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STATE OF CALIFORNIA -- THE RESOURCES AGENCY

GRAY DAVIS, Governor

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



49th Day: 9/27/99
180th Day: 2/5/2000
Staff: MHC
Staff Report: 8/19/99
Hearing Date: 9/14-17/99
Commission Action:

Handwritten initials, possibly 'LJH', in black ink.

STAFF REPORT: CONSENT

APPLICATION NO.: 4-98-190

APPLICANTS: Roy Schlobohm **AGENT:** Lynn J. Heacox

PROJECT LOCATION: 33608 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Repair driveway destroyed by a landslide, including constructing a twelve foot high retaining wall on soldier piles, remedial grading, and installation of dewatering wells

Lot area: .57 acres

Building coverage: NA

Land Use Designation: Residential

Wall height abv. fin. grade: 12 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed retaining wall subject to a condition addressing an assumption of risk deed restriction, conformance with geologic report, removal of excavated material, and landscaping and erosion control. The existing residence is located above the sandy beach and below the coastal bluff at the end of a private driveway along Pacific Coast Highway west El Pescador and La Piedra State Beaches. The proposed project was constructed as a result of Coastal Emergency Permit No. 4-98-190-G.

LOCAL APPROVALS RECEIVED: City of Malibu Geology and Geotechnical Engineering Review Sheet, Approved from Geotechnical Perspective, dated 12/22/98.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan. County of Los Angeles. 12/11/86; Response to City of Malibu Geology and Geotechnical Engineering Review Sheet dated 12/22/98

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 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. Applicant's Assumption of Risk.

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landsliding, erosion, or flooding; (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 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.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in Response to City of Malibu Geology and Geotechnical Engineering Review Sheet prepared by GeoSystems, and dated June 15, 1999, shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultant. Prior to the issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director's satisfaction, that the Geotechnical Engineering Consultant has reviewed and approved all final project plans, designs, and construction procedures as incorporating their recommendations, and have so indicated by stamping and signing all relevant final plans and drawings.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants' shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether any changes to the plans approved by the Commission, constitute a "substantial change".

3. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated

material from the site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

4. Landscaping and Erosion Control Plan

Prior to issuance of a coastal development permit, the applicant shall submit 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 and disturbed slopes on the subject property shall be stabilized with planting at the completion of final grading. 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. Acceptable planting procedures, consistent with fire safety requirements, should be employed. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- 2) 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;
- 3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

B) Interim Erosion Control Plan

The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

The plan shall specify that should grading take place during the rainy season (November 1 - March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless

removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

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

C) Monitoring.

1) Five years from the date of the receipt of the final grading inspection from the City 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.

IV. Findings and Declarations.

A. Project Description and Location

The project site is located on a coastal bluff developed with single family residences west of Encinal Beach, Malibu. (*Exhibits 1 and 2*) The applicants propose to repair an existing driveway which serves six single family residences (*Exhibits 3 and 4*). The hillside is the coastal bluff located seaward of the subject residence at 33608 Pacific Coast Highway. During the winter of 1998, a portion of the bluff failed and a mudflow crossed portions of the property causing damage to the residence and the adjoining driveway, which is, situated seaward of the residence. This permit application is the follow-up application to Emergency Coastal Permit No. 4-98-190-G issued for the removal of the mudflow abutting the single-family residence and the installation of four temporary shoring piles on July 12, 1998. (*Exhibit 5*) The permit application is intended to provide a more permanent solution to the protection of the residence and driveway.

The proposed project consist of the installation of a 12 foot high retaining wall along the down slope side of the driveway in the slope failure area. The retaining wall will support on soldier piles driven into the underlying bedrock. The project will include

approximately 800 cubic yards of cut. To further stabilize the site and reduce the likelihood of liquefaction the project also includes the installation of three dewatering wells.

The subject site is a one-half acre lot located on a stepped coastal bluff off Pacific Coast Highway. Most of the surrounding lots are built out with single family residences on beachfront or blufftop locations. Vertical public access is located to the east at El Pescador and La Piedra State Beaches about one quarter of a mile to the east of the subject site. The proposed development will not affect public access to or along the coast; its visibility is obscured from the beach or public tidelands due to the site topography, existing residence, and onsite landscape vegetation.

B. Geologic Hazards and Visual Resources

The Coastal Act requires that new development be located to minimize risks to life and property and assure stability while protecting scenic and visual qualities of the coast. Section 30253 of the Coastal Act states in part:

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:

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.

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. Section 30251 requires that public views of new development be protected to and along the coast and that the alteration of natural landforms be minimized.

The proposed development is located in the Malibu area, 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, Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood and fire hazard, and

assure stability and structural integrity. Coastal bluffs, such as this one are unique geomorphic features that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow across the top of the bluff and from wave action at the base of the bluff. The bluffs along this stretch of the coast are not subject to erosion from wave action at the base of the bluff as residential development is located between the base of the coastal bluff and the sandy beach. However, due to the geologic structure and soil composition, these bluffs are susceptible to failure, especially with excessive water infiltration. In addition, these bluffs are subject to erosion from runoff at the top of the slope.

The proposed project includes the construction of retaining wall anchored by ten soldier piles driven into the underlying bedrock. The retaining wall and soldier piles are intended to stabilize both the adjacent residence, as well as the driveway which serve a number of adjacent residences.

The applicant's geotechnical consultant has identified the subject property at risk due to landsliding and recommends immediate construction of the retaining walls supported by soldier piles and a dewatering system to protect the residence and driveway against future landslides.

The applicant's consultant has determined that the proposed project is geotechnically suitable for the intended use as slope stabilization strategy for the western boundary of the subject site. Special Condition Number Two (2) requires that all geological recommendations made by the applicant geological consultants Geosystems in the report dated June 15, 1999 be incorporated into the final approved plans.

Due to the history and potential hazardous geologic conditions of this site, the Commission can only approve the proposed project if the applicants assume the liability from the associated risks as required by Special Condition Number One (1). This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded on the three properties comprising the subject site, will show that the applicants are aware of and appreciate the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development or existing residence and agree to assume any liability for the same.

It is also noted that the Commission has approved similar development projects with the requirement of such assumption of risk deed restrictions throughout the Malibu - Santa Monica Mountains region. These deed restrictions addressing hazardous geologic conditions are commonly required for new development throughout the Malibu - Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. In this case geologic activity, as landslide or mud flow, has occurred on the subject site. To reduce further the incidence of landsliding, Special Condition Number Four (4) requires the preparation of a landscaping and erosion control plan for the disturbed portion of the subject property. Additionally, Special Condition Number Three (3) requires the applicant to remove all material excavated as part of the project from the project site, and if disposed in the Coastal Zone to receive a Coastal Development Permit prior to disposal.

Regarding scenic and visual quality issues visible to the public, the proposed retaining wall will not be visible from the nearby El Pescador and La Piedra State Beaches, public tidelands, nor Pacific Coast Highway. The wall will be located along the western of the existing residence located above the sandy beach. As viewed from the nearest publicly visible location along the beach and public tidelands, the existing residence and existing landscaping vegetation adequately blocks public views of the proposed development. Therefore, the Commission finds that the scenic and visual quality of the coast will be protected and the alteration of landforms will be minimized with the proposed project.

Therefore, the Commission finds that based on the findings of the geotechnical reports identified above, that the proposed development, as conditioned, is consistent with Section 30253. The Commission finds that based on a review of the site and surrounding area that the proposed development, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Public Access and Shoreline Development

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. New development on a beach or between the nearest public roadway to the shoreline and along the coast raise issue with the public access policies of the Coastal Act.

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:

...

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

- (2) adequate access exists nearby... Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

1. Public Access

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.

All beachfront projects requiring 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. The major access issue in such permits is the occupation of sand area by a structure, in contradiction to Coastal Act policies 30210, 30211, and 30212. However, as noted, Section 30210 also 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.

As proposed retaining wall will not extend any further seaward than the existing residence and driveway it is designed to protect. Therefore, the proposed project will not affect lateral access along the beach.

Regarding vertical public access, the proposed project will not affect any vertical public accessways to the beach from Pacific Coast Highway to the beach. The project site is located about one quarter of a mile west of a vertical public accessways at El Pescador and La Piedra State Beaches. Therefore, Commission finds that the proposed project, as conditioned, will have no adverse effect on public access and is consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse effects and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act (CEQA)

The Coastal Commission's permit process has been designated as the functional equivalent of California Environmental Quality Act (CEQA). Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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 CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity 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 Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

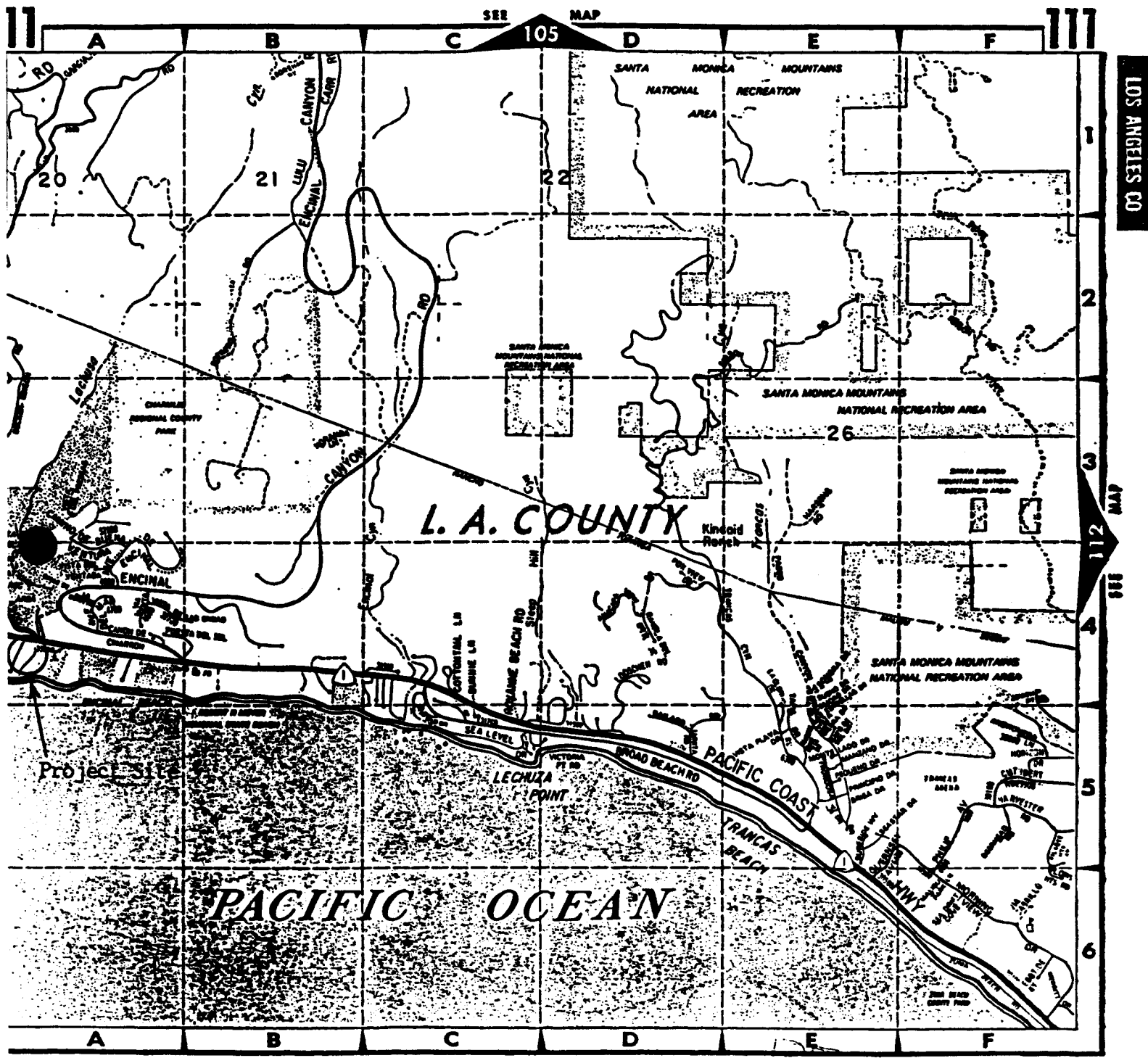
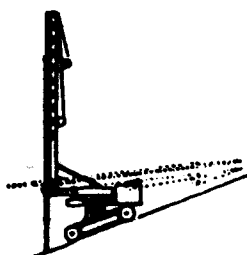


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APPLICATION NO.	
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	Scalouohm

4-98-190



DCA DRILLING & CONSTRUCTION, INC.

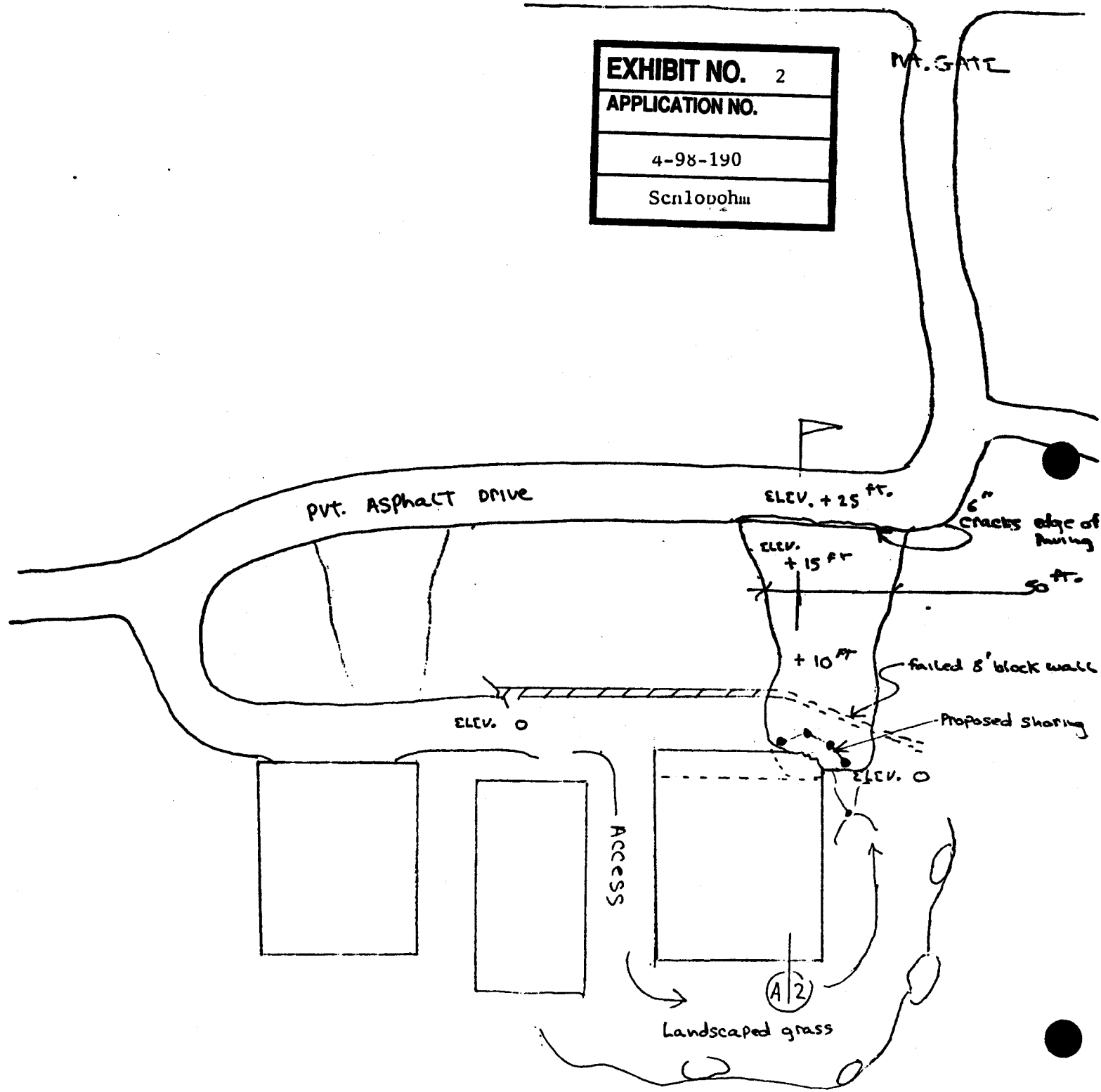
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APPLICATION NO.	
	4-98-190
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MT. GATE

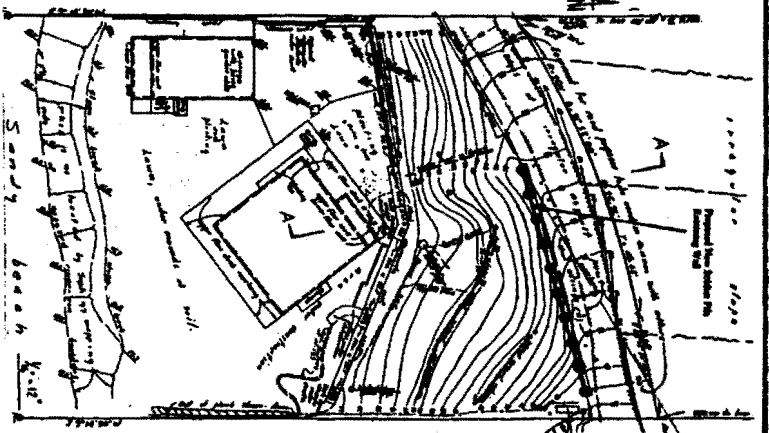
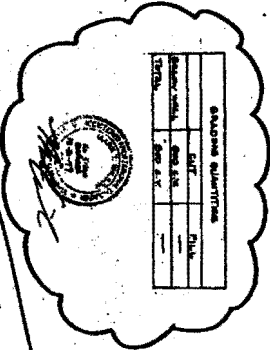
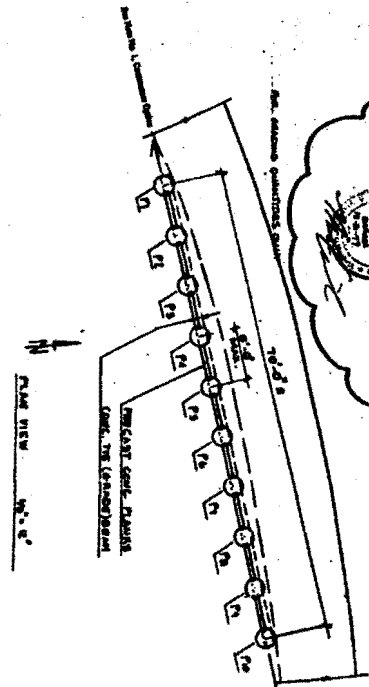
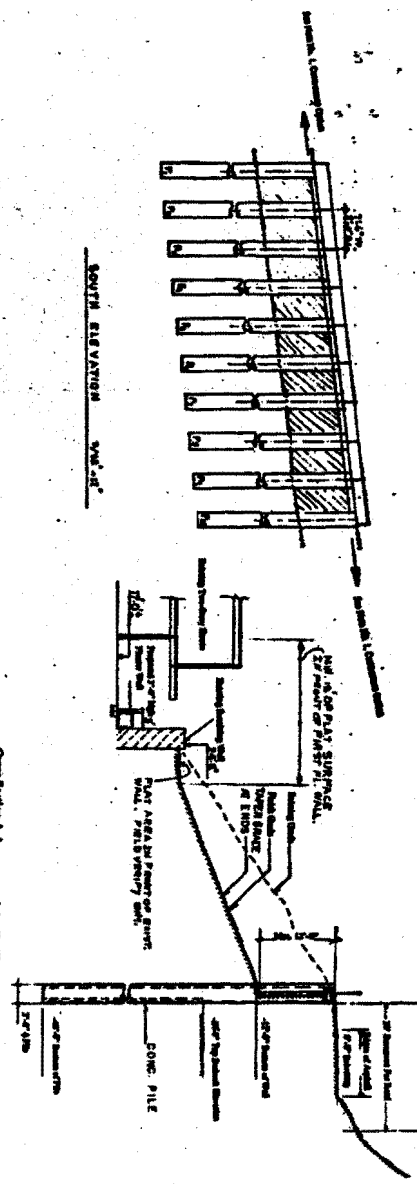


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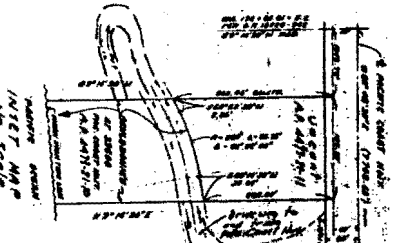
EXHIBIT NO.	3
APPLICATION NO.	4-98-190
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 CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT
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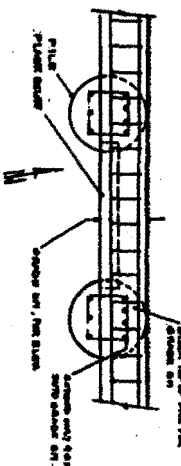
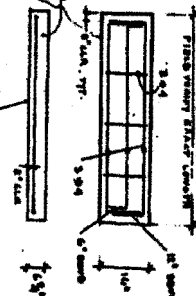
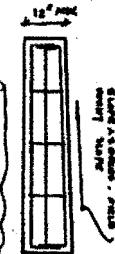
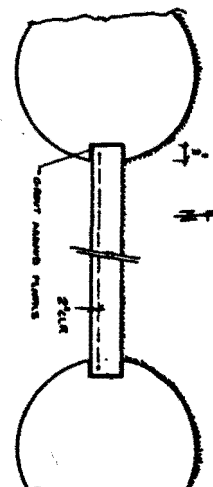
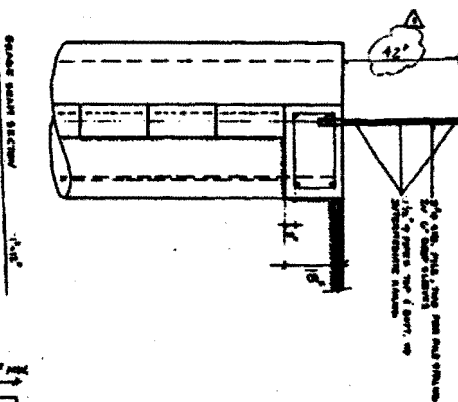
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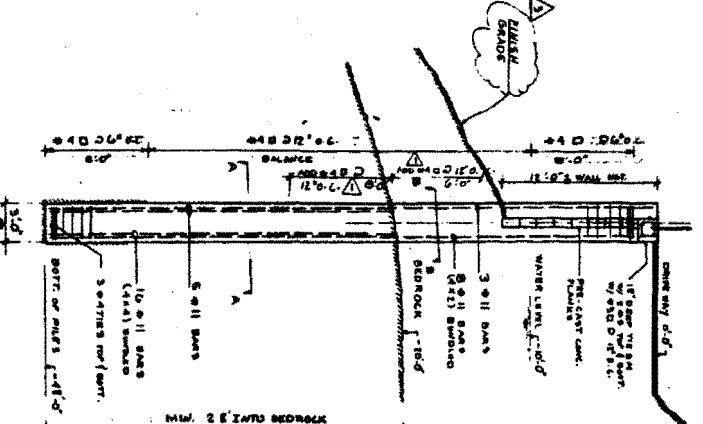
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EXHIBIT NO. 4
APPLICATION NO.
 4-98-190
 Schluohm

REPRESENTATIVE:
 MRS. ROY SCHLUOHM, 33605 PEN
 MALIBU, CA 90265
 (310) 217-1515
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PLAN DETAIL - 3/4" DIA.



PERRENS
 JUL 22 1999

COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

4-98-190

REVISIONS
 NO. DATE DESCRIPTION

2

DATE: 7/22/99
 SCALE: AS SHOWN

PROJECT: 4-98-190

PROPOSED RETAINING WALL
 33605 PEN
 MALIBU, CA 90265

DESIGNER:
 MRS. ROY SCHLUOHM
 33605 PEN
 MALIBU, CA 90265

CALIFORNIA COASTAL COMMISSION

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

**EMERGENCY PERMIT****EXHIBIT NO.** 5**APPLICATION NO.**

4-98-19u

Schlobohm

July 14, 1998**Permit No.:** 4-98-190-G

Applicant: Roy Schlobohm
Agent: DCA Drilling Construction

Project Location: 33608 Pacific Coast Highway, Malibu (Los Angeles County)
 (APN 4473-021-010)

Work Proposed: Remove mudflow abutting rear elevation of single family residence
 and install four temporary shoring piles.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of landslide above the rear of the single family residence which has damaged the structure requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the reverse.

Very Truly Yours,

Peter M. Douglas
 Executive Director

Gary Timm
 By: Gary Timm
 Title: District Manager

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the property owner and returned to our office within 15 days.
2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular coastal development permit to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.
5. In exercising this permit the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.
7. The applicant shall ensure the project contractor: (a) not store any construction/demolition materials or waste where it may be subject to wave erosion and dispersion; (b) not allow any machinery in the intertidal zone at any time; and (c) remove promptly from the beach any and all debris that results from the construction/demolition activities.
8. All excavated material shall be exported to an appropriate location outside the coastal zone; all backfill material shall be imported from an off-site source.

IMPORTANT

Condition #4 indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a coastal permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission Area office.

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form
cc: Local Planning Department