

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Commission Action:



STAFF REPORT: REGULAR 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: *Preliminary Soils and Engineering Geologic Investigation for Reconstruction of Single-Family Residence, 21590 Paseo Serra, Malibu, California, by Miller Geosciences, dated September 24, 1994; Preliminary Soils and Engineering Geologic Investigation for Proposed Rebuild of Burned Out Residence, 21566 Rambla Vista, Malibu, California, by GeoSystems, dated November 2, 1994; 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; Supplemental Geotechnical Engineering Investigation Report, Proposed Rebuilding of Burned Down Residence, 21551 Rambla Vista, Malibu, California, by Coastline Geotechnical Consultants, dated April 23, 1996; Preliminary Engineering Geologic Report, Proposed Rebuilding of a Burnout Residence, Lot 157, Tract 10570, 21580 Rambla Vista, Malibu, California, by Mountain Geology, dated March 19, 1997; 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; Update Engineering Geologic and Geotechnical Engineering Report, Single-Family Residential Construction, Lot 172, Tract 10570, 21577 Rambla Vista, Malibu, California, by Miller Geosciences, dated March 6, 1998; 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; City of Malibu Geology and Geotechnical Engineering Review Sheet for Applicant: Steve Kent, and Site Address: 21570 Rambla Vista, dated October 19, 1999; Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, 21570 Rambla Vista, Malibu, California, by GeoSystems, dated November 2, 1999; City of Malibu Geology and Geotechnical Engineering Review Sheet for Applicant: Steve Kent, and Site Address: 21570 Rambla Vista, dated November 24, 1999; Letter RE: Existing Landslides in the Vicinity of 21570 Rambla Vista, Malibu, California, by GeoSystems, dated February 21, 2000.*

SUMMARY OF STAFF RECOMMENDATION

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

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 term or 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 and Polluted Runoff Control Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

(a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate or treat runoff from all roofs, parking areas, driveways and other impervious surfaces shall be identified and incorporated into final plans.

(b) Selected BMPs shall, when implemented ensure that post-development peak runoff rate and average volume from the site, will be maintained at levels similar to pre-development conditions. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner.

(c) The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps / separators and/or filters shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year, and (2) should any of the project's surface or subsurface drainage / filtration structures or other BMPs fail or result in increased erosion, the applicant / landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage / filtration 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. Wildfire Waiver of Liability

PRIOR TO 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, and liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares 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 4,007 sq. ft. (.09 ac.) parcel located in the La Costa area of the City of Malibu. The La Costa neighborhood 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 area is rugged, and there is limited natural vegetation. The La Costa neighborhood has been observed to have numerous historically and currently active landslides, slips, and slumps.

Access to the project site is from Pacific Coast Highway to Rambla Vista, a public street which borders the north side of the property. The site is surrounded by existing single-family residences to the north (across Rambla Vista), south, east, and west. 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 building site is situated on a south-facing slope on the flanks of the Santa Monica Mountains. The 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, converges into a culvert under the highway, and eventually outlets at La Costa Beach. Vegetation on-site consists of a patch of ice plant in the northeast portion of the property and little else.

This application was previously scheduled for the March 2000 Commission meeting, but was postponed due to a problem with noticing the surrounding property owners. Two neighbors informed Commission staff that they had never received written notice of the hearing after they saw the posted notice at the Kent property, and it was subsequently discovered that at least five residences within 100 feet of the Kent property were not mailed the hearing notice. In order to provide the neighbors sufficient time to review and respond to the permit application, the hearing was postponed until April. In the interim, Commission staff has received several letters objecting to the proposed application on the grounds of lack of adequate notice, soils and geological concerns, land movement, groundwater issues, and the size of the proposed structure. These issues have been addressed in the staff report.

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 minimally 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, trails, and scenic roads. 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 4,007 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 therefore 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, contiguous with, or in close proximity to 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 minor 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, converges into a culvert under the highway, and eventually outlets 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 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 prepared reports addressing the specific geotechnical conditions related to the site.

There has been some question as to the geologic stability of the subject site. However, 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, in evaluating the previous geologic reports, the various engineering geologic factors affecting site stability, and the existing site conditions, states:

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. ... This geometric relationship is favorable from the standpoint of the gross stability of the site. ... In addition, our examination of slopes on the property did not reveal the presence of past surficial slope failures.

The 1999 GeoSystems report for the subject site goes on to address the possibility of faults existing in the vicinity of the subject site:

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 1999 GeoSystems report concludes that the subject site is safe and stable:

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 applicant's geotechnical report as well as several other geologic reports prepared for other projects in the vicinity refer to two ancient, active, or potentially active landslides within five-hundred feet (500') of the subject site – the Calle del Barco landslide and the western or USGS landslide. The 1999 GeoSystems report states:

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 [Kent] property.

The *Preliminary Soils and Engineering Geologic Investigation for Proposed Rebuild of Burned Out Residence, 21566 Rambla Vista, Malibu, California*, by GeoSystems, dated November 2, 1994, also mentions the presence of the two active landslides in the project vicinity:

The site is located in an area of geologically stable bedrock located between the Calle Del Barco landslide to the east, and an unnamed ancient landslide located to the west. No evidence of past stability problems affecting the site were encountered.

Several geology reports for surrounding properties refer to a possible ancient landslide approximately sixty feet (60') to the east-northeast of the subject site. 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 a neighboring property, mentions the potential presence of an upslope, ancient landslide:

In November 1995, this office conducted a geologic inspection of a 20-foot± high cut slope made on the adjacent property to the east, 21547 Rambla Vista. Inspection of the cut revealed the presence of an ancient landslide along the southwest corner of the garage area. The geometry of the landslide indicated that the subject site [21551 Rambla Vista] was underlain by landslide debris. ... The landslide appears to be an ancient feature and does not show any sign of recent movement.

The April 10, 1996 Pacific Geology Consultants report for 21551 Rambla Vista goes on to state that geologic tests indicate the slide appears to exhibit no sign of movement and is stable:

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.

The April 23, 1996 Coastline Geotechnical Consultants report for the same property at 21551 Rambla Vista affirms that the slide is ancient and stable, stating:

Underlying the colluvium, east of the ravine that cuts north-south through the property is ancient landslide debris. ... The landslide debris shows no signs of recent movement, and was found to be firm. In addition, soil to depths of 5 to 8 feet, has developed over the debris, which further indicates the slide must have occurred thousands of years ago.

In their November 2, 1999 *Response to City of Malibu Geology and Geotechnical Engineering Review Sheet*, the applicant's geotechnical consultant, GeoSystems, addressed the alleged ancient landslide upslope and east of the subject property:

Based on our geologic loggings of the two borings at the site, and on our geologic logging of the deeper boring located on the adjacent property, it is our conclusion that the [Kent] site is not underlain by a landslide, and that the shearing observed on the properties to the northeast does not project under the proposed development on the subject site.

Staff raised concerns with the consulting geologist regarding the potential for the ancient landslide upslope and east of the subject site to be activated and threaten the subject site. In response to staff's concerns, the consulting geologist responded by letter, dated February 21, 2000, stating:

[T]he western edge of the landslide is located some 60 feet to the east of the subject property. ... [T]he adversely oriented bedding associated with the landslide does not extend westward to the area of the subject site at 21750 Rambla Vista. ... Because the adverse geologic conditions encountered at 21551 Rambla Vista do not continue westward on to the subject property, and because the western edge of the mapped landslide is located some 60 feet to the east, it is our conclusion that future earth movement, if any, related to the geologic condition encountered at 21551 Rambla Vista will not adversely affect the proposed structures at 21570 Rambla Vista.

Based on the consulting geologists' findings, the subject site is not considered to be underlain or threatened by landslides, and the subject property is not considered to be subject to any other adverse geologic condition. Therefore, in this case, a special condition deed restriction requiring an assumption of risk / waiver of liability for geologic hazards is not warranted. However, 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.

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 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). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. 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 One, 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 and 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 stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate 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 such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have 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 Commission 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; in fact, properties to the north, east, and west of the subject site were destroyed by this wildfire.

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 wildfire 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. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. 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 conversion of the project site from its natural state 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. Further, use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The building area is sloping and is surrounded by ascending slopes to the north and descending slopes to the south. Because of these slopes on-site, the increase in impervious coverage, and the resultant potential for significant water velocities, soil erosion, and pollutant transport, it is important to adequately control site drainage through runoff detention, velocity reduction, filtration, and/or other best management practices (BMPs). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and through implementation of a drainage and runoff control plan. In order to ensure that runoff is conveyed off-site in a non-erosive manner and to minimize the volume, velocity, and pollutant load of stormwater leaving the developed site thereby ensuring that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through **Special Condition Two**, to submit a drainage and polluted runoff control plan, designed by a licensed engineer, for review and approval by the Executive Director, which incorporates filter elements that intercept and infiltrate or treat the runoff from the site and to assume responsibility for the maintenance of all drainage devices on-site. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season.

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. 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.

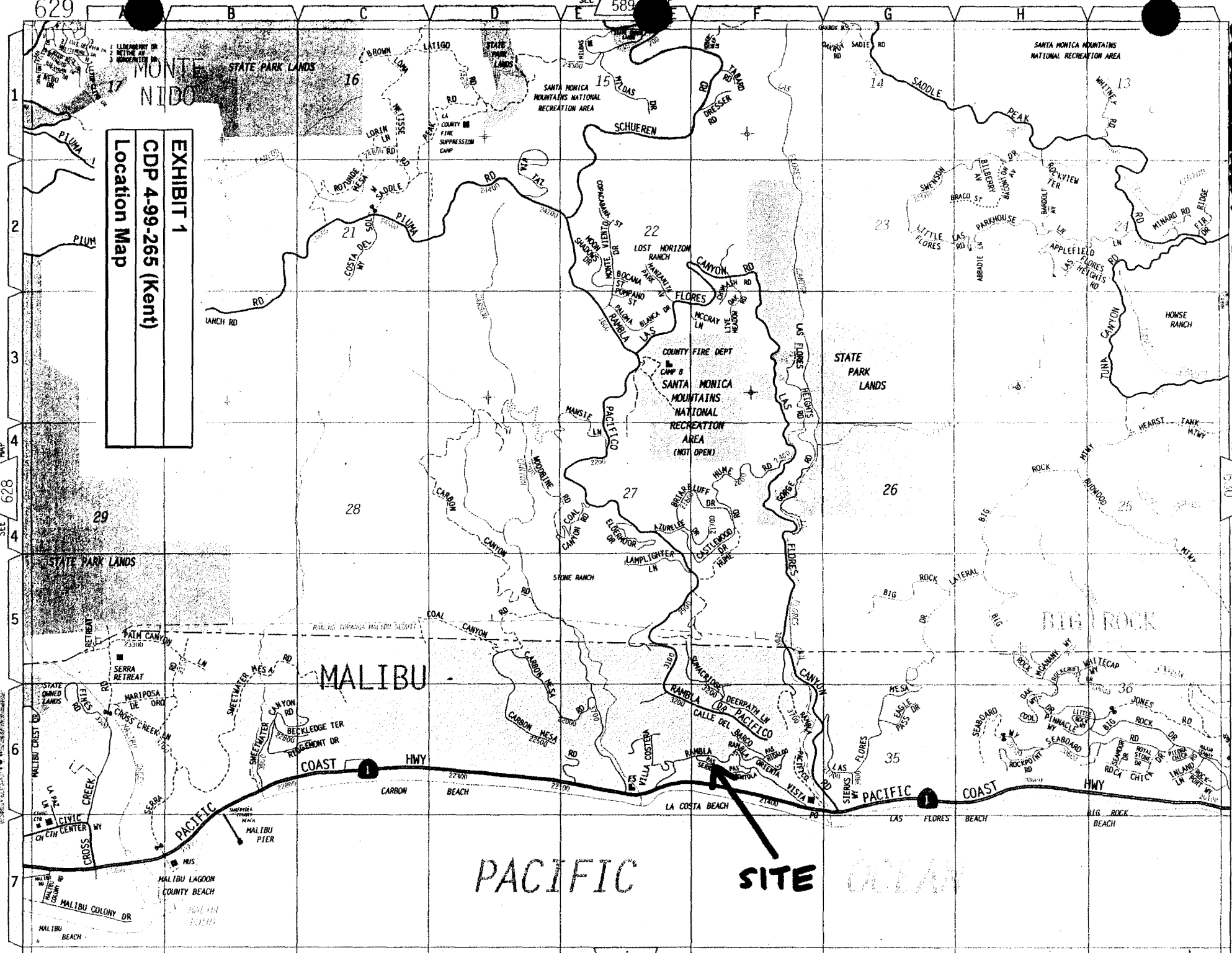
BCM/bcm

File: D:\BCM\permits\4-99-265 Kent

629

SEE 589 MAP

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



SEE 630 MAP

SEE vi MAP

SITE PLAN

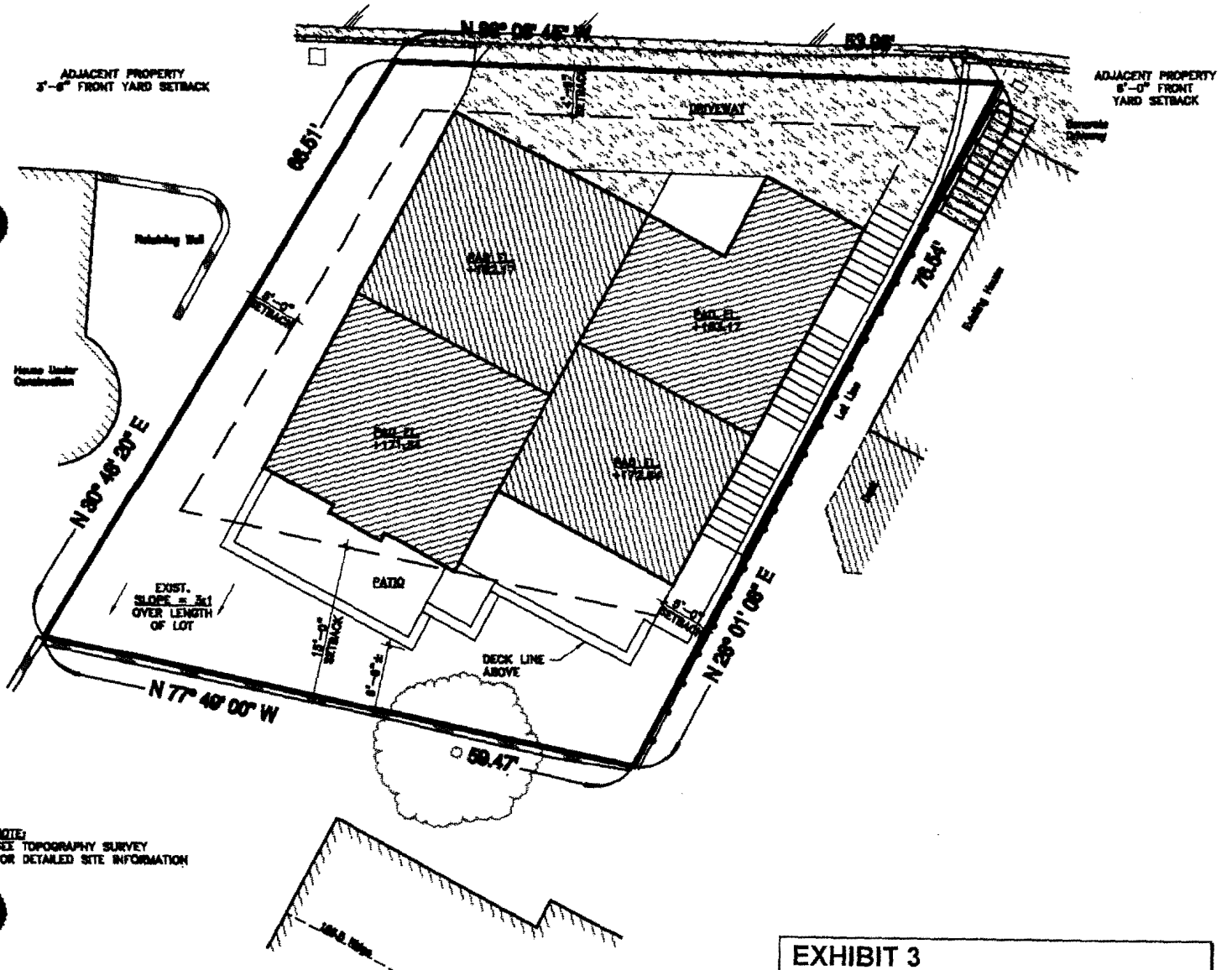
SCALE 1/8" = 1'-0"

RECEIVED

JAN 12 REC'D

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

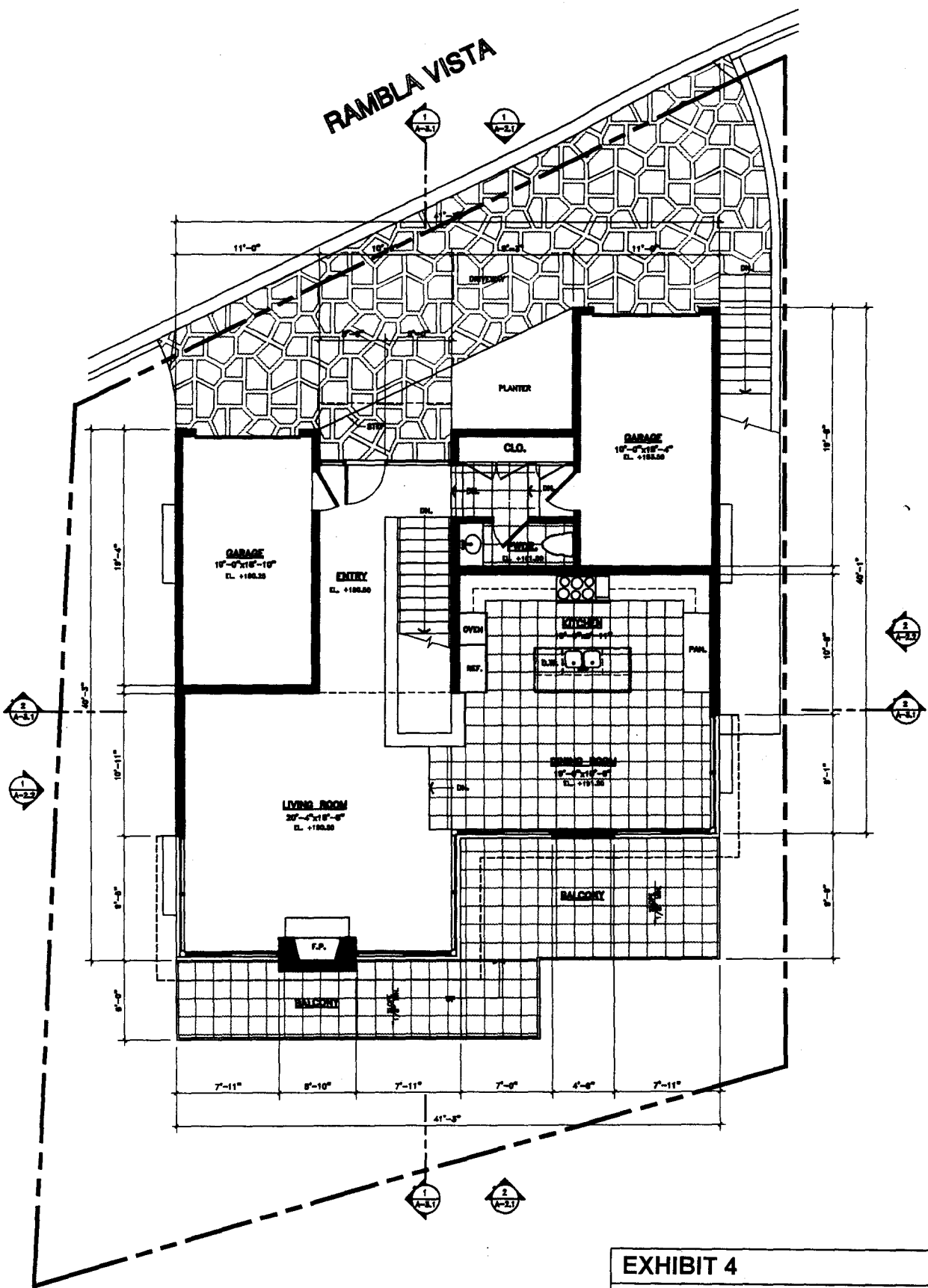
RAMBLA VISTA



NOTE:
SEE TOPOGRAPHY SURVEY
FOR DETAILED SITE INFORMATION

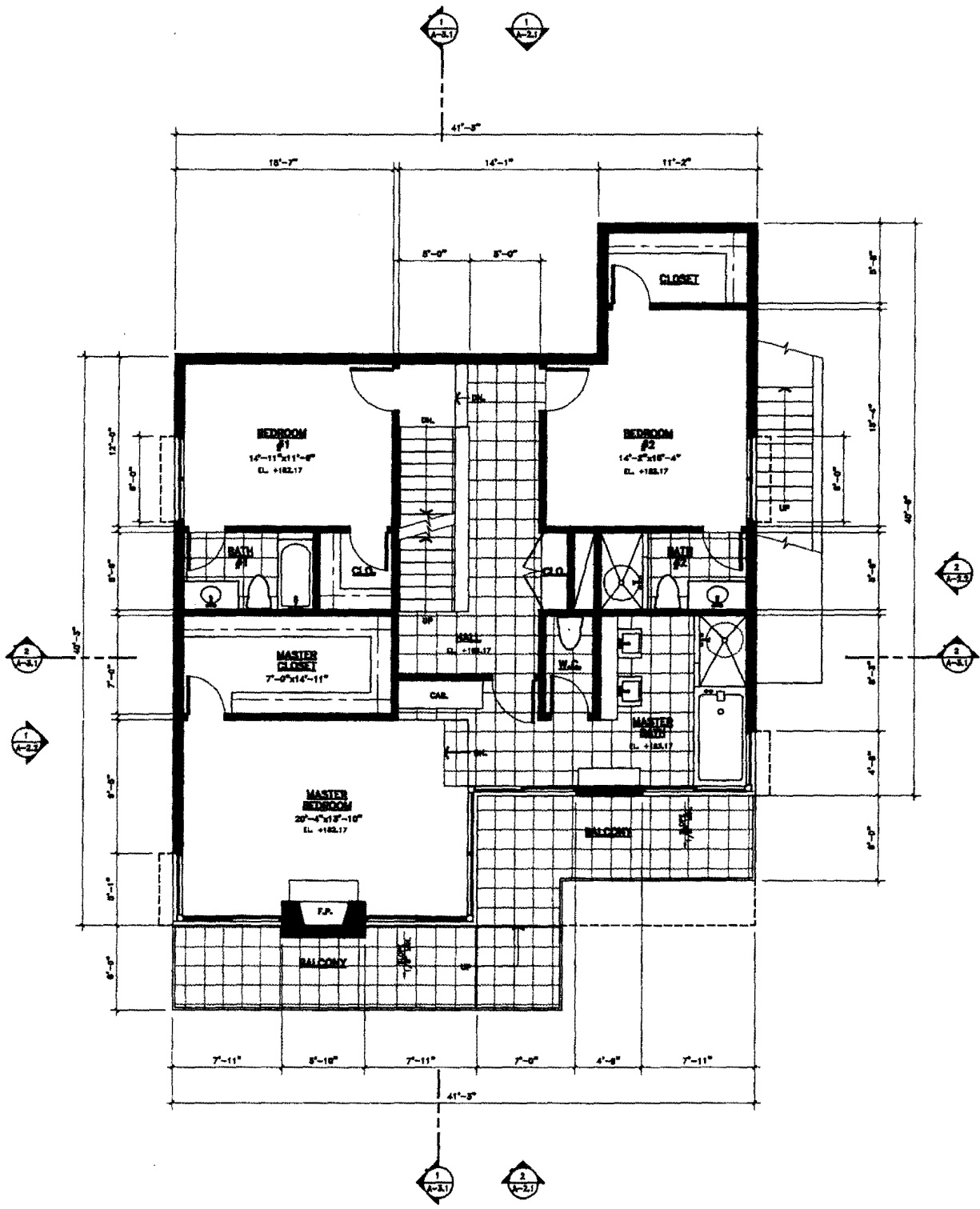
EXHIBIT 3
CDP 4-99-265 (Kent)
Site Plan

RAMBLA VISTA



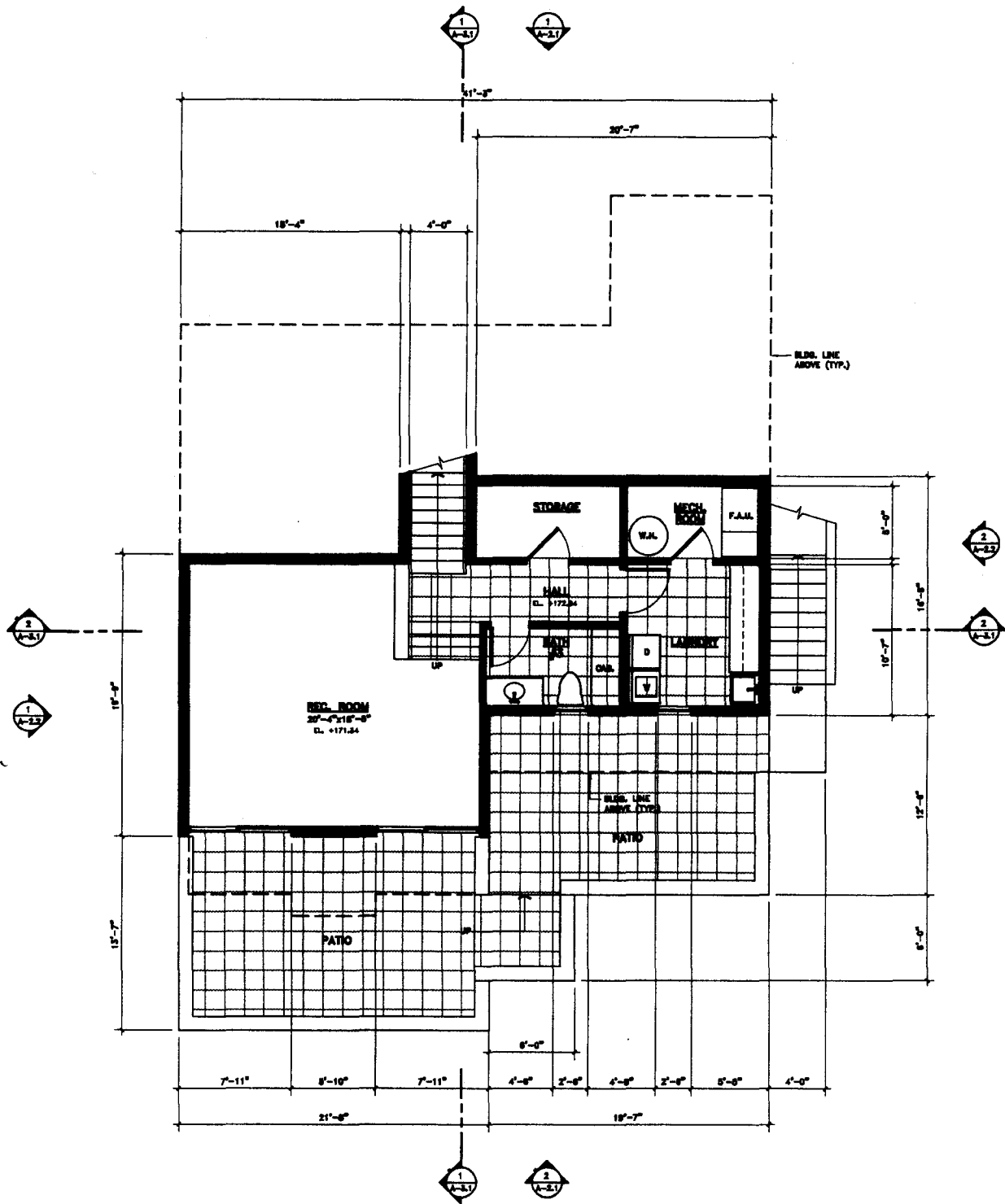
1 LEVEL 1 PLAN
A-1.1

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



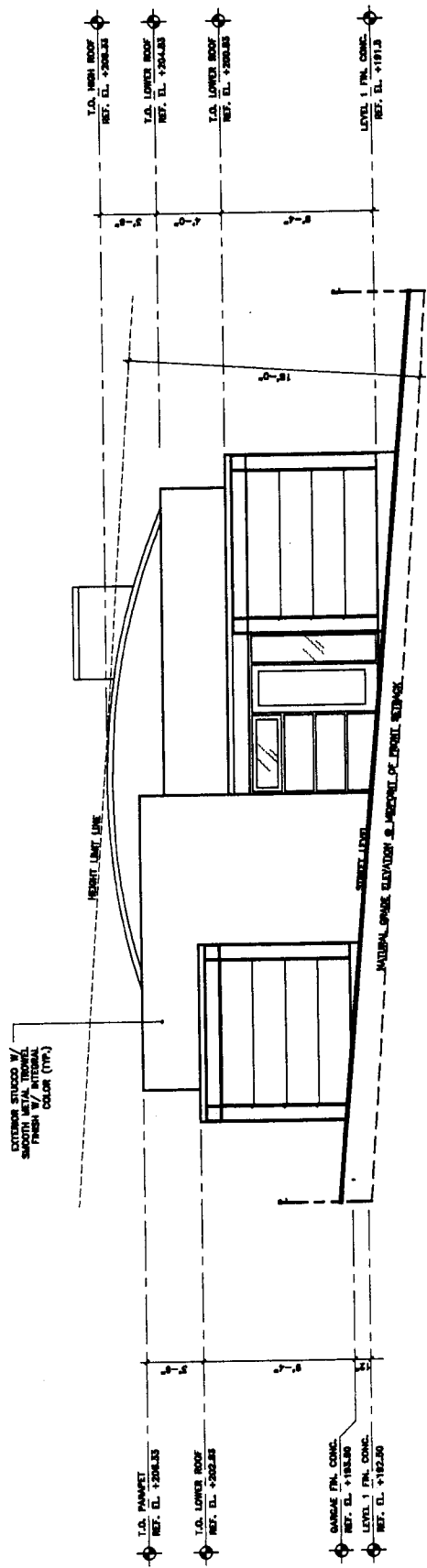
2 LEVEL 2 PLAN
 A-1.1 SCALE: 1/8" = 1'-0"

EXHIBIT 5
CDP 4-99-265 (Kent)
Level 2 Plan



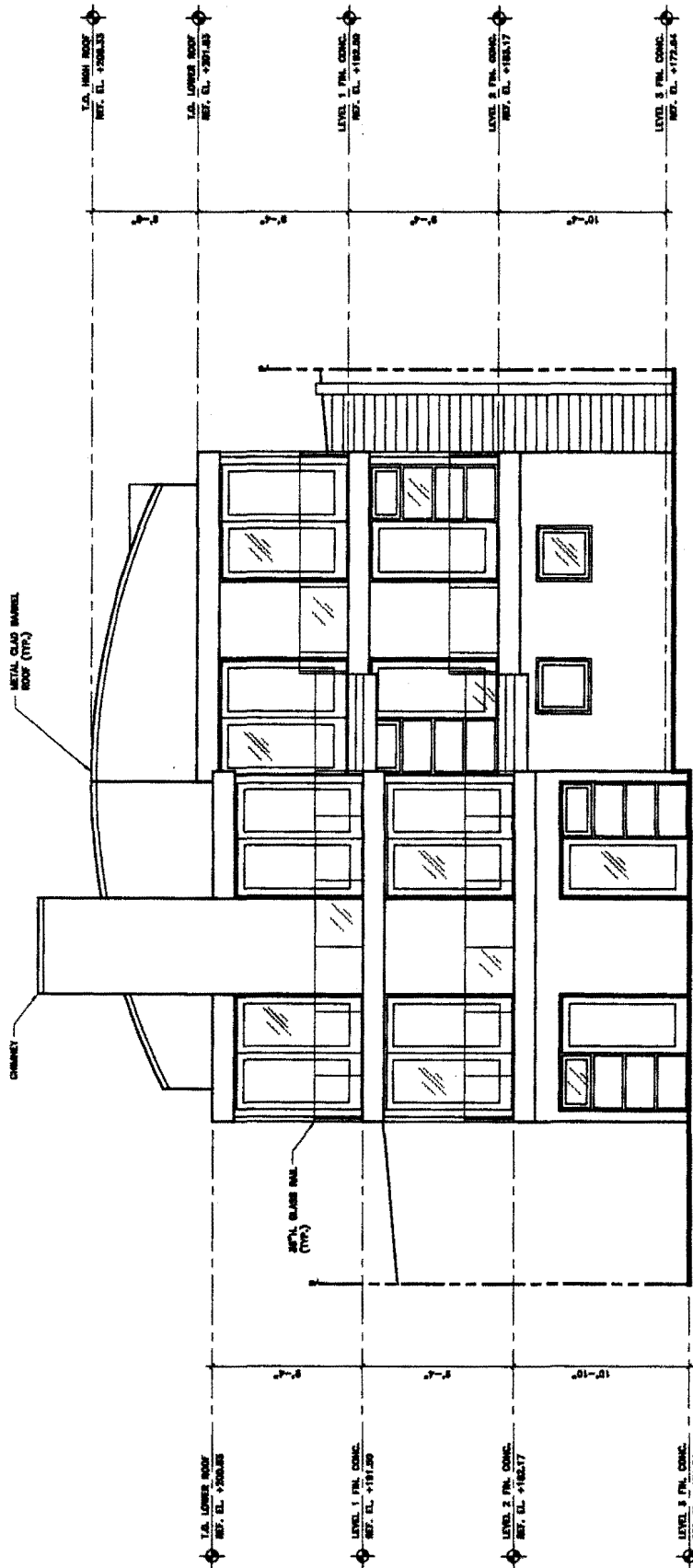
1 LEVEL 3 PLAN - BASEMENT
 A-1.8 SCALE W-7-0

EXHIBIT 6
 CDP 4-99-265 (Kent)
 Level 3 Plan (Basement)



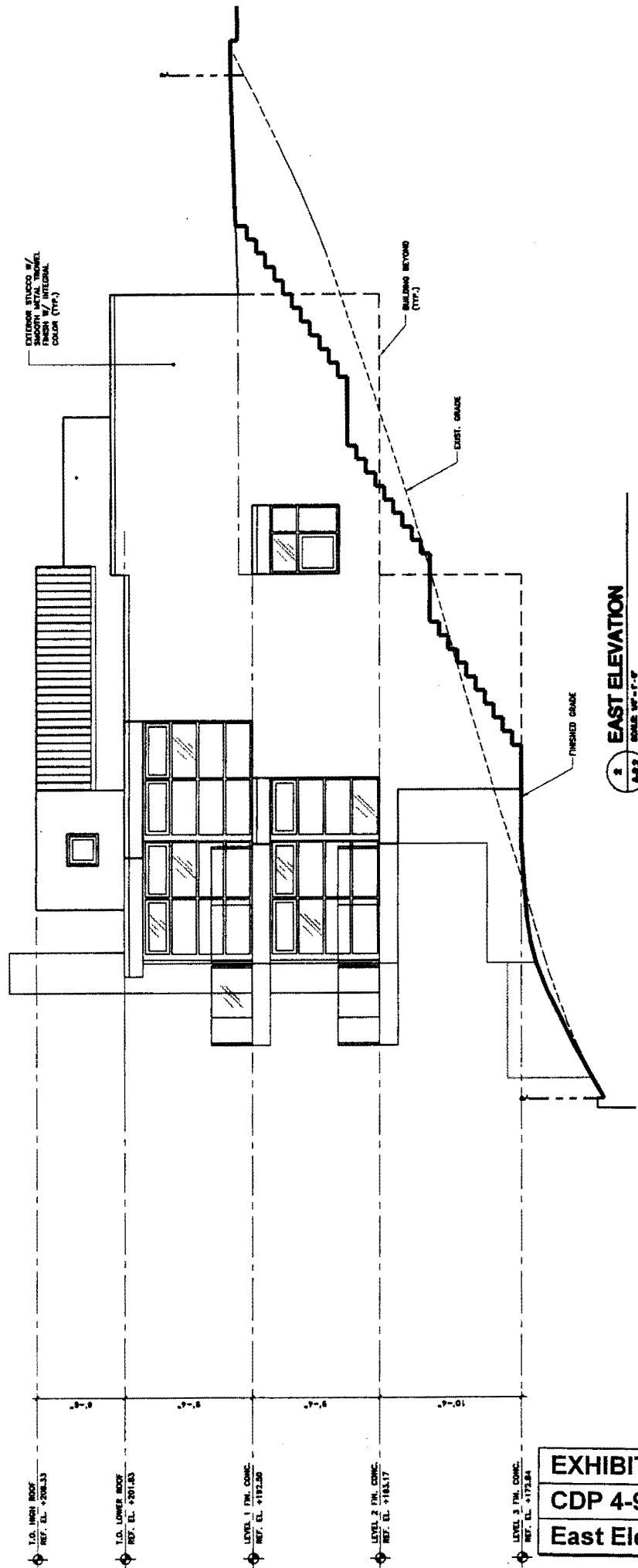
1 NORTH ELEVATION
AS1 0000 00-1-0

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



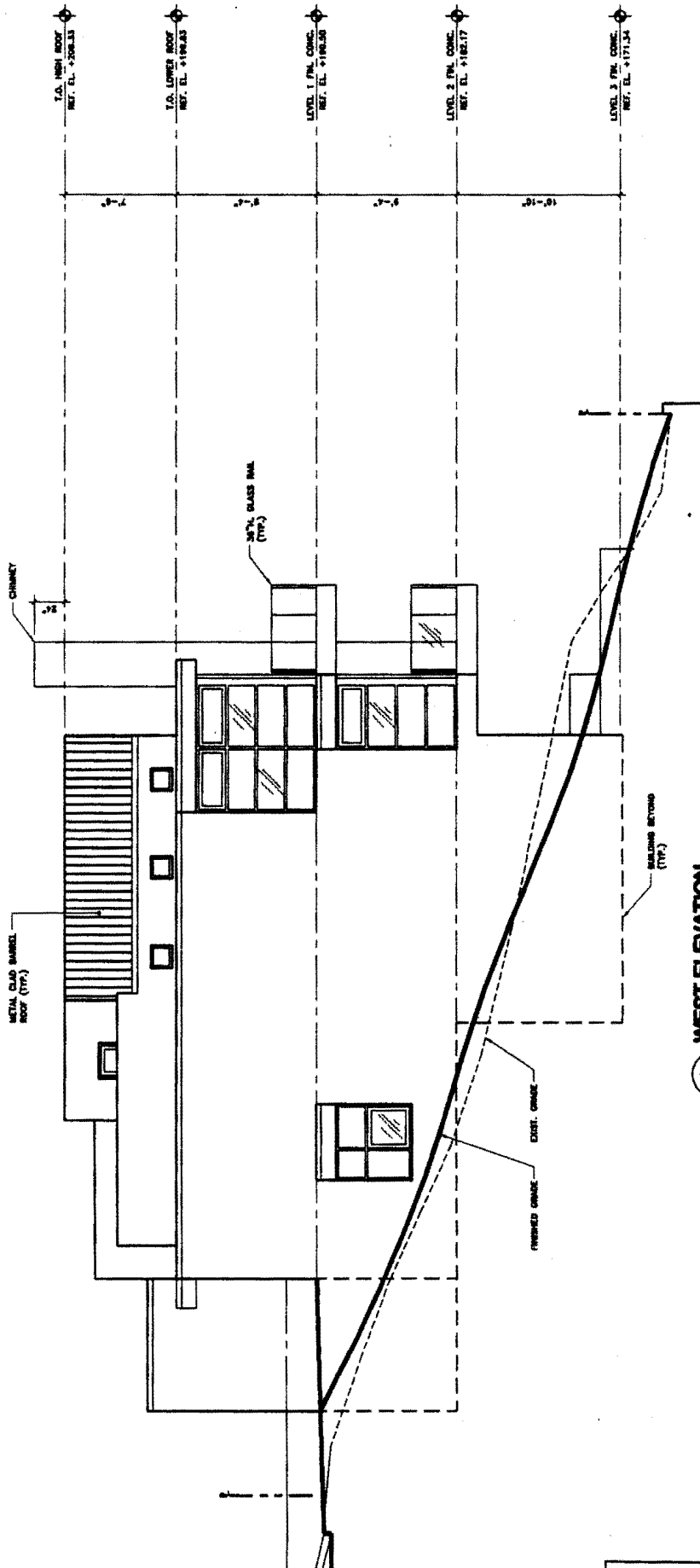

SOUTH ELEVATION
 SHEET W-1-2

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



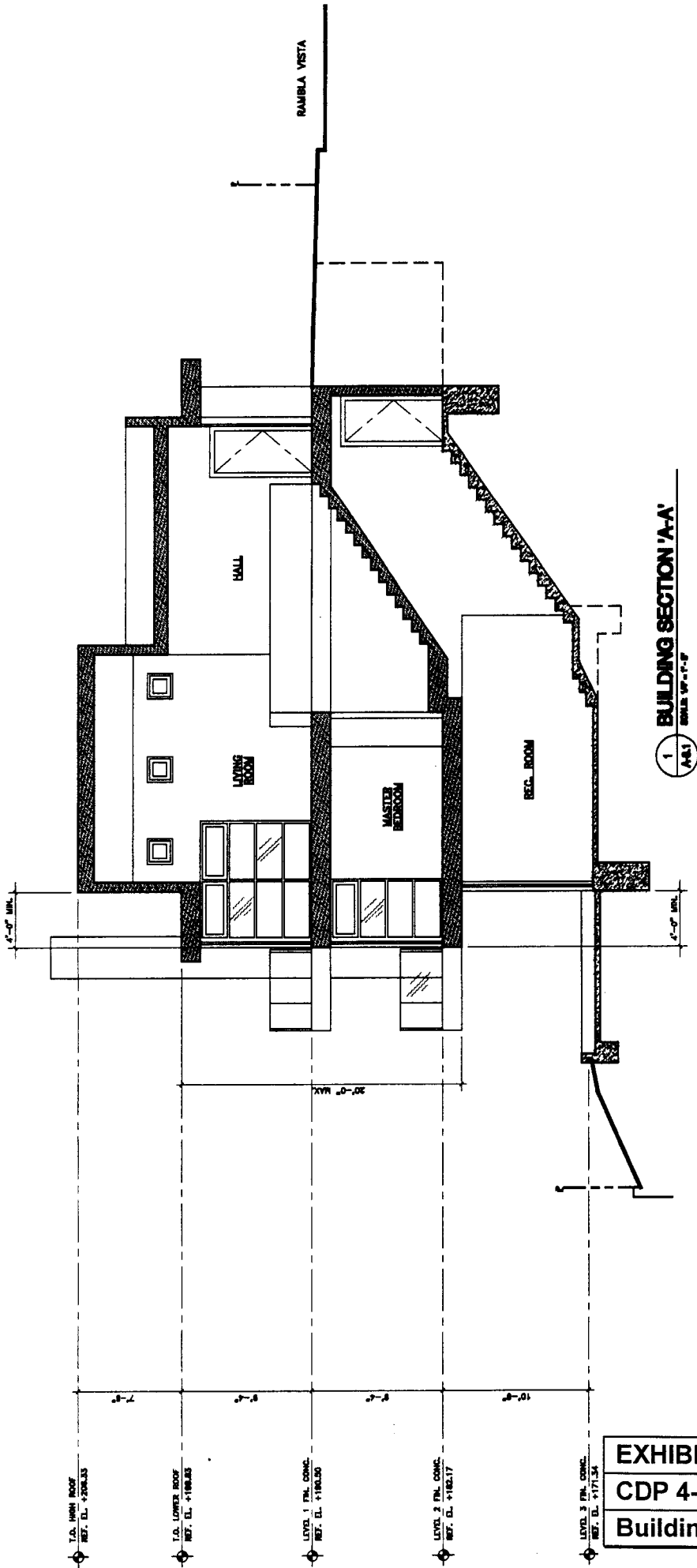
2 EAST ELEVATION
SCALE 1/8" = 1'-0"

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



1 WEST ELEVATION
 A-23 DATE 09-17-07

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



1 BUILDING SECTION 'A-A'
SCALE 1/4" = 1'-0"

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

FRANK J. IANNACCONE, INC.

ATTORNEYS AT LAW

Please Reply to:
Westlake Village Office

4530 Thousand Oaks Blvd.
Suite 200
Westlake Village, CA 91362-3818
(805) 495-8451
(805) 495-7301 Fax

11900 W. Olympic
Suite 790
Los Angeles, CA 90064

Meeting Date: February 17, 2000
Agenda No: Th 4j
Permit No: 4-99-265
Applicant: Steven Kent

Dear Sirs:

I reside at 21580 Rambla Vista, Malibu, with my family. The subject project is adjacent to my home, on the south side, and we share a north/south property line.

The area is known as Malibu-La Costa. There is a Malibu-La Costa overlay which limits homes to a maximum of 3400 square feet. I confirmed this with the City of Malibu planning department.

When I total the numbers on the applicant's public hearing notice, 3113 square foot SFR, plus 789 square foot basement which contains "living space" per plans, plus attached 400 square foot 2 car garage, plus 800 square feet of decks, I get a total of 5102 square feet of house/living space.

My home is 3400 square feet, plus garage, on an 8000 square foot lot.

The applicant's lot is 4000 square feet.

I am concerned that this home, at 35 feet in height, on this small lot is too large, and violative of the strict, Malibu-La Costa overlay limit of 3400 square feet maximum.

Your attention to these concerns will be appreciated.

Very truly yours,

FRANK J. IANNACCONE, INC.
A Law Corporation


FRANK J. IANNACCONE, Esq.

FJI/cc

EXHIBIT 12
CDP 4-99-265 (Kent)
Objection Letter 1

Re: Tuesday 3/14/00

Permit # 4-99-265

Appl. Steven Kent

Project location: 21570

Item No: TU 23 H

RECEIVED
MAR 7 2000
CALIFORNIA
COUNTY OF LOS ANGELES
SOUTH GATE

Malibu
L.A. Co. (APN) 4451-014-049

Please note: I am outraged that I was not notified of this hearing and I live directly across the street at 21571. The notice of intent sign was posted 2-29-00 and I had to call your Ventura office to request information regarding this hearing.

I have lived at this address almost 40 years. Within that time several tests had been done on the site mentioned for review - they failed and it was considered unbuildable.

Therefore, I do not understand how this recent test was approved when the

EXHIBIT 13a

CDP 4-99-265 (Kent)

Objection Letter 2 (pg. 1/2)

(2)

geologist of record could
not physically observe the
contact between the terrace/
bedrock because it was
under ground water.

I am not against
someone building there, but
this area is subject to
landslides.

Therefore, I am very
concerned for the future
and my residence across the
street from the location
up for review.

Sincerely,

Laurie Stange

21541 Rambla Vista
Malibu, Ca 90265-5123

EXHIBIT 13b

CDP 4-99-265 (Kent)

Objection Letter 2 (pg. 2/2)

March 7, 2000

RECEIVED

MAR 7 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mr. Brent McDonald
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Reference #4-99-265
Address: 21570 Rambla Vista, Malibu, CA 90265

Dear Mr. McDonald,

I am writing in reference to the fact that I did not receive proper constructive notice on the above-referenced project. You informed me yesterday that a notice had been sent to A. Torres located at 21551 Rambla Vista and that notice was returned to your office. As I mentioned yesterday, 21551 Rambla Vista is under construction and not occupied. There is a mailbox on the property and we do receive mail, however for whatever reason the notice was not delivered.

In addition, and perhaps to me of more concern, is the fact that I live at 21583 Rambla Vista and this address has been my permanent home for over 20 years. I surprised not to be included in the 100 foot radius map which is required by the California Coastal Commission. By your review yesterday, I am clearly within the noticed area and for whatever reason was not properly noticed. Perhaps this was not intentional, but at any rate, I personally find it hard to believe and feel that I have been denied the due process which is provided by the Coastal Act.

My concern, in part, is based on the manner in which I was made aware that there was a pending application in front of the Commission. A neighbor called me yesterday to ask me as to whether or not I was familiar with the project. Since the posted Coastal Notice was placed on a sign very low to the curb and not on the fence surrounding the property it was very difficult to see, particularly when cars are parked at the curb which is usually the case. Perhaps this placement is just coincidental, but in light of the fact I was not noticed, I find myself wondering about this placement.

EXHIBIT 14a

CDP 4-99-265 (Kent)

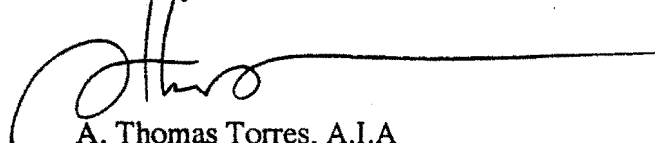
Objection Letter 3 (pg. 1/2)

Having lived in the area for over 20 years, received Coastal Commission approval on not only on my own residence and as an architect on many more in the immediate area, I am familiar with the process as well as the previous history on the subject property. Over the years there have been many geological review sheets on file in the public domain referencing this property. Unfortunately the public record up to this point always concluded that the property was underlined with landslide debris and high ground water.

As an immediate neighbor these issues are obviously of concern to me and the neighborhood. You mentioned yesterday, there had been a considerable amount of soils and geology work completed on the project and in fact the Coastal Commission was requiring a hazard waiver to be recorded but based on additional geological data had removed that condition. I would think under the circumstances that the Commission would want all neighbors to review the documents, hire their own professionals if necessary to analyze the ramifications of these reports, or at least feel secure and satisfied with the results that have been compiled on the subject property. Without ample time, I am effectively unable to do any diligence, therefore I find myself in a position where I must rely totally on California Coastal Commission's review and jurisdiction. I would have thought, at a minimum, the project would have been continued just as a matter of course because of the irregularity in the notice procedure. I do not know for a fact whether other effected neighbors were eliminated in the notice process. If any others were, I would request that you consider a continuance of this project.

Thank you for you consideration of these facts.

Sincerely,



A. Thomas Torres, A.I.A.
21583 Rambla Vista
Malibu, CA 90265

cc: Alan Block, Esq.

EXHIBIT 14b

CDP 4-99-265 (Kent)

Objection Letter 3 (pg. 2/2)