

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

TUCUMCUM, CA 93001

(805) 641-0142

RECORD PACKET COPY

Filed: 3/5/98

49th Day: 4/23/98

180th Day: 9/1/98

Staff: JEL-V

Staff Report: 3/19/98

Hearing Date: 4/4-10/98

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.: 4-98-021****APPLICANT: David Weil****AGENT: Jamie Harnish****PROJECT LOCATION: 3908 Rambla Orienta, Malibu (Los Angeles County)****PROJECT DESCRIPTION:** Construct 2,744 sq. ft., 32 foot high, two-story single family residence with 399 sq. ft. attached garage, swimming pool and new septic system to replace 1,434 sq. ft. residence destroyed in the 1993 firestorm. No grading is proposed.

Lot area:	5,685 sq. ft. (.13 acre)
Building coverage:	1,747 sq. ft.
Pavement coverage:	805 sq. ft.
Landscape coverage:	3,133 sq. ft.
Parking spaces:	two covered
Ht abv fin grade:	32 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval In Concept, 2/5/98; Geology and Geotechnical Engineering, Approved "in-concept", 1/29/98; Environmental Health, In-Concept Approval, 1/26/98.**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains Certified Land Use Plan; Engineering Geologic Report, Mountain Geology, 10/13/97; Addendum Engineering Geologic Report, Mountain Geology, 12/18/97; Preliminary Geotechnical Investigation, Miller Geosciences, 11/4/97; Update Geotechnical Investigation, Miller Geosciences, 1/6/98; CDPs: 4-95-249-A (Goodman); 4-98-005 (Weil)**SUMMARY OF STAFF RECOMMENDATION:**

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

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Plans Conforming to Geologic Recommendations

Prior to the issuance of 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 Engineering Geologic Report, Mountain Geology, 10/13/97; the Addendum Engineering Geologic Report, Mountain Geology, 12/18/97; the Preliminary Geotechnical Investigation, Miller Geosciences, 11/4/97; and the Update Geotechnical Investigation, Miller Geosciences, 1/6/98; shall be incorporated into all final design and construction including grading, retaining wall design, foundation setbacks, excavations, swimming pool design, sewage disposal, and drainage. All plans must be reviewed and approved by the consultants.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

2. Drainage and Erosion Control Plan

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off during construction and later 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.

3. 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:

A. Project Description and Background

The applicant proposes to construct a 2,744 sq. ft., 32 foot high, two-story single family residence with a 462 sq. ft. attached garage and swimming pool. The existing sewage system shall be abandoned and new septic tank and seepage pit shall be installed to serve the development. No grading is proposed, as the existing building pad will be utilized. The applicant has indicated that all remnant foundation and chimney debris will be disposed of in an appropriate location outside of the coastal zone.

The proposed project will replace a 1,434 sq. ft. two-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 replacement structure exceeds the previous floor area by 52%, and therefore a Coastal Permit is required.

The proposed reconstruction site is located in a built-out section of the La Costa district of Malibu. The neighboring properties to the north and across the street are established residences, although numerous homes within the immediate neighborhood have been recently reconstructed. The adjoining parcel to the west is a recently rebuilt residence, and the parcel to the east is a vacant, burned down residence. 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 only partially visible from Pacific Coast Highway, given several tall shrubs that remain on the south end of the subject parcel. 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 any 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 Engineering Geologic Report, dated 10/13/97, prepared by Mountain Geology, and an Addendum, also prepared by Mountain Geology, dated 12/18/97; and a Preliminary Geotechnical Investigation, dated 11/4/97, prepared by Miller Geosciences, and an update dated 1/6/98 for the subject site.

Mountain Geology prepared the above report based on inspection of surficial conditions, research on previous work, mapping of surficial deposits, review of aerial photographs, and their analysis. The primary geologic concern for the proposed project appears to be slope stability.

In reviewing past slope performance, the consulting geologist indicates the site is free from any rain-related damage such as landslides or mudflows. Offsite, however, active landslides have been mapped to the northwest and northeast of the subject property. In particular, the report cites the Las Flores Landslide, located approximately 400 feet northeast of the site, and the Calle Del Barco Landslide, located approximately 500 feet to the west. Neither of these landslides, according Mountain Geology, pose a geologic hazard to the subject property.

In light of the recent movement along the Calle Del Barco Landslide, as a result of this year's heavy rains, the applicant has also submitted a map outlining the boundaries of this most recent activity relative to the proposed project. The City of Malibu geologist, Chris Dean, has reviewed this map and confirmed the location of the most recent activity to be within the Calle Del Barco Landslide area, as previously mapped and reviewed by Mountain Geology in their 10/13/97 Geologic Report.

The consulting geologist has also indicated that although there is no evidence of significant downhill creep or failure of surficial material within the subject property, "soil and fill on slopes within the subject property are subject to downhill creep and erosion". To ensure the proposed project will avoid geologic hazards such as downhill creep or erosion, the consulting geologist has developed a set of recommendations to address grading, retaining wall design, foundation setbacks, excavations, swimming pool design, sewage disposal, and drainage. In conclusion, the geology report states that:

"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."

As part of the geotechnical investigation, Miller Geosciences reviewed previous work, conducted site excavations and sampling, laboratory tested the samples, performed analysis of the field and laboratory data and mapped results.

Utilizing the geologic Cross Sections B-B', acquired from Mountain Geology, the gross stability of the site was calculated to be in excess of 1.5, which indicates the site as proposed will be grossly stable. In regard to surficial stability, Miller Geosciences has calculated the factor of safety to be in excess of 1.5, thus, the site is considered to be surficially stable.

Similar to the geology report, the consulting geotechnical engineer has developed a set of recommendations based on their analysis to minimize the risk of geologic hazards for the following: foundations, lateral design, excavation, retaining walls, pool shell design, floor and deck slabs, setbacks, drainage, and sewage disposal.

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 geotechnical 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 condition number one (1) for the final project plans for the proposed project.

2. Erosion

The subject site is located on a south-facing slope which ascends from the Pacific Ocean to an elevation of approximately 450 feet. Physical relief on the site is on the order of thirty feet. Slope gradients vary from nearly horizontal in the street to as steep as 2.5:1. Slope drainage is by sheet flow runoff directed toward the south via the existing contours. Street drainage is controlled via curb and gutter.

As noted above, the consulting geologist indicates that soil and fill on the slopes within the property are subject to downhill creep and erosion. Both the consulting geologist and geotechnical engineer provide specific drainage recommendations to minimize the possibility of 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 a drainage and erosion control plan, as required by special condition number two (2). This condition requires the drainage and erosion control plan to be completed 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 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 review 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 three 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 three 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).

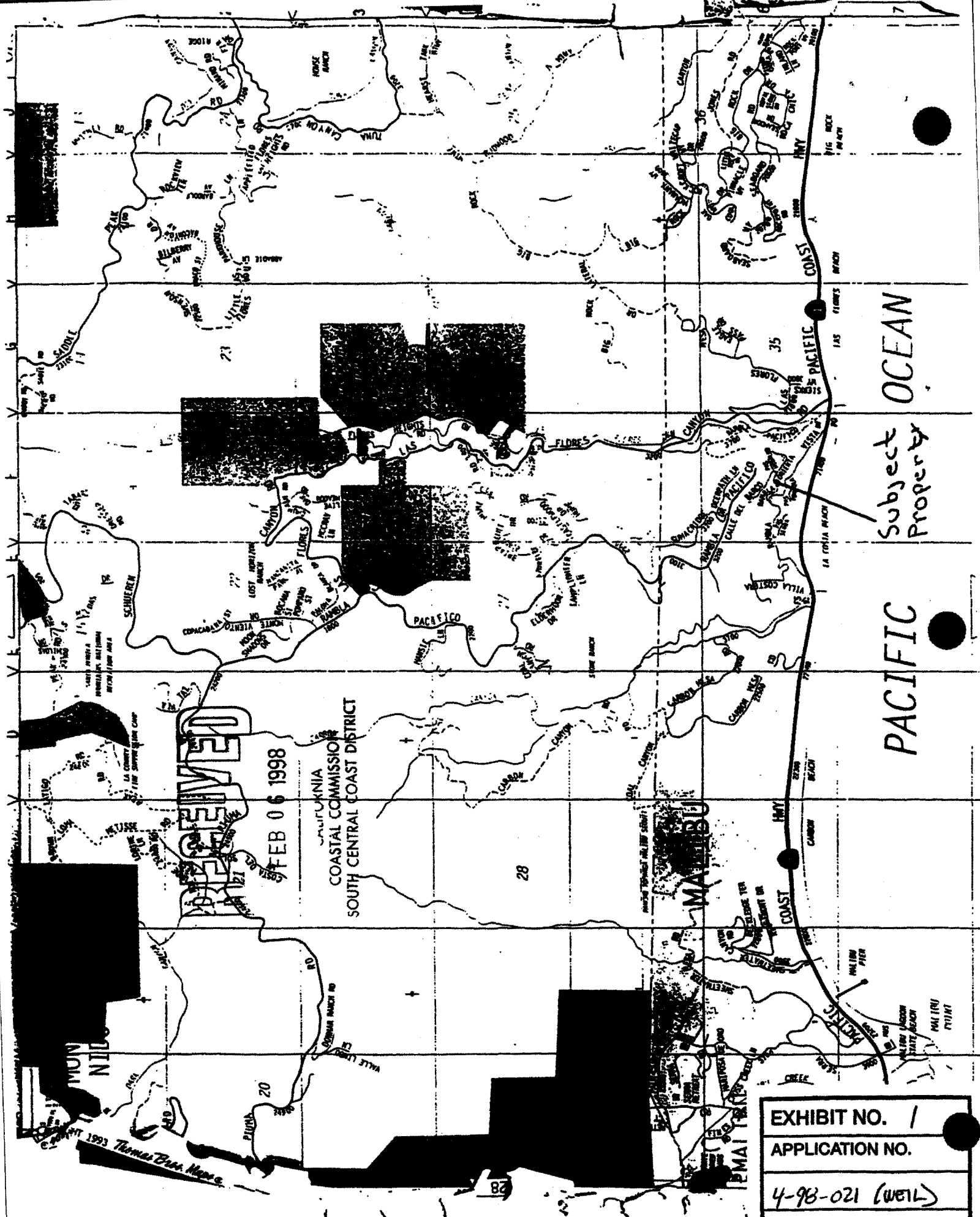
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity would have on the environment.

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



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Subject Property

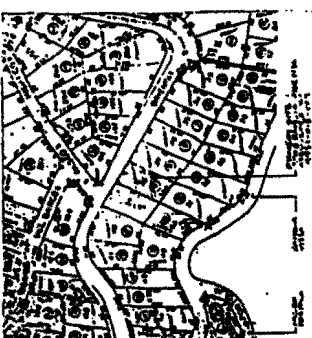
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EXHIBIT NO. 1
APPLICATION NO.
4-98-021 (WELL)
VICINITY MAP

BITE PLAN
 11:00 AM - 1:00 PM
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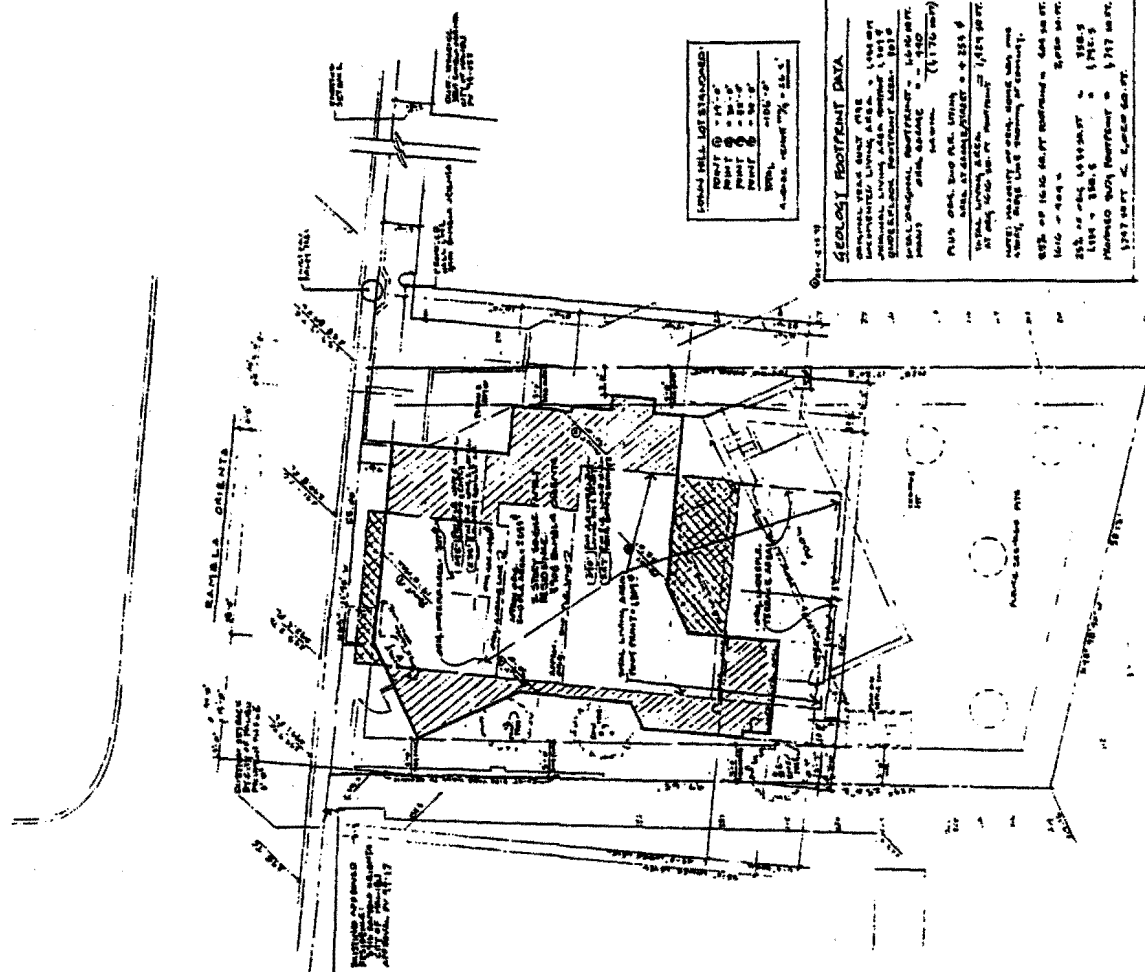
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PROJECT DATA

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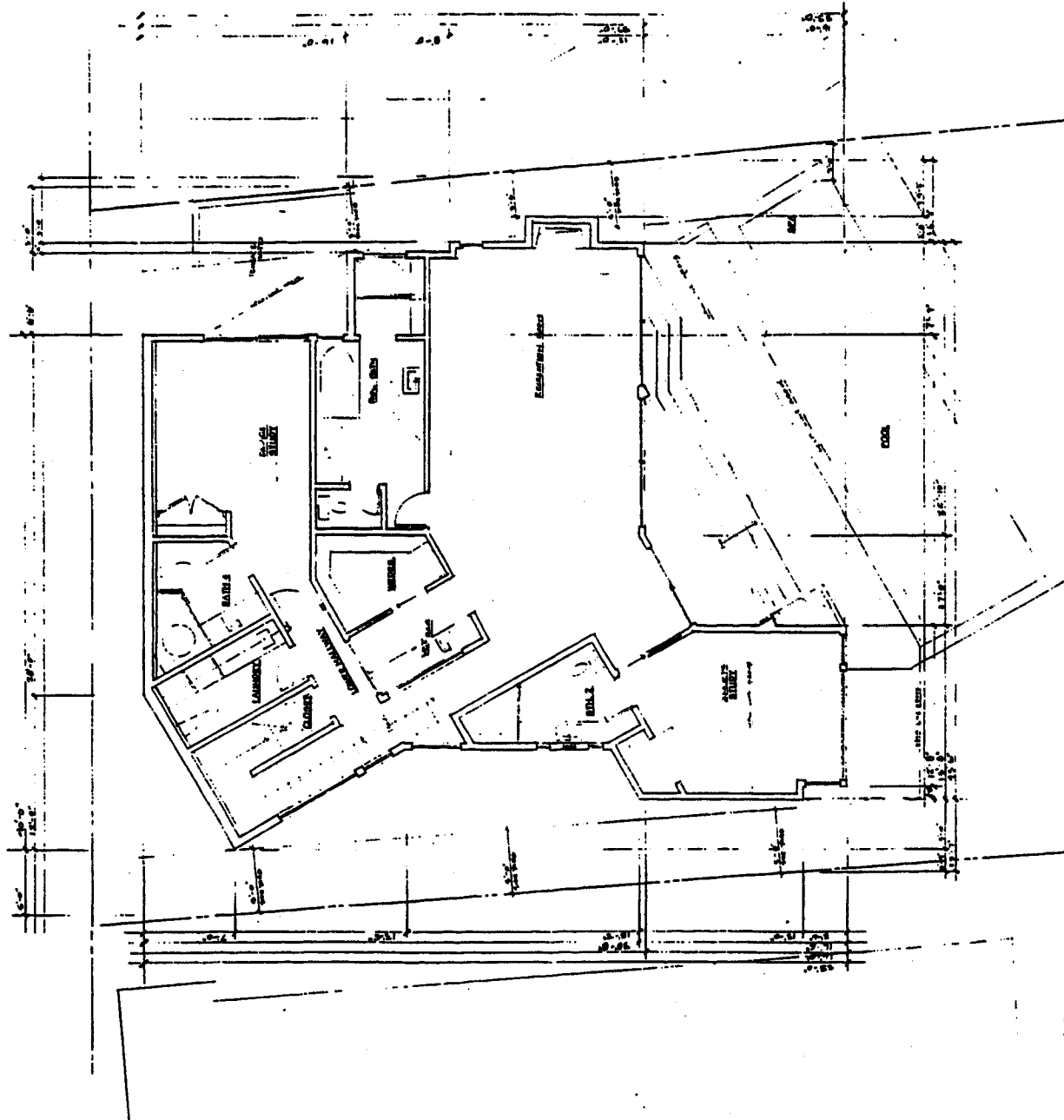
EXHIBIT
APPL

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EXHIBIT NO. 2
APPLICATION NO.
4-98-021 (WEIL)
SITE PLAN

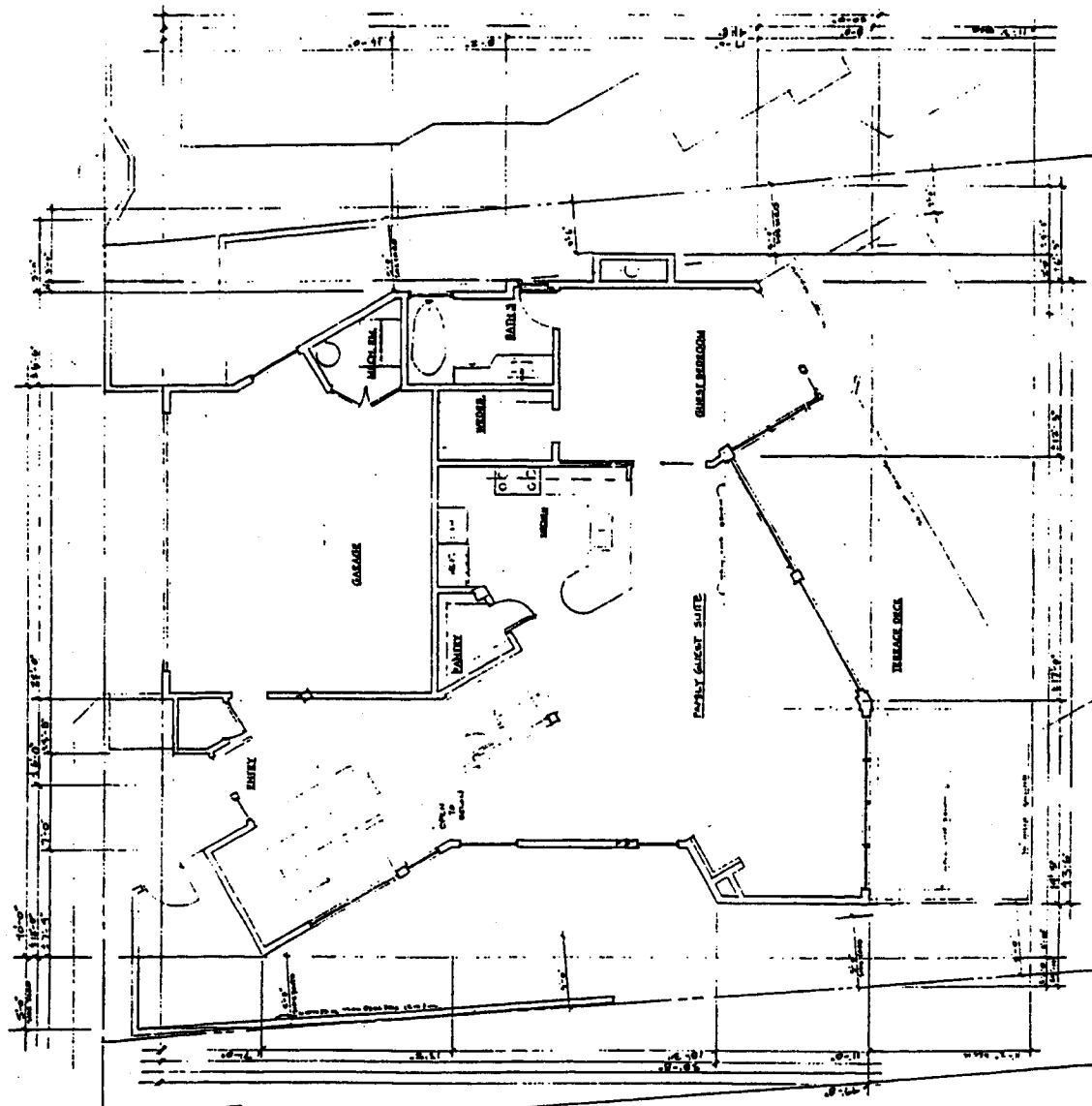
6908 RAMBLA ORIENTA



LOWER LEVEL PLAN

EXHIBIT NO. 3
APPLICATION NO.
4-98-021 (WEI)
Lower Level Floor Plan

3908 RAMBLA ORIENTA



UPPER LEVEL PLAN

1/2" = 1'-0"

DATE: 11-17-98

BY: [Signature]

EXHIBIT NO. 4

APPLICATION NO.

4-98-021 (WEIL)

Lower Level Floor Plan

3908 RAMBLA ORIENTA

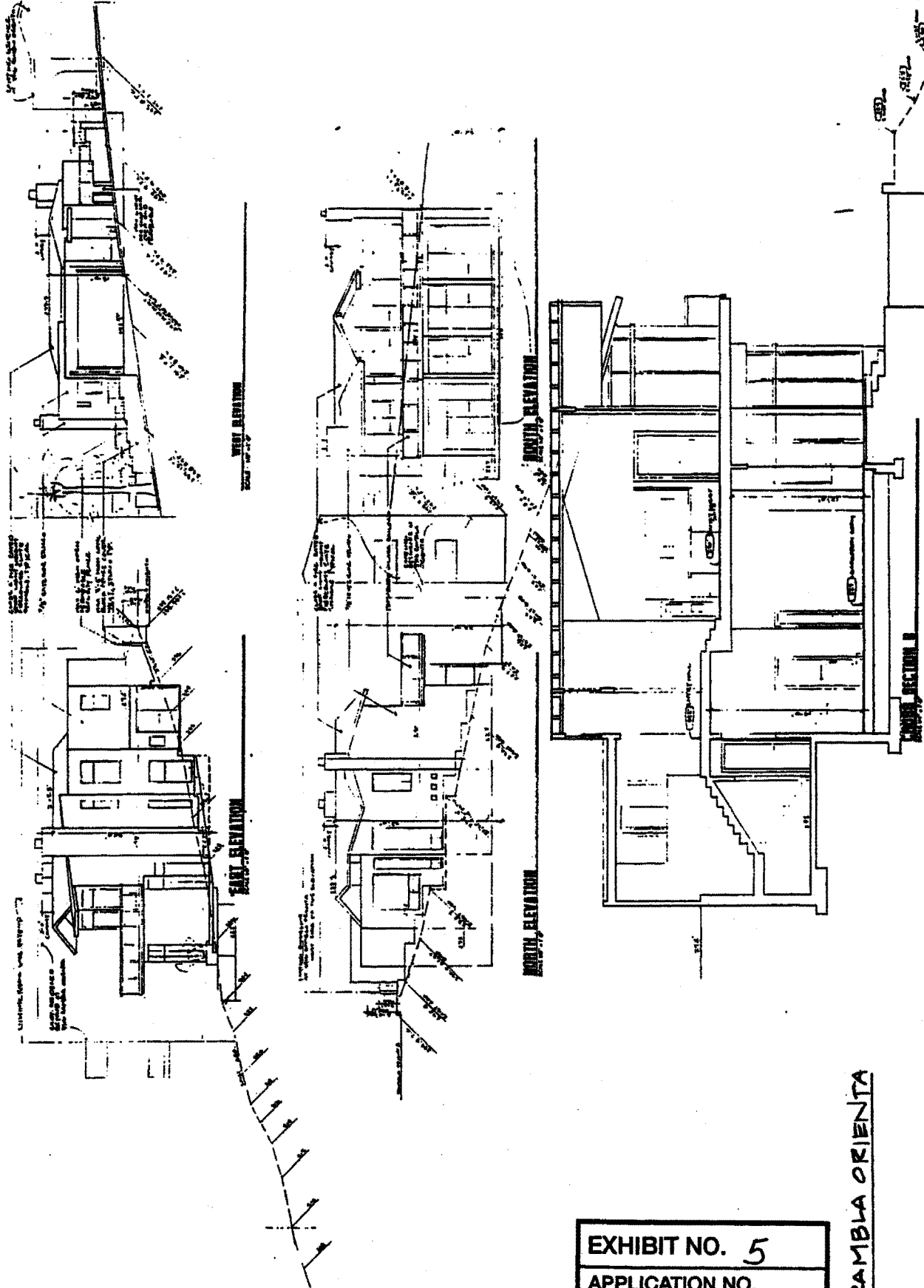


EXHIBIT NO. 5
APPLICATION NO.
498-021 (WEL)
ELEVATIONS

3908 RAMBLA ORIENTA