

CALIFORNIA COASTAL COMMISSION

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

Filed: 3/11/99
49th Day: 4/29/99
180th Day: 9/7/99
Staff: CAREY *Beley*
Staff Report: 4/5/99
Hearing Date: 5/11/99
Commission Action:



RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-031

APPLICANT: Jeff and Noelle Donfeld

AGENT: Marny Randall

PROJECT LOCATION: 31655 Sea Level Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a 2,088 sq. ft., 28 ft. high from existing grade single family residence with 532 sq. ft. basement, spa, 2-car garage, septic system, and 400 cu. yds. of excavation on an inland lot.

Lot area:	3,450 sq. ft.
Building coverage:	1,552 sq. ft.
Pavement coverage:	530 sq. ft.
Landscape coverage:	1,368 sq. ft.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept; Plot Plan Review 98-232; Site Plan Review 98-066; Minor Modification 98-031; Variance 98-016; Neighborhood Standards 98-005; Environmental Health Department In-Concept Approval

SUBSTANTIVE FILE DOCUMENTS: Limited Geologic and Soils Engineering Investigation, dated 8/18/98; Supplemental Report No. 1, dated 9/22/98; and Supplemental Report No. 2, dated 10/20/98, all prepared by GeoConcepts, Inc.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed application with Special Conditions relating to conformance with geologic recommendations, drainage and erosion control, disposal of excess cut material, and wildfire waiver of liability. As conditioned to comply with all recommendations of the geologic consultants, to prepare and implement drainage and erosion control plans, to provide the disposal location of excess cut material, and to waive any liability resulting from developing in a high fire hazard area, the proposed project will minimize risks to life and property, consistent with §30253 and §30231 of the Coastal Act.

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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects 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 Recommendation

All recommendations contained in the Limited Geologic and Soils Engineering Investigation, dated 8/18/98; Supplemental Report No. 1, dated 9/22/98; and Supplemental Report No. 2, dated 10/20/98, all prepared by GeoConcepts, Inc. shall be incorporated into all final design and construction including grading, foundations, septic systems, and drainage. All plans must be reviewed and approved by a geologic/geotechnical engineer as conforming to said recommendations. 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, foundations, and drainage. Any substantial changes to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial".

2. Drainage and Erosion Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the road, driveways, pads, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding. Site drainage shall not be accomplished by sheetflow runoff. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

3. Removal of Excess Cut Material

Prior to the issuance of the coastal development permit, the applicant shall provide for the review and approval of the Executive Director the location of the proposed disposal site for the 400 cu. yds. of excess cut material. All excess cut materials from the proposed project shall be removed from the subject site and taken to the approved disposal site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

4. Wild Fire 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, operations, 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.

The applicants propose the construction of a 2,088 sq. ft., 28 ft. high from existing grade single family residence with 532 sq. ft. basement, spa, 2-car garage, septic system, and 400 cu. yds. of excavation. The proposed project site is located on the inland side of Sea Level Drive in the City of Malibu.

As part of the proposed project, the applicants have included a landscaping plan which includes primarily native plant species. There are only two very small areas of the site to be landscaped. One is a small lawn with planters at the rear property line and the other is along the front property line on either side of the garage. The landscaping plan provided will be adequate to ensure that these areas are revegetated after construction and that erosion is minimized.

While the proposed project is located between the sea and the first public road in the area (Pacific Coast Highway), it is located on the inland side of Sea Level Drive, a private street. As such, the proposed residence will have no adverse impacts on beach processes or public access.

B. 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, geologic 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 would be located in the Santa Monica Mountains, 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 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.

The applicant has submitted a Limited Geologic and Soils Engineering Investigation, dated 8/18/98; Supplemental Report No. 1, dated 9/22/98; and Supplemental Report No. 2, dated 10/20/98, all prepared by GeoConcepts, Inc.

The geologic reconnaissance found no unstable conditions on the proposed project site. The site is underlain with minor amounts of fill, natural soils, and bedrock. No landslides were identified on the site.

The consultants make recommendations regarding foundations, setbacks, drainage, etc. The geologic consultants conclude, based on their investigation of the proposed project site that:

Based on the results of this investigation and a thorough review of the proposed development, as discussed, the site is suitable for the intended use provided the following recommendations are incorporated into the design and subsequent construction of the project. Also, the development must be performed in an acceptable manner conforming to the building code requirements of the controlling governing agency.

Based on the recommendations of the consulting geologists, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act so long as the consultants' recommendations 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 geologists as conforming to their recommendations. This is included as Condition No. 1.

One important recommendation for continued stability of the site relates to drainage and erosion control. The consultants make recommendations regarding site drainage, positive pad drainage, and conducting surface water away from foundations and slopes to suitable drainage facilities via non-erosive devices. Controlling drainage on the site is important for slope stability.

The Commission finds it necessary to also require the applicant to submit detailed drainage and erosion control plans. Condition No. 2 is required to ensure that project

drainage be achieved in a non-erosive manner and that the applicant assumes responsibility for the maintenance of all drainage devices on site and for replacement and repair should the drainage structures fail or result in erosion.

In order to ensure that the excess cut material that is proposed to be excavated for the project is disposed of in a location and manner whereby risks and impacts to coastal resources are minimized the Commission finds it necessary to require the applicant to provide the location where such cut material will be placed prior to issuance of the permit. If the disposal site should be located within the Coastal Zone, there must be a valid coastal development permit for that site that includes the use of this material in an approved development. This requirement is included as Condition No. 3.

Even though the consultants have determined that the project site will be free of geologic hazards, the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire. As such, the Commission can only approve the proposed project if the applicant assumes the liability from the 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. The wildfire waiver of liability is required in Condition No. 4. The Commission finds that, only as conditioned to incorporate all recommendations of the consultants, to implement the drainage plan, to demonstrate the disposal location of all excess cut material, and to assume the liability from fire risk, is the development consistent with Section 30253 of the Coastal Act.

C. Septic System.

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, 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, and minimizing alteration of natural streams.

In addition, the Malibu/Santa Monica Mountains Land Use Plan, which the Commission has relied upon for guidance in past decisions, contains the following policies concerning sewage disposal:

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

The proposed development includes the installation of a new on-site septic system to serve the residence. The applicants' geologic report concludes that a private sewage disposal system utilizing septic tank and seepage pit is geologically feasible on the site. Additionally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

D. Local Coastal Program.

Section 30604 of the Coastal Act states, in part, 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 contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program 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 effect which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects that 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.

4-99-031donfeld



90265

MAL

L.A. COUNTY

PROJECT SITE

PACIFIC OCEAN

EXHIBIT 1
 Permit 4-99-031
 Vicinity Map

SEE MAP 110

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PROJECT STATISTICS

LOT AREA: 9,450 SQ. FT.
 RESIDENCE: 2 STORY WITH PARTIAL BASEMENT
 1 CAR ATTACHED GARAGE

STRUCTURE SIZE: 18'0" x 40'0" FT.
 FIRST FLOOR: 1,040 SQ. FT.
 SECOND FLOOR: 1,040 SQ. FT.
 TOTAL: 2,080 SQ. FT.
 (EMPHASIS FLOOR AREA: 591 SQ. FT.)

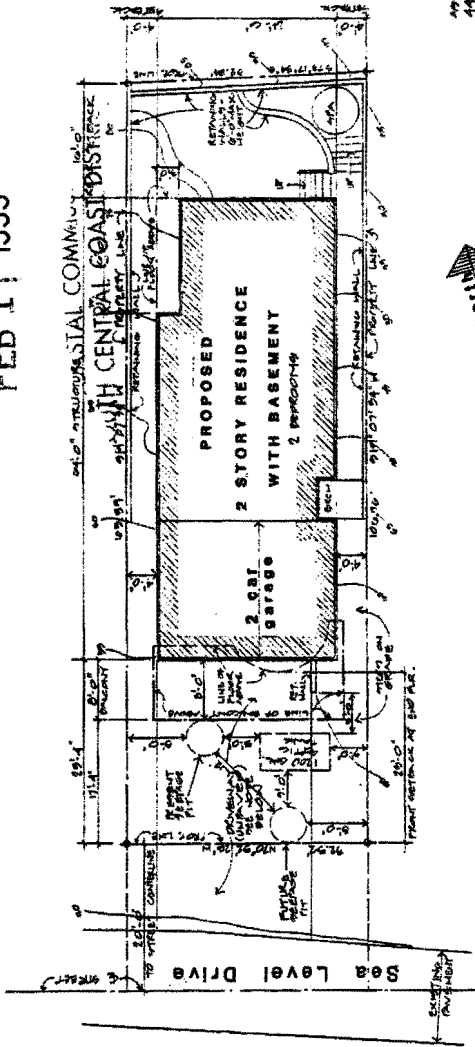
LIVABLE FLOOR AREA: 2,080 SQ. FT.
 GARAGE FLOOR AREA: 400 SQ. FT.
 TOTAL: 2,480 SQ. FT.

MAXIMUM HEIGHT: 26'-0" 2 STORY
 18'-0" 1 STORY

INTERSECTABLE LOT COVERAGE: 1992 SQ. FT.
 ONE STORY PORTION OF STRUCTURE: 500 SQ. FT.

SETBACKS: ALLOWED: REPAIRED
 FRONT: 31'-4" 24'-0"
 REAR: 10'-0" 10'-0"
 SIDING: 5'-0" 4'-0"
 (MINOR MODIFICATION REQUIRED)

GRADING: CUT: 400 CU. YDS.
 FILL: 0 CU. YDS.
 EXCAV: 400 CU. YDS.

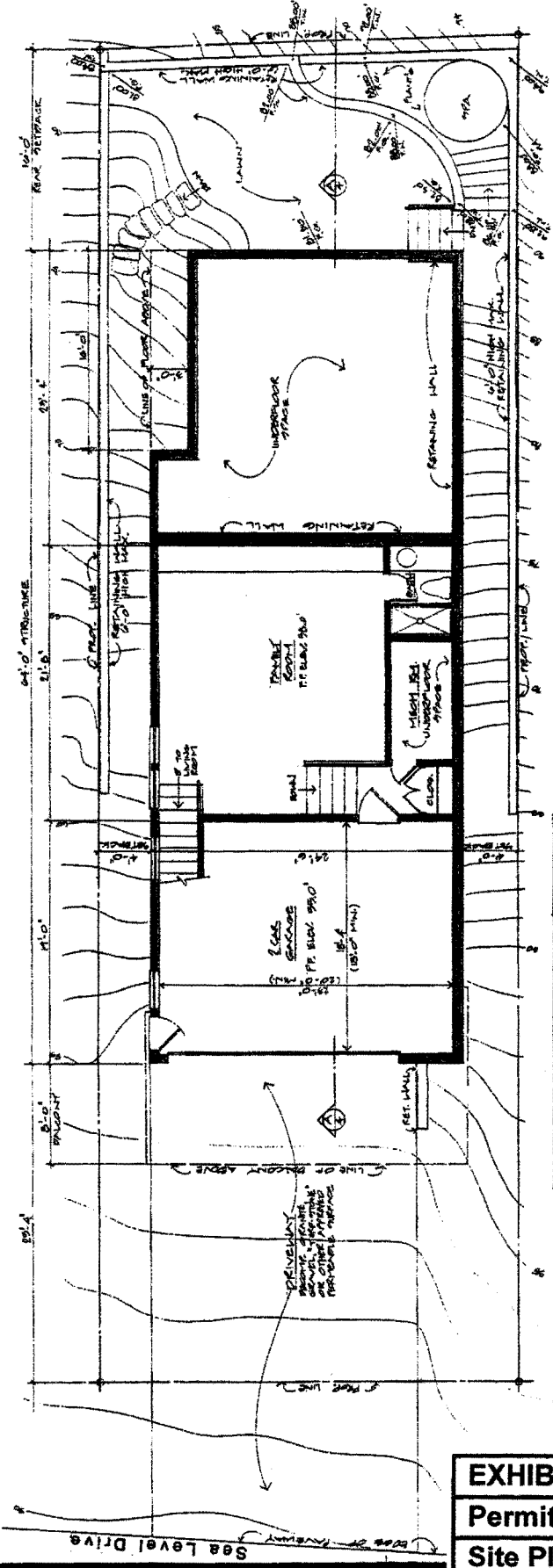


SITE PLAN
 SCALE: 1/8" = 1'-0"

APPROXIMATE SHEET NO. 4470-13-20
 LEGAL DESCRIPTION: TRACT 10090 MAP BOOK 101, PAGES 6-11 COUNTY OF LOS ANGELES

MAXIMUM ALLOWABLE INTERSECTABLE SURFACE LOT AREA: LESS THAN 4 ACRES
 9,450 SQ. FT. 40% = 3,780 SQ. FT.
 INTERSECTABLE SURFACE AREA (IN STORY GREATER THAN 10) DIVIDED BY ALL BLOCKS, PLANNING AND ZONING REGULATIONS AND OTHER APPLICABLE LAWS OR OTHER APPLICABLE METHODS & MATERIALS.

MAXIMUM ALLOWABLE STRUCTURE SIZE: LOT AREA: 9,450 SQ. FT. 40% = 3,780 SQ. FT. MAX. ALLOWABLE: 3,780 SQ. FT.

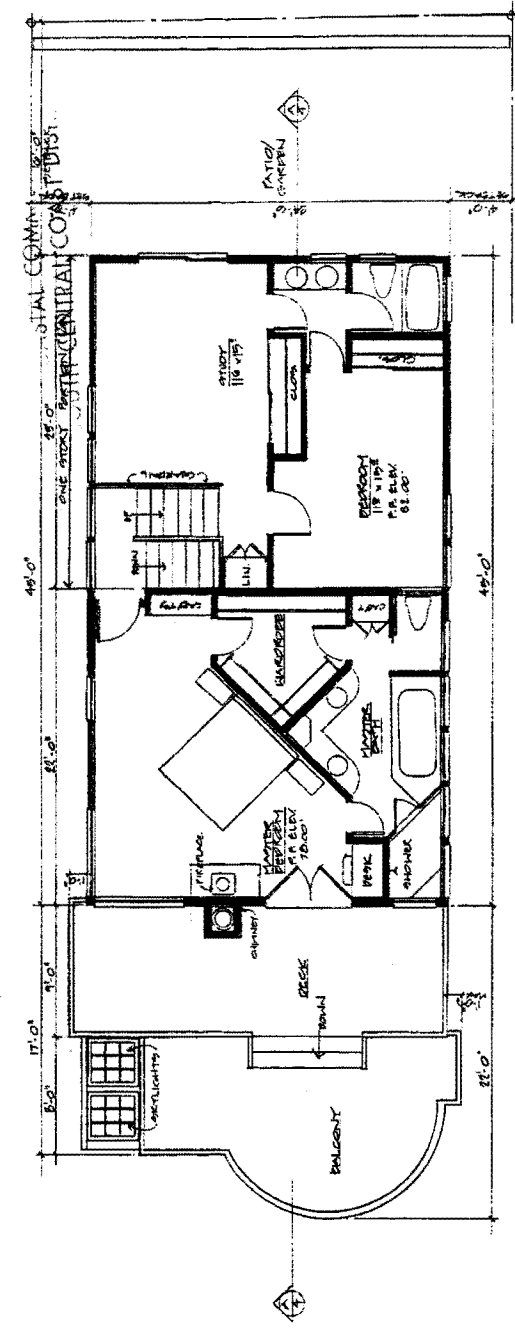


GARAGE/BASEMENT FLOOR PLAN
 SCALE: 1/8" = 1'-0"

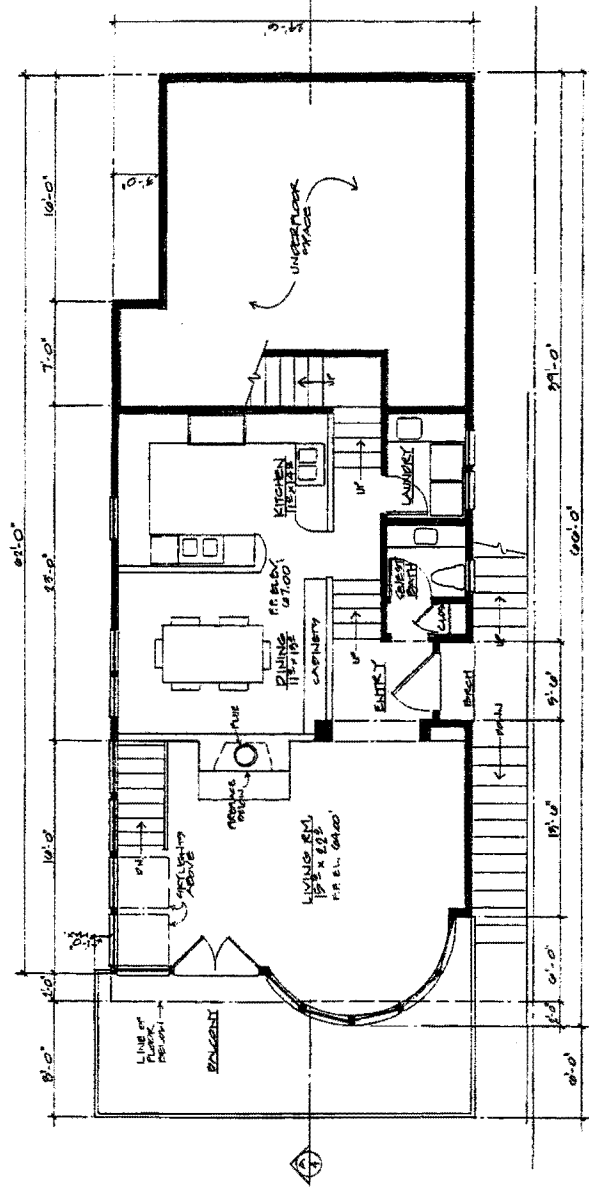
EXHIBIT 2
Permit 4-99-031
Site Plan

סדרת תוכניות

FEB 11 1999



UPPER LEVEL FLOOR PLAN
SCALE 1/4" = 1'-0"



LOWER LEVEL FLOOR PLAN
SCALE 1/4" = 1'-0"

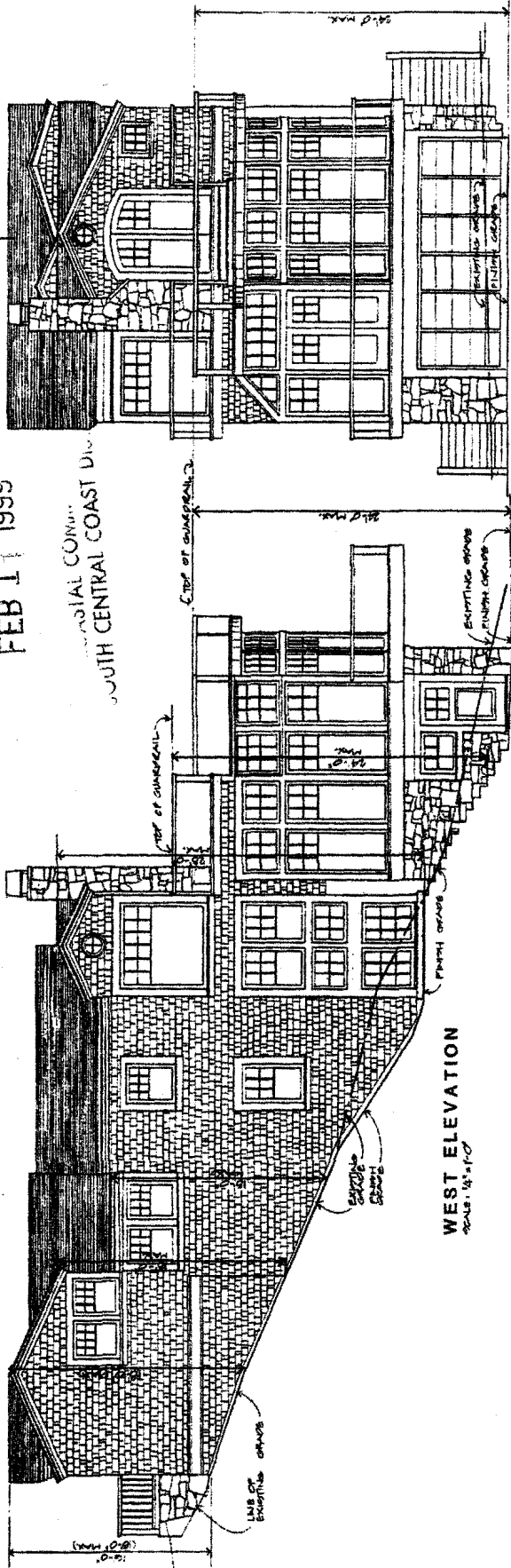
FLOOR AREA:
LOWER LEVEL 1040 SQ. FT.
UPPER LEVEL 1040 SQ. FT.
GARAGE 400 SQ. FT.
TOTAL STRUCTURE 1880 SQ. FT.
(GARAGE 400 SQ. FT.)

EXHIBIT 3
Permit 4-99-031
Floor Plans

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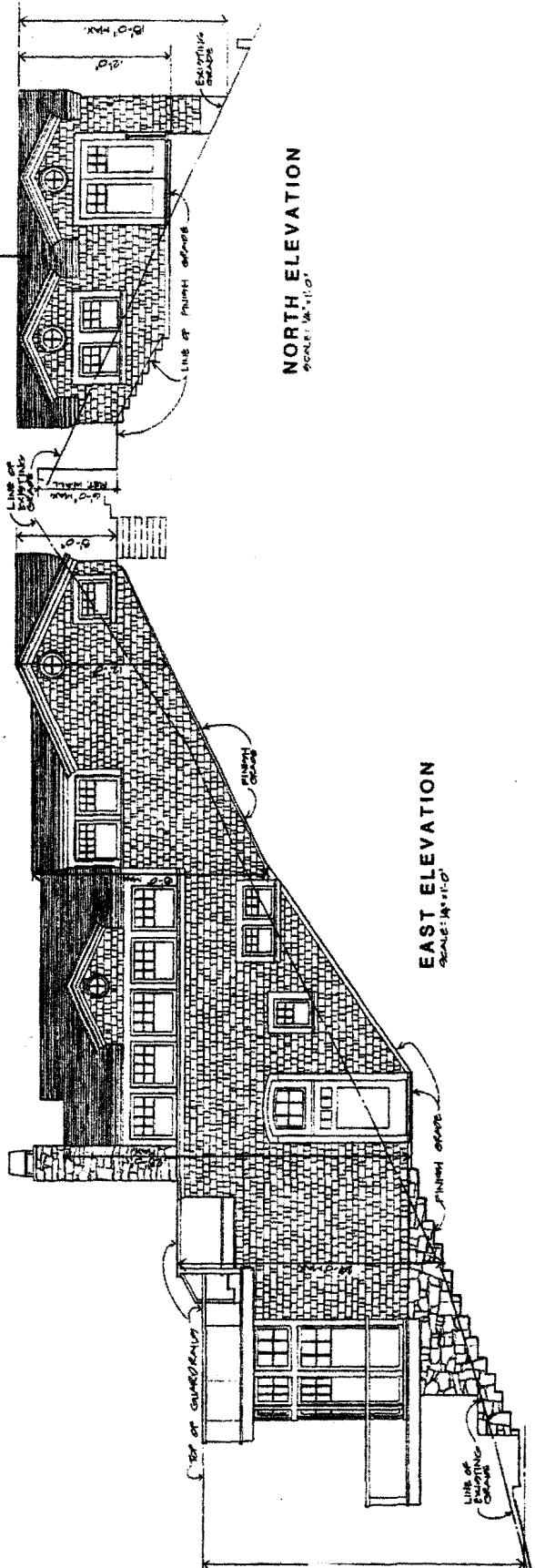
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MUNICIPAL COMMUNITY CENTER
SOUTH CENTRAL COAST DISTRICT



WEST ELEVATION
SCALE: 1/4"=1'-0"

SOUTH ELEVATION
SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"

EAST ELEVATION
SCALE: 1/4"=1'-0"

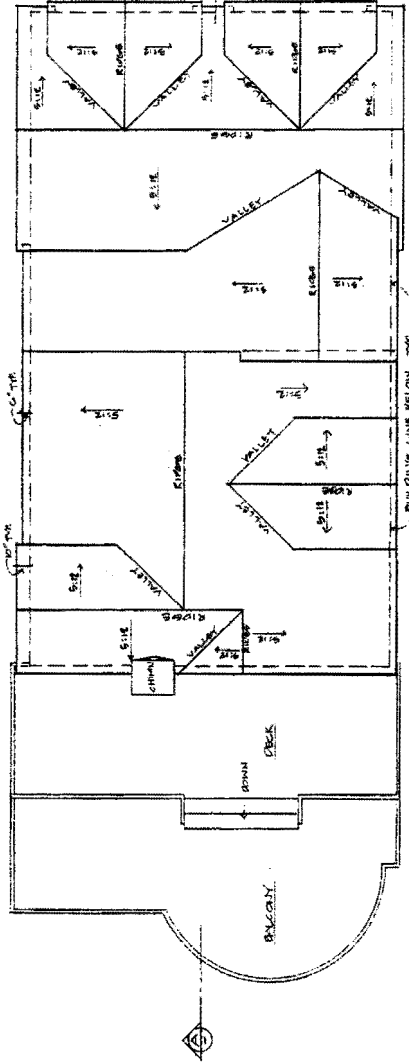
EXHIBIT 4
Permit 4-99-031
Elevations

UNIVERSITY

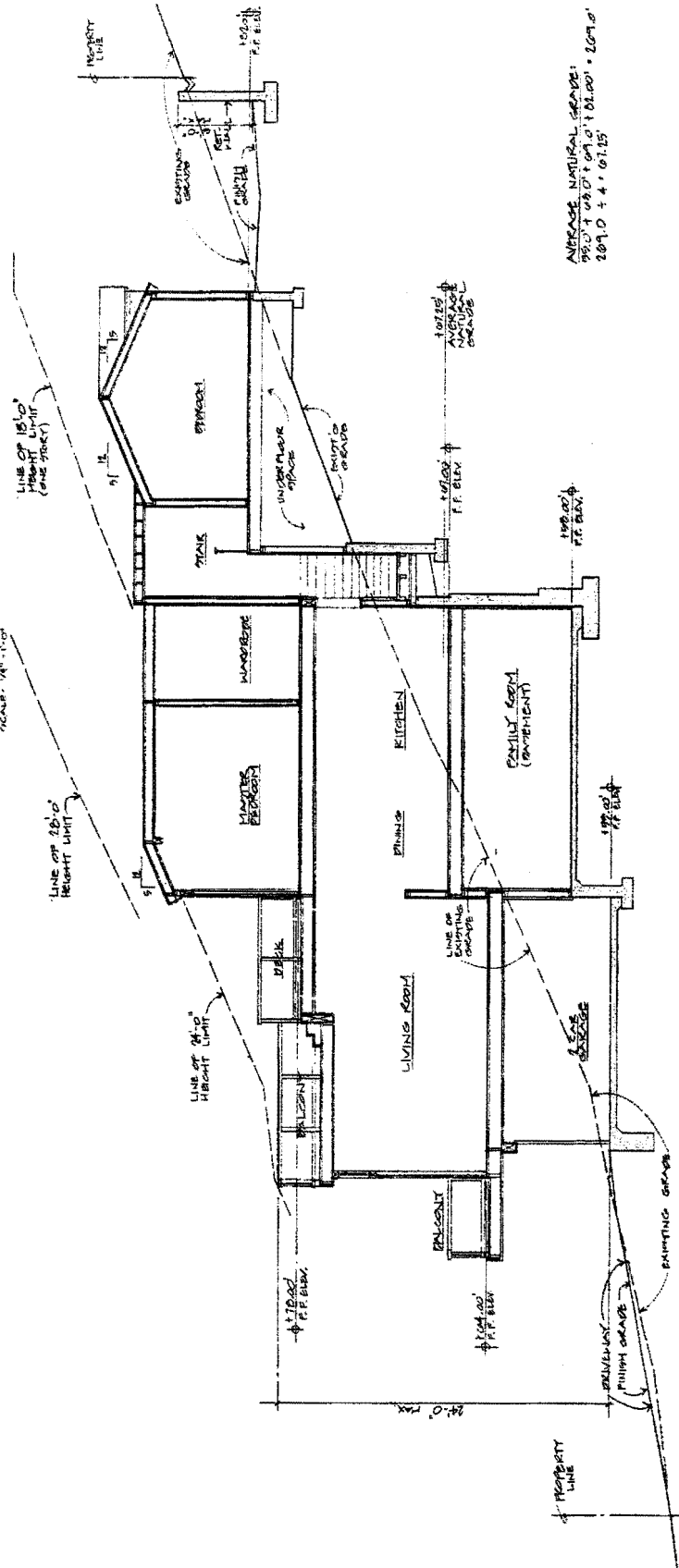
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MUNICIPAL COMMUNITY DEVELOPMENT DEPARTMENT
SOUTH CENTRAL COAST DISTRICT



ROOF PLAN
SCALE: 1/4" = 1'-0"



SECTION A
SCALE: 1/4" = 1'-0"

AVERAGE NATURAL GRADE:
95.0' + 0.0' + 0.0' + 0.0' + 0.0' = 200.0'
200.0' / 4 = 50.0'

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A RESIDENCE
FOR JEFF & NOELLE DONFELD
AT 3155 SEA LEVEL DRIVE, MALIBU, CA. 90265