

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-033

APPLICANT: Ronald Meyer

AGENT: Alan Block, Inc.

PROJECT LOCATION: 27600 Pacific Coast Highway, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Demolish an existing residence and construct 7,670 sq. ft., two-story, 27-1/2 foot high, single family residence with a 5,466 sq. ft. basement (total 13,136 sq. ft), attached 690 sq. ft. garage; 748 sq. ft., 15-1/2 foot high guest house with 700 sq. ft. basement; 181 sq. ft. 12 foot high pool house; swimming pool; and septic system. The site will require 4,220 cu. yds. of grading: site preparation 895 cu. yds. (790 cut & 105 fill); excavation 3,325 cu. yds. (2,660 cu. yds. main house basement, 325 cu. yds. guest house basement, and 340 cu. yds pool).

Lot area:	132,495 sq. ft. (3.04 acres)
Building coverage:	5,949 sq. ft.
Pavement coverage:	16,880 sq. ft.
Landscape coverage:	71,306
Parking spaces:	Three
Ht abv fin grade:	27-1/2' residence/ 15-1/2' guest house/ 12' pool house

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval In Concept, 3/16/96; Geology and Geotechnical Engineering, Approved "in-concept", 1/28/98; Environmental Health, In-Concept Approval, 12/12/97.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Geotechnical Investigation and Percolation Testing, Petra Geotechnical, Inc., 6/24/97; Geotechnical Response to Comments, Petra Geotechnical, Inc., 8/18/97; Geotechnical Response to Comments, Petra Geotechnical, Inc., 9/16/97; Additional Subsurface Investigation, Petra Geotechnical, Inc., 11/18/97. Coastal Development Permits: P-6294; 4-96-092 (Green Meadows); 4-92-230 (Marcus); 4-95-082 (Marcus).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the project with special conditions relating to: *assumption of risk, conformance to geologic, wildfire waiver of liability, revised plans, and future improvements.*

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 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 development during construction, 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. Assumption of Risk

Prior to coastal development permit issuance, applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from waves during storms and from bluff erosion or flooding, and the applicant assumes the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the California Coastal Commission and agrees to indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees relative to the California Coastal Commission's approval of the project for any damage from such hazards.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Plans Conforming to Geologic Recommendations

Prior to the issuance of coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in Geotechnical Investigation and Percolation Testing, Petra Geotechnical, Inc., 6/24/97; Geotechnical Response to Comments, Petra Geotechnical, Inc., 8/18/97; Geotechnical Response to Comments, Petra Geotechnical, Inc., 9/16/97; Additional Subsurface Investigation, Petra Geotechnical, Inc., 11/18/97 shall be incorporated into all final design and construction including sewage disposal, earthwork, drainage, foundation design, basement and retaining walls, pools, concrete flatwork, garden and planter walls. All plans must be reviewed and approved by the consultants.

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.

3. 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, operation, 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. Revised Plans

Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, a revised site plan which illustrates the location of the entire pool and pool terrace area landward of the deck "stringline", as shown on Exhibit 5.

5. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-98-033; and that any additions to permitted structures, change of use, future structures or improvements to either property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection is permitted.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to demolish an existing residence and construct a 7,670 sq. ft., two-story, 27-1/2 foot high, single family residence with a 5,466 sq. ft. basement (for a total of 13,136 sq. ft.) with an attached 690 sq. ft. garage. A detached 748 sq. ft. guest house with a 700 sq. ft. storage basement is also proposed north between the residence and the tennis court. The applicant has indicated the basement located under the guest house, which contains no interior access or windows, and will not be used as habitable space.

The proposed project also includes a 181 sq. ft., 12 foot high pool house, a 1,012 sq. ft. swimming pool and 4,490 sq. ft. pool terrace area. The corners of the pool and pool terrace area, as proposed, project seaward four feet and 12 feet respectively beyond the established deck "stringline". The main residence, guest house and pool house are all located at or landward of the building "stringline", and, at the most seaward point, 71 feet from the top of the bluff slope.

The entire project will require a total of 4,220 cu. yds. of grading. Site preparation will require 895 cu. yds. of grading, 790 cu. yds. of cut and 105 cu. yds. of fill. The majority of the grading, 3,325 cu. yds., is the result of proposed sub-grade excavation. The main house basement will require 2,660 cu. yds. of excavation, the guest house basement 325 cu. yds. of excavation, and the swimming pool 340 cu. yds. of excavation. The applicant has indicated that all excess excavation material shall be disposed of in an appropriate manner outside the coastal zone.

The existing residence is located approximately 52 feet landward of the top of the slope and 26 feet seaward of the building "stringline", established between the nearest corners of the adjacent structures to the east and west. The residence to the west, approved under CDP 4-95-082 (Marcus), is currently under construction. On the subject property, the existing 5,159 sq. ft. two story residence, with a 880 sq. ft. detached garage, and swimming pool are to be demolished. The existing septic system shall be abandoned and replaced with two new systems to serve the main residence and guest house. The existing tennis court shall remain in place.

The subject property is situated on the south side of Pacific Coast Highway, 3/4 of a mile south of the Paradise Cove Pier, in the Escondido Beach area of Malibu. The property is located at the top of a 100 foot high, variable-gradient bluff that descends southerly to the beach below. The roughly rectangular parcel is approximately 530 feet long by 180 feet wide, exclusive of the bluff and beach areas. The property is bounded on the east and west by residential development, on the north by a 20-foot high, north facing slope

that descends to the Coast Highway, and on the south by the mean high tide line on the beach.

In 1996, the Commission granted a coastal development permit, 4-96-02 (Green Meadows), to repair the private beach access on the subject property that descends 100 feet from the southeast corner of the yard area. The repairs included the replacement of a damaged masonry block retaining wall, ranging in height up to 10 feet, and a 144 sq. ft. walkway landing. The landing and retaining wall are located approximately half way down the bluff face. An elevated wooded patio supported by concrete pilings is located at the toe of the bluff and at the end of the stairway. The walkway was originally approved by the Commission, under CDP 6294, in November 1975.

The subject lot is extensively landscaped with large lawn areas, flower beds, ground cover area, numerous large bushes and shrubs and numerous medium to large sized trees. Vegetation on the bluff consists primarily of a dense growth of woody, native shrubs. The proposed structure will not be visible from Pacific Coast Highway, the parcel to the east or the beach, given its location in the center of the lot, the 71 foot setback from the bluff slope, and the extensive amount of mature vegetation. There are no public parks or trails within view of the proposed project, therefore, there shall be no visual impact.

B. Geologic Hazards and Bluff Top Development

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, 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 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 subordinate to the character of its setting.

The proposed development is located at the extreme southern flank of the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains 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. Fires in the Malibu area have also burned all the way to the ocean, so even beachfront homes are not immune to the risk of wildfire. Further, bluff top sites are also subject to erosion and landsliding from storm waves and runoff.

Coastal bluffs, such as this one, 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. Due to the geologic structure and soil composition, these bluffs are also susceptible to failure, especially with excessive water infiltration. In addition, these bluffs are subject to erosion from runoff at the top of the slope. Finally, since these bluffs are highly erodible and geologically unstable, the Commission, in past permit actions, has consistently required a 25 ft. setback or compliance with a "stringline", whichever is greater, for development located at the top of the bluff.

In addition, many of the bluffs in Malibu still retain native vegetation and provide valuable habitat for plants and animals. As such, these coastal bluffs provide nesting, feeding, and shelter sites and comprise an essential part of the shoreline ecosystem.

Due to the geologic instability of bluffs and their continuing role in the ecosystem, the certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (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 Section 30253 of the Coastal Act. As noted above, Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property. The LUP policies suggest that geology reports be required for development in unstable areas, and that development minimize both grading, landform alteration and other impacts to natural physical features.

In regard to the subject parcel, the topographic relief of 21 feet is relatively level for the length of the lot, ranging from a high of 123 feet at the north end to 102 feet near the top of the bluff on the south. The bluff ranges in gradient from 1.5:1 horizontal-to-vertical, in areas near the top and toe, to near vertical at the middle elevations.

The majority of drainage across the site is by sheet flow toward the south (e.g. the bluff). The drainage is directed by means of gently-sloping surfaces within the landscape and concrete flatwork areas towards the numerous inlets of an extensive subsurface area-

drain system. The existing area drain system discharges into an open, corrugated-metal flume that descends to the beach adjacent to the poured-concrete, beach access stairway. A concrete lined brow ditch, located just below and parallel to the top of the bluff, discharges into the top end of the flume to prevent spill over.

1. Geology

The applicant has submitted a Geotechnical Investigation and Percolation Testing Report, dated 6/24/97, prepared by Petra Geotechnical, Inc., and a Geotechnical Response to Comments dated, 8/18/97, prepared by Petra Geotechnical, Inc., Consultants, as well as a second Geotechnical Response to Comments, dated 9/16/97; and an Additional Subsurface Investigation, dated 11/18/97, both of which were also prepared by Petra Geotechnical, Inc., for the subject site.

In regards to slope stability on the bluff, the consultants determined the static and pseudostatic loading conditions to have factors of safety of 1.51 and 1.39, respectively. For the bluff slope a surficial stability analysis was also performed which resulted in a factor of safety of 2.46 based on a depth of saturation of four feet and slope gradient of 1:1 (horizontal to vertical). In summary, the consultants found the sea bluff to be both grossly and surficially stable.

In conclusion, the geological investigation states that:

From a soils engineering and engineering geological point of view, the subject property is considered suitable for the proposed development. It is our opinion that the building site and adjacent areas will be free of hazard from landslide, settlement and slippage provided the following conclusions and recommendations are incorporated into the design criteria and project specifications. It is also our opinion that the proposed grading and construction will not adversely affect the geologic stability of adjoining properties.

However, even though the consultants have determined the project site will be free of geologic hazards, the Commission cannot absolutely acknowledge that the proposed residence and appurtenant structures will be safe during all future storms, or be constructed in a structurally sound manner and be properly maintained to eliminated any potential geologic risk. The Commission acknowledges that many of the bluff top parcels in Malibu, such as the subject property, are susceptible to erosion and landsliding from storm conditions and runoff.

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. Similarly, during the recent storms of 1997-98 the Malibu coastline suffered extensive storm related damage, the total of which has yet to be

calculated. The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards.

However, neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the Commission can only approve the project if the applicant assumes the liability from the associated risks of developing this site. This responsibility is carried out through the recordation of a deed restriction, as noted in *Special Condition one (1)*. The assumption of risk deed restriction, when recorded against the property will show the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions 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 required such deed restrictions for other development throughout the Malibu/Santa Monica Mountains region.

Based on the geotechnical consultant's site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data limited subsurface exploration of the site and, the geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to sewage disposal, earthwork, drainage, foundation design, basement and retaining walls, pools, concrete flatwork, garden and planter walls.

To ensure the recommendations of the geotechnical consultant are incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by *Special Condition two (2)*, to submit project plans certified by the consulting geotechnical engineer as conforming to all recommendations. Thus, based on the findings and recommendations of the consulting geotechnical engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans.

2. Bluff Top Development

For development located at the top of the bluff, LUP policies suggest, and the Commission's past permit actions have consistently required, a 25 ft. minimum setback from the top of the bluff or compliance with a "stringline", whichever is greater, but in no case less than would allow for a 75-year useful life for the structure. The LUP also suggests that no permanent structures be permitted on a bluff face.

These policies and actions have been implemented primarily to minimize both the impact of proposed development on coastal bluffs, and the potential impact of the coastal bluffs, which are by nature subject to erosion and geologic instability, on the development, as required under Section 20353 of the Coastal Act. In addition, the Commission has found that restricting new development to building and deck "stringlines" is an effective means of protecting public views and the scenic quality of the shoreline as required by Section 30251 of the Coastal Act.

In this particular case, given the proposed development is setback 60 feet at the nearest point from the top of the bluff, the use of deck and building "stringline" setbacks are appropriate. The applicant has submitted a "stringline" map which establishes separate structure and deck "stringlines" for the proposed project, drawn between the nearest corners of the residential structures and decks located both upcoast and downcoast of the project site (see Exhibit 5). The proposed structures, including the pool house, main residence and guest house, are all located at or landward of this building "stringline".

However, the proposed at grade pool and terrace deck improvements are not located entirely landward of the deck "stringline". The site plan indicates the southwestern corner of the pool extends four feet seaward and likewise the southwestern corner of the terrace deck extends 12 feet seaward of the deck "stringline".

The applicant has submitted area percentage calculations which indicate the portions of the pool and terrace deck in question account for approximately three percent of the total pool and terrace deck areas, respectively. Nevertheless, there is more than adequate space to comply with the deck "stringline" requirement, given the 530 foot length by 180 foot width parcel dimensions.

In order to ensure the proposed project will not extend development further seaward than adjacent development, minimizing potential impacts to geologic hazards, public views and the scenic quality of the shoreline, the Commission will require the applicant to submit revised plans that conform to the established deck "stringline", as noted in *Special Condition number (4)*.

For all of these reasons, the Commission finds that the project, as conditioned, would have no individual or cumulative adverse impacts on geologic hazards, environmentally sensitive resources, public views and the scenic quality of the shoreline. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30253 and 30251.

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly 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. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 specified in *Special Condition number three (3)*.

The Commission finds that only as conditioned above is the proposed project consistent with Malibu/Santa Monica Mountains Land Use Plan and Section 30253 of the Coastal Act.

C. Public Access

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

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

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

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

All beachfront projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter Three 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 inquiry. 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 can include among others, encroachment on lands subject to the public trusts thus 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 and cause adverse impacts on public access such as above.

In the case of the proposed project, demolition of an existing residence and the construction of a new residence does constitute new development. Although the proposed project site is a beach-fronting parcel, all of the proposed development is located on top of a bluff so it will not have any impact on the tidal area. Further, the applicant does not propose the construction of any shoreline protective devices which could interfere with coastal processes. In addition, offers to dedicate vertical public access have been recorded at 27400 Pacific Coast Highway and 27900 Pacific Coast Highway, both of which are within approximately one quarter mile from the subject site.

As such, the proposed project will have no individual or cumulative impacts on public access or beach erosion. Therefore, the proposed project is consistent with Coastal Act Sections 30210, 30211 and 30212.

E. Cumulative Impacts of New Development

The proposed project involves the construction of a 14,017 sq. ft. single family residence and a 748 sq. ft. guest house which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. In particular, the construction of a second unit on a site where a primary residence exists intensifies the use of a site and impacts public services, such as water, sewage, electricity and roads. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 30252 of the Coastal Act discusses new development requiring that the location and amount of new development should maintain and enhance public access to the coast. The section enumerates methods that would assure the protection of access and states that such maintenance and enhancement could be received by (in part), "...providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads... and by, assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by..."

In addition, the certified Malibu LUP, which the Commission considers as guidance for implementing the Chapter 3 policies of the Coastal Act, contains policy 271 which states:

"In any single-family residential category, the maximum additional residential development above and beyond the principal unit shall be one guest house or other second unit with an interior floor space not to exceed 750 gross square feet, not counting garage space."

The issue of second units on lots with primary residences consistent with the new development policies of the Coastal Act has been a topic of local and statewide review and policy action by the Commission. These policies have been articulated in both coastal development permit conditions and policies and implementing actions of LCPs. Further, the long-time Commission practice of reviewing coastal development permits and the implementation actions of LCPs has upheld policies such as the 750 sq. ft. size limit in the Malibu Coastal Zone.

The proposed 748 sq. ft., 15-1/2 foot guest house contains two separate units, each with its own bathroom and separate entry. No kitchen facilities are proposed for either of the units. A 700 sq. ft. storage basement, located under the guest house, contains no windows and is provided separate access via an outside stairway on the east end of the structure. The applicant has indicated the storage basement shall not be used as habitable space. The 181 sq. ft. pool building is comprised of three small rooms designed for a shower, changing room and wet bar.

The Commission notes that concerns about the potential future impacts on coastal resources and coastal access might occur with any further development of the subject property or change of use because of the size of the proposed development and the existence of plumbing and electrical facilities. Of particular concern is the basement below the guest house, which could be converted into an additional 700 sq. ft. residential unit, with associated cumulative impacts to traffic, sewage disposal, recreational uses and resource degradation.

Therefore, the Commission finds it is necessary to require the applicant to include a future improvements deed restriction that limits future development, subject to the Commission's review, as specified under *Special Condition number five (5)*.

Thus, the findings and special conditions attached to this permit will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal Act. The Commission finds that as conditioned, the proposed project is consistent with Section 30250(a) and with all the applicable policies of the Coastal Act.

F. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The applicant proposes two septic systems: a 2,000 gallon septic tank with seepage pits for the main residence and 1,000 gallon septic tank with seepage pits to serve the guest house. The installation of two private sewage disposal systems was reviewed by the consulting geologist, Petra Geotechnical, Inc., who found the use of the proposed seepage pits will not adversely affect the geologic stability of the subject site or adjoining properties.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a four bedroom residence and two bedroom guest house and is sufficient to serve the proposed single family residence and guest house. The applicant has submitted a conceptual approval for the sewage disposal system from the City of Malibu Department of Environmental Health, based on a four bedroom single family residence and two bedroom guest house. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the 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 Section 30231 of the Coastal Act.

G. Local Coastal Program

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

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

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

H. 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, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity would have on the environment.

There proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

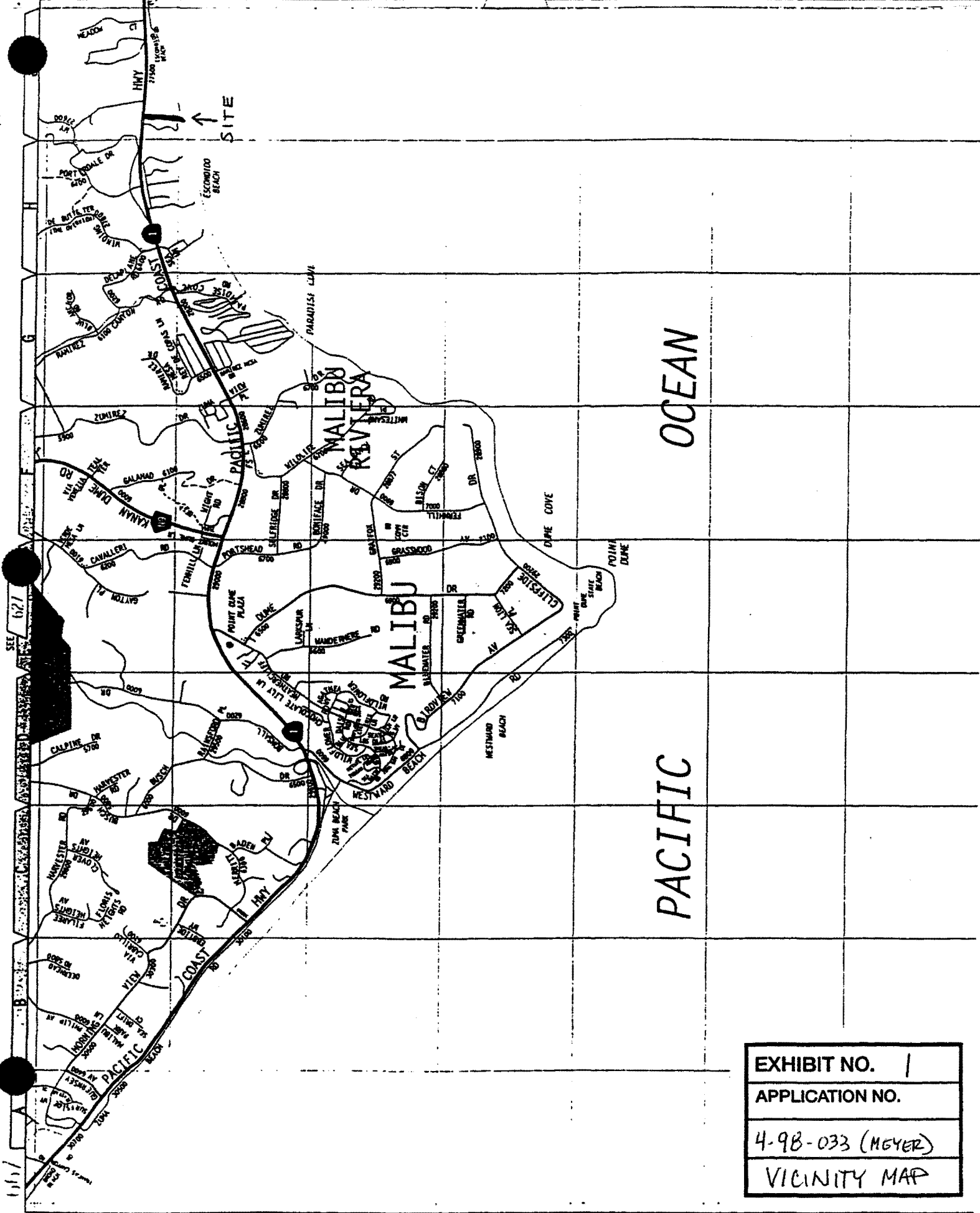
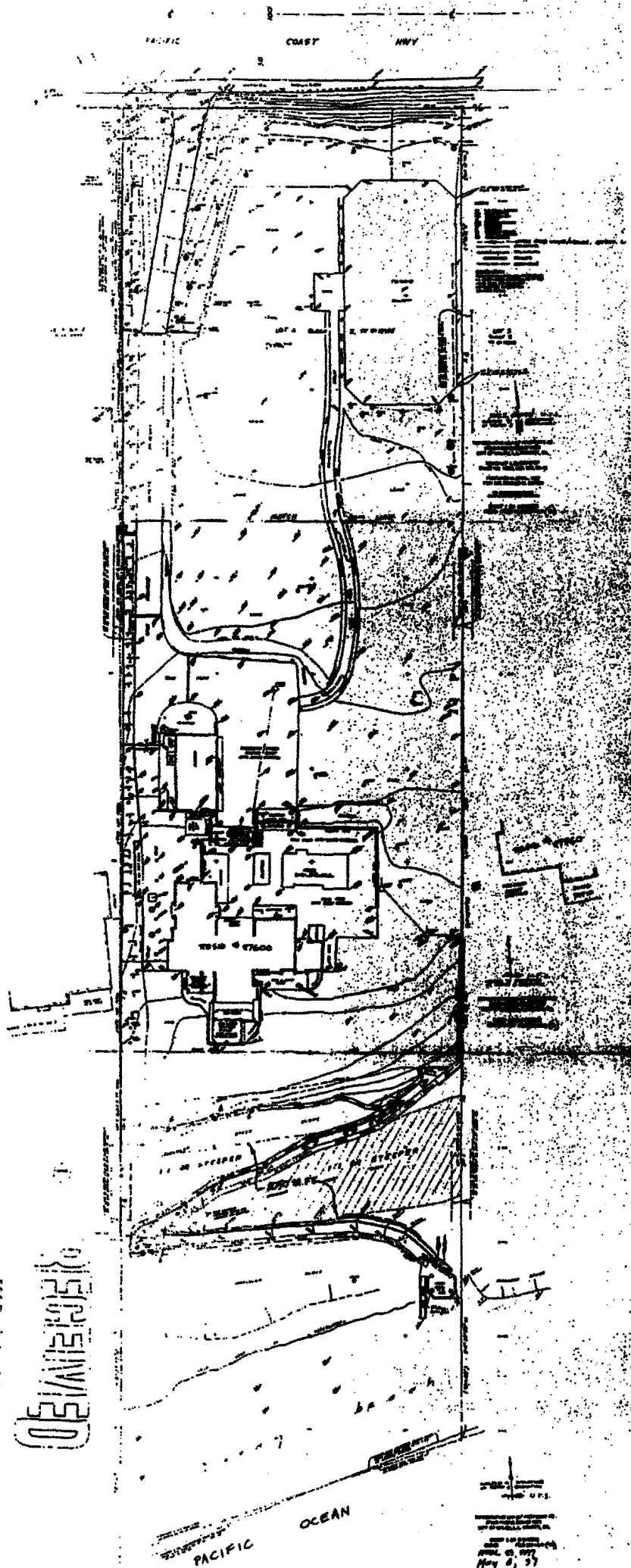


EXHIBIT NO.
APPLICATION NO.
4-98-033 (MEYER)
VICINITY MAP



Approved by Commission
 of the Pacific Coast District

MAP 2-19-1998

RESERVED

EXHIBIT NO. 2
APPLICATION NO.
4-98-033 (MEYER)
SITE PLAN

(EXISTING)

RECEIVED

APR 17 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

DATE	12-22-97	
PROJECT	RESIDENCE 27600	
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RESIDENCE 27600

DATE: 12-22-97

PROJECT: RESIDENCE 27600

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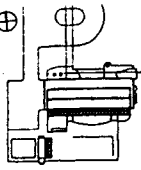
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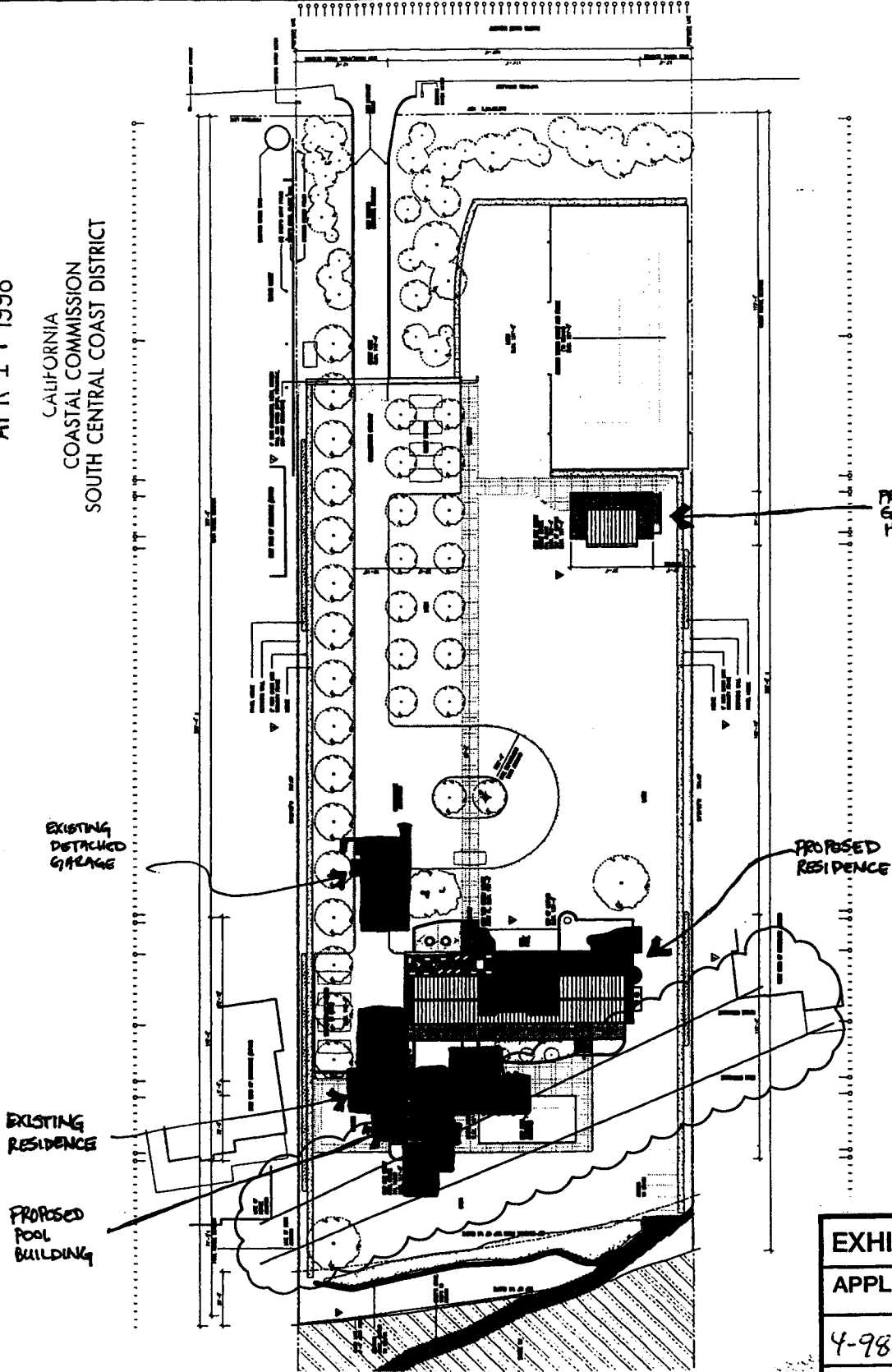


EXHIBIT NO. 3

APPLICATION NO.

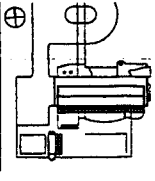
4-98-033 (MEYER)

EXISTING/PROPOSED OVERLAY

SEE PLAN SHEET FOR
 1. ALL DIMENSIONS ARE IN FEET AND INCHES
 2. FINISH FLOOR IS INDICATED BY A DOTTED LINE
 3. FINISH FLOOR IS INDICATED BY A DOTTED LINE
 4. FINISH FLOOR IS INDICATED BY A DOTTED LINE

- ▽ 1/4" = 1' - 0" SCALE
- ▽ 1/8" = 1' - 0" SCALE
- ▽ 1/16" = 1' - 0" SCALE
- ▽ 1/32" = 1' - 0" SCALE

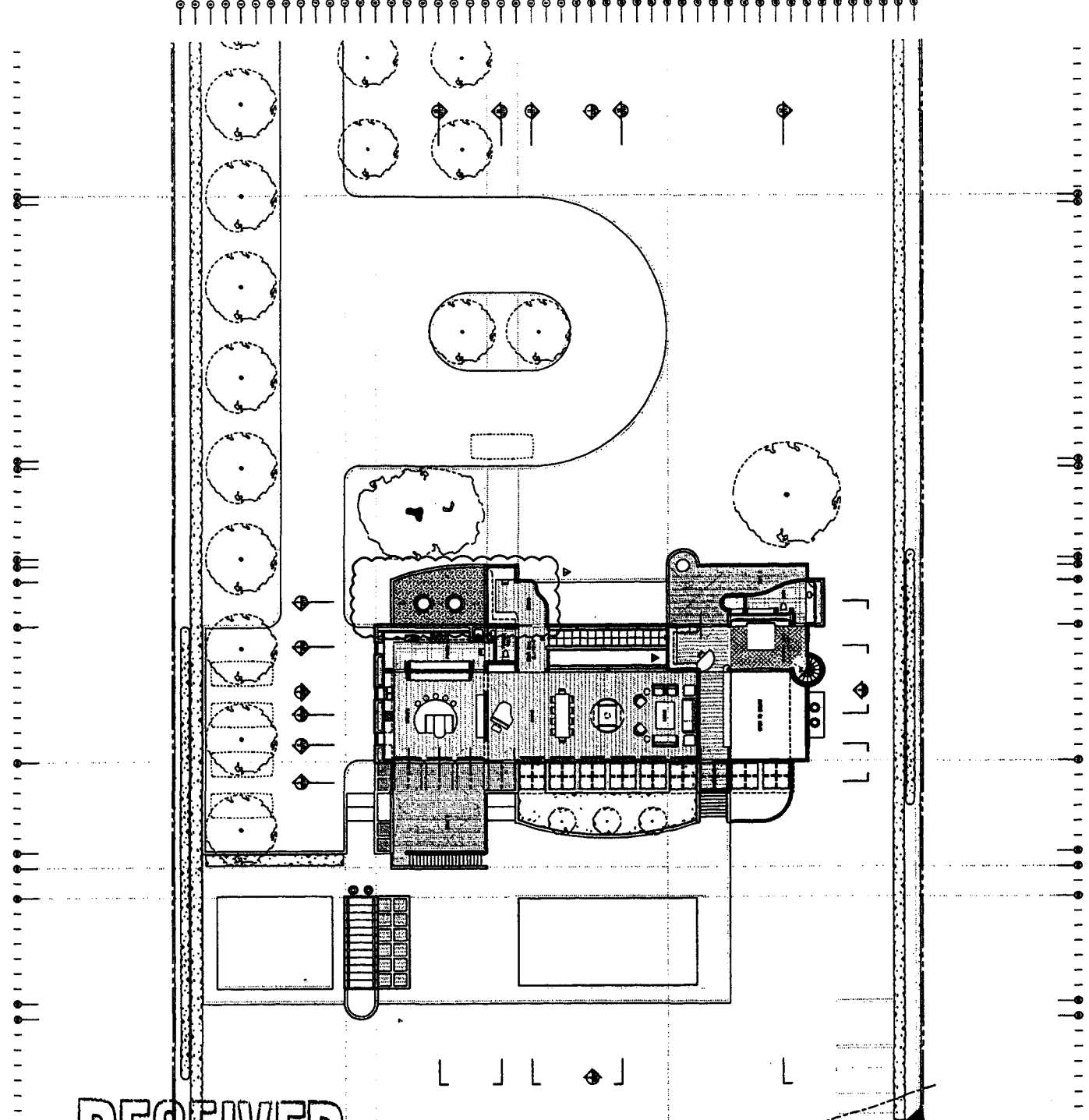
Residence 27600
 1/2" = 1' - 0" SCALE



Checklist

1. All dimensions are in feet and inches.	Yes
2. All dimensions are in feet and inches.	Yes
3. All dimensions are in feet and inches.	Yes
4. All dimensions are in feet and inches.	Yes
5. All dimensions are in feet and inches.	Yes
6. All dimensions are in feet and inches.	Yes
7. All dimensions are in feet and inches.	Yes
8. All dimensions are in feet and inches.	Yes
9. All dimensions are in feet and inches.	Yes
10. All dimensions are in feet and inches.	Yes

SECOND FLOOR PLAN
 MAIN HOUSE
 A-102



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MAR 17 1998

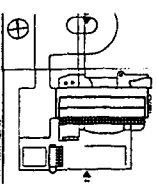
CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 6
APPLICATION NO.
4-98-033 (MEYER)
SECOND FLOOR

DATE: _____
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 CHECKED BY: _____

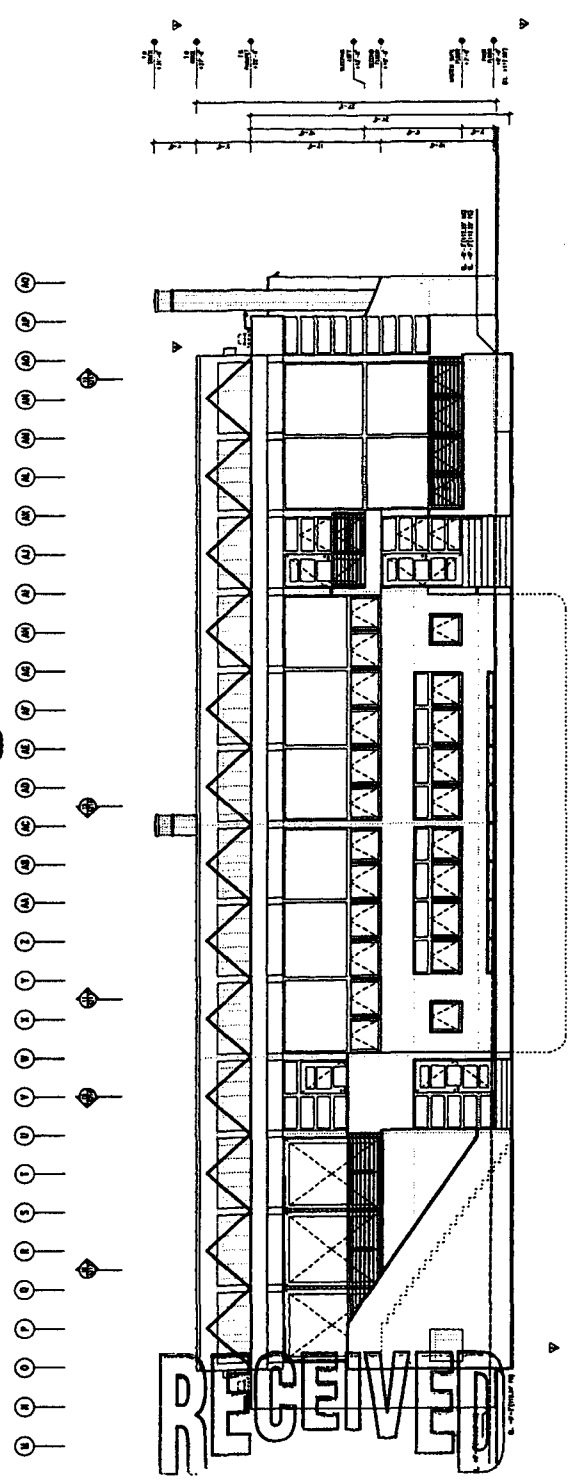
RESIDENTIAL ARCHITECTURE
 RESIDENTIAL ELECTRICAL
 RESIDENTIAL MECHANICAL
 RESIDENTIAL PLUMBING
 RESIDENTIAL ROOFING
 RESIDENTIAL STRUCTURE
 RESIDENTIAL TYPING

Residence 27600

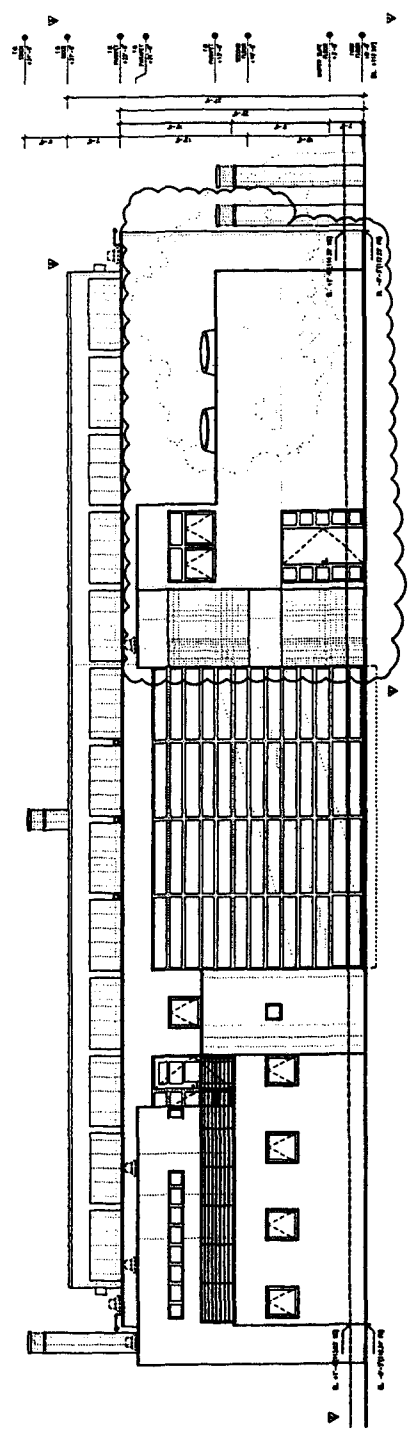


Client: _____
 Project: _____
 Address: _____
 City: _____
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ELEVATIONS
 SHEET NO. A-201
 OF 5 SHEETS



① SOUTH ELEVATION



② NORTH ELEVATION

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MAR 17 1998

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 7
APPLICATION NO.
4-98-033 (MEYER)
ELEVATIONS

