Tu4a

STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

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

RECORD PACKET COPY

Filed:	12/22/00
49th Day:	2/9/01
180th Day:	6/20/01
Staff:	A.A.V.
Staff Report:	4/18/01
Hearing Date:	5/8-11/01
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-00-204

APPLICANT: Roland and Janet Gullixson

PROJECT LOCATION: 28011 Paquet Place, Malibu, Los Angeles County

PROJECT DESCRIPTION: Remove and recompact approximately 11,000 cu. yds. to remediate a recent landslide on site, construct retaining walls, install alternative evapotranspiration septic system and dewatering system. The proposed development was constructed under Emergency Permit 4-00-204-G.

Lot area:	115,624 sq. ft.
Building coverage:	5,434 sq. ft.
Pavement coverage:	4,877 sq. ft.
Landscape coverage:	44,473 sq. ft.
Unimproved:	60,840 sq. ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval-In-Concept 11/17/00; City of Malibu Department of Environmental Health In-Concept Approval for evapotranspiration sewage disposal system; City of Malibu Geology and Geotechnical Engineering Review Sheet Approved "In-concept" 11/10/00.

SUBSTANTIVE FILE DOCUMENTS: Addendum Engineering Geologic Report #3, Mountain Geology, Inc., 6/13/00; Addendum Engineering Geologic Report #2, Mountain Geology, Inc., 5/3/00; Addendum Engineering Geologic Report #1, Mountain Geology, Inc., 3/7/00; Update Engineering Geologic Report, Mountain Geology, Inc., 8/25/99; Response to Geotechnical Review Sheet No. 3, Coastline Geotechnical Consultants, Inc., 10/23/00; Response No. 2 to Geotechnical Review Sheet 5/10/00; Response to Geotechnical Review Sheet, Coastline Geotechnical Consultants, Inc., 3/20/00; Updated Geotechnical Engineering Investigation Report, Coastline Geotechnical Consultants, Inc., 2/7/00; Coastal Development Permit P-7-5-78-3649; Exemption Determination 4-00-129-X.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with **3 Special Conditions** regarding (1) conformance to geologic recommendations, (2) landscaping and erosion control, and (3) assumption of risk.

The proposed project involves the removal and recompaction of approximately 11,000 cu. yds. of a hillside parcel to remediate a landslide on site and installation of an alternative evapotranspiration septic system and dewatering system to further ensure slope stability. The proposed development was constructed under Emergency Permit 4-00-204-G.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-204 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 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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Addendum Engineering Geologic Report #3, Mountain Geology, Inc., 6/13/00; Addendum Engineering Geologic Report #2, Mountain Geology, Inc., 3/7/00; Addendum Engineering Geologic Report #1, Mountain Geology, Inc., 5/3/00; Update Engineering Geologic Report, Mountain Geology, Inc., 8/25/99; Response to Geotechnical Review Sheet No. 3, Coastline Geotechnical Consultants, Inc., 10/23/00; Response No. 2 to Geotechnical Review Sheet, Coastline Geotechnical Consultants, Inc., 5/10/00; Response to Geotechnical Review Sheet, Coastline Geotechnical Consultants, Inc., 3/20/00; Updated Geotechnical Engineering Investigation Report, Coastline Geotechnical Consultants, Inc., 2/7/00.shall be incorporated into all final design and construction including grading, drainage, and the proposed alternative sewage disposal system and dewatering system. Final plans must be reviewed and approved by the engineering geologist and geotechnical engineering consultants. Prior to the issuance of the coastal development permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultants' 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. 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 permit.

2. Landscaping and Erosion Control Plans

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 plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

(1) During grading operations to remediate the landslide all top soil within the grading footprint shall be retained and replaced as topsoil to facilitate revegetation of the disturbed and graded areas to further aid in maintaining slope stability. Immediately upon completion of grading operations all graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes. 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 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

(2) All graded and disturbed areas shall be stabilized with planting at the completion of final grading. Plantings 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) During grading operations the applicant shall implement temporary erosion control measures to stabilize any stockpiled fill with geofabric covers or other, install geotextiles or mats on all cut and fill slopes, and close and stabilize open trenches to minimize potential erosion from wind and run-off water.

C. **Monitoring**

Five years from the date of the receipt of the Certificate of Occupancy for the residence 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.

3. **Assumption of Risk**

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicants are proposing to remove and recompact approximately 11,000 cu. yds. of earth material on a hillside parcel for the purpose of remediating a landslide which caused damage to the subject property and existing residence, patios, and pool. In addition, the proposed development includes two retaining walls and installation of an evapotranspiration sewage disposal system and dewatering system to further ensure stability of the subject site.

The subject site is a large 115,624 sq. ft. parcel located at the terminus of Paquet Place, east of Ramirez Canyon Road, in the City of Malibu (Exhibits 1,2). The subject parcel is a partially graded hillside lot which descends southwesterly to Ramirez Canyon with slope gradients that vary from nearly horizontal to 2:1. Total physical relief over the subject property is on the order of 150 ft. The east portion of the subject site is presently developed with a single family residence and detached garage, previously permitted in 1978 under Coastal Development Permit P-7-5-78-3649, and a pool exists just south of the residence. Activation of a recent landslide caused damage to the existing residence, pool, and patios, however, portions of the residence and pool which derive support from bedrock underlying the site have remained intact (Exhibit 3,4).

On August 24, 2000 the applicants submitted an Exemption Determination Request 4-00-129-X to demolish those portions of the residence and pool damaged by the landslide and to rebuild the structures within the same footprint and height of the original development. Commission staff determined that the proposed project consisting of demolishing and reconstructing damaged portions of the residence and pool met the criteria set forth in Section 30610 (g) of the Coastal Act, qualifying as a disaster replacement and thus exempt from coastal permit requirements. As such an exemption was issued for that proposed project. However, prior to reconstruction of development damaged by the landslide portions of the subject site affected by the landslide needed to be remediated to ensure stability of the site and the development. The landslide remediation required approximately 11,000 cu. yds. of removal and recompaction of the hillside and the construction of two new retaining walls, one at the top of the slope and one at the bottom of the slope. In addition, consistent with the recommendations of the applicants' consulting engineering geologist and geotechnical engineer, installation of a new evapotranspiration sewage disposal system and dewatering system was proposed to aid in maintaining stability of the project site. Due to time constraints and the threat of additional landsliding causing more damage to the subject site, an Emergency Permit 4-00-204-G was issued for demolition of the damaged portions of the residence, the site remediation and installation of the dewatering system. Special Condition 4 of the Emergency Permit required the applicants to submit a follow-up coastal permit application for the proposed development to be reviewed for consistency with all

applicable provisions of the Coastal Act, which is the subject of this permit application (Exhibit 5).

Vegetation at the project site consists of domestic shrubs and trees adjacent to the residence and natural grasses, shrubs, and trees on the undisturbed portions of the site. The project site is not located in an environmentally sensitive habitat area and no sensitive plant or animal species are known to exist at the site. The proposed project will not be visible from Pacific Coast Highway or any other public viewing area. As such, the proposed project will not have an adverse impact on sensitive habitat areas or public scenic views.

B. Geology

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

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and to minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted an Update Geotechnical Engineering Report dated 2/7/00 and three Response to Geotechnical Review Sheet from the City of Malibu reports dated 10/23/00, 5/12/00, and 3/20/00 prepared by Coastline Geotechnical Consultants, Inc., as well as an Update Engineering Geologic Report dated 8/25/99 and three Addendum Engineering Geologic Reports dated 6/13/00, 5/3/00, and 3/7/00 prepared by Mountain Geology, Inc. which evaluate the geologic conditions of the subject site potentially affecting the stability of the site. The submitted Geotechnical Engineering reports and Engineering Geologic reports specifically describe a recent landslide, as well as other geologic constraints at the site such as perched groundwater, soil creep, and faults, and include several recommendations for remediating the site conditions to ensure the

stability of the subject site. The Update Engineering Geologic Report prepared by Mountain Geology dated 8/25/99 states, in part:

> *A relatively recent landslide occurred on the east-central portion of the subject property on the south-west facing slope located adjacent to the existing residence and swimming pool. The landslide occurred following intense periods of precipitation associated with the El Nino generated storms of 1997 and 1998.*
>
> *An erosional remnant of a large prehistoric landslide underlies the subject property. The prehistoric landslide consisted of a large mass of bedrock which failed downslope towards Ramirez Canyon in the early Quaternary.*
>
> *Based upon the findings of the referenced engineering geologic investigations and our recent exploration of the site, Mountain Geology, Inc. has concluded that potentially active and/or active splays of the Malibu Coast Fault traverse the subject property. However, it should be noted that the mapped splays of the Malibu Coast Fault do **NOT** traverse the current residence footprint.*

Additionally, the Update Geotechnical Engineering Investigation prepared by Coastline Geotechnical Consultants, Inc. states:

> *Groundwater was encountered at a depth of 15 to 44 feet in all but two borings, and seepage was observed in all borings. Surface drainage is comprised of sheet-flow run-off of incidental rainfall derived primarily within the parcel boundaries.*
>
> *Creep, which is a nearly imperceptible movement of surficial soils downslope caused by forces of gravity, was observed on the property. It is believed this movement involves the fill and residual soils covering the landslide debris and bedrock.*

The project engineering geologist and geotechnical engineering consultants have identified and discussed geologic constraints of the subject property potentially affecting site stability and development of the site and have made specific recommendations for the recent landslide remediation, sewage disposal, lowering the level of groundwater underlying the site, drainage, design and construction to minimize potential geological hazards. Specifically, the Updated Engineering Geologic Report prepared by Mountain Geology, Inc. dated 8/25/99 provides the following recommendations:

> *1.) Slope Restoration-It is recommended that the recent landslide debris be removed and recompacted per the recommendations of the Geotechnical Engineer and those presented herein.*
> *2.) Site Stabilization-It is recommended that dewatering wells **or** hydraugers be installed on the subject property to lower the level of groundwater. Lowering the level of groundwater will both increase slope stability and lessen the potential for reactivation of the prehistoric landslide remnant. The recommended*

*dewatering wells **or** hydraugers shall be installed per the recommendations of the Geotechnical Engineer and those presented herein…*
*3.) Residence and swimming Pool Repair-The recommended bearing material for the repaired portion of the residence is the underlying in-place sedimentary **bedrock**…*
4.) It should be noted that retaining/stabilization devices (i.e. soldier pile rows) may be installed on the subject property to provide the minimum required slope Factor of Safety if deemed necessary by the Geotechnical Engineer…

Due to the underlying level of groundwater and presence of the prehistoric landslide remnant within the site and adjacent properties, it is recommended that a "No discharge" private sewage disposal system, or evapotranspiration system, be installed on the subject property.

Based on their evaluation of the project site the project engineering geologist and geotechnical engineering consultants have determined that the project site will be safe from further geologic hazard provided their geologic recommendations are complied with. Mountain Geology, Inc. concludes in their Update Engineering Geologic Report dated 8/25/99:

Based upon our investigation, the proposed site improvements will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed site improvements will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

In addition, the Update Geotechnical Engineering Investigation Report by Coastline Geotechnical Consultants, Inc. dated 2/7/00 states:

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

The project engineering geologist and geotechnical engineering have included in the reports referenced above several recommendations to be incorporated into site remediation, construction, design, drainage, and sewage disposal to ensure the stability and geologic safety of the project site. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition 1,** requires the applicant to submit project plans certified by the consulting engineering geologist and geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans

approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultants shall require an amendment to the permit or a new coastal development permit.

Additionally, the Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and erosion control plans certified by the consulting engineering geologist and geotechnical engineer, as specified in **Special Conditions 1 and 2**. Furthermore, Special Condition 2 requires the applicants to implement temporary erosion control measures during grading operations to stabilize any stockpiled fill with geofabric covers or other, install geotextiles or mats on all cut and fill slopes, and close and stabilize open trenches to minimize potential erosion from wind and run-off water.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site. Therefore, **Special Condition 2** specifies that during grading operations to remediate the landslide all top soil within the grading footprint shall be retained and replaced as topsoil to facilitate revegetation of the disturbed and graded areas to further aid in maintaining slope stability. Special Condition 2 also requires the applicants to submit landscaping plans that require the use and maintenance of native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission notes that non-native and invasive plant species with high surface/foliage 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 and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 2.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties. However, the Commission finds that there remains an inherent risk in building on the subject site with the geologic conditions and constraints described in this section. Therefore, the Commission can only approve the project if the applicant assumes the responsibility and liability from the risks associated with developing the project as required by **Special Condition 3**. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the

property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Moreover, through acceptance of Special Condition 3, the applicants agree to indemnify the Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage from geologic and wildfire hazard exists as an inherent risk.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous wildfire and geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development with similar risks throughout the Malibu/Santa Monica Mountains region.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section **30231** of the Coastal Act states:

> ***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.***

As described, the proposed project includes a significant grading operation consisting of removal and recompaction of approximately 11,000 cu. yds. of earth material to remediate a landslide on a hillside parcel. The project also involves the installation of a new alternative evapotranspiration sewage disposal and dewatering system to further

aid in stabilizing the project site. The project site is a large developed parcel located on a hillside which descends over relatively level to steeply sloped terrain to a blueline stream collecting run-off within Ramirez Canyon in the Santa Monica Mountains. The site is considered a "hillside" development, as it involves sloping terrain with soils that are susceptible to erosion.

The Commission finds that interim erosion control measures implemented during grading operations required for the landslide remediation and post construction landscaping of graded and disturbed areas will serve to minimize the potential for adverse impacts to water quality resulting from run-off during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition 2,** which requires the applicant to implement interim erosion control and appropriate landscaping measures, is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site evapotranspiration sewage disposal system to serve the residence, and installation of a dewatering system to aid in lowering the level of groundwater underlying the site. The applicants' geology consultants have recommended the proposed septic system and dewatering system as a means of ensuring site stability, and have found that the proposed project will not adversely impact adjacent properties. Finally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate erosion control measures and maintain adequate landscaping and drainage, is consistent with Section 30231 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

Section **30604** of the Coastal Act states:

> ***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 project 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 of Malibu's ability to prepare a Local Coastal Program for the Malibu and Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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.

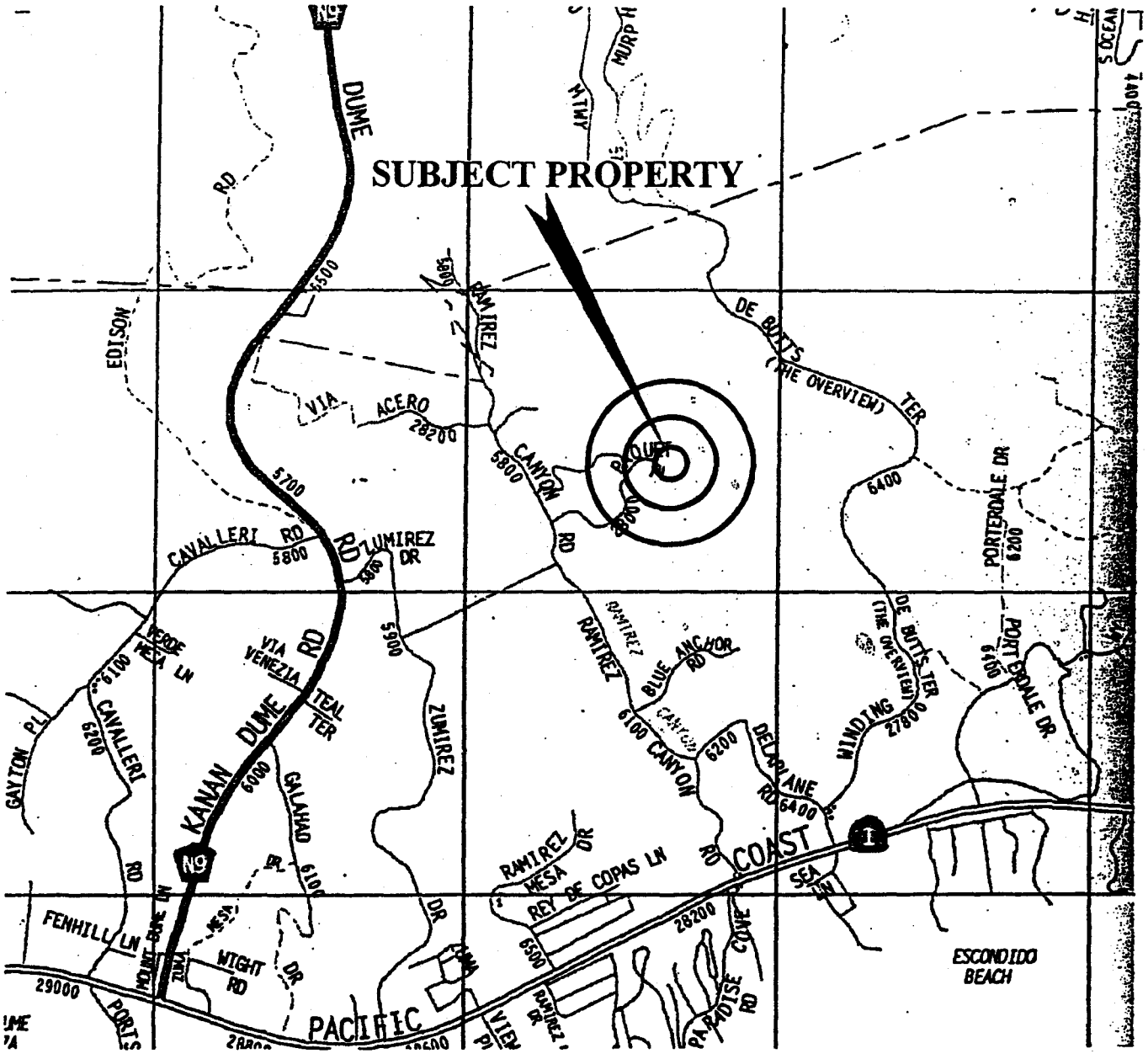
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

Mountain Geology, Inc.

CONSULTING ENGINEERING GEOLOGISTS

VICINITY MAP

REFERENCE: THOMAS BROTHERS MAP GUIDE, PAGES 627 & 667



NORTH

SCALE

0 FT · 1400 · 2800 · 4200 · 5600

PLATE 1

BROSNAN

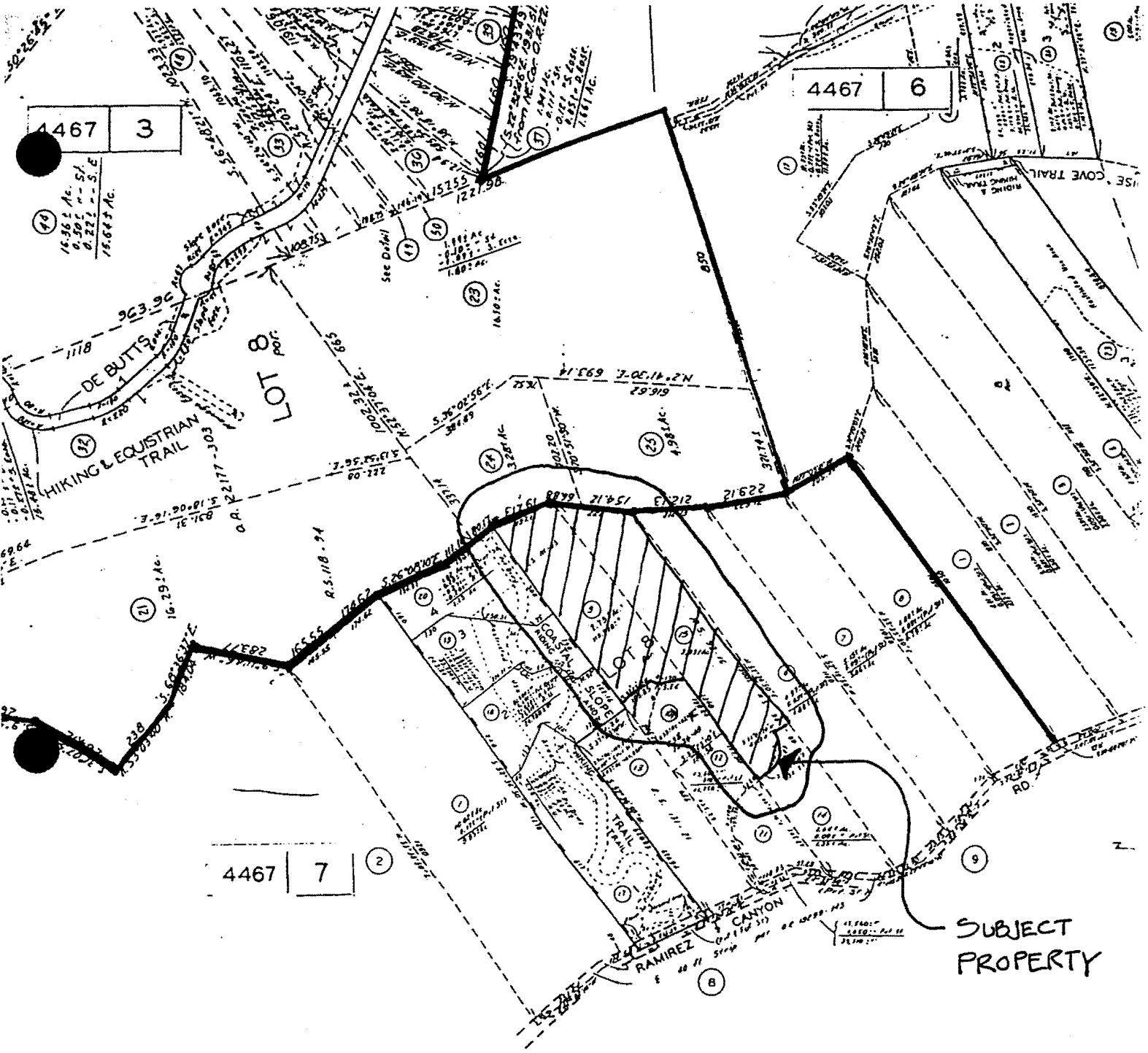
JH 3118

EXHIBIT 1

CDP #4-00-204

Location Map

5158 COCHRAN ST. • SI 5174 • FAX (805) 582-1228



CODE
10853

LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT

PARCEL MAP
P.M. 239-18-20

R.F. 534

Por. of lots 1 to 4, P.M. are subject to Geologic

FOR PREV. ASSMT. SEE:

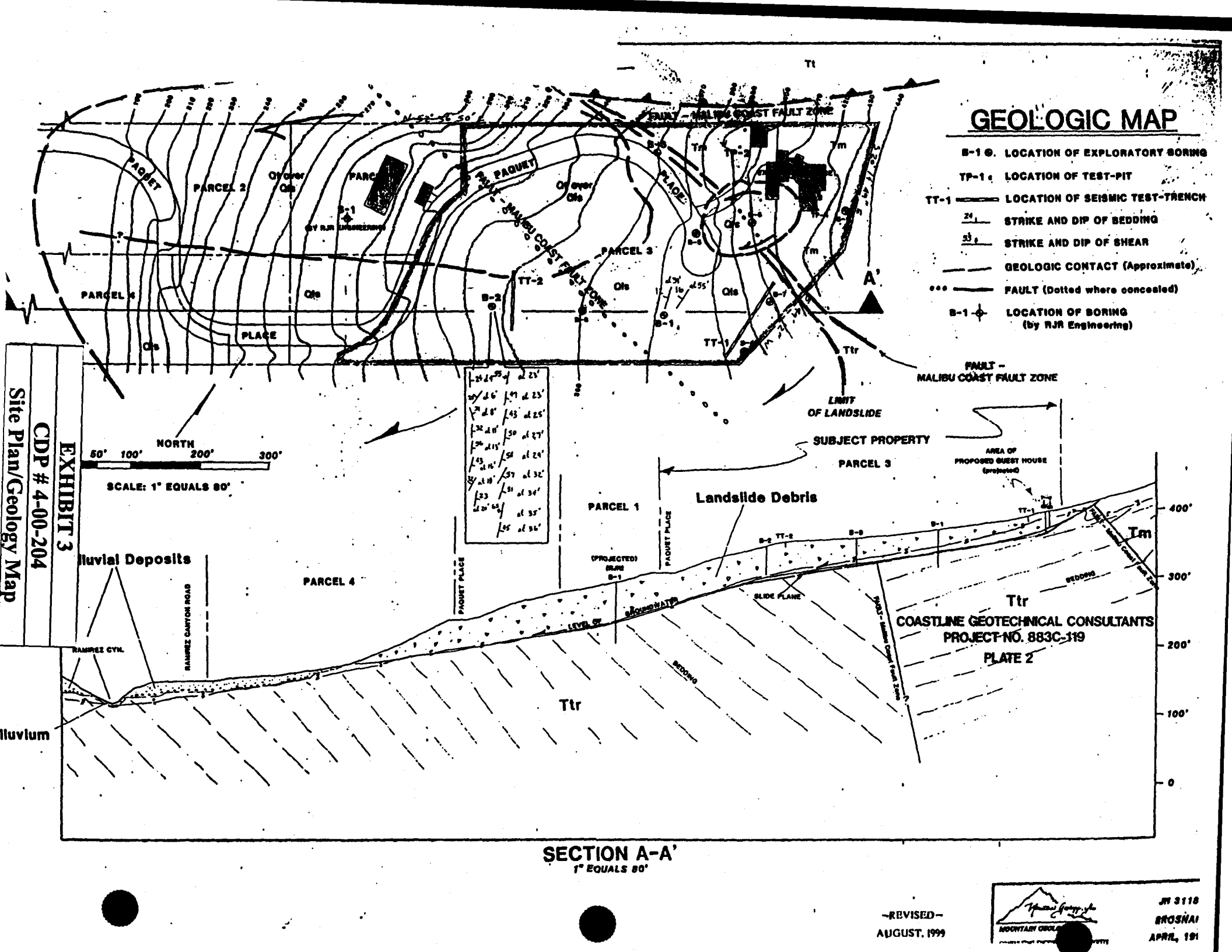
ASSESSOR'S
COUNTY OF LOS

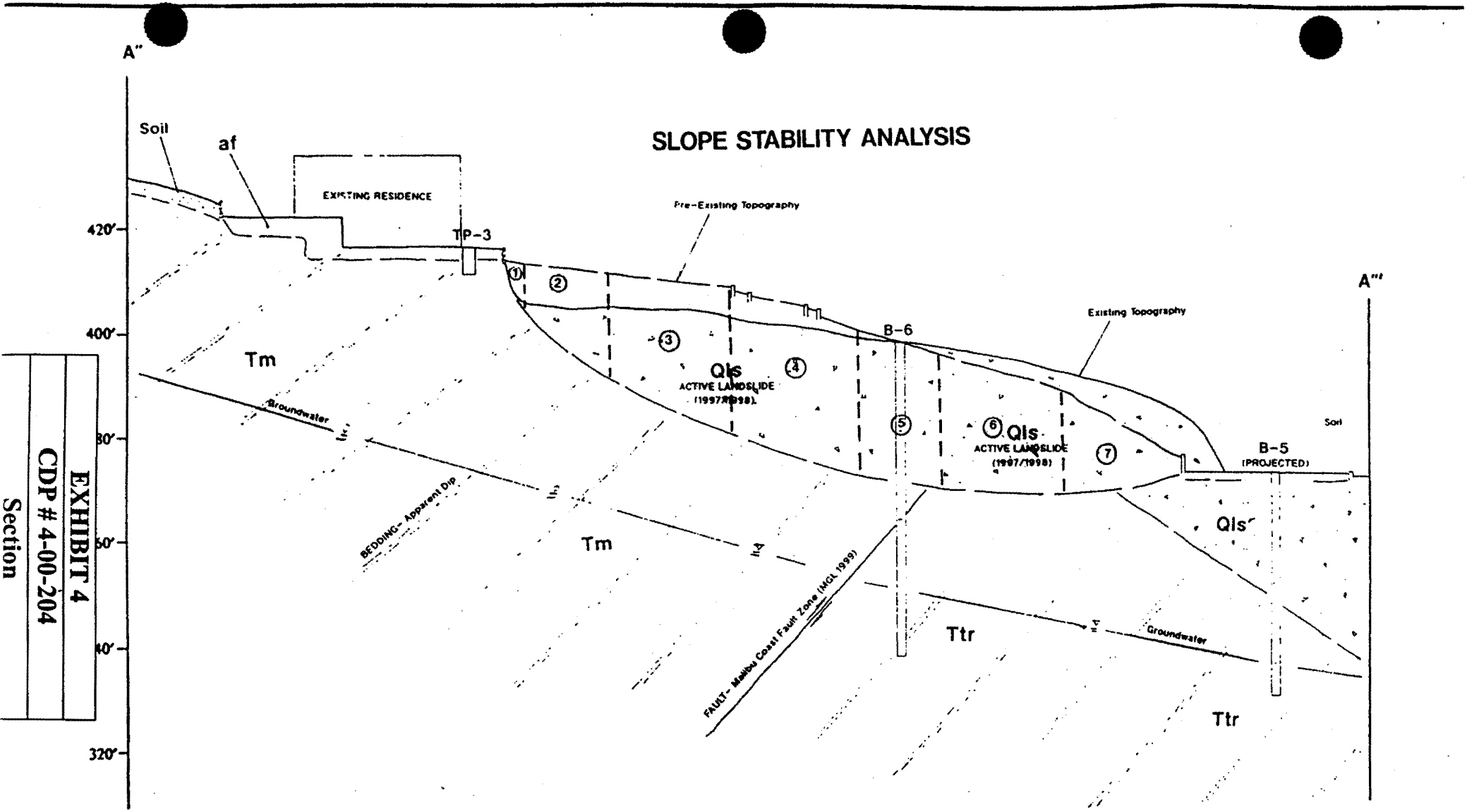
RECEIVED
NOV 22 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

100 FT. RADIUS MAP
SCALE 1" = 400'

EXHIBIT 2
CDP # 4-00-204
Parcel Map


GEOLOGIC MAP
B-1 ⊕ LOCATION OF EXPLORATORY BORING
TP-1 LOCATION OF TEST-PIT
TT-1 LOCATION OF SEISMIC TEST-TRENCH
STRIKE AND DIP OF BEDDING
STRIKE AND DIP OF SHEAR
GEOLOGIC CONTACT (Approximate)
FAULT (Dotted where concealed)
LOCATION OF BORING (by RJR Engineering)
EXHIBIT 3
CDP # 4-00-204
Site Plan/Geology Map
NORTH
SCALE: 1" EQUALS 80'
SUBJECT PROPERTY
PARCEL 1
PARCEL 2
PARCEL 3
PARCEL 4
PAQUET
PLACE
FAULT - MALIBU COAST FAULT ZONE
LIMIT OF LANDSLIDE
AREA OF PROPOSED GUEST HOUSE (projected)
Landslide Debris
Alluvial Deposits
Alluvium
Qls
Tm
Ttr
BEDDING
SLIDE PLANE
RAMIREZ CYN.
RAMIREZ CANYON ROAD
COASTLINE GEOTECHNICAL CONSULTANTS
PROJECT NO. 883C-119
PLATE 2
SECTION A-A'
1" EQUALS 80'
-REVISED-
AUGUST, 1999
JN 3118
APRIL, 191



GEOTECHNICAL ENGINEERING INVESTIGATIO
28011 PAQUET PLACE
MALIBU, CALIFORNIA

SCALE: 1"=20'	APPROVED BY:	DRAW
DATE: JAN. 2000		REVIS

COASTLINE GEOTECHNICAL CONSUL

PROJECT NO. 883C-079 | DRAW

STATE OF CALIFORNIA – THE RESOURCES AGENCY Gray Davis, Governo

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

EMERGENCY PERMIT

September 11, 2000

Permit No.: **4-00-204-G**

Applicants: **Gullixson** **Agent:** **Clive Dawson/ Erin Anderson**

Project Location: **28011 Paquet Place, Malibu, Los Angeles County**

Work Proposed: **Demolish portion of existing single family residence damaged by a landslide, install dewatering system at subject site, and grade approximately 11,000 cu. yds. for removal and recompaction to remediate the landslide. No import or export of graded earth material is proposed.**

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 unexpected occurrences in the form of:

A landslide has caused a portion of the residence to separate and collapse, and has caused damage to retaining walls and pool.

These occurrences require 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; and

(b) Public comment on the proposed emergency action has been reviewed if time allows.

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

Very Truly Yours,

Peter M. Douglas
Executive Director

By: Gary Timm
Title: Program Manager

EXHIBIT 5
CDP # 4-00-204
Emergency Permit 4-00-204-G

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the property owner and returned to our office within fifteen (15) days.

2. Only that work specifically described above and for the specific property listed above, subject to the conditions set forth below, is authorized. Any additional work requires separate authorization from the Executive Director.

3. The work authorized by this permit must be completed within thirty (30) days of the date of this permit.

4. Within sixty (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.

5. By exercising this permit the applicant agrees to indemnify and hold harmless the California Coastal Commission, and its agents and employees from any liabilities or claims for damage to public or private properties or from personal injury that may result to any party from the project authorized herein.

6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.

7. During grading operations to remediate the landslide all top soil within the grading footprint shall be retained and replaced as topsoil to facilitate revegetation of the disturbed and graded areas to further aid in slope stabilty. Immediately upon completion of grading operations all graded & disturbed areas on the subject site shall be revegetated and maintained for erosion control purposes. To minimize the need for irrigation all revegetation 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 February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

8. During grading operations the applicant shall implement temporary erosion control measures to stabilize any stockpiled fill with geofabric covers or other, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches to minimize potential erosion from wind and runoff waters, should the project site be subject to wind and run-off at any time during grading activities.

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.

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