

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-99-269

APPLICANT: Stephen Berman **AGENT:** Lynn Heacox

PROJECT LOCATION: 27086 Malibu Cove Colony Drive, City of Malibu
 (Los Angeles County)

PROJECT DESCRIPTION: Construction of 1,564 sq. ft. of landward additions to an existing two-story 2,824 sq. ft. single family residence located on the beach. The project also includes a 180 sq. ft. addition to an existing 422 sq. ft attached garage and installation of a new secondary treatment septic system. No grading is proposed.

Lot area	5,130 sq. ft.	(0.12 ac.)
Building coverage:	3,137 sq. ft.	
Pavement coverage:	703 sq. ft.	
Unimproved area:	1,290 sq. ft.	
Parking spaces:	2 (covered)	
Ht abv fin grade:	21'	

LOCAL APPROVALS RECEIVED: Approval in Concept -- City of Malibu Planning Department; Approval in Concept -- City of Malibu Geology and Geotechnical Engineering Department; Approval in Concept -- City of Malibu Environmental Health Department (Septic System).

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit (CDP) No. 4-95-010 (Magid); CDP No. 4-95-057 (Starr); CDP No. 4-98-316 (Warnack); CDP No. 4-00-002 (Wedelstadt); *Letter RE: Coastal Development Project Review for Additions to Existing Single Family Residence at 27086 Malibu Cove Colony Drive, Malibu*, by Robert L. Lynch of the California State Lands Commission, dated February 22, 2000; *Limited Geologic and Soils Engineering Investigation -- Room Additions -- 27086 Malibu Cove Colony Drive, Malibu, California*, by GeoConcepts, Inc., dated February 28, 2000; *Letter RE: Existing Timber Bulkhead at 27086 Malibu Cove Colony Drive, Malibu, CA*, by David C. Weiss Structural Engineer & Associates, Inc., dated April 7, 2000; *City of Malibu Geology and Geotechnical Engineering Review Sheet for Site Address -- 27086 Malibu Cove Colony*, dated April 10, 2000.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with five (5) special conditions regarding construction responsibilities and debris removal, plans conforming to geologic recommendations, assumption of risk, sign restriction, and drainage plans.

I. STAFF RECOMMENDATION

1. Motion: *I move that the Commission approve Coastal Development Permit No. 4-99-269 pursuant to the staff recommendation.*

2. Staff Recommendation of Approval:

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

3. Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Construction Responsibilities and Debris Removal

The applicant shall, by accepting this permit, agree that: a) no stockpiling of dirt or construction materials shall occur on the beach; b) all dirt and construction materials shall be properly covered and sand bags and/or ditches shall be used to prevent runoff and siltation; and c) measures to control erosion must be implemented at the end of each day's work. In addition, no machinery will be allowed in the intertidal zone at any time. The permittee shall remove from the beach area any and all debris that result from the construction.

2. Plans Conforming to Geologic Recommendations

All recommendations contained in the *Limited Geologic and Soils Engineering Investigation -- Room Additions -- 27086 Malibu Cove Colony Drive, Malibu, California*, by GeoConcepts, Inc., dated February 28, 2000, shall be incorporated into final design and construction including foundations, grading, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic / geotechnical consultant's review and approval of all project plans. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes to the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

3. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, flooding, fire, landsliding, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel, 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.

4. Sign Restriction

No signs shall be posted on the property subject to this permit which (a) explicitly or implicitly indicate that the portion of the beach on the subject site (Assessor's Parcel Numbers 4460-026-001) located seaward of the residence is private, or (b) contain similar messages that attempt to prohibit public use of this portion of the beach. In no instance shall signs be posted which read "*Private Beach*" or "*Private Property*." In order to effectuate the above prohibitions, the permittee / landowner is required to submit to the Executive Director for review and approval the content of any proposed signs prior to posting.

5. Drainage and Polluted Runoff Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements, and shall, at a minimum, include the following components.

Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate, or treat runoff from all roofs, parking areas, driveways, and other impervious surfaces shall be identified and incorporated into final plans.

Selected BMPs shall, when implemented, ensure that post-development peak runoff rate and average volume from the site will be maintained at levels similar to pre-development conditions. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner.

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

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

The subject property is a beachfront lot located at 27086 Malibu Cove Colony Drive, in the Escondido Beach area of the City of Malibu in Los Angeles County, northeast of Point Dume. Access to the project site is from Pacific Coast Highway to Malibu Cove Colony Drive, a private street which passes immediately north of the subject property. There have been no previous coastal permits obtained for the subject property, but there is existing development on-site including a 2,824 sq. ft. two-story single family residence (SFR), an attached 422 sq. ft. garage, a septic system, a bulkhead, a front patio / courtyard, and a short driveway. The existing single family residence on the site was constructed prior to the Coastal Act of 1976 and Proposition 20 (the "Coastal Conservation Initiative"), approved in November of 1972. Furthermore, it is estimated that the wooden bulkhead, which runs continuously across the applicant's site and neighboring parcels along Malibu Cove Colony Drive, was constructed in the 1950's. Based on analysis of aerial photographs, the rock revetment which fronts the wooden bulkhead appears to have been constructed sometime between the late 1960's and the early 1970's.

The applicant is proposing construction of 1,564 sq. ft. of landward additions to the existing two-story 2,824 sq. ft. single family residence located on the beach. The project also includes a 180 sq. ft. addition to an existing 422 sq. ft. attached garage and installation of a new secondary treatment septic system. No grading or changes to the existing wood bulkhead or rock revetment are proposed. Additionally, neither the building footprint nor the foundation will be altered and all development will comply with the building and deck stringlines. The proposed development will not affect public coastal views, access, or recreation. The applicant has submitted evidence of review of the proposed project by the California State Lands Commission (CSLC) which indicates that the CSLC presently asserts no claims that the project is located on public tidelands although the CSLC reserves the right to any future assertion of state ownership or public rights should circumstances change. Topographically, the property is located on the narrow beach fronting the coastal strip at the foothills of the Santa Monica Mountains, between the sea and the first public road in the area -- Pacific Coast Highway. The site is bounded on the north by Malibu Cove Colony Drive, on the south by the Pacific Ocean, and on the east and west by neighboring residences.

B. Hazards

Section 30253 of the Coastal Act states (in part):

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...

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

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 is located on a beachfront lot along the Malibu / Santa Monica Mountains coastline, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu / Santa Monica Mountains area include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides. Even beachfront properties in Malibu have been subject to wildfire; and, of course, beachfront sites are specifically subject to flooding and erosion from storm waves.

The Malibu coast has historically been subject to substantial damage as the result of storm and flood occurrences, most recently and perhaps most dramatically, during the 1998 El Niño winter storm season. Past storms in Malibu have caused property damage resulting in public costs through emergency response and low-interest, publicly-subsidized reconstruction loans amounting in the millions of dollars. In the winter of 1977-78, for instance, storm-triggered mudslides and landslides caused extensive damage to Malibu beaches, seawalls, and other structures which, according to the National Research Council, caused damage of up to \$5 million to private property alone. The El Niño storms from 1982-83 caused high tides of over seven feet, which combined with storm waves of up to 15 feet, caused over \$12.8 million in damage to structures in Los Angeles County, many located in Malibu. The 1998 El Niño storms also resulted in widespread damage to residences, public facilities, and infrastructure along the Malibu coast. Thus, due to its beachfront location, the subject site is potentially subject to a high degree of risk from storm waves and surges, high surf conditions, erosion, and flooding.

The prominent geomorphic features in the area are the ridgeline of the Santa Monica Mountains to the north, the Pacific Ocean (Santa Monica Bay) to the south, Escondido Canyon to the west, and Latigo Canyon to the east. The site is located on a sloping shoreline area with an approximately 4:1 (horizontal : vertical) gradient. The upper site area where construction is planned consists of a previously graded near-level pad area along the northern property boundary adjacent to Malibu Cove Colony Drive. The residence is built on piles above the sand and a bulkhead which protects the existing septic system. Surface drainage on-site is currently accomplished naturally by sheetflow towards the sandy beach and to Malibu Cove Colony Drive. Most of the runoff flows over the existing contours south to the ocean (Santa Monica Bay). Some runoff flows into the curb and gutter conveyance system along Malibu Cove Colony Drive which eventually outlets at the beach.

Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have prepared reports and provided recommendations to address the specific geotechnical conditions related to the site. The *Limited Geologic*

and Soils Engineering Investigation -- Room Additions -- 27086 Malibu Cove Colony Drive, Malibu, California, by GeoConcepts, Inc., dated February 28, 2000, addresses the possibility of faulting at the subject site, stating:

No known active fault exists beneath the proposed project. [However,] there are several active and/or potentially active faults that could possibly affect the site.... The main trace of the Malibu Coast fault is approximately 3,200 feet north of the subject property.... The Escondido Fault was mapped just north of the subject property by the U.S. Geologic Survey and beneath the property by the Dibblee Geological Foundation. The fault is a north-dipping thrust fault. Generally, it separates the Monterey formation from the Trancas formation and Zuma Volcanic. ... As of June 1995, two portions of the Malibu Coast fault zone were reclassified as an active fault.

In 1978, Earl R. Morley, Jr. consulting geologist for the County of Los Angeles, mapped a large landslide in the immediate vicinity of the subject site, between Sea Vista Drive and Malibu Cove Colony Drive. Unstable slopes were reported prior to 1960, and subsequently, a few homes were damaged by the landslide. In response to these events, Caltrans installed hydrauger drains to reduce water levels in the slide area. However, despite the hydraugers, the landslide was reactivated in 1993; and, as a result, the active portion of the slide was partially mitigated through slide removal and replacement as compacted fill by Caltrans. Currently, these hydrauger drains continue to produce water from the landslide area. The applicant's geological consultant, however, states that there is no evidence of bedrock landsliding known to exist under the residence or the subject property:

Ancient or recent bedrock landslides were not observed on the property. ... [I]t is thought that the regional landslide depicted by Morley does underlie the subject site [but] will not adversely affect the proposed development. ... Gross stability analysis indicated that the slope is grossly stable.

The 2000 GeoConcepts report concludes:

Based on the results of this investigation and a thorough review of the proposed development, as discussed, the site is suitable for the intended use providing the following recommendations are incorporated into the design and subsequent construction of the project. Also, the development must be performed in an acceptable manner conforming to building code requirements of the controlling governing agency. ... It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained.

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Two**, to submit project plans certified by the geologic / geotechnical engineering consultants as conforming to their recommendations.

In order to minimize wave hazards, control seaward encroachment of residential structures on a beach to ensure maximum public access, and to minimize adverse effects to coastal processes, shoreline sand supply, and public views, the Commission has, in past permit actions, developed the "stringline" policy. As applied to beachfront development, the stringline limits the seaward 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 the adjacent 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 the case of this project, the proposed development will be located landward of the appropriate deck and building stringlines and will not result in the seaward encroachment of residential development on Escondido Beach. As such, the Commission finds that the proposed project will not result in seaward encroachment of development on Escondido Beach and result in minimal adverse effects to coastal processes.

As discussed previously, beachfront development in the Malibu / Santa Monica Mountains area is subject to an unusually high degree of risk from storm waves and surges, high surf conditions, erosion, soil liquefaction, landslide, flooding, and wildfire. The proposed development will continue to be subject to the hazards of oceanfront development now and into the foreseeable future. The Coastal Act recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting geologists and engineers, may still involve the taking of some 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 the property.

Because there remains some inherent risk in building on sites located within or near potentially active landslides and along the coastline, such as the subject site, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by **Special Condition Three**. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development, and agrees to assume any liability for the same. 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 near sites under consideration.

In addition, the Commission notes that construction activity on a beachfront property, such as the proposed project, will result in the potential generation of debris and or presence of equipment and materials that could be subject to tidal action. The presence of construction equipment, building materials, and excavated materials on the subject site could pose hazards to beachgoers or swimmers if construction site materials were discharged into the marine environment or left inappropriately / unsafely exposed on the project site. In addition, such discharge to the marine environment would result in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. To ensure that adverse effects to the marine environment are minimized, **Special Condition One** requires the applicant to ensure that stockpiling of construction materials shall not occur on the beach, that no machinery will be allowed in the intertidal zone at any time, that all debris resulting from the construction period is promptly removed from the sandy beach area, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

C. Public Access

The Coastal Act mandates the provision of maximum public access and recreational opportunities along the coast. The Coastal Act contains several policies which address the issues of public access and recreation along the coast. Coastal Act Section 30210 states:

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.

Section 30212(a) of the Coastal Act states, in part, that:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Coastal Act sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, Section 30212 of the Coastal Act requires that public access to the sea be provided to allow use of dry sand and rocky coastal beaches. 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. Based on the access, recreation, and development sections 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 Sections 30210, 30211, and 30212.

Past Commission review of shoreline residential projects in Malibu has shown that individual and cumulative adverse effects to public access from such projects can include encroachment on lands subject to the public trust (thus physically excluding the public), interference with the natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas, overcrowding or congestion of such tideland or beach areas, and/or visual or psychological interference with the public's access to and the ability to use public tideland areas.

The applicant has submitted a letter from the California State Lands Commission (CSLC) dated February 17, 2000, which indicates that CSLC staff has reviewed the proposed project. Their review further indicates that CSLC staff does not, at this time, have sufficient information to determine whether this project will intrude upon state sovereign lands or interfere with other public rights. They do not think that the

expenditure of time, effort, and money necessary to make such a determination is warranted in this case. The letter from the CSLC regarding this project concludes:

Accordingly, the CSLC presently asserts no claims that the project intrudes onto sovereign lands or that it would lie in an area that is subject to the public easement in navigable waters. This conclusion is without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information come to our attention.

As stated previously, the Commission has in past permit actions developed the "stringline" policy as a means of controlling seaward encroachment of residential structures on a beach to ensure maximum public access and public views. As applied to beachfront development, the stringline limits the seaward 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 the adjacent 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 the case of this project, the proposed development will be located landward of the appropriate stringlines and will not result in the seaward encroachment of residential development on Escondido Beach. In addition, the applicant is not proposing any improvements to or reinforcement of the existing shoreline protective structure that could interfere with coastal process. As such, the Commission finds that the proposed project will not result in the seaward encroachment of development on Escondido Beach and will serve to minimize adverse effects to public access and views.

The Commission notes that new residential development, fences, walls, and landscaping, in addition to use of road shoulders for residential parking, results in potential adverse effects to public beach access when such development is located along the shoulder of public roads (e.g., Pacific Coast Highway) in a manner which precludes a pedestrian's ability to utilize the road shoulder where no sidewalk is located. In addition, in past permit actions regarding new residential development along Pacific Coast Highway, the Commission has required that applicants construct sidewalk improvements in order to eliminate such adverse effects to public access in coastal areas. In the case of the proposed project, however, the Commission notes that the proposed development will be located on the seaward side of a private access road located south of Pacific Coast Highway and that no part of the proposed development will encroach into the public road easement. As such, the Commission notes that, in this case, the proposed development will not result in any adverse effects to public pedestrian access along a public road and that a condition requiring the applicant to construct sidewalk improvements on the subject site is not required.

However, the Commission notes that chronic unauthorized postings of signs illegally attempting to limit, or erroneously noticing restrictions on public access have occurred on beachfront private properties in the Malibu area. These signs have a stifling effect on the legitimate, protected access to public trust lands. The Commission has determined, therefore, that to ensure that such postings are clearly understood by the applicant to be forbidden until or unless a coastal development permit is obtained for such signage, it is necessary to impose **Special Condition Four**, to ensure that similar signs are not posted on or near the existing structure and to protect the public's right of access to the sandy beach below the Mean High Tide Line.

The project, as conditioned, will not extend development seaward beyond existing on-site development or beyond the appropriate stringlines, does not include the

construction of any new shoreline protective devices, and will not preclude public access to any presently existing vertical or lateral public access easements or rights or adversely affect public coastal views. The Commission therefore finds that the proposed project, as conditioned, will have no individual or cumulative adverse effects on public access and is consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states that:

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

The project site is located on Escondido Beach, a built-out area of Malibu primarily consisting of residential development. The Commission notes that portions of the Escondido Beach / Malibu Cove Colony area are visible from Pacific Coast Highway, a Land Use Plan (LUP) designated scenic highway which is a major coastal access route, not only utilized by local residents, but also by tourists and visitors. Public views of the beach and water from Pacific Coast Highway have been substantially reduced, or completely blocked, in many areas by the construction of single family residences, privacy walls, fencing, landscaping, and other residential related development between Pacific Coast Highway and the ocean. Specifically, the Commission notes that when residential structures are located immediately adjacent to each other, or when large individual residential structures are constructed across several contiguous lots, such development creates a wall-like effect when viewed from Pacific Coast Highway. This type of development limits the public's ability to view the coast or ocean to only those few parcels which have not yet been developed. The Commission notes that the construction of individual beachfront residences, when viewed on a regional basis, results in potential cumulative adverse effects to public views and to the visual quality of coastal areas.

The subject site is located in the developed Malibu Cove Colony Drive area and is bordered by other residential parcels to the east and west. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic highways. The Commission also examines the building site and the size / scale of the proposed development. Staff visited the subject site and found the proposed construction to be appropriate and feasible, given the terrain and the neighboring residential development. Since the subject site is located on the sandy beach, it is consequently highly visible from the surrounding public beach areas and the ocean. The subject site is not visible from Pacific Coast Highway since it is significantly lower than the road and screened by vegetation. The proposed improvements are located on the landward side of the existing residence and thus will have little, if any,

impact on the views from the beach. Furthermore, the existing residence and proposed improvements are substantially in character with the type and scale of development in the surrounding area. The proposed project, therefore, would be consistent with the general character of the developed neighborhood on Malibu Cove Colony Drive and will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Malibu / Santa Monica Mountains area. The Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

E. Water Quality

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

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.

As described previously, the proposed project includes the construction of 1,564 sq. ft. of landward additions to an existing two-story 2,824 sq. ft. single family residence located on the beach. The project also includes a 180 sq. ft. addition to an existing 422 sq. ft. attached garage and installation of a new secondary treatment septic system. No grading is proposed. Development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to slope destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels. Further, continued use of the site for residential purposes may introduce potential sources of pollutants such as petroleum, household cleaners and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces. Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures such as vegetated filter strips, gravel filters, and other media filter devices to decrease water velocity and provide some treatment of stormwater. In order to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner, the applicant is required to implement and maintain a drainage plan through **Special Condition Five**. This drainage plan will ensure that risks from geologic hazard are minimized and that erosion and sedimentation are minimized. The plan should incorporate filter elements to intercept and/or treat the runoff from the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season which typically carry the highest concentration of pollutants deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

In addition, the Commission finds that any construction activity on a beachfront property may result in the generation of debris that could be subject to tidal action resulting in adverse effects to offshore habitat from increased turbidity caused by erosion and siltation of coastal waters. To ensure that potential adverse effects to the marine environment are minimized, **Special Condition One** prohibits stockpiling of construction materials on the beach, that no machinery will be allowed in the intertidal zone at any time, that all debris resulting from the construction period is promptly removed from the sandy beach area, all grading shall be properly covered, and that sand bags and/or ditches shall be used to prevent runoff and siltation.

Finally, the proposed development includes the installation of a new, upgraded on-site septic system to serve the residence. The Commission recognizes that the potential build-out of lots in the Malibu / Santa Monica Mountains area and the resultant installation of septic systems may contribute to adverse health effects and geologic hazards in the local area. In order to improve effluent water quality, to reduce the size of the required leachfield for the proposed septic system, and to allow the system to be located as far landward as possible, the applicant is proposing to install a secondary treatment septic system which is designed to produce treated effluent with reduced levels of organics, biochemical oxygen demand (BOD), and total suspended solids (TSS) while occupying less area than required for a conventional septic system and leachfield. As proposed, the septic system will be located as landward as possible.

Although there is an existing septic system with tank and seepage pit on the subject site, the applicant is proposing to upgrade the septic system by installing a new 2,000 gallon alternative septic tank. Although the applicant originally proposed to install a conventional septic system, in response to staffs' concerns regarding the adequacy of a conventional system on a beachfront lot, the applicant has proposed an alternative system. Due to the fact that there is only approximately forty feet between the existing wooden bulkhead and the property line, there is not adequate area to allow for the installation of an intermittent sand filter system. As an alternative, the applicant has proposed to install a "MicroFast" wastewater treatment tank system as opposed to a standard tank, which will greatly increase the quality of the discharged effluent. The applicant has submitted in-concept approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the Uniform Plumbing Code. The City of Malibu minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources. The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

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 program that is in conformity with Chapter 3 (commencing with Section 30200). ...

Section 30604(a) of the Coastal Act stipulates 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 significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for the City of Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 may have on the environment.

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

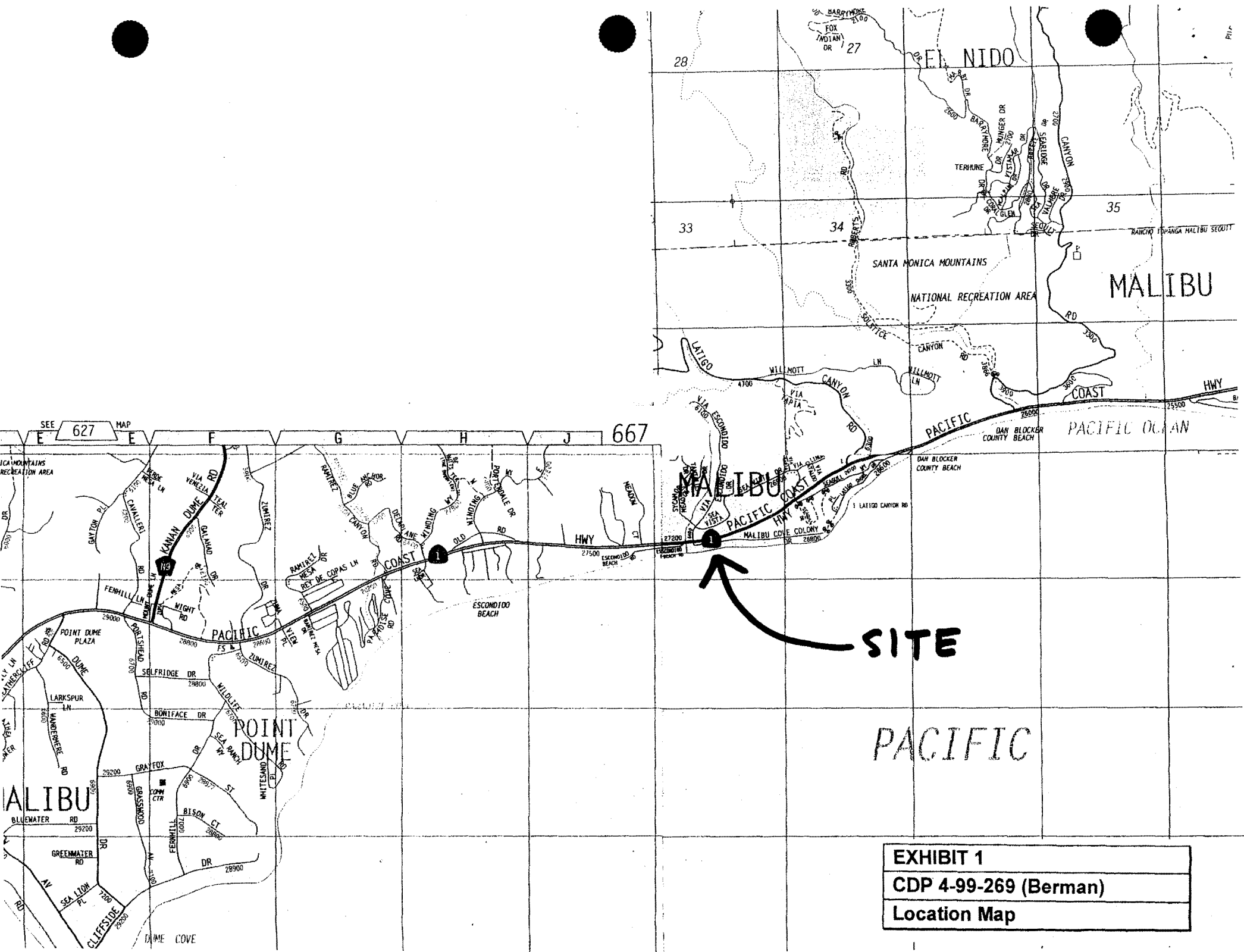
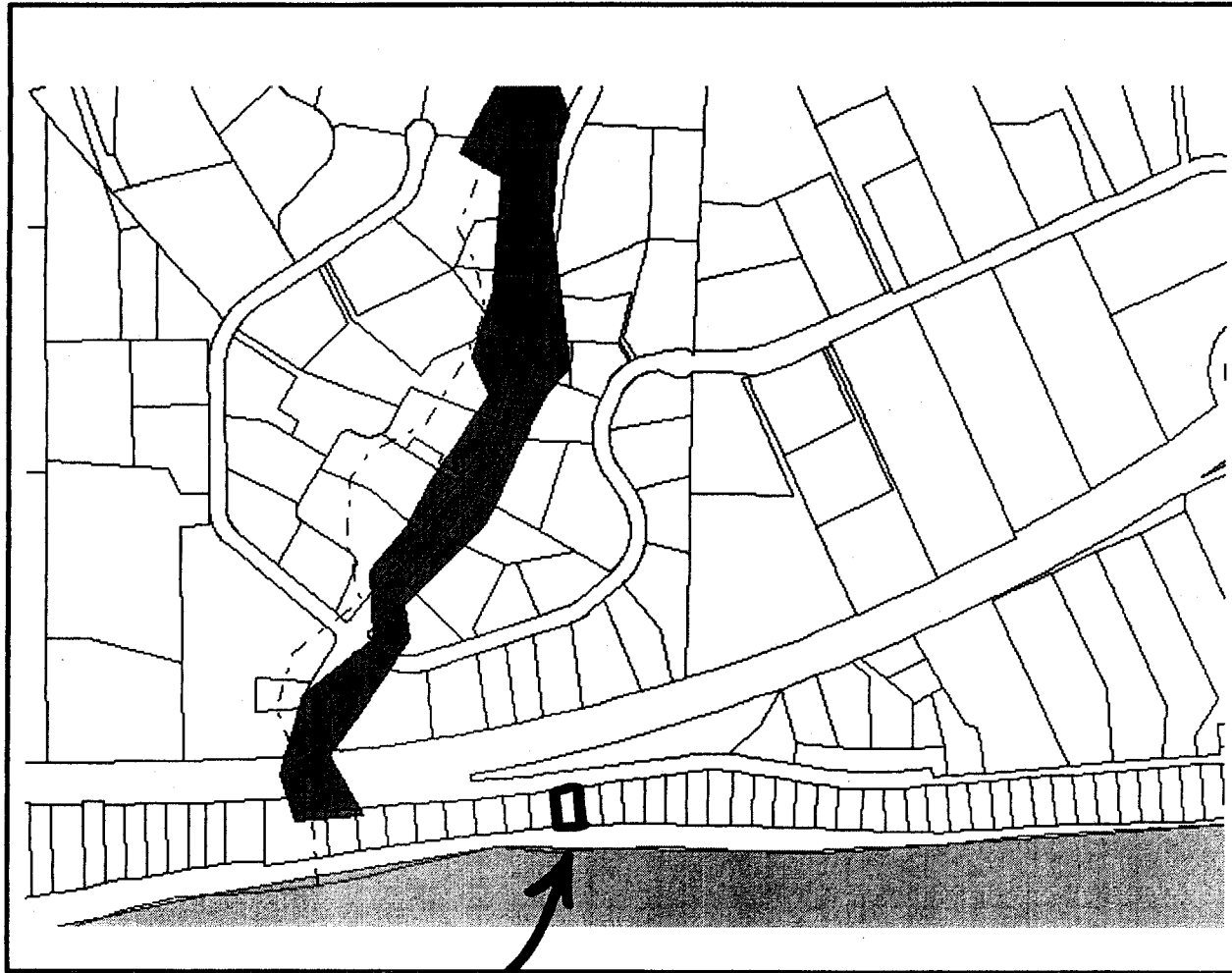












EXHIBIT 1
CDP 4-99-269 (Berman)
Location Map

ESRI ArcExplorer 1.1

4-99-269 Berman (27086 Malibu Cove Colony Dr.)



-  Malibu City Boundary
-  LA-Ventura County Boundary
-  Trails - LA County LUP
-  Blue Line Streams
-  shoreline
-  czbdy
-  laprcis
-  esha
-  Small lot subdivisions
-  Ocean

SITE

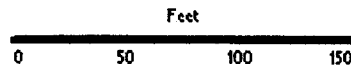
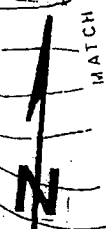
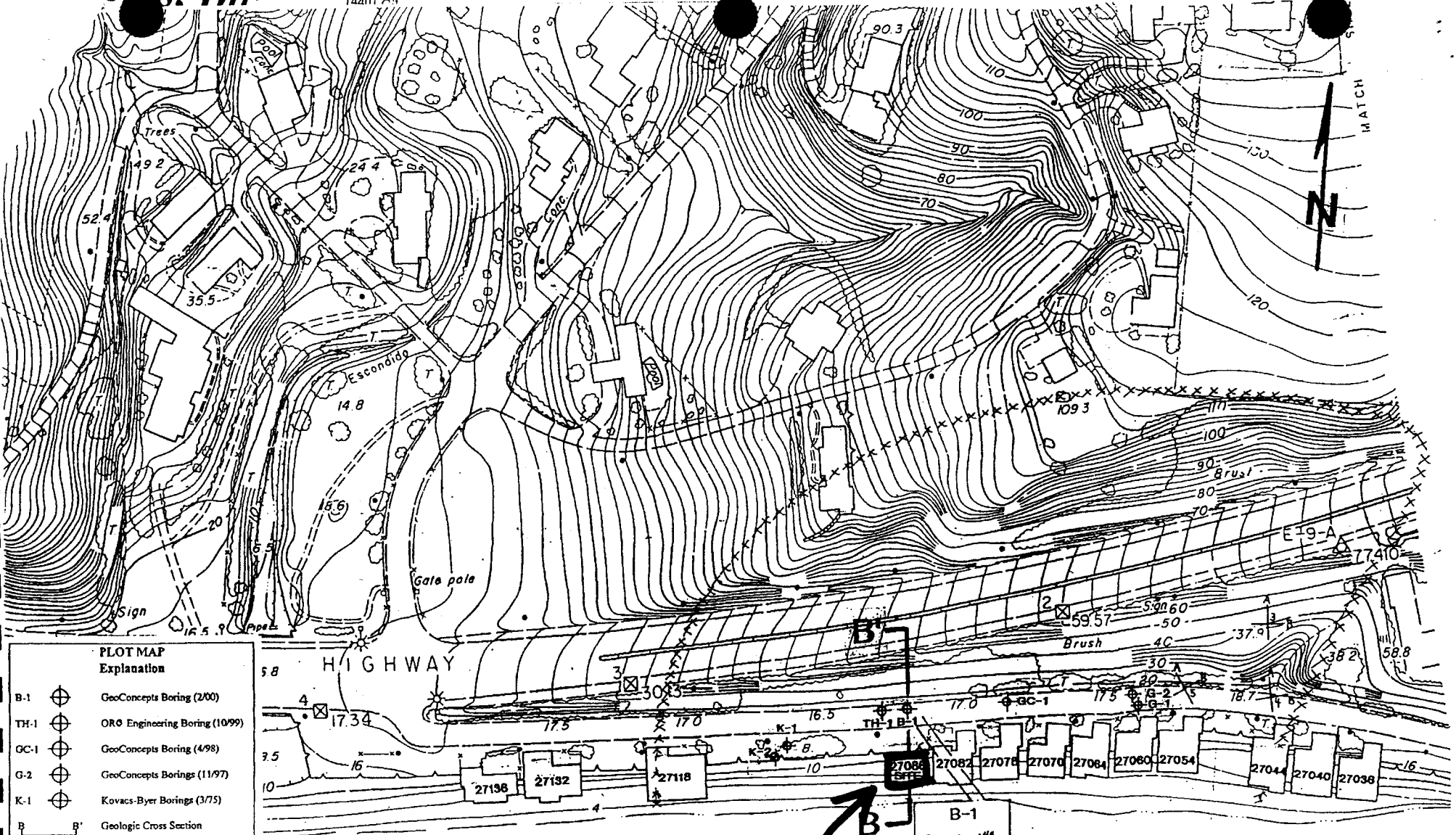


EXHIBIT 2
CDP 4-99-269 (Berman)
Parcel Map



PLOT MAP	
Explanation	
B-1	GeoConcepts Boring (2/00)
TH-1	ORO Engineering Boring (10/99)
GC-1	GeoConcepts Boring (4/98)
G-2	GeoConcepts Borings (11/97)
K-1	Kovacs-Byer Borings (3/75)
B	Geologic Cross Section

GeoConcepts, Inc.	
Approximate Scale: 1" = 100'	
February, 2000	Project Number: 1860
Reference:	California Division of Highways Survey Map 7-LA-1 (110-194-6)
Project Address:	27086 Malibu Cove Colony Drive Malibu, California

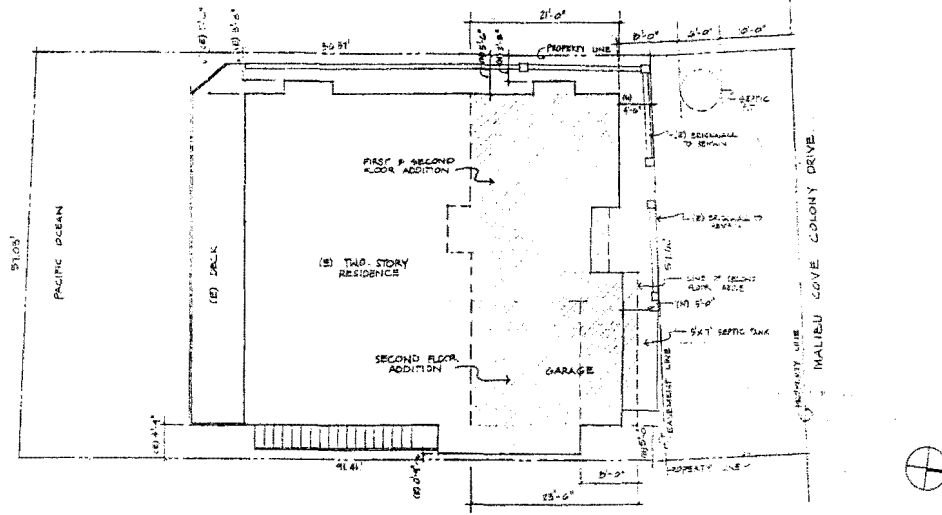
XXXXX POTENTIAL MAJOR LANDSLIDE MAPPED BY ER. MORLEY JR. 8/4/78

▲ B = CAL-TRANS SLOPE INDICATORS

B-1	14'
22.0'	12'
250'	120'

SITE

EXHIBIT 3
CDP 4-99-269 (Berman)
Geology Map



NOTE:
 - NO SHADING PROVIDED ON THIS PROJECT.

SITE PLAN

SCALE: 1/8" = 1'-0"

SHEET INDEX

SHT. CONTENT	
1	COVER SHEET, SITE PLAN, PROJECT INFO
2	EXISTING FIRST FLOOR PLAN / DEMO PLAN
3	EXISTING SECOND FLOOR PLAN / DEMO PLAN
4	FIRST FLOOR PLAN
5	SECOND FLOOR PLAN
6	ROOF PLAN
7	EAST & WEST ELEVATION
8	WEST ELEVATION
9	SECTIONS
10	FIRST & SECOND FLOOR ELECTRICAL PLANS
11	SCHEDULES & GENERAL NOTES
12	FOUNDATION
13	SECOND FLOOR & ROOF FRAMING PLANS
14	DETAILS
15	INTERIOR ELEVATIONS

REVISIONS BY

John A. Himes, Architect
 5905 Leona Avenue
 Van Nuys, California 91411
 (818) 376-1294

ADDITION for
 Mr. & Mrs. Stephen Berman
 27084 Malibu Cove Colony
 Malibu, CA 90265

COVER SHEET
 SITE PLAN
 PROJECT INFO

DATE	08/20/99
SCALE	
DRAWN BY	
CHECKED BY	
SHEET	1
OF	15

VICINITY MAP

ENERGY NOTES

LEGEND

PROJECT INFORMATION

TITLE 24 PACKAGE A REQUIREMENTS

Main House

Size of addition:	1564.00 S.F.
Allowable glazing:	
1564.00 x 0.20 =	312.80 S.F.
displaced glazing	18.00 S.F.
Total allowable	330.80 S.F.

Glazing provided:

Windows	139.00 S.F.
Doors	159.00 S.F.
Skylight	1.00 S.F.
Total glazing provided	300.00 S.F.

298.00 S.F. glazing provided < 330.80 S.F. glazing allowed. O.K.

	2x STEEL WALL		SWITCH
	CONCRETE BLOCK WALL		3-WAY SWITCH
	RAFTER INSULATION		DUPLEX OUTLET
	CONCRETE		1/2 HOT DUPLEX OUTLET
	PLYWOOD		FOURPLEX OUTLET
	PLASTER ON METAL LATH		GROUND FAULT INTERRUPTER
	GYPSUM BOARD		TELEPHONE JACK
	EARTH		WALL MOUNTED INCAND.
	2x4 FRAMING LUMBER		CEILING MOUNTED INCAND.
	WOOD BLOCKING		RECESSED LIGHT FIXTURE
	FINISH LUMBER		CEILING FAN
	DETAIL REFERENCED NUMBER SHEET NUMBER		DOOR REFERENCE
	SECTION REFERENCE SHEET NUMBER		WINDOW REFERENCE
	SHAFT INDICATOR		TYPICAL
	GARAGE SYMBOL		N.T.S. NOT TO SCALE
			P.G.S. PAGE OF SHEET

JOB ADDRESS:
 27084 Malibu Cove Colony
 Malibu, CA 90265

LEGAL DESCRIPTION:
 Lot: 10
 Tract: 2286

OWNER:
 Mr. and Mrs. Stephen Berman
 27084 Malibu Cove Colony
 Malibu, CA 90265
 Tel. (818) 376-1294

ZONING:
 R1-1

REMODEL:
 Addition to an existing two story dwelling with an attached garage to include:
 At first floor, add new family room, a new entry hall and enlarge existing garage.
 At second floor, add new exercise room, two bedrooms and two bathrooms.

Existing:

First floor	1389.00 S.F.
Second floor	1435.00 S.F.
Garage	422.00 S.F.

Proposed:

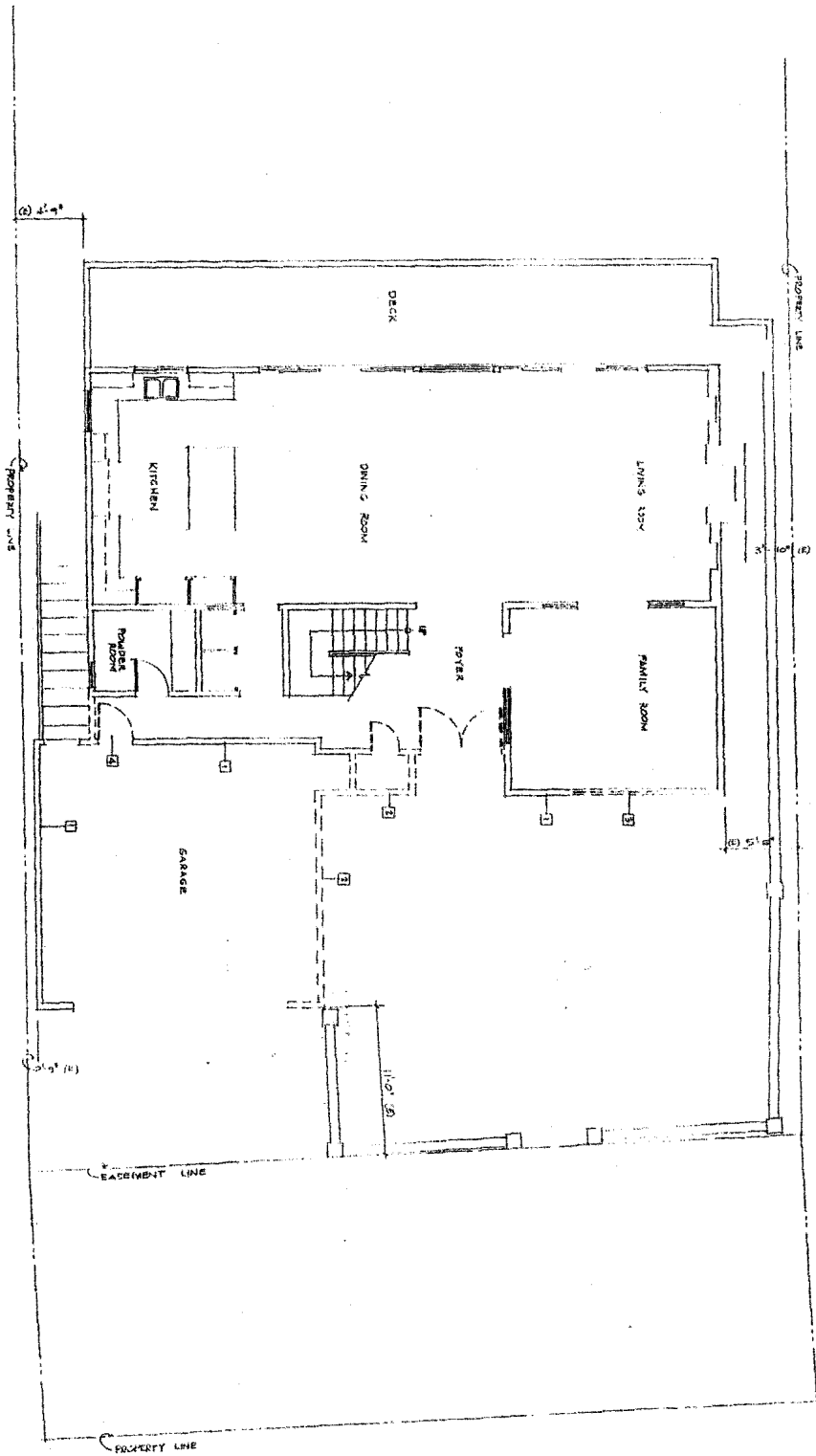
First floor	350.00 S.F.
Second floor	1008.00 S.F.
Garage	180.00 S.F.

Total:

First floor	1945.00 S.F.
Second floor	2443.00 S.F.
Garage	602.00 S.F.

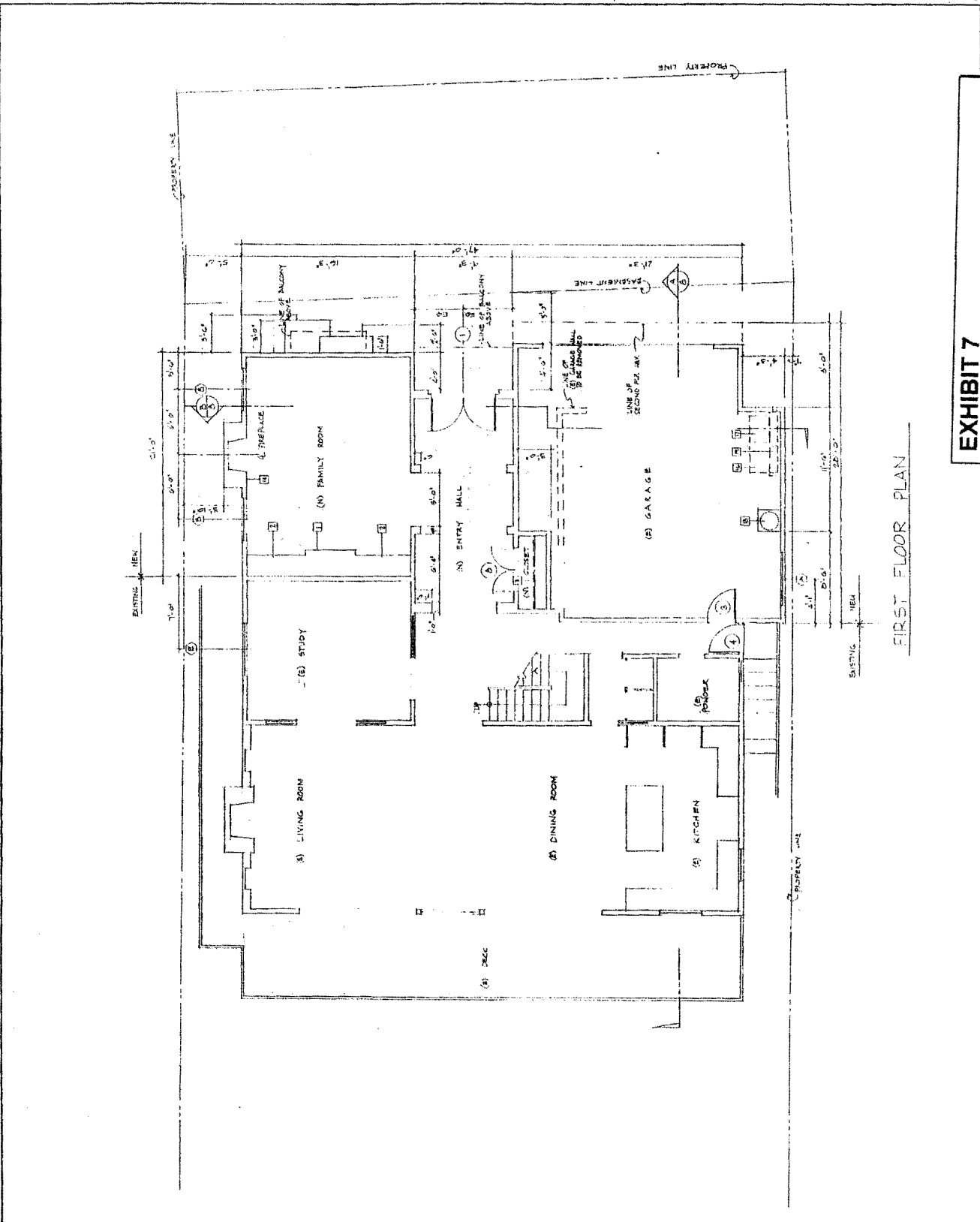
EXHIBIT 5
 CDP 4-99-269 (Berman)
 Site Plan

- LEGEND:
1. EXISTING WALL TO REMAIN
 2. EXISTING WALL TO BE REMOVED
 3. EXISTING WINDOW TO BE REMOVED
 4. EXISTING DOOR SCHEDULE TO BE CHANGED



EXISTING FIRST FLOOR PLAN / DEMO PLAN

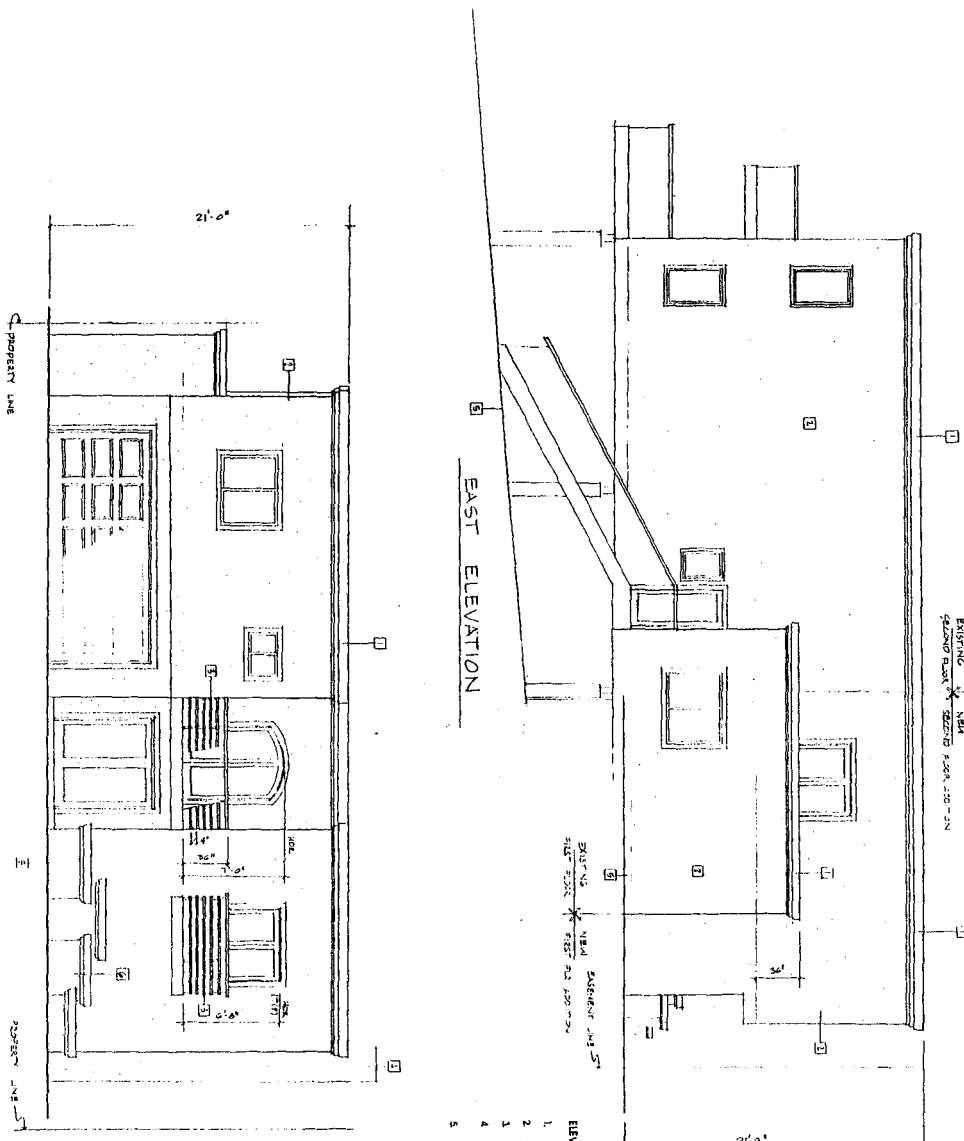
EXHIBIT 6
CDP 4-99-269 (Berman)
First Floor Plan (existing)



FIRST FLOOR PLAN

- FLOOR PLAN LEGEND**
- 1. (N) built-in television cabinet
 - 2. (N) built-in desk
 - 3. (N) built-in desk and stool
 - 4. (N) ceramic tile shower
 - 5. (N) tub and shower (low-flow)
 - 6. (N) toilet (low-flow)
 - 7. (N) 36" high base cabinet and counter
 - 8. (N) vanity
 - 9. (N) mirror
 - 10. (N) built-in book shelves (collapsible shelves)
 - 11. (N) 36" high linen cabinet
 - 12. (N) ceiling by Deco-tile or approved equal
 - 13. (N) wrought-iron guardrail
 - 14. (N) 36" (above finish floor) built-in bookshelves
 - 15. (N) built-in bookshelves
 - 16. (E) washer (relocated)
 - 17. (E) dryer (relocated)
 - 18. (E) water heater (relocated) and vent to outside on 1 1/2" platform and strapped to wall per code
 - 19. (N) 36" high cabinet
 - 20. (N) 36" high guardrail

EXHIBIT 7
CDP 4-99-269 (Berman)
First Floor Plan (proposed)



- ELEVATION LEGEND**
1. (N) building exterior detail
 2. (N) exterior cement plaster
 3. (N) 3/4" high wrought iron guard
 4. (N) approved driveway cap with colored steel mesh
 5. (E) finish grade

EAST ELEVATION
NORTH ELEVATION

EXHIBIT 11
CDP 4-99-269 (Berman)
North / East Elevations

DATE	7
BY	
CHKD BY	
DATE	
APP. BY	
DATE	

ADDITION
 for
Mr. & Mrs. Stephen Berman
 27086 Malibu Cove Colony
 Malibu, CA 90265

John A. Himes, Architect
 5905 Lemona Avenue
 Van Nuys, California 91411
 (818) 376-1294

REVISIONS	BY

