

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Filed: 9/01/00
49th Day: 10/10/00
180th Day: 2/28/01
Staff: MKH-V
Staff Report: 9/29/00
Hearing Date: 10/13/00
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-98-220

APPLICANT: Ronald & Madelyn Katz **AGENT:** Elizabeth Watson, Esq.

PROJECT LOCATION: 27768 Pacific Coast Highway, Malibu, Los Angeles Co.

PROJECT DESCRIPTION: Excavate and dispose of approximately 285 cu. yds. of surficial landslide material.

LOCAL APPROVALS RECEIVED: waived

SUBSTANTIVE FILE DOCUMENTS: CDP 4-98-233-G (Katz) emergency permit to excavate and store pending disposal considerations, of 285 cu. yds. of surficial, unstable landslide material.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends approval of the proposed project with a special condition regarding proper disposal of graded materials to an approved site outside of the coastal zone. The materials have been demonstrated to be too fine for beach nourishment use and will be disposed at an authorized location outside of the coastal zone, pursuant to the applicant's proposal.

The proposed project is actually the follow up approval for actions taken under an emergency permit authorization CDP 4-98-233-G. A relatively small surficial landslide developed on a coastal bluff inland of the beach area (the bluff area is not subject to wave action and is separated from the beach by a series of small, hummocky hills). The applicant initially proposed to construct a crib wall to retain a larger area of the bluff, but subsequently revised the proposed project after undertaking the authorized emergency action to remove the unstable soils failing in the direction of the adjacent neighbor's property. The applicant graded the unstable soils to prevent collapse of the materials from destroying the neighbor's fence line and other accessory structures on the adjoining property. Pursuant to the conditions of the emergency permit, the graded material was stored on site pending grain size analysis, which has subsequently demonstrated that the materials are unsuitable for beach nourishment. Accordingly, the applicant now proposes to dispose of the graded materials in an authorized site outside of the coastal zone.

The project poses no adverse impacts to coastal visual resources, public access or recreation, or to geologic stability of the site.

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

Prior to the issuance of Coastal Development Permit 4-98-220, the applicant's shall submit evidence to the satisfaction of the Executive Director that the excavated

materials shall be disposed of at a licensed facility outside of the coastal zone with demonstrated capacity to accept the volume of the subject excavated soils.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Background

The proposed project is a beachfront lot containing an existing single family residence, on Escondido Beach, in Malibu. The site is separated from the beach by coastal bluffs fronted on the seaward side by a series of low, hummocky hills. In 1998 the applicants noticed that a small, surficial landslide had developed on the bluff face landward of these hills. The direction of the slide was toward the neighboring upcoast lot.

The applicants were concerned that if the slide was allowed to fail toward the neighbor's lot, property damage to the neighbor's fence, drainage structures, and possibly to their pre-coastal access tram to the beach might result. To alleviate this concern, the applicant's initially proposed to construct a crib wall, but while that proposal was under consideration, the applicant's consulting geologist determined that the landslide was active and that an emergency action to perform 285 cubic yards of remedial grading to remove the active part of the slide was necessary to avoid damage to development on the adjacent parcel. Thus, emergency permit 4-98-233-G was authorized and the material removed and stored on the applicant's tennis court, pursuant to a condition of the emergency permit.

Subsequently, the applicants amended the proposed project to withdraw the proposal for a crib wall. The applicants, the applicants' geotechnical consultants, and the Commission staff jointly determined that a much larger landslide scarp was forming slowly on the neighboring parcel, and that a significant bluff stabilization project on the applicants' parcel was unlikely to provide any long-term stabilization of the bluffs in light of the bigger picture of natural bluff erosion that was forming along that section of the coast. In any case, the short and long-term analysis of the bluff erosion patterns failed to produce any evidence that the applicants' residence was threatened by the small landslide under consideration, and that no actions on the applicant's parcel appeared feasible to remediate the larger landslide that was forming on the upcoast adjacent project.

In light of all of the evidence, the applicants' decided to limit their proposed project to the amount of grading authorized under the emergency permit, which is the 285 cu. yds. of excavation proposed for approval in this follow-up regular permit application. The total amount of grading is the minimum amount necessary to remove the immediate threat to the neighboring development and to test the graded material for potential beach nourishment use, in accordance with the conditions of the emergency permit authorization.

The material removed from the landslide would not have provided direct beach nourishment if allowed to fail. The project area is not immediately adjacent to the beach and project activities do not have the potential to affect public access or recreation. The materials have been tested for grain size and failed to qualify as beach nourishment material (too silty). The bluff face poses no adverse visual impacts, as the face of the bluff is similar to the chalky white surfaces .

B. Visual Impacts; Landform Alteration

Coastal Act Section 30251 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.

The applicant seeks followup permit authorization to excavate and dispose of 285 cu. yds. of material from a surficial landslide on the bluffs at the rear of their beachfront parcel on Escondido Beach, in Malibu. The graded material could have been allowed to fail naturally, in the same pattern that characterizes all of the bluffs in the area; however, the slide material threatened neighboring development. By grading out the material instead of allowing it to fail naturally, the applicants have essentially precipitated the natural condition, but without allowing the slide material to remain on site. The bluffs do not directly feed the beach seaward of the bluffs, for the bluffs in that location are separated from the beach by an extensive series of low, hummocky hills. Thus, the grading has not resulted in additional landform alteration that would not otherwise have occurred, for the slide was well documented by the applicants consulting geologist and by Commission staff to be actively failing. The resultant bared area of the bluff face is characteristic of bluffs in that area and does not adversely impact the visual coastal resources of the Escondido Beach area.

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

C. Geology; Site Stability

Coastal Act Section 30253 states in pertinent part that:

Section 30253

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.

Coastal Act Section 30253 requires in pertinent part that proposed projects neither increase risk to lives and property in areas of high geologic hazard, nor cause or contribute to erosion.

The applicants propose to grade 285 cu. yds. of material from a coastal bluff at the rear of their residential property that, if left unremediated, will fail in the direction of the upcoast neighbor's parcel, and threaten existing structures on that property, including a fence, drainage structures, and a pre-coastal tramway to the beach. The bluff is not subject to wave attack, and is responding to ordinary erosional forces (rainfall, wind, unstable soils, etc.). The applicants' consulting engineering geologist, Pacific Geology Consultants, Inc., have verified that left unremediated, the slide will likely damage the adjacent neighbor's property. Thus, to followup the emergency authorization for the proposed grading, the applicants now seek permanent, follow up coastal development permit approval for the subject grading.

In accordance with the recommendations of the consulting engineering geologist, the Commission finds that the remedial grading, as proposed, is necessary to ensure that the site does not pose a risk to the adjacent parcel, consistent with the requirements of Coastal Act Section 30253.

Section 30253 of the Coastal Act additionally requires that new development not create or contribute to erosion. The failure of coastal bluffs is a natural phenomenon, and a source of beach nourishment. As noted in the previous section, the graded materials have been determined unsuitable for beach nourishment and the applicants therefore propose to dispose of the materials in an as-yet-unidentified location outside of the coastal zone. The Commission finds it necessary to ensure that the excavated material is properly disposed at an authorized landfill or other approved location outside of the coastal zone. Special Condition 1, if implemented, will ensure that the excavated materials are properly disposed, and not dumped at a roadside or other uncontrolled location where, left exposed to wind and rain, the materials would contribute sediment pollution to coastal streams and ultimately to the Pacific Ocean. Therefore, the Commission finds that as conditioned by Special Condition 1, the proposed project is consistent with the requirements of Coastal Act Section 30253.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3

(commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

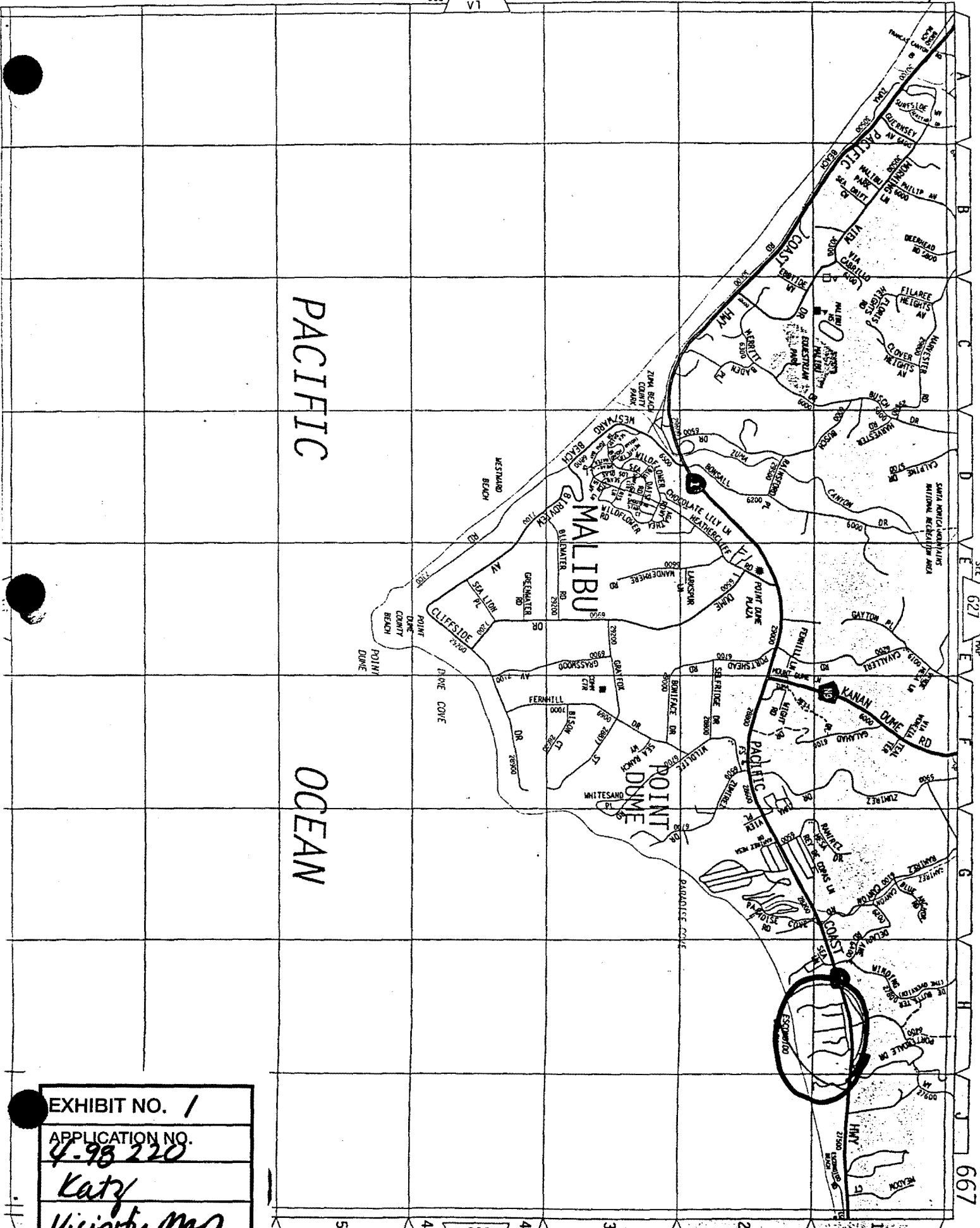
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is 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

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



PACIFIC

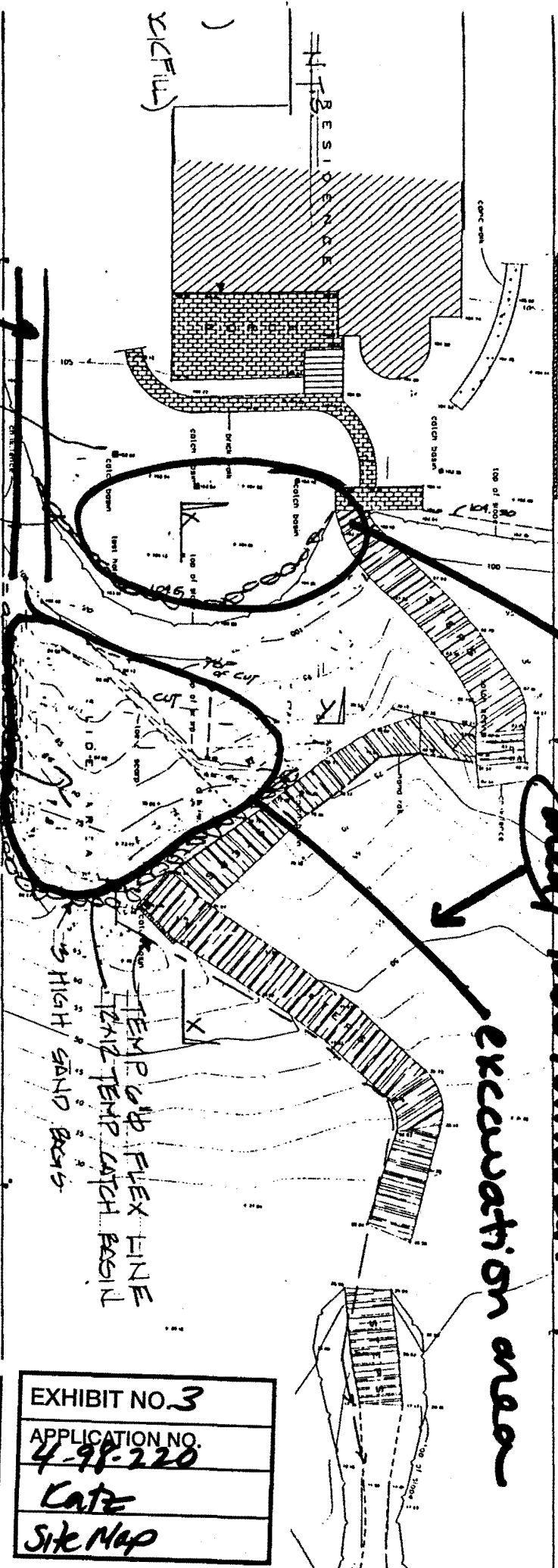
OCEAN

EXHIBIT NO. /
APPLICATION NO. 4-98 220
Katz
Vicinity Map

PREPARED BY
DATE
DRAWN BY

no existing vegetation at top of slope or on slope face, other than designated excavation area to be removed.

excavation area



temporary roadway

EXHIBIT NO. 3
APPLICATION NO. 4-98-220
Kate
Site Map

~~ALL SURFACE TO TOP OF SAND, NO~~

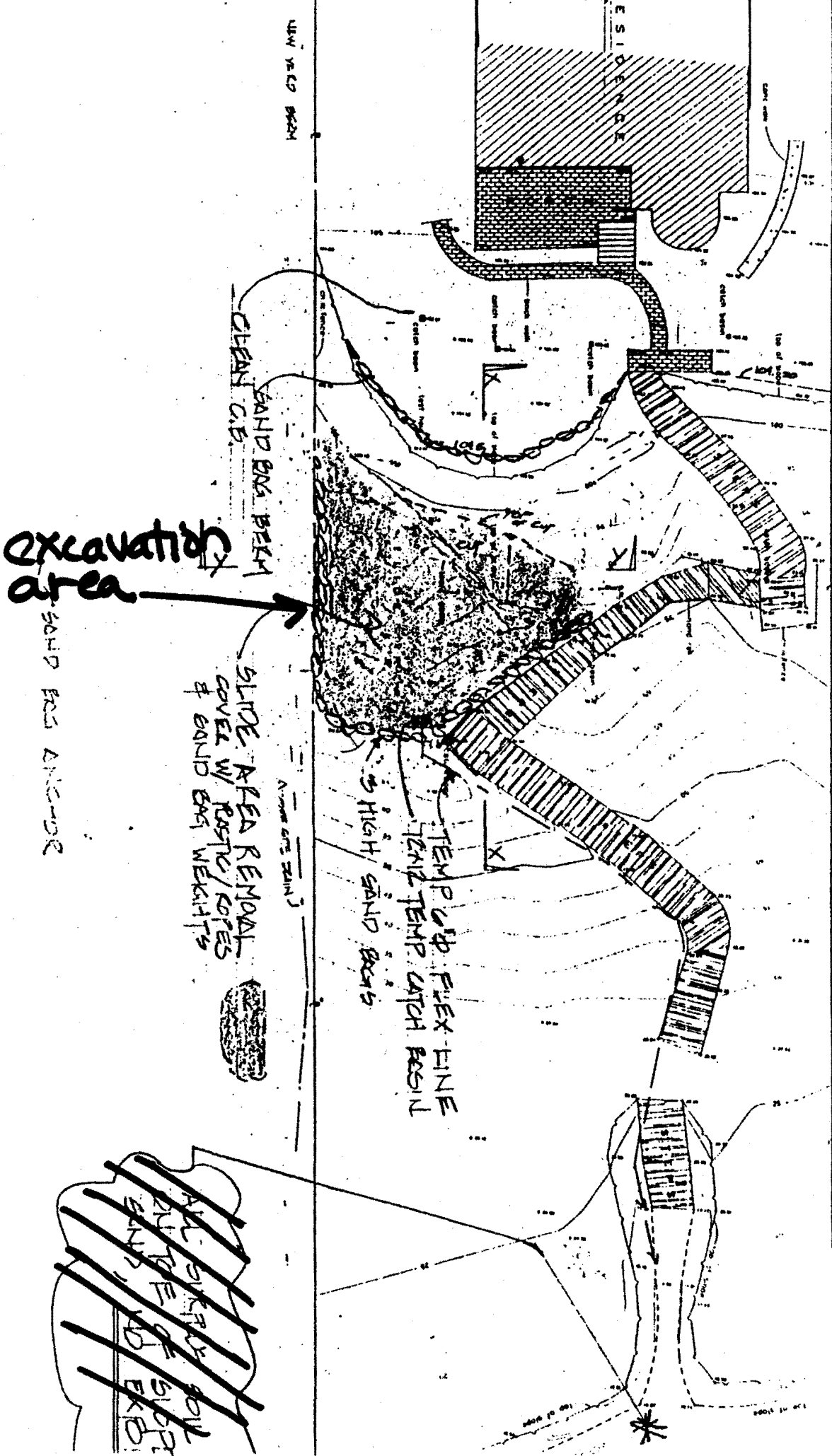
27768 PCH
M&BU

RECEIVED

06/12/3 1998

CASUAL COMMUNITY SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 4
APPLICATION NO. 4-98-220
Kate
Excavation Area



Excavation Area

SAND BAG ANCHOR

SAND BAG BERM CLEAN C.B.

SLIDE AREA REMOVAL COVER W/ ROSTIC/ROTES & SAND BAG WEIGHTS

TEMP & PH. FLUX LINE
TEMP. TEMP. CATCH BASIN
5' HIGH SAND BERM

APPROX. ONE INCH

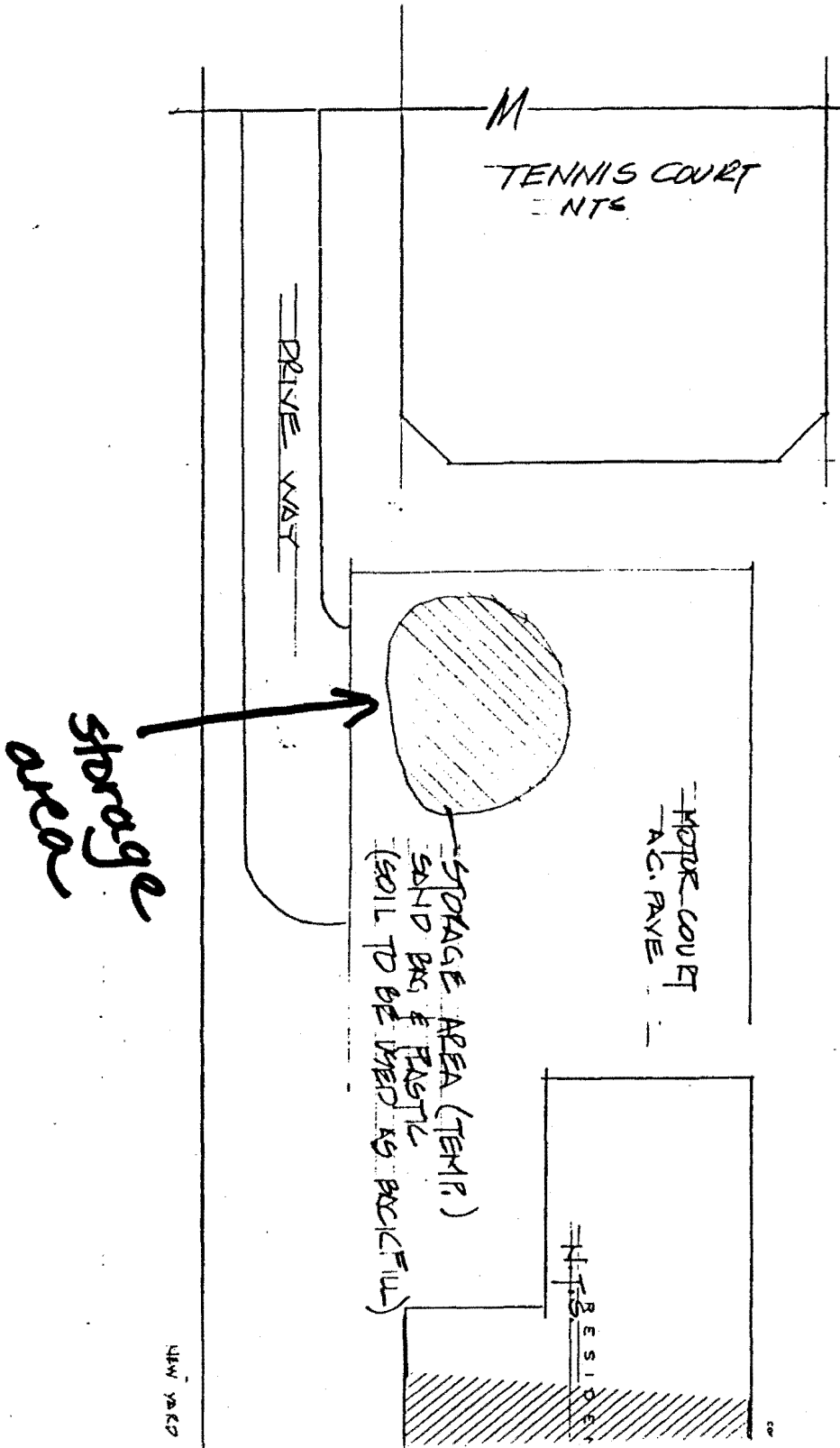
ALL STRIPES SHOW DITCHES AND SLOPE SANDS

RECEIVED

OCT 23 1998

CORRAL COMMUNITY
SOUTH CENTRAL COAST DIST

EXHIBIT NO. 5
APPLICATION NO. 498-220
Kate
Storage Area



27768 PCH

MOLLA

SCALE $\frac{3}{16}$ " = 1'-0"

Y-Y

PLASTIC
BENCH

SAND BAG ANCHOR

SAND BAG ANCHOR

SEAL

FIGURE
BENCHES

SLIDE

SW

10'

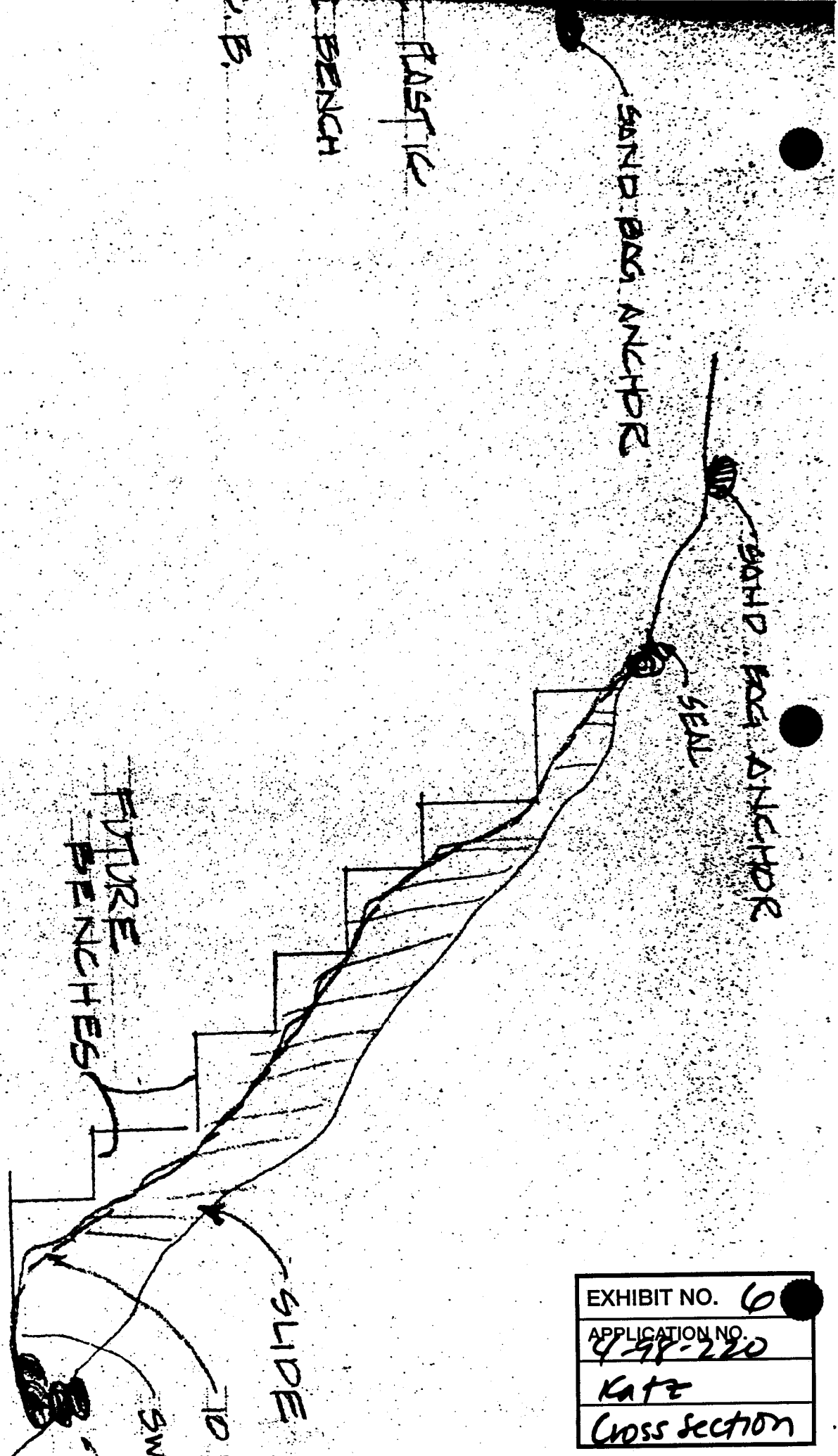
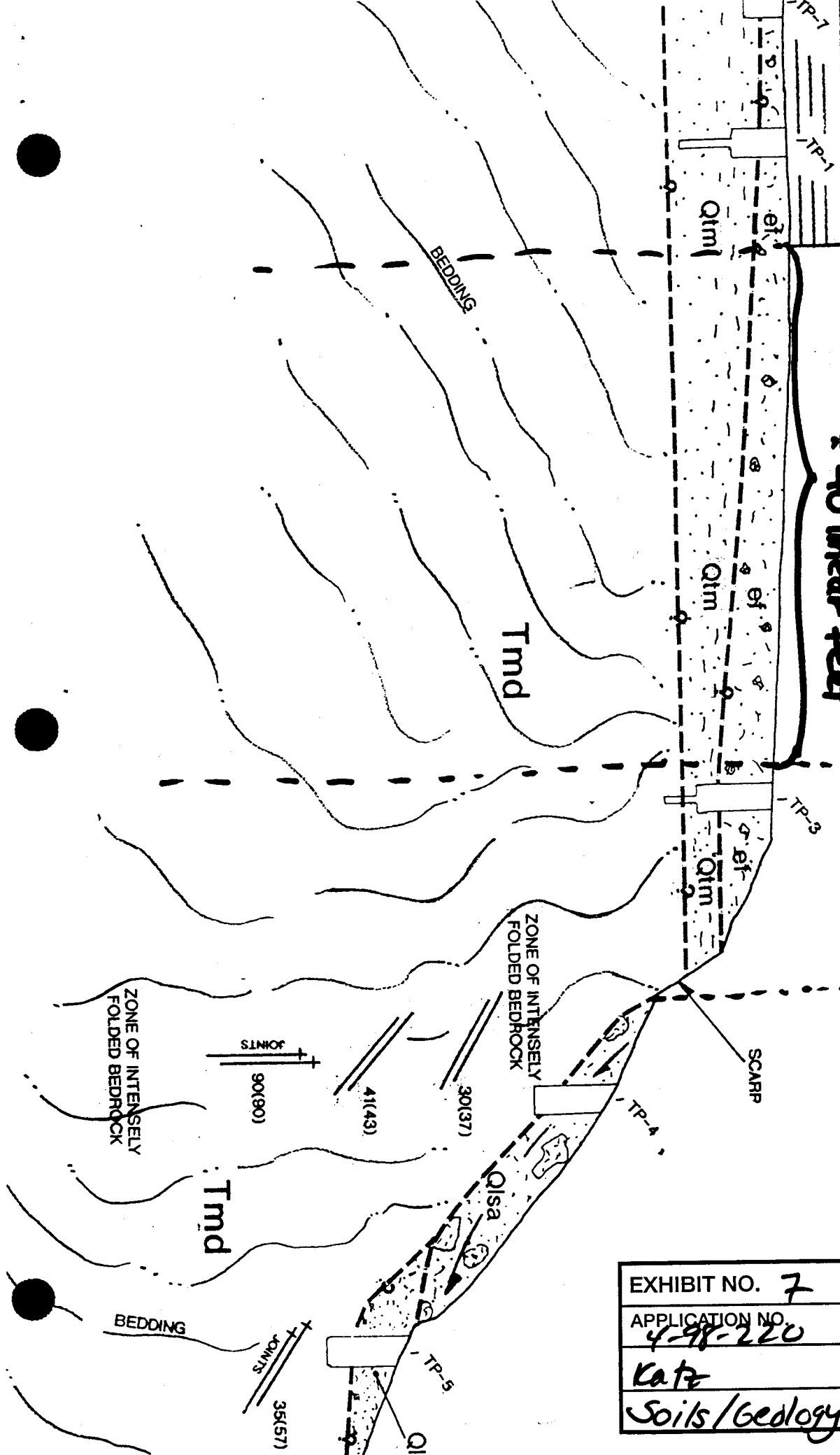


EXHIBIT NO. 6
APPLICATION NO. 4-98-220
KATE
Cross section

Y-X



~ 40 linear feet

15 linear feet - live liest area of failure & result of slide

EXHIBIT NO.	7
APPLICATION NO.	4-98-220
	Katz
	Soils/Geology

