STATE OF CALIFORNIA - THE RESOURCES AGENCY

LIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA 89 SOUTH CALIFORNIA ST., SUITE 200 VENTURA, CA 93001 (805) 641 - 0142 GRAY DAVIS. Governor



Filed: 7/9/99 49th Day: 8/27/99 180th Day: 1/5/2000 Staff: CAB-VNT /~ Staff Report: 7/20/1999 Hearing Date: Aug.10-13, 1999 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-133

APPLICANT: Mitch and Chris Clarfield

AGENT: Michael Vignieri

PROJECT LOCATION: 22202 Carbon Mesa Road, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Partial demolition of a 2,371 sq. ft. Single Family Residence (SFR), remodel and addition of 5,105 sq. ft. to the remaining structure, resulting in a 27' foot high, 7,476 sq. ft. SFR. Construction of a 15 foot high 646 sq. ft. guesthouse, pool, and new septic system. The project requires grading of 825 cubic yards (800 cu. yds. cut /25 cu. yds. fill), with 775 cu. yds. for export.

Lot area:	101,494.8 sq. ft.
Building coverage:	3,804 sq. ft.
Pavement coverage:	5,623 sq. ft.
Landscape coverage:	5,500 sq. ft.
Parking spaces:	6
Ht abv ext grade:	27' (main) 15' (guesthouse)

LOCAL APPROVALS RECEIVED: City of Malibu Planning Commission Resolution No. 99-006 Site Plan Review Approval; City of Malibu Planning Department Approval In Concept; City of Malibu Health Department Approval (Septic).

SUBSTANTIVE FILE DOCUMENTS: Geologic and Geotechnical Engineering Report by RJR Engineering Group Inc. dated 5/6/99; Engineering Geologist: James O'Tousa CEG 1393. Addendum letter to the Geologic and Geotechnical Engineering Report by RJR Engineering Group Inc., dated 7/6/99. SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with five (5) special conditions regarding plans conforming to geologic recommendations, landscape and erosion control plans, removal of excavated material, future development restriction, and wild fire waiver of liability.

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 will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Compliance</u>. 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. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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 Geologic and Geotechnical Engineering Report by James O'Tousa dated 5/6/99, shall be incorporated into all final design and construction including <u>foundations</u>, <u>grading</u> and <u>drainage</u>. All plans must be reviewed and approved by the consultant. Prior to the issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director's satisfaction, that the Geotechnical Engineering Consultant has reviewed and approved all final project plans, designs, and construction procedures as incorporating their recommendations, and have so indicated by stamping and signing all relevant final plans and drawings.

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

2. 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.

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 and disturbed slopes on the subject property shall be stabilized with planting at the completion of final grading. 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 <u>Recommended List of Plants for Landscaping in the Santa Monica</u> <u>Mountains</u>, dated October 4, 1994. Acceptable planting procedures, consistent with fire safety requirements, should be employed. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

- Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) 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.
- 4) 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

- 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.
- 2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

5. Future Development Deed Restriction

A. This permit is only for the development described in coastal development permit No. 4-99-133. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the detached guesthouse. Accordingly, any future improvements to the permitted detached guest house including, but not limited to, any expansion of the structure shall require an amendment to Permit 4-99-133 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions 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 proposes to demolish a portion of an existing 2,371 sq. ft., one story, single family residence (SFR), remodel the remaining structure, and construct a 5,105 sq. ft. addition, resulting in a 7,476sq. ft. SFR; construct a 646 sq. ft. guesthouse, pool and new septic system (reference Exhibit No.'s 3-12).

The subject site is a 2.33 acre lot situated on a descending flank of a north-west trending ridge on the south side of Carbon Mesa Road, located in a built out section of Malibu. The property consists of a relatively level building pad created from past grading (reference Exhibit No.'s 1-3).

A portion of the western property line is near the bottom of a ravine, which contains a tributary drainage to Carbon Canyon. The western descending slope from the building pad to the tributary canyon is approximately 110 ft. in height. The slope is variable in gradient of 1.5:1 (33-degrees) and locally steeper in areas. No development is proposed within 50 ft. of the bottom of the ravine. Carbon Mesa Road forms the eastern boundary of the site and the slope ascends off-site to the northeast from Carbon Mesa Road at an approximate gradient of 4:1. The adjoining properties are developed with single family residences.

The proposed project, which is not visible from any public view areas with the exception of Carbon Mesa Road, is consistent with the surrounding development and will not result in any significant adverse impacts to visual resources.

B. Geology and Hazards

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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.

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 will only approve the project if the applicant assumes 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, as incorporated by condition number four (4).

The applicant proposes to demolish a portion of an existing 2,371 sq. ft. SFR, remodel, and add on to the structure. The addition and remodel of the structure will result in a 7,476 sq. ft. SFR. The project also involves the construction of a 646 sq. ft. guest house, a swimming pool, and a new septic system which includes a 750 gallon septic tank and two seepage pits 5' x 28' each. The project will require 825 cu. yds. of grading (800 cut /25 fill) resulting in 775 cu. yds. to be exported.

The applicant's geologic and engineering consultant has determined that the proposed project site is suitable from a soils and engineering standpoint for construction of the proposed project. The applicant's Geologic and Geotechnical Engineering Investigation by James O'Tousa from RJR Engineering Group Inc. dated 5/6/99, states that:

Based upon the available data, from our review, investigation and analysis, the subject residential improvements are feasible from a geologic and geotechnical standpoint. The site will be free of any geologic or geotechnical hazards, as long as the recommendations of this report are incorporated into the design and construction of the project. The site will be free of landslides, slippage and excess settlement within the guidelines described in this report, provided our recommendations are incorporated into the design and construction of the project. It should be noted that one of the recommendations listed in the Geologic and Geotechnical Engineering Report pertains to the removal and recompaction of existing fill. The report recommends removal of existing fill in areas proposed for development, and replacement with engineered fill, to preclude settlement and/or other hazards associated with fill material failure. This recommendation was later amended in a letter dated 7/6/99, submitted by the Geologist James O'Tousa from RJR Engineering Group, Inc.

The letter amends this recommendation, based on the proposed use of an alternative method of construction. The letter dated 7/6/99 states:

As discussed with your Architect Michael Vignieri, it is understood that instead of removing the existing fill in the area of the proposed construction, that you are considering alternative construction methods, The use of deepened foundations that extend beneath the existing fill, and derive support from the underlying bedrock and either a structural concrete slab or a raised wood floor that extends between concrete grade beams between the pile foundations. <u>This</u> <u>method of construction is acceptable from a geologic and geotechnical</u> <u>engineering standpoint</u>. The design of the foundations should utilize the deepened foundation section of the RJR Engineering Report, dated May 6, 1999, Section 5.2.2.

The letter is considered an addendum to the report, and the recommendations contained therein shall amend the recommendation contained in the actual report, regarding the removal and recompaction of fill, when applied to the context described in the letter, and relating to the proposed development only.

The geologic and engineering consultant has included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure that the recommendations of the geotechnical consultant are incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by special condition one (1), to submit project plans certified by the consulting geotechnical engineer as conforming to their recommendations.

The Commission also 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 areas of the site with native plants, compatible with the surrounding environment, and implement interim erosion control measures during construction. Therefore special condition number three (3) is required to ensure that all proposed disturbed areas are stabilized and vegetated.

In addition, the amount of cut proposed by the applicant is substantially larger than the amount of fill to be placed. Excavated materials that are placed in stockpiles are subject to increased erosion. Staff 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 or off site, and that landform alteration be minimized,

special condition two (2) requires the applicant to remove all excavated material 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.

The Commission finds that based on the findings of the geologic and geotechnical reports and other available evidence, and as conditioned to incorporate the recommendations of the geologic consultant, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Septic System

The Commission recognizes that the potential build-out of lots in Malibu and the 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, minimizing alteration of natural streams.

The proposed development includes the addition of one new seepage pit to the existing septic system, which consists of a 1500 gallon tank and seepage pit, to provide adequate sewage disposal for the expanded residence; and the construction of a new septic system consisting of a 750 gallon tank and one seepage pit to accommodate the guest house. The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

D. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (I) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of a parcel increasing impacts on public services, such as water, sewage, electricity and roads. New development also raises issues as to whether the location and amount of new development maintains and enhances public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units (including guesthouses) on residential parcels in the Malibu and Santa Monica Mountain areas. The issue of second units on lots with primary residences has been the subject of past Commission action in the certification of the Santa Monica Mountains/Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people would cause such units to have less impact on the limited capacity of Pacific Coast Highway and other roads (including infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (Certified Malibu Santa Monica

Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guesthouses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

As proposed the 646 sq. ft. guesthouse is consistent with past Commission decisions. However, in order to ensure that no additions are made to the guest house without due consideration of the potential cumulative impacts, Special Condition five (5) requires that any future structures, additions, or improvements related to the proposed guest house including, but not limited to, any expansion of the existing structure, will require a permit or permit amendment. Therefore, the Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 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 of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

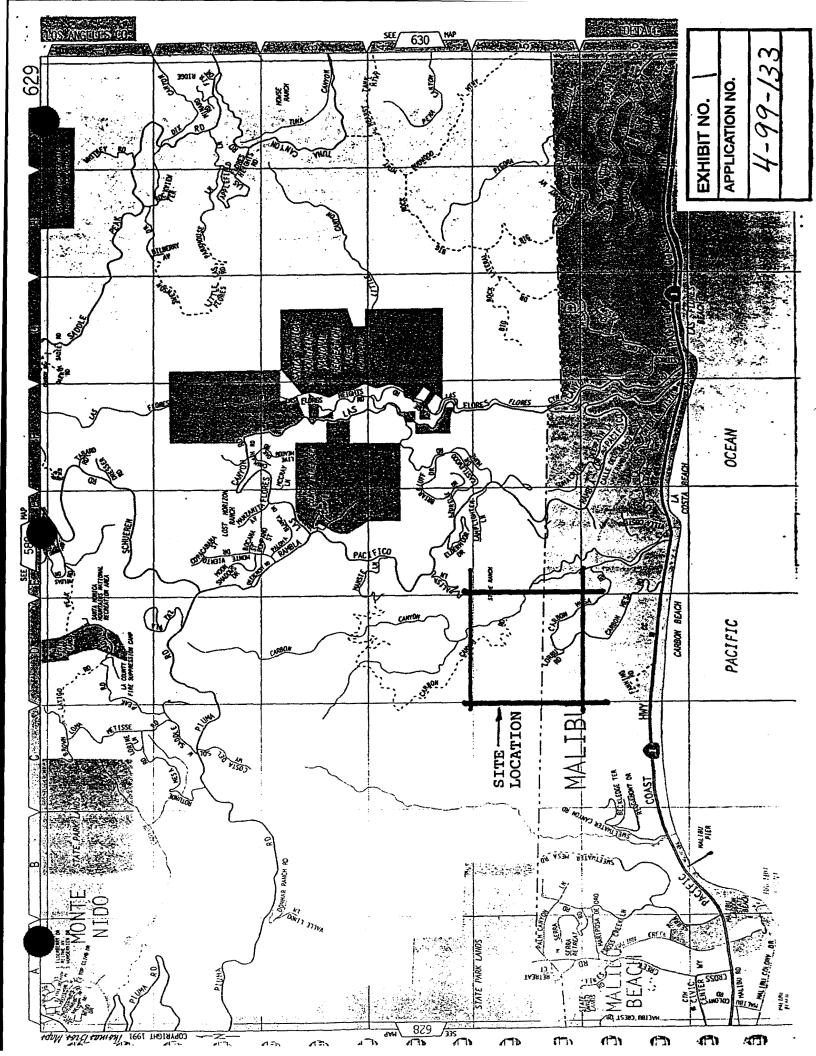
F. CEQA

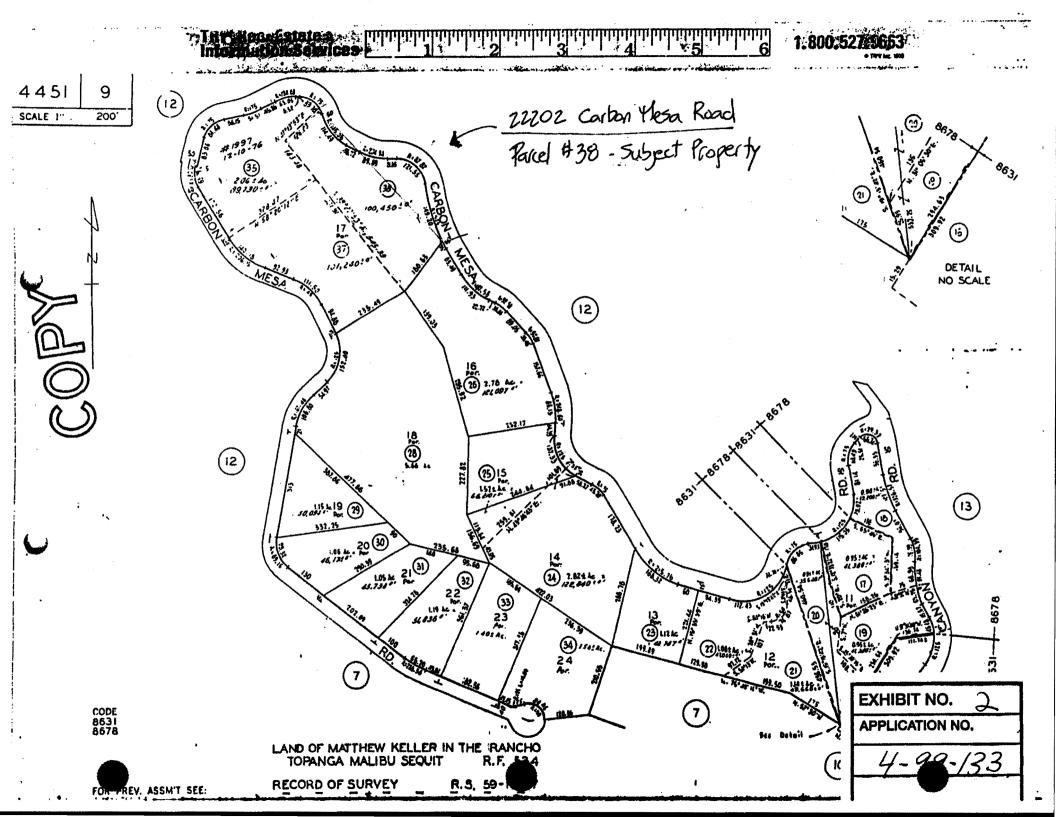
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 impact which the activity may have on the environment.

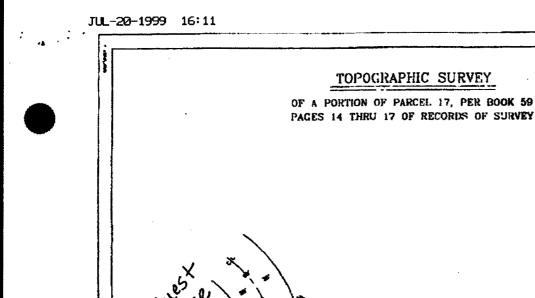
The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the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

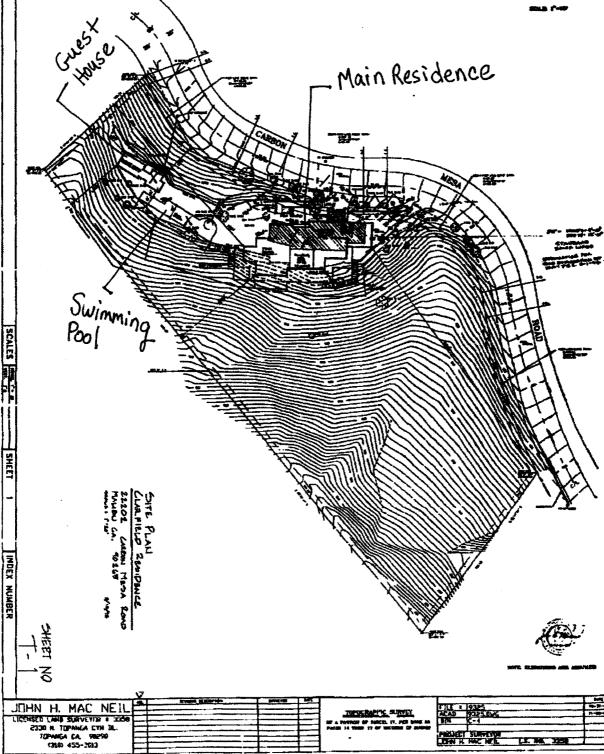
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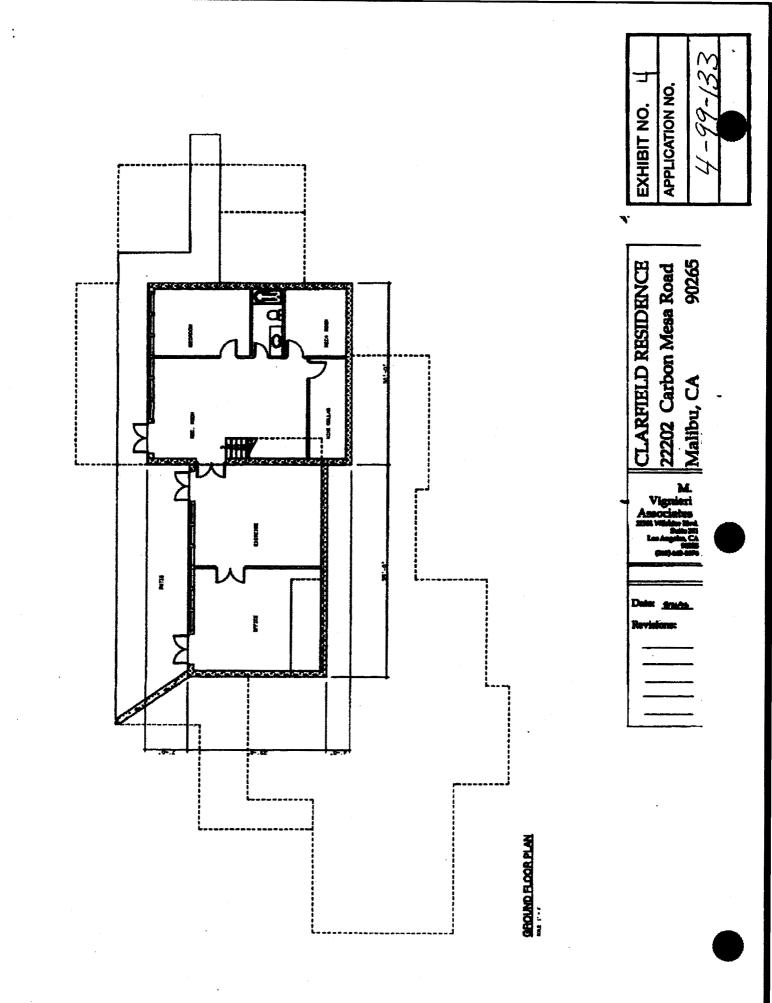
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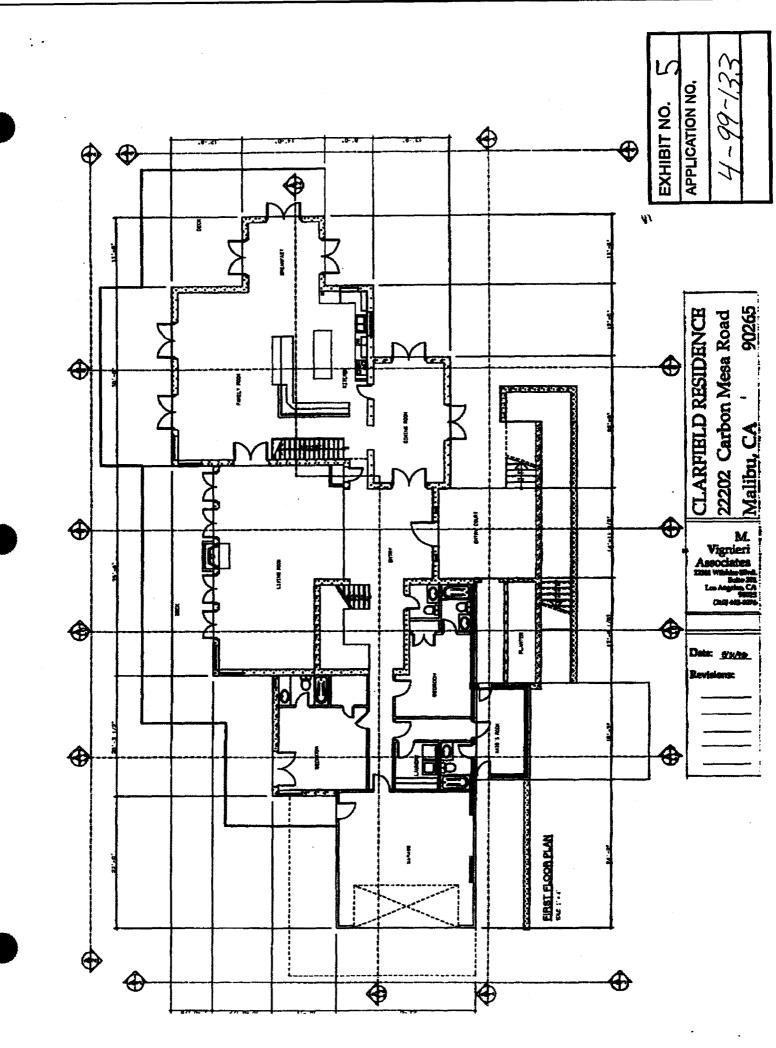
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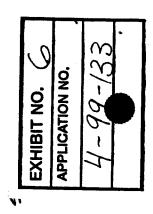
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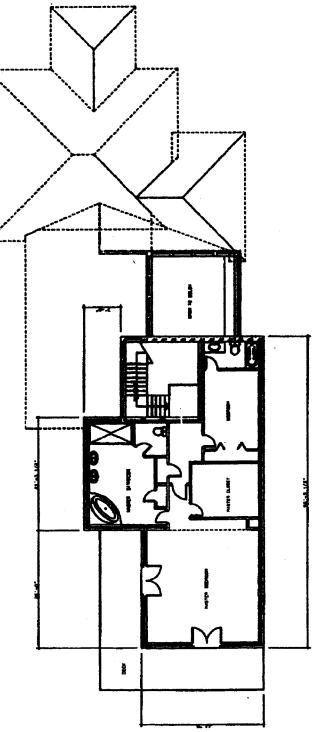




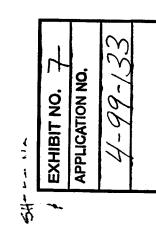




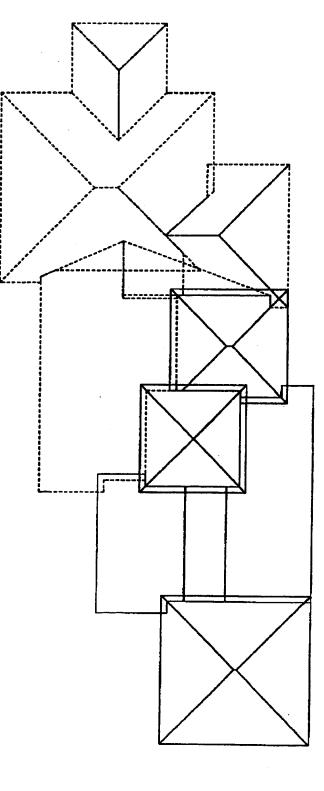
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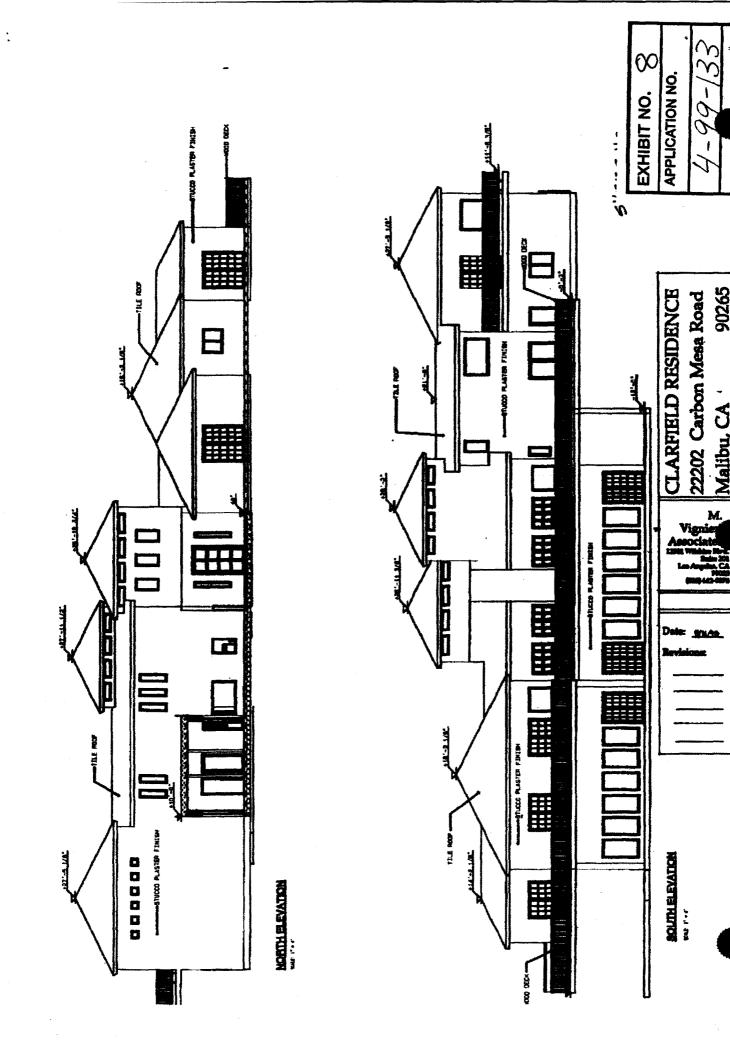
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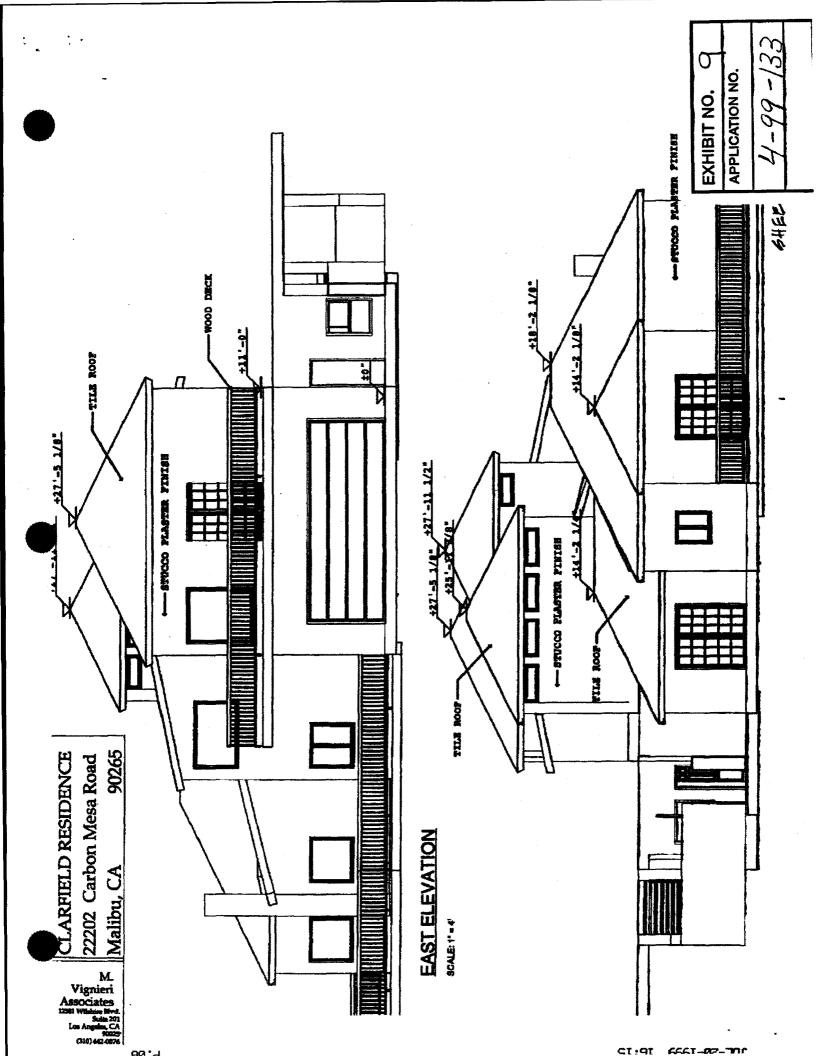
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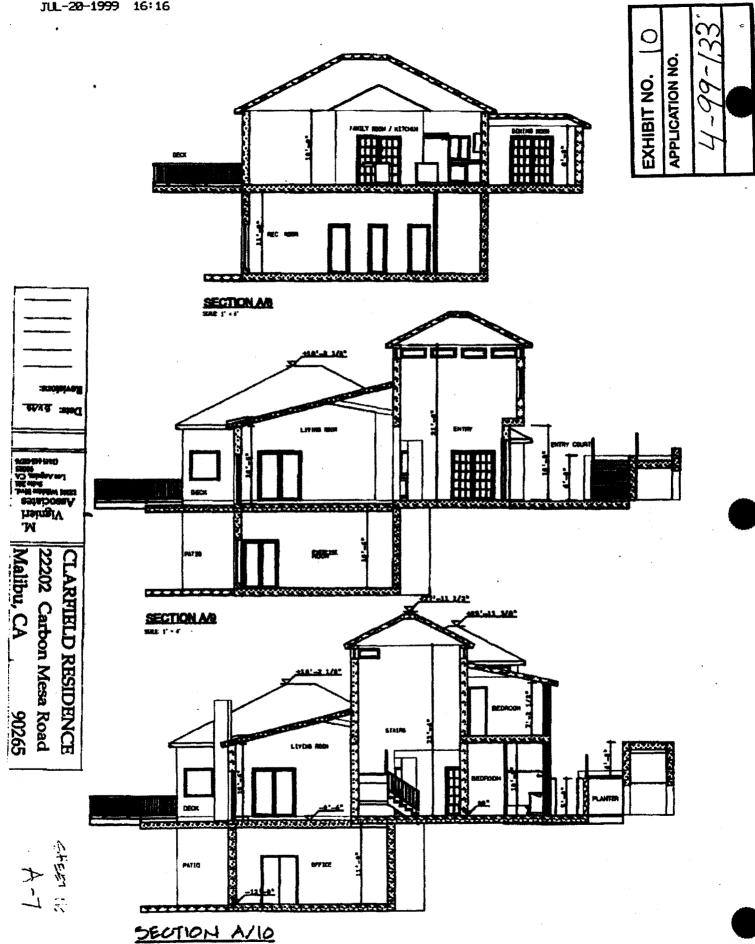
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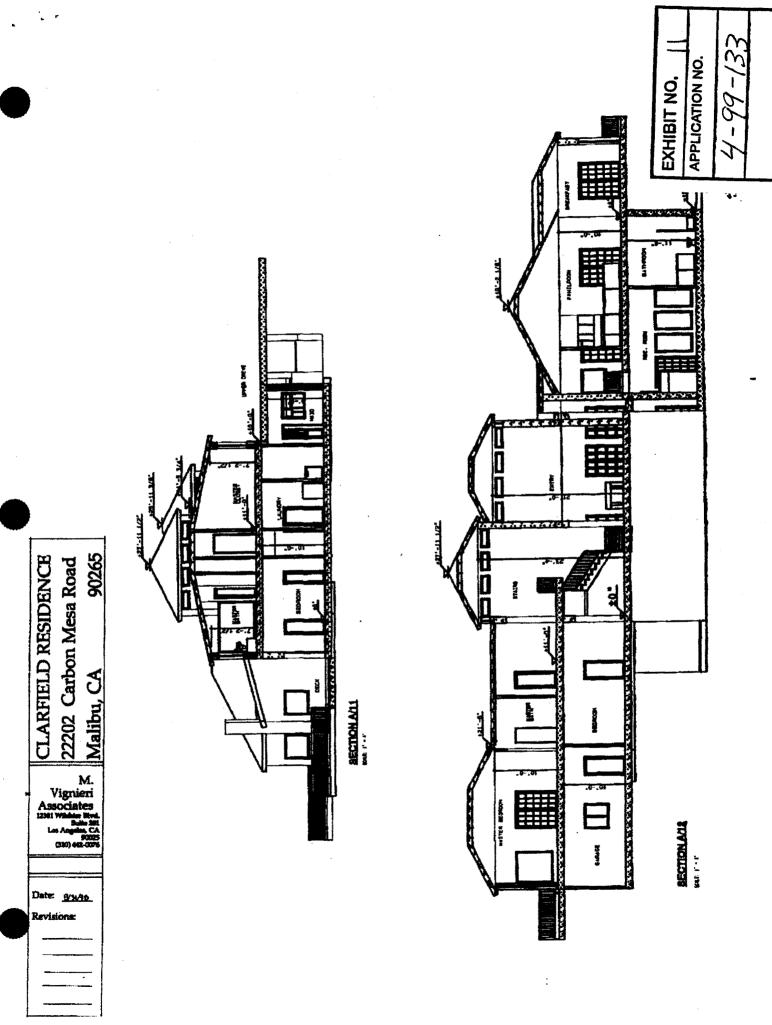
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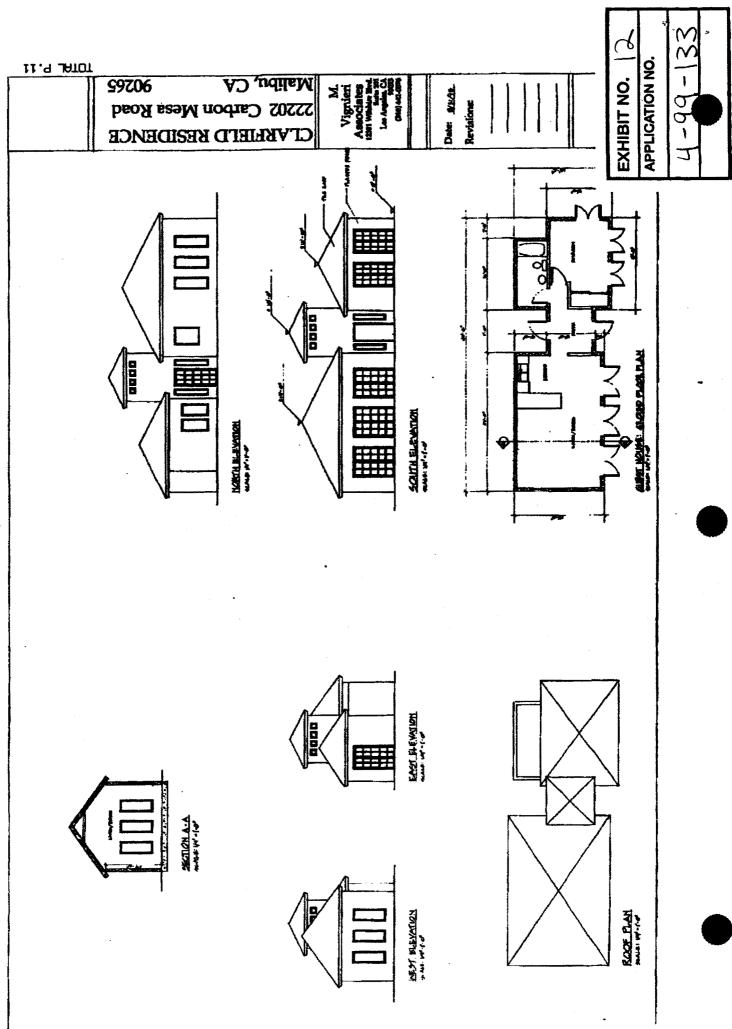






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