

CALIFORNIA COASTAL COMMISSION

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

Filed: 5/28/97
49th Day: 7/16/97
180th Day: 11/24/97
Staff: J Johnson
Staff Report: 6/19/97
Hearing Date: 7/8-11/97
Commission Action:
8002A

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-066

APPLICANT: Jonathan & Gina Carroll AGENT: Marmol & Radziner Architects

PROJECT LOCATION: 7200 Birdview Avenue, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Demolish an existing two story residence and construct a new two story, 7,100 sq. ft., 28 ft. high, single family residence with basement, attached three car garage, swimming pool and spa. Abandon septic system and construct new septic system and replace driveway. Grade a total of 611 cu. yds., 75 cu. yds. of cut, 536 cu. yds. of fill, including importing 461 cu. yds. of fill to the site. Demolition material from the residence and the cut material will be exported to an appropriate site outside the coastal zone.

| | |
|---------------------|-------------------|
| Lot area: | 61,855 sq. ft. |
| Building coverage: | 4,970 sq. ft. |
| Pavement coverage: | 19,005 sq. ft. |
| Landscape coverage: | 37,885 sq. ft. |
| Parking spaces: | 3 covered, 3 open |
| Plan designation: | Residential III A |
| Zoning: | 2 - 4 du/acre |
| Ht abv ext grade: | 28 ft. |

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu, dated 3/18/97; In Concept Approval, City of Malibu Environmental Health, dated February 26, 1997; Approval in Concept, Geology and Geotechnical Engineering Review Sheet, City of Malibu, dated 9/6/96; Approval in Concept, Los Angeles County Fire Department, dated 3/4/97.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with Special Conditions addressing plans conforming to the geologic recommendations, and landscape/erosion control plan. The project site is located on the inland side of Birdview Avenue within Point Dume and will not be visible from Westward Beach Park:

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits Numbers: 4-95-040 (Goodman); 4-93-126 (Wynne); 5-90-756 (Goebels); Preliminary Geotechnical Engineering Investigation, dated May 6, 1996 and Supplemental Geotechnical Report, dated May 7, 1997, prepared by A. G. I. Geotechnical, Inc.; Percolation Testing Results, dated February 10, 1997, prepared by A. G. I. Geotechnical, Inc.; Archaeological Reconnaissance at 7200 Birdview Avenue Malibu, California, dated December 31, 1996, by Chester King, Malibu City Archaeologist.

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. 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 this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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 RECOMMENDATION

All recommendations contained in the Preliminary Geotechnical Engineering Investigation, dated May 6, 1996 and Supplemental Geotechnical Report, dated May 7, 1997, prepared by A. G. I. Geotechnical, Inc., shall be incorporated into all final design and construction plans including cut material removal/processing, graded slopes, grading guidelines, fill placement, grading control, drainage, foundation design criteria, retaining wall criteria, swimming pool and spa. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading 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.

2. LANDSCAPE/EROSION CONTROL PLAN

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a landscape / erosion control plan designed by a licensed landscape architect. The plan shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape plan within ninety (90) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development, all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled "Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains," dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- b) 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 ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.
- c) 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 through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Location

The project site is located within a developed residential area known as Point Dume, in the City of Malibu. The site is located on the west side of Point Dume, landward of Birdview Avenue. Birdview Avenue is the first public road paralleling the sea in this area. Beyond the residential neighborhood of Point Dume is Zuma County Beach Park, Westward Beach Park, and Point Dume State Preserve. (Exhibits 1 and 2)

The applicants are proposing to demolish an existing two story, 6,008 sq. ft., residence and construct a new two story, 7,100 sq. ft., 28 ft. high, single family residence with basement, attached three car garage, swimming pool and spa. The existing septic system is proposed to be abandoned while a new septic system will be constructed. The existing driveway will be replaced. The applicants propose to grade a total of 611 cu. yds., 75 cu. yds. of cut, 536 cu. yds. of fill, including importing 461 cu. yds. of fill to the site. Demolition material from the existing residence and the 75 cu. yds. of cut material will be exported to an appropriate site outside the coastal zone. (Exhibits 3 - 11)

The site includes numerous mature trees and a tall hedge on the western portion of the property providing a substantial screen of the proposed residence from Birdview Avenue. The proposed residence will not be visible from public recreation sites including Zuma County Beach, Westward Beach, or Point Dume Preserve. The site also includes an existing tennis court on the northeast portion of the property, landward of the proposed residence, which will be retained on site.

The applicant provided the City of Malibu an archaeology report titled: "Archaeology Reconnaissance at 7200 Birdview Avenue, Malibu, California", dated December 31, 1996, completed by Chester King, Malibu City Archaeologist. The report states that no indications of prehistoric archaeological remains were observed on site and that the replacement of the residence is not expected to impact archaeological remains.

B. Geologic Stability

1. Geologic Stability

Section 30253 of the Coastal Act state:

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 in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. The Commission reviews the proposed project's risks to life and property in areas where there are geologic, and flood hazards. Regarding the geologic hazard, the applicants submitted two geologic reports, the first is titled; "Preliminary Geotechnical Engineering Investigation", and the second titled; "Supplemental Geotechnical Report", dated May 6, 1996 and May 7, 1997, respectively, prepared by A.G.I. Geotechnical, Inc.. These reports state:

"Findings made as a part of this investigation indicate that earth materials suitable to support the planned development and future grading exist very near the existing ground surface. Laboratory testing and the manometer survey indicate that existing compacted fill materials are well compacted and have performed satisfactorily since placement in 1981. The development of the site for the proposed use is feasible as long as the recommendations contained in this report are followed during grading and development of the site."

"Based upon the findings summarized in the referenced report, it is our professional opinion that the proposed construction will not be subject to a hazard from settlement, slippage, or landslide, provided recommendations of the referenced reports are incorporated into the proposed construction. It is also our opinion that the proposed construction will not adversely affect the geologic stability of the off-site adjacent properties provided the recommendations contained in this report are incorporated into the proposed construction."

The recommendations in these geology reports address the following issues: cut material removal/processing, graded slopes, grading guidelines, fill placement, grading control, drainage, foundation design criteria, retaining wall criteria, swimming pool and spa.

The City of Malibu reviewed the proposed project and geology reports, granting approval in concept for the project on a Geology and Geotechnical Engineering Review Sheet, dated 9/6/96. Based on the findings and recommendations of the consulting engineering geologist and geotechnical engineer and the City of Malibu approval of the geology and geotechnical engineering, 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 geologist and geotechnical engineer as conforming to their recommendations, as noted in condition number one (1) for the final project design and drainage plans for the proposed project. Therefore, the Commission finds that the proposed project, as conditioned, 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 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 applicant is proposing a private septic system to accommodate the sewage generated by the proposed development. A favorable percolation test was performed on the site which indicates that the percolation rate exceeds the Uniform Plumbing Code requirements. The applicant's engineering geologist has recommended that more conservative values obtained in one test excavation pit be used to design the sewage disposal system. The City of Malibu has completed a review of the proposed septic system with a 2,000 gallon septic tank and drainfield. The City granted approval in concept on February 26, 1997. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration depth of groundwater. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

D. 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 included 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 and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a). 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.

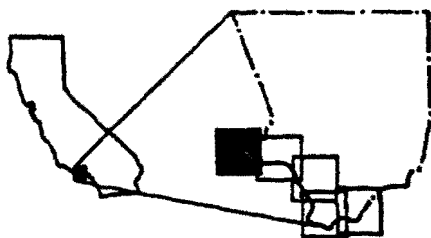
E. California Environmental Quality Act (CEQA)

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate conditions addressing coastal issues discussed above. 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 has been determined to be consistent with CEQA and the policies of the Coastal Act.

8002A

A B C D E F G H I J K L M N O



Los Angeles

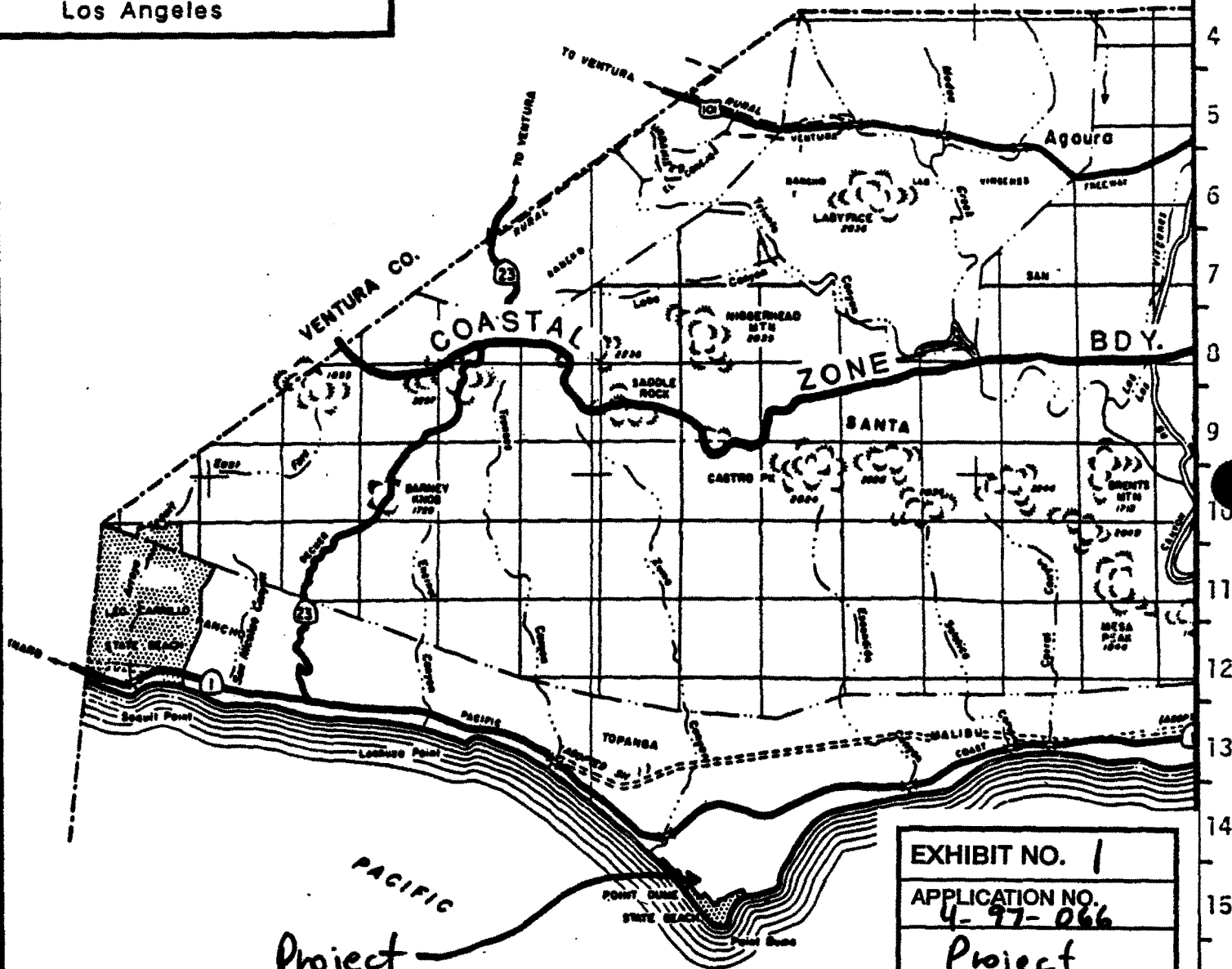


EXHIBIT NO. 1

APPLICATION NO.

4-97-066

Project

Vicinity

California Coastal Commission

LOCATION MAP

1 0 1 2
miles



County of Los Angeles

Sheet 1 of 5

PROJECT
SITE

WESTWARD BEACH

PACIFIC COAST

HWY

DUNE

PORTHEAD RD

SELFRIE DR

BONFACE DR

ZIMREZ DR

WILDLIFE RD

GRAYFOX

ST

BISON CT

BLUEWATER RD

GRASSWOOD AVE

THAMES

DR

SEA LION

FL

BROOKLYN AVE

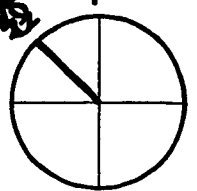
CLIFFSIDE

POINT DUME

PACIFIC

PARADISE COVE

TRUE NORTH



| |
|--------------------------|
| EXHIBIT NO. 2 |
| APPLICATION NO. 4-97-066 |
| Project Site |

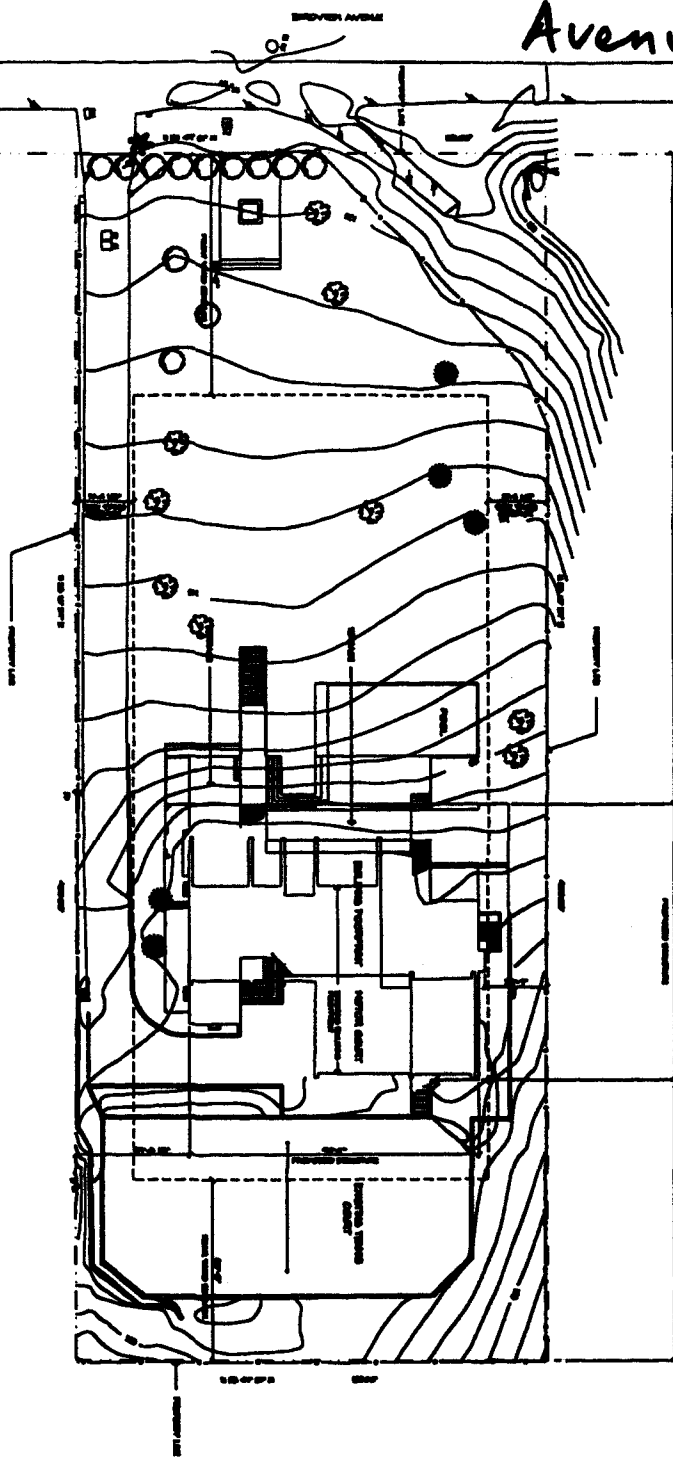
VICINITY MAP

NO SCALE

4

Birdview

Avenue



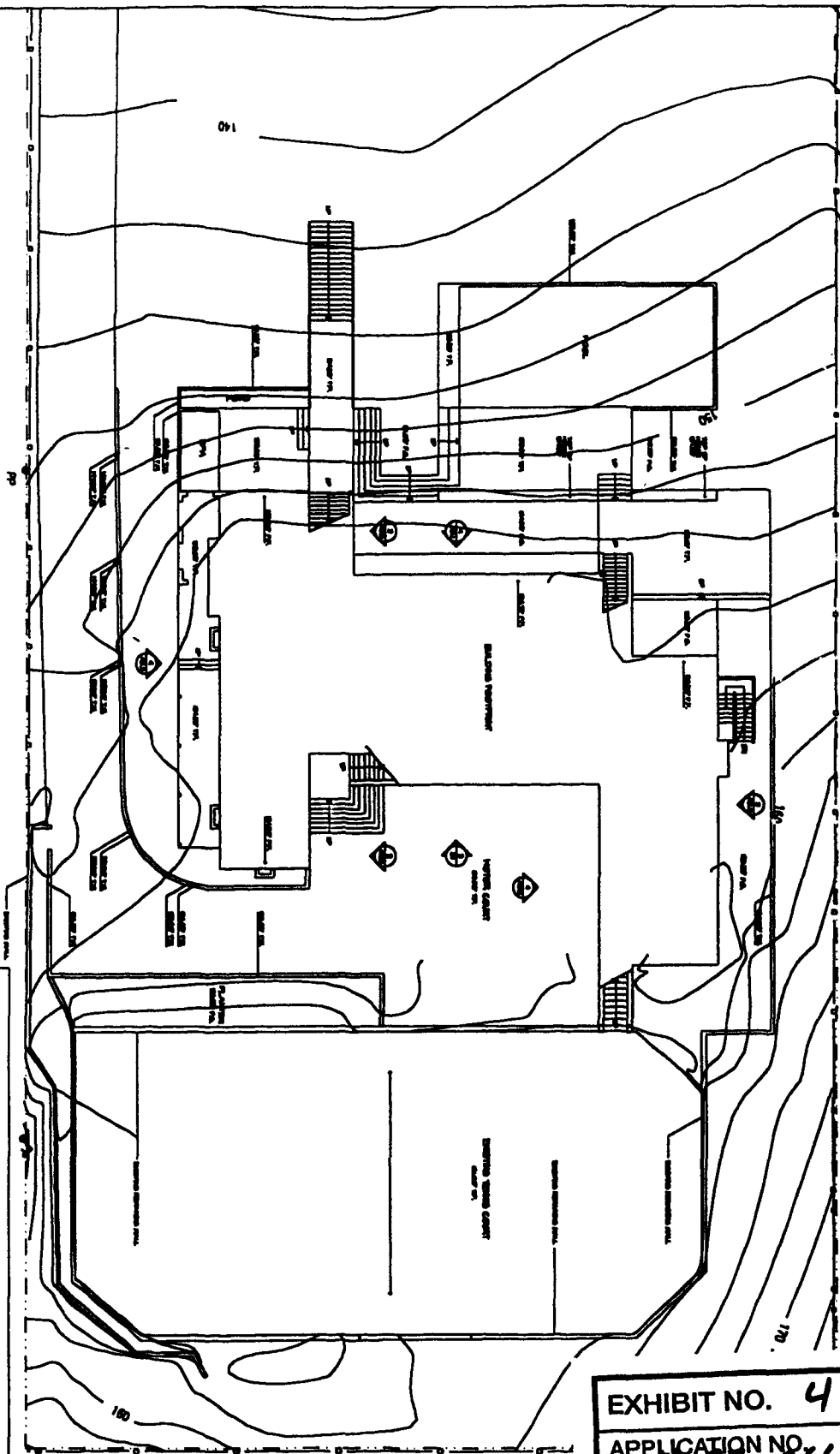
SEE EXHIBIT NO. 4 FOR LEGEND

| |
|-------------------------|
| EXHIBIT NO. 3 |
| APPLICATION NO. 497-066 |
| Site Plan |

OVERALL SITE PLAN
S. J. JAMES

ARCHITECTS
MARMOL & RADZNER
1000 15th Street, N.W.
Washington, D.C. 20004

OWNER
CARROLL RESIDENCE
1000 15th Street, N.W.
Washington, D.C. 20004



| |
|--------------------------|
| EXHIBIT NO. 4 |
| APPLICATION NO. 4-97-866 |
| Site Plan |
| Enlarged |

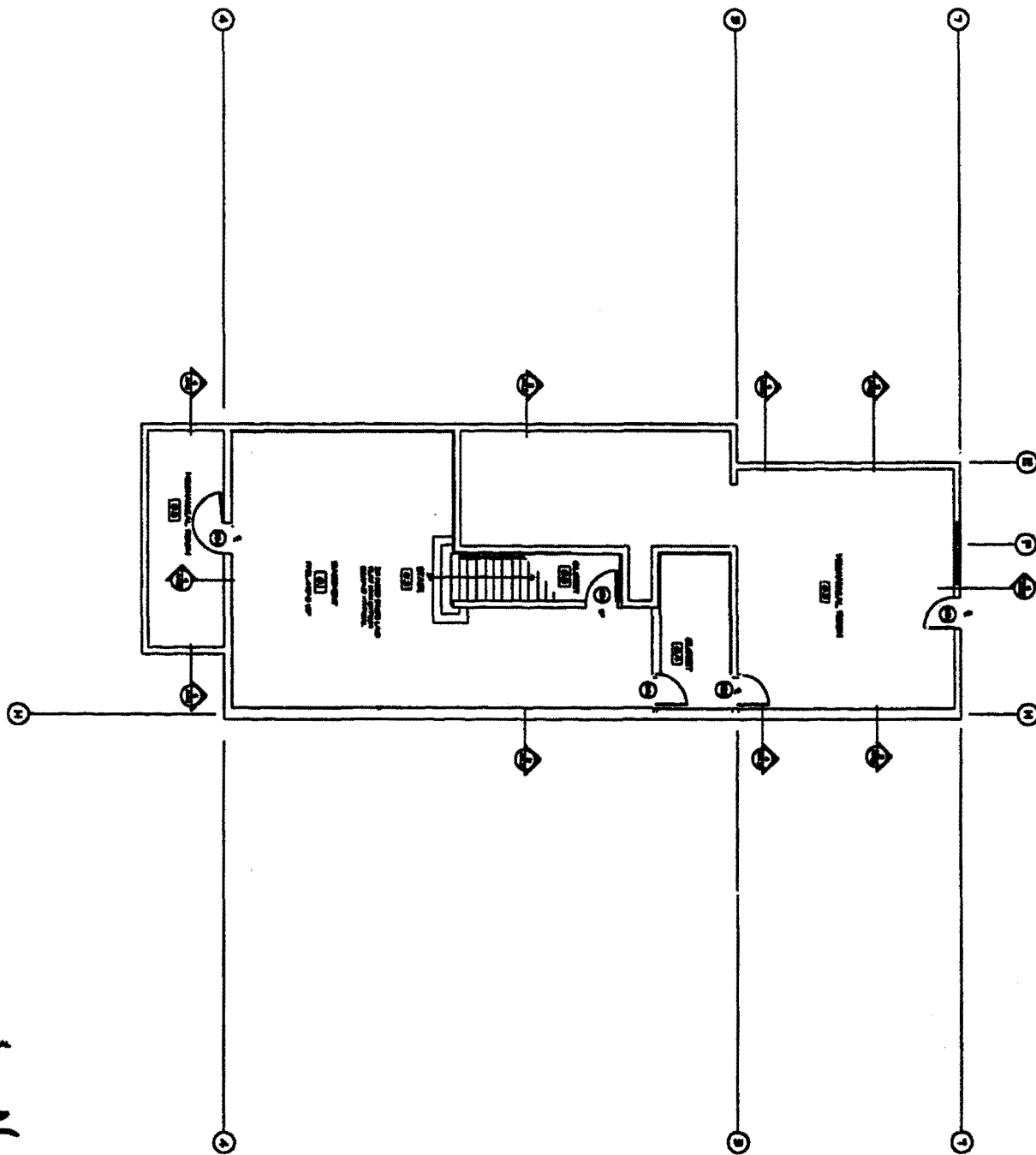
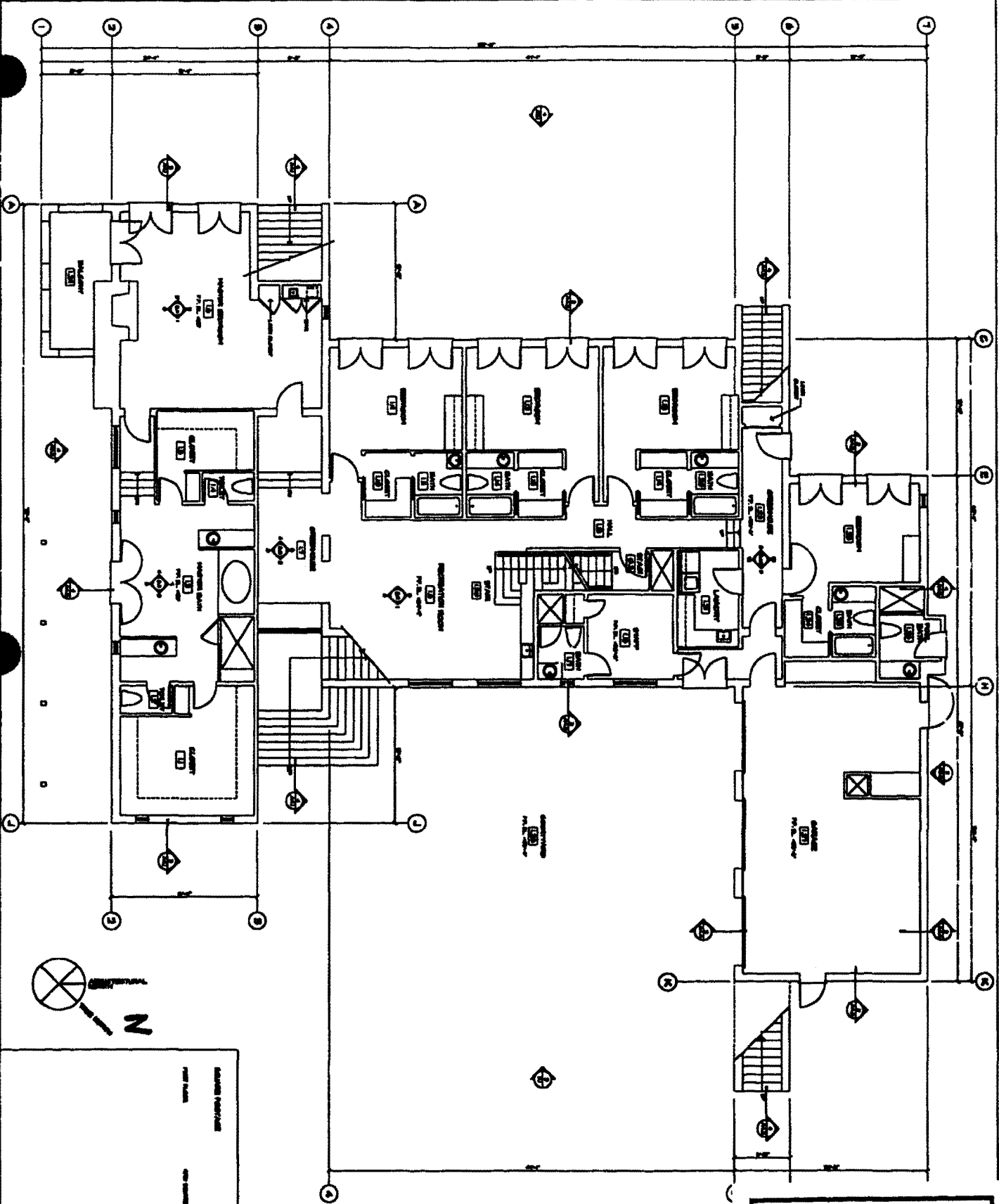


EXHIBIT NO. 5
 APPLICATION NO. 4-97-866
 Basement
 Plan

FIRST FLOOR PLAN

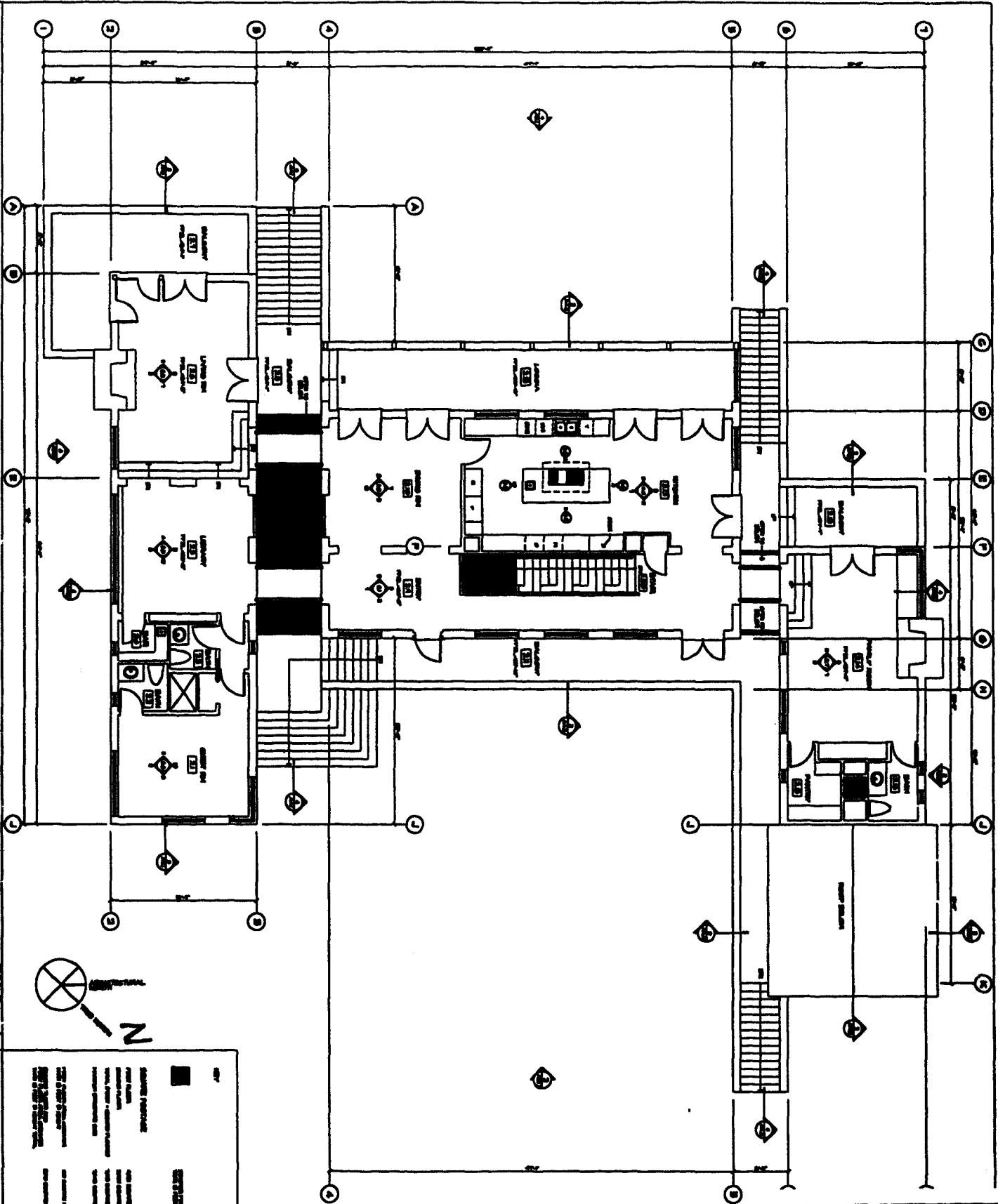
SECTION 6 NOTES

A2.2



| |
|--------------------------|
| EXHIBIT NO. 6 |
| APPLICATION NO. 4-97-066 |
| First Floor |

SECOND FLOOR PLAN



NOTES

- 1. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 2. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 3. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 4. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 5. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 6. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 7. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 8. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 9. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.
- 10. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.

A2.3

SECOND FLOOR PLAN

MARMOL & RADZINER
ARCHITECTS
1000 15th St. N.W.
Washington, D.C. 20005

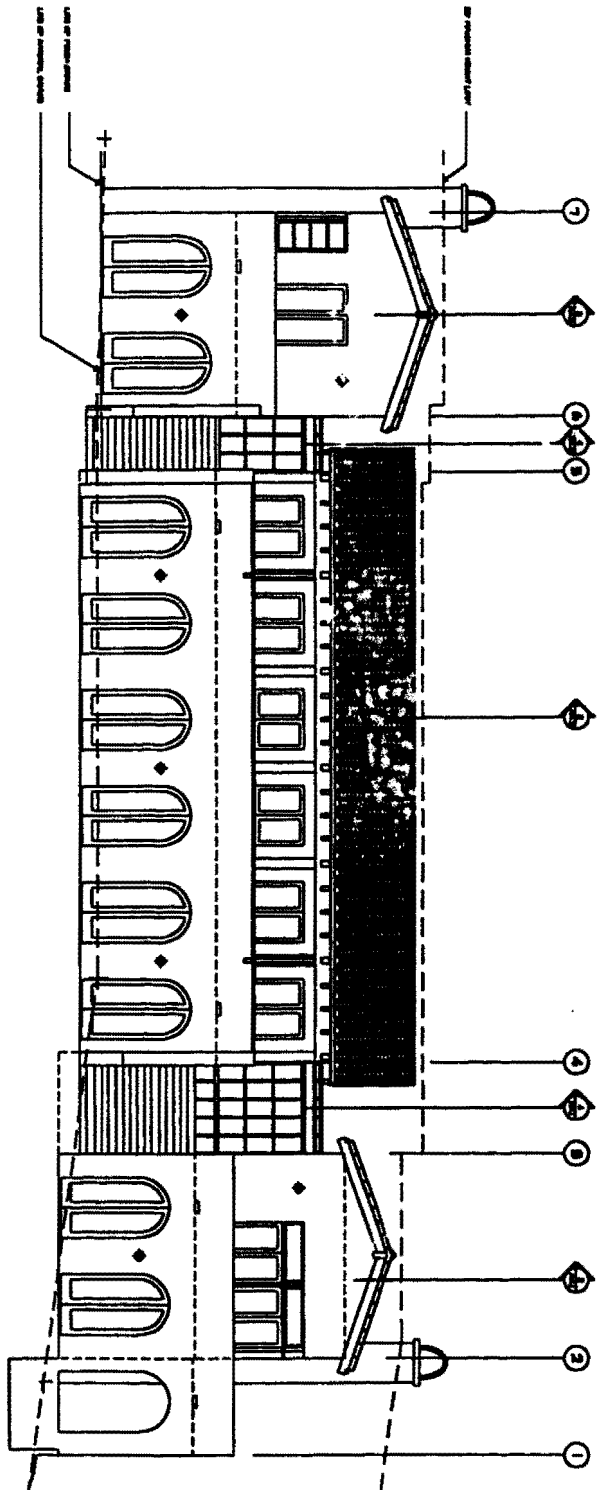
CARROLL, ET
AL
1000 15th St. N.W.
Washington, D.C. 20005

EXHIBIT NO. 7

APPLICATION NO.
4-99-066

Second
Floor

WEST ELEVATION



EAST ELEVATION

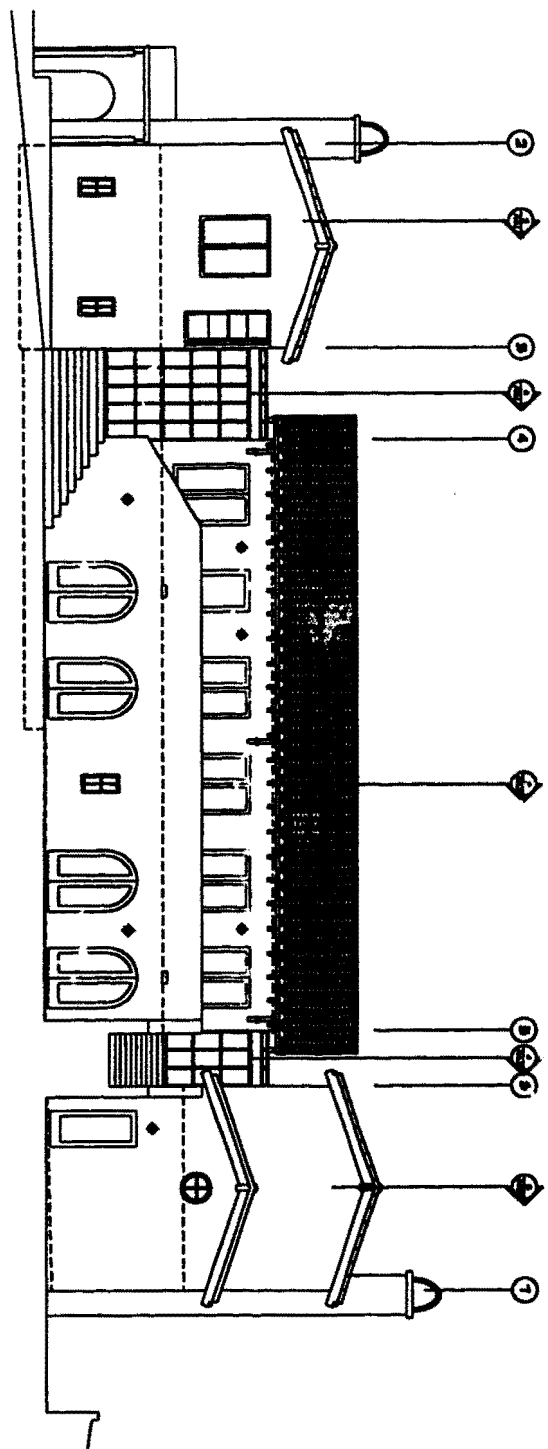


EXHIBIT NO. 8
APPLICATION NO. 4-97-066
East-West
Elevations

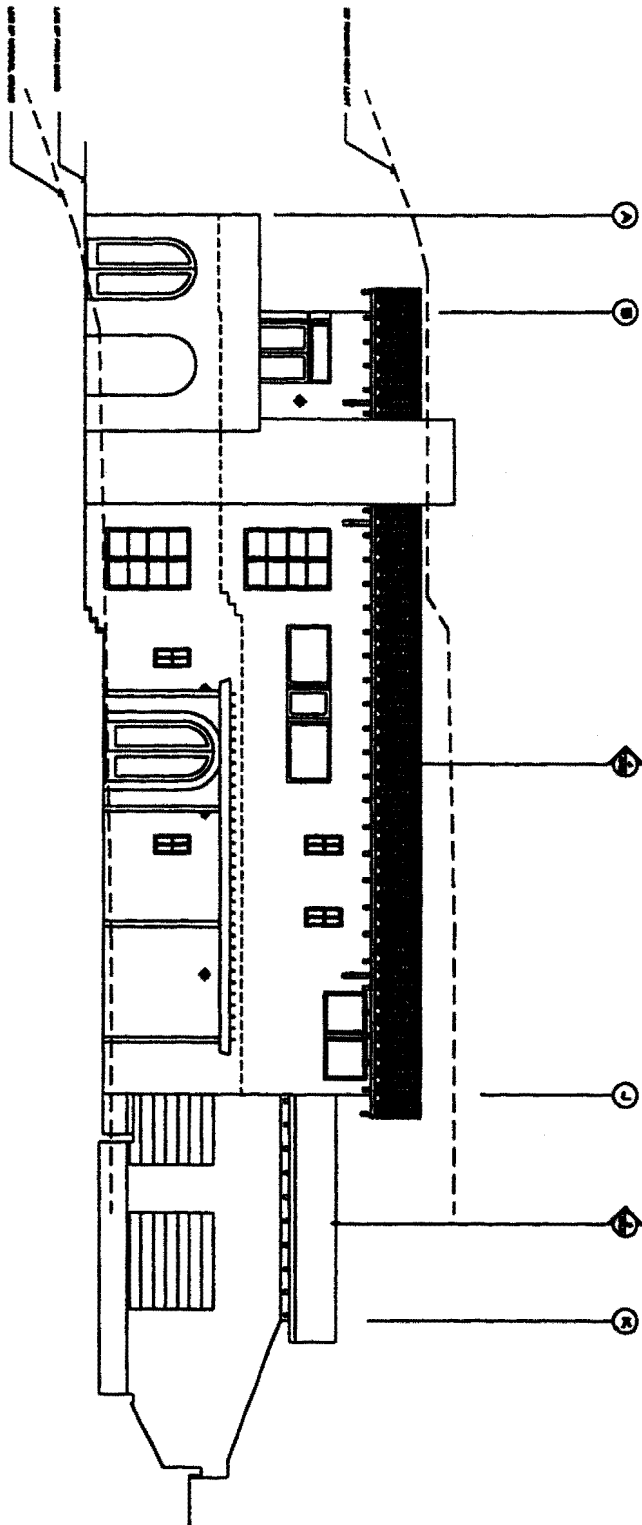
A3.1

EXTERIOR ELEVATIONS

MARMOL & RADZINER

381

SOUTH ELEVATION



NORTH ELEVATION

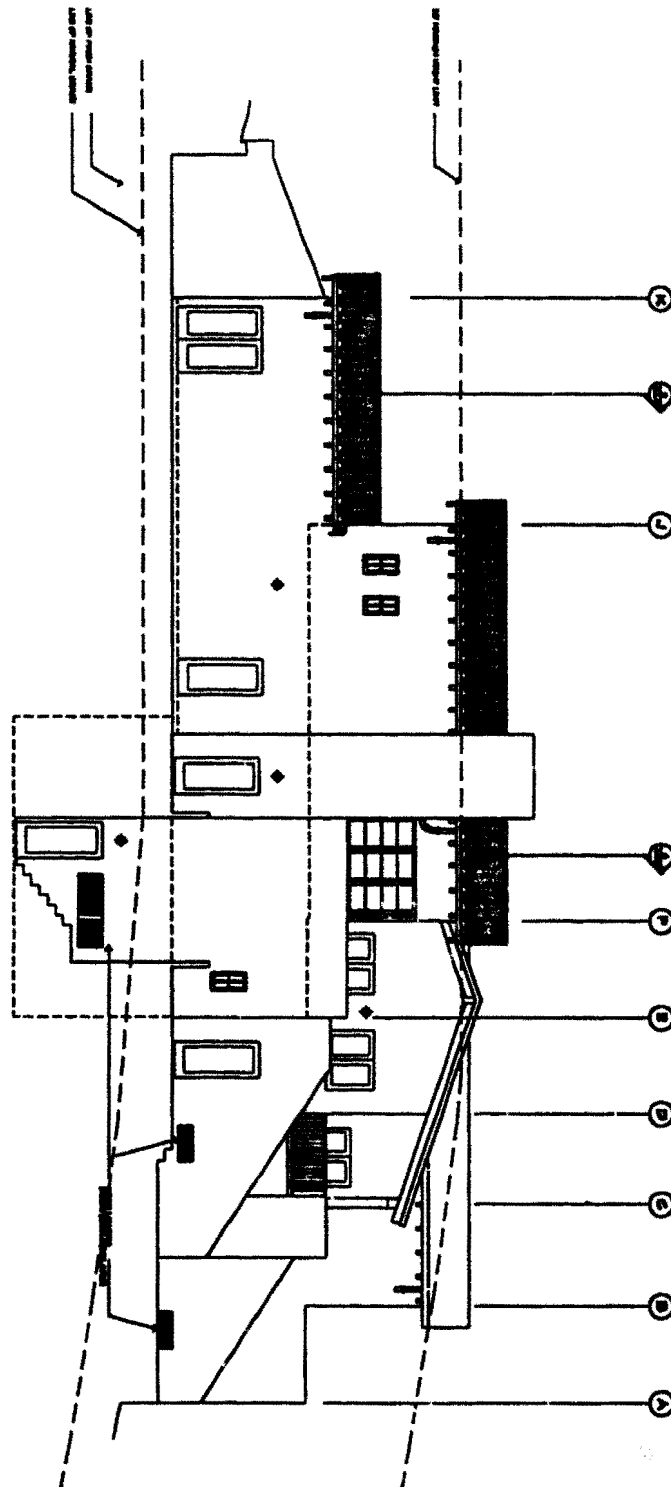


EXHIBIT NO. 9

APPLICATION NO.
9-97-066

North-South
Elevations

A3.2

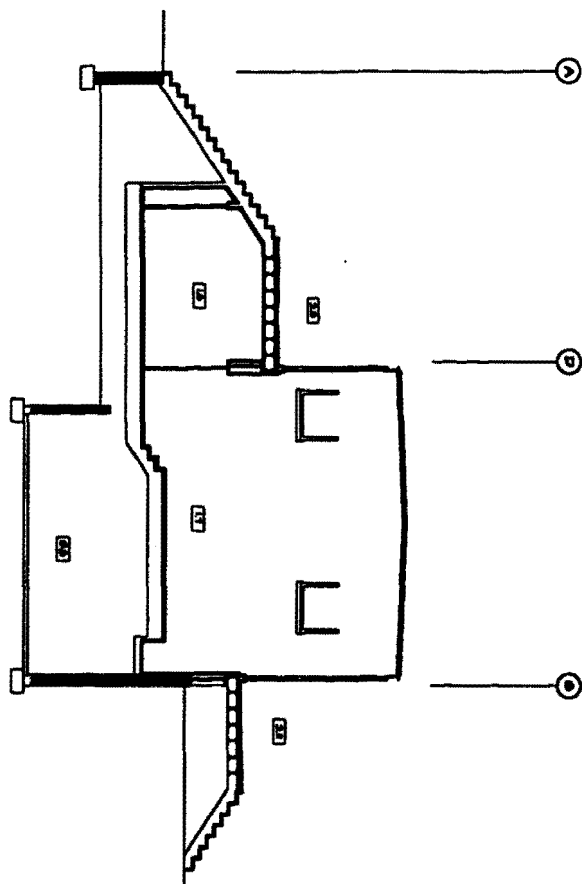
EXHIBIT NO.

EXTERIOR ELEVATIONS

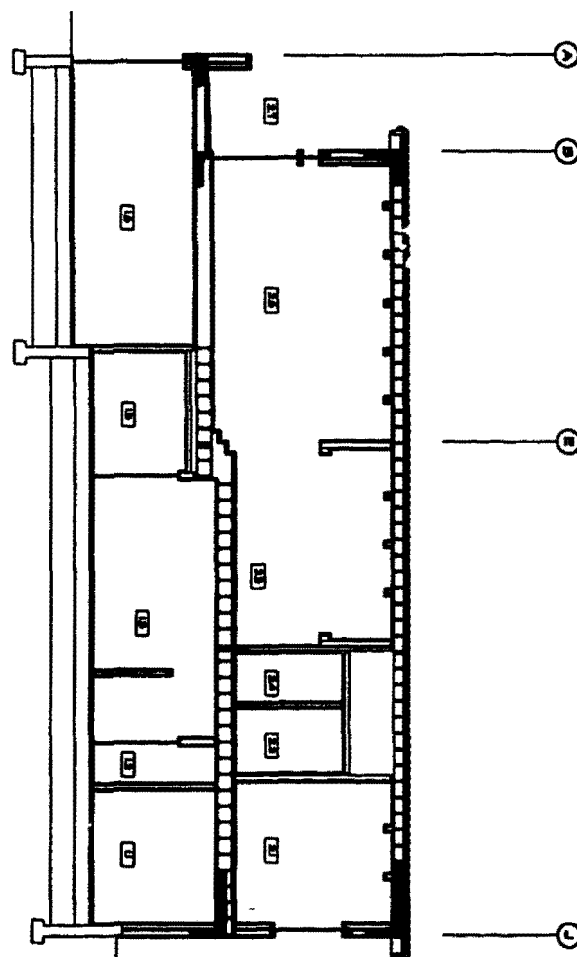
MARMOL & RADZINER

CARROLL RESIDENCE

SECTION



SECTION



| |
|-----------------------------|
| EXHIBIT NO. 10 |
| APPLICATION NO. 9-97-066 |
| Building |
| Sections |

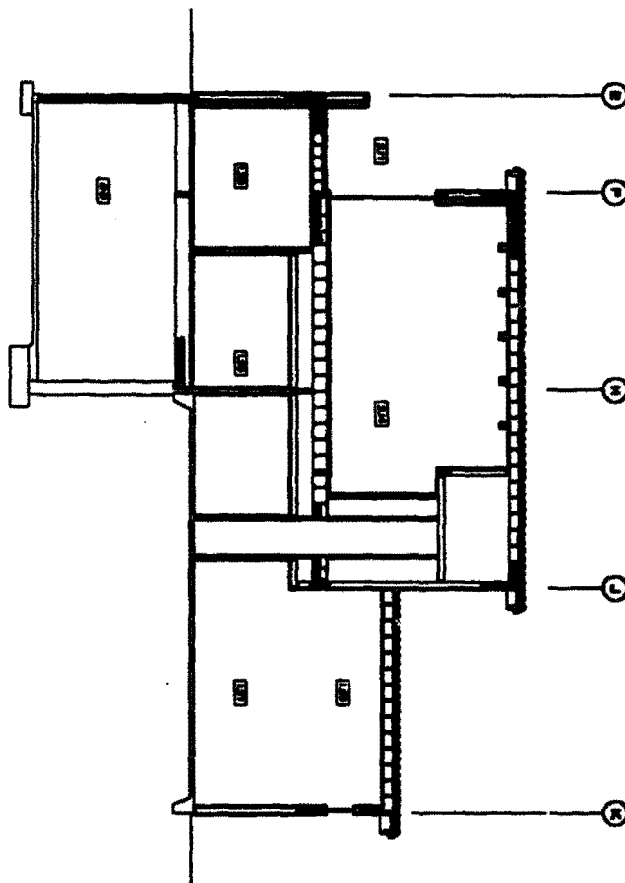
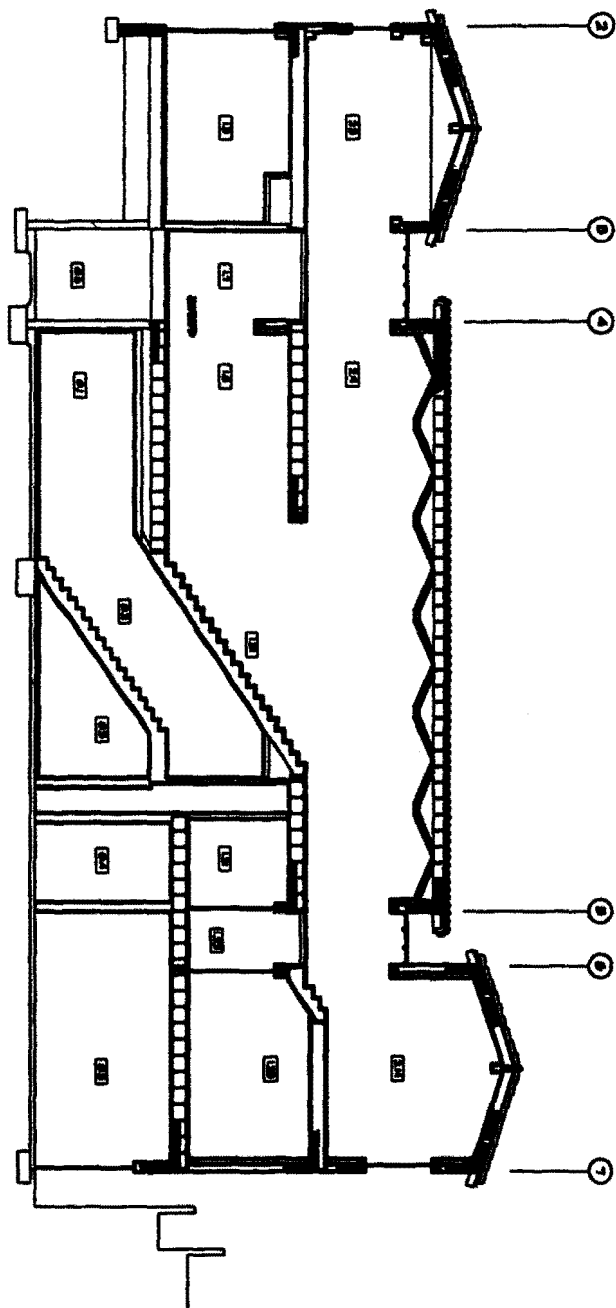
BARRY WILK
BUILDING SECTIONS
ARCHITECT

ARCHITECT
MARMOL & RADZINER
1000 10TH AVENUE
NEW YORK, NY 10018
TEL: 212-691-1000
FAX: 212-691-1001

PROJECT
CARROLL RESIDENCE
1000 10TH AVENUE
NEW YORK, NY 10018

A4.1

SECTION



Building Sections

BUILDING SECTIONS

MARMOL & RADZINER
ATTORNEYS AT LAW
1000 NEW YORK AVENUE
SUITE 1000 NEW YORK, N.Y. 10020
212-691-1111

CARROLL RESIDENCE
2000 10TH AVENUE
S.W. ALBUQUERQUE, N.M.