

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-067

APPLICANT: Baicoast Company Corporation AGENT: A. Thomas Torres

PROJECT LOCATION: 22400 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 141 sq. ft. first story and 4,886 sq. ft. second story addition to an existing 5,411 sq. ft. single story, single family residence. Upgrade septic system. Construct 4.5 ft. high by 9 ft. deep underpinning to existing concrete seawall with no seaward extension.

Lot Area	14,646.5 sq. ft.
Building Coverage	5,533 sq. ft.
Plan Designation	Residential III A, 2 - 4 du/acre
Project Density	3 du/ acre
Ht abv fin grade	26.25 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, City of Malibu, dated 2/13/98; In-Concept Approval, City of Malibu Environmental Health Department, dated 1/23/98; Approved in Concept in the Planning Stage, dated January 23, 1998; Geology and Geotechnical Engineering Review Sheet, City of Malibu, dated 2/9/98.

SUBSTANTIVE FILE DOCUMENTS: State Lands Commission, Review letter, March 20, 1998; Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permits 5-88-166 and -1073 (Guerin), 5-90-783 (Herman), 4-97-177 (Barzilay) and 4-97-171 (Sweeney); Robertson Geotechnical Inc., Updated Engineering Geologic and Geotechnical Engineering Report, February 10, 1998 and Addendum Report, Response to City of Malibu Review Sheets and California Coastal Commission Letter, March 19, 1998; David C. Weiss, Report of Observations at 22400 Pacific Coast Highway, December 5, 1997, Response to Coastal Commission Request for Information, March 18, 1998 and Response to Letter from California Coastal Commission, May 11, 1998; Craig H. Everts, Moffatt & Nichol Engineers, Phase II "Opportunities and Constraints" Information, June 30, 1992; U.S. Army Corps of Engineers, Reconnaissance Report Malibu/Los Angeles County Coastline, April, 1994.

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**SUMMARY OF STAFF RECOMMENDATION:** The proposed project includes a remodel and two second story additions to an existing one story residence and improvements to the existing seawall within the stringline of adjacent residences and decks. Staff recommends approval of the proposed project with three (3) special conditions addressing the consulting geologist's and engineer's recommendations, applicant's assumption of risk, and construction responsibilities and debris removal.

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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 in the application for permit, subject to any special conditions 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 project during its development, 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. PLANS CONFORMING TO GEOLOGIST'S AND ENGINEER'S RECOMMENDATIONS

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans. All recommendations contained in the following reports: Robertson Geotechnical Inc., Updated Engineering Geologic and Geotechnical Engineering Report, February 10, 1998 and Addendum Report, Response to City of Malibu Review Sheets and California Coastal Commission Letter, March 19, 1998 and David C. Weiss, Response to Letter from California Coastal Commission, May 11, 1998, including excavations, piles and footings, wave scour, differential settlement, friction piles into bedrock, lateral loads, and additions to the bulkhead must be incorporated into the final plans. All final design and foundation plans must be reviewed and approved by the engineering consultants.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by a consultant shall require an amendment to the permit or a new coastal permit.

#### 2. ASSUMPTION OF RISK

Prior to issuance of permit, the applicants as landowners shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicants understand that the site may be subject to extraordinary hazard from liquefaction, storm waves, wave run-up, erosion, and flooding, and the applicants agree to assume the liability from such hazards; and (b) the applicants unconditionally waive 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 or destruction due to natural hazards.

The document shall run with the land, binding all successors and assigns, and shall be recorded free from prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### 3. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The applicants shall, by accepting this permit, agree and ensure that the project contractor: (a) not store any construction materials or waste where it may be subject to wave erosion and dispersion; (b) not allow any machinery in the intertidal zone at any time; and (c) remove promptly from the beach any and all debris that results from the construction activities.

### IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

#### A. Project Description and Background

The applicant's property is a 14,646.5 sq. ft. lot located on the sandy beach between Pacific Coast Highway and the mean high tide (Exhibits 1 and 2). The project site is located on the seaward side of Pacific Coast Highway on Carbon Beach west of Fanning Road. Residential development is found to the west and east and vacant hillside land is located across the Highway to the north.

The applicant proposes to construct a 141 sq. ft. first story and 4,886 sq. ft. second story addition to an existing 5,411 sq. ft. single story, single family residence, upgrade the septic system, and construct a 4.5 ft. high underpinning to existing concrete seawall with no seaward extension. The proposal will add two large second floor wings over the existing first floor wings of the residence, leaving a first story entrance way in its present configuration. The upgrade to the septic system consists of a new 200 gallon septic tank and a 600 sq. ft. leach field located between the residence and the swimming pool.

The proposed addition will be supported by a new caisson system supporting the second story with drilled, cast-in-place friction piles founded into bedrock. The piles will be reinforced with horizontal beams. The additions are designed to be independent of the existing residence supported on timber piles.

The subject property is fronted by a massive concrete seawall of unknown age. The project proposal originally did not include any improvements to the existing seawall, although the geotechnical consultants, Robertson Geotechnical Inc. had proposed that the bulkhead should be underpinned in their March 19, 1998 report. In response to concern expressed during staff review, the application was modified to include underpinning of the existing seawall. The underpinning will extend from the base of the existing seawall at the 4.5 ft. elevation above mean sea level (MSL) to 0 ft. elevation MSL. The underpinning will be 9 ft. in depth, i.e. horizontally extending 9 ft. landward from below the seaward extent of the existing seawall, which is the most seaward extent of existing development. According to the coastal engineer (David C. Weiss, Response to Letter from California Coastal Commission, May 11, 1998), the underpinning will be located at a depth of eight or nine feet below normal sand level and will only be exposed for a few days only during major storm events such as 1982-83, 1988, 1992 storms and the 1998 El Nino storms.

The project site is designated in the certified Los Angeles County Local Coastal Plan as Residential III A which allows two to four dwelling units per acre. The proposed project site, at 14,646.5 sq. ft. is conforming because it within the allowable density range.

The applicant requested a State Lands Commission (SLC) review of the proposed project relative to its location to state sovereign lands and public easements in navigable waters. The applicants submitted a SLC letter dated March 20, 1998 addressing these issues. The letter concludes that there is insufficient information to determine whether this project will intrude upon state sovereign lands or interfere with other public rights. In addition, the SLC asserts no claims that the project intrudes onto sovereign lands or that it would lie in an area that is subject to the public easement in navigable waters.

An earlier waiver (5-88-166, Guerin) had been obtained for demolition of a swimming pool and fill of 35 cu. yds.. The Commission then approved a coastal permit (5-90-783, Herman) for relocation of the swimming pool and required that the pool be relocated to conform to the stringline for decks based on development in the area and that the applicant record a deed restriction for an assumption of risk. Coastal development permit 5-90-1083, Guerin was subsequently issued for a partial second story addition and relocation of a swimming pool, which had not been constructed in the permitted location. The swimming pool is located on pilings and with a related deck constitutes a large structure across the whole frontage of the property, serving as an impediment to wave run-up, as recognized by the coastal engineer for the present project.

#### B. Shoreline Protective Devices

As noted previously, the application was modified to include underpinning of the existing seawall (shoreline protective device) to prevent scouring. The underpinning will extend from the base of the existing seawall at the 4.5 ft. elevation above mean sea level (MSL) to 0 ft. elevation MSL and will be 9 ft. in depth, measured landward 9 ft. from below the seaward extent of the existing seawall and will only be exposed for a few days only during major storm events. The proposed bulkhead augmentation is necessary to protect development on the property and especially the leach field located between the existing residence and swimming pool and deck component along the beach front. Such protection is needed because projected wave run-up is shown by the coastal engineer, David Weiss, as extending inland to within 75 ft. of the rear property line, or approximately 50% of the developed area (i.e. the area seaward of the existing bulkhead).

There is evidence, as described below, that residential development along this section of Carbon Beach will require some form of shoreline protection that will impact natural processes. In this case, an existing protective device requires augmentation to prevent scouring and protect development inland of the existing seawall. Since subject property and numerous other properties on the beachfront in the project vicinity have found it necessary to construct and/or augment shoreline protective devices, that could impact natural shoreline processes, it is necessary to review the proposed project for its consistency with Sections 30235 and 30250 (a) of the Coastal Act and with past Commission action.

PRC Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

PRC Section 30250 (a) 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.

The first test under Section 30235 is whether or not the augmentation of the existing shoreline protective device is needed to protect either coastal dependent uses, existing structures, or public beaches in danger or erosion. The subject property is currently developed with a concrete seawall, deck and swimming pool complex, septic system, and single family residence. The proposed addition almost doubles the size of the residence. The project beach erosion engineering consultant (David Weiss) has found that the proposed wall upgrade will be needed to adequately protect the existing the existing seawall and both the existing and proposed upgrade to the septic system. The consultant also found that upgrade was not needed, however, to protect the existing timber piles supporting the existing residence. Therefore, the Commission finds that the proposed project meets the first test of Coastal Act Section 30235.

The second test under Section 30235 is whether or not the augmentation of the shoreline protective device is designed to mitigate or eliminate adverse impacts on shoreline sand supply. Under normal conditions, the augmentation will not affect shoreline sand supply because of its depth below average beach level. The consulting coastal engineer indicates that the proposed underpinning will be well below the existing sand level and will not have an impact on wave scour and, hence, shoreline processes during normal years and will only be exposed for a few days during major storm events such as 1982-83, 1988, 1992 and the 1998 El Nino storms, after which the beach will return to normal sand level. He notes that:

The toe of the underpinning has been moved back to align with the face of the concrete bulkhead and therefore will have no more effect on the sand supply than the existing structure. Again I restate the fact that something that sees the light of day, or is exposed to wave uprush once every few years, has no effect on sand supply.

This finding is consistent with the character and seasonal profile of Carbon Beach. Carbon Beach is located with the Dume Littoral Cell, which extends geographically from Point Dume to Redondo Beach, with Malibu Creek and Topanga Canyon Creek as major contributors of sand. The beaches in this area have been found by the Corps of Engineers to fluctuate depending on fluvial discharge, i.e. depending on sediment yield resulting from changes in rainfall. Although an average annual retreat was determined of one foot per year (1971 to 1989) for certain beaches in Malibu, this does not include Carbon Beach. In addition, Craig H. Everts, Moffatt & Nichol Engineers, has found, based on aerial photographs, that the area of the proposed development was where shoreline advance prevailed (1938 to 1988).

A key factor in determining the impact of the proposed augmentation of the bulkhead on the shoreline is the location of the proposed protective device in relationship to the expected wave action. The information provided by the applicant shows that the position of the proposed underpinning will intrude into a historical areas of wave run-up and beach sediment transport. For example, the reference David Weiss report notes that the wave uprush calculation shows a projected line seventy-five feet inland (north) of the existing bulkhead. However, Weiss notes that the Mean High Tide Line (MHTL) is seaward of the existing bulkhead. Weiss acknowledges that the MHTL is ambulatory. At the time of the staff site visit (February 9, 1998) and an earlier visit by Christopher Dean, City Geologist (February 8, 1998), Weiss estimates the MHTL to be forty to fifty feet seaward of the existing bulkhead.

Given the strong evidence, cited above, that Carbon Beach is not subject to long-term erosional trends which indicate that the beach is stable or accreting, the frequency of wave exposure to the bulkhead is not expected to increase over time. There is an even less expectation that the augmented portion of the bulkhead will increase in exposure over time because this portion of the bulkhead will be below normal beach level and, as noted by the project shoreline consultant, sand levels will quickly replace after extraordinary erosion events. In this aspect, the proposed upgrade to the bulkhead is subject to different conditions found in other recent Commission review, as in 4-97-171 (Sweeney) where subject Puerco Beach was found to be eroding over time.

In this case, the proposed augmentation takes advantage of an existing old bulkhead and upgrades it to prevent scouring during such major storms without any seaward extension. Further, the location of the existing bulkhead and upgrade is in a location no further seaward than development of shoreline protection in the project area. Although the augmented bulkhead will be subject to continued erosional forces on a seasonal basis and may result in temporary impacts on beach profile, the coastal engineer has certified that there will be no longer term significant impact. Therefore, the Commission finds that wave scour resulting from the bulkhead will not be significant and will not adversely impact shoreline sand supply. Therefore, the proposed project is consistent with the applicable sections of the Coastal Act and past Commission action.

In addition, the coastal engineer (David Weiss) has also evaluated the existing return walls. The project's coastal engineer has certified, as noted in the Hazards section below, that the project will have no adverse effect on the stability of the site or adjacent property. For this reason, the

Commission finds that the project relative to end effects is consistent with the Coastal Act and past Commission action.

In summary, the above shows that the proposed development does not raise a significant issue relative to the need for shoreline protection, mitigation of effects on sand supply, relation to potential wave action, change in beach profile, and adequacy of return walls. The proposal is therefore consistent with the policies of PRC Section 30235 relative to shoreline structures and 30250 relative to location of development where it will not have significant effects on coastal resources.

C. Public Access, Seaward Encroachment and Scenic and Visual Quality

Coastal Act Section 30210 states that:

In carry out the requirements 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.

Coastal Act Section 30211 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.

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

- (1) it is inconsistent with public safety, military security needs, or protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated access 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.

Further, Section 30251 of the Coastal Act states 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 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.

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 of Coastal Act policies 30210, 30211, and 30212.

However, a conclusion that access may be mandated does not end the Commission's review. 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 of such projects raises the following issues, among others: potential encroachment on lands subject to the public trusts and thereby physically excluding the public; interference with natural shoreline processes which are necessary to maintain publicly owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's access to and the ability to use thereby causing adverse impacts on public access such as above.

In the case of the proposed project, the construction of a 141 sq. ft. first story and 4,886 sq. ft. second story addition to an existing 5,411 sq. ft. single story, single family residence, upgrade to the septic system, and construction of a 4.5 ft. high underpinning to an existing concrete seawall with no seaward extension does constitute new development under the Coastal Act. According to the Commission's access records, there are no existing offers to dedicate public access easements recorded on the applicant's property. Further, the applicant does not propose any seaward extension shoreline protective devices which could interfere with coastal processes. As noted above, the coastal engineer (David C. Weiss) has noted that the underpinning will be located at a depth of eight or nine feet below normal sand level and will only be exposed for a few days only during major storm events such as 1982-83, 1988, 1992 and the 1998 El Nino storms. As such, the proposed project will have no individual or cumulative impacts on public access on the sandy beach seaward of the residence.

In addition, as a means of controlling seaward encroachment of residential structures on a beach to ensure maximum access, protect public views and minimize wave hazards as required by Coastal Act Sections 30210, 30211, 30251 and 30253, the Commission has developed the "stringline" policy to control the seaward extent of build-out 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 structures and decks.

The Commission has applied this policy to numerous past permits involving infill on sandy beaches and has found it to be an effective policy 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.

The applicant has submitted a plan with a stringline connecting the existing residences and decks on either side of the project site. The plan indicates that no portion of the proposed development extends beyond the stringline with the adjacent buildings and decks. Therefore, the Commission finds that the proposed project does conform to this setback. As proposed, the addition to this project will not extend new development further seaward than adjacent development, minimizing potential impacts to public access opportunities, public views and the scenic quality along the sandy beach.

And lastly, 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 residence and solid wall along Pacific Coast Highway already blocks public views from the highway to the beach and ocean. Although the proposed seaward additions to the residence will be visible from the public sandy beach, most of this view is blocked by the existing residence although some view of the higher elevations will be lost, but in a manner no more adverse than surrounding development allowed to be up to two stories and/or thirty five feet in height. Moreover, the more scenic inland views of the Santa Monica Mountains as viewed from the water are well above the proposed development. Thus, the proposed addition and remodel will not adversely affect existing public views.

For all of these reasons, the Commission finds that the project would have no individual or cumulative adverse impacts on public access, nor will it adversely affect scenic and visual quality. Therefore, the Commission finds that a condition to require lateral public access is not appropriate and that the project, as proposed, is consistent with Coastal Act Sections 30210, 30211, 30212, and 30251.

#### D. Beachfront 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.

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 in the Malibu area, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, flooding and storm waves. Further, oceanfront sites are also subject to liquefaction, flooding, and erosion from storm waves.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. The Coastal Act recognizes that new development, such as the proposed project, may involve some risk. Coastal Act policies also require the Commission to establish the appropriate degree of acceptable risk for the proposed development and to determine who should assume the risk.

The proposed project is located along Carbon Beach, a relatively wide beach as observed by staff on site in September 1997. Regarding the hazard, the applicant submitted the Robertson Geotechnical Inc., Updated Engineering Geologic and Geotechnical Engineering Report, February 10, 1998 and Addendum Report, Response to City of Malibu Review Sheets and California Coastal Commission Letter, March 19, 1998 and the David C. Weiss report entitled Response to Letter from California Coastal Commission, dated May 11, 1998. The May 11, 1998 Weiss reports includes several letter reports including those by Weiss dated April 13, 1990, June 18, 1990, December 5, 1997, December 10, 1997, February 27, 1998, March 18, 1998, March 30, 1998, April 22, 1998, as well as a letter report by Robertson Geotechnical, dated March 19, 1998.

These reports indicate that the development of the property with the proposed development is feasible from engineering geologist, geotechnical engineering, and coastal engineering standpoints. The Robertson Geotechnical Inc. report of February 10, 1998 states that:

Based on previous subsurface exploration and experience with similar projects, construction of the proposed second story addition to the existing residence is considered feasible from an engineering geologic and soils engineering standpoint provided our advice is made a part of the plans and is implemented during construction. ... Beachfront developments involve risks that are not found in conventional flatland developments and these risks can never be eliminated. ... It is the opinion of the undersigned, based on the findings of this updated evaluation and the previous explorations discussed in the referenced reports, that provided our recommendations are followed, the proposed additions will be safe against hazards from slide, settlement or slippage and will have not adverse affect on the geologic stability of the property outside the building site.

Further, the subject report found that:

The use of a private sewerage disposal system on the subject property has not adversely affected the stability of the site or adjoining properties and therefore the continued use of a private sewerage disposal system on the site should not create any hazards provided our recommendations are followed.

In addition, relative to the proposed seawall upgrade, David C. Weiss found in his May 25, 1998 report that:

...Attached are the preliminary calculations for the proposed underpinning. These calculations show that the concrete bulkhead, as underpinned, has factors of safety equal to or in excess of 1.5:1 against both sliding and overturning and, therefore, meets the minimum standards for stability and thus minimum standards for design.

... The design life of the underpinning of the concrete bulkhead is thirty years. That is normally considered the economic life of a residential structure. Thirty years is based on the length of most standard first trust deeds. There are no maintenance requirements for the underpinning ... It requires no painting, waterproofing or cleaning.

... it is my professional opinion that the existing concrete bulkhead, if underpinned in accordance with the preliminary plans of April 22, 1998 (Rev. 5/23/98) will be adequate to protect either the existing or proposed sewage disposal fields on the subject site.

Further, the above-noted May 20, 1998 Robertson Geotechnical Inc. letter, included with the May 11, 1998 Weiss report, reevaluated all improvements including the proposed seawall upgrade and restated their prior conclusions regarding geologic hazard. This addressed Commission staff concern relative to geotechnical review of the seawall upgrade as proposed late in the filing process, especially the problem of potential liquifaction on sandy beaches, due to the loose nature of the sands and potential for high groundwater. Seismic ground shaking, granular cohesionless soils (sands), and high groundwater or perched groundwater conditions are required for liquefaction to occur.

In summary, the applicant's consultants determined that the proposed project site is suitable from engineering geology, geotechnical engineering, and coastal engineering standpoints for construction of the proposed project, provided their recommendations are followed. Condition number one (1) provides for final review and approval by the consulting engineering geologist, geotechnical and coastal engineers of the final project design and foundation plans for the project prior to the issuance of the permit.

Even though the consultants have determined that the project site is feasible for the proposed development, the Commission cannot absolutely acknowledge that the proposed residential development will be safe during all future storms, and from the potential for liquefaction, or be constructed in a structurally sound manner and be properly maintained to eliminate any potential risk to the beach going public. The Commission acknowledges that many of the oceanfront parcels in Malibu, such as the subject property, are susceptible to liquefaction, flooding and wave damage from waves and storm conditions. As an example, past occurrences have resulted in public costs (through low interest loans) in the millions of dollars in the Malibu area alone. Storms during the winter of 1982-83 caused over six million dollars in damage to private property in Los Angeles County and severely damaged existing bulkheads, patios, decks, and windows along the Malibu coastline. Storms during the 1997-98 El Nino conditions caused extensive damage in the Malibu area due to wave action and flooding with numerous emergency permits granted for rip rap to protect single family residences (Coastal Commission, Storm Summary Report for Coastal California, March 10, 1998).

The applicant may decide that the economic benefits of development outweigh the risk of harm that may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the proposed project located on a beach front lot subject to tidal influence, is in an area subject to extraordinary potential for damage or destruction from liquefaction, storm waves, wave run-up, erosion, and flooding. The Commission can only approve the project if the applicant assumes the liability from the associated risks.

Through Commission requirement of a waiver of liability, the applicant acknowledges and appreciates that this nature of the natural hazards that exist on this beachfront site may affect the stability of the proposed development. Condition number two (2), therefore, is necessary to require the applicant to assume these risks of the proposed residential development from liquefaction, storm waves, wave run-up, erosion, and flooding hazards by waiving all Commission liability.

Lastly, as noted above, the project involves some demolition and construction on a beachfront lot subject to tidal influence. 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 a hazard is created for beach users. Therefore, the Commission finds it necessary to impose condition number three (3) requiring construction responsibilities and debris removal. This condition will ensure that the construction of the proposed project will minimize risks to life and property in this public beach area which is subject to wave hazards.

The Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist and engineers, an applicant's assumption of risk, and a construction responsibilities and debris removal condition will the proposed project be consistent with Section 30253 of the Coastal Act.

#### E. 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. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal 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, and minimizing alteration of natural streams.

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

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.

The proposed development includes upgrading the septic system. This system was subject to review by the City of Malibu Environmental Health Department for in-concept approval. The Commission has found in past permit actions that compliance with the City of Malibu health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters and streams. Further, as described above, the proposed development was augmented through an upgrade of the seawall to protect the septic system, based on staff concerns expressed during review of application materials. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

#### F. 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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

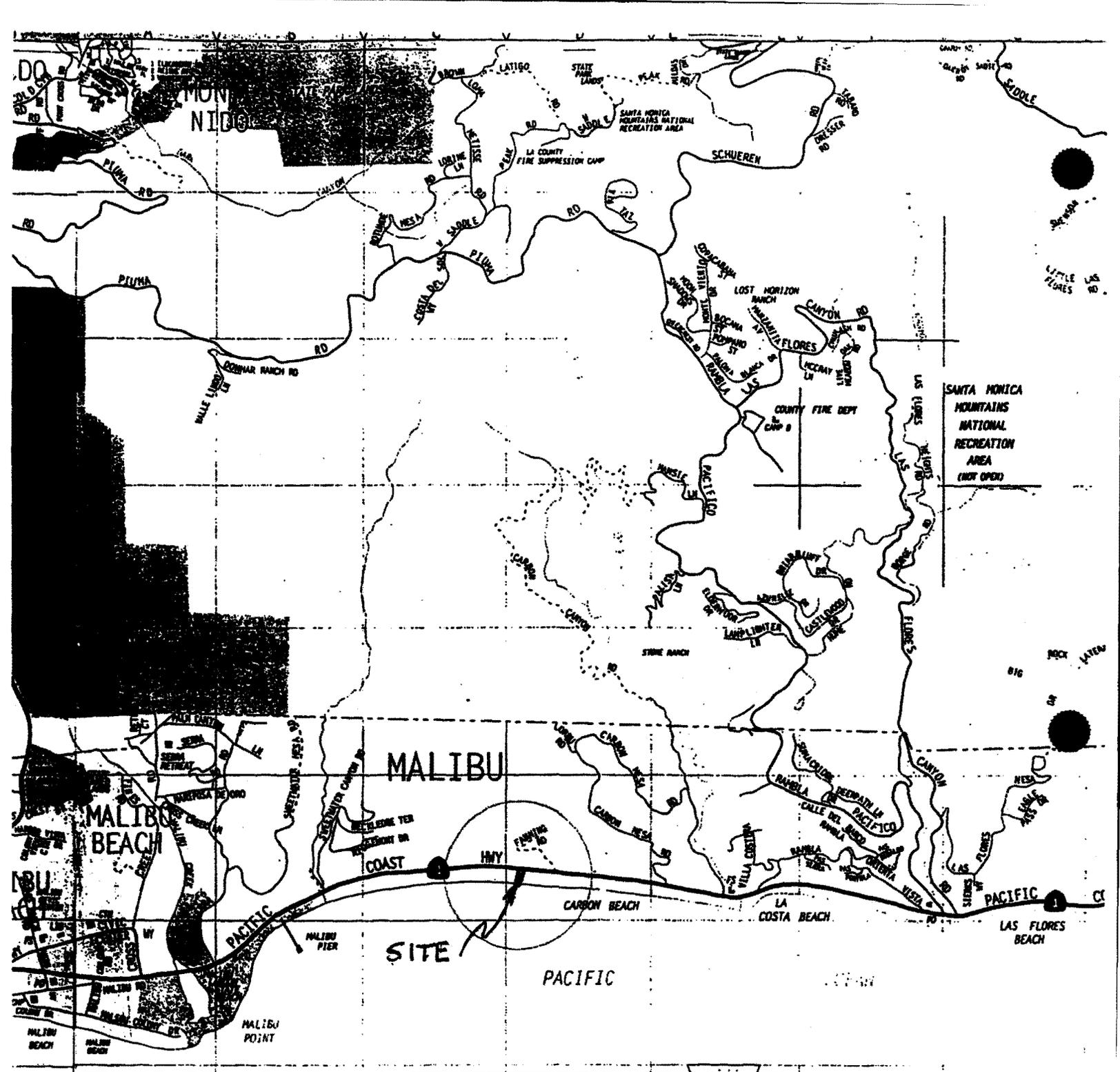
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### G. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of 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 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 that would substantially lessen any significant adverse impacts that the activity may have on the environment.

The proposed development, 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 impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.

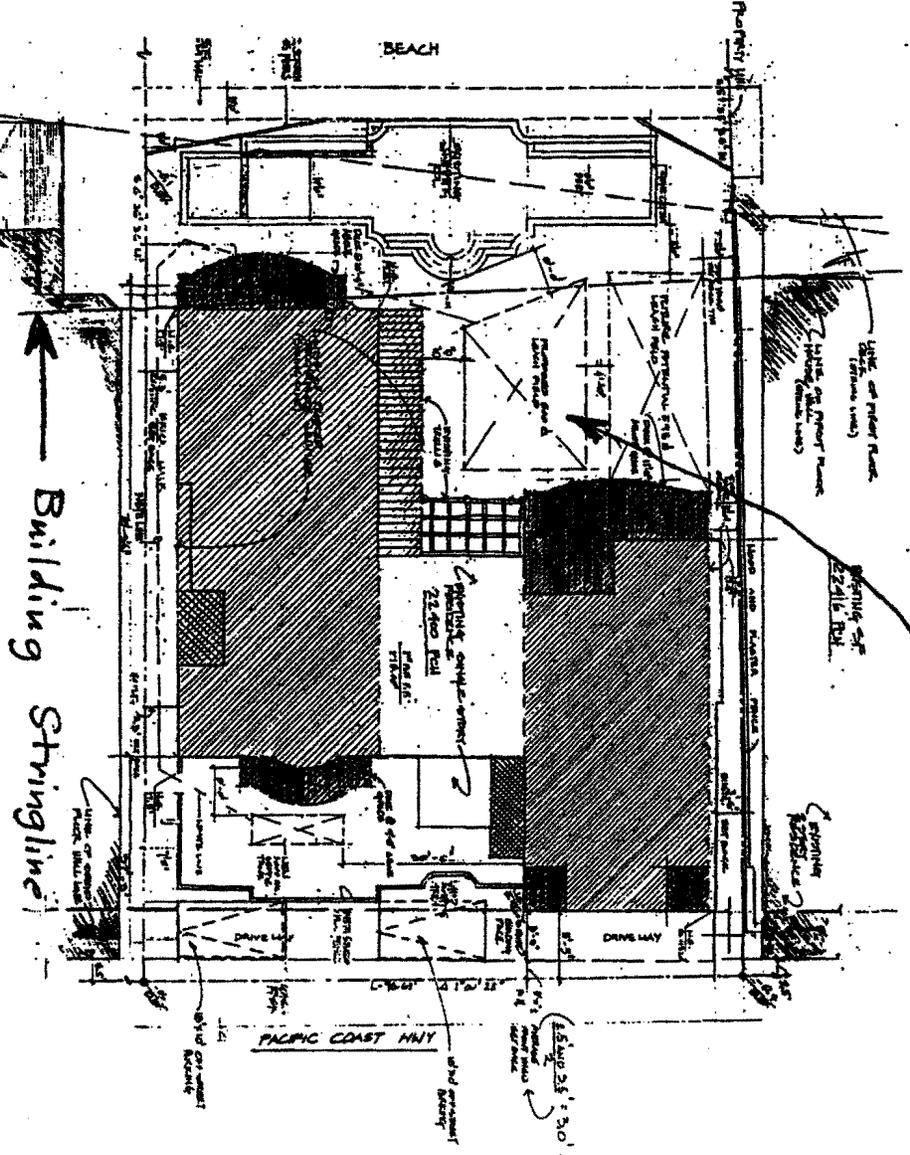
8466A



22400 Pacific Coast Hwy  
 MALIBU CA 90265

EXHIBIT NO. 1
APPLICATION NO.
4-98-067 (Baicoast)
Project Location

Leach Field



SITE PLAN

Deck Stringline

Building Stringline

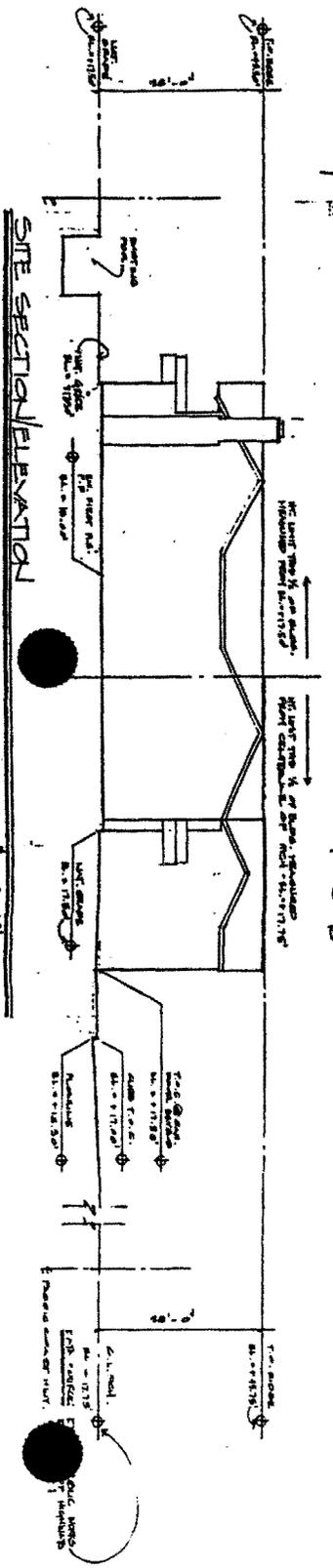


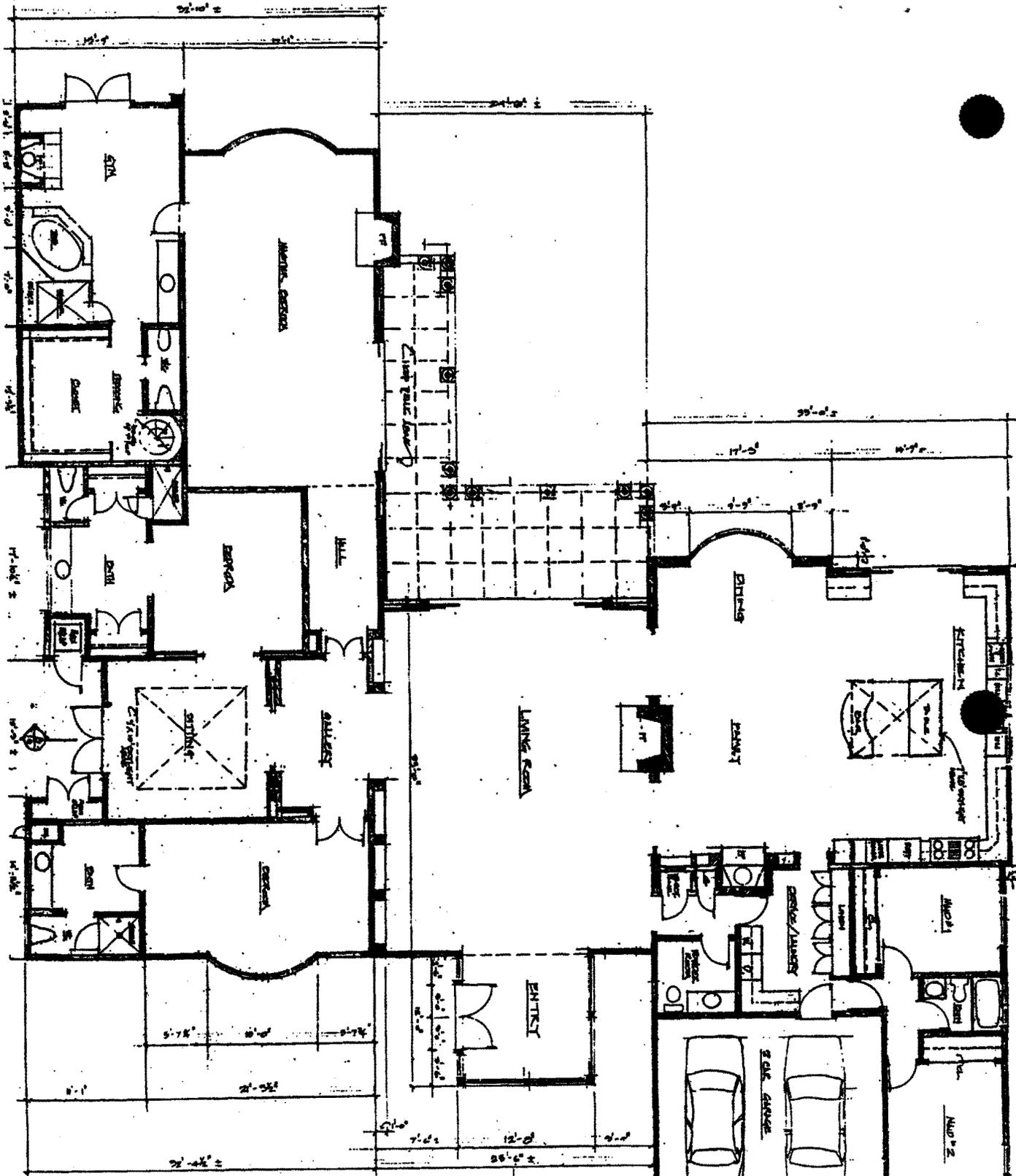
**LEGEND**

[Hatched pattern]	Priority stringline, street, residence
[Hatched pattern]	100% 2nd floor floor, 100% 1st floor floor, 100% 3rd floor floor
[Hatched pattern]	100% 2nd floor floor, 100% 1st floor floor, 100% 3rd floor floor
[Hatched pattern]	100% 2nd floor floor, 100% 1st floor floor, 100% 3rd floor floor
[Hatched pattern]	100% 2nd floor floor, 100% 1st floor floor, 100% 3rd floor floor
[Hatched pattern]	100% 2nd floor floor, 100% 1st floor floor, 100% 3rd floor floor

EXHIBIT NO. 2  
 APPLICATION NO.  
 4-98-067 (Baicoast)  
 Site Plan/Stringlines

SITE SECTION/ELEVATION





EXISTING FLOOR PLAN  
 NO. 1-0 (5 ROOMS)

A. Thomas Torres, AIA  
 21583 Rosado Villa  
 Redwood, California 90265



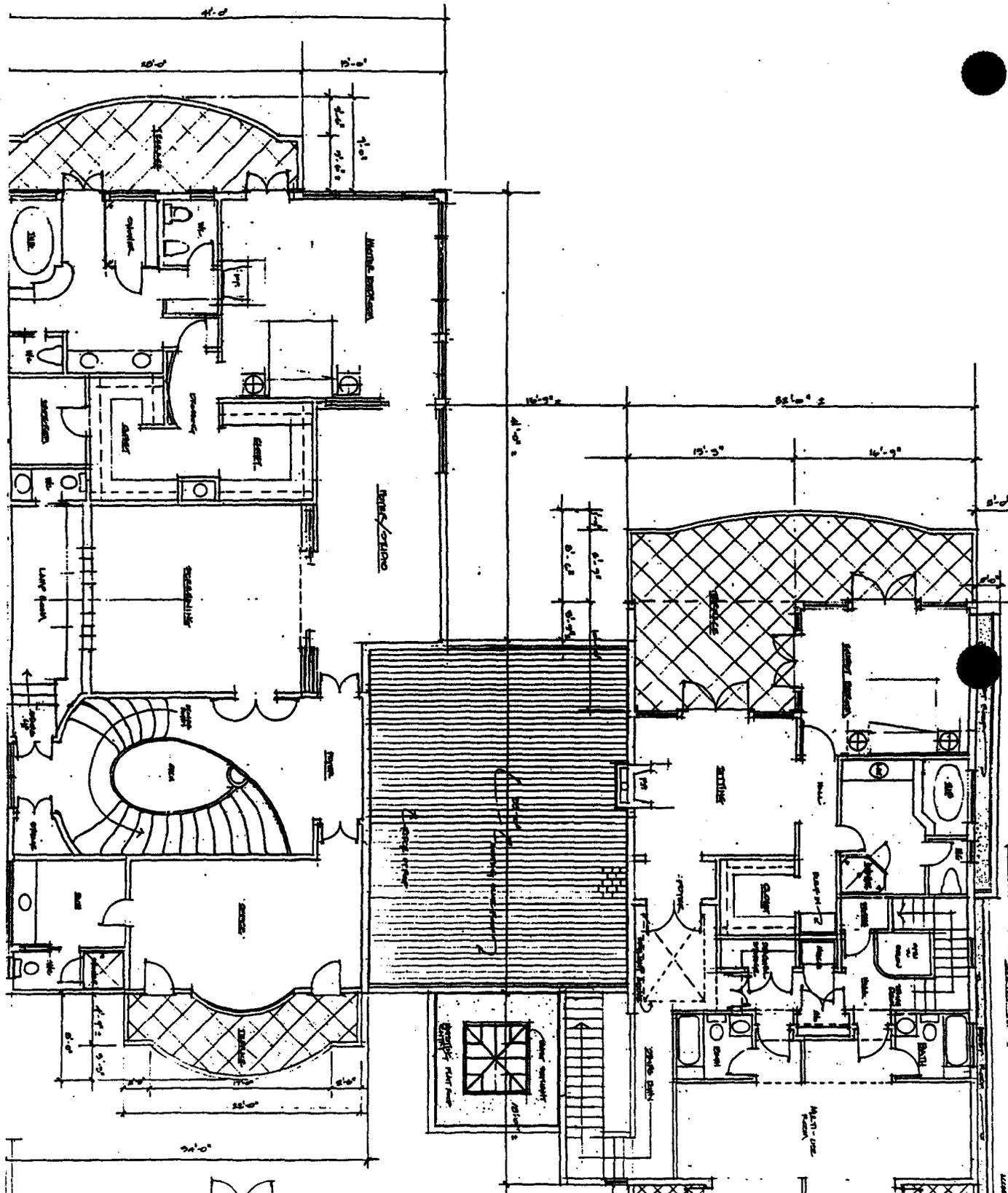
COUNTY OF SAN DIEGO  
 COUNTY ENGINEER  
 JAMES W. COOPER

APPROVED 9/11/1998

RECEIVED

EXHIBIT NO. 3a  
 APPLICATION NO.  
 4-98-067 (Baicoast)  
 Existing Floor Plan

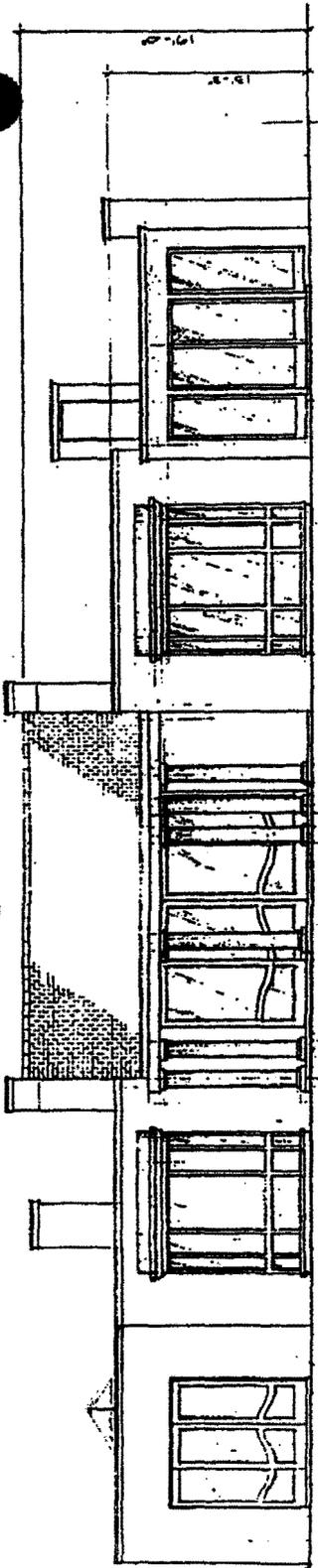




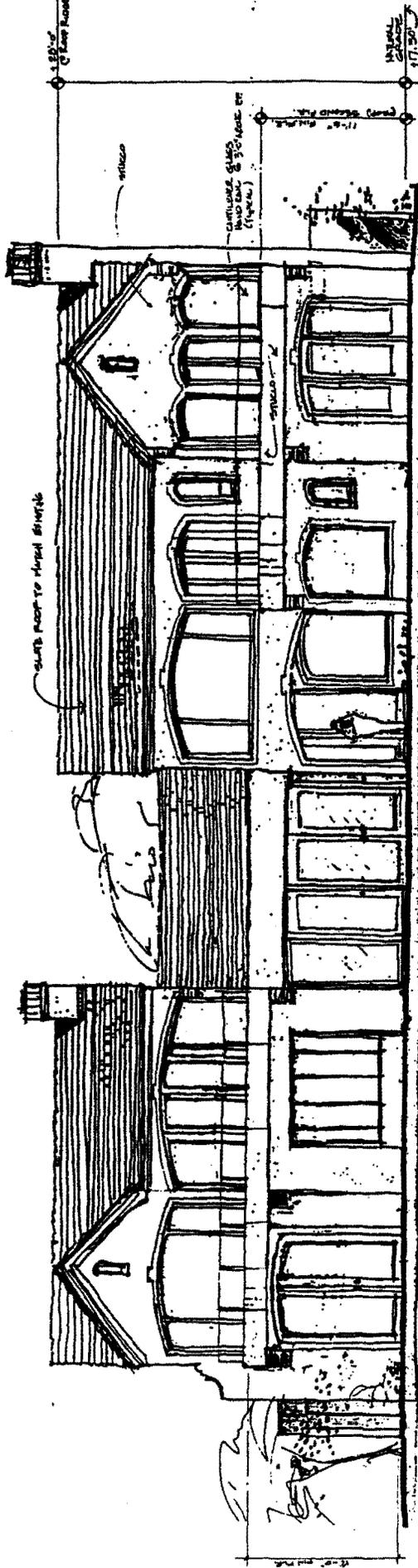
4  
 A. Thomas Torres, M  
 21583 Reseda Valley  
 Wood, California 902

PROPOSED 2ND LEVEL  
 PLAN

EXHIBIT NO. 4
APPLICATION NO.
4-98-067 (Baicoast)
New Second Story



EXISTING SOUTH ELEVATION  
4-21-98



PROPOSED SOUTH ELEVATION  
4-21-98

1.80'-0" 0' 1/2" 17.30'

**GRE**  
 GREYHOUND  
 COMPANY  
 CORPORATION  
 A. Thomas Torres, A  
 21533 Rambla Vieja  
 Malibu, California 902

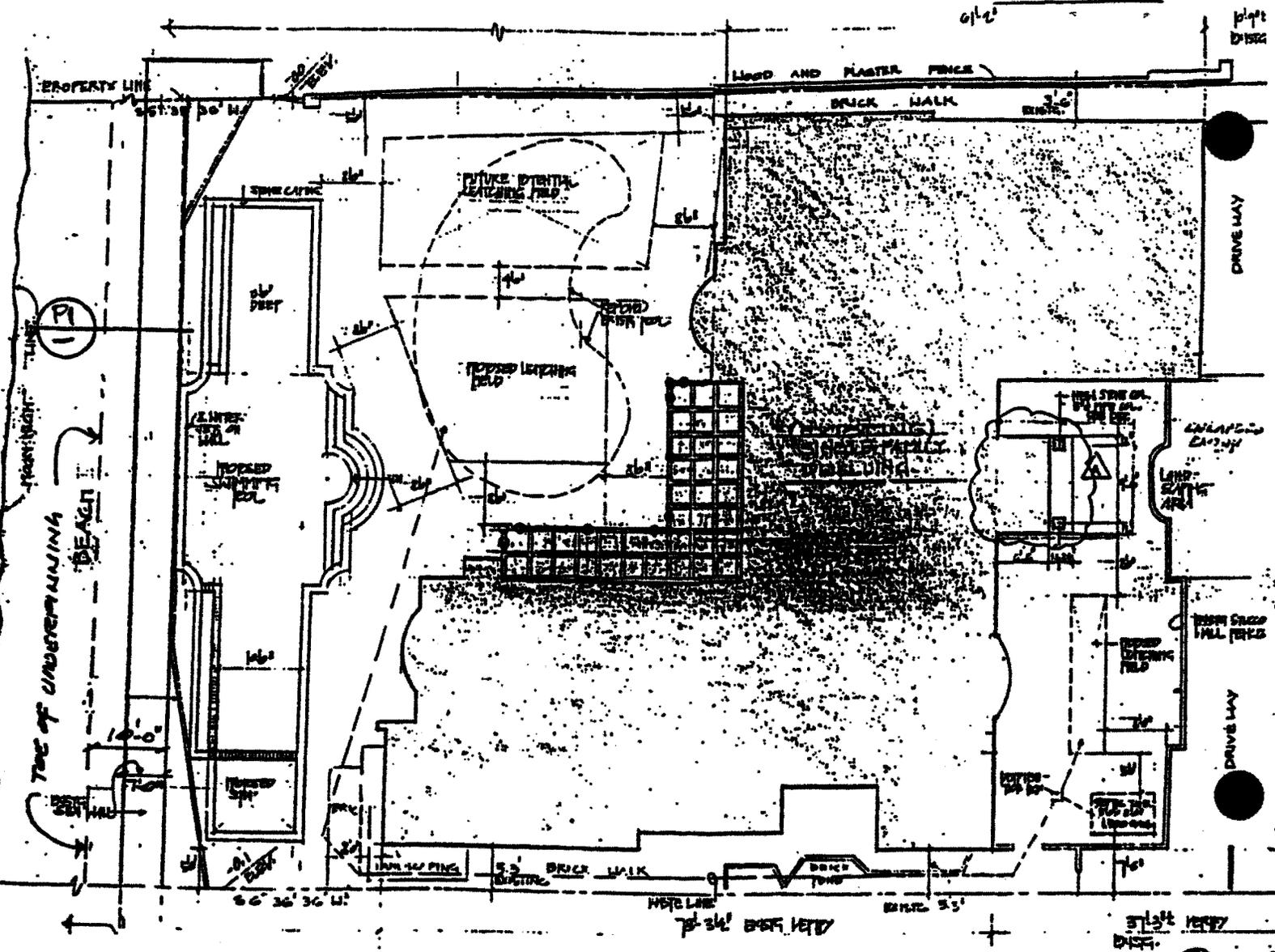
6

**RECEIVED**

APR 01 1998

COASTAL COMM.  
 SOUTH CENTRAL COAST

EXHIBIT NO. 5
APPLICATION NO.
4-98-067 (Baicoast)
Elevation Facing Beach



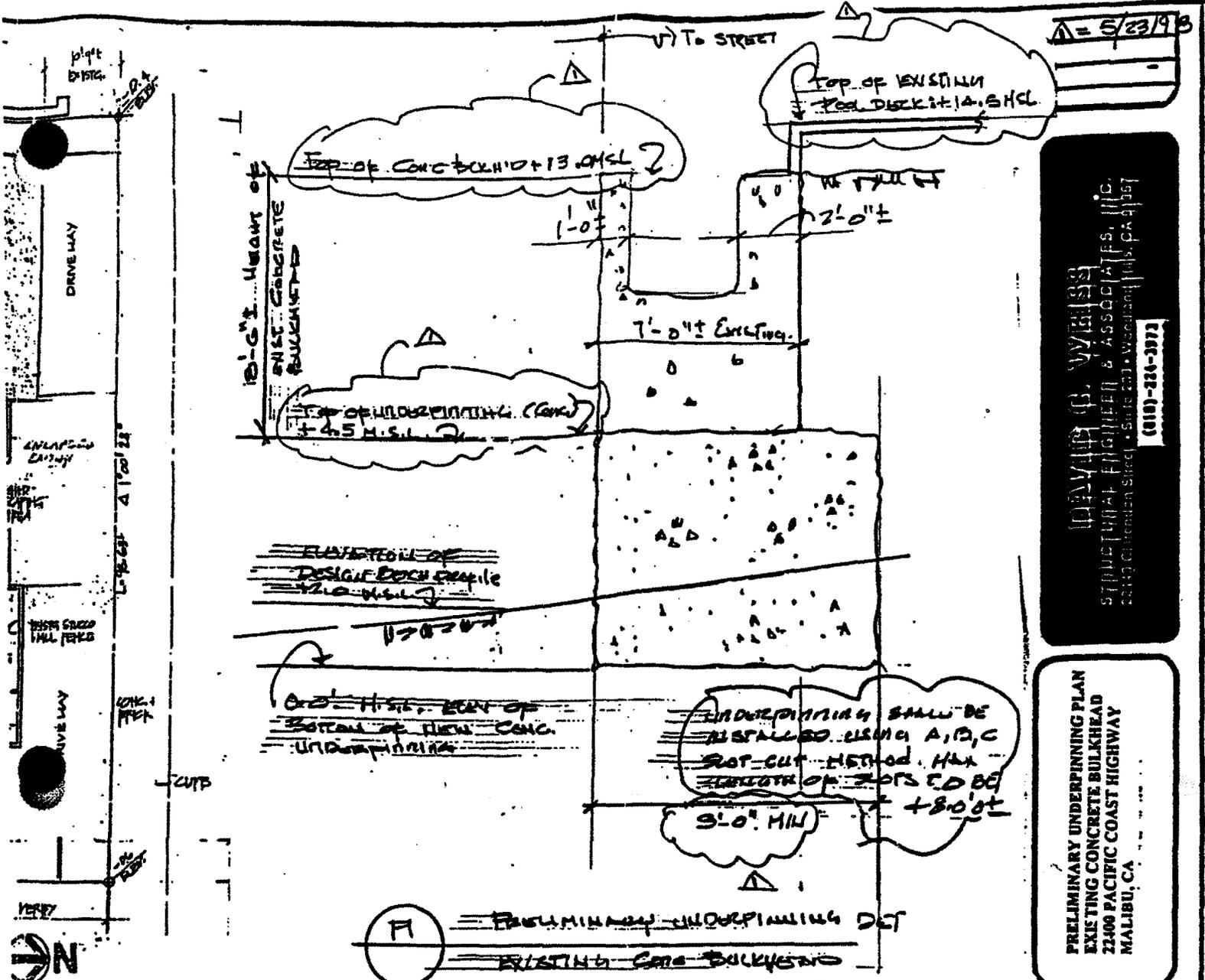
22400 PACIFIC COAST HWY.  
 PRELIMINARY BUILDING UNDERPINNING PLAN  
 SCALE: 1" = 10'-0"



**GENERAL NOTES:**

1. ALL HOLES OVER FIVE FEET DEPTH INTO WHICH A MAN MIGHT DESCEND SHALL BE SHORED ACCORDANCE WITH LOCAL, STATE AND FEDERAL SAFE LAWS.
2. ELEVATIONS SHOWN ON ATTACHED PLAN ARE REFERENCED TO THE "MEAN SEA LEVEL" DATUM PLANE.
3. EXCAVATIONS SHALL BE MADE USING THE "A/B/C" SLOT METHOD. CONTRACTOR SHALL FIRST EXCAVATE AND CONSTRUCT "A" SLOTS THEN "B" SLOTS. FINALLY, FILL BETWEEN PREVIOUSLY POURED UNDERPINNINGS ("C" SLOTS).

EXHIBIT NO. 6
APPLICATION NO.
4-98-067 (Baicoast)
Plan View of
Seawall Underpinning



DATE: 5/23/98

DEVIDE B. WYBISH  
 STRUCTURAL ENGINEER & ASSOCIATES, INC.  
 2219 Clarendon Street • Suite 203 • Washington, PA 15382  
 (412) 226-3972

PRELIMINARY UNDERPINNING PLAN  
 EXISTING CONCRETE BULKHEAD  
 22400 PACIFIC COAST HIGHWAY  
 MALIBU, CA

**MATERIAL SPECIFICATIONS:**

1. CONCRETE FOR UNDERPINNINGS SHALL HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH AT 28 DAYS OF  $F'_c = 2500\text{PSI}$ .
2. DEPUTY INSPECTION SHALL NOT BE REQUIRED DURING THE POURING OF THE CONCRETE.
3. THE CONTRACTOR SHALL FURNISH THE STRUCTURAL ENGINEER WITH CONCRETE TRIP TICKETS TO ASSURE THAT THE CONCRETE ULTIMATE COMP. STRENGTH EQUALS OR EXCEEDS THAT SPECIFIED.
4. ALL REINFORCING SHALL CONFORM TO ASTM STD. A-615 GRD60 FOR DEFORMED REINFORCING BARS.
5. ALL REINFORCING SHALL BE EPOXY COATED IN ACCORDANCE WITH ASTM STD A-775.
6. PORTLAND CEMENT SHALL CONFORM TO ASTM STD C-150 FOR TYPES I, II AND III PORTLAND CEMENT.
7. CONCRETE AGGREGATE SHALL CONFORM TO ASTM STD C-33 AND SHALL BE "NON REACTIVE".
8. RAWL FOIL FAST INJ FOR GROUTING R DOWELS IS APPRO' ICBO APPROVAL NUM

DATE	AS NOTED
BY	DCE
CHK'D	BCW
DATE	4/22/98

EXHIBIT NO. 7  
 APPLICATION NO. 4-98-CE 7 (Baicoast)  
 Cross Section of Seawall Underpinning

FIVE FEET IN A MAN MUST SHORED IN IN LOCAL SAFETY

OWN ON AN ARE MEAN SEA E.

L BE MADE OT METHOD. FIRST TRUCT SLOTS. ALLY, INFILL LY POURED SLOTS).