

CALIFORNIA COASTAL COMMISSION

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**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.: 4-98-199****APPLICANT: West Pointe Homes****AGENT: Don Schmitz****PROJECT LOCATION:** 435 Wood Bluff Road, Malibu (Los Angeles County).**PROJECT DESCRIPTION:** Construction of a two story, 4,520 sq. ft., maximum 35' high single family residence with septic system, swimming pool, four covered parking spaces, two retaining walls, and 4,536 cu. yds. of grading (4,214 cu. yds. cut and 322 cu. yds. fill).

Lot area:	34,783 sq. ft.
Building coverage:	3,868 sq. ft.
Pavement coverage:	1,640 sq. ft.
Landscape coverage:	7,324 sq. ft.
Parking spaces:	four
Ht abv fin grade:	35'

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning, Approval in Concept, 1/22/91.**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Updated Geotechnical report and grading plan Review, Geolabs, 1/30/98; Coastal Development Permits: 5-87-974 (Saddle Peak Associates); 5-91-134 (Saddle Peak Associates); 4-95-034-A1 (West Pointe).**SUMMARY OF STAFF RECOMMENDATION**

The applicant had obtained a coastal development permit, 5-91-034 (Saddle Peak Associates) for this project, however, the permit expired in July of this year. The proposed project has not changed with the exception of the two small retaining walls, necessitated by an amended grading plan. The grading of the entire subdivision including the subject lot has been

completed, as has the construction of the retaining walls on the subject site. The applicant is seeking after-the-fact approval for the grading and the retaining walls.

The site is visible from the Piuma, Schueren and Saddle Peak significant viewsheds, Malibu Creek State Park and the Backbone Trail. The site has been found to be free of geologic hazards, although there is a concern regarding site drainage and erosion. The site is within the Santa Monica Mountains and therefore, at risk of wildfire. Staff recommends approval of the project with special conditions relating to: landscape and erosion control plans, future improvements, conformance to geologic recommendations, wildfire waiver of liability and condition compliance.

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, 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 effects 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. Landscape and Erosion Control Plans

Prior to issuance of the coastal development permit, the applicant shall submit landscape, erosion control and drainage plans for review and approval by the Executive Director. The landscape, erosion control and drainage plans shall be reviewed and approved by the consulting geologist to ensure the plans are consistent with the geologist's recommendations for slope stability and proper site drainage. The plans shall incorporate the following criteria:

- (a) *Landscape and Erosion Control Plans*, prepared by a licensed landscape architect, which assure all graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. 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 cut and fill slopes, and disturbed areas, shall be stabilized with planting at the completion of final grading. Planting should utilize accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (c) All plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (d) 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 either outside the coastal zone or to a site within the coastal zone permitted to receive fill;

- (e) The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final landscape, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

2. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-98-199; and that any additions or future improvements to the permitted structure(s), or property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a),(b), will require an amendment to this permit or an additional permit from the Coastal Commission or the affected local government authorized to issue such coastal development permits.. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection is permitted.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Plans Conforming to Geologic Recommendations

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Updated Geotechnical Report and Grading Plan Review, Geolabs, 1/30/98 shall be incorporated into all final design and construction plans including recommendations concerning slope setbacks, foundations, retaining walls and drainage. 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. Wildfire Waiver of Liability

Prior to the issuance of a 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, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property

5. Condition Compliance

Within sixty days from the date of Commission action on this permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes the construction of a 4,520 sq. ft., 35' high single family residence with septic system, swimming pool, and four covered parking spaces. The applicant is also requesting after-the-fact approval for 4,536 cu. yds. of grading (4,214 cu. yds. cut and 322 cu. yds. fill) and the construction of two retaining walls, one 3' high by 25' long, and the other 4' high by 45' long. The subject site is a 34,783 square foot parcel located on the corner of Cold Canyon Road and Woodbluff Road, Los Angeles County. The proposed development is located adjacent to the Monte Nido small lot subdivision in Malibu, know as the "Monte Nido Triangle".

The site is just outside the boundary of the Malibu/Cold Creek Resource Management Area, but within an indentation surrounded on three sides by and sits within the viewsheds of Piuma, Schueren, and Saddle Peak roads.

B. Background

On April 12, 1988, the Commission approved coastal development permit 5-87-974 (Saddlepeak Associates) for the subdivision of an 8.1 acre (gross) parcel of land into seven single family residential lots with 9,500 cubic yards of grading for road and intersection improvements on, and adjacent to, the parcel. Five special conditions were attached to the

permit regarding: 1) final grading plans, 2) percolation tests, 3) Commission review of future building pads, driveways and septic systems, 4) any future residential restrictions imposed by the Commission related to special condition number 3, and cumulative impact mitigation.

Following review the submittal of the special condition requirements and conceptual review by the Commission on November 11, 1988, the Coastal Permit for the seven lot subdivision was issued on June 11, 1990. The intention of the applicant, at that time, was to develop each of the lots as individual custom homes as opposed to a single development.

On June 12, 1991, the Commission approved coastal development 5-91-134 (Saddlepeak Associates) for the construction of a two story, 4,520 sq. ft., 35' high single family residence with septic system, swimming pool, carport and 4,536 cu. yds. of grading (4,214 cu. yds. cut and 322 cu. yds. fill) at the subject site. Five special conditions of approval were attached to the permit regarding: 1) grading and landscaping plan, 2) subdivision amendment to reflect a change in alignment of the intersection of Cold Canyon and Piuma Road, 3) revised plans, 4) future development restriction, 5) conformance to geologic recommendations.

On September 13, 1991 the Commission approved a subdivision amendment for the seven lots to reflect the change in alignment of the intersection of Cold Canyon and Piuma Road. Thus, special condition numbers two and three were met for the subject lot. However, because special conditions one, four and five, were never met the permit for the subject lot was not issued. On August 16, 1993, a one year Coastal Development Permit Extension was issued, followed by four successive permit extensions, extending the life of the permit until June 12, 1998. On June 12, 1998 the permit was not extended and therefore expired.

The subject permit application is identical to the original permit approved on June 12, 1991 with the exception of two retaining walls.

Between June 1991 and November 1991 all seven of original subdivision the lots received individual approvals from the Commission for the construction of the single family structures and a revised master grading for the entire subdivision. In order to reduce the amount of grading, the applicant proposed increasing selected slopes from 2:1 to 1.5:1, which was approved by the Commission. During the local review process for the master grading permit the LA County Department of Building and Safety required short retaining walls to ensure the stability of these steep fill slopes. These four small retaining walls, between 3' and 4' in height, are located on Lots 1 and 2. The subject parcel is Lot 2.

In August of 1998, the original subdivision applicant transferred ownership of all seven parcels to the current applicant indicating that final approvals had been received for all residences and for the master grading plan. The new applicant subsequently began grading the site in September 1998. Although the Notice of Intent to Issue a coastal development permit had been sent to the original applicant, the actual permit had not been issued due to outstanding special conditions requirements. On September 21, 1998 all of the outstanding special conditions were met and coastal development permits were issued for six of the seven lots.

The one outstanding permit is the subject of this application, as the previous approval for Lot 2 had been allowed to expire on June 12, 1998, as noted above. In addition, the applicant has concurrently submitted a permit amendment, to CDP 4-95-034, to authorize the after-the-fact construction of the retaining walls on Lot 1.

C. Visual Resources and Landform Alteration

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.

In addition, the certified Malibu/Santa Monica Mountains LUP includes the following policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

- P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.**
- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public park lands. Where physically and economically feasible, development on sloped terrain should be set below road grade.**
- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:**
- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP;**
 - minimize the alteration of natural land forms;**
 - be landscaped to conceal raw-cut slopes;**
 - be visually compatible with and subordinate to the character of its setting;**
 - be sited so as not to significantly intrude into the skyline as seen from public viewing places.**
- P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.**

- P134** ***Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.***
- P135** ***Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.***
- P138b** ***Buildings located outside of the Malibu Civic Center shall not exceed three (3) stories in height, or 35 feet above then existing grade, whichever is less.***

In addition, the Malibu/Santa Monica Mountains Land Use Plan protects specific visual resources in the Santa Monica Mountains. In this particular case, the site is within the "significant viewsheds" of Piuma, Schueren, and Saddle Peak roads. The building site is located on a 34,783 square foot parcel on the corner of Cold Canyon Road and Woodbluff Road. The subject property has recently been graded and includes a building pad and two retaining walls, one 3' high by 25' long to the south of the proposed residence, and the other 4' high by 45' long which reinforces the toe of the building pad on the northwest portion of the parcel.

The Commission typically examines the building site, any proposed grading, and the size of the structure when considering visual resource and landform alteration issues. The grading plan, as submitted, indicates 4,536 cubic yards of grading was required (4,214 cu. yds. cut, 322 cu. yds. fill) to level the pre-existing knoll on the site to create the building pad. Approximately 25 feet of the knoll was removed to create a flat building pad area of approximately 10,970 square feet.

Staff conducted a site visit of the triangular shaped property and found the proposed building pad to be the most appropriate location for the proposed project given the triangular shape and topography of the site. Further, the placement of the 3' and 4' high retaining walls help to minimize the amount of landform alteration that would be necessary to accommodate the proposed building site.

Given the amount of grading that has occurred on the other six sites, the triangular shape of the parcel, the natural topography, the limited height and earth tone color of the walls consistent with the natural landscape, the Commission finds the building pad location and related retaining walls to be the best alternative for siting the proposed project and minimizing further grading and landform alteration.

To assess any potential visual impacts of this project to the public, the Commission also reviews the publicly accessible locations where the proposed development is visible, such as parks and trails. The proposed site is visible from Malibu Creek State park as well as the Backbone Trail, which is located approximately 1,000 feet to the south and above the proposed site. The relatively short, earth tone retaining walls, however, will not adversely impact views from public view areas. Thus, because the residence is located within a "significant viewshed" and visible from a public park and trail, it is necessary to ensure that the design of the project will minimize any visual impacts to the maximum extent feasible.

The Commission has found through past permit action that landscaping softens, screens and mitigates the visual impact of development. Therefore, the Commission finds it necessary to require a landscaping plan in keeping with the native vegetation of the Santa Monica Mountains to mitigate any visual impacts of development through the use of native, drought tolerant plantings, as specified in *Special Condition number one (1)*.

In addition, future developments or improvements to the property have the potential to create visual impacts as seen from the public places, as noted. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. *Special Condition number two (2)*, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Therefore, the proposed project, as conditioned, will not adversely impact the scenic public views in this area of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

C. Geologic Stability and Hazards

Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.**
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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 Malibu/Santa Monica Mountains certified Land Use Plan also provides policy guidance, in regards to geologic hazards, as follows:

- P147** Continue to evaluate all new development for impact on, and from, geologic hazard.
- P148** Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.
- P149** Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.
- P150** Continue Hillside Management procedures as contained in Ordinance No. 82-0003 for proposed development on sites with an average slope greater than 25 percent (4:1). Grading and/or development-related vegetation clearance shall be

prohibited where the slope exceeds 2:1, except that driveways and/or utilities may be located on such slopes where there is no less environmentally damaging feasible alternative means of providing access to homesites located on slopes of less than 50%, where no alternative homesites exist on the property, and where maximum feasible mitigation measures are taken.

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.

1. Geology

The applicant has submitted a Preliminary Engineering Geologic and Seismic Report, dated 1/30/98, prepared by Geolabs for the subject site.

In order to determine slope stability, the consulting geotechnical engineer performed a circular failure surface analysis for the existing cut and fill slope gradient of 1.5:1. Static and pseudostatic factors of safety for the cut slopes were 3.7 and 2.8, and 3.0 and 2.3 for the fill slopes respectively. All of these factors of safety are in excess of the County's minimums. Surficial slope calculations produced a 2.4 factor of safety, were a 1.5 factor is generally considered to be safe.

Based on the geotechnical consultant's site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data limited subsurface exploration of the site and, both the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to slopes, foundations, retaining walls and drainage.

In conclusion, the geotechnical report states:

"Based upon tests conducted as outlined in this and applicable referenced reports, and if constructed with our recommendations and properly maintained, it is our opinion of the undersigned, duly registered professional engineer and engineering geologist, that (1) the grading and proposed structure will be safe against hazard from landslide, settlement or slippage, that (2) the proposed building or grading construction will have no adverse effect on the geologic stability of the property outside of the building site, and that (3) to the best of the undersigned's knowledge, the work within the undersigned's area of responsibility is in accordance with the approved engineering geology reports and applicable provisions of the grading Code."

Based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development 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 geologist and geotechnical engineer as conforming to their recommendations, as noted in *Special Condition number four (4)* for the final project plans for the proposed project.

2. Fire

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

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by *Special Condition number five (5)*.

The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

D. 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 has proposed a private sewage disposal system. The installation of a private sewage disposal system was reviewed by the consulting geologist, Geolabs, and found not to adversely impact the site stability nor that of the adjacent properties, if the consultant's recommendations are followed.

A percolation test was performed on the subject property, as part of the underlying subdivision approval, which indicated the percolation rate meets Uniform Plumbing Code requirements for a single family residence. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

E. Violation

The applicant is seeking after-the-fact approval for the grading and the retaining walls. A master grading permit had been approved by the Commission for the entire subdivision, under CDP 5-87-974 (Saddle Peak Associates), however, individual grading permits were required for each lot.

The retaining walls were a safety requirement imposed by the LA County Division of Building and Safety, to ensure the stability of selected 1:5 slope, following the amendment of the master grading permit by the Commission under 5-87-974-A1 (Saddle Peak Associates). The amendment to the master grading permit reduced the amount of grading in part by increasing the gradient of the selected slopes; thus, the subsequent retaining wall requirement by LA County.

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.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.