

CALIFORNIA COASTAL COMMISSION

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

Filed: 1/10/96
49th Day: 2/28/96
180th Day: 7/8/96
Staff: IAD-VN1 CAD
Staff Report: 1/19/96
Hearing Date: February 6-9, 1996
Commission Action:

STAFF REPORT: CONSENT CALENDAR

W 20h

APPLICATION NO.: 4-95-251

APPLICANT: Lucy Brown AGENT: Daniell Varnum

PROJECT LOCATION: 12544 Deerpath Lane, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 3,880 sq. ft., 18'-0", 1 story single family residence, with detached 750 sq. ft. 3 car garage, to replace a SFR destroyed by fire. This project involves the grading of approximately 980 cubic yards of grading.

lot area:	78,560 sq. ft.
Building coverage:	4,630 sq. ft.
Pavement coverage:	3,000 sq. ft.
Landscape coverage:	4,000 sq. ft.
Parking spaces:	3
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, Geotechnical Engineering & Geologic Investigation, dated July 21, 1994, prepared by Advanced Geotechnical Services, Inc., & Footing and Slab-On-Grade Recommendations, dated September 20, 1995, prepared by MTC Engineering, Inc.

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 areas disturbed by development activities 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. 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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geotechnical Engineering & Geologic Investigation, dated July 21, 1994, prepared by Advanced Geotechnical Services, Inc., & Footing and Slab-On-Grade Recommendations, dated September 20, 1995, prepared by MTC Engineering, 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.

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, 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 3,880 sq. ft., 18'-0", 1 story, single family residence (SFR), with a 750 sq. ft. 3 car garage, to replace a 1,887 sq. ft. SFR destroyed by the 1993 Old Topanga Firestorm. This project involves the grading of approximately 980 cubic yards. 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 106%, and therefore a Coastal Permit is required.

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 Geotechnical Engineering & Geologic Investigation, dated July 21, 1994, prepared by Advanced Geotechnical Services, Inc., & Footing and Slab-On-Grade Recommendations, dated September 20, 1995, prepared by MTC Engineering, Inc.

The July 21, 1994, report states:

Slope Stability Analyses

Circular slope stability analyses were performed to evaluate the static and seismic (pseudo-static) slope stability conditions of the site. Three cross sections which, we believe, are the representative and most critical cross sections were analyzed. The results of slope stability analyses are presented in Appendix E. The analyses indicated factors of safety (2.24, 1.72 and 1.89) greater than minimum Code requirement.

Conclusions and Statement 309

Based on the findings of our data research, subsurface exploration, laboratory testing, geologic evaluation and engineering analysis, the proposed development is feasible from a geologic and geotechnical engineering viewpoint provided recommendations of this report are properly incorporated into design and implemented during construction. Conventional spread footings founded into bedrock or certified fill can be used to support the proposed building. The site, as all of the Southern California areas, lies within a seismically active area. Earthquake resistant structural design is recommended. It is our opinion that the proposed development will be free from geologic hazards such as landslide, settlement and slippage and will not adversely affect the geologic stability of adjacent properties.

Based on the recommendations of the consulting geologists the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations are incorporated into the 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 as conforming to their recommendations.

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. 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 the construction of 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 the proposed private 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:

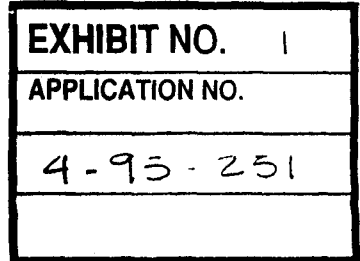
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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).

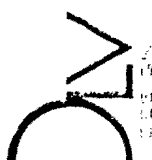
F. CEQA

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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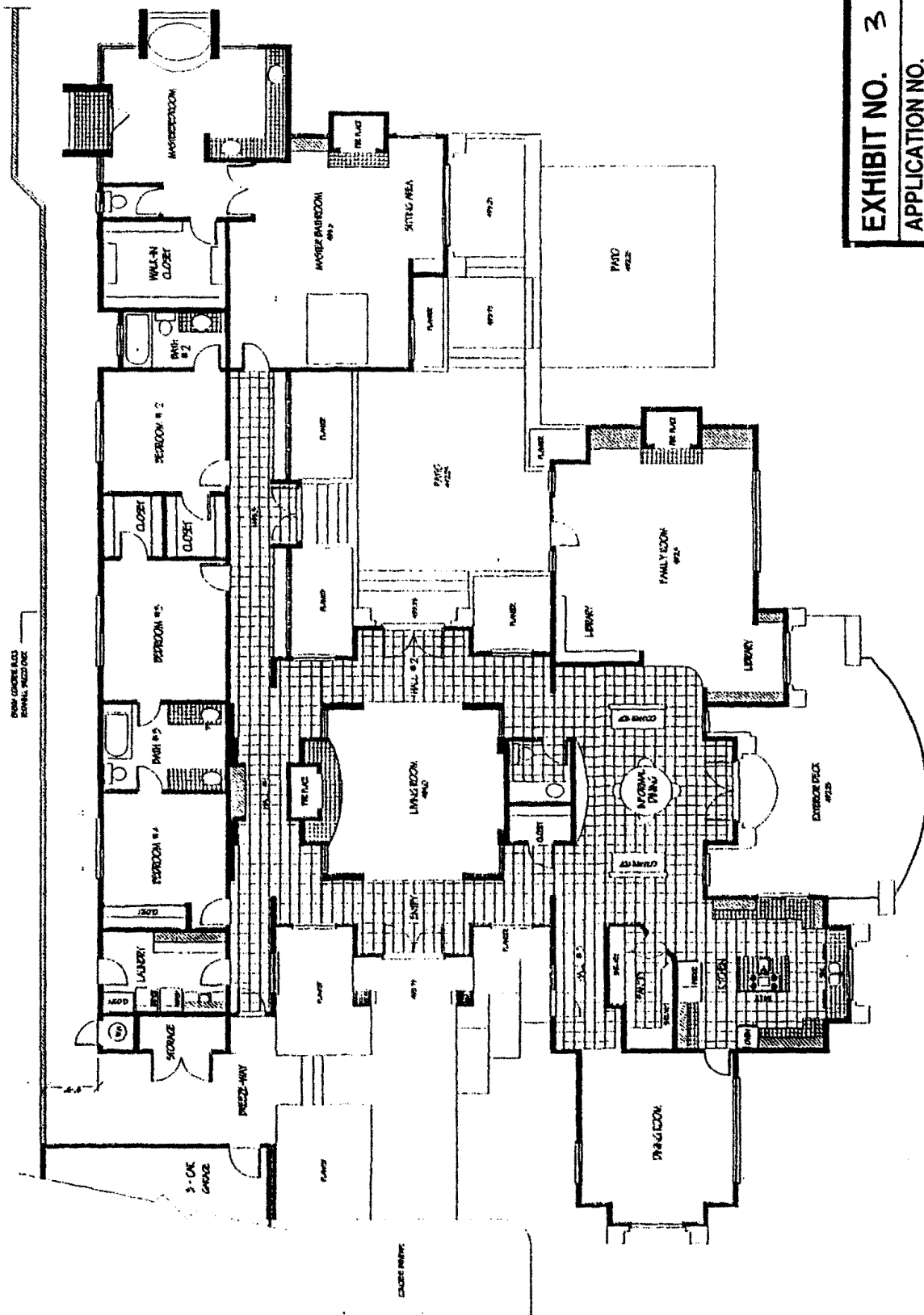


4-93-251



AV
ARCHITECTS
1000 S. GARDEN
LOS ANGELES, CALIFORNIA 90007
TEL: 461-1111
FAX: 461-1112

PROPOSED SPANISH FLAT FOR
MRS. L. R. BROWN
JAN. 1993
1000 S. GARDEN, LOS ANGELES, CALIFORNIA 90007



FLOOR PLAN

DATE: 10/1/93

10/1/93

EXHIBIT NO. 3

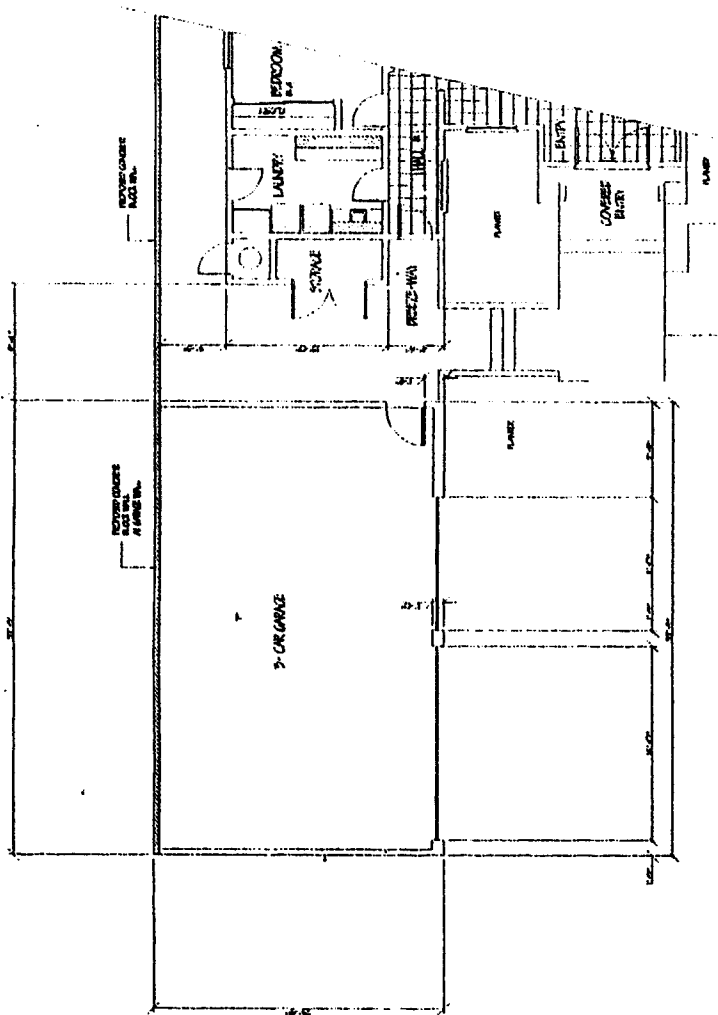
APPLICATION NO.

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EXHIBIT NO. 4

APPLICATION NO.

4-95-251



GARAGE FLOOR PLAN

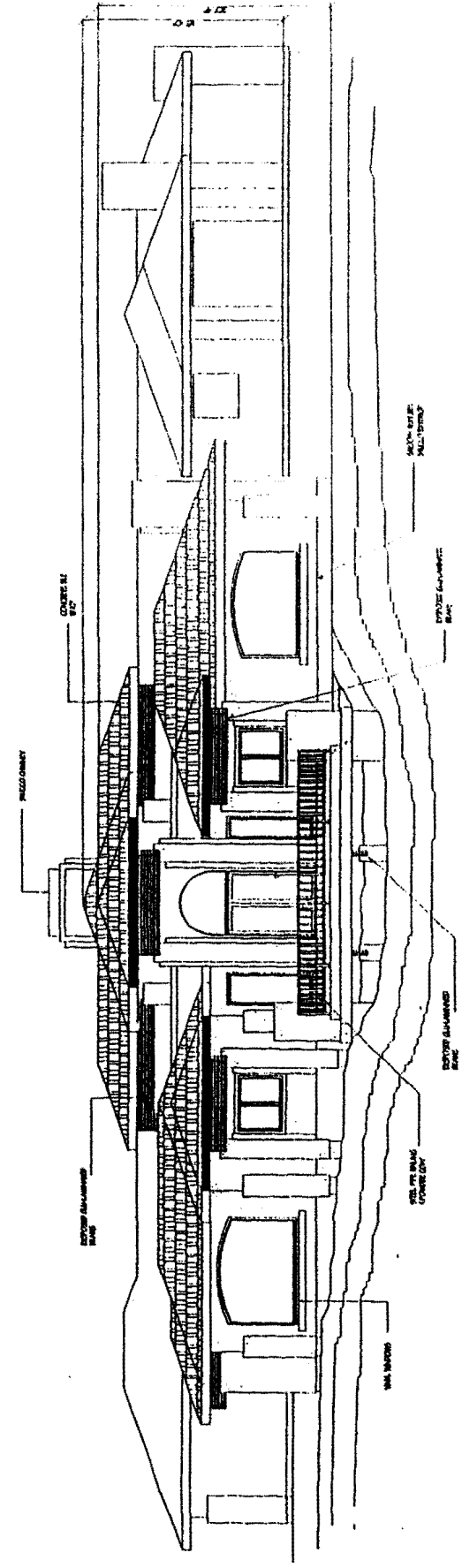
**VIEW
FROM OUR QUARTERS**

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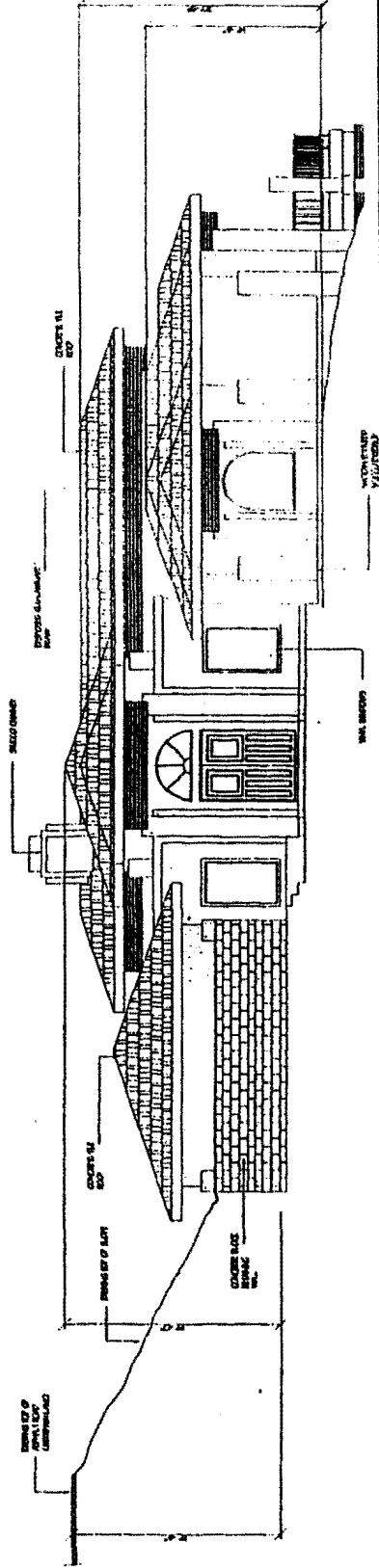
AVC
ARCHITECTURAL VISION CONSULTING
301 N. 10TH AVE.
CHICAGO, ILLINOIS 60610
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PROPOSED GRABER PLANT FORM
JOB ADDRESS
1050 E. THIRD STREET
OAKLAND, CALIFORNIA 94612

PRINT DATE
REVISIONS
PLAN CHECK
SHEET #
13

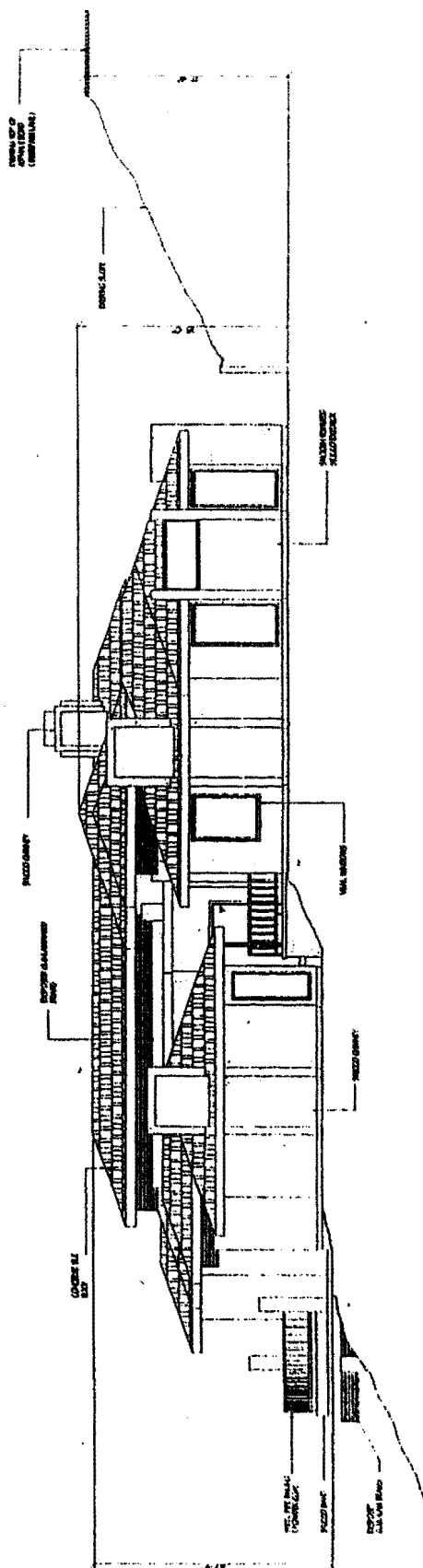


SOUTH ELEVATION

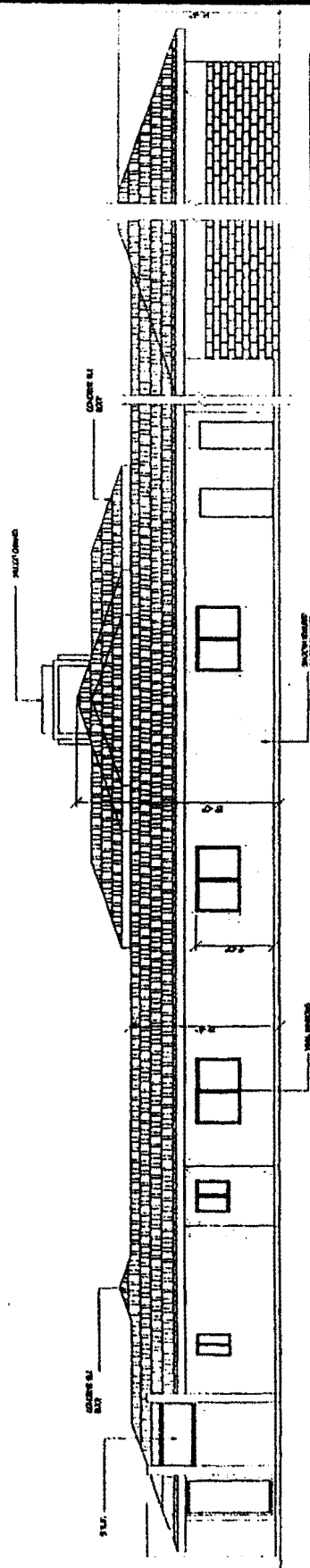


WEST ELEVATION

EXHIBIT NO. 3
APPLICATION NO.
4-95-251



WEST ELEVATION



NO: 24A271 1547

EXHIBIT NO.	APPLICATION NO.
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