

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
SANTA MONICA, CA 93001
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Hearing Date: 8/10-13/99

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-082

APPLICANT: Milan & Anna Konkell **AGENTS:** Jan Bartosik and Elizabeth Srour

PROJECT LOCATION: 6130 Cavalleri Road, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 6,759 sq. ft., two-story, 27.5 ft. high single family residence including attached three car garage, septic system, and grading of 1,562 cu. yds. of grading (781 cu. yds. cut and 781 cu. yds. fill).

Lot area:	46,040 sq. ft.
Building coverage:	5,031 sq. ft.
Pavement coverage:	2,400 sq. ft.
Landscape coverage:	8,000 sq. ft.
Parking spaces:	three covered
Height above finished grade:	27 ft. 6 in.

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval In Concept, dated 11/20/99; Health Department, In-concept Approval dated Jun 3 1999.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Ralph Stone and Company, Inc., Addendum No. 1, February 11, 1998 and Addendum No. 2, May 22, 1998; Coastal development Permit 5-88-821 (Johnson).

SUMMARY OF STAFF RECOMMENDATION

The proposed single family residence is on a minor ridge facing east toward Zuma Ridge and north of Pacific Coast Highway and Pt. Dume. Staff recommends approval of the project with special conditions relating to: conformance to geologic recommendations, landscape and erosion control, and wild fire 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 permute 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 permute 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 a 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 Ralph Stone and Company, Inc., Addendum No. 1, February 11, 1998 and Addendum No. 2, May 22, 1998 shall be incorporated into all final design and construction plans including site preparation, grading, and foundations. 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 development permit.

2. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation all landscaping shall consist primarily of 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 October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

2) 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 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

3) Plantings will 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;

4) 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 dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

5) 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 to the coastal development permit, unless the Executive Director determines that no amendment is required.

6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

1) 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 site shall be clearly delineated on the project site with fencing or survey flags.

- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 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.

C) Monitoring.

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Waiver of Liability

Prior to the issuance of a 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 6,759 sq. ft., two-story, 27.5 ft. high single family residence including attached three car garage, septic system, and grading of 1,562 cu. yds. of grading (781 cu. yds. cut and 781 cu. yds. fill).

Surrounding development is a mixture of single family residential development and equestrian facilities and agriculture. There is a lack of native vegetation on the site and the site has been recently disced, leaving a rose vine and a palm tree undisturbed. Consequently, the proposed project will not result in disturbance of natural vegetation.

In approval of application 5-88-821 (Johnson) the Commission approved creation of three parcels from a 3.25 acre parcel with no grading subject to two conditions including a transfer of development (TDC) transaction and a trails easement dedication. The permit was issued and the land division has been completed. The two other parcels created by the land division have been developed with single family residences.

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 a minor ridge on a terrace between the Santa Monica Mountains and the sea in an area 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 prominent geomorphic features in the area are Pt. Dume to the south and the LUP-designated Significant Ridgeline to the east. The building site is approximately ten feet below street level at the 340 foot elevation. Physical relief across the lot is approximately sixty feet. Slope drainage presently is by sheet flow runoff, but drainage control measures are proposed by the applicant to control and direct runoff from the site.

1. Geology

The applicant has submitted a; Ralph Stone and Company, Inc., Addendum No. 1, February 11, 1998 and Addendum No. 2, May 22, 1998. As noted in Addendum No. 1:

It is the opinion of the undersigned, based upon data obtained as outlined in this geotechnical and geologic engineering report, that if constructed in accordance with our recommendations and the recommendations of the other project consultants, and properly maintained the proposed structures will be safe against hazard from landslide, damaging settlement, or slippage, and that the proposed building or grading construction will have no adverse effect on the geotechnical stability of property outside of the building site. ...

Given the findings and recommendations of the consulting engineering geologists, 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 geologists as conforming to their recommendations, as noted in *special condition number one (1)* for the final project plans for the proposed project.

2. Erosion

Surface drainage is proposed to be collected and dissipated to avoid erosion impact which may affect the site or the surrounding area. The drainage plan collects drainage from the building and driveway through a system of drains,

berms and swales conveyed to a rip rap energy (flow) dissipator. Surface drainage is proposed to be collected and dissipated to avoid erosion impact which may affect the site or the surrounding area.

Although the applicant has submitted a drainage plan, the Commission finds it necessary to require the applicant to submit a revised and more detailed drainage and erosion control plan for the proposed development for several reasons. Approximately 500 feet below the site is a blue line stream that drains into Walnut Canyon and Paradise Cove. A landscaping component, review and approval by the consulting engineering geologist, measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring are all necessary parts of this plan to minimize the potential for erosion and disturbed soils and thereby ensure site stability and stream protection. Approval with *special condition number two (2)* is necessary, therefore, so that the landscape and erosion control plan can ensure site stability and avoidance of the potentially adverse impacts of erosion and sedimentation on the blue line stream in a manner consistent with PRC Section 30253.

3. 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 *special condition number three (3)*. The Commission finds that only as conditioned above

is the proposed project consistent with Section 30253 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified Malibu/Santa Monica Mountains LUP provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains: ***P129 Structures designed and located for attractive appearance and harmonious relationship with the surroundings; P 125 New development sited and designed relative to LCP-designated scenic highways, views to and along the shoreline, and scenic coastal areas; P130 In highly scenic areas and along scenic highways, siting and design to protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural land forms, conceal raw-cut slopes, compatible with and subordinate to the character the setting, and not intrude into the skyline as seen from public viewing places; P134 Structures sited to conform to the natural topography.***

The applicant proposes to construct a 6,759 sq. ft., two-story, 27.5 ft. high single family residence including attached three car garage, septic system, and grading of 1,562 cu. yds. of grading (781 cu. yds. cut and 781 cu. yds. fill). Surrounding development is a mixture of single family residential development and equestrian facilities and agriculture.

The proposed development of a single family residence in an area where large single family development is taking place along a minor north-south ridgeline which runs along the approximate route of Cavalleri Road. The proposed development is briefly visible from Kanan Dume Road and from an adjacent trail route required by the previously land division, referenced above.

To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible, such as beaches, parks and trails. The Commission typically also examines the building site and the size of the structure.

The two story residence is similar in character to that proposed for the surrounding area and will create a visual impact similar to existing development. Although the proposed development will be visible from Kanan Dume Road, a designated scenic route, it will blend into surrounding development. The building will not significantly intrude into views from public land to the north or create a significant impact on the trail easement along the parcel frontage on Cavalleri Road required by coastal development permit 5-88-821 (Johnson).

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu/Santa Monica Mountains LUP.

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu and 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, minimizing alteration of natural streams.

The proposed septic system consists of a 2000 gallon septic tank. The installation of a private sewage disposal system was reviewed by the City Environmental Health Department and received in-concept approval. The approval indicates that the system complies with the minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the City health and safety codes will minimize any potential for wastewater 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.

E. 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).

F. 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.

The 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.

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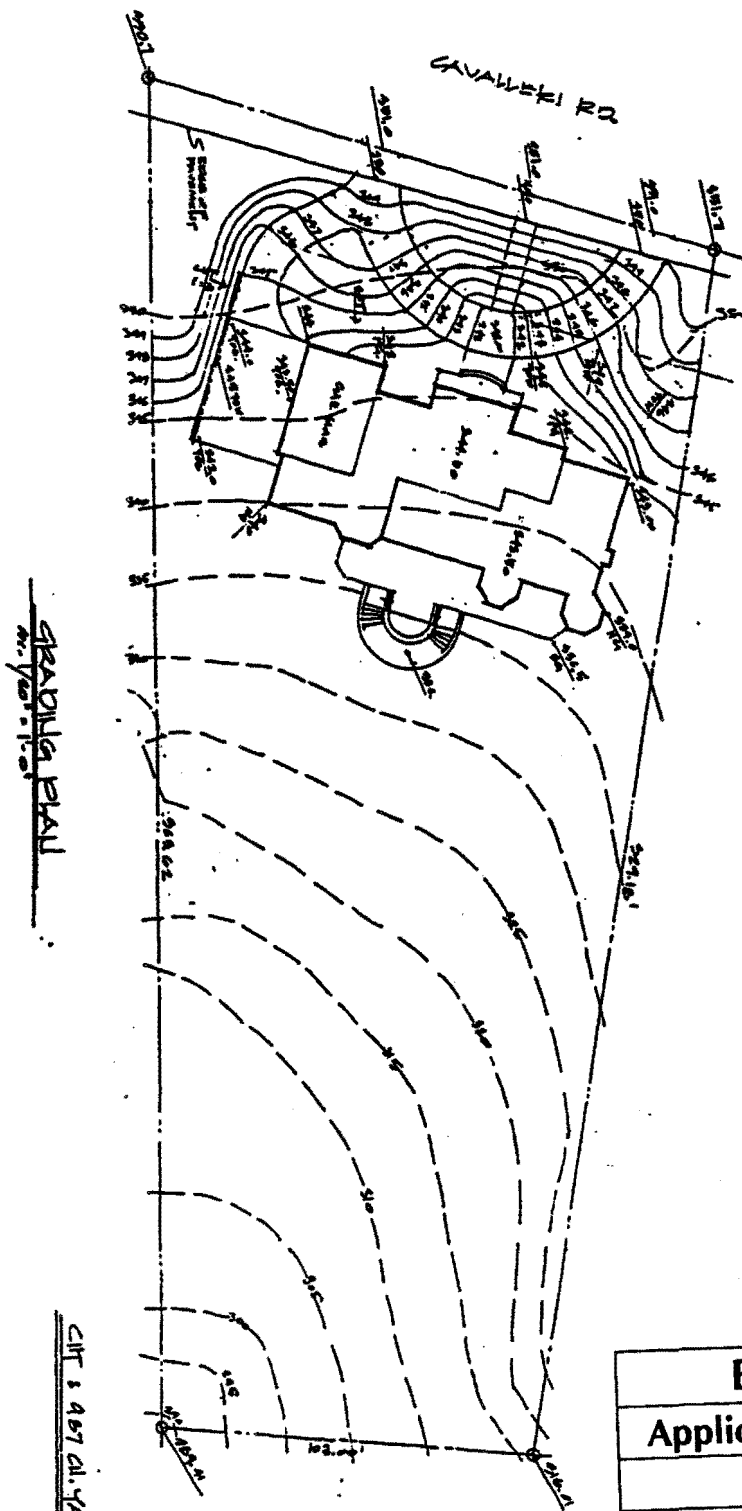
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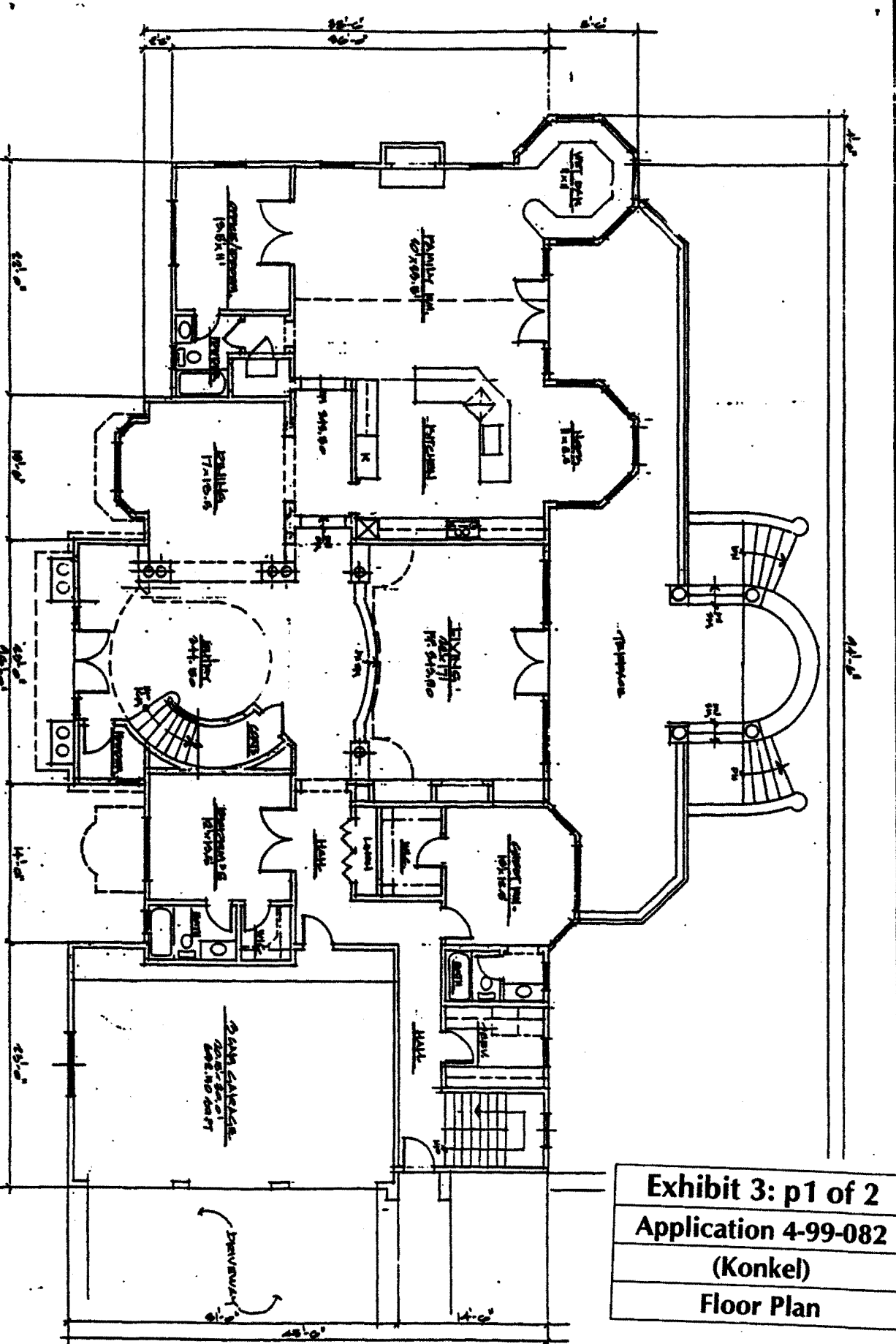
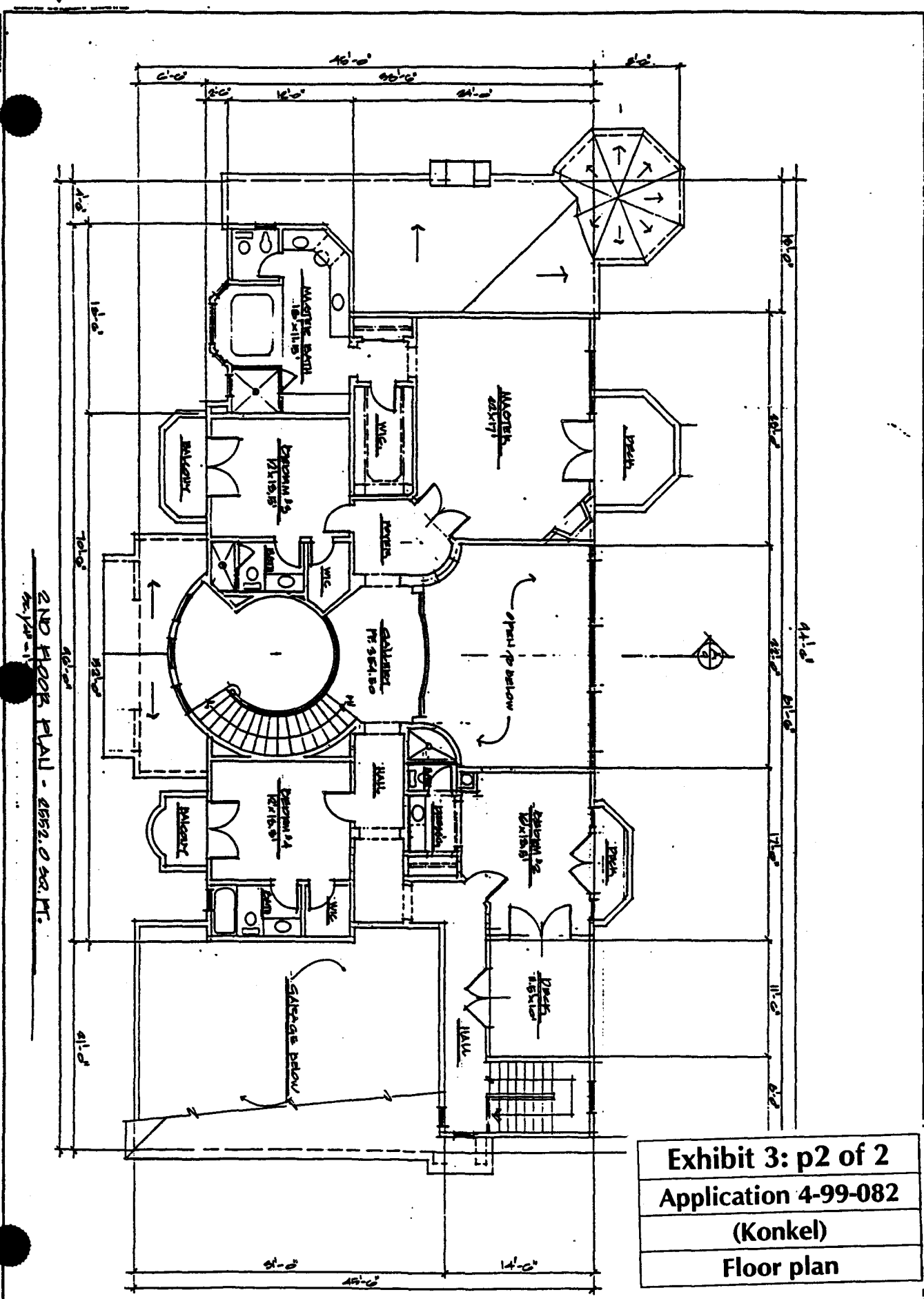


Exhibit 3: p1 of 2
Application 4-99-082
(Konkel)
Floor Plan



2ND FLOOR PLAN - 4552.0 SQ. FT.
Scale = 1/8" = 1'-0"

Exhibit 3: p2 of 2
Application 4-99-082
(Konkel)
Floor plan

FRONT ELEVATION

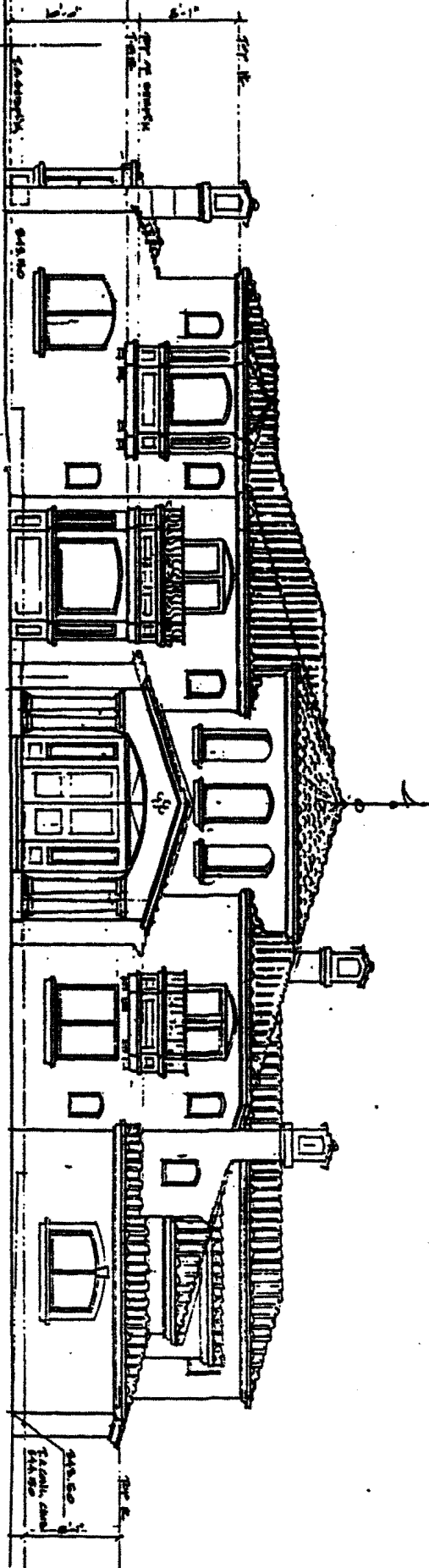


Exhibit 4: p1 of 2
Application 4-99-082
(Konkel)
Elevation

KONKEL ELEVATION

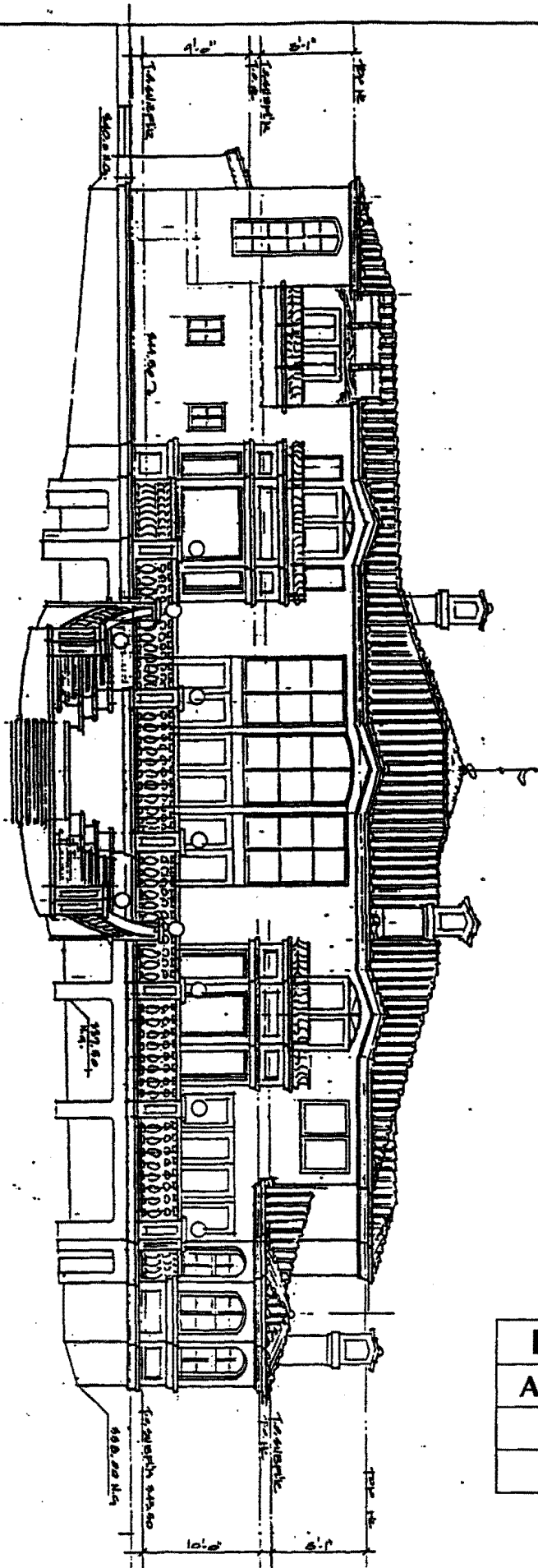


Exhibit 4: p2 of 2
Application 4-99-082
(Konkel)
Elevation

