

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
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Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-089

APPLICANT: David Geffen **AGENT:** Susan McCabe; Jaime Harnish

PROJECT LOCATION: 22108 Pacific Coast Highway, Malibu, Los Angeles County
APN 4451-005-006

PROJECT DESCRIPTION:

Partial demolition and remodel of a two story, 4,418 sq. ft. single family residence resulting in a one story 1,677 sq. ft. single family residence. The proposal includes the installation of a new secondary treatment septic system, clear windscreen on the along the back portion of the bulkhead, the installation of a planter/wooden walkway on the seaward side of the bulkhead, and an addition of approximately 450 sq. ft. to landward side of residence. No grading is proposed.

	Existing	Proposed
Lot area:	24,820 sq. ft.	24,820 sq. ft.
Building coverage:	3,800 sq. ft.	4,257 sq. ft.
Pavement coverage:	3,803 sq. ft.	3,210 sq. ft.
Landscape coverage:	4,813 sq. ft.	4,949 sq. ft.
Unimproved area:	12,404 sq. ft.	12,404 sq. ft.
Maximum height:	26 ft.	21 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, dated 4/26/01; City of Malibu Environmental Health Department, Approval in Concept (Septic), dated 4/9/01; City of Malibu, Geology Review Sheet, dated 3/29/01; City of Malibu, Coastal Engineering Review Sheet, dated 3/29/01; City of Malibu, Biology Review Sheet, dated 4/19/01; City of Malibu, Fire Department Review Sheet, dated 4/5/01

SUBSTANTIVE FILE DOCUMENTS: *Geotechnical Feasibility Assessment, Proposed Garage, 22108 Pacific Coast Highway, dated 3/27/01, by Grover Hollingsworth and Associates, Inc.*

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **5 Special Conditions** regarding (1) conformance with geologic recommendations, (2) removal of construction debris, (3) assumption of risk, (4) revised plans, and (5) drainage and erosion control.

The applicant is proposing to remodel an existing two-story single-family residence and attached garage as follows: demolition and removal of the second story, remodel of first story to maintain 61% of existing exterior perimeter walls, and addition of approximately 450 sq. ft. on the landward side of the residence for the proposed garage. (Exhibits 3-6) Approval of this project will result in a 1,677 sq. ft., 21 ft. high single-family residence with attached, 822 sq. ft., three-car garage at 21108 Pacific Coast Highway. The proposal also includes the removal and replacement of the septic system and the extension of a wooden walk/planter seaward of the bulkhead previously approved by the Commission under permit No. 4-99-268. A glass windscreen is also proposed to be extended across the remainder of the property. No grading is proposed with this project.

The subject site is a 24,820 sq. ft. parcel located seaward of Pacific Coast Highway in a highly developed area in the City of Malibu (Exhibits 1-2). The site consists of a level beachfront parcel on Carbon Beach bounded by Pacific Coast Highway to the north, and the ocean to the south. The site consists of two lots that were required to be merged under CDP #4-99-268. This resulted in the creation of the subject parcel which is fully developed with an existing two-story residence, a 750 sq. ft. gym, pool, and spa. Additionally, under CDP #4-99-268, a bulkhead was approved to protect the current residence. Approval for this permit was subject to 5 special conditions regarding the above-mentioned lot merger; limited term for the shoreline protective device deed restriction; assumption of risk, waiver of liability and indemnity, and shoreline protection; sign restriction; and offer to dedicate lateral public access.

To ensure structural and site stability, **Special Condition 1** requires the applicant to submit project plans certified by all consulting geotechnical engineering consultants as conforming to their recommendations. Although the proposed development will be designed to ensure stability, the project site is located on a beachfront parcel and will be subject to inherent potential hazards such as storm damage, flooding, and liquefaction. Therefore, **Special Condition 3** requires the applicant to acknowledge the potential hazards on the project site and waive any claim of liability against the Commission. In order to ensure public safety and maintain lateral public access along the beach, **Special Condition 2** prohibits the stockpiling of construction equipment and debris on the beach, and requires that machinery not enter the intertidal zone at any time, to avoid potential risks to beachgoers and swimmers during the construction period. Additionally, to further minimize the potential impacts of the development on water quality, **Special Condition 5** requires the applicant to submit a drainage and polluted runoff plan incorporating BMP's sized to accommodate the 85th percentile storm. Finally, **Special Condition 4** requires the applicant to submit revised plans which delete the proposed wooden walk/planter or relocate it to a point landward of the bulkhead (Exhibits 4-5).

As conditioned, the project will not result in the seaward expansion of the development, and is consistent with all applicable policies of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-089 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.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

- a) All recommendations contained in the *Geotechnical Feasibility Assessment, Proposed Garage, 22108 Pacific Coast Highway, dated 3/27/01*, by Grover Hollingsworth and Associates, Inc., shall be incorporated into all final design and construction including site preparation, and foundations. All plans must be reviewed and approved by the geologic / geotechnical consultant. The plans shall contain provisions for erosion control and drainage management. Prior to 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.
- b) 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. The Executive Director shall determine whether required changes are "substantial."

2. Construction Responsibilities and Debris Removal

The applicant shall, by accepting this permit, agree: a) that no stockpiling of dirt or building materials shall occur on the beach; b) that sandbags and/or ditches shall be used to prevent runoff and siltation; and c) that 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 and bulkhead area any and all debris that result from the construction period.

3. Assumption of Risk

- A. By acceptance of this permit, the applicants acknowledge and agree to the following:
 - (1) The applicant acknowledges and agrees that the site may be subject to hazards from severe ground shaking, liquefaction, tsunami, storm waves, erosion, flooding, and wildfire.
 - (2) The applicants acknowledge and agree to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.
 - (3) The applicants unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.
 - (4) The applicants agree 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.

- 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 incorporating all of the above terms of subsection (A) of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. 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.

4. Revised Plans

Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, revised project plans deleting the proposed planter, or relocating it to a point landward of the bulkhead approved under CDP #4-99-268.

5. Drainage and Polluted Runoff Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and engineering geologist to ensure the plan is in conformance with consultants' recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) The plan shall be configured and designed to generally conform with the conceptual drainage plan shown on Exhibit 4.
- (b) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (c) Runoff shall be conveyed off site in a non-erosive manner.
- (d) Energy dissipating measures shall be installed at the terminus of outflow drains.

The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary 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 or BMPs 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:

A. Project Description and Background

The applicant is proposing to demolish the second story of an existing two-story single family residence and to remodel the remaining first story, incorporating an addition of approximately 450 sq. ft. to the landward side of the residence. The proposed project will result in a 1,677 sq. ft., 21 ft. high single-family residence with attached, 822 sq. ft., three-car garage (Exhibits 3-8). The proposal also includes the abandonment of an existing septic tank and installation of a new secondary treatment septic system that will serve both the remodeled residence and the existing gym. The septic system will utilize the existing leachfield located in a lawn area adjacent to the gym. The applicant further proposes to extend a planter and wooden walkway seaward of the bulkhead previously approved by the Commission under permit No. 4-99-268. The existing glass windscreen located across the portion of property containing the pool and gym is also proposed to be extended across the remainder of the property (Exhibits 4-5). No grading is proposed, and no changes to the existing foundations of the residence are proposed. The 450 sq. ft. addition on the landward side of the residence will require the placement of up to six additional foundation piles in order to support the proposed garage. No structural alterations are proposed to the existing 750 sq. ft. gym or pool/spa located on the property; however, the proposed septic system will service both the residence and the gym.

The subject site is a level, 9,148 sq. ft., fully developed, parcel located south of Pacific Coast Highway, on Carbon Beach, in a highly developed area in the City of Malibu (Exhibits 1-3). Access to the site is from Pacific Coast Highway. As such, the proposed project will be visible from both Carbon Beach and Pacific Coast Highway. The site is currently developed with a two-story single family residence, a 750 sq. ft. gym, pool, spa, and septic systems serving the gym and the residence. The site is bordered by existing, single-family residences to the east and west. Previous Commission actions involving the site include the approval of a bulkhead and return wall, under CDP #4-99-268, to protect the existing residence. The approval of this bulkhead was subject to five special conditions addressing a lot merger joining the lot containing the existing residence with the neighboring lot to the west, containing the gym, pool, and spa; limited term for shoreline protective structure deed restriction; assumption of risk, waiver of liability and indemnity, and shoreline protection; sign restriction; and offer to dedicate lateral access.

B. Conformance with previous permit action

Commission staff notes that, under CDP #4-99-268, the five special conditions listed above were required as conditions of approval of the construction of the bulkhead. The special condition addressing the limited term for shoreline protective structure involved the recordation of a deed restriction which provided that the applicant would agree to remove the subject shoreline protective device if the applicant or successor in interest proposed new development involving a replacement foundation or substantial change (greater than 50 percent) in the foundation of the property in conjunction with a remodel and or addition intensifying the use of the property. The applicant is currently proposing to remove the second story of the residence, and to remodel the remaining first story. This remodel will maintain 61% of the exterior walls. The installment of up to six new foundation piles will be required for the 450 sq. ft. addition to

the landward side of the residence; however, no changes to the existing foundation of the residence are proposed. As such, the proposed development is in conformance with previous Commission action regarding the approval of the bulkhead and the special condition addressing the limited term for the shoreline protective device.

As another condition of approval under CDP # 4-99-268, the applicant recorded a waiver of liability and indemnity, assumption of risk, and shoreline protection deed restriction. Through this deed restriction the applicant recognized and agreed that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to Coastal Development Permit 4-99-268 would be undertaken if such activity would extend the seaward footprint of the subject shoreline protective device. The recordation of an offer to dedicate a lateral public access easement was also a special condition of approval of CDP # 4-99-268. This document designated a public access easement and passive recreational use along the entire width of the property from the ambulatory mean high tide line landward to the face of the bulkhead. The document additionally provided that the offer of dedication would not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property.

C. Geology and Hazards

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, 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.**

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard.

Based on their investigation and recommendations the geology consultants have determined that the project site is appropriate for the proposed project. The Updated Soils and Engineering-Geologic Investigation dated 5/22/00 prepared by GeoSystems states:

Based upon review of previous geologic and soils engineering reports for the subject property and adjacent property to the west, it is our finding that construction of the proposed garage is feasible from a soils engineering standpoint.

The above cited report includes recommendations regarding the construction of the garage **foundation**, to be incorporated into the project's construction and design, to ensure stability and geologic safety of the project site. To ensure that these recommendations are incorporated

into the 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.

Hazards

The proposed development is located in the Malibu/Santa Monica Mountains area, 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 earth movement, landslides, erosion, and flooding. Fire is also an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Beachfront property is susceptible to additional hazards from storm waves, tsunamis, and liquefaction.

Ample evidence exists that all beachfront development in the Malibu area is subject to an unusually high degree of risk due to storm waves and surges, high surf condition, erosion, and flooding. The proposed development will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future. The Coastal Act recognizes that coastal development, even as designed and constructed to incorporate all recommendations of the consulting geotechnical 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 subject property.

The Commission finds that due to the possibility of liquefaction, storm waves, surges erosion, flooding, and wildfire, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, as required by **Special Condition 3**, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and that may adversely affect the stability or 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.

The Commission further notes that construction activity on a sandy beach, such as the proposed project, will result in the potential generation of debris and or presence of equipment or 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. Further, any excavated

materials that are placed in stockpiles are subject to increased erosion. Therefore, **Special Condition 2** requires the applicant to ensure that stockpiling of dirt or materials shall not occur on the beach, that no machinery will be allowed in the intertidal zone at any time, all debris resulting from the construction period is promptly removed from the sandy beach area, and that sand bags and/or ditches shall be used to prevent runoff and siltation.

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

D. Shoreline Development

The Coastal Act mandates the provision of maximum public access and recreational opportunities along the coast. The Coastal Act contains several policies that address these priorities.

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

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

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

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,***
- (2) Adequate access exists nearby, or,***
- (3) Agriculture would be adversely affected. ...***

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.

Finally, 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, 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.***

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

Additionally, 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 visual or psychological interference with the public's access to and/or ability to use public tideland areas.

In the case of the currently proposed project, the applicant is proposing to install a wooden planter and walkway seaward of the bulkhead approved under CDP 4-99-268. In the previous Commission action involving the property, the Commission required the applicant to record a lateral public access easement across the property as a special condition of approval of the bulkhead that was the subject of the permit. This easement extends from the ambulatory mean high tide line to the face of the bulkhead (Exhibits 2-3). As the planter will be located seaward of the face of the bulkhead, it will be located within the recorded public access easement previously recorded by the applicant, and is, therefore, inconsistent with the intent of the recorded public access easement, and contrary to the intent of Coastal Act Sections 30210, 30211, and 30212. Additionally, the proposed planter will be subject to damage from potential wave action during high tide and storms. Debris from this planter/walkway could become a hazard to downcoast properties, as well as to the general beach-going public. Therefore, the Commission requires the applicant, through **Special Condition 4** to submit revised plans, for review and approval of the Executive Director which delete the proposed planter, or relocate it to a point landward of the bulkhead. As conditioned to delete or relocate the planter landward of

the bulkhead, the proposed project is in conformance with past Commission action and will not impede the public's ability to access or safely use public tideland areas.

As a means of controlling seaward encroachment of residential structures on a beach to ensure maximum public access, protect public views, and minimize wave hazards as required by Coastal Act Sections 30210, 30211, 30251, and 30253, 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 addition, the Commission has found that restricting new development to building and deck stringlines is an effective means of controlling seaward encroachment to ensure maximum public access as required by Sections 30210 and 30211 and to protect public views and the scenic quality of the shoreline as required by Section 30251 of the Coastal Act.

The proposed remodel of the existing residence will result in pulling the seaward portion of the residence landward by several feet. It will thereby conform to the structural stringline drawn between the nearest adjacent structural corners on the neighboring parcels (**Exhibits 4-5**). The proposed addition to the residence will also be in conformance with the structural stringline as it will be located entirely on the landward side of the residence (**Exhibit 4**). The deletion of the existing deck and construction of the proposed covered deck will, in a similar manner, result in the overall movement of the existing structure landward in conformance with the applicable deck stringline. The proposed wooden planter and walkway, however, will not be in conformance with these stringlines as they are proposed to be located seaward of the designated deck stringline drawn between the nearest adjacent corners of the decks on the nearest neighboring properties. (**Exhibit 4**). Though the proposed planter and walkway are low in profile, and will not appreciably affect public views or the scenic quality of the shoreline, they do have the potential to adversely affect public access, and, as such, are inconsistent with Sections 30210, 30211 of the Coastal Act. Therefore, the Commission requires the applicant, through **Special Condition 4**, to submit revised plans deleting the planter and walkway, or relocating them to a point landward of the existing bulkhead, and in conformance with the existing stringlines. The Commission finds, that, as conditioned, the project is in conformance with the Coastal Act Sections 30210, 30211, and 30251.

E. 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 above, the proposed project includes the demolition of the second story of an existing two-story single family residence and remodel of the remaining first story, including an addition of approximately 450 sq. ft. to the landward side of the residence. The proposed project will result in a 1,677 sq. ft., 21 ft. high single-family residence with attached, 822 sq. ft., three-car garage (Exhibits 3-8). The proposal also includes the removal and replacement of the septic system and the extension of an existing planter and windscreen across the portion of the property containing the residence. The planter is proposed to be located seaward of the bulkhead previously approved by the Commission under permit No. 4-99-268.

The addition of the 822 sq. ft. garage on the landward side of the residence will result in an expansion of approximately 450 sq. ft. to the overall building footprint; however, as the area in question is already paved, this will not result in an overall increase in impermeable surface. As such, the proposed project will not affect the infiltrative function and capacity of existing permeable land and beach on-site. The Commission notes; however, that the demolition and remodel of the existing residence is an extensive undertaking whose potential impact is not confined solely to the building footprint of the residence. Drainage and runoff from construction sites often exceed the amounts of runoff generated by the final project. Additionally, the remodeled residence, while substantially smaller than the existing residence, still has the potential to adversely affect the water quality of the surrounding area and adjacent beach through the introduction of pollutants, such as petroleum hydrocarbons, fertilizers, and household cleaning products, which are normally associated with residential developments. Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 5** and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Finally the proposed development also includes the installation of a new 1,500-gallon tank and secondary treatment system to serve both the residence, and the gym. Currently, these structures are serviced by two separate systems. The City of Malibu Environmental Health Department has given in-concept approval of the proposed secondary treatment system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code will minimize any potential for wastewater discharge that could adversely impact coastal waters, and is generally protective of coastal resources. Therefore, the Commission finds that the proposed project, as conditioned by **Special Condition 5** to submit a drainage and polluted runoff plan which incorporates Best Management Practices and measures adequate to address runoff from the 85th percentile storm event, is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states:

- 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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).***

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed project 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 the Santa Monica Mountains area 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

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 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.

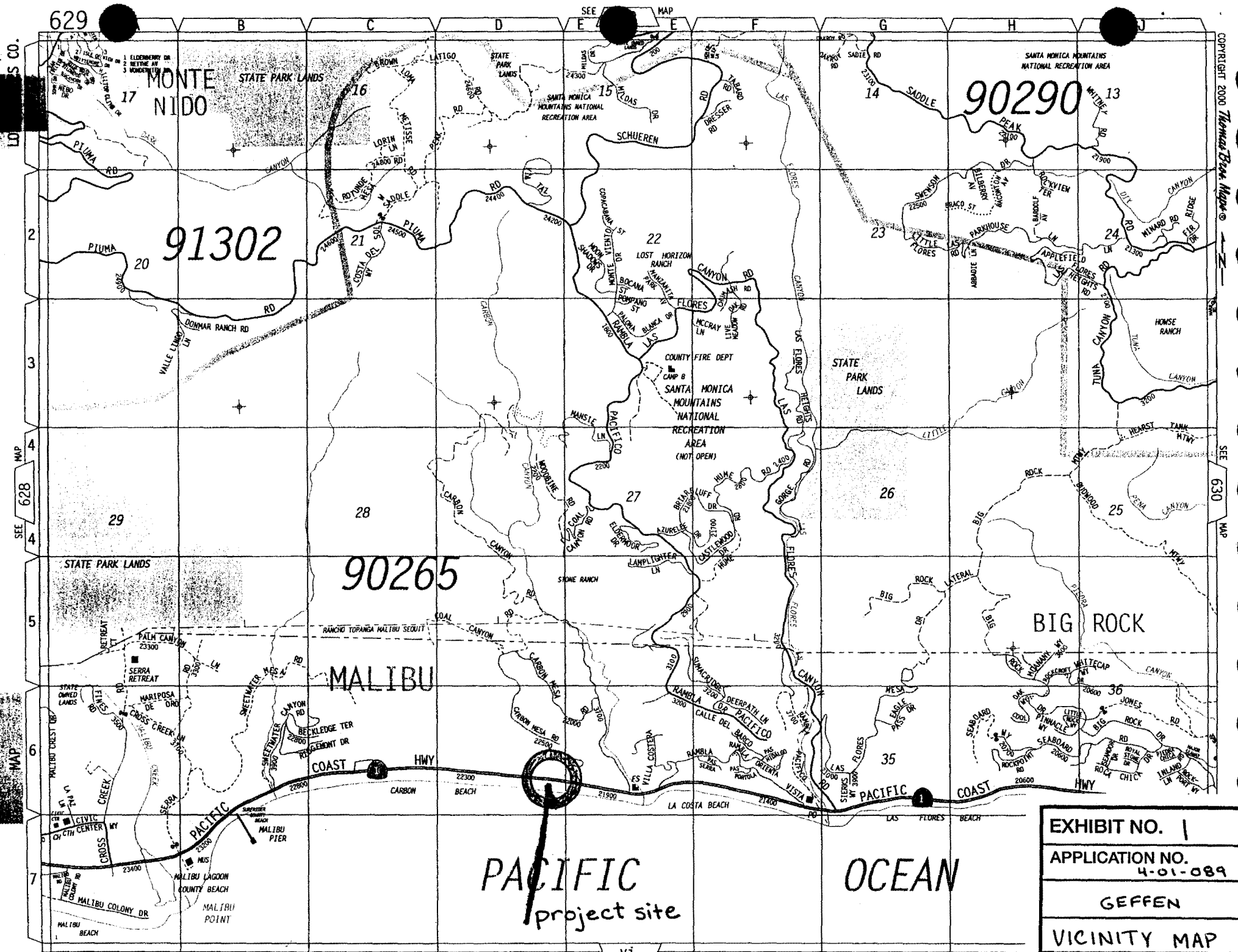


EXHIBIT NO. 1
APPLICATION NO. 4-01-089
GEFFEN
VICINITY MAP

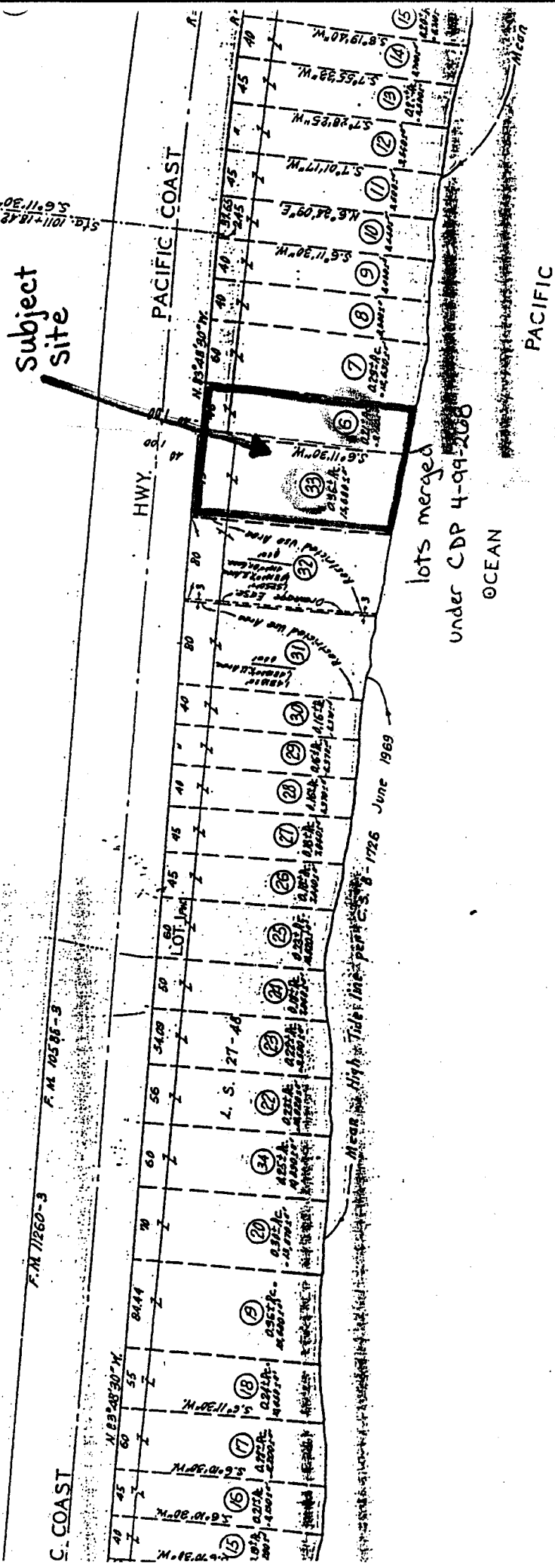
PACIFIC
project site

OCEAN

1992

8

7



Sta. 1011+18.42 P.C. R. 15228-342
S. 6° 11' 30" W.

C. COAST

HWY.

PACIFIC COAST

OCEAN

PACIFIC

EXHIBIT NO. 2
APPLICATION NO. 4-01-089
GEFFEN
PAR - MAP

MAP SHOWING RELATION OF MOST SEAWARD FEATURES OF
RESIDENCE IN THE VICINITY OF 22108 PACIFIC COAST HWY
CITY OF MALIBU, COUNTY OF L.A., CA.

PREPARED IN OCTOBER, 2000
FOR: DAVID GEFFEN
BY: QUIROS SURVEYING
22248 PCH MALIBU CA 90265 310 458-8022

SCALE 1" = 20'

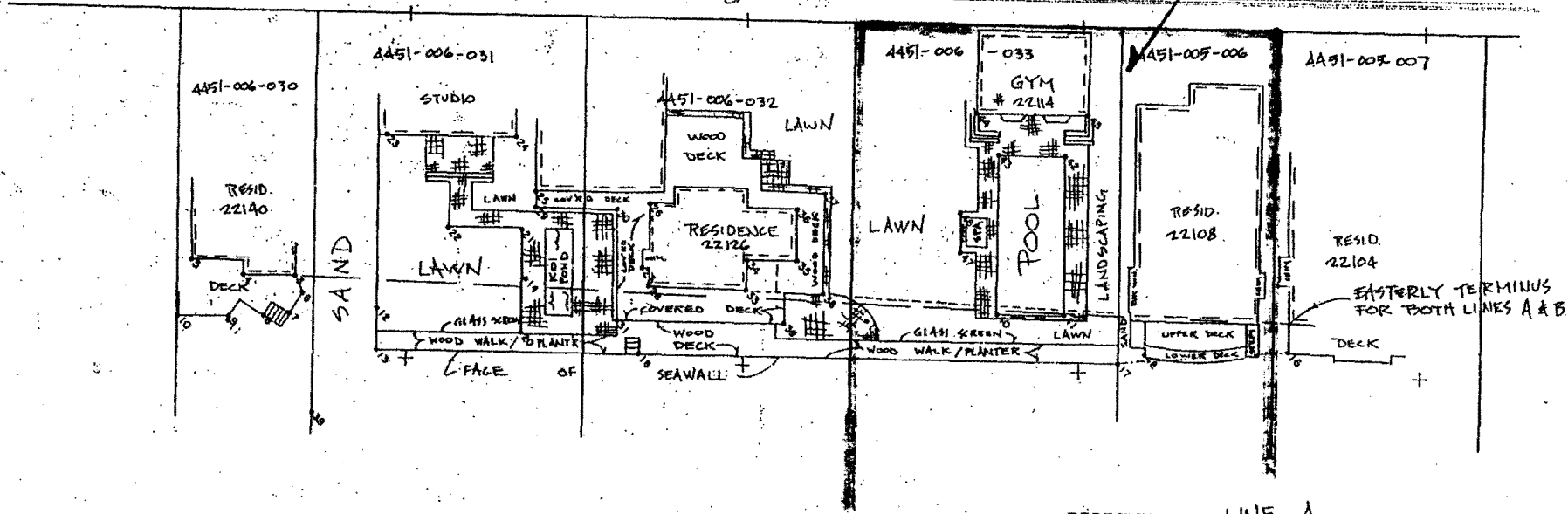
Subject site

487-16-C

100

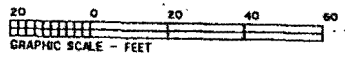
PACIFIC COAST HWY

CURB & GUTTER



----- LINE A
 - - - - - LINE B
 - - - - - LINE C

EXISTING BUILDING WALL LINES =
 [Hatched pattern] SLATE DECK, WALK OR WALL



PACIFIC OCEAN

NOV. 2
487.

EXHIBIT NO. 3
APPLICATION NO. 4-01-089
GEFFEN
EXISTING DEVELOPMENT

PROJECT INFORMATION

ARCHITECT:
RHS ASSOCIATES
8009 W 3RD STREET
LOS ANGELES, CA 90048
323 852 6717
FAX 323 852 6719

STRUCTURAL ENGINEER:
DAVID C. WEISS, S.E.
DEV STRUCTURAL ENGINEER & ASSOCIATES
22146 CLARENDON STREET, SUITE 1020
WOODLAND HILLS, CA 91367
818 224 3973
FAX 818 224 3982

CONTRACTOR:
FORT HILL CONSTRUCTION
6100 HOLLYWOOD BLVD
LOS ANGELES CA 90065
323 656-7425

SOILS REPORT:
GROVER HELLINGSWORTH & ASSOCIATES
3129 VIA COLINAS, SUITE 707
WEST LIME VILLAGE, CA 91362
WOODLAND HILLS, CA 91367
818-887-8041

EXPEDITER:
JANE S. HARRISH
29076 HEATHCROFT ROAD
MALIBU, CA 90263
310-457-6358

PROJECT DATA

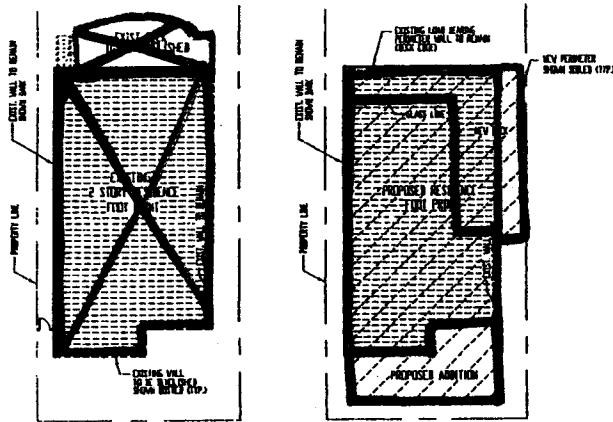
EXISTING 2 STORY SINGLE FAMILY RESIDENCE TO BE REMODELED / DEMOLISHED

EXISTING 1ST FLR AREA = 2080 SQ. FT.
EXISTING 2ND FLR AREA = 2330 SQ. FT.
EXISTING GARAGE AREA = 430 SQ. FT.
EXISTING DECK AREA = 343 SQ. FT.

PROPOSED REMODELED ONE STORY STRUCTURE

-1ST FLR AREA = 1677 SQ. FT.
-GARAGE AREA = 822 SQ. FT.
-SOLID ADDED PORCH AREA = 597 SQ. FT.

**** %61 OF EXISTING EXTERIOR FIRST FLOOR PERIMETER WALLS TO REMAIN**



DEMOLITION ANALYSES

NO SCALE

215 FT. EXISTING PERIMETER WALLS
131 FT. TO REMAIN

761 OF EXISTING EXTERIOR FIRST FLOOR PERIMETER WALLS TO REMAIN

100% OF EXISTING FOUNDATION PILES TO REMAIN

NO NEW PILES REQUIRED FOR THE REMODEL & DEMOL. OF EXISTING HOUSE. APPROXIMATELY 6 NEW PILES FOR GARAGE ADDITION ONLY AS DETERMINED BY SOILS ENGINEER

A

PROJECT SCOPE

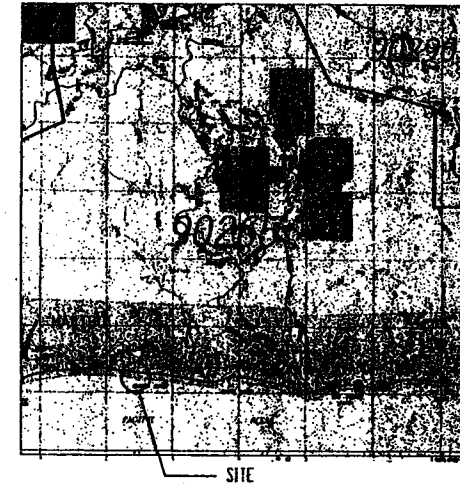
PROPOSED LOT MERGER
DEMOLISH SECOND FLOOR
REMODEL FIRST FLOOR
GARAGE ADDITION

LEGAL DESCRIPTION:

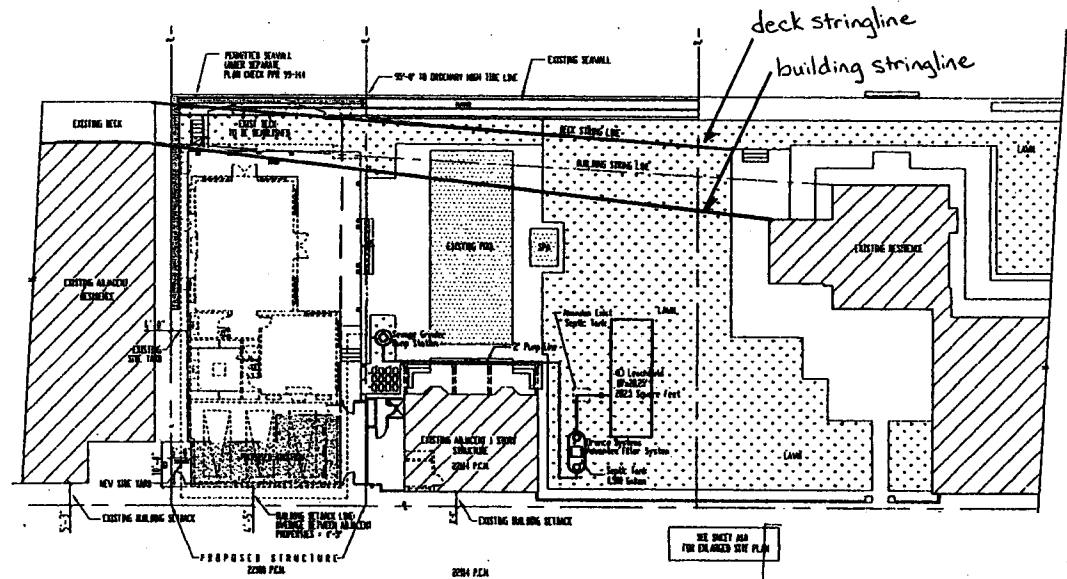
A.P. # 4451-005-006 & A.P. # 4451-006-833

A PARCEL OF LAND, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER, BY PATENT RECORDED IN BOOK 1 PAGE 407, ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

VICINITY MAP



A-00 TITLE SHEET
A-10 SITE PLAN
A-20 FLOOR & EXTERIOR
A-30 EXTERIOR
A-40 EXTERIOR



SETBACK ANALYSES

NO SCALE

FRONT YARD SETBACK
AVERAGE OF ADJACENT PROPERTIES
 $\frac{3'-6" + 5'-3"}{2} = 4'-5"$

SIDE YARD SETBACK
5'-0" FOR NEW CONSTRUCTION
4'-0" IS THE SIDE YARD FOR THE EXISTING WALLS

EXHIBIT NO. 4
APPLICATION NO. 4-01-089
GEFFEN
DEMOLITION & SETBACK ANALYSIS

PROJECT DATA

EXISTING 2 STORY SINGLE FAMILY RESIDENCE TO BE REMODELED / DEMOLISHED

EXISTING 1ST FLR. AREA = 2088 SQ. FT.
 EXISTING 2ND FLR. AREA = 2336 SQ. FT.
 EXISTING GARAGE AREA = 438 SQ. FT.
 EXISTING DECK AREA = 343 SQ. FT.

PROMISED REMODELED ONE STORY STRUCTURE

1ST FLR. AREA = 1677 SQ. FT.
 GARAGE AREA = 892 SQ. FT.
 SOIL TO BE FULFILLED PERCH. AREA = 597 SQ. FT.

NO NEW PILES REQUIRED FOR THE REMODEL & DEMOL. OF EXISTING HOUSE. APPROXIMATELY 6 NEW PILES FOR GARAGE ADDITION ONLY AS DETERMINED BY SOILS ENGINEER.

26% OF EXISTING EXTERIOR FIRST FLOOR PERIMETER WALLS TO REMAIN.
 100% OF EXISTING FOUNDATION PILES TO REMAIN.

LEGEND

--- DEMOTES WALLS TO BE DEMOLISHED
 --- DEMOTES NEW PROPOSED WALLS
 --- DEMOTES EXISTING WALLS TO REMAIN

NOTE

NO CHANGE IN EXISTING LANESWAMPING
 NO GRADING PROPOSED WITH THIS PROJECT
 NO DRAINAGE CHANGES

THE PACIFIC OCEAN

THE PACIFIC OCEAN

Geffen Residence

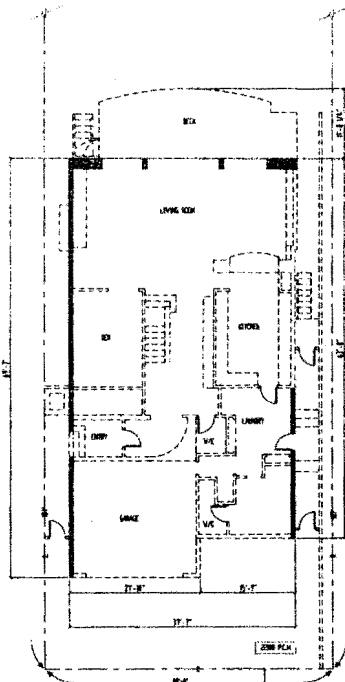
22108 Pacific Coast Highway
 Malibu, California 90265



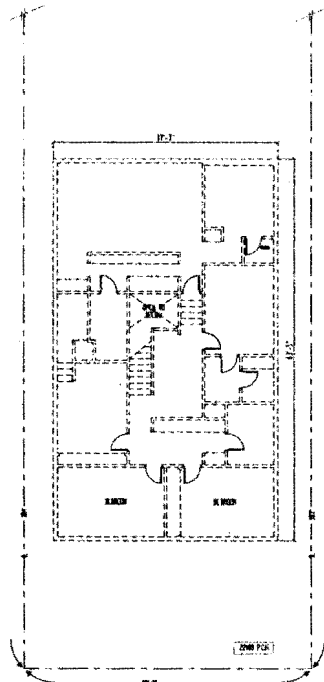
03.29.2001 Planning Submittal
 01.17.2001 KITCHEN REVISION

Demolition Plan Partial Site Plan

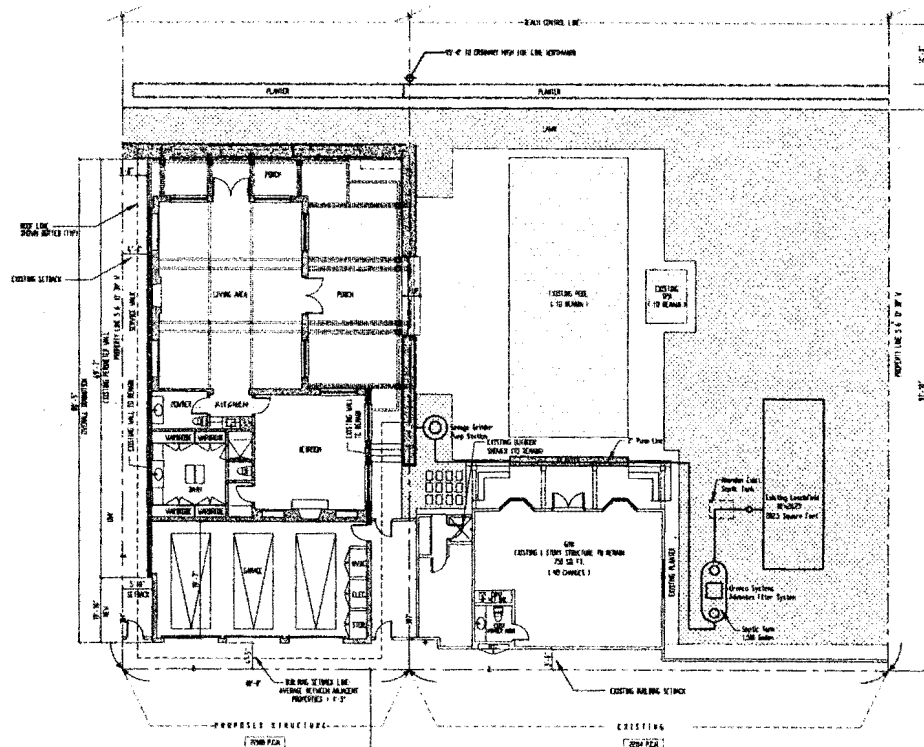
1/8" = 1'-0"



EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN TO BE DEMOLISHED



PROPOSED STRUCTURE (FROM PLAN)

EXISTING (FROM PLAN)

PACIFIC COAST HIGHWAY

PACIFIC COAST HIGHWAY

EXISTING RESIDENCE DEMOLITION PLAN

EXHIBIT NO. 5
APPLICATION NO. 4-01-089
GEFFEN
DEMOLITION & SITE PLANS

Geffen Residence

22108 Pacific Coast Highway
Malibu, California 90265

CONSULTANT



PREPARED

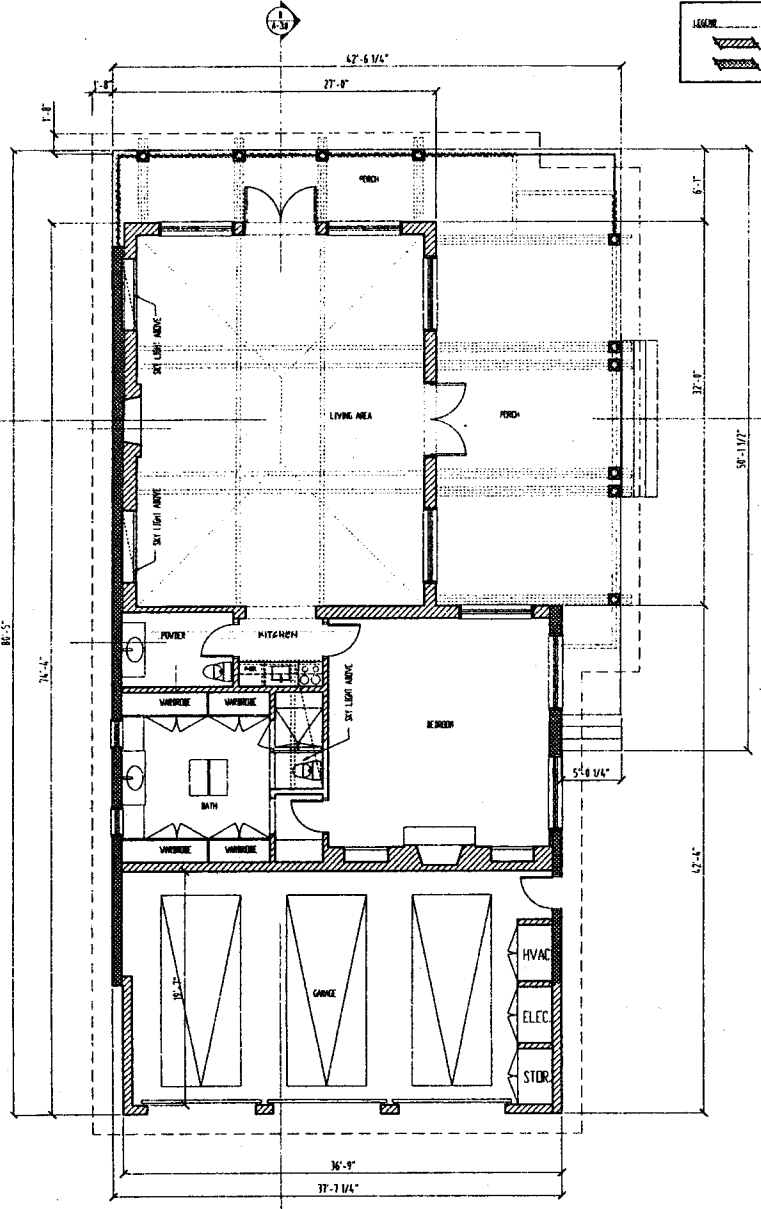
03.29.01 PLANNING SUBMITTA
11.17.01 KITCHEN REVISION



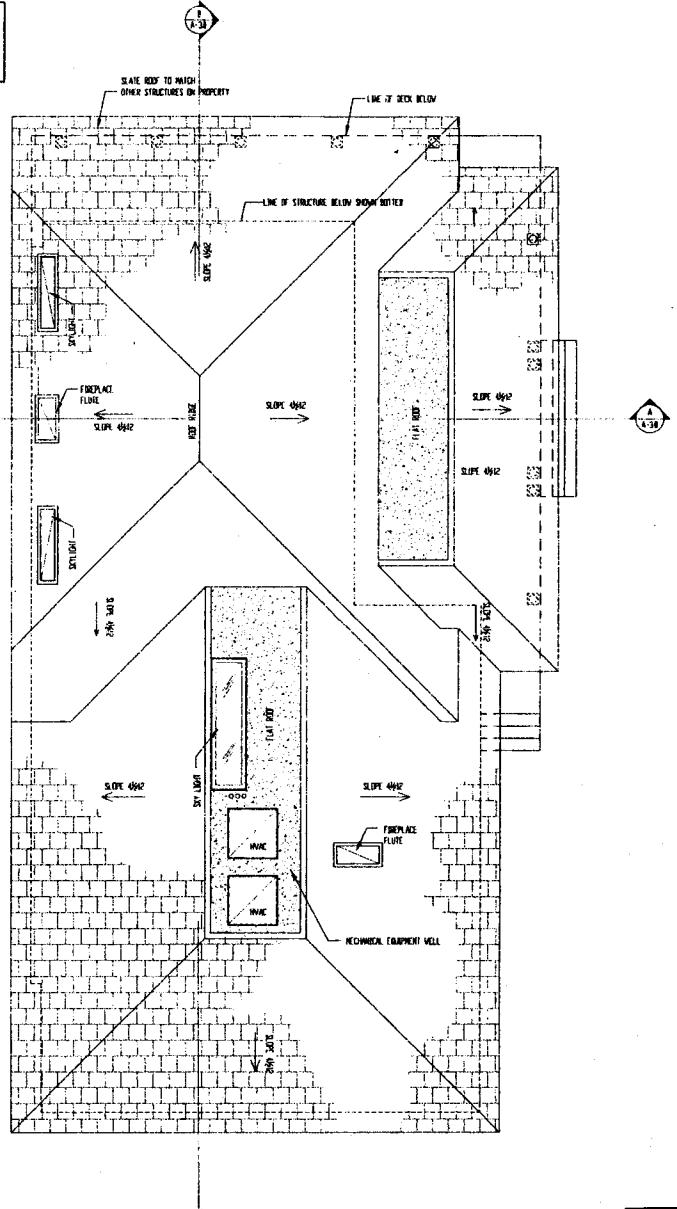
Floor Plan
Roof Plan

1/4" = 1'-0"

EXHIBIT NO. 6
APPLICATION NO. 4-01-089
GEFFEN
FLOOR PLAN



FLOOR PLAN ①



ROOF PLAN ②

Geffen Residence

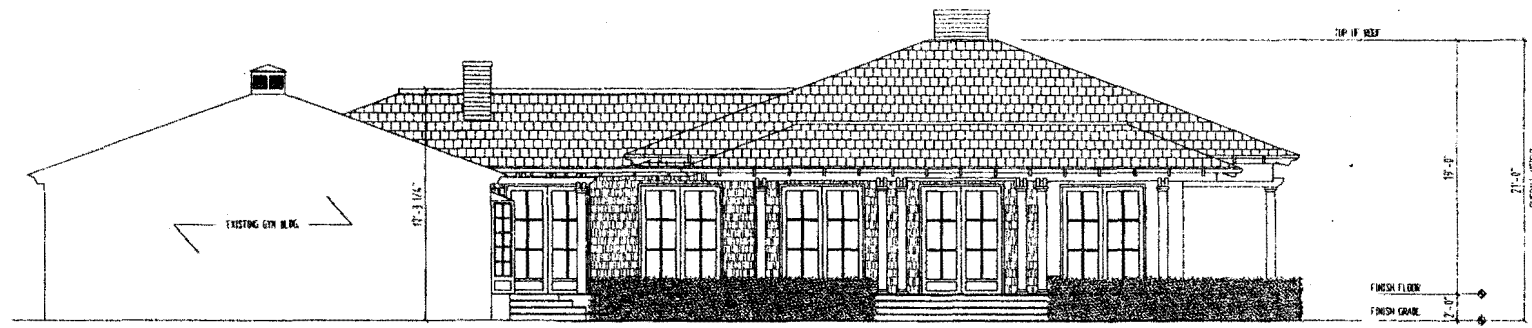
22126 Pacific Coast Highway,
Malibu, California 90285

DATE: 03.27.2001
SUBJECT: 03.27.2001 Planning Submit

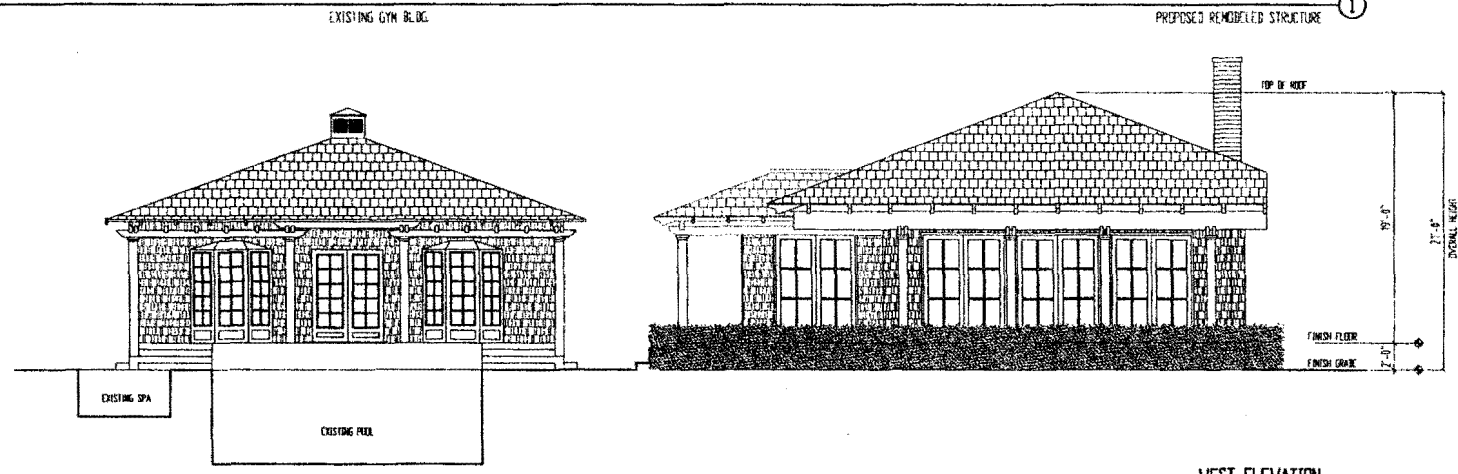


Exterior Elevations

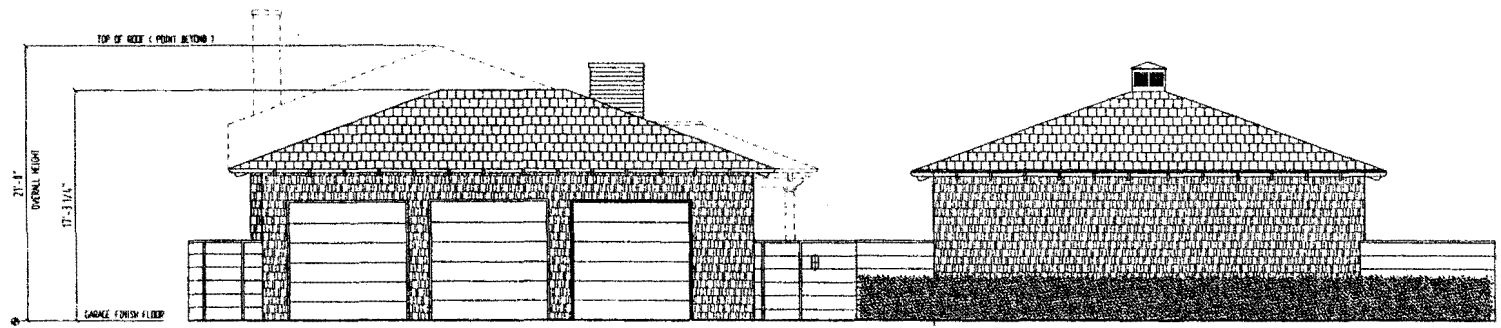
EXHIBIT NO. 7
APPLICATION NO. 4-01-089
GEFFEN
ELEVATIONS



NORTH ELEVATION ①
PROPOSED REMODELED STRUCTURE



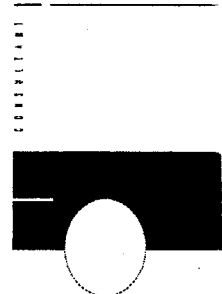
WEST ELEVATION ②
PROPOSED REMODELED STRUCTURE



EAST ELEVATION ③
EXISTING GYM BLDG.

Geffen Residen

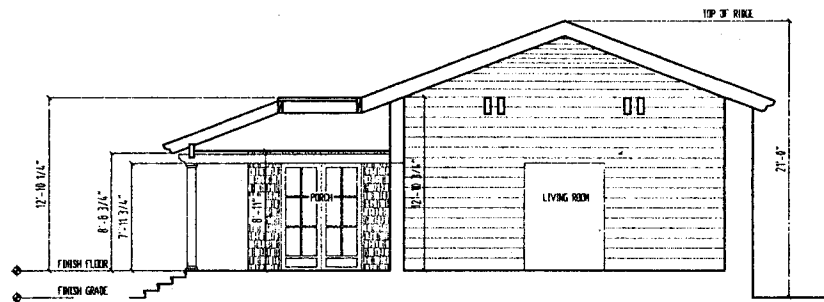
22108 Pacific Coast Highway
Malibu, California 90265



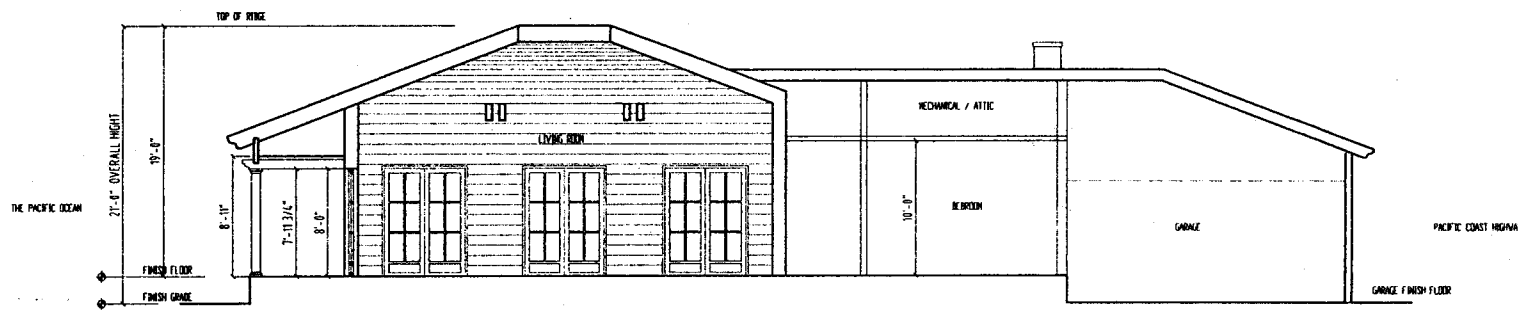
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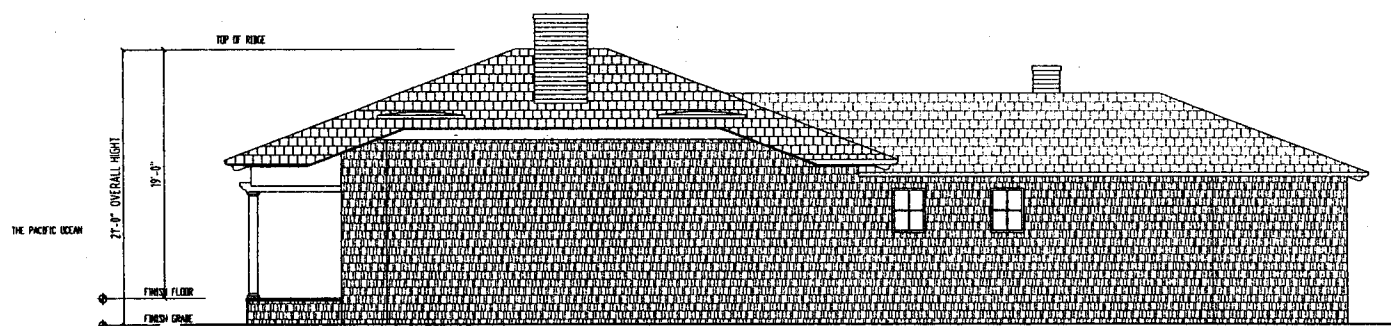
SECTIONS



SECTION 'A' ①



SECTION 'B' ②



SOUTH ELEVATION
PROPOSED REMODELED STRUCTURE ③

EXHIBIT NO. 8
APPLICATION NO. 4-01-089
GEFFEN
ELEVATIONS & SECTIONS