STATE OF CALIFORNIA -- THE RESOURCES AGENCY

Item Fr 9a

CALIFORNIA COASTAL COMMISSION

UTH CENTRAL COAST AREA SOUTH CALIFORNIA ST., SUITE 200 VENTURA CA 93001 (805) 585-1800

4/1/04 Filed: 49th Day: 180th Day: Staff:

Staff Report:

Hearing Date:

5/20/04 9/28/04 Carev

8/19/04 9/8-10/04



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-228

APPLICANT: Max Wheeler

AGENT: Santiago Ortiz

PROJECT LOCATION: 2961 Gorge Road, Santa Monica Mountains, Los Angeles

County

PROJECT DESCRIPTION: Construction of a swimming pool, spa, terraces,

retaining walls, and 368 cu. yds. of grading (344 cu. yds. cut and 24 cu. yds. fill).

LOCAL APPROVALS RECEIVED: Los Angeles County Approval in Concept, Geotechnical Engineering Report, dated June 20, 2001, and an Update Geotechnical Engineering Letter, dated August 26, 2002, both prepared by West Coast Geotechnical

STAFF NOTE

This application was filed on April 1, 2004. Under the provisions of the Permit Streamlining Act, the latest possible date for Commission action is September 28. 2004. As such, the Commission must act on Application 4-02-228 at the September 8-10, 2004 Hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed development with three special conditions including compliance with geologic recommendations, landscaping plan, and pool/spa maintenance. As conditioned, the proposed project will minimize impacts to life and property from hazards, and minimize impacts to water quality and other coastal resources, consistent with the policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

- I. Approval with Conditions
- I. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development

Permit No 4-02-228 pursuant to the staff recommendation.

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 PERMITS:

The Commission hereby approves the 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 permits 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. <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>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

- 4. <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.
- 5. <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 Geotechnical Engineer's Recommendations.

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the Geotechnical Engineering Report, dated June 20, 2001, and the Update Geotechnical Engineering Letter, dated August 26, 2002, both prepared by West Coast Geotechnical. These recommendations to be incorporated into all final design and construction plans include recommendations concerning site preparation, grading, foundations, swimming pool design, retaining walls, and drainage.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Landscaping and Erosion Control Plans

Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the following criteria:

A) Landscaping Plan

All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of completion of the proposed development. To minimize the need for irrigation and to screen and soften the visual impact of development, landscaping shall consist of primarily 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, and shall be compatible with the character of the surrounding native environment. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site.

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, compatible with the surrounding environment, using accepted planting procedures, and consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed and graded soils:

- 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;
- 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(s) to the Coastal Development Permit(s), unless the Executive Director determines that no amendment is required.

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 sites shall be clearly delineated on the project site with fencing or survey flags.
- 2) Should grading take place during the rainy season (November 1-March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be placed on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment form runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (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.

3. POOL AND SPA DRAINAGE AND MAINTENANCE

By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity

balance to ensure any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes the construction of a swimming pool, spa, terraces, retaining walls, and 368 cu. yds. of grading (344 cu. yds. cut and 24 cu. yds. fill) on a parcel that is developed with a single family residence. The project site is located in Los Flores Canyon on Gorge Road. The proposed project site has been developed with a residence since approximately the 1920's and also contains a small accessory structure, rock walls, stairways, and patio/terraces. The portion of the site extending from Las Flores Canyon Road to the developed area consists of a very steep slope that is well vegetated with native species. The proposed development will be notched into the base of this slope. Given the steep slopes on the site, the proposed development will not be visible from Las Flores Canyon Road, trails, or other public viewing areas.

B. Geology & Hazards

The proposed development is located in the Malibu/Santa Monica Mountains area, 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 area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires 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 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 applicant submitted a Geotechnical Engineering Report, dated June 20, 2001, and an Update Geotechnical Engineering Letter, dated August 26, 2002, both prepared by West Coast Geotechnical for the proposed project. The geotechnical report states that:

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

The geotechnical consultants conclude that the proposed developments are feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Geotechnical Report contains several recommendations to be incorporated into project grading, construction, drainage, foundations and sewage disposal to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition No. 1**, requires the applicant to incorporate the recommendations cited in the Geology Report into all final design and construction plans. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed developments, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing and controlling erosion from the construction site during construction will add to the geologic stability of the project site. To ensure that adequate erosion control is included in the proposed developments the Commission requires the applicant to submit interim erosion control plans, as specified in Special Condition 2. The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, Special Condition 2 requires the applicant to submit landscaping plans. Special Condition 2 also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project sites. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission notes that nonnative and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Staff would note that the area that is likely to be disturbed around the proposed development is small in size

The Commission finds that the proposed project, as conditioned, will minimize potential geologic hazards of the project site and adjacent properties, consistent with Section 30235 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section 30231 of the Coastal Act states:

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.

As described in detail in the previous sections, the applicant is proposing the construction of a swimming pool and spa with retaining walls, and terraces on a steeply sloping parcel developed with a single family residence in Las Flores Canyon. The proposed development will not result in a significant increase in impervious surface, nor will it contribute toxic substances such as petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, or pesticides to the watershed.

However, the proposed project does include 368 cu. yds. of grading (344 cu. yds. cut and 24 cu. yds. fill) to construct the pool deck area, pool, and spa. Increased erosion during construction could have adverse impacts on Las Flores Creek, which crosses the site. Interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition 2** is necessary to ensure the proposed developments will not adversely impact water quality or coastal resources.

Also, the application includes the construction of a swimming pool and spa. The Commission notes that both leakage and periodic maintenance drainage of the proposed swimming pool and spa, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing instability of the site and adjacent properties and potential impacts from pool and spa chemicals (i.e. chlorine, pool and spa water algaecides, chemical pH balancing, and other water conditioning chemicals) on the stream habitat, particularly on water quality within Las

Flores Creek. Therefore, the Commission finds it necessary to require **Special Condition No. 3** which requires the applicant to use a non-chemical or low chemical water purification system to maintain proper pH, calcium and alkalinity balance in a manner that any runoff or drainage from the pool/spa will not include excessive chemicals that may adversely affect water quality or Environmentally Sensitive Habitat Areas.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned to incorporate an erosion control plan and to utilize a non-chemical or low chemical purification system for the pool/spa, will minimize impacts to water quality, consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states:

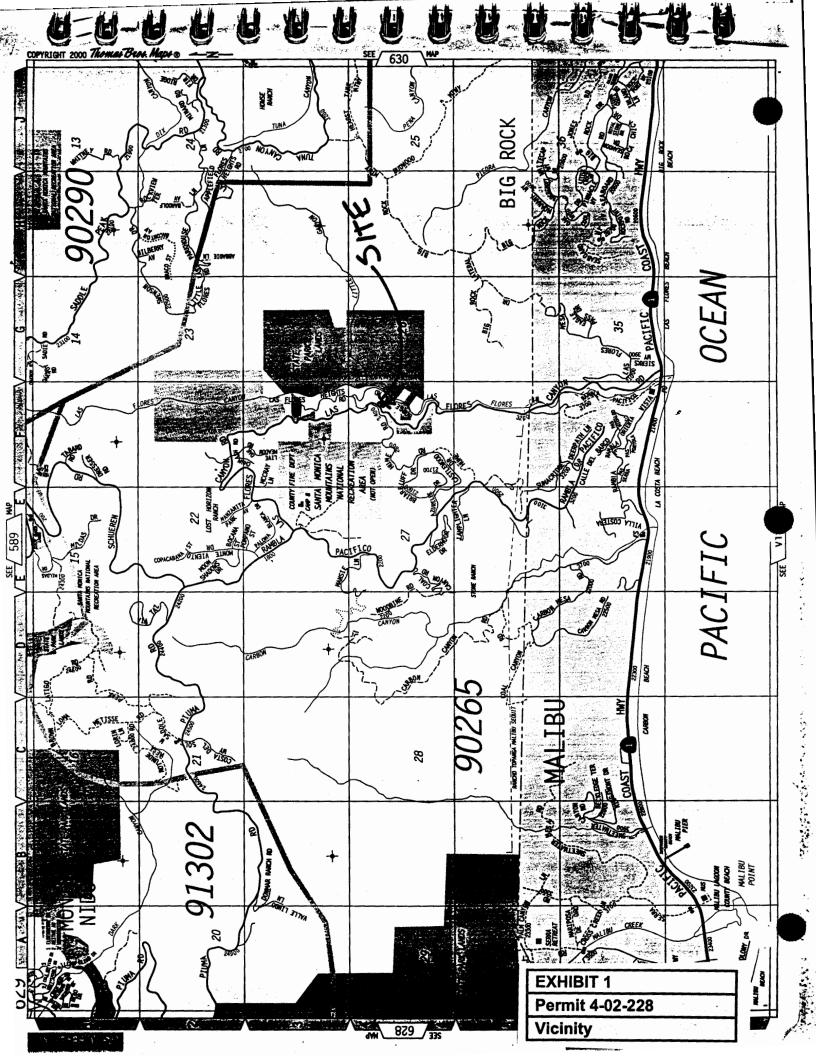
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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).

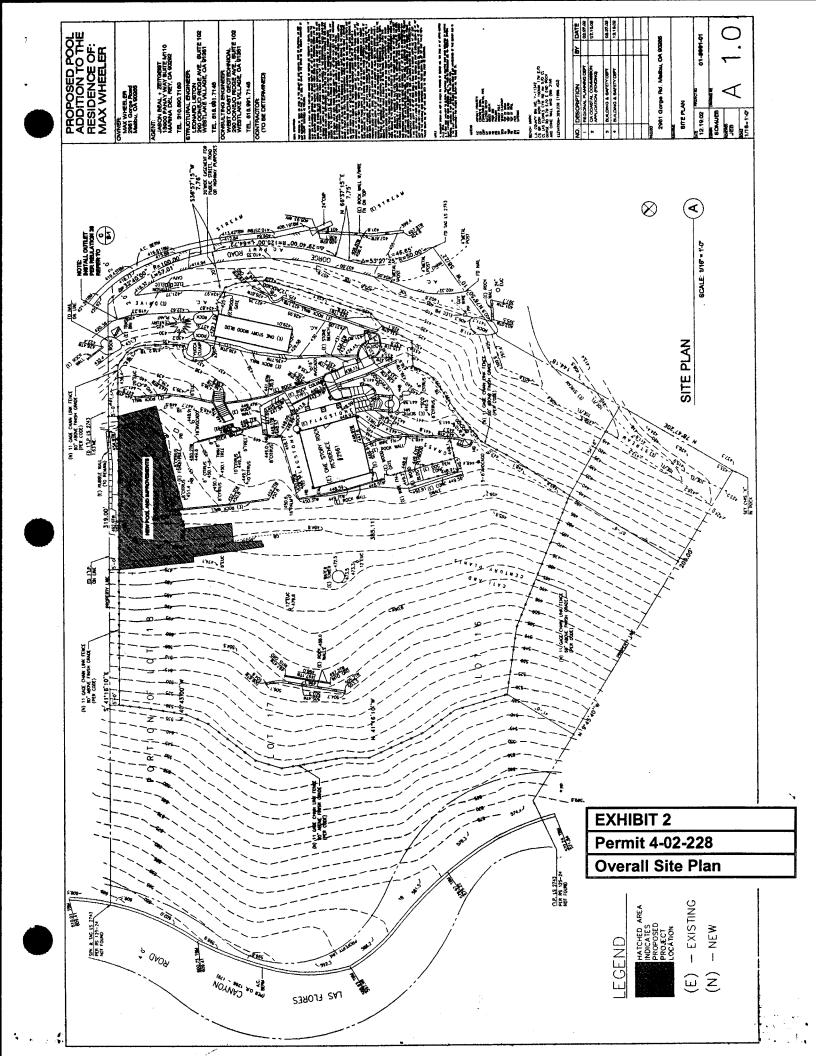
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and are 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 County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

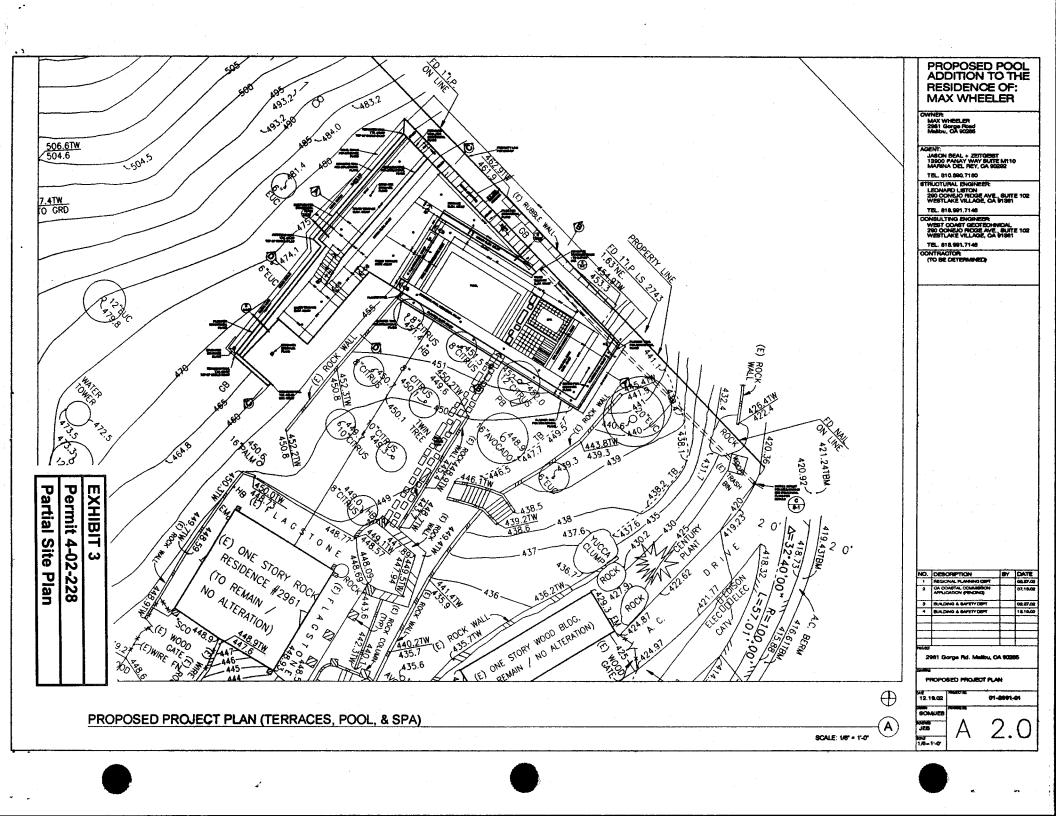
F. CEQA

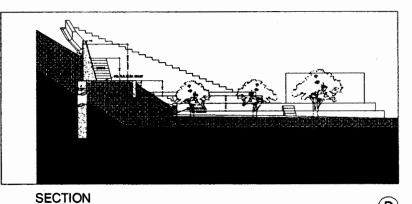
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

The Commission finds that the proposed projects, 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.

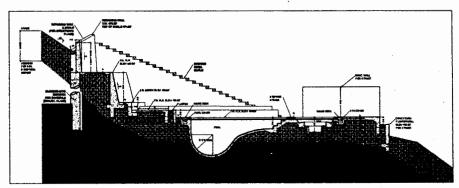








SCALE: 1/8" = 1'-0"



SECTION

SCALE: 1/8" = 1'-0"

PROPOSED POOL ADDITION TO THE RESIDENCE OF: MAX WHEELER

JASON BEAL + ZEITGEST 13900 PANAY WAY SUITE M110 MARINA DEL REY, DA 90292 TEL. 310.890.7180

STRUCTURAL ENGINEER
LEONARD LISTON
290 CONEJO RODGE AVE., SUITE 102
WESTLAKE VILLAGE, OA \$1361

TEL. 618.991.7148

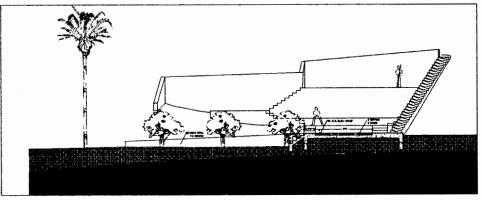
CONSULTING ENGINEER

WEST COAST GEOTECHNIQAL

200 CONSULO REDGE AVE, BUTTE 102

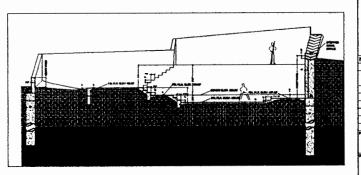
WESTLAKE VILLAGE, CA 91381

TEL. 818.991.7148 OONTRACTOR: (TO BE DETERMINED)



SECTION

 \mathbf{B} SCALE: 1/8" . 1'-0"



SECTION

SCALE: 1/8" = 1'-0"

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4	BUILDING & SAFETY DEPT.		12.19.02
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SECTIONS

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Permit 4-02-228 **Elevations EXHIBIT 4**