

CALIFORNIA COASTAL COMMISSION

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 Hearing Date: July 11, 2002
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-198

APPLICANT: California Department of Parks and Recreation AGENT: Paul Webb

PROJECT LOCATION: 23000 Pacific Coast Highway, Malibu Pier, Malibu Lagoon
State Park City of Malibu; Los Angeles County.

PROJECT DESCRIPTION: Phase III to rehabilitate Malibu Pier at Malibu Lagoon State Park, by restoring four buildings and towers and entry gates, reconstructing parking lot for 81 spaces, construct traffic improvements along Pacific Coast Highway, operate sport fishing boat, and upgrade existing septic system to tertiary treatment standards.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed project with special conditions regarding an interim public and construction parking program, revised site plan and project description consistent with available public parking at Malibu Pier, erosion control plan, drainage and polluted runoff control plan, construction responsibilities and debris removal, assumption of risk, waiver of liability and indemnity agreement, color restriction agreement, condition compliance, and California Regional Water Quality Control Board Approval. The Malibu Pier was declared unsafe and closed for public use in 1997 due to deterioration and storm damage. Since then State Parks has obtained a coastal permit (No. 4-98-301) to complete Phases I and II for remedial repairs for the purpose of stabilizing the pier and three of its four historic structures in order to reopen the pier to public use. As proposed by the applicant, this work will complete the restoration of existing historic structures, reconstruct the parking lot, add traffic improvements, operate a sport fishing boat and upgrade the septic system to tertiary treatment standards. Therefore, the proposed project, as conditioned, is consistent with the Coastal Act.

IMPORTANT PROCEDURAL NOTE:

This application was filed as complete on February 15, 2002 and tentatively scheduled for the June 2002 Commission meeting but delayed by Staff due to other priority workload. The application was then scheduled to be heard at the Commission meeting of July 9 - 12, 2002. The 180th day pursuant to the Permit Streamlining Act for Commission action on the subject application is August 14, 2002. Therefore, the Commission must vote on Coastal Development Permit Application No. 4-01-177 on or before the August 6 - 9, 2002 meeting.

LOCAL APPROVALS RECEIVED: Los Angeles County Fire Department, Commission Coastal Approval Only, dated 1/24/02.

SUBSTANTIVE FILE DOCUMENTS: Mitigated Negative Declaration for Malibu Pier Renovation by the California Department of Parks and Recreation received on 11/2/98; Stability of Malibu Parking Lot Revetment Located East of Malibu Pier by Coastal Environments dated September 10, 2001; Letters dated February 26, 2001 and June 15, 2001 regarding Wastewater Treatment System at Malibu Pier from Global Environmental Machinery Corporation; Letter dated September 18, 2000 regarding City of Malibu Pier Private Sewage Disposal System from City of Malibu; Draft Traffic and Parking Study for the Malibu Pier Rehabilitation Phase III by Kaku Associates dated January 2002; State Lands Commission Amendment of Lease (30 year extension) dated 7/11/97; Application/Report of Waste Discharge, Regional Water Quality Control Board, dated 1/16/02; Letter received May 20, 2002 to Charles Damm from Hayden Sohm, Malibu Sector Superintendent; Draft City of Malibu Local Coastal Plan Land Use Plan and Local Implementation Plan dated September 2001 and June 2002; and Coastal Development Permit Nos. 4-98-301, 5-89-013, 79-5485, and 78-3423, State Parks.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-198 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.

I. 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 term or 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. INTERIM PUBLIC AND CONSTRUCTION PARKING PROGRAM

Prior to the issuance of the permit, the applicant shall submit, for the review and approval of the Executive Director, an Interim Public and Construction Parking Program to mitigate for the loss of public parking spaces during construction activity. The program shall provide that:

- a. All construction equipment, construction materials, and parking for construction personnel shall be located within the designated pier parking lot staging area. No parking for construction personnel shall be allowed on the street. If additional parking for construction personnel is required, the applicant shall provide transportation for construction workers to the work site from an appropriate off-site parking area that will not result in adverse effects to coastal access parking. If off-site parking is required, the applicant shall notify the Executive Director in writing of the location of the parking area.
- b. For the duration of time that the 104-space Malibu Pier parking lot remains closed to public use, the applicant shall post signs on the project site that are clearly visible from Pacific Coast Highway and provide informational flyers indicating the location of all alternative public parking locations within a ½ mile, or greater, radius of the subject parcel. The applicant shall submit, for the review and approval of the Executive Director, a list of all alternative public parking locations within a ½ mile, or greater, radius of the subject parcel and the wording to be used for all signage and informational flyers to be distributed. The signs may be removed by the applicant upon completion of this project and the reopening of the pier parking lot for public use. Prior to the commencement of construction activity, the applicant shall notify the property owners of the privately owned lots identified on the list submitted to the Executive Director where public parking is available.

2. REVISED SITE PLAN AND PROJECT DESCRIPTION CONSISTENT WITH AVAILABLE PUBLIC PARKING AT THE MALIBU PIER

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised site plan and project description consistent with proposed 81 available public parking spaces for commercial uses at the Malibu Pier, prepared, stamped and signed by a licensed architect for review and approval by the Executive Director. The plan shall incorporate the following criteria:

The revised site plan and project description shall reduce the number of proposed outdoor restaurant seating to no more than 700 square feet, allow for complete pedestrian circulation on the pier around the two seaward buildings, and eliminate the proposed sport fishing boat operation consistent with the proposed 81 parking spaces available in the Malibu Pier parking lot. Prior to occupancy of the

improvements proposed in Application No. 4-01-198, should the applicant or a subsequent successor in interest or a lessee wish to increase the outdoor restaurant seating or add the operation of a sport fishing boat(s), an amendment to this application may be submitted providing for adequate new public parking within 1,000 feet of the Malibu Pier or an adequate peripheral parking and shuttle transportation program providing access to existing or new public parking lots located within about one mile of the Malibu Pier. After the occupancy of the structures proposed to be restored in Application No. 4-01-198, the applicant or a subsequent successor in interest or lessee may apply for new coastal development permits to both the Commission and to the City of Malibu, if the City of Malibu's Local Coastal Program is certified by the Commission, to increase the outdoor restaurant seating area and or add a sport fishing boat(s) operation. Any additional outdoor restaurant seating will require a minimum of one public parking space per 50 square feet of outdoor restaurant seating space; each proposed sport fishing boat trip scheduled shall require one space per crew member and one space for three boat passengers, to the maximum capacity of the vessel, if the trip is scheduled within one hour after the end of a trip and the beginning of the next scheduled trip. The offshore addition of outdoor seating in the area below the mean high tide line and the addition of a sport fishing boat(s) operation will require a coastal permit from the Commission; the addition of either will require additional parking onshore above the mean high tide line and a coastal permit from the City of Malibu after the certification of their Local Coastal Program. If the City of Malibu Local Coastal Program is not certified prior to the filing as complete of such an application, a coastal permit from the Commission will be required for both project components above and below the mean high tide line.

3. EROSION CONTROL PLAN

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit an erosion control plan, prepared and signed by a licensed engineer for review and approval by the Executive Director. The plan shall incorporate the following criteria:

- 1) The erosion control plan shall delineate the areas to be disturbed by grading or construction activities and shall include any staging areas and stockpile areas.
- 2) 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 geo-fabric covers or other appropriate cover, as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) 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 graded areas, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- 4) The final erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage as a result of the project, the applicant or successor in interest shall be responsible for any necessary repairs and restoration.

4. **DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared and approved by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) 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.

5. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

By acceptance of this permit, the applicant agrees that during project construction: (1) No machinery will be allowed in the intertidal zone at any time; and (2) the permittee shall remove from the beach and ocean any and all debris that result from the construction.

6. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY AGREEMENT

Prior to issuance of the coastal development permit, the applicant, the State Department of Parks and Recreation, as owner of the onshore portion of this site and lessee of the offshore portion, shall submit (1) a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the terms of this condition, and (2) a written agreement by the State of California acting through the State Lands Commission ("State"), and upon termination of the applicant's lease of the pier, any subsequent lessee, shall assume these risks and or require any new lessee to assume these same risks in any subsequent lease of the property by the State Lands Commission. These agreements shall state that the applicant and the State acknowledge and agree (i) that the site may be subject to hazards from storm waves, flooding, erosion, and wildfire; (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.

7. COLOR RESTRICTION AGREEMENT

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, (1) a written agreement in a form and content acceptable to the Executive Director, incorporating all of the terms of this condition, and (2) a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit 4-01-198, including the structures, roofs, walls and gates permitted. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, walls and gates, or other structures authorized by this permit. Acceptable colors shall be limited to colors consistent with the historic colors of the structures and improvements on the Pier. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures

authorized by coastal development permit 4-01-198 if such changes are specifically authorized by the Executive Director as complying with this special condition.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute an agreement in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development.

8. CONDITION COMPLIANCE

Within one hundred eighty (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 institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

9. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD APPROVAL

Prior to the occupancy of any building on the site, the applicant shall submit evidence, for the review and approval of the Executive Director, that all necessary approvals or regulatory actions by the California Regional Water Quality Control Board for the proposed project have been obtained, or that no such approvals are required.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant proposes to complete Phase III of the rehabilitation of the existing Malibu Pier and parking lot at Surfrider Beach and west of Malibu Lagoon State Park. Phase III includes the following specific project components:

- Restore the existing, historic restaurant building and the outboard "bait shop" and restaurant buildings. Restoration is proposed to be conducted to Secretary of Interior standards.
- Reconstruct the "food prep" building accompanying the restaurant.
- Reconstruct and reconfigure the parking lot to include handicap accessible parking spaces, runoff control/filtering facilities and improved traffic flow.
- Traffic improvements in Pacific Coast Highway, including reconfiguring the parking lot driveways, relocating existing bus pad and relocating existing traffic signal.
- Upgrade existing septic system to tertiary treatment standards
- Restore Pier entry gates and towers.
- Add a sport fishing boat operation with one morning and one afternoon departure of a 40-passenger boat. In the past up to three sport fishing boats operated from this Pier.

The purpose of the proposed project is to restore and rehabilitate the pier and the four historic structures in order to reopen the pier to public use.

The Malibu Pier was declared unsafe and closed for public use in 1997 due to deterioration and storm damage. Inspection of the pier by Moffat and Nichol Engineers prior to its closure indicated that the pier and its four buildings were severely deteriorated and that the pier could suffer catastrophic failure in the event of a severe storm. State Parks has completed Phases I and II approved in Coastal Permit No. 4-98-301 to restore and stabilize the Malibu Pier, demolish one existing building and stabilize three existing buildings located on the pier, and replace the existing septic system and grease trap with a secondary treatment system. That project involved the replacement of approximately 90 rotted and/or storm damaged wood pilings, 45 pile caps, 366 stringers, and 19,500 sq. ft. of decking and required the closure of the then existing 65-space pier parking lot for use as a construction activity staging area. The applicant has decided to replace the one food preparation building opposite the near shore former Alice's restaurant in this application for restaurant and retail uses.

The subject site is a beach front lot located on the seaward side of Pacific Coast Highway in the commercial business district of Malibu and directly adjacent to Surfrider Beach which is operated as a public beach by the County of Los Angeles (Exhibit 1). The site is operated by the California Department of Parks and Recreation and is developed with an existing 65-space public parking lot, owned by the State, and the 780 ft. long Malibu Pier. The California Department of Parks and Recreation holds a lease from the California State Lands Commission for that portion of the pier that is located seaward of the mean high tide line on public tidal lands, which has been amended in 1997 to extend the life of the lease by 30 years to 2027.

The Malibu Pier is designated by the State of California as a point of historical interest. The original pier was constructed in the early 1900's and expanded between 1938 and 1946 to its current length and to construct the currently existing structures on the pier. Three existing structures are located on the pier: Alice's Restaurant, and two twin buildings on the end of the pier totaling about 8,395 sq. ft. The food preparation building located near shore opposite Alice's Restaurant was demolished as a result of Coastal Permit No. 4-98-301 and is proposed to be reconstructed in this application. The Department of Parks and Recreation proposes to restore the restaurants, food preparation building, pier entry gates and towers, the two twin buildings located on the end of the pier that were used as a bait/tackle shop, snack shop, and Los Angeles County Lifeguard Department Office prior to the closure of the pier. The snack shop will become the second indoor and outdoor seating restaurant on the pier. The fourth structure, the Food Preparation Building, and the surrounding decking will be used for restaurant and retail sales uses. These buildings on the pier to be retained and restored are proposed to be used for the similar purposes for which they were used prior to the closure of the pier. The applicant also proposes to provide a sport fishing boat moored offshore with two departures, one in the morning the other in the afternoon

with service for up to 40 passengers. The installation of any offshore mooring for this boat will require a separate coastal permit.

B. Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states (in part):

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Coastal Act Section 30220 provides that:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water ways shall be protected for such uses.

Coastal Act Section 30221 provides that:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Sections 30210, 30211, and 30212 provide that maximum access and recreational opportunities shall be provided, consistent with public safety and the protection of coastal resources. Specifically, Sections 30210 and 30212 of the Coastal Act provides that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, and that maximum access shall be provided for all people consistent with public safety needs, the need to protect public rights, the rights of private property owners, and the need to protect natural resource areas from overuse. Sections 30220 and 30221 of the Coastal Act requires coastal areas suited for coastal recreational activities, that cannot be provided at inland water areas, be protected.

The Malibu Pier was a popular recreational facility for residents of the City of Malibu and visitors alike. The Malibu Pier has been closed to public use due to safety concerns since 1997. The proposed project is intended to restore the existing structures on the pier in order to reopen the facility for public use. The three existing and one former building on the pier to be retained are proposed to be used for the same purposes that they were used prior to the closure of the pier; two restaurants, fishing bait/tackle shop, snack shop, and a County of Los Angeles Lifeguard Department office. However, the applicant proposes to add substantial additional outdoor restaurant seating in two additional locations including the southeast portion of the pier deck that may block public access along the southeast portion of the pier, and expand a former location, and operate a sport fishing boat all raise concerns for additional adequate public parking. This issue is discussed further below. The Commission does note that the proposed project is intended to support the type of coastal dependent visitor serving recreation facility that is permitted in open coastal waters.

There are two issues regarding adequate public parking raised by this project. First a portion or all of the existing 104 space parking lot will closed to complete the restoration of the existing buildings on the Pier. Second, the proposed restoration includes additional or intensified uses that require additional public parking for visitor serving commercial uses, including outdoor restaurant seating and sport fishing boat trips. Additional public parking or a reduction in approved uses is necessary to address parking needs along the coast.

In order to carry out the proposed public pier restoration project, it will be necessary to close a portion of or the entire 104-space public parking lot owned by the California Department of Parks and Recreation in order to use the site as a construction staging area. The existing parking lot is currently available for public parking and beach access on a per-vehicle fee basis. All restoration and construction work will be carried out in either one or two phases over an approximately fifteen month period of time. During this period of time, all of or a portion of the pier parking lot will be closed to public use. The Commission notes that no suitable alternative locations for a construction staging area are available, including the relatively narrow beach fronting the parking lot that is located seaward of an existing rock revetment and periodically subject to wave action.

In order to minimize the temporary adverse effect to public access from the loss of parking available to the public during construction activity, Special Condition Number One (1) requires the applicant to submit, for the review and approval of the Executive Director, an Interim Public and Construction Parking Program. This program shall provide that all construction equipment, materials, and parking for construction personnel shall be located within the designated parking lot construction staging area and that no parking for construction personnel shall be allowed on the street at Pacific Coast Highway. If additional parking for construction personnel is required, the applicant shall provide transportation for construction workers to the work site from an appropriate off-site parking area that will not result in adverse effects to coastal access parking. In addition, the program shall also provide that for the duration of time that the entire or portions of the 104-space Malibu pier parking lot remains closed to public use,

the applicant shall post signs on the project site that are clearly visible from Pacific Coast Highway and provide informational flyers indicating the location of all alternative public parking locations within a ½ mile, or greater, radius of the subject parcel.

The Commission notes that several commercial/office developments within walking distance of the project site are required, through a special condition of approval for their coastal development permit, to make their parking lots and/or parking structures available for public use during weekends, holidays, and from sunrise to sunset and that signs should be conspicuously posted informing the public of their availability. For instance, the Commission notes that the commercial/office building complex located at 22761 Pacific Coast Highway (approximately 750 ft. to the east of the pier parking lot on the landward side of the highway) has 106 existing parking spaces available for public use (42 additional spaces will be available for public use at this address after the construction of a new previously approved office/parking structure) as required by Coastal Development Permit Nos. (CDPs) 78-3423 and 5-89-013. In addition, 57 parking spaces are also available for public use at the commercial/office building located at 22809 Pacific Coast Highway (approximately 650 ft. to the east of the pier parking lot on the landward side of the highway) as required by CDP 79-5485. As such, the Commission notes that at least 163 parking spaces (available for use by the public on weekends and holidays) are located within approximately 750 ft. or less of the pier parking lot. However, these parking lots/structures have not been used by the public due to the lack of adequate signage to direct the public to these parking lots. Therefore, directing the public to these underutilized privately owned parking lots, as required by Special Condition One (1) above, will mitigate the loss of the 104 parking spaces at the pier lot on weekdays and on weekends and holidays when the demand for parking is at its highest level.

In addition, the Commission is concerned that the proposed project will also result in a permanent increase in the need for additional public parking for the former expanded commercial uses proposed in this application. The following Table I outlines the former uses and proposed uses on the Pier with parking requirements proposed in the draft City of Malibu Local Coastal Plan for outdoor restaurant use and the applicant's Draft Traffic and Parking Study for the Malibu Pier Rehabilitation Phase III by Kaku Associates, dated January 2002 for the sport fishing operation.

TABLE I

Use	Existing Size (sq. ft.)	Proposed Size (sq. ft.)	Parking Spaces	Ratio(space/sq. ft.)
Interpretation	N/A	420	2	1/250
Retail Sales	240	1,940	9	1/225
Restaurant (indoor seating)	3775 (5965 total)	2595 (4610 total)	52	1/50
Restaurant (outdoor seating)	1100	4615	93	1/50
Food Preparation	2210	2015	0	
Office	830	940	4	1/250
Storage/Utility/ Restroom	1360	650	0	
Sport fishing passengers- - -		two boats	13	1/3 passengers
Sport fishing crew - - -		4 crew	4	1/crew
Total	9515	13175	177	
Total Parking Spaces Provided			81	
Parking Space Deficit			96	

Since the applicant is proposing to reconfigure and re-stripe the existing 104 space parking lot and not provide any additional public parking for these proposed commercial visitor serving uses a parking space deficit will occur. The proposed uses will generate a need for a total of 177 parking spaces, yet only 81 spaces will be provided in the proposed reconfigured and re-striped parking lot. As a result, a deficit of 96 spaces will occur should the project be constructed as proposed. Although there will be additional demand for parking from casual pier visitors strolling on the pier, it is expected in the applicant's traffic and parking study noted above that about the same number will be beach users who have parked elsewhere to access the beach and then patronize the commercial uses on the pier.

This section of coast has significant parking limitations for coastal beach recreational users. On most weekends and throughout the summer months the limited number of parking spaces in public and private parking lots is regularly filled to capacity. There are limited public transit opportunities to access the Malibu beaches. As a result, if this proposed visitor serving commercial development were approved as proposed the public users of these developments would usurp the limited parking spaces now used by the public to access the coast and enjoy its recreational opportunities. Therefore, it is necessary that this proposed development provide adequate public parking consistent with its demand for parking spaces, thus preventing impacts to public access and recreation in this area of the coast.

To address this substantial parking deficit and allow the applicant to proceed with the construction and occupancy of the uses to be restored on the pier, a revised site plan and project description is necessary to reduce and bring the total commercial parking

demand in line with available public parking on this site. Special Condition Number Two (2) requires the applicant shall submit a revised site plan and project description consistent with available public parking for commercial uses at the Malibu Pier, prepared and signed by a licensed architect for review and approval by the Executive Director. The revised site plan and project description shall reduce the number of proposed outdoor restaurant seating area to no more than 700 square feet and eliminate the proposed sport fishing boats consistent with the proposed 81 parking spaces available in the Malibu Pier parking lot. By reducing the outdoor seating to no more than 700 square feet and eliminating the sport fishing operations the commercial uses will be adequately served by the proposed reconfigured parking lot. In the event the applicant or successor in interest or a lessee wish to increase the outdoor seating and or add the sport fishing operations, this Special Condition allows such an increase in use as long as the necessary parking is provided in the application submittal. The following Table II outlines the parking requirements consistent with this Special Condition.

TABLE II

Use	Existing Size (sq. ft.)	Proposed Size (sq. ft.)	Parking Spaces	Ratio(space/sq. ft.)
Interpretation	N/A	420	2	1/250
Retail Sales	240	1,940	9	1/225
Restaurant (indoor seating)	3775 (5965 total)	2595 (4610 total)	52	1/50
Restaurant (outdoor seating)	1100	700	14	1/50
Food Preparation	2210	2015	0	
Office	830	940	4	1/250
Storage/Utility/ Restroom	1360	650	0	
Sport fishing passengers		None	0	
Sport fishing crew		None	0	
Total	9515	9260	81	
Total Parking Spaces Provided			81	
Parking Space Deficit			0	

Special Condition number Two (2) provides that prior to occupancy of the improvements proposed in Application No. 4-01-198, should the applicant or a subsequent successor in interest or lessee wish to increase the outdoor restaurant seating or add the operation of the sport fishing boat(s), an amendment to this application may be submitted providing for adequate new public parking within 1,000 feet of the Malibu Pier or an adequate peripheral parking and shuttle transportation program providing access to existing or new public parking lots located within about one mile of the Malibu Pier. After the occupancy of the improvements proposed in Application No. 4-01-198, the

applicant or a subsequent successor in interest or lessee may apply for a new coastal development permit to both the City of Malibu and the Commission, or if the City of Malibu's Local Coastal Program is certified by the Commission, for a new coastal development permit to increase the outdoor restaurant seating and add a sport fishing boat(s) operation. Any additional outdoor restaurant seating will require a minimum of one public parking space per 50 square feet of outdoor restaurant seating space, each proposed sport fishing boat trip scheduled shall require one space per crew member and one space for three boat passengers to the maximum vessel capacity, if the trip is scheduled within one hour after the end of a trip and the beginning of the next scheduled trip. The addition of outdoor seating and the addition of a sport fishing boat operation in the offshore area below the mean high tide line will require a coastal permit from the Commission; the addition of either will require additional parking onshore above the mean high tide line and a coastal permit from the City of Malibu after the certification of their Local Coastal Program. If the City of Malibu Local Coastal Program is not certified prior to the filing as complete of such an application, a coastal permit from the Commission will be required for both project components above and below the mean high tide line.

In addition, the applicant proposes to construct outdoor seating along the deck of the pier on the north and west sides of the seaward structure known as the proposed Restaurant/Snack Shop identified in Exhibit 15. According to the applicant it is unclear if this deck area will be reserved for outdoor restaurant patrons and inaccessible to the general public. This outdoor seating area is identified on Exhibit 15. Therefore, Special Condition Number Two requires that any outdoor restaurant seating proposed in the 700 sq. ft. of outdoor seating allowed must allow for general public access and use surrounding this structure. In the event additional outdoor restaurant seating is requested in a later application, general public access and use on the pier deck surrounding this structure must be provided.

The Commission finds that the temporary adverse effects to public access and recreation during the restoration/construction phase of the proposed project and the long term public parking needs of the project, as conditioned, will be minimized. Further, upon completion of the restoration, the pier will be reopened for public use and the proposed project will result in greater overall benefits to coastal public access and recreation resources. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30210, 30211, 30212, 30220, and 30221 of the Coastal Act.

C. Coastal and Marine Resources

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that

will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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, and minimizing alteration of natural streams.

Coastal Act Section 30233(a) states in part:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...

- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

The applicant proposes to complete Phase III of the rehabilitation of the existing Malibu Pier at Malibu Lagoon State Park. Phase III includes restoring the existing, historic restaurant building, the outboard "bait shop", restaurant buildings and Pier entry gates and towers consistent with Secretary of Interior standards and reconstructing and reconfiguring the parking lot to include accessible parking spaces, runoff control/filtering facilities and improved traffic flow. The existing septic system will be upgraded on an "as built" basis to tertiary treatment standards. The applicant also proposed to operate a sport fishing boat with one morning and one afternoon departure of a 40 passenger capacity boat. The purpose of the proposed project is to restore and rehabilitate the pier and the historic structures in order to reopen the pier to public use.

The proposed project will include the reconstruction of the existing parking lot, by reconstructing the existing asphalt pavement and substructure, relocating an existing driveway, installing a new bus pad on the shoulder of Pacific Coast Highway, installing a sidewalk, installing a drainage runoff filter, and upgrading on an "as built" basis an existing septic system to tertiary standards. The applicant received Coastal Permit No. 4-98-301 to upgrade the existing septic system to secondary standards but not to tertiary standards. As a result of this grading and construction, there is the potential to create erosion and add sediments into the ocean if this work is conducted during the

rainy season. To allow the applicant to complete this work during the rainy season and adequately protect coastal and marine resources, Special Conditions Numbers Three, Four and Five are needed. Special Condition Number Three requires the applicant to submit an erosion control plan on a temporary and long term basis to minimize the onsite erosion and offsite sedimentation during and after construction of this project. Special Condition Number Four requires a drainage and polluted runoff control plan to address non-point source pollution. Special Condition Number Five requires the applicant to agree to construction responsibilities and debris removal.

The Commission recognizes that new development in the Malibu area has the potential to adversely impact coastal water quality through the increase of impervious surfaces, increase of runoff, erosion, and sedimentation, 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 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.

As described above, the proposed project includes grading and construction of new and replacement impervious surfaces as a result of restore and rehabilitate the historic structures and towers and gates in order to reopen the pier to public use. The site is considered a "beachfront" development, as it includes clay and sandy soils that are susceptible to erosion.

The proposed development will result in a small increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site of an existing parking lot. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with commercial use include petroleum hydrocarbons including oil and grease from vehicles in the parking lot; heavy metals; synthetic organic chemicals including paint and commercial cleaners and soap; litter; and bacteria and pathogens from pet animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of

coastal waters and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition Number Four, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and long term measures implement after construction will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition Number Three (3) is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

To ensure that adverse effects to the marine environment are minimized from the proposed development to the maximum extent feasible, Special Condition Number Five (5) requires the applicant to agree that no construction machinery will be allowed in the intertidal zone at any time and that all debris resulting from the construction of this project be removed from the ocean and beach area.

Lastly, the proposed development includes the installation of an on-site septic system to serve the residence. The applicants' consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. The City of Malibu Environmental Health Department has reviewed the proposed design and concurs with its design as the proposed tertiary 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. The applicant is proposing to upgrade the existing septic system with a new tertiary system. The existing septic system to be replaced is located under the existing parking lot and landward of an existing rock revetment and will not require additional wave uprush protection according to the applicant's coastal engineering report titled; "Stability of Malibu Parking Lot Revetment Located East of Malibu Pier" by Coastal Environments dated September 10, 2001. In order to ensure that the proposed septic system is consistent with the minimum requirements of the Uniform Plumbing Code, Special Condition Nine (9) requires the applicant to submit approval from the Regional Water Quality Control Board prior to issuance of the coastal development permit. The minimum standards of the Regional Water Quality Control Board have been found protective of coastal resources.

Therefore, the Commission finds that the proposed project, as conditioned to include an erosion control plan, incorporate and maintain a drainage and polluted runoff control plan, and agree to construction responsibilities and debris removal, is consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

D. Coastal Hazards

Section 30253 of the Coastal Act states in 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, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**

The proposed development is located on the Malibu shoreline, an area that is generally considered to be subject to an unusually high amount of natural hazards. Hazards common to coastal areas along the Malibu coast include wave attack, flooding, and wildfire.

The proposed project consists of restoring and rehabilitating the pier and the historic structures in order to reopen the pier to public use. The site is considered a "beachfront" development adjacent to and over a sandy beach and the ocean.

The applicant submitted a report titled; "Stability of Malibu Parking Lot Revetment Located East of Malibu Pier" by Coastal Environments, dated September 13, 2001. The objective of the report was to determine whether the existing revetment is adequate to protect the Wastewater Treatment Facility (septic system) from damage from wave action. The report evaluated the stability of the revetment including site observations, slope of the revetment face, and the width of the revetment, site exposure to waves, shoreline stability and revetment armor rock size. This report concludes that the revetment is adequately designed and the armor rocks are large enough to withstand large waves at the toe of the revetment. In any event, the report states that future

damage to the revetment will be rare, and if it occurs, will be limited to some parts of the revetment. The report concludes that based on the location of the pipes of the septic system at the back of the beach at a high elevation, the probability of damage to the pipes due to wave forces is small.

However, the Commission notes that proposed development will extend into an area exposed to wave attack and flooding that in the past have caused significant damage to development along the California coast. The Coastal Act recognizes that development, such as the upgrade of the septic system and restoring the buildings on the pier and onshore area, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right, or in this case the State's right, to use its property. The potential for such damage is demonstrated by the fact that the pier was declared unsafe and closed to public access in 1997 due in part to storm damage.

As such, the Commission finds that due to the unforeseen possibility of storm wave attack, flooding, erosion, and fire, the applicant shall assume these risks as a condition of approval. In this case, State Department of Parks and Recreation, as owner of the onshore portion of this site and lessee of the offshore portion, the State, as lessor acted through the State Lands Commission, and upon termination of the applicant's lease of the pier, any subsequent lessee, shall assume these risks and or require any new lessee to assume these same risks in any subsequent lease of the property. Because the risk of harm cannot be completely eliminated, Special Condition Number Six (6) requires that the applicant and the State of California acting through the State Lands Commission, and upon termination of the applicant's lease of the pier, any subsequent lessee, shall assume these risks and or require any new lessee to assume these same risks in any subsequent lease of the pier. These agreements shall state that: (i) acknowledge that the site may be subject to hazards from storm waves, flooding, erosion, and wildfire, (ii) 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

The Commission therefore finds that the proposed development, as conditioned, is designed to minimize risks to life and property and assure stability and structural integrity and is consistent with and adequate to carry out the requirements of Coastal Act Section 30253.

E. Visual Resources

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed project consists of restoring and rehabilitating the pier and the historic structures and towers and gates in order to reopen the pier to public use. The site is considered a "beachfront" development adjacent to and over a sandy beach and ocean water immediately adjacent and seaward of Pacific Coast Highway and at Surfrider Beach and east of Malibu Lagoon State Beach.

The proposed restoration of the buildings include four structures and an entry gate and towers as high as 34 feet above the parking lot and pier finished grade. No additional public views to and along the coast will be affected by this proposed development to restore existing structures. However, in order to ensure that the structural appearance, i.e. color of the structures and the potential glare of the glass windows, will not create adverse visual impacts from Pacific Coast Highway, a public road and the public beach in the vicinity at Surfrider Beach and from the west at Malibu Lagoon State Beach, the Commission finds it necessary to require the applicant to use colors consistent with the historic colors of the structures and improvements on the Pier. The purpose of the restoration of the Pier is to restore the structures to their historic design and appearance. The applicant proposes to paint the exterior surfaces of these structures in the same original colors they once were painted. The applicant submitted a color sample palette on January 23, 2002 that meets the color requirements of this condition. Lastly, all windows shall be comprised of non-glare glass as required by this special condition. The applicant needs to submit an agreement to implement this special condition.

The Commission, therefore, finds that the proposed project, as conditioned, will be consistent with Section 30251 of the Coastal Act.

F. Coastal Act Violation

The subject site includes an existing upgraded tertiary septic system that was constructed in 2000 without the benefit of the required coastal development permit. Coastal Permit No. 4-98-301 approved an upgraded secondary septic system. The applicant has included this septic system as part of their project description to address the violation and obtain an after-the-fact approval.

In order to ensure that the violation portion of this development project is resolved in a timely manner, Special Condition Number Eight (8) requires that the applicant satisfy all conditions of this permit, which are prerequisites to the issuance of this permit, within 180 days of Commission action, with additional time that may be approved by the Executive Director for good cause.

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

G. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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 applicant is proposing to upgrade the existing septic system with a new tertiary system. The existing septic system to be replaced is located under the existing parking lot and landward of an existing rock revetment and will not require additional wave uprush protection according to the applicant's coastal engineering report titled; "Stability of Malibu Parking Lot Revetment Located East of Malibu Pier" by Coastal Environments dated September 10, 2001. In order to ensure that the proposed septic system is consistent with the minimum requirements of the Uniform Plumbing Code, Special Condition Nine (9) requires the applicant to submit approval from the Regional Water Quality Control Board prior to issuance of the coastal development permit. The minimum standards of the Regional Water Quality Control Board have been found protective of coastal resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

H. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

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

I. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 which the activity may have on the environment.

The applicant completed the CEQA review for this proposed project and the prior phases I and II completing a Mitigated Negative Declaration on 12-17-98. The MND determined that no significant effects on cultural resources, traffic, hazards, public services, noise, water quality, aesthetics, and recreation would occur with the mitigation measures imposed and monitored for this proposed project.

Therefore, 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.

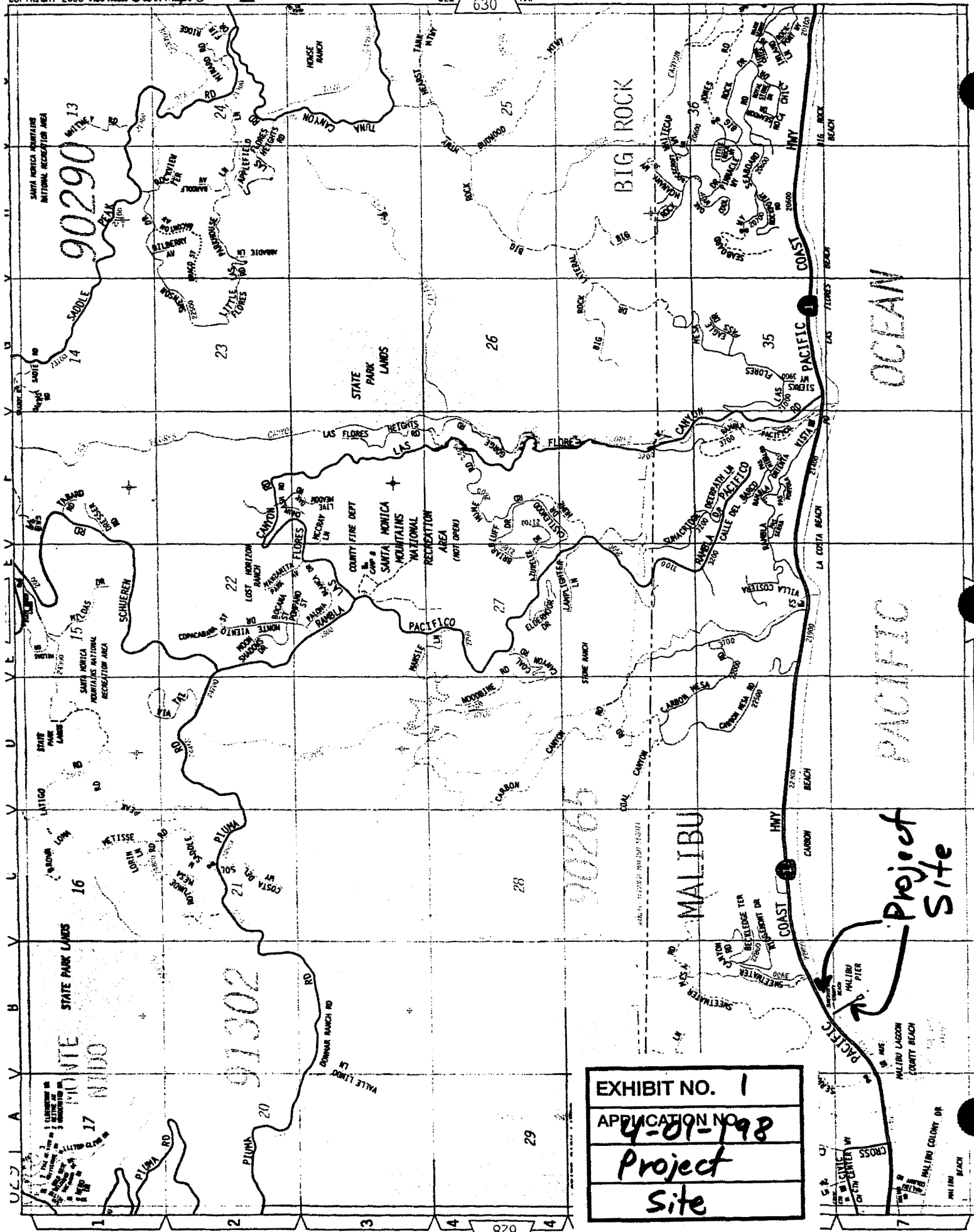
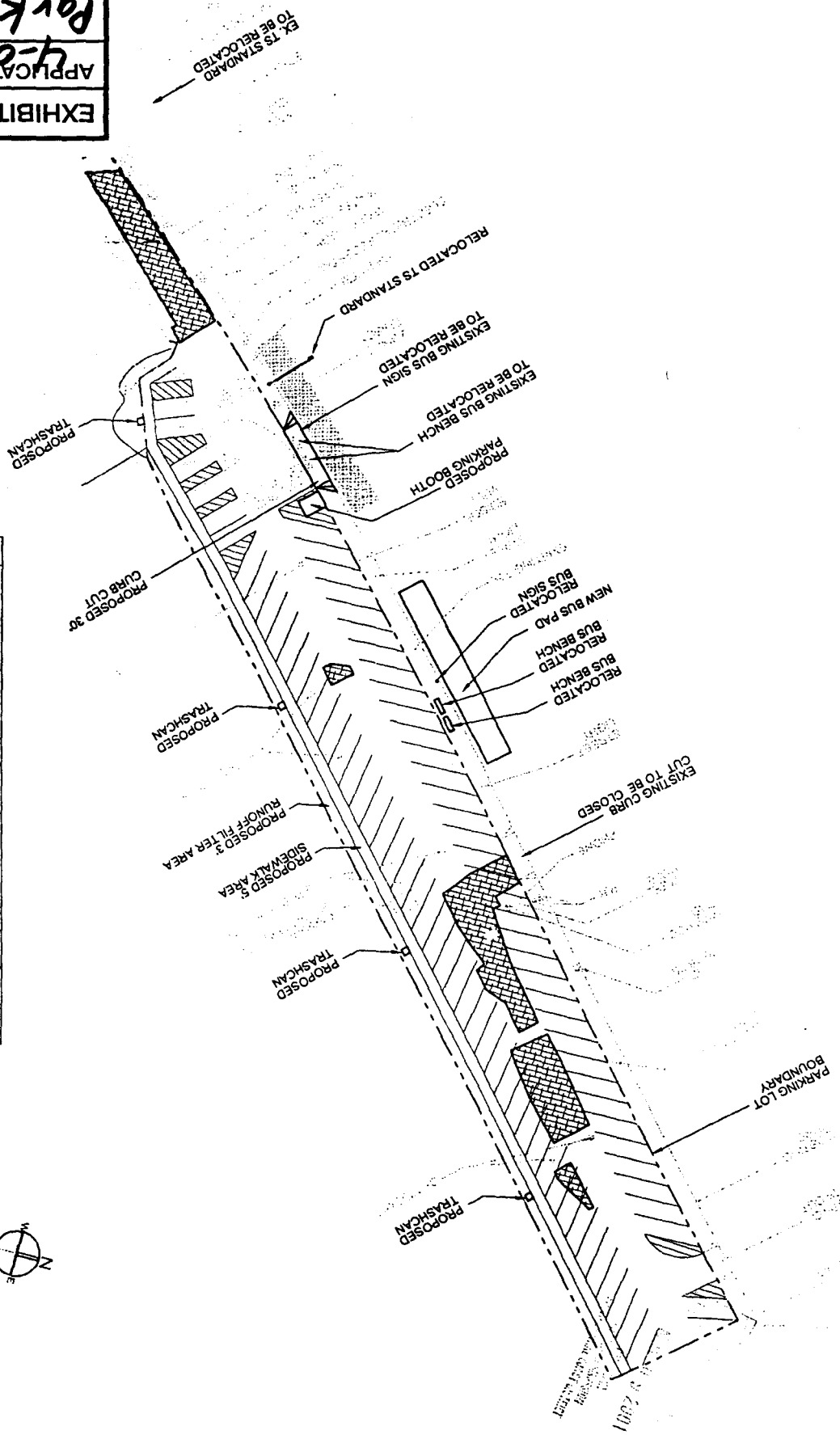


EXHIBIT NO. 1
APPLICATION NO. 98
Project
Site

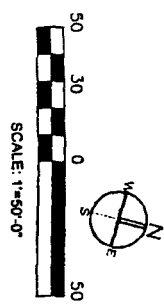
Project Site

EXHIBIT NO. 2
APPLICATION NO. 4-01-198
Parking Lot Improvement

NOTES:
 1- PROPOSED IMPROVEMENTS SHOWN IN BOLD FONT.



NO.	IMPROVEMENTS	STANDARD PLAN/DTL.	SYMBOL
1.	NEW A.C. PAVEMENT	SEE SPECS.	[Symbol: Diagonal lines]
			[Symbol: Dotted pattern]
			[Symbol: Horizontal lines]
			[Symbol: Vertical lines]
			[Symbol: Cross-hatch]



PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER RENOVATION
PHASE III

SHEET TITLE:
PARKING LOT
AND R.O.W.
IMPROVEMENTS

RESOURCES AGENCY OF CALIFORNIA
 DEPARTMENT OF PARKS AND RECREATION
 SOUTHERN SERVICE CENTER

APPROVED: _____ DATE: _____



NOTE: DIMENSIONS SHOWN ARE APPROXIMATE
PIER PLAN

1/8" = 1'-0"

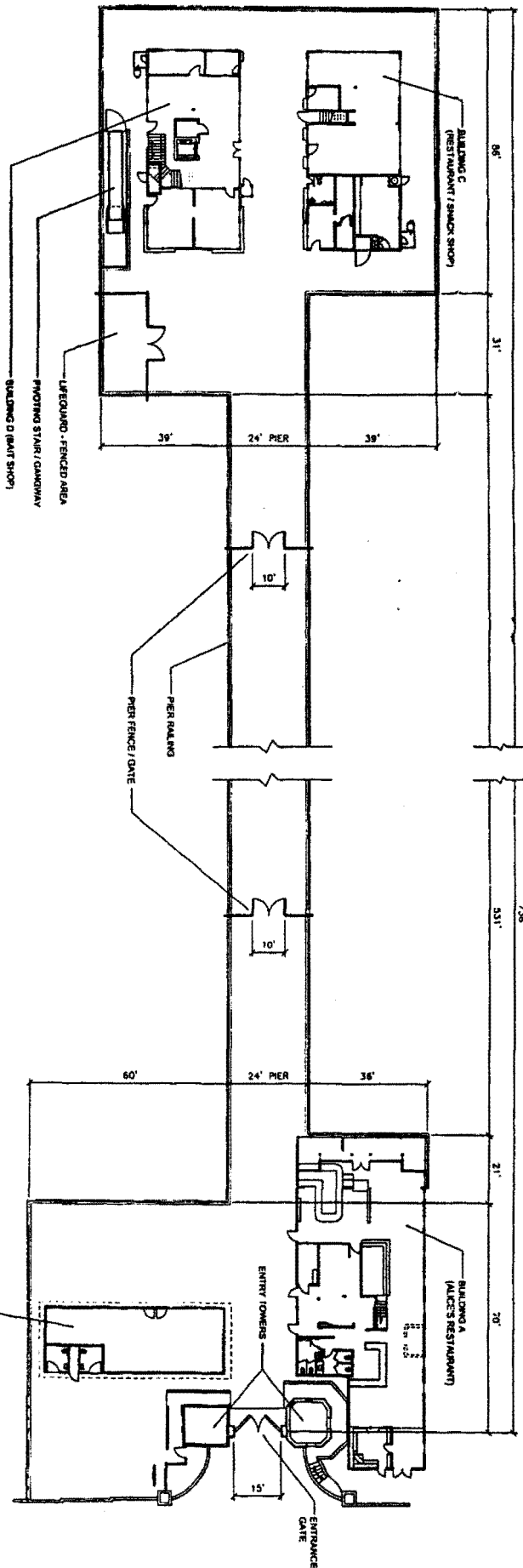
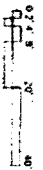


EXHIBIT NO. 3
 APPLICATION NO. 4-01-198
 Pier Plan



PROJECT SITE:
 MALIBU LAGOON STATE BEACH
 MALIBU PIER PHASE III

SHEET TITLE:
 PIER PLAN

RESOURCES AGENCY OF CALIFORNIA
 DEPARTMENT OF PARKS AND RECREATION
 SOUTHERN SERVICE CENTER

APPROVED _____ DATE _____



AP-1

DATE: 04/27/77
 SCALE: AS SHOWN
 PROJECT NO.: 413-348-08



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
DATE: _____
APPROVED: _____

AREA USAGE LEGEND

NOTE: SQUARE FOOTAGES SHOWN ON PLANS ARE APPROXIMATE

CONCESSION USE		OFFICE / ADMINISTRATION	INFRASTRUCTURE		STORAGE / UTILITY
CONCESSION USE		RETAIL / SALES (INDOOR / OUTDOOR)	STATE RETAINED		PUBLIC / VISITOR USE (INDOOR / OUTDOOR)
CONCESSION USE		RESTAURANT - TABLE SERVICE AREA (INDOOR / OUTDOOR)	STATE RETAINED		PUBLIC SERVICES / INTERPRETIVE
CONCESSION USE		RESTAURANT - FOOD PREPARATION, DISH WASHING, FOOD STORAGE, ETC.	STATE RETAINED		PUBLIC REST ROOMS
CONCESSION USE		RESTAURANT - WINDOW SERVICE			CIRCULATION
CONCESSION USE		PRIVATE REST ROOMS			

AREA USAGE SQUARE FOOTAGES (NET)

USES	FORMER USAGE					PROPOSED USAGE						
	D	C	B	A	Towers	TOTAL	D	C	B	A	Towers	TOTAL
CONCESSION USE OFFICE / ADMINISTRATION	475		150	205		830	235		175	200		610
CONCESSION USE RETAIL / SALES (INDOOR)	1,105					1,105	1,445		300			2,550
CONCESSION USE RETAIL / SALES (OUTDOOR)						0			500			500
CONCESSION USE RESTAURANT - TABLE SERVICE (INDOOR)		1,280		2,475		3,755		825		1,770		5,350
CONCESSION USE RESTAURANT - TABLE SERVICE (OUTDOOR)		1,100				1,100		1,680	1,200	600		3,480
CONCESSION USE RESTAURANT - FOOD PREPARATION, ETC		490	790	930		2,210		735	380	900		3,815
CONCESSION USE RESTAURANT - WINDOW SERVICE	240					240						240
CONCESSION USE PRIVATE REST ROOMS		45	40	140		225		25		270		520
INFRASTRUCTURE STORAGE / UTILITY	155	40	25	410	420	1,050	60	30				1,140
STATE RETAINED PUBLIC / VISITOR USE						0	1,100					1,100
STATE RETAINED PUBLIC SERVICES / INTERPRETIVE						0		255		420		675
STATE RETAINED PUBLIC REST ROOMS		135				135	70	65	135			375
TOTALS	1,975	2,000	1,005	4,100	420	10,650	2,010	3,010	2,800	3,000	420	13,430

EXHIBIT NO. 4
 APPLICATION NO. 07-87-1998
 Phase III
 Project Legend

SHEET TITLE
AREA USAGE LEGEND
AND SQUARE FOOTAGES

PROJECT SITE
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS
DATE 10 JAN 2002
SCALE AS SHOWN
PROJECT NO 915-548-09

U-0

SHEET 02



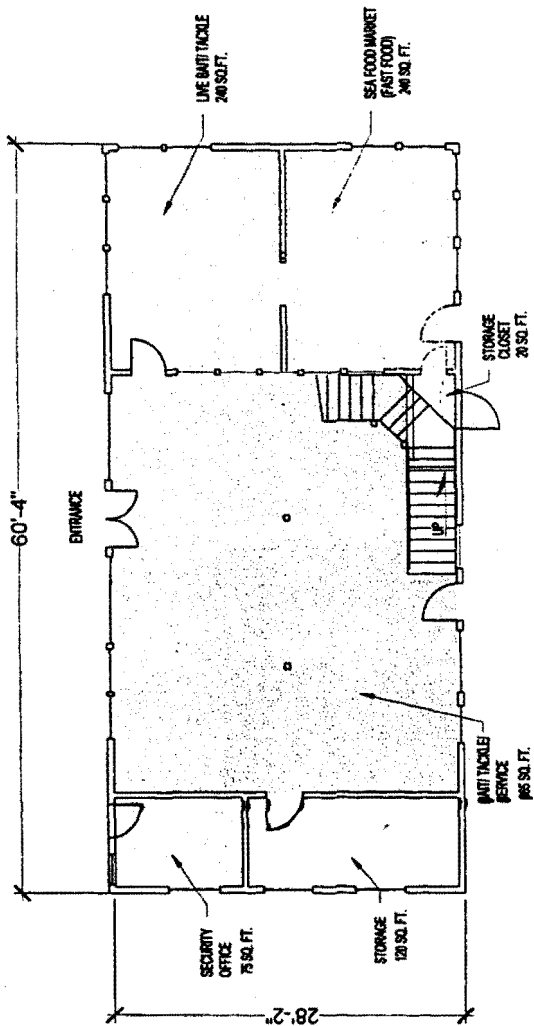
RESOURCES AGENCY OF CALIFORNIA
 DEPARTMENT OF PARKS AND RECREATION
 SOUTHERN SERVICE CENTER
 APPROVED: _____ DATE: _____

SHEET TITLE:
 FORMER USAGE
 BAIT SHOP
 FIRST FLOOR-PLAN

PROJECT SITE:
 MALIBU LAGOON STATE BEACH
 MALIBU PIER PHASE III

DATE: 12/23/21
 DESIGNED: C. SHAFER
 DRAWN: B. STEVENS
 CHECKED: _____
 DATE: 12/23/2021
 SCALE: AS SHOWN
 PROJECT NO: 915-548-08

UX-1
 SHEET 08



PLAN VIEW

LEGEND

- OFFICE / ADMINISTRATION
- RETAIL / SALES
- STORAGE / UTILITY
- RESTAURANT - WINDOW SERVICE

D (BAIT SHOP) FORMER USAGE
 FIRST FLOOR

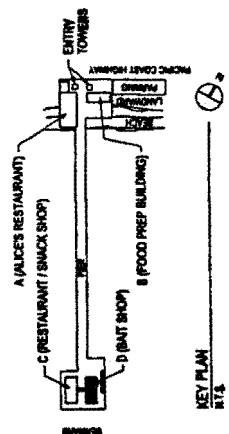


EXHIBIT NO. 5
 APPLICATION NO. 4-01-198
 Former Use Bait Shop 1st Flr



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

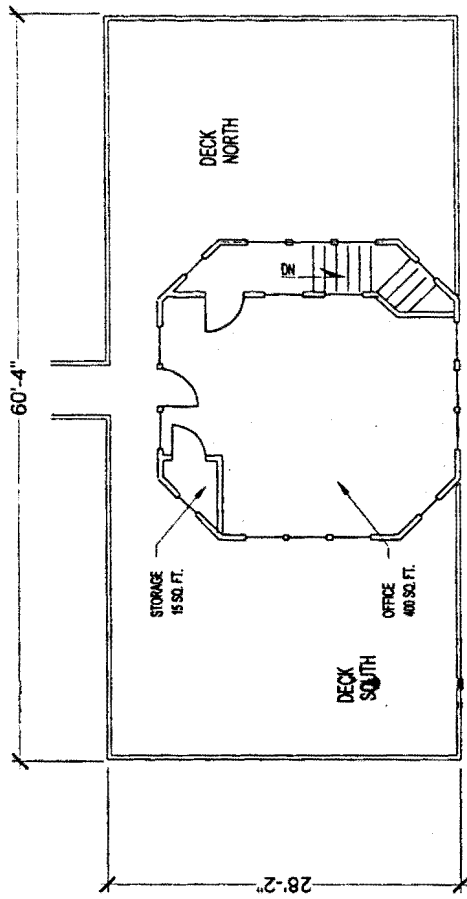
FORMER USAGE
BAIT SHOP
SECOND FLOOR PLAN

MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

PROJECT SITE

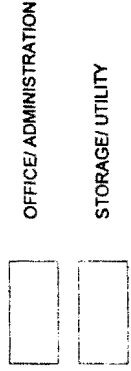
REVISIONS
31/72/AS
DESIGNED: C. SHUTLER
DRAWN: B. STANLEY
CHECKED: BLS
DATE: 19 JAN 1988
SCALE: AS SHOWN
PROJECT NO: 915-548-08

UX-2



PLAN VIEW

LEGEND



D (BAIT SHOP) FORMER USAGE
SECOND FLOOR

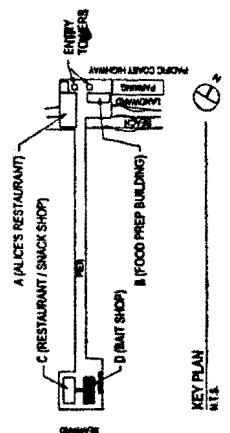


EXHIBIT NO. 6
APPLICATION NO. 4-01-198
Former Use Bait Shop 2nd FLR



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED: _____ DATE: _____

SHEET TITLE
FORMER USAGE
SNACK SHOP
FIRST FLOOR - PLAN

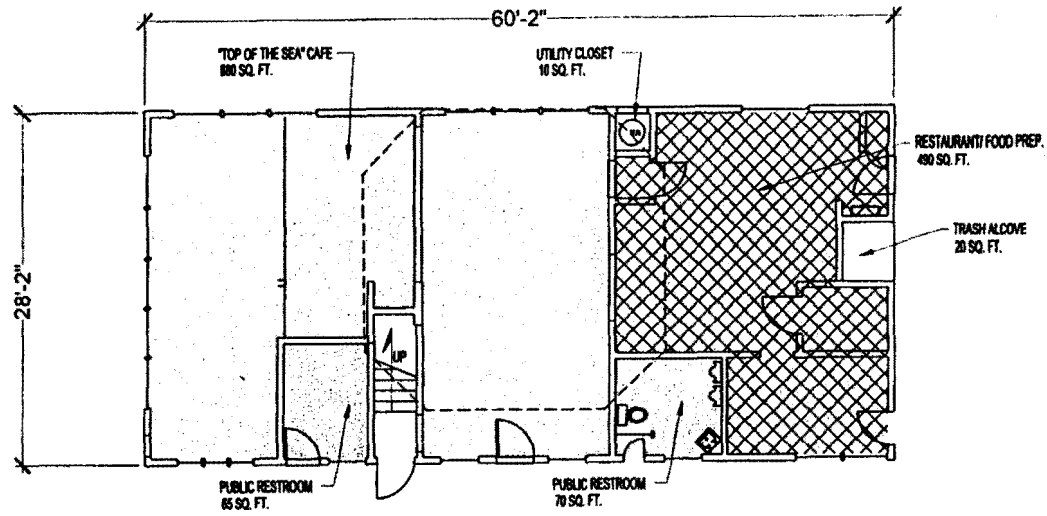
PROJECT SITE
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS
1 11/21/22

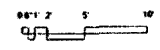
DESIGNED C. SHAFER
DRAWN B. STEVENS
CHECKED XFX

DATE 10/20/22
SCALE AS SHOWN
PROJECT NO 915-548-09

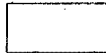

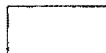
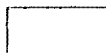
UX-3

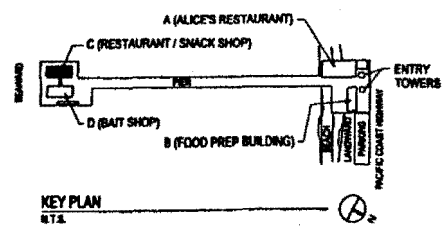


PLAN VIEW



LEGEND

-  RESTAURANT - TABLE SERVICE AREA
-  RESTAURANT - FOOD PREPARATION, DISH WASHING, FOOD STORAGE, ETC.
-  STORAGE / UTILITY
-  PUBLIC REST ROOMS



KEY PLAN

C (RESTAURANT/ SNACK SHOP) FORMER USAGE
FIRST FLOOR

EXHIBIT NO. 7
 APPLICATION NO. 21-29-198
 Former Use
 Restaurant 1st-Flr



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED: _____ DATE: _____

SHEET TITLE:
FORMER USAGE
SNACK SHOP
SECOND FLOOR - PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS
A 03/22/21

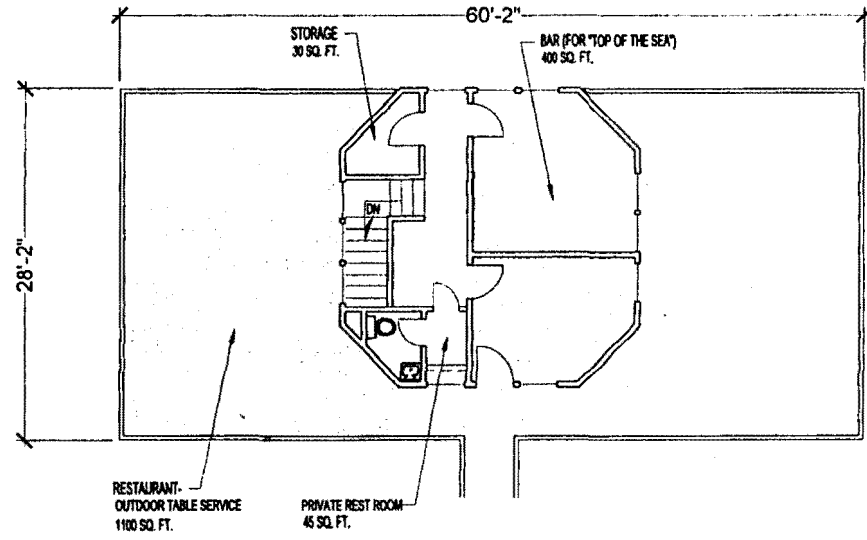
DESIGNED: C SHAFER
DRAWN: B STEVENS
CHECKED: JBY

DATE: 10 JAN 2021 12:00
SCALE: AS SHOWN

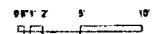
PROJECT NO.
915-348-08

UX-4

SHEET 0

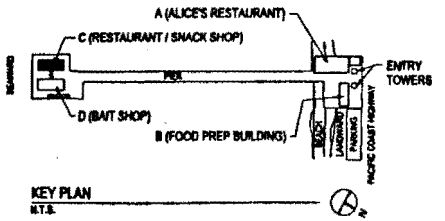


PLAN VIEW



LEGEND

- RESTAURANT - TABLE SERVICE AREA (INDOOR / OUTDOOR)
- STORAGE / UTILITY
- PRIVATE REST ROOM



C (RESTAURANT/ SNACK SHOP) FORMER USAGE
SECOND FLOOR

EXHIBIT NO. 8
 APPLICATION NO. 91-998
 Former Use
 Restaurant 2nd flr



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED: _____ DATE: _____

SHEET TITLE:
FORMER USAGE
ALICE'S RESTAURANT
FIRST FLOOR - PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS
1 11/21/02

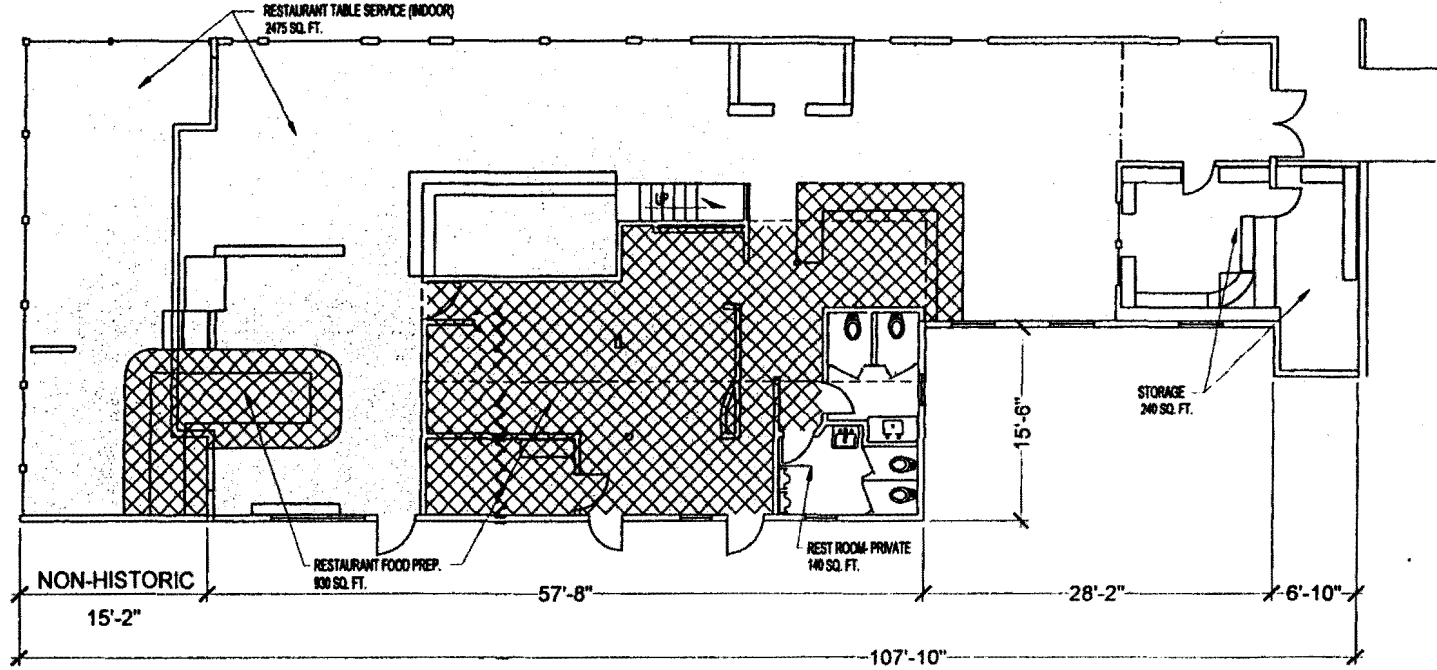
DESIGNED: C. SHIFFER
DRAWN: B. STEVENS
CHECKED: BSK

DATE: 10 JAN 2002 10:52 AM
SCALE: AS SHOWN

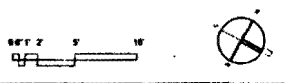
PROJECT NO
915-548-09

UX-5





SHEET 9

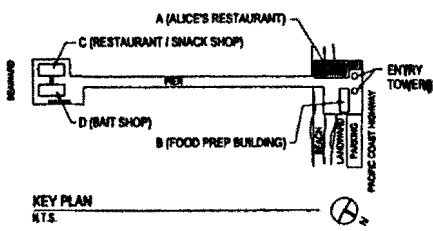


PLAN VIEW



LEGEND

-  RESTAURANT- TABLE SERVICE AREA
-  RESTAURANT - FOOD PREPARATION, DISH WASHING, FOOD STORAGE, ETC.
-  STORAGE/ UTILITY
-  PRIVATE REST ROOMS



A (ALICE'S RESTAURANT) FORMER USAGE
FIRST FLOOR

EXHIBIT NO. 9
APPLICATION NO. 91-1998
Former Use Alice's Restaurant 1st Flr



RESOURCES AGENCY OF CALIFORNIA
 DEPARTMENT OF PARKS AND RECREATION
 SOUTHERN SERVICE CENTER
 APPROVED: _____ DATE: _____

FORMER USAGE
 ALICES RESTAURANT
 SECOND FLOOR-PLAN

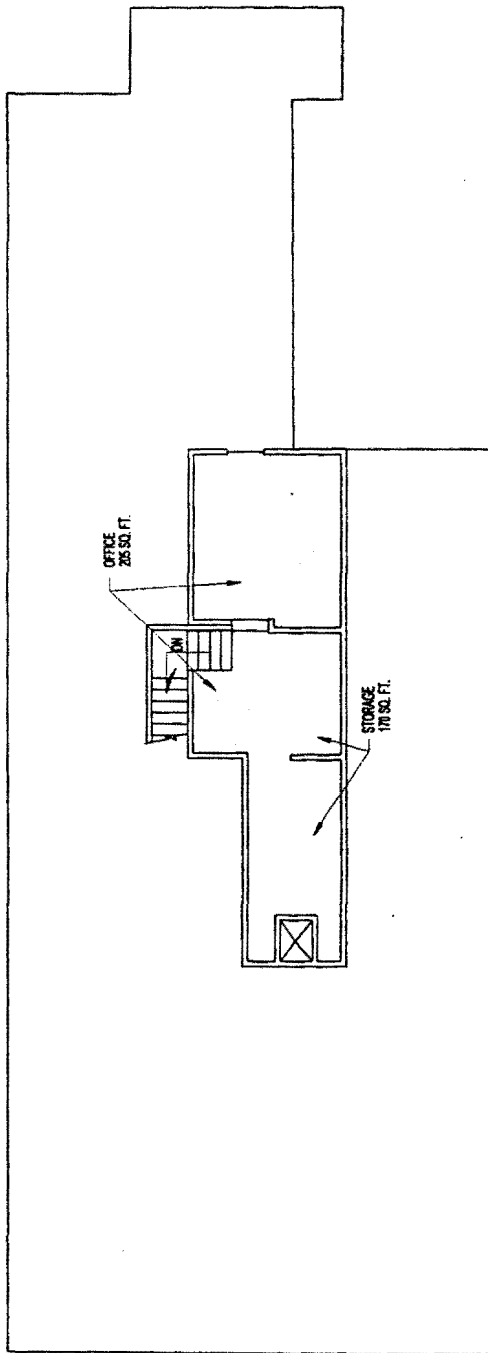
MALIBU LAGOON STATE BEACH
 MALIBU PIER PHASE III

PROJECT SITE
 REVISIONS
 11/25/74

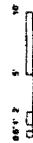
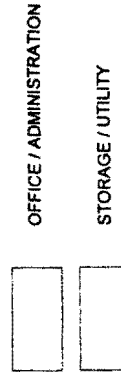
DESIGNED: C. SMITH
 DRAWN: B. EVANS
 CHECKED: _____
 DATE: 12 JAN 1982 11:31
 SCALE: AS SHOWN
 PROJECT NO: 913-348-09

UX-6

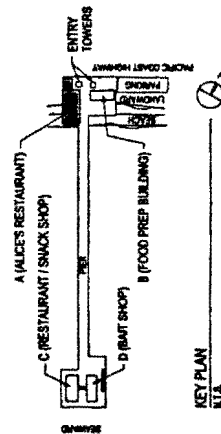
SHEET 6



LEGEND



PLAN VIEW



A (ALICES RESTAURANT) FORMER USAGE
 SECOND FLOOR

EXHIBIT NO. 10
 APPLICATION NO. 9-01-198
 Former Use Alice's
 Restaurant 2nd FIR



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED: _____ DATE: _____

SHEET TITLE:
FORMER USAGE
FOOD PREP. BUILDING
FLOOR PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS
A 05/25/78

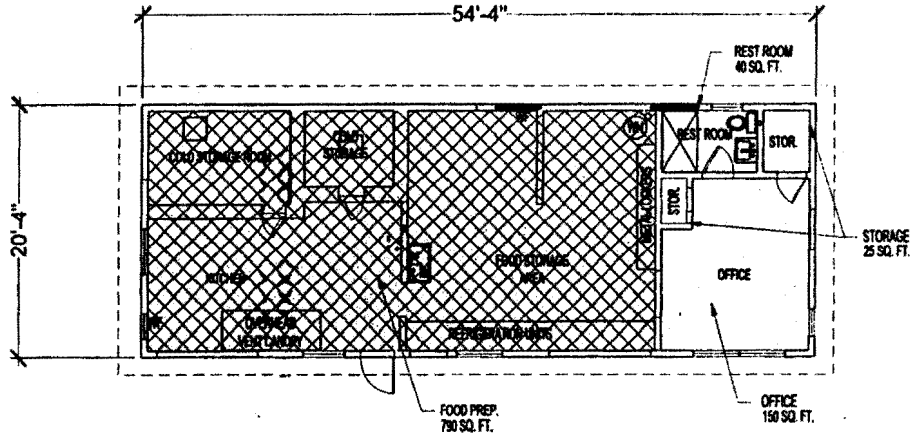
DESIGNED C SHAFER
DRAWN B STEVENS
CHECKED TBE

DATE 18 JAN 2002 2255X
SCALE AS SHOWN

PROJECT NO
915-548-09

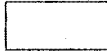



UX-7

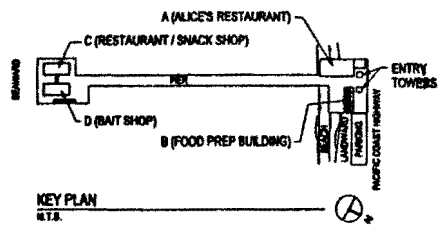
5/11 0'



PLAN VIEW

LEGEND

-  OFFICE/ ADMINISTRATION
-  RESTAURANT/ FOOD PREPARATION, DISH WASHING, FOOD STORAGE AND ETC.
-  STORAGE/ UTILITY
-  PRIVATE REST ROOM

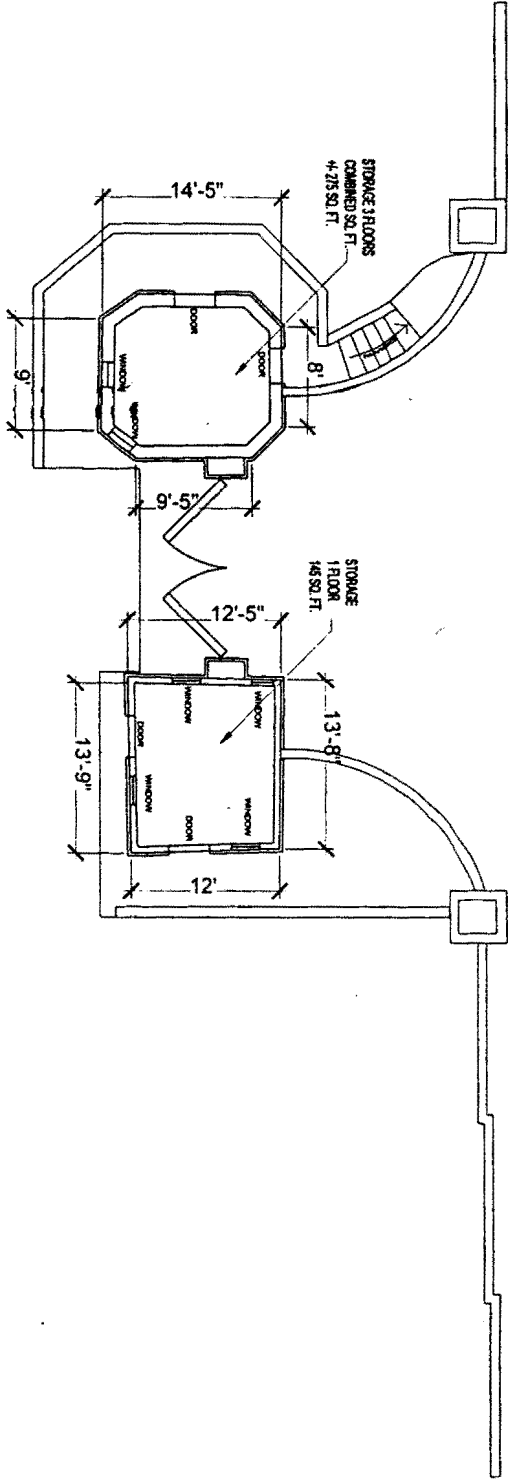


KEY PLAN
R.T.S.

B (FOOD PREP. BUILDING) FORMER USAGE
FLOOR PLAN

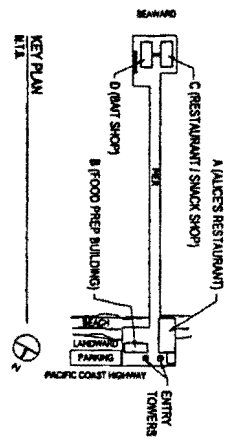
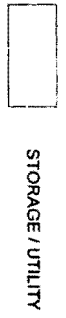
EXHIBIT NO. 11
APPLICATION 98
Former Use Food
Prep Bldg, FR Plan

EXHIBIT NO. 12
 APPLICATION NO. 4-21-198
 Entry Towers
 B Gate



PLAN VIEW

LEGEND



ENTRY TOWERS FORMER USAGE
 FLOOR PLAN

SHEET NO. UX-8	DATE: 10 JAN 2009 11:11 AM SCALE: AS SHOWN PROJECT NO: 812-200-05 CHECKED:	PROJECT SITE: MALIBU LAGOON STATE BEACH MALIBU PIER PHASE III	SHEET TITLE: FORMER USAGE ENTRY TOWERS FLOOR PLAN	RESOURCES AGENCY OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION SOUTHERN SERVICE CENTER APPROVED: _____ DATE: _____
	DRAWN: C. SOUTER QUANTITY: 8 STREETS DATE: 05/21/78	PROJECT NO: 812-200-05	PROJECT SITE: MALIBU LAGOON STATE BEACH MALIBU PIER PHASE III	SHEET TITLE: FORMER USAGE ENTRY TOWERS FLOOR PLAN



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED: _____ DATE: _____

SHEET TITLE:
PROPOSED USAGE
BAIT SHOP
FIRST FLOOR-PLAN

MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

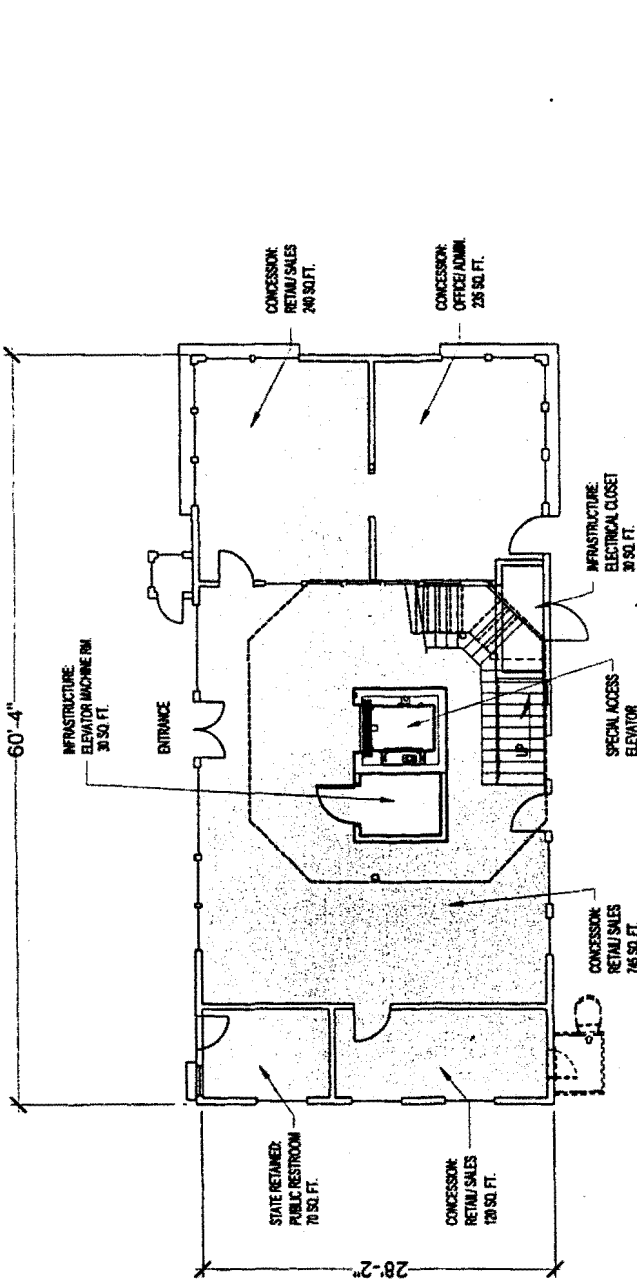
PROJECT SITE

LEWIS
31/27/74

DESIGNED: C. SHAFER
DRAWN: B. STEVENS
CHECKED: _____

DATE: 10 JAN 1974
SCALE: AS SHOWN
PROJECT NO: 813-388-03

UA-1



PLAN VIEW

LEGEND

	CONCESSION USE		OFFICE / ADMINISTRATION
	CONCESSION USE		RETAIL / SALES (INDOOR / OUTDOOR)
	INFRASTRUCTURE		STORAGE / UTILITY
	STATE RETAINED		PUBLIC REST ROOMS

D (BAIT SHOP) PROPOSED USAGE

FIRST FLOOR

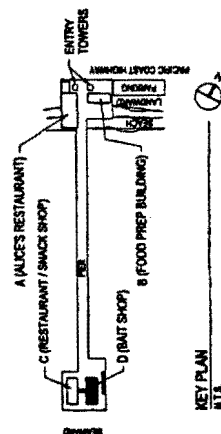


EXHIBIT NO. 13
APPLICATION NO. 4-87-198
Proposed Use
Bait Shop 1st



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

SHEET TITLE:
PROPOSED USAGE
BAIT SHOP
SECOND FLOOR-PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

DATE: 11/12/12

DESIGNED: C. SHAFER

DRAWN: B. STEVENS

CHECKED: B. STEVENS

SCALE: 1/8" = 1'-0"

DATE: 10/20/12

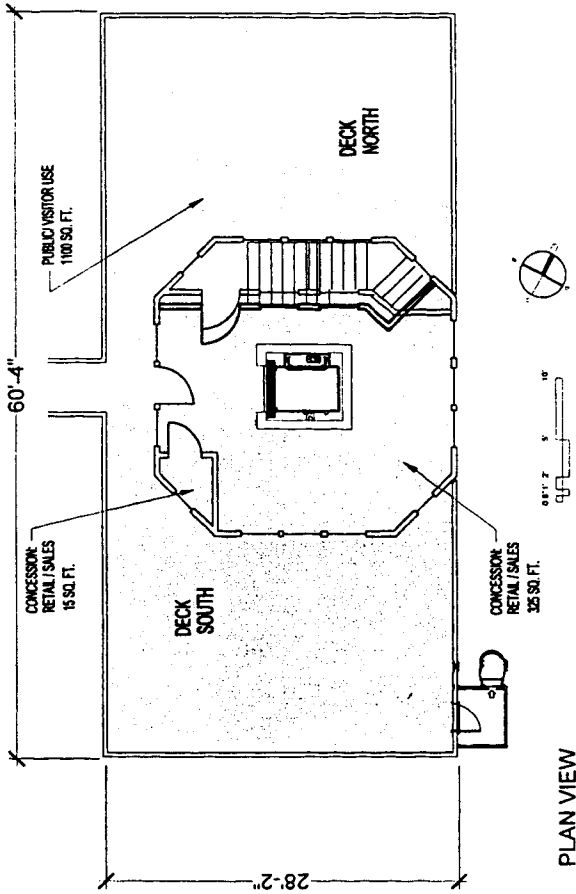
PROJECT NO. 12-0000

PROJECT NO. 12-0000

PROJECT NO. 12-0000

UA-2

SHEET 05

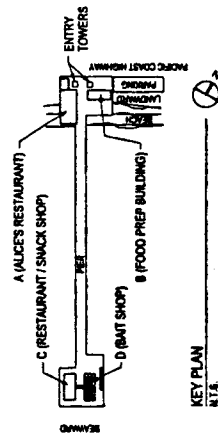


PLAN VIEW

LEGEND

- CONCESSION USE RETAIL / SALES (INDOOR / OUTDOOR)
- STATE RETAINED PUBLIC / VISITOR USE (INDOOR / OUTDOOR)

D (BAIT SHOP) PROPOSED USAGE
SECOND FLOOR



KEY PLAN

EXHIBIT NO. 14
APPLICATION NO. 4-01-198
Proposed Use
Bait Shop 2nd

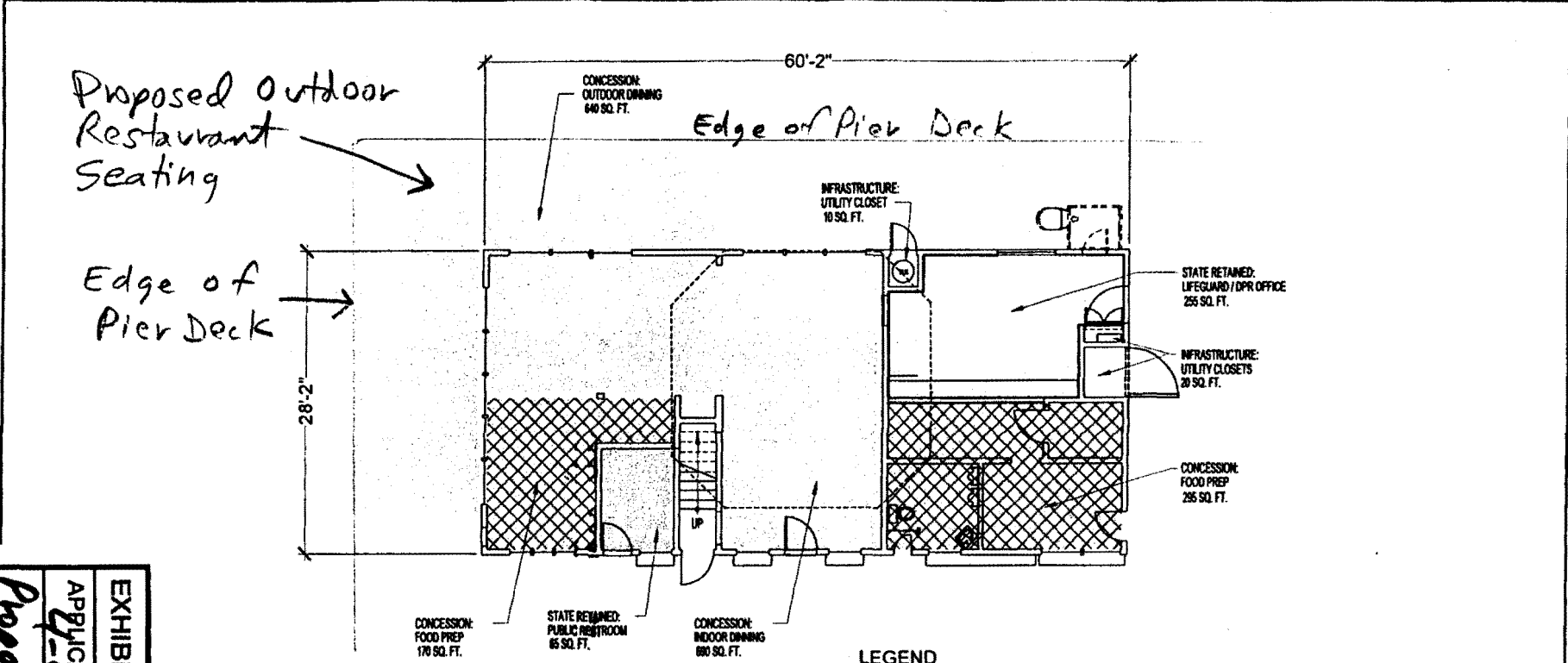


RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED: _____ DATE: _____

SHEET TITLE:
PROPOSED USAGE
SNACK SHOP
FIRST FLOOR - PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS
12/23/21
DESIGNED: C. SHAFER
DRAWN: B. STEVENS
CHECKED: J. JIA
DATE: 18 JAN 2022 EXRRE
SCALE: AS SHOWN
PROJECT NO:
915-548-09
UA-3

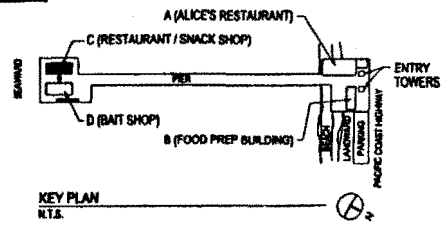


PLAN VIEW

LEGEND

CONCESSION USE		RESTAURANT - TABLE SERVICE AREA (INDOOR / OUTDOOR)
CONCESSION USE		RESTAURANT - FOOD PREPARATION, DISH WASHING, FOOD STORAGE, ETC.
INFRASTRUCTURE		STORAGE / UTILITY
STATE RETAINED		PUBLIC SERVICES / INTERPRETIVE
STATE RETAINED		PUBLIC REST ROOMS

EXHIBIT NO. 15
APPLICATION N9.8
Proposed Restaurant 1st



KEY PLAN
R.T.S.

C (RESTAURANT/ SNACK SHOP) PROPOSED USAGE
FIRST FLOOR



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

APPROVED _____ DATE _____

SHEET TITLE
PROPOSED USAGE
SNACK SHOP
SECOND FLOOR- PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS
A 22/24/22

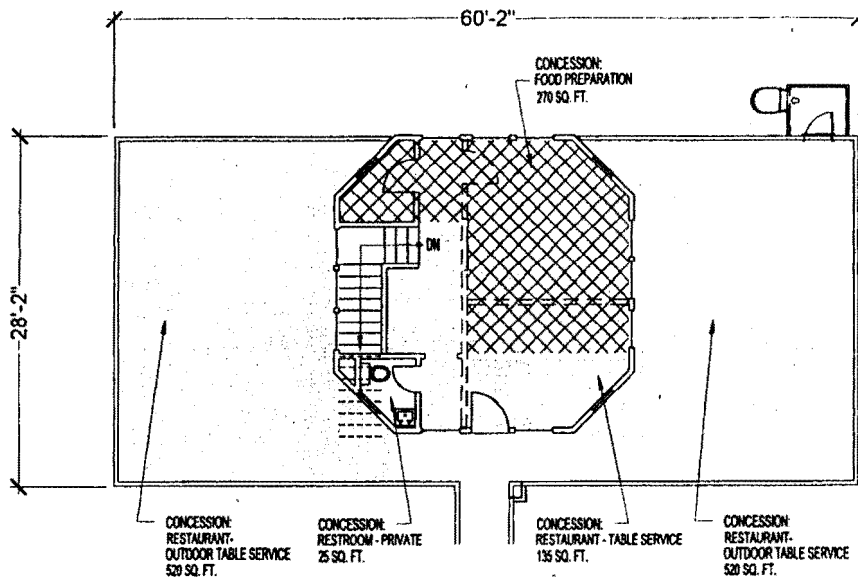
DESIGNED C. SHAFER
DRAWN B. STEVENS
CHECKED ZHX

DATE 18 JAN 2022 2:58 PM
SCALE AS SHOWN

PROJECT NO
915-548-09

UA-4

SHEET OF

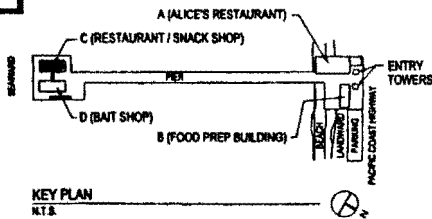


PLAN VIEW

LEGEND

- CONCESSION USE RESTAURANT - TABLE SERVICE AREA (INDOOR / OUTDOOR)
- CONCESSION USE RESTAURANT - FOOD PREPARATION, DISH WASHING, FOOD STORAGE, ETC.
- CONCESSION USE PRIVATE REST ROOMS

EXHIBIT NO. 16
 APPLICATION NO. 9-27-198
 Proposed
 Restaurant 2nd



C (RESTAURANT/ SNACK SHOP) PROPOSED USAGE
SECOND FLOOR



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

DATE: _____

APPROVED: _____

SHEET TITLE:
PROPOSED USAGE
ALICE'S RESTAURANT
FIRST FLOOR - PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS

18/08/2000

DESIGNED C. SHAFER
DRAWN B. STEVENS
CHECKED EBB

DATE 18 JAN 2000 DRAWN AS SHOWN

PROJECT NO 915-548-09

UA-5

SHEET OF

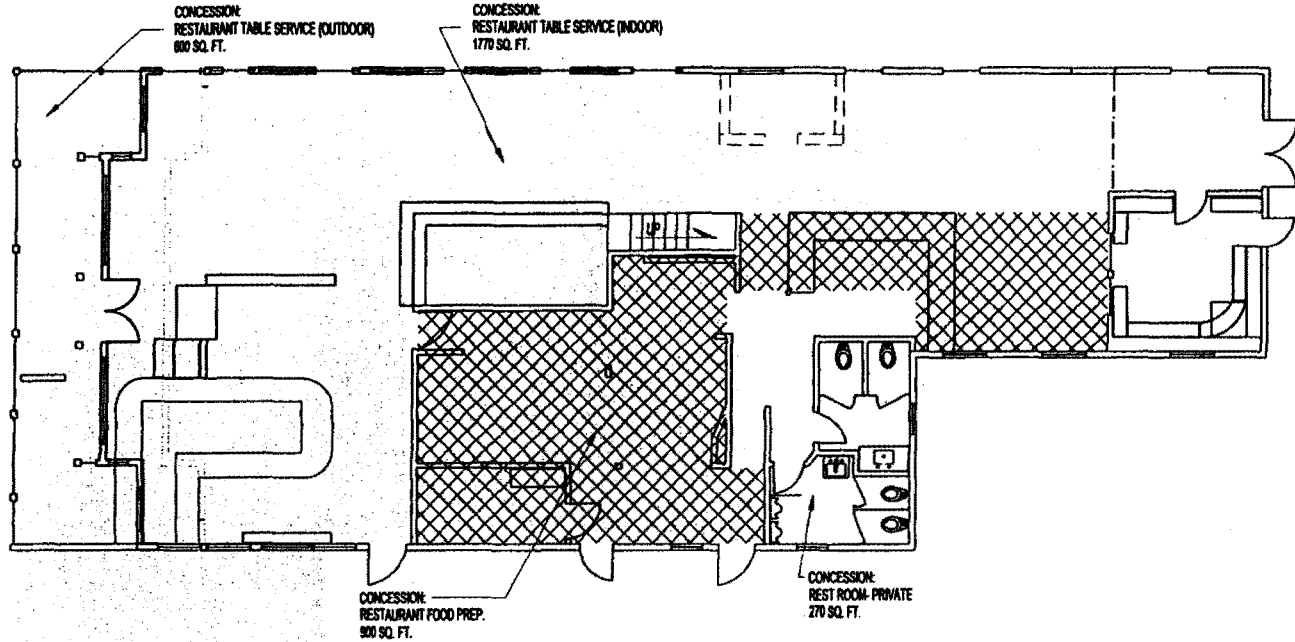
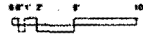


EXHIBIT NO. 17
APPLICATION 998
Proposed Alice's
Restaurant 1st

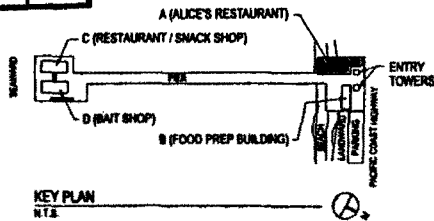
PLAN VIEW



LEGEND

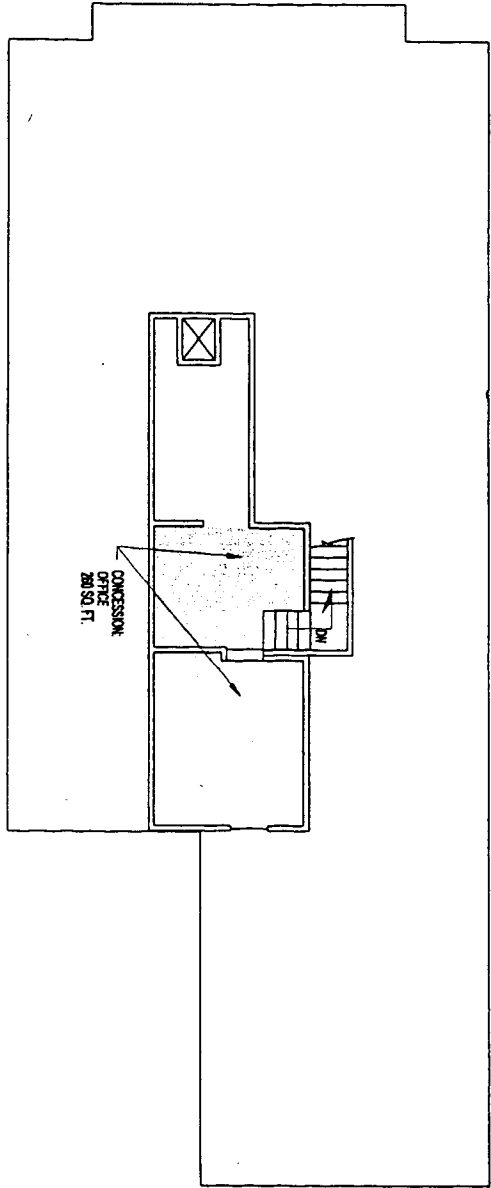
- CONCESSION USE RESTAURANT - TABLE SERVICE AREA (INDOOR / OUTDOOR)
- CONCESSION USE RESTAURANT - FOOD PREPARATION, DISH WASHING, FOOD STORAGE, ETC.
- CONCESSION USE PRIVATE REST ROOMS

A (ALICE'S RESTAURANT) PROPOSED USAGE
FIRST FLOOR



KEY PLAN
RT2

EXHIBIT NO. 18
 APPLICATION NO. 4-01-198
 Proposed Alice's
 Restaurant 2nd

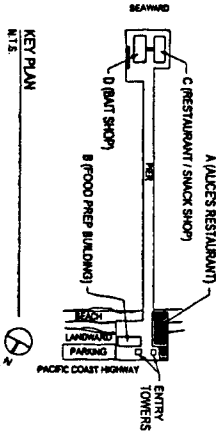


PLAN VIEW



LEGEND

- CONCESSION USE
- OFFICE / ADMINISTRATION



A (ALICE'S RESTAURANT) PROPOSED USAGE
 SECOND FLOOR-LOFT

UA-6

DESIGNED	C. SMITH
DRAWN	B. STEVENS
CHECKED	SEE
DATE	02/20/00
SCALE	AS SHOWN
PROJECT NO.	915-548-09

PROJECT SITE
**MALIBU LAGOON STATE BEACH
 MALIBU PIER PHASE III**

SHEET TITLE
**PROPOSED USAGE
 ALICE'S RESTAURANT
 SECOND FLOOR- PLAN**

RESOURCES AGENCY OF CALIFORNIA
 DEPARTMENT OF PARKS AND RECREATION
 SOUTHERN SERVICE CENTER

APPROVED: _____ DATE: _____





RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

DATE

APPROVED

SHEET TITLE:
PROPOSED USAGE
FOOD PREP. BUILDING
FLOOR PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS

10/21/2002

DESIGNED: C SHAFER
DRAWN: B STEVENS
CHECKED: PHX

DATE: 10 JAN 2002
SCALE: AS SHOWN

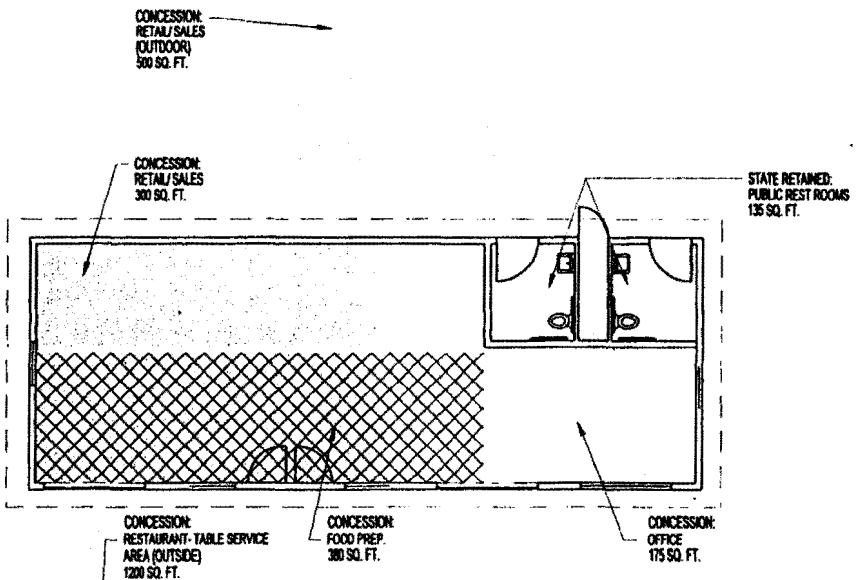
PROJECT NO:
913-548-09

UA-7

SHEET 01

LEGEND

CONCESSION USE		OFFICE / ADMINISTRATION
CONCESSION USE		RETAIL / SALES (INDOOR / OUTDOOR)
CONCESSION USE		RESTAURANT - TABLE SERVICE AREA (INDOOR / OUTDOOR)
CONCESSION USE		RESTAURANT - FOOD PREPARATION, DISH WASHING, FOOD STORAGE, ETC.
STATE RETAINED		PUBLIC REST ROOMS



PLAN VIEW

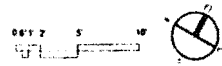
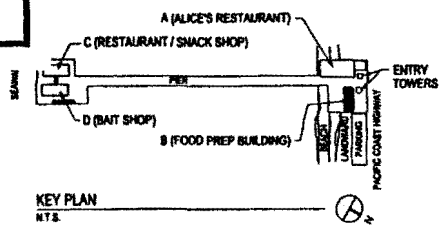


EXHIBIT NO. 19
 APPLIC. PN 198
 Proposed Food
 Prep Building



B (FOOD PREP. BUILDING) PROPOSED USAGE



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER

DATE: _____

APPROVED: _____

SHEET TITLE:
PROPOSED USAGE
ENTRY TOWERS
FLOOR PLAN

PROJECT SITE:
MALIBU LAGOON STATE BEACH
MALIBU PIER PHASE III

REVISIONS

XX/XX/XX

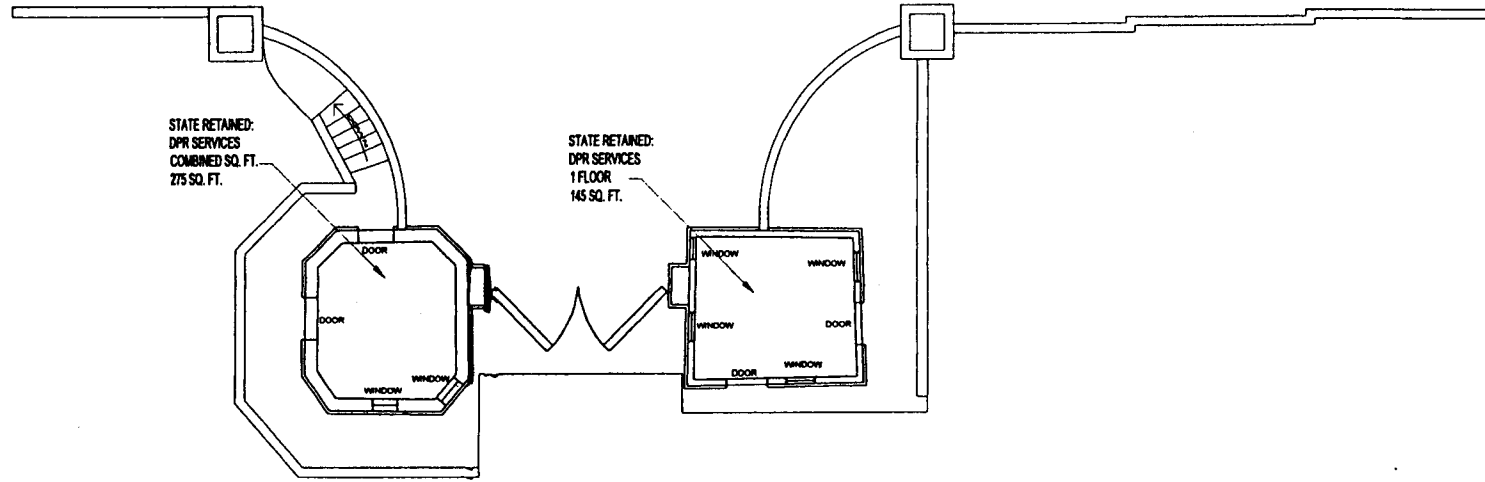
DESIGNED C SHAFFER
DRAWN B STEVENS
CHECKED KXX

DATE 10 JAN 2002 08:00
SCALE AS SHOWN

PROJECT NO
915-548-09

UA-8

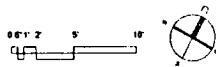
SHEET OF



STATE RETAINED:
DPR SERVICES
COMBINED SQ. FT.
275 SQ. FT.

STATE RETAINED:
DPR SERVICES
1 FLOOR
145 SQ. FT.

PLAN VIEW



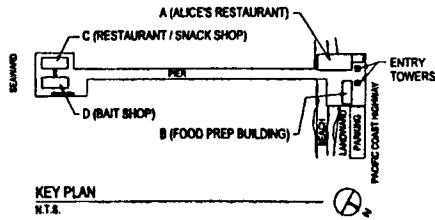
LEGEND

STATE RETAINED



PUBLIC SERVICES / INTERPRETIVE

ENTRY TOWERS PROPOSED USAGE
FLOOR PLAN



KEY PLAN
N.T.S.

EXHIBIT NO. 20
APPLICATION 1998
Proposed Entry
Towers & Gate

