

Th3b

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
SANTA ANA, CA 92701
(714) 641-0142



RECORD PACKET COPY

Filed: 1/9/98
49th Day: 2/27/98
180th Day: 7/8/98
Staff: JEL-V
Staff Report: 2/19/98
Hearing Date: 3/10-13/98

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-240

APPLICANT: Mark & Sheila Battistello

AGENT: Clive Dawson, AIA

PROJECT LOCATION: 7127 Dume Drive, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct 4,541 sq. ft., 26 foot high, two-story single family residence with 688 sq. ft. garage, swimming pool, septic system and 550 cu. yds of grading (100 cut, 450 fill, 350 import)

Lot area:	25,528 sq. ft. (.59 acre)
Building coverage:	3,242 sq. ft.
Pavement coverage:	3,462 sq. ft.
Landscape coverage:	18,824 sq. ft.
Parking spaces:	three covered
Ht abv fin grade:	26 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval in Concept, 11-17-97; Geology and Geotechnical Engineering, Approved "in-concept", 6/24/97; Environmental Health, In-Concept Approval, 9/17/97.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Certified Land Use Plan; Preliminary Engineering Geologic and Seismic Report, Mountain Geology, Inc. 5/5/97; Geotechnical Engineering Investigation, Coastline Geotechnical Consultants, Inc., 6/3/97.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to conformance to geologic recommendations and 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 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 Preliminary Engineering Geologic and Seismic Report, Mountain Geology, Inc., 5/5/97, and the Geotechnical Engineering Investigation, Coastline Geotechnical Consultants, Inc., 6/3/97 shall be incorporated into all final design and construction including foundation footings, retaining walls, excavation, drainage, slabs, grading and inspection. 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 permit.

2. Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, 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 4,541 sq. ft., 26 foot high, two-story single family residence with a 688 sq. ft. garage, swimming pool and septic system. The project as proposed will require 550 cu. yds. of grading, including 100 cu. yds. of cut and 450 cu. yds. of fill, of which 350 cu. yds. of soil will be imported.

The property is located west of Kanan Dume Road, south of Pacific Coast Highway, south of Greenwater Drive, north of Sea Lion Place, and adjacent to the existing residence at 7127 Dume Drive.

The subject property is located on a vacant, 105 feet wide by 210 feet deep, .59 acre, "flag" lot (set back 210 feet from Dume Drive) in the Point Dume area of Malibu. The parcel is land locked by the four surrounding parcels, save for the 210 foot long driveway that provides access from Dume Road. The parcel is relatively flat, the physical relief ranging between 10 to 15 feet, descending towards the southwest at a gradient of less than five degrees.

The property is bounded on all sides by established single family residences and mature vegetation, with numerous mature trees along the western property line. The proposed two-story, single family residence would be only partially visible from Dume Drive, as the site is located directly behind and down slope from the existing residence at 7127 Dume Drive. The proposed structure would be partially visible from the top of Point Dume, a recognized vista point and scenic element, located approximately one half mile to the south, in Point Dume State Beach. The structure would not be visible from any other trails, parks or viewpoints.

Given the residential design and location of the proposed structure, surrounded by established single family residences of similar height, design and mature vegetation, and at a distance of one half mile from Point Dume, there will be no significant visual impact as a result of the project.

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 extreme southern flank of the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

1. Geology

The applicant has submitted a Preliminary Engineering Geologic and Seismic Report, dated 5/5/97, prepared by Mountain Geology, Inc., and a Geotechnical Engineering Investigation, dated 6/3/97, prepared by Coastline Geotechnical Consultants, Inc., for the subject site.

The primary geotechnical concern for the proposed project is expansive soils. Coastline geotechnical consultants performed an investigation of the site through observation, subsurface sampling, laboratory testing and analysis. The most significant results of their efforts indicate the soils have a very high potential for expansion, with an Expansion Index of 101, as defined under the Uniform Building Code Standard Test No. 29-2. Both the geotechnical investigation and the geology report concur that the recommended foundation bearing material be either certified compacted fill, dense natural marine terrace deposits or the underlying sedimentary bedrock per the recommendations of the geotechnical engineer.

Based on these findings, and in conjunction with their overall analysis, Coastline Engineering has developed a set of the recommendations to ensure the design of the foundation footings, retaining walls, excavation, drainage, slabs, grading and inspection will free of any significant geotechnical hazards. The Geotechnical consultant concludes:

"Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading, and construction are properly and adequately executed, it is our opinion that construction within the building site would not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely effect the stability of the site, or adjacent properties, with the same provisos listed above."

The geology consultant, Mountain Geology, developed their report based on site observation, a review of previous work, on-site excavation and review of aerial photographs. Their geologic findings related primarily to seismic activity and slope stability, for which they found no significant hazards:

"The massive nature of the terrace deposits is considered favorable with respect to gross stability of the site and the proposed project. In addition, the orientation of the geologic structure is favorable with respect to the stability of the site and proposed project."

Potentially active and/or active faults, adversely oriented geologic structure, or other geologic hazards were not observed during our investigation."

In addition, the geologic engineer states that the site is free from any rain-related damage such as landslides or mudflows. Similar to the geotechnical consultant, the consulting geologist has develop a set of recommendations to ensure the project will not be subject to any geologic hazards, including the following: grading, retaining walls, excavations, swimming pool design, sewage, and drainage.

Based on the findings and recommendations of the consulting geologist and geotechnical engineer, 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 geologist and geotechnical engineer as conforming to their recommendations, as noted in condition number one (1) for the final project plans for the proposed project.

2. 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 condition number four.

The Commission finds that only as conditioned above is the proposed project 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 proposed septic system includes a 1,500 gallon septic tank with seepage pits. The installation of a private sewage disposal system was review by the consulting geologist, Mountain Geology, and found not to create or cause adverse conditions to the site or adjacent properties due to the favorable geologic structure, favorable nature of the earth materials with respect to percolation rates, and the favorable effect of a deep capping depth.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a five bedroom residence and is sufficient to serve the proposed single family residence. The applicant has submitted a conceptual approval for the sewage disposal system from the City of Malibu Department of Environmental Health, based on a five bedroom single family residence. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water 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.

D. 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).

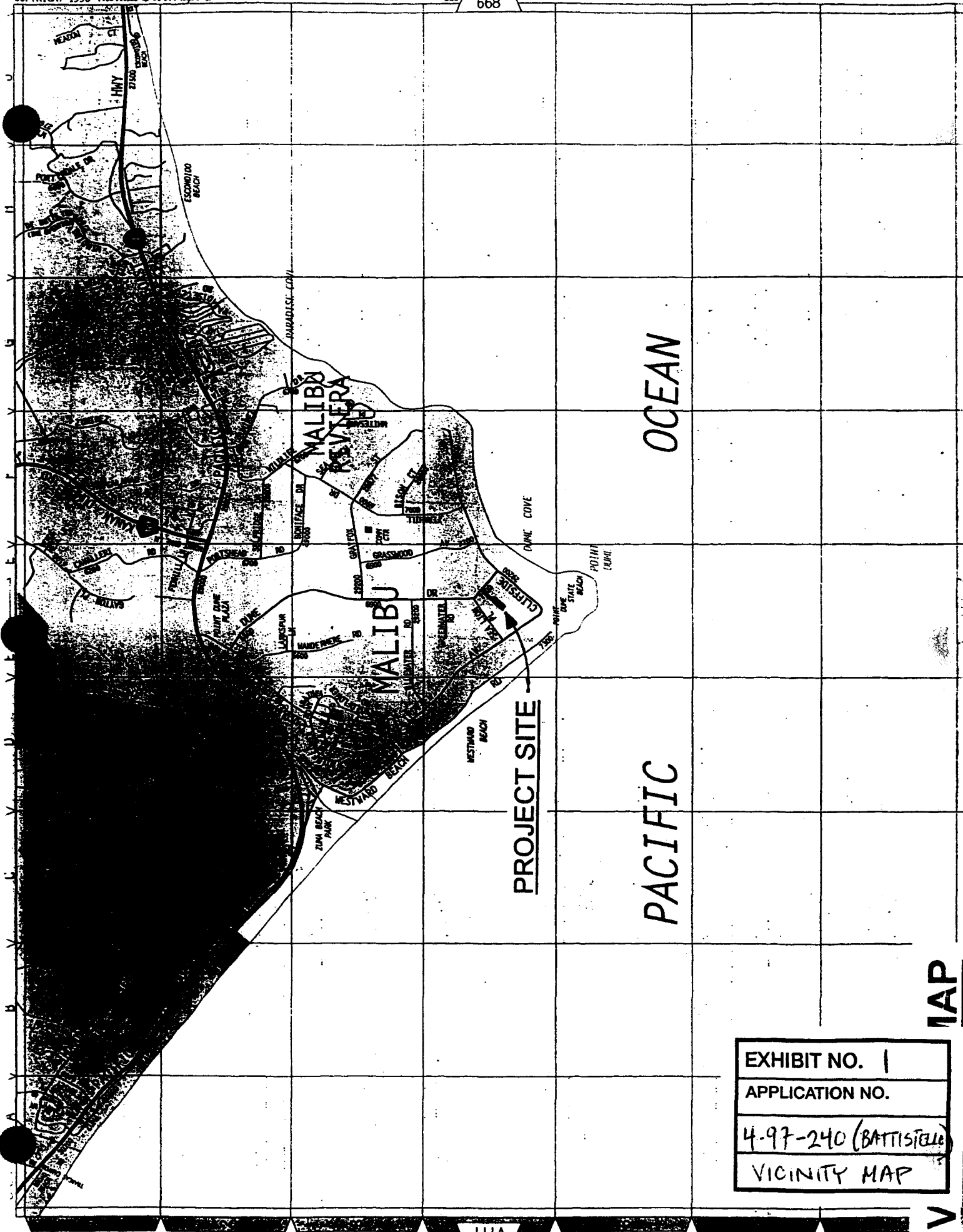
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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).

E. 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)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity would have on the environment.

There proposed development would not cause significant, adverse environmental impacts 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.



PROJECT SITE

OCEAN

PACIFIC

MAP

EXHIBIT NO. 1
APPLICATION NO.

4-97-240 (BATTISTELLI)
VICINITY MAP

Keywords: *gender inequality, gender discrimination, gender equity, gender equality, gender justice, gender equity, gender equality, gender justice*



STATUS




PROJECT CONTINUED ☒ _____

APPROVED ☒ _____

CONSENT/CONSULT _____

MINORAL PAYS ☒ _____

DETAILS

TYPE:    _____

ISSUES

PROPERTY LINE: _____

WATER RIGHTS: ☐ _____

ENVIRONMENT: ☐ _____

COULD NOT PARTY: ☐ _____

STANDARD BANKING HOUSE, LIMITED, 100 WALL STREET, NEW YORK, N. Y.

RECEIVED
AUG - 8 1997
PLANNING DEPT.

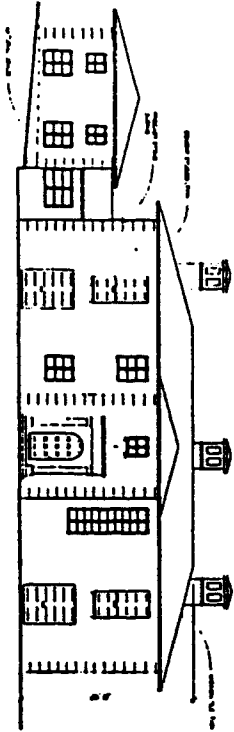
EXHIBIT NO. 2
APPLICATION NO.
4-47-240 (BATTISTELLO)
SITE PLAN

CLIVE DAWSON A.I.A.
architecture and planning
6225 Gayton Place, Malibu, CA 90265 (310) 580-1521

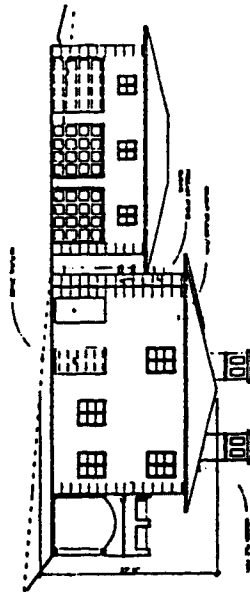
PROPOSED RESIDENCE FOR:
MARK & SHEILA BATTISTELLO
7127 DUME DRIVE
MALIBU, CA 90265

Exhibit A

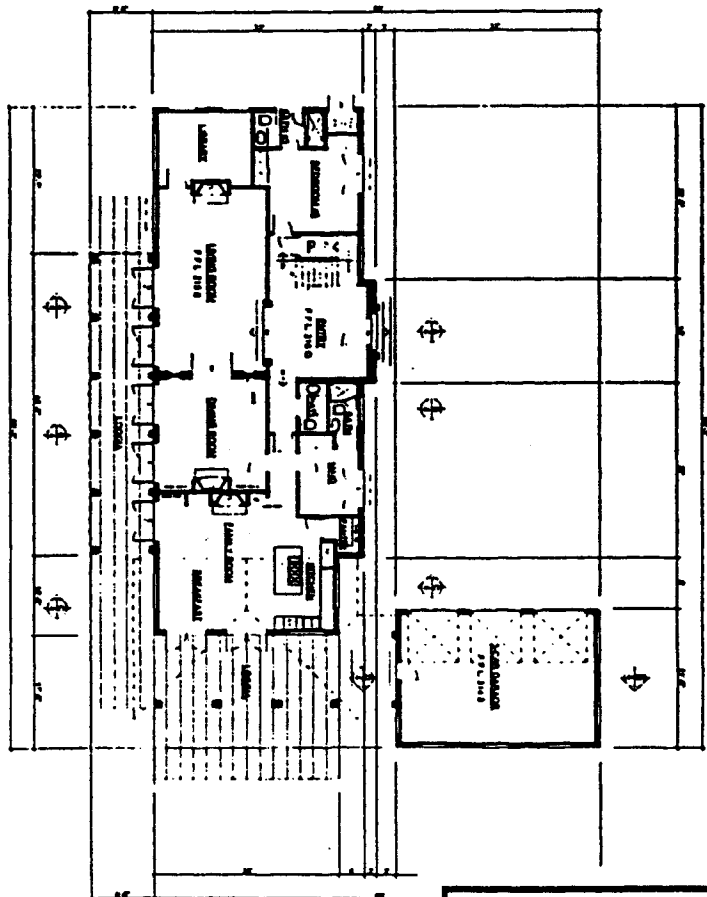
NORTH ELEVATION



WEST ELEVATION



FIRST FLOOR
3242 SQ. FT.



RECEIVED
DEC 09 1997
SOUTH CENTRAL COAST DISTRICT
COASTAL COMMISSION

EXHIBIT NO. 3

APPLICATION NO.

447-240 (BATTISTELLO)

1st FLOOR PLAN/ELEV.

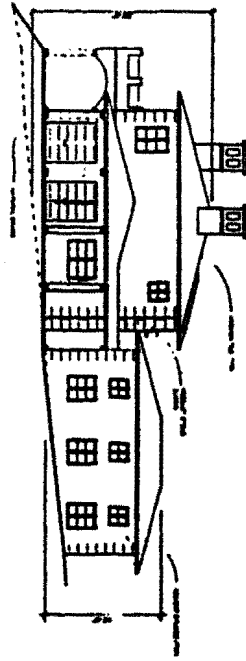
CLIVE DAWSON A.I.A.
architecture and planning

6225 Gayton Place, Malibu, CA 90265 (310) 589-1921

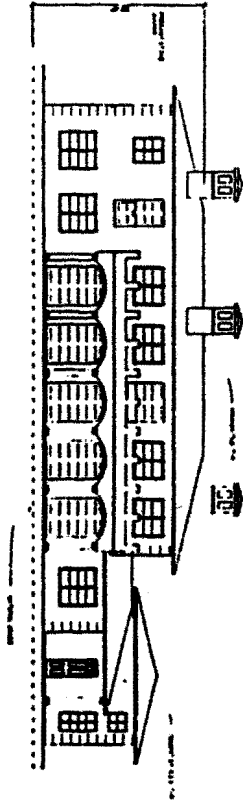
PROPOSED RESIDENCE FOR:
MARK & SHEILA BATTISTELLO
7127 DUME DRIVE
MALIBU, CA 90265

2	CLIVE DAWSON A.I.A.
1	ARCHITECTURE AND PLANNING
1	6225 GAYTON PLACE, MALIBU, CA 90265
1	(310) 589-1921

EAST ELEVATION



SOUTH ELEVATION



SECOND FLOOR
18'0" X 30' 0"

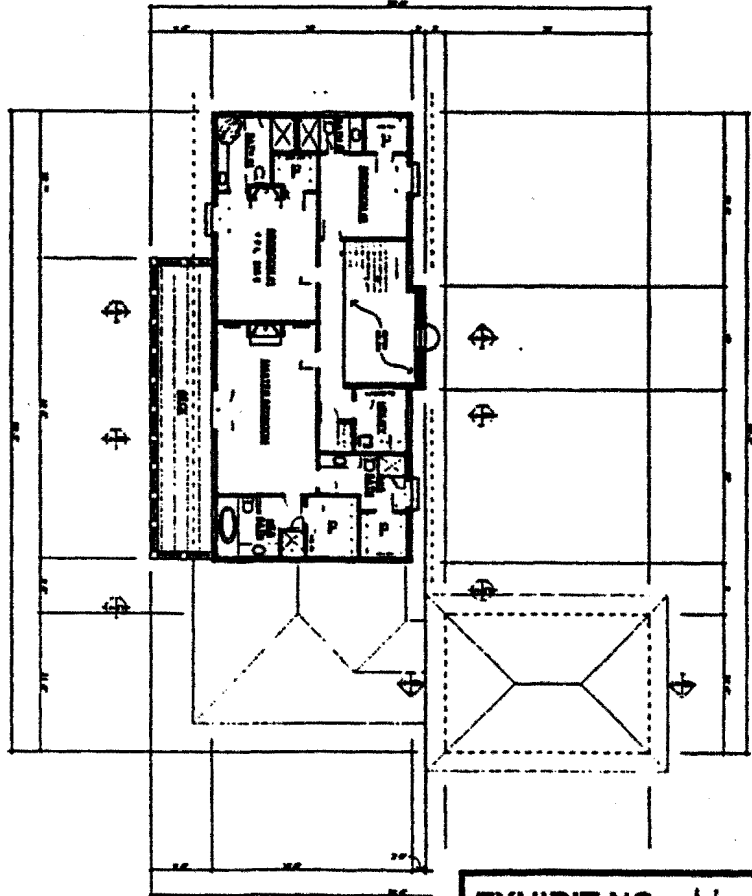


EXHIBIT NO. 4
APPLICATION NO.
4-47-240 (BATTISTELLO)
2 nd FLOOR PLAN/ELEV.

CLIVE DAWSON A.I.A.
architecture and planning
6225 Gayton Place, Malibu, CA 90265 (310) 588-1921

PROPOSED RESIDENCE FOR:
MARK & SHEILA BATTISTELLO
7127 DUME DRIVE
MALIBU, CA 90265

3