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## CALIFORNIA COASTAL COMMISSION

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

### RECORD PACKET COPY



Filed: 04/07/00  
49<sup>th</sup> Day: 05/25/00  
180<sup>th</sup> Day: 10/03/00  
Staff: S. Tilles *for*  
Staff Report: 04/20/00  
Hearing Date: 05/10/00  
Commission Action:

### STAFF REPORT: CONSENT CALENDAR

**APPLICATION NO.** 4-00-042

**APPLICANTS:** Angela and Randy Sall

**AGENT:** Leonard Steinbrueck

**PROJECT LOCATION:** 6403 Seastar Drive, Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Construction of a nine foot high concrete block retaining wall 80 feet in length, a three foot high concrete block retaining wall 80 feet in length, and 150 cubic yards of grading (cut) to prevent further erosion on the northerly side of a lot with an existing one story, 2,500 square foot single family residence with attached garage. All cut material will be used for landscaping purposes to fill the three foot wide planter area created between the two retaining walls. The retaining walls will be neutral in color.

<b>Lot Area:</b>	7,500 square feet
<b>Building Coverage:</b>	2,500 square feet
<b>Paving Coverage:</b>	1,800 square feet
<b>Height Above Finished Grade:</b>	9 feet

**LOCAL APPROVALS RECEIVED:** City of Malibu, Planning Department, Approval In Concept, February 8, 2000 and City of Malibu, Geology Approval, January 21, 2000.

**SUBSTANTIVE FILE DOCUMENTS:** "Geologic and Geotechnical Engineering Evaluation of Retaining Wall Construction Project Along Northerly Side of the Property at 6403 Seastar Drive, Malibu," Gold Coast GeoServices, Inc., January 3, 2000; Coastal Development Permit No. 5-90-327 (Javid); Coastal Development Permit No. 4-99-201 (Fox), and the certified Malibu Santa Monica Mountains Land Use Plan.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **approval** of the proposed project with three (3) special conditions regarding geologic recommendations, landscape and erosion control, and condition compliance.

## **I. STAFF RECOMMENDATION**

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 4-00-042 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **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 permittees 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 within a reasonable period of time. Application for an 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 that the assignee files with the Commission an affidavit accepting all of the 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 permittees to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Plans Conforming to Engineering Geologist's Recommendations

All recommendations contained in the submitted geologic engineering report prepared by Gold Coast GeoServices, Inc. relating to grading, foundation, and drainage shall be incorporated into all final project plans, designs, and construction. All plans must be reviewed and approved by the consultant. Prior to the issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, evidence of the consultant's review and approval of all project plans. Such evidence shall include affixation of the consulting engineering geologist's stamp and signature to the final project plans and designs.

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

#### 2. Landscape Plan

PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicants 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 consultant's recommendations. The plans shall incorporate the following criteria:

##### A) Landscaping Plan

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within 60 days of completion of construction activities. To minimize the need for irrigation, all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.

The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed structure, as viewed from the Zuma Ridge Trail easements and National Park Service property;

- 2) All cut and fill slopes shall be stabilized with planting at the completion of construction activities. 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 graded and 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 permittees shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

**B) Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading or construction take place during the rainy season (November 1 – March 31), the applicants 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 graded or disturbed 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 construction operations and maintained through out the development process to minimize erosion and sediment from runoff waters during grading and construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading, construction, or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled material, access roads, graded and disturbed soils and slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary drains, swales, and sediment basins. The plans shall also specify that all graded and disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the graded and

disturbed areas. These temporary erosion control measures shall be monitored and maintained until construction operations resume.

### **C) Monitoring**

Five (5) years from the date of the completion of construction activities, the applicants 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 applicants, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

### **3. Condition Compliance**

Within 60 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

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

The applicants propose to construct a nine foot high concrete block retaining wall 80 feet in length, a three foot high concrete block retaining wall 80 feet in length, and 150 cubic yards of grading (cut) to prevent further erosion on the northerly side of a lot with an existing one story, 2,500 square foot single family residence with attached garage. All cut material will be used for landscaping purposes to fill the three foot wide planter area created between the two retaining walls. The two retaining walls will be neutral in color. It must also be noted that construction has already commenced on the proposed project, without the benefit of a coastal development permit.

The subject site is located at 6403 Seastar Drive, on the northwest corner of Seastar Drive and Morning View Drive, in the City of Malibu, Los Angeles County. The property is located in a developed beachside neighborhood, with the Santa Monica Mountains to the north and the Pacific Ocean to the south. The site is located on flat to gently sloping terrain on a marine terrace. The northerly side of the property slopes gently to the north, with a slope ratio of approximately 3:1 (horizontal : vertical). The planned retaining wall system will be constructed along the northerly side of the property. The area between the two retaining walls will be backfilled to create a level, three foot wide planter area for landscape purposes. Although the proposed project will not be visible from the Pacific Coast Highway or nearby beaches, it will be highly visible from the adjacent Zuma Ridge Trail easements and from portions of Lot 20 of Tract No. 45585 to the north, which is currently designated as open space, but has been dedicated to the National Park Service.

The eastern end of the subject site is currently occupied by a one story, 2,500 square foot single family residence with an attached garage, which was constructed prior to the California Coastal Act of 1976. The subject site has also been landscaped.

## **B. Hazards**

The proposed development is located in the Malibu/Santa Monica Mountains 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 area 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 states in pertinent 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, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The applicants have submitted a geotechnical report entitled "Geologic and Geotechnical Engineering Evaluation of Retaining Wall Construction Project Along Northerly Side of the Property at 6403 Seastar Drive, Malibu," prepared by Gold Coast GeoServices, Inc., dated January 3, 2000, evaluating the geologic stability of the proposed development. The report incorporates numerous recommendations regarding construction, foundation, and drainage, and states that:

*"It is the opinion of the undersigned that the proposed structure(s) will be safe against hazard from landslide, settlement, or slippage, and that the proposed construction will have no adverse geologic effect on offsite properties. Assumptions critical to our opinion are that the design recommendations will be properly implemented during the*

*proposed construction, and that the property will be properly maintained to prevent excessive irrigation, blocked drainage devices, or other adverse conditions."*

Therefore, the Commission finds that based on the recommendations of the applicants' geotechnical consultant, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geotechnical consultant's recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicants to submit project plans that have been certified in writing by the geotechnical consultant in accordance with **Special Condition Number One (1)**.

Landscaping of all graded and disturbed areas on the project site will also enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will minimize erosion and enhance site stability. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicants to revegetate all graded and disturbed areas on the site with primarily native plants, compatible with the surrounding environment.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has also resulted in the loss or degradation of major portions of the native habitat and the loss of native plant seed banks through grading and the removal of topsoil. Moreover, invasive groundcovers and fast-growing trees that originate from other continents, which have been used as landscaping in this area, have invaded and already seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, the graded and disturbed areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Number Two (2)**.

The Commission finds that only as conditioned to incorporate the landscape and erosion control plans and all recommendations by the applicants' geotechnical consultant will the proposed project be consistent with Section 30253 of the Coastal Act.

### **C. Visual Impacts**

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected. 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.*

In addition, the certified Malibu Local Coastal Program Land Use Plan (LUP) provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These certified LUP policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains.

Policy 125 of the certified LUP states that:

*New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands . . .*

Policy 129 of the certified LUP states that:

*Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment . . .*

Policy 130 of the certified LUP states that:

*In highly scenic areas and along scenic highways, new development . . . shall be sited and designed to protect views to and along the ocean and to and along other scenic features, . . . minimize the alteration of natural land forms, . . . conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places . . .*

Policy 134 of the certified LUP states that:

*Structures shall be sited to conform to the natural topography, as feasible.*

As stated above, the applicants propose to construct a nine foot high concrete block retaining wall 80 feet in length, a three foot high concrete block retaining wall 80 feet in length, and 150 cubic yards of grading (cut) to prevent further erosion on the northerly side of a lot with an existing one story, 2,500 square foot single family residence with attached garage. All cut material will be used for landscaping purposes to fill the three foot wide planter area that will be created between the two retaining walls. The two retaining walls will be neutral in color.

The subject site is a 7,500 square foot parcel located at the northwest corner of Seastar Drive and Morning View Drive, in the City of Malibu, Los Angeles County. As stated above, the subject site is currently occupied by a one story, 2,500 square foot single family residence with an attached garage on the eastern end of the property, which was constructed prior to the California Coastal Act of 1976. The lot has also been landscaped. The property is located between the Santa Monica Mountains to the north and the Pacific Ocean to the south in a developed beachside neighborhood consisting of numerous large single family residences. The site is located on flat to gently sloping terrain on a marine terrace north of Zuma Beach. The northerly side of the property



slopes gently to the north, with a slope ratio of approximately 3:1 (horizontal : vertical). The planned retaining wall system will be constructed along the northerly side of the property and the three foot wide area between the two retaining walls will be backfilled to create a level planter for landscape purposes. Although the proposed project will not be visible from the Pacific Coast Highway or nearby beaches, it will be highly visible from the adjacent Zuma Ridge Trail easements and from portions of Lot 20 of Tract No. 45585 to the north, which is currently designated as open space, but has been dedicated to the National Park Service.

As previously stated, the surrounding neighborhood consists of numerous large, single family residences, some of which have also implemented the use of retaining walls. The proposed project, therefore, will be consistent with the character of the surrounding area. Furthermore, minimal grading is proposed, since the retaining walls will be situated on an existing level area located along the northerly property line of the site. The only grading required for the proposed retaining walls is 150 cubic yards of cut, which will serve to excavate the footing system for the two retaining walls. In addition, the applicants are proposing to retain all 150 cubic yards of all cut material on site for landscaping purposes, in order to fill the three foot wide planter area created between the two retaining walls. The two retaining walls will also be neutral in color. These measures will further minimize landform alteration, provide landscape screening of the higher retaining wall, and minimize visual impacts from the development.

Due to the visible nature of the project as seen from the adjacent Zuma Ridge Trail easements and the nearby open space lot to the north which has been dedicated to the National Park Service, however, the Commission finds it necessary to require mitigation measures to minimize visual impacts as seen from scenic public resources. Requiring adequate landscaping within the three foot wide planter area created between the two retaining walls, along the length of the retaining walls, and any areas graded or disturbed pursuant to construction activity can mitigate visual impacts. The landscaping should consist of primarily native, drought resistant plant species and be designed to minimize and control erosion, as well as partially screen and soften the visual impact of the structures as seen from the Zuma Ridge easements and National Park Service property with vertical elements such as trees and shrubs. Therefore, the Commission finds that it is necessary to require the applicants to submit a landscape plan, as specified in **Special Condition Number Two (2)**.

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public resources or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

#### **D. Violations**

As stated previously, the applicants have already commenced construction of the proposed development, without the benefit of a coastal development permit. As of December 23, 1999, excavations for the retaining wall had been made and construction activity was evident when staff visited the site on March 31, 2000. The applicants have,

however, included this development under the current permit application. Approval of this coastal development permit will result in an after the fact approval of the retaining wall system. In order to ensure that the violation portion of this development project is resolved in a timely manner, **Special Condition Number Three (3)** requires that the applicants satisfy all conditions of this permit, which are prerequisites to the issuance of this permit, within 60 days of Commission action.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

### **E. 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 development 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 of the Coastal Act, if certain conditions are incorporated into the project and accepted by the applicants. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. 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).

### **F. 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 effect that the activity would have on the environment.

The proposed project, as conditioned, will not have any 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 consistent with CEQA and the policies of the Coastal Act.



446- 31

SCALE 1" = 80'

PROJECT SITE

MORNING VIEW DR.

SEASTAR DR.

DR.

WAY

42

30

45

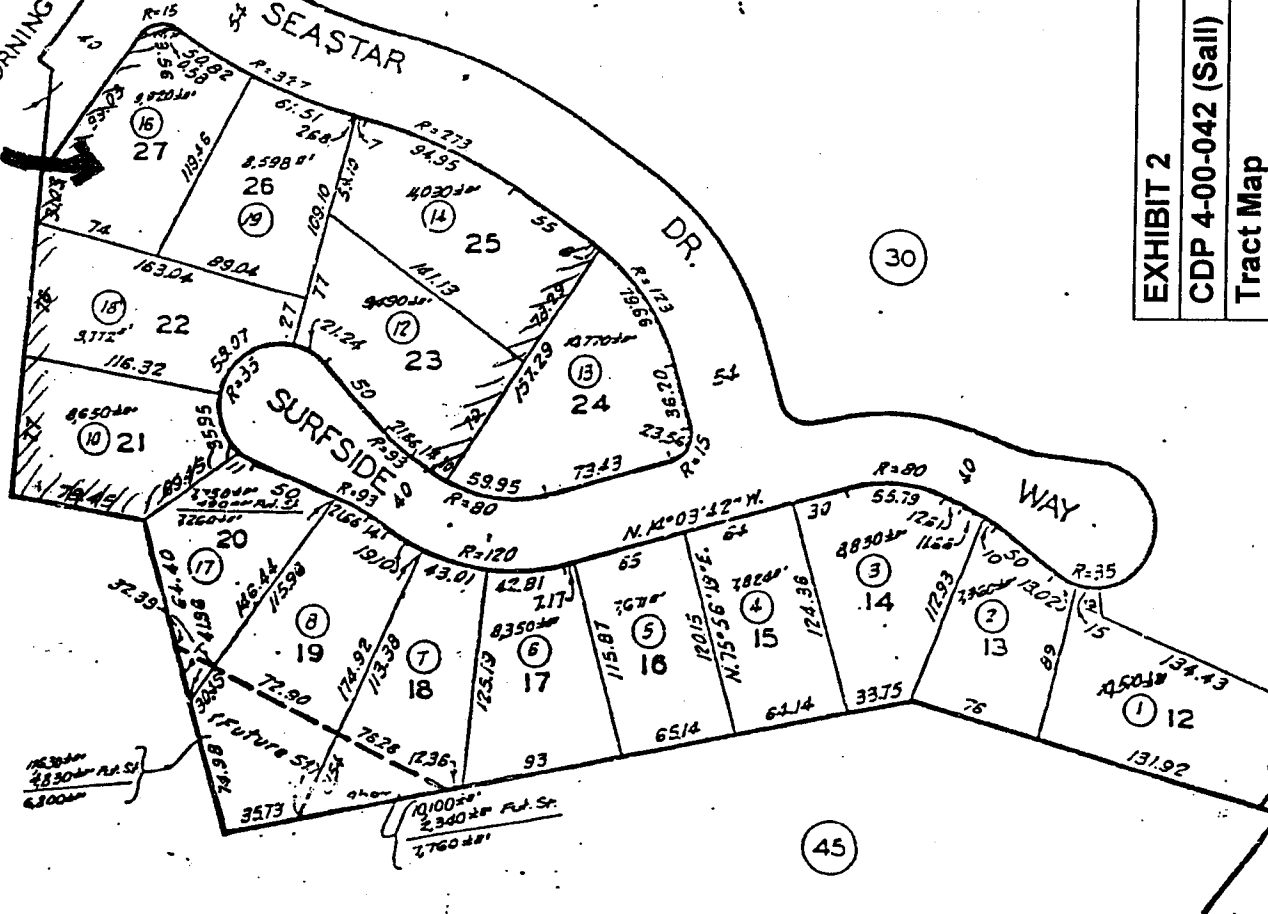
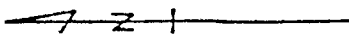


EXHIBIT 2  
 CDP 4-00-042 (Sall)  
 Tract Map



TRACT NO. 26430  
 M. B. 683-1-3

RECEIVED

MAR 6 2000

CODE  
8635

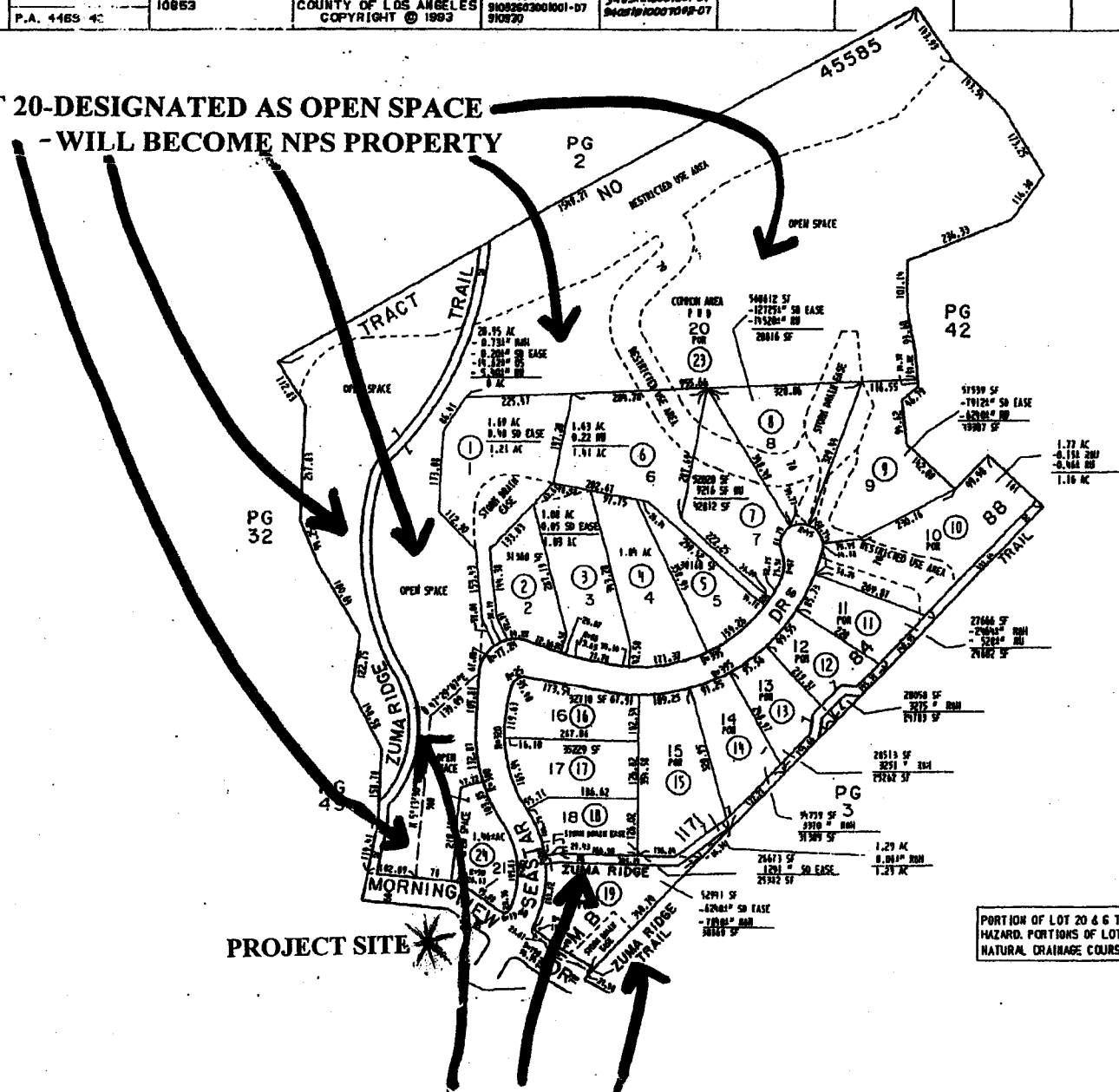
CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

FOR P... SMT. SEE:  
 4469-

4771-117

4469	47	SCALE 1" = 200'	TRA 10853	OFFICE OF ASSESSOR COUNTY OF LOS ANGELES COPYRIGHT © 1993	REVISED 91092602001001-07 910920	9483140007001-07 9483140007001-07														
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**LOT 20-DESIGNATED AS OPEN SPACE  
- WILL BECOME NPS PROPERTY**



**PROJECT SITE**

**TRAIL EASEMENTS**

PORTION OF LOT 20 & 6 TO 11 ARE SUBJECT TO GEOLOGICAL HAZARD. PORTIONS OF LOT 20 IN AND ADJACENT TO THE NATURAL DRAINAGE COURSES ARE SUBJECT TO FLOOD HAZARD

MAY 26 1994

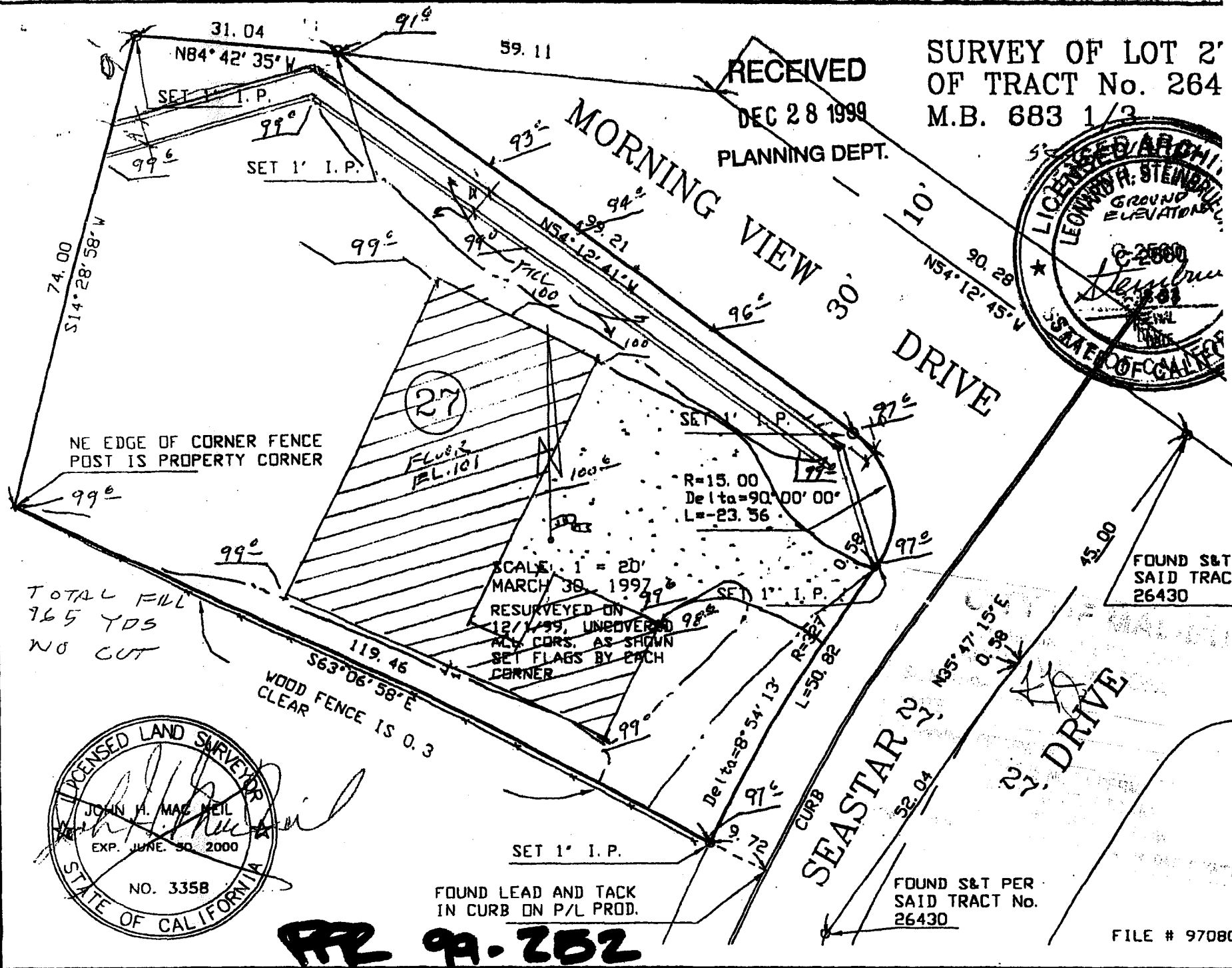
**EXHIBIT 3**  
**CDP 4-00-042 (Sall)**  
Adjacent Tract Map with Trail Easements  
and Open Space/NPS Property

SURVEY OF LOT 2'  
OF TRACT No. 264  
M.B. 683 1/2

RECEIVED  
DEC 28 1999  
PLANNING DEPT.



EXHIBIT 4  
CDP 4-00-042 (Sall)  
Site Plan



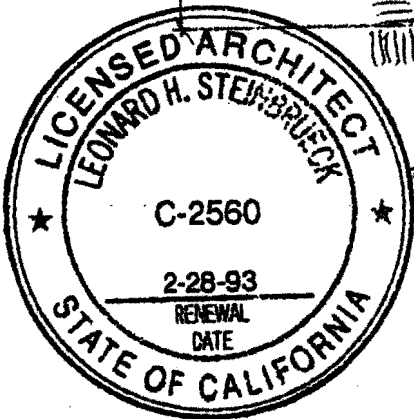
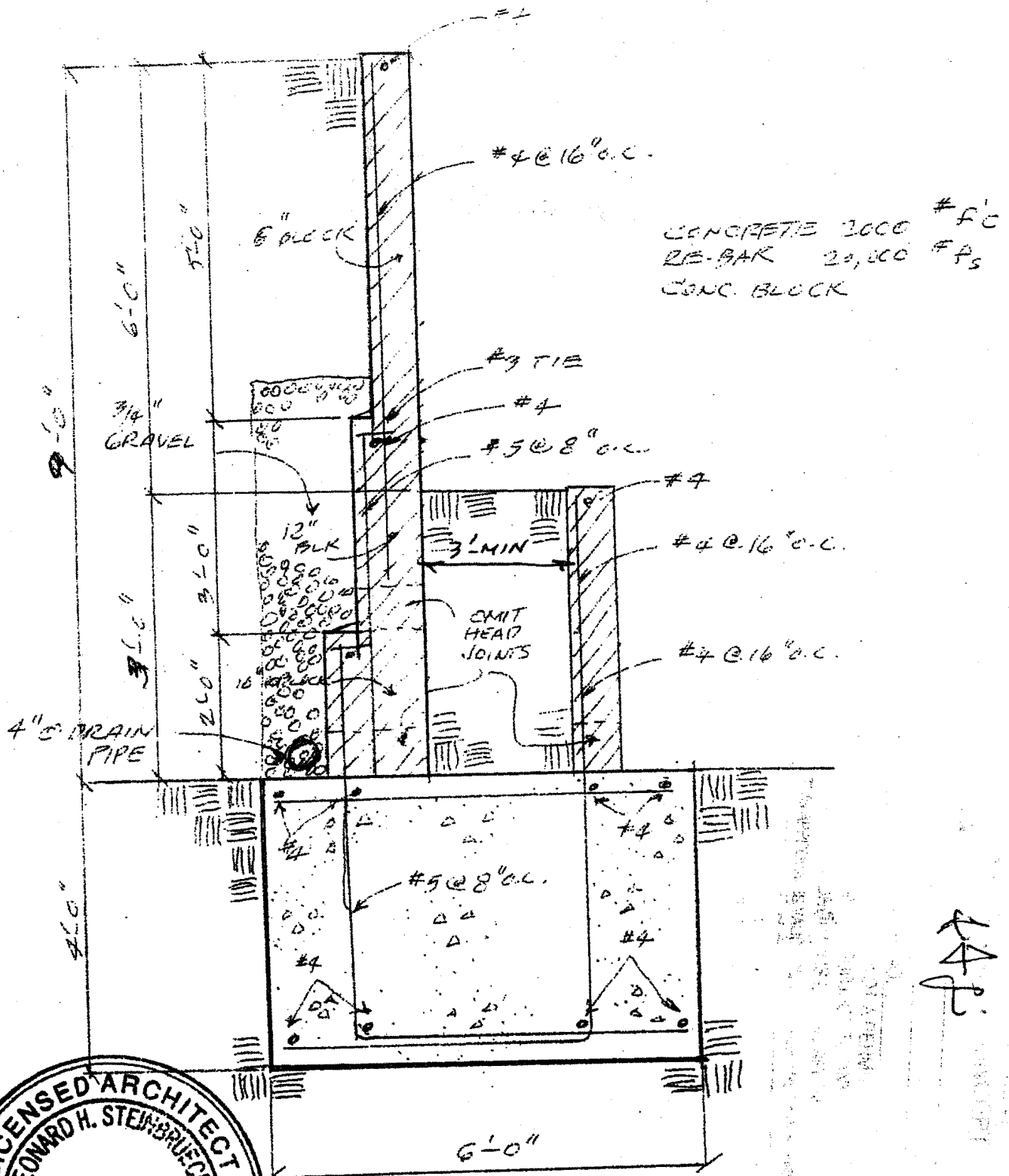
TOTAL FILL  
965 YDS  
NO CUT



**RR 9A-252**

FILE # 9708CR2

RETAINING WALL (E. 6407 DEASTAR DRIVE)



**EXHIBIT 5**  
**CDP 4-00-042 (Sall)**  
 Cross Section/Elevation of Retaining Walls