

CALIFORNIA COASTAL COMMISSION

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

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49th Day: 12/22/95
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Staff: JCJ/V JGJ
Staff Report 11/29/95
Hearing Date: 12/12-15/95
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-95-201

APPLICANT: Edward Niles, F.A.I.A.

PROJECT LOCATION: 34555 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a one story, single family residence, with pool, septic system and common driveway shared with adjoining residence. A total of about 4600 cubic yards of graded material will be balanced on site.

Lot area:	20.0 acres.
Building Coverage:	3,500 sq. ft.
Pavement Coverage:	10,200 sq. ft.
Landscape Coverage:	30,000 sq. ft.
Unimproved Area:	18.5 acres
Parking Spaces:	4
Zoning:	one unit / 2 acres
Project Density:	one du/ 20 acres
Height abv fin grade:	18 feet
Height abv P. C. H.	50 feet

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept; and City of Malibu Environmental Health Department, Approval in Concept.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit # 4-95-202, William Niles; Coastal Permit Amendment # 4-92-211A, Malibu Sequit Partnership; Coastal Permit # P-1-12-76-6923, Malibu Sequit Ltd.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with five Special Conditions addressing the following issues: the plans conform to the recommendations of the consulting geologist; wild fire waiver of liability; residential design restrictions; future development and improvements restriction; and landscape and erosion control plans.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, is signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is approved by the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions:

1. **Plans Conform to Geologic Report Recommendations**

Prior to the issuance of the coastal permit, the applicant shall submit for the review and approval of the Executive Director, evidence of the consultant's review and approval of all project plans.

All recommendations included in the Geotechnical Investigation Report for Proposed Residential Construction at 34405 and 34555 Pacific Coast Highway (Parcels 2 & 3 of Parcel Map 5857), Malibu, California, dated June 2, 1995, prepared by Harrington Geotechnical Engineering, Inc., shall be incorporated into all final design and construction plans including site clearing and grading, the footing and slab design, the retaining wall design, cut slopes, concrete quality, backfills, and construction observations. All final plans must be reviewed and approved by the geotechnical consultant. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require an amendment to this coastal permit or a new coastal permit.

2. Wild Fire Waiver of Liability

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

3. Residential Design Restrictions

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which restricts the color of the subject structure, roof, deck and fenced entry gate to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows for the structure and the glass wind screen for the pool enclosure shall be of non-glare glass. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens.

4. Future Development and Improvements

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Development Permit number 4-95-201 allows for the construction of a single family residence of 3500 square feet, a common driveway with the adjoining parcel, a retaining wall, a pool and deck, landscaping, fenced entry gate, solar heating system, a septic system, and underground utilities. Any future additions or improvements to the parcel, including vegetation clearance and grading, will require a permit from the Coastal Commission or its successor agency. The removal of vegetation consistent with the Fire Department requirements is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the interest being conveyed, and free of any other prior liens or encumbrances that may affect said interest.

5. Supplemental Landscape and Erosion Control Plan

Prior to the issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, a landscape implementation schedule and erosion control plan prepared by a licensed landscape architect. The schedule and plan shall incorporate the following criteria:

a. All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape plan, within thirty (30) days of final occupancy of the residence.

b. Should grading or site disturbance take place during the rainy season (November 1 -- March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.

IV. Findings and Declarations

The Commission finds and declares:

A. Project Description and Location

The applicant proposes to construct a single family residence, a common driveway with the adjoining parcel to the east (William Niles, Application 4-95-202 at 34405 Pacific Coast Highway), a pool and deck area screened with glass, a retaining wall, a solar heating system, fenced entry gate, septic system and underground utilities. The parcel is located at 34555 Pacific Coast Highway at the western end of the City of Malibu. Exhibits 1 and 2 locate the project site. The residence is a one story structure with a total of 3500 square feet, 18 feet high (above existing grade), including a two car garage. Exhibits 3 and 4 illustrate the site plan and elevations for the project.

The project site is a twenty (20) acre parcel located on the inland side of Pacific Coast Highway immediately east of Leo Carrillo State Beach Park. This parcel is separated from the State Park by one adjoining twenty (20) acre parcel. The property is vacant. This parcel and the adjoining parcel, application number 4-95-202, are known as lots 2 and 3 of a seven lot subdivision first permitted by coastal permit number P-1-12-6923 in April 1977 and subsequently amended in April 1993 by coastal permit amendment number 4-92-211A. There are a number of deed restrictions limiting development on these lots which are discussed below in Section IV. C., Visual Resources. Of the seven lots, only lot 7 to the east has been developed with a single family residence.

The subject parcel is aligned in a north-south orientation as a rectangle with 400 feet of street frontage along the inland side of Pacific Coast Highway and extends 2576 feet up the hillside. The southern portion of the parcel is a moderately sloping coastal terrace (16 -19% slope) extending about 450 feet inland from Pacific Coast Highway. About 450 feet inland and at about the 240 foot contour elevation line, the slope increases sharply to form steep coastal hillsides greater than 50 % slope. The lower coastal terrace on this lot and the adjoining lot to the east is dissected by significant eroded drainages which form steep sided canyons on the western property boundary of the subject lot and the eastern and southern boundaries of the adjoining parcel to the east. The applicant's proposed building site is located on the moderately sloping coastal terrace just below the steep hillside.

The lower coastal terrace portion of the property is highly degraded due to disturbance from past agricultural activities. Vegetation in this area is sparse and patchy. The vegetation consists of exotic weed and native species and some laurel sumac. The steeper slopes include coastal sage scrub, with both annual exotic and native bunch grasses. The steep slopes are deed restricted to preclude development above the 250 foot contour, which is more than 500 feet inland of the highway, to protect the habitat and visual open space values.

The Los Angeles County Malibu Land Use Plan has designated the site as Rural Land III, one dwelling unit for two acres.

B. Hazards

The Coastal Act includes a policy to protect existing and proposed development from hazards. Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, nor destruction of the site nor surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the Santa Monica Mountains on the landward side of Pacific Coast Highway east of Leo Carrillo State Beach Park, an area which is generally considered to be subject to a high amount of natural hazards. Geologic hazards common to the Santa Monica mountains include soil stability concerns, landslides, and erosion. 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 vegetation, thereby contributing to an increased potential for erosion and landslides on property. The applicant submitted a report titled, Geotechnical Investigation Report for Proposed Residential Construction at 34405 & 34555 Pacific Coast Highway (Parcels 2 & 3 of Parcel Map 5857), Malibu California, dated June 2, 1995, by Harrington Geotechnical Engineering, Inc. This report reviews the proposed residence, pool and deck, and retaining wall. The building pad is underlain by colluvium/topsoil to depths of eight to ten feet which is underlain by terrace deposits to depths up to 70 feet vertically. At that depth the Topanga Formation is the underlying bedrock. The report states that:

Based upon the findings and results of the investigation, development of the site as presently proposed is considered feasible from a geotechnical and geological viewpoint provided that the recommendations presented herein for design and construction are implemented. The results of this investigation indicate that the sites which are situated on the side of the natural sloping hillside are underlain by a thick marine terrace deposit.

This marine terrace deposit varies in thickness across the site and is considered suitable for the support of the proposed residential structures. However, in our opinion, the near surface topsoil and colluvium within the pad areas is not suitable for support of the residential structures. We have therefore recommended that the upper portion of these

soils be removed and replaced as compacted fill. This will also eliminate the anticipated cut/fill transition that will be created during grading of level building pads.

While the Topanga Formation is prone to landsliding, no deep seated landslides were observed or previously mapped or reported to exist within this area of development.

Detailed investigation into the stability of the existing canyon side slopes is beyond the scope of this investigation. However, review of existing slope conditions and geologic information contained in the referenced reports indicates that a minimum 2:1 (H:V) setback up from the top of the canyon side slopes to the proposed structures should be provided.

The recommendations of the consulting engineering geologist conclude that the development of the site as presently proposed is considered feasible from a geotechnical and geological viewpoint provided that the recommendations for design and construction are implemented. The consulting engineering geologist provides a number of recommendations such as uniform support be provided for the proposed buildings by removing the surface soils and replacing them as compacted fill, among others. The geologist's recommendations are incorporated in condition number one (1) to ensure that the project plans conform to these recommendations by addressing the site's soil stability concerns. In addition, it is necessary to require the applicant to submit project plans that have been certified in writing that the geologist agree that the project plans conform to the recommendations.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number two (2).

Therefore, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist into the proposed project and the wild fire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

C. Visual Resources and Landform Alteration

The Coastal Act includes a policy to protect public views from encroaching development along the coast and minimize the alteration of natural landforms. Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project site is located adjacent to the inland side of Pacific Coast Highway between Leo Carrillo State Beach Park and Nicholas Canyon. Pacific Coast Highway is designated a scenic highway in the certified Malibu/Santa Monica Mountains Land Use Plan by Los Angeles County and in the draft General Plan of the City of Malibu. Leo Carrillo State Beach Park is considered a highly scenic area according to the Los Angeles County Malibu Land Use Plan. The proposed project is located on a coastal terrace between two significant eroded drainages which form steep sided canyons. Landward of the coastal terrace, a steep hillside provides a backdrop. Within this setting, the project site is highly visible along Pacific Coast Highway from short range distances. The setting provides a public view of the undeveloped southern California coastal landscape.

This parcel, along with the remaining undeveloped parcels of this seven lot subdivision, consist of one of two significant areas of remaining undeveloped open space in the coastal terrace of the western Santa Monica Mountains (Land Protection Plan, SMMNRA, June 1984). This land had been identified for fee acquisition for the Santa Monica Mountains National Recreation Area. This project site is one of the projects now within the City of Malibu at the western most boundary of the City.

The subdivision which created this and six other parcels was granted a coastal permit in 1976 and amended in 1993 by the Commission. As a condition to the coastal permit the prior applicant was required to record a deed restriction limiting development on the seven parcels in six ways. The following limitations were recorded:

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

The applicant proposes to construct the residence in a location and design that minimizes the potential for its visibility from Pacific Coast Highway and meets the above deed restrictions. See Exhibit 5 for the site line section. First, the site proposed for development on the twenty acre parcel is at the back of a coastal terrace 320 feet landward from Pacific Coast Highway. This distance is 120 feet further landward than the 200 feet required by the deed restriction. The

residential structure is relatively small compared to others reviewed by the Commission in the Malibu area. The residence is only 3500 square feet including the garage. However, the design provides for an elongated facade as it appears from the south along the highway. The proposed residence will be one story, eighteen feet high from a finished grade which is slightly cut into the sloping terrace. In addition, only a limited amount of grading is required to create the building pad. As an example, the retaining wall landward of the residence is proposed to be only four to six feet high. Therefore the residence will be less visible and appear smaller from Pacific Coast Highway because it is setback further, is only one story in height, and is relatively small in size.

Second, the applicant proposes to create a landscape berm on the southern edge of the coastal terrace near Pacific Coast Highway. See Exhibit 5 identifying the direct site line section across the parcel between the highway and the residence. Visibility of the residence will be limited.

Third, the parcel is only visible from relatively short distances from Pacific Coast Highway due to the elevation of the adjoining coastal terraces across the two canyons which block the view of any development on the subject parcel as seen from Pacific Coast Highway.

Fourth, the common driveway shared with the adjoining parcel to the east mitigates the amount of grading required to access two building sites. The common driveway creates less visual impact compared to two separate driveways. This is one of the two additional driveways allowed to serve the existing subdivision as provided in the deed restriction. Although the length of the driveway increases the amount of the grading required for the project, the increased distance the residence is located from the highway reduces the visual impact of the residence as seen from the highway.

Fifth, the submitted landscape plan utilizes native plant materials compatible with the surrounding area in a manner that further reduces the visibility of the residence as seen from Pacific Coast Highway.

Sixth, no development is proposed in the steep inland area above the 250 foot contour level or more than 500 feet inland. In addition, the proposed project does not include any further subdivision of the parcel.

Regarding fencing, only a limited amount of fencing is proposed. An entry gate across the common driveway is proposed which is six feet high by twenty feet wide. Perimeter fencing is not proposed because the steep topography of the adjoining canyons in effect creates a natural barrier. Fencing is not proposed between the project site and the adjoining parcel to the east, as both parcels are served by a common driveway.

Although the applicant proposes to construct a one story residence located 320 feet inland of the highway in a visually prominent area, such development can be visually intrusive with the use of bright colors, red tile roofs, mirrored glass or white tones. The use of earth tones for buildings and roofs and non-mirrored glass minimizes the visual impact of structures and helps them blend in with the natural setting. The proposed residence is single-story, which helps to minimize the profile of the structure and thereby reduces viewshed impacts that might otherwise exist. Nevertheless, because the proposed residence may still be somewhat visible, the Commission finds it necessary to impose special condition number three (3) to restrict the exterior color of the proposed structures to those compatible with the surrounding environment. This condition also prohibits the use of white tones and requires the use of non-mirrored glass for the windows and the pool enclosure.

glare

The Commission finds it also necessary to impose a future development and improvement restriction through special condition number four (4) to ensure that any future development that might otherwise be exempt from Commission permit requirements is reviewed by the Commission for conformity with the visual resource policies of the Coastal Act.

As noted above, the applicant has located the development on the moderately sloping portion of the parcel which is the most level portion of the twenty acre site. The applicant proposes to direct runoff above the residence to the drainage canyon to the west and runoff below the residence along the driveway to the drainage canyon to the east located on the adjoining parcel. An energy dissipater is proposed at the end of each drainage system. Although about 4600 cubic yards of grading is proposed, the landform alteration for the project will be minimized. Most of this grading is required to create the common driveway. To ensure that the erosion potential and visual issues are further mitigated, it is necessary to require the applicant, pursuant to condition number five (5), to implement the submitted landscape plan in a timely manner and minimize erosion and sedimentation during grading and construction through an erosion control plan.

For these reasons above, the Commission finds that the proposed project, as conditioned to adequately address scenic and visual quality and the alteration of landform issues, is consistent with Section 30251 of the Coastal Act.

D. Environmentally Sensitive Habitat Area

The Coastal Act includes a policy protecting environmentally sensitive habitat areas from disruption of habitat values. Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The proposed project site is located in western Malibu within one of the last major areas of undeveloped open space, adjacent to Leo Carrillo State Beach Park. Development in this area raises concerns about the incremental and cumulative loss of threatened native plant communities, the loss of a major undeveloped open space along the Malibu coastline, and potential impact on wildlife habitat. The proposed project is located in an area of high biological value due to the presence of coastal sage scrub and associated sensitive wildlife species. However, the proposed project site is not located in a significant watershed, wildlife corridor, or environmentally sensitive habitat area as designated by the certified Los Angeles County Land Use Plan.

The residence is located on the coastal terrace portion of the parcel which has reduced biological habitat value as a result of past land use activities. Prior agricultural activities, primarily disking, have essentially eliminated the native plant community from the coastal terrace. The remaining vegetation consists of exotic weed and native species and some laurel sumac. However, significant native vegetation is found on the steeper hillside slopes to the north of the building

site. The steeper slopes include coastal sage scrub, with both annual exotic and native bunch grasses. The applicant proposes an adequate setback of about one hundred feet between the residence and the vegetated slopes with high biological value. In addition, the residence is located a sufficient distance from the steep hillside to preclude vegetation removal for fire protection from slopes greater than 50 %. Thus, the proposed building site is not considered within an environmentally sensitive habitat area.

The proposed project will incrementally contribute to the pattern of habitat fragmentation in the Santa Monica Mountains. Habitat fragmentation reduces the amount of available habitat for native species, particularly those with large ranges; partially or wholly isolates some species, increasing the probability of local extinction; and increases the amount of boundary area between natural habitats and developed lands, thereby promoting detrimental effects. The applicant has reduced such incremental impacts to habitat by locating the project on the coastal terrace with limited biological value and restricting the size of the development envelope and using native, non-invasive plant species for landscaping a portion of the coastal terrace. Further, the applicant does not propose to construct fencing along the perimeter of the property which allows for local wildlife to cross the coastal terrace unimpeded. Thus, the proposed project is designed to prevent impacts that significantly degrade the nearby habitat area and will be compatible with the continuance of such habitat.

Therefore, the Commission finds that the proposed project with the mitigations proposed by the applicant is consistent with the protection of environmentally sensitive habitats as required by Coastal Act Section 30240.

E. Septic System

The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

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

Section 30250(a) of the Coastal Act states in part that:

New residential ... development shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The applicant has submitted an 'In Concept Approval' of the proposed septic system from the City of Malibu Environmental Health Department that indicates that it complies with all minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the health and plumbing codes will minimize any

potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

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 coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

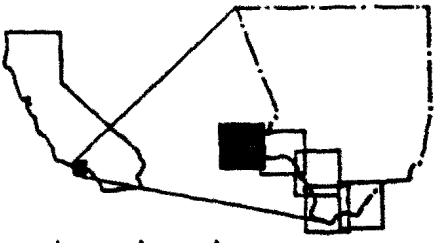
G. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to include: adequate measures to conform to the consulting geologist's recommendations; a wild fire waiver of liability, residential design restrictions, a future development and improvement restriction, and landscape and erosion control plans. As conditioned, there are no feasible alternatives or 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, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

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Los Angeles

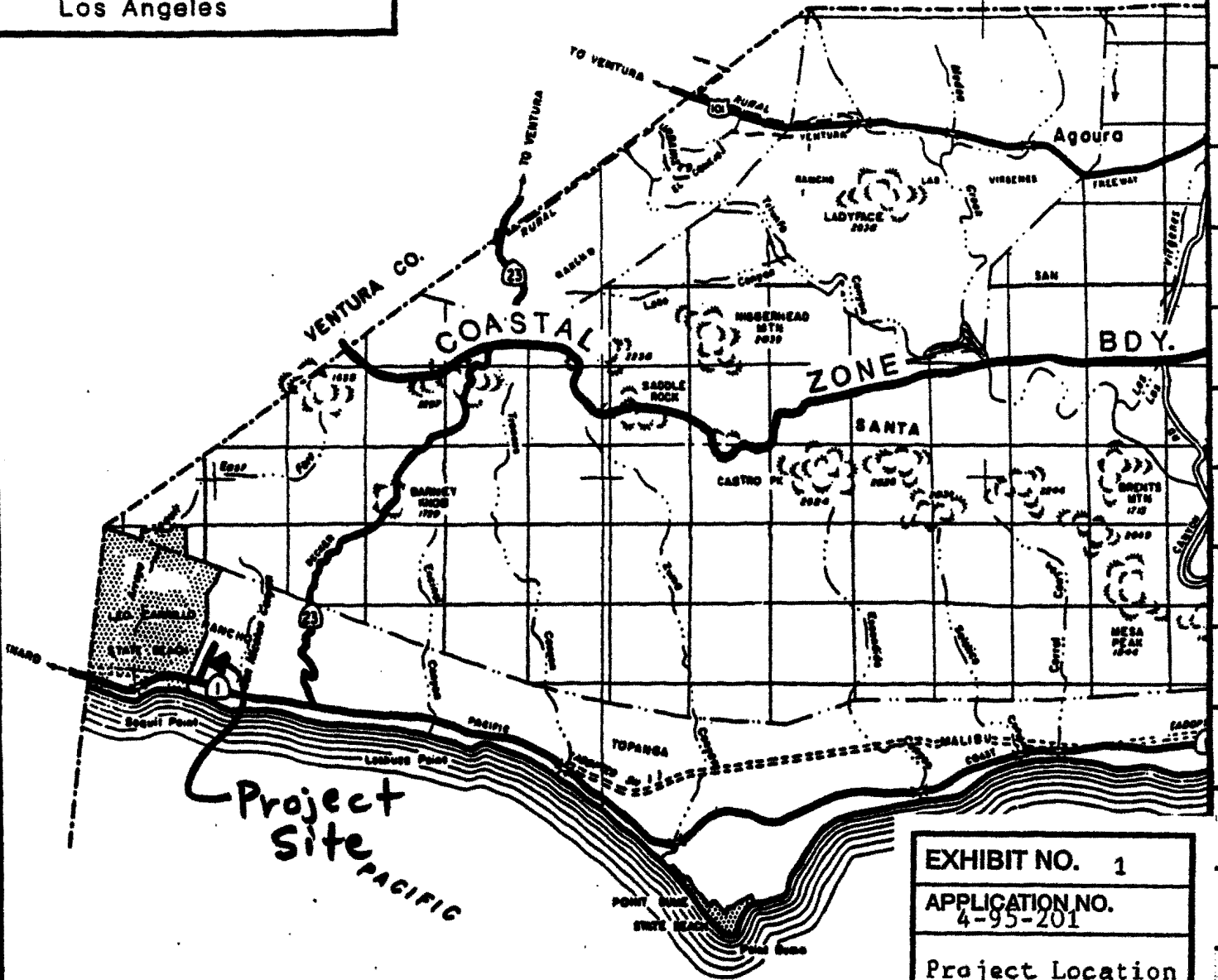
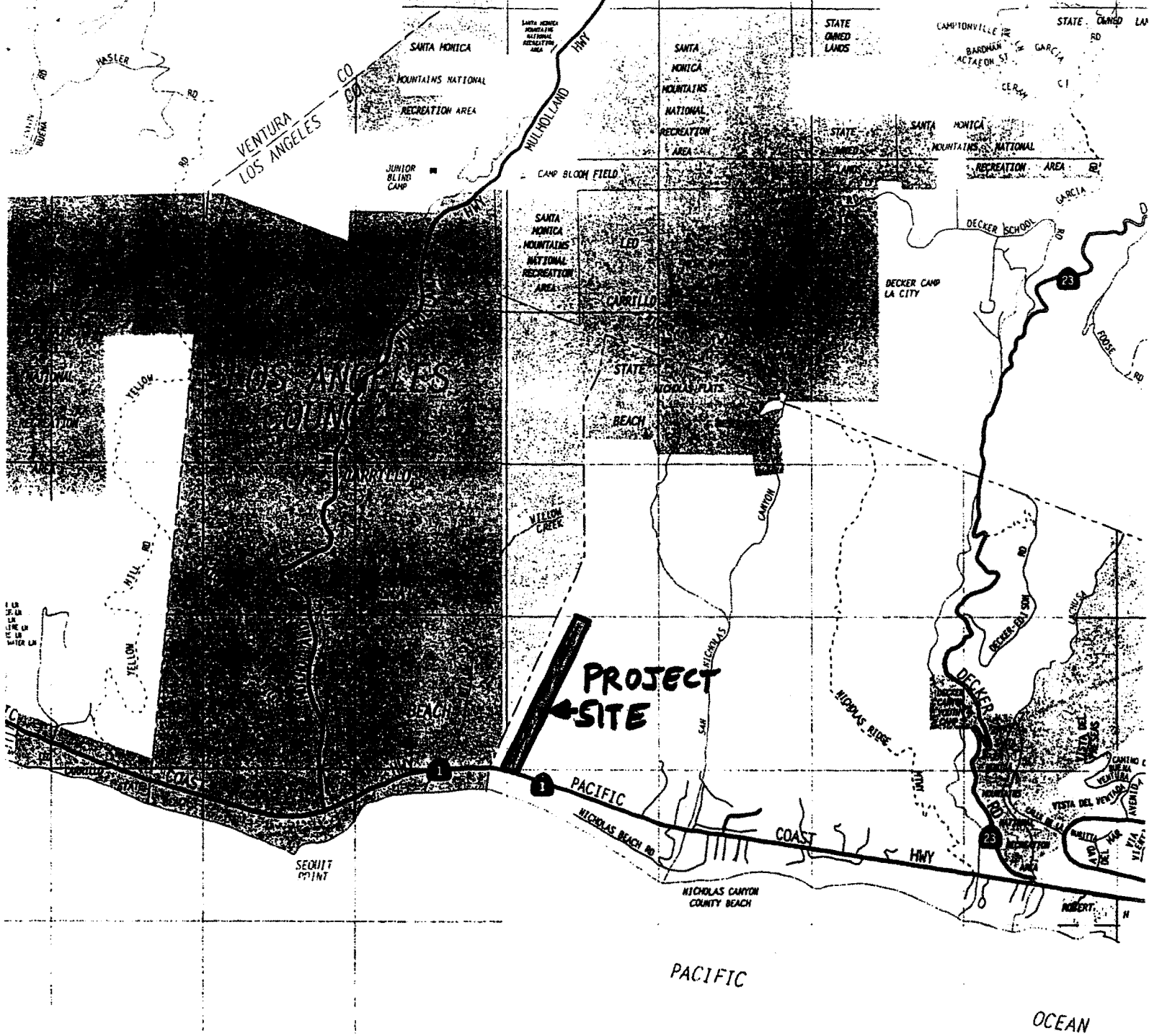


EXHIBIT NO. 1
APPLICATION NO. 4-95-201
Project Location



LOCATION MAP

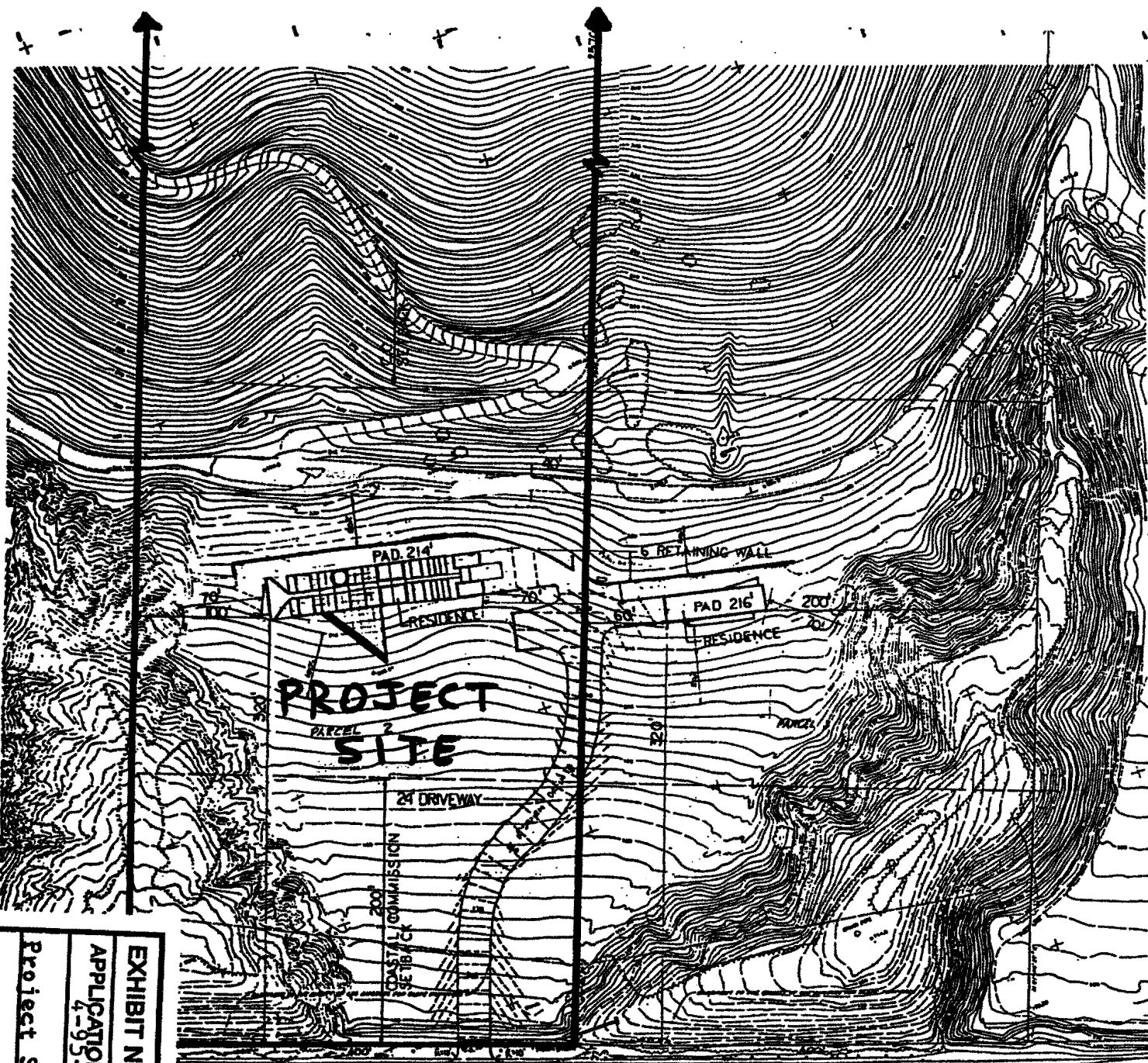




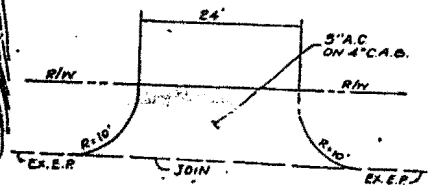
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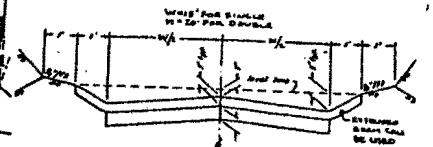
EXHIBIT NO.	2
APPLICATION NO.	4-95-201
Project Site	



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 SOUTH CENTRAL COAST DISTRICT



DRIVEWAY DETAIL AT STA. 170 + 22



DRIVEWAY PLAN FOR
 34555 & 34405 P. C. H.

- SITE PLAN
- E. NILES RESIDENCE
 - W. NILES RESIDENCE
 - GRADING 5000 YDS COMMON
 - DRIVEWAY CUT & FILL



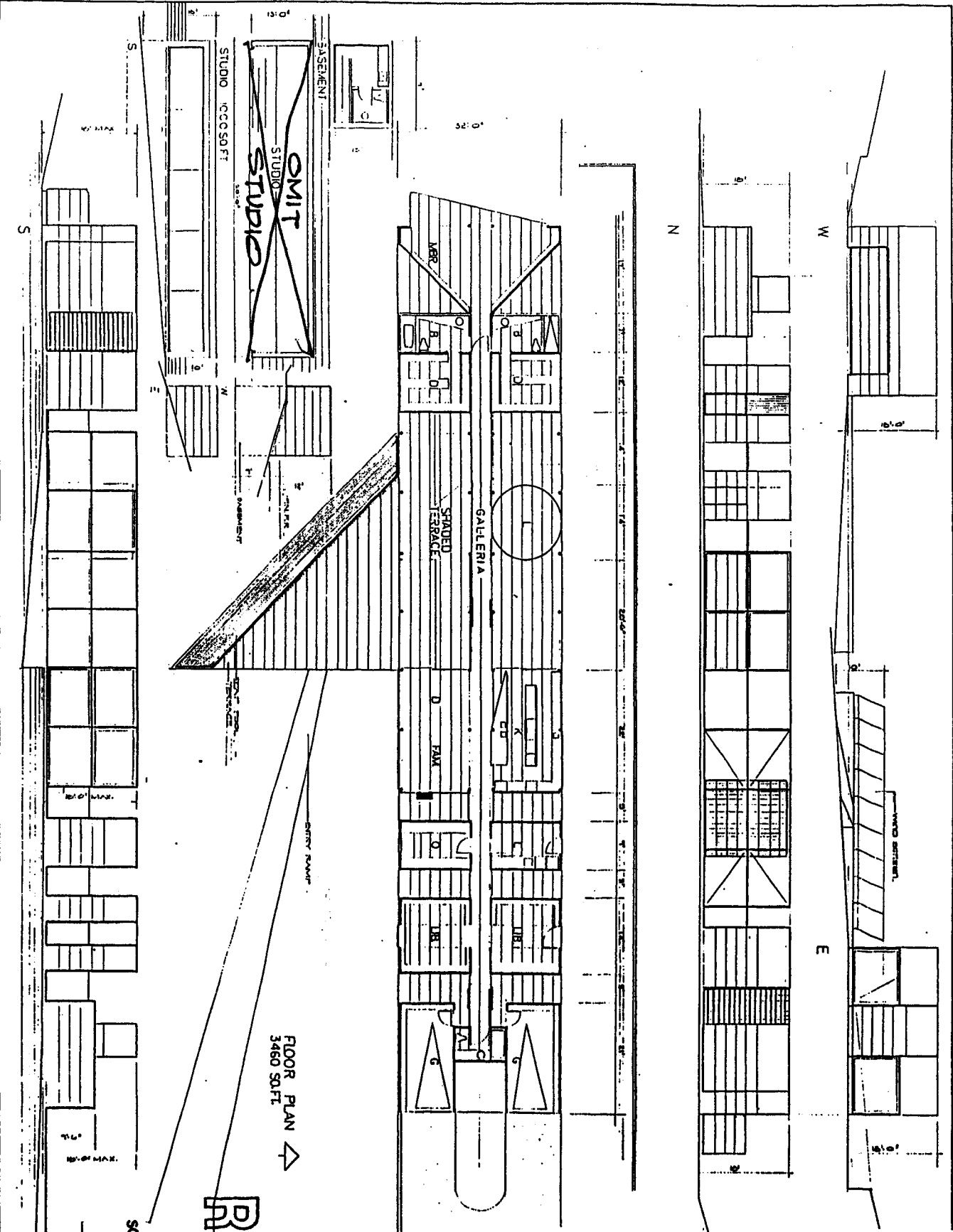
PREPARED BY:
 ROBERT K. KAMEOKA, CIVIL ENGINEER
 501 ACACIA ST.
 SAN GABRIEL, CA 91776
 TEL. (213) 283-1515

EXHIBIT NO. 3
 APPLICATION NO. 4-95-201
 Project Site Plan

34555 + 34405
 P. C. H.

Scale: 1" = 40'
 NORTH

4-95-201



FLOOR PLAN
3460 SQ. FT.

RECEIVED
OCT 04 1995
CALIFORNIA
COASTAL COMMUNITY DEVELOPMENT
SOUTH CENTRAL COUNTY

EXHIBIT NO.	4
APPLICATION NO.	4-95-201
Site Plan/Elevation	

REFERENCE TO STUDIO FOR KAY AND EDWARD NILES
3460 PACIFIC COAST HWY MALIBU

2

RESIDENCE 34405

LANDSCAPE BERM

RESIDENCE 34555

PCH
4 95 202

OCEA

**PROJECT
SECTION**

LANDSCAPE BERM

320' SETBACK

PCH
4-95-201

OCEA

COASTAL SETBACK 200'

SITE LINE SECTION

40' 80'

EXHIBIT NO.	5
APPLICATION NO.	4-95-201
Site Line	
Section	