

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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Staff: S. Hudson *SMH*
Staff Report: 3/20/97
Hearing Date: April 8-11, 1997
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-97-028

APPLICANT: Kelly Etebar

AGENT: Parviz Taba

PROJECT LOCATION: 20765 Big Rock Drive, City of Malibu; Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 4440 sq. ft., 24' in height, 2 story single family residence (SFR) with attached garage, and septic system to replace a 3152 sq.ft. SFR with a 300 sq. ft. guest house over a detached garage destroyed by the 1993 Old Topanga Firestorm.

Lot area:	27,878 sq. ft.
Building coverage:	3,200 sq. ft.
Pavement coverage:	1,800 sq. ft.
Landscape coverage:	2,600 sq. ft.
Parking spaces:	2
Ht abv fin grade:	24'-0"

LOCAL APPROVALS RECEIVED: Approval in Concept City of Malibu Planning Department, Approval in Concept City of Malibu Environmental Health Department (Septic), Approval in Concept County of Los Angeles Fire Department.

SUBSTANTIVE FILE DOCUMENTS: Geologic Investigation Report dated 10/16/94 by E.D. Michael, Consulting Geologist. Geotechnical Investigations by Evans, Colbaugh and Associates dated 1/26/95, 5/4/95, 4/22/96, 6/21/96, 10/8/96, 11/19/96, 12/6/96 and 12/20/96.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with four (4) special conditions regarding landscape and erosion control plans, plans conforming to geologic recommendations, assumption of risk and wild fire waiver of liability.

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 for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologic and geotechnical consultants to ensure that the plans are in conformance with the consultants' geotechnical recommendations. 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; and (b) the applicant unconditionally waives any claim of liability on the part of the California Coastal Commission and agrees to indemnify and hold harmless the California Coastal Commission, its officers, agents, 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 both the Geologic Investigation Report dated November 16, 1994 by E.D. Michael, Consulting Geologist and in any and all of the eight Geotechnical Investigations by Evans, Colbaugh and Associates dated 1/26/95, 5/4/95, 4/22/96, 6/21/96, 10/8/96, 11/19/96, 12/6/96 and 12/20/96 shall be incorporated into all final design and construction including foundations, grading and

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 Geologic Investigation Report dated November 16, 1994 by E.D. Michael, Consulting Geologist.

The November 16, 1994, report states:

Movements Associated with the Western Extension

The subject property is included in an area now referred to as the western extension. The western extension is an area adjacent to the north and northwest of the modern Big Rock Mesa landslide. Within it, widespread evidence observed during 1983 and 1984 indicated, in my opinion unequivocally, incipient landslide movement.

Slope Stability Analyses

The stability of the western extension is dependent upon that of the main Big Rock Mesa landslide mass which buttresses it (The headscarp of the slide is located approximately 350 ft. southwest of the subject property)...The calculated factors of safety in the Headscarp Region range from 1.0 to 1.2 with an average of about 1.1. They indicate that the Region will likely experience intermittent movement...

CONCLUSIONS

In my opinion, the subject property is suitable for restoration considering the limited manner in which the Big Rock Mesa landslide has affected it during the period of about 16 years since the landslide began. It is the property's history of safe habitability during that period until the time of the fire that would appear to justify its approval for restoration in lieu of any means to remedy the slide other than the dewatering and surface drainage systems now in effect. However, it is appropriate to consider a foundation design system that will ameliorate structural damage due to movements the site probably will experience in the future. It should be clearly understood that future movements are likely to occur and that such movements could cause significant damage to any proposed improvements. (emphasis added)

In addition, the applicant has submitted eight geotechnical investigations by Evans, Colbaugh and Associates dated 1/26/95, 5/4/95, 4/22/96, 6/21/96, 10/8/96, 11/19/96, 12/6/96 and 12/20/96 which contain numerous observations and recommendations. The May 4, 1995, investigation states:

The property is one of many located on the Big Rock Mesa Landslide. This landslide has undergone both prehistoric and historic movement. Although the remedial efforts

Due to the potential hazardous geologic conditions on this site, and the proximity of the site to mapped landslide, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by special condition two (2). 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 and agrees to assume any liability for the same.

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 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 (1) is required 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 as drafted in special condition four (4). 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 Commission finds that based on the findings of the geologic and geotechnical reports, and as conditioned to incorporate the recommendations of the geologic consultants, 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 evapo-transpiration based private septic system to accommodate the sewage of the proposed development. The applicant has submitted approval from the

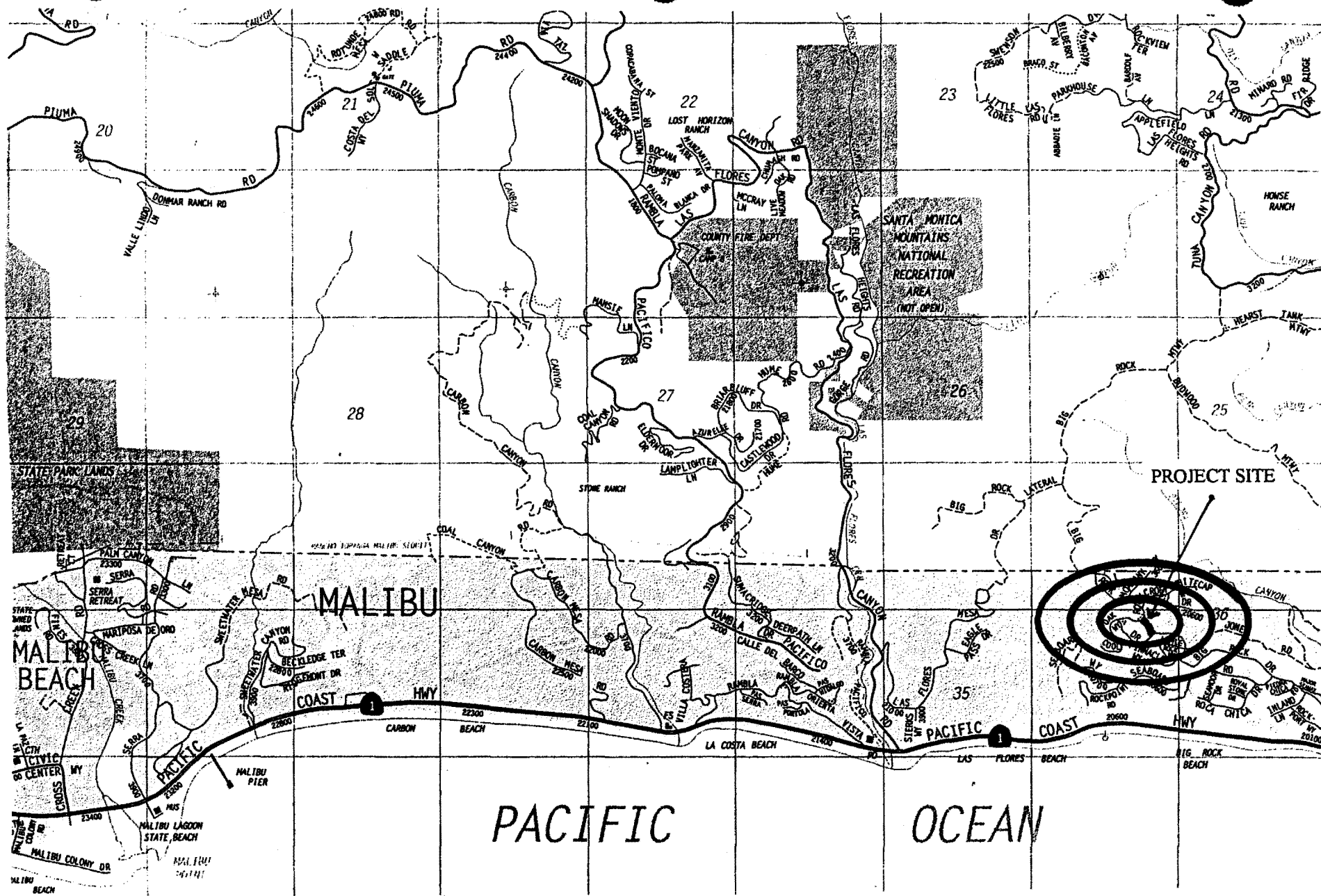


Exhibit No. 1: (4-97-028) Location Map

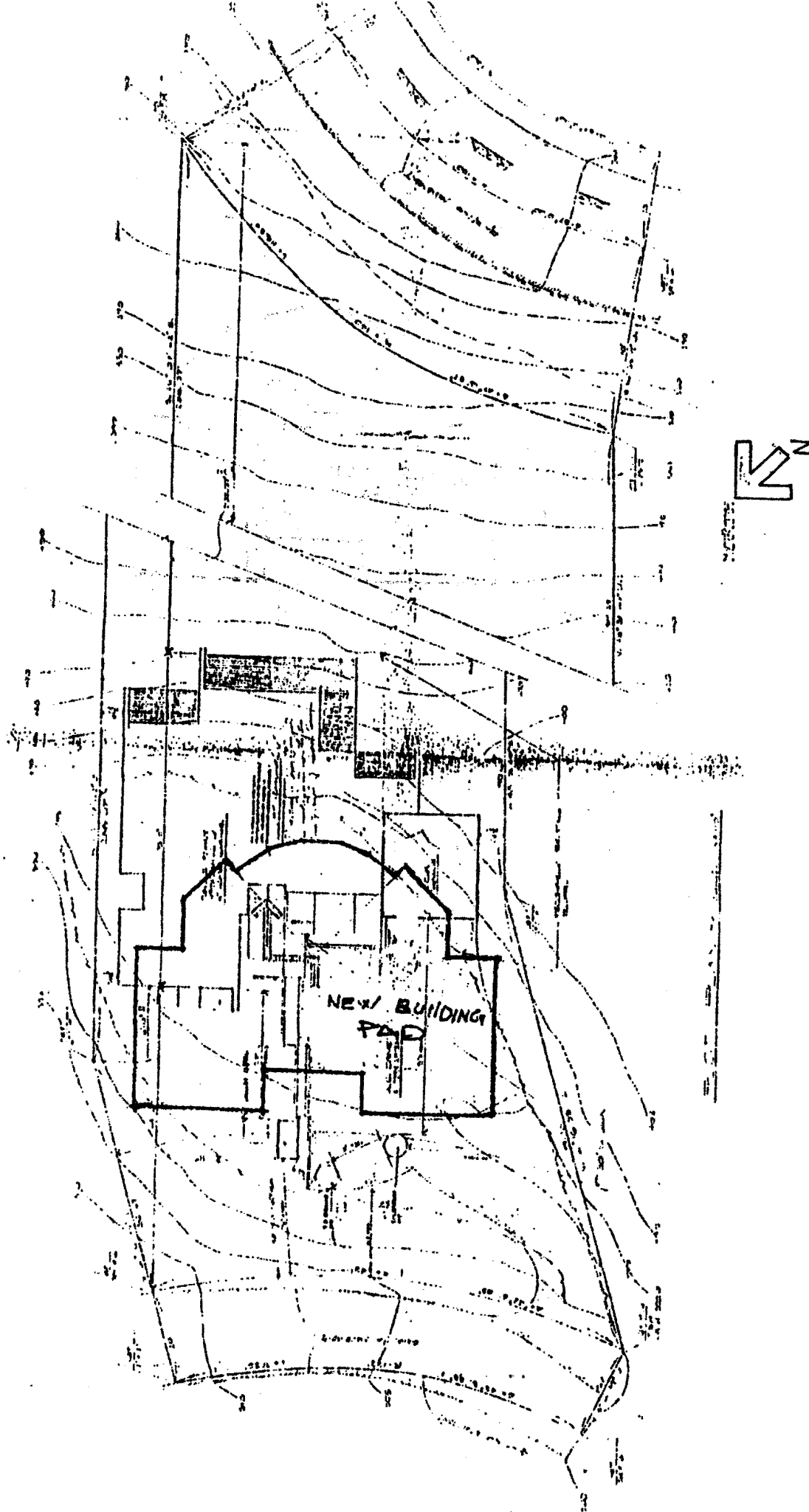


Exhibit No. 3: (4-97-028) Site Plan