

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800Filed: 02/03/02
180th Day: 08/02/02
Staff: JLA
Staff Report: 6/18/02
Hearing Date: 08/12/02
Commission Action:

RECORD PACKET COPY

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-99-086-A1

APPLICANTS: Bright Family Trust Agent: James Harnish

PROJECT LOCATION: 31360 Broad Beach Road, Malibu, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 4,420 sq. ft., two story, 28 foot high single family residence, including 2 car garage, swimming pool, septic system and timber bulkhead and return wall. Demolish and remove an existing approximately 60 sq. ft. 1 story storage shed.**DESCRIPTION OF AMENDMENT:** Reduce the size of the residence to 1,870 sq. ft; revise the first and second floor decks (first floor 2,280 sq. ft., second floor 390 sq. ft.); grade 90 cubic yards for the driveway; revise the design of bulkhead from timber to concrete; revise the finish floor elevation height of the residence and deck from +16.75 to +15.5 feet above mean sea level (msl) and delete Special Condition 1(c) of the permit which required revised plans to increase the design height elevations for the deck and swimming pool to +16.75 feet above msl and revise the design stairway to the beach not to extend beyond the deck stringline.**LOCAL APPROVALS RECEIVED:** City of Malibu, Planning Department, Approval In Concept, 12/20/01; City of Malibu, Environmental Health In-Concept Approval, 07/31/01; and City of Malibu Geology and Geotechnical Review "approved in concept", 9/19/01.**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit 4-99-086 (Green); Coastal Engineering Report for: 31360 Broad Beach Road Malibu, CA, David C. Weiss Structural Engineer & Associates Inc., August 16, 2001; Response to Coastal Commission Concern That Proposed Swimming Pool Will Act as a Bulkhead Wall, David C. Weiss Structural Engineer & Associates Inc., December 10, 2001; Proposed Swimming Pool at 31360 Broad Beach Road Malibu, CA, David C. Weiss Structural Engineer & Associates Inc., May 20, 2002; Third Party review for Coastal Engineering Bright Family Residence 31360 Little Broad Beach Road Malibu, CA 90265, Pacific Engineering Group, June 7, 2002; Update Report, Proposed Single Family Residence, 31360 Broad Beach Road Malibu, CA, GeoConcepts, Inc., 07/26/01.**Staff Note****Due to Permit Streamlining Act requirements this permit amendment application must be acted on at the July 2002 meeting**

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicants or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

Summary and Staff Recommendation:

Staff recommends approval of the proposed project amendment with no additional special conditions.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-99-086-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment

II. STANDARD AND SPECIAL CONDITIONS

Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-99-086 continue to apply. In addition, the following revised special condition is hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-99-086-A1.

SPECIAL CONDITIONS:

1. Revised Plans (revised to delete 1(C))

Prior to the 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:

- (a) Septic system: The proposed septic system has been replaced with a bottomless sand filter system located in the same area as the proposed septic tank shown on Revised Exhibit 13 and the new leachfield location has been relocated as far landward as feasible but not less than seventeen (17) feet further landward than the location shown on Revised Exhibit 13; and
- (b) Bulkhead: The proposed bulkhead is relocated to a location not more than five (5) feet seaward of the seawardmost extent of the revised septic leachfield required pursuant to subparagraph 1(a) of this special condition, and an adequate return wall is included in the revised plan to protect the western boundary of the proposed project. Further, the engineering geologist and the coastal engineer must verify to the satisfaction of the Executive Director that the revised bulkhead design is adequate to protect the proposed, revised septic disposal system.

III. FINDINGS AND DECLARATION

The Commission hereby finds and declares:

A. Project Description and Background

The applicants are proposing to reduce the size of the residence to 1,870 sq. ft; revise the design of the first and second floor decks (first floor 2,280 sq. ft., second floor 390 sq. ft.); grade 90 cubic yards for the driveway; revise the design of bulkhead from timber to concrete; revise finish floor elevation height of the residence and deck from +16.75 to +15.5 feet above msl; and delete provision (c) from special condition number 1 of the permit which required revised plans to increase the design height elevations for the finished floor of the deck and swimming pool to +16.75 feet msl and revise the design stairway to the beach not to extend beyond the deck stringline (Exhibits 1-7). The applicant's consulting coastal engineer has revised the recommended finished floor design height elevations for the residence and the deck to +15.5 feet msl and the bottom of the pool shell at 10.0 msl. The previous finished floor design height elevations for the deck and residence of +16.75 msl as determined by coastal engineer were overly conservative. The revised design wave height calculation used to determine the recommended finish floor elevations of the structure assumes a 10 inch sea level rise over a 100 period.

The project site is beachfront lot located on western Broad Beach in the City of Malibu. A previous residence on the site was destroyed by wave action during a severe storm event in February 1998.

On September 14, 1999 the Commission approved the coastal development permit application for the construction of a 4,420 sq. ft., two story, 28 foot high single family residence with attached two car garage, swing pool, septic system and timber bulkhead. The commission approved the permit application subject to seven special conditions related to revised project plans, offer to dedicate a lateral public access easement, assumption of risk, construction responsibilities and debris removal, geologic recommendation, sign restriction and future seawall limitation. The applicant complied with the special conditions of the permit and the permit was issued on December 12, 1999. The permit was extended once and is valid thru September 14, 2002.

Special condition one (1) of the permit (Exhibit 7) required revised plans to utilize a secondary treatment septic system located as far landward as feasible; relocation of the bulkhead to the to the most landward location but not closer than 5 feet to the septic leachfield; revise the finish floor elevations of the deck and bottom of the swimming pool to the height design wave height of +16.75 feet msl; and revise plan to illustrate no portion of the stairway to the beach exceeds the stringline.

As part of this amendment, the applicant has submitted project plans that include a secondary treatment septic system located as far landward as feasible and a concrete bulkhead located as far landward as is feasible in compliance with Special condition 1 of the permit. The residence and deck is situated landward of the appropriate structure and deck stringlines extending from the corners of the adjacent residences and decks as is required pursuant to special condition 1. As mentioned above, the consulting engineer has revised the recommended finished floor design height elevations for the residence and the deck to +15.5 feet msl and the bottom of the pool shell at +10.0 msl. The bottom of the pool shell at a design height of 10 feet msl is designed to withstand any occasional wave action that may strike the bottom of the pool shell. As discussed in detail below, the coastal engineer also indicates that any refraction of wave energy off of the bottom of the pool shell will not result in any significant erosion or scour of the beach fronting the proposed development.

B. Shoreline Development and Hazards

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 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.

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.

Site Shoreline Characteristics

The proposed project site is located on Broad Beach, a 1.3 mile long section of the coast which is heavily developed with single family homes and is located between Lechuza Point to the west and Zuma County Beach to the east. The project site is located on the western section of Broad Beach, somewhat downcoast from Lechuza Point. The eastern and central portions of Broad Beach are characterized by low-crested protective sand dunes situated behind a relatively wide beach. However, the westernmost portion of Broad Beach, where the project site is located, is subject to substantially different coastal processes than the other parts of Broad Beach and is characterized by a narrower beach lacking a protective dune field. The unique nature of the western portion of Broad Beach is in part due to its location immediately southeast of Lechuza Point which acts as a barrier to littoral transport of beach material. In regards to a shoreline protection device project at 31368, 31376, 31372, 31350 and 31364 Broad Beach Road (the latter address is immediately upcoast of the proposed project), in which the Commission approved the construction of a vertical bulkhead across all five lots (four contiguous and one two parcels downcoast from the other four), Noble Consultants concluded in a Coastal Engineering Analysis Letter dated 9/15/94, prepared for CDP application 4-97-160 (Danson) previously approved by the Commission:

It is believed that the indented shoreline configuration immediately east (downcoast) of Lechuza Point temporarily disrupts the normal mode of alongshore transport. A "shadow zone" is formed where a greater proportion of sand moves alongshore but further offshore. As the sediment is transported further downcoast, it progressively moves closer to the beach until it reaches a point of "reattachment" where the normal mode of alongshore transport reoccurs. A localized debit of sand would result within this shoreline section. Therefore, based upon the impact of the Lechuza Point on the localized coastal processes, the...properties... are located within the shadow zone caused by the disruption of Lechuza Point...episodic shoreline losses accumulate when severe storms erode the applicants' unprotected dunes which are not likely to fully recover from the natural coastal processes.

The "shadow zone" created by the interaction of Lechuza Point upon the alongshore littoral transport extends approximately 1500 ft. east from Lechuza Point to where the closest public access way is located. The project site is located within this shadow zone. Due to the shadow effect, the well developed protective dunes which

characterize Broad Beach east of the shadow zone are unable to form within the project area.

Hazards and Beach Scour

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed development would be located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Beachfront sites are subject to flooding erosion and damage from wave action. Therefore, shoreline structures must be designed to insure structural stability and minimize risks from wave action. In this case, the coastal engineer originally recommended a finished floor elevation at +16.75 feet above msl to insure the residence would be safe from wave action. However, the applicant's consulting engineer, David Weiss, has revised the recommended finished floor design height elevation for the residence and deck to +15.5 feet above msl. This revised finished floor elevation is above the design storm wave height for this section of Broad Beach. In addition, the design height elevation calculation assumes a 10 inch sea level rise over a 100 year period which provides an additional design safety factor from wave action in the long term. Therefore, the revised finished floor elevation for the residence and deck does assure structural stability and minimizes risk to life and property from flooding as required under section 30253 of the Coastal Act.

Shoreline development can individually and cumulatively affect coastal processes, shoreline sand supply, and public access by causing accelerated and increased erosion on the adjacent public beach. Adverse impacts resulting from shoreline protective devices and development may not become clear until such devices are constructed individually along a shoreline and they eventually affect the profile of an entire beach. Changes in the shoreline profile, particularly changes in the slope of the profile, caused by increased beach scour, erosion, and a reduced beach width, alters usable beach 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 physical area of public property available for public beach use. Additionally, through the progressive loss of sand caused by increased scour and erosion, shore material is no longer available to nourish the beach and seasonal beach accretion occurs at a much slower rate. Broad Beach is currently characterized in this location as an eroding to oscillating beach. However, the applicant's consultant has also indicated that seasonal foreshore slope movement on the subject site can be as much as 40-50 ft. The Commission notes that 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. As the natural process of beach accretion slows the beach fails to establish a sufficient beach width, which normally functions as a buffer area absorbing wave energy. The lack of an effective beach width can allow such high wave energy on the shoreline that beach material may be further eroded by

wave action and lost far offshore where it is no longer available to nourish the beach. The effect of this on public access along the beach is again a loss of beach area between the mean high water line and the actual water.

Furthermore, if not sited landward in a location that ensures that the protective work or shoreline structure is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate wave energy. The adverse effects of shoreline protective devices are greater the more frequently that they are subject to wave action. In order to minimize adverse effects from shoreline protective devices, when such devices are found to be necessary to protect existing development, the Commission has required applicants to locate such structures as far landward as is feasible.

In this case, the previously approved bulkhead is located as far landward as feasible and the applicant is merely changing the design from a timber to concrete bulkhead. The approved permit included special condition 1(c) to raise the deck and pool shell to the previously recommended design height of +16.75 msl. As discussed above, the revised recommended design finished floor elevation for the deck at +15.5 msl deck will be adequate to insure the deck will not be adversely affected by wave action. In addition, the consulting coastal engineer recommended the design elevation for the bottom of the pool shell at +9.0 feet msl. Staff expressed concerns to the consulting engineer regarding the potential of increased beach scour resulting from wave refraction off the bottom of the pool shell. The +9.0 foot msl elevation is the approximate sand level of the beach during a typical summer season. The consulting coastal engineer submitted three reports, dated August 16, 2001, December 10, 2001 and May 20, 2002, which address the potential of beach scour resulting from wave refraction off the pool shell. The coastal engineer asserts that pool shell will not result in any additional erosion of the beach due to refraction of the wave energy off the pool shell. In addition, he indicates that pool would not act as a bulkhead or trap sand landward of the pool structure because the sand would flow under and around the pool shell. In response to staff concerns regarding potential wave refraction resulting in erosion of the beach the consulting engineer revised the recommended design elevation for the bottom of the pool to from +9 to +10 feet msl. The coastal engineer explains in his May 20, 2002 report on the pool that:

The beach and the sand in the vicinity of the pool will scour from the elevation of the Design Beach Profile up. That is to say the waves "eat" away at the vertical scarp that advances landward as the beach scours. It is the small, choppy waves and the broken wave uprush that eat away at the base of the scarp causing the embankment to collapse into the water. Therefore, as the Design Beach Profile approaches the pool, the line of the scour will be below the bottom of the pool. ...

He further states that:

...whether or not the wave strikes the bottom five to six feet of the pool is of no consequence. If the height of the wave is at its maximum elevation at the south face of the pool, approximately 11', the pressure of the bottom six feet of the wave will still attack the scarp and scour the sand away at the same rate as if there were no pool at all. Neither the dynamic nor static wave pressures at the base of the wave will be affected by the presence of the pool shell.

The applicant also submitted a third party coastal engineering review report from Pacific Engineering Group dated June 7, 2002 which also specifically addresses the potential for the pool shell to result in erosion of the beach from wave refraction. This report concurs with the findings of the engineering reports by David Weiss. The Pacific Engineering Group Report concludes that:

It is the professional engineering opinion of this office that the proposed pool as outlined above with the bottom of the pool shell no lower than + 10.0 ft. NGVD29, will not have a significant effect on littoral drift or other coastal processes.

Based on the findings of the two consulting coastal engineers the Commission finds that the proposed recommended design height of the pool shell in this case will not result in a significant adverse impacts to the shoreline sand supply or shoreline processes. In addition, the Commission further finds that deletion of provision (c) of special condition number 1 requiring revised plans to increase the design height of the proposed deck and pool shell to +16.75 feet msl is appropriate in this case.

Finally, the revised development will be located landward of the appropriate stringline and will not result in the seaward encroachment of residential development on Broad Beach. As such, the Commission finds that the proposed project, will not result in the seaward encroachment of development on Broad Beach and will serve to minimize adverse effects to coastal processes.

Therefore, the Commission finds that the proposed amendment is consistent with section 30235 and 30253 of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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

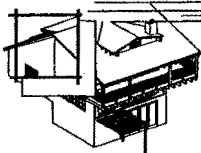
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed amendment will be in conformity with the provisions of Chapter 3. The proposed amendment 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 amendment will not prejudice the City's ability to prepare a Local Coastal Program for the Santa Monica Mountains/Malibu area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

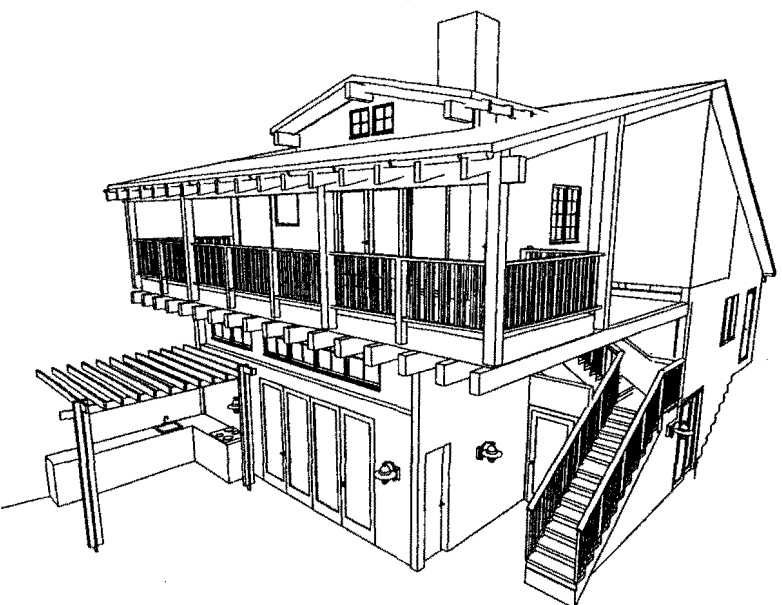
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit Amendment application to be supported by a finding showing the application to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). 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 effects which the activity would have on the environment.

The proposed amendment would not cause significant, adverse environmental effects. Therefore, the proposed amendment is found consistent with CEQA and with the policies of the Coastal Act.



Bright Beach Residence

31360 Little Broad Beach Road/ Malibu, CA 90265



note: 3d rendering is for diagrammatic purposes only. Not to be used for building.

PROJECT #
 BRIGHT BEACH RESIDENCE
 31360 LITTLE BROAD BEACH ROAD
 MALIBU, CA 90265

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Project Data

Project Description
 New single-family residence. To include 3rd floor swimming pool + spa, deck, outdoor hot tub, outdoor kitchen + bar area

Lot Area
 5693 sq ft
 4000 sq ft (1000 sq ft of 24 units)
 Replatment: 48383 sq ft (21 units)

Allowed Residence Area
 1 unit, Area: 48383 sq ft (21 units)

Existing Residence Area
 350 sq ft to be demolished

Proposed Residence Area
 Ground floor: 450 sq ft (Ground Floor)
 Second floor: 1250 sq ft (Second Floor)
 3rd floor: 4800 sq ft
 Total: 6650 sq ft

Proposed Outdoor Area
 Pool deck: 680 sq ft
 Hot tub: 174 sq ft
 Deck: 300 sq ft
 Spa: 350 sq ft
 Total: 1310 sq ft

Structural Calculations
 Structure design: deck
 Soil: 100 ksf
 Foundation: 12x12
 Column: 16"
 Core: 16"
 Core Moment: 5K
 Core Moment: 10K

Project Address
 31360 Little Broad Beach Road
 Malibu, CA 90265

Legal Description
 A.P.N. 4429-14-10

Zone
 Lot 9, Block 4, Tract 17209
 City of Malibu, County of Los Angeles
 Map Book 283, Page 21, 28

Height
 12 stories
 28' 0" total; 24' 0" maximum to roof; at 28' 0" maximum parking level based on impact from horizontal wind and horizontal air pressure (see notes)

Setbacks
 Front: 50' 0" (side setback); all engineering that setbacks and easements are as shown on drawings 21'
 Side: 10' 0" (side setback); based on adjacent property
 Back: 2' 0" (back setback)

Covered/Parkway Service
 Covered
 Erosion: 1' to be demolished
 Precipitation: 3"
 Seismicity: 4
 Saturated Groundwater: 1' to be demolished

Proposed Occupancy
 R-3 Residential

Proposed Use/Spanners
 SFR

Code
 UBC 1997 LACOE-04

Consultants

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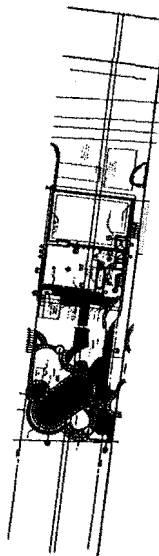
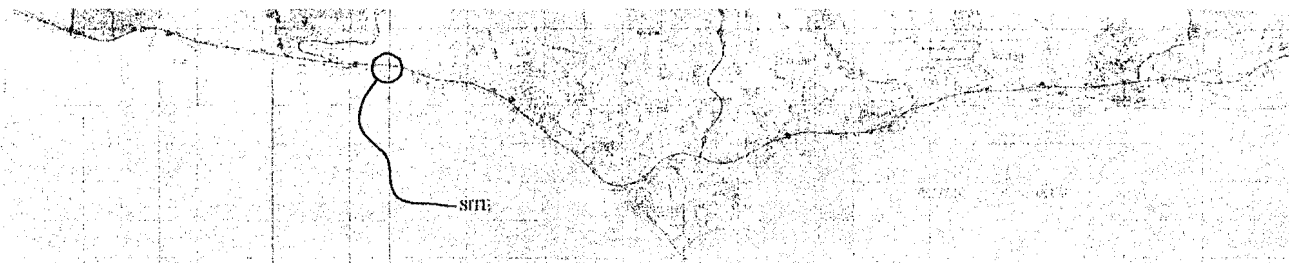
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S/A
 Title Sheet

DATE: Jun 10 2003
 SCALE: AS NOTED
 DRAWN BY: CC
 JOB NO.: 00012
 PROJECT: BRIGHT BEACH RESIDENCE

Exhibit 1
 CDP 4-99-086-A1
 Location Map



SITE PLAN
 1" = 20'

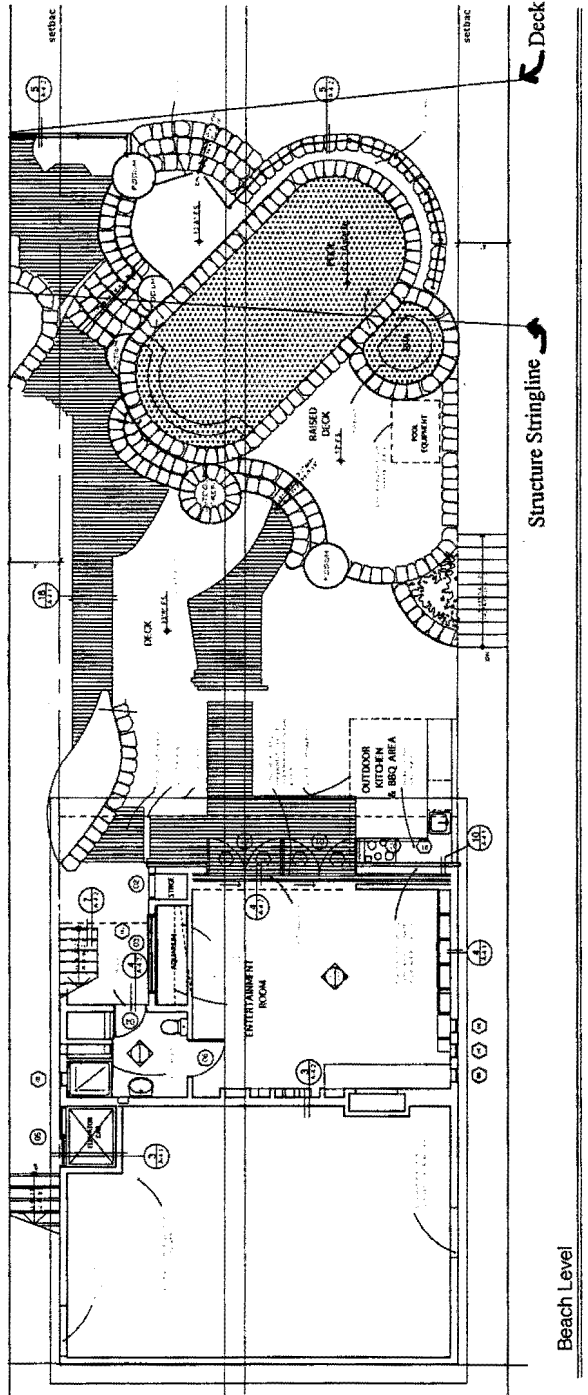
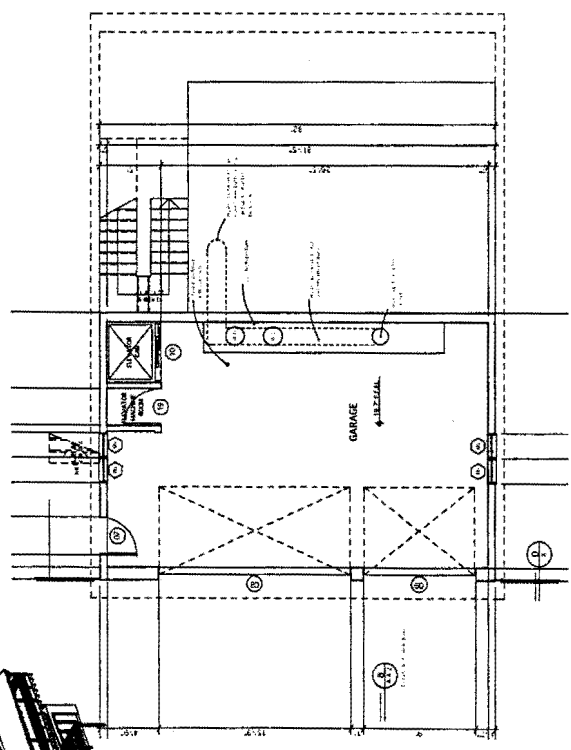
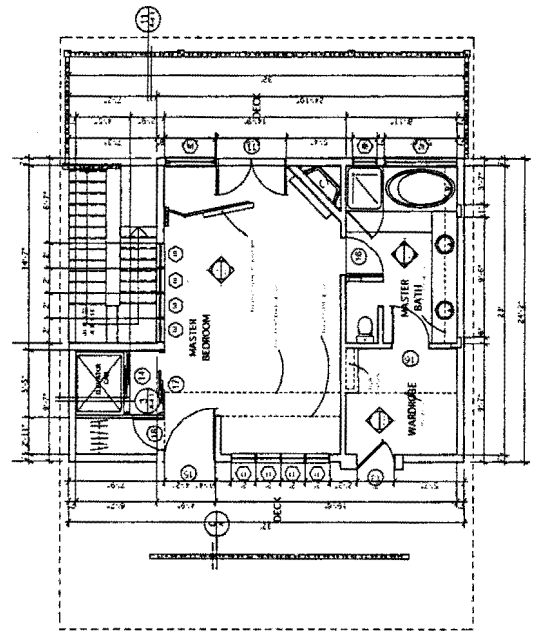
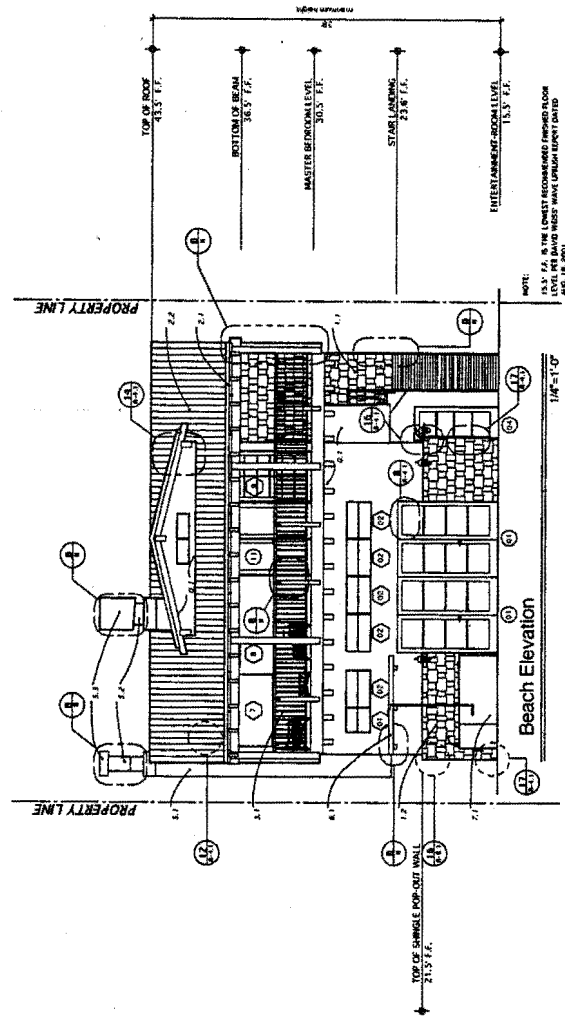


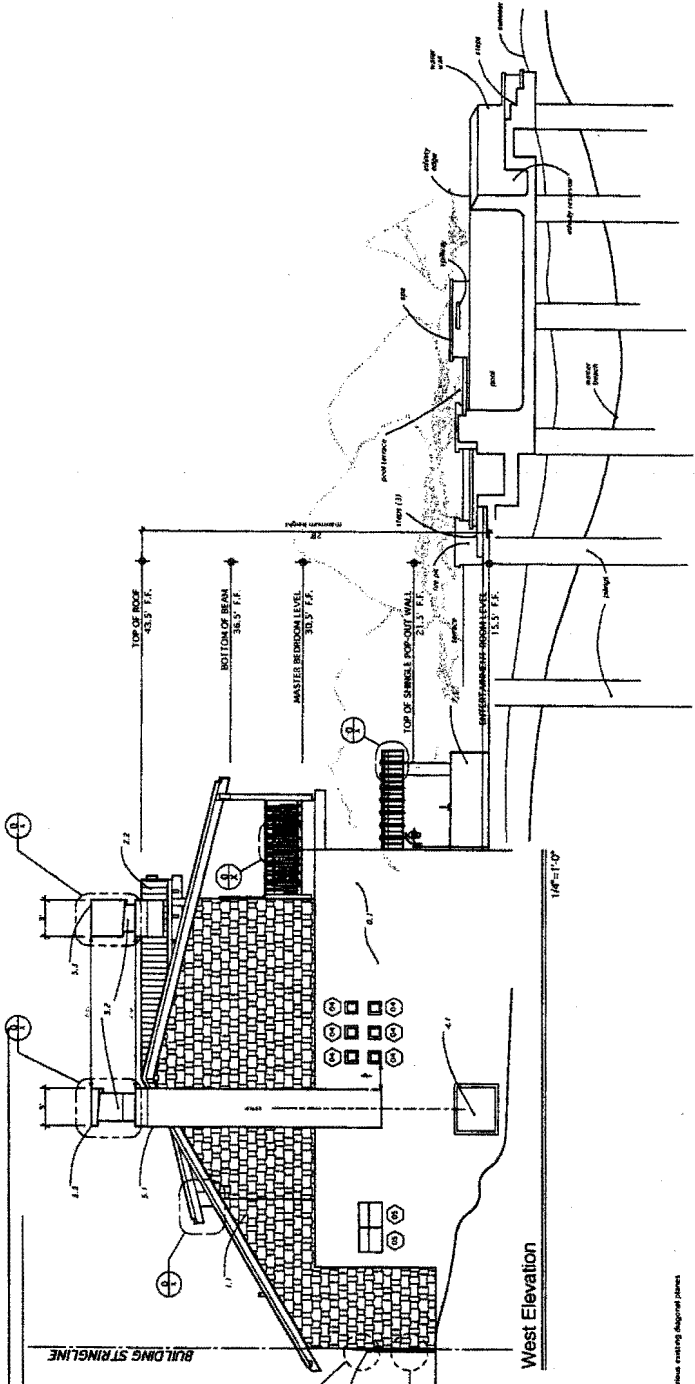
Exhibit 3
CDP 4-99-086-A1
Floor Plans



Beach Elevation

1/4" = 1'-0"

NOTE:
15.5 F.F. IS THE LOWEST RECORDED FLOODING LEVEL FOR THIS AREA AS SHOWN ON THE FLOOD HAZARD MAP REPORT DATED AUG. 18, 2001.



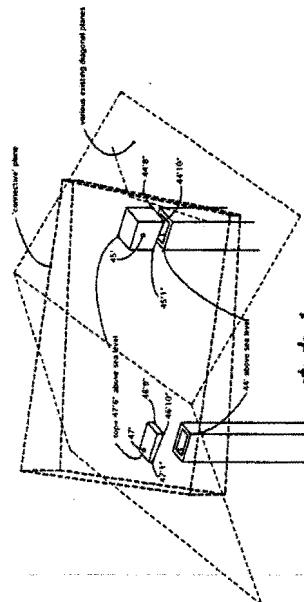
West Elevation

1/4" = 1'-0"

BUILDING STRINGLINE

RIGHT OF WAY EASEMENT

CENTERLINE OF LITTLE BRIDGE BEACH ROAD 15.7 F.F.



study 1

With chimneys in line house are appreciated no proportions and an imaginary vertical plane. The chimney is shown in two elevations, as well as 45° look to their side. The top of their look is at 45° above sea level, and their low most look is also angled. The chimney is shown in two elevations, as well as 45° look to their side. The top of their look is at 45° above sea level, and their low most look is also angled. The chimney is shown in two elevations, as well as 45° look to their side. The top of their look is at 45° above sea level, and their low most look is also angled.

Exhibit 4
CDP 4-99-086-A1
South and West Elevations

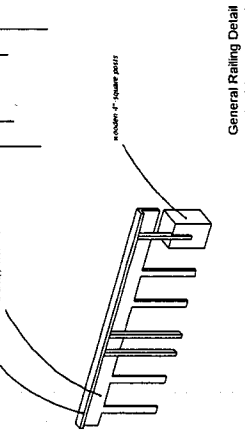
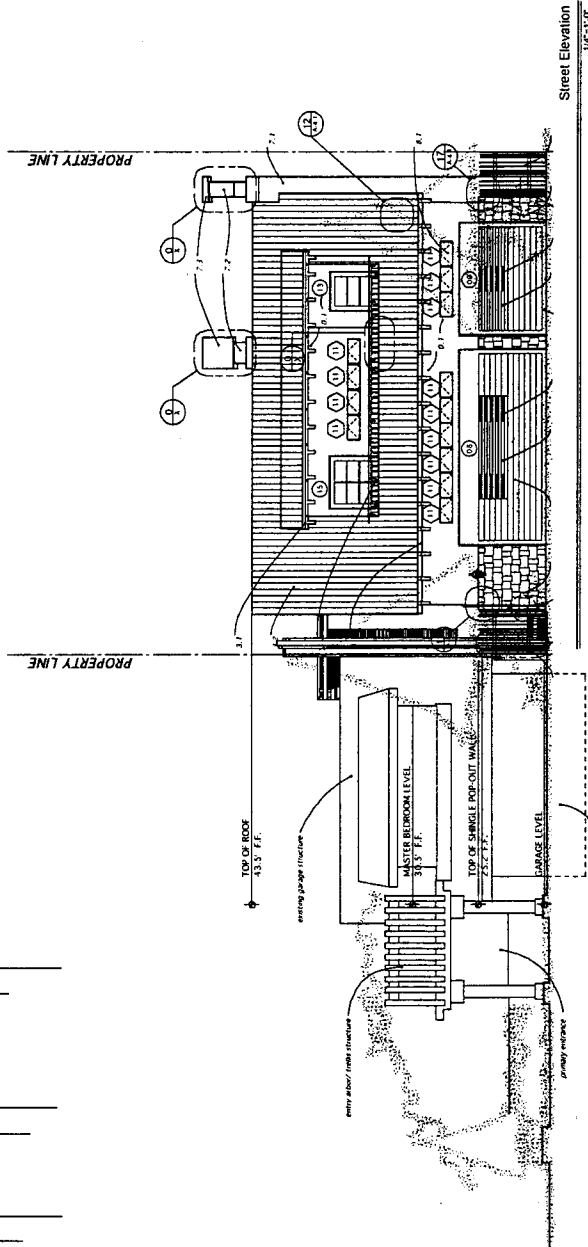
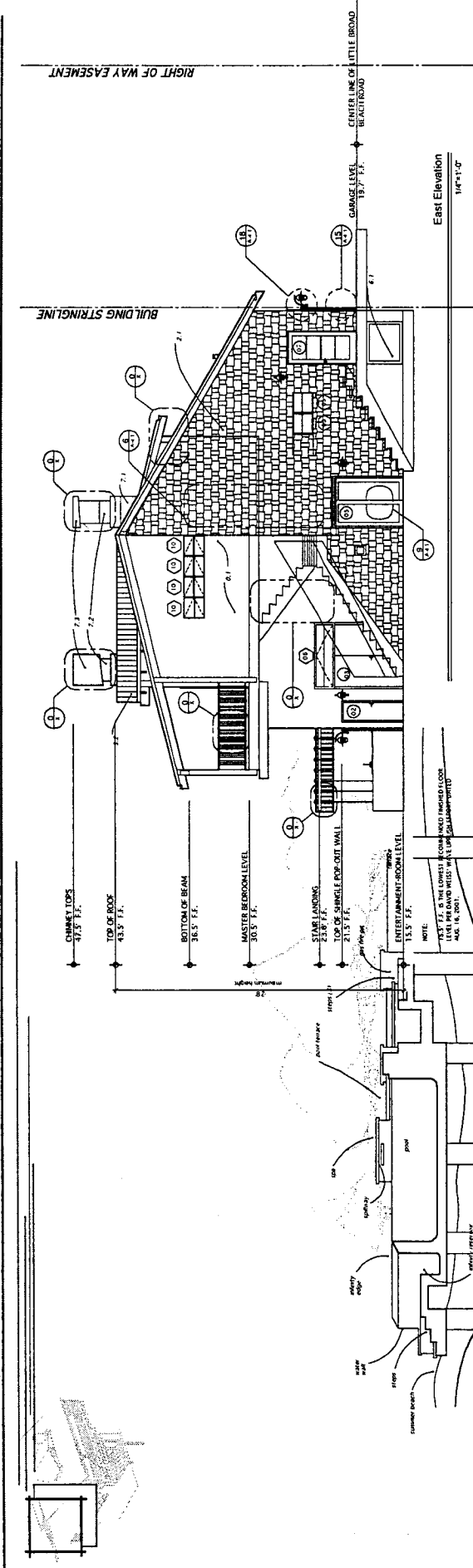


Exhibit 5
 CDP 4-99-086-A1
 North and East Elevations

Keynote Legend

- 1. 4" square stainless steel pipe, 1/2" wall thickness
- 2. 4" square stainless steel pipe, 1/2" wall thickness
- 3. 4" square stainless steel pipe, 1/2" wall thickness
- 4. 4" square stainless steel pipe, 1/2" wall thickness
- 5. 4" square stainless steel pipe, 1/2" wall thickness
- 6. 4" square stainless steel pipe, 1/2" wall thickness
- 7. 4" square stainless steel pipe, 1/2" wall thickness
- 8. 4" square stainless steel pipe, 1/2" wall thickness
- 9. 4" square stainless steel pipe, 1/2" wall thickness
- 10. 4" square stainless steel pipe, 1/2" wall thickness
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- 95. 4" square stainless steel pipe, 1/2" wall thickness
- 96. 4" square stainless steel pipe, 1/2" wall thickness
- 97. 4" square stainless steel pipe, 1/2" wall thickness
- 98. 4" square stainless steel pipe, 1/2" wall thickness
- 99. 4" square stainless steel pipe, 1/2" wall thickness
- 100. 4" square stainless steel pipe, 1/2" wall thickness

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
81 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 841-0142



Page 1 of 5

Date: December 24, 1999

Permit Application No. 4-99-086

COASTAL DEVELOPMENT PERMIT

On September 14, 1999, the California Coastal Commission granted to Jeff Greene, permit 4-99-086, subject to the attached Standard and Special Conditions, for development consisting of: Construct 4,420 sq. ft., 2 story, 28 ft. high above existing grade single family residence, including attached 2 car garage, swimming pool, septic disposal system, and timber bulkhead and return wall. Demolish and remove an existing, approximately 60 sq. ft., 1 story storage shed and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 31360 Broad Beach Rd., Malibu.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
Executive Director

By: Melanie Hale
Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

12/27/99

Date

Permittee

AS: 8/95

RECEIVED

Exhibit 7

CDP 499-086-A1

Coastal Development Permit
Special Conditions

CO
SOUTH C

COASTAL DEVELOPMENT PERMIT

Page 2 of 5
Permit Application No. 4-99-086

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Revised Plans

Prior to the 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:

- (a) Septic system: The proposed septic system has been replaced with a bottomless sand filter system located in the same area as the proposed septic tank shown on Revised Exhibit 13 and the new leachfield location has been relocated as far landward as feasible but not less than seventeen (17) feet further landward than the location shown on Revised Exhibit 13; and
- (b) Bulkhead: The proposed bulkhead is relocated to a location not more than five (5) feet seaward of the seawardmost extent of the revised septic leachfield required pursuant to subparagraph 1(a) of this special condition, and an adequate return wall is included in the revised plan to protect the western boundary of the proposed project. Further, the engineering geologist and the coastal engineer must verify to the satisfaction of the Executive Director that the revised bulkhead design is adequate to protect the proposed, revised septic disposal system; and

COASTAL DEVELOPMENT PERMIT

Page 3 of 5
Permit Application No. 4-99-086

- (c) Swimming pool, deck and stairs: The proposed deck and swimming pool has been redesigned to a caisson and grade beam foundation at a design height consistent with the recommended design elevations (+16.75 Mean Sea Level) cited in the Wave Uprush Study prepared by David Weiss dated October 20, 1998. The bottom of the swimming pool shell shall not be lower than the recommended design height for the structural slab and grade beams for the proposed deck. The proposed stairway to the beach shall be revised in accordance with the revised plan for the swimming pool to ensure that the proposed stairway does not extend further seaward than the deck stringline. Further, the engineering geologist and the coastal engineer shall review and approve the revised swimming pool and deck plans to ensure that the plans and designs are consistent with their recommendations.

2. Offer to Dedicate Lateral Public Access Easement

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 mean high tide line landward to the dripline of the approved decks as illustrated on the revised site plan prepared pursuant to Special Condition 1 above, and approved by the Executive Director.

The document shall contain the following language:

(a) Privacy Buffer

The area ten (10) feet seaward from the dripline of the approved decks as illustrated on the revised final project plans prepared pursuant to Special Condition 1 shall be identified as a privacy buffer. The privacy buffer shall be applicable only if and when it is located landward of the mean high tide line and shall be restricted to pass and repass only, and shall be available only when no other dry beach areas are available for lateral public access. The privacy buffer does not affect public access should the mean high tide line move within the buffer area.

(b) Passive Recreational Use

The remaining area shall be available for passive recreational use.

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 assigns, 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.

COASTAL DEVELOPMENT PERMIT

Page 4 of 5
Permit Application No. 4-99-086

3. Applicant's Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landsliding, storm waves, erosion, flooding, or wildfire; (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 execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit.

4. Construction Responsibilities & Debris Removal

No stockpiling of construction materials or storage of equipment shall occur on the beach and no machinery will be allowed in the intertidal zone at any time. The permittee shall immediately remove from the beach area any and all debris that results from the construction activities.

5. Geology

All recommendations contained in the "Coastal Engineering Report and Wave Uprush Study" by Dave Weiss, Coastal Engineer, dated October 20, 1998, "Limited Geologic and Soils Engineering Investigation," prepared by GeoConcepts, Inc., dated August 27, 1998; "Addendum No. 1, 31360 Broad Beach Rd.," prepared by GeoConcepts, Inc., dated November 16, 1998; "Addendum No. 2, 31360 Broad Beach Rd.," prepared by GeoConcepts, Inc., dated December 21, 1998; "Addendum No. 3, 31360 Broad Beach Rd.," dated May 13, 1999, and "Private Sewage Disposal System," dated January 7, 1999, prepared by GeoConcepts, Inc., dated November 16, 1998, shall be incorporated into all final plans, designs and construction practices including recommendations concerning drainage, foundations, shoreline protective devices, and septic system, and all plans must be reviewed and approved by the coastal engineering and geotechnical consultants prior to the issuance of this coastal development permit. Prior to issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director's satisfaction 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 relative to construction, grading and drainage. 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. The Executive Director shall determine whether required changes are "substantial".

COASTAL DEVELOPMENT PERMIT

Page 5 of 5
Permit Application No. 4-99-086

6. Sign Restriction

No signs shall be posted on the property subject to this permit, or on the beach seaward of the property, which (a) explicitly or implicitly indicate that the portion of the beach on Assessor's Parcel Number 4470-016-015, located seaward of the residence or timber bulkhead permitted in this application 4-99-086 is private or (b) contain similar messages that attempt to prohibit public use of this portion of the beach. In no instance shall signs be posted which read "*Private Beach*" or "*Private Property*." In order to effectuate the above prohibitions, the permittee/landowner is required to submit the proposed content of any sign to the Executive Director for review and approval prior to the posting of any proposed signs.

7. Seawall Installation: Future Limitations

Prior to the issuance of Coastal Development Permit 4-99-086, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which states that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to this permit shall be undertaken if such activity extends the seaward footprint of the subject shoreline protective device and by acceptance of this permit applicant hereby waives any rights to extend the seaward footprint of the shoreline protective device that may exist under Public Resources Code Section 30235. The deed restriction shall include a legal description of the applicant's entire parcel and the following exhibits, including both full-sized and 8-1/2 by 11-inch reductions, prepared to the satisfaction of the Executive Director: (a) a site plan mapping to scale the applicant's parcel in accordance with the legal description, including the development approved pursuant to this permit and (b) a cross section view of item (a). Both Exhibits shall identify and map the exact distance between the seawardmost component of the shoreline protective device and a fixed, baseline monument or landmark landward of the subject device found acceptable by the Executive Director. 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 Coastal Commission approved amendment to this coastal development permit.

