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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MALIBU, CA 93001

(818) 641-0142



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Staff: MHC
Staff Report: 6/23/99
Hearing Date: 7/13-16/99

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO:** 4-99-097**APPLICANT:** Cariker & Associates**AGENT:** Edward D'Andrea**PROJECT LOCATION:** 28916 West Beach Lane, City of Malibu, Los Angeles County**PROJECT DESCRIPTION:** Construction of a two-story, 26 ft. high, 2,891 single family residence, septic system and driveway with no grading

Lot area: 0.27 acre
Building coverage: 2,115 sq. ft.
Pavement coverage: 2,396 sq. ft.
Ht above ext grade: 26 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept, Environmental Health Department In-Concept Approval**SUBSTANTIVE FILE DOCUMENTS:** 5-90-805 (Cariker/Kinser), 4-96-040 (Cariker), and 4-99-025 (Cariker)**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project with special conditions relating to conformance with geologic recommendations, wildfire waiver of liability and landscaping plan. As conditioned, the proposed residence will minimize risks to life and property from hazards consistent with §30253 of the Coastal Act. The project, as conditioned to implement a landscaping plan, will minimize impacts to visual resources, consistent with §30251 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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Update Geotechnical Engineering Report, dated 9/23/98, the Update Geotechnical Engineering Report, dated 3/27/98, both prepared by Miller Geosciences, as well as the Updated Engineering Geologic and Seismic Report, dated 1/5/95, prepared by Mountain Geology; the Soils Exploration Report, dated 5/1/89, prepared by Tierra Tech Testing Lab; and the Geologic Investigation, dated 4/25/89, prepared by Westland Geological Services, shall be incorporated into all final design and construction including 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 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.

2. 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.

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

B) Interim Erosion Control Plan

- 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.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description.

The applicant proposes the construction of a 2,396 sq. ft., 26 ft. high single family residence with a 2-car garage and septic system. As discussed below, the proposed project site is one of eight parcels created in a subdivision recently approved by the Commission. No grading is proposed or required for the residence. The proposed project site is located adjacent to one lot inland of Cavalleri Road. Access is provided from West Beach Road, the road approved for the subdivision in the City of Malibu. (See Exhibits 1 through 11.)

B. Past Commission Actions.

The Commission has previously acted on applications for development on the subject project site.

5-90-805

The Commission approved Permit 5-90-805 (Cariker/Kinser) for the subdivision of the subject site into 23 residential condominiums with 17,000 cu. yds. of grading. The approved units were to range in size from 1,900 sq. ft. to 2,200 sq. ft. and 25 ft. in height. The permit was approved with Special Conditions relating to revised plans, cumulative impacts mitigation, landscaping, erosion control, and drainage plans, future improvements deed restriction, and geologic review. This approved development was never constructed and this permit has since expired.

4-96-040

In 1995, the City of Malibu approved a substantially revised Tentative Tract 47533 for the subdivision of the subject site into eight residential parcels. In 1996, the Commission approved Permit 4-96-040 (Cariker) for the subdivision of the subject project site into 8 single-family residential lots with 4,900 cu. yds. of grading, a lot line adjustment, and the demolition of an existing single family residence. This permit was approved with Special Conditions relating to landscaping plans, drainage and erosion control plans, cumulative impact mitigation, geologic review, and fire department review of the proposed road. Although the applicant had been working to comply with the conditions of Permit 4-96-040, no extension request was filed with the Commission prior to the expiration of the permit. As such, this permit expired in April 1998.

4-98-218

The Commission approved Permit 4-98-218 (Cariker) for the subdivision of a 3.03-acre (net) parcel on Cavalleri Road into eight single family residential lots ranging in size from 12,083 sq. ft. to 18,178 sq. ft. with 4,600 cu. yds. of grading (2,400 cu. yds. cut and 2,200 cu. yds. fill) for an access road with cul-de-sac and building pads for four of the proposed lots. Structures on the remaining four lots were approved to be built to the existing slope.

This permit also included a lot line adjustment between the existing project site and the adjacent site to the south whereby the proposed project site was decreased in size from 3.23-acres to 3.03-acres (net). An area 30 feet wide along the east property boundary and an area ranging from 22 feet to 30 feet wide along the northern property boundary was attached to the adjacent parcel to the south, which is developed with the Malibu Gardens Condominiums. The area along the northern property line is to be utilized for additional seepage pits for sewage disposal from the condominium complex. Finally, the permit included the demolition of an existing single family residence and its accessory structures and the construction of a riprap drainage structure on the eastern portion of the site.

This subdivision was approved with special conditions relating to cumulative impacts (TDCs); landscaping plans, conformance with geologic recommendations, drainage and erosion control plans, and disposal of excess cut material. The project site proposed in the subject permit application is Parcel 2 of the lots to be created through the subdivision approved under Permit 4-98-218.

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 an Update Geotechnical Engineering Report for the project site, dated 9/23/98 and prepared by Miller Geosciences. This report was an update to several geologic investigations that were carried out on the site for the various proposals, as described above. These reports include: 1) Geologic Investigation, dated 4/25/89, prepared by Westland Geological Services; 2) Soils Exploration, dated 5/1/89, prepared by Tierra Tech Testing Lab, Inc.; 3) Updated Engineering Geologic and Seismic Report, dated 1/5/95, prepared by Mountain Geology, Inc.; and 4) Update Geotechnical Investigation Report, dated 3/27/95, prepared by Miller Geosciences.

The 9/23/98 update report indicates that conditions remain the same on the project site as in previous investigations. The consultants found no evidence of gross or surficial instability on the site. The consultants reviewed all recommendations of previous reports and concluded that they are still applicable to the proposed development.

The earlier reconnaissances 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 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 development 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. 1.

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. 2. The Commission finds that, only as conditioned to incorporate all recommendations of the consultants, and to assume the liability from fire risk, is the development consistent with Section 30253 of the Coastal Act.

D. Visual Resources

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 subordinate to the character of its setting.

The proposed project site is located between Cavalleri Road and Kanan Dume Road, approximately 300 feet north of Pacific Coast Highway. Kanan Dume Road has been designated as a scenic highway. The Commission has, in past decisions, required that development that may be viewed from scenic highways or other public areas minimize impacts to visual resources.

The approved subdivision that created the proposed project site included 4,600 cu. yds. of grading (2,400 cu. yds. cut and 2,200 cu. yds. fill) to create an access road with cul-de-sac and building pads for four of the proposed lots (Lots 1, 2, 7, and 8). Structures on the remaining four lots (Lots 3, 4, 5, and 6) would be built to the existing slope on raised foundations. These four lots are those located on the eastern slope of the subject site, descending to Kanan Dume Road. The grading plan included the construction of a 3:1 fill slope necessary to support the proposed cul-de-sac. This fill slope is located on the western edge of the proposed Lots 4 and 5. The Commission found that the subdivision would minimize landform alteration and impacts to visual resources. The Commission did find that it may be necessary to impose design restrictions such as height limits, the use of earth tones for exterior materials, or landscaping on future permits for the individual residences.

In this case, the proposed project site is Parcel 2 of the approved subdivision. This lot is one lot inland of Cavalleri Road, and two lots away from Kanan Dume Road. A graded building pad was approved for this parcel. The applicant proposes no additional grading for the residence. The proposed residence would be 26 feet in height. As designed, the proposed structure would minimize impacts to visual resources. (See Exhibits 2 and 3.)

The applicant was required to provide landscape plans for the whole subdivision as a condition of Permit 4-98-281 (Cariker). However, these plans were more general and addressed the revegetation of graded and disturbed slopes. The Commission finds it necessary to require the applicant to submit a more specific landscaping plan for just the project site which depicts the location and size of all plant material, including lawn areas. Implementation of landscaping plans utilizing primarily native vegetation will ensure that the proposed development will blend with the surrounding area and minimize impacts to visual resources. Condition No. 3 requires the applicant to prepare a landscape plan 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.

In conclusion, the Commission finds that the proposed residence will minimize landform alteration. Further, if a landscape plan is developed, implemented, and monitored for the site in accordance with Condition No. 3, the proposed project will minimize impacts to visual resources. The Commission finds that, as so conditioned, the proposed project is consistent with Section 30251 of the Coastal Act.

E. Septic System.

The proposed development includes the installation of an on-site septic system to provide sewage disposal. (See Exhibit 5.) 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 residence. The applicant has submitted a Supplemental Engineering Geologic Report, dated 9/17/98, prepared by Mountain Geology, Inc. which addresses the installation of a septic system on the proposed project site. This report concludes that, based on the results of the percolation tests, the installation of a septic system to serve the proposed residence is feasible and will not result in adverse impacts to offsite properties. Additionally, 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.

F. 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).

G. 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.

EXHIBIT NO. 1

APPLICATION NO.

4-99-097

Cariker



Project Location

EXHIBIT NO. 2

APPLICATION NO.

4-99-097

Cariker

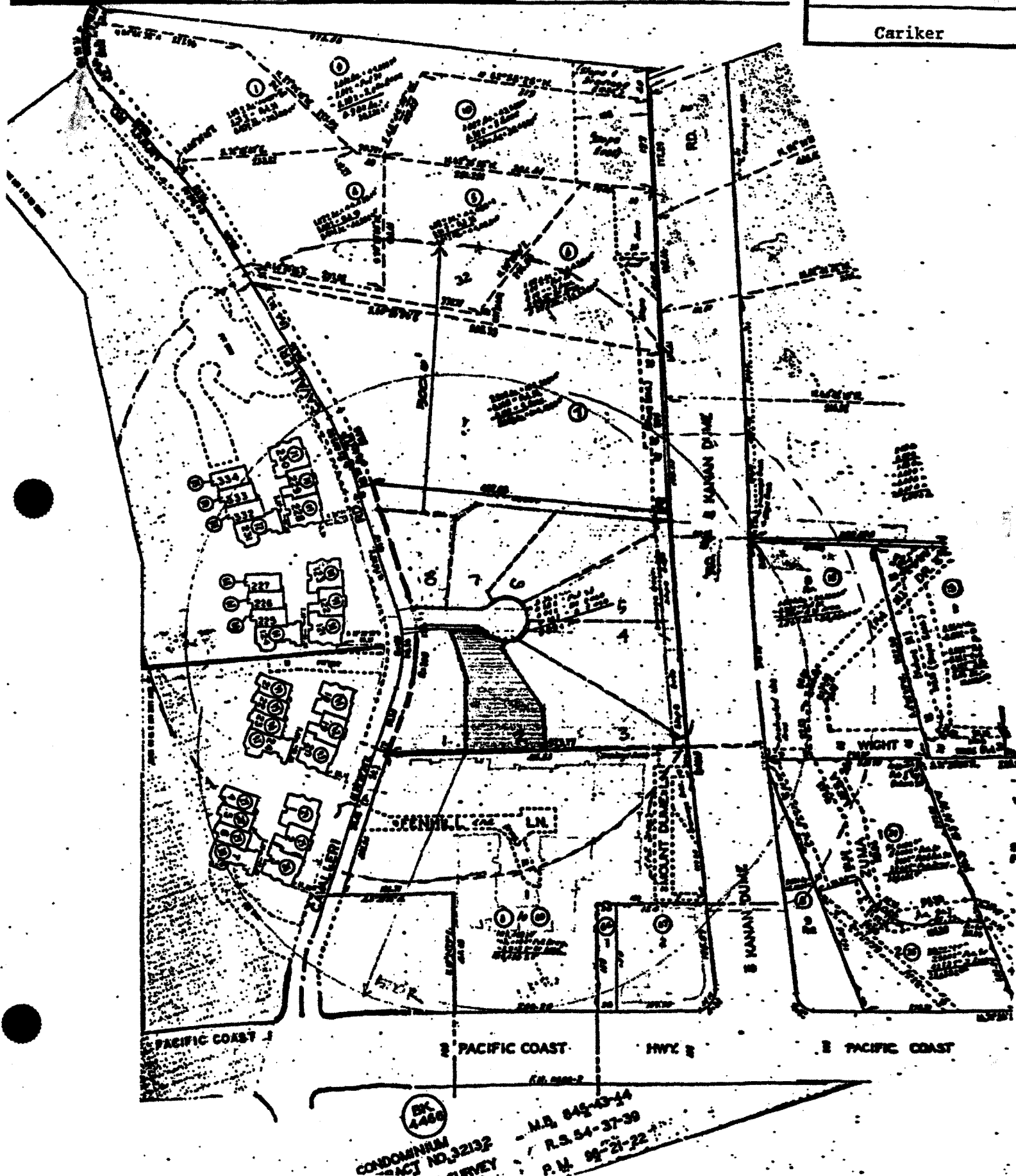
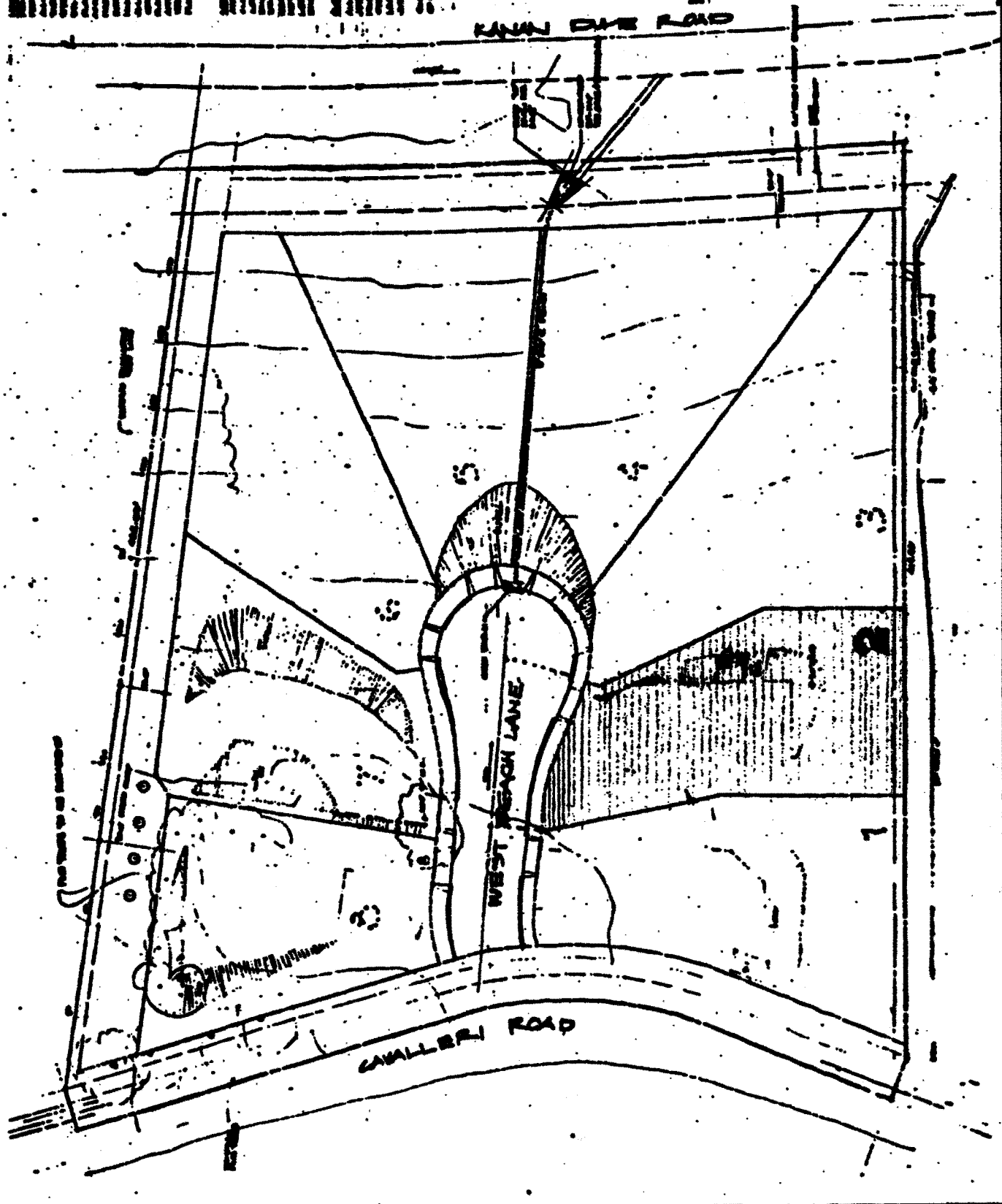


EXHIBIT NO. 3

APPLICATION NO.

4-99-097

Cariker



Cariker

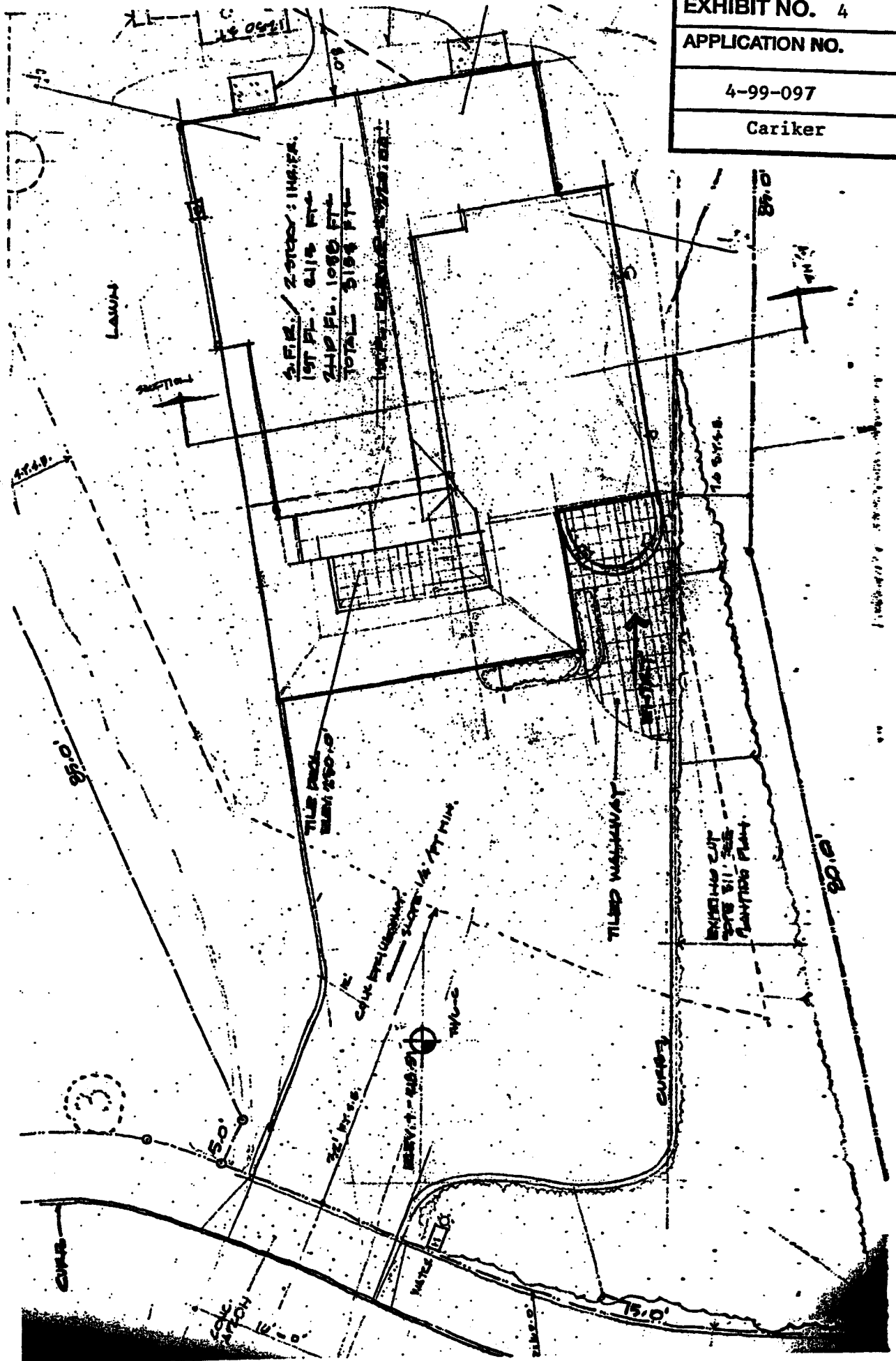


EXHIBIT NO. 5
APPLICATION NO.
4-99-097
Cariker

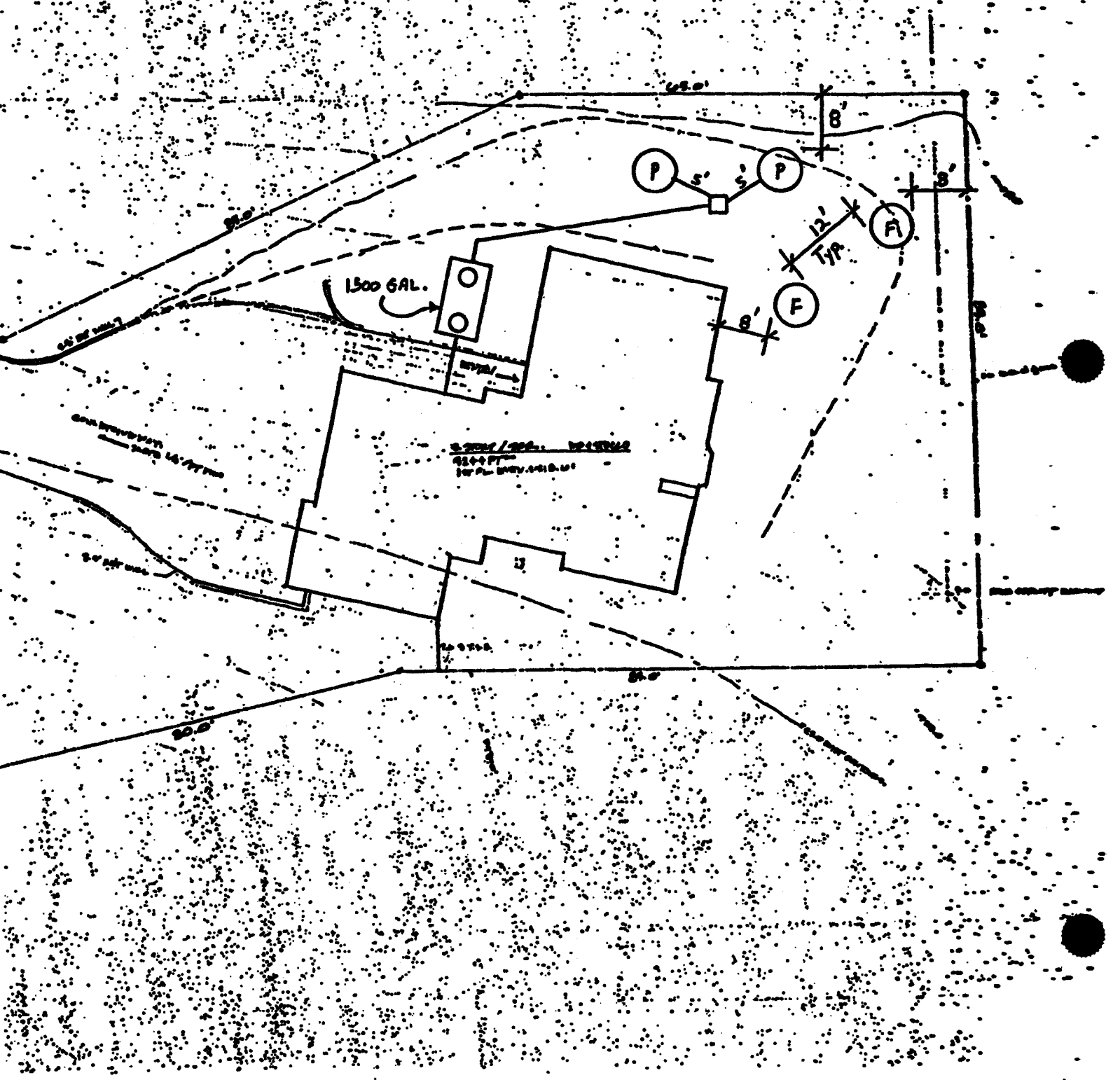
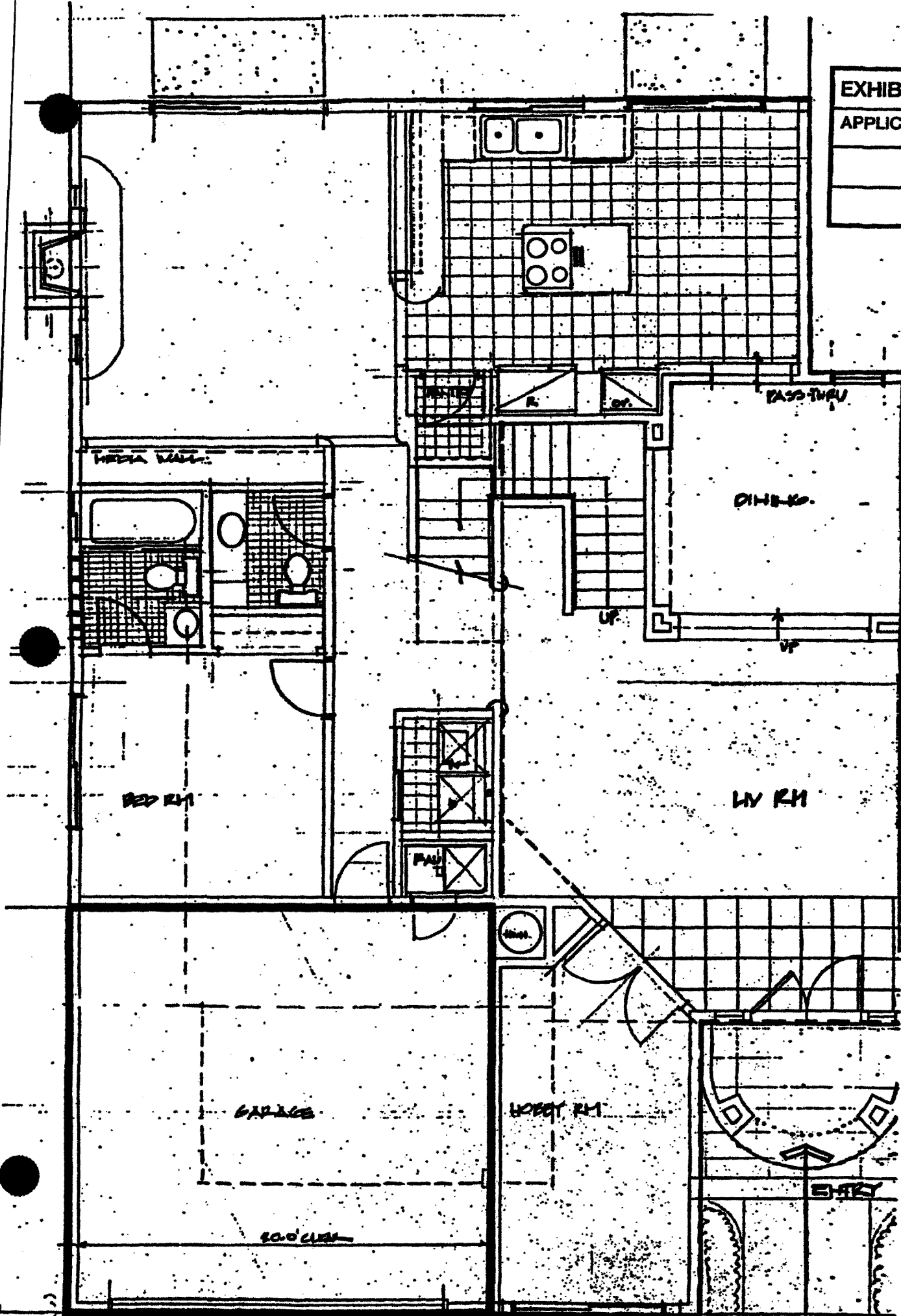


EXHIBIT NO. 6

APPLICATION NO.

4-99-097

Cariker



FIRST FLOOR

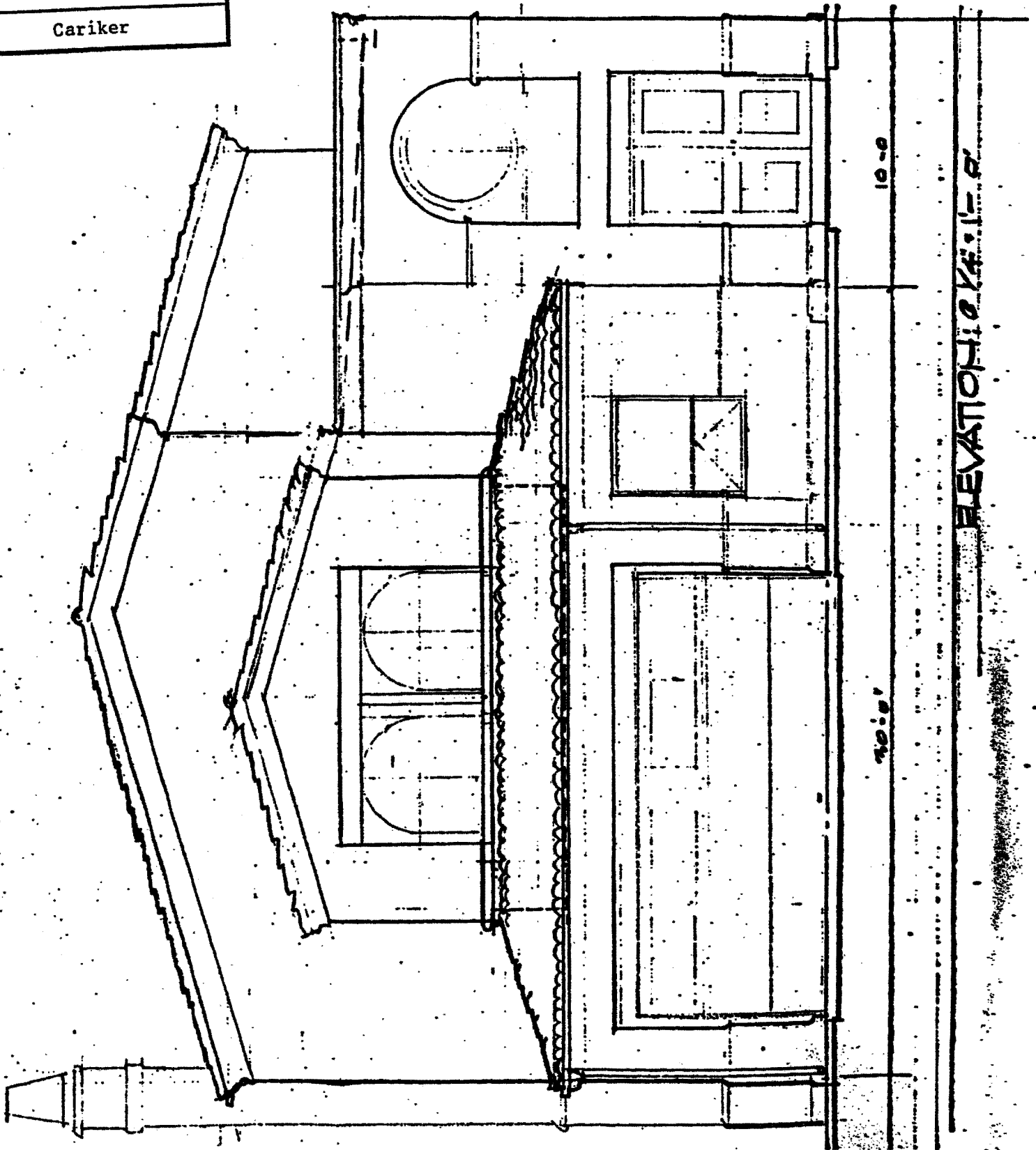
EXHIBIT NO.

8

APPLICATION NO.

4-99-097

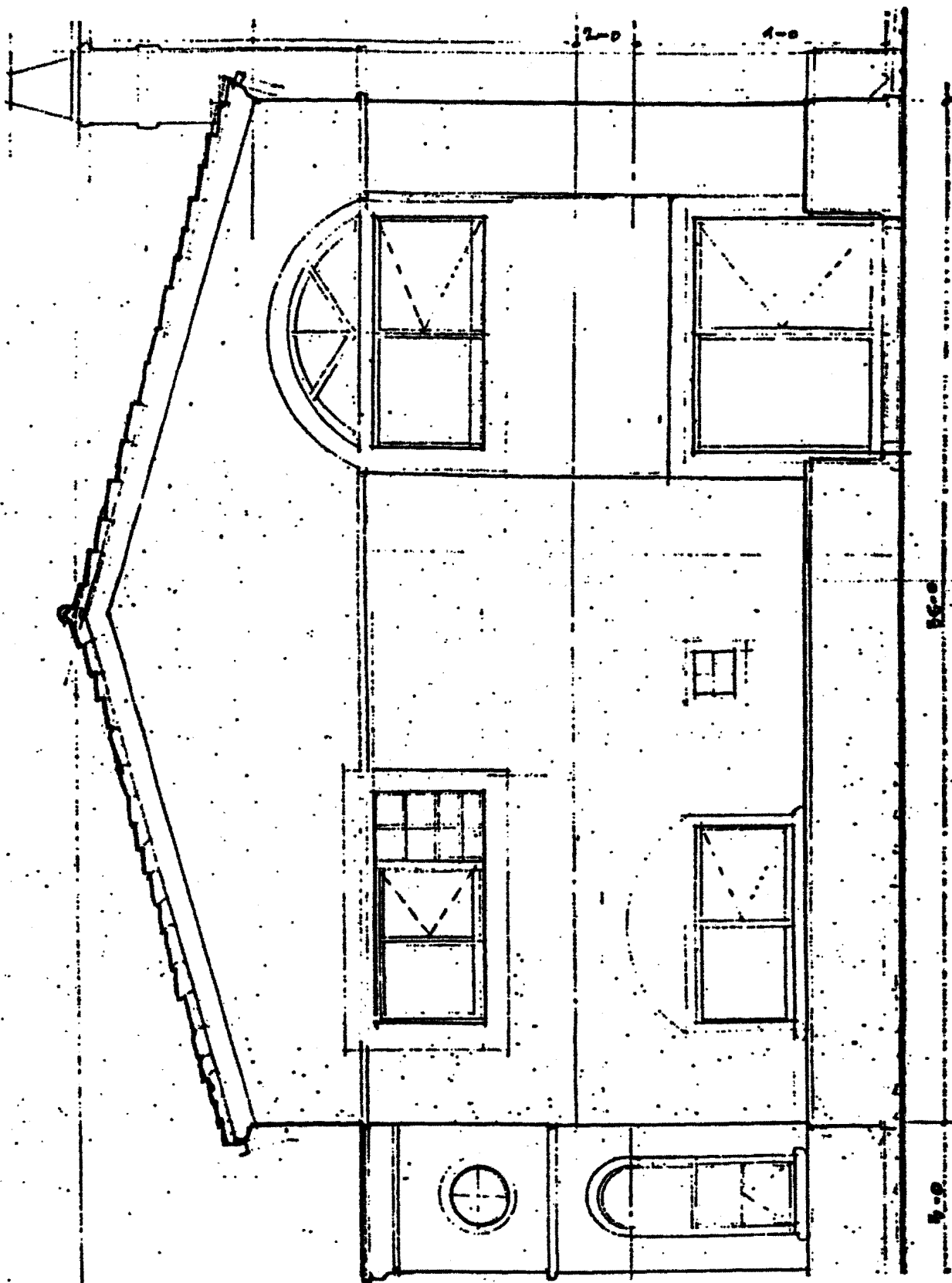
Cariker



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10'-0"

ELEVATION: 04-11-0



ELEVATION: 04/11-0

EXHIBIT NO. 9

APPLICATION NO.

4-99-097

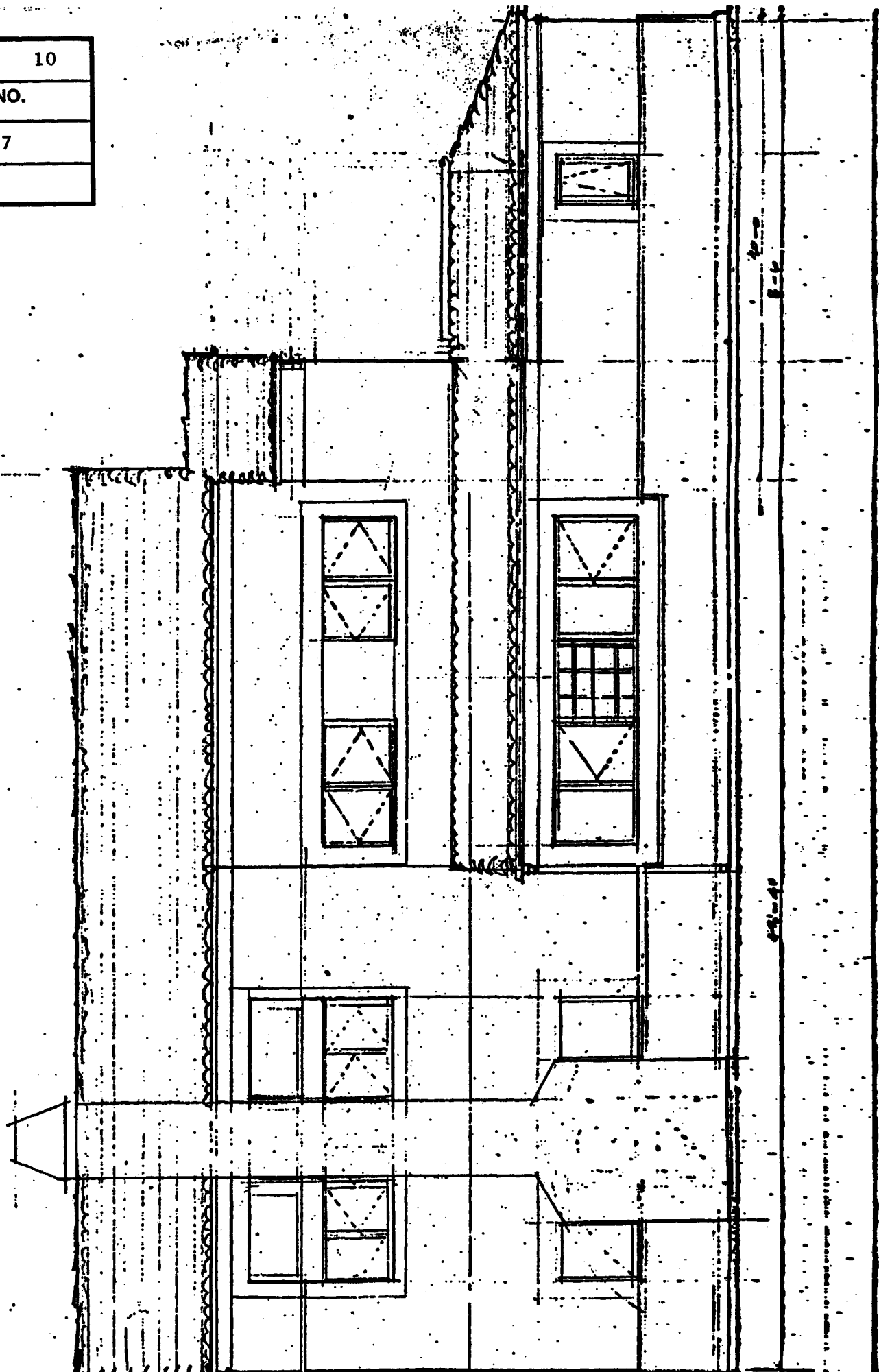
Cariker

EXHIBIT NO. 10

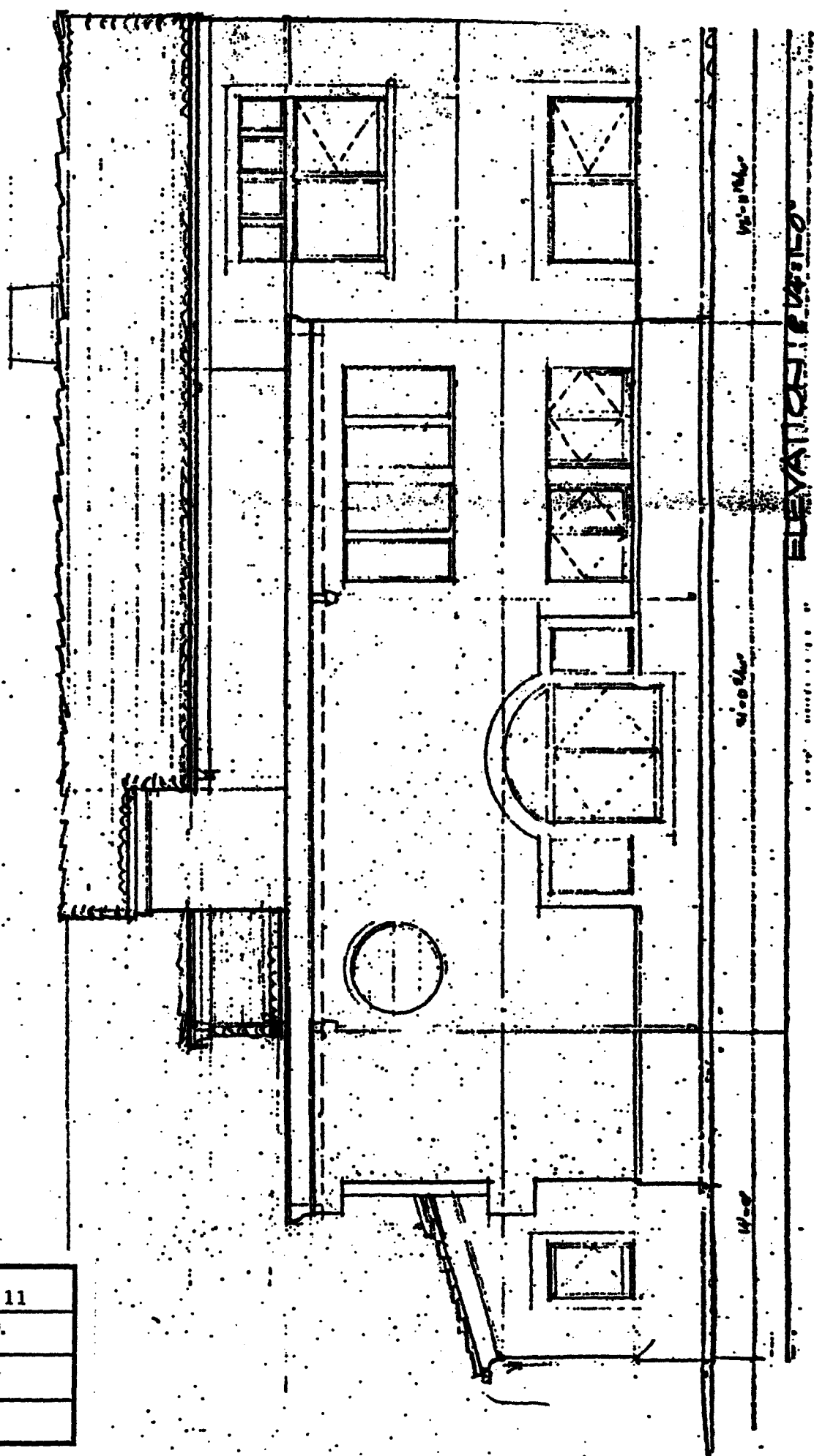
APPLICATION NO.

4-99-097

Cariker



PLANNING DEPARTMENT
 APPROVAL CONCEPT
 SIGNATURE _____
 DATE 2-14-99
 PLANNING REVIEW NO. _____
 THIS IS NOT A PERMIT
 AND IS SUBJECT TO ANY
 CONDITIONS LISTED BELOW.
 THIS APPROVAL IS VALID FOR 1 YEAR FROM THE DATE STAMPED.



ELEVATION: ELEVATION

EXHIBIT NO.	11
APPLICATION NO.	
	4-99-097
	Cariker