

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Filed: 11/23/06
180th Day: 5/22/07
Staff: Steve Hudson
Staff Report: 3/29/07
Hearing Date: 4/10/07



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STAFF REPORT: AMENDMENT

APPLICATION NO: 4-99-098-A2

APPLICANT: Coastline Views LLC

PROJECT LOCATION: 18049 Coastline Drive in the unincorporated Malibu area of Los Angeles County; Los Angeles County (APN: 4443-009-045)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construct a 5,166 sq. ft. three-unit apartment building with storage room and three detached garage structures totaling twelve parking spaces. Grading of 1590 cu. yds. (795 cu. yds. cut and 795 cu. yds. fill).

PREVIOUSLY AMENDED IN CDP AMENDMENT NO. 4-99-098-A1 to: Revise the floor plan of the structure by increasing the interior square footage from 5,166 sq. ft. to 7,295 sq. ft. with no increase in height of the structure and a very minor increase in the building footprint.

DESCRIPTION OF AMENDMENT: Revise the floor plan of the structure by increasing the interior square footage from 7,295 sq. ft. to 8,317 sq. ft.; add a new 1,390 sq. ft. exterior patio/deck; and an approximately 10 ft. increase in height of an approximately 800 sq. ft. portion of the structure (no portion of the structure will exceed 35 ft. above existing grade). No significant changes to the previously approved grading plan are proposed; however, this amendment will correct an error in the calculations of the previously approved plan to clarify that the project will involve an additional 100 cu. yds. of grading for a total of 1,690 cu. yds. of total grading (1,281 cu. yds. cut and 409 cu. yds. of fill).

LOCAL APPROVALS RECEIVED: Approval in Concept from Los Angeles County Department of Regional Planning.

SUBSTANTIVE FILE DOCUMENTS: Mountain Geology, Inc.: Addendum Engineering Report No. 4, January 5, 1999; Addendum Engineering Report No. 3, June 29, 1998; Addendum Engineering Report No. 2, May 27, 1998; Addendum Engineering Report No. 1, April 5, 1998; Preliminary Engineering Geologic Report, January 14, 1998; West Coast Geotechnical: Update Geotechnical Engineering Report, January 11, 1999; Addendum Geotechnical Engineering Report No. 4, September 1, 1998; Supplemental Geotechnical Engineering Letter, July 28, 1998; Addendum Geotechnical Engineering Report # 2, June 4, 1998; Addendum Geotechnical Engineering Report # 1, April 13, 1998; Geotechnical Engineering Investigation, January 15, 1998; Coastal Development Permit (CDP) 4-99-098 and CDP Amendment 4-99-098-A1.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed amendment with one new special condition regarding indemnification of the Commission by the applicant. All

standard conditions and Special Conditions attached to the previously approved Coastal Development Permit 4-99-098, as previously amended, remain in effect. The standard of review for the proposed amendment is the Chapter Three policies of the Coastal Act.

The project site is located at the intersection of Coastline Drive and Surfview Drive one block inland of Pacific Coast Highway and just west of the Los Angeles City limit, in an unincorporated area of Malibu known as the Sunset Mesa subdivision (**Exhibit 1**). The surrounding area is densely developed with a mixture of single family residential and multi-family residential development consisting of both apartment and condominium units. The vacant subject parcel is sparsely vegetated with some native and non-native vegetation and does not contain any environmentally sensitive habitat due to its location within a densely built-out subdivision. In addition, due to surrounding development and intervening topography, the development on the subject site, as proposed to be modified by this amendment, is only visible from a very short segment of Pacific Coast Highway from the intersection of Coastline Drive and Pacific Coast Highway and will not result in any new significant impacts to public views from Pacific Coast Highway or any other significant public viewing areas (**Exhibit 6**).

This amendment was also originally determined to have no potential to result in any adverse effects to any coastal resources by the Executive Director and was; therefore, determined to be immaterial pursuant to **14** Cal. Admin. Code 13166(a). The notice of intent to issue an immaterial amendment was issued on December 4, 2006, and was scheduled to be reported to the Commission at its December 2006 meeting. However, on December 12, 14, and 18, 2006, the Commission received four letters from neighboring property owners including: Kenneth and Yvonne Aldrich, Malibu Coastline Condominium Association, Laura and Irwin Snyder, and the 18049 Coastline Drive Homeowners Association (**Exhibits 4a-d**). The four letters raise many of the same issues that were raised in objection to the previous amendment (CDP Amendment 4-99-098-A1) to the project including potential impacts to private views, geologic safety, and the potential for the creation of illegal units at the site. Some of the four letters also raise several points which do not have a basis for review by the Commission in relation to the Chapter 3 policies of the Coastal Act including whether or not the proposed addition would serve to increase the number of private parties expected to be held by future residents and a reference to a private dispute involving the use of a shared funicular. However, in order to respond to the issues raised by the four letters of objection, this item has been re-agendized for Commission action as a material amendment.

In regard to potential impacts to views, the relevant Chapter 3 policies of the Coastal Act provide for the protection of public views only and do not relate to the protection of private views. Thus, potential effects of the proposed development to private views is not relevant to the Commission's review of this amendment. However, In regard to potential impacts to public views, because the subject site is located in a densely developed residential area and only partially visible from a very short segment of Pacific Coast Highway, the new proposed additions and change in height will not result in any new adverse impacts to public views.

In addition, in regards to potential geologic issues, the applicant's geotechnical consultants previously found that the originally approved project would not have an adverse affect on the stability of the subject site or immediate vicinity, provided the consultants' recommendations are made part of the development plans and are implemented during construction. In the case of this new proposed amendment, in order to ensure the structural and geologic stability of the project site and the adjacent properties, the applicant has already submitted new revised project plans for the proposed revisions to the project which have been stamped in approval by the applicant's geologic and engineering consultants as conforming to all of the recommendations of their previous reports.

Further, in regards to the concern that the proposed addition to the previously approved structure will result in the potential for the creation of illegal units at the site, the Commission notes that this same assertion was previously raised by the same party in regards to the previous amendment for this project. In response, the Commission finds that no new additional units are proposed as part of this application and that Special Condition One (1) of the original permit remains in effect and requires the recordation of a deed restriction which effectively ensures that no additions or changes to the approved project, such as the creation of additional units, may be made without a new coastal development permit or amendment to this permit in order to address any potential cumulative impacts.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) ***The Executive Director determines that the proposed amendment is a material change,***
- 2) ***Objection is made to the Executive Director's determination of immateriality, or***
- 3) ***The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.***

In this case, the proposed amendment is a material change to the original permit. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (§13166 of the California Code of Regulations).

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-99-098 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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:

The Commission hereby approves the coastal development permit amendment on the ground that the development, as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. SPECIAL CONDITIONS

NOTE: All standard conditions and seven (7) Special Conditions attached to the previously approved Coastal Development Permit 4-99-098, as previously amended, remain in effect. In addition, the following new special condition is hereby imposed.

8. Indemnification by Applicant

Liability for Costs and Attorneys Fees: By acceptance of this permit amendment, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, as amended. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

III. FINDINGS AND DECLARATIONS

A. Amendment Description and Background

The proposed amendment includes a revision to the floor plan of the previously approved structure by increasing the interior square footage from 7,295 sq. ft. to 8,317 sq. ft.; add a new 1,390 sq. ft. exterior patio/deck; and an approximately 10 ft. increase in height of an approximately 800 sq. ft. portion of the structure in order to add a private observation room (included as part of the overall increase of 1,022 sq. ft. to the interior sq. ft. of the entire structure) to one of the three units with an interior stairway connecting the room to the lower levels of the residence (no portion of the structure will exceed 35 ft. above existing grade). No significant changes to the previously approved grading plan are proposed; however, this amendment will correct an error in the calculations of the previously approved plan to clarify that the project will involve an additional 100 cu. yds. of grading for a total of 1,690 cu. yds. of total grading (1,281 cu. yds. cut and 409 cu. yds. of fill).

The project site is located at the intersection of Coastline Drive and Surfview Drive one block inland of Pacific Coast Highway and just west of the Los Angeles City limit, in an unincorporated area of Malibu known as the Sunset Mesa subdivision (**Exhibit 1**). The surrounding area is densely developed with a mixture of single family residential and multi-family residential development consisting of both apartment and condominium units. The previously approved three-unit condominium structure that is the subject of this amendment application is adjacent to an existing four-unit condominium complex on the adjacent parcel immediately to the west. Several other large residential structures are located on the other properties to the west along the north (inland) side of Coastline Drive and are visible in photographs of the subject site and the surrounding area (**Exhibits 7 and 8**).

The vacant subject parcel is sparsely vegetated with some native and non-native vegetation and does not contain any environmentally sensitive habitat due to its location within a densely built-out subdivision. In addition, due to surrounding development and intervening topography, the development on the subject site is only visible from a very short segment of Pacific Coast Highway from the intersection of Coastline Drive and Pacific Coast Highway and will not significantly impact views from Pacific Coast Highway or any other significant public viewing areas (**Exhibit 6**).

The project site has been subject to previous Commission action. On September 14, 1999, the Commission approved the underlying coastal development permit (CDP) 4-99-098 for construction of a 5,166 sq. ft. three-unit apartment building with storage room, three separate detached garage structures totaling twelve parking spaces, and 1,590 cu. yds. of grading (795 cu. yds. cut, 795 cu. yds. fill). CDP No. 4-99-098 was approved with five special conditions including the recordation of a future improvements deed restriction, submittal of plans conforming to geologic recommendations, submittal

of landscaping and erosion control plans for the review and approval of the Executive Director, removal of natural vegetation, and a wildfire waiver of liability.

The underlying permit has been extended annually five times since its original approval. A sixth request for an extension (4-99-098-E6) was submitted on August 15, 2006 (prior to expiration date of the permit as extended pursuant to 4-99-098-E5) and is currently scheduled to be reported to the Commission as an immaterial extension for the Commission's April 2007 meeting. Pursuant to CDP 4-99-098-E6, the underlying permit would continue to be valid until September 16, 2007, unless further extended.

In addition, CDP Waiver 4-04-047-W was issued after being reported to the Commission on June 9, 2004, for the subdivision of a 1.58 acre parcel into two separate parcels of 0.46 acres in size (Lot 1) and 1.12 acres in size (Lot 2). Lot 2 is the subject parcel that is the subject of CDP 4-99-098 and this pending amendment application. Lot 1 is the neighboring parcel immediately west of the subject site that is developed with an existing 4-unit multi-family residential structure. CDP Waiver 4-04-047-W also authorized the conversion to condominium units of both the existing 4-unit structure on Lot 1 and the 3-unit structure that has been previously approved on Lot 2 (the subject site) pursuant to CDP 4-99-098.

Further, the underlying permit (CDP 4-99-098-A1) has been subject to one previous amendment (CDP 4-99-098-A1) which was approved by the Commission in April 2004 to revise the floor plan of the previously approved 3-unit structure by increasing the interior square footage from 5,166 sq. ft. to 7,295 sq. ft. with no increase in height of the structure and a very minor increase in the building footprint. CDP Amendment 4-99-098-A1 was originally determined by the Executive Director to be immaterial pursuant to **14** Cal. Admin. Code 13166(a) and issued a notice of that determination on January 6, 2004. However, the Commission subsequently received two letters from neighboring property owners; Kenneth Aldrich and the Malibu Coastline Condominium Association objecting to the determination of immateriality on grounds of potential private view issues, geologic safety, surface and subsurface drainage, and the potential for the creation of illegal units at the site. In order to respond to the issues raised in these letters, the item was agendaized for the April 2004 Commission meeting as a material amendment and a full staff report was prepared. The staff report for the previous amendment has been included as **Exhibit 5** of this report and the two previous letters of objection to the previous amendment are included as Exhibits 15 and 16 of that report.

The Commission approved CDP Amendment 4-99-098-A1 subject to two special conditions which required the applicant to submit updated plans approved by the project geologist, as well as drainage plans that incorporate structural and non-structural Best Management Practices (**BMPs**) designed to control the volume, velocity and pollutant load of stormwater up to and including the 85% percentile runoff event. In its approval of CDP Amendment 4-99-098-A1, the Commission found that the previously required "future improvements" deed restriction required by Special Condition One (1) of the original permit remains in effect, and effectively ensures that no additions or changes to the approved project, such as the creation of additional units, may be made without a

new coastal permit or amendment to the underlying permit in order to ensure due consideration of the potential cumulative impacts.

In this case, the application for this amendment (CDP 4-99-098-A2) was also originally determined to have no potential to result in any adverse effects to any coastal resources by the Executive Director and was; therefore, also determined to be immaterial pursuant to **14** Cal. Admin. Code 13166(a). The notice of intent to issue an immaterial amendment was issued on December 4, 2006, and was scheduled to be reported to the Commission at its December 2006 meeting. However, on December 12, 14, and 18, 2006, the Commission received four letters from neighboring property owners including: Kenneth and Yvonne Aldrich, Malibu Coastline Condominium Association, Laura and Irwin Snyder, and the 18049 Coastline Drive Homeowners Association (**Exhibits 4a-4d**). The four letters raise many of the same issues that were raised in objection to the previous amendment to the project including potential impacts to private views, geologic safety, and the potential for the creation of illegal units at the site. Some of the four letters also raise points which do not have a basis for review by the Commission in relation to the Chapter 3 policies of the Coastal Act including whether or not the proposed addition would serve to increase the number of private parties expected to be held by future residents and a reference to a private dispute involving the use of a shared funicular. However, in order to respond to the issues raised by the four letters of objection, this item has been re-agendized for Commission action as a material amendment.

In regards to the assertion by one of the letters that the proposed addition to the previously approved structure will result in the potential for the creation of illegal units at the site, the Commission notes that this same assertion was previously raised by the same neighbor in regards to the previous amendment for this project. In response, the Commission finds that no new additional units are proposed as part of this amendment and that, further, Special Condition One (1) of the original permit remains in effect and requires the recordation of a deed restriction which effectively ensures that no additions or changes to the approved project, such as the creation of additional units, may be made without a new coastal development permit or amendment to this permit in order to address any potential cumulative impacts.

B. HAZARDS AND GEOLOGICAL STABILITY

The proposed development is located on a steeply sloping historic ocean bluff slope on the landward side of Pacific Coast Highway in the unincorporated area of Malibu, an area generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu 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, which is incorporated as part of the Malibu LCP, 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.**

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. As originally approved, the proposed development involves a moderate amount of grading (795 cu. yds. cut, 795 cu. yds. fill). No significant changes to the previously approved grading plan are proposed; however, this amendment will correct an error in the calculations of the previously approved plan to clarify that the project will involve an additional 100 cu. yds. of grading for a total of 1,690 cu. yds. of total grading (1,281 cu. yds. cut and 409 cu. yds. of fill). The applicants submitted several geologic reports with their initial application ("Mountain Geology, Inc.: Addendum Engineering Report No. 4, January 5, 1999; Addendum Engineering Report No. 3, June 29, 1998; Addendum Engineering Report No. 2, May 27, 1998; Addendum Engineering Report No. 1, April 5, 1998; Preliminary Engineering Geologic Report, January 14, 1998; West Coast Geotechnical: Update Geotechnical Engineering Report, January 11, 1999; Addendum Geotechnical Engineering Report No. 4, September 1, 1998; Supplemental Geotechnical Engineering Letter, July 28, 1998; Addendum Geotechnical Engineering Report # 2, June 4, 1998; Addendum Geotechnical Engineering Report # 1, April 13, 1998; Geotechnical Engineering Investigation, January 15, 1998.) The reports make numerous recommendations regarding grading, foundations, retaining walls, construction, and drainage. The project as originally proposed was found consistent with Section 30253 provided the geologic consultants' recommendations were incorporated into final plans. These reports make additional recommendations regarding grading, foundations, retaining walls, construction, and drainage, including the installation of a hydrauger system to prevent subsurface water from perching on the terrace bedrock contact. The West Coast Geotechnical, Inc. report dated February 20, 2004 states:

It is the opinion of the West Coast Geotechnical that the proposed development will be safe from landslide, settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction.

Therefore, based on the recommendations of the applicants' geologic consultants, the development, as originally approved by the Commission, is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geologic consultants' recommendations are incorporated into the amended project plans and designs. In the case of the proposed amendment, one of the letters of objection raised concerns regarding "grading and the potential for destabilization of the slope." This same issue

was previously raised by the same party in objection to the previous amendment to this project in 2004. In its approval of CDP Amendment 4-99-098-A1, the Commission required that Special Condition Six (6) of the underlying permit be updated to require the applicant to submit updated plans approved by the project geologist to ensure that all recommendations of the previously submitted geologic/engineering reports had been incorporated into the final project plans. In the case of this new proposed amendment, the applicant has already submitted new revised project plans for the proposed revisions to the project which have been stamped in approval by the applicant's geologic and engineering consultants as conforming to all of the recommendations of their previous reports.

Thus, the Commission finds that, as proposed, the amendment has been designed in a manner that will ensure structural and geologic stability of the project site and the adjacent properties consistent with the provisions of Section 30251 of the Coastal Act.

C. VISUAL RESOURCES

Section 30251 of the Coastal Act requires that views of public importance within coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. Section 30253 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.

The project site is located at the intersection of Coastline Drive and Surfview Drive one block inland of Pacific Coast Highway and just west of the Los Angeles City limit, in an unincorporated area of Malibu known as the Sunset Mesa subdivision (**Exhibit 1**). The surrounding area is densely developed with a mixture of single family residential and multi-family residential development consisting of both apartment and condominium units. The previously approved three-unit condominium structure that is the subject of this amendment application is adjacent to an existing four-unit condominium complex on the adjacent parcel immediately to the west. Several other large residential structures are located on the other properties to the west along the north (inland) side of Coastline Drive and are visible in photographs of the subject site and the surrounding area (**Exhibits 7 and 8**).

Due to surrounding development and intervening topography, the development on the subject site is only visible from a very short segment of Pacific Coast Highway from the intersection of Coastline Drive and Pacific Coast Highway and will not significantly impact views from Pacific Coast Highway or any other significant public viewing areas

(Exhibit 6). Thus, in its approval of the underlying development, the Commission found that the 3-unit multi-family structure on the subject site would not result in any significant adverse impacts to public views. In the case of the proposed amendment, the applicant is proposing to add 1,022 sq. ft. to the previously approved structure, increase a portion of the structure by 10 ft., and add approximately 1,390 sq. ft. of new exterior patio area. However, because the subject site is located in a densely developed residential area and only partially visible from a very short segment of Pacific Coast Highway, the new proposed additions and change in height will not result in any new adverse impacts to public views. Further, the proposed changes to the approved project are consistent with the densely developed nature of the surrounding area. Several of the letters of concern that have been received raise objections to the proposed enlargement of the previously approved structure based on impacts to the private views across subject site. However, Section 30251 does not relate to the protection of private view issues. Thus, potential effects of the proposed development to private views is not relevant to the Commission's review of this amendment since Section 30251 only provides that views of public importance shall be considered and protected.

Therefore, for the reasons discussed above, the Commission finds that the proposed amendment will not result in any new potential adverse impacts to public views and is, therefore, consistent with Section 30251

D. LOCAL COASTAL PROGRAM

Section 30604 of the Coastal Act states:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal 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 to 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 projects and are accepted by the applicant. As conditioned, the proposed developments 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 developments, as conditioned, will not prejudice the City of Goleta's ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. CEQA

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 incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



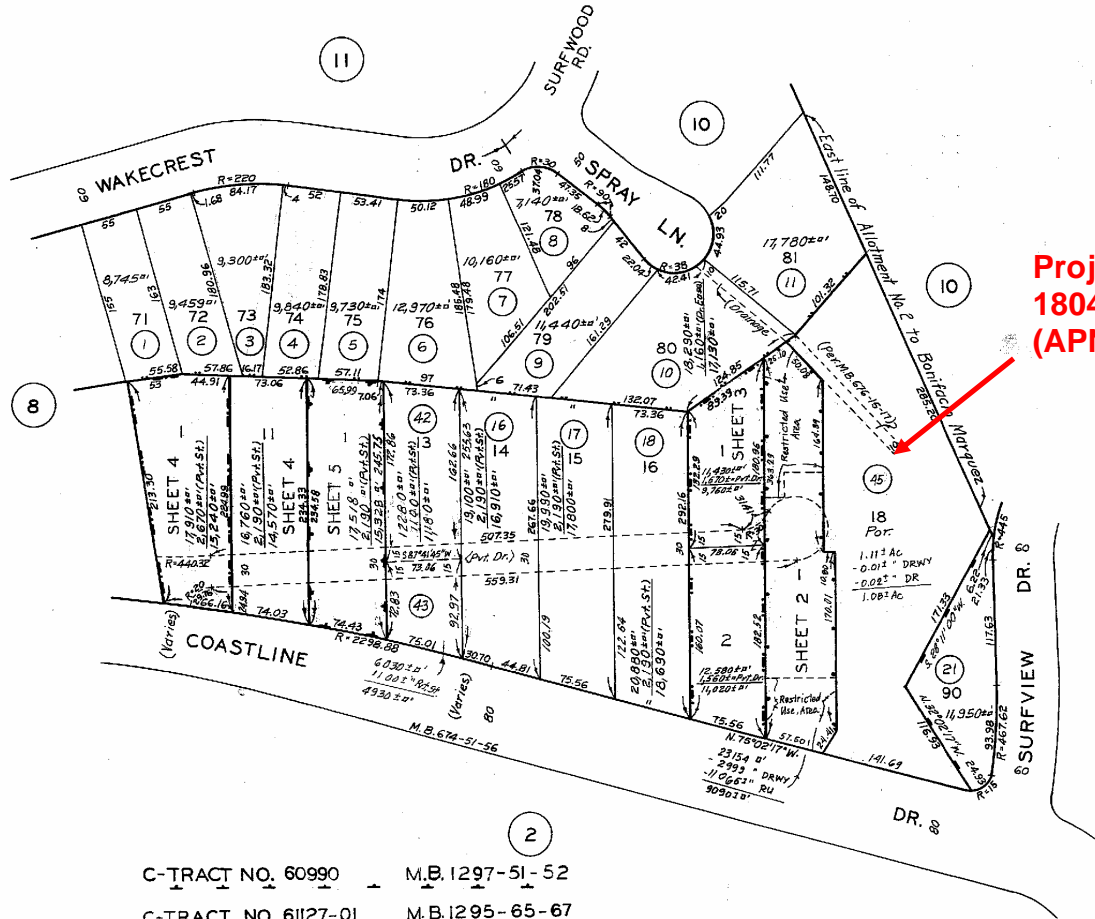
EXHIBIT 1

CDP 4-99-098-A2 (Coastline Views LLC)

Vicinity Map

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C-TRACT NO. 61127-01 M.B. 1295-65-67
TRACT NO. 26459 M.B. 676-15-17
TRACT NO. 26732 M.B. 680-3-5
TRACT NO. 27667 M.B. 723-2-7
CONDOMINIUM TRACT NO. 31492 M.B. 836-50-52

CODE
8645

FEB 07 2005

For parcel numbers in Lots 1 & 2,
Tract No. 29695, see sheet 3.

CALIF.

EXHIBIT 2
CDP 4-99-098-A2 (Coastline Views LLC)
Vicinity Map

**3 Custom
Residences
8049 Coastline Dr.,
Malibu, CA. 90265**

Trans Pacific
Construction 5718
West Jefferson Blvd.
Los Angeles, CA
90016

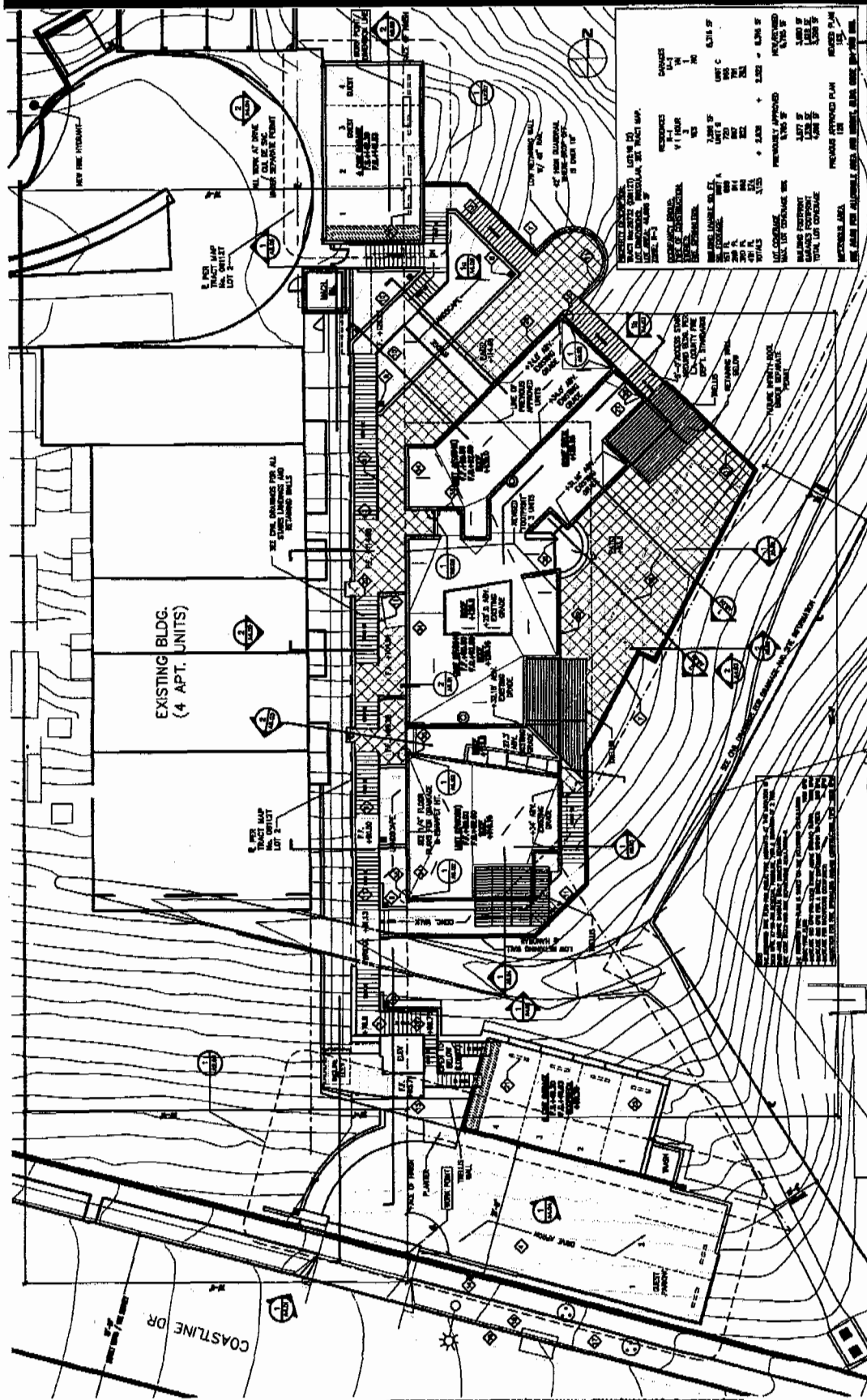
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SITE PLAN /
BOND PLAN

EXHIBIT 3a

CDP 4-99-098-A2 (Coastline Views LLC)

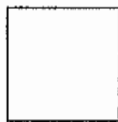
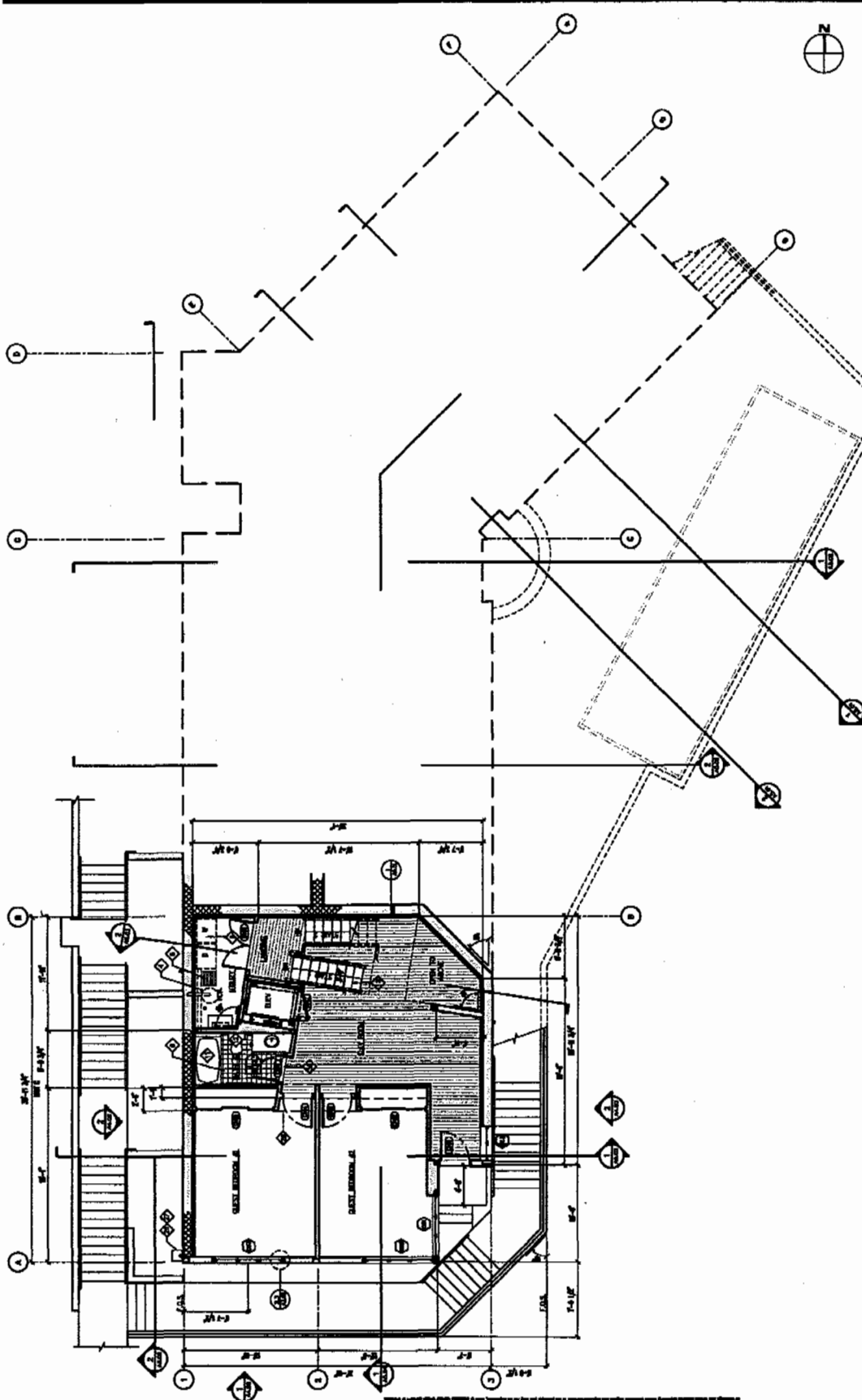
Site Plan

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**3 Custom
Residences
at 8049 Coastline Dr.,
Malibu, CA. 90265**

Trans Pacific
Construction 5718
West Jefferson Blvd.
Los Angeles, CA
90016

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098-A2 (Coastline)

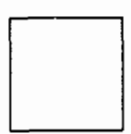
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Residences
18049 Coastline Dr.
Malibu, CA. 90265

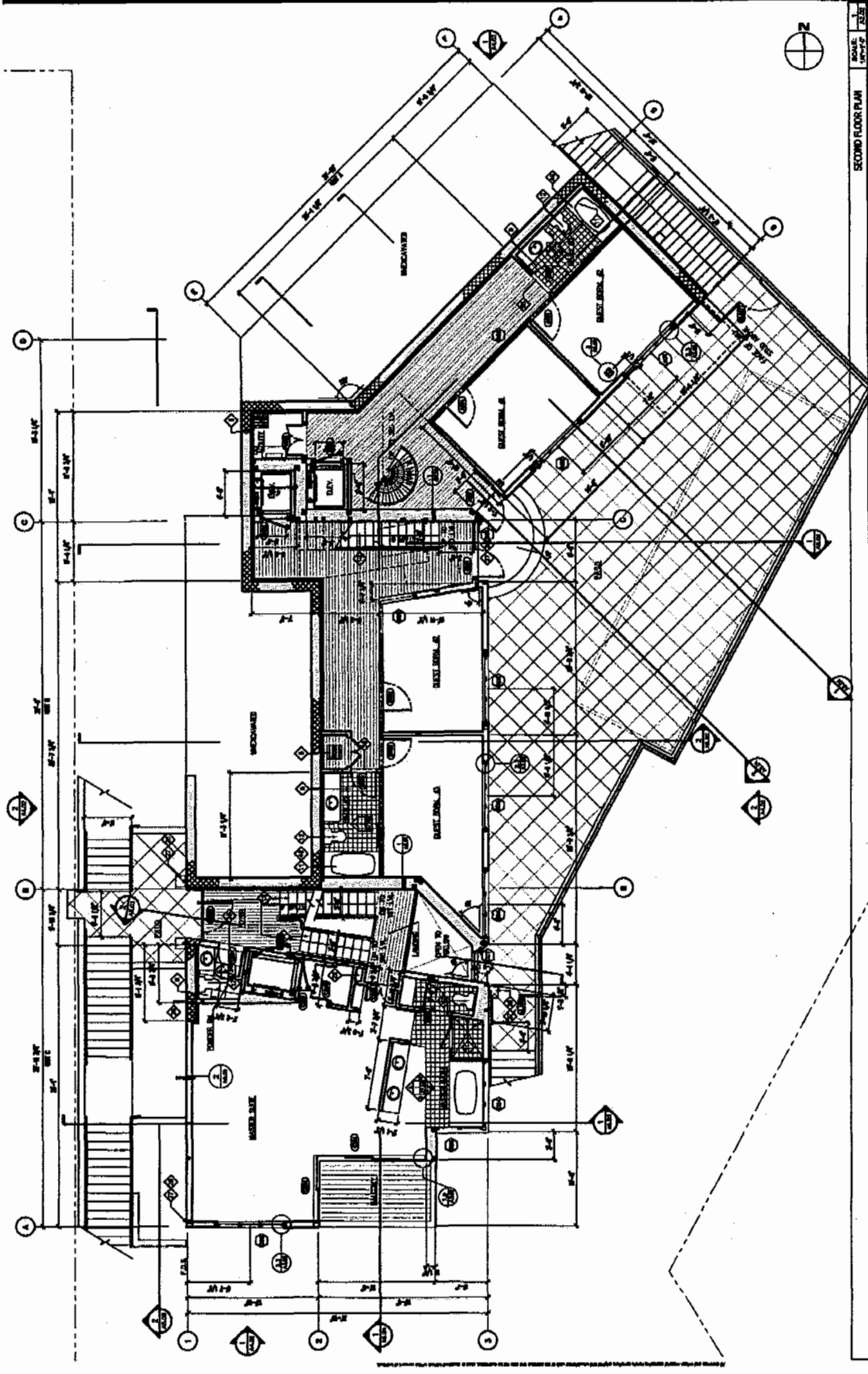
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EXHIBIT 3c
CDP 4-99-098-A2 (Coastline Views LLC)
Floor Plans

Floor Plans



State No.	No. of rivers/ lakes
State No.1	97 = 1
State No.2	91 = 2
State No.3	97 = 3
State No.4	91 = 4

State No.	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 1	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 2	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 3	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 4	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 5	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 6	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 7	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 8	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 9	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
State No. 10	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0

3 Custom
Residences
18049 Coastline Dr.
Malibu, CA. 90265

Trans Pacific
Construction 5718
West Jefferson Blvd
Los Angeles, CA
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EXHIBIT 3e

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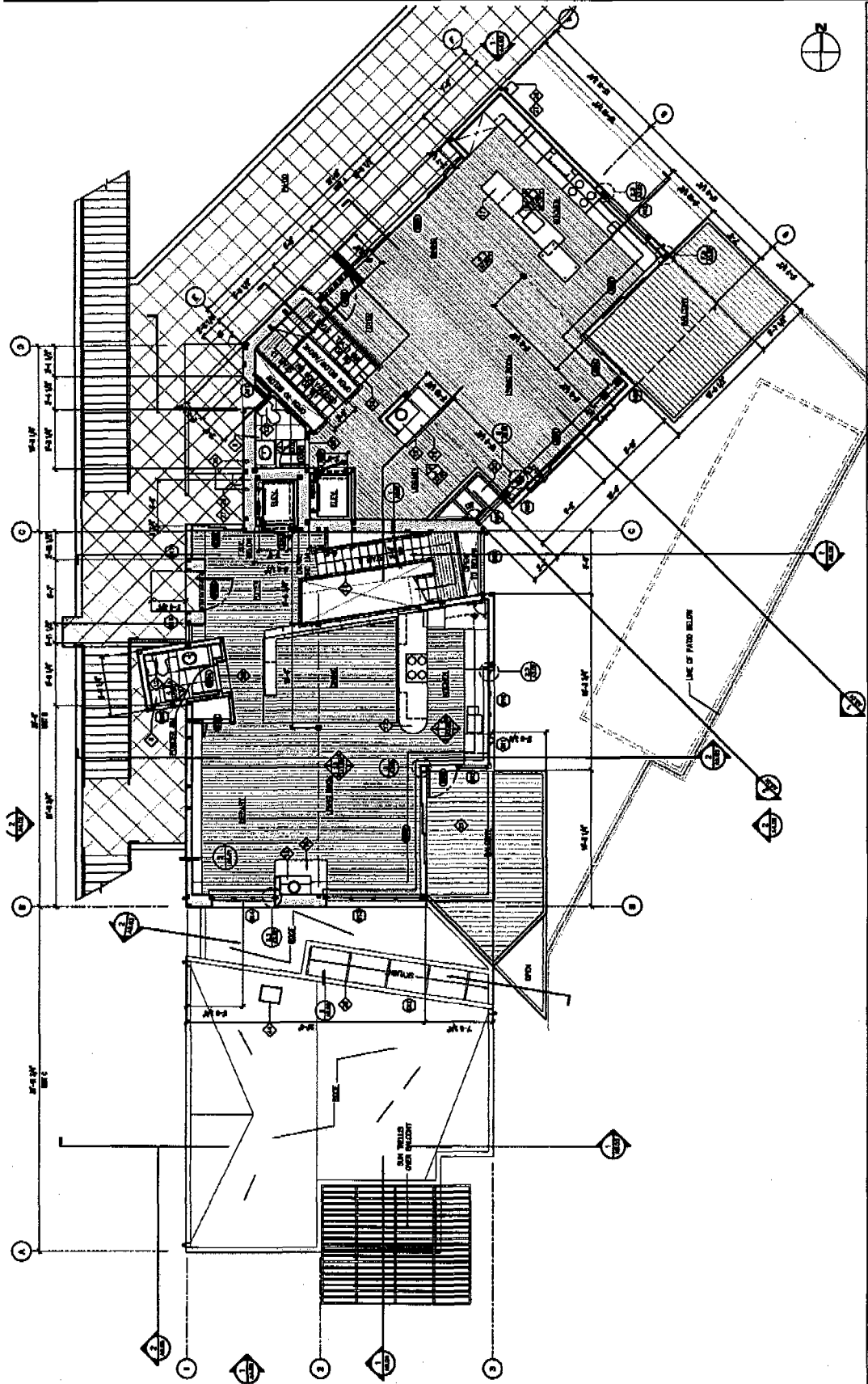
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EXHIBIT 3e

CDP 4-99-098-A2 (Coastline Views LLC)

Floor Plans



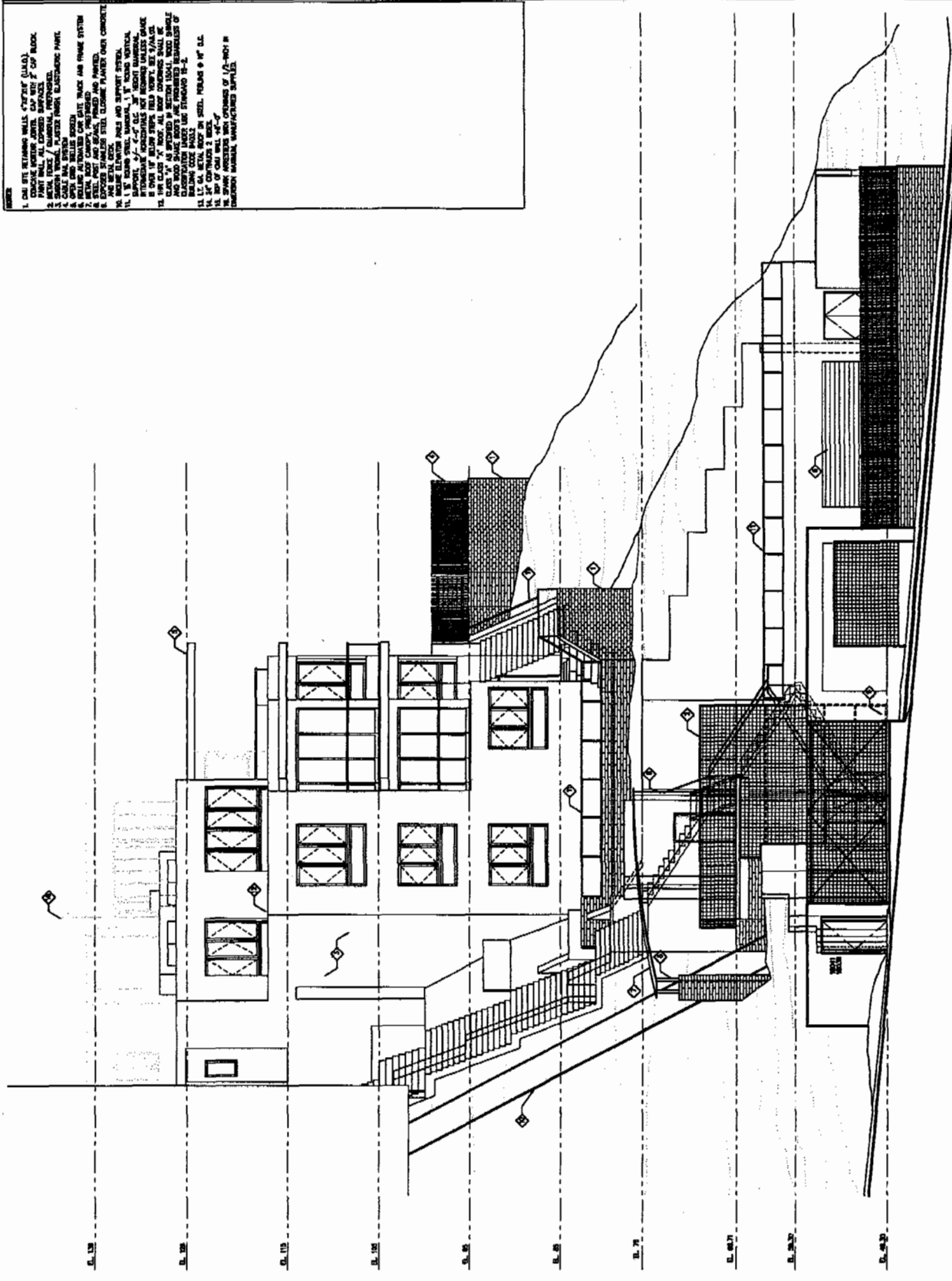
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SEE A2.01 THRU A2.04 FOR INTERIOR STAIRS
SCHEDULE AND CONSTRUCTION NOTES

Floor Plans



<p>3 Custom Residences 18049 Coastline Dr. Malibu, CA. 90265</p>		<p>Trans Pacific Construction 5718 West Jefferson Blvd Los Angeles, CA 90016</p>		<p>2 AR t 5</p>		<p>STREET LEVEL SOUTH ELEVATION</p>	
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EXHIBIT 3g

CDP 4-99-098-A2 (Coastline Views LLC)

South Elevation

UNIT A NORTH EAST ELEVATION

11 December 2006

RECEIVED
DEC 18 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
South Central Coast Area
89 So. California Street, Suite 200
Ventura, CA 93001

Attn: Steve Hudson

**RE: Objection to Increased Height without Placement of Poles
Coastal Development Permit
No. 4-99-098-A2
Coastline Views, LLC
18049 Coastline Drive, Malibu**

We are owners of 181 Surfview Drive, Pacific Palisades the property adjacent to this property and the development will be visible from our home.

We are objecting to the increased height proposed without placement of poles to evaluate, as this increase may limit our view of the ocean

We can be reached at our business 323-036-7111.

Sincerely,

Signature On File

Laura Lowther-Snyder
Irwin Larry Snyder

EXHIBIT 4a

CDP 4-99-098-A2 (Coastline Views LLC)

Letter of Objection

**Yvonne & Kenneth Aldrich
157 Surfview Drive
Pacific Palisades, CA 90272-2910
Phone: 310-454-2322
FAX: 310-573-9699**

December 13, 2006

Attention Steve Hudson:

This is to put you on notice that we do object to the proposed new amendment (4-02-153-A2) to Coastal Development Permit No. 4-99-098-A1 and 4-99-098-A2.

We were told of this proposed project in 1997 and subsequently went through a series of hearings with the Los Angeles County Regional Planning Dept. culminating with a decision and agreement that was equitable to all parties regarding specifics of this planned development. Based on this hard-fought-for agreement, whenever the developers requested an extension of time for the permits to build we did not object. To find that suddenly, and without any notice to us, they have changed the plans and petitioned for and received an amendment to the initial agreement is not acceptable to us.

We abut this property and are impacted by any unforeseen changes including those of square footage (we specifically fought for the amount of square footage and addressed in the hearings the fact that there was a history of deviousness related to this property – the square footage allocated as a storage room in the existing complex had been used and rented as a “bootlegged” apartment until shortly before the hearings took place), additions of an observation deck (creating an opportunity for additional noise from the project in a usually quiet neighborhood), as well as an “inadvertent” miscalculation in the amount of dirt to be moved.

We were never notified of hearings on any of these proposed changes and were it not for the concern of a neighbor at 18049 Coastline, we would not have seen the letter that went out supposedly “to all concerned” which was received by him but four days before the response time cut-off. Based on the cloud of duplicity surrounding this project from its inception and through all its incarnations we find it difficult to believe that this was possibly an oversight. Please note our address for any future mailings and keep it on file in your office.

I understand that these objections may not fall into the Chapter Three Policies of the Coastal Act and will send copies of this letter to other appropriate governing bodies as well as a hard copy to your Commission in an effort to establish a paper trail regarding these issues.

Sincerely,

Signature On File

EXHIBIT 4b

CDP 4-99-098-A2 (Coastline Views LLC)

Letter of Objection

to: Steve Hudson
re: Notice of Proposed Permit Amendment 4-99-98-AZ)
from: Malibu Coastline Condominium Association
date: December 9, 2007

We, the adjacent neighbors in 18055 and 18057 Coastline Drive, object to the proposed amendment, since it involves more square footage, more cubic yards of grading than originally calculated, and a 10 foot increase in height for a portion of the structure, with no assurance that this will not impact neighboring properties and their ocean views. Impacting existing properties' views is strictly prohibited by the regulation of the local homeowners' association (Sunset Mesa Property Owners Association.)

In addition, Murray Milne, the architect who built our buildings, has gone on record in the past regarding his professional architectural and engineering concerns about the grading and the potential for destabilization of the slope.

These are extremely significant issues, especially for a very small and already impacted cul de sac, with very limited existing parking and already limited access for emergency vehicles, on a street surface that has badly deteriorated.

We are currently trying to function, with great difficulty, during the "second phase" of this construction project, which began with a condo conversion and currently involves the building of 4 garages adjacent to the apartments referenced in this amendment, which will be "phase three." A representative from your office should visit the site again to observe the real impact of such additional construction.

We, as immediately affected neighbors, request the opportunity for an open hearing about these proposed amendments. We request that no approval be granted until our legitimate concerns raised in this letter are addressed.

Thank you in advance for your consideration.

Malibu Coastline Condominium Association
Joan E. Stern
18057 Coastline Dr., #6
Malibu, CA 90265
310-573-1889

RECEIVED
DEC 12 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 4c

CDP 4-99-098-A2 (Coastline Views LLC)

Letter of Objection

18049 COASTLINE DRIVE HOMEOWNERS ASSOCIATION

18049 Coastline Drive
Malibu, CA 90265**RECEIVED**
DEC 14 2006

Via Fax: (805) 641-1732

To: California Coastal Commission

From: 18049 Coastline Drive Homeowners Association

Date: December 14, 2006

Re: Coastal Development Permit No. 4-99-098-A2 to Coastline Views LLC

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Please be advised that the 18049 Coastline Drive Homeowners Association objects to the proposed amendment. We are the 4-unit project immediately adjacent to the proposed development. The proposed project will use our funicular (inclinator; elevator which runs along the hillside). We object to the proposed amendment for the following reasons:

1. The proposed amendment is not immaterial. The originally approved project was 5,166 sq. ft. The proposed amendment adds an additional 2,412 sq. ft. (1,022 sq. ft. of interior space for a "common area observation room and a 1390 sq. ft. patio/deck). The additional 2,412 sq. ft. would increase the original project by almost 50% (46.69%). The developer should not be permitted to obtain original approval for a small project and then come back for repeated amendments for an increasingly larger project, each time arguing that each increase is immaterial based on the increased size of the previously amended (increased) project. With that logic, the project could grow from 5,000 sq. ft. to 20,000 sq. ft. eventually if the developer keeps requesting successive 1,000 or 2,000 sq. ft. amendments, each increasing the size above the previously amended size.

2. The area is quite dense and comprised of numerous condominium and apartment projects and has been designated as a slide area and geographical hazard. The additional grading may endanger the hillside and adjacent existing multi-family projects and residents.

3. Chapter 3, Article 6, Section 30251 of the Coastal Act provides that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." Since the owners of the three units in the proposed project will each have their own view decks attached to their individual units, it appears that the only or primary reason for the "common area" observation room and deck will be a party/recreation room for larger gatherings than the individual units will accommodate. (In addition, the proposed project already includes a storage room, which can be used for a variety of "common area" purposes, including a meeting area for the owners of the three units in the project.)

Because this project will be located at the very beginning of Coastline Drive, and also because it will have a stairway running up the hillside from Coastline Drive (which none on the other buildings in the area have), it will be the most visible building from Pacific Coast Highway, from Coastline Drive and from Surf View Road. As such, particularly if large parties utilize the large "common area" patio/deck, it (and the large number of people gathering there at any one time and fully visible to the public below due to the outside nature of the common area patio/deck) will be out of character with the

EXHIBIT 4d
CDP 4-99-098-A2 (Coastline Views LLC)
Letter of Objection

remainder of the buildings in the area and will impact the scenic and visual qualities, which are required to be protected pursuant to Chapter 3 of the Coastal Act. Also, unlike the restrictions imposed by the Commission and the County on our existing project at 18049 Coastline Drive with respect to our storage room, we see no express prohibitions against kitchen facilities or plumbing in the "common area observation room," which only increases the opportunities for overuse or abuse of this room.

4. Chapter 3, Section 30253(5) of the Coastal Act provides that "Where appropriate, [the Commission shall] protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." Because this area is right across the street from the beach, it is an appealing area for parties; however, most of the current residents do not have large or numerous parties because there is no direct access to the condominium and apartment buildings from Coastline, i.e., no stairways down to Coastline Drive, just one central alleyway (private road) for all vehicular and pedestrian traffic. Currently, the primary parking for guests is along Coastline Drive, which is quite a walk from most of the buildings. However, since the proposed project has been granted approval for a stairway to go up the hillside from Coastline Drive to the individual units in the proposed project, there will be greater access for guests of the proposed project to reach the units and all the more incentive for the "party room/deck" to be used for large parties that will accommodate many more parties than would be invited into the private residential units of the owners of the units (or worst yet, to be abused by tenants in the proposed project, who would have even less regard for their neighbors).

As such, the party room and deck is out of character with the rest of Coastline Drive, where there are currently only private units and decks, not large common area party rooms and party decks. Therefore, the proposed amendment conflicts with the requirement of Section 30253(5) of the Coastal Act which requires protection of "special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

5. As mentioned above, the owners of the proposed project, pursuant to a recorded Joint Declaration, will use the funicular (hillside inclinator) owned by our project. The joint funicular will be on our land and runs alongside our living room windows, so anyone using it can peer into our homes. By approving a "common area" party room, the Commission's actions will increase the number of guests and others that will use our funicular and frequent our community, thus increasing the number of people monopolizing the funicular, increasing its likelihood of breaking down (which it frequently does, especially if misused) and may create an attractive nuisance, particularly since the new stairway will already invite nonresidents to come up and down this section of the hillside and to drift in and out of the funicular and other structures along the private road. The greater the number of guests using the observation room, the greater the safety risk to everyone in the area, especially since others may mix in with the guests coming up the stairwell and may then intentionally trespass on our project or others in the area.

For the above and other reasons, the 18049 Coastline Homeowners Association urges rejection of the proposed amendment. If you have any questions or comments, you may reach the board members at the above address (addressed to Units 1, 2 or 3), or may leave a message with the secretary at (310) 459-2200.

CALIFORNIA COASTAL COMMISSION

JTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



Filed: 11/23/2003
49th Day: 1/11/2004
180th Day: 5/21/2004
Staff: LKF-V
Staff Report: 3/25/2004
Hearing Date: 4/14-16/2004

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-99-098-A1

APPLICANTS: Atefeh Towfigh, Simin Shirloo, and Ali Shirloo

AGENT: Mohammad Shirloo

PROJECT LOCATION: 18049 Coastline Drive, unincorporated Malibu (Los Angeles County)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construct three unit apartment building with storage room and three detached garage structures totaling twelve parking spaces. Grading of 1590 cu. yds. (795 cu. yds. cut and 795 cu. yds. fill).

DESCRIPTION OF AMENDMENT: Revision of floor plan of three-unit apartment building to increase interior square footage from 5,166 sq. ft. to 7,295 sq. ft. The proposed additional square footage is located in areas previously approved as a storage room and exterior patio space, thus resulting in a very minor increase in the development footprint. The proposal also includes the addition of a patio and stairways on the north side of the apartment building. No additional grading or increase in the height of the structure is proposed.

LOCAL APPROVALS RECEIVED: Approval in Concept, County of Los Angeles Regional Planning Department, October 22, 2003; Approval in Concept, County of Los Angeles Geologic Review Sheet, May 5, 2002.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit No. 4-99-098; Malibu/Santa Monica Mountains certified Land Use Plan; Mountain Geology, Inc.: Addendum Engineering Report No. 4, January 5, 1999; Addendum Engineering Report No. 3, June 29, 1998; Addendum Engineering Report No. 2, May 27, 1998; Addendum Engineering Report No. 1, April 5, 1998; Preliminary Engineering Geologic Report, January 14, 1998; West Coast Geotechnical: "111" Statement to the California Coastal Commission, Proposed Multi-Family Residential Development, 18049 Coastline Drive, Parcel Map 24907, Malibu, County of Los Angeles, California, February 20, 2004; Update Geotechnical Engineering Report, October 19, 2001; Engineering Geologic and Addendum engineering Geologic Report #5, August 8, 2001; Engineering Geologic Memorandum, June 2, 2000; Update Geotechnical Engineering Report, January 11, 1999; Addendum Geotechnical Engineering Report No. 4, September 1, 1998; Supplemental Geotechnical Engineering Letter, July 28, 1998; Addendum Geotechnical Engineering Report # 2, June 4, 1998; Addendum Geotechnical Engineering Report # 1, April 13,

EXHIBIT 5**CDP 4-99-098-A2 (Coastline Views LLC)****Staff Report for Previously Approved
Amendment CDP 4-99-098-A1**

1998; Geotechnical Engineering Investigation, January 15, 1998; Letter from Peak Surveys, Inc. to Hans Giraud, March 31, 2000.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicants or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Code of Regulations Section 13166). In this case, objections have been made to the Executive Director's determination of immateriality. The Executive Director sent A Notice of Proposed Permit Amendment to all interested parties on January 6, 2004. The Commission received two letters of objection within the comment period, which ended on January 21, 2004.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the applicants' proposal, with two special conditions regarding updated plans conforming to geologic recommendations, and drainage and polluted runoff control.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-99-098-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

Note: Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit (CDP) 4-99-098 continue to apply. The approved coastal development permit includes five (5) special conditions. In addition, the following additional special conditions (numbered 6, and 7) are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-98-098-A1.

SPECIAL CONDITIONS

6. Updated Plans Conforming to Geologic Recommendations

All recommendations contained in the submitted geologic reports ("Mountain Geology, Inc.: Addendum Engineering Report No. 4, January 5, 1999; Addendum Engineering Report No. 3, June 29, 1998; Addendum Engineering Report No. 2, May 27, 1998; Addendum Engineering Report No. 1, April 5, 1998; Preliminary Engineering Geologic Report, January 14, 1998; West Coast Geotechnical: "'111' Statement to the California Coastal Commission, Proposed Multi-Family Residential Development, 18049 Coastline Drive, Parcel Map 24907, Malibu, County of Los Angeles, California, February 20, 2004; Update Geotechnical Engineering Report, October 19, 2001; Engineering Geologic and Addendum engineering Geologic Report #5, August 8, 2001; Engineering Geologic Memorandum, June 2, 2000; Update Geotechnical Engineering Report, January 11, 1999; Addendum Geotechnical Engineering Report No. 4, September 1, 1998; Supplemental Geotechnical Engineering Letter, July 28, 1998; Addendum Geotechnical Engineering Report # 2, June 4, 1998; Addendum Geotechnical Engineering Report # 1, April 13, 1998; Geotechnical Engineering Investigation, January 15, 1998; Letter from Peak Surveys, Inc. to Hans Giraud, March 31, 2000") shall be incorporated into all final design and construction including *construction, grading, 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, and drainage. Any substantial

changes in the proposed development approved by the Commission that may be required by the consultants shall require an amendment to the permit or a new coastal permit.

7. Drainage and Polluted Runoff Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant 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 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 the amount of stormwater runoff produced by all storms 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 (i.e., 2 or greater), 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicants propose to revise the floor plan of a previously approved three-unit apartment building to increase the interior square footage from 5,166 sq. ft. to 7,295 sq. ft. The proposed additional square footage is located in areas previously approved as a storage room and exterior patio space, thus resulting in a very minor increase in the development footprint. The proposal also includes the addition of a patio and stairways on the north side of the apartment building. No additional grading or increase in the height of the structure is proposed (**Exhibits 2 –13**).

The project site is located near the intersection of Coastline Drive and Surfview Drive, one block inland of Pacific Coast Highway and just west of the Los Angeles City limit, in an unincorporated area of Malibu (**Exhibit 1**). Surrounding development is a mixture of single family residential development and apartment units. The proposed three-unit apartment building is adjacent to an existing four-unit complex on the subject parcel. The three LUP land use designations that are applied to the property allow a combined land use density of seven units. Due to surrounding development and intervening topography, the development on the subject site will not significantly impact views from Pacific Coast Highway or other coastal scenic areas (**Exhibit 14**).

On September 14, 1999, the Commission approved CDP No. 4-99-098 for construction of a three-unit apartment building with storage room, three detached garage structures totaling twelve parking spaces, and 1590 cu. yds. of grading (795 cu. yds. cut, 795 cu. yds. fill). CDP No. 4-99-098 was approved with five special conditions regarding future improvements, plans conforming to geologic recommendations, landscaping and erosion control plans, removal of natural vegetation, and wildfire waiver of liability (**Exhibit 17**). The permit was subsequently extended annually for three years, and is valid until September 14, 2004.

The subject amendment was submitted on October 24, 2003 and was deemed complete on November 23, 2003. The Executive Director found that the proposed amendment was immaterial pursuant to 14 Cal. Admin. Code 13166(a) and issued notice of that determination on January 6, 2004. The Commission received two letters of objection to the determination of immateriality within the 10- day comment period, which ended on January 21, 2004 (**Exhibits 15 - 16**).

The letters of objection raised concerns regarding geologic safety, surface and subsurface drainage, and the potential for the creation of illegal units at the site. As discussed further in sections B and C, **Special Conditions Six (6) and Seven (7)** require the applicant to submit updated plans approved by the project geologist, as well as drainage plans that incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater up to and including the 85% percentile runoff event. In addition, the future improvements deed restriction required by **Special Condition One (1)** of the original permit remains in effect, thus ensuring that no additions or changes to the approved project, such as the creation of additional units, may be made without due consideration of the potential cumulative impacts.

B. GEOLOGIC STABILITY AND HAZARDS

The proposed development is located in the Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the 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. 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.*

The project site is located near the intersection of Coastline Drive and Surfview Drive, one block inland of Pacific Coast Highway and just west of the Los Angeles City limit, in an unincorporated area of Malibu (**Exhibit 1**). Surrounding development is a mixture of single family residential development and apartment units. The proposed three-unit apartment building is adjacent to an existing four-unit complex on the subject parcel. The three LUP land use designations that are applied to the property allow a combined land use density of seven units. Due to surrounding development and intervening topography, the development on the subject site will not significantly impact views from Pacific Coast Highway or other coastal scenic areas (**Exhibit 14**).

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The letters of objection raised concerns regarding geologic safety, surface and subsurface drainage, and the potential for the creation of illegal units at the site. As discussed further in sections B and C, **Special Conditions Six (6) and Seven (7)** require the applicant to submit updated plans approved by the project geologist, as well as drainage plans that incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater up to and including the 85% percentile runoff event. In addition, the future improvements deed restriction required by **Special Condition One (1)** of the original permit remains in effect, thus ensuring that no additions or changes to the approved project, such as the creation of additional units, may be made without due consideration of the potential cumulative impacts.

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The proposed development is located in the Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the 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. 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.***

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed development is located on a hillside lot and involves a moderate amount of grading (795 cu. yds. cut, 795 cu. yds. fill) which was approved under the original permit. No additional grading is proposed.

The applicants submitted several geologic reports with their initial application ("Mountain Geology, Inc.: Addendum Engineering Report No. 4, January 5, 1999; Addendum Engineering Report No. 3, June 29, 1998; Addendum Engineering Report No. 2, May 27, 1998; Addendum Engineering Report No. 1, April 5, 1998; Preliminary Engineering Geologic Report, January 14, 1998; West Coast Geotechnical: Update Geotechnical Engineering Report, January 11, 1999; Addendum Geotechnical Engineering Report No. 4, September 1, 1998; Supplemental Geotechnical Engineering Letter, July 28, 1998; Addendum Geotechnical Engineering Report # 2, June 4, 1998; Addendum Geotechnical Engineering Report # 1, April 13, 1998; Geotechnical Engineering Investigation, January 15, 1998.) The reports make numerous recommendations regarding grading, foundations, retaining walls, construction, and drainage. The project as originally proposed was found consistent with Section 30253 provided the geologic consultants' recommendations were incorporated into final plans.

The applicants have submitted additional geologic reports with the proposed amendment ("111' Statement to the California Coastal Commission, Proposed Multi-Family Residential Development, 18049 Coastline Drive, Parcel Map 24907, Malibu, County of Los Angeles, California, February 20, 2004; Update Geotechnical Engineering Report, October 19, 2001; Engineering Geologic and Addendum engineering Geologic Report #5, August 8, 2001; Engineering Geologic Memorandum, June 2, 2000; Letter from Peak Surveys, Inc. to Hans Giraud, March 31, 2000"). These reports make additional recommendations regarding grading, foundations, retaining walls, construction, and drainage, including the installation of a hydroauger system to prevent subsurface water from perching on the terrace/bedrock contact.

The West Coast Geotechnical, Inc. report dated February 20, 2004 states:

It is the opinion of the West Coast Geotechnical that the proposed development will be safe from landslide, settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction.

Therefore, based on the recommendations of the applicants' geologic consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geologic consultants' recommendations are incorporated into the amended project plans and designs. Therefore, it is necessary to require the applicant to submit final project plans that have been certified in writing by the engineering geologic consultant as conforming to all recommendations of the consultant, in accordance with **Special Condition Six (6)**.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit drainage and polluted runoff control plans certified by the geotechnical engineer, as specified in **Special Condition Seven (7)**. Although the applicants included drainage control plans with the final plans approved under the original permit, updated plans that reflect the proposed site design are necessary to ensure that the drainage plans include any recommended changes required by the geotechnical consultants and ensure that proposed development minimizes adverse impacts to coastal water quality.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

C. 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, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land 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, 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 Seven (7)** 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. Although the applicants included drainage control plans with the final plans approved under the original permit, updated plans that reflect the proposed site design are necessary to ensure that the proposed development minimizes adverse impacts to coastal water quality.

Therefore, for all the reasons stated above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. 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 that 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 County's ability to prepare a Local Coastal Program for Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 effects which the activity would have on the environment.

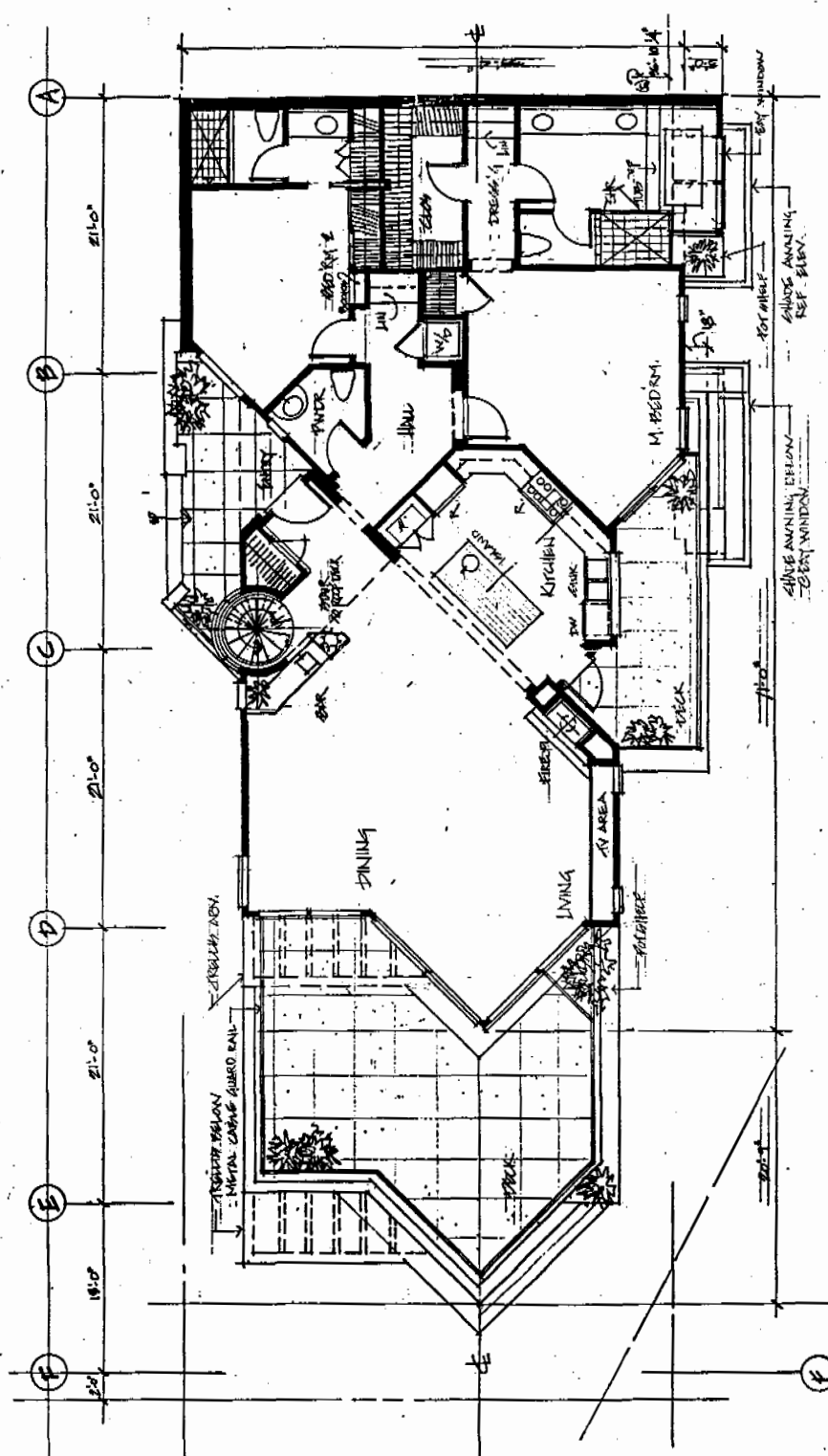
The proposed development would not cause significant, adverse environmental effects that would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

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NEW APARTMENT BUILDING FOR:
 ANDREW ROSENBERG
 18049 COSTLINE DRIVE
 MALIBU CA. 90265

first floor plan

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PROJECT NO. 4-99-098-A1	
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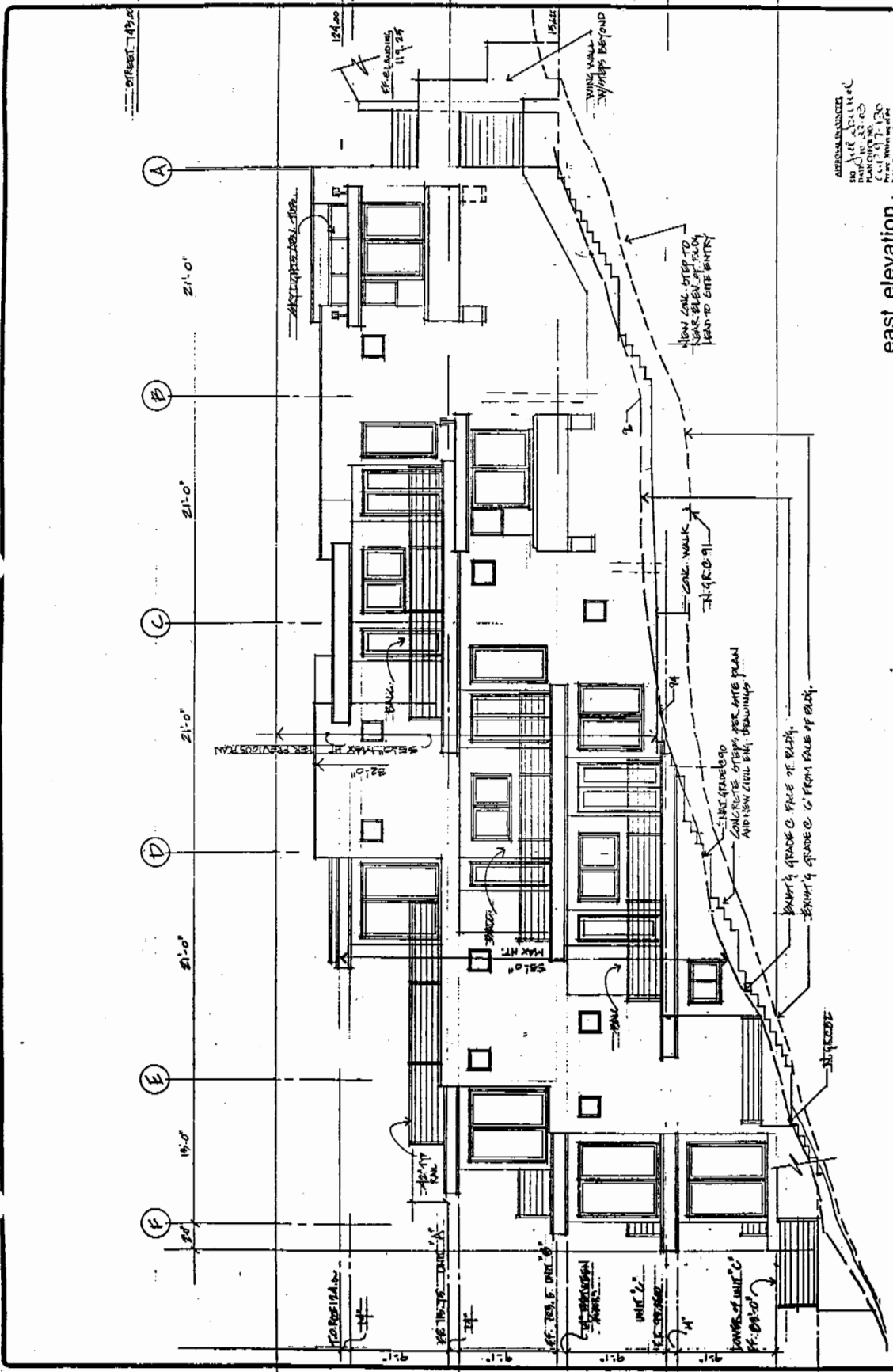
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EXHIBIT NO. 3
APPLICATION NO.
4-99-098-A1
1ST FLOOR PLAN

EXHIBIT NO. 5
APPLICATION NO.
4-99-098-A1
3RD FLOOR PLAN-1

EXHIBIT NO. 6
APPLICATION NO.
4-99-098-A1
3RD FLOOR PLAN-2

A-15



APPROVAL IN MINUTES
SIO JUL 26 1980
DATE 10-22-83
PLAN CHGR NO.
C-147-130
Per me: 2001 on way of the
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Title 14 of the
Administrative Code, State
of California
THIS IS NOT A PERMIO
and
is subject to any conditions
listed below

east elevation.

EXHIBIT NO. 7
APPLICATION NO.
4-99-098-A1
EAST ELEVATION

EXHIBIT NO. 8
APPLICATION NO.
4-99-098-A1
WEST ELEVATION

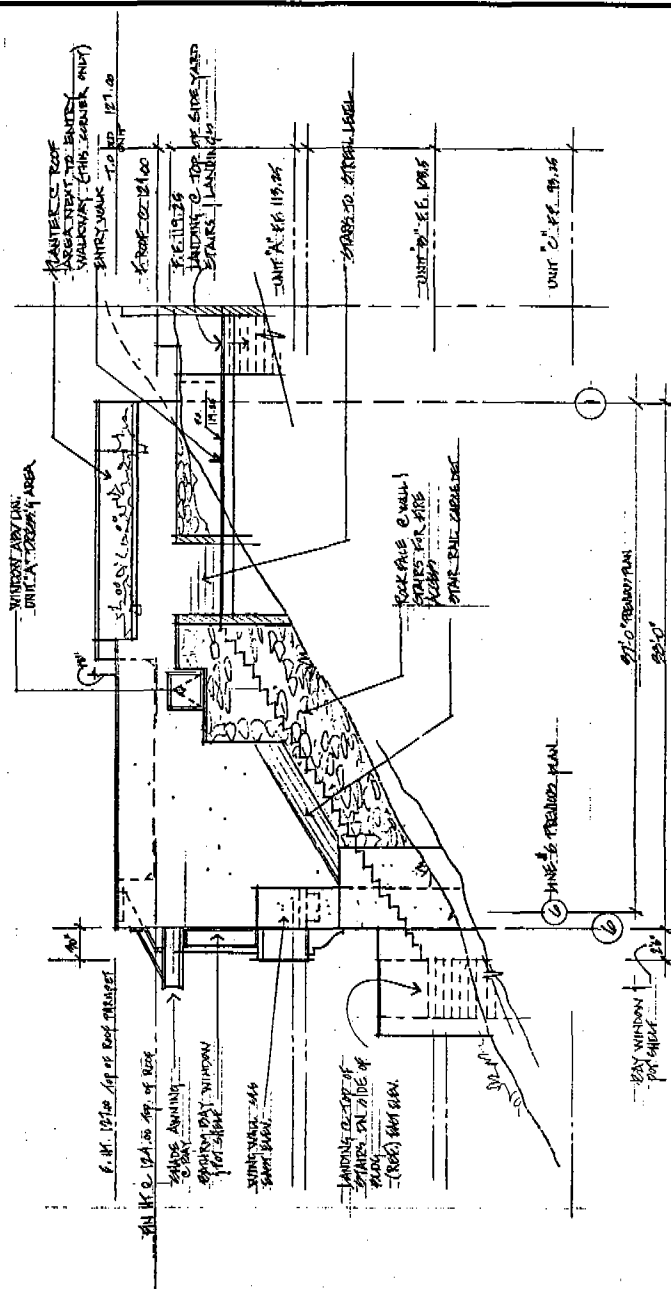
SOUTH ELEVATION

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REVISIONS	
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APPROVED	

NEW APARTMENT BUILDING FOR:
 ANDREW ROSENBERG
 18049 COASTLINE DRIVE
 MALIBU CA. 90265

north elevation

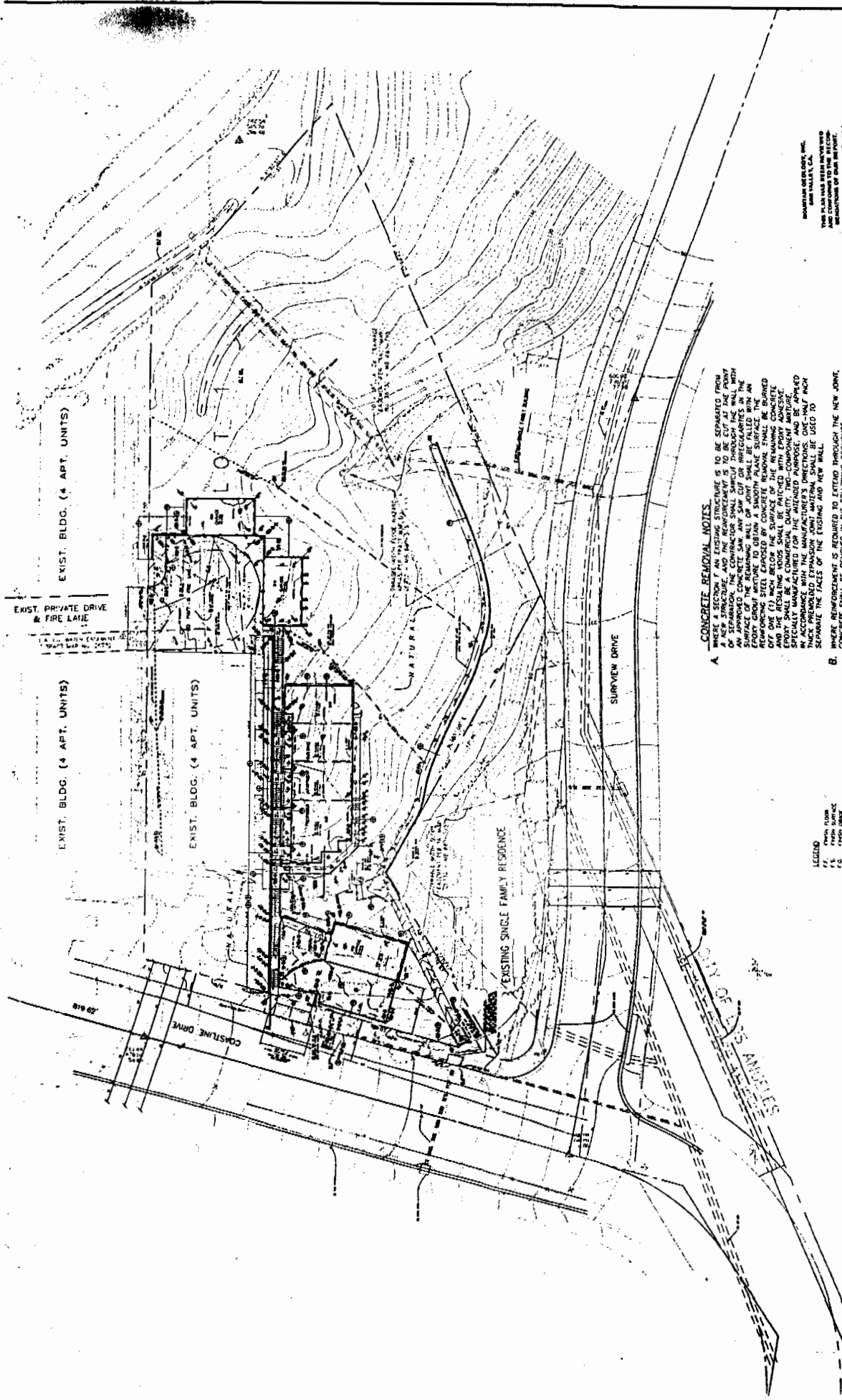
PROJECT	APARTMENT BUILDING
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DATE	10/1/99
BY	ANDREW ROSENBERG
CHECKED	
APPROVED	
REVISIONS	
NO.	
DATE	
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APPROVED	



north elevation

ANDREW ROSENBERG
 18049 COASTLINE DRIVE
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EXHIBIT NO. 10
APPLICATION NO.
4-99-098-A1
NORTH ELEVATION



HOUTMAN GEOTECH, INC.
 10000 WILSON BLVD., SUITE 200
 VAN NUYS, CALIF. 91411
 PHONE (818) 705-1111
 FAX (818) 705-1112
 E-MAIL: HOUTMAN@GTE.COM
 HOUTMAN GEOTECH, INC. IS AN EQUAL OPPORTUNITY FIRM.



LEGAL DESCRIPTION
 UNINCORPORATED PORTION OF LOS ANGELES
 COUNTY, CALIFORNIA, DESCRIBED AS A
 PORTION OF LOT 16, TRACT 1, MAP 1, BOOK
 830, PAGE 3, 4, 5, IN THE OFFICE OF THE
 COUNTY RECORDER, OF SAN DIEGO.

CUP NO. 97-130

OVERALL SITE PLAN
 ROSEBUD RESIDENCE
 18001 COASTLINE DR.
 MALIBU, CA

4424

COUNTY OF LOS ANGELES

APPROVED	DATE	BY	FOR

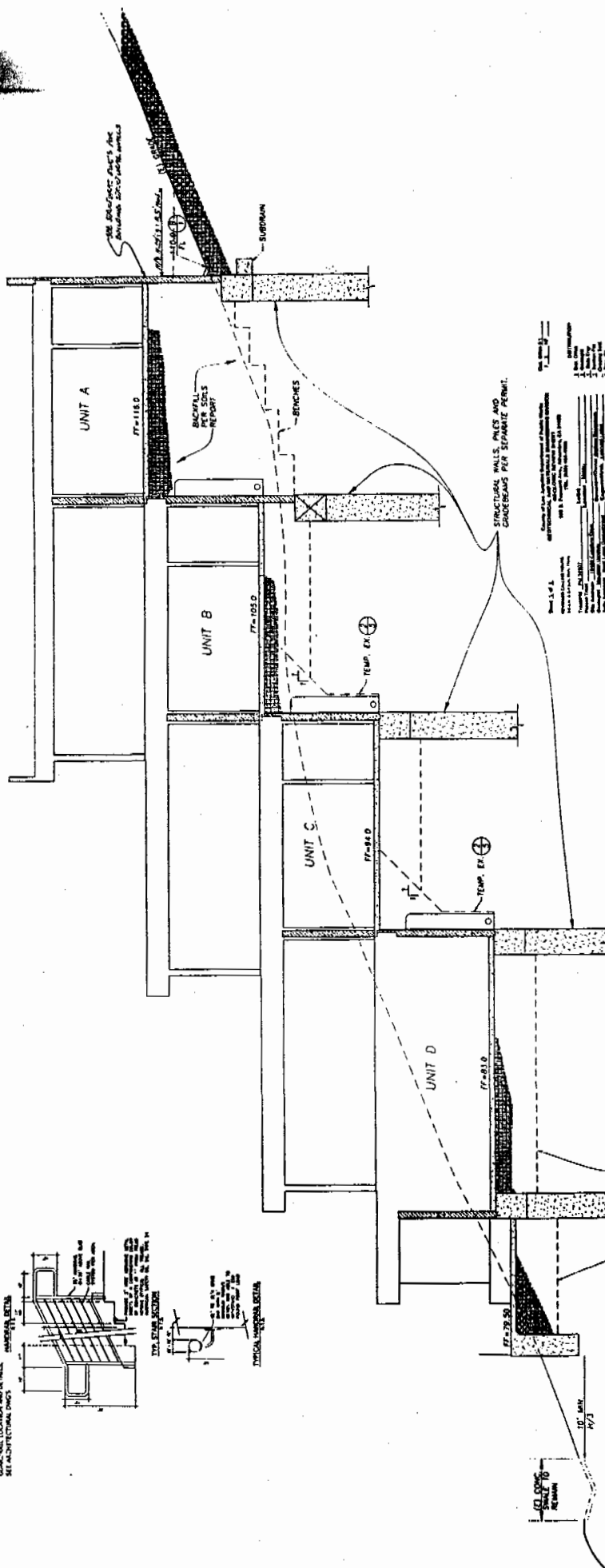


EXHIBIT NO. 11

APPLICATION NO.

4-99-098-A1

GRADING PLAN



SECTION B
SCALE: 1"=4'

SC 415. 1" = 4'

OVER EXCAVATE 4 FEET BELOW FUTURE
SUBGRADE AND RECOMPACT PER SOILS
REPORT. (TYPICAL)

[illegible]

I hereby certify that the above is a true and correct copy of the original as the same appears in the records of the Department of the Interior, Bureau of Land Management, Washington, D.C.

 Special Agent in Charge

 Date

EXHIBIT NO. 12

APPLICATION NO.

4-99-098-A1

GRADING SECTION

CUP NO. 07-130

CROSS SECTION
ROSENBERG RESIDENCE
19047 COASTLINE DR.
MALEBO, CA

COUNTY OF LOS ANGELES

4424




 Union & Associates, Inc.
 10000 E. 15th Ave., Suite 100
 Denver, CO 80231
 Tel: 303.751.1234
 Fax: 303.751.1235

① CONCRETE STAIRS ON GRADE L/A

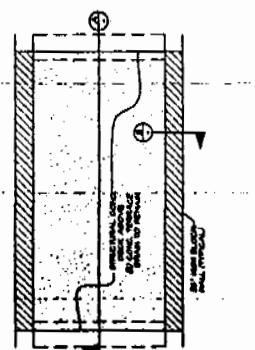
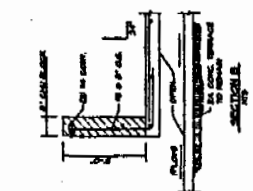
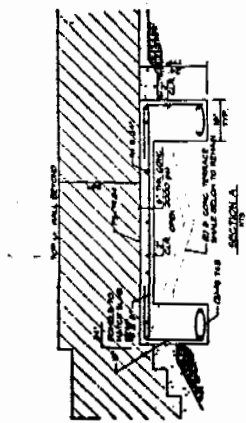
2 SLOPE SETBACK DETAIL

3 HYDRAUGER DETAIL

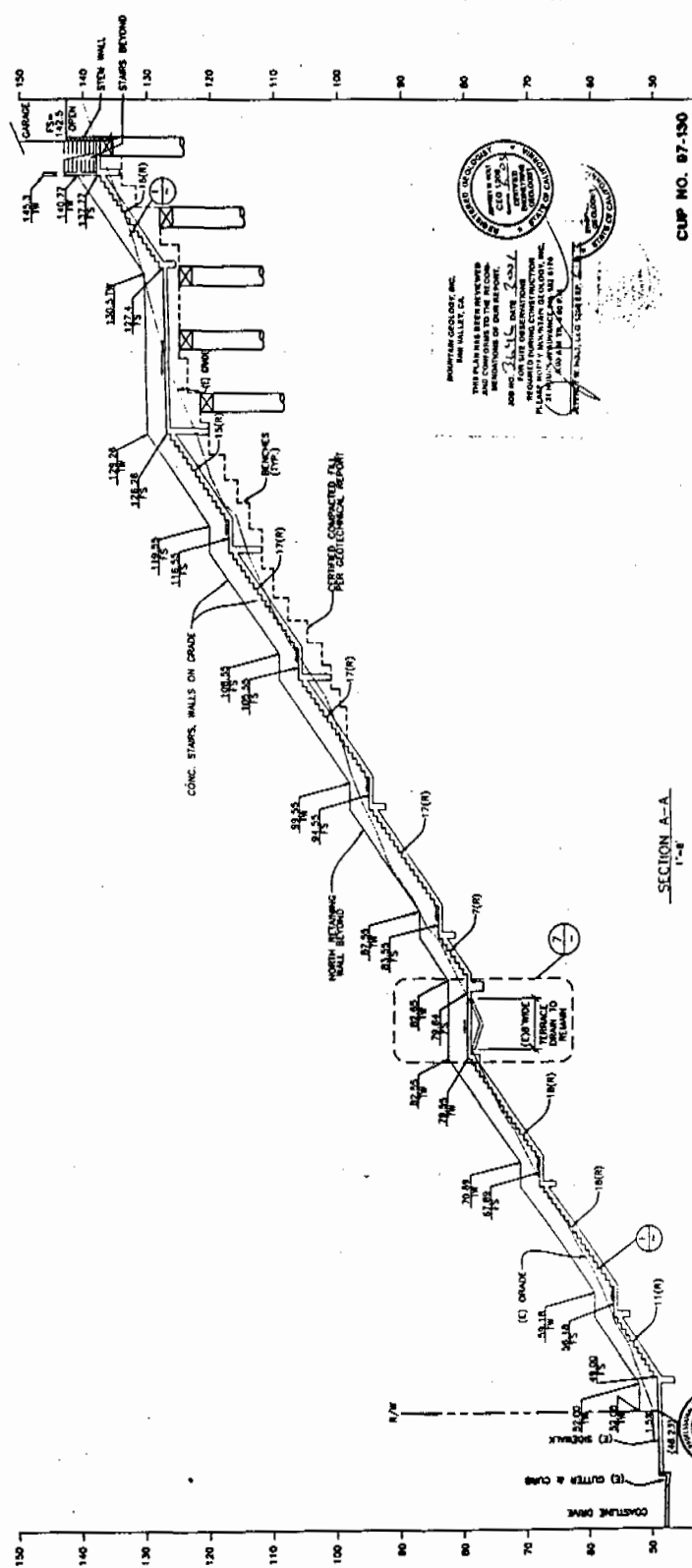
4 HYDRAUGER DETAIL

5 HYDRAUGER DETAIL

6 HYDRAUGER DETAIL



⑦ CROSS SECTION

[illegible]

CUP NO. B7-130

SECTION A-A
1'-8'

SECTIONS
MEMBERING RESIDENCE
1047 COASTLINE DR.
MALIBU, CA

COUNTY OF LOS ANGELES

[illegible]

[illegible]

EXHIBIT NO. 13

APPLICATION NO.

4-99-098-A1

HYDROAUGER DETAIL

Project
Site

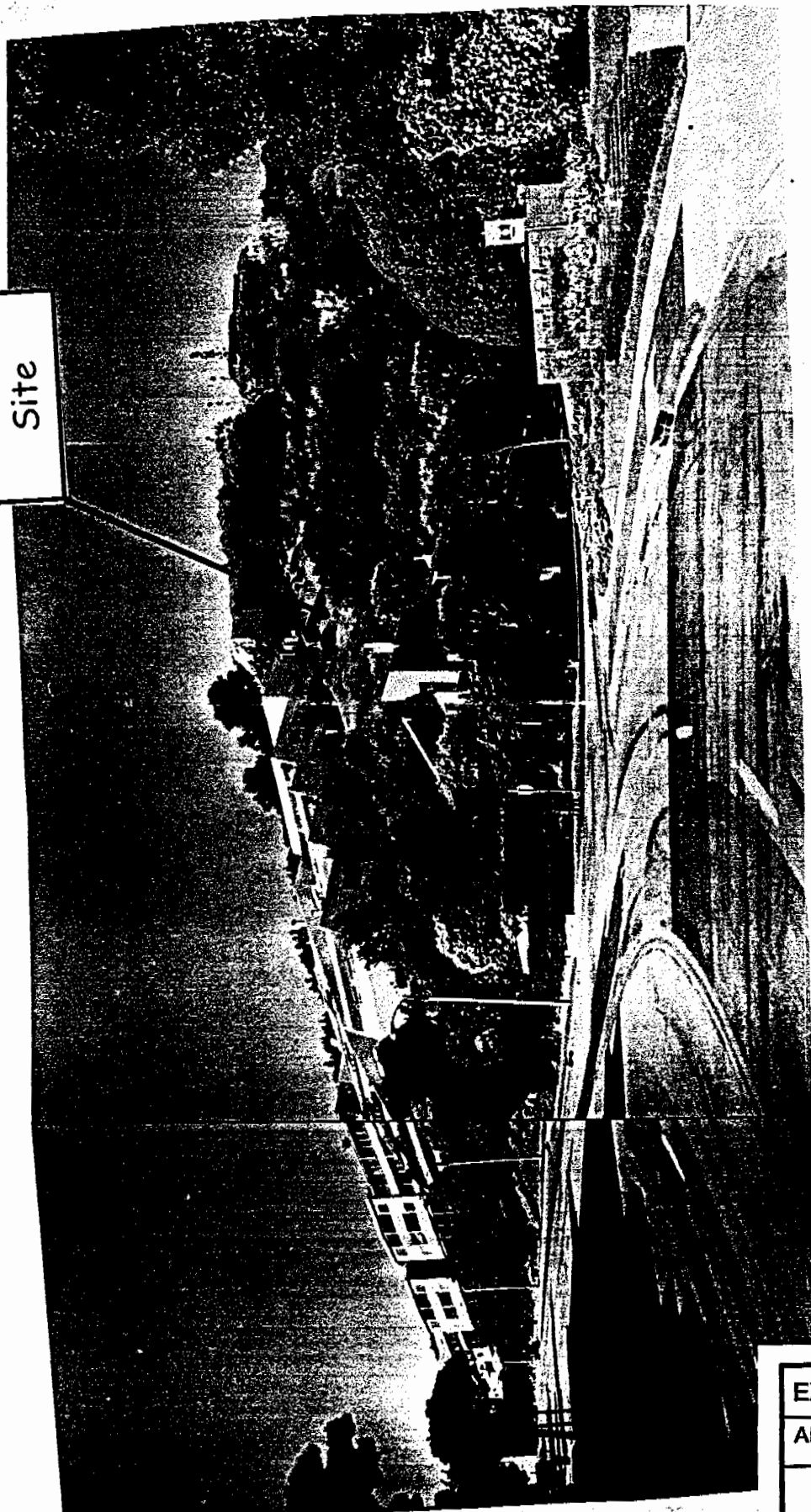
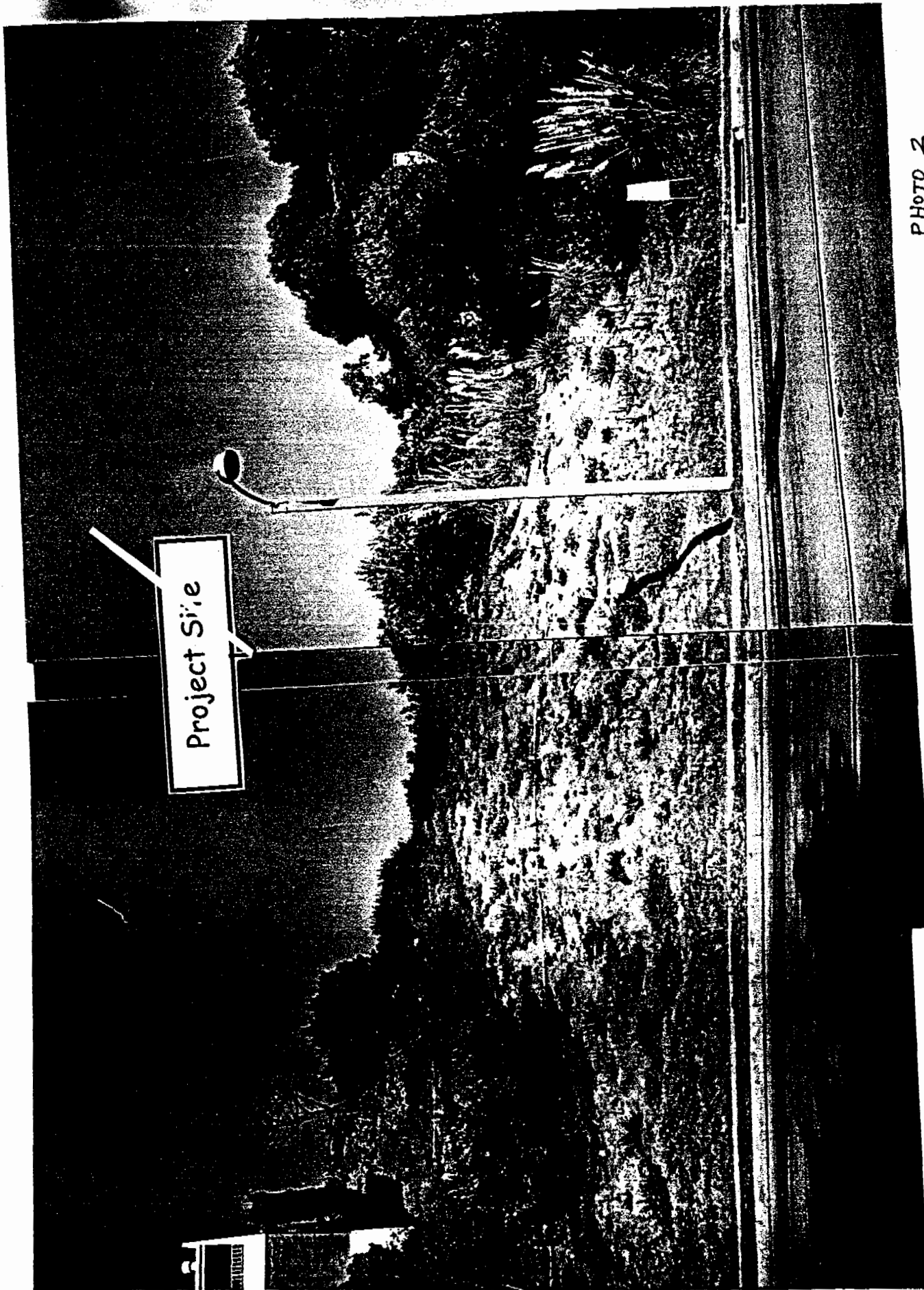


PHOTO 1

EXHIBIT NO. 14
APPLICATION NO.
4-99-098-A1
PHOTOS (3 pgs)



Project Site

PHOTO 2

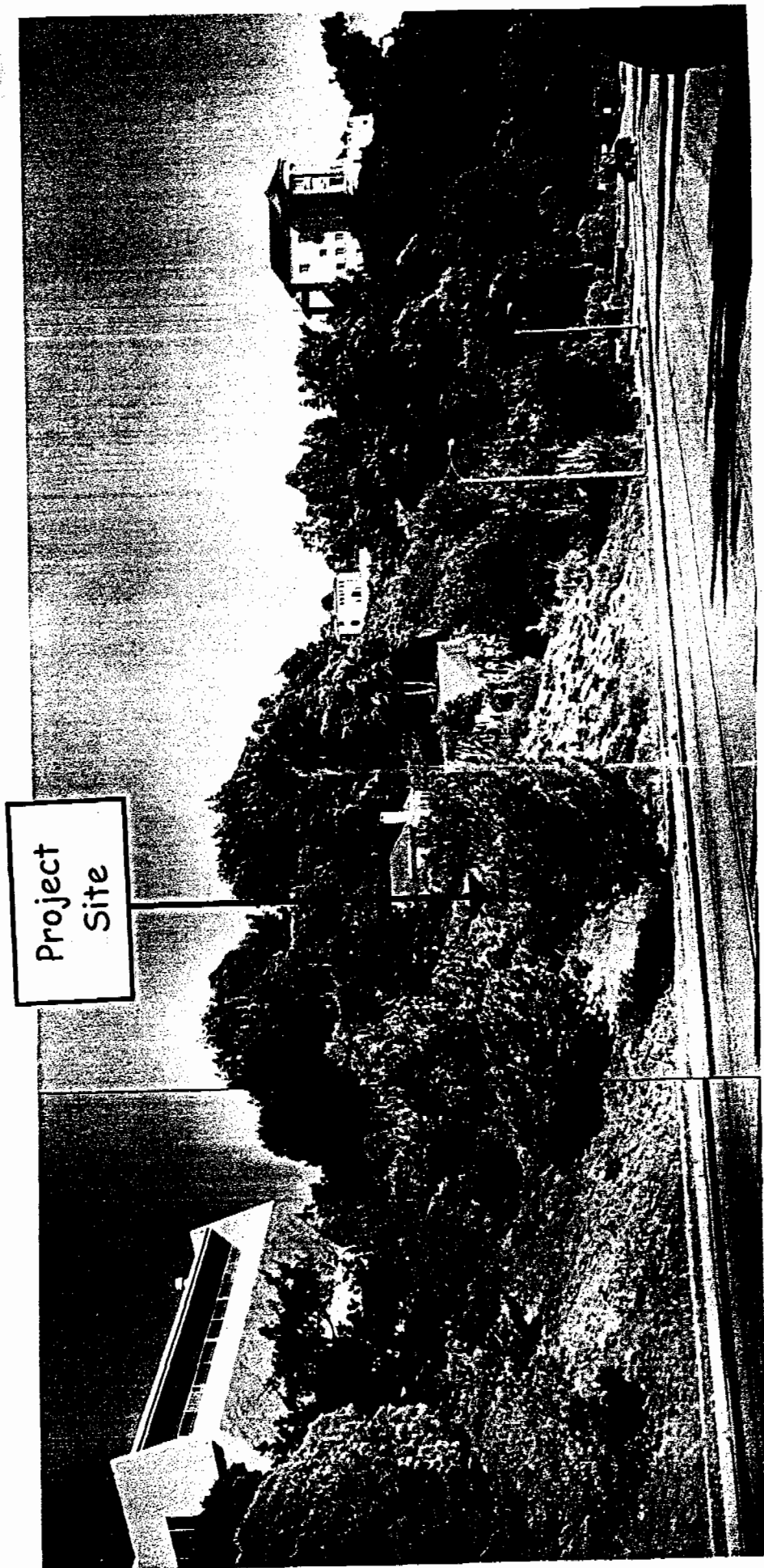
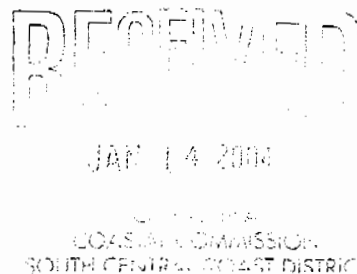


PHOTO 3

Jack

Kenneth C. Aldrich

157 Surfview Drive
Pacific Palisades, CA 90272
(310) 454-3055
Fax (310) 573-9699



January 12, 2004

California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Re: Permit # 4-99-098, Notice of Proposed Permit Amendment

To whom it may concern:

I am the adjacent homeowner to the immediate SE of this site and would like to register my objection to the granting of this Amendment without opportunity for surrounding homeowners who may be affected to study the plans and their possible impact on the area and the environment.

The property is located on land which poses significant geologic and drainage issues that were the subject of considerable debate when the original development was proposed by the prior owner. This notice, which I received this weekend, is the first notice of any kind that I have received and I have no way of knowing how such issues are being addressed.

I have been advised that improper handling of these issues could easily result in flooding of my home or even a potential mudslide and think it is irresponsible for a development that could threaten my property (and even my safety in the event of mudslide) to proceed without opportunity for me and other homeowners who may be similarly affected to have a voice in this process.

Thank you for your consideration.

Sincerely,


Kenneth C. Aldrich

EXHIBIT NO. 15
APPLICATION NO.
4-99-098-A1
OBJECTION LETTER 1

RECEIVED

JAN 21 2004

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

MURRAY MILNE

ARCHITECT

18133 COASTLINE DRIVE
MALIBU, CALIFORNIA 90265

310.454.7328

January 14, 2004

To: Mr. Jack Ainsworth
California Coastal Commission
South Central Coast district
89 South California Street, Suite 200
Ventura, CA 93001

Re.: Application Number: 4-99-098-A1

Dear Mr. Ainsworth:

Thank you for taking time to return my call this morning about this subject application.

I am writing on behalf of the Malibu Coastline Condominium Association, the owners of the two 4-unit condominium buildings on the west edge of the subject property. I am the architect of these two buildings. I believe that there are serious geological and ground water issues with this proposed development. I have laid these out as best I can in the attached memo addressed to the L.A. Planning Commission. These same issues apply to the issuance of a Coastal Permit.

I hope the attached memo will serve to alert the Commission Staff to these issues, but if this information needs to be presented in another format please let me know.

We hope to enjoy neighborly relationships in the future with the owners of this property, in as much as we share a long common stairway, and have easements over each others private drive area. However, WE MUST OPPOSE THE COMMISSIONS AUTHORIZATION OF THIS PROJECT UNTIL THE ABOVE NINE CONDITIONS ARE RESOLVED.

Sincerely,

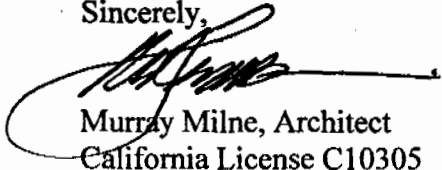

Murray Milne, Architect
California License C10305

EXHIBIT NO. 16
APPLICATION NO.
4-99-098-A1
OBJECTION LETTER 2

MURRAY MILNE

ARCHITECT

18133 COASTLINE DRIVE
MALIBU, CALIFORNIA 90265

310.454.7328

January 14, 2004

To: Los Angeles County Department of Regional Planning
Attn: Jill
320 West Temple Street,
Los Angeles, CA, 90012

Re.: Tentative Parcel Map 24907

Dear Department of Regional Planning:

I am writing on behalf of the Malibu Coastline Condominium Association, the owners of the two 4-unit condominium buildings on the west edge of the subject property. I am the architect of these two buildings. This is the third letter I have written to the Regional Planning Commission on this matter.

During the hearing in 1998 at which I testified, a number of serious objections were raised about this project. After that hearing was continued, some of these problems have been resolved. However, there are a few very serious matters that still remain unresolved.

Now a new plan has been submitted that is substantially larger than the previous one (7,925 square feet vs. 5,166 square feet). We have been told that it is still limited to 3 units plus a storage area, but there is no "recreation room." It is not clear if the pool is still included.

Therefore we ask that as a condition of approving this new revised application the following Conditions be attached:

1. Slope Stability: The previous revised plan shows a new one story retaining wall buttressing the slope that supports our uphill building. It also shows a number of very deep caissons drilled in this vicinity which leaves us, the adjacent homeowners, with very serious concerns of the stability of the steep slope supporting our building. The slope on our east is well over 70%, and off the north side of the cul de sac the slope reaches 80%. In other words it is almost vertical. We see nothing in the proposed project that will mitigate this danger, and conversely we see that the proposed construction in this area can only contribute to overburden on this dangerous slope.

We suspect that these caissons will not be sunk to the elevation of either adjacent street below, therefore, they will also place an added surcharge on these steep ancient geologically fragile slopes.

Condition 1. Therefore as a CONDITION OF APPROVING THIS PROJECT, the present and future owners of this site shall acknowledge liability for any subsequent subsidence in the existing buildings along their shared property line, caused by these proposed excavations.

2. Ground Water: This entire property is underlain with a very high water table. As an architect this condition seems very strange to me because of the topography. Water is percolating up to the ground surface under the existing building on this site, where sump pumps have reportedly been installed. Along the east side of our own lower building we also suffer from groundwater problems that appear to originate from the subject property. We have reviewed the geology reports for the prior proposed building and did not find any mention of this groundwater problem below the cul de sac, nor is it acknowledged in the EIR. Only the high ground water above the cul de sac was addressed (this is very strange because we know of no groundwater problem above the elevation of the cul de sac). The review document dated June 15, 1998, requires that the owner "must design a dewatering system," but the current material shows no indication of any such system. For example, hydroaugers could be installed at geologically appropriate locations and elevations adjacent to our shared lower property line that might mitigate this problem. We do not see any hydroaugers in the current site plan to address this problem. If a new EIR has been filed or if a new Geology report has been filed we need to be informed,

Condition 2. Therefore as a CONDITION OF APPROVING THIS PROJECT, a means of mitigating the high water table under the existing building as well as above the cul de sac shall be included, and legal provision must be made for their continued maintenance.

3. Surface Water: Surface water in the past ran continuously from under the existing building on the subject property onto our adjacent property where it created a pond-scum-like residue before it eventually flowed into perimeter drains of our building. Recently this problem has been mitigated, but we need assurances that whatever sump pumps etc. that were installed will be permanently maintained so that this condition does not re-appear.

Condition 3. Therefore as a CONDITION OF APPROVING THIS PROJECT, provision must be included to eliminate all surface water draining onto our adjacent property.

4. County's Liability for Geological Failure: By way of background, I can state as the architect of the buildings at 18055 and 18057 Coastline Drive, that this groundwater problem is of recent origin. It did not exist 30 years ago and has become critical in the last few years. Many people date this from the Northridge Earthquake and believe that this increased groundwater is due to leakage from pressurized domestic water pipes serving the 300 homes in the mesa above us. The

exceptionally steep 70% and 80% terrain on the east and north of the cul de sac are ancient natural slopes and are the product of much dryer times. All south facing slopes were graded in the early 1960s to less than 50%. Drilling a row of deep caisson holes, that will immediately fill with water, may be all this cliff needs to re-establish a new angle of repose, i.e. to precipitate a landslide. This row of caisson holes will create a line of stress concentration that could easily be the catalyst for failure of this steep unstable slope. As a licensed architect I see this as an extremely dangerous situation. It may be worth pointing out that just across Surfview Drive is the Castlemare area where reportedly the City of Los Angeles has spent millions of dollars dealing with land movement problems resulting from this same combination of steep slopes and high water table. If this project is to proceed, this danger must be explicitly acknowledged and addressed in the geological and structural engineering approvals for this construction.

Therefore this is to SERVE NOTICE that if this project is given approval in the face of these obvious dangers, and if there is a subsequent failure, our Homeowners Association will hold the County liable.

5. View Easements: The title of each of the condominium owners in our tract grants a view easement across the subject property. The agency explicitly charged with enforcing this clause is the Architectural Committee of the Sunset Mesa Homeowners Association. No other member or officer of the Sunset Mesa Homeowners Association is authorized to make this determination. As of this date the Chairman of this Committee has not received the new revised plans and no notice of the Architectural Committees review meeting has been given to us as is required. The height of any new construction on this property before approval is granted could be indicated with poles at the corners of the proposed building to assure our owners and other neighbors that their views will not be compromised. These poles were installed for the prior design, but this new design is substantially larger and so this is an issue that should also be reconsidered. The existing garages already interfere with some of our ocean views, however the plans as submitted do not show any alterations to these garages.

Condition 4. Therefore as a CONDITION OF APPROVAL OF THIS PROJECT, the existing plans shall be presented to the Sunset Mesa Homeowners Architectural Committee with notice to adjacent homeowners, and some means of indicating the new proposed building's bulk and its impact on view shall be afforded adjacent property owners.

Condition 5. As a further CONDITION OF APPROVAL OF THIS PROJECT, if the garages in the existing building are modified in any way, the existing encroached view easements again become enforceable.

6. Illegal Rental Unit In the Existing Building: In the 4-unit apartment building already existing on this site there is a fifth rental unit that is illegal under the Covenants of this subdivision, which clearly state that there shall be no more than 4 units in any building. At the prior hearing the owner acknowledged the existence of this unit but stated that the tenant had been evicted.

However this unit is now being occupied as a residential unit on a regular basis, and we believe this constitutes a violation of this agreement and of the planning code.

Condition 6. Therefore AS A CONDITION OF APPROVING THIS PROJECT, structural modifications must be made to the current building to insure that this fifth unit does not "re-appear" at some future date, for example by physically removing the bathroom, kitchen, and all windows in this "storage area".

7. The "Storage" Space In The Proposed Building: We note that in the prior plans there was a large area designated as Storage. It had a set of large windows facing the view. Because of the existing pattern of creating and renting out illegal units, and because the Planning Commission explicitly limited this new building to three units, this "store room" needs to be either eliminated or rendered unoccupiable.

Condition 7. Therefore, AS A CONDITION OF APPROVING THIS PROJECT any windows must be eliminated from the storage area and some structural provision should be made so that this storage area is rendered unoccupiable, for example by requiring construction of only 7 foot ceilings.

8. Extra Garages: We note that there are two extra garages shown on the plans over and above the number required for the proposed 7 units (2 covered parking spaces per unit is 14, plus 2 uncovered for guests for a total of 16). In fact we note that the two guest parking spaces could probably be provided on Coastline Drive with access via the set of stairs shown on the current plans, therefore in fact there might actually be four extra covered garages. Because all this new construction for garages is on steep and unstable slopes, it is unwise to build extra garages for no reason, unless there is a future plan to create another rental unit or to enlarge an existing apartment unit into an existing garage space. Because this site is already so heavily impacted, no unnecessary garages should be constructed on this site.

Condition 8. Therefore as a CONDITION OF APPROVING THIS PROJECT the number of covered garages on this site should not exceed the number legally required.

9. "Recreation" Building and Pool: We are pleased to note that the current plans apparently do not show the large 2,000 sq.ft. two-story Recreation Building with its pool that was shown on the original drawings. Its elimination reduces our worry that it could later turn into yet another rental unit. It is not clear to us whether later a recreation building and pool could be built under this Conditional Use Permit.

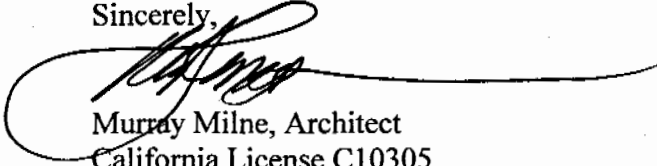
Condition 9. Therefore as a CONDITION OF APPROVING THIS PROJECT it should be explicitly limited to one additional three-unit residential structure, and that the pool and recreation room are not approved.

To repeat our statement at the prior hearing, our Homeowners Association certainly acknowledges the owner's right to develop this property to the fullest extent allowable, as long as

it does not compromise the value or geological stability of our property, and as long as it preserves our view easements across their property.

We hope to enjoy neighborly relationships with these owners in the future, in as much as we share a long common stairway, and have easements over each others private drive area. However, WE MUST OPPOSE THE COMMISSIONS AUTHORIZATION OF THIS PROJECT UNTIL THE ABOVE NINE CONDITIONS ARE ADDRESSED.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Murray Milne', with a long, sweeping horizontal line extending to the right.

Murray Milne, Architect

California License C10305

cc: Sunset Mesa Homeowners Association Architectural Committee



EXHIBIT 6

CDP 4-99-098-A2 (Coastline Views LLC)

Project Site as viewed from HWY 1



EXHIBIT 7
CDP 4-99-098-A2 (Coastline Views LLC)
Project Site viewed from Coastline Dr.



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EXHIBIT 8

CDP 4-99-098-A2 (Coastline Views LLC)

Aerial Photograph of Site