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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff: MB-VNT *UP*
Staff Report: 6-20-96
Hearing Date: July 10, 1996
Commission Action:



W 23b

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-082

APPLICANT: James L. Fischer AGENT: Val Levin, VPL Engineering

PROJECT LOCATION: 3881 Puerco Canyon Road, City of Malibu, Los Angeles County.

DESCRIPTION: Construct (1) approximate 200 foot long large complex of two retaining walls, 6 ft. high each or 11 ft. combined [overlapping], swales and gutter in public right-of-way along east side property and (2) approximate 60 foot long, 6 ft. high, single retaining wall at southwest corner of property, to protect unimproved single family residential lot in previously approved subdivision along Puerco Canyon Road. 400 cubic yards of grading (200 cu. yds. cut and 200 cu. yds. fill)

Lot Area	40,511 sq. ft.
Ht abv street pavement	11 ft.

LOCAL APPROVALS RECEIVED: Approval in concept from City of Malibu; City of Malibu Encroachment Permit; City of Malibu Geology and Geotechnical Review Sheet.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit Applications 5-85-503 (Darbonne), 4-96-001 (LA Co. Public Works Department) and 4-95-081 (Simon); Preliminary Soils and Engineering Geologic Investigation for Proposed and Driveway Easement Retaining Walls by California Geosystems (1-21-93); Update Preliminary Soils and Engineering Geologic Report by California Geosystems (3-13-96).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with a special condition relative to geology (evidence of the consultant's review and approval of final plans).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse 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 this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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 Condition.

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Preliminary Soils and Engineering Geologic Investigation for Proposed and Driveway Easement Retaining Walls by California Geosystems (1-21-93) and Update Preliminary Soils and Engineering Geologic Report by California Geosystems (3-13-96) shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic consultants' 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 in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description.

The project is construction of reinforced concrete block walls and related improvements along the inside, banked curve of Puerco Canyon Road, in the public right of way adjacent to a vacant single family lot. (Exhibits I and II) The application includes a City of Malibu encroachment permit dated 2-8-96. The applicant proposes to construct (1) an approximate eleven foot high, 200 foot long complex of two retaining walls, swales (uphill and between the walls) and gutter in the public right-of-way along east side property and (2) an approximate six foot high, 60 foot long single retaining wall in the public right-of-way at the southwest corner of property, to protect a vacant, generally unimproved single family residential lot in a previously approved subdivision. The longer wall will connect at its southern end to an existing retaining wall on the northern side of the existing driveway. (Exhibit III) The project site is situated at approximately the 245 foot elevation overlooking the Coast Highway on a northwest trending ridge line between Puerco Canyon and Malibu Canyon.

The site contains two compacted fill building pads, a driveway and existing retaining walls, with upward slopes to the north toward an existing single family residence and downward slopes to the southwest and east toward the street. The lot also contains retaining walls and water sprinkler lines. Vegetation consists of wild grasses, ice plant, and some native vegetation. Drainage is currently by sheetflow onto Puerco Canyon Road.

The site of the retaining walls and related improvements is sandstone and siltstone bedrock which was found by the soils report to be competent for foundation support.

B. Background

The lot was originally constructed in February to April, 1977, according to the above-noted soils report. Further grading work was undertaken under coastal development permit 5-85-503 (Darbonne). This permit allowed the underlying 12 acre subdivision creating six single family lots varying in size from 1.2 to 6.43 acres. The permit was approved with special conditions relative to transfer of development credits, revised grading plans, assumption of risk for geology and erosion, plans conforming to geology report, and drainage and erosion plans. The permit was issued on April 4, 1991.

The permit was amended four times, but none of the amendments affected lot 3, which is the site of the proposed project. The first amendment request to remove a transfer of development credits (TDCs) was withdrawn by the applicants. The second request to allow additional grading of 4,100 cu. yds. was denied by the Commission. The third amendment allowed a shared driveway for lots 2, 5 and 6, with 8,900 cu. yds. of grading. The fourth amendment allowed an additional 5,695 cu. yds. of grading for lot 4.

D. Hazards.

Section 30253 of the Coastal Act states in part that new development shall:

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

The applicant proposes the construction of reinforced concrete block walls and related improvements along the inside, banked curve of Puerco Canyon Road, in the adjacent public right-of-way. The applicant indicates that the walls are necessary to protect an unimproved single family residential lot in a previously approved subdivision. The applicant's agent, also the project engineering firm, indicates that the retaining walls are necessary to support the slope.

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 existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Fires in the Malibu area have also burned all the way to the ocean so even beach front homes are not immune to the risk of wildfire. Further, oceanfront sites are also subject to flooding and erosion from storm waves.

The project and site were subject to evaluations of soil conditions and engineering recommendations i.e. Preliminary Soils and Engineering Geologic Investigation for Proposed and Driveway Easement Retaining Walls by California Geosystems (1-21-93) and Update Preliminary Soils and Engineering Geologic Report by California Geosystems (3-13-96). The studies concluded that the proposed wall is feasible from an engineering point of view and that no unmitigatable conditions were uncovered during the investigation. The consultant's 1993 report states that:

... the proposed retaining walls will be geotechnically safe and that the property 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, as amended by the city provided our recommendations are followed.

The applicant has submitted revised project plans, dated 5/29/96 prepared by VPL Engineering Inc. The consulting engineer recommended their review of foundation plans and observation of work in progress, performance of soil tests, and examination of excavations and trenches.

The site is impacted by drainage from the lot to the north which crosses across the northern end of the project site. Staff had previously observed a washout in this area which may have been caused by drainage from swales originating on the lot to the north. In response to staff comments regarding this during review for filing, the applicant has redesigned the project to avoid any drainage into the proposed 200 ft. long wall complex and, rather, to convey this drainage into a proposed concrete gutter along the inside curve of Puerco Canyon Road.

The applicant's agent, also the project engineering firm, indicates that the retaining walls are necessary to support the slope. The soils and engineering reports found the wall feasible relative to erosion and the impacts of the proposed design on adjacent property. Further, observations during the staff site visit indicate that the slope is eroding due to normal erosion processes and flow from the swale system belonging to the lot to the north has caused a washout at the northeast corner.

In summary, construction of the wall will protect the site from further depletion and the road from further erosion or deposition of eroded materials. Therefore, the Commission finds that the project is necessary to ensure stability and structural integrity within the meaning of PRC Section 30253.

Based on the recommendations of the consulting engineers, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the consultant's recommendations are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineer as conforming to their recommendations. Only as conditioned is the proposed development consistent with Section 30253 of the Coastal Act.

E. 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 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 project site is situated at approximately the 245 foot elevation on a northwest trending ridge line between Puerco Canyon and Malibu Canyon. The property is located on a secondary east-west ridge. Given this topography, and proximity to Pacific Coast Highway, any development should be analyzed relative to visibility from the surrounding area.

The original permit, as noted above, limited grading to specific amounts which were subsequently modified as noted. The Commission found that grading limitations were necessary to mitigate impacts on coastal views. Grading was limited to 1000 cubic yards per lot. Subsequent amendments, as previously noted, allowed additional grading but did not affect subject lot (lot 3).

The proposed development will have little or no impact on views to and along the coast because most of the wall is in profile (right angle) to the coast, much of the site is blocked by the intervening buildings vegetation and topography, and the cut of the road (i.e. the road being banked upward from the base of the wall complex) obscures much of the wall. Any of the proposed project visible from the coast to the south would be at an extreme oblique angle and be at about a third of a mile. Further, the project constitutes infill of a residential subdivision already approved with a variety of single family residences visible from the Coast Highway. For these reasons, the Commission does not find it necessary to require a condition relative to visual quality.

The Commission, therefore, finds that the proposed project be consistent with Section 30251 of the Coastal Act.

F. 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 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.

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 would have on the environment.

The proposed development would not cause significant, adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

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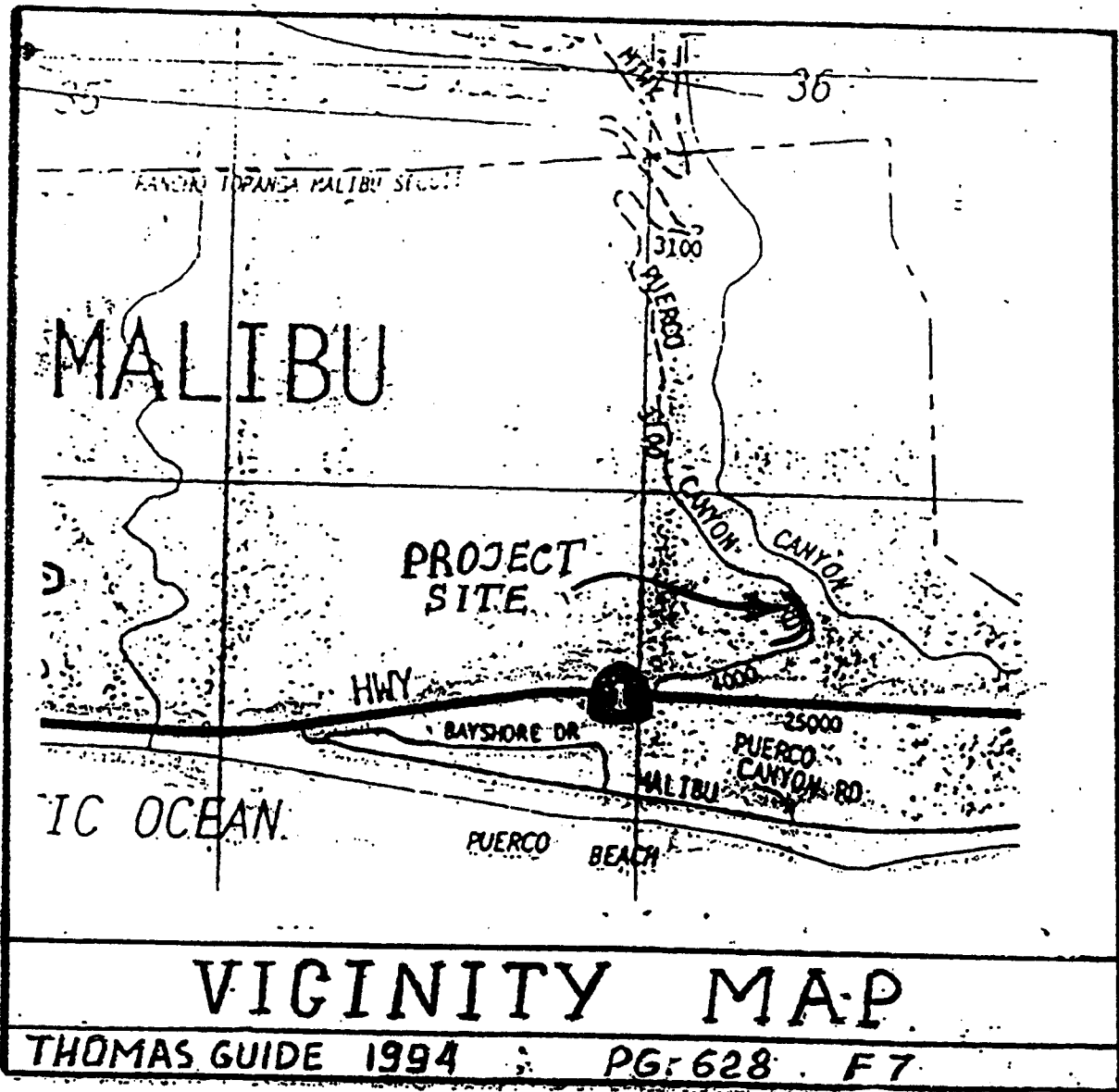


EXHIBIT NO.	I
APPLICATION NO.	4-96-82
Project Location	

→ North
No Scale

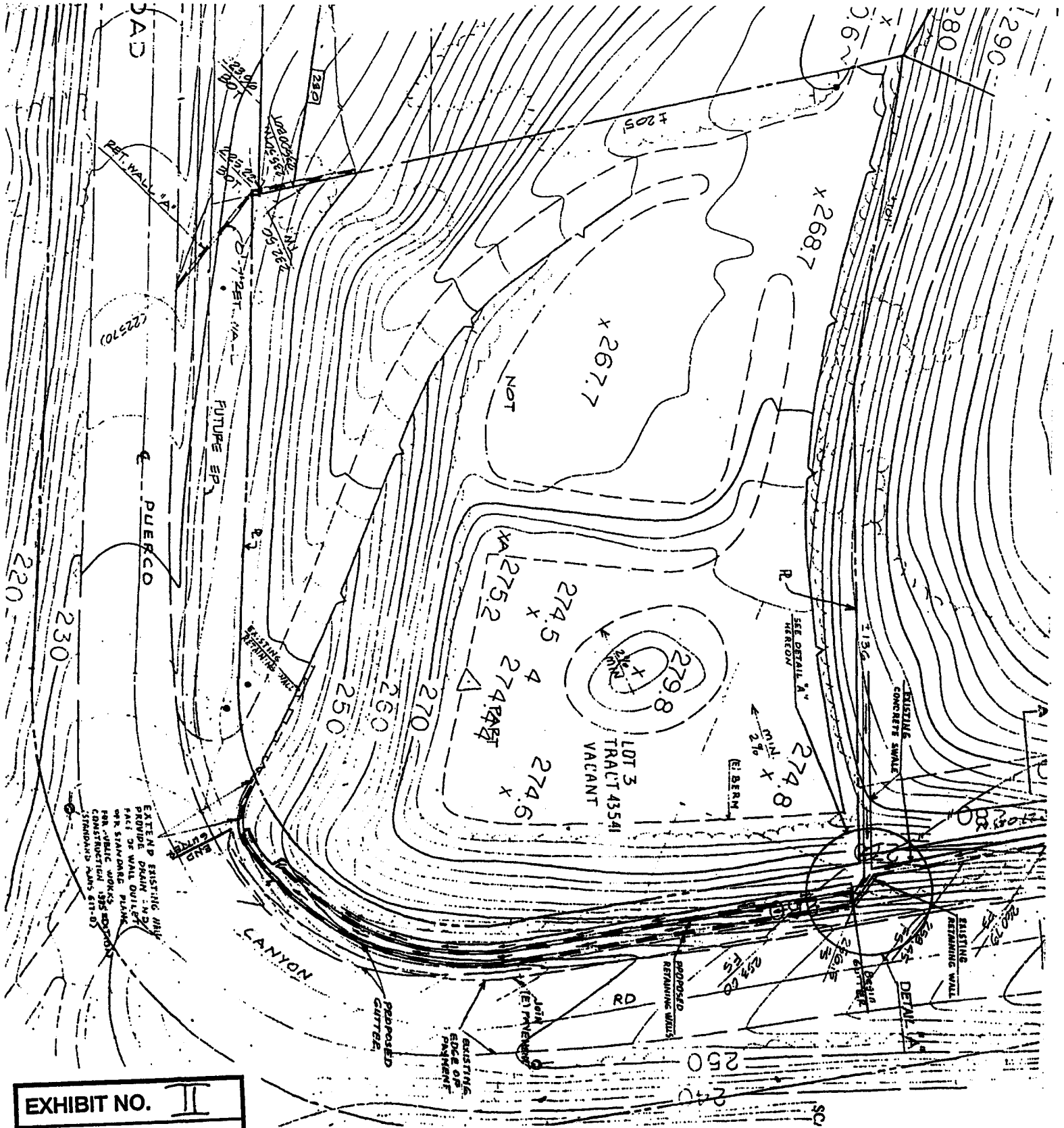
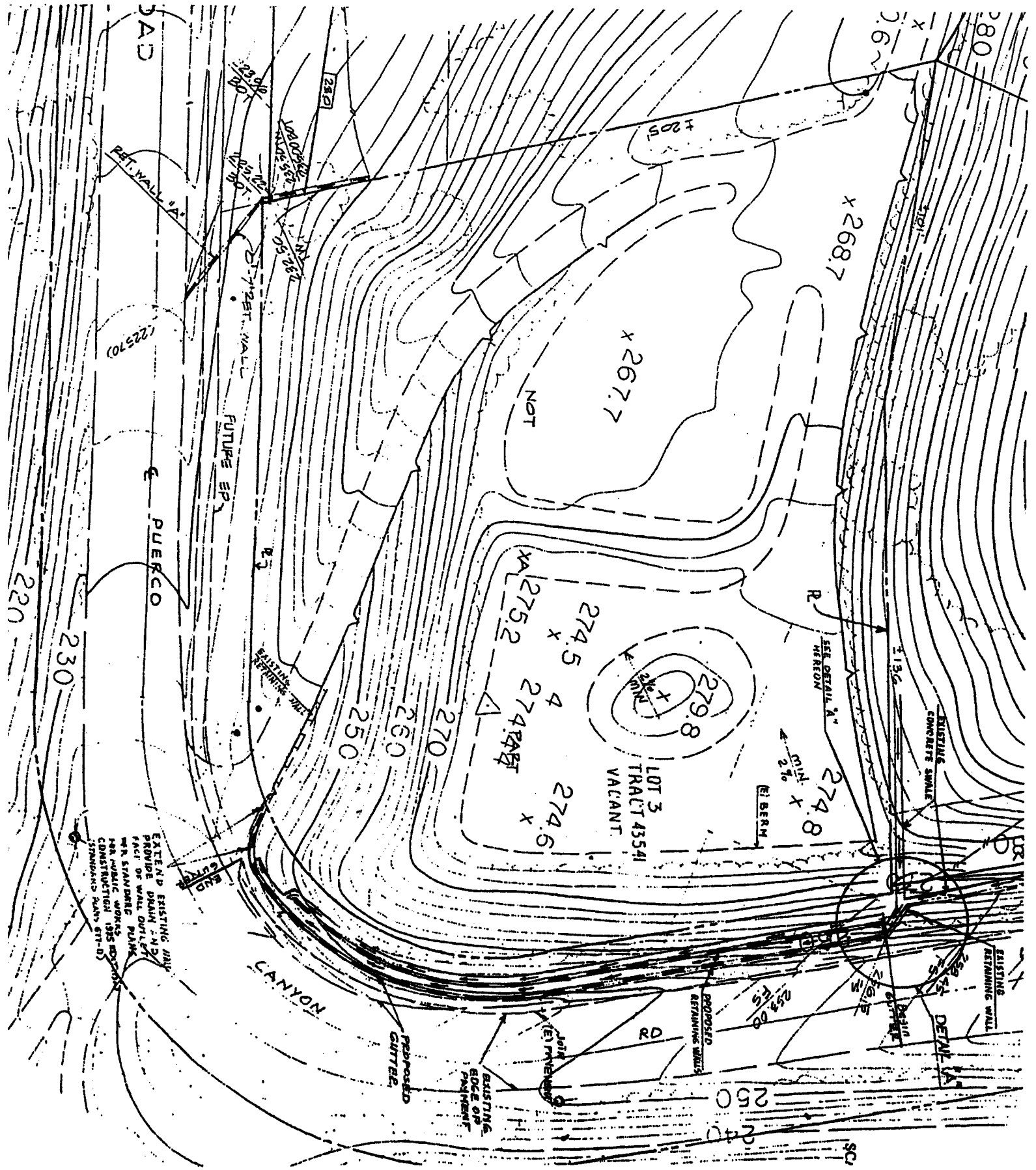


EXHIBIT NO. II
APPLICATION NO.
4-96-82
Site Plan



280

BET. WALL & A

PUEBICO

CANYON

x 267.7

x 268.7

280

LOT 3
TRACT 4354
VALANT

WELL

EXISTING
CONCRETE SMALL

EXISTING
RETAINING WALL

DETAIL "A"

PROPOSED
RETAINING WALLS

BUSTLING
EDGE OF
PAVEMENT

PROPOSED
CUTTEE

EXTEND EXISTING AND
GRADE DRAIN TO
FACE OF WALL OUTLINE
FOR SPANDBEG PLAN
FOR CIVIL WORKS CONSULTING
1985 EDITION
STANDARD PLAN 577-B

(22370)

BET. RET. WALL
& A

FUTURE EP

EXISTING
RETAINING WALL

SEE DETAIL "A"
HEREON

EL BERM

253.00

252.00

SC

250

240

230

220

275.2

274.5

274.4

274.6

250

260

270

220.5

280

280.00

WALLS 53.32
WALLS 29.00

05.26

270

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260

260



1" = 20' - 0"

220

EXISTING CONC. SWALE

Extend Existing SWALE TO PROPOSED WALL.

EXISTING RETAINING WALL

PROVIDE OPENING IN THE WALL 24" WIDE BY 12" HIGH

BEGIN GUTTER CONSTRUCTION

GUTTER FLOW LINE

JOIN

PROPOSED RETAINING WALL W/ STEPPED FOOTINGS

R/D

CANYON

PUERCO

(260)

(270)

EXHIBIT NO. III^a

APPLICATION NO. 1 of 3

4-96-82

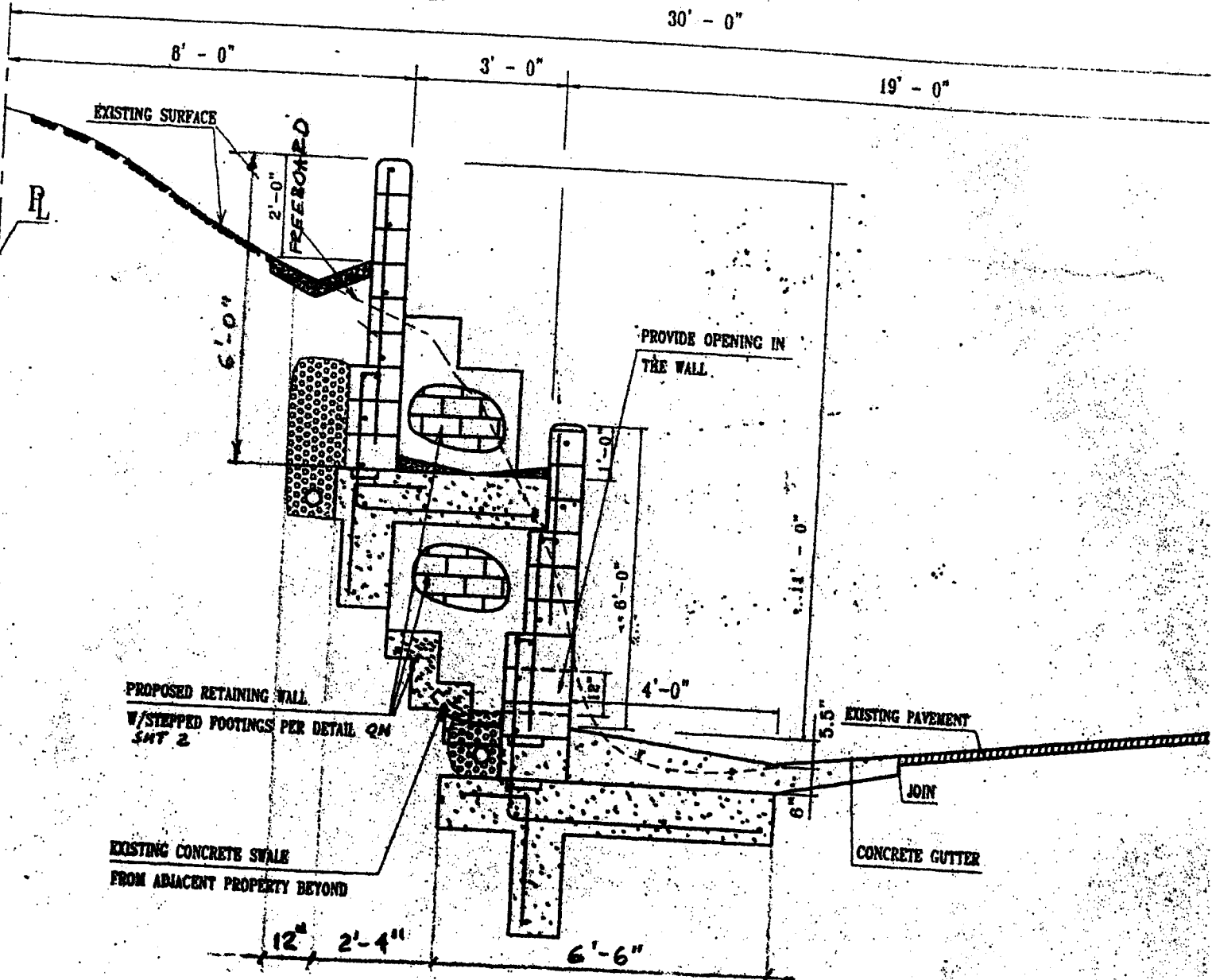
Intersection of NE w existing swale

(250)

R

DETAIL "A"

SCALE 1" = 10'



SECTION A-A

N.T.S.

EXHIBIT NO. III b

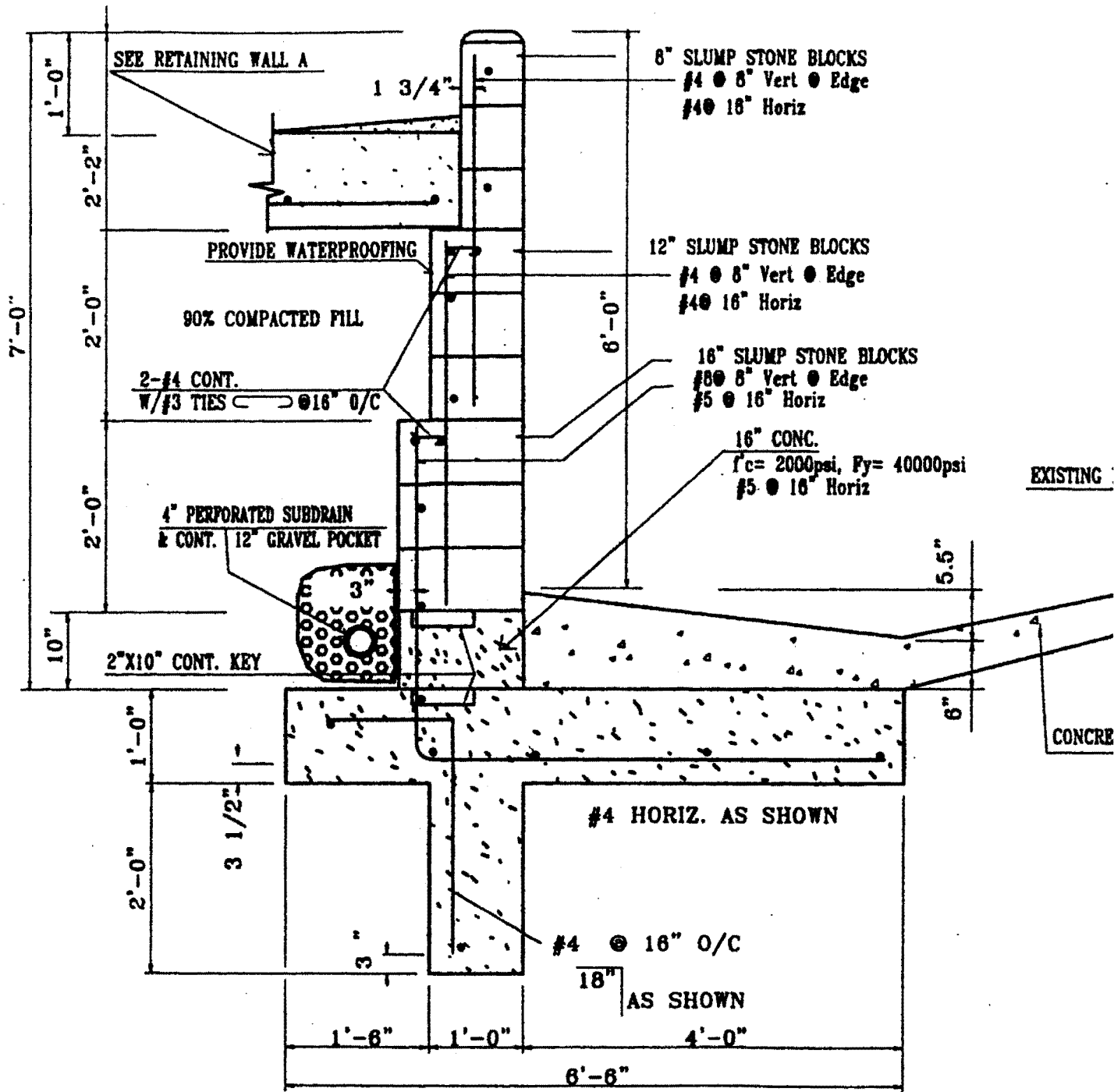
APPLICATION NO.

p 2 of 3

4-96-82

Cross section of
Larger Wall

JECT
TE



RETAINING WALL (B)

EXHIBIT NO. IIIc
APPLICATION NO. p1 of 3
4-96-82
Cross section of smaller wall