

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
COSTA MESA, CA 92626
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Hearing Date: 7/13-16/99
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-036

APPLICANT: Diva Partners Inc.

AGENT: Plus Architects

PROJECT LOCATION: 6380 Seastar Drive, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct two story, 28 ft. high, 5,345 sq. ft. single family residence with attached 580 sq. ft. three car garage, septic system, pool/spa and grading of 984 cu. yds. (510 cu. yds. cut and 474 cu. yds. fill).

Lot area:	26,675 sq. ft.
Building coverage:	3,351 sq. ft.
Pavement coverage:	6,051 sq. ft.
Landscape coverage:	8,560 sq. ft.
Parking spaces:	3 covered
Height above finished grade:	28 ft.

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, approval in concept, dated 1/18/99; Department of Environmental Health, In-concept Approval, dated Sep 03 1998.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Coastal development permits 4-98-074 (Mical Company), 4-96-020 (Tyberg), 4-94-062 (Rodanne Limited Partnership), 5-90-327, 327A, and 4-95-074 (Javid), and 5-85-459 (Ohanian);

SUMMARY OF STAFF RECOMMENDATION

The development is proposed in a previously approved subdivision within an area overlooking Pacific Coast Highway and beaches in the Trancas Canyon area. Staff recommends approval of the project with special conditions relating to: **color restriction, future improvements restriction, conformance to geologic recommendations, landscape and erosion control, removal of natural vegetation, and wild fire waiver of liability.**

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and 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. Color Restriction**

- a. The color of the structures and roofs permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.
- b. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Future Improvements

- a. This permit is only for the development described in coastal development permit No. 4-99-036. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures (guest unit and single family residence), including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition number four (4), shall require an amendment to Permit No. 4-99-036 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- b. Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Plans Conforming to Geologist's and Engineer's Recommendations

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Geotechnical Engineer consultant's review and approval of all project plans. All recommendations contained in the GeoSystems, Inc., Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, October 1, 1996 and Updated Soils and Engineering Geologic Investigation for Proposed Single Family Residence, August 24, 1998 including recommendations related to grading, foundations, and setbacks 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.

4. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. 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 two (2) years, and this requirement shall apply to all disturbed soils;

- 3) Plantings will 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;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring.

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

5. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surroundings the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

6. 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a two story, 28 ft. high, 5,345 sq. ft. single family residence with attached 580 sq. ft. three car garage, septic system, pool/spa and grading of 984 cu. yds. (510 cu. yds. cut and 474 cu. yds. fill). The project is located in overlooking the Pacific Coast Highway in the Trancas Canyon area west of Pt. Dume and inland of Broad Beach and Zuma Beach. The site is differentiated from the proposal in application 4-99-100 (Zabakhsh) scheduled on the same agenda in that the site is on a raised pad which is much more visible from Pacific Coast Highway, beaches, and the surrounding area. The relation of the project to visual quality issues is discussed in detail in the following section.

A subdivision was approved for creation of 19 residential lots and one open space lot (5-90-327, Javid) with conditions relative to grading, cumulative impacts of development, trail dedication, landscaping and erosion control, geology, open space, archaeological resources, and County review of revised tract map and grading plans, with grading limited to 69,500 cubic yards. The proposed grading is consistent with that grading limitation, because it is minimized in a manner consistent with previous Commission decisions for development in the Javid subdivision, i.e. grading is limited to that necessary for driveway and foundation purposes.

B. Visual Resources

Section 30251 of the Coastal Act states that:

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

In addition, the certified Malibu/Santa Monica Mountains LUP provides policies regarding protection of visual resources, which are used as guidance and are applicable to the

proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains: ***P129 Structures designed and located for attractive appearance and harmonious relationship with the surroundings; P 125 New development sited and designed relative to LCP-designated scenic highways, views to and along the shoreline, and scenic coastal areas; P130 In highly scenic areas and along scenic highways, siting and design to protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural land forms, conceal raw-cut slopes, compatible with and subordinate to the character the setting, and not intrude into the skyline as seen from public viewing places; P134 Structures sited to conform to the natural topography.***

The applicant is proposing to construct a two story, 28 ft. high, 5,345 sq. ft. single family residence with attached 580 sq. ft. three car garage, septic system, pool/spa and grading of 984 cu. yds. (510 cu. yds. cut and 474 cu. yds. fill) overlooking the Pacific Coast Highway in the Trancas Canyon area west of Pt. Dume and inland of Broad Beach and Zuma Beach.

The site is in a partially developed residential neighborhood, surrounded by residential structures, is visible from a public trail connector immediately south and adjacent to the property. This connector was as required by the coastal development permit for the underlying subdivision. Although stepped into the hillside, the proposed residence is still visible from nearby beaches to the southwest and Pacific Coast Highway, requiring mitigation of visual impacts. Past Commission actions have required visual mitigation for similar development in the project area for those portions of the underlying Javid subdivision when visible from the surrounding area.

To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible, such as beaches, parks and trails. The site overlooks a segment of Broad Beach/Zuma Beach and a segment of Pacific Coast Highway, a designated scenic highway, at the foot of Trancas Canyon. The Commission typically also examines the building site and the size of the structure.

Staff conducted a site visit of the site and found the proposed building site to be the most appropriate and feasible location, a given the terrain and street location, as developed as part of the underlying subdivision. Any residence similar in size to the surrounding tract would be of a location and mass which would be visible from the beach, Pacific Coast Highway, and the trail below the site. The grading and landform alteration is only that necessary to construct the house keyed into the project site and is consistent with the previous subdivision as noted previously.

It is necessary to ensure that the design of the project will minimize any visual impacts to the maximum extent feasible. The impact on public views can be mitigated by requiring the residence to be finished in a color consistent with the surrounding natural landscape

and, further, that the windows of the proposed structure be of a nonreflective nature. To ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by *Special Condition number one (1)*.

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

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu/Santa Monica Mountains LUP.

C. Geologic Stability and Hazards

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The proposed development is located in the Santa Monica Mountains, an area generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The prominent geomorphic features in the area are Broad Beach to the south, Zuma Beach to the southeast, and Trancas Canyon to the west. The site is located on previously graded pad and a moderate amount of grading is proposed, mostly for foundation work. The site drains toward the southwest and has a slope differential of 50 feet.

1. Geology

The applicant has submitted a GeoSystems, Inc., Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, October 1, 1996 and Updated Soils and Engineering Geologic Investigation for Proposed Single Family Residence, August 24, 1998. The geologic stability of the site is favorable to the project, according to these reports, and no potentially active and/or active faults, adversely oriented geologic structure, or other hazards were observed by the consultants.

Based on the geotechnical consultant's site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, limited subsurface exploration of the site, the engineering geologists have provided recommendations to address the specific geotechnical conditions related to the site. In conclusion, the engineering geologic investigation states that:

Based on our recent site visit, and a review of our referenced reports, it is the finding of this firm that the subject site is suitable for the proposed development from a soils and engineering-geologic standpoint provided the recommendations included in the referenced reports are incorporated in to the development plans. All recommendations of the referenced reports not superseded herein remain applicable. ... It is the finding of this firm that the proposed building and/or grading will be safe and that the property will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the County code, provided our recommendations are followed.

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineering geologists as conforming to their recommendations, as noted in special condition number three (3) for the final project plans for the proposed project.

2. Erosion

Surface drainage on site is by sheet flow to Seastar Drive and then by sheet flow approximately one half mile toward the southwest toward Trancas Canyon Creek which is a designated blue line stream in the vicinity of the Pacific Coast Highway on the

USGS map. The Creek in the project vicinity is not designated as an Environmentally Sensitive Habitat Area (ESHA) on the LUP Sensitive Environmental Resources Map. In addition, the area off-shore of the coast west of Trancas Canyon, i.e. the Creek entrance to the ocean, is a LUP designated ESHA.

The Commission finds that the project will significantly increase the amount of impervious surfaces on the site, which increases both the volume and velocity of storm water runoff. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site and affect site stability. Increased erosion may also result in sedimentation and degradation of riparian systems.

In the case of this project, the submittal includes a drainage control plan utilizing catch basins, berms, V-shaped concrete drains (swales), and walls with gutters and pipe drains at the base for conveyance of runoff to Seastar Drive. This plan notes that it was based upon the geologic and geotechnical reports' recommendations.

Although the applicant has submitted a drainage plan, the Commission finds it necessary to require the applicant to submit a landscaping and interim erosion control plan, as specified in *special condition number four (4)*, which provides for interim erosion control during construction and landscaping to stabilize graded and disturbed areas on the site. As conditioned, the proposed project will minimize the potential for erosion resulting from disturbed soils and thereby ensure site stability and stream protection in a manner consistent with PRC Section 30253, as well as Sections 30240 and 30231, relative to protection of ESHAs and the biological productivity and quality of coastal waters and streams.

In addition, *special condition number five (5)* is necessary to ensure that removal of natural vegetation for fuel modification purposes does not take place without implementation of the proposed single family residence. The natural swale area to the east is scheduled for restoration with native vegetation and removal of intrusive myoprum under recently approved permit 4-98-331 (Brown) for the adjacent property to the east. Unnecessary fuel modification is not permitted as it is contrary to the provisions of PRC Section 30253 including ensuring site stability and avoiding adverse impacts of erosion and sedimentation.

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard

associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by *special condition number six (6)*.

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

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The proposed septic system includes a 1,500 gallon septic tank. The above noted City approval indicates that the system complies with the minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the City health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the

Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse effects and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the

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

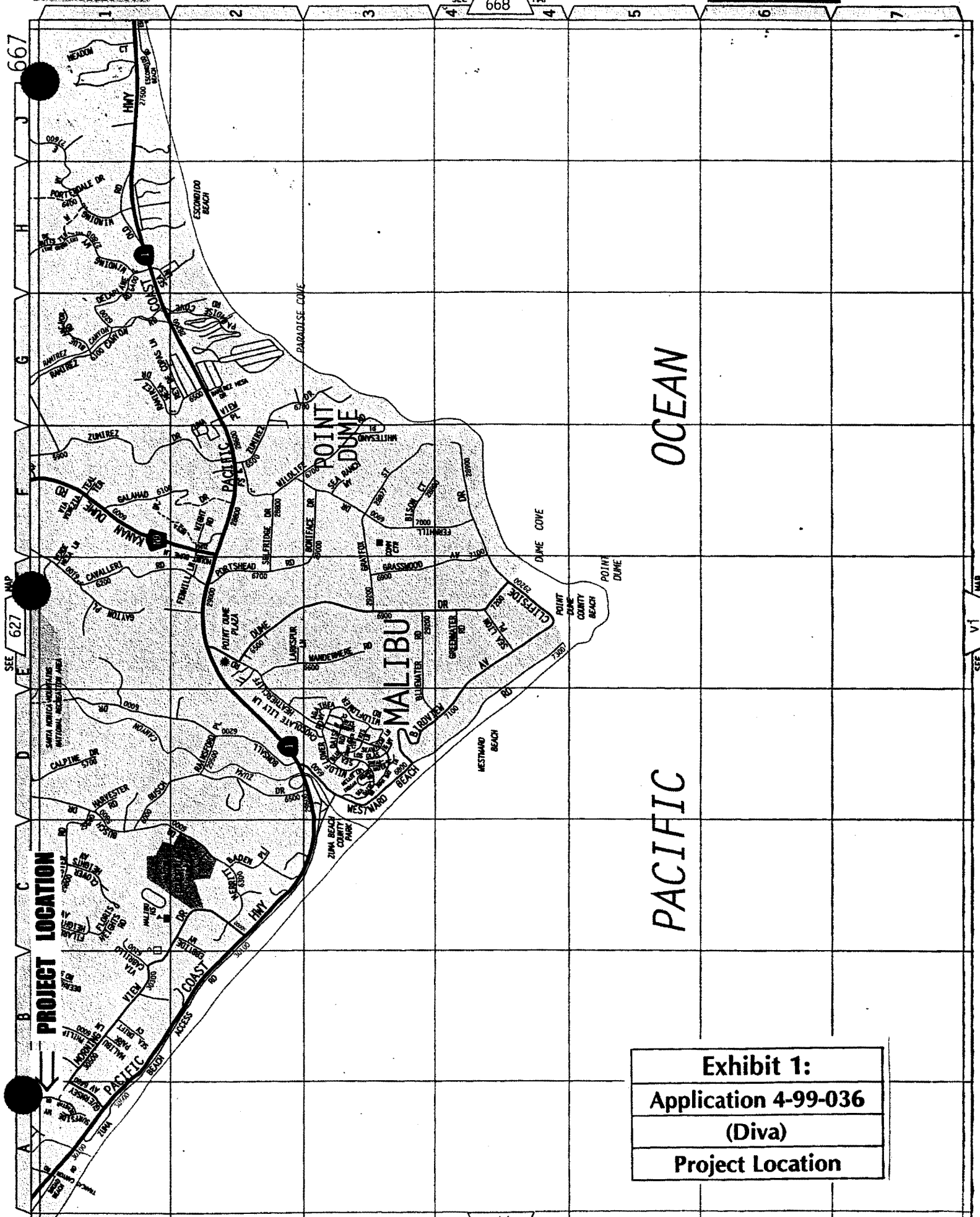
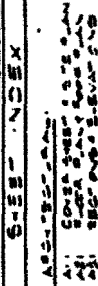


Exhibit 1:
Application 4-99-036
(Diva)
Project Location

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



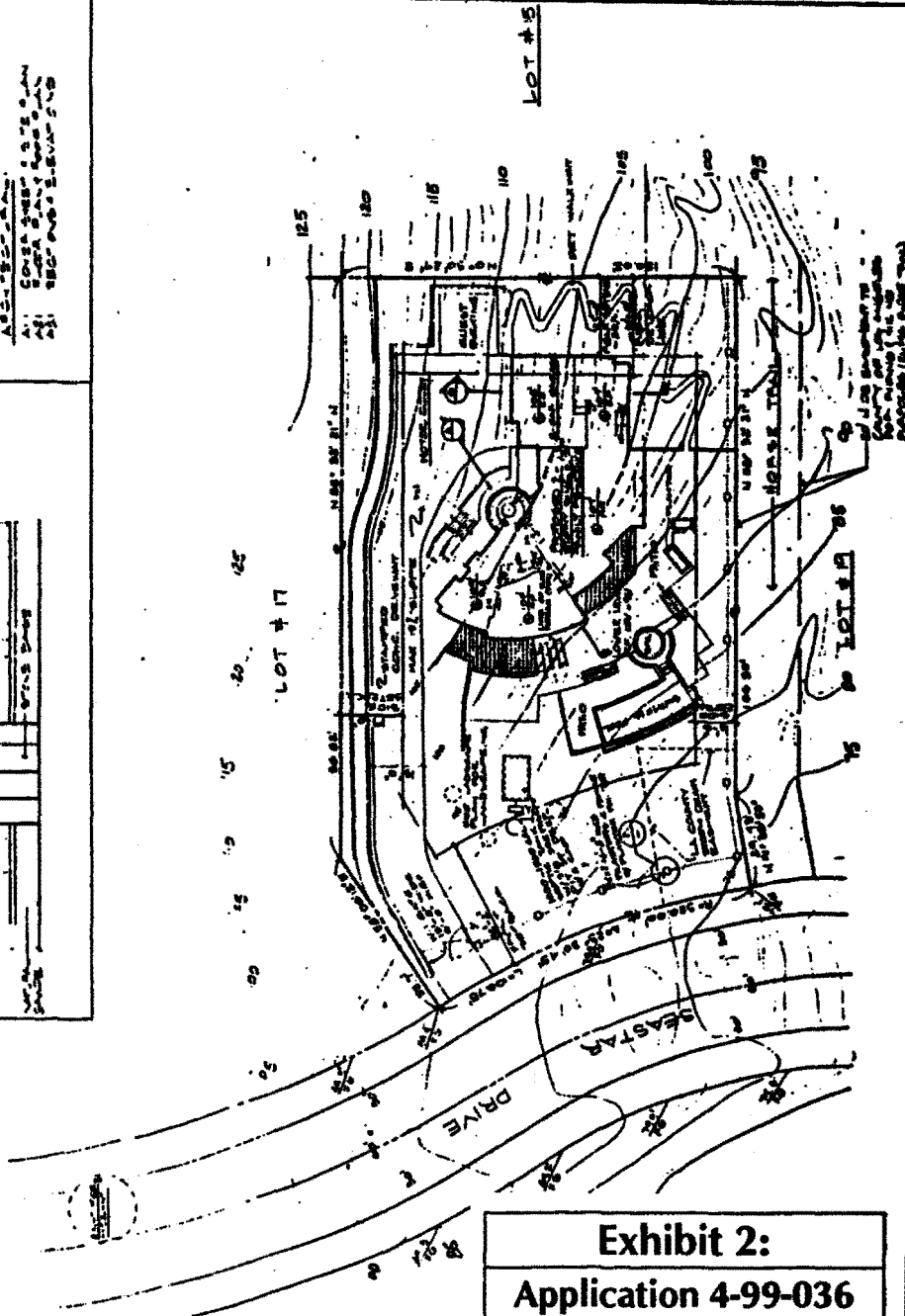
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1. The first of these is the fact that the Government has not been able to secure the necessary funds to carry out its program. This is due to the fact that the Government has not been able to secure the necessary funds to carry out its program. This is due to the fact that the Government has not been able to secure the necessary funds to carry out its program. This is due to the fact that the Government has not been able to secure the necessary funds to carry out its program.



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| Exhibit 2: |
| Application 4-99-036 |
| (Diva) |
| Site plan |

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

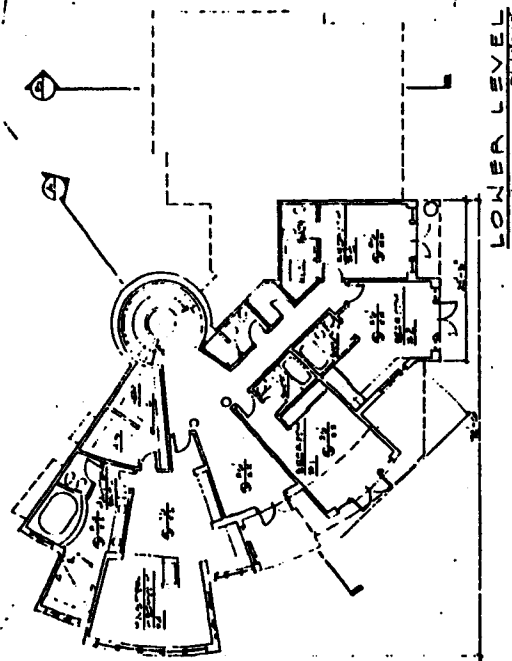
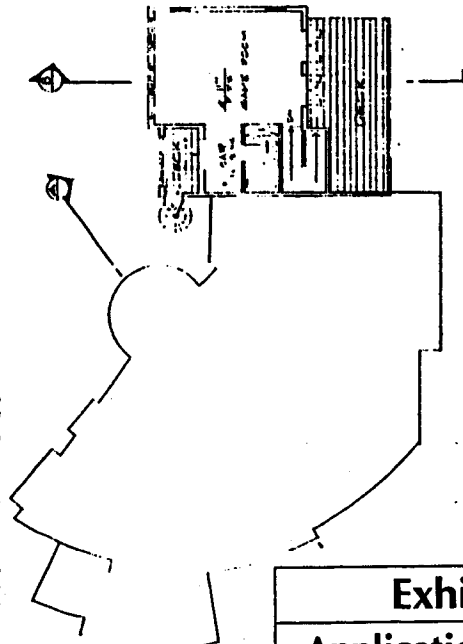
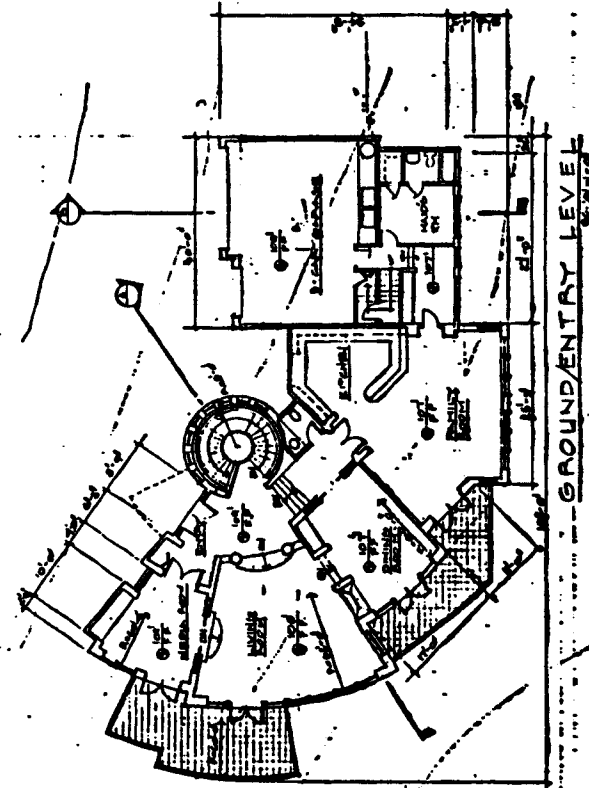
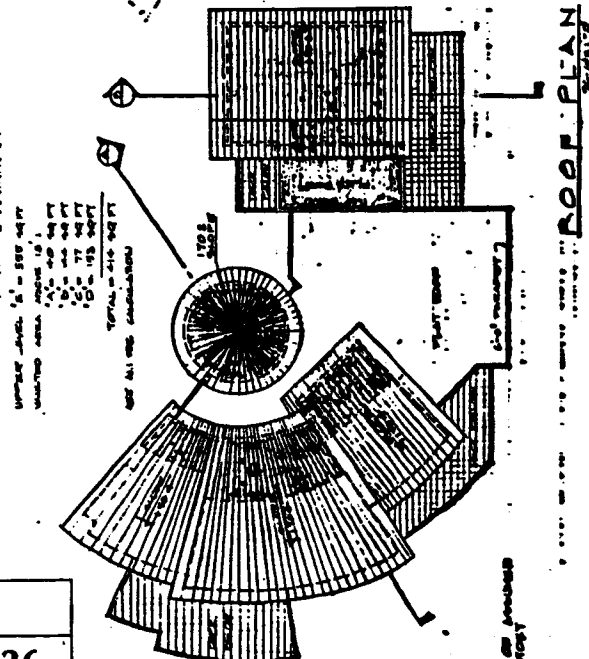


Exhibit 3:
Application 4-99-036
(Diva)
Floor Plan



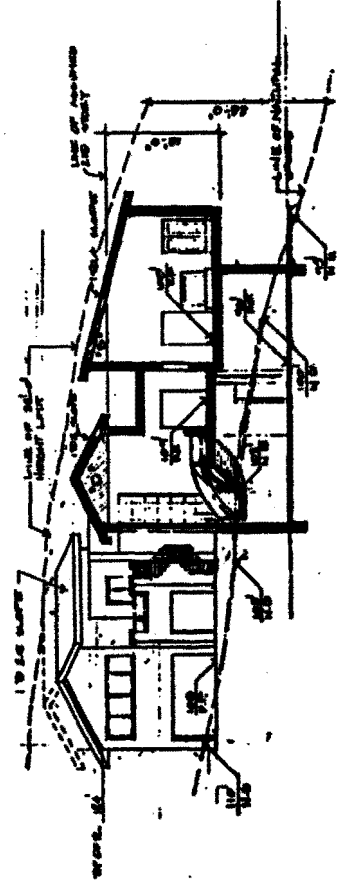
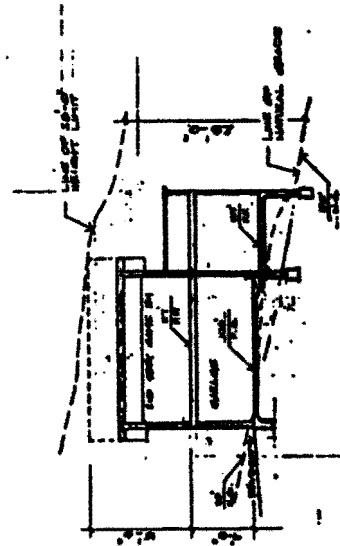
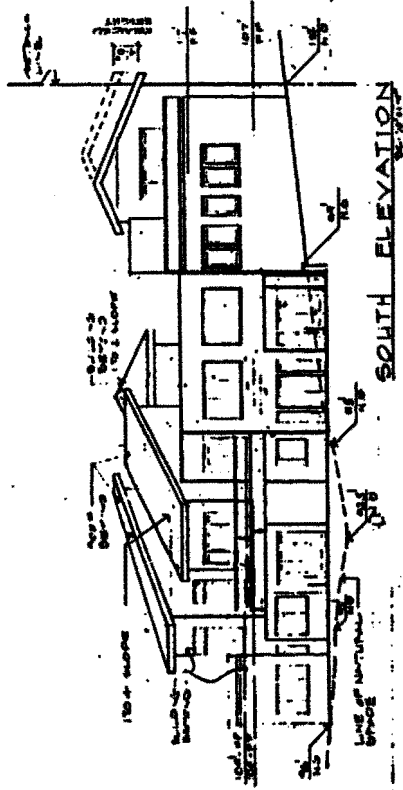
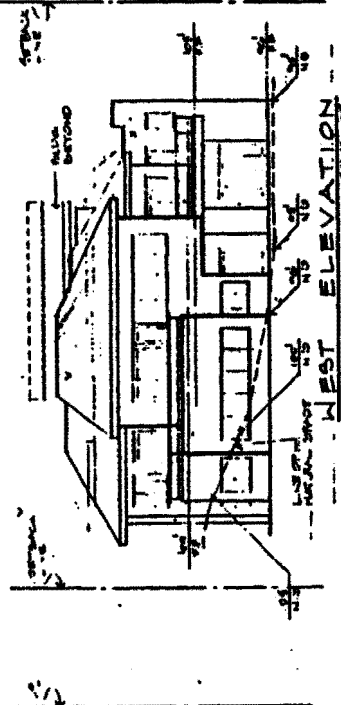
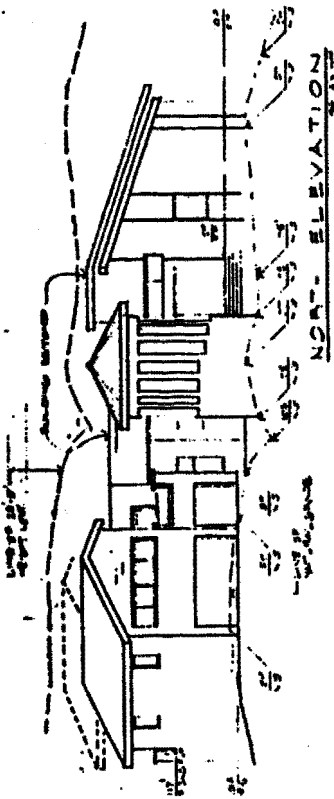
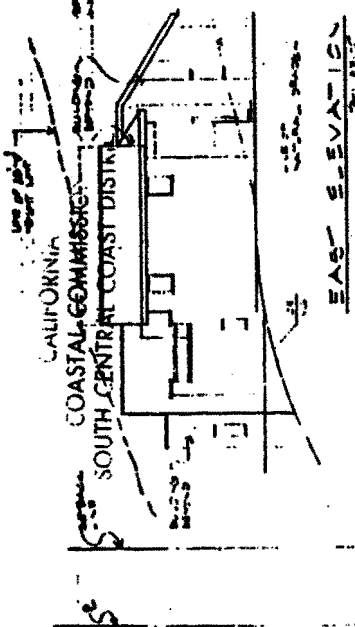
PLUS ARCHITECTS

FLOOR PLAN

A2.1

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| Exhibit 4: |
| Application 4-99-036 |
| (Diva) |
| Elevation |

PLUS ARCHITECTS

SECTIONS & ELEVATIONS

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A31