

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 OJAI, CA 93001
 641-0142



Filed: 1/8/97
 49th Day: 2/26/97
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 Staff: CAREY *[Signature]*
 Staff Report: 1/9/97
 Hearing Date: 2/4-7/97
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

W7b

APPLICATION NO.: 4-96-095

APPLICANT: Walter Sauter

AGENT: Handelman-Katherman, Inc.

PROJECT LOCATION: 6102 Galahad Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Subdivision of a 8.02-acre site developed with one single family residence into eight parcels with 2,460 cu. yds. of grading (1,230 cu. yds. cut and 1,230 cu. yds. fill) for the creation of building pads near the street.

Lot area:	8.02 acres
Building coverage:	N/A
Pavement coverage:	N/A
Landscape coverage:	N/A
Plan designation:	Residential II (2 du/ac)
Project density:	1 du per acre
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: County of Los Angeles Tentative Tract 40860, City of Malibu approved Geology and Geotechnical Engineering Review Sheet

SUBSTANTIVE FILE DOCUMENTS: Permit Application 5-90-073 (Sauter); Geology Reports prepared by California Geosystems: 1) Preliminary Geotechnical Investigation Report, dated 12/7/83; 2) Addendum to Preliminary Geotechnical Investigation, dated 6/25/84; 3) Second Update Geotechnical Report, dated 3/28/91; 4) Results of Additional Subsurface Exploration, dated 6/8/92; 5) Updated Soils and Engineering-Geologic Report; 6) Response to the City of Malibu Geology/Geotechnical Review Sheet, dated 11/5/96; and 7) a Fault Evaluation of Lots 5 through 8, dated 12/21/90, prepared by Leighton and Associates, Inc.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed subdivision with Special Conditions relating to cumulative impact mitigation, landscaping and geology. The proposed grading involves only that

SUMMARY OF STAFF RECOMMENDATION (CONTINUED):

necessary to provide minimal building pads with required fire turnaround areas. As such, the proposed project will minimize landform alteration. Even so, staff recommends that the applicant be required to revegetate all graded areas to minimize any visual impacts of the project as well as to minimize erosion and sedimentation into the adjacent blue-line stream. In order to mitigate the cumulative impacts of creating seven new lots, staff recommends that the applicant be required to extinguish the development rights for seven lots. Finally, in order to ensure that the proposed project, particularly the proposed grading, is carried out in conformance with the recommendations of the project geologist, staff recommends that the applicant be required to provide evidence of the project geologist's review and approval of the final plans. If so conditioned, staff recommends that the Commission find the proposed project consistent with the applicable policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS:

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, 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. Cumulative Impact Mitigation.

Prior to the issuance of the Coastal Development Permit, the applicants shall submit evidence, subject to the review and approval of the Executive Director, that the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains are adequately mitigated. Prior to issuance of this permit, the applicants shall provide evidence to the Executive Director that development rights for residential use have been extinguished on seven (7) building sites in the Santa Monica Mountains Coastal Zone. The method used to extinguish the development rights shall be either:

- a) a TDC-type transaction, consistent with past Commission actions; or
- b) participation along with a public agency or private nonprofit corporation to retire habitat or watershed land in amounts that the Executive Director determines will retire the equivalent number of potential building sites. Retirement of a site that is unable to meet the County's health and safety standards, and therefore unbuildable under the Land Use Plan, shall not satisfy this condition.

2. Plans Conforming to Geologic Recommendations

All recommendations contained in the following reports prepared by California Geosystems: 1) Preliminary Geotechnical Investigation Report, dated 12/7/83; 2) Addendum to Preliminary Geotechnical Investigation, dated 6/25/84; 3) Second Update Geotechnical Report, dated 3/28/91; 4) Results of Additional Subsurface Exploration, dated 6/8/92; 5) Updated Soils and Engineering-Geologic Report; and 6) Response to the City of Malibu Geology/Geotechnical Review Sheet, dated 11/5/96, as well as the Fault Evaluation of Lots 5 through 8, dated 12/21/90, prepared by Leighton and Associates, Inc. shall be incorporated into all final design and construction including grading, septic systems, and drainage. All

plans must be reviewed and approved by the consultant prior to commencement of development. Prior to the issuance of the coastal development permit, the applicant shall submit evidence for the review and approval of the Executive Director of the consultant's review and approval of all final design and construction 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. Revegetation and Landscaping Plan.

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a revegetation/landscaping plan prepared by a licensed landscape architect. This plan shall incorporate the following elements:

(a) All graded and disturbed areas on the project site shall be stabilized with planting at the completion of final grading and the landscaping shall be 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 Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Such planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage.

(b) 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.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description.

The applicant proposes the subdivision of an 8.02-acre lot into 8 parcels, each approximately 1 acre in size. There is currently an existing single family residence on the project site. The single family residence will occupy one of the newly created eight parcels. The applicant also proposes 2,460 cu. yds. of grading (1,230 cu. yds. cut and 1,230 cu. yds. fill) for the creation of seven

building pads which will be directly adjacent to the existing road. The proposed project site is located on Galahad Road which takes access from Kanan Dume Road, north of Pacific Coast Highway within the City of Malibu. Walnut Creek, a U.S.G.S. designated blue-line stream, crosses the eastern side of the property. This stream, while a significant drainage, has not been designated as an environmentally sensitive habitat area. The proposed project site contains a relatively flat area adjacent to Galahad Drive and slopes down into Walnut Canyon.

B. Background.

The Commission has previously considered the same proposed subdivision project on the proposed project site [5-90-073 (Sauter)]. The Commission approved the permit with special conditions relating to cumulative impact mitigation, geology, and open space. Permit 5-90-073 was never activated, and the applicant did not apply to extend the permit. As such, it expired in January 1993. Although the coastal development permit expired, the Los Angeles County approval of the tentative tract map for the project has been extended several times and is, according to the City of Malibu, still valid. The City of Malibu has reviewed the applicant's geology reports for the proposed project site and has issued an approved geologic and geotechnical review sheet.

C. Cumulative Impacts of New Development

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

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Commission is required to review the cumulative impacts of a land division pursuant to Section 30250(a) of the Coastal Act. In this situation, because the project site is located in an existing developed area, the average lot size and 50 percent development criteria provided in Section 30250(a) are not applicable.

The Coastal Act requires that new development, including subdivisions and multi-family projects, be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development.

In past permit actions, the Commission has looked to the land use designations of the Malibu/Santa Monica Mountains Land Use Plan for guidance on the maximum density and intensity of land use that may be permitted in any particular area. While the LUP is no longer legally binding within the City of Malibu, the land use designations are instructive on the level of density that the Commission has previously found allowable consistent with the policies of the Coastal Act. In this case, the LUP designates the proposed project site for the Residential II category which allows 2 dwelling units per acre. The proposed project would result in a density of one dwelling unit per acre. As such, the proposed project is consistent with the density category. Additionally, the Commission has previously found that the subdivision of the project site into eight parcels was consistent with the policies of the Coastal Act.

In addition to assuring that newly created parcels are consistent with the maximum allowable density and intensity for each area, the Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impact problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects. Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches could be expected to grow tremendously. In addition, future build-out of many lots located in environmentally sensitive areas would create adverse cumulative impacts on coastal resources.

As a means of addressing the cumulative impact problem in past actions, the Commission has consistently required, as a special condition to development permits for land divisions and multi-unit projects, participation in the Transfer of Development Credit (TDC) program as mitigation (155-78, Zal; 158-78, Eide; 182-81, Malibu Deville; 196-86, Malibu Pacifica; 5-83-43, Heathercliff; 5-83-591, Sunset-Regan; and 5-85-748, Ehrman & Coombs). The TDC program has resulted in the retirement from development of existing, poorly-sited, and non-conforming parcels at the same time new parcels or units were created. The intent of the program is to insure that no net increase in residential units results from the approval of land divisions or multi-family projects while allowing development to proceed consistent with the requirements of Section 30250(a).

In several permit actions in Los Angeles County prior to the City of Malibu's incorporation (5-86-592, Central Diagnostic Labs; 5-86-951, Ehrman and Coombs; 5-85-459A2, Ohanian; and 5-86-299A2 and A3, Young and Golling), the Commission found that until other mitigation programs were both in place and able to be implemented, it is appropriate for the Commission to continue to require purchase of TDC's as a way to mitigate the cumulative impacts of new subdivisions and multi-residential development. In 1986, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan, which is no longer legally binding within the City of Malibu. The Plan contained six potential mitigation programs that if in place would adequately mitigate the cumulative impacts of new development. However in approving the above cited permit requests, the Commission found that none of the County's six mitigation programs, as defined in the LUP,

were "self-implementing" or adequate to offset the impact of increased lots in the Santa Monica Mountains and that mitigation was still required to offset the cumulative impacts created by land divisions and multi-unit projects. The Commission found that the TDC program, or a similar technique to retire development rights on selected lots, remained a valid means of mitigating cumulative impacts. Without some means of mitigation, the Commission would have no alternative but denial of such projects based on the provisions of Section 30250(a) of the Coastal Act.

The applicants propose to subdivide one parcel of land into eight residential lots. The proposed number of residential units is consistent with the character of the area. The subject parcel is an existing legal parcel. Therefore, no cumulative impact mitigation requirements shall be imposed as a condition of approval of this permit regarding the legality of the existing parcel.

As discussed above, the Commission has approved new subdivisions, but has continued to require purchase of TDC's as one of the alternative mitigation strategies. Staff review indicates that the incremental contribution to cumulative impacts would be the creation of seven additional lots. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality and resource degradation would be associated with the development of the seven additional lots in this area. Therefore, the Commission determines that it is necessary to impose a requirement on the applicant, in order to insure that the cumulative impacts of the creation of seven additional legal buildable lots is adequately mitigated. This permit has therefore been conditioned to require the applicant to mitigate the cumulative impacts of the subdivision of this property, either through purchase of seven (7) TDCs or participation along with a public agency or private nonprofit corporation to retire habitat or watershed land in amounts that the Executive Director determines will retire the equivalent number of potential building sites. The Commission finds that as conditioned, the proposed project is consistent with Section 30250 of the Coastal Act.

D. Geologic Stability/Landform Alteration.

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.

Additionally, Section 30251 of the Coastal Act states that:

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

The proposed development is located in the Santa Monica Mountains, 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. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The applicant has submitted the following geology and geotechnical reports for the proposed project site, prepared by California Geosystems: 1) Preliminary Geotechnical Investigation Report, dated 12/7/83; 2) Addendum to Preliminary Geotechnical Investigation, dated 6/25/84; 3) Second Update Geotechnical Report, 3/28/91; 4) Results of Additional Subsurface Exploration, dated 6/8/92; 5) Updated Soils and Engineering-Geologic Report; and 6) Response to the City of Malibu Geology/Geotechnical Review Sheet, dated 11/5/96. Additionally, the applicant submitted a Fault Evaluation of Lots 5 through 8, dated 12/21/90, prepared by Leighton and Associates, Inc. These reports address the geology of the site and of the general area. Finally, the applicant has submitted an approved City of Malibu Geology and Geotechnical Review Sheet, dated 11/20/96. This review sheet indicates that the proposed subdivision is approved in concept, from a geologic standpoint, in the planning stage.

As noted above, the proposed project site has been the subject of many geologic investigations. The primary focus of these reports relates to two postulated geologic hazards: 1) an ancient landslide located on the site; and 2) the presence of the Malibu Coast Fault crossing the site. Both of these potential hazards were postulated based on the U.S. Geologic Service (U.S.G.S.) maps of the overall area. Such maps are generally based on airphoto interpretation and available geologic information on a regional basis. Significant subsurface exploration has been carried out on the proposed project site by both California Geosystems and Leighton and Associates to determine whether these postulated geologic hazards exist on site.

At the time of the Commission's original approval of the propose subdivision in 1991, Leighton and Associates' investigations led them to conclude that the thrust fault located on the proposed project site was in fact a low-angle detachment fault known as the Escondido Thrust, and was not a main trace of the Malibu Coast Fault, which they state lies nearly three-quarters of a mile north. This report concludes that:

Within the limits of a reasonable geotechnical evaluation, it is our opinion that no well-defined trace of the Escondido Thrust traverses lots 5 through 8 of Tentative Tract 40860 within 50 feet of the proposed building locations. Furthermore, it is our opinion that the potential for future surface rupture along the leading edge of the Escondido Thrust is extremely low in the vicinity of the subject site.

The Leighton and Associates report also postulated the presence of a landslide on the site. They inferred its limits based primarily on geomorphic expression although they were: "unable to identify a distinct basal failure surface".

Further subsurface exploration was carried out by California Geosystems in 1992, and their results noted in their 6/8/92 report. Based on their further investigation, it is their opinion that the site is not underlain by landslide debris. This reports states that:

Evidence for this interpretation includes the following: 1) Fracturing, folding, shearing, and minor faulting are prevalent and consistent in nature across the entire property, regardless of the boring's location either inside or outside of the inferred landslide limits postulated by Leighton & Associates, 2) shearing within the bedrock is generally orientated subparallel to bedding rather than in an orientation suggestive of mass wasting, and 3) no discrete failure surface indicative of any landslide plane(s) was observed in any of the borings. The Leighton report indicates specifically that they were unable to identify a basal failure surface and that the postulated landslide limits were inferred from geomorphic expression.

This report concludes that: "...the site is not underlain by landslide debris and that the proposed building sites will not be adversely affected by potential slope failures. Additionally, it is our opinion that no active or potentially active faults are located within 50 feet of the proposed building sites".

Finally, California Geosystem's 1996 report provides an update of the geologic conditions on the site and addresses additional concerns of the City of Malibu regarding the proposed project site. The report concludes that geologic conditions are essentially unchanged since previous reports. The consultants recommend that all future structures be supported on foundations into the underlying bedrock. They also recommend that a restricted use area be designated on the eastern portion of the site in the area of the inferred thrust fault. The report states that: "No evidence of the fault was encountered in the exploratory trenches excavated in the proposed building area. Additional trenching may be necessary to confirm the presence and location of the fault if future structures are proposed on the eastern portion of the site". No development is proposed for that portion of the site at this time. The consultants make many recommendations on site preparation, grading, construction of slopes, slope maintenance, revegetation, and drainage. They conclude that the proposed project site may be developed so long as their recommendations are incorporated into the project. The 11/5/96 report states that:

It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.

Furthermore, the applicant has submitted an "approved" Geology and Geotechnical Review Sheet from the City of Malibu. This review sheet indicates that the City Geologist has reviewed all of the consultant's reports and finds that, based on the consultant's findings, the recordation of the proposed tentative tract map is approved in-concept in the planning stage.

Therefore, the Commission finds that the project will be consistent with Section 30253 of the Coastal Act so long as the recommendations of the geologist are incorporated into the project

design. Thus, the Commission finds it necessary to require the applicant to follow all recommendations of the consultants and to submit evidence that all recommendations have been incorporated into the final plans.

With regard to landform alteration, the applicant proposes 2,460 cu. yds. of grading (1,230 cu. yds. cut and 1,230 cu. yds. fill) to create one building pad area on each of the seven proposed new parcels (one of the proposed parcels is already developed with a single family residence). Each proposed pad would be located directly adjacent to Galahad Drive. The amount of grading proposed for each lot varies from a minimum of 50 cu. yds. (25 cu. yds. cut and 25 cu. yds. fill) for Lot 2 to the maximum of 800 cu. yds. (400 cu. yds. cut and 400 cu. yds. fill) for Lot 8. Several of the pads would have small (maximum height 3 feet) retaining walls on the downslope side. Since the proposed grading is the minimum necessary to provide pads for each proposed lot, staff concludes that the applicant has minimized landform alteration. However, graded slopes and disturbed areas denuded of vegetation do have negative impacts on visual resources, in addition to contributing to excessive erosion. As such, the Commission finds it necessary to require the applicant to revegetate all graded or disturbed areas on the proposed project site with native plants when the proposed grading is completed. This will ensure that erosion and runoff as well as visual impacts are minimized. The Commission finds that the proposed development, as conditioned to provide evidence of the geologist's review and approval of the final plans and to provide revegetation/landscape plans, is consistent with Section 30253 and 30251 of the Coastal Act.

E. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, 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 does not, at this time, propose the construction of septic systems to provide sewage disposal for the future residences. However, septic systems will eventually be installed to serve the seven additional parcels proposed to be created by this application. The applicant's geology reports recommend that seepage pits be located on the upper portion of the project site along the existing road. The report states that:

Effluent from the proposed seepage pits is expected to percolate downward through the granular sandstone bedrock and along the favorably oriented bedding and fracture planes. Sustained, long-term use of the private sewage disposal system is not expected to adversely affect the site or adjacent

site stability, or result in mounding or daylighting of the sewage effluent provided that our recommendations are followed.

Based on the findings of the project geologist, the Commission finds that septic systems can be accommodated on the proposed parcels without adverse impacts to site stability or coastal resources. The design of such systems will have to be reviewed as such time as permits are granted for construction of residences on the proposed parcels. As such, the Commission finds that the proposed subdivision is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program.

Section 30604 of the Coastal Act states that:

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

There will no negative impacts caused by the proposed development which will not be adequately mitigated by implementation of the conditions of approval. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

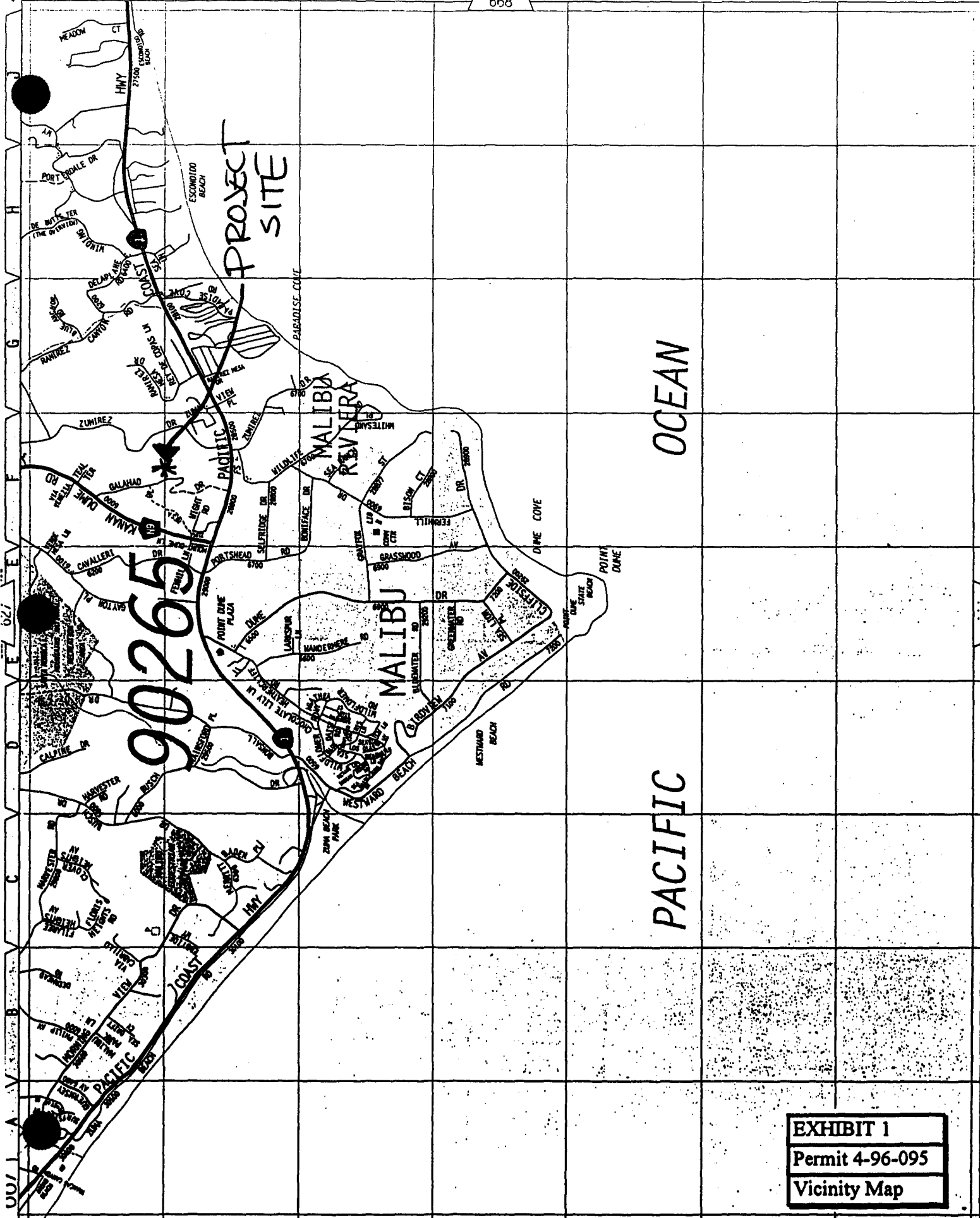
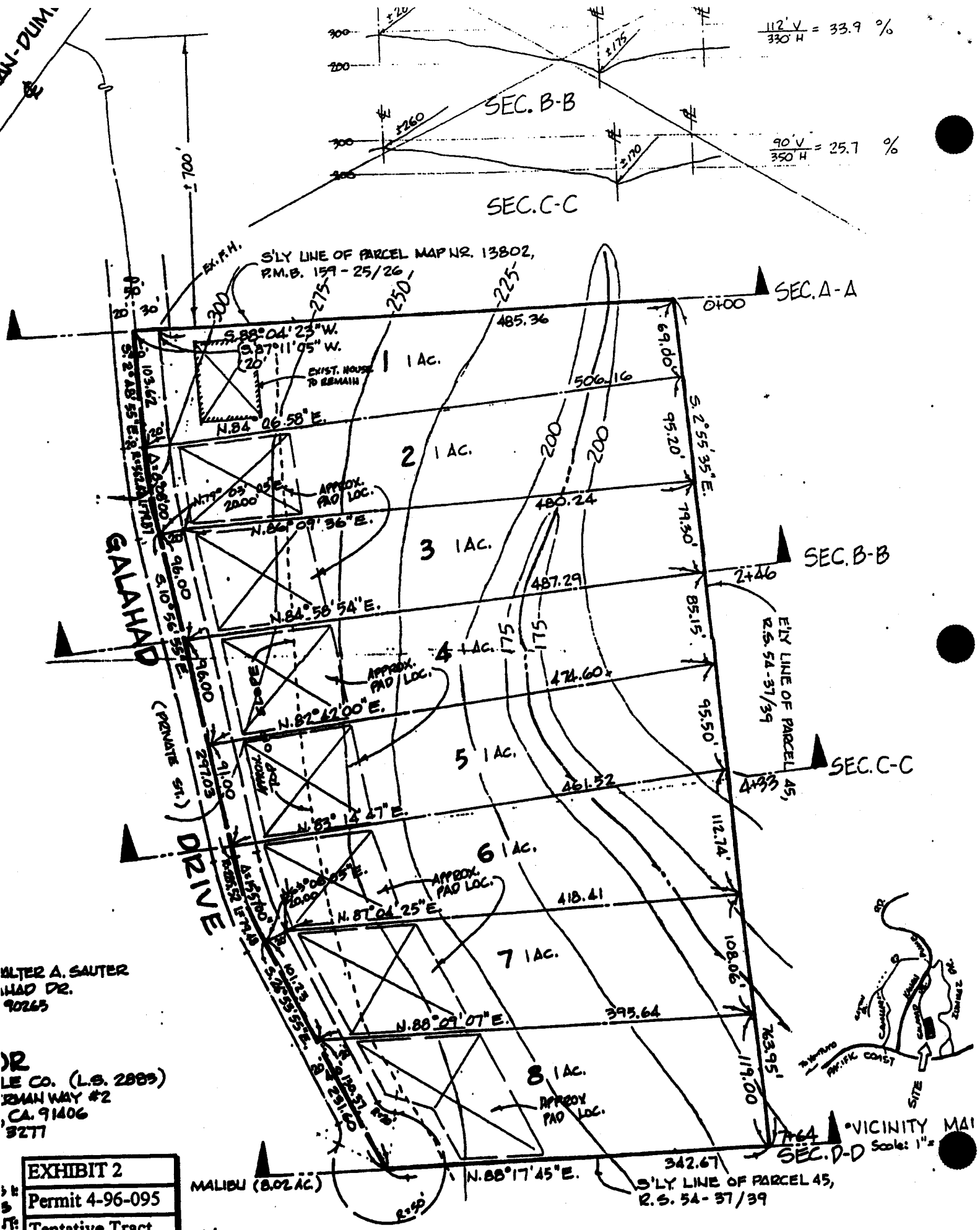


EXHIBIT 1
 Permit 4-96-095
 Vicinity Map

AN-DUM

$\frac{112' V}{330' H} = 33.9\%$

$\frac{90' V}{350' H} = 25.7\%$

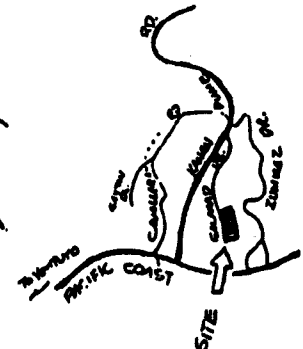


ALTER A. SAUTER
1140 DR.
90265

OR
LE CO. (L.S. 2889)
ROMAN WAY #2
CA. 91406
3277

EXHIBIT 2
Permit 4-96-095
Tentative Tract
Map

254
D., FOR POLE LINES, POWER
151



VICINITY MAP
Scale: 1" = 200'

TENTATIVE TRACT No 40860