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**CALIFORNIA COASTAL COMMISSION**

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



Filed: 10/1/98  
49th Day: 11/19/98  
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Staff: JEL-V  
Staff Report: 10/15/98  
Hearing Date: 11/3-6/98

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.: 4-98-184**

**APPLICANT: Brian and Amy Weitman**

**AGENT: Robert Leese**

**PROJECT LOCATION: 3870 Rambla Orienta, Malibu, (Los Angeles County)**

**PROJECT DESCRIPTION:** Construct a two-story, 35 ft. high, 3,010 sq. ft. single family residence with attic room, attached 390 sq. ft. garage, and septic system to replace residence destroyed by the Malibu Firestorm. 708 cu. yds of grading (668 cu. yds. of cut & 40 cu. yds fill).

**Lot area:** 7,800 sq. ft.  
**Building coverage:** 2,076 sq. ft.  
**Pavement coverage:** 940 sq. ft.  
**Landscape coverage:** 4,784 sq. ft.  
**Parking spaces:** two covered  
**Ht abv fin grade:** 35 feet

**LOCAL APPROVALS RECEIVED:** City of Malibu: Planning Department, approval in Concept, 6/11/98; Geology and Geotechnical, Approved in Concept, 10/24/98; Environmental Health, In-Concept Approval, 6/2/98.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Limited Geologic and Soils Engineering Investigation, dated 8/15/98, by GeoConcepts, Inc., Private Disposal System Report and Update Letter, dated 5/5/98 and 5/28/98, by GeoConcepts; coastal development permits: 4-98-21 (Weil), 4-98-05 (Weil), 4-97-196 (Burdge).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the project with special conditions relating to: *conformance to geologic; landscape, drainage, and erosion control; wildfire waiver*. The proposed residential fire rebuild in the Las Costa district raises potential coastal issues associated with geology and hazards.

## **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 effects 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 a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Limited Geologic and Soils Engineering Investigation, dated 8/15/98, by GeoConcepts, Inc., and the Private Disposal System Report and Update Letters, dated 5/5/98 and 5/28/98, by GeoConcepts shall be incorporated into all final design and construction plans including recommendations concerning drainage, grading, foundations, settlement, excavations, retaining walls, slabs on grade, and sewage. All plans must be reviewed and approved by the geologic 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. Landscape, Erosion Control and Drainage Plans

Prior to issuance of the coastal development permit, the applicant shall submit landscape, erosion control and drainage plans for review and approval by the Executive Director. The landscape, erosion control and drainage plans shall be reviewed and approved by the consulting geologist to ensure the plans are consistent with the geologist's recommendations for slope stability and proper site drainage. The plans shall incorporate the following criteria:

- (a) *Landscape and Erosion Control Plans*, prepared by a licensed landscape architect, which assure all graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. 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, and disturbed areas, shall be stabilized with planting at the completion of final grading. Planting should utilize 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) All plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (d) 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 either outside the coastal zone or to a site within the coastal zone permitted to receive fill;
- (e) A *Drainage 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. Site drainage shall not be accomplished by sheetflow runoff over the bluff. The drainage plan shall include installation of slope dewatering devices if determined necessary by the Consulting Engineer;
- (f) The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final landscape, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

3. Wildfire Waiver of Liability

Prior to the issuance of a 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 wildfire 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 two-story, 35 ft. high, 3,010 sq. ft. single family residence with an attic room, an attached 390 sq. ft. garage, and septic system. The project, as proposed, will require 708 cu. yds of grading (668 cu. yds. of cut & 40 cu. yds fill).

The proposed project will replace a 2,541 sq. ft. three-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 Single Family Residence exceeds the previous residence by 16%, and therefore a Coastal Permit is required.

The proposed reconstruction site is located in a built-out section of the La Costa area in eastern Malibu. The neighboring property to the west is the site of a vacant, burned down residence. Across the street to the north a residence is under construction, and the property to the east has recently been constructed. The subject site is located at an elevation of 235' above sea level and approximately one quarter mile from Pacific Coast Highway.

The site is visible from Pacific Coast Highway, although several trees that remain on the south end of the subject parcel would help to screen public views of the proposed project. There are no public trails or parks within sight of the proposed residence. Given the design and location of the proposed single family residence within an established subdivision, and the vegetative screening of the site from Pacific Coast Highway, the replacement structure will not create a significant adverse visual impact.

##### 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.

### 1. Geology

The applicant has submitted a Limited Geologic and Soils Engineering Investigation, dated 8/15/98, prepared by GeoConcepts, Inc., a Private Disposal System Report and Update Letter, dated 5/5/98 and 5/28/98 respectively, prepared by GeoConcepts for the subject site.

The subject parcel is located approximately 250 feet southeast of the Rambla Pacifico Landslide, which is a major, active landslide. However, no ancient or recent bedrock landslides were observed on the property.

A stability analysis was performed for the southerly-descending slope. The stability analysis indicated that the slope is grossly stable. In addition, according to the consultant's field observations, laboratory testing and analysis, the bedrock found in the explorations should possess sufficient strength to support the proposed single family residence.

Based on the geotechnical consultant's reconnaissance mapping, description of earth materials, determination of geologic structure, obtaining representative earth samples, performing laboratory testing, and engineering analyses, the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to drainage, grading, foundations, settlement, excavations, retaining walls, slabs on grade, and sewage.

In conclusion, the geologic and soils investigation states that:

*"Based on the results of this investigation and a thorough review of the proposed development, as discussed, the site is suitable for the intended use providing the following recommendations are incorporated into the design and subsequent construction project. Also, the development must be performed in an acceptable manner conforming to building code requirements of the controlling government agency."*

Based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geologist and geotechnical engineer as conforming to their recommendations, as noted in *Special Condition number one (1)* for the final project plans for the proposed project.

## 2. Erosion

The consulting geotechnical engineer has found that storm water runoff and irrigation could produce serious damage and/or instability to improvements through erosion. Geoconcepts recommends drainage, landscaping and irrigation plans be prepared to mitigate runoff and erosion.

In order to ensure that drainage and potential erosion from the residential building pad is conveyed from the site in a non-erosive manner and erosion is controlled and minimized during construction, the Commission finds it necessary to require the applicant to submit, landscape(including irrigation), drainage and erosion control plans, as required by *Special Condition number two (2)*. This condition requires the landscape and erosion control plan be completed by a licensed landscape architect and the drainage control plan by a licensed engineer.

## 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 *Special Condition number three (3)*.

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

C. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, 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 proposed septic system includes a 1,500 gallon septic tank with seepage pits. The installation of a private sewage disposal system was reviewed by the consulting geologist, GeoConcepts, and who found that the private sewage disposal system will not adversely affect the proposed structure or daylight on descending slopes provided the system is constructed in conformance with the controlling governing agency.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a 3 to 4 bedroom residence and is sufficient to serve the proposed single family residence. The applicant has submitted a conceptual approval for the sewage disposal system from the City of Malibu Department of Environmental Health, based on a 3 to 4 bedroom single family residence. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

D. 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).

E. 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)(A) 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 effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects 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.

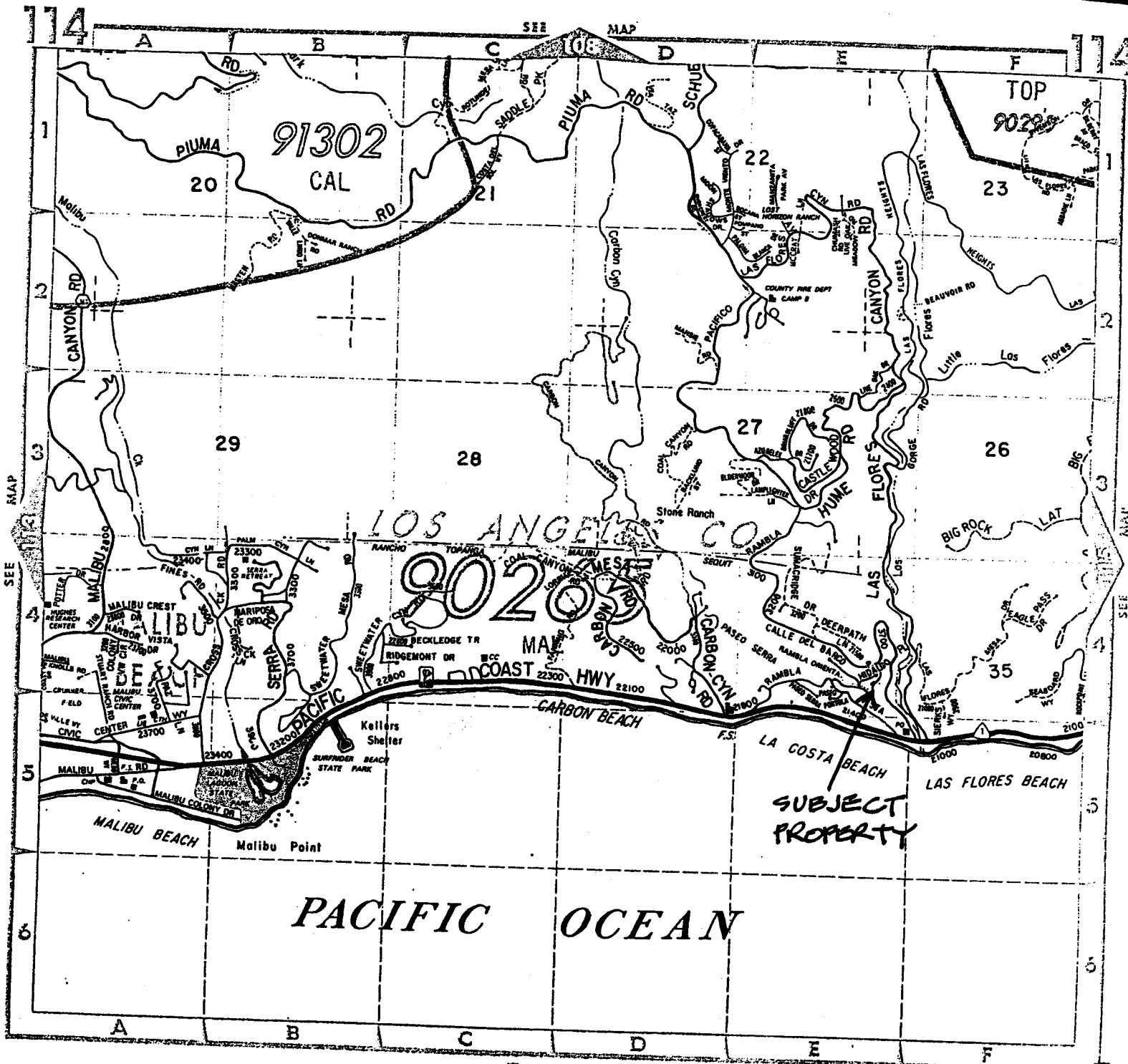
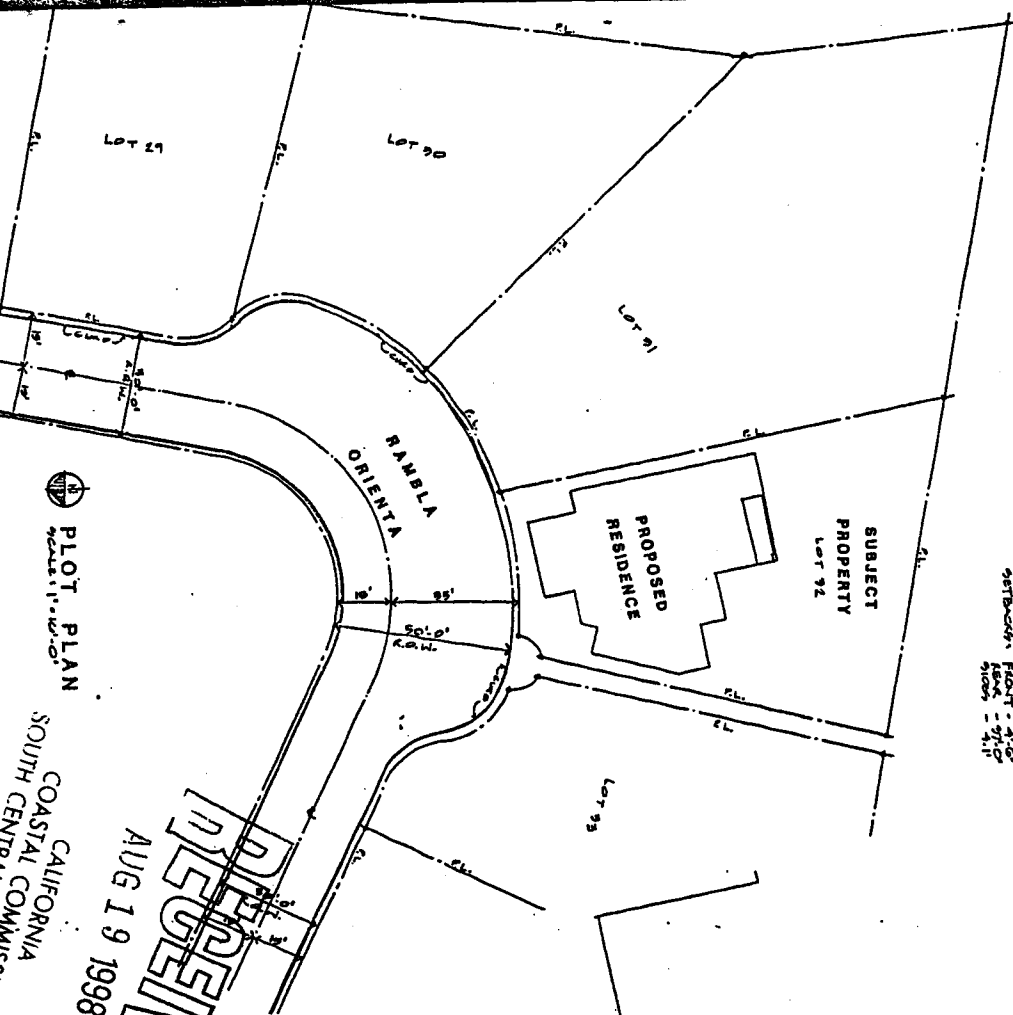


EXHIBIT NO. 1
APPLICATION NO.
4-98-184 (WETTMAN)
VICINITY MAP



**PROJECT STATISTICS:**

Lot 91: 7,800 sq. ft.  
 Residence: 5,500 sq. ft. with attached 8 car garage  
 9,000 sq. ft. with driveway  
 9,000 sq. ft. TOTAL STRUCTURE SIZE

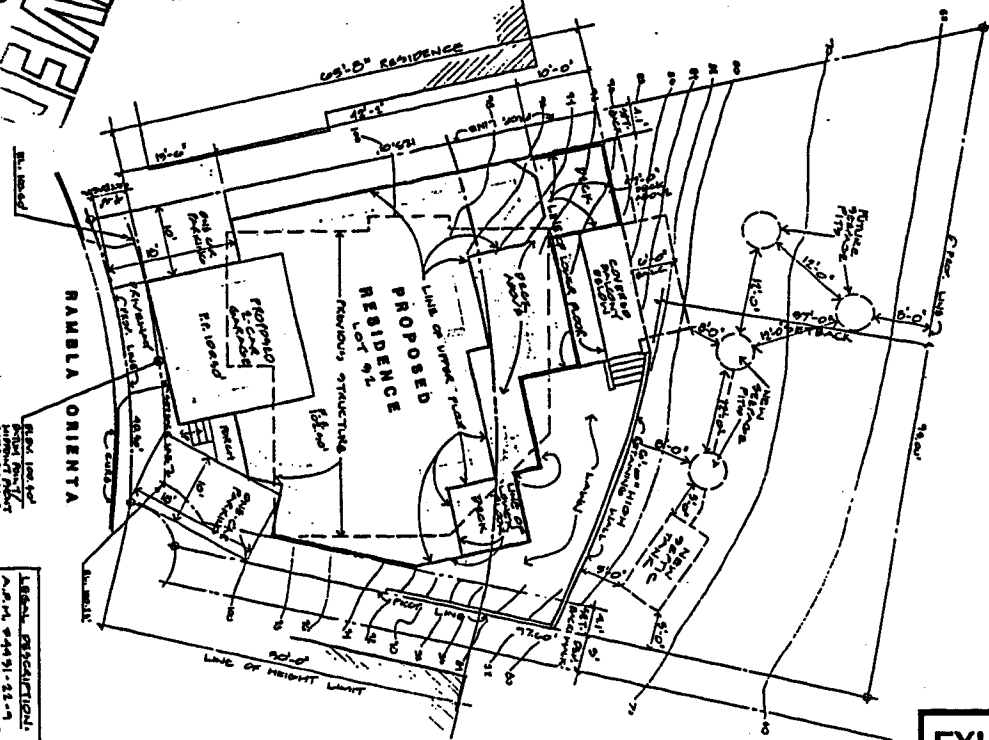
MAX. ALLOWABLE STRUCTURE SIZE: 9,000 sq. ft.  
 MAX. ALLOWABLE HEIGHT: 18'-0" AT FRONT SETBACK  
 50' AT REAR  
 MAX. PROPOSED HEIGHT: 19'-0" AT FRONT SETBACK  
 19'-0" AT REAR

FLOOR AREA:  
 FIRST FLOOR: 1,400 sq. ft.  
 SECOND FLOOR: 1,700 sq. ft.  
 ATTIC: 1,200 sq. ft.  
 TOTAL: 4,300 sq. ft.

GRABAGE: 600 CU. YDS. CAP. (UNDERPARK)  
 700 CU. YDS. FILL

SETBACKS: FRONT - 4'-6"  
 REAR - 7'-0"  
 SIDES - 3'-11"

**PRELIMINARY**



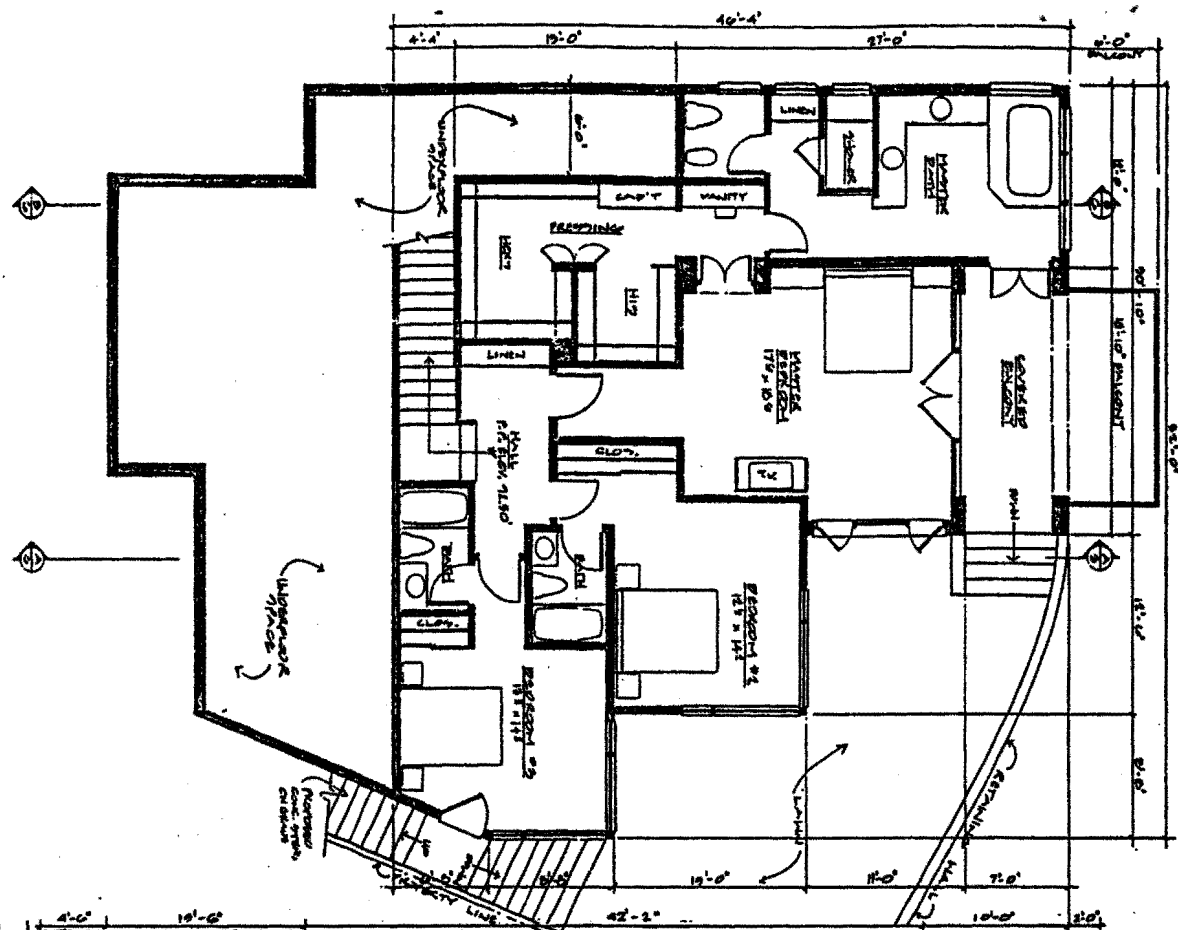
**MAXIMUM HEIGHT DETERMINATION:**  
 (Elevation taken from survey on June 11, 1998)  
 REAR PORCH AND GARAGE SETBACK LINE: 120'±  
 REAR PORCH AND GARAGE SETBACK LINE: 120'±  
 REAR PORCH AND GARAGE SETBACK LINE: 120'±  
 MAXIMUM HEIGHT OF RESIDENCE: 100'-11" ± AT REAR/50'± AT FRONT

**LEGAL DESCRIPTION:**  
 Lot 91, 9,000 sq. ft., Parcel 130, Tract 1, Rancho Conejo, Los Angeles County, California.  
 Lot 92, 9,000 sq. ft., Parcel 131, Tract 1, Rancho Conejo, Los Angeles County, California.  
 Lot 93, 9,000 sq. ft., Parcel 132, Tract 1, Rancho Conejo, Los Angeles County, California.

**OWNER:**  
 Mr. and Mrs. Brian and Amy Weitman  
 3870 Rambla Orienta, Malibu, CA 90265  
 (818) 741-0050

**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**4-98-184 (WETTMAN)**  
**SITE PLAN**

LOWER LEVEL FLOOR PLAN  
Scale: 1/8" = 1'-0"



UPPER LEVEL FLOOR PLAN  
Scale: 1/8" = 1'-0"

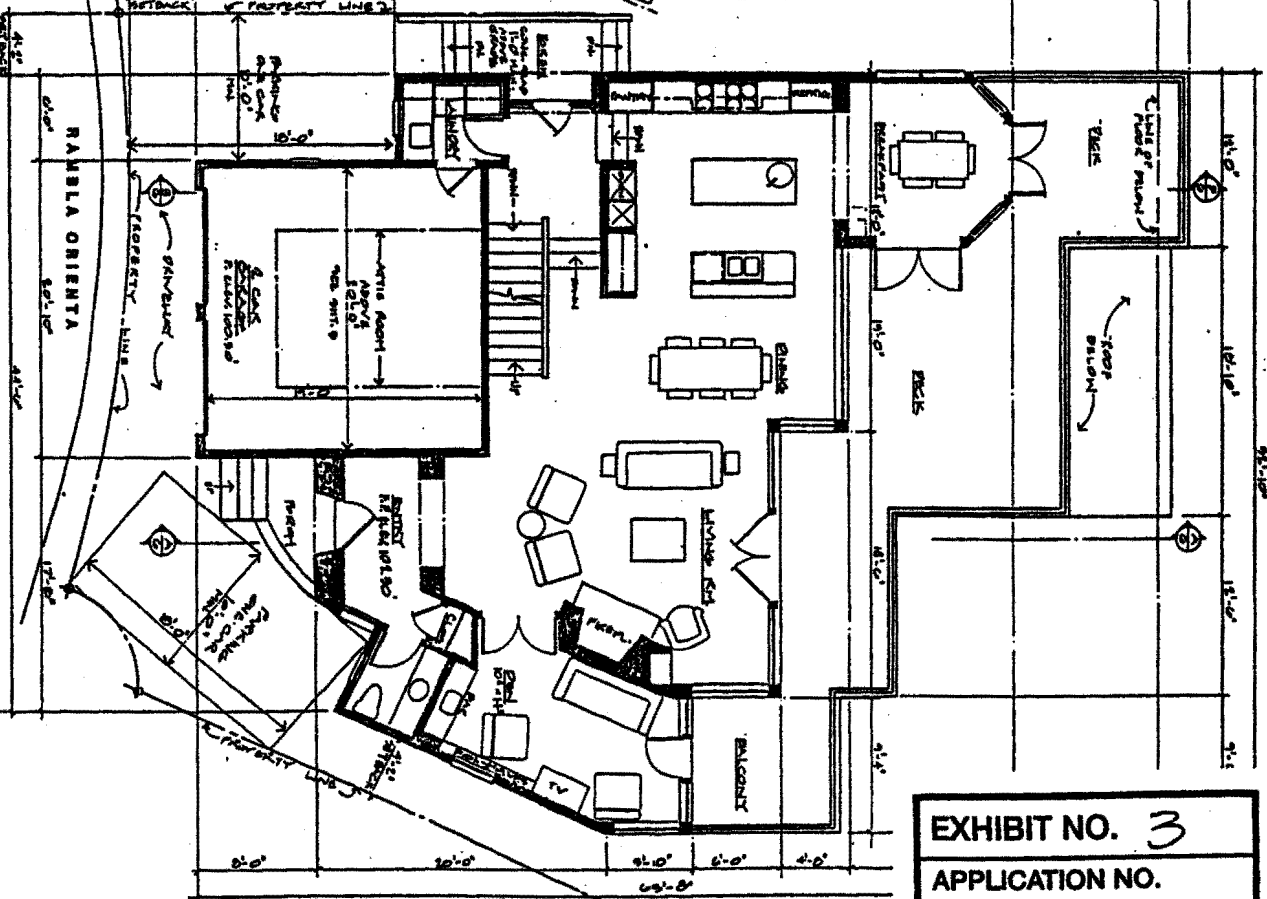
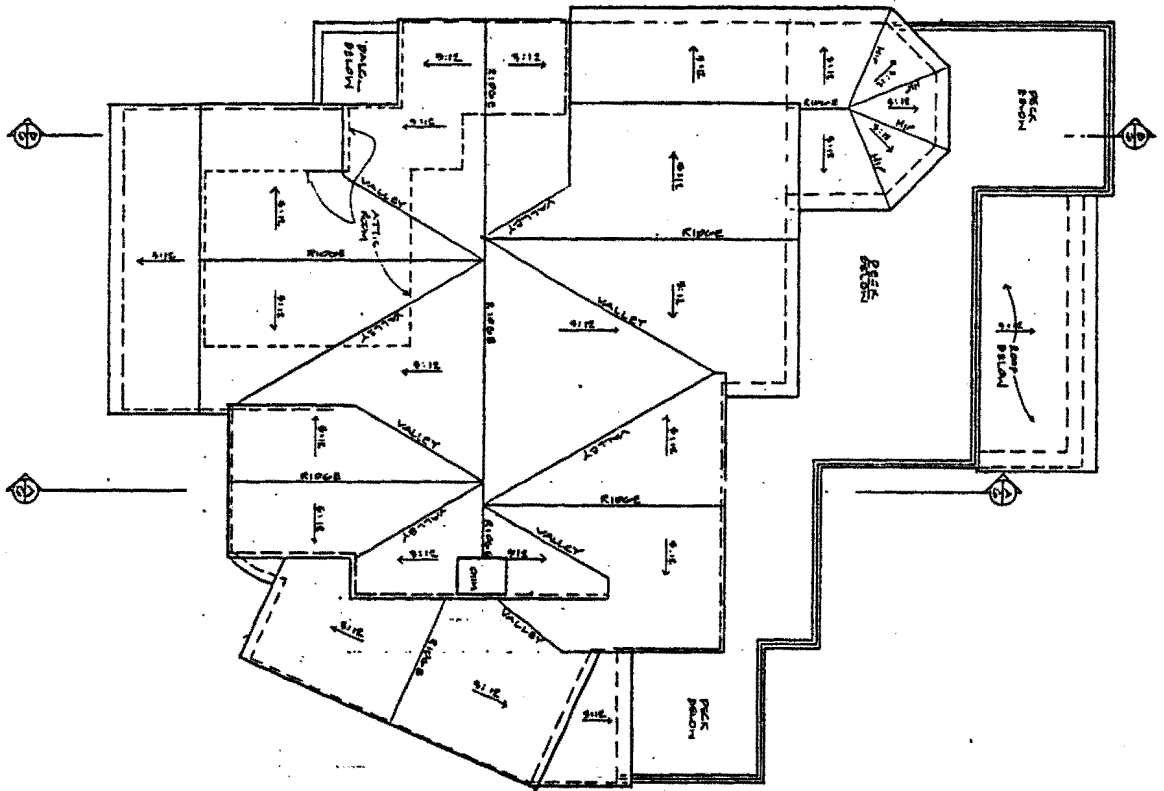
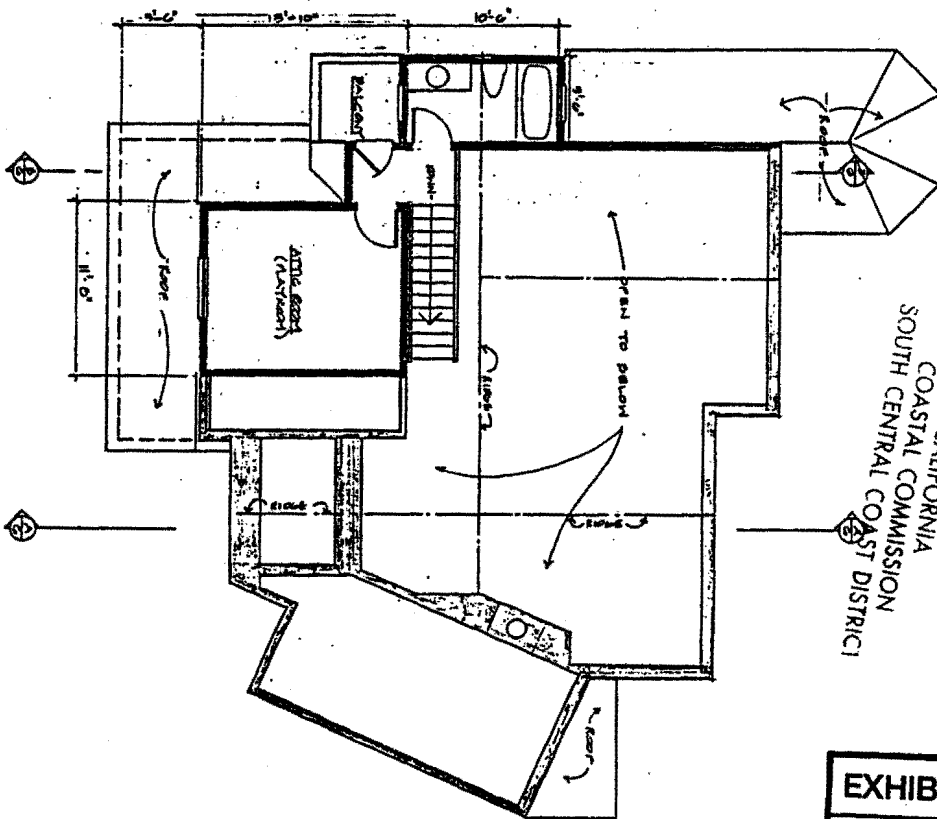


EXHIBIT NO. 3  
APPLICATION NO.  
4-98-184 (WEITMAN)  
FLOOR PLANS

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



UPPER LEVEL ATTIC ROOM  
Scale: 1/8" = 1'-0"

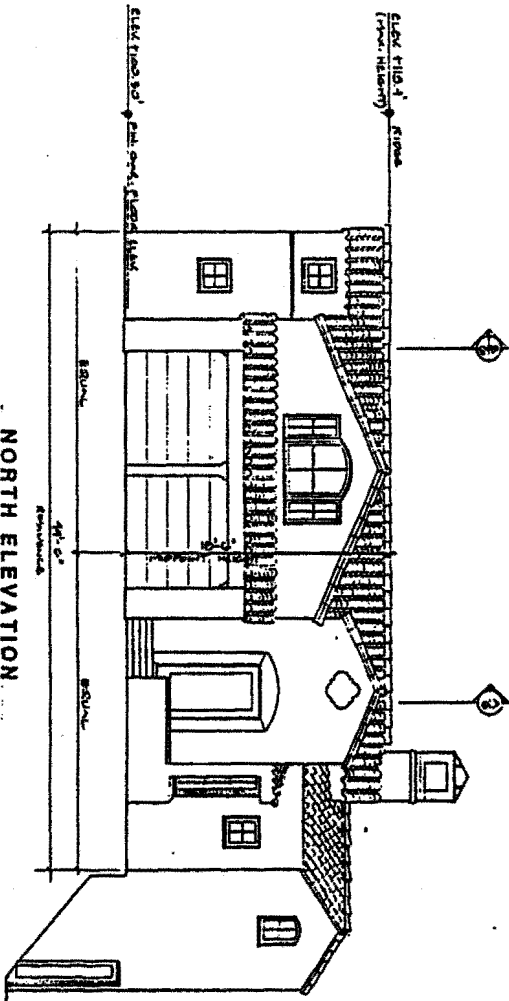


CALIFORNIA  
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SOUTH CENTRAL COAST DISTRICT

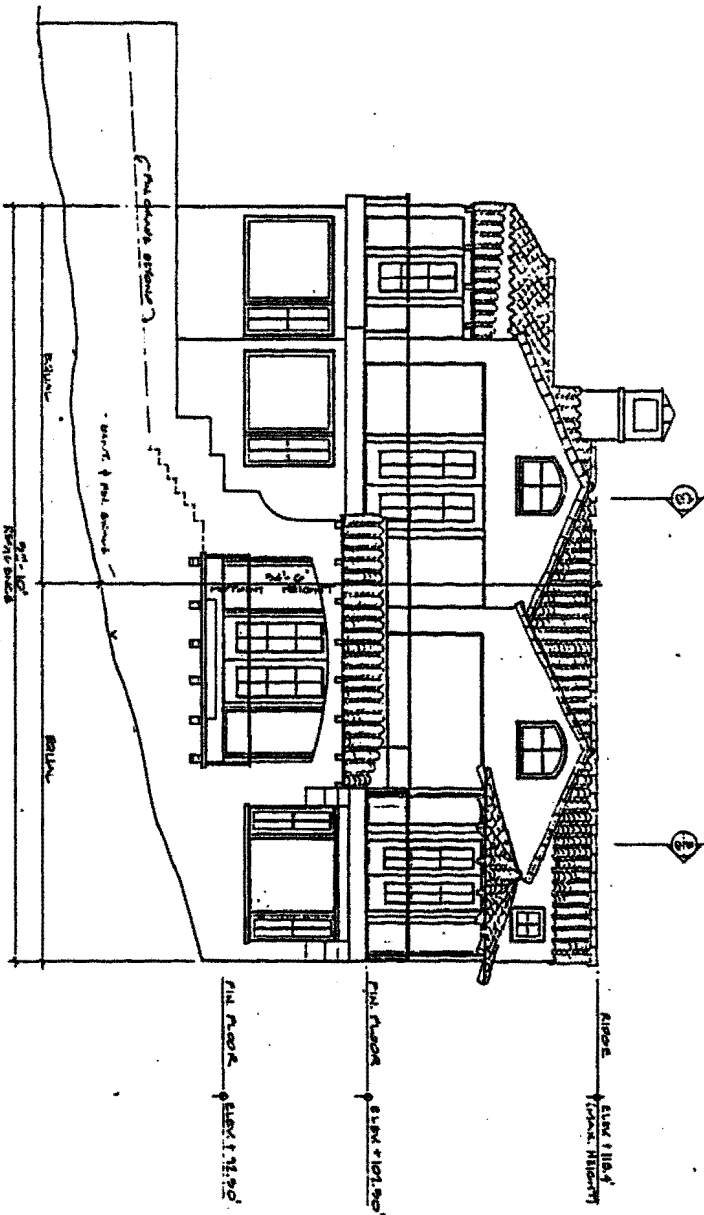
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EXHIBIT NO.	4
APPLICATION NO.	4-98-184 (WEITMAN)
	ATTIC ROOM/ROOF

**CAHILL & LEESE ARCHITECTS** 2426 BEVERLY AVE., SANTA MONICA, CA  
A RESIDENCE FOR BRIAN AND AMY WEITMAN  
3870 RAMBLA ORIENTA, MALIBU, CA. 90265



NORTH ELEVATION



SOUTH ELEVATION

CALIFORNIA  
COASTAL COMMISSIC  
SOUTH CENTRAL COAST DISTRICT

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EXHIBIT NO. 5
APPLICATION NO.
4-98-184 (WEITMAN)
NORTH/SOUTH ELEVATIONS

CAHILL & LEESE ARCHITECTS 2428 BEVERLY AVE., SANTA MONICA, CA. 90401

A RESIDENCE  
FOR BRIAN AND AMY WEITMAN  
3870 RAMBLA ORIENTA, MALIBU, CA. 90265

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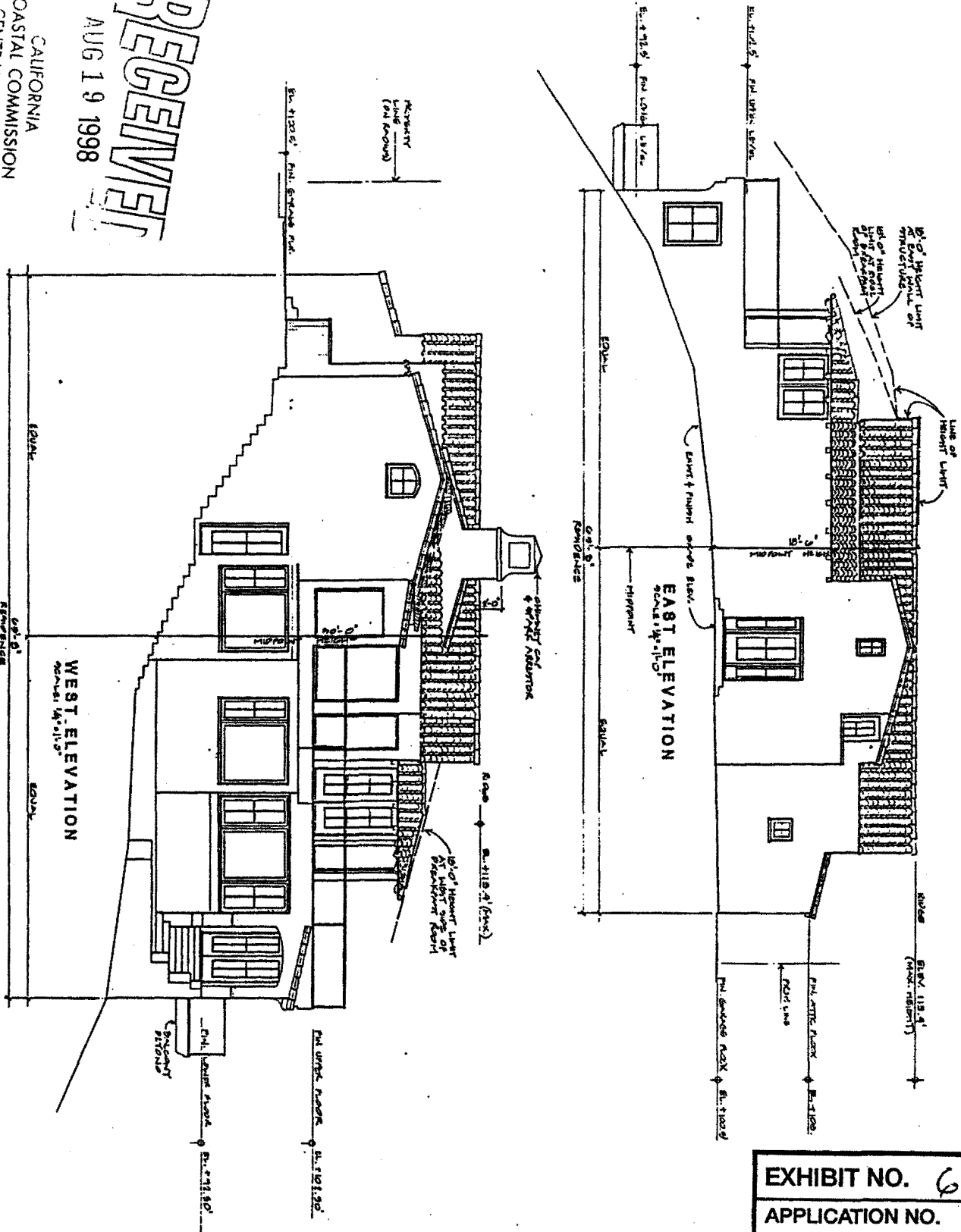


EXHIBIT NO. 6  
APPLICATION NO.  
4-98-184 (WEITMAN)  
EAST/WEST ELEVATIONS

