

CALIFORNIA COASTAL COMMISSION

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

Filed: 7/24/97
49th Day: 10/28/98
180th Day: 3/8/99
Staff: MB *ja*
Staff Report: 10/19/98
Hearing Date: 12/8-11/98



RECORD PACKET 1001

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO: 4-97-155

APPLICANT: Robert & Victoria Leck

PROJECT LOCATION: 26960 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct 7 ft. high concrete retaining wall over 18 in. square grade beam and 22 ft. 9 in. deep pile system, to be connected to existing drainage system. Grading of 15.5 cu. yds. of fill.

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, plan check, dated 10/17/96; Geology and Geotechnical Review Sheet, dated 7/2/96.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 79-5294 and 5-85-840 (Leck) [for same address as above]; Certified Malibu/Santa Monica Mountains Land Use Plan; Mountain Geology, Inc.: Engineering Geology Memorandum, December 5, 1997; Addendum Engineering Geologic Report, September 1, 1996, and Engineering Geologic Investigative Report, January 22, 1996; West Coast Geotechnical, Geotechnical Engineering Report, January 17, 1996.

SUMMARY OF STAFF RECOMMENDATION: The proposed development is the replacement, and upgrading with a piling and grade beam system, of a portion of a wall that had collapsed on the crest of a bluff. The project is located above Malibu Cove Colony Drive and Malibu Cove Colony, a strip of residential beachfront development. Staff recommends approval with conditions related to landscaping, plans conforming to the consulting geologist's recommendations, and a waiver of liability due to geologic hazards.

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 effects 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. Plans Conforming to Geologic Recommendations

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the West Coast Geotechnical, Geotechnical Engineering Report, dated January 17, 1996 report and the Mountain Geology, Engineering Geologic Investigative Report, dated January 22, 1996, shall be incorporated into all final design and construction plans including recommendations concerning site preparation, foundations, and drainage. All plans must be reviewed and approved by the geologic consultants.

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.

2. Landscaping and Erosion Control Plan

(a) Prior to issuance of a coastal development permit, the applicant shall submit a landscaping and erosion control plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plan shall incorporate the following criteria:

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes according to the approved landscape plan within thirty (30) days of completion of the development. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Such planting shall be

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

- (2) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

(b) Monitoring.

Five years from the completion of development the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Applicant's Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, 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 landslide, rock fall, mud flow or other forms of mass wasting, earthquake or other seismic disturbances and the applicant assumes the risks from such hazards; and (b) that the applicant unconditionally waives any claim of liability against the Commission and agrees to indemnify and hold harmless the Commission and its advisors 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 that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

A. Project Location and Description

The proposed project replaces and upgrades, through a grade beam and pile system, a portion of a collapsed wall located on a steep bluff overlooking beach front residential development along Malibu Cove Colony Drive. The proposed project is the construction of a 7 ft. high concrete retaining wall over a 18 in. thick beam supported by a 22 ft. 9 in. deep pile system with the improvements connected to the existing drainage system. Grading of 15.5 cu. yds. consisting of backfill which will replace washed out material behind the wall and also include a minor amount of fill at the toe of the wall.

The project site is adjacent to the rear property line on a lawn area located seaward to the rear of the residence. Seaward of the lawn area is a vegetated bluff. Vegetation on the upper portion of the bluff is introduced plants such as ruderal grasses and castor bean bushes. The lower approximate half of the bluff is terraced and vegetated with garden plants such as bananas, roses, mexican sage, etc. Because of the present of vegetation on the bluff, the site is screened from impact on views from surrounding areas. Even if the vegetation were removed, the project would not create a significant visual impact on views for the public to and along the coast

The project is located seaward of Pacific Coast Highway, a designated scenic route, but is not visible from this roadway. The surrounding area is characterized by single family residential development.

B. Geologic and Fire 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 Malibu/Santa Monica Mountains certified Land Use Plan also provides policy direction, in regards to geologic hazards, as follows:

P147 *Continue to evaluate all new development for impact on, and from, geologic hazard.*

P148 *Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.*

P149 *Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.*

The proposed development is located in the Malibu/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 area 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.

The applicant has submitted a Mountain Geology, Inc., Engineering Geology Memorandum, December 5, 1997; Addendum Engineering Geologic Report, September 1, 1996, and Engineering Geologic Investigative Report, January 22, 1996; and West Coast Geotechnical, Geotechnical Engineering Report, January 17, 1996. These reports address the specific soils and geologic conditions of the site and make recommendations as to the project design

including the use of piles sunk into the slope to avoid the slumping that took place with the previous retaining wall design. The West Coast Geotechnical report concludes that:

It is the opinion of West Coast Geotechnical that the proposed site improvements will be safe against hazard from landslide, excessive settlement or slippage, and that the proposed slope restoration will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the slope restoration plans and are implemented during construction.

Based on the findings and recommendations of the consulting geotechnical engineers and engineering geologist, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development 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 soils engineers and engineering geologist as conforming to their recommendations, as noted in special condition number one (1) for the final project plans for the proposed project.

The Commission finds that minimization of site erosion would be necessary to add to the stability of the site. Erosion can best be minimized by requiring a landscape and erosion control plan prepared by a licensed landscape architect as required by special condition number two (2). The proposed project is in a developed area where there are no identified habitat values of the bluff face shown on the LCP sensitive resources map or any significant native vegetation. In such cases the Commission has modified the typical landscape and erosion control condition, see permit no. 4-98-177 [Capretta] to not require exclusive use of native vegetation but to still require low water use and/or native vegetation while avoiding introduction of invasive plants.

The project restores the wall to its previous above ground configuration and reconnects to the drainage system for the residence as previously approved by the Commission,. The application includes an updated drainage and erosion control plan including swales, and velocity reducers, and this plan has been reviewed and approved by the consulting geologist on the projects. Consequently, there is no need for a further requirement for a drainage control plan as a condition of approval.

The proposed development is located at the crest of a steep, greater than 100 per cent slope approximately forty feet above Malibu Cove Colony Drive and the single family beach front residences on its seaward side. Several factors

indicate a potential hazard at the project site. The technical and geologic reports for the proposed project show that the proposed replacement wall is located in an unstable area because it is within a slope with fill approximately eight feet thick, and because the proposed wall replacement and approximately half of the piling system is within the setback plane, i.e. the area of demonstration of potential failure. In addition, a small washout area extends up the slope to the approximate location of the replacement wall and the site contains presently protective covering at the top of this washout where the wall failed. Further, disturbance of soil will be associated with the installation of the piling system, grade beam and retaining wall. Even though the underlying strata are shale and siltstone which dip downward away from the bluff face, there is still the potential for surficial failure. Because a potential hazard existed on the site, the Regional Commission in 1980 required a deed restriction to waive any claims against the Commission for such hazards at the time of approval of the existing single family residence, including landslide, rockfall, mud flow or other forms of mass wasting, and earthquake or other seismic disturbances. In summary, these factors show that a potential hazard exists on the site which must be addressed as recommended below through a waiver of liability.

The Coastal Act requires that new development minimize the risk to life and property in areas subject to seismic and/or geologic hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from seismic hazard, landslide, rock fall, or similar forms of erosion, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through recordation of an assumption of risk deed restriction as required by condition three (3), the applicant acknowledges the potential hazard and waives any claim of responsibility against the Commission for damage to life and property as a result of the permitted development.

The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

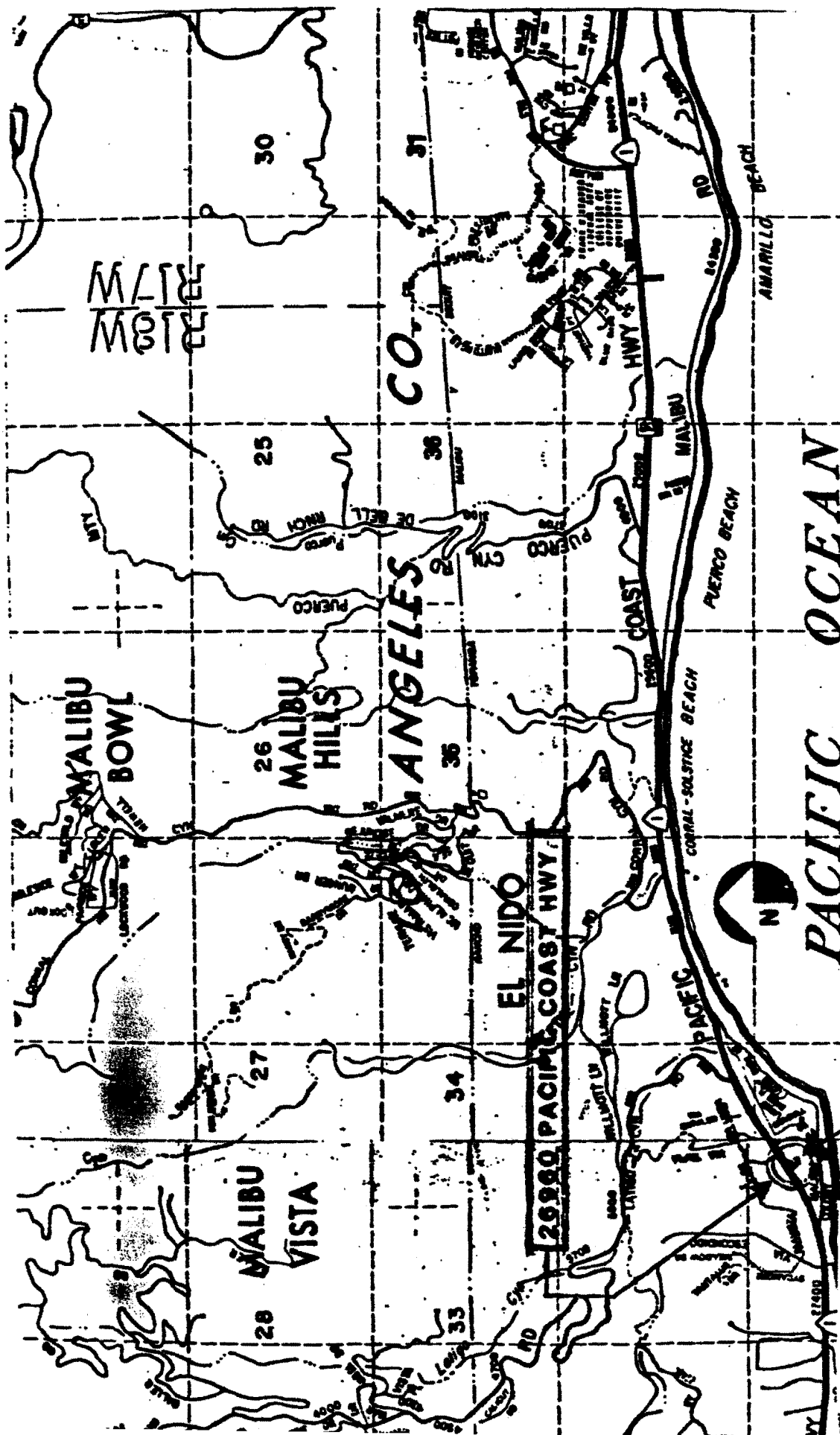
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. 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)(A) 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 effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects 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.



Project Site

EXHIBIT NO.	1
APPLICATION NO.	
4-97-155 (check)	
Project Location	

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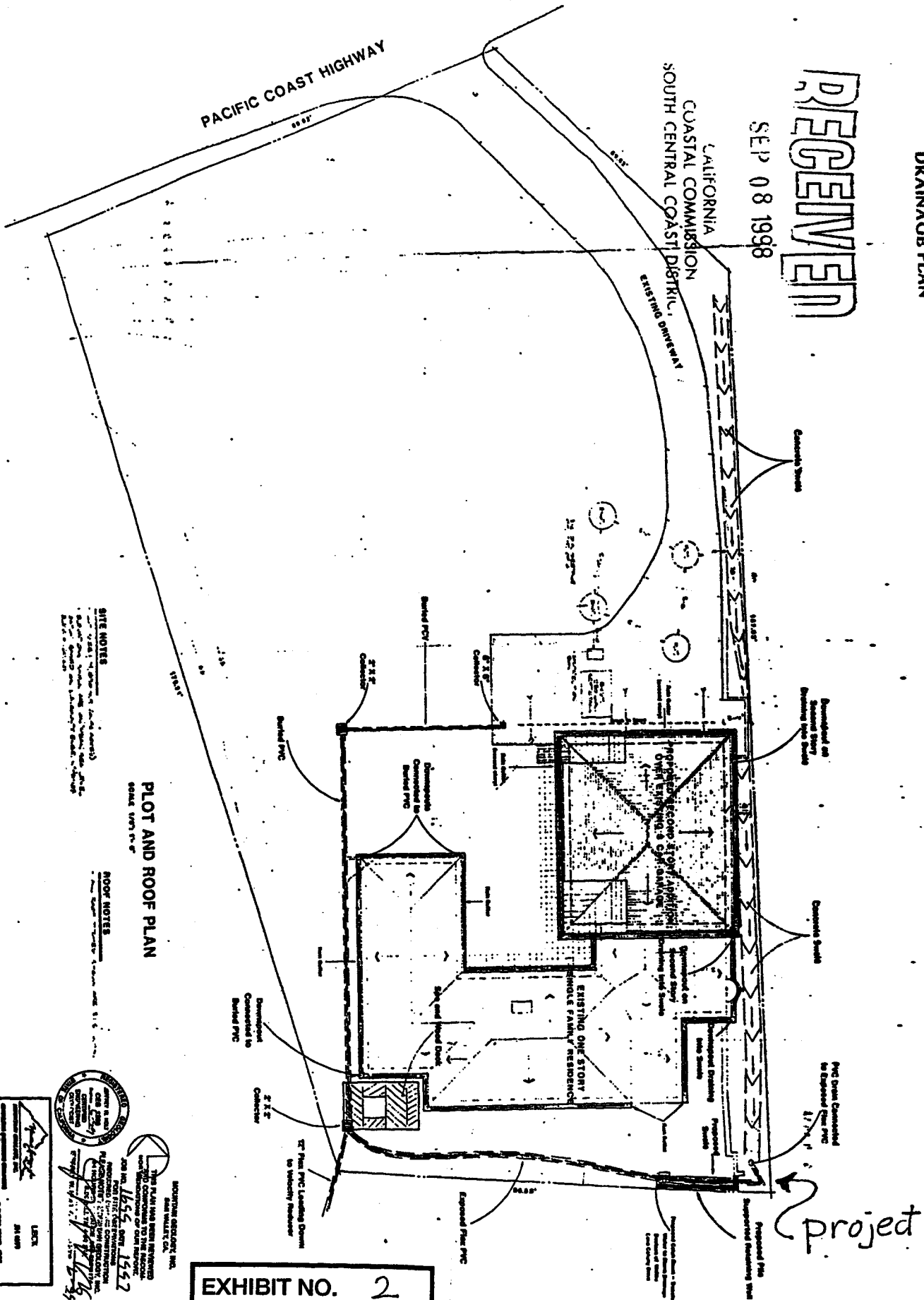
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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

PACIFIC COAST HIGHWAY



PLOT AND ROOF PLAN
SCALE 1/8" = 1'-0"

SITE NOTES
1. ALL EXISTING UTILITIES SHOWN.
2. ALL EXISTING STRUCTURES SHOWN.
3. ALL EXISTING DRIVEWAYS SHOWN.
4. ALL EXISTING PARKING AREAS SHOWN.
5. ALL EXISTING PORCHES SHOWN.
6. ALL EXISTING DECKS SHOWN.
7. ALL EXISTING PATIOS SHOWN.
8. ALL EXISTING TERRACES SHOWN.
9. ALL EXISTING WALKWAYS SHOWN.
10. ALL EXISTING FENCES SHOWN.
11. ALL EXISTING GATES SHOWN.
12. ALL EXISTING SIGNS SHOWN.
13. ALL EXISTING LIGHTING SHOWN.
14. ALL EXISTING LANDSCAPING SHOWN.
15. ALL EXISTING TREES SHOWN.
16. ALL EXISTING SHRUBS SHOWN.
17. ALL EXISTING GRASS SHOWN.
18. ALL EXISTING PAVING SHOWN.
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20. ALL EXISTING GUTTER SHOWN.
21. ALL EXISTING DRAINAGE SHOWN.
22. ALL EXISTING EROSION CONTROL SHOWN.
23. ALL EXISTING RETAINING WALL SHOWN.
24. ALL EXISTING FLOOD WALL SHOWN.
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36. ALL EXISTING GUIDANCE WALL SHOWN.
37. ALL EXISTING RESTRAINT WALL SHOWN.
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46. ALL EXISTING SERVICE WALL SHOWN.
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50. ALL EXISTING RECONSTRUCTION WALL SHOWN.
51. ALL EXISTING RENOVATION WALL SHOWN.
52. ALL EXISTING RESTORATION WALL SHOWN.
53. ALL EXISTING PRESERVATION WALL SHOWN.

ROOF NOTES
1. ALL EXISTING ROOFS SHOWN.
2. ALL EXISTING GUTTERS SHOWN.
3. ALL EXISTING DRAINAGE SHOWN.
4. ALL EXISTING EROSION CONTROL SHOWN.
5. ALL EXISTING RETAINING WALL SHOWN.
6. ALL EXISTING FLOOD WALL SHOWN.
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34. ALL EXISTING RESTORATION WALL SHOWN.
35. ALL EXISTING PRESERVATION WALL SHOWN.

PROFESSIONAL SEAL
GONZALEZ, ASSOCIATES
DESIGNING • PLANNING • DRAFTING
1555 15th St., Suite 100
Malibu, CA 90263
Tel: (310) 316-1555
Fax: (310) 316-1556
www.gonzalezassoc.com

PROJECT NO. 4-97-155 (Leck)
DATE 08/19/98
BY [Signature]
CHECKED [Signature]
APPROVED [Signature]

EXHIBIT NO. 2

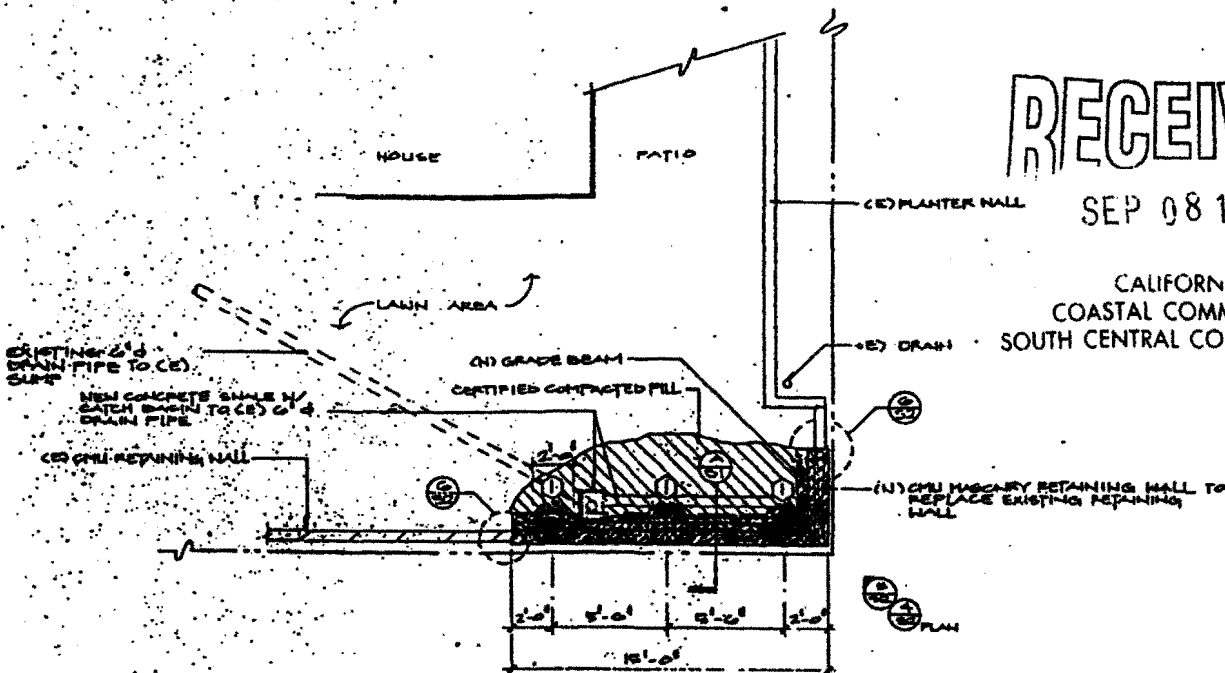
APPLICATION NO. 4-97-155 (Leck)

Site Plan/Erosion Control

GONZALEZ • ASSOCIATES
DESIGNING • PLANNING • DRAFTING

PROJECT TITLE LECK RESIDENCE ADDITION

PROJECT ADDRESS 28000 PACIFIC COAST HWY MALIBU • CALIFORNIA



PLAN

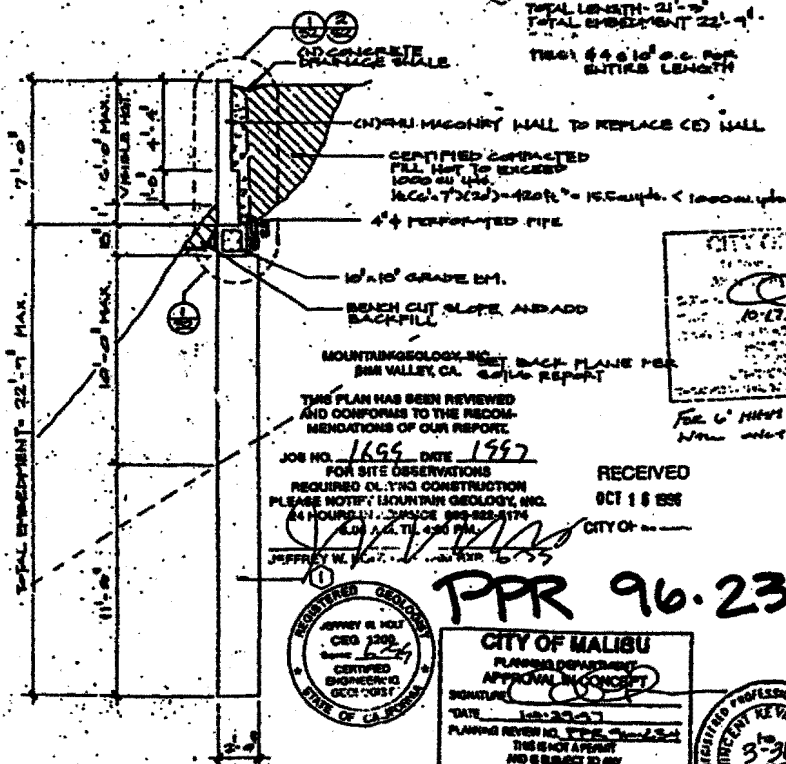


PILE LEGEND

- ① 8" x 8" PILE NO. 1
TOTAL LENGTH 21'-0"
TOTAL EMBEDMENT 22'-4"
WEIGHT 4400 LBS. PER
ENTIRE LENGTH

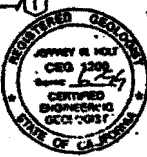
Retaining Wall
Grade Beam

Pilings

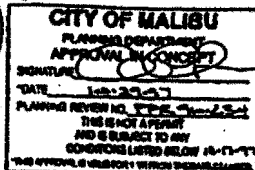


THIS PLAN HAS BEEN REVIEWED
AND CONFORMS TO THE RECOMMENDATIONS OF OUR REPORT
JOB NO. 1655 DATE 1997
FOR SITE OBSERVATIONS
REQUIRED DURING CONSTRUCTION
PLEASE NOTIFY MOUNTAIN GEOLOGY, INC.
24 HOURS IN ADVANCE 909-822-8174
J.W. MOUNTAIN GEOLOGY, INC.
JEFFREY W. MOUNTAIN GEOLOGY, INC.

RECEIVED
OCT 18 1996
CITY OF



PPR 96.234



SECTION A

EXHIBIT NO. 3
APPLICATION NO.

4-97-155 (Leck)
Plan View and
Cross Sections

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SEP 08 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

REVISIONS BY
VINCENT KEVIN KELLY & ASSOCIATES
STRUCTURAL ENGINEERING CONSULTANTS
3105 OCEAN PARK BLVD. SUITE 210, SANTA MONICA, CA 90405
PHONE (310) 822-3121 FAX (310) 822-1027

SLOPE STABILIZATION FOR:
MR. ROBERT LECK
26860 PACIFIC COAST HIGHWAY
MALIBU, CA.

GENERAL NOTES
& SPECIFICATIONS

Project Engineer
TOWNS & LOPEZ
Date 06-18-98
Scale NONE
Draw TBL
Job 46405
Sheet
S-1