

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

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**RECORD PACKET COPY**

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 Staff: CAREY  
 Staff Report: 1/11/99  
 Hearing Date: 2/2-5/99

*BK*

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO:** 4-98-295**APPLICANT:** Larry and Janet Meltzer**AGENT:** Terry Valente**PROJECT LOCATION:** 19871 Grand View Drive, Topanga, Los Angeles County

**PROJECT DESCRIPTION:** Repair of a surficial slope failure one to four feet deep, 20 to 35 feet wide and 80 feet long. The proposed repair includes construction of a 50 foot long retaining wall varying in height from 6 to 8 feet, and the removal and recompaction of 100 cu. yds. of slide material. This is a follow-up permit to Emergency Permit 4-98-295-G, granted 11/17/98.

<b>Lot area:</b>	20,670 sq. ft.
<b>Building coverage:</b>	2,000 sq. ft.
<b>Pavement coverage:</b>	1,000 sq. ft.
<b>Ht above ext grade:</b>	6 ft. to 8 ft. (wall)

**LOCAL APPROVALS RECEIVED:** Los Angeles County Department of Regional Planning Approval in Concept

**SUBSTANTIVE FILE DOCUMENTS:** 4-95-199 (Meltzer); 4-97-036 (Meltzer); 4-98-295-G (Meltzer); Report of Limited Engineering Geologic Investigation, dated 3/28/98, prepared by Pacific Geology Consultants, Inc.; Limited Geotechnical Engineering Investigation, dated 4/15/98, and Supplemental Recommendation-Retaining Wall Design, dated 4/22/98, both prepared by Coastline Geotechnical Consultants, Inc.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project with special conditions regarding the applicant's assumption of risk from landsliding hazard, landscaping plan, conformance with geologic recommendations, and drainage. The Executive Director granted an Emergency Permit for the construction of the proposed project. In addition to the conditions of approval typically required as part of emergency permits, the applicants were required to carry out interim erosion control and revegetation of all disturbed areas.

**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, 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 governments 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 this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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. 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 landsliding and erosion 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.

#### 2. Landscaping and Erosion Control.

##### A. Landscape Plan.

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 and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) All graded and disturbed 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 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;

**B. Monitoring Plan**

- (1) Five years from the date of the completion of grading, 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.
- (2) 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. Plans Conforming to Geologic Recommendation**

All recommendations contained in the Report of Limited Engineering Geologic Investigation, dated 3/28/98, prepared by Pacific Geology Consultants, Inc., as well as the Limited Geotechnical Engineering Investigation, dated 4/15/98, and Supplemental Recommendation-Retaining Wall Design, dated 4/22/98, both prepared by Coastline Geotechnical Consultants, Inc. shall be incorporated into all final design and construction including grading, and drainage. All plans must be reviewed and approved by a geologic/geotechnical engineer as conforming to said recommendations. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

#### **4. Drainage and Erosion Control Plans**

Drainage and erosion control for the subject parcel shall be accomplished through the implementation of the drainage components of the Remedial Slope Repair Plan, dated 4/26/98, prepared by Bryce D. Richmond. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

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

The Commission hereby finds and declares:

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

The applicants propose the repair of a surficial slope failure on a property developed with a single family residence, detached garage/guest house structure, and swimming pool. The proposed project site consists of four lots which the applicants have merged into one property. Additionally, the applicant owns an adjacent separate lot. The slope failure was one to four feet deep, 20 to 35 feet wide and 80 feet long. The slope failure, located downslope of the developed area of the site, occurred during El Niño storms in February 1998. The failure consisted primarily of natural soil and fill and was deposited below the building site.

The Commission granted an emergency permit (4-98-295-G) for the subject slope repair in November 1998. The proposed repair includes construction of a 50 foot long retaining wall varying in height from 6 to 8 feet, and the removal and recompaction of 100 cu. yds. of slide material. This is a follow-up permit to Emergency Permit granted 11/17/98. The proposed project is located on Lot 6 of Tract No. 8859 on Grandview Drive in the Fernwood area of Topanga. There is a drainage course called Dix Canyon located downslope of the proposed slope remediation project just off-site. This canyon contains a designated blue-line stream which is tributary to Topanga Creek. The Malibu/Santa Monica Land Use Plan (LUP) also designates this canyon as containing a riparian environmentally sensitive habitat area (ESHA) and a disturbed Sensitive Oak Woodland.

The Commission has twice acted on permit applications for development on the applicant's property. Permit 4-95-199 (Meltzer) was approved for the construction of a 2,305 sq. ft., three story garage structure with a 1,096 sq. ft. third floor recreation room, driveway, retaining walls, septic system, and lot merger of 4 parcels. This permit was approved with special conditions related to conformance with geologic recommendations, wildfire waiver, future improvements deed restriction, ancillary structure restriction, and evidence of lot combination. This garage structure was approved to be located on lots 3 and 4 of Tract No. 8859.

The Commission has also approved Permit 4-97-036 (Meltzer) for the after-the-fact construction of three parking spaces along the shoulder of Grandview Drive, including 228 cu. yds. of compacted fill, wood wells protecting two oak trees, gravel and decomposed granite cover, and landscaping. This permit was approved with special conditions relating to landscaping and erosion control plan, conformance with geologic recommendations, and restorative grading and revegetation.

## **B. Geologic 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.

The applicants propose the repair of a surficial slope failure on a property developed with a single family residence, detached garage/guest house structure, and swimming pool. The slope failure was one to four feet deep, 20 to 35 feet wide and 80 feet long. The slope failure, located downslope of the existing residence, occurred during El Niño storms in February 1998. The failure consisted primarily of natural soil and fill and was deposited in a ravine below the building site. The proposed repair includes construction of a 50 foot long retaining wall varying in height from 6 to 8 feet, and the removal and recompaction of 100 cu. yds. of slide material.

The applicants have submitted the following consultant's reports regarding the proposed project:

Report of Limited Engineering Geologic Investigation, dated 3/28/98, prepared by Pacific Geology Consultants, Inc.;

Limited Geotechnical Engineering Investigation, dated 4/15/98, prepared by Coastline Geotechnical Consultants, Inc.

Supplemental Recommendation-Retaining Wall Design, dated 4/22/98, prepared by Coastline Geotechnical Consultants, Inc.

The geologic and geotechnical investigations revealed that the slide was a surficial failure occurring within an area underlain by fill and natural soil deposits. The headscarp was approximately forty feet wide with a 10 ft. to 15 ft. high near-vertical scarp. The headscarp was along the base of an outcrop of sandstone bedrock west of the existing

residence. The eastern flank of the slope failure extended to within several feet of the residence. The consultants concluded that the failure was due to soil erosion during intense rainstorms in the winter of 97-98.

The applicants' consultants recommended that the slope failure be remediated by constructing a retaining wall across the width of the failure and reconstructing a 2:1 fill slope utilizing compacted fill behind the retaining wall. The wall provides support for the headscarp and prevents the undermining of the residence foundations. The consultants gave recommendations for the proposed project, including those regarding foundation design, drainage, and grading. The engineering geologic report concludes that:

Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the proposed wall will be safe from landslide hazard, settlement, and slippage. In addition, the proposed construction will not adversely affect off-sit properties from a geological standpoint.

Similarly, the geotechnical consultants concluded that:

Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading and construction are properly and adequately executed, it is our opinion that the proposed retaining wall will not be subject to geotechnical hazards from landslides, slippage or settlement. Further, it is our opinion that the proposed retaining wall and anticipated site grading will not adversely effect the stability of the site or adjacent properties, with the same provisos listed above.

The geologic and engineering consultants have included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure that the recommendations of the geologic and geotechnical consultants were incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by Special Condition No. 2, to submit project plans certified by the consulting geologist and geotechnical engineer as conforming to their recommendations.

Due to the history and potential hazardous geologic condition of this site, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by Special Condition No. 1. This responsibility is carried out through a deed restriction. The assumption of risk deed restriction will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

The Commission also finds that the 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. Therefore Special Condition No. 2 has been required to ensure that all disturbed and graded areas are stabilized and vegetated. In order to

ensure that all disturbed areas were revegetated immediately after implementation of the slope remediation, Condition No. 7 of the Emergency Permit 4-98-295 required that:

The applicant shall carry out interim erosion control methods and revegetation of all disturbed areas immediately after completion of the slope repair. Erosion control shall be accomplished through the use of geofabrics, sand bags, etc. All revegetation shall consist primarily of native, drought resistant plants. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

However, the Commission finds it necessary to require the applicants to now submit a landscaping plan detailing the size, type and location of all planting materials used to revegetate all graded and disturbed areas. Additionally, the applicants must monitor such plantings to ensure that the revegetation is successful.

In addition, development on slopes and the use of non-permeable surfaces often intensifies storm runoff in a destructive manner, thereby contributing to an increased potential for erosion and landslides on property. Uncontrolled runoff over the edge of the retaining wall could result in erosion and further destabilization of the project site. The project plans submitted by the applicants provide for a subdrain and backdrain behind the retaining wall. Drainage is then to be conveyed downslope to a rip-rap energy dissipator. The drainage plan would be adequate to ensure that erosion is minimized, assuming that the plan has been implemented. Special Condition No. 4 requires the applicants to implement the drainage plan and requires the applicants to be responsible for any repairs should the drainage structures fail or result in erosion.

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

### **C. Sensitive Resources/Coastal Waters and Streams.**

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.

Section 30240 of the Coastal Act states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.



(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

There is a drainage course called Dix Canyon located downslope of the proposed slope remediation project just off-site. This canyon contains a designated blue-line stream which is tributary to Topanga Creek. The Malibu/Santa Monica Land Use Plan (LUP) also designates this canyon as containing a riparian environmentally sensitive habitat area (ESHA) and a disturbed Sensitive Oak Woodland. Significant Oak Woodlands are recognized in the LUP as areas containing sensitive resources that do not however, meet the definition of ESHA under the Coastal Act. The disturbed designation recognizes that some oak woodlands, given their close proximity to areas developed with roads and homes, while deserving of protection, may no longer support contiguous habitat areas including the same number of species normally associated with oak woodlands.

The proposed retaining wall and fill slope are located on the slope above Dix Canyon, approximately 75 feet from the center line of the stream. As discussed above, the proposed retaining wall and grading were found to be necessary by the applicant's geologic and geotechnical consultants in order to restore the failed slope, to support the headscarp, and to ensure that the foundations of the existing residence were not undermined. The location of the retaining wall in relation to the existing structure is within 10 to 30 feet from the structure. It would be difficult to provide a 2:1 slope between the wall and the level of the residence if the wall were closer to the residence. Additionally, the wall would need to be much higher. Additionally, slope repair without the retaining wall would have necessitated a fill slope keyed into bedrock significantly lower on the slope. This alternative would have resulted in significantly more impact to the stream below. Therefore, the Commission finds that the proposed location of the retaining wall minimizes impacts to sensitive resources.

However, grading and drainage associated with the development of the retaining wall could contribute to erosion and water quality problems which could adversely impact the riparian area. The Commission has found in past decisions, that development projects, particularly those involving grading and landform alteration, can adversely impact sensitive resource areas through increased erosion and runoff. The Commission finds that the minimization of site erosion will provide protection of sensitive resources, both below the project site and downstream. 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. Therefore Special Condition No. 2 has been required to ensure that all disturbed and graded areas are stabilized and vegetated. In order to ensure that all disturbed areas were revegetated immediately after implementation of the slope remediation, Condition No. 7 of the Emergency Permit 4-98-295 required that:

The applicant shall carry out interim erosion control methods and revegetation of all disturbed areas immediately after completion of the slope repair. Erosion control shall be

accomplished through the use of geofabrics, sand bags, etc. All revegetation shall consist primarily of native, drought resistant plants. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

However, the Commission finds it necessary to require the applicants to now submit a landscaping plan detailing the size, type and location of all planting materials used to revegetate all graded and disturbed areas. Additionally, the applicants must monitor such plantings to ensure that the revegetation is successful.

In addition, development on slopes and the use of non-permeable surfaces often intensifies storm runoff in a destructive manner, thereby contributing to an increased potential for erosion and landslides on property. Uncontrolled runoff over the edge of the retaining wall could result in erosion and sedimentation in Dix Canyon. The project plans submitted by the applicants provide for a subdrain and backdrain behind the retaining wall. Drainage is then to be conveyed downslope to a rip-rap energy dissipator. The drainage plan would be adequate to ensure that erosion is minimized, assuming that the plan has been implemented. Special Condition No. 4 requires the applicants to implement the drainage plan and requires the applicants to be responsible for any repairs should the drainage structures fail or result in erosion.

The Commission finds that the proposed project, only as conditioned above, is consistent with Sections 30231 and 30240 of the Coastal Act.

**D. Local Coastal Program.**

Section 30604 of the Coastal Act states, in part, 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 will not prejudice the County's ability to prepare a Local Coastal Program Implementation Plan for the unincorporated Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**E. 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)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects that 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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SEE MAP 590

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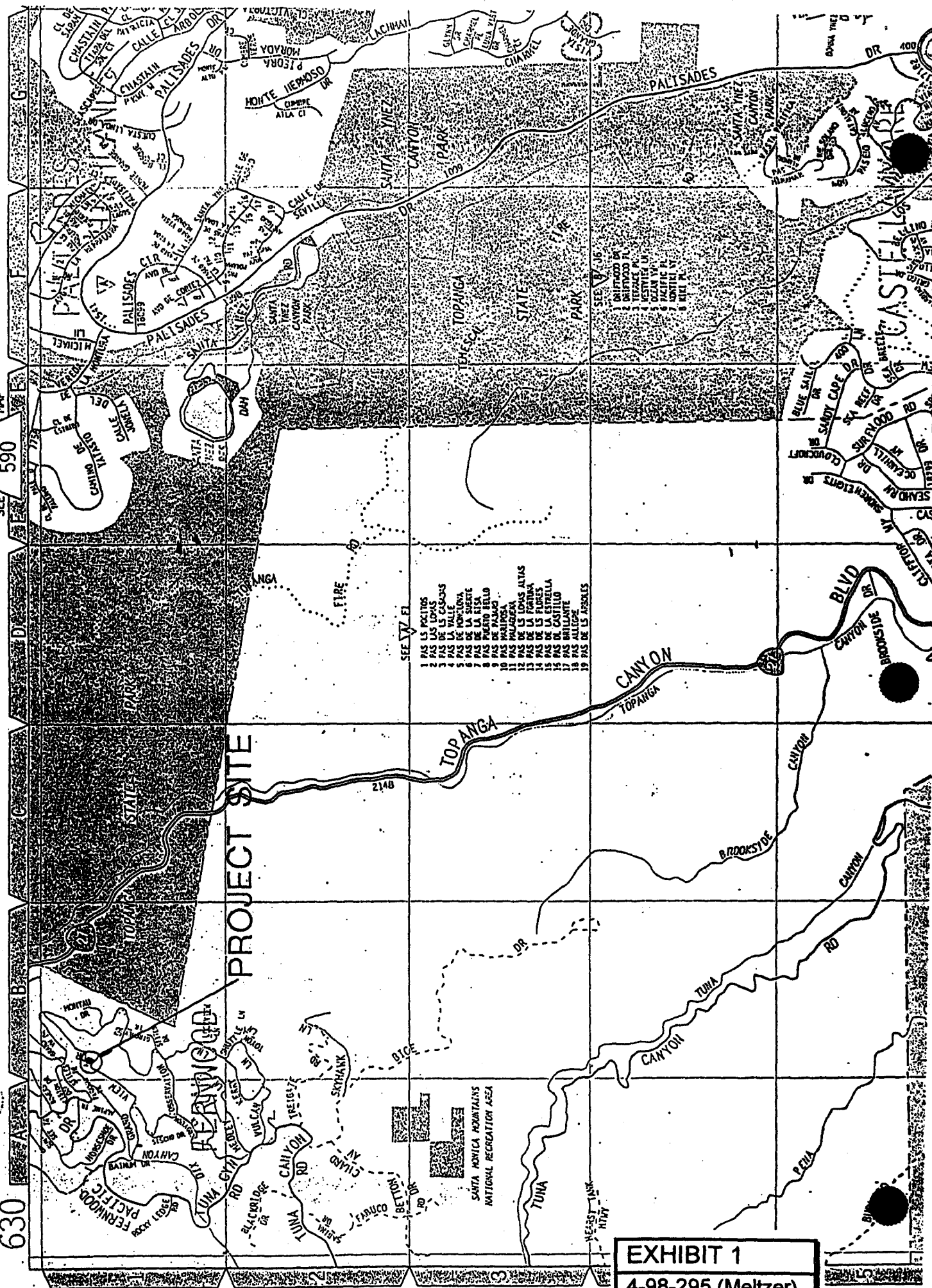
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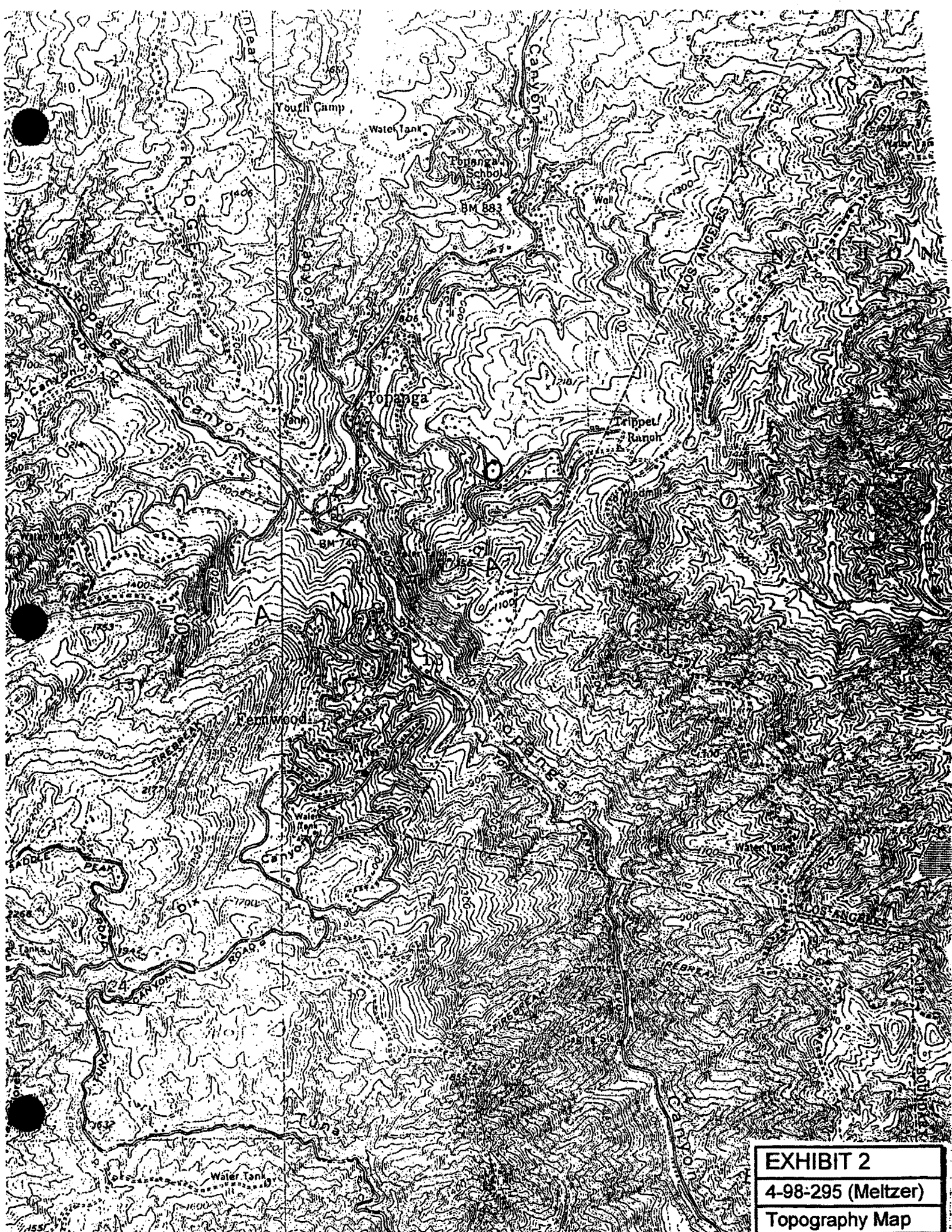
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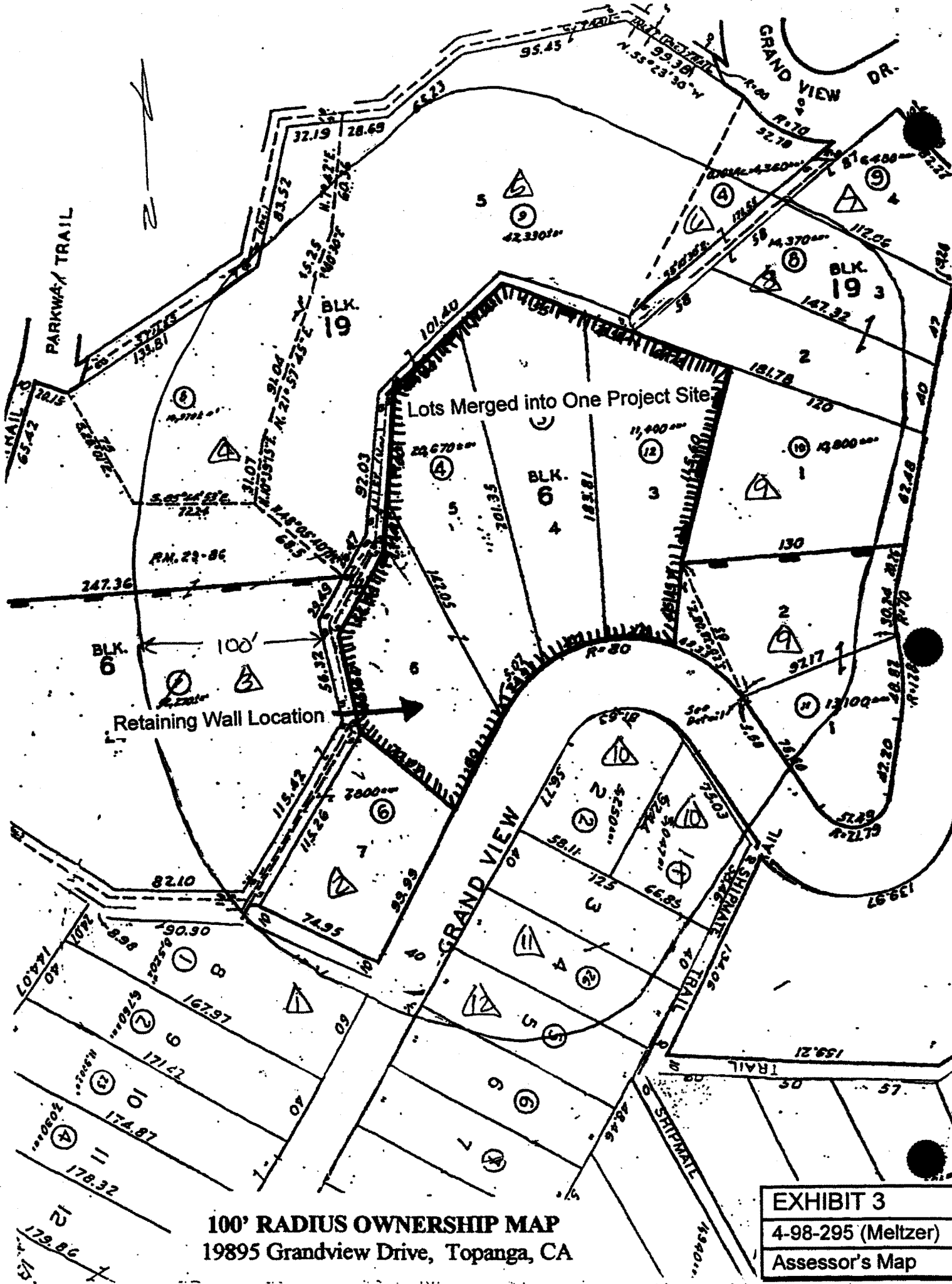
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  - 17 PAS BRILLANTE
  - 18 PAS ALLIAGE
  - 19 PAS DE LAS PASSEES

**EXHIBIT 1**  
**4-98-295 (Meltzer)**  
**Vicinity Map**





**EXHIBIT 2**  
4-98-295 (Meltzer)  
Topography Map



**100' RADIUS OWNERSHIP MAP**  
19895 Grandview Drive, Topanga, CA

<b>EXHIBIT 3</b>
4-98-295 (Meltzer)
Assessor's Map

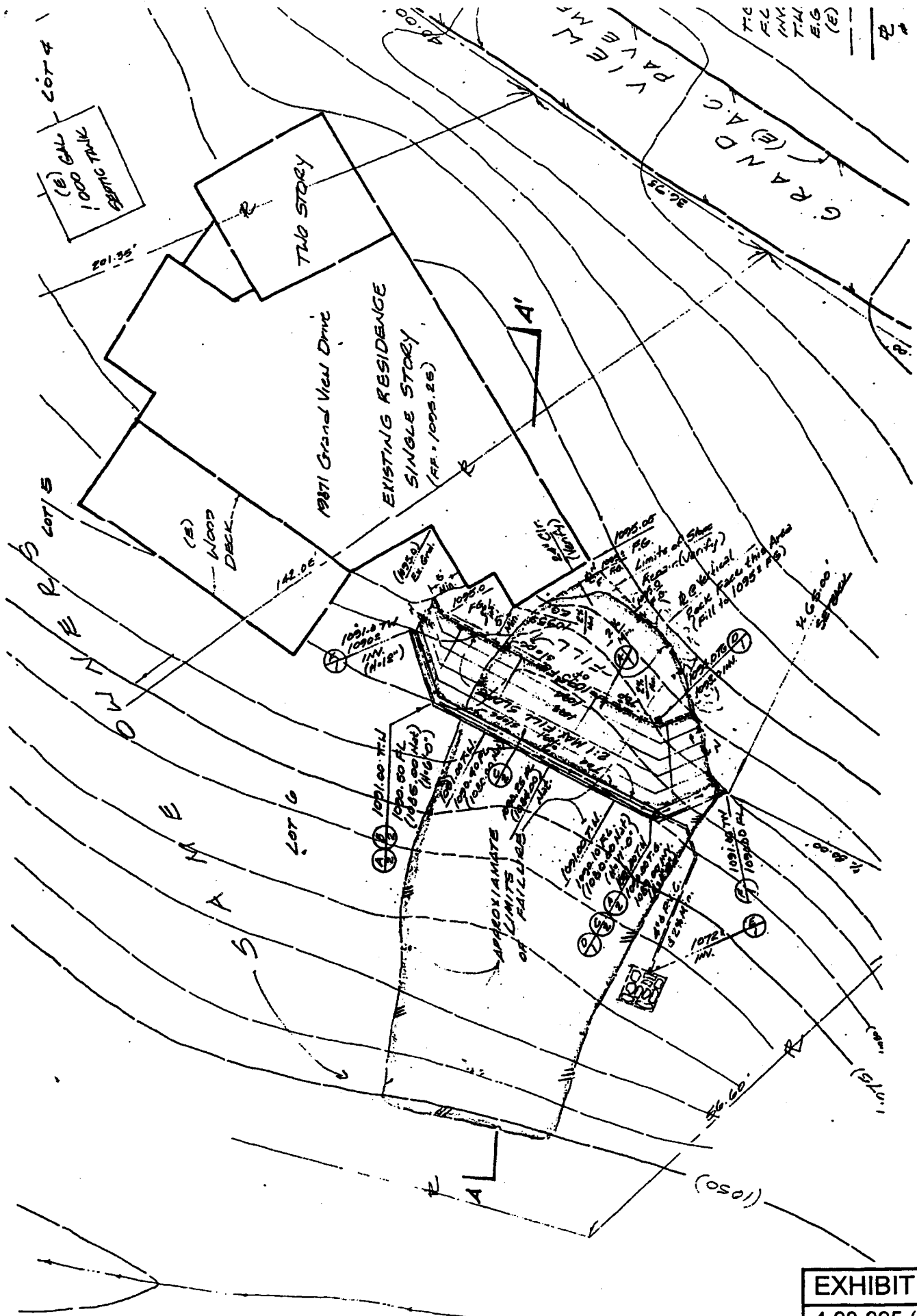


EXHIBIT 4
4-98-295 (Meltzer)
Site Plan

