

CALIFORNIA COASTAL COMMISSION

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

Filed: 6/08/00
49th Day: 7/27/00
180th Day: 12/5/00
Staff: A. Verbanac
Staff Report: 7/20/00
Hearing Date: 7/11-14/00
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-00-061

APPLICANT: William Feil

AGENT: Ed Niles

PROJECT LOCATION: 34685 Pacific Coast Highway, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a one-story, split level, 18 ft. above natural grade 2,827 sq. ft. single-family residence with attached two-car garage, detached 629 sq. ft. studio, pool, driveway, septic system, retaining walls, and 2,074 cu. yds. of grading (1747 cu yds. cut, 327 cu. yds. fill, and 1,420 cu. yds export).

Lot area:	875,556 sq. ft.
Building coverage:	3,456 sq. ft.
Pavement coverage:	12,363 sq. ft.
Landscape coverage:	35,031 sq. ft.
Unimproved area:	824,706 sq. ft.
Maximum height:	18 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval In Concept dated 3/14/00, City of Malibu Geology and Geotechnical Engineering Review Sheet Approved In-Concept dated 11/9/99, City of Malibu Environmental Health In-Concept Approval (Septic), County of Los Angeles Fire Department Approved Fuel Modification Plan dated 4/20/00.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, City of Malibu Environmental Review Board Resolution dated 10/27/00, Geotechnical Review of Revised Leach Field Location by Harrington Geotechnical Engineering, Inc. dated 2/24/00, Proposed Residential Development (update report) by Harrington Geotechnical Engineering, Inc. dated 8/12/99, Response to Third-Party and Geotechnical Engineering Review for City of Malibu by Harrington Geotechnical Engineering, Inc. dated 10/15/99, Geotechnical Investigation Report by Harrington Geotechnical Engineering, Inc. dated 6/2/95, Coastal Development Permits No. P-1-12-76-6923 (Malibu Sequit Ltd.), and 4-92-211-A1 (Malibu Sequit Partnership).

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-061 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any 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.

the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical and geologic engineering consultants to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) No clearing, thinning, or other disturbance of vegetation shall occur on State Parklands.
- (4) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence and retaining walls to minimize potential impacts of public views from Pacific Coast Highway and Leo Carrillo State Park.
- (5) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (6) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

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.

4. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

5. Removal of Excavated Material

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

6. Color Restriction

The color of the structures, roofs, and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white and red tones shall not be acceptable). All windows shall be comprised of non-glare glass.

- A. Prior to the issuance the coastal development permit the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. 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 encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. Future Improvements

This permit is only for the development described in Coastal Development Permit No. 4-00-061. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit No. 4-00-061,

deed restricted to preclude development above the 250 ft. contour elevation line, or more than 500 ft. inland of PCH, to protect habitat and open space values. A deep north-south trending canyon bisects the east portion of the property forming a deeply eroded inland bluff just east of the proposed building site.

Vegetation at the project site is highly degraded over the southern coastal terrace due to historic agricultural use of the property and more recent fuel modification measures. The steeper slopes of the project site, however, are fully vegetated with coastal sage scrub and both annual exotic and native grasses. In addition, Leo Carrillo Beach State Park is located immediately west of the project site (Exhibit 3). Residential development in close proximity to State Parklands raises concerns with Fire Department fuel modification requirements extending onto Parklands and causing disturbance to natural vegetation and habitat areas. The proposed residence is located to be setback 100 ft. from the Leo Carrillo Beach State Park boundary and the applicant has submitted Fuel Modification Plans approved by the County of Los Angeles Fire Department indicating that there is to be no vegetation clearing on State Parklands for fuel modification purposes. Commission staff has also contacted State Parks and the County of Los Angeles Fire Department and verified that no vegetation clearing within Leo Carrillo Beach State Park will occur as a result of fire prevention requirements for the proposed residence. The proposed project site is located in an area of high biological importance due to it's rural character and close proximity to the State Park, and the presence of a well established coastal sage scrub community and associated sensitive wildlife species. However, the proposed project is not located in a significant watershed, wildlife corridor, or designated environmentally sensitive habitat area.

As mentioned the project site is located off of Pacific Coast Highway in a relatively undeveloped area in Malibu. The proposed project will be highly visible from portions of Pacific Coast Highway, as well as from public recreation areas and trails within Leo Carrillo Beach State Park. The certified Malibu/Santa Monica Mountains LUP indicates that a planned segment of the Coastal Slope Trail traverses the northwest corner of the property in order to link Leo Carrillo Beach State Park with Charmlee Park (Exhibit 3). Staff notes that the portion of the Coastal Slope Trail which is mapped across the subject property is a not an established trail currently used for recreation, and that the trail is located a significant distance from the area of proposed development. As such, the proposed project will not directly preclude public access along this portion of the Coastal Slope Trail. However, the Commission notes that this portion of the trail is an important link in the Malibu/Santa Monica Mountains Master Trail Plan and that development, which may be proposed at the subject site in the future, may potentially impact public recreational use of the trail should the trail segment be established for future use.

The subject parcel is lot 1 of a 7 lot, 150 acre subdivision approved by the Commission under Coastal Development Permit Number P-1-12-76-6923. The subdivision permit was later amended by permit 4-92-211-A to delete a portion of the Special Conditions. However, due to the fact that the project site is highly visible from Pacific Coast Highway the Commission, when approving the subdivision permit and amendment, extensively addressed potential impacts of new development at the site on visual resources. The subdivision was approved subject to several deed restrictions limiting development on the lots. Specifically, the subdivision is deed restricted to preclude future subdivisions, limit access to the seven lots to only two additional driveways off of PCH, setback development 200 ft. inland of PCH, restrict or control development above the 250 ft. contour line (or more than 500 ft. inland of PCH), minimize alteration of landform and minimize visual impact of development on the view shed, and to limit

The erosion potential of the canyon is considered to be minimal. However, because there is some potential for an unknown amount of erosion of the sidewall of the canyon to occur we have recommended the 2H:1V setbacks for the buildings. Future headward erosion of the canyon will not adversely affect the building site.

Because the natural slope is located at least 110 feet from the nearest building and at least 50 feet from the pool, and because the intervening area is inclined at about 3:1 to 4.5:1 (H:V), the potential for mud debris flow to affect the proposed structures is nil.

The consultants have evaluated the geologic stability of the subject site in relation to the proposed development and have determined that the project site is appropriate for the proposed project providing the consultants' recommendations are incorporated into proposed project plans. The Geotechnical Investigation Report prepared by Harrington Geotechnical Engineering dated 10/15/95 states:

Based on conditions encountered/established during this investigation, it has been concluded that currently planned construction is feasible from a geologic and geotechnical engineering standpoint provided the recommendations which follow are implemented during design and construction of the project.

The Geotechnical Investigation Report dated 10/15/95, Response to Third-Party and Geotechnical Engineering Review for City of Malibu dated 10/15/99, Proposed Residential Development (update report) dated 8/12/99, and a Geotechnical Review of Revised Leach Field Location report dated 2/24/00 prepared by Harrington Geotechnical Engineering include several recommendations to be incorporated into the project's construction, design, and drainage to ensure stability and geologic safety of the project site. To ensure that the recommendations of the above mentioned consultants are incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultants shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will aid in maintaining the geologic stability of the project site, and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 2 and 3**. Special Condition 2 also requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a nonerosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of Special Condition 2.

Additionally, the Commission notes that the quantity of cut grading required for construction of the proposed residence is more than the quantity of fill required for construction resulting in an

the wildfire 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 8, 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 the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Sensitive Environmental Resources

Section 30240 (b) of the Coastal Act states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The proposed project is not located in a significant watershed, wildlife corridor, or designated environmentally sensitive habitat area. However, the proposed project site is located in an area of high biological importance due to the site's natural character and location in close proximity to the State Park, and the presence of a well established coastal sage scrub community and associated sensitive wildlife species. The project site is located immediately adjacent to Leo Carrillo Beach State Park and the subject property contains several acres of relatively undisturbed coastal sage scrub habitat. Section 30240 (b) of the Coastal Act requires the Commission to consider the location of new development in relation to environmentally sensitive habitat areas and Parklands to ensure that the development will not impact or degrade those habitat areas.

Residential development in close proximity to State Parklands raises concerns relative to Fire Department fuel modification requirements extending onto Parklands and causing disturbance to natural vegetation and habitat areas. In general, fuel modification requirements imposed by the County of Los Angeles Fire Department in the Malibu/Santa Monica Mountains area extend in an approximately 200 ft. radius around combustible structures. The Commission notes that the proposed residence is not setback 200 ft. from the State Parkland to accommodate the standard 200 ft. fuel modification zone. However, the proposed residence and studio will be setback 100 ft. from the Parkland and the applicant has submitted Fuel Modification Plans approved by the County of Los Angeles Fire Department indicating that there is to be no vegetation clearing on State Parklands for fuel modification purposes. In addition, Staff has verified with both State Parks and the County of Los Angeles Fire Department that there will be no vegetation disturbance required within State Parklands for fire prevention measures for the proposed development.

The Commission notes that the location of the proposed residence is constrained by previous conditions imposed on the subject property by the underlying subdivision permit, and by the 25 ft. inland bluff setback recommended by the project's geotechnical consultant (Exhibit 4). As such, the identified setbacks will not allow the residence, at any location on the subject parcel, to

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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides which are traversed by scenic, public trails. The project site is highly visible from Pacific Coast Highway and public recreation areas and trails within Leo Carrillo Beach State Park.

The applicant proposes to construct a one-story, split level, 18 ft. above natural grade 2,827 sq. ft. single-family residence with attached two-car garage, detached 629 sq. ft. studio, pool, driveway, septic system, retaining walls, and 2,074 cu. yds. of grading (1747 cu yds. cut, 327 cu. yds. fill, and 1,420 cu. yds. export). The project site is located in a relatively undeveloped hillside on a south-facing parcel which descends to Pacific Coast Highway. Grading for the proposed project is required for the residence, terrace areas, pool, and private driveway.

As previously described, the subject parcel is lot 1 of a 7 lot, 150 acre subdivision approved by the Commission, with conditions, under Coastal Development Permit Number P-1-12-76-6923. The subdivision permit was later amended by permit 4-92-211-A to delete a portion of the Special Conditions. However, due to the fact that the project site is highly visible from Pacific Coast Highway the Commission, when approving the subdivision permit and amendment, extensively addressed potential impacts of new development at the site on visual resources. The subdivision was approved subject to several deed restrictions limiting development on the seven lots as follows:

- a. no future subdivisions shall be permitted;
- b. limit access to the seven lots from Pacific Coast Highway to only two (2) additional driveways to minimize the visual impact on the road;
- c. set back residential development a distance of 200 feet from Pacific Coast Highway. Other development may be permitted in this area in conformance with the visual resource policies of the Coastal Act.
- d. Restrict or control development in the rugged, natural inland area to protect the habitat and visual open space values (i.e. above the 250-foot contour of the area more than 500 feet inland of the highway), except for Lots 6 and 7;
- e. minimize alteration of the landforms and the visual impact of development on the coastal viewshed, survey the site to determine which areas are visible, both short-range and long-range, from the highway and regulate or design development in these areas to mitigate visual impact;
- f. limit the extent of development on each lot to an acceptable level (i.e. single-family residences only with appropriate height and size limits).

The applicant is proposing to construct the proposed development with a design and location that minimizes the potential for impacts on visual resources from Pacific Coast Highway and is consistent with the deed restrictions listed above. The applicant is proposing to construct a private driveway to access the site, which will comprise the second of the two additional

Therefore the Commission finds that, as conditioned, the proposed development will minimize adverse impacts to scenic public views in this area of the Santa Monica Mountains, and is consistent with section 30251 of the Coastal Act.

E. Public Access

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act has several policies which address the issues of public access and recreation within coastal areas.

Section 30210 of the Coastal Act 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.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act sections 30210, 30212.5, 30223, and 30252 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's

to impact public recreational use of this segment of the Coastal Slope Trail. It is necessary to ensure that future development or improvements normally associated with the entire property, which might otherwise be exempt, are reviewed by the Commission for compliance with the public access policies, Sections 30210, 30212.5, 30213, 30223, and 30252 of the Coastal Act. **Special Condition 7** the Future Development Deed Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with public access policies of the Coastal Act.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30212.5, 30213, 30223, and 30252 of the Coastal Act.

F. Water Quality

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

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

As described, the proposed project includes construction of a one-story, split level, 18 ft. above natural grade 2,827 sq. ft. single-family residence with attached two-car garage, detached 629 sq. ft. studio, pool, driveway, septic system, retaining walls, and 2,074 cu. yds. of grading (1747 cu yds. cut, 327 cu. yds. fill, and 1,420 cu. yds. export). The use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The removal of natural vegetation and placement of impervious surfaces associated with new residential development reduces infiltration of rainwater into the soil thereby increasing the rate and volume of runoff, which in turn causes increased erosion and sedimentation. Infiltration of precipitation into the soil reduces runoff and provides for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area and coastal waters by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

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 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act Section 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one, or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1). Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose—as a guest unit—rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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.

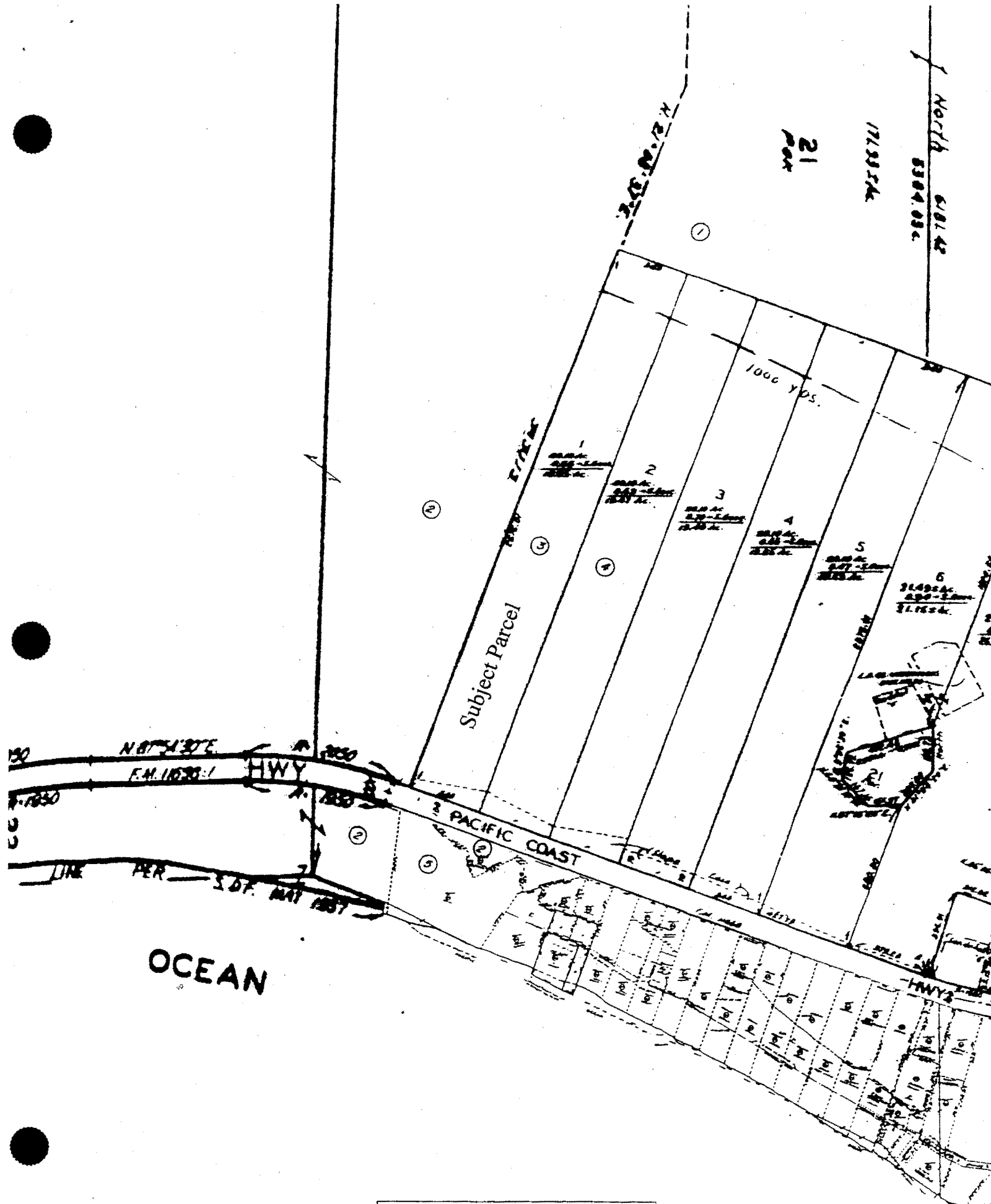
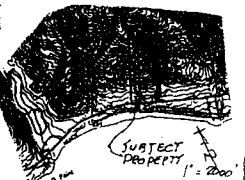


EXHIBIT 2
CDP # 4-00-061
Parcel Map

ISSUE July 13-99
400-8-D

N 70° 25' 30" W		
340'	740'	740'
257' 0"		
1	2	3
PARCEL MAP N: 5857		
B.M. B. 86		
pgs. 15-16		
SUBJECT PROP		
NOT PLANT		
N 27° 03' 37" E		
N 70° 25' 30" W		
340'		
740'		
740'		
N 70° 25' 30" W		
PACIFIC COAST HWY.		
INSET MAP: Scale 1" = 400'		



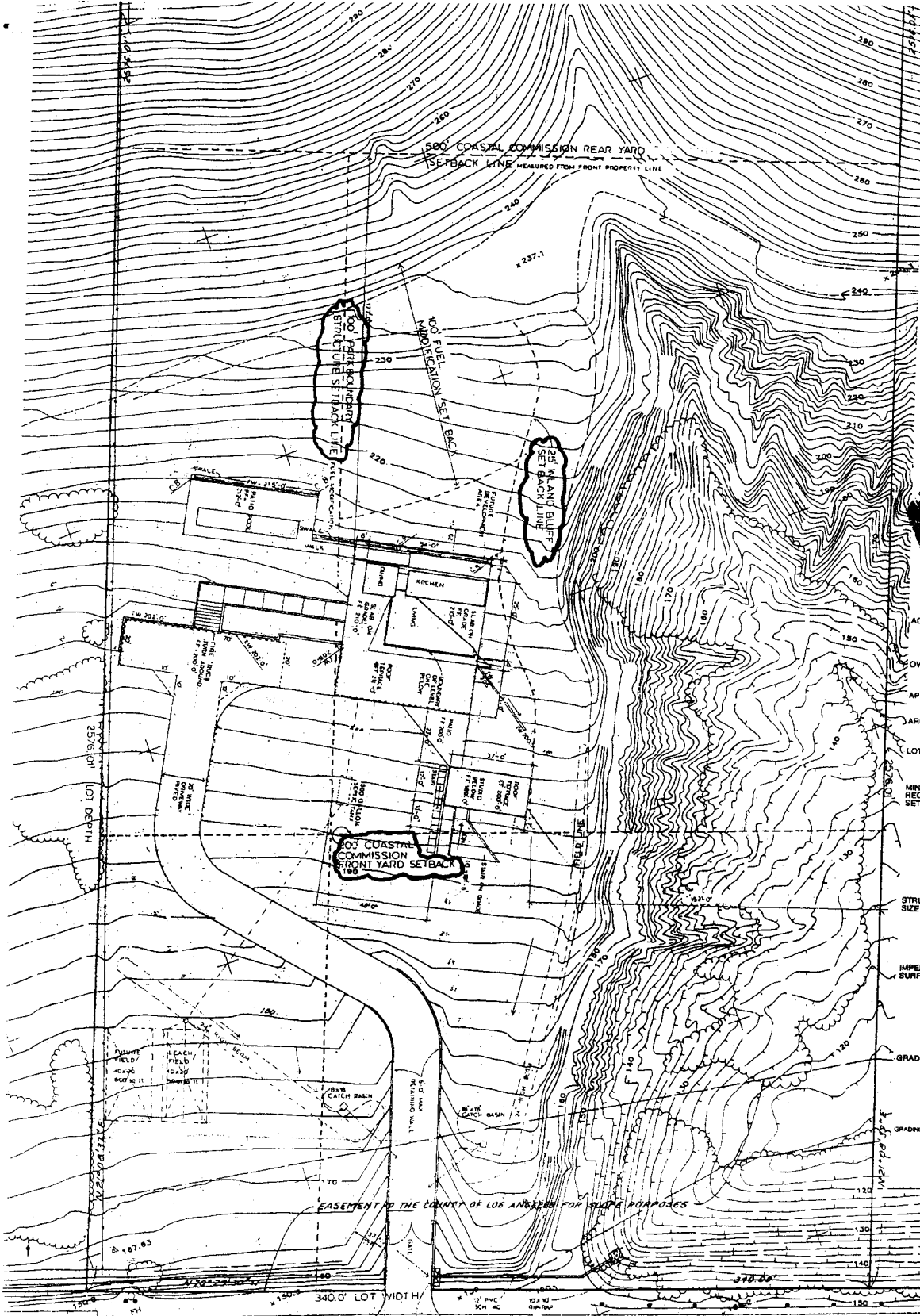
SUBJECT
DPO PETTY
VICINITY MAP
(from U.S.G.S. Private Post quad)
ADDRESS: 34655 PACIFIC COAST HWY.
MALIBU, CA. 90265
PARCEL 1 OF PARCEL MAP 5857

OWNER: MALIBU BEACHT PARTNERSHIP
22 JERRY STREET
11800 VICTORIAL POINT ROAD
MALIBU, CA. 90262
APPLICANT: WILLIAM FEIL
1421 OCEANVIEW RD.
BRENTWOOD CA. 91304
ARCHITECT: EDWARD A. WELLS ARCHITECTS P.A. A.A.
3885 PACIFIC COAST HWY.
SUITE 1
MALIBU, CA. 90262

LOT AREA: 26.1 ACRES 871,886 sq. ft.
AREA OVER 1: 16,350 sq. ft.
NET LOT AREA: 498,336 sq. ft.
MINIMUM REQUIRED SET BACKS:
FRONT YARD: 200' 0"
REAR YARD: 200' 0"
SIDE YARD: 200' 0"
WEST SIDE YARD: 100' 0"
EAST SIDE YARD: 35' 0"

STRUCTURE SIZE:
LEVEL ONE: 15,025 sq. ft.
LEVEL TWO: 1,320 sq. ft.
STUBS: 889 sq. ft.
TOTAL: 17,234 sq. ft.
ALLOWABLE: 11,172 sq. ft.
IMPERMEABLE SURFACE:
DRIVEWAY: 5,408 sq. ft.
DRIVEWAY: 5,408 sq. ft.
TURN PAD: 2,116 sq. ft.
EFTYMER PAVING: 3,116 sq. ft.
BALDING FOOT PRINT: 1,229 sq. ft.
TOTAL: 15,757 sq. ft.

GRADING:
15 FT. WIDE DRIVEWAY: 740 cu. yd.
SITE IMPROVEMENTS: 180 cu. yd.
TOTAL: 920 cu. yd.
GRADING EXEMPTIONS:
5 FT. SAFETY: 151 sq. ft.
2 BALDING FOOT PRINT: 1,229 sq. ft.
TURN PAD: 2,116 sq. ft.
EFTYMER PAVING: 3,116 sq. ft.
TOTAL: 7,632 sq. ft.



CONNECT ALL ROOF PATIO WALL DRAINAGE PIPES TO DRIVEWAY OUTLET. NO ROOF DRAINAGE SHALL OVER GRADED SLOPES

PACIFIC COAST HWY.

0-02-1	FEIL RESIDENCE
85-61-8	34655 PACIFIC COAST HWY
	MALIBU CA. 90265

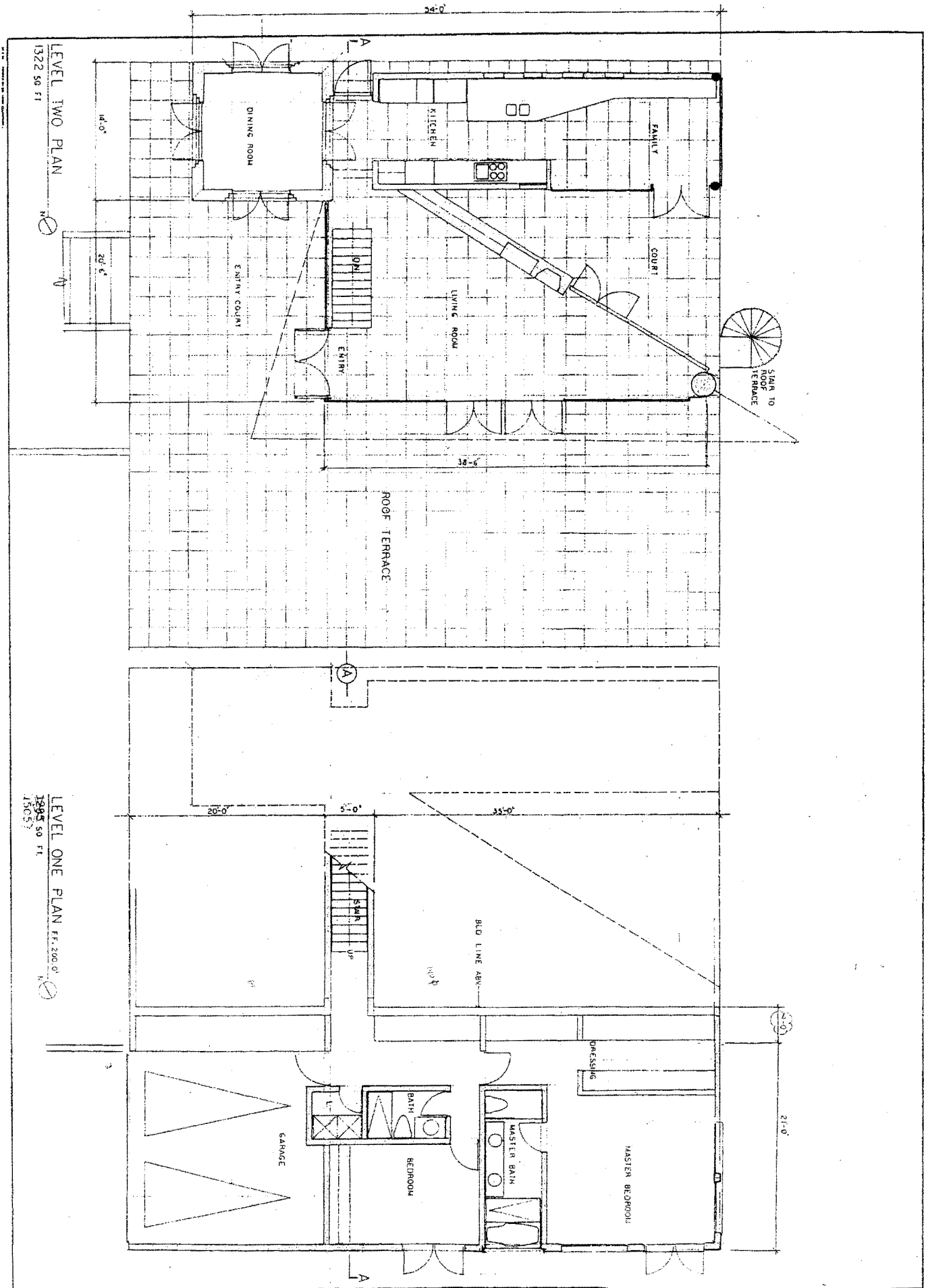
EXHIBIT 4
CDP # 4-00-061



TOPOGRAPHIC MAP OF PORTION OF PARCEL MAP NO. 5857, PARCEL MAP NO. 5857, FILED IN BOOK 88, PGS. 15-16, OF PARCEL MAPS RECORDS OF L.A. CO. IN THE CITY OF MALIBU, CA.
COMPILED BY WALTER E. ASSOCIATES FROM AERIAL PHOTOS DATED 1/10/98
GROUND CONTROL BY CLAUDIO BURNETT
2007 P.M., MALIBU, CALIFORNIA 90265

ISSUE: July 13-99 400-8-D

Site Plan



DATE	2
SCALE	1/8" = 1'-0"
NO.	2
BY	
CHECKED	
APPROVED	

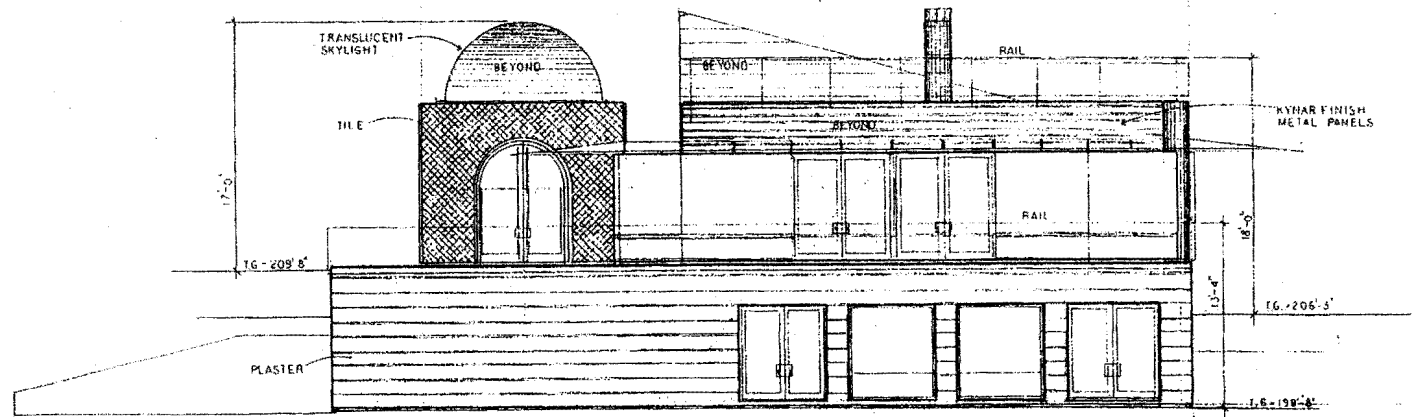
EXHIBIT 6
CDP # 4-00-061

Residence Floor Plan

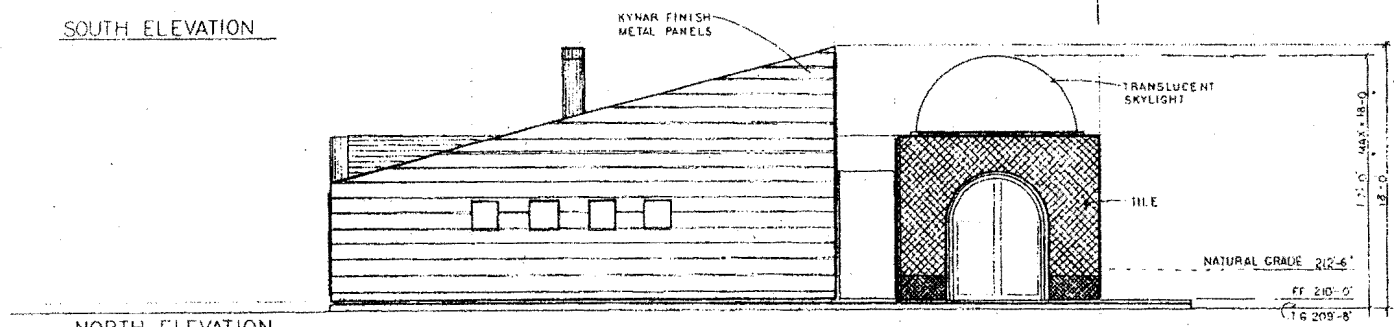
NO.	14
DATE	11-20-74
BY	
CHECKED	
APPROVED	

FEIL RESIDENCE

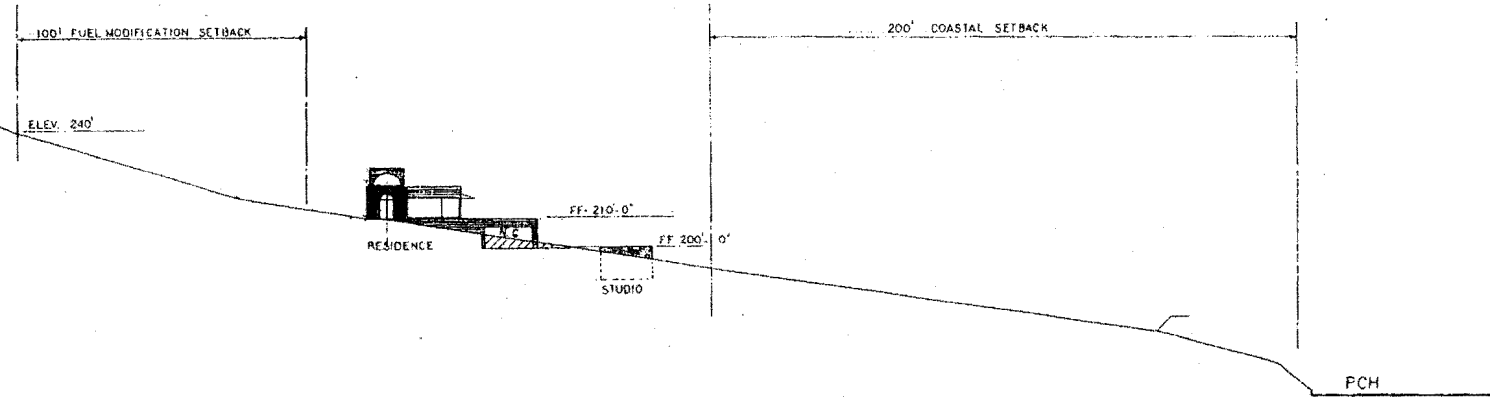
REVISIONS BY



SOUTH ELEVATION



NORTH ELEVATION



SITE CROSS SECTION
1"=20'

Elevations
CDP # 4-00-061
EXHIBIT 8

FEL RESIDENCE

Plan
Scale
Drawn
Ink
Sheet
of 5 Sheets