

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Staff Report: 11/16/00
 Hearing Date: 12/12-15/00
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-99-281

APPLICANT: Roy March

AGENT: Lynn Heacox

LOCATION: 23634 Malibu Colony Dr., City of Malibu (Los Angeles County)

DESCRIPTION: Construction of a 372 sq. ft., second-story addition to an existing single family residence (SFR) located on Malibu Beach. The project also includes significant interior remodeling, a new roof top deck, improvement / repair of the existing seawall, installation of a new secondary treatment septic system, and an offer to dedicate a public lateral access easement along the beach. No grading is proposed.

Lot area	6,500 sq. ft. (0.15 ac.)
Building coverage:	2,101 sq. ft.
Pavement coverage:	500 sq. ft.
Landscape coverage:	500 sq. ft.
Parking spaces:	2 (covered)
Ht abv fin grade:	21'

LOCAL APPROVALS RECEIVED: Approvals in Concept -- City of Malibu Planning Department, City of Malibu Environmental Health Department (Septic System).

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit (CDP) Nos. 4-97-228 (Caron), 5-90-702-A6 (Adelson), 4-00-117 (March), 4-00-140 (March); *City of Malibu Coastal Engineering Review Referral Sheet for Job Address -- 23634 Malibu Colony Drive*, dated December 30, 1999; *City of Malibu Geology Review Referral Sheet for Job Address -- 23634 Malibu Colony Drive*, dated December 30, 1999; *Letter Re: Coastal Development Project Review for Additions to Existing Single Family Residence at 23634 Malibu Colony Drive, Malibu*, by Robert L. Lynch, California State Lands Commission, dated February 22, 2000; *Letter Re: Existing Timber Bulkhead at 23634 Malibu Colony Drive, Malibu CA*, by David C. Weiss, Structural Engineer & Associates, dated April 7, 2000; *Letter Re: Seawall Depth Extension, 23634 Malibu Colony Drive, Malibu*, by David W. Skelly, Coastal Engineer, dated May 3, 2000.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with five (5) special conditions regarding construction responsibilities / debris removal, drainage / polluted runoff control plan, assumption of risk, offer to dedicate lateral access, and signs restriction.

I. STAFF RECOMMENDATION

1. Motion: *I move that the Commission approve Coastal Development Permit No. 4-99-281 pursuant to the staff recommendation.*

2. Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Construction Responsibilities and Debris Removal

The applicant shall, by accepting this permit, agree: a) that no stockpiling of dirt shall occur on the beach; b) that all grading shall be properly covered, and sand bags and/or ditches shall be used to prevent runoff and siltation; and c) that measures to control erosion must be implemented at the end of each day's work. In addition, no machinery will be allowed in the intertidal zone at any time. The permittee shall remove from the beach and bulkhead area any and all debris that result from the construction period.

2. Drainage / Polluted Runoff Control Plans

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

(a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.

(b) Runoff shall be conveyed off site in a non-erosive manner.

(c) Energy dissipating measures shall be installed at the terminus of outflow drains.

(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned, and repaired when necessary prior to the onset of the storm season, no later than September 30th each year, and (2) should any of the project's surface or subsurface drainage / filtration structures or other BMPs fail or result in increased erosion, the applicant / landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage / filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Assumption of Risk / Shoreline Protection

By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, flooding, or wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the

Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

No future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved to be repaired pursuant to Coastal Development Permit 4-99-281, shall be undertaken if such activity extends the seaward footprint of the subject shoreline protective device. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code section 30235.

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 and an exhibit showing the location of the shoreline protective device approved to be repaired by this permit. 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.

4. Offer to Dedicate Lateral Public Access

In order to implement the applicant's proposal of an offer to dedicate an easement for lateral public access and passive recreational use along the shoreline as part of this project, the applicant agrees to complete the following prior to issuance of the permit: the applicant / landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the ambulatory mean high tide line (MHTL) landward to the dripline of the deck, as illustrated on the site plan prepared by John A. Himes Architect, dated January 7, 1999 (Exhibit 10).

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant's entire parcel and the easement area. 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.

5. Sign Restriction

No signs shall be posted on the property subject to this permit or on the public beach adjoining this property unless they are authorized by a coastal development permit or an amendment to this coastal development permit

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing construction of a 372 sq. ft., second-story addition to an existing single family residence (SFR) located on Malibu Beach. The project also includes significant interior remodeling of the residence, a new roof top deck, improvement / repair of the existing seawall, installation of a new secondary treatment septic system, and an offer to dedicate a public lateral access easement along the beach. No grading is proposed. The subject site is a 6,500 sq. ft. (0.15 ac.) parcel located on the beach in the private Malibu Colony area between Amarillo Beach and Malibu Point. There is very limited natural vegetation on-site consisting of scattered grasses and plants on the sand.

The subject property is located in the Malibu Colony community which is a highly developed residential area of Malibu. Access to the project site is from Pacific Coast Highway to Malibu Colony Drive, a private road which passes immediately north of the property. The Malibu Colony community is gated with controlled, guarded access. The site is bordered by existing single-family residences to the east, west, and north (across Malibu Colony Drive). No previous coastal development permits have been issued at this address, but there is existing development on-site including a 3,375 sq. ft. single family residence, 504 sq. ft. attached garage, deck, septic system, and a wooden bulkhead. The existing bulkhead on-site constitutes a segment of a continuous wooden bulkhead that protects several single family residences along the beach.

The property consists of a near-level pad area with a descending beach sand slope to the Pacific Ocean (Santa Monica Bay) to the immediate south. The existing residence and associated driveway / decking sits on the near-level graded pad area. Drainage from the property flows overland directly to the ocean or along the short driveway to Malibu Colony Drive where it is collected and discharged at the beach. Malibu Creek and Malibu Lagoon to the east are designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP). The applicant has submitted evidence of review of the proposed project by the California State Lands Commission (CSLC) dated February 22, 2000, which indicates that the CSLC presently asserts no claims that the project is located on public tidelands, although the CSLC reserves the right to any future assertion of state ownership or public rights.

B. Visual Resources

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. 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.

To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building site and the size of the proposed structure. The subject site and existing single family residence are visible from the shoreline at Malibu Beach. The Malibu Colony area, however, is a private, gated community which limits public access and views from the scenic Pacific Coast Highway.

Coastal Commission staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the surrounding existing development. The adjacent residences are of a similar massing, character, and location to be similarly visible, and the proposed building plans are substantially in character with the type and scale of development in the surrounding area. The proposed project, therefore, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Malibu / Santa Monica Mountains area. Thus, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

C. Public Access

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:

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 shoreline development projects, access to the shoreline and along the coast shall be provided except 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. ...

Finally, 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. 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 shall 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 the use of dry sand and rocky coastal beaches. 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. In past permit actions, 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 Sections 30210, 30211, and 30212.

Past Commission review of shoreline residential projects in Malibu has shown that individual and cumulative adverse effects to public access from such projects can include encroachment on lands subject to the public trust (thus physically excluding the public); interference with the natural shoreline processes 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/or ability to use public tideland areas. In the case of the proposed project, the applicant has submitted a letter from the California State Lands Commission (CSLC) dated February 22, 2000, stating that the CSLC presently asserts no claims that the project is located on public tidelands although the CSLC reserves the right to any future assertion of state ownership or public rights. State Lands does not currently assert any state ownership or public rights because of a lack of information and the time and expense that is required to conduct the studies necessary to obtain the information.

As a means of controlling seaward encroachment of residential structures on a beach to ensure maximum public access, protect public views, and minimize wave hazards as required by Coastal Act Sections 30210, 30211, 30251, and 30253, the Commission has, in past permit actions, developed the "stringline" policy. As applied to beachfront development, the stringline limits the seaward 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 the adjacent 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 the scenic quality of the shoreline as required by Section 30251 of the Coastal Act.

The proposed project does not violate the restrictions of the stringline policy because the project will mainly involve the repair and maintenance of existing along with some minor additions. The proposed improvements to the residence will be located behind the structural stringline. The new or reconstructed decks will, in a similar manner, be located behind the accepted deck stringlines for the project site. Further, all proposed reinforcement for the bulkhead will be located landward of the existing toe of the bulkhead. No development is proposed to extend seaward of the existing stringlines, and thus, the proposed project has no potential to exceed the applicable stringline setback requirements.

In the review of past permit applications, the Commission has found that shoreline protective devices, such as bulkheads, result in adverse effects to shoreline processes and beach profiles due to increased scour and erosional end effects. However, in this case, the applicant is proposing to repair an existing bulkhead by extending the bulkhead some two feet (2') below the theoretical scour elevation to prevent the bulkhead from becoming undermined. The effect of the proposed project is to extend the existing bulkhead deeper below the ordinary sand level and the resulting bulkhead improvement will not be visible. All proposed reinforcement will be located landward of the existing toe of the bulkhead and will not result in any intensification of the interaction between the existing shoreline protective device and wave uprush. The project will, however, greatly extend the life of the bulkhead thereby enhancing the safety of the existing development on-site. The bulkhead cannot be relocated further landward because it is part of a continuous structure which extends across several oceanfront lots. The bulkhead is not any higher than necessary to protect the residence. Therefore, the Commission notes that the proposed repair project is designed to minimize adverse effects to shoreline processes, the beach profile, and public access along the beach.

In past permit actions, the Commission has required that all new development on a beach, including the construction of new single family residences or shoreline protection devices, provide for lateral public access along the beach in order to mitigate adverse effects to public access from increased beach erosion. In this case, the applicant is proposing to dedicate a lateral public access easement, which would provide for public access along the entire beach as measured seaward from the deck dripline. The Commission notes that the lateral public access easement which the applicant has offered to dedicate as part of this project will be consistent with other lateral public access easements which have been recorded on properties along Malibu / Amarillo Beach and in the Malibu area in general.

In order to determine with absolute certainty the adverse effects which would result from the proposed project in relation to shoreline processes and the adequacy of the existing lateral public access easement, a historical shoreline analysis based on site specific studies would be necessary. Although this level of analysis has not been submitted by the applicant, the Commission notes that because the applicant has proposed, as part of the project, an offer to dedicate a lateral public access easement along the entire southern portion of the lot, as measured from the dripline of the deck to the mean high tide line, it has not been necessary for Commission staff to engage in an extensive analysis as to whether the imposition of an offer to dedicate would be required here absent the applicant's proposal. As such, **Special Condition Four** has been required

in order to ensure that the applicant's offer to dedicate a lateral public access easement is transmitted prior to the issuance of the coastal development permit.

In addition, the Commission notes that chronic unauthorized postings of signs illegally attempting to limit, or erroneously noticing restrictions on, public access have occurred on beachfront private properties throughout the Malibu area. These signs have an adverse effect on the ability of the public to access public trust lands. The Commission has determined, therefore, that to ensure that the applicants clearly understand that such postings are not permitted without a separate coastal development permit, it is necessary to impose **Special Condition Five** to ensure that signs are not posted on or near the proposed project site. The Commission finds that if implemented, **Special Condition Five** will protect the public's right of access to the sandy beach below the mean high tide line. The Commission finds that the proposed project, as conditioned, will have no individual or cumulative adverse effects on public access. Therefore, the Commission finds that the project, as conditioned, is consistent with Coastal Act Sections 30210, 30211, 30212, and 30251.

D. Hazards

Section 30253 of the Coastal Act 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...*

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

New residential, ... development, ... shall be located within, contiguous with, or in close proximity to 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 is located on a beachfront lot in the Malibu / Santa Monica Mountains area, a location which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, wildfire, and earth movement. The Malibu Beach area fronting the Malibu Colony residential area is a narrow section of the coast heavily developed with single family homes. The prominent geomorphic features in the area are the Santa Monica Mountains to the north, the Pacific Ocean (Santa Monica Bay) to the south, and Malibu Canyon to the east. The site is located on a near-level pad in what was formerly the river delta area for Malibu Creek.

The U.S. Army Corps of Engineers, Los Angeles District, in their *Reconnaissance Study of the Malibu Coast*, dated 1994, identified this beach as having stable to slow erosional characteristics. The *Shoreline Constrains Study*, by Moffatt and Nichol Engineers, dated June 30, 1992, indicates that the subject beach is retreating at the rate of 0.25 to 1.5 feet per year. Based on the above information, the Commission concludes that the subject site is located on an eroding beach. Many of the residences along this beach

employ bulkheads or other forms of shoreline protection for the residences and the associated septic systems. Much of the existing development, however, is exposed to recurring damage because of the absence of a sufficiently wide, protective beach.

The Malibu coast has historically been subject to substantial damage as the result of storm and flood occurrences -- most recently, and perhaps most dramatically, during El Niño severe winter storm seasons. The El Niño storms of 1982-83 caused significant damage to the Malibu Coast when high tides of over 7 feet were combined with storm waves of up to 15 feet. These storms caused over \$12.8 million in damage to structures in Los Angeles County, many located in Malibu. The severity of the 1982-83 El Niño storm events are often used to illustrate the extreme storm damage potential for the California, and in particular, Malibu coastline. Storms in 1987-88, 1991-92, and 1997-98 did not cause the far-reaching devastation of the 1982-83 storms, but they were very damaging in localized areas and could have been significantly worse except that the peak storm surge coincided with a low rather than a high tide.

The applicant has submitted plans prepared and certified by David W. Skelly, Coastal Engineer, dated May 3, 2000, for the seawall repair work. The proposed remedial construction consists of extending the bulkhead down to the maximum scour depth. Beach sand will be excavated and new timber lagging / sheathing installed on the timber piles. Sheet piles will then be installed behind the bulkhead and attached with a wale system. The applicant has submitted a *Letter Re: Existing Timber Bulkhead at 23634 Malibu Colony Drive*, by David C. Weiss Structural Engineer, dated April 7, 2000, that states that the bottom of the existing sheathing is currently 2' higher than required to prevent undermining due to waves scour. Weiss recommends that property owners in the Malibu Colony area extend the depths of their bulkheads two feet below the theoretical scour elevation.

However, 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-site, even after the completion of the remedial bulkhead repair work, will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future, as will the existing single family residence and septic system that the bulkhead helps to protect. The Coastal Act recognizes that development, such as the proposed repairs to the bulkhead, even as designed and constructed to incorporate all recommendations of the consulting coastal engineer, 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, as required by **Special Condition Three**, 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 Commission further notes that construction activity on a sandy beach, such as the proposed project, will result in the potential generation of debris and/or presence of

equipment and materials that could be subject to tidal action. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately or unsafely exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. Further, any excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site.

To ensure that landform alteration and adverse effects to the marine environment and/or site stability are minimized, **Special Condition One** requires the applicant to ensure that stockpiling of dirt or materials shall not occur on the beach, that no machinery will be allowed in the intertidal zone at any time, all debris resulting from the construction period is promptly removed from the sandy beach area, any grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation. The Commission therefore finds, for the reasons set forth above, that the proposed development, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

E. Water Quality

The Commission recognizes that development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, construction of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as additional effluent from septic systems. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As described previously, the proposed project includes the construction of a 372 sq. ft., second-story addition to an existing single family residence (SFR) located on Malibu Beach, significant interior remodeling of the residence, a new roof top deck, improvement / repair of the existing seawall, and installation of a new secondary treatment septic system. The property is located on the sandy beach, so surface drainage on-site is primarily accomplished naturally by overland sheetflow towards the ocean to the south. Some water may run off down the driveway into drainage conveyances to outlet at the beach or Malibu Lagoon. The entire Malibu Creek mouth and Malibu Lagoon area located east of the project site are designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP).

The continued conversion of the project site from its natural state will change the amount of impervious coverage which may increase both the quantity and velocity of

stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact water quality. The placement of impervious surfaces allows for less infiltration of rainwater into the soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff, leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Further, continued use of the site for residential purposes may introduce potential sources of pollutants such as petroleum hydrocarbons including oil and grease from vehicles, heavy metals, synthetic organic chemicals including paint and household cleaners, soap and dirt from washing vehicles, dirt and vegetation from yard maintenance, litter, fertilizers, herbicides, and pesticides, bacteria and pathogens from animal waste, as well as other accumulated pollutants from rooftops and other impervious surfaces. The discharge of these pollutants to coastal waters can cause cumulative impacts such as eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat including adverse changes to species composition and size, excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species, disruptions to the reproductive cycle of aquatic species, and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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

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

Furthermore, interim erosion control measure implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. To ensure that landform alteration and adverse effects to water quality, coastal resources, and/or the marine environment are minimized, **Special Condition One** requires the applicant to ensure that stockpiling of dirt or materials shall not occur on the beach, that no machinery will be allowed in the intertidal zone at any time, all debris resulting from the construction period is promptly removed from the sandy beach area, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation.

Finally, the proposed development includes the installation of a new 1,500 gallon secondary treatment septic system. In order to reduce the size of the required leachfield for the proposed septic system and to allow the system to be located as far landward as possible, the applicant is proposing to install a bottomless intermittent sand filter septic system. This system is also designed to produce treated effluent with reduced levels of organics, biochemical oxygen demand, and total suspended solids, while occupying only fifty percent (50%) of the area which would otherwise be required for a conventional septic system and leachfield. The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

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 program that is in conformity with Chapter 3 (commencing with Section 30200). ...

Section 30604(a) of the Coastal Act stipulates 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 significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. 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 the City of Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a 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.

BCM/bcm

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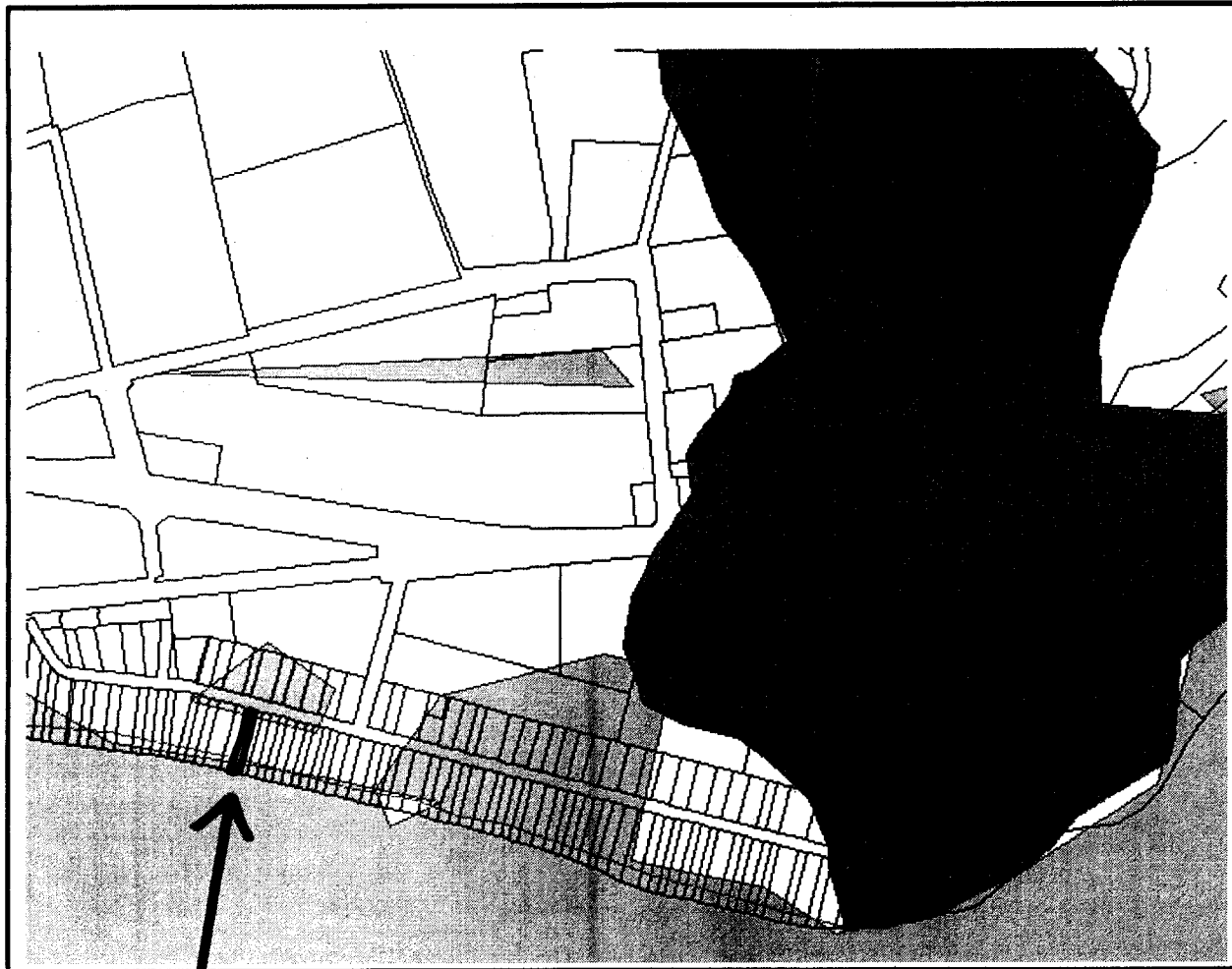
RIGHT. © 1986 BY Thomas Clark Map



COSTAL COMMISSION
OFFICE CENTRAL COAST DISTRICT

DEC 2 1986

EXHIBIT 1
CDP 4-99-281 (March)
Location Map 1

4-99-281 March (23634 Malibu Colony Dr.)



-  Malibu City Boundary
-  LA-Ventura County Boundary
-  Trails - LA County LUP
-  Blue Line Streams
-  shoreline
-  czbdy
-  laprcls
-  esha
-  Small lot subdivisions
-  Ocean

SITE



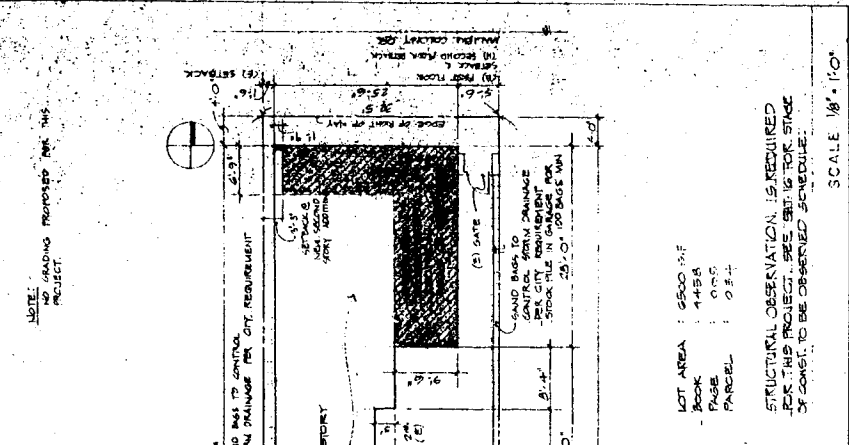
EXHIBIT 2
CDP 4-99-281 (March)
Location Map 2

SHEET INDEX

SHT. CONTENT

1	COVER SHEET, SITE PLAN, PROJECT INFORMATION
2	FOUNDATION PLAN
3	FIRST & SECOND FLOOR PLAN
4	DECK PLAN
5	BUILDING SECTIONS
6	EXTERIOR ELEVATIONS
7	EXTERIOR ELEVATIONS
8	REFLECTED CEILING PLANS
9	ELECTRICAL PLANS
10	SCHEDULES
11	INTERIOR ELEVATIONS
12	INTERIOR ELEVATIONS
13	INTERIOR ELEVATIONS
14	INTERIOR ELEVATIONS
15	INTERIOR ELEVATIONS
16	FOUNDATION PLAN
17	SECOND FLOOR & DECK FRAMING PLAN
18	DETAILS
19	DECK MATERIAL PLAN
20	FLOOR MATERIAL PLAN
21	CEILING MATERIAL PLAN
22	WALL MATERIAL PLAN
23	WALL MATERIAL PLAN
24	WALL MATERIAL PLAN

PPA99-254
HEVISTON



COVER SHEET, SITE PLAN

PROJECT INFORMATION

JOI ADDRESS: Canyon Drive (450)
Modesto, CA 95238

LEGAL DESCRIPTION:
Tract P 531

OWNER:
Mr. and Mrs. Ray March
2500 Canyon Drive (450)
Modesto, CA 95238

ZONING: R-1

ADDRESS:
Action and removal to an existing two story dwelling with attached garage to include:
At second floor, add a new bathroom, two bathrooms and a laundry room.

PERMITS:
City of Modesto: 1772011
County of Stanislaus: 1772011

PROJECT NO.: 4-00-140

LEGEND

1	EXISTING BUILDING
2	PROPOSED BUILDING
3	PROPOSED DECK
4	PROPOSED DRIVE
5	PROPOSED WALKWAY
6	PROPOSED PATIO
7	PROPOSED PORCH
8	PROPOSED STAIRS
9	PROPOSED RAMP
10	PROPOSED CURB
11	PROPOSED DRIVE
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ARCHITECTURE ENGINEER JOHN HIMES ARCHITECT
2005 BIRCH AVE. SUITE 100
SAN JOSE, CA 94111 (415) 372 1294

STRUCTURAL ENGINEER PETERSON ASSOCIATES
7122 N. TORANSA CYN. BLDG.
SUNNYVALE, CA 94086 (415) 353 7555

GEOTECHNICAL ENGINEER GEO ENGINEERING CORPORATION
1000 W. 14TH ST. SUITE 200
SAN JOSE, CA 95128 (415) 281 4226

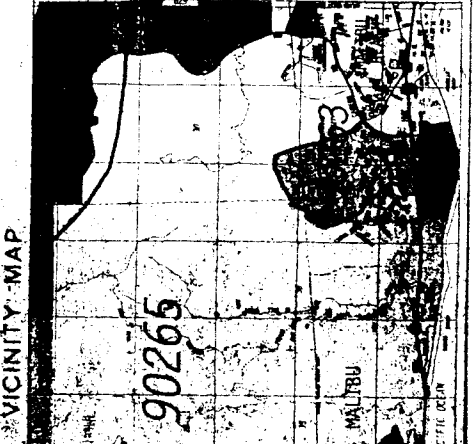


EXHIBIT 3
CDP 4-99-281 (March)
Site Plan

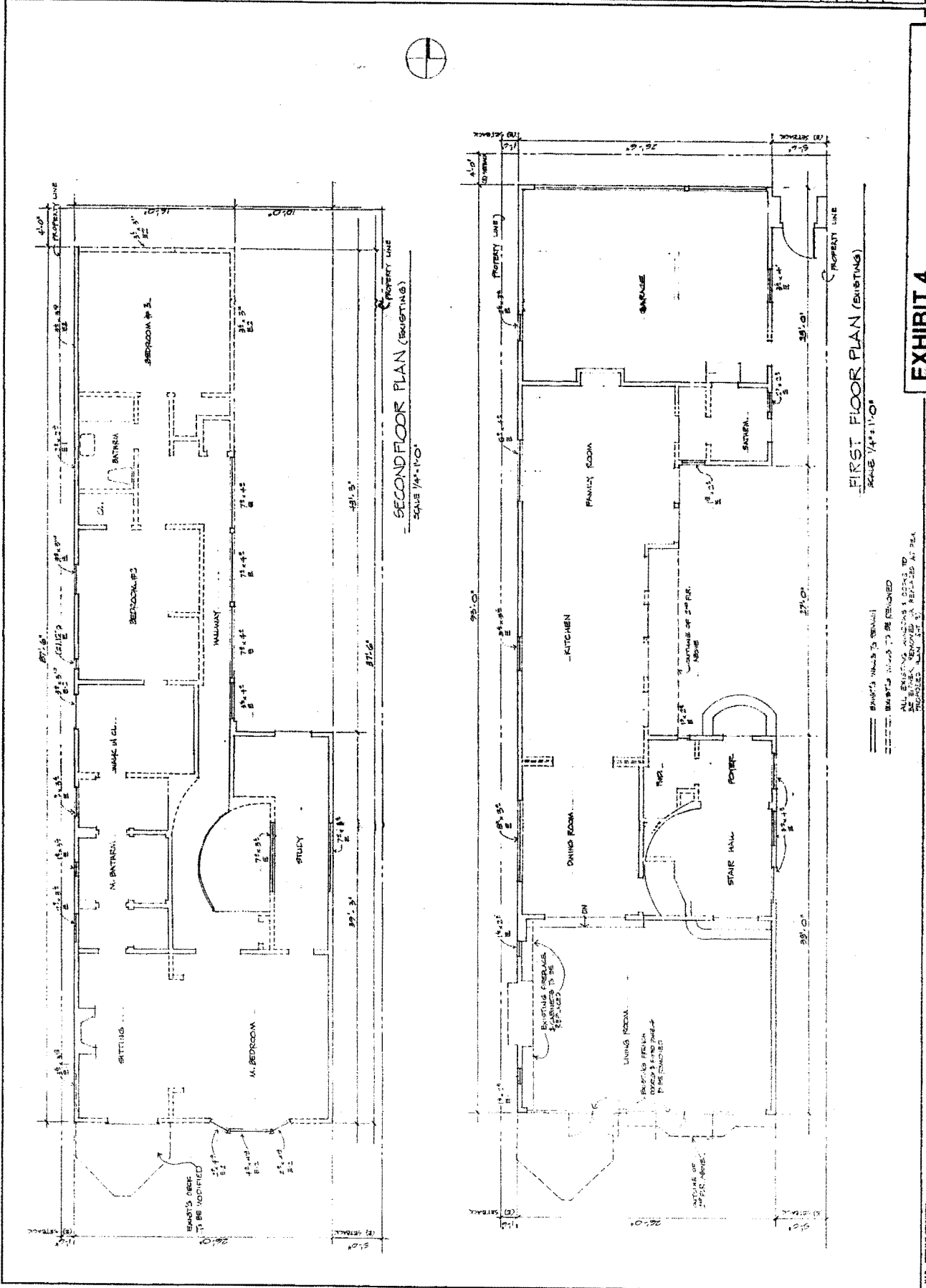


EXHIBIT 4
CDP 4-99-281 (March)
Demolition Plan

FLOOR PLAN LEGEND

1. (N) range
2. (N) dishwasher
3. (N) sink
4. (N) refrigerator
5. (N) cabinet
6. (N) built-in cabinet
7. (N) built-in cabinet
8. (N) vanity
9. (N) vanity
10. (N) vanity
11. (N) built-in cabinet
12. (N) tub and shower
13. (N) shower
14. (N) toilet
15. (N) sink and pot
16. (N) sink and pot
17. (N) upper cabinet
18. (N) lower cabinet
19. (N) laundry sink
20. (N) high cabinet and base cabinet
21. (N) tub
22. (N) toilet
23. (N) shower tub
24. (N) sink
25. (N) head and vent
26. (N) head
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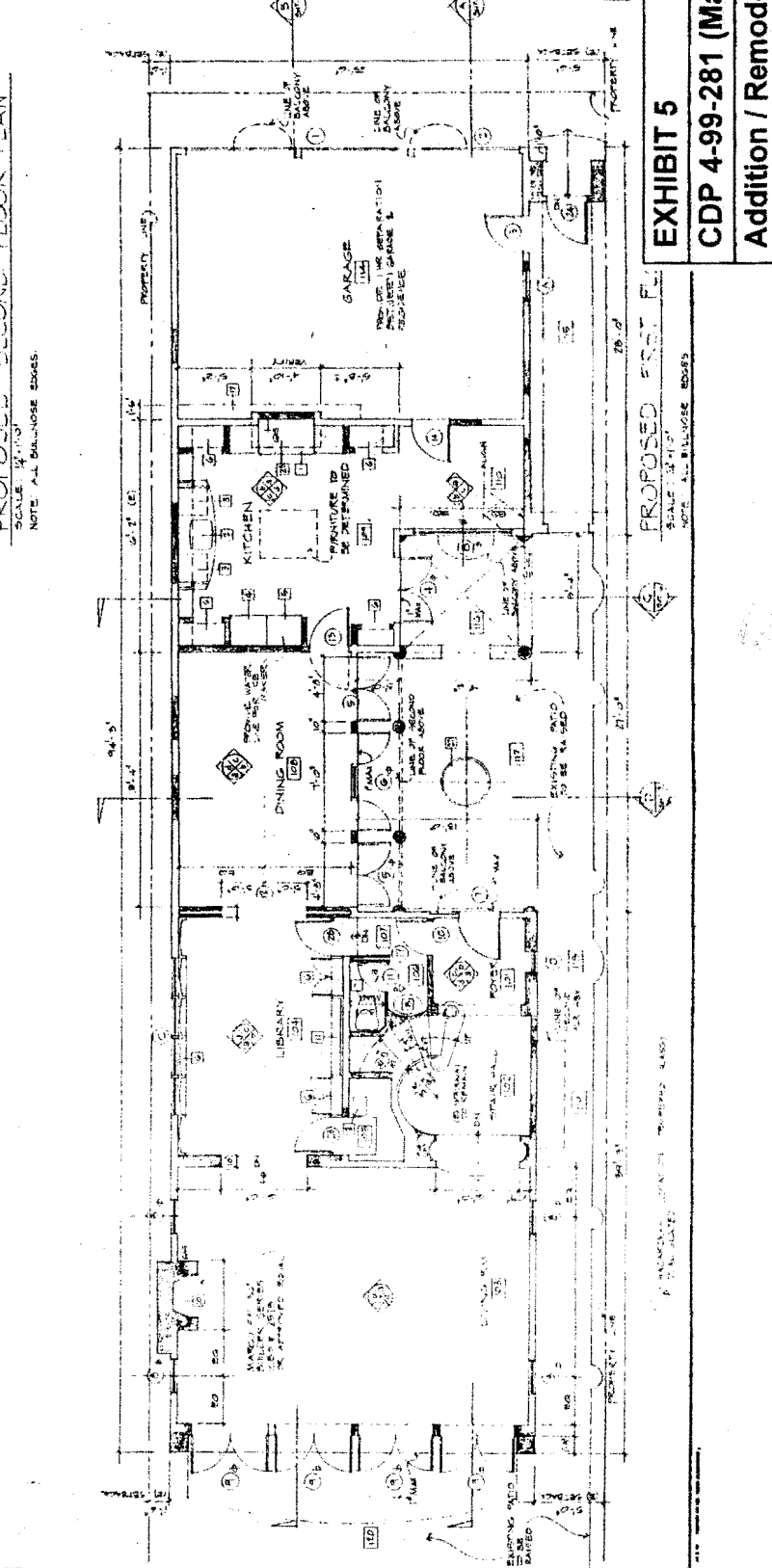
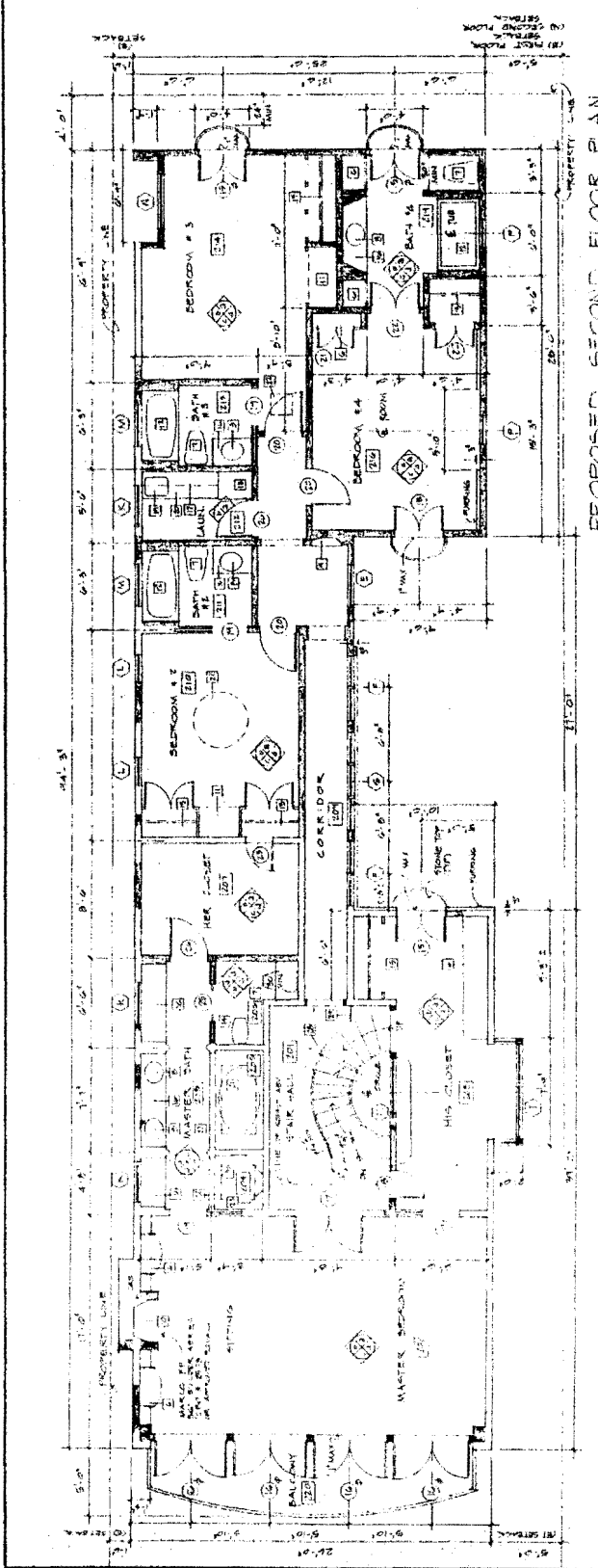
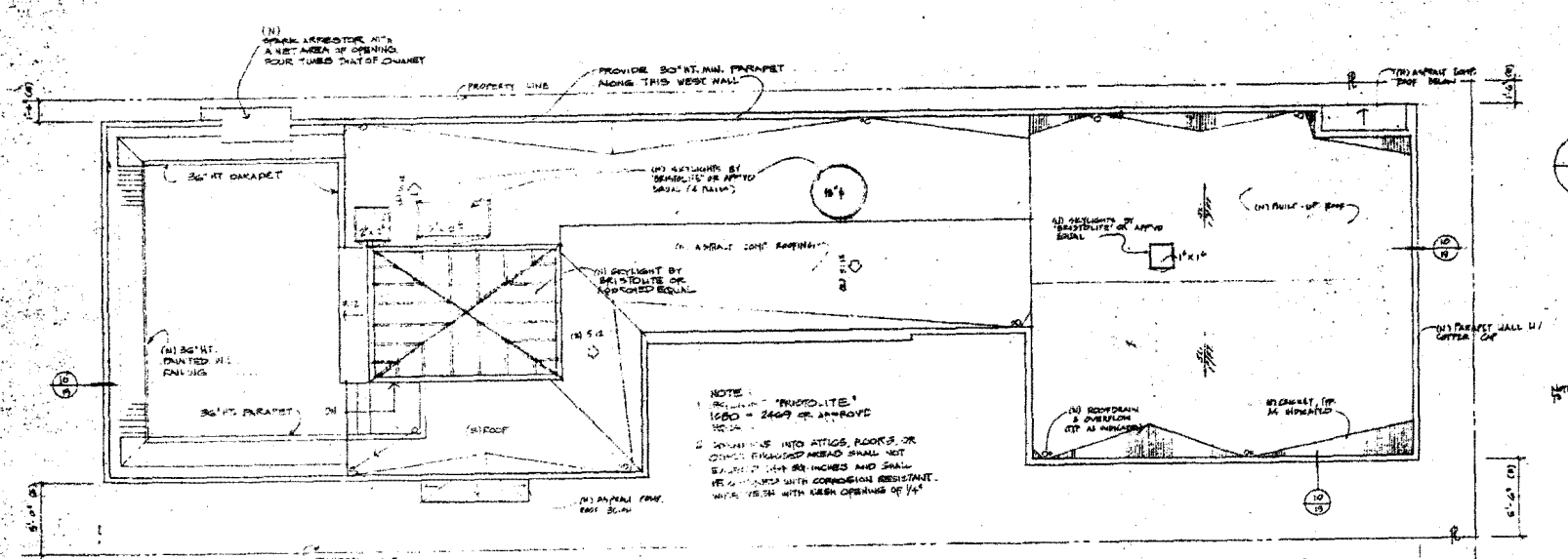


EXHIBIT 5
CDP 4-99-281 (March)
Addition / Remodel Plans



PROPOSED ROOF PLAN
SCALE: 1/8" = 1'-0"

ROOF PLAN GENERAL NOTES (CONT. ROOFING)

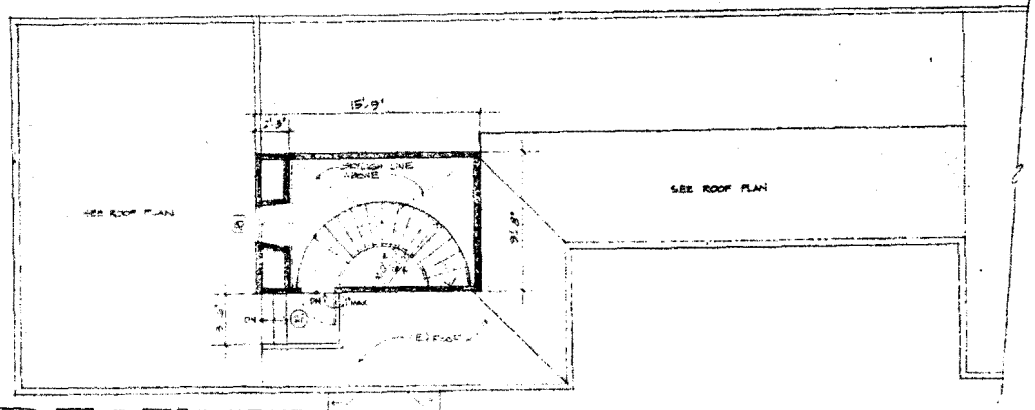
- A. ROOF SPECS. Use asphalt composition shingles by Calstar or approved equal. Shingles shall conform to U.S.C. Standards, Class A minimum roof. Use Calstar hip, ridge, and rake trim in matching color. Color shall be by Owner. Roof sheathing shall be 1/2" CDX plywood sheathing U.N.O. per structural plans. Underlayment shall be two layers 15# felt minimum. Roofing shall be installed in strict accordance with the manufacturer's written specifications and in compliance with local codes. Refer to details and construction specifications.
- B. All roof water shall be conducted to the street using a non-erose device. Roof water shall be collected using galvanized iron gutters and drained via galvanized iron down spouts per plan to cast iron drain pipes.
- C. Provide 26 Ga. minimum galvanized iron flashing of all roof breaks, typical U.N.O. All gutters, down spouts, scuppers, vents, flashings and their required connectors and fasteners shall be galvanized iron.
- D. Roof crickets shall be provided as per plan and where required to properly divert the roof water to drainage areas. Crickets shall be sloped 1" per foot minimum and shall be constructed with 1/2" (240) CDX plywood sheathing with all necessary supports and blocking indicated on the plans or otherwise required.
- E. Provide attic ventilation equal to 1/150 attic area, typical.

GENERAL NOTES (STAIRS)

- 1. Minimum 36" wide stairway.
- 2. Maximum 8" rise, minimum 9" run for outside stairs.
- 3. Banister on open side of stairs over 30" above floor or adjacent grade. May serve as handrail also. Banister may be 34" to 38" high on any of open side of stairs.
- 4. Handrail (required for 4 or more risers) 34" to 38" above tread rising 2" clearance to wall. 1-1/4" to 2" in cross section, with ends returned to wall or terminate at handrail or safety post. Show handrail continuous for the length of the stairs.
- 5. Handrail connection details adequate to withstand a 20 pound-per-foot lateral load.
- 6. Sections and details to specify where roof of structure are to be constructed. See drawings.

ROOF PLAN GENERAL NOTES

- A. BUILT-UP ROOF SPECS. Built-up roof underlayment shall be one 30 lb. felt minimum applied with a 10 lb. per square spot mop over 5/8" CDX plywood sheathing per plans. Then two layers of 30 lb. felt applied with 20 lb. hot mop in between. Roof cover shall be a 90 lb. cork sheet set in a 30 lb. flood coat. Built-up roofing shall be conforming to U.S.C. Standards, Class B minimum roof. Roofing shall be installed in strict accordance with the manufacturer's written specifications and in compliance with local codes. Refer to details and construction specifications.
- B. All roof water shall be conducted to the street using a non-erose device. Roof water shall be collected using galvanized iron gutters and drained via galvanized iron down spouts per plan to cast iron drain pipes.
- C. Provide 26 Ga. minimum galvanized iron flashing of all roof breaks, typical U.N.O. All gutters, down spouts, scuppers, vents, flashings and their required connectors and fasteners shall be galvanized iron.
- D. Roof crickets shall be provided as per plan and where required to properly divert the roof water to drainage areas. Crickets shall be sloped 1" per foot minimum and shall be constructed with 1/2" (240) CDX plywood sheathing with all necessary supports and blocking indicated on the plans or otherwise required.
- E. Mechanical equipment platforms shall be located in coordination with other trades and shall be arranged to provide the necessary clearances between the building and between each item of equipment as required by code and the manufacturer's data whichever is more stringent. Equipment platforms shall be provided with covers as necessary to divert the flow of water. Platforms shall be constructed as per detail.
- F. Provide attic ventilation equal to 1/150 attic area, typical or required.



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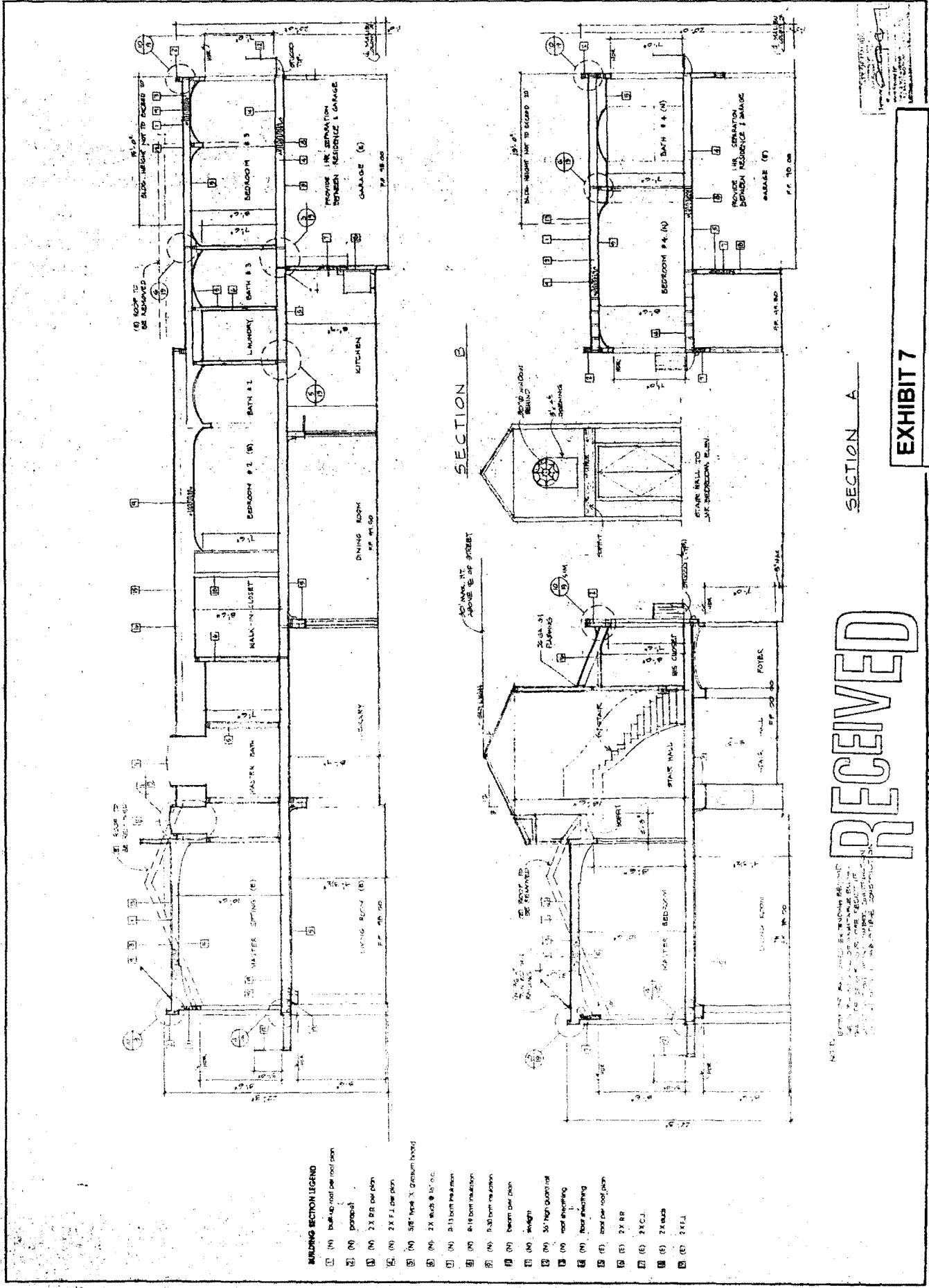
JUN 20 2000

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

EXHIBIT 6
CDP 4-99-281 (March)
Roof Plan

REVISIONS BY	
ADDITION AND REMODEL for Mr. & Mrs. Roy March 23634 Malibu Colony Drive (#50) Malibu, California 90265	
PROPOSED ROOF PLAN	
DATE	DEC 11
TIME	11:00
DRAWN BY	J.A.V.
CHECKED BY	R.M.
NO.	6

John A. Himes, Architect
5905 Lemona Avenue
Van Nuys, California 91411
(818) 376-1294



- BUILDING SECTION LEGEND**
- (1) (N) 1/2" x 1/2" x 1/2" concrete block
 - (2) (N) 1/2" x 1/2" x 1/2" concrete block
 - (3) (N) 1/2" x 1/2" x 1/2" concrete block
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EXHIBIT 7
 CDP 4-99-281 (March)
 Cross Sections

JUN 20 2000

CALIFORNIA
 COASTAL COMMISSION
 COUNTY CENTER AT COUNTY CENTER

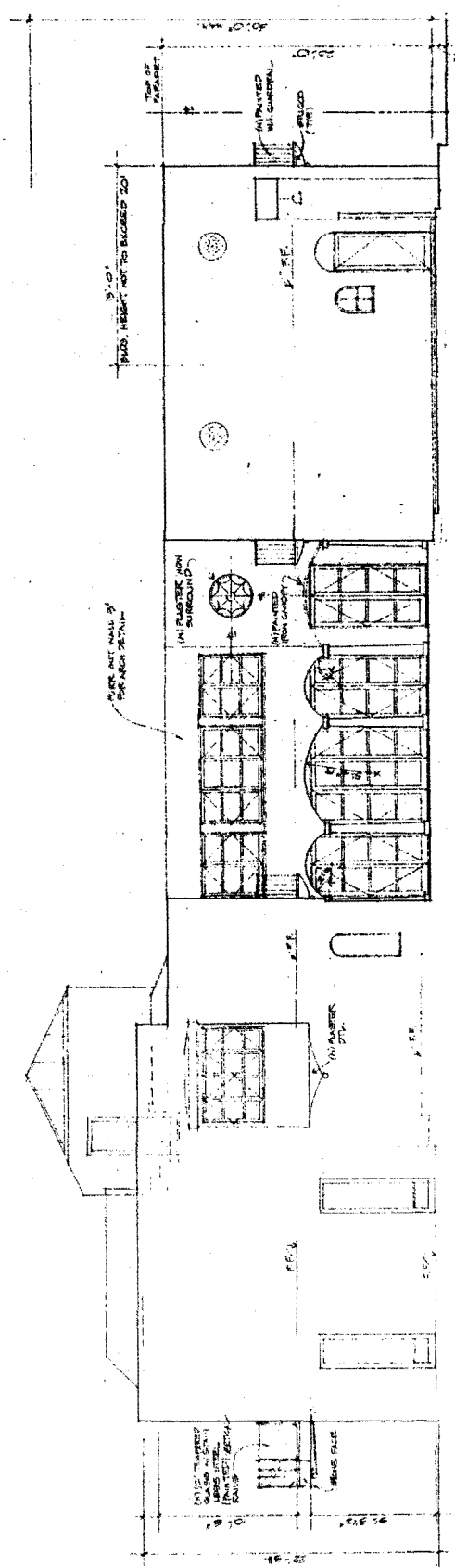
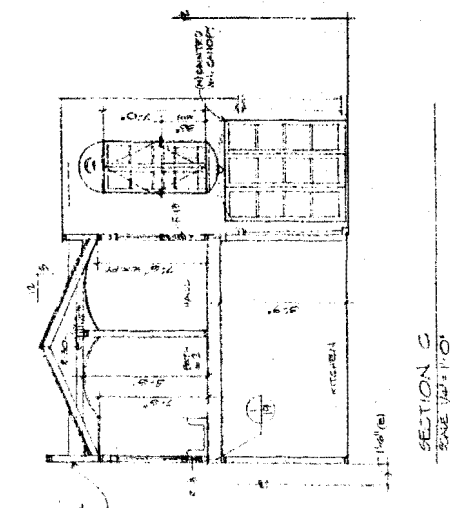
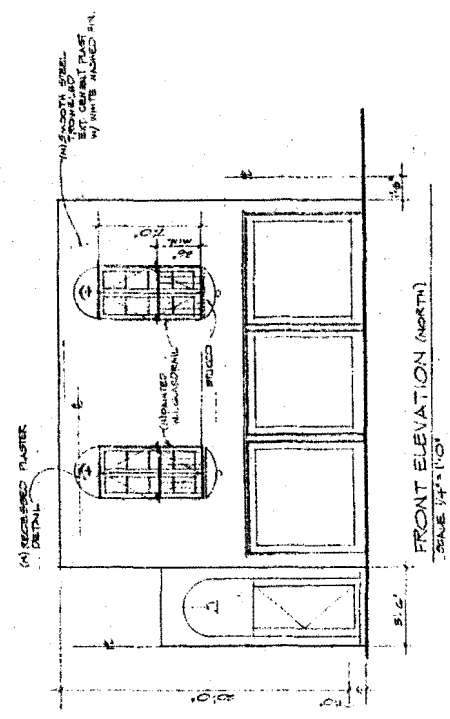
NO.	DATE	BY

John A. Himes, Architect
 8505 Lemona Avenue
 Van Nuys, California 91411
 (818) 376-1294

ADDITION AND REMODEL
 101
 Mr. & Mrs. Roy March
 28634 Malibu Colony Drive (450)
 Malibu, California 90265

SECTION - C
 EXTERIOR ELEVATIONS

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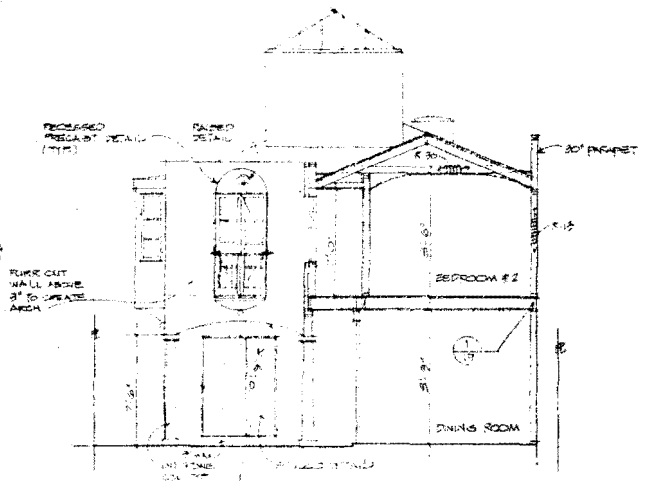


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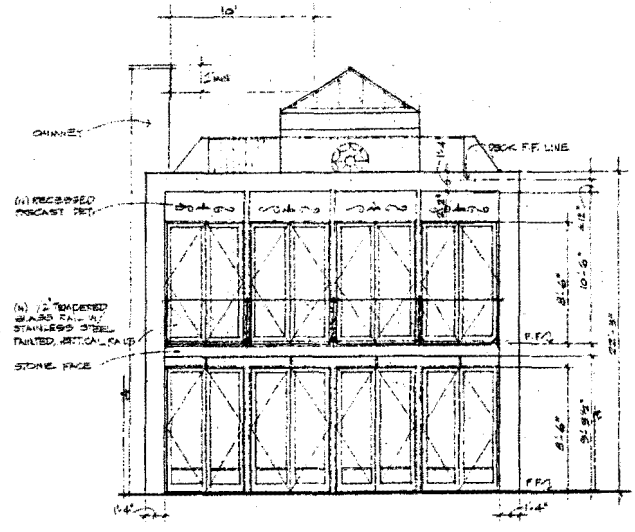
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 SOUTH CENTRAL COAST DISTRICT

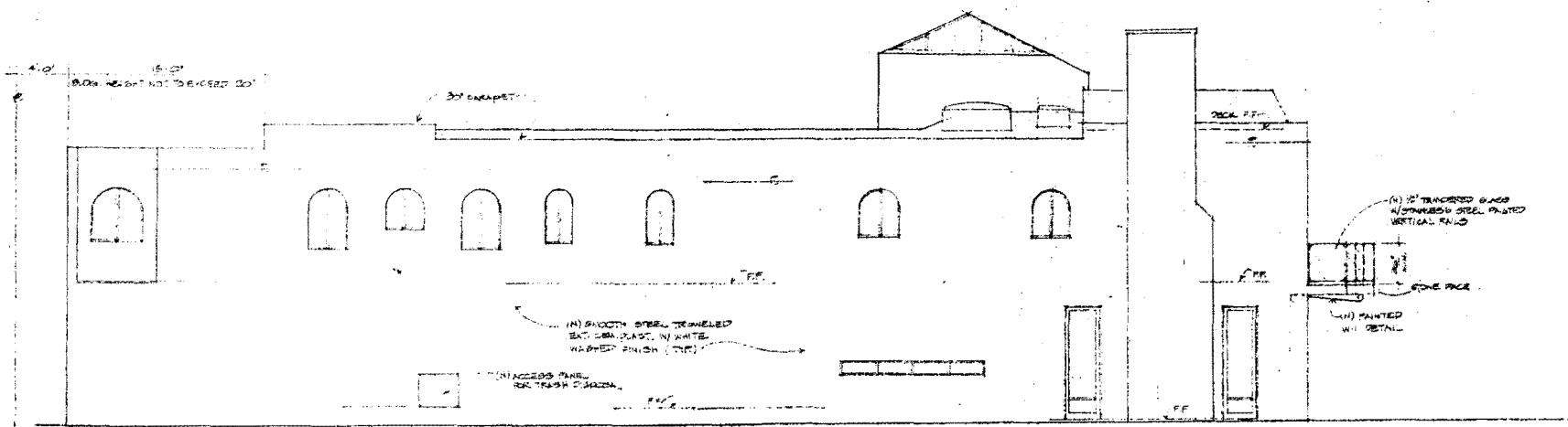
EXHIBIT 8
CDP 4-99-281 (March)
Front / Side Elevations



SECTION - D
SCALE 1/4" = 1'-0"



REAR ELEVATION (SOUTH)
SCALE 1/4" = 1'-0"



SIDE ELEVATION (WEST)
SCALE 1/4" = 1'-0"

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

REVISIONS	BY

John A. Himes, Architect
5906 Leona Avenue
Van Nuys, California 91411
(818) 376-1294

ADDITION AND REMODEL
Mr. & Mrs. Roy March
23534 Malibu Colony Drive (R50)
Malibu, California 90265

EXTERIOR ELEVATIONS
SECTION - D

Date	04/11/00
Scale	1/4" = 1'-0"
Drawn	URS
By	ROY MARCH
Sheet	7
Of	8

EXHIBIT 9
CDP 4-99-281 (March)
Rear / Side Elevations

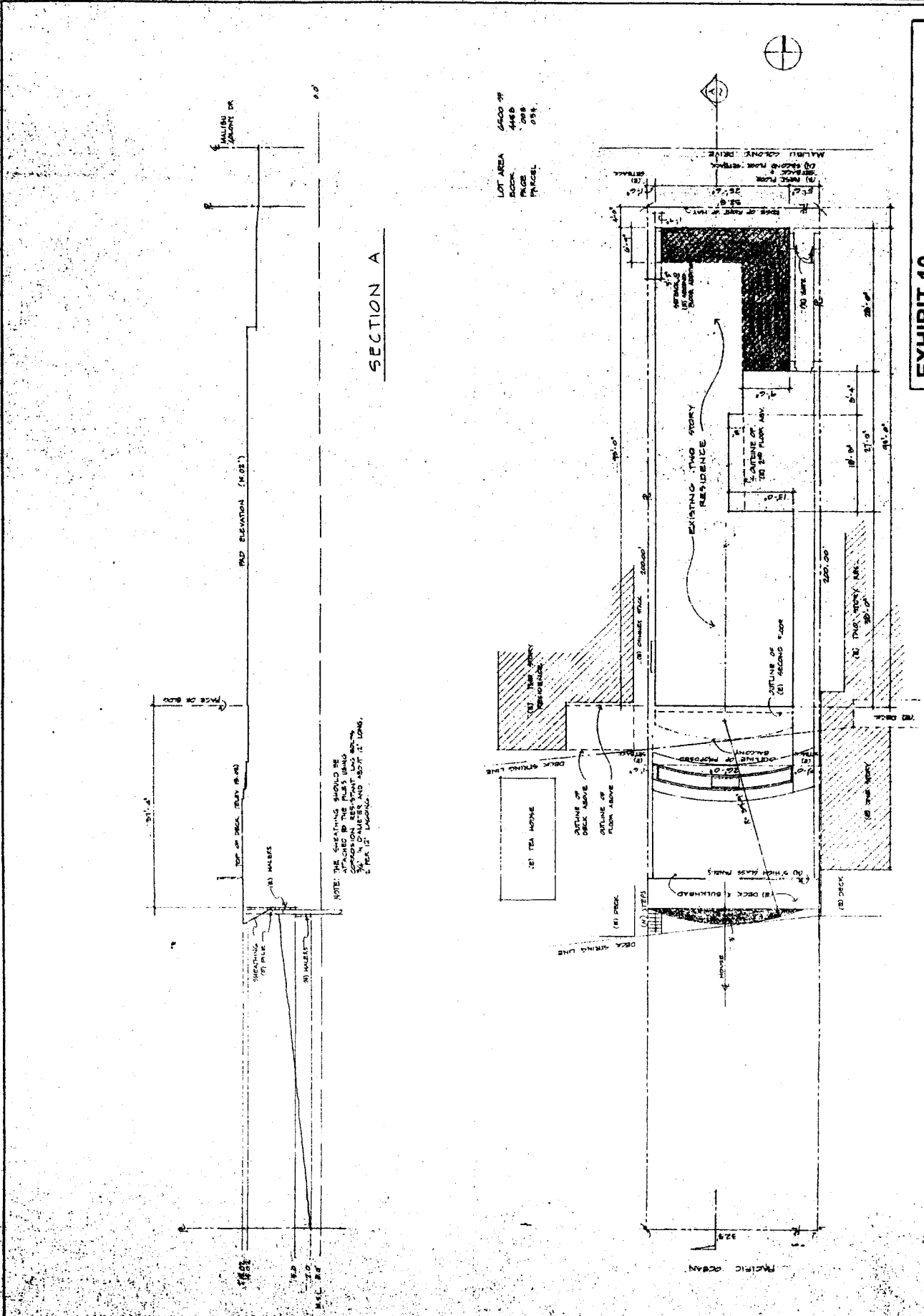
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JOHN A. FINNER, Architect
 1007 LOMBARD AVENUE
 SAN FRANCISCO, CALIF. 94109
 PHONE 398-7000

ADDITION AND REMODEL
 JOHN A. FINNER ARCHITECT
 1007 LOMBARD AVENUE
 SAN FRANCISCO, CALIF. 94109
 PHONE 398-7000

SITE PLAN
 SHEET NO. 11.0
 DATE 12/1/68
 PROJECT CDP 4-99-281

23



LOT AREA 6400 SF
 BOOK 4465
 PAGE 288
 PARCEL 054

SECTION A

NOTE: THE CREATING SHOULD BE ATTACHED TO THE PLUMBING CONNECTION. ASSUMPTION WAS MADE THAT THIS CONNECTION WAS LOCATED 2 FEET BELOW AND ABOUT 12 INCHES FROM THE WALL.