

CALIFORNIA COASTAL COMMISSION

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

Filed: 08/10/01
49th Day: 09/28/01
180th Day: 02/06/02
Staff: AAV
Staff Report: 10/25/01
Hearing Date: 11/16/01
Commission Action:



RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-01-125

APPLICANT: Stacy Keach **AGENT:** Kurt Beckmeyer

PROJECT LOCATION: 27525 Winding Way, Malibu, Los Angeles County

PROJECT DESCRIPTION: Repair and upgrade of existing secondary access driveway with approximately 620 cu. yds. grading (420 cu. yds. cut, 200 cu. yds. fill), and export of 220 cu. yds. excess grading material outside the coastal zone to the Los Angeles County landfill in Calabasas.

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval in Concept 06/07/01; City of Malibu, Fire Department Review Referral Sheet, 03/05/01.

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Engineering Investigation and Supplemental Geotechnical Engineering Letter, dated 03/27/01, prepared by West Coast Geotechnical.

Summary and Staff Recommendation:

Staff recommends **approval** the proposed project with **2 Special Conditions** regarding 1) geologic recommendations, and 2) landscaping and erosion control.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-125 pursuant to the staff recommendation.*

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STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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 Geotechnical Engineering Investigation and Supplemental Geotechnical Engineering Letter, dated 03/27/01 prepared by West Coast Geotechnical shall be incorporated into all final design and construction including grading, drainage, and materials. Final plans must be reviewed and approved by the consulting geotechnical engineer. 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 consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, drainage, and materials. 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 permit.

2. 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 plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. 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. Plantings 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.

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- (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.

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. 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 final construction 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.

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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 and Background

The applicant proposes to repair and upgrade an existing secondary access driveway with retaining walls and approximately 620 cu. yds. of grading (420 cu. yds. cut, 200 cu. yds. fill). The applicant is also proposing to remove excess grading material in the amount of approximately 220 cu. yds. outside the coastal zone to the Los Angeles County landfill in Calabasas.

The project site is located inland of Pacific Coast Highway along Winding Way in the City of Malibu (Exhibit 1). The subject site is an approximate 5-acre parcel developed with a custom single family residence and appurtenant structures (Exhibits 2,3). The applicant has submitted information for the project application indicating that the project site was originally developed in 1953. Commission staff's review of aerial photographs indicates that existing development at the site was present prior to 1977, and thus predates the permit requirements of the California Coastal Act of 1976.

Topography of the subject parcel consists primarily of moderate hillside terrain that descends from the northernmost portion of the property south-southeasterly with a total gradient change of approximately 140 ft. (Exhibit 3). The project site is accessed from Winding Way at the south property boundary via a main driveway and a secondary driveway provides access to the upper portion of the property from a private street that branches from Winding Way along the north property boundary (Exhibit 3). The applicant is proposing to repair and upgrade the secondary driveway to meet Fire Department standards for emergency fire access to the site. The project will include construction of two retaining walls (a maximum of 6 ft. in height), widening portions of the driveway to 20 ft., and grading approximately 620 cu. yds. of to create cut and fill slopes to adequately support the new driveway. Additionally, per the recommendations of the project's geotechnical engineering consultant, the proposed project includes re-paving and incorporating appropriate drainage into the upper portion of the driveway located on sloped terrain (approximately 75 ft. in length), and re-constructing the

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remainder lower section of the driveway with permeable decomposed granite (Exhibit4). As such, the proposed project will result in an approximate 900 square foot reduction of impermeable surface at the project site.

No designated environmentally sensitive habitat area exists on site. The proposed project will result in minor soil and vegetation disturbance in the area of the existing secondary driveway, and will not be visible from any public viewing area. As such, the proposed development will not have a significant adverse impact on sensitive habitat areas, natural vegetation, or on public scenic views.

B. Geology

Section 30253 of the Coastal Act states in pertinent 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 a hillside lot in the Santa Monica Mountains, an area generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to 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.

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant is proposing to repair and upgrade an existing secondary access driveway with two retaining walls and approximately 620 cu. yds. of grading (420 cu. yds. cut, 200 cu. yds. fill). The new driveway will be upgraded to meet Fire Department standards for fire access to the site. The applicant has submitted a Geotechnical Engineering Investigation for the subject site and a Supplemental Geotechnical Engineering Letter dated 03/27/01, prepared by West Coast Geotechnical, evaluating the geologic stability of the site in relation to the proposed development.

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The Geotechnical Engineering Investigation and Supplemental Geotechnical Engineering Letter dated 03/27/01 were prepared in conjunction with project plans for the proposed project. The geotechnical engineering consultant has provided recommendations to be incorporated in the project plans including recommendations for grading, paving and drainage for the uppermost 75 ft. of the proposed driveway, and for utilizing permeable decomposed granite sufficient to support fire vehicle loads for the lower portion of the site. Based on the investigation and recommendations the geotechnical engineering consultant has determined that the project site is appropriate for the proposed project. The Geotechnical Engineering Investigation dated 03/27/01, prepared by West Coast Geotechnical states:

It is the opinion of West Coast Geotechnical that the proposed improvement will be safe against hazard from landslide, settlement or slippage, and that the proposed improvement will not have an adverse affect on the stability of the subject site or the or immediate vicinity, provided our recommendations are made a part of the site development plans and implemented during construction.

To ensure that the recommendations of the geotechnical consultant are fully incorporated into all relevant project plans, **Special Condition 1** of the subject permit requires the applicant to submit project plans certified in writing by the geotechnical consultant as conforming to their recommendations regarding grading, drainage, and driveway materials. Based on the findings and conclusions of the project's consulting geotechnical engineer, and as conditioned to ensure those recommendations are incorporated into all project plans, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

The proposed project will require a total of 620 cu. yds of grading (420 cu. yds. cut, 200 cu. yds. fill, and 200 cu. yds. export) which will result in some soil and vegetation disturbance in the area of construction. The Commission finds that minimizing site erosion will reduce disturbance of the project site and aid in maintaining the geologic stability of the site, and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. The Commission notes that incorporating adequate drainage and utilizing a permeable surface for the lower section of the driveway in accordance with the recommendations of the geotechnical engineer, the project will result in an approximate 900 square foot reduction of impermeable surface at the project site and will therefore reduce and control run-off at the site. However, to ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 1 and 2**. Additionally, **Special Condition 2B**, the interim erosion control plan, includes a number of erosion control measures to be carried out during construction activities, and also requires the applicant to minimize erosion during the rainy season (November 1 – March 31) by constructing temporary sediment basins, drains and swales, sand bag barriers, silt

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fencing, and/or by stabilizing any stockpiled fill, trenches, cut and fill slopes, with geofabric covers or other appropriate cover, geotextiles or mats, which would otherwise be exposed to increased erosion from run-off of rain water.

The Commission finds that appropriate landscaping of slopes and graded or disturbed areas on the project site will serve to reduce erosion and therefore maintain the geologic stability of the proposed development. Therefore, **Special Condition 2** requires the applicant to submit landscaping plans which utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that landscaping with such vegetation may destabilize slopes, increase erosion and thus, reduce stability of the project site. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition 2**.

Finally, the quantity of cut grading required for construction of the proposed residence is more than the quantity of fill required for construction resulting in an excess of 220 cu. yds. of graded earth material. The Commission finds that stockpiling of graded and excavated material may result in excess erosion and sedimentation. As previously described, the applicant is proposing to export all excess grading material from the project site outside the coastal zone to the Los Angeles County landfill in Calabasas, an approved site for disposal. The Commission finds that the applicant's proposal to remove all excess grading material off site to an appropriate location for disposal will reduce the potential for erosion and sedimentation at the project site.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

C. 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

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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 Development 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. The proposed project 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 project, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for the Malibu and Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit Amendment application to be supported by a finding showing the application 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 Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



PROJECT: STACY KEACH / BECKMEYER
 ADDRESS: 27525 WINDING WAY
 DRAWN: T.M.C. PAGE REF: 667 J1
 DATE: JAN. 2000 JOB#: 3456

A DIVISION OF L. LISTON & ASSOCIATES, INC.
 290 CONEJO RIDGE AVE., STE. 102 • (818) 991-7148
 WESTLAKE VILLAGE, CA 91361 • (805) 497-1244

VICINITY MAP
 SHEET TITLE

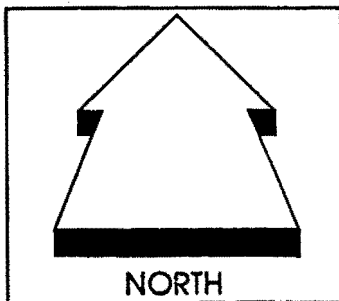
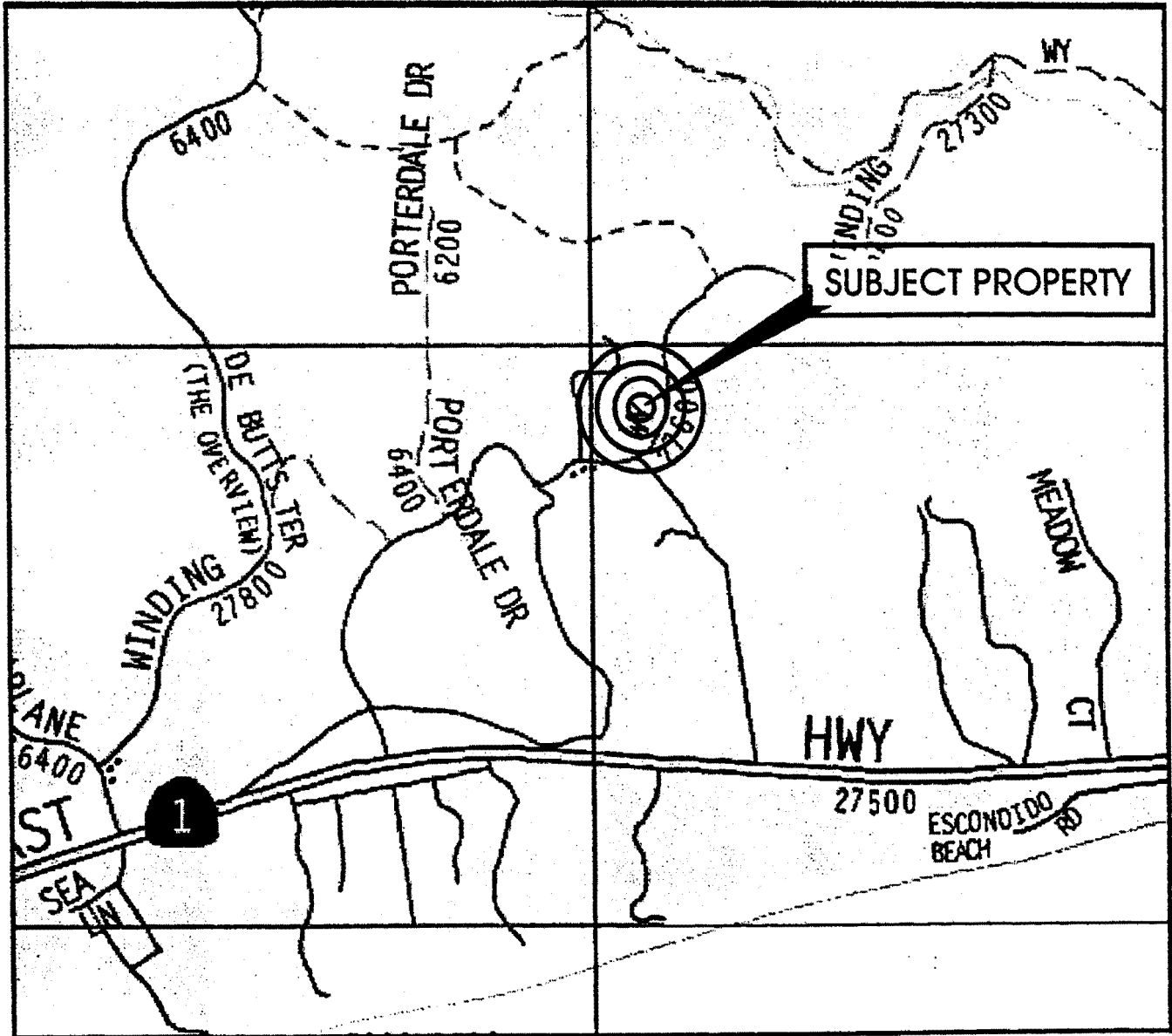
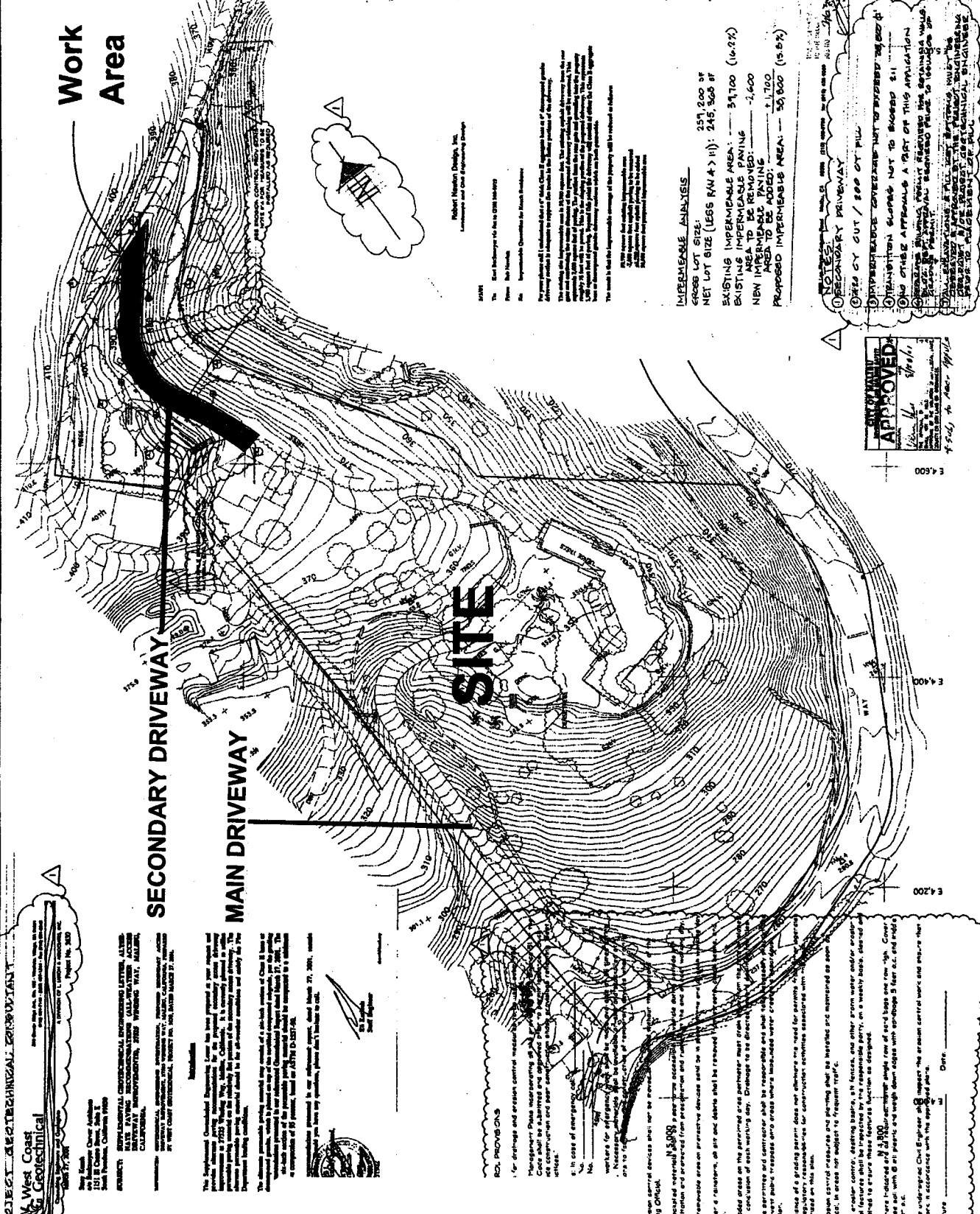


Exhibit 1
 4-01-125
 Vicinity Map

DATE	2/21/01
SCALE	1" = 60'
BY	
CHECKED BY	
APPROVED BY	



PROJECT: GEOTECHNICAL COMPONENT
 West Coast Geotechnical
 1511 Ocean Blvd, Suite T
 San Pedro, California 90731
 (310) 541-1111
 FAX (310) 541-1112
 www.westcoastgeotech.com

APPROVED:
 [Signature]
 [Signature]

NOTES:
 1. EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE CITY OF MALIBU FOR REVIEW AND APPROVAL.
 2. THE EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE CITY OF MALIBU FOR REVIEW AND APPROVAL.
 3. THE EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE CITY OF MALIBU FOR REVIEW AND APPROVAL.

IMPERMEABLE ANALYSIS
 GROSS LOT SIZE: 254,200 SF
 NET LOT SIZE (LESS RAV & H): 245,568 SF
 EXISTING IMPERMEABLE AREA: 51,700 (4.2%)
 EXISTING IMPERMEABLE PAVING AREA TO BE REMOVED: 2,400
 NEW IMPERMEABLE PAVING AREA TO BE ADDED: 1,700
 PROPOSED IMPERMEABLE AREA: 50,000 (4.5%)

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Exhibit 3
 4-01-125
 Site Plan

DATE	BY	REVISION

ROBERT NEWLON DESIGN, INC.
 1518 CLAYTON ROAD, MALIBU, CA 90265
 (310) 456-8750 FAX (310) 456-9089

Grading Plan for:
 Keach Residence Secondary Access Driveway
 27525 Winding Way, Malibu 90265

DATE	BY	REVISION
12/11/10	WJ	1

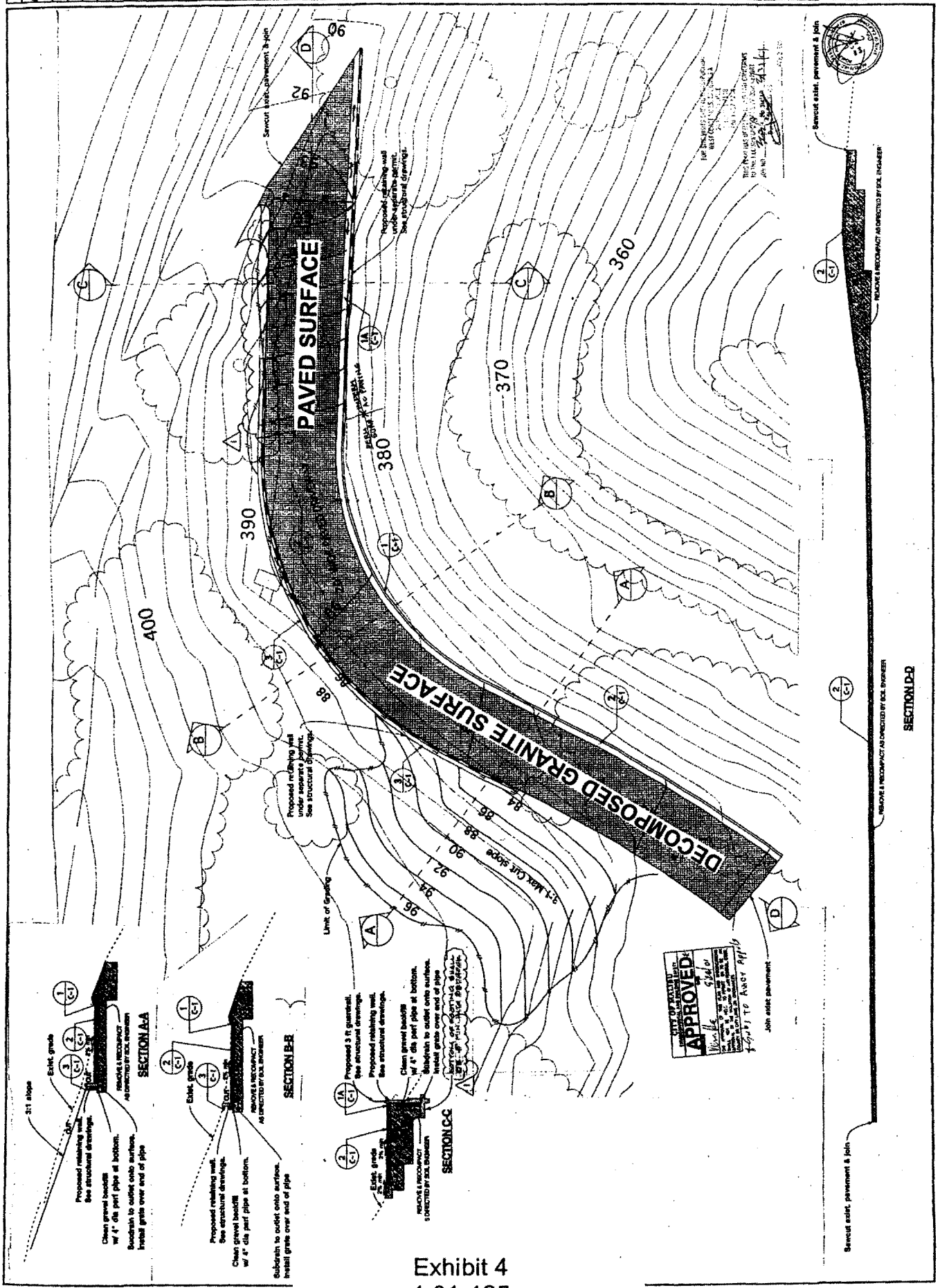


Exhibit 4
 4-01-125
 Driveway Details and Sections

