

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

Filed: 2/28/96
49th Day: waived
180th Day: 8/26/96
Staff: JCJ/V
Staff Report: 5/20/96
Hearing Date: 6/11-14/96
Commission Action:
7184A



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-014

APPLICANT: James P. and Christine R. Riley

PROJECT LOCATION: 18928 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct 1292 sq. ft. second story addition with 245 sq. ft. of lofts in second story; remodel and add 290 sq. ft. to existing first floor; add stairway to sand below, catwalk and 710 sq. ft. wood deck on grade, add 523 sq. ft. basement below first floor; add 514 sq. ft. of decks to first and second floors, loft level and roof; and side yard privacy screens. Install new pile foundation system embedded into bedrock. Relocate septic tanks. Excavate 290 cubic yards of sand for basement and distribute on site.

Lot Area	2420 sq. ft.
Building Coverage	1640 sq. ft.
Pavement Coverage	190 sq. ft.
Landscape Coverage	32 sq. ft.
Unimproved Coverage	558 sq. ft.
Parking Spaces	2
Zoning	8 - 10 du/acre
Plan Designation	Residential IV B
Project Density	18 du/ acre
Ht abv fin grade	30 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, City of Malibu; In Concept Approval, dated 4/29/96; In-Concept Approval, Environmental Health, City of Malibu, dated 4/29/96; City of Malibu Geology and Geotechnical Engineering Review Sheets, dated 2/2/96 and 4/24/96.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit No. 4-95-142, Sintek; Coastal Permit No. 4-95-215, Haber; Coastal Permit No. 5-88-349, Wimberly, Dworak, Hamilton, and Drane; Coastal Permit No. 5-88-349A, Bergmann.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with four (4) Special Conditions addressing the consulting geologist's recommendations, an applicant's assumption of risk, a wildfire waiver of liability, and construction responsibilities and debris removal. The project geologist has determined that the site is suitable for the proposed project and it is adequately protected from hazards. The proposed additions conforms to the stringline between adjacent properties; a portion of the existing first floor to be retained is located beyond (seaward of) the stringline and is considered a non-conforming building setback as to the stringline. A shoreline protective device exists on site. As such, the project will have no impact on public access or scenic and visual resources.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. 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.

III. SPECIAL CONDITIONS:

1. PLANS CONFORMING TO GEOLOGIC RECOMMENDATIONS

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans. All recommendations contained in the "Soils and Engineering Geologic Investigation for Proposed Additions to the Residence at 18928 Pacific Coast Highway, Malibu, California", dated January 16, 1996 and "Basement Addition", dated April 5, 1996 including site preparation, foundation design, retaining wall design, temporary excavations, surface drainage control, and sewage disposal system must be incorporated into the final plans. All final design and foundation plans must be reviewed and approved by the geologic consultant.

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.

2. ASSUMPTION OF RISK

Prior to issuance of permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from storm waves, wave runup, erosion, and flooding, and the applicant agrees to assume the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the Commission, and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage or destruction due to natural hazards.

The document shall run with the land, binding all successors and assigns, and shall be recorded free from prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

3. WILDFIRE WAIVER OF LIABILITY

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

4. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The applicant shall, by accepting this permit, agree and ensure that the project contractor: (a) not store any construction materials or waste where it may be subject to wave erosion and dispersion; (b) not allow any machinery on the sandy beach or in the intertidal zone at any time; and (c) remove promptly from the beach any and all debris that results from the construction activities.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to remodel and construct additions to an existing 1,380 sq. ft. one story single family residence with a two car garage. The additions consist of 290 sq. ft. to the existing first floor, first floor deck of 71 sq. ft., a stairway to the sand below, catwalk and 710 sq. ft. wood deck on grade, a new 523 sq. ft. basement under the first story, a new 1,292 sq. ft. second floor addition with a 245 sq. ft. of loft areas in the second story, a new 57 sq. ft. deck on the second floor, new 169 sq. ft. loft level deck, new 217 sq. ft. roof deck, and privacy screens along side yards. Regarding the existing residence, about 15% of the existing exterior walls will be demolished. The applicant proposes to install a new pile foundation embedded in bedrock. The proposed grading consists of excavating about 290 cubic yards of sand for the construction of the basement. Excess sand will remain on site and spread under the residence landward of the existing wooden bulkhead.

The residence is located along the seaward side of Pacific Coast Highway between Tuna Canyon Road and Topanga Canyon Boulevard, opposite the area known as Caltrans' Tuna Canyon Slide. The applicant's property is a 2,420 sq. ft. lot located on the sandy beach between Pacific Coast Highway and the mean high tide. An existing wooden bulkhead, constructed in 1988 (Coastal Permit 5-88-349), protects 4 residences (18918, 18922, 18926, and the subject property, 18928 Pacific Coast Highway). The Commission approved an amendment (Coastal Permit 5-88-349A) in 1993 to extend the bulkhead to protect one additional property at 18930 Pacific Coast Highway. Exhibits 1 and 2 locate the project site. Exhibits 3 - 14 include the site plans, floor plans, elevations, and sections.

The project site is designated in the certified Los Angeles County Local Coastal Plan as Residential IV B which allows eight to ten dwelling units per acre. The City of Malibu Interim Zoning Ordinance designates the site as Single Family Residential with a minimum lot size of 0.25 acres, or four dwelling units per acre. The proposed project is non-conforming as it exceeds these allowable densities at eighteen (18) dwelling units per acre. In addition, the project site is not located in any designated environmentally sensitive habitat area within the Malibu area.

B. Public Access, Seaward Encroachment and Scenic and Visual Quality

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

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

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

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

Further, 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.

All beachfront projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. The major access issue in such permits is the occupation of sand area by a structure, in contradiction of Coastal Act policies 30210, 30211, and 30212.

However, a conclusion that access may be mandated does not end the Commission's review. As noted, Section 30210 imposes a duty on the Commission to administer the public access policies of the Coastal Act in a manner that is "consistent with ... the need to protect ... rights of private property owners ..." The need to carefully review the potential impacts of a project when considering imposition of public access conditions was emphasized by the U. S. Supreme Court's decision in the case of Nollan vs. California Coastal Commission. In that case, the court ruled that the Commission may legitimately require a lateral access easement where the proposed development has either individual or cumulative impacts which substantially impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate these impacts.

The Commission's experience in reviewing shoreline residential projects in Malibu indicates that individual and cumulative impacts on access of such projects raises the following issues, among others: potential encroachment on lands subject to the public trusts and thereby physically excluding the public; interference with natural shoreline processes which are 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 thereby causing adverse impacts on public access such as above.

In the case of the proposed project, the remodel of the existing 1380 sq. ft. residence and garage, the addition of 2,350 new sq. ft. of interior space, the addition of 1224 sq. ft. of deck space, the demolition of about 15 % of existing exterior walls, a new stairway to the sand and catwalk, new privacy screens, and a new pile foundation system, does constitute new development under the Coastal Act. According to the Commission's access records, there is an existing Irrevocable Offer to Dedicate Public Access Easement recorded on the applicant's property on April 10, 1989. The easement is described as "... from the mean high tide line to the seaward face of the approved bulkhead. The area ten feet seaward of the seaward edge of the existing decks shall be identified as a privacy buffer and this area 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."

Although the proposed project site is located on the sandy beach, all of the proposed development is located on the landward portion of the parcel (landward of the existing bulkhead) including the first floor deck and catwalk/stairway to the sandy beach, which is about 48 feet landward of the bulkhead. Further, the applicant does not propose any modifications to the shoreline protective device, bulkhead, which could interfere with coastal processes. As such, the proposed project will have no individual or cumulative impacts on public access, nor will it affect the existing recorded offer to dedicate lateral access on the sandy beach seaward of the residence.

In addition, as a means of controlling seaward encroachment of residential structures on a beach to ensure maximum access, protect public views and minimize wave hazards as required by Coastal Act Sections 30210, 30211, 30251 and 30253, the Commission has developed the "stringline" policy to control the seaward extent of buildout in past permit actions. As applied to beachfront development, the stringline limits extension of a structure to a line drawn between the nearest corners of adjacent structures and limits decks to a similar line drawn between the nearest corners of adjacent structures and decks.

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

The applicants have submitted a plan with a stringline connecting the existing residences on either side of the project site. The plan indicates that a portion of the existing first floor building extends beyond the stringline with the adjacent buildings. The first floor walls will be retained in the proposed project and therefore is considered an existing non-conforming building setback for a portion of the residence with respect to the stringline. (Exhibit 3 and 5) The proposed second floor, new development, will be setback and meet the building stringline. (Exhibit 7) The plans clearly indicate that all of the proposed project structure and decks will be adequately setback from the respective stringlines with the exception of the existing first floor, which is an existing non-conforming building setback. Because the first floor building exists and will be incorporated into the proposed project, and not removed, it meets the Commission's stringline precedents. The existing first floor deck conforms to the deck stringline.

Therefore, the Commission finds that the proposed project does conform to this setback. As proposed the additions to this project will not extend new development further seaward than adjacent development, minimizing potential impacts to public access opportunities, public views and the scenic quality along the sandy beach.

And lastly, the Commission reviews the publicly accessible locations along adjacent public roads and the sandy beach where the proposed development is visible to assess visual impacts to the public. The Commission examines the building site and the size of the building. The existing residence and solid wall along Pacific Coast Highway already blocks public views from the highway to the beach and ocean. Although the proposed second floor addition and remodel may be visible from the public sandy beach, however, the existing residence blocks inland views from the beach. Moreover, the more scenic inland views of the Santa Monica Mountains as viewed from the water are well above the proposed development. Thus, the proposed addition and remodel will not adversely affect existing public views.

For all of these reasons, the Commission finds that the project would have no individual or cumulative adverse impacts on public access, nor will it adversely affect scenic and visual quality. Therefore, the Commission finds that a condition to require lateral public access is not appropriate (lateral access is already dedicated) and that the project, as proposed, is consistent with Coastal Act Sections 30210, 30211, 30212, and 30251.

C. Geologic and Fire Hazards

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 risks to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. The proposed development is located in the Malibu area, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, flooding and storm waves. 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. Fires in the Malibu area have burned all the way to the sea, so even beach front homes are not immune to the risk of wildfire. Further, oceanfront sites are also subject to flooding and erosion from storm waves.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. The Coastal Act recognizes that new development, such as the proposed project, may involve some risk. Coastal Act policies also require the Commission to establish the appropriate degree of acceptable risk for the proposed development and to determine who should assume the risk.

The proposed project is located along Las Tunas Beach which is a narrow and critically eroding beach as identified by the Department of Navigation and Ocean Development. This beach is particularly vulnerable to storms from the south. The beach was artificially extended seaward at the turn of the century with groins that have subsequently failed. Numerous beachfront homes were constructed on the sand, using the artificially build up beach for protection. As the rock and metal sheathing groins have failed, the mean high tide has moved closer to the houses, such that Las Tunas Beach is a wet sand beach except during the summer. The State Lands Commission, in a letter dated June 10, 1988, determined that the existing bulkhead is landward of the surveyed mean high tide line known at that time. Therefore, along Las Tunas Beach, the houses were constructed in locations dependent on shoreline structures and an artificial beach which have washed away.

On adjoining properties at 18918 and 18922 Pacific Coast Highway, existing bulkheads were washed away in early 1988. The Commission approved the construction of a wooden bulkhead protecting this and four other houses in 1988 and 1993. (Coastal Permits 5-88-349 and 5-88-349A)

Regarding the geologic hazard, the applicant submitted a geologic report titled: "Soils And Engineering Geologic Investigation For Proposed Additions To The Residence At 18928 Pacific Coast Highway Malibu, California", dated 1-16-96, by GeoSystems. The geology report addresses the offsite geology issue by noting that north of the property, across Pacific Coast Highway, the ascending slope has been subject to surficial landsliding resulting in slide debris accumulation on Pacific Coast Highway. Past slide debris has never affected residences on the southside of Pacific Coast Highway in the vicinity of the subject site. In recent years, this slope was regraded by Caltrans; benchdrains and hydraugers were installed to improve slope stability. The report states:

The toe of this slope is separated, from the site by approximately 100-feet of paved highway which is considered sufficient to intercept any slumping and rockfalls that may occur on the slope. Due to the width of Pacific Coast Highway in this area, the proposed additions are not expected to be affected by rockfall or sliding due to the slope across the street.

This report addresses the site geology issues by stating:

Based on the findings of our investigation, the site is considered to be suitable from a soils and engineering geologic standpoint for construction of the proposed additions provided the recommendations included herein are followed and integrated into the building plans.

In order to provide uniform support for the proposed additions and avoid potential problems due to liquifaction we recommend that the proposed additions be supported on a new friction pile foundation system embedded in competent bedrock. It may also be desirable to underpin the existing residence to avoid potential problems as a result of future settlement of the existing structures.

It is the finding of this firm that the proposed addition will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.

The applicant submitted an updated report titled "Basement Addition, 18928 Pacific Coast Highway, Malibu, California", dated April 5, 1996, which states:

Presently, it is proposed to construct a basement in the under-floor area below the northern portion of the existing residence. The basement is to be notched into the artificial fill and beach sand present under the existing residence.

Based on the findings of our referenced investigation it is our finding that the proposed basement if feasible from a geotechnical and engineering geologic standpoint provided that all basement foundations are supported on the underlying bedrock as recommended in our report dated March 11, 1996. All foundation, retaining wall and temporary excavation recommendation remain applicable to the proposed basement.

It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.

Therefore, the applicant's consultant determined that the proposed project site is suitable from a soils and engineering geologic standpoint for construction of the proposed residential remodel and addition development, provided their recommendations are followed. Condition number one (1) provides for final review and approval by the consulting geologist of the final project design and foundation plans for the project prior to the issuance of the permit.

Even though the consultant has determined that the project site will be free of geologic hazards, the Commission cannot absolutely acknowledge that the proposed residential development will be safe during all future storms or be constructed in a structurally sound manner and be properly maintained to eliminate any potential risk to the beach going public. The Commission acknowledges that many of the oceanfront parcels in Malibu such as the subject property are susceptible to flooding and wave damage from waves and storm conditions. Past occurrences have resulted in public costs (through low interest loans) in the millions of dollars in the Malibu area alone. Storms during the winter of 1982-83 caused over six million dollars in damage to private property in Los Angeles County and severely damaged existing bulkheads, patios, decks, and windows along the Malibu coastline, including this project site.

The applicant may decide that the economic benefits of development outweigh the risk of harm that may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the proposed project located on a beach front lot subject to tidal influence, is in an area subject to extraordinary potential for damage or destruction from storm waves, wave runup, erosion, and flooding. The Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the natural hazards that exist on this beachfront site that may affect the stability of the proposed development. The Commission imposed an assumption of risk condition on coastal permit 5-88-349, signed and recorded by the previous property owner, Kelly Wimberly, on this property. This assumption of risk applies to the existing bulkhead permitted by the Commission at that time. Condition number two (2) requires the applicant to assume these risks of the proposed residential development from

storm waves, wave runup, erosion, and flooding hazards by waiving all Commission liability.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number three (3).

Lastly, as noted above, the project involves some demolition and construction on a beachfront lot subject to tidal influence. Construction equipment, materials and demolition debris could pose a significant hazard if used or stored where subject to wave contact or situated in a manner that a hazard is created for beach users. Therefore, the Commission finds it necessary to impose condition number four (4) requiring construction responsibilities and debris removal. This condition will ensure that the construction of the proposed project will minimize risks to life and property in this public beach area which is subject to wave hazards.

The Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist, an applicant's assumption of risk, a waiver of wildfire liability, and a construction responsibilities and debris removal will the proposed project be consistent with Section 30253 of the Coastal Act.

D. Septic System

The Coastal Act includes policies to provide for adequate infrastructure including waste disposal 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, and minimizing alteration of natural streams.

Section 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes continuing to use the existing septic tank and drain field connecting it to the remodelled residence. The applicant has submitted an Approval In Concept for the sewage disposal system from the Environmental Health, City of Malibu. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu Uniform Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely

impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with 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 development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate all recommendations by the applicant's consulting geologist, an applicant's assumption of risk, a wild fire waiver of liability, and a construction responsibilities and debris removal condition. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

A B C D E F G H I J K L M N O

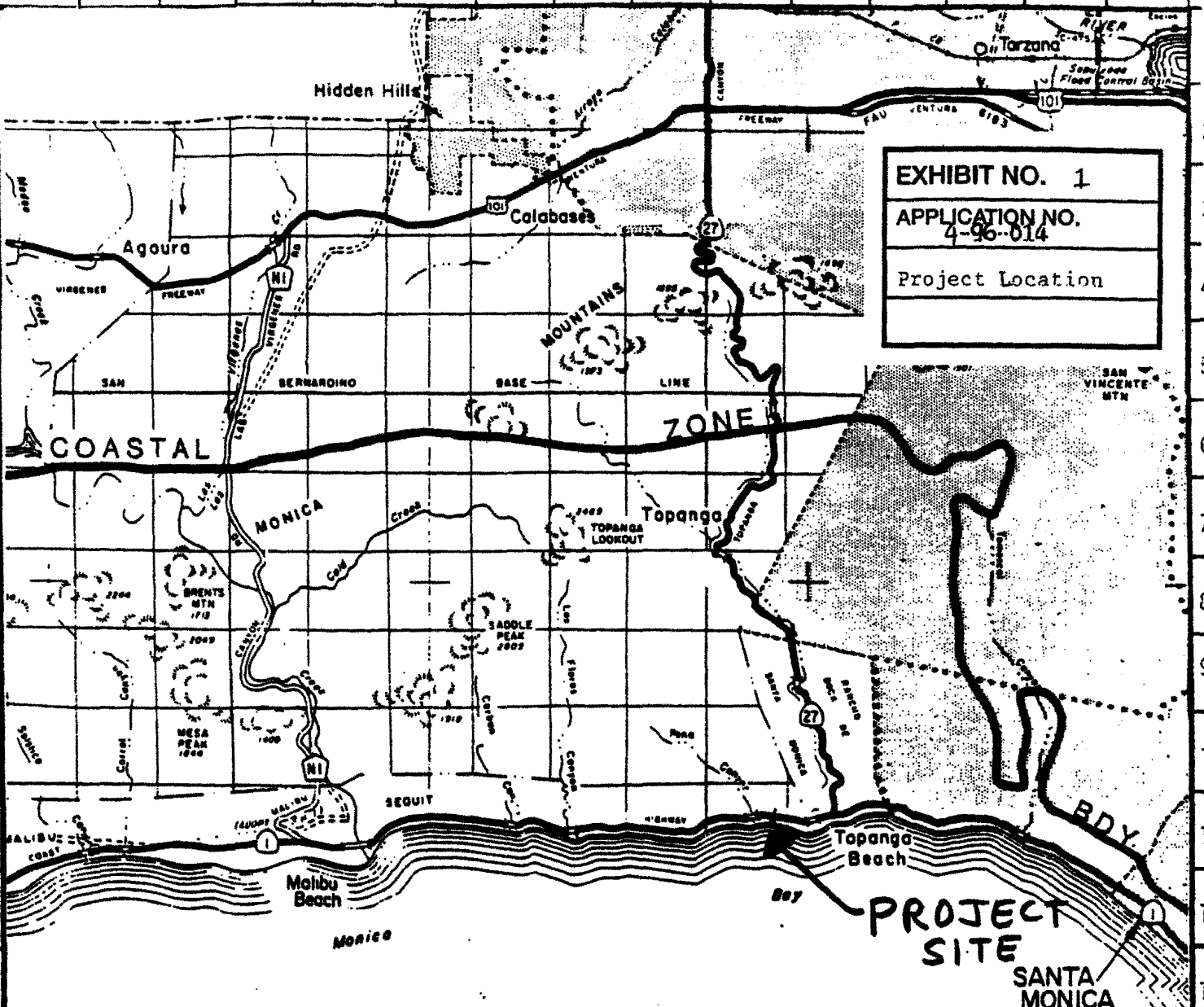
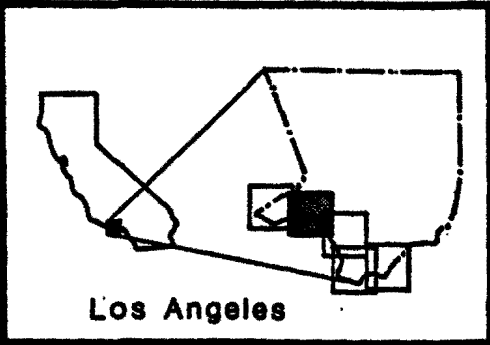


EXHIBIT NO. 1
APPLICATION NO. 4-96-014
Project Location

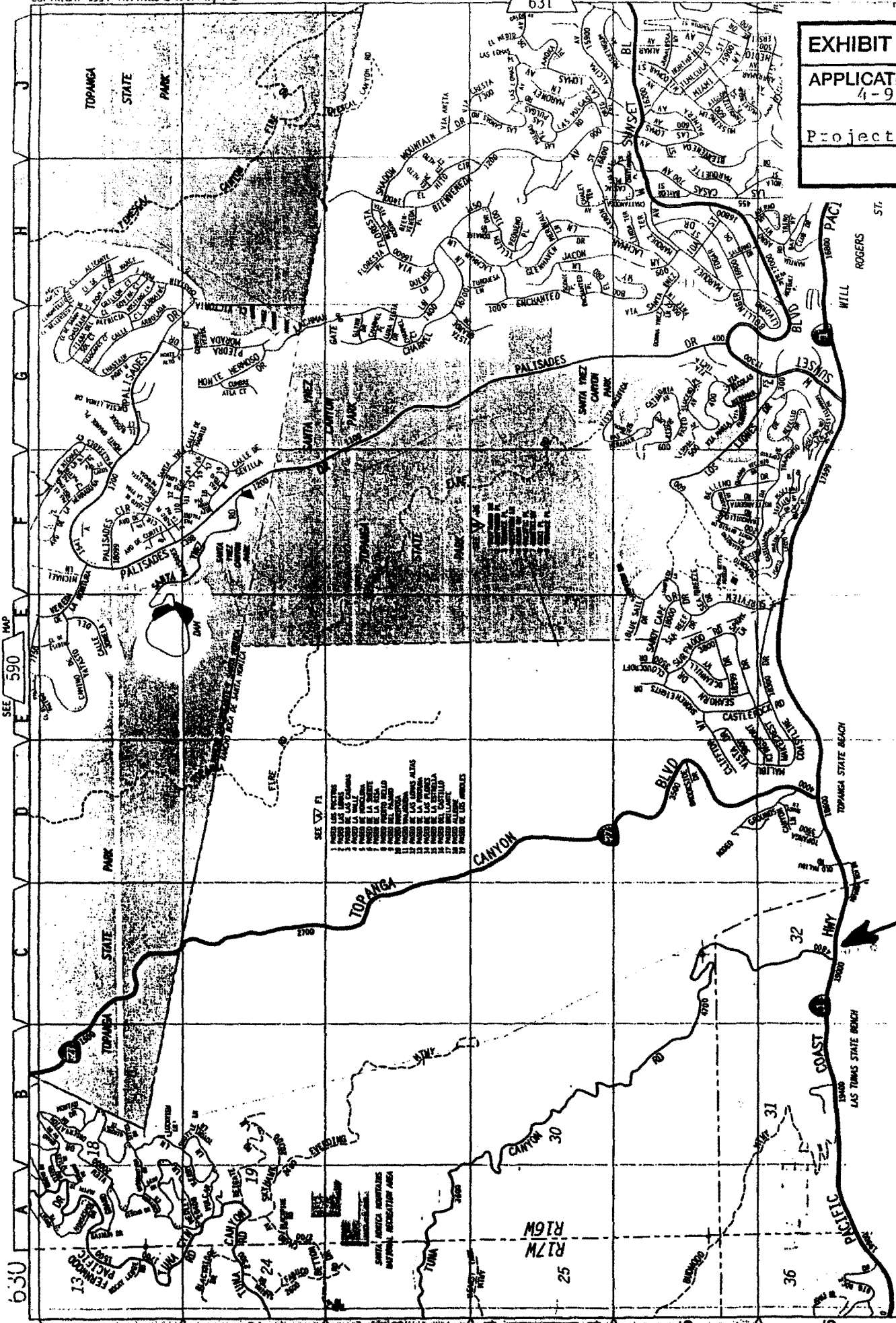


California Coastal Commission

LOCATION MAP



EXHIBIT NO. 2
APPLICATION NO. 4-96-014
Project Location



18728 PACIFIC COAST HWY.
SUBJECT PROPERTY

VICINITY MAP

SEE 590 MAP

630

SEE 629 MAP

SEE 631 MAP

630

beach side

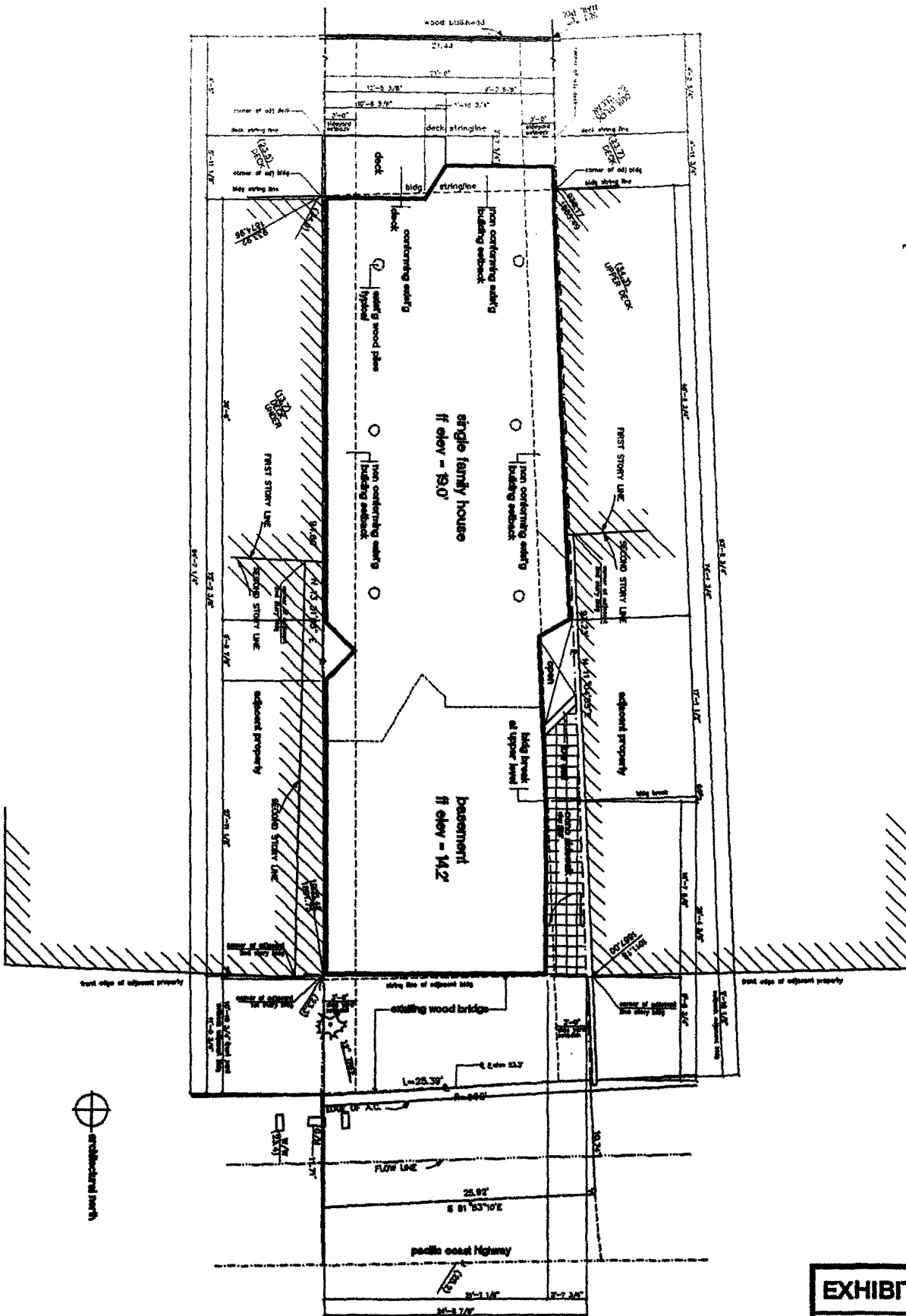


EXHIBIT NO. 3
 APPLICATION NO. 4-96-014
 Site Plan

riley residence
 18928 pacific coast hwy
 malibu, california

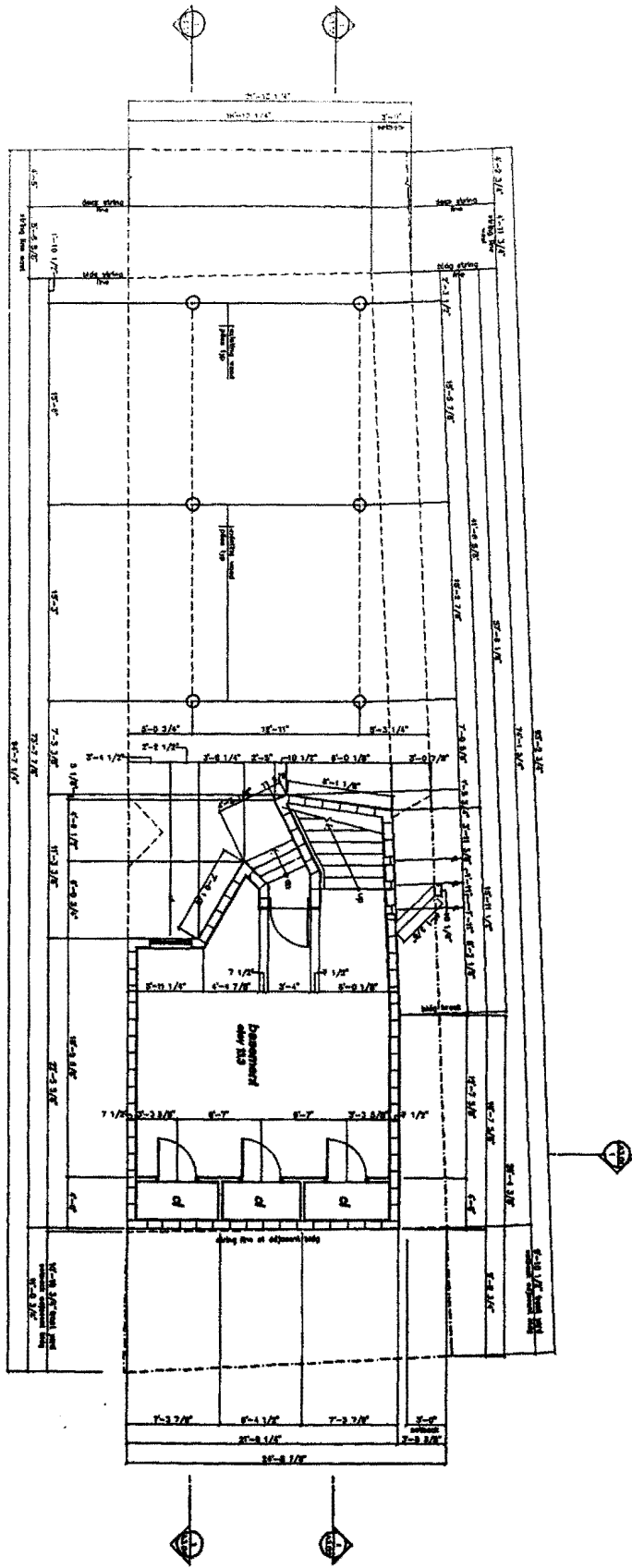
site plan 1

A101

DATE: 10/15/96
 DRAWN BY: J. RILEY
 CHECKED BY: J. RILEY
 SCALE: AS SHOWN



THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER OR FOR THE RESULTS OF ANY INVESTIGATION OR CONSTRUCTION OF THE PROJECT.



Basement floor plan 1

A201

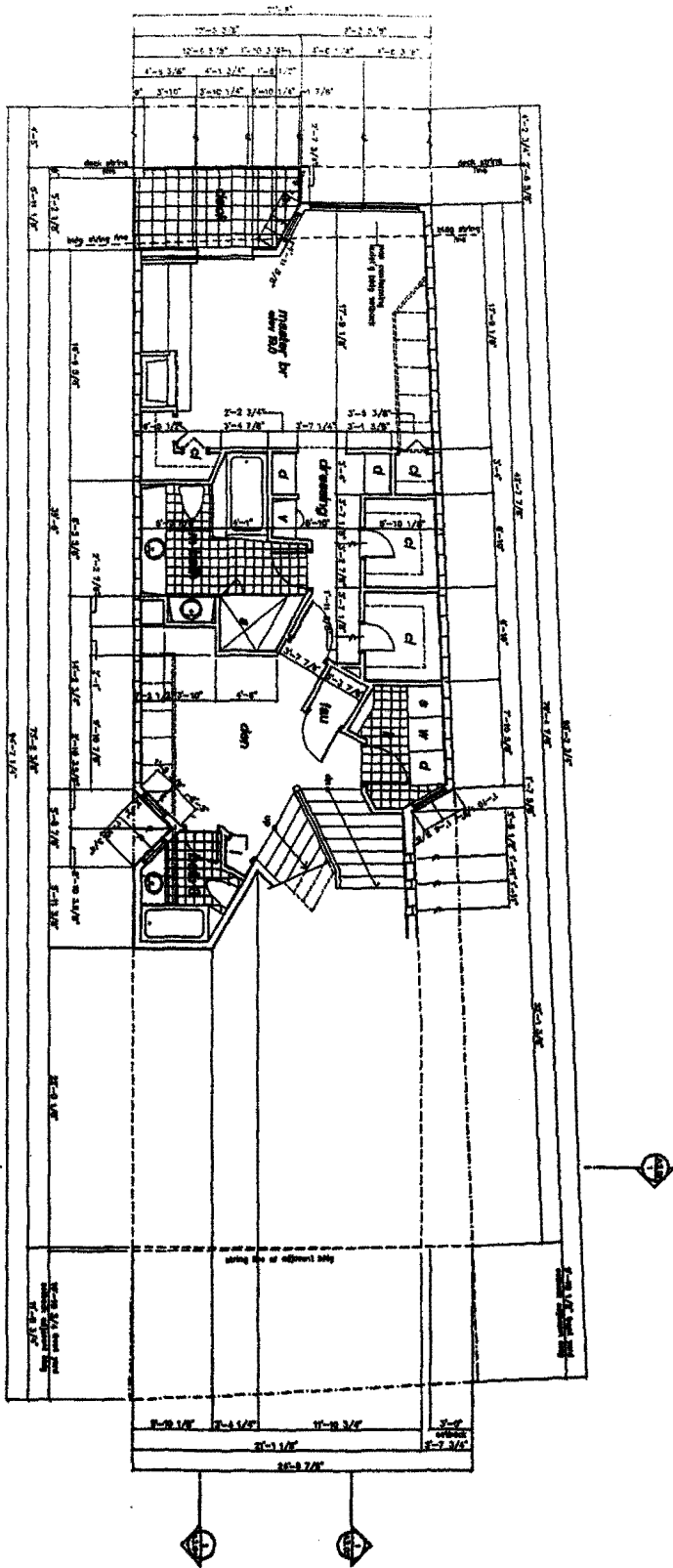
riley residence
 18928 pacific coast hwy
 malibu, california

MARK FINE ARCHITECTS
 10000 WILSON BLVD
 SUITE 1000
 LOS ANGELES, CALIFORNIA 90024
 TEL: 310-206-1111
 FAX: 310-206-1112



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EXHIBIT NO. 4
APPLICATION NO. 4-96-014
Basement Floor Plan



First floor plan 1

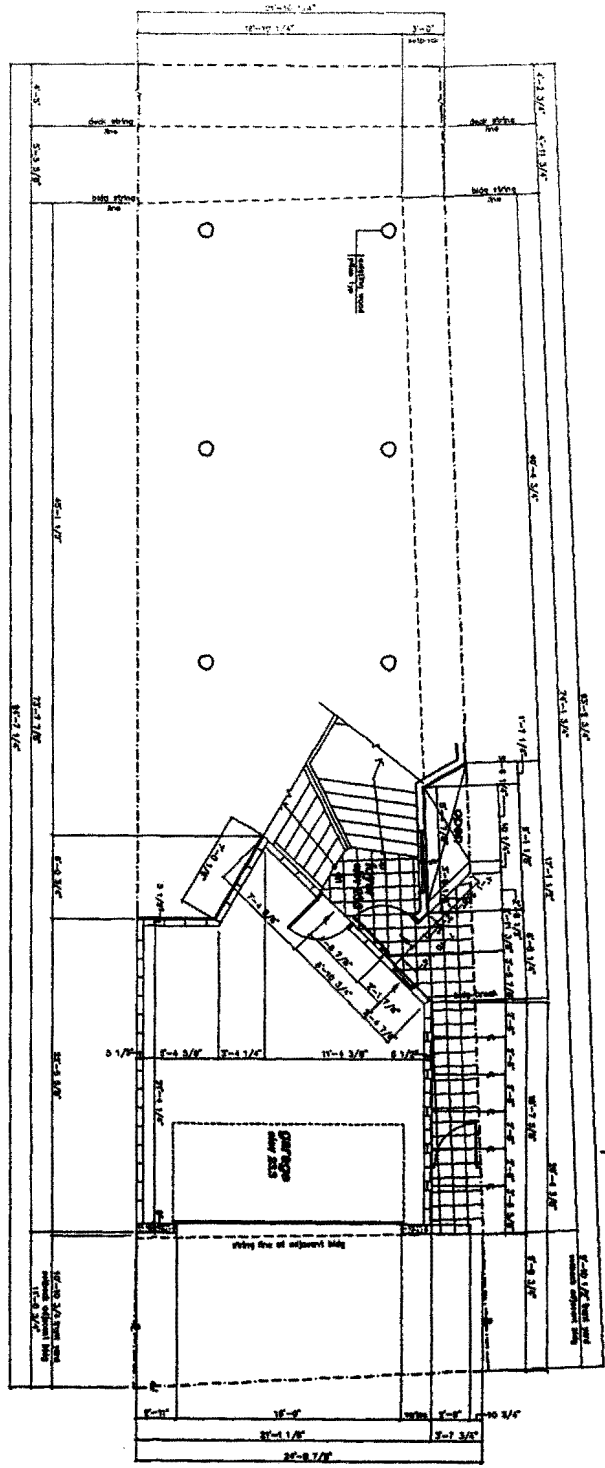
A202

riley residence
18928 pacific coast hwy
malibu, california

DATE: 10/10/88
DRAWN: J. P. [unclear]
CHECKED: [unclear]
SCALE: AS SHOWN
PROJECT: 452-202-202

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EXHIBIT NO. 5
APPLICATION NO. 4-96-014
First Floor
Plan



garage/entrance floor plan 1

riley residence
 18928 pacific coast hwy
 malibu, california

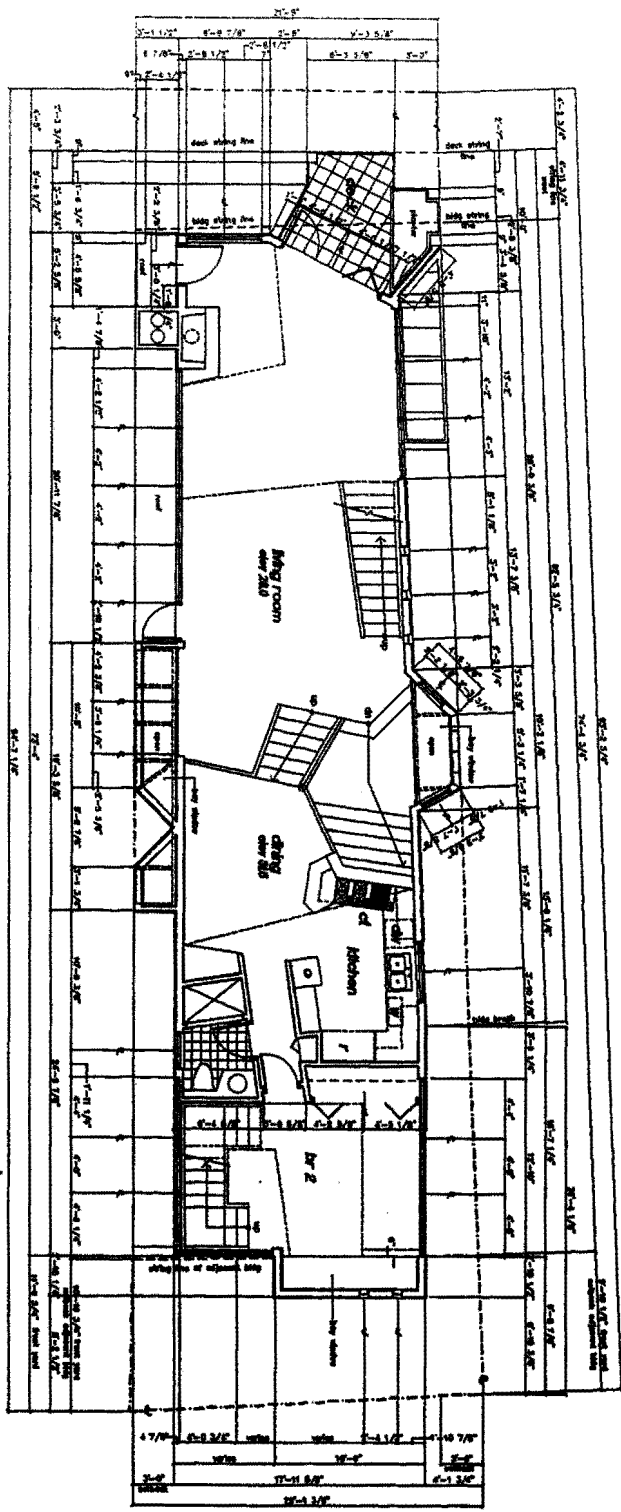
DATE: 10/10/04
 PROJECT: RILEY RESIDENCE
 DRAWING: GARAGE/ENTRANCE FLOOR PLAN
 DESIGNER: JAMES R. HANCOCK
 ARCHITECT: HANCOCK ARCHITECTS
 1000 WILSON AVENUE, SUITE 100
 BERKELEY, CALIFORNIA 94702
 TEL: 415.841.1111 FAX: 415.841.1112
 WWW.HANCOCKARCHITECTS.COM



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EXHIBIT NO. 6
APPLICATION NO. 4-96-014
Garage/Entrance Floor Plan

A203
 10/10/04
 JRH



second floor plan

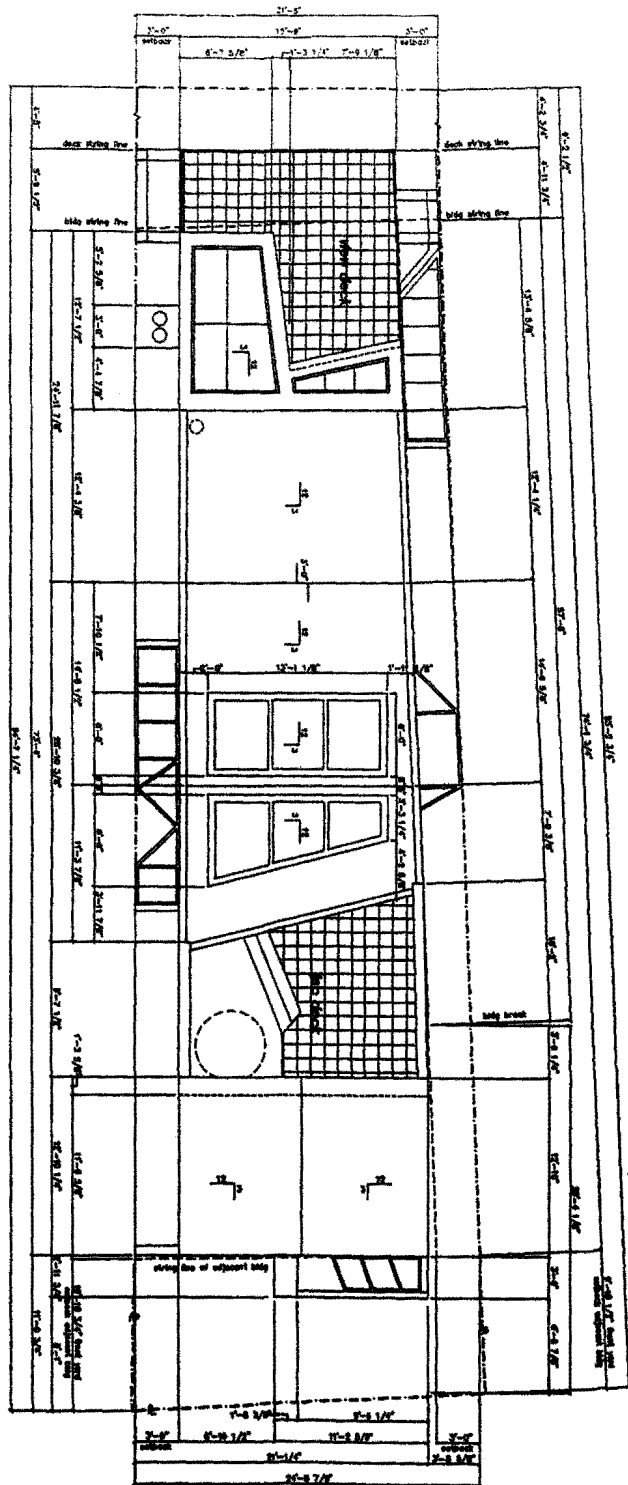
A204

riley residence
 18928 pacific coast hwy
 malibu, california



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EXHIBIT NO. 7
APPLICATION NO. 4-96-041
Second Floor Plan



roof plan 1

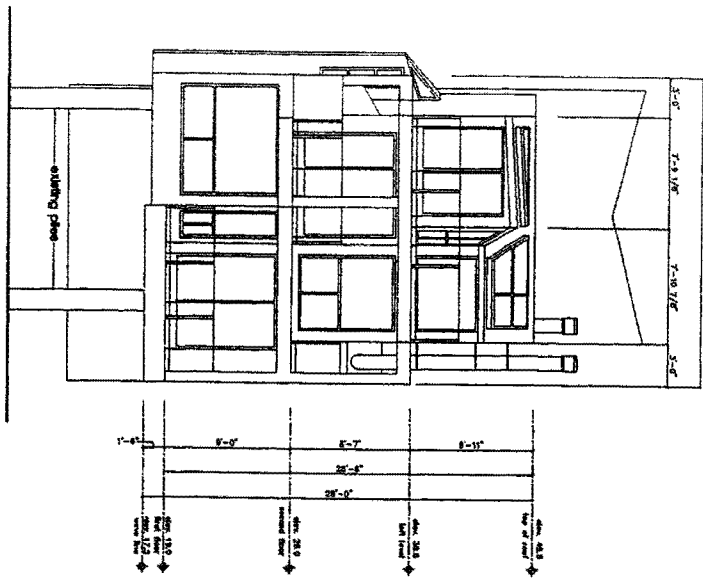
riley residence
18928 pacific coast hwy
malibu, california



DATE: 11-1-78
PROJECT: RILEY RESIDENCE
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
SCALE: AS SHOWN
SHEET NO. 1 OF 1

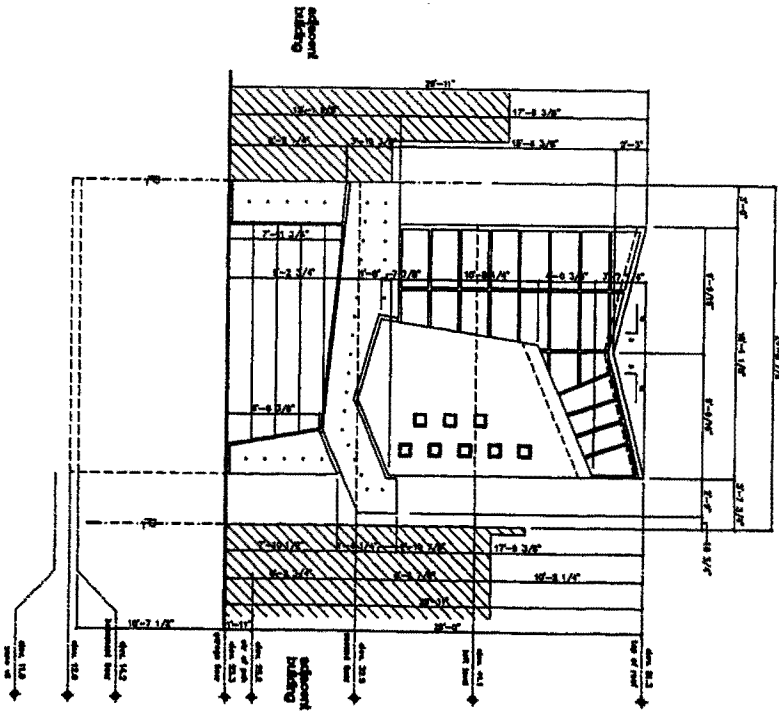
EXHIBIT NO. 9
APPLICATION NO. 4-96-014
Roof Plan

A206



South elevation

2



North elevation

1

riley residence
 18928 pacific coast hwy
 malibu, california

MARK PERRY ARCHITECTS
 10000 WILSON BLVD
 SUITE 100
 BEVERLY HILLS, CALIFORNIA 90210
 TEL: 310-206-1100
 FAX: 310-206-1101



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EXHIBIT NO. 10
 APPLICATION NO.
 4-96-014
 North Elevation

A301
 1/4" = 1'-0"
 1/8" = 1'-0"
 1/16" = 1'-0"

east elevation 1

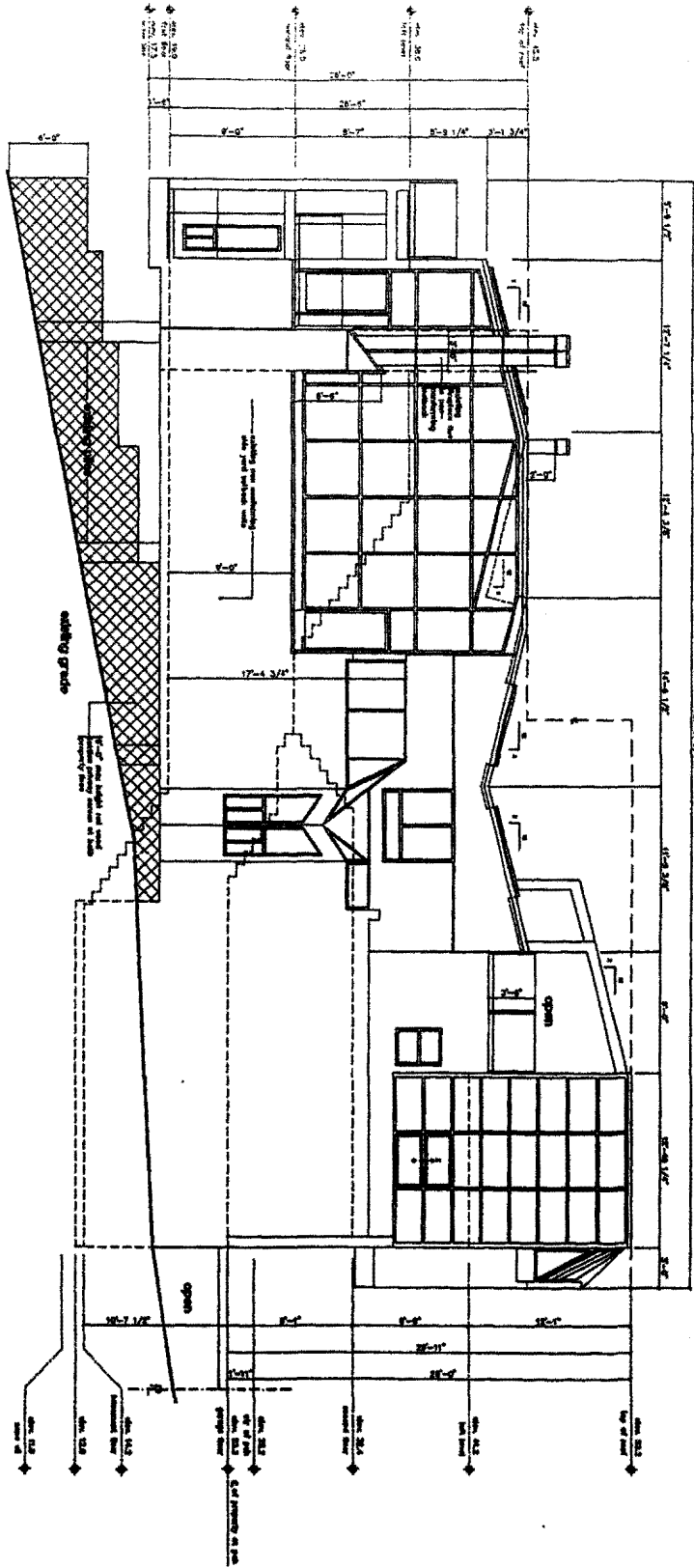


EXHIBIT NO. 11
APPLICATION NO. 4-96-014
East Elevation

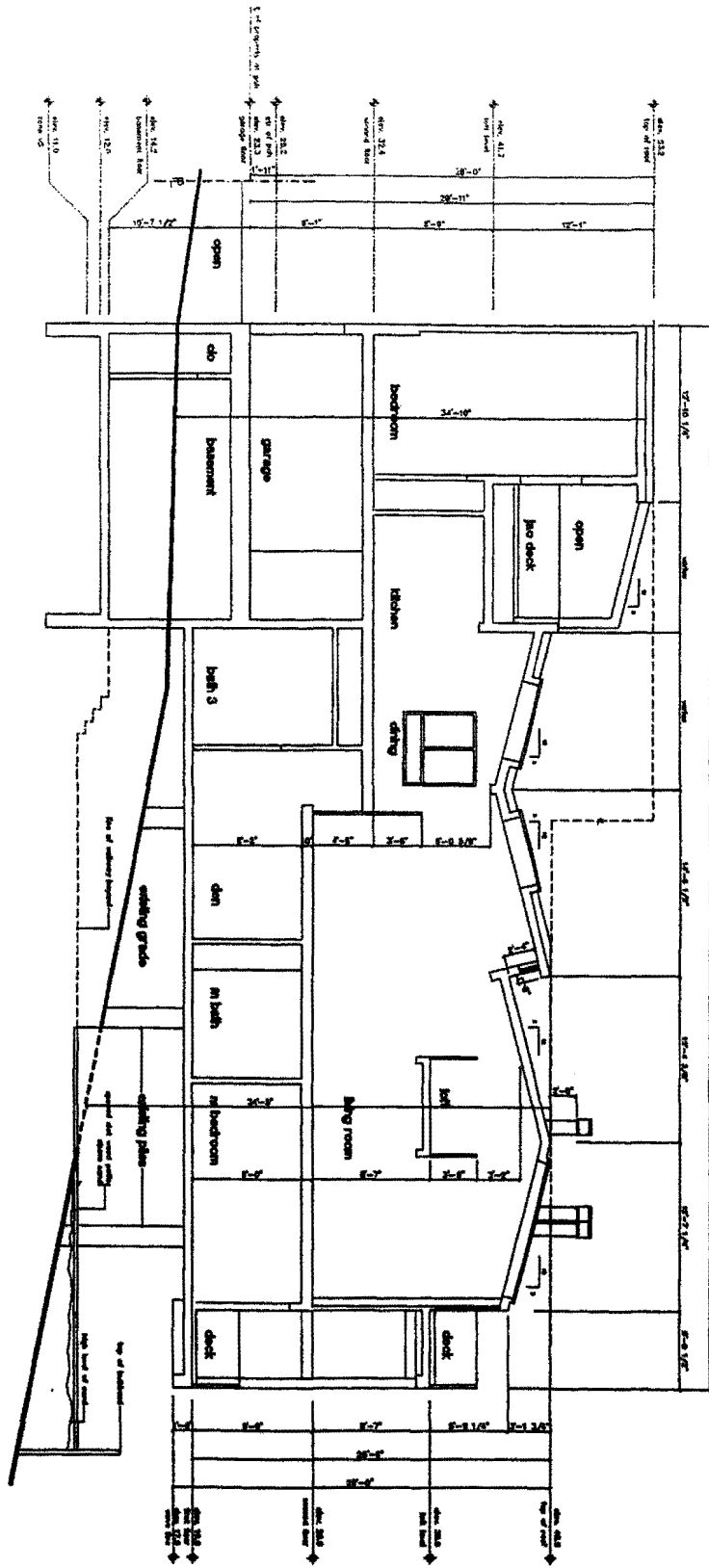
riley residence
 18928 pacific coast hwy
 malibu, california

ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF MALIBU ORDINANCES AND THE CALIFORNIA BUILDING CODE. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS.



THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS.

A302
 2000
 18928 PACIFIC COAST HWY
 MALIBU, CALIFORNIA 90265
 TEL: (310) 316-1111
 FAX: (310) 316-1112



section looking east (1)

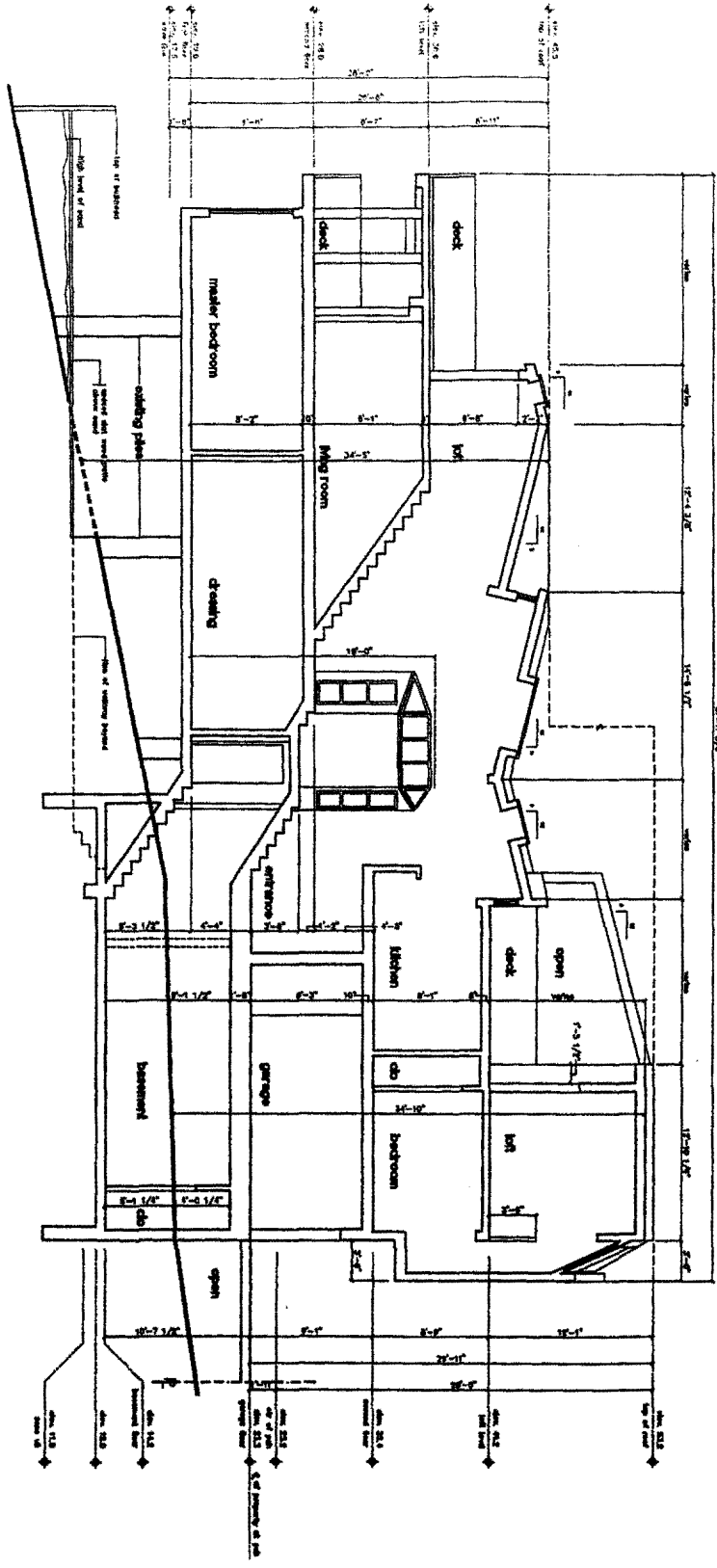
riley residence
 18928 pacific coast hwy
 malibu, california



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EXHIBIT NO. 13
APPLICATION NO. 4-96-014
East Section

A304
 11/1/84
 11/1/84



section looking west

A305

DATE: 10/1/84
 DRAWN BY: J. L. RAY
 CHECKED BY: J. L. RAY
 SCALE: AS SHOWN

riley residence
 18928 pacific coast hwy
 malibu, california



EXHIBIT NO. 14
APPLICATION NO. 4-96-814
West Section

