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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Filed:	7/30/99
49 th Day:	9/17/99
180th Day:	1/26/00
Staff:	mb-V
Staff Report:	8/26/99
Hearing Date:	9/14-17/99

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-151

APPLICANT: Dana R. Bierman

PROJECT LOCATION: 6080 Cavalleri Road, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 6,616 sq. ft., two-story, 28 ft. high single family residence including attached three car garage, septic system, swimming pool and spa. Grading of 400 cu. yds. (200 cu. yds. cut and 200 cu. yds. fill).

Lot area:	41,588	sq. ft.
Building coverage:	4,299	sq. ft.
Pavement coverage:	5,174	sq. ft.
Landscape coverage:	32,115	sq. ft.
Parking spaces:	three covered, three open	
Height above finished grade:	28	ft.

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval In Concept, dated 6/3/99; Health Department, In-concept Approval dated July 27, 1999; County of Los Angeles, Fire Department, In concept Approval dated 7-1-99.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Alpine Geotechnical, Geologic and Soils Engineering Investigation, January 22, 1998; Coastal development Permits 4-99-082 (Konkel) 4-97-164 (Aquareal), and 5-89-1227 (Cavalleri).

SUMMARY OF STAFF RECOMMENDATION

The proposed single family residence is on a minor ridge north of Pacific Coast Highway and Pt. Dume on a slope facing east toward Zuma Ridge. Staff recommends approval of the project with special conditions relating to: conformance to geologic recommendations, drainage plan, landscape and erosion control, 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, 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, and will not have any significant adverse impacts 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. Plans Conforming to Geologic Recommendations

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Alpine Geotechnical, Geologic and Soils Engineering Investigation, January 22, 1998 shall be incorporated into all final design and construction plans including site preparation, grading, and foundations. All plans must be reviewed and approved by the consultants.

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 consultant shall require an amendment to the permit or a new coastal development permit.

2. Drainage Plan

Prior to issuance of a coastal development permit, the applicant shall submit for review and approval by the Executive Director, a drainage control plan, designed by a licensed engineer, which assures that run-off from the building and impervious surfaces are collected and discharged in a manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff down the slope. Should the project's drainage structures fail or result in erosion, the applicant/ landowner or successor in interest shall be responsible for any necessary repairs and restoration. The permittee shall undertake development in accordance with the final approved plan. Any changes to the final approved 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.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans 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 final occupancy of 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 shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

4) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize 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.

5) 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.

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. 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 control 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.

4. Waiver of Liability

Prior to the issuance of a 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, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 6,616 sq. ft., two-story, 28 ft. high single family residence including attached three car garage, septic system, swimming pool and spa. Grading is proposed consisting of 400 cu. yds. (200 cu. yds. cut and 200 cu. yds. fill). The project location is at 6080 Cavalleri Road in the City of Malibu.

Surrounding development is a mixture of single family residential development and equestrian facilities and agriculture. There is a lack of native vegetation on the lot and building site. The site has been disced and contains bare earth, ruderal grasses and heavy growth of chest-high fennel. Because of the lack of any significant natural vegetation, the proposed project will not result in disturbance of natural vegetation.

In approval of the earlier permit for a three unit subdivision on the project site under application 5-89-1227, a trail easement across the Cavalleri frontage was required. Other conditions of the permit included cumulative impact mitigation, conformance to geologic recommendations, and a requirement for future development review. The trail easement requirement was removed by an immaterial amendment because the coastal slope trail nearby had been rerouted by the Los Angeles County Parks and Recreation Department onto National Park Service property.

B. Geologic Stability and 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, 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 on the inland side of Pacific Coast Highway on east side of a minor north/south trending ridge between the Santa Monica Mountains and the coastal terrace. The Mountains and the coast are subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/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 prominent geomorphic features in the area are Pt. Dume to the south and the LUP-designated Significant Ridgeline to the east along which is Kanan Dume Road. The building site is approximately ten feet below street level at the 360 foot elevation. Physical relief across the lot is approximately thirty-five feet.

An approximate fifteen hundred square foot area at the northwest corner of the lot is restricted due to flood potential. No development is proposed in this area. Slope drainage presently is by sheet flow runoff, but no drainage control measures are included in the submittal, but are recommended by the geotechnical consultant to control and direct runoff from the site.

1. Geology

The applicant has submitted an Alpine Geotechnical, Geologic and Soils Engineering Investigation, dated January 22, 1998 which states:

Based upon the exploration performed for this investigation, it is our finding that construction of the proposed project, as described, is feasible from a geologic and soils engineering standpoint, provided our advice and recommendations are made a part of the plans and are implemented during construction.

The subject property is considered a suitable site for the proposed development from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed development will be safe against hazards from landslide, settlement or slippage, and that the proposed grading and development will not have an adverse effect on the geologic stability of the property outside the building site provided our recommendations are followed during construction. ...

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development 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 engineering geologists as conforming to their recommendations, as noted in *special condition number one (1)* for the final project plans for the proposed project.

2. Erosion

Surface drainage is by sheetflow to an unnamed tributary which drains into Walnut Canyon and then to the sea west of Pt. Dume. The tributary is a USGS-designated blue line stream and is also a County-designated flood hazard area, but is not a designated environmentally sensitive habitat area in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) and does not contain significant riparian vegetation downstream of the project. A small wetland (spring with wetland vegetation) upstream of the project on the subject tributary is unaffected by the proposal.

The Commission finds that the project will significantly increase the amount of impervious surfaces on the site, increasing both the volume and velocity of storm water runoff. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site and affect site stability. This submittal does not include an erosion control plan (i.e. devices such as catch basins, berms, swales, and the like for conveyance of runoff), as previously noted. Consequently, the Commission finds it necessary to require the applicant to submit a detailed drainage control plan to convey runoff in a manner that will ensure stability of the site and the surrounding area. The Commission finds that Approval with *special condition number two (2)*, therefore, is necessary.

In addition, the Commission finds it necessary to require the applicant to include an interim erosion control plan, as specified in *special condition number three (3)*. This provides for interim erosion control during construction and landscaping to stabilize graded and disturbed areas on the site. A landscaping component, review and approval by the consulting engineering geologist, measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring are all necessary parts of this plan to minimize the potential for erosion and disturbed soils and thereby

ensure site stability and control runoff. As conditioned, the proposed project will minimize the potential for erosion resulting from disturbed soils and thereby ensure site stability and stream protection in a manner consistent with PRC Section 30253.

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, *Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 these 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 *special condition number four (4)*. The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

C. 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.

In addition, the certified Malibu/Santa Monica Mountains LUP provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains and include: *P. 125 New development shall be sited and designed relative to LCP-designated scenic highways, views to and along the shoreline, and scenic coastal areas; P129 Structures shall be designed and located for attractive appearance and harmonious relationship with the surroundings; P130 In highly scenic areas and along scenic highways, siting and design shall protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural land forms, conceal raw-cut slopes, be compatible with and subordinate to the character the setting, and not intrude into the skyline as seen from public viewing places; P134 Structures shall be sited to conform to the natural topography.*

The applicant proposes to construct a 6,616 sq. ft., two-story, 28 ft. high single family residence including attached three car garage, septic system, swimming pool and spa. Grading is proposed consisting of 400 cu. yds. (200 cu. yds. cut and 200 cu. yds. fill).

The proposed single family residence is in an area where large single family residences have been constructed along a minor north-south ridgeline, which corresponds to the approximate route of Cavalleri Road. To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations from which the proposed development is visible, such as beaches, parks and trails. The Commission typically also examines the building site and the size of the structure.

There are no public view areas that are impacted by the proposed development. The proposed development is not visible from Kanan Dume Road. The two story residence is similar in character to that proposed for the surrounding area and will create a visual impact similar to existing development. The proposed development will blend into surrounding development. The building will not significantly intrude into views from public land to the north or visually intrude on the route of the Coastal Slope Trail or the connector trail along Cavalleri Road.

In summary, the proposed project will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu/Santa Monica Mountains LUP.

D. **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 septic system consists of a 2500 gallon septic tank with seepage pits located approximately 100 ft. from the noted tributary. The installation of a private sewage disposal system was reviewed by the City Environmental Health Department and received in-concept approval. The approval indicates that the system complies with the minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the City health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

E. **Local Coastal Program**

Section 30604(a) of the Coastal Act states 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, 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. 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)(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 effects which the activity would have on the environment.

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

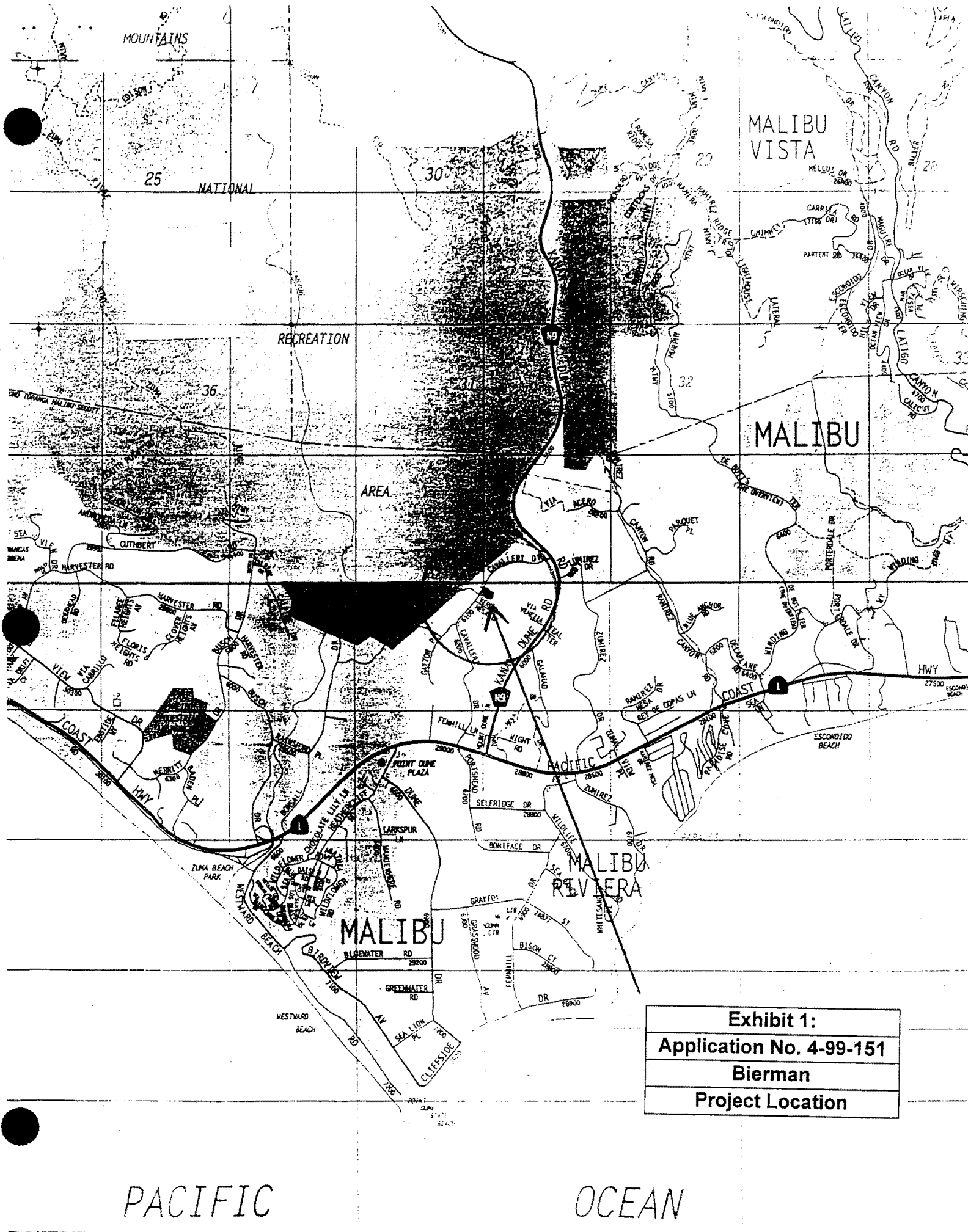


Exhibit 1:
Application No. 4-99-151
Bierman
Project Location

PACIFIC

OCEAN

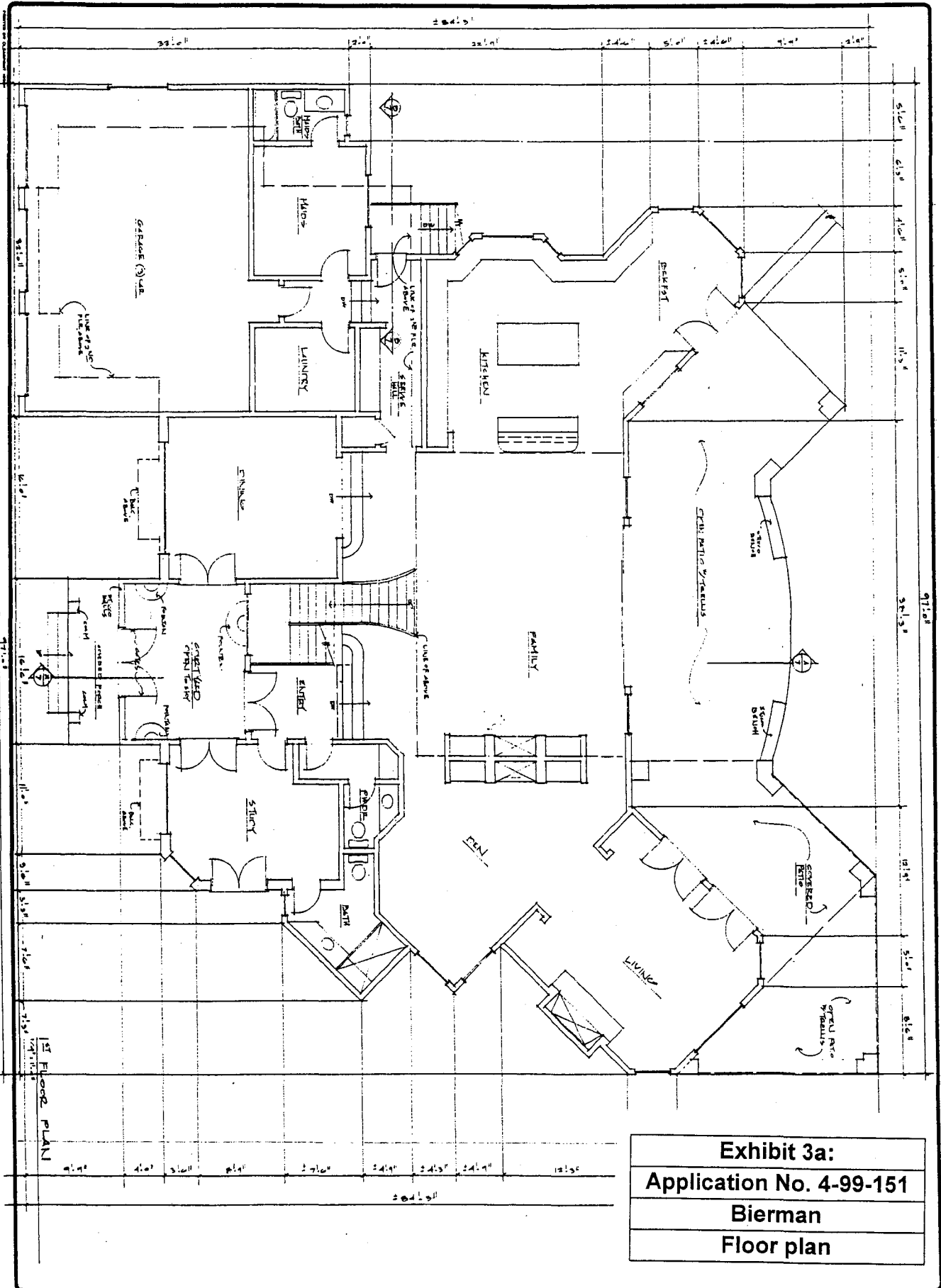


Exhibit 3a:
Application No. 4-99-151
Bierman
Floor plan

DATE	2-15-99
BY	HT
CHECKED	HT
APPROVED	HT

6080 CAVALIER ROAD

DATE	2-15-99
BY	HT
CHECKED	HT
APPROVED	HT

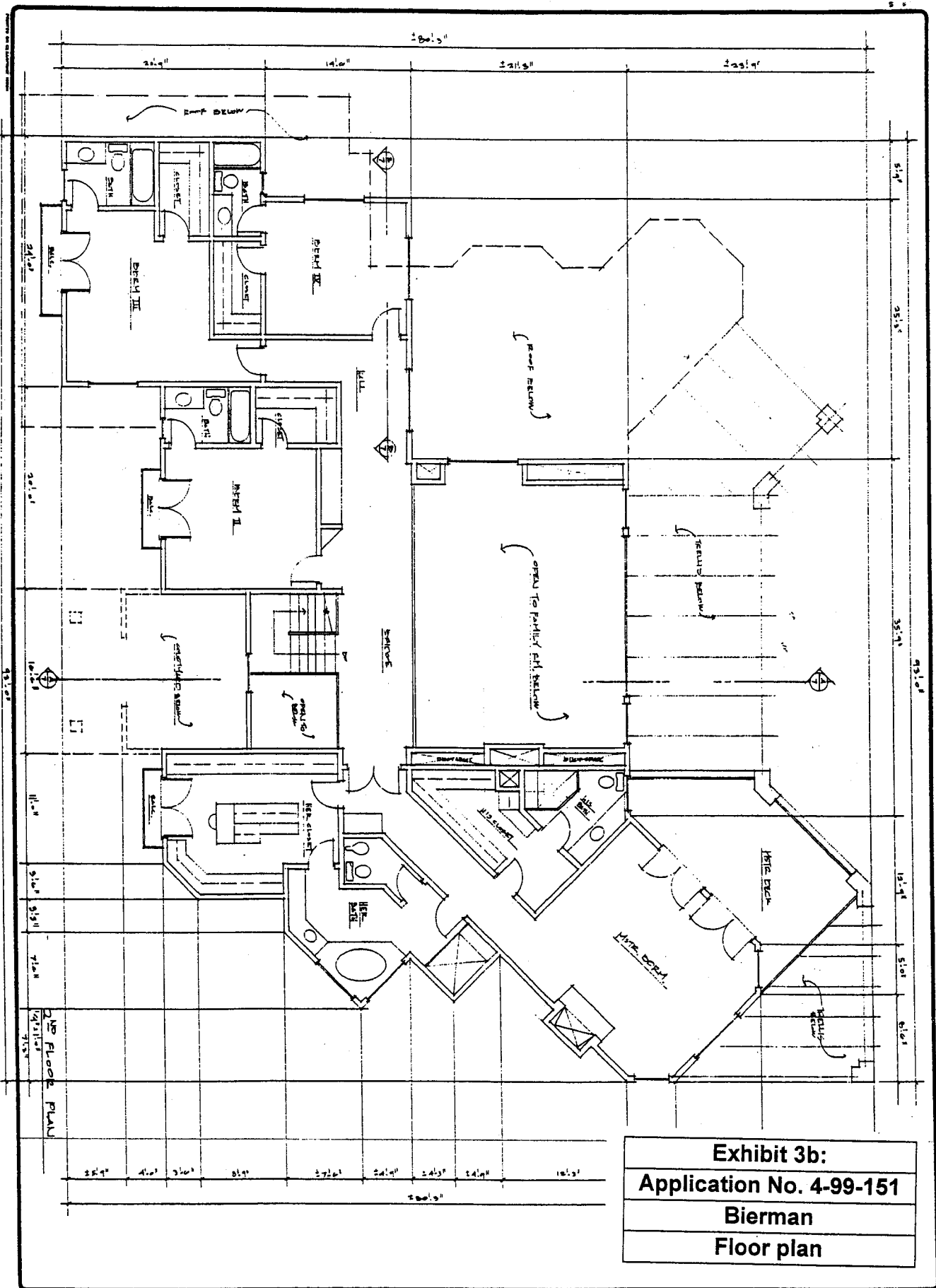


Exhibit 3b:
Application No. 4-99-151
Bierman
Floor plan

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	2-15-19	HT

6000 CAVALRY ROAD

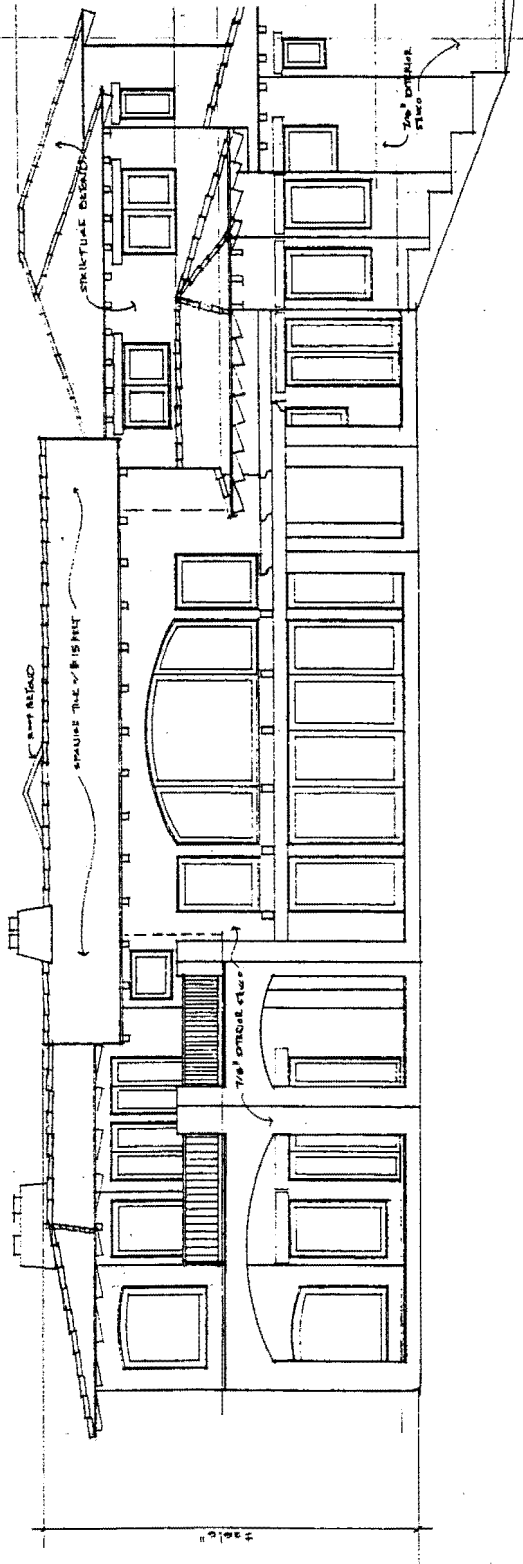
2-15-19	HT

DATE	2-15-55
BY	W. J. BIERMAN
PROJECT	4-99-151
NO.	1

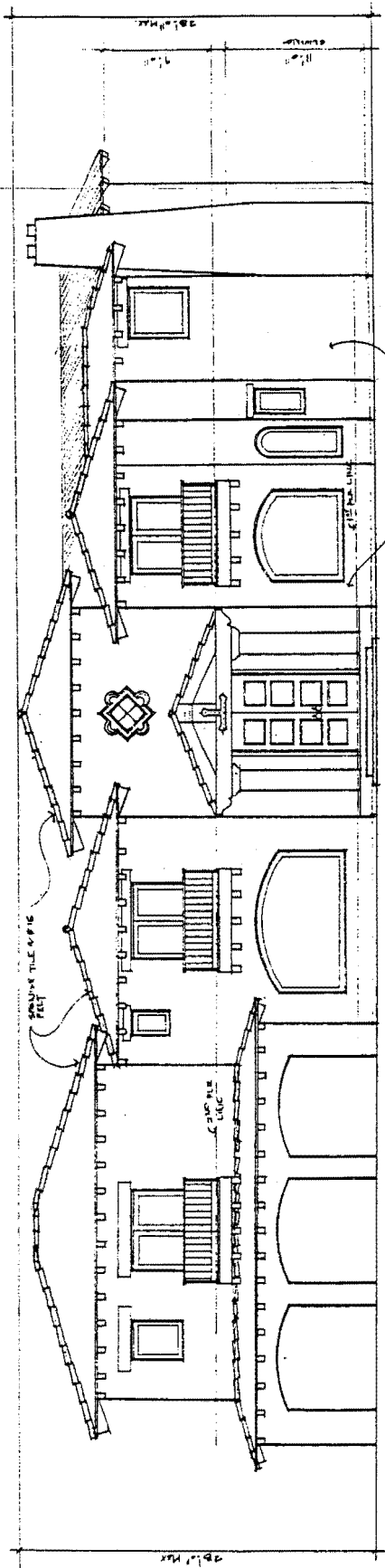
6000 CAVALIER ROAD

DATE	2-15-55
BY	W. J. BIERMAN
PROJECT	4-99-151
NO.	1

Exhibit 4:
Application No. 4-99-151
Bierman
Elevation



REAR ELEVATION
1/4" = 1'-0"



FRONT ELEVATION
1/4" = 1'-0"

