

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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TH12b



Filed: 3/2/97
49th Day: 4/20/97
180th Day: 8/29/97
Staff: R. Richardson
Staff Report: 3/23/97
Hearing Date: April 8-11, 1997
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-17

APPLICANT: Pepperdine University

AGENT: Phil Phillips

PROJECT LOCATION: Parcel immediately adjacent to the east of 26800 Pacific Coast Highway,
City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Installation of educator well point system with above ground pipes for purposes of dewatering and stabilizing the site which contains an active landslide. Dewatering of the site will occur for six months to two and a half years to evaluate the dewatering effect on the existing landslide. The project also includes the placement of a 10 ft. high "bakers tank" to hold water temporarily.

Lot Area: 5.7 acres
Building coverage: N/A

LOCAL APPROVALS RECEIVED: City of Malibu Planning Approval in Concept, City of Malibu Geology and Geotechnical Engineering Review Sheet, Approval in Concept; and, California Regional Water Quality Control Board permit no. CAG994001; CI-7635.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit 4-95-167 (Hackett).

SUMMARY OF STAFF RECOMMENDATION:

The proposed project involves remediation of an active landslide for purposes of stabilizing the undeveloped site. The project consists of the installation of an educator well point system from which groundwater may be pumped in an effort to explore the effectiveness of such dewatering on stabilizing the landslide. The pumped ground water would be conveyed in above-ground pipes into an existing storm drain. In the event that the quality of groundwater does not meet the discharge criteria for the NPDES general permit, a "bakers tank," approximately 10 ft. in height may be utilized to hold the water temporarily before discharge. As proposed by the applicants, the dewatering will occur for a minimum of six months and a maximum of two and a half years based on the amount of time needed to evaluate the effect of the dewatering on the existing

landslide. Thus staff recommends approval of the above described project subject to special conditions relating to an assumption of risk deed recordation and timing of permit.

II. 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and recreation policies 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. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant, as landowner, shall execute and record a deed restriction on Assessor Parcel Number 4460-23-3, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from erosion, landslide and geologic instability and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

2. Geologic Recommendations

All recommendations contained in the Geotechnical Engineering Investigation by Stoney-Müller Consultants, Inc., dated Jan. 28, 1997 shall be incorporated into the dewatering program. Prior to the issuance of the permit the applicant shall submit for the review and approval of the Executive Director, evidence of the 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 dewatering, erosion and landslide remediation. 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 proposed project involves remediation of an active landslide for purposes of stabilizing the undeveloped site. The project consists of the installation of an eductor well point system from which groundwater may be pumped in an effort to explore the effectiveness of such dewatering on the landslide's stabilization. The eductor system will consist of 25 individual well points spaced approximately 10 feet on center. The individual wells will consist of a 4-inch diameter PVC casing set in a 18 inch vertical boring. The total depth of the well casings will be approximately 50 feet below the adjacent surface grade. The pumped ground water would be conveyed in above-ground pipes into an existing storm drain. In the event that the quality of groundwater does not meet the discharge criteria for the NPDES general permit, a "bakers tank," approximately 10 ft. in height may be utilized to hold the water temporarily before discharge. As proposed by the applicants, the dewatering will occur for a minimum of six months and a

maximum of two and a half years based on the amount of time needed to evaluate the effect of the dewatering on the existing landslide.

The site is located on the seaward side of Pacific Coast Highway in the Latigo Point area of Malibu. Latigo Shores Drive (private road) is located south of the site at the base of a steep to near vertical bluff.

B. Geologic Stability

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property. Therefore, it is necessary to review any proposed project first for the necessity of the project and compliance with Section 30253 of the Coastal Act.

Section 30253 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 along bluffs and cliffs.

Slopes in this area of the Santa Monica Mountains are subject to a number of landslides that have individually and cumulatively contributed to destruction of homes and public streets. For example, in 1991 Shepardson Engineering Associates Inc. evaluated what is referred to as the Latigo Shore landslide. The Latigo Shore landslide extends offsite to the east and south of the subject property. The landslide's headscarp is located on the subject site. According to the applicant's consultant the earliest known and/or recorded landslide movement on the site dates to the 1920s. According to the Shepardson report two previous dewatering plans were designed and implemented. First, in 1963 horizontal drains and a french drain along the headscarp area were constructed by the County of Los Angeles. Second, (between 1963 and 1978), 50 vertical pumping wells were constructed by the Latigo Shore Homeowners Association. The Shepardson report states that, "neither of these plans were successful in that at least portions of the landslide mass were reactivated during or after the heavy rain periods of 1969 and again in 1978."

The proposed project involves the initial stages of a dewatering project for the site. The project consists of the installation of an eductor well point system from which groundwater may be pumped in an effort to explore the effectiveness of such dewatering on the landslide's stabilization. The eductor system will consist of 25 individual well points spaced approximately 10 feet on center. The individual wells will consist of a 4-inch diameter PVC casing set in a 18 inch vertical boring. The total depth of the well casings will be approximately 50 feet below the adjacent surface grade. The purpose of

the program is to reduce the ground water levels within the active landslide affecting this and adjoining properties, and thereby mitigate movement. The proposed remediation work has been subject to a geology and geotechnical review by the City of Malibu. As stated on the Review Sheet dated 2/11/97, the City approved the project in concept for a geologic standpoint. The applicants also submitted a report prepared by Stoney Miller Consultants, Inc who performed a geotechnical investigation of the landslide. This evaluation included installing two conventional dewatering wells in the subject landslide. According to the consultants, the wells were placed 54 to 60 feet below the ground surface and exposed, "a column of earth materials composed of fill soil, landslide debris and bedrock." Further the consultants found that the earth materials were in general, moist to very wet conditions at shallow depths. However, the consultants stated that, "subsequent pump-testing of these wells yielded unsatisfactory quantities of water, the result of low soil and rock permeabilities." Thus, the applicants are proposing to install the previously described dewatering system in order to effectively reduce the groundwater levels and mitigate the movement of the landslide.

In addition, the applicants have submitted a Hydrology and Hydraulics Report, prepared by Robert Bein, William Frost and Associates dated January 27, 1997. The report reviewed the location of discharge of the water pursuant to the water estimates that were provided by the Stoney-Miller Consultants. Based on the preliminary evaluations performed by the applicants' Geotechnical Consultants the dewatering will produce a maximum of 60,000 gallons per day flow. As explained in more detail in the next section, the water will be drained into the ocean via an existing 18" private storm drain.

The Coastal Act requires that all development minimize the risk to life and property in areas of high geologic hazard. Additionally, the Coastal Act states that new development must assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. In addition, the Commission notes that because the proposed development is located on an "active" landslide there is the threat the slide will move and damage the proposed development and offsite property. The Commission finds that due to the unforeseen possibility of slope failure and erosion, the applicant shall assume these risks as a condition of approval. Because this risk of harm cannot be completely eliminated, the Commission is requiring the applicant to waive any claim of liability on the part of the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, when executed and recorded on the property deed, will show that the applicant is aware of and appreciated the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Furthermore, impacts such as destabilization of the site and surrounding properties, erosion, and resource degradation could be associated with the proposed remediation project if the recommendations of the applicants' consulting geotechnical engineers and hydrologists were not incorporated into the project. Based on the recommendations of the consulting geologist and the review performed by the City of Malibu, the Commission finds that the development will be consistent with section 30253 of the Coastal Act so long as all the recommendations made by the geologic consultants are incorporated into the 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 Engineering Geologists as conforming to their recommendations. Only as conditioned, is the proposed project consistent with Section 30253 of the Coastal Act.

C. Coastal Waters

The Commission recognizes that the discharge from point sources, such as ocean outfalls could have adverse impacts on the ocean by way of increasing sedimentation or discharging toxic or hazardous chemicals.

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special significance. Uses of the marine environment shall be carried out in manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific purposes.

Section 30231 of the Coastal Act states that:

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, minimizing alteration of natural streams.

As stated previously, the applicants are proposing to dewater their site to remediate the movement of an active landslide. The Geotechnical Engineering Report prepared by the applicants' consultant stated that the dewatering will produce a maximum of 60,000 gallons per day (GPD) flow. The applicants have submitted a permit from the California Water Quality Board which allows them to discharge up to 72,000 GPD of extracted ground water providing that they implement a "Monitoring and Reporting Program." The applicants' have stated that the water will be first tested onsite to be sure that the quality of the groundwater meets the discharge criteria. As such, the applicants are proposing to place bakers tanks that will be used to temporally hold water in the event it is not suitable for discharge. If the water is not suitable for discharge the water will be transported to an appropriate wastewater facility for treatment.

In addition, the discharge outlet was evaluated. First, the applicants, with the assistance of the Regional Water Quality Board, identified an existing outfall. A Hydrology and Hydraulics Report was prepared to evaluate whether or not the 18" reinforced concrete pipe capacity could accommodate the maximum flow expected to occur from the dewatering. The consultants concluded that the additional water would equal less than 1% of the capacity of the 18" storm drain. Next, the applicants' hired a consultant to review

whether the dewatering drain outlet would adversely impact the shoreline. As concluded in the report prepared by Skelly Engineering dated 1/28/97:

The existing drain has been in use for over 30 years and has had no long term impact on the shoreline processes. ... The velocity of the drain water, even during peak design flows, is not sufficient to transport sand beyond the swash zone. The drain water will not interrupt the movement of sand along the shoreline or the movement of sand in the on-offshore direction.

Therefore, the proposed discharge will not result in erosion of the beach or contribute to the sedimentation of offshore areas. The consultants also indicate the proposed discharge will not result in significant ponding on the beach which could adversely impact access along the beach. Given the permit issued by the Regional Water Quality Board and given the above information, the Commission finds that the proposed project will not adversely impact the biological productivity and quality of the coastal waters located south of the subject site. Therefore, the Commission finds that the proposed project is consistent with Section 30231 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 which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

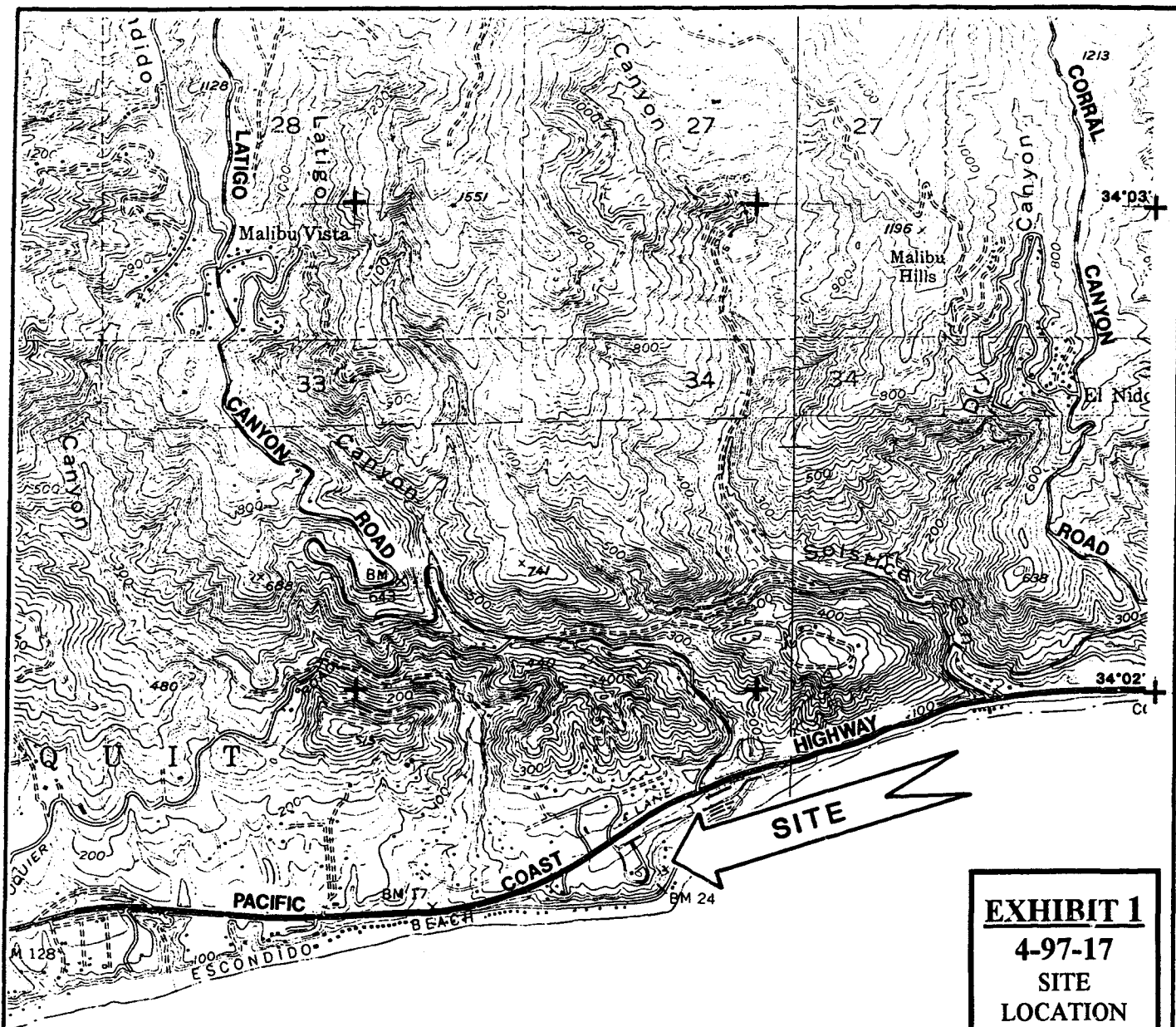
E. CEQA

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.

0097R



ADAPTED FROM U.S.G.S. 7.5' MALIBU BEACH
 AND POINT DUME QUADRANGLES (1981)



GULLS WAY PROPERTY SITE LOCATION MAP

JOB NO.:

11281-00

DATE:

DECEMBER 1995

FIGURE:

1

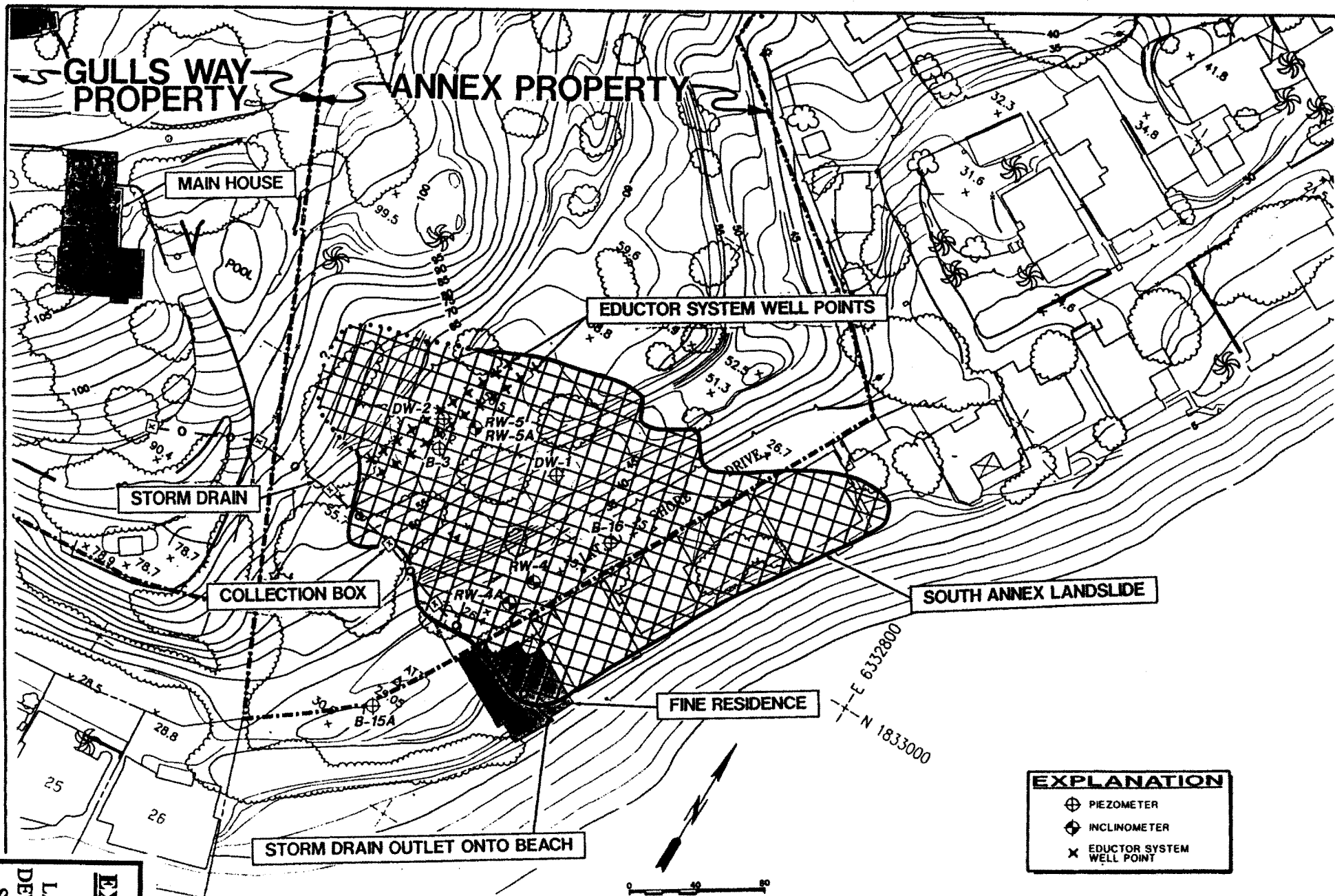


EXHIBIT 2
4-97-17
LANDSLIDE
DEWATERING
SITE PLAN