

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Filed: 8/11/98
 49th Day: 9/29/98
 180th Day: 2/7/99
 Staff: JEL-V *JEL-V*
 Staff Report: 8/20/98
 Hearing Date: 9/8-11/98

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-142

APPLICANT: Patrica DUGGAN & Ted LEVENSON **AGENT:** Michael Barsocchini

PROJECT LOCATION: 24910 Pacific Coast Highway, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct 6,864 sq. ft., 18 foot high, one-story, single family residence with an attached 553 sq. ft. garage, tennis court, pool, spa, septic system and 1,180 cu. yds. of grading (390 cu. yds. of cut & 790 cu. yds. of fill). An additional 3,760 cu. yds. of grading (800 cu. yds. of cut & 2,960 cu. yds. of fill) will be required for landslide slope remediation.

Lot area:	1.59 acres
Building coverage:	7,417 sq. ft.
Pavement coverage:	11,796 sq. ft.
Landscape coverage:	34,047 sq. ft.
Parking spaces:	two covered
Ht abv fin grade:	18 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval in Concept, 5/5/98; Geology and Geotechnical Engineering, Approved "in-concept", 3/20/98; Environmental Health, In-Concept Approval, 4/17/98; Los Angeles County Fire Department, feasible-in-concept, 8/4/97.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Geologic and Geotechnical Investigation, Geosoils Inc., 11/1/95; Update Report with Alternative Deepened Foundation Recommendations, Geosoils Inc., 4/16/97; Response to City of Malibu, Geosoils Inc., 9/4/97 & 10/22/97; Recommendations for Mitigation of Winter of 1998 Landslides, Geosoils Inc., 7/27/98; Percolation Test, Barton Slutske, 2/3/98; Archeological Report, W & S Consultants 7/2/97; Coastal Development Permits: 5-90-1057 (Young), 4-98-143 (Duggan); and 4-98-163 (Duggan); 4-92-176 (Saso); 4-95-174 (Kempin); 4-97-031 (Anvil); 4-97-033 (Sweet).

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to construct a one-story, single family residence on a bluff top lot, adjacent to Pacific Coast Highway, which includes archeological resources. The recent winter rains have caused a landslide along the bluffs on the south end of the parcel, which present issues related to geologic hazards, grading, and landform alteration. The proposed location between PCH and the ocean presents potential visual resource issues, particularly in terms of the bluewater views than would be obscured by the future additions and landscaping. The site also contains archeological resources that require a Phase II evaluation and appropriate mitigation measures to protect the resources. Staff recommends approval of the project with special conditions relating to assumption of risk; conformance to geologic recommendations; landscape, erosion control and drainage plans; wildfire waiver of liability; future improvements; and archeology.

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. Assumption of Risk

Prior to issuance of a 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, landsliding and erosion on site and the applicant assumes the risk from such hazards, and (b) the applicant unconditionally waives any claim of liability against the Commission and agrees to indemnify and hold harmless the Commission and/or its officers, agents and employees relative to the 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 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.

2. 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 Geologic and Geotechnical Investigation, by Geosoils Inc., dated 11/1/95; Update Report with Alternative Deepened Foundation Recommendations, by Geosoils Inc., dated 4/16/97; Response to City of Malibu, by Geosoils Inc., dated 9/4/97; and Recommendations for Mitigation of Winter of 1998 Landslides, by Geosoils Inc., dated 7/27/98 shall be incorporated into all final design and construction plans including recommendations concerning foundations, retaining walls, fill placement, grading, backfilling and landslide mitigations. 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.

3. Landscape, Erosion Control and Drainage Plans

Prior to issuance of the coastal development permit, the applicant shall submit landscape, erosion control and drainage plans for review and approval by the Executive Director. The landscape, erosion control and drainage plans shall be reviewed and approved by the consulting geologist to ensure the plans are consistent with the geologist's recommendations for slope stability and proper site drainage. The plans shall incorporate the following criteria:

- (a) *Landscape and Erosion Control Plans*, prepared by a licensed landscape architect, which assure all graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. 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, and disturbed areas, shall be stabilized with planting at the completion of final grading. Planting should utilize 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) Plantings shall be primarily low profile species that will not block or obscure views of the ocean as seen from Pacific Coast Highway. All 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;
- (d) Fencing along Pacific Coast Highway shall be a see through design that will not block views of the ocean or horizon line as seen from Pacific Coast Highway.
- (e) 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 either outside the coastal zone or to a site within the coastal zone permitted to receive fill;

- (f) A *Drainage Plan*, designed by a licensed engineer, which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff over the bluff. The drainage plan shall include installation of slope dewatering devices if determined necessary by the Consulting Engineer;
- (g) The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final landscape, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Wildfire Waiver of Liability

Prior to the issuance of a coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property

5. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-98-142; and that any additions or future improvements to the permitted structure(s), or property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a),(b), will require an amendment to this permit or an additional permit from the Coastal Commission or the affected local government authorized to issue such coastal development permits. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection is permitted.

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.

6. Archaeological Resources

Prior to issuance of a coastal development permit, the applicant shall conduct a Phase II archaeological evaluation, as specified in the archaeological report dated 7/2/97, for review and approval by the Executive Director. All final recommendations for the management of the cultural resources contained in the Phase II archaeological evaluation, shall be incorporated into all final design, grading and construction Plans. If the consulting archaeologist's recommendations, based on the Phase II archaeological evaluation of the site, requires a substantial modification or redesign of the proposed project plans, an amendment of this permit is required..

The applicant shall have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation that involve earth moving operations. The number of monitors shall be adequate to observe the activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that an area of intact buried cultural deposits are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy be developed, subject to the review and approval of the Executive Director, by the applicant's archaeologist, the City of Malibu Archaeologist, and the Native American consultant consistent CEQA guidelines.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 6,864 sq. ft., 18 foot high, one-story, single family residence with an attached 553 sq. ft. garage, tennis court, pool, spa and septic system. The tennis court and pool structures will be constructed to the north and south of the main residence respectively. The proposed project will require 1,180 cu. yds. of finish grading (390 cu. yds of cut & 790 cu. yds. of fill). The project also includes remedial grading to stabilize a large landslide complex located on the bluff south of the proposed residence. Approximately 3,760 cu. yds. of grading is proposed to stabilize this slide mass.

The proposed project is located on a 1.6 acre bluff top lot, situated south of Pacific Coast Highway and north of Malibu Road, with parcel dimensions of approximately 100' x 700'. Access to the site is via Pacific Coast Highway. Vacant lots are found to the east and west of the proposed project, although the applicant is also proposing to develop these two lots with single family residences under separate coastal development permit applications (see 4-98-143 and 4-98-163). The subject lot gently slopes south to the bluffs which maintain a gradient of 11/2:1 to 2:1 down to Malibu Road. The proposed structures will be located 151 feet at the nearest point from the top of the slope, consistent with the recommended geologic and fault setbacks.

During the winter storms of 1998, a landslide occurred on the bluff portion of the lot which slid onto Malibu Road. As a temporary emergency measure, the landslide debris on Malibu Road was transported to, and stored on, the northern portion of the lot adjacent to Pacific Coast Highway. The applicant has indicated that this material shall be used for the tennis court foundation.

B. Geologic Stability and 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 guidance, in regards to geologic hazards, in policies P144, P147-152 and 156.

The proposed development is located along the coastal flank of 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.

Within the subject parcel, a very gentle slope dipping southerly from Pacific Coast Highway covers the majority of the parcel. Bluffs with a gradient of 11/2:1 and 2:1 exist between the gentle slope and Malibu Road. Surface water is limited to seasonal precipitation, falling directly on the site. Sheetflow concentrates into the numerous small canyons and gullies and flows down the bluffs to the Malibu Road storm drain system.

1. Geology

The applicant has submitted a Geologic and Geotechnical Investigation, dated 11/1/95, prepared by Geosoils Inc.; an Update Report with Alternative Deepened Foundation Recommendations, by Geosoils Inc., dated 4/16/97, a Response to City of Malibu by Geosoils Inc., dated 9/4/97; and Recommendations for Mitigation of Winter of 1998 Landslides, by Geosoils Inc., dated 7/27/98 for the subject site.

The geological consultants identify the location of the Malibu Coast Fault to be .1 mile north of the site, and across Pacific Coast Highway. In addition, they have identified a minor seismic offset or shear fault which runs east to west through the parcel, towards the

southern end of the property. Consequently, the consultants have recommended a 25 foot building setback from the shear fault, which is reflected in the site plans as currently proposed.

Geosoils, Inc. also indicates that the slope along the bluffs is unstable: " It is our opinion that the moderately steep slope descending to Malibu Road is surficially unstable. This is based on the presence of small landslides on the slope, as mapped and as discussed in item 4. The (recommended) setback zone will preclude development on or near the slope". Following the landslide on the bluffs that occurred during last winter's storm, as noted above, the consulting geologist revised the location of the recommended slope setback northward accordingly. The location of the proposed structures adhere to the revised, recommended slope setback, which is approximately 151 feet from the top of the slope (based on an average distance from the bluffs), as noted in Exhibit 2.

Nevertheless, despite the fact the applicant has provided a shear fault setback and a geotechnical setback, there remains a level of risk and therefore, the Commission can only approve the project if the applicant assumes the liability from the associated risks of developing this site. This responsibility is carried out through the recordation of a deed restriction, as noted in *Special Condition one (1)*. 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.

Based on the geotechnical consultant's evaluation of previous research, mapping of geologic data, excavation and geologic logging, laboratory testing, site observations and engineering analysis, the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to foundations, retaining walls, fill placement, grading, backfilling and landslide mitigations.

In conclusion, the geotechnical investigation states that:

"It is our professional opinion that, provided our recommendations are followed, the property at 24900 Pacific Coast Highway will be safe from landslide, settlement, and slippage. Proposed building/grading will not adversely affect off-site development."

Based on the findings and recommendations of the consulting geologist and geotechnical engineers, 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 geologist and geotechnical engineer as conforming to their recommendations, as noted in *Special Condition number two (2)* for the final project plans for the proposed project.

2. Erosion

The proposed project will create additional stormwater runoff, thus exacerbating the erosion potential of the bluffs, located at the south end of the property. Erosion of the bluffs will in turn result in sedimentation of the coastal waters, just to the south of Malibu Road. The consulting geologist recognizes the potential for on-site erosion along the south end of the parcel and recommends the following:

"Water runoff control should be considered by the Project Civil Engineer in providing storm protection and to reduce the erosional potential on the descending slope for proposed and existing developments. ...We recommend that positive drainage be provided on the property. Water should not be allowed to pond or spill over slopes in a concentrated manner. Drainage should be collected and conducted to approved locations through non-erosive devices."

In addition, the geotechnical report titled Recommendations for the Mitigation of Winter of 1998 Landslides, prepared by Geosoils, and dated 7/27/98, was prepared to address the three landslides that occurred on the properties of 24900, 24910 and 24920 Pacific Coast Highway. These landslides were previously mapped by Geosoils in their 11/1/98 report, and observed to be shallow, at approximately five to ten feet thick.

The 1998 rains caused some renewed movement of two slide masses along the ascending slope north of Malibu Road. The larger, easterly slope failure temporarily blocked traffic along Malibu Road below. The portion of slide debris intruding into the road was promptly removed by the City of Malibu and deposited at the top of the parcel, adjacent to Pacific Coast Highway.

The larger of the two small, shallow landslides is located mostly within the southern portion of 24910 Pacific Coast Highway. The failure caused the landslide scarp to be extended approximately 15 feet to the north. The landslide has widened along the western portion of the slide by approximately 25 to 30 feet. The smaller failure occurred along the western ridge, adjacent to a drainage canyon. In this area, the landslide scarp extended upslope approximately 35 feet. The width of the landslide remained approximately the same as the previous failure.

The consulting geologist concludes that:

"Due to the size and surface expression of the new landslides, and because of possibly unsafe condition, no subsurface investigation was performed or deemed necessary. The two new landslides are shallow and observed to be approximately 5 to 10 feet thick in the westerly slide and up to 15 feet thick in the eastern slide. During the heavy rains, the unsupported material upslope of the previously mapped scarps, lost its cohesion due to the lubricating and extra weight of water and failed downslope."

In order to mitigate any further landslide movement along the ascending slope, that would threaten Malibu Road and the adjacent homes to the south, Geosoils has recommended remedial grading of the site that would include removal of the landslide debris and cutting the slope back to competent bedrock material, at a slope not to exceed 1.5:1. The project engineer has developed a remediation plan that requires 3,760 cu. yds. of grading, that includes removal of the landslide debris, cutting benches in the undying bedrock, and importing fill material to be recompacted at a slope of 1.5:1 (see Exhibit X).

In past permit actions in the immediate area of Malibu Road, the Commission has reviewed various alternative means for remediating landslide activity along the bluffs. Alternatives applicable to this circumstance have included eliminating the grading and replanting the slope, or recontouring the slope and replanting the slope without removing the landslide material.

The replanting of the slope will provide surfical stability and aid in the reduction of surface runoff and erosion down the bluff. However, such an alternative will not provide for any subsurface drainage of the site. Without removal of the landslide and correction of the subsurface drainage problem, the movement of the landslide will not cease. Landscaping the site will not stop the landslide from moving. Similarly, the recontouring of the slope and landscaping will improve surface stability and decrease surface erosion. However, without the removal of the landslide and correction of the water infiltration, further enlargement of the landslide can not be prevented.

Thus, the Commission finds that given the volume and location of the landslide debris on the ascending slope, the potential landslide and mudflow hazard this material presents for Malibu Road and the residences to the south of the road, and the absence of any other viable solution to further minimize landform alteration, the proposed 3,760 cu. yds. of grading including drainage improvements is necessary to protect life and property, and is therefore consistent with Section 30253 of the Coastal Act.

Further, the Commission finds that uncontrolled storm water runoff associated with the construction of the proposed project and landslide remediation could create significant erosion and sedimentation impacts offsite. In order to ensure that drainage and potential erosion from the residential building pad and the remediated slope is conveyed from the site in a non-erosive manner and erosion is controlled and minimized during construction, the Commission finds it necessary to require the applicant to submit drainage and erosion control plans, as required by *Special Condition number three (3)*. This condition requires the drainage plan to be completed by a licensed engineer.

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire 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.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by *Special Condition number five (5)*.

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

C. 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 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 subordinate to the character of its setting.

In addition, the Malibu/Santa Monica Mountains Land Use Plan, which is used as guidance by the Commission, protects specific visual resources in the Malibu/Santa Monica Mountains area. In this particular case, the LUP recognizes adjacent Pacific Coast Highway as a "scenic highway", and specifically, the panoramic bluewater views of the Pacific Ocean from the highway. To assess any potential visual impacts of this project to the public, the Commission also reviews the publicly accessible locations where the proposed development is visible, such as parks and trails. The proposed project would be visible from the Coastal Slope Trail, located approximately .65 of a mile to the north, above Pureco Canyon.

The Commission typically examines the building site, any proposed grading, and the size of the structure to ensure the proposed development protects views along the coast, minimizes

grading and is compatible with the character of the area. In this case, the proposed residence raises two principal issues regarding siting and design: one, whether or not views from public roadways will be impacted, and two, whether or not views from public trails will be impacted.

1. Residential Structures

The subject site is located on a bluff top lot with the Malibu Jewish Center across Pacific Coast Highway to the north, and vacant lots to the east and west, and numerous single family residences location across Malibu Road to the south. Staff requested that the applicant stake the site in order to assess the visual impact of the structure heights, including the tennis court fence, in the context of the bluewater views and the surrounding development. In addition, the applicant was required to graphically demonstrate the proposed structures would not significantly obscure the bluewater views from Pacific Coast Highway (see Exhibit 2).

The amount of proposed finish grading, 1,180 cu. yds., is limited to the preparation of the building pad and tennis court and will not be perceptible from Pacific Coast Highway nor the Coastal Slope Trail, given the relatively flat, albeit gentle sloping nature of the blufftop. Thus, the proposed grading will not result in a significant amount of landform alteration.

The proposed 6,864 sq. ft., 18 feet, one-story, single family residence will maintain bluewater views of the Pacific Ocean for travelers along the Pacific Coast Highway. The residential structure will occupy 85% or 85 feet of the 100 foot parcel width, with sideyard of 10' on the east and 15' on the west, although the 18 foot height of the structure will not block the horizon line. The tennis court will be constructed directly in-line with the main residence and as such will not obstruct any public views along the sideyards. The height of the tennis court fence is six feet which, given the fence elevation, will be two feet lower than the elevation of Pacific Coast Highway, and thus will not block bluewater views.

A site visit by staff to observe the staked structure heights confirmed the proposed structures would maintain bluewater views. Thus, although a 85' long by 18' high view segment will be lost, overall, the bluewater views will be minimally reduced given the preserved views along the sideyards and above the roof of the structure. Public views of the Pacific Ocean from the Coastal Slope Trail will not be affected given the location of the trail well above the subject site.

However, should the proposed one story structure increase in height, or should a solid fence be proposed along Pacific Coast Highway, bluewater views of the Pacific Ocean from Pacific Coast Highway would be significantly degraded. Similarly, should landscape vegetation be permitted beyond low profile species, the ocean views from Pacific Coast Highway as modified by the proposed structures would be significantly degraded.

Further, the Commission has found through past permit action that landscaping softens, screens and mitigates the visual impact of development. In this particular instance, however, the vegetative landscape must also be selected and maintained in such a way as to protect public views of the Pacific Ocean. Therefore, the Commission finds it

necessary to require a landscaping plan in keeping with the native vegetation of the Santa Monica Mountains to mitigate any visual impacts of development through the use of primarily native, drought tolerant plantings, and to ensure the landscape plan is designed and maintained to protect public views by limiting the heights of the plantings and fencing as specified in *Special Condition number three (3)*.

In addition, future developments or improvements to the property have the potential to create adverse visual impacts as seen from Pacific Coast Highway, as noted. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, such as a second story addition or construction in the sideyard, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. *Special Condition number six (6)*, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

2. Landslide Remediation

The bluffs to the south of the subject parcel are not typical coastal bluffs in that they are separated from the shoreline first by Malibu Road and then by residential development between the road and the shoreline. Furthermore, these bluffs are not visible from any scenic road, public park or from the Coastal Slope Trail. In past permit actions, 4-92-176 (Saso); 4-97-031 (Anvil); 4-97-033 (Sweet), the Commission has approved similar remedial grading projects for the bluffs along Malibu Road in which the finished grade of the bluff has been reduced to a 1.5:1 slope in order to minimize landslide hazards.

The remedial work on the bluff face requires a significant amount of grading. However, a majority of the 3,760 cu. yds. of grading is for overexcavation and recompaction on the bluff face and will not expand the area already altered by the landslide. The grading for the bluff face is the minimal amount possible to remove the landslide and provide a stable slope. However, in order to minimize the amount of adverse visual impact to the greatest extent feasible, the Commission finds it necessary to require a landscaping plan in keeping with the native vegetation of the Santa Monica Mountains as specified in *Special Condition number three (3)*.

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

D. Archaeological Resources

Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of the Santa Monica Mountains which contains one of the most significant concentrations of archaeological sites in southern California. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

The applicant has submitted an archaeological report titled Research Design and Scope of Work Phase II Test Excavations, prepared by W & S Consultants, and dated 7/2/98. The findings of the report indicate there are, in all likelihood, archaeological resources on site:

"Based on the previous archeological work that has been conducted on CA-LAN-19 , we can infer that the property may contain intact archaeological deposits. These have the potential to maintain importance based on the research potential criterion outlined in both CEQA Appendix K and 36 CFR 60.4."

The report makes recommendations for a Phase II evaluation, in order to provide baseline data from which to determine the nature and significance of the site, and from which final recommendations for the management of this cultural resource can be prepared. This fieldwork would be limited to the proposed areas of direct adverse impact.

Thus, the Commission finds that the subject site, in all probability, contains archaeological resources and as such, the project could result in significant adverse impact on these resources that are not adequately mitigated to date, such as through a Phase II evaluation that would include measures to protect the on-site archaeological resources. Further, the Commission finds it necessary to ensure that the design of the project will minimize any adverse impacts to archaeological resources the maximum extent feasible.

Therefore, the Commission finds it necessary to require the applicant conduct a Phase II archaeological evaluation and have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation that involve earth moving operations as specified in *Special Condition number seven (7)*. The Commission finds that, as conditioned above, the project is consistent with Section 30244 of the Coastal Act.

E. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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.

The proposed septic system includes a 1500 gallon septic tank with seepage pits. A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a six bedroom residence and is sufficient to serve the proposed single family residence. The applicant has submitted a conceptual approval for the sewage disposal system from the City of Malibu Department of Environmental Health, based on a six bedroom single family residence. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

F. 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 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 effects 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).

G. 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.

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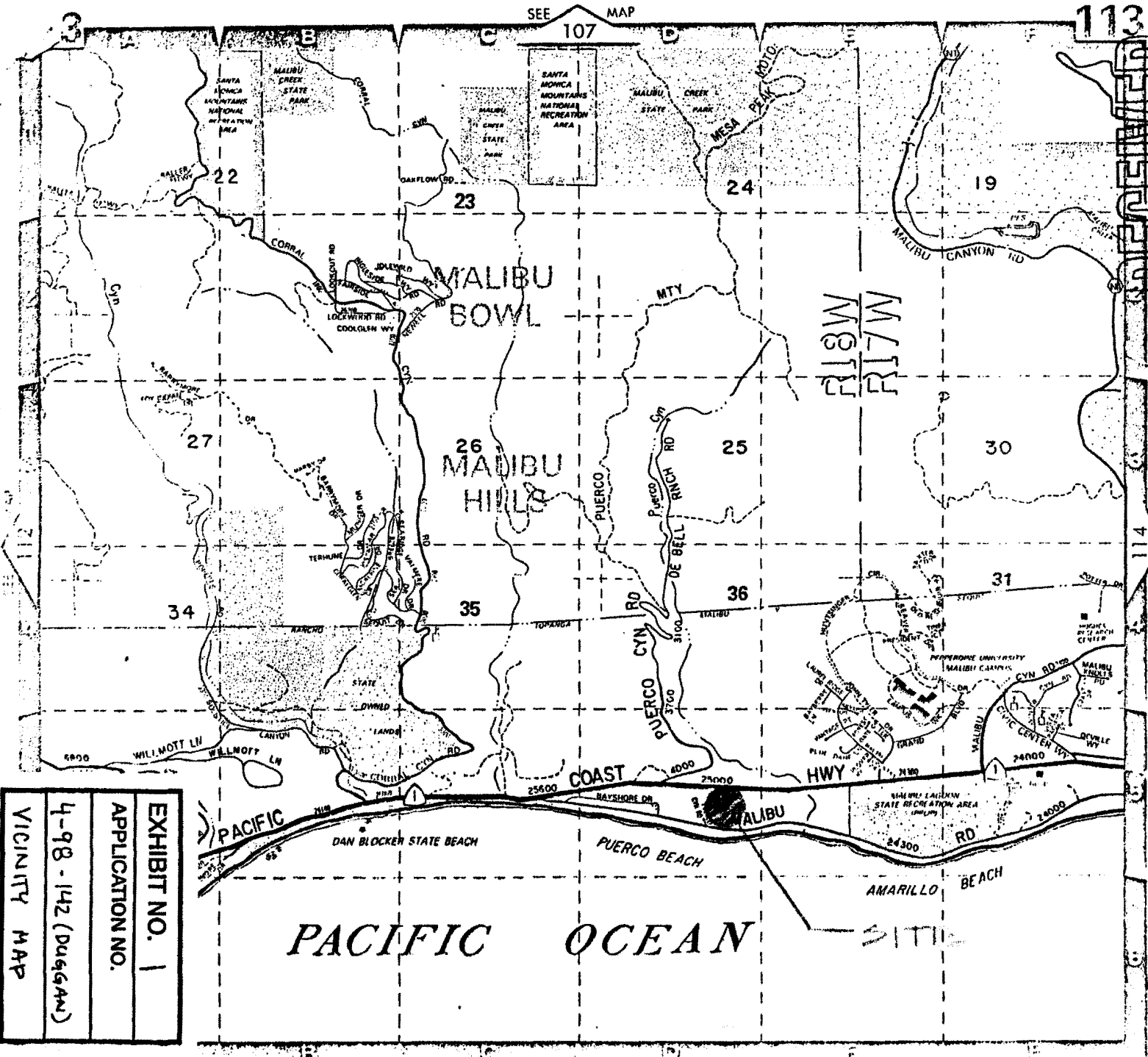


EXHIBIT NO. 1
APPLICATION NO.
4-98-142 (DUGAN)
VICINITY MAP

DETAIL

LOS ANGELES COUNTY
RECORDS

JUN 22 1988

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

SECTION THROUGH 24910 PCH

VIEW TO PACIFIC OCEAN →

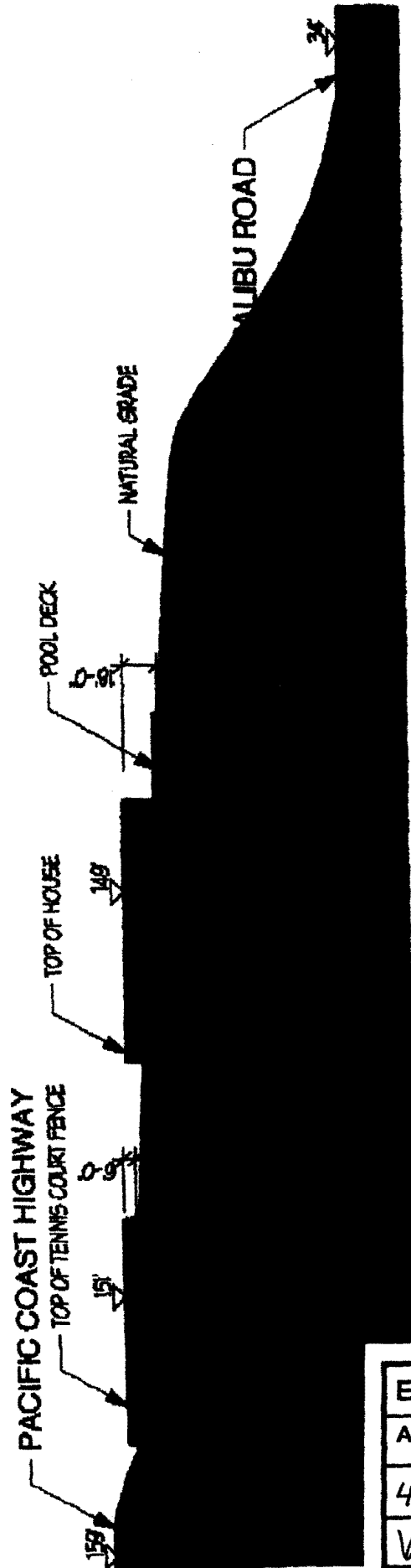


EXHIBIT NO. 2
APPLICATION NO.
4-98-142 (DUGGAN)
VIEW PROFILE

RECEIVED

MAY 07 1998

AREA TABULATION
 DUPARAKINIA
 COASTAL COMMUNITY AC. 83,798 S.F.
 SOUTH CENTRAL COMMUNITY AC. 89,510 S.F.
 SOUTH CENTRAL COMMUNITY AC. 7,558 S.F.
 Proposed Structure Size: 7,417 S.F.
 Garage: 653 S.F.
 Pool/Deck: 3,194 S.F.
 Total: 7,417 S.F. < 7,558 S.F.

IMPERVIOUS COVERAGE:

MAIN RESIDENCE	6,864 S.F.
ATTACHED GARAGE	553 S.F.
PATIOS	4,138 S.F.
PARKING	640 S.F.
POOL/DECK	3,194 S.F.
TENNIS COURT	7,000 S.F.
DRIVEWAY	0 S.F.
RETICULATED	0 S.F.
TOTAL:	19,213 S.F.
MAXIMUM ALLOWABLE IMPERVIOUS COVERAGE	25,000 S.F.
19,213 S.F. < 25,000 S.F.	

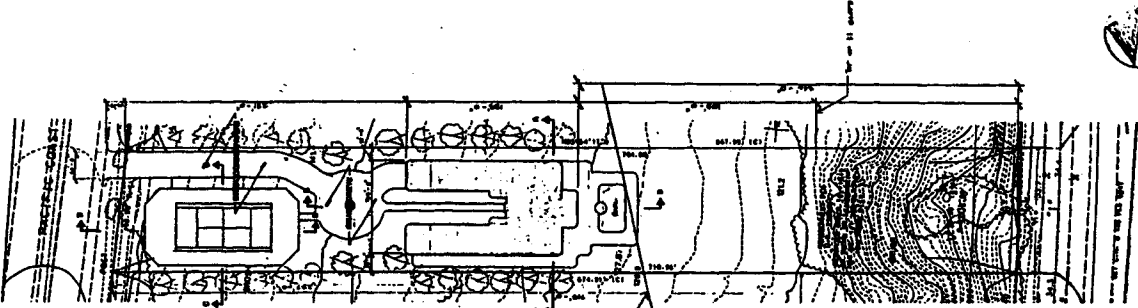
SITE GRADING:

CUT	554 CU YDS.	DEPTH	5.5 FT.
FILL	1,325 CU YDS.	DEPTH	1.5 FT.
EXPORT	0 CU YDS.		
IMPORT	0 CU YDS.		

ED SETBACKS

120 FT.
95 FT.
25 FT. MIN.
15 FT. MINIMUM
15 FT. REMAINDER

EXHIBIT NO. 3
 APPLICATION NO.
 4-98-142 (DUGGAN)
 SITE PLAN

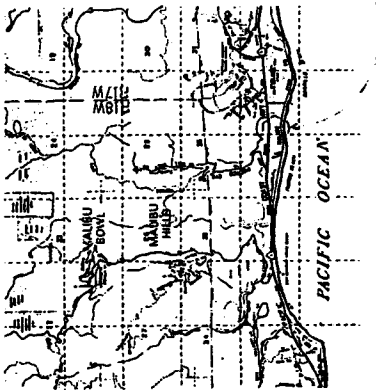


GEOLOGICAL TRACEBACK LINE REFERENCED FROM GEORGE & CO., INC. DATED APRIL 15, 1998. REVISED AUGUST 27, 1997.

GENERAL NOTES:
 1. THIS PLAN IS A PRELIMINARY DESIGN.
 2. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES.
 3. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES.
 4. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES.
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 10. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES.

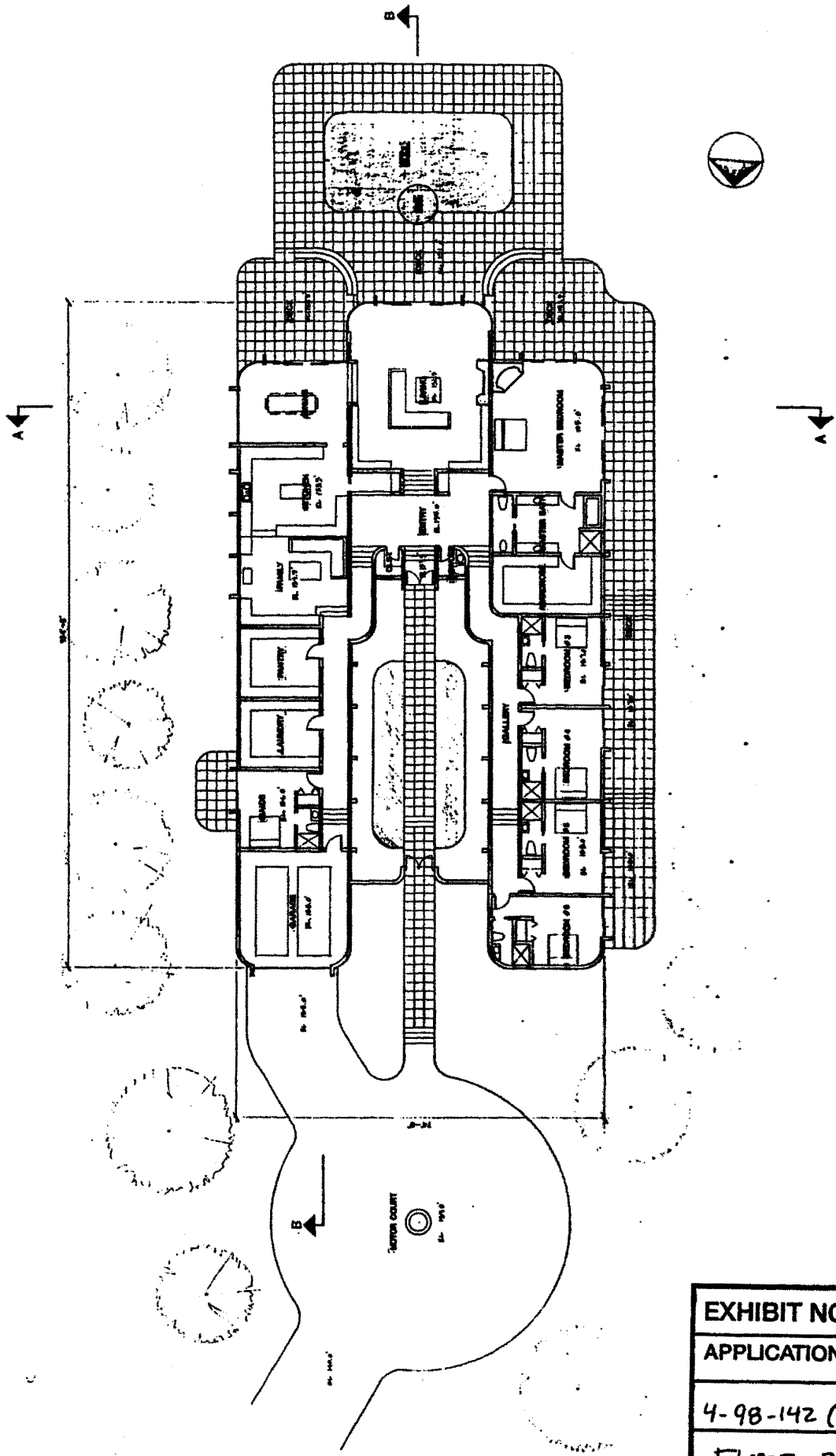
AREA TABLE

AREA	NO. FT.	AREA	NO. FT.
1	100,000	1	100,000
2	100,000	2	100,000
3	100,000	3	100,000
4	100,000	4	100,000
5	100,000	5	100,000
6	100,000	6	100,000
7	100,000	7	100,000
8	100,000	8	100,000
9	100,000	9	100,000
10	100,000	10	100,000



VICINITY MAP

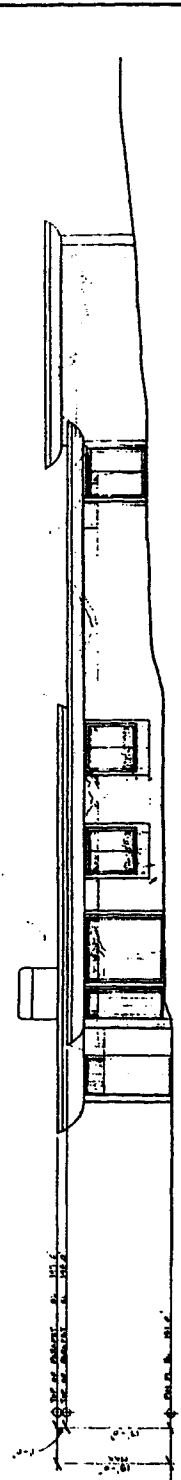
SITE PLAN



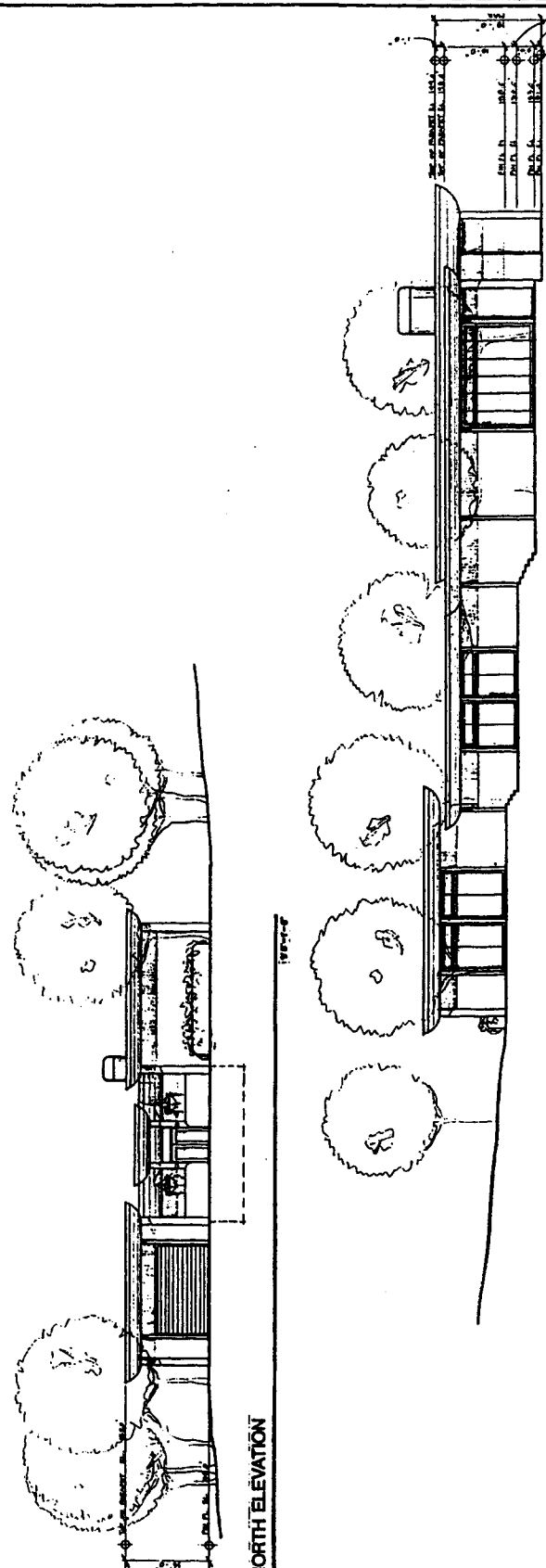
PLAN

EXHIBIT NO. 4
APPLICATION NO.
4-98-142 (DUGGAN)
FLOOR PLAN

NO.	DATE	DESCRIPTION
1	11/11/03	ISSUE FOR PERMITS
2		
3		
4		
5		

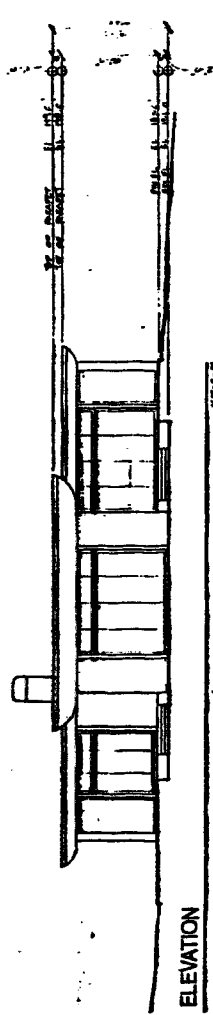


EAST ELEVATION



NORTH ELEVATION

WEST ELEVATION

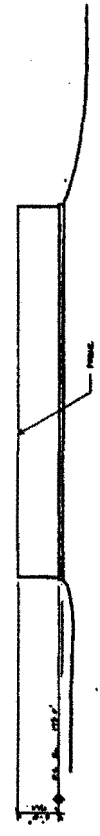


SOUTH ELEVATION

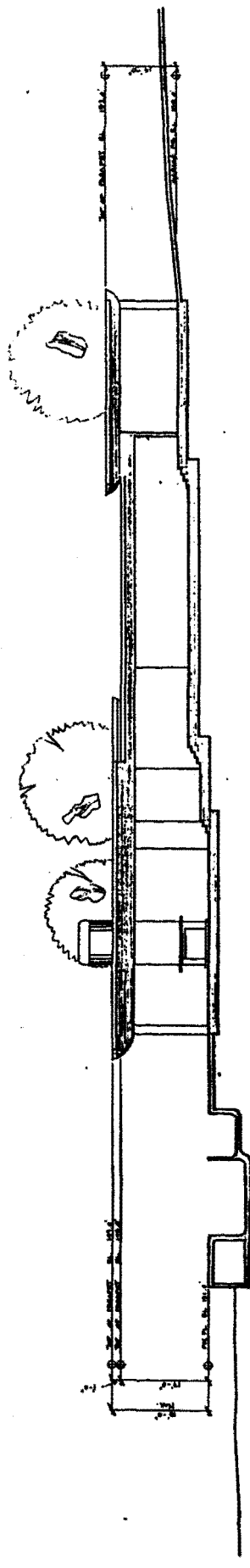
EXHIBIT NO. 5
APPLICATION NO.
4-98-142 (DUGGAN)
ELEVATIONS



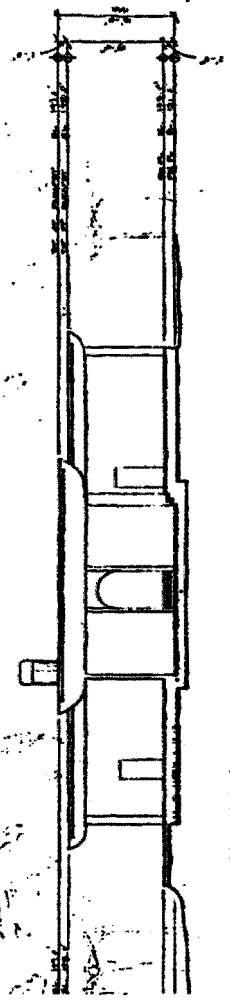
TENNIS COURT SECTION D-D



TENNIS COURT SECTION C-C

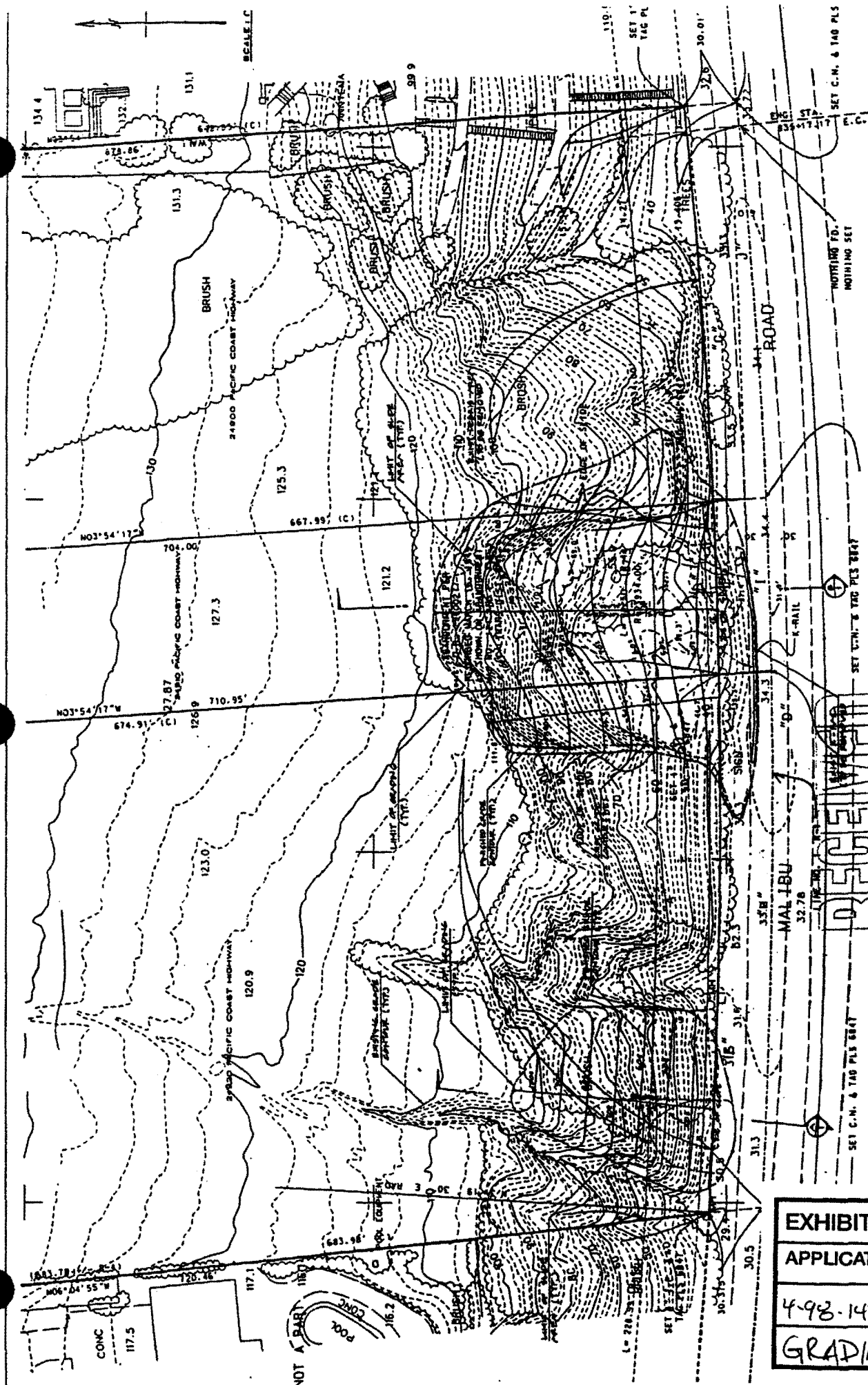


SECTION B-B



SECTION A-A

EXHIBIT NO. 6
APPLICATION NO.
4-98-142 (DUGGAN)
SECTIONS



Service Consultants
 Civil Engineering and Planning
 1811 Bayview Drive, Torrance, CA 90503
 Phone: (310) 201-1811
 Fax: (310) 201-1812

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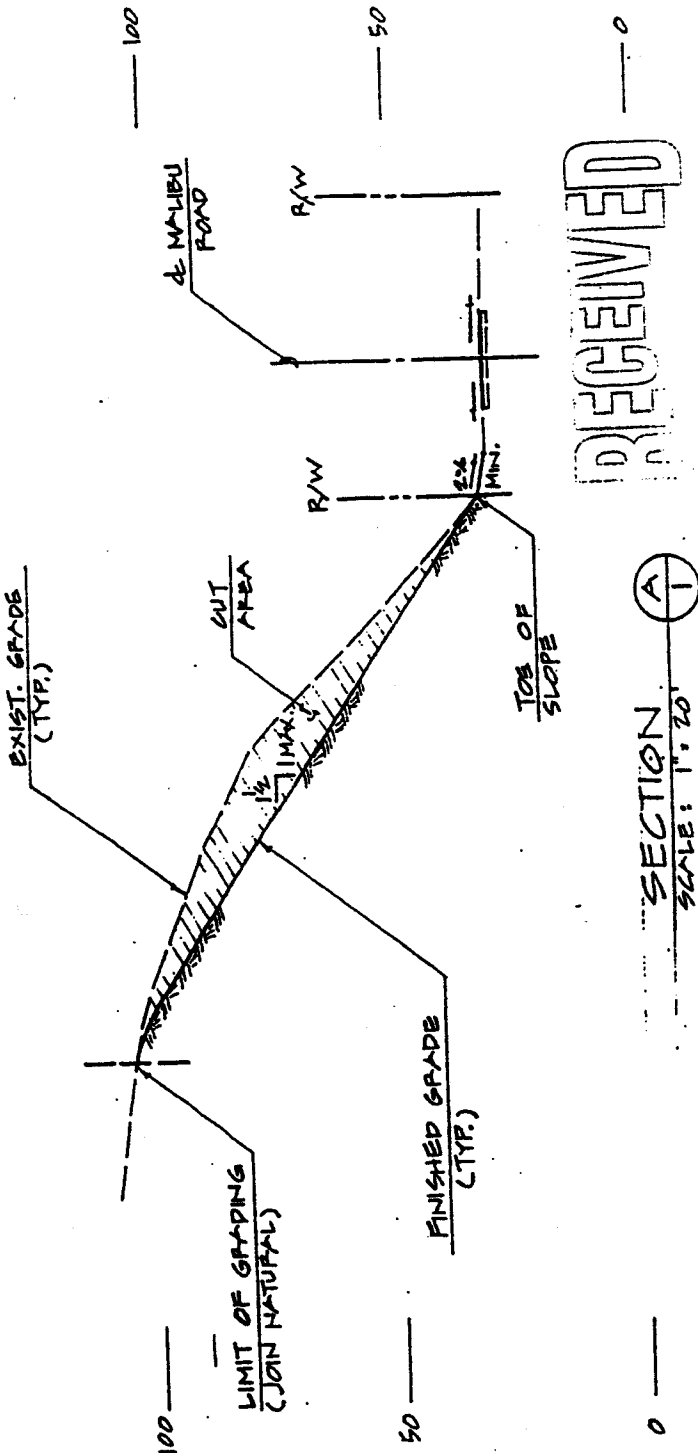
SHEET 8 OF 8
 GRADING PLAN FOR
PAT DUGGAN
 W.C. 88088 DATE: AUG. 14, 1998

AUG 20 1998

COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 7
APPLICATION NO.
 4-98-142 (DUGGAN)
GRADING PLAN

RECEIVED



RECEIVED

AUG 20 1998

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

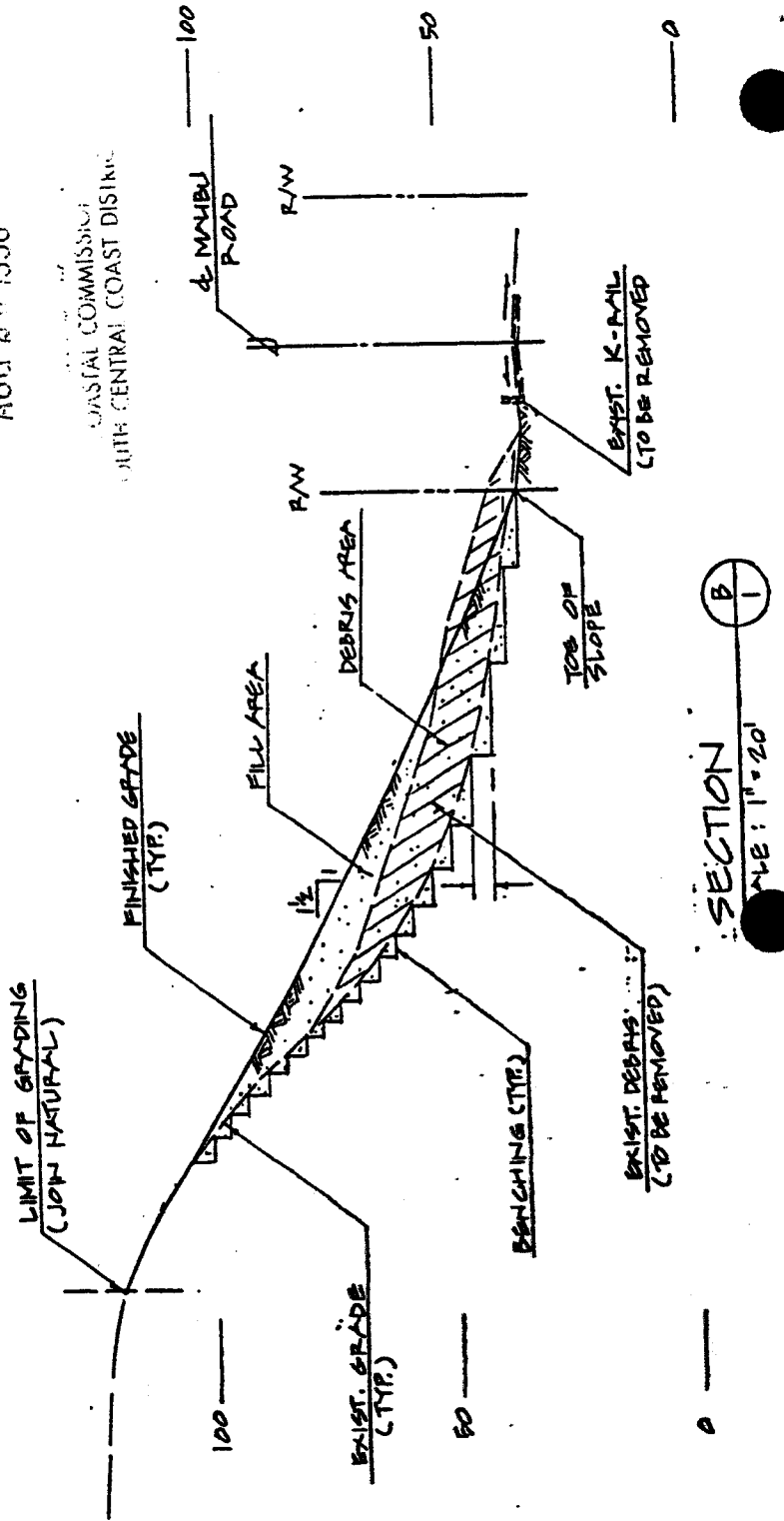


EXHIBIT NO.
APPLICATION NO.
4-98-142 (DUGGAN)
GRADING SECTION