

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



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Item Th 8d

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-10-012
APPLICANT: Erin Hughes
PROJECT LOCATION: 2145 Rambla Pacifico, Malibu (Los Angeles County)
PROJECT DESCRIPTION: Slope repair including the removal and recompaction of approximately 2,699 cu. yds. of slide debris (1,360 cu. yds. of cut and 1,339 cu. yds. fill)

MOTION & RESOLUTION: Page 3

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with conditions.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. The following is a summary of the main issues raised by the project and how they are resolved by staff’s recommendation:

- **GEOLOGIC STABILITY.** The project site contains a landslide that must be repaired in order to stabilize the slope directly down slope of a county road and adjacent to the existing residence. The recommended special conditions will assure that any further geologic hazards and any potential impacts to coastal resources are minimized.
 - **WATER QUALITY.** The proposed slope repair may temporarily result in impacts to water quality due to erosion during the removal and recompaction phase and would result in increased erosion if it is not revegetated at the completion of construction. The recommended special conditions will assure that any further water quality impacts and any other potential impacts to coastal resources are minimized.
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EXHIBITS

- Exhibit 1. Vicinity Map
 - Exhibit 2. Parcel Map
 - Exhibit 3. Project Plans
 - Exhibit 4. Site Aerial
 - Exhibit 5. Site Photos
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LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated 5/11/2010; and County of Los Angeles Department of Public Works Environmental Programs Division Approval, dated 4/12/2010.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit P-8-16-77-1664 (Higgins); 4-01-002-X (Fleischman); 4-02-142-X (Fleischman); “Preliminary Engineering Geologic and Soils Engineering Report, Slope Restoration/Remedial Repair of Nonconforming Slope, 2145 Rambla Pacifico, APN 4453-028-007, Malibu Area of Los Angeles County, California,” prepared by Southwest Geotechnical, Inc., May 20, 2009; and “Structural Calculations,” prepared by OKS’N Associates, Inc., February 6, 2010.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-10-012 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 Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

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 that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire 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.

3. Drainage and Polluted Runoff Control Plan

A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a licensed civil engineer or qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, the consulting civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) BMPs should consist of site design elements and/or landscape based features or systems that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (2) Landscaping materials shall consist primarily of native or other low-maintenance plant selections which have low water and chemical treatment demands consistent with **Special Condition 5, Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design should be utilized for any landscaping requiring water application.
- (3) All slopes should be stabilized in accordance with provisions contained in the Landscaping and/or Erosion and Sediment Control Conditions for this Coastal Development Permit.
- (4) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains.
- (5) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans should be approved by the project consulting geotechnical engineer.
- (6) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer, or qualified licensed professional, or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Interim Erosion Control Plans and Construction Responsibilities

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

- (a) 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 plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) 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.
- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout 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 of the coastal zone or within the coastal zone to a site permitted to receive fill.
- (f) 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.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Landscaping and Fuel Modification Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. 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 consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the certificate of occupancy for the residence. 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 February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. 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) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

B) Fuel Modification Plans

Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and

location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

C) Conformance with Coastal Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

Three years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit to 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 requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

6. Deed Restriction

Prior to issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the

Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

7. Condition Compliance

Within 180 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 applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and 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 applicant proposes to restore a failed slope which will require 2,699 cubic yards of grading (1,360 cu. yds. cut and 1,339 cu. yds. fill) (Exhibit 3).

The site is located at 2145 Rambla Pacifica Street in the Santa Monica Mountains, North of Pacific Coast Highway, in unincorporated Los Angeles County (APN: 4453-028-007) (Exhibits 1, 2, and 4). The site is currently developed with a two-story single-family residence with a wooden deck, and a swimming pool. The site is accessed via an asphalt paved private driveway that connects the site to Rambla Pacifico. The upper side of this driveway has a retaining wall approximately 4-5 feet high, that extends from Rambla Pacifico above, down to the area of the recently graded portion of the site.

The proposed project site is a 100,188 square foot (2.3 acre) parcel, located at an elevation of approximately 1,340 feet above sea level and is situated on the west side of Rambla Pacifica Street. Site slopes descend to the north-northwest direct. There are no existing or mapped public trails on or immediately adjacent to the subject property. This site is not considered to be an environmentally sensitive habitat area (ESHA) due to the fact that the site has been previously developed along with several of the surrounding parcels. Additionally, the proposed development will not be located in proximity to any oak trees.

In the subject portion of the project site, there was a narrow, graded 'parking area' that extended northwest of the turn in the driveway. This parking area was not approved as part of the CDP approved for construction of the house and driveway. Staff has no evidence of when this portion was graded into the slope, but it appears on a 1986 aerial

photo of the area. There is no evidence of how much grading was undertaken to create the parking area.

Like many areas of the Santa Monica Mountains, the subject site is prone to wildfires and, most recently, was burned in the 2007 fires. Although the single-family residence was not significantly damaged, much of the on site vegetation burned. . Apparently, the combination of vegetation loss and rainfall the following year contributed to the slope failing, causing a landslide on the subject site, between the parking area and Rambla Pacifica above. The property owner proceeded to clear the landslide material and place it on the slope below the parking area, without the approval of Los Angeles County or the benefit of a Coastal Development Permit, at which time the Los Angeles County Building and Safety Code Enforcement issued a citation for grading without a permit.

The narrow parking area pad was widened by removing some of the in-place bedrock and loose landslide debris and casting the generated earth material onto the lower adjacent descending slope surface, thus creating a 55-65 degree or steeper ascending slope. The "sidecast fill" created a resultant uncompacted slope that is at an approximately 1.5:1 (horizontal:vertical) gradient.

Staff discussed the unpermitted development with Los Angeles County Building and Safety staff. It is the belief of the County that the property owner's actions to remove slide material and place it on the slope below did not cause the landslide but did compromise the integrity of the remaining slope through excessive grading. . The original proposal included the construction of a retaining wall beneath the failed slope, however, the property owner has agreed to a more natural solution that includes restoring the slope to its pre-slide configuration through removal of the sidecast fill, reconstruction of the slope, and recompaction, including 2,699 cubic yards of grading (1,360 cu. yds. cut and 1,339 cu. yds. fill) with no import and no export. Once the slope is restored, drainage structures and native vegetation plantings have been proposed to further stabilize the area. A narrow slope bench will remain in the location of the parking area, but this area will not be re-paved and will be planted with native plants.

B. PAST COMMISSION ACTION

On September 19, 1977, the Commission approved Coastal Development Permit (CDP) No. P-8-16-77-1664 (Higgins) for the construction of a two-story, single-family dwelling with attached two-car garage, 43 feet below the centerline of the frontage road (15 feet above average finished grade) on the subject lot. The permit was issued and the residence has been constructed. The driveway approved as part of this development included the steep portion with retaining wall that turns back to the building pad (this driveway is existing on site currently), but did not include the graded 'parking area' portion. Staff has no evidence of when this portion was graded into the slope, but it appears on a 1986 aerial photo of the area.

On March 20, 2001, the Commission granted approval (4-01-002-X) for the construction of an exterior staircase, swimming pool, and deck adjacent to the existing single-family residence.

On, October 29, 2002, the Commission granted approval (4-02-142-X) for the attached garage to be converted into habitable space with no change to the septic system.

C. HAZARDS AND GEOLOGIC STABILITY

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 minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The applicant has submitted an Engineering Geologic and Soils Report prepared by Southwest Geotechnical, Inc., dated May 20, 2009. The report evaluates the nature of the landslide debris, the limits of the slide area, the cause of the slide, and present alternative methods of slope repair.

The geologic consultants have determined that it is necessary to repair the slope failure in order to protect the structural integrity of the county road (Rambla Pacifico) which is immediately upslope of the failure area. The geologic consultants have evaluated several alternatives for remedial slope repair and drainage systems, including the option originally proposed to place the fill from the failed slope against the near-vertical ascending slope and construct a retaining wall. At the request of Los Angeles County Regional Planning and the Commission, the property owner has agreed to a more natural solution by that includes restoring the slope to its pre-slide configuration through removal of the sidecast fill, reconstruction of the slope, and recompaction, including 2,699 cubic yards of grading (1,360 cu. yds. cut and 1,339 cu. yds. fill) with no import and no export. Once the slope is restored, drainage structures and native vegetation plantings have been proposed to further stabilize the area. According to the geotechnical report, dated May 20, 2009, "this will be achieved by restoring the nonconforming ascending slope to its original pre-graded line-and-grade condition (or as near to that as possible), using the sidecast/spill fills from the descending slopes and compacting these fills as recommended against the near-vertical slopes. This remedial repair will result in a net increase in stability from the pre-grade conditions on site." Once the slope is restored, native vegetation plantings have been proposed to further stabilize the area.

The geologic and geotechnical report contains several recommendations to be incorporated into project construction, including grading and earthwork, settlement, excavation, erosion control, drainage and maintenance, and reviews to ensure the

stability and geologic safety of the proposed project site. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition One (1)**, requires the applicant to comply with and incorporate the recommendations contained in the submitted geologic report into all final design and construction, and to obtain the approval of the geotechnical consultants prior to commencement of construction. 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 consultant, shall require an amendment to the permit or a new coastal development permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner away from the existing slope will also add to the geologic stability of the project site. In order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicant to submit drainage and polluted runoff control plans, as specified in **Special Condition Three (3)**. Finally, in order to ensure that erosion is minimized during construction of the slope repair and installation of the drainage system, the Commission finds it necessary to require the applicants to prepare and implement erosion control plans and comply with construction responsibilities, as detailed in **Special Condition Four (4)**.

Further, the Commission finds that landscaping and vegetation of graded and disturbed areas on the subject site, including the reconstructed slope, will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition Five (5)** requires the applicant to submit and implement landscaping plans for the portions of the project site that are disturbed as a result of this project. **Special Condition Five (5)** also requires the applicant to utilize and maintain native and non-invasive plant species compatible with the surrounding area for landscaping of the project site.

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 notes 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 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 Five (5)**.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from erosion and landslides, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition Two (2)**, assumption of risk, the applicants acknowledge the nature of the landslide and erosion hazard which may exist on the site and which may affect the safety of the proposed development. Moreover,

through acceptance of **Special Condition Two (2)**, the applicants also agree to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. Finally, the Commission requires the applicant to record a deed restriction **Special Condition Six (6)** that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

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

D. WATER QUALITY

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

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed slope repair may temporarily result in impacts to water quality due to erosion during the removal and recompaction phase. Additionally, the temporary repair would result in increased erosion if it is not revegetated at the completion of construction. Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping. The applicant is proposing to install drainage pipes as part of the slope repair. However, the applicant has not submitted plans for maintenance and repair of the proposed drainage devices. Therefore, in order to minimize erosion, and to ensure that adequate drainage and

erosion control is included in the proposed development, the Commission requires the applicant to submit drainage system maintenance plans

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30231 of the Coastal Act:

Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans

Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities

Special Condition 5: Landscaping and Erosion Control Plans

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permit. In the subject portion of the project site, there was a narrow, graded 'parking area' that extended northwest of the turn in the driveway. This parking area was not approved as part of the CDP approved for construction of the house and driveway. Staff has no evidence of when this portion was graded into the slope, but it appears on a 1986 aerial photo of the area. There is no evidence of how much grading was undertaken to create the parking area.

Like many areas of the Santa Monica Mountains, the subject site is prone to wildfires and, most recently, was burned in the 2007 fires. Although the single-family residence was not significantly damaged, much of the on site vegetation burned. . Apparently, the combination of vegetation loss and rainfall the following year contributed to the slope failing, causing a landslide on the subject site, between the parking area and Rambla Pacifica above. The property owner proceeded to clear the landslide material and place it on the slope below the parking area, thereby widening the parking area pad without the approval of Los Angeles County or the benefit of a Coastal Development Permit, at which time the Los Angeles County Building and Safety Code Enforcement issued a citation for grading without a permit.

Staff discussed the unpermitted development with Los Angeles County Building and Safety staff. It is the belief of the County that the property owner's actions to remove slide material and place it on the slope below did not cause the landslide but did compromise the integrity of the remaining slope through excessive grading. The applicant's original proposal included the construction of a retaining wall beneath the failed slope, however, the property owner has agreed to a more natural solution that includes restoring the slope to its pre-slide configuration through removal of the sidecast fill, reconstruction of the slope, and recompaction, including 2,699 cubic yards of grading (1,360 cu. yds. cut and 1,339 cu. yds. fill) with no import and no export. Once the slope is restored, drainage structures and native vegetation plantings have been proposed to further stabilize the area. A narrow slope bench will remain in the location of the parking area, but this area will not be re-paved and will be planted with native

plants. As a result, the unpermitted development on the site will be resolved through this permit action.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit, within 180 days of Commission action. The following special condition is required to assure the project's consistency with all applicable Chapter 3 policies of the Coastal Act:

Special Condition Seven (7). Condition Compliance

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. LOCAL COASTAL PROGRAM (LCP) PREPARATION

Section **30604(a)** 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 coastal 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 to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed projects will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through 7

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

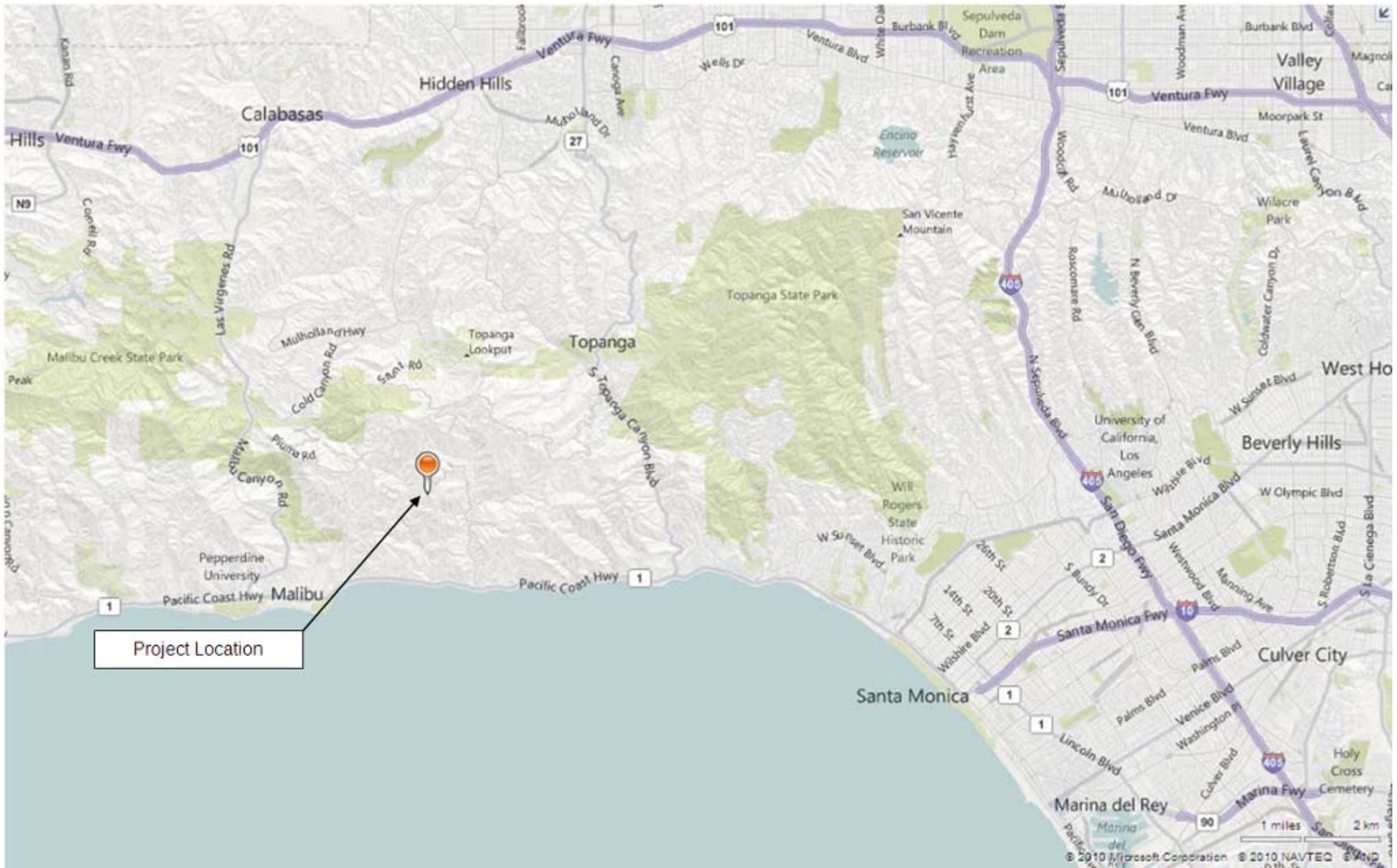
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 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 may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 7

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



Project Location

| |
|---------------------|
| Exhibit No. 1 |
| CDP 4-10-012 |
| Vicinity Map |

4453 28

2006

SCALE 1" = 200'

720915008
761214504
981202

2884188507882601-07
200506082801-07

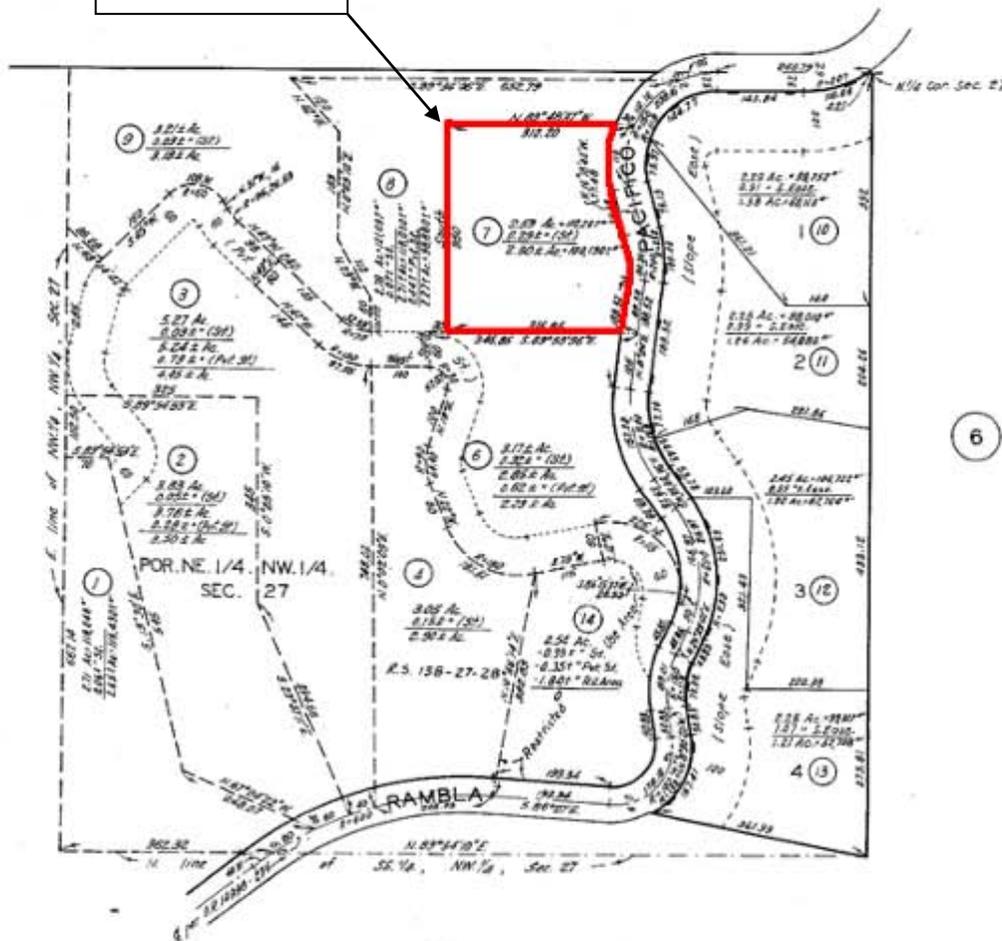
Subject Parcel
4453-028-007

4



5

6



35

CODE
8658

JUN 08 2005

T. 1 S., R. 17 W.

PARCEL MAP

P. M. 73-10

FOR PREV. ASSM'T SEE:
4453-28

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

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|---------------|
| Exhibit No. 2 |
| CDP 4-10-001 |
| Parcel Map |

PLAN

County of Los Angeles Department of Public Works
 Environmental Programs Division
**CONSTRUCTION AND DEMOLITION DEBRIS
 RECYCLING AND REUSE PLAN**

Complete this C&D Recycling and Reuse Plan and submit to:
 County of Los Angeles Department of Public Works,
 Environmental Programs Division, Annex Building, 3rd Floor
 902 South Fremont Avenue, Alhambra, CA 91803
 Office Hours: 7 a.m. - 5 p.m. Monday through Thursday
 Or Fax to (626) 737-1723
 Date: 4/08/2010

The Los Angeles County Code, Chapter 20.87, requires projects to recycle 50 percent of the debris generated and to submit this Recycling and Reuse Plan documenting how that will be achieved. The Recycling and Reuse Plan must be approved before any permits are issued. Additional information is available at <http://www.lacounty.gov/epd/cd> or call (626) 458-3561.

PROJECT INFORMATION

Street Address: 2145 Rambla Pacifico
 City, Zip: Malibu, CA 90265
 Assessor's Parcel #: 4163-028-007 Plan Check #: GR 0909170001
 Project Start Date: 3-1-2010 Project End Date: 8-30-2010

PROJECT DESCRIPTION

Construction: Remedial Grading Work
 Demolition: _____
 Grading: Cut 1360 cubic yards. Fill 1339 cubic yards.

PROJECT CLASSIFICATION

Complete pages 1, 2, and the appropriate Attachments. Check the boxes:
 Commercial - complete Attachment C
 Grading - complete Attachment G
 Residential - complete Attachment R
 Submit the required pages to the "C&D Unit" via fax or in person at our public counter.

FOR PUBLIC WORKS USE ONLY

RRP ID: 041210-1000 80% of Fee: No Lower Fee:
 Reason for Lower Percentage: _____ Date Received: 4-12-10
 Project Exempt? Yes Reason: _____
 RRP Approved: Yes Date: 4-12-10
 Approved By: Marisa Valadez, Marisa Valadez (626) 458-3545

Form 04/2008
 Please send this plan to: <http://epd.lacounty.gov/cd/>



COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
 ENVIRONMENTAL PROGRAMS DIVISION

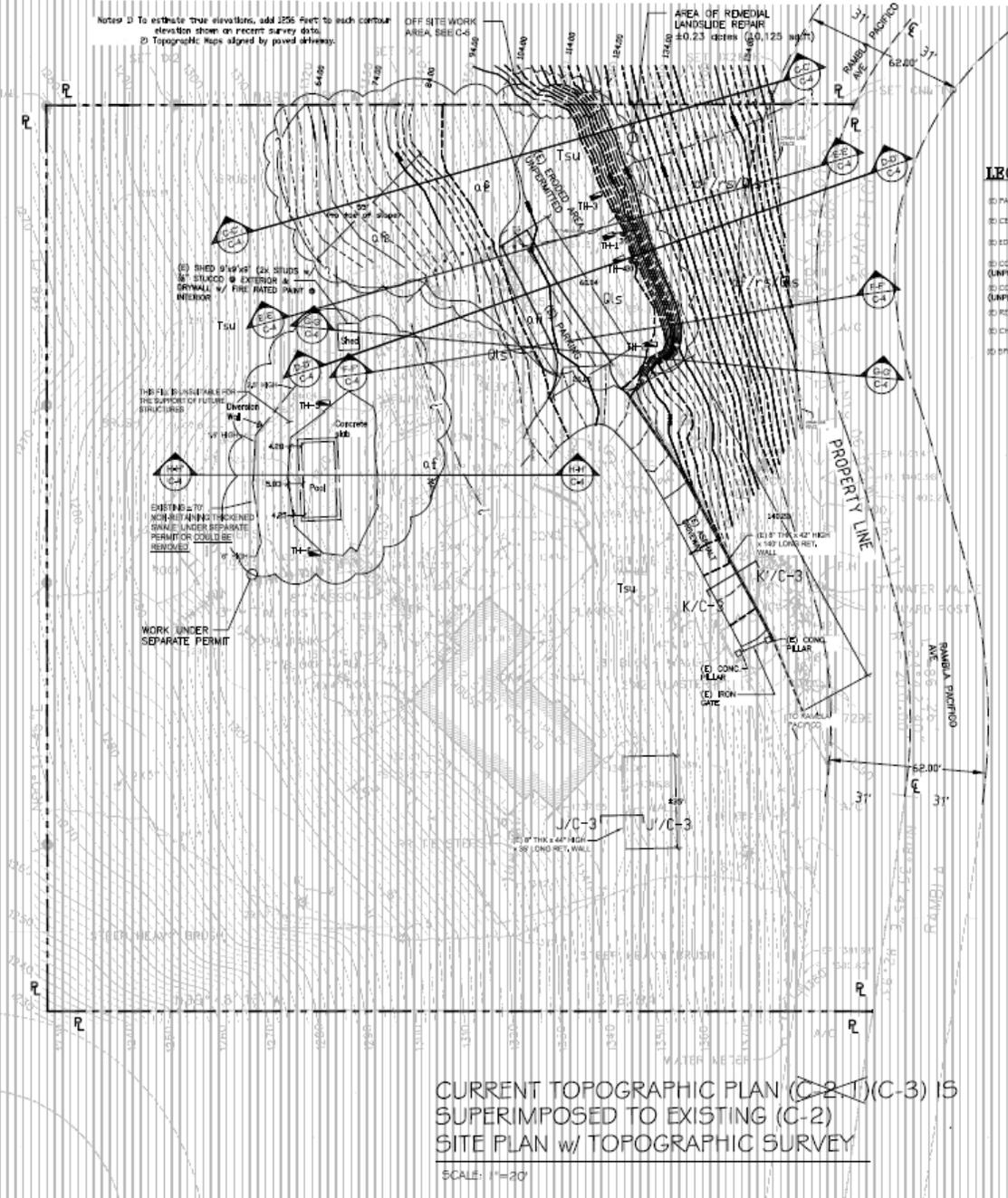
**CONSTRUCTION AND DEMOLITION DEBRIS
 RECYCLING AND REUSE PLAN APPROVAL SHEET**

RRP Number: 041210-1000 Date: 4/12/2010
 Applicant: Oksan Babakhanian
 Project Address: 2145 Rambla Pacifico, Malibu, 90265

The Recycling and Reuse Plan (RRP) submitted for the above project has been approved. Please note the following:

- A 90 Day Progress Report is required to be submitted no later than 90 days after issuance of the first permit issued by Building and Safety Division for your project. The 90 Day Progress Report is estimated to be due by 7/08/2010.
- An Annual Progress Report is required to be submitted on or before March 1st of every year, until project completion.
- A Final Compliance Report is due no later than 45 days after project completion along with all weight tickets. The Final Compliance Report is due by 10/6/2010.
- Source separation of debris is required for one of more of the facilities you have chosen to use. Coordinate this with your contractor, hauler, and facility to ensure the material is recycled.
- Changes to the project scope, will require submittal of an Amended Recycling and Reuse Plan.
- Weight tickets are required to be submitted with the Final Compliance Report and must account for all waste generated from the project.
- Notify all interested parties (contractor, subcontractors, owner) of recycling requirement and of recycling and disposal facilities to be used.
- Remedial grading work, cut-1360 cy, fill-1339 cy, to balance on site.

Failure to recycle the required amount of debris can lead to penalties of up to \$250 per ton. Report forms, best management practices, list of haulers, recyclers, and disposal facilities, and other materials are available at <http://www.lacounty.gov/epd/cd/>. If you have any questions, please call Valadez, Marisa, at (626) 458-3545.



LEGEND

- (D) PARCEL BOUNDARY
- (D) CENTERLINE
- (D) EDGE OF RIGHT OF WAY
- (D) CONTOUR MAJOR (UNLIMITED)
- (D) CONTOUR MINOR (UNLIMITED)
- (D) RETAINING WALL
- (D) CHAIN LINK FENCE
- (D) SPOT ELEVATION X 99.80

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Ms. ERIN HUGHES
 2145 RAMBLA PACIFICO
 MALIBU, CA 90265

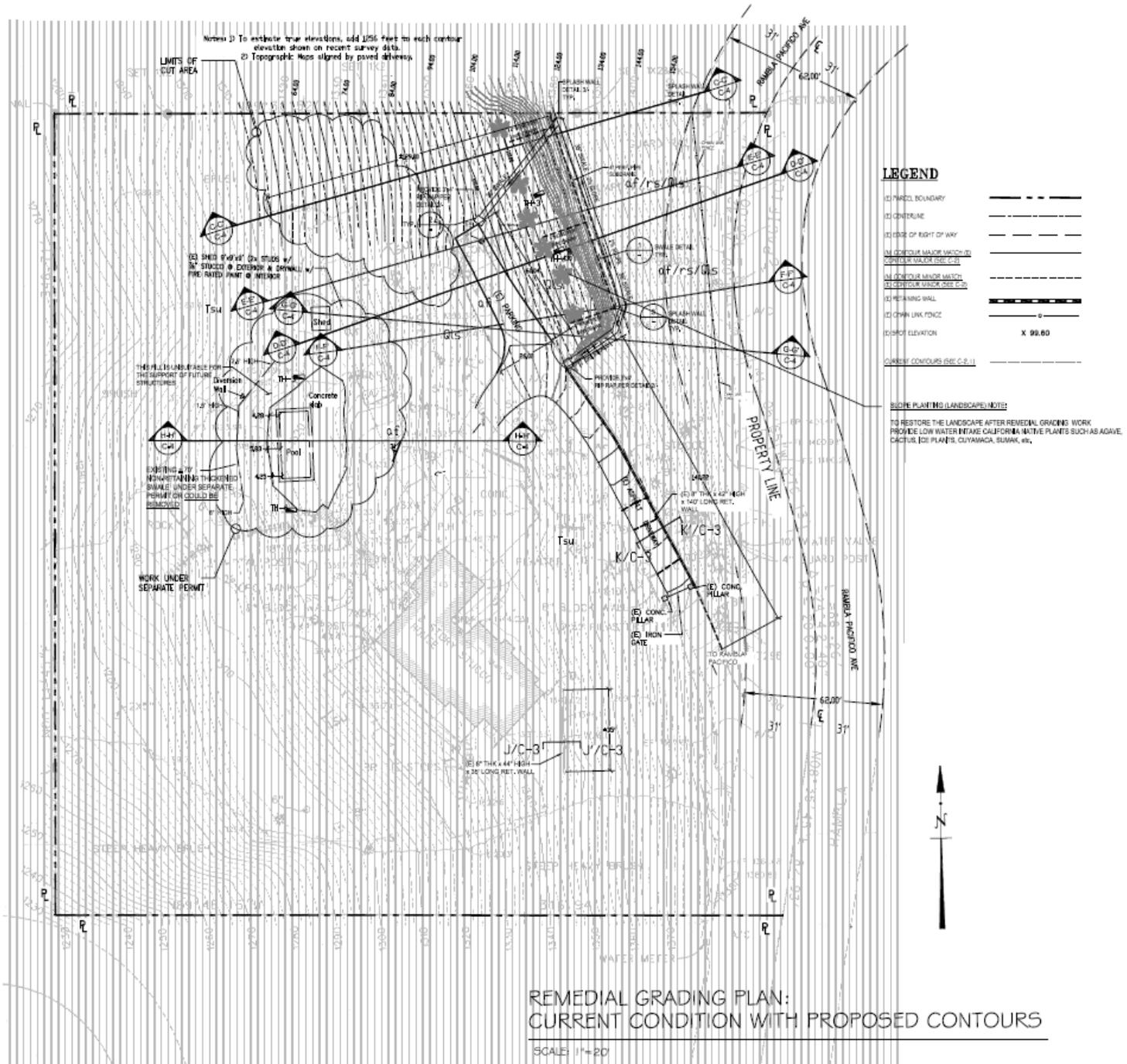
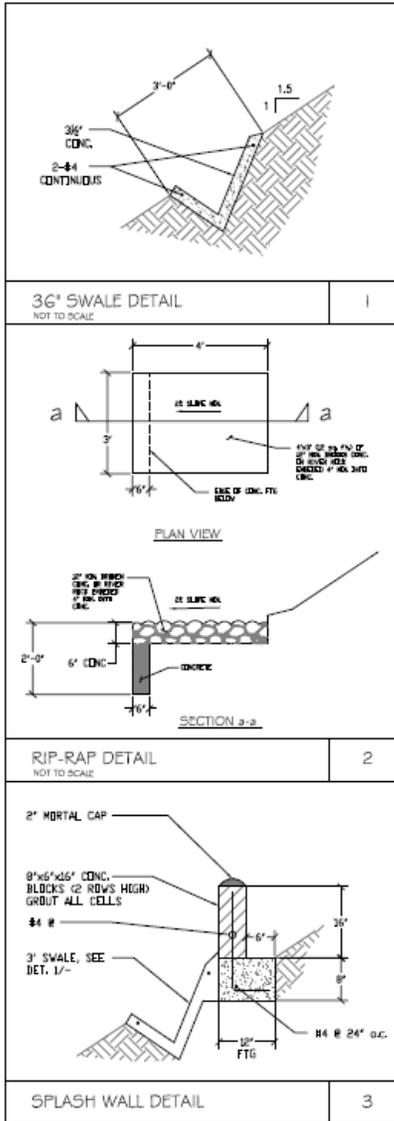
CURRENT TOPOGRAPHIC PLAN (C-2) IS SUPERIMPOSED TO EXISTING (C-2) SITE PLAN w/ TOPOGRAPHIC SURVEY

CEAN ASSOCIATES INC.
 CONSULTING STRUCTURAL ENGINEERS

1008 Colorado Blvd
 Los Angeles, CA 90048-1100
 Tel (323) 267-4188
 Fax (323) 257-2029
 www.cean.com

DRAWN: CN
 CHECKED: DBR
 DATE: 09-30-10
 SCALE: AS NOTED
 JOB NO: 2003-004-20
 SHEET:
C-3

Exhibit No. 3
 CDP 4-10-012
 Project Plans



| REV/ISS | BY |
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Ms. ERIN HUGHES
2145 RAMBLA POYFICO
MILLBRU, CA 90265

REMEDIAL GRADING PLAN

GEN'S ASSOCIATES INC.
CONSULTING STRUCTURAL ENGINEERS

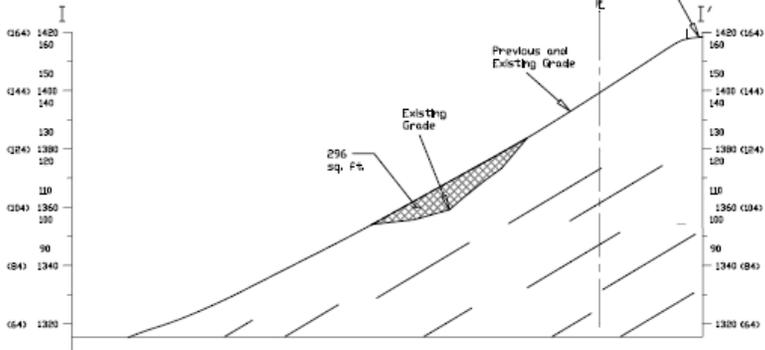
1655 Calabasas Blvd.
"Eagle Rock"
Los Angeles, CA 90024-1102

TEL (323) 297-6198
FAX (323) 297-5252
E-MAIL: des@genassoc.com



| | |
|---------|--------------|
| DRAWN | CH |
| CHECKED | DHB |
| DATE | 08-31-10 |
| SCALE | AS NOTED |
| JOB NO | 102-104-10 |
| SHEET | C-3.1 |

Exhibit No. 3
CDP 4-10-012
Project Plans



SECTION: I-I'
SCALE: 1"=20'

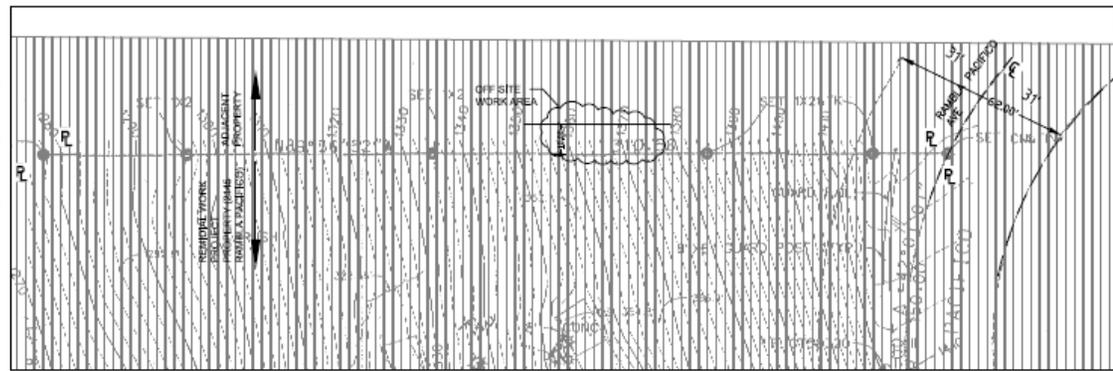
FILL CALCULATIONS (AT OFF SITE AREA):

TOTAL FILL: 110 cu.yrd.

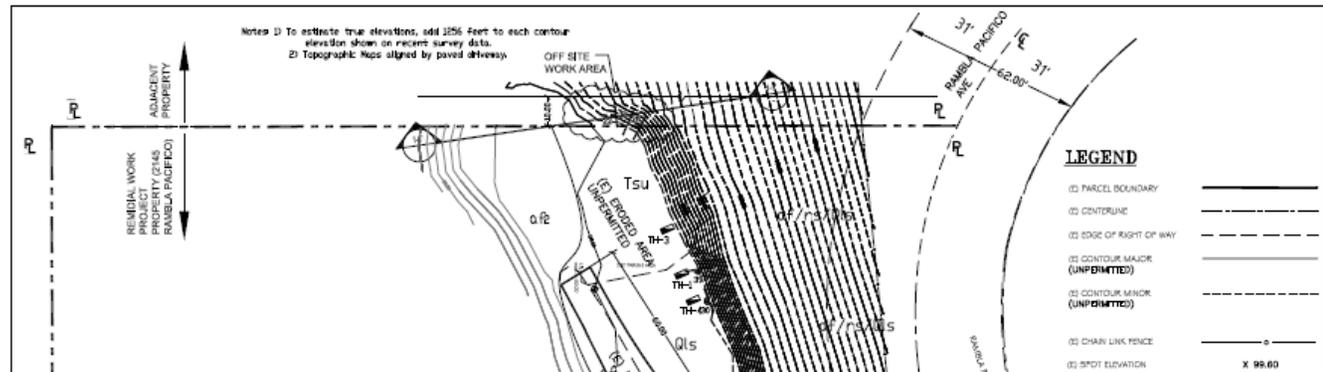
SECTION I-I' (± 10' LONG): 296x10/ 27 = 110 cu.yrd.

NOTES:

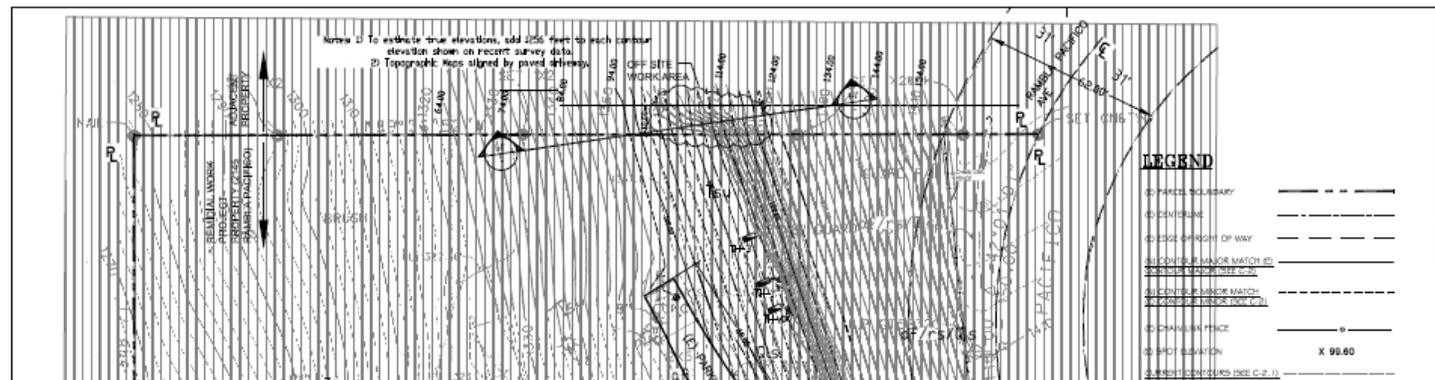
1. PROVIDE 93% COMPACTION FILL PER SOILS REPORT.
2. PROVIDE BENCHING PER SOILS REPORT SEE C-1



ORIGINAL TOPOGRAPHIC SURVEY (PARTIAL PLAN OF C-2)
SCALE: 1"=20'



CURRENT GRADING CONDITION AND TOPOGRAPHIC PLAN (PARTIAL PLAN OF C-3)
SCALE: 1"=20'



REMEDIAL GRADING PLAN:
CURRENT CONDITION WITH PROPOSED CONTOURS
(PARTIAL PLAN OF C-3.1)
SCALE: 1"=20'

| REVISIONS | BY |
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Ms. ERIN HUGHES
2145 RAMBLA PACIFICO
MALIBU, CA 90265

OFF SITE WORK

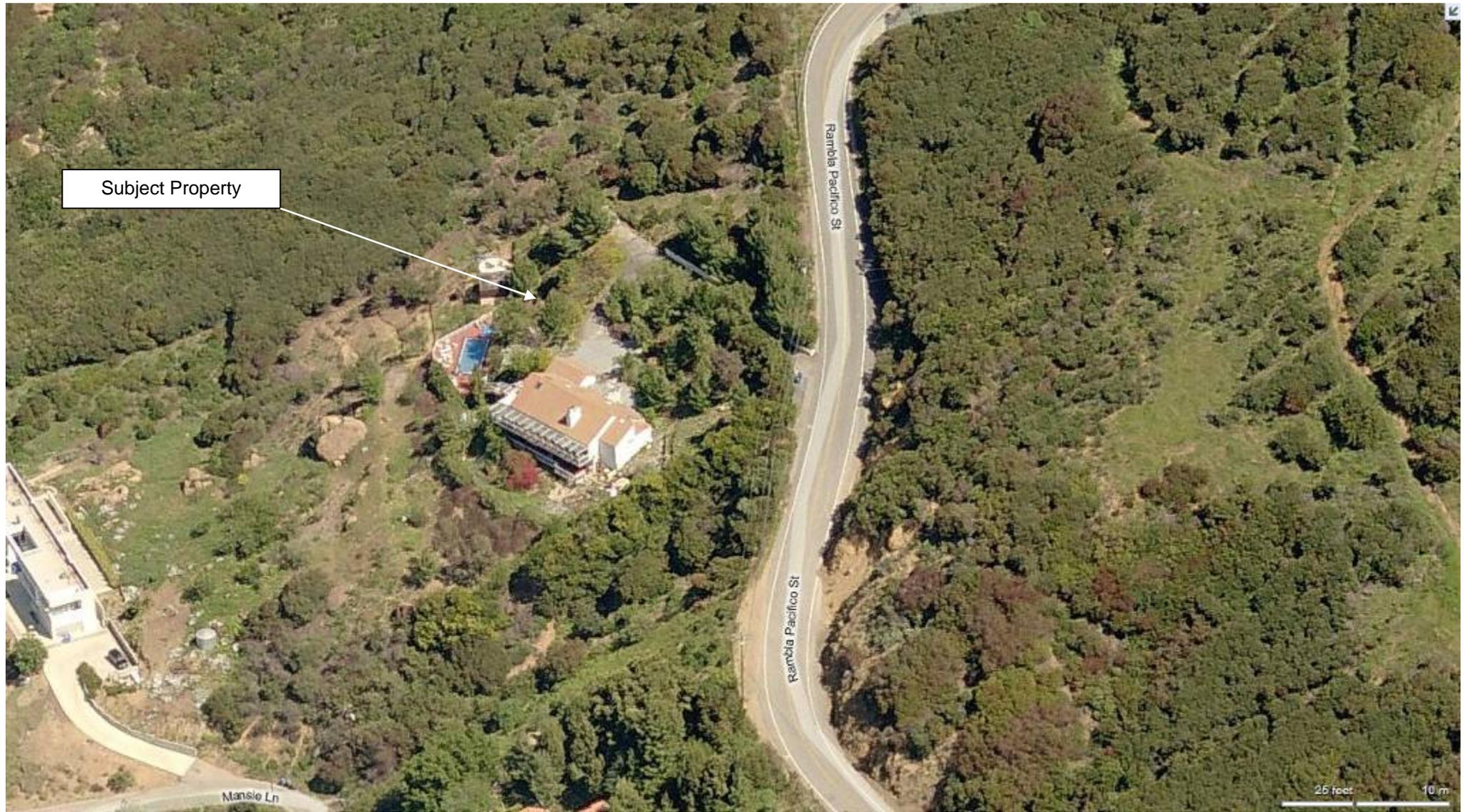
OKSM ASSOCIATES INC.
CONSULTING STRUCTURAL ENGINEERS

1855 California Blvd.
Tulsa, Oklahoma 74104
Tel: (918) 552-2100
Fax: (918) 253-2100
www.oksm.com
e-mail: oksm@oksm.com

DRAWN ON: _____
CHECKED: DKB
DATE: 08-02-10
SCALE: AS NOTED
JOB NO: 200-354-03
SHEET:

C-5

Exhibit No. 3
CDP 4-10-012
Project Plans



Subject Property

Rambola Pacifico St

Rambola Pacifico St

Mansie Ln

25 feet 10 m

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|--------------------|
| Exhibit No. 4 |
| CDP 4-10-012 |
| Site Aerial |



| |
|--------------------|
| Exhibit No. 5 |
| CDP 4-10-012 |
| Site Photos |