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CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Staff:	K. Kemmler
Staff Report:	2/14/02
Hearing Date:	3/5-8/02
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-132

APPLICANT: Sandy Gallin

AGENTS: Susan McCabe, Jaime Harnish

PROJECT LOCATION: 27540 Pacific Coast Hwy, Malibu (Los Angeles County)

APN NO.: 4460-031-002

PROJECT DESCRIPTION: Proposal to demolish all existing development including a two story single family residence with a detached garage, guest house, and associated hardscape; and construct a new two story, 28 ft. high, 8,738 sq. ft. single family residence with covered decks (549 sq. ft.) and an attached 692 sq. ft. garage, swimming pool & spa, pool equipment storage room, new 20 ft. wide stone & grass driveway, five retaining walls 2-5 ft. high, 70-268 ft. long and a new 3-6 ft. high chain link fence along the bluff edge; install a new secondary treatment septic system; and perform 2,020 cu. yds. of grading (1630 cu. yds. cut & 390 cu. yds. fill).

Lot area	3.02 acres
Building coverage	7,779 sq. ft.
Pavement coverage	2,921 sq. ft.
Landscape coverage	44,000 sq. ft.
Height Above Finished Grade	28 ft.
Parking spaces	3

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, July 13, 2001; City of Malibu Environmental Health, Approval in Concept, June 14, 2001; City of Malibu Biology Review, Approval in Concept, February 14, 2001; City of Malibu Geology & Geotechnical Engineering Review, Approval in Concept, May 8, 2001; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, February 20, 2001; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, September 4, 2001.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; "Limited Geologic and Soils Engineering Investigation," GeoConcepts, Inc., January 17,

2001; "Septic Addendum Report No. 1," GeoConcepts, Inc., February 23, 2001; "Supplemental Report No. 1 Bluff Retreat," GeoConcepts, Inc., August 23, 2001; "Supplemental Report No. 1 Bluff Retreat," GeoConcepts, Inc., September 25, 2001; "Addendum Report No. 2," GeoConcepts, Inc., April 11, 2001.

Summary Of Staff Recommendation

Staff recommends ***approval*** of the proposed project with **nine (9) special conditions** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control plans, (4) assumption of risk, (5) future improvements deed restriction, (6) no future bluff/shoreline protective device, (7) lighting, (8) pool drainage & maintenance and (9) excess excavated material and debris removal.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-01-132 pursuant to the staff recommendation.***

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS

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

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

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

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

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

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

All recommendations contained in the Limited Geologic and Soils Engineering Investigation dated January 17, 2001 and the Addendum Report No. 2 dated April 11, 2001 prepared by GeoConcepts, Inc. shall be incorporated into all final design and construction including *foundations*, *grading*, *sewage disposal* and *drainage*. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. *Prior to issuance of the coastal development permit*, the applicant shall submit, for review and approval by the Executive Director, two sets of plans with evidence of the consultant's review and approval of all project plans.

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

2. Drainage and Polluted Runoff Control Plans

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

(a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

(b) Runoff shall be conveyed off site in a non-erosive manner.

(c) Energy dissipating measures shall be installed at the terminus of outflow drains.

(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Bluff Habitat Restoration Plans

Prior to issuance of a coastal development permit, the applicant shall submit 2 sets of landscaping and dune habitat restoration plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and dune habitat restoration program shall be reviewed and approved by a consulting environmental resource specialist confirming that the plans are in conformance with the consultant's recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

(1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

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

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

(4) All existing invasive plant species existing at the project site, except for Eucalyptus trees, shall be removed and replaced with appropriate native plant species.

(5) The disturbed area along the natural drainage, as shown on Exhibit 3, shall be restored and planted with appropriate native plant and tree species.

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

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

B. Interim Erosion Control

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

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

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

C. Monitoring

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

4. Assumption of Risk

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, earth movement, flooding, and 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 Commission amendment to this coastal development permit.

5. Future Improvements

A. No This permit is only for the development described in Coastal Development Permit 4-01-132. Pursuant to Title 14 California Code of Regulations §13250 (b)(6) and §13253 (b)(6), the exemptions otherwise provided in Public Resources Code §30610 (a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change in intensity of use to the permitted structures approved under Coastal Development Permit No. 4-01-132, and any grading, clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition No. Three shall require an amendment to Permit 4-01-132 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. *Prior to the issuance of the coastal development permit*, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the

Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. No Future Bluff/Shoreline Protective Device

A. By acceptance of the permit, the applicant agrees, on behalf of itself and all successors and assignees, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit 4-01-132 including, but not limited to, the construction of the residence, garage, driveway, decks/patios, septic system, pool/spa and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit, including but not limited to, the residence, garage, driveway, decks/patios, septic system, pool/spa if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

C. *Prior to issuance of Coastal Development Permit No. 4-01-132*, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director which reflects the above restrictions on development. The deed restriction shall include a legal description of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. Lighting Restriction

A. The only outdoor, night lighting that is allowed on the site is the following:

1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Executive Director.

2) Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.

3) The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.

No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed, specifically, lighting located near or directed toward the bluff edge is prohibited.

B. *Prior to issuance of Coastal Development Permit No. 4-01-132*, the applicant shall execute and record a deed restriction reflecting the above restrictions.

8. Pool Drainage and Maintenance

Prior To Issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a written plan to use a non-chemical water purification system and to mitigate the potential for leakage and discharge from the proposed swimming pool and spa. The plan shall, at a minimum: 1) provide a separate water meter for the pool and spa to allow monitoring of water levels for the pool and spa, 2) identify the materials, such as plastic linings or specially treated concrete to be used to waterproof the underside of the pool and spa to prevent leakage, and information regarding past success rates of these materials, 3) identify methods to control pool and spa drainage and to control infiltration and runoff resulting from pool and spa drainage and maintenance activities, and 4) identify methods for periodic disposal of pool and spa water for maintenance purposes to an appropriate location and in no case shall the water be disposed of onto the bluff, into the natural drainage or onto the sandy beach. The Permittee shall undertake development and maintenance in compliance with the mitigation plan approved by the Executive Director. No changes shall be made to the plan unless they are approved by the Executive Director.

9. Excess Excavated Material and Debris Removal

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all debris/excavated material from the site. Should the dump site be located in the Coastal Zone, a Coastal Development Permit shall be required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant is proposing to demolish all existing development including a two story single family residence with a detached garage, guest house, and associated hardscape; and construct a new two story, 28 ft. high, 8,738 sq. ft. single family residence with covered decks (549 sq. ft.) and an attached 692 sq. ft. garage, swimming pool & spa, pool equipment storage room, new 20 ft. wide stone & grass driveway, five retaining walls 2-5 ft. high, 70-268 ft. long and a new 3-6 ft. high chain link fence along the bluff edge; install a new secondary treatment septic system; and perform 2,020 cu. yds. of grading (1630 cu. yds. cut & 390 cu. yds. fill) (Exhibits 3-11).

The project site is on a irregularly shaped parcel of land approximately 3 acres in size (Exhibit 2) located between Pacific Coast Highway and the beach (Exhibit 1). The neighboring parcels are developed with single family residences. Access to the site is via a private driveway off Pacific Coast Highway, which borders the parcel on the north. The site is currently developed

with a two story single family residence with a detached garage and wood deck, guest house, and associated hardscape (Exhibit 4). The existing development is proposed to be demolished. There is also an existing pathway onsite that leads from the residence downslope through a canyon to the sandy beach area (Exhibit 4). This pathway is a dirt, at grade path with no structural elements. There are no proposed changes to the pathway. All existing development was constructed prior to the implementation of the Coastal Zone Conservation Act in 1972.

The property consists of a near level pad with descending slopes to the south and east. Maximum topographic relief onsite is about 105 feet. A natural drainage canyon lies along the eastern portion of the site. The southern portion of the lot consists of a coastal bluff formation. The location of the proposed structures is consistent with previous permit actions on similar bluff top project sites in Malibu where the Commission has required a minimum set back of 25 ft. from the seaward edge of the top of bluff. Additionally, all portions of the proposed development will be constructed landward of the recommended geologic setback plane to ensure stability of the new development, assuming a 100 year useful life of the structures. The proposed project does not include structural improvements on the bluff face or the area at the base of the bluff for the purposes of shoreline protection.

The site has been previously graded and modified by past development. The existing vegetation on site consists mostly of exotic species. However, the bluff face on site has experienced little disturbance and is designated as an environmentally sensitive habitat area (ESHA) by the certified Malibu/Santa Monica Mountains Land Use Plan. The proposed landscaping includes the removal of non-native vegetation and replacement with appropriate native species from the bluff slope area to 25 ft. inland. In the case of this project, the proposed pool decking and garden wall will be located more than 30 ft. from the top edge of the bluff and the seaward edge of the covered deck attached to the residence will be located over 60 feet from the edge of the bluff. In addition, the site contains a natural drainage course on the eastern portion of the property. The drainage is disturbed and is not a USGS designated blueline stream. The natural canyon area has been landscaped with exotic plant and tree species including a lawn that extends down the slope into the stream corridor. The proposed development is located over 50 ft. from the flowline of the natural drainage, and thus, will not create additional adverse impacts to the resources in that area (See Section C. Sensitive Resources for further discussion).

The subject lot is located along Pacific Coast Highway, which is a designated scenic highway in the previously certified Malibu/Santa Monica Mountains Land Use Plan (LUP), and upslope from the sandy beach below. However, due to the natural topography of the immediate area, the proposed development will not be visible from the highway or any other public viewing areas (see Section D. Visual Resources for further discussion). As mentioned, the project site is located on a steep bluff top lot above the sandy beach, therefore, the proposed project will not impede public access to or along the beach. As such, the proposed project will not have an adverse impact on coastal scenic resources or public access.

B. BLUFFTOP GEOLOGIC STABILITY 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.

In addition, Section 30251 of the Coastal Act states, in relevant part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Finally, Section 30253 of the Coastal Act states in part that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood, and fire hazard, and to assure stability and structural integrity. Section 30235 of the Coastal Act mandates that shoreline protective devices be permitted only where necessary to serve coastal dependent uses or to protect existing development.

The proposed development is located on a bluff top along the Malibu coastline, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Coastal bluffs, such as the one located on the subject site, are unique geomorphic features that are characteristically unstable. By nature, coastal bluffs are subject to erosion from sheet flow across the top of the bluff and from wave action at the base of the bluff. In addition, due to their geologic structure and soil composition, these bluffs are susceptible to surficial failure, especially with excessive water infiltration.

Due to the geologic instability of coastal bluffs and their integral role in maintaining the ecosystem and shoreline processes, new development on bluff top lots may be found consistent with Sections 30235 and 30253 of the Coastal Act only when the development is sited to ensure geologic stability, and not to require construction of any protective devices which may potentially alter natural landforms and geomorphic process of coastal bluffs. The certified Malibu/Santa Monica Mountains LUP contains a number of policies regarding development on or near coastal bluffs. Although the City of Malibu is now incorporated, these policies are still used as guidance by the Commission in order to determine the consistency of a project with Sections 30235 and 30253 of the Coastal Act. The Malibu/Santa Monica Mountains LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. For instance, Policy 164, in concert with the Coastal Act, provides that new development shall be set back a minimum of 25 feet from the seaward edge of the top of the bluff or a stringline drawn between

the nearest corners of the adjacent structures, *whichever distance is greater*, but in no case less than would allow for a 75-year useful life for the structure. Policy 165, in conjunction with the Coastal Act, provides that no new permanent structures be permitted on a bluff face.

The undulating character of the bluff adjacent to the subject site combined with the unusual variation in existing development on adjacent lots renders a strict application of a stringline analysis impractical as the result, in concert with the constraints of the natural drainage course on the eastern portion of the site, would restrict development on approximately one-half of the subject property (Exhibit 12). However, the Commission notes that the seaward edge of the proposed development will be located over 30 ft. landward of the top of bluff. The proposed residence is located 20 ft. farther landward than the existing residence with the proposed pool decking and garden wall extending just slightly further seaward (6 ft.) of the existing deck (Exhibit 13). In addition, the project's consulting geologists have indicated that the proposed setbacks for the new structures are adequate to protect the development from the hazards of future natural coastal bluff erosion. The Supplemental Report No. 1 Bluff Retreat prepared by GeoConcepts, Inc. dated August 23, 2001 estimates the bluff retreat rate at the site to be one inch per year, which totals less than 9 feet over a 100 year period.

The Commission notes that all portions of the proposed structures will be located landward of the geologic setback plane recommended by the project's consulting geologists. The geologic consultants conclude that the proposed development is setback sufficiently to ensure that bluff erosion will not jeopardize the development during its 100 year useful life without the need to construct protective devices. The Commission finds that no portion of the proposed development will encroach into the geologic setback from the bluff top and the proposed project will not be subject to hazards associated with future coastal bluff erosion. Therefore, the Commission finds that the proposed development is sited to provide sufficient setbacks to assure geologic stability and structural integrity.

In addition, the applicant has submitted a Limited Geologic and Soils Engineering Investigation dated January 17, 2001 and an Addendum Report No. 2 dated April 11, 2001 prepared by GeoConcepts, Inc., which evaluate the geologic stability of the subject site in relation to the proposed development. The consultants find that the project site is adequate for the proposed development given that their recommendations are incorporated into the proposed project. The Limited Geologic and Soils Engineering Investigation dated January 17, 2001 prepared by GeoConcepts, Inc. states:

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

The Limited Geologic and Soils Engineering Investigation dated January 17, 2001 and Addendum Report No. 2 dated April 11, 2001 prepared by GeoConcepts, Inc. include a number of geotechnical recommendations to ensure the stability and geotechnical safety of the site. Therefore, to ensure that the recommendations of the consulting geologists have been incorporated into all proposed development, **Special Condition No. One (1)** requires the applicant to submit project plans certified by the consulting geotechnical and geologic engineer as conforming to all recommendations regarding structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes to the

proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.
The Commission notes that, although the subject site is considered grossly stable from a geologic standpoint, the steep slopes on the subject site are still subject to potential erosion and soil slippage. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding environment. The Commission notes that the proposed project involves bluff top development with a significant amount of grading. In past permit actions, the Commission has found that soil disturbance on steep bluffs has the potential to significantly exacerbate natural processes of bluff top erosion through removal of natural vegetation that serves to stabilize the bluff, and through exposure of bare soils to rain, runoff, and wind erosion. Therefore, in order to minimize erosion and ensure the stability of the site, **Special Condition No. Three (3)** requires that all disturbed and graded areas on the subject site are revegetated and restored primarily with native vegetation. The Commission finds that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foliage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foliage weight but also by their low irrigation and maintenance requirements.

The Commission notes that uncontrolled runoff over the bluff face will contribute to headward erosion and lead to destabilization of the bluff slopes and eventually the building site. In order to further minimize erosion and increase the geologic stability of the subject site the Commission finds it necessary to ensure that adequate drainage and erosion controls measures are incorporated into the proposed project. Therefore, **Special Conditions No. Two (2) and Three (3)**, require the applicant to submit drainage and erosion control plans certified by the consulting geotechnical engineer as conforming to their recommendations. Further, to ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage structures shall be repaired should the structures fail in the future, Special Condition No. Two also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

The Commission notes that while the proposed drainage system will serve to minimize hazards associated with headward erosion, potential risks associated with excessive water infiltration on a bluff top causing subsurface destabilization can be minimized by allowing only drip or low flow irrigation seaward of the residence. Percolation of irrigated water into the bluff can lead to destabilization of the bluff, and consequently pose a significant risk to existing and proposed development. There have been numerous incidents, where irrigation lines have burst, saturating the bluff and thereby subjecting bluff top development to hazardous conditions. The Commission finds that implementing a landscaping plan that requires removal of non-native and invasive plant species requiring excess water, and replacement of these species with native and drought tolerant vegetation, will assist in reducing these risks associated with excessive water infiltration on the bluff top and aid in stabilizing the site, as required by Special Condition No. Three.

Furthermore, the Commission notes that conventional septic system effluent utilizing septic pits on bluff top lots may result in excessive water infiltration into the bluff, causing an elevated groundwater table and/or localized saturation of earth materials underlying the site, ultimately resulting in potential bluff destabilization. However, in the case of the proposed project the applicant is proposing to install an alternative sewage disposal system which will disperse treated effluent in such a way that water evaporates directly from the soil or is consumed by vegetation through transpiration. Therefore, the Commission finds that the applicant's proposal to install an alternative sewage disposal system will serve to avoid bluff destabilization that might otherwise result from the use of older septic disposal practices.

The Commission also notes that the amount of new cut grading and excavation proposed by the applicant is larger than the amount of fill to be placed and will result in approximately 1,240 cu. yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition No. Nine (9)** requires the applicant to remove all excavated material, including any debris resulting from demolition of existing development, from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

Notwithstanding the project's consistency with adequate setbacks, and the Special Conditions imposed on this permit which will serve to minimize potential hazards, the Commission nevertheless finds that coastal bluff erosion is a dynamic, long-term process and that no structure situated on a coastal bluff can be completely free of hazard. Thus, the Commission finds that there remains an inherent risk in building on the subject site with the geologic conditions and constraints described in this section, and due to the fact that the project site is located in an area subject to an extraordinary potential for damage or destruction from wildfire. Typical vegetation in the Santa Monica Mountains consists predominantly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, *Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. Moreover, the typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated.

Therefore, the Commission can only approve the project if the applicant assumes the responsibility and liability from the risks associated with developing the project as required by **Special Condition No. Four (4)**. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Further, through acceptance of Special Condition No. Four, the applicants agree to indemnify the Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage from geologic and wildfire hazard exists as an inherent risk.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has frequently required such deed restrictions for other development throughout the Malibu/Santa Monica Mountains region.

The Commission notes that while the location of the proposed structures on the subject site may presently be feasible from a geologic point of view, further improvements such as concrete block walls and/or other protective structures may eventually be proposed by the applicant to maintain the development and ensure slope stability due natural coastal bluff erosion in the future. The applicant does not propose the construction of any bluff/shoreline protective device to protect the proposed development. The applicant has submitted a Supplemental Report No. 1 Bluff Retreat dated September 25, 2001 prepared by the project's geologic consultants GeoConcepts, Inc. that states:

> ***...after 100 years of bluff retreat, the proposed development will still have a factor of safety greater than 1.5.***

Though the project's consulting geologists find that the proposed setbacks will protect the development from the hazards of future natural bluff erosion for the next 100 years without a shoreline protective device, the Commission notes that many beach areas of Malibu have experienced extreme erosion and scour during severe storm events, such as El Nino storms. It is not possible to completely predict what conditions the proposed residence may be subject to in the future.

The Commission notes that no bluff/shoreline protective device is proposed as part of this project, however, the Commission also notes that future construction of a protective device on the proposed project site would result in potential adverse effects to coastal processes, shoreline sand supply, the public's beach ownership interests, public access, and scenic resources. Shoreline protective devices alter and fix the shoreline slope profile, which in turn alters beach width and the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area of public property available for public use. In addition, such protective devices fix the shoreline and reduce the amount of natural shoreline retreat causing a progressive loss of sand and beach area, as shore material is not available to nourish adjacent beaches and the offshore sand bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore, where they are no longer available to nourish the beach. This affects public access by resulting in a loss of area between the mean high water line and the actual water. Shoreline protective devices, such as revetments and bulkheads, also cumulatively affect public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline, eventually affecting the profile of a public beach. Furthermore, if not sited landward in a location that insures that the shoreline protective device is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments and bulkheads interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events but also potentially throughout the winter season.

In addition, the Commission notes that Section 30235 of the Coastal Act allows for the construction of a shoreline protective device only when necessary to protect existing development or to protect a coastal dependent use. The Commission further notes that the approval of a shoreline protective device to protect new residential development, such as the proposed project, would not be consistent with Section 30235 of the Coastal Act. The construction of a shoreline protective device to protect a new residential development would also conflict with Section 30253 of the Coastal Act which states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Construction of a shoreline protective device to protect new residential development would also conflict with Section 30251 of the Coastal Act, which states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas which would be subject to increased erosion from such a device. Thus, the Commission can only find the proposed project consistent with the applicable sections of the Coastal Act if the development as proposed, and the site as predicted to perform during the project's useful life (as determined by the project's consulting geologist and geotechnical engineer), will not require the construction of a shoreline protection device. Therefore, to ensure that the proposed project is consistent with Sections 30235, 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, **Special Condition No. Six (6)** requires the applicant to record a deed restriction that would prohibit the applicant, or future landowners, from constructing a bluff/shoreline protective device for the purpose of protecting any of the development proposed as part of this application including the residence, garage, driveway, decks/patios, septic system, pool/spa or any other structure on the subject site.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30235, 30251, and 30253.

C. Sensitive Resources

Section 30240 of the Coastal Act states that:

> ***(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.***
>
> ***(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.***

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values. The proposed project site includes a bluff top and a bluff face that descends steeply to the sandy beach below. The steep bluff faces in Malibu contain a rare and restricted Southern Coastal Bluff Scrub plant community, and have been considered by the Commission as environmentally sensitive habitat areas (ESHA). In past permit actions, the Commission has required that new development provide adequate setbacks from the edge of coastal bluffs both to minimize impacts to sensitive habitat as well as to minimize risks from geologic hazards.

As previously discussed, the proposed project involves demolition of an existing residence and garage and construction of a new two story, 28 ft. high, 8,738 sq. ft. single family residence with

covered decks and an attached garage, swimming pool & spa, pool equipment storage room, new 20 ft. wide stone & grass driveway, five retaining walls 2-5 ft. high, 70-268 ft. long and a new 3-6 ft. high chain link fence along the bluff edge; installation of a new secondary treatment septic system; and performance of 2,020 cu. yds. of grading on a bluff top parcel. The new development will be located over 30 ft. from the bluff edge, which extends the proposed pool deck only 6 feet farther seaward than the existing deck.

The Commission notes that the subject site is unique in that it also contains a natural drainage course area on the eastern portion of the property, and therefore the proposed project must be sited to minimize potential adverse impacts on sensitive habitat of the coastal bluff face and the natural drainage area. The drainage is disturbed and is not a USGS designated blueline stream, however, it is appropriate to protect, and enhance where feasible, the natural resources onsite. The Commission notes that the site has been disturbed by previous development and associated exotic landscaping. The natural canyon is vegetated with numerous Eucalyptus trees, other exotic plants and a massive lawn. Special Condition No. Three requires the removal of non-native and/or invasive plant species and revegetation of this area (as generally shown on Exhibit 3) with native landscaping, which will serve to protect and enhance sensitive resources onsite. The Eucalyptus trees shall remain, however, because despite their invasive characteristics, these trees provide essential habitat for monarch butterfly populations. Although, staff did not observe any butterflies present onsite during the site visit, Eucalyptus trees are utilized as over-wintering habitat throughout the Malibu area. Thus, the Commission notes that it is protective of sensitive resources to keep the existing Eucalyptus grove intact.

In addition to the above mentioned setback areas, the applicant has submitted a Preliminary Fuel Modification Plan approved by the Los Angeles County Fire Department Fuel Modification Unit which indicates that no cutting or clearing of vegetation will be required for fuel modification purposes on the bluff face. The Fuel Modification Plan indicates that the existing setback areas for the proposed residence from the bluff edge will be adequate for vegetation thinning/clearance requirements for fire safety, and therefore sensitive bluff face vegetation on the subject site will be preserved. The Commission notes that no removal, thinning, or other disturbance of vegetation will occur in the sensitive coastal bluff habitat as a result of constructing the proposed residence and subsequent fuel modification requirements for fire safety standards. As previously mentioned, a chain link fence is proposed along the top of the bluff. This fencing will serve to inhibit intrusion of human and domestic animals into the sensitive habitat area, thus, further preventing direct adverse impacts to the bluff habitat. Therefore, the Commission finds that the proposed project is adequately located and designed, through adequate setback requirements and an appropriate fuel modification plan, to prevent significant disruption of sensitive coastal bluff vegetation existing at the project site.

Moreover, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains environmentally sensitive habitat area. Therefore, the Commission limits the nighttime lighting of the property and residence to that necessary for safety as outlined in **Special Condition No. Seven (7)**, which restricts night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. Thus, the proposed setback from the bluff edge and the bluff topography in concert with the lighting restrictions will attenuate the impacts of unnatural light sources and will not impact sensitive wildlife species.

Though the proposed project provides adequate setbacks so as not to significantly disrupt sensitive habitat on the project site, the Commission notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plant species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition No. Three requires that landscaping of the project site consist primarily of native plant species and that invasive plant species shall not be used.

Finally, the Commission finds that the due to the existence of sensitive coastal bluff habitat and natural drainage course on the project site, the amount and location of any new development, including structures, patios, and additional landscaping on the subject site is constrained by the presence of sensitive habitat. Therefore, in order to ensure that any future structures, additions, or landscaping that may otherwise be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition No. Five (5),** the future development deed restriction, has been required.

Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Section 30240 of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states that:

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

Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. The project site is located seaward of Pacific Coast Highway. Existing residential development and landscaping along Pacific Coast Highway has blocked the view of the ocean throughout this area. Pacific Coast Highway is a major coastal access route, not only utilized by local residents, but also heavily used by tourists and visitors to access several public beaches located in the surrounding area which are only accessible from Pacific Coast Highway. Public views of the ocean and water from Pacific Coast Highway have been substantially reduced, or completely blocked, in many areas by the construction of single family residences, privacy walls, fencing, landscaping, and other residential related development between Pacific Coast Highway and the ocean. Specifically, the Commission

notes that when residential structures are located immediately adjacent to each other, or there is continuous large scale landscaping, such development creates a wall-like effect when viewed from Pacific Coast Highway. As such, the Commission notes that such development, when viewed on a regional basis, will result in potential cumulative adverse effects to public views and to the visual quality of coastal areas.

The Commission typically requires that new residential development on vacant bluff lots, where feasible, be sited and designed so as not to block views of the ocean as seen from Pacific Coast Highway. In this case, the topography of the immediate area is such that the development will not impact scenic resources. The frontage of the subject lot is narrow and as Pacific Coast Highway bends and dips slightly along the border of the site, there is a rise in topography onsite adjacent to the highway, which levels out again in the location of the proposed development. The narrow frontage of the lot and the rise in elevation from the highway to just onsite creates an effect whereby the view of the existing or proposed development onsite is obscured by the natural topography. In addition, on the southern portion of the property, the bluff slope lies at such an angle as to hide the development from public views from the beach below. Thus, the Commission notes that the proposed development will not obstruct views of the ocean from the highway or be visible from any public viewing areas.

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

E. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states that:

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

As described in detail above, the proposed project includes the removal of all existing development including a two story single family residence with a detached garage, guest house, and associated hardscape; and construction of a new two story, 28 ft. high, 8,738 sq. ft. single family residence with covered decks (549 sq. ft.) and an attached 692 sq. ft. garage, swimming pool & spa, pool equipment storage room, new 20 ft. wide stone & grass driveway, five retaining walls 2-5 ft. high, 70-268 ft. long; installation of a new secondary treatment septic system; and performance of 2,020 cu. yds. of grading (1630 cu. yds. cut & 390 cu. yds. fill) on a site containing a natural drainage course.

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

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

The Commission finds that sizing post-construction structural BMPs to accommodate (filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition No. Two and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition No. Three is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

As stated previously, the proposed project includes a swimming pool and spa. There is the potential for swimming pools and spas to have deleterious effects on aquatic habitat if not properly maintained and drained. In addition, chlorine and other chemicals are commonly added to pools and spas to maintain water clarity, quality, and pH levels. Further, both leakage and periodic maintenance of the proposed pool and spa, if not monitored and/or conducted in a

controlled manner, may result in excess runoff and erosion potentially causing instability of the site and adjacent properties and may result in the transport of chemicals, such as chlorine, into coastal waters, adversely impacting intertidal and marine habitats. In order to minimize potential adverse impacts from the proposed swimming pool and spa, the Commission requires the applicant to submit a pool drainage and maintenance plan, as detailed in **Special Condition No. Eight (8)**. The plan shall include a separate water meter for the pool and spa, which will serve to monitor water levels of the pool and spa and identify leakage. The plan shall also include a description of the materials to be utilized to prevent leakage of the pool and spa shell and shall identify methods to control infiltration and runoff from periodic pool and spa drainage and regular maintenance activities. Special Condition No. Eight prohibits the drainage of the proposed pool and spa into the natural drainage or onto the bluff or sandy beach areas. The Commission finds that, as conditioned to minimize potential impacts of the proposed pool and spa, the project is consistent with Sections 30231 and 30240 of the Coastal Act.

Finally, the proposed development includes the installation of an onsite private alternative secondary treatment sewage disposal system to serve the residence. The applicant's environmental health specialist performed infiltration tests. The City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states:

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

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

G. California Environmental Quality Act

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 Environmentally 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 any 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.

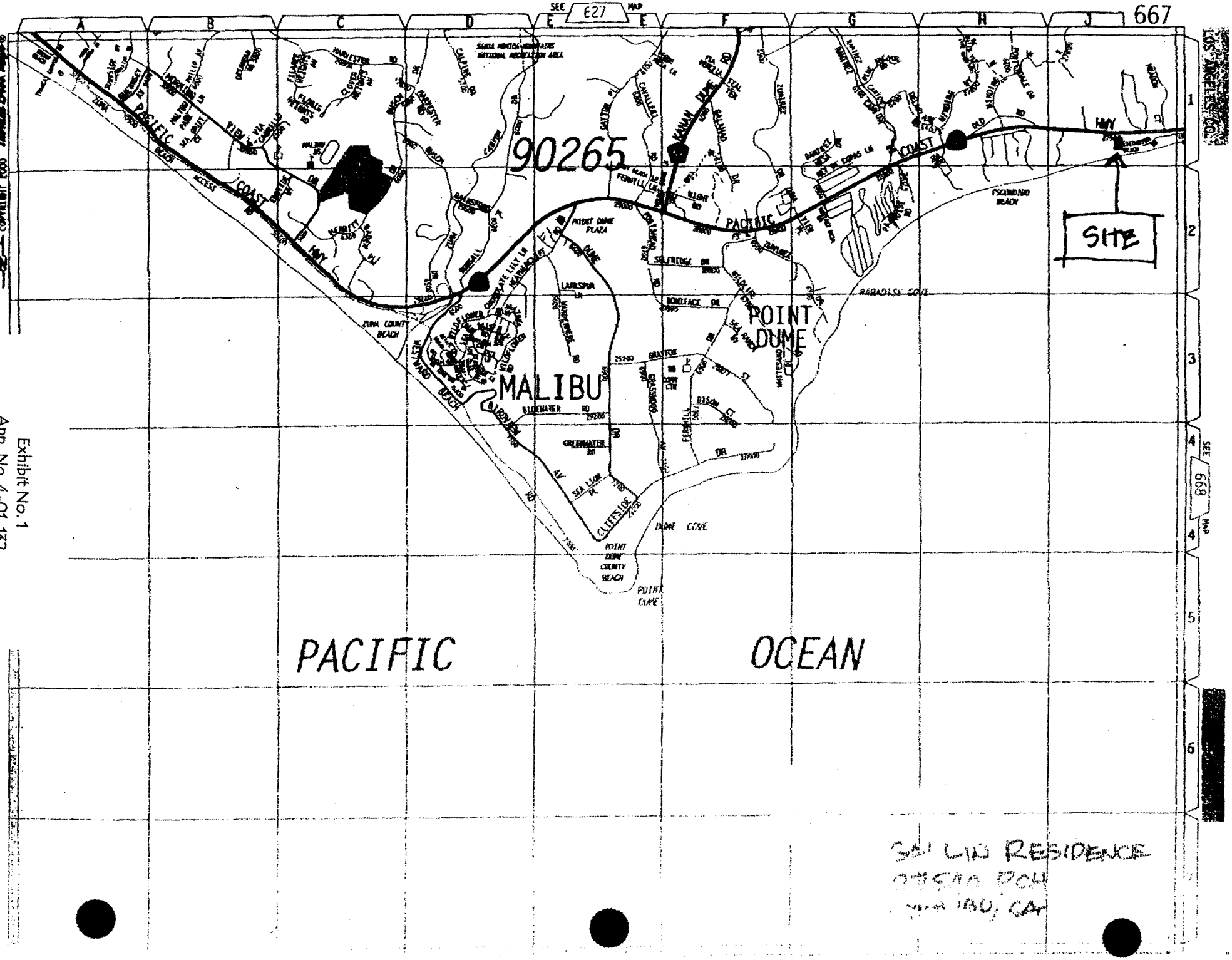


Exhibit No. 1
App. No. 4-01-132
Vicinity Map

SALLIN RESIDENCE
[illegible]
[illegible], CA

4460 | 31

SCALE 1" = 200'

1992

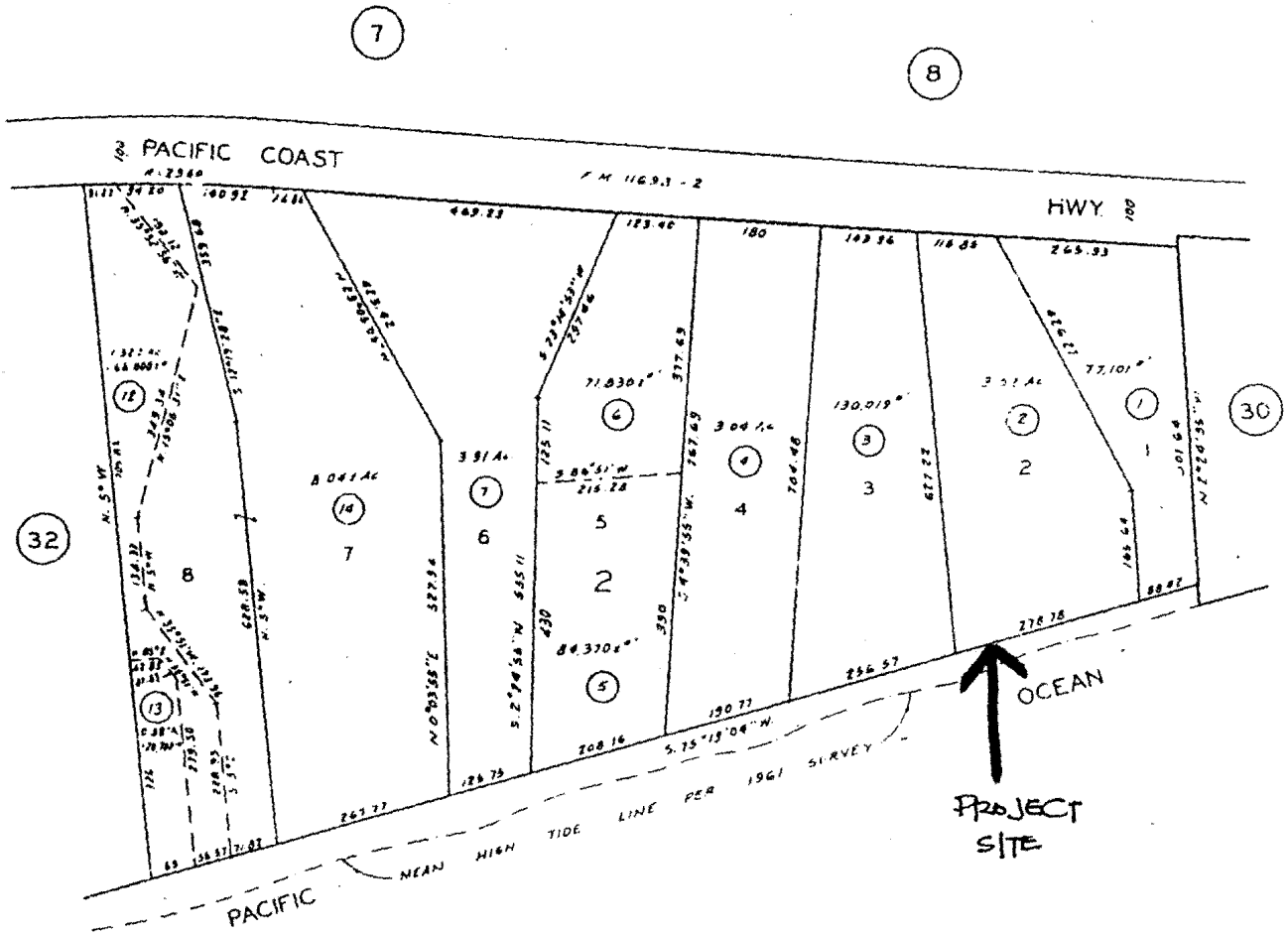


Exhibit No. 2
App. No. 4-01-132
Parcel Map

CODE
10853

TRACT NO. 12935 M. B. 248-39-40

FOR PREV. ASSM'T SEE:

ASS
COUNTY OF

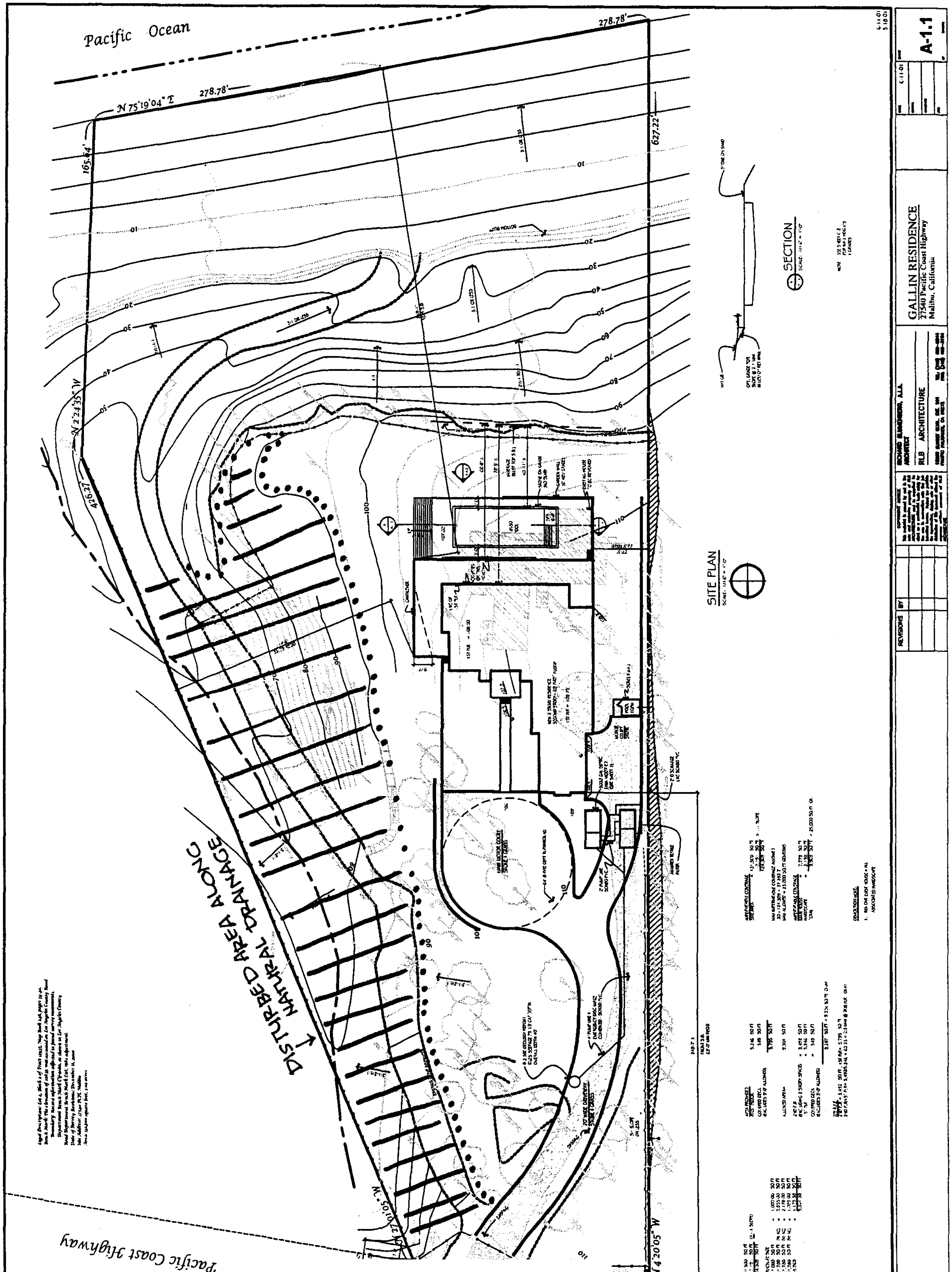


Exhibit No. 3
App. No. 4-01-132
Site Plan

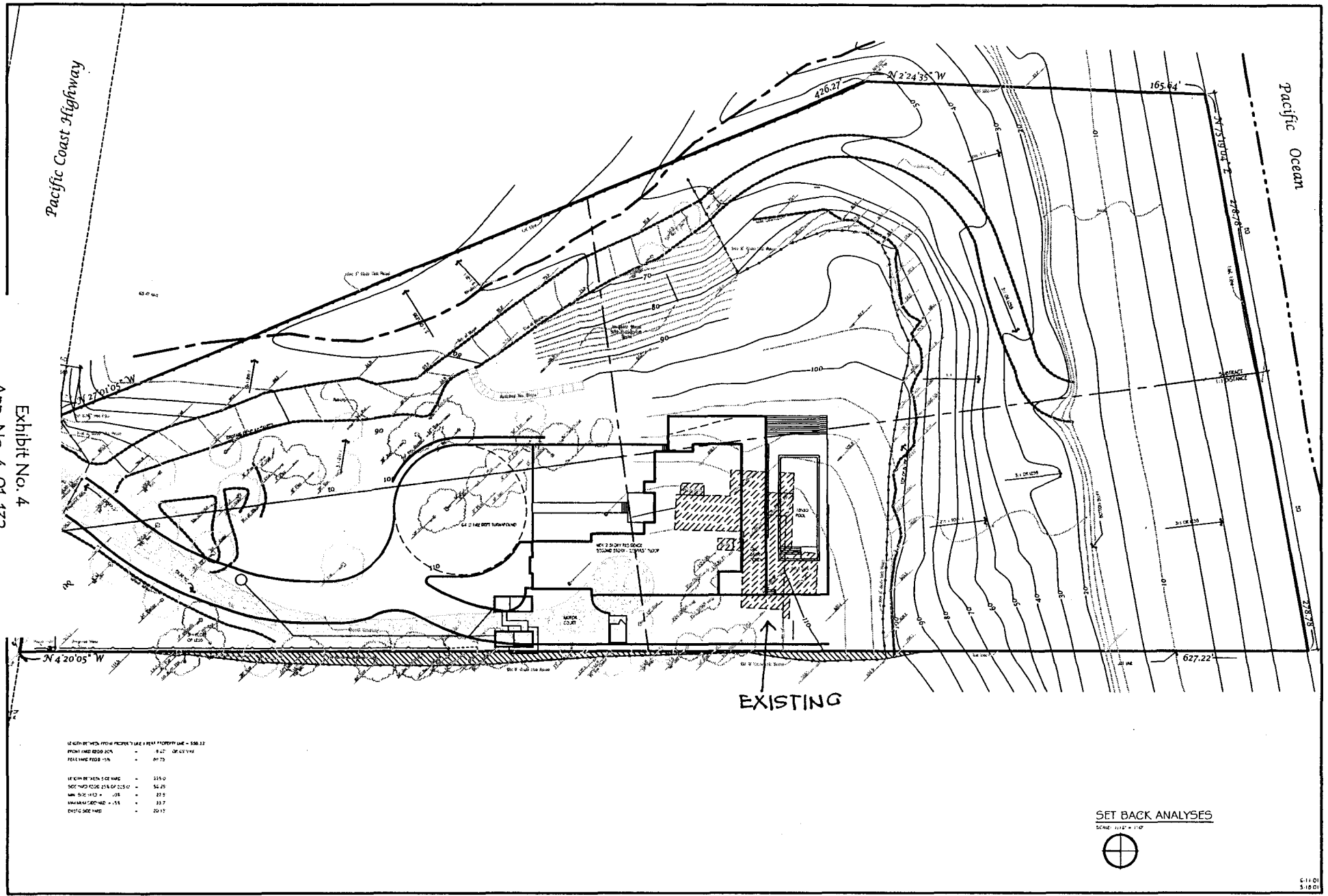


Exhibit No. 4
App. No. 4-01-132
Site Plan
(Existing & Proposed Development)

SET BACK ANALYSES

REVISIONS	BY

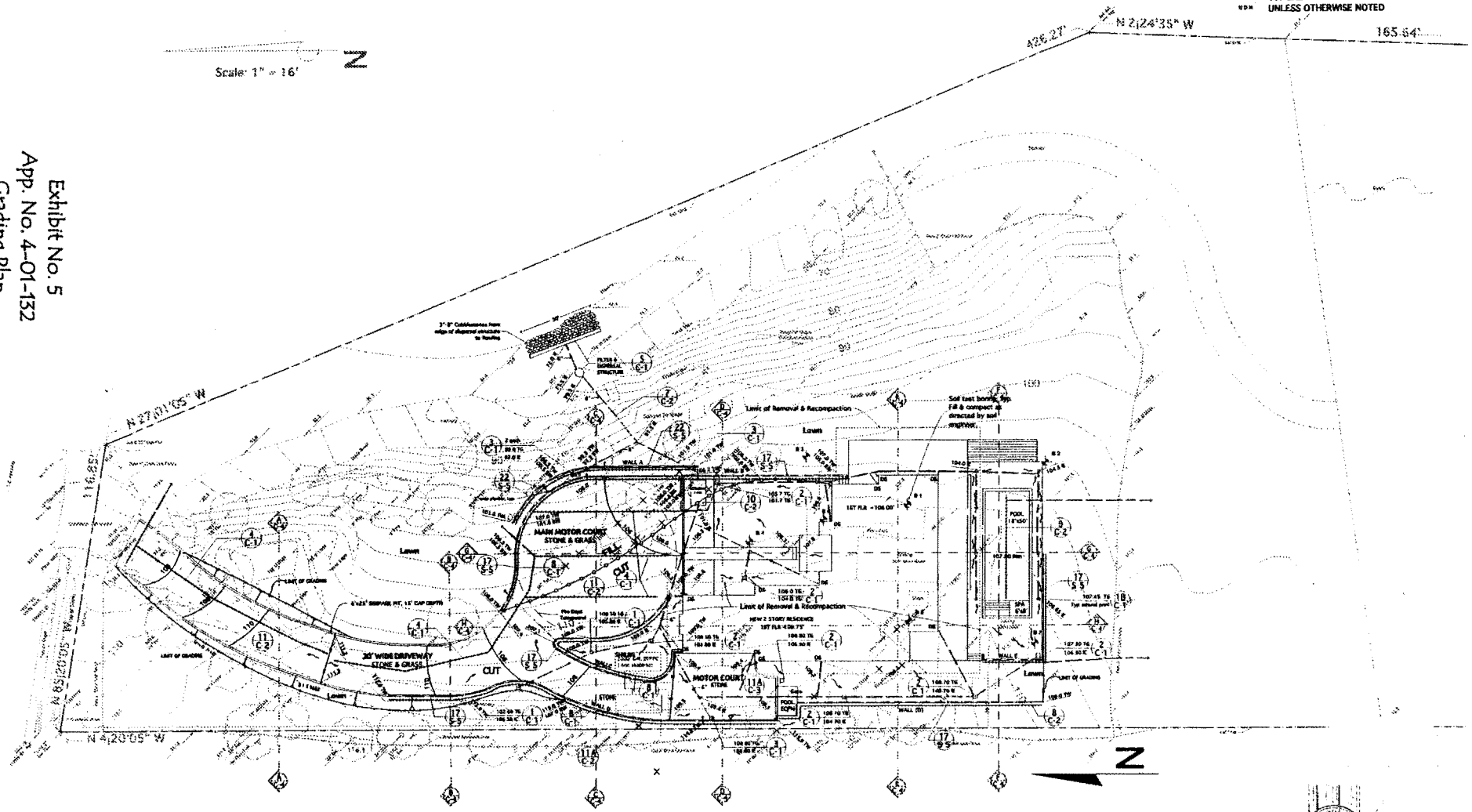
RICHARD BLUMENBERG, A.I.A.
ARCHITECT
RLB ARCHITECTURE

GALLIN RESIDENCE
27540 Pacific Coast Highway
Malibu, California

A-1.1A

Exhibit No. 5
App. No. 4-01-132
Grading Plan

Topography Survey



- X REMOVE TREE
- 4" DRAIN
- DRAINAGE INLET
- SDR 35 PVC PIPE, 4" U.O.N.
- CUT/FILL LINE
- LIMIT OF GRADING
- RETAINING WALL
- DETAIL 3/C-1 ON THIS SHEET
- WALL SUBDRAIN PER DETAIL 8
- DRIVEWAY SUBDRAIN PER DETAIL 4
- SOIL TEST BORING LOCATION

- EXIST SPOT GRADE
- EXIST CONTOUR
- PROPOSED ELEVATION
- PROPOSED CONTOUR ELEVATION
- SLOPE
- BOTTOM OF WALL
- CLEAN OUT
- DOWNSPOUT
- EXISTING
- INVERT ELEVATION
- GRADE BREAK
- MAXIMUM
- MINIMUM
- RIDGE
- RETAINING WALL
- TOP GRADE
- TYPICAL
- UNLESS OTHERWISE NOTED

Revisions
6/11/01
8/20/01
10/22/01
11/16/01

Robert Newlon Design, Inc.
3550 Las Flores Canyon Road, Malibu, CA 90265
(310) 456-8750 fax (310) 456-9009

Grading Plan for:
27540 Pacific Coast Highway
Malibu, CA 90265

Date: 2/12/01*
Scale: 1" = 16'
Sheet: C-3

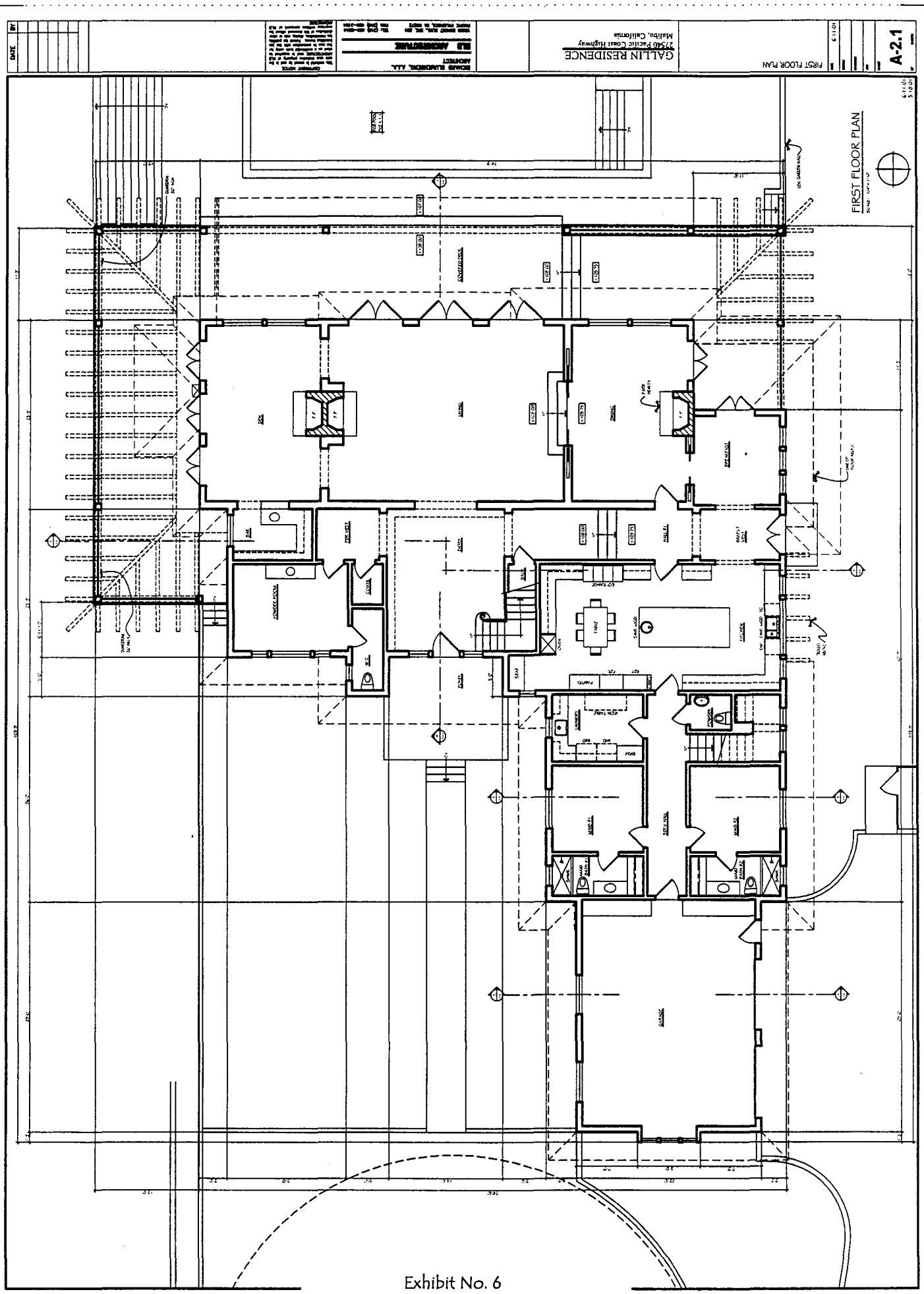


Exhibit No. 6
App. No. 4-01-132
First Floor Plan

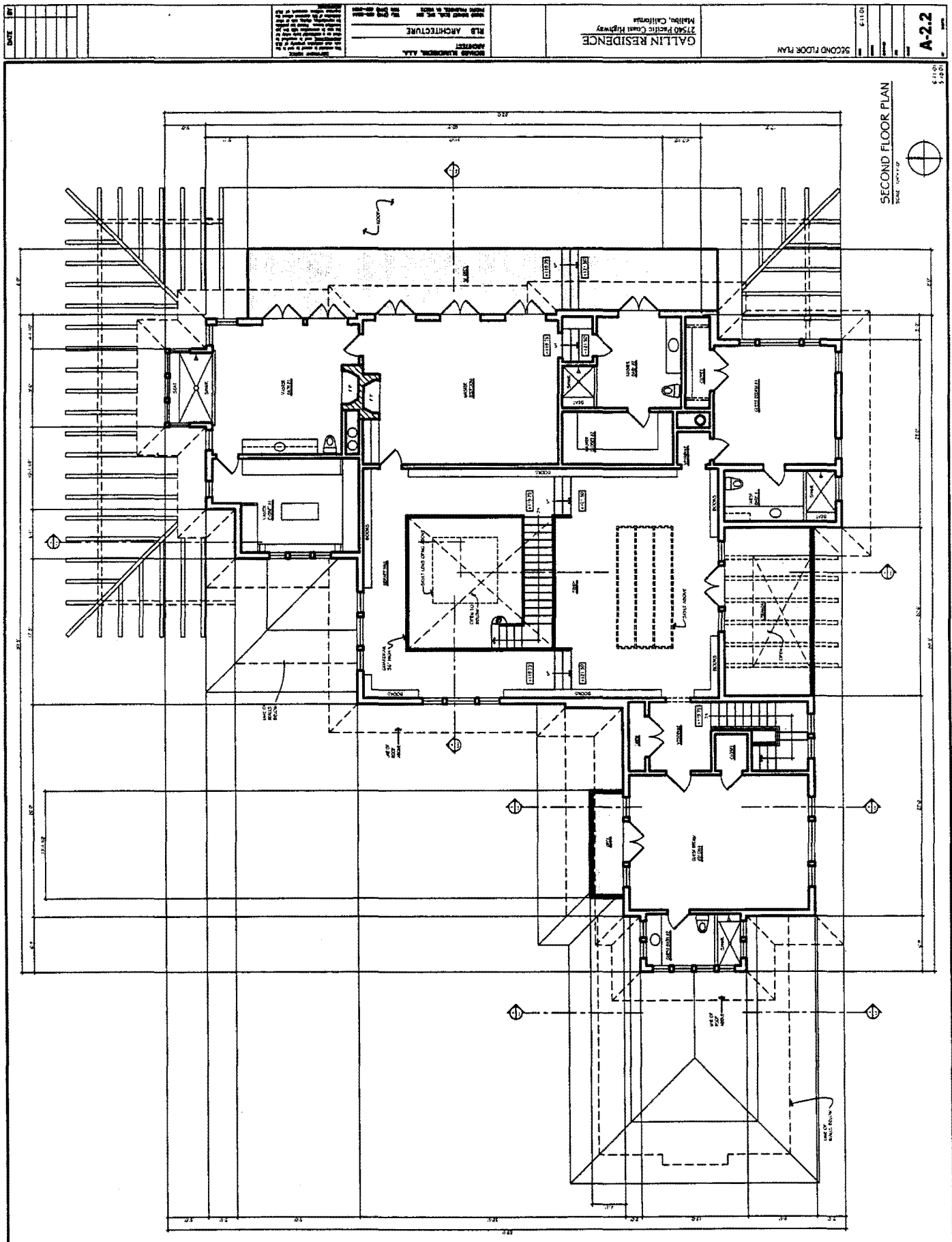
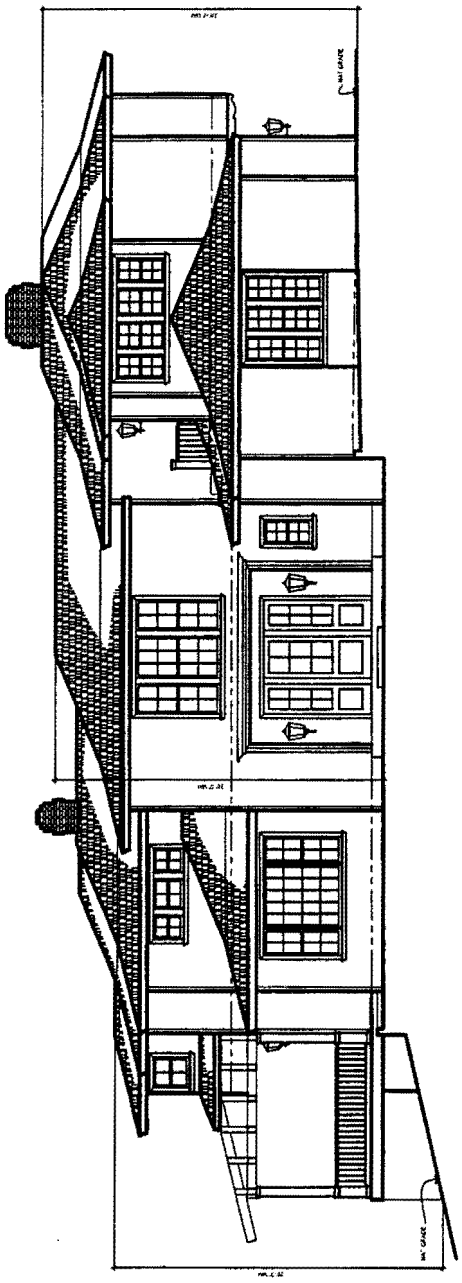
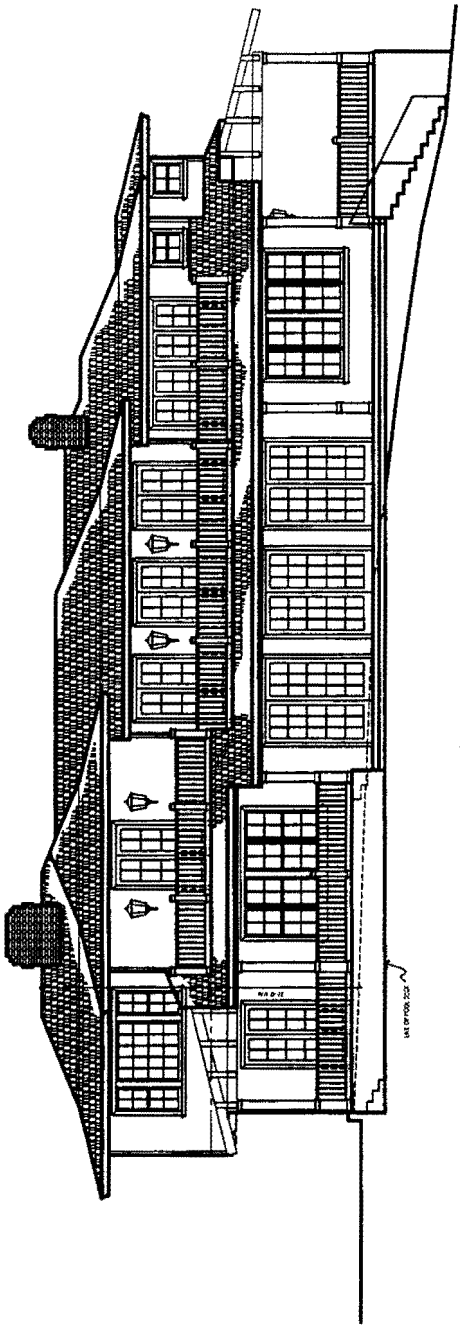


Exhibit No. 7
App. No. 4-01-132
Second Floor Plan

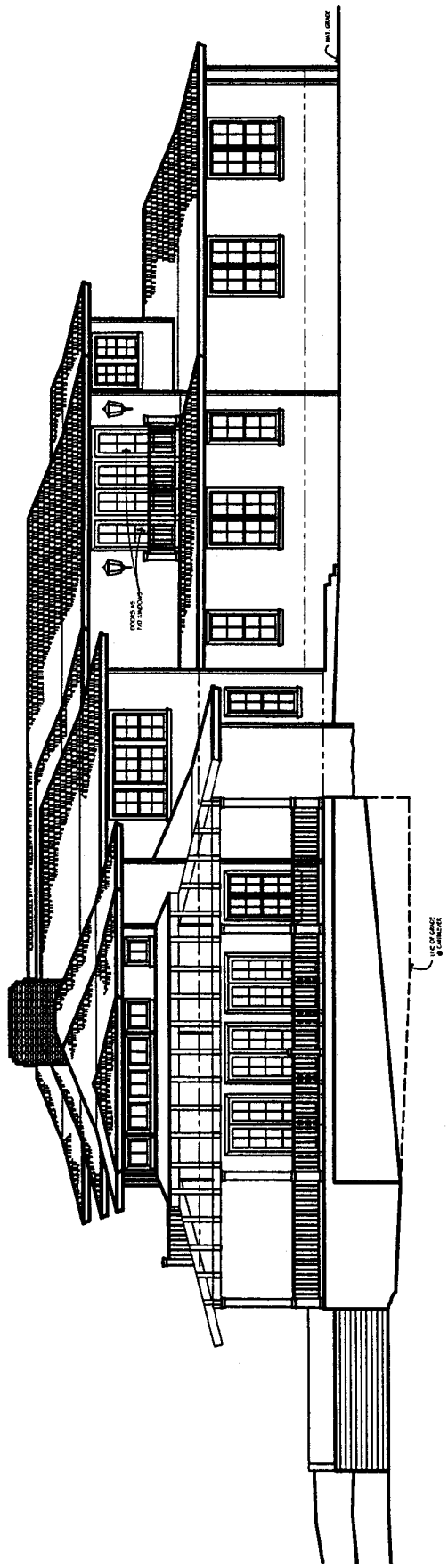


NORTH EXTERIOR ELEVATION

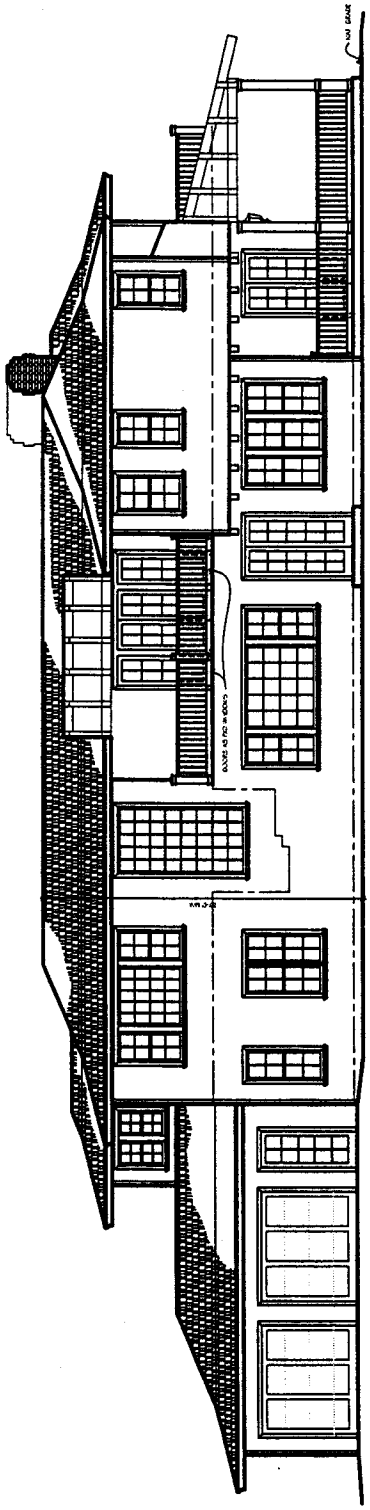


SOUTH EXTERIOR ELEVATION

Exhibit No. 8
App. No. 4-01-132
North & South Elevations

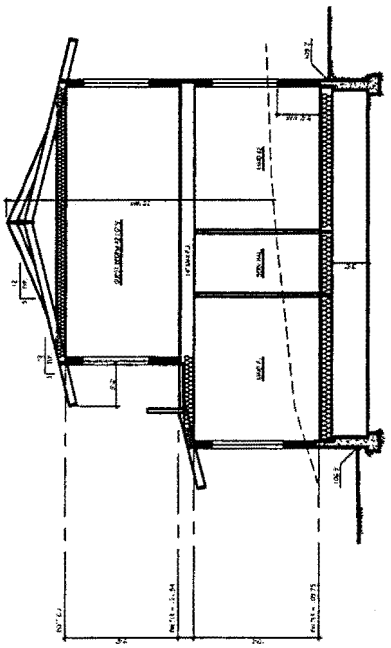


EAST EXTERIOR ELEVATION

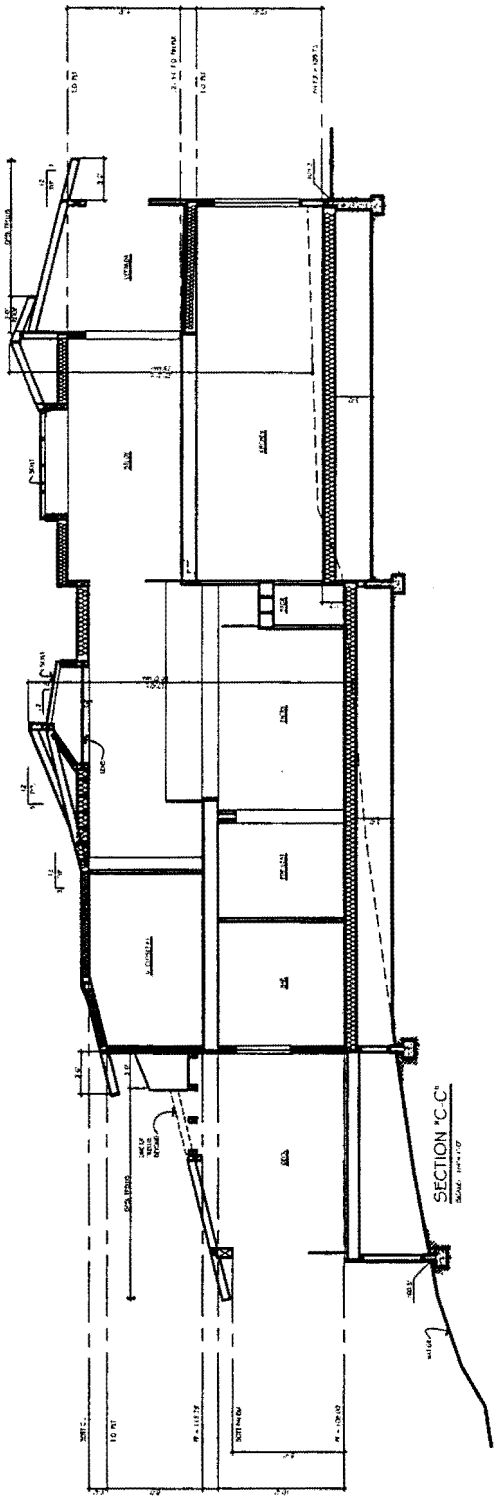


WEST EXTERIOR ELEVATION

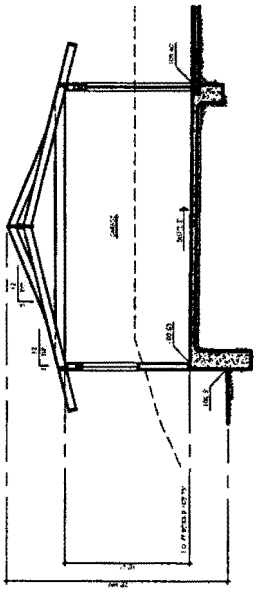
Exhibit No. 9
App. No. 4-01-132
East & West Elevations



SECTION "B-B"



SECTION "C-C"



SECTION "A-A"

Exhibit No. 10
App. No. 4-01-132
Sections of Residence

Exhibit No. 11
App. No. 4-01-132
Section of Residence & Pool

Exhibit No. 12
App. No. 4-01-132
Stringline Analysis

P:\Gallin-11a\Dwgs\Sheets\GMH-A1-1a.

001 05:51:13 PM

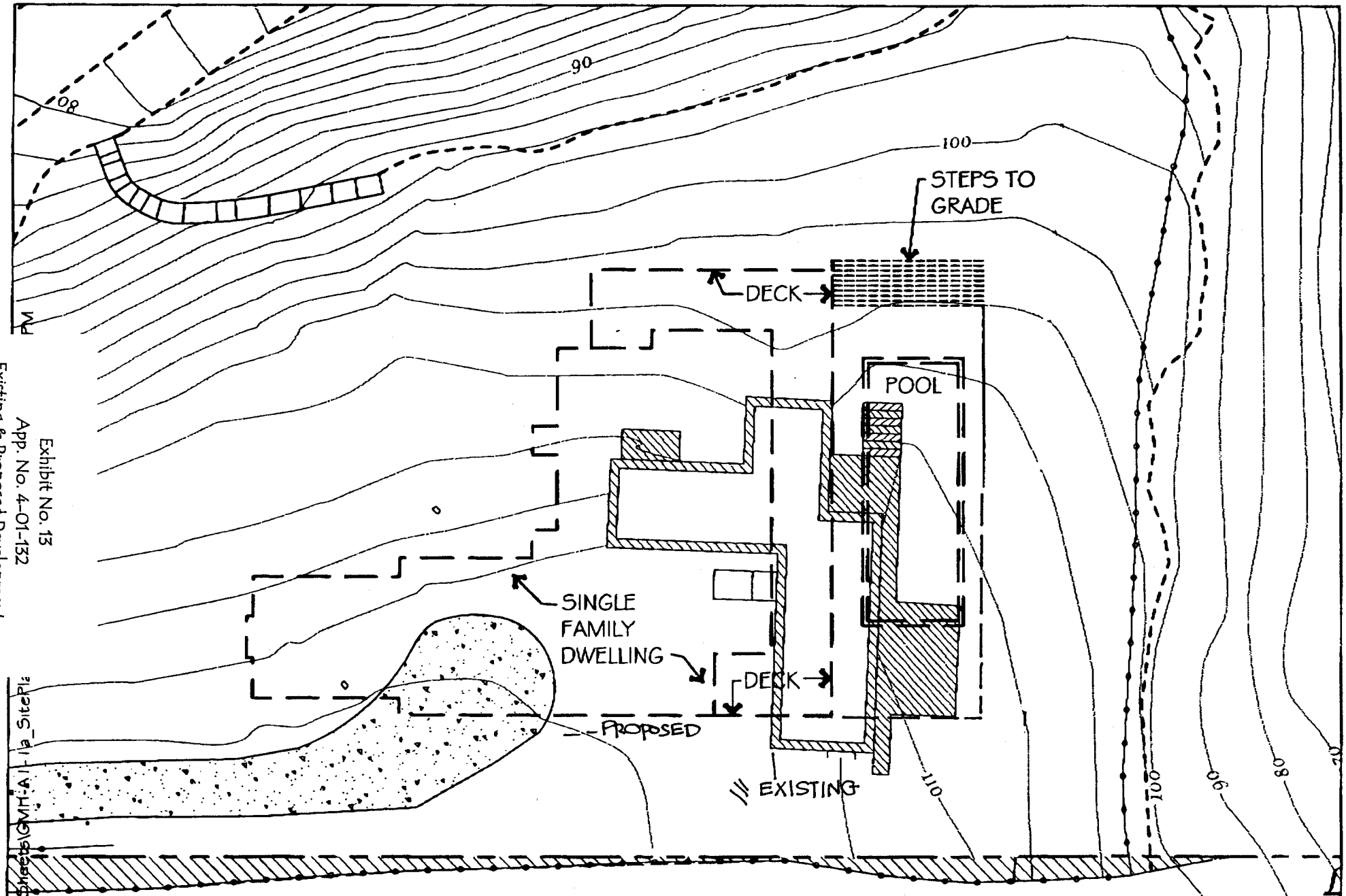


Exhibit No. 13
App. No. 4-01-132
Existing & Proposed Development

P:\Gallin-Ila\Dwgs\Sheets\GMH-A1-1a_SitePl

GALLIN RESIDENCE

27540 Pacific Coast Highway
Malibu, [redacted]ornia

RICHARD BLUMENBERG, A.I.A.
ARCHITECT

RLB ARCHITECTURE

15200 SUNSET BLVD., STE. 201
PACIFIC PALISADES, CA 90272
TEL: (310) [redacted]4
FAX: (310) [redacted]54

SITE PLAN WITH EXISTING STRUCTURES & PROPOSED

SCALE: 1" = 25'-0"

12-5-01

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