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CALIFORNIA COASTAL COMMISSION

1000 NORTH CENTRAL COAST AREA
1000 NORTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Filed: 11/29/01
49th Day: 1/17/02
180th Day: 05/28/02
Staff: BL *for*
Staff Report: 04/10/02
Hearing Date: 05/7-10/02
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-206

APPLICANT: Freebird L.L.C.

AGENT: Mark and Kellie Saul

PROJECT LOCATION: 28855 Boniface Drive, Malibu, Los Angeles County
APN 4469-018-031

PROJECT DESCRIPTION:

Construction of a one-story, 24 ft. above existing grade, 2,108 sq. ft. single-family residence with attached 717 sq. ft. garage, driveway, septic system, and landscaping. Grading of 1,700 cu. yds. (850 cut, 850 fill) is proposed.

Lot area: 23,520 sq. ft. (.54 acres)
Building coverage: 2,825 sq. ft.
Pavement coverage: 4,211 sq. ft.
Landscape coverage: 16,484 sq. ft.
Maximum height: 24 ft. from existing grade

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, dated 10/17/01; City of Malibu Environmental Health Department, Approval in Concept (Septic), dated 5/31/01; City of Malibu, Geology and Geotechnical Engineering Review Sheet, Approval in Concept, dated 6/8/01; Approval in Concept, Los Angeles County Fire Department, Preliminary Fuel Modification Plan Approval, dated 5/14/01.

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Engineering Investigation, 28855 Boniface Drive, by West Coast Geotechnical, dated 7/27/2000; Engineering Geologic and Seismic Investigation Report by Mountain Geology, Inc., dated 7/17/2000; Addendum Geotechnical Engineering Report, by West Coast Geotechnical, dated 10/30/2000; Update Geotechnical Engineering Letter, by West Coast Geotechnical, dated 1/16/2002

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **4 Special Conditions** regarding (1) conformance to geologic recommendations for design and construction, (2) drainage and polluted run-off control, (3) landscaping and erosion control, and (4) wildfire waiver of liability.

The applicant is proposing to construct a one-story, 24 ft. above existing grade, 2,108 sq. ft. single-family residence with attached 717 sq. ft. garage, driveway, septic system, and landscaping at 28855 Boniface Drive. Grading of 1,700 cu. yds. (850 cut, 850 fill) is proposed. (Exhibits 3-10)

The subject site is a 23,520 sq. ft. vacant parcel located south of Pacific Coast Highway in Point Dume, a highly developed residential area in the City of Malibu (Exhibits 1-3). Topography of the subject parcel consists of a relatively level parcel with an east-west trending canyon bisecting the lot. This canyon is the result of a railroad cut and track, which was constructed and operated through this area prior to the Coastal Act. Total gradient change over the subject site is on the order of approximately 15 ft.

Vegetation on the site is highly degraded due to fuel modification clearance associated with adjacent development, and consists primarily of non-native grasses. The project site is located in a residentially developed area of Point Dume in Malibu. No environmentally sensitive habitat area exists at the site and the proposed project will not be visible from any public viewing areas. The proposed project, as conditioned, is consistent with all applicable policies of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-206 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or

alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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. 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.

SPECIAL CONDITIONS

1. **Plans Conforming to Geologic Recommendation**

All recommendations contained in the *Geotechnical Engineering Investigation, 28855 Boniface Drive*, by West Coast Geotechnical, dated 7/27/2000, and *Engineering Geologic and Seismic Investigation Report*, by Mountain Geology, Inc., dated 7/17/2000; shall be incorporated into all final design and construction including foundations, drainage, retaining walls, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' 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. **Drainage and Polluted Runoff Control Plans**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and engineering geologist to ensure the plan is in conformance with consultants' recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (1) The plan shall be configured and designed to generally conform with the conceptual drainage plan shown on Exhibit 4.
- (2) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (3) Runoff shall be conveyed off site in a non-erosive manner.
- (4) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (5) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year, and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultants to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for 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 February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence.

(2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings 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) 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.

(5) 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 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.

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.

4. Wildfire Waiver of Liability

Prior to 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, and 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 wildfire 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 is proposing to construct a one-story, 24 ft. above existing grade, 2,108 sq. ft. single-family residence with attached 717 sq. ft. garage, driveway, septic system, and landscaping at 28855 Boniface Drive. Grading of 1,700 cu. yds. (850 cu. yds. cut, 850 cu. yds. fill) is proposed (Exhibits 3-8).

The subject site is a 23,520 sq. ft. (.54 acre) vacant parcel located south of Pacific Coast Highway in Point Dume, a highly developed residential area in the City of Malibu (Exhibits 1-3). Topography of the subject parcel consists of a relatively level parcel with an east-west trending canyon bisecting the lot. This canyon is the result of a railroad cut and track, which was constructed and operated through this area prior to the Coastal Act. Total gradient change over the subject site is on the order of approximately 15 ft. (Exhibit 4). There are no environmentally sensitive habitat areas (ESHAs) located on the subject site. Access to the project site is provided from Boniface Drive via a 13' wide access easement across the adjacent property to the south, to (Exhibit 2). In order to comply with fire department requirements for access to the site, the applicant is proposing to pave this easement as it approaches the entrance to the project site and the proposed fire department turnaround. The applicant has provided evidence of the ingress and egress access easement for the road over this parcel. Additionally, the property owners of the affected parcel have been notified (Exhibit 9) of this development pursuant to section 30601.5 of the Coastal Act, which states:

"All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant."

As of the date of this report, no response was received. If any response to this letter is received by staff prior to the Commission's May 7-10, 2002 meeting, it will be reported to the Commission at the public hearing.

The proposed project, which is not visible from any public areas with the exception of Boniface Drive, is consistent with the surrounding development and will not result in any new impacts to visual resources.

The applicant has submitted Fuel Modification Plans with Final Approval by the County of Los Angeles Fire Department, Fuel Modification Unit, dated 11/6/01, for the proposed residence which indicates the extent of vegetation removal and/or thinning requirements required to reduce fire hazard for the proposed residence. The area will overlap significantly with areas previously disturbed by yearly fuel modification completed for adjacent developments (Exhibit 3). As such, the proposed development will not have additional adverse impacts on designated sensitive habitat areas or significant natural vegetation.

B. Geology and Fire Hazard

Section 30253 of the Coastal Act states in pertinent 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 gently sloping hillside in Malibu, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu / Santa Monica Mountains area include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the Santa Monica Mountains to the north, and Point Dume and the Pacific Ocean to the south. The site is located on a near-level pad, which drains primarily by sheet flow runoff to the south and east; to low-lying areas via existing contours, and offsite. Maximum topographic relief on-site is approximately 15 feet. There is an existing drainage which bisects the property in an east-west direction, and which was created by the cut for a railroad track, which operated in this region prior to the Coastal Act. The leftover cut from excavating for the track was placed along the sides of the embankment as fill, creating the current contours of the site (Exhibit 8). The railroad and track were subsequently abandoned. The resulting drainage is currently an average of 6 to 7 feet deep, and approximately 40 feet across from top of slope to top of slope. The applicant proposes to restore the site to its original, pre-railroad grade by replacing the fill from the embankments into the canyon. The grading proposed for this endeavor is 850 cu. yds. of cut, and 850 cu. yds. of fill. In filling the railroad cut, the applicant proposes to install a 36-inch storm drain pipe (Exhibit 8) at the bottom of the cut before emplacing the fill dirt. This installation ensures that the currently functioning drainage created by the railroad cut, as it exists to the west and east of the site, will not be adversely affected by the construction of the proposed residence.

The applicant's geologic and engineering consultant has determined that the proposed project site is suitable from a soils and engineering standpoint for construction of the proposed project. The Geotechnical Engineering Investigation, 28855 Boniface Drive, by West Coast Geotechnical, dated 7/27/2000, in evaluating the various engineering geologic factors affecting site stability and the existing site conditions, states:

It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction.

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition 1**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-

term erosion and site stability must be addressed through adequate landscaping and erosion control plans. To ensure that runoff is conveyed off-site, in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions 2 and 3**, to submit landscape and erosion control plans, and drainage plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director, to adequately control erosion during and after construction of the proposed project.

In addition to controlling erosion during construction operations, landscaping of the disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents, which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition 3**.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition 4**, 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 Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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.

As described, the proposed project includes Construction of a one-story, 24 ft. above existing grade, 2,108 sq. ft. single-family residence with attached 717 sq. ft. garage, driveway, septic system, and landscaping. Grading of 1,700 cu. yds. (850 cut, 850 fill) is also proposed.

The proposed development will result in an increase in the amount of impervious surface on site, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent

storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 2** and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition 2** is necessary to ensure the proposed development will not adversely impact water quality of downstream coastal resources.

Finally, the proposed development includes the installation of an on-site septic system with a 2,000-gallon to serve the residence. The applicant's geologic consultants performed percolation tests and evaluated the proposed septic system. 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 project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states:

- 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 project 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 of Malibu'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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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 effect which the activity may have on the environment.

The Commission finds that, 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, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

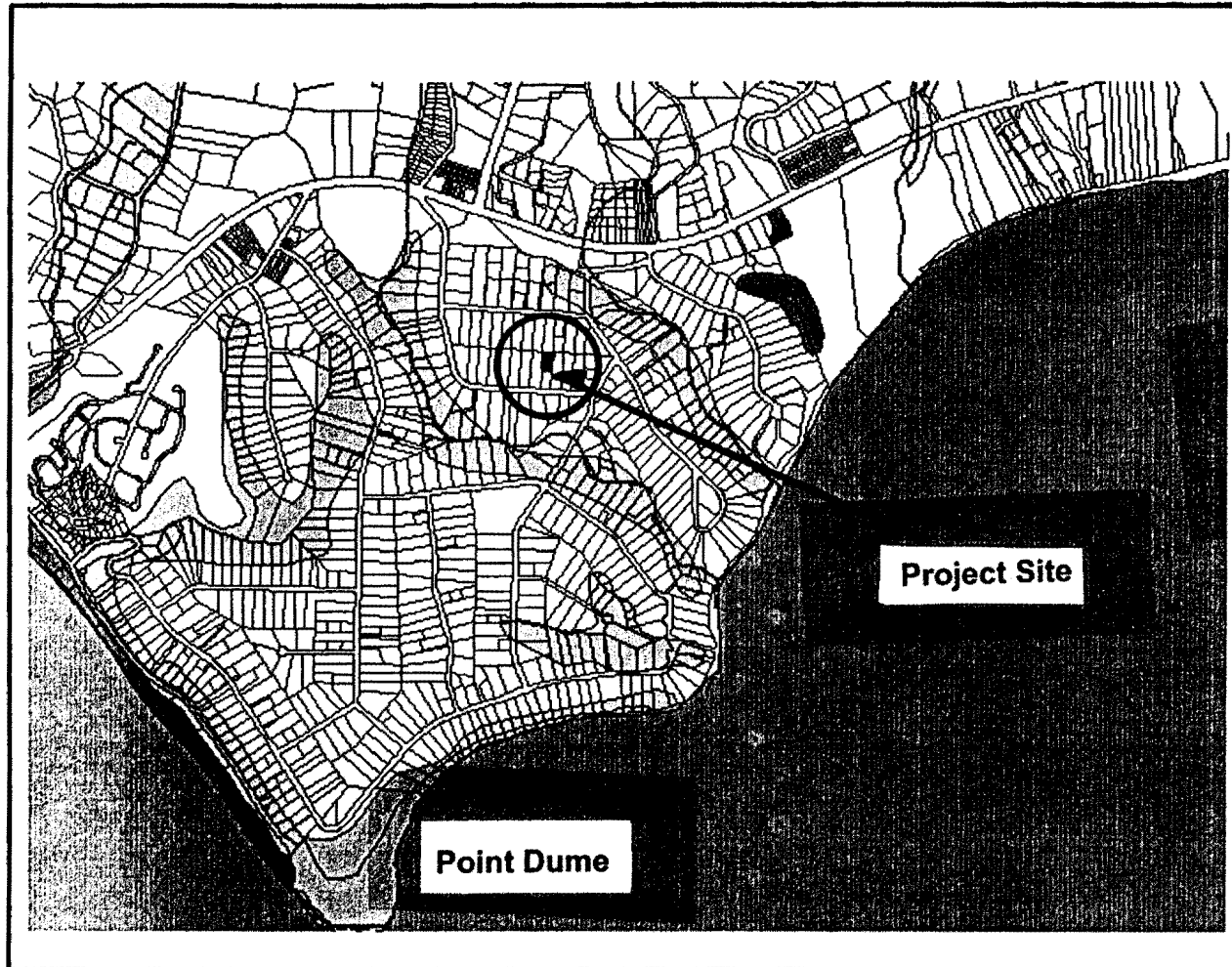
4-01-206

EXHIBIT NO. 1

APPLICATION NO.

4-01-206

VICINITY MAP



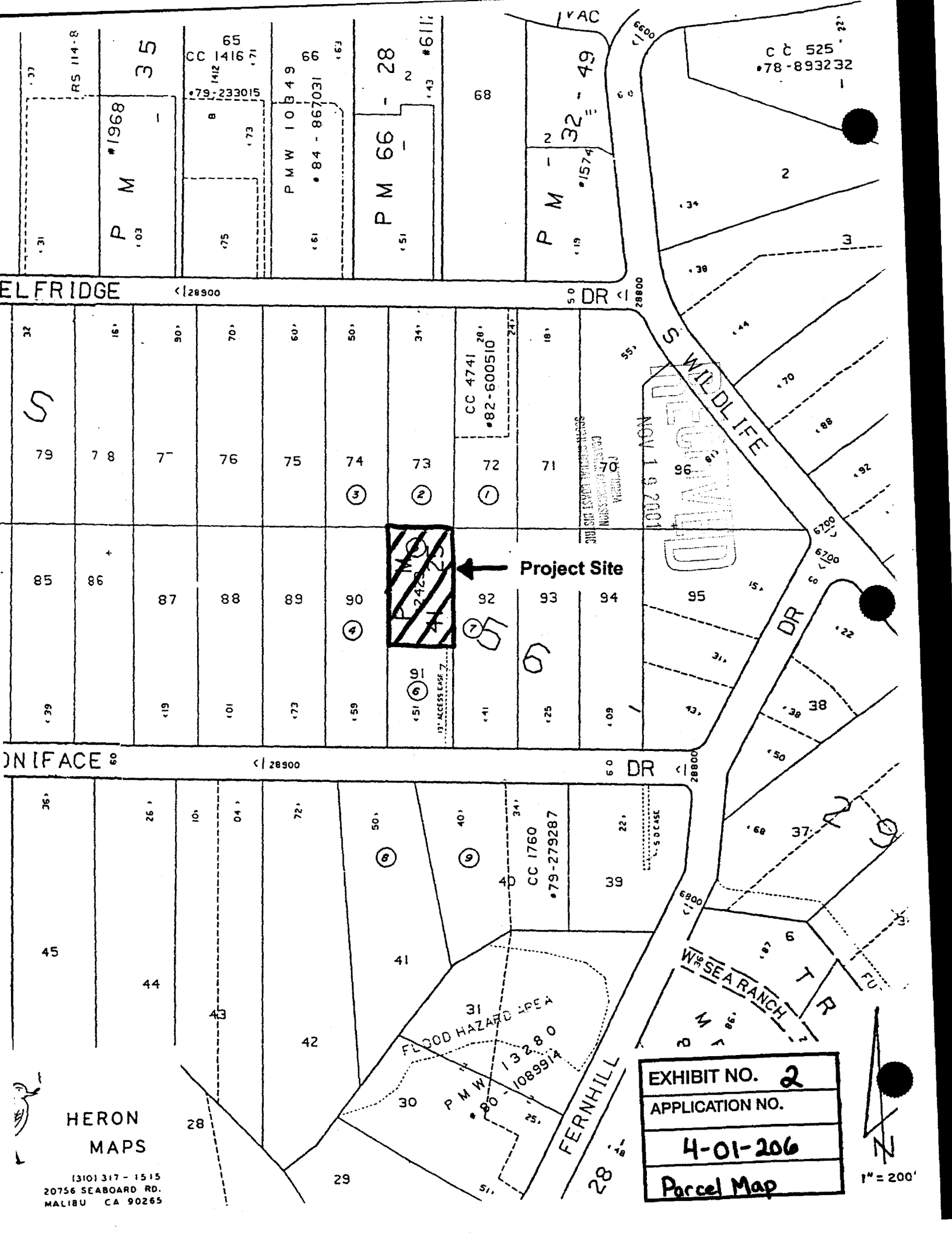
StrmsDLG

laprcls

esha (ESHA)

- Coldcreek management area
- inland
- locally disturbed resources
- oak woodlands and savannahs
- significant watersheds residential
- wildlife migration corridor





ELFRIDGE

< 28900

DR < 28900

WILDLIFE

DR

ONIFACE

< 28900

DR < 28900

SEA RANCH

FERNHILL

EXHIBIT NO. 2
APPLICATION NO.
4-01-206
Parcel Map

1" = 200'

HERON
MAPS

(310) 317-1515
20756 SEABOARD RD.
MALIBU CA 90265

LEGEND:
 PROPERTY LINE: ————
 STREET CENTERLINE (C/L): ————
 MONUMENT: Δ
 ENCROACHMENT: (ENCR.)
 CLEAR: (CLR.)
 STREET LIGHT (ST.L.T.):
 ASPHALT (A/C):
 BUILDING:
 CHAIN LINK FENCE:
 WOOD FENCE:
 CONCRETE (CONC.):

PROPERTY ADDRESS:
 28844 BONIFACE DR.
 MALIBU, CA 90265

ACCESSOR'S PARCEL NO.'S:
 4469-018-031

LEGAL DESCRIPTION:

NORTH HALF OF LOT 9 IN THE COUNTY OF
 LOS ANGELES, STATE OF CALIFORNIA, ON A
 RECORD OF SURVEY FILED IN BOOK 56,
 PAGES 24-32 OF RECORD OF SURVEYS
 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

BASIS OF BEARINGS:

ALONG THE CENTER LINE
 IN RECORD OF SURVEY
 9-32 IN THE OFFICE OF
 COUNTY, STATE OF
 CALIFORNIA

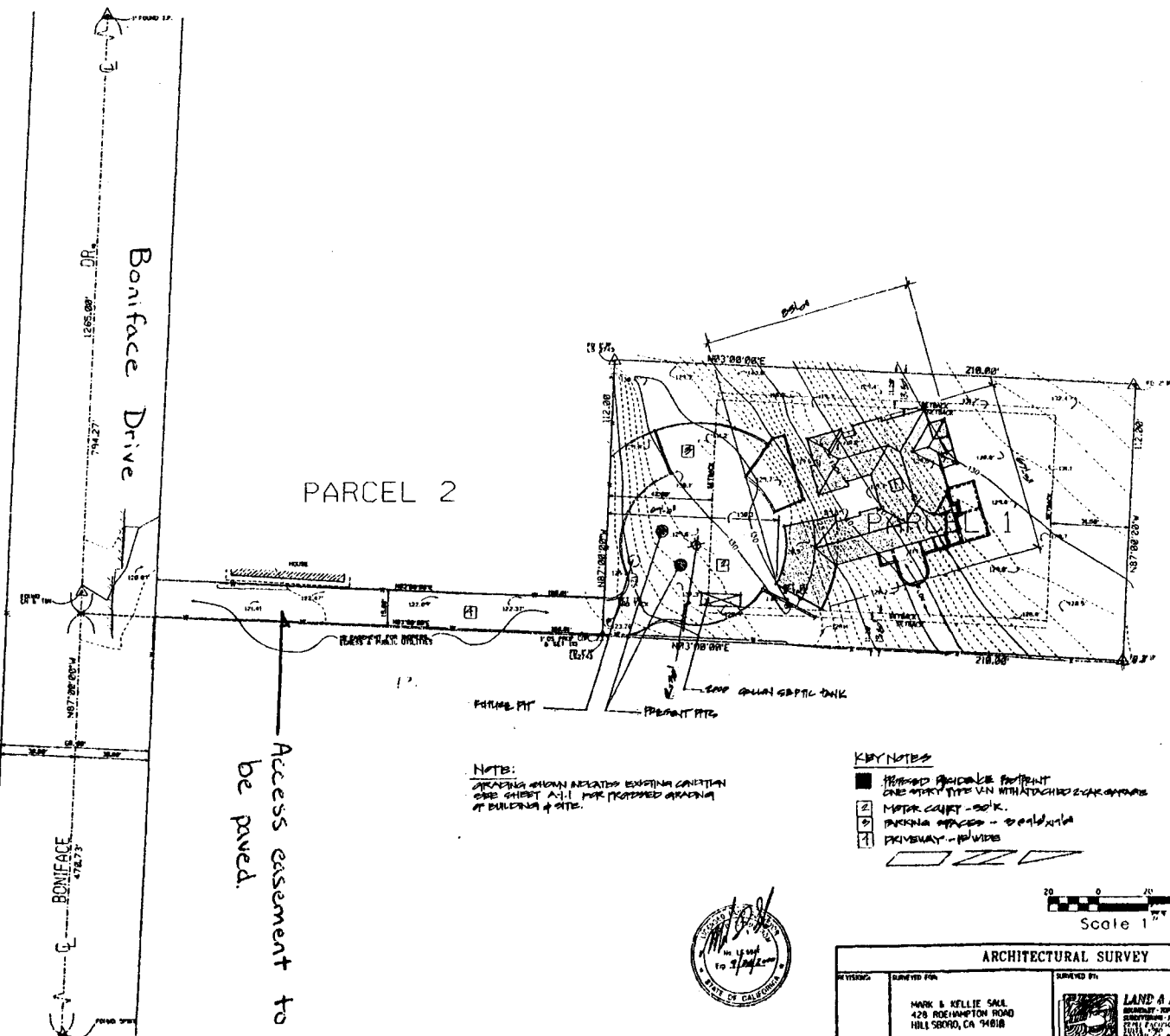
1" IN UP 59 FT. N. C/L PACIFIC
 24 E. C/L HEATHERCLIFF
 IDE. OR TO HSE
 POST 3 FT. UP, 1 FT. N

OPD MAP, IF RETAINING
 ARE TO BE DESIGNED
 MAP, GROUND ELEVATIONS
 NG THE DESIGN SHOULD
 ON AND LEVELS PRIOR

Y SURFACE EVIDENCE
 L. GAS METERS, POWER

M. LENGTH
 ENGIN
 10TH
 K. WIDTH

EXHIBIT NO. 3
 APPLICATION NO.
 4-01-206
 SITE/ACCESS MAP



ARCHITECTURAL SURVEY			
DESIGNED BY	DESIGNED FOR	DESIGNED BY	SCALE
MARK & KELLIE SAUL 428 ROEHAMPTON ROAD HILLSBORO, CA 94018		LAND & AIR SURVEYING BRANDY, RICHARD, ALTA, RICHARD BRANDY, RICHARD, ALTA, RICHARD BRANDY, RICHARD, ALTA, RICHARD BRANDY, RICHARD, ALTA, RICHARD BRANDY, RICHARD, ALTA, RICHARD BRANDY, RICHARD, ALTA, RICHARD	1" = 20'
DATE		DATE	
MAY 11/2000		MAY 11/2000	
BY		BY	
A. J.		A. J.	

SAIL RESIDENCE
 28844 BONIFACE DRIVE
 MALIBU, CALIFORNIA 90265

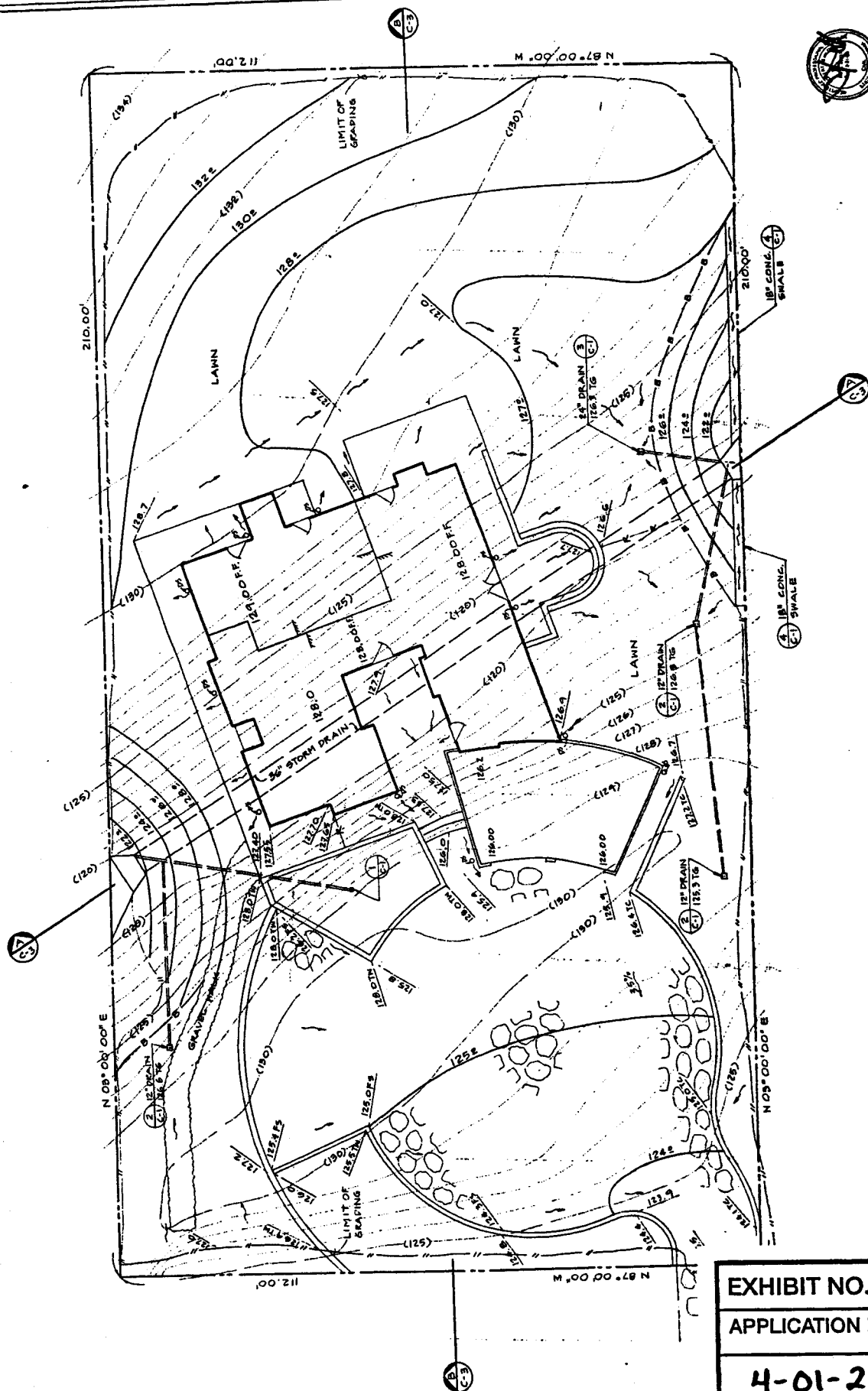
DAVID G. DOUGLAS
 A R C M I T E C T
 1111 11TH STREET, SUITE 100
 MALIBU, CALIFORNIA 90265

DATE	1/1/00
BY	1/1/00
CHECKED	1/1/00
APPROVED	1/1/00

ROBERT NEWLON DESIGN, INC.
1020 Van Ness (Canton Road),
Malibu, CA 90265
(310) 456-8750

Grading Plan for:
SAUL RESIDENCE
28844 Montface Drive, Malibu
90265

Sheet	C-2
Scale	1" = 10' 0"
North Arrow	1" = 10' 0"
Drawn	1/1/00
Check	1/1/00
Approved	1/1/00



NO.	REVISIONS
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

SALT RESIDENCE
2885 BONFAY DRIVE
MALIBU, CALIFORNIA 90265

DANIELA DOMINIC, AIA
ARCHITECT
11111 WILSON BLVD., SUITE 100
LOS ANGELES, CALIF. 90024
TEL. (213) 475-1111
FAX (213) 475-1112

NO.	REVISIONS
1	
2	
3	
4	
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9	
10	

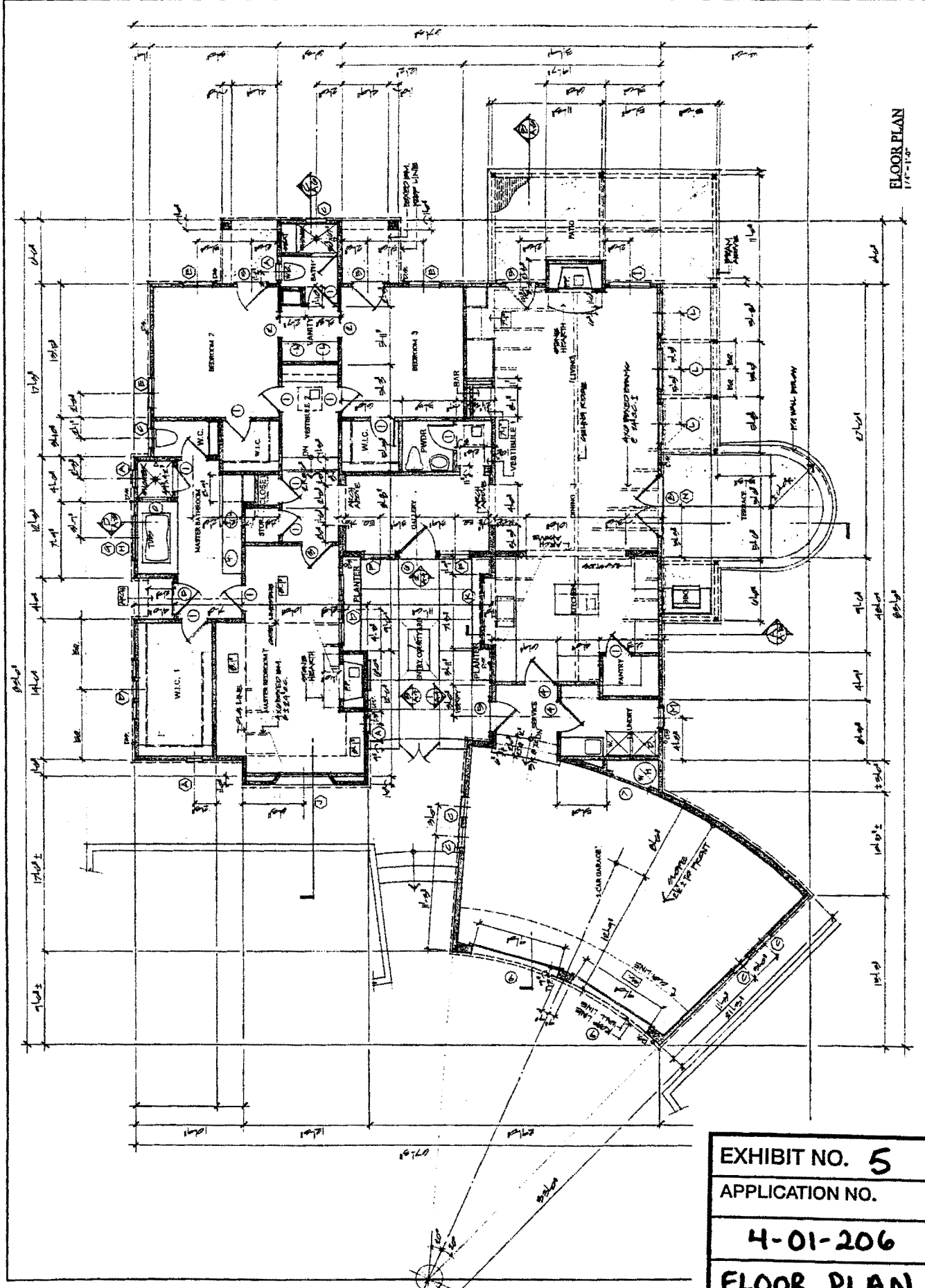
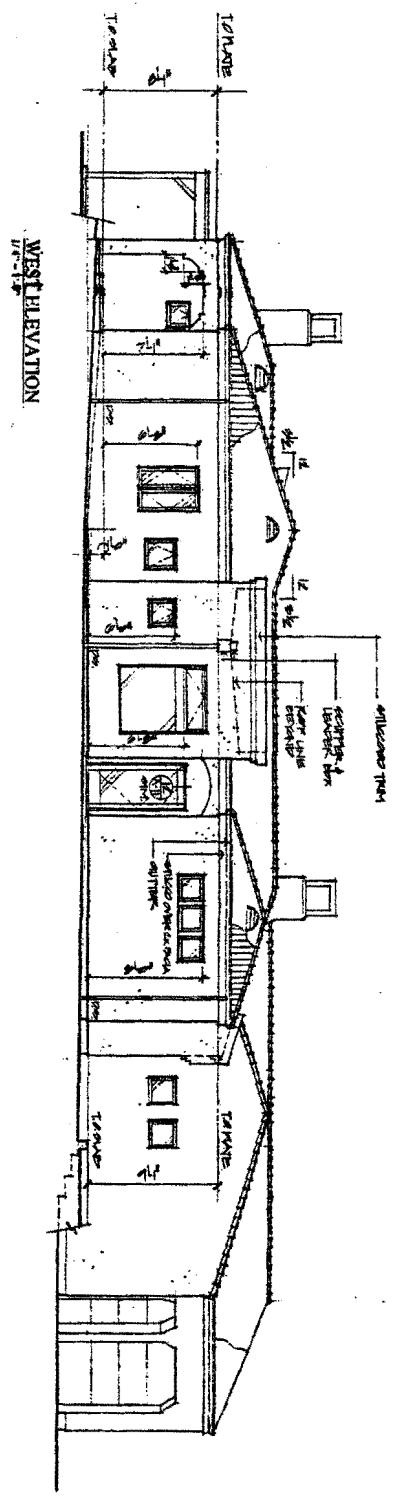
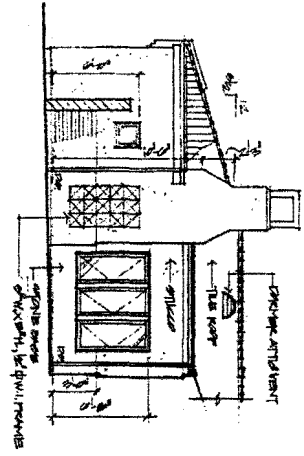


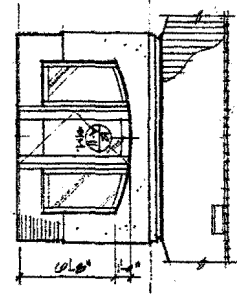
EXHIBIT NO. 5
APPLICATION NO.
4-01-206
FLOOR PLAN



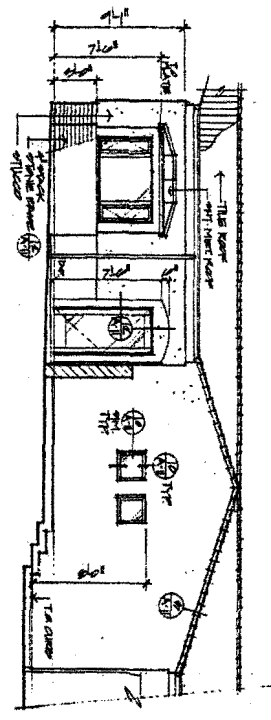
WEST ELEVATION
11'-0" x 1'-0"



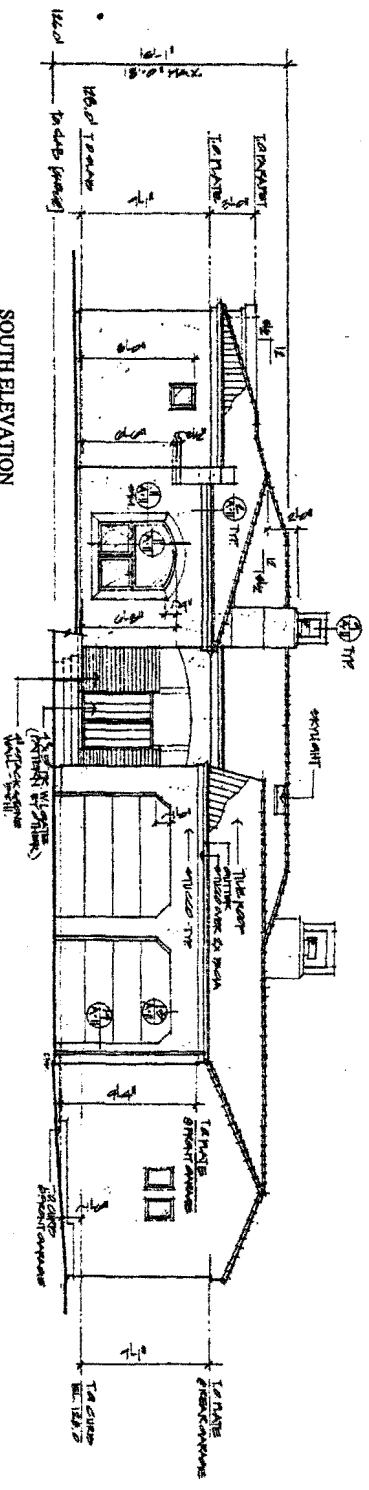
ELEVATION 3
11'-0" x 1'-0"



ELEVATION 2
11'-0" x 1'-0"



ELEVATION 1
11'-0" x 1'-0"



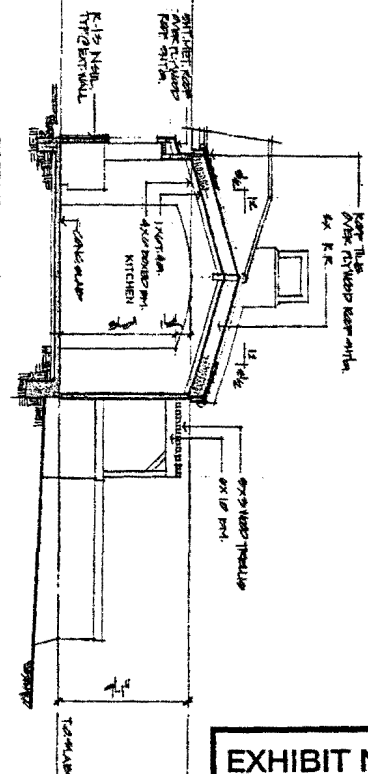
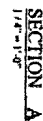
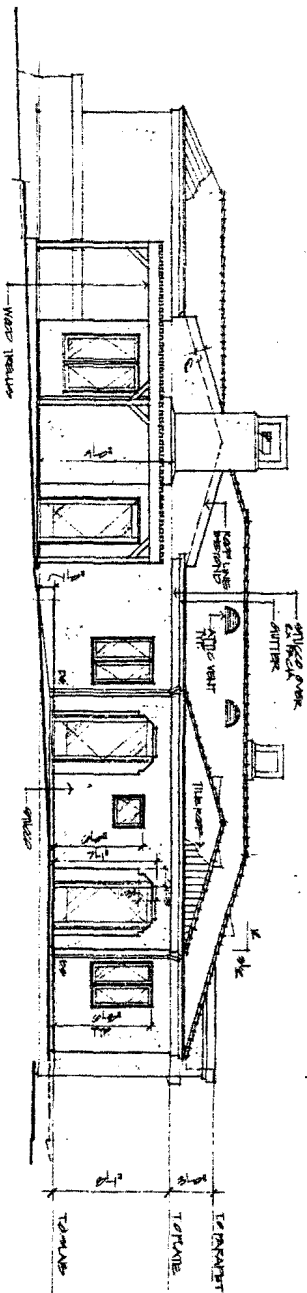
SOUTH ELEVATION
11'-0" x 1'-0"

EXHIBIT NO. 6
APPLICATION NO.
4-01-206
ELEVATIONS I

DARREN G. DOMINICK, AIA
ARCHITECT
CALIFORNIA LICENSE 10000
28555 BONTRACE DRIVE
MALIBU, CALIFORNIA 90265

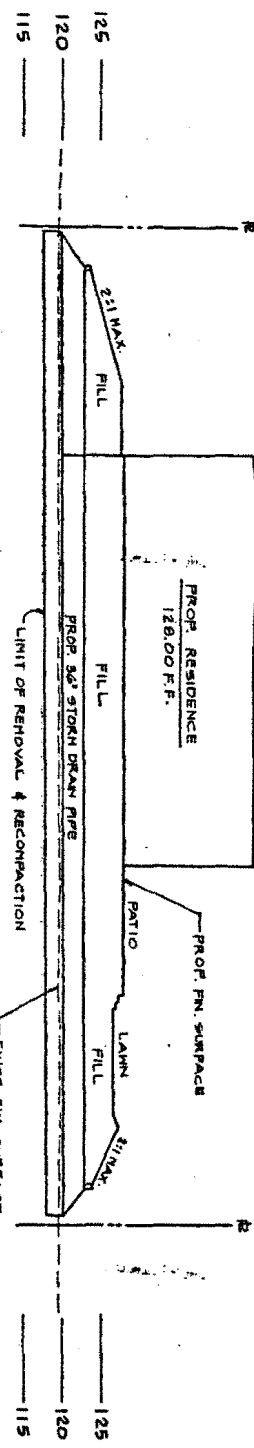
SAUL RESIDENCE
28555 BONTRACE DRIVE
MALIBU, CALIFORNIA 90265

Sheet	A-4
Scale	1/4" = 1'-0"
Date	
Drawn by	
Check by	
App'd by	

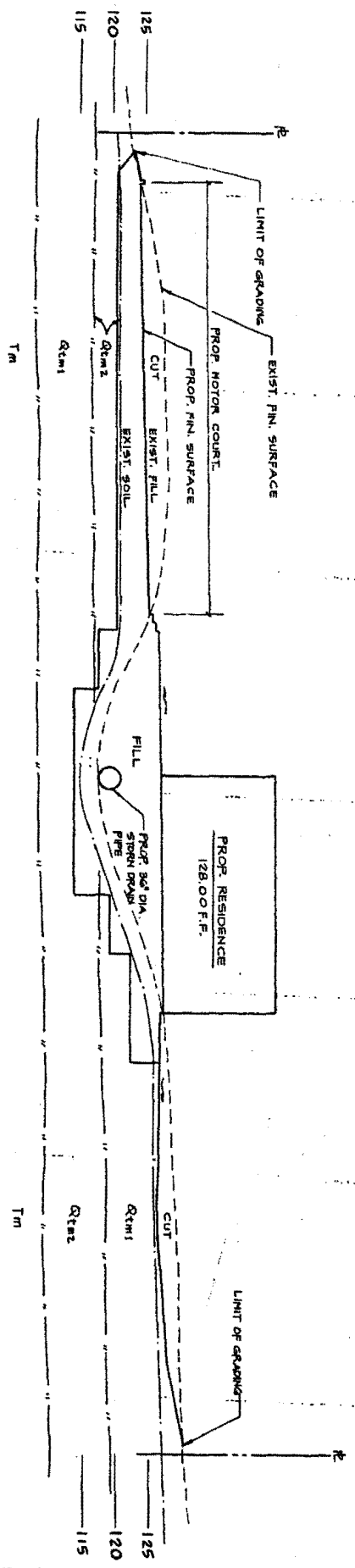


ELEVATIONS II

SAUL RESIDENCE
28255 BONFAC DRIVE
MALIBU, CALIFORNIA 90265



SECTION A-A



SECTION B-B

See Exhibit #4
for location of
cross sections through
property.

EXHIBIT NO. 8
APPLICATION NO.
4-01-206
CROSS SECTION



CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
88 SOUTH CALIFORNIA ST., SUITE 200
VICTORIA, CA 93001
(805) 585-1800



April 8, 2002

Mr. and Mrs. Jonathan Kass
28851 Boniface Drive
Malibu, CA 90265

**RE: Coastal Development Permit Application No. 4-01-206 (Freebird L.L.C.), 28855
Boniface Drive, Malibu, CA 90265**

Dear Sir or Madam:

This office has received a request to process Coastal Development Permit Application Number 4-01-206 from Freebird L.L.C. to construct a new, one-story, 24' high from existing grade, 2,108 sq. ft. single family residence with attached 717 sq. ft., 2-car garage, septic system, driveway accessing off of Boniface Dr., and landscaping of the property. The project proposes a total of 1,700 cu. yds. of grading (850 cu. yds. of cut, and 850 cu. yds. of fill).

The project site is located at 28855 Boniface Drive, Malibu, CA. The application is filed and scheduled for a public hearing at the Coastal Commission's May 7-10, 2002 hearing in Santa Rosa.

Coastal Act Section 30601.5 states as follows:

All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

Because our records in the file application indicate that you are an owner of interest in the property across which the applicants hold easement rights, and which is involved in this permit application, the Commission is notifying you of this application pursuant to Section 30601.5. With this letter, staff are inviting you to join this application as a co-applicant, if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter. If you have any questions or need further information about this application or the proposed project before you sign and return this letter, please contact me at (805) 585-1800.

Sincerely,

Bonnie Luke
Coastal Program Analyst

cc: Darren Domingue,
Mark and Kellie Saul

Agreed: _____
Names (Print)

Signatures

Property Address

EXHIBIT NO. 9

APPLICATION NO.

4-01-206

co-applicant letter

