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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Hearing Date: 12/8-11/98



**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.: 4-98-222**

**APPLICANT:** Eric Rochin & Deborah Collodel

**AGENT:**

**PROJECT LOCATION:** 3233 Rambla Pacifico, Malibu, (Los Angeles County).

**PROJECT DESCRIPTION:** Construct a 28 ft. high, three-story, 4,902 sq. ft. single family residence with attached 868 sq. ft. garage, 403 sq. ft., 18 ft. high guest/bath house, swimming pool, septic system and 275 cu. yds. of grading (133 cu. yds. cut & 142 cu. yds. fill).

<b>Lot area:</b>	4,3857 sq. ft. (1.01 Acre)
<b>Building coverage:</b>	6,173 sq. ft.
<b>Pavement coverage:</b>	4,280 sq. ft.
<b>Landscape coverage:</b>	703 sq. ft.
<b>Parking spaces:</b>	3 covered
<b>Ht abv fin grade:</b>	28 ft. SFR/ 18ft. Guest/Bath House

**LOCAL APPROVALS RECEIVED:** City of Malibu: Planning Department, Approval-in-Concept, 8/11/98; Geology and Geotechnical Engineering, Approved "in-concept"; Environmental Health, In-Concept Approval, 2/25/98; County of Los Angeles, Fire Department, Feasible in Concept, 9/15/98.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Geotechnical Engineering Update Report, Coastline Geotechnical, 12/23/97; Reply to Review Sheet, Coastline Geotechnical, 5/15/98; Reply No. 2 to Review Sheet, Coastline Geotechnical, 6/11/98; Update Engineering Geologic and Seismic Report, Mountain Geology, 3/4/98; Addendum Engineering Geologic Report #1, Mountain Geology, 5/2/98; Addendum Engineering Geologic Report #2, Mountain Geology, 11/4/98; Plan Review and Approval, Proposed Residential Development, Proposed Private Sewage Disposal System, Mountain Geology, 11/11/98.

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## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the project with special conditions relating to: *future improvements; assumption of risk; conformance to geologic recommendations; landscape, erosion control, and drainage plans; wildfire waiver of liability*. The proposed project raises three Coastal Act issues related cumulative impacts, hazards, and geologic stability. The applicant has proposed a 403 sq. ft. guest/bath house which would potentially create cumulative impacts related to traffic, sewage disposal, recreational uses and resource degradation..

The project is located in the Rambla Pacifico district of Malibu, an area with a history of significant landslides and wildfires. In particular, the southwest portion of the subject site has been found to be surfically unstable and a Restricted Use Area has been identified. The applicant proposes to construct the guest/pool house, pool and septic system in the Restricted Use Area, subject to the recommendations of the engineering geologist.

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## **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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-98-222; and that any additions or future improvements to the permitted structure(s), or property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a),(b), will require an amendment to this permit or an additional permit from the Coastal Commission or the affected local government authorized to issue such coastal development permits.. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection is permitted.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Assumption of Risk

Prior to issuance of a coastal development 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 risk from such hazards, and (b) the applicant unconditionally waives any claim of liability

against 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 that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### 3. 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 Geotechnical Engineering Update Report, Coastline Geotechnical, 12/23/97; Reply to Review Sheet, Coastline Geotechnical, 5/15/98; Reply No. 2 to Review Sheet, Coastline Geotechnical, 6/11/98; Update Engineering Geologic and Seismic Report, Mountain Geology, 3/4/98; Addendum Engineering Geologic Report #1, Mountain Geology, 5/2/98; Addendum Engineering Geologic Report #2, Mountain Geology, 11/4/98; and Plan Review and Approval, Proposed Residential Development, Proposed Private Sewage Disposal System, Mountain Geology, 11/11/98, shall be incorporated into all final design and construction plans including recommendations concerning grading, retaining walls, foundation setbacks, excavations, pool, sewage, and drainage. 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.

### 4. 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 graded 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) Monitoring Plan
  - (1) Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
  - (2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.
- (e) 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;
- (f) 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 down the slope. The drainage plan shall include

installation of slope dewatering devices if determined necessary by the Consulting Engineer;

- (g) 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.

#### **5. 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 is proposing to construct a 28 ft. high, three-story, 4,902 sq. ft. single family residence with attached 868 sq. ft. garage, 403 sq. ft., 18 ft. high bath house, swimming pool, and septic system. The project also includes 275 cu. yds. (133 cu. yds. cut & 142 cu. yds. fill), all of which will be graded within the confines of the proposed structures.

The property is located east of Malibu Canyon Road, west of Las Flores Canyon Road, east of Carbon Mesa Road, north of Rambla Vista, west of Rambla Pacifico, on the south and downhill side of a graded access driveway in a developed hillside area. A custom residence is located to the southwest of the site, a fire re-build is under construction to the east, and a smaller residence is located to the north.

The proposed residence will be at a similar height and structure size as the majority of residences within the immediate vicinity. Furthermore, the proposed residence has been designed to follow the natural topography by stepping the structure down the slope, breaking-up its bulk, and notching the structure into the hillside. The site is visible from Pacific Coast Highway, approximately one third of a mile to the south and 500 ft. below, and is not visible from any public park or trail.

The proposed project will not create any significant adverse visual impact given the distance from Pacific Coast Highway, the location of the site within a developed residential district, the stepped down design and notching of the structure to conform with the topography, and the fact it will not be visible for any public park or trail.

#### **B. Cumulative Impacts of New Development**

The proposed project involves the construction of a 4,902 sq. ft. single family residence and a 403 sq. ft. guest/bath house which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. In particular, the construction of a second unit on a site where a primary residence exists intensifies the use of a site and impacts public services, such as water, sewage, electricity and roads. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.***

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

***the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.***

Section 30252 of the Coastal Act discusses new development requiring that the location and amount of new development should maintain and enhance public access to the coast. The section enumerates methods that would assure the protection of access and states that such maintenance and enhancement could be received by (in part), "...providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads... and by, assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by..."

In addition, the certified Malibu LUP, which the Commission considers as guidance for implementing the Chapter 3 policies of the Coastal Act, contains policy 271 which states:

***"In any single-family residential category, the maximum additional residential development above and beyond the principal unit shall be one guest house or other second unit with an interior floor space not to exceed 750 gross square feet, not counting garage space."***

The issue of second units on lots with primary residences consistent with the new development policies of the Coastal Act has been a topic of local and statewide review and policy action by the Commission. These policies have been articulated in both coastal development permit conditions and policies and implementing actions of LCPs. Further, the long-time Commission practice of reviewing coastal development permits and the implementation actions of LCPs has upheld policies such as the 750 sq. ft. size limit in the Malibu Coastal Zone.

The Commission notes that concerns about the potential future impacts on coastal resources might occur with any further development of the subject property. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality and resource degradation would be associated with the development of an additional unit in this area. Limiting the size of second residential units, guest houses and other appurtenant structures generally results in a smaller number of occupants which also reduces the impacts on services such as roads, water and sewage disposal. Further, smaller second units and guest houses reduces the potential for these structures to become separate, permanent dwelling units.

In this particular case, the applicant is proposing a 403 sq. ft. guest/bath house, which includes electricity, plumbing and bathroom facilities. The proposed structure does not exceed the 750 sq. ft. limit for a second unit, nor is a kitchen proposed. Further, the applicant does not propose to use the structure as a permanent residence. However, the Commission notes that concerns about the potential future impacts on coastal resources might occur with any further intensification or change of use because of the existence of electricity, plumbing and bathroom facilities. The guest/bath house could easily be converted into an additional permanent residential unit, with associated cumulative impacts to traffic, sewage disposal, recreational uses and resource degradation.

Therefore, in order to ensure that the proposed project will minimize any potentially significant cumulative impacts, the Commission finds it is necessary to require the applicant to record a future improvements deed restriction that limits any additions or future improvements to the permitted structure(s), or property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a),(b), subject to the Commission's review, as noted in *Special Condition One (1)*.

Thus, the findings attached to this permit and *Special Condition One (1)* will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal Act. The Commission finds that as conditioned, the proposed project is consistent with Section 30250(a) and with all the applicable policies of the Coastal Act.

### **C. 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 Malibu/Santa Monica Mountains certified Land Use Plan also provides policy guidance, in regards to geologic hazards, as follows:

- P147 Continue to evaluate all new development for impact on, and from, geologic hazard.**
- P148 Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.**
- P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.**
- P150 Continue Hillside Management procedures as contained in Ordinance No. 82-0003 for proposed development on sites with an average slope greater than 25 percent (4:1). Grading and/or development-related vegetation clearance shall be prohibited where the slope exceeds 2:1, except that driveways and/or utilities may be located on such slopes where there is no less environmentally damaging feasible alternative means of providing access to homesites located on slopes of less than 50%, where no alternative homesites exist on the property, and where maximum feasible mitigation measures are taken.**

The proposed development is located on a partially graded hillside lot located on the southern flank of 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 property is situated on the top of a west-facing and south-facing slope, on the crest of a northeast-southeast trending ridge. The prominent geomorphic feature in the area are Carbon Canyon to the west, Las Flores Canyon to the east, La Costa Beach to the south, and the northeast-southwest trending ridge on which the property is situated.

Physical relief on the subject property is on the order of 100 feet within the area of the proposed development. However, the west facing slope descends a total vertical distance of 400 feet, and the south facing slopes descend to Pacific Coast Highway a total vertical distance of 500 feet. Slope gradients vary from nearly horizontal on the access drive and on the graded pad

area located on the southwest portion of the site, to as steep as 1.5:1. Slope drainage is by sheet flow runoff directed toward the south via the existing contours.

## **1. Geology**

The applicant has submitted a Geotechnical Engineering Update Report, prepared by Coastline Geotechnical, 12/23/97; Reply to Review Sheet, prepared by Coastline Geotechnical, 5/15/98; Reply No. 2 to Review Sheet, prepared by Coastline Geotechnical, 6/11/98; Update Engineering Geologic and Seismic Report, prepared by Mountain Geology, 3/4/98; Addendum Engineering Geologic Report #1, prepared by Mountain Geology, 5/2/98; Addendum Engineering Geologic Report #2, prepared by Mountain Geology, 11/4/98; and Plan Review and Approval, Proposed Residential Development, Proposed Private Sewage Disposal System, prepared by Mountain Geology, 11/11/98, for the subject site

The orientation of the geologic structure on the parcel is favorable with respect to the gross stability of the site, according to Mountain Geology. However, both Mountain Geology and Coastline Geotechnical engineering geologic and geotechnical engineering investigations concluded that the western portion of the site has a static slope stability of less than 1.5. As a result, a geologic/geotechnical setback line and restricted use area was established.

The applicant has proposed to construct the pool, guest/bath house and septic system within this restricted use area. This can be accomplished, according to the Mountain Geology, if the structures utilize deepened foundation footings, and the septic system is capped so as to seal the upper portion to avoid percolation into the unstable surface materials. In the Update Engineering Geologic and Seismic Report, dated 3/4/98, Mountain Geology indicates the following:

*Based upon our exploration and experience with similar projects, the proposed development is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction. The recommended bearing material is the underlying bedrock. This material can be reached with a combination of conventional and deepened foundation systems following site preparation. If structures are to be located to the west of the established Geologic/Geotechnical Setback Line (i.e. within the Restricted Use Area), the recommended bearing material is the underlying bedrock located at a depth which is below the 1.5 Factor of Safety Line as specified by the Geotechnical Engineer. This material and depth can be reached with deepened foundation systems following site preparation.*

*...A private sewage disposal system, consisting of a septic tank and seepage pit(s) may be installed on the subject property. The seepage pit(s) should be located as indicated on the updated Geologic Map and should be sealed in the upper portion to avoid percolation into the (unstable) surficial materials.*

The engineering geologist then concludes with the following statement:

*Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and installation of the private sewage disposal system will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.*

Nevertheless, there remains a level of risk given the surficial instability of the southwestern portion of the parcel and therefore, 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 Two (2)*. 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.

Further, given the presence of a Geologic/Geotechnical Setback Line and a Restricted Use Area, the Commission can only approve this project if the applicant can ensure that any future development, including the guest/bath house and the main residence which might otherwise be exempt, will not occur without the Commission's review, to ensure consistency with Section 30253 of the Coastal Act. Thus, the findings attached to this permit and *Special Condition One (1)* will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Section 30253 of the Coastal Act.

Based on the geotechnical consultant's site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data limited subsurface exploration of the site and, both the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to grading, retaining walls, foundation setbacks, excavations, pool, sewage, and drainage.

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 Three (3)* for the final project plans for the proposed project.

## **2. Erosion**

The applicant is proposing the development of a single family residence, guest/bath house, pool and septic system on a parcel that has a static slope stability of less than 1.5. Further, the engineering geologist has found that uncontrolled drainage associated with this

development will create adverse erosional effects. Thus, the Commission finds that uncontrolled storm water runoff associated with the construction of the proposed project would generate a significant amount of erosion, destabilizing the geology onsite and creating sedimentation impacts offsite.

Therefore, the Commission finds it necessary to require the applicant to submit detailed landscape, drainage, and erosion control plans for the proposed development. *Special Condition Four (4)* provides for the landscape and erosion control plans to be prepared by a licensed landscape architect, and the drainage plan by a licensed engineer. Furthermore, given that the consulting engineer specifically recommended drainage control measure for the potentially erosive soils on site, the Commission finds that the landscape plans must be reviewed and approved by the consulting engineering geologist as required by *Special Condition Four (4)*.

### 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 Five (5)*.

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

#### **D. 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 2,000 gallon septic tank with seepage pits. The installation of a private sewage disposal system was reviewed by the consulting geologist, Mountain Geology, and found not to create or cause adverse conditions to the site or adjacent properties due to the favorable geologic structure, favorable nature of the earth materials with respect to percolation rates, and the favorable effect of a deep capping depth.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a five bedroom residence and a one bedroom guesthouse 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 five bedroom single family residence and a one bedroom guest house. 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.

#### **E. 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).

**F. California Environmental Quality Act**

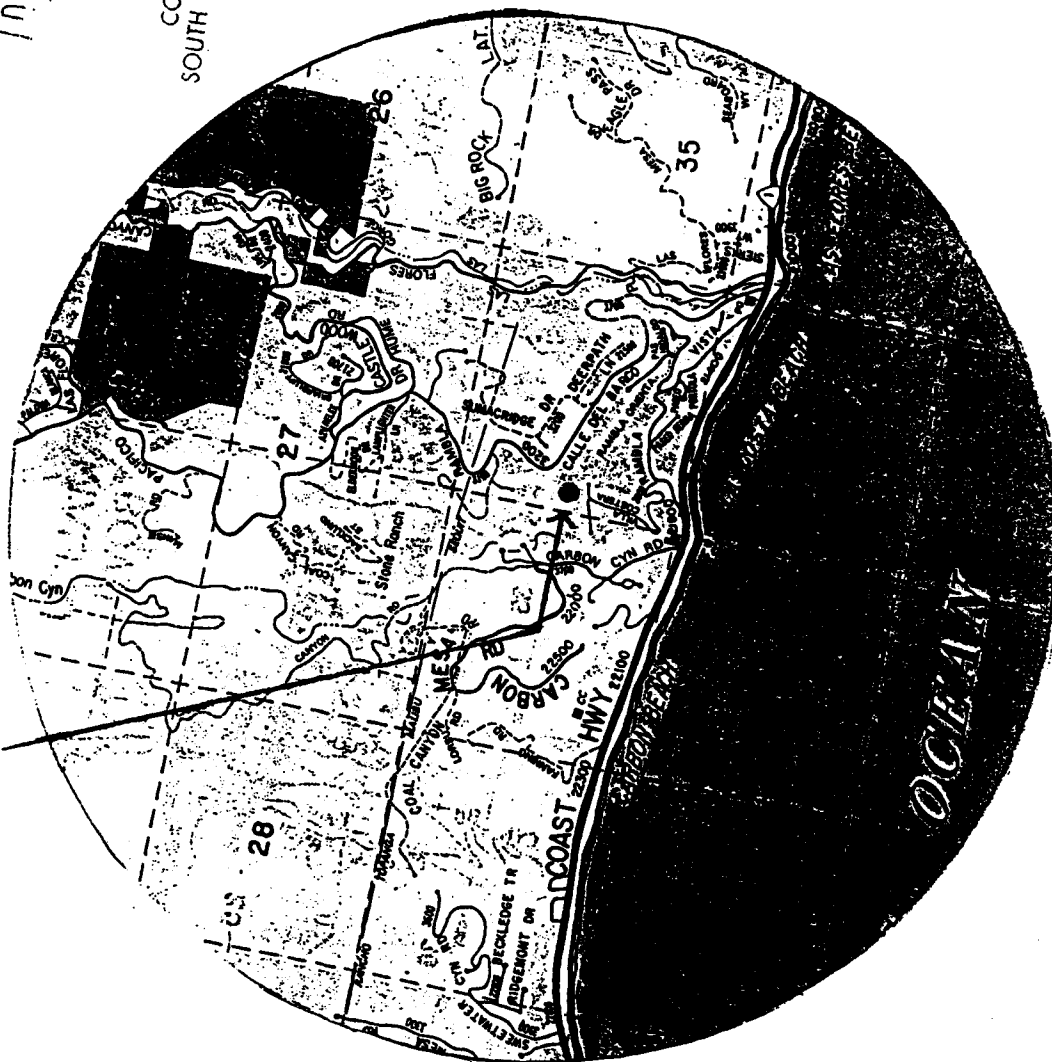
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (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.

AUG 11 1998

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

PROJECT SITE  
3233 RANBLA  
PUBLIC



APPLICATION NO.

VICINITY MAP

RECEIVED

AUG 11 1998

CALIFORNIA  
COASTAL COMMISSION  
GUEST/BATH HOUSE

GUEST/BATH HOUSE

TRAINED STONE PINERS  
(PIONEER PLANT)

POOL

SEPTIC SYSTEM

GEOLOGIC/GEOTECHNICAL  
SET BACK LINE

CALIFORNIA  
COASTAL COMMIS

TRAINED STONE PINERS  
(PIONEER PLANT)

**"I'm Not a Communist"**

Employment Status -  
(Married)

1500

**SUBJECT: PLANNING**  
**\$230 RANGE: PACIFIC**

PHOTOGRAPHS AND SLIDES  
FAMILY ASSOCIATED WITH  
MURDERED THOMAS CAR BROWNE

**SITE AND ROOF PLAN.**  
SCALE 1" = 20' 0"

### VICINITY MAP

EXHIBIT NO. 2
APPLICATION NO.
4-98-222 (ROCHIN)
SITE PLAN

## PROJECT DATA

Q100	Q101	Q102	Q103	Q104	Q105	Q106	Q107	Q108	Q109	Q110	Q111	Q112	Q113	Q114	Q115	Q116	Q117	Q118	Q119	Q120	Q121	Q122	Q123	Q124	Q125	Q126	Q127	Q128	Q129	Q130	Q131	Q132	Q133	Q134	Q135	Q136	Q137	Q138	Q139	Q140	Q141	Q142	Q143	Q144	Q145	Q146	Q147	Q148	Q149	Q150	Q151	Q152	Q153	Q154	Q155	Q156	Q157	Q158	Q159	Q160	Q161	Q162	Q163	Q164	Q165	Q166	Q167	Q168	Q169	Q170	Q171	Q172	Q173	Q174	Q175	Q176	Q177	Q178	Q179	Q180	Q181	Q182	Q183	Q184	Q185	Q186	Q187	Q188	Q189	Q190	Q191	Q192	Q193	Q194	Q195	Q196	Q197	Q198	Q199	Q200	Q201	Q202	Q203	Q204	Q205	Q206	Q207	Q208	Q209	Q210	Q211	Q212	Q213	Q214	Q215	Q216	Q217	Q218	Q219	Q220	Q221	Q222	Q223	Q224	Q225	Q226	Q227	Q228	Q229	Q230	Q231	Q232	Q233	Q234	Q235	Q236	Q237	Q238	Q239	Q240	Q241	Q242	Q243	Q244	Q245	Q246	Q247	Q248	Q249	Q250	Q251	Q252	Q253	Q254	Q255	Q256	Q257	Q258	Q259	Q260	Q261	Q262	Q263	Q264	Q265	Q266	Q267	Q268	Q269	Q270	Q271	Q272	Q273	Q274	Q275	Q276	Q277	Q278	Q279	Q280	Q281	Q282	Q283	Q284	Q285	Q286	Q287	Q288	Q289	Q290	Q291	Q292	Q293	Q294	Q295	Q296	Q297	Q298	Q299	Q300	Q301	Q302	Q303	Q304	Q305	Q306	Q307	Q308	Q309	Q310	Q311	Q312	Q313	Q314	Q315	Q316	Q317	Q318	Q319	Q320	Q321	Q322	Q323	Q324	Q325	Q326	Q327	Q328	Q329	Q330	Q331	Q332	Q333	Q334	Q335	Q336	Q337	Q338	Q339	Q340	Q341	Q342	Q343	Q344	Q345	Q346	Q347	Q348	Q349	Q350	Q351	Q352	Q353	Q354	Q355	Q356	Q357	Q358	Q359	Q360	Q361	Q362	Q363	Q364	Q365	Q366	Q367	Q368	Q369	Q370	Q371	Q372	Q373	Q374	Q375	Q376	Q377	Q378	Q379	Q380	Q381	Q382	Q383	Q384	Q385	Q386	Q387	Q388	Q389	Q390	Q391	Q392	Q393	Q394	Q395	Q396	Q397	Q398	Q399	Q400	Q401	Q402	Q403	Q404	Q405	Q406	Q407	Q408	Q409	Q410	Q411	Q412	Q413	Q414	Q415	Q416	Q417	Q418	Q419	Q420	Q421	Q422	Q423	Q424	Q425	Q426	Q427	Q428	Q429	Q430	Q431	Q432	Q433	Q434	Q435	Q436	Q437	Q438	Q439	Q440	Q441	Q442	Q443	Q444	Q445	Q446	Q447	Q448	Q449	Q450	Q451	Q452	Q453	Q454	Q455	Q456	Q457	Q458	Q459	Q460	Q461	Q462	Q463	Q464	Q465	Q466	Q467	Q468	Q469	Q470	Q471	Q472	Q473	Q474	Q475	Q476	Q477	Q478	Q479	Q480	Q481	Q482	Q483	Q484	Q485	Q486	Q487	Q488	Q489	Q490	Q491	Q492	Q493	Q494	Q495	Q496	Q497	Q498	Q499	Q500	Q501	Q502	Q503	Q504	Q505	Q506	Q507	Q508</
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ROCHINCOLLODEL RESIDENCE  
3733 LAMBDA PACIFIC  
MALIBU, CALIFORNIA  
90265



Page 1	Page 2	Page 3	Page 4	Page 5	Page 6	Page 7	Page 8	Page 9	Page 10	Page 11	Page 12	Page 13	Page 14	Page 15	Page 16	Page 17	Page 18	Page 19	Page 20	Page 21	Page 22	Page 23	Page 24	Page 25	Page 26	Page 27	Page 28	Page 29	Page 30	Page 31	Page 32	Page 33	Page 34	Page 35	Page 36	Page 37	Page 38	Page 39	Page 40	Page 41	Page 42	Page 43	Page 44	Page 45	Page 46	Page 47	Page 48	Page 49	Page 50	Page 51	Page 52	Page 53	Page 54	Page 55	Page 56	Page 57	Page 58	Page 59	Page 60	Page 61	Page 62	Page 63	Page 64	Page 65	Page 66	Page 67	Page 68	Page 69	Page 70	Page 71	Page 72	Page 73	Page 74	Page 75	Page 76	Page 77	Page 78	Page 79	Page 80	Page 81	Page 82	Page 83	Page 84	Page 85	Page 86	Page 87	Page 88	Page 89	Page 90	Page 91	Page 92	Page 93	Page 94	Page 95	Page 96	Page 97	Page 98	Page 99	Page 100
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EXHIBIT NO. 3
APPLICATION NO.
4-98-222 (ROCKIN)
FIRST LEVEL

ROCHINDOLLOE RESIDENCE  
 7133 BAMBULA PACIFIC  
 MILLER, CALIFORNIA  
 92245

DOOR SCHEDULE

1	GLASS	FF300	WOOD BRICK
2	GLASS	FF300	WOOD BRICK
3	GLASS	FF300	WOOD BRICK
4	GLASS	FF300	WOOD BRICK
5	GLASS	FF300	WOOD BRICK
6	GLASS	FF300	WOOD BRICK
7	GLASS	FF300	WOOD BRICK
8	GLASS	FF300	WOOD BRICK
9	GLASS	FF300	WOOD BRICK
10	GLASS	FF300	WOOD BRICK
11	GLASS	FF300	WOOD BRICK

MAIN LIVING LEVEL PLAN

EXHIBIT NO. 4

APPLICATION NO.

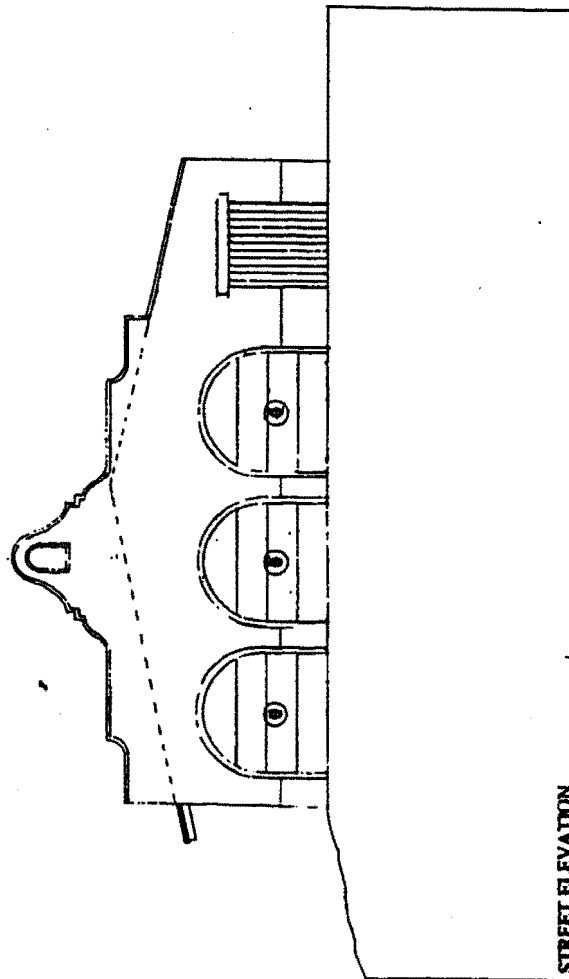
4-98-222 (ROCHIND)

SECOND LEVEL



EXHIBIT NO. 6  
APPLICATION NO.  
4-98-222 (ROCHIN)  
FOURTH LEVEL

ROCHINOU LOREL RESIDENCE  
1231 SAMBLA PACIFIC  
HALL, CALIFORNIA  
90605



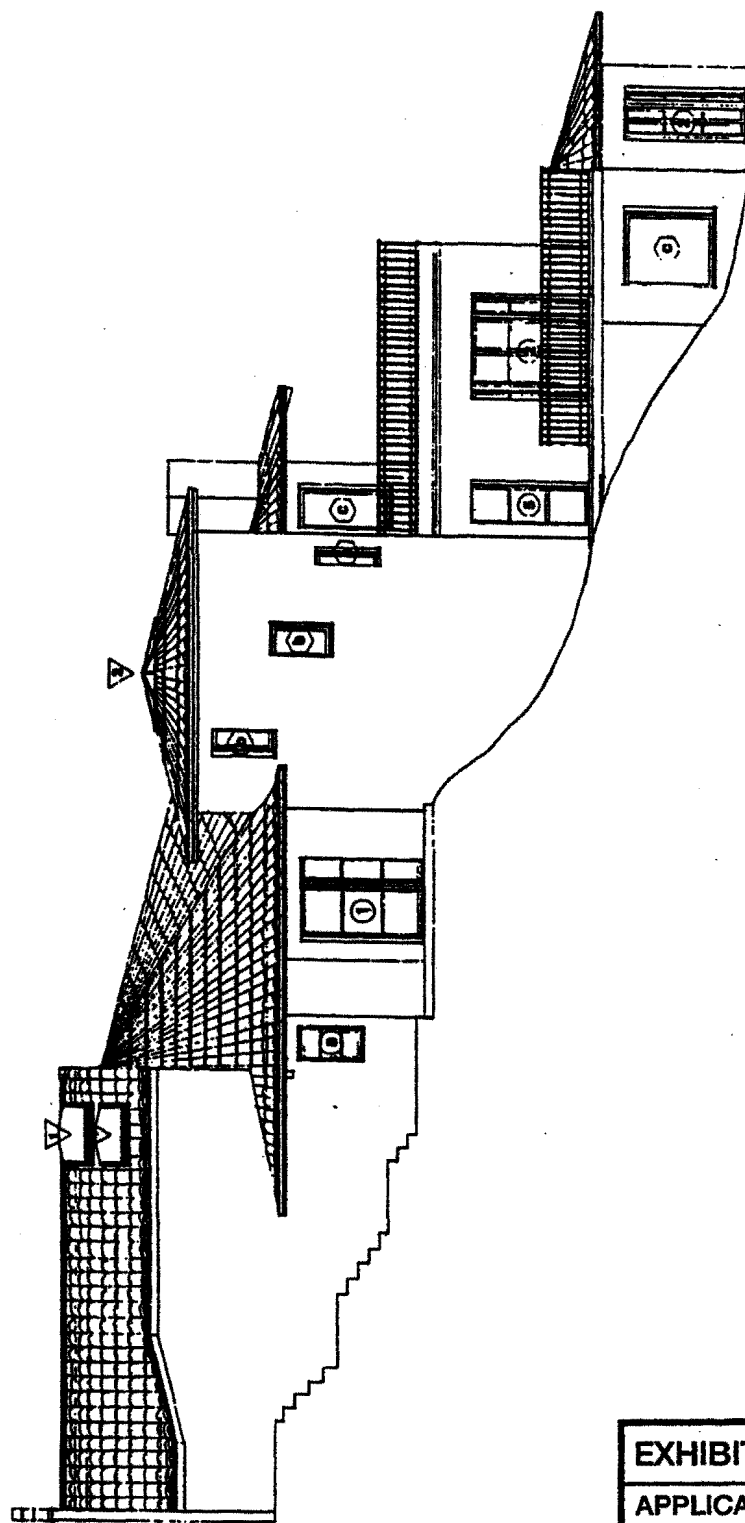
STREET ELEVATION

EXHIBIT NO. 7

APPLICATION NO.

4-98-222 (ROCHIN)

STREET ELEVATION

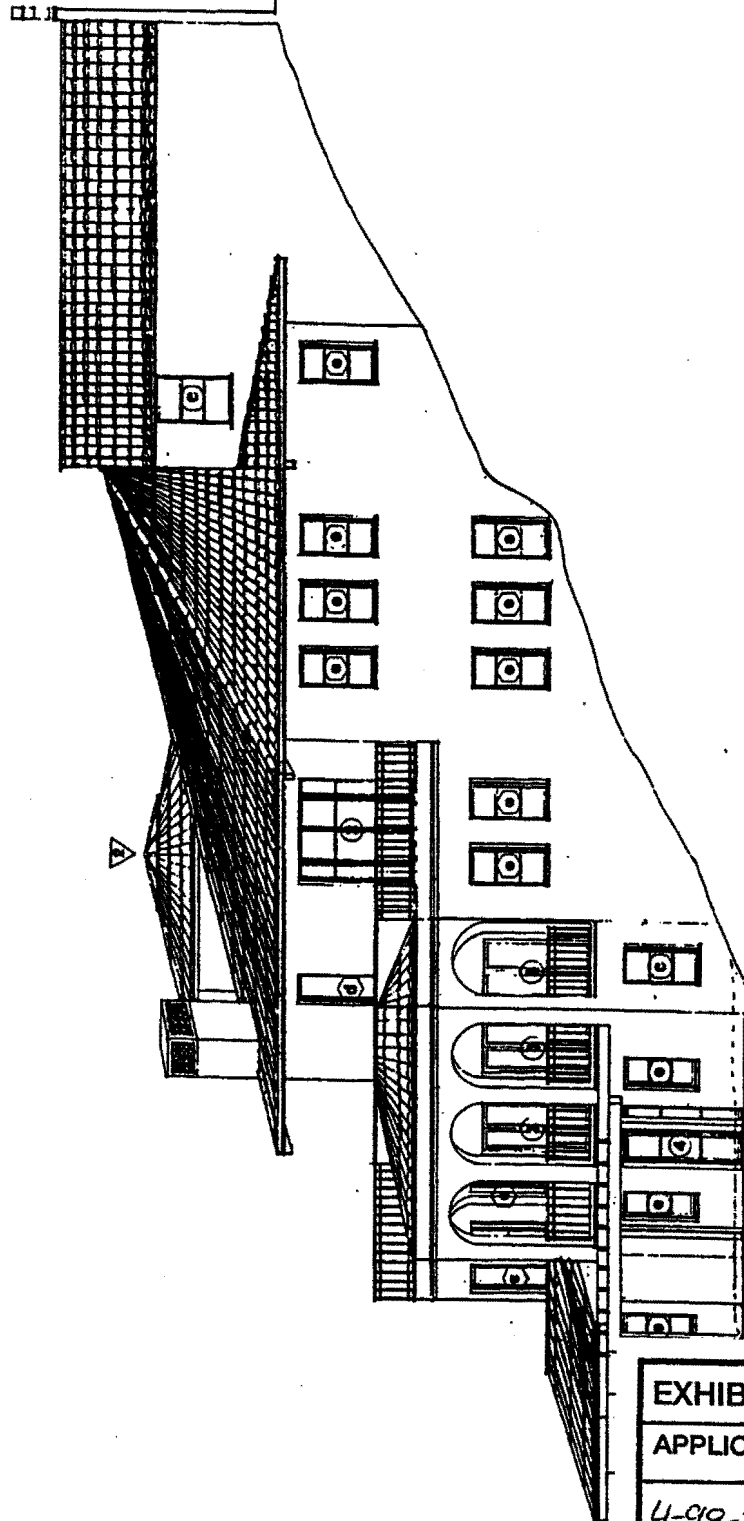


ROCKWELL RESIDENCE  
3111 BAKER A PACIFIC  
HALL, CALIFORNIA  
90045

NORTH ELEVATION  
Scale: 1/4" = 1'-0"

EXHIBIT NO.	8
APPLICATION NO.	
4-98-222 (ROCKIN)	
NORTH ELEVATION	

ROCKWELL LODGE RESIDENCE  
3233 BAMBULA PACIFIC  
MILLER, CALIFORNIA  
90245



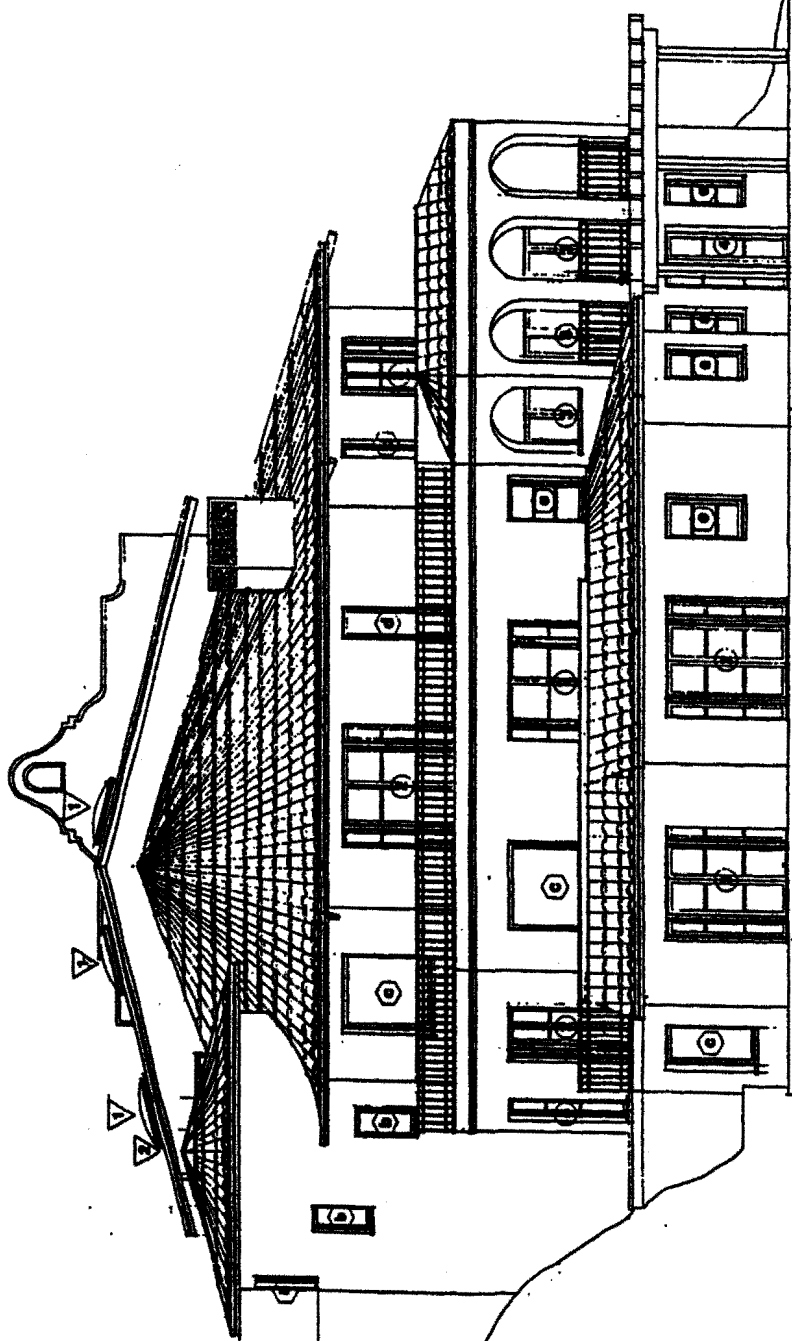
SOUTH ELEVATION  
Scale 1/4" = 1'-0"

EXHIBIT NO. 9

APPLICATION NO.

4-98-222 (ROCKIN)

SOUTH ELEVATION



ROCHIN MODEL RESIDENCE  
3337 RANCHA PACIFICO  
MALIBU, CALIFORNIA  
90263

WEST ELEVATION  
Scale 1/8"=1'-0"

EXHIBIT NO. 10

APPLICATION NO.

4-98-222 (ROCHIN)

WEST ELEVATION

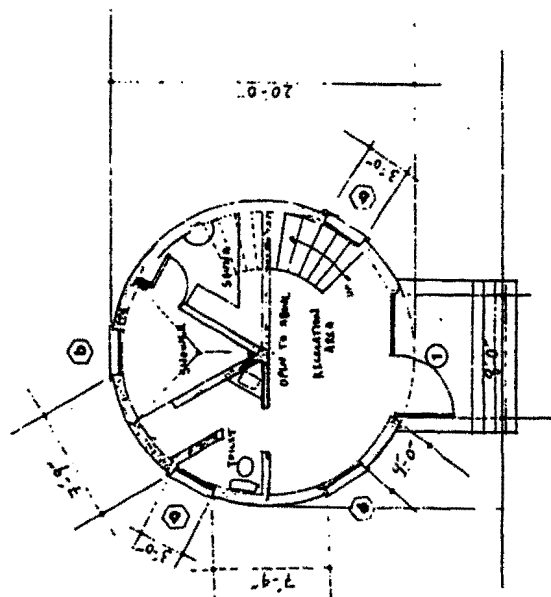
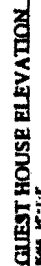


[illegible]

U.S. TYPE	UNIT SIZE	REMARKS
PROB IN CUBA	4' x 8' x 6'	STORY, GROUND CR REINFORCED CONCRETE LITE PAINTED FINISH

PT.	TYPE	LOS RIA	ISSUES
1	CABINET	P 8 8 0	STIM., PERS. DE SCOUTS INVEST. LITTE
2	CABINET	P 8 8 0	STIM., PERS. DE SCOUTS INVEST. LITTE

FOCUS 8 OF SOCIETY AT THE END OF THE 19TH CENTURY



QUEST HOUSE PLAN

4-98-222 (ROCHIN)  
GUEST/BATH HOUSE

