

CALIFORNIA COASTAL COMMISSION

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



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49th Day: 1/1/96
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Staff: TAD-VNT JAD
Staff Report: 12/1/95
Hearing Date: December 12-15, 1995
Commission Action:

RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-95-227

APPLICANT: Andrew Beath AGENT: NA

PROJECT LOCATION: 20178 Rockport Way, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: The construction of a 4,150 sq. ft., 18'-0", 1 story, single family residence (SFR), with a 605 sq. ft. garage, to replace a 4,600 sq. ft. SFR, with 1,000 sq. ft. attached carport destroyed by the 1993 Old Topanga Firestorm.

Lot area:	2 acres
Building coverage:	5,600 sq. ft.
Pavement coverage:	5,675 sq. ft.
Landscape coverage:	54,265 sq. ft.
Parking spaces:	7
Ht abv fin grade:	18'-0"

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

SUBSTANTIVE FILE DOCUMENTS: California Coastal Act of 1976, as of January 1995, Geologic and Geotechnical Engineering Report, dated January 9, 1995, by RJR Engineering Group.

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 prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded & 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 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 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to any disturbed soils;
- (c) 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.

2. 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 that; (b) the applicant hereby unconditionally waives any future claims of liability on the part of the California Coastal Commission and agrees to indemnify and hold harmless the California Coastal Commission, its officers 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.

3. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic and Geotechnical Engineering Report, dated January 9, 1995, by RJR Engineering Group, shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. 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 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. 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 4,150 sq. ft., 18'-0", 1 story, single family residence (SFR), with a 605 sq. ft. garage and swimming pool, to replace a 4,600 sq. ft. SFR, with 1,000 sq. ft. attached carport destroyed by the 1993 Old Topanga Firestorm. The new SFR has been shifted from the location of the destroyed SFR by approximately 50%, and the development involves the construction of a new detached garage to replace a destroyed attached carport. Pursuant to P.R.C. Section 30610(g)(1) no Coastal Permit is required for the replacement of a structure destroyed by disaster, if the structure does not exceed either floor area, height, or bulk of the destroyed development by 10%. Although the proposed development does not exceed the previous by 10%, it does involve the construction of a SFR at a different location on the lot in question. Therefore a Coastal Development Permit is required. Furthermore the addition of a second structure, that was not part of the original pre-fire residence, the detached garage, constitutes development under the Coastal Act and also requires a Coastal Development Permit.

B. Geologic Stability

Section 30253 of the Coastal Act states:

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. The applicant has submitted a Geologic and Geotechnical Engineering Report, dated January 9, 1995, by RJR Engineering Group, stating:

Slope Stability Analyses

Slope stability analyses were not performed as part of our work for the rebuilding of the residence. As previously mentioned, the site is located within the Big Rock Mesa Landslide and the overall stability of the site is directly related to the stability of the landslide area.

The factor of safety for this area of the Big Rock Mesa Landslide is approximately 1.2 based on the Bing Yen & Associates report (Reference C). Based on the discussion presented in the Bing Yen report, this region has a maximum attainable factor of safety of 1.4. The maximum attainable factor of safety relies on stabilization measures, which include de-watering.

It should be noted that the future stability of the Big Rock Mesa Landslide cannot be reliably predicted or modeled; however, the mitigative measures recommended by Bing Yen & Associates will further increase the factor of safety against renewed movement. Due to the increased groundwater levels initiating the most recent episode of slide movement, dewatering residences within the landslide and surrounding area were displaced as a coherent block during the 1983 movement, future movements may vary in configuration. More importantly, it should be recognized that the stability of the site can be directly affected by movement or changes in condition in other portions of the Big Rock Mesa Landslide.

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.

The proposed site, as is noted by the consulting geologist, is located on Big Rock Mesa within the limits of the Big Rock Landslide. The Big Rock Mesa Landslide is a deep-seated regional landslide which activated in September of 1983. The slide block surface area has been stated to encompass about 150 acres, and involves approximately 216 single family residences.

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 is therefore entitled to develop a \pm 4,565 sq. ft. home on the site without commission review or a coastal permit. Commission review for this project is thus effectively limited to the issue of whether the addition of a 605 sq. ft. detached garage, and the relocation of the proposed home, poses hazards beyond that of the \pm 4,565 sq. ft. home allowed as an exemption. Due to the fact that the geologic hazards of this site, as identified by the consulting geologist, remain the same for a structure regardless of whether a structure exceeds the destroyed structure by 10% or more, the geologic risks associated with the redevelopment of this site

will not be increased, or lessened, by the development as is proposed. 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 additional geologic hazards than what previously existed. Further, the consulting geotechnical consultant has included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure the recommendations of the geotechnical consultant's are incorporated into the project plans, the Commission finds that it is necessary to require the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to their recommendations.

Due to the potential hazardous geologic conditions on this site, and the proximity of the site to the Big Rock Mesa Landslide, the Commission can only approve the project if the applicant assumes the liability from the associated risks. 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.

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 California Coastal Commission has required such deed restrictions for other development in the vicinity of the Big Rock Mesa Landslide.

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. Therefore special condition number one has been drafted to ensure that all proposed disturbed areas are stabilized and vegetated.

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. 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 Geologic and Geotechnical Engineering Report, dated January 9, 1995, by RJR Engineering Group. These reports provide detailed analysis of the geologic and geotechnical conditions related to the subject site, and it is based on the findings and recommendations of the consultant, and the conditions imposed on this permit, that the Commission find that the proposed project is consistent with Chapter 3 policies of the Coastal Act. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

C. Septic System

The Commission recognizes that the potential build-out of lots in 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 is proposing to construct a new, private septic system to accommodate the sewage of the proposed development. The applicant has submitted approval from the City of Malibu Environmental Health Department stating that this 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.

D. 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.

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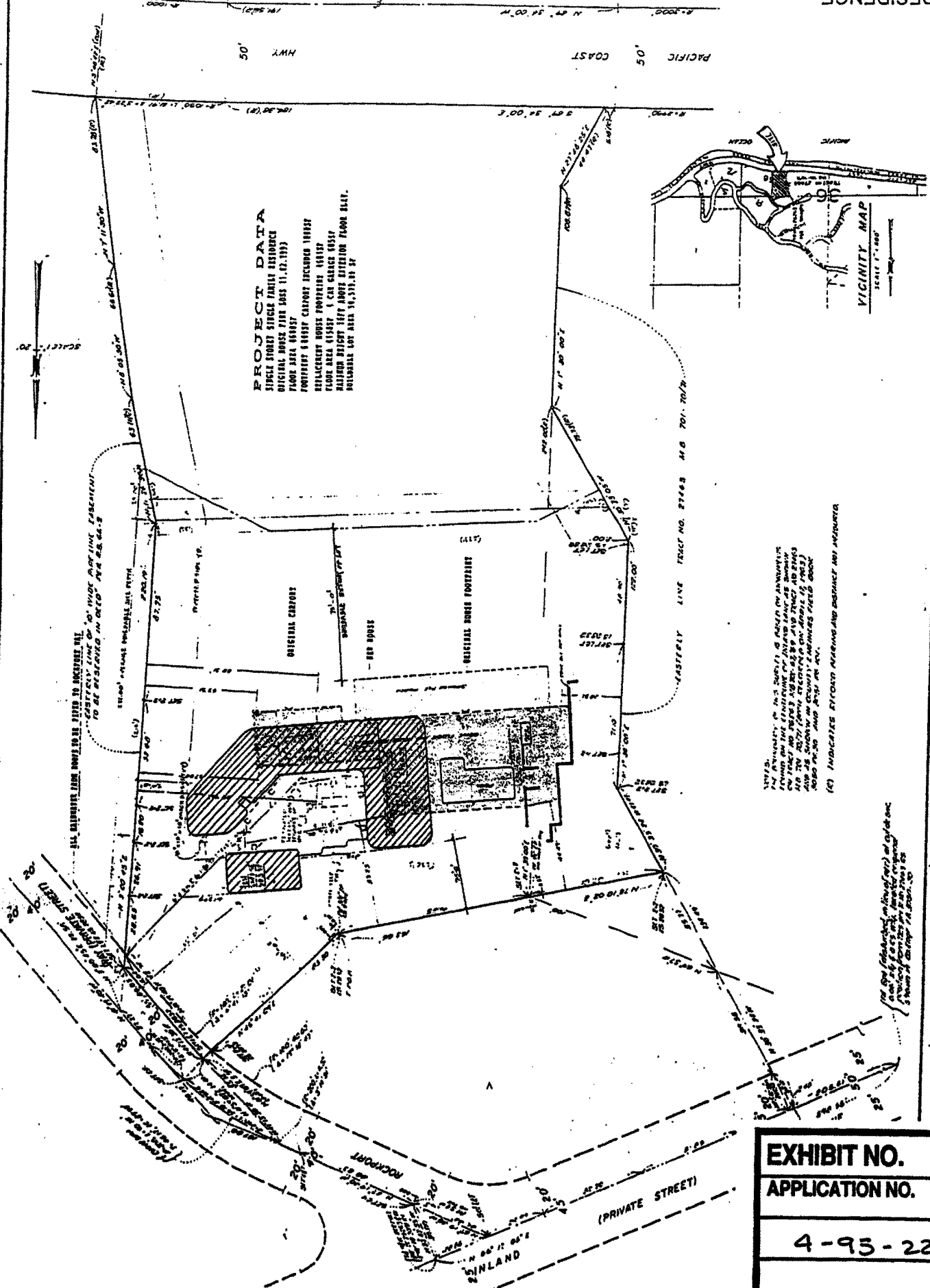
Dudley H. Clark & Associates
 12034 Riverside Drive, Suite 105
 Studio City, Calif. 91607
 (818) 901-7907



RECALCULATED DESIGN
 2178 BELMONT BLVD 925
 SHERMAN OAKS, CALIF. 91605
 (818) 911-1111

THAT PORTION OF PARCEL 4, N.S. 65-2 AND PORTIONS OF LOT 3
 AND OF THE S.W. 1/4 OF THE N.E. 1/4 OF SEC. 36, T1S. 117N., R.8E.M.
 OF RECORDS IN THE OFFICE OF THE LOS ANGELES COUNTY RECORDER.
 20178 ROCKPORT WAY, MALIBU, CA. 90265

RESIDENCE
 THREE DAMAGE REBUILT
 20178 ROCKPORT WAY
 MALIBU CA 90265



PROJECT DATA
 SINGLE STORY SINGLE FAMILY RESIDENCE
 ORIGINAL HOUSE AND GARDEN (11.02.1937)
 FLOOR AREA 10,857 SF
 FOOTPRINT 4,807 SF GARAGE INCLUDED 1,000 SF
 REPLACEMENT HOUSE FOOTPRINT 4,807 SF
 FLOOR AREA 11,507 SF 1 CAR GARAGE 4,500 SF
 ALTHOUGH SUBJECT THEY ABOVE EXISTING FLOOR PLAN.
 PERMITS FOR AREA 14,311.00 SF

ALL DIMENSIONS ARE SHOWN AS GIVEN TO INDICATE THE
 EXISTING LINE OF 10' WIDE ASPHALT PAVEMENT
 TO BE EXTENDED TO GROUND PER RECORDS

THE PROPERTY IS IN A SUBDIVISION PLANNED BY AN INDIVIDUAL
 WHOSE NAME IS NOT KNOWN TO THE ENGINEER OR ARCHITECT AND WHOSE
 RECORDS ARE NOT ON FILE IN THE OFFICE OF THE COUNTY RECORDER.
 ALL THE SHOWN ARE SUBJECT TO ANY RECORDS AND RECORDS
 AND TO SHOWING IN COUNTY RECORDS AND RECORDS
 20178-20 AND 20178-10 AND 20178-11

(C) INDICATES EXISTING AREAS AND DIMENSIONS NOT INDICATED

ALL DIMENSIONS ARE SHOWN AS GIVEN TO INDICATE THE
 EXISTING LINE OF 10' WIDE ASPHALT PAVEMENT
 TO BE EXTENDED TO GROUND PER RECORDS

EXHIBIT NO. 2
APPLICATION NO.
 4-95-227

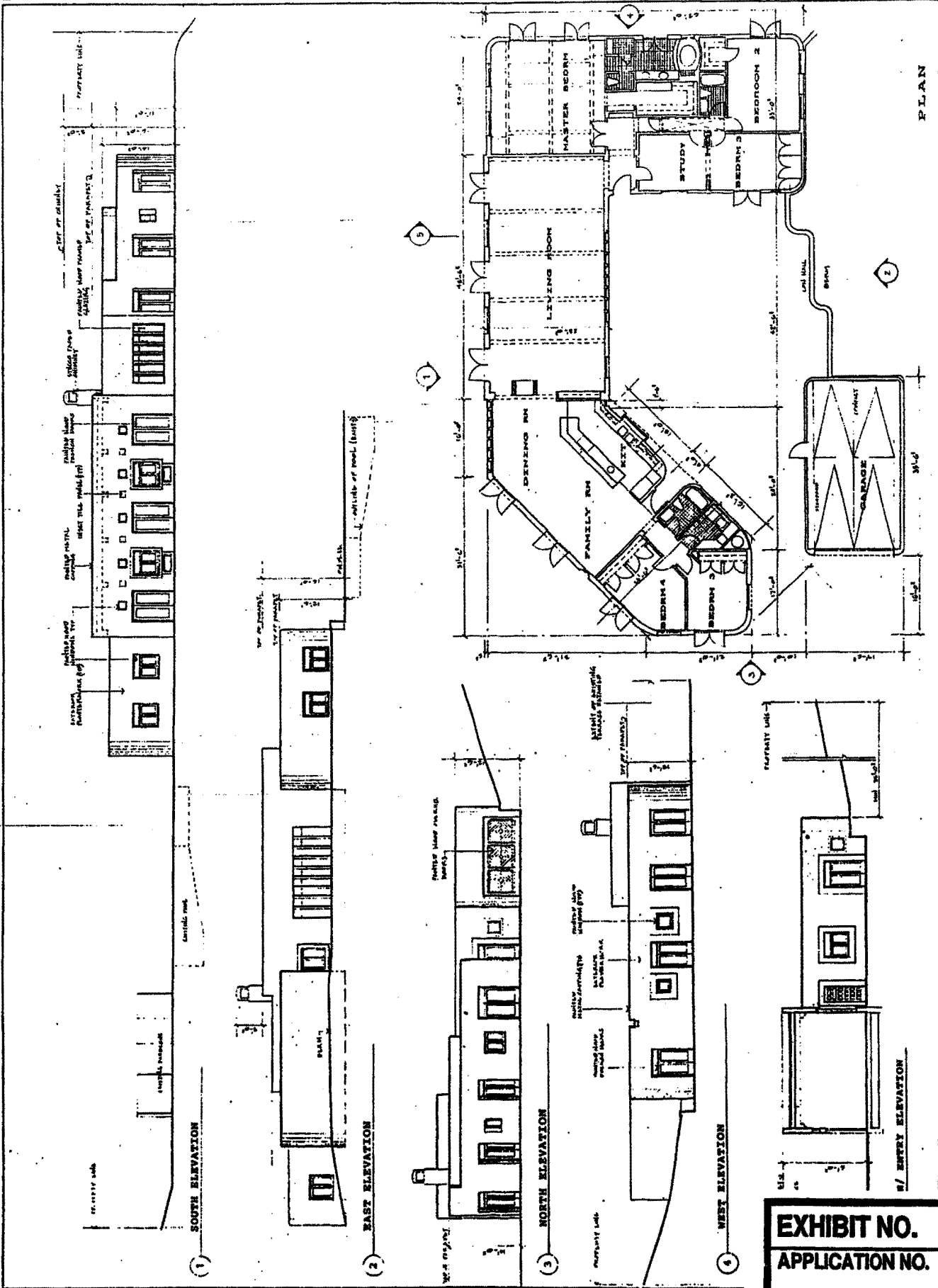


EXHIBIT NO. 3
APPLICATION NO.
 4-95-227