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CALIFORNIA COASTAL COMMISSION

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



Filed: 5/8/98
 49th Day: 6/26/98
 180th Day: 11/4/98
 Staff: GM-V *for*
 Staff Report: 5/13/98
 Hearing Date: June 8-11

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.: 4-98-109****APPLICANT: Brendan McBreen****PROJECT LOCATION: 6645 Dume Drive, City of Malibu**

PROJECT DESCRIPTION: Construction of a new one story, 17' high, 1,460 sq. ft. single family residence with a 400 sq. ft. garage and 180 sq. ft. pool cabana (2,040 total square feet), septic system, driveway, and 400 cu. yds. of grading (200 cu. yds. cut, 200 cu. yds. fill).

Lot area:	32,958 sq. ft.
Building coverage:	2,040 sq. ft.
Pavement coverage:	4,140 sq. ft.
Landscape coverage:	14,791 sq. ft.
Parking spaces:	4
Ht abv fin grade:	17'

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department, Approval in Concept City of Malibu Geology and Geotechnical Engineering, Approval in Concept City of Malibu Health Department.

SUBSTANTIVE FILE DOCUMENTS: Soils and Engineering-Geologic Investigation by California Geosystems.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with two (2) special conditions relating to plans conforming to geologic recommendations and a 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 coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Soils and Engineering-Geologic Investigation by California Geosystems dated January 30, 1998 shall be incorporated into all final design and construction including slope stability, pools, foundations and drainage. 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/Background

The applicant is proposing to construct a new one story, 17' high, 1,460 sq. ft. single family residence on an undeveloped parcel located on Dume Drive in the Point Dume vicinity in the City of Malibu. Also proposed is a detached 580 sq. ft. garage and pool cabana/changing room (400 sq. ft. garage, 180 sq. ft. pool cabana). The total area of all proposed structures is 2,040 sq. ft. The proposed structures will be located on the eastern half of the parcel where slope gradients range from nearly level to about 10:1. The applicant is proposing 400 cu. yds. of grading for the creation of the flat building pad and lap pool. The western half of the parcel slopes toward a USGS intermittent blueline stream with slope gradients ranging from 10:1 to nearly 2:1. The blueline stream lies approximately 75'-100' to the west of the proposed development and flows southwest

toward Westward Beach. The drainage course does not cross the subject parcel (Exhibits 1-6).

The area of Point Dume is characterized as an older elevated marine terrace. The western portion of the parcel is located in an area designated by the 1986 Certified Malibu/Santa Monica Mountains Land Use Plan as a disturbed significant oak woodland and savannah. However, no oak trees exist on the subject lot. Several non-native Eucalyptus trees do exist on the northern edge of the parcel. Ground cover on the parcel consists mainly of native grasses and shrubs. No removal of vegetation is proposed between the development area and the drainage course. The proposed project will result in no visual impacts or sensitive habitat degradation.

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 in 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 1/30/98, prepared by California Geosystems for the subject site.

The primary geotechnical concerns for the proposed project deal with grading, foundations and drainage.

According to California Geosystems:

Based on the findings of our investigation, the site is considered to be suitable from a soils and engineering geologic standpoint for construction of the proposed residential development provided the recommendations included herein are followed and integrated into the building, drainage and grading plan.

In regard to surficial stability, a surficial stability analysis was performed indicating that the surficial slopes have a factor of safety in excess of 1.5.

Based on the site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data limited to subsurface exploration of the site, the geologic engineers have provided recommendations to address the specific geotechnical conditions related to the design of the building foundation, grading, building pad drainage, and construction of the swimming pool.

Based on the findings and recommendations of the consulting geologist, 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 two (2).

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 1,000 gallon septic tank with seepage pits. The installation of a private sewage disposal system was review by the consulting geologist, Richard Gladson of California Geosystems, 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 one 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 one 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)(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.

There proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

GM-V

PACIFIC

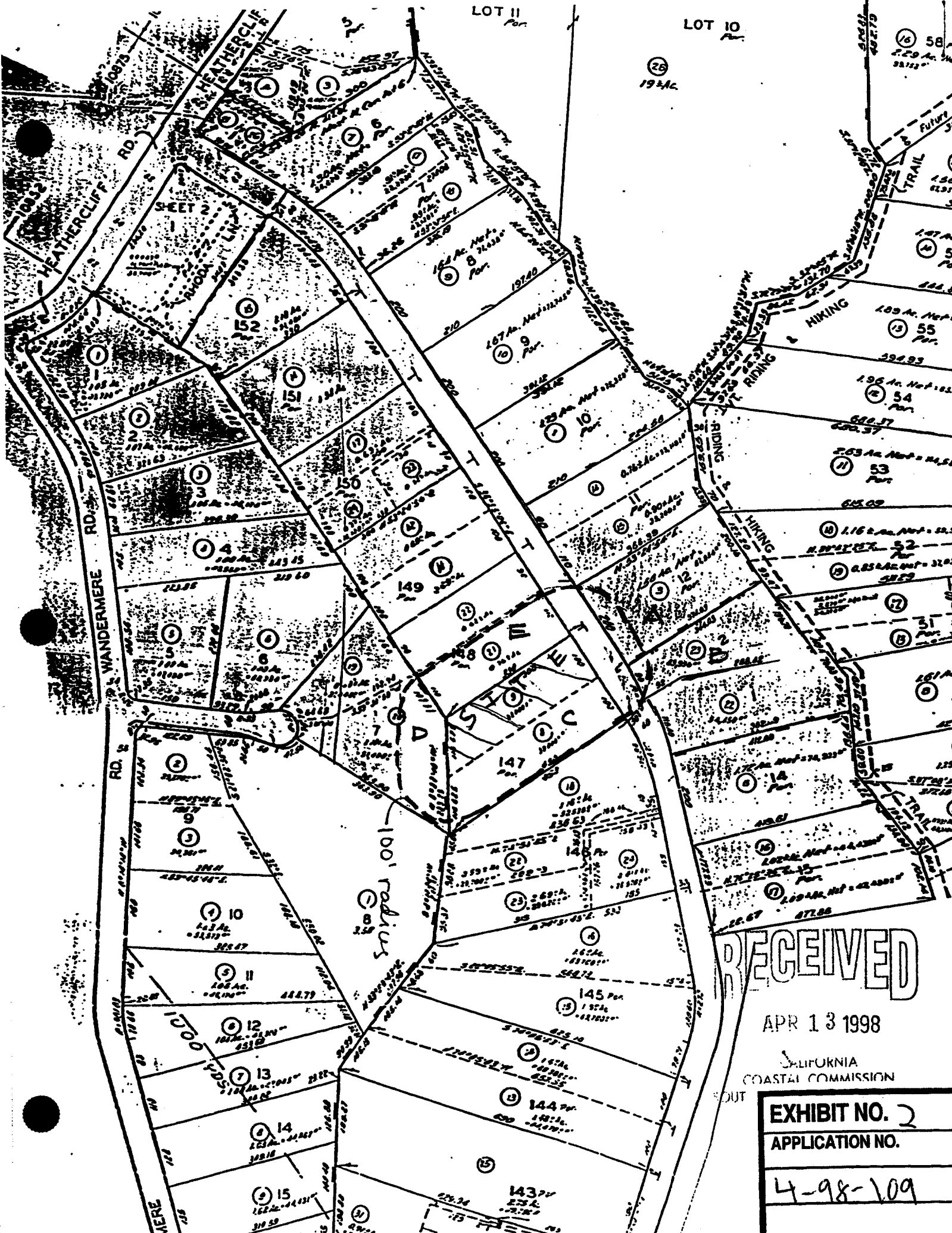
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EXHIBIT NO. 1

APPLICATION NO.

4-98-109



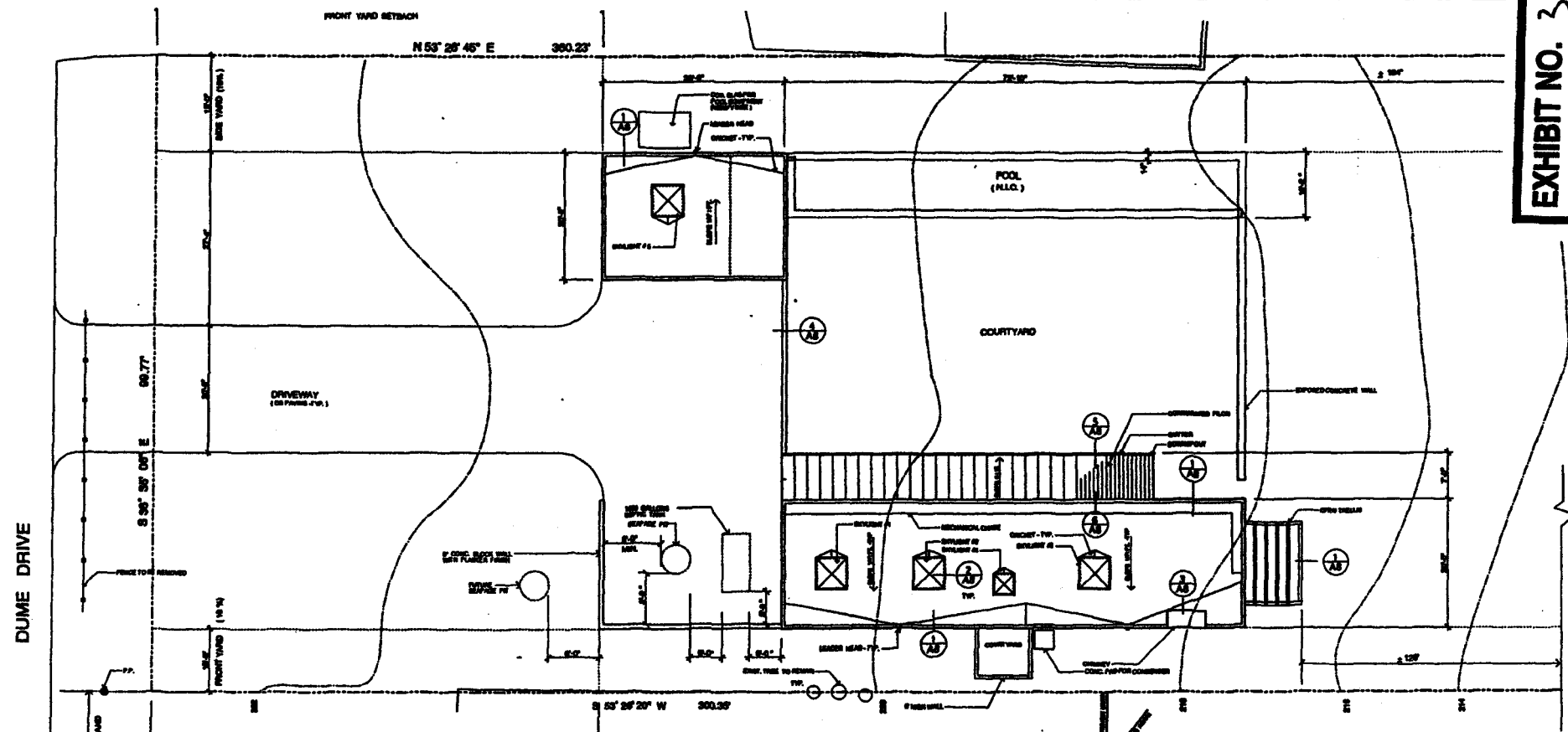
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CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 2
APPLICATION NO.
4-98-109

EXHIBIT NO. 3
APPLICATION NO.
 4-98-109



PARTIAL SITE AND ROOF PLAN SCALE: 1/8" = 1'-0"

TABULATION

BUILDING AREA:	
HOUSE	1480 S.F.
GARAGE + CABANA	400 + 180 S.F.
ZONE:	
OCCUPANCY:	R-3 & U1 (1-HR SEP.)
CONSTRUCTION:	TYPE V N
CODE:	1994 UBC
MAX. BLDG. HEIGHT	17'-0"

LEGAL DESCRIPTION

NORTH WESTERLY PORTION OF PARCEL 147 PER R.S. 57-09, CITY OF MALIBU COUNTY OF L.A., CA.

DEVELOPMENT STANDARDS

NET LOT AREA:	32958 S.F.
STRUCTURE SIZE:	ALLOWED 5944 SF PROPOSED 2040 SF
IMPERMEABLE LOT COVERAGE:	ALLOWED 9957 SF. PROPOSED 5480 SF.
PROPOSED GRADING:	200 C.Y. CUT 200 C.Y. FILL

SHEET INDEX

A-1	SITE PLAN & GENERAL INFORMATION
A-2	GENERAL NOTES
A-3	FLOOR PLAN
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A-7	ELECTRICAL & MECH PLAN
A-8	ARCHITECTURAL DETAILS
S-1.1	GENERAL NOTES
S-1.2	GENERAL NOTES
S-2.1	FOUNDATION PLAN
S-2.2	ROOF FRAMING PLAN
S-3.1	DETAILS
S-3.2	DETAILS

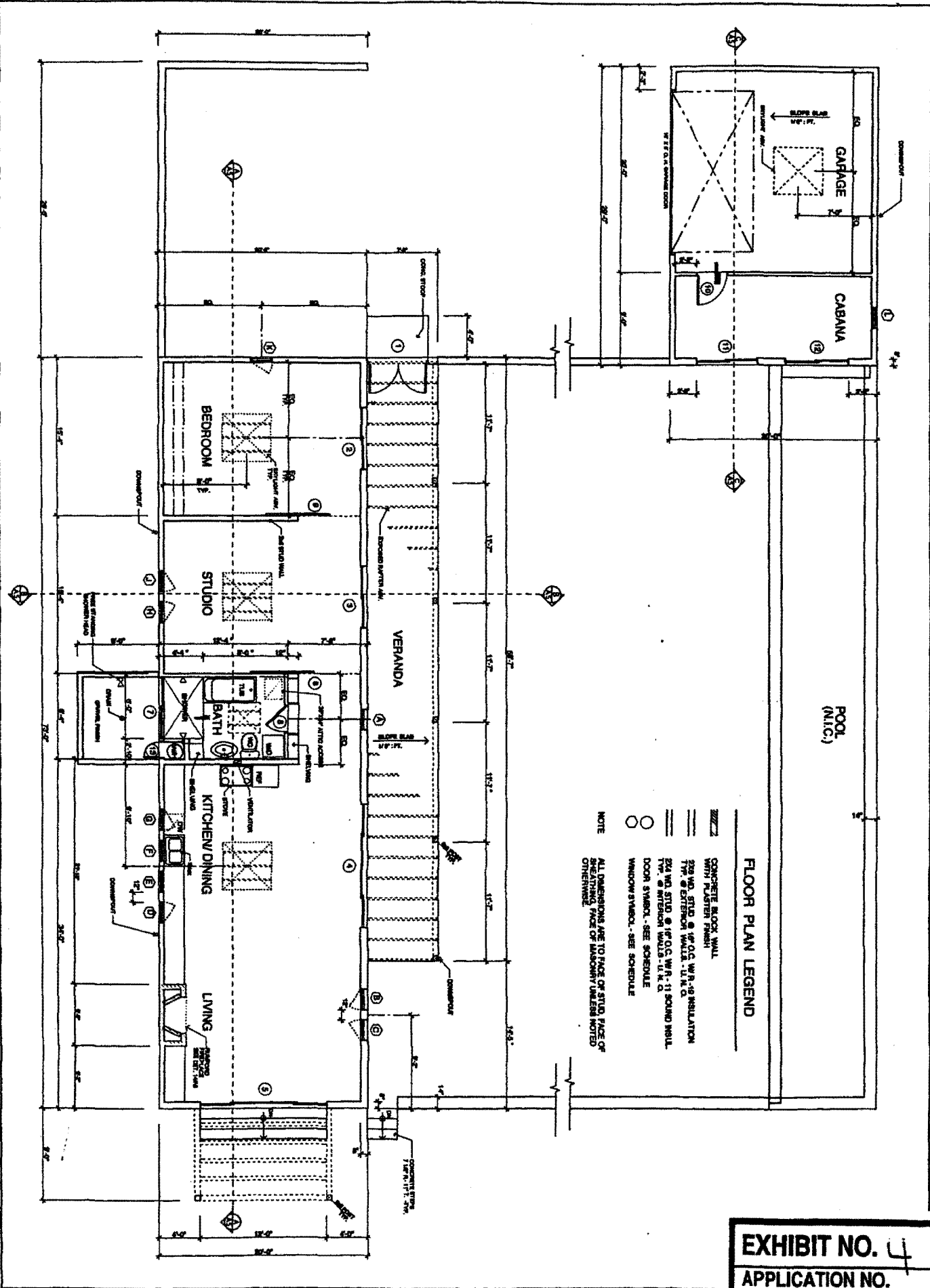


APR 13 1998
 SITE MAP SCALE: 1" = 20'

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

GOLDMAN + FIRTH
 ARCHITECTS
 2485 PACIFIC COAST HIGHWAY, SUITE 432
 MALIBU, CALIFORNIA (310) 488-1871

DATE	1/28/98	SCALE	AS SHOWN	PROJECT	INDRESEN RESIDENCE	DATE	APR 13 1998	SHEET NO.	A1
DRAWN BY		CHECKED BY		PROJECT SITE		DATE		REVISION NO.	



A 3	03/12/98	FLOOR PLAN	GOLDMAN + FIRTH ARCHITECTS 24955 PACIFIC COAST HIGHWAY, SUITE 4202 MALIBU, CALIFORNIA (310) 456-1837
	1/4" = 1'-0"	McGREEN RESIDENCE	
		6655 DUNE DRIVE MALIBU, CA 90265	

EXHIBIT NO. 4

APPLICATION NO.

4-98-109

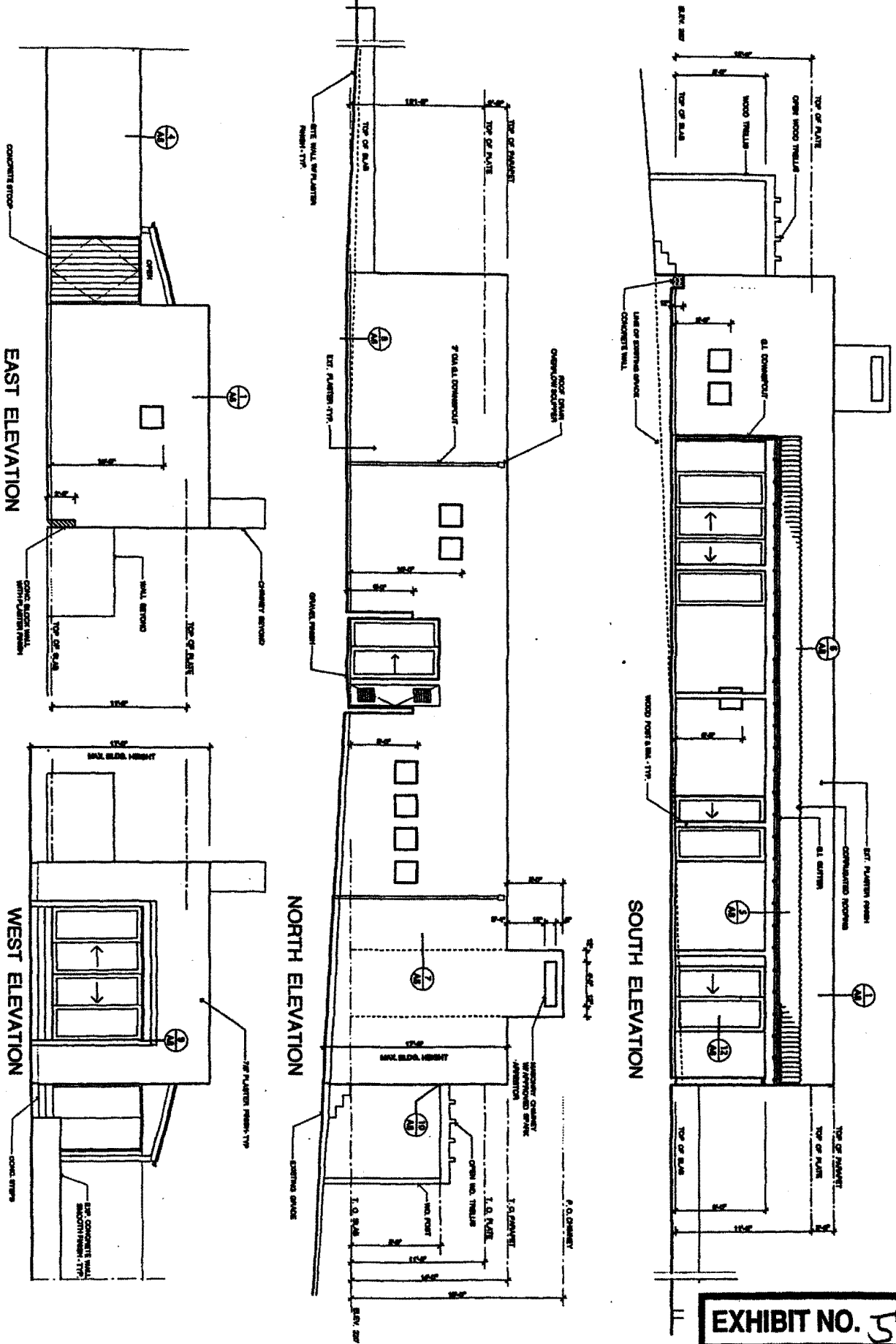


EXHIBIT NO. 5
APPLICATION NO.

4-98-109

3/12/98	BUILDING ELEVATIONS								
1/4" = 1'-0"	McBREEN RESIDENCE								
	2855 DUNE DRIVE								
	MALIBU, CA 90265								

GOLDMAN + FIR
 ARCHITECTS
 24855 PACIFIC COAST HIGHWAY, SUITE 1
 MALIBU, CALIFORNIA (310) 481-1111

A 4

