

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Staff: J. Johnson

Staff Report: 11/18/98

Hearing Date: 12/8/98

Commission Action:



RECORD PACKET

STAFF REPORT: CONSENT

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APPLICATION NO.: 4-97-139

APPLICANT: John and Kay Corrodi

AGENT: Norm Haynie

PROJECT LOCATION: 20288-20296 Pacific Coast Highway, City of Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Divide one lot into two lots. Currently four one story single family residences exist on the site. On proposed Parcel 1, two of the three residences will be joined together reducing the number of residences to two; one residence will remain on proposed Parcel 2. The structural walls of two residences located along the proposed boundary of Parcels 1 and 2 will be upgraded to meet Fire Code, and a new septic system will be constructed on Parcel 1 to serve the resulting two residences.

Lot area:	10,301 sq. ft.
Building coverage:	3,600 sq. ft.
Pavement coverage:	1,300 sq. ft.
Landscape coverage:	0 sq. ft.
Land Use Designation:	Residential IV C
Density:	10 – 20 dwelling units/acre
Parking spaces:	10 spaces
Ht. abv. Fin grade:	11 ft.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval, subject to conditions, of the proposed land division, reduction in the number of residential units from four to three by joining two residences together, and the proposed construction of a new sewage disposal system. The existing residential units are located on the ocean side of Pacific Coast Highway along Big Rock Beach.

Staff is recommending approval of the proposed project subject to the following Special Conditions which would bring the project into conformance with the

Coastal Act; applicant's assumption of risk, and construction responsibilities and debris removal.

**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department Approvals in Concept for Preliminary Parcel Map No. 24594 and Plot Plan Review, dated 6/4/97 and 7/17/98, respectively; City of Malibu Environmental Health Department Approval in Concept, dated May 15, 1998.

**SUBSTANTIVE FILE DOCUMENTS:** Appendix A

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**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions.**

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

#### **1. Applicant's 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: (a) that the applicant understands that the site may be subject to extraordinary hazard from liquefaction, storm waves, erosion or flooding and the applicant assumes the risks from such hazards; and (b) that the applicant unconditionally waives any claim of liability against the Commission and agrees to indemnify and hold harmless the Commission and 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 enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to the coastal development permit unless the Executive Director determines that no amendment is required.

#### **2. Construction Responsibilities and Debris Removal**

The applicant shall, by accepting this permit, agree and ensure that the project contractor: a) not stockpile dirt on the beach; b) properly cover and sand-bag all stockpiling beyond the beach to prevent runoff and siltation; c) not store any construction materials or waste where it may be subject to wave erosion and dispersion; d) promptly remove any and all debris from the beach that results from construction or demolition materials to an appropriate disposal site; e) implement measures to control erosion at the end of each day's work; and f) not allow any mechanized equipment in the intertidal zone at any time.

### **IV. Findings and Declarations.**

#### **A. Project Description and Location**

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The project site is located at 20288 through 20296 Pacific Coast Highway, Malibu on a lot along Big Rock Beach between Las Flores Canyon on the west and Tuna Canyon on the east. (*Exhibits 1 and 2*) The applicants propose to divide a 10,301 sq. ft. lot into two lots, 5,298 sq. ft. and 5,003 sq. ft. (*Exhibit 3*). There are four existing one story residential units on the subject lot which Commission photographs indicate were existing in 1973. One residence is about 1,200 sq. ft. with a three car, 600 sq. ft. garage, totaling about 1,800 sq. ft., while the three other residences are about 600 sq. ft. each in size, each with uncovered parking. As a result of the land division, Parcel 2 will include the existing 1,800 sq. ft. residence and garage and the existing sewage disposal system. Parcel 1 will include the remaining three residential structures and a new sewage disposal system will be constructed on this parcel. In addition, on proposed Parcel 1, two residential units will be joined together to create a 1,230 sq. ft. residence with a small 30 sq. ft. addition (*Exhibits 4 and 5*). The proposed addition will not extend the residence further seaward. Parcel 1 will also include the remaining 600 sq. ft. residence. The applicant also proposes to add additional concrete stucco to the exterior walls of the residential structures located on Parcels 1 and 2 along the proposed new lot line in order to meet Fire Code requirements. An existing wood bulkhead protects the existing and proposed sewage disposal systems.

The lot is located within a multi-family residential land use and it is zoned as Multiple Family Beach Front (MFBF) in the City of Malibu Interim Zoning Ordinance. In the Los Angeles County Land Use Plan, certified by the Commission, the lot is designated as Residential IV C that allows a maximum of 10 – 20 dwelling units per acre. The applicants' proposed two new lot sizes at 5,298 sq. ft. and 5,003 sq. ft. are greater in lot size than the minimum range of 2,178 – 4,356 sq. ft. allowed by the Land Use Plan, thus, the proposed lot sizes are conforming as to the density allowed by the Land Use Plan.

Vertical public access along a stairway to Big Rock Beach is located to the east of the subject site about 1,700 feet at 19960 Pacific Coast Highway. A second vertical public accessway along a stairway is located to the west about 500 feet at Moonshadows Restaurant Gate, 20356 Pacific Coast Highway. These public accessways have been operated and maintained by Los Angeles County. To the north of the subject site is the Big Rock residential neighborhood, which overlooks the subject site.

**B. Cumulative Impacts of Development**

The Coastal Act requires that new development be located in areas with adequate public services where it will not have significant adverse effects on either an individual or cumulative basis on coastal resources. Section 30250(a) of the Coastal Act states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

In addition in 1986, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan that included many policies. The LUP policies cited below addressing land divisions have been found consistent with the Coastal Act, and therefore may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

The LUP provides guidance with a "New Development Policy" which states that new development in the Malibu Coastal Zone will be guided by the LCP Land Use Plan map and associated development standards and a program for the retirement of the development rights and mitigation of the effects of non-conforming parcels. LUP Policy 271 states in part that:

New development in the Malibu Coastal Zone shall be guided by the Land Use Plan Map and all pertinent overlay categories. ...

The land use plan map presents a base land use designation for all properties. Onto this are overlaid three resource protection and management categories: (a) significant environmental resource areas, (b) significant visual resource areas, and (c) significant hazardous areas. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards

contained herein. Residential density shall be based on an average for the project; density standards and other requirements of the plan shall not apply to lot line adjustments.

The Malibu/Santa Monica Mountains Land Use Plan addresses land divisions in Policy Nos. 273 b and d. Policy 273 b states that:

On beachfront parcels, land divisions shall be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to site a dwelling or other structure, on-site sewage disposal system, if necessary, and any other necessary facilities without development on sandy beaches, consistent with all other policies of the LUP, including those regarding geologic and tsunami hazard.

Policy 273 d of the Land Use Plan states that:

In all other instances, land divisions shall be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to site a dwelling or other principal structure consistent with the LCP. All land divisions shall be considered to be a conditional use.

In 1981, the Commission adopted District Interpretive Guidelines titled, "South Coast District, Malibu – Santa Monica Mountains. These guidelines state that a basic goal of the Coastal Act is to concentrate development in or near developed areas able to accommodate it, thereby promoting infilling and avoiding sprawl into areas with significant resource value. Generally, the Malibu-Santa Monica Mountains coastal zone is not able to accommodate substantially intensified development due to a constrained road network, severe geologic, fire and flood hazards, a large number of special and sensitive habitat areas and a growing importance as a recreational and scenic resource to the metropolitan Los Angeles area. Further, residential and recreational uses must be carefully balanced due to the inherent competition for a limited amount of environmental and services carrying capacity. The area of highest priority for the allocation of residential development should go to existing parcels within existing developed areas. The Big Rock area is designated as an existing developed area by the Guidelines. The Guidelines also state that no further divisions of land should be approved with one exception. Exceptions from the prohibition of land division may be allowed only if the effects of the land divisions are mitigated by an offsetting elimination of the development potential of existing parcels in the area pursuant to the Commission's Transfer of Development Credit Program. The Guidelines also state:

### Consequence of Designation

The consequence of these designations is a recognition of a priority for infilling of new development and a priority for the location of intensified development whether by multi-unit structures or by land divisions approved in accordance with these guidelines. Areas designated as developed are recognized as being substantially committed to urban or suburban development due to the lot and parcel configuration, the substantial build-out of available parcels and the existence of public and commercial services necessary to support the urban or suburban community. ... The designation does indicate that absent site-specific constraints to residential development, the lots and parcels within existing developed areas should be encouraged to be built-out by infilling and if the cumulative impacts of increased density are mitigated by the transfer of development credits, residential densities should be allowed to intensify in appropriate locations either by the development of multiple-unit projects or the creation of new single-family building sites by land divisions.

**Multiple Family Development.** Except as provided below, one development credit is required for each new unit to be constructed in multiple family development projects. For the purpose of this guideline the number of development credits required shall be reduced by the number of existing subdivided lots or parcels within the project site.

Because smaller units within multiple-unit developments would have generally fewer cumulative impacts on coastal resources (fewer residents – less traffic, septic system effluent, etc.) and tend to provide less expensive housing opportunities, the following paragraph provides that fewer development credits are required to offset units with gross structural areas less than 2,000 sq. ft.

Coastal Act Section 30250 provides for three tests to determine whether new development is appropriately located from the standpoint of cumulative impacts and when land divisions outside developed areas are appropriate. The first test is whether or not the proposed new development is located within, contiguous or in close proximity to an existing developed area. The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The third test is whether or not the proposed project will or will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions located outside developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

The new development proposed in this project consists of a land division to divide one lot with four residential units into two lots, a small addition to join two

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residences together resulting in a reduction from four to three residential units on the two lots, and a new sewage disposal system for the new lot. The proposed project is located on a beachfront lot along the Big Rock Beach area. The coastal strip along the seaward side of Pacific Coast Highway from Topanga Canyon Boulevard on the east to Las Flores Canyon Road on the west is developed with residential, commercial and public recreational land uses. Because four residences already exist on the subject lot and the surrounding properties are already developed with residential and commercial development, the Commission finds that the new development proposed in this application meets the first test since it will be located within an existing developed area. These four existing residences are already provided with public services, (i.e. public road access, water, electricity, and telephone), therefore, the development meets the second test by being located in an area able to accommodate it. Because the Commission finds that the proposed project is located within a developed area, the proposed project does not need to be reviewed consistent with the test for land divisions. The third test addressing whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources is discussed below.

The Los Angeles County Land Use Plan, certified by the Commission, provides guidance for the Commission to consider in this application. The LUP includes a New Development Policy, which notes that new development in the Malibu coastal zone will be guided by the LCP Land Use Plan map and associated development standards and a program for the retirement of the development rights and mitigation of the effects of non-conforming parcels. The LUP land use designation for this site is Residential IV C. The Residential IV designation applies to residential areas generally characterized by a mix of single-family detached and multi-family development. In the Residential IV C land use category, residential use is the principal permitted use at a density of 10 – 20 dwelling units per acre on the subject site. As an example, this means that one acre of land may be divided into 10 lots, each with a residential unit. The LUP density guideline for this site is calculated to range from 2.36 to 4.73 dwelling units based on the existing 10,301 sq. ft. lot size. Rounding these numbers down to whole numbers, as is commonly done in land use planning, results in a range of 2 to 4 dwelling units for the existing lot. Thus, the guidance provided in the LUP allows the subject lot to be divided into two (2), three (3), or four (4) lots or units. The applicants are requesting a two lot subdivision that would result in the location of one residential unit on one lot and the other three existing units (to be reduced to two units) on the other lot. Given the density allowed by the LUP for the existing lot ranges from 2 to 4 dwelling units each on a separate lot, the Commission finds that the proposed two lot land division with a reduction in the number of units to three units is in conformance with the LUP density guideline for this parcel.

The City of Malibu has adopted an Interim Zoning Ordinance (IZO) in 1993 that provides for a Multiple Family Beach Front Residential Zone. However, since the



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City has not prepared a Local Coastal Program and its Zoning Ordinance has not been certified by the Commission, the City's IZO does not provide guidance to the Commission.

The third test of Section 30250 examines whether or not the project will create significant adverse impacts on coastal resources on either an individual or cumulative.

As noted above, the applicants propose to divide one lot into two lots. (*Exhibit 3*). There are four existing one story residential units on the existing lot; one residence is about 1,200 sq. ft. with a three car, 600 sq. ft. garage, totaling 1,800 sq. ft., while the other three residences are 600 sq. ft. each in size, with uncovered parking. As a result of the land division, Parcel 2 will include the existing 1,800 sq. ft. residence and garage and the existing sewage disposal system. Parcel 1 will include the remaining three residential structures and a new sewage disposal system will be constructed on this parcel. In addition, two residential units will be joined together with a small 30 sq. ft. addition to create a 1,230 sq. ft. residence on proposed Parcel 1 (*Exhibits 4 and 5*). Parcel 1 will also include the remaining 600 sq. ft. residence, which will become in essence a second residential unit. The proposed addition will not extend the residence further seaward. The applicant also proposes to add additional concrete stucco to the exterior walls of the structures located on Parcels 1 and 2 opposite the proposed new lot line in order to meet Fire Code requirements. An existing wood bulkhead protects the existing and proposed sewage disposal systems.

The applicant does not propose any grading, there are no designated environmentally sensitive resources on the site, and the site is not located within a sensitive watershed area. Regarding public visual issues, the existing residences already block public views of the coast. The new development, the small addition proposed to join two residences together, will not affect any public views because a fence that joins the two residences along Pacific Coast Highway already blocks the public view. Further, the proposed joinder of the two residences consists of only a three (3) foot wide addition across the existing lot's 128 foot frontage along Pacific Coast Highway.

The proposed new construction, the joining of the residences and the additional exterior stucco, will not adversely affect coastal resources as required by Special Condition Number Two (2) discussed below. Therefore, the Commission finds that the proposed project, as conditioned, will not create impacts to coastal resources on an individual basis.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development on coastal resources in the Malibu and Santa Monica Mountains area in past permit actions. The Commission has reviewed land division applications to ensure that newly created or reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically

stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots minimize landform alteration, visual impacts, and impacts to environmentally sensitive habitat areas.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because of the larger number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches is expected to grow tremendously.

As a means of mitigating the cumulative impact problem in past actions, the Commission has consistently required, as a special condition to development for land divisions and multi-unit projects, participation in the Transfer of Development Credit (TDC) program. (Coastal Permit No. 155-78, Zal; Coastal Permit No. 158-78, Eide; Coastal Permit No. 182-81, Malibu Deville; Coastal Permit No. 196-86, Malibu Pacifica; Coastal Permit No. 5-83-43, Heathercliff; Coastal Permit No. 5-83-591, Sunset-Regan; Coastal Permit No. 5-85-748, Ehrman & Coombs; and Coastal Permit No. 4-97-113, Eisenstein.) The TDC program resulted in the retirement from development of existing, poorly sited, and non-conforming parcels at the same time new parcels or units were created. The intent was to ensure that no net increase in residential units resulted from the approval of land divisions or multi-family projects while allowing development to proceed consistent with the requirements of Section 30250(a).

In several permit actions in Los Angeles County prior to the City of Malibu's incorporation (Coastal Permit No. 5-86-592, Central Diagnostic Labs; Coastal Permit No. 5-86-951, Ehrman and Coombs; Coastal Permit No. 5-85-459-A-2, Ohanian; and Coastal Permit No. 5-86-299-A-2 and A-3, Young and Golling), the Commission found that until other mitigation programs were both in place and are able to be implemented, it is appropriate for the Commission to continue to require purchase of TDC's as a way to mitigate the cumulative impacts of new subdivisions and multi-residential development. In 1986, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan, which is no longer legally binding within the City of Malibu. The Plan included six (6) potential mitigation programs that if in place would adequately mitigate the cumulative impacts of new development. However, in approving the above cited permit requests, the Commission found that none of the County's six mitigation programs were defined in the LUP as "self-implementing" or adequate to offset the impact of increased lots in the Santa Monica Mountains and that mitigation

was still required to offset the cumulative impacts created by land divisions and multi-unit projects. The Commission found that the TDC Program, or a similar technique to retire development rights on selected lots, remained a valid means of mitigating cumulative impacts. Without some means of mitigation, the Commission would have no alternative but denial of such projects based on the provisions of Section 30250(a) of the Coastal Act.

As discussed above, the Commission has approved new subdivisions, but has continued to require purchase of TDC's as one of the alternative mitigation strategies. Staff review indicates that the incremental contribution to cumulative impacts would be the creation of one additional lot. However, the impacts such as additional traffic, sewage disposal, recreational use needs, visual scenic quality and resource degradation associated with the development of the additional lot in this area are not applicable in this case. The existing lot is already developed with four detached residences. As required by the City of Malibu, the applicant is required to reduce the number of residences on one of the lots from three to two. The applicant proposes to do this by joining two the units together. The reduction of one residential unit by joining two one bedroom residences together to create a two bedroom residence has the potential to reduce the number of occupants ranging from two to four as currently expected to a range of one to two occupants as proposed as identified commonly in residential occupancy statistics. Potential impacts to traffic, parking, sewage disposal, recreational use needs, visual scenic quality, and other coastal resources would be correspondingly reduced.

Further, the applicant also proposes to continue using the existing sewage disposal system on proposed Parcel 2 to reserve the existing residence, while disconnecting it from serving the existing three residences on proposed Parcel 1. A new sewage disposal system is proposed to be constructed to serve the proposed enlarged residence (two residences joined together) and the second residence on Parcel 1. Therefore, the number of residential units existing on the site will be reduced by one to a total of three residential units and the potential impacts listed above will also be reduced.

Further the Commission's District Interpretive Guidelines indicate that a Transfer of Development Credit is required for each new unit to be constructed in multiple family development projects. However, since the proposed land division will not result in any new residential units and in fact will result in the reduction of one existing residential unit, there is no need for a TDC in this case as there will be no potential for an additional residential unit and therefore no individual or cumulative impacts, as conditioned. Thus, the Commission determines that it is not necessary to retire one potential building site, either through purchase of one (1) TDC or participation along with a public agency or private non-profit corporation to retire habitat or watershed land, as there are no additional cumulative impacts as a result of the creation of one additional legal lot. The Commission finds that the proposed project, as conditioned, will not create

impacts to coastal resources on an individual or cumulative basis, and therefore, the Commission finds the project meets the third test of Section 30250. Thus, Commission finds that, as conditioned, the proposed project is consistent with Section 30250 of the Coastal Act.

#### **D. Public Access and Shoreline Development**

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act has several policies that address the issues of public access and recreation along the coast.

##### **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 except where:

...

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby... Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

##### **Section 30220 of the Coastal Act states:**

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

#### **1. Public Access**

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, Section 30212 of the Coastal Act requires that public access to the sea be provided, except where adequate access exists nearby. Section 30211 provides that development not interfere with the public's right of access to the sea including the use of dry sand and rocky coastal beaches. Section 30220 of the Coastal Act requires coastal areas suited for coastal recreational activities, that cannot be provided at inland water areas, be protected.

All beachfront projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. The major access issue in such permits is the occupation of sand area by a structure, in contradiction to Coastal Act policies 30210, 30211, and 30212. However, a conclusion that access may be mandated does not end the Commission's inquiry. As noted, Section 30210 imposes a duty on the Commission to administer the public access policies of the Coastal Act in a manner that is "consistent with ... the need to protect ... rights of private property owners..." The need to carefully review the potential impacts of a project when considering imposition of public access conditions was emphasized by the U.S. Supreme Court's decision in the case of Nollan vs. California Coastal Commission. In that case, the court ruled that the Commission may legitimately require a lateral access easement where the proposed development has either individual or cumulative impacts which substantially impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate these impacts.

The Commission's experience in reviewing shoreline residential projects in Malibu indicates that individual and cumulative impacts on access from such projects can include among others, encroachment on lands subject to the public trust, thus, physically excluding the public; interference with natural shoreline processes which are necessary to maintain publicly-owned tidelands and other beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's ability to use beach access and cause adverse impacts on public access.

As proposed, this project will not extend any further seaward than the existing residences and decks that are now located over the sandy beach. The existing residential decks are now located up to approximately 55 feet from the landward property line along Pacific Coast Highway (Exhibit 4). The construction of the approximate 30 sq. ft. addition joining together the two existing residences on

proposed Parcel 1 and the construction of a new sewage disposal system on Parcel 1, does constitute new development under the Coastal Act. The addition of concrete stucco on the exterior of two residential structures does not constitute new development.

The proposed project must be judged against the public access and recreation policies of the State Constitution, Sections 30210, 30211, 30212, and 30220 of the Coastal Act. Along the California coast, the line between land and ocean is complex and constantly moving. It is generally accepted that the dividing line between public tidelands and private uplands, or the tidal boundary, in California is the ambulatory mean high tide line (MHTL), essentially the same as the ordinary high water mark or line.

As a practical matter the actual dividing line between sea and land moves constantly, which this gives rise to issues involving protection of public rights based on use, rather than ownership. These use rights arise as the public walks the wet or dry sandy beach below the mean high tide plane. This area of use, in turn moves across the face of the beach as the beach changes in depth on a daily basis. The free movement of sand on the beach is an integral part of this process, and it is here that the effects of structures are of concern.

The beaches of Malibu are extensively used by visitors of both local and regional origin and most planning studies indicated that attendance of recreational sites will continue to significantly increase over the coming years. While the Commission cannot determine if prescriptive rights exist on the subject property, it must protect those potential public rights by assuring that any proposed shoreline development does not interfere with or will only minimally interfere with those rights. Presently, this shoreline remains open and can be used by the public for access and general recreational activities.

Regarding vertical public access from Pacific Coast Highway to the beach, the project site is located about 500 feet east of a vertical public accessway adjacent to Moonshadows Restaurant (at 20356 Pacific Coast Highway) owned and operated by the County of Los Angeles. This accessway has historically been used by the public to access Big Rock Beach. Additionally, there is a second vertical public accessway from Pacific Coast Highway to the beach, owned and operated by the County of Los Angeles, located about 1,700 feet (at 19960 Pacific Coast Highway) to the east of the project site. Therefore, vertical access to this beach exists nearby.

Regarding lateral public access and state tidelands ownership, the State Lands Commission, in a letter dated November 3, 1997, reviewed the proposed project. The State Lands Commission staff noted that they do not have sufficient information to determine whether the project intrudes upon state sovereign lands and accordingly asserted no claims. The applicant's engineer, in the Preliminary Parcel Map No. 24594 has identified the southern boundary of the subject

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parcel. This line is landward of the Mean High Tide Line (MHTL) as of June 1969 identified on the Assessor's Parcel Map No. 4450-04-036, the subject parcel. The MHTL identified in 1969 appears to be located about 54 seaward of the proposed addition joining the two residences together. The southern property line created at the time the parcel was originally subdivided in 1957 appears to be the MHTL established about that same time, which is about 40 feet seaward of the proposed addition. The applicant did not submit any evidence of any known and more recent MHTL survey. It is important to note that the MHTL identified does not fix the boundary of the MHTL, as it is ambulatory. The State Lands Commission is the agency that can make an official determination of the location of the boundary between State and private lands.

The proposed addition to the residences is located about 37 feet (within stringline) seaward from Pacific Coast Highway (Exhibits 4 and 6) and will be landward of the seaward most portion of the existing residences. The addition will not extend seaward beyond the existing residence. The proposed new sewage disposal system will be located further landward than the proposed addition to the residences and landward of the existing bulkhead. Although the MHTL is ambulatory, there is no evidence that the proposed addition or the new sewage disposal system will extend to the MHTL or onto state sovereign lands. According to the Commission's access records, there are no existing offers to dedicate public access easements recorded on the applicant's property.

The analysis cited in the preceding section indicates that the proposed project including the proposed addition and new sewage disposal system will not have any impacts on the shoreline processes that could affect public access. Since the proposed addition will be located behind the building and deck stringline as discussed further below, the project minimizes any impacts on public access. Further, because the proposed sewage disposal system is sited as far landward as possible behind the existing wood bulkhead, the Commission finds that there will be no new or additional beach scour or end impacts on the beach which would affect lateral access along the beach. Therefore, there is no basis to require a condition to establish a lateral access easement across the applicant's property. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30211, 30212, and 30220 of the Coastal Act.

## **2. Stringline Review and Visual Resources**

### **Section 30251 of the Coastal Act states:**

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

restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Through Coastal Act Sections 30210, 30211, 30251 and 30253 noted above and in other sections of this report, the Commission has developed and applied the "stringline" analysis to control the seaward extent of buildout in past permit actions. As applied to beachfront development, the stringline limits extension of a structure to a line drawn between the nearest corners of adjacent structures and limits decks to a similar line drawn between the nearest corners of adjacent decks.

The Commission has applied this stringline analysis to numerous past permits involving infill on sandy beaches and has found it to be an effective measurement tool in preventing further encroachments onto sandy beaches. In addition, the Commission has found that restricting new development to building and deck stringlines is 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 scenic quality of the shoreline as required by Section 30251 of the Coastal Act.

A review of the adjoining properties to the west and east of the subject site indicates that the existing residences and decks involved in this project are within the stringline of adjoining property to the east. However, the subject residences and decks are not within the stringline of the residence to the west. The subject residence and decks are within the stringline of the next three buildings and decks further to the west. However, the adjacent residence does not have a deck seaward of the residence and it appears to be about the same size as the small 600 sq. ft. residences in this application. The applicant's site plan indicates that the proposed addition of about 30 sq. ft. joining two of the residences together is located about three (3) feet landward of the seaward most extent of the existing residences. Therefore, the Commission finds that the residential addition to this project will not extend new development further seaward than the existing and nearby development, minimizing potential impacts to public access opportunities along the sandy beach.

And lastly, pursuant to Section 30251 of the Coastal Act, the Commission reviews the publicly accessible locations along adjacent public roads and the sandy beach where the proposed development is visible to assess visual impacts to the public. The Commission examines the building site and the size of the building. The existing residences and solid fence wall along Pacific Coast Highway already blocks public views from the highway to the beach and ocean. Although the proposed one story addition to the existing one story residences may be visible from the public sandy beach, the existing residences already



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block inland views from the beach. Moreover, the more scenic inland views of the Santa Monica Mountains as viewed from the water and the beach at low tide are well above the proposed development. Thus, the proposed addition will not adversely affect existing public views.

Therefore, the Commission finds that the proposed project, as conditioned, will have no significant adverse individual or cumulative impacts on public access on the sandy beach seaward of the residence or public views to and along the coast, and is thus, consistent with Sections 30210, 30211, 30212, 30220, and 30251 of the Coastal Act.

### **E. Hazards and Geologic Stability**

**Coastal Act Section 30253 states (in part):**

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.

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property in areas of high geologic, flood, and fire hazard. In addition to Section 30253 of the Coastal Act, the certified Malibu/Santa Monica Mountains LUP include several policies and standards regarding hazards and geologic stability. These policies have been certified as consistent with the Coastal Act and used as guidance by the Commission in numerous past permit actions in evaluating a project's consistency with Section 30253 of the Coastal Act. For example, Policy 147 suggests that development be evaluated for impacts on and from geologic hazards.

#### **1. Storm, Wave and Flood Hazard**

The Malibu coast has been subject to substantial damage as a result of storm and flood occurrences, geological failures and firestorms. Therefore, it is necessary to review the proposed project and project site against the area's known hazards. The proposed project involves a minor demolition, small addition to two existing residences, and a new sewage disposal system on a lot located along a developed stretch of Big Rock Beach.

The site is susceptible to flooding and/or wave damage from storm waves and storm surge conditions. Past occurrences have resulted in public costs (through low-interest loans) in the millions of dollars in the Malibu area alone. Along the Malibu coast, significant damage has occurred to coastal areas from high waves, storm surge and high tides. In the winter of 1977-78, storms triggered numerous mudslides and landslides and caused significant damage along the coast. Damage to the Malibu coastline was well documented in the paper presented at the National Research Council, which stated that:

The southerly and southwesterly facing beaches in the Malibu area were especially hard hit by waves passing through the open windows between offshore islands during the 1978 and 1980 storms. These waves broke against beaches, seawalls, and other structures, causing damages of between \$2.8 and \$4.75 million to private property alone. The amount of erosion resulting from a storm depends on the overall climatic conditions and varies widely from storm to storm. Protection from this erosion depends largely on the funds available to construct various protective structures that can withstand high-energy waves.<sup>1</sup>

The "El Nino" storms in 1982-83 caused additional damage to the Malibu coast, when high tides of over 7 feet were combined with surf between 6 and 15 feet. These storms caused over \$12.8 million in damage to structures in Los Angeles County, many located in Malibu. Due to the severity of the 1982-83 storm events, they have often been cited as an illustrative example of an extreme storm event and used as design criteria for shoreline protective structures. Damage to the Malibu coastline was documented in an article in California Geology. This article states that:

In general, the storms greatly affected the character of the Malibu coastline. Once quiet, wide, sandy beaches were stripped of their sand and high surf pounded residential developments .... The severe scour, between 8 to 12 feet, was greater than past scour as reported by "old timers" in the area. Sewage disposal systems which rely on the sand cover for effluent filtration were damaged or destroyed creating a health hazard along the coast. Flotsam, including pilings and timbers from damaged piers and homes, battered coastal improvements increasing the destruction. Bulkhead failures occurred when sand backfill was lost due to scour exceeding the depth of the bulkhead sheeting, or scour extending beyond the return walls (side walls of the bulkhead which are extended toward the shore from the front wall of the bulkhead).<sup>2</sup>

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<sup>1</sup> "Coastal Winter Storm Damage, Malibu, Los Angeles County, Winter 1977-78", part of the National Research Council proceedings, George Armstrong.

<sup>2</sup> "Assessment of 1982-83 Winter Storms Damage Malibu Coastline", by Frank Denison and Hugh Robertson, in California Geology, September 1985.

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Other observations that were noted included the fact that the storm's damage patterns were often inconsistent. Adjacent properties suffered different degrees of damage sometimes unrelated to the method or age of construction. The degree of damage was often related to past damage history and the nature of past emergency repairs. Upcoast (west) of Big Rock Beach, walls at Zuma Beach and the parking lots were damaged by wave uprush and scour. Debris was deposited onto the margin of Pacific Coast Highway.

Storms in 1987-88 and 1991-92 did not cause the far-reaching devastation of the 1982-83 storms, however, they too were very damaging in localized areas and could have been significantly worse except that the peak storm surge coincided with a low tide rather than a high tide. The 1998 El Nino Storms have damaged a number of residences and public facilities and infrastructure in Malibu and is currently being assessed.

As proposed, the existing residence with the approximate 30 sq. ft. addition is an elevated structure on existing wood pilings with a ground floor elevation of about 26.4 feet above Mean Sea Level. A new sewage disposal system is proposed to be constructed on Parcel 1 landward of the existing bulkhead.

The applicant's submittal included two Engineering Geologic Memorandum providing a Bulkhead Evaluation prepared by Geoplan, Inc. dated June 11, 1998 and August 5, 1998. The Evaluation concludes:

Notwithstanding its location at the toe of the Big Rock Landslide, the bulkhead exhibits no related deterioration and is underlain by earth material judged to be grossly stable.

It is concluded on the basis of the observations and review of records and photographs in our files, and taking into account the high-energy conditions that characterize this beachfront structure, that it is performing satisfactorily in major storm events such as those experienced in 1983 and 1984.

During the winter season, the existing one story residences, to be joined together and served by a new sewage disposal system, will extend into an area exposed to storm waves, flooding, and erosion hazards that in the past have caused significant damage to development along the California coast, including the Malibu coastal zone and the beach area nearby the subject property. The Coastal Act recognizes that development, such as the proposed residential addition and sewage disposal system, 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 to use his property.

The Commission finds that due to the unforeseen possibility of liquefaction, storm waves, 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 against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, as required by Special Condition Number One (1), when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

Lastly, as noted above, the proposed project involves the construction of a new sewage disposal system and some minor demolition and construction on a beachfront lot subject to tidal influence. The proposed development, with its limited excavation of terrace deposits, debris, and with some construction work to be completed for the residences, may result in disturbance of the offshore rocky intertidal and kelp bed habitat through erosion, siltation, and debris deposition. Construction equipment, materials and demolition debris could pose a significant hazard if used or stored where subject to wave contact or situated in a manner that creates a hazard for beach users. Furthermore, this construction activity, if not properly mitigated, would add to an increase of pollution in the Santa Monica Bay.

To avoid this possibility, the Commission finds that it is necessary to require the applicant to agree and ensure that the project contractor: a) not stockpile dirt on the beach; b) that all stockpiling beyond the beach shall be properly covered and sand-bagged to prevent runoff and siltation; c) not store any construction materials or waste where it may be subject to wave erosion and dispersion; d) remove promptly from the beach any and all debris that results from construction materials; e) that measures to control erosion must be implemented at the end of each day's work; and, f) not allow any mechanized equipment in the intertidal zone at any time. Special Condition Number Two (2) addresses this issue. This condition will also ensure that the construction of the proposed project will minimize risks to life and property in this public beach area that is subject to wave hazards and to protect coastal resources.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with section 30253 of the Coastal Act.

#### **F. Septic System**

The Commission recognizes that the potential build-out of lots in Malibu, 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.

**Section 30250 (a) of the Coastal Act states (in part):**

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

As described in the preceding project description section, the existing sewage disposal system will continue to be used by the existing residence on proposed Parcel 2 and will be disconnected from the residences on proposed Parcel 1. The City of Malibu is not requiring any renovations or changes to this existing sewage disposal system serving proposed Parcel 2. A new sewage disposal system is proposed for Parcel 1 which includes a 1,500 gallon septic tank, a drainfield, and a future drainfield located landward of the existing bulkhead area beneath the existing residences. The applicant has submitted a conceptual approval for the new sewage disposal system proposed for Parcel 1 from the City of Malibu Department of Environmental Health, dated May 15, 1998, based on a one bedroom unit and a two bedroom unit. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. In addition, the proposed new sewage disposal system will be located as far landward on the subject site as possible, behind an existing wood bulkhead. As reviewed by the City Department of Environmental Health, the proposed project will not adversely impact the biological productivity and quality of the coastal waters. Therefore, the Commission finds that the proposed project is consistent with Sections 30231 and 30250 of the Coastal Act.

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## **G. 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 effects 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).

## **H. California Environmental Quality Act (CEQA)**

The Coastal Commission's permit process has been designated as the functional equivalent of California Environmental Quality Act (CEQA). Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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 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 effects which the activity may have on the environment.

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

## APPENDIX A

### SUBSTANTIVE FILE DOCUMENTS

Malibu/Santa Monica Mountains District Interpretive Guidelines. Coastal Commission. 1981

Certified Malibu/Santa Monica Mountains Land Use Plan. County of Los Angeles. 12/11/86.

Adopted City of Malibu General Plan. November 1995

City of Malibu. Article IX Interim Zoning Ordinance. 1993.

### STUDIES AND PUBLICATIONS

U.S. Army Corps of Engineers. Los Angeles District. Reconnaissance Study of the Malibu Coast. 1994

Chrisiansen, Herman. "Economic Profiling of Beach Fills" in Coastal Sediments '77. 1977.

Dean, Robert G., "Coastal Sediment Processes: Toward Engineering Solutions". Coastal Sediments '87. 1987.

Denison, Frank and Hugh Robertson. "Assessment of 1982-83 Winter Storms Damage to Malibu Coastline". California Geology. September 1985.

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Griggs, G., J. Tait, and W. Corona. "The Interaction of Seawalls and Beaches: Seven Years of Monitoring, Monterey Bay, California". Shore and Beach. Vol. 62, No. 3. 1994

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Johnson. "The Significance of Seasonal Beach Changes in Tidal Boundaries". Shore and Beach. (Vol. 39, No. 1). April 1971.

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- State of California. State Water Resources Control Board. California Marine Waters—Areas of Special Biological Significance Reconnaissance Survey Report, Mugu Lagoon to Latigo Point, Ventura and Los Angeles Counties. 1979.
- Tait, J.F and G.B. Griggs. "Beach Response to the Presence of a Seawall: A Comparison of Field Observations". Shore and Beach. Vol. 58, No. 2, pp 11 -28. 1990.
- Thompson, "Seasonal Orientation of California Beaches". Shore and Beach (Vol. 55, Nos. 3-4). July 1987.
- William's, Phillip & Associates and Peter Warshall & Associates. Malibu Wastewater Management Study. March 1992.

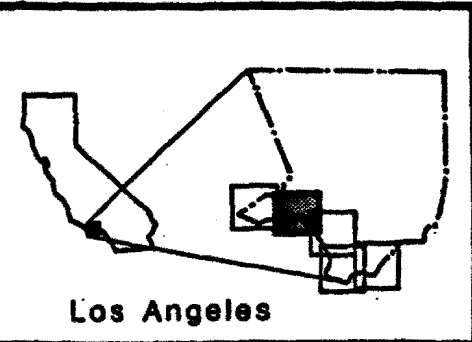
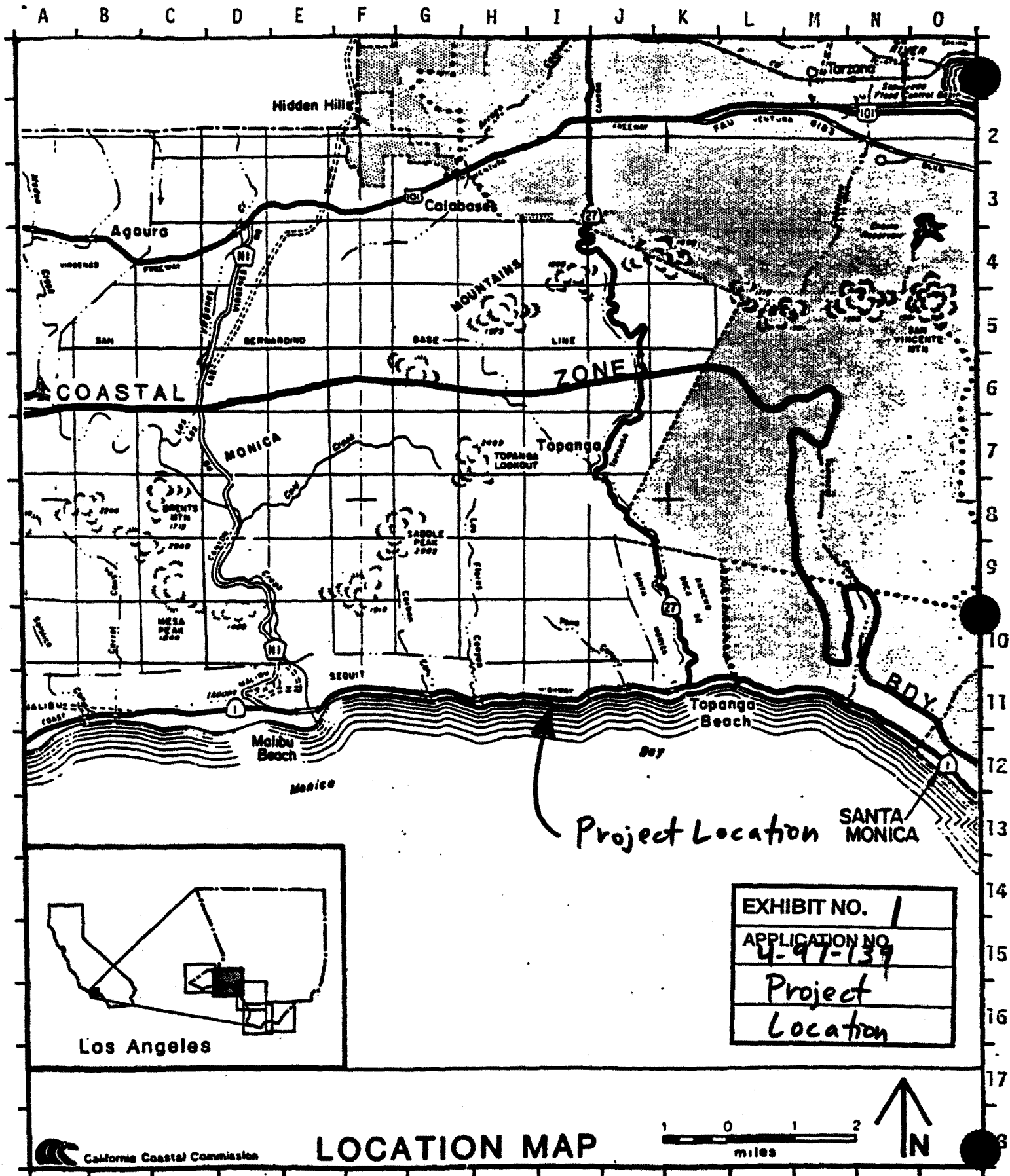


**LETTERS and MEMOS**

Letter to Lesley Ewing from Douglas Inman, Ph.D., February 25, 1991

Letter to Lesley Ewing from Dr. Craig Everts of Moffatt and Nichol Engineers,  
March 14, 1994

**COASTAL PERMIT APPLICATIONS** Staff Report Lechuza Villas West  
2/4/97; Coastal Permit No. 4-94-200, Dussman; Coastal Permit No. 4-97-191, Kim;  
Coastal Permit No. 4-97-226, Felman.



Los Angeles

EXHIBIT NO.	1
APPLICATION NO.	4-97-139
Project	
Location	



California Coastal Commission

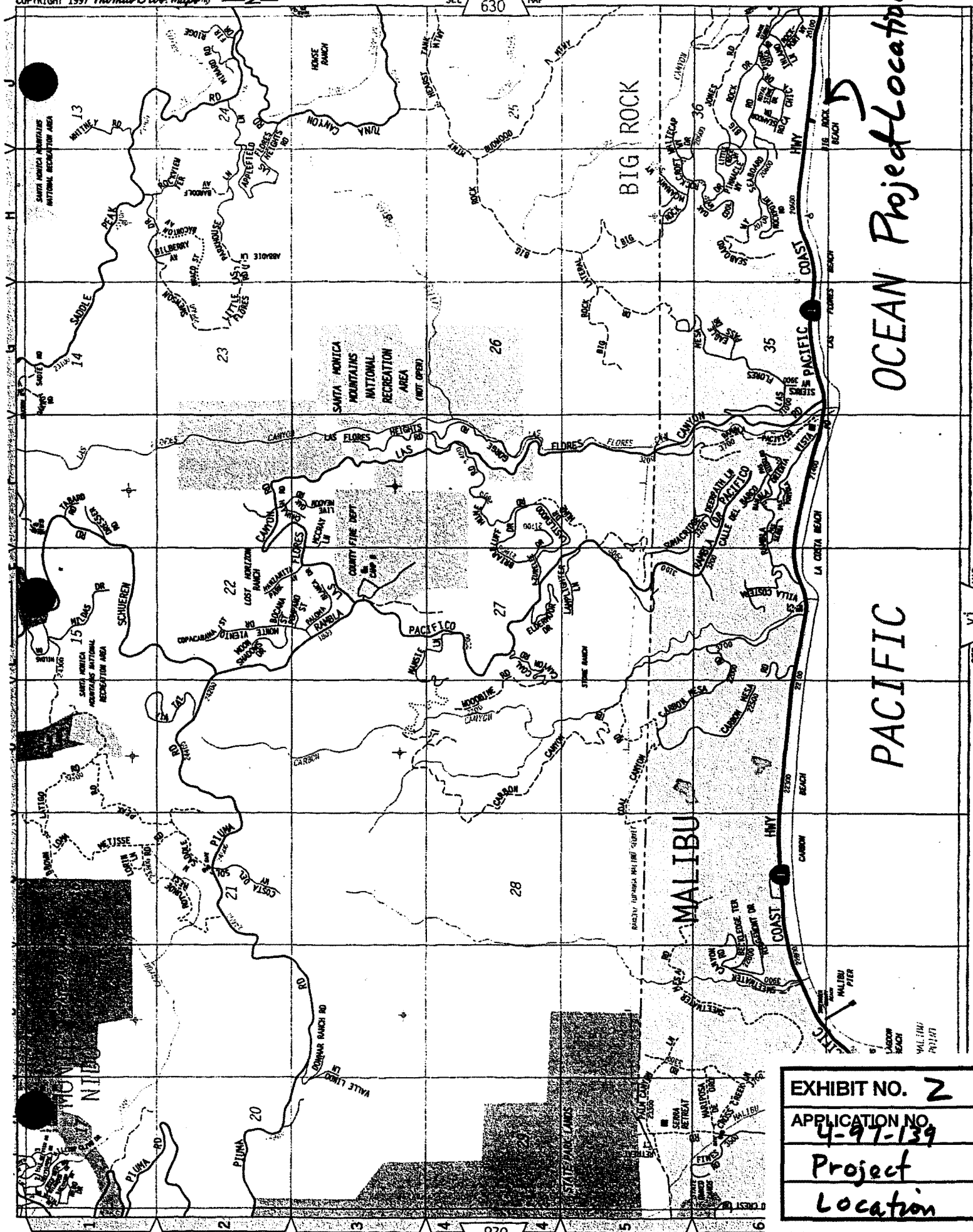
LOCATION MAP

0 1 2  
miles



County of Los Angeles

Sheet 2 of 5



OCEAN Project Location

PACIFIC

EXHIBIT NO. 2
APPLICATION NO. 4-97-139
Project
Location

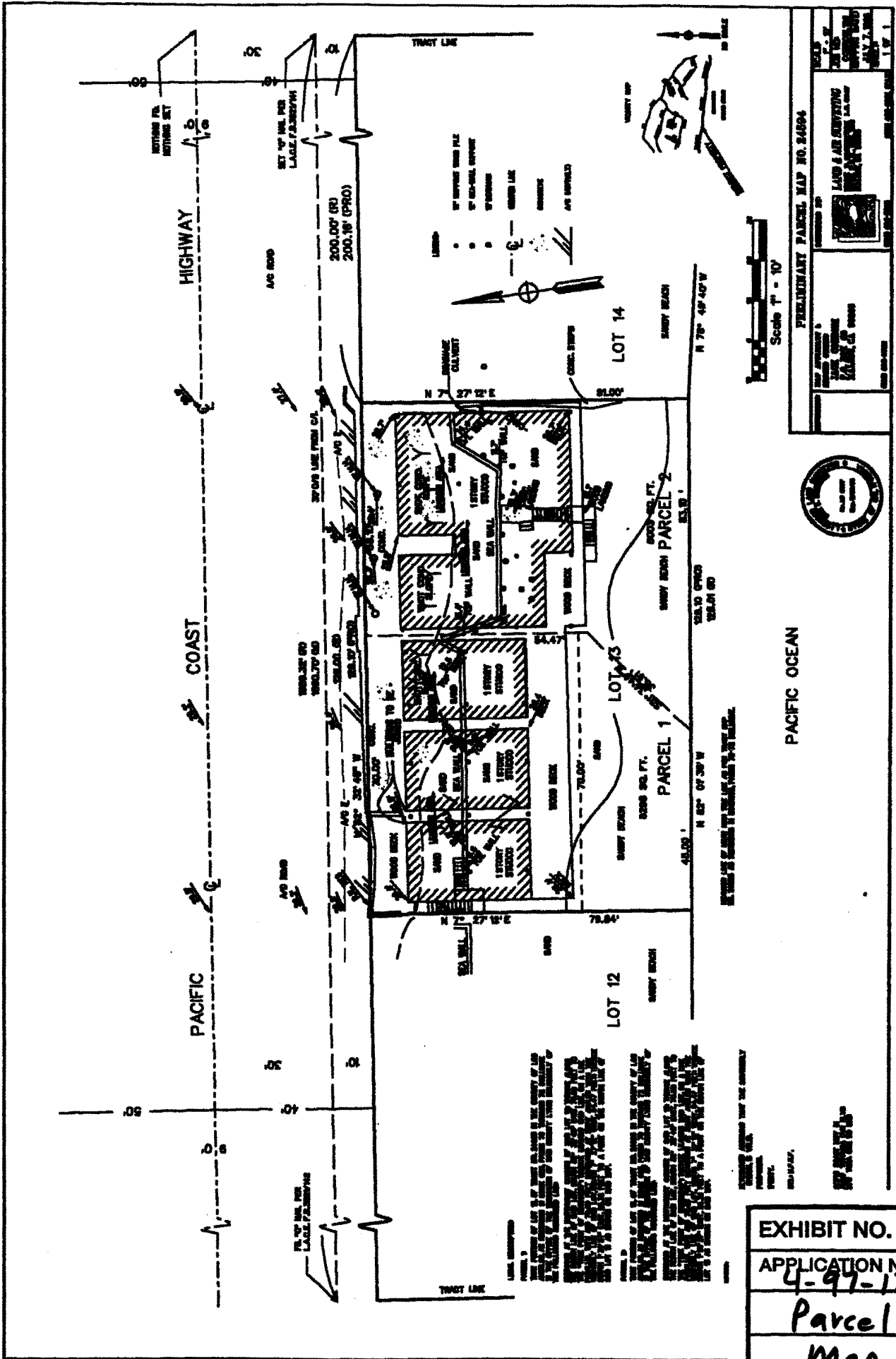
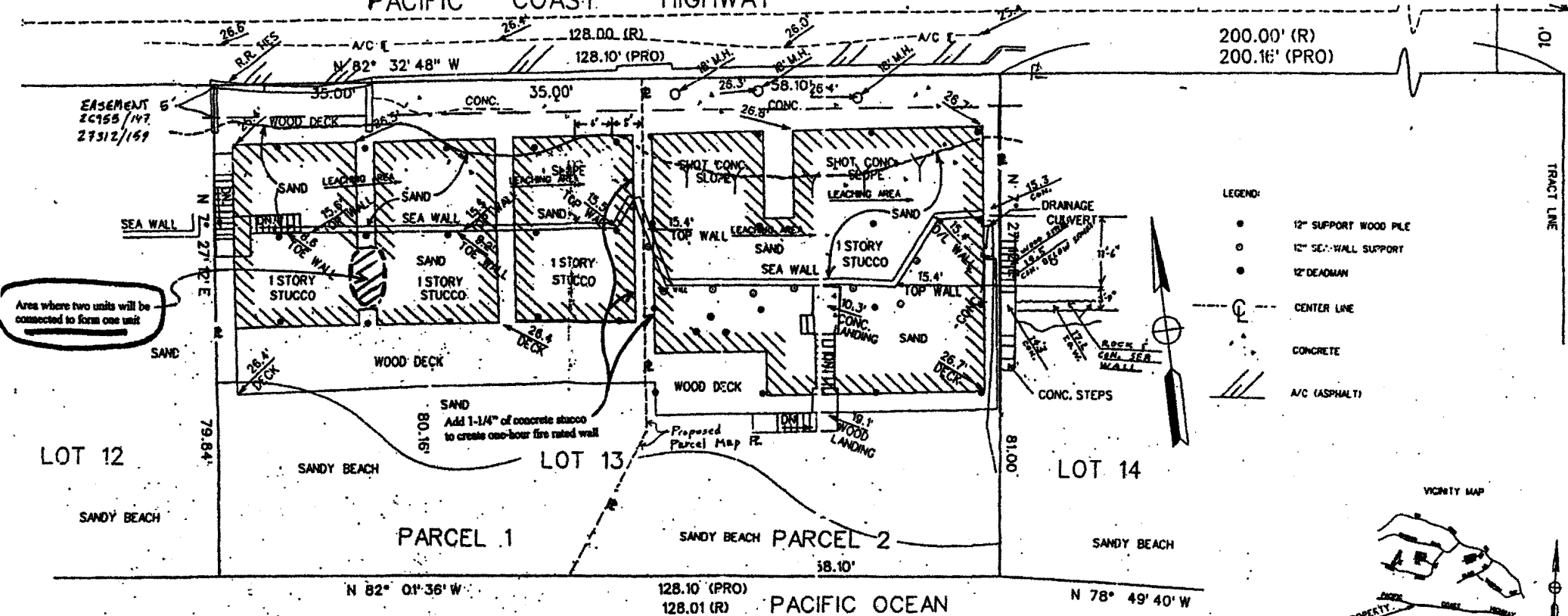


EXHIBIT NO. 3
APPLICATION NO. 4-97-139
Parcel
Map

# PACIFIC COAST HIGHWAY



MEASURE LINE OF MEAN HIGH TIDE LINE AS PER TRACT MAP NO. 24025 AS RECORDED IN BOOK 625, PAGES 70-72 INCLUSIVE.

EXHIBIT NO. 4

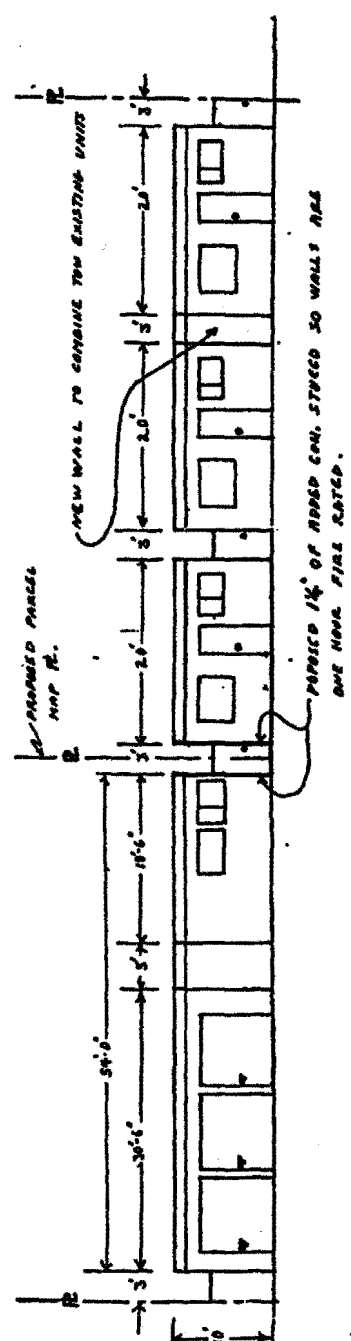
APPLICATION NO. 4-97-139

Plot Plan

PARCEL MAP PLOT PLAN  
&  
ELEVATIONS

DATE	SCALE 1/10" = 1'
DRAWN <i>MM</i>	CHECKER
REVISION	

SHEET  
A-1

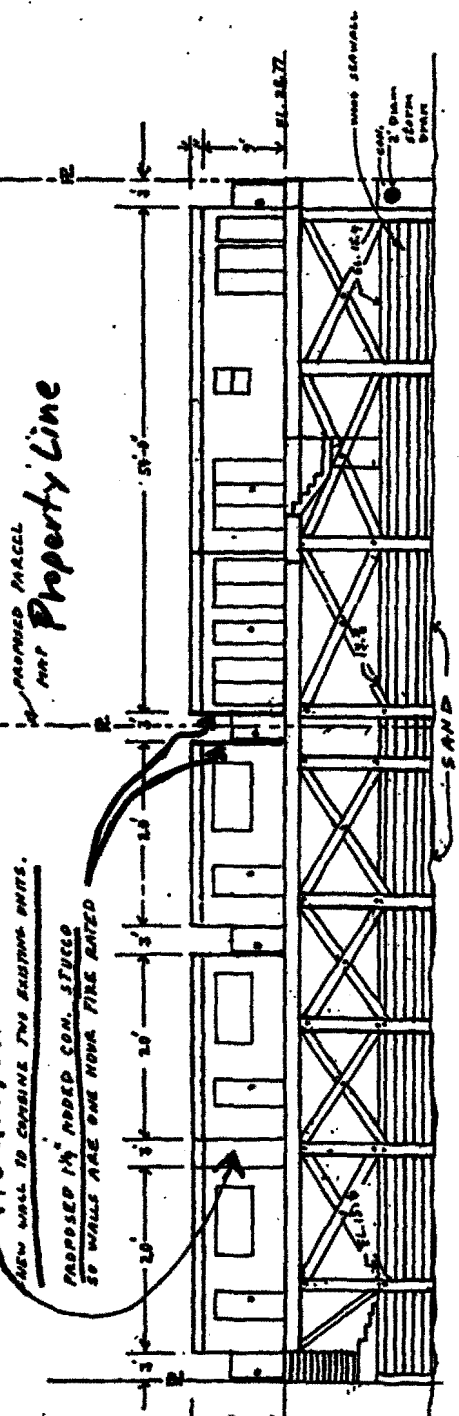


NORTH ELEVATION

Addition

NEW WALL TO COMBINE TWO EXISTING UNITS.  
PROPOSED 1 1/2" ADDED CON. STUCCO  
SO WALLS ARE ONE HOUR FIRE RATED

PROPOSED PARCEL MAP  
Property Line



SOUTH ELEVATION

CITY OF MALIBU  
PLANNING DEPARTMENT  
APPROVAL IN CONCEPT  
DATE: *12-1-77*  
PLANNING REVIEW NO. *77-2658E* APR 18-2011  
THIS IS NOT A PERMIT  
AND IS SUBJECT TO ANY  
COMMITMENTS LISTED BELOW  
THIS APPROVAL IS VALID FOR 1 YEAR FROM THE DATE ISSUED

Division of our parcel into the  
parcels, per Reso 97-020  
*John Blum*  
*Blum*

RECEIVED  
APR 12 1988

EXHIBIT NO.	5
APPLICATION NO.	4-97-139
Elevations	

20296 PACIFIC COAST HWY.  
MALIBU, CA 90265

M.F.D.: 1 - 1 Bedroom Unit (Remodel)  
1 - 2 Bedroom Unit (Remodel)  
SEPTIC TANK: 1500 Gallon w/Treatment Unit (N)  
PRESENT: 1 - 3' X 40' Leach Trench (N)  
FUTURE: None  
PERC RATE: Sand Category

NOTES:

1. This approval is for a multiple family dwelling remodel. A new private sewage disposal system shall be installed, as shown.
2. This approval only relates to the minimum requirements of the City of Malibu Uniform Plumbing Code and does not include an evaluation of any geological, or other potential problems, which may require an alternative method of wastewater disposal.
3. This approval is valid for one year or until City of Malibu Uniform Plumbing Code and/or Administrative Policy changes render it noncomplying.

Sewage Disposal System	EXHIBIT NO. 6
	APPLICATION NO. 4-99-139

CITY OF MALIBU ENVIRONMENTAL HEALTH
IN-CONCEPT APPROVAL
SIGNATURE MAY 15 1998 <i>Lyung</i>
FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.



1" = 10'

