

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MILPITAS, CA 95031

(805) 641-0142



RECORD PACKET COPY

Filed: 3/03/99

49th Day: 3/29/99180th Day: 8/07/99

Staff: MH-V

Staff Report: March 15, 1999 *CS*

Hearing Date: April 13-15, 1999

Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO:** 4-99-006**APPLICANT:** ACH Realty Advisors, Inc. **AGENT:** Terry Valente**PROJECT LOCATION:** 27605 Pacific Coast Highway, Malibu, Los Angeles Co.**PROJECT DESCRIPTION:** Construct a 7,073 sq. ft., two story, above finished grade, single family residence with attached 3-car garage, swimming pool, patio, 50 sq. ft. cabana/changing room, septic disposal system, and grade 999 cu. yds. of material, including 215 cu. yds. of cut, and 784 cu. yds. of fill, on an approximately .75-acre lot immediately north and inland of Pacific Coast Highway.

Lot Area: 32,384 sq. ft.
Building Coverage: 4,858 sq. ft.
Pavement Coverage: 7,220 sq. ft.
Landscaped Area: 18,000 sq. ft.
Land Use Designation: Residential
Parking Spaces: 3 (garage)
Ht. above grade: 25 ft.

LOCAL APPROVALS: City of Malibu Approval in Concept; City of Malibu Environmental Health Department Septic System Approval.**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; "Geologic and Geotechnical Engineering Study, Proposed Residential Development, 27605 Pacific Coast Highway," dated March 27, 1998.**STAFF RECOMMENDATION:** Staff recommends approval of the proposed project with special conditions regarding: Landscape and erosion control, geologic recommendations, revised plans, color of structure, wildfire waiver of liability, and future improvements.

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I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

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, and will not have any significant adverse effects 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.

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III. Special Conditions

1. Landscape Plan and Fuel Modification

A. Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes immediately after the completion of grading and/or excavation. Final landscape planting and maintenance necessary to achieve compliance with the approved landscape plan shall be implemented no later than sixty (60) days after the completion of construction of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development 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 October 4, 1994. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including the existing graded pad. Plantings shall include vertical elements to screen and soften the visual impact of the residence and garage as seen from Pacific Coast Highway.
- (2) Vegetation within 50 feet of the proposed house may be removed to mineral earth or planted in a zone of irrigated lawn or similar ground cover. Irrigated lawn, turf, or ground cover planted within the 50-foot radius of the proposed house shall be selected from the most drought-tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains area. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The applicant shall submit evidence to the satisfaction of the Executive Director that the fuel modification plan required herein has been approved by the Los Angeles County Forestry Department.
- (3) All plantings shall 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 development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape or fuel modification plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal-Commission approved amendment to the

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coastal development permit, unless the Executive Director determines that no amendment is required.

- (5) Should grading take place during the rainy season (November 1 – March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an approved dumping location.

B. Monitoring Plan

- (1) Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant 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.
- (2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

2. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geologic and Geotechnical Engineering Study, Proposed Residential Development, 27605 Pacific Coast Highway, Malibu, California, dated March 27, 1998, prepared by RJR Engineering Group, Inc., shall be incorporated into the final project plans and designs. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial."

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3. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants 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 without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Design Restrictions

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 restricts the color of the subject residence, garage, cabana and roofs to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interests being conveyed.

5. Revised Plans

Prior to the issuance of the coastal development permit, the applicant shall submit revised project plans and designs, including grading plans, reducing the finished project elevations, including proposed pad, structures, swimming pool, and decks, by a minimum of two feet. The finished elevation of the swimming pool shall be reduced from the 130 ft. elevation presently shown on the grading plans identified as Exhibit 6, attached hereto, to a maximum of 128 ft. elevation, and the finished elevation of the portion of the pad supporting the residence shall be reduced from the 131.5 ft. elevation presently shown on Exhibit 6, to a maximum of 129.5 ft. elevation. The remaining areas of the finished pad shall be reduced in finished elevation by the equivalent two feet or more from that shown on Exhibit 6. Total grading on site shall be limited to a maximum of 750 cubic yards, balanced between cut and fill. The applicant shall submit evidence that the revised plans and designs have been reviewed and approved by the applicant's geotechnical consultant in accordance with the requirements of Special Condition 2 set forth above.

6. Future Development Deed Restriction

- A. This permit is only for the development described in coastal development permit No. 4-99-006. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the 50 sq. ft. cabana/bath adjacent to the swimming pool, as generally depicted in Exhibit 5. Accordingly, any future improvements to the permitted structure, including but not limited to repair and maintenance

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identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), which are proposed within the restricted area shall require an amendment to Permit No. 4-99-006 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- 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, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. 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.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 7,073 sq. ft., two story, 23 ft. above finished grade, single family residence with attached 3-car garage, septic disposal system, and 999 cu. yds. of grading (, on an approximately .75-acre lot adjacent to and inland of Pacific Coast Highway, opposite the Escondido Beach area of Malibu. (See Exhibits 1-11).

The subject site, located at 27605 Pacific Coast Highway, is adjacent to, and north/inland of, Pacific Coast Highway, opposite the portion of the coast known as Escondido Beach, in Malibu. The area is developed with existing single family residences, although the adjacent lot is presently undeveloped. The flag lot takes legal access off Jasmine Way, on the eastern side of the lot, as shown on Exhibit 4. The site occupies gently sloping terrain that descends from northwest to southeast. The lot steepens adjacent to Pacific Coast Highway where a 1:1 cut slope is present to a height of about 20 feet. The site appears to have been mechanically cleared of vegetation along the areas of low relief in the past, but thick stands of native coastal sage scrub remain on the portion of the lot closest to the highway. The applicant does not propose to remove the remaining native vegetation.

No sensitive habitat areas are located on or adjacent to the subject parcel. Drainage at the site is by sheetflow to the south.

B. Geologic Stability and Hazards

Geology

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction to the site or surrounding area. The applicant proposes to construct a new 7,073 sq. ft., two story, 23 ft. above finished grade, single family residence with attached 3-car garage, swimming pool, decks, and changing room/1/2-bath, septic disposal system, and 999 cu. yds. of grading (215 cu. yds. cut and 784 cu. yds. fill) on an approximately .75-acre parcel. The imported material is necessary to achieve the degree of compaction recommended for the proposed pad by the geotechnical consultant. Once the fill material is applied to the site, and the pad groomed and compacted, the material would not increase the height of the finished structure significantly. The subject site is located immediately north of, and inland of, Pacific Coast Highway, in Malibu. (See Exhibits 1-4).

The applicant has submitted a report titled Geologic and Geotechnical Engineering Study, Proposed Residential Development, 27605 Pacific Coast Highway, Malibu, California dated March 27, 1998. The report makes numerous recommendations regarding site preparation, foundations, drainage, construction, landscaping, sewage disposal, etc.

The report recommends specific landscaping measures to control erosion following grading. These measures, combined with other landscaping requirements that have been found by the Commission to control erosion and enhance site stability, are incorporated into Special Condition 1 (landscape and fuel modification plan). Special Condition 1 requires the use of mostly native plant species. Locally native plants have been shown to provide superior erosion control with minimal irrigation when compared to plantings of non-native species in the Santa Monica Mountains.

Native species, particularly trees and shrubs, tend to be deeply rooted and drought tolerant. The applicant's geotechnical report specifically recommends the use of slope plantings that are erosion and drought tolerant. Therefore, the use of native plant species in accordance with the requirements of Special Condition 1 will ensure adequate implementation of the geotechnical recommendations and will provide maximum erosion control.

The applicant's geotechnical report concludes that:

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"...Based on the available data, from our review, investigation and analysis, the subject residential improvements are feasible from a geologic and geotechnical standpoint and the site should be free of any geologic or geotechnical hazards, as long as the recommendations of this report are incorporated into the design and construction of the project. The site will be free of landslides, slippage and excess settlement within the guidelines described in this report, provided our recommendations are incorporated into the design and construction of the project."

The Commission finds that, based on the conclusions of the RJR Engineering Group, Inc., report, the proposed development will be safe from geologic hazards if all recommendations of the geotechnical consultants are incorporated into the final project plans and designs. Accordingly, Special Condition 2 requires the incorporation into the final project plans and designs of all recommendations contained in the consultant's March 27, 1998 report

For all of these reasons, therefore, the Commission finds that as conditioned by Special Conditions 1 and 2, the proposed project is consistent with the geologic stability requirements of Coastal Act Section 30253.

Wild Fire Waiver

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. The typical vegetation in 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 Special Condition 3, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. ~~Moreover, through acceptance of Special Condition 3 the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.~~

For all of the reasons set forth above, the Commission concludes that the proposed project, as conditioned by Special Conditions 1 through 3, is consistent with the requirements of Section 30253 of the Coastal Act.

C. Visual Impacts

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected:

Section 30251

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 project is located immediately adjacent to Pacific Coast Highway, which is designated as a scenic highway in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). The Commission, relying on the LUP as guidance in past permit decisions, has found that minimizing the impacts of new development on scenic public views along Pacific Coast Highway is consistent with the requirements of Coastal Act Section 30251. The surrounding area is generally developed with scattered single family residences on parcels averaging approximately two acres in size. The proposed project will be visible from Pacific Coast Highway, and will add a substantial new development impact to views inland views in the area. Although the primary coastal views from Pacific Coast Highway are toward the sea, the project will nevertheless add to the developed character of the area and incrementally affect the existing viewshed; therefore the use of colors compatible with the natural background, and non-glare glass is warranted to reduce the intrusion of the proposed project into the coastal viewshed. The use of natural background colors will help to ensure that the proposed project blends with its surroundings to the maximum extent feasible by eliminating starkly contrasting colors. Therefore, Special Condition 4 (design restrictions) requires that the final project designs restrict the colors of the proposed structures to those compatible with the natural background and further requires the use of non-glare glass on site.

In addition to the mitigation of potential visual impacts provided by the implementation of Special Condition 4, Special Condition 1 (landscape plan) requires the use of a palette of locally native plants for the design of the required landscape plan. The landscape plan will incorporate the retention of the native vegetation noted along the portion of the site bordering Pacific Coast Highway. Special Condition 1 also specifies the use of vertical landscape elements on the Pacific Coast Highway side of the project to soften the project's impact on public coastal views. These requirements ensure that the landscape features and palette blends with the natural vegetation on and adjacent to the site and that public views of the proposed structures will be softened over time as the vertical

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landscape elements mature. In addition, implementation of the erosion control requirements of Special Condition 1 will ensure that adverse visual impacts of uncontrolled erosion, such as gullying, scarring, and resultant absence of vegetation, do not result from the proposed development.

Coastal Act Section 30251, set forth above, also requires the protection of public coastal views by, among other means, minimization of the alteration of natural landforms. The applicant proposes to grade a total of approximately 999 cu. yds. of material, including 215 cu. yds. of cut, and 784 cu. yds. of imported fill. Upon request by Commission staff, the geotechnical consultant, Robert Anderson, P.E., Senior Partner of RJR Engineering Group, Inc., confirmed that the potential finished elevations of the proposed pad, and the requisite grading necessary to create the pad, are limited by the accessway to the flag lot as shown on Exhibit 4. From this direction, a retaining wall of a maximum of six feet in height could be constructed for the cut portion of the pad. The height of the retaining wall proposed by the applicant is 4 feet. The consultant determined that a redesign of the wall to a height of six feet would allow the overall elevations of the pads for the house and swimming pool to be reduced by approximately two feet. The reduction in finished elevation would reduce necessary grading by approximately 300 cu. yds and would allow a balance of cut and fill on site—eliminating the need for imported fill material. The consultant further confirmed that the cut material on site would be suitable for use as compacted fill under the revised scenario.

Special Condition 5, therefore, requires the applicant to redesign the proposed project to reduce the finished grade by two feet of elevation as set forth more specifically in the condition itself. Special Condition 5 also limits the grading authorized under this permit approval to a maximum of 750 cu. yds. consistent with the recommendations and of the consultant as noted above. The implementation of Special Condition 5 will reduce the total landform alteration of the site, reduce total grading, eliminate the need to import fill material to the site, and reduce the visual impacts of the finished structure by lowering the total elevation of the structures visible from Pacific Coast Highway by two feet, consistent with the requirements of Coastal Act Section 30251. Moreover, these revisions can be accomplished without changing the architectural design of the applicant's proposed residence.

The Commission finds, therefore, for all of the reasons set forth above, that as conditioned by Special Conditions 1, 4, and 5, the proposed project is consistent with the requirements of Coastal Act Section 30251.

C. Cumulative Impacts

Section 30250

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

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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 only 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 surrounding parcels.

Section 30105.5 defines the term "cumulatively," as used in Section 30250(a) as:

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

The applicant's proposal includes a 50 sq. ft. poolside cabana/bath. The applicant does not presently propose to use this structure as a second, or guest, unit. Should the applicant contemplate expanding the structure for such use in the future, however, additional analysis of ingress and egress, particularly fire department equipment access to the second unit via the flag lot access route and limited driveway access, as well as other considerations regarding adequacy of infrastructure, traffic, intensity of development on site, landform alteration, visual impacts, etc., would be necessary for the Commission to determine the advisability of such a change. The Commission also notes that in past permit actions, and in reliance on Policy 271 of the certified Malibu/ Santa Monica Mountains Land Use Plan for guidance, the Commission has limited second units/guest houses to a maximum of 750 sq. ft.

Therefore, to ensure that any potential adverse effects upon coastal resources that might result from future additions or changes in use of the proposed cabana are considered, the Commission finds it necessary to impose Special Condition 6. Special Condition 6 requires the applicant to seek a coastal development permit for any future changes or additions to the cabana that might otherwise be exempt from such requirements, thereby ensuring that the necessary additional analysis would be undertaken before such development could occur.

The Commission finds that as conditioned (Special Condition 6), the proposed project is consistent with Section 30250(a) and with all the applicable policies of the Coastal Act.

D. 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

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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 to construct a new, 1,500 gallon septic tank and disposal system as shown on the plans approved by the City of Malibu, Environmental Health Department, December 14, 1998. The conceptual approval by the City 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 wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

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

F. 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

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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 effect which the activity would have on the environment.

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 consistent with CEQA and the policies of the Coastal Act.

LOS ANGELES CO.

SEE 668 MAP

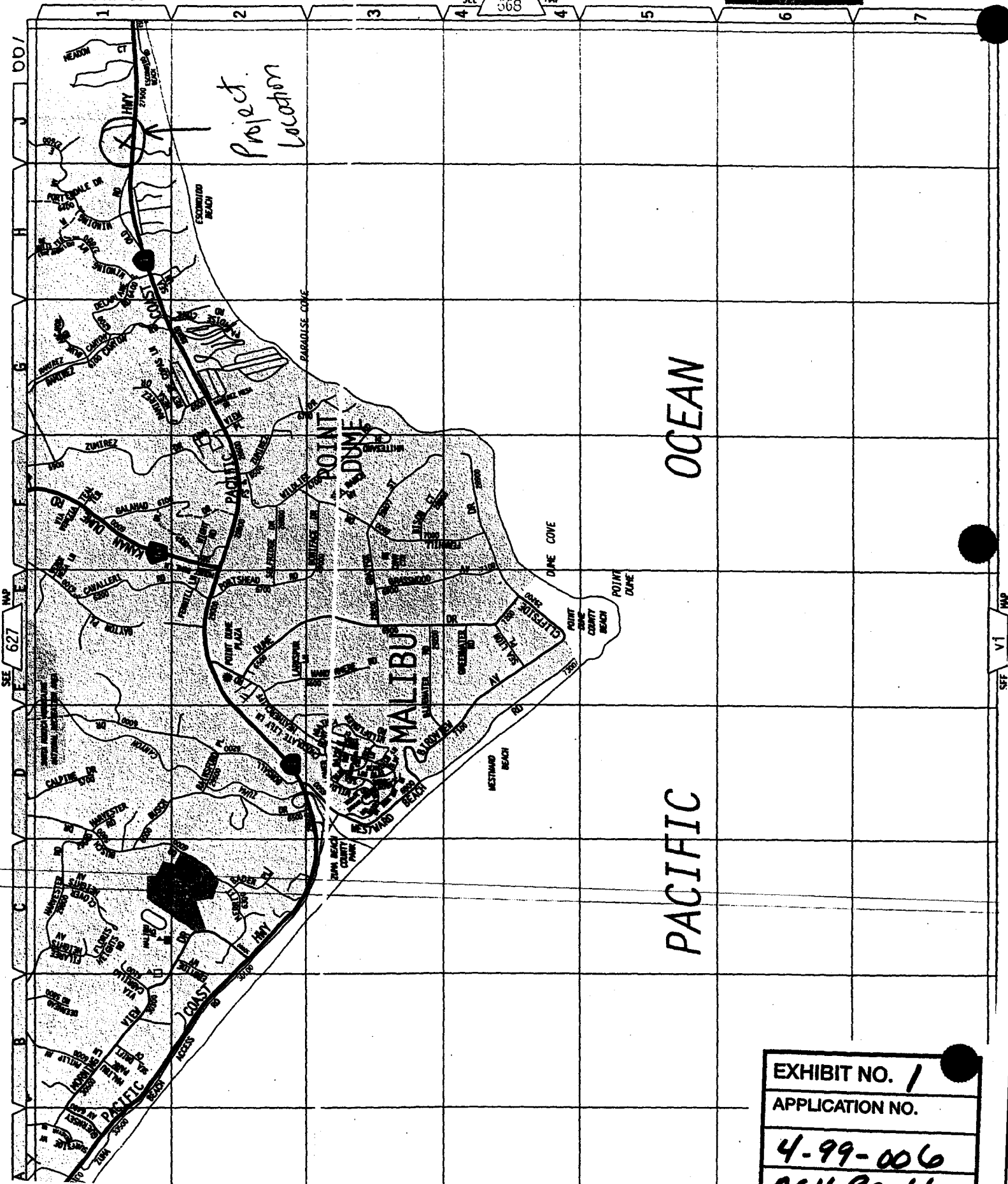
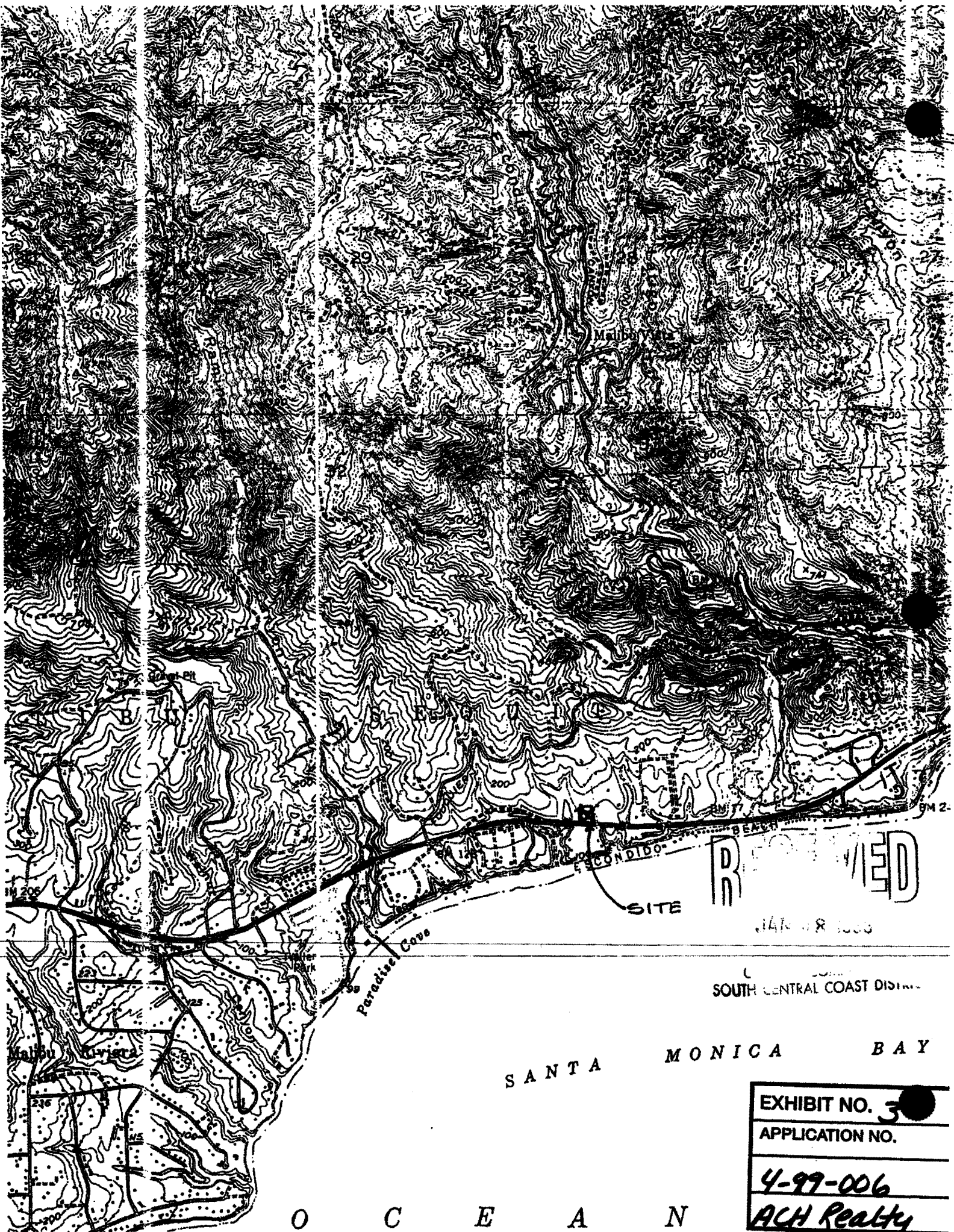


EXHIBIT NO. 1
APPLICATION NO.

4-99-006
ACH Realty



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SOUTH CENTRAL COAST DISTRICT

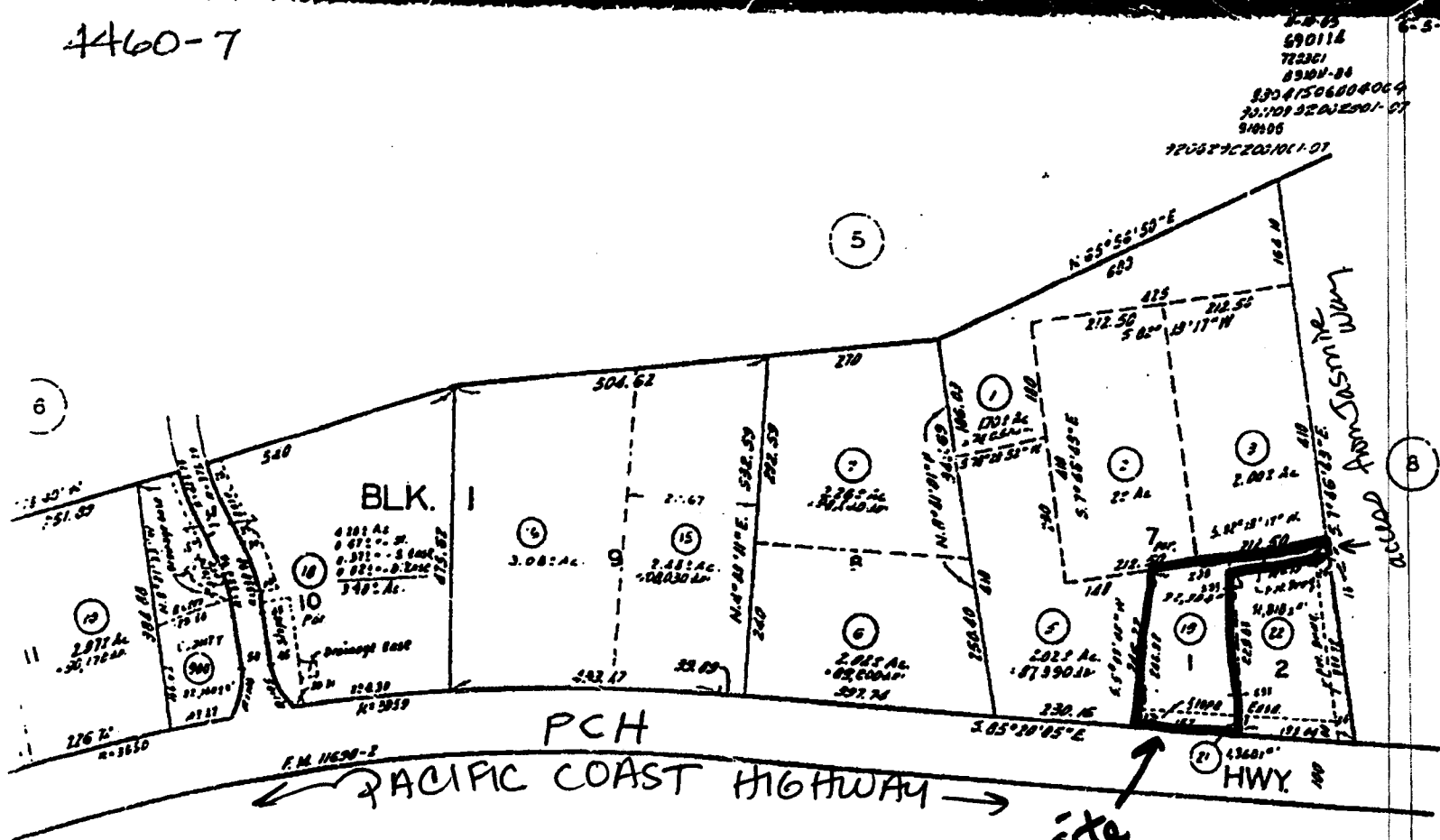
SANTA MONICA BAY

EXHIBIT NO. 3
APPLICATION NO.
4-99-006
ACH Realty

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EXHIBIT NO. 4
APPLICATION NO.
4-97-006
ACH Realty



toward
Pacific Ocean

site
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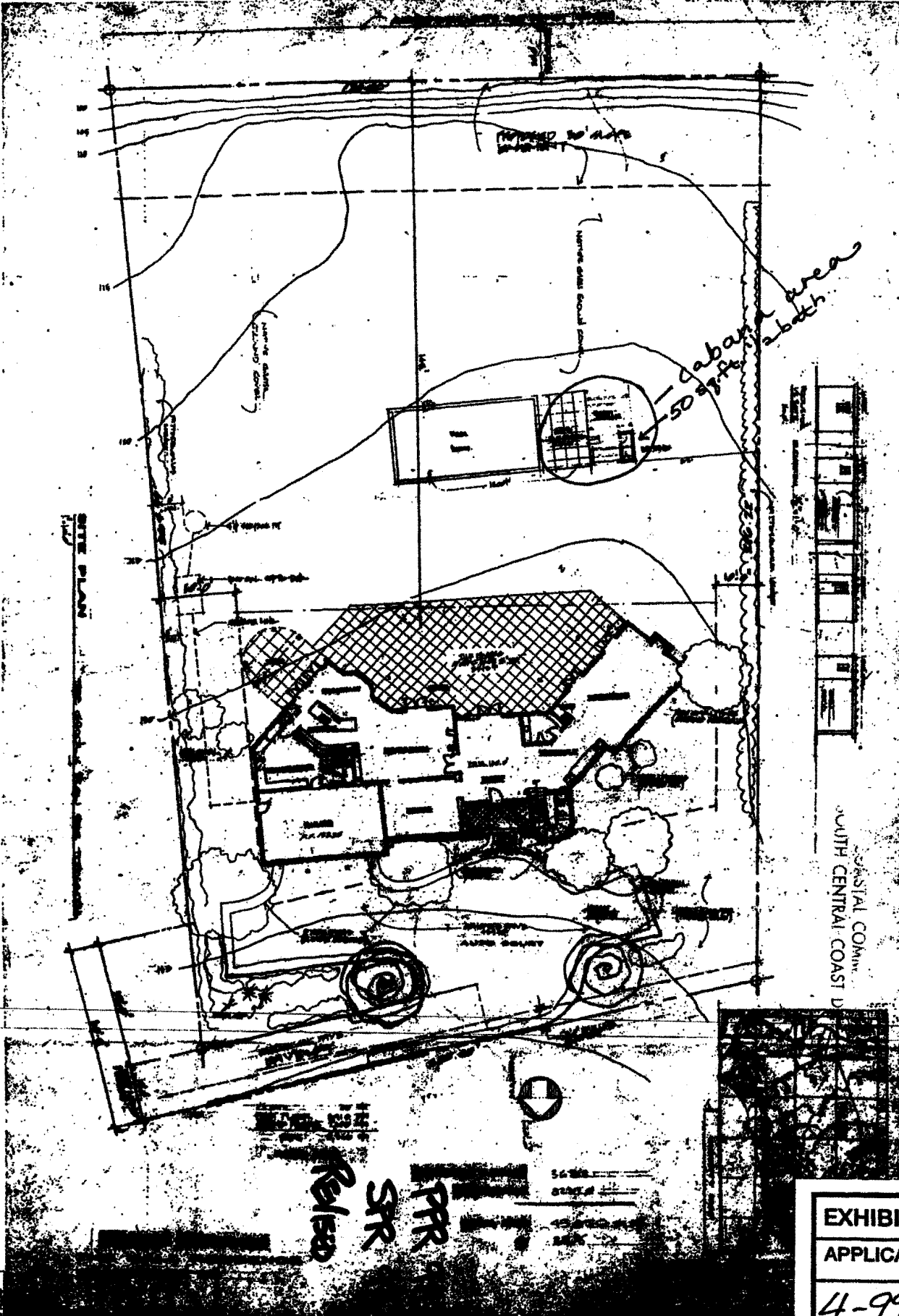
JAN 08 1999

COASTAL COMMISSION
SOUTH CENTRAL COAST DIST.

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

PARCEL MAP

Commuter / Pacific Coast Highway



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EXHIBIT NO. 5
APPLICATION NO.
4-99-006
ACA Realty

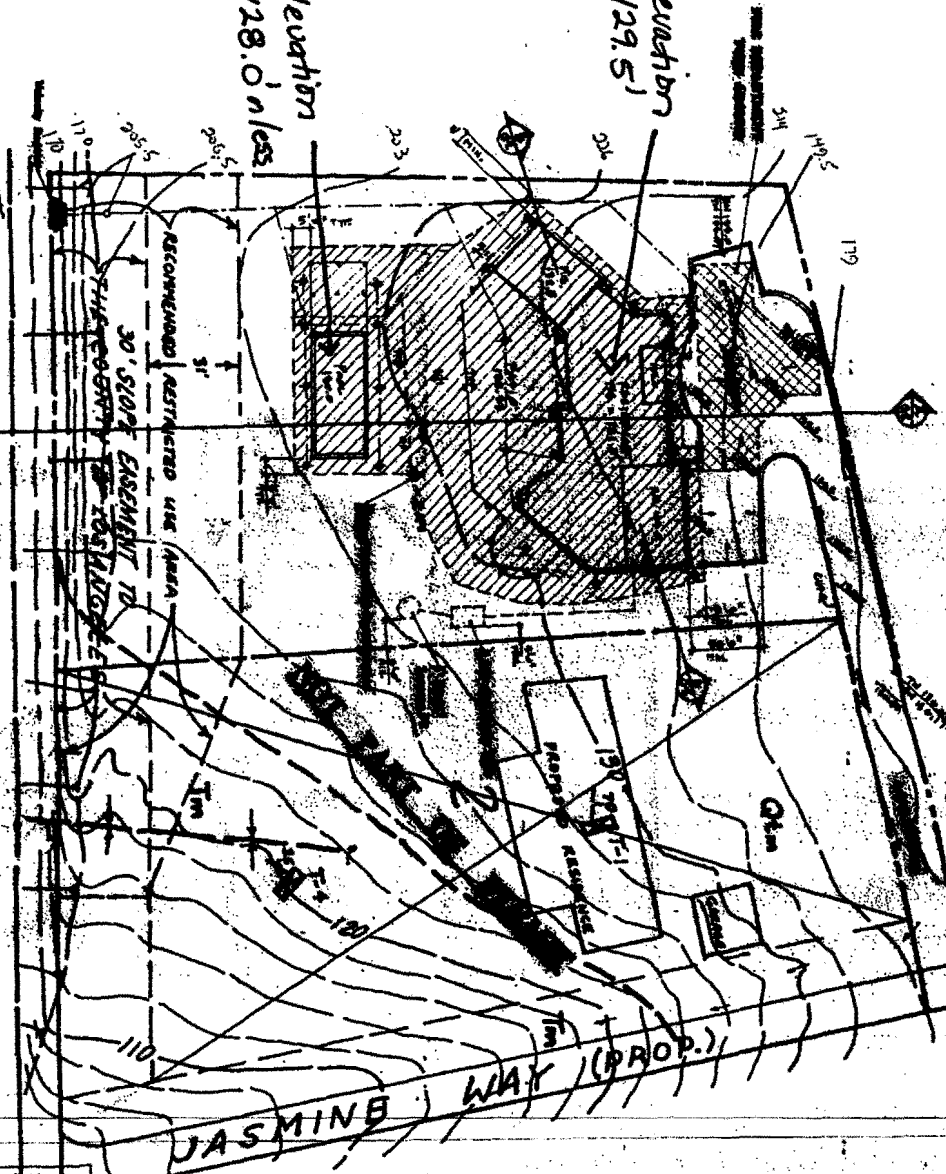
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CITY OF MALIBU
SOUTH CENTRAL COAST DISTRICT

shown: 131.5' elevation
to be reduced to 129.5'
elevation in 1000

shown: 130.0' elevation
to be reduced to 128.0' unless



1772.5
1000000 1772.5
135000
1772.5

LEGEND
PROPERTY LINES
EXISTING ROADS
PROPOSED ROADS
PROPOSED EASEMENTS
PROPOSED UTILITIES
PROPOSED SETBACKS
PROPOSED ZONING

CITY OF MALIBU
PLANNING DEPARTMENT
27605 PCH, Malibu, CA
90263
RECEIVED
JAN 31 1999
PLANNING DEPT.

Date Recd.

6-8-70
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Job Name

Sheet Title

EXHIBIT NO. 6
APPLICATION NO.
4-99-006
ALL RIGHTS RESERVED

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JAN 31 1999
PLANNING DEPT.

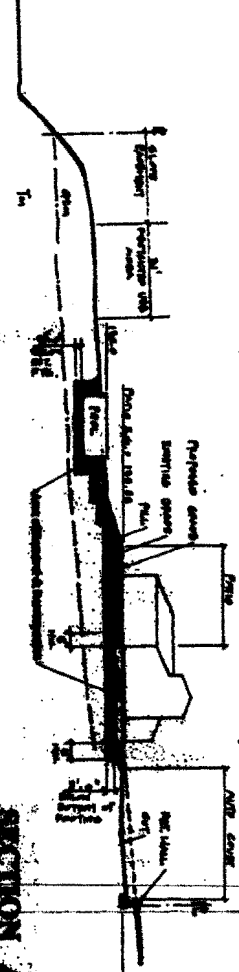
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COASTAL COMMUNITY
SOUTH CENTRAL COAST DISTRICT

Pacific Coast Highway



SECTION B

SECTION A



CITY OF MALIBU
Planning Department
10000 Malibu Road
Malibu, CA 90263
Tel: (310) 360-7000
Fax: (310) 360-7001

Date Rec'd

The City Engineer
27001 FCH, Malibu, CA

Job Name

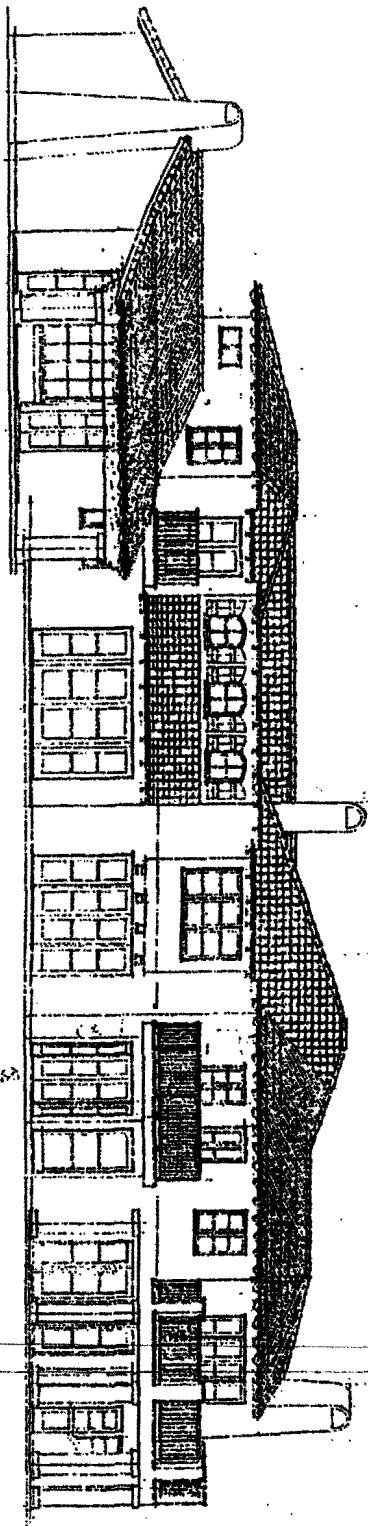
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EXHIBIT NO.
APPLICATION NO.

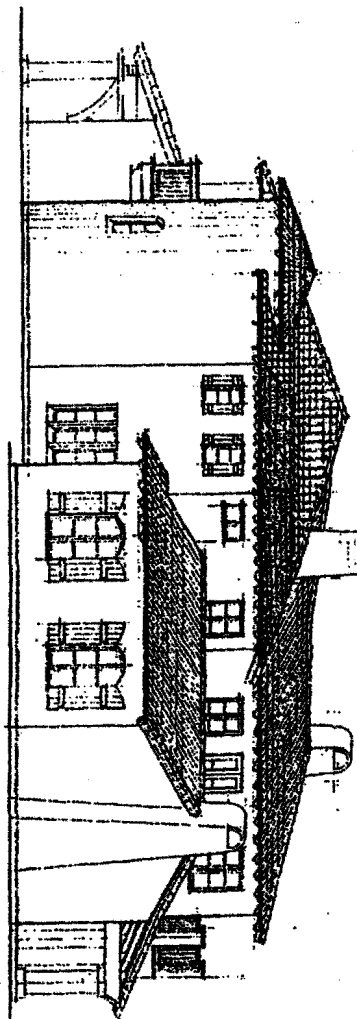
4-99.006
ACT Realty

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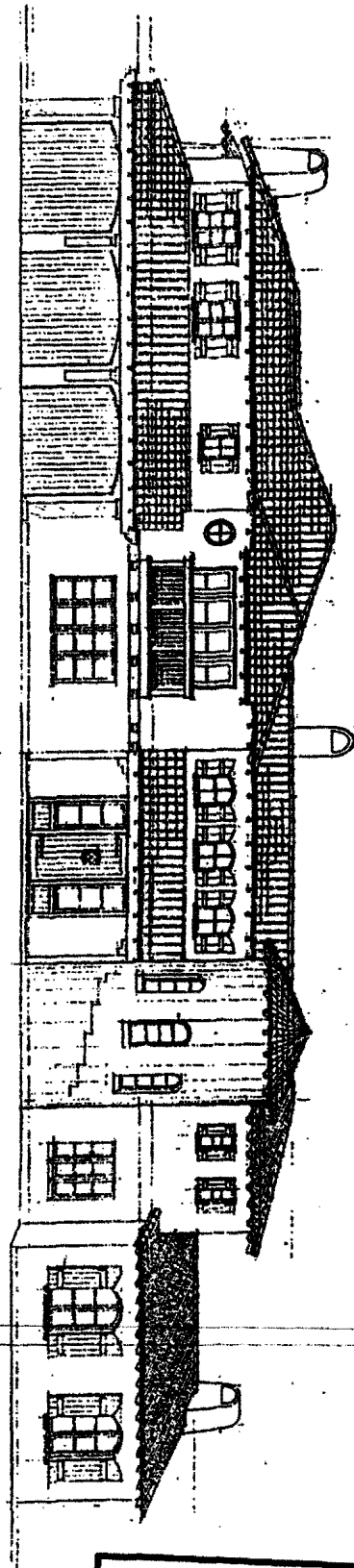
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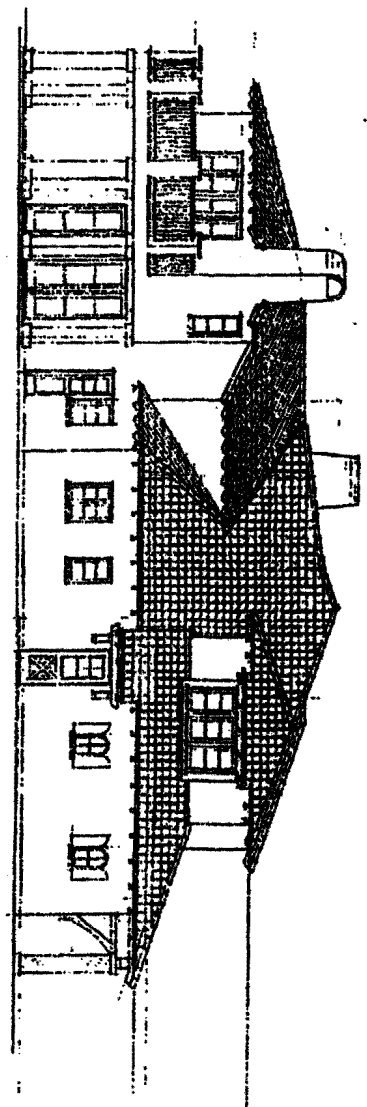
J. M. SEV
ARCHITECT
815 W. Century Pl.
Pasadena, California

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ARCHITECT**
212 W. Collins Street
Marina del Rey, CA

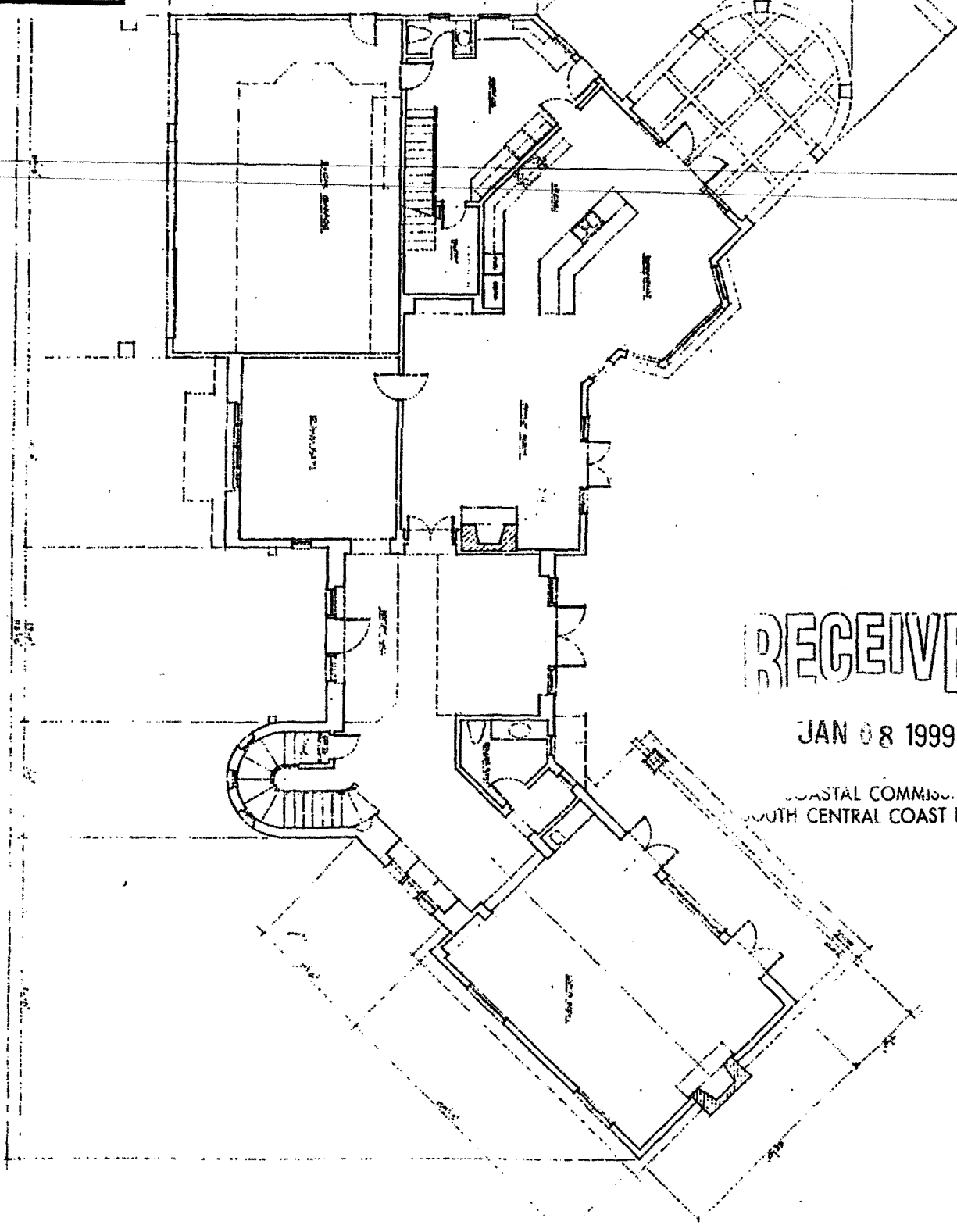
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EXHIBIT NO. 10
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FIRST FLOOR PLAN



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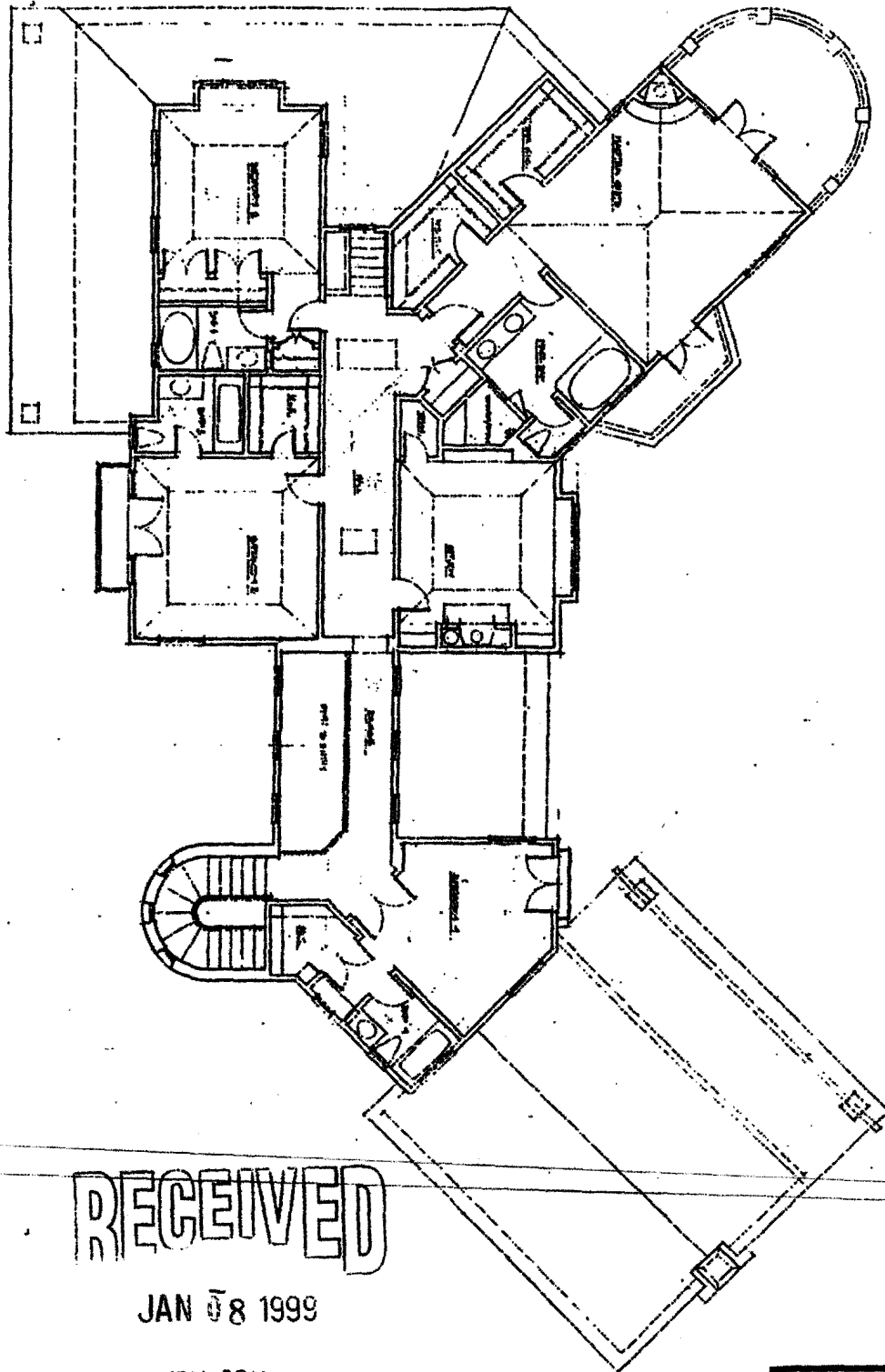
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THE HALL RESIDENCE
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MALIBU, CALIFORNIA

J. M. SEWALL & ASSOCIATES
ARCHITECTURE • PLANNING
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SECOND FLOOR PLAN



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J. M. I
ARCHT
215 W. 2nd
Seattle, Wash