

CALIFORNIA COASTAL COMMISSION

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

Filed: October 18, 1996
49th Day: December 6, 1996
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Staff: Betz-V
Staff Report: November 21, 1996
Hearing Date: December 10-13, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-174

APPLICANT: Mr. & Mrs. Anthony Shafer AGENT: Tom Torres

PROJECT LOCATION: 21381 Rambla Vista, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construct 4 story, 38 ft. high (centerline of the frontage road) and 34 ft. high (average natural grade), 4895 sq. ft. single family residence with septic system on undeveloped parcel. 700 cu. yds. of grading. The proposed development is not reconstruction of a fire destroyed structure.

Lot Area	4,050 sq. ft.
Building Coverage	1,700 sq. ft.
Pavement Coverage	870 sq. ft.
Landscape Coverage	200 sq. ft.
Parking Spaces	4 covered
Plan Designation	Residential III B, 4 to 6 du/ac
Project Density	.093 du/ac
Ht abv nat grade	34 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department dated 9/20/96; Coastline Geotechnical Consultants, Inc., Reply to Geotechnical Engineering Review Sheet, August 30, 1996; Mountain Geology, Inc., Update Engineering Geologic Report and Plan Review, April 25, 1996 and Engineering Geologic Memorandum, August 8, 1996.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit 4-94-138 (MacPherson).

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with three (3) Special Conditions addressing plans conforming to the consulting geologist's recommendations, landscape and erosion control/drainage plans, and wild fire waiver of liability.

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in the Coastline Geotechnical Consultants, Inc., Reply to

Geotechnical Engineering Review Sheet, August 30, 1996; Mountain Geology, Inc., Update Engineering Geologic Report and Plan Review, April 25, 1996 and Engineering Geologic Memorandum, August 8, 1996 including issues related to foundations, grading, and drainage shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

2. LANDSCAPE AND EROSION CONTROL PLANS

Prior to issuance of permit, the applicant shall submit a landscape plan and an erosion control plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- a) All graded and 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, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species 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 graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the approved landscape plan within thirty (30) days of final occupancy of the residence. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.

3. 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, operations, 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.

A. Project Location and Description

The project site is located within a partially developed subdivision inland and overlooking the Pacific Ocean and Pacific Coast Highway. (see Exhibit I) The subdivision is characterized by very steep, small lots which have

required substantial engineered features, such as deep piling systems, especially for the lots downslope from Rambla Vista. This has enabled construction of the large residences with views from each story typical of the area. The subject lot, being upslope of Rambla Vista has required excavation of 700 cubic yards.

A number of these lots were developed under the previous County Calvo exemption and a number of other lots were developed as replacement structures after the 1993 fire storm, including enlargement of the structure as in coastal development permit 4-94-138 (MacPherson) in addition to replacement in kind of residential structures. A number of these developments on uphill lots including those near the proposed development are large three or four story structures set into the hillside.

The applicants propose to construct a 4 story, 38 ft. high (centerline of the frontage road), 34 ft. high (average natural grade), 4895 sq. ft. single family residence with septic system on undeveloped parcel with 700 cu. yds. of grading on a 4,050 sq. ft. parcel.

The certified Los Angeles County Land Use Plan designates the lot as Residential IIIB 4 to 6 dwelling units per acre, while land to the east along the uphill side of Rambla Vista, just across an adjacent narrow easement running up and down the hill, is designated Residential IVA 6 to 8 dwelling units per acre, and the area across the street, i.e. on the downhill side, is designated Residential IIIA 2 to 4 dwelling units per acre. Development of existing non-conforming lots is allowed even though the development would not conform to the minimum parcel size.

B. Geologic and Fire Hazards

Section 30253 of the Coastal Act states, in part, that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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 Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic and flood hazards, the applicant submitted three documents -- Coastline Geotechnical Consultants, Inc., Reply to Geotechnical Engineering Review Sheet, August 30, 1996; Mountain Geology, Inc., Update Engineering Geologic Report and Plan Review, April 25, 1996 and Engineering Geologic

Memorandum, August 8, 1996. The Mountain Geology, Inc., Update Engineering Geologic Report and Plan Review, April 25, 1996 states that the property was suitable for the proposed development and that the conclusions and recommendations of the report should be followed. The report specifically noted that:

... construction of the proposed residence is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction. ...

Further, the report noted:

... Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

Based on the findings and recommendations of the consulting engineering geologist and geotechnical engineer, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineering geologist and geotechnical engineer as conforming to their recommendations, as noted in condition number one (1) for the final project design, grading and drainage plans for the proposed residence.

The recommendations of the consulting geologists also emphasize the importance of proper drainage and erosion control measures to ensure the stability of development on the site. To ensure all disturbed slopes and soils are stabilized with landscaping after construction, a landscape plan that includes native drought resistant, and fire retardant plants compatible with the surrounding vegetation is necessary through special condition number two (2).

Additionally, 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 will only approve the project if the applicant assumes 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, as incorporated by condition number three (3).

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist, require landscape and erosion control plans, provide for the wild fire waiver of liability and Fire Department approval of the access driveway will the proposed project be 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 subordinate to the character of its setting.

The project site, as noted, is located within a developed subdivision inland and overlooking the Pacific Ocean and Pacific Coast Highway with very steep, small lots with newer development consisting of large residences with views from each story typical of the area.

While development of a large residence of four stories (34 feet from natural grade) on a small lot is intense, such development is similar to that found in the area. The proposed project is visually compatible with, and will blend in with, surrounding residential development, and will not adversely impact views from Pacific Coast Highway, coastal view points, or views along the coast or toward the mountains. Therefore, the Commission finds that the development as proposed is consistent with Section 30251 of the Coastal Act.

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. 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, and minimizing alteration of natural streams.

Section 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes constructing a septic system for the new residence to provide for adequate sewage disposal. The applicant's geology reports indicate that the percolation rate is adequate to absorb effluent for the project. This includes the Coastline Geotechnical Consultants, Inc., Reply to Geotechnical Engineering Review Sheet, August 30, 1996 which responds to concerns of the City and indicates that sewage effluent will not discharge downslope and that the factors of safety are in excess of the normally accepted standards for steep slopes.

The Commission has found in past permit actions that compliance with the City's health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with 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. 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 for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate plans conforming to the consulting geologist's recommendations, landscape and erosion control, and a wild fire waiver of liability. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

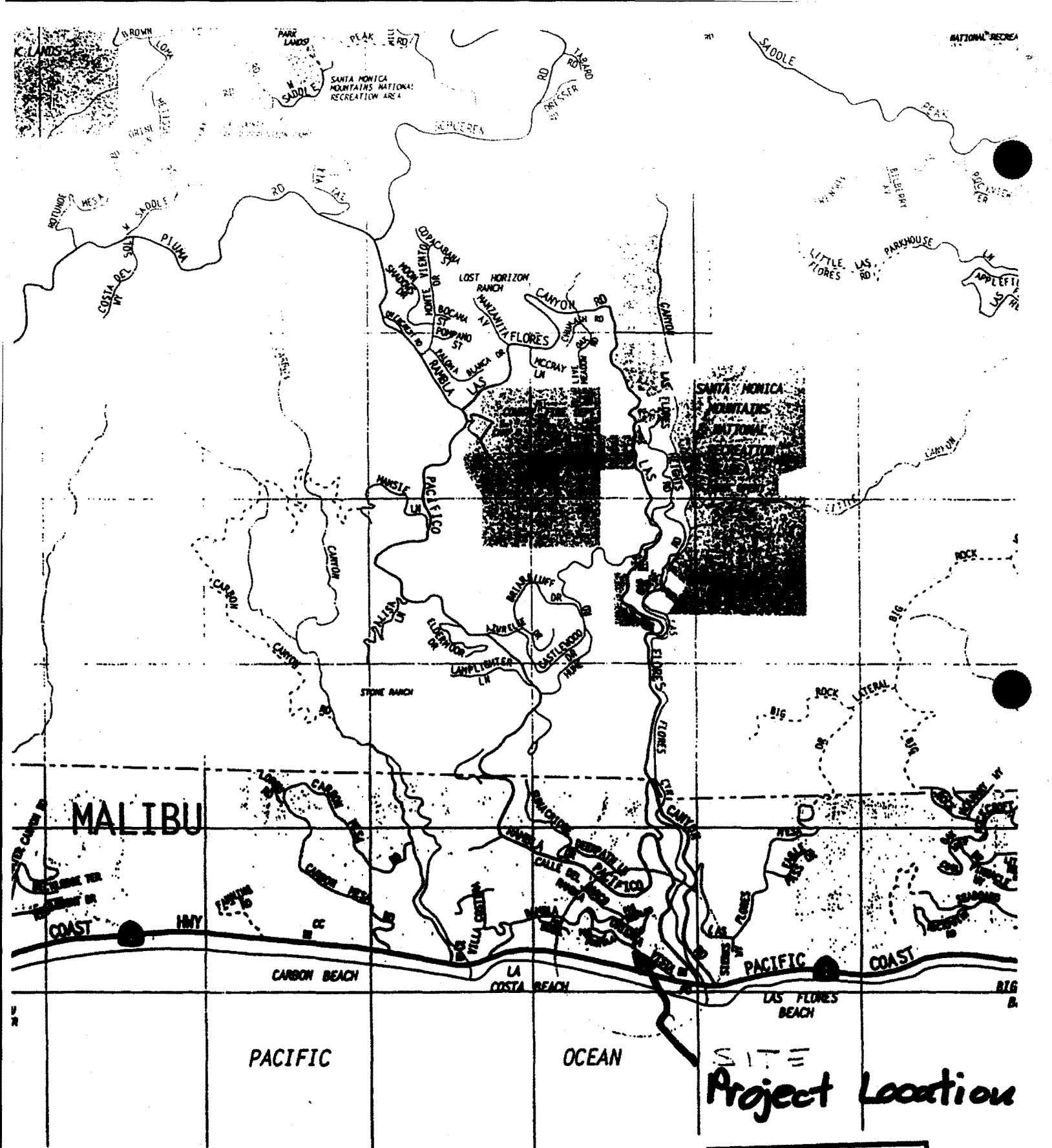
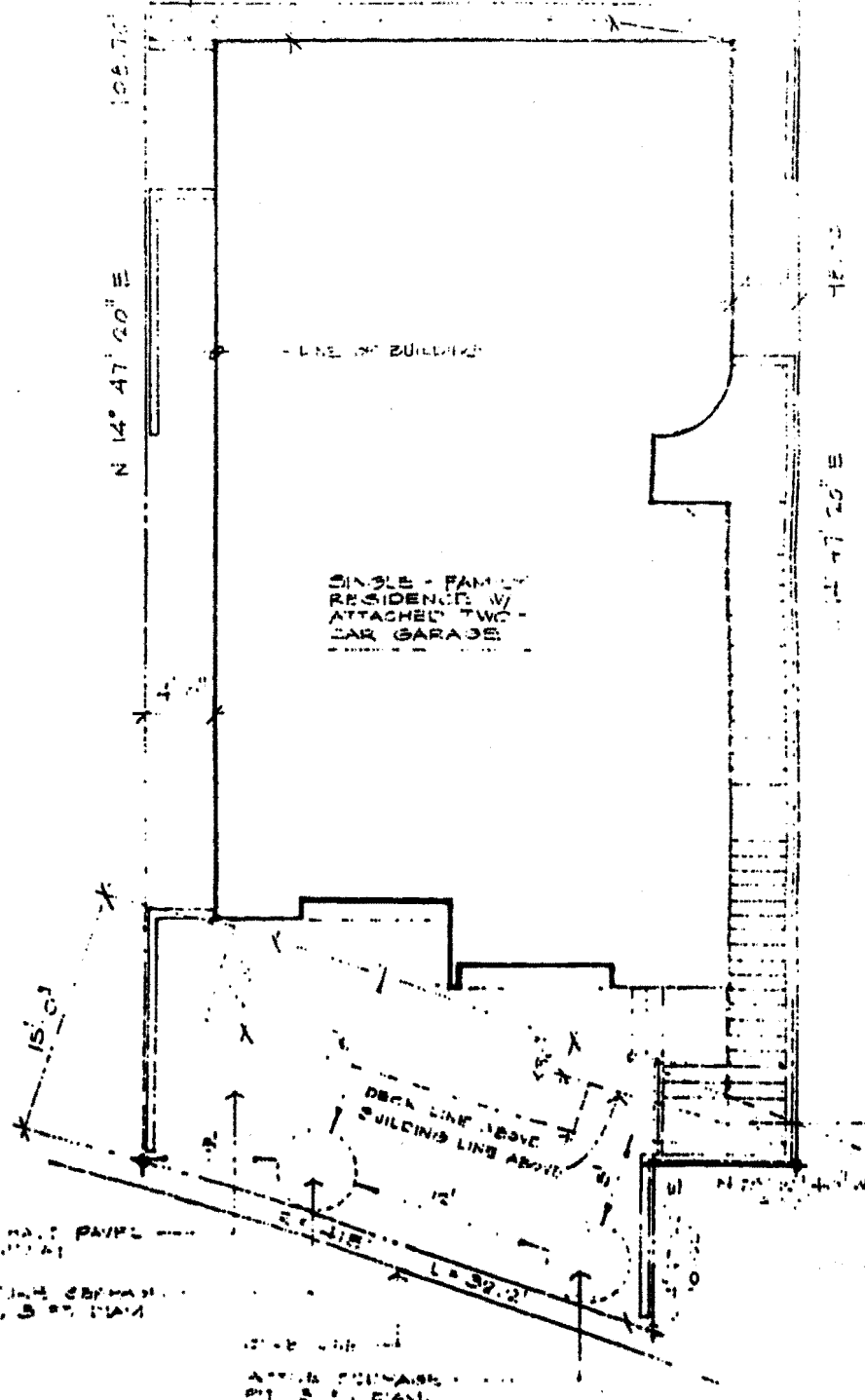
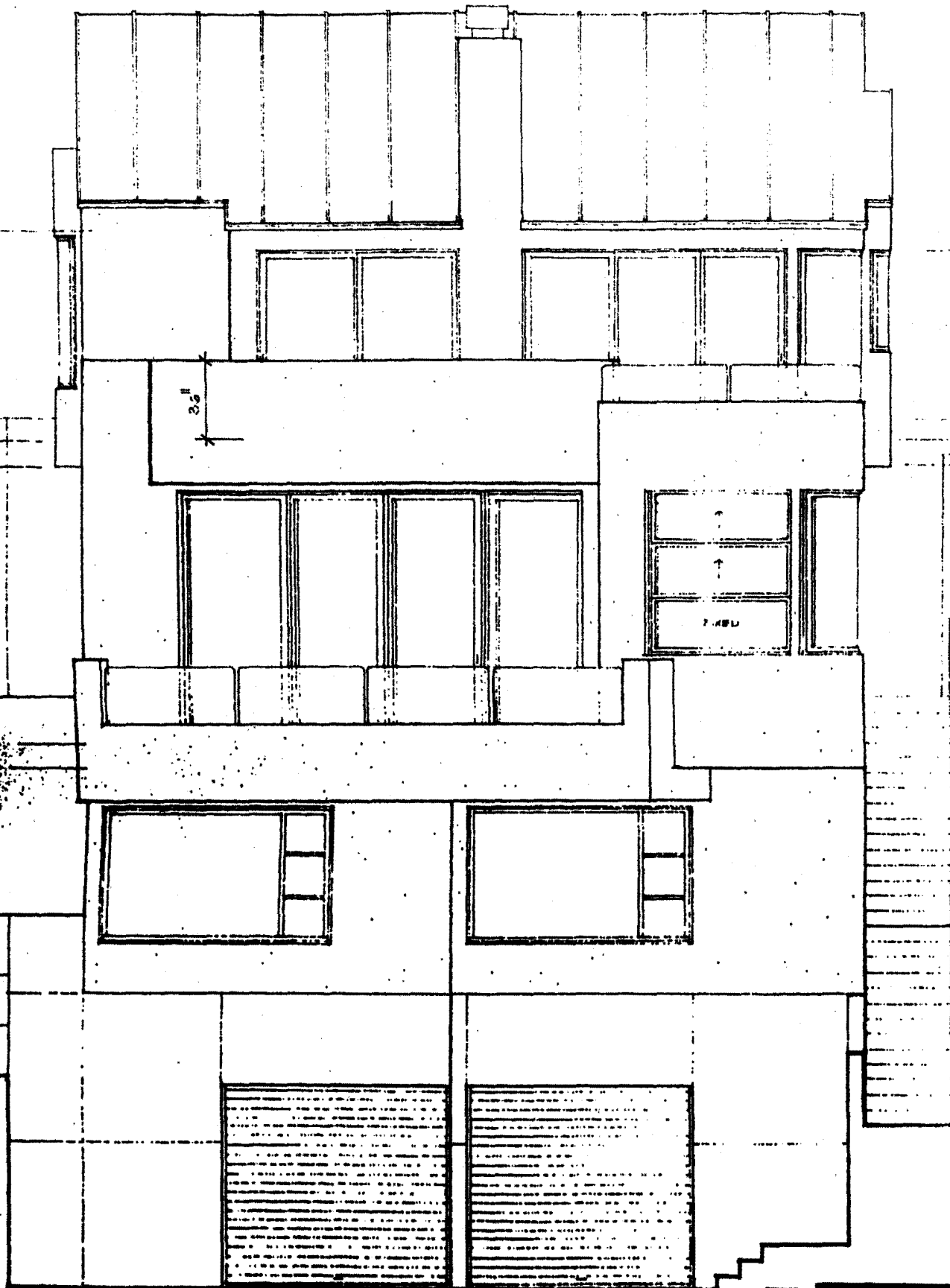


EXHIBIT NO. I
APPLICATION NO.
4-96-174
Shaffer
Project Location

Site Plan

*THIS APPROVAL IS VALID FOR 1 YR FROM THE DATE STAMPED





TOT. OF DBL. PLA
ELEV. = 149.54

TOT. OF DBL. SH1
ELEV. = 138.04

TOT. OF DBL. PLA
ELEV. = 137.02

TOT. OF DBL. SH1
ELEV. = 128.02

TOT. OF DBL. PLA
ELEV. = 127.01

TOT. OF DBL. PLA
ELEV. = 118.01

TOT. OF DBL. PLA
ELEV. = 109.01

TOT. OF DBL. PLA
ELEV. = 104.01

EXHIBIT NO. **III**
APPLICATION NO.
K-96-174
Shaper
Elevation

SOUTH ELEVATION