

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
 MALIBU, CA 93001  
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 Staff: S. Hudson  
 Staff Report: 8/21/97  
 Hearing Date: Sept. 9-12, 1997  
 Commission Action:



## RECORD PACKET COPY

## STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-148

APPLICANT: Saul Macias

AGENT: A.T. Torres  
Ann Jones

PROJECT LOCATION: 21551 Rambla Vista, City of Malibu; Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 3984 sq. ft., 28'-0" in height, 2-story, single family residence (SFR) with a 400 sq. ft. detached garage to replace a 2515 sq. ft. SFR with a detached garage destroyed by the 1993 Old Topanga Firestorm.

Lot area:	12,170	sq. ft.
Building coverage:	2,361	sq. ft.
Pavement coverage:	2,569	sq. ft.
Landscape coverage:	7,240	sq. ft.
Parking spaces:	3	
Ht abv fin grade:	28'-0"	

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department, Approval in Concept City of Malibu Environmental Health Department (Septic).

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Engineering Update Report by Coastline Geotechnical Engineers, Inc. dated 6/10/97; Supplemental Geotechnical Engineering Investigation Report by Coastline Geotechnical Engineers, Inc. dated 4/23/96; Geotechnical Engineering Findings by Coastline Geotechnical Engineers, Inc. dated 5/25/94; Update Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 6/9/97; Supplemental Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 4/10/96.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project with five (5) special conditions regarding plans conforming to landscape and erosion control plans, drainage plans, geologic recommendations, assumption of risk and wild fire waiver of liability. The applicant is proposing to construct a new

summary continued

SFR which will be approximately 58% larger and located downslope of the footprint of the previously existing SFR which was destroyed in the 1993 Old Topanga Fire Storm. The applicant's geotechnical consultant has noted that an ancient landslide is present on site.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions.**

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions.**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions.

#### 1. Landscaping and Erosion Control Plan

Prior to issuance of the 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 geologic and geotechnical consultants to ensure that the plans are in conformance with the consultants' geotechnical recommendations. The plans shall incorporate the following criteria:

(a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development 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.

(b) All disturbed areas 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;

#### 2. Drainage 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 roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. 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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geotechnical Engineering Update Report by Coastline Geotechnical Engineers, Inc. dated 6/10/97; Supplemental Geotechnical Engineering Investigation Report by Coastline Geotechnical Engineers, Inc. dated 4/23/96; Geotechnical Engineering Findings by Coastline Geotechnical Engineers, Inc. dated 5/25/94; Update Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 6/9/97; and the Supplemental Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 4/10/96 shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the geologic consultant. 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 consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

#### 4. Assumption of Risk

Prior to permit issuance, applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landsliding and erosion, and the applicant assumes the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the California Coastal Commission and agrees to indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees relative to the California Coastal Commission's approval of the project for any damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

#### 5. 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, 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 as follows:

#### A. Project Description and Background

The applicant is proposing the construction of a new 3984 sq. ft., 28'-0" in height, 2-story, single family residence (SFR) with a 400 sq. ft. detached garage to replace a 2515 sq.ft. SFR with a detached garage destroyed by the 1993 Old Topanga Firestorm. Pursuant to Coastal Act Section 30610(g)(1) no Coastal Permit is required for the replacement of a structure destroyed by disaster, if the structure(s) does not exceed either floor area, height, or bulk of the destroyed structure by 10%. In this case the proposed structure, to replace the SFR exceeds the previous by 58%, and therefore a Coastal Permit is required.

The site is located along the northeast side of Rambla Vista in a built out section of Malibu consisting of numerous single family residences. Slopes ascend from Rambla Vista Road to the northern property line at an average angle of 28 degrees and an ancient landslide is present on site. The new SFR is proposed to be located downslope from the location of the previous residence due to soil conditions and to increase the stability of the structure.

**B. Geologic Stability and Hazards**

Section 30253 of the Coastal Act states 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 is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all vegetation, thereby contributing to an increased potential for erosion and landslide on 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 wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks as drafted in special condition five (5). 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 applicant has submitted a Geotechnical Engineering Update Report by Coastline Geotechnical Engineers, Inc. dated 6/10/97; Supplemental Geotechnical Engineering Investigation Report by Coastline Geotechnical Engineers, Inc. dated 4/23/96; Geotechnical Engineering Findings by Coastline Geotechnical Engineers, Inc. dated 5/25/94; Update Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 6/9/97; Supplemental Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 4/10/96.

The April 10, 1996, report by Pacific Geology, Inc., states:

*This office conducted a geologic inspection of a 20 ft.± high cut slope made on the adjacent property to the east, 21547 Rambla Vista. Inspection of the cut revealed the presence of an ancient landslide along the southwest corner of the garage area. The geometry of the landslide indicated that the subject site was underlain by landslide debris.*

*The landslide appears to be an ancient feature and does not show any sign of recent movement. The landslide is 12-17 ft. in thickness and exhibits a west-southwest component of*

*downslope movement. It is the opinion of this office that the landslide is an ancient feature which does not show any sign of recent movement. Initial movement of the slide occurred prior to development of the area and predates the construction of the pre-existing residence.*

*The subject property is located within the confines of an ancient landslide which indicates no evidence of historic movement. The proposed construction involves restoration that will cause no significant change in the geologic character of the site or the local environment from that existing prior to the loss...Based on field observation and evaluation of geologic conditions at the site, it is the professional geologic opinion of the undersigned that reconstruction of the single family residence is geologically feasible.*

In addition, the Commission notes that ordinarily a factor of safety of 1.5 or greater is necessary for new construction, and a factor of safety of less than 1.0 is considered subject to failure. In the case of this project, the applicant's geotechnical consultant has indicated that the factor of safety for the proposed project site is greater than 1.5. Further, the consulting geotechnical consultants have included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure the recommendations of the geotechnical consultants are incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by special condition three (3), to submit project plans certified by both consulting geotechnical engineers as conforming to their recommendations.

Section 30610(g)(1) of the Coastal Act provides for the replacement of structures destroyed by a disaster without a coastal development permit.

#### Section 30610

*Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:*

*(g)(1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.*

Under the provisions of section 30610(g)(1) any residential structure destroyed by the Old Topanga Fire Storm is exempt from a coastal development permit requirements regardless of the existing geologic conditions so long as the replacement structure does not exceed the original by more than 10% either in the floor area, height, or bulk, and no new additional structures are added to the subject property. The applicant would therefore be entitled to develop a  $\pm$  2767 sq. ft. home on the site without commission review or a coastal permit. However, as the applicant is proposing the construction of a larger house, a coastal development permit is required to ensure that the new proposed structure is consistent with all Chapter Three policies of the Coastal Act. For this particular site, the consulting geologists have concluded that with regard to potential geologic hazards, the proposed project will cause no significant change in the geological character of the site. Therefore, the Commission finds that approval of this permit application for the

reconstruction of a larger residence on the site will not result in any new or additional geologic hazards than what previously existed.

However, due to the potential hazardous geologic conditions which are intrinsic to this site, such as the presence of a mapped landslide on site, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by special condition four (4). This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development throughout the Malibu/Santa Monica Mountains region.

The Commission also finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. In addition, the applicant's Geotechnical Engineering Findings by Coastline Geotechnical Consultants dated 5/25/95 states:

*Due to the Malibu fire of November 1993, which destroyed most vegetation on the slope, some surficial landsliding is expected. The surficial instability problem could be reduced, provided new, deep seated vegetation is planted in the area.*

Therefore special condition number one (1) is required to ensure that all proposed disturbed areas are stabilized and vegetated. In addition, the applicant's Supplemental Geotechnical Engineering Investigation Report dated 4/23/96 states:

*Site drainage should be dispersed by non-erosive devices...to preclude concentrated run-off and erosion over the site. In no case shall water be allowed to pond or drain down the slope in a concentrated and uncontrolled manner. Water shall be conducted to Rambla Vista on the south..*

To ensure that adequate drainage is incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by special condition two (2), to submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations.

The Commission finds that based on the findings of the geologic and geotechnical reports and other available evidence, the proposed project, as conditioned above, is consistent with Section 30253 of the Coastal Act.

C. Visual Impacts

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 subordinated to the character of its setting.*

The applicant is proposes to construct a new 3984 sq. ft., 28'-0" in height, 2-story, single family residence (SFR) with a 400 sq. ft. detached garage to replace a 2515 sq. ft. SFR with a detached garage destroyed by the 1993 Old Topanga Firestorm. The proposed project is located within a built-out section of Malibu consisting of numerous single family residences and is consistent with neighboring development. Although the project site is visible from a portion of Pacific Coast Highway the proposed residence is consistent with the character of this area and will not result in a significant adverse impact on the viewshed from the highway. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. Septic System

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, minimizing alteration of natural streams.*

The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.



E. Local Coastal Program

Section 30604 of the Coastal Act states 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 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).

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

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.

**SMH-VNT**

File: SMH/4-97-148



4-451 14  
SCALE 1" = 100'

PROJECT SITE

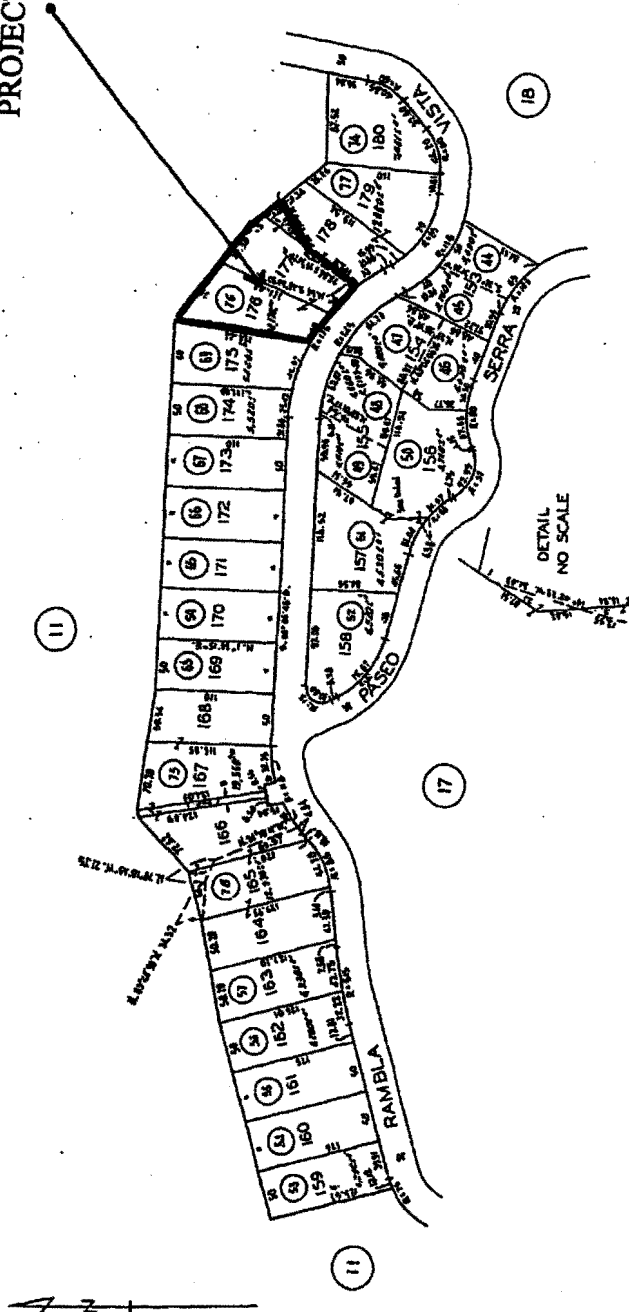
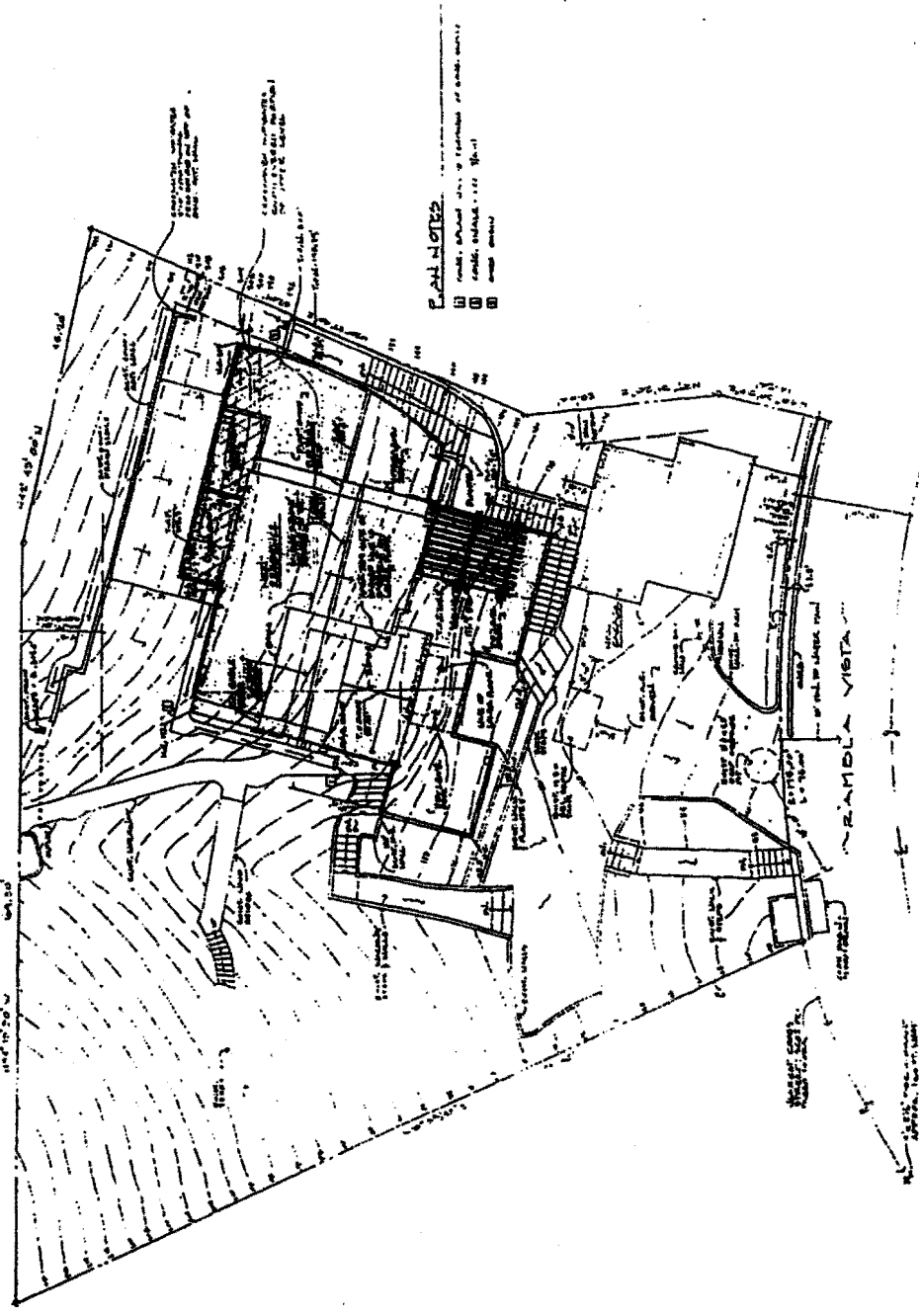


Exhibit No. 2: (4-97-148) Parcel Map for Project Site



1. ALL UTILITIES TO BE DELETED  
 2. ALL UTILITIES TO BE MAINTAINED  
 3. ALL UTILITIES TO BE RELOCATED  
 4. ALL UTILITIES TO BE NEW

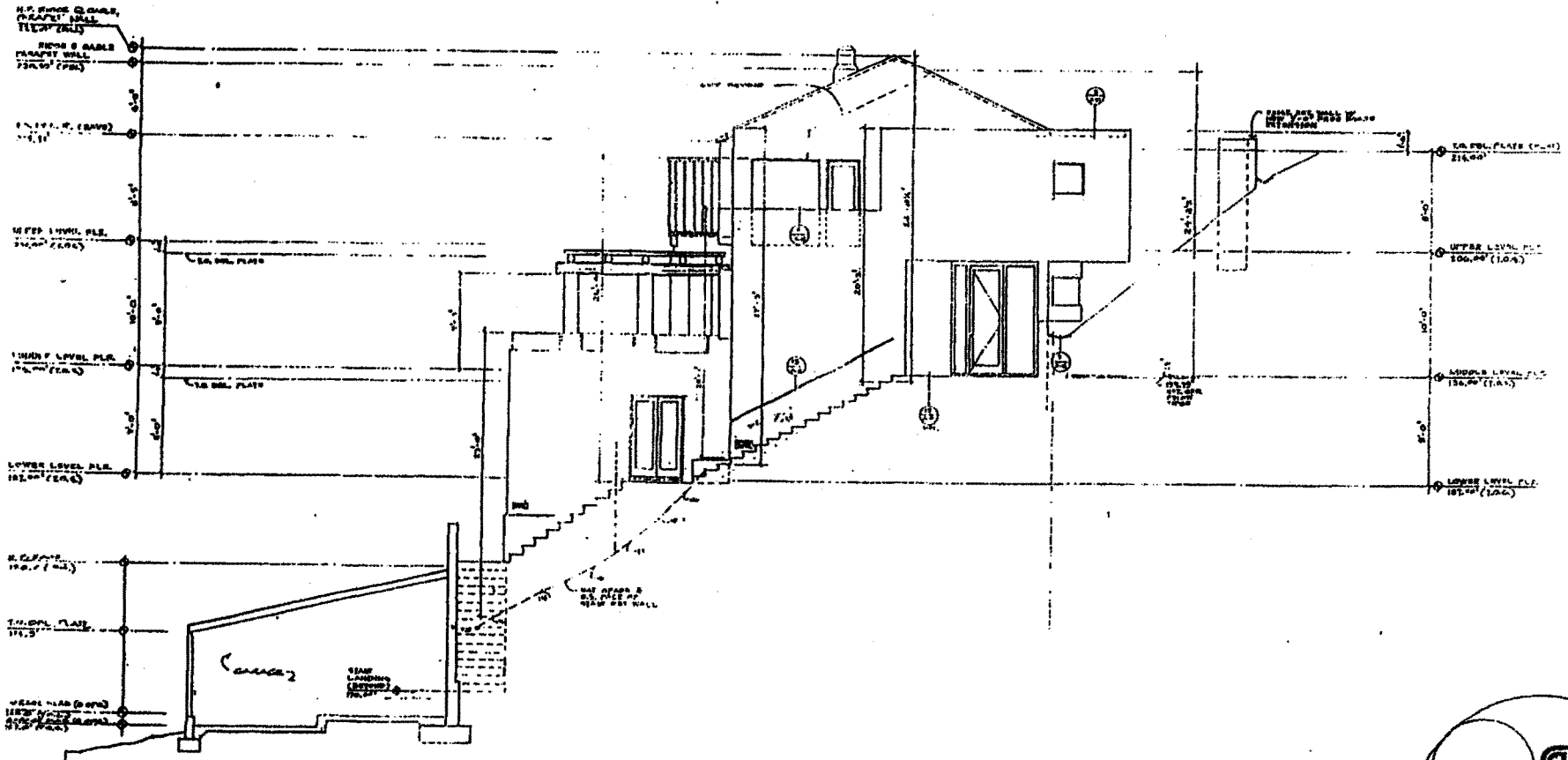
SITE PLAN/DRAINAGE PLAN



  
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Exhibit No. 3: (4-97-148) Site Plan for Proposed Project





**RIGHT SIDE ELEVATION**

**atc**  
 A. Thomas Carr, AIA  
 21583 Rambla Vista,  
 Malibu, California 90265

**ARCHITECT**  
 (S. 1100000)  
 615 91 RANBLA VISTA  
 MALIBU, CALIFORNIA

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**Exhibit No. 5: (4-97-148) Side Elevation for Proposed Single Family Residence**



