

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff: TAD-VNT
Staff Report: 12/22/95
Hearing Date: January 9-12, 1995
Commission Action:



STAFF REPORT: CONSENT CALENDAR

TH96

APPLICATION NO.: 4-95-148

APPLICANT: City of Malibu Public Works Department

AGENT: Jeff Palmer - Public Works

PROJECT LOCATION: Malibu Canyon Road below Hughes Laboratory, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: The remediation of a landslide above Malibu Canyon Road which became active during the 1994-1995 rain season. The project involved the grading of approximately 10,000 cubic yards (cut), and the installation of a gunited V-ditch drainage swale and bench drain.

LOCAL APPROVALS RECEIVED: None Required.

SUBSTANTIVE FILE DOCUMENTS: California Coastal Act of 1976, as of January 1995.

SUMMARY OF STAFF RECOMMENDATION:

The Applicant seeks an after the fact coastal development permit for the remediation of a landslide above Malibu Canyon Road. The landslide threatened to block traffic and presented a risk to life and property above and below the landslide area. The project involved the grading, cut, of approximately 10,000 cubic yards of material, and the installation of a gunited V-ditch drainage system. The project is also proposed to include a native seed revegetation program.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

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

II. Standard Conditions.

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

III. Special Conditions.

1. Revegetation & Monitoring Program

The applicant shall submit, for the review and approval of the Executive Director, revegetation plans for all areas impacted and disturbed by development activities. These plans shall incorporate the use of native, indigenous, plant species associated with the site and the surrounding area to minimize the need for irrigation and to soften the visual impact of development. The plans shall include a revegetation monitoring program for a period no less than three (3) years, to insure that revegetation activities are successful. These plans shall provide an outline of proposed maintenance activities, including the removal of weeds, or mid-course corrections (additional plantings), should they be required. At the end of the three year period, the applicant shall submit a final revegetation monitoring report, for the review and approval of the Executive Director, which indicates the success or failure of revegetation activities. If the report finds that revegetation activities are in part, or in whole, unsuccessful, then the applicant shall be required to extent revegetation activities for an additional two (2) years to insure that the site is adequately revegetated.

2. Final Drainage Plans

Prior to the issuance of a coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, drainage plans certified by a geotechnical engineer or civil engineer, which illustrate how runoff is conveyed from the slope face and into existing drainage facilities in the surrounding area such as culverts, storm drains, etc. Should the project drainage structures fail or result in any erosion, the applicant shall be responsible for any repairs and restoration.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Malibu proposes, after the fact, the remediation of a landslide above Malibu Canyon Road which threatened to close traffic on the roadway, and presented a hazard to property above and below the landslide area (see exhibit 2). The project involved the grading of 10,000 cubic yards of material (cut) and the installation of a gunited V-ditch drainage swale on the top of the slope face and a gunited bench drain across the slope face to convey runoff from the slope and into existing drainage facilities. The project also involved the revegetation of the slope face with a native seed mix.

B. Geologic Stability

Section 30253 of the Coastal Act states:

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 along bluffs and cliffs.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all vegetation, thereby contributing to an increased potential for erosion and landslide on the property. The applicant has submitted a Memorandum, dated March 17, 1995, prepared by the City of Malibu's Geologist Mike Phipps.

The March 17, 1995, Memorandum states:

Observations of a rockslide on the subject roadcut were initially made by Assistant City Geologist Chris Dean on March 15, 1995. Based upon his observations...the rockslide posed an imminent hazard to traffic on Malibu Canyon Road...in addition...tension cracks were observed up to 25 feet north of the roadcut, indicating incipient failure of a larger rockslide. Based upon these conditions, a decision was made by the City to regrade the cut slope by cutting above and behind the tension cracks, removing the failed material, and laying the slope back to a lesser gradient. The sole intent of the emergency grading is to eliminate an imminent geologic hazard to traffic on Malibu Canyon Road. The original roadcut was approximately 75 feet high and appears to have been built at a 1/2:1 gradient (approximately 62 degrees). This orientation is favorable with respect to gross slope stability. Several sets of joints or fractures which are roughly perpendicular to the bedding planes exist within the rock. Steeply south-dipping joint planes appear to be primarily controlling rockslide or rockfall failures on the cut slope.

During my field observations, the contractor (Burns Pacific) was advised to incorporate drainage control devices into the final slope configuration. Based upon the approximate location of the top of the new cut slope, the entire slope will have an overall gradient of 1 1/2:1, while incorporating a gunite-paved 6 to 8 foot wide drainage bench at roughly mid-slope, and a gunite paved brow or V-ditch at the top of the slope. These devices will help control erosion on the exposed slope face.

The Coastal Act requires that new development assure "stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area..." and "ESHA's shall be protected against any significant disruption of habitat values..." Based on the recommendations of the City's consulting geologists the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all of the geologic consultant's recommendations where incorporated into the project development. The applicant states in the project description that the City's consulting geologist recommended the installation of a gunited V-ditch drainage system as a part of this project. The consulting geologist stated that this drainage system was "advised" to help control erosion on the slope face. Therefore, to ensure that the drainage structures were designed and installed consistent with the City geologist's recommendations, the Commission finds it necessary to require the applicant to 1) submit final drainage plans that 2) have been certified in writing by the consulting Engineering Geologist or Civil Engineer as conforming to their recommendations. Additionally, in order to minimize erosion and provide geologic stability by inhibiting surface infiltration, the Commission finds it necessary to require the applicant to submit proof of a native plant revegetation program for the site. The applicant states that this program has been implemented; however, no plans or other relevant information has been submitted. Furthermore, Special Condition #1 requires the applicant to monitor revegetation activities for a period of no less than 3 years to insure the long term survivability of revegetation efforts. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

C. Grading/Landform Alteration & Visual Resources

Section 30251 of the Coastal Act state:

Section 30251

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 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.

The applicant proposes, after the fact, the remediation of a landslide above Malibu Canyon Road which threatened to close traffic on the roadway, and presented a hazard to property above and below the landslide area. The project involved the grading of 10,000 cubic yards of material, cut, and the installation of gunited V-ditch drainage swales on the top of the slope face and a gunited bench drain across the slope face to convey runoff from the slope and into existing drainage facilities. The project also involved the revegetation of the slope face with a native seed mix.

The project site is located in clear view of Pacific Coast Highway, Malibu Canyon Road, which are designate Scenic Highways, and from Malibu Creek State Park. In order to minimize erosion and restore the scenic and visual qualities of the site, the Commission finds it necessary to require the applicant to submit proof of a native plant revegetation program for the site. The applicant states that this program has been implimented; however, no plans or other relavent information has been submitted. Furthermore, Special Condition #1 required the applicant to monitor revegetation activities for a period of no less than 3 years to insure the long term survivability of revegetation efforts. The Commission finds that the project as proposed, and conditioned, is consistent with Section 30251 of the Coastal Act.

D. Local Coastal Program.

Section 30604 of the Coastal Act states that:

- 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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 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.

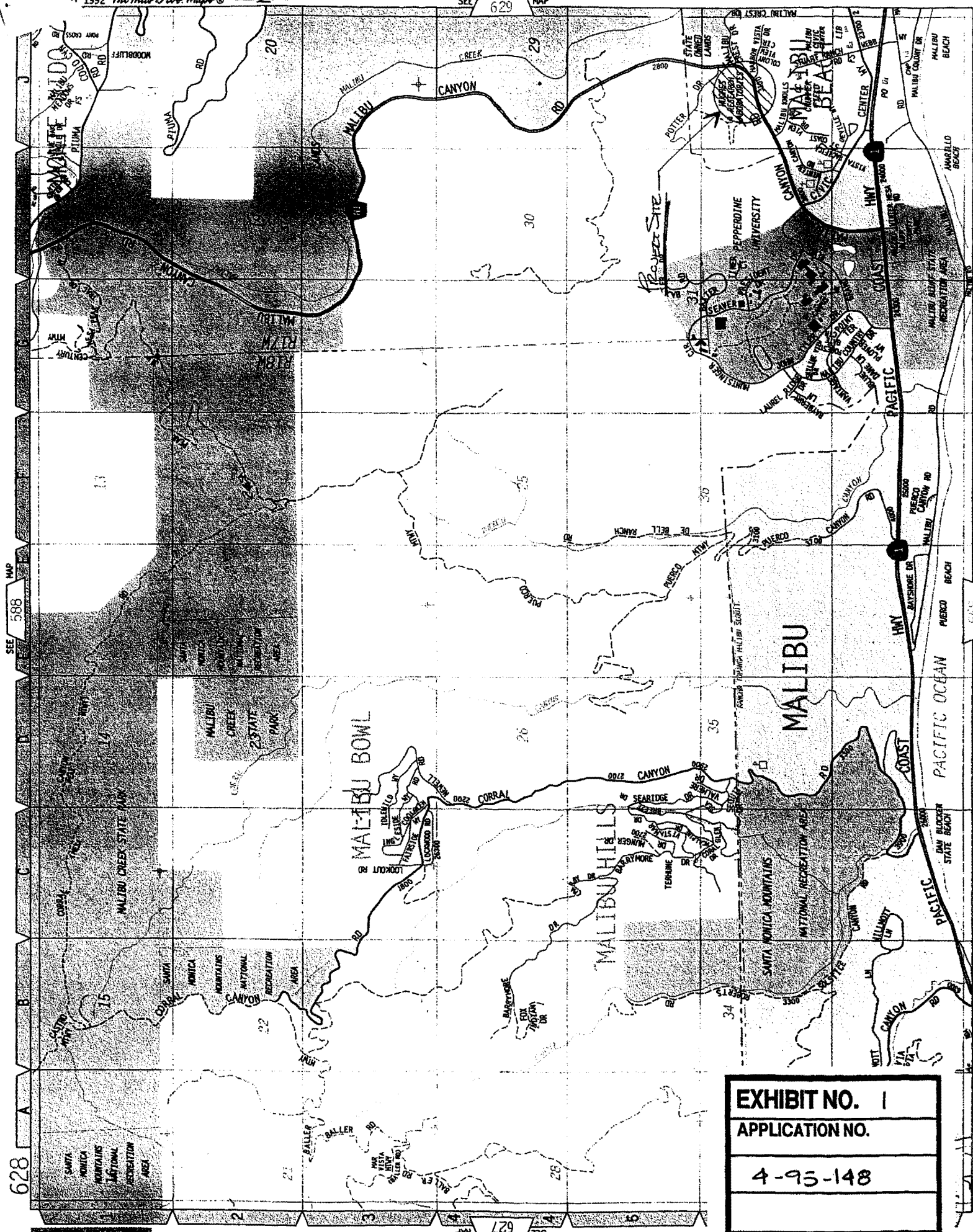
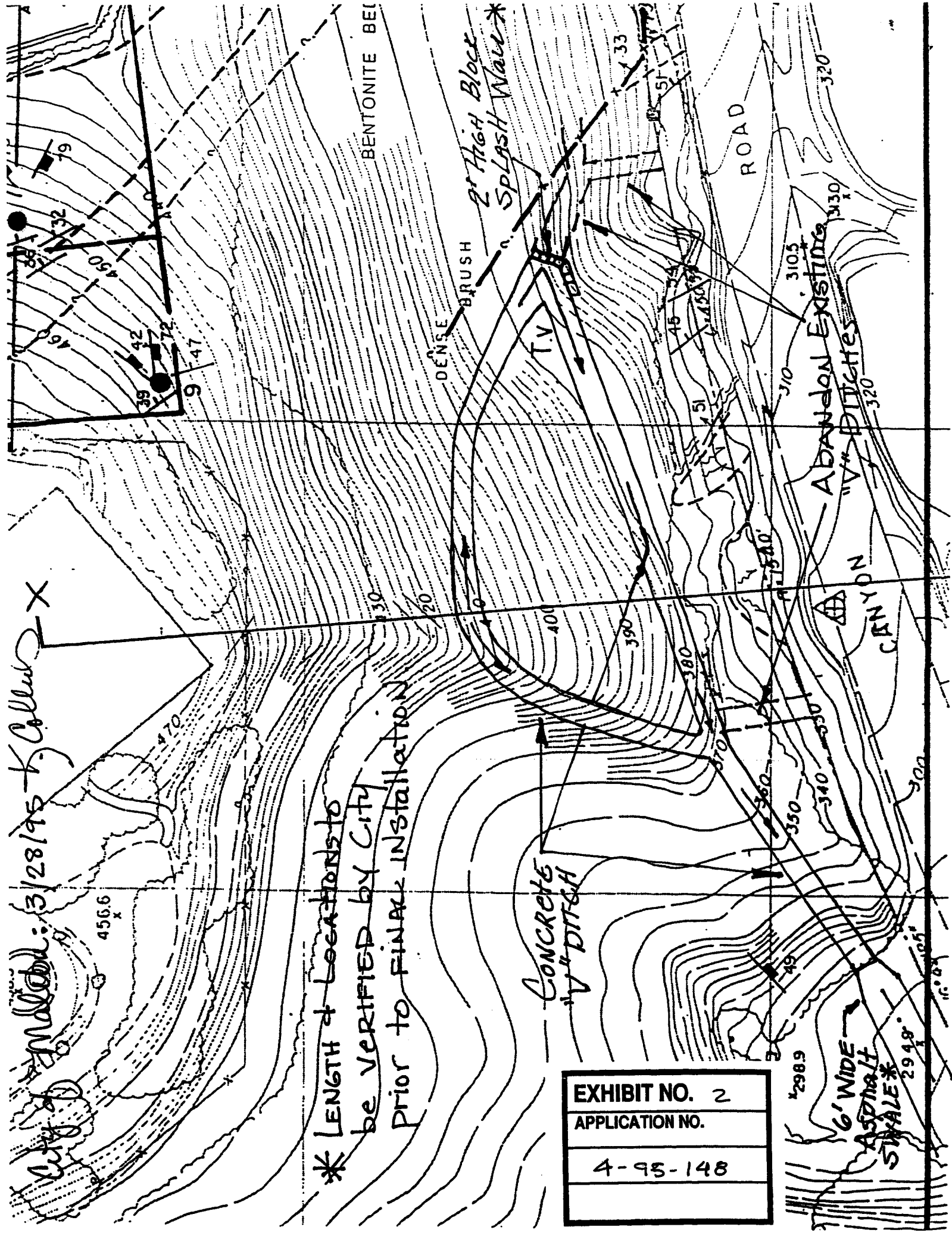


EXHIBIT NO. 1
APPLICATION NO.
4-95-148

City of Madison: 3/28/95 to Collier X



* LENGTH & LOCATIONS TO
be VERIFIED by City
prior to FINAL installation

EXHIBIT NO. 2
APPLICATION NO.
4-95-148

298.9
6' WIDE
ASPHALT
SWALE
2948'

TV = Vagueros Formation
(sandstone + claystone)

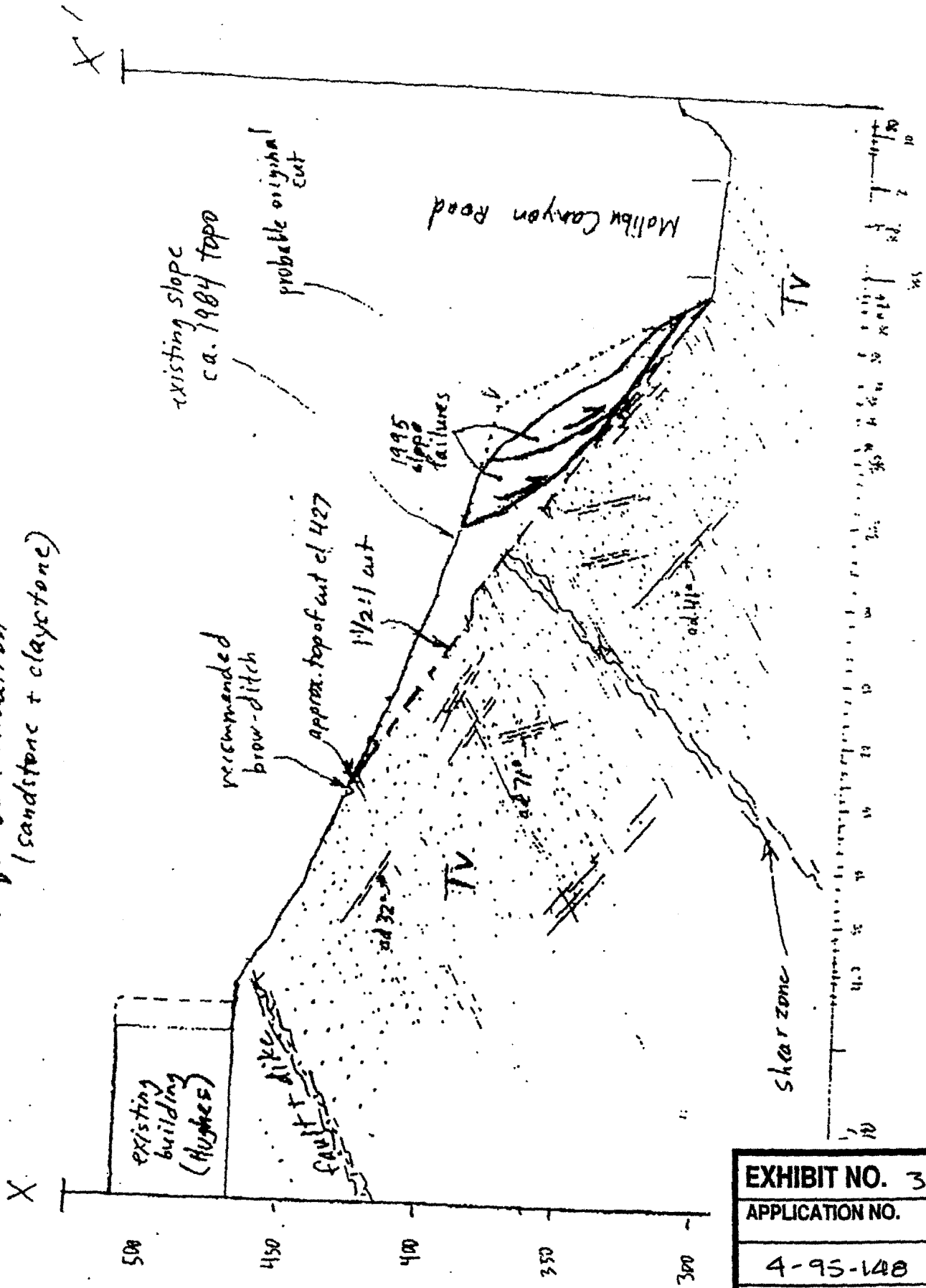


EXHIBIT NO. 3
APPLICATION NO.
4-95-148

SCALE 1"=50'

Data From Leroy Grandall report 10/10/01

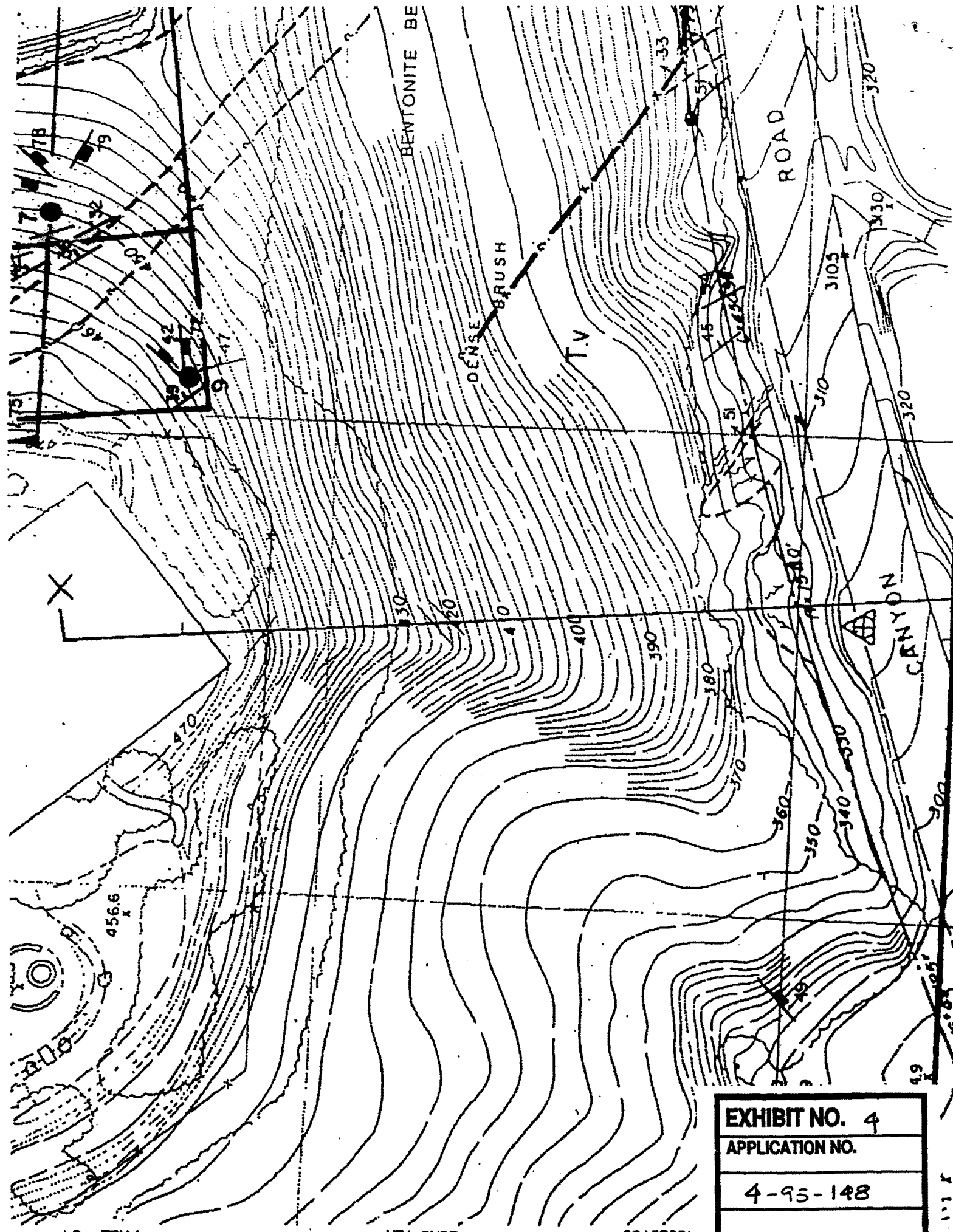


EXHIBIT NO. 4
APPLICATION NO.
4-95-148