

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641-0142

Filed: 3/28/97
 49th Day: 5/16/97
 180th Day: 9/24/97
 Staff: S. Hudson
 Staff Report: 4/24/97
 Hearing Date: May 13-16, 1997
 Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

Tu 4c

APPLICATION NO.: 4-96-206

APPLICANT: Joanne Stern and Holiday House Homeowners Association
 AGENT: Daniel Andrews

PROJECT LOCATION: 27352, 27398 and 27400 Pacific Coast Highway, City of Malibu;
 Los Angeles County.

PROJECT DESCRIPTION: Remediation of an active landslide which threatens to undermine the foundations of a restaurant, condominium complex, destroy two single family residences and close access to a third residence. Project will include the construction of a caisson supported retaining wall 20' ft. in height, slough wall 6' ft. in height, 1500 cu. yds. remedial grading (1500 cu. yds. cut) for the purpose of slope stabilization and landscaping on graded slope.

Lot area: 1.77 acres
 Landscape coverage: 8,000 sq. ft. (project only)
 Ht abv fin grade: 20'-0"

LOCAL APPROVALS RECEIVED: Final Approval by City of Malibu Planning Department.

SUBSTANTIVE FILE DOCUMENTS: Preliminary Engineering Geologic Report dated 5/2/95 by Mountain Geology, Inc.; Geotechnical Engineering Investigation dated 5/25/95 by West Coast Geotechnical; Addendum Engineering Geologic Report dated 11/9/95 by Mountain Geology, Inc.; Update Engineering Geologic Reports by Mountain Geology, Inc. dated 10/11/96, 12/5/96 and 12/31/96.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with three (3) special conditions regarding landscaping, responsibility for drainage structure maintenance and assumption of risk.

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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public 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. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologic and geotechnical consultants to ensure that the plans are in conformance with the consultants' geotechnical recommendations. The plans shall incorporate the following criteria:

(a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development 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.

(b) 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 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

(c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

(d) Applicant shall include vertical elements in the landscaping plan to screen and soften the visual impacts of the proposed development.

2. Drainage Structure Maintenance Responsibility

With acceptance of this permit the applicant agrees that should the project drainage structure fail or result in any erosion of the bluff, the applicant shall be responsible for an necessary repairs or restoration of the eroded areas.

3. Assumption of Risk

Prior to permit issuance, applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landsliding and erosion, and the applicant assumes the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the California Coastal Commission and agrees to indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees relative to the California Coastal Commission's approval of the project for any damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing the construction of a caisson supported retaining wall 20' ft. in height, slough wall 6' ft. in height, 1500 cu. yds. remedial grading (1500 cu. yds. cut) and landscaping for the purpose of remediating an active landslide which threatens to undermine the foundations of a restaurant, condominium complex, destroy two single family residences and close access to a third residence.

The project is located on a steep south-facing bluff located immediately south of the Holiday House condominiums and Geoffrey's Restaurant and north and upslope of Escondido Beach Road. The bluff face is approximately 60 ft. in height with a slope gradient which varies from 1:1 (H:V) to near vertical. The area is a built out section of Malibu with beachfront residences present on the south side of Escondido Beach Road. A vertical public access easement leading from Pacific Coast Highway to Escondido Beach is located on site to the east of the proposed project area.

Grading for this project and construction of both retaining walls has already been completed as approved by Emergency Permit 4-96-206-G issued on December 9, 1996. Condition four (4) of Emergency Permit 4-96-206-G required that the permittee apply for a regular coastal development permit to have the emergency work be considered permanent. The site has also been subject to numerous past actions by the Coastal Commission. On September 12, 1995, Emergency Permit G4-95-184 was issued for slope restoration and remediation of the active landslide. However, construction was not completed and a follow-up permit was not issued. Geoffrey's Restaurant applied for Coastal Development Permit 5-87-397 to stabilize the slope by constructing a walkway, planters, drainage system and landscaping. Although this application was approved by the Commission on July 9, 1987, the applicant did not meet all special conditions and a permit but was never issued.

B. Geologic Hazards and Visual Resources

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, 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.

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 subordinated to the character of its setting.

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.

The applicant is proposing the construction of a caisson supported retaining wall 20' ft. in height, slough wall 6' ft. in height, remedial grading and landscaping for the purpose of remediating an active landslide. Review of the final grading plans by the geological consultant for the project is ordinarily required in order to assure consistency with Section 30253 of the Coastal Act. As the applicant has already submitted final project plans (including grading and landscaping plans) that have been previously reviewed and approved by the geology consultant, a special condition requiring such action is not necessary. All recommendations contained in the Preliminary Engineering Geologic Report dated 5/2/95 by Mountain Geology, Inc.; Geotechnical Engineering Investigation dated 5/25/95 by West Coast Geotechnical; Addendum Engineering Geologic Report dated 11/9/95; Update Engineering Geologic Reports dated 11/11/96, 12/5/96, and 12/31/96 prepared by West Coast Geotechnical have been incorporated into all final design and construction including grading, foundations, drainage, and retaining walls. The applicant's consultants determined that the proposed project site is suitable from a soils and engineering standpoint for the proposed remedial slope repair. The applicant's Preliminary Geologic Report dated 5/2/95 by Mountain Geology, Inc. states that:

Based upon our exploration and experience with similar projects, slope stabilization is considered feasible from an engineering geologic standpoint provided the following recommendations are made part of the plans and implemented during construction.

The Commission also finds that the minimization of site erosion will add to the stability of the graded slope. Erosion can best be minimized by requiring the applicant to landscape all disturbed

areas of the site with native plants, compatible with the surrounding environment. The applicant has submitted a preliminary landscape plan which will utilize a temporary drip irrigation system to be removed after the vegetation has become established. In order to assure that the proposed development is consistent with Section 30253 of the Coastal Act, the preliminary landscape plan submitted by the applicant must be revised to ensure that only locally-native plant species are used. Therefore, special condition one (1) has been required in order to ensure that all disturbed areas are stabilized and vegetated with native vegetation.

In addition, the project includes the installation of surface and subsurface drainage devices in order to maintain slope stability. The applicant's Geotechnical Engineering Report dated 5/25/95 by Westcoast Geotechnical states:

Drainage should not be allowed to pond anywhere on the pad, and should not be allowed to flow uncontrolled over the face of the descending slope. Water seepage or the spread of extensive root system into the soil, subgrades of foundations, slabs or pavements could cause differential movements and consequent distress in these structural elements.

In order to ensure that the project's drainage structures are repaired should the drainage structures fail in the future, special condition two (2) requires that the applicant/landowner agree to be responsible for any repairs or restoration of the eroded areas should the structures fail. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act.

Due to the history and potential hazardous geologic conditions of this site, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by special condition three (3). This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development throughout the Malibu/Santa Monica Mountains region.

In the past, the Commission has approved similar projects with the requirement that the applicant revegetate all graded or disturbed areas on site with native vegetation in order to minimize visual impacts, as well as, to minimize erosion and runoff. Although the proposed wall and graded slopes will not be visible from Escondido Beach or public roads, it will be visible from the public accessway located approximately 100 ft. east of the project site. In order to minimize the visual impact of the retaining wall, the Commission finds that it is necessary to require the landscaping plan to include vertical elements to screen and soften the visual impacts of the retaining wall. As

conditioned, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act.

The Commission finds that based on the findings of the geologic and geotechnical reports, and as conditioned to incorporate the recommendations of the geologic consultants, the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act.

C. Public Access

New development on a beach or between the nearest public roadway to the shoreline and along the coast raise issue with the public access policies of the Coastal Act.

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

A conclusion that access may be mandated by Section 30212 does not end the Commission's inquiry. As noted, Section 30210 imposes a duty on the Commission to administer the public access policies of the Coastal Act in a manner that is "consistent with...the need to protect...rights of private property owners..." The need to carefully review the potential impacts of a project when considering imposition of public access conditions was emphasized by the U.S. Supreme Court's decision in the case of *Nollan vs. California Coastal Commission*. In that case, the court ruled that the Commission may legitimately require a lateral access easement where the proposed development has either individual or cumulative impacts which substantially impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate those impacts.

The Commission's experience in reviewing shoreline projects in Malibu indicates that individual and cumulative impacts to access by development can include among others, encroachment on lands subject to the public trusts thus physically excluding the public; interference with natural shoreline processes which are necessary to maintain publicly-owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public access such as above.

In this case, the proposed development site is separated from the sandy beach by residential development and Escondido Road. Therefore, the proposed project will not affect lateral access along the beach. In addition, the project will not impact any vertical accessways to the beach.

Therefore, the Commission finds that the proposed development will have no adverse impact on public access and is consistent with the relevant public access sections 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 of Malibu's ability to prepare a Local Coastal Program 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.

SMH-VNT

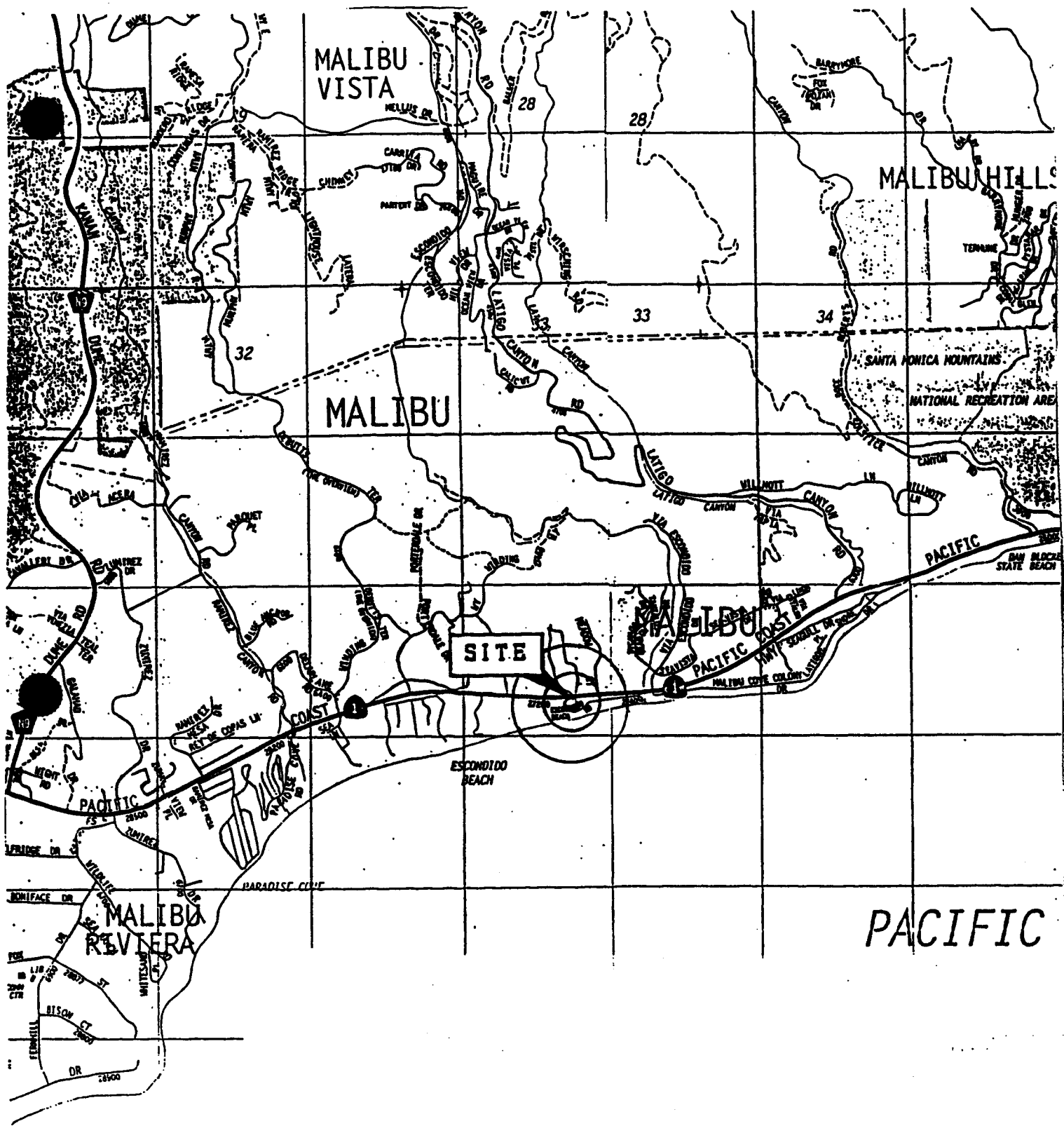
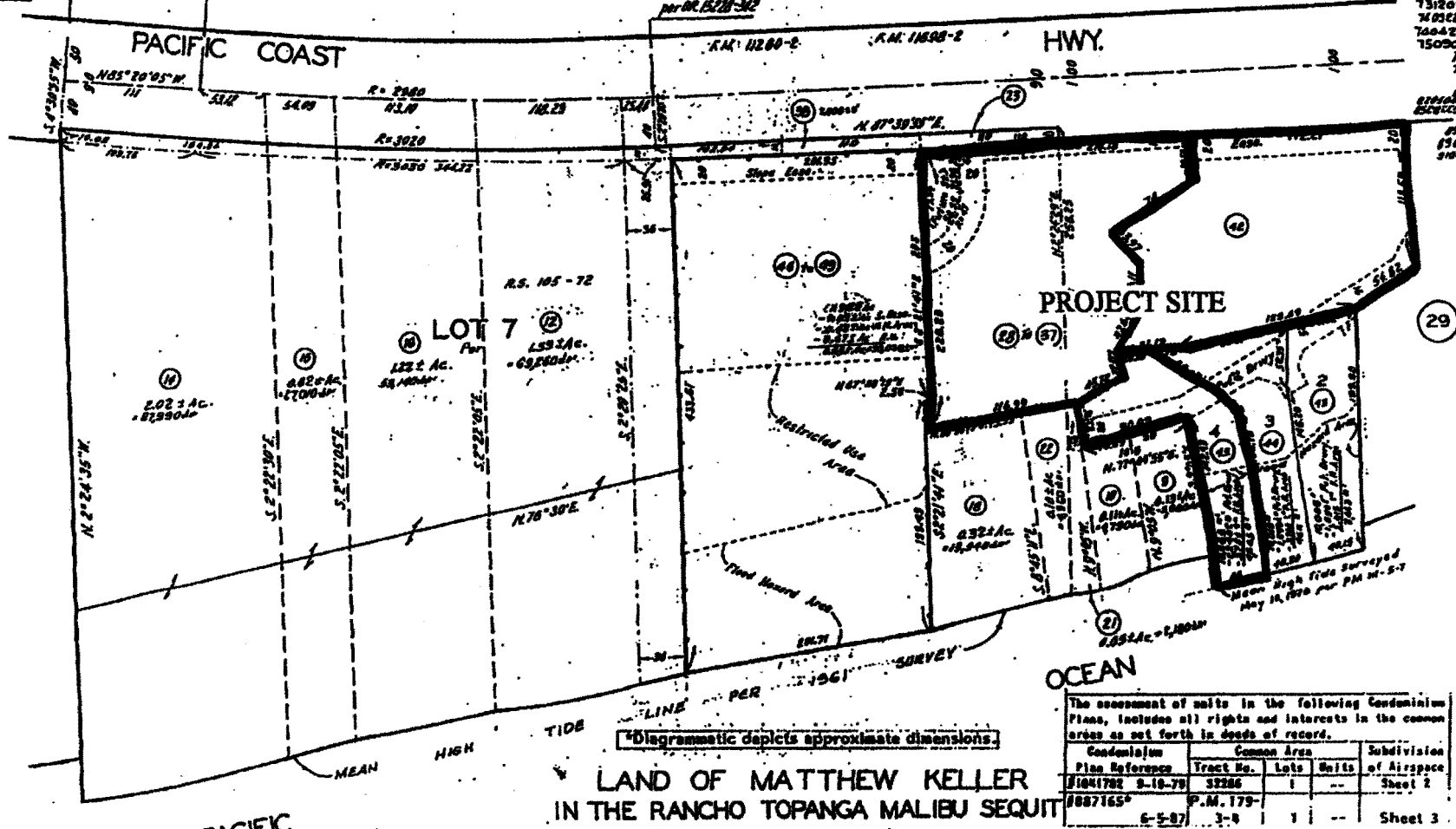


Exhibit No. 1: (4-96-206) Location Map

4460 30
SHEET 1
SCALE 1" = 80'

8-4-65
8-24-65
670116
67082840
720301
731115503
731205
740322
740420308
750204
770316201
790622003
790728306
800407902
810105771
820425004
851000000
85041794000
810000

1992



LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIEU SEQUIT

R.F. 534

CONDOMINIUM
TRACT NO. 32286
M.B. 917 - 9 - 10

TRACT NO. 41727
M.B. 1057 - 53 - 55

CONDOMINIUM
PARCEL MAP
P.M. 179 - 3 - 4

The assessment of units in the following Condominium Plans, includes all rights and interests in the common areas as set forth in deeds of record.

Condominium Plan Reference	Common Area			Subdivision of Airspace
	Tract No.	Lots	Units	
Plan 1792 9-18-79	32286	1	--	Sheet 2
8887165 ^o	P.M. 179-3-4	1	--	Sheet 3

CODE 10853

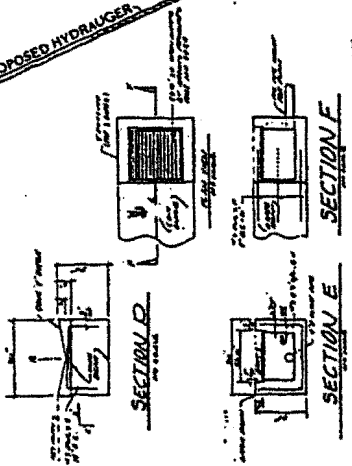
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

Exhibit No. 2: (4-96-206) Parcel Map for Project Site

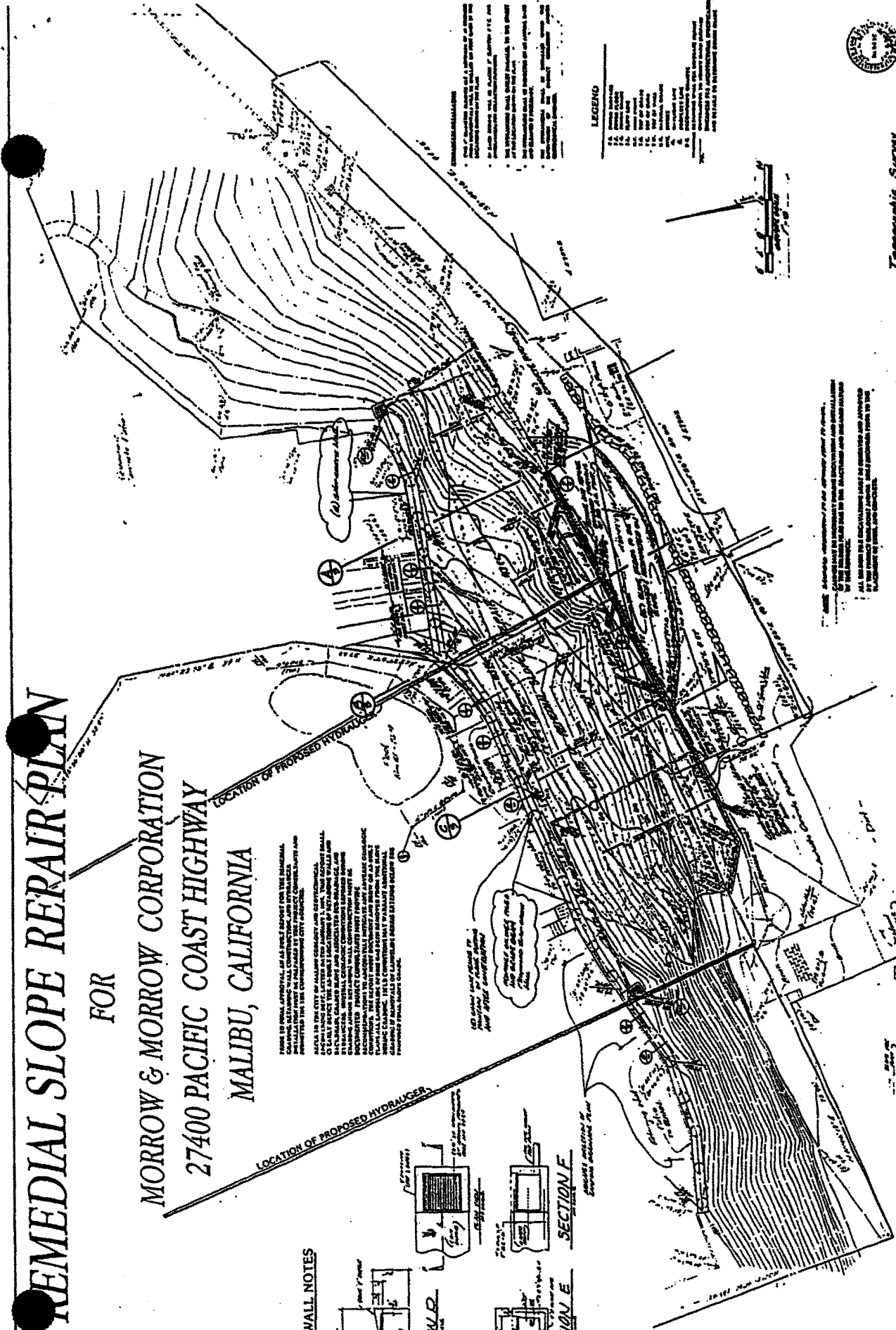
REMEDIAL SLOPE REPAIR PLAN

FOR
MORROW & MORROW CORPORATION
27400 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA

RETAINING WALL NOTES



THIS IS A PRELIMINARY PLAN AND IS SUBJECT TO THE NECESSARY CHANGES DURING THE CONSTRUCTION AND AS APPROVED BY THE CITY ENGINEER. THE CITY ENGINEER'S APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION CONTAINED HEREIN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION CONTAINED HEREIN.



LEGEND

1. PROPOSED SLOPE REPAIR
2. EXISTING SLOPE REPAIR
3. PROPOSED HYDRAULIC STRUCTURE
4. EXISTING HYDRAULIC STRUCTURE
5. PROPOSED ROADWAY
6. EXISTING ROADWAY
7. PROPOSED UTILITY
8. EXISTING UTILITY
9. PROPOSED FENCE
10. EXISTING FENCE
11. PROPOSED SIGN
12. EXISTING SIGN
13. PROPOSED LIGHT
14. EXISTING LIGHT
15. PROPOSED TREE
16. EXISTING TREE
17. PROPOSED PLANT
18. EXISTING PLANT
19. PROPOSED BENCH MARK
20. EXISTING BENCH MARK
21. PROPOSED ELEVATION
22. EXISTING ELEVATION
23. PROPOSED DISTANCE
24. EXISTING DISTANCE
25. PROPOSED AREA
26. EXISTING AREA
27. PROPOSED PERCENT
28. EXISTING PERCENT
29. PROPOSED RATIO
30. EXISTING RATIO
31. PROPOSED ANGLE
32. EXISTING ANGLE
33. PROPOSED BEARING
34. EXISTING BEARING
35. PROPOSED CURVE
36. EXISTING CURVE
37. PROPOSED POINT
38. EXISTING POINT
39. PROPOSED LINE
40. EXISTING LINE
41. PROPOSED SURFACE
42. EXISTING SURFACE
43. PROPOSED VOLUME
44. EXISTING VOLUME
45. PROPOSED WEIGHT
46. EXISTING WEIGHT
47. PROPOSED FORCE
48. EXISTING FORCE
49. PROPOSED MOMENT
50. EXISTING MOMENT
51. PROPOSED ENERGY
52. EXISTING ENERGY
53. PROPOSED POWER
54. EXISTING POWER
55. PROPOSED HEAT
56. EXISTING HEAT
57. PROPOSED COOLING
58. EXISTING COOLING
59. PROPOSED WARMING
60. EXISTING WARMING
61. PROPOSED TEMPERATURE
62. EXISTING TEMPERATURE
63. PROPOSED HUMIDITY
64. EXISTING HUMIDITY
65. PROPOSED WIND
66. EXISTING WIND
67. PROPOSED RAIN
68. EXISTING RAIN
69. PROPOSED SNOW
70. EXISTING SNOW
71. PROPOSED ICE
72. EXISTING ICE
73. PROPOSED FOG
74. EXISTING FOG
75. PROPOSED MIST
76. EXISTING MIST
77. PROPOSED DRAINAGE
78. EXISTING DRAINAGE
79. PROPOSED IRRIGATION
80. EXISTING IRRIGATION
81. PROPOSED FLOODING
82. EXISTING FLOODING
83. PROPOSED DROUGHT
84. EXISTING DROUGHT
85. PROPOSED CLIMATE
86. EXISTING CLIMATE
87. PROPOSED WEATHER
88. EXISTING WEATHER
89. PROPOSED SEASON
90. EXISTING SEASON
91. PROPOSED YEAR
92. EXISTING YEAR
93. PROPOSED DECADE
94. EXISTING DECADE
95. PROPOSED CENTURY
96. EXISTING CENTURY
97. PROPOSED MILLENNIUM
98. EXISTING MILLENNIUM
99. PROPOSED ERA
100. EXISTING ERA

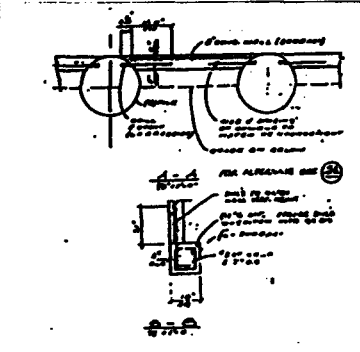
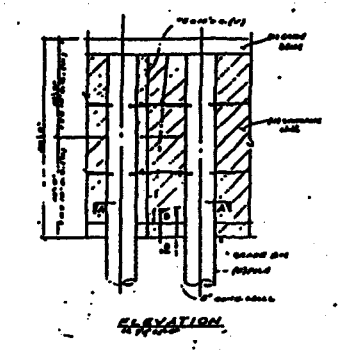
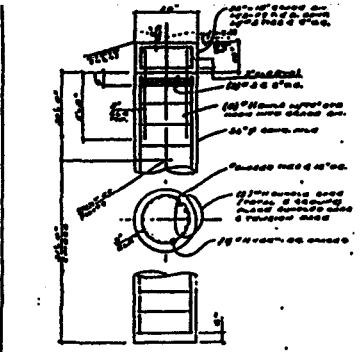
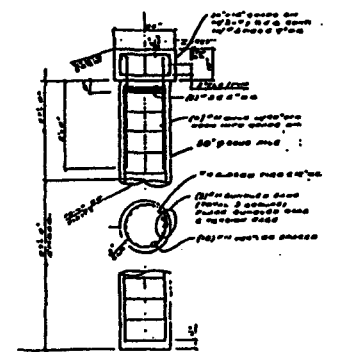
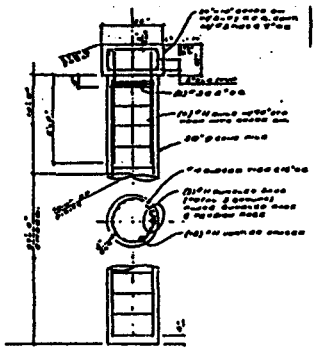


Terrapoint Survey

REMEDIAL SLOPE REPAIR PLAN

PREPARED BY
TERRAPOINT SURVEYING, INC.
 12345 MAIN STREET, SUITE 100
 MALIBU, CALIFORNIA 90263
 PHONE: (310) 555-1234
 FAX: (310) 555-5678
 WWW.TERRAPOINT-SURVEYING.COM

DATE: 10/20/2023
PROJECT NO.: 23-001
SCALE: AS SHOWN
BY: J. SMITH
CHECKED BY: M. JONES
APPROVED BY: [Signature]



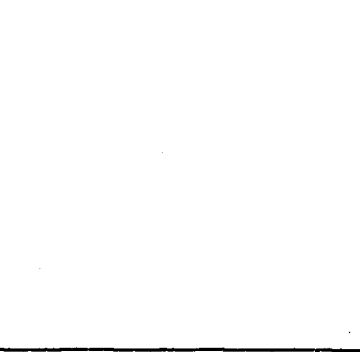
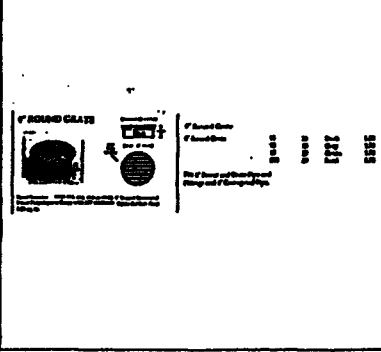
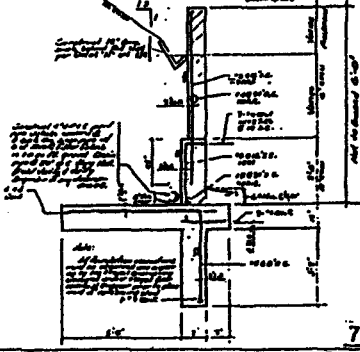
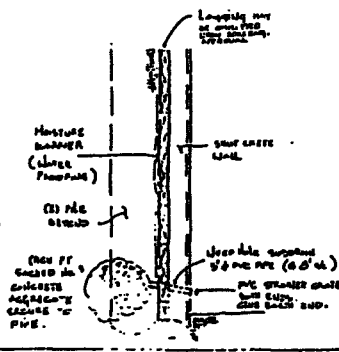
SOLDIER PILE & GRADEBEAM | 1

SOLDIER PILE & GRADEBEAM | 2

SOLDIER PILE & GRADEBEAM | 3

CURTAIN WALL ELEVATION | 4

CURTAIN WALL SECTION | 5



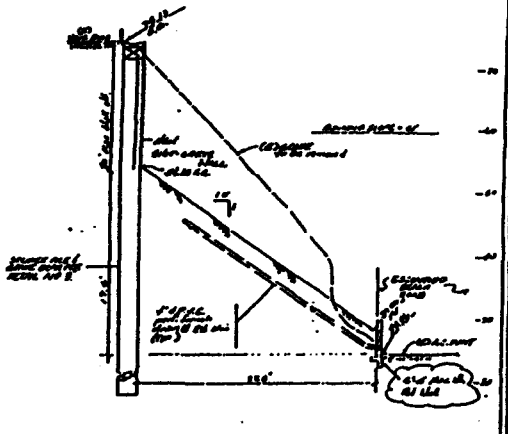
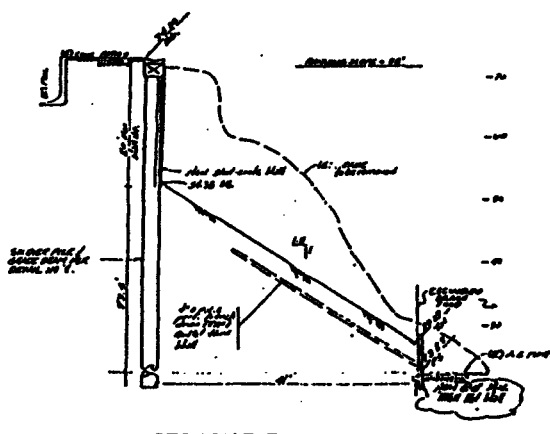
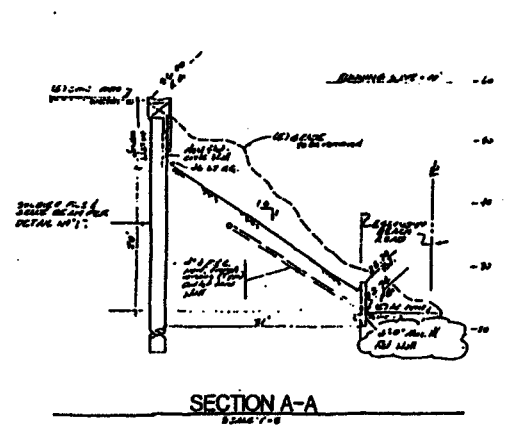
CURTAIN WALL WATERPROOFING | 6

6\"/>

AREA DRAIN | 8

| 9

CURTAIN WALL SECTION | 5A



L. J. Weston & Associates, Inc.
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SECTION AND DETAILS

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