Fri-8.d.

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Filed:	5/7/99
49th Day:	6/25/99
180th Day:	11/3/99
Staff:	J Johnson-V
Staff Report:	7/22/99
Hearing Date:	8/13 /99
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-99-035

APPLICANTS: Sam and Marge Login **AGENT:** Don Schmitz

PROJECT LOCATION: 26926 Pacific Coast Highway, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a one and two story, 651 sq. ft. addition and pile foundation to existing 588 sq. ft. one bedroom residential unit to total 1,239 sq. ft., complete remedial slope restoration and repair, including new drains, revegetate slope with native plants, temporary relocation of the subject residential unit during slope restoration, demolish attached deck and construct covered patio attached to subject unit, demolish deck and construct three foundation piles to support foundation of adjacent residential unit, and remove all debris to an appropriate disposal location outside the coastal zone.

Lot Area:	**64,030 sq. ft. or 1.47 acres**
Building Coverage	
Existing:	**5,143 sq. ft.**
Proposed:	**5,300 sq. ft.**
Pavement Coverage:	**20,048 sq. ft.**
Landscape Coverage:	**38,682 sq. ft.**
Parking Spaces:	**20**

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with five (5) special conditions addressing plans conforming to geologic recommendation, drainage plans and maintenance responsibility, landscape and erosion control plans, assumption of risk, waiver of liability and indemnity, and a future development deed restriction. In 1990, a leaking water heater serving one of the eight residential units resulted in slope failure at the southeast corner of the property. The applicants are requesting approval to remove about 2,700 cubic yards of material and recompact about 2,700 cubic yards of material to remediate the slope failure. The proposed project also includes the temporary relocation of the residential unit during the remediation. Once the slope remediation is complete, the unit will be relocated to the original site on a new pile foundation and enlarged with a one and two story addition. As conditioned the slope will be

landscaped with native plant species. Therefore, the proposed project, as conditioned, is consistent with applicable resource protection policies of the Coastal Act.

LOCAL APPROVALS RECEIVED: Approval in Concept, dated 2/10/99, Planning Department, City of Malibu; Approved in Concept, dated 1/20/99, Geology and Geotechnical Engineering Review Sheet: Approval, City of Malibu Environmental Health Department, dated December 24, 1998; Waiver, City of Malibu Archaeologist, dated January 19, 1999.

SUBSTANTIVE FILE DOCUMENTS: Report of Limited Engineering Geologic Investigation, dated October 19, 1998, by Pacific Geology Consultants; Soils Engineering Investigation, Landslide Evaluation and Second Story Addition to Studio, dated November 3, 1998, Response to City of Malibu Geology and Geotechnical Review Sheet, dated January 5, 1998, and Response to California Coastal Commission Letter, dated March 25, 1999, by SubSurface Designs Inc.: Coastal Permit Application No. 4-98-315, Hayles & Moore; Coastal Permit Waiver No. 5-84-376, Tarrates.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Report of Limited Engineering Geologic Investigation, dated October 19, 1998, by Pacific Geology Consultants; Soils Engineering Investigation, Landslide Evaluation and Second Story Addition to Studio, dated November 3, 1998, Response to City of Malibu Geology and Geotechnical Review Sheet, dated January 5, 1998, and Response to California Coastal Commission Letter, dated March 25, 1999, by SubSurface Designs Inc., shall be incorporated into all final design and construction plans including issues related to foundation support, retaining walls, excavation characteristics, surficial stability, site drainage, drainage and maintenance, grading and earthwork, temporary excavations, erosion control, excavation erosion control plan review and plan notes. 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.

2. Drainage Plans and Maintenance Responsibility

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a revised drainage and erosion control plan designed by a licensed engineer which assures that run-off from the roofs of all the residential units, patios, and all other impervious surfaces on the subject property are collected and discharged in a non-erosive manner which avoids ponding on the within the site, impound against structures, or flow in a concentrated or uncontrolled manner down the descending slopes. Site drainage shall not be accomplished by sheetflow runoff. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plan

Prior to issuance of a coastal development permit, the applicant shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping 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 incorporate the following criteria:

A) Landscaping Plan

1. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residential unit (to be relocated and enlarged). 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 plan 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 routes, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated the 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 geo-fabric covers or other appropriate cover, install geo-textiles 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 material.

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 geo-textiles 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 date of the receipt of the Certificate of Occupancy for the residential unit (to be relocated and enlarged) the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

4. **Assumption of Risk, Waiver of Liability and Indemnity**

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site(s) may be subject to hazards from extraordinary hazard from landslides or slope failures, erosion, mud and/or debris flows, and wildfires; (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.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant, and landowner(s), shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

5. **FUTURE DEVELOPMENT DEED RESTRICTION**

This permit is only for the development described in coastal development permit No. 4-99-035. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (b) shall not apply to the subject permitted enlarged residential unit. Accordingly, any future improvements to the permitted enlarged residential unit, shall require an amendment to Permit No. 4-99-035 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The subject site is located seaward of Pacific Coast Highway and landward of Malibu Colony Cove Drive about one third of a mile west of Latigo Canyon Road (Exhibits 1 – 3). The site is accessed from Pacific Coast Highway.

The applicants propose to construct a one and two story, 651 sq. ft. addition and pile foundation to existing 588 sq. ft. one bedroom residential unit to total 1,239 sq. ft. (including expanded covered porch area totaling about 192 sq. ft.) after slope remediation is completed. This residential unit is one of eight (8) units located on the approximate 1.5 acre lot. The applicants also propose to complete remedial slope restoration and repair, including new drains and revegetate the slope with native plants adjacent to this residential unit (Exhibits 4 - 7). The slope restoration and repair consists of about 2,700 cubic yards of cut and 2,700 cubic yards of fill to recompact and remediate the slope failure. Heavy equipment and construction access to the site will be from the subject property on the terrace and not from Malibu Colony Cove Drive. As a result of the slope restoration, the subject residential unit will need to be temporarily relocated. In addition, the applicants propose to demolish an attached concrete deck and construct a covered patio attached to subject unit and a new pile foundation (Exhibits 8 and 9). Further, it is proposed to demolish a wood deck and construct three

foundation piles to support the south-east corner of residential unit adjacent to subject residential unit. Lastly, the applicants propose to remove all debris to an appropriate disposal location outside the coastal zone.

The project site a is developed hillside parcel situated at an elevation of about 100 feet above mean sea level. The improvements on the property consist of four separate one and two story residential buildings with eight residential units and a three car garage located on the central and southeastern portions of the site. These structures are located on the flat terrace portion of the parcel that slopes gently to the south. A paved driveway extending along the eastern portion of the site directly from Pacific Coast Highway provides access to these structures. A paved parking area is located along the southern portion of the terrace. From this parking area, the slope descends about 80 feet at 1 ½ :1 ratio to Malibu Cove Colony Drive. This portion of the bluff appears to be the historic ocean bluff.

It is important to note that the parcel also slopes along the eastern portion to a north-south trending drainage ravine. This is the site of subject landslide proposed to be remediated and repaired. This ravine is considered ephemeral in nature as it flows only during the rainy season. These eastern slopes range from 1 ½ : 1 to 2 : 1 ranging in height from 10 feet at the northeast corner of the property to about 60 feet on the southeast corner of the property.

According to the Los Angeles County Sensitive Resources Map, the project site is not located within an environmentally sensitive habitat area (ESHA) and no blue line designated streams cross the project site. The City of Malibu Archaeologist reviewed the subject site on January 14, 1998 and issued a waiver. No recorded archaeological sites or archaeological resources were identified on the subject site. Although the subject parcel is visible from Pacific Coast Highway, the subject slope remediation and residential unit improvements will not be visible due to the topography and the substantial existing landscaping on the site. The subject slope is visible to a limited extent from the beach due to existing residences along Malibu Colony Cove Drive and substantial existing landscaping on the subject site. Therefore the project will not result in adverse effects to visual resources as seen from the public highway and the beach. According to the Los Angeles County Land Use Plan Map, the subject parcel is designated as Residential II allowing two dwelling units per acre; the existing eight (8) dwelling units on the approximate one and one half acre parcel are considered non-conforming regarding residential density. The proposal to expand the existing studio unit does not increase anticipated number of residents as proposed by the applicant as the residential unit will include only one bedroom as proposed.

B. Hazards and Alteration of Natural Landforms

Section **30253** of the Coastal Act states in part that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section **30251** of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed development is located in the Santa Monica Mountains, an area that 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.

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property in areas of high geologic, flood, and fire hazard. In addition to Section 30253 of the Coastal Act, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) includes several policies and standards regarding hazards and geologic stability. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with Section 30253 of the Coastal Act. For example, Policy 144 of the LUP, suggests that the Commission continue to provide information concerning hazards and appropriate means of minimizing the harmful effects of natural disasters on persons and property.

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance and that permitted development minimize the alteration of natural landforms, and be visually compatible with the character of surrounding areas.

The subject property includes three distinct landslides. A relatively large ancient landslide is located along the south facing slope that descends from the southern margin of the parking area on the terrace to Malibu Colony Cove Drive below. Two smaller landslides are located immediately east of the subject residential unit on the southeastern portion of the property adjacent to the drainage ravine. The applicant's consulting engineering geologist has identified these as similar in geometry but of different ages. It is important to identify that the more recent of these two landslides

occurred in February 1990 after a water heater and water line located near the subject residential unit at the top of the slope leaked for 10 to 15 days. The resulting landslide is about 70 feet long, 55 feet wide, and 14.5 feet thick.

The remainder of the site is Monterey Formation Bedrock overlain by fill and natural soil where most of the structures are located. However, the subject residential unit and an adjacent unit located at the southeast corner of the parcel are located at the top of the descending slope that has been affected by the slope failure, i.e. the landslide.

The applicants propose to stabilize the slope failure by removing and recompacting all landslide debris (Exhibits 4 – 7). To accomplish the slope remediation, the subject residential unit will need to be temporarily relocated about 15 to 20 feet to the parking area. After the slope is repaired, the residential unit will be placed in the former location on a friction pile and grade beam foundation supported on the underlying bedrock (Exhibits 8 and 9) . The applicants also propose to construct an addition to the first and second floors of the residential unit, demolish an attached deck and construct a new covered patio attached to unit. Because the additions to this residential unit do not involve new bedrooms, the existing sewage disposal system will not be expanded. On the adjacent residential unit, the applicants propose to demolish a deck and construct three foundation piles to support the southeast corner of the structure adjacent to the landslide.

To remediate the slope failure, the applicants are requesting approval to remove about 2,700 cubic yards of material and recompact about 2,700 cubic yards of material. The slide area is approximately 5,000 sq. ft. in size and is located on a slope between the subject residential unit on the terrace portion of the subject site and the base of a drainage ravine.

1. Geologic Stability

The applicants submitted two reports and two update letters addressing an engineering geologic investigation and soils engineering investigation of the subject site. The City of Malibu reviewed and 'Approved in Concept' these reports in a Geology and Geotechnical Engineering Review Sheet, dated 1/20/99.

The Report of Limited Engineering Geologic Investigation, by Pacific Geology Consultants dated October 19, 1998 concluded:

> ***It is the professional geologic opinion of the undersigned that stabilization of the failed slope area on the southeastern portion of the site is feasible from a geologic standpoint. Slope stabilization may be achieved by removing and recompacting all landslide debris (Qlso and Qlsa). The existing studio adjacent to the headscarp of the active slide will need to be removed prior to grading. Upon completion of grading, the studio may be placed in the same location provided it is supported by a new foundation that derives support from the underlying site bedrock. Due to the anticipated depths of removal and recompaction of fill in this area, foundations to support the studio are anticipated to consist of friction piles and grade beams.***

Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the studio and grading will be safe from landslide hazard, settlement and slippage. In addition, the proposed construction will not adversely affect off-site properties from a geological standpoint. All specific elements of the City of Malibu Building Code shall be followed in conjunction with design and future construction work.

The Soils Engineering Investigation Landslide Evaluation and Second Story Addition to Studio, by SubSurface Designs, Inc. dated November 3, 1998 states:

The existing recent and older landslides, Qlsa and Qlso, may be removed and replaced with engineered compacted fill slopes. The placement of this fill slope will require the temporary relocation of the existing Studio Building. After the grading is completed the Studio Building may be moved back to its original location. The foundation system for the studio will be replaced by a series of drilled cast in place friction piles and grade beams. The new foundation system will be placed into the site bedrock.

The proposed second story for the Studio Building may be constructed over the existing studio building, as all of the loads will be transferred to the site bedrock.

The applicant also provided two updated letters titled: Response to City of Malibu Geology and Geotechnical Review Sheet, dated January 5, 1998, and Response to California Coastal Commission Letter, dated March 25, 1999, by SubSurface Designs Inc.

These reports and update letters developed a set of recommendations based on their analysis to minimize the risk of geologic and soil engineering hazards for the following issues related to: foundation support, retaining walls, excavation characteristics, surficial stability, site drainage, drainage and maintenance, grading and earthwork, temporary excavations, erosion control, excavation erosion control plan review and plan notes.

Based on the findings and recommendations of the consulting geotechnical engineer and engineering geologist, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all of the consultant's 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 geotechnical engineer and engineering geologist as conforming to their recommendations, as noted in Special Condition Number One (1) for the final project plans for the proposed project to ensure structural and site stability. 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.

2. Alternatives

The Pacific Geology Consultants, Inc. report identified two alternatives to the slope remediation, but provided no analysis or conclusions about them. The report states:

> ***One alternative for slope repair would be to infill a portion of the drainage canyon within the failure area. A keyway extending into in-place bedrock would be excavated at the toe of slope. A 2:1 (26 degree) fill slope would then be constructed at the top of slope. A second alternative would be to construct a retaining wall along the toe of the slope. All landslide debris behind the wall would be removed and replaced as recompacted fill. A 2:1 (26 degree) fill slope would then be constructed from the top of the wall to the top of slope. The fill slope may be constructed to a 1½:1 (33 degree) ratio provided approval is obtained from the Project Geotechnical Engineer, SubSurface Designs, Inc.***

In a letter dated March 17, 1999, staff requested the applicant to provide an analysis of these alternatives and any others that minimize the alteration of natural landforms. In response, the applicants provided plans identifying four slope stabilization alternatives to the proposed project for Commission review (Exhibits 10 – 13). In addition, a letter was provided by the applicant's consulting geotechnical engineer addressing the potential for relocating the subject residential unit to a new location on the subject site, a fifth alternative.

The first two alternatives consist of filling the drainage gully at two different slope configurations (Exhibit 10). The first alternative consists of filling both sides of the gully to the center of the gully with steep 2:1 slopes. A total of about 7,791 cubic yards of fill would need to be imported to the site. The second alternative consists of filling both sides of the gully with a more gently 1½:1 slope again to the center of the gully. A total of nearly twice as much fill would need to be imported to the site, about 13,102 cubic yards. Alternatives 1 and 2 are considered an excessive amount of landform alteration.

A third alternative was identified as constructing a crib wall located about half way down the slope face (Exhibit 11). The crib wall would be constructed of concrete blocks stacked on top of each other and filled with gravel and or soil. Although the crib wall could be planted to screen the concrete blocks over time, it is considered an excessive amount of landform alteration that also visually degrades the drainage gully with its engineered appearance.

The fourth alternative identified was a large retaining wall that could be constructed near the top of the slope, a short distance from the subject residential unit (Exhibits 12 and 13). The area at the top of the slope would be backfilled to create a flat pad area. Although the flat area at the top and the earthen slope below the retaining wall could be landscaped, this alternative is also considered an excessive amount of landform alteration that also visually degrades the drainage gully with the engineered appearance of a large vertical wall.

The fifth alternative identified is to relocate the subject residential unit to another location on the property to avoid the need to remediate the slope failure area. In a

letter dated March 25, 1999, from SubSurface Designs, Inc., Gary Masterman, a geotechnical engineer states:

> This slide will adversely affect the studio building and the residence to the north if not repaired. The most effective means of remedial repair is to re-grade the slide. This re-grading requires the temporary relocation of the studio building. The studio building will be temporarily relocated over the existing on site ancient landslide that exists on the ocean facing bluff. Once the recent landslide has been repaired the studio must be relocated over the non landslide affected portion of the site. There is no other reasonable location on the site that can be safely utilized for the subject structure from a geotechnical standpoint.

Staff's review of the property indicates that there may be other locations landward on the property where the residential unit could be relocated. However, other locations would require either the relocation of existing parking areas or the removal of existing vegetation or mature trees. A minor relocation of the residential unit on a permanent basis is not possible due to building and safety setback requirements relative to the south and east facing slopes and between the subject residential unit and the adjacent residence to the north. In addition, without the proposed slope remediation, the second residential unit located next to the subject residential unit may also be adversely affected, as noted by the geotechnical engineer in the March 25, 1999 letter. The applicants provided an additional response to the issue of the fifth alternative in a letter from the construction company indicating that it is not possible to move the residential structure to locations further than the proposed location which is about 15 to 20 feet. In a letter dated March 21, 1999, C. S. Rainey of Kegger Construction states:

> This letter is in response to your request for a determination on the viability for the relocation of the residence located at 26926 Pacific Coast Highway.
>
> It has been determined that the structure which now sits precariously at a slope failure must be moved in order to repair the damaged slope and construct a new foundation. It is advisable that the structure be moved as little as possible, just enough to allow for access to properly repair the slope and provide enough room to construct a caisson and grade beam foundation.
>
> The structure will be moved with steel beams, rollers and hydraulic lifts. I understand your desire to relocate the structure. However, due to the fragility of the building and to insure its structural integrity, I would not recommend it being moved any further that the bare minimum necessitated by the work I have just described.

In conclusion, the applicants have reviewed these alternatives and are proposing to remediate the slope failure by removing the earthen landslide material from the slope and then recompacting it on the slope as a 1 ½:1 fill slope (Exhibits 14 and 15). The slope will be reinforced with a geo-textile placed at two foot intervals as the compacted fill is placed. In addition, the eight foot base of the slope will include 3% cement fill and

backdrains at ten foot vertical rise intervals. The applicants also propose to landscape the slope with native plant species that will also retard erosion. To allow for the slope remediation, the subject residential unit will be temporarily relocated a short distance to a site with an ancient landslide. Once the slope is remediated, the unit will be relocated to the prior location which is the only reasonable location for the long term placement of the residential unit. A review of the alternatives to this proposed project leads to the conclusion that the proposed project minimizes the alteration of natural landforms, will be visually compatible with the character of surrounding areas, and is the only feasible location for the relocated residential unit on the property. Therefore, the Commission finds that the proposed project is the environmentally preferred alternative that will minimize the effects of the project on coastal resources.

3. Erosion

The subject site is located on a terrace area of a former coastal bluff. The subject residential unit and the adjoining unit on the southeast portion of the property are located at about the 100 foot elevation above sea level. A south-facing slope, the former coastal bluff, drops down to Malibu Cove Colony Drive while an east-facing slope drops down to a drainage gully. The subject residential unit is setback about twenty-five feet landward of the edge of this coastal bluff. Slope drainage at the two subject residential units is by sheet flow runoff directed in part toward the east into a drainage catch basin leading to a pipe draining to the bottom of the drainage gully and in part sheet flow into the gully.

A properly designed drainage system to convey runoff offsite in a controlled manner will minimize erosion and enhance site stability. The applicant's consulting geotechnical engineer and engineering geologist recommend that all pad and roof drainage should be collected and transferred to an approved location in non-erosive drainage devices. A conceptual drainage plan was submitted by the applicant that partially addressed the recommendations of the applicant's consulting engineering geologist and geotechnical engineer (Exhibit 6). The drainage plan needs to be revised to assure that run-off from the roofs of all the residential units, patios, and all other impervious surfaces on the subject property are collected and discharged in a non-erosive manner which avoids ponding on the within the site, impound against structures, or flow in a concentrated or uncontrolled manner down the descending slopes. Therefore, given the potential for uncontrolled run-off to contribute towards soil erosion and possibly larger instability problems, the Commission finds it necessary to require a revised drainage and erosion control plan as recommended by the applicants consultants as noted in Special Condition Number Two (2). This condition requires the drainage and erosion control plan to be completed by a licensed engineer. Further, to ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage structures shall be repaired should the structures fail in the future, Special Condition Number Two (2) also requires that the applicants agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

In addition, the slope remediation area and any other disturbed areas on the subject lot as a result of this project should be planted according to a landscape and irrigation plan with drought tolerant, deep rooted, erosion retardant ground cover, to be selected by a landscape architect to reduce the potential for future erosion and soil slippage along the slope. The applicants have submitted a conceptual landscape plan that indicates native plant species will be planted in the vicinity of the slope remediation (Exhibits 14 and 15). The applicants need to submit a revised landscape plan that includes all disturbed areas on the terrace area in the vicinity of the two residential units will also be planted with primarily native drought resistant plant species and signed and stamped by the applicant's consulting landscape architect. The goal of the revised plan is to minimize and control erosion, as well as screen and soften the visual impact of the slope remediation to be visually compatible with the surrounding area. An interim erosion control plan is needed to minimize erosion during grading and construction, particularly if conducted during the rainy season. A monitoring plan is needed to ensure that the landscaping meets the approved landscaping plan after a five year time period from the time of occupancy of the residential unit. In addition, in the event the proposed grading occurs during the rainy season (November 1 – March 31) sediment basins need to be installed on the project site prior to or concurrent with grading operations and maintained through the development process to minimize sediment from runoff waters during construction. Therefore, the Commission finds it necessary to require a revised landscape plan, interim erosion control plan, and a monitoring plan to further minimize and control erosion as noted in Special Condition Number Three (3).

The Commission further notes that 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.

The submitted Engineering Geologic Investigation and Soils Engineering Investigation Reports indicate that three landslides are located on the subject site. The Coastal Act recognizes that certain development, such as the proposed project to remediate a slope failure, temporarily relocate the subject residential unit, replace and enlarge the residential unit, and construct a new foundation to the adjoining residential unit, may all 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 landslides or slope failures, erosion, mud and/or debris flows, and wildfires, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition Number

Four (4) 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 and to indemnify and hold harmless the Commission with respect to the Commission's approval of the project against any and all liability. 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 Sections 30251 and 30253 of the Coastal Act.

C. Cumulative Impacts of Development

The Coastal Act requires that new development be located in areas with adequate public services where it will not have significant adverse effects on either an individual or cumulative basis on coastal resources. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

> ***(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

Section 30105.5 of the Coastal Act defines the term "cumulatively" as it is used in Section 30250(a), to mean that:

> ***The incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.***

Section 30252 of the Coastal Act states:

> ***The location and amount of new development should maintain and enhance public access to the coast by (l) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.***

In addition in 1986, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan (LUP) that included many policies addressing development. The LUP policies cited below addressing development have been found consistent with the Coastal Act, and therefore may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

The LUP provides guidance with a "New Development Policy" which states that new development in the Malibu Coastal Zone will be guided by the LCP Land Use Plan map and associated development standards and a program for the retirement of the development rights and mitigation of the effects of non-conforming parcels. LUP Policy 271 states in part that:

> New development in the Malibu Coastal Zone shall be guided by the Land Use Plan Map and all pertinent overlay categories. ... All properties are designated for a specific use. These designations reflect the mandates of the California Coastal Act, all policies contained in this Local Coastal Plan, and the constraints and sensitivities of resources present in the coastal zone.
>
> The land use plan map presents a base land use designation for all properties. Onto this are overlaid three resource protection and management categories: (a) significant environmental resource areas, (b) significant visual resource areas, and (c) significant hazardous areas. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein. Residential density shall be based on an average for the project; density standards and other requirements of the plan shall not apply to lot line adjustments.
>
> a. Land Use Designation
>
> The following describes each land use designation and its principal permitted uses:
>
> (1) Residential II. Low-density suburban residential areas.
>
> Residential II – the maximum residential density standard is two dwelling units per acre average.
>
> b. Land Use Designation
>
> The land use plan map provides a framework within which new development can be accommodated within the Malibu Coastal Zone. Generally, it recognizes the presence of existing urban areas and concentrates new development at these locations. ... The following describes the principal provisions of the land use plan map.

(1) Coastal "Terrace"

Historically, the majority of development in the 65,000-acre Malibu Coastal Zone has occurred along the 27-mile beach frontage and adjacent inland slopes. Physically, this area is a "terrace" at the base of the Santa Monica Mountains. The plan provides for focusing of new development in this area, approximately eight percent of the coastal zone, as it contains the most extensive infrastructure and services. Conceptually, the Plan provides for the infilling of existing developed areas at prevailing densities and some intensification of the major "centers" along the "coastal terrace".

In 1981, the Commission adopted District Interpretive Guidelines titled, "South Coast District, Malibu – Santa Monica Mountains. These guidelines state that a basic goal of the Coastal Act is to concentrate development in or near developed areas able to accommodate it, thereby promoting infilling and avoiding sprawl into areas with significant resource value. Generally, the Malibu-Santa Monica Mountains coastal zone is not able to accommodate substantially intensified development due to a constrained road network, severe geologic, fire and flood hazards, a large number of special and sensitive habitat areas and a growing importance as a recreational and scenic resource to the metropolitan Los Angeles area. Further, residential and recreational uses must be carefully balanced due to the inherent competition for a limited amount of environmental and services carrying capacity. The area of highest priority for the allocation of residential development should go to existing parcels within existing developed areas. The Malibu Cove Beach area is considered an existing developed area by the Guidelines.

Coastal Act Section 30250 provides for three tests to determine whether new development is appropriately located from the standpoint of cumulative impacts. The first test is whether or not the proposed new development is located within, contiguous or in close proximity to an existing developed area. The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The third test is whether or not the proposed project will or will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The applicant proposes to increase the potential intensity of residential use on the site, while retaining the existing density of use at eight dwelling units. The applicable new development proposed in this project consists of a 651 sq. ft. addition to an existing 588 sq. ft. residential unit located on an approximate 1.47 acre parcel with a total of eight (8) residential units. Regarding the first test, the proposed project is located on a blufftop parcel along the Malibu Cove Beach area. The coastal strip along the seaward side of Pacific Coast Highway from Dan Blocker State Beach on the east to Escondido Road on the west is developed with residential, commercial and public recreational land uses. The Commission considers the Malibu 'Terrace' area to be a developed area, including the subject site. Because eight residential units already exist on the subject lot and the

surrounding properties are already developed with residential development, the Commission finds that the new development proposed in this application meets the first test since it will be located within an existing developed area.

Regarding the second test, these eight existing residential units are already provided with public services, (i.e. public road access, water, electricity, and telephone), therefore, the development meets the second test by being located in an area able to accommodate it. The third test of Section 30250 examines whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources is discussed below.

As noted above, the applicants propose to construct an addition to an existing residential unit on a lot with eight residential units *(Exhibit 4)*. There are eight existing one and two story residential units (totaling about 6,120 sq. ft.), a three car garage (about 680 sq. ft.), and about 20 parking spaces on the existing lot. As a result of the proposed project the total residential and garage development will be about 7,451 sq. ft.

Regarding individual impacts on coastal resources, the applicant does propose grading to remediate a landslide as discussed above. There are no designated environmentally sensitive resources on the site, and the site is not located within a sensitive watershed area. Regarding public visual issues, the existing residences are substantially screened from public views to and along the coast by existing mature vegetation. The new development, the small addition proposed to the subject residential unit, will not affect any public views because existing vegetation on the subject property already blocks public views to and along the coast from Pacific Coast Highway.

Therefore, the proposed new construction, the 651 sq. ft. addition to the subject residential unit and the other identified minor development, will not adversely affect coastal resources on an individual basis. Thus, the Commission finds that the proposed project, as conditioned, will not create impacts to coastal resources on an individual basis.

However, the new development raises coastal issues related to cumulative impacts on coastal resources. The construction of the 651 sq. ft. addition to the subject residential unit totaling 1,239 sq. ft. on the site where eight (8) residential units exist, has the potential to intensify the use of a parcel raising potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development maintaining and enhancing public access to the coast.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because

of the larger number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches is expected to grow tremendously.

The Los Angeles County Land Use Plan, certified by the Commission, provides guidance for the Commission to consider in this application. The LUP includes a New Development Policy, which notes that new development in the Malibu coastal zone will be guided by the LCP Land Use Plan map and associated development standards and a program for the retirement of the development rights and mitigation of the effects of non-conforming parcels. The LUP land use designation for this site is Residential II. The Residential II designation applies to residential areas generally characterized by single-family detached development. In the Residential II land use category, residential use is the principal permitted use at a density of 2 dwelling units per acre on the subject site. As an example, this means that one acre of land may be divided into 2 lots, each with a residential unit and a guest house. Thus, the guidance provided in the LUP allows the subject lot of about 1.47 acres in size to be divided into two (2) lots with the potential for two residential dwelling units each with a guest house, allowing a total of four (4) residential units. The applicants are requesting an addition to an existing residential unit on a lot with eight residential units. Given the density potential allowed by the LUP for the existing lot is two (2) dwelling units each on separate lots with two (2) guest houses (a land division is not proposed by the applicant), the Commission finds that the existing eight residential units are non-conforming with respect to the LUP density guideline for this parcel.

The City of Malibu has adopted an Interim Zoning Ordinance (IZO) in 1993 that provides for a Rural Residential Zone with a five (5) acre minimum. However, since the City has not prepared a Local Coastal Program and its Zoning Ordinance has not been certified by the Commission, the City's IZO does not provide guidance to the Commission.

In addition, the issue of additional and expanded residential units on lots with primary residences has been the subject of past Commission action in the certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on

a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29). Therefore as a result, the Commission has found that guest houses, pool cabanas, or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

In this case the applicants propose to construct a 651 sq. ft. addition to an existing 588 sq. ft. studio residential unit on the site, consisting of one bedroom, a closet, a living room, kitchen and pantry one and one half baths, and an expanded screened porch. Staff review indicates that the incremental contribution to cumulative impacts would be the addition of one bedroom to the existing studio residential unit. However, the impacts such as additional traffic, sewage disposal, recreational use needs, visual scenic quality and resource degradation associated with the development of the residential addition in this area is not applicable in this case. The existing lot is already developed with eight residential units. Potential impacts to traffic, parking, sewage disposal, recreational use needs, visual scenic quality, and other coastal resources would be correspondingly not be increased. There is adequate covered and uncovered parking on the site for all of the existing eight (8) residential units including the proposed addition to the subject unit. Because, the applicants do not propose to add any additional bedrooms to the existing one bedroom residential unit additional occupants beyond the anticipated one or two persons are not expected. Therefore, in this case, the increase in square footage and the addition of a bedroom to this studio residential unit will not significantly increase the intensity of use of this unit and will not result in any adverse cumulative impacts to coastal resources or public access to and along the coast.

However, to ensure that no additions or improvements are made to the residential unit that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the development (residential unit) are proposed in the future as required by condition number five (5).

The Commission finds that the proposed project, as conditioned, will not create impacts to coastal resources on an individual or cumulative basis, and therefore, the Commission finds the project meets the third test of Section 30250. Thus, Commission finds that, as conditioned, the proposed project is consistent with Section 30250 of the Coastal Act.

D. Public Access

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act has several policies that address the issues of public access and recreation along the coast.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states (in part):

> ***(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:***
> ...
>
> ***(2) adequate access exists nearby...***

Section 30220 of the Coastal Act states:

> ***Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.***

Coastal Act sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, section 30212 of the Coastal Act requires that public access to the sea be provided, except where adequate access exists nearby. Section 30211 provides that development not interfere with the public's right of access to the sea including the use of dry sand and rocky coastal beaches. Section 30220 of the Coastal Act requires coastal areas suited for coastal recreational activities, that cannot be provided at inland water areas, be protected.

All projects located between the first public road paralleling the coast and the coast that require a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. As noted, Section 30210 imposes a duty on the Commission to administer

the public access policies of the Coastal Act in a manner that is "consistent with ... the need to protect ... rights of private property owners..." The need to carefully review the potential impacts of a project when considering imposition of public access conditions was emphasized by the U.S. Supreme Court's decision in the case of Nollan vs. California Coastal Commission. In that case, the court ruled that the Commission may legitimately require a lateral access easement where the proposed development has either individual or cumulative impacts which substantially impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate these impacts.

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

The subject property is located seaward of the first public road paralleling the coast, Pacific Coast Highway, and the coast. However, the property is not directly on the coast as a private road is located at the base of the bluff, Malibu Cove Colony Drive, and a series of beachfront residences are developed seaward of the private road. As proposed by the applicants, this project will not extend residential development any further seaward than the existing residential unit located on the terrace area above the former coastal bluff.

The proposed project must be judged against the public access and recreation policies of the State Constitution, Sections 30210, 30211, 30212, and 30220 of the Coastal Act. The beaches of Malibu are extensively used by visitors of both local and regional origin and most planning studies indicated that attendance of recreational sites will continue to significantly increase over the coming years. The Commission must protect those potential public rights to and along the coast by assuring that any proposed development along the shoreline does not interfere with or will only minimally interfere with those rights. Because the subject site is located on the terrace of a former coastal bluff and other residential properties and development exists between the subject property and the shoreline, this project has no effect on lateral public access along the coast.

Regarding parking on-site for the residents of this property, the site include adequate covered and uncovered parking for the existing residential units and proposed addition to the subject unit. Therefore, public parking along the frontage road, Pacific Coast Highway will not be affected by the proposed addition to the residential unit. Thus, the proposed project will not affect public parking along the beach for the public wishing to access the beach in this area.

Regarding vertical public access from Pacific Coast Highway to the beach, the project site is located about 2,000 feet east of a vertical public accessway, Escondido Beach that has historically been used by the public to access Escondido, Malibu Colony, and Paradise Cove Beaches. Additionally, there is one vertical accessway that leads from Latigo Shore Drive to the Beach located about a half mile to the east of the subject site. A second vertical access from Pacific Coast Highway to Corral Beach is located further to the east, about one mile of the subject site. These two accessways lead to Latigo Beach and Corral State Beach. Therefore, vertical access to the beach exists nearby. The subject property is not adjacent to the beach as Malibu Cove Colony Drive, and a series of beachfront residences are developed seaward of the private road, all of which is located seaward of the subject property. Therefore, vertical access to the beach from the subject property is not possible.

Therefore, the Commission finds that the proposed project, as conditioned, will have no individual or cumulative impacts on public access to or along the coast, and is thus, consistent with Sections 30210, 30211, 30212, and 30220 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. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. 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 30250(a) of the Coastal Act states in part that:

> ***New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.***

The proposed development includes disconnecting and reconnecting the subject residential unit from an existing septic system to provide for adequate sewage disposal. The applicants propose to reconnect the subject residential unit to the septic system after the slope remediation and new pile foundation is constructed and the residential unit is relocated to its former site. The applicants have also submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health

Services, City of Malibu, dated December 24, 1998. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu 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 Sections 30231 and 30250 of the Coastal Act.

F. 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'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).

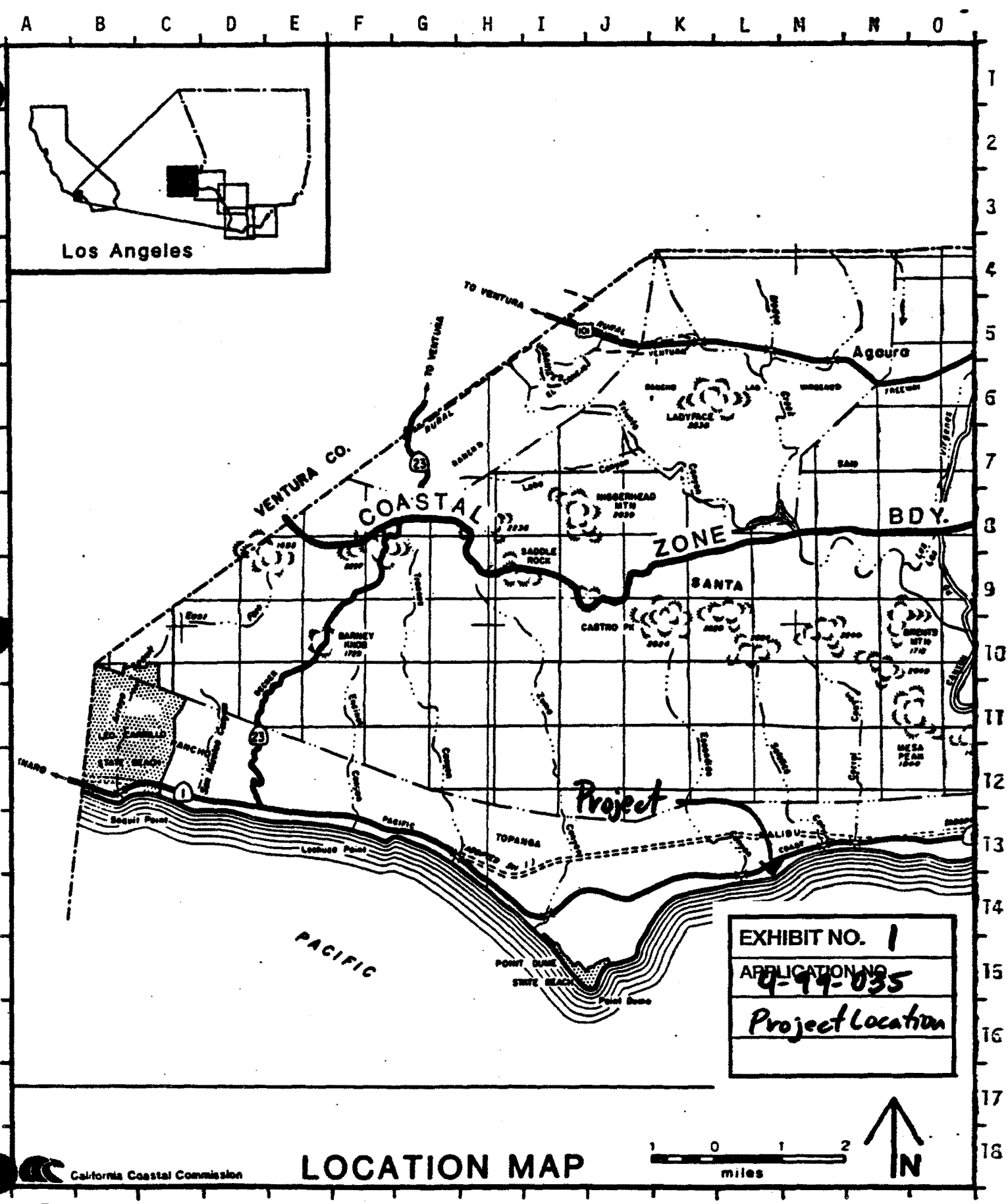
G. California Environmental Quality Act (CEQA)

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.

499035loginreport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Laguna Peak
Sequit Point
Lechuza Point
Castro Pk
Saddle Rock
Ladyface
Boney Ridge
Triunfo
Mesa Peak
Rocky Peak
Las Virgenes
Malibu Coast
Pacific Coast Hwy
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Scenic
Freeway
EXHIBIT NO. 1
APPLICATION NO. 4-99-035
Project Location
California Coastal Commission
LOCATION MAP
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Sheet 1 of 5

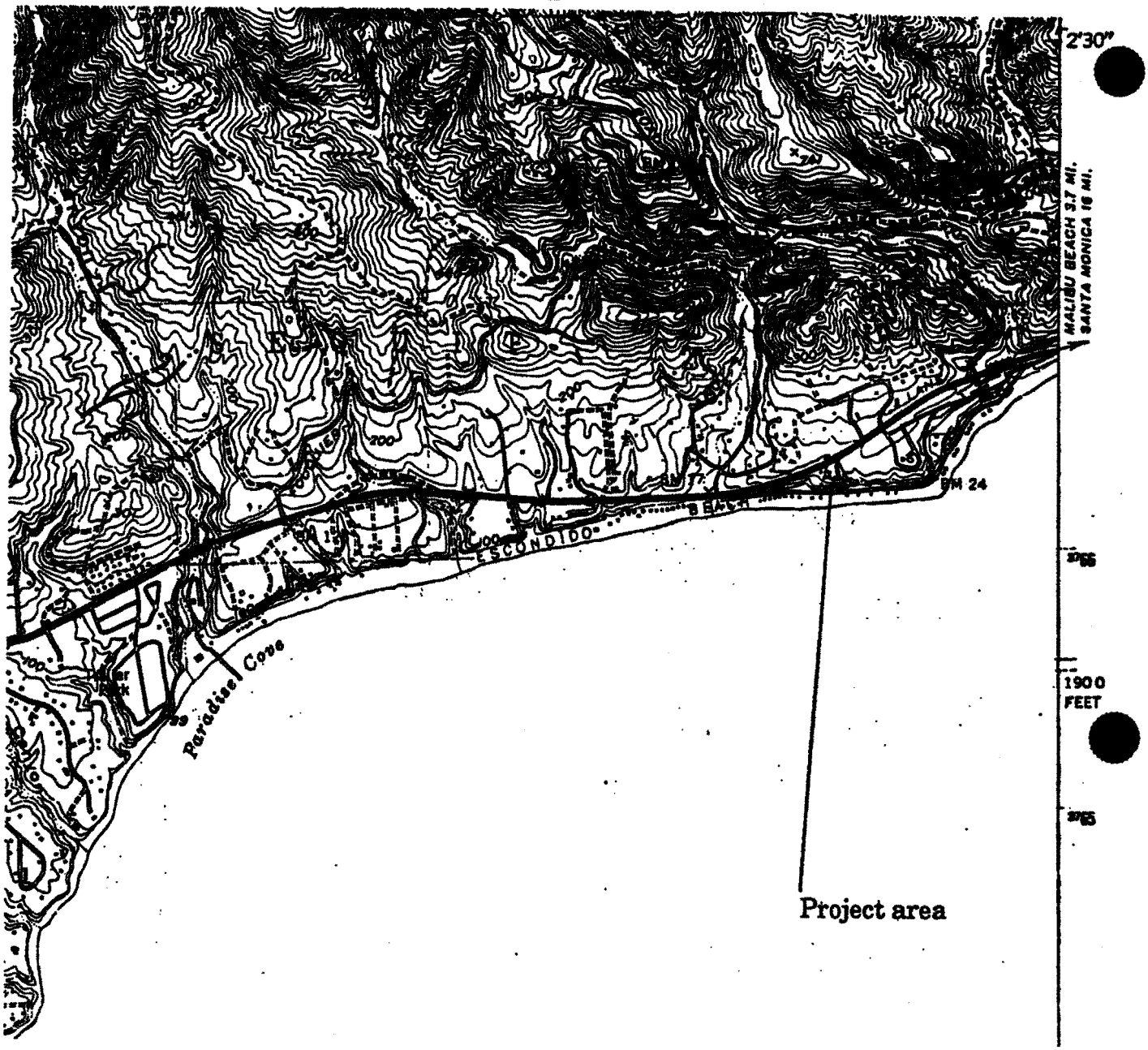

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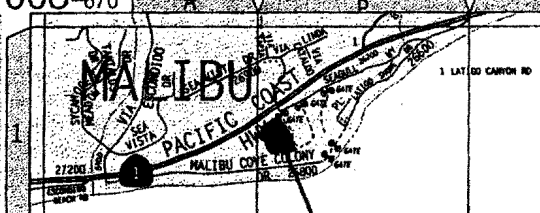
EXHIBIT NO. 2
APPLICATION NO. 4-94-035
Project Location

668-670



Project Site
26926 Pacific Coast Hwy

PACIFIC OCEAN

SEE MAP 667

SEE MAP V1

LOS ANGELES CO.

EXHIBIT NO. 3
APPLICATION NO. 4-98-085
Project Site

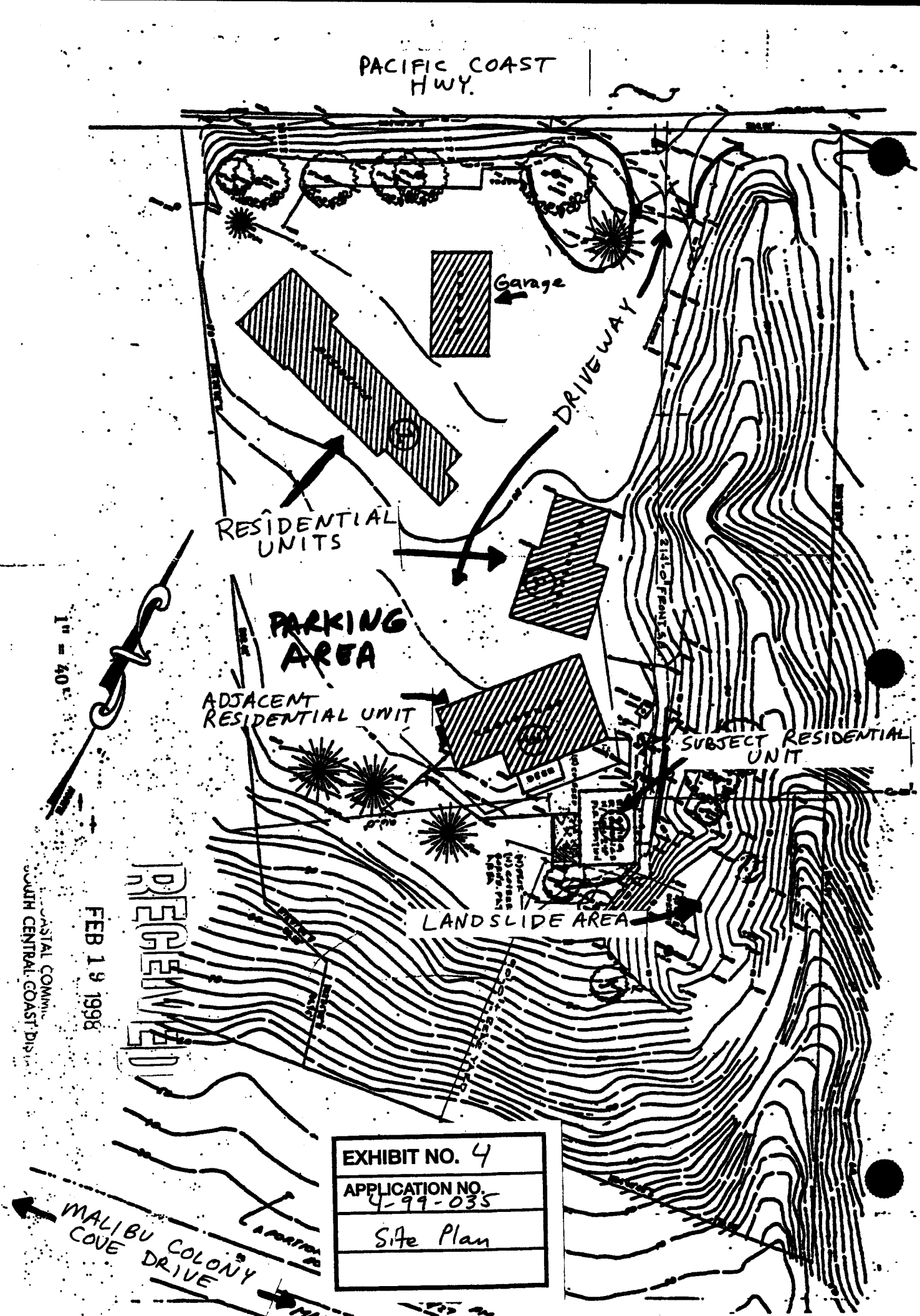


EXHIBIT NO. 4
APPLICATION NO. 4-99-035
Site Plan

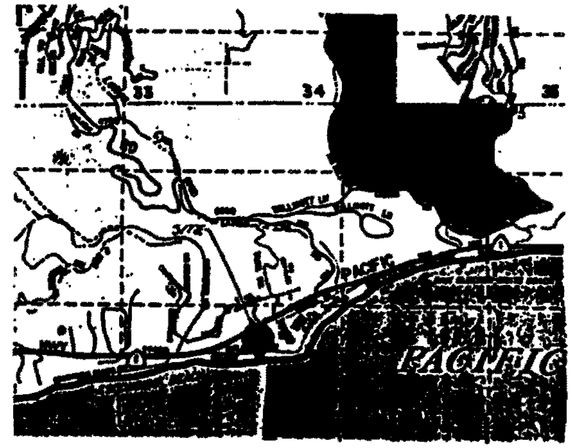
CITY OF MALIBU
GRADING NOTES

REQUIRED NOTES TO PLAN

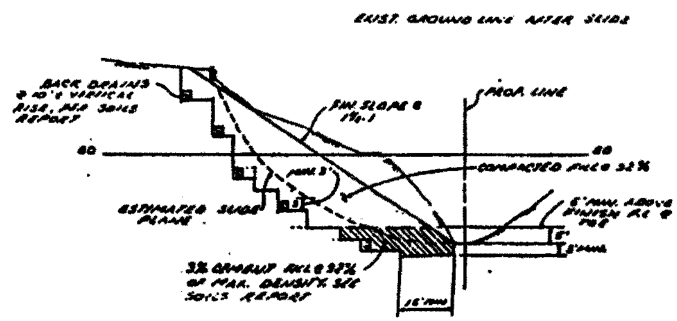
[illegible]

GENERAL NOTES:

1. THE "ENGINEERING GEOLOGIC INVESTIGATION" REPORT BY PACIFIC GEOLOGY CONSULTANTS, INC. DATED OCT. 15, 1998 IS ATTACHED AND IS A PART OF THIS PLAN.
2. THE "SOILS ENGINEERING INVESTIGATION" REPORT BY SUB SURFACE DESIGNS INC. DATED NOV 3, 1998 IS ATTACHED AND IS A PART OF THIS PLAN.
3. ESTIMATED QUANTITIES: (NOT FOR BID PURPOSES) SLIDE REPAIR: REMOVE AND RECOMPACT 2700 CY. NO IMPORT, NO EXPORT.



VICINITY MAP
NO SCALE



SECTION B-B
SCALE 1"=16'

OWNER: PAULA LOGIN (310) 457-0460
26500 W. AGOURA ROAD #326
CALABASAS CA 91302
JOB ADDRESS: 26376 PACIFIC COAST HIGHWAY
MALIBU CA
LEGAL DESCR: A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT AS CONVEYED TO MATHEW KELLER.

SUB SURFACE DESIGNS, INC.
12872 FOOTHILL BLVD.
SYLMAR CA. 91342
(818) 838-1836

PACIFIC GEOLOGY CONSULTANTS INC.
24372 VANOWEN ST. #203B
WEST HILLS CA 91307
(818) 883-6326

REGISTERED PROFESSIONAL ENGINEER
VICTOR P. [illegible]
No 12521
Exp 3-31-01
CIVIL
STATE OF CALIFORNIA

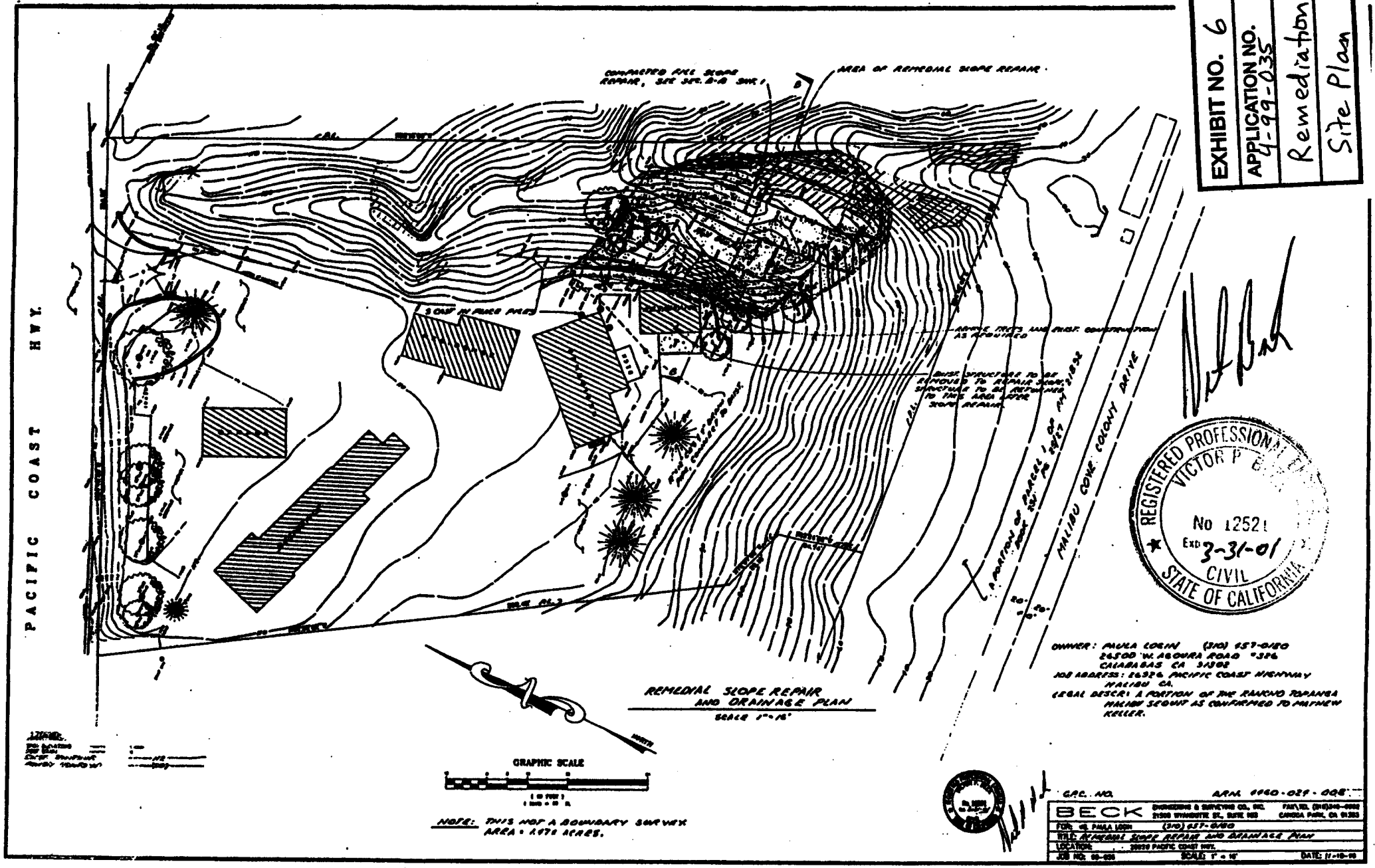
L.A.C. NO. APN 4460-024-008

BECK ENGINEERING AND SURVEYING CO. INC.
FOR PAULA LOGIN (310) 457-0460
TITLE REMEDIAL SLOPE REPAIR AND DRAINAGE PLAN
LOCATION 26376 PACIFIC COAST HIGHWAY
JOB NO. 98-056 REVISED SCALE NOTED

98-056 SHEET 1 OF 3

EXHIBIT NO. 5
APPLICATION NO. 4-99-035
Remediation
Elevation

EXHIBIT NO. 6
APPLICATION NO. 4-99-035
Remediation Site Plan



REGISTERED PROFESSIONAL ENGINEER
VICTOR P. BECK
No 12521
Exp 3-31-01
CIVIL
STATE OF CALIFORNIA

OWNER: PAULA LOSIN (310) 457-0180
26500 W. AGOURA ROAD #326
CALABASAS CA 91302
JOB ADDRESS: 26326 PACIFIC COAST HIGHWAY
MALIBU CA.
LEGAL DESCR: A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT AS CONFIRMED TO MATHEW KELLER.

CAL. NO. APN: 4460-029-008

BECK	ENGINEERING & SURVEYING CO., INC. 21300 VENTURA ST., SUITE 203 CANOGA PARK, CA 91303
FOR: MS. PAULA LOSIN	(310) 457-0180
TITLE: REMEDIAL SLOPE REPAIR AND DRAINAGE PLAN	
LOCATION:	26326 PACIFIC COAST HWY.
JOB NO. 98-056	SCALE: 1" = 10' DATE: 11-10-98

JOB NO. 98-056 SHEET 2 OF 3

CITY OF MALIBU

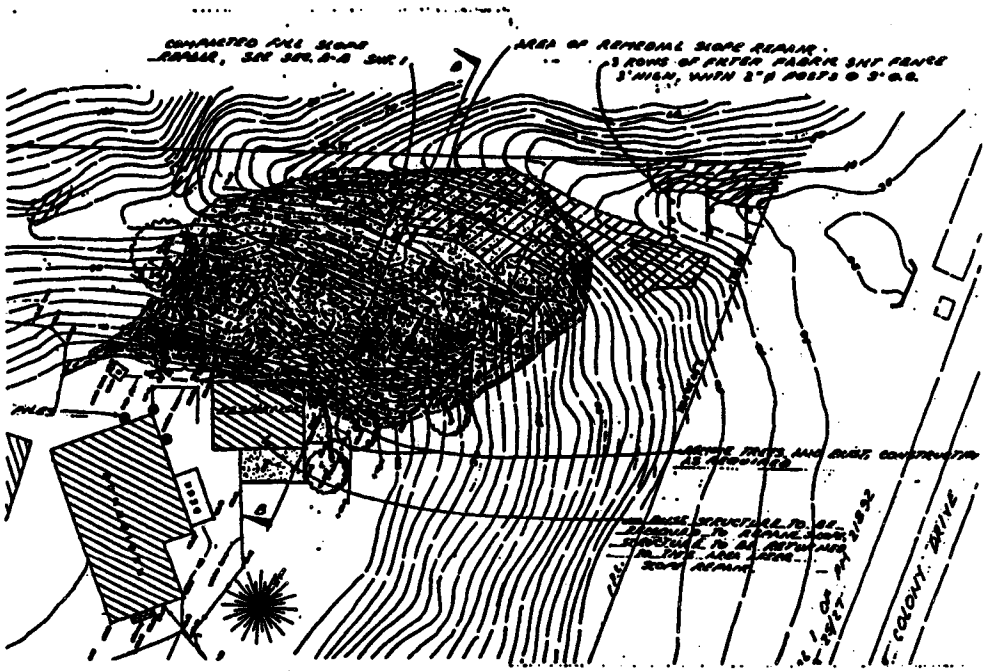
EROSION CONTROL STANDARDS

1. Separate plans for drainage and erosion control measures in the rainy season shall be submitted.
2. Storm Water Management Plans incorporating all the provisions of Ordinance 01 of the Malibu Municipal Code shall be submitted and approved prior to permit issuance. Such plans are to include construction and post construction phases prescribed following "Best Management Practices."
3. Specify on plans: In case of emergency call: _____
   Work Telephone No. _____
   Home Telephone No. _____
4. Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.
5. Erosion control devices shall not be removed or modified without the approval of the Building Official.
6. Stockpiled materials shall be placed so as not to be accessible by vehicle during periods of precipitation and protected from precipitation and removed at the end of each working day.
7. All susceptible erosion prevention devices shall be in place at the end of each working day.
8. After a rainstorm all silt and debris shall be removed from streets, check spaces, and basins.
9. Graded areas on the permitted area perimeter must drain away from the face of slopes at the conclusion of each working day. Drainage is to be directed toward desilting facilities.
10. The permittee and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.
11. Issuance of a grading permit does not eliminate the need for permits from other agencies with regulatory responsibilities for construction activities associated with the work authorized on this plan.
12. Erosion control measures and planting shall be installed and maintained as soon as practical, in areas not subject to frequent traffic.
13. All erosion control, desilting basins, silt traps, and other storm water and/or erosion control features shall be inspected by the responsible party, on a weekly basis, cleaned, and maintained to ensure these features function as designed.
14. The undersigned Civil Engineer shall inspect the erosion control work and ensure that the work is in accordance with the approved plans.

Signature: _____ Date: _____

EXHIBIT NO. 7
APPLICATION NO. 4-99-035
Concept Erosion Control Plan

VICINITY MAP
NO SCALE



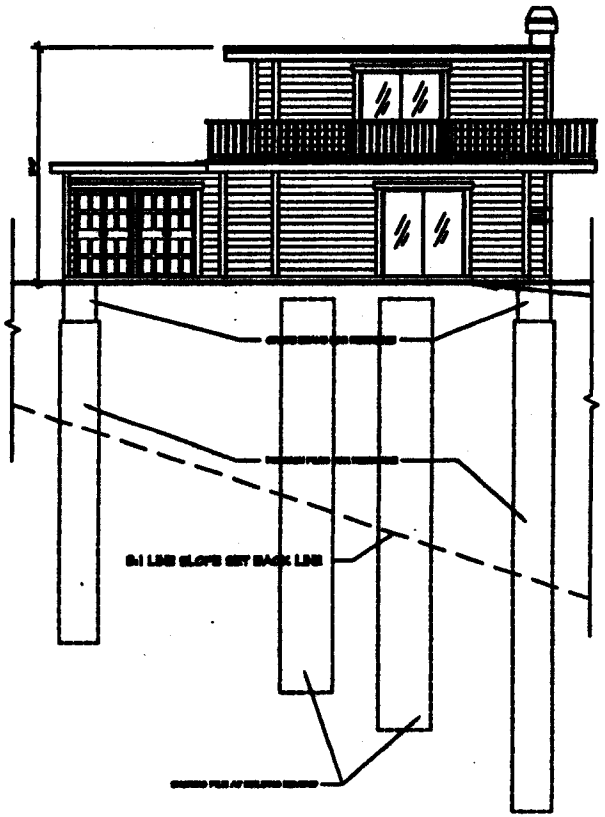
EROSION CONTROL PLAN
SCALE 1" = 40'

REGISTERED PROFESSIONAL ENGINEER
VICTOR P BECK
No 12521
Exp. 3-31-01
CIVIL
STATE OF CALIFORNIA

OWNER: PAULA LOGAN (310) 457-0180
26600 W. AGOURA ROAD #326
CALABASAS CA 91302
JOB ADDRESS: 26926 PACIFIC COAST HIGHWAY
MALIBU CA.
LEGAL DESCR: A PORTION OF RANCHO TOPANGA MALIBU SEQUIT AS CONFIRMED TO MATHEW KELLER.

G.A.C. NO. APN 4460-028-008
BECK ENGINEERING AND SURVEYING CO., INC.
OWNER PAULA LOGAN (310) 457-0180
TITLE EROSION CONTROL PLAN
LOCATION 26926 PACIFIC COAST HIGHWAY
JOB NO. 98-055 SCALE AS NOTED SHEET 3 OF 3

98-055



LEFT SIDE ELEVATION

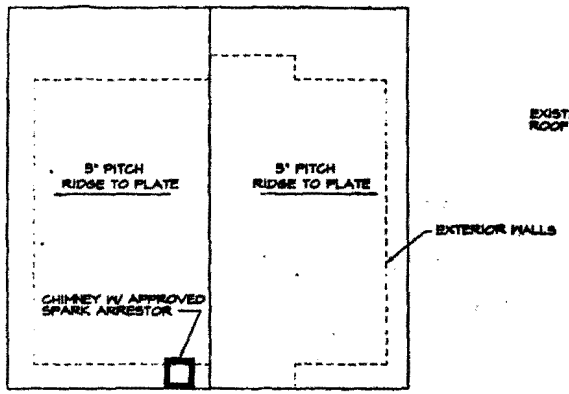
CONCEPTUAL FRICTION PILE FOUNDATION PROFILE

REGISTERED PROFESSIONAL ENGINEER
FARZIN S. RAHBAR
NO. 2833
STRUCTURAL
EXP. 9.30.99
STATE OF CALIFORNIA

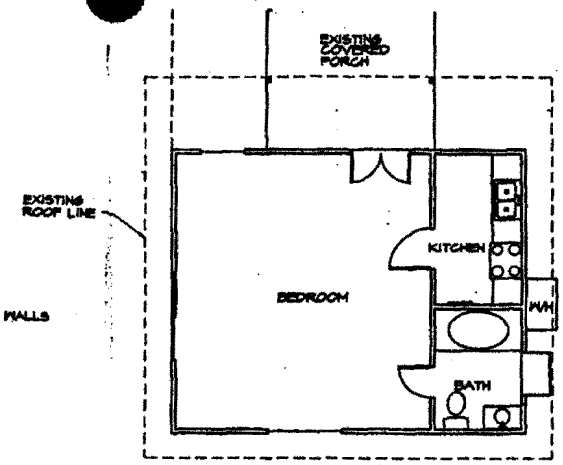
Sam Rahbar

EXHIBIT NO. 8
APPLICATION NO. 4-99-035
Conceptual Foundation Profile

CF1

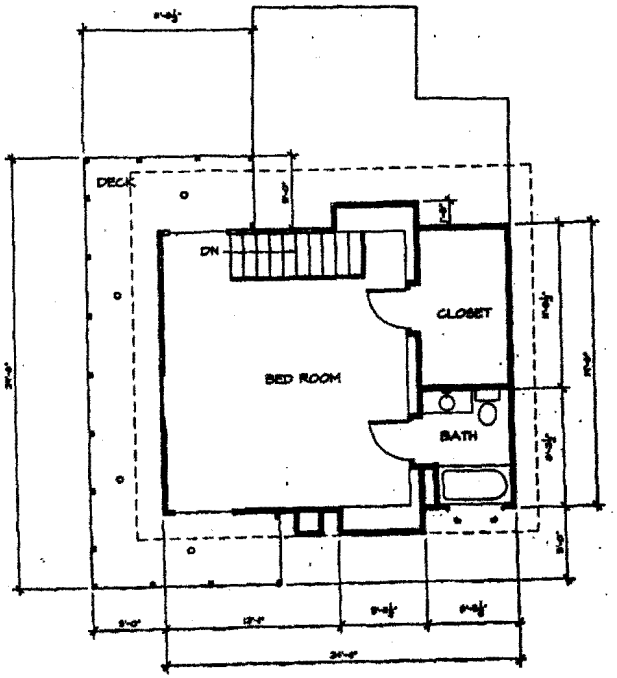


ROOF PLAN 1/4"=1'-0"



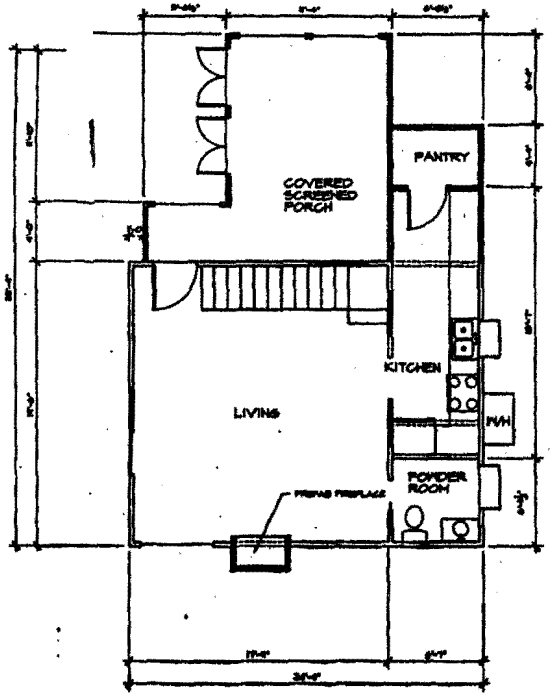
EXISTING FLOOR PLAN 1/4"=1'-0"

568 SQ. FT INCLUDING PATIO



SECOND FLOOR PLAN 1/4"=1'-0"

444 SQ. FT 2ND STORY ADDITION



FIRST FLOOR PLAN 1/4"=1'-0"

157 SQ. FT ADDED TO PATIO

TOTAL ALLOWABLE SQUARE FOOTAGE	7,846
TOTAL EXISTING SQUARE FOOTAGE	6,800
TOTAL SQUARE FOOTAGE ADDED	+ 651
PROPOSED SQUARE FOOTAGE	7,451
PROPOSED FIRST FLOOR SQUARE FOOTAGE	148
PROPOSED SECOND FLOOR SQUARE FOOTAGE	444

RECEIVED
FEB 1 9 1999
4-99-035

CITY OF MAL...

1. ALL EXISTING AND ADDITIONAL WORK ARE APPROXIMATE. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY DESIGNER OF ANY DISCREPANCIES.
2. DEMOLITION OF EXISTING BUILDING AND SITE CONDITIONS TO BE DONE BY:
[illegible]

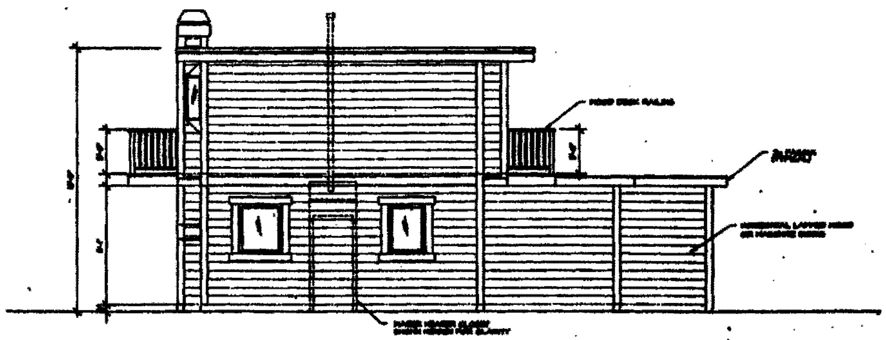
TERRY A. WETZEL
DESIGNER
[illegible]

OWNER:
LOSIN FAMILY TRUST
147 ROSCOMARE RD.
LOS ANGELES CA 90077
(310) 457 0180

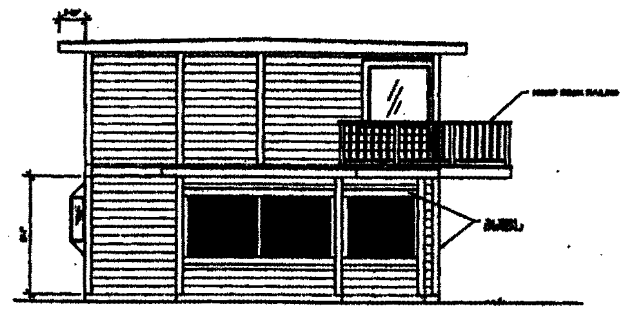
PROJECT:
CARMEL BY THE SEA
26126 P.C.H.
MALIBU, CA

SHEET
2

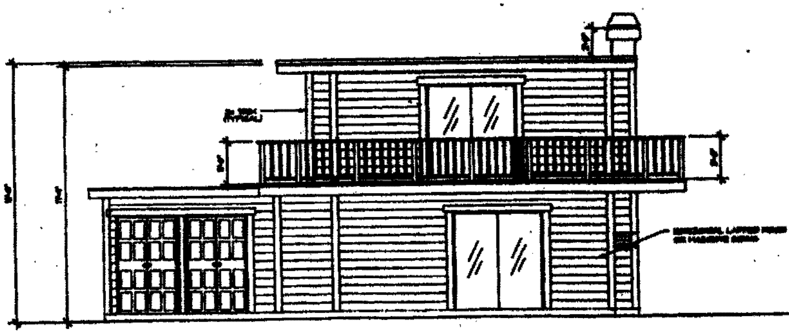
EXHIBIT NO. 8b
APPLICATION NO.
4-98-035
Floor Plans



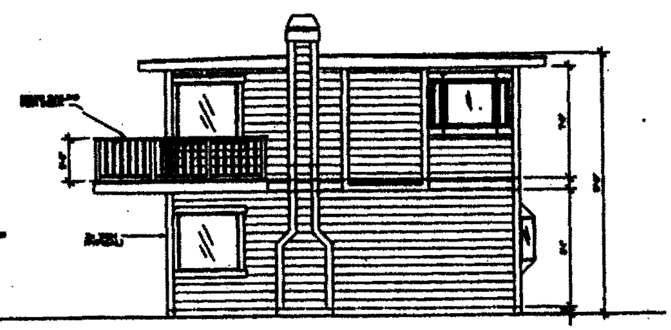
RIGHT SIDE ELEVATION 1/4"=1'-0"



FRONT ELEVATION 1/4"=1'-0"



LEFT SIDE ELEVATION 1/4"=1'-0"



REAR ELEVATION 1/4"=1'-0"

RECEIVED
FEB 11 1999
4-99-035

CITY OF MALIBU
APPROVAL IN CONCEPT

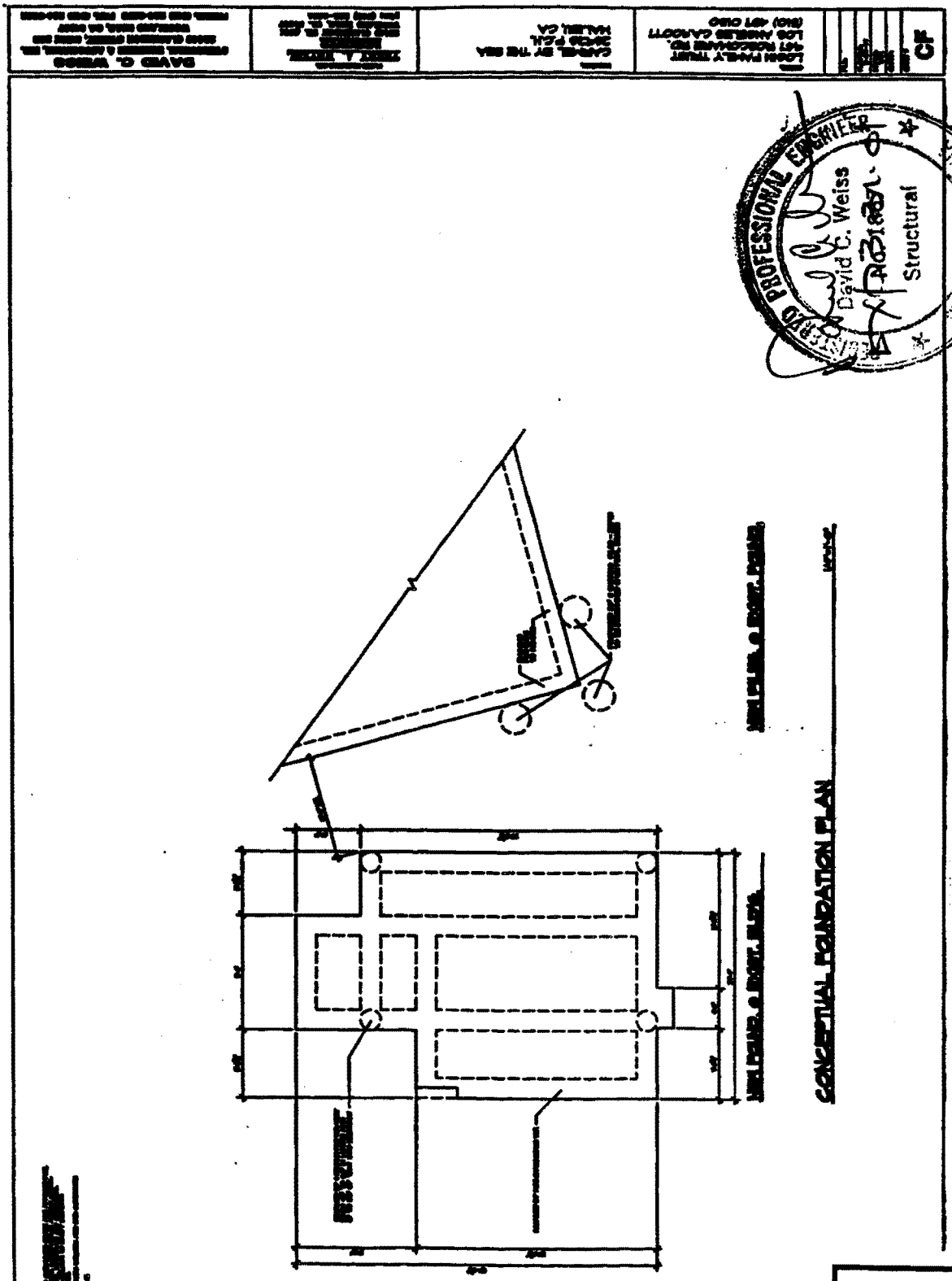
TERRY A. WETZEL
DESIGNER

CARMEL BY THE SEA
26426 P.C.H.
MALIBU, CA

LOGIN FAMILY TRUST
447 ROSCOMARE RD.
LOS ANGELES CA 90077
(310) 457 0180

3

EXHIBIT NO. 8c
APPLICATION NO. 4-99-035
Elevations



CONCEPTUAL FOUNDATION PLAN

EXHIBIT NO. 9
APPLICATION NO. 4-99-035
Concept Found. Plan
Two Residential Units

SLOPE REPAIR REMEDIATION ALTERNATIVES
For 26926 Pacific Coast Hwy.
#4-99-035

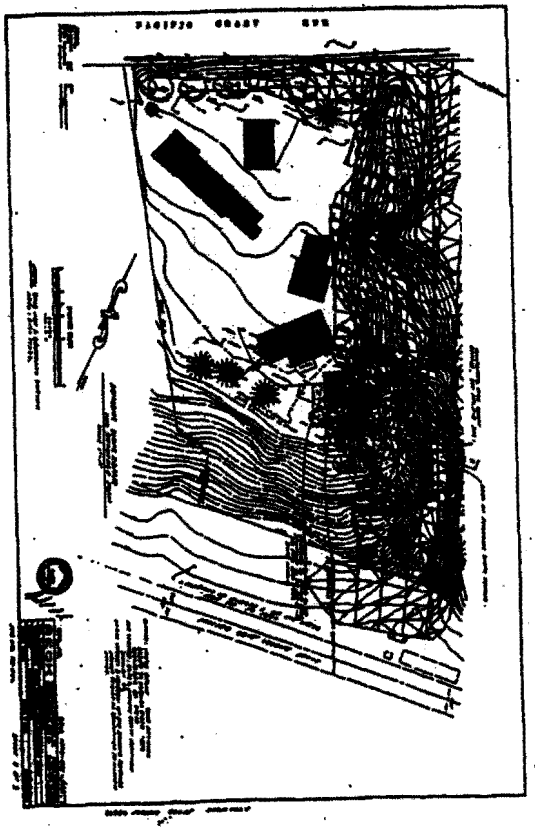
Conceptual Fill Gully

Cross Section

Birds Eye View

Color Key
Green, represents existing land form.
black, represents new fill.

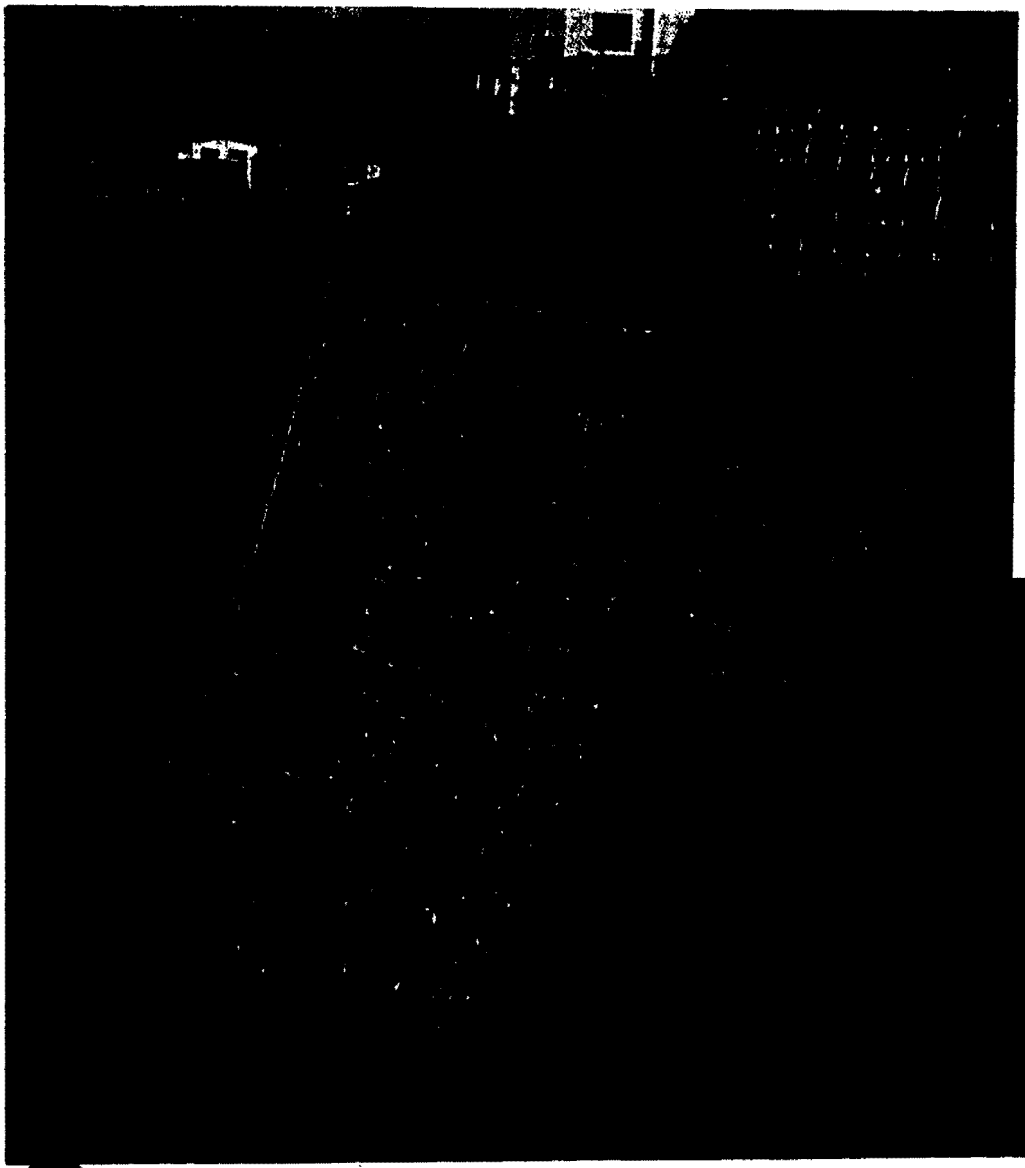
2 : 1 Fill from both sides of gully, to center of gully.
7,791 cu. yds.

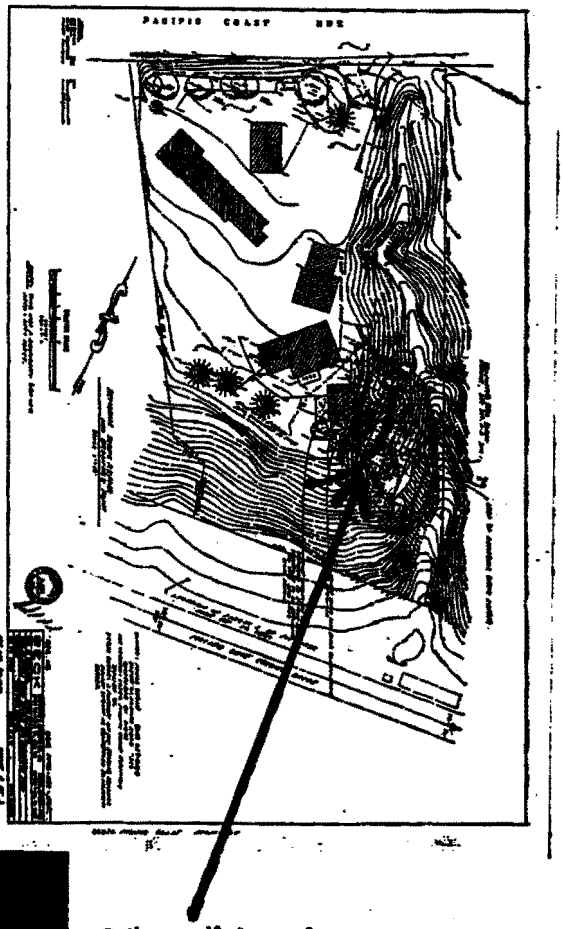


1 1/2 : 1 Fill from both sides of gully, to center gully
13,1021 cu. yds.

EXHIBIT NO. 10
APPLICATION NO. 4-99-035
Alternatives 1 & 2
Fill Gully

SLOPE REPAIR REMEDIATION ALTERNATIVES
For 26926 Pacific Coast Hwy.
#4-99-035
Conceptual Crib Wall





Crib wall Location

EXHIBIT NO. 11
APPLICATION NO. 4-99-035
Alternative 3
Crib Wall

Photo taken in San Diego of different property with similar condition

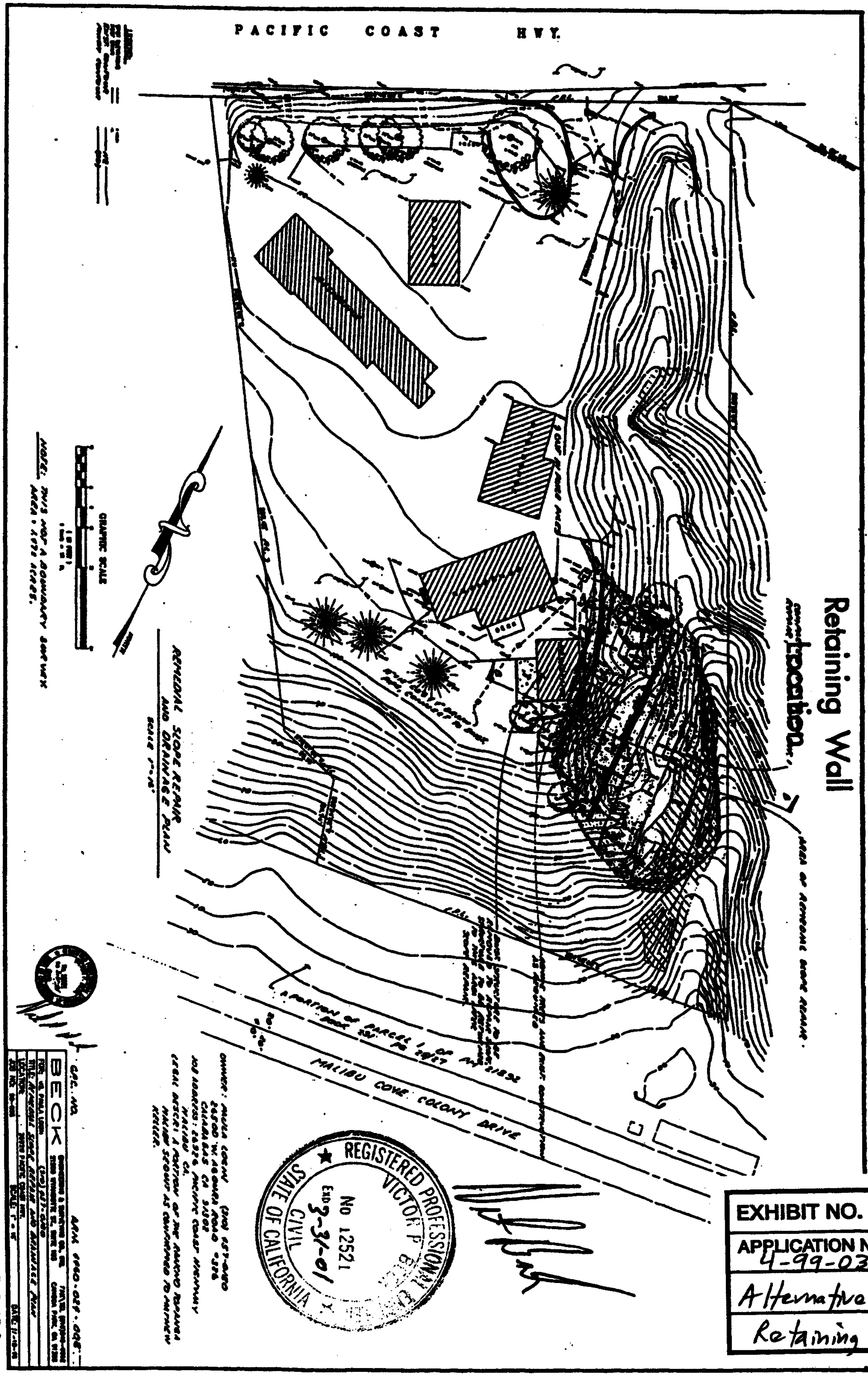


EXHIBIT NO. 12

APPLICATION NO. 4-99-035

Alternative 4

Retaining Wall

26326 PACIFIC COAST HIGHWAY

Retaining Wall

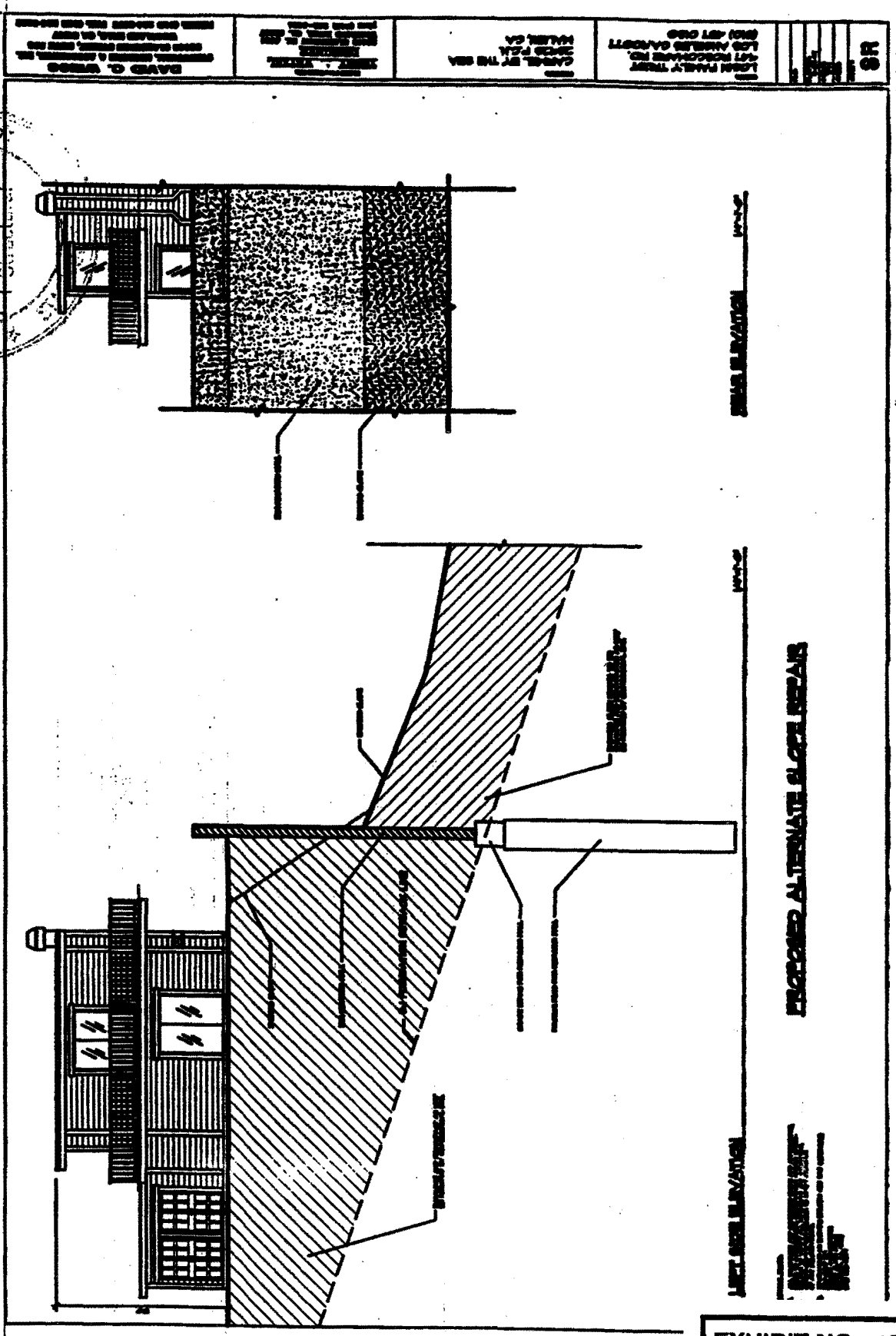


EXHIBIT NO. 13
APPLICATION NO. 4-99-035
Alternative 4
Retaining Wall

PROPOSED SLOPE REPAIR REMEDIATION

For 26926 Pacific Coast Hwy.

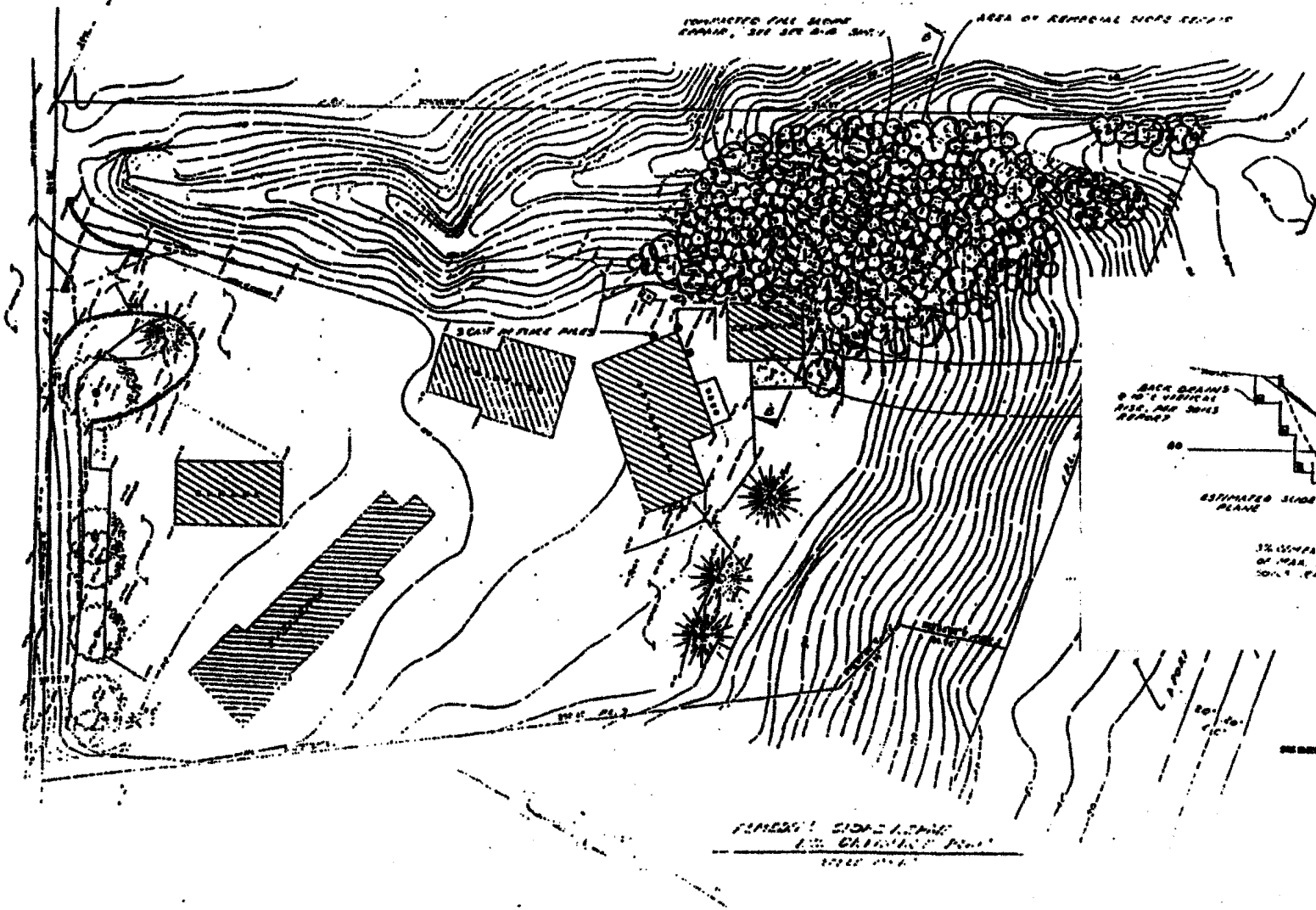
#4-99-035

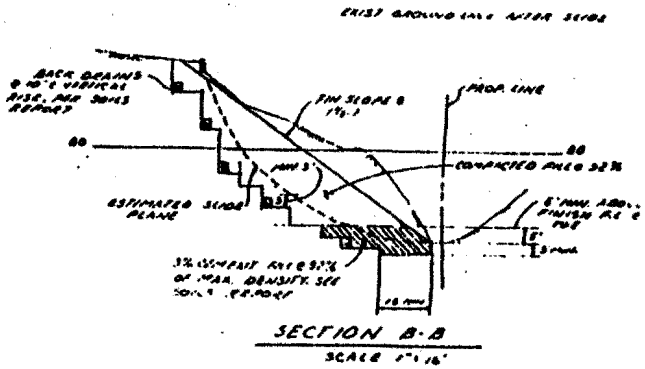
Conceptual Recompaction & Revegetation with Native Plants

EXHIBIT NO. 14

APPLICATION NO. 4-99-035

Proposed Project





RANDALL LANDSCAPE DESIGN
909 EUCLID ST., SUITE 6
SANTA MONICA, CALIF. 90403
310-395-2615/FAX: 310-395-2268

CARMEL PROJECT
26926 PACIFIC COAST HIGI
MALIBU, CALIF. 90265

1 of 2

PROPOSED SLOPE REPAIR REMEDIATION
For 26926 Pacific Coast Hwy. #4-99-035

Conceptual Recompaction & Revegetation with Native Plants

SLOPE PLANT MATERIALS LIST

SYMBOL	SIZE/SPACING	BOTANICAL/ COMMON NAME
1	5G.	HETEROMELES ARBUTIFOLIA/TOYON, OR, MYRICA CALIFORNICA/PACIFIC WAX MYRTLE
2	1G. @4'-0" O.C.	RHUS INTEGRIFOLIA/LEMONADEBERRY
3	SEED	ENCELIA CALIFORNICA/COAST SUNFLOWER
4	SEED	ERIOGONUM PARVIFOLIUM/COAST BUCKWHEAT
5	SEED	ERIOGONUM CINEREUM/ASHY-LEAF BUCKWHEAT
6	1G. @5'-0" O.C.	ATRIPLEX LENTIFORMIS BREWERI/ QUAIL BUSH
7	1G. @5'-0" O.C.	ELYMUS CONDENSATUS/GIANT WILD RYE
8	1G. @3"-0" O.C.	LUPINUS LONGIFOLIUS/BUSH LUPINE

NOTE: A SEED MIX MAY BE ADDED TO THE MATERIALS ABOVE WHICH WOULD CONSIST OF:
ESCHSCHOLZIA CALIFORNICA/CALIFORNIA POPPY;
LUPINUS SUCCULENTUS/SUCCULENT LUPINE;
PHACELIA PARRYI/PARRY'S PHACELIA;
AND, NEMOPHILA MENZIESII/BABY BLUE EYES

EXHIBIT NO. 15
APPLICATION NO. 4-99-035
Proposed Plant List