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CALIFORNIA COASTAL COMMISSION

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Filed: 4/12/00
49th Day: 5/31/00
180th Day: 10/9/00
Staff: J. Johnson
Staff Report: 5/25/00
Hearing Date: 6/13/00
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-220

APPLICANT: Jerrold and Joyce Monkarsh **AGENTS: Alan Block, Esq.**
Alan Sette

PROJECT LOCATION: 20656 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Convert existing ten unit two story apartment building with ten carport spaces into four townhome condominium units (Tentative Parcel Map No. 18986) with four two-car garages, one guest space, exterior and interior alterations including adding 1,560 sq. ft. to total a 9,000 sq. ft. structure, retrofit septic system to an alternative septic system, replace rock scour blanket, add anchoring fence over replacement rock blanket.

Lot area:	8,189 sq. ft.
Building coverage:	4,504 sq. ft.
Pavement coverage:	4,176 sq. ft.
Land Use Designation:	Residential IV C
Density:	10 - 20 dwelling units/acre
Parking spaces:	9 spaces
Ht. abv. Fin grade:	23 ft.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval, subject to conditions, of the proposed conversion of ten apartments to four condominiums. The existing apartment units are located on the ocean side of Pacific Coast Highway along Big Rock Beach.

Staff is recommending approval of the proposed project subject to the following Special Conditions which would bring the project into conformance with the Coastal Act: applicants' assumption of risk waiver of liability and indemnity, construction responsibilities and debris removal, public rights, sign restriction, and a drainage and polluted runoff control plan. The proposed conversion includes interior and exterior

alterations resulting in an addition of 1,560 sq. ft. to enclose the existing hallway and enlarge the ten carport spaces into four two-car garages within the existing building footprint. The applicant also proposes to retrofit the existing septic disposal system into an alternative septic system and replace the rock blanket over the system while adding a horizontal anchoring fence to assist in holding the rocks in place over the bottomless sand filter system component of the septic system. The project as conditioned is consistent with the Coastal Act.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approvals in Concept, dated 2/11/2000; City of Malibu Environmental Health Department Approval in Concept, dated December 10, 1999; City of Malibu Geology Review Sheet, Approved in Concept, dated 2-29-96; County of Los Angeles, Fire Department, Coastal Commission Approval, dated 8/27/96.

SUBSTANTIVE FILE DOCUMENTS: Appendix A

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-97-220 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.

I. 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. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. **ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY**
 - A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, tsunami, erosion, bluff failure, landslide, flooding, wildfires, and liquefaction; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants 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 applicants' 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.

2. **CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL**

The applicants shall, by accepting this permit, agree that: a) no stockpiling of dirt shall occur on the beach; b) all disturbed areas shall be properly covered, sand-bagged, and ditched to prevent runoff and siltation; c) measures to control erosion shall be implemented at the end of each day's work; d) no machinery shall be allowed in the intertidal zone at any time; and e) all debris that results from the construction activities shall be promptly removed from the beach and bulkhead area.

3. **PUBLIC RIGHTS**

The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

4. **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 4450-006-039), located seaward of the condominiums, decks, or the bulkhead permitted in this application 4-97-220 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(s) is required to submit the content of any proposed signs to the Executive Director for review and approval prior to posting.

5. **DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the velocity and pollutant load of storm water leaving the developed site. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

- (a) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a structural and/or non-structural filtration system. The filter elements shall be designed to trap and remove sediment, particulates and other solids from runoff. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner.
- (b) The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired 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 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 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.

IV. Findings and Declarations.

A. Project Description and Location

The project site is located at 20656 Pacific Coast Highway, Malibu on the south side of the Highway along Big Rock Beach between Las Flores Canyon on the west and Big Rock Road on the east. (*Exhibits 1 and 2*) The applicants propose to convert an existing ten unit two story apartment building with ten carport spaces into four townhome condominium units (Tentative Parcel Map No. 18986) with four two-car garages and one guest parking space, exterior and interior alternations including adding 1,560 sq. ft. to total a 9,000 sq. ft. structure, retrofit existing septic system to an alternative septic system, replace rock scour blanket, and add anchoring fence over replacement rock blanket. (*Exhibits 3 - 14*). The proposed additions to the structure will not extend the condominiums further seaward and are located within the existing building footprint. An existing wood bulkhead and rock scour blanket protects the existing sewage disposal systems, which will be replaced and an anchoring fence will be placed over the rocks horizontally to hold the rocks in place.

Approximately ten square feet of the existing building extends beyond the applicants' property onto the adjoining parcel to the east. The applicant has submitted a Grant of Easement from the adjoining property owner. The adjoining property owner, whose property this portion of the building is located on has been notified by letter of this development pursuant to Section 30601.5 of the Coastal Act. Section 30601.5 of the Coastal Act states that: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant." This property owner, American International Bank (APN 4450-006-038) has

not responded to this letter at this time (Exhibit 15). Any response received by staff to this letter will be provided at the Commission meeting.

The lot is located within a multi-family residential land use, and is zoned as Multiple Family Beach Front (MFBF) in the (uncertified) City of Malibu Interim Zoning Ordinance. In the (certified) Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (LUP), relied upon by the Commission as guidance in past permit decisions, the lot is designated as Residential IV C that allows a maximum of 10 – 20 dwelling units per acre. The applicants propose to reduce the density of the existing apartment building from ten dwelling units to four dwelling units as a four-unit condominium.

The applicants' proposal will result in four dwelling units on an 8,189 sq. ft. parcel. The square footage size of the lot allows 3.76 dwelling units per acre. Because the parcel now includes ten apartment units, the conversion would bring the land use density closer to that authorized by the LUP by reducing the number of units from ten to four.

B. Cumulative Impacts of Development

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

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

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

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

In addition, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan in 1986. The LUP contains policies (cited below) that address the cumulative impacts of land divisions. The conversion to condominiums is considered a land division. The Commission relies on the policies of the LUP as guidance in interpreting

the application of Chapter 3 policies of the Coastal Act in the Malibu/Santa Monica Mountains area.

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

LUP Policy 271 states in part that:

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

The land use plan map presents a base land use designation for all properties. Onto this are overlaid three resource protection and management categories: (a) significant environmental resource areas, (b) significant visual resource areas, and (c) significant hazardous areas. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein. Residential density shall be based on an average for the project; density standards and other requirements of the plan shall not apply to lot line adjustments.

The LUP further addresses land divisions in Policy Numbers 273 b and d.

LUP Policy 273 b states that:

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

LUP Policy 273 d of the Land Use Plan states that:

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

Coastal Act Section 30250 provides for two tests in developed areas to determine whether new development is appropriately located from the standpoint of cumulative impacts and when land divisions are appropriate. The first test is whether or not the proposed new development is located within, contiguous or in close proximity to an

existing developed area. The proposed development is located within a developed area of the coast.

The second test, when the first test is answered affirmatively as in this case, is whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources. The proposed project will not have significant adverse effects, either individually or cumulatively, on coastal resources for the reasons explained below.

Finally, for land divisions (conversion to ~~condominiums~~ is a land division), located outside developed areas a third test exists that is not applicable in this case. Land divisions in these rural areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels. Because the proposed project is located within an existing developed area, this part of Coastal Act Section 30250 is not pertinent.

As noted above, the certified LUP, provides guidance for the Commission in considering this application. The LUP includes a New Development Policy, which notes that new development in the Malibu coastal zone will be guided by the LCP Land Use Plan map and associated development standards and a program for the retirement of the development rights and mitigation of the effects of non-conforming parcels. The LUP land use designation for this site is Residential IV C. The Residential IV designation applies to residential areas generally characterized by a mix of single-family detached and multi-family development. In the Residential IV C land use category, residential use is the principal permitted use at a density of 10 – 20 dwelling units per acre on the subject site. As an example, this means that one acre of land may be divided into up to 20 lots, each with a residential unit such as condominium units. The LUP density guideline for this site is calculated to be a maximum of 3.76 dwelling units based on the existing 8,189 sq. ft. parcel size. Rounding this number down to whole numbers, as is commonly done in land use planning, results in three (3) allowable dwelling units for the existing lot. Thus, the guidance provided in the LUP allows the subject parcel to be divided into three (3) lots or three condominium units. The applicants are requesting that this one lot be divided into a four-unit condominium. Given that the density of the existing development on this parcel is ten dwelling units (ten apartments), the applicants' proposal to reduce the density to four units will bring the density closer to the three (3) dwelling units on this parcel allowed by the LUP for the existing lot. Therefore, the Commission finds that the proposed four-unit land division with a reduction in the number of units from ten to four will bring the number of dwelling units closer to the conformance of the LUP density guideline for this parcel.

As noted with regard to the two applicable tests under Coastal Act Section 30250 that are relevant to the subject proposal, the proposal is located within a developed area of the coast. The proposed project is located on a beachfront lot along the Big Rock Beach area. This coastal strip along the seaward side of Pacific Coast Highway from Topanga Canyon Boulevard on the east to Las Flores Canyon Road on the west is

developed with residential, commercial and public recreational land uses and therefore the proposed development is located within a developed area and meets the first test.

The second test addresses individual and cumulative effects of new development. As noted above, the applicants propose to divide one parcel into four condominium units. (*Exhibits 6 and 7*). There are ten existing residential units on the existing parcel with a two-story building; each apartment unit is about 610 sq. ft. in size with a one car carport parking area. As a result of the condominium conversion, the site will include four condominium units each with a two-car garage and one guest parking to share, an alternative septic system, a replacement rock scour blanket, and anchoring fence over the scour blanket. An existing wood bulkhead protects the existing and proposed retrofitted sewage disposal systems.

The applicant does not propose any grading, there are no designated environmentally sensitive resources on the site, and the site is not located within a sensitive watershed area. Regarding public visual issues, the existing apartment structure already blocks public views of the coast. The new development, the proposed interior and exterior additions, will not additionally affect public views as the existing structure and decks as viewed from Pacific Coast Highway already blocks the public view of the Pacific Ocean and the proposed addition does not intrude further into the coastal view.

The proposed project could, however, pose significant adverse effects to coastal resources through improper construction activities on the sandy beach, through interference with public rights that may exist, through uncontrolled runoff from impervious surfaces or through improper posting of signs affecting public access. These potential impacts are addressed in Special Condition Numbers Two, Three, Four and Five set forth herein and in the findings below.

The Commission has emphasized the need to address the cumulative impacts of new development on coastal resources in the Malibu and Santa Monica Mountains area in past permit actions. The Commission addresses the cumulative effects of land division through the Transfer of Development Credit (TDC) Program.

The Commission has approved new subdivisions, but has continued to require purchase of TDC's as one of the alternative mitigation strategies for vacant parcels or parcels proposed for additional development intensity. Staff review indicates that in this case the incremental contribution to cumulative impacts would be the creation of three additional condominium lots if the subject lot were vacant. The development of these condominium units do not create additional impacts such as additional traffic, sewage disposal, recreational use needs, visual scenic quality and resource degradation as would be the case with a vacant or underdeveloped parcel. Reducing the number of dwelling units to four as proposed would reduce the existing impacts associated with ten apartment units.

Since the proposed condominium land division will not result in any new residential units and in fact will result in the reduction of six existing residential units, there is no need for

a TDC in this case as there will be no potential for additional residential units and therefore no individual or cumulative impacts, as conditioned. Thus, the Commission finds that because the applicants' proposal reduces land use densities and does not pose new significant cumulative impacts, it is not necessary to retire one or more potential building sites, either through purchase of TDC's or participation along with a public agency or private non-profit corporation to retire habitat or watershed land. Thus, Commission finds that, as conditioned, the proposed project is consistent with Section 30250 of the Coastal Act.

D. Hazards and Geologic Stability

Coastal Act Section 30253 states (in part):

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property in areas of high geologic, flood, and fire hazard.

1. Storm, Wave and Flood Hazard

The Malibu coast has been subject to substantial damage as a result of storm and flood occurrences, and geological failures. Therefore, it is necessary to review the proposed project and project site against the area's known hazards. The proposed project involves a condominium conversion of an apartment building, interior and exterior alterations, including an addition to the structure, an upgraded sewage disposal system, replacement rock scour blanket and new anchoring fencing over the rock blanket behind the bulkhead on a parcel located along a developed stretch of Big Rock Beach.

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

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

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

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

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

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

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

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

As proposed, the existing apartment structure is an elevated structure on existing wood pilings with a first floor elevation of about 22.7 feet above Mean Sea Level. A retrofitted and upgraded sewage disposal system will be located landward of the existing bulkhead.

The applicants' submittal included a Report titled; Report of Geologic Reconnaissance, by Geosystems, dated January 6, 1995. This Report did not provide any recommendations specifically for the proposed project. The Report concludes:

Based on the findings of our investigation it is our conclusion that the existing 10-unit apartment building at the site is not subject to significant geologic hazards. Additionally, these conditions are not expected to be adversely influenced by the proposed conversion to a 4-unit condominium.

The City of Malibu completed a Geology Review Sheet stating that the project is "Approved in Concept" in the planning stage.

The applicants also submitted two reports addressing the bulkhead completed by David Weiss in December 13, 1983, titled, Repair Plan for Damaged Bulkhead and on March 1, 2000, titled, Discussion of Alternatives to the Rock Scour Blanket Protection for the Proposed Sewage Disposal System. The bulkhead was constructed with the building in the 1950's with an original top of wall at +8.0' Mean Sea Level; the elevation of the maximum breaking wave at the bulkhead is +14.6' MSL. As a result of the 1982-83 storms the bulkhead was damaged. The 1983 Report recommended that the damaged portions of the bulkhead be replaced and its height be increased by two feet to an elevation of +10.5' Mean Sea Level and a rock scour blanket be added behind the bulkhead. This bulkhead repair was approved by the Coastal Commission through Coastal Permit Number 5-84-093 on March 28, 1984.

The second Report, dated March 1, 2000 addressed the stability of the bulkhead and the need for a replacement rock scour blanket and alternatives. Regarding the stability of the bulkhead, the applicants' coastal engineer stated that although there has been some wave overtopping of the bulkhead since the 1984 repair, including during the 1998 El Nino storms, there has been no damage to the existing sewage disposal system. The applicants propose to replace the rock scour blanket and add new anchoring fencing placed horizontally over the rocks. This protection is necessary to protect the retrofitted and upgraded septic disposal system because the top elevation of the bulkhead is below the elevation of the maximum breaking wave. The breaking wave height is +14.6' MSL while the top of the bulkhead is about +10.0' MSL. The Report indicates that the height of the bulkhead allows for wave overtopping since the bulkhead height was increased and a rock scour blanket was installed in 1984. The Report also indicates that there was no damage to the septic system in the severe El Nino storms of 1998.

The March 1, 2000 Report also discusses four alternatives for the protection of the septic disposal system. The first alternative is to install the new sewage disposal system, remove the rock scour blanket and raise the bulkhead four to five feet in order to prevent overtopping by ocean wave action. The applicants' engineer states that if the bulkhead were raised to elevation +14.6' MSL to prevent overtopping the existing piles would be overloaded with four times the wave thrust of the original bulkhead and pile design. Further, the cost of adequately strengthening the existing piles would be prohibitive. Therefore, increasing the height of the bulkhead to an elevation where a rock scour blanket would not be needed is considered unfeasible.

The second alternative would be to construct a rock revetment on the ocean side of the bulkhead to slow the velocity of the breaking wave and prevent overtopping by wave action. Minimum overtopping protection would require the top of the rock revetment to be between +12' and +14' MSL. A revetment with a +12' MSL height would extend seaward about 25 feet seaward from the existing bulkhead. Although a satisfactory solution from a coastal engineering point of view, the revetment would extend seaward of the deck dripline by about five feet. The applicants' coastal engineer stated that this revetment "would not block the passage of sand along the beach nor have an adverse effect on the adjacent properties, it is not the type of protective structure that the present Coastal Commission has been known to favor".

The third alternative would be the no project alternative. The coastal engineer states that the City of Malibu will not allow leaving the bulkhead at its present height and have neither a rock scour blanket over the septic system or a rock revetment in front of the bulkhead.

The fourth alternative would be to leave the bulkhead as is and reinstall the rock blanket after the installation of the new efficient secondary treatment sewage disposal system landward of the bulkhead. This alternative is the applicants' proposal with the addition of an anchoring fence over the rock blanket. The applicants' coastal engineer states:

"The scour blanket consists of nothing more than a horizontal blanket of loosely placed stones no greater than one foot in diameter. The stones are placed behind (landward of) the bulkhead, along the perimeter of the bulkhead. If, or when, the bulkhead is overtopped, the stones retard the velocity of the water and prevent the sand backfill under the stones from being scoured out. This seems to be the best of all worlds. First of all, there is no encroachment onto the beach, seaward of the existing timber bulkhead. Secondly, there are no coastal engineering issues to discuss. The scour blanket will not encroach into or threaten lateral access. The scour blanket will not interfere with the movement of littoral materials along the beach. The scour blanket will have no adverse effects on adjacent private properties or on adjacent public lands. The scour blanket will have no effect on any of the above, period. Finally, the public will never see the scour blanket. When the blanket is exposed, if at all, it will be behind the bulkhead and well above the line of sight of those walking on the beach.

Based on the above discussion, it is this office's recommendation that the scour blanket of Alternative Number Four be approved for the protection of the sewage disposal system."

Finally, it is not possible to relocate the septic system (or the bulkhead) further landward due to the limited area available beneath the structure and landward of the bulkhead for the upgraded septic system. An existing septic tank will be retrofitted for use in the alternative septic system and a new dosing tank will be added to the system (Exhibit 11). With the required lateral setbacks from the bulkhead and the minimum height requirements between the top of the buried septic system and the bottom of the residential structure, it is not feasible to move the alternative septic system and bulkhead further landward.

Therefore, the Commission finds that the applicants' proposed Alternative Four is the least environmentally damaging of all the alternatives adequate to protect the new sewage disposal system as it will provide protection for the septic system in a location landward of the existing bulkhead that will not adversely effect coastal resources as conditioned, and because the proposed septic system footprint is located as far landward as feasible.

As noted previously, the existing residential structure to be served by an upgraded sewage disposal system, will extend into an area exposed to storm waves, tsunami, erosion, bluff failure, landslide, flooding, and liquefaction hazards that in the past have caused significant damage to development along the California coast, including the Malibu coastal zone and the beach area nearby the subject property. The Coastal Act recognizes that development, such as the proposed residential addition and sewage disposal system, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

The Commission finds that due to the unforeseen possibility of storm waves, tsunami, erosion, bluff failure, landslide, flooding, and liquefaction hazards, the applicant shall assume these risks as a condition of approval. Because this risk of harm cannot be completely eliminated, the Commission is requiring the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicants' assumption of risk, as required by Special Condition Number One (1), when executed and recorded on the property deed, will show that the applicants are aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development. Moreover, through acceptance of Special Condition Number One, the applicants also agree to indemnify the Commission, its officers, agents, and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

2. Fire Hazard

The Malibu coast has been subject to substantial damage as a result of wildfires. Therefore, it is necessary to review the proposed project and project site against the area's known fire hazard. The proposed project involves a condominium conversion of an apartment building, interior and exterior alterations, including an addition to the structure, an upgraded sewage disposal system, replacement rock scour blanket and new anchoring fencing over the rock blanket behind the bulkhead on a parcel located along a developed stretch of Big Rock Beach. The Malibu area has burned in wildfires numerous times in the past, most recently in the 1993 wildfire. These wildfires have burned structures even on beachfront lots such as the subject site.

The Coastal Act recognizes that development, such as the proposed residential addition and sewage disposal system, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. The Commission finds that due to the unforeseen possibility of wildfire hazards, the applicant shall assume these risks as a condition of approval. Because this risk of harm cannot be completely eliminated, the Commission is requiring the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicants' assumption of risk, as required by Special Condition Number One (1), when executed and recorded on the property deed, will show that the applicants are aware of and appreciate the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development. Moreover, through acceptance of Special Condition Number One, the applicants also agree to indemnify the Commission, its officers, agents, and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

3. Construction Debris

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

To avoid this possibility, the Commission finds that it is necessary to require the applicant to agree a) no stockpiling of dirt shall occur on the beach; b) all disturbed areas shall be properly covered, sand-bagged, and ditched to prevent runoff and siltation; c) measures to control erosion shall be implemented at the end of each day's work; d) no machinery shall be allowed in the intertidal zone at any time; and e) all debris that results from the construction activities shall be promptly removed from the beach and bulkhead area. Special Condition Number Two (2) addresses this issue. This condition will also ensure that the construction of the proposed project will minimize risks to life and property in this public beach area that is subject to wave hazards and will protect coastal resources.

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

E. Public Access and Shoreline Development

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

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states (in part):

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

...

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

(2) adequate access exists nearby... Dedicated accessway shall not be required to be opened to public use until a public agency or private

association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30220 of the Coastal Act states:

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

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.

1. Public Access

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, Section 30212 of the Coastal Act requires that public access to the sea be provided, except where adequate access exists nearby. Section 30211 provides that development not interfere with the public's right of access to the sea including the use of dry sand and rocky coastal beaches. Section 30220 of the Coastal Act requires that coastal areas suited for coastal recreational activities, that cannot be provided at inland water areas, be protected. Section 30251 requires that scenic coastal areas be protected and that new development not adversely affect public coastal views.

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

development has either individual or cumulative impacts which substantially impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate these impacts.

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

As proposed, this project will not extend any further seaward than the existing building and decks that are now located over the sandy beach. The existing residential decks are now located up to approximately 79 feet from the landward property line along Pacific Coast Highway (Exhibit 3). The location of the Mean High Tide is discussed below. The construction of the 1,590 sq. ft. exterior addition and the retrofit and upgrade of the sewage disposal system is not located on the seaward portion of the structure.

The proposed project must be judged against the public access, recreation, and scenic policies of the State Constitution, Sections 30210, 30211, 30212, 30220, and 30251 of the Coastal Act. Along the California coast, the line between land and ocean is complex and constantly moving. It is generally accepted that the dividing line between public tidelands and private uplands, or the tidal boundary, in California is the ambulatory mean high tide line (MHTL), essentially the same as the ordinary high water mark or line.

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

The beaches of Malibu are extensively used by visitors of both local and regional origin and most planning studies indicate that attendance of recreational sites will continue to significantly increase over the coming years in the Malibu area. The Commission has not investigated during the review of the proposed project whether there are prescriptive rights on the subject property as this shoreline is open for public access and general recreational activities as required by Special Condition Number Three.

Regarding vertical public access from Pacific Coast Highway to the beach, the project site is located about 1,000 feet to the east of an access stairway at Las Tunas Beach at

19400 Pacific Coast Highway. A second vertical public accessway stairway is located to the west about 500 feet at 21200 Pacific Coast Highway. These public accessways have been operated and maintained by Los Angeles County. To the north of the subject site is the Big Rock residential neighborhood, which overlooks the subject site. These accessways have historically been used by the public to access Big Rock and Las Tunas Beaches. Therefore, vertical access to this beach area exists nearby.

Regarding lateral public access and state tidelands ownership, the State Lands Commission, in a letter dated June 10, 1998, reviewed the proposed project. The State Lands Commission staff noted that they do not object to the Coastal Commission proceeding with the processing of the permit application. The State Lands Commission letter states that they do reserve the right to assert and protect state ownership rights should subsequent review establish that some portion of the existing structure encroaches onto sovereign lands or otherwise interferes with public rights.

2. Seaward Encroachment of Development

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 adjacent decks.

The Commission has applied this policy to numerous past policy 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.

As noted above, the proposed addition to the structure does not include any seaward encroachment. The addition to the building is within the existing footprint and will not extend seaward beyond the existing building. The proposed retrofit and upgrade of the sewage disposal system will be located landward of the existing bulkhead beneath the residential structure and cannot be feasibly located further landward as explained in the preceding section.

The applicants submitted a report titled: Discussion of Alternatives to the Rock Scour Blanket for the Protection for the Proposed Sewage Disposal System, by David Weiss, dated March 1, 2000. David Weiss, a registered engineer, identified the four Mean High Tide Lines on the subject property, the 1928, 1961, March 1967, and June 1969 lines. The most landward MHTL is the 1928 line that is co-terminus with the location of the existing bulkhead. The most seaward line is the June 1969 line which is located about

60 feet seaward of the existing bulkhead. The southern property line created at the time the parcel was originally subdivided in 1947 appears to be the MHTL established about that same time, which is about 15 feet seaward of the existing bulkhead. The applicant did not submit any evidence of any more recent MHTL surveys. It is important to note that the MHTL identified does not fix the boundary of the MHTL, as it is ambulatory. The State Lands Commission is the agency responsible for establishing and for determining the boundary between State and private lands. The State Lands Commission has determined in a letter dated June 10, 1998 that the SLC does not object to the Coastal Commission proceeding with the processing of the permit application but has not provided a determination of the boundary at this time. Therefore, in the event that the proposed project allows development on lands that are or may be subject to the public trust, the Commission's approval shall not constitute a waiver of any public rights that may exist on the property, as required by Special Condition Number Three.

Although the MHTL is ambulatory, there is no evidence that the proposed addition to the structure or the retrofitted and upgraded sewage disposal system will extend to the MHTL or onto state sovereign lands. Further, according to the Commission's access records, there are no existing offers to dedicate public access easements recorded on the applicants' property. In this case, the proposed project does not invoke the restrictions of the stringline policy because the project will only involve the replacement of the existing septic system and rock protective blanket located landward of the existing bulkhead located beneath the building footprint. Therefore, the Commission finds that the proposed project will not result in any new adverse effects to shoreline processes, the beach profile, or public access along the beach.

The Commission further notes that chronic unauthorized posting of signs illegally 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 applicants to be off limits until or unless a coastal development permit is obtained for such signage, it is necessary to impose Special Condition Number Four to ensure that similar signs are not posted on or near the proposed retrofitted septic system, rock blanket and fence anchoring or near the converted and expanded condominium building. The Commission finds that if implemented, Special Condition Number Four will protect the public's right of access to the sandy beach below the MHTL.

3. Visual Effects

And lastly, pursuant to Section 30251 of the Coastal Act, the Commission reviews the publicly accessible locations along adjacent public roads and the sandy beach where the proposed development is visible to assess visual impacts to the public. The Commission examines the building site and the size of the building. The existing residential structure and solid fence wall along the west side of Pacific Coast Highway already blocks public views from the highway to the beach and ocean. However, there

is an open area about eight feet wide along the western property line fronting Pacific Coast Highway. The proposed additions to the landward portion of the structure will not be visible from the public sandy beach, and the existing structure already block inland views from the beach. Moreover, the more scenic inland views of the Santa Monica Mountains as viewed from the water and the beach at low tide are well above the proposed development. Thus, the proposed addition will not adversely affect existing public views.

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

F. Septic System and Wastewater Runoff

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

Section 30231 of the Coastal Act states that:

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

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

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

As described above, the applicants propose to retrofit the existing septic system with an alternative secondary septic treatment system. The new septic system will incorporate the existing 3,500 gallon septic tank to provide primary sewage effluent treatment, while the second chamber of the septic tank will be retrofitted with a biotube filter system discharging filtered effluent to a new 3,000 gallon dosing tank. The existing leach field will be removed for the installation of a 1260 sq. ft. bottomless sand filter system. The applicants propose to install a bottomless sand filter septic system which is designed to produce treated effluent with reduced levels of organics, biochemical oxygen demand (BOD) and total suspended solids (TSS) while occupying less of the area required for a

conventional septic system and leachfield. As proposed, the septic system will be located landward of the existing wooden bulkhead (Exhibits 11 & 12).

The Commission also recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase 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 effluent from septic systems. The residential addition proposed by the applicant will result in an increase in the amount of impervious surface associated with the subject site. Further, the continued and expanded use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

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. Additionally, the infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutant concentrations in runoff are increased, and flushed more rapidly and intensively into coastal streams and to the ocean. Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration.

Therefore, it is necessary to require Special Condition Number Five (5) to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed through a filtration system before final discharge into beach sands. This drainage plan is required to ensure that adverse impacts to coastal water quality do not result from the proposed project. Special Condition Number Five (5) requires the applicants to incorporate filter elements that intercept and infiltrate or treat the runoff from the site. Such a plan will allow for the infiltration and filtering of runoff from the developed site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, as noted above, the proposed development includes the installation of an on-site, bottomless sand filter septic system to serve the remodeled and enlarged four-unit condominium structure. The City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of coastal resources and takes

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 to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 and 30250 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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

H. CEQA

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

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

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

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

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

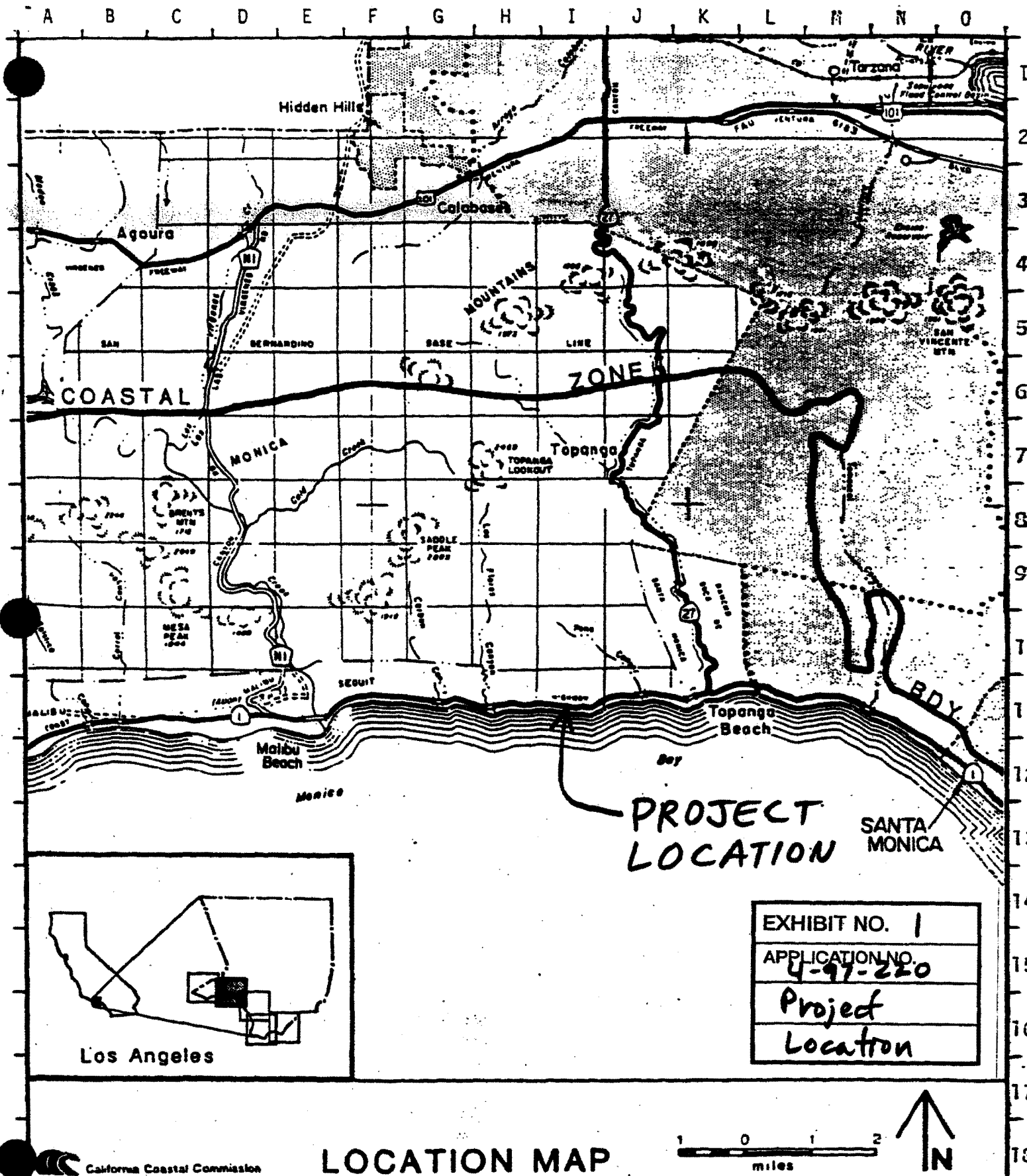
STUDIES AND PUBLICATIONS

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

COASTAL PERMIT APPLICATIONS Staff Report Lechuza Villas West 2/4/97; Coastal Permit No. 4-94-200, Dussman; Coastal Permit No. 5-84-093, Monkarsh; Coastal Permit No. 4-97-191, Kim; Coastal Permit No. 4-97-226, Felman; Coastal Permit No. 4-97-139, Corrodi; Coastal Permit No. 4-99-222, E.M. Properties, Coastal Permit No. 4-99-005, Groves, Coastal Permit No. 4-00-015, Gallin.

REPORTS and STUDIES

Report of Geologic Reconnaissance by Geosystems Environmental and Geotechnical Consultants, dated January 6, 1995; Repair Plan for Damaged Bulkhead by David Weiss, dated December 13, 1983; Discussion of Alternatives to the Rock Scour Blanket Protection for the Proposed Sewage Disposal System by David Weiss Structural Engineer & Associates dated March 1, 2000.



PROJECT
LOCATION

SANTA
MONICA

EXHIBIT NO. 1
APPLICATION NO. 4-97-220
Project
Location

LOCATION MAP

County of Los Angeles

Sheet 2 of 5

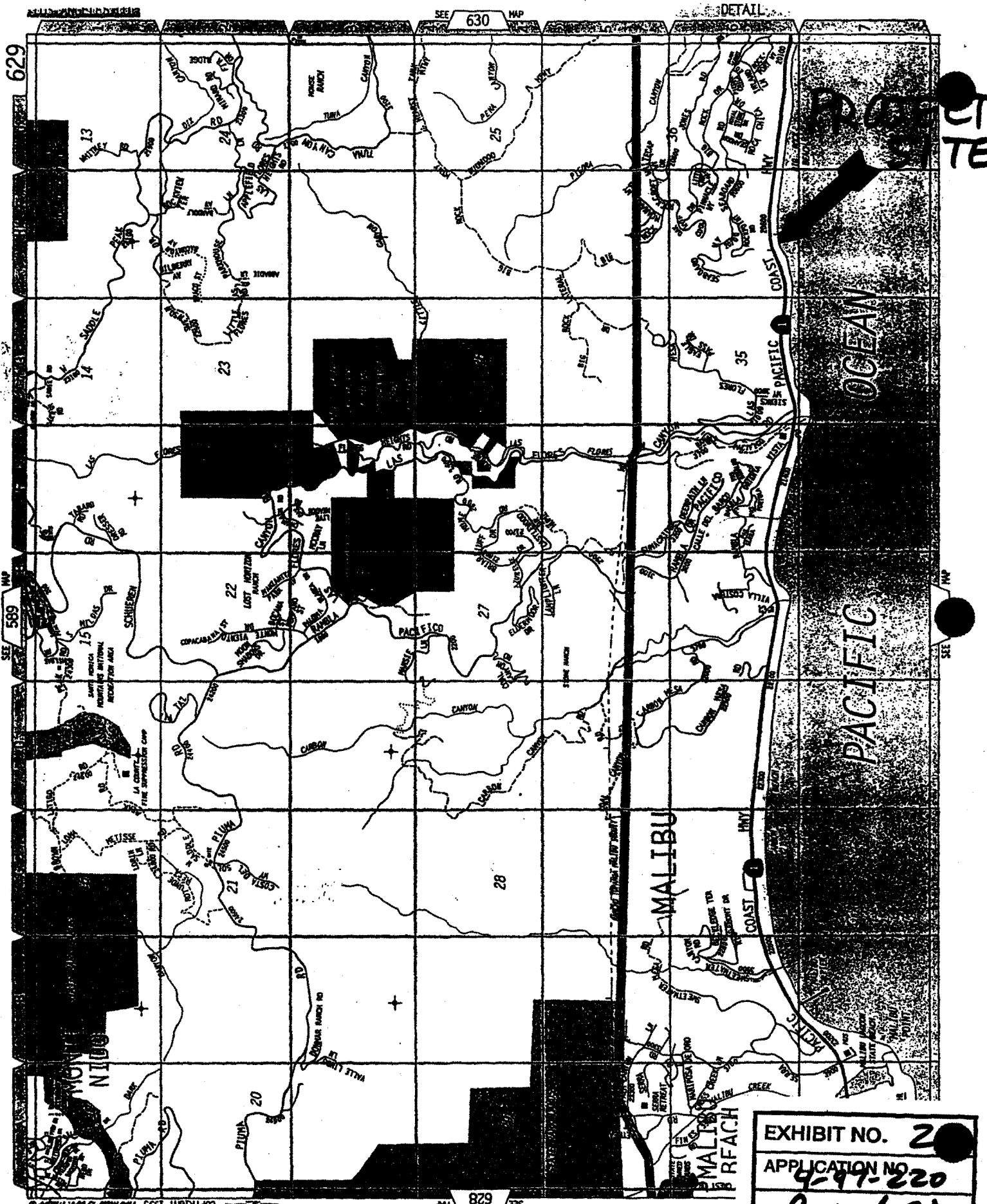


EXHIBIT NO. 2
APPLICATION NO. 9-99-220
Project Site

SEE 589 MAP

SEE 630 MAP

DETAIL

SEE 628 MAP

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RECEIVED

MAY 27 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Ocean

Pacific Ocean

Encroachment Area
on property to East
Subject to Easement

Existing Two
Story Building

EXISTING 2-STORY
IN UNIT APR. 1987
PERMITTED CONVERSION
TO 4-UNIT CONDO

Docks

Driveway

P.C.H.

Pacific Coast Highway

Plot Plan

Legend: (Shaded Area):
CONDO'S OWNER: Pacific Coast Highway, Miles
Parcel A, portion of Lot 6, Tract 1004
Map Book 200 - 1987
CONDO'S MAPSHEET No. 4486-100-140

Scale: 1" = 100'
North Arrow

EXHIBIT NO. 3
APPLICATION NO. 4-97-220
Plot Plan

6661 2 2 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DIST

RECEIVED

APR 22 1959

ALABAMA
COASTAL COMMISSION
2000 CHESAPEAKE DRIVE SUITE 200

4-97-220

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OF WALTER

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• **ANYTHING BUT A BORE!**
• **ANYONE CAN JOIN!**
• **ANYTIME & ANYWHERE!**

100-443887-100

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EXHIBIT NO.

APPLICATION NO

APPLICATION NO. 9-97-220

Existing First Floor Plan

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

DECEMBER

APR 22 1964

1. Study the following text and answer the questions that follow.

U.S. DEPARTMENT OF COMMERCE
NORTH ATLANTA OFFICE

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STUDY

NOT A MEMBER

THE UNIVERSITY OF CHICAGO

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CITY OF MALIBU
PLANNING DEPARTMENT
APPROVAL RECEIPT
REGISTRAR
DATE 8-11-99
PLANNING REVIEW NO. _____
THIS IS NOT A PERMIT
AND IS SUBJECT TO ANY
CONDITIONS LISTED BELOW
The applicant is advised that under the provisions of the

ZLJXW 0Z8CNS FLOOR PLN ZYTD

EXHIBIT NO. 5

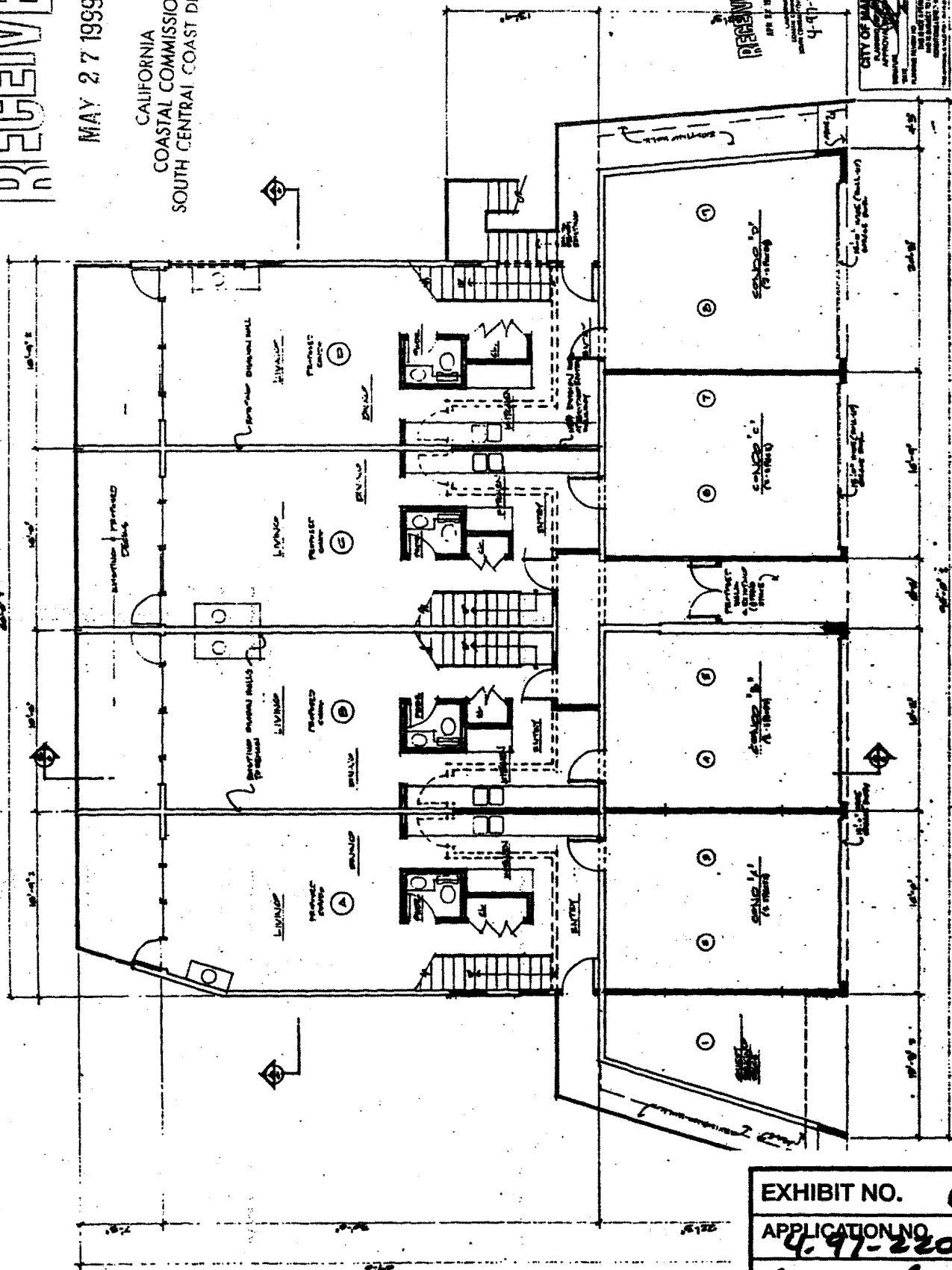
APPLICATION NO.
4-97-220

Existing Second

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MAY 27 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



PROPOSED FIRST FLOOR PLAN (SHOWING INTERIOR PARTITIONS)

EXHIBIT NO. 6

APPLICATION NO. 4-97-220

Proposed First
Floor Plan

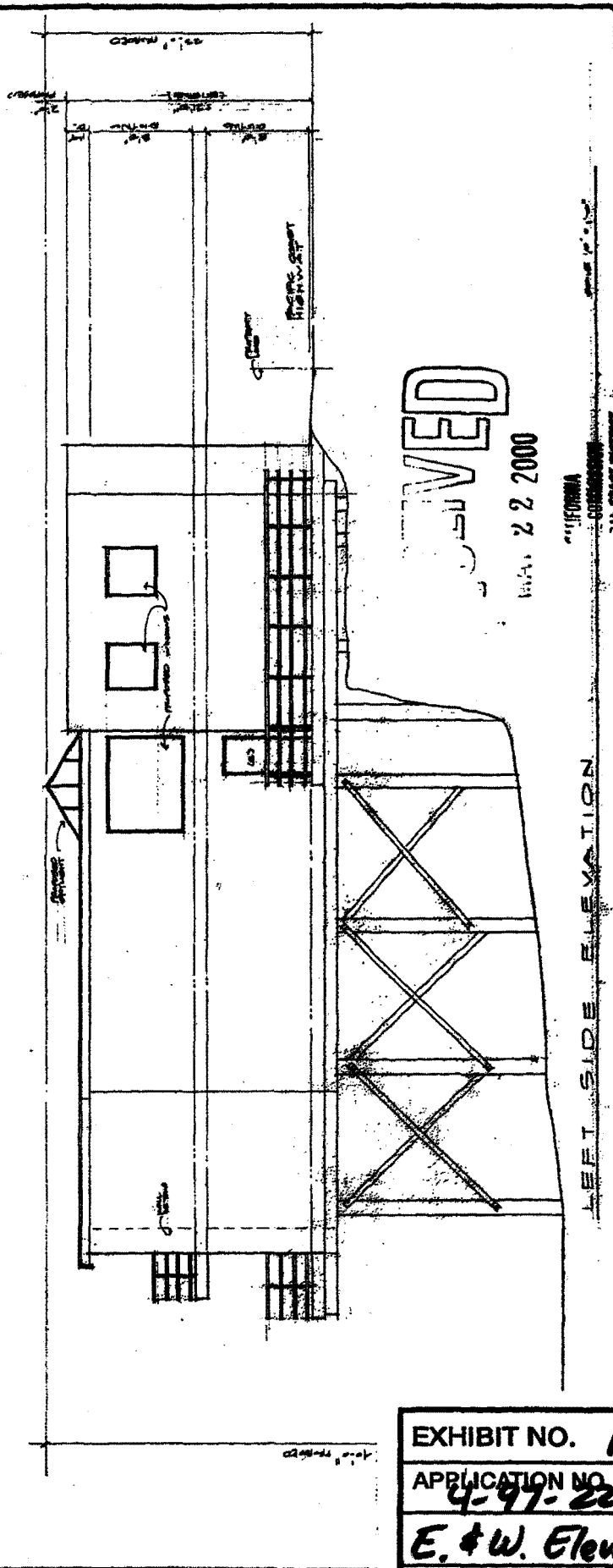
Proposed Second Floor Plan

Section 5

[illegible]

EXHIBIT NO.	9
APPLICATION NO.	9-97-220
	N. & S. Elevations

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 19 1964	
FBI - NEW YORK	
TO DIRECTOR	
FROM NEW YORK	
SUBJECT: [illegible]	



W.A. 22 2000

WINDFALL

...

CONFIDENTIAL

~~CONFIDENTIAL~~

EXHIBIT NO.	10
APPLICATION NO.	4-97-220
E. & W. Elevation	

Septic Approval	EXHIBIT NO. 11
	APPLICATION NO. 4-99-220

20656 PACIFIC COAST HWY.
MALIBU, CA 90265

M.F.D.:	10 - 1 Br. to 2 - 2 Br. & 2 - 3 Br. (Remodel)
SEPTIC TANK:	3750 Gallon (E) w/Biotube Filter (N)
DOSING TANK:	3000 Gallon w/Pump (N)
ACTIVE:	1 - 30" X 42" Bottomless ISF (N)
FUTURE:	N/A
PERC RATE:	Sand Category

NOTES:

1. This approval is for a 10 unit (1 bedroom each) to 4 unit (2 - 2 bedroom units and 2 - 3 bedroom units) multiple family dwelling remodel. A new alternative private sewage disposal system shall be installed, as shown.
2. This approval only relates to the minimum requirements of the City of Malibu Uniform Plumbing Code and does not include an evaluation of any geological, or other potential problems, which may require an alternative method of wastewater disposal.
3. This approval is valid for one year or until City of Malibu Uniform Plumbing Code and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU ENVIRONMENTAL HEALTH	
IN-CONCEPT APPROVAL	
SIGNATURE DEC 10 1999	L Young
FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.	

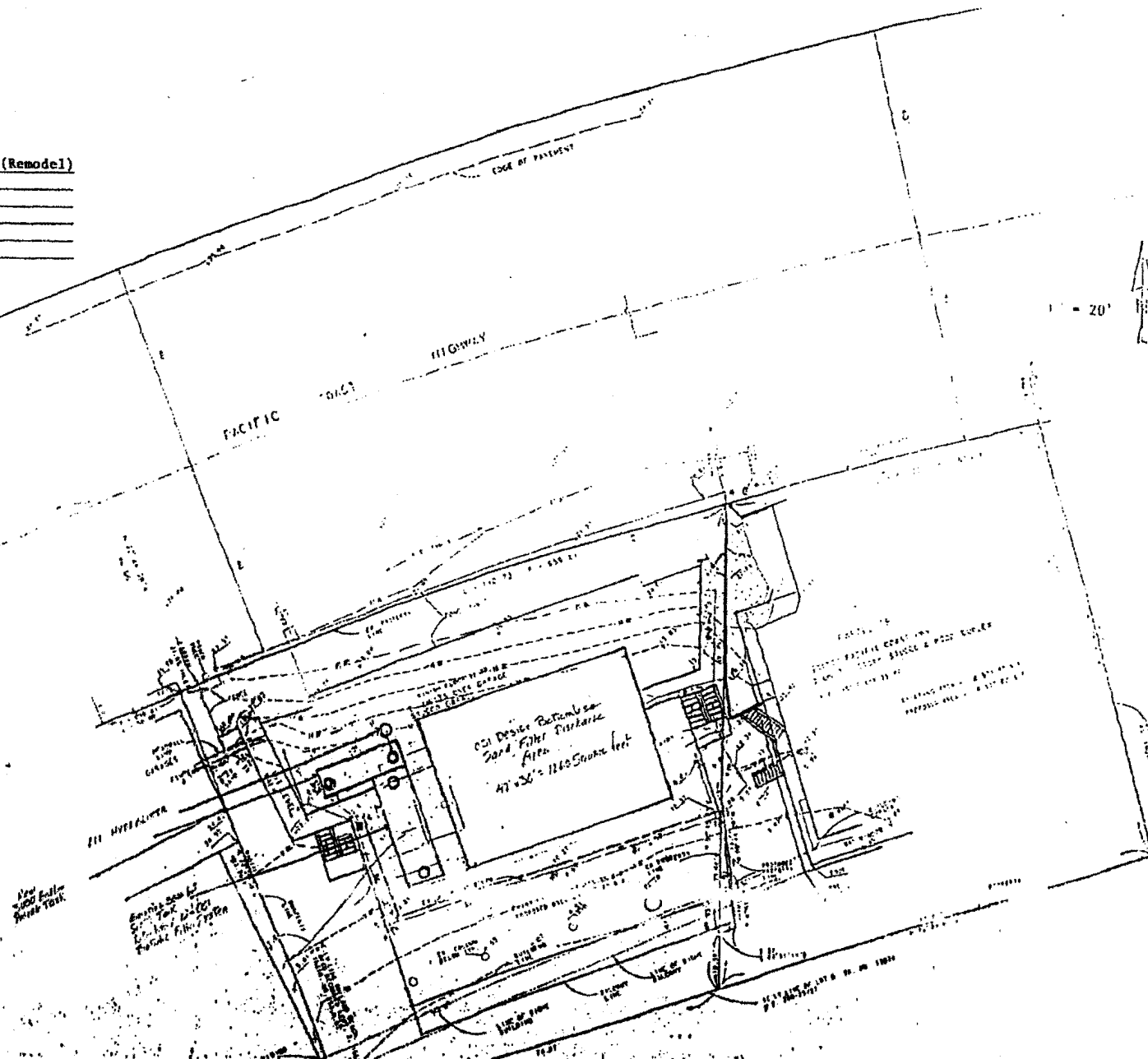


EXHIBIT NO. 18
APPLICATION NO. 4-97-220
Sophic Detail

**FROM JAMES
SMITH NOV.**

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HONKASST

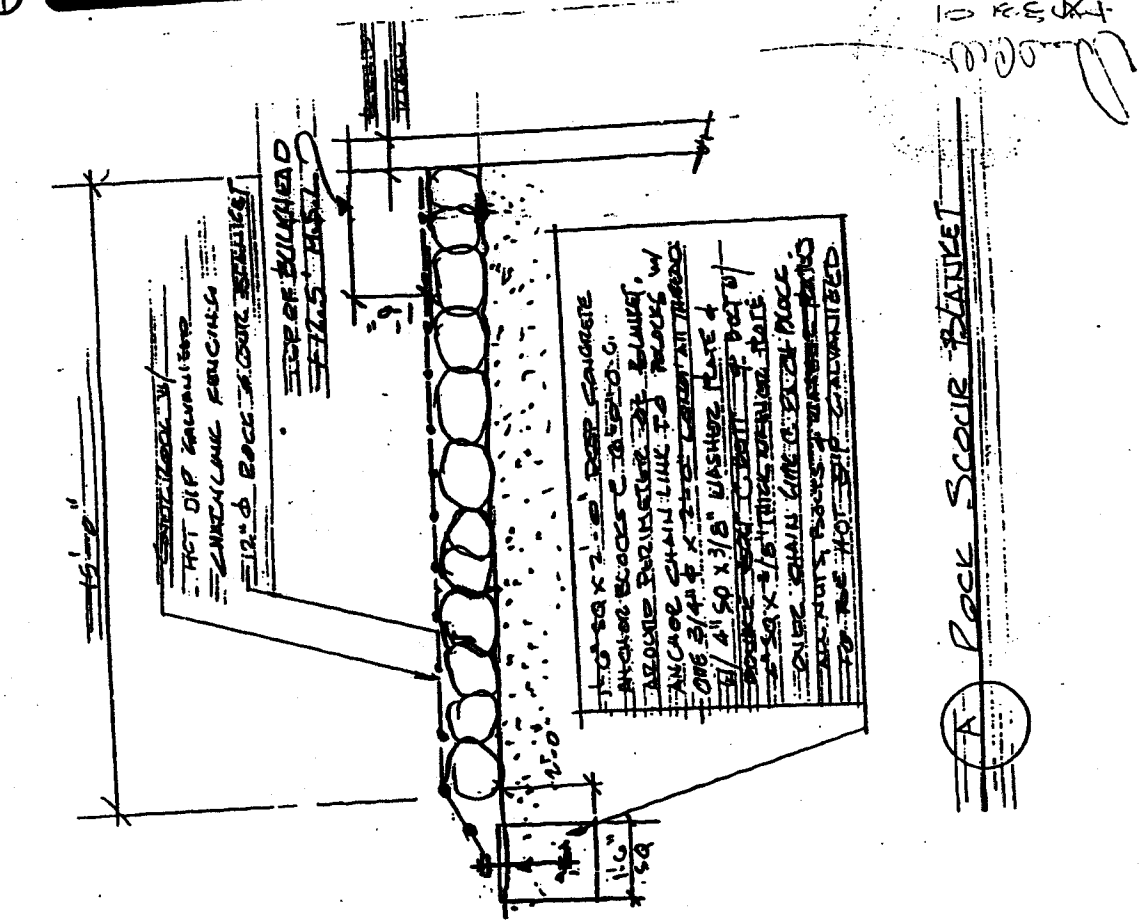
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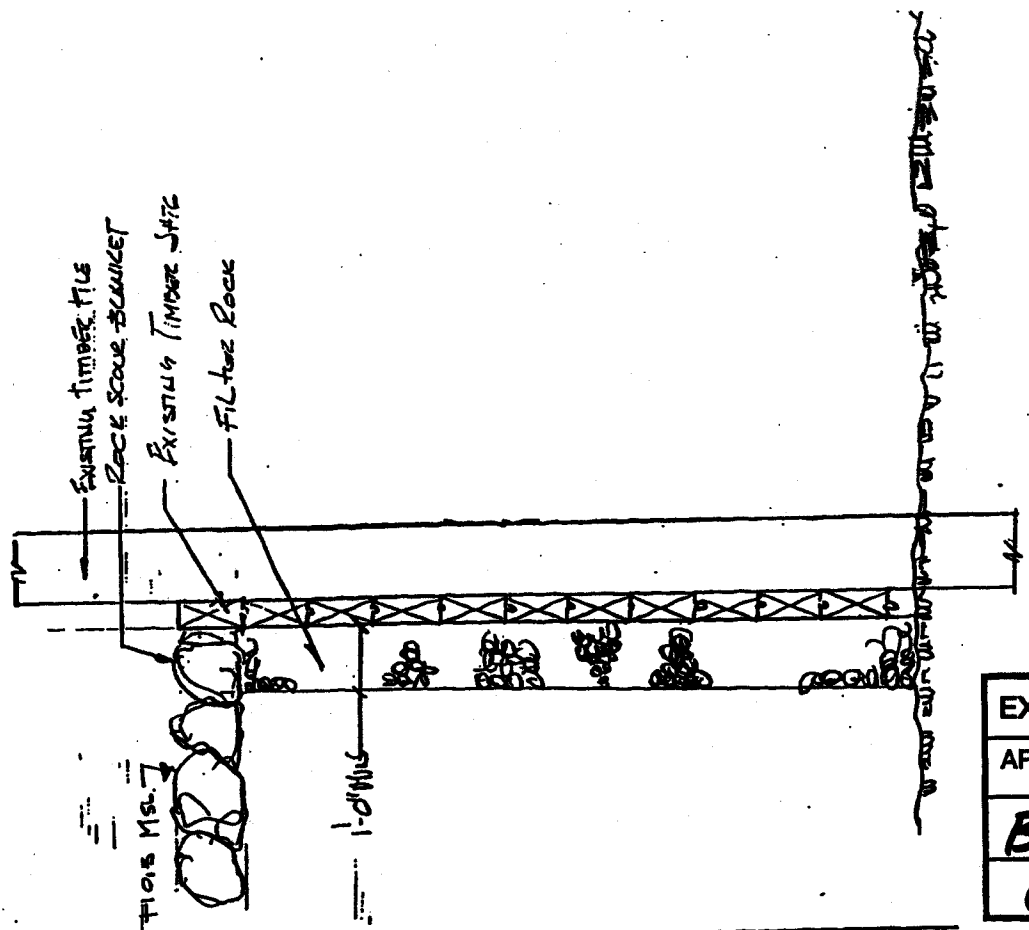
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Alaska, Denali
disc Pacific Country
with some houses +
fisher rock date

14-00000 (10-10-1968)
BUREAU OF REVENUE



A Rock Scour Blanket



Joseph F. Kennedy

EXHIBIT NO. 1

APPLICATION NO. 4-97-220

Blanket
Elevation

CALIFORNIA COASTAL COMMISSION

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



May 11, 2000

Ms. Cynthia Liu
Vice President/Controller
American International Bank
18605 East Gale Avenue, # 230
Rowland Heights, CA 91748

RE: Coastal Development Permit Application No. 4-97-220, Jerry and Joyce Monkarsh
at 20648 Pacific Coast Highway, Malibu, CA

Dear Ms. Liu;

The South Central Coast Coastal Commission office has received an application from Jerry and Joyce Monkarsh for the conversion of a ten unit apartment building at 20648 Pacific Coast Highway into a four unit townhome condominium with interior and exterior improvements. The application is filed and will be scheduled for a public hearing at the Coastal Commission's June 13 - 16, 2000 Commission meeting in Santa Barbara.

Our records in the application file indicate that American International Bank is the owner of a fee interest in the adjacent property at 20648 Pacific Coast Highway to the east of the subject property. A small portion, about ten square feet, of the Monkarsh apartment building that is proposed to be converted to a condominium is located on property owned by American International Bank. The application also included a Grant of Easement, recorded on February 4, 1999 to Jerry and Joyce Monkarsh, Grantees, by the American International Bank, Grantor, for the property located at 20648 Pacific Coast Highway, Malibu, CA. The applicant has informed us that no physical improvements or changes are proposed for this approximate ten square foot area of the building located in the easement area. The applicant asserts that the proposed project is allowed under this Grant of Easement. Please inform us as soon as possible if you disagree with this assertion.

Further, Coastal Act Section 30601.5 states as follows:

All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

As a result, the Commission is notifying you of the application pursuant to Section 30601.5 and inviting you to join this application as a co-applicant if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter.

EXHIBIT NO. 15

APPLICATION NO.

4-97-220

Co-Applicant

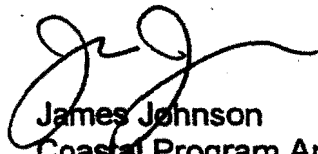
Letter page 1 of 2

Ms. Cynthia Liu
May 11, 2000

Page 2

If you have any questions or need further information about this application and the proposed project, please call me at the number above.

Sincerely,



James Johnson
Coastal Program Analyst

AGREEMENT TO JOIN AS CO-APPLICANT

Names (Print)

Signatures

Property Address

cc: Alan Sette
Alan Block
497220monkarshletter421

EXHIBIT NO. 15
APPLICATION NO. 4-97-220
Co-Applicant
Letter page 2 of 2