


CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-99-030

APPLICANT: McCormick Family Trust

AGENT: Schmitz & Associates

PROJECT LOCATION: 7015 Grasswood Avenue, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Demolition of an existing 1,890 sq. ft. single family residence, 208 sq. ft. storage structure, 101 sq. ft. laundry structure, and 600 sq. ft. detached garage and the construction of a new 5,814 sq. ft. single family residence, attached 950 sq. ft. 4-car garage, pool, and a 384 ft. long 3-6 ft. high retaining wall. The proposed project also includes approximately 2,055 cu. yds. of grading (391 cu. yds. of cut, 15 cu. yds. of fill, and 1,649 cu. yds. of removal and recompaction in order to remediate a landslide.

Lot area:	52,708	sq. ft.
Building coverage:	2,810	sq. ft.
Pavement coverage:	2,425	sq. ft.
Ht. abv. ext. grade:	27 ft.	

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept; City of Malibu Geologic and Geotechnical Approval in Concept; City of Malibu Health Department Approval in Concept; Los Angeles County Fire Department Approval.

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Engineering Report by Coastline Geotechnical Consultants dated 9/23/97; Preliminary Engineering Geologic Report by Pacific Geology Consultants dated 9/1/97; Supplemental Engineering Geologic Report by Pacific Geology Consultants dated 8/4/98; Geologic and Geotechnical Engineering Response Letter by Coastline Geotechnical Consultants dated 9/4/98; Geologic and Geotechnical Engineering Response Letter by Coastline Geotechnical Consultants dated 8/7/98; Supplemental Engineering Geologic Report by Pacific Geology Consultants dated 6/15/98.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with six (6) special conditions regarding landscape plans, plans conforming to geologic recommendation, drainage plans and responsibility, other required approvals, removal of excavated material, and assumption of risk. A natural drainage ravine (approximately 10-30 ft. in depth) is located along the northern portion of the subject site. A landslide is located on the northern portion of the building pad for the proposed residence and the southern descending slope of the drainage ravine immediately below the proposed building site. The proposed grading will serve to remediate the existing landslide.

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 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. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit 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 identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) 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.
- (2) 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;
- (3) 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;
- (4) 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.
- (5) All invasive and non-native plant species shall be removed from the drainage ravine floor and slopes. The ravine floor and slopes shall be revegetated with appropriate native plant species.

- (6) 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.

Removal of 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 his permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of any structure approved pursuant to this permit. 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

- (1) 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.
- (2) 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.
- (3) 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.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geotechnical Engineering Report by Coastline Geotechnical Consultants dated 9/23/97; Preliminary Engineering Geologic Report by Pacific Geology Consultants dated 9/1/97; Supplemental Engineering Geologic Report by Pacific Geology Consultants dated 8/4/98; Geologic and Geotechnical Engineering Response Letter by Coastline Geotechnical Consultants dated 9/4/98; Geologic and Geotechnical Engineering Response Letter by Coastline Geotechnical Consultants dated 8/7/98; and the Supplemental Engineering Geologic Report by Pacific Geology Consultants dated 6/15/98 shall be incorporated into all final design and construction including all grading and drainage improvements. All plans must be reviewed and approved by both the geologic and the 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 consultants' 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 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.

3. Drainage Plans and Maintenance Responsibility

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 and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

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

5. Required Approvals

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director a Streambed Alteration Agreement or other evidence of approval from the California Department of Fish & Game or evidence that such approval is not required.

6. Assumption of Risk, Waiver of Liability and Indemnity

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site(s) may be subject to hazards from extraordinary hazard from wildfire, flooding, landslides, erosion, and mud and/or debris flows; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant, and landowner(s), shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing the demolition of an existing 1,890 sq. ft. single family residence, 208 sq. ft. storage structure, 101 sq. ft. laundry structure, and 600 sq. ft. detached garage and the construction of a new 5,814 sq. ft. single family residence, attached 950 sq. ft. 4-car garage, pool, and a 384 ft. long 3-6 ft. high retaining wall. The proposed project also includes approximately 2,055 cu. yds. of grading (391 cu. yds. of cut, 15 cu. yds. of fill, and 1,649 cu. yds. of removal and recompaction in order to remediate a landslide.

The subject site is a 52,708 sq. ft. lot located in the generally built out Point Dume area of Malibu consisting of single family residences. Slopes on site descend approximately 10-30 ft. in elevation to the centerline of a natural drainage ravine to the north from the existing driveway and building pad at an approximate slope gradient of 2:1 (26°) to 1.5:1 (34°). Slopes ascend approximately 10-30 ft. in elevation to a neighboring undeveloped parcel to the south from the existing driveway and pad area at an approximate slope gradient of 1:1 (45°). The new proposed residence will be located in the same general area of the subject site as the previously existing residence.

A natural drainage ravine (approximately 10-30 ft. in depth) is located along the northern portion of the subject site. The drainage ravine has been previously landscaped with non-native and invasive plant species primarily consisting of iceplant and ivy ground cover. The drainage ravine is not designated as either an environmentally sensitive habitat area (ESHA) or a disturbed sensitive resource area by the Malibu/Santa Monica Mountains Land Use Plan or as a blue line stream by the United States Geologic Service; however, the Commission notes that water does flow within the natural drainage ravine during each rainy season. A landslide is located on

the northern portion of the building pad for the single family residence and the southern descending slope of the drainage ravine immediately below the proposed building site.

B. 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 Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The applicant is proposing the demolition of an existing 1,890 sq. ft. single family residence, 208 sq. ft. storage structure, 101 sq. ft. laundry structure, and 600 sq. ft. detached garage and the construction of a new 5,814 sq. ft. single family residence, attached 950 sq. ft. 4-car garage, pool, and a 384 ft. long 3-6 ft. high retaining wall.

The new proposed residence will be located in the same general area as the previously existing single family residence. A landslide is located on the northern portion of the existing building pad and the descending slope of the drainage ravine immediately below the proposed building site. The proposed residence will be constructed on the existing relatively flat building pad. The proposed project includes approximately 2,055 cu. yds. of grading (391 cu. yds. of cut, 15 cu. yds. of fill, and 1,649 cu. yds. of removal and recompaction in order to remediate the existing landslide and to stabilize the building pad and drainage ravine slope. All landslide debris and uncompacted fill will be removed and recompacted. In addition, the foundation for the proposed new single family residence will be constructed on caissons in order to ensure structural stability. The proposed grading includes approximately 27 cu. yds. of cut grading to install a 3-6 ft. high retaining wall to stabilize the ascending slope located immediately south of the existing driveway. No retaining walls are proposed within the natural drainage ravine and the applicant's geotechnical consultant has indicated that no retaining walls are required to stabilize the ravine slopes provided the proposed remedial grading is implemented.

The Preliminary Engineering Geologic Report by Pacific Geology Consultants dated 2/10/99 states:

Based on field observation and evaluation of geologic conditions at the site, it is the professional geologic opinion of the undersigned that the construction of a single family residence...and swimming pool is feasible from a geologic standpoint...Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the residence...and swimming pool are safe from landslide hazard, settlement or slippage. In addition, the proposed construction will not adversely affect off-site properties from a geological standpoint.

In addition, the Geotechnical Engineering Report by Coastline Geotechnical Consultants dated 9/23/97 also indicates that the project site will be free from geologic hazards. The report states:

Based on findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading, and construction are properly and adequately executed, it is our opinion that construction within the building site would not be subject to geotechnical hazard from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely affect the stability of the site, or adjacent properties with the same provisos listed above.

The Geotechnical Engineering Report by Coastline Geotechnical Consultants dated 9/23/97; Preliminary Engineering Geologic Report by Pacific Geology Consultants dated 9/1/97; Supplemental Engineering Geologic Report by Pacific Geology Consultants dated 8/4/98; Geologic and Geotechnical Engineering Response Letter by Coastline Geotechnical Consultants dated 9/4/98; Geologic and Geotechnical Engineering Response Letter by Coastline Geotechnical Consultants dated 8/7/98; and the Supplemental Engineering Geologic Report by Pacific Geology Consultants dated 6/15/98 include a number of geotechnical recommendations to ensure the stability and geotechnical safety of the site. To ensure that the recommendations of the geotechnical and geologic engineering consultants have been incorporated into all proposed development, Special Condition Two (2) requires the applicant to submit project plans certified by both the consulting geotechnical and geologic engineer as conforming to all recommendations by the consulting geotechnical and geologic engineers to ensure structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading 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.

In addition, the Preliminary Engineering Geologic Report by Pacific Geology Consultants dated 9/1/97 also states that:

To reduce the potential for future erosion and soil slippage, it is recommended that slope areas be planted with an erosion retardant ground cover adhering to the following

criteria:...drought resistant...relatively low surface mass weight...fairly deep and extensive root system... low irrigation demand.

...

Positive pad drainage shall be incorporated into the final plans. In no case shall water be allowed to pond within the site, impound against structures, or flow in a concentrated and/or uncontrolled manner down the descending slopes. All surface water shall be conducted away from foundations and slope areas to suitable drainage facilities, via non-erosive devices.

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 landscape all disturbed and graded areas of the site with native plants, compatible with the surrounding environment. Thus, Special Condition One (1) has been required to ensure that all proposed disturbed and graded areas are stabilized and vegetated. In addition, the Commission notes that the slopes and bottom of the natural ravine where the landslide is located have been previously landscaped with invasive and non-native plant species, primarily consisting of iceplant and ivy. These plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the ravine slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. Therefore, in order to ensure the stability and geotechnical safety of the site, Special Condition One (1) also requires that all invasive and non-native plant species shall be removed from the drainage ravine floor and slopes and that the ravine floor and slopes shall be revegetated with appropriate native plant species. Further, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by Special Condition Three (3), to submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations. Further, to ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage structures shall be repaired should the structures fail in the future, Special Condition Three (3) also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

The Commission notes that the proposed project has been designed to assure stability and structural integrity; however, because there remains some inherent risk in building on sites underlain by landslides, such as the subject site, and 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 the associated risks as required by Special Condition Six (6). This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development throughout the Malibu/Santa Monica Mountains region.

In addition, 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 376 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. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, Special Condition Four (4) requires the applicant to remove all excavated material, including concrete debris resulting from the removal of the existing pool, from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required. Therefore, the Commission finds that the proposed project, as conditioned above, is consistent with Section 30253 of the Coastal Act.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

C. Environmentally Sensitive Resources

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 states:

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 states:

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

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

To assist in the determination of whether a project is consistent with Sections 30230, 30231 and 30240 of the Coastal Act, the Commission has, in past coastal development permit actions for new development in the Santa Monica Mountains, looked to the certified Malibu/ Santa Monica Mountains LUP for guidance. The Malibu LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. In its findings regarding the certification of the Malibu/Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources finding that:

Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

In addition, Policy 82 of the LUP, in concert with the Coastal Act, provides that grading shall be minimized to ensure that the potential negative effects of runoff and erosion on watershed and streams is minimized. Policies 84 and 94, in concert with the Coastal Act, provide that disturbed areas shall be revegetated with native plant species within environmentally sensitive habitat areas and significant.

Although the project site is not located within an environmentally sensitive habitat area (ESHA), the Commission notes, however, that a natural drainage ravine (approximately 10-30 ft. in depth) is located on site. The ravine extends in an east-west direction and

outlets to a culvert located under Grasswood Avenue on the eastern boundary of the subject site. The Commission further notes that although the ravine is not designated as a blueline stream by the United States Geologic Service, the Preliminary Engineering Geologic Report by Pacific Geology Consultants dated 9/1/97 indicates that water flows within the natural drainage ravine during each rainy season. The Commission further notes that seasonal drainage courses, such as the ravine located on the subject site, in conjunction with primary waterways and streams, provide important habitat for riparian plant and animal species. However, in the case of the proposed project site, the riparian habitat within the ravine is highly disturbed as a result of having been previously landscaped with invasive and non-native plant species such as iceplant and ivy.

The proposed project includes approximately 6,587 cu. yds. of grading (1,301 cu. yds. of cut, 900 cu. yds. of fill, and 4,386 cu. yds. of removal and recompaction) to remediate a landslide located on the southern slope and floor of the natural drainage ravine. The California Department of Fish and Game has found that the ravine drainage located on the subject site does constitute a seasonal water course and that the proposed project will require a Streambed Alteration Agreement in order to ensure that adverse effects to the natural drainage course are minimized. Special Condition Five (5) has been required to ensure that, prior to the issuance of a coastal permit, the applicant shall submit to the Executive Director a Streambed Alteration Agreement or other evidence of approval from the California Department of Fish & Game or evidence that such approval is not required.

Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible. The proposed grading of the ravine slope and bottom will result in direct and indirect adverse effects to the riparian habitat of the drainage course. Direct adverse effects will include the removal of riparian habitat by grading activity. Indirect adverse effects will include potential erosion on site and increased sedimentation of the drainage course and downstream areas. However, the Commission notes that the proposed grading is necessary to stabilize the slopes on site and to remediate an identified landslide and that there are no feasible alternatives to the proposed project which would result in fewer adverse effects to the riparian habitat. In addition, the Commission finds that the minimization of site erosion will minimize the project's potential individual and cumulative contribution to adversely affect the natural drainage course. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Therefore, Special Condition One (1) has been required to ensure that all proposed disturbed and graded areas are stabilized and vegetated. Further, the Commission notes that the riparian habitat of the natural drainage ravine on the subject site is highly disturbed as a result of having been previously landscaped with invasive and non-native plant species such as iceplant and ivy. The Commission also notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures, such as the iceplant and ivy covering the ravine slopes and bottom on the subject site, do not serve to stabilize steep slopes,

such as the ravine slopes on the subject site, and that such vegetation will result in potential adverse effects to the geologic stability of the project site and increased erosion and sedimentation of the drainage course. Therefore, in order to mitigate any adverse effects to the riparian habitat on site that result from the proposed development and to ensure that the quality of coastal waters and streams are maintained and restored, Special Condition One (1) also requires that all invasive and non-native plant species shall be removed from the drainage ravine floor and slopes and that the ravine floor and slopes shall be revegetated with appropriate riparian native plant species.

Further, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by Special Condition Three (3), to submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations. Further, to ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage structures shall be repaired should the structures fail in the future, Special Condition Three (3) also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

Therefore, for the reasons discussed above, the Commission finds that the proposed amendment, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

D. Visual Impacts

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

The applicant is proposing the demolition of an existing single family residence and associated structures and the construction of a new single family residence, pool, and retaining wall. The proposed project also includes approximately 2,055 cu. yds. of grading (391 cu. yds. of cut, 15 cu. yds. of fill, and 1,649 cu. yds. of removal and recompaction) in order to remediate a landslide.

The project site is partially visible from a portion of Grasswood Avenue. However, the Commission notes that the proposed project site will be partially screened from public view by existing vegetation and topography. In addition the Commission further notes

that the proposed development is located in a built-out section of Malibu and will be consistent with the character of the area and that the proposed grading to reconstruct the slope where the landslide is located will be visually consistent with the previously existing slope. The Commission also finds that the minimization of site erosion will add to the stability of the reconstructed slope, thereby also serving to minimize adverse effects to the visual resources on the subject site. Erosion can best be minimized by requiring the applicant to landscape the reconstructed slope and the project site with native plants, compatible with the surrounding environment. Thus, Special Condition One (1) has been required to ensure that all disturbed and graded areas, including the reconstructed slope, will be stabilized and vegetated.

Therefore, for the reasons discussed above, the Commission finds that the proposed development, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. 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 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).

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 effect which the activity may have on the environment.

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

SMH-VNT

File:smh/permits/consent/4-98-315 Hayles/Moore report

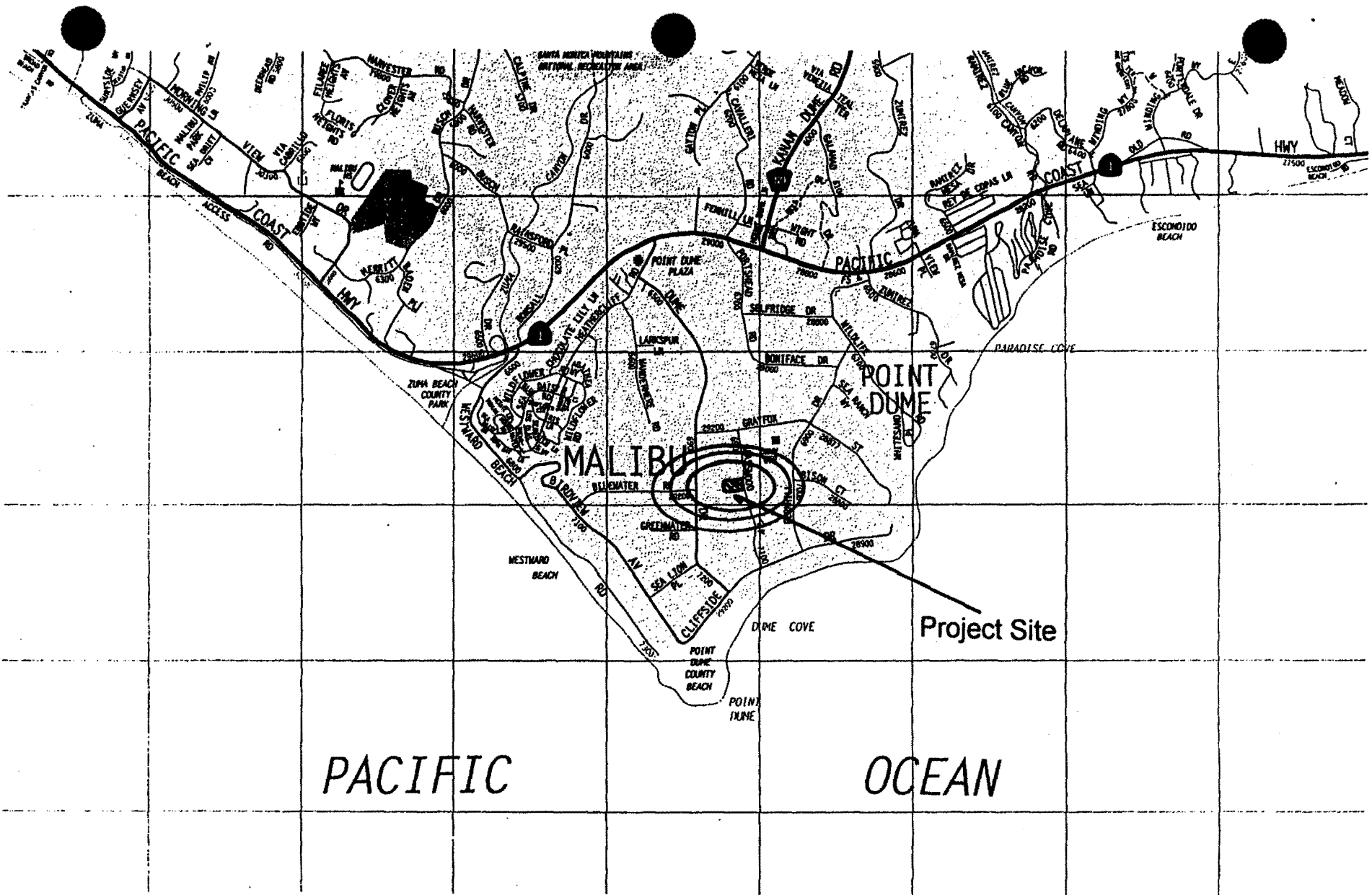
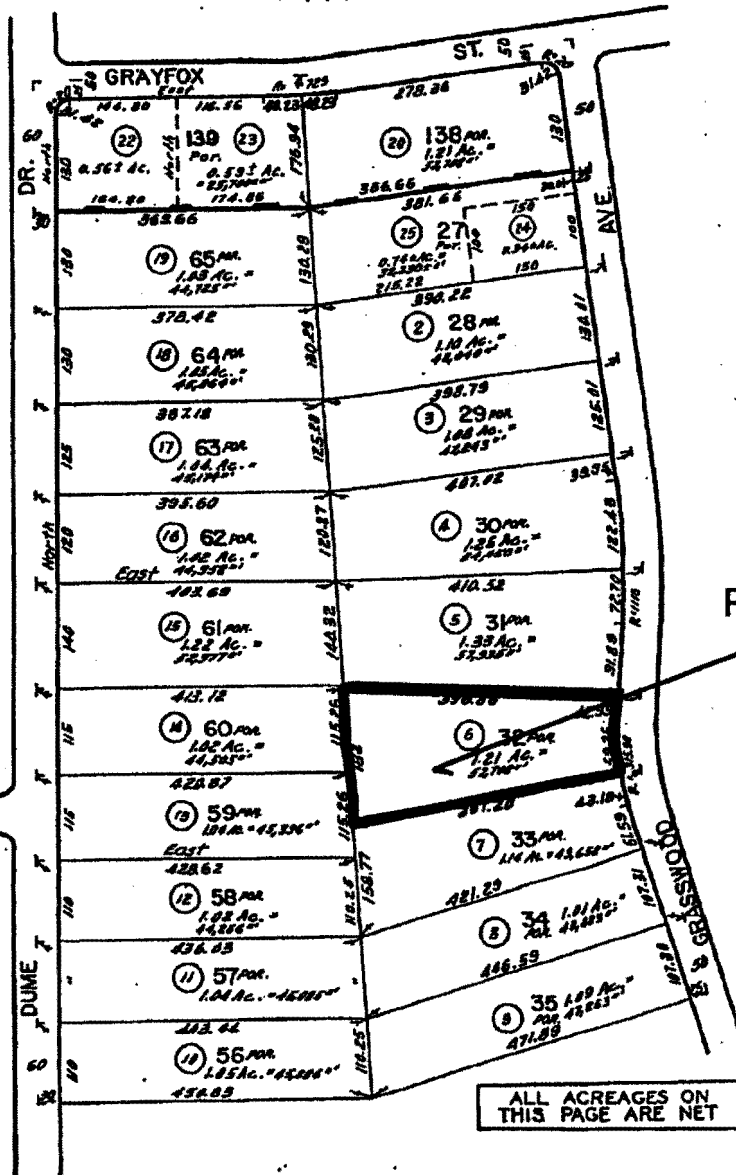


EXHIBIT 1
CDP 4-99-030 (McCormick)
Location Map



Project Site

RECORD OF SURVEY
R.S. 57-9-10
BLUEWATER RD.
RECORD OF SURVEY
R.S. 57-47-50

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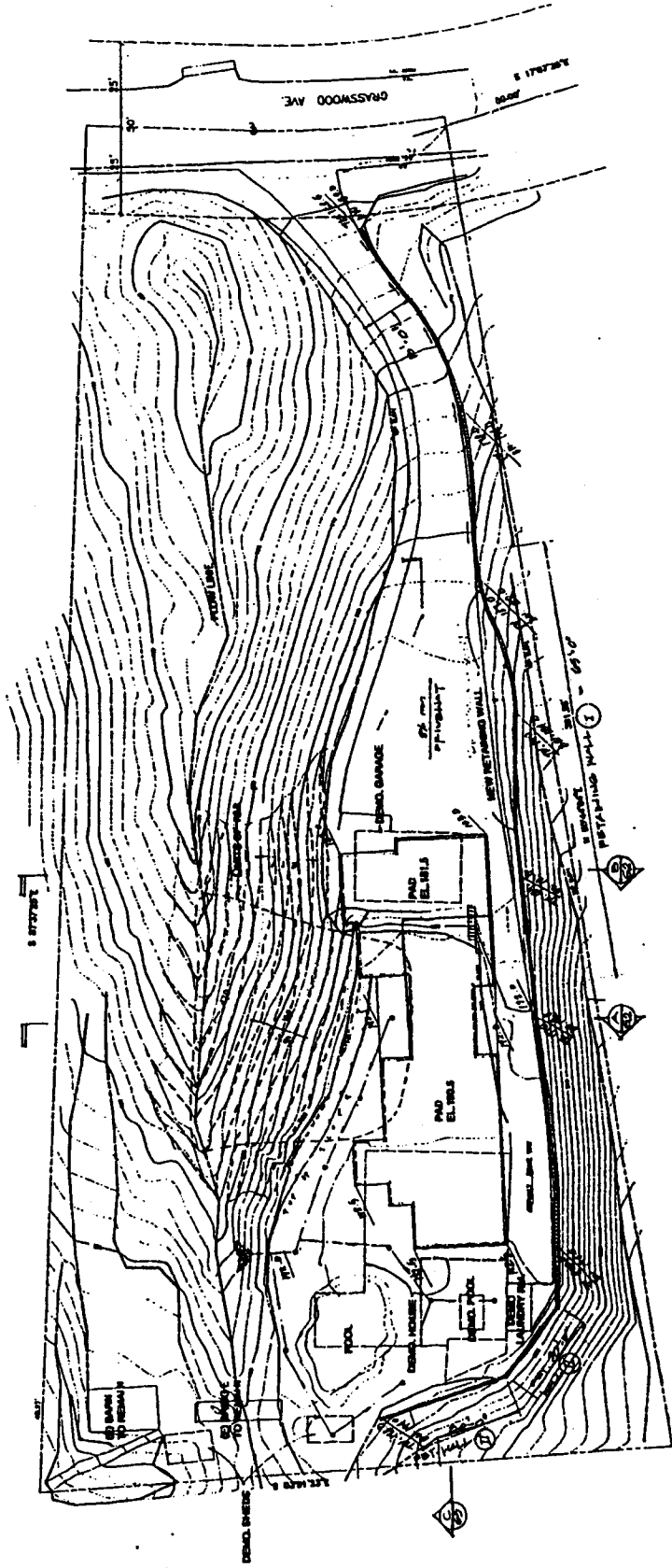
EXHIBIT 2
CDP 4-99-030 (McCormick)
Parcel Map



Gary H. Kasper & Associates
 Architects
 1000 Broadway, Suite 1000
 New York, NY 10018
 Tel: 212-692-1000
 Fax: 212-692-1001

E-2-21
 MCCORMICK RES
 THIS SHEET
 INCLUDES:

Sheet
 G.1
 of 4



SCALE: 1/8" = 1'-0"

EXHIBIT 3
CDP 4-99-030 (McCormick)
Site Plan/Grading Plan

SITE PLAN - GRADING PLAN

PROPOSED GRADING (BASE 0.1)
 EXISTING GRADING (BASE 0.1)
 SEE SHEET G.1 FOR DETAILS

PROPOSED GRADING (BASE 0.1)
 EXISTING GRADING (BASE 0.1)
 SEE SHEET G.1 FOR DETAILS



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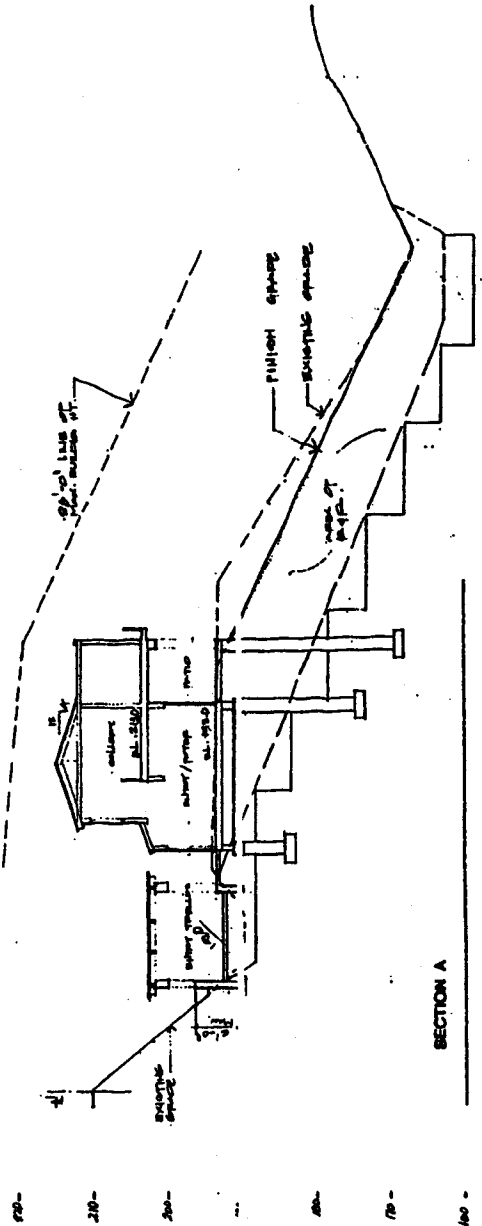
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 SITE SECTIONS

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 MCCORMICK RFS
 1818 GRASSWOOD
 HALIBURTON, CA

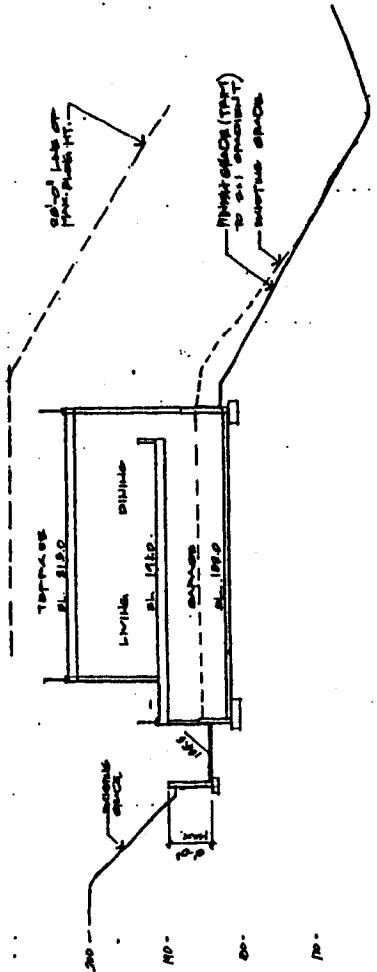
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 G.2
 of 4

EXHIBIT 4
CDP 4-99-030 (McCormick)
Grading Plan Cross Sections



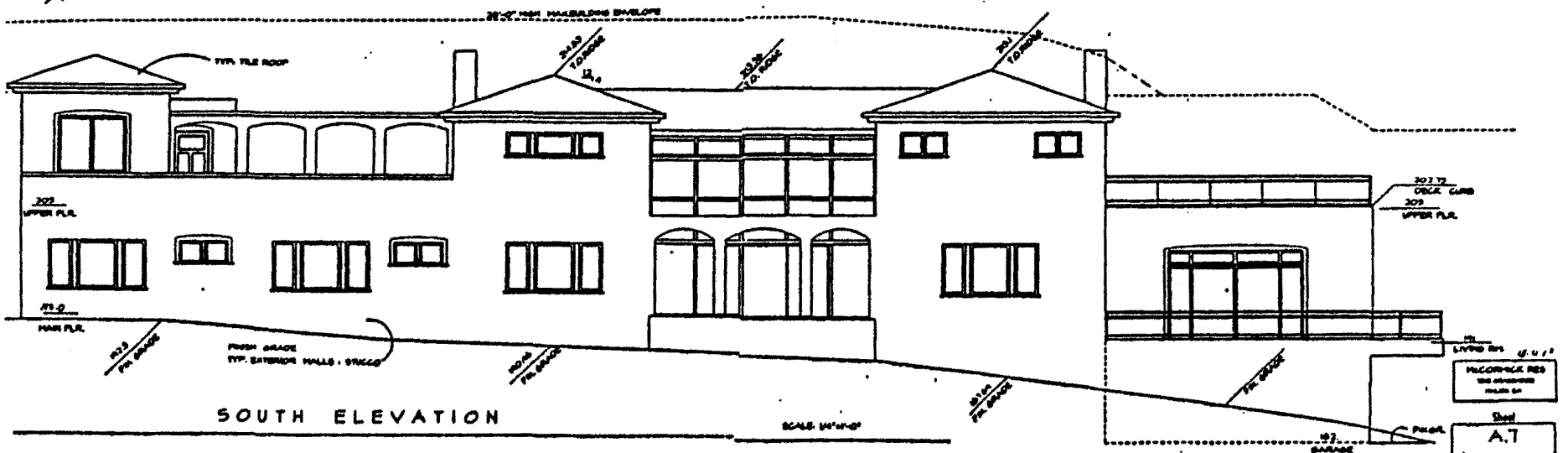
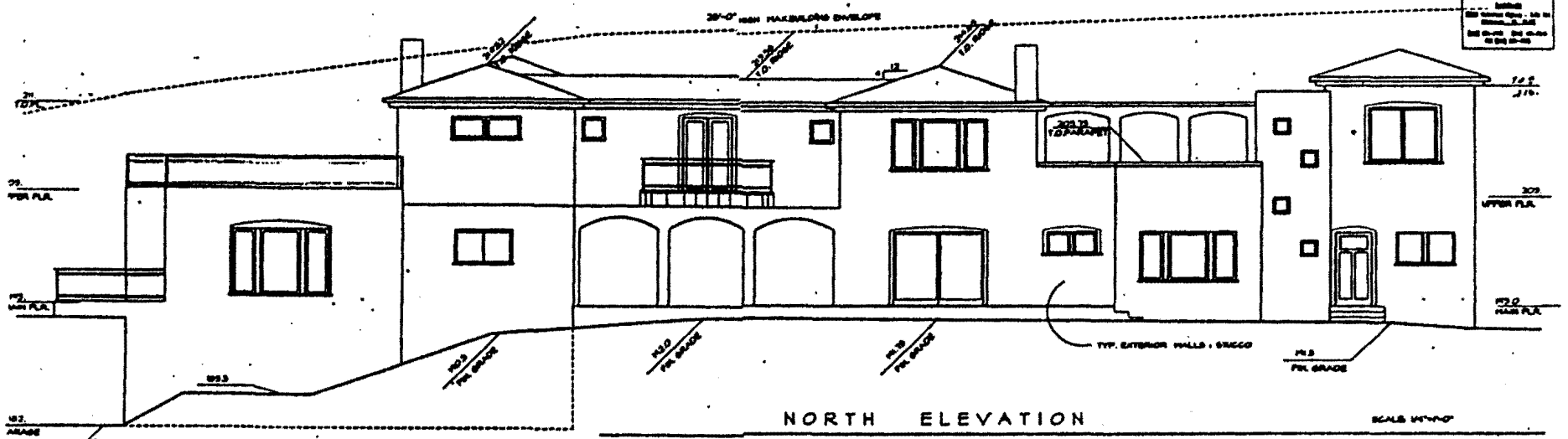
SECTION A



SECTION B



City of Denver & Arapahoe
 Building
 Code Review Dept. 1400
 1400 Sherman Street, Suite 100
 Denver, CO 80202
 303.733.1500



LIVING Rm. 4 x 11'
 MCCORMICK RES
 THE ARCHITECT
 1400 SHERMAN ST.
 DENVER, CO 80202
 303.733.1500
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A.7
 of

EXHIBIT 5
CDP 4-99-030 (McCormick)
Proposed Residence Elevations

