

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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## RECORD PACKET COPY



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Staff: S. Tilles *for*  
Staff Report: 01/27/00  
Hearing Date: 03/14/00-03/17/00  
Commission Action:

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION No.** 4-00-002

**APPLICANT:** Edward Wedelstadt

**AGENT:** Kalani Jensen

**PROJECT LOCATION:** 27040 Malibu Cove Colony Drive, Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Construction of a 1,131 square foot second story addition, 22 square foot first story addition, interior remodel, and new second story deck to the existing two-story, 2,653 square foot single family residence with attached garage, and upgrade of the existing septic system, with no grading or changes to the existing wood bulkhead or rock revetment.

<b>Area of Lot:</b>	6,842 square feet
<b>Building Coverage:</b>	2,184 square feet
<b>Hardscape Coverage:</b>	1,491 square feet
<b>Parking Spaces:</b>	2 (garaged)
<b>Height Above Finished Grade:</b>	25.9 feet

**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department, Approval-In-Concept, December 7, 1999; City of Malibu Environmental Health Department, In-Concept Approval, November 24, 1999; and City of Malibu, Geology Approval, December 2, 1999.

**SUBSTANTIVE FILE DOCUMENTS:** "Coastal Development Project Review for Remodel of Single Family Residence," California State Lands Commission, February 17, 2000; "Regarding FAST Treatment Systems," Barton Slutske, Registered Environmental Health Specialist, February 16, 2000; "Site Stability," GeoConcepts, Inc., February 8, 2000; "Supplemental Report No. 1, Proposed Second Story Addition," GeoConcepts, Inc., November 8, 1999; "Reconnaissance Report, Proposed Second Story Addition," GeoConcepts, Inc., October 7, 1999; "Review of Coastal Engineering Report," David C. Weiss, Structural Engineer & Associates, Inc., September 17, 1999;

"Geologic Opinion Report," Sousa & Associates, September 9, 1996; "Coastal Engineering Report, Proposed Seawall Repair," Coastal Engineering, Inc., March 21, 1991; Coastal Development Permit 4-98-316 (Warnack); and the certified Malibu/Santa Monica Mountains Land Use Plan.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends approval of the proposed project with four (4) special conditions regarding geologic recommendations, revised septic system plans, sign restriction, and assumption of risk. The project site is located in an area that has generally been the subject of heightened concern with respect to potential landslides. The applicant's geotechnical consultant have addressed the related concerns in the reports referenced above and found the project to be feasible and safe, provided that the recommendations are followed. Although the project is located on a beachfront lot, the proposed development will be located landward of the appropriate stringline, will not result in the seaward encroachment of residential development on Escondido Beach, and no changes to the existing wood bulkhead or rock revetment are proposed. The project poses no additional impacts to public coastal views, access, or recreation and is, therefore, consistent with Chapter 3 policies of the Coastal Act.

## **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-00-002 pursuant to the staff recommendation.*

### **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.

### **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 (2) years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed within a reasonable period of time. Application for an 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 that the assignee files with the Commission an affidavit accepting all of the terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

### 1. Plans Conforming to Geologists' and Engineers' Recommendations

All recommendations contained in the submitted geologic engineering reports prepared by GeoConcepts, Inc.; Sousa & Associates; David C. Weiss, Structural Engineer & Associates, Inc.; and Coastal Engineering, Inc., relating to foundation, drainage, and erosion control shall be incorporated into all final project plans, designs, and construction, including recommendations concerning septic system plans. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting engineers' and geologists' stamps and signatures to the final project plans and designs.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, drainage, and erosion control. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal development permit. The Executive Director shall determine whether required changes are "substantial."

## **2. Local Approval of Revised Septic System Plan**

Prior to issuance of a coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence of approval by the City of Malibu's Environmental Health Department for the revised septic system plan, incorporating a "FAST" wastewater treatment system, as proposed by the applicant.

## **3. Sign Restriction**

No signs shall be posted on the property subject to this permit which (a) explicitly or implicitly indicate that the portion of the beach on the subject site (Assessor's Parcel Number 4460-025-010) located seaward of the additions or deck permitted in this application 4-00-002 or existing structure is private or (b) contain similar messages that attempt to prohibit public use of this portion of the beach. In no instance shall signs be posted which read "*Private Beach*" or "*Private Property*." In order to effectuate the above prohibitions, the permittee/landowner is required to submit to the Executive Director for review and approval prior to posting the content of any proposed signs.

## **4. Assumption of Risk**

- A. By acceptance of this permit, the applicant acknowledges and agrees to the following:
- (1) The applicant acknowledges and agrees that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, landslide, flooding, and wildfire.
  - (2) The applicant acknowledges and agrees 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.
  - (3) The applicant unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.
  - (4) The applicant agrees 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.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The subject site is a beachfront lot located at 27040 Malibu Cove Colony Drive, in the Escondido Beach area of the City of Malibu in Los Angeles County. The existing single family residence on the site was constructed in approximately 1961, prior to the Coastal Act of 1976 and Proposition 20 (the "Coastal Conservation Initiative"), approved in November of 1972. Furthermore, it is estimated that the wooden bulkhead, which runs continuously across the applicant's site and neighboring parcels along Malibu Cove Colony Drive, was constructed in the 1950's. It appears that the rock revetment was constructed sometime between the late 1960's and the early 1970's. The applicant is proposing to construct a 1,131 square foot second story addition, 22 square foot first story addition, interior remodel, and new second story deck to the existing two-story, 2,653 square foot single family residence with an attached garage. No grading, changes to the existing wood bulkhead or rock revetment are proposed. Additionally, neither the building footprint nor the foundation will be altered through this project and all development will comply with the building and deck stringlines. Following the proposed additions, the finished two story structure will total 3,755 square feet and be 25.9 feet above grade. This proposed development will not affect public coastal views, access, or recreation.

As stated above, the project site is located in the Escondido Beach area of Malibu, within the southeast portion of the Santa Monica Mountains, between the sea and the first public road in the area, the Pacific Coast Highway. Access to the site is via a private road, Malibu Cove Colony Drive. Topographically, the site consists of a gently descending slope from the road to the beach, with a gradient of approximately 4:1 (horizontal: vertical), or less. The site is bounded on the north by Malibu Cove Colony Drive, on the south by the Pacific Ocean, and on the east and west by neighboring residences. The proposed project would be consistent with the general character of the developed neighborhood on Malibu Cove Colony Drive.

In 1978, a large landslide was mapped immediately adjacent and northwest of the subject site, between Sea Vista Drive and Malibu Cove Colony Drive. The geology

reports indicate that the slide area has had slope stability problems since 1960 and that the landsliding was triggered by high ground water. In addition, the dwelling located at 26946 Pacific Coast Highway was damaged in the 1960's by sliding and the dwelling at 271332 Sea Vista Drive was destroyed in 1969. In response to these events, hydrauger drains were installed by Cal-Trans. Despite the hydrauger drains, however, the landslide was reactivated in 1993. As a result, the active portion of the slide was partially mitigated through slide removal and replacement with compacted fill by Cal-Trans. Currently, these hydrauger drains continue to produce water from the landslide area. The applicant's geologist, however, states that there is no evidence of bedrock landsliding known to exist under the residence of the subject property that could adversely impact the site and that movement of the landslide is not towards the site. Furthermore, there are also several active or potentially active faults that could possibly affect the subject site. In particular, the main trace of the Malibu Coast Fault is located approximately 200 feet north of the property. As of June 1995, two portions of the Malibu Coast Fault zone were reclassified as an active fault.

## **B. Hazards and Geologic Stability**

The proposed development would be located in the Santa Monica Mountains, an area that 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, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Even beachfront properties have been subject to wildfires. Finally, beachfront sites are also subject to flooding and erosion from storm waves.

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

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30235 of the Coastal Act states that:

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

The applicant has submitted a report entitled, "Supplemental Report No. 1, Proposed Second Story Addition," by GeoConcepts, Inc., dated November 8, 1999, evaluating the geologic stability of the subject site in relation to the proposed development. This report concludes that:

*"It is the finding of this corporation, based upon the subsurface data provided by others, that the proposed project will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained."*

In addition, the applicant's geologist and geotechnical engineer, GeoConcepts, Inc., have also stated in their report entitled "Site Stability," dated February 8, 2000, that "the private sewage disposal system will not adversely affect the stability of the slope above Malibu Cove Colony Drive." Furthermore, the applicant has provided other geology and engineering reports, including: "Reconnaissance Report, Proposed Second Story Addition," GeoConcepts, Inc., October 7, 1999; "Review of Coastal Engineering Report," David C. Weiss, Structural Engineer & Associates, Inc., September 17, 1999; "Geologic Opinion Report," Sousa & Associates, September 9, 1996; and "Coastal Engineering Report, Proposed Seawall Repair," Coastal Engineering, Inc., March 21, 1991. These reports also include a number of geotechnical and engineering recommendations to ensure the stability and geotechnical safety of the site. To ensure that the recommendations of the geotechnical and engineering consultants have been incorporated into all proposed development, **Special Condition Number One (1)** requires the applicant to submit project plans certified by both the consulting geotechnical and geologic engineer and the coastal engineering consultant as conforming to all recommendations to ensure structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

As discussed above, the Commission notes that the applicant's geology and geotechnical engineering consultants have indicated that the proposed development will serve to ensure relative geologic and structural stability on the subject site. However, the Commission also notes that while the report entitled "Supplemental Report No. 1, Proposed Second Story Addition," by GeoConcepts, Inc., dated November 8, 1999, states that "the mapped landslide does not appear to extend under the subject site and the direction of movement of the landslide is not towards the subject site," this landslide is located approximately 50 feet to the northwest of the applicant's property line. As a result, there remains some inherent risk in building on sites in the immediate vicinity of an active landslide that has damaged one nearby house and destroyed another.

Furthermore, the proposed development is located on a beachfront lot in the City of Malibu, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Furthermore, Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood, and fire hazard, and to assure stability and structural integrity. The Commission notes, however, that the proposed

development is located on a beachfront lot in the City of Malibu and will be subject to some inherent potential hazards. 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 the 1998 severe El Nino winter storm season.

The subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges and high tides. In the Malibu area alone, past occurrences have caused property damage resulting in public costs through emergency responses and low-interest, publicly subsidized reconstruction loans amounting in millions of dollars. 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 damage of up to \$5 million to private property alone. The El Nino storms recorded from 1982-1983 caused high tides of over seven feet, which 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 of which were 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 coast and the Malibu coast, in particular. 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.

To minimize wave hazards, while controlling seaward encroachment of residential structures on a beach to ensure maximum public access, minimize adverse effects to coastal processes, shoreline sand supply, and public views, 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 the case of this project, the proposed development will be located landward of the appropriate deck and building stringlines and will not result in the seaward encroachment of residential development on Escondido Beach. As such, the Commission finds that the proposed project will not result in seaward encroachment of development on Escondido Beach and will serve to minimize adverse effects to coastal processes.

However, due to the concerns discussed previously, the proposed development 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, even as designed and constructed to incorporate all recommendations of the consulting geologists and engineers, 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 liquefaction, storm waves, surges, erosion, landslide, flooding, and wildfire, 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 Number Four (4)**, 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 finds, for the reasons set forth above, that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

### **C. Public Access.**

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

Section 30210 of the Coastal Act 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.*

Section 30211 of the Coastal Act 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.*

Section 30212 of the Coastal Act states, in part, that:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects . . .*

Section 30220 of the Coastal Act states that:

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

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.

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 the ability to use public tideland areas.

The applicant has submitted a letter from the California State Lands Commission (CSLC) dated February 17, 2000, which indicates that CSLC staff has reviewed the proposed project. Their review further indicates that CSLC staff does not, at this time, have sufficient information to determine whether this project will intrude upon state sovereign lands or interfere with other public rights. They do not think that the expenditure of time, effort, and money necessary to make such a determination is warranted in this case. The letter from the CSLC regarding this project concludes that:

***Accordingly, the CSLC presently asserts no claims that the project intrudes onto sovereign lands or that it would lie in an area that is subject to the public easement in navigable waters. 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.***

Interference by shoreline protective devices can have a number of effects on the dynamic shoreline system and the public's beach ownership interests, however. First, changes in the shoreline profile, particularly changes in the slope of the profile which results from a reduced beach berm width, alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on their own property. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. This effects public access again through a loss of area between the mean high water line and the actual water. Third, shoreline protective devices such as revetments and bulkheads cumulatively affect public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. Fourth, if not sited

landward in a location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments and bulkheads interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events but also potentially throughout the winter season.

In addition, the more frequently that shoreline protective devices are subject to wave action, the greater the impacts of the shoreline protective devices. In order to minimize impacts from shoreline protective devices that are demonstrably necessary to protect existing development, the Commission has required applicants to site such structures as far landward as is feasible.

As stated previously, in the case of the proposed development, there is already an existing single family residence, existing wooden bulkhead, and rock revetment located on the subject site. As described above, the residence was built in approximately 1961, the wooden bulkhead in the late 1950's, and the rock revetment in the late 1960's or early 1970's. The proposed additions will not alter the existing foundation or footprint of the single family residence and will comply with the building and deck stringlines. Moreover, the applicant is not proposing any changes or reinforcements to the existing wood bulkhead or rock revetment.

The Commission further notes that chronic, unauthorized postings of signs attempting to limit, or erroneously noticing restrictions on, public access have occurred on beachfront private properties in the Malibu area. These signs have a chilling effect on the legitimate, protected access of the public to public trust lands. The Commission has determined, therefore, that to ensure that such postings are clearly understood by the applicant to be off limits until or unless a coastal development permit is obtained for such signage, it is necessary to impose **Special Condition Number Three (3)**, to ensure that similar signs are not posted on or near the proposed deck, additions, or existing structure. The Commission finds that if implemented, **Special Condition Number Three (3)** will protect the public's right of access to the sandy beach below the Mean High Tide Line.

As stated previously, the Commission has in past permit actions developed the "stringline" policy as a means of controlling seaward encroachment of residential structures on a beach to ensure maximum public access and public views. 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 the case of this project, the proposed development will be located landward of the appropriate stringlines and will not result in the seaward encroachment of residential development on Escondido Beach. As such, the Commission finds that the proposed project will not result in the seaward encroachment of development on Escondido Beach and will serve to minimize adverse effects to public access and views.

Thus, the project will not extend development seaward beyond existing development on the site or beyond the stringlines, does not include the construction of any new shoreline protective devices, will not preclude public access to any presently existing vertical or lateral public access easements or rights or adversely affect public coastal views. For all of these reasons, 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, and 30212.

### **E. Septic System**

The Commission recognizes that the potential build-out of lots in the Malibu area and the resultant installation of septic systems may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

Although there is an existing septic system with a 1,000 gallon tank and seepage pit on the subject site, the applicant is proposing to upgrade the septic system by installing a new 2,000 gallon alternative septic tank. Although the applicant originally proposed to install a conventional septic system, in response to staffs' concerns regarding the adequacy of a conventional septic system on a beachfront lot, the applicant proposed an alternative system. Due to the fact that there is only approximately 40 feet between the wooden bulkhead and the property line, however, the septic system design consultant found that there was not an adequate area to allow for the installation of an intermittent sand filter system. As an alternative, however, the applicant has proposed to install a "FAST" wastewater treatment tank system, as opposed to a standard tank, which will greatly increase the quality of the discharged effluent. The manufacturer of the "FAST" treatment system states that over 95 percent of common impurities and 70 percent of nitrates and nitrogen are removed through this system, since effluent is treated in the tank prior to being discharged to the seepage pit.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. The applicant obtained "In-Concept Approval" for the upgrade of the sewage disposal system from a 1,000 gallon standard tank to a 2,000 gallon standard tank from the City of Malibu Environmental Health Department, dated November 24, 1999. As stated above, however, the applicant has proposed to install a 2,000 gallon alternative "FAST" wastewater treatment tank system, rather than the standard tank. Conceptual approval from the City of Malibu Environmental Health Department indicates that the sewage disposal system for a project complies with all minimum requirements of the Uniform Plumbing Code. As a result, **Special Condition**

**Number Two (2)** requires the applicant to submit evidence of approval by the City of Malibu Environmental Health Department for the proposed alternative "FAST" wastewater treatment system.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

### **G. Local Coastal Program**

Section 30604 of the Coastal Act states that:

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

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

### **H. California Environmental Quality Act**

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

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

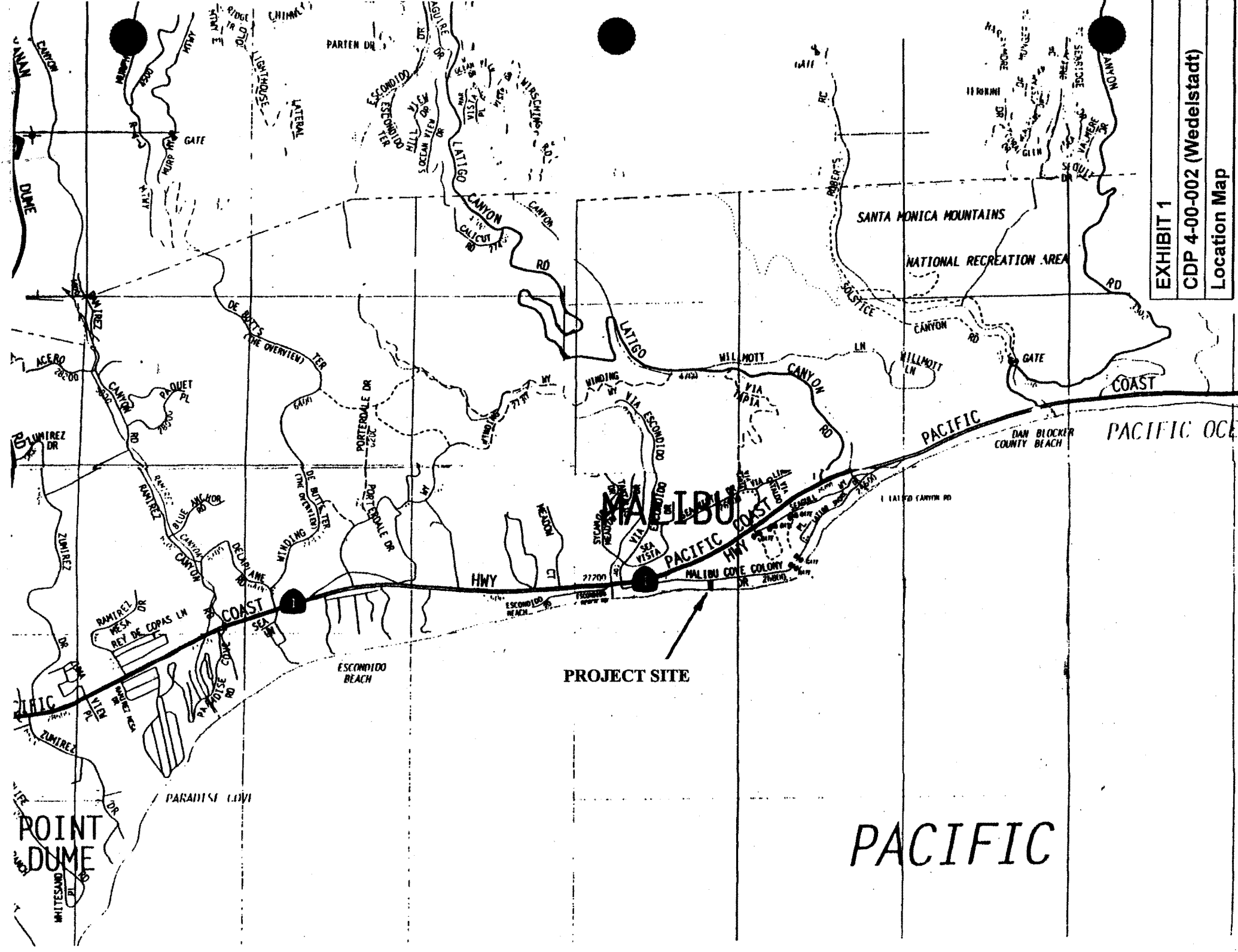


EXHIBIT 1

CDP 4-00-002 (Wedelstadt)

Location Map

PROJECT SITE

PACIFIC

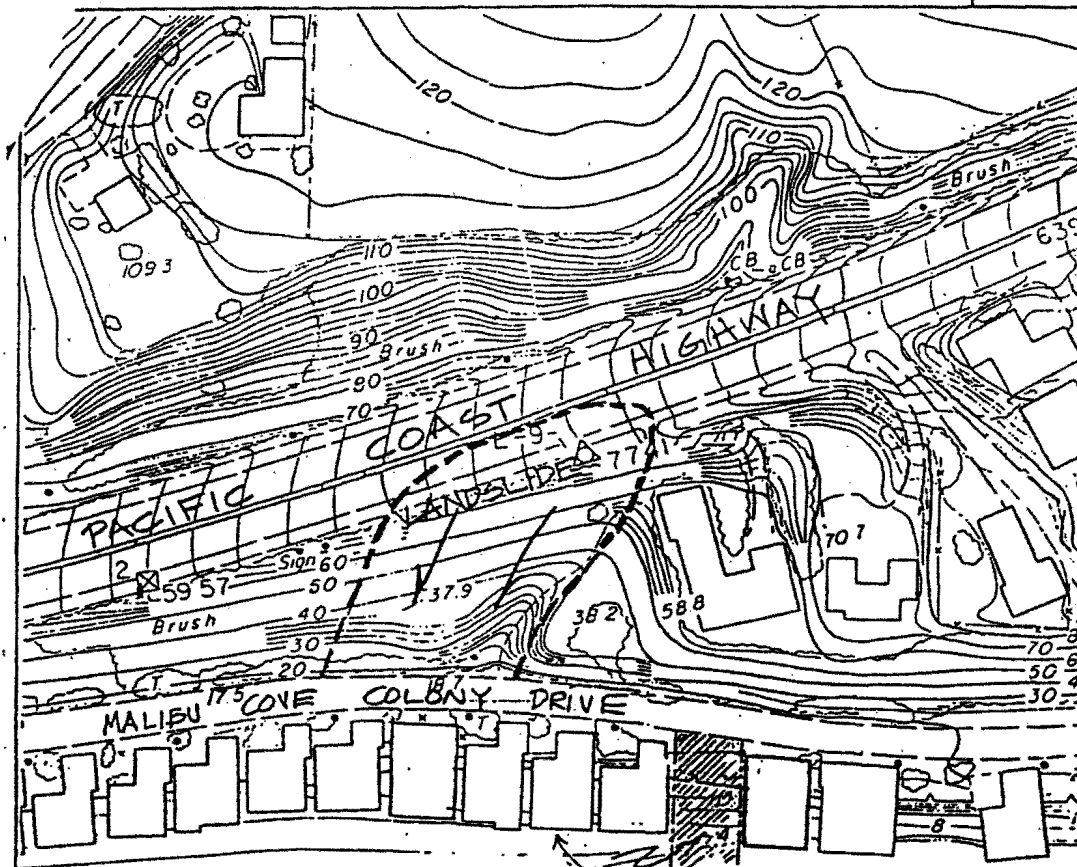
**Kovacs-Byer-Robertson Inc.**

CONSULTING ENGINEERS and GEOLOGISTS

DATE \_\_\_\_\_  
DRAWN BY \_\_\_\_\_ DATE \_\_\_\_\_

SUBJECT VICINITY  
MAP

KB M336-C



VICINITY MAP

PROJECT SITE



APPROXIMATE LIMITS OF OFFSITE  
LANDSLIDE

REF: DIVISION OF HIGHWAYS MAP 7101-173  
SHEETS 6 & 7, DATED 9/30/71



Reference: Kovacs-Byer-Robertson, Inc., 3/19/82, Approximate limits of Offsite Landslide

Project No: 1804

Project 27040 Malibu Cove Colony Drive  
Address: Malibu, California

*GeoConcepts, Inc.*

EXHIBIT 2

CDP 4-00-002 (Wedelstadt)

Map of Adjacent Landslide

**Certificate of Compliance: Residential**

Address: \_\_\_\_\_ CF-18  
 10000 SHELBY ROAD, MALIBU, CA 90263

APPLICANT	_____
OWNER	_____
DATE OF SUBMISSION	_____
DATE OF REVIEW	_____
DATE OF APPROVAL	_____
DATE OF EXPIRATION	_____
PROJECT DESCRIPTION	_____
PROJECT LOCATION	_____
PROJECT AREA	_____
PROJECT VALUE	_____
PROJECT TYPE	_____
PROJECT STATUS	_____
PROJECT PHASE	_____
PROJECT NOTES	_____
PROJECT COMMENTS	_____
PROJECT ACTION	_____
PROJECT RESULT	_____
PROJECT REVIEWER	_____
PROJECT APPROVAL	_____
PROJECT SIGNATURE	_____
PROJECT DATE	_____

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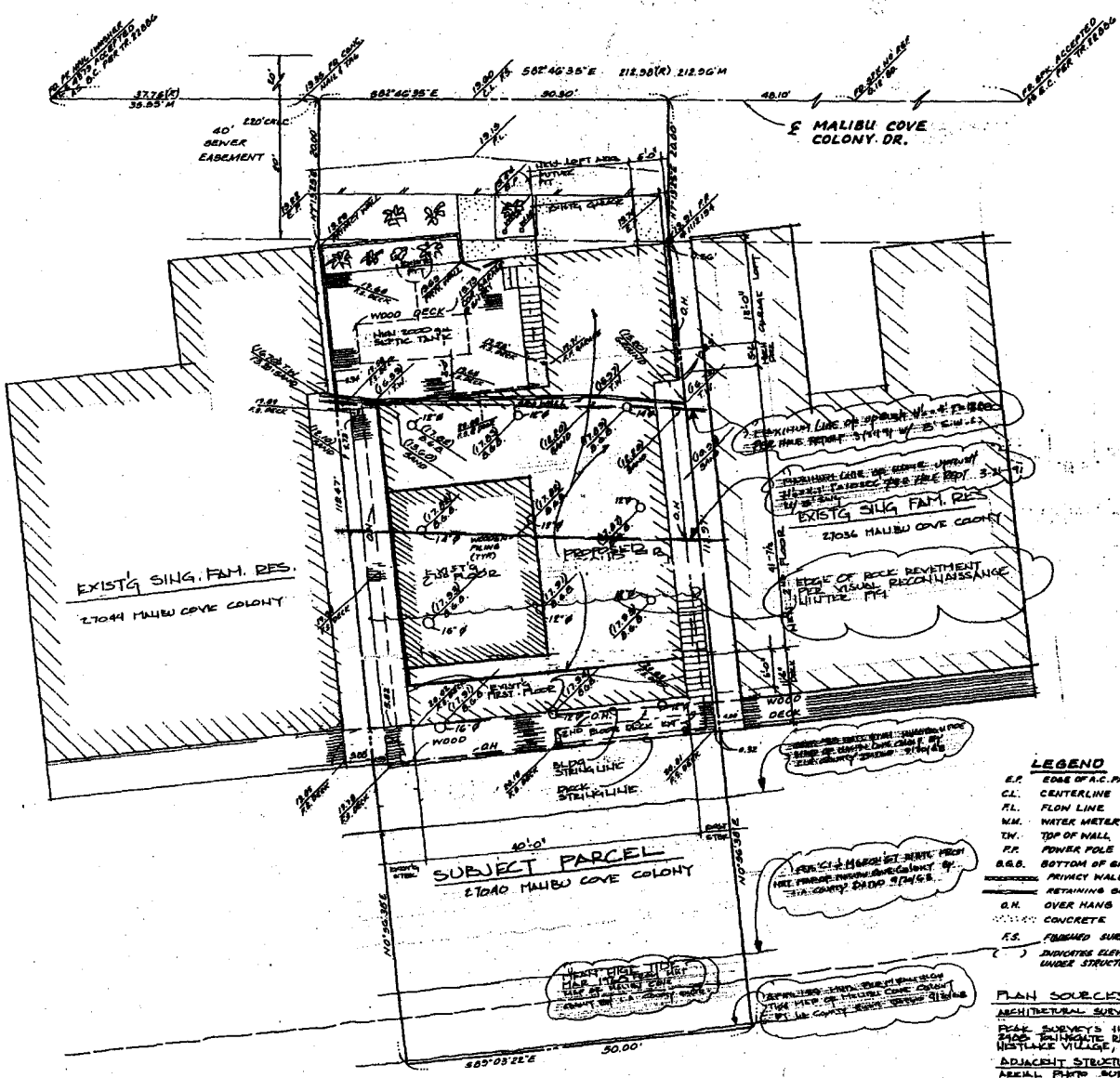
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OWNER	_____
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DATE OF REVIEW	_____
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PROJECT APPROVAL	_____
PROJECT SIGNATURE	_____
PROJECT DATE	_____

**EXHIBIT 3**  
**CDP 4-00-002 (Wedelstedt)**  
**Site Plan**



- LEGEND**
- E.P. EDGE OF A.C. PAVEMENT
  - C.L. CENTERLINE
  - F.L. FLOW LINE
  - W.M. WATER METER
  - T.W. TOP OF WALL
  - P.P. POWER POLE
  - B.S.B. BOTTOM OF GRADE BEAM
  - P.W.M. PRIVACY WALL
  - R.W.M. RETAINING SEA WALL
  - O.H. OVER HANG
  - C. CONCRETE
  - A.S. FORWARD SURFACE
  - INDICATES ELEVATION UNDER STRUCTURE

- PLAN SOURCES**
- ARCHITECTURAL SURVEY 27040 MALIBU COVE COLONY
  - REAL SURVEYS INC 1000 SHELBY RD STED HISTORIC VILLAGE, CA 91024
  - ADJACENT STRUCTURE LOCATIONS
  - AERIAL PHOTO SURVEY CITY OF MALIBU, 1978
  - MEAN HIGH TIDE LINE
  - COASTAL ENGINEERING INC 10130 CHESTNEY DR BALDWIN PARK, CA 91706

WAVE UPROSH / MEAN HIGH TIDE LINES

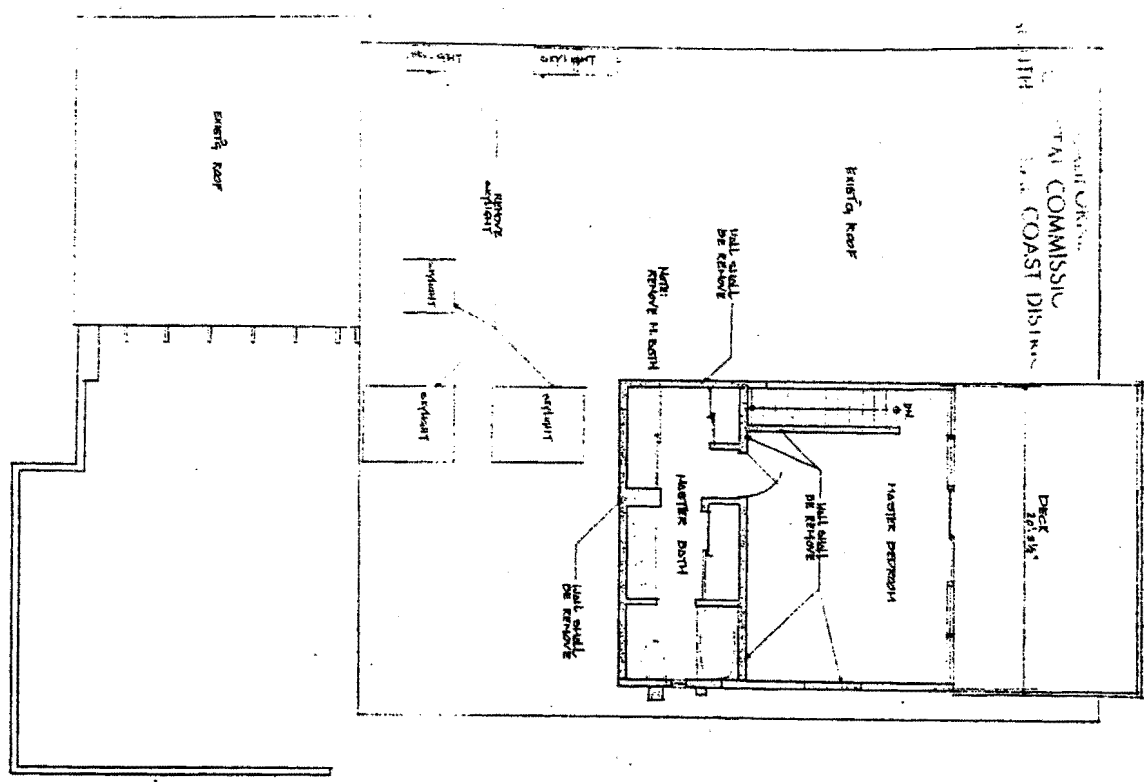
Remodel & addition to the  
**WEDELSTEDT RESIDENCE**  
 27040 Malibu Cove Colony, Malibu Calif.

**ARCHITECTURAL SURVEY**

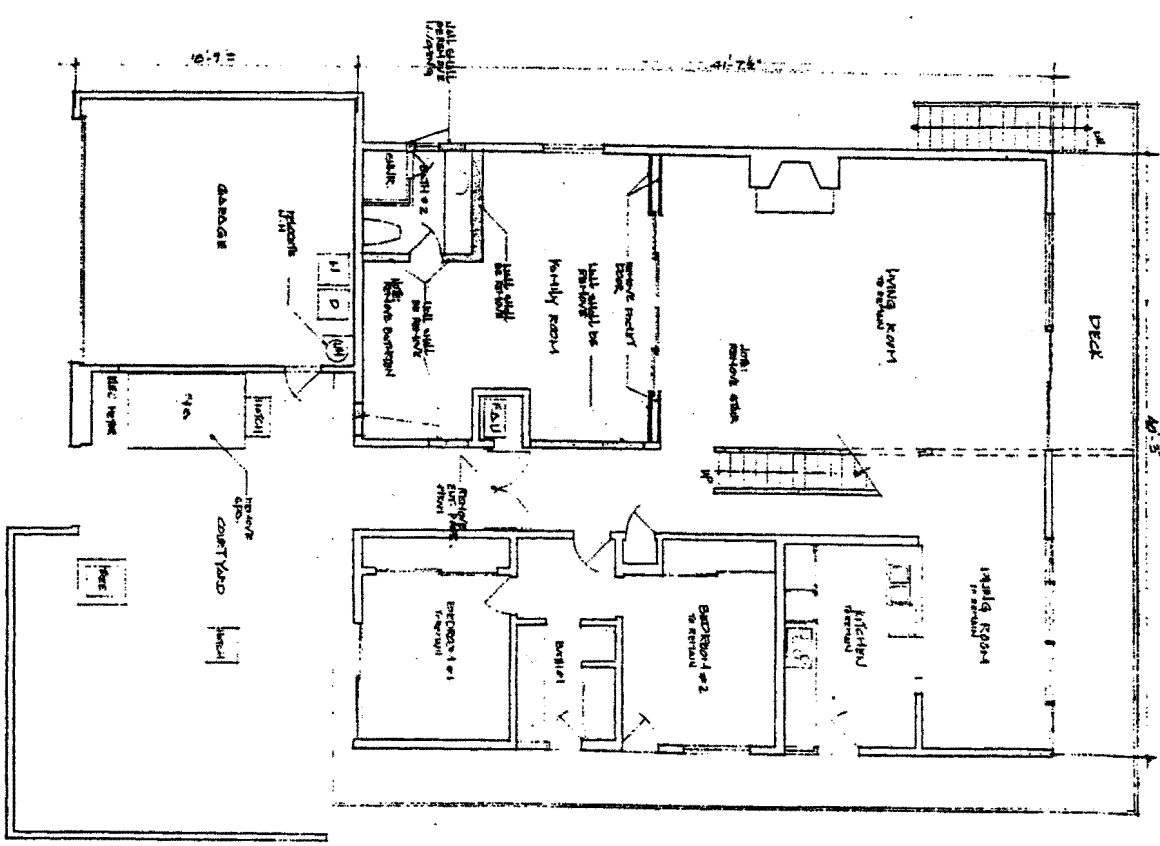
LOT 15, TR. 22 000  
 BENCH MARK C.Y. 5424  
 PER L.A. CO. RD. 6267-1745

25 JAN 00  
**A1.3**





EXISTING SECOND FLOOR DEMOLITION PLAN



EXISTING FIRST FLOOR DEMOLITION PLAN

NOTE:  
 FOR ANY ADDITION/REMOVAL TO FIRST  
 FLOOR, ALSO CHECK REMOVED FIRST  
 FLOOR FLOOR PLAN.  
 WALL SHALL BE  
 REMOVED

**EXHIBIT 4**  
**CDP 4-00-002 (Wedelstadt)**  
 1st and 2nd Floor Demolition Plans

DEMOLITION 1ST & 2ND FLOOR PLAN

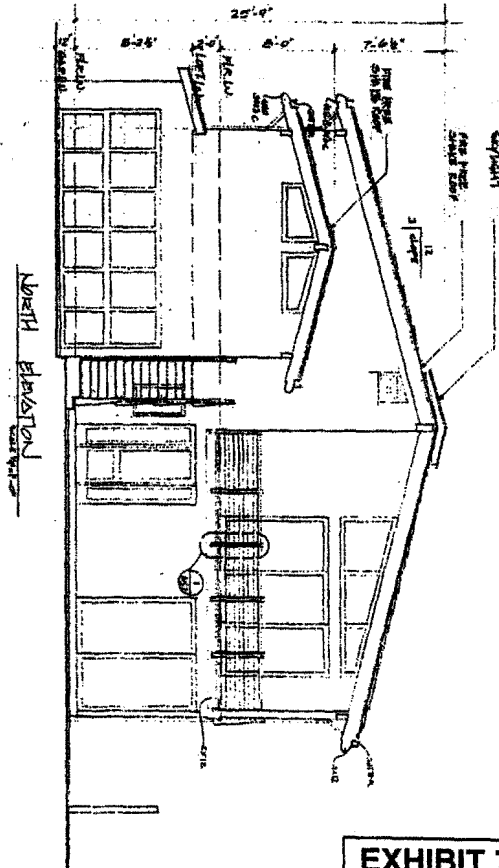
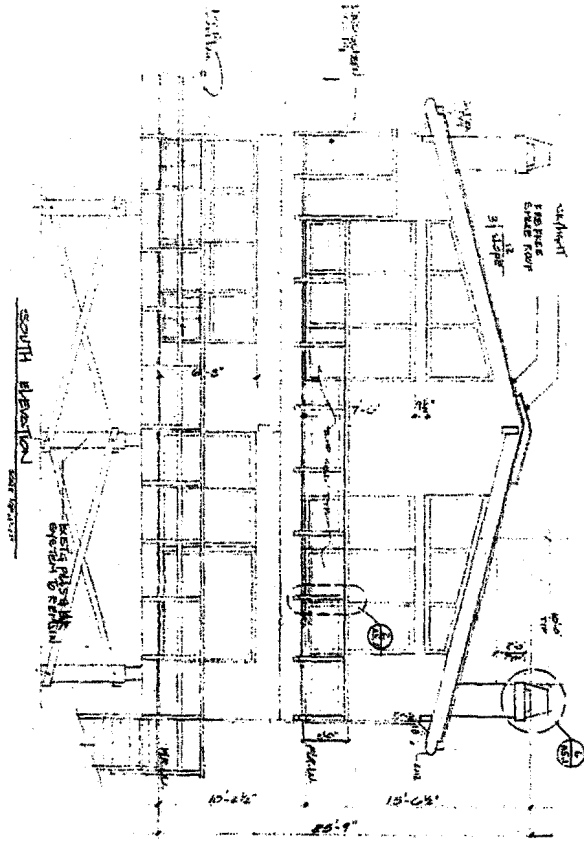
Remodel & addition to the  
**WEDELSTADT RESIDENCE**  
 27040 Malibu Cove Colony, Malibu Calif



A-2.1







**EXHIBIT 7**  
**CDP 4-00-002 (Wedelstadt)**  
**South and North Elevations**