

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
1000 JTH CALIFORNIA ST., SUITE 200
SAN JOSE, CA 95001
(805) 641-0142



Filed: 6/19/99
49th Day: 6/19/99
180th Day: 12/16/99
Staff Report: 6/24/99
Staff: MHC *[Signature]*
Hearing Date: 7/13-16/99
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-114

APPLICANT: Betty & Fred J. Hayman

AGENT: J. Scott Carter

PROJECT LOCATION: 6946 Wildlife Road, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Remodeling of an existing single family residence including the addition of 987 sq. ft. of living area to the first story, relocation of a driveway to connect to new two garage, and restore landscaping on a blufftop lot.

Lot area: 44,428 sq. ft.
Building coverage: 3,577 sq. ft.
Pavement coverage: 2,960 sq. ft.
Landscape coverage: 24,450 sq. ft.
Parking spaces: 2
Height above ext. grade: 18 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Engineering Investigation Proposed New Additions and Garage 6946 Wildlife Drive prepared by Coastline Geotechnical Consultants, Inc., dated July 27, 1998.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed application with Special Conditions relating to conformance with geologic recommendations, and wildfire waiver of liability. As conditioned to comply with all recommendations of the geologic consultants and to waive any liability resulting from developing in a high fire hazard area, the proposed project will minimize risks to life and property, consistent with §30253 of the Coastal Act. While the proposed project site is located on a bluff top lot between the sea and the first public road, the proposed development would not intensify the use of the site, or involve development on the bluff face or the area at the base of the bluff. Therefore, the project will be consistent with §30212 of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit 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 government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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.
2. **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

2. Plans Conforming to the Geologic Recommendations

All recommendations contained in Geotechnical Engineering Investigation Proposed New Additions and Garage 6946 Wildlife Drive, Malibu, California dated July 27, 1998, prepared by Coastline Geotechnical Consultants, Inc. shall be incorporated into all final design and construction including grading, and

foundations. 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".

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.

IV. Findings and Declarations

The Commission hereby finds and declares:

1. Project Description

The applicant proposes the remodeling of an existing single family residence and improvements to the developed and landscaped blufftop property. The project includes the addition of 987-sq. ft. of living area to the first story of the home, which will result in the new recreation room, entry hall, living room addition, and two-car garage. The additions to the existing development will not extend any portion of the structure further seaward of the furthest extent of the existing footprint. The project also include re-landscaping around the disturbed areas. No fill or cut will be required for the remodeling or additions. (See Exhibits 2 through 5.)

2. Coastal Issues

a. Access

Section 30212 of the Coastal Act provides, in part that:

Development shall no interfere with the public right of access to the sea where acquired through use or legislative authorization, including, but not limited, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The proposed project site is located on Wildlife Drive in the Point Dume area of the City of Malibu on a buff top lot. While the proposed project site is located between the sea and the first public road in the area (Wildlife Drive), no development is proposed on the bluff face or the area at the base of the bluff. The existing residence makes the provision of public access at this location impractical. Further, there is no potential for the proposed project to interfere with the public's access to the beach below or to affect sand supply or other beach processes. (Public access to the beach at Point Dume is provided via the Point

Dume State Preserve.) As such, the proposed project will have no adverse impacts on public access or beach processes.

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 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 proposed project includes additions to an existing residence on a blufftop parcel on Point Dume. The additions would not extend development closer to the bluff edge than the existing residential footprint. The most seaward edge of the proposed additions is over 50 feet from the bluff edge. As proposed, the additions would be adequately set back to minimize risks from geologic hazards. The applicant has submitted a Geotechnical Engineering Investigation for the proposed addition dated July 27, 1998 and prepared by Coastline Geotechnical Consultants. The consultants make recommendations regarding foundations, retaining walls, temporary excavation slopes, drainage, and grading, etc. The geologic consultants conclude, based on their investigation of the proposed project that:

Based on the 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 including grading, will not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading will not adversely effect the stability of the site, or adjacent properties, with the same provisions listed above.

The fill and natural soil are not considered suitable for foundation support. The recommended base material is the firm bedrock. The footing for additions should be doweled into the footing of the existing structure to mitigate differential settlement.

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 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 geologic consultants, and to assume the liability from fire risk, is the development consistent with Section 30253 of the Coastal Act.

c. Sensitive Resources.

Section 30240 of the Coastal Act states that:

1. 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.
2. 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 proposed project site includes a blufftop and a bluff face that descends steeply to Point Dume State Beach below. The steep bluff faces in Malibu, particularly those on Point Dume, contain rare plant communities and have been considered by the Commission as environmentally sensitive habitat areas (ESHA) in past permit actions. The Commission has required that new development provide adequate setbacks from the edge of bluffs both to minimize impacts to ESHAs as well as to minimize risks from geologic hazards.

The development proposed herein will be located either landward of the existing residence, or within the outer perimeter of the existing footprint. (See Exhibit 2 and 3.) Only the small addition to the existing living room is proposed to be added to the seaward side of the existing residence. The most seaward edge of this proposed development would be located over 50 feet from the bluff edge and no further seaward than the existing concrete patio of the residence. The applicant proposes no other development closer to the bluff edge. As proposed, the additions will be adequately setback to minimize impacts to the bluff face ESHA. Therefore, the Commission finds that the proposed project is consistent with Section 30240 of the Coastal Act.

d. Local Coastal Program

Section 30604 of the Coastal Act states, in part, that:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a

local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development 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).

3. 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.

VICINITY MAP

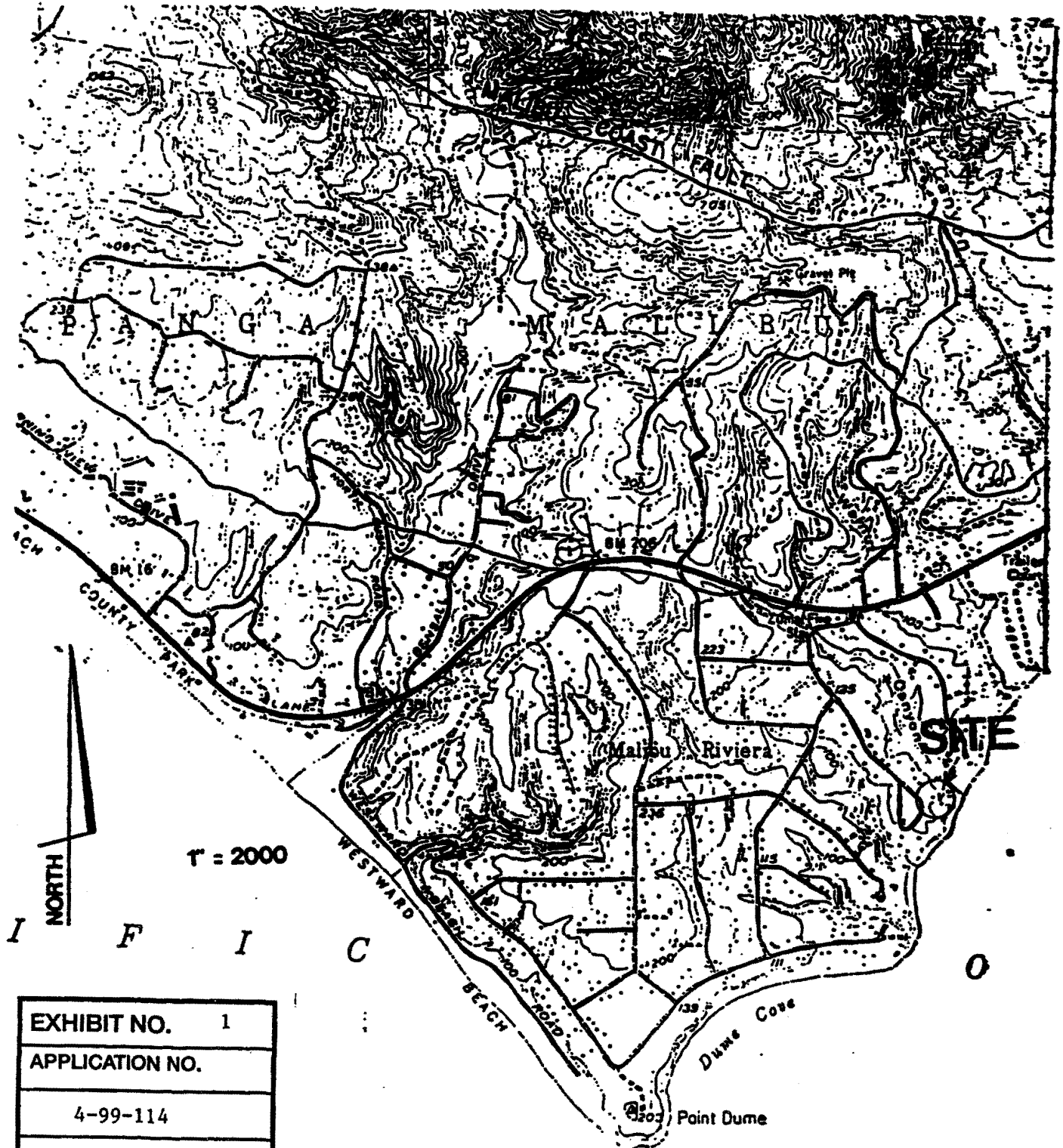


EXHIBIT NO. 1

APPLICATION NO.

4-99-114

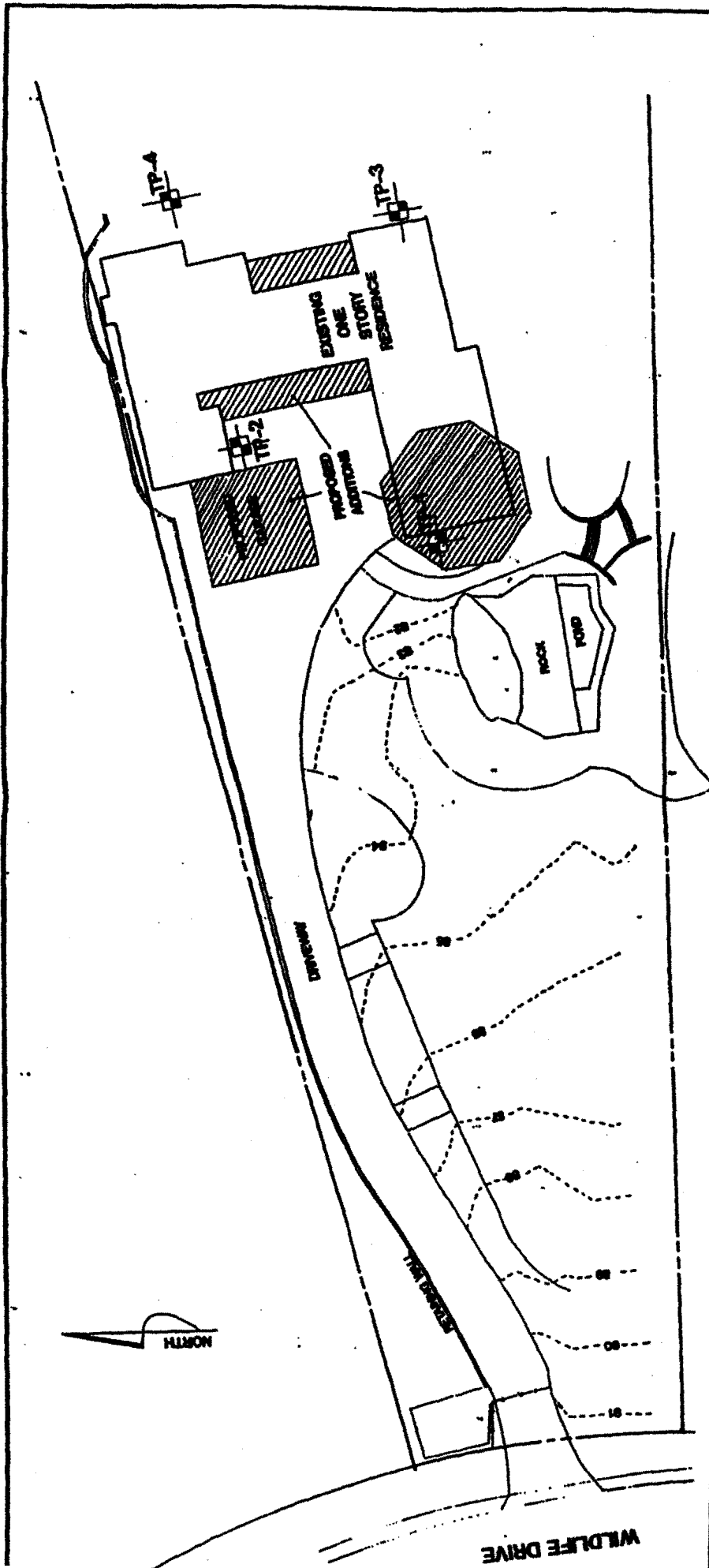
Hayman

Geotechnical Engineering Investigation
6946 Wildlife Drive
Malibu, California



Proj. No 1402C-068

Plate 1

COASTLINE GEOTECHNICAL CONSULTANTS



LEGEND :

-  TEST PIT LOCATION
-  AREA OF ADDITION

REFERENCE :

TOPO SURVEY
 PROVIDED BY WYLE CARTER, ARCHITECTS
 DATED 8-12-98

EXHIBIT NO.	2
APPLICATION NO.	
	4-99-114
	Hayman

GEOTECHNICAL ENGINEERING INVESTIGATION 6046 WILDLIFE DRIVE MALIBU, CALIFORNIA	
SCALE: 1" = 20' DATE: JULY 98	APPROVED BY: DRAWN BY: AK REVISED:
COASTLINE GEOTECHNICAL CONSULTANTS	
PROJECT NO. 1402C - 088	DRAWING NUMBER 2

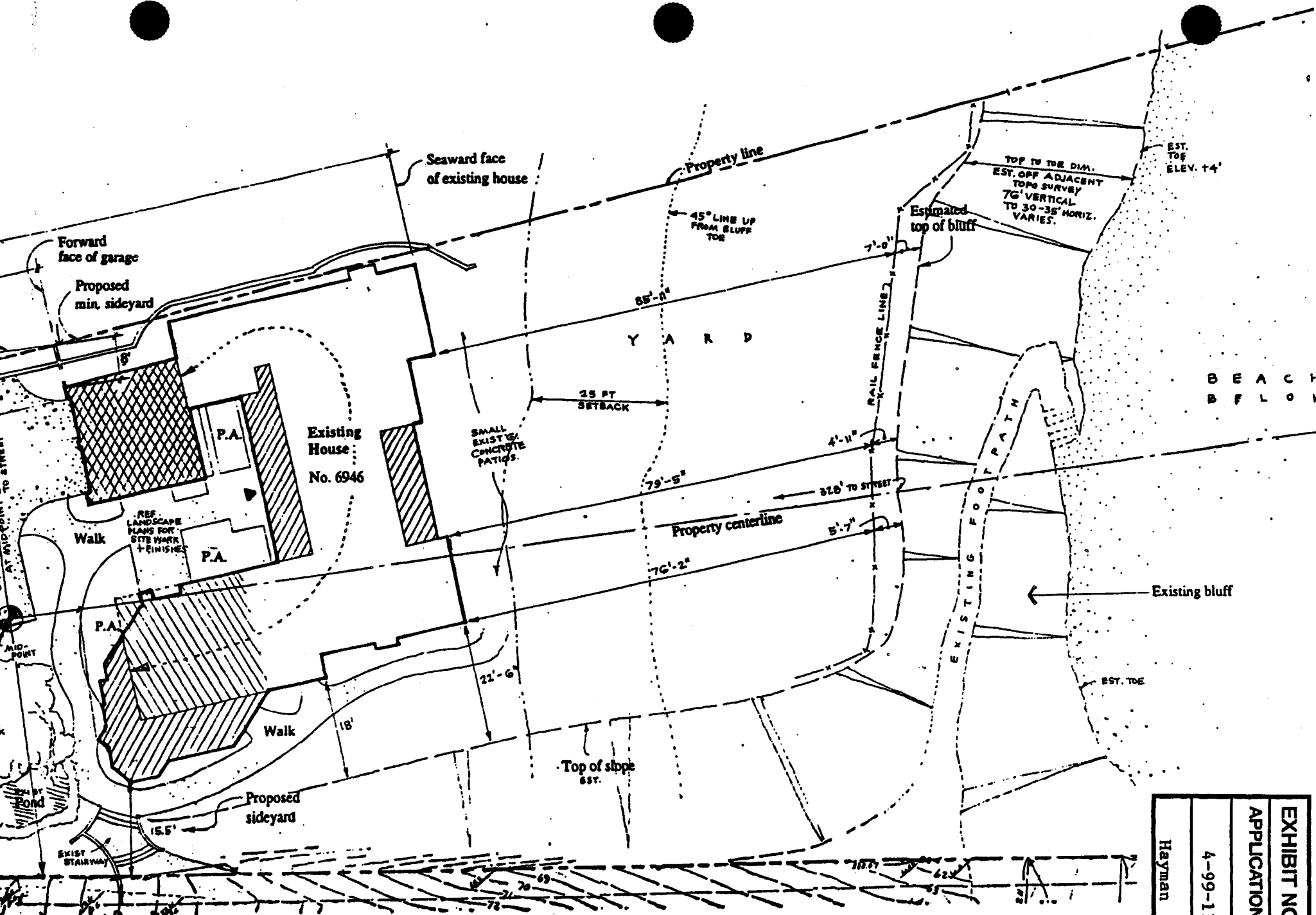


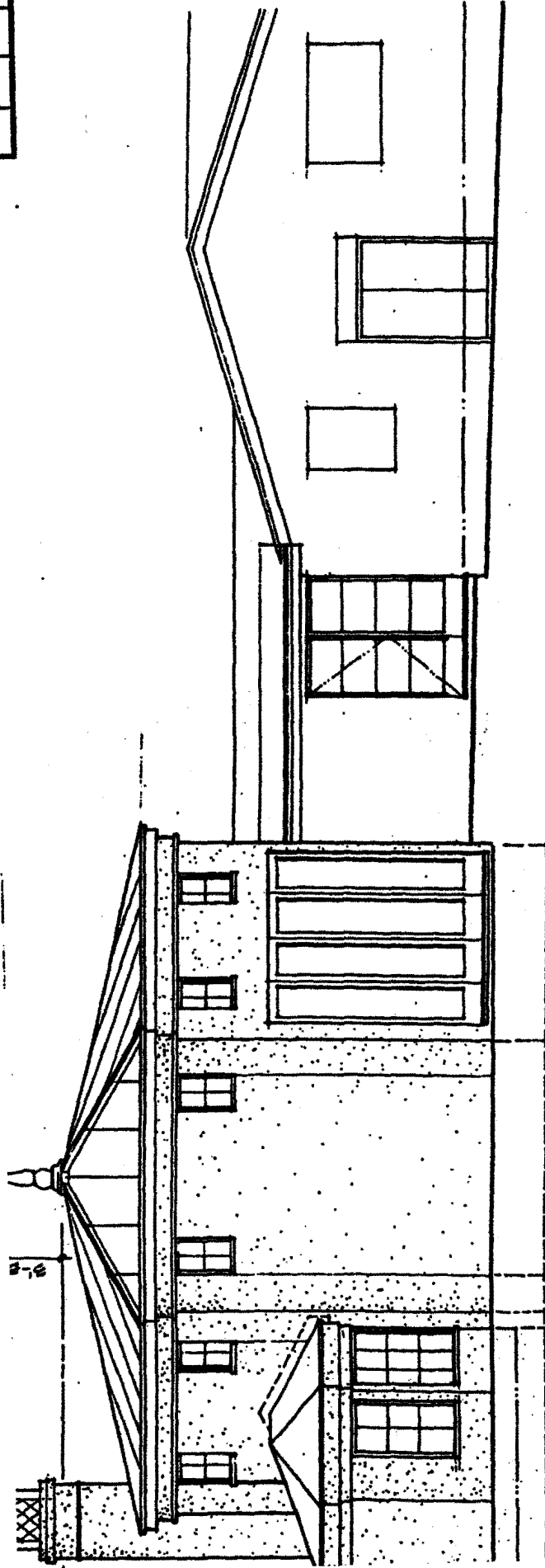
EXHIBIT NO. 3
APPLICATION NO.
4-99-114
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EXHIBIT NO. 4

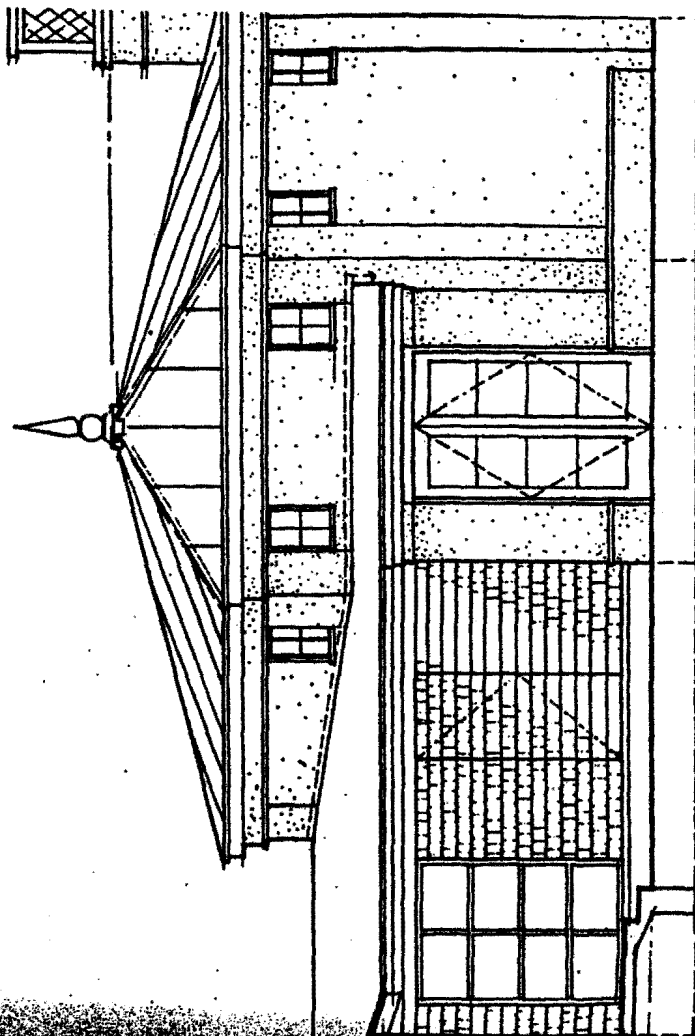
APPLICATION NO.

4-99-114

Hayman



South Elevation



LINE of EXIST. ROOF

North Elevation

EXHIBIT NO.	5
APPLICATION NO.	
	4-99-114
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