

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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Filed: 2/5/96
49th Day: 3/25/96
180th Day: 8/3/96
Staff: TAD-VNT TAD
Staff Report: 3/22/96
Hearing Date: April 9-12, 1996
Commission Action:

RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

W15b

APPLICATION NO.: 4-95-174

APPLICANT: Paul Kempin AGENT: Lynn Heacox - Land & Water Company

PROJECT LOCATION: 29208 Cliffside Drive, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: The construction of a 26'-0" high, 7,414 sq. ft. single family residence, with a private septic system and swimming pool. Less than 50 cubic yards of grading are proposed as a part of this project.

Lot area:	1.29 acres
Building coverage:	4,000 sq. ft.
Pavement coverage:	6,000 sq. ft.
Landscape coverage:	20,000 sq. ft.
Parking spaces:	4
Ht abv fin grade:	26'-0"

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval in Concept. City of Malibu Environmental Health Department Septic Approval, City of Malibu Geology and Geotechnical Engineering Review Approval in Concept.

SUBSTANTIVE FILE DOCUMENTS: California Coastal Act of 1976, as of January 1996, Preliminary Engineering Geologic and Seismic Report, dated January 4, 1995, prepared by Mountain Geology, Inc., and Geotechnical Engineering Investigation Report, dated February 4, 1995, prepared by Coastline Geotechnical Consultants, Inc.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the California Coastal Act. Staff further recommends special conditions regarding; landscaping and erosion control plans, a future improvements deed restriction, drainage and erosion control plans, and wildfire wavier of liability.

SUMMARY OF 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 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 development during construction, 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. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans prepared for the review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All disturbed slopes and soils shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 100 percent coverage within 2 years and shall be repeated, if necessary, to provide such coverage.
- (c) Should grading 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 dumping location.
- (d) The plan shall specify that plants shall be of primarily low profile species which will not allow for vegetation to exceed the horizon line. These landscape plans shall also reflect the removal of all the existing Ficus trees located along Cliffside Drive on the northern section of the project site.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Preliminary Engineering Geologic and Seismic Report, dated January 4, 1995, prepared by Mountain Geology, Inc., and Geotechnical Engineering Investigation Report, dated February 4, 1995, prepared by Coastline Geotechnical Consultants, Inc., shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' 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.

3. Drainage and Erosion Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a run-off control plan designed by a licensed engineering, or equivalent. The run-off control plan shall include, but not be limited to, a system which collects run-off from the roof, patios, pool deck and all impervious surfaces and directs it in a non-erosive fashion over the bluff face to the beach below. Should the project drainage structures fail or result in any erosion, the applicant/landowner shall be responsible for any necessary repairs and restoration.

4. Future Improvements/Maintenance

Prior to the issuance of a 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 Commission permit 4-95-174 is only for the proposed development and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit from the California Coastal Commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 50 feet outward from the approved residence and selective thinning of vegetation within a 200 foot radius of the approved residence as required by the Los Angeles County Fire Department is permitted and shall not require a new permit. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

5. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants 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, operation, 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.

6. Condition Compliance

All requirements specified in the foregoing conditions that the applicant is required to satisfy as prerequisites to the issuance of this permit must be met within 120 days of Commission action. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will terminate this permit.

7. Timing of Completion of Work

Within 45 days of the issuance of the permit, and prior to the commencement of construction of the residence, the applicant shall remove all of the Ficus trees located along Cliffside Drive. Within seven days of completion of this work, the applicant shall submit, for the review and approval of the Executive Director, photographic evidence that these trees have been removed.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant proposes the construction of a new 7,414 sq. ft., 26'-0" high, 2 story, single family residence (SFR), which includes a attached 3 car garage, private septic system, and swimming pool. The project involves the grading of less than 50 cubic yards. The project site is located on Cliffside Drive, a designated scenic road in the City of Malibu.

Furthermore, the subject lot is located in an area known as Point Dume and is located directly west of the Point Dume Ecological Preserve, otherwise known as Headlands State Park. This park is maintained by the California Department of Parks and Recreation. The eastern side of the project site is bordered by a vacant privately owned parcel. In September of 1990, the Commission granted a coastal development permit, No. 5-90-020, for the construction of a 11,970 sq. ft., 22'-0" high SFR, with a swimming pool and tennis court on this lot; however, no development has occurred on this lot to date. The remainder of the lots to the west of the subject parcel are developed with existing single family residences.

B. Development

The applicant is seeking a coastal development permit for the construction of a 26'-0" high, 7,414 sq. ft. single family residence, with a private septic system and swimming pool. In January of 1995 the applicant constructed a chain link fence and planted Ficus trees along the fence line without first obtaining a coastal development permit.

Development is defined in Section 30106 of the Coastal Act as, "...on land...the placement or erection of any solid material or structure...grading, removing, dredging, mining, or extraction of any materials, change in the density or intensity of use of land,...and the removal or harvesting of major vegetation other than for agricultural purposes..." As the construction of a SFR, a chain link fence and the landscaping of the subject lot with Ficus trees constitutes development under Section 30106 of the Coastal Act, the development therefore requires a coastal development permit.

C. Visual Impacts/Blufftop Development

Sections 30251 and 30253 of the Coastal Act state:

Section 30251

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 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.

Section 30253

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 landforms along bluffs and cliffs.

As has been mentioned, the proposed project site is located directly adjacent to the Point Dume Ecological Preserve which is maintained by the California Department of Parks and Recreation. This Preserve was acquired in part because of the highly scenic visual resources of the Point Dume area. Point Dume extends about one mile south of the Pacific Coast Highway and it affords unique views of both near and distant shoreline areas. The Preserve provides hiking and other recreational opportunities for the public, and is an important feeding, resting, and migrating ground for a diversity of bird species. Additionally, the Preserve provides habitat for the Giant Coreopsis (*Coreopsis gigantea*), a plant found only in a few locations in Southern and Central California.

The applicant proposes the construction of a 26'-0" high structure, and states that the proposed structure will extend no higher than 3'-6" above the existing frontage road, Cliffside Drive. In regards to the privately owned lot located directly to the east of the project site, the applicant in this case proposed, and was granted, a permit (CDP No. 5-90-1057) to construct a 27'-0" high structure extending 14 feet above the frontage road. This permit was conditioned to require the applicant to mitigate the blockage of "bluewater" views by providing a 10' wide view corridor along the western lot line of the subject lot. Prior to this the applicant of this same lot applied (CDP No. 5-90-020) to construct a 35' high structure which extended 22' above the frontage road. In this case the Commission required the applicant to limit the height of their structure so that it extended no higher than 5' of the

frontage road, an action the Commission found necessary to "protect existing public views across the site to the ocean and the adjacent State Preserve". The Commission also noted in the latter permit that several other homes were approved in the vicinity of these two lots that were not subject to this height condition due to the fact that they were smaller one-story developments. In the case of the current proposal, the applicant proposes the construction of a residence 1' shorter than the adjacent approved residence, and a structure which will be 7'-11' lower than the adjacent residence in terms of the view from the frontage road. There is also a 16 foot side yard setback from the western property line which will further minimize the visual impact of the proposed structure. In short, the proposed development will have less impact on the visual resources of the area than the adjacent structure approved by the Commission under CDP 5-90-1057.

The applicant has submitted evidence that the proposed residence is no closer to the bluff edge than the adjacent SFR approved under CDP 4-90-1057, and conforms with the bluff top stringline established through the approval of CDP 4-90-1057. Furthermore, the project site is located at the intersection of Cliffside Drive, a designated "Scenic Roadway", and Dume Drive at the terminus of the latter roadway. There are bluewater views descending from Dume Drive to the intersection of Cliffside Drive. This view will not be obstructed the proposed residence. The proposed residence will partially block the bluewater view for a distance of approximately 50 feet as you proceed west bound on Cliffside Drive. This minor obstruction of bluewater view is not considered significant given that the Point Dume Headlands State Park is immediately adjacent to the residence and provides the public with unobstructed ocean views. Additionally, the subject lot is located on the far side of Headlands Park, an area of the Park which is bordered by existing development, and the proposed structure is set back 80 feet from the bluff edge in such a way that bluewater views from the Park will only be obstructed from a very small section of the Park which is located directly adjacent to the subject lot. It should further be noted that this lot is the last of two remaining undeveloped lots located adjacent to Headlands Park, and is the last lot upon which development is possible.

In order to ensure that future development does not extend beyond the bluff top stringline, and/or future additions to the SFR which would otherwise be exempt from CDP requirements are consistent with the visual resource policies of the Coastal Act, the Commission finds it necessary to require the applicant to record a future improvements deed restriction. The future improvements deed restriction requires Coastal Commission review for any future structural additions or development on site.

Additionally, there currently exist numerous Ficus trees on the northern property boundary that were planted without first obtaining a coastal development permit. These trees will obstruct scenic views if they are not removed. It should also be noted that future landscaping of the lot with similar plant material could significantly affect visual resources associated with the site. To ensure that views from Cliffside Drive are protected to the greatest extent feasible, special condition number seven has been drafted to require the applicant to remove all of the Ficus trees within 45 days after a permit has been issued. Furthermore, special condition number one requires that the removal of these trees is reflected in the required landscape plans. This condition also requires that landscape materials only be used on site if they are low in profile. As conditioned the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act.

D. Environmentally Sensitive Resources

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

Section 30240:

(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 building site is located on a bluff top parcel on the edge of the plateau comprising the perimeter of Point Dume. The site slopes gently to the top of the seacliff and then descends to the beach below. Through past Commission action, the Commission has recognized this bluff portion of the site as an environmentally sensitive habitat area (ESHA). As noted above with regard to the blufftop development, the proposed structure is located in excess of 80 feet from the edge of the bluff. In the past, the Commission has not required the 100-foot setback in the case of blufftop development in the Point Dume area. As such, the proposed project is sufficiently setback to protect the habitat values of the ESHA area of the site. However, in order to insure that future development on this site is consistent with resource protection policies as outline in the Coastal Act, a future improvements deed restriction, which will require the applicant to obtain a new coastal development permit if additions or changes to the development are proposed in the future, has been imposed in the preceding section. Therefore, the Commission finds that as conditioned, the proposed development is consistent with Section 30240 of the Coastal Act.

E. Geologic Stability

Section 30253 of the Coastal Act states:

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.

The proposed development is located in Malibu, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. The subject bluff top parcel is in close proximity to both a beach and a recognized ESHA, located in an area known as Point Dume.

The applicant has submitted a Preliminary Engineering Geologic and Seismic Report, dated January 4, 1995, prepared by Mountain Geology, Inc., and a Geotechnical Engineering Investigation Report, dated February 4, 1995, prepared by Coastline Geotechnical Consultants, Inc. These reports state that the site is considered suitable for the proposed development from a geologic and geotechnical engineering standpoint, and that the consultants indicate that the slopes have a factor of safety in excess of 1.5. The Geotechnical Engineering Investigation Report, dated February 4, 1995, prepared by Coastline Geotechnical Consultants, Inc., states:

Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading and construction are properly and adequately executed, it is our opinion that construction within the building site behind the geotechnical setback line would not be subject to geotechnical hazards from landslides, slippage, or excessive settlement.

The Preliminary Engineering Geologic and Seismic Report, dated January 4, 1995, prepared by Mountain Geology, Inc., states:

Based upon our exploration and experience with similar projects, construction of the proposed residence and swimming pool is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction.

The geologic consultants suggest many recommendations for drainage, foundations, and grading for the proposed structure in order to ensure that the development will be stable. There is also a recommended geologic setback from the top of the bluff for stability. The proposed location of the structure is consistent with the setback. It is very important that these recommendations be carried out in the construction of the residence. Based on the recommendations of the consulting geologists the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist as conforming to their recommendations.

The Commission notes that erosion caused by proposed grading and development in close proximity to the ocean, to canyons, and to ESHAs, is an area of concern. Henceforth, there is clearly a need to incorporate drainage control devices to handle heavy, prolonged rain storms into the project plans in order to reduce the impact of site runoff onto the bluff face, ESHA and beach. Therefore, the Commission finds it necessary to require the applicant to submit detailed drainage and erosion control plans indicating a system that will carry water off the site. The Commission also finds that minimization of site erosion and impacts to the bluff face, ESHA and beach could further be reduced by requiring the applicant to landscape the site with native, non-invasive, drought tolerant plant species, compatible with the surrounding environment. Therefore special condition number one has been drafted to ensure that all proposed graded and disturbed areas are stabilized and revegetated.

In addition, fire is an inherent threat to the indigenous coastal sage scrub and coastal bluff floral community of the Malibu region. Wild fires often denude hillsides in the Santa Monica Mountains of all vegetation, thereby contributing to an increased potential for erosion and landslide on the property. 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. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

F. Public Access

New development on a beach or between the nearest public roadway to the shoreline and along the coast raise issue with the public access policies of the Coastal Act.

Section 30210

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

Section 30211

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.

A conclusion that access may be mandated by Section 30212 does not end the Commission's inquiry. 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 those impacts.

The Commission's experience in reviewing shoreline residential projects in Malibu indicates that individual and cumulative impacts on access of such projects can include among others, encroachment on lands subject to the public trusts thus physically excluding the public; interference with natural

shoreline processes which are necessary to maintain publically-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 ability to use and cause adverse impacts on public access such as above.

In the case of this proposal, the project site is fenced and there is no evidence of historic use of the site for access. Further, the site is located directly adjacent to Headlands State Park. Presently access to Headlands Park is located immediately adjacent to the west of the project site. Furthermore, vertical access exists from Headlands Park down to the beach, and additional access to the beach is provided less than a mile from the site via Westward Beach Road. Therefore, the proposed development will have no adverse impact on public access and is consistent with the relevant public access sections of the Coastal Act.

G. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The applicant proposes the construction of a new private septic system to accommodate the sewage needs for the proposed development. The applicant has submitted evidence from the City of Malibu Environmental Health Department that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

H. Violation

The applicant is seeking a coastal development permit for the construction of a 26'-0" high, 7,414 sq. ft. single family residence, with a private septic system and swimming pool. In January of 1995 the applicant constructed a chain link fence and planted Ficus trees along the fence line without first obtaining a coastal development permit.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

I. Local Coastal Program.

Section 30604 of the Coastal Act states that:

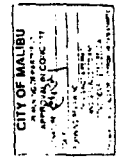
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local 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 which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

J. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(i) 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 impact which the activity may have on the environment. The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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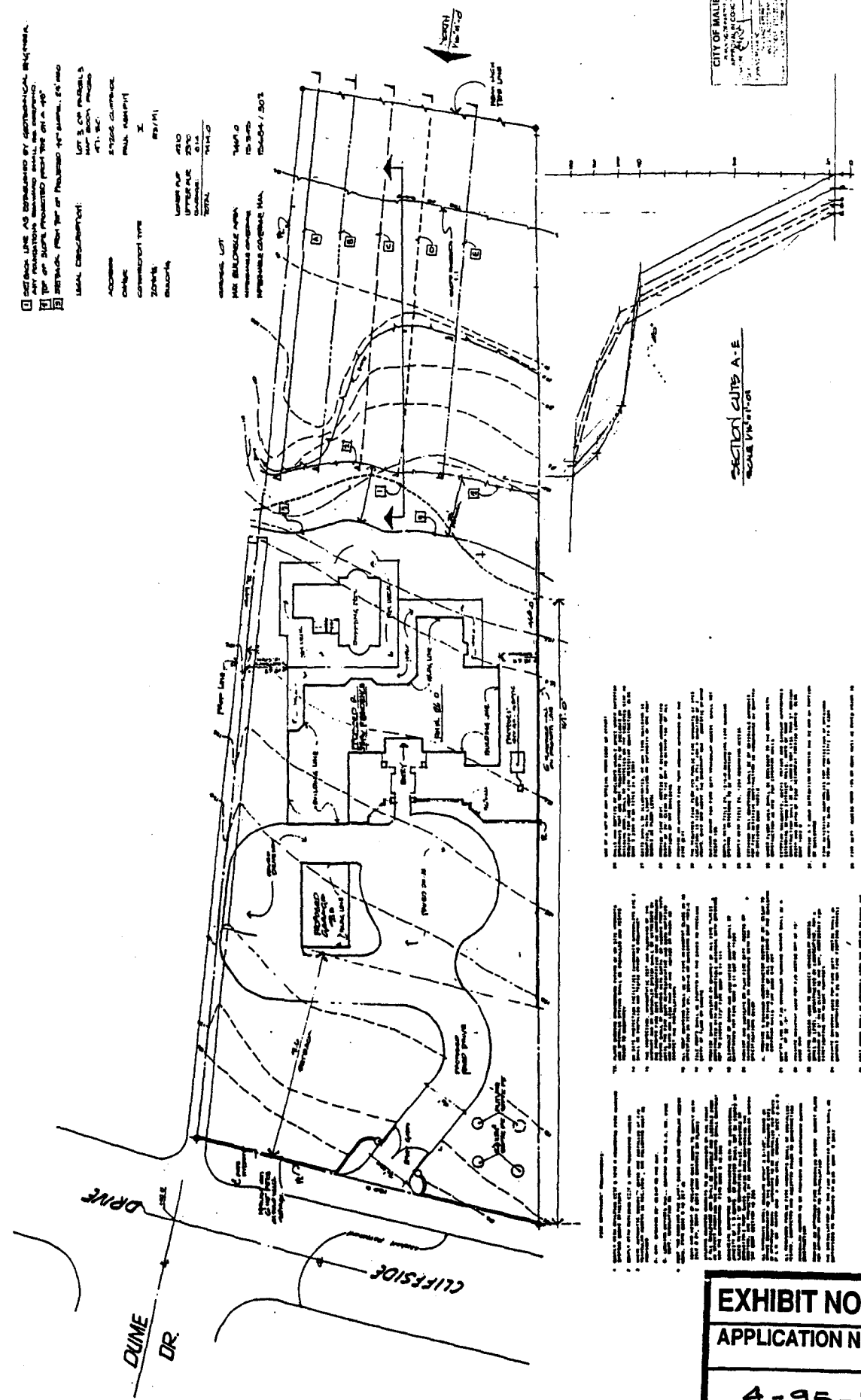


- 1 DESIGN LINE AS COMPARED BY GEOMETRICAL ENGINEER.
- 2 ANY MODIFICATIONS TO BE MADE TO THE DESIGN LINE SHALL BE MADE BY THE ARCHITECT.
- 3 DESIGN LINE SHALL BE MAINTAINED AS SHOWN ON THIS PLAN.
- 4 DESIGN LINE SHALL BE MAINTAINED AS SHOWN ON THIS PLAN.

LOCAL JURISDICTION:
 LOT 3, OF MALIBU 5
 MAP 5000, MALIBU
 COUNTY, CALIF.
 ZONING: RS/M
 SUBDIVISION: X

ACRES: 1.00
 CHAIN: 660 FT
 CONSTRUCTION TYPE: CONCRETE
 FOUNDATION: CONCRETE
 TOTAL: 1.00

MAX. BUILDING AREA:
 TOTAL: 10,000 SQ. FT.
 MINIMUM: 10,000 SQ. FT.
 MAXIMUM: 10,000 SQ. FT.



SECTION CUTS A-E
SCALE 1/8" = 1'-0"

1. THE ARCHITECT HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED PROJECT AND HAS DETERMINED THAT THE PROJECT IS COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA.

2. THE ARCHITECT HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED PROJECT AND HAS DETERMINED THAT THE PROJECT IS COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA.

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8. THE ARCHITECT HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED PROJECT AND HAS DETERMINED THAT THE PROJECT IS COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA.

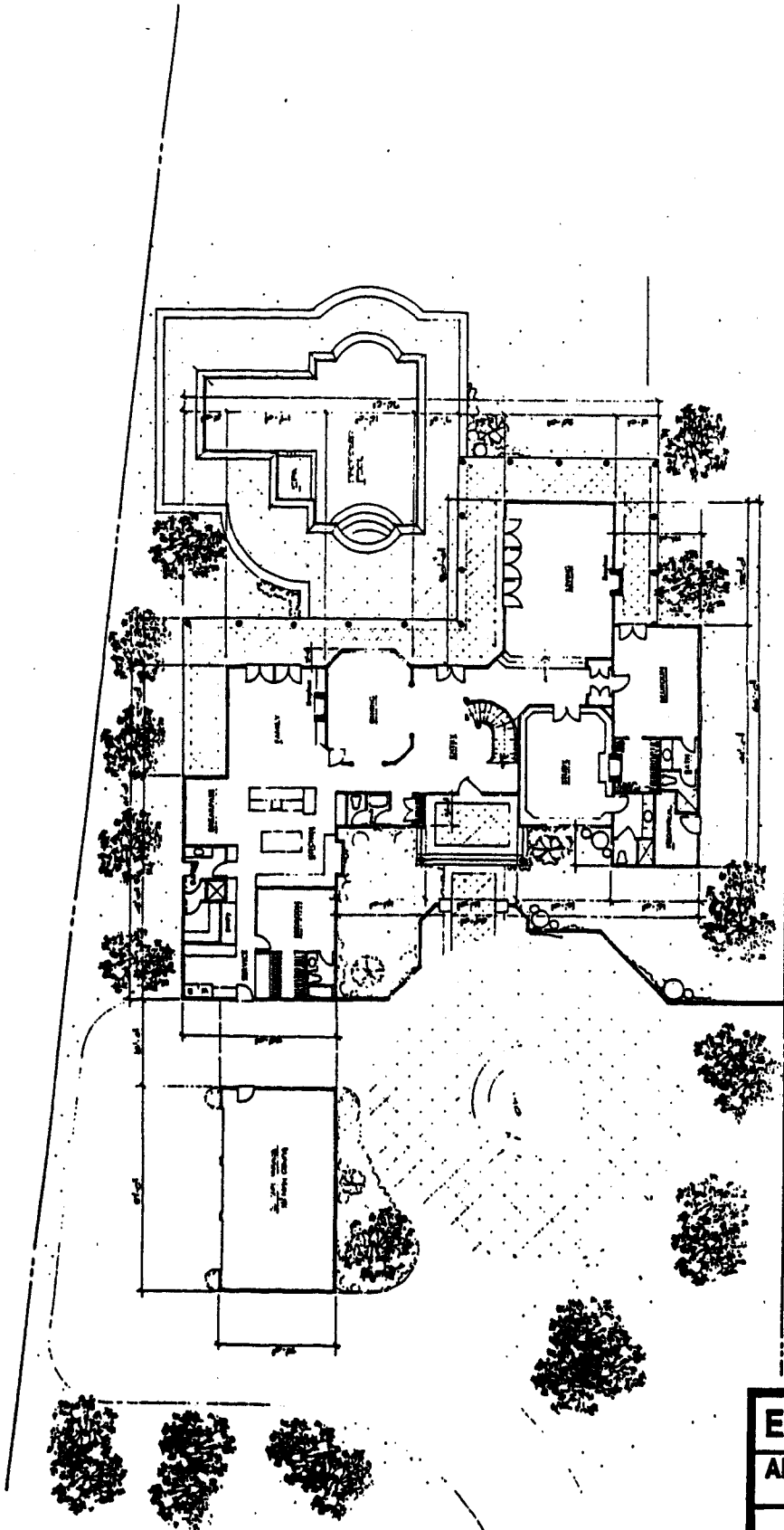
9. THE ARCHITECT HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED PROJECT AND HAS DETERMINED THAT THE PROJECT IS COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA.

10. THE ARCHITECT HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED PROJECT AND HAS DETERMINED THAT THE PROJECT IS COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA.

EXHIBIT NO. 3
APPLICATION NO.
4-95-174

CITY OF MALIBU
 APPROVAL IN CONCEPT
 PROJECT NO. 4-95-174
 DATE: 11/11/95

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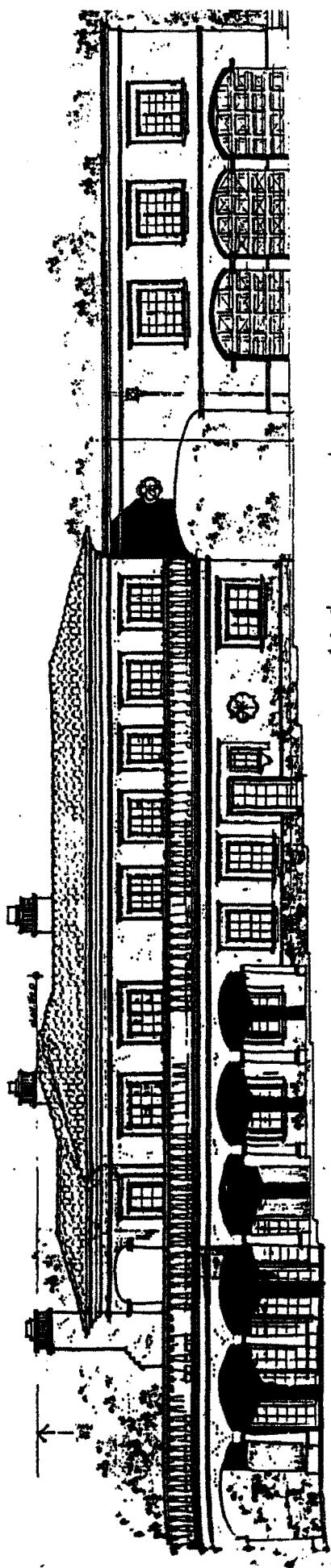
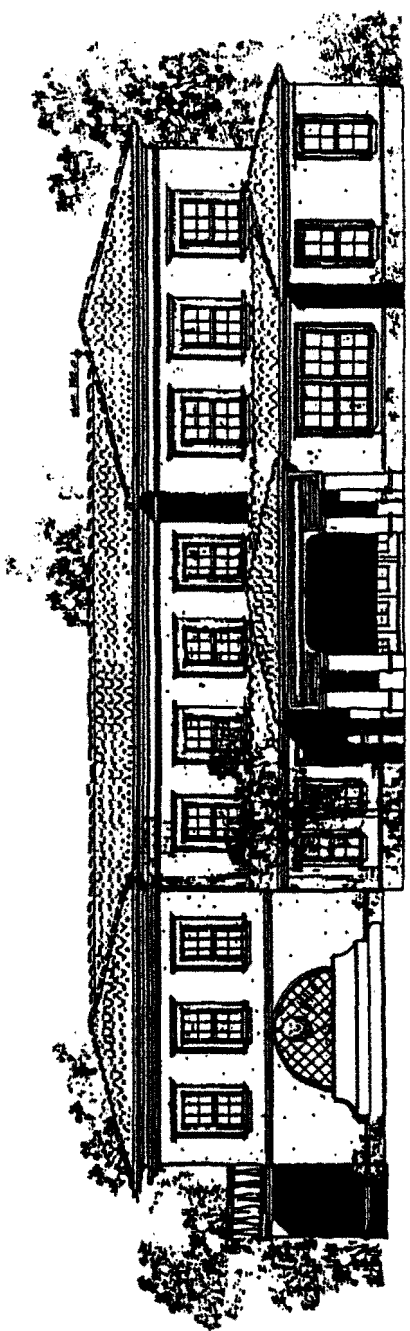


NORTH
 LOWER FLOOR PLAN

EXHIBIT NO. 4
APPLICATION NO.
4-95-174

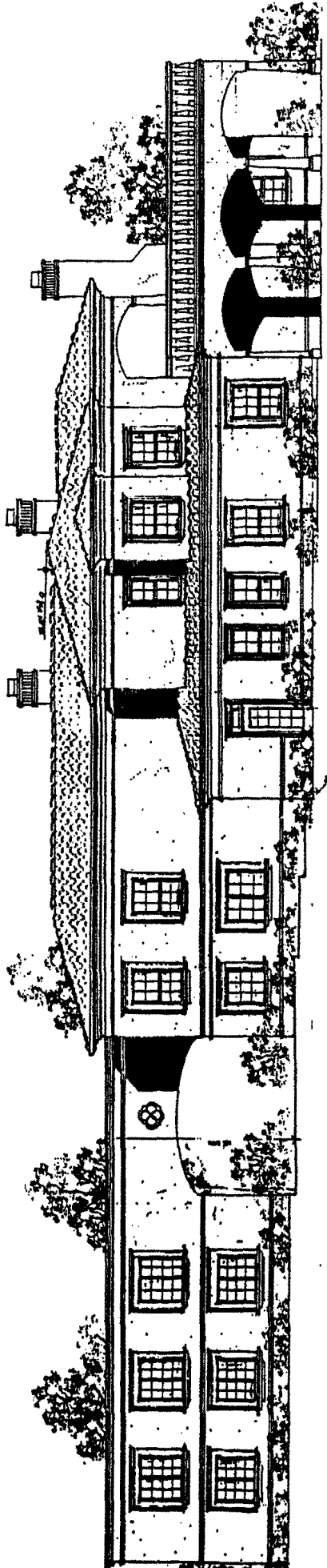
CITY OF MALIBU
APPROVED FOR THE CITY

NORTH ELEVATION (REV. 10/16)

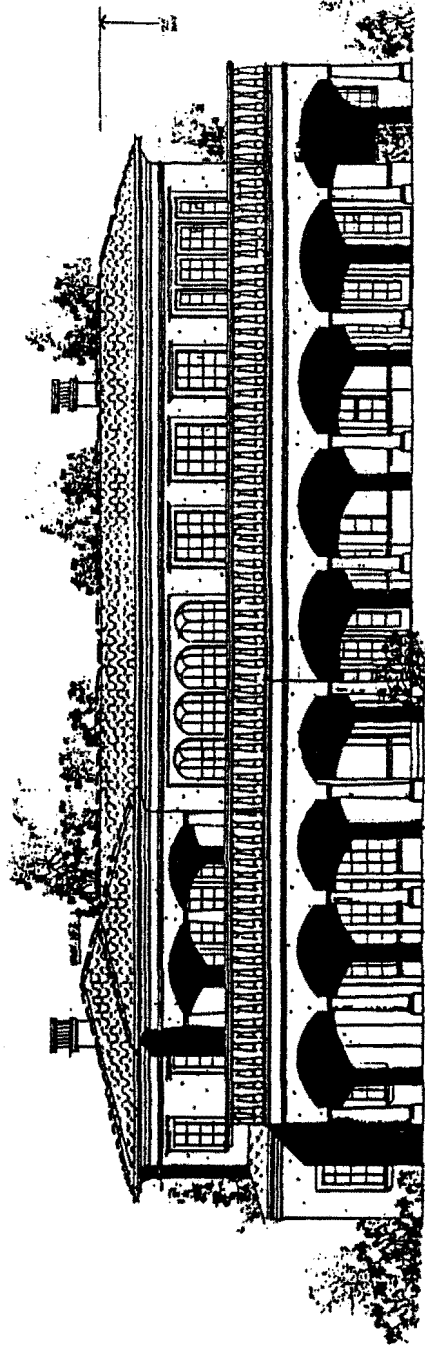


EAST ELEVATION

EXHIBIT NO. 6
APPLICATION NO.
A-95-174



WEST ELEVATION



SOUTH ELEVATION (REAR)



CITY OF MALIBU
 APPLICANT: MATT KIVLIN
 PROJECT: PROPOSED RESIDENCE
 29208 CLIFFSIDE DRIVE MALIBU CA 90265

EXHIBIT NO. 7
 APPLICATION NO.
 4-95-174

