

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
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Filed: 1/9/96  
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Staff: MB-V  
Staff Report: 1/17/96  
Hearing Date: 2/6-9/96

STAFF REPORT: CONSENT CALENDAR

W 20f

APPLICATION NO.: 4-95-248

APPLICANT: Bryan Turner AGENT: Michael E. Barsochini

PROJECT LOCATION: 22048 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Addition of 88 sq. ft. lateral extension to existing deck, supported by new cast in place concrete piles, with steps to the beach within deck stringline.

Lot Area	8,350 sq. ft.
Building Coverage	2,977 sq. ft.
Pavement Coverage	473 sq. ft.
Landscape Coverage	1250 sq. ft.
Parking Spaces	2 covered, 1 uncovered
Ht abv fin grade	
deck:	varies depending on sand level
existing residence:	30 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval in Concept.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 5-90-872 (Newbound) and 4-95-220 (Hamburger)

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SUMMARY OF STAFF RECOMMENDATION:

The proposed development is an addition to the existing deck. It will extend along the whole frontage of the house and be within the stringline for beachfront development. It will be supported by new cast in place concrete piles. Staff recommends approval with a special condition for applicant's assumption of risk.

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### III. Special Condition.

#### I. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (1) that the applicant understands that the site may be subject to extraordinary hazard from storm waves, erosion, or flooding and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

### IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

#### A. Project Description and Background

The proposed development is located in the area of beachfront residential development in Malibu known as Carbon Beach. The area is downcoast from the Malibu Pier and is characterized by a mixture of strip commercial and residential land uses on the inland side and residential uses on the seaward side of Highway 1. (Exhibit I) The applicant proposes an addition to the existing deck so that it will extend along the whole frontage of the house and still be within the stringline for beachfront development. (Exhibit II)

The property contains a two story single family residence with development of a first floor remodel, addition of a second floor, and enclosure of a side patio authorized under coastal development permit 4-90-872 (Newbound).

#### B. Shoreline Development/Public Access/Coastal Views/Geologic Stability/Hazards.

The Coastal Act requires the Coastal Commission to ensure that each project provides maximum public access for every project. Applicable sections of the Coastal Act provide:

Section 30210: 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: 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.

project would not exceed the seaward extension of the existing deck and be lined up with the sides of the existing residence. It would not extend beyond the stringline of decks of the adjacent residences in the area. The development would not include any shoreline protective devices. According to the project engineer (personal communication) no bulkhead or seawall was found underneath the existing residence during their site investigation. Thus, the project will have no individual or cumulative impacts on public access. Therefore, the Commission finds that a condition to require lateral access is not appropriate.

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. The proposed development is located on a sandy beach, and as such is subject to flooding and wave damage from storm waves and storm surge conditions.

Taken literally, Section 30253 might require denial of any beachfront development, because on an eroding coast, no development can be assured of safety. While this decision would free the developer from the hazard of periodic storm waves, it would deny the applicant use of his property during the years when there are no storms, and deny the applicant the same use presently enjoyed by his neighbors. To carry out this policy, the Commission has generally required new development including additions to conform to a stringline, and in some cases to extend no further seaward than the existing house. As applied to beachfront development in past Commission actions, the stringline, in most situations, limits extension of a structure to a line drawn between the nearest corners of adjacent structures, and/or decks.

The Commission has found the stringline policy to be an effective means of controlling seaward encroachment to ensure maximum public access as required by Sections 30210 and 30211 and to protect public views and the scenic quality of the shoreline as required by Section 30251 of the Coastal Act.

In this case, the applicant is proposing a small addition to an existing deck extending no further seaward than that deck and consistent with the stringline for decks on adjacent properties. The addition will augment the deck to extend it across the remaining house frontage. This minor increase in the footprint of the deck will neither result in seaward intrusion of the residence nor extend beyond the stringline. Therefore, the Commission determines that the project as proposed is consistent with the relevant access and natural hazards policies of the Malibu LUP and the Coastal Act.

The applicant has submitted a Geotechnical Engineering and Geology Report prepared by RJR Engineering Group, dated November 10, 1995. The report states (p. 9) that the proposed development "... is feasible from a geologic and geotechnical engineering standpoint. The report further notes that the proposed project may be subject to storm hazards such as scour, wave and debris impacts so that piers should be a minimum of ten feet below ground surface and a structural engineer should be involved in evaluation of the piers and foundation system.

The Commission finds that due to the unforeseen possibility of wave attack, erosion, and flooding, the applicant shall assume these risks as a condition of approval. Because this risk of harm cannot be completely eliminated, the Commission is requiring the applicant to waive any claim of liability on the part of the Commission for damage to life or property which may occur as a

# LOCATION MAP

Project No.:

806.10-95

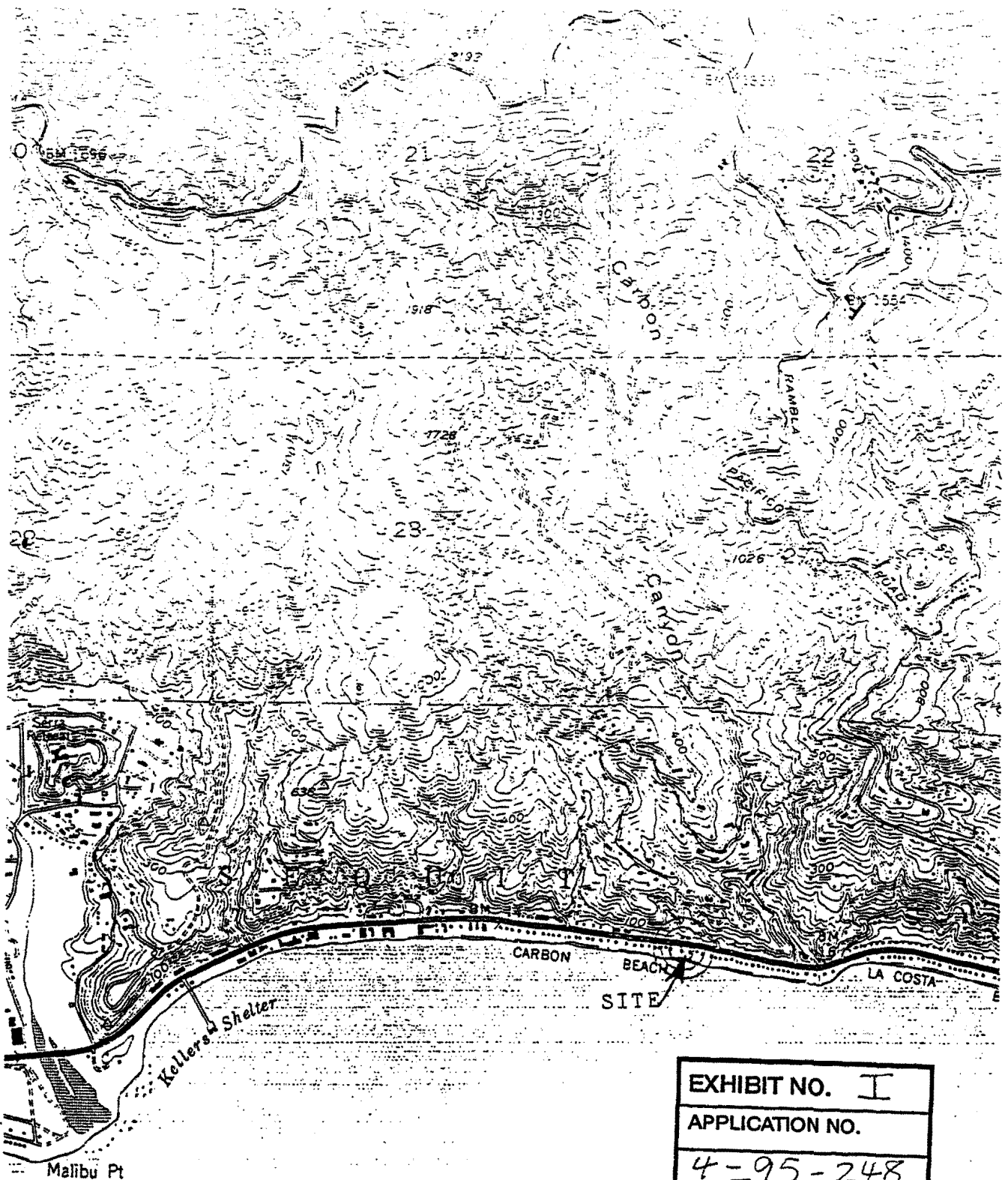


EXHIBIT NO. I

APPLICATION NO.

4-95-248  
Turner

Project Location

Property Location 22048 Pacific Coast Highway/Malibu

## Reference

United States Geological Survey, Topographic Map Series,  
Malibu Beach Quadrangle, 1950, Rev. 1981

Scale: 1"=2000'

North

RJR ENGINEERING GROUP

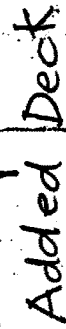
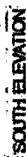


EXHIBIT NO. II b
APPLICATION NO.
4-95-248 Turner
Elevations $\frac{6}{8}$ Precise Site Plan