

# The Malibu Times

SINCE 1946

## California Coastal Commission approves rebuild despite neighbors' objections

By

[Judy Abel](#)

-

February 14, 2024

*Applicant waited 12 years for approval to rebuild after home destroyed in 1993 fire*

A Malibu homeowner has won approval from the California Coastal Commission to rebuild a Big Rock area home that had previously been destroyed by fire. The CCC voted in favor of the applicant Feb. 7 after hearing comments from the attorney representing the applicant and an attorney representing residents opposed.

CCC staffer Deanna Christensen explained the project, which includes a garage, detached cabana, and new onsite wastewater treatment system, was approved by the city. The site on Inland Lane is in the Big Rock landslide area on a bluff abutting Pacific Coast Highway.

Christensen indicated a dewatering program is in place to maintain groundwater levels. The original home was destroyed in the 1993 Old Topanga Fire. Seven neighbors appealed the project, contending the structure partly embedded underground would decrease stability of the landslide, not minimize risk to life and property, and that a variance to the factor of safety standard of the LCP should not have been granted by the City of Malibu. The appeals also raised concerns about the size and visual impact of the house.

The city's geotechnical staff concluded there would be minimal risk with the home's deep pile construction assuring stability within the LCP hazard policy and the commission's geologist concurred adding the structure's stability would not adversely impact stability of neighboring structures.

The CCC staffer explained the approved project includes water lines with flexible couplings, gas lines with swing joints, electrical cables with coil loops to protect against breakage, and utility lines in shallow channels for easier repair and inspection. Christensen stated, "The very small increase in subsurface water input would not cause any important threshold relative to groundwater level and slope stability to be exceeded." The appellants also argued the home's increased size is larger than adjacent homes therefore blocking ocean views, but private views from neighboring properties are not protected under the city's LCP.

Attorney Jackson McNeill, representing some Big Rock neighbors asked the commission to consider "the project's serious geotechnical deficiencies." He called the city's geotechnical analysis "woefully lacking. As the Coastal Commission's staff report notes, the city's geologist did not perform a seismic slope stability analysis as required by the LIP." McNeill claimed the last geotechnical investigation was completed in 2011. He requested more time for geological study and commented the home would be over twice the size of the home it replaces. "The largest house in the surrounding landslide area," McNeill said adding, "This sets a dangerous precedent. Courts have held that variances should be granted rarely. We are talking about a variance from the factor of safety to create the largest house in the neighborhood, on top of a bluff, and on top of an active landslide, all based upon outdated onsite geotechnical investigations that our geologist believes are faulty and incomplete."

Malibu Township Council President Jo Drummond appealed to the commission, "Developments with septic systems caused the first landslide in Big Rock which is why this is the first hearing you've heard for a project here because no new construction has ever been allowed since then."

Drummond stated the city's approval of the project was not unanimous at a 2-2 split by the Planning Commission and 3-2 vote by the City Council. She claimed there is water ponding on the lot.

"It's so dangerous," neighbor Sabrina Zaretti said. "For public safety please postpone the hearing for necessary geotechnical reports. The proposed build is super unsafe due to so many factors, water seepage, erosion, landslides that are currently happening now in the little rainfall we've had. Big Rock is known to have mudslides. It's going to be a monstrosity of a house. It's going to be dangerous for people on PCH."

One last caller named Rosemary chimed in, saying as a 40-year Big Rock resident she has seen numerous landslides. She questioned a proposed seepage pit on the lot. "The whole thing doesn't make sense," she said.

The applicant's representative, Fred Gaines, told the commission the project is consistent and in compliance with Malibu's certified Local Coastal Program.

The commission unanimously approved the project with Commissioner Dayna Bochco noting the applicant endured 12 years in the process.

The commission also addressed another Malibu issue when it approved changes in the city's wireless ordinance over the objections of Planning Commissioner Kraig Hill.