

CALIFORNIA COASTAL COMMISSION

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

Filed: 1/26/96
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Staff: JCJ/MS
Staff Report: 2/21/96
Hearing Date: 3/12-15/96
Commission Action:
7125A



STAFF REPORT: CONSENT CALENDAR

W17e

APPLICATION NO.: 4-95-232

APPLICANT: Howard Bernstein AGENT: Goldman/Firth/Boccatto Architects

PROJECT LOCATION: 25116 Malibu Road, City of Malibu

PROJECT DESCRIPTION: Demolish existing one story 1238 sq. ft. residence and construct new two story 2804 sq. ft. residence, 561 sq. ft. garage/storage room, spa, and septic system. No grading is proposed on the site.

Lot Area	5,300 sq. ft.
Building Coverage	1,619 sq. ft.
Pavement Coverage	1,457 sq. ft.
Landscape Coverage	NA
Parking Spaces	four
Zoning	Residential IV B, 8-10 du/acre
Plan Designation	Residential
Project Density	9 du/ acre
Ht abv fin grade	28 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, Planning Department, City of Malibu, dated 11/16/95 and 1/5/96; In Concept Approval for Septic System, Environmental Health, City of Malibu, dated 10/18/95.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit No. 4-93-187, (Cohen); Coastal Permit 4-95-215, (Haber), Coastal Permit No. 4-94-194 (James), and Coastal Permit No. 4-94-176 (Beiser, Trustee, A.J.W. Trust).

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with three (3) Special Conditions addressing: plans conforming to the consulting geologist's and engineer's recommendations; an applicant's assumption of risk; and a construction responsibilities and debris removal requirement. The project site includes a small flat pad area adjacent to Malibu Road and the sandy beach. The new residence will be constructed on the small pad and on pilings above the beach. The seaward portion of the residence will be located within the stringline established by adjoining residences. A public accessway exists from Malibu Road to the beach immediately to the west of the site.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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 CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the "Geotechnical Engineering and Geologic Report, Proposed Residential Addition, 25116 Malibu Road, Malibu, California", dated February 25, 1995 by RJR Engineering Group, shall be incorporated into the final plans, including issues related to earthwork, foundations, concrete slabs on grade, utility trenches, surface drainage, and sewage disposal.

All recommendations contained in the "Wave Uprush Study, Minimum Elevation Determination, 25116 Malibu Road, Malibu, CA 90265 dated November 8, 1995 by Pacific Engineering Group, shall be incorporated into the final plans including minimum finish floor level and a proposed retaining wall located at the garage to protect the seepage pits. All final design and foundation plans must be reviewed and approved by the geologic and engineering consultants. Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

2. ASSUMPTION OF RISK

Prior to issuance of permit, the applicant as landowner shall submit execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from storm waves, wave runup, erosion, flooding, liquifaction, and wild fire, and the applicant agrees to assume the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the Commission, and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage or destruction due to natural hazards or wild fire.

The document shall run with the land, binding all successors and assigns, and shall be recorded free from prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

3. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The applicant shall, by accepting this permit, agree and ensure that the project contractor: (a) not store any construction materials or waste where it may be subject to wave erosion and dispersion; (b) not allow any machinery on the sandy beach or in the intertidal zone at any time; and (c) remove promptly from the beach any and all debris that results from the construction activities.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Location

The site is located in the Puerco Beach area on beach front property south of Malibu Road. (See Exhibits 1 and 2) The project site is accessed from Malibu Road and is bounded by an existing residence to the east, a vacant lot and an existing vertical public access stairway to the west. The proposed new residence on the 5,300 sq. ft. lot will be constructed on a descending slope ranging from an elevation of about 21 feet along Malibu Road (relative to mean sea level) onto pilings over the descending sandy beach at an elevation of about 12 feet. The beach has a width of about 200 feet above mean sea level to the base of the bluff according to the applicant's geologist.

The applicant proposes to construct a 2,804 sq. ft., 28 ft. high single family residence with a 405 sq. ft. two-car garage, a 156 sq. ft. below garage storage room, spa, and septic system. (See Exhibits 3 and 4)

The Los Angeles County Land Use Plan designates the lot as Residential IV B, 8 - 10 dwelling units per one acre. The City of Malibu, Interim Zoning Ordinance designates the zoning on the lot as Single Family Residential 0.25 acre minimum lot size. The proposed project meets the density from the Los Angeles County Land Use Plan, but does not meet the density in the City of Malibu Interim Zoning Ordinance.

Regarding archaeological resources, a Phase I Archaeological Study was completed for a parcel about 1500 feet to the east from the proposed project site at 24858 Malibu Road (Coastal Permit 4-93-187, Cohen). A records search indicated that five prehistoric sites are identified within one half mile radius of 24858 Malibu Road. However, the results of this study indicated that no cultural resource remains of an archaeological nature were discovered. The study concluded that: "... given the nature and extent of prior disturbances to the project area, there is little likelihood for encountering buried cultural resource material." The City of Malibu did not request a Phase One Study nor an archaeological records search for the proposed project site due to the highly disturbed nature of the site and the limited earthwork proposed. Due to the limited earthwork proposed and the highly disturbed nature of the road cut along Malibu Road, archaeological resources are not expected to be discovered on the project site.

B. Public Access, Seaward Encroachment, and Scenic and Visual Quality

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

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

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

- (1) it is inconsistent with public safety, military security needs, or protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Further, 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.

All beachfront projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The Coastal Act includes policies to protect the public's right of access to and along the beach, not allow development to interfere with the public's right of access to the sea and the use of dry sand, and protect scenic and visual qualities of coastal areas. The Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. The major access issue in such permits is the occupation of sand area by a structure, in contradiction of Coastal Act policies 30210, 30211, and 30212.

However, a conclusion that access may or may not be mandated does not end the Commission's review. As noted, Section 30210 imposes a duty on the Commission to administer the public access policies of the Coastal Act in a manner that is "consistent with ... the need to protect ... rights of private property owners ..." The need to carefully review the potential impacts of a project when considering imposition of public access conditions was emphasized by the U. S. Supreme Court's decision in the case of Nollan vs. California Coastal Commission. In that case, the court ruled that the Commission may legitimately require a lateral access easement where the proposed development has either individual or cumulative impacts which substantially impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate these impacts.

The Commission's experience in reviewing shoreline residential projects in Malibu indicates that individual and cumulative impacts on access of such projects raises the following issues, among others: potential encroachment on lands subject to the public trusts and thereby physically excluding the public; interference with natural shoreline processes which are necessary to

maintain publicly owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's access to and the ability to use and cause adverse impacts on public access such as above.

In the case of the proposed project, the demolition of an existing 1238 sq. ft. one story single family residence and the construction of a new 2804 sq. ft. two story residence and a 561 sq. ft. garage and storage room does constitute new development under the Coastal Act. According to the State Lands Commission, there is insufficient information to determine whether the project will intrude upon state sovereign lands or interfere with other public rights. Accordingly, the State Lands Commission, in a letter dated January 5, 1996, asserts no claims either that the project intrudes onto sovereign lands or that it would lie in an area that is subject to the public easement in navigable waters.

In addition, as a means of controlling seaward encroachment of residential structures on a beach to ensure maximum access, protect public views and minimize wave hazards as required by Coastal Act Sections 30210, 30211, 30251 and 30253, the Commission has developed the "stringline" policy to control the seaward extent of buildout in past permit actions. As applied to beachfront development, the stringline limits extension of a structure to a line drawn between the nearest corners of adjacent structures and limits decks to a similar line drawn between the nearest corners of adjacent structures and decks.

The Commission has applied this policy to numerous past permits involving infill on sandy beaches and has found it to be an effective policy tool in preventing further encroachments onto sandy beaches. In addition, the Commission has found that restricting new development to building and deck stringlines is an effective means of controlling seaward encroachment to ensure maximum public access as required by Sections 30210 and 30211 and to protect public views and scenic quality of the shoreline as required by Section 30251 of the Coastal Act.

Although the project would exceed the footprint of the existing house, particularly on the seaward side, the new residence would not extend beyond the stringline established by the adjoining residence to the east and the residence one lot beyond the adjoining vacant lot to the west. On the west side of the subject parcel is a public access stairway and a vacant parcel. The plan clearly indicates that all of the proposed project will be adequately setback from the stringline. Therefore, the Commission finds that the proposed project does conform to this setback. However, because the residence will extend about 15 feet further seaward than the existing structure, the public using the adjacent stairway will need to walk about 15 further feet south, considered a minimal impact, beyond the building to access the ocean area seaward of the proposed residence. As proposed the project will not extend development further seaward than adjacent development, thereby minimizing potential impacts to public access opportunities, public views and the scenic quality along the sandy beach.

Further, the applicant does not propose the construction of any shoreline protective devices which could interfere with coastal processes. As such, the proposed project will have minimal individual or cumulative impacts on public access because the project conforms to the stringline and does not include a shoreline protective device.

And lastly, the Commission reviews the publicly accessible locations along adjacent public roads and the sandy beach where the proposed development is visible to assess visual impacts to the public. The Commission examines the building site and the size of the building. The existing residence along Malibu Road already blocks public views from the roadway to the beach and ocean. However, the proposed project will not block public views seaward from Pacific Coast Highway as the project site is located 150 feet below the level of Pacific Coast Highway. From the beach, the more scenic inland views of the Santa Monica Mountains are not visible from the beach because of the topography of the coastal mesa immediately landward of the project site. Thus, the proposed demolition and construction of a new residence will not adversely affect public views.

For all of these reasons, the Commission finds that the project would have minimal individual or cumulative adverse impacts on public access, and it will not adversely affect scenic and visual quality. Therefore, the Commission finds that a condition to require lateral public access is not appropriate and that the project, as proposed, is consistent with Coastal Act Sections 30210, 30211, 30212, and 30251.

C. Geologic and Fire 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, 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 requires that new development minimize risks to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains and beach areas. 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. Fires in the Malibu area have burned all the way to the sea, so even beach front homes are not immune to the risk of wildfire. The proposed development is located on a sandy beach, and as such is subject to flooding, wave damage from storm waves, storm surge conditions, and liquifaction.

The applicant submitted a geology report titled: "Geotechnical Engineering and Geologic Report, Proposed Residential Addition, 25116 Malibu Road, Malibu, California", dated February 25, 1995, by RJR Engineering Group. The report addresses the geology issues by concluding:

Primary geotechnical concerns and hazards associated with the development are seismic hazards associated with moderate to severe groundshaking and the proximity to the Puerco Canyon Landslide.

As discussed above in the "Geology and Seismicity" section of this report, the proposed development should anticipate experiencing moderate to severe groundshaking during its life expectancy. Potential secondary effects of groundshaking are liquefaction and lateral spreading of the beach sands. The new improvements planned should be founded on a new foundation system placed into bedrock, thus mitigating the potential adverse affects of liquifaction and lateral spreading of the beach sands.

No mitigation measures are possible for the potentially adverse affects of tsunamis. Tsumanis present a significant risk of damage or destruction at the site and adjacent areas.

The recent shallow failure identified by GTC in 1978 toes up at Malibu Road, and was reported that it did not affect the road. If the slide re-activated, it is possible that the existing residence could be affected by mud and debris. ... we have recommended that any new foundations extend below the critical surface that has a factor of safety of 1.1 for pseudo-static conditions as shown on the geotechnical cross section in Appendix A.

The property is considered a suitable site for the proposed improvements from a geological and geotechnical engineering standpoint. The proposed development will be safe against hazards from landsliding, settlement or slippage, and that the proposed grading and development will not have an adverse effect on the geologic stability of property outside the building site, provided our recommendations are followed during design and construction. This opinion is based on the findings and analysis of our investigation.

Therefore, the applicant's consultant determined that the proposed project site is suitable from a soils and engineering standpoint for construction of the proposed residential development.

Even though the consultant has determined that the project site will be free of geologic hazards, the Commission cannot absolutely acknowledge that the proposed residential development will be safe during all future storms or be constructed in a structurally sound manner and be properly maintained to eliminate any potential potential risk to the beach going public. The Commission acknowledges that many of the oceanfront parcels in Malibu such as the subject property are susceptible to flooding and wave damage from waves and storm conditions. Past occurrences have resulted in public costs (through low interest loans) in the millions of dollars in the Malibu area alone. Storms during the winter of 1982-83 caused over six million dollars in damage to private property in Los Angeles County and severely damaged existing bulkheads, patios, decks, and windows along the Malibu coastline.

To address these wave hazards, the applicant provided a wave uprush study to provide information on the minimum elevation for the finished floor for the proposed project and how the septic system should be protected. Reg K. Brown, PE, with Pacific Engineering Group, reviewed these issues in a report dated November 8, 1995 concluding:

The minimum finished floor elevation for the new residence shall not be lower than elevation + 18.0 ft. MSL datum.

The proposed seepage pits should be protected from wave uprush and beach scour by a retaining wall located below the north wall of the garage. The bottom of the footing of this retaining wall should be no higher than elevation + 5.0 ft. MSL datum. This retaining wall should not be utilized for structural support of the residence unless the retaining wall itself is supported on concrete piles.

A final complete set of plans for the proposed development must be submitted to Pacific Engineering Group so that we may verify conformance with this report.

The owner should realize that there will always be certain risks associated with building or living on the beach. The results and recommendations set forth in this report meet current minimum Los Angeles County Building Department standards. Because of the unpredictability of the ocean environment, these results are meant to minimize storm wave damage and not eliminate it. Tsunami - or hurricane - generated waves were not analyzed in this report because of the extreme low probability of these events happening to this section of the California coast. However, the possibility of these events producing damage to the subject property does exist, and hence no warranties are provided should these events occur. In addition, the owner should take precautions to avoid minor damage (window breakage, water on deck, etc.) when there exists the extreme conditions of high tides (tides above + 5.0 ft MLLW datum) and storm generated waves.

Therefore, the consulting engineer has made recommendations to meet the minimum Los Angeles County Building Department standards to minimize storm damage. The consulting geologist has confirmed that the property is a suitable site for the proposed improvements from a geologic and geotechnical engineering standpoint and that the proposed development will be safe against hazards from landsliding, settlement or slippage, and that the proposed grading and development will not have an adverse effect on the geologic stability of property outside the building site, provided our recommendations are followed during design and construction. Condition number one (1) provides for the final review and approval by the consulting geologist and engineer of the final project design and foundation plans for the residence prior to the issuance of the permit.

Taken literally, Section 30253 might require denial of any beachfront development, because on an eroding coast, no development can be assured of safety. While this decision would free the applicant from the hazard of periodic storm waves, it would deny the applicant use of his property during the years when there are no storms, and deny the applicant the same use presently enjoyed by the neighboring property owners. To carry out this policy, the Commission has generally required new development including replacement structures to conform to a stringline, and in some cases to extend no further seaward than the existing house as noted above.

The Coastal Act recognizes that new development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use their property.

The Commission has determined that due to the unforeseen possibility of wave attack, erosion and flooding, the applicant shall assume these risks as a condition of approval. 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 will only approve the project if the applicant assumes liability from the associated risks. The applicant acknowledges and appreciates the nature of the fire hazard which exists on the site which may affect the safety of the proposed development. Because this risk of harm cannot be completely eliminated, the Commission must require the applicant to waive any claim of liability on the part of the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of hazards from storm waves, wave runup, erosion, flooding, liquifaction, and wildfires which exist on the site, and which may adversely affect the stability or safety of the proposed development as required by condition number two (2).

Despite the potential hazards associated with the project's beachfront location, the applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, as conditioned to assume risk of failure, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned is the proposed development consistent with Section 30253 of the Coastal Act.

Lastly, as noted above, the project involves demolition and construction on a beachfront lot subject to tidal influence. Construction equipment, materials and demolition debris could pose a significant hazard if used or stored where subject to wave contact or situated in a manner that a hazard is created for beach users. Therefore, the Commission finds it necessary to impose condition number three (3) requiring construction responsibilities and debris removal. This condition will ensure that the construction of the proposed project will minimize risks to life and property in this public beach area which is subject to wave hazards.

The Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist and engineer, the applicant's assumption of risk, and construction responsibilities and debris removal will the proposed project be consistent with Section 30253 of the Coastal Act.

D. 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 construction of a seepage pit and septic tank sewage disposal system to serve the new residence and guest house. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services, City of Malibu. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu Uniform Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety 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.

E. 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 Chapter 3 (commencing with Section 30200) 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 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).

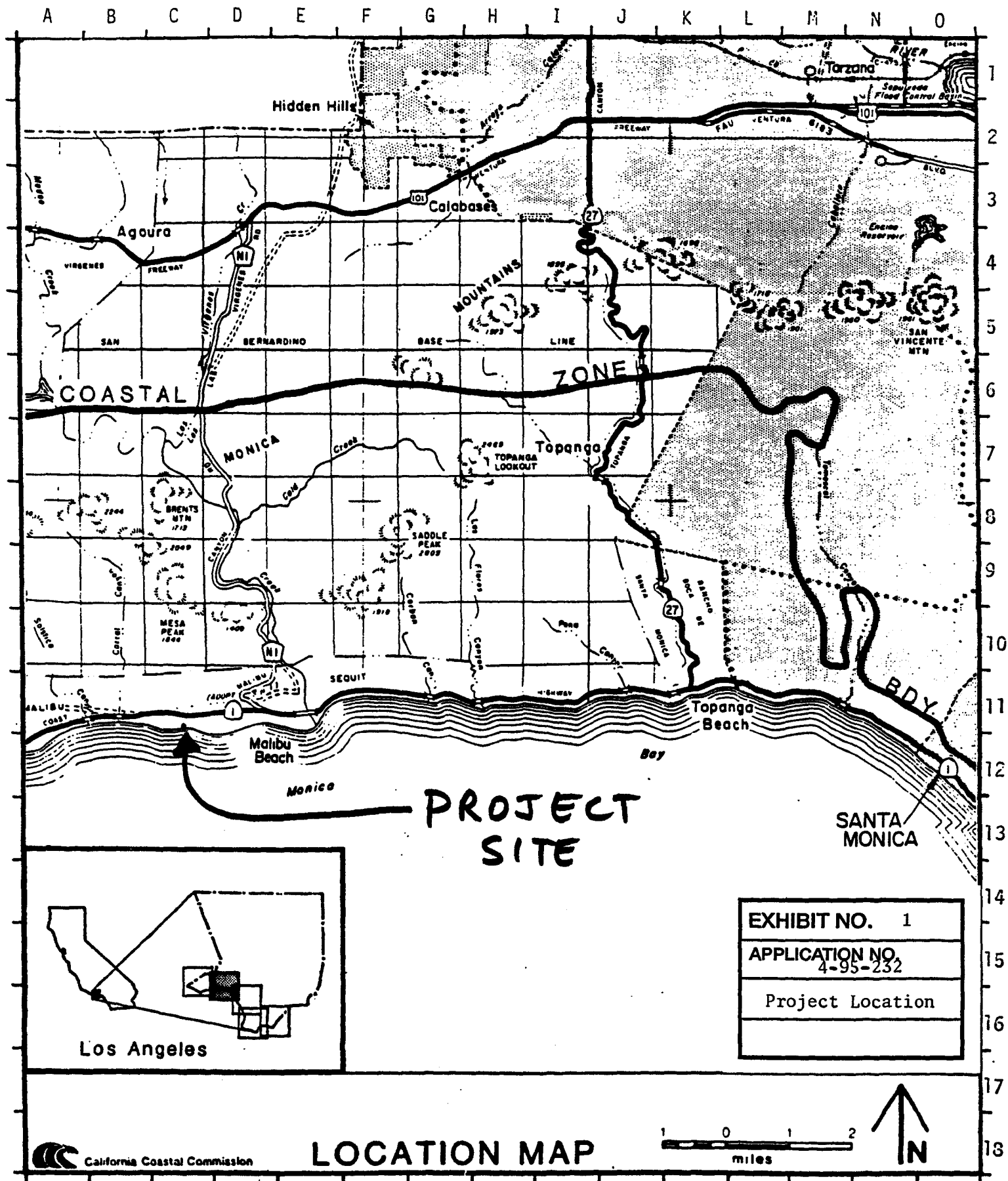
F. California Environmental Quality Act

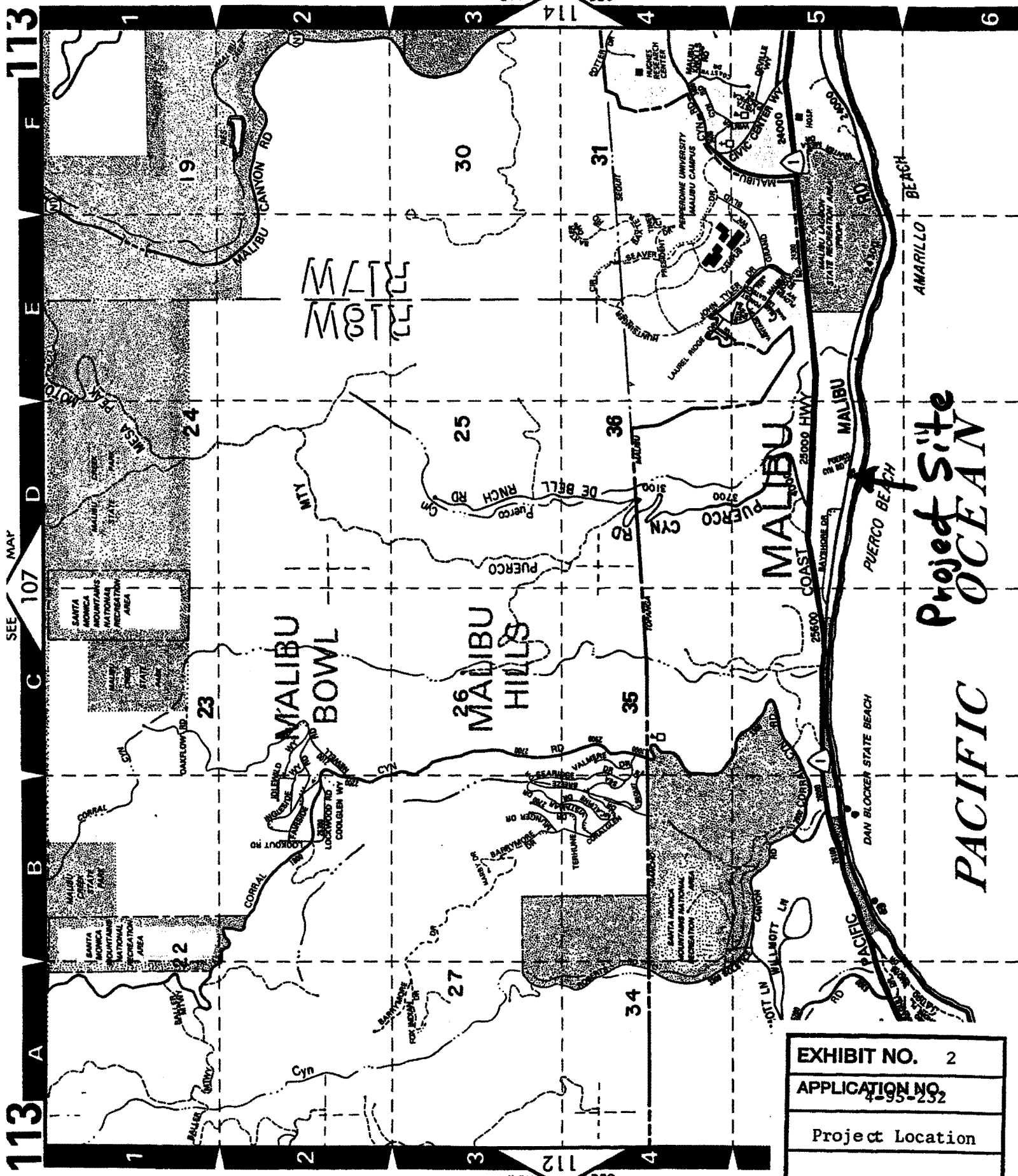
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any 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 incorporate the the recommendations by the consulting geologist and engineer, an applicant's assumption of risk, and construction responsibilities and debris removal requirement. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would 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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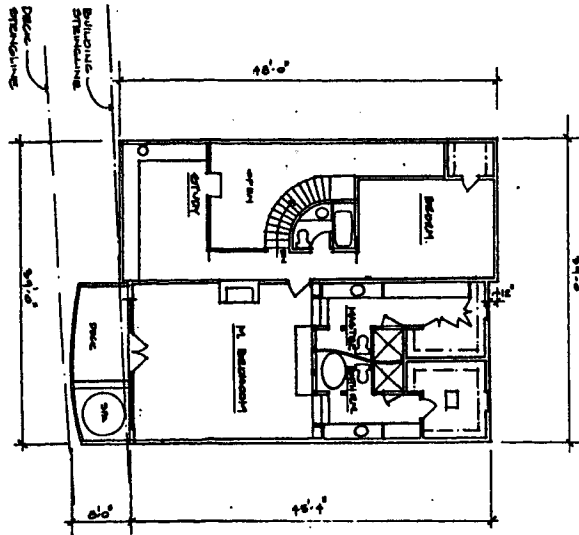
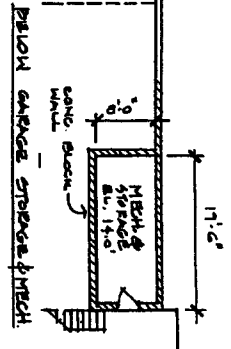
Project Site
OCEAN
PACIFIC

EXHIBIT NO. 2
APPLICATION NO. 4-95-252
Project Location

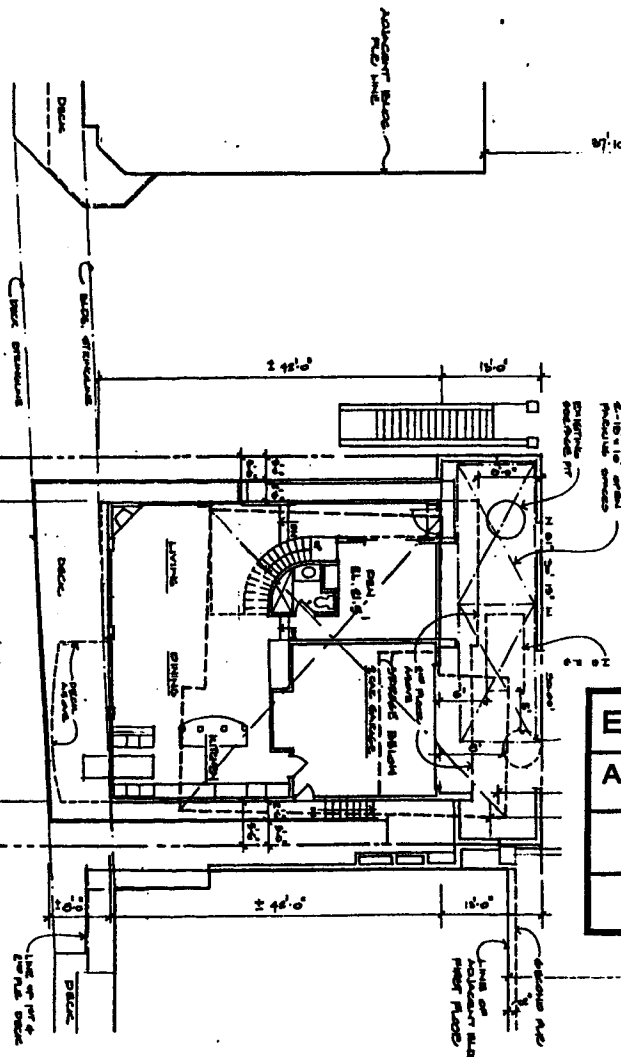
Malibu Road

MALIBU

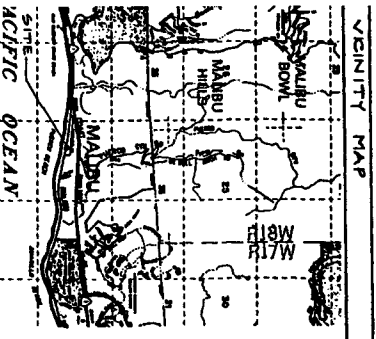
EXHIBIT NO. 3
APPLICATION NO. 4-95-232
Site Plans



SECOND FLOOR PLAN



SITE AND FIRST FLOOR PLAN



VEINITY MAP

BUILDING SET BACK :

FRONT : 10'-0"
REAR : 10'-0"
SIDE : 10'-0"
MAXIMUM BUILDING HEIGHT : 28'-0"
CONSTRUCTION : TYPE 2

LEGAL DESCRIPTION

LOT 5 OF TRACT NO. 12789, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 553, PAGES 39 AND 40 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PROJECT DATA

PROPOSED 2 STORY S.F.D.

BUILDING AREA :
FIRST FLOOR : 1150 S.F.
SECOND FLOOR : 1150 S.F.
TOTAL : 2300 S.F.

OWNER

HOWARD BERENSTEIN
2510 MALIBU ROAD
MALIBU, CALIFORNIA

GOLDMAN FIRTH BOCCATO
ARCHITECTS

24985 PACIFIC COAST HIGHWAY, SUITE A202
MALIBU CALIFORNIA (310) 466-1831

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DATE	REVISION
7-22-76	1. 7-22-76 PLANNING
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	5. 7-22-76 PLANNING
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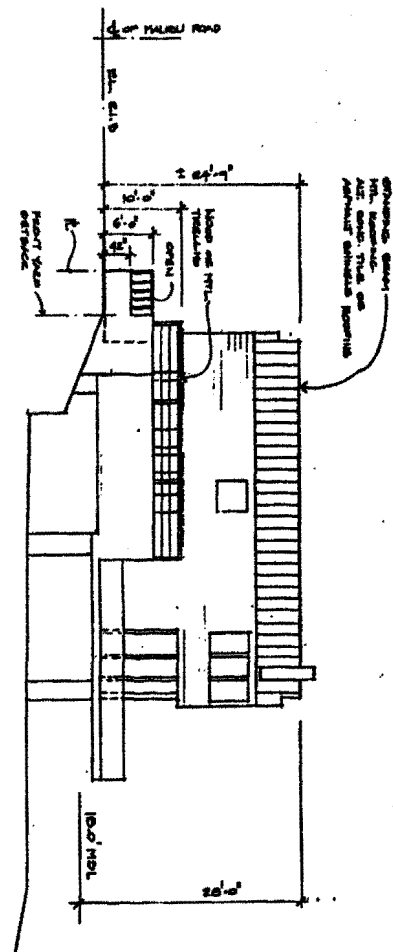
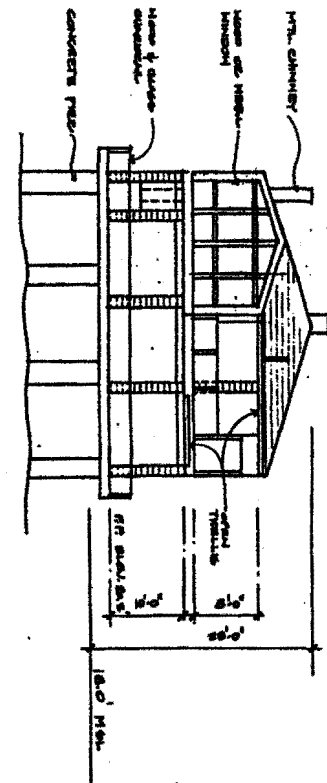
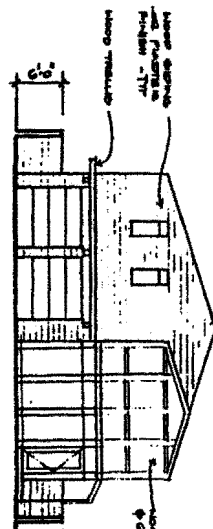
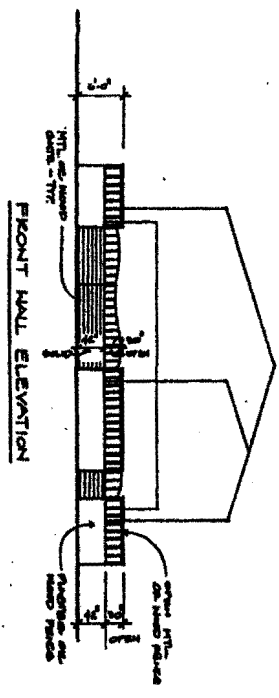
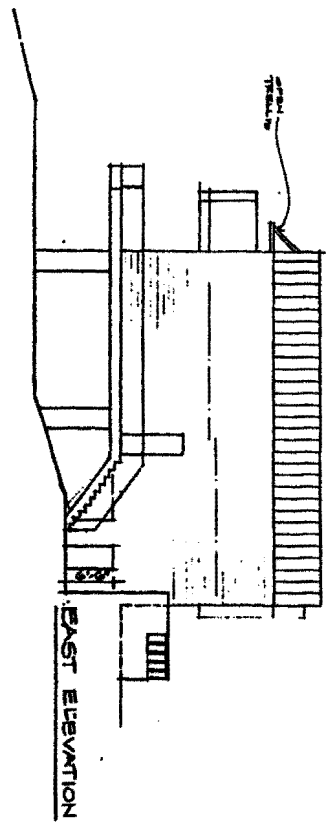


EXHIBIT NO.	4
APPLICATION NO.	4-95-232
Project Elevations	

DATE 7-25-95	DRAWING TITLE BUILDING ELEVATIONS	JOB NO. 1021-0	JOB NAME NAMES BECHTOLD RESIDENCE	JOB ADDRESS 2510 MALIBU ROAD MALIBU, CA	CON. DATE	CHG. DATE	REV. DATE	REV. DATE
					1	2	3	4
SCALE 1/8" = 1'-0"	DRAWN BY	CHECKED BY	DATE	DATE	DATE	DATE	DATE	DATE
2								

GOLDMAN | FIRTH | BOCCATO

ARCHITECTS

24958 PACIFIC COAST HIGHWAY, SUITE A202
MALIBU CALIFORNIA (310) 486-1831

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