

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

Filed: 9/5/96
49th Day: 10/24/96
180th Day: 3/4/97
Staff: TAD-VNT TAD
Staff Report: 9/19/96
Hearing Date: October 8-11, 1996
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-141

APPLICANT: Sam Spinello AGENT: Gayle Daniel

PROJECT LOCATION: 3873 Carbon Canyon Road, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construction of a 4,200 sq. ft., 2 story, 26'-0" high, single family residence to replace a SFR destroyed by the 1993 Old Topanga Firestorm. Project involves 1,200 cubic yards of grading.

Lot area:	1.7 acres
Building coverage:	3,636 sq. ft.
Pavement coverage:	12,600 sq. ft.
Landscape coverage:	4,605 sq. ft.
Parking spaces:	6
Ht abv fin grade:	26'-0"

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept: Planning Department, Environment Health Department.
Approval in Concept Los Angeles County Fire Department.

SUBSTANTIVE FILE DOCUMENTS: Engineering Geologic Report, dated July 5, 1995, Engineering Geologic Memorandum, dated November 20, 1995, & February 20, 1996, prepared by Geoplan, Inc., and Preliminary Geotechnical Investigation, dated September 1995, and Memorandum, dated March 1, 1996, prepared by Strata-Tech, Inc.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the California Coastal Act. Staff further recommends special conditions regarding; landscape and erosion control plans, plans confirming geologic recommendations, and wild fire waiver of liability.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants 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 two (2) years, and this requirement shall apply to all 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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Engineering Geologic Report, dated July 5, 1995, Engineering Geologic Memorandum, dated November 20, 1995, & February 20, 1996, prepared by Geoplan, Inc., and Preliminary Geotechnical Investigation, dated September 1995, and Memorandum, dated March 1, 1996, prepared by Strata-Tech, Inc., 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 4,200 sq. ft., 2 story, 26'-0" high, single family residence to replace a 3,600 sq. ft. SFR destroyed by the 1993 Old Topanga Firestorm. The project involves the installation of a new 1,500 gallon septic tank, a new swimming pool, and 1,200 cubic yards of grading. Grading is required to recompact the building pad for slope stability. 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(s) does not exceed either floor area, height, or bulk of the destroyed structure by 10%. In this case the proposed structures to replace the SFR exceeds the previous by 17%, and therefore a Coastal Permit is required. The project site is located in the Carbon Canyon area of the City of Malibu. This area has been affected by landslide activity and contains some parcels with unstable slopes. The project site is located in a fairly built-out section of the Carbon Canyon area and there will be no visual impacts associated with the proposed development.

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 Engineering Geologic Report, dated July 5, 1995, Engineering Geologic Memorandum, dated November 20, 1995, & February 20, 1996, prepared by Geoplan, Inc., and Preliminary Geotechnical Investigation, dated September 1995, and Memorandum, dated March 1, 1996, prepared by Strata-Tech, Inc.

The September 5, 1995, report states:

The slope stability analysis utilizes information from the referenced Geologic report for the site and includes a Geotechnical Cross Section which extends to the bottom of the slope. Slope stability analysis indicates that a portion of the building site, within the Southern descending slope, has a factor of safety below the minimum code requirement. Stability calculations for the design of stabilization increases the factor of safety of the building site to 1.50.

Added stabilization of the building site is considered feasible from a Geological Engineering standpoint.

Development of the building site as proposed is considered feasible from a geotechnical engineering standpoint, provided that the recommendations of the project consultants and those stated herein are incorporated into the design and are implemented in the field.

The consulting geotechnical consultant has included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. As previously mentioned, the consulting geologist has indicated, based on the recommendations made by the consulting geologist, that the residence will not be adversely affected by hazard from landslide, settlement or slippage. 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. Furthermore, the Commission 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 Engineering Geologic Report, dated July 5, 1995, Engineering Geologic Memorandum, dated November 20, 1995, & February 20, 1996, prepared by Geoplan, Inc., and Preliminary Geotechnical Investigation, dated September 1995, and Memorandum, dated March 1, 1996, prepared by Strata-Tech, Inc. 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 can find that the proposed project is consistent with Chapter 3 policies of the Coastal Act. Therefore, as conditioned the proposed project is 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 the construction of a new 1,500 gallon 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 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.

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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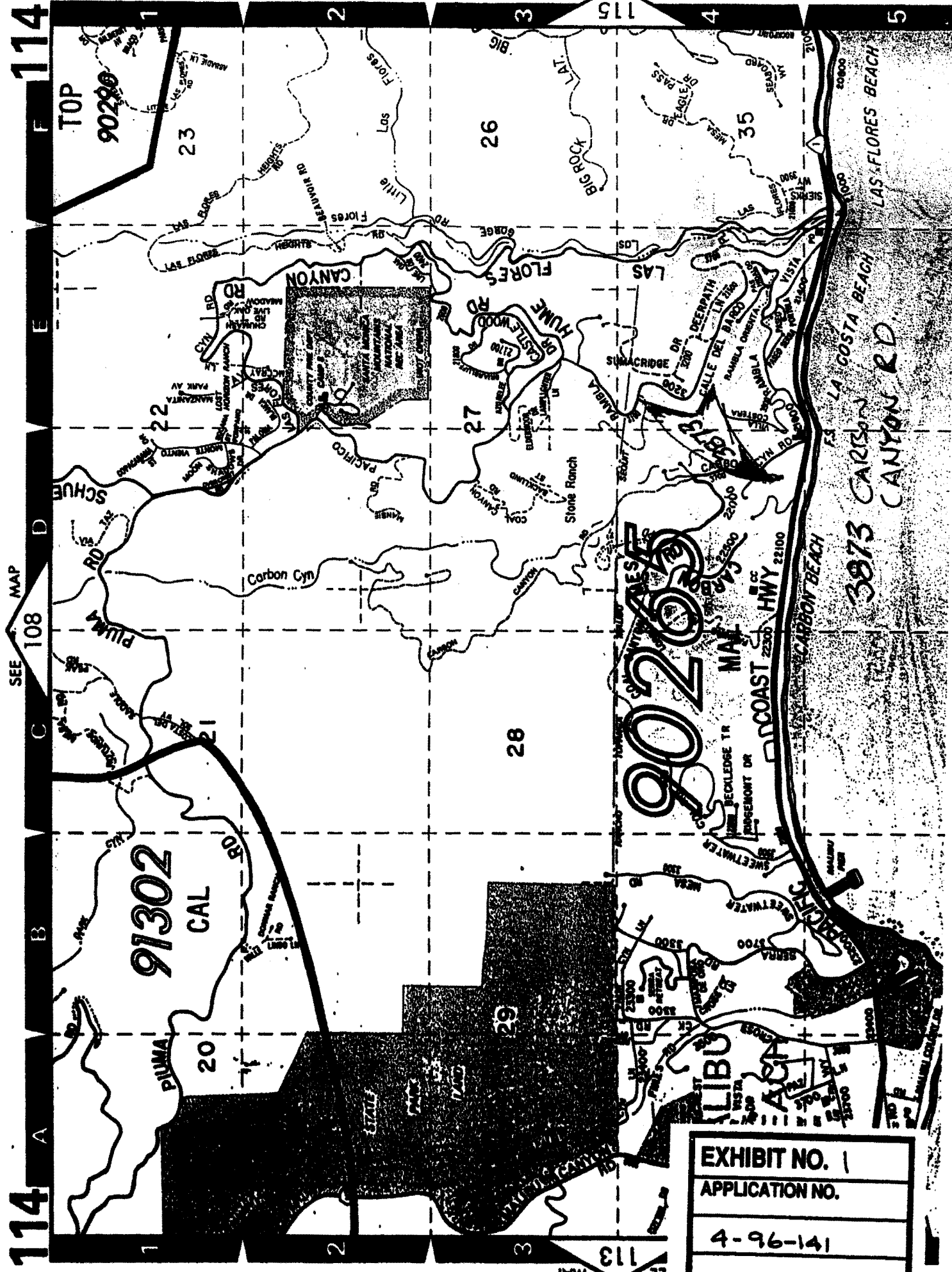


EXHIBIT NO. 1
APPLICATION NO.
4-96-141

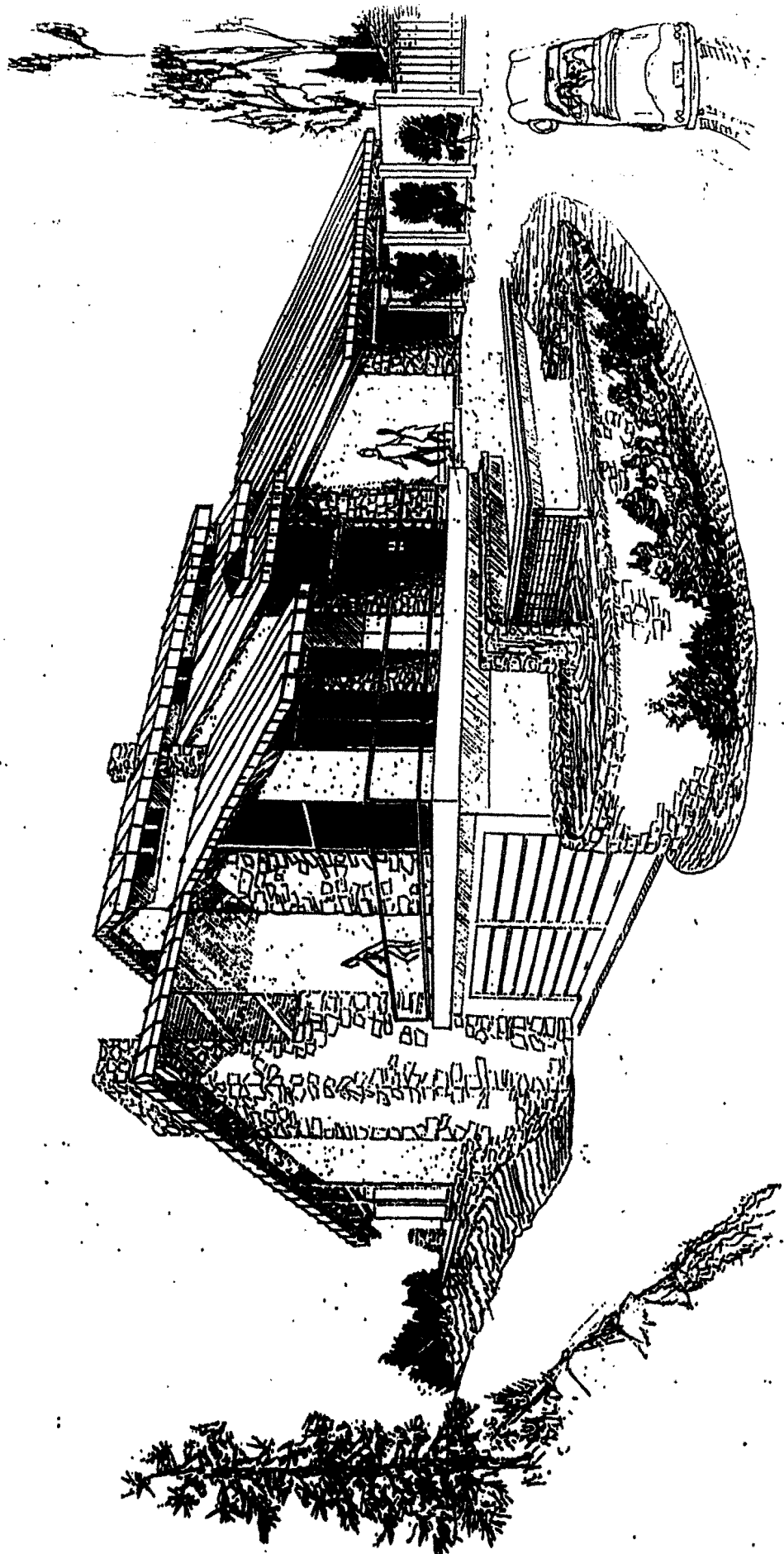


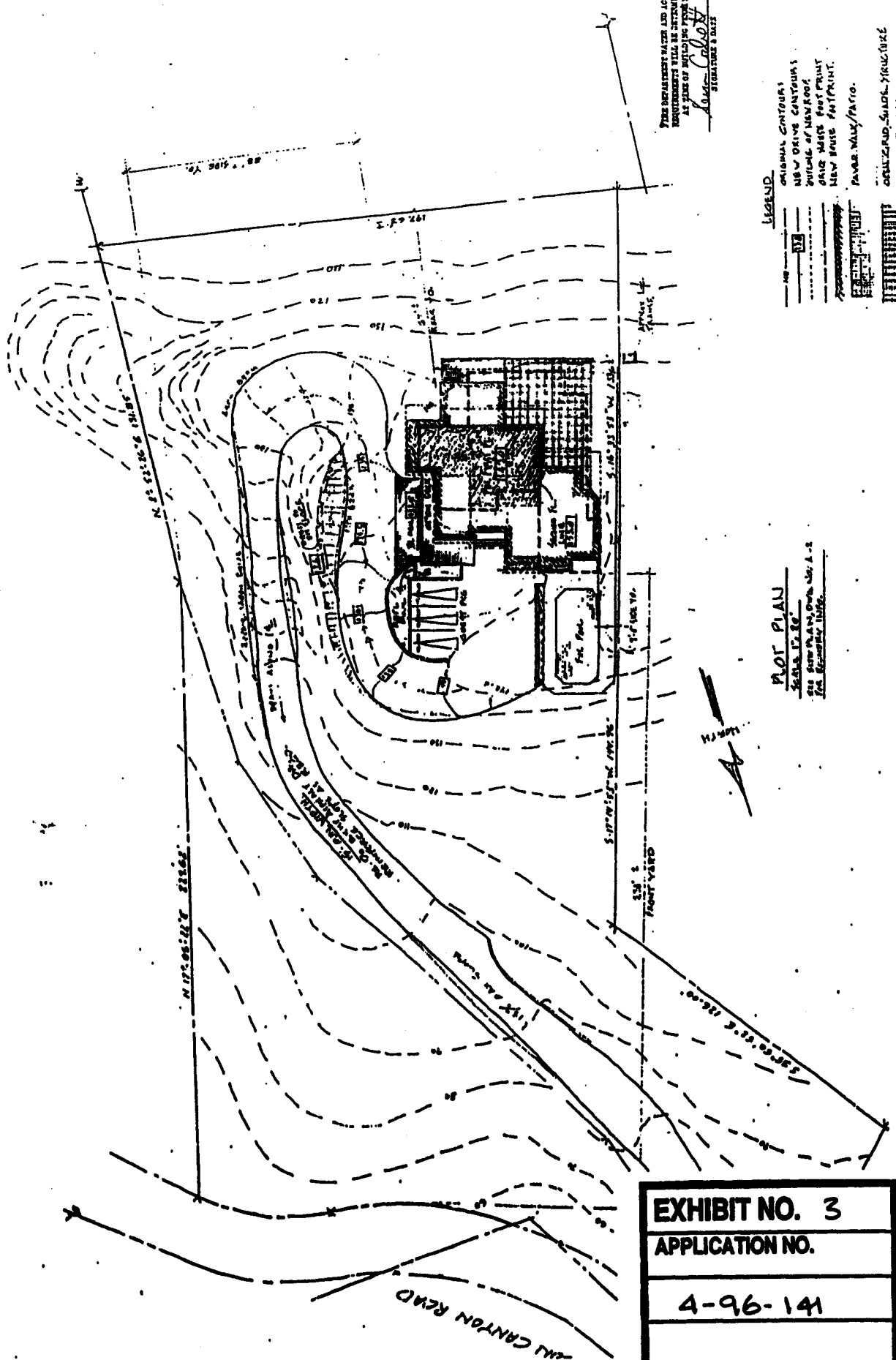
EXHIBIT NO. 2

APPLICATION NO.

4-96-141

NEW 93 BURNOUT

PACIFIC COAST HWY

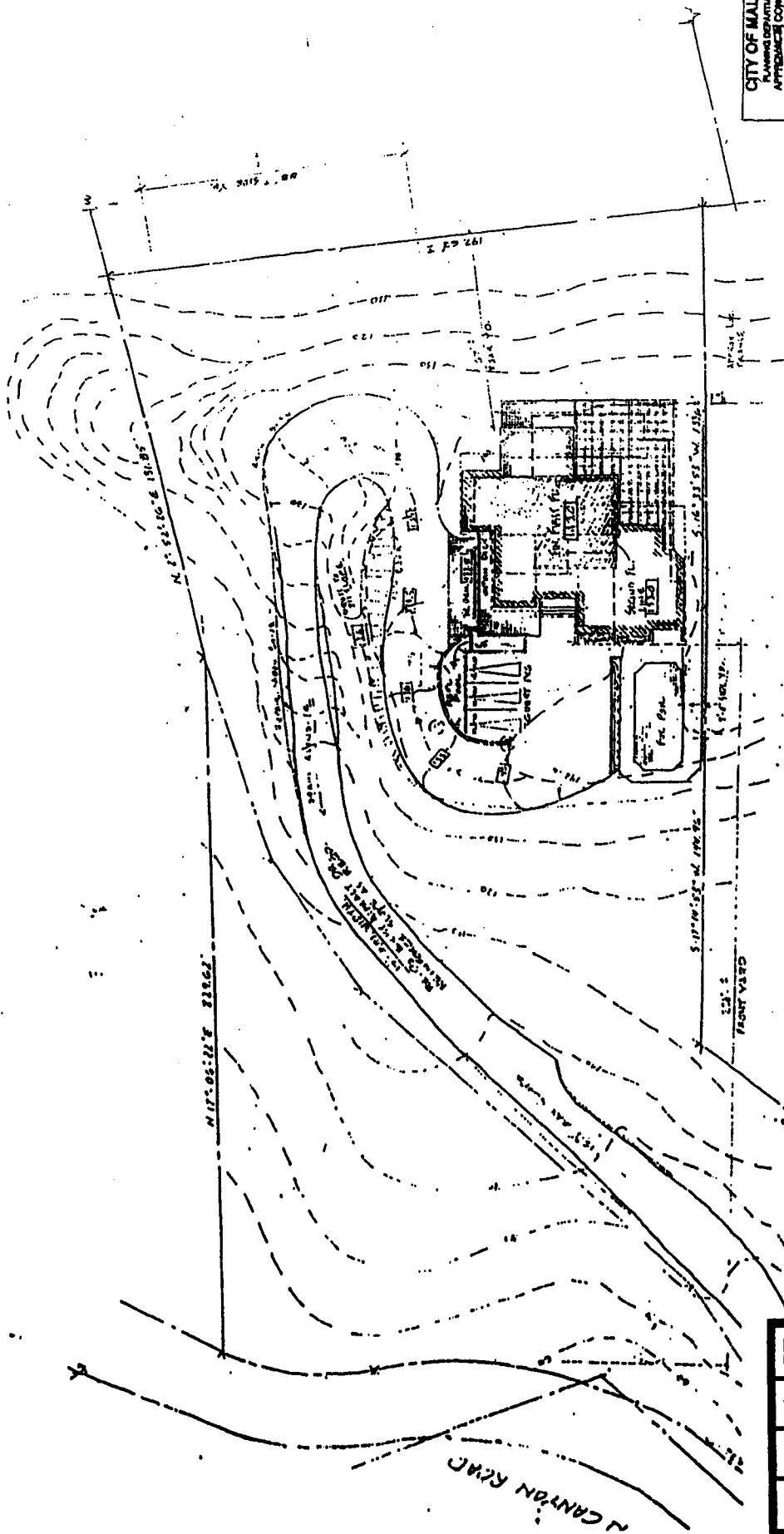


LEGEND
 ORIGINAL CONTOURS
 NEW DRIVE CONTOURS
 BUILDING FOOTPRINT
 DRIVE WHEEL FOOTPRINT
 NEW DRIVE FOOTPRINT
 FAVORABLE PAVEMENT

PLOT PLAN
 Scale 1" = 20'
 SEE SUBMITTAL DRAWING A-2
 FOR EXISTING UTILITIES

EXHIBIT NO. 3
APPLICATION NO.
4-96-141

PACIFIC COAST HWY



CITY OF MALIBU
 PLANNING DEPARTMENT
 10000 WILSON AVENUE
 MALIBU, CA 90263
 PHONE: (310) 311-1111
 FAX: (310) 311-1112
 WWW.CITYOFMALIBU.CA



LEGEND
 ORIGINAL CONTOUR
 NEW DRIVE CONTOUR
 OUTLINE OF NEW ROAD
 DRIVE MASS FOOTPRINT
 NEW DRIVE FOOTPRINT
 DRIVE MASS/FATIO

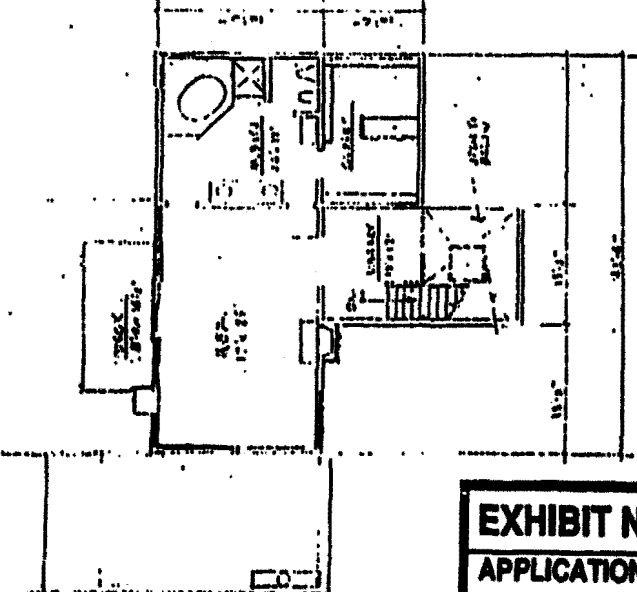
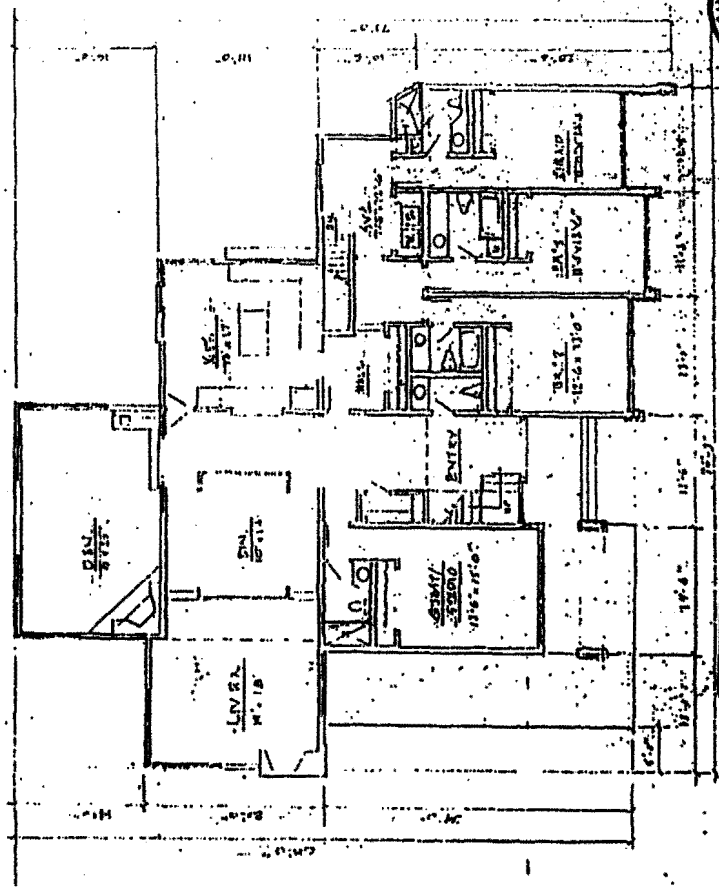
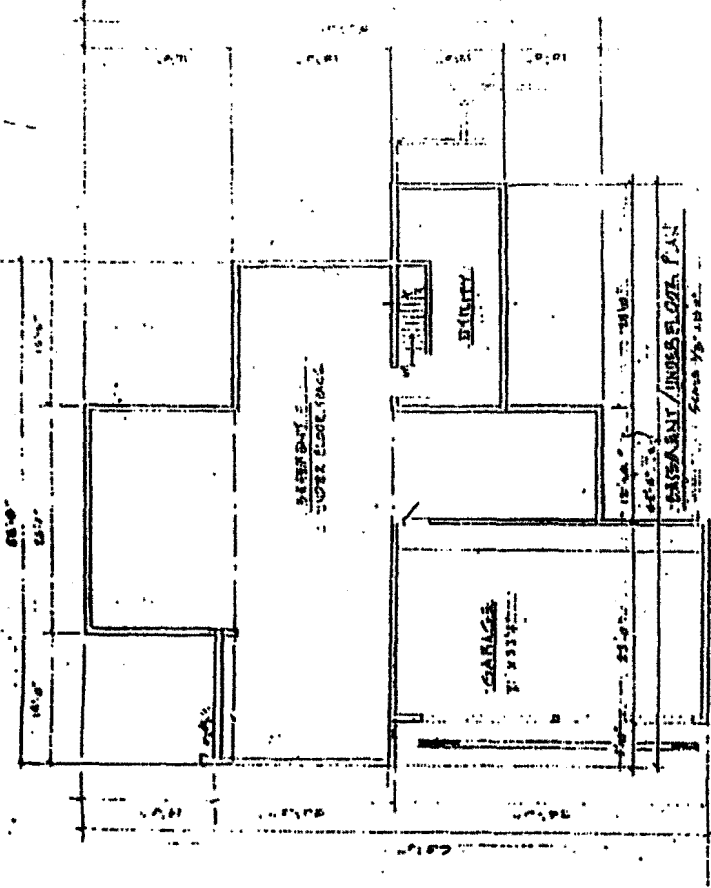
PLAT PLAN
 SCALE 1" = 20'
 SEE SITE PLAN, DWA NO. 1-2
 FOR EXISTING IMPROVEMENTS

EXHIBIT NO. 4
 APPLICATION NO.

4-96-141

CERTIFIED TRUE AND CORRECT
 MAY 23 1996

RECEIVED



CITY OF MALIBU
PLANNING DEPARTMENT
APPROVED FOR THE CITY
DATE: 10/11/01
BY: [Signature]

CITY OF MALIBU
PLANNING DEPARTMENT
APPROVED FOR THE CITY
DATE: 10/11/01
BY: [Signature]

SECOND FLOOR PLAN

EXHIBIT NO. 5
APPLICATION NO.
4-96-141

CITY OF MAI
PLANNING DEPARTMENT
APPROVED FOR
SPECIAL
PLANNING COMMISSION
DATE 5-3-
PLANNING COMMISSION
PLANNING DEPARTMENT
AND PLANNED TO
CONSIDERED FOR
PLANNING DEPARTMENT

