Fri 7. d.

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
UTH CENTRAL COAST AREA
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RECORD PACKET COPY

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Staff: J Johnson-V
Staff Report: 12/20/01
Hearing Date: 1/11/02
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-225

APPLICANT: Caltrans District 7 **AGENT: Stephanie Reeder**

PROJECT LOCATION: 19232 – 19306 Pacific Coast Highway, Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construct a 364 foot long concrete wall below grade along Pacific Coast Highway right-of-way line, adjacent to eight beach front residences, excavate 900 cubic yards of material to be exported outside the coastal zone, import 600 cubic yards of material as fill, construct seven drainage devices to replace existing drains, construct a "V" drain and concrete culvert along the Pacific Coast Highway right-of-way, remove and replace portions of existing driveways to these residences, reconstruct deck, walkway and stairway at one residence, install temporary K-Rail.

Maximum Depth Below Existing Grade: varies 3 to 8 ft.

LOCAL APPROVALS RECEIVED: None required.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit No. 4-00-223, Sol Brothers, Coastal Permit No. 4-99-264, Geffen.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed project with conditions addressing plans conforming to geo-technical recommendations, disposal of excavated material, construction debris responsibilities, assumption of risk, and non-point source pollution plan. As conditioned, the proposed project is consistent with applicable Chapter Three policies of the Coastal Act.

LOCAL APPROVALS RECEIVED: None required for State Agency projects until City of Malibu LCP is certified by the Commission and the City assumes coastal permit responsibility.

SUBSTANTIVE FILE DOCUMENTS: Wave Runup and Beach Impact Study for California Coastal Commission, dated April 23, 2001, by Jerrel Kam Department of Transportation; Geotechnical Recommendations letter, dated November 16, 1998, by Emad Araim and John Ehsan, Department of Transportation; State Lands Commission

letter dated May 8, 2001; Letter dated October 16, 2000 from David Castanon, United States Department of the Army; Settlement Agreement dated April 11, 1997 between Stella Bacich and State of California, Department of Transportation; Coastal Permit No. 4-99-239, Sol Brothers; Coastal Permit Application No. 4-01-080, Geffen.

I. STAFF RECOMMENDATION:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-225 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

I. RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS

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

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

3. **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. Plans Conforming to Geotechnical Recommendations

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Registered Civil Engineer's review and approval of all project plans. All recommendations contained in the submitted report titled: Geotechnical Recommendations for Las Tunas Beach Retaining Wall Replacement, dated November 16, 1998, by Emad Araim and John Ehsan, Department of Transportation, State of California, an update memo dated December 3, 2001 from Aziz Elatter, Caltrans, a second update memo dated December 18, 2001 from Sandra Lavender, Caltrans, and a Wave Runup and Beach Impact Study for California Coastal Commission, dated April 23, 2001 by Jerrel Kam, Department of Transportation shall be incorporated into all final design and construction including: retaining wall design recommendations and construction recommendations. All plans must be reviewed and approved by the engineers.

The final plans approved by the engineers 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 engineers shall require an amendment to the permit or a new coastal permit.

2. Disposal of Excavated Material

The applicant shall dispose of all of the excavated or cut excess material consisting of about 900 cubic yards and any construction or demolition debris to an appropriate disposal site located either outside of the Coastal Zone or a site located within the Coastal Zone with a valid Coastal Development Permit for the disposal of fill material or debris.

3. Construction Responsibilities and Debris Removal

The applicant shall, by accepting this permit, agree: a) that no stockpiling of dirt or building materials 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 construction area any and all debris that result from the construction period.

4. Assumption of Risk, Waiver of Liability and Indemnity Agreement

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from *waves, storm waves, flooding, earth movement, and erosion;* (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

5. Non Point Source Pollution Plan

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a Non-Point Source Pollution/Drainage and Runoff Plan that meets the following criteria:

(1) Drainage from Pacific Coast Highway to the proposed drain system shall be directed through a structural or non-structural filtration system, effective at removing and/or mitigating contaminants such as oil, grease, petroleum hydrocarbons, heavy metals, and particulates. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner.

A. The BMPs utilized shall be designed to treat, infiltrate, or filter stormwater runoff to meet the standards of the 85th percentile, 24-hour runoff event for volume-based BMPs and/or the flow of runoff produced from a rain event equal to at least two times the 85th percentile, 1-hour event for flow-based BMPs.

B. All drainage system elements shall be permanently operated and maintained at a minimum:

(a) At a minimum, all storm drain inlets, traps/separators, and/or filters shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; and (2) during each month between October 15th and April 15th of each year; and,

(b) Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner; and

(c) 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; and,

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The project site is located along the seaward side of the Pacific Coast Highway right-of-way along eight existing residences located at 19232 to 19306 Pacific Coast Highway, City of Malibu (Exhibits 1 - 3). The subject site is located at the east end of Big Rock Beach along a west to east section of beach on the north shore of Santa Monica Bay. The project site specifically is located 0.1 km east of Pena Canyon.

The applicant proposes to construct a 364 foot long concrete retaining wall below grade along Pacific Coast Highway right-of-way line, adjacent to eight beach front residences located from 19232 to 19300 Pacific Coast Highway, excavate 900 cubic yards of material to be exported outside the coastal zone, import 600 cubic yards of material as fill, construct seven drainage devices, a "V" ditch with concrete culvert drain along the southern road right-of-way of Pacific Coast Highway, and remove and replace portions of existing driveways to these residences (Exhibits 4 - 13). A stairway, walkway, and deck is proposed to be reconstructed at the residence at 19256 (Ginsberg property) and install temporary K-Rail (Exhibits 14 – 17).

Its important to note that the concrete retaining wall is proposed to be located immediately landward of an existing old wood bulkhead wall that now is located within the wave uprush area. In effect, the proposed concrete retaining wall will act as a structural support for the road fill taking this burden from existing bulkhead wall.

Together, both walls will be acting to protect and shore up the road fill and protect utilities located within Pacific Coast Highway.

The proposed new drainage devices consist of seven new drain inlet boxes located along a new "V" ditch which will then drain into a concrete culvert box located parallel and beneath the "V" ditch. This new concrete culvert will flow to two new outlet pipes that will drain on the beach seaward and beneath the existing residences. These two new drains will outlet about 54 feet seaward and beyond the existing wood bulkhead through two existing private residence wood bulkheads; the drain outlets will be anchored into these wood bulkheads allowing drainage to flow beyond them. The coastal permit status of these and other residence bulkheads in this area is unknown. Ten existing drains constructed by the owners of these residences will be modified such that seven are proposed to be reconnected to the new connecting drain along the Highway, two drains are proposed to be replaced by the applicant's two new outlet drains, and one drain is proposed to be removed. A temporary "K" Rail and crash cushion will be located at the temporary relocation of the southbound lanes along Pacific Coast Highway from about 19232 to 19306 Pacific Coast Highway.

The proposed concrete retaining wall will provide additional support for roadway fill and utilities located along Pacific Coast Highway along with an existing wood bulkhead partially damaged by severe storm conditions that occurred in 1995-96 storm season and again in 1998. The proposed project is the result of a legal settlement agreement dated April 1997 to replace an existing below grade timber bulkhead. The existing timber wall was built in 1932 to support road fill along State Highway 1 and now partially supports driveways to these adjoining residences. A small portion of the existing bulkhead wall has collapsed. The new concrete retaining wall will be located adjacent to and on the landward side of this existing bulkhead wall; its location will separate the existing bulkhead from the earth loads once the new concrete retaining wall is constructed. The applicant proposes to retain the existing wood bulkhead because the adjoining homeowners have over the years since 1932 modified their properties such that their driveways and other miscellaneous development, such as fences, decks and sheds, are actually resting on top of this wood bulkhead. The proposed concrete retaining wall will also support these driveways once it is completed. The other miscellaneous development will continue to rest on top of this wood bulkhead. According to the applicant, because the retained portions of the wood bulkhead will be intact, it will not become potential debris that could become hazardous ocean debris. A limited portion of this bulkhead will be removed where limited damage has occurred and support is not needed. The applicant will remove these limited portions of the bulkhead to the ground line and all demolition debris will be removed from the site to a disposal site located outside the coastal zone.

It is important to note that six of these residential properties located seaward of the bulkhead already have additional shoreline protective devices that include private bulkhead or timber walls. Since these private bulkheads and walls are located beyond the project site, it is not known when these private bulkheads and walls were constructed and their permit status.

The applicant has submitted evidence of review of the proposed project by the California State Lands Commission (CSLC) dated May 8, 2001, which indicates that the CSLC presently asserts no claims that the project is located on public tidelands or lies in an area that is subject to public easement in navigable waters, although the CSLC reserves the right to any future assertion of state ownership or public rights should circumstances change (Exhibit 7). The project site is located landward of the eight existing beachfront residences. Three of these properties at 19264, 19300, and 19302 Pacific Coast Highway, have Irrevocable Offers to Dedicate Lateral Public Access easements recorded in 1983 for the area seaward of the edge of development to the mean high tide line; these Offers to Dedicate appear to have been accepted according to the Commission's records (Exhibit 3). According to information provided by the applicant, the Mean High Tide line is located about ten feet beyond the private wood bulkheads and seaward of these residences. In a letter dated October 16, 2000, from the Department of the Army, Los Angeles District, Corps of Engineers, the Corps of Engineers determined that this project does not discharge dredged or fill material into the waters of the United States or affect a navigable water, thus, no Section 10 or Section 404 permit is required from that office.

The two proposed drainage pipes cross two private properties from the drainage ditch to the ocean. In addition, the applicant proposes to replace a deck, walkway and stairway on one property as part of this project which may be damaged during construction of one of the drains (Ginsberg property). The applicant has provided evidence of easements for these drainage devices and construction rights for the deck improvement over these parcels. These property owners have been notified of this development pursuant to section 30601.5 of the Coastal Act. Section 30601.5 states as follows: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant." These property owners were notified of the pending permit action under Section 30601.5 (Exhibit 19). As of the date of this report, no response was received. If any response to this letter is received by staff prior to the Commission's January 8 – 11, 2002 meeting, it will be reported to the Commission at the public hearing.

B. Shoreline Development

The proposed project includes construction of a 364 foot long concrete retaining wall below grade along the Pacific Coast Highway right-of-way line, adjacent to eight beach front residences, excavate 900 cubic yards of material to be exported outside the coastal zone, import 600 cubic yards of material as fill, construct seven new drainage devices along a "V" ditch located along the southern road right-of-way. Beneath the "V" ditch a new concrete culvert is proposed to collect water runoff and drain it to two new drain pipes leading to the beach on the seaward side of the existing residences. The applicant also proposes to remove and replace portions of existing driveways to these residences. The new concrete retaining wall will be located below grade at about 21.3 feet above Mean Sea Level and as deep as three to eight feet below the highway grade.

The proposed concrete retaining wall will be located immediately landward of an existing damaged bulkhead. As a result, the proposed concrete retaining wall will not be located any further seaward than the existing bulkhead and will not occupy any existing beach area. The proposed concrete retaining wall will be located at the seaward edge of the Pacific Coast Highway right-of-way/property line and approximately 50 ft. landward of the most landward measured mean high tide line based on a survey map provided by the applicant.

The applicant proposes to retain the existing wood bulkhead because the adjoining homeowners have over the years since 1932 modified their properties such that their driveways and other miscellaneous development, such as fences, decks and sheds, are actually resting on top of this wood bulkhead. The proposed concrete retaining wall will also support these driveways once it is completed. The other miscellaneous development will continue to rest on top of this wood bulkhead. According to the applicant, because the retained portions of the wood bulkhead will be intact, it will not become potential debris that could become hazardous ocean debris. A limited portion of this bulkhead will be removed where limited damage has occurred and support is not needed. The applicant will remove these limited portions of the bulkhead to the ground line and all demolition debris will be removed from the site to a disposal site located outside the coastal zone.

The applicant submitted a Wave Runup and Beach Impact Study dated April 23, 2001 by Jerrel Kam, Caltrans District Hydraulics Engineer. This Study concludes that: the concrete retaining wall has been designed to minimize overtopping with the design wave runup as high as 18.4 feet (4.6 meters), which is about half way up the proposed concrete retaining wall and existing bulkhead wall with the top of both located at 21.3 feet (6.5 meters) in height.

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. 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.

1. Site Shoreline Characteristics

The proposed project site is located on the east end of Big Rock Beach near Las Tunas State Beach in the City of Malibu. Big Rock Beach is a relatively narrow beach backed by a graded coastal bluff that created Pacific Coast Highway. Landward of Pacific Coast Highway is the original blufftop located over 100 feet above the Highway. Big Rock Beach is a sandy beach that is narrow and steep, approximately 40 feet wide. There are rocky reefs seaward of this beach which provide some protection to the beach from ocean waves. Big Rock Beach is located within the Dume Littoral Subcell, which geographically extends from approximately Point Dume to Redondo Beach. The Dume Subcell is part of the larger Santa Monica Littoral Cell. Fluvial sediment from Malibu Creek and other local streams provides only 40% of the sediment or sand flow, while 60% of the sediment is derived from beach/bluff erosion within the Dume Subcell. [1]

[1] Army Corps of Engineers, Los Angeles District, Reconnaissance Study of the Malibu Coast. 1994

The sources of sediment for beaches backed by coastal bluffs, such as project site, are the eroding bluffs themselves, as well as eroded material from inland areas carried to the beach by small coastal streams. Narrow beaches backed by coastal bluffs experience seasonal and interannual changes similar to other sandy beach, however, unlike wide sandy beaches, bluff backed beaches do not have ample beach material to maintain a dry sandy beach during periods of high wave energy. As such, narrow bluff backed beaches often scour down to bedrock during winter months. At the subject site, the bedrock layer is a gradually sloped, wave abraded platform ranging from 1:25 to 1:30 slope located between –15 foot elevation to Mean Sea Level at 2.8 feet above Mean Low Low Water.

In the 1920's Pacific Coast Highway was constructed along Big Rock Beach at or seaward of the base of the bluff, thus, altering the natural process of shoreline nourishment, processes that would expose the bluff to wave attack as the beach eroded during periods of high wave energy. Wave attack that would occur along a natural, unaltered shoreline would erode the base of the bluff and cause it's position to retreat landward. The dynamic of bluff erosion and retreat results in the landward migration of the bluff and, in turn, establishment of new beach area. In the case of Big Rock Beach, the back of the beach has been fixed by Pacific Coast Highway and its protective slope retaining walls and by shoreline protective devices that have been constructed by private property owners on the beach to protect residential development. Due to the construction of Pacific Coast Highway and shoreline protective structures at the base of the bluff, Big Rock Beach does not retreat in response to natural coastal processes and beach material that would normally erode from the bluff in response to wave attack is no longer available to replenish the beach.

Big Rock Beach is a narrow beach which has been developed with numerous single family residences located seaward and to the east and west of the subject site. The Malibu/Los Angeles County Coastline Reconnaissance Study by the United States Army Corp of Engineers dated April 1994 indicates that residential development on Big Rock Beach is exposed to recurring storm damage because of the absence of a sufficiently wide protective beach and that damage to older, low-lying, and less well constructed structures is expected.

In addition to being a relatively narrow beach that is frequently exposed to wave attack, significant evidence exists which suggests that Big Rock Beach is an eroding beach. The 1994 Malibu/Los Angeles County Coastline Reconnaissance Study referenced above concludes that Big Rock Beach is experiencing slow erosion, or in effect, long-term shoreline retreat. The applicant has submitted a Wave Runup and Beach Impact Study dated April 23, 2001 which briefly discusses the characteristics of the beach at site and shoreline processes of the beach. The applicant's engineer does not specifically state that the beach is or is not an oscillating beach or an eroding beach; the Study states that the survey data is insufficient to demonstrate trends of seasonal beach profile changes. In absence of specific evidence to the contrary and the narrow and relatively steep slope of the beach, the Commission concludes that Big Rock Beach is eroding.

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

The applicant has submitted a Wave Runup and Beach Impact Study dated April 23, 2001 by Jerrel Kam, Department of Transportation, State of California (Caltrans). An exhibit to this Study is the Beach and Offshore Profile which identifies the location of the surveyed mean high tide lines on the subject site as measured during several fall and winter months between 1928 and 1961 and surveyed beach profiles in 1967, 1967, and 1976. This Profile identifies the most landward measurement of the winter ambulatory mean high tide line seaward of the project site as occurred in January 1961 when the mean high tide line was located a little over ten feet seaward of the now existing private wood bulkhead and about 50 feet seaward of the applicant's existing wood bulkhead located along the Pacific Coast Highway right of way. The coastal area seaward of the subject site is characterized as being made up of a steep beach composed of very coarse sands, cobble and rock. The beach slope above the mean high tide line in front of the bulkhead is relatively steep, about 1:5 vertical to horizontal gradient.

The proposed concrete retaining wall is located behind the existing timber bulkhead. As a result, the proposed concrete retaining wall will not be subject to tidal influence except where the existing wood bulkhead has been damaged or will be damaged in the future. A review of the project site indicates that only two of the eight residential properties allow ocean waves to directly reach this timber bulkhead as six of these properties have private existing wood bulkheads providing additional shoreline protection. The applicant proposed to replace some of the existing outlet drains with two new outlet drains that will be anchored into two of these private wood bulkheads at the seaward side of these site. Therefore, except for the two replacement drain outlets, the proposed project will not be subject to direct attack by ocean waves and wave uprush.

The applicant submitted a Beach and Offshore Profile that represents that the most landward known measurement of the ambulatory mean high tide line measured during the winter on the project site occurred in January 1961 when the mean high tide line on site was located approximately 50 ft. seaward of the applicant's existing wood bulkhead wall, which is the Pacific Coast Highway right-of way line. Based on the submitted information, the proposed development will be located landward of the most landward measured winter mean high tide line of January 1961 as identified on the Profile. However, these identified mean high tide lines have not been verified by the State Lands Commission and the measurement represents only one yearly measurement which does not provide adequate information for a definitive determination of the current location of the mean high tide line at the site as noted in the May 8, 2001 letter from the State Lands Commission. The location of the mean high tide line at the site is ambulatory in nature and the proposed concrete retaining wall may, at times or over time as sea level rises, be subject to wave run-up that exceeds the landward location of the proposed seawall.

Although the proposed structures will be located landward of these identified Mean High Tide Lines, the Wave Runup and Beach Impact Study prepared by the Department of Transportation dated April 23, 2001 indicates that the maximum wave uprush for the design condition (100-year wave) at the subject site will occur seaward of the Pacific Coast Highway right-of-way line. This, in general, coincides with the location where the bedrock slope steepens and changes from being nearly horizontal to being more vertical. The Wave Runup Study concludes that maximum wave runup to the concrete retaining wall will be about half way up the face of the existing bulkhead located in front of the proposed concrete retaining wall. This wave runup is to the 18.4 feet (4.6 meters) MLLW elevation, which is below the 21.3 foot (6.5 meter) maximum height elevation of both walls.

For these reasons, the Commission finds that the proposed concrete retaining wall is required to protect the existing Highway slope. As such, the Commission further finds that the proposed concrete retaining wall will be located landward of the existing bulkhead and as far landward as feasible, however, portions of the existing bulkhead in front of the proposed concrete retaining wall will be subject to wave action during storm and high tide events. The effect of the proposed concrete retaining wall will extend the life of the existing wood bulkhead by providing additional support for the Highway road fill, driveways, and protection for utilities within the road fill. Therefore, the Commission finds that the proposed concrete retaining wall will not create any new impacts on coastal processes.

3. Sea Level Rise

Sea level has been rising slightly for many years. In the Santa Monica Bay area, the historic rate of sea level rise has been 1.8 mm/yr. or about 7 inches per century[2]. Sea level rise is expected to increase by 8 to 12 inches in the 21st century.[3] There is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Mean water level affects shoreline erosion in several ways and an increase in the average sea level will exacerbate shoreline erosion.

On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore. On a relatively flat beach, with a slope of 40:1, every inch of sea level rise will result in a 40-inch landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as single family residences, pilings, or seawalls, an increase in sea level will increase the extent and frequency of wave action and future inundation of the structure. More of the structure will be inundated or underwater than are inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently.

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[2] Lyles, S.D., L.E. Hickman and H.A. Debaugh (1988) Sea Level Variations for the United States 1855 – 1986. Rockville, MD: National Ocean Service.

[3] Field et. al., Union of Concerned Scientists and the Ecological Society of America (November 1999) Confronting Climate Change in California, www.ucsusa.org.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, ocean bottom depth controls nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. So, combined with a physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to both inundation and wave attack, and those areas that are already exposed to wave attack will be exposed to more frequent wave attack with higher wave forces.

A second concern with global warming and sea level rise is that climatic changes could cause changes to storm patterns and wave climate for the entire coast. As water elevations change, the transformation of waves from deep water will be altered and points of energy convergence and divergence could shift. The new locations of energy convergence would become the new erosion "hot spots" while the divergence points may experience accretion or stability. It is highly likely that portions of the coast will experience more frequent storms and the historic "100-year storm" may occur every 10 to 25 years. For most of California the 1982/83 El Niño event has been considered the "100-year storm." Certain areas may be exposed to storms comparable to the 1982/83 El Niño storms every few decades. In an attempt to ensure stability under such conditions, the Commission has required that all new shoreline development be designed to withstand either a 100-year storm event, or a storm event comparable to the 1982/83 El Niño.

Therefore, if new development along the shoreline is to be found consistent with the Coastal Act, the most landward location must be explored to minimize wave attack with higher wave forces as the level of the sea rises over time. Shoreline protective devices must also be located as far landward as feasible to protect public access along the beach as discussed further below. In the case of this project, the proposed concrete retaining wall will be located as landward as feasible and has been designed to support earth loads immediately behind the wooden bulkhead allowing the bulkhead to continue to withstand storm events without the design wave (100 year wave) overtopping the bulkhead and the concrete retaining wall behind it. Therefore, the proposed concrete retaining wall will be located as far landward as possible, thereby minimizing adverse impacts on the beach and public beach use than if the retaining wall were located further seaward.

4. Impacts of the New Retaining Wall Compared to the Existing Wood Bulkhead

The existing wood bulkhead was constructed in 1932. As discussed previously, there are identifiable adverse impacts from construction of shoreline protective devices on a beach. The Commission does concurs with the statement from the applicant's engineer that the nearby beach area and the beach in front of the structure will not be affected by the proposed concrete retaining wall. However, the Commission finds that the original

bulkhead had impacts on the adjacent beach area, such as scour, end effects, beach recovery time, changes to passive erosion and encroachment onto the beach, and replacement of the original bulkhead with a new concrete retaining wall will allow these impacts to continue.

The Commission notes that on six of these eight residential properties, there are existing wood bulkheads further seaward and beneath the existing residences. These bulkheads located further seaward break waves before any wave can reach the applicant's existing wood bulkhead. As a result, the majority of the wood bulkhead will be affected by wave uprush only during periods of very high tides and or heavy storm conditions.

The original bulkhead wall has been damaged since it was constructed in 1932. This bulkhead was partially damaged in a limited manner during the 1995/96 winter and the 1997/98 El Niño winter. The proposed concrete retaining wall has been designed to withstand severe storm events. The proposed concrete retaining wall will be constructed with deeper concrete piles creating a more substantial foundation than the original bulkhead. These design changes have been recommended to prevent the Highway from being damaged by a future storm event. This will provide the proposed new concrete retaining wall together with the wooden bulkhead with a greater anticipated longevity. It's indefinite life expectancy means that the impacts from these walls could continue for an indefinite period.

5. Conclusion

The purpose of the proposed retaining wall is to support the road fill and utilities along the seaward side of Pacific Coast Highway. A secondary purpose of the proposed wall is to protect the road fill from erosion and scour from wave action. However, the existing wood bulkhead fronting the proposed wall and the private property owner's shoreline protective works, wood bulkheads, located further seaward for the most part intercept most wave action. Therefore, the proposed wall will only be acted on by wave action during the larger storm events and if the private property owner's shoreline protective works are damaged or removed. The applicant proposes to retain the majority of their existing wood bulkhead as it supports the residential driveways and miscellaneous development.

Thus, the proposed concrete retaining wall is necessary to protect the existing Highway shoulder from wave uprush and erosion and hold the road shoulder in place. The proposed drainage system will be located within the wave uprush area, although it will replace existing drains and be secured by existing private wood bulkheads located further seaward than the applicant's existing wood bulkhead within the road shoulder. This drainage system will not create adverse impacts to coastal processes and is considered a minor replacement development. The Commission finds that the new concrete retaining wall will not result in seaward encroachment, will be located landward of the existing wooden bulkhead, will be located as far landward as possible, and will

not create any new impacts to coastal processes. For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30235, 30250, and 30253 of the Coastal Act.

C. Hazards and Geologic Stability

Section **30253** of the Coastal Act states in pertinent 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 proposed development would be located in the Santa Monica Mountains/Malibu area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains/Malibu 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, beachfront sites are subject to flooding and erosion from storm waves.

The proposed project includes the construction of a new concrete retaining wall on the landward side of an existing wooden bulkhead constructed in 1932.

The applicant has submitted a Geotechnical Recommendations for Las Tunas Beach Retaining Wall Replacement Report dated November 16, 1998 by Emad Araim and John Ehsan, Department of Transportation, an update memo dated December 3, 2001 from Aziz Elatter, Caltrans, a second update memo dated December 18, 2001 from Sandra Lavender, Caltrans, and a Wave Runup and Beach Impact Study for California Coastal Commission, dated April 23, 2001 by Jerrel Kam, Department of Transportation, all which indicate that the proposed development will serve to ensure structural stability of the Highway shoulder on the subject site. The Geotechnical Report and update memos 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 engineers are incorporated into all proposed development, **Special Condition Number One (1)** requires the applicant to submit project plans certified by the engineers as conforming to all recommendations to ensure structural and site stability. The final plans approved by the engineers 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 engineers shall require an amendment to the permit or a new coastal permit.

This application includes the excavation of 900 cubic yards of material to construct the concrete retaining wall in a below grade location at the edge of the Pacific Coast Highway right-of-way. Therefore, the Commission finds that in order to ensure that the applicant's proposal to export the proposed excavation of about 900 cubic yards of cut material and any construction or demolition debris from the project site to an appropriate disposal site is carried out as specified in **Special Condition Number Two (2)**.

As discussed above, the applicant's engineer has indicated that the proposed development will serve to ensure relative geologic and structural stability on the subject site. However, the Commission's experience with beach front development in the Malibu area indicates that there are numerous hazards inherent with development along the beach and at the Highway shoulder. 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. As is evident by the damage caused to the existing bulkhead, the subject site is clearly susceptible to flooding, wave damage from waves, storm waves, bluff retreat, erosion, liquefaction and earth movement.

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 combined high tides of over 7 feet, 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 flooding, wave damage from waves, storm waves, bluff retreat, erosion, liquefaction and earth movement. The proposed development to protect the highway 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 geology and coastal engineers, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property.

The Commission finds that due to the possibility of flooding, wave damage from waves, storm waves, earth movement, and erosion, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the

Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, as required by **Special Condition Number Four (4),** when executed as an agreement, 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 and surrounding area.

The Commission further notes that construction activity near a sandy beach and at the landward extent of the 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/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. Therefore, **Special Condition Number Three (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, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation.

The Commission finds, for the reasons set forth above, that the proposed development, as conditioned, is consistent with Section 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.

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, public access from the nearest public roadway 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.

Coastal Act sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided, including use of dry sand and rocky coastal beaches, 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 except where it would be inconsistent with public safety, military security needs, protection of fragile coastal resources and agriculture, or where adequate access exists nearby.

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 and has required design changes in other projects on the coast to reduce interference with access to and along the shoreline.

The major access issue in this permit application is the potential adverse impacts of the proposed shoreline protection device on coastal processes, shoreline sand supply, and public access in contradiction of Coastal Act policies 30210, 30211 and 30212. The proposed project is located on Big Rock Beach, approximately 1,000 ft. east (downcoast) of a vertical public coastal accessway. Further, there are several lateral public access easements offers located up and down the coast on beachfront parcels along Malibu Road.

The State owns tidelands, which are those lands located seaward of 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.

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 in which the profile changes as a result of wave action, the location at which the elevation of the 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" or moving line that moves 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 State Lands Commission presently does not assert a claim that the project intrudes onto sovereign lands. However, structures currently located above the mean high tide line 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. That is why the Commission also must consider whether the project will have indirect effects on public ownership and public use of shorelands. As discussed in detail in Section B. Shoreline Protective Devices, the proposed concrete retaining wall will not be subject to wave action as it will be located landward of the existing wood retaining wall.

Public use rights of the beach 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 shoreline structures are of concern.

In past permit actions, the Commission has required that new development on a beach, including the construction of new shoreline protective devices, provide for lateral public access along the beach in order to mitigate adverse effects to public access from increased beach erosion and loss of beach area. As described previously, construction of the new concrete retaining wall at the site will not alter the beach profile on Big Rock Beach nor result in an individual and cumulative (in concert with other shoreline protective devices on Big Rock Beach) loss of sand supply on the beach. However, since the proposed project is located landward of existing residences located on the Big Rock Beach, the applicant does not own beach front property that would allow the applicant to dedicate lateral access easements in this case. It is important to note that there currently are three Offers to Dedicate Public Beach Access on properties located at 19264, 19300, and 19302 Pacific Coast Highway recorded on June 30, 1983 as Document Numbers 83-738110, 83-738113, and 83-738106, which have been accepted by a responsible agency or organization thereby providing for lateral beach access seaward of the subject site.

In this case, the applicant proposes to locate the proposed concrete retaining wall landward of the existing bulkhead wall. As a result, the proposed concrete retaining wall will be located within the Pacific Coast Highway road shoulder and will not be on the beach. In addition, the applicant's property is not located on beach front lands but rather is located landward of eight existing residences. Further, as noted above, the proposed concrete retaining wall will be located landward of the existing wood bulkhead which is about 50 feet landward of the most seaward surveyed winter mean high tide line. Therefore public access dedications are not required in this case.

For the reasons discussed above, the Commission finds that as conditioned, the proposed project is consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

E. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains and Malibu 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, and 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.

The Commission recognizes that new development in the Malibu area has the potential to adversely impact coastal water quality through the 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 requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the construction of two new drainage devices to the beach fed by a new pipe located below ground and below a new "V" shaped drainage ditch along Pacific Coast Highway.

The vicinity of the project site to the north of Pacific Coast Highway includes a steep bluff and moderately sloping terrain on top of the bluff with soils that are susceptible to erosion thereby creating sedimentation in the water runoff. Continued use of the vicinity of the project site for a major public highway with residential use seaward of the road shoulder introduces potential sources of pollutants such as petroleum and other accumulated pollutants from the highway, household cleaners, and pesticides, accumulated pollutants from residential rooftops and other impervious surfaces which will drain through this proposed improved drainage system into the ocean. The applicant has provided a Hydrology Map (Exhibit 18) identifying the geographic area supplying water to these drain. A review of this Map indicates that a relatively small area, 0.98 acres, a small portion of Pacific Coast Highway is in effect the watershed leading to this proposed replacement drainage system in addition to runoff that leads landward from the residential development across the existing driveways.

The proposed development will improve the collection and drainage flow from this geographic area which is an impervious surface. The proposed drainage system will lead to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with highway and adjoining residential use 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.

When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development, including the proposed drainage improvements, can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration.

Therefore, 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 (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Number Five (5)**, 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.

In order to ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through **Special Condition Number Five (5)**, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site, as applicable. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

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. 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).

G. 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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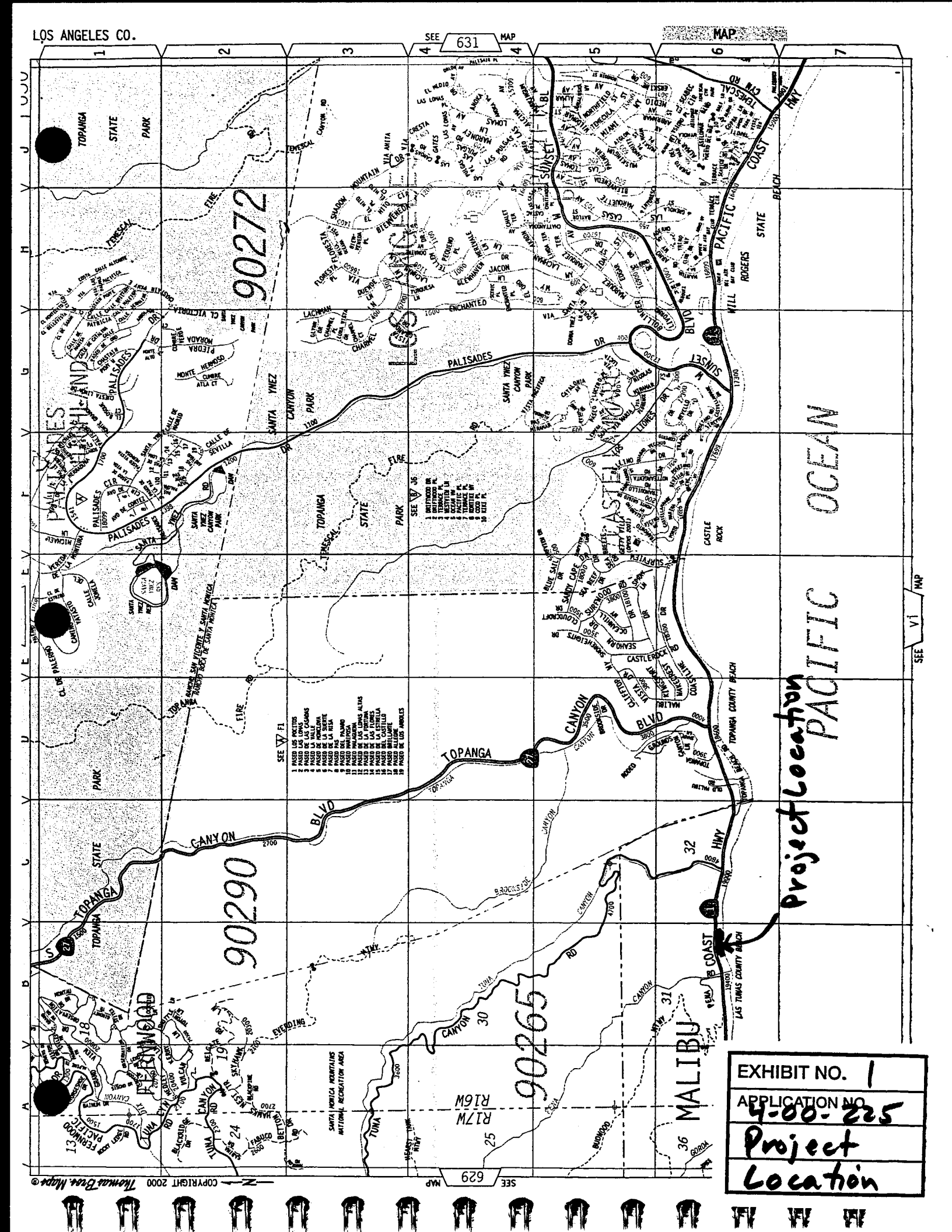
LOS ANGELES CO.
SEE 631 MAP
MAP
Project Location
EXHIBIT NO. 1
APPLICATION NO. 4-00-225
Project Location
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90290
90265
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TOPANGA STATE PARK
PALISADES HIGHLANDS
PALISADES
SUNSET BLVD
PACIFIC COAST HWY
TOPANGA CANYON BLVD
MALIBU
TOPANGA COUNTY BEACH
LAS TUNAS COUNTY BEACH
SANTA YNEZ CANYON PARK
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
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INDEX OF SHEETS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

IN LOS ANGELES COUNTY
IN MALIBU
AT 0.1 km EAST OF PENA CANYON

To be supplemented by Standard Plans dated July, 1999

RECEIVED
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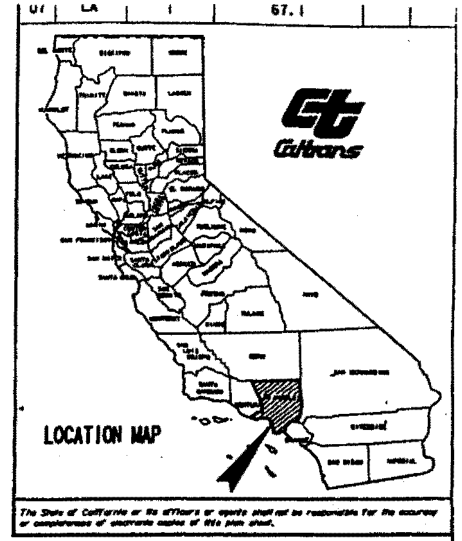
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



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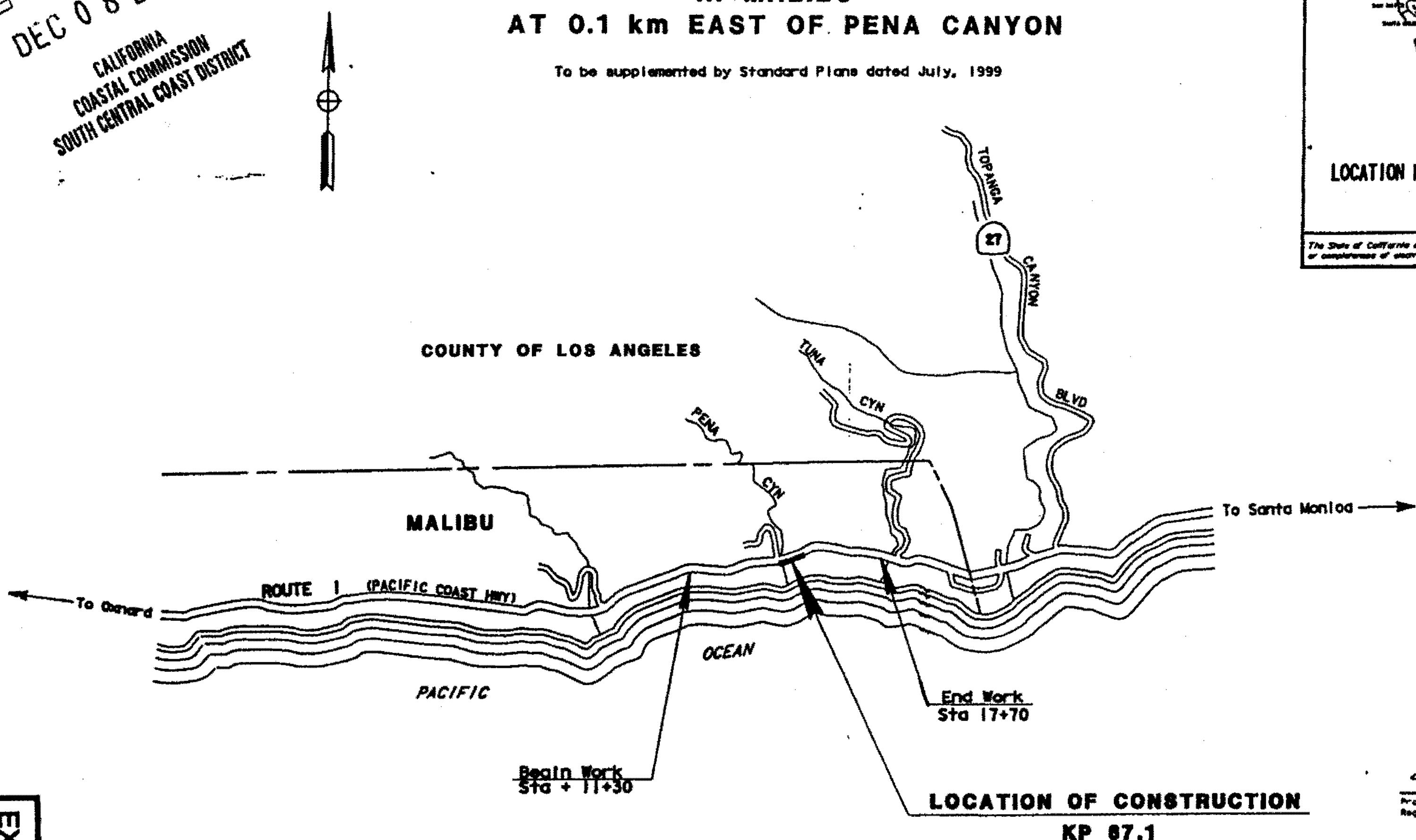

NO SCALE

Project Engineer Date
Registered Civil Engineer

No. 52853
Exp. 12-31-02
CIVIL
STATE OF CALIFORNIA

Plans Approval Date

...possess the Class (or Classes) of license ... Notice to Contractors''.

Contract No. 07-166104

FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES 0 1 2 3

CU 07266 | EA 166101

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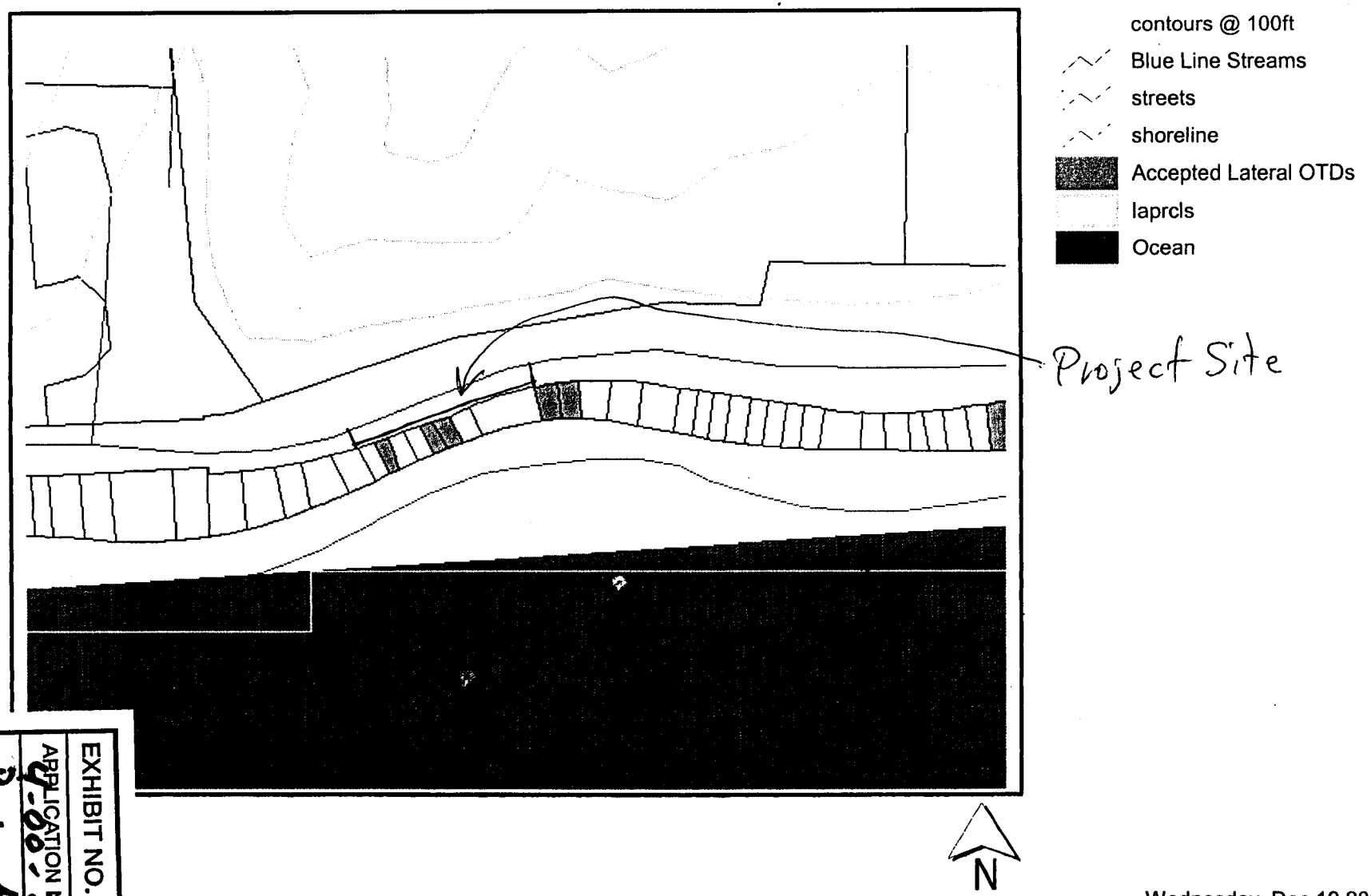
EXHIBIT NO. 2
APPLICATION NO. 4-00-225
Project Location

ESRI ArcExplorer 1.1

400225caltransretainingwall

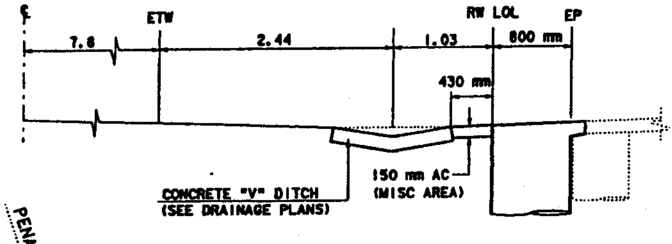


Wednesday, Dec 19 2001

EXHIBIT NO. 3
APPLICATION NO. 4-00-225
Project Site

NOTES:

1. DIMENSIONS OF THE STRUCTURAL SECTIONS ARE SUBJECT TO TOLERANCES SPECIFIED IN THE STANDARD SPECIFICATIONS.
2. FOR COMPLETE R/W DATA, SEE R/W RECORD MAPS AT DISTRICT OFFICE.



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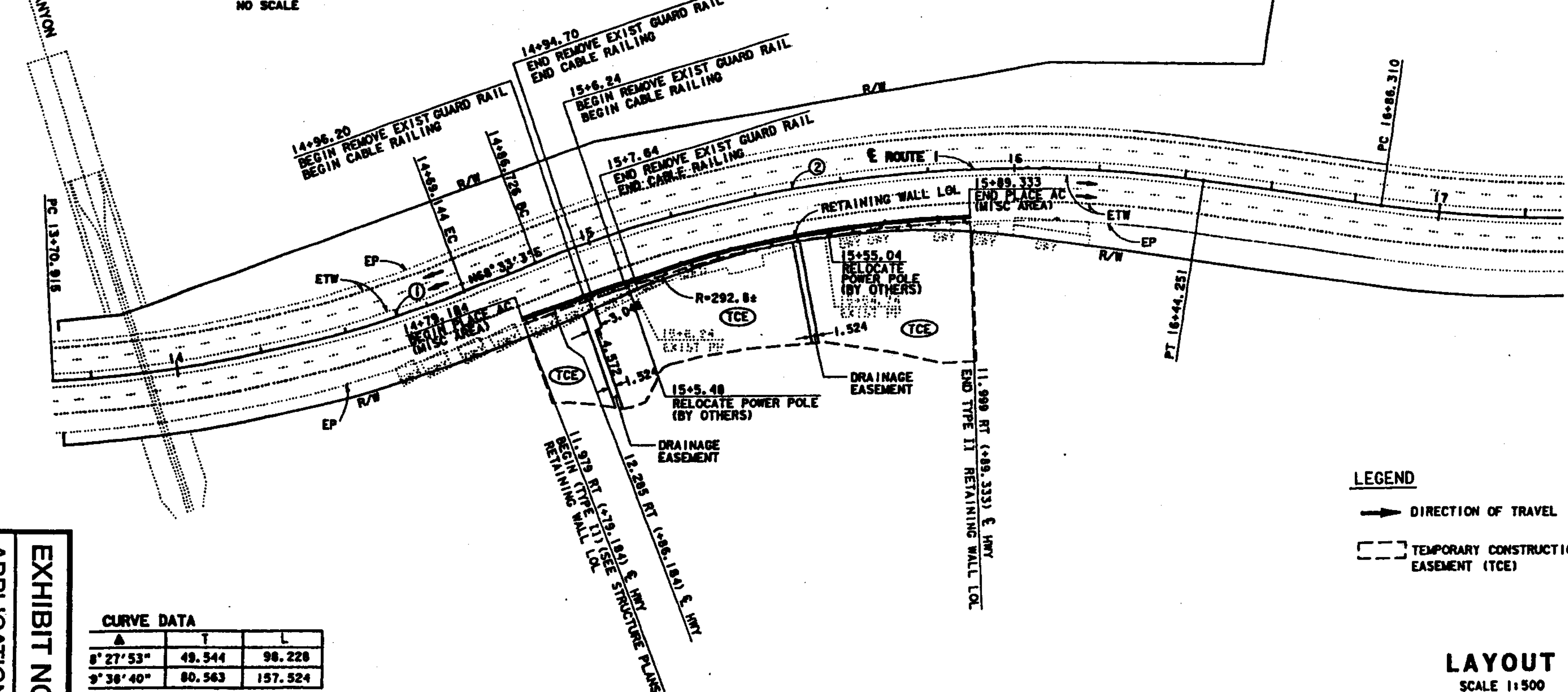

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REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER — S. TERJIMANIAN — No. 52853 — Exp. 12-31-02 — CIVIL — STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION — PROJECT DEVELOPMENT

PROJECT ENGINEER: SHANE TERJIMANIAN

CALCULATED/DESIGNED BY | CHECKED BY | REVISED BY | DATE REVISED

CURVE DATA

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9°38'40"	80.563	157.524

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SHOWN

LAYOUT
SCALE 1:500

L-1

EXHIBIT NO. 4
APPLICATION NO. 4-00-225
Project Layout

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CU 07266 | EA 166101

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NOTES: 1. EXACT LOCATIONS TO BE DETERMINED BY THE ENGINEER.
2. ALL TEMPORARY TRAFFIC STRIPES AND PAVEMENT MARKINGS SHALL BE TAPE UNLESS OTHERWISE SPECIFIED.

Metric

REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

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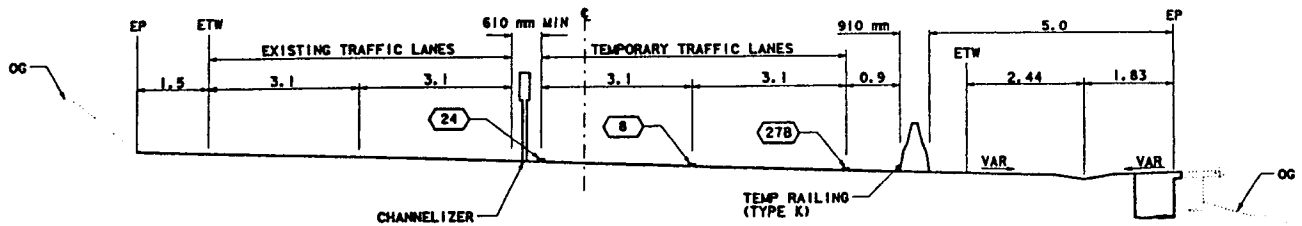
REGISTERED PROFESSIONAL ENGINEER — 52853 — 12-31-02 — CIVIL — STATE OF CALIFORNIA



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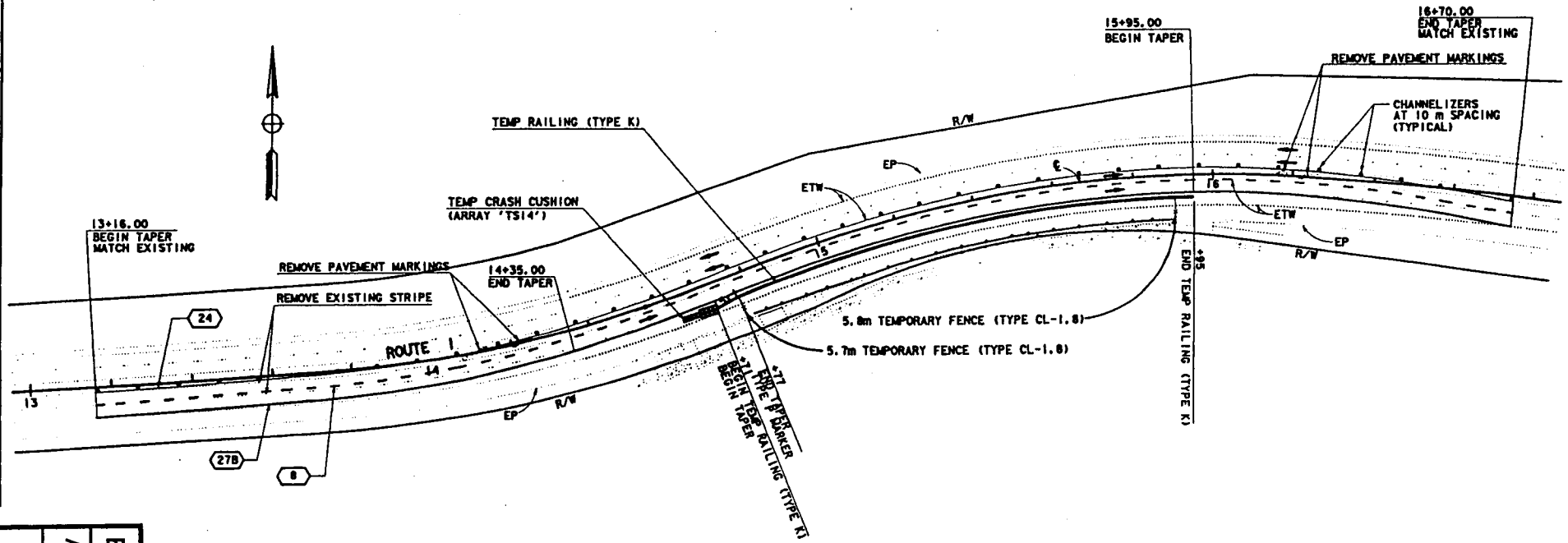
- CHANNELIZER (SURFACE MOUNTED)



TRAFFIC HANDLING PLAN

SCALE: 1:500

TH-1

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CU 07266 EA 166101

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DEPARTMENT OF TRANSPORTATION
PROJECT ENGINEER
SHAHE TERJIMANIAN
PROJECT DEVELOPMENT
CALCULATED/DESIGNED BY
CHECKED BY
DATE
REVISED BY
DATE REVISED

EXHIBIT NO. 5
APPLICATION NO. 3-00-225
Traffic Plan

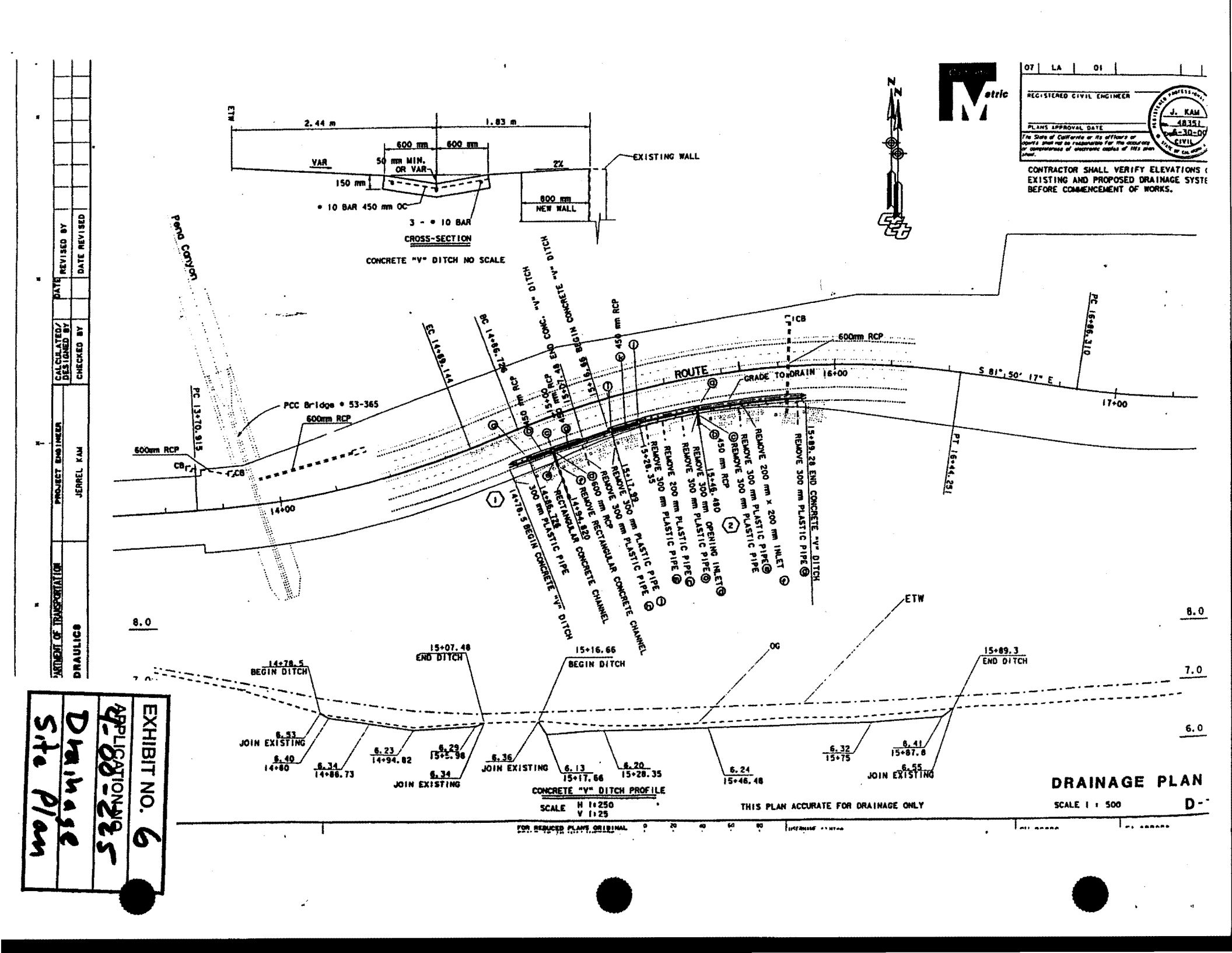


EXHIBIT NO. 6
APPLICATION NO. 5-88-532
Drainage Site Plan

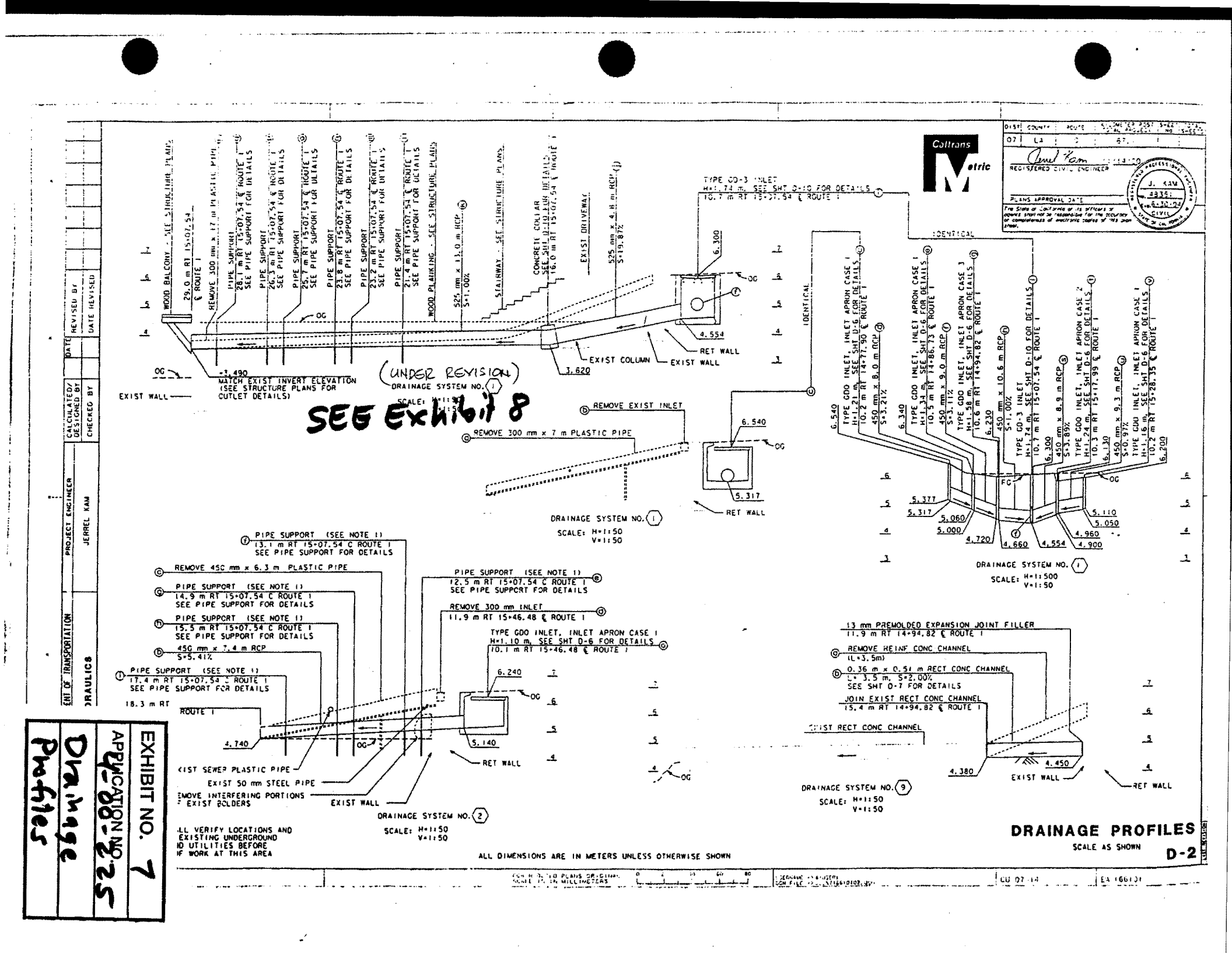


EXHIBIT NO. 7
APPLICATION NO. 5-02-288-A2
Photographs
Drawings

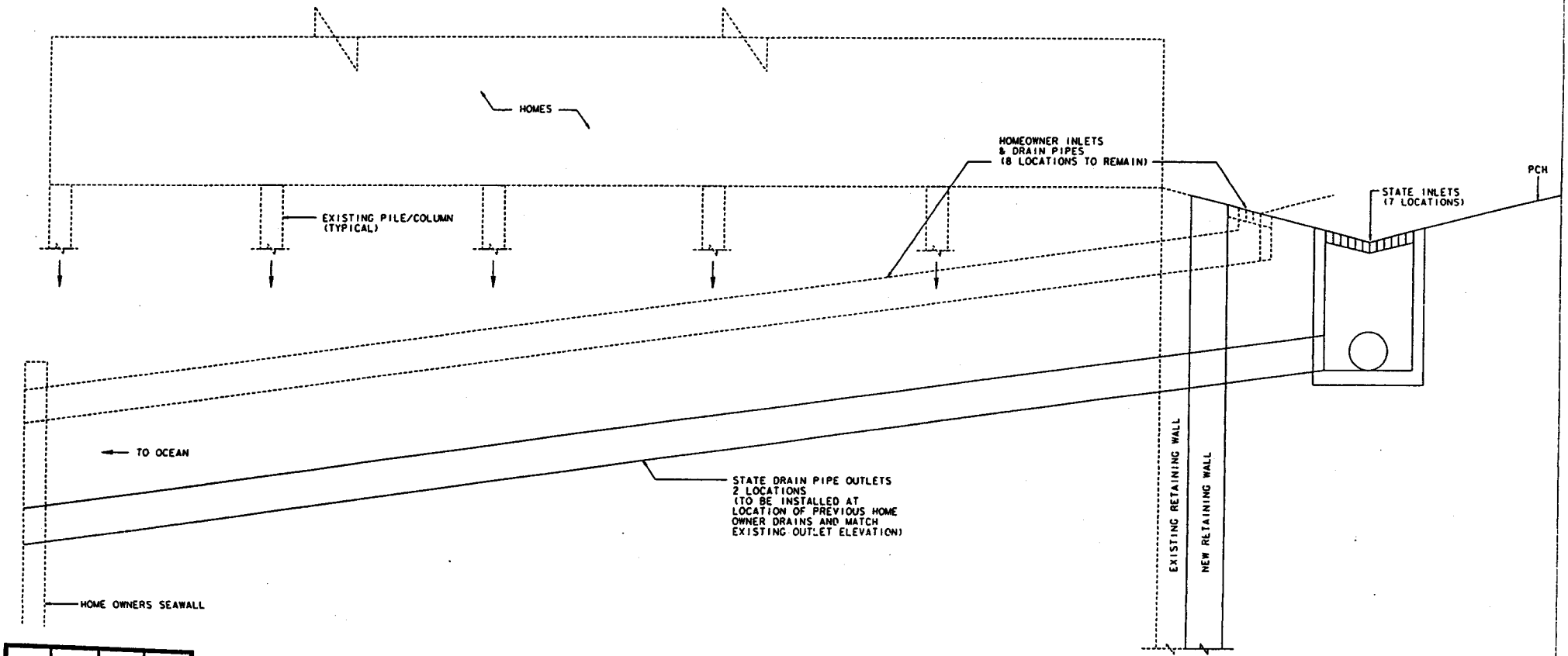
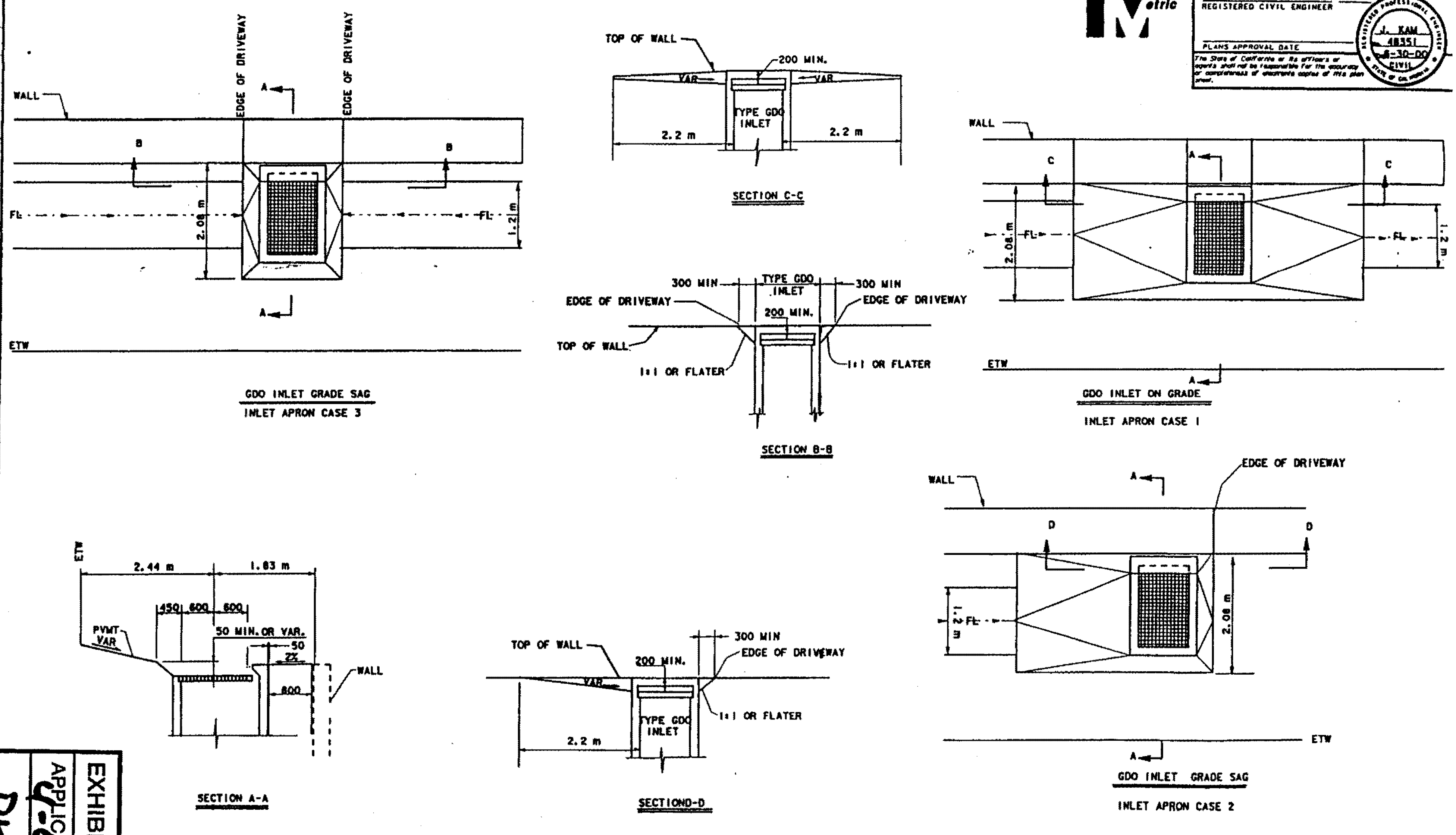


EXHIBIT NO. 8
APPLICATION NO. 4-00-225
Drainage Cross-Section

TYPICAL CROSS-SECTION FOR DRAINAGE PIPES

NO SCALE

CALTRANS CONTRACT 07-166104



DIST	COUNTY	ROUTE	TOTAL PROJECT	No	SHEET
07	LA	01			

Metric

REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

J. KAM 48351 6-30-00 CIVIL

DEPARTMENT OF TRANSPORTATION — HYDRAULICS

PROJECT ENGINEER: JERREL KAM

CALCULATED/DESIGNED BY | CHECKED BY | DATE | REVISED BY | DATE REVISED

...LL BE 200 mm thick.

ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE SHOW

DRAINAGE DETAILS

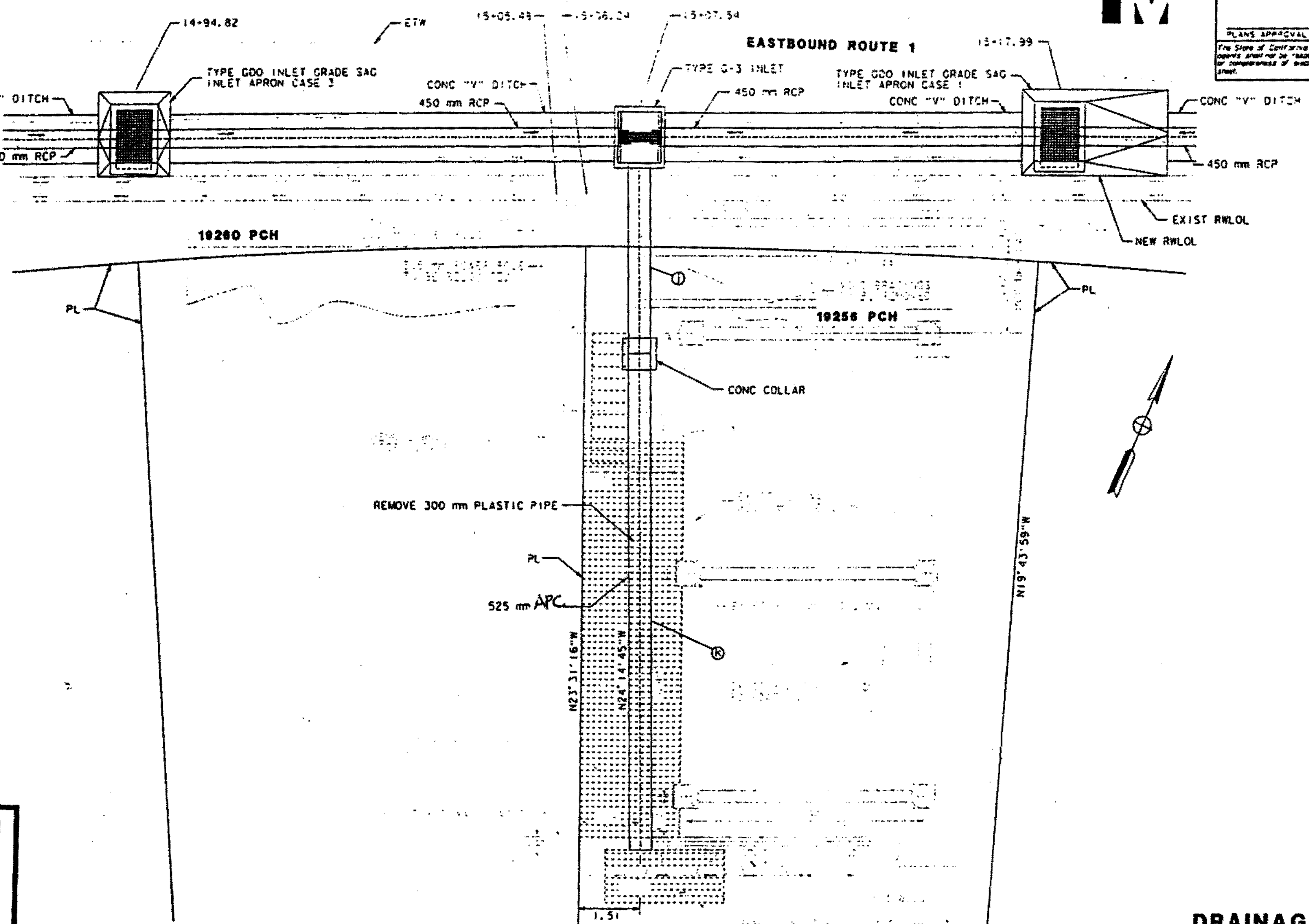
NO SCALE D-3

EXHIBIT NO. 9

APPLICATION NO. 4-00-225

Drainage Details D-3

NOTES: 1. FOR COMPLETE R/W DATA, SEE R/W RECORD MAPS AT DISTRICT OFFICE.
2. FIELD MEASUREMENTS SHOWN ON PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.



DRAINAGE SYSTEM NO. (1) (J) & (K)

ARE IN METERS UNLESS OTHERWISE SHOWN

DIST	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
07	LA	01	67.1		

Jerrel Kam 11/14/00
REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER J. KAM 48351 Exp. 6-30-04 CIVIL STATE OF CALIFORNIA

Caltrans Metric

DEPARTMENT OF TRANSPORTATION | HYDRAULICS | PROJECT ENGINEER JERREL KAM | CALCULATED/DESIGNED BY | CHECKED BY | REVISED BY | DATE REVISED

DRAINAGE DETAILS

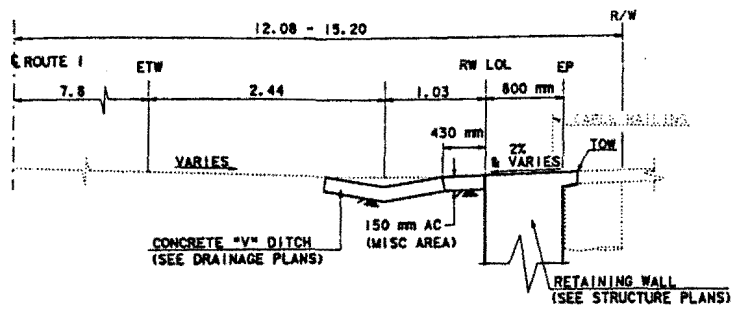
SCALE: HORZ 1:50 VERT 1:50

D-11

FOR REDUCED PLANS ORIGINAL SCALE IS IN MILLIMETERS 0 20 40 60 80

CU 07314 | EA 166101

EXHIBIT NO. 10
APPLICATION NO. 4-08-225
Drainage Details D-11



TYPICAL CROSS SECTION
NO SCALE

NOTES:
1. FOR COMPLETE R/W DATA, SEE R/W RECORD MAPS AT DISTRICT OFFICE.
2. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO COMMENCING WORK.

Metric

CURVE DATA				
NO	R	Δ	T	L
①	304.8	29°36'40"	80.563	157.524

DIST	COUNTY	ROUTE	POST MILES	SHEET NO.
07	LA	1	67.1	

REGISTERED CIVIL ENGINEER 02-05-01

PLANS APPROVAL DATE

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PROFESSIONAL ENGINEER — No. 52853 — 12-3-02 — CIVIL — STATE OF CALIFORNIA

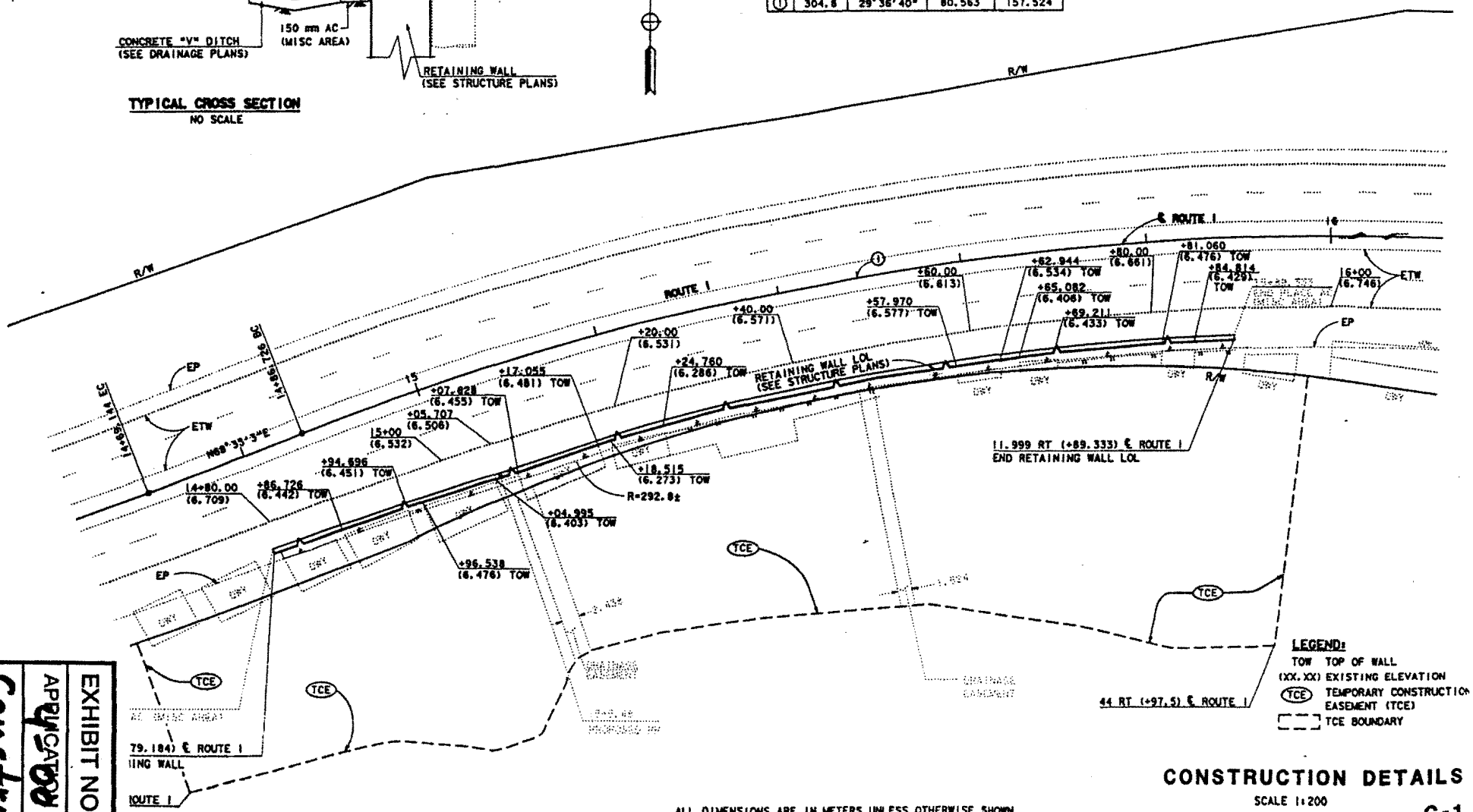
DATE	REVISED BY	DATE REVISED

CALCULATED/DESIGNED BY

CHECKED BY

PROJECT ENGINEER
SHAHE TERJIMANIAN

DEPARTMENT OF TRANSPORTATION
CT DEVELOPMENT



LEGEND:
TOW TOP OF WALL
(XX.XX) EXISTING ELEVATION
(TCE) TEMPORARY CONSTRUCTION EASEMENT (TCE)
TCE BOUNDARY

CONSTRUCTION DETAILS

SCALE 1:200

C-1

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SHOWN

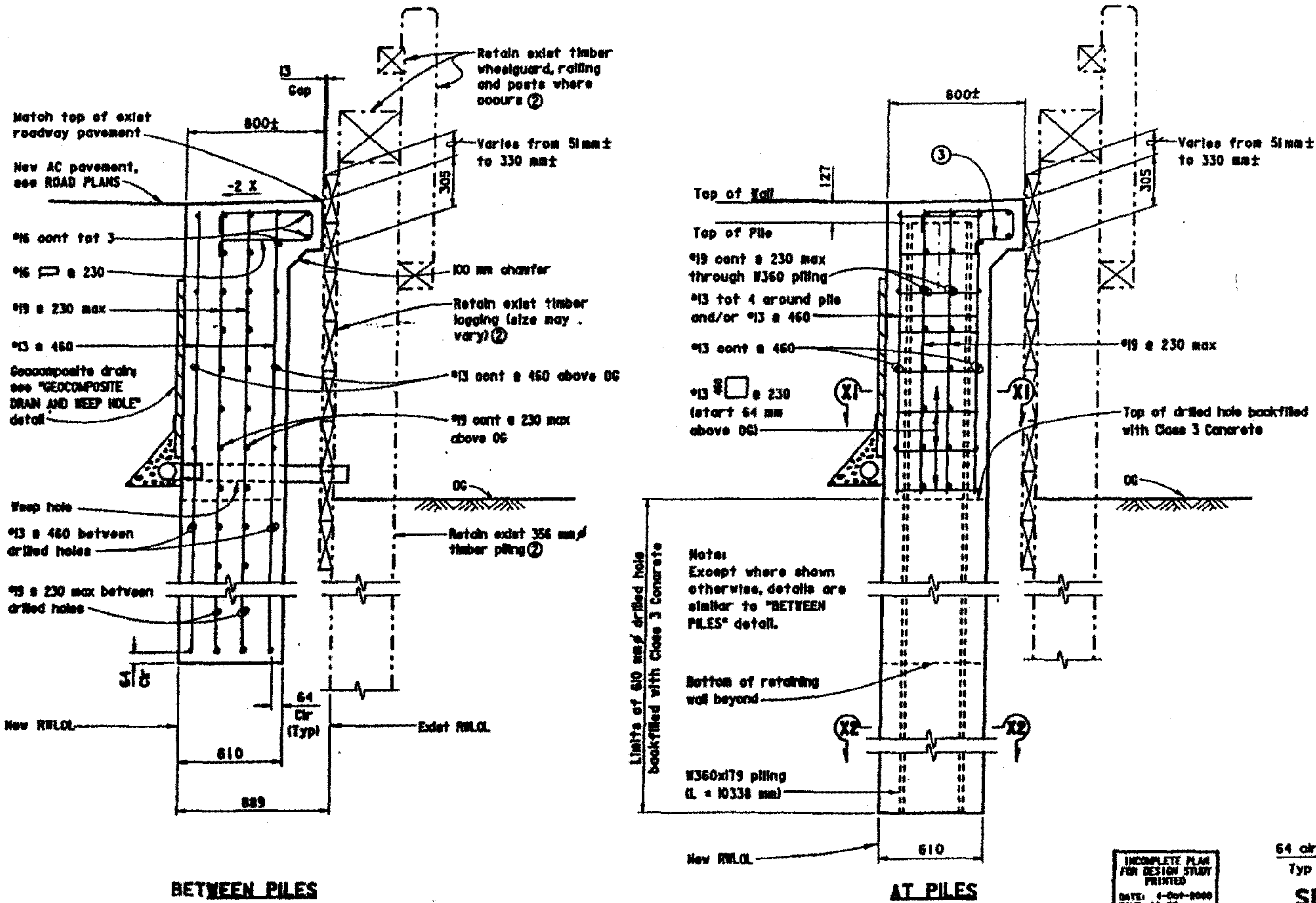
FOR REDUCED PLANS ORIGINAL SCALE IS 1mm/millimeters 0 20 40 60 80

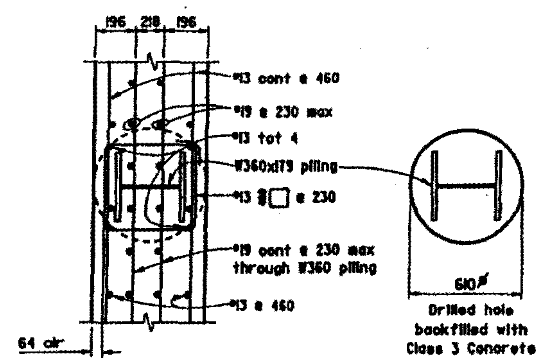
USERNAME => Sterling
DGNFILE => 716610g01.18142804

CU 07266 | EA 166101

8 FILE: a:\projects\16610k\revised\716610a01.dan DATE: Thu Oct 18 2001 TIME: 14:35

EXHIBIT NO. 11
APPLICATION NO. 2-02
Caltrans
Construction Details





SECTION X1-X1
NO SCALE

SECTION X2-X2
NO SCALE

Metric

REGISTERED CIVIL ENGINEER
PLANS APPROVAL DATE
The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

NOTES: (APPLY TO THIS SHEET ONLY)

① Top of retaining wall varies for each driveway. For details see RETAINING WALL AT DRIVEWAYS NO. 1 thru RETAINING WALL AT DRIVEWAYS NO. 6 sheets.

② Existing retaining wall is to be removed to OG at all driveways except at #19238 PCH where it will be retained. For details see RETAINING WALL AT DRIVEWAYS NO. 1 thru RETAINING WALL AT DRIVEWAYS NO. 8 sheets.

③ Adjust length of reinf as required to clear W360x179 pile.

For "GEOCOMPOSITE DRAIN AND WEEP HOLE" detail see TYPICAL RETAINING WALL DETAILS NO. 2 sheet.

INCOMPLETE PLAN FOR DESIGN STUDY PRINTED
DATE: 4-Oct-2000
TIME: 10:00
Division of Structure Maintenance and Investigations
STATE OF CALIFORNIA

...ION F-F - TYPICAL RETAINING WALL BETWEEN DRIVEWAYS

FOR RETAINING WALL AT DRIVEWAYS SEE NOTE ①
NO SCALE

ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE SHOWN

DESIGN	BY T. Bolla	3-00	CHECKED K. Abdin	4-00	STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
DETAILS	BY S. Sidwell	3-00	CHECKED K. Abdin	4-00	
QUANTITIES	BY T. Bolla	4-00	CHECKED K. Abdin	4-00	

ENGINEERING SERVICE CENTER
STRUCTURE MAINTENANCE

BRIDGE NO. 53-2023M
KILOMETER POST 67.1

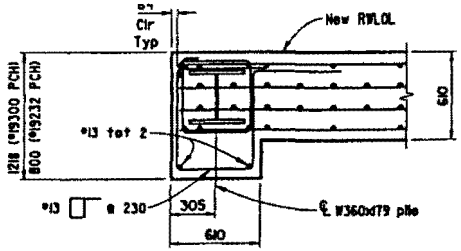
LAS TUNAS BEACH WALL - REPLACE
TYPICAL RETAINING WALL DETAILS NO. 1

CU 07266
EA 166101
FILE => tunas30404618

SHEET 3 OF 10

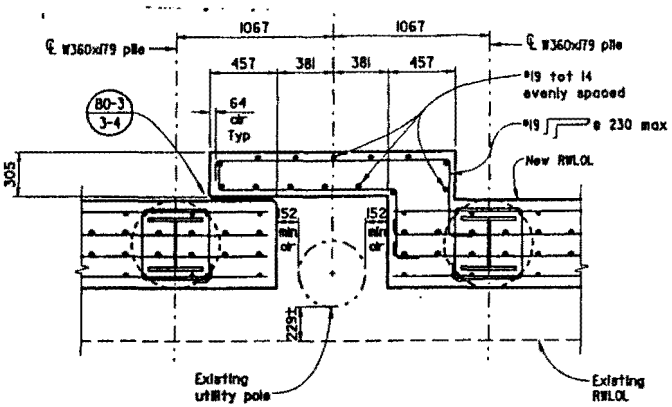
0 FILE: c:\shaha\tuna03.dgn DATE: Wed Oct 4 2000 TIME: 10:00

EXHIBIT NO. 12
APPLICATION NO. 4-08-025
Retaining Wall Section



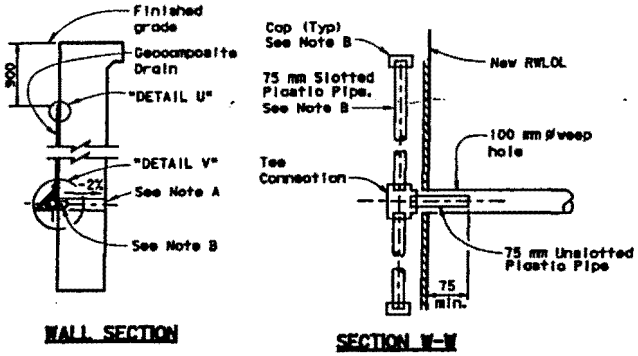
SECTION Y-Y
TYPICAL END OF WALL

NO SCALE



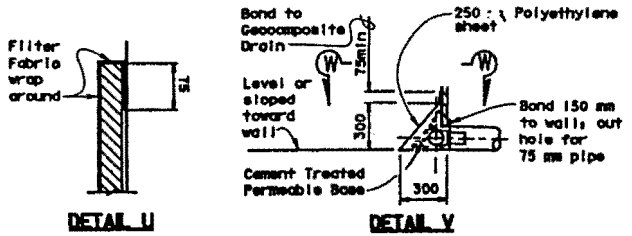
SECTION Z-Z
WALL AT EXISTING UTILITY POLE

FOR DETAILS NOT SHOWN SEE NOTE ②
NO SCALE



WALL SECTION

SECTION W-W



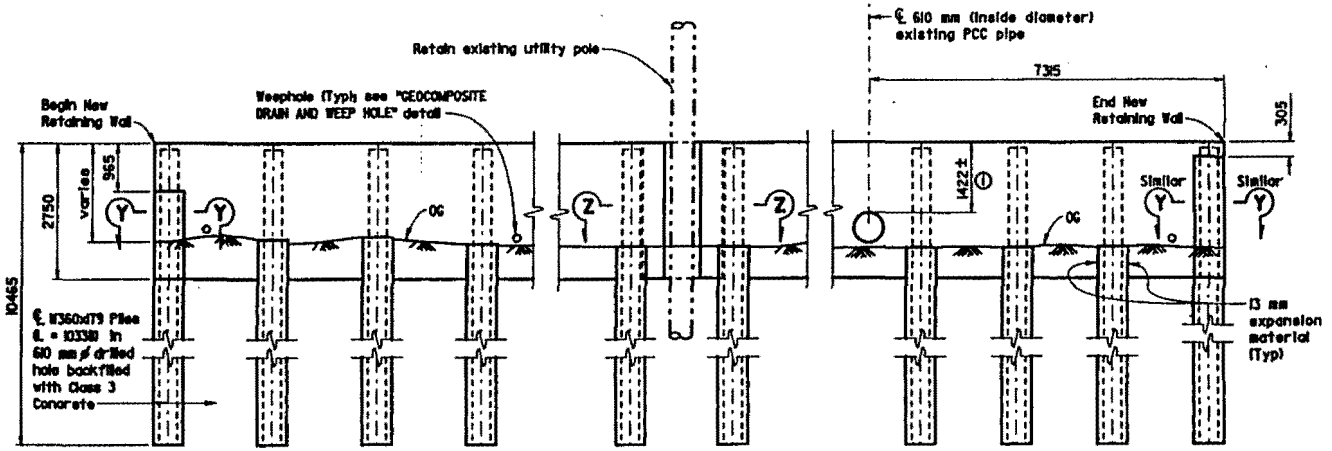
DETAIL U

DETAIL V

GEOCOMPOSITE DRAIN AND WEEP HOLE

Notes: A. 100 mm ø weep holes at intermediate sag points and at 7.60 meters center to center. Exposed wall drains shall be located 75 mm± above finished grade.

B. Geocomposite drain, cement treated permeable base, and [illegible] plastic pipe continuous behind retaining [illegible] of pipe. Provide "Tee" connection at each [illegible] end of plastic pipe to the main outlet [illegible].



80-3 3-2 | 80-3 3-3 | 83-9 RETAINING WALL UTILITY OPENING

TYPICAL RETAINING WALL ELEVATION - OCEAN SIDE

(DRIVEWAY SUPPORTS NOT SHOWN)
NO SCALE

ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE SHOWN

NOTES: (APPLY TO THIS SHEET ONLY)

① Measured from top of existing driveway planks to top of pipe inside diameter.

② For details not shown see "SECTION XI-XI" on TYPICAL RETAINING WALL DETAILS NO. 1 sheet, "SECTION C-C" on RETAINING WALL AT DRIVEWAYS NO. 3 sheet and "SECTION G-G" on RETAINING WALL AT DRIVEWAYS NO. 5 sheet.

Metric

REGISTERED CIVIL ENGINEER — X

PLANS APPROVAL DATE

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INCOMPLETE PLAN FOR DESIGN STUDY PRINTED DATE: 4-Oct-2000 TIME: 10:00

DESIGN	T. Balla	3-00	K. Abdin	4-00	STATE OF CALIFORNIA — DEPARTMENT OF TRANSPORTATION
DETAILS	G. Bidwell	3-00	K. Abdin	4-00	ENGINEERING SERVICE CENTER — STRUCTURE MAINTENANCE
QUANTITIES	T. Balla	4-00	K. Abdin	4-00	

CU 07266
EA 18610

53-2623M
67.1

LAS TUNAS BEACH WALL - REPLACE

TYPICAL RETAINING WALL DETAILS NO. 2

SHEET 4 OF 10

EXHIBIT NO. 13
APPLICATION NO. 4-00-225
Retaining Wall Elevation

0 FILE: c:\shahe\tuna04.dan DATE: Wed Oct 4 2000 TIME: 10:01

DIST.	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
07	LA	1			

Caltrans Metric

REGISTERED CIVIL ENGINEER

REGISTERED PROFESSIONAL ENGINEER — Exp. — CIVIL — STATE OF CALIFORNIA

PLANS APPROVAL DATE

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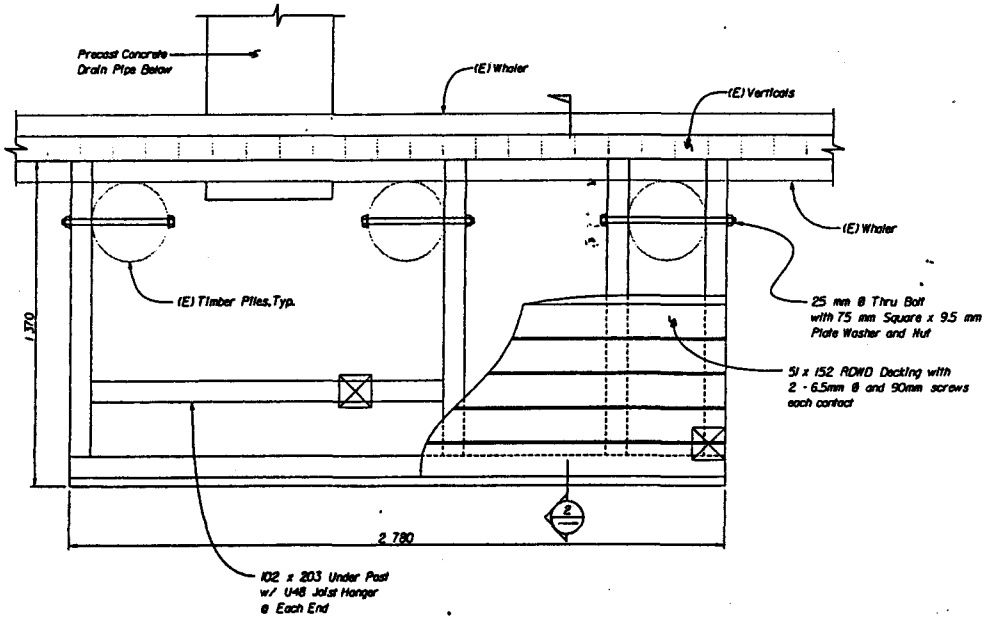
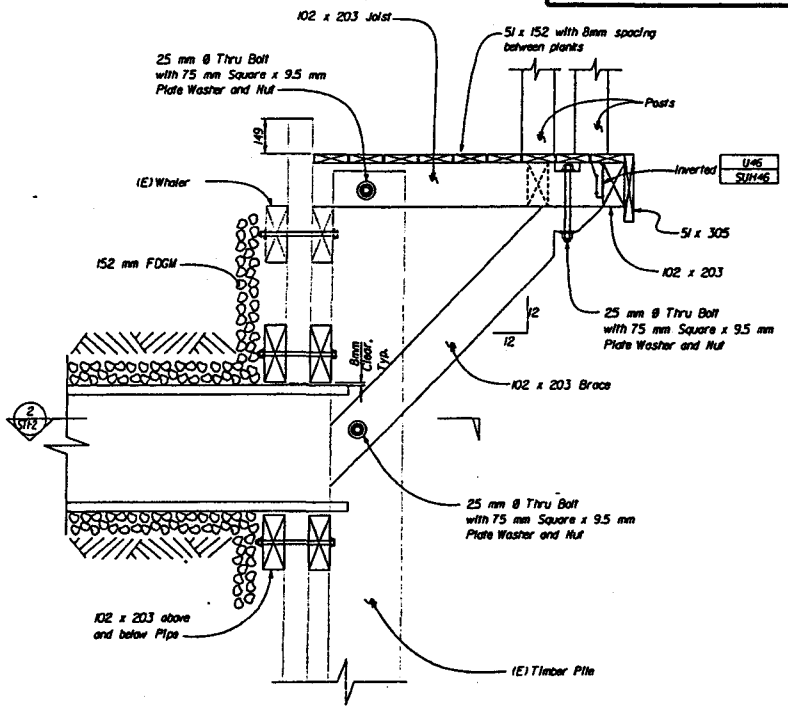


1 PLATFORM PLAN
Scale 1:10



2 PLATFORM SECTION
Scale 1:10

EXHIBIT NO. 14
APPLICATION NO. 5-88-225
Residence
Platform-Deck

DESIGN	BY JOHN PRETE	CHECKED BRIAN SUTLIFF	STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION	DIVISION OF STRUCTURES STRUCTURAL DESIGN	BRIDGE NO. / KM POST: GINSBERG RESIDENCE — PLATFORM — SHEET ST-1
DETAILS	BY JOHN PRETE	CHECKED BRIAN SUTLIFF			
QUANTITIES	BY	CHECKED			

2001 10:55:38 — SCALE: ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED. — ORIGINAL SCALE IN MILLIMETERS FOR REDUCED PLANS 0 10 20 30 40 50 60 70 80 90 100 — CU EA 166101 — DISREGARD PRINTS BEARING EARLIER REVISION DATES — REVISION DATES (PRELIMINARY STAGE ONLY) — SHEET — OF

...\st_01.dgn

Caltrans Metric

DIST.	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
07	LA				

REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

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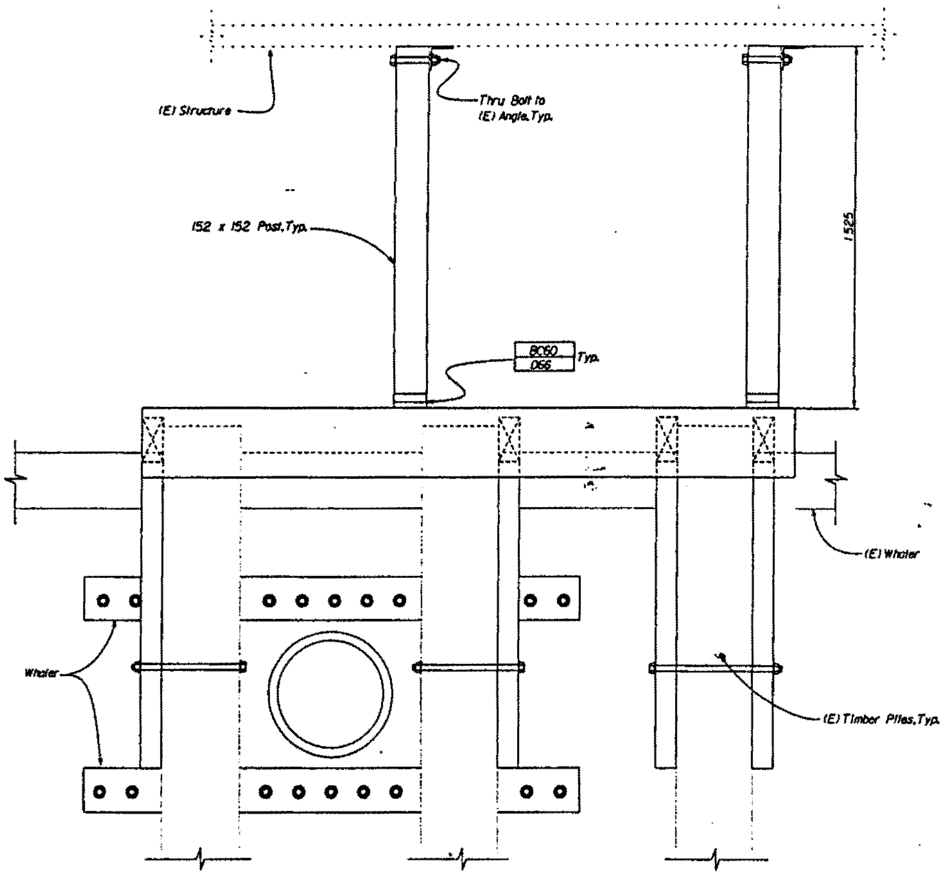
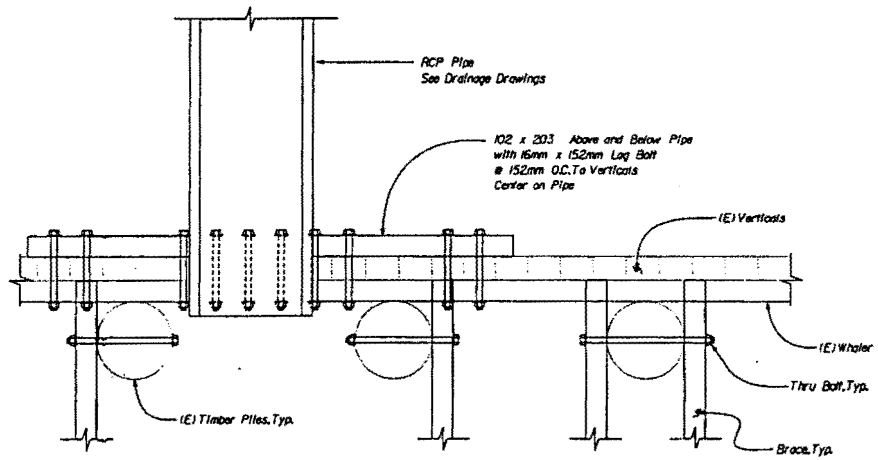


1 ELEVATION VIEW
Scale 1:10



2 PIPE SECTION
Scale 1:10

EXHIBIT NO. 15
APPLICATION NO. 4-00-225
Rosilene
Platform - Deck

DESIGN	BY JOHN PRETE	CHECKED BRIAN SUTLIFF
DETAILS	BY JOHN PRETE	CHECKED BRIAN SUTLIFF
QUANTITIES	BY	CHECKED

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

DIVISION OF STRUCTURES
STRUCTURAL DESIGN

BRIDGE NO.
KM POST

GINSBERG RESIDENCE
PLATFORM

SHEET ST-2

JUL 2001 11:07:02

SCALE: ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED.

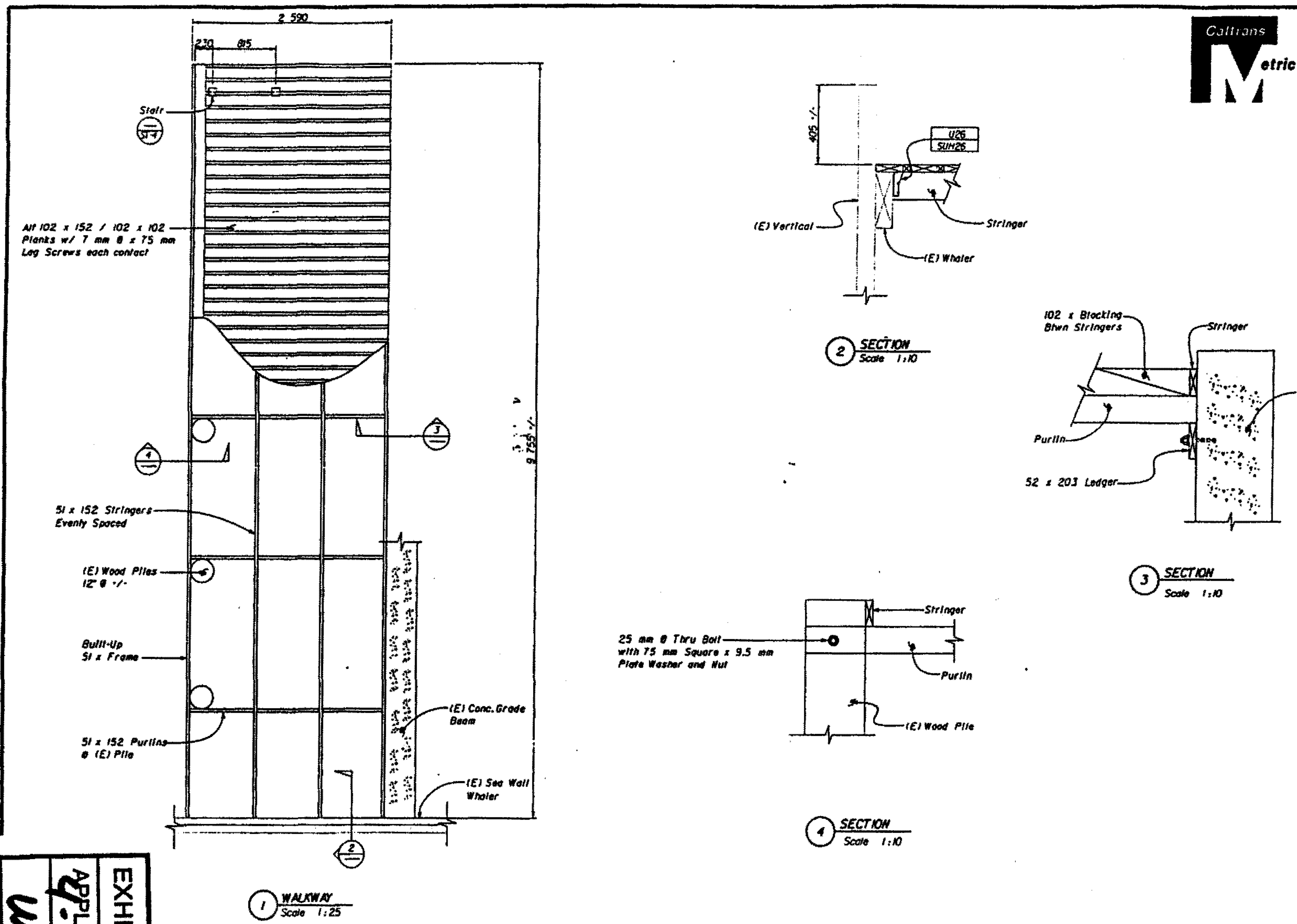
ORIGINAL SCALE IN MILLIMETERS FOR REDUCED PLANS 0 10 20 30 40 50 60 70 80 90 100

CU
EA 166101

DISREGARD PRINTS BEARING EARLIER REVISION DATES

REVISION DATES (PRELIMINARY STAGE ONLY)

SHEET OF



Caltrans Metric

DIST.	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
07	LA				

REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

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DESIGN	BY JOHN PRETE	CHECKED BRIAN SUTLIFF	
DETAILS	BY JOHN PRETE	CHECKED BRIAN SUTLIFF	
QUANTITIES	BY	CHECKED	

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

DIVISION OF STRUCTURES
STRUCTURAL DESIGN

BRIDGE NO.
KM POST

GINSBERG RESIDENCE
WALKWAY

SHEET ST-3

JUL 2001 11:07:28

SCALE: ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED.

ORIGINAL SCALE IN MILLIMETERS FOR REDUCED PLANS 0 10 20 30 40 50 60 70 80 90 100

CU
EA 166101

DISREGARD PRINTS BEARING EARLIER REVISION DATES

REVISION DATES (PRELIMINARY STAGE ONLY)

EXHIBIT NO. 16
APPLICATION NO. 4-00-225
Walkway

Caltrans Metric

DIST.	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
07	LA	1			

REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

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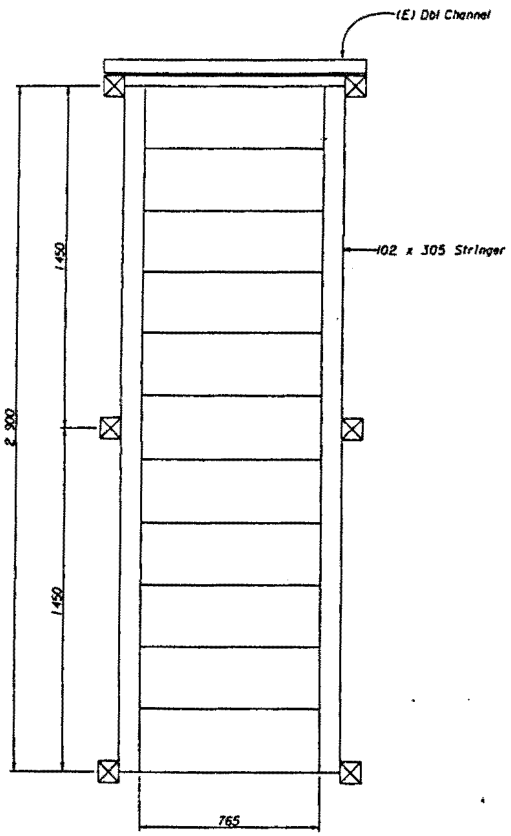
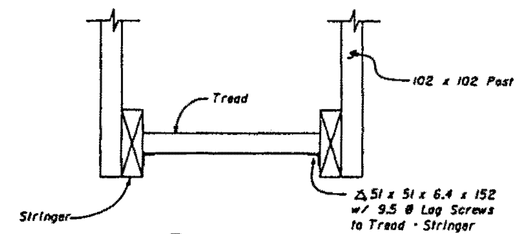
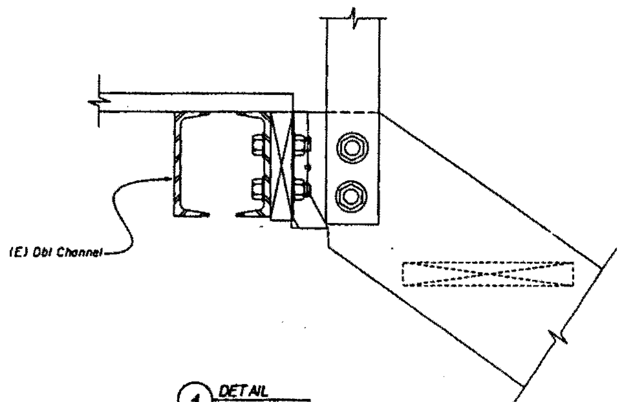


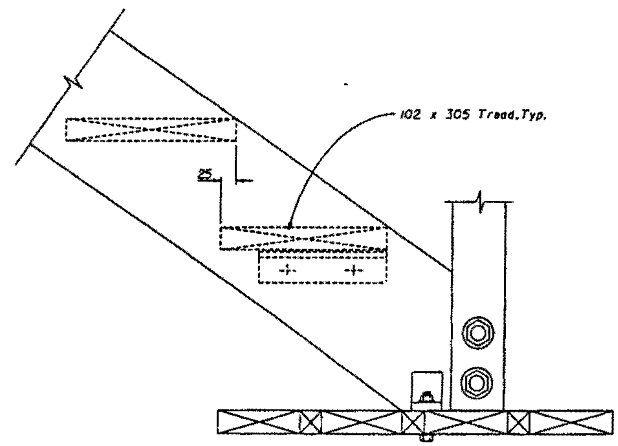
1 STAIR
Scale 1:10



3 DETAIL
Scale 1:10



4 DETAIL
Scale 1:4



5 DETAIL
Scale 1:4

DESIGN	BY JOHN PRETE	CHECKED BRIAN SUTLIFF	STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION	DIVISION OF STRUCTURES STRUCTURAL DESIGN
DETAILS	BY JOHN PRETE	CHECKED BRIAN SUTLIFF		
QUANTITIES	BY	CHECKED		

GINSBERG RESIDENCE

STAIRS

SHEET ST-4

JUL 2001 10:54:33

SCALE: ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED.

ORIGINAL SCALE IN MILLIMETERS FOR REDUCED PLANS

0 10 20 30 40 50 60 70 80 90 100

CU
EA 166101

DISREGARD PRINTS BEARING EARLIER REVISION DATES

REVISION DATES (PRELIMINARY STAGE ONLY)

EXHIBIT NO. 17
APPLICATION NO. 4-00-225
Stairs

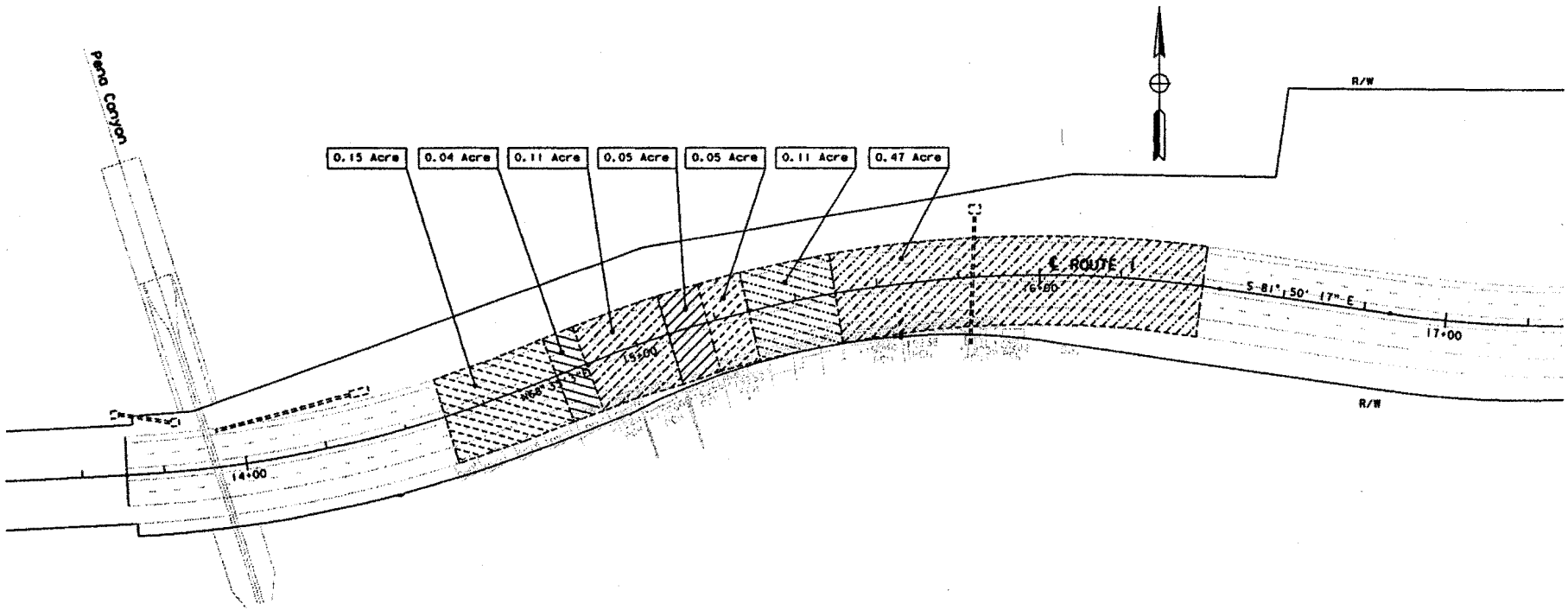


EXHIBIT NO. 18
APPLICATION NO. 5-22-088
Drainage Hydrology Map

HYDROLOGY MAP

SCALE 1:500

CALTRANS CONTRACT 07-166104

gn Nov. 29, 2001 14:07:01

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
585-1800

December 20, 2001

Selwyn and Sandra Ginsburg
17620 Sherman Way
Van Nuys, CA 91406-3527

and

American Investment Company
16060 Ventura Blvd., #332
Encino, CA 91436

RE: Coastal Development Permit Application No. 4-00-225, Caltrans District 7, 19232 to 19306 Pacific Coast Highway, Malibu, CA

Dear Selwyn and Sandra Ginsburg;

This office has received an request to process Coastal Permit Application Number 4-00-225 from Caltrans District 7 to construct a

Construct a 364 foot long concrete wall below grade along Pacific Coast Highway right-of-way line, adjacent to eight beach front residences, excavate 900 cubic yards of material to be exported outside the coastal zone, import 600 cubic yards of material as fill, construct seven drainage devices to replace existing drains, construct a "V" drain and concrete culvert along the Pacific Coast Highway right-of-way, remove and replace ~~portions of existing driveways~~ to these residences, reconstruct deck, walkway and stairway at one residence, install temporary K-Rail..

The project site is located at 19232 – 19306 Pacific Coast Highway Malibu, CA. The application is filed and scheduled for a public hearing at the Coastal Commission's January 8-11, 2002 meeting in Los Angeles.

Coastal Act Section 30601.5 states as follows:

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

Because our records in the application file indicate that you are the owner of a fee interest in the property across which a portion of the drainage, deck, walkway and stairway improvements are proposed, the Commission is notifying you of this application pursuant to Section 30601.5. With this letter, staff are inviting you to join this application as a co-applicant if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter. If you have any questions or need further information about this application or the proposed project before you sign and return this letter, please call me or Jack Ainsworth at the number above or call the applicant's agent, Stephanie Reeder at 213-897-5446.

Sincerely,

James Johnson
Coastal Program Analyst

AGREED: _____
Names (Print)

_____
Signatures

_____
Property Add

cc: Stephanie Reeder, Caltrans
400225caltransretainingwallcoapplicantletter

EXHIBIT NO. 19
APPLICATION NO. 4-00-225
Co-Applicant
Letter Example