

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

Filed: 6/23/99
49th Day: 8/11/99
180th Day: 12/20/99
Staff: J. Johnson *cd*
Staff Report: 8/26/99
Hearing Date: 9/14/99
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-246

APPLICANT: Haim Saban, Trustee, of **AGENT:** Joe Elliott & Kenneth Moulder
Alpha Family Trust

PROJECT LOCATION: 22368 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Relocate existing 5 ft. Caltrans storm drain easement containing a 2 ft. storm drain to new 6 ft. easement area and construct new 3 ft. storm drain to allow future development of a vacant ocean front lot.

Lot area: 13,350 sq. ft.
Building coverage: vacant

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu, Planning Department, dated 8/7/98; Approval in Concept, City of Malibu Environmental and Building Safety, dated 3/10/99; .

SUBSTANTIVE FILE DOCUMENTS: State Lands Commission Review Letter dated April 23, 1999; State of California Department of Transportation Encroachment Permit, dated 3/22/99; Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit No. 4-98-298, McCellan; Coastal Development Permit No. 4-97-191, Kim; Coastal Development Permit No. 5-90-590, Lushing; Coastal Development Permit Waiver-De-Minimis No. 4-97-203-W, Cossette; Coastal Development Permit No. P-74-4252, Simon; Coastal Permit Application No. 4-99-146, Saban.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed relocation of the storm drain and easement with conditions addressing revised storm drain plans, the applicant's assumption of risk, and construction responsibilities and debris removal.

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 the 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. **Revised Storm Drain Plans**

Prior to issuance of a coastal development permit, the applicant shall submit revised storm drain plans, prepared by a licensed engineer, for review and approval by the Executive Director. The revised storm drain plans shall be revised to relocate landward the proposed drain outlet structure and outlet pipe to the approved deck stringline location consistent with Coastal Development Permit No. 4-99-146 (Saban) (see Exhibit 5) while the drain apron may extend seaward from the relocated outlet structure no more than the originally proposed 23 feet.

2. **Assumption of Risk, Waiver of Liability, and Indemnity**

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, or flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of 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 Commission amendment to this coastal development permit.

3. **Construction Responsibilities and Debris Removal**

No stockpiling of construction materials or storage of equipment shall occur on the beach and no machinery will be allowed in the intertidal zone at any time. The

permittee shall immediately remove from the beach area 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 proposing to remove an existing two foot drainage pipe within an existing five foot easement along the applicant's western property boundary to a new easement six feet wide along the eastern property boundary. A new three foot diameter drainage pipe would be constructed from the sidewalk along Pacific Coast Highway to an outlet and apron located on the beach. The applicant has obtained an Encroachment Permit from Caltrans to allow the relocation of the subject storm drain easement and drain. With the applicant's acceptance of the California Department of Transportation (Caltrans) Encroachment Permit, the applicant will accept full responsibility for maintenance and liability for the new drainage system. The applicant proposes to plant grass on the surface level of the site immediately over the buried pipe; no grass is proposed to be planted on the sandy beach. The subject lot is currently vacant. The subject site is a vacant lot located on Carbon Beach surrounded by beachfront residential development (Exhibits 1 - 3).

This subject lot together with two other lots located immediately adjacent to the west are the subject of a separate application for a Coastal Development Permit (No. 4-99-146, Saban) which is also scheduled to be heard at the September Commission Hearing and the property is owned by the same owner. The applicant proposes in this second application to demolish an existing 5,755 sq. ft. single family residence and timber bulkhead and construct a new 10,930 sq. ft., 28 ft. high, single family residence, a 1,150 sq. ft attached garage, deck, a pool/spa, and a new septic system. In addition, the project also includes an offer to dedicate a lateral public access easement over the southern portion of the lot as measured from the dripline of the proposed deck to the mean high tide line and the construction of a 6 ft. wide public sidewalk between Pacific Coast Highway and the proposed development. No shoreline protective device is proposed as part of the development.

The subject site has been the subject of prior coastal development permit applications. Briefly, the Commission has approved Coastal Permit P-74-4252, Simon for the renovation and remodeling of an existing single family residence with at least one condition requiring a lateral public access dedication. The lateral access dedication was recorded in 1975 for an area twenty-five (25) feet wide landward from the Mean High Tide Line.

The Commission has also approved Coastal Permit No. 5-90-590 (Lushing) for a previous relocation request of this same Caltrans drain in 1990. According to

Commission records the previous applicant had relocated this pipe to the western boundary of the subject lot in 1990. In 1997, the Commission approved Coastal Permit Waiver No. 4-97-203-W (Cossette) to remodel a driveway culvert and install a new inlet/outlet structure on existing two foot diameter drain.

B. Shoreline Development/Seaward Encroachment/Public Access

Constructing a seaward extension of development on a beach raises issues related to public access, and visual resources policies of the Coastal Act.

Coastal Act Section 30210 states that:

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.

Coastal Act Section 30211 states that:

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 the 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.**

Coastal Act Section 30220 states that:

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

Coastal Act Section 30221 states that:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or

commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Finally, Coastal Act Section 30251 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. 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.

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 adequate public access to the sea be provided to allow use of dry sand and rocky coastal beaches. Section 30251 of the Coastal Act requires that permitted development be sited and designed to protect views to and along the ocean.

A review of these project plans for this storm drain and the project plans for the replacement residence in Coastal Permit Application No. 4-99-146, Saban, indicates that the existing vertical concrete seawall will be removed in the vicinity of the proposed relocated outlet of the storm drain. This vertical concrete block retaining wall is located along the eastern portion of the subject lot. On the adjoining lot to the east, there is no bulkhead that joins the subject bulkhead proposed for removal. This adjoining lot does include a wood deck that is setback about 12 feet from the bulkhead on the subject lot.

Regarding public access on the beach, the subject site includes a lateral public access dedication. The Commission approved Coastal Permit No. P-74-4252, Simon, for the renovation and remodeling of an existing single family residence with at least one condition requiring a lateral public access dedication along the sandy beach. The lateral access dedication was recorded in 1975 for an area twenty-five (25) feet wide landward from the Mean High Tide Line (MHTL). The purpose of the access dedication was to "give the public the privilege and right to pass and repass over a strip of Dedicator's said real property twenty-five (25) feet in width measured landward from the line of mean high tide of the Pacific Ocean".

A review of the applicant's plans and information included in Coastal Permit Application No. 4-99-146 indicates that there are four surveyed MHTLs on the subject property from 1928 to 1998. The most landward of these MHTLs is the 1928 MHTL which is located about 188 feet seaward of the Pacific Coast Highway right-of-way line. A review of the "Wave Uprush Study" and "Coastal Engineering Response" dated August 5, 1998 and August 16, 1999, respectively, by Pacific Engineering Group submitted in Coastal

Permit Application No. 4-99-146 indicates that the 1928 MHTL is located about 52 feet seaward of the existing vertical block retaining wall now on the site. The drainage structure is proposed to be located landward of the existing block retaining wall, the drain outlet will extend about two feet seaward from the drainage structure. In addition, a drain apron is proposed at the base of the outlet pipe to minimize erosion on the beach. This drain apron is about 23 feet long extending seaward from the drainage outlet structure. The proposed drain outlet and apron will be located landward of both the twenty-five (25) foot wide lateral public access dedication area and the most landward mean high tide line (1928 MHTL).

Regarding state tidelands ownership, the State Lands Commission, in a letter dated April 23, 1999, reviewed the proposed project (Exhibit 4). The State Lands Commission staff noted that they do not have sufficient information to determine whether the project intrudes upon state sovereign lands or interferes with other public rights.

A review of the applicant's proposed project and the staff recommendation in Coastal Permit Application No. 4-99-146 indicates that the proposed new residence will include the demolition and removal of the existing vertical concrete block retaining wall. This wall was proposed in this subject application to be originally retained and located seaward of the proposed drainage outlet structure. Since this wall will now be removed and a revised stringline established between the applicant's new deck and the deck on the adjoining property to the east, the seaward end of the drain outlet should also be relocated further landward consistent with the new stringline

The Commission finds that it is necessary to require the applicant to relocate landward the proposed storm drain outlet to a location behind the stringline drawn from the applicant's newly proposed deck in Coastal Permit Application No. 4-99-164 and the existing deck on the adjoining property to the east (Exhibit 5). Relocating the drain further landward (about ten feet) within the stringline will minimize the seaward encroachment of this drainage improvement. Special Condition Number One (1) requires the applicant to submit revised storm drain plans, prepared by a licensed engineer, for review and approval by the Executive Director. The revised storm drain plans will be revised to relocate landward the proposed drain outlet structure and outlet pipe to the area behind the approved deck stringline location consistent with Coastal Development Permit No. 4-99-146 (Saban) while the drain apron may extend seaward from the outlet structure no more than the originally proposed 23 feet. Therefore, the Commission finds the proposed development, as conditioned, will not extend further seaward of the deck stringline (with the exception of the drain apron which must be located further seaward of the drain outlet for it to minimize beach erosion) is consistent with the relevant shoreline protection policies of the Coastal Act and the guidance provided in the Malibu/Santa Monica Mountains Land Use Plan.

The subject property is located seaward of the first public road paralleling the coast, Pacific Coast Highway, and the coast. This project, as conditioned to be relocated behind the deck stringline, will not extend development any further seaward than the

existing residential deck on the east and the proposed replacement deck on the same applicant's separate lot to the west.

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. 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. The Commission must protect those potential public rights to and along the coast by assuring that any proposed development along the shoreline does not interfere with or will only minimally interfere with those rights. Because the proposed drain will be located, as conditioned, within the stringline and the drain apron will be located well outside the lateral public access dedication area, this project will have no effect on lateral public access along the coast.

The analysis cited in the preceding section indicates that the proposed project will not have any new impacts on the shoreline processes. Further, because the proposed storm drain outlet and drain apron are sited as far back on the beach as feasible, the Commission finds that there will be no new impacts on the beach which would affect lateral access along the beach. Therefore, there is no basis to require a new condition to establish or revise the lateral public access easement across the applicant's property.

The proposed project is a replacement of an existing storm drain draining Pacific Coast Highway and properties located upstream of the subject site. Therefore, the Commission notes that the proposed replacement project will not result in any new adverse effects to shoreline processes, the beach profile, or public access along the 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 proposed construction site and the size of the proposed project. The subject lot includes a solid wall along Pacific Coast Highway already blocks public views from the highway to the beach and ocean. Although the replacement drain outlet and apron will be visible from the public sandy beach when the sand level is low, the visibility of the proposed project is limited particularly when sand covers the beach and the drain outlet during the majority of the year. The drain outlet and apron will be visible from the beach during the winter months when sand level is lower as a result of scour. However, the more scenic inland views of the Santa Monica Mountains as viewed from the beach and water are well above these proposed replacement developments. Thus, the proposed replacement of the storm drain and apron will not adversely affect existing public views to and along the ocean.

The project will not preclude public access to any presently existing lateral public access easements or rights or adversely affect public coastal views. For all of these

reasons, the Commission finds that the proposed project will have no individual or cumulative adverse effects on public access. Therefore, the Commission finds that a condition to require a new or revised lateral access is not appropriate and that the project, as proposed, is consistent with Coastal Act Sections 30210, 30211, 30212, 30220, 30221, and 30251.

C. Geologic Stability

Section 30253 of the Coastal Act states in pertinent part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.**
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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 includes 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 144 of the LUP, suggests that the Commission continue to provide information concerning hazards and appropriate means of minimizing the harmful effects of natural disasters on persons and property.

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 the replacement of an existing storm drain, on a vacant lot adjacent to lots developed with residences on either side located on a developed stretch of Carbon Beach.

The site is susceptible to flooding and/or wave damage from storm waves and storm surge conditions and flooding as a result of storm water flows through the subject storm drain. 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 surges, high tides, and flooding.

The subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges, high tides and water runoff from properties located upstream of the subject site. In the winter of 1977-1978, storm-triggered mudslides and landslides caused extensive damage along the Malibu coast. According to the National Research

Council, damage to Malibu beaches, seawalls, and other structures during that season caused damages of as much as almost \$5 million to private property alone.

The El Nino storms recorded in 1982-1983 caused high tides of over 7 feet, which were combined with storm waves of up to 15 feet. These storms caused over \$12.8 million to structures in Los Angeles County, many located in Malibu. The severity of the 1982-1983 El Nino storm events are often used to illustrate the extreme storm event potential of the California, and in particular, Malibu coast. The 1998 El Nino storms also resulted in widespread damage to residences, public facilities and infrastructure along the Malibu Coast.

Thus, ample evidence exists that all beachfront development in the Malibu area is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion, and flooding. The existing development on adjoining sites and the subject lot will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future. The Coastal Act recognizes that development, such as the proposed replacement storm drain, may still involve the taking of some 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 the subject property.

The Commission finds that due to the possibility of storm waves, surges, erosion, and flooding, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires 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, Waiver of Liability and Indemnity, as required by Special Condition Two (2), 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 that may adversely affect the stability or safety of the proposed development, the subject lot and adjoining properties and development.

Lastly, as noted above, the proposed project involves the construction of a new storm drain pipe and the removal of a portion of the existing drain pipe on a beachfront lot subject to tidal influence. The proposed development, with its limited excavation and replacement of terrace deposits, debris, may result in disturbance of the sandy beach and offshore 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 of construction materials or storage of equipment shall occur on the beach; b) and not

allow any machinery in the intertidal zone at any time. The applicant or permittee shall immediately remove from the beach area any and all debris that results from the construction activities. Special Condition Number Three (3) 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.

The Commission finds, for the reasons set forth above, that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

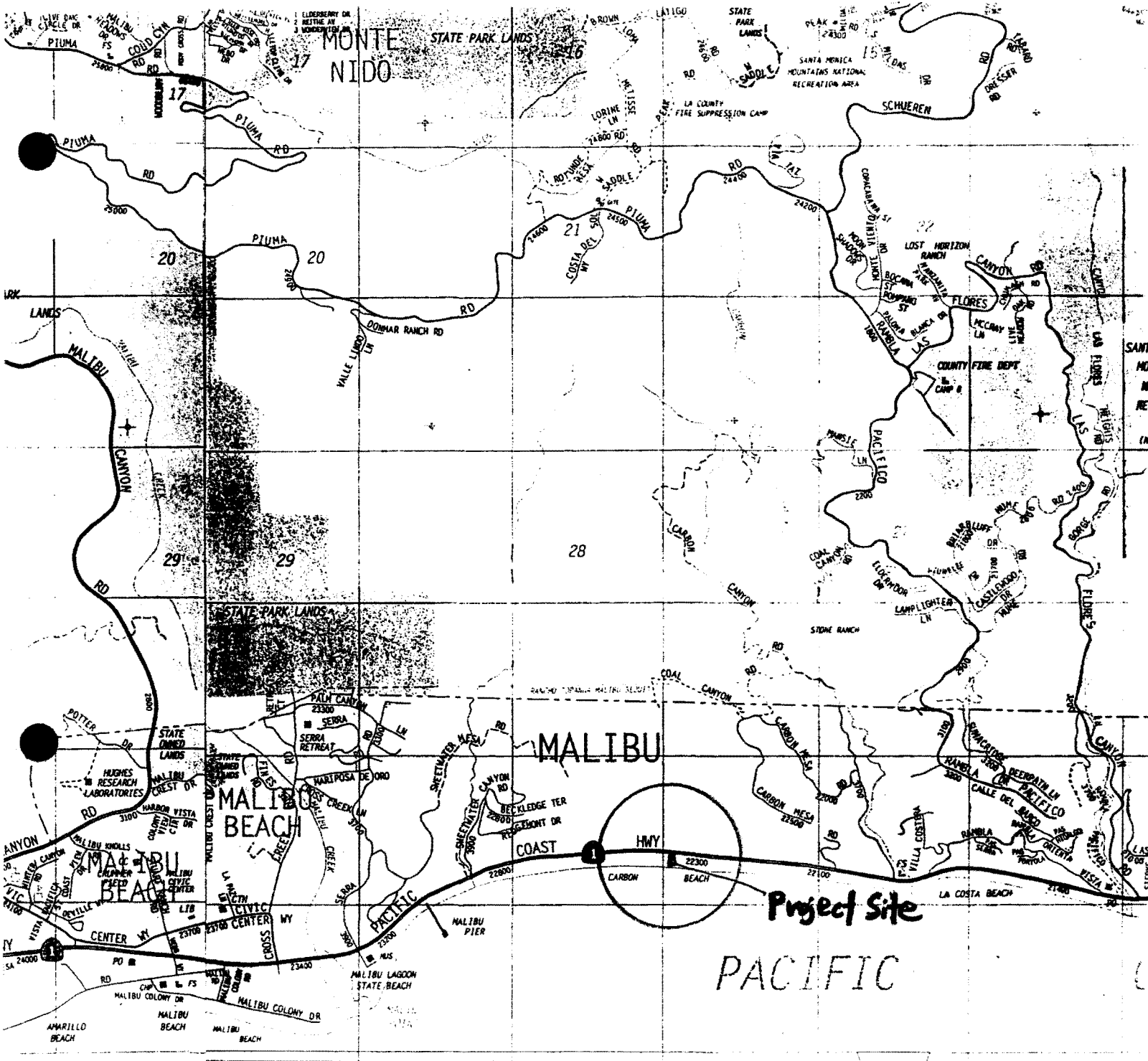
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

E. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

498246alphatrustreport



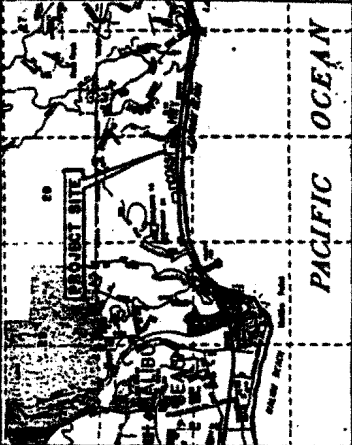
SECTION MAP

RECEIVED

SEP 08 1948

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 1
APPLICATION NO. 4-98-246
Project Site



OWNER
ALPHA FAMILY TRUST
3550 PROMISE CORNER HIGHWAY
MALDEN, CA. 94553

CIVIL ENGINEER
SERVTEC CONSULTANTS, INC.
4545 RIVINGTON DRIVE
MILPITAS, CA. 95128
TEL. (415) 948-8988

ARCHITECT
SERVTEC CONSULTANTS, INC.
4545 RIVINGTON DRIVE
MILPITAS, CA. 95128
TEL. (415) 948-8988

JOB ADDRESS
3550 PROMISE CORNER HIGHWAY
MALDEN, CA. 94553

EARTHWORK ESTIMATOR
SERVTEC CONSULTANTS, INC.
4545 RIVINGTON DRIVE
MILPITAS, CA. 95128
TEL. (415) 948-8988

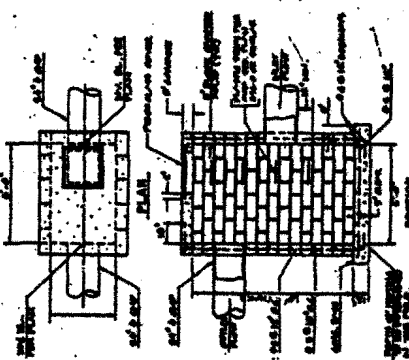
CONSTRUCTION NOTES:
1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE SPECIFICATIONS FOR STORM DRAINAGE.
2. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
3. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
4. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.

RECEIVED
DEC 17 1998
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Servtec Consultants Inc.
4545 RIVINGTON DRIVE
MILPITAS, CA. 95128
TEL. (415) 948-8988

EXHIBIT NO. 2
APPLICATION NO. 4-98-246
Storm Drain Profile

GENERAL NOTES:
1. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
2. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
3. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.



1. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
2. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
3. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
4. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
5. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
6. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
7. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
8. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
9. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.
10. ALL STRUCTURES SHALL BE CONSTRUCTED TO A MINIMUM STANDARD OF 100 YEAR DESIGN LIFE.

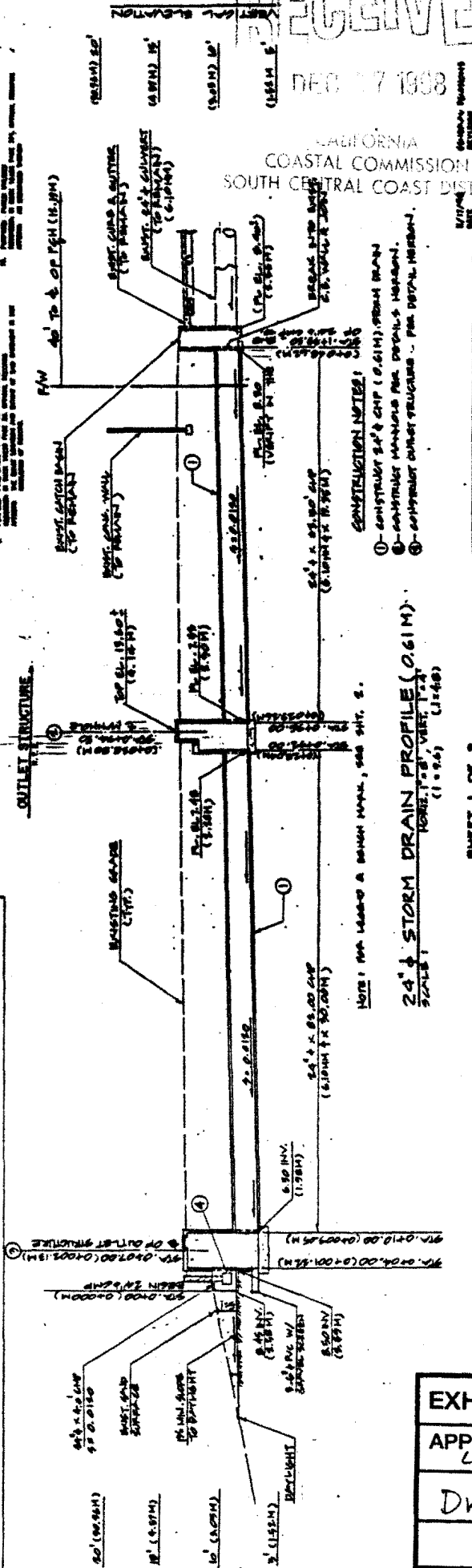
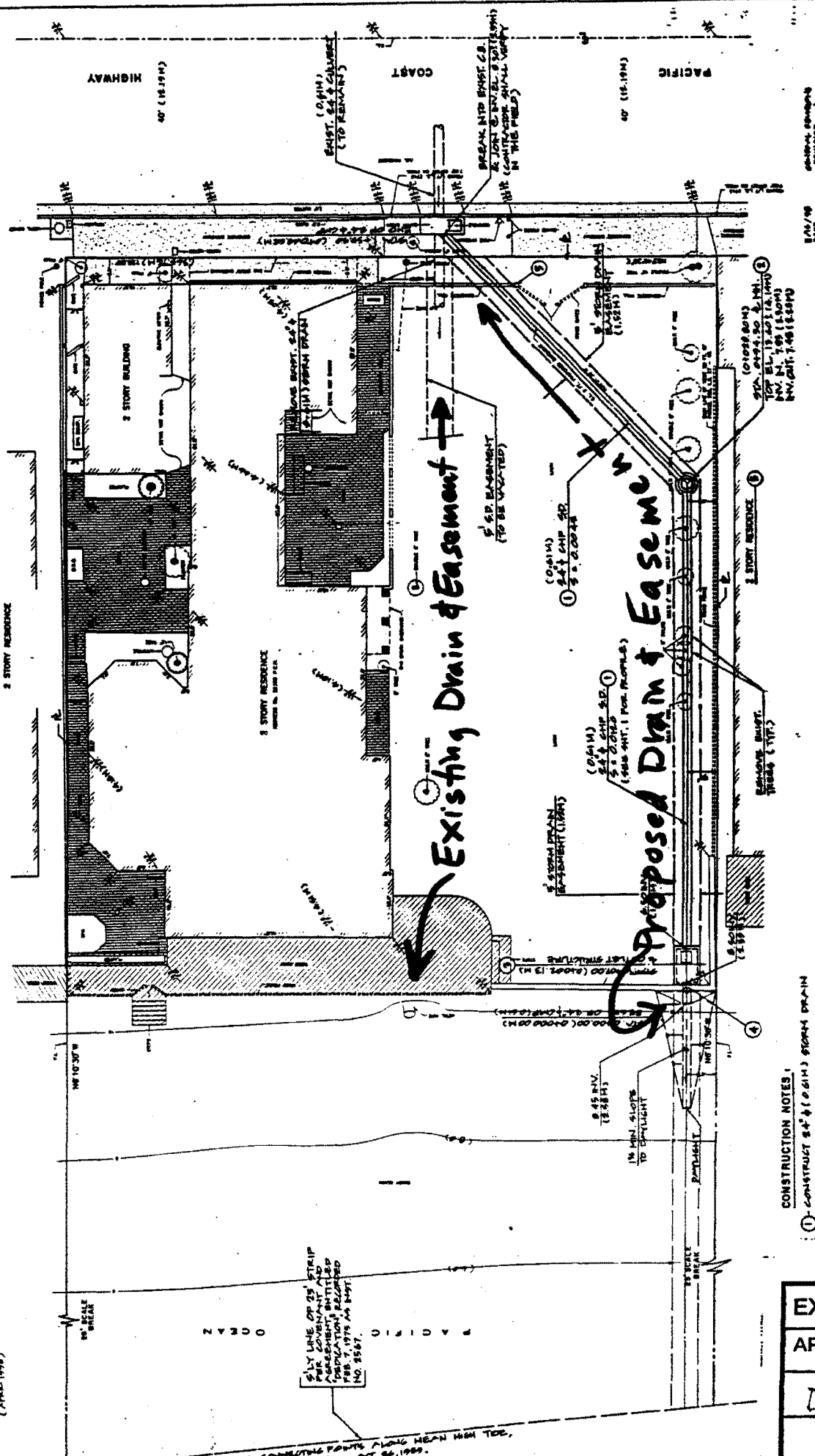


EXHIBIT NO. 2
APPLICATION NO. 4-98-246
Storm Drain Profile

SCALE: 1" = 8'
(APRIL 1998)



2 STORY RESIDENCE

3 STORY RESIDENCE

Existing Drain & Easement

Proposed Drain & Easement

CONSTRUCTION NOTES:

- 1. CONSTRUCT 84" (0.61M) STORM DRAIN
- 2. CONSTRUCT MANHOLE PER DETAILS ON SHIT. 1
- 3. CONSTRUCT OUTLET STRUCTURE PER DETAIL ON SHIT. 1
- 4. REMOVE EXIST. WALL A PORTING FOR NEW CONSTRUCTION
- 5. PROTECT EXISTING STRUCTURE DURING CONSTRUCTION

EXHIBIT NO.	3
APPLICATION NO.	9-98-246
Drain Site Plan	

SHEET 8 OF 8
STORM DRAIN PLAN FOR:
ALPHA FAMILY TRUST

M.C. 88018 DATE: JUNE 30, 1998

Servtec Consultants Inc.
Civil Engineering Land Planning Surveying Geomatics Agency
4841 Spring Dale, Torrance, CA 90503-1277
Phone: 310-566-0370 Fax: 310-566-0371
E-mail: servtec@servtec.com

Servtec Consultants Inc.
Civil Engineering Land Planning Surveying Geomatics Agency
THE PLAN REVISIONS SHOULD BE SUBJECT APPROVED ON JULY 1, 1998
DATE: 6/23/98 BY: [Signature]

RANDOM LINE CONNECTING POINTS ALONG MEAN HIGH TIDE,
BL. 1.85 AS LOCATED 9:50 PM., OCT. 26, 1989.

5'LY LINE OR 25' STRIP
PER GOVERNMENT AND
REGULATORY REQUIREMENTS
FEB. 7, 1975 AS SHOWN
NO. 2547

DATE: 6/23/98
BY: [Signature]

C.P.A. 4-98-246

STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE LANDS COMMISSION
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825-8202



ROBERT C. HIGHT, Executive Officer
 California Relay Service From TDD Phone 1-800-735-2929
 from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1892
 Contact FAX: (916) 574-1925

April 23, 1999

File Ref: SD 98-12-14.2

Kenneth W. Moulder
 Servtec Consultants Inc.
 4343 Reyes Drive
 Tarzana, CA 91356-5127

Dear Mr. Moulder:

SUBJECT: Coastal Development Project Review Relocation of Drainage Easement at 22364 Pacific Coast Highway, Malibu

This is in response to your request on behalf of your client, Alpha Family Trust, for a determination by the California State Lands Commission (CSLC) whether it asserts a sovereign title interest in the property that the subject projects will occupy and whether it asserts that the projects will intrude into an area that is subject to the public easement in navigable waters.

The facts pertaining to your client's project, as we understand them, are these:

Your client proposes to relocate an existing five-foot wide drainage easement containing a 24-inch storm drain on their property at 22364 Pacific Coast Highway in the Carbon Beach area of Malibu. The storm drain is required to convey runoff from Pacific Coast Highway to the ocean. The easement will be relocated to the eastern property boundary. Cal Trans, the owner of the easement, is requiring that the size of the storm drain be increased to 36 inches. The point of termination of the outlet structure will be no further seaward than the existing structure, which is shown on your June 30, 1998 plans to be approximately four feet seaward of the existing wall/bulkhead just below the ten-foot contour elevation. This is a developed stretch of beach with residences both up and down coast.

We note language in a 1930 Deed that provided for an "... easement or right of way unto the owner or owners of any parcel or parcels in said tract, their heirs, successors, assigns, agents, ... and invited guests ..., over, along and across that portion of said Realty adjacent to the Pacific Ocean and lying between the low tide mark and 25 feet above the ordinary or average high tide line."

EXHIBIT NO. 4
APPLICATION NO. 4-98-246
State Lands Letter
page 1 of 2

Kenneth Moulder

2

April 23, 1999

C.P.A 4-98-246

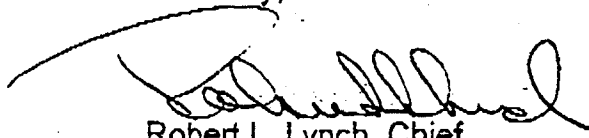
Our files also reflect a 1975 Deed Restriction, recorded February 7, 1975 as Document No. 2567, that affects the properties. This Deed Restriction was required by the California Coastal Commission in conjunction with the issuance of Coastal Development Permit P-10-28-74-4252 and gives "... the public the privilege and right to pass and repass over a strip of Dedicator's said real property twenty-five (25) feet in width measured landward from the line of mean high tide of the Pacific Ocean ...". We anticipate the effect, if any, of this project on the Deed Restriction will be addressed by the California Coastal Commission in their consideration of your application for a coastal development permit.

We do not at this time have sufficient information to determine whether this project will intrude upon state sovereign lands. Development of information sufficient to make such a determination would be expensive and time-consuming. We do not think such an expenditure of time, effort and money is warranted in this situation, given the limited resources of this agency and the circumstances set forth above. Accordingly, the CSLC presently asserts no claims that the project intrudes onto sovereign lands. This conclusion is without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information come to our attention.

We understand that your client intends to demolish an existing single family residence on the adjacent lot and construct a new single family residence across both lots. That project is still undergoing review by CSLC staff and we will respond to that project after reviewing the plans.

If you have any questions, please contact Jane E. Smith, Public Land Management Specialist, at (916) 574-1892.

Sincerely,



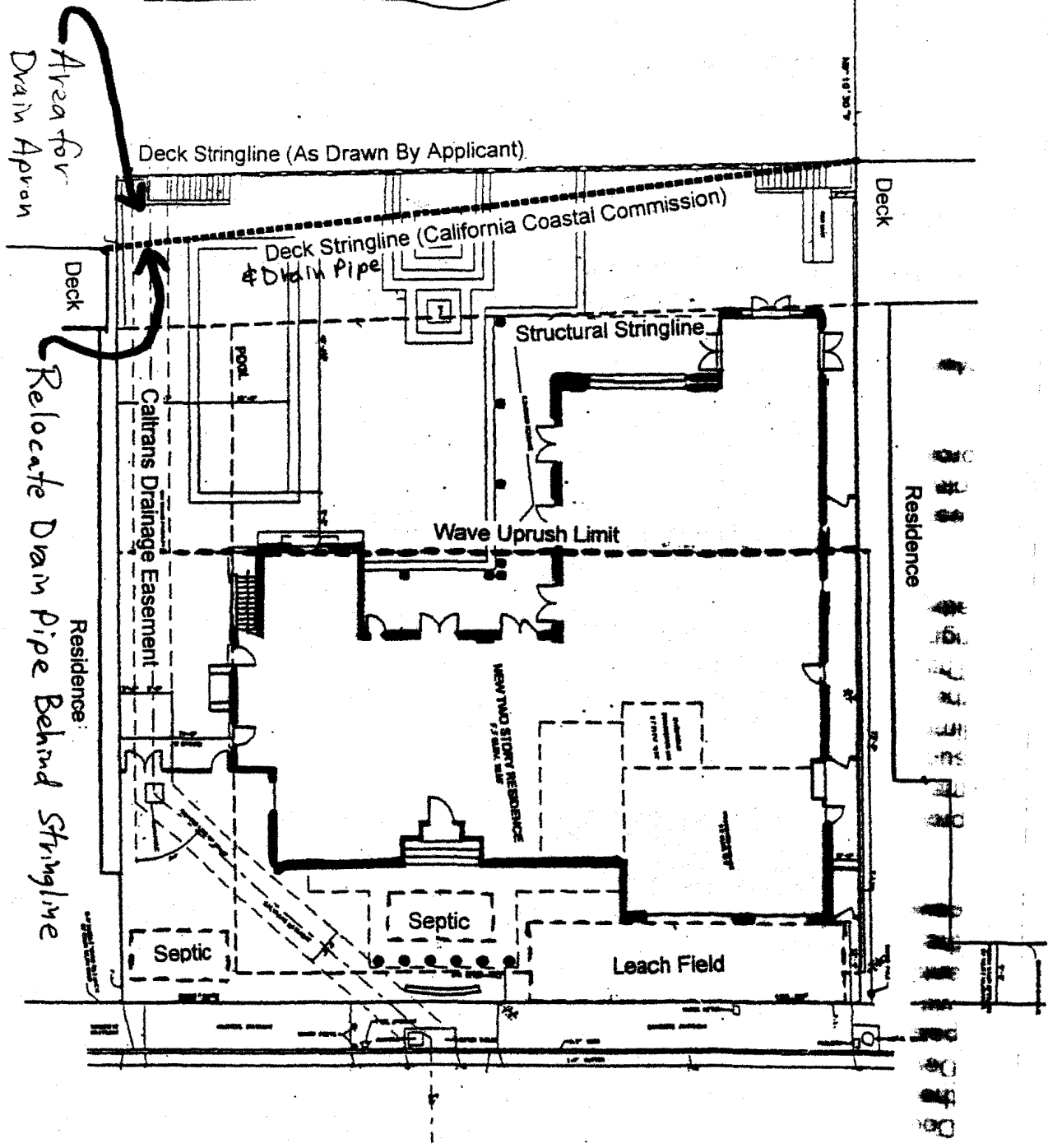
Robert L. Lynch, Chief
Division of Land Management

cc: Craig Ewing, City of Malibu.

EXHIBIT NO.	4
APPLICATION NO.	4-98-246
State Lands letter	
page 2 of 2	

EXHIBIT NO. 5
APPLICATION NO. 4-98-246
Deck & Drain Pipe
Stringline

PACIFIC OCEAN
Approximate Mean High Tide Line



Area for
Drain Apron

Relocate Drain Pipe Behind Stringline

Residence:

PACIFIC COAST HIGHWAY

