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CALIFORNIA COASTAL COMMISSION

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

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Staff: MB-V
Staff Report: 9/9/98
Hearing Date: 10/13-16/98

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-104

APPLICANT: Gary & Maria Verboon AGENT: Darren Domingue

PROJECT LOCATION: 23702 Harbor Vista Drive, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 750 sq. ft., detached, two story, 28 ft. high guest house with attached 750 sq. ft. three car garage, 160 sq. ft. storage area, and septic system. Grading of 640 cu. yds. cut and no fill.

Lot Area	48,730 sq. ft.
Building Coverage	750 sq. ft.
Pavement Coverage	600 sq. ft.
Landscape Coverage	2,436 sq. ft.
Parking Spaces	2 covered
Plan Designation	Residential I, 1 du/ac
Project Density	1 du/ac
Height above finished grade	28 feet

LOCAL APPROVALS RECEIVED: Planning Department, Approval in Concept, dated 4/9/97; Environmental Health Department, In-concept Approval, October 2, 1996.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; RJR Engineering Group, Inc., Geotechnical Engineering and Geologic Report, March 11, 1997.

SUMMARY OF STAFF RECOMMENDATION:

The proposed development site is located below on secondary ridge line adjacent to an existing single family residence. Staff recommends approval of the proposed project with four (4) Special Conditions addressing landscape and erosion control plans, plans conforming to the consulting geologist's recommendations, a wild fire waiver of liability, and cumulative impacts of development.

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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 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 permit, the applicant shall submit a landscape plan prepared by a licensed landscape architect 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 within 30 days of receipt of the certificate of occupancy from the local government. 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 shall be stabilized with planting at the completion of construction. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 2 years and shall be repeated, if necessary, to provide such coverage.
- c) 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 construction 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 site preparation 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 disposal location.
- e) The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final landscape and erosion control 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. 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 the RJR Engineering Group, Inc., Geotechnical Engineering and Geologic Report, March 11, 1997, 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.

3. 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.

4. 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. 4-97-104; and that any future additions or improvements to the permitted structure, that might otherwise be exempt under Public Resources Code Section 30610(a) 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.

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

IV. Findings and Declarations.

A. Project Location and Description

The proposed 28 foot high accessory structure consists of a 750 sq. ft. upper floor garage, a 750 sq. ft. lower floor guest unit and a 160 sq. ft. lower floor storage area. A septic system and 640 cu. yds. of grading (all cut) are also proposed. The subject property is developed with a single family residence. The guest unit design has an open floor plan and no separate bedroom, and therefore is not of the typical design of a full time second residential unit. The 160 sq. ft. storage area is accessed through a separate exterior entrance and not through the habitable portion of the guest unit.

The project site is located at the approximate 230 ft. elevation on a hillside in an existing developed area overlooking the Malibu Creek drainage. The site is visible from the south and east, including the Pacific Coast Highway. The project is adjacent to an existing driveway which travels down the hill to and connects to another property to the southeast.

B. Water Quality and Stream Protection

The proposed development is located in a steep hillside area draining ultimately into the Malibu Creek (2000 ft. to the east) and lagoon (4000 ft. to the southeast).

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

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.

The Malibu/Santa Monica Mountains Land Use Plan is used as guidance in Commission permit decisions in the City of Malibu. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December 1986 that:

...coastal canyons in the Santa Monica Mountains require protection against significant distribution of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The Certified Malibu/Santa Monica Mountains Land Use Plan also contains a number of policies aimed at the protection of resources and stream protection and erosion control: P82: Grading minimized to minimize potential negative effects of runoff and erosion; and P96: Not degrade water quality of groundwater basins, nearby streams, or wetlands from development of the site; and not allow pollutants to discharge into or alongside coastal streams or wetlands.

Section 30231 of the Coastal Act requires that the biological productivity of streams be maintained through, among other means, minimizing waste water discharges and entrainment, controlling erosion,...and minimizing alteration of natural streams. In this case, the proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces created by the building 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 will result in increased erosion on and off site. Increased erosion in addition to raising issues relative to geologic stability as addressed above, also result in sedimentation of the nearby stream. The increased sediments in the water course can adversely impact riparian systems and water quality. These impacts 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 stream banks 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.

In the case of this project, the applicant has provided a grading and drainage plan which includes splash walls, swales, berms, wall drains, catch basins, and rip-rap energy dissipators. These measures are adequate to ensure that runoff will be conveyed off-site in a non-erosive manner and minimize erosion on and off site. Consequently, the grading and drainage plan controls sedimentation and hydrological impacts, to protect against disruption of habitat values and protect biological productivity.

The site has been landscaped with non-native vegetation. It is necessary to require the applicant to submit landscape plans for areas disturbed by grading operations and development activities. These plans must incorporate native plant species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities, to specify plant materials, plant coverage and replanting requirements, and additional measures if grading extends into the rainy season. Replacement plants, if provided in a landscape plan, will minimize and control erosion, as well as screen and soften the visual impact of the proposed development.

Special condition number one (1), recommended above, provides for such a landscape/erosion control plan prepared by a licensed landscape architect. The Commission finds that only as conditioned will the proposed project be consistent with the policies found in Sections 30231 and 30250(a) of the Coastal Act.

C. Geologic and Fire Hazards

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction

of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which 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 (paraphrased): P 147: evaluate impact on, and from, geologic hazard; P 149: require a geologic report prior to approval; P 154: not generate excessive runoff, debris, and/or chemical pollution that would impact on the natural hydrologic system; and P 156: evaluate impact on fire hazard.

The proposed development is located in the Santa Monica Mountains area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the area 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.

The Commission reviews the proposed project's risks to life and property for development such as proposed in this application in areas where there are geologic, flood and fire hazards.

The proposed development is located in a steep hillside area draining ultimately into the Malibu Creek (2000 ft. to the east) and lagoon (4000 ft. to the southeast). Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition. The proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces created by the residence 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 will result in increased erosion on and off site. As noted above, the applicant has provided a grading and drainage plan which is adequate to ensure that runoff will be conveyed off-site in a non-erosive manner and minimize erosion on and off site. Further, as noted, a condition is necessary to require the applicant to submit landscape plans for areas disturbed by grading operations and development activities, to provide erosion control, as well as screen and soften the visual impact of the proposed development. Consequently, the grading and drainage plan controls sedimentation and hydrological impacts, to protect against disruption of habitat values and protect biological productivity, and ensure geologic stability and minimize risk.

The applicant has submitted a report -- RJR Engineering Group, Inc., Geotechnical Engineering and Geologic Report, March 11, 1997 -- which notes that:

Based upon our review of the site and available data, and based upon Section 111 of the Los Angeles County Building Code the proposed improvements are feasible from a geologic and geotechnical standpoint, and should be free of landslides, slumping and excess settlement as described in this report, assuming the recommendations presented in this report and implemented during the design and construction of the project. In addition, the stability of the site and surrounding areas will not be

adversely affected by the proposed residential addition, based upon on [sic] our analysis and proposed design.

Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans as noted in condition two (2).

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 liability from the associated risks through condition three (3). 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.

Thus, the Commission finds that only as conditioned to require a landscape and erosion control plan, incorporate all recommendations by the applicant's consulting geologist, and provide for geologic hazard and wild fire waivers of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

D. Visual Impacts

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 City of Malibu. However, the Commission has used the certified Los Angeles County Land Use Plan as guidance in past Commission decisions. These policies protecting visual resources have been applied by the Commission in the review of development proposals in the Santa Monica Mountains (paraphrased): P 91: minimize impacts and alterations of physical features; P 129: attractive appearance and harmonious relationship with the surrounding environment; P 130: conceal raw-cut slopes, not significantly intrude into the skyline as seen from public viewing places; P 134: conform to the natural topography, as feasible, massive grading and reconfiguration discouraged.

As previously noted, the project site is located at the approximate 230 ft. elevation on a hillside in an existing developed area overlooking the Malibu Creek drainage and is visible from the south and east, including the Pacific Coast Highway.

The surrounding area is characterized by concentration of development to take

advantage of views in a hillside area. This project takes advantage of views as does surrounding development. The project location and development intensity is similar in character to such development in the surrounding area. The view impact is similar to existing development. The view from surrounding areas toward the site will not be diminished because the proposal is below, and substantially in the lines of sight toward such existing development from Pacific Coast Highway and scenic areas. Further, the applicant has minimized landform alteration by limiting grading to 640 cu. yds. of cut. In summary, the proposed development site is consistent with development in the surrounding area.

In similar locations, such as recently in the case of permit 4-96-068 (Ryback and Uhring) for a 1899 sq. ft. addition at 23722 Harbor Vista Dr., the Commission has not required conditions relative to visual impact such as a restriction on future color. In addition, the use of native plant material in suitable landscaping plans as required by condition one (1) can screen or soften the visual impact of the development and ensure that the natural appearance of the site remains after development.

In summary, the proposed development site is consistent with the surrounding area and has minimized the visual impact of the proposed development. Consequently, the project may be found consistent with PRC Section 30251.

E. Cumulative Effects of Development

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

(a) 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 only 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 surrounding parcels.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site

recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The applicant proposes to construct a 28 foot high accessory structure consisting of a 750 sq. ft. upper floor garage, 750 square foot lower floor guest unit and 160 sq. ft. lower floor storage area. Access to the living area below the garage is by way of an external stairway. In addition, access to the lower floor storage area is through an external access and not from the habitable area of the guest unit. Thus, the guest unit and storage area are physically separated by wall. The new guest unit will not have amenities typically associated with a separate residence such as a clothes closet or a separate bedroom, although it will have a wetbar and laundry alcove. As expressed in past Commission actions, there is concern where the design shows a potential intensification in use of a parcel, in turn creating potential impacts on public services, such as water, sewage, electricity and roads, as well as maintaining and enhancing public access to the coast. Because of the design, the project does not raise the same concern as other guest house proposals relative to future conversion of a single family residence.

In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in the certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. The proposed new guest unit at 665 sq. ft. would be consistent with this standard. The Commission found that small units (i.e. under 750 sq. ft.) are likely to be occupied by one or at most two people, and would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (certified Malibu/Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretakers unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (Certified Malibu/Santa Monica Mountains Land Use Plan 1986, page 29).

Although, as noted above, the guest unit is below the maximum size of 750 sq. ft. for guest houses, in order to ensure that no conversion or additions are made without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, which will require the applicant to obtain a new permit if additions or changes to the site are proposed in the future. As conditioned by special condition four (4), the guest house will be in conformance with Section 30250 and 30252 of the Coastal Act.

F. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

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

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

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes constructing a new septic system. The proposal was subject to a percolation test and has been approved in concept by the City of Malibu Environmental Health Department. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that such compliance with the City of Malibu health and safety codes and will minimize any potential for waste water discharge that could adversely impact coastal waters and streams. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

G. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

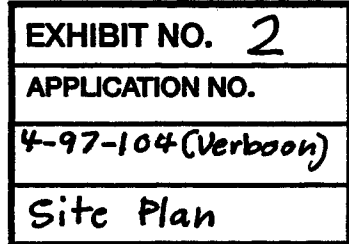
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections

provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.



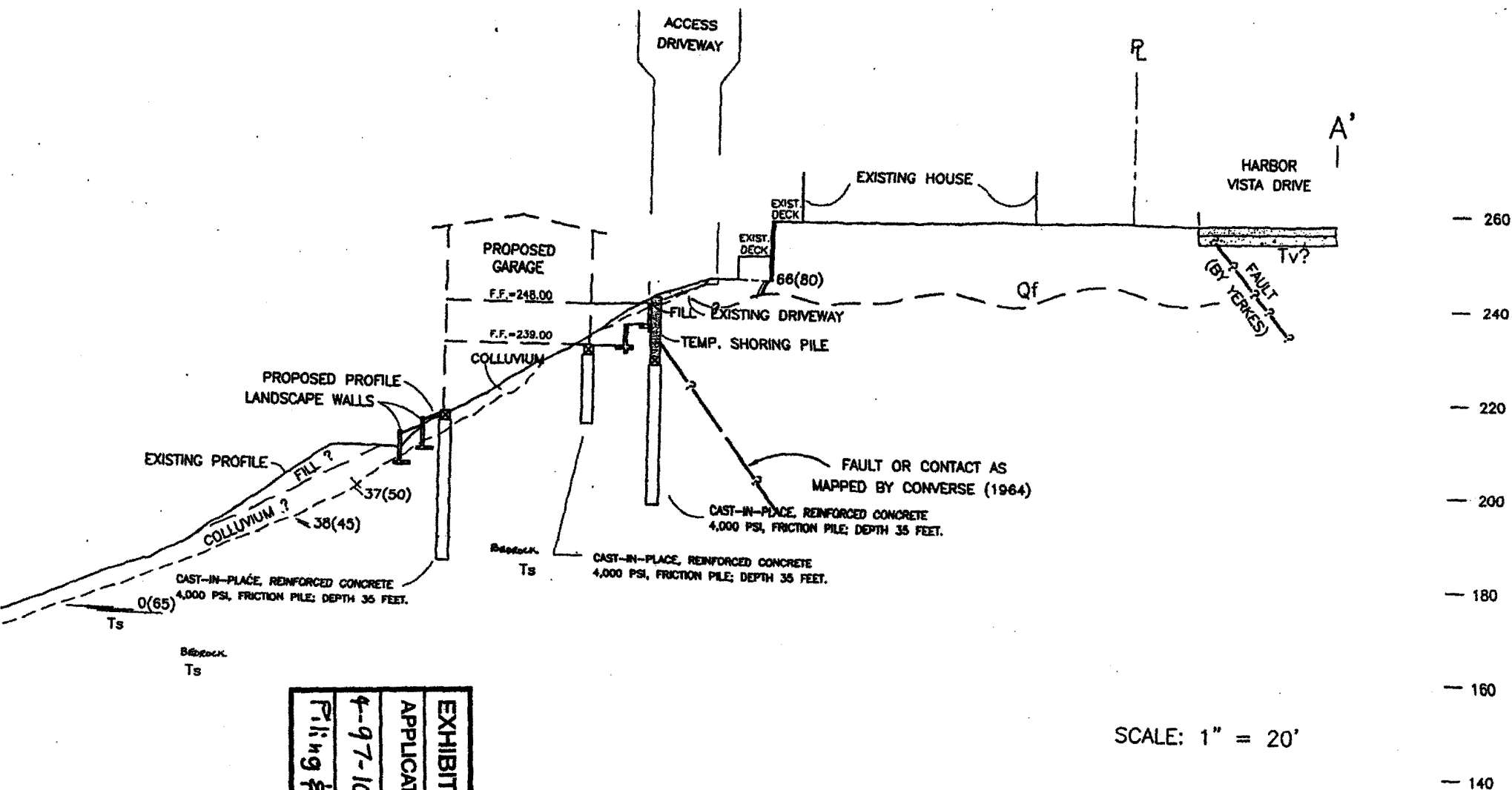


EXHIBIT NO. 3
APPLICATION NO.
4-97-104(Verboog)
Piling & Wall System



LOWER LEVEL

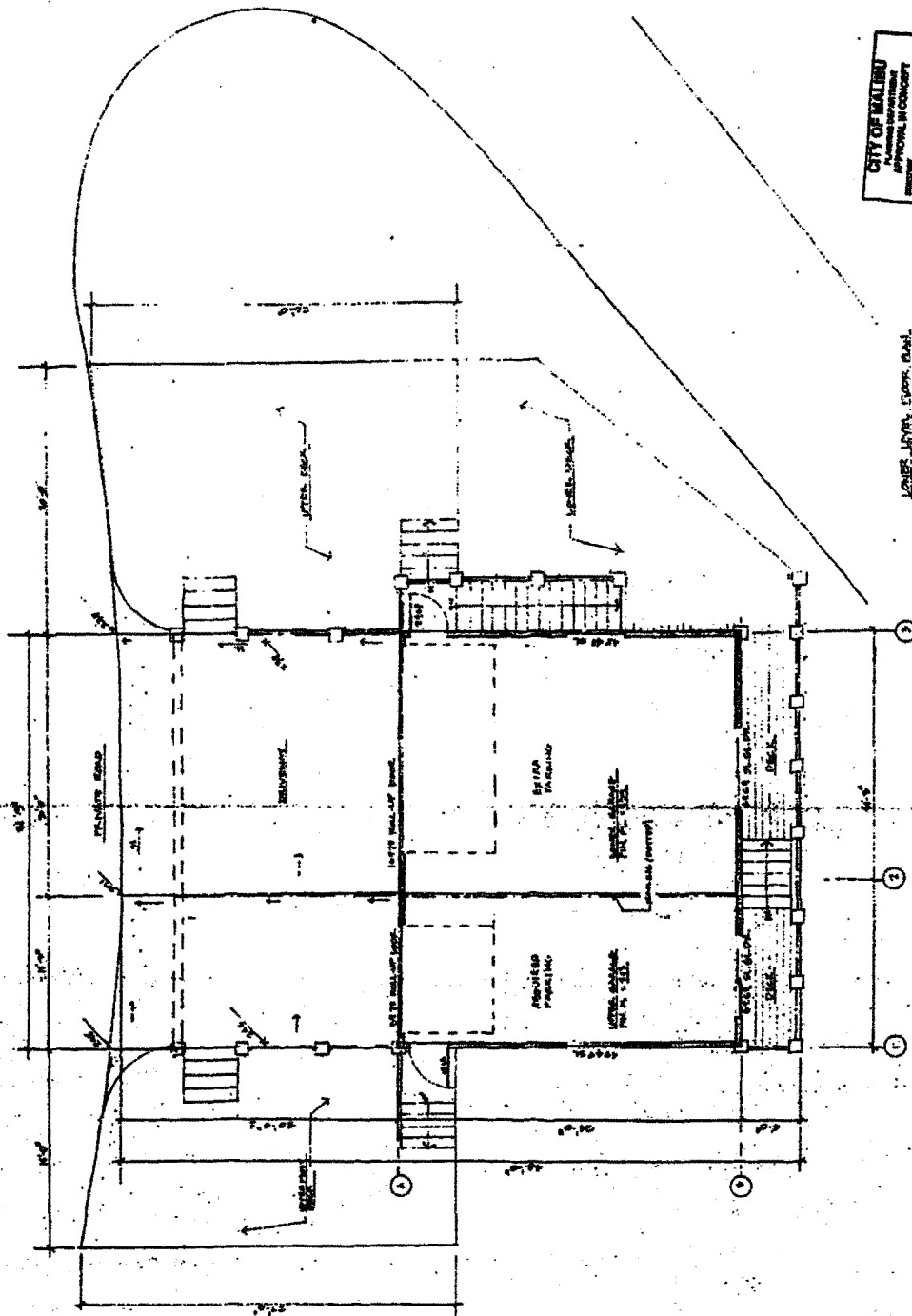


BRIAN ARTHUR NOTEWARE
AIA ARCHITECT
1821 BROADWAY, 11th FLOOR, NEW YORK, NY 10019
ARCHITECTURE PLANNING
DESIGN/CONSTRUCTION
SERVICES

PROJECT: UPPER LEVEL (GARAGE) FLOOR PLAN
DATE: 10/1/97
DRAWN BY: [blank]
CHECKED BY: [blank]
APPROVED BY: [blank]

SAFETY & TRAFFIC VERBOON
1992 MARION VISA, DC
HALL, CALIFORNIA

CITY OF MALIBU
PLANNING DEPARTMENT
APPROVAL IN CONCEPT
PROJECT: 4-97-104
DATE: 10/1/97
APPROVED BY: [blank]
CITY ENGINEER: [blank]



LOWER LEVEL, EXIST. BUIL.
DATE: 10/1/97
AREA: 15,000 SQ. FT.
GARAGE: 15,000 SQ. FT.
PARKING: 15,000 SQ. FT.
TOTAL: 45,000 SQ. FT.

EXHIBIT NO. 4b
APPLICATION NO.
4-97-104 (Verboon)
Upper (Parking) level

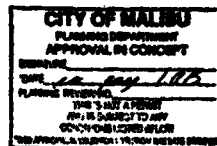
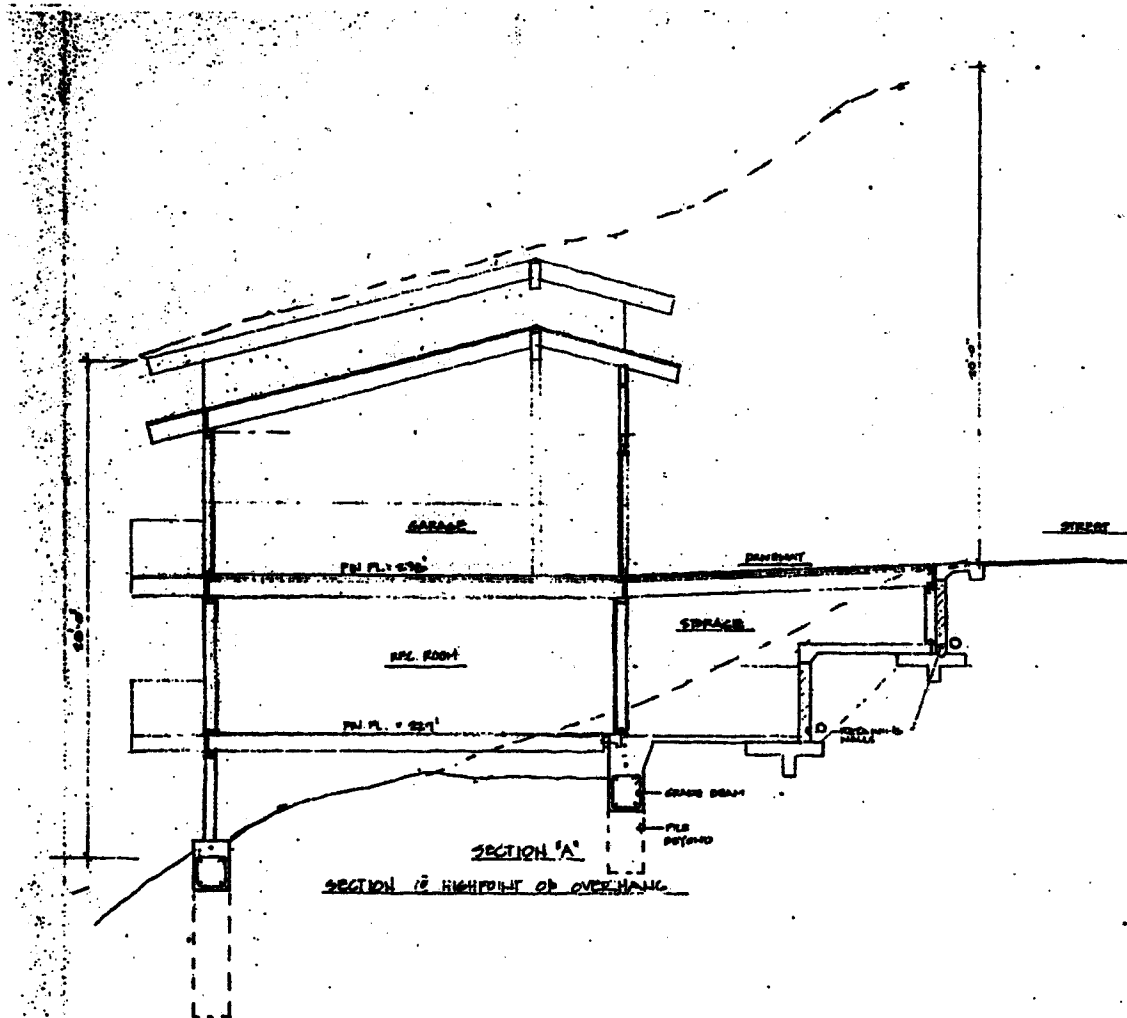


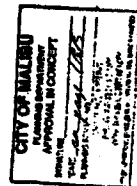
EXHIBIT NO. 5
APPLICATION NO.
4-97-104
CROSS SECTION

5

BRIAN ARTHUR NOTEWARE
AIA ARCHITECT
1000 WILSON BLVD., SUITE 100
MALIBU, CALIFORNIA 90263

SHEET TITLE: CROSS SECTION 'A'	
DATE	REVISION
10/1/85	1
10/1/85	2
10/1/85	3
10/1/85	4
10/1/85	5
10/1/85	6
10/1/85	7
10/1/85	8
10/1/85	9
10/1/85	10

GARY & THERESA VANDER
2700 NANTUCKET VILLA DR.
MALIBU, CALIFORNIA 90263


 EXHIBIT NO. 6
 APPLICATION NO.

4-97-104

ELEVATIONS

