

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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 Staff Report: 1/27/2000  
 Hearing Date: Feb. 15-18, 2000  
 Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.:** 4-99-265  
**APPLICANT:** Steven Kent  
**PROJECT LOCATION:** 21570 Rambla Vista, City of Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Construction of a new, 3,113 sq. ft., 35 ft. high, split-level single family residence (SFR) with a 789 sq. ft. basement, two attached one-car garages, 800 sq. ft. of decks, a new septic system, and a driveway. The project includes 350 cu. yds. of grading (250 cut, 100 fill).

Lot area	4,007 sq. ft. (0.09 ac.)
Building coverage:	1,408 sq. ft.
Pavement coverage:	1,305 sq. ft.
Landscape coverage:	1,294 sq. ft.
Parking spaces:	2 (covered)
Ht abv fin grade:	35'6"

**LOCAL APPROVALS RECEIVED:** Approval in Concept - City of Malibu Planning Department; Approval in Concept - City of Malibu Environmental Health Department (Septic System).

**SUBSTANTIVE FILE DOCUMENTS:** *Supplemental Engineering Geologic Report, Proposed Reconstruction of a Single-Family Residence, Malibu Fire Area, 21551 Rambla Vista, City of Malibu, California, by Pacific Geology Consultants, dated April 10, 1996; Update Engineering Geologic Report, Proposed Reconstruction of a Single-Family Residence, Malibu Fire Area, 21551 Rambla Vista, City of Malibu, California, by Pacific Geology Consultants, dated June 9, 1997; Soils and Engineering Geologic Investigation for Proposed Single Family Residence - Portion of Lot 155, Tract 10570 - 21570 Rambla Vista, Malibu, California, by GeoSystems, dated August 31, 1999.*

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with five (5) special conditions regarding landscape plans, drainage / erosion control plans and maintenance responsibility, plans conforming to geologic recommendations, removal of excavated material, and assumption of risk / waiver of liability.

The site is located in the La Costa neighborhood which was affected by the 1993 Old Topanga Fire Storm. The applicant's geotechnical consultant has noted that an ancient landslide is present on-site, but that the property is considered historically stable.

**I. STAFF RECOMMENDATION**

1. **Motion:** *I move that the Commission approve Coastal Development Permit No. 4-99-265 pursuant to the staff recommendation.*

2. **Staff Recommendation of Approval:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. **Resolution to Approve the Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**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 Commission staff and may require Commission approval.

4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit landscaping / erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall identify the species, location, and extent of all plant materials and shall incorporate the following criteria:

##### a) Landscaping

All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation, 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.

All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety percent (90%) coverage within two (2) years, and this requirement shall apply to all disturbed soils. Planting 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 the applicable landscape requirements.

Vegetation within fifty feet (50') of the proposed house may be removed, and vegetation within a two-hundred foot (200') radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such removal and thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes, and location of plant materials to be removed and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Fire Department of Los Angeles County. Irrigated lawn, turf, or groundcover planted within a fifty foot (50') radius (fuel modification zone) of the proposed residence shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

**b) Erosion Control**

The landscaping / erosion control plans shall delineate areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and/or stockpile areas. Natural areas to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

The plans shall specify that should grading take place during the rainy season (November 1 – March 31), the applicant shall construct or install temporary sediment basins (including debris basins, desilting basins, and/or silt traps), temporary swales, sandbag barriers, silt fencing, and geofabric or other appropriate cover (including stabilizing any stockpiled fill cover and installing geotextiles or mats on all cut or fill slopes) on the project site. The applicant shall also close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall 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.

The plans shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary swales, and sediment basins. The plans shall also specify that all disturbed areas be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**c) Monitoring**

Five (5) years from the date of 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.

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 plans 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 plans must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plans that have failed or are not in conformance with the original approved plans.

**2. Drainage Plans and Maintenance Responsibility**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a run-off and erosion control plan, designed by a licensed engineer, which assures that run-off from all impervious surfaces on the subject parcel is collected and discharged in a non-erosive manner. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the applicant / landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area. Should repairs or restoration become necessary prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

**3. Plans Conforming to Geologic Recommendations**

All recommendations contained in the *Soils and Engineering Geologic Investigation for Proposed Single Family Residence – Portion of Lot 155, Tract 10570 – 21570 Rambla Vista, Malibu, California*, by GeoSystems, dated August 31, 1999, shall be incorporated into final design and construction including foundations, grading, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic / geotechnical consultant's review and approval of all project plans.

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

**4. Removal of Excavated Material**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

**5. Assumption of Risk, Waiver of Liability, and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to

indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

##### **A. Project Description and Background**

The applicant is proposing construction of a new, 3,113 sq. ft., 35 ft. high, split-level single family residence (SFR) with a 789 sq. ft. basement, two attached one-car garages, 800 sq. ft. of decks, a new septic system, and a driveway. The project includes 350 cu. yds. of grading (250 cut, 100 fill). The subject site is a 4007 sq. ft. (.09 ac.) parcel located in the La Costa area of the City of Malibu. Access to the project site is from Rambla Vista, a public street which borders the north side of the property. The site is surrounded by existing single-family residences to the east, west, south, and north (across Rambla Vista). The properties to the north, east, and west were destroyed in the 1993 Malibu / Old Topanga wildfire and have since been rebuilt. There have been no previous coastal development permits obtained for the subject property, and there are no existing structures on-site.

The La Costa neighborhood in Malibu is comprised of some 260 small lots of generally less than one acre in size. Many of these lots are developed with single family residences constructed on moderate to steep slopes. The natural topography of the neighborhood is rugged, and there is limited natural vegetation. The La Costa area has been observed to have numerous historically and currently active landslides, slips, and slumps.

The building site is situated on a south-facing slope on the flanks of the Santa Monica Mountains. The subject lot has an average thirty-five percent (35%) slope ascending from the rear yard area to the northern property line at Rambla Vista. Slope ratios ranging from 2:1 to 1.5:1 (horizontal to vertical) continue ascending north of the parcel. Drainage from the property flows overland in a southerly direction towards Pacific Coast Highway. A four to five foot (4-5') high retaining wall is located along the southern property line and diverts drainage in a lateral manner. The runoff is then collected in various public and private drainage conveyances, converging into culverts under the

highway, and eventually outletting at La Costa Beach. Vegetation on-site consists of a patch of ice plant in the northeast portion of the property and little else.

## B. Visual Resources

Section 30251 of the Coastal Act states that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

In addition, the certified Malibu / Santa Monica Mountains Land Use Plan (LUP) provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

*P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands; P129 Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; P130 In highly scenic areas and along scenic highways, new development ... shall be sited and designed to protect views to and along the ocean and to and along other scenic features, ... minimize the alteration of natural land forms, ... conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places; P134 Structures shall be sited to conform to the natural topography, as feasible.*

The subject site is slightly visible from an LUP-designated scenic highway (Pacific Coast Highway) to the south. However, the property is located within the La Costa area of Malibu, a highly developed neighborhood, surrounded by other single family residences. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, and trails. The Commission also examines the building site and the size of the proposed structure. Staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the surrounding existing development. The parcel under consideration has an area of 4007 sq. ft. (.09 ac.) and is clustered with many lots of a similar size. Almost any development in the La Costa area will be visible from Pacific Coast Highway due to the lot sizes and steep topography ascending directly from the highway. Nearby residences are of a similar massing, character, and location to be similarly, if not more visible, and the proposed building plans are substantially in character with the type and scale of development in the surrounding area.

The proposed project will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica

Mountains. Thus, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

### C. Hazards

Section 30253 of the Coastal Act states (in part):

***New development shall:***

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms...***

Section 30250(a) of the Coastal Act states (in part):

***New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.***

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, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the Santa Monica Mountains to the north, the Pacific Ocean (Santa Monica Bay) and various beaches to the south, Carbon Canyon to the west, and Las Flores Canyon to the east. The site is located on a sloping, split-level pad, and a moderate amount of grading is proposed mostly for foundation and driveway work.

Surface drainage on-site is currently accomplished naturally by sheetflow toward Pacific Coast Highway to the south. The runoff then is collected in various public and private drainage conveyances, converging into a culvert under the highway, and eventually outletting at La Costa Beach. The United States Geological Survey (USGS) designated blue-line (intermittent) streams Carbon Canyon Creek and Las Flores Canyon Creek are located approximately 2000 ft. to the west and east of the project site respectively.

The project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. The applicant's geologic / geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. The building pad area is sloping and is surrounded by ascending slopes to the north and descending slopes to the south. Because of these slopes on-site and the resultant potential for significant water velocities and soil erosion, it is



important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions Two and Three**, to submit drainage / erosion control plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

Erosion and sedimentation can also be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. The applicant has estimated 350 cu. yds. of grading including 250 cu. yds. of cut, 100 cu. yds. of fill. Therefore the total soil balance of cut and fill equates to a net export of 150 cu. yds. of dirt. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. Therefore, **Special Condition Four** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site be removed and properly disposed of.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the geological stability of the site. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. Long-term erosion can also be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants compatible with the surrounding environment.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that non-native and invasive plant species do not serve to stabilize slopes and that such vegetation results in potentially adverse effects to the stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Also, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees originating from other continents which have been used for landscaping in this area have already seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition One**.

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the project and that no potentially active faults, adversely oriented geologic structures, or other hazards were observed by the consultants on the subject property. Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have provided recommendations to address the specific geotechnical conditions related to the site.

The applicant's geological consultants have noted the presence of an ancient landslide on-site. The *Soils and Engineering Geologic Investigation for Proposed Single Family Residence – Portion of Lot 155, Tract 10570 – 21570 Rambla Vista, Malibu, California*,

by GeoSystems, dated August 31, 1999, refers to two reports by E.D. Michael and Associates dated September 8, 1964 and January 12, 1965 stating:

*E.D. Michael and Associates concluded that the subject site "is underlain by a landslide that is historically stable." However, Michael and Associates also stated "that there is no well defined slide plain..." ... Based on our subsurface exploration and research of records within a 500-foot radius of the site, no evidence of landslides is present in the proposed building area.*

The *Supplemental Engineering Geologic Report, Proposed Reconstruction of a Single-Family Residence, Malibu Fire Area, 21551 Rambla Vista, City of Malibu, California*, by Pacific Geology Consultants, dated April 10, 1996, prepared for the property located upslope east-northeast across Rambla Vista from the subject site, refers to the ancient landslide as follows:

*Downhole logging of the boring and test pit revealed the presence of an ancient landslide within the proposed area of reconstruction. The landslide appears to be an ancient feature and does not show any sign of recent movement. The landslide is 12 to 17 feet in thickness and exhibits a west-southwest component of downslope movement.*

This "component of downslope movement" points directly at the subject site. The GeoSystems report, in evaluating the various engineering geologic factors affecting site stability, mentions the two active landslides in the project vicinity, but finds no indication of the ancient landslide, and states that the site is currently stable:

*This geometric relationship is favorable from the standpoint of the gross stability of the site. ... The subject site is located in an area of geologically stable bedrock located between the Calle Del Barco landslide to the east and an unnamed landslide located to the west. Ancient or recent landslides were not observed on the property. In addition, our examination of slopes on the property did not reveal the presence of past surficial slope failures. ... No known faults underlie the site. The inferred trace of the Malibu Coast fault is located approximately 600 feet south of the site. ... [T]he potential for ground rupture due to faulting in the proposed residential area is minimal. ... [T]he liquefaction potential at the subject property is very low.*

The GeoSystems report concludes:

*Based on the findings of our investigation, the site is considered to be suitable from a soils and engineering-geologic standpoint for construction of the proposed residence provided the recommendations included herein are followed and integrated into the building plans. ... It is the finding of this firm that the proposed structures will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.*

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Three**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

However, due to the potentially hazardous geologic conditions which are intrinsic to this site, such as the presence of an ancient landslide, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by

**Special Condition Four.** This responsibility is carried out through the recordation of a deed restriction, which when recorded against the property will show that the applicant is aware of and appreciated the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

The Commission also requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property. The La Costa neighborhood is located in a portion of Malibu which suffered extensive damage in the 1993 Old Topanga Fire Storm. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the assumption of risk / waiver of liability, as incorporated in **Special Condition Five**, 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.

It should be noted that an assumption of risk deed restriction for hazardous geologic / environmental conditions is commonly required for new development throughout the greater Malibu / Santa Monica Mountains region in areas where there exist potentially hazardous geologic and potential wildfire conditions, or where previous activity has occurred either directly on or adjacent to the site in question. The Commission has required such deed restrictions for other development throughout the Malibu / Santa Monica Mountains region. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

#### **D. Septic System**

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains and the resultant installation of septic systems may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states:

*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, and minimizing alteration of natural streams.*

The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the

minimum requirements of the Uniform Plumbing Code. The City of Malibu minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources. The Commission therefore finds that the proposed project is consistent with Section 30231 of the Coastal Act.

### **E. Local Coastal Program**

Section 30604(a) of the Coastal Act states (in part):

*a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200). ...*

Section 30604(a) of the Coastal Act stipulates 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 significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. 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 Los Angeles County 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 (CEQA)**

Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 may 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 proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

**BCM/bcm**

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LOS ANGELES CO.

MAP 628

MAP

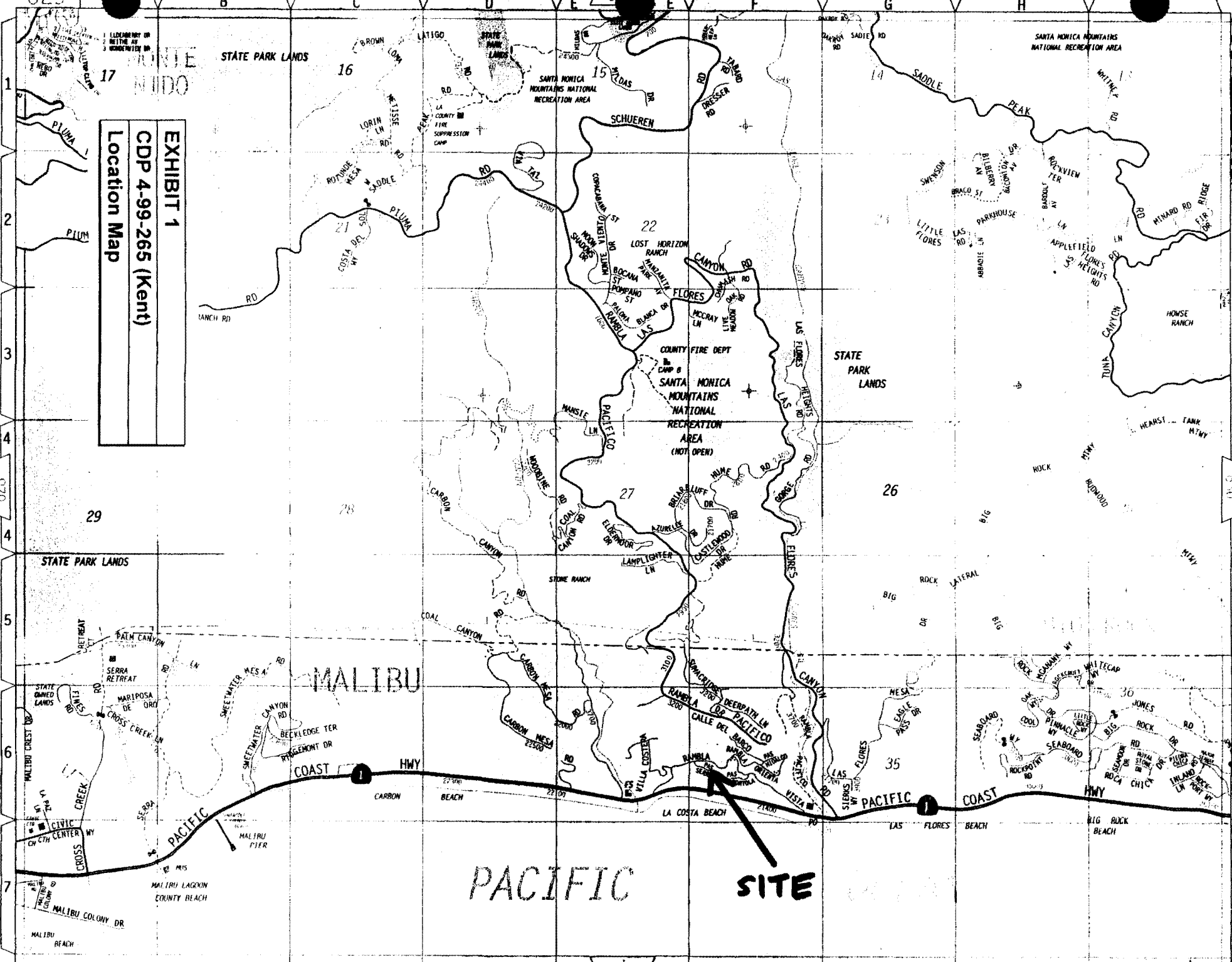
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SEE 5 MAP

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**EXHIBIT 1**  
**CDP 4-99-265 (Kent)**  
**Location Map**



PACIFIC

SITE

MALIBU BEACH

MALIBU LAGOON COUNTY BEACH

CARBON BEACH

LA COSTA BEACH

LAS FLORES BEACH

BIG ROCK BEACH

STATE PARK LANDS

STATE PARK LANDS

STATE PARK LANDS

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

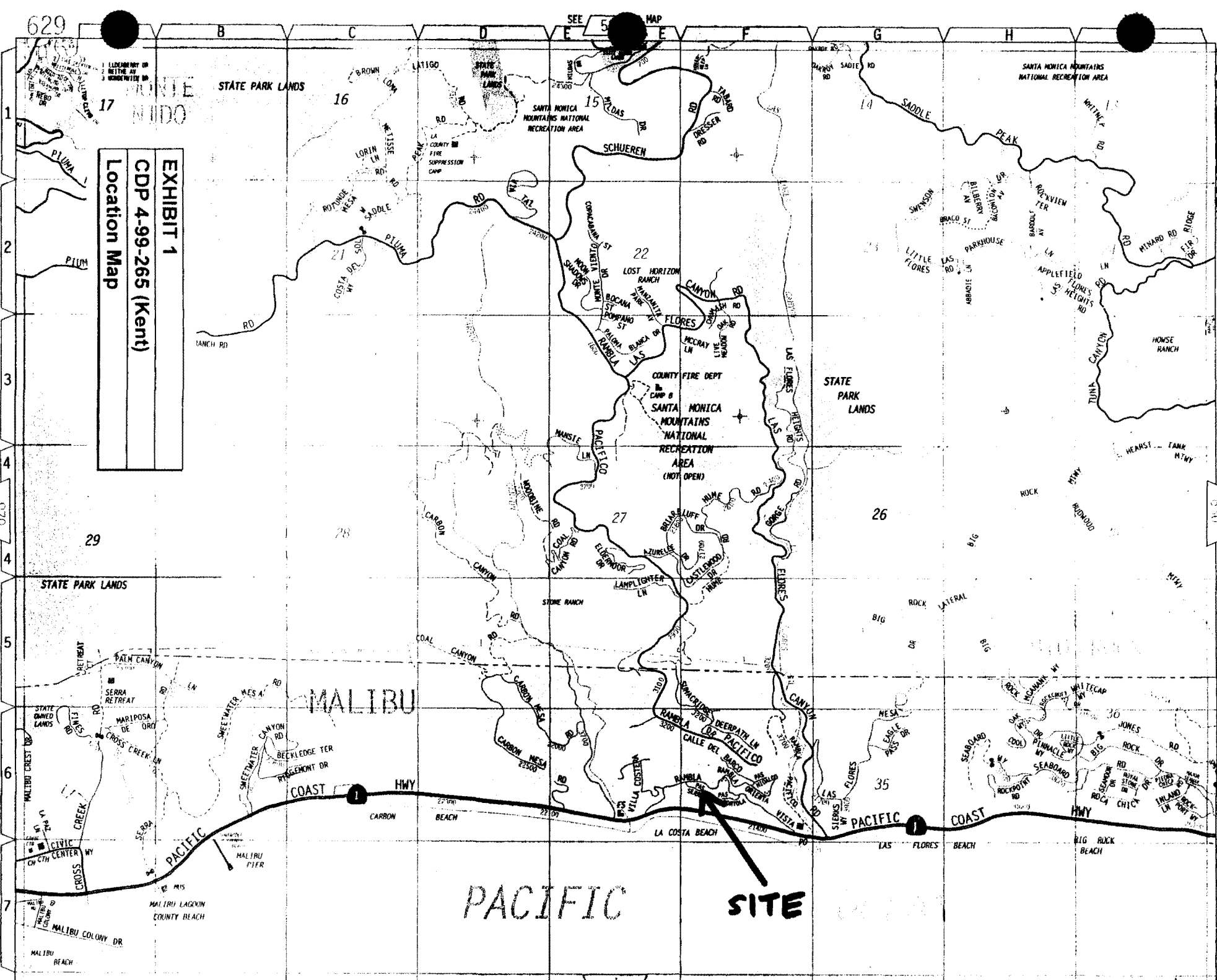
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA (NOT OPEN)

MALIBU

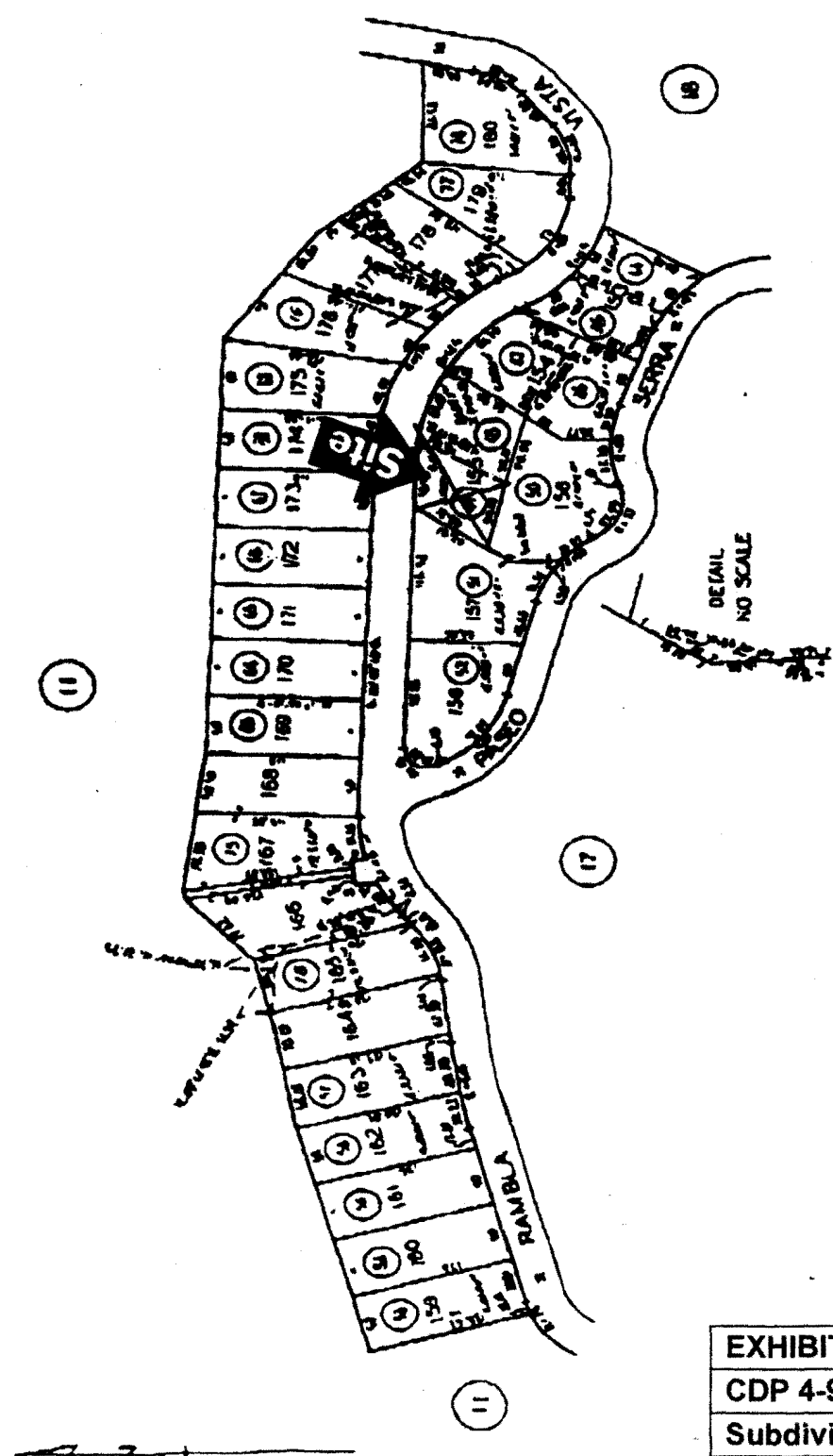
COAST

PACIFIC COAST HWY



Division No. 1  
SHEET 1  
14-499-265-17  
REVISION 01

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES



APN: 4451-014-049

TRACT NO 10570 M. B. 161 - 36 - 42

EXHIBIT 2
CDP 4-99-265 (Kent)
Subdivision Map

FOR PREV. ASSN'S SEC.  
4451-25 &

# SITE PLAN

SCALE 1/4" = 1'-0"

# RECEIVED

JAN 12 REC'D

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

## RAMBLA VISTA

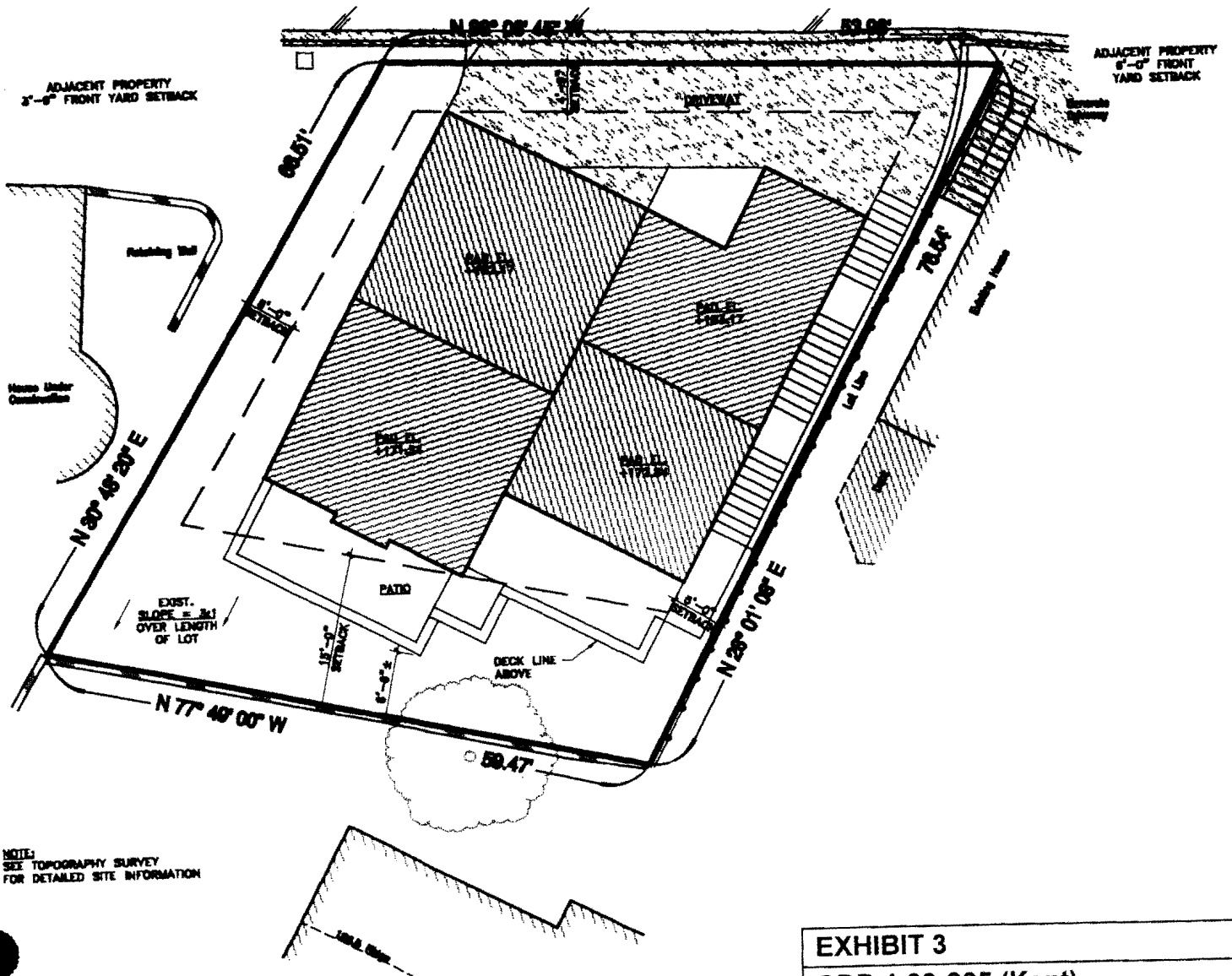
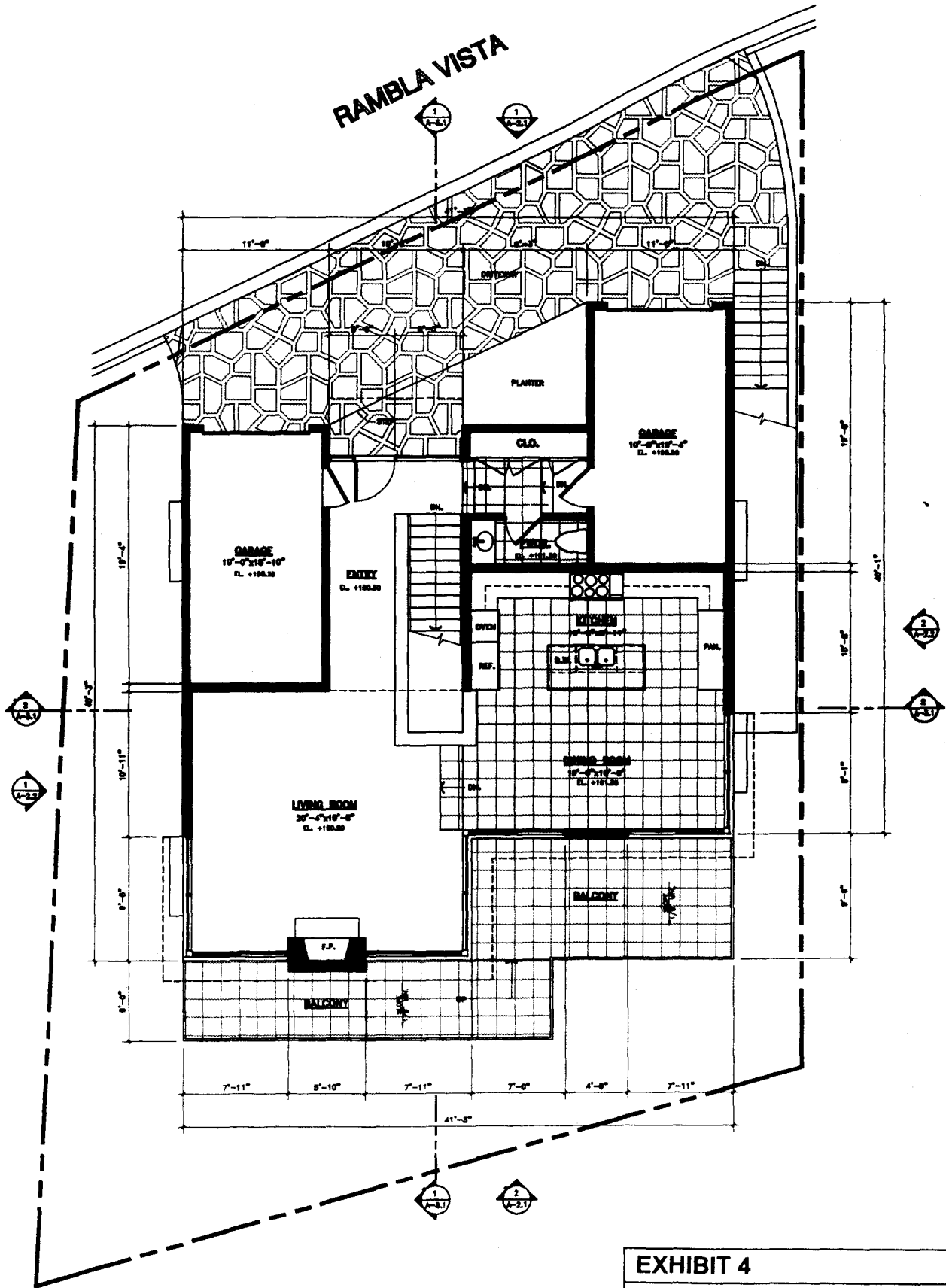


EXHIBIT 3

CDP 4-99-265 (Kent)

Site Plan

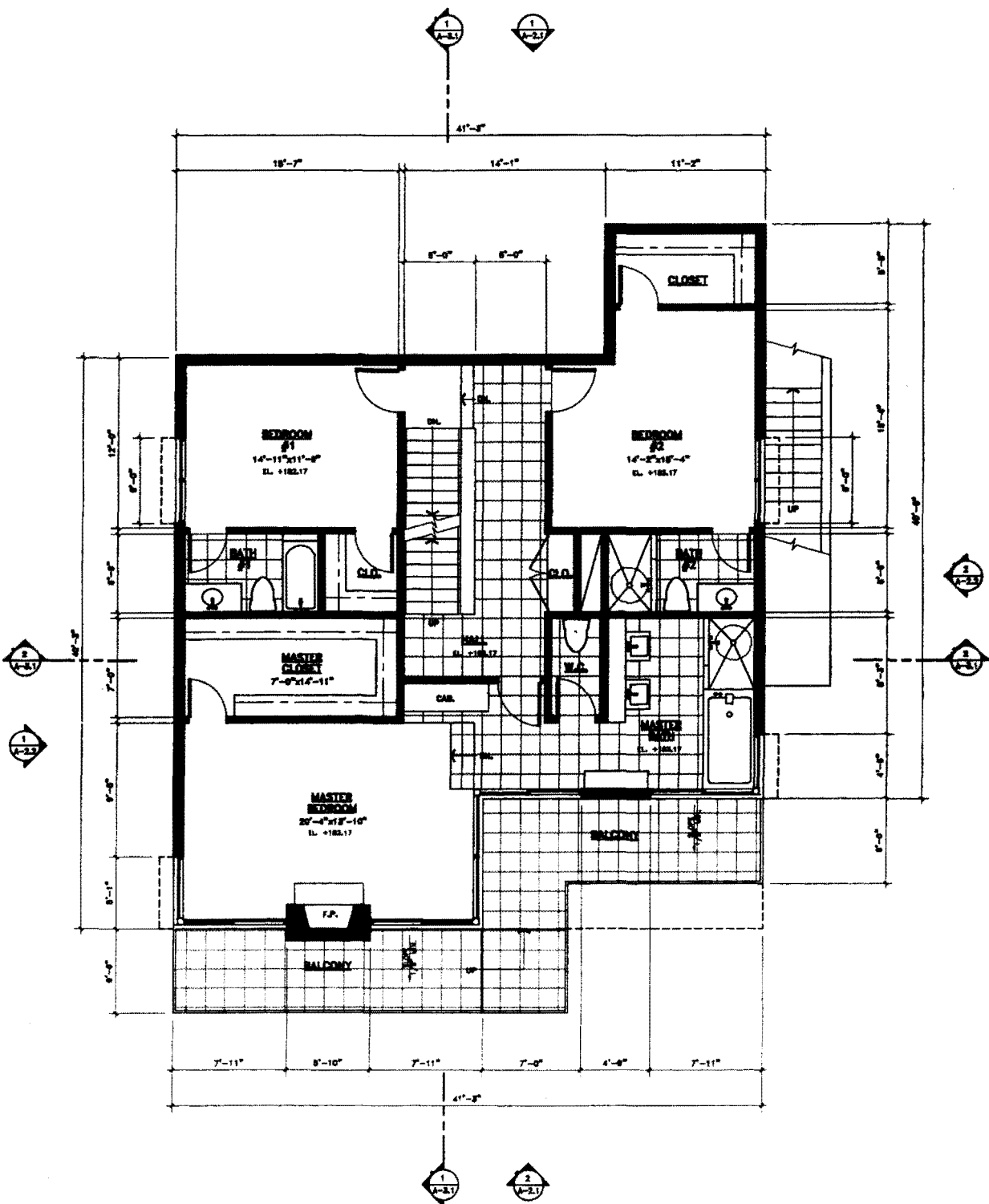
RAMBLA VISTA



1 LEVEL 1 PLAN  
A-1.1

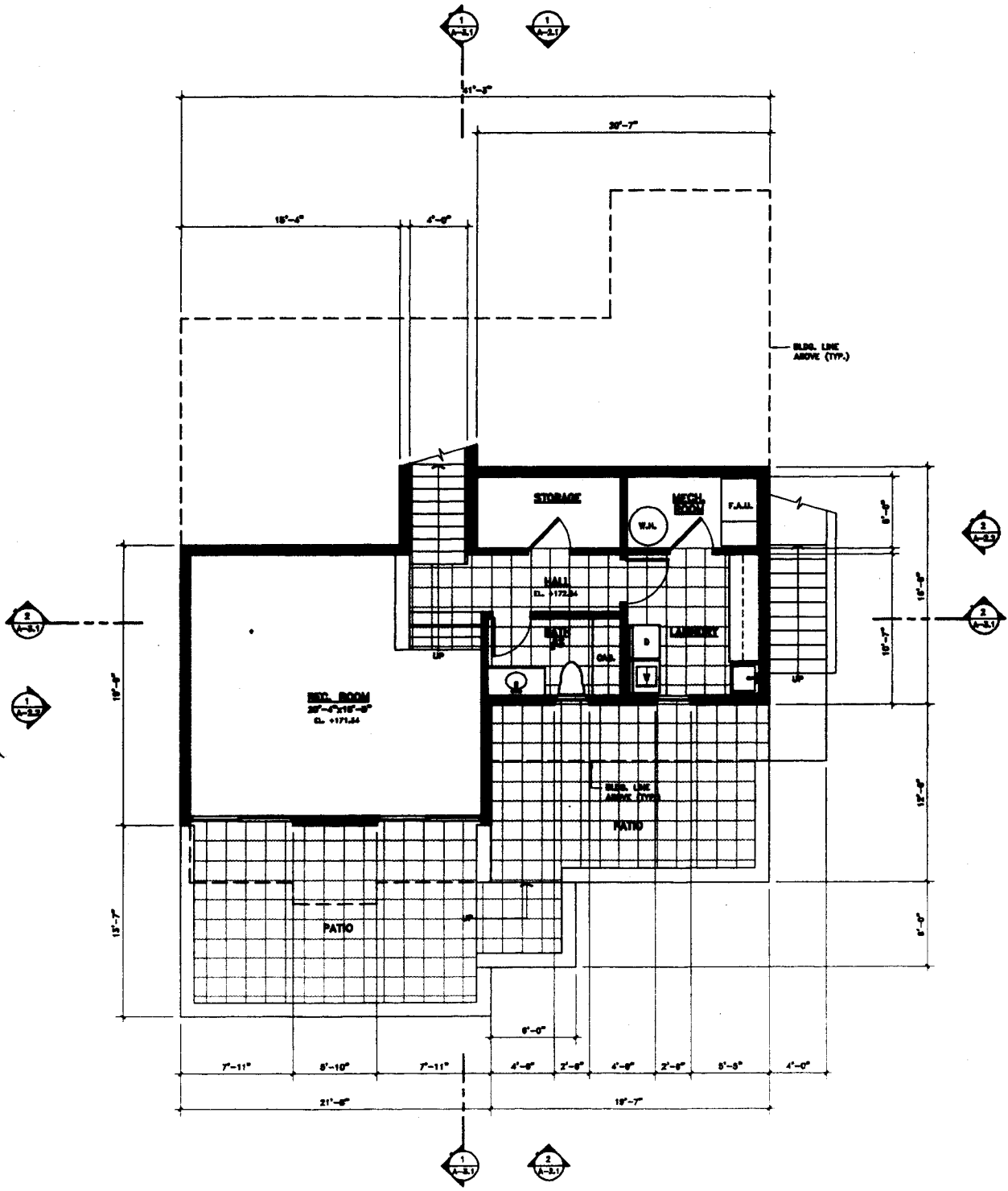
EXHIBIT 4  
CDP 4-99-265 (Kent)  
Level 1 Plan





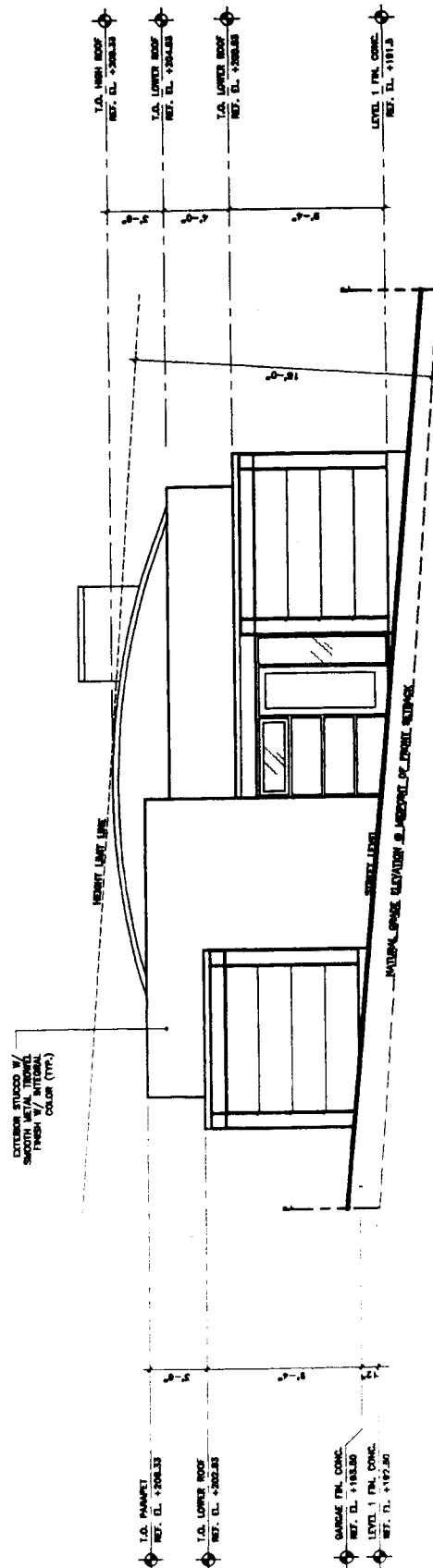
2
**LEVEL 2 PLAN**  
 A-1.1 SCALE 1/8" = 1'-0"

<b>EXHIBIT 5</b>
<b>CDP 4-99-265 (Kent)</b>
<b>Level 2 Plan</b>



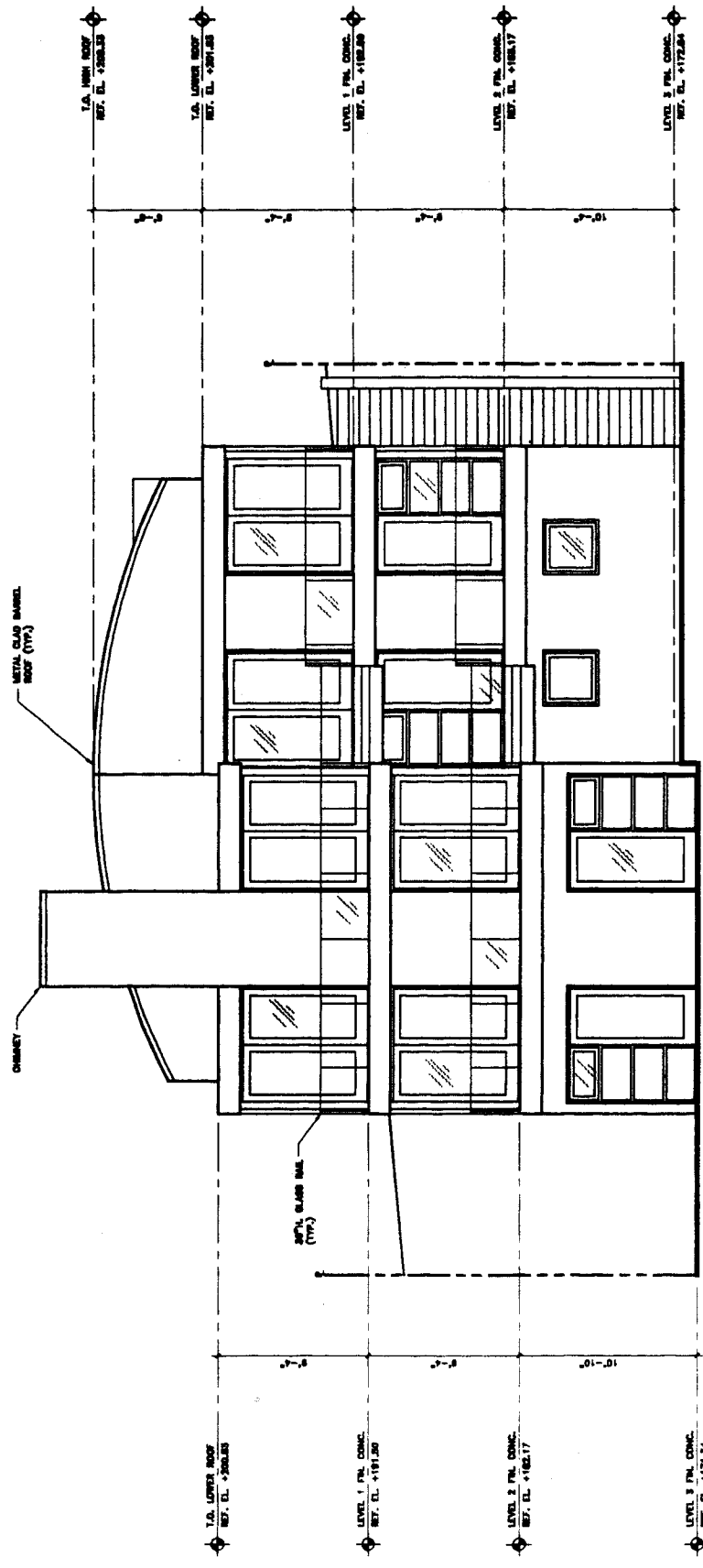
**1 LEVEL 3 PLAN - BASEMENT**  
 A-1.2 GRID UP - 7'-0"

<b>EXHIBIT 6</b>
<b>CDP 4-99-265 (Kent)</b>
<b>Level 3 Plan (Basement)</b>



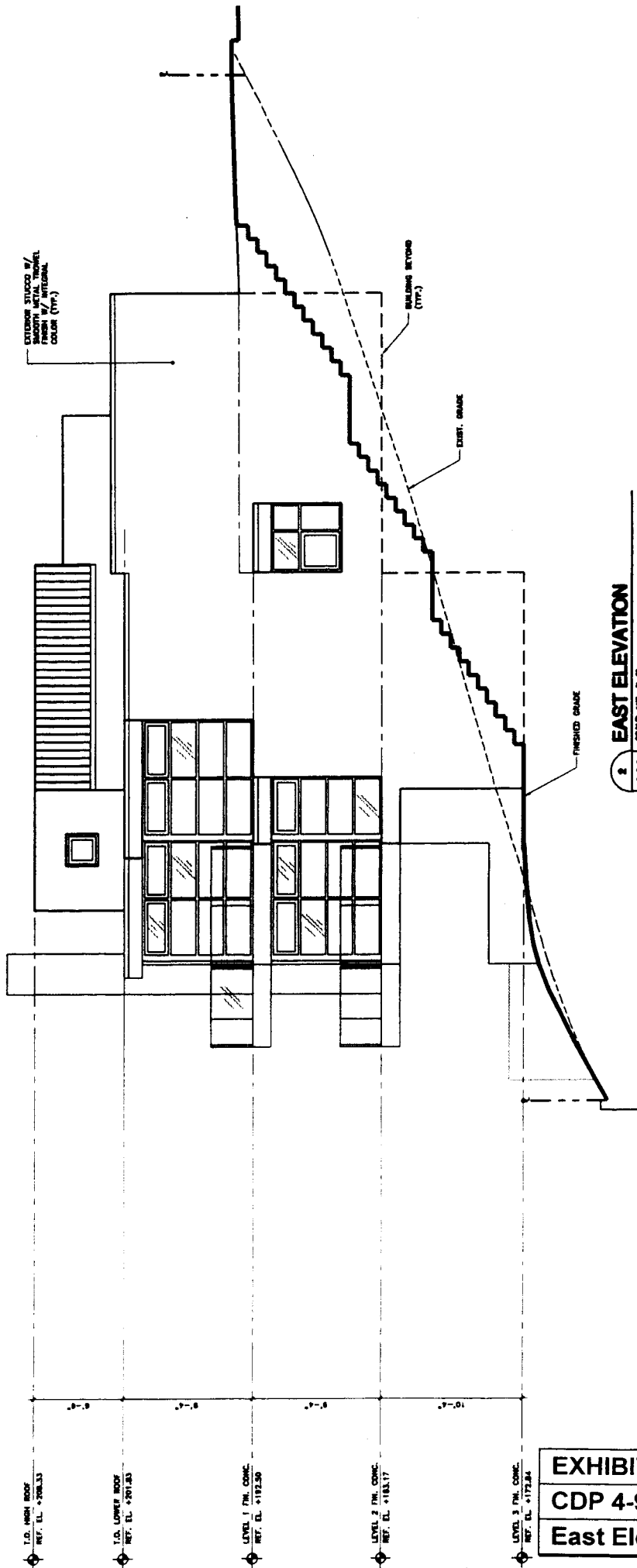
1 NORTH ELEVATION  
 4451  
 08/13 07-17-07

EXHIBIT 7
CDP 4-99-265 (Kent)
North Elevation



2 SOUTH ELEVATION  
 A-01 SCALE 1/8"=1'-0"

EXHIBIT 8  
 CDP 4-99-265 (Kent)  
 South Elevation



2 EAST ELEVATION  
A-23

EXHIBIT 9
CDP 4-99-265 (Kent)
East Elevation

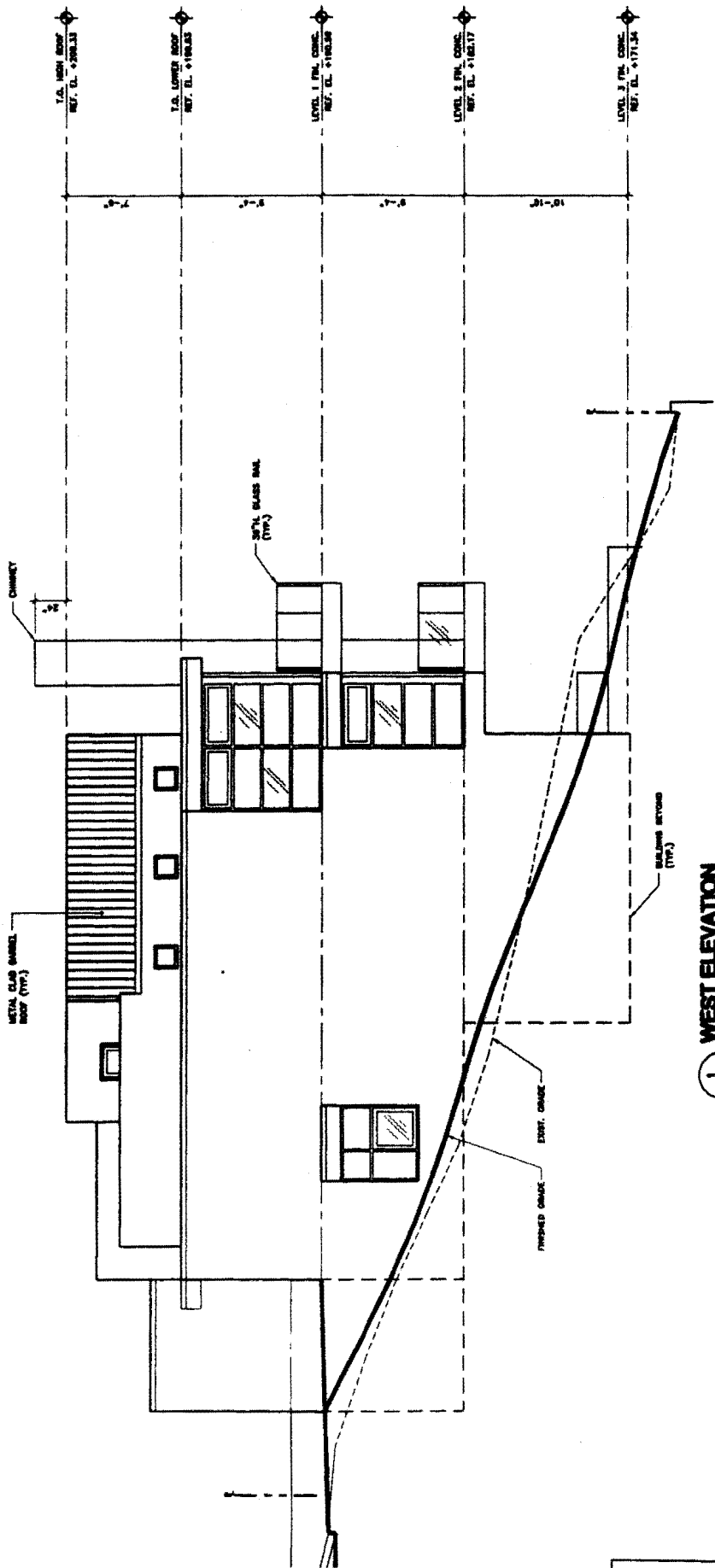
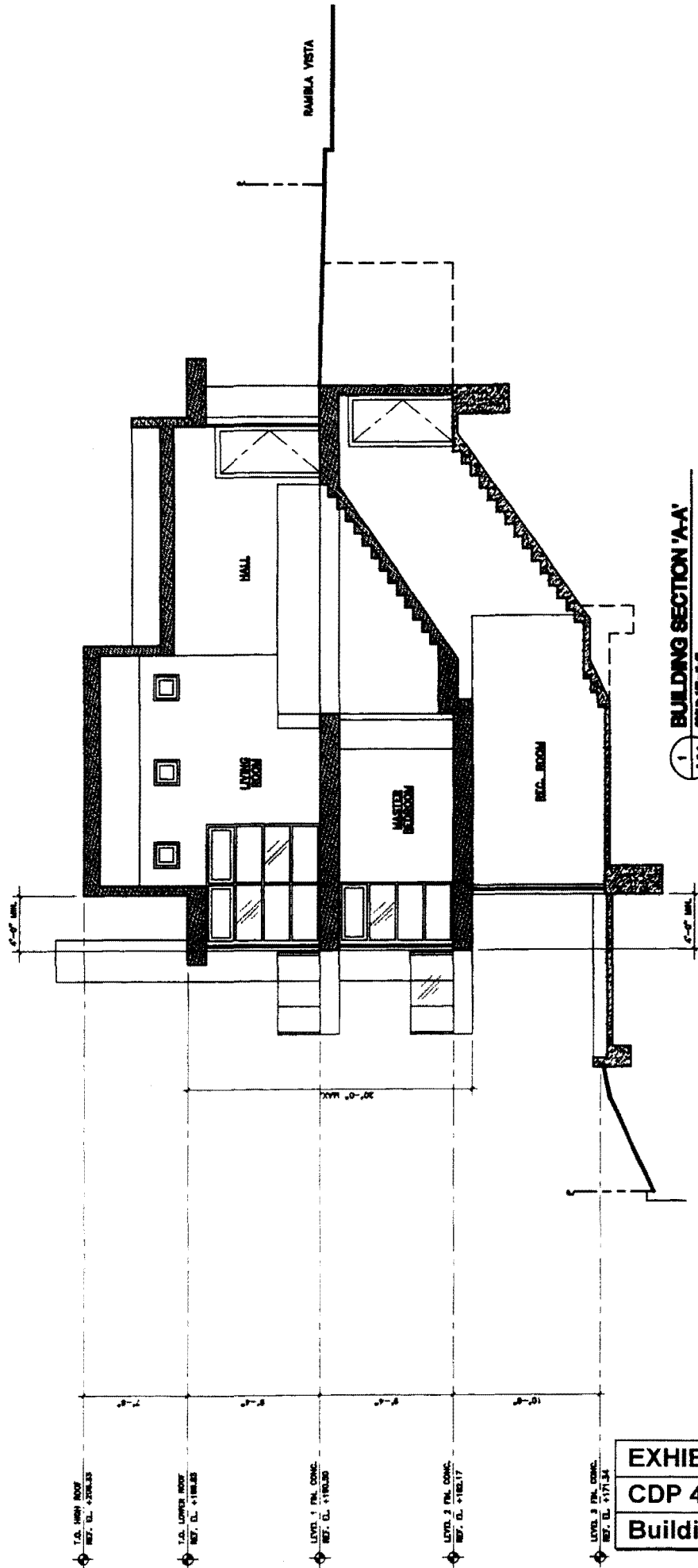


EXHIBIT 10
CDP 4-99-265 (Kent)
West Elevation



**EXHIBIT 11**  
**CDP 4-99-265 (Kent)**  
**Building Section N/S**

