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STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION No. 4-00-189

APPLICANT: Antony Ressler & Jamie Gertz

AGENT: Darren Domingue

PROJECT LOCATION: 30846 Broad Beach Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Demolition of a one-story, 422 sq. ft. detached garage with guest room and construction of a new detached, two-story, 26 ft. high, three-car garage with 748 sq. ft. upstairs guest unit, installation of a 10 x 45 ft. lap pool, and after-the-fact approval to replace conventional septic system with an alternative sewage disposal system and repair and reconfigure beachfront deck of the existing main residence.

Lot Area: 23,716 square feet
Building Coverage: 3,163 square feet
Paving Coverage: 2,440 square feet
Height Above Finished Grade: 29 feet

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval In-Concept, 8/23/00; City of Malibu, Geology and Geotechnical Engineering Approval In-Concept, 7/10/00; and City of Malibu Environmental Health, In-Concept Approval, 8/15/00.

SUBSTANTIVE FILE DOCUMENTS: Coastal Engineering Report, David C. Weiss, 10/13/99; Report of On Site Observations, David C. Weiss, 8/25/99; Soils and Engineering-Geologic Investigation, GeoSystems, 6/15/00; Foundation Investigation, GeoSystems, 11/8/99; Groundwater Levels for Sewage Disposal System Design, GeoSystems, 9/23/99; Submittal Report for In-concept Approval (sewage disposal), Barton Slutske, 11/3/99; State Lands Commission Letter dated 11/01/00; Coastal Development Permit 79-5156.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with seven special conditions regarding 1) revised plans, 2) geologic recommendations, 3) drainage and polluted runoff, 4) assumption of risk, 5) future improvements, 6) removal of unpermitted development, and 7) condition compliance.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-189 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 (2) years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed within a

reasonable period of time. Application for an 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 that the assignee files with the Commission an affidavit accepting all of the 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. Revised Plans

Prior to issuance of Coastal Development Permit 4-00-189, the applicant shall submit, for the review and approval of the Executive Director, revised project plans which show that all portions of the beachfront deck, constructed after-the-fact and located seaward of the stringline established by the Commission as shown on Exhibit 4 [labeled "Deck Stringline (California Coastal Commission)"], are deleted.

2. Plans Conforming to Geologists' and Engineers' Recommendations

All recommendations contained in the submitted geologic reports prepared by GeoSystems including Soils and Engineering-Geologic Investigation, 6/15/00; Foundation Investigation, 11/8/99; Groundwater Levels for Sewage Disposal System Design, 9/23/99 and those reports prepared by David C. Weiss including the Coastal Engineering Report, 10/13/99 and Report of On Site Observations, 8/25/99 relating to grading, foundation, drainage, and sewage disposal shall be incorporated into all final project plans, design, and construction. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consultants' stamps and signatures to the final project plans and designs.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, foundation, grading, 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 development permit. The Executive Director shall determine whether required changes are "substantial."

3. Drainage and Polluted Run-off

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, 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 engineering geologist to ensure the plan is in conformance with geologist'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, infiltrate 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.

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.

4. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees to the following:
 - (1) The applicant acknowledges and agrees that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, landslide, flooding, and wildfire.
 - (2) The applicant acknowledges and agrees to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.

- (3) The applicant unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.
- (4) The applicant agrees 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 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.

5. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-00-189. 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 detached garage and guest unit. Accordingly, any future improvements to the detached garage and guest unit structure shall require an amendment to Coastal Development Permit No. 4-00-189 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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.

6. Removal of Unpermitted Development

Within 90 days of issuance of Coastal Development Permit 4-00-189, the applicants shall remove all portions of the beachfront deck located seaward of the stringline established by the Commission as shown on Exhibit 4 [labeled "Deck Stringline (California Coastal Commission)"], and provide evidence, for the review and approval of the Executive Director, that the unpermitted portions of the beachfront deck which exceed the deck stringline have been removed consistent with the terms and conditions of the subject Coastal Development Permit.

7. Condition Compliance

Within 90 days of Commission action on this Coastal Development Permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all the requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action with respect to the development approved in this permit under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicants are proposing to demolish a one-story, 422 sq. ft. detached garage with guest room, to construct a new detached, two-story, 26 ft. high, three-car garage with 748 sq. ft. upstairs guest unit, and install a 10 x 45 ft. lap pool (Exhibits 6-8). The applicants are also requesting after-the-fact approval for replacement of a conventional septic system with an alternative sewage disposal system and for the repair and reconfiguration of the beachfront deck of the existing main residence.

The project site is a 23,716 sq. ft. beachfront parcel located on Broad Beach, between Broad Beach Road and the Pacific Ocean (Exhibits 1,2). The project site is accessed from Broad Beach Road via a private driveway approximately 0.2 miles west of the intersection of Broad Beach Road with Pacific Coast Highway. The subject parcel is currently developed with a two-story single family residence and a detached garage with guest room, a driveway, and ornamental landscaping. The project site gently descends south from Broad Beach Road to the Pacific Ocean, however existing development occurs in a local depression of the subject property between Broad Beach Road and a natural dune system on the beach. All existing development and new development proposed with this permit application will be located landward of natural dune system and the maximum wave uprush at the project site.

The applicants submitted a coastal permit application on August 25, 2000 requesting approval to demolish the existing garage with a guest room, to construct a new detached 3-car garage with a 748 sq. ft. upstairs guest unit, and to install a 10 x 45 ft. lap pool. Upon review of Coastal Development Permit 79-5156 (issued for a fire rebuild at the project site), aerial photographs, and a site visit to the subject property, Commission Staff discovered that the existing residence had originally been constructed in a location that slightly extended the building footprint approximately 5 ft. beyond the building stringline approved by the Commission in 1979 for the subject property. In addition, Staff noted that more recent improvements to the property had been constructed prior to review and approval by the Commission including installation of a

new alternative sewage disposal system and the repair and reconfiguration of the beachfront deck of the residence. The after-the-fact development consisting of the new septic system and deck improvements was reviewed and approved by the City of Malibu in December, 1999 and February 2000, respectively. The applicants and Enforcement Staff were notified of the after-the-fact development at the site.

The applicants have worked closely with Staff to address and resolve the issue of unpermitted development at the site and have incorporated a request for after-the-fact approval of the new septic system and deck improvements into this coastal permit application. The representative for the applicants has also indicated that the applicants are in agreement with all the special conditions of this Coastal Development Permit intended to resolve the after-the-fact development.

The Commission notes that replacement of the conventional septic system on site is consistent with the Commission's past permit requirements for proposed sewage disposal systems on beachfront lots in that the new system is a upgraded secondary treatment system that has been installed in a location landward of the wave uprush limit. Therefore, the new sewage disposal system will effectively treat sewage effluent and will not require a shoreline protective device from anticipated wave run-up. Regarding after-the-fact improvements to the beachfront deck of the residence, the Commission notes that the deck improvements have not resulted in seaward encroachment of the overall footprint of residential development approved under CDP 79-5156 for the subject site. Project plans approved by the Commission under Coastal Permit 79-5156 indicate that the most seaward extent of development approved at the project site was a beachfront, at grade patio that extended seaward from the residence to a 3 ½ foot masonry wall located approximately 179 ft. seaward of the Broad beach Road right-of-way (Exhibit 3). The project plans also illustrate that a small raised wood deck was approved on the beachfront side of the residence at the south-east corner of the structure (Exhibit 3). The approved wood deck extended approximately 161 ft. seaward of the Broad Beach Road right-of-way. Recent improvements to the beachfront deck include reconstructing and reconfiguring a raised wooden deck to extend across the entire beachfront face of the residence, removal of the existing 3 ½ ft. masonry wall and construction of steps to the beach, and extension of the deck (including steps) seaward, 176 ft. of the Broad Beach Road right-of-way (Exhibit 4). The Commission notes that the deck improvements extend the structure over an area approved as a patio at grade, to a point 176 ft. seaward of the Broad Beach Road right-of-way, which does not exceed the previously approved seawardmost limit of development (the patio and masonry wall located 179 ft. seaward of the right-of-way). However, the Commission notes that the reconstructed and reconfigured deck does extend beyond the established deck stringline of the subject property resulting in seaward encroachment of the new structure, and is therefore inconsistent with Commission guidelines for beachfront development.

A vegetated dune system extends across the beachfront portion of the site and is designated as environmentally sensitive habitat area (ESHA). Though the proposed deck improvements result in the seaward encroachment of that particular structure, the Commission notes that the overall footprint of development approved at the site will not extend seaward as discussed above. The proposed project will not result in seaward

extension of development beyond that previously approved at the site and therefore will not encroach onto sensitive dune habitat. In addition, the proposed garage, guest unit, and lap pool will be located landward of the residence in an area currently occupied by the existing garage/guest room (to be demolished) and an area predominantly vegetated by lawn. As such, the proposed project will not require grading or removal of significant natural vegetation, will not encroach onto designated ESHA, and therefore will not have a significant adverse impact on sensitive habitat.

The area surrounding the project site is characterized as a built-out portion of Malibu consisting of numerous single family residences. The proposed project will be consistent with the scale and character of neighboring development and will be constructed at an elevation approximately 55 ft. below Pacific Coast Highway. The proposed garage and guest unit is to be constructed landward of the existing residence in a location currently occupied by an existing garage/guest room (to be demolished). Therefore, the proposed garage with upstairs guest unit will not be visible from the public beach and will not adversely impact previously unobstructed public views to the ocean. In addition, though after-the-fact improvements to the beachfront deck of the residence has generally enlarged and raised the deck at the beachside of the residence, the new structure is screened by the vegetated dune system described above and is not visible from the public beach. As such, the project will not be visible from Pacific Coast Highway nor will the project significantly obstruct public views to or along the beach. Therefore the proposed project will have no significant impact on visual resources.

B. Seaward Encroachment, Public Access, and Visual Resources

The proposed project is located on a beachfront lot in the City of Malibu. The Coastal Act contains several policies that address the issues of public access, recreation and visual resources in relation to development on a beach.

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 for new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, 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. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.**

Additionally, 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.

Seaward Encroachment of Development

As a means of controlling seaward encroachment of residential structures on a beach to ensure maximum public access and to protect public views as required by Coastal Act Sections 30210, 30211, 30251, the Commission has, in past permit actions, developed the "stringline" analysis to control seaward development. As applied to beachfront development, the stringline analysis 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 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, to protect public views and the scenic quality of the shoreline as required by Section 30251, as well as to minimize hazards associated with beachfront development as required by Section 30253 of the Coastal Act.

The proposed project components consisting of demolition of the existing garage/guest room, construction of the new garage and upstairs guest unit, installation of a lap pool,

and after-the-fact approval for installation of the new alternative sewage disposal system do not invoke the restrictions of the stringline policy because these proposed project components will be constructed landward of the existing residence, and therefore will not exceed the building or deck stringlines as measured from adjacent development. Therefore, the Commission finds that the proposed detached garage and guest unit, new lap pool and septic system will not result in seaward encroachment of development. However, the Commission notes that the after-the-fact improvements made to the beachfront deck of the residence do result in a seaward extension of the structure beyond the established deck stringline of the site, which is inconsistent with the Commission's policy regarding seaward development. Therefore, the after-the-fact deck improvements raise issues relative to potential impacts on public access, visual and coastal resources as addressed below.

Public Access and Shoreline Development

The Commission has established a policy that all beachfront projects requiring a coastal development permit be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. In past permit actions, 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 policies 30210, 30211, and 30212.

Past Commission review of shoreline residential projects in Malibu has shown that individual and cumulative adverse impacts on public access 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 the ability to use public tideland areas.

As described, the project involves demolition of a one-story, 422 sq. ft. detached garage and guest room and construction of a new detached, two-story, 26 ft. high, three-car garage with 748 sq. ft. upstairs guest unit, installation of a 10 x 45 ft. lap pool, and after-the-fact approval to replace a conventional septic system with an alternative sewage disposal system and repair and reconfigure the seaward deck of the existing main residence. As previously noted, demolition of the existing garage/guest room and construction of the new garage and upstairs guest unit, installation of a lap pool, and after-the-fact approval for installation of the new alternative sewage disposal system will all be located landward of the existing residence and will not result in seaward development that encroaches upon the sandy beach. However, the Commission finds that the after-the-fact improvements of the beachfront deck of the residence involves extension of the raised structure seaward of the established deck stringline for the project site. The Commission notes that the proposed deck improvements beyond the deck stringline results in seaward encroachment of the deck, as well as extension of the development seaward of existing adjacent decks/patios on neighboring parcels. The Commission finds that the after-the-fact deck improvements that have resulted in an extension of the development seaward of deck stringline is inconsistent with the

Commission's past permit actions to limit seaward development, and will result in potential individual and cumulative adverse effects to public access to and along the beach. Therefore, to ensure that all of the proposed development is located landward of the appropriate deck stringline, consistent with past Commission actions, **Special Conditions 1 and 6** of the subject permit require the applicants to submit revised project plans, for review and approval of the Executive Director, deleting all portions of the proposed deck located seaward of the correct stringline, and to provide evidence to the Executive Director in a timely manner that unpermitted development that extends beyond the deck stringline has been removed from the project site.

The Commission finds that the proposed project, only as conditioned to remove those portions of the unpermitted deck improvements which extend seaward of the deck stringline, will not result in seaward development at the project site, and will therefore serve to minimize adverse impacts on public access. The Commission therefore finds that the project, as conditioned, will not have any individual or cumulative adverse impacts on public access and recreation and is consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

Visual Resources

Section 30251 of the Coastal Act requires public views to and along the ocean and scenic coastal areas to be considered and protected when siting new development. As mentioned above, the proposed garage with guest unit and lap pool are to be constructed landward of the existing residence in a location currently occupied by an existing garage/guest room (to be demolished) and lawn area. Therefore, the proposed garage with upstairs guest unit and lap pool will not be visible from the public beach nor will construction of the new development adversely impact previously unobstructed public views to the ocean. Additionally, the Commission finds that as conditioned by **Special Conditions 1 and 6** to eliminate any portion of the proposed beachfront deck which extends beyond the deck stringline established for the site, the proposed project will not result in seaward development that may potentially adversely impact scenic public views along the beach. Furthermore, though previous improvements to the seaward deck of the residence has generally enlarged and raised the deck at the beachside of the residence, the new structure is screened by the vegetated dune system described above and therefore is not visible from the public beach. Furthermore, the Commission notes that the project will not result in a height increase of development at the site and will not be visible from Pacific Coast Highway or any other designated scenic highway. Therefore, the Commission finds that the project, as conditioned, will not have a significant adverse impact on public views to or along the beach and is consistent with Section 30251 of the Coastal Act.

The Commission finds that the project, as conditioned, will not result in seaward encroachment of development and therefore will not have an individual or cumulative adverse impact on public access or visual resources. Therefore, the Commission finds that the proposed project is consistent with Sections 30210, 30211, 30212 and 30251 of the Coastal Act.

C. Hazards and Geologic Stability

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30235 of the Coastal Act states that:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood, and fire hazard, and to assure stability and structural integrity and Section 30235 of the Coastal Act mandates that shoreline protection devices be permitted only when necessary for coastal dependent uses or to protect existing development or public beaches.

The Commission notes that the proposed development is located on a beachfront lot in the City of Malibu and will be subject to potential hazards inherent of beachfront development. As discussed in the previous sections, as conditioned, the proposed development will not result in seaward development onto the sandy beach, which would be subject to significant wave hazards. In addition, the applicant has submitted a Coastal Engineering Report for the project site prepared by David C. Weiss, dated 10/13/99, which analyzes possible storm wave damage on development at the site and provides recommendations to protect the development. The coastal engineering consultant has determined that the maximum wave uprush at the site is expected to be 220 ft. seaward from the Broad Beach Road right-of-way. The most seaward extent of development at the site is the after-the-fact deck improvements, located 176 ft. seaward of the Broad Beach Road right-of-way (44 ft. landward of the expected maximum wave uprush). As such, the Commission notes that no portion of the proposed development will be located within the wave uprush limit and therefore finds that the proposed project, as conditioned, will not result in seaward encroachment of development on the beach and will minimize wave hazards and adverse effects to shoreline processes. Furthermore, the Commission notes the submitted Coastal Engineering Report dated 10/13/99 and a Report of Onsite Observations dated 8/25/99 prepared by David C.

Weiss also conclude that the existing and proposed development will be located landward of the wave uprush and will not require a shoreline protective device. Nevertheless, despite this information all development on the beachfront parcel will continue to be subject to wave attack, flooding, and erosion hazards which have historically caused significant damage to development along the Malibu coastal zone.

As discussed, the project as conditioned will not result in seaward development, however, the project site is located on a beachfront lot on the Malibu coast and is subject to inherent hazards associated with beachfront development. The applicant has submitted a Soils and Engineering-Geologic Investigation prepared by GeoSystems dated 6/15/00 which evaluates the geologic stability of the subject site in relation to the proposed development. The report addresses the suitability of the project site for the proposed project, as well as risks associated with the proposed development on a beachfront lot. The report concludes that the proposed guest unit and pool are geologically feasible at the site and states:

It is the finding of this firm that the proposed structures will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the Malibu City code, provided our recommendations are followed.

In addition, though installation of the new alternative sewage disposal system has occurred prior to the Commission's review of this project component, the Commission notes that the new septic system has been installed consistent with the recommendations of the project's geology consultants and City of Malibu Health Specialist. The applicants have submitted documentation which indicates that the site was evaluated by the City of Malibu's Environmental Health Specialist (Approval In-Concept granted on 12/27/99) and by the project's consulting geologist. The Groundwater Levels for Sewage Disposal System Design report prepared by GeoSystems, dated 9/23/99 concludes:

It is the finding of this firm that the proposed sewage disposal system will be safe from an engineering and geologic standpoint and that the site and adjacent properties will not be affected by any hazard from landslide, settlement or slippage as a result of the proposed sewage disposal system in compliance with the Malibu City code, provided our recommendations are followed.

The consultants have included several recommendations in the referenced reports to ensure the geologic stability and safety of the site and proposed development. To ensure that the recommendations of the geology and coastal engineering consultants have been incorporated into the proposed development, **Special Condition 2** of the subject permit requires the applicant to submit project plans certified by the geotechnical and coastal engineering consultants as conforming to all their recommendations for design and construction 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. 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.

The Commission notes that the applicant's geotechnical engineering consultants have indicated that the proposed development will serve to ensure relative geologic and structural stability on the subject site. The Commission further notes that all of the proposed development will be located landward of the expected wave uprush at the site therefore minimizing potential for wave damage on the development. However, the Commission also notes that the proposed development is located on a beachfront lot in the City of Malibu, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains and even beachfront lots have been subject to damage from wildfires. Additionally, beachfront sites are subject to flooding and erosion from storm waves.

Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood, and fire hazard, and to assure stability and structural integrity. The Commission notes that the proposed development is located on a beachfront lot in the City of Malibu and will be subject to potential hazards inherent of beachfront development. The Malibu coast has historically been subject to substantial damage as the result of storm and flood occurrences, most recently and perhaps most dramatically, during the severe 1998 El Nino winter storm season.

The subject site is clearly susceptible to flooding and/or wave damage from storm waves, storm surges and high tides. In the Malibu area alone, past occurrences have caused property damage resulting in public costs through emergency responses and low-interest, publicly subsidized reconstruction loans amounting in millions of dollars. In the winter of 1977-1978, storm-triggered mudslides and landslides caused extensive damage along the Malibu coast. According to the National Research Council, damage to Malibu beaches, seawalls, and other structures during that season caused damage of up to \$5 million to private property alone. The El Nino storms recorded from 1982-1983 caused high tides of over seven feet, which were combined with storm waves of up to 15 feet. These storms caused over \$12.8 million in damage to structures in Los Angeles County, many of which were located in Malibu. The severity of the 1982-1983 El Nino storm events are often used to illustrate the extreme storm event potential of the California coast and the Malibu coast, in particular. The 1998 El Nino storms also resulted in widespread damage to residences, public facilities, and infrastructure along the Malibu coast. Thus, 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 conditions, erosion, and flooding.

Due to the concerns discussed above, the proposed development will continue to be subject to some degree of risk posed by hazards associated with oceanfront development. The Coastal Act recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting geotechnical and coastal 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 4**, 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.

For the reasons set forth above the Commission finds that the proposed development, as conditioned, is consistent with Section 30253 and 30235 of the Coastal Act.

D. 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 that:

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.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of a parcel increasing impacts on public services, such as water, sewage, electricity and roads. New development also raises issues as to whether the location and amount of new development maintains and enhances public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units (including guest houses) on residential parcels in the Malibu and Santa Monica Mountain areas. The issue of second units on lots with primary residences has been the subject of past Commission action in the certification of the Santa Monica Mountains/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 square feet) 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 square feet) and the fact that they are likely to be occupied by one, or at most two, people would cause such units to have less of an impact on the limited capacity of the Pacific Coast Highway and other roads (including infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence. (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The Commission has also raised the second unit issue 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 functions, which in large part consist of: 1) a second unit with kitchen facilities, such as a granny unit, caretaker's unit, or farm labor unit; and 2) a guest house, 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. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (certified Malibu/Santa Monica Mountains Land Use Plan, 1986, page 29). Therefore, as a result, the Commission has found that guest houses, pool cabanas, second units, or maid's quarters can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The applicant is proposing to construct a 3-car garage with a 748 sq. ft. upstairs guest unit (Exhibit 6). The Commission notes that the 3-car garage is not proposed as habitable square footage and that the proposed 748 sq. ft. guest unit is consistent with the 750 sq. ft. habitable square footage limit established for second units. However, the Commission notes that further additions and/or improvements to the detached structure may enlarge and intensify the use of structure and have the potential to cumulatively impact coastal resources.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of

detached units which may be considered a secondary dwelling. The Commission finds that the proposed 748 sq. ft. guest unit is less than the 750 sq. ft. allowed by the Commission in past permit actions. However, the Commission also finds it necessary to ensure that no additions or improvements are made to the detached garage and guest unit without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicant to record a future development deed restriction, as specified in **Special Condition 5**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the workshop and storage structure are proposed in the future.

The Commission finds that, as conditioned, the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

E. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains and Malibu 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, the proposed project includes the demolition of an existing garage with guest room and construction of a new detached 3-car garage with upstairs guest unit, and after-the-fact approval for a new alternative septic system and beachfront deck improvements.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land and beach on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use 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 provide 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 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 proposed development area of 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 3**, 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 applicant is requesting after-the-approval for installation of a new alternative sewage disposal system. The Commission notes that the new septic system is an upgraded septic system with secondary treatment that has been installed with the approval of the City of Malibu as conforming with all minimum requirements of the Uniform Plumbing Code, and has been installed in a location consistent with the recommendations of the project's consulting geologist and coastal engineer.

The Commission has found in past permit actions that compliance with the health and safety codes and recommendations set forth by consulting geologists will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

F. Violations

Unpermitted development has taken place prior to submission of this permit application, including replacement of the on site septic system and repair and reconfiguration of the beachfront deck of the main residence. The applicant requests after-the-fact approval for the new alternative septic system and deck improvements, and approval to demolish the existing garage with guest room and construct a 3-car garage with 748 sq. ft. upstairs guest unit and 10 x 45 ft. lap pool. In order to ensure that the unpermitted development is resolved in a timely manner, **Special Condition 7** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. Local Coastal Program

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

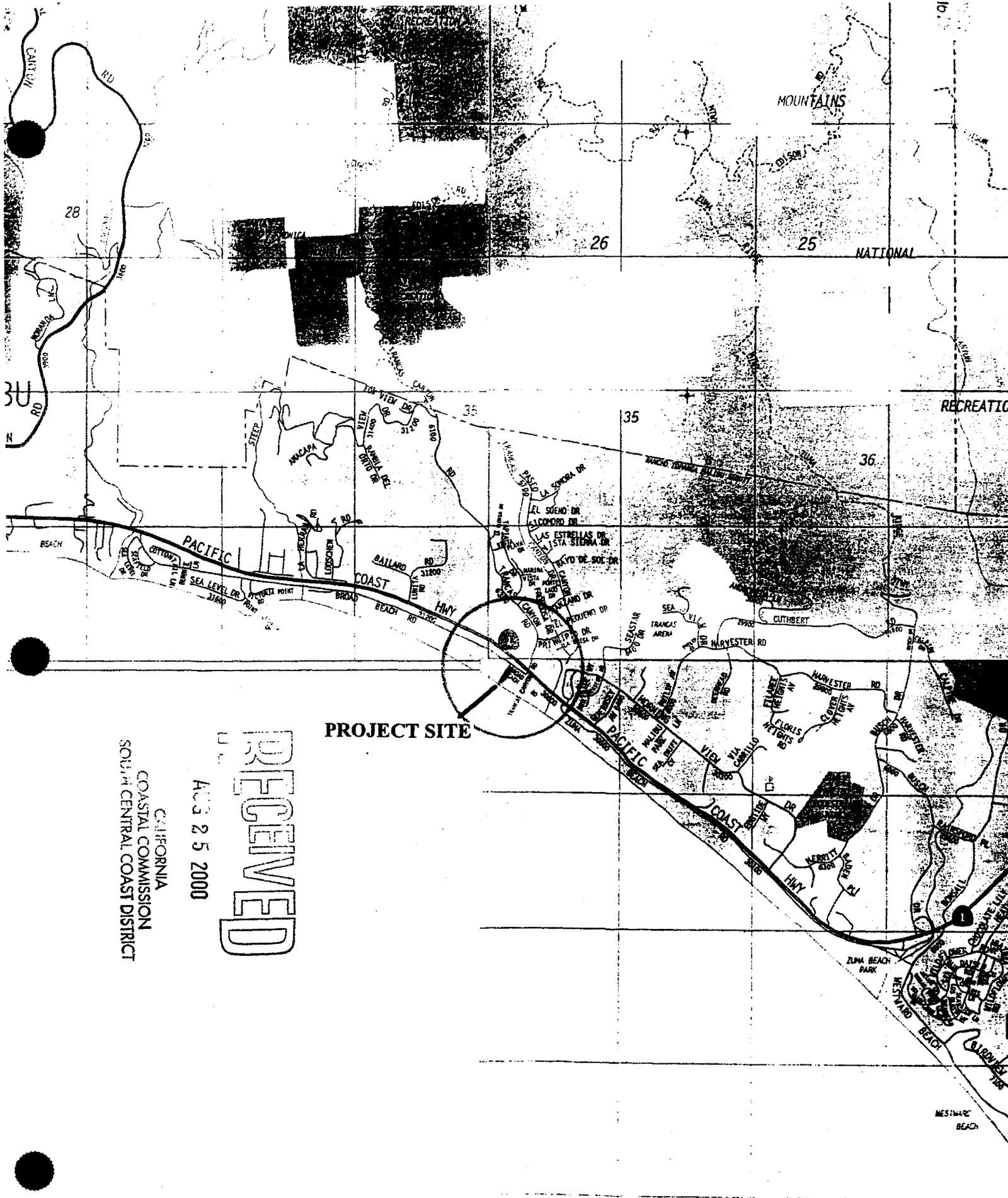
Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted 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 development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 of the Coastal Act, 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 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for 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, 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 would have on the environment.

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



PROJECT SITE

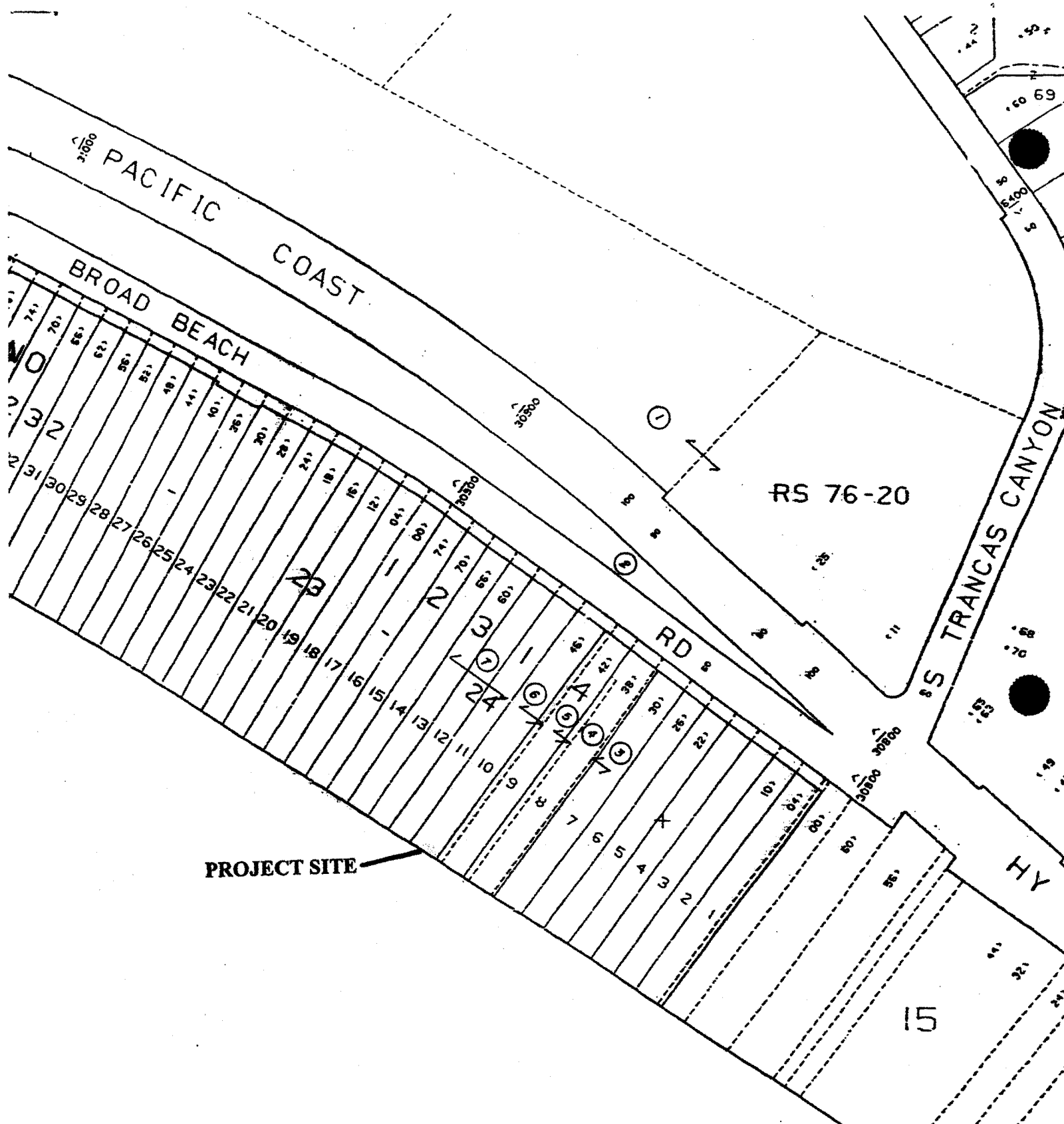
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

AUG 25 2000

RECEIVED

EXHIBIT 1
CDP #4-00-189
Location Map

PACIFIC



PROJECT SITE

RS 76-20

RECEIVED

AUG 25 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



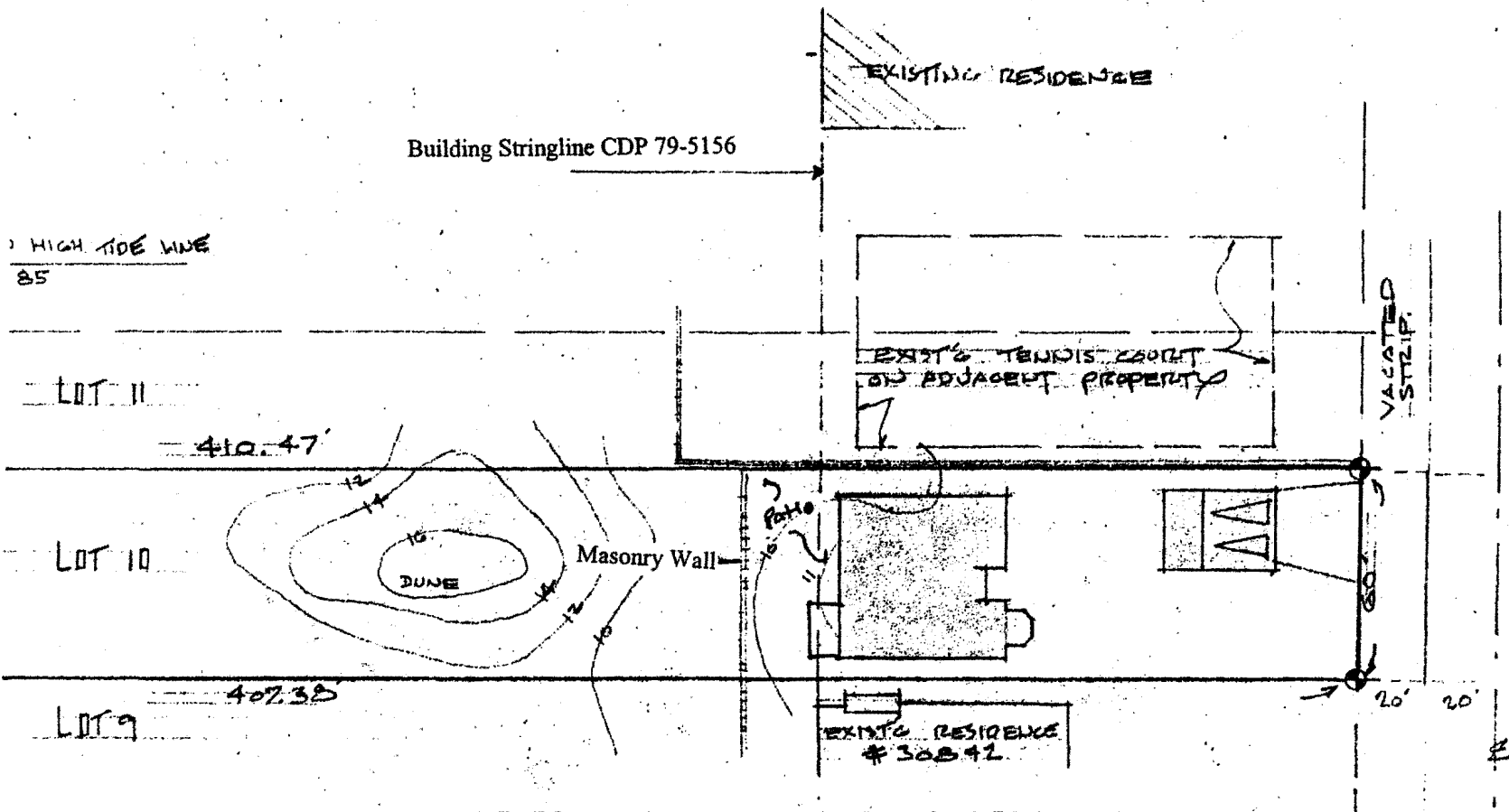
Heron Maps

(310) 317-1515
20756 Seaboard Road
Malibu CA 90265

EXHIBIT 2
CDP # 4-00-189
Parcel Map



1" = 200'



BROAD BEACH MD.

EXHIBIT 3
 CDP # 4-00-189
 Approved Site Plan
 CDP 79-5156

PLOT LAY-OUT 1" = 40'

BT 10' AND THE WLY 10' OF LOT 9 - TRACT 12314 M.B. 232 - P.S. 23-24

AREA FIRST FLOOR = 2352 SQ. FT.
 " SECOND " = 1488
 LIVING AREA = 3840 SQ. FT.

LONG APPROV.

SYMBOL LEGEND

- Section Reference
- Detail Reference
- Elevation Reference
- Key Note Reference
- Window Reference
- Door Reference
- Center Line
- Elevation
- Square
- Round / Diameter
- Plan Change

PROJECT SUMMARY

LEGAL DESCRIPTION:
 Lots 19 and the westerly 10 feet of Lot 1 of Tract 13314, in the City of Malibu, as per map recorded in Book 232, Pages 23 and 24 of maps, in the Office of the County Registrar of Los Angeles County.

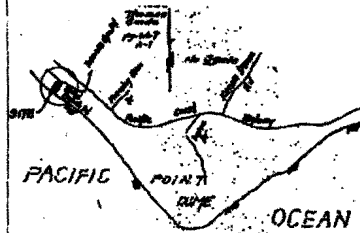
SCOPE OF WORK:
 Construction of three car garage, guest house and pool.
 Structural observations are required.

BUILDING INFORMATION:
 Project Address: 2896 Broad Beach Road, Malibu, CA
 Owners: Tony Resler & Julie Gerst
 198 Uniform Building Code/199 LACBC
 Type: V
 Occupancy Group: RSU1

BUILDING AREA:
 Garage #1 = 595 SQ. FT.
 Garage #2 = 372 SQ. FT.
 Second Floor = 748 SQ. FT.
 Basement = 346 SQ. FT. (UNFINISHED SPACE)

FOOTING SCHEDULE:
 City: 2
 Tables: 2
 Sills: 2

VICINITY MAP



CONSULTANTS

***COASTAL ENGINEER**

D.C. Weiss Associates
 22440 Charendon Street, Suite 203
 Woodland Hills, CA 91367
 Tel: 818.224-3973 Fax: 818.224-3922
 Contact: David Weiss

***SURVEYOR**

HAROLD SEIDENSTUCKER
 3250 Kalton Ave.
 Los Angeles, Ca. 90034
 Tel: 310.470-2223 Fax:
 Contact: Harold Seidenstucker

***STRUCTURAL ENGINEER:**

ENGINEERING DESIGN INC.
 1334 Lincoln Blvd, Suite 102
 Santa Monica, CA 90401
 Tel: 310.394-9775 Fax: 310.394-9776
 Contact: Kelly Wong

***GEOLOGIST/SOILS ENGINEER:**

GEO SYSTEMS
 312 Western Avenue
 Glendale, CA 91201
 Tel: 818.500.9533 Fax: 818.500-0134
 Contact: Richard Gladson

***CONTRACTOR:**

SCOTT HALLEY
 27373 Old Chimney Road
 Malibu, CA 90265
 Tel: 310.457-5614 Fax: 310.457-1631
 Contact: Scott Halley

*Designs completed retained by Owner, Kerry Joyce Associates, assumes no liability for drawings and/or specifications provided by said Consultants. These drawings based thereon and released for plan check, bidding and construction are for reference of all concerned parties.

SHEET INDEX

ARCHITECTURAL

- A 1.1 Project Data / Sheet Index / Site Plan / Roof Plan
- A 1.1.1 Project Data / Sheet Index / PLOT PLAN EXHIBIT
- A 1.2 General Notes / Site Plan
- A 1.3 General Notes
- A 1.3.1 Pool Notes
- A 1.4 Title 24 Compliance Report
- A 1.5 Drainage Plan / Erosion Control Plan
- C 1.1 Site Survey
- C 2.1 Auto Survey
- A 2.1 Demo Plan of (E) Guest Room & 2-Car Garage
- A 3.1 Basement Floor Plan
- A 3.2 1st Floor and 2nd Floor Plan
- A 4.1 West and East Elevations
- A 4.2 North and South Elevations
- A 5.1 Building Sections
- A 6.1 Door / Window Schedule and Types
- A 7.1 Details

STRUCTURAL

- S-1 Structural Notes/Standard Details
- S-2 Foundation Plan/Garage Deck Plan
- S-3 Lower Roof/Floor Framing Plan
- S-4 Upper Roof Framing Plan
- S-5 Details
- S-6 Details
- S-7 Details

POOL

- S-1 Structural Notes/Standard Details

PUBLIC WORKS NOTE

1. ALL CONSTRUCTION WORK, STORAGE OF CONSTRUCTION MATERIALS AND PARKING OF CONSTRUCTION TRAILER WITHIN THE PUBLIC RIGHT-OF-WAY WILL REQUIRE A CITY ENCROACHMENT PERMIT.

PLOT PLAN

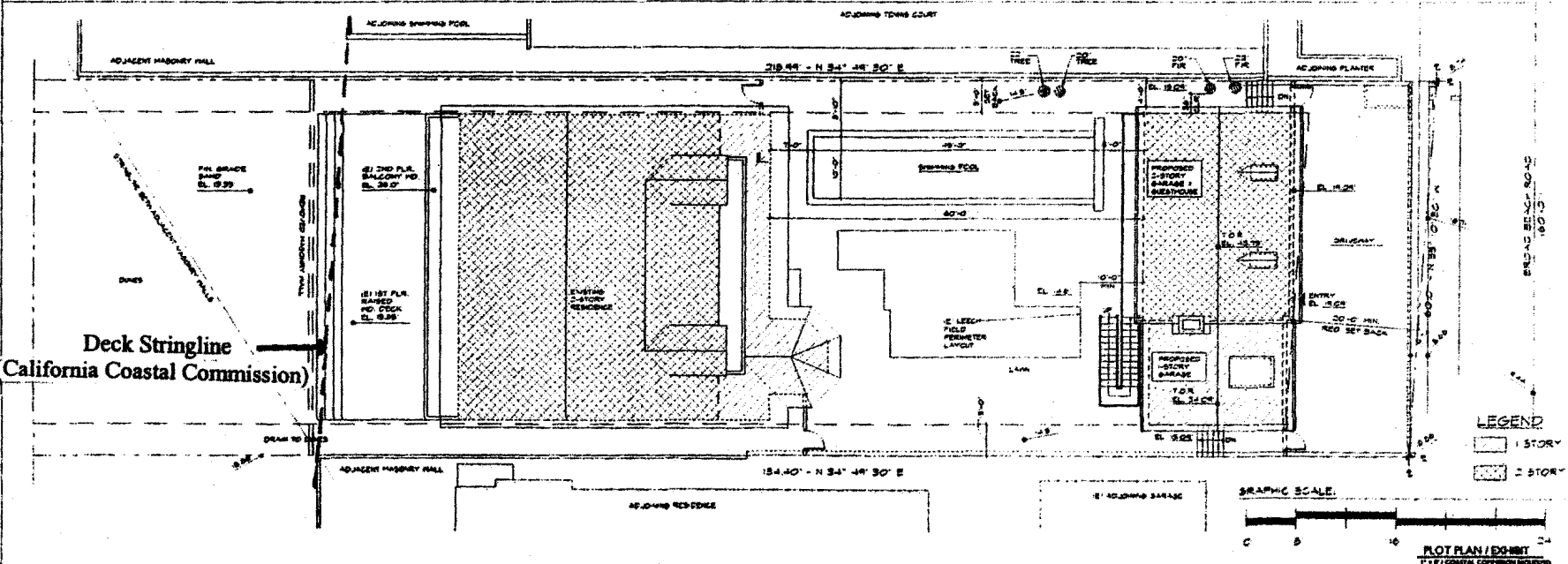
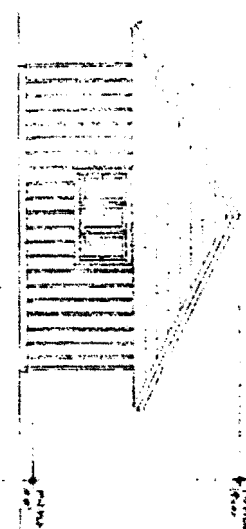


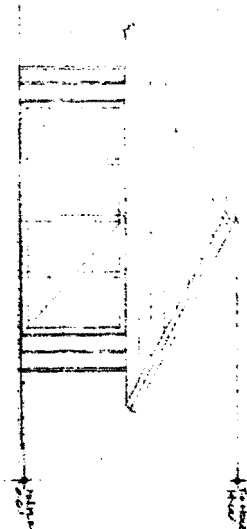
EXHIBIT 4
CDP # 4-00-189

KERRY JOYCE
 KERRY JOYCE ASSOCIATES INC.
 30846 Broad Beach Road
 Malibu, CA 90265

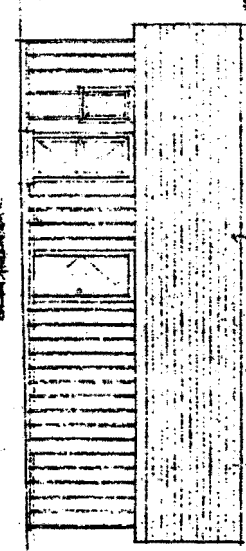
PROJECT DATA
SHEET INDEX
PLOT PLAN
 Date: 11/11/03
 Title: AS NOTED
 Drawn by: AV
 Job Number: 1038
 Examiners (Title):
 11/11/03 Plan Check
 Drawing Number: **A-1.1.1**



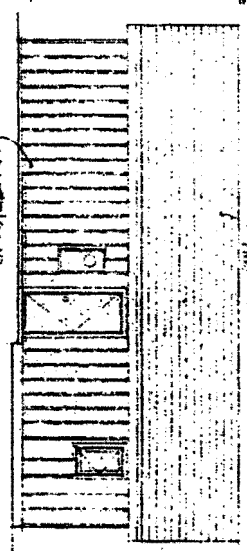
NORTH ELEVATION VIEW



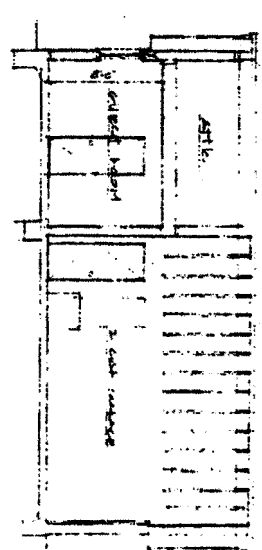
SOUTH ELEVATION VIEW



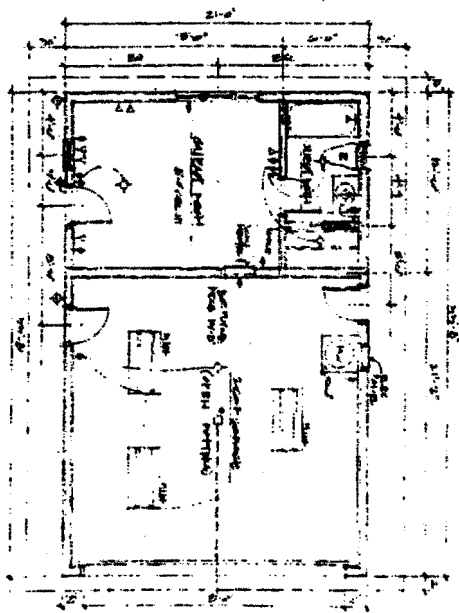
EAST ELEVATION VIEW



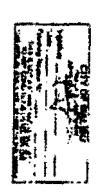
WEST ELEVATION VIEW



SECTION



REMOVE/DESTROY
 NOT TO BE DEMOLISHED
 X TO BE DEMOLISHED

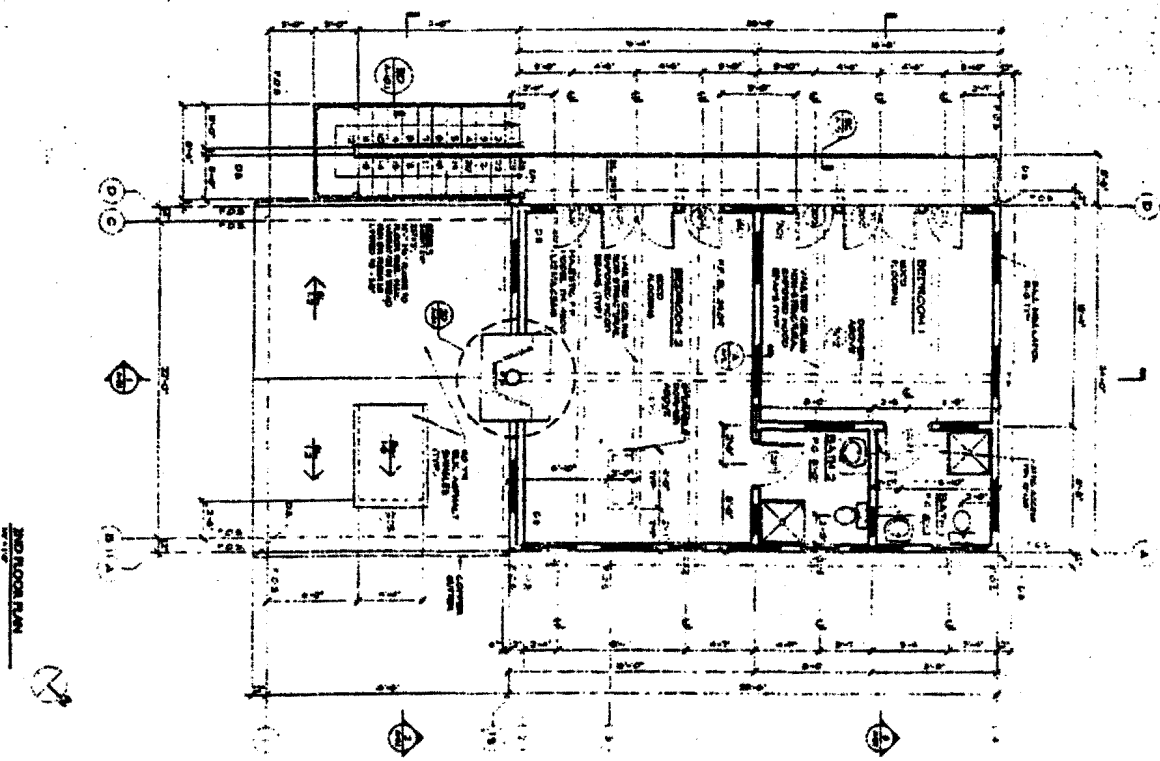
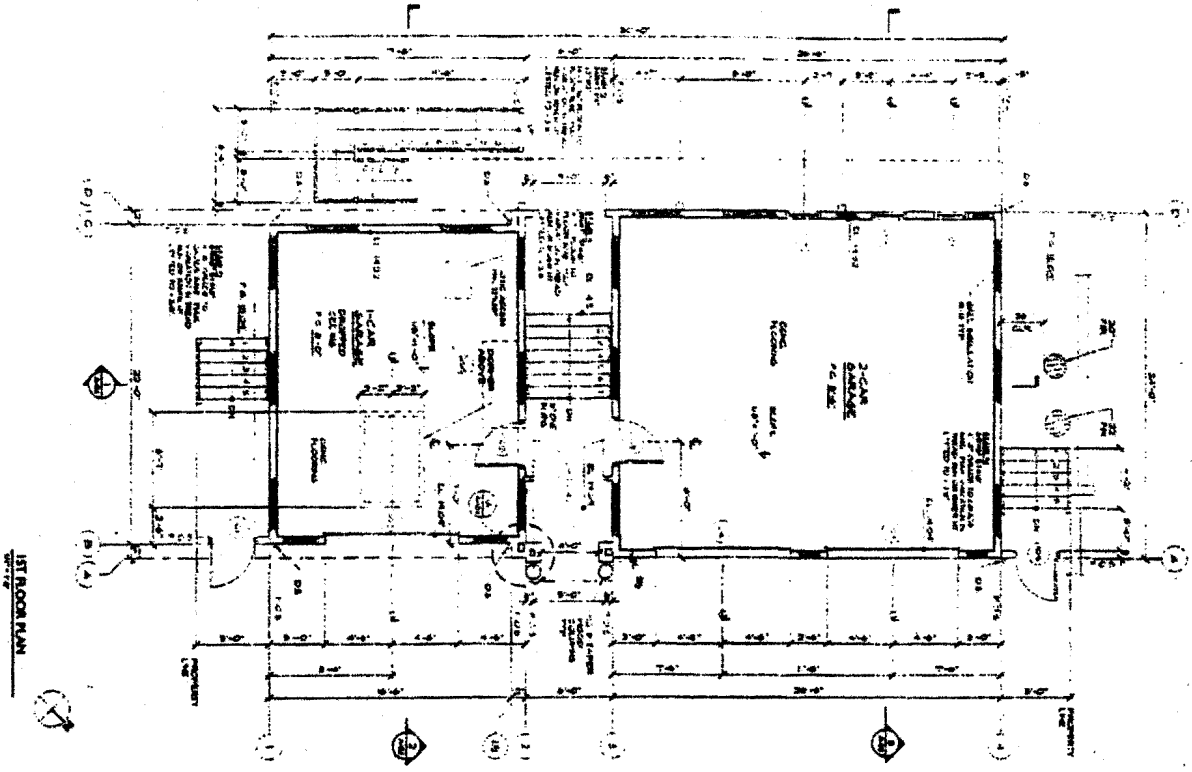


DATE

421

EXHIBIT 5
CDP # 4-00-189

Demolition Plan



NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL WALLS ARE 1/2" THICK UNLESS NOTED OTHERWISE.
3. ALL DOORS ARE 3'0" WIDE UNLESS NOTED OTHERWISE.
4. ALL WINDOWS ARE 6'0" WIDE UNLESS NOTED OTHERWISE.
5. ALL FLOORS ARE CONCRETE UNLESS NOTED OTHERWISE.
6. ALL CEILING ARE 8'0" HIGH UNLESS NOTED OTHERWISE.
7. ALL ROOF ARE FLAT UNLESS NOTED OTHERWISE.
8. ALL UTILITIES ARE AS SHOWN ON THE PLAN.
9. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF LOS ANGELES ORDINANCES.
10. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA STATE CODES.
11. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
12. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL BOILER AND MACHINE CODES.
13. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL ELECTRIC CODES.
14. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL MECHANICAL AND PLUMBING CODES.
15. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL PIPELINE CODES.
16. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL SAFETY CODES.
17. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL WELDING CODES.
18. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL YACHTING CODES.
19. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL ZOO CODES.
20. ALL UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL ZOOLOGICAL CODES.



A-32

FIRST FLOOR AND GUEST HOUSE / GARAGE

EXHIBIT 6

CDP # 4-00-189

Proposed Floor Plans

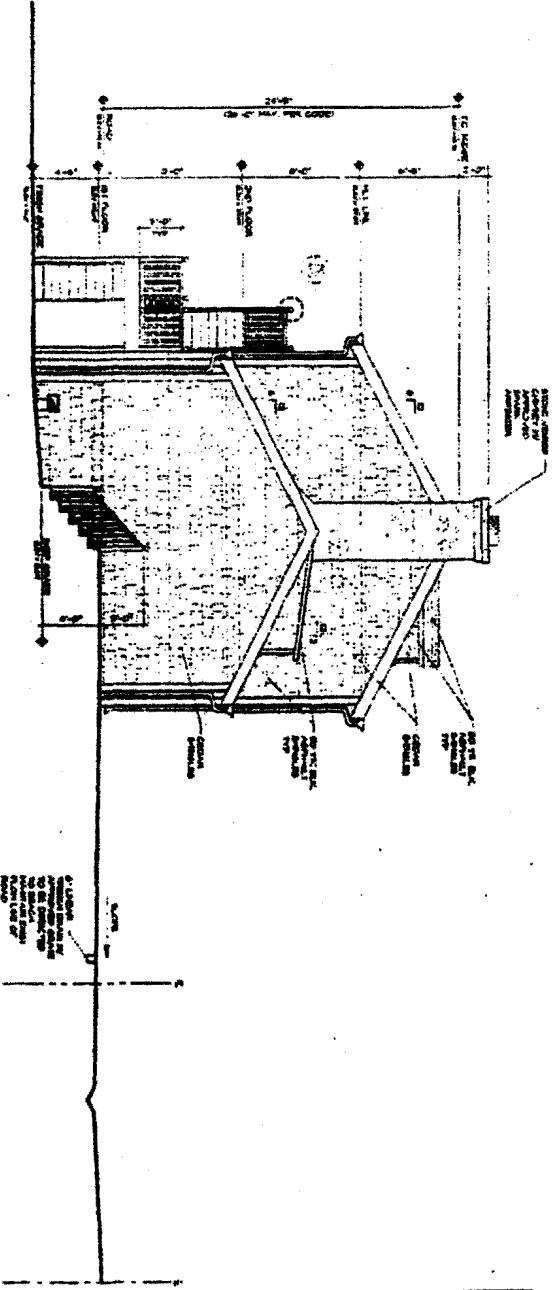
Survey Report Approved by:

DATE: 11/11/11

BY: [Signature]

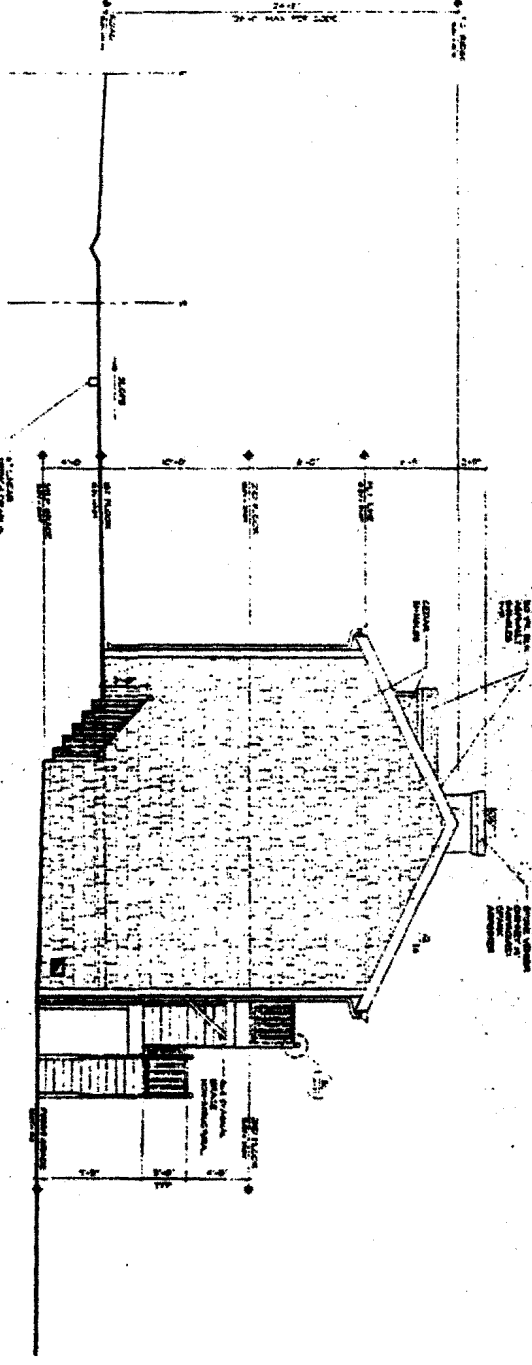
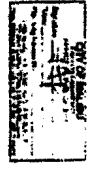
PROJECT: [Project Name]

SCALE: [Scale]



SOUTH ELEVATION

SCALE 1/8" = 1'-0"



NORTH ELEVATION

NO.	DESCRIPTION	DATE
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...

EXHIBIT 8

CDP # 4-00-189

North & South Elevations



STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
California Relay Service From TDD Phone 1-800-735-3822
from Voice Phone 1-800-735-2828

Contact Phone: (916) 674-1822
Contact FAX: (916) 674-1825

November 1, 2000

File Ref: SD 00-10-12.8

Darren Domingue, AIA
Architect
858 21st Street, Studio B
Santa Monica CA 90403

Dear Mr. Domingue:

SUBJECT: Coastal Development Project Review for Proposed Demolition of Existing Single Story Garage and Construction of New Two Story Garage/Guest Room, and Swimming Pool at 30846 Broad Beach Road, Malibu

This is in response to your request on behalf of your client, Mr. Tony Ressler, for a determination by the California State Lands Commission (CSLC) whether it asserts a sovereign title interest in the property that the subject project will occupy and whether it asserts that the project will intrude into an area that is subject to the public easement in navigable waters.

The facts pertaining to your client's project, as we understand them, are these:

Your client proposes to demolish an existing single story garage and construct a new two-story garage/guest room and a swimming pool at 30846 Broad Beach Road in the Trancas Beach area of Malibu. Based on the June 6, 2000 site plans, the structures will be located between the existing residence and Broad Beach Road. This is a wide beach characterized by dune vegetation and is well developed with numerous residences both up and down coast.

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

EXHIBIT 9

CDP # 4-00-189

State Lands Commission

Letter

Darren Domingue

2

November 1, 2000

If you have any questions, please contact Jane E. Smith, Public Land Management Specialist, at (916) 574-1892.

Sincerely,



Robert L. Lynch, Chief
Division of Land Management

cc: Barry Hogan, City of Malibu