

CALIFORNIA COASTAL COMMISSION

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

Filed: 10/30/97
 49th Day: 12/18/97
 180th Day: 4/28/98
 Staff: JEL-V *ja*
 Staff Report: 11/13/97
 Hearing Date: 12/9-12/97

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.:** 4-97-196**APPLICANT:** Douglas and Laura Burdge**AGENT:** Jose Iujuidin**PROJECT LOCATION:** 3881 Rambla Vista, Malibu, (Los Angeles County)

PROJECT DESCRIPTION: Construct 2,994 sq. ft., 18 foot high, one-story, single family residence, 516 sq. ft. basement, 400 sq. ft. attached garage to replace a 1,752 sq. ft. residence destroyed by the 1993 Malibu Firestorm. No grading proposed; project will utilize existing building pad and newly installed septic system.

Lot area:	8,900 sq. ft.
Building coverage:	2,800 sq. ft.
Pavement coverage:	1,918 sq. ft.
Landscape coverage:	4,182 sq. ft.
Parking spaces:	two covered
Ht abv fin grade:	18 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval in Concept, 10/1/97; Geology and Geotechnical Engineering Review, Approved "in-concept", 3/20/97; Environmental Health, In-Concept Approval, 4/9/97. California Coastal Commission, Waiver De Minimis (4-97-65W), for septic system and temporary trailer 5/22/97

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Geotechnical Engineering Report, Coastline Geotechnical, 7/17/96; Geotechnical Engineering Update, Coastline Geotechnical, 12/1/96; Geologic Report, Pacific Geology, 7/5/97; Percolation Report, Pacific Geology, 3/6/97. Coastal Development Permits: 4-95-19 (Masatani); 4-95-89 (L&B Realty); 4-96-66 (Foley).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to conformance to geologic recommendations, drainage and erosion control plan, landscape and irrigation plan, assumption of risk and fire waiver of liability.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 Recommendations

Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans. All recommendations contained in the Geotechnical Engineering Report, Coastline Geotechnical, 7/17/96; the Geotechnical Engineering Update, Coastline Geotechnical, 12/1/96; and the Geologic Report, Pacific Geology, 7/5/97 shall be incorporated into all final design and construction including slope stability, pools, foundations and drainage. All plans must be reviewed and approved by the 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. Drainage and Erosion Control Plan

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a manner which avoids ponding on the pad area. The erosion control plan shall include application of geotextiles or other appropriate materials to prevent erosion of the slope surface during establishment of new plantings.

3. Landscape and Irrigation Plan

Prior to the issuance of a Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, landscaping and irrigation plan designed by a licensed landscape architect. The landscape plan, including the amount of water to be delivered to the site, shall be reviewed and approved by the consulting geotechnical consultant.

The landscape plans shall incorporate the following criteria:

- (a) All disturbed soils shall be planted with drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species, or species which require artificial irrigation beyond that necessary to establish new plantings, shall not be used. The applicant shall use a mixture of seeds and plants to increase the potential for successful site stabilization. Such planting shall be implemented within 30 days of receipt of Certificate of Occupancy from the City of Malibu and shall be adequate to provide 90 percent coverage within two years and shall

be repeated, if necessary to provide such coverage. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization.

4. Assumption of Risk

Prior to issuance of permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landsliding and erosion on site and the applicant assumes the liability from such hazards, and the (b) applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and or its officers, agents and employees relative to the 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 and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

5. Waiver of Fire 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:

A. Project Description and Background

The applicant proposes to construct a 2,800 sq. ft., 18 foot high, one-story, single family residence (SFR), with a 194 sq. ft. loft (for a total of 2,994 sq. ft. of habitable space), a 516 sq. ft. utility basement, and a 400 sq. ft. attached garage. The existing 20 foot long driveway will be widened, from 16 feet to 20 feet, to better accommodate two parking spaces in front of the garage. The previously graded lot requires no further grading for the proposed project. The project will be served by a new septic system, approved by the City of Malibu Environmental Health Department on 4/9/97, issued a waiver (4-97-65W) by the Commission on 5/22/97, and installed in June 1997.

The Commission also issued a temporary approval for a 300 sq. ft. trailer, as part of the 5/22/97 waiver (4-97-65W). The trailer is to be removed within two years or "within 30 days of final occupancy notice in the event that the single family residence is rebuilt (whichever is the lesser period of time)."

The proposed project will replace a 1,752 sq. ft. one-story, single family residence destroyed in the 1993 Malibu 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 structure to replace the SFR exceeds the previous residence by 42%, and therefore a Coastal Permit is required.

The proposed reconstruction site is located in a built-out section of La Costa, in which the replacement structure will not create any visual impact. The neighboring property on the west and across the street to the east have recently undergone reconstruction; the properties bounding the site to the north, and across the street to the south are vacant, burned down residences. The subject parcel is located approximately 200 feet northeast of the Rambla Pacifico Landslide, which is a major, active landslide.

B. Geologic Stability and 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, 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 existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The subject site is a trapezoidal shaped parcel, measuring approximately 70 feet on the north, 50 feet on the south, and 100 feet deep, on the northwest side of Rambla Orienta in the La Costa area of Malibu. The property is situated along the crest of a descending ridge, that trends to the southeast at an approximate gradient of 4:1. Beyond the property, the ridge descends to the south and east at an approximate gradient of 1.5:1. Maximum topographic relief within the property is estimated to be 10 feet; the east and south facing slopes beyond the property have reliefs on the order of 150 to 160 feet.

1. Geology

The applicant has submitted Geotechnical and Geology Reports, dated 7/17/96 and 7/5/96 prepared by Coastline and Pacific Geology respectively for the subject site. The primary geotechnical and geological concerns for the proposed project are slope stability, geologic stability and drainage.

Slope stability analyses were performed on the subject site and the overall slope of which the subject site is a part. Three sections were analyzed (A-A', B-B', C-C') for minimum static strength values of 1.5 and minimum pseudostatic strength values of 1.1. The results of these tests indicated the need for a geotechnical setback along the eastern (Rambla Orienta) property line, as noted by the Geotechnical consultant:

The analysis of Section B-B' revealed factors of safety below the normally accepted minimum for stable slopes. Due to the close proximity and steepness of the east facing slope, a geotechnical setback determined by the slope stability is warranted. ...Therefore it is recommended that all new foundations be situated west or beneath the setback. It is further recognized that a combination of friction piles, conventional and/or deepened footings may be necessary.

The geotechnical consultant has established the location of the recommended setback on a site plan which also indicates the existing foundation footprint. The site plan for the proposed development has located the structure three feet west of the original foundation location in order to meet the recommended geotechnical setback.

The immediate region in which the proposed site is located has a history of geologic instability. In particular, the geologic report discusses the history and potential hazard of both the active 5,000 acre Rambla Pacifico Landslide and the Calle del Barco Landslide, and concludes:

As noted earlier, the subject property is located approximately 200 feet southwest of the Rambla Pacifico Landslide and 660 feet southeast of the Calle del Barco Landslide. Future enlargement and/or movement of these landslides is not anticipated to have an adverse impact on the stability of the subject property.

Nevertheless, given the proximity of the site to two large active landslides, 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, as noted in special condition four. 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.

In conclusion, the geotechnical report states that:

Based on the findings of this report, and provided the recommendations of this report are followed, and the designs, grading, and construction are properly and adequately executed, it is our opinion that construction within the building site would not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely effect the stability of the site, or adjacent properties, with the same provisos listed above.

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 recommendations 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, as noted under special condition one.

2. Erosion

As noted above, the static strength value for the eastern slope, adjacent to Rambla Orienta, is below the normally accepted minimum for stable slopes. In an effort to minimize any potential hazard, the geotechnical report recommends, in addition to the geotechnical setback, the design of a drainage system to ensure the dispersion of site drainage and the prohibition of water ponding or draining down the slope in a concentrated and uncontrolled manner. Potential slope instability is also recognized in the geological investigation, including the need to reduce the potential for site erosion during the winter, for which the geologist recommends an erosion control plan as well.

A properly designed drainage system to convey runoff offsite in a controlled manner will minimize erosion and enhance site stability. Therefore, given the potential for uncontrolled run-off to contribute towards soil erosion and possibly larger instability problems, the Commission finds it necessary to require drainage and erosion control plans as recommended by the geotechnical and geologic consultants and noted in special condition two.

In addition, the consulting geologist recommends the slope areas be planted with drought resistant, deep rooted, erosion retardant ground cover, to be selected in consultation with a landscape architect, to reduce the potential for future erosion and soil slippage along cuts adjacent to Rambla Orienta. The erosion control measures suggested by the consultant will ensure erosion is minimize and overall site stability is enhanced.

Therefore, the Commission also finds it necessary to require the applicant to submit a detailed landscape and irrigation plan for the proposed development. Special condition number three provides for such a landscape and irrigation plan prepared by a licensed landscape architect. Furthermore, given that the consulting engineer specifically recommended landscaping to minimize erosion of potentially erosive soils on site, the Commission finds that the landscape plans must be reviewed and approved by the consulting engineering geologist.

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 these 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 five.

The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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.

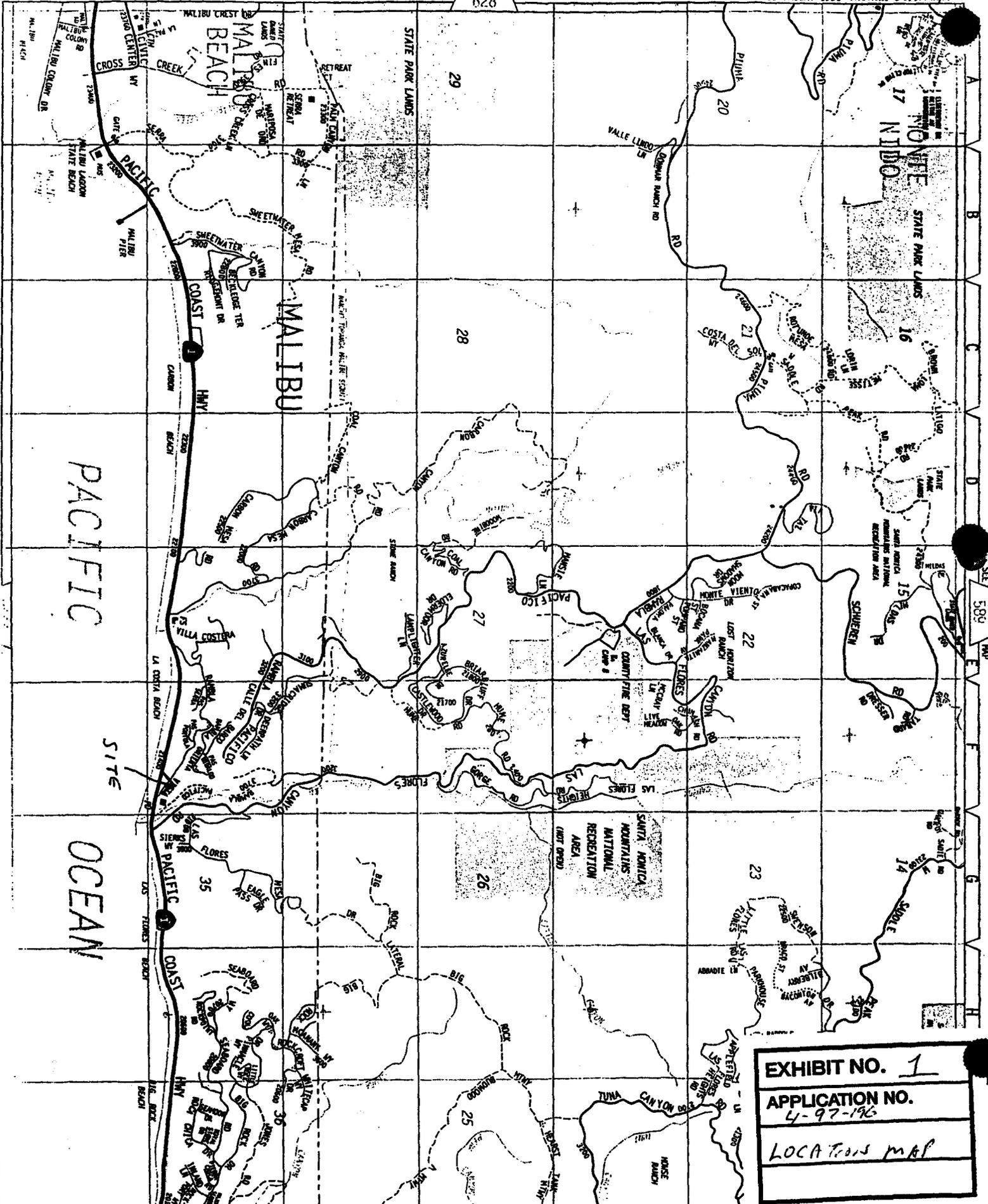
Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as

conditioned, 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 would have on the environment.

There proposed development would not cause significant, adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

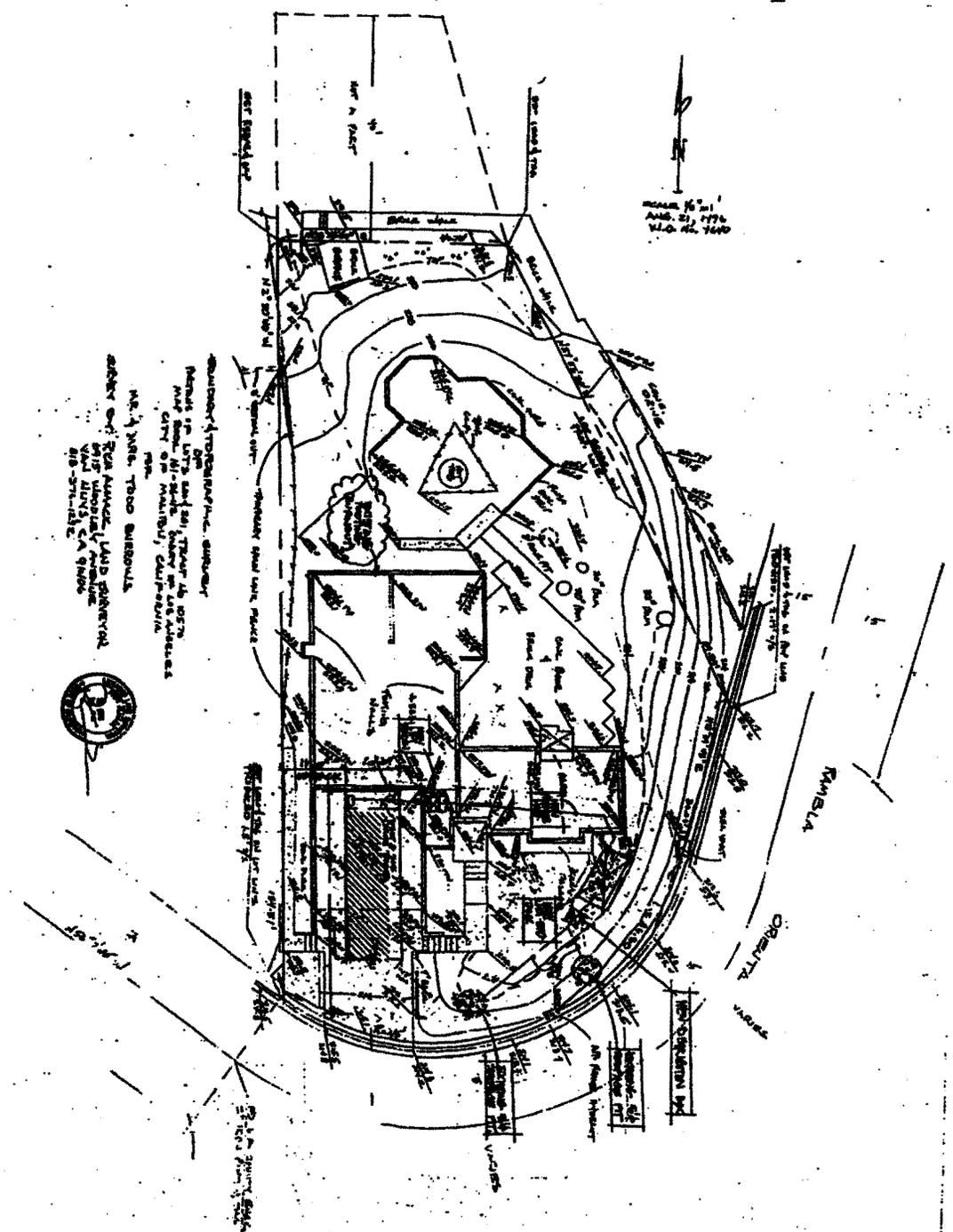


PACIFIC

OCEAN

SITE

EXHIBIT NO. 1
APPLICATION NO.
 4-97-196
 LOCATIONS MAP



Scale 1/8" = 1'
 Date: 11/17/76
 U.S. No. 1000

OWNER: THE UNITED STATES OF AMERICA
 PROJECT: THE AIR FORCE, THE AIR FORCE
 CITY OF MANILA, CALIFORNIA
 NO. 1 UNIT, T-100 BUILDING
 ARCHITECT: THE AIR FORCE, THE AIR FORCE
 AND THE AIR FORCE, THE AIR FORCE
 AND THE AIR FORCE, THE AIR FORCE
 AND THE AIR FORCE, THE AIR FORCE



OCT 28 1997

EXHIBIT NO. 2
 APPLICATION NO.
 4-97-196
 SITE SURVEY

3801 Rambla Orlena
 Malibu, CA 90265

BURDGE
 ARCHITECTS
 PLANNERS
 108 CAROL

01/11/97
 G01

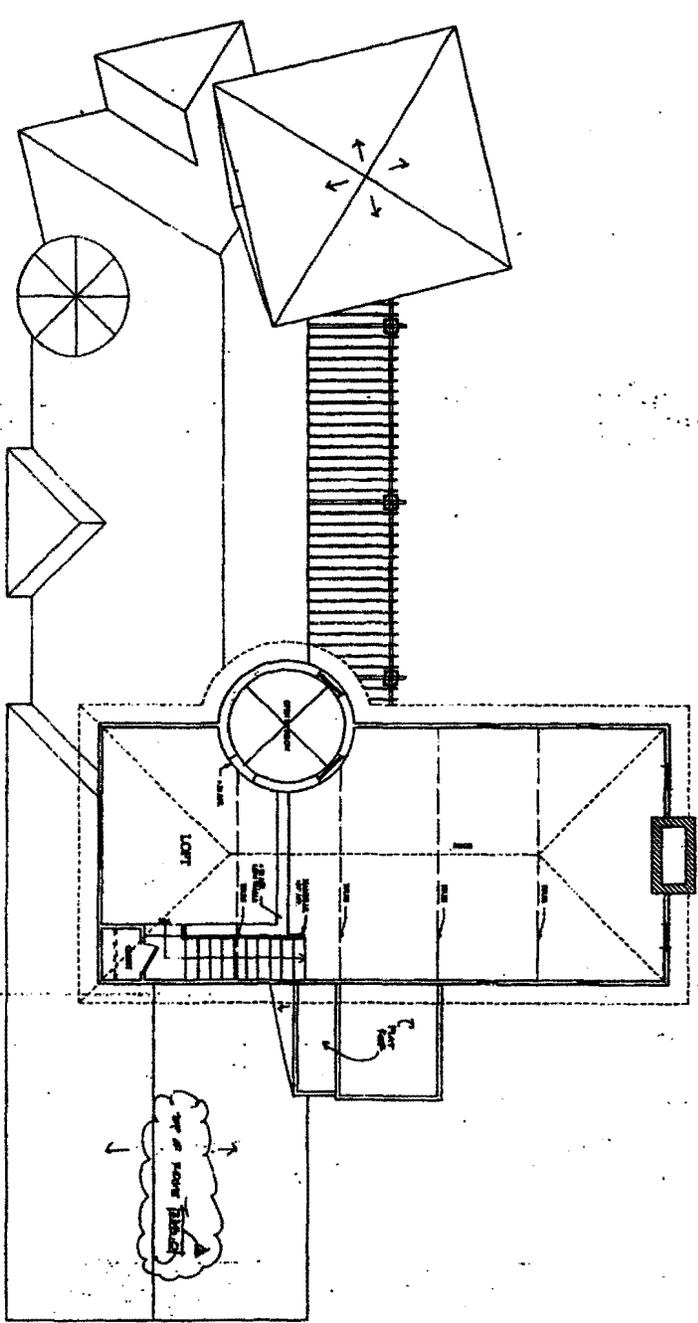
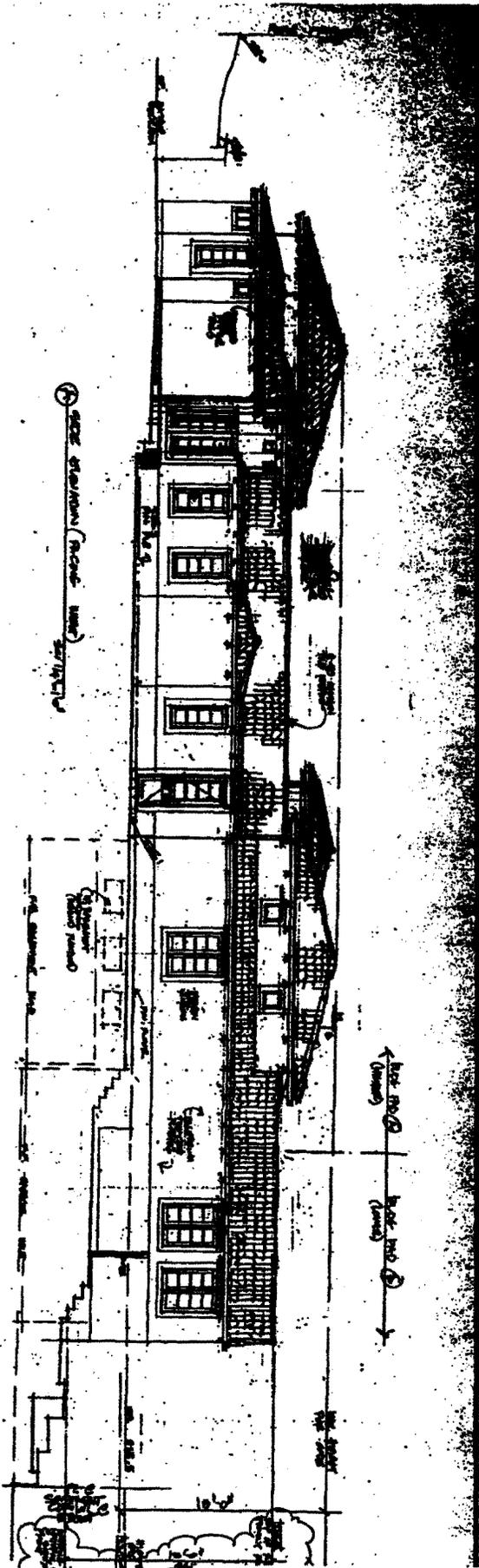


EXHIBIT NO. 5
 APPLICATION NO.
 4-97-196
 ELEVATIONS

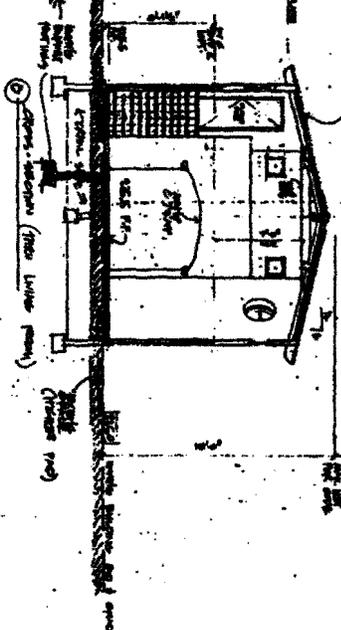
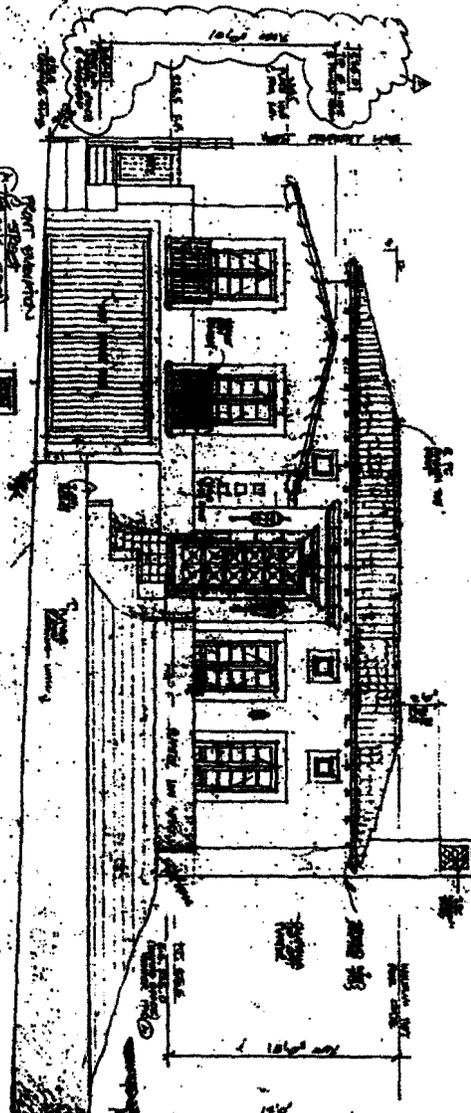
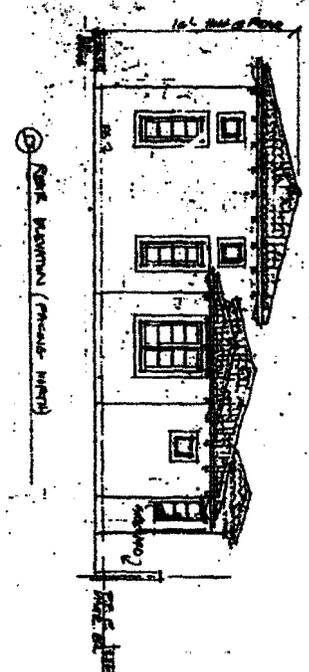
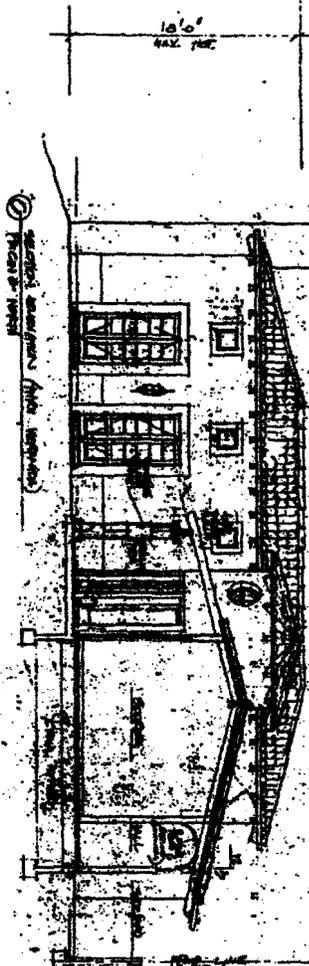
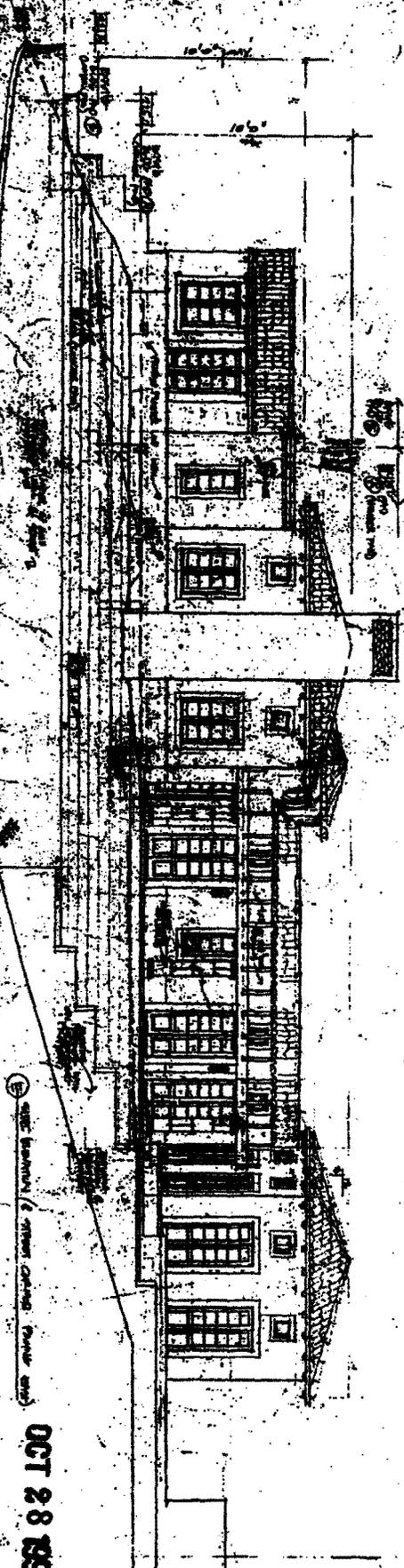
3881 Rambla Oxnard
 Malibu, CA 90265

LOFT FLOOR PLAN
 DATE: OCT 28 1997

BURDGE
 ARCHITECTS
 ARCHITECTS
 PLANNERS
 LOS ANGELES

LOFT FLOOR PLAN,
 ELEVATION

NO.	DATE	BY	CHKD.
1			
2			
3			
4			
5			



OCT 28 1997

BURDGE
ARCHITECTS
PLANNERS
108 CLARK
SAN FRANCISCO, CA 94102
415.774.1100

NO. 1	108 CLARK
NO. 2	108 CLARK
NO. 3	108 CLARK
NO. 4	108 CLARK
NO. 5	108 CLARK
NO. 6	108 CLARK
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NO. 18	108 CLARK
NO. 19	108 CLARK
NO. 20	108 CLARK

3681 Ramble Oaks
Marina, CA 94245

EXHIBIT NO. 5 (CONT.)
APPLICATION NO.
7-97-196
ELEVATIONS