

**CALIFORNIA COASTAL COMMISSION**

4TH CENTRAL COAST AREA  
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Staff: S. Hudson *ja*  
Staff Report: 9/23/99  
Hearing Date: October 12, 1999  
Commission Action:



## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-99-183

**APPLICANTS:** City of Malibu

**PROJECT LOCATION:** 24615 and 24633 Vantage Point Terrace, Malibu; Los Angeles County

**PROJECT DESCRIPTION:** Construction of a 110 ft. long, 6 ft. high, caisson supported concrete retaining wall with 250 cu. yds. of grading (125 cu. yds. of cut and 125 cu. yds. of fill) to remediate a landslide. The project also includes the removal and replacement of an approximately 110 ft. portion of the existing road and sidewalk.

**LOCAL APPROVALS RECEIVED:** N/A

**SUBSTANTIVE FILE DOCUMENTS:** Geotechnical Investigation Report by Dale Hinkle, P.E., Inc. dated August 25, 1998.

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with two (2) special conditions regarding revegetation and erosion control plans and assumption of risk. The applicant is proposing to construct a 110 ft. long, 6 ft. high, caisson supported concrete retaining wall with 250 cu. yds. of grading in order to remediate a landslide which threatens to undermine two residences and damage Vantage Point Terrace Road. Special Condition One (1) requires the applicant to submit a revegetation and erosion control plan in order to minimize erosion on site and ensure slope stability. Special Condition Two (2) requires the applicant to acknowledge the potential hazards on the project site and waive any claim of liability against the Commission for damage to life or property which may occur.

## **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

### **I. Approval with Conditions**

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, 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. Revegetation and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicant shall submit revegetation and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revegetation and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

##### **A. Revegetation Plan**

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days after the completion of construction. To minimize the need for irrigation 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.
- (2) 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;
- (3) Plantings will 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;
- (4) 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. Interim Erosion Control Plan**

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate

cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and 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.

- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

### **C. Monitoring**

Five years from the completion of construction activity, 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 revegetation 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 revegetation plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental revegetation plan for the review and approval of the Executive Director. The revised revegetation 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.

## **2. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, which states that the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, erosion, and slope failure; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicant is proposing the construction of a 110 ft. long, 6 ft. high, caisson supported concrete retaining wall with 250 cu. yds. of grading (125 cu. yds. of cut and 125 cu. yds. of fill) to remediate a landslide. The project also includes the removal and replacement of an approximately 110 ft. portion of the existing road and sidewalk damaged by the downslope migration of slide material.

The project site is located on the northern (upslope) side of Vantage Point Terrace Road within a built out residential area of Malibu (Exhibit 1). Slopes on site ascend from Vantage Point Terrace Road approximately 40 ft. to the north at an approximate slope gradient of 1.5:1 (34°). Two existing residences are located at the top of the slope. A landslide occurred on the project site in February 1998 resulting in partial failure of the ascending slope and potential undermining of the two existing residences located at the top of the slope. In addition, the downslope migration of slide material has resulted in the uplifting of the sidewalk and Vantage Point Terrace Road by approximately one foot in vertical elevation. The proposed project will serve to stabilize the slope failure on site and remediate damage to Vantage Point Terrace Road and the sidewalk. The proposed retaining wall and grading will not be visible from any public viewing areas, other than Vantage Point Terrace Road and Malibu Country Drive, or result in any adverse effects to public views.

##### **B. 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, 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.*

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

A landslide occurred on the project site during the winter storm season in 1998 which resulted in damage to Vantage Point Terrace Road and sidewalk and which also threatens to undermine two existing residences located at the top of the failed slope. In order to stabilize the slope on the project site, the City of Malibu is proposing to construct a 110 ft. long, 6 ft. high, caisson supported concrete retaining wall with 250 cu. yds. of grading (125 cu. yds. of cut and 125 cu. yds. of fill). The applicant's geotechnical consultant has determined that the current factor of safety for the slope on the project site is less than 1.24 (a factor of safety of 1.5 or greater is considered necessary to ensure slope stability), and that, therefore, the existing slope on the project site is grossly unstable and prone to continued slide activity if the landslide is not remediated. The applicant's geotechnical consultant has also determined that the proposed project will serve to increase the factor of safety for the slope to 1.5 or greater and that, therefore, the proposed project will serve to remediate the existing landslide and to stabilize the slope on site.

The applicant's engineering consultant has submitted an alternatives analysis which indicates that the only feasible alternative to the construction of the proposed wall would be to remove and reconstruct the failed slope. However, the Commission notes that this alternative would involve a massive amount of grading. Further, due to the steepness of the failed slope (1.5:1 gradient) and the relatively small amount of area between Vantage Point Terrace Road and the existing residential development located on top of the failed slope, reconstruction of the slope face at a gradient adequate to ensure stability (2:1 gradient) would also necessitate the removal of a portion of the existing residential development located on top of the slope. As such, the Commission notes that the construction of the proposed retaining wall will serve to ensure slope stability and minimize adverse effects from grading on the subject site, and therefore, is the preferred alternative. The Geotechnical Investigation Report by Dale Hinkle, P.E., Inc. dated August 25, 1998, states:

*Our analysis indicates that a drilled caisson wall at the toe of this slope will be the most reasonable repair. There is no space to excavate or re-construct the slope.*

...

*If the construction and design is performed according to the requirements in this report, there will be no danger of landslide, slippage or excessive settlement on this or adjacent properties.*

The proposed project plans have been prepared and certified by the applicant's geologic and geotechnical consultant as conforming to their recommendations. Therefore, the Commission notes that the proposed project has been designed consistent with the recommendations of the geologic and geotechnical consultant and will serve to improve the geologic stability of the subject site. However, the Commission also notes that the proposed grading activity will result in potential erosion of the steep slopes on the subject site. The Commission finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed and graded areas of the site with native plants,

compatible with the surrounding environment. Thus, Special Condition One (1) has been required to ensure that all proposed disturbed and graded areas are stabilized and vegetated.

As discussed above, the Commission notes that the proposed project will serve to improve the stability of the slopes on site. However, the Commission further notes that the proposed development is located in an area of the Coastal Zone subject to slope failure and erosion hazards and that the project site may be subject to future hazards. The Coastal Act recognizes that certain development, such as remediation of a landslide, 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 determine 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.

As such, the Commission finds that due to the unforeseen possibility of landslide, erosion, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition Two (2) requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, 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.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is 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 subordinated to the character of its setting.*

The applicant is proposing the construction of a 110 ft. long, 6 ft. high, caisson supported concrete retaining wall with 250 cu. yds. of grading (125 cu. yds. of cut and 125 cu. yds. of fill) to remediate an unstable slope. The project also includes the removal and replacement of an approximately 110 ft. portion of the existing road and

sidewalk damaged by landslide. The proposed project is located within a built-out section of Malibu consisting of numerous single family residences. The Commission notes that, although the project site is visible from a portion of Vantage Point Terrace Road and Malibu Country Drive, the proposed retaining wall and grading will not be visible from any other public viewing areas, such as Pacific Coast Highway, and will not result in any adverse effects to public views. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30251 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**

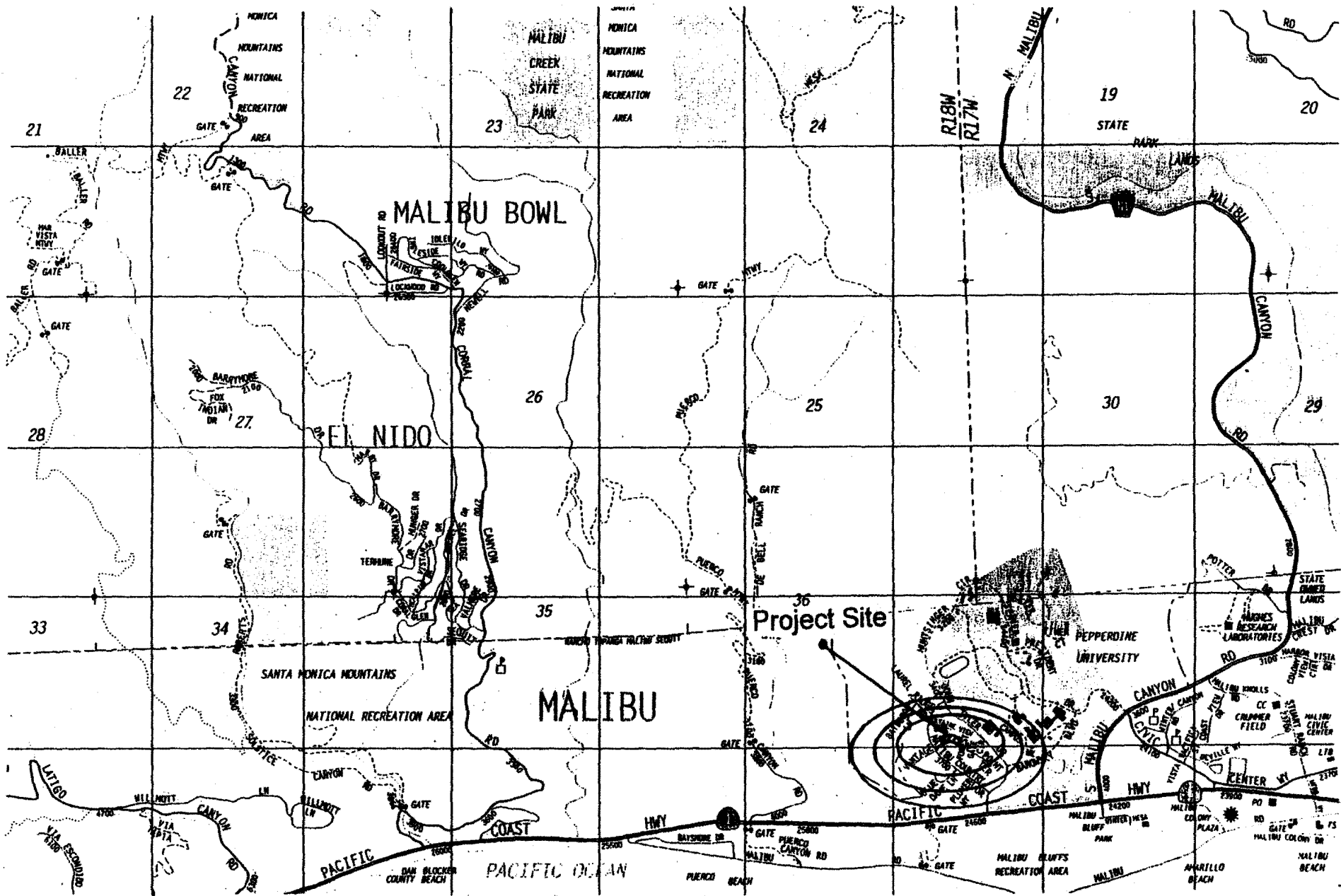
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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



The Commission finds that, 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**

File: smh/permits/regular/4-99-183 city-Malibu



**EXHIBIT 1**  
**CDP 4-99-183 (City of Malibu)**  
**Location Map**

4458 34

SCALE 1" = 100'

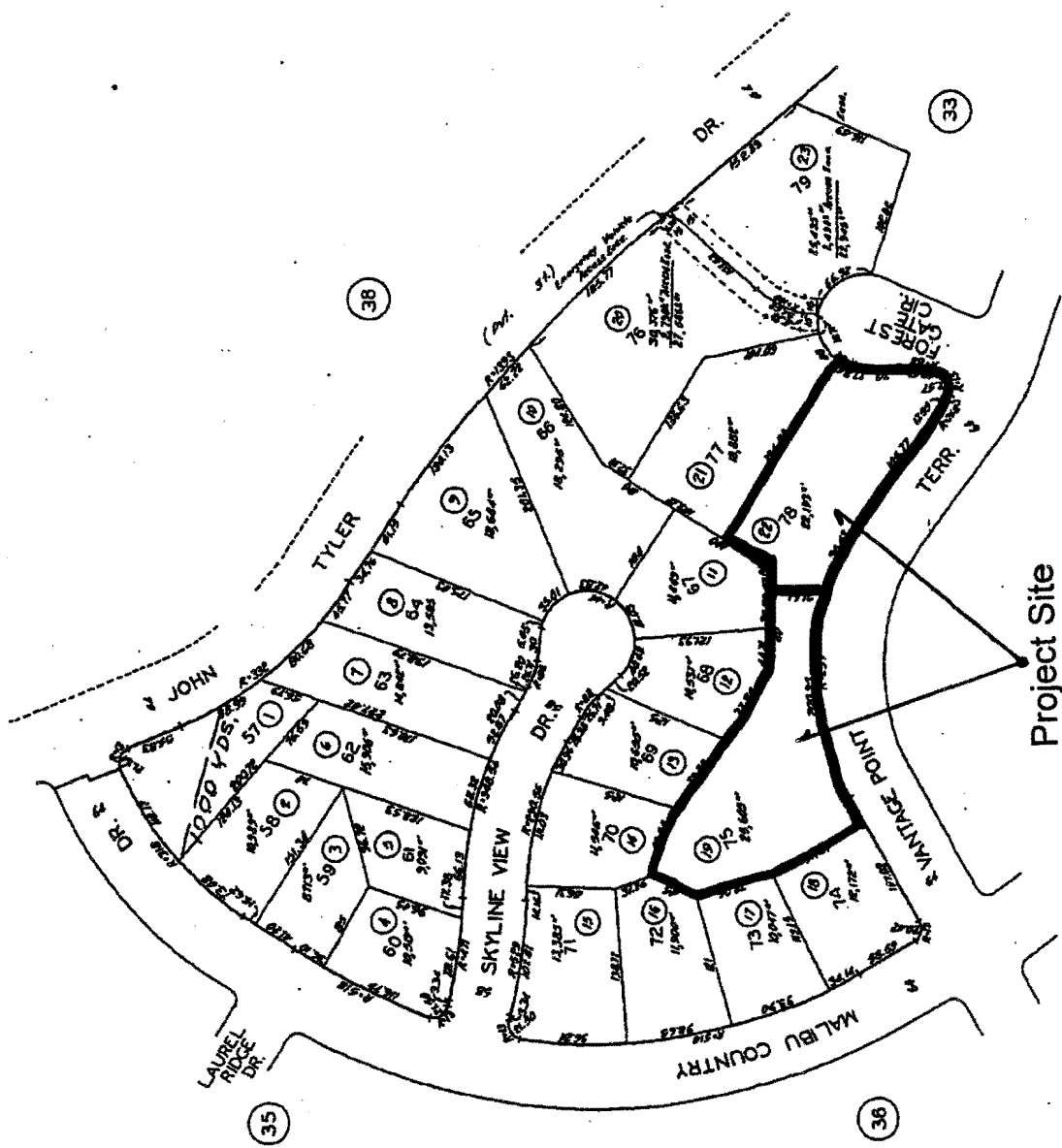
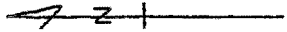
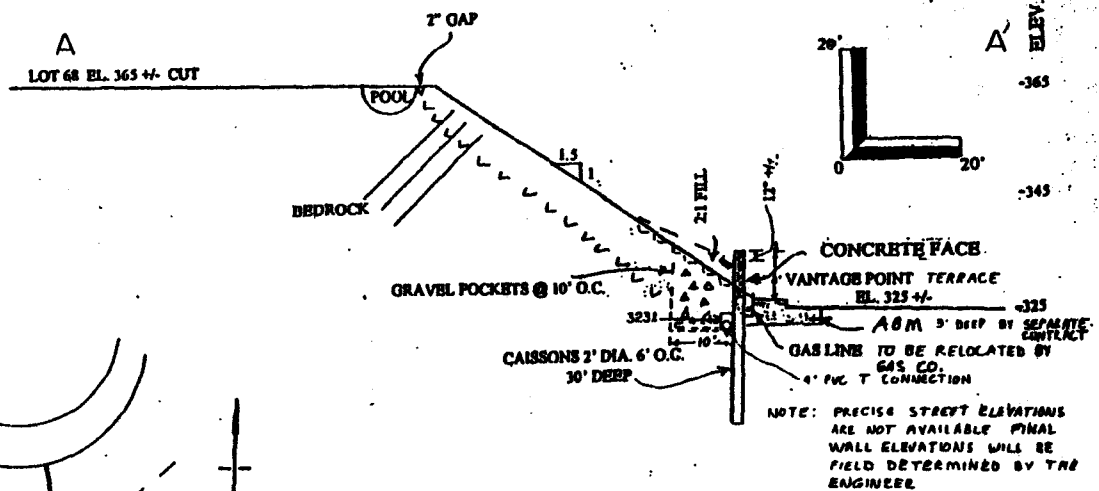
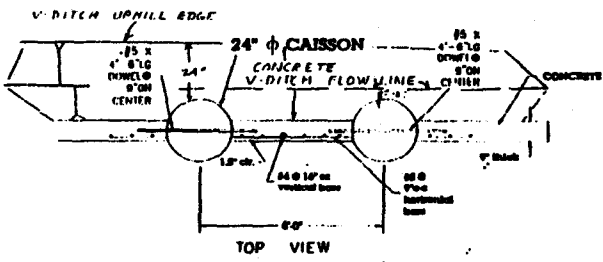
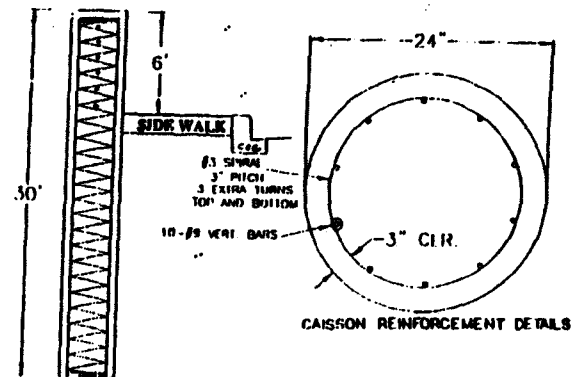
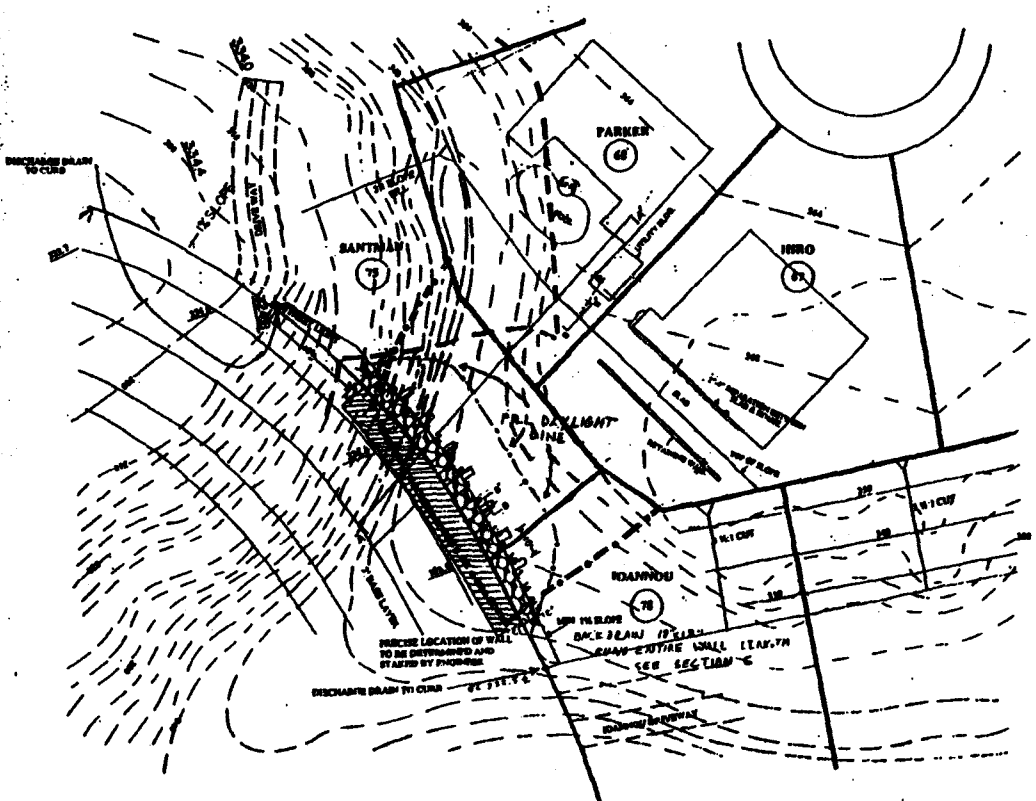


EXHIBIT 2
CDP 4-99-183 (City of Malibu)
Parcel Map

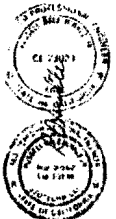
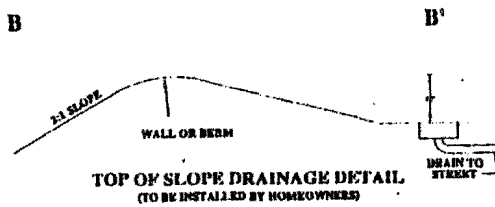
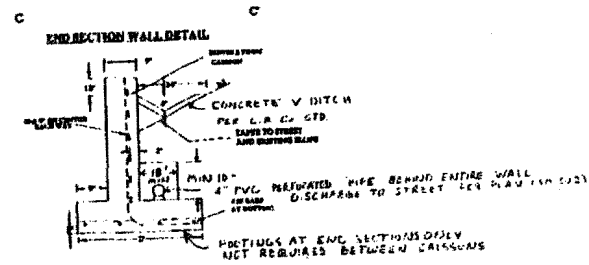
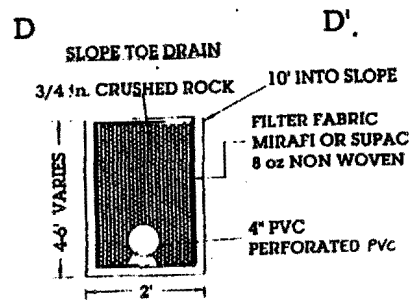
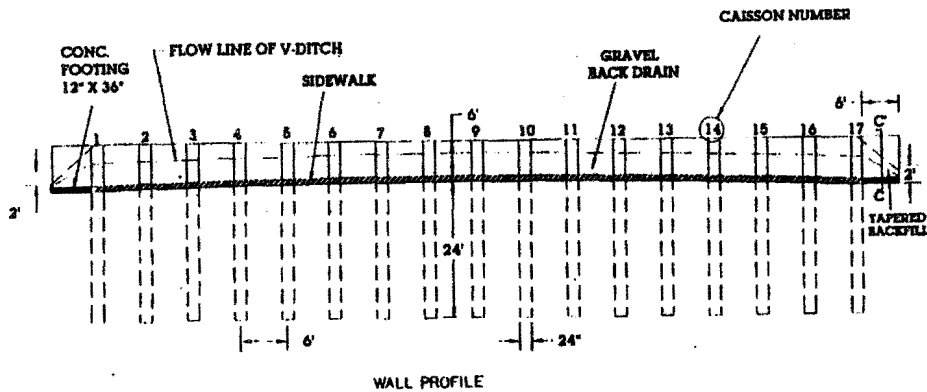


- CONSTRUCTION SEQUENCE**
1. INSTALL GRAVEL DRAINS
  2. INSTALL CAISSONS AND PANELS
  3. INSTALL BACK DRAINS
  4. BACKFILL WALL TO CREATE NEW SLOPE
  5. DEMO STREET - BY CITY
  6. INSTALL GRAVEL IN STREET - BY CITY
  7. INSTALL NEW PAVEMENT AND SIDEWALK - BY CITY



**EXHIBIT 3**  
**CDP 4-99-183 (City of Malibu)**  
**Site Plan/Grading Plan**

- - - CUT LINE  
 --- PROPERTY LINE  
 --- FUTURE GRAVEL LINE  
 --- SLIDE AREA  
 O CAISSON



**EXHIBIT 4**  
**CDP 4-99-183 (City of Malibu)**  
**Retaining Wall Profile/Details**

