

## CALIFORNIA COASTAL COMMISSION

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

Filed: 4/24/96  
49th Day: 6/12/96  
180th Day: 10/21/96  
Staff: TAD-VNT TAD  
Staff Report: 5/16/96  
Hearing Date: June 11-14, 1996  
Commission Action:



## RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-066

APPLICANT: Jack & Josephine Foley AGENT: Michael King

PROJECT LOCATION: 3615 Rambla Pacifico, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 4,510 sq. ft., 28'-0", 2 story single family residence (SFR) to replace a 2,300 sq. ft. SFR destroyed by the 1993 Old Topanga Firestorm.

Lot area:	20,170 sq. ft.
Building coverage:	2,950 sq. ft.
Pavement coverage:	2,500 sq. ft.
Landscape coverage:	0 sq. ft.
Parking spaces:	3
Ht abv fin grade:	28'-0"

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

SUBSTANTIVE FILE DOCUMENTS: Percolation Test, dated September 14, 1995, prepared by David L. Riggle, Consulting Sanitarian, Reconnaissance Geology Report, dated April 17, 1995, prepared by E.D. Michael, Consulting Geologist, and Geotechnical Evaluation, dated November 15, 1995, prepared by Evans, Colbaugh & Associates, Inc.

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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, geologic assumption of risk, 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 100 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. 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 Reconnaissance Geology Report, dated April 17, 1995, prepared by E.D. Michael, Consulting Geologist, and Geotechnical Evaluation, dated November 15, 1995, prepared by Evans, Colbaugh & Associates, 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 4,510 sq. ft., 28'-0", 2 story, single family residence (SFR), to replace a 2,300 sq. ft. SFR destroyed by the 1993 Old Topanga Firestorm. 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 96%, and therefore a Coastal Permit is required. The project site is located in Las Flores Canyon in the City of Malibu, and is located directly to the north, less than 100 feet, of the Rambla Pacifico Landslide, which is a major active landslide. The project site is located in a fairly built-out section of Las Flores Canyon 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 Reconnaissance Geology Report, dated April 17, 1995, prepared by E.D. Michael, Consulting Geologist, and Geotechnical Evaluation, dated November 15, 1995, prepared by Evans, Colbaugh & Associates, Inc.

The November 15, 1995, report states:

#### CONCLUSIONS

##### General

The available record for the property at 3615 Rambla Pacifico is one of relative stability. There is no known evidence that the site has been adversely affected by ground movement since the now-destroyed residence was constructed in the mid-1960's.

##### Relative Stability Under Static Loading

In our opinion, the pad which served as foundation for the former residence currently has an adequate factor of safety against distress due to slope failure. Our analyses indicates that the scarp of the Rambla Pacifico landslide (i.e., the descending slope immediately south of the former residence) has a factor of safety in excess of two with respect to failure along the contact between the older landslide debris (or colluvium) and the bedrock. Moreover, if one assumes, for the purposes of conservatism, that the interface is a pre-sheared place of weakness, the relative factor of safety against deep-seated arcuate failure within the colluvium is 1.9.

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 is therefore entitled to develop a  $\pm$  2,530 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 2,210 sq. ft. poses hazards beyond that of the  $\pm$  2,530 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 96%, 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. 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.

The proposed development site is located less than 100 feet from the Rambla Pacifico landslide; a major, and currently active, landslide which moved at a rate of 60 feet per year, on average, during the 1994-1995 winter rain season. Due to this fact, the Commission can only approve the project if the applicant assumes the liability from the associated risks of developing this site. 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 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. 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 Reconnaissance Geology Report, dated April 17, 1995, prepared by E.D. Michael, Consulting Geologist, and Geotechnical Evaluation, dated November 15, 1995, prepared by Evans, Colbaugh & Associates, 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).

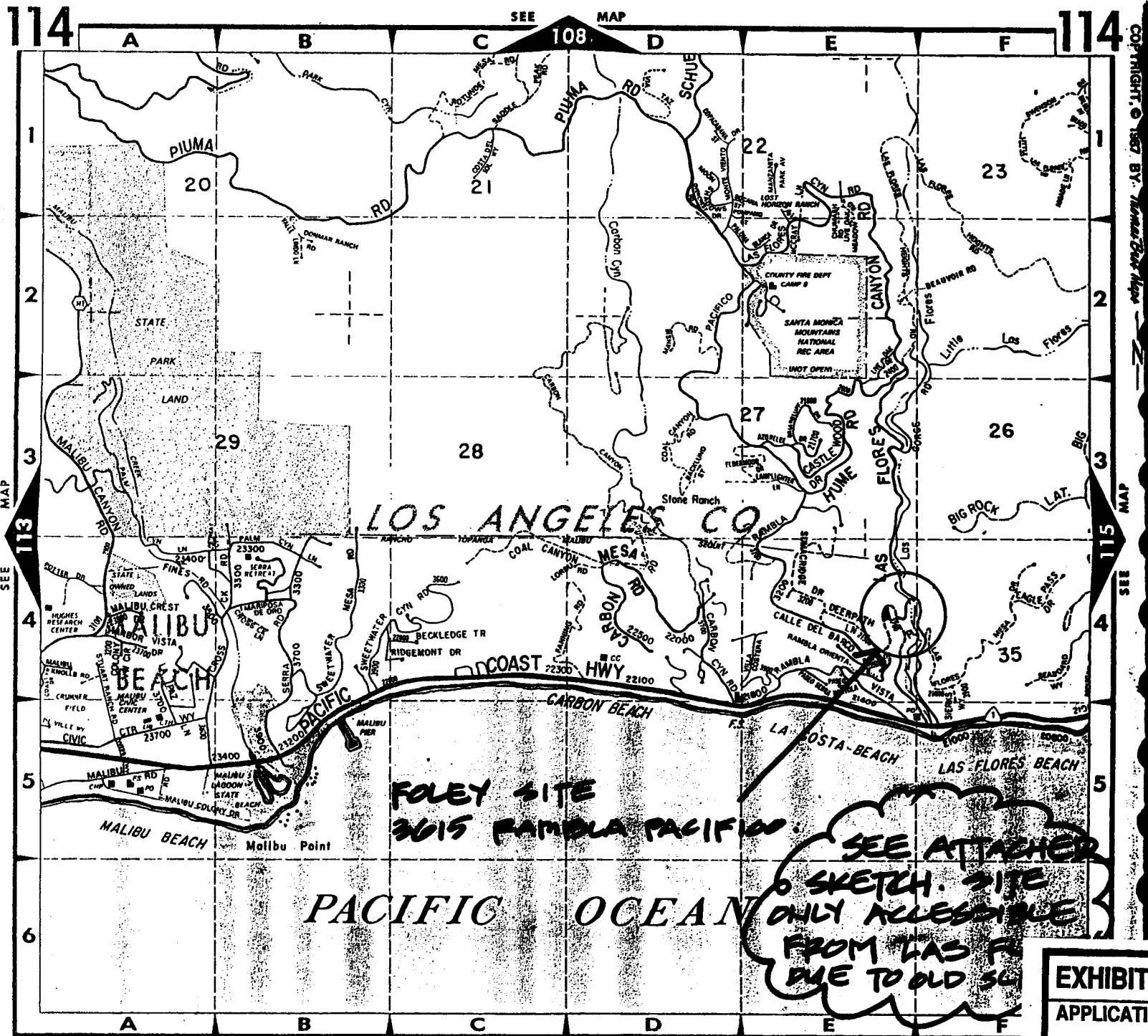
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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.

TAD-VNT  
2017M





COASTAL VICINITY MAP 1082

EXHIBIT NO. 1  
APPLICATION NO.

4-96-066



# Architectural Survey

APRIL 1, 1996

**ISSUED FOR:**

**CITY OF MALIBU CONCEPT APPROVAL  
&  
COASTAL COMMISSION SUBMITTAL**

Has input by 76 76 A.  
on 2000-2001  
judicial & 2001  
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judicial & 2000-2001

**EXHIBIT NO. 3**

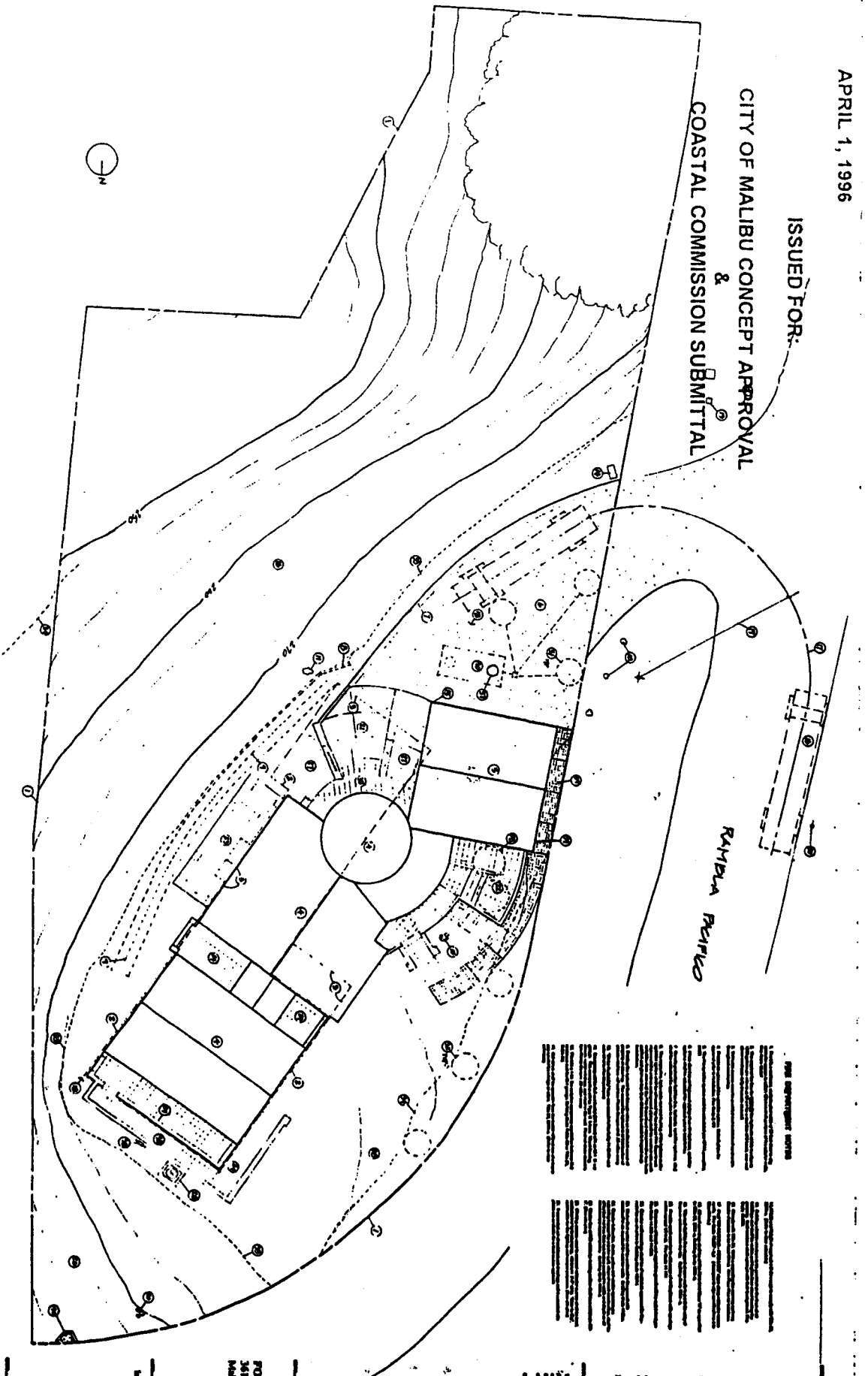
**APPLICATION NO.**

4-96-066



APRIL 1, 1996

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- SITE PLAN NOTES
1. General Notes: See General Notes to the Plans.
  2. Existing Conditions: See Existing Conditions to the Plans.
  3. Proposed Development: See Proposed Development to the Plans.
  4. Lot Coverage Calculation: See Lot Coverage Calculation to the Plans.
  5. Setback Requirements: See Setback Requirements to the Plans.
  6. Erosion Control: See Erosion Control to the Plans.
  7. Stormwater Management: See Stormwater Management to the Plans.
  8. Fire Safety: See Fire Safety to the Plans.
  9. Accessibility: See Accessibility to the Plans.
  10. Other Notes: See Other Notes to the Plans.

- PROPOSED DEVELOPMENT
- | Item | Description   | Quantity |
|------|---------------|----------|
| 1    | Lot Area      | 1.00     |
| 2    | Pool Area     | 0.50     |
| 3    | Driveway Area | 0.25     |
| 4    | Parking Area  | 0.25     |
| 5    | Other Area    | 0.00     |

- LOT COVERAGE CALCULATION
- | Item | Description   | Quantity |
|------|---------------|----------|
| 1    | Lot Area      | 1.00     |
| 2    | Pool Area     | 0.50     |
| 3    | Driveway Area | 0.25     |
| 4    | Parking Area  | 0.25     |
| 5    | Other Area    | 0.00     |

- SETBACK REQUIREMENTS
- | Item | Description   | Quantity |
|------|---------------|----------|
| 1    | Front Setback | 10.00    |
| 2    | Side Setback  | 5.00     |
| 3    | Rear Setback  | 10.00    |
| 4    | Other Setback | 0.00     |

- OTHER SETBACK AREA CALCULATION
- | Item | Description   | Quantity |
|------|---------------|----------|
| 1    | Front Setback | 10.00    |
| 2    | Side Setback  | 5.00     |
| 3    | Rear Setback  | 10.00    |
| 4    | Other Setback | 0.00     |

- OTHER SETBACK AREA CALCULATION
- | Item | Description   | Quantity |
|------|---------------|----------|
| 1    | Front Setback | 10.00    |
| 2    | Side Setback  | 5.00     |
| 3    | Rear Setback  | 10.00    |
| 4    | Other Setback | 0.00     |

Scale: 1/8" = 1'-0"

DATE: 4/1/96

SITE PLAN

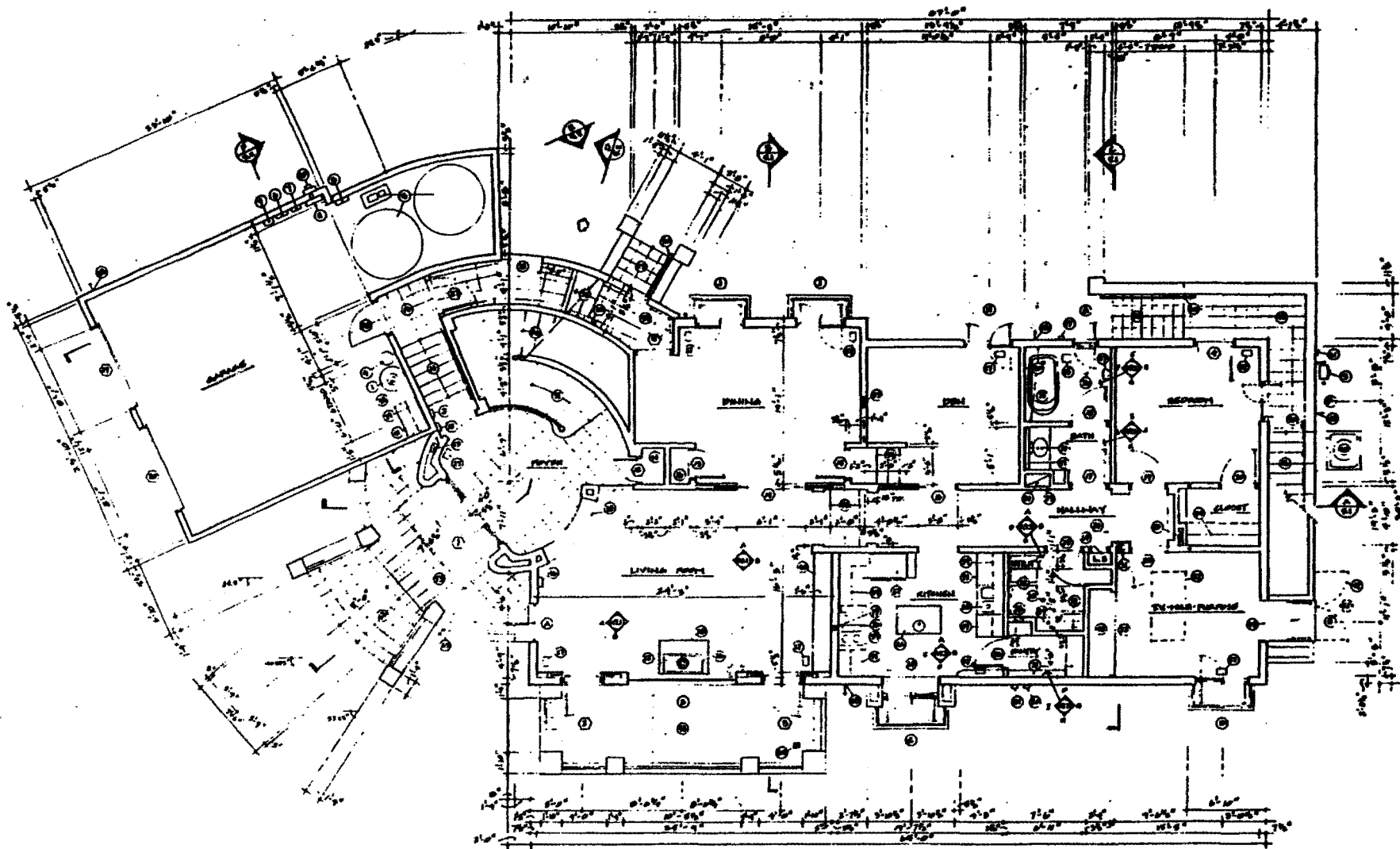
POLEY RESIDENCE  
3415 Rambla Pacifico  
Malibu, California 90265

Studio  
of  
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400 Ocean Ave., C-119  
Santa Monica, California 90402  
Tel: 310/310-1000

EXHIBIT NO. 5  
APPLICATION NO.

4-96-066



**Studio  
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Michael P. Poley Architect  
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**POLEY RESIDENCE**  
3615 Ramble Pacific  
Malibu, California 90265

Scale: Per

APRIL 1, 1996

DESIGNED BY  
STUDIO OF ARCHITECTURE, L.L.C.  
&  
MICHAEL POLEY ARCHITECTS

Scale

Drawing  
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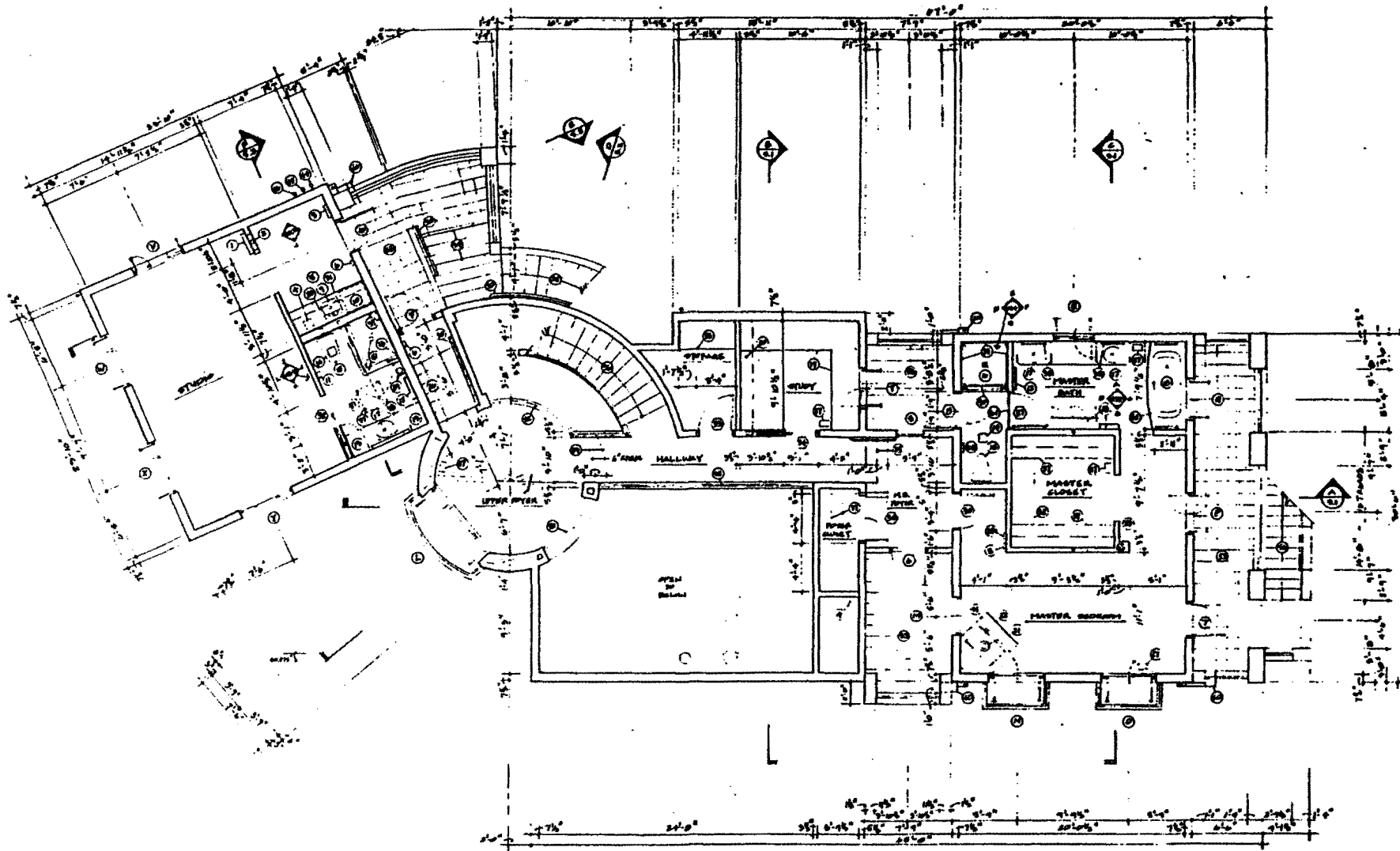
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**EXHIBIT NO. 6**  
**APPLICATION NO.**

4-96-066



# Studio of Architecture

Michael P. Poley Architect  
Steve L. Poley Architect

625 Channing Ave. C-115  
Van Nuys, California 91410  
818-709-6550 Fax 818-709-6548

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**POLEY RESIDENCE**  
3615 Rambla Pacifico  
Malibu, California 90265

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CITY OF MALIBU CONCEPT APPROVAL  
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<b>EXHIBIT NO. 7</b>
<b>APPLICATION NO.</b>
4-96-066

APRIL 1, 1996

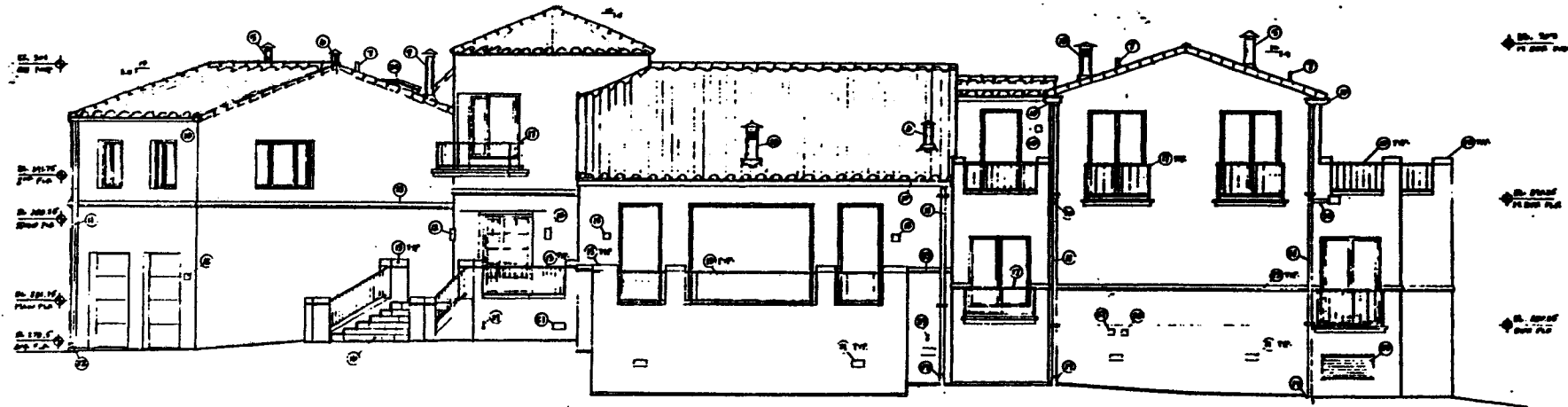
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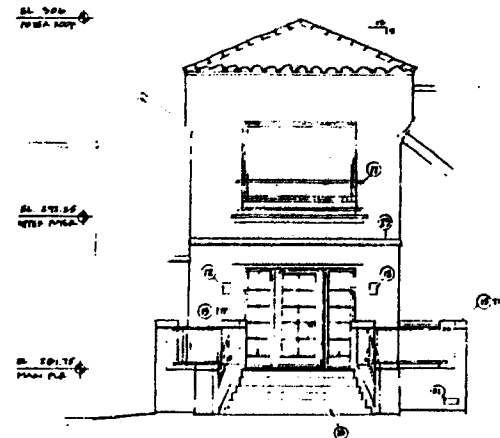
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1455 Ocean Ave. 0455  
Malibu, California 90265  
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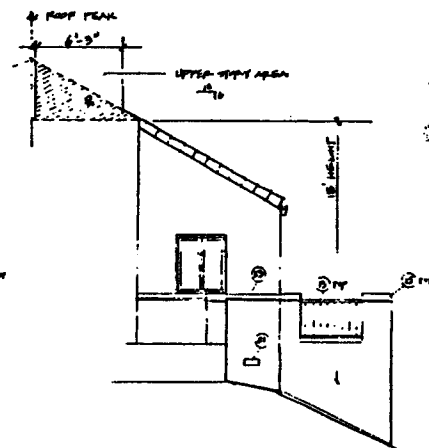
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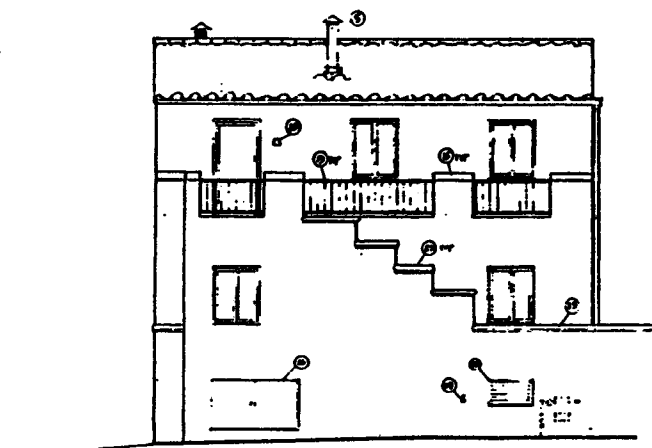
SOUTH / EAST ELEVATION



SOUTH ELEVATION - ENTRY



SOUTH / WEST ELEVATION - LIVING ROOM



NORTH / EAST ELEVATION - BEDROOMS

POLEY RESIDENCE  
3615 Rambla Pacific  
Malibu, California 90265

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EXHIBIT NO. 8

APPLICATION NO.

4-96-066



APRIL 1, 1996

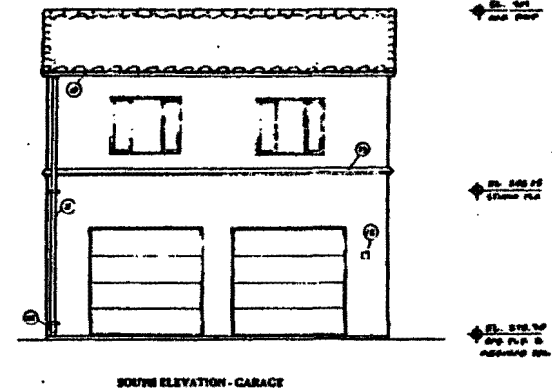
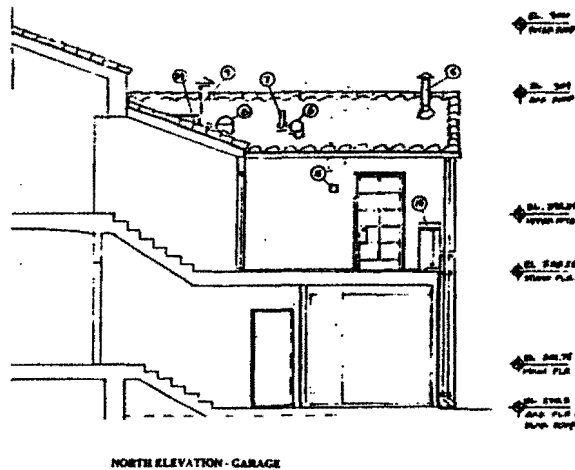
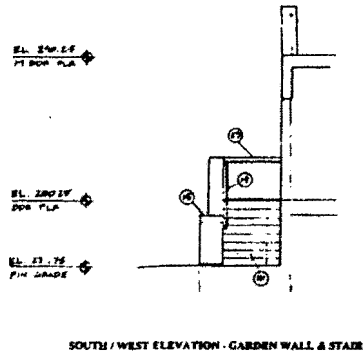
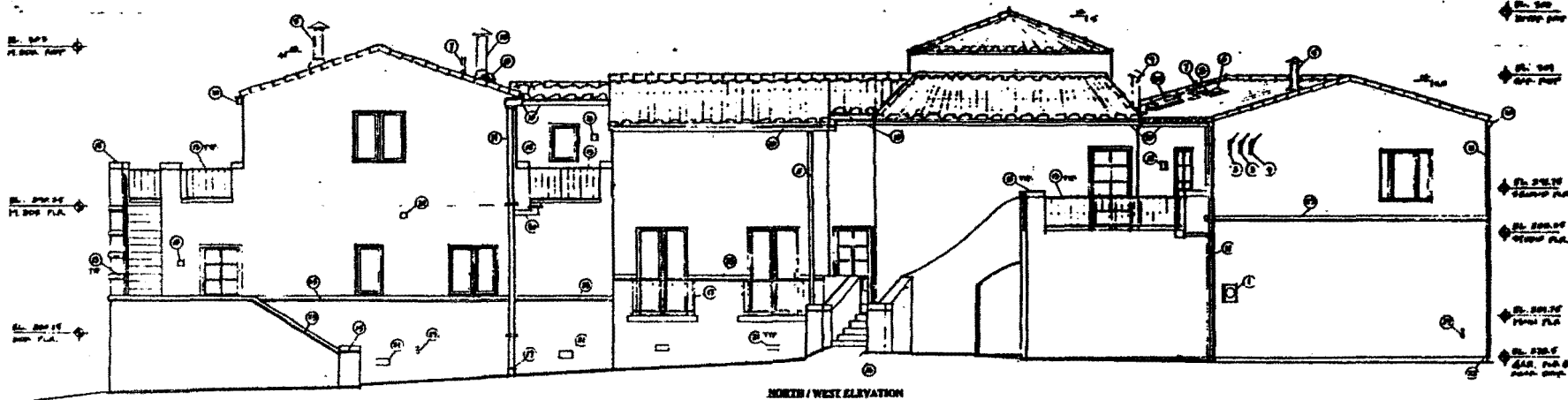
ISSUED FOR:  
CITY OF MALIBU CONCEPT APPROVAL  
&  
COASTAL COMMISSION SUBMITTAL

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of  
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Michael P. Day  
Robert L. Parnell

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Tel. 310/306-1111  
Fax 310/306-1112

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FOLEY RESIDENCE  
3615 Rambla Pacific  
Malibu, California 90263

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Drawing

EXHIBIT NO. 9  
APPLICATION NO.

4-96-066

APRIL 1, 1996

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Studio  
of  
Architecture

Owner: P. King  
Architect: Steve L. Rosen

6255 Cimarron Ave. G-202  
Malibu, California 90265  
Tel: 310-459-1100 Fax: 310-459-1101

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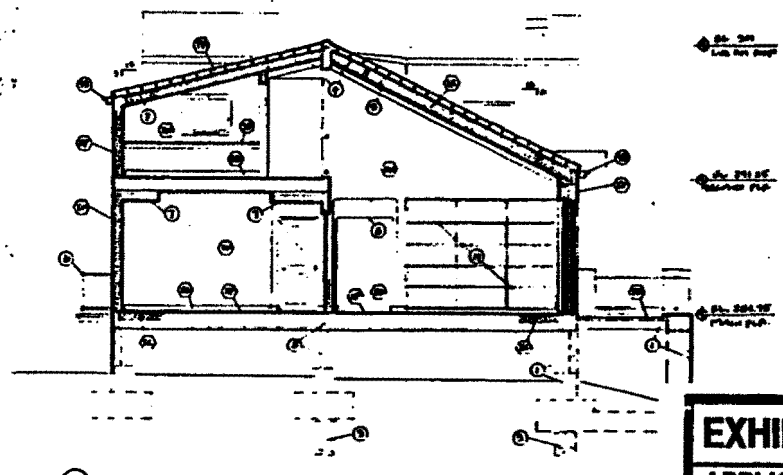
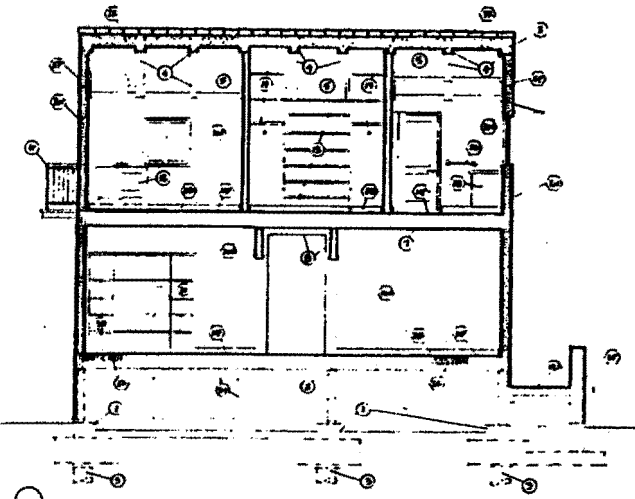
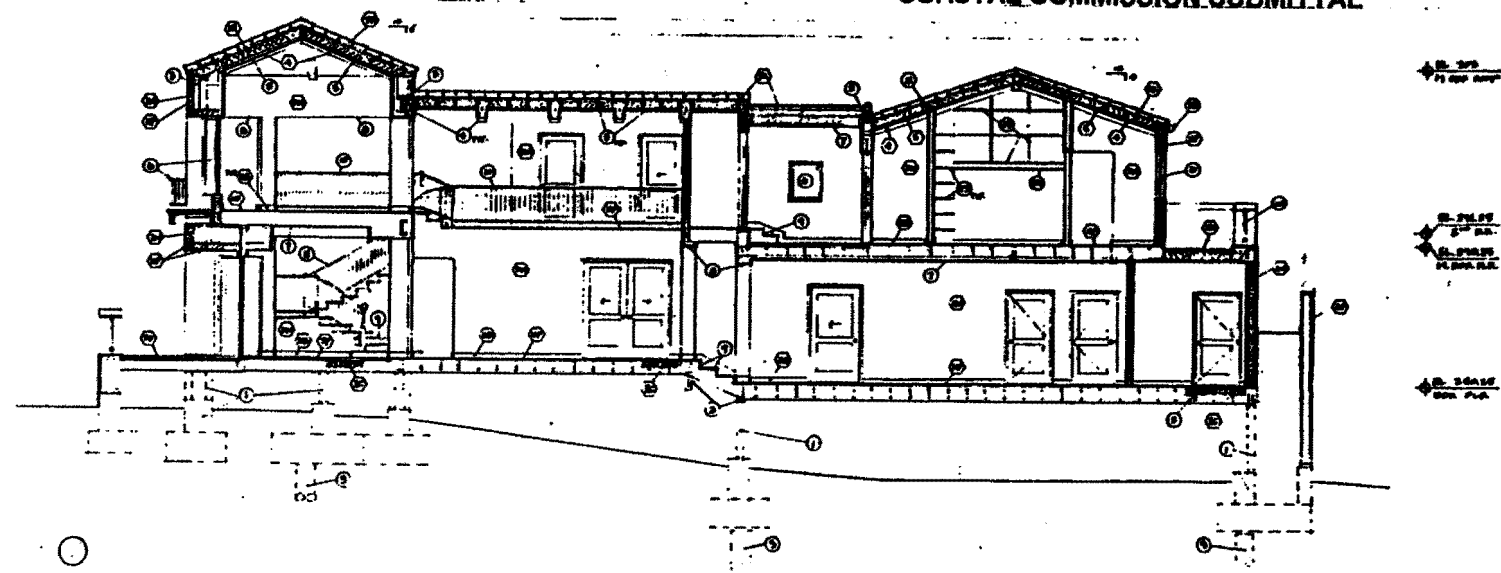
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Drawing:

EXHIBIT NO. 10  
APPLICATION NO.

4-96-066



APRIL 1, 1996

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&  
COASTAL COMMISSION SUBMITTAL

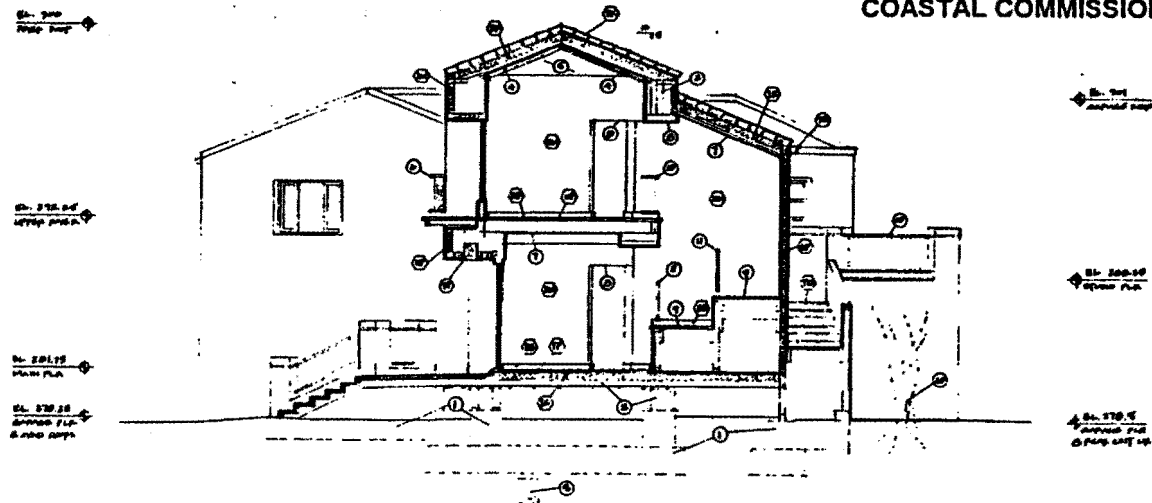
Studio  
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(D)

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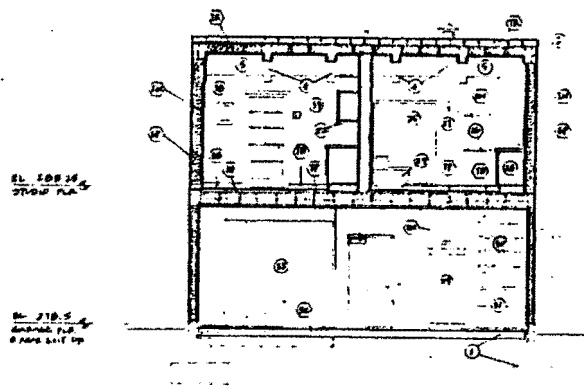
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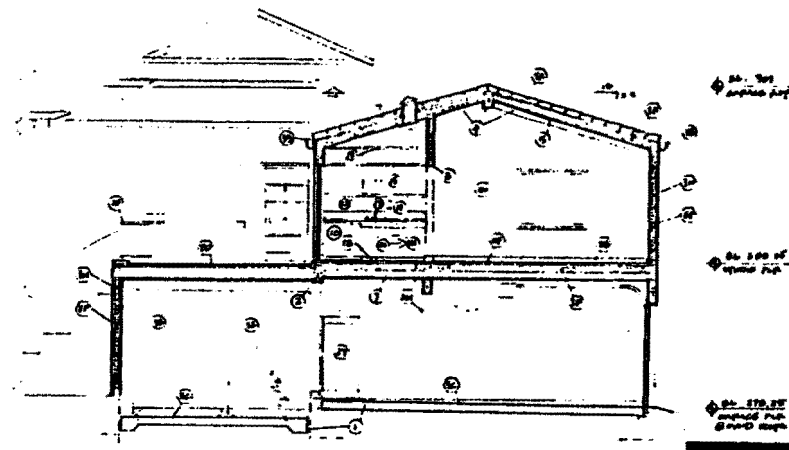
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Scale

Drawing



(F)



(E)

EXHIBIT NO. 11  
APPLICATION NO.

4-96-066

