

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff Report: 11/16/01
Hearing Date: 12/11-14/01
Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-238
APPLICANT: The Rust Trust, Attn: Irwin Russell
AGENT: Neal Jevyak
PROJECT LOCATION: 33540 Pacific Coast Highway, Malibu (Los Angeles County)

PROJECT DESCRIPTION: Proposal to remove existing driveway; construct a new max height 26 ft. 41 sq. ft. storage structure, 670 sq. ft. garage and 748 sq. ft. cabana with common wood trellis over a new 3,267 sq. ft. basement/mechanical storage/exercise room, new driveway, swimming pool with terrace and retaining walls; install new septic system; remediate existing path to existing single family residence at the base of the coastal bluff; implement bluff slope restoration; and perform 943 cu. yds. grading (459 cu. yds. cut and 484 cu. yds. fill) and 1,075 cu. yds. excavation. In addition, the project also includes an offer to maintain a public view corridor from Pacific Coast Highway to the Pacific Ocean of a width equal to 20% of the lineal frontage of the project site.

Lot area	44,870 sq. ft.
Building coverage	2,903 sq. ft.
Pavement coverage	5,404 sq. ft.
Landscape coverage	18,551 sq. ft.
Height Above Finished Grade	26 ft.
Parking spaces	3

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, August 20, 2001; City of Malibu Environmental Health, Approval in Concept, August 28, 2000; City of Malibu Geology and Geotechnical Engineering Review, Approval in Concept, September 6, 2000; City of Malibu Biology Review, Approval in Concept, October 10, 2000; County of Los Angeles Fire Department, Final Fuel Modification Plan Approval, October 13, 1999; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, January 30, 2001.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; "Report of Engineering Geologic Investigation," Pacific Geology Consultants, Inc., May 6, 1996; "Update Report of an Engineering Geologic Investigation," Pacific Geology Consultants, Inc., September 14, 1999; "Supplemental Engineering Geologic Report," Pacific Geology Consultants, Inc., February 28, 2000; "Supplemental Engineering Geologic Report," Pacific

Geology Consultants, Inc., July 24, 2000; "Update Engineering Geologic Report," Pacific Geology Consultants, Inc., June 9, 2000; "Engineering Geologic Memorandum," Pacific Geology Consultants, Inc., August 3, 2001; "Update Geotechnical Engineering Investigation Report," Coastline Geotechnical Consultants, Inc., May 17, 1996; "Second Updated Geotechnical Engineering Report," Coastline Geotechnical Consultants, Inc., September 7, 1999; "Third Updated Geotechnical Engineering Investigation Report," Coastline Geotechnical Consultants, Inc., June 1, 2000; "Response to a Geology and Geotechnical Engineering Review Sheet," Coastline Geotechnical Consultants, Inc., August 16, 2000; "Site Improvements," Coastline Geotechnical Consultants, Inc., February 22, 2001; "Tree Removal," Coastline Geotechnical Consultants, Inc., February 26, 2001; "Erosion Control, Staff Comments-California Coastal Commission," Coastline Geotechnical Consultants, Inc., August 21, 2001; "Update No. 2, Coastal Engineering Report," DCW Structural Engineer & Assoc., Inc., January 19, 2001; Revegetation/Restoration Plan and Monitoring Protocol, SDSU College of Sciences, Dept. of Biology Soil Ecology and Restoration Group.

Summary of Staff Recommendation

Staff recommends **approval** of the proposed project with **eight (8) special conditions** regarding (1) geologic recommendations, (2) drainage and polluted runoff, (3) landscaping and erosion control, (4) bluff slope restoration, (5) public view corridor, (6) color restriction, (7) future improvements, and (8) wildfire waiver.

I. Staff Recommendation

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-238 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 term or 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 and Engineering Consultants' Recommendations

All recommendations contained in the Report of Engineering Geologic Investigation dated May 6, 1996 prepared by Pacific Geology Consultants, Inc., the Update Report of an Engineering Geologic Investigation dated September 14, 1999 prepared by Pacific Geology Consultants, Inc., the Update Geotechnical Engineering Investigation Report dated May 17, 1996 prepared by Coastline Geotechnical Consultants, Inc., the Second Updated Geotechnical Engineering Report dated September 7, 1999 prepared by Coastline Geotechnical Consultants, Inc., and the Third Updated Geotechnical Engineering Investigation Report dated June 1, 2000 prepared by Coastline Geotechnical Consultants, Inc. shall be incorporated into all final design and construction including *foundations, grading, sewage disposal and drainage*. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. *Prior to issuance of the coastal development permit*, the applicant shall submit, for review and approval by the Executive Director, two sets of plans with evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, sewage disposal and drainage. Any substantial changes in 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.

2. Drainage and Polluted Runoff Control Plans

Prior to the Issuance of the Coastal Development Permit, the applicants shall submit to the Executive Director for review and written approval, two sets of 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 geologist to ensure the plan is in conformance with consultant's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) 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.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) 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.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicants shall submit two sets of 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 engineering and geologic consultant to ensure that the plans are in conformance with the consultant's 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.

- (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) 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.
- (4) 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.
- (5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicants shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

4. Bluff Slope Restoration Plan

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a revised detailed bluff restoration and revegetation plan prepared by a qualified Landscape Architect, resource specialist or biologist. The applicant shall also submit evidence to the satisfaction of the Executive Director that the revegetation and irrigation plan, including the amount of water to be delivered to the bluff surface, has been reviewed and found consistent with the geologic engineering consultant's recommendations to ensure slope stability. The applicant shall implement the restoration and revegetation measures in accordance with the approved bluff restoration and revegetation plan. The plans shall include, but not be limited to, the following criteria:

- (a) Provisions and specifications for removal of all non-native plants.
- (b) A bluff revegetation program which utilizes only native drought resistant plants, endemic to coastal bluffs. The revegetation program shall use a mixture of seeds and container plants to increase the potential for successful revegetation. No hydroseeding shall occur in areas of the bluff where native plant material is already established. A temporary irrigation system may be used until the plants are established, as determined by the consulting landscape architect or resource specialist, but in no case shall the irrigation system be in place longer than five (5) years. Disturbed slopes shall be planted within 30 days of disturbance to minimize erosion and bluff instability.
- (c) Native plant species endemic to coastal bluffs which will grow to sufficient height to screen and soften visual impacts of the proposed development.
- (d) The bluff restoration plan shall be implemented within 180 days of the issuance of this permit. The initial planting shall be completed by March 1, 2002. Revegetation shall provide 90 percent coverage within five (5) years and shall be repeated, if necessary, to provide such coverage. This time period may be extended by the Executive Director for good cause.

- (e) The applicant shall implement the previously submitted five year monitoring and maintenance program as outlined by SDSU Soil, Ecology and Restoration Group dated September 20, 2001, to ensure the successful revegetation of the bluff. The applicant shall submit, for the review and approval of the Executive Director, written annual reports prepared by a landscaping architect or resource specialist, beginning after the first year following implementation of the restoration program and include recommendations for mid-program corrections, if necessary. Successful site restoration shall be determined if the revegetation of native plant species on site is adequate to provide 90% coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. At the end of the five (5) year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the performance standards outlined in the monitoring program, the applicant shall be required to submit a revised or supplemental program to remedy for those portions of the original program which were not successful. The revised or supplemental restoration program shall be processed as an amendment to the original coastal development permit.

5. Public View Corridor

Prior to issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, which provides that:

- (a) No less than 20% of the lineal frontage of the project site shall be maintained as a public view corridor from Pacific Coast Highway to the Pacific Ocean.
- (b) No structures, vegetation, or obstacles, which result in an obstruction of public views of the ocean from Pacific Coast Highway shall be permitted within the public view corridor.
- (c) Fencing within the public view corridor shall be limited to visually permeable designs and materials (e.g. wrought iron or non-tinted glass materials). Fencing shall be limited to no more than 6 ft. in height. All bars, beams, or other non-visually permeable materials used in the construction of any fence shall be no more than 1 inch in thickness/width and shall be placed no less than 6 inches in distance apart. Alternative designs may be allowed only if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views.
- (d) Vegetation within the public view corridor, as consistent with Special Condition Three (3), shall be limited to low-lying vegetation that will not block views of the ocean as seen from Pacific Coast Highway. Vegetation adjacent to Pacific Coast Highway shall be limited to two feet in height.

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

6. Color Restriction

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit 4-00-238. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-00-238 if such changes are specifically authorized by the Executive Director as complying with this special condition.

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 Deed Restriction

- A. This permit is only for the development described in Coastal Development Permit 4-00-238. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the proposed development. Accordingly, any future structures, future improvements, or change in intensity of use to the permitted structures approved under Coastal Development Permit No. 4-00-238, and any grading, clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition No. Three and the approved bluff restoration plan prepared pursuant to Special Condition No. Four shall require an amendment to Permit 4-00-238 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. *Prior to issuance of the coastal development permit*, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions 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.

8. Wildfire Waiver

Prior to the issuance of a coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

Proposal to remove existing driveway; construct a new max height 26 ft. 41 sq. ft. storage structure, 670 sq. ft. garage and 748 sq. ft. cabana with common wood trellis over a new 3,267 sq. ft. basement/mechanical storage/exercise room, new driveway, swimming pool with terrace and retaining walls; install new septic system; remediate existing path to existing single family residence at the base of the coastal bluff; implement bluff slope restoration; and perform 943 cu. yds. grading (459 cu. yds. cut and 484 cu. yds. fill) and 1,075 cu. yds. excavation (Exhibits 3-7). In addition, the project also includes an offer to maintain a public view corridor from Pacific Coast Highway to the Pacific Ocean of a width equal to 20% of the lineal frontage of the project site.

The project site is on a rectangular parcel of land approximately $\frac{3}{4}$ of an acre in size (Exhibit 2) located between Pacific Coast Highway and the beach (Exhibit 1). The neighboring parcels are developed with single family residences. The site is currently developed with a 1,178 sq. ft. single family residence at the base of the coastal bluff on a rock outcropping, a path down the bluff slope to the residence, bluff slope retaining walls, and a driveway on top of the bluff (Exhibit 3). All existing development was constructed prior to the implementation of the Coastal Zone Conservation Act in 1972. The proposed project does not include any changes to the existing single family residence on site.

The site has been previously graded and modified by past development. The existing vegetation on site consists mostly of exotic species. The bluff face on site, although significantly disturbed by existing (pre-Coastal Zone Conservation Act) development, is designated as an environmentally sensitive habitat area (ESHA) by the certified Malibu/Santa Monica Mountains Land Use Plan. In the case of this project, the proposed development will be located more than 50 ft. from the top edge of the bluff on the relatively flat portion of the site, landward of the existing residence. Minor grading (15 cu. yds. of fill) is proposed on the bluff slope to remediate the existing pathway that leads to the residence pursuant to City and Fire Dept. requirements. In addition, the applicant proposes to restore the bluff slope area and has submitted a restoration and monitoring plan to remove all exotic plants on the bluff slope and revegetate the area with native plant species.

B. Hazards

The proposed development is located in the Santa Monica Mountains, an area generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

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.***

The project site is a rectangular bluff top parcel that has been previously graded and modified by past development. By nature, coastal bluffs are subject to erosion from sheet flow across the top of the bluff and from wave action at the base of the bluff. The bluffs along this section of the coast are not subject to substantial erosion from wave action due to the presence of resistant basaltic rock which is exposed at the base of the bluff; however, these bluffs are subject to erosion from runoff at the top of the slope. Further, due to geologic structure and soil composition, these bluffs are susceptible to surficial failure, especially with excessive water infiltration. The Report of Engineering Geologic Investigation by Pacific Geology Consultants dated May 6, 1996, states:

The descending slope areas are prone to surficial instability during periods of intense storm activity. Evidence of past erosion and soil slippage was observed along slope areas adjacent to the southern pad margin

However, in the case of this project, no new development is proposed on or near the bluff slope. Only minor grading (15 cu. yds. fill) is proposed to remediate the existing pathway to the residence in order to comply with City and Fire Dept. requirements. The new proposed development will be located more than 50 ft. from the top edge of the bluff on the relatively flat portion of the site (landward of the existing residence). The applicant's geotechnical consultants have indicated that the proposed site for the accessory structures and swimming pool is relatively stable and is not expected to be subject to geologic instability or landslide. The Third Updated Geotechnical Engineering Investigation Report by Coastline Geotechnical Consultants dated June 1, 2000 states:

Based on the findings summarized in this report, and our prior reports, and provided the recommendations of this report are followed, and the designs, grading and construction are properly and adequately executed, it is our opinion that construction within the building site, including grading, will not be subject to geotechnical hazards from landsliding, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading will not adversely effect the stability of the site, nor adjacent properties, with the same provisos listed above.

Furthermore, the Engineering Geologic Memorandum, Response to Coastal Commission Letter prepared by Pacific Geology Consultants, Inc. dated August 3, 2001 states:

Providing recommendations by this office, and those provided by the Geotechnical Engineer, Coastline Geotechnical Consultants, Inc., are adhered to over the lifetime of the structure, the proposed development will be safe over the next 75 years. Furthermore, the proposed development will not adversely affect off-site properties.

As such, the Commission notes that the proposed project will serve to ensure general geologic and structural integrity on site. However, the Commission also notes that the submitted Report of Engineering Geologic Investigation dated May 6, 1996 prepared by Pacific Geology Consultants, Inc., the Update Report of an Engineering Geologic Investigation dated September 14, 1999 prepared by Pacific Geology Consultants, Inc., the Update Geotechnical Engineering Investigation Report dated May 17, 1996 prepared by Coastline Geotechnical Consultants, Inc., the Second Updated Geotechnical Engineering Report dated September 7, 1999 prepared by Coastline Geotechnical Consultants, Inc., and the Third Updated Geotechnical Engineering Investigation Report dated June 1, 2000 prepared by Coastline Geotechnical Consultants, Inc. include a number of recommendations to ensure the geologic stability and geotechnical safety of the site. To ensure that the recommendations of the geologic and geotechnical engineering consultants are incorporated into all new development, Special Condition No. One (1) requires the applicant to submit project plans certified by the consulting geologist and geotechnical engineer as conforming to all geologic and geotechnical recommendations, as well as any new or additional recommendations by the consulting geologist and geotechnical engineer to ensure structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, sewage disposal and drainage. Any substantial changes to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

In addition, the Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding environment. In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize bluff slopes and bluff top areas and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, Special Condition No. Three (3) requires that all proposed disturbed and graded areas on subject site are stabilized with native vegetation. Moreover, Special Condition No. Four (4) ensures that the applicant implements the proposed restoration and monitoring plan to revegetate and maintain the bluff slope with native plant species.

Further, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by Special Condition No. Two (2), to submit drainage plans certified by the consulting geologist and geotechnical engineer as

conforming to their recommendations. To ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage structures shall be repaired should the structures fail in the future, Special Condition No. Two (2) also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

In addition, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition No. Eight (8).

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

C. Sensitive Resources

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.***
- (b) 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 bluff slope on the project site is designated as Environmentally Sensitive Habitat Area (ESHA) by the certified Malibu/Santa Monica Mountains Land Use Plan. The coastal bluffs west of Point Dume, including the project site, provide habitat for a relatively rare and restricted plant community (Southern Coastal Bluff Scrub). Although the bluff on the subject site has been substantially altered, these bluffs still provide nesting, feeding, and shelter sites for shore birds and remain an important part of the shoreline ecosystem. In addition, offshore kelp beds, also designated as ESHA, are located along this portion of coast.

As previously mentioned, the applicant is proposing to remove existing driveway; construct a new 41 sq. ft. storage closet, 670 sq. ft. garage and 748 sq. ft. cabana with common wood trellis over a new 3,267 sq. ft. basement/mechanical storage/exercise room, new driveway, swimming pool with terrace and retaining walls; install new septic system; remediate existing path to existing single family residence on bluff edge; restore the bluff slope; and perform 943 cu. yds. grading (459 cu. yds. cut and 484 cu. yds. fill) and 1,075 cu. yds. excavation. The only development proposed on the bluff slope is minor grading for remediation purposes.

The coastal bluff within the subject property has been colonized by mostly exotic plant species as a result of residential development on the slope of the bluff. Past disturbance and erosion over the years has displaced the naturally occurring native bluff scrub species and degraded the unique bluff habitat. The only development proposed on the bluff slope is minor grading in order to remediate the existing pathway that leads down the slope to the existing residence. This minor grading (15 cu. yds. fill) will serve to ensure safe access to the residence in

compliance with City and Fire Dept. requirements. Considering the present degraded condition of the bluff, this grading will not have any significant impacts to the bluff habitat.

Further, in order to enhance the value of bluff habitat on site, the applicant is proposing to restore the slope to a more natural grade, create controlled drainage to reduce gullying and erosion on the slope, and conduct a bluff revegetation program which will serve to restore habitat value of the bluff slope. The bluff revegetation plan will include the removal of all non-native plants on site and subsequent revegetation of the bluff slope utilizing native drought resistant plants endemic to coastal bluffs in order to restore and enhance both the degraded ESHA and visual resources on site. As such, the Commission notes that the proposed restoration component of the development is compatible with Section 30240 of the Coastal Act. To ensure that the bluff restoration and revegetation plan is implemented as part of this project in a timely manner, Special Condition No. Four (4) requires that the applicant implement the restoration plan within 180 days of the issuance of this permit. In addition, Special Condition No. Four (4) also requires that the revegetation plan include a monitoring program for a period of five years to ensure successful revegetation.

As previously discussed, the existing uncontrolled drainage serves to accelerate bluff erosion and has resulted in significant damage to the bluff slope, the creation of a vertical cliff, and degradation to the aesthetic and ESHA values of the site. The proposed project includes the creation of a more appropriate system, which will include the criteria outlined in Special Condition No. Two (2). The Commission notes that the proposed improvements to the existing drainage system will serve to reduce erosion and minimize impacts to the visual resources and ESHA value of the site. In order to ensure that the new drainage system functions properly and is repaired should the drainage system fail in the future, Special Condition No. Two (2) requires that the applicant agree to be responsible for any repairs to the drainage system, as well as for restoration of the eroded areas, should the structures fail.

As such, the Commission notes that the proposed project will serve to improve the existing and inadequate drainage, restore and enhance the degraded habitat and visual resources value of the site, minimize erosion, as well as potential impacts to the offshore kelp bed ESHA from increased sedimentation resulting from onsite erosion. Therefore, for the reasons discussed above, the Commission finds that the proposed project is consistent with Section 30240 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 subordinated to the character of its setting.

Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The project site is located seaward of Pacific Coast Highway in western Malibu just west of Decker Canyon Road (Exhibit 1). Existing residential development and landscaping along this portion of Pacific Coast Highway, including the project site, has blocked the view of the ocean in this area (Exhibit 9). Pacific Coast Highway is a major coastal access route, not only utilized by local residents, but also heavily used by tourists and visitors to access several public beaches located in the surrounding area which are only accessible from Pacific Coast Highway. Public views of the ocean 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 there is continuous large scale landscaping, such development creates a wall-like effect when viewed from Pacific Coast Highway. As such, the Commission notes that such development, when viewed on a regional basis, will result in potential cumulative adverse effects to public views and to the visual quality of coastal areas.

The Commission typically requires that new residential development on vacant bluff lots, where feasible, be sited and designed so as not to block views of the ocean as seen from Pacific Coast Highway. In this case, the applicant is proposing two new accessory structures on a site which is already developed with an existing pre-Coastal Act bluff top single family residence. The applicant is not proposing any changes to the existing residence on site. As such, the Commission notes that the existing site is extensively developed and includes existing landscaping which blocks views of the ocean as seen from Pacific Coast Highway. In past permit actions, the Commission has found that new residential development or redevelopment projects, should reserve a minimum of 20 percent of the linear frontage of the lot as visually open area to provide and maintain adequate public coastal views [CDP No. 4-99-154 (Montanaro), CDP No. 4-99-155 (Ioki), CDP No. 4-00-057 (Morton) and CDP No. 4-00-175 (Rust Trust)].

The Commission notes that the existing structure on site does not obstruct views of the ocean from the highway due its location significantly downslope from the highway. In addition, the Commission also notes that the max 26 ft. high accessory structures will also not significantly intrude into the skyline or obstruct public blue water views of the ocean from the highway. However, views of the ocean from the highway are almost completely blocked by the existing landscaping improvements (mature trees and large shrubs) which are located immediately downslope and adjacent to the highway. As such, the creation of a view corridor as proposed in this application would enhance public views from the highway to the ocean. The proposed project includes an offer by the applicant to maintain a public view corridor from Pacific Coast Highway to the Pacific Ocean of a width equal to 20% of the lineal frontage of the project site in order to allow for ocean views from the highway. The Commission notes that the subject site is approximately 60 feet in width and that a public view corridor of no less than 20 percent of the width of the site's lineal frontage would be 12 feet in width. A 12 ft. wide view corridor is proposed along the western end of the applicant's parcel. As mentioned above, the existing residence is well below the elevation of Pacific Coast Highway and will not block views of the ocean within the proposed 12 ft. wide view corridor. The proposed accessory structures are just slightly visible from Pacific Coast Highway, however, they will not significantly block the blue water view and are not located within any portion of the proposed view corridor. The

impact on views from the proposed structures will be similar to that of the approved residential structure on the adjacent property to the west of the subject parcel, as both structures extend into the skyline at approximately the same elevation. The applicant submitted a photo which shows the existing residential structure on the adjacent parcel to the west and the proposed view corridor on the western portion of the subject parcel (Exhibit 9). The proposed structures would be similar in appearance to the structure in the photo, but located east of the proposed view corridor (to the left of the photo).

Section 30251 of the Coastal Act requires that, where feasible, views should be restored or enhanced in visually degraded areas. The Commission notes that the applicant's offer to maintain a public view corridor across the site will serve to enhance scenic coastal resources and increase public coastal view opportunities in an area where such views were previously degraded. Therefore, in order to ensure that the applicant's offer to maintain a public view corridor on the subject site and to ensure that public coastal views will be protected in the future, Special Condition No. Five (5) requires the applicant to execute and record a deed restriction that provides that no less than 20 percent of the lineal frontage of the project site shall be maintained as a public view corridor. No structures, vegetation, or obstacles which result in an obstruction of public views of the ocean from Pacific Coast Highway shall be permitted within the public view corridor. The Commission notes that certain types of visually permeable fencing, including certain types of glass walls, may be allowed within a public view corridor if such structures do not interfere with public views of the beach and ocean from Pacific Coast Highway. Existing vegetation within the view corridor that is adjacent to the highway shall be removed if more than two feet in height. Although, portions of the existing residence and proposed accessory structure will be located within the view corridor, because these structures are both relatively low-lying and located on a relatively low portion of the site in relation to the highway and these structures will not significantly intrude into the skyline or adversely impact the public's ability to view the ocean.

In addition, the Commission further finds the applicant must submit landscaping plans that include the removal of existing vegetation within the view corridor and replant the area with low lying vegetation that will not block views of the ocean within this view corridor, as specified in Special Condition No. Three (3). The landscape plan shall specify that vegetation adjacent to Pacific Coast Highway shall not exceed two feet in height and the remaining or replacement vegetation shall be low lying and maintained to ensure the vegetation will not obscure or block views of the ocean as seen from Pacific Coast Highway. Further, in order to minimize the visual impact of the proposed development as seen from the highway, the Commission finds that it is necessary to require the applicant to finish the proposed structure and retaining walls in a color consistent with the surrounding natural landscape and the windows of the proposed structure be of a non-reflective nature as specified in Special Condition No. Six (6).

Finally, Special Condition No. Four (4) requires that the bluff revegetation plan incorporate vertical elements such as trees in order to screen and soften any visual impacts resulting from the elevator house or retaining walls. In addition, due to the unique nature of the site, staff notes that the elevator house will result in fewer adverse impacts to visual resources than the construction of an above grade switchback style stairway which would occupy a substantial portion of the bluff face in order to conform to safety standards. Thus, the proposed project is consistent with Section 30251 of the Coastal Act as it will serve to minimize landform alteration, as well as to restore and enhance visual resources in a degraded area.

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or the character of the surrounding area in this portion of Malibu. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

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, increase of runoff, erosion, and sedimentation, 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 that:

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

As described in detail above, the proposed project includes the removal of the existing driveway; construction of a new 41 sq. ft. storage closet, 670 sq. ft. garage and 748 sq. ft. cabana with common wood trellis over a new 3,267 sq. ft. basement/mechanical storage/exercise room, a new driveway, swimming pool with terrace and retaining walls; installation of a new septic system; remediation of an existing path to the existing single family residence on the bluff edge; bluff restoration; and performance of 943 cu. yds. grading (459 cu. yds. cut and 484 cu. yds. fill) and 1,075 cu. yds. excavation.

As such, the proposed project will result in an increase of impervious surface on site. The Commission notes that impervious surfaces result in increases to the volume and velocity of runoff. In addition, the runoff from these impervious surfaces can include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation which provides food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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 No. Two (2)**, 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.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. Three (3)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on site private sewage disposal system to serve the residence. The applicant's environmental health specialist performed infiltration tests. The City of Malibu Environmental Health Department has given in-concept approval of the proposed septic 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 is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted 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 any additional residential units on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates potential additional demands on public services, such as water, sewage, electricity, and roads. Thus, second residential units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The applicant is proposing to construct a new 41 sq. ft. storage structure, 670 sq. ft. garage and 748 sq. ft. cabana with common wood trellis over a new 3,267 sq. ft. basement/mechanical storage/exercise room.

Based on the requirements of Coastal Act Sections 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 intended only for occasional use by guests, 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 or residential second units. 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 facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

Although the proposed accessory structures (a new 41 sq. ft. storage structure, 670 sq. ft. garage and 748 sq. ft. cabana with common wood trellis over a new 3,267 sq. ft. basement/mechanical storage/exercise room, see Exhibits 4-7) are not intended as habitable structures, the Commission notes that in the event that any of the proposed structures were to

be converted to residential use in the future, such conversion would significantly intensify the use of this property and result in significant adverse cumulative impacts to coastal resources. The Commission notes that the basement is rather large, however, in response to staff concerns the applicant has submitted plans for the mechanical storage area to show that the intended use is storage of mechanical and electrical equipment (Exhibit 8). The proposed cabana consists of a sitting room, wetbar, and bathroom (Exhibit 5). The Commission notes that the proposed cabana is 748 sq. ft., which conforms with the Commission's past actions in allowing a maximum of 750 sq. ft. for second dwellings in the Malibu area. However, the Commission notes that additions or improvements to the detached structure could easily convert to additional habitable square footage, beyond that approved by the Commission, therefore increasing the potential to use the proposed structure as a second residential unit. In addition, because the proposed accessory structures total more than 4,600 sq. ft. in size and because the site is already developed with an existing 1,178 sq. ft. single family residence, the approval of any future conversion of the proposed accessory structure would not be consistent with past Commission action. Therefore, in order to ensure that any modifications or additions to the proposed accessory structure are reviewed by the Commission, Special Condition Seven (7) has been imposed. Special Condition Seven (7) requires the recordation of a future development deed restriction which requires the applicant to obtain an amended or new coastal permit if any additions or improvements to the proposed non-habitable accessory structures on the property are proposed in the future.

Therefore, as conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

G. Local Coastal Program

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned 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 that the activity may have on the environment.

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

ASSESSOR'S MAP
COUNTY OF LOS ANGELES

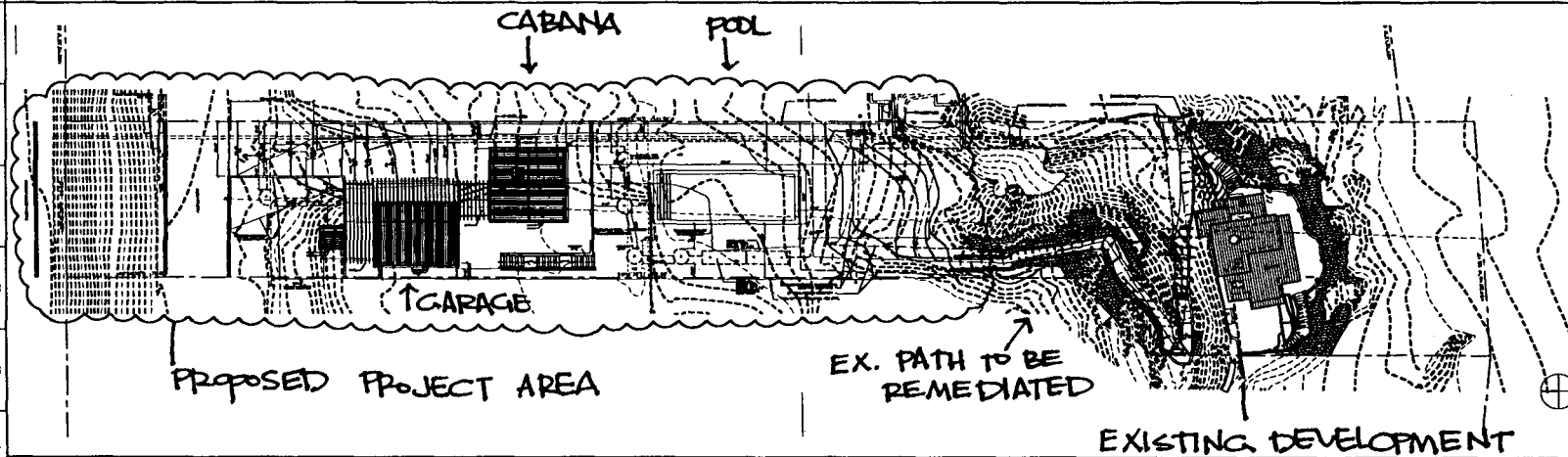
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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

LEGEND

NOTE: THE PROJECT LIES WITHIN AN UNDEVELOPED AREA AS SHOWN ON THE LATEST AERIAL PHOTOGRAPH. THE PROJECT AREA IS SHOWN IN DASHED LINES. THE EXISTING DEVELOPMENT IS SHOWN IN SOLID LINES. THE EXISTING DEVELOPMENT IS SHOWN IN SOLID LINES. THE EXISTING DEVELOPMENT IS SHOWN IN SOLID LINES.



FI LOT 33540 - SITE PLAN
A-100 P-200

LOT DEVELOPMENT CRITERIA		BENCH MARK STANDARDS	
LOT	AREA OF LOT	AREA OF LOT	AREA OF LOT
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

KEY PLAN

1:11 SCALE

1	PRELIMINARY CONCEPT APPROVAL	08-04-01
2	PRELIMINARY CONCEPT APPROVAL	08-10-01
3	PRELIMINARY CONCEPT APPROVAL	08-10-01
4	PRELIMINARY CONCEPT APPROVAL	08-10-01
5	PRELIMINARY CONCEPT APPROVAL	08-10-01
6	PRELIMINARY CONCEPT APPROVAL	08-10-01
7	PRELIMINARY CONCEPT APPROVAL	08-10-01
8	PRELIMINARY CONCEPT APPROVAL	08-10-01
9	PRELIMINARY CONCEPT APPROVAL	08-10-01
10	PRELIMINARY CONCEPT APPROVAL	08-10-01

THE RUST TRUST
33540 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA

ROBERT A.M. STERN ARCHITECTS

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TEL: (213) 512-1000 FAX: (213) 512-1000

SITE PLAN

Project No. 20-01-01
Date 05-18-01
Scale 1" = 20'

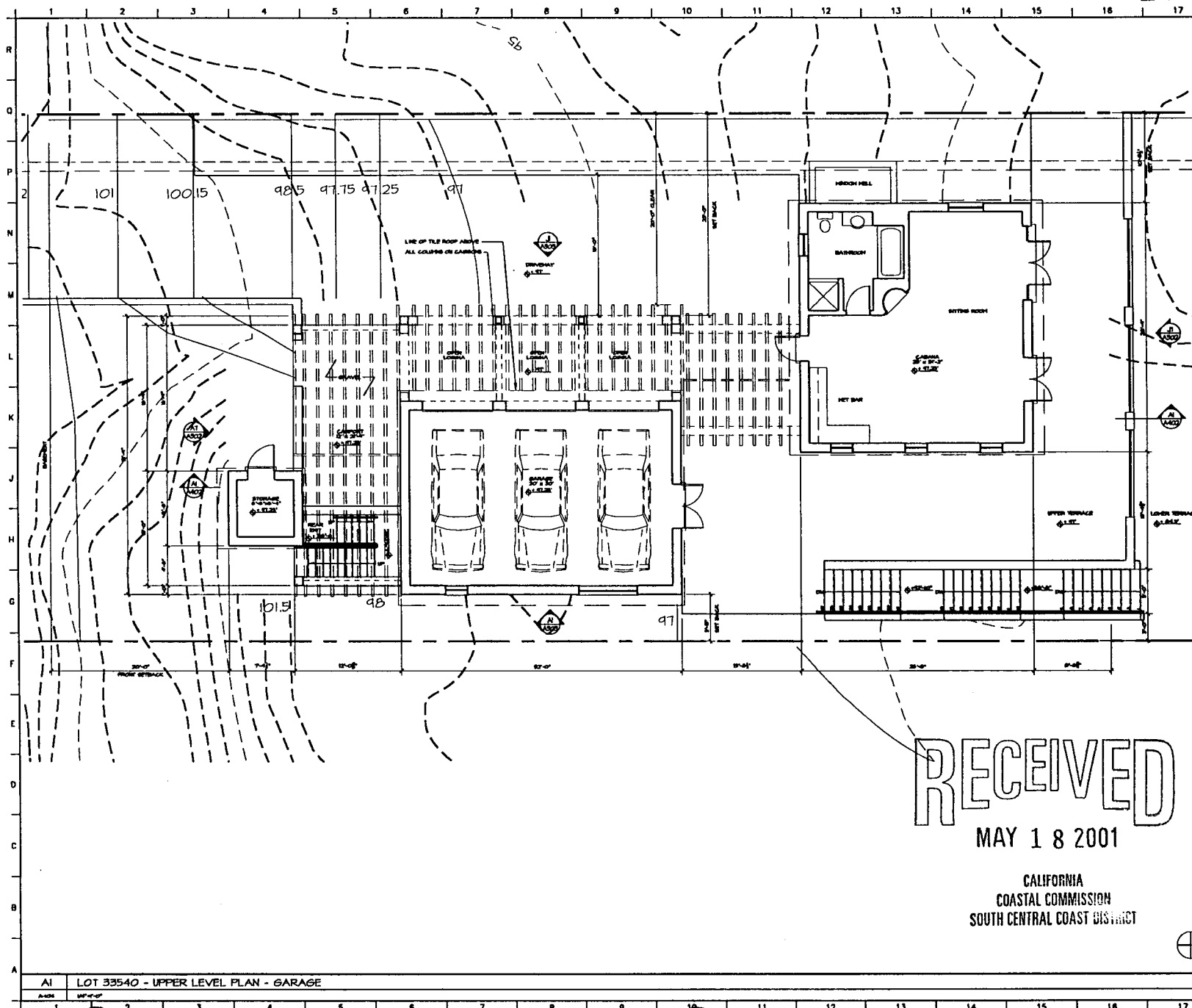
A-100

Exhibit No. 3
App. No. 4-00-238
Site Plan

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



KEY PLAN

1	DATE FOR CONCEPT APPROVAL	08-01-01
2	DATE FOR CONCEPT APPROVAL	08-10-01
3	GENERAL REVISIONS	01-20-02
4	PRELIMINARY CONCEPT APPROVAL	12-11-02
5	DATE	

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UPPER LEVEL PLAN
OF GARAGE AND CABANA

A-104

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SOUTH CENTRAL COAST DISTRICT

Exhibit No. 5

App. No. 4-00-238

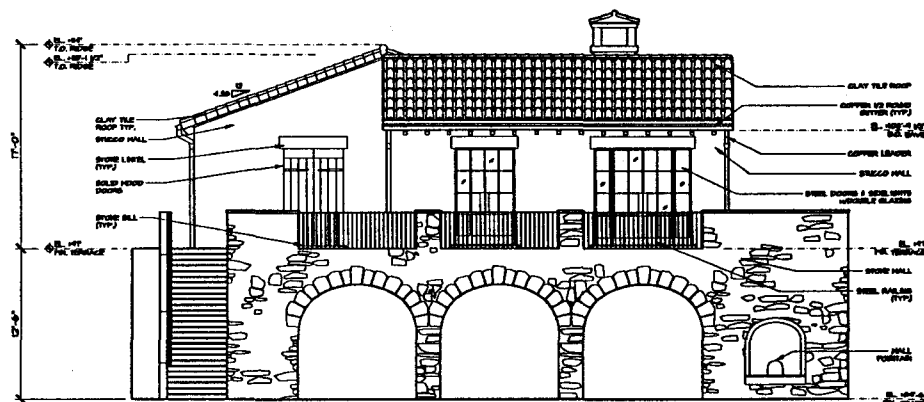
Storage, Garage & Cabana Floor Plan

AI LOT 33540 - UPPER LEVEL PLAN - GARAGE

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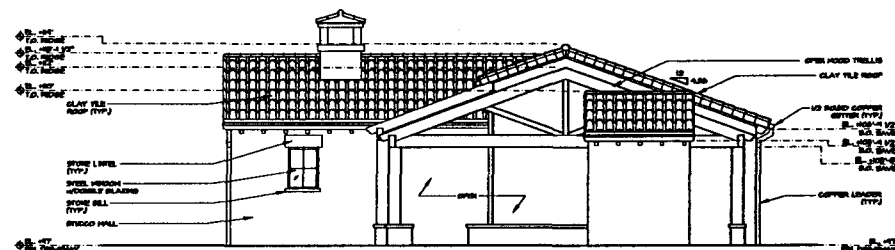
MAY 18 2001

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SOUTH CENTRAL COAST DISTRICT



JT LOT 33540 - SOUTH ELEVATION CABANA

A-302 1/2"=1'-0"



AT LOT 33540 - NORTH ELEVATION CABANA

A-302 1/2"=1'-0"

KEY PLAN

Exhibit No. 6
App. No. 4-00-238
North & South Elevations

1	DATE FOR CONCEPT APPROVAL	05-04-01
2	DATE FOR CONCEPT APPROVAL	05-15-01
3	GENERAL REVISIONS	01-28-02
4	PRELIMINARY CONCEPT APPROVAL	12-11-02
5	DATE	

THE RUST TRUST
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NORTH & SOUTH ELEVATIONS
OF GARAGE AND CABANA

Project No. 4-00-238
Scale 1/2" = 1'-0"
Drawing No. A-302

A-302

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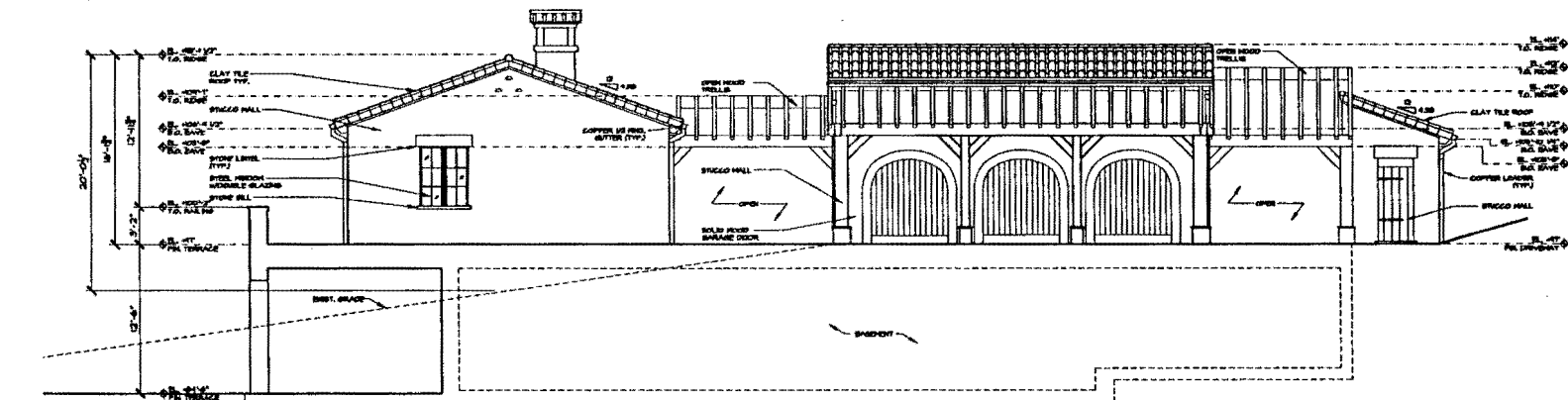
MAY 18 2001

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

LEGEND

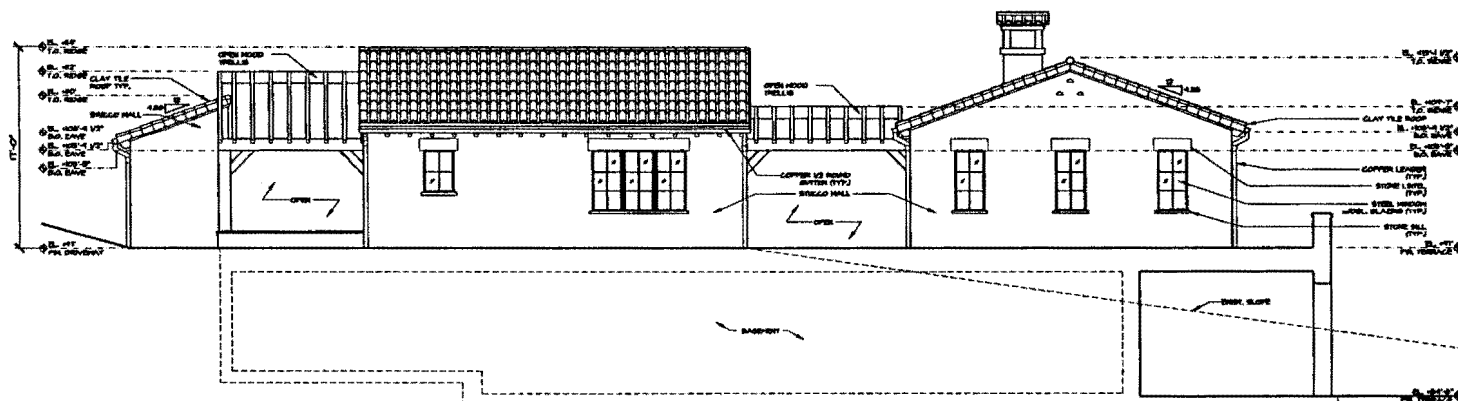
KEY PLAN

Exhibit No. 7
App. No. 4-00-238
East & West Elevations



JI LOT 33540 - EAST ELEVATION CABANA

A-303



AI LOT 33540 - WEST ELEVATION CABANA

A-303

NO.	REVISION	DATE
1	ISSUE FOR CONCEPT APPROVAL	08-01-01
2	ISSUE FOR CONCEPT APPROVAL	08-15-01
3	GENERAL REVISIONS	01-20-02
4	PRELIMINARY CONCEPT APPROVAL	12-11-02
5	ISSUE	

THE RUST TRUST
33540 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA

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BUILDING ELEVATIONS
GARAGE

Project No. 4-00-238
Date For Iss. 12-11-02
Drawing No. A-303

A-303

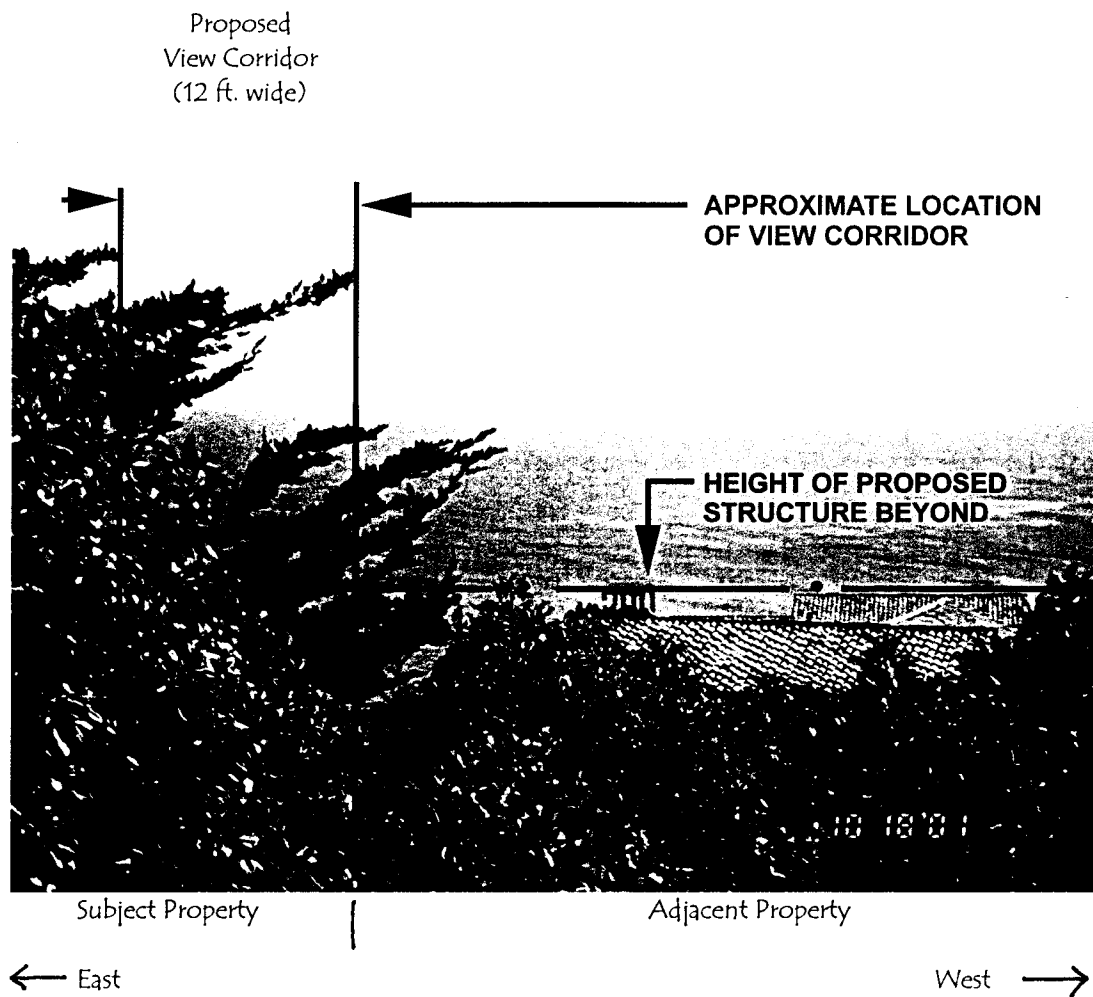


Exhibit No. 9
App. No. 4-00-238
Conceptual View from Pacific Coast Highway

