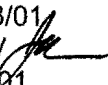


CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Filed: 2/24/01
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Staff: AAV 
Staff Report: 3/1/01
Hearing Date: 3/13-16/01
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-00-177

APPLICANT: Sosa Trust

AGENTS: Lester Tobias

PROJECT LOCATION: 24460 Malibu Road, Malibu, Los Angeles County.

PROJECT DESCRIPTION: After-the-fact approval to construct 1,735 sq. ft. building and 418 sq. ft. deck additions, removal of unpermitted 161 sq. ft. sunroom and 57 sq. ft. middle-level beachfront deck, 120 sq. ft. of new building additions including interior and exterior remodel of existing single family residence, repair and upgrade of existing bulkhead, and an offer to dedicate a lateral public access easement over the southern beachfront portion of the lot as measured from the dripline of the deck seaward to the ambulatory mean high tideline.

Lot Area:	7,780 sq. ft.
Building Coverage:	3,186 sq. ft.
Paved Area:	2,259 sq. ft.
Height Above Existing Grade:	35 ft.

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval in Concept, 10/20/00; City of Malibu, Geology and Geotechnical Engineering Review, Approval in Concept, 8/30/00; City of Malibu, Environmental Health Department, Approval in Concept, 9/15/00.

SUBSTANTIVE FILE DOCUMENTS: Coastal Engineering Report, David C. Weiss, 5/31/00; Certification of Existing Timber Bulkhead, David C. Weiss, 12/01/00; Limited Geologic and Soils Engineering Investigation, GeoConcepts, Inc., 6/19/00; Coastal Development Project Review for Remodel of Existing Single family Residence at 24460 Malibu Road, California State Lands Commission; Certified Malibu Santa Monica Mountains Land Use Plan, Coastal Development Permit P-6-6-73-1140; Septic System Inspection Report, Topanga Underground consultants, September 27, 1999

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed project with 9 special conditions regarding 1) revised project plans, 2) removal of unpermitted development, 3) construction responsibilities and debris removal, 4) geologic and engineering recommendations, 5) sign restriction, 6) offer to dedicate lateral public access, 7) assumption of risk/shoreline protection, 8) provisional term for shoreline protective structure, and 9) condition compliance.

The applicant is requesting after-the-fact approval to construct 1,735 sq. ft. of building and 418 sq. ft. of deck additions to an existing single family residence, removal of an unpermitted 161 sq. ft. sunroom and 57 sq. ft. middle-level beachfront deck, 120 sq. ft. of new building additions and interior and exterior remodel improvements of the existing single family residence. The applicant is also proposing to repair and upgrade an existing timber bulkhead by deepening the sheathing of the bulkhead by 3 ft. and re-plumbing the bulkhead to stabilize it. The project proposal also includes an offer to dedicate a lateral public access easement over the southern beachfront portion of the lot as measured from the dripline of the deck seaward to the ambulatory mean high tideline.

The applicant is proposing the removal an existing and unpermitted 161 sq. ft. sunroom which currently exceeds the designated building stringline of the subject site, and removal of an unpermitted 57 sq. ft. middle-level beachfront deck. No additional development, constructed after-the-fact or currently proposed, requested in this subject permit exceeds the designated stringlines of the site or is proposed seaward of development previously approved for the subject site under Coastal Development Permit P-6-6-73-1140. The applicant is proposing to complete minor repairs and upgrades entirely within the existing footprint of a timber bulkhead serving to protect the septic system of the residence at the subject property. As such, the proposed project will not result in the seaward encroachment of development. The project, as conditioned below, is consistent with all applicable Chapter Three Policies of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-177 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. Revised Project Plans

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised project plans which show that all portions of the unpermitted 161 sq. ft. sunroom and middle-level beachfront deck are to be demolished (Exhibits 5,6), and that the area currently occupied by the unpermitted

sunroom is converted back to open deck space consistent with the project plans previously approved pursuant to Coastal Development Permit P-6-6-73-1140.

2. Removal of Unpermitted Development

The applicant shall remove all portions of the unpermitted 161 sq. ft. sunroom and middle-level beachfront deck (Exhibits 5,6) which are not consistent with the plans previously approved pursuant to Coastal Development Permit P-6-6-73-1140 within 90 days of the issuance of this permit. The Executive Director may grant additional time for good cause.

3. Construction Responsibilities and Debris Removal

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

4. Plans Conforming to Geologists' and Engineers' Recommendations

All recommendations contained in the Certification of Existing Timber Bulkhead by Dave Weiss Structural Engineer & Associates dated 12/1/00; Coastal Engineering by Dave Weiss Structural Engineer & Associates dated 5/21/00; and Limited Geologic and Soils Engineering Investigation by GeoConcepts, Inc., dated 6/19/00 shall be incorporated into all final design and construction plans.

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 consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

5. 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.

6. 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 dripline of the proposed deck, as illustrated on Exhibit 4.

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.

7. 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 4-00-177 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.

8. Provisional Term for Shoreline Protective Structure

- A. Coastal Development Permit No. 4-00-177, in full or in part, authorizes the repair and upgrade of the existing shoreline protective device generally depicted in Exhibit 14. By acceptance of this permit, the applicant acknowledges that the purpose of the subject shoreline protective device is solely to protect the existing structures located on site, in their present condition and locations, including the septic disposal system. If any of the activities listed below are undertaken, a new coastal permit for the upgraded shoreline protective device authorized by Coastal Development Permit 4-00-177 shall be required unless the Executive Director determines that a new permit is unnecessary because such activities are minor in nature or otherwise do not affect the need for the shoreline protective device.
1. Changes to the foundation of any structure on the subject site located landward of the subject shoreline protective structure authorized herein, such as repairs or replacement of support piles or caissons;
 2. Upgrade, relocation or abandonment of the septic disposal system;
 3. Remodel of the primary structure or residence on the subject site involving the demolition of more than 50 percent of exterior walls or an addition to the primary structure or residence resulting in an increase of more than 10 percent of structural size;
 4. Construction of a new structure on the subject parcel;
 5. Relocation and/or complete removal of any or all of the structures existing on site shown on the exhibit required pursuant to paragraph (B) below.

The applicant or successor-in-interest shall contact the Executive Director if any of the above activities are contemplated so that a determination as to the necessity of applying for a new permit can be made. If an application for a new coastal

development permit is required pursuant to this condition, and the Commission determines that the proposed project is not consistent with the Coastal Act, the Commission may deny the permit application and may take any other action authorized by law.

- 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, reflecting the above restrictions on development of the subject parcel. The deed restriction shall include both a legal description of the applicant's entire parcel, and an Exhibit drawn to scale depicting all existing development on site to be protected by the subject shoreline protective device, and the shoreline protective device itself. 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 an amendment to this coastal development permit approved by the Coastal Commission

9. **Condition Compliance**

Within 90 days of Commission action on this Coastal Development Permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all the requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action with respect to the development approved in this permit under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. **Project Description and Background**

The applicant is requesting after-the-fact approval to construct 1,735 sq. ft. of building and 418 sq. ft. of deck additions to an existing beachfront single family residence, removal of an unpermitted 161 sq. ft. sunroom and 57 sq. ft. middle-level beachfront deck, 120 sq. ft. of new building additions and minor interior and exterior remodel improvements. The applicant is also proposing to repair and upgrade an existing timber bulkhead by deepening the sheathing of the bulkhead by 3 ft. and re-plumbing the bulkhead to stabilize it. In addition, the project proposal also includes an offer to dedicate a lateral public access easement over the southern beachfront portion of the site as measured from the deck dripline to the mean high tide line.

The project site is located on a beachfront parcel of land approximately 7,780 sq. ft. in size between Malibu Road and the Pacific Ocean (Exhibits 1 & 2). The area surrounding the project site is characterized as a built-out portion of Malibu consisting of residential development. The existing residence on site is approximately 3,148 sq. ft. in size and 35 ft. in height. The purpose of the proposed project is to remodel the existing residence with a minor 120 sq. ft. of new building additions, repair and upgrade the existing timber bulkhead serving to protect the existing septic system at the site, permit 1,735 sq. ft. of building additions and 418 sq. ft. of deck additions constructed after-the-fact, and remove those elements of unpermitted development, particularly a 161 sq. ft. sunroom and 57 sq. ft. middle lever beachfront deck, that are not consistent with and/or exceed the seaward limit of development previously approved for the subject site or the designated building and deck stringlines. As conditioned to remove those portions of after-the-fact development that is not consistent with the previously approved seaward limit of development or building and deck stringlines at the site, the proposed project will not result in the seaward encroachment of development.

The Commission notes that the subject site has been subject to past Commission action. Coastal Development Permit (CDP) P-6-6-73-1140 was approved by the Commission in 1973 for a new 3,721 sq. ft. single family residence including a garage and timber bulkhead. The approved residence was constructed, however, the size and configuration of the constructed development varied slightly from the project plans approved. Specifically, the garage was not constructed in its approved location but was constructed within the footprint of square footage approved for the residence (Exhibit 6). As such, though the completed development was consistent with the footprint approved for the development, of the 3,712 sq. ft. approved for the residence, only approximately 3,193 sq. ft. of approved square footage was built. Subsequent to that, 1,896 sq. ft. of building additions and 475 sq. ft. of deck additions have been constructed after-the-fact, which are not consistent with plans previously approved for the site. Of the total unpermitted development existing at the site, the applicant is proposing to remove the unpermitted development consisting of a 161 sq. ft. sunroom and 57 sq. ft. middle lever beachfront deck, which are inconsistent with and/or exceed the approved seaward limit of development or building and deck stringlines. The applicant is proposing to retain the other 1,735 sq. ft. of building additions and 418 sq. ft. deck additions which do conform to the approved seaward limit of development or building and deck stringlines for the subject site.

The applicant is also proposing to construct minor repairs to upgrade an existing timber bulkhead. The timber bulkhead is located approximately 35 ft. landward (under the residence) of the deck dripline and serves to protect the existing septic system at the site. The existing septic system presently serving the residence has been evaluated by the City of Malibu's Environmental Health Specialist on September 15, 2000 and by Topanga Underground consultants on September 27, 1999, which have concluded that the septic system is functioning adequately to service the existing, as-built residence and that no upgrade of the system is necessary at this time. In addition, the existing timber bulkhead has been reviewed by David C. Weiss, the project's consulting coastal engineer, who has found that the bulkhead has adequately served to protect development at the site, but recommends that the protective device be repaired and

upgraded to ensure long-term stability and bring the structure up to present day construction standards. The applicant is proposing to repair and upgrade the bulkhead by deepening the sheathing approximately 3 ft. below its existing depth and to re-plumb the structure (Exhibit 14). The proposed repair and upgrade of the bulkhead will be completed entirely landward of the existing structure and will not result in seaward development.

The applicant has submitted evidence of review of the proposed project by the California State Lands Commission (CSLC), 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. Hazards and Shoreline Processes

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.

Finally, 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.*

The project site is located on a beachfront parcel in Malibu, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Even beachfront properties have been subject to wildfires. Finally, shoreline areas, such as the project site, are subject to flooding and erosion from storm waves.

The proposed project is intended to permit after-the-fact building and deck additions, to demolish an unpermitted sunroom and middle-level beachfront deck, construct new minor additions and remodeling of the existing residence, and repair and upgrade an existing timber bulkhead. The building and deck additions proposed with the subject permit will not require foundation work for the existing residence, however, the

applicant's engineering consultants have indicated that the timber bulkhead, which serves to protect existing development at the site from wave uprush, is in need of minor repair and upgrades to ensure the long-term stability of the protective structure. The Coastal Engineering Report by Dave Weiss Structural Engineer & Associates dated 5/31/00 states:

It is standard practice in this area to place the bottom of bulkhead sheathing two feet below the elevation of Design Beach Profile. Observation indicates that the bottom of the sheathing is just at the elevation of the Design Beach Profile. Notwithstanding the fact that the bulkhead appears to have adequately protected the existing on-site sewage disposal system, the bulkhead was also observed to be leaning approximately 1' in 4', top to the south. It is this office's recommendation that the bulkhead be re-plumbed and the sheathing extended approximately three feet deeper and the center section of the south facing wall be re-supported horizontally with dead-man...experience has shown that the depth of the wall can easily be increased by pouring a concrete slurry wall on the land side of the sheathing. The dead-men and anchors will, of course, be on the landward side of the wall. In this way, there will be no further encroachment onto the beach.

The proposed project will involve physical construction including the demolition of a 161 sq. ft. sunroom and 57 sq. ft. middle-level deck on the beachfront side of the residence, 120 sq. ft. of building additions within the footprint of existing development, minor exterior and interior remodeling, and the repair of the timber bulkhead as described by the coastal engineering consultant above. The proposed project, as conditioned to demolish the sunroom and middle-level deck, will not result in seaward encroachment of development and no development will occur seaward of the dripline of the existing deck.

Section 30235 of the Coastal Act allows for the construction of a shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. As mentioned, the proposed project includes the repair and upgrade of an existing timber bulkhead, which serves to protect development at the site from wave run-up. The repair and upgrade of the bulkhead will extend the life of the protective device such that it will continue to serve its purpose of protecting the development. The Commission notes that shoreline protective devices constructed on beachfront lots have the potential to individually and cumulatively cause adverse effects to coastal processes, shoreline sand supply, and public access. Shoreline protective devices, 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.

Interference by shoreline protective devices can result in 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 results from a reduced beach berm width, alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under

natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on their own property. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. This affects public access again through a loss of area between the mean high water line and the actual water. Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. In addition, if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. Fourth, if not sited landward in a location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy.

Section 30235 of the Coastal Act allows for the construction of a shoreline protective device only when necessary to protect existing development or to protect a coastal dependent use and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In this case, the bulkhead is necessary in order to protect both the existing residence as well as the septic system and leach field which are located immediately landward of the existing bulkhead. As such, the Commission notes that in this case, a shoreline protective device, as well as proper maintenance to ensure its stability and adequacy to protect the development, is necessary in order to protect existing development consistent with Section 30235.

However, Section 30235 of the Coastal Act also requires that shoreline protective devices be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The Commission notes that adverse effects to shoreline processes from shoreline protective devices are greater the more frequently that they are subject to wave action. As such, in past permit actions, the Commission has required that all new development on a beach, including shoreline protection devices, be located as landward as possible in order to reduce adverse impacts to the sand supply and public access resulting from the development. In addition, the Commission has required in past permit actions that major remodel projects, projects involving changes to foundation systems, septic system replacement or upgrades, and demolition/rebuild projects include relocating any existing shoreline protective device as landward as is feasible. In the case of the proposed project, the Commission notes that the applicant is not proposing development which would require that the bulkhead be relocated to a more landward position. The proposed project does not involve major demolition or remodel work, foundation work, or an upgrade of the sewage disposal system. In addition, the Commission notes that the existing bulkhead is located as landward as feasible under the residence (just seaward of the existing septic system and 35 ft. landward of the deck dripline) in order to protect both the existing septic system and the

existing development that would otherwise be subject to wave action. The Commission notes that the proposed repair work and upgrade of the bulkhead will occur within the existing footprint and only landward of the structure, thus it does not involve seaward development. However, the Commission also notes that any future modifications, repairs and/or additions to the bulkhead that may extend the structure seaward in the future may potentially cause adverse impacts to shoreline processes and public access. In order to ensure that future modifications to the approved bulkhead do not result in seaward extension of the shoreline protective device, **Special Condition 7** prohibits any future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device other than those repairs and upgrades approved pursuant to this permit, if such activity extends the seaward footprint of the subject shoreline protective device. This will prevent adverse impacts to shoreline processes and public access from seaward extensions of the bulkhead.

The Commission further notes that the residential structure and septic disposal system that the proposed bulkhead is designed to protect are both substantially aged. The septic disposal system itself is outdated in design and may be banned in the future or become obsolete altogether should a sewer system become available for the Malibu area in the future. As such, the Commission notes that the proposed bulkhead, in its current location, may not be necessary to protect the existing development if it is significantly remodeled, or its septic system abandoned in the future. Therefore, the Commission finds it necessary to impose **Special Condition 8** in order to ensure that future development or changes to the existing structures on the subject site would require the applicant to seek a new permit from the Commission for the bulkhead that is the subject of the present coastal development permit application.

In addition, Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard as well as ensure stability and structural integrity. In this case, the applicant's geologic and coastal engineering consultants have determined that the proposed additions will be safe from geologic hazards and that the bulkhead repair will upgrade the protective structure such that it will be adequate to protect the existing development on the subject site. The Certification of Existing Timber Bulkhead by Dave Weiss Structural Engineer & Associates dated 12/1/00 states:

It is the standard of practice for this time and place to extend the sheathing of a timber bulkhead a minimum of two feet below the design beach profile. Based on the observations of Report Number One and the information obtained from the documents of References Numbered Two and Three, it is my opinion that the existing timber bulkhead can be deepened the additional two feet (minimum). The tilted bulkhead can be re-plumbed and stabilize. Both can be done with relatively little work. The depth of sheathing can be extended by adding sheathing at the bottom of the existing wall. The existing wall can be re-plumbed and stabilized with the installation of tiebacks and "dead men".

Once the above repairs work is performed, the existing bulkhead will reasonably conform to present standards for timber bulkheads. It will be adequate to protect the sewage disposal system from storms of the magnitude observed during the El Nino winters of 1982-83, 1988, and 1998.

In addition, the Limited Geologic and Soils Engineering Investigation by GeoConcepts, Inc., dated 6/19/00 states:

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

The Commission notes that the applicant's geotechnical and coastal engineering consultants have made several recommendations in order to further ensure that the proposed project provides for adequate structural stability and minimize potential hazards on site. The Certification of Existing Timber Bulkhead by Dave Weiss Structural Engineer & Associates dated 12/1/00; Coastal Engineering by Dave Weiss Structural Engineer & Associates dated 5/21/00; and Limited Geologic and Soils Engineering Investigation by GeoConcepts, Inc., dated 6/19/00 include a number of geotechnical and engineering recommendations to ensure the stability and geotechnical safety of the site. To ensure that the recommendations of the geotechnical and coastal engineering consultants have been incorporated into all proposed development, **Special Condition 4** requires the applicant to submit project plans certified by both the consulting geotechnical and geologic engineer and the coastal engineering consultant as conforming to all recommendations. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

As discussed above, the Commission notes that the applicant's engineering consultants have indicated that the proposed development will serve to ensure relative structural stability on the subject site. However, the Commission also notes that the proposed development is located on a beachfront lot in the City of Malibu and will be subject to some inherent potential hazards. The Malibu/Los Angeles County Coastline Reconnaissance Study by the United States Army Corp of Engineers dated April 1994 indicates that residential development on the subject beach is exposed to recurring storm damage because of the absence of a sufficiently wide protective beach.

The Malibu coast has historically been subject to substantial damage as the result of storm and flood occurrences--most recently, and perhaps most dramatically, during the 1998 severe El Nino winter storm season. The subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges and high tides. Past occurrences have caused property damage resulting in public costs through emergency responses and low-interest, publicly-subsidized reconstruction loans in the millions of dollars in Malibu area alone from last year's storms. In the winter of 1977-1978, storm-triggered mudslides and landslides caused extensive damage along the Malibu coast. According to the National Research Council, damage to Malibu beaches, seawalls, and other structures during that season caused damages of as much as almost \$5 million to private property alone. The El Nino storms recorded in 1982-1983 caused high tides of over 7 feet, which were combined with storm waves of up to 15 feet. These storms

caused over \$12.8 million to structures in Los Angeles County, many located in Malibu. The severity of the 1982-1983 El Nino storm events are often used to illustrate the extreme storm event potential of the California, and in particular, Malibu coast. The 1998 El Nino storms also resulted in widespread damage to residences, public facilities and infrastructure along the Malibu Coast.

Thus, ample evidence exists that all beachfront development in the Malibu area is subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion, and flooding. The 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, 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 7**, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the proposed development.

In addition, the Commission notes that the proposed construction activity on a sandy beach, such as the proposed project site, 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/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. To ensure that adverse effects to the marine environment are minimized, **Special Condition 3** 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, and that sand bags and/or ditches shall be used to prevent runoff and siltation.

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

C. Seaward Encroachment, Public Access, and Visual Resources

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.

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

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

Coastal Act Section 30212(a) provides that in 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 that:

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

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

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 over the coming years. Coastal Act sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, section 30212 of the Coastal Act requires that adequate public access to the sea be provided to allow use of dry sand and rocky coastal beaches. Further, Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and protected and where feasible, degraded areas shall be enhanced and restored.

Seaward Encroachment of Development

As a means of controlling seaward encroachment of residential structures on a beach to ensure maximum public access and to protect public views as required by Coastal Act Sections 30210, 30211, 30251, the Commission has, in past permit actions, developed the "stringline" analysis to control seaward development. As applied to beachfront development, the stringline analysis limits the seaward extension of a structure to a line drawn between the nearest corners of adjacent structures and limits decks to a similar line drawn between the nearest corners of the adjacent decks.

The Commission has applied this policy to numerous past permits on sandy beaches and has found it to be an effective policy tool in preventing further encroachments onto sandy beaches. In addition, the Commission has found that restricting new development to building and deck stringlines is an effective means of controlling seaward encroachment to ensure maximum public access as required by Sections 30210 and 30211, to protect public views and the scenic quality of the shoreline as required by Section 30251, as well as to minimize hazards associated with beachfront development as required by Section 30253 of the Coastal Act.

The Commission notes that the subject site has been the subject of past Commission action which approved a single family residence at the site (CDP P-6-6-73-1140). In approving the development at the site a seaward limit of beachfront development has been established at the site, and pursuant to Commission policies for controlling seaward development, any proposed additions to the development must be consistent with the seaward limit of development previously approved, as well as the designated building and deck stringlines. The purpose of the proposed project is to remodel the existing residence with a minor 120 sq. ft. of new building additions, repair and upgrade the existing timber bulkhead serving to protect the existing septic system at the site, permit 1,735 sq. ft. of building additions and 418 sq. ft. of deck additions constructed after-the-fact, and remove those elements of unpermitted development, particularly a 161 sq. ft. sunroom and 57 sq. ft. middle-level beachfront deck (Exhibits 5,6), that are not consistent with and/or exceed the seaward limit of development previously approved for the subject site or the designated building and deck stringlines. As conditioned to remove those portions of after-the-fact development that is not consistent with the previously approved seaward limit of development or building and deck stringlines at the site, the proposed project will not result in the seaward encroachment of development.

In order to implement the applicant's proposal to remove the unpermitted additions that are not in conformance with the Commission's established policies regarding seaward extension of development, and to ensure that any potential adverse effects to public views along the beach are minimized, **Special Condition 1** requires the submittal of revised plans, for the review and approval of the Executive Director, which show that all portions of the existing 161 sq. ft. sunroom and 57 sq. ft. middle-level deck, which are not consistent with the plans previously approved pursuant to CDP P-6-6-73-1140 or designated stringlines are demolished. The demolished sunroom may be replaced as open deck space consistent with the plans approved under Permit P-6-6-73-1140, however the deck may not be enclosed or covered space. **Special Condition 2** has been required to ensure that removal of all portions of unpermitted development which is not consistent with the plans previously approved pursuant to CDP P-6-6-73-1140 or the stringline policy occurs in a timely manner, within 90 days of the issuance of this permit, unless an amendment to this permit or a separate coastal permit which allows for the retention of such development is issued. The Executive Director may grant additional time for good cause.

Visual Resources

Section 30251 of the Coastal Act requires public views to and along the ocean and scenic coastal areas to be considered and protected. The Commission notes that proposed project, as conditioned to by **Special Conditions 1 and 2** remove the unpermitted sunroom and middle-level beachfront deck that are not consistent with the previously approved project plans or building and deck stringlines, will not result in the seaward encroachment of development on the which could potentially obstruct public views along the beach. Furthermore, the proposed additions, as well as the after-the-fact development proposed to be retained at the project site, do not result in the seaward extension of development, and are consistent with the character of development of the surrounding area as other homes along this stretch of beach are of a similar bulk and height. Therefore, the proposed project will not result in adverse impacts to and along the beach and is consistent with the character of neighboring development. Therefore, the Commission finds that the project, as conditioned, has no significant impact on public views to or along the beach and is consistent with Section 30251 of the Coastal Act.

Public Access and Shoreline Development

The Commission has established a policy that all beachfront projects requiring a coastal development permit be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. In past permit actions, the Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. The major access issue in this permit application is the potential for adverse effects from a shoreline protective device on shoreline sand supply and public access in contradiction of Coastal Act policies 30211 and 30221.

The State 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 uses 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. In this case, the proposed development is located on the sandy beach and requires review by the California State Lands Commission (CSLC). The applicant has submitted evidence of review of the proposed project by the California State Lands Commission (CSLC), 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.

In addition, 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 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 who owns the underlying land on which the public use takes place. Generally, there are three additional types of public uses 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 as the public walks the wet or dry sandy beach below the mean high tide plane. This area of use, in turn moves across the face of the beach as the beach changes in depth on a daily basis. The free movement of sand on the beach is an integral part of this process, and it is here that the effects of structures are of concern.

The Commission notes that even structures located above the mean high tide line, however, may have an adverse effect on shoreline processes and the public ability to access the beach as wave energy reflected by those structures contributes to erosion and steepening of the shore profile, and ultimately to the extent and availability of public lands. That is why the Commission also must consider whether a project will have indirect effects on public ownership and public use of shorelands. Shoreline protective devices, such as the proposed bulkhead, have 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 results 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 not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. The effect of this on the public is again a loss of area between the mean high water line and the actual water. Third, shoreline protective devices such as revetments and bulkheads cumulatively affect public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they eventually affect the profile of a public beach. Fourth, if not sited landward 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 the 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 the case of the proposed project, the proposed repairs and upgrade of the existing bulkhead will lengthen the life expectancy of the structure, which will result in the potential for permanent loss of sandy beach as a result of the change in the beach profile or steepening from potential scour effects. In past permit actions, the Commission has required that development on a beach, including shoreline protective devices, provide for lateral public access along the beach in order to minimize any adverse effects to public access. In the case of the proposed project, the Commission notes that in order to conclude with absolute certainty what adverse effects to shoreline processes would result from construction of the proposed seawall, a historical shoreline analysis based on site-specific studies would be necessary. Although this level of analysis has not been submitted by the applicant, the Commission notes that because the applicant has proposed as part of the project an offer to dedicate a lateral public access easement along the entire southern portion of the lot, as measured from the dripline of the approved deck, it has not been necessary for Commission staff to engage in an extensive analysis of whether the imposition of such an offer to dedicate would be required here absent the applicant's proposal. As such, **Special Condition 6** has been required in order to ensure that the applicant's offer to dedicate a new 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 applicants clearly understand that such postings are not permitted without a separate coastal development permit, it is necessary to impose **Special Condition 5** to ensure that similar signs are not posted on or near the proposed project site. The Commission finds that if implemented,

Special Condition 5 will protect the public's right of access to the sandy beach below the MHTL.

For all of these reasons, therefore, the Commission finds that as conditioned, the proposed project is consistent with Sections 30210, 30211, 30212, 30220, and 30251 of the Coastal Act.

D Violations

Unpermitted development has taken place prior to submission of this permit application, including 1,896 sq. ft. of building additions and 475 sq. ft. of deck additions. The applicant requests after-the-fact approval to construct 1,735 sq. ft. of building additions and 418 sq. ft. of deck additions, removal of an unpermitted 161 sq. ft. sunroom and 57 sq. ft. middle-level beachfront deck, as well as approval to construct 120 sq. ft. of new building additions, interior and exterior remodeling of the existing residence, and repair and upgrade of the existing bulkhead. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition 9** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

E. 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).

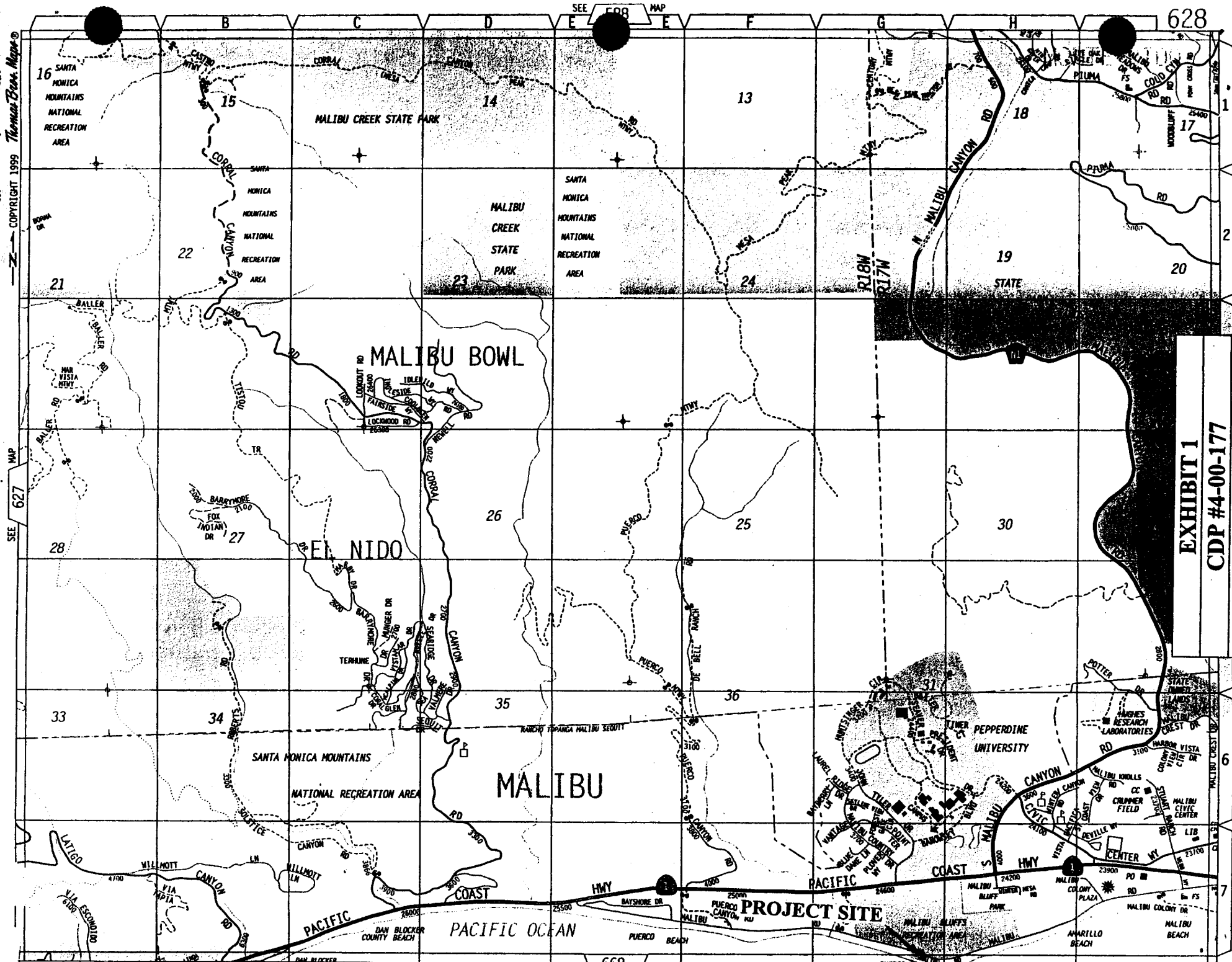
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding 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).

F. 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.



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SEE 627 MAP

SEE 668 MAP

SEE 668 MAP

628

LOS ANGELES CO.

EXHIBIT 1
CDP #4-00-177
Location Map

4-00-177 Sosa

1993

3 MALIBU

2 MALIBU

PACIFIC

OCEAN

TRACT NO. 13157
M. B. 272-18-19

FOR PART ASSYLT. SEE

5004
10993

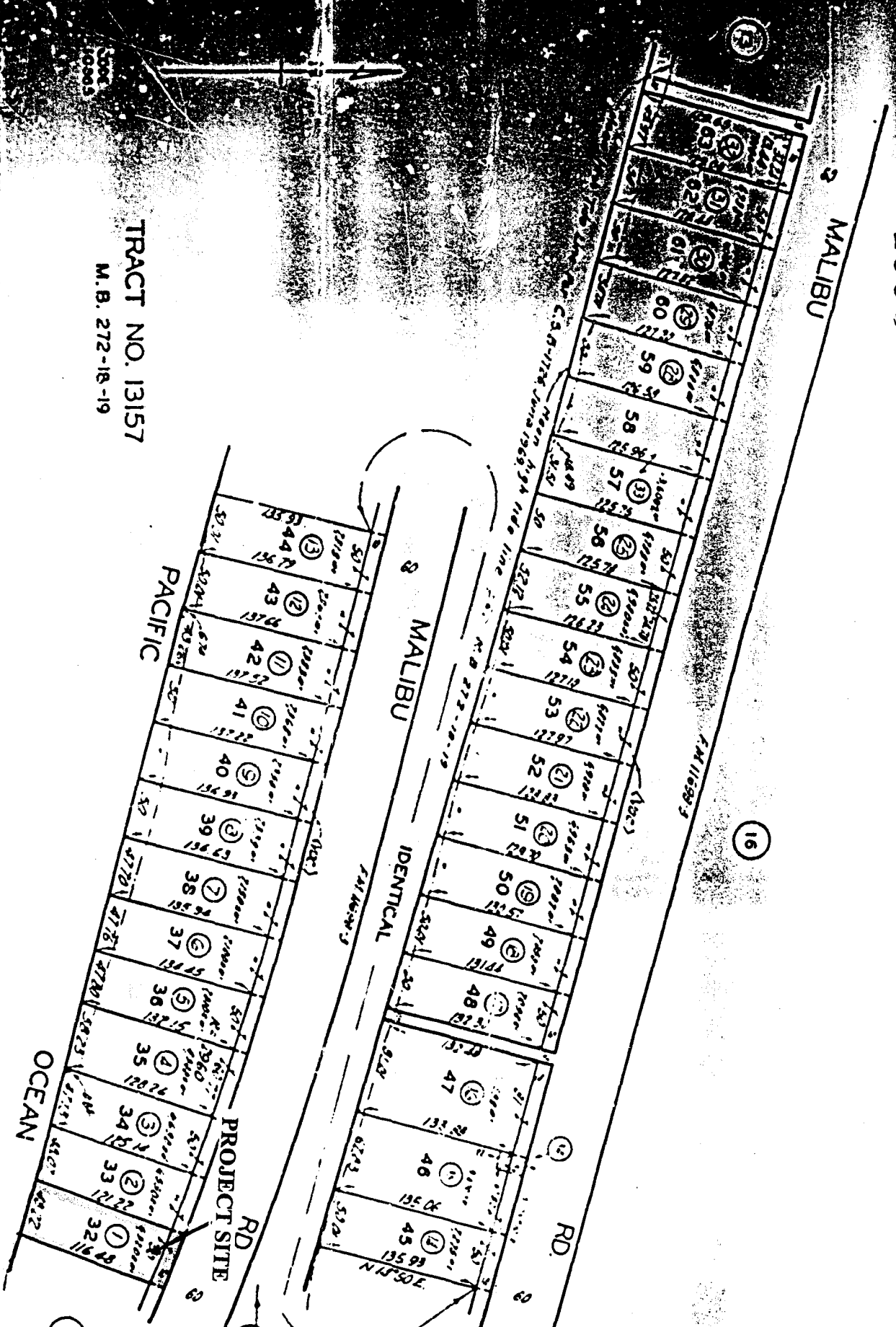


EXHIBIT 2
CDP # 4-00-177
Parcel Map

4388336

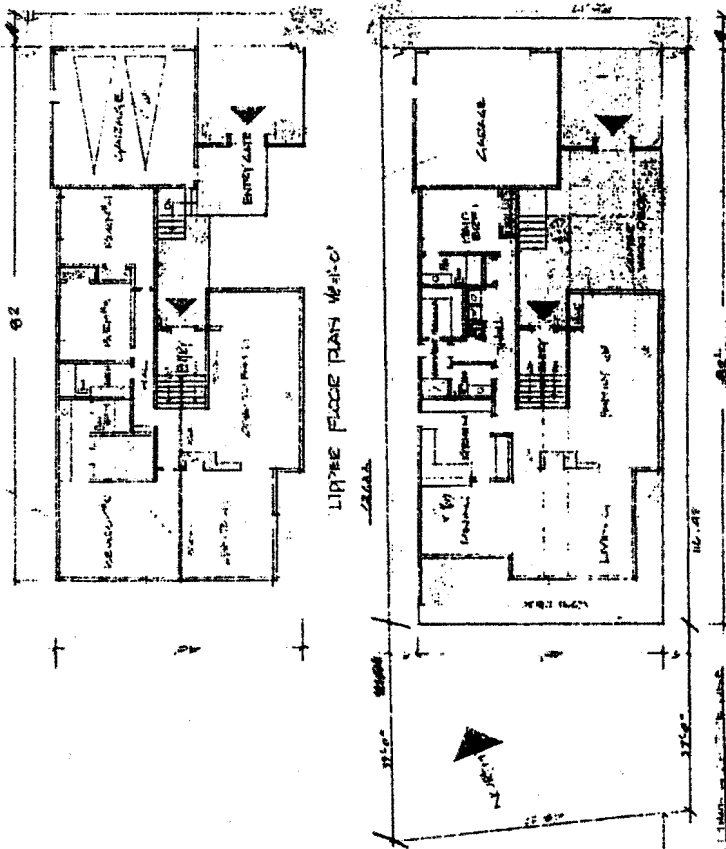
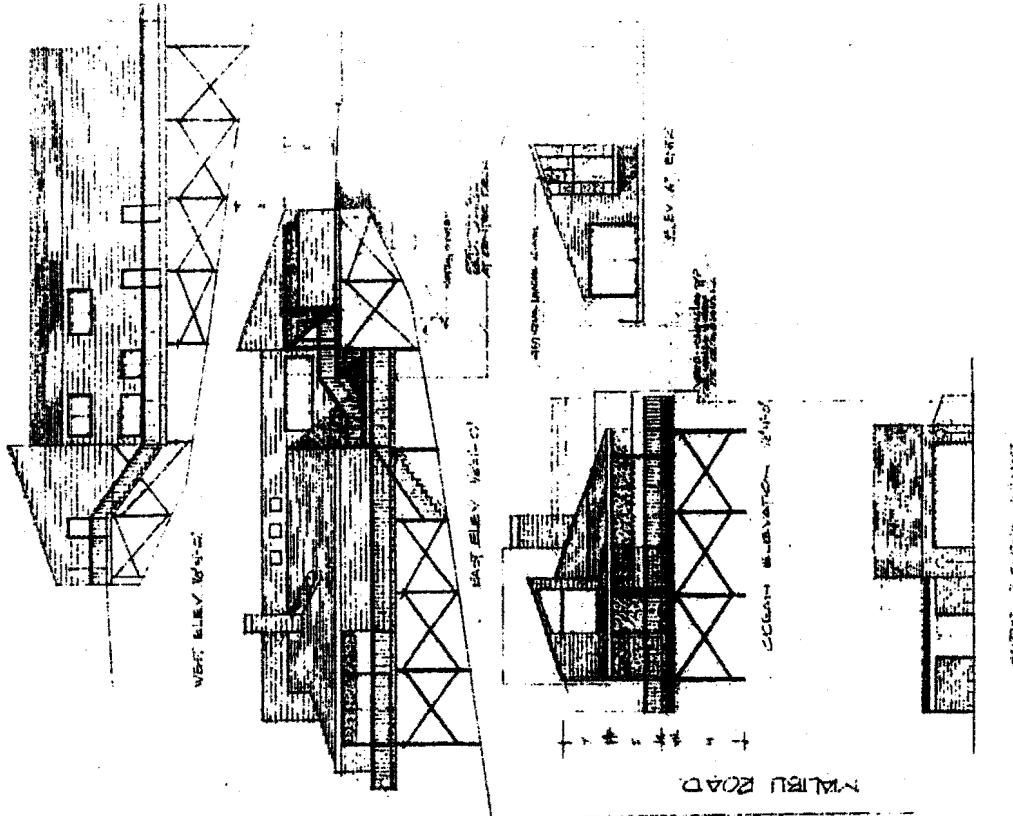
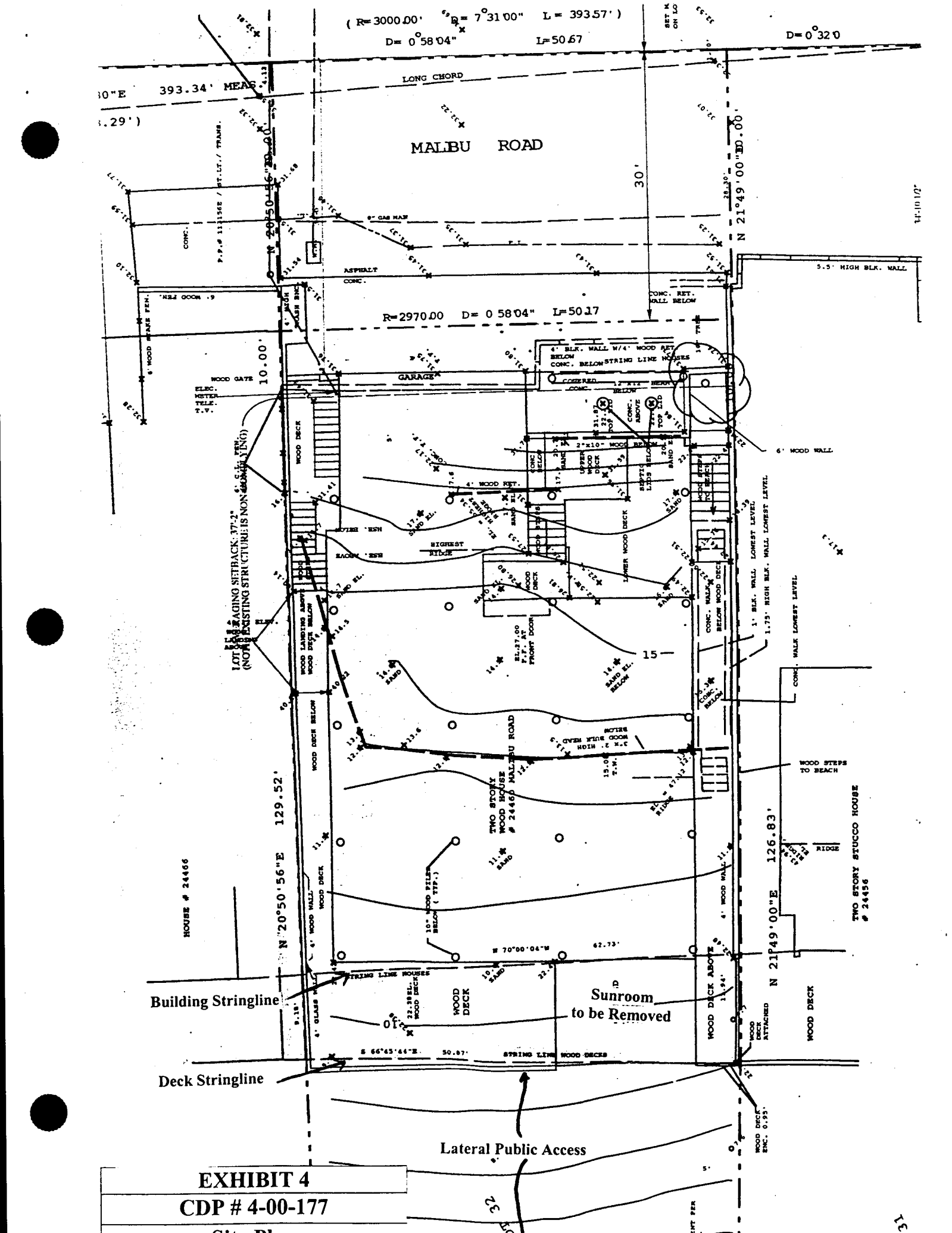


EXHIBIT 3
CDP # 4-00-177
Approved Development
Coastal Permit P-6-6-73-1140



($R = 3000.00'$, $\Delta = 7^\circ 31' 00''$, $L = 393.57'$)
 $D = 0' 58.04''$ $L = 50.67$

$D = 0' 32.0''$

$10^\circ E$ 393.34' MEAS.
(.29')

MALBU ROAD

$R = 2970.00$ $D = 0' 58.04''$ $L = 50.17$

LOT 1000 37'x2' 37'x2' LAGGING SHEATHING
(NOTHING EXISTING STRUCTURE IS NON-CONFORMING)

HOUSE # 24466

$N 20^\circ 50' 56'' E$ 129.52'

TWO STORY
WOOD HOUSE
24466 MALBU ROAD

$N 21^\circ 49' 00'' E$ 126.83'

TWO STORY STUCCO HOUSE
24456

Building Stringline

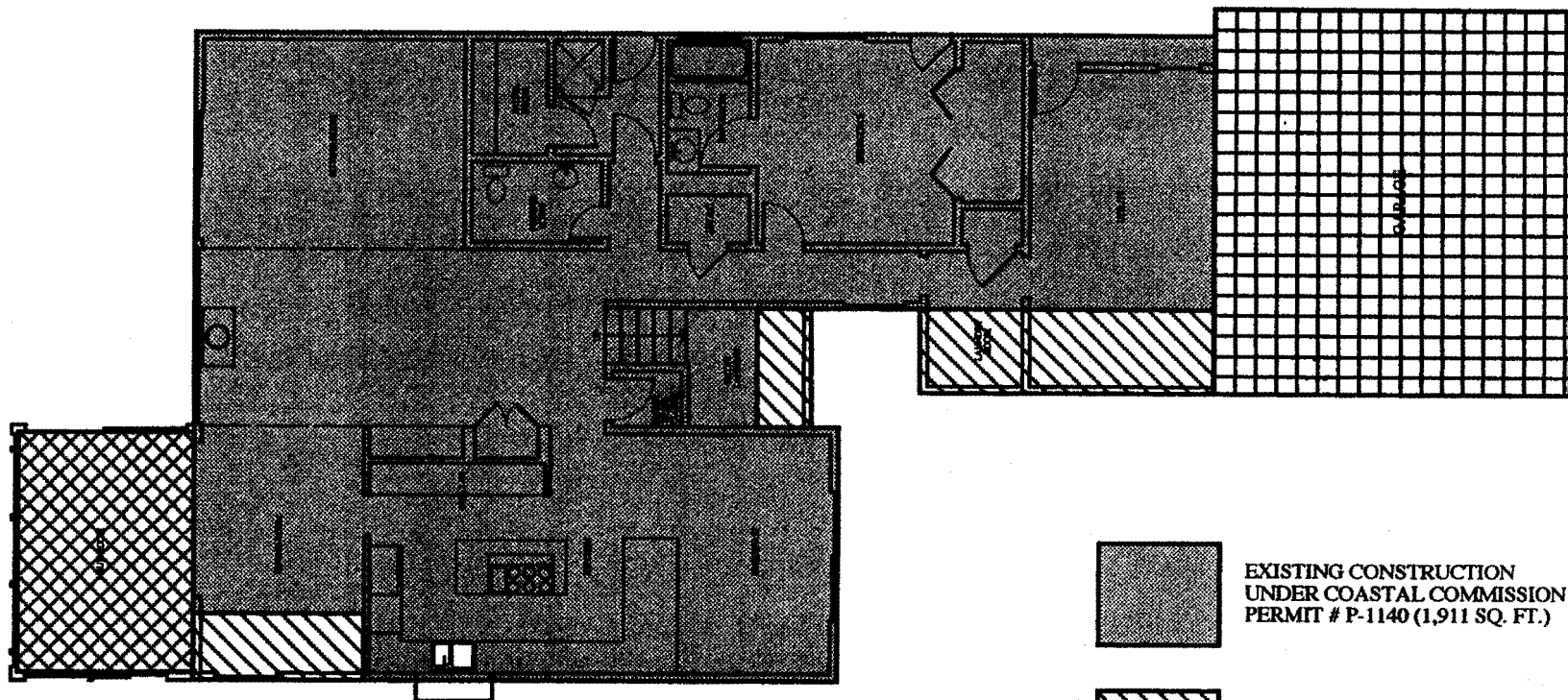
Deck Stringline

Sunroom
to be Removed

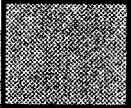

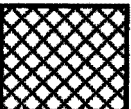
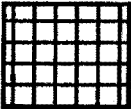
Lateral Public Access

EXHIBIT 4
CDP # 4-00-177
Site Plan

EXHIBIT 5
CDP # 4-00-177
After-the-Fact Lower Floor Plan



AS-BUILT LOWER LEVEL PLAN

-  EXISTING CONSTRUCTION UNDER COASTAL COMMISSION PERMIT # P-1140 (1,911 SQ. FT.)
-  EXISTING CONSTRUCTION REQUIRING AFTER THE FACT PERMITTING UNDER APPLICATION #4-00-177 (161 SQ.FT.)
-  EXISTING ENCLOSED SUNROOM TO BE REMOVED AS A CONDITION OF PERMIT APPLICATION # 4-00-177 (161 SQ. FT.)
-  GARAGE PERMITTED UNDER COMMISSION PERMIT #P-1140 BUT NOT BUILT. (528 SQ.FT.)

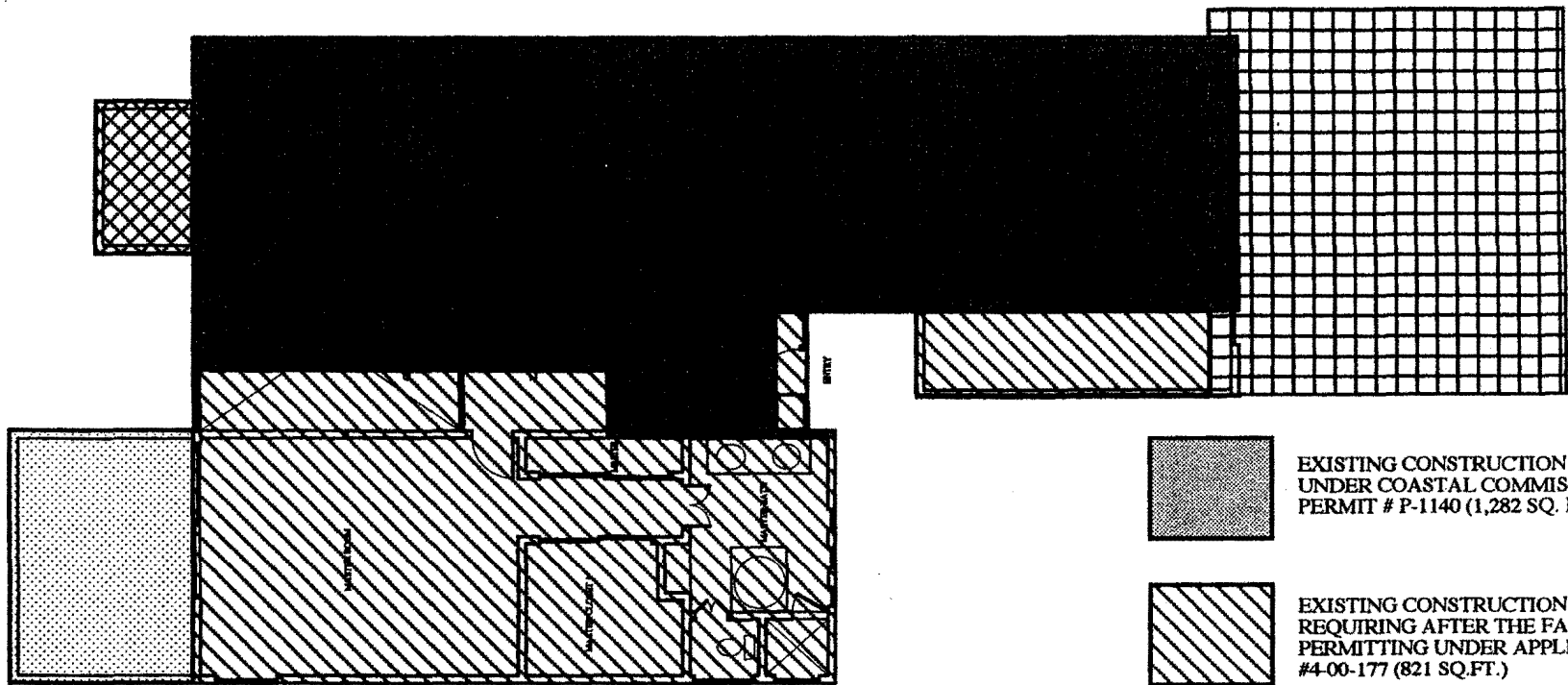
24460 MALIBU ROAD
AFTER THE FACT PERMIT PLANS

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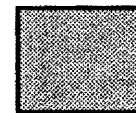
NOV 14 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 6
CDP # 4-00-177
After-the-Fact Upper Floor Plan



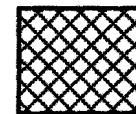
AS-BUILT MIDDLE LEVEL PLAN



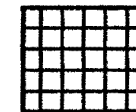
EXISTING CONSTRUCTION
UNDER COASTAL COMMISSION
PERMIT # P-1140 (1,282 SQ. FT.)



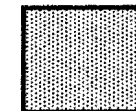
EXISTING CONSTRUCTION
REQUIRING AFTER THE FACT
PERMITTING UNDER APPLICATION
#4-00-177 (821 SQ.FT.)



EXISTING DECK TO BE REMOVED



GARAGE PERMITTED UNDER
COMMISSION PERMIT #P-1140
BUT NOT BUILT. (528 SQ.FT.)



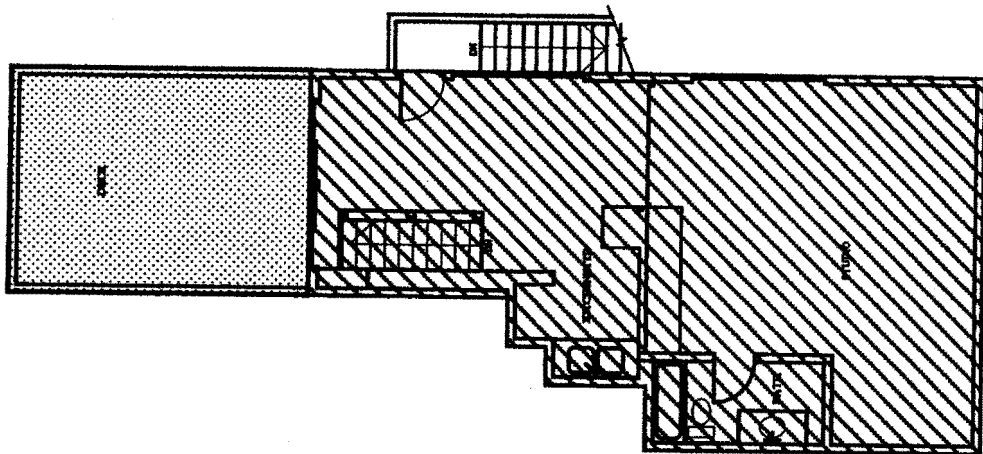
EXISTING DECK TO REMAIN
(178 SQ.FT.)

24460 MALIBU ROAD
AFTER THE FACT PERMIT PLANS

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NOV 14 2000

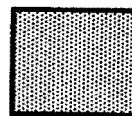
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



AS-BUILT UPPER LEVEL PLAN



EXISTING CONSTRUCTION
REQUIRING AFTER THE FACT
PERMITTING UNDER APPLICATION
#4-00-177 (753 SQ.FT.) NOTE: KITCHENETTE
TO BE REMOVED



EXISTING DECK TO REMAIN
(240 SQ.FT.)

EXHIBIT 7
CDP # 4-00-177
After-the-Fact Third Floor Plan

24460 MALIBU ROAD
AFTER THE FACT PERMIT PLANS

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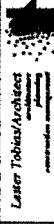
NOV 14 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

STATE RESIDENCE
445 MALIBU ROAD
MALIBU, CA 90263

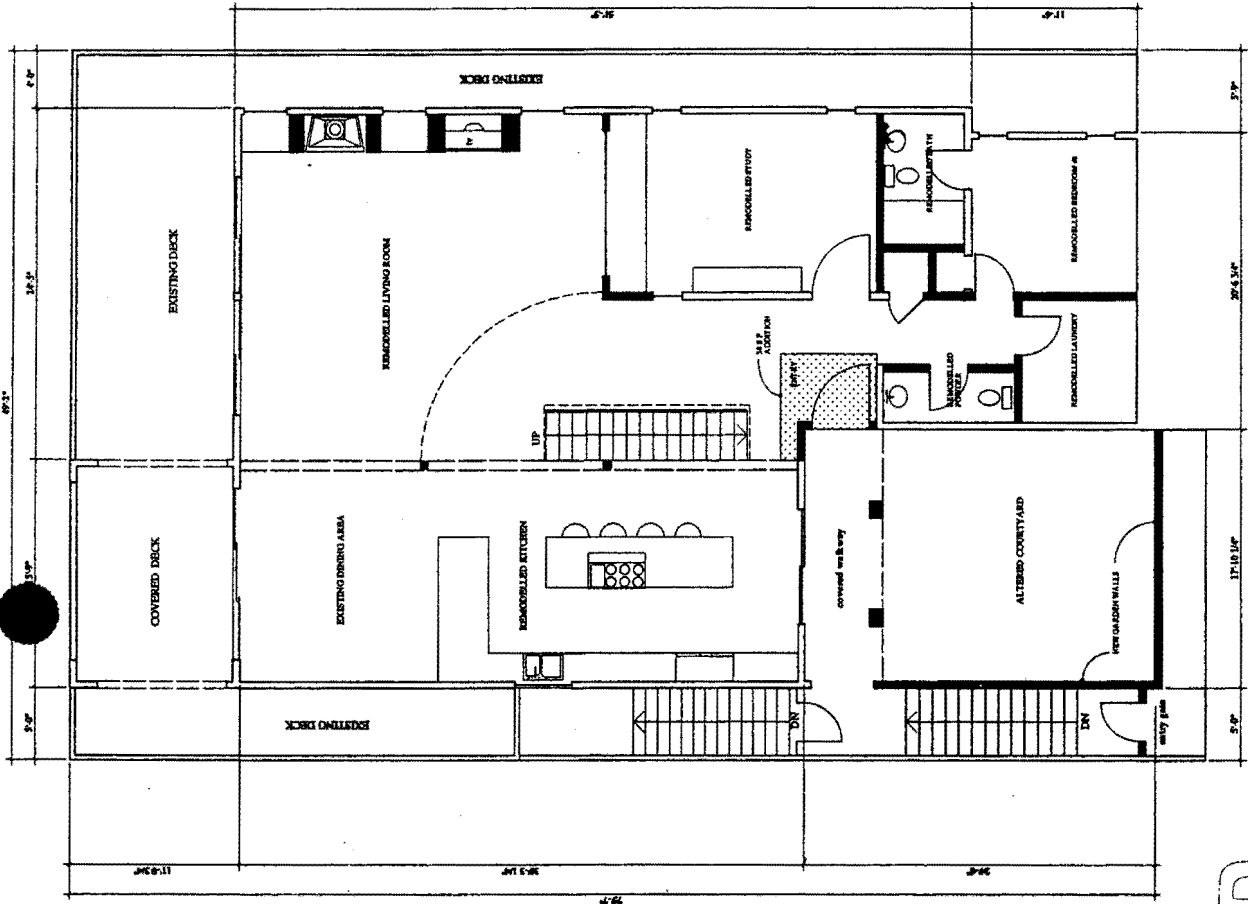
NUMBER	DATE

The Designer, Draftsman, Engineer, and Consultant undertake no responsibility for the accuracy of the information or for the safety of the design or construction of the project. The Designer, Draftsman, Engineer, and Consultant shall not be held responsible for any errors or omissions in the design or construction of the project. The Designer, Draftsman, Engineer, and Consultant shall not be held responsible for any errors or omissions in the design or construction of the project.



Lester Tobias/Architects
ARCHITECTS
10000 WILSON BLVD
LOS ANGELES, CA 90024

PROJECT NAME	2222 Pacific Coast Highway
CLIENT	118 217 2007 FAX 317 2007
SCALE	1/4" = 1'-0"
DATE	NOV 14 2000
DESCRIPTION	LOWER LEVEL PLAN
PROJECT NUMBER	A2.1



LOWER LEVEL PLAN A2.1

RECEIVED

NOV 14 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 8
CDP # 4-00-177
Proposed Lower Floor Plan

PRIVATE RESIDENCE
 1400 WILSON ROAD
 WASHINGTON, CT 06097

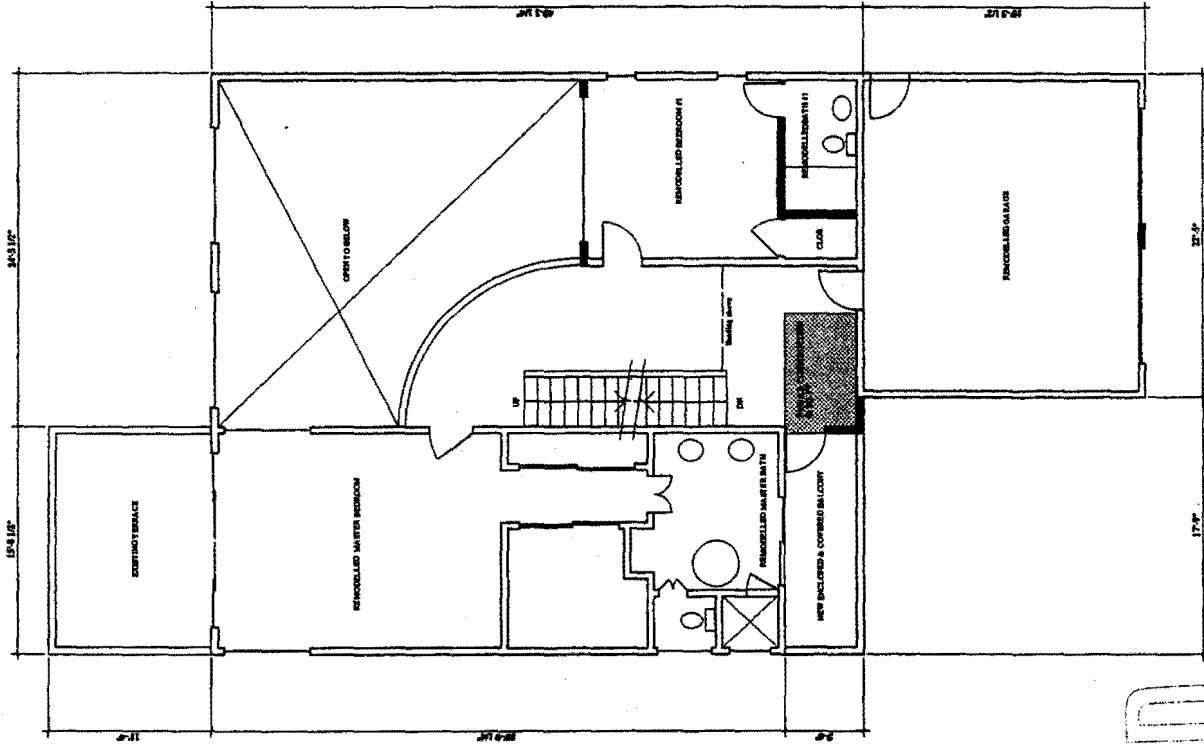
NUMBER: _____ DATE: _____

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Leiter Tobias/Architect
 1000 WILSON ROAD
 WASHINGTON, CT 06097
 (860) 261-1111

2722 Apple Court, New York
 JAN 17 2000 10:21 AM
 2722 Apple Court, New York
 JAN 17 2000 10:21 AM

PLAN DATE	01/17/00	SCALE	1/4" = 1'-0"
SUB NUMBER	01	DESCRIPTION	SECOND FLOOR PLAN
SHEET NUMBER			A2.2



RECEIVED

NOV 14 2000

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 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

EXHIBIT 9
CDP # 4-00-177
Proposed Upper Floor Plan

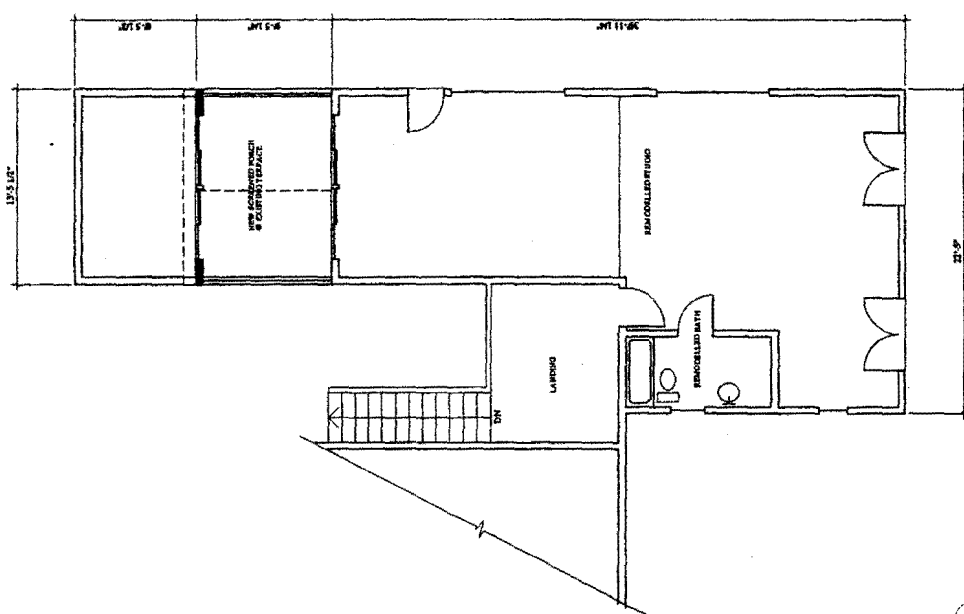
1475 RESIDENCE
 140 MALIBU ROAD
 MALIBU, CA 90265

NUMBER	1756	DATE	
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The Owner, Client, Permitting Authority and Contractor shall be responsible for obtaining all necessary permits and for compliance with all applicable laws and regulations. The Architect is not responsible for the accuracy of the information provided by the Owner, Client, Permitting Authority or Contractor. The Architect shall not be held responsible for any errors or omissions in the drawings or specifications. The Architect shall not be held responsible for any construction defects or delays. The Architect shall not be held responsible for any accidents or injuries. The Architect shall not be held responsible for any damages. The Architect shall not be held responsible for any costs. The Architect shall not be held responsible for any fees. The Architect shall not be held responsible for any taxes. The Architect shall not be held responsible for any penalties. The Architect shall not be held responsible for any fines. The Architect shall not be held responsible for any sanctions. The Architect shall not be held responsible for any disciplinary actions. The Architect shall not be held responsible for any criminal offenses. The Architect shall not be held responsible for any civil liabilities. The Architect shall not be held responsible for any criminal liabilities. The Architect shall not be held responsible for any civil penalties. The Architect shall not be held responsible for any criminal penalties. The Architect shall not be held responsible for any civil sanctions. The Architect shall not be held responsible for any criminal sanctions. The Architect shall not be held responsible for any civil fines. The Architect shall not be held responsible for any criminal fines. The Architect shall not be held responsible for any civil penalties. The Architect shall not be held responsible for any criminal penalties. The Architect shall not be held responsible for any civil sanctions. The Architect shall not be held responsible for any criminal sanctions. The Architect shall not be held responsible for any civil fines. The Architect shall not be held responsible for any criminal fines.

Letter Tobias/Architect
 2222 Pacific Coast Highway
 Suite 100
 Malibu, CA 90265
 Phone: (310) 317-1000
 Fax: (310) 317-1001

FLOOR DATE	03/02/00	DATE DATE	
SCALE	1/8"=1'-0"		
FOR NUMBER			
DESCRIPTION			
THIRD FLOOR PLAN			
PROJECT NUMBER			A2.3



RECEIVED

NOV 14 2000

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

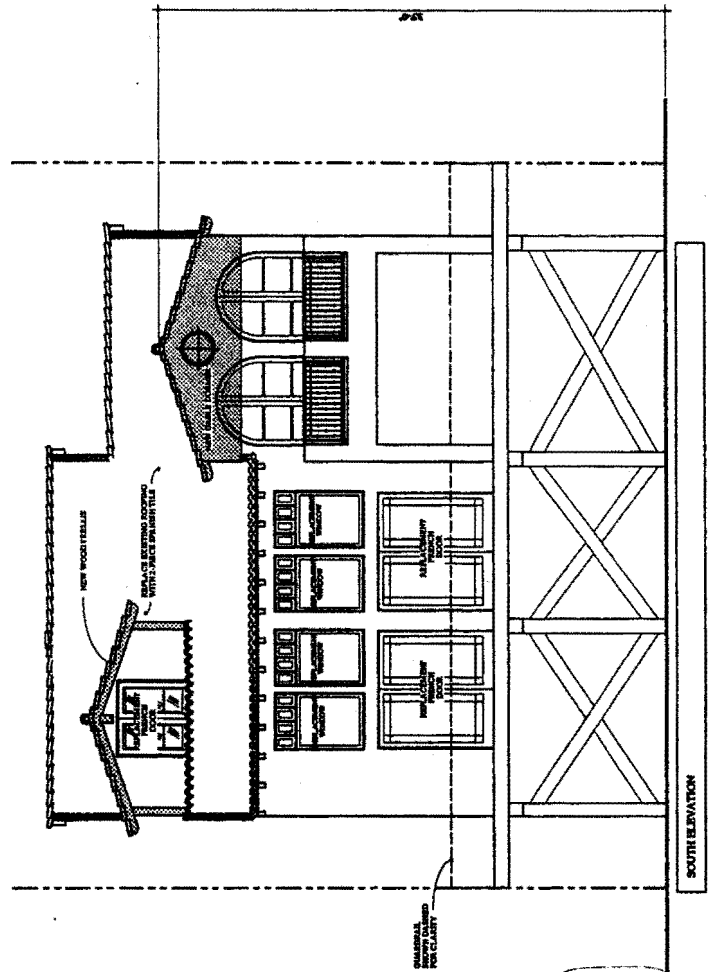
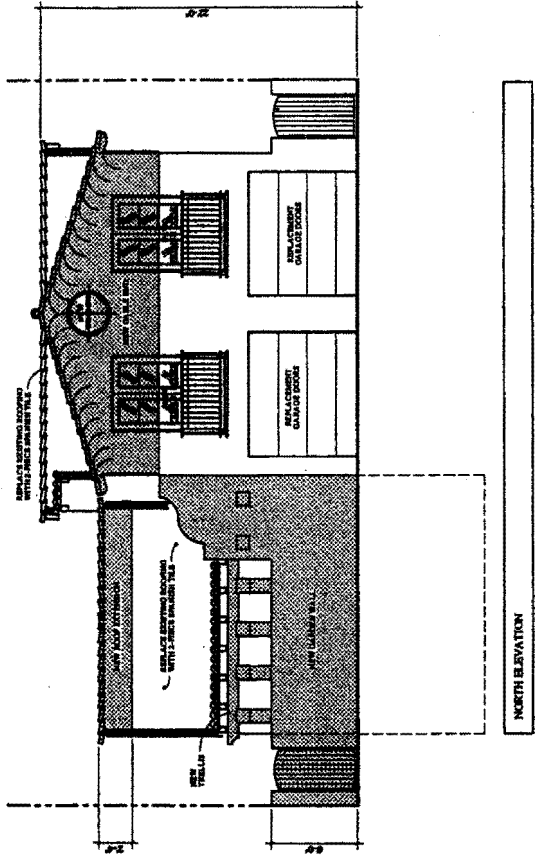
EXHIBIT 10
CDP # 4-00-177
Proposed Third Floor Plan

PRIVATE RESIDENCE
 3440 GALLERY ROAD
 MALIBU, CA 90265

The Designer, Owner, Applicant, and Contractor warrant that the information provided in this application is true and correct to the best of their knowledge and belief. The Applicant warrants that the information provided in this application is true and correct to the best of their knowledge and belief. The Designer, Owner, Applicant, and Contractor warrant that the information provided in this application is true and correct to the best of their knowledge and belief.

Leser Tobias/Architect
 2222 Pacific Coast Highway
 Malibu, CA 90265
 Tel: 310-317-1000 Fax: 310-317-1001

DATE DATE	NOV 14 2000	PROJECT NAME	
SCALE	1/4" = 1'-0"	PROJECT NUMBER	
DESIGNER	LESTER TOBIAS	OWNER	
CONTRACTOR		PROJECT NUMBER	A4.1
PROJECT ELEVATION			
PROJECT ELEVATION			



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 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

EXHIBIT 11
CDP # 4-00-177
Elevations

The Designer, Client, Approving Authority, and Approving Authority shall be responsible for obtaining all necessary permits and approvals for this project. The Designer shall not be responsible for obtaining any other permits or approvals. The Designer shall not be responsible for any other matters related to this project. The Designer shall not be responsible for any other matters related to this project.



Letter Tobias/Architect
Architect
10000 Wilshire Blvd
Suite 1000
Beverly Hills, CA 90210
Tel: 310.770.1100 Fax: 310.770.1101

DATE: 10/14/2000
JOB NUMBER: 44-177

DATE	BY	DESCRIPTION
10/14/2000	LT	ISSUED FOR PERMIT

SHEET NUMBER	EAST ELEVATION	WEST ELEVATION
A4.2		

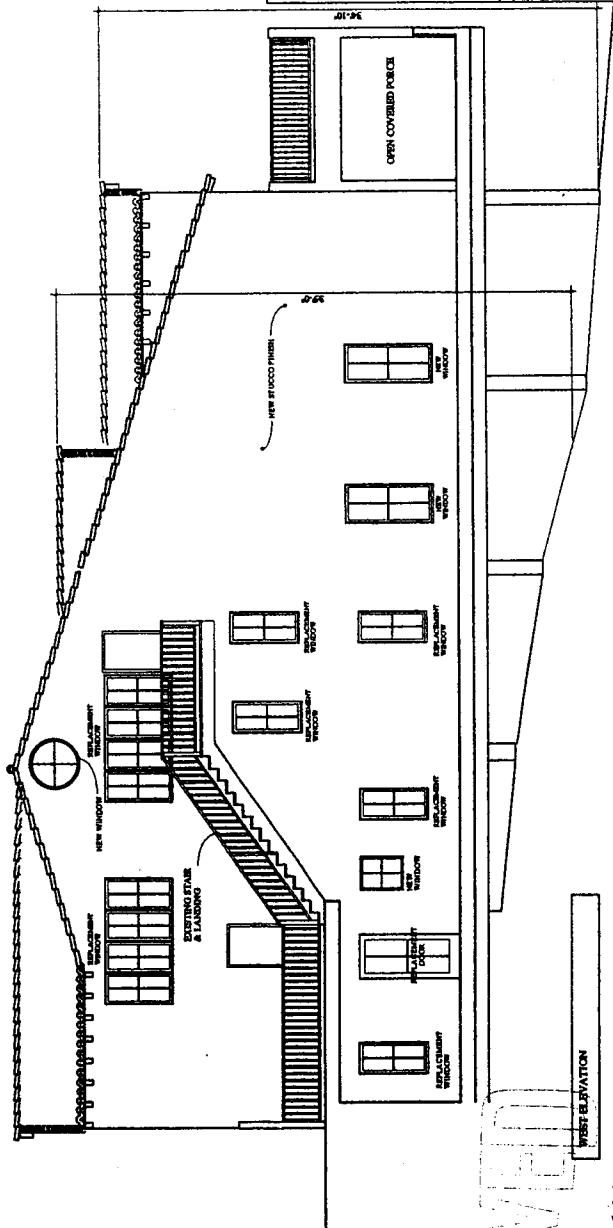
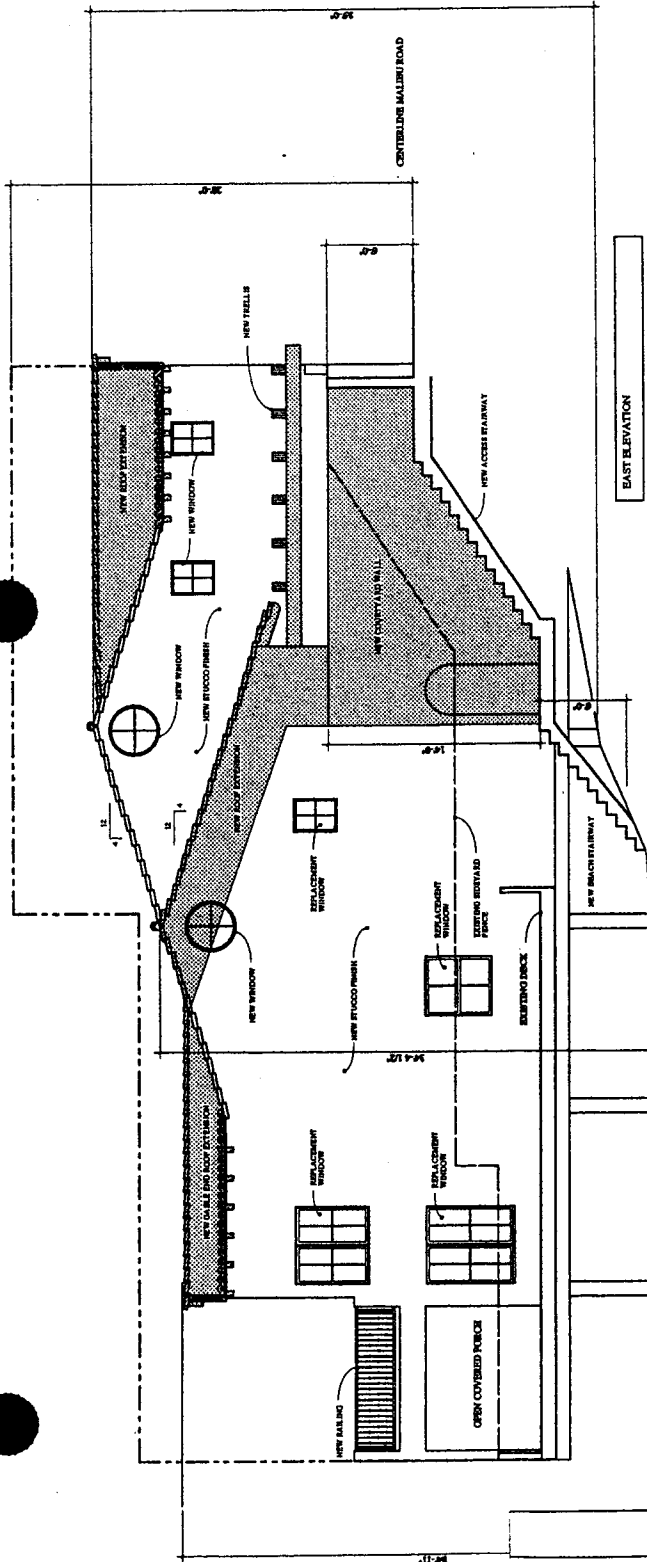


Exhibit 12
CDP # 4-00-177
Elevations

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

STATE OF CALIFORNIA

GRAY DAVIS, Governor

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



PAUL D. THAYER, Executive Officer
 California Relay Service From TDD Phone 1-800-735-2922
 from Voice Phone 1-800-735-2929

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

JAN 23 2001

File Ref: SD 00-11-16.7

Deborah Waldrip
 Lester Tobias/Architect
 22223 Pacific Coast Highway
 Malibu CA 90265

Dear Ms. Waldrip:

**SUBJECT: Coastal Development Project Review for Remodel of Existing
 Single Family Residence at 24460 Malibu Road, Malibu**

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

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

You propose to remodel an existing single family residence at 24460 Malibu Road in the Amarillo Beach area of Malibu. The project will involve renovations to the first and second floors, as well as the existing courtyard. From the plans submitted by you, it appears that all of the work will be within the footprint of the existing residence. This is a well-developed stretch of beach with numerous residences both up and down coast.

We do not at this time have sufficient information to determine whether this project will intrude upon state sovereign lands. Development of information sufficient to make such a determination would be expensive and time-consuming. We do not think such an expenditure of time, effort and money is warranted in this situation, given the limited resources of this agency and the circumstances set forth above. This conclusion is based on the location of the property, the character and history of the adjacent development, and the minimal potential benefit to the public, even if such an inquiry were to reveal the basis for the assertion of public claims and those claims were to be pursued to an ultimate resolution in the state's favor through litigation or otherwise.

Exhibit 13

CDP # 4-00-177

State Lands Commission Letter

JAN 23 2001

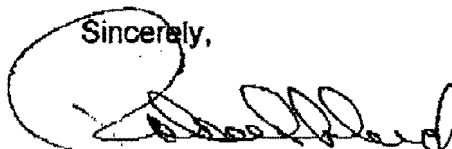
Deborah Waldrip

2

Accordingly, the CSLC presently asserts no claims that the project intrudes onto sovereign lands or that it would lie in an area that is subject to the public easement in navigable waters. This conclusion is without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information come to our attention.

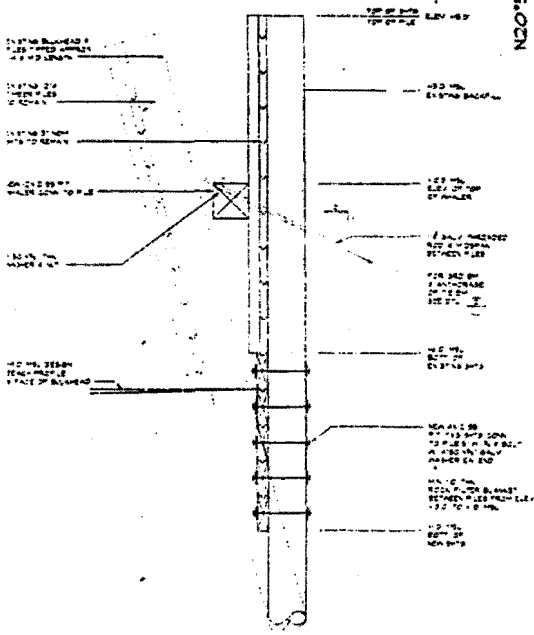
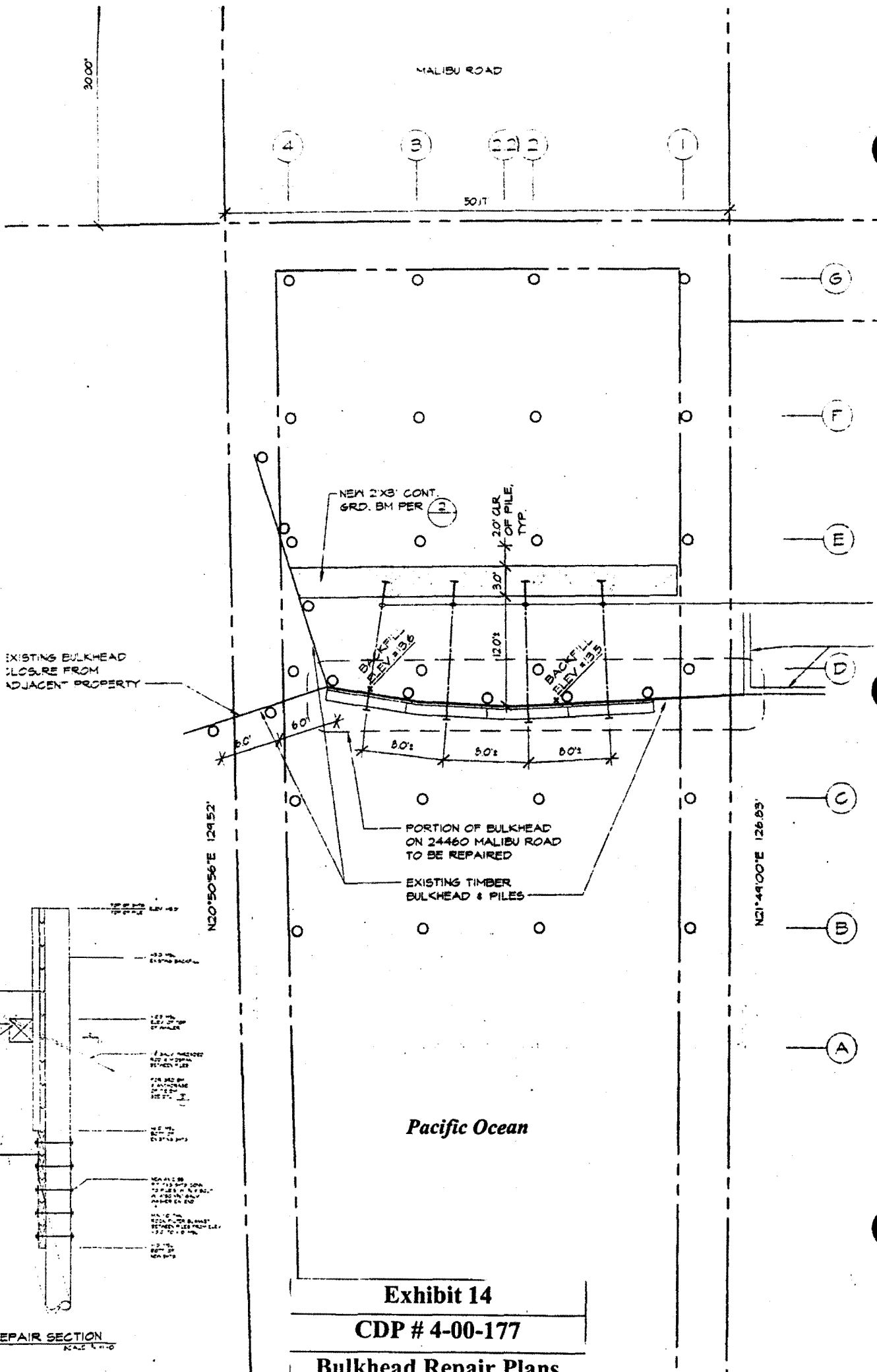
If you have any questions, please contact Jane E. Smith, Public Land Management Specialist, at (916) 574-1892.

Sincerely,



Robert L. Lynch, Chief
Division of Land Management

cc: Barry Hogan, City of Malibu



BULKHEAD REPAIR SECTION
SCALE 1/4" = 1'-0"

Exhibit 14
CDP # 4-00-177

Bulkhead Repair Plans