in the residence being any closer to the creek. As shown on Exhibit 3, most of the proposed additional square footage would be located between the existing residence and the street. There is one area where a one-story addition would be made to the side of the residence nearest the canyon. This addition would "fill-in" a portion of the existing footprint, but would extend no further toward the canyon than the existing living room.

As such, the area subject to fuel modification would not be increased as a result of the proposed additions. This additional area of the footprint would be located approximately 80 feet from the creek.

The proposed additions would not result in any grading or construction of structures near the existing riparian vegetation. All new construction would be at least 80 feet from the stream. No additional fuel modification would be necessitated. As such, the disturbed sensitive habitat area can be maintained in its present state.

However, site preparation and drainage associated with the development of the additions could contribute to erosion and water quality problems which could adversely impact the riparian area. The Commission has found in past decisions, that development projects, particularly those involving grading and landform alteration, can adversely impact sensitive resource areas through increased erosion and runoff. While the proposed project would be constructed on a developed area of the site and would not require grading, the proposed project would increase the lot coverage of the site. The replacement of vegetation and soil with impervious surfaces like roads, structures, patios, etc. increases peak runoff. Natural vegetation captures and retains a significant amount of precipitation, releasing it to minor drainage courses hours and days later. When this process is superceded by the placement of impervious surfaces, more storm runoff is conveyed much sooner and at a higher velocity to drainage channels, resulting in larger peak discharges occurring sooner after storm events. This can have impacts on stream channel morphology and can cause flooding. Changes in a stream channel by erosion and channel scour can result in the loss of habitat area.

In order to minimize impacts to riparian areas and other sensitive resources, the Commission has consistently required that alteration of landforms be minimized and that any graded or disturbed areas are landscaped with native vegetation. Restoring vegetative cover reduces the erosion potential of bare soil. Further, the Commission has required the installation of properly designed drainage systems in order to ensure that storm runoff is conveyed from the project site in a non-erosive manner and that peak runoff is not increased as a result of the project.

In this case, grading has been minimized. In order to ensure that all disturbed areas are properly landscaped, the Commission finds it necessary to require the applicant to prepare a landscape and erosion control plan (Condition No. 2) and to monitor the success of the revegetation. This plan must incorporate the use of native, drought tolerant vegetation to minimize the need for irrigation.

As noted below, the applicants' geologic consultants found that the existing drainage on the site is inadequate. It is important that impacts to the canyon from runoff be minimized. As such, the Commission finds it necessary to require the applicant to submit detailed drainage and erosion control plans for the residence, as remodeled. Condition No. 3 is required to ensure that project drainage be achieved in a non-erosive manner and that the applicant assumes responsibility for the maintenance of all drainage devices on site and for replacement and repair should the drainage structures fail or result in erosion.

In conclusion, the Commission finds that the proposed project, as conditioned to develop and implement a landscape plan and a drainage plan, will minimize impacts to sensitive resources, and is consistent with Sections 30230, 30231 and 30240 of the Coastal Act.

C. 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 would be 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.

The applicant has submitted a Geotechnical Engineering Investigation Report, dated 6/16/98, prepared by Coastline Geotechnical Consultants, Inc.; Report of Limited Engineering Geologic Investigation, dated 6/6/98, prepared by Pacific Geology Consultants, Inc.

The geologic reconnaissance found no unstable conditions on the proposed project site. The site is underlain with minor amounts of fill, natural soils, and bedrock. No landslides were identified on the site. The proposed additions to the residence would be constructed on the existing building pad area.

The consultants make recommendations regarding foundations, setbacks, drainage, etc. The geologic consultants conclude, based on their investigation of the proposed project site that:

Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the additions will be safe from landslide hazard, settlement and slippage. In addition, the proposed construction will not adversely affect off-site properties from a geological standpoint.

Based on the recommendations of the consulting geologists and geotechnical engineers, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act so long as the consultants' recommendations 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 geologists as conforming to their recommendations. This is included as Special Condition No. 2.

One important recommendation for continued stability of the site relates to drainage and erosion control. The geologic consultants note that: "surface drainage conditions on the subject property are considered to be poor. The existing residence is equipped with a roof gutter/down drain system. However, the gutters and down drains are in disrepair, and allow water to discharge adjacent to the residence foundation". The consultants make detailed recommendations regarding site drainage, including repair of the existing gutters, employment of gutters for the new additions, positive pad drainage, and conducting surface water away from foundations and slopes to suitable drainage facilities via non-erosive devices. Controlling drainage on the site is important for slope stability as well as protecting the disturbed sensitive resource area on site, as discussed above.

The Commission finds it necessary to also require the applicant to submit detailed drainage and erosion control plans. Condition No. 3 is required to ensure that project drainage be achieved in a non-erosive manner and that the applicant assumes responsibility for the maintenance of all drainage devices on site and for replacement and repair should the drainage structures fail or result in erosion.

Even though the consultants have determined that the project site will be free of geologic hazards, the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire. As such, the Commission can only approve the proposed project if the applicant assumes the liability from the 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. The wildfire waiver of liability is required in Condition No. 4. The Commission finds that, only as conditioned to incorporate all recommendations of the consultants, to assume the liability from fire risk, and to implement the drainage plan, is the development consistent with Section 30253 of the Coastal Act.

D. Septic System.

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in 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, and minimizing alteration of natural streams.

In addition, the Malibu/Santa Monica Mountains Land Use Plan, which the Commission has relied upon for guidance in past decisions, contains the following policies concerning sewage disposal:

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

The proposed development includes the installation of a new on-site septic system to serve the remodeled residence. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. As stated above, the proposed present and future seepage pits are located at least 100 feet from the stream. Finally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program.

Section 30604 of the Coastal Act states, in part, 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 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 will not prejudice the City's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. 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)(i) 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 effect which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects that 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.

SEE 627 MAP

667



SITE
28830
BISON CT

OCEAN

PACIFIC

RECEIVED

JAN 29 1999

COASTAL COMMUNITY
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 1

4-99-017

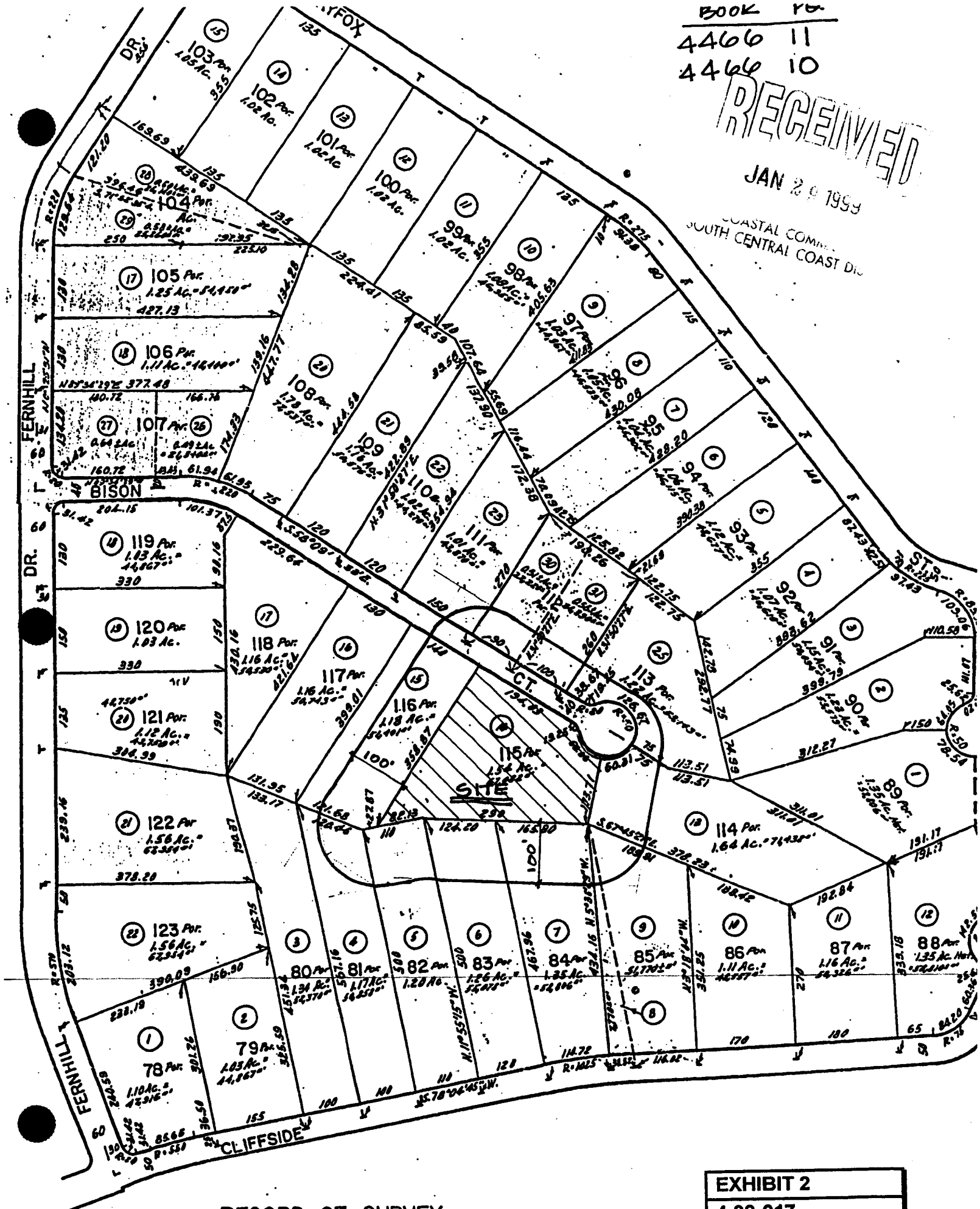
Vicinity Map

BOOK 10
4466 11
4466 10

RECEIVED

JAN 20 1999

COASTAL COMM.
SOUTH CENTRAL COAST DIST.



RECORD OF SURVEY
R.S. 57-9-10

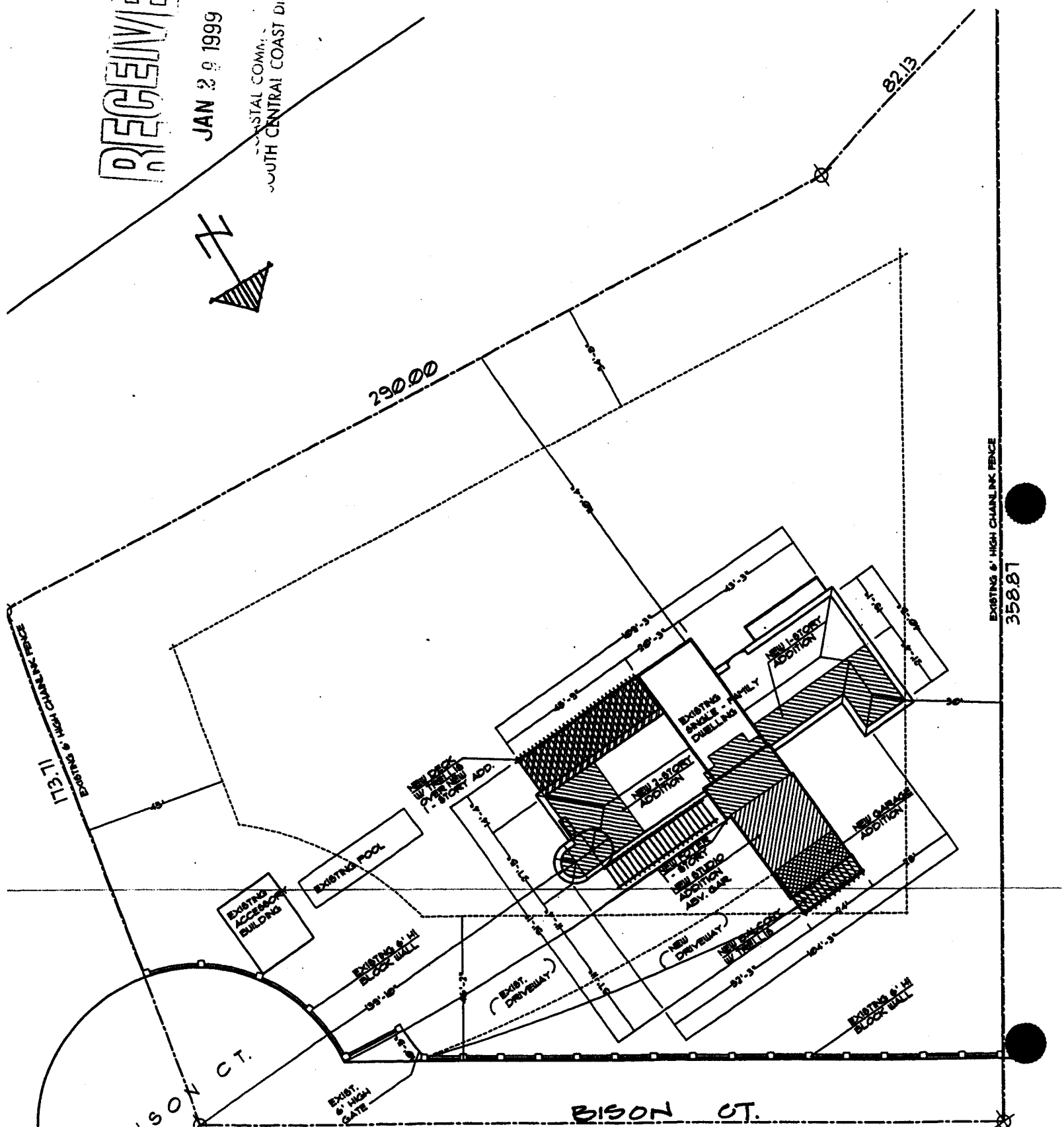
EXHIBIT 2
4-99-017
Assessor's Map

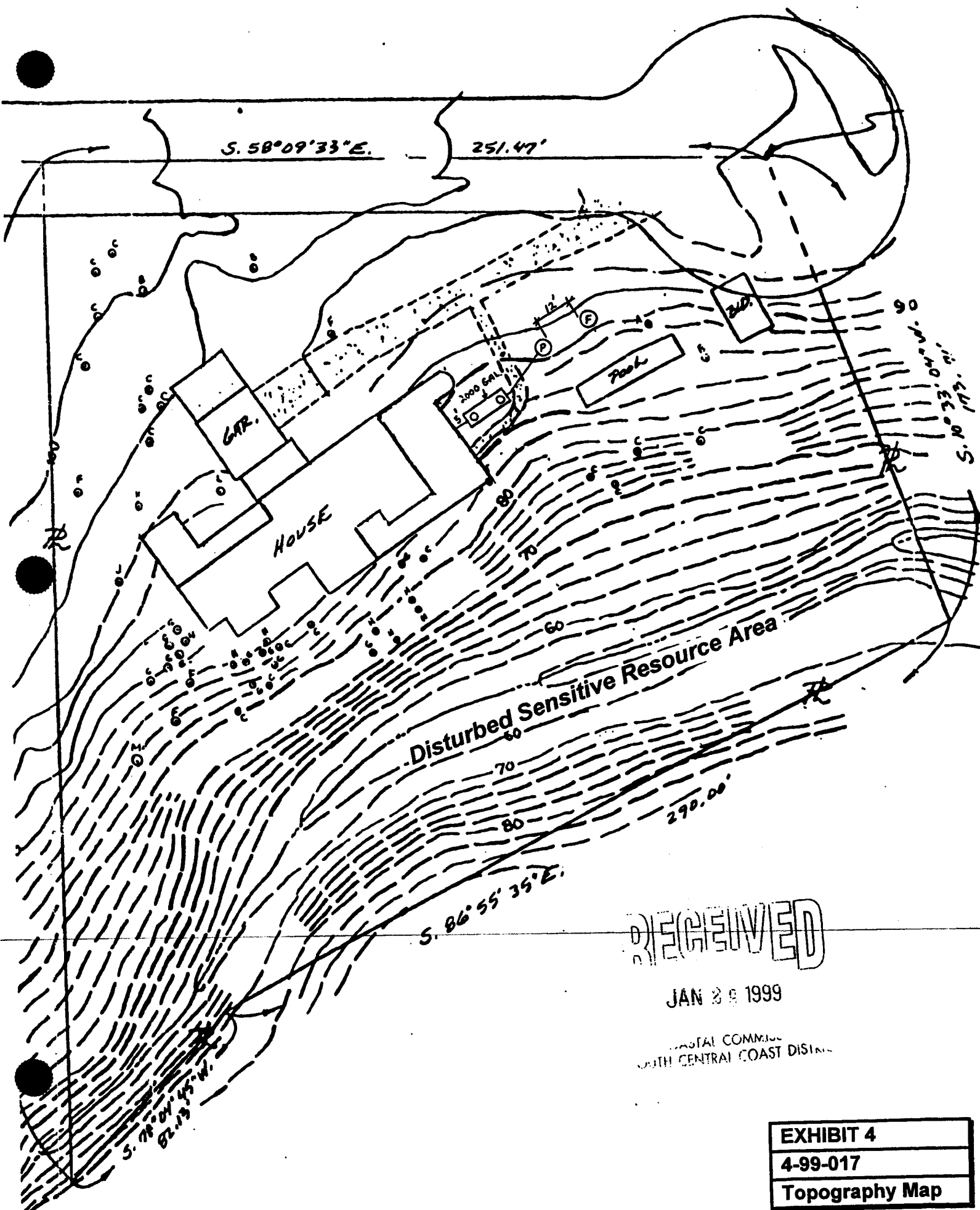
Site Plan

RECEIVED

JAN 29 1999

~~ASTAL COMAN
OUTH CENTRAL COAST DIS~~





RECEIVED

JAN 29 1999

COASTAL COMMUNITY
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 4
4-99-017
Topography Map