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CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Staff Report:	02/25/01
Hearing Date:	3/13-16/01
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-176

APPLICANT: Ann Walker Trust

AGENTS: Barsocchini & Associates

PROJECT LOCATION: 33246 Pacific Coast Highway, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Demolition of 7,130 sq. ft. residence and construction a two story, 28 foot high 8,299 sq. ft. residence with a swimming pool; construct two detached 18 foot high, 361 sq. ft. side by side two car garages, partial demolition and remodel of a 1,891 sq. ft. gym/office resulting in a 1,563 sq. ft. office/gym; demolish a 1,363 sq. ft. guest unit and construct a new 720 sq. ft. guest unit; demolish a concrete vertical seawall and construct a new rock revetment; demolish three outbuildings/sheds; install a secondary treatment septic system; construct a new driveway; install new landscaping; 1,656 cubic yards of grading with an additional 2,693 cu. yds. of over excavation. The proposal also includes an offer to dedicate a lateral public access easement over the southern beachfront portion of the lot, as measured from the intersection of the sand and the seaward face of the revetment to the ambulatory mean high tide line.

Lot Area:	43,520 sq. ft.
Building Coverage:	14,135 sq. ft.
Landscaped Area	15,709 sq. ft.
Paved Area:	1,3676sq. ft.
Parking Spaces	8
Height Above Existing Grade:	28 ft.

The motion for approval is found at the top of page 5.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project with seven special conditions regarding construction responsibilities and debris/excavated material removal, geologic and engineering recommendations, sign restriction, offer to dedicate lateral access, assumption of risk, shoreline protection, landscaping & erosion control, future improvements restriction, drainage and polluted runoff, revised site plans, public view corridor and color restriction.

Summary continued:
The one acre property is located in western Malibu on a previously graded and terraced coastal bluff that extends from Pacific Coast Highway to the beach. The site is currently developed with 833 sq. ft. gate house, 7,130 sq. ft. main residence, 1,891 sq. ft. two story gym/office, 1,363 sq. ft. split level guest house, and four sheds/outbuildings. The site has been extensively graded and terraced to accommodate the existing buildings, three parking areas and patios/terraces. The existing 1,363 sq. ft. guest unit is located on the sandy beach at the base of the bluff and is protected by a vertical concrete seawall extending across the property. This seawall also provides protection for the existing 1,891 sq. ft. gym/office structure located on the lower portion of the bluff. The existing main residence is located on a level pad in the center of the property which is about at the mid-point of the bluff. There are three level parking areas located just north of the main residence. The existing 833 sq. ft. gate house is located at the entrance to the site just off of Pacific Coast Highway. The existing development on the site was constructed prior to the Coastal Zone Conservation Act of 1972 and is therefore considered legal "non-conforming" structures.

The applicants are proposing to demolish the existing main residence located on the building pad in the central portion of the property and construct a two story, 28 foot high 8,299 sq. ft. residence with a patio/terrace area and swimming pool. Two 18 foot high 361 sq. ft. side by side two car garages are proposed on the northern portion of the site just below the existing gate house structure on an existing parking and terraced landscaped area. The applicant's are not proposing any changes to the existing gate house which will be utilized as a non-habitable security station. Three of the four existing sheds/outbuildings on the site are proposed to be demolished. The remaining shed is located adjacent to the driveway entrance to Pacific Coast Highway. The existing 1,863 sq. ft. two story gym/office structure is proposed to be remodeled and reduced in size to 1,563 sq. ft. The applicants are proposing to demolish the existing 1,363 sq. ft. guest unit located on the beach and construct a new 720 sq. ft. guest unit located off of the sandy beach at the base of the bluff behind a new rock revetment.

The proposed rock revetment is sited as far landward against the base of the bluff as is feasible and will tie into a rock revetment located on the property to the west (up-coast) and a rock outcropping to the east (downcoast). The proposed revetment is not required to protect the new proposed guest unit, which will be constructed on a caisson grade beam foundation, but it is necessary to prevent erosion of the base of the bluff. The base of the bluff would be susceptible to significant erosion from storm wave action absent a shoreline protective structure. Erosion of the base of the bluff would endanger the existing gym/office foundation that is constructed on a conventional deepened foundation on the lower portion of the bluff.

A revetment is the preferred alternative in this case due to the seasonal morphology of this beach and the presence of an existing revetment up-coast. A revetment constructed at a 2:1 slope will contain voids and spaces that will effectively capture and

Summary continued:
retain the sand more effectively than a vertical wall would on this beach. Furthermore, a vertical wall against the base of the bluff would have to be designed at a greater design height than a revetment which would result in a more visible structure. Although a revetment occupies a larger footprint than a vertical wall the majority of the revetment will be buried during late spring, summer and early fall. The adjacent revetment up coast provides an excellent example of this situation. The other advantage with a revetment in this case is that it can be more effectively integrated or tied into the upcoast revetment and the downcoast rock outcropping.

However, studies also suggest that shoreline protective works in the long term can result in a steepening and narrowing of the beach which can adversely affect public access on public trust lands (are below mean high tide) as described in detail below. In order to mitigate the long term adverse impacts of the proposed protective structure the applicant is offering to dedicate a lateral public access easement over the southern beachfront portion of the lot, as measured from the intersection of the sand and the seaward face of the revetment to the ambulatory mean high tide line.

To improve site drainage and stability the existing retaining walls supporting the existing stairway and patios will be removed and a new retaining wall system is proposed to support a stairway to the structures on the lower bluff, the proposed patio/terrace, parking/turnaround area and garages on the landward side of the residence. The existing exotic landscaping on the seaward side of the residence will be replaced with a plant palette of drought resistant native bluff plant species. A 3,600 sq. ft. lawn area is proposed north of the main residence where there is now an existing parking area. The proposed drain field for the secondary treatment system is located under this lawn area. The effluent from the existing and proposed structures will be routed to the secondary treatment septic system located on the north side of the main residence.

The existing "legal" (pre-Coastal Zone Conservation Act) development on this bluff property presents a unique case relative to development on a coastal bluff. Pursuant to Coastal Act policies relative to shoreline and bluff development, geologic hazards, visual resources and environmental sensitive habitats the Commission typically prohibits the development of new structures on coastal bluffs and requires that new development be setback from coastal bluffs. The geomorphology of this bluff property is unique. The property is located entirely on a moderately sloping coastal bluff that extends from Pacific Coast Highway to the beach. The moderately sloping topography and stable geologic characteristics of the site facilitated the development of this property. The property has been extensively graded and terraced from Pacific Coast Highway to the beach. The property has also been extensively landscaped with exotic plant species. The applicant is proposing to demolish the existing residence and construct a new residence on the existing building pad in the center portion of the property. The existing building pad for the main residence is the logical building site for a new residence and will minimize grading and landform alteration. The applicant is proposing to retain, remodel and reduce the size of the existing two story office/gym

Summary continued:
structure. The proposed gate house will remain as is and will be utilized as a non-habitable security station. Rather than retaining and remodeling the existing guest unit located on the beach the applicants have proposed to remove this structure from the beach and construct a new smaller 750 sq. ft. guest unit off the beach at the base of the bluff. The applicants have worked with staff to locate and design a guest unit that is set back as far off the beach as is feasible given the physical constraints of the site and existing development on the site. The proposed revetment is necessary to protect the existing office/gym structure consistent with the requirements of Section 30235 of the Coastal Act.

The multiple accessory structures on the site also raise concern relative to potential cumulative impacts to coastal resources. The applicant is proposing to demolish and rebuild one residential structure, which will be utilized as a guest unit. This unit conforms with the 750 sq. ft. size limitation the Commission has consistently applied to new second residential units in Malibu. The existing remodeled 1,563 sq. ft. office /gym structure and existing 833 sq. ft. gate house (security station) will be utilized as non-habitable structures. To ensure these structures remain as non-habitable structures and there are no future additions or improvements to these units and the guest unit without Commission review a future improvements deed restriction is required in this case.

Therefore, the reasons outlined above, proposed project as condition, will not result in any adverse impacts to coastal resources or access and is consistent with the Chapter Three policies of the Coastal Act .

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval in Concept, August 2, 2000; City of Malibu, Geology and Geotechnical Engineering Review, Approval in Concept, June 27, 2000; City of Malibu, Coastal Engineering Review, Approval in Concept, August 28, 2000; City of Malibu, Environmental Health Department, Approval in Concept June 9, 2000; City of Malibu, Biological Review, Approval in Concept, August 2, 2000; and County of Los Angeles, Fire Department, Approval in Concept, August,1, 2000.

SUBSTANTIVE FILE DOCUMENTS: "Wave Uprush Study," Pacific Engineering Group, December 6, 1999; "Geotechnical Engineering Report Proposed ," Residential Development 33246 Pacific Coast Highway Malibu, California,"RJR Engineering Group,Inc., April 23, 2000; "Coastal Development Project Review for Proposed Remodel of Existing Residence and beach House and Seawall Adjacent to 33246 Pacific Coast Highway, Malibu", California State Lands Commission, September 22, 2000; and the certified Malibu Santa Monica Mountains Land Use Plan.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-123 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 years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

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

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

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

III. Special Conditions

1. Construction Responsibilities and Debris/Excavated Material Removal

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

2. Plans Conforming to Geologists' and Engineers' Recommendations

All recommendations contained in the engineering geologic report prepared by RJR Engineering Group, Inc., dated April 23, and the On-site Sewage Disposal System report prepared by RJR engineering group, Inc. dated May 1, 2000 shall be incorporated into all final design and construction including recommendations concerning foundation, drainage, and septic system plans and must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director of the consultants' review and approval of all final design and construction plans.

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

3. Sign Restriction.

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

4. Offer to Dedicate Lateral Public Access

In order to implement the applicant's proposal of an offer to dedicate an easement for lateral public access and passive recreational use along the shoreline as part of this project, the applicant agrees to complete the following prior to issuance of the permit: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the

offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the ambulatory mean high tide line landward to the ambulatory intersection of the sand and the seaward face of the rock revetment.

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant's entire parcel and the easement area. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

5. Assumption of Risk/Shoreline Protection

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.

5. No future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to Coastal Development Permit 4-00-176, as shown on Exhibit 19 and 20, shall be undertaken if such activity extends the seaward footprint of the subject shoreline protective device. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code section 30235.

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 and an exhibit showing the location of the shoreline protective device approved by this permit. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. <u>Drainage and Polluted Runoff Control Plan</u>

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

(a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
(b) Runoff shall be conveyed off site in a non-erosive manner.
(c) Energy dissipating measures shall be installed at the terminus of outflow drains.
(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

7. Future Development Deed Restriction

A. This permit is only for the development described in coastal development permit No. 4-99-176. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) & (b) shall not apply to the proposed residence or the entire subject parcel. Accordingly, any new development on the subject parcel, future improvements or change of use to the single family residence, guesthouse, office/gym, gate house (security station) or garages, including but not limited to landscaping or repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit 4-99-176 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions 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.

8. Landscape and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit a landscaping and erosion control plan, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping plan shall identify all necessary irrigation improvements. The landscaping and erosion control plan shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A) Landscaping Plan

1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plan species which tend to supplant

native species shall not be used. Vegetation on the seaward side of the main residence shall be limited to native plants endemic to coastal bluffs of the local area.

2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5) Permanent irrigation improvements shall be designed to minimize groundwater infiltration and shall be primarily limited to drip irrigation systems.

6) Vegetation within the public view corridor, as consistent with special condition 11, shall be limited to no more than two feet in height adjacent to the adjacent to Pacific Coast Highway and the remaining area with the view corridor shall be limited to low lying plant species that will not block the view of the ocean as seen from Pacific Coast Highway. The use of any vegetation of greater height than otherwise provided for above may be allowed only if the Executive Director determines that such landscaping is consistent with the intent of this condition and will serve to minimize adverse effects to public views. Vegetation within the view corridor shall be maintained to ensure views of the ocean as seen from Pacific Coast Highway are not blocked or significantly obscured.

7) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring.

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

9. Revised Site Plans

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, revised site plans which illustrate a 16 foot wide view corridor measured from the western property boundary.

10 Public View Corridor

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, which provides that:

(a) No less than 20% of the lineal frontage of the project site shall be maintained as a public view corridor from Pacific Coast Highway to the Pacific Ocean.

(b) No structures, vegetation, or obstacles which result in an obstruction of public views of the ocean from Pacific Coast Highway shall be permitted within the public view corridor.

(c) Fencing within the public view corridor shall be limited to visually permeable designs and materials (e.g. wrought iron or non-tinted glass materials). Fencing shall be limited to no more than 6 ft. in height. All bars, beams, or other non-visually permeable materials used in the construction of any fence shall be no more than 1 inch in thickness/width and shall be placed no less than 6 inches in distance apart. Alternative designs may be allowed only if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views.

(d) Vegetation within the public view corridor, as consistent with Special Condition 9, shall be limited to low-lying vegetation that will not block views of the ocean as seen from Pacific Coast Highway. Vegetation adjacent to Pacific Coast Highway shall be limited to two feet in height .

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

11. Color Restriction

The color of the structures, roofs, retaining walls and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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 applicant is proposing to demolish a two story, 7,130 sq. ft. residence and construction a two story, 28 foot high, 8,299 sq. ft. residence with a swimming pool; construct two side by side detached 18 foot high, 361 sq. ft. two car garages, partial demolition and remodel of a 1,891 sq. ft. gym/office resulting in a 1,563 sq. ft. office/gym; demolish a 1,363 sq. ft. guest unit and construct a new 720 sq. ft. guest unit; demolish a concrete vertical seawall and construct a new rock revetment; demolish three outbuildings/sheds; install a secondary treatment septic system; construct a new driveway; install new landscaping and 1,668 cubic yards of grading with an additional 2,693 cu. yds. of over excavation The proposal also includes an offer to dedicate a lateral public access easement over the southern beachfront portion of the lot, as measured from the intersection of the sand and the seaward face of the revetment to the ambulatory mean high tide line.

The project site is on developed one acre beachfront/bluff parcel of land located between Pacific Coast Highway and the beach, one half mile west of Decker Canyon Road in western Malibu. The neighboring parcels are developed with single family residences. The site is a rectangular bluff parcel that has been extensively graded and modified by past development. The site is currently developed with 833 sq. ft. gate house, 7,130 sq. ft. main residence, 1,891 sq. ft. two story gym/office, 1,363 sq. ft. split level guest house, and four sheds/outbuildings. The site has been previously graded and terraced to accommodate the existing buildings, parking areas, and patios/terraces. The existing 1,363 sq. ft. guest unit is located on the sandy beach at the base of the bluff and is protected by a vertical concrete seawall extending across the property. This seawall also provides protection for the existing 1,891 sq. ft. gym/office structure located on the lower portion of the bluff. The existing main residence is located on a level pad in the center of the property at approximately the mid-point of the property. Three split level parking areas are located just north of the main residence. The 833 sq. ft. gate house is located at the entrance to the site just off of Pacific Coast Highway. The existing development on the site was constructed prior to the Coastal Zone

Preservation Act of 1972 and therefore are considered legal "non-conforming" structures.

The applicants is proposing to demolish the existing main residence located on the building pad in the central portion of the property and construct a two story, 28 foot high 8,299 sq. ft. residence with a patio/terrace area and swimming pool. Two 18 foot high 361 sq. ft. side by side two car garages are proposed on the northern portion of the site just below the existing gate house structure on an existing parking and terraced landscaped area. The applicant's are not proposing any changes to the existing gate house which will be utilized as a non-habitable security station. Three of the four of the existing shed/outbuildings on the site are proposed to be demolished. The remaining shed is located adjacent to the driveway entrance to Pacific Coast Highway. The existing 1,863 sq. ft. two story gym/office structure is proposed to be remodeled and reduced in size to 1,563 sq. ft. The applicants are proposing to demolish the existing 1,363 sq. ft. guest unit a vertical concrete seawall located on the beach and construct a new the 720 sq. ft. guest unit located off of the sandy beach on the lower portion of the bluff behind a new rock revetment.

The proposed rock revetment is sited as far landward against the base of the bluff as is feasible and will tie into a rock revetment located on the property to the west (up-coast) and a rock outcropping to the east (downcoast). The proposed revetment is not required to protect the new proposed guest unit, which will be constructed on a caisson grade beam foundation, but it is necessary to prevent erosion of the base of the bluff. The base of the bluff would be susceptible to significant erosion from storm wave action absent a shoreline protective structure. Erosion of the base of the bluff would endanger the existing gym/office foundation that is constructed on a conventional deepened foundation on the lower portion of the bluff.

To improve site drainage and site stability the existing retaining walls supporting the existing stairway and patios will be removed and a new retaining wall system is proposed to support a stairway to the structures on the lower bluff and the proposed patio/terrace. Retaining walls are also proposed on the western and eastern portion of the site to support grade changes between the neighboring properties. The existing exotic landscaping on site will be replaced with a plant palette of drought resistant primarily native plant species. The vegetation on the seaward side of the main residence shall be native coastal bluff plant species. A 3, 600 sq. ft. lawn area is proposed north of the main residence over the proposed drain field area for the septic system. The effluent from the existing and proposed structures will be routed to a central secondary treatment septic system located on the north side of the main residence.

C. Bluff Development and Hazards

The proposed development would be located in Malibu, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to Malibu 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 and bluff sites are 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:

> ***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.***

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 assure stability, structural integrity or in any way require the construction of protective devices that would substantial alter natural landforms along bluffs and cliffs. In addition, Section 30235 of the Coastal Act requires that revetments, seawalls and cliff retaining walls shall be permitted when required to protect existing structures in danger from erosion when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Coastal bluffs are unique geomorphic features that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow runoff from the top of the bluff and from wave action at the base of the bluff. The Commission has typically prohibited development directly on a bluff and has required that new development be set back from the edge of coastal bluffs.

The subject site is located entirely on a moderately sloping bluff property that extends from Pacific Coast Highway to the beach. The site has been extensively modified by past grading and development activities. The moderately sloping bluff morphology and overall geologic stability of the site has facilitated the development of this site. The existing development on the property was constructed prior to the Coastal Zone preservation Act of 1972 and therefore is considered legal "non-conforming" development. The site is currently developed with a 833 sq. ft. gatehouse, 7,130 sq. ft. main residence, 1,891 sq. ft. gym/office structure, 1,363 sq.

ft. guest house and four sheds/outbuildings. The site has been extensively graded and terraced to accommodate the existing structures on the site. In addition, there are three parking areas terraced into the slope between the main residence and the gate house. The remainder of the property has been landscaped extensively with exotic vegetation.

The applicant is proposing to retain the existing gate house and gym/office structure. The gatehouse will be utilized as a non-residential security station. The office/gym structure will be remodeled and reduced in size from 1,891 sq. ft. to 1,563 sq. ft. The existing two story 7,130 sq. ft. main residence will be demolished and replaced with a two story 8,299 sq. ft. residence located on the existing building pad. The existing 1,363 sq. ft. guest house located on the beach will be demolished and replaced with 720 sq. ft. guest located at the base of the bluff. An existing vertical concrete seawall protecting the base of the bluff and the existing guest house will be demolished and replace with a new rock revetment. The proposed revetment is not required to protect the new guesthouse, which will be constructed on a caisson grade beam foundation, but is necessary to protect the base of the bluff from erosion. The base of the bluff would be susceptible to significant erosion without a protective structure. The erosion of the base of the bluff would endanger the existing office/gym structure and would destabilize a significant portion of the property. The existing vertical wall extends 12 feet further seaward on the eastern half of the property than on the western half. The toe new revetment will be setback approximately 10 feet from the face of the existing wall on the eastern half of the property and will then transition to the end of the adjacent seawall on the upcoast property. The toe of the revetment will be located just beyond the face of the existing wall by a maximum of approximately 8 feet on the western portion of the lot. The toe of the revetment which is at the base scour level of the beach will be buried except under the most severe scour conditions. The proposed revetment is sited as far landward against the toe of the bluff as is feasible.

The existing pre-Coastal Zone Conservation Act development on this site presents a unique case relative to development on a coastal bluff. As stated above, Section 30235 allows for the construction of protective works and cliff retaining walls to protect existing structures. The proposed rock revetment that replaces an existing vertical concrete seawall that is necessary to protect the existing office/gym structure and the proposed retaining walls on the bluff are to replace the retaining walls supporting existing terraces on the property. Therefore, the construction of a new revetment and retaining walls to protect existing development is allowed pursuant to section 30235. In addition, Section 30253 of the Coastal Act requires new development should not require the construction of protective devices that would substantially alter landforms along bluffs and cliffs. In this case, the proposed bluff and beach landform has been severely altered by existing terracing supported by an extensive network of retaining walls and the existing vertical seawall on the beach. The proposed retaining walls will replace the existing retaining wall system and will improve the stability and drainage on the bluff above the existing office/gym unit. In addition, the new revetment which replaces the existing vertical wall which

will be sited landward against the base of the bluff and will tie into the existing revetment upcoast and a rock outcrop down coast. The new rock revetment and retaining walls on the lower bluff will not significantly alter the existing previously modified landform. Demolition of the existing seawall and guest unit from the beach will remove development from the beach landform and will restore a portion of the beach to a more natural beach morphology. A more detailed analysis of the impacts associated with the proposed revetment and consistency with Chapter three policies of the Coastal Act are outlined in the following sections.

Regarding the geologic stability of the site the applicant has submitted a geotechnical report, entitled "Geotechnical Engineering Report proposed Residential Development 33246 Pacific Coast Highway Malibu, California," prepared by RJR Engineering Group, Inc., dated April 23, 2000, which evaluates the geologic stability of the proposed development. The report incorporates numerous recommendations regarding construction, foundations, and drainage, and states:

> ***Based upon the available data, from our review, investigation and analysis, the subject residential improvements are feasible from a geologic and geotechnical standpoint and the site will be free of any geologic or geotechnical hazards, as long as the recommendations of this report are incorporated into the design and.construction of the project. The site will be free of landslides, slippage and excess settlement within the guidelines described in this report, provided our recommendations are incorporated into the design and construction of the project.***

To ensure that the recommendations of the geotechnical and coastal engineering consultants have been incorporated into all proposed development, **Special Condition Two (2)** requires the applicant to submit project plans certified by the consulting geologic and engineering consultants 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.

The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding environment. Further, the Limited Geologic and Soils Engineering Investigation Report by RJR Engineering Group, Inc. dated 14/23/00 states:

> ***Immediately following the completion of grading (30 days), any slope or area disturbed by the construction should be planted with vegetation designed to blend the area with the surrounding terrain and development.***

> ***The slope plantings should be fire and erosion resistant. It is recommended that a landscape architect familiar with these types of plants be consulted. An adequately designed sprinkler system should be installed prior to any slope plantings.***

In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foliage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foliage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, **Special Condition 8** requires that all proposed disturbed and graded areas on subject site are stabilized with native vegetation. However, the Commission also notes that landscaping improvements which require intensive watering requirements, such as many lawn and turf species, will result in potential adverse effects to the stability of the bluff slope due to increased groundwater infiltration on the subject site. Therefore, in order to ensure stability of the bluff slope, Special Condition Two (2) also requires that permanent irrigation improvements, included as part of the landscaping plan for the subject site, shall be designed to minimize groundwater infiltration and shall be primarily limited to drip irrigation systems.

As discussed above, the Commission notes that the applicant's geotechnical engineering consultant has indicated that the proposed development will serve to ensure relative geologic and structural stability on the subject site. However, the Commission also notes that the "Wave Uprush Study," prepared by Pacific Engineering Group, dated January 26, 2000, also states:

> ***The owner should realize that there will always be certain risks associated with living on the beach and assume such risks. Further the Engineer makes no warranty or guarantee that the structures outlined in this report will survive natural forces from any and all storm conditions. . . . Because of unpredictability of the ocean environment, the above design standards are meant to minimize storm wave damage and not eliminate it. Tsunami or hurricane generated waves were not analyzed in this report because of their extreme low probability of these events producing damage to the subject site and project. However, the possibility of these events producing damage to the subject property does exist, and hence no warranties are provided should these events occur.***

Thus, as stated above by the applicant's coastal engineering consultant, the proposed development is located on a beachfront lot in the City of Malibu and will be subject to some inherent potential hazards. The Commission notes that the Malibu coast has historically been subject to substantial damage as the result of storm and flood occurrences. The subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges, and high tides.

Past occurrences have caused property damage resulting in public costs through emergency responses and low interest, publicly subsidized reconstruction loans. In the winter of 1977 to 1978, storm-triggered mudslides and landslides caused extensive damage along the Malibu coast. According to the National Research Council, damage to Malibu beaches, seawalls, and other structures during that season caused damages of as much as almost five million dollars to private property alone. In addition, the El Nino storms recorded between 1982 and 1983 caused high tides of over seven feet, which combined with storm waves of up to 15 feet. The storms occurring between 1982 and 1983 caused over 12.8 million dollars in damage to structures in Los Angeles County, many of which were located in Malibu. The severity of the 1982 to 1983 El Nino storm events are often used to illustrate the extreme storm event potential of the California and Malibu coast, in particular. The severe El Nino winter storms in 1998 also resulted in widespread damage to residences, public facilities, and infrastructure along the Malibu Coast, causing millions of dollars in damage in the Malibu area alone.

Thus, ample evidence exists that all beachfront development in the Malibu area is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion, and flooding. The 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 coastal engineer, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property.

The Commission finds that due to the possibility of 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 Five (5)** 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 which may adversely affect the stability or safety of the proposed development.

The Commission notes that construction activity on a sandy beach, such as the proposed project, will result in the potential generation of debris and or presence of equipment and materials that could be subject to tidal action. The presence of

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

To ensure that landform alteration and adverse effects to the marine environment are minimized, **Special Condition One (1)** requires the applicant to ensure that stockpiling of dirt or materials shall not occur on the beach, that no machinery will be allowed in the intertidal zone at any time, all debris resulting from the construction period is promptly removed from the sandy beach area, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation.

Therefore, the Commission finds, for the reasons set forth above, that the proposed development, as conditioned, is consistent with Sections 30235 and 30253 of the Coastal Act.

B. Shoreline Protective Structures

The proposed project includes the construction of a 90 foot long rock revetment that will replace a vertical concrete seawall. The proposed revetment is sited as far landward against the base of the bluff as is feasible given it has to tie into an existing revetment upcoast and a rock outcropping downcoast. The proposed guest unit is sited landward and slightly over the proposed revetment. As previously mentioned, the proposed revetment is not required to protect the proposed guest unit as this structure is supported on a caisson and grade beam foundation. However, the revetment is necessary to protect the existing office/gym structure located on the lower portion of the bluff. The lower bluff would be susceptible to significant erosion if not protected by some sort of shoreline protective structure.

Past Commission review of shoreline residential projects in Malibu has shown that such development results in potential individual and cumulative adverse effects to coastal processes, shoreline sand supply, and public access. Shoreline development, if not properly designed to minimize such adverse effects, may result in 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. In order to accurately determine what adverse effects to coastal processes will result from the proposed project, it is necessary to analyze the proposed project in relation to characteristics of the project site shoreline, location of the development on the beach, and wave action.

As described in the discussion below, there is evidence that the existing development on this section of beach in western Malibu will require a shoreline protective device and that such development has the potential to adversely impact natural shoreline processes. Therefore, it is necessary to review the proposed project for its consistency with Sections 30235, 30250(a), and 30253 of the Coastal Act and with past Commission action.

Section 30235 of the Coastal Act states:

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

Section 30253 of the Coastal Act states:

> ***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 30250(a) of the Coastal Act states, in part:

> ***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.***

To assist in the determination of whether a project is consistent with Sections 30235, 30253, and 30250(a) of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified Malibu Santa Monica Mountains Land Use Plan (LUP) for guidance. The certified LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu

coast. For example, Policies 166 and 167 provide, in concert with Section 30235 of the Coastal Act, that revetments, seawalls, cliff retaining walls, and other shoreline protective devices be permitted only when required to serve coastal-dependent uses, to protect existing structures, or new structures which constitute infill development and only when such structures are designed and engineered to eliminate or mitigate the adverse effects on shoreline sand supply. In addition, Policy 153 indicates that development of sites that are exposed to potentially heavy tidal and wave action shall require that development be set back a minimum of 10 feet landward from the mean high tide line.

1. Site Shoreline Characteristics

The proposed project site is located on in the City of Malibu, Los Angeles County. The beaches of western Malibu from the Ventura County line to Point Lechuza are characterized as a relatively narrow beach backed by a high bluff. This particular beach has some residential beach front development and bluff top residential development. The Malibu/Los Angeles County Coastline Reconnaissance Study by the United States Army Corp of Engineers, dated April 1994, indicates that this section of beach is stable to slowly eroding. The applicant's consulting coastal engineer characterizes this beach an oscillating beach with a seasonal foreshore slope movement that can be as much as 80 feet. The consulting engineer states that:

> *The profiles and mean high tide lines conclude that the subject beach is presently a stable beach that oscillates seasonally between summer and winter profiles with periodic storm scouring of the beach profile to the base of the bluff during extratropical storm events that are coincidental with high winter tides.*

2. Location of the Proposed Shoreline Protective Device in Relation to the Mean High Tide Line and Wave Action

The Commission notes that many studies performed on both equilibrium and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists. In order to determine the impacts of the proposed bulkhead on the shoreline, the location of the proposed protective device in relationship to the expected wave runup and the mean high tide line must be analyzed.

a. Mean High Tide Line

The "Wave Uprush Study," prepared by Pacific Engineering Group, dated December 6, 1999, represents that the most landward known measurement of the ambulatory mean high tide line on the project site is approximately 65 feet seaward of the existing bulkhead location, recorded on November 11, 1999. Based on the submitted information, the Commission notes that the proposed development will be located landward of the latest recorded mean high tide line and should not extend onto public

tidelands under normal conditions. In addition, the applicant has submitted evidence of review of the proposed project by the California State Lands Commission (CSLC), dated September 22, 2000 which indicates that the CSLC presently asserts no claims that the project is located on public tidelands, although the CSLC reserves the right to any future assertion of state ownership or public rights should circumstances change.

b. Wave Uprush

Although the proposed revetment structure will be located landward of the latest recorded mean high tide line, the "Wave Uprush Study," prepared by Pacific Engineering Group, dated January 26, 2000, indicates that the maximum wave uprush at the subject site extends onto the base of the bluff. The proposed guest unit located at the base of the bluff is support on a caisson grade beam foundation that extends into bedrock and therefore does not require a shoreline protective device. However, the existing office/gym structure located on the lower bluff is supported on a conventional at grade foundation and will be subject damage if the bluff erodes due to wave action. Without a shoreline protective work the base bluff will be subject to erosion and will destabilize this structure. The proposed rock revetment is sited as far landward against the base of the bluff as is feasible given it has to tie into an adjacent revetment upcoast and a rock outcropping downcoast Therefore, the Commission notes that the proposed revetment is necessary to protect the existing office/gym structure from wave uprush and erosion.

Based on the above discussion, the Commission finds that the proposed revetment is required to protect the existing office/gym structure. The Commission further finds that the proposed revetment which is located as far landward as feasible, will be subject to wave action during storm and high tide events. Therefore, the following discussion is intended to evaluate the impacts of the proposed revetment on the beach, based on the above information which identified the specific structural design, location of the structure, and shoreline geomorphology.

3. Effects of the Shoreline Protective Device on the Beach

It is important to accurately calculate the potential of wave runup and wave energy which the shoreline protection device will be subjected to. Dr. Douglas Inman, renowned authority on Southern California beaches finds that "the likely detrimental effect of the seawall on the beach can usually be determined in advance by competent analysis." Dr. Inman further explains the importance of a seawall's design and location as it relates to predicting the degree of erosion that will be caused by the shoreline protection device. He states:

> ***While natural sand beaches respond to wave forces by changing their configuration into a form that dissipates the energy of the waves forming them, seawalls are rigid and fixed, and at best can only be designed for a single wave condition. Thus, seawalls introduce a disequilibrium that usually results in the reflection of wave energy and increased erosion***

seaward of the wall. The degree of erosion caused by the seawall is mostly a function of its reflectivity, which depends upon its design and location.[1]

In past permit actions, the Commission has found that one of the most critical factors controlling the impact of a shoreline protection device on the beach is its position on the beach profile relative to the surf zone. Generally, the further seaward that a shoreline protective device is located, the more frequently and more vigorously waves will interact with it. If a shoreline protective device is in fact necessary, the best location for it is at the back of the beach, where it may provide protection from the most severe storms. In contrast, a shoreline protective device constructed too close to the mean high tide line may constantly create problems related to frontal and end scour erosion, as well as upcoast sand impoundment.

Although the precise impacts of a structure located on the beach are a continual subject of debate within the discipline of coastal engineering, particularly between coastal engineers and marine geologists, it is generally agreed that a shoreline protective device will affect the configuration of the shoreline and beach profile, whether it is a vertical bulkhead or a rock revetment seawall. The main difference between a vertical bulkhead and rock revetment seawall is their relative physical encroachment onto the beach. It has been well documented by coastal engineers and coastal geologists that shoreline protective devices and structures, in the form of either a rock revetment or vertical bulkhead, will adversely impact the shoreline as a result of beach scour, end scour (the beach areas at the end of the seawall), retention of potential beach material behind the wall, fixing of the back beach, and interruption of alongshore processes. In the case of a revetment wave refraction is reduced due to the voids and surface roughness of the rocks but a revetment occupies more of the beach than a vertical wall. However, scouring in front of the revetment and erosion at the ends revetment have been found to adverse effects of these structures. In order to evaluate these potential impacts relative to the proposed structure and its location on the subject beach, each of the identified effects will be evaluated below.

a. <u>Beach Scour</u>

Scour is the removal of beach material from the base of a cliff, seawall, or revetment due to wave action. The scouring of beaches as a result of seawalls is a frequently observed occurrence. When waves impact a hard surface such as a coastal bluff, rock revetment, or vertical bulkhead, some of the energy from the wave will be absorbed, but much of it will be reflected back seaward. In the case of a vertical bulkhead, return walls are typically constructed in concert with the seawall, and, thus, wave energy is also directed to the return walls causing end erosion effects. This reflected wave energy in conjunction with incoming wave energy, will disturb the material at the base of the seawall and cause erosion to occur in front and down coast of the hard structure.

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1 Letter from Dr. Douglas Inman to California Coastal Commission staff member and senior engineer, Lesley Ewing, February 25, 1991.

This phenomenon has been recognized for many years and the literature on the subject acknowledges that seawalls affect the supply of beach sand.

The "Wave Uprush Study," prepared by Pacific Engineering Group, dated December 6, 1999, indicates that the proposed revetment will be located seaward of the maximum wave uprush limit and will, therefore, periodically be subject to wave action. In past permit actions, the Commission has found that shoreline protective devices which are subject to wave action tend to exacerbate or increase beach erosion. The following quotation summarizes a generally accepted opinion within the discipline of coastal engineering: "Seawalls usually cause accelerated erosion of the beaches fronting them and an increase in the transport rate of sand along them."[2] In addition, experts in the field of coastal geology, who view beach processes from the perspective of geologic time, signed the following succinct statement regarding the adverse effects of shoreline protective devices:

> ***These structures are fixed in space and represent considerable effort and expense to construct and maintain. They are designed for as long a life as possible and hence are not easily moved or replaced. They become permanent fixtures in our coastal scenery but their performance is poor in protecting community and municipalities from beach retreat and destruction. Even more damaging is the fact that these shoreline defense structures frequently enhance erosion by reducing beach width, steepening offshore gradients, and increasing wave heights. As a result, they seriously degrade the environment and eventually help to destroy the areas they were designed to protect.***[3]

The above statement, which was made in 1981 and signed by 94 respected coastal geologists, indicates that sandy beach areas available for public use can be harmed through the introduction of seawalls. Thus, in evaluating an individual project, the Commission assumes that the principles reflected in that statement are applicable. To do otherwise would be inconsistent with the Commission's responsibilities under the Coastal Act to protect the public's interest in shoreline resources and to protect the public's access along the ocean and to the water.

The impact of seawalls as they relate to sand removal on the sandy beaches is further documented by the State of California, Department of Boating and Waterways, which stated:

> ***While seawalls may protect the upland, they do not hold or protect the beach which is the greatest asset of shorefront property. In some cases, the seawall may be detrimental to the beach in that the downward forces***

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2 "Saving the American Beach: A Position Paper by Concerned Coastal Geologists," Skidaway Institute of Oceanography, March 1981, page 4.

3 "Saving the American Beach: A Position Paper by Concerned Coastal Geologists," Skidaway Institute of Oceanography, March 1981, page 4.

> ***of water, created by the waves striking the wall, rapidly remove sand from the beach.***[4]

Finally, this observation was underscored more recently in 1987 by Robert G. Dean in "Coastal Sediment Processes: Toward Engineering Solutions:"

> ***Armoring can cause localized additional storm scour, both in front of and at the ends of the armoring . . . Under normal wave and tide conditions, armoring can contribute to the downdrift deficit of sediment through decreasing the supply on an eroding coast and interruption of supply if the armoring projects into the active littoral zone.***[5]

Dr. Craig Everts found that on narrow beaches where the shoreline is not armored, the most important element of sustaining the beach width over a long period of time is the retreat of the back beach and of the beach itself. He concludes:

> ***Seawalls inhibit erosion that naturally occurs and sustains the beach. The two most important aspects of beach behavior are changes in width and changes in the position of the beach. On narrow, natural beaches, the retreat of the back beach, and hence the beach itself, is the most important element in sustaining the width of the beach over a long time period. Narrow beaches, typical of most of the California coast, do not provide enough sacrificial sand during storms to provide protection against scour caused by breaking waves at the back beach line. This is the reason the back boundary of our beaches retreats during storms.***[6]

Dr. Everts further asserts that armoring in the form of a shoreline protection device interrupts the natural process of beach retreat during a storm event and that, "a beach with a fixed landward boundary is not maintained on a recessional coast because the beach can no longer retreat."

The Commission has observed this phenomenon up and down the California coast, where a shoreline protection devices have successfully halted the retreat of the shoreline, at the cost of usurping the beach. For example, at La Conchita Beach in Ventura County, placement of a rock revetment to protect an existing roadway has caused narrowing of the existing beach. Likewise, at beaches in the City of Encinitas in San Diego County, construction of vertical seawalls along the base of the bluffs to protect existing residential development at the top of the bluffs, has resulted in preventing the bluffs' contribution of sand to the beaches, resulting in a narrowing of those beaches.

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4 "Shore Protection in California," State Department of Boating and Waterways (formerly Navigation and Ocean Development), 1976, page 30.

5 "Coastal Sediment Processes: Toward Engineering Solutions," Robert G. Dean, 1987.

6 Letter Report from Dr. Craig Everts, Moffatt and Nichol Engineers, to California Coastal Commission staff member and senior engineer, Lesley Ewing, March 14, 1994.

As set forth previously, the subject beach is a slowly eroding to oscillating beach. The applicant's coastal engineering consultant has indicated that the proposed revetment be acted upon by waves during storm conditions. The applicant's consultant has also indicated that seasonal foreshore slope movement can be as much as 80 feet. In addition, if a seasonal eroded beach condition occurs with greater frequency due to the placement of a revetment on the subject site, then the subject beach would also accrete at a slower rate. The Commission notes that many studies performed on both oscillating and eroding beaches have concluded that a loss of beach occurs on both types of beaches where a shoreline protective device exists. Therefore, the Commission notes that the proposed revetment, over time, will result in potential adverse effects to the beach sand supply, resulting in increased seasonal erosion of the beach, and longer recovery periods.

In addition, the impacts of potential beach scour are important relative to beach use for two primary reasons. The first reason involves public access. The subject property is located approximately ½ mile west of El Pescador State Beach and ½ mile east of Nicolas Canyon County Beach. This beach is accessible from these public beaches at low tides. Even minimal scouring in front of the revetment will translate into a loss of beach sand available through erosion than would otherwise occur under a normal winter season if the beach were unaltered. The second impact relates to the potential turbulent ocean condition that may be created. Scour at the face of a revetment will result in greater interaction with the wall and, thus, make the ocean along this beach more turbulent than it would be normally be along an unarmored beach area. Thus, the Commission has ordinarily required that shoreline protection devices be located as far landward as possible, in order to reduce adverse effects from scour and erosion. In the case of this project, the Commission notes that the proposed revetment will be located as far landward as feasible in order to minimize adverse effects from scour and erosion.

Staff has also explored the alternative of rebuilding a vertical wall against the base of the bluff. In this case, a vertical wall is not the preferred alternative due to the geomorphic characteristics of this beach and bluff. This beach is relatively stable, slowly eroding to oscillating, and accumulates a significant amount of sand on the backshore in the late spring, summer and early fall. The proposed revetment would be constructed at a 2:1 angle and contains voids and spaces which will effectively capture and retain the sand more effectively than a vertical wall on this beach. Furthermore, a vertical wall against the base of the bluff would have to be designed at a greater design height than a revetment which would result in a more visible structure. The toe of the proposed revetment is located approximately 10 feet landward of the existing vertical seawall on the east and just seaward (approximately 8 feet max.) of the vertical wall on the western portion of the property. The toe of the revetment is at the base sour level of the beach and will only be exposed under the most severe scour events. The toe of the revetment and the majority of the revetment will be buried for most of the year. The adjacent revetment up coast provides an excellent example of this situation. The other advantage with a revetment in this case is that it can be more effectively integrated or tied into the upcoast revetment and the downcoast rock outcropping. Therefore, the

Commission finds in this case that the proposed revetment is the preferred shoreline protection alternative.

As discussed above, the Commission notes that the new revetment will be located as far landward as possible. However, any future improvements to the proposed revetment that might result in the seaward extension of the shoreline protection device would result in increased adverse effects to shoreline sand supply and public access. Therefore, **Special Condition Five (5)** prohibits any future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to this permit, if such activity extends the seaward footprint of the subject shoreline protective device.

In addition, in past permit actions, the Commission has required that all new development on a beach, including the construction of shoreline protection devices, provide for lateral public access along the beach in order to mitigate adverse effects to public access from increased beach erosion. In this case, the Commission notes that the applicant is proposing to dedicate a lateral public access easement which would provide for public access along the entire beach under all tidal conditions, as measured from the intersection of the sand and the seaward face of the revetment. The Commission notes that the lateral public access easement, which the applicant has offered to dedicate as part of this project, will be consistent with other lateral public access easements which have been recorded on properties on this beach and in the Malibu area.

In order to conclude with absolute certainty what adverse effects would result from the proposed project in relation to shoreline processes and the adequacy of the proposed lateral public access easement, a historical shoreline analysis based on site specific studies would be necessary. Although this level of analysis has not been submitted by the applicant, the Commission notes that because the applicant has proposed as part of the project an offer to dedicate a lateral public access easement along the entire southern portion of the lot, as measured from the intersection of the sand and the seaward face of the revetment, it has not been necessary for Commission staff to engage in an extensive analysis as to whether the imposition of an offer to dedicate would be required here absent the applicant's proposal. As such, **Special Condition Four (4)** has been required in order to ensure that the applicant's offer to dedicate a lateral public access easement is transmitted prior to the issuance of the coastal development permit.

b. <u>End Effects</u>

End scour effects involve the changes to the beach profile adjacent to the shoreline protection device at either end. One of the more common end effects comes from the reflection of waves off of the shoreline protection device in such a way that they add to the wave energy which is impacting the unprotected coastal areas on either end. In addition, the Commission notes that the literature on coastal engineering repeatedly warns that unprotected properties adjacent to any shoreline protective device may

experience increased erosion. Field observations have verified this concern. Although it is difficult to quantify the exact loss of material due to end effects, in a paper written by Gerald G. Kuhn of the Scripps Institute of Oceanography, it is concluded that erosion on properties adjacent to a rock seawall is intensified when wave runup is high.[7]

An extensive literature search on the interaction of seawalls and beaches was performed by Nicholas Kraus in which he found that seawalls will have effects on narrow beaches or beaches eroded by storm activity. His research indicated that the form of the erosional response to storms that occurs on beaches without seawalls which are adjacent to beaches with seawalls is manifested as more localized toe scour, with end effects of flanking and impoundment at the seawall.[8] Dr. Kraus' key conclusions were that seawalls could be accountable for retention of sediment, increased local erosion and increased end erosion. Kraus states:

> ***At the present time, three mechanisms can be firmly identified by which seawalls may contribute to erosion at the coast. The most obvious is retention of sediment behind the wall which would otherwise be released to the littoral system. The second mechanism, which could increase local erosion on downdrift beaches, is for the updrift side of the wall to act as a groin and impound sand. This effect appears to be primarily theoretical rather than actualized in the field, as a wall would probably fail if isolated in the surf zone. The third mechanism is flanking i.e. increased local erosion at the ends of walls.***

In addition, preliminary results of researchers investigating the length of shoreline affected by heightened erosion adjacent to seawalls concluded that:

> ***Results to date indicate that erosion at the ends of seawalls increases as the structure length increases. It was observed in both the experimental results and the field data of Walton and Sensabaugh (1978) that the depth of excess erosion is approximately 10% of the seawall length. The laboratory data also revealed that the along-coast length of excess erosion at each end of the structure is approximately 70% of the structure length.***[9]

A more comprehensive study was performed over several years by Gary Griggs, which concluded that beach profiles at the end of a seawall are further landward than natural

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7 "Coastal Erosion along Oceanside Littoral Cell, San Diego County, California," Gerald G. Kuhn, Scripps Institute of Oceanography, 1981.

8 "Effects of Seawalls on the Beach," Nicholas Kraus, Ph.D., Journal of Coastal Research, Special Issue #4, 1988.

9 "Laboratory and Field Investigations of the Impact of Shoreline Stabilization Structures on Adjacent Properties," W. G. McDougal, M. A. Sturtevant, and P. D. Komar, Coastal Sediments, 1987.

profiles.[10] This effect appears to extend for a distance of about six-tenths of the length of the seawall and represents both a spatial and temporal loss of beach width directly attributable to seawall construction. These end effects would be expected only when the bulkhead was exposed to wave attack. Under equilibrium or accreting beach conditions, this scour will likely eventually disappear during post-storm recovery. The Commission notes that end effect erosion may be minimized by locating a proposed shoreline protection device as far landward as possible in order to reduce the frequency that the seawall is subject to wave action. In the case of this project, the Commission notes that the proposed revetment will be located as far landward as feasible and will tie into an existing revetment upcoast and a rock outcropping downcoast in order to minimize adverse effects to shoreline sand supply from end effects.

c. Retention of Potential Beach Material

A shoreline protective device's retention of potential beach material inherently impacts shoreline processes. One of the main functions of a revetment is upland stabilization, protecting upland sediments from being carried to the beach by wave action, and prevention of bluff retreat. In the case of subject beach, which is located in the Santa Monica Cell, the back of the beach is currently fixed by an existing vertical concrete seawall. One of the main sources of sediment for beaches are the bluffs themselves, as well as the material that has eroded from inland sources and is carried to the beach by coastal streams. The National Academy of Sciences found that retention of material behind a shoreline protective device may be linked to increased loss of material in front of that device. The net effect is documented in "Responding to Changes in Sea Level, Engineering Implications," which provides:

> ***A common result of sea wall and bulkhead placement along the open coastline is the loss of the beach fronting the structure. This phenomenon, however, is not well understood. It appears that during a storm the volume of sand eroded at the base of a sea wall is nearly equivalent to the volume of upland erosion prevented by the sea wall. Thus, the offshore profile has a certain "demand" for sand and this is "satisfied" by erosion of the upland on a natural beach or as close as possible to the natural area of erosion on an armored shoreline...***[11]

As explained, the proposed revetment will protect the base of the bluff and the existing office/gym structure from wave uprush and erosion. However, the result of this protection is a loss of sand the beach area that fronts the revetment and sediment from the bluff. Furthermore, as explained previously, this loss of sediment from the active beach leads to a lower beach profile, seaward of the protective device, where the seawall will have greater exposure to wave attack.

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10 "The Interaction of Seawalls and Beaches: Seven Years of Field Monitoring, Monterey Bay, California," G. Griggs, J. Tait, and W. Corona, Shore and Beach, Vol. 62, No. 3, July 1994.
11 "Responding to Changes in Sea Level: Engineering Implications," National Academy of Sciences, National Academy Press, Washington D.C., 1987, page 74.

In past permit actions, the Commission has required that for all new shoreline protection devices that the applicant provide for lateral public access along the beach in order to mitigate adverse effects to public access from increased beach erosion. In this case, the applicant is proposing to dedicate a lateral public access easement which would provide for public access along the entire beach under all tidal conditions as measured intersection of the sand with the seaward face of the revetment to the ambulatory mean high tide line. The Commission notes that the lateral public access easement which the applicant has offered to dedicate as part of this project will be consistent with other lateral public access easements which have been recorded on properties in the Malibu area.

As stated previously, in order to conclude with absolute certainty what adverse effects would result from the proposed project in relation to shoreline processes and the adequacy of the proposed lateral public access easement, a historical shoreline analysis based on site specific studies would be necessary. Although this level of analysis has not been submitted by the applicant, the Commission notes that because the applicant has proposed as part of the project an offer to dedicate a lateral public access easement along the entire southern portion of the lot, as measured from the intersection of the sand with the seaward face of the revetment, it has not been necessary for Commission staff to engage in an extensive analysis as to whether the imposition of an offer to dedicate would be required here absent the applicant's proposal. As such, **Special Condition Four (4)** has been required in order to ensure that the applicant's offer to dedicate a lateral public access easement is transmitted prior to the issuance of the coastal development permit.

5. Conclusion

In past permit actions, the Commission has approved the construction of shoreline protection devices in conjunction with new development only when: (1) to protect coastal dependent uses, (2) to protect existing structures, (3) to protect public beaches in danger from erosion, and (4) in Malibu to protect new residential development that constitutes infill development. In addition, the protective work must be sited and designed as far landward as possible in order to minimize and mitigate any adverse effects to shoreline sand supply and public access.

The Commission notes that the proposed rock revetment is necessary to protect existing development on the subject site. In addition, the proposed revetment has been sited as far landward against the base of the bluff as is feasible. Furthermore, as discussed above, a rock is the preferred alternative in this case given the physical characteristics of this beach.

In past permit actions, the Commission has required that all new development on a beach, including a shoreline protection devices, provide for lateral public access along the beach in order to mitigate adverse effects to public access from increased beach

erosion. As stated previously, in this case, the applicant is proposing to dedicate a lateral public access easement, which would provide for public access along the entire beach under all tidal conditions as measured interface of the beach and the seaward face of the revetment. The Commission notes that the lateral public access easement which the applicant has offered to dedicate as part of this project will be consistent with other lateral public access easements which have been recorded on properties in the Malibu area.

Therefore, the Commission finds that the proposed project, as conditioned above, is consistent with Sections 30235, 30250, and 30253 of the Coastal Act.

D. Public Access

The Coastal Act mandates the provision of maximum public access and recreational opportunities along the coast. The Coastal Act contains several policies which 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(a) of the Coastal Act provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

> ***(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.***
>
> ***(2) adequate access exists nearby, or,***
>
> ***(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.***

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 use.***

Sections 30210 and 30211 of the Coastal Act 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 and to allow use of dry sand and rocky coastal beaches.

All projects requiring a coastal development permit must be reviewed for compliance with the public access and recreation provisions of Chapter 3 of the Coastal Act. Based on the access, recreation, and development sections 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 this permit application is the occupation of sandy beach area by a rock revetment and potential effects on shoreline sand supply and public access in contradiction of the policies set forth under Sections 30211 and 30221 of the Coastal Act. The proposed project site is located ½ mile west of El Pescador State Beach and ½ mile east of Nicholas County Beach. The beach fronting the site accessible from these public beaches at low tides.

The State of California owns tidelands, which are those lands located seaward the mean high tide line as it exists from time to time. By virtue of its admission into the Union, California became the owner of all tidelands and all lands lying beneath inland navigable waters. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The public trust doctrine restricts the use of sovereign lands to public trust purposes, such as navigation, fisheries, commerce, public access, water oriented recreation, open space, and environmental protection. The public trust doctrine also severely limits the ability of the State to alienate these sovereign lands into private ownership and use free of the public trust. Consequently, the Commission must avoid decisions that improperly compromise public ownership and use of sovereign tidelands.

Where development is proposed that may impair public use and ownership of tidelands, the Commission must consider where the development will be located in relation to tidelands. The legal boundary between public tidelands and private uplands is relative to the ordinary high water mark. In California, where the shoreline has not been affected by fill or artificial accretion, the ordinary high water mark of tidelands is determined by locating the existing "mean high tide line." The mean high tide line is the intersection of the elevation of mean high tide with the shore profile. Where the shore is composed of sandy beach where the profile changes as a result of wave action, the

location at which the elevation of mean high tide line intersects the shore is subject to change. The result is that the mean high tide line, and therefore the boundary, is an ambulatory moving line that goes seaward through the process known as accretion and landward through the process known as erosion.

Consequently, the position of the mean high tide line fluctuates seasonally as high wave energy (usually but not necessarily) in the winter months causes the mean high tide line to move landward through erosion, and as milder wave conditions (generally associated with the summer) cause the mean high tide line to move seaward through accretion. In addition to ordinary seasonal changes, the location of the mean high tide line is affected by long term changes such as sea level rise and diminution of sand supply.

The Commission must consider a project's direct and indirect effect on public tidelands. To protect public tidelands when beachfront development is proposed, the Commission must consider (1) whether the development or some portion of it will encroach on public tidelands (i.e., will the development be located below the mean high tide line, as it may exist at some point throughout the year) and (2) if not located on tidelands, whether the development will indirectly affect tidelands by causing physical impacts to tidelands. In the case of the proposed project, the California State Lands Commission presently does not assert a claim that the project intrudes onto sovereign lands.

Even structures located above the mean high tide line, however, may have an adverse effect on shoreline processes as wave energy reflected by those structures contributes to erosion and steepening of the shore profile, and ultimately, to the extent and availability of tidelands. For these reasons, the Commission must also consider whether a project will have indirect effects on public ownership and public use of shorelands. As stated previously, the proposed project includes the construction of a 90 foot long rock revetment at the base of a coastal bluff. The proposed revetment is located 65 feet landward of the latest recorded mean high tide line (November 18, 1999).

The Commission notes that interference by a shoreline protective device has a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, changes in the shoreline profile, particularly changes in the slope of the profile, which result from reduced beach 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 of public property available for public use. The second effect on access is through a progressive loss of sand, as shore material is no longer 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. The effect that this has on the public is 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, eventually affecting the profile of a public beach. Fourth, if not sited as far landward as possible, in a location that insures that the revetment 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 wave 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 past permit actions, the Commission has required new shoreline protection devices to be located as far landward as possible in order to reduce adverse effects on sand supply and public access from the development. In the case of this project, the Commission notes that the proposed revetment is located as far landward against the bluff as is feasible. However, the Commission further notes that any future improvements to the proposed revetmentl that might result in the seaward extension of the shoreline protection device would result in increased adverse effects to shoreline sand supply and public access. Therefore, to ensure that the proposed project does not result in new future adverse effects to public access, **Special Condition Five (5)** requires the applicant to record a deed restriction that would prohibit any future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to this permit if such activity extends the seaward footprint of the subject shoreline protective device.

Furthermore, the Commission must also consider whether a project affects any public right to use shorelands that exist independently of the public's ownership of tidelands. In addition to a new development's effects on tidelands and on public rights which are protected by the common law public trust doctrine, the Commission must consider whether the project will affect a public right to use beachfront property, independent of the ownership underlying the land on which the public use takes place. Generally, there are three additional types of public uses, which are identified as: (1) the public's recreational rights in navigable waters guaranteed to the public under the California Constitution and State common law, (2) any rights that the public might have acquired under the doctrine of implied dedication based on continuous public use over a five year period, and (3) any additional rights that the public might have acquired through public purchase or offers to dedicate.

These use rights are implicated when the public walk on 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, which is why the effects of structures constructed on the beach are of particular 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 increase significantly in the future. The public has a right to use the shoreline under the public trust doctrine, the California Constitution, and State common law. The

Commission must protect those public rights by assuring that any proposed shoreline development does not interfere with or will only minimally interfere with those rights. In the case of the proposed project, the potential for the permanent long term loss of sandy beach as a result of the change in the beach profile, steepening from potential scour effects, and presence of a revetment on a sandy beach sandy beach do exist.

In past permit actions, the Commission has required that the construction of shoreline protective works on a beach provide for lateral public access along the beach in order to mitigate adverse effects to public access from increased beach erosion. The applicant is proposing to dedicate a lateral public access easement which would provide for public access along the entire beach under all tidal conditions as measured intersection of the sand and the seaward face of the revetment to the ambulatory mean high tide line. The Commission notes that the lateral public access easement which the applicant has offered to dedicate as part of this project will be consistent with other lateral public access easements which have been recorded on properties in the Malibu area.

In order to conclude with absolute certainty what adverse effects would result from the proposed project in relation to shoreline processes and the adequacy of the existing lateral public access easement, a historical shoreline analysis based on site-specific studies would be necessary. Although this level of analysis has not been submitted by the applicant, the Commission notes that because the applicant has proposed as part of the project an offer to dedicate a lateral public access easement seaward of the revetment it has not been necessary for Commission staff to engage in an extensive analysis as to the adequacy of the original easement or whether the imposition of an offer to dedicate would be required here absent the applicant's proposal. As such, **Special Condition Four (4)** has been required in order to ensure that the applicant's offer to dedicate a lateral public access easement is transmitted prior to the issuance of the coastal development permit.

In addition, the Commission notes that chronic unauthorized postings of signs illegally attempting to limit, or erroneously noticing restrictions on, public access have occurred on beachfront private properties in the Malibu area. These signs have an adverse effect on the ability of the public to access public trust lands. The Commission has determined, therefore, that to ensure that the applicants clearly understand that such postings are not permitted without a separate coastal development permit, it is necessary to impose **Special Condition Three (3)** to ensure that similar signs are not posted on or near the proposed project site. The Commission finds that if implemented, **Special Condition Three (3)** will protect the public's right of access to the sandy beach below the mean high tide line.

For all of these reasons, therefore, the Commission finds that as conditioned, the proposed project is consistent with Sections 30210, 30211, 30212, and 30220 of the Coastal Act.

E. Water Quality

The Commission 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. 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.***

As described in detail above, the proposed project includes the demolition of an existing residence, guest unit, three out buildings and construction of a new residence with swimming pool and patios, two side by side two car garages, new guest unit, rock revetment, remodeled office/gym, parking/turnaround area and extensive landscaping plan utilizing native vegetation. As previously mentioned, the site has been extensively modified by past grading and intensive site development. The proposed project will result in a reduction of impervious surfaces on the site from 24,855 sq. ft. to 21,822 sq. ft. The site is considered a "hillside" development, as it involves moderate to steeply sloping terrain with soils that are susceptible to erosion.

Although the proposed development will result in an decrease in impervious surface, a significant amount of impervious surfaces remain which increase the volume and velocity of runoff. The runoff from these impervious surfaces can include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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

The Commission finds that sizing post-construction structural BMPs to accommodate (filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 6**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition** 8 is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site secondary treatment septic system to serve the residence. The septic system is located on the landward side of the main residence and will serve all of the existing and proposed development on the site. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the City of 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 resources.

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 of the Coastal Act.

F. Visual Resources

Section 30251 of the Coastal Act states:

> ***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 subordinated to the character of its setting.***

Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The project site is located seaward of Pacific Coast Highway in western Malibu just west of Decker Canyon Road. Existing residential development and landscaping along Pacific Coast Highway has blocked the view of the ocean in this area. Pacific Coast Highway is a major coastal access route, not only utilized by local residents, but also heavily used by tourists and visitors to access several public beaches located in the surrounding area which are only accessible from Pacific Coast Highway. Public views of the ocean and water from Pacific Coast Highway have been substantially reduced, or completely blocked, in many areas by the construction of single family residences, privacy walls, fencing, landscaping, and other residential related development between Pacific Coast Highway and the ocean. Specifically, the Commission notes that when residential structures are located immediately adjacent to each other or there is continuous large scale landscaping such development creates a wall-like effect when viewed from Pacific Coast Highway. As such, the Commission notes that such development, when viewed on a regional basis, will result in potential cumulative adverse effects to public views and to the visual quality of coastal areas.

The Commission typically requires that new residential development on vacant bluff lots, where feasible, be sited and designed so as not to block views of the ocean as seen from Pacific Coast Highway. In this case, the applicant is proposing to redevelop portions of the site and retain some existing pre-Coastal Act structures. The existing site is extensively developed and includes existing landscaping which blocks views of the ocean as seen from Pacific Coast Highway. The applicant is proposing to retain an existing pre-Coastal Act gate house which blocks views on the eastern half of the parcel. However, the western half of the lot contains only fencing and landscaping which could be easily removed and replaced with visually permeable fencing and low

lying landscaping which would provide a view corridor to the ocean. In past permit actions, the Commission has found that new residential development or redevelopment projects, such as the proposed project, should reserve a minimum of 20 percent of the linear frontage of the lot as visually open area to provide and maintain adequate public coastal views [CDP 4-99-154 (Montanaro), CDP 4-99-153 (Ioki), and CDP 4-99-155 (Ioki) and 4-00-057 (Morton].

In the case of the proposed project, the Commission notes that the subject site is 80 feet in width and that a public view corridor of no less than 20 percent of the width of the site's lineal frontage would be 16 feet in width. The eastern portion of the site currently contains a fence, exotic landscaping (eucalyptus trees) and the existing and proposed driveway. The proposed residence is below the elevation on Pacific Coast Highway and will not block views of the ocean within a 16 foot wide view corridor along the western property boundary. Section 30251 of the Coastal Act requires that, where feasible, views should be restored or enhanced in visually degraded areas. Therefore, the Commission finds that, to partially restore views of the ocean across the project site, the applicant shall submit revised site plans that illustrates a 16 foot wide view corridor as measured from the western property boundary as specified in **Special Condition 9**. In addition, the Commission further finds the applicant must submit landscaping plans that include the removal of fencing and existing vegetation within the view corridor and replant the area with low lying vegetation that will not block views of the ocean within this view corridor, as specific in **Special Condition 8.** The landscape plan shall specify that vegetation adjacent to Pacific Coast Highway shall not exceed two feet in height and the remained of replacement vegetation shall be low lying and maintained to ensure the vegetation will not obscure or block views of the ocean as seen from Pacific Coast Highway.

To ensure that public coastal views will be protected in the future, **Special Condition 10** requires the applicant to execute and record a deed restriction that provides that no less than 20 percent of the lineal frontage of the project site shall be maintained as a public view corridor. Development within the public view corridor shall be limited to fencing of visually permeable designs and materials, such as wrought iron or non-tinted glass materials. The Commission notes that certain types of visually permeable fencing, including certain types of glass walls, may be allowed within a public view corridor if such structures do not interfere with public views of the beach and ocean from Pacific Coast Highway.

The proposed project is also visible from the beach that is accessible to the public from the nearby public beaches located a ½ mile to the north and south of the property. Therefore, the visual impacts of the proposed development must be reviewed for consistency with visual resource policy of the Coastal Act(§ 30251). As mentioned above, the site is extensively developed with a two story 7,130 sq. ft. residence, 1,891 sq. ft. office/gym structure, 1,363 sq. ft. guest unit and, 833 sq. ft. gate house, four shed/outbuildings, three parking areas and the site has been terraced and landscaped with exotic vegetation. The applicant is proposing to demolish the existing main residence, guest unit located on the beach, three of the four sheds and outbuildings

and construct a 8,299 sq. ft. residence, with a swimming pool, two side by side detached two car garages, partial demolition and remodel the existing 1,891 sq. ft. gym/office structure resulting in a 1,563 sq. ft. office/gym structure, demolished the 1,363 sq. ft. guest unit on the beach and reconstruct a 720 sq. ft. guest unit setback on the lower bluff. The proposal also includes the removal of an existing vertical concrete seawall and construction of a new rock revetment setback against the base of the bluff.

The proposed residence will be located on the building pad for the main residence and will include a terrace on the seaward side of the residence on a previously terraced yard area. The residence will not extend further seaward than a residence located on the adjacent parcel to the west. The proposed pad and terrace will be enlarged somewhat to accommodate the proposed residence and terrace area. There are two terrace areas that are split into two levels. The terrace just off the main residence is about one foot lower the residence and the lower terrace where the pool is located is approximately 8-10 feet lower than upper terrace. The grading necessary to expand the pad and terrace area totals 571 cubic yards (87 cu. yds. cu and 487 cu. yds. fill). In addition, the applicant's geotechnical engineer estimates 1,351 cu. yds. of over excavation will be necessary to stabilize and bring the pad up to current building code requirements. Siting the proposed residence on the existing building pad minimizes grading and landform alteration. Although the existing pad is proposed to be expanded the amount of grading and landform alteration is minimal and will not result in a significant adverse visual impact. In addition, the existing office/gym structure blocks any views of the proposed building pad and terrace area as seen from the beach. Only the second story of the proposed residence will be visible from the beach.

The existing 1,363 sq. ft. guest unit and vertical concrete seawall that extends onto the sandy beach visually degrades the beach. The applicant is proposing to demolish the guest unit and vertical seawall and reconstruct a smaller 720 sq. ft. guest unit at the base of the bluff. The guest unit will be located landward of the proposed rock revetment which is sited against the base of the bluff. The new guest unit will be located a maximum of 24 feet landward of the existing guest unit. The proposed revetment will be sited against the base of the bluff and will be buried most of the year. The demolition and reconstruction of a smaller 15 foot high guest unit and revetment at the base of the bluff will enhance the views along this beach.

The proposed driveway, turn around area, garage pad and play area located on the landward side of the main residence will require a total 1,097 cubic yards of grading (438 cu. yds. cut, 659 cu. yds. fill) with 1,065 cu. yds of over excavation. This area currently consists of a driveway and three split level parking areas. The proposed improvements to the driveway and turn around area adjacent to the main residence are necessary pursuant to County Fire Department standards. The proposed grading will not result in a significant alteration of this previously terraced and graded landform. In addition, this area is not visible from the beach or Pacific Coast Highway.

In order to minimize the visual impact of the proposed development as seen from the beach the Commission finds that it is necessary to require the applicant to finish the

proposed structures and retaining walls in a color consistent with the surrounding natural landscape and the windows of the proposed structure be of a non-reflective nature as specified in **Special Condition 11**.

The landscaping on the site consists of primarily exotic and some invasive vegetation. The Commission finds that in order soften and screen the structures, enhance the overall views of site as seen from the beach and minimize erosion, the applicant shall submit landscaping plans, which utilize native plant species endemic to coastal bluffs on the lower bluff area below the main residence, as required by **Special Condition 8**. The landscape plan shall further specify that the area located to the north or landward of the main residence shall be planted with primarily native drought resistant plant species.

In addition, future developments or improvements to the property have the potential to create significant adverse visual impacts as seen from the surrounding area. Therefore, it is necessary to ensure that future developments or improvements normally associated with a single family residence and accessory units, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policy of the Coastal Act. **Special Condition 7,** the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the visual resource policy of the Coastal Act.

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or the character of the surrounding area in this portion of Malibu. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

G. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments.

Section 30250 (a) of the Coastal Act states:

> ***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 30252 of the Coastal Act states:

> ***The location and amount of new development should maintain and enhance public access to the coast by (l) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.***

Pursuant to Coastal Act §30250 and §30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second residential unit on a site where a primary residence exists intensifies the use of the subject parcel. In addition, the subject lot includes two other non-residential structures that could be easily converted to residential use. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second residential units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act §30250 and §30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose –as a guest unit- rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal

Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant is proposing to construct a detached one-story, 720 sq. ft. guest house. The proposed guest unit consists of an living area and bar, full-bath, and one bedroom. The Commission notes that the 720 sq. ft. guest unit is the only accessory unit on the site identified as habitable square footage. The proposed 720 sq. ft. guest unit conforms with the Commission's past actions in allowing a maximum of 750 sq. ft. for second dwellings in the Malibu area.

The subject site also contains an existing 1,891 sq. ft. two story office/gym which the applicant proposes to remodel and reduce the size to 1,563 sq. ft. The lower floor is unit consist of a gym, massage room, dressing room, shower and steam room. The upper floor consists of a 350 sq. ft. office with a half bathroom. The applicant asserts this unit will not be a residential structure. In addition, there is an existing 833 sq. ft. non-habitable gate house which the applicant will utilize as a security station. However, these units could be easily converted to second residential units which would significant intensify the use of this property and result in significant adverse cumulative impacts to Coastal Resources.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units which may be considered a secondary dwelling. The Commission finds that the proposed 720 sq. ft. guest unit is less than the 750 sq. ft. allowed by the Commission in past permit action. However, the Commission also finds it necessary to ensure that no additions or improvements are made to the detached guest unit or improvements or conversion of the office/gym structure or gate house to residential use without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicant to record a future development deed restriction, as specified in **Special Condition 7**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the guest unit or other accessory structures on the property are proposed in the future. As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

H. Local Coastal Program

Section 30604 of the Coastal Act states:

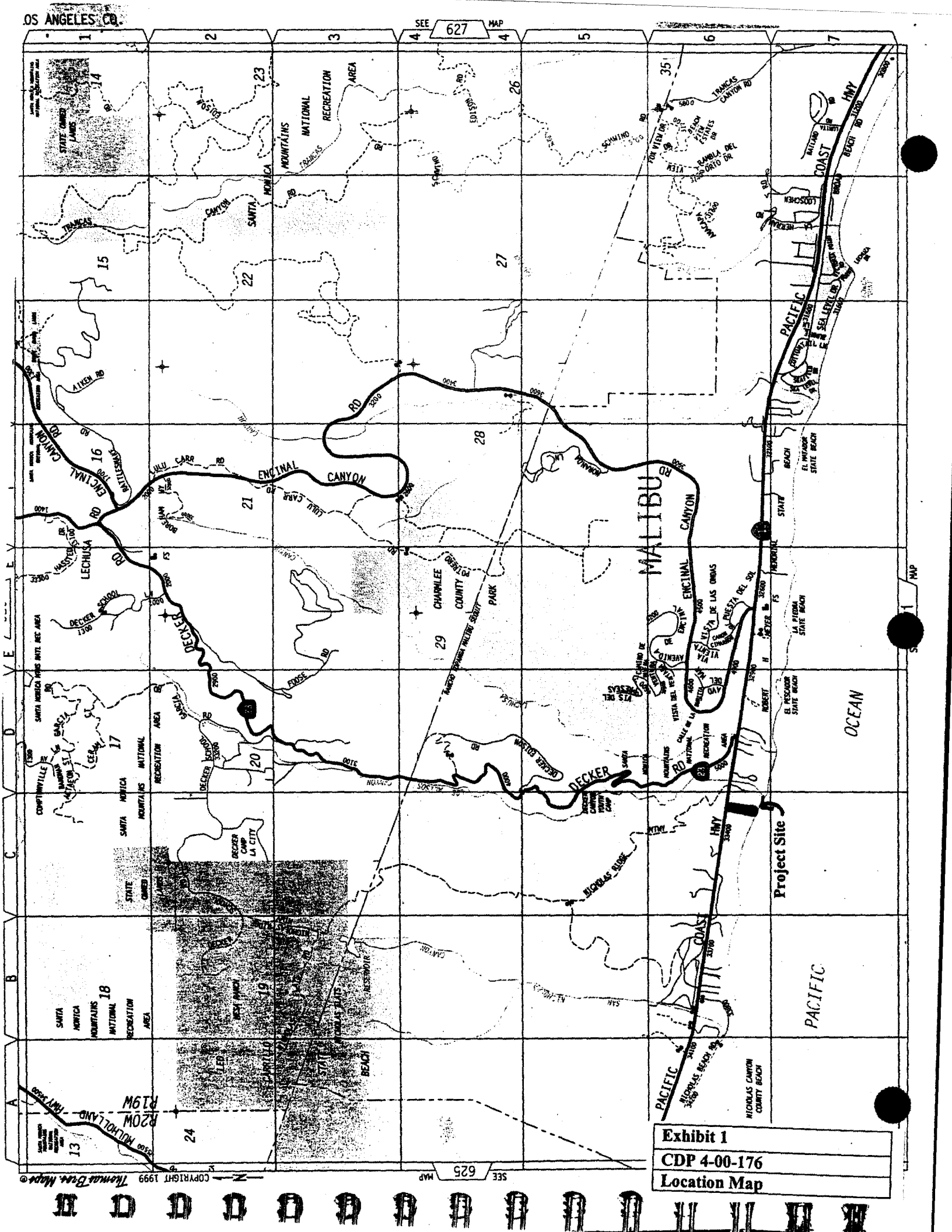
> ***a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that 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 development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

I. CEQA

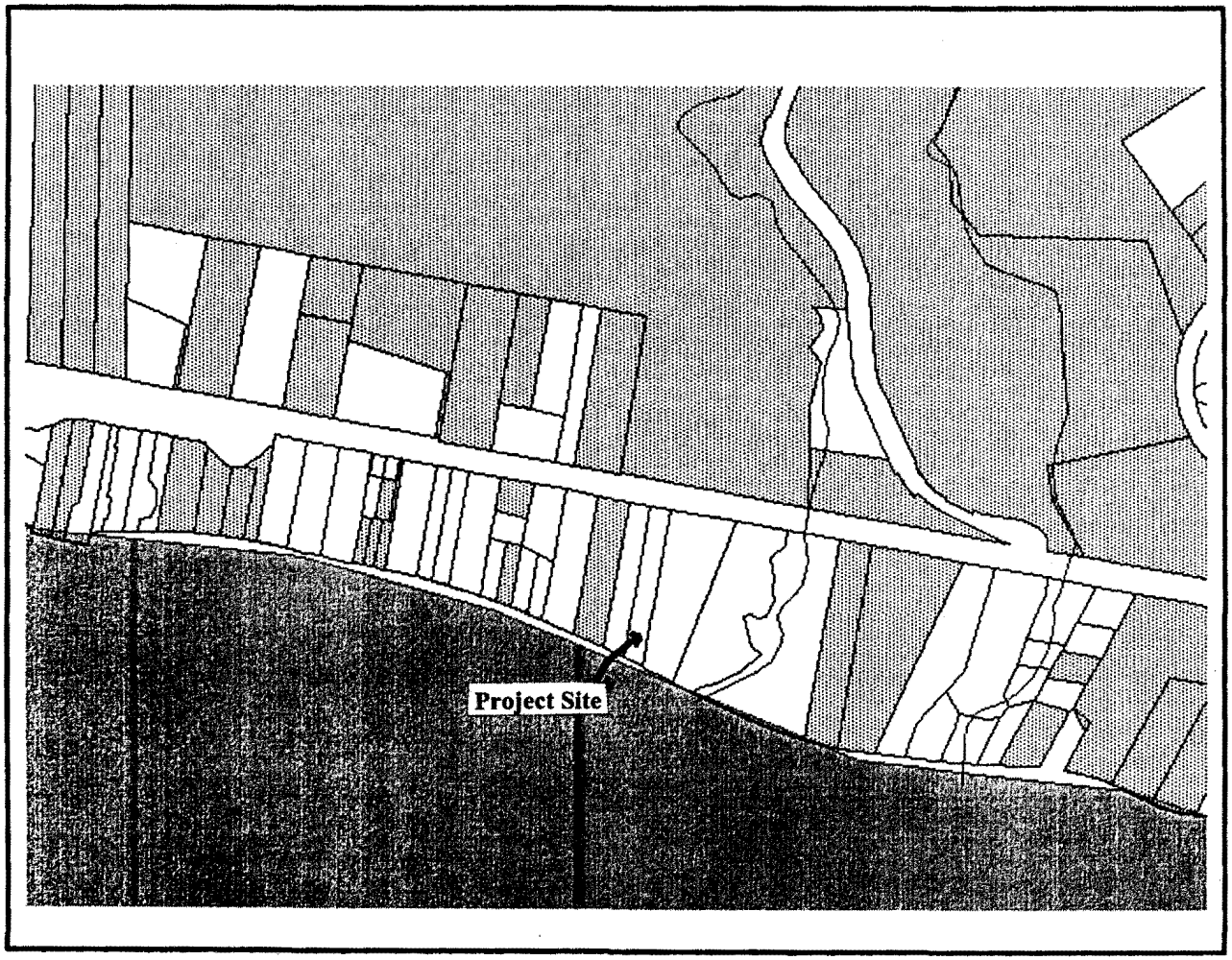
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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


OS ANGELES CO.
SEE 627 MAP
SEE 625 MAP
MALIBU
PACIFIC
OCEAN
COAST HWY
DECKER RD
ENCINAL CANYON RD
LECHUSA RD
CHARLIE COUNTY PARK
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
Project Site
Exhibit 1
CDP 4-00-176
Location Map

ESRI ArcExplorer 1.1

4-00-176 (Ann Walker Trust)



Blue Line Streams

vacant parcels

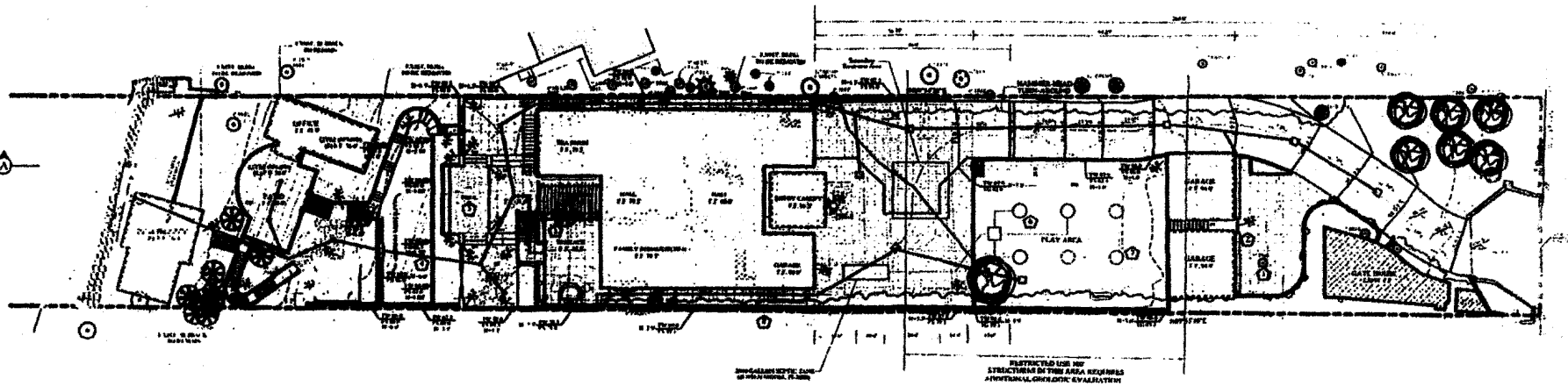
Feet

0 100 200

N

Tuesday, Feb 27 2001

Exhibit 2
CDP 4-00-176
Parcel Map



LIST OF SYMBOLS

LEGEND

GRADING PLAN NOTES

1. THE CONTRACTOR SHALL VERIFY ALL EXISTING TOPOGRAPHY [illegible] PRIOR TO GRADING. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT CIVIL ENGINEER OF ANY DISCREPANCIES [illegible] DESIGN CHANGES SO THE APPROPRIATE CHANGES CAN BE MADE.
2. THE CONTRACTOR SHALL ENSURE THAT ALL UTILITIES [illegible] STAKED PRIOR TO ANY GRADING.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNDERGROUND UTILITIES. [illegible] ALERT SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO [illegible].
4. THE APPROVED GEOLOGY AND GEOTECHNICAL REPORTS SHALL BE [illegible] OF THESE PLANS. COPIES OF THESE REPORTS SHOULD BE MAINTAINED [illegible] SITE DEVELOPMENT.
5. THE PROJECT CIVIL ENGINEER SHALL BE NOTIFIED AND APPROVE [illegible] PRIOR TO IMPLEMENTATION DURING SITE DEVELOPMENT.
6. ALL RETAINING WALLS ARE UNDER SEPARATE PERMIT PRIOR TO IMPLEMENTATION DURING SITE DEVELOPMENT.
7. SEE ARCHITECTURAL DEMOLITION PLAN FOR DETAILS REGARDING [illegible] AND STRUCTURES.
8. DRAINAGE STRUCTURES AND SIZES PER FINAL GRADING PLANS.

CONSTRUCTION NOTES

1. EXISTING TREE TO BE REMOVED.
2. ACO TRENCH DRAIN.
3. POOL PER ARCHITECT PLANS UNDER SEPARATE PERMIT.
4. SLOPE ANCHORS @ 10' O.C.
5. PIPE OUTLET. GIVE ALL PIPE JOINTS AND CONSTRUCT [illegible] AT THE END OF THE PIPE TO RETARD FLOW AT OUTLET.
6. PRIMARY SEEPAGE PITS (5' DIAMETER, 25' DEEP) FROM PROPOSED GRADE, SEAL DEPTH PER [illegible].
7. EXPANSION SEEPAGE PITS.
8. SEE SHEET 2 FOR HORIZONTAL CONTROL PLAN.

GRAPHIC SCALE

0 30 60 120

1" = 60'

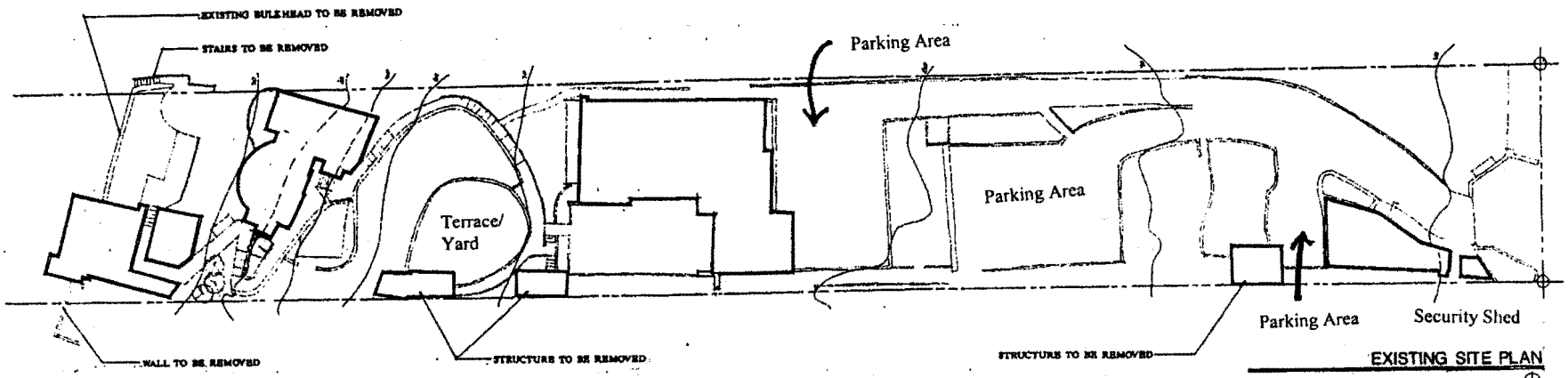
OVERVIEW GRADING & DRAINAGE PLAN

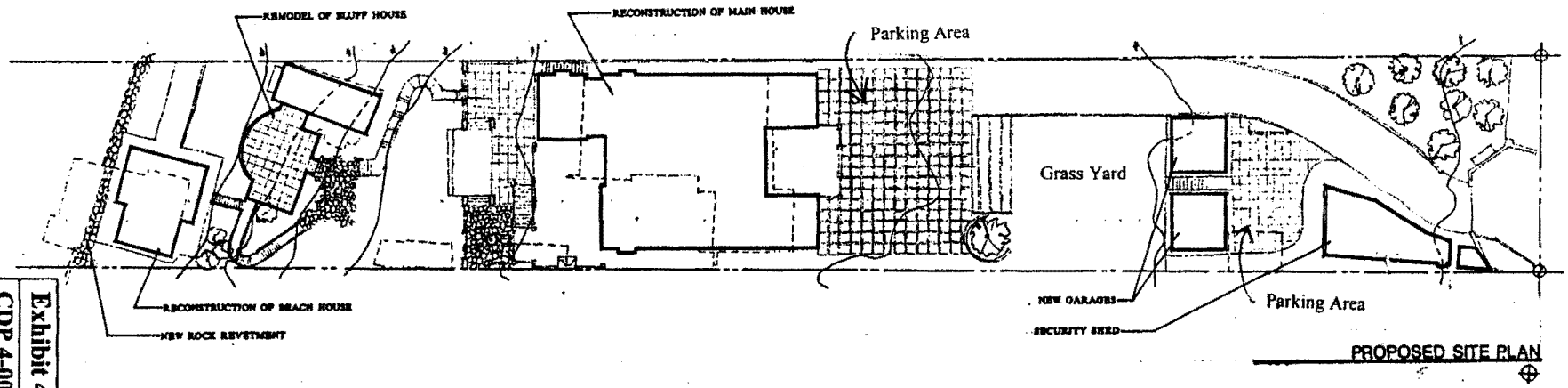
GERBER RESIDENCE
11246 Pacific Coast Highway
Malibu, California

1133

ENGINEERING GROUP
Stokes Avenue, Suite A
[illegible] (805) 650-5128

Exhibit 3
CDP 4-00-176
Site Plan





LOT COVERAGE

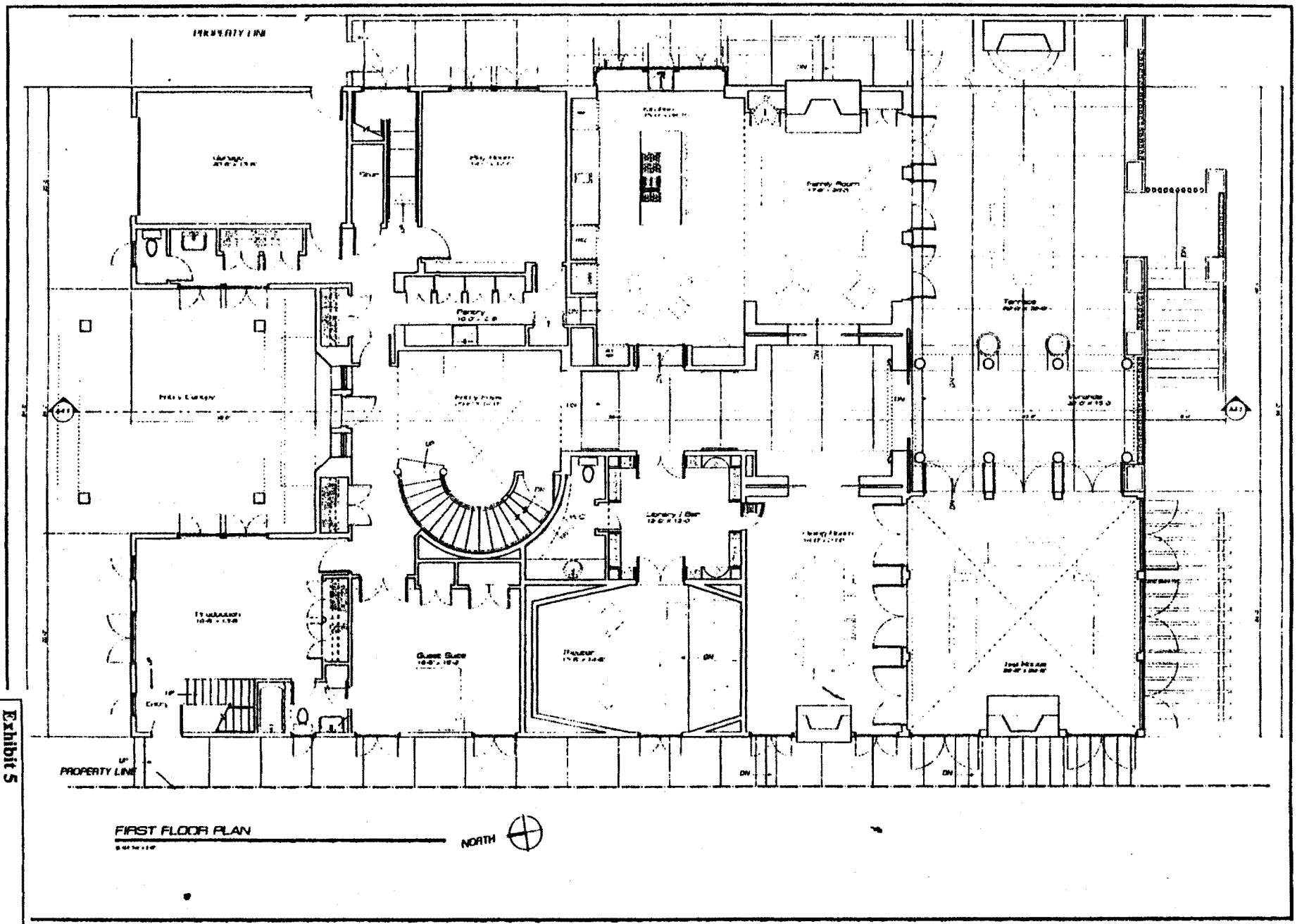
	EXISTING	PROPOSED
PERMEABLE	15,289 S.F.	18,323 S.F.
IMPERMEABLE	24,855 S.F.	21,822 S.F.

GERBER/CRAWFORD RESIDENCE
33246 PACIFIC COAST HIGHWAY
Malibu, CA 90265

BARSOCCHINI & ASSOCIATES, INC.
ARCHITECTS
MICHAEL E. BARSOCCHINI, A.I.A. · (310) 456-3625
3932 COAST VIEW DRIVE · MALIBU, CA 90265

LOT COVERAGE EXHIBIT

Exhibit 4
CDP 4-00-176
Existing and Proposed Site Plan



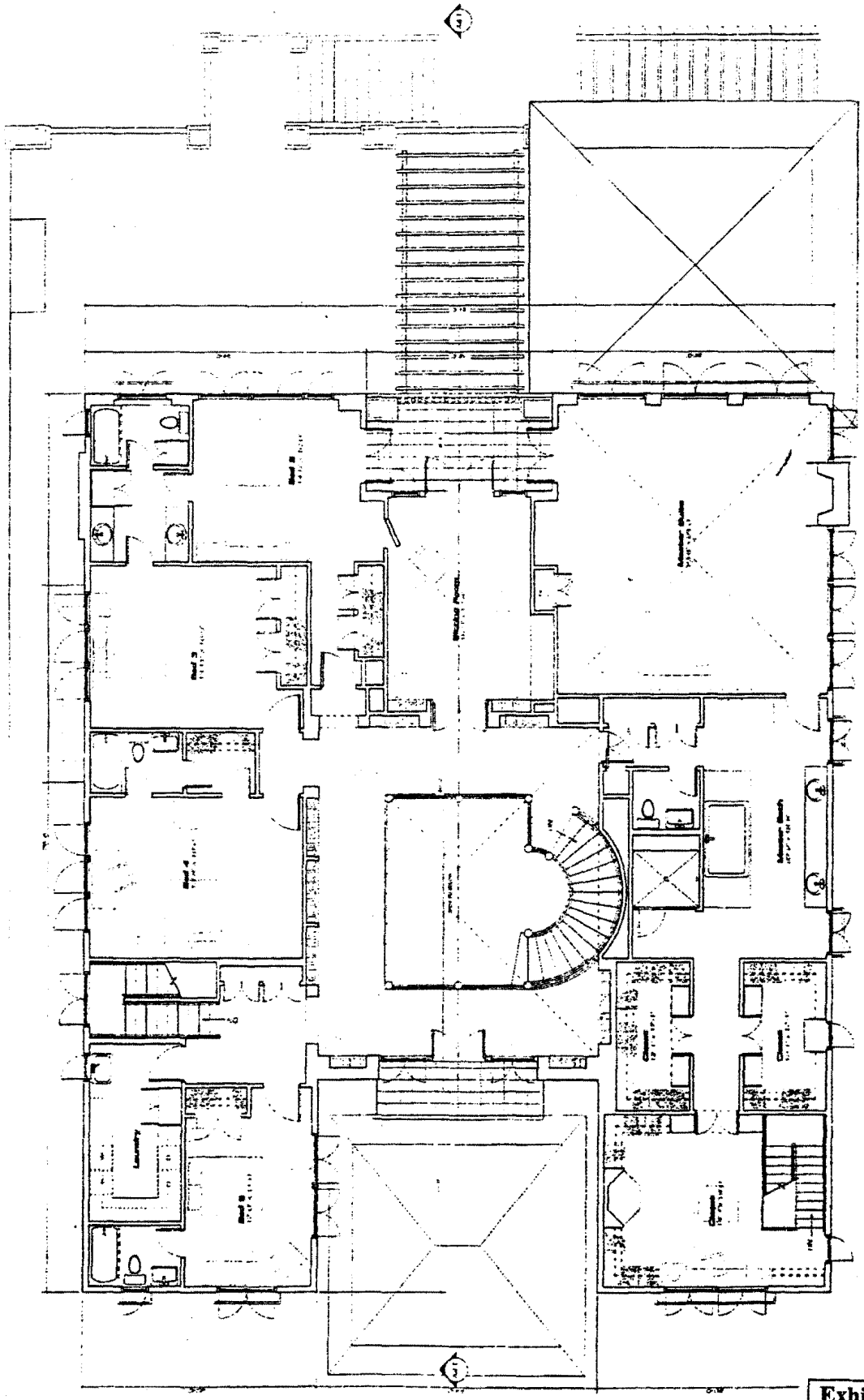
ARCHITROPOLIS

A2.1

Exhibit 5
CDP 4-00-176
First Floor Plan - Main Residence

ARCHITROPOLIS

A2.2

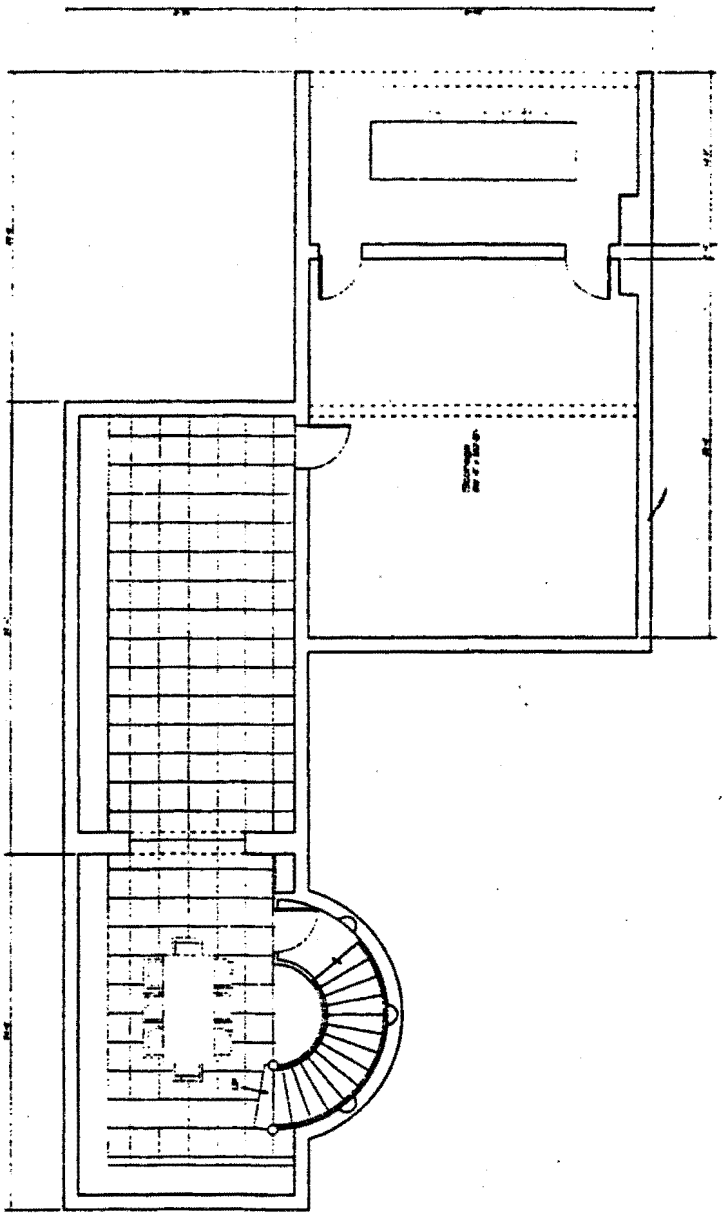


SECOND FLOOR PLAN

Exhibit 6

CDP 4-00-176

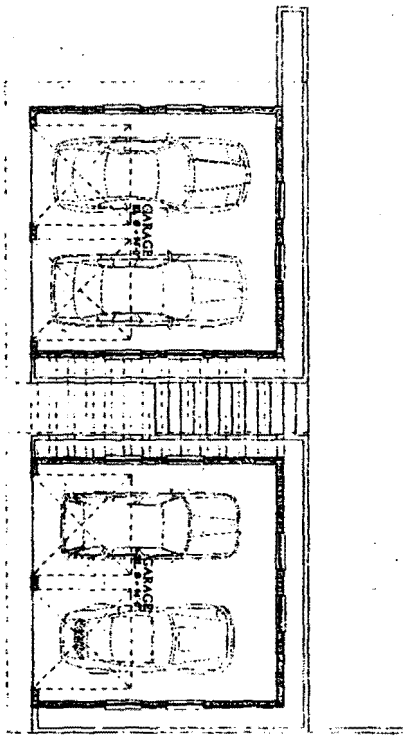
Second Floor Plan – Main Residence



NORTH

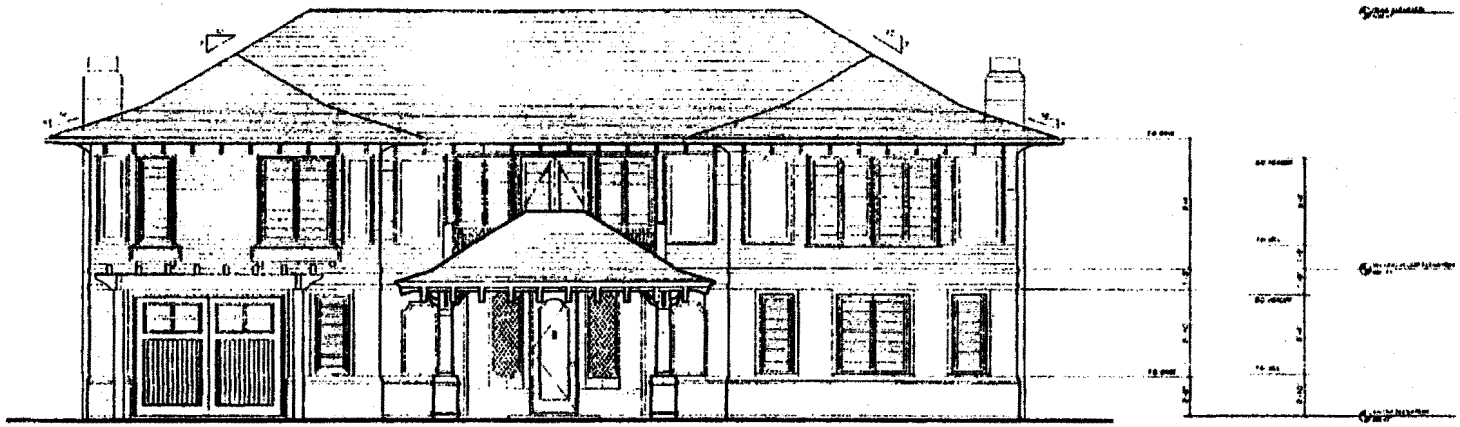
BASEMENT FLOOR PLAN

Exhibit 7
CDP 4-00-176
Basement Plan – Main Residence



GARAGE PLAN

GARAGE PLAN	BARSOCCHINI & ASSOCIATES, INC. ARCHITECTS MICHAEL E. BARSOCCHINI, A.I.A. - (310) 456-3625 3502 COAST VIEW DRIVE - MALIBU, CA 90265	GERBER/CR/ 33246 PACIFI Malibu, CA 9	**Exhibit 8** **CDP 4-00-176** **Garage Floor Plan**

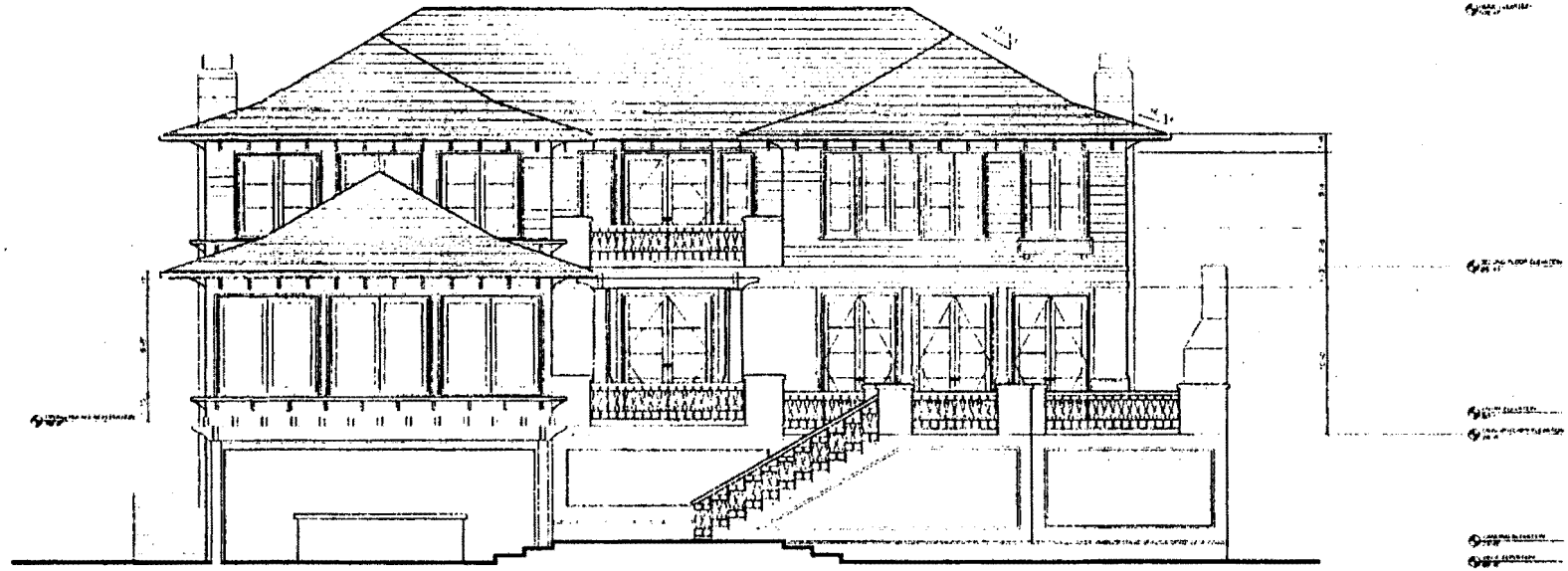


NORTH ELEVATION

ARCHITROPOLIS

A3.1

Exhibit 9
CDP 4-00-176
North Elevation Main Residence



SOUTH ELEVATION

ARCHITROPOLIS

A3.2

Exhibit 10
CDP 4-00-176
South Elevation – Main Residence

ARCHITROPOLIS

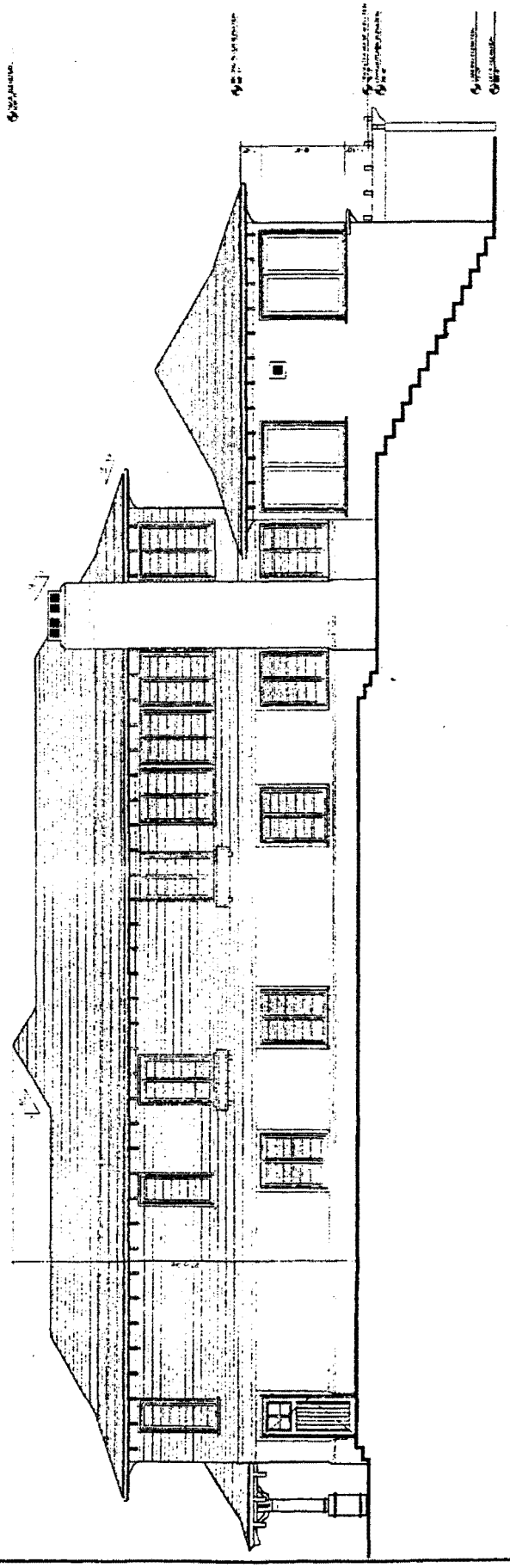
A3.3

EAST ELEVATION

Exhibit 11
CDP 4-00-176
East Elevation – Main Residence

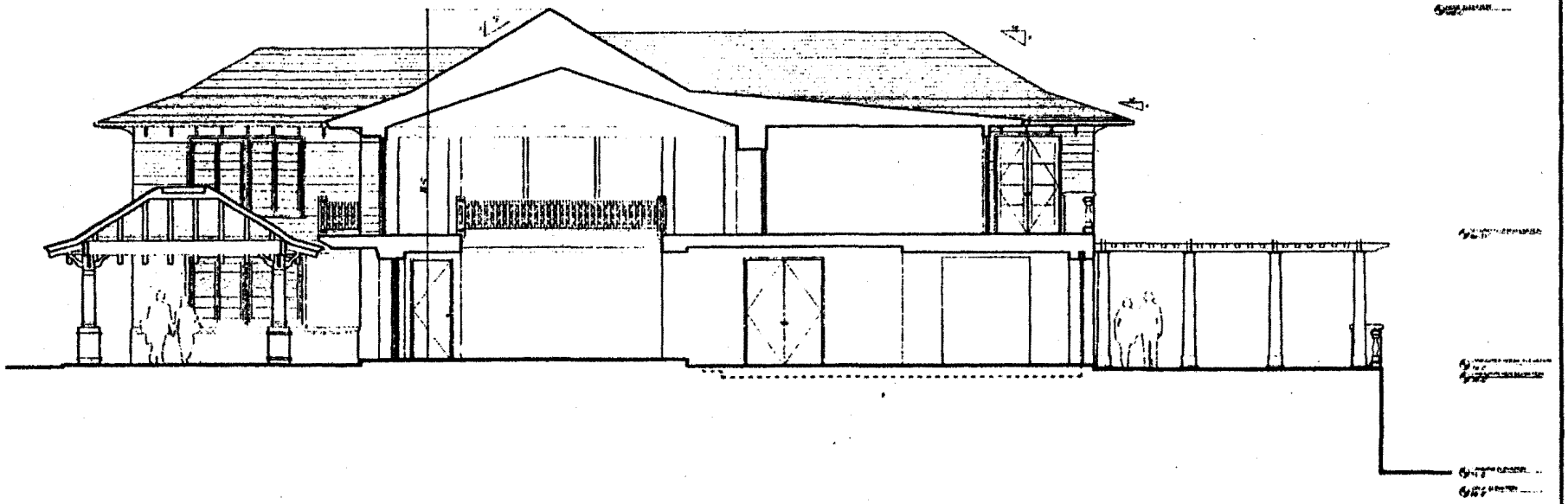
ARCHITROPOLIS

A3.4



WEST ELEVATION

Exhibit 12
CDP 4-00-176
West Elevation

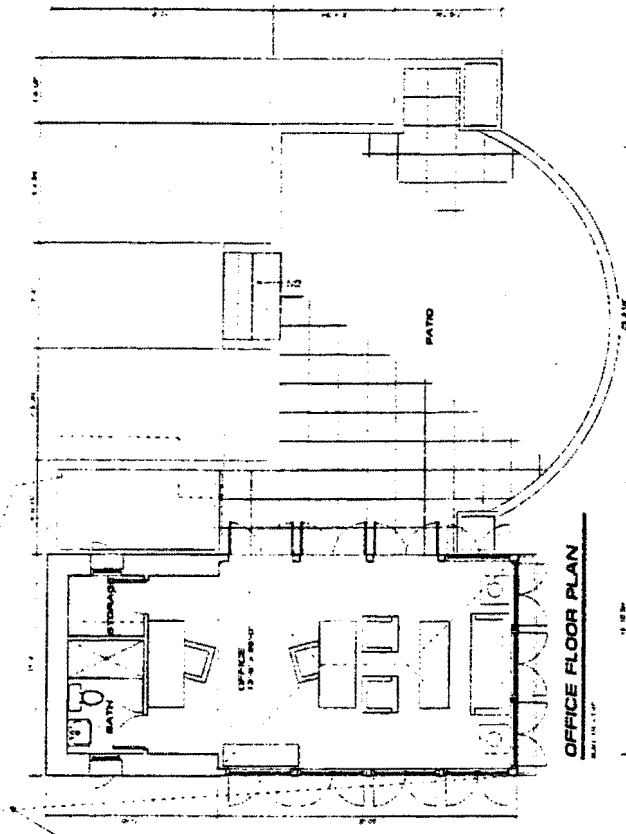


SECTION

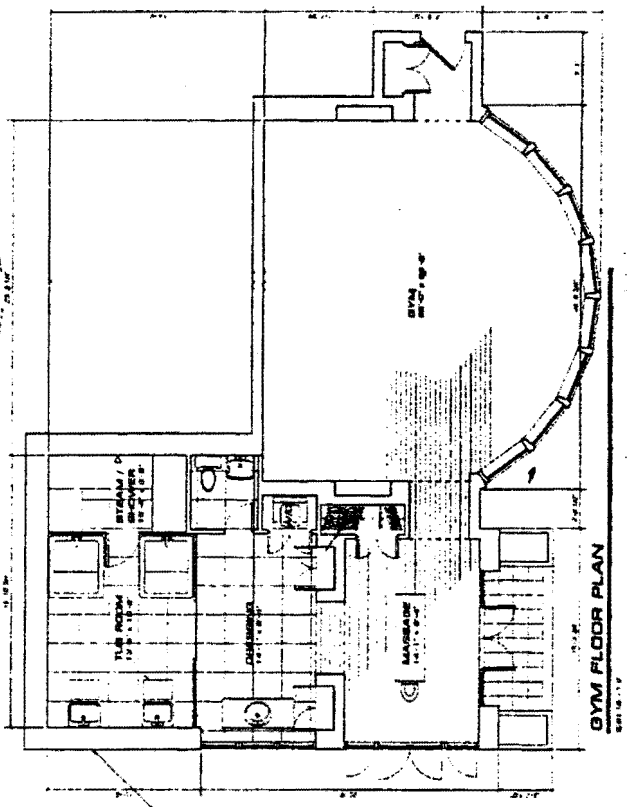
ARCHITROPOLIS

A4.1

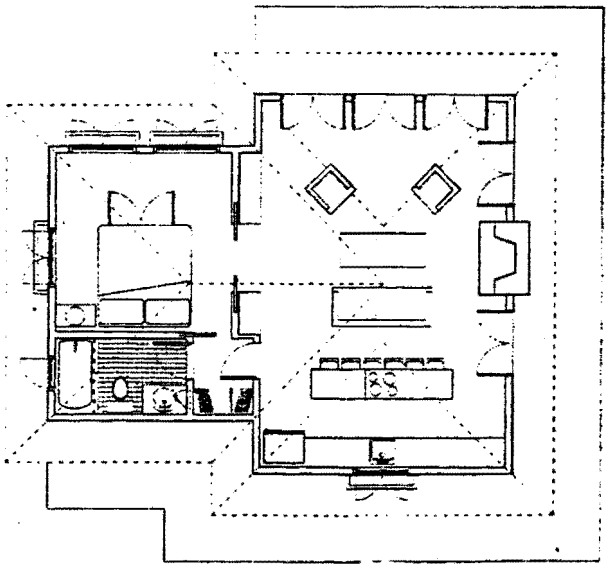
Exhibit 13
CDP 4-00-176
Section of Main Residence



OFFICE FLOOR PLAN

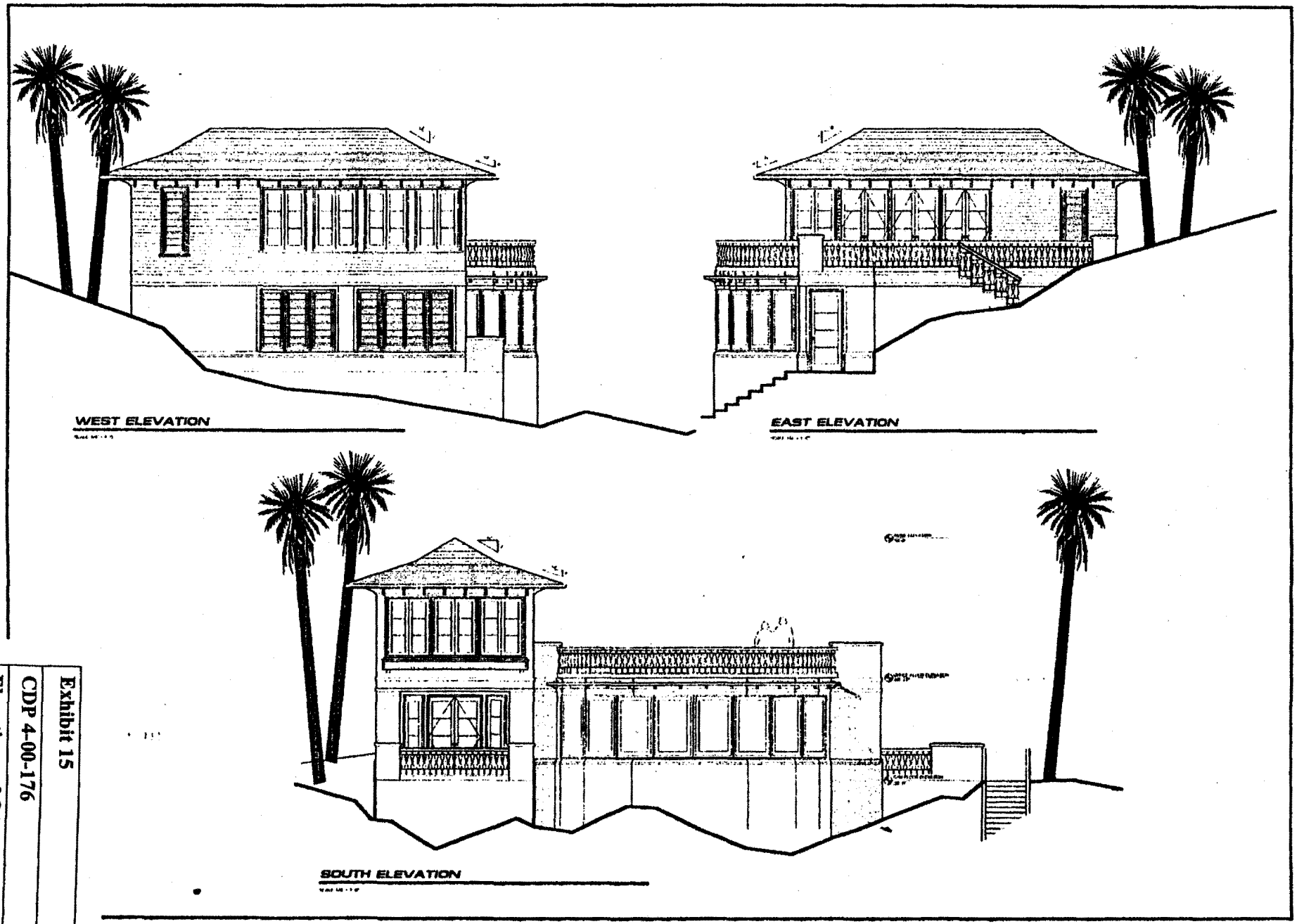


GYM FLOOR PLAN



BEACH HOUSE FLOOR PLAN

Exhibit 14
CDP 4-00-176
Gym/Office & Guest Unit Floor Plans

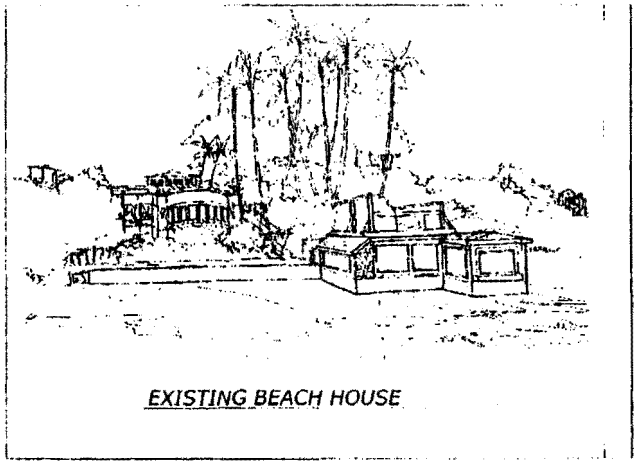


ARCHITROPOLIS

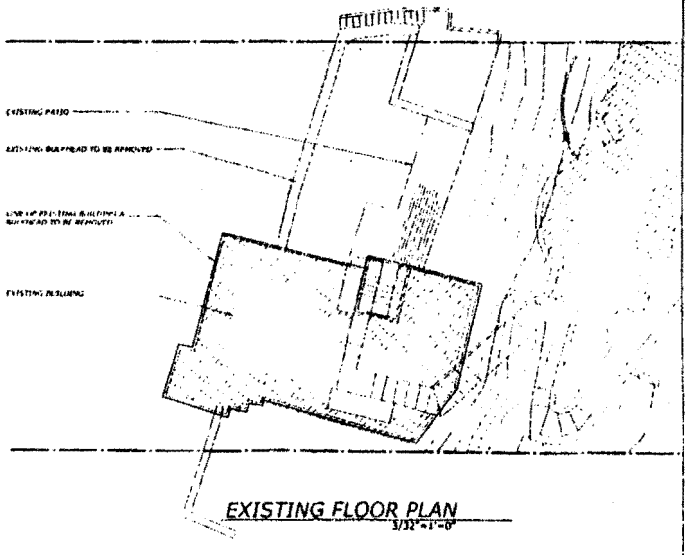
A3.1

Exhibit 15
CDP 4-00-176
Elevations of Office/Gym

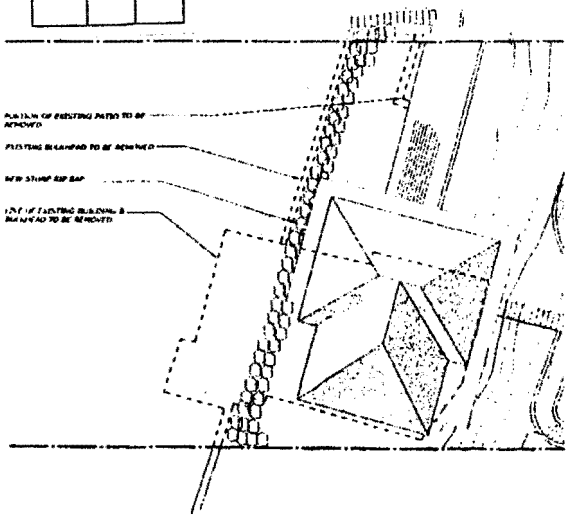
Exhibit 16
4-00-176
Guest House Site Plan



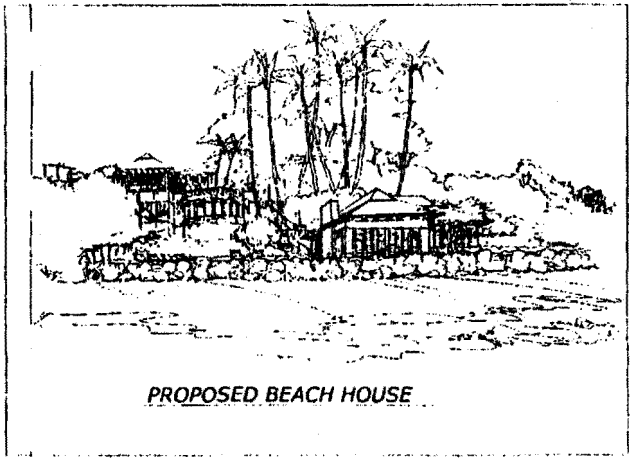
EXISTING BEACH HOUSE



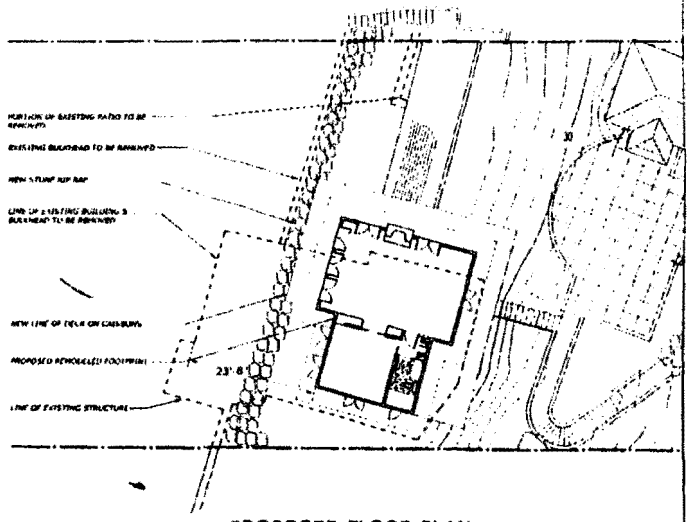
EXISTING FLOOR PLAN
3/32" = 1'-0"



PROPOSED SITE PLAN
3/32" = 1'-0"



PROPOSED BEACH HOUSE

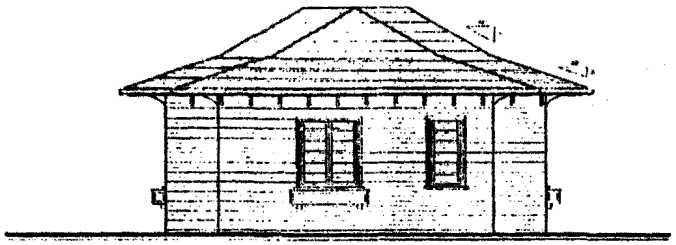


PROPOSED FLOOR PLAN
3/32" = 1'-0"

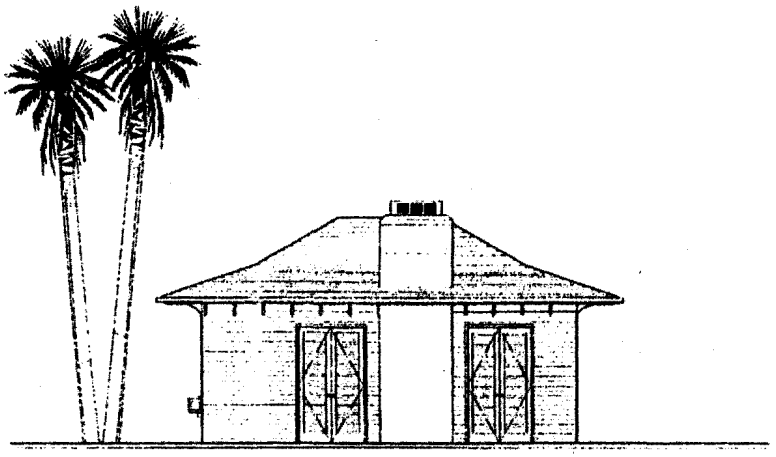
ARCHITROPOLIS

PRIVATE RESIDENCE
27242 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265

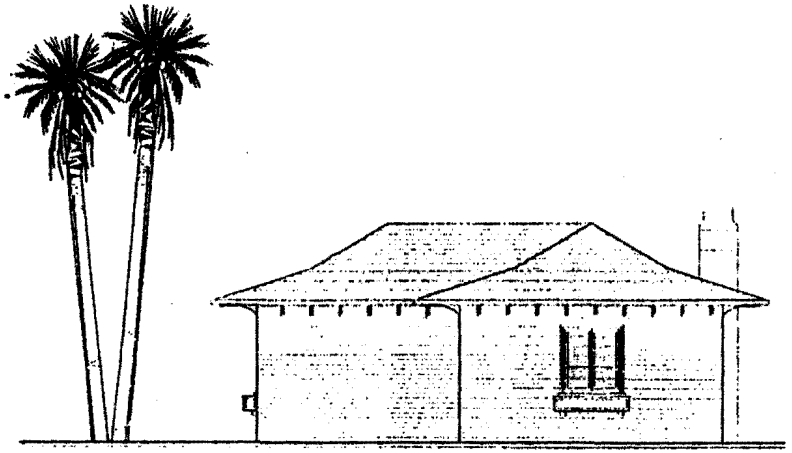
Date 07.28.00
Scale 3/32" = 1'-0"
Drawn BWG
Job GER99.01
Sheet
A1-1



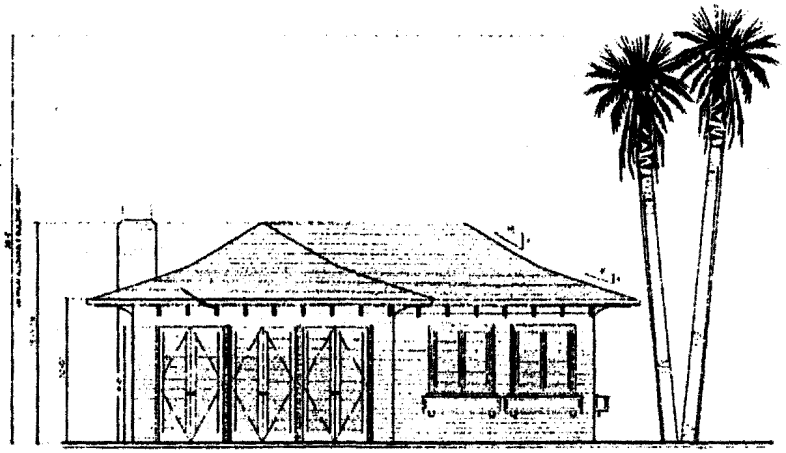
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

ARCHITROPOLIS

A3.2

Exhibit 17
4-00-176
Guest House Elevations

GERBER/CRAWFORD RESIDENCE
32246 PACIFIC COAST HIGHWAY
Malibu, CA 90265

BARSOCCHINI & ASSOCIATES, INC.
ARCHITECTS
MICHAEL E. BARSOCCHINI, A.I.A. · (310) 456-3625
3502 COAST VIEW DRIVE · MALIBU, CA 90265

GARAGE
ELEVATIONS

NORTH ELEVATION

SOUTH ELEVATION

WEST ELEVATION

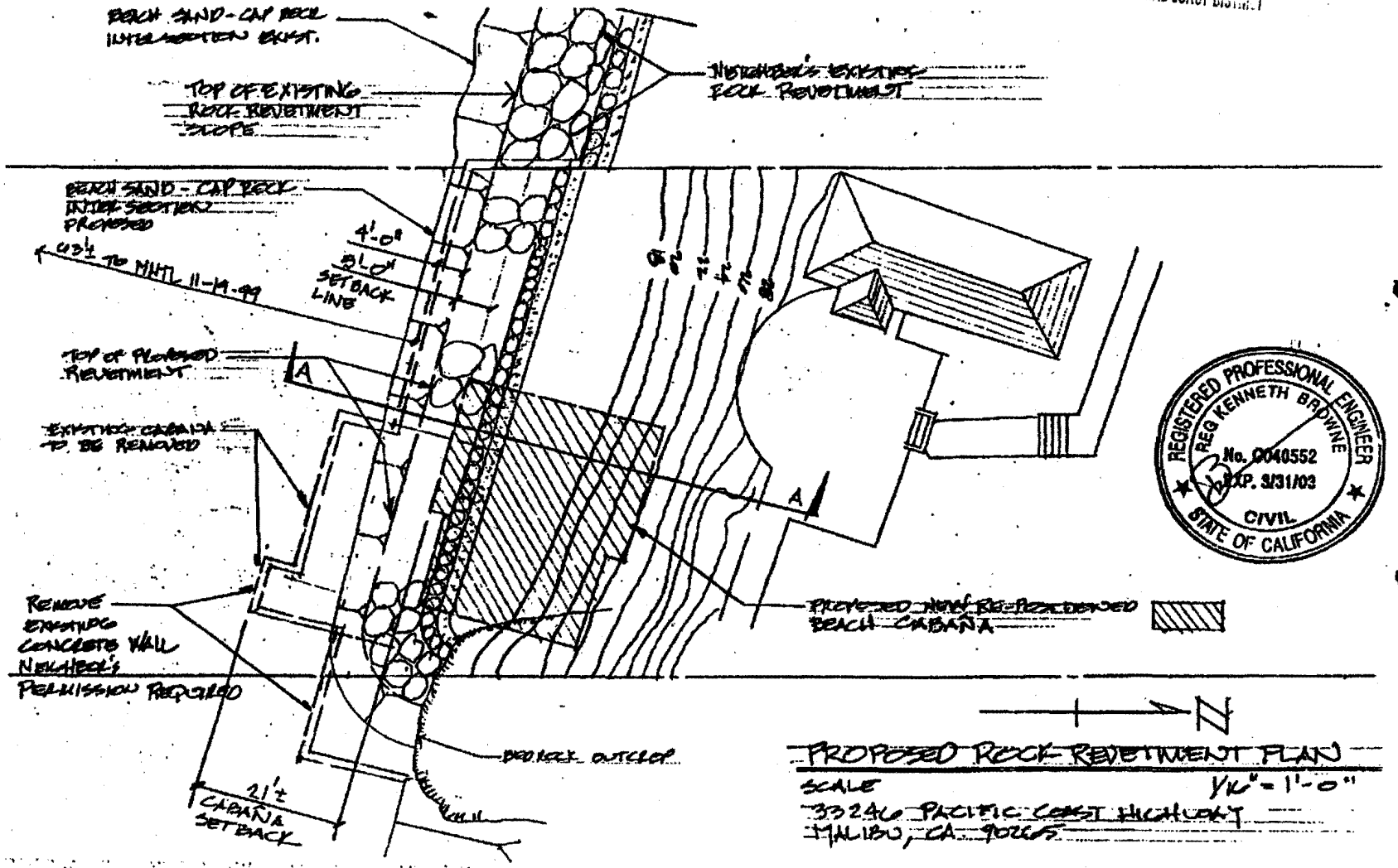
EAST ELEVATION

Exhibit 18

4-00-176

Garage Elevations

RECEIVED
NOV 13 2000
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

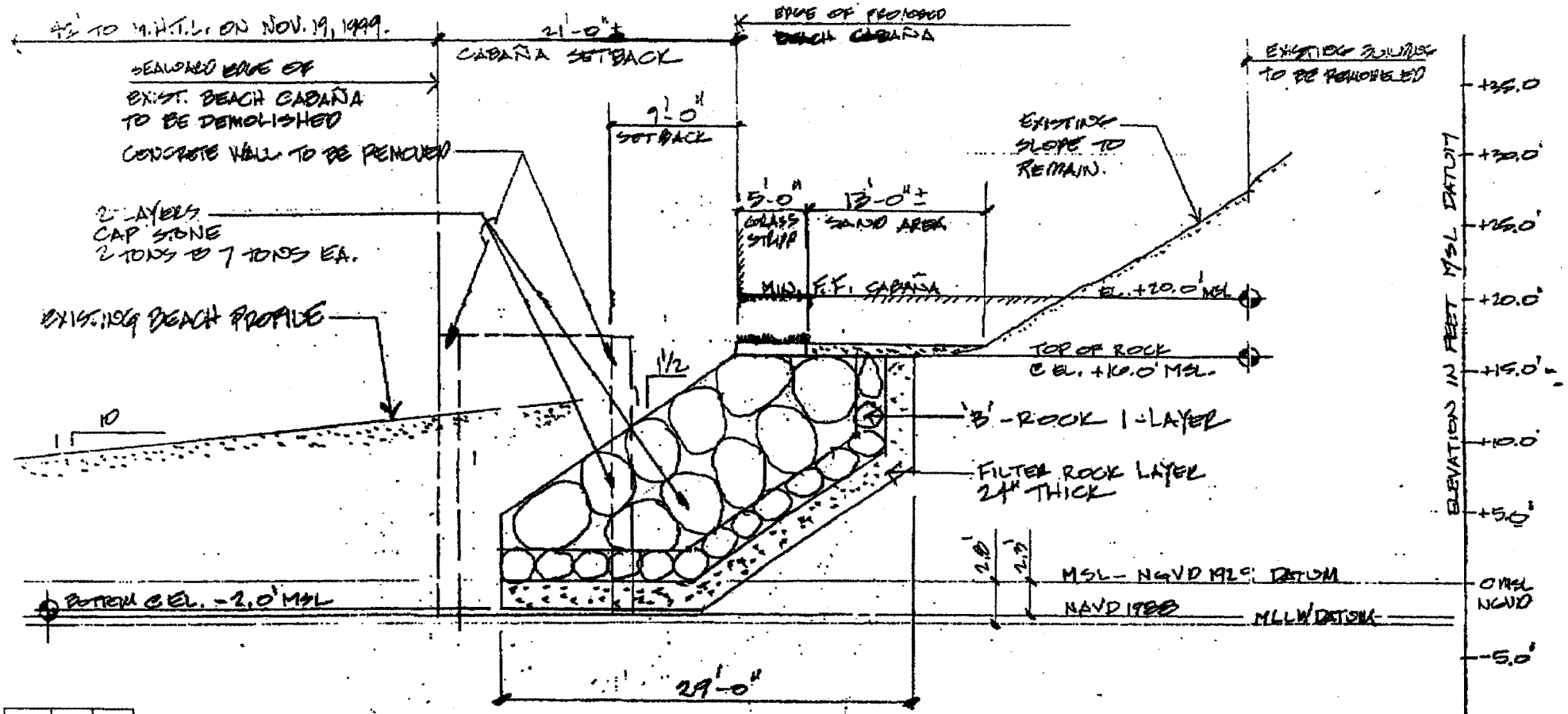


REGISTERED PROFESSIONAL ENGINEER
REG KENNETH BADWINE
No. C040552
EXP. 3/31/03
CIVIL
STATE OF CALIFORNIA

PROPOSED ROCK REVETMENT PLAN
SCALE 1/4" = 1'-0"
33246 PACIFIC COAST HIGHWAY
MALIBU, CA 90265

PACIFIC ENGINEERING GROUP
22440 Clarendon Street #208
Woodland Hills, CA 91367
(818) 225-9400

Exhibit 19
4-00-176
Rock Revetment Plan



REVETMENT SECTION PROPOSED (A)

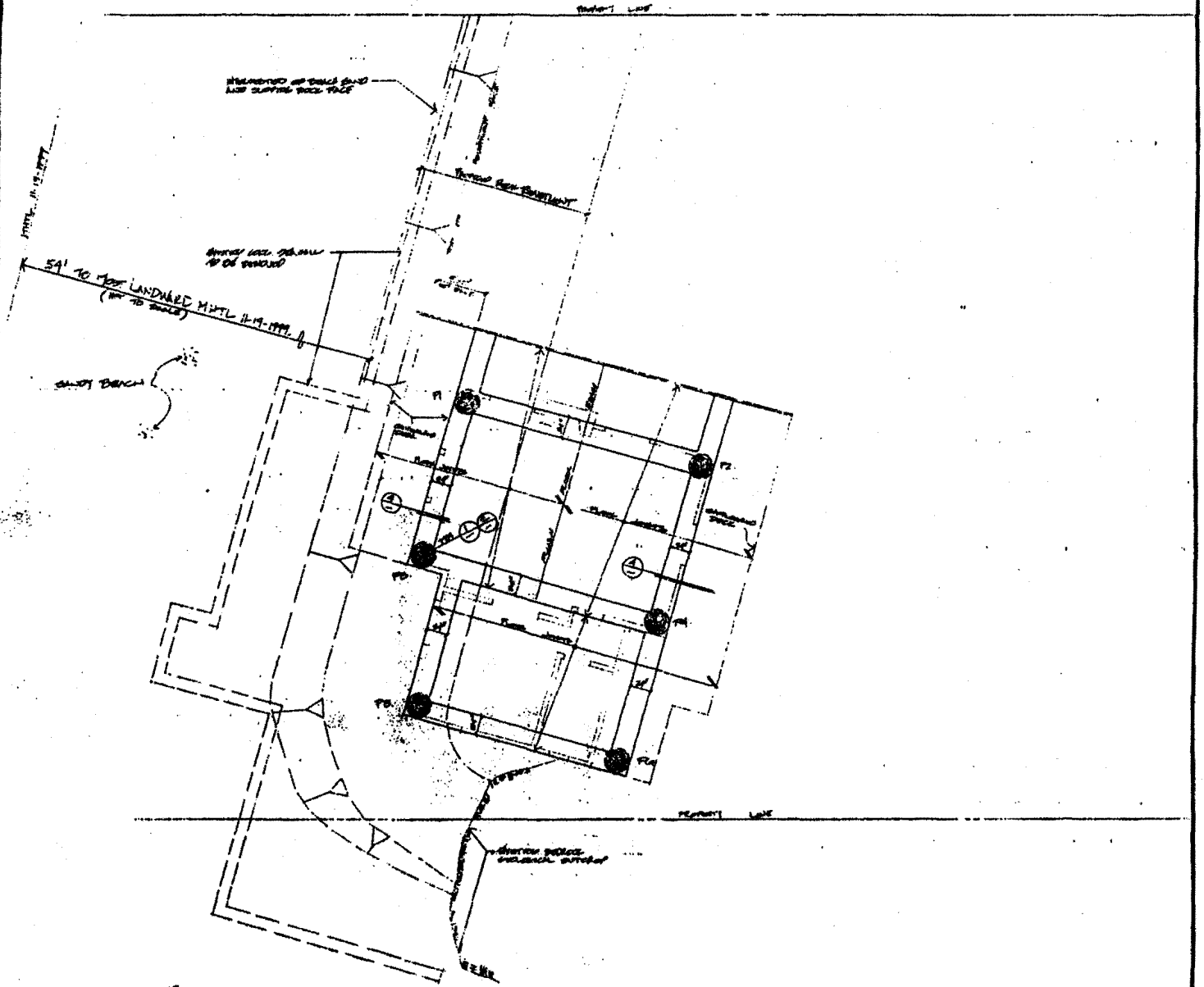
SCALE: 1/8" = 1'-0"

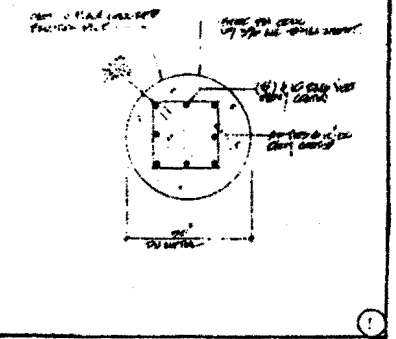
REVISED: 2-27-2001

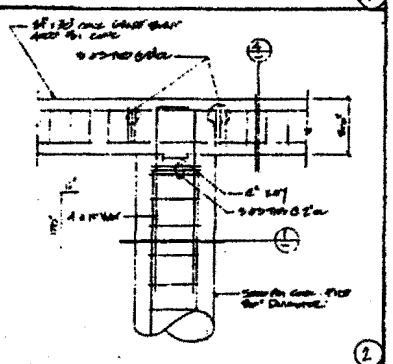
Exhibit 20
4-00-176
Revetment Cross Section

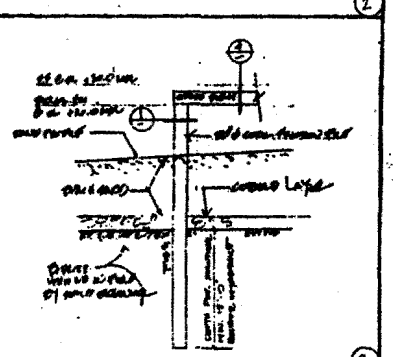
PRELIMINARY CABAÑA FOUNDATION PLAN

SCALE 1/4"-1'-0"









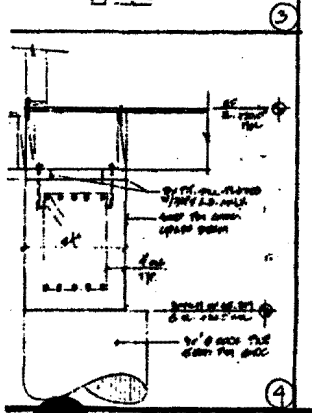


Exhibit 21
4-00-176
Guest Unit Foundation Plan

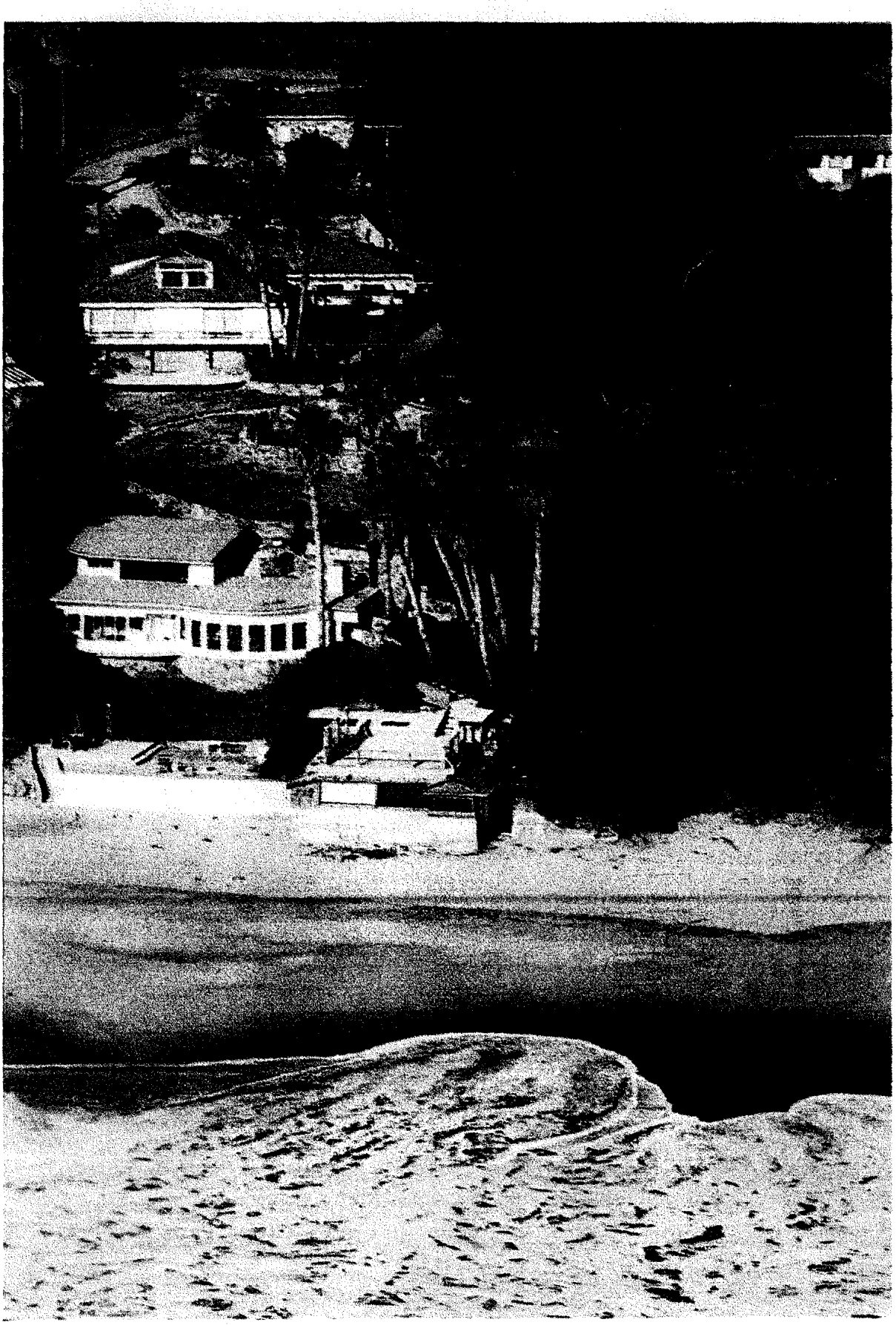


Exhibit 22
4-00-176
Photograph of Site