# Tu10b

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST AREA

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

جع

# RECORD PACKET COPY

**GRAY DAVIS, Governor** 

 Filed:
 11/13/99

 49th Day:
 3/11/99

 180th Day:
 9/7/99 /

 Staff:
 MB-V /<sup>4/2</sup>

 Staff Report:
 4/21/99

 Hearing Date:
 5/11-14/99

 Commission Action:



# STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-92-092-A3

APPLICANT: Chris Loguidice

AGENT: Richard Scott

**PROJECT LOCATION:** 26190 Ingleside Way, El Nido, Santa Monica Mountains, Los Angeles County.

**PROJECT DESCRIPTION:** Construct 35 ft., 1,895 sq. ft. single family residence with 480 sq. ft. garage, septic system, 218 cu. yds. of grading, and lot line adjustment.

**PREVIOUS AMENDMENTS:** Amended to allow paving and storage of construction equipment within protected zone without Oak Tree Permit with fencing to protect oak trees during construction. Amended to add 440 sq. ft. second floor studio-workshop over garage and 120 sq. ft. hallway and stairway construction to main residence.

**DESCRIPTION OF AMENDMENT:** Revise special condition 4 of coastal development permit 4-92-092-A3 to allow the applicant to extinguish the development rights on lots that are located in the Malibu Bowl, El Nido, Malibu Vista, and Malibu Mar Vista small lot subdivisions for additional gross structural area credit for the proposed addition to the residence.

# SUMMARY OF STAFF RECOMMENDATION

The proposed single family residence is located in the Malibu Bowl Small lot subdivision and therefore is subject to the slope intensity formula in accordance with Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan. The Commission originally permitted the applicant to increase the maximum allowable gross structural area (GSA) of the proposed single family residence by 500 square feet by permanently extinguishing the development rights on a combination of contiguous lots (500 sq. ft. bonus) and/or on non-contiguous lots (300 sq. ft. bonus per lot) within the same lot subdivision. Special condition 4 of the permit required the applicant to extinguish the development rights on any combination of contiguous or no-contiguous within the same



small lot subdivision in order to increase the allowable GSA of the residence. The applicant is requesting an amendment to special condition 4 to extinguish the development rights on non-contiguous lots in four other small lot subdivisions in the area (El Nido, Malibu Vista and Malibu Mar Vista). Staff is recommending that special condition 4 be modified to allow the applicant to only extinguish the development potential on lots within the two "donor" areas of the Malibu Bowl and El Nido small lot subdivisions because they are in the vicinity of the subject site.

Lot area:	9,600 sq. ft
Building coverage:	2,015 sq. ft
Parking spaces:	2 covered
Height above finished grade:	18 ft.

LOCAL APPROVALS RECEIVED: (No new local approvals for proposed amendment)

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Coastal development permits 4-92-092 through –A2 (Loguidice), 5-86-348-A2 (Johnson), 4-95-136 (Kaplan), and 4-98-247 (Embleton).

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the proposed amendment will affect a permit condition required for the purpose of protecting a coastal resource. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

# STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

### I. Approval with Conditions

The Commission hereby <u>approves</u> the amendment to the coastal development permit on the grounds that, as conditioned, the development will be in conformity with the



#### 4-92-092-A3 (Loguidice) Page 3 of 13

provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local governments 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. Special Condition

2

Revise Special Condition 4 to read (deletions are crossed through and additions are underlined):

#### 4. Cumulative Impact Mitigation

Prior to the issuance of this permit, the applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has been permanently extinguished on any combination of lots within the Malibu Bowl, or El Nido small lot subdivision, to comply with the requirements of the slope intensity formula in accordance with Policy 271 (b)(2) of the previously certified Malibu/Santa Monica Mountains Land Use Plan (specified below), provided such lots are legally combined with other developed or developable building sites within <u>either the same</u> small lot subdivision. The maximum allowable gross structural area of 1,900 sq. ft. may be increased by 500 sq. ft. by extinguishing development rights on each lot contiguous to the building site or by 300 sq. ft. for each lot which is not contiguous but which is in the same-Malibu Bowl or El Nido small lot subdivision.

Note: All standard and special conditions attached to the previously approved permit remain in effect.

# III. Findings and Declarations

The Commission hereby finds and declares:

# A. Applicant's Request

The request of the applicant is to:

"Amend Special Concition 4. (Cumulative Impact Mitigation) by deleting references to, "the same small lo: subdivision," in two places and changing that phrase to read, "in the Malibu Bowl Small Lot Subdivision, El Nido Small Lot Subdivision, Malibu Vista Small Lot Subdivision or the Malibu Mar Vista Small Lot Subdivision." This would amend condition 4 in the following manner (deletions are crossed through and additions are underlined):

Prior to the issuance of this permit, the applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has be en permanently extinguished on any combination of lots within the Malibu Bowl, <u>El Nido, Malibu Vista, or Malibu Mar Vista Small Lot Subdivisions</u>, small lot subdivision, to comply with the requirements of the slope intensity formula in accordance with Policy 271 (b)(2) of the previously certified Malibu/Santa Monica Mountains Land Use Plan (specified below), provided such lots are legally combined with other developed or developable building sites within the same small lot subdivisions. The maximum allowable gross structural area of 1,900 sq. ft. may be increased by 500 sq. ft. by extinguishing development rights on each lot contiguous to the building site or by 300 sq. ft. for each lot which is not contiguous but which is in the same small lot subdivision. Malibu Bowl, El Nido, Malibu Vista, or Malibu Mar Vista Small Lot Subdivisions.

# B. Project Descript on and Background

The project location is a hillside lot in the Malibu Bowl small lot subdivision at the approximate 1200 sq. ft. elevation. The project site contains seven oak trees which are protected under conditions of the original permit. Surrounding development is single family residential with a variety of modest one and two story residences. Development outside the small lot subdivision consists of ridges and canyons containing coastal sage scrub and chaparral. The area to the east of the subject Malibu bowl small lot subdivision is a Significant Watershed as designated on the certified LUP.

The previously approved original 1992 permit, for Beth Wagner transferred to Chris Loguidice, was for construction of a 35 foot high, 1895 sq. ft. single family residence with a 480 sq. ft. garage and septic system, grading of 298 cu. yds. (159 cu. yds. cut and 159 cu. yds. fill), and a lot line adjustment reconfiguring three lots. The permit was subject to conditions regarding conformance to geologic recommendation, a landscaping and erosion control plan, and a deed restriction requiring a coastal development permit for future development.

The permit was amended in 1996 to include adjustments in the site plan to protect oak trees, allow grading, paving and storage of construction equipment otherwise not permitted without an Oak Tree Permit from the County, and installation of fencing to protect the oak trees until construction was completed. The permit was amended in 1998 to add a second story studio-workshop over the garage and a 120 sq. ft. hallway and stairway connection to the main residence with no grading involved. The

#### 4-92-092-A3 (Loguidice) Page 5 of 13

amendment was subject to three special conditions: (1) a cumulative impact mitigation (i.e. extinguishing development rights in the Malibu Bowl small lot subdivision); (2) a future improvement restriction, relative to potential conversion to a guest house of the addition and potential additions which would otherwise be exempt under the administrative regulations; and (3) a wild fire waiver of liability.

# C. Cumulative Impacts of New Development

The proposed project involves the addition to a single family residence which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

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 r cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

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

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

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small-lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small-lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone".

#### 4-92-092-A3 (Loguidice) Page 6 of 13

The study acknowledged that the existing small-lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: Geologic, road access, water quality, disruption of rural community character, creation of unreasonable fire hazards and others. Following an intensive one-year planning effort by Commission staff, including five months of public review and input, new development standards relating to residential development on small lots in hillsides, including the Slope-Intensity/Gross Structural Area Formula (GSA) were incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2).

The Commission has found in past permit decisions that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of this, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP) requires that new development in small lot subdivisions comply with the Slope-Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development which may be permitted in small lot subdivision areas consistent with the policies of the Coastal Act.

The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on coastal resources. Some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Many of the lots in these areas are so steep or narrow that they cannot support a large residence without increasing or exacerbating the geologic hazards on and/or off site. Additional buildout of small lot subdivisions affects water usage and has the potential to impact water quality of coastal streams in the area. Other impacts to these areas from the buildout of small lot subdivisions include increases in traffic along mountain road corridors and greater fire hazards.

### 4-92-092-A3 (Loguidice) Page 7 of 13

The following illustrates the Commission's Slope Intensity Formula:

#### Slope-Intensity Formula:

GSA = (A/5) × ((50-S)/35) + 500

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos. A = the area of the building site in square feet. the building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

#### $S = I \times L/A \times 100$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

The policy also allows an increase in the size of residential units based on the following:

The maximum allowable gross structural area (GSA) The maximum allowable gross structural area (GSA) as calculated above may be increased as follows:

- Add 500 square feet for each lot which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.
- 2) Add 300 square feet for each lot in the vicinity of (e.g. in the same small ot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable building sites and all potential for residential development on such lot(s) is permanently extinguished.

In the case of this project, which is an addition to a single family residence located in the Malibu Bowl small lot subdivision, the maximum allowable GSA under the above formula was determined to be 1990 sq. ft.

The Commission has a long-standing policy to limit the size of residential units in rural, small lot subdivisions because of the potential for cumulative adverse impacts to coastal resources. Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP) allows "density bonuses" for lots "in the vicinity" to be credited toward the calculation of allowable Gross Structural Area (GSA) for a new or expanded residential unit. This policy has been used as guidance in past permit decisions. In these

#### 4-92-092-A3 (Loguidice) Page 8 of 13

decisions, the Commission has allowed a bonus credit for lots in the same small lot subdivision, a nearby subdivision, and other subdivisions found to be "in the vicinity".

The proposal raises the issue of the meaning of "in the vicinity" as cited in Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. The applicant has indicated that he has not been able to find a parcel that can be extinguished in the Malibu Bowl small lot subdivision as a rationale for the need to expand the Slope/Intensity "donor" lots to other small lot subdivisions. The applicant cites the permit decisions in 4-95-136 (Kaplan) and 5-86-348-A2 (Johnson) as precedent in his request. In contrast to the Embleton case, discussed below, the applicant does not include any specified "donor" lot or lots as part of his request.

For the following reasons, only that portion of the proposed amendment relative to the elimination of the development potential on non-contiguous lots in the nearby El Nido subdivision is consistent with the LUP. The Coastal Commission finds that the Malibu Vista and Malibu Mar Vista small lot subdivisions are not located within the vicinity of the Malibu Bowl small lot subdivision, while lots within the same Malibu Bowl and El Nido small lot subdivisions are so located, as discussed in greater detail below.

"Vicinity" is a term meaning "the area or region near or about a place" (Random House College Dictionary, Revised Edition, 1984). The Commission's recent permit approval of a single family residence in 4-98-247 (Embleton), heard on the April, 1999 Commission agenda, used geographical criteria to determine what is such an area or region about the place, i.e. the subject El Nido small lot subdivision. With reference to the above LUP policy, the only small lot subdivision **in the vicinity of** the El Nido small lot subdivision, was found to be the Malibu Bowl small lot subdivision. Conversely, because the two areas have common and/or shared characteristics, the Malibu Bowl would logically be considered in the vicinity, i.e. in the area or region of, the El Nido small lot subdivision.

In Embleton, the Commission determined that development of an 800 sq. ft. residential unit proposed in the El Nido small lot subdivision was allowed with a "bonus" resulting from extinguishing development potential of non-contiguous lot in the Malibu Bowl small lot subdivision, allowing a single increase in up to 300 sq. ft. of floor area over the 500 sq. ft. which would otherwise be allowed. The proposed residence was located on a very steep lot where only a five hundred square foot residence would be allowed under the Slope/Intensity formula unless an additional 300 square feet for each lot "in the vicinity" was found and permanently extinguished. The applicant specifically included the lot in the Malibu Bowl subdivision as part of his request.

In the Embleton permit, the Malibu Bowl and El Nido small lot subdivisions were found to be located "in the vicinity" of each other because these two subdivisions are located

#### 4-92-092-A3 (Loguidice) Page 9 of 13

along the same Significant Ridgeline and share the same major access road to the coast, i.e. Corral Canyon Road. Both subdivisions were found to have similar impacts and share cumulative impacts on coastal resources because of the following factors:

- Similar and shared location within the north-south trending Solstice/Corral Canyon Viewshed as designated on the LUP Visual Resources map.
- Similar view impact by virtue of development on the same designated Significant Ridgeline.
- Location west of the same designated Significant Watershed, albeit only the Malibu Bowl subdivision drains predominantly into this watershed.
- Drainage shared toward the south or west toward Dry Canyon blue line stream and the associated Environmentally Sensitive Habitat Area.
- Shared cumulative impacts exist on traffic generation and individual use of Corral Canyon Road, Pacific Coast Highway, use of trails, and coastal accessways.

In summary, these two small lot subdivisions were found to be subject to similar, common development patterns and pressures. Development in either subdivision has a common effect on water and sewage usage, fire hazard, vegetation removal, non-point generation of pollutants, and the impacts of development on geologic instability and erosion. For these reasons, extinguishing the development rights for a lot in either was found to reduce cumulative impacts on the same general area. Therefore, retirement of lots in either when applied to the other subdivision was consistent with the standards of the Slope/Intensity formula in the LCP.

Because the two small lot subdivisions shared common characteristics which allowed them to be "donor" lots to one another, the Embleton decision found that reduction of the development potential in one subdivision in favor of an increase in 300 sq. ft. of size of a residence in the other would have a net benefit in terms of the potential effects on coastal resources. In addition, the proposed increase in size for the Embleton residence from 500 to 800 sq. ft. was found to not result in an individual cumulative impact because it was consistent with the Slope/Intensity criteria used by the Commission in past permit decisions.

The Malibu Vista and Malibu Mar Vista small lot subdivisions contrast markedly with the above two subdivisions. These small lot subdivisions are **not in the same vicinity** because of several geographic factors:

 Location in the separate large canyon to the west, an area distinct in terms of visual identification and the related watershed system, defined by Latigo and Escondido Canyon Creeks, and further identified as the Escondido/Latigo Canyon area in the certified LUP Visual Resources map. In contrast, the El Nido and Malibu Bowl subdivisions are located in the area defined by Solstice and Corral Canyons and

#### 4-92-092-A3 (Loguidice) Page 10 of 13

their distinct watershed, which is identified as the Solstice/Corral Canyon area in the certified LUP Visual Resources map.

- A dissimilar view impact in terms of views from the coast, and inland scenic areas (vista points, trails, ridgelines, etc.), by virtue of the location of development relative to Significant Ridgelines. Only the El Nido and Malibu Bowl subdivisions are located along and share a common ridgeline, which is further to the east than Malibu Vista and Malibu Mar Vista.
- Location not in close proximity to or impacting upon a designated Significant Watershed, as is true of the El Nido and Malibu Bowl Subdivisions. Further, location impacts on a different set of LUP-designated resources including Significant Oak Woodlands and Savannas and inland Environmentally Sensitive Habitat Areas.
- Shared cumulative impacts on traffic generation and individual use of adjacent transportation and access corridors into which the subdivisions feed including Latigo Canyon Road, Pacific Coast Highway, hiking and equestrian trails, and coastal accessways. These are not the same transportation and access corridors impacted upon by the El Nido and Maibu Bowl subdivisions.

In summary, the increase in size of an existing or proposed single family residence under the slope/intensity "bonus" must minimize the cumulative impacts within the same small lot subdivision or a geographically linked small lot subdivision to be considered "in the vicinity". Only through consideration of such geographical linkage can the "bonus: program be found consistent with the purpose of the Slope/density program in the certified LUP. The Commission cannot apply the criteria to other subdivisions not linked geographically because that will result in disproportionate concentration of cumulative development in receiver areas with results different in location, types and intensities than those of the same or geographically linked small lot subdivision.

Although the Commission found in the permit decisions in 4-95-136 (Kaplan) and 5-86-348-A2 (Johnson) that the lots were not available "in the vicinity", the Commission has new information indicating that such lots are available. The Coastal Commission is in the final phase of completing the "RECAP Study" (i.e. the Regional Cumulative Assessment Project Preliminary Findings and Recommendations Santa Monica Mountains/Malibu Area, California Coastal Commission, October, 1998). The RECAP study shows that there are undeveloped lots in the El Nido and Malibu Bowl small lot subdivisions are available for use in application of the Slope/Intensity formula (Source: RECAP Tables 3-2 and 3-3).

#### 4-92-092-A3 (Loguidice) Page 11 of 13

	El Nido	Malibu Bowl
Approximate Percentage of Lots Potentially Developable	35 %	41 %
Percentage Retired Lots	52 %	4 %
Number of Retired TDC and GSA Lots	179	7

The above indicates that over one third of these respective subdivisions remain to be developed, among which potential "donor" lots may be found. Securing such lots is the responsibility of the individual applicant. In the case of this application, in contrast to Embleton, there is no information documenting an effort to indicate that (1) there has been an effort to secure a "donor" lot in the Malibu Bowl small lot subdivision and/or that (2) there is an unavailability of such lots. Such documentation, even if provided, could not establish consistency with the criteria for inclusion of this program in the LUP if it allowed for the extension of available "donor" lots to outside the vicinity, because of the above noted considerations of geographic affinity.

The policy allowing for a GSA "bonus" does not provide for extension of the available "donor" small lot subdivisions based on the lack of availability of such parcels, or the success on the part of the applicant. Such an interpretation would inappropriately expand the definition of lots in the vicinity to areas outside the logical geographic area, except for the nearby El Nido subdivision for the reasons discussed in detail above. An interpretation allowing extension to the Malibu Vista and Malibu Mar Vista small lot subdivisions would be contrary to the intent of the LUP policy. The intent is based on the comprehensive nature of the LUP as a planning document which ensures that the size of structures in small-lot subdivisions is related to the suitability of the sites for development, the physical characteristics of the area, and potential adverse impacts on environmentally sensitive habitat areas, geologic and fire hazards, water quality, traffic along mountain road corridors, impacts on the Pacific Coast Highway, and the like.

In summary, the above analysis and findings indicate that the Malibu Vista and Malibu Mar Vista small lot subdivisions **are not geographically linked** to the Malibu Bowl and El Nido small lot subdivisions. The recent information from RECAP shows that lots are available within the Malibu Bowl and El Nido small lot subdivisions for purposes of GSA density "bonus". As shown in the review of the decision in application 4-98-247 (Embleton), the El Nido subdivision is the only small subdivision that may be use for such a "bonus". The finding allows "paired" small lot subdivisions based on their shared geographic relationship and is consistent with the suitability of "donor" and "receiver sites based upon the physical characteristics of the common area which contribute to the demand for public services, as well as minimizing the potential adverse impacts on environmentally sensitive habitat areas and other coastal resources.

Therefore, the Commission finds that only through the modification of special condition four (4) to limit lot extinguishment, for additional GSA credit, to the Malibu Bowl and El Nido Small Lot Subdivisions can the proposed amendment be found consistent with policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP, used as guidance in past permit decisions, and Section 30250(a) of the Coastal Act.

# D. 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 amendment 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 amendment 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 amendment, as conditioned, will not prejudice the County'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).

# E. 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 amendment would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the

# 4-92-092-A3 (Loguidice) Page 13 of 13

Commission. Therefore, the proposed amendment, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.







