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CALIFORNIA COASTAL COMMISSION

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



Filed: 4/25/97
49th Day: 6/13/97
180th Day: 10/22/97
Staff: S. Hudson *lh*
Staff Report: 5/22/97
Hearing Date: June 10-13, 1997
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-034

APPLICANT: Ron Johnson

PROJECT LOCATION: 3433 Rambla Pacifico St., City of Malibu; Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 5373 sq. ft., 26' in height, 2 story single family residence (SFR) with an attached four-car garage, 480 sq. ft. detached garage and septic system to replace an approximately 2000 sq.ft. SFR with a detached garage destroyed by the 1993 Old Topanga Firestorm.

Lot area: 25,500 sq. ft.
Building coverage: 3,331 sq. ft.
Pavement coverage: 3,800 sq. ft.
Landscape coverage: 17,119 sq. ft.
Parking spaces: 6
Ht abv fin grade: 26'-0"

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

SUBSTANTIVE FILE DOCUMENTS: Preliminary Soils and Engineering Geologic Investigation by GeoSystems dated 7/27/95; Geologic Investigation and Response Letters by GeoSystems dated 4/15/96, 6/19/96 and 8/19/96.

SUMMARY OF STAFF RECOMMENDATION
Staff has reviewed and approved the proposed project with five (5) special conditions. The project is consistent with the coastal zone plan, general plan, and geologic resource map. The project is consistent with the local plan and the local ordinance.

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 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 90 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. Drainage Plans

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 non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

3. Plans Conforming to Geologic Recommendation

All recommendations contained in the Preliminary Soils and Engineering Geologic Investigation by GeoSystems dated 7/27/95 and any and all of the three Geologic Investigation and Response Letters by GeoSystems dated 4/15/96, 6/19/96 and 8/19/96 shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by both consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of both 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 consultants' shall require an amendment to the permit or a new coastal permit.

4. 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 which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

5. 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 5373 sq. ft., 26' in height, 2 story single family residence (SFR) with a 480 sq. ft. detached garage, and septic system to replace an approximately 2000 sq.ft. SFR with a detached garage destroyed by the 1993 Old Topanga Firestorm. Pursuant to Coastal Act 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 by 169%, and therefore a Coastal Permit is required.

The area is a built out section of Malibu consisting of numerous single family residences. The site is located on the upper portion of the historic Calle del Barco landslide. Topographically, the site is situated on a south facing slope with slope ratios ranging from 2.5:1 to 1.5:1. Previous development on site included an approximately 2000 sq. ft. single family residence and an 800 sq. ft. guesthouse which had been converted from an existing detached garage without the benefit of a coastal development permit. The previously unpermitted guesthouse is not proposed to be rebuilt.

B. Geologic Stability and Hazards

Section 30253 of the Coastal Act states 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 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 Preliminary Soils and Engineering Geologic Investigation by Geosystems dated 7/27/95 and additional Geologic Investigation and Response Letters dated 4/15/96, 6/19/96 and 8/19/96.

The July 27, 1995, report states:

Calle del Barco Landslide

A portion of the Calle del Barco Landslide, located down slope of the site, failed in 1978...Following the 1978 landslide a row of soldier piles and a dewatering system was installed in an effort to stabilize the failed portion of the slide...It is our conclusion that the subject site can be expected to remain free of deep seated sliding provided that site and regional conditions remain unchanged from those prior to the 1993 firestorm.

Slope Stability

Normally a factor of safety of 1.5 or greater is necessary for new construction, and a factor of safety less than 1.0 is considered subject to failure. Based on our analysis a minimum factor of safety of 1.30 was calculated.

The April 15, 1996, Geologic Investigation Letter states:

We have reviewed the Calle del Barco 1994-95 Monitoring report and recent unpublished data provided by the geotechnical review. Recent movement has been recorded...approximately 150-feet to the south-west of the site. It appears that this portion of the landslide was activated as a result of high groundwater levels following the 1994-95 winter rains.

Based on our stability analysis the overall gross stability of the proposed residence does not appear to be significantly diminished by recent high groundwater levels...Due to the new evidence of recent movement within the ancient portion of the Calle del Barco Landslide it will be necessary to reclassify the site to Restoration Classification 3.

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 would therefore be entitled to develop a \pm 2200 sq. ft. home on the site without commission review or a coastal permit. However, as the applicant is proposing the construction of a larger house, a coastal development permit is required to ensure that the new proposed structure is consistent with all Chapter Three policies of the Coastal Act. For this particular site, the consulting geologists have concluded that with regard to potential geologic hazards, the proposed project will cause no significant change in the geological character of the site. 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 consultants have included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure the recommendations of the geotechnical consultants are incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by special condition three (3), to submit project plans certified by the consulting geotechnical engineer as conforming to their recommendations.

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. In addition, the applicant's Preliminary Soils and Engineering Geologic Investigation by GeoSystems and dated 7/27/95 states:

All pad, driveway, roof and deck drainage should be collected and transferred to an approved location in non-erosive drainage devices. Drainage should not be allowed to pond on the pad or against any foundation or retaining wall.

To ensure that adequate drainage is incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by special condition two (2), to submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations.

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. 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 subordinated to the character of its setting.

The applicant is proposing the construction of a new 5373 sq. ft., 26' in height, 2 story single family residence (SFR) with a 480 sq. ft. detached garage, and septic system to replace an approximately 2000 sq.ft. SFR with a detached garage destroyed by the 1993 Old Topanga Firestorm. The proposed project is located within a built-out section of Malibu consisting of numerous single family residences and is consistent with neighboring development. Although the project site is visible from a portion of Pacific Coast Highway the proposed residence is consistent with the character of this area and will not result in a significant adverse impact on the viewshed from the highway. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. 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 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.

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 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.

SMH-VNT

File: SMH/4-97-034

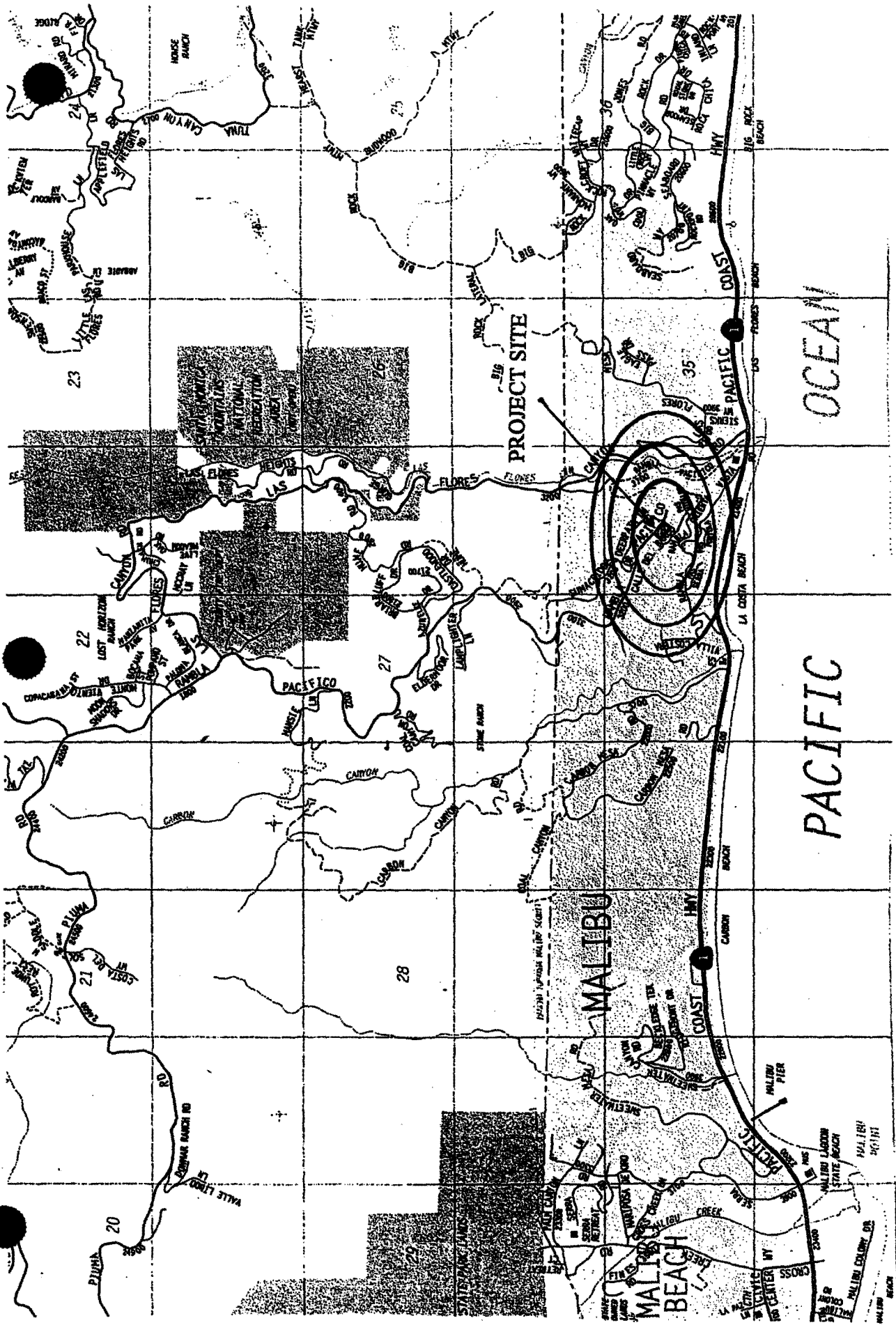


Exhibit No. 1: (4-97-034) Location Map

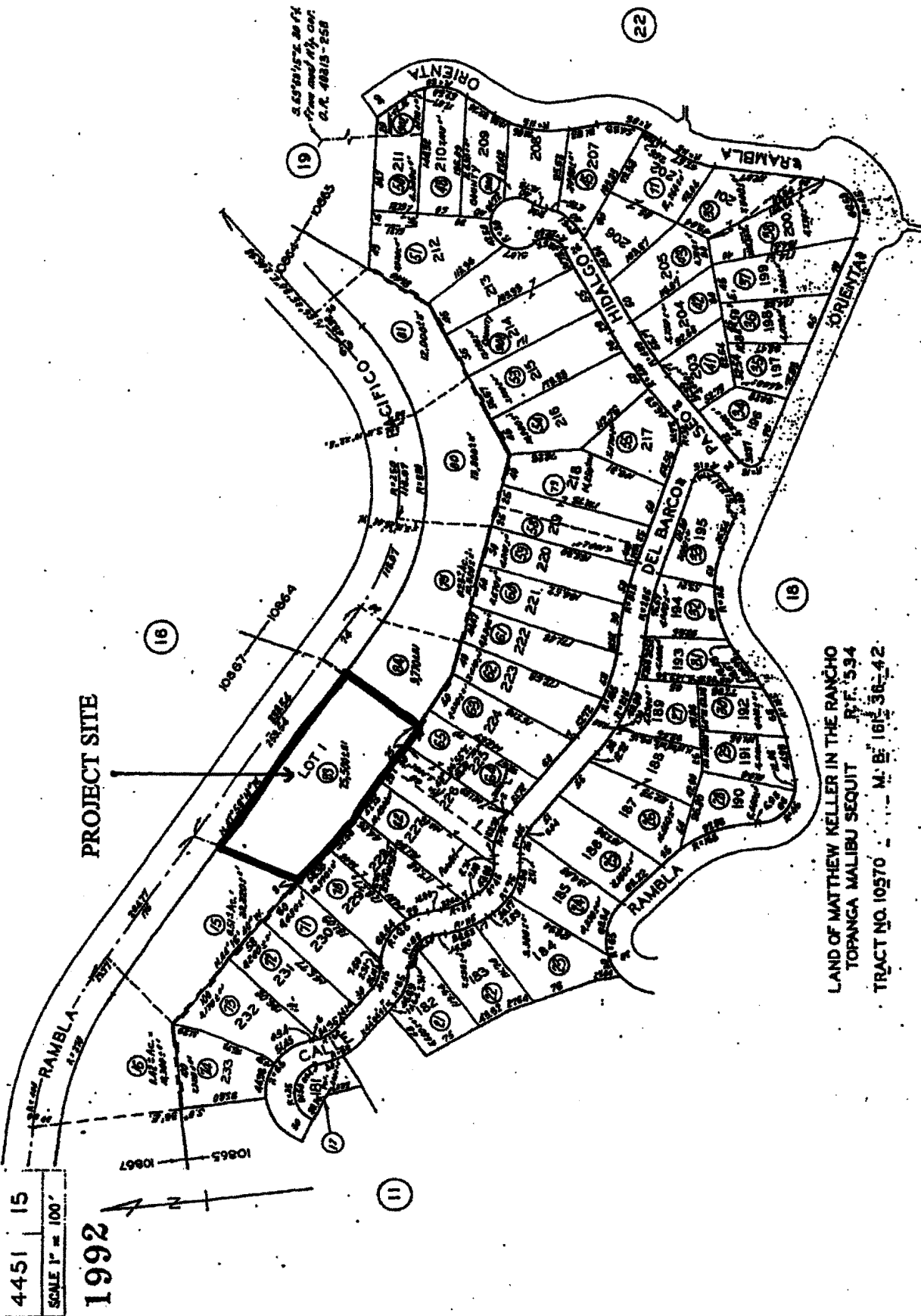
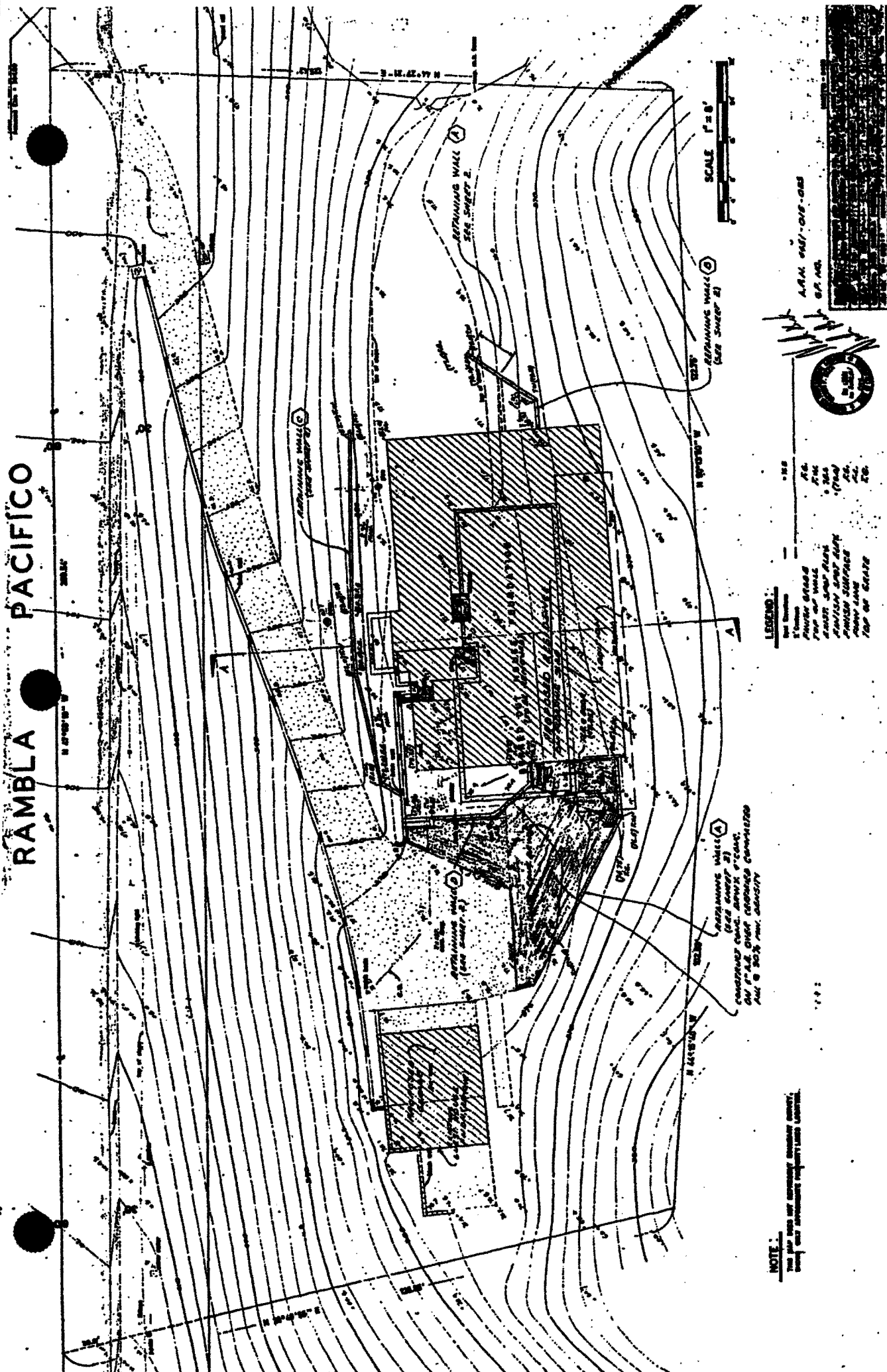


Exhibit No. 2: (4-97-034) Parcel Map for Project Site

RAMBLA PACIFICO



LEGEND:

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- 1:6
- 1:4
- 1:3
- 1:2
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- 1:3/4
- 1:2/3
- 1:1/4
- 1:1/8
- 1:1/16
- 1:32

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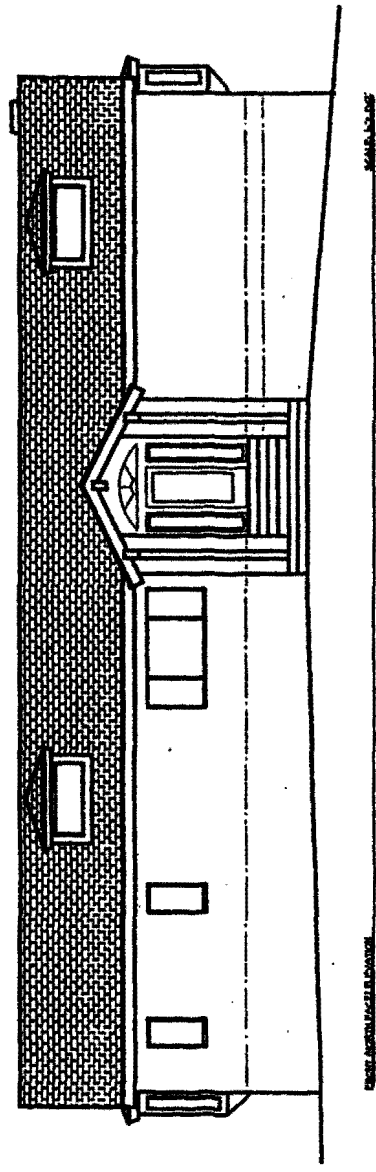
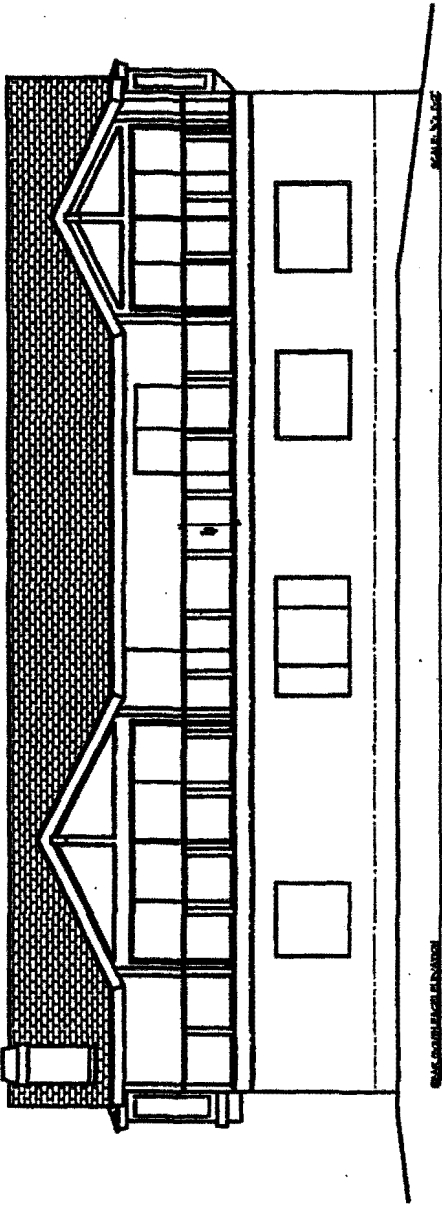
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RETAINING WALL (A)
 (SEE SHEET 2)
 PROPERTY LINE
 TOP OF GRADE
 WATER SURFACE
 SEWER SURFACE
 GAS SURFACE
 1" = 20'

NOTE:
 THE PLAN WAS NOT SURVEYED AND THE LOCATION OF THE BUILDINGS IS APPROXIMATE.

Exhibit No. 3: (4-97-034) Site Plan

- NOTES:
1. ALL WINDOWS - 1/2" x 6" DOUBLE GLASS UNITS WITH 1" CASING.
 2. ALL WINDOWS - 1/2" x 6" DOUBLE GLASS UNITS WITH 1" CASING.
 3. ALL WINDOWS - 1/2" x 6" DOUBLE GLASS UNITS WITH 1" CASING.
 4. ALL WINDOWS - 1/2" x 6" DOUBLE GLASS UNITS WITH 1" CASING.
 5. ALL WINDOWS - 1/2" x 6" DOUBLE GLASS UNITS WITH 1" CASING.
 6. ALL WINDOWS - 1/2" x 6" DOUBLE GLASS UNITS WITH 1" CASING.



PROJECT:
 12345 MAIN STREET
 ANYTOWN, CA 94501
 (916) 555-1234

OWNER:
 JOHN J. SMITH
 12345 MAIN STREET
 ANYTOWN, CA 94501
 (916) 555-1234

DATE: 01/15/2024
 DRAWING NO.: 4-97-034
 SHEET NO.: 5 OF 6

Exhibit No. 4: (4-97-034) North/South Elevations for Proposed Single Family Residence

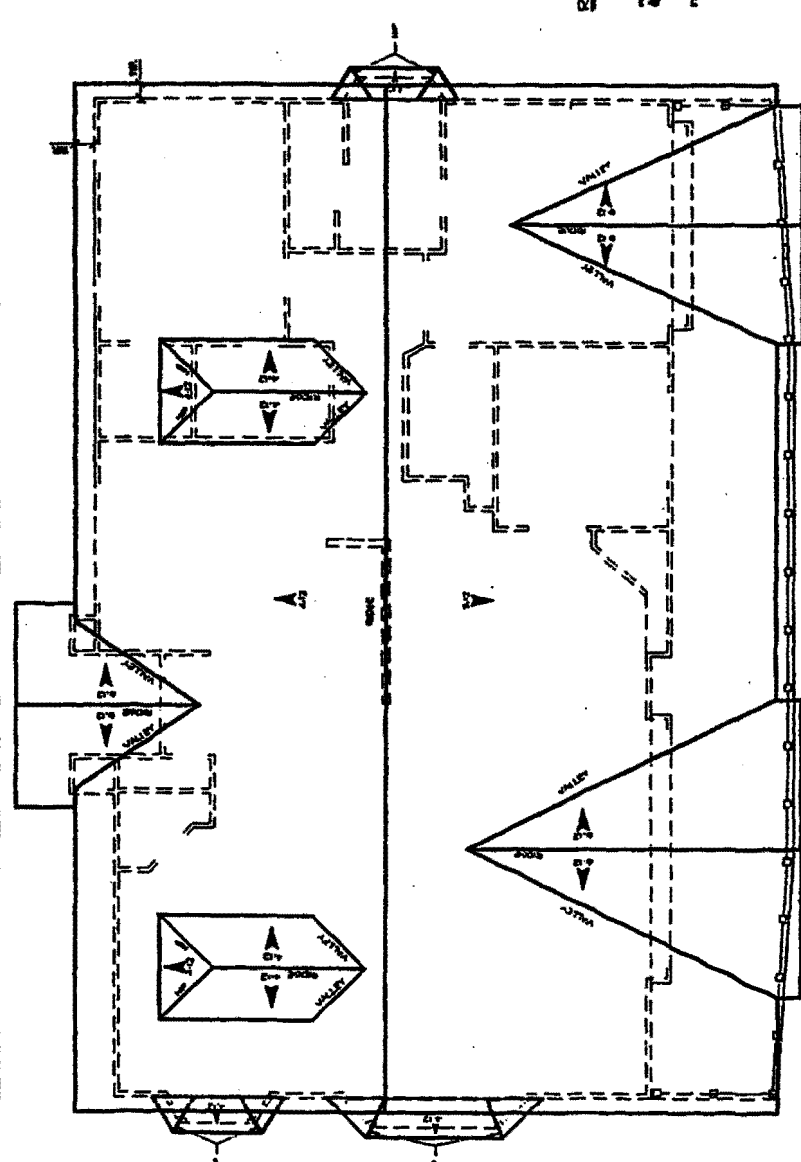
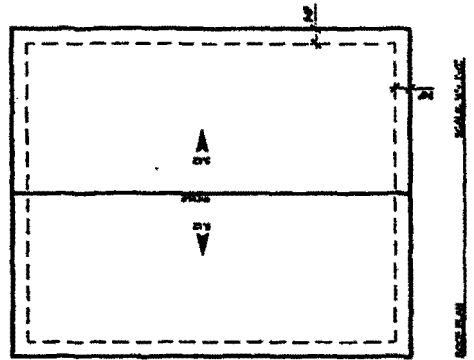
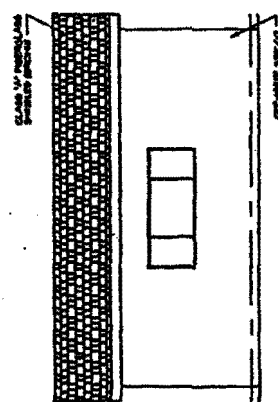
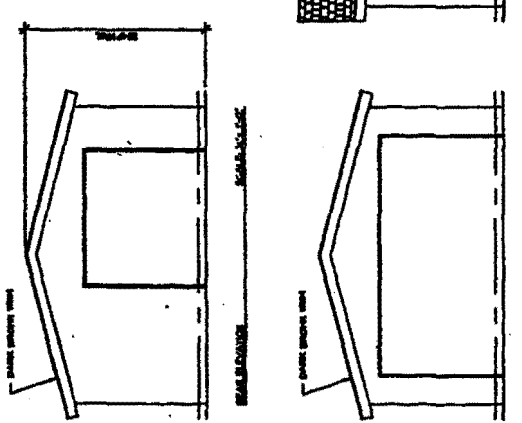
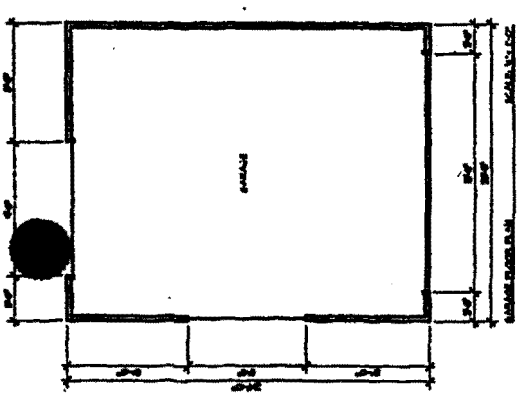


Exhibit No. 5: (4-97-034) Elevations for Proposed Detached Garage and Roof Plan for Single Family Residence

PROJECT: WEEB GARAGE-GARAGE RESIDENCE
 DESIGNER: TERRY WITZEL
 2240 CLARENDON ST., SUITE 201
 WOODLAND HILLS, CA 91367
 PHONE: (818) 228-1044

OWNER: BOB CALHOUN
 800 CALHOUN AVENUE
 WOODLAND HILLS, CA 91367
 (818) 228-1044

DATE: 11-1-87
 DRAWING NO.: 4-97-034
 SHEET NO.: 4 OF 4

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