

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
SANTA ANA, CA 92701
641-0142

RECORD PACKET COPY

Filed: October 31, 1996
49th Day: December 19, 1996
50th Day: April 29, 1997
Staff: Betz-V *VB*
Staff Report: December 18, 1996
Hearing Date: January 7 - 10, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-165
APPLICANT: Tom Hennesy AGENT: Clive Dawson
PROJECT LOCATION: 32832 Pacific Coast Highway, City of Malibu, Los Angeles County.
PROJECT DESCRIPTION: Construct 2 story, 28 ft. high (above natural grade), 4361 sq. ft. single family residence with septic system. No grading.

Lot Area	43,524 sq. ft.
Building Coverage	2,882 sq. ft.
Pavement Coverage	6,000 sq. ft.
Landscape Coverage	34,642 sq. ft.
Parking Spaces	3 covered
Plan Designation	RR 1, 1 du/ac
Project Density	1 du/ac
Ht abv nat grade	28 feet

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department Approval in Concept, dated 9/9/96; Environmental Health In-concept Approval, dated 10/9/96.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit 4-94-145 (Encinal Bluff Partners); Mountain Geology, Inc.: Addendum Engineering Geologic Report, July 19, 1996; Addendum Engineering Geologic Report, June 28, 1996; Update Engineering Geologic Report and Plan Review, April 25, 1996; Addendum Engineering Geologic Report, April 24, 1996; Addendum Engineering Geologic Report, February 29, 1996; Addendum Engineering Geologic Report, September 8, 1995; Updated Engineering Geologic Report, revised November 9, 1994; Engineering Geologic Report, January 10, 1990; Coastline Geotechnical Consultants, Inc.: Responses to Geology and Geotechnical Engineering Review Sheet, July 10, 1996; Review and Update Geotechnical Engineering Report, April 22, 1996; Review and Update Geotechnical Engineering Investigation Report, January 16, 1996; Review and Update, August 2, 1993; Miscellaneous Information [reply to Los Angeles County review sheets], February 7, 1991; Reply to Review Sheets, August 16, 1990; Report Update, January 16, 1990; Baseline Consultants, Inc.: Soils and Geology Investigation, August 6, 1980.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with four (4) Special Conditions addressing landscape and erosion control plans, drainage plans, plans conforming to the consulting geologist's recommendations, and wild fire waiver of liability.

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 this permit is reported to 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. LANDSCAPE AND EROSION CONTROL PLANS

Prior to issuance of the permit, the applicant shall submit a landscape and erosion control plan prepared by a licensed landscape architect or otherwise qualified landscape professional for review and approval by the Executive Director. The plans 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. 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, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species 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 areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the approved landscape plan within thirty (30) days of final occupancy of the residence. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.

2. DRAINAGE 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 and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. The erosion control plan shall include revegetation with drought-tolerant, native species more specifically described in the landscape plan required by Special Condition 1. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

3. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in (1) the Coastline Geotechnical Consultants, Inc.: Responses to Geology and Geotechnical Engineering Review Sheet, July 10, 1996; Review and Update Geotechnical Engineering Report, April 22, 1996; and Review and Update Geotechnical Engineering Investigation Report, January 16, 1996; and (2) the Mountain Geology, Inc.: Addendum Engineering Geologic Report, July 19, 1996; Addendum Engineering Geologic Report, June 28, 1996; Update Engineering Geologic Report and Plan Review, April 25, 1996; Addendum Engineering Geologic Report, April 24, 1996; Addendum Engineering Geologic Report, February 29,

1996; Updated Engineering Geologic Report, revised November 9, 1994; Addendum Engineering Geologic Report, September 8, 1995; including issues related to site preparation, foundations, and drainage, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

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.

4. 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.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes the construction of a 2 story, 28 ft. high (above average natural grade), 4361 sq. ft. single family residence with septic system and no grading on a one acre lot at 32832 Pacific Coast Highway in the City of Malibu. Surrounding development includes single family residential development and State Park land. The property is between the first public road and the ocean, but is not located on the beachfront.

The site has experienced past grading associated with creating a building pad and access off of Pacific Coast Highway. A private road to the beach is located adjacent and west of the site. There are a number of apparently inoperative motor vehicles on or near the subject property. According to the applicant's agent, these vehicles are being gradually moved off-site to Oxnard College to be used for instruction and training.

The site is presently improved with an occupied residential motor home, a travel trailer, fences, and landscaping. There is also construction equipment, and various pieces of wood and metal stored on the site which will be removed to facilitate the proposed development.

The site consists of compacted and uncompacted fill over natural terrace deposits. According to the geotechnical investigation, the site drains partially to a blue line stream and partially to the ocean. To the east of site, a canyon contains the referenced blue-line stream (as designated by the United States Geologic Survey), which has been previously recognized by the Commission as an environmentally sensitive habitat area, most recently in Coastal Permit 4-94-145 (Encinal Bluff Partners).

B. Environmentally Sensitive Habitat Areas.

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 30240 of the Coastal Act states that:

(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 applicant proposes the construction of a 2 story, 28 ft. high (average natural grade), 4361 sq. ft. single family residence with septic system on a one acre lot with no grading.

The Commission has consistently emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. As noted above, the area drains partially into a canyon and stream which is identified on United States Geologic Service maps as a blue-line stream. The watercourse and associated riparian corridor has, in past decisions, been designated by the Commission as an environmentally sensitive habitat area. Additionally, the Commission has found, in past decisions (see permit 4-94-145, Encinal Bluff Partners), that the nearby bluff and beach areas and any kelp beds occurring offshore to be ESHA areas as well.

Although the proposed building site is not within the ESHA, development on this site could adversely impact the sensitive habitat resources if not properly designed. Although the applicant proposes no grading, a minor, incidental amount of soil disturbance will result from the construction of the residence.

In addition, the impervious surfaces created will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff would result in increased erosion on and off site. Increased erosion not only destabilizes the site it results in sedimentation of the nearby stream. The increased sediments in the water course can adversely impact riparian streams and water quality. These impacts can include:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.
7. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

To ensure that the proposed project minimizes erosional impacts the Commission finds it necessary to require the applicant to submit detailed drainage plans which illustrate how runoff will be conveyed off-site in a non-erosive manner. Landscaping of the areas disturbed by construction activities will also serve to minimize erosion and ensure site stability. Therefore, the Commission finds it necessary to require the applicant to submit a landscape and erosion control plan as a special condition of approval. These conditions will ensure that all impacts of site disturbance and increased impervious surfaces and increase in peak runoff rates resulting from the proposed project are mitigated to the maximum extent feasible, thereby minimizing any adverse affects on the habitat of the designated blueline stream and offshore kelp beds. Therefore, the Commission finds that only as conditioned will the proposed project be consistent with the policies found in Sections 30230, 30231 and 30240 of the Coastal Act.

C. Geologic Stability.

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

New development shall:

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

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

As previously noted, the applicant proposes the construction of a 2 story, 28 ft. high (average natural grade), 4361 sq. ft. single family residence with septic system and no grading on a one acre lot at 32832 Pacific Coast Highway in the City of Malibu.

The applicant has submitted numerous geotechnical reports for the proposed project, as noted above under Substantive File Documents. The large number of reports relates to the history of proposed development since 1980 which includes, in part, geologic problems associated with adjacent parcels downhill of the site, adjacent to the ocean. These reports are also in part in response to repeated concerns of the City of Malibu Building Department in their review of proposed development including preparation of Geology and Geotechnical Engineering Review Sheets.

The geotechnical report, Mountain Geology, Inc., Updated Engineering Geologic Report, revised November 9, 1994 states that::

... construction of a single family residence 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 report goes on to recommend compaction, removal of existing fill, engineered footings, retaining walls, construction of a sewage disposal system to City standards, etc. The consultant then concludes that:

Based upon our investigation, the proposed development is free from geologic hazards such as landslides, slippage, active faults, and undue differential settlement provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

Further, Coastline Geotechnical Consultants, Inc. notes in their Review and Update Geotechnical Engineering Investigation Report, January 16, 1996 that:

... construction within the building site would not be subject to hazards from slippage or excessive settlement ... the proposed building and anticipated site grading would not adversely affect the stability of the site, nor adjacent properties ...

Based on the recommendations of the consulting engineer and geologist the Commission finds that the development is consistent with Section 30253 of the Coastal Act and applicable LUP policies so long as the geologic consultant's geologic recommendations are incorporated into project plans. Therefore, if 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 engineering geology report includes a recommendation to remove uncertified materials. However, the removal of fill is not part of the project description. Therefore, if additional substantial grading (in excess of \pm 50 cu. yds.), is necessary to comply with the geologists recommendation, an amendment to this permit is required.

The Commission also finds that site stability may be further assured with the minimization of site erosion by requiring the applicant to landscape the site with native plants, compatible with the surrounding environment. Therefore, the Commission finds it necessary to require the applicant to submit and implement landscaping plans designed to revegetate disturbed and graded areas of the site.

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. The Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act and applicable portions of the Malibu LUP.

D. Septic System.

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The Commission has recognized, in past permit actions, that the potential build-out of lots in the Malibu area and the resultant installation of septic systems may contribute to adverse health effects. 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.

The applicant proposes the construction of a on-site septic system which consists of a septic tank and seepage pits located near Pacific Coast Highway. After extensive review by the City, the system was moved to a location to the west of the proposed residence and further uphill, toward Pacific Coast Highway. Final review by the City Environmental Health Department, as noted above in Substantive File Documents, reflects this

relocation of the proposed septic system and an upgrade in capacity. Past Commission decisions have found that compliance with City codes have resolved any potential problem of pollution of coastal waters by proposed development. Therefore, the Commission finds that the project, as proposed, is consistent with Section 30231 of the Coastal Act.

E. Public Access

The proposed development is between the first public road and the ocean, but is not located on the ocean or beachfront. The Coastal Act requires the Coastal Commission to ensure maximum public access for every project. Applicable sections of the Coastal Act provide:

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 resource areas 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.

Section 30212: (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway 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. ...

Projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. 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 be mandated 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 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 subject site is located inland of the beachfront residential development in Malibu near the intersection of Encinal Canyon Road and Pacific Coast Highway and between segments of Robert H. Meyer Memorial State Beach. As such, development in the project area has been reviewed on many occasions with respect to Coastal Act sections relative to access and recreation. 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 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, however, the project is on a lot inland of beachfront lots and therefore will not affect lateral access along the coast. In addition, the site is located within approximately 500 ft. of two State beaches which provide unrestricted vertical access to the beach. Thus, the project will have no individual or cumulative impacts on public access. Therefore, the Commission finds that the proposed project is consistent with sections 30212, 30211, and 30212 of the Coastal Act.

D. Visual Quality

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 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 seaward of the Pacific Coast Highway (PCH), a Commission designated scenic highway. The building site is located below PCH and is heavily screened by existing landscaping. There are two residences on the adjoining parcels which also have dense landscaping along PCH.

Section 30251 of the Coastal Act requires that development 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.

The proposed residence is sited on an existing level area approximately 20 feet below and 70 feet south of PCH. The design of the residence includes an approximately 16 foot high one story middle section with two 28 foot high two story sections on both sides of the one story mid-section (Exhibit IV). The proposed residence is sited on a very gently sloping to level portion of the site. The southern half of the site is moderately sloping towards the ocean. The proposed location of the residence is clearly the preferred building site on the property. If the existing landscaping along PCH were removed there would be only a very brief blue water view over the site from a passing vehicle on PCH. The design of the residence as proposed would permit a brief blue water view over the one story mid-section of the residence if the vegetation along PCH were removed. However, would the restoration of this view corridor significantly enhance the visual quality along this section of Pacific Coast Highway?

There are several significant view corridors within 200 to 500 feet of this property. Immediately to the east, within 200 feet, there is a small canyon which affords a view of the ocean. In addition, within 500 feet east and west of the property there are two state beach areas (La Piedra and El Pescador) which also afford large scenic view corridors. As previously mentioned, the adjacent properties are developed with residences and have landscaping which block views from PCH. Removal of the vegetation and landscaping along the 150 foot frontage of the subject parcel to restore the views from PCH would provide a only very fleeting insignificant view of the ocean. Therefore, given there are three significant view corridors within 200 - 500 feet of the subject property and the views over the site from PCH would be fleeting at best a requirement to restore a view corridor over this site is not appropriate in this case.

However, in order to ensure the visual impacts of the project are mitigated to the maximum extent feasible the Commission finds it necessary to require a landscape plan to "soften" the view impact of the structure from PCH.

Therefore, the Commission finds that the proposed project as conditioned is consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program.

Section 30604(a) 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. 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. 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)(1) 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.

As conditioned, there are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project as conditioned is found consistent with CEQA and the policies of the Coastal Act.

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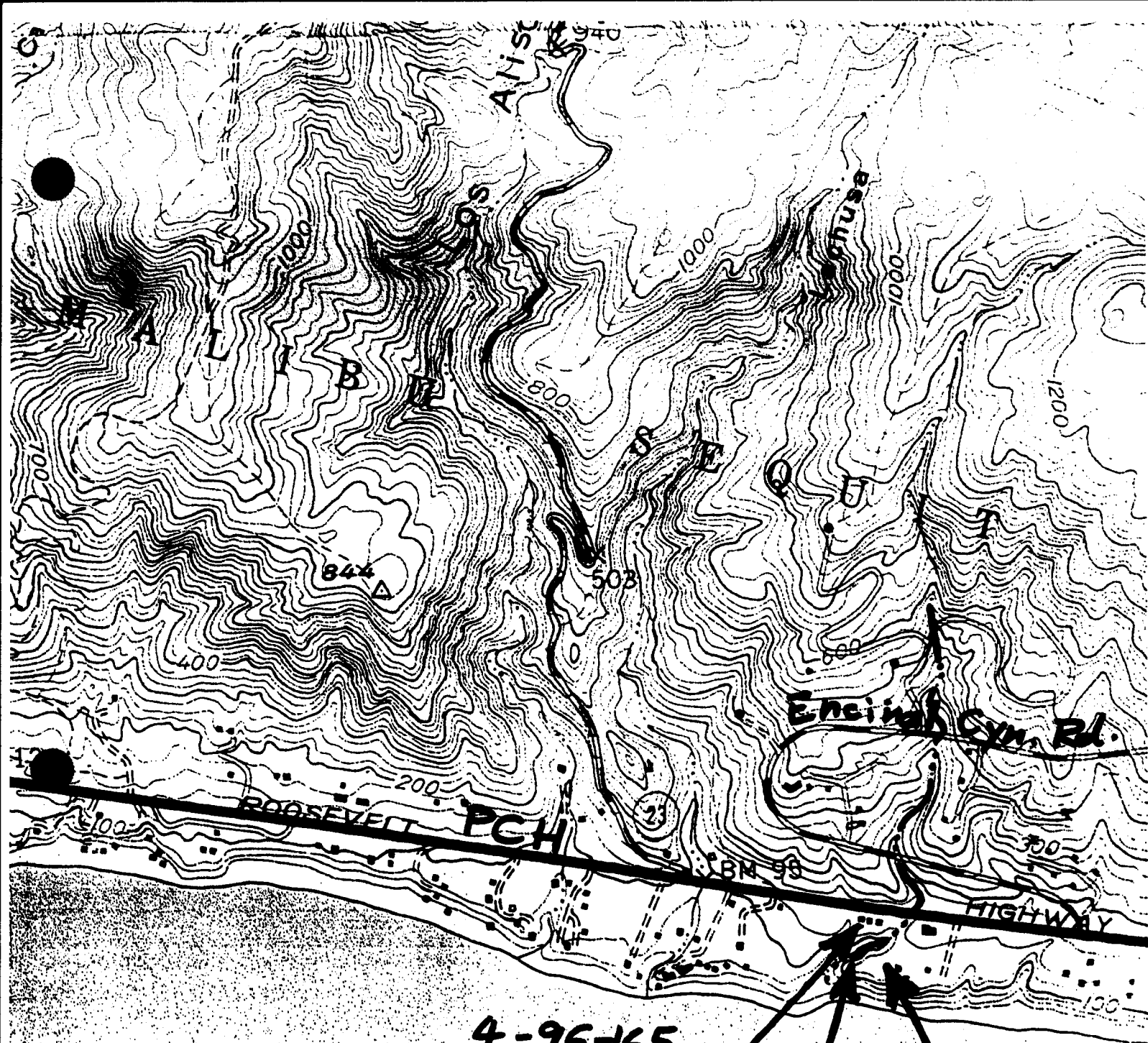


EXHIBIT NO. I
APPLICATION NO.
4-96-165 Hennessy
Project Location

PROJECT ADDRESS:

TOM HENNESSY
32832 PACIFIC COAST HWY.
MALIBU, CA 90264

BOOK 4473
MAP 5

(4)

PACIFIC COAST HWY.

4-96-165

SUBJECT
PROPERTY

Hennessy

100'

(14)

(28)

(29)

(20)

(12)

(11)

(10)

(8)

(9)

BOOK 4473
MAP 16

(13)

(18)

(27)

(26)

Hennessy Partners
4-96-165

PACIFIC OCEAN

EXHIBIT NO. II

APPLICATION NO.

4-96-165
Hennessy

Parcel Map (APN)

BOOK 4473
MAP 17

PAPER 1

[illegible]

* THENCE NORTH 64° 43' 30" WEST ALONG SAID SOUTHERLY LINE OF THE 80 FOOT STRIP 134.50 FEET;

THAMES SOUTH 15' 14" 10" WEST 130.01 SURF:

THENCE SOUTH 14° 00' 33" WEST 144.62 FEET TO THE
CORRESPONDING EXTENSION OF THE SURVEYABLE LINE DESCRIBED
AS ABOVE 04° 00' 50" WEST 144.60 FEET, OF THE LAND DESCRIBED
IN THE GORDON TO LANDS 2, 3, 4 AND 5174, BEING 2000 ON APRIL 9,
1964 IN INSTRUMENT NO. 500, IN BOOK 2010 PAGE 179, OFFICIAL
RECORDS OF SAID COUNTY;

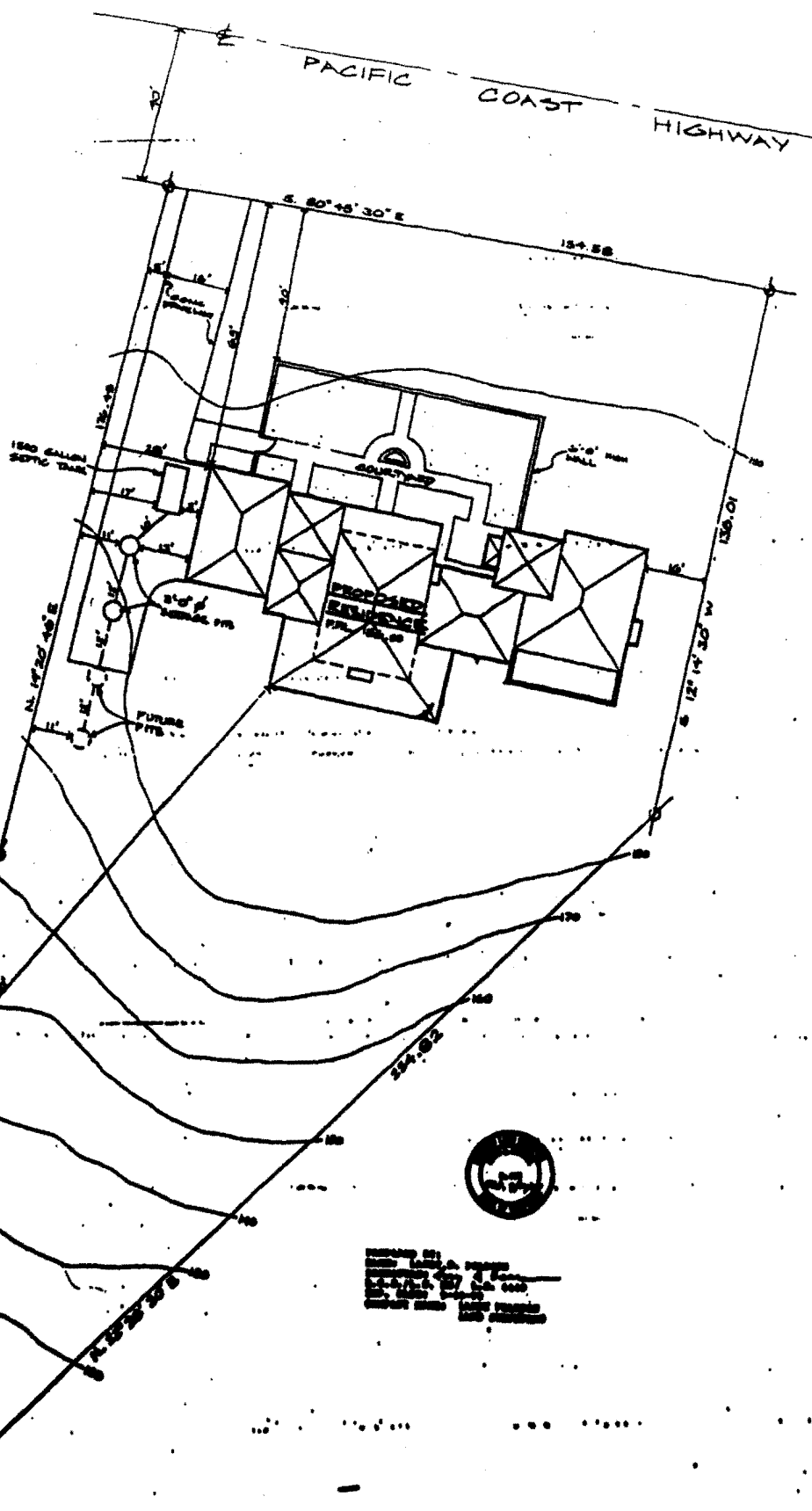
TRAINING NUMBER 64-60 10-00000 100.10 00000

THURSDAY MORNING 45° 19° 37° EAST 107.13 FEET.

THENCE DOWN 16° 26' 45" EAST 174.49 FEET TO THE TRUE POINT
OF ORIGIN.

WENT THAT PORTION OF SAID LAND INCLUDED WITHIN THE LINE
OF THE 100 FOOT STRIP OF LAND DESCRIBED IN THE DEED TO THE
STATE OF CALIFORNIA, BEING IN THE 30745 PACE 300,
CITY OF LOS ANGELES, CALIF.

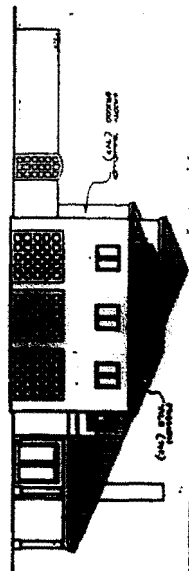
ALL INFORMATION CONTAINED ALL INFORMATION, OR PERSONNEL, INFORMATION, OR ORAL AND OTHER INFORMATION CONTAINED IN, ON, HEREIN AND HEREIN AND HEREIN AND HEREIN THAT THEREIN, BUT WITHOUT ANY OF SUCH AS RECEIVED IN HANDED AND CONTACT, IN THE HANDED JUNE 20, 1964 IN BOOK 31157 PAGE 100. OFFICIAL RECORD.

**APPLICATION NO.**

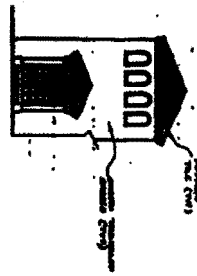
4-96-165

Hennessey Site Plan

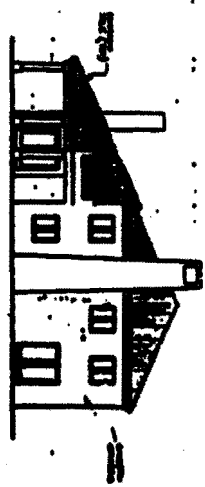
SITE PLAN



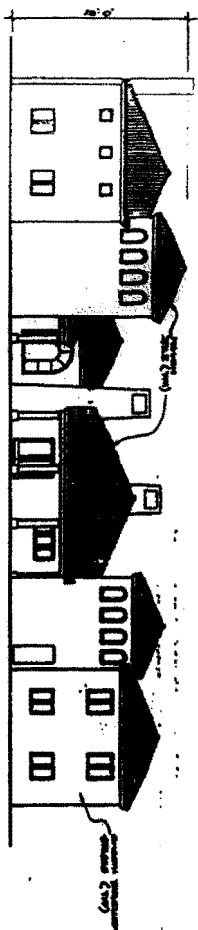
WEST ELEVATION



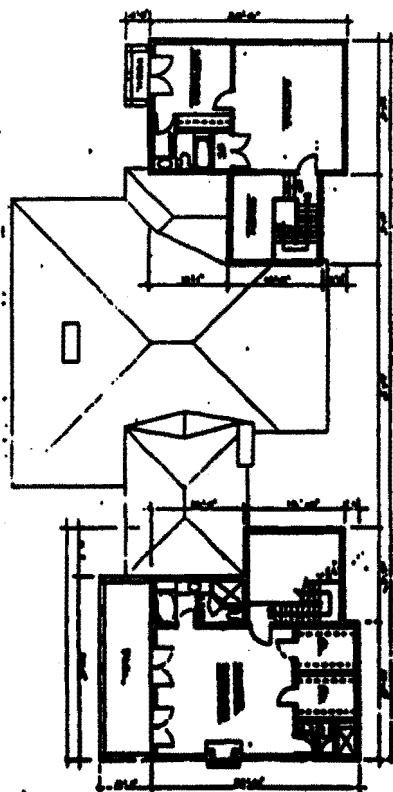
ENTRY



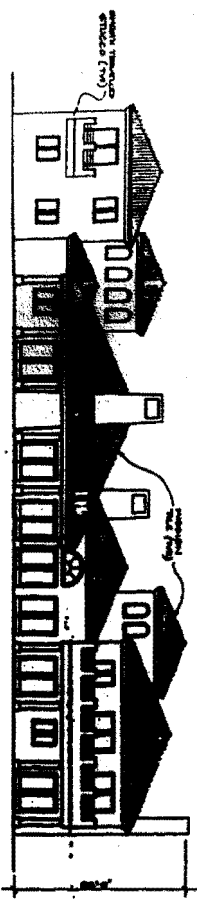
EAST ELEVATION



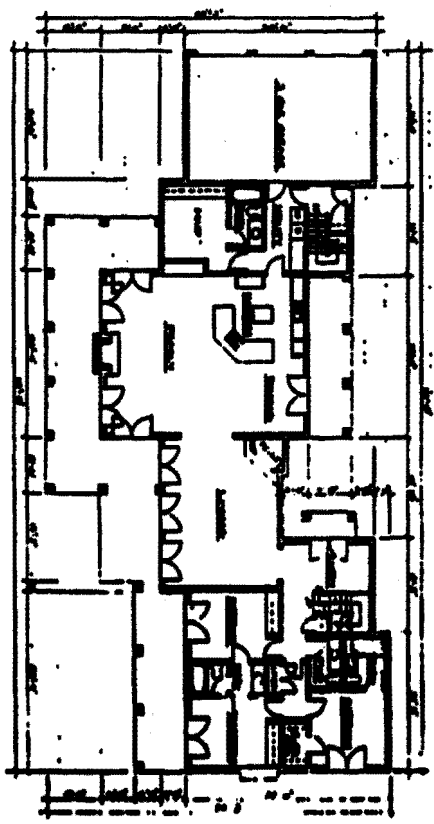
NORTH ELEVATION



SECOND FLOOR



SOUTH ELEVATION



FIRST FLOOR

EXHIBIT NO. <u>IV</u>
APPLICATION NO.
4-96-165 Hennesy
Elevations

PROPOSED SINGLE FAMILY RESIDENCE FOR:
THE HENNESSY CO
3000 PACIFIC CREST BLVD
WALTON, CA 95043

