

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MALIBU, CA 93001

(805) 641-0142



RECORD PACKET COPY

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 Staff Report: 2/19/98
 Hearing Date: 3/10-13/98
 Commission Action:
 8296A

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-177

APPLICANT: Jason Barzilay AGENT: A. Thomas Torres, AIA

PROJECT LOCATION: 22146 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 641 sq. ft. addition and remodel existing two story single family residence and attached two car garage to create a 3,389 sq. ft. two story single family residence. Enlarge the existing 387 sq. ft. first floor deck by adding 66 sq. ft. and replace existing second floor deck with a 70 sq. ft. deck on the seaward portion of the residence within the stringline of the oceanfront residence. Install three new concrete caissons to support addition on landward portion of residence.

Lot Area	6,970 sq. ft.
Building Coverage	1,578 sq. ft.
Plan Designation	Residential III A
Zoning	2 - 4 du/acre
Project Density	6 du/ acre
Ht abv fin grade	26.25 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, City of Malibu, dated 8/25/97; In-Concept Approval, City of Malibu Environmental Health Department; Approved in Concept in the Planning Stage, dated August 11, 1997; Geology and Geotechnical Engineering Review Sheet, City of Malibu, dated 8/4/97.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with three (3) special conditions addressing the consulting geologist's and engineer's recommendations, an applicant's assumption of risk, and construction responsibilities and debris removal. The proposed project is a remodel and series of additions to an existing two story residence with ocean front decks which will be located within the stringline of adjacent residences and decks. The majority of the addition is located on the landward portion of the residence. The larger addition will be adequately supported by three new concrete caissons. The septic system will be re-located outside the wave uprush area. As such, the project, as conditioned, will have no

impact on public access, scenic and visual resources, and will assure stability and structural integrity.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit No. 4-97-098, Alden; Coastal Permit No. 4-95-005, Wylly; Coastal Permit No. 4-96-101, Offer; Geotechnical Engineering Investigation and Update Report, Clarification of Foundation Requirements, and Clarification No. 3 of Foundations, by Coastline Geotechnical, Consultants Inc., dated July 17, October 9, 1997, and January 6, 1998, respectively; Engineering Geologic Report, Engineering Geologic Supplemental Report, by Mountain Geology, Inc., dated July 7, 1997 and January 12, 1998, respectively; Scour Profile for Proposed Addition to Existing Residence, Response to Coastal Commission Letter, by David Weiss Structural Engineer & Associates, dated November 20, 1997 and January 14, 1998, respectively; Letter from State Lands Commission to Ann Jones, A. Thomas Torres & Partners, dated November 4, 1997, titled, Coastal Development Project Review for Remodel of Existing residence at 22146 Pacific Coast Highway, Malibu.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth 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. PLANS CONFORMING TO GEOLOGIST'S AND ENGINEER'S RECOMMENDATIONS

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans. All recommendations contained in the following reports: Geotechnical Engineering Investigation and Update Report, Clarification of Foundation Requirements, and Clarification No. 3 of Foundations, by Coastline Geotechnical, Consultants Inc., dated July 17, October 9, 1997, and January 6, 1998, respectively; Engineering Geologic Report, Engineering Geologic Supplemental Report, by Mountain Geology, Inc., dated July 7, 1997 and January 12, 1998, respectively; Scour Profile for Proposed Addition to Existing Residence, Response to Coastal Commission Letter, by David Weiss Structural Engineer & Associates, dated November 20, 1997 and January 14, 1998, respectively; including excavations, sewage disposal, drainage, piles and footings in sand, cast-in-place friction piles into bedrock, lateral loads, placing concrete in water must be incorporated into the final plans. All final design and foundation plans must be reviewed and approved by the engineering consultants.

The final plans approved by the consultants 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 a consultant shall require an amendment to the permit or a new coastal permit.

2. ASSUMPTION OF RISK

Prior to issuance of permit, the applicants as landowners shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicants understand that the site may be subject to extraordinary hazard from liquefaction, storm waves, wave run-up, erosion, and flooding, and the applicants agree to assume the liability from such hazards; and (b) the applicants unconditionally waive any claim of liability on the part of the Commission, and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage or destruction due to natural hazards.

The document shall run with the land, binding all successors and assigns, and shall be recorded free from 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. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The applicants shall, by accepting this permit, agree and ensure that the project contractor: (a) not store any construction materials or waste where it may be subject to wave erosion and dispersion; (b) not allow any machinery in the intertidal zone at any time; and (c) remove promptly from the beach any and all debris that results from the construction activities.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The project site is located on the seaward side of Pacific Coast Highway along Carbon Beach between Sweetwater Mesa Road on the west and Carbon Mesa Road on the east. The site is surrounded by existing residences to the west, east and across the Highway to the north. The applicant's property is a 6,970 sq. ft. lot located on the sandy beach between Pacific Coast Highway and the mean high tide (Exhibits 1 and 2).

The applicant proposes to construct a 641 sq. ft. addition on the first and second floors and remodel an existing two story single family residence and attached two car garage to create a 3,389 sq. ft. single family residence (Exhibits 3 - 8). On the first floor, a 38 sq. ft. addition is proposed for the seaward portion of the residence with a 259 sq. ft. addition on the landward portion of the residence. On the second floor, a 17 sq. ft. addition is proposed for the seaward portion of the residence and a 327 sq. ft. addition to the landward portion of the residence. The existing first floor deck of 387 sq. ft. on the seaward portion of the residence is proposed to be expanded by adding 66 sq. ft., totaling 453 sq. ft. The second floor deck of 195 sq. ft. on the seaward portion of the residence is proposed to be replaced with a total of a 70 sq. ft. deck. Both the residential building and deck additions are located within the stringline of the adjoining oceanfront residences. Three new concrete caissons are proposed to be installed to support the residential addition on landward portion of residence. The existing residence is supported on existing wood piles and a cap beam foundation (Exhibit 9). The applicant proposes to relocate the existing septic tank which will be located behind an existing concrete block foundation wall beneath the residence.

The project site is designated in the certified Los Angeles County Local Coastal Plan as Residential III A which allows two to four dwelling units per acre. The City of Malibu Interim Zoning Ordinance designates the site as Single Family Residential-M with a minimum lot size of 0.25 acres, or four dwelling units per acre. The proposed project site, at 6,970 sq. ft., is non-conforming as it exceeds these allowable densities at over six (6) dwelling units per acre. In addition, the project site is not located in any designated environmentally sensitive habitat area within the Malibu area.

The applicant requested a State Lands Commission (SLC) review of the proposed project relative to its location to state sovereign lands and public easements in navigable waters. The applicants submitted a SLC letter dated November 4, 1997 addressing these issues. The letter concludes that there is insufficient

information to determine whether this project will intrude upon state sovereign lands or interfere with other public rights. In addition, the SLC asserts no claims that the project intrudes onto sovereign lands or that it would lie in an area that is subject to the public easement in navigable waters.

The Commission approved a coastal permit (number 4-93-018, Felton) for a previous project in May 1993 to construct a 450 sq. ft. addition to an existing 1,416 sq. ft. single family residence which created a total 1,866 sq. ft. residence. Because the existing residence now presented by the current applicant, a new owner, is 2,728 sq. ft., a review of the previous application file was conducted. Commission staff reviewed that entire file and this current application and notes that the actual size of the existing residence was 2,279 sq. ft. in 1993. Staff notes that the prior applicant submitted an application and architectural plans indicating that the correct size of the existing residence was 2,279 sq. ft. in 1993. With the prior approved 450 sq.ft. addition completed, the existing residence should now be 2,729 sq. ft. However, it appears that the prior addition added only 449 sq. ft. (as approved in concept by the City of Malibu) to create an existing 2,728 sq. ft. residence as presented by the current applicant in this application. There is no indication that unpermitted development has occurred since then as the 1993 staff report indicated that the residence was only 1,416 sq. ft. in size. Further, the Commission's approval included a condition addressing the applicant's assumption of risk.

B. Public Access, Seaward Encroachment and Scenic and Visual Quality

Coastal Act Section 30210 states that:

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

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

- (1) it is inconsistent with public safety, military security needs, or protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Further, 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.

All beachfront projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. The major access issue in such permits is the occupation of sand area by a structure, in contradiction of Coastal Act policies 30210, 30211, and 30212.

However, a conclusion that access may be mandated does not end the Commission's review. As noted, Section 30210 imposes a duty on the Commission to administer the public access policies of the Coastal Act in a manner that is "consistent with ... the need to protect ... rights of private property owners ...". The need to carefully review the potential impacts of a project when considering imposition of public access conditions was emphasized by the U. S. Supreme Court's decision in the case of Nollan vs. California Coastal Commission. In that case, the court ruled that the Commission may legitimately require a lateral access easement where the proposed development has either individual or cumulative impacts which substantially impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate these impacts.

The Commission's experience in reviewing shoreline residential projects in Malibu indicates that individual and cumulative impacts on access of such projects raises the following issues, among others: potential encroachment on lands subject to the public trusts and thereby physically excluding the public; interference with natural shoreline processes which are necessary to maintain publicly owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's access to and the ability to use thereby causing adverse impacts on public access such as above.

In the case of the proposed project, the construction of a small addition to the first and second floors on the seaward side of the residence, an addition to the existing first floor deck, a reduction in the size of the existing second floor deck, a modest addition to the landward portion of the first and second floor, and the construction of three new pilings, does constitute new development under the Coastal Act. According to the Commission's access records, there are no existing offers to dedicate public access easements recorded on the applicant's property. Further, the applicant does not propose any shoreline protective devices which could interfere with coastal processes. As such, the proposed project will have no individual or cumulative impacts on public access on the sandy beach seaward of the residence.

In addition, as a means of controlling seaward encroachment of residential structures on a beach to ensure maximum access, protect public views and minimize wave hazards as required by Coastal Act Sections 30210, 30211, 30251 and 30253, the Commission has developed the "stringline" policy to control the seaward extent of buildout in past permit actions. As applied to beachfront development, the stringline limits extension of a structure to a line drawn between the nearest corners of adjacent structures and limits decks to a similar line drawn between the nearest corners of adjacent structures and decks.

The Commission has applied this policy to numerous past permits involving infill on sandy beaches and has found it to be an effective policy tool in preventing further encroachments onto sandy beaches. In addition, the Commission has found that restricting new development to building and deck stringlines is an effective means of controlling seaward encroachment to ensure maximum public access as required by Sections 30210 and 30211 and to protect public views and scenic quality of the shoreline as required by Section 30251 of the Coastal Act.

The applicant has submitted a plan with a stringline connecting the existing residences and decks on either side of the project site. The plan indicates that no portion of the proposed development extends beyond the stringline with the adjacent buildings and decks. Therefore, the Commission finds that the proposed project does conform to this setback. As proposed, the addition to this project will not extend new development further seaward than adjacent development, minimizing potential impacts to public access opportunities, public views and the scenic quality along the sandy beach.

And lastly, the Commission reviews the publicly accessible locations along adjacent public roads and the sandy beach where the proposed development is visible to assess visual impacts to the public. The Commission examines the building site and the size of the building. The existing residence and solid wall along Pacific Coast Highway already blocks public views from the highway to the beach and ocean. Although the proposed seaward additions to the residence and the first floor deck may be visible from the public sandy beach, the existing residence blocks inland views from the beach. Moreover, the more scenic inland views of the Santa Monica Mountains as viewed from the water are well above the proposed development. Thus, the proposed addition and remodel will not adversely affect existing public views.

For all of these reasons, the Commission finds that the project would have no individual or cumulative adverse impacts on public access, nor will it adversely affect scenic and visual quality. Therefore, the Commission finds that a condition to require lateral public access is not appropriate and that the project, as proposed, is consistent with Coastal Act Sections 30210, 30211, 30212, and 30251.

C. Beachfront 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.

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. The proposed development is located in the Malibu area, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, flooding and storm waves. Further, oceanfront sites are also subject to liquefaction, flooding, and erosion from storm waves.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. The Coastal Act recognizes that new development, such as the proposed project, may involve some risk. Coastal Act policies also require the Commission to establish the appropriate degree of acceptable risk for the proposed development and to determine who should assume the risk.

The proposed project is located along Carbon Beach, a relatively wide beach as observed by staff on site in September 1997. Regarding the hazard, the applicant submitted three reports each with subsequent supplemental letters. The first report is titled: Geotechnical Engineering Investigation and Update Report, Clarification of Foundation Requirements, and Clarification No. 3 of Foundations, by Coastline Geotechnical, Consultants Inc., dated July 17, October 9, 1997, and January 6, 1998, respectively. The second report is titled: Engineering Geologic Report, Engineering Geologic Supplemental Report, by Mountain Geology, Inc., dated July 7, 1997 and January 12, 1998, respectively. The third report is titled: Scour Profile for Proposed Addition to Existing Residence, and Response to Coastal Commission Letter, by David Weiss Structural Engineer & Associates, dated November 20, 1997 and January 14, 1998, respectively. These reports indicate that the development of the property with the existing wood piling and cap beam foundation, three new concrete caisson piles and a re-located septic tank, as presently proposed, is feasible from engineering geologist, geotechnical engineering, and coastal engineering standpoints. The Mountain Geology Report states:

Based upon our investigation, the proposed site improvements will be free from geological hazards such as landslides, slippage, active faults, and undue differential settlement. The proposed site improvements and continued use of the private sewage disposal system will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.

The foundation plan has been provided by the Architect, A. Thomas Torres, AIA. It is noted that the existing foundation system (timber piles) is to be utilized for support of the existing two story residence and proposed improvements. All new caissons proposed on the landward side of the bulkhead will be drilled-cast-in-place, concrete caissons.

The use of the existing foundation system along with the proposed new caissons are approved by our office from an engineering geologic standpoint.

The Coastline Geotechnical Consultants report states:

Based on the findings summarized in this report, and provided the recommendations of this report for piles into bedrock are followed, and the designs, grading and construction are properly and adequately executed, it is our opinion that construction within the building site would not be subject to geotechnical hazards from landslides, slippage, or excessive settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely effect the stability of the site, nor adjacent properties, with the same provisos listed above.

The David Weiss Structural Engineer & Associates report states:

Since preparation of the scour profile and report referenced at the beginning of these responses, this office has been furnished with a plot plan clearly showing the final location of the sewage disposal system. The drain field is shown as a 12' x 30' rectangular area adjacent to the Pacific Coast Highway right of way line, the most seaward edge of the field being only 12' from the right of way line (well within the 22' limit line recommended in the referenced report) and the most seaward edge of the septic tank is shown to be 25' from the right of way line. This would put the most seaward edge of the tank approximately 3' into the uprush/scour area. Attached to this response is a portion of the Scour Profile prepared by this office showing that at a distance of 25' from Pacific Coast Highway (3' into the scour zone) the depth of scour below the finish court yard grade is a maximum of three feet. The bottom of the septic tank is lower than three feet below the finish court yard elevation; therefore, there is no danger that the septic tank will be undermined by ocean scour action.

Therefore, the applicant's consultants determined that the proposed project site is suitable from engineering geology, geotechnical engineering, and coastal engineering standpoints for construction of the proposed project, provided their recommendations are followed. Condition number one (1) provides for final review and approval by the consulting engineering geologist, geotechnical and coastal engineers of the final project design and foundation plans for the project prior to the issuance of the permit.

However, in the area of the site improvements, the site is underlain by beach sand deposits. Due to the loose nature of the sands and potential for high groundwater, the beach deposits are considered subject to liquefaction. Seismic ground shaking, granular cohesionless soils (sands), and high groundwater or perched groundwater conditions are required for liquefaction to occur. According to the applicant's geotechnical engineer, the subject site has the potential for all three conditions noted above to occur.

Even though the consultants have determined that the project site is feasible for the proposed development, the Commission cannot absolutely acknowledge that the proposed residential development will be safe during all future storms, and from the potential for liquefaction, or be constructed in a structurally sound manner and be properly maintained to eliminate any potential risk to the beach going public. The Commission acknowledges that many of the oceanfront parcels in Malibu, such as the subject property, are susceptible to liquefaction, flooding and wave damage from waves and storm conditions. As an example, past occurrences have resulted in public costs

(through low interest loans) in the millions of dollars in the Malibu area alone. Storms during the winter of 1982-83 caused over six million dollars in damage to private property in Los Angeles County and severely damaged existing bulkheads, patios, decks, and windows along the Malibu coastline.

The applicant may decide that the economic benefits of development outweigh the risk of harm that may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the proposed project located on a beach front lot subject to tidal influence, is in an area subject to extraordinary potential for damage or destruction from liquefaction, storm waves, wave run-up, erosion, and flooding. The Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the natural hazards that exist on this beachfront site that may affect the stability of the proposed development. Condition number two (2) requires the applicant to assume these risks of the proposed residential development from liquefaction, storm waves, wave run-up, erosion, and flooding hazards by waiving all Commission liability.

Lastly, as noted above, the project involves some demolition and construction on a beachfront lot subject to tidal influence. Construction equipment, materials and demolition debris could pose a significant hazard if used or stored where subject to wave contact or situated in a manner that a hazard is created for beach users. Therefore, the Commission finds it necessary to impose condition number three (3) requiring construction responsibilities and debris removal. This condition will ensure that the construction of the proposed project will minimize risks to life and property in this public beach area which is subject to wave hazards.

The Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist and engineers, an applicant's assumption of risk, and a construction responsibilities and debris removal condition will the proposed project be consistent with Section 30253 of the Coastal Act.

D. 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 Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. 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)(i) 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 impacts 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.

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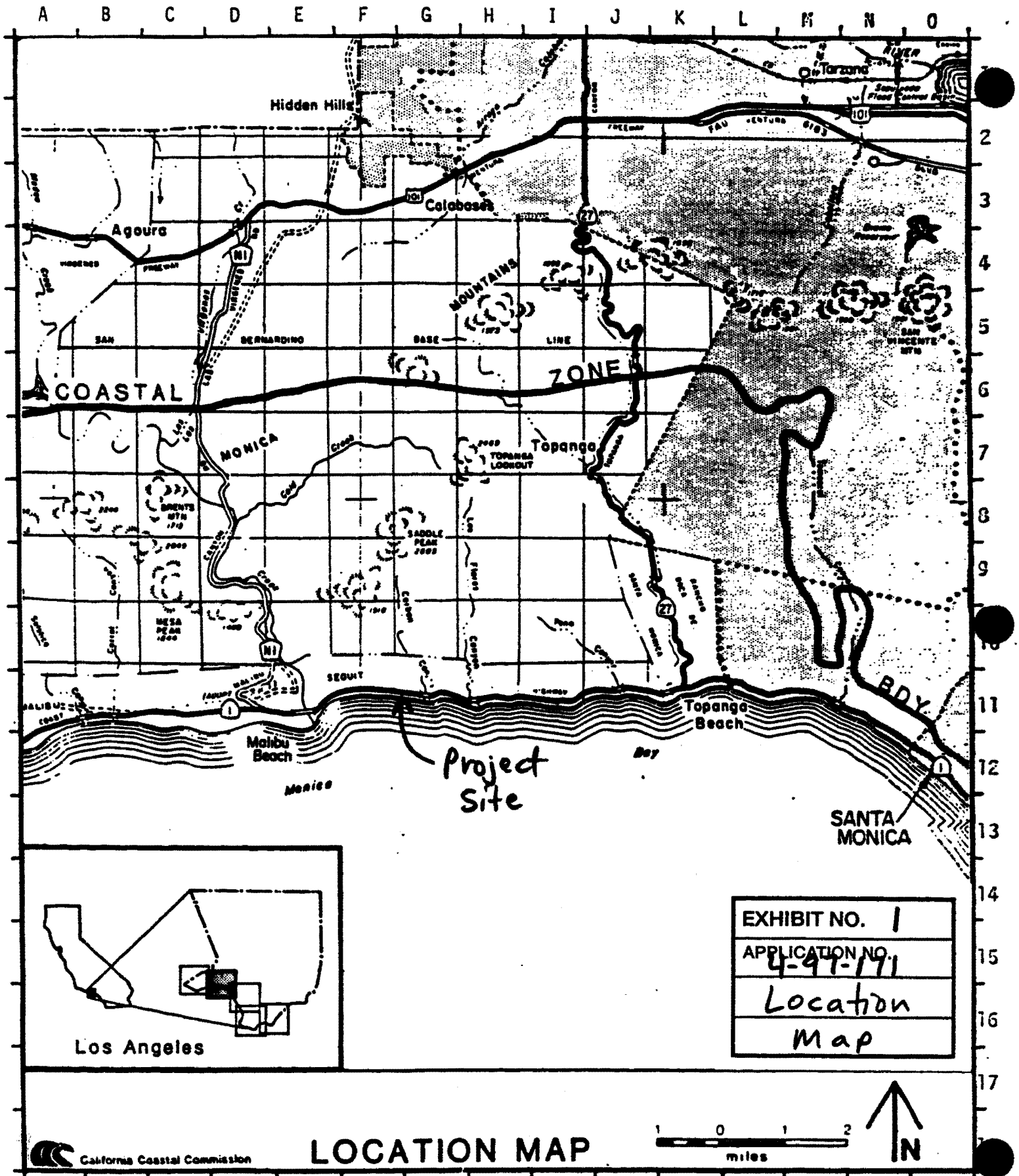


EXHIBIT NO. 1
APPLICATION NO. 4-47-171
Location
Map

LOCATION MAP

MAP

629

SEE MAP

17

29

28

26

35

EXHIBIT NO. 2

APPLICATION NO
4-97-771

Project Site

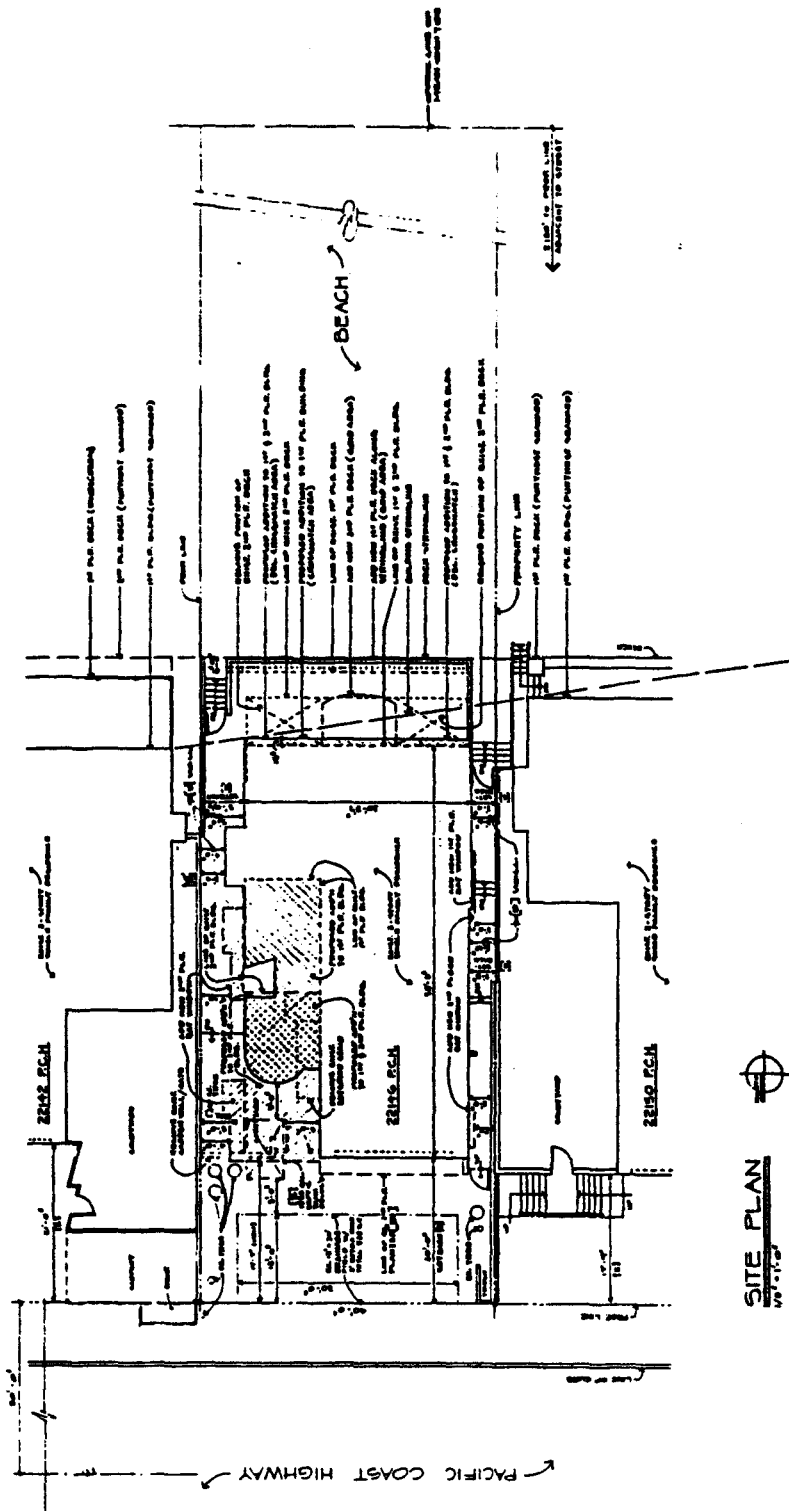
MALIBU

Projected Site

PACIFIC

OCEAN

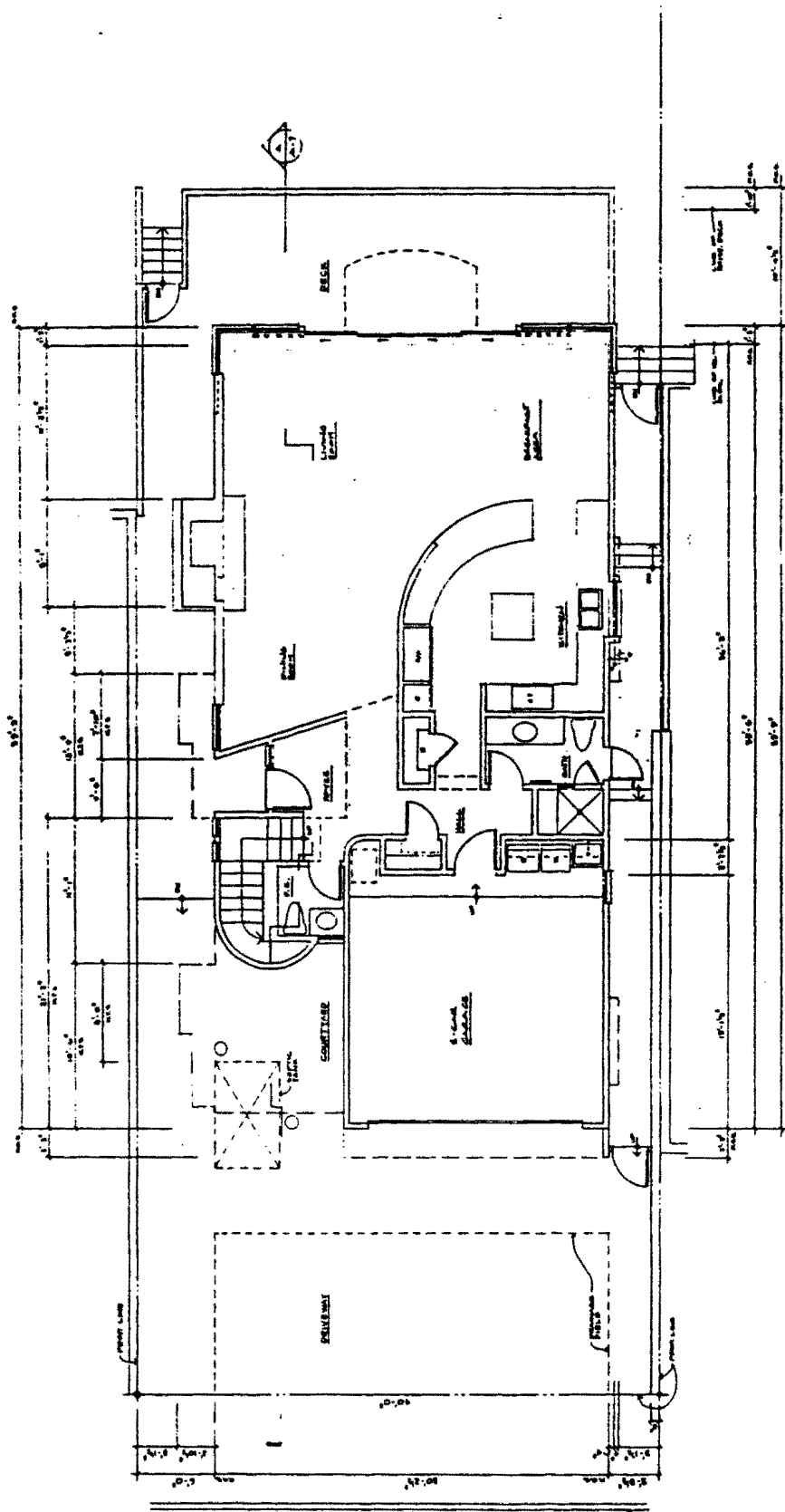
1. All areas shown on this plan are subject to change without notice.
 2. The owner shall be responsible for obtaining all necessary permits.
 3. The owner shall be responsible for obtaining all necessary approvals.
 4. The owner shall be responsible for obtaining all necessary approvals.
 5. The owner shall be responsible for obtaining all necessary approvals.



SITE PLAN
 10/1/71



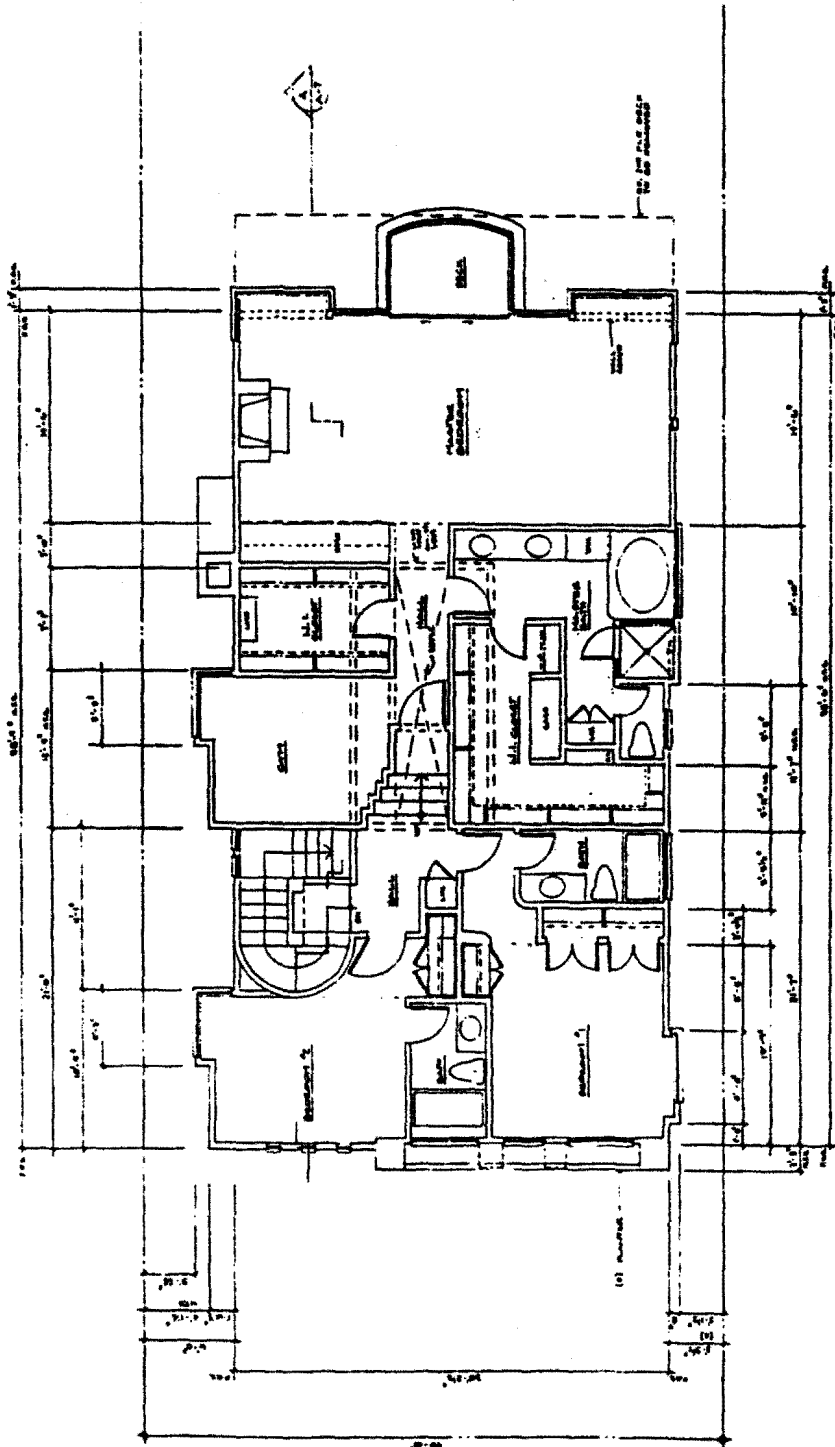
EXHIBIT NO. 3
APPLICATION NO. 4-97-171
Site Plan



FIRST FLOOR PLAN



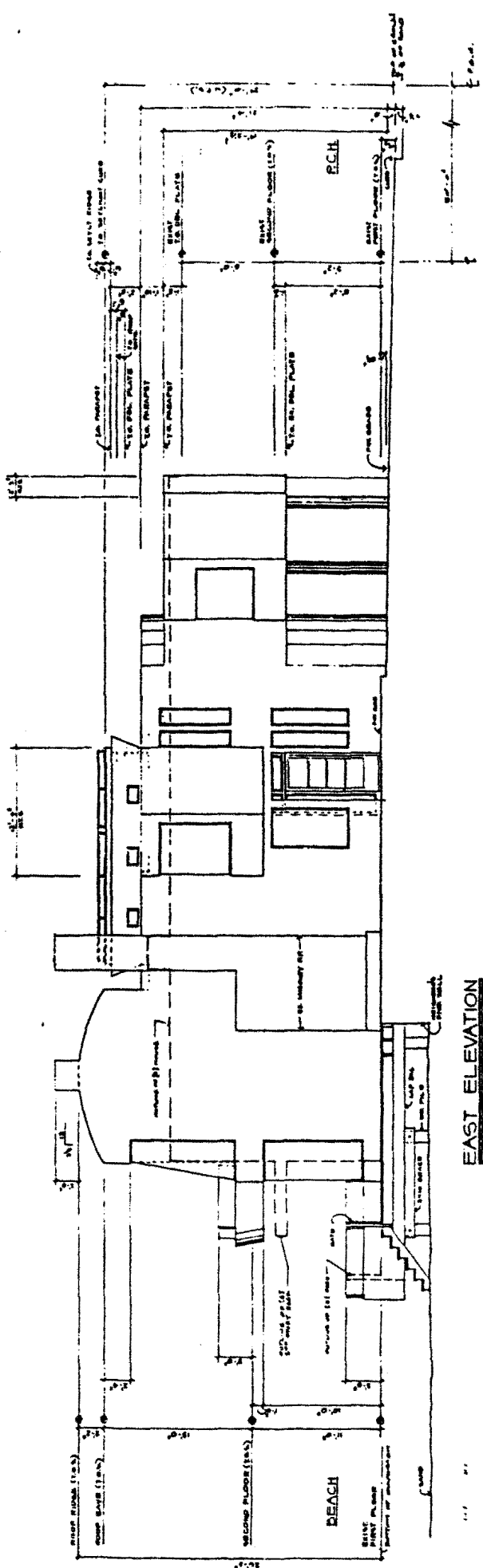
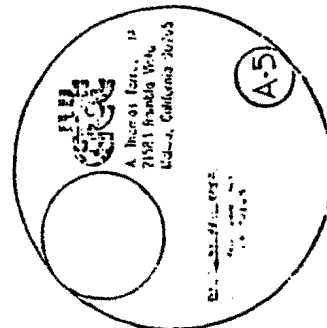
EXHIBIT NO.	4
APPLICATION NO.	4-97-171
First Floor	
Plan	



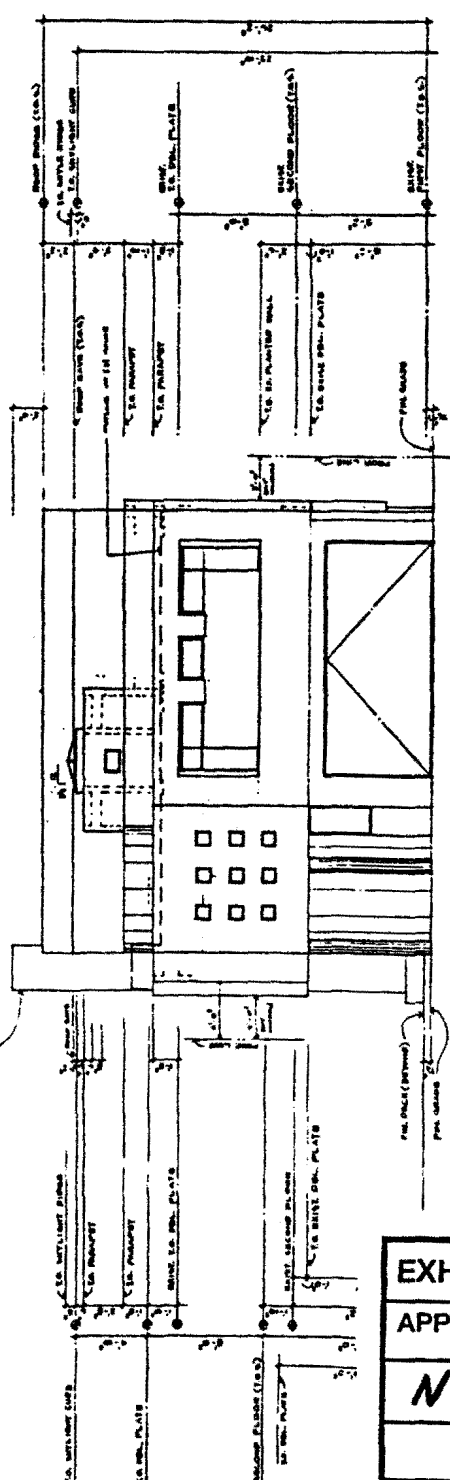
SECOND FLOOR PLAN



EXHIBIT NO. 5
APPLICATION NO. 4-99-171
Second Floor Plan

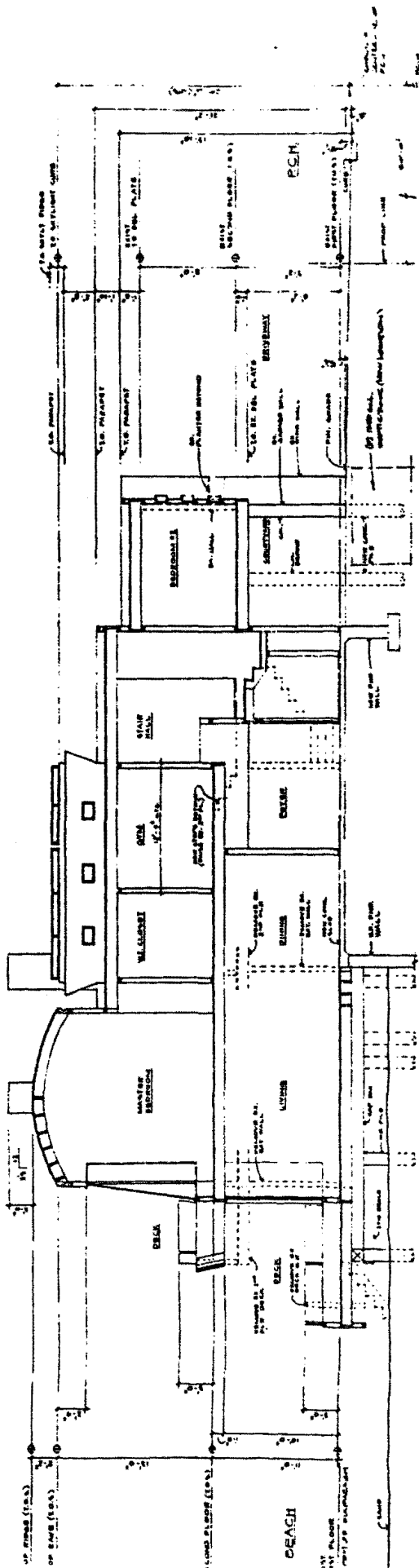


EAST ELEVATION



NORTH ELEVATION

EXHIBIT NO. 6
APPLICATION NO. 4-97-171
N. & E.
Elevations



SECTION A

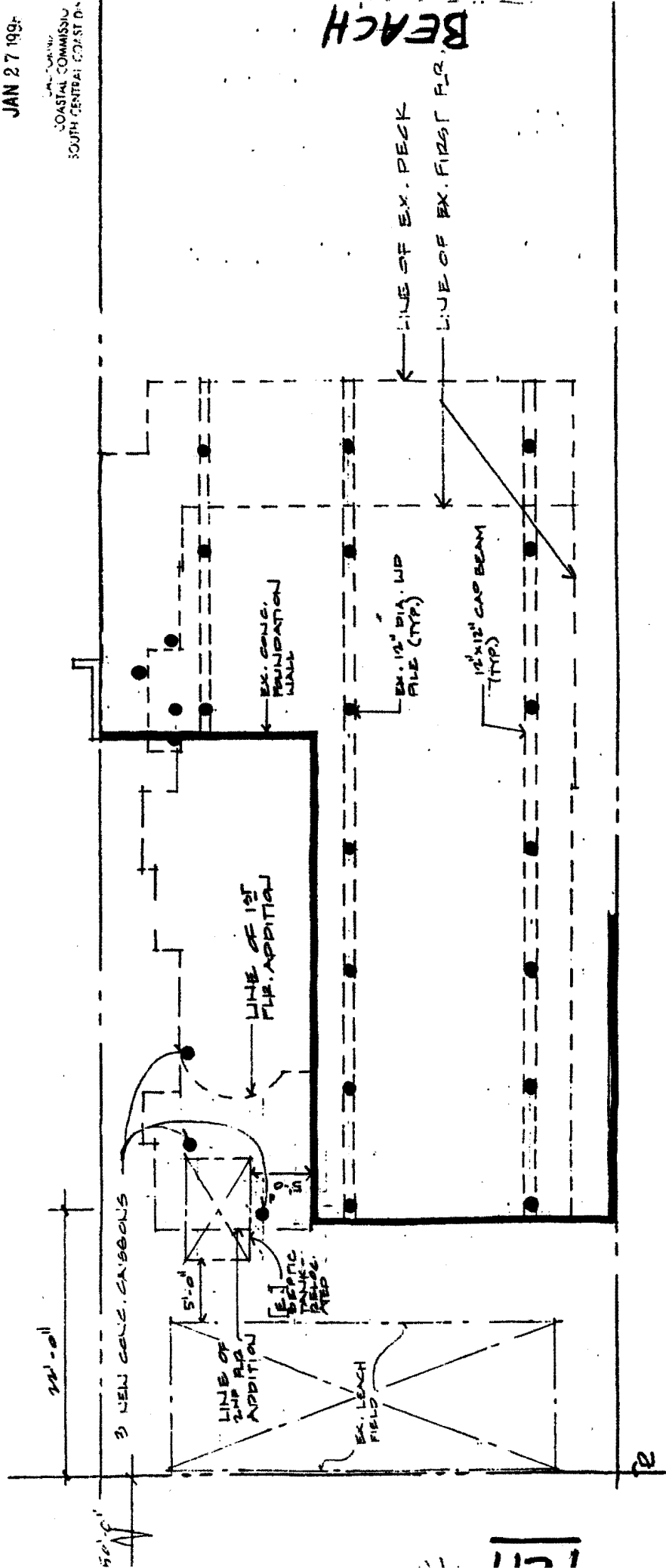
EXHIBIT NO.	8
APPLICATION NO.	4-97-171
Section	



RECEIVED

JAN 27 1997

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



PLAN - EXISTING FOUNDATION W/ NEW CAISSONS

1/4" = 1'

EXHIBIT NO.	9
APPLICATION NO.	4-97-171
Foundation Plan	

BARZILAY RESIDENCE
22140 PACIFIC COAST HWY.
MALIBU, CALIFORNIA

CDD # 4-97-177