

# RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

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

**ITEM:** Th 14i  
**Filed:** 1/13/99  
**49<sup>th</sup> Day:** 3/4/99  
**180<sup>th</sup> Day:** 7/13/99  
**Staff:** MH-V  
**Staff Report:** 1/14/99  
**Hearing Date:** 2/4/99  
**Commission Action:**



### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.** 4-98-300

**APPLICANT:** Investment Management **AGENT:** Ed Niles

**PROJECT LOCATION:** 3884 Rambla Orienta, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construct 3,400 sq. ft., two story, 35 foot high, single family residence, including an attached 4-car garage, driveway, landscaping, septic system, with no additional grading on the site of a previous residence destroyed in the wildfires of 1993.

Lot Area: Approximately 6,000 sq. ft.  
Building Coverage: 2,000 sq. ft.  
Pavement Coverage: 1,147 sq. ft.  
Landscaped Area: 2,723 sq. ft.  
Parking Spaces: 4 (garage)  
Ht. abv ext grade: 35 feet maximum.

**LOCAL APPROVALS RECEIVED:** Approval in Concept, City of Malibu Planning Department, dated October 17, 1998; City of Malibu, In Concept Approval (Septic System), City of Malibu Environmental Health Department, dated June 23, 1998; Approval in Concept, City of Malibu Geology and Engineering Review, dated September 8, 1998.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains Land Use Plan, Coastal Development Permit 4-98-005 (Weil); 4-98-184 (Weitman); 4-97-176 (Burdge).

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **approval** of the project with special conditions addressing: **Landscape and Fuel Modification Plan, Drainage and Erosion Control Plan, Plans Conforming to Geologic Recommendations, and Wildfire Waiver of Liability.** The proposed residential fire

rebuild in the established La Costa subdivision raises concerns related to 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. Landscape Plan and Fuel Modification

- A. Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (1) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within sixty (60) days of receipt of the Certificate of Occupancy from the City of Malibu. 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 that tend to supplant native species shall not be used. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, shall be repeated, if necessary, to provide the required coverage. This requirement shall apply to all disturbed soils including the existing graded pad and slopes.
- (2) Vegetation within 50 feet of the proposed house may be removed to mineral earth or planted in a zone of irrigated lawn or similar ground cover. Selective thinning, for purposes of fire hazard reduction shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The applicant shall submit evidence to the satisfaction of the Executive Director that the fuel modification plan required herein has been approved by the Los Angeles County Forestry Department.
- (3) 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.
- (4) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape

or fuel modification 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.

B. 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.

2. Plans Conforming to Geologic Recommendations

- (a) All recommendations contained in the Geotechnical Engineering Investigation report for 3884 Rambla Orienta, dated June 1, 1998 and prepared by Coastline Geotechnical Consultants, Inc., and all recommendations contained in the Report of Engineering Geologic Investigation, 3884 Rambla Orienta, dated May 25, 1998, prepared by Pacific Geology Consultants, Inc., shall be incorporated into all final design and construction plans, including but not limited to recommendations concerning foundations, grading, drainage, erosion control, retaining walls, site preparation, friction piles, general construction specifications and precautions, floor slabs, pavement, and sewage disposal. All plans must be reviewed and approved by the geotechnical and engineering geologic consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geotechnical engineers' stamps and signatures to the final project plans and designs.

- (b) The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial."

3. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

4. Drainage and Erosion Control Plan

The drainage/erosion control plan shall assure 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. The erosion control plan shall include revegetation of the building site with drought tolerant, native species more specifically described in the landscape plan above. With the acceptance of this permit, the applicant agrees that should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs or restoration.

The permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final drainage and erosion control plan 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.

**IV. Findings and Declarations.**

The Commission hereby finds and declares:

**A. Project Description and Background**

The applicant proposes to construct a 3,400 sq. ft., two story, 35 foot high, single family residence, including an attached 4-car garage, driveway, landscaping, and septic system, on a site where a previous residence was destroyed in the wildfires of 1993. The

previously graded lot requires no further grading for the proposed project. (See Exhibits 1-7).

The proposed project will replace a single family residence of unspecified size that was completely destroyed in the 1993 Malibu firestorm. The applicant's agent represents that the proposed project exceeds the size of the previously destroyed structure by more than 10% and thus the proposed project requires a coastal development permit (P.R.C. Section 30610(g)(1)).

The proposed project is located in an area of Malibu referred to as "La Costa" that is mostly developed with single family residences. The subject property is situated on an uplifted marine terrace platform at an elevation of approximately 200 feet above sea level. The site was previously graded to construct the residence that was destroyed in the fire. The site descends into an unnamed drainage ravine that extends from Rambla Vista, below the subject parcel. The drainage is ultimately tributary to Las Flores Creek, and the Pacific Ocean, less than one quarter of a mile east and south of the subject site. There are no sensitive habitat areas located on or immediately adjacent to the proposed project site.

The site is partially visible from Pacific Coast Highway. There are no public trails or parks within site of the proposed residence. The proposed project will be located in an established subdivision, and if landscaped according to the applicable special condition, will not create significant, adverse visual impacts.

**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. Wildfires 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 Geotechnical Engineering Investigation Report, dated June 1, 1998, prepared by Coastline Geotechnical Consultants, Inc., and a Report of Engineering Geologic Investigation, dated May 25, 1998, prepared by Pacific Geology Consultants, Inc.

The Rambla Pacifico Landslide is located approximately 250 feet northeast of the subject property. This is a major, active slide. No ancient or recent bedrock landslides were observed on the property, however. Additionally, the Calle del Barco Landslide is located 660 feet northwest of the subject property. The applicant's technical consultants conducted extensive field surveys and analyses and concluded (May 25, 1998 report):

General

Based on field observation and evaluation of geologic conditions at the site, it is the professional geologic opinion of the undersigned that reconstruction of the single family residence is feasible from a geologic standpoint. All recommendations contained herein and those provided by the Geotechnical Engineer, Coastline Geotechnical Consultants, shall be followed both during design and construction. Additionally, all applicable elements of the City of Malibu Building Code shall be followed.

Restoration Classification

...The proposed construction involves restoration that will cause no significant change in the geological character of the site or local environment from that that existed prior to the loss. From a historical perspective, the site appears to have performed well. Visual reconnaissance of the site revealed no sign of distress relating to large-scale earth movement. Additionally, neighboring properties appear to have performed well since development.

Section 111

Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the residence will be safe from landslide hazard, settlement or slippage. Furthermore, the proposed construction will not adversely affect off-site properties. All specific elements of the City of Malibu Building Code shall be followed in conjunction with design and future construction work.

The applicant's geotechnical engineer performed a slope stability analysis of the subject property and concluded in the resultant June 1, 1998 report cited above that:

Discussion and General Comments

Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading, and construction are properly and adequately executed, it is our opinion that construction within the building site would not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely effect the stability of the site, or adjacent properties, with the same provisos listed above.

Although the new residence will have a similar footprint as the burned down residence, new foundations, consisting of drilled friction piles, shall be installed. The piles shall penetrate the fill and terraced deposits, and shall be embedded into firm bedrock.

Based on the findings and recommendations of the consulting geologist and geotechnical engineers, 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 1 for the final project plans for the proposed project.

2. Erosion

The applicant's consulting geotechnical engineer notes that the site drainage has already produced evidence of erosion and recommends specific, aggressive erosion control measures. To ensure that drainage and erosion from the residential building pad is conveyed from the site in a non-erosive manner and that erosion is thereby controlled and minimized, the Commission finds it necessary to require the applicant to submit a landscape plan and a drainage and erosion control plan, as required by Special Conditions 1 and 4, respectively. A landscape architect (Special Condition 1) and a licensed engineer (Special Condition 4) must prepare the referenced plans.

3. Wildfire

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 Special Condition 3, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

The Commission finds that only as conditioned by Special Condition 3 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 applicant proposes to construct a new 1,200 gallon septic system with seepage pits as shown on the plans approved by the City of Malibu, June 23, 1998. The conceptual approval by the City of Malibu Environmental Health Department 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 wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

**D. Local Coastal Program**

Section 30604(a) of the Coastal Act states that:

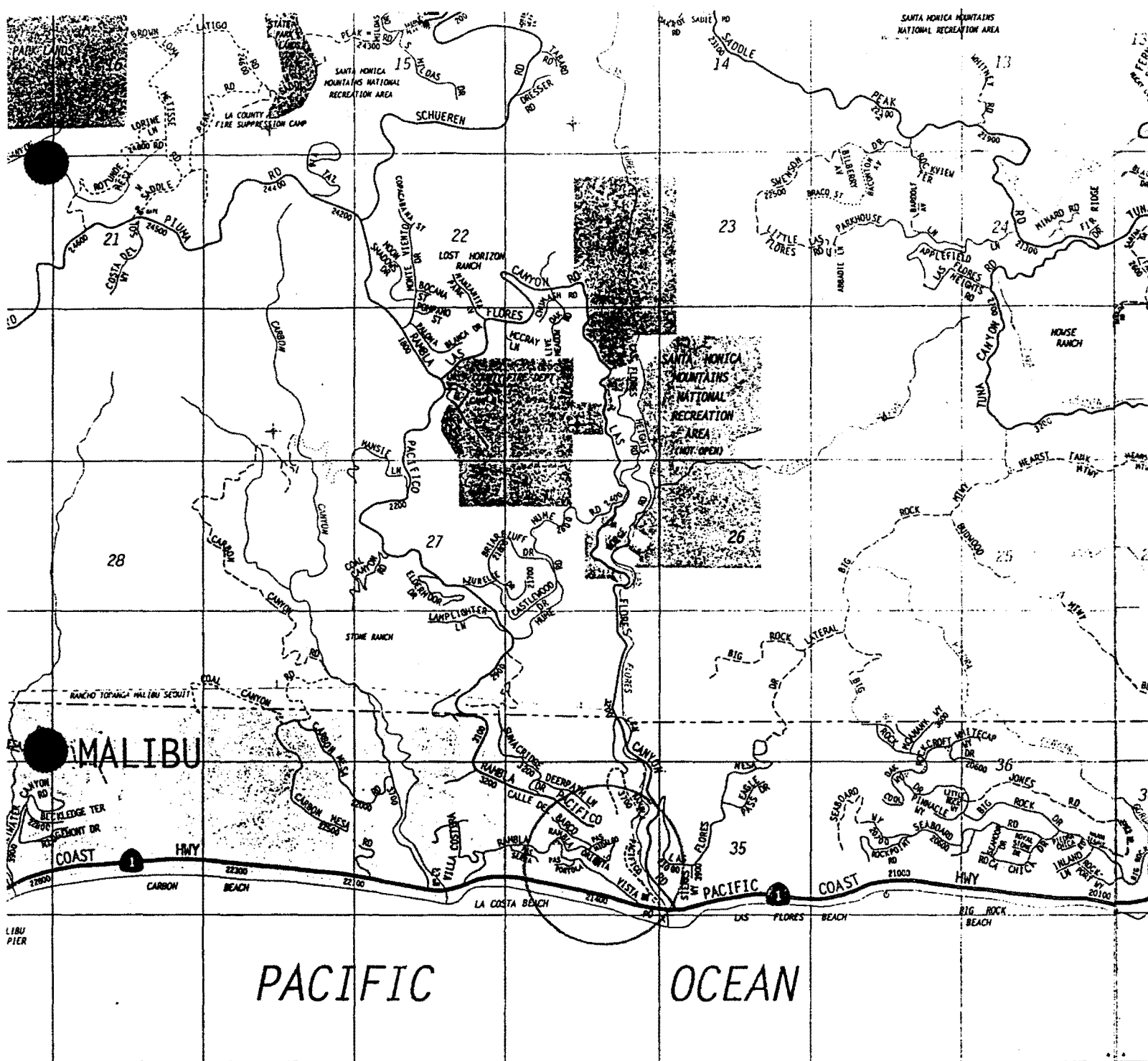
Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted 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 development 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 effect which the activity would have on the environment.

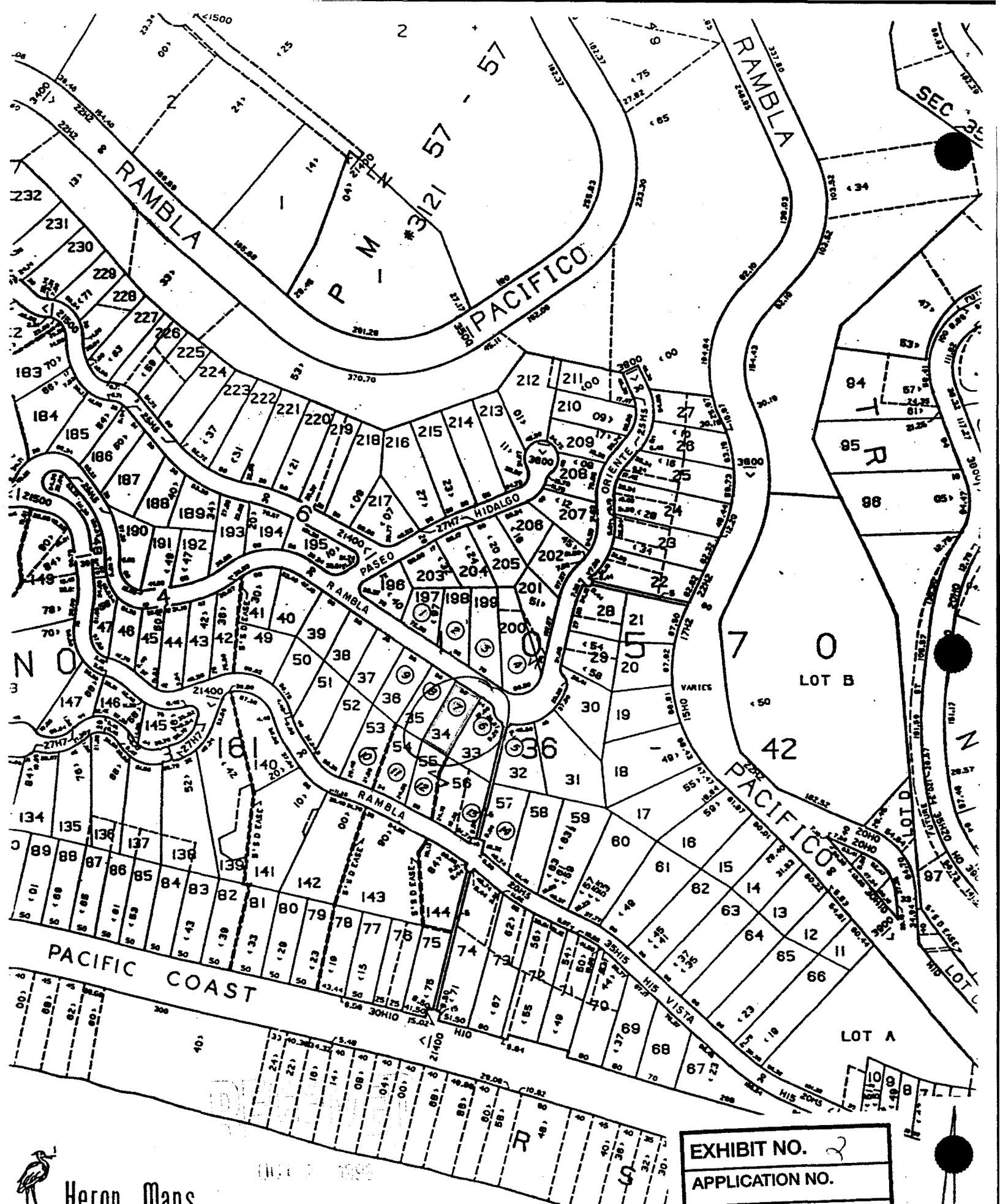
The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



PACIFIC

OCEAN

EXHIBIT NO. /
APPLICATION NO.
4-98-300
Investment Mgmt.



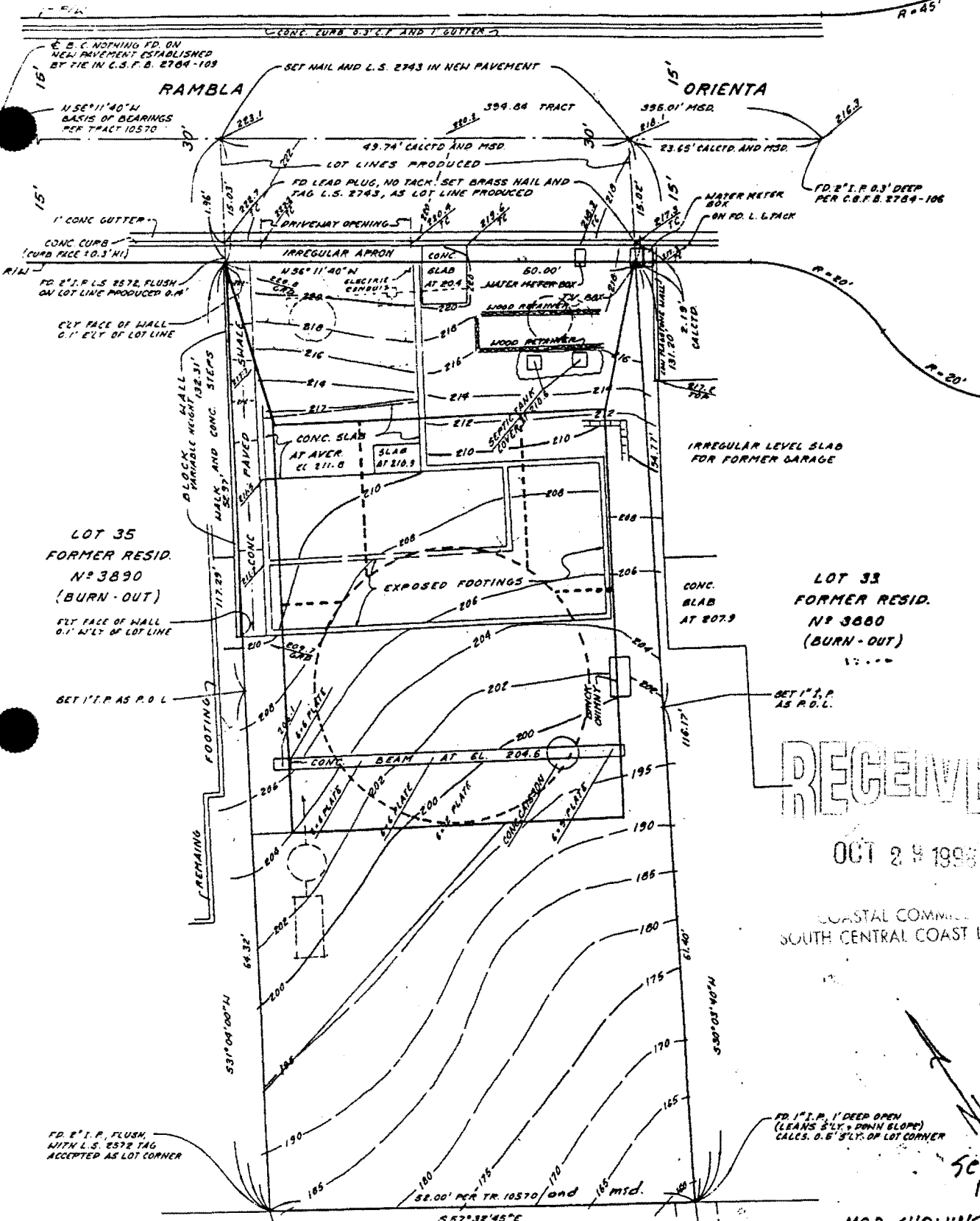
Heron Maps

(310) 317-1515  
 20756 Seaboard Road  
 CA 92025

EXHIBIT NO. 2
APPLICATION NO.
4-98.300
Investment Management



A10-6-C



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OCT 24 1998

COASTAL COMM. SOUTH CENTRAL COAST DIST.

SCALE 1" = 8'

MAP SHOWING SURVEY AND TOPOGRAPHY OF LOT 34

EXHIBIT NO. 3
APPLICATION NO. 4-98-300
Investment Management

54 SURVEYED FOR Mr. Kirker Suri, with Investors Management Group, Inc. Quilos Surveying 22249 pac Coast Hwy. Malibu, Cal 90265 Ph: 310-456-8022 By Maria C. Owens Lic. Surv. N° 2743

55 6" WIDE STORM DRAIN EASEMENT OF LOS ANGELES COUNTY, AS SHOWN ON TRACT 10870

For vicinity, See 1996 Thomas Guide page C29-F-C

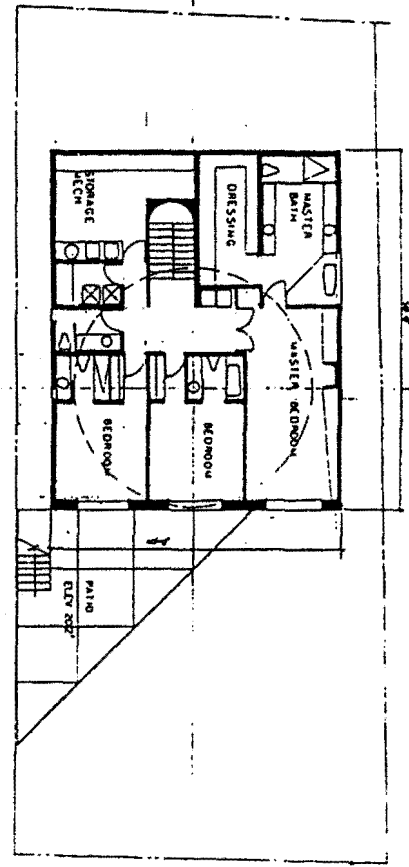
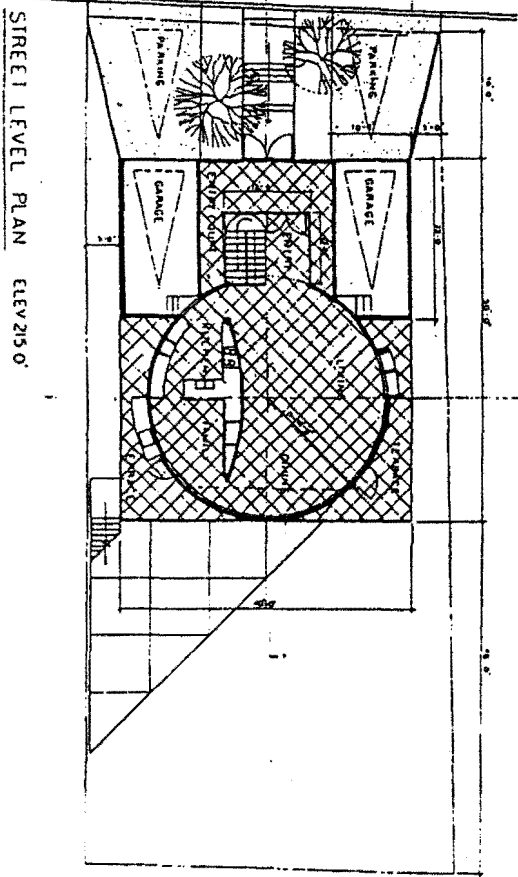
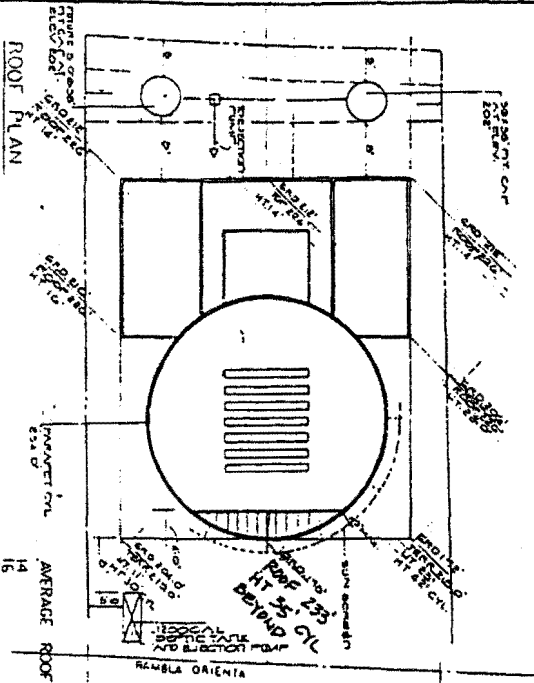
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JAN 19 1999

SOUTH CENTRAL COAST DISTRICT



SUR. RESIDENCE  
3884 RAMBLA ORIENTA

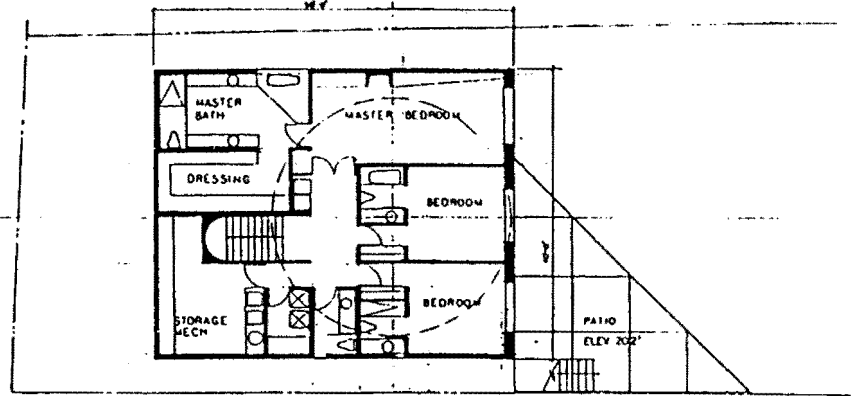
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ARCHITECT  
29350 PC  
310 457 36

EXHIBIT NO. 4
APPLICATION NO.
4-98-300
Investment Management

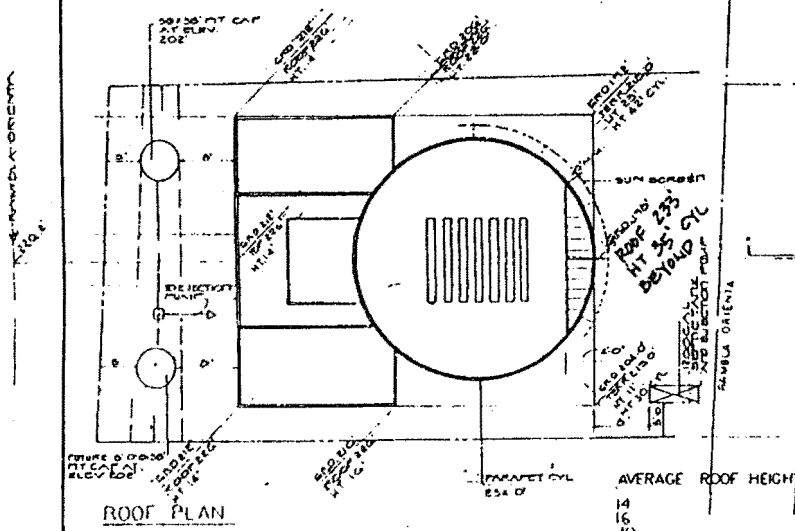
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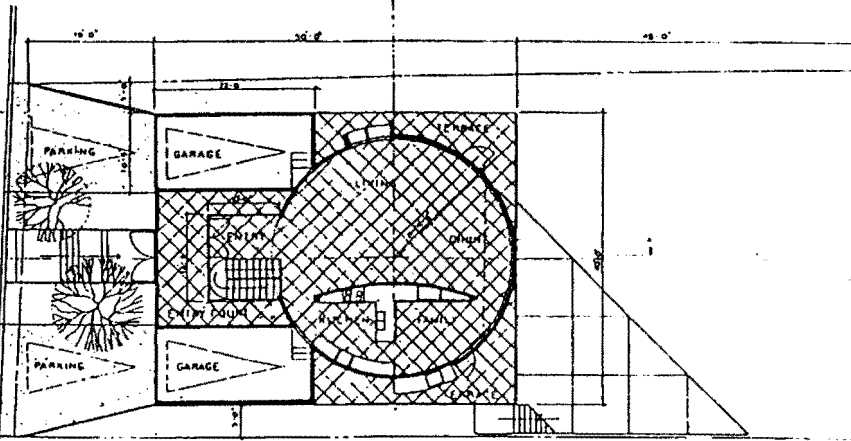
CITY PLANNING COMMISSION  
SOUTH CENTRAL COAST DISTRICT



LOWER LEVEL PLAN ELEV 205'0"



ROOF PLAN



STREET LEVEL PLAN ELEV 215'0"

AVERAGE ROOF HEIGHT

14
16
30
35
23
14
14
188
8

101 188 - 235'

EXHIBIT NO. 5  
APPLICATION NO.  
4-98-300  
Treatment Management

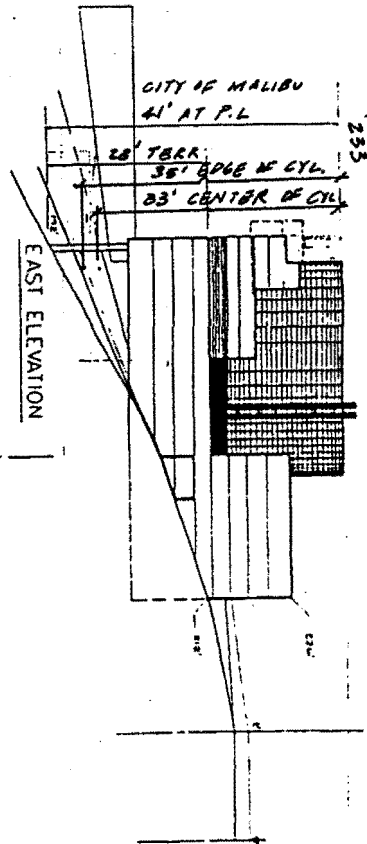
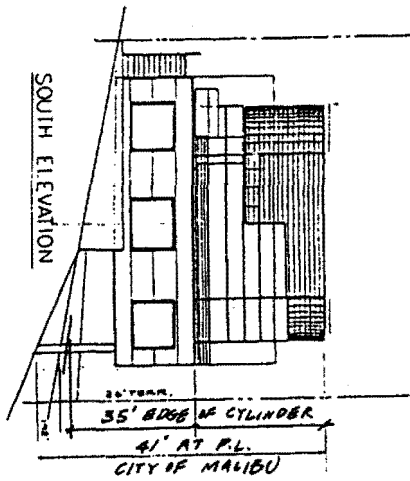
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SUR. RESIDENCE  
3884 RAMBLA ORIENTA

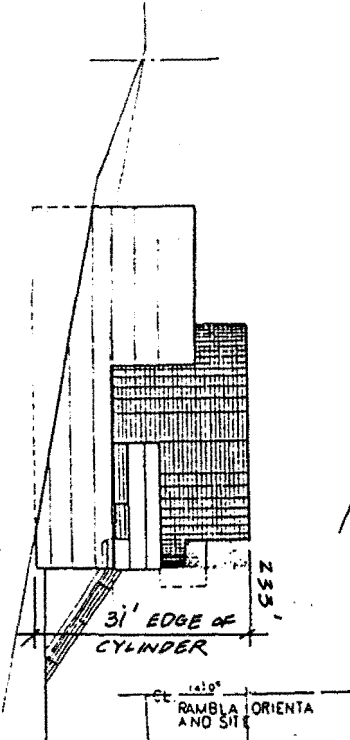
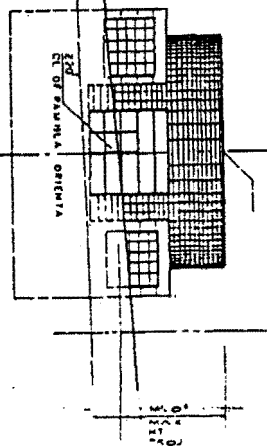
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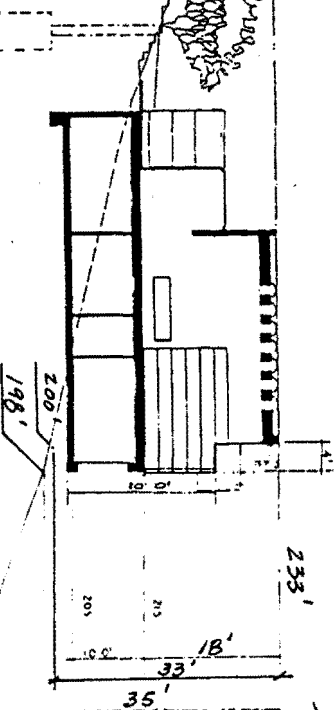
SOUTH CENTRAL COAST DISTRICT



RAMBLA ORIENTA NORTH ELEVATION



SECTION A-A



revised plans 35 feet (from 36') initially proposed.

SORT RESIDENCE

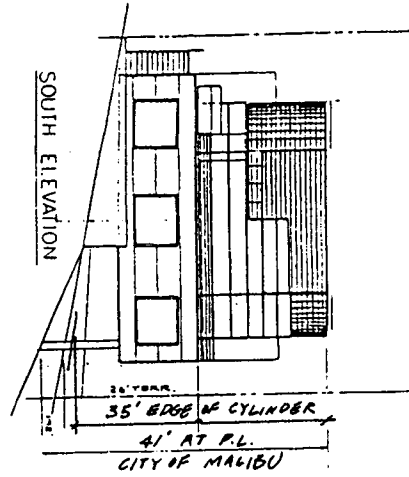
EXHIBIT NO. 6
APPLICATION NO.
4-98-300
Investment Management



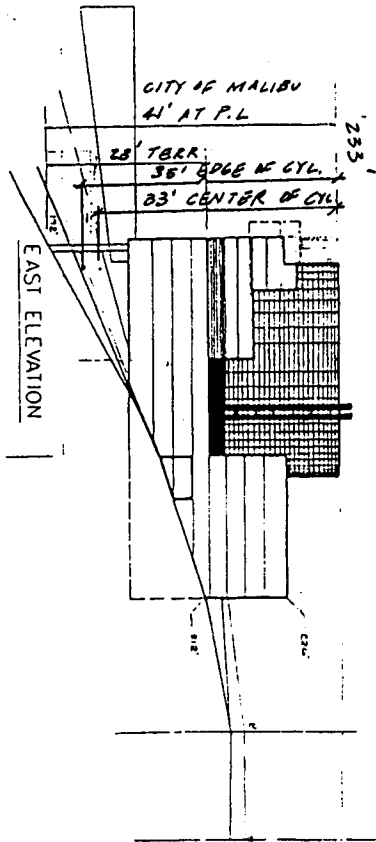
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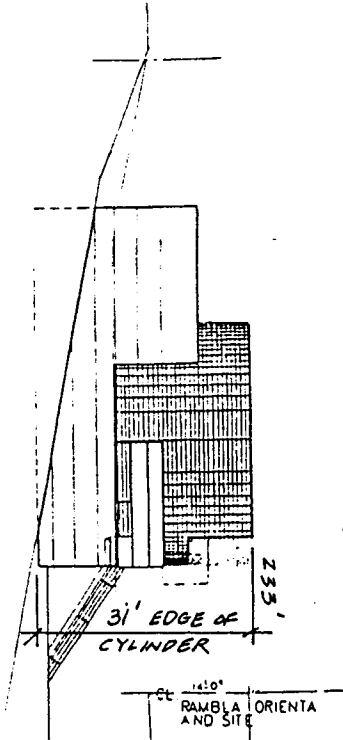
SOUTH CENTRAL COAST DISTRICT



SOUTH ELEVATION

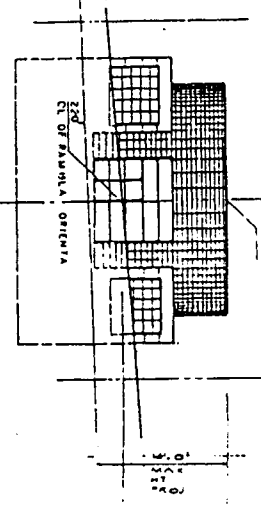


EAST ELEVATION



WEST ELEVATION

RAMBLA ORIENTA  
NORTH ELEVATION



SECTION A-A

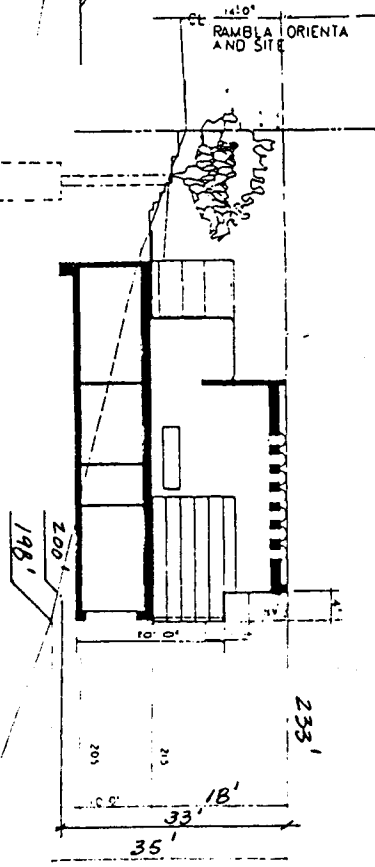


EXHIBIT NO. 7
APPLICATION NO.
4-98-300
Investment Management

SURF RESIDENCE

