

## CALIFORNIA COASTAL COMMISSION

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

## RECORD PACKET COPY



Filed: 8/10/00  
49th Day: 9/28/00  
180th Day: 2/6/01  
Staff: MEB-V *js*  
Staff Report: 11/26/00  
Hearing Date: 11/14-17/00

**STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NO.:** 5-88-1029-A3

**APPLICANT:** Yelena Antseliovich

**PROJECT LOCATION:** 6020 Bonsall Drive, City of Malibu (Los Angeles County)

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:**

5-88-1029 (Finck): Construct 32 foot high, 5020 sq. ft. single family residence with stable, riding ring, and septic system; 700 cu. yds. of grading.

5-88-1029-A1 (Holst): Construct 28 ft. high, 4748 sq. ft. single family residence with 950 sq. ft. detached garage, swimming pool, driveway with recorded easement, retaining walls, septic system, 2073 Cu. yds. of grading (935 cu. yds. cut and 1138 cu. yds. fill), 2500 cu. yds. grading for recompaction (1250 cu. yds. cut and 1250 cu. yds. fill), and placement of temporary trailer to be removed within 30 days of final occupancy notice.

5-88-1029-A2 (Anseliovich and Fled) Construct a 28 ft. high, two story 6796 sq. ft. single family residence with revised septic system design, reduction of grading from 2073 to 1960 cu. yds. (910 cu. yds. cut and 1050 cu. yds. fill), and deletion of stable and riding ring.

**DESCRIPTION OF AMENDMENT:** Relocate previously approved swimming pool. Construct 750 sq. ft. guest house, lap pool, and gazebo. Grading of 400 cu. yds. (200 cu. yds. cut and 200 cu. yds. fill) for swimming pool and 52 cu. yds. (26 cu. yds. cut and 26 cu. yds. fill) for guest house foundation preparation.

**SUMMARY OF STAFF RECOMMENDATION**

The proposed amendment relocates the previously approved swimming pool and adds construction of a 750 sq. ft. guest house, lap pool, and gazebo. Staff recommends approval of the amendment with a special condition relating to: ***cumulative impacts of development.***

**LOCAL APPROVALS RECEIVED:** City of Malibu, Approval in Concept dated May 18, 2000.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; RJR Engineering Group, letter report, September 13, 2000; Coastal development permit 5-88-1029 (Finck), 5-88-1029-A1 (Holst), and 5-88-1029-A2 (Antseliovich and Fled).

**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 Executive Director has determined that the proposed amendment is a material change. 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.

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**I. STAFF RECOMMENDATION**

**MOTION:** I move that the Commission approve Amendment No. 4-88-1029-A3 pursuant to the staff recommendation.

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

**RESOLUTION TO APPROVE THE AMENDMENT:**

The Commission hereby approves an amendment to the coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit

complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

All conditions of coastal development permit 4-88-1029 remain in effect.

## **II. Special Conditions**

### **4. Future Development Deed Restriction**

- a. This permit is only for the development described in coastal development permit No. 5-88-1029-A3. Pursuant to Title 14 California Code of Regulations Sections 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (b) shall not apply to the guest unit. Accordingly, any future improvements to the permitted guest unit shall require an amendment to Permit No. 5-88-1029-A3 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. The deed restriction shall include legal descriptions of the applicant's entire parcel. 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.

## **IV. Findings and Declarations**

The Commission hereby finds and declares:

### **A. Project Description and Background**

The applicant proposes to relocate the previously approved swimming pool and construct a 750 sq. ft. guest house, lap pool, and gazebo. (Exhibit 2)

The project includes grading of 400 cu. yds. (200 cu. yds. cut and 200 cu. yds. fill ) for swimming pool and 52 cu. yds. (26 cu. yds. cut and 26 cu. yds. fill) for the guest unit foundation. The grading for the pool and guest house is consistent with the amount of grading already permitted under the most recent amendment (5-88-1029-A2). The

excavation for the swimming pool will be used to backfill driveway retaining walls on the site. The retaining walls were previously approved in the original permit. The material will also be used for backfill behind the driveway retaining walls.

The original project was 5-88-1029 (Finck) to construct a 32 foot high, 5020 sq. ft. single family residence with stable, riding ring, and septic system with 700 cu. yds. of grading. The permit was amended through an immaterial amendment in 5-88-1029-A1 (Holst) to construct a 28 ft. high, 4748 sq. ft. single family residence with 950 sq. ft. detached garage, swimming pool, driveway with recorded easement, retaining walls, septic system, 2073 cu. yds. of grading (935 cu. yds. cut and 1138 cu. yds. fill), 2500 cu. yds. grading for recompaction, and placement of temporary trailer to be removed within 30 days of final occupancy notice. The permit was amended in a material amendment 5-88-1029-A2 (Anseliovich and Fled) to revise the design of the residence to construct a 28 ft. high, two story 6796 sq. ft. single family residence with revised septic system design, reduction of grading from 2073 to 1960 cu. yds. (910 cu. yds. cut and 1050 cu. yds. fill), and deletion of stable and riding ring.

The project site is 2.98 acres and is located on an existing split level pad elevated above Zuma Canyon accessed by an existing driveway. The split level pad existed prior to the underlying 1988 permit. The subject lot is designated in the certified land use plan for Los Angeles County with a combination of the Rural Land III, 1 du/2 ac minimum and Residential, 1 du/ac.

The proposed development overlooks a segment of Zuma Ridge Trail, which passes through the bottom of Zuma Canyon along Bonsall Drive. The proposed project is located one half mile south of a large area of National Recreation Area ownership which includes the upper portion of Zuma Canyon.

The project will not result in expansion of the fuel modification area affecting native vegetation, because of the lack of significant native vegetation area in the vicinity. The surrounding area consists of previously graded and/or disked land. Consequently, the proposed project will not result in any significant impacts to native vegetation as a result of fuel modification.

## **B. Visual Resources and Landform Alteration**

Section 30251 of the Coastal Act states that:

***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the***

**California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.**

The proposed development, as previously noted, overlooks a segment of Zuma Ridge Trail which passes through the bottom of Zuma Canyon along Bonsall Drive. The proposed project is located one half mile south of a large area of National Recreation Area ownership which includes the upper portion of Zuma Canyon.

The proposed amendment includes development at the approximate 180 to 190 foot contours. The gazebo and guest house are set back, respectively, 100 and 150 feet from the edge of the pad overlooking Zuma Canyon. For this reason, development will not impact significantly on views from the National Recreation Area land, the Canyon or the Zuma Ridge Trail. The proposed development is located far enough up Zuma Canyon that it does not create an impact on views to and along the coastline or upon any beaches or scenic areas. The site is not visible from nearby scenic highways such as Pacific Coast Highway and Kanan Dume Road.

Because development is on a split level pad existing prior to the underlying permit, and involves an insignificant amount of grading for the proposed development, the project does not raise an issue relative to the alteration of natural landform.

The original permit contained a special condition addressing the requirement for a landscaping and fuel modification plan. This condition includes use of native, indigenous plants for purposes of landscaping and erosion control. As noted in the findings for the previous amendment, the use of suitable native plant material can soften and screen the visual impact of the development.

In summary, the proposed amendment as conditioned under the underlying permit as amended will ensure consistency with Coastal Act policies on visual quality and landform alteration. For these reasons, the proposed development is consistent with Section 30251 of the Coastal Act.

### **C. Cumulative Impacts**

Section 30250 (a) of the Coastal Act states:

**(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural**

***uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

The proposed amendment raises Coastal Act issues related to cumulative impacts on coastal resources. The construction of the guest house as proposed constitutes construction of a residential unit on a site, where a large primary residence is under construction. This would intensify the use of the parcel, resulting in potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development relative to maintaining and enhancing public access to the coast by increasing demand for such facilities or impeding their use.

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

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

The proposed guest house is a second residential structure consisting of a 750 sq. ft. one story building with two bathrooms, one of which has only an exterior entrance. The guest house also has an entry alcove, bedroom, living room, dining room, and a kitchen. Although the proposed guest unit conforms with the Commission's past actions allowing a maximum of 750 sq. ft. of floor area for a second residential unit in Malibu, to ensure that no additions or improvements are made to the guest unit, which further intensifies the use, without due consideration of the potential cumulative impacts, it is necessary to require the applicant to record a future development deed restriction that the applicant obtain an amended or new coastal permit for any future additions or improvements to the development as required by special condition four (4). The Commission finds that with approval of the amendment with this condition, the project is consistent with 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 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 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 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).

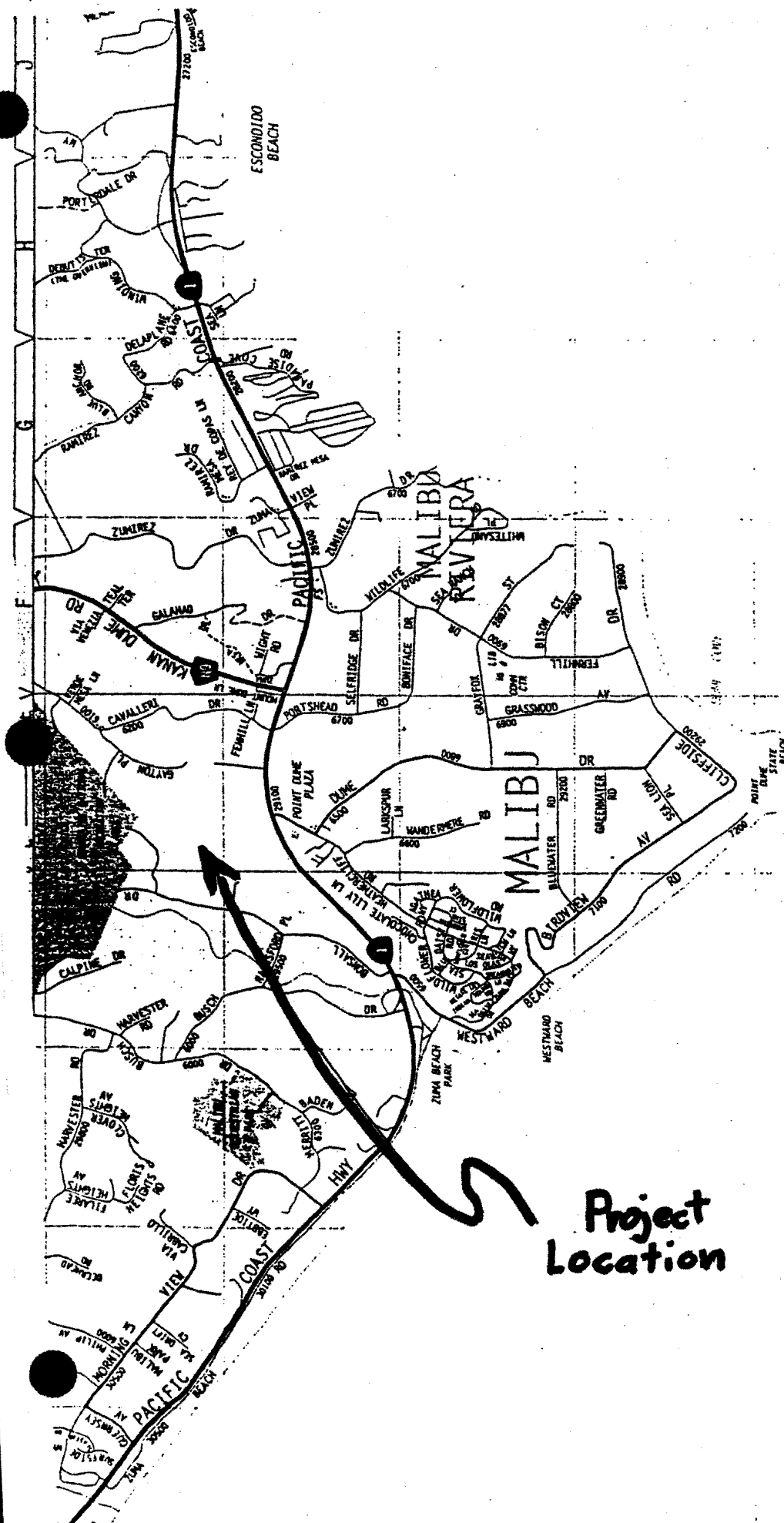
#### **E. California Environmental Quality Act**

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





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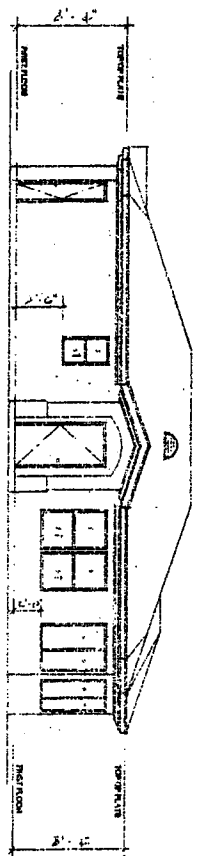
PACIFIC

**Project  
Location**

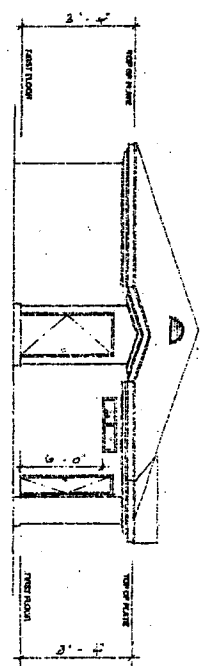
EXHIBIT NO. 1
APPLICATION NO.
5-88-1029-A3 (Antselovich)
Project Location



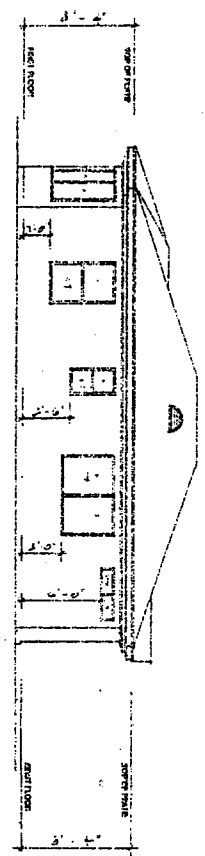
EXHIBIT NO.	3
APPLICATION NO.	
5-88-1029-A3 (Antseriovich)	
Floor Plan & Elevations	



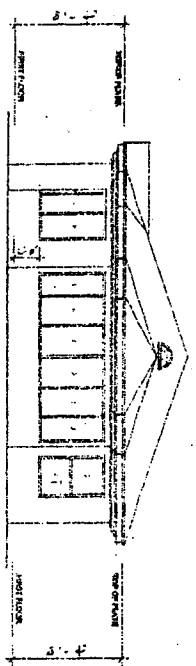
**NORTH ELEVATION**  
SCALE 1/8"=1'-0"



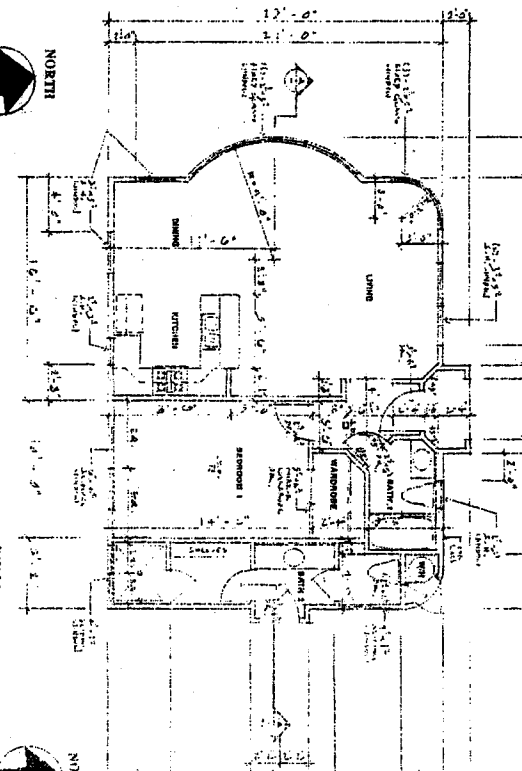
**EAST ELEVATION**  
SCALE 1/8"=1'-0"



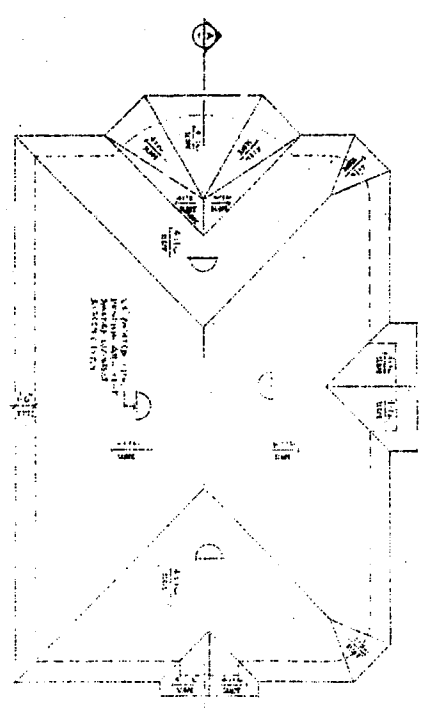
**SOUTH ELEVATION**  
SCALE 1/8"=1'-0"



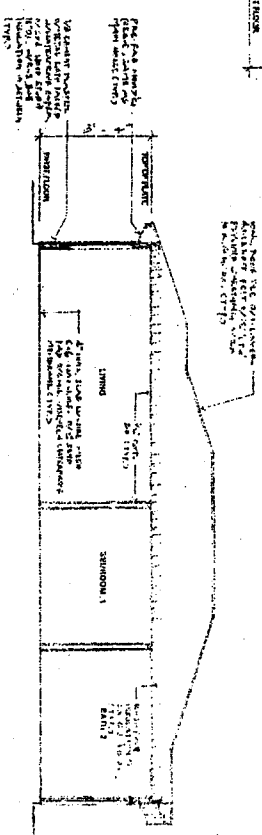
**WEST ELEVATION**  
SCALE 1/8"=1'-0"



**FLOOR PLAN**  
SCALE 1/8"=1'-0"



**ROOF PLAN**  
SCALE 1/8"=1'-0"



**SECTION A-A**  
SCALE 1/8"=1'-0"

Th9a

## CALIFORNIA COASTAL COMMISSION

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



Filed: 1/30/98  
49th Day: 3/20/98  
180th Day: 10/27/98  
Staff: MB-V  
Staff Report: 2/19/98  
Hearing Date: 3/10-13/98

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-88-1029-A2

APPLICANT: Ylena Antseliovich and Iakov Fled

PROJECT LOCATION: 6020 Bonsall Drive, City of Malibu, Los Angeles County.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 5020 sq. ft., 32 ft. high single family residence, stable, riding ring, septic system, and 7000 cu. yds. of grading on a 3 ac. vacant lot. Permit was amended under 5-88-1029A to construct a 4748 sq. ft. single family residence, 28 ft. in height, 950 sq. ft. detached garage, swimming pool, driveway within recorded easement, retaining walls septic system, and 2073 cu. yds. of grading (935 cu. yds. cut and 1138 cu. yds. fill).

DESCRIPTION OF AMENDMENT: Increase floor area to construct a 28 ft. high, two story 6796 sq. ft. single family residence and revise septic system design; reduction of grading from 2073 cu. yds. to 1960 cu. yds. (910 cu. yds. cut and 1050 cu. yds. fill); delete provision for stable and riding ring.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept, 11-17-97.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permit 5-88-1079 (Finck); RJR Engineering Group, Inc., Geologic and Geotechnical Engineering Report Proposed Custom Single Family Residence 6020 Bonsall Drive Malibu, California, August 25, 1996.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed amendment as conditioned by the original permit is consistent with the requirements of the Coastal Act.

EXHIBIT NO.	4
APPLICATION NO.	
	5-88-1029-A3
	(Antseliovich)
	Prior Amendment

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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.

14 Cal. Admin. Code 13166.

In this case, there has been an objection to the Executive Director's determination of immateriality.

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#### STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following resolution:

##### I. Approval with Conditions

The Commission hereby approves the amendment to the coastal development permit on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

##### II. Special Conditions

NOTE: The special conditions of permit 5-88-1029 remain in effect.

##### III. Findings and Declarations.

The Commission hereby finds and declares:

##### A. Project Description and Background

###### 1. Project Description

The applicant proposes to increase the floor area to 6796 sq. ft. and revise the septic system per plans reviewed by City of Malibu dated 11-17-97 as well as reduce grading from 2073 cu. yds. to 1960 cu. yds. (910 cu. yds. cut and 1050 cu. yds. fill) and delete provision for the stable and riding ring. The original approval was for construction of a 5020 sq. ft., 32 ft. high single family residence, stable, riding ring, septic system, and 7000 cu. yds. of grading on a 3 ac. vacant lot.

Amendment 5-88-1029-A1 was approved as an immaterial amendment on June 17, 1997. Immaterial Amendment 5-88-1029-A1 (Holst) was to construct a 4748 sq. ft. single family residence, 28 ft. in height, 950 sq. ft. detached garage, swimming pool, driveway within recorded easement, retaining walls septic system, and 2073 cu. yds. of grading (935 cu. yds. cut and 1138 cu. yds. fill). The amendment did not become effective because it was not accepted by the applicant. The permit has now been transferred to Antseliovich and Fled.

The proposed amendment affects a parcel of 2.98 acres. The project location is on an existing pad elevated above Zuma Canyon. (Exhibit I) The property is reached by a private road across adjacent property and the property owner of this adjacent land has not objected to the use of the access easement and related grading outside the easement needed for driveway construction. However, the same adjacent property owner has objected to the project because of its height and size of the proposed residential structure is out of character with surrounding development (letter received on February 10, 1998, see Exhibit VII) .

The lot is designated with a combination of Rural Land III, 1 du/2ac minimum and Residential I, 1 du/ac in the certified land use plan (LUP) for Los Angeles County. Although the City of Malibu has now been incorporated, and the Local Coastal Program was never completed for Los Angeles County, this information has been used for guidance in past Commission decisions. The proposed development three acres per dwelling unit, is consistent with the density proposed in the LUP.

The Commission's regulations provide for referral of permit amendment requests to the Commission if objection is made to the Executive Director's determination of immateriality. On January 30, 1998 the Executive Director issued a notice that the amendment was considered immaterial. This was objected to in the form of the above noted letter from a neighbor (Exhibit VII) which objected to the building as being above one story in height.

#### B. Visual Resources/Landform Alteration

Section 30251 of the Coastal Act states (in part) 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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

There are a number of applicable policies regarding visual resources and landform alteration in the certified LUP for Los Angeles County, now used for guidance only for the review of development proposals since the City of Malibu has been incorporated. These include the following (paraphrased as applicable): P 82: minimize grading to avoid runoff and erosion effects; P 91: minimize impacts and alterations of physical features; P 129: attractive appearance and harmonious relationship with the surrounding environment; P 130: conceal raw-cut slopes, not significantly intrude into the skyline as seen from public viewing places; P 134: conform to the natural topography, as feasible, massive grading and reconfiguration discouraged.

The elevation on the site ranges from approximately 150 to 250 ft. Most of the development is confined to a pad at the intermediate location at about 200 ft. in elevation. The subject property is located far enough up the canyon so that it does not impact on views to an along the coastline or from any beaches or scenic areas. The site is not visible from nearby scenic highways such as Pacific Coast Highway and Kanan Dume Road.

The neighbor objecting to the proposed amended project indicates the project is out of scale with surrounding residential development. However, the proposed residence is similar in scale and character with surrounding development. The surrounding area is characterized by concentration of development of large residences on large lots, many of the lots being larger than the subject approximate three acres. Some of these lots are in the canyon bottom, while others on the ridges take advantage of views across the canyon and toward the coast and mountains. This surrounding development includes both single and two story residences. Neither the standards in the certified LUP, noted above as used for guidance, nor past Commission decisions have required residences to be single story in this area. The general height restriction used has been, rather, 35 ft..

Exhibits 2 and 3 compare the proposed project and the previously proposed project. The comparison of these exhibits shows that the mass and orientation of the building toward the surrounding area is similar, even though the floor area will increase substantially, because of the location within substantially the same footprint, with most of the additional building bulk oriented away from property toward the valley and ridges to the west. Views of the property from the east are shielded by the minor ridge uphill of the project.

Further, the proposal results in a decrease in grading of approximately 5000 cu. yds. less than what was proposed by the original permit and approximately 80 cu. yds. less than what was proposed in the previous amendment. For these reasons, the proposal is compatible with the character of the surrounding area and development is located in a manner consistent with past Commission actions.

The original permit contained a special condition addressing a grading and landscaping plan. This condition is recommended for retention under the amendment. The grading and landscaping plan's use of native plant material in suitable landscaping plans as required can soften and screen the visual impact of the cut and fill slopes to be created for the building pads and road, and ensure that the natural appearance of the site remains after development.

In summary, the proposed amendment as conditioned under the underlying permit will ensure consistency with Coastal Act policies on visual quality and landform alteration. The Commission, therefore, finds that the proposed project as conditioned is consistent with Section 30251 of the Coastal Act.

#### D. Local Coastal Program

Section 30604(a) 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 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 coastal 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.

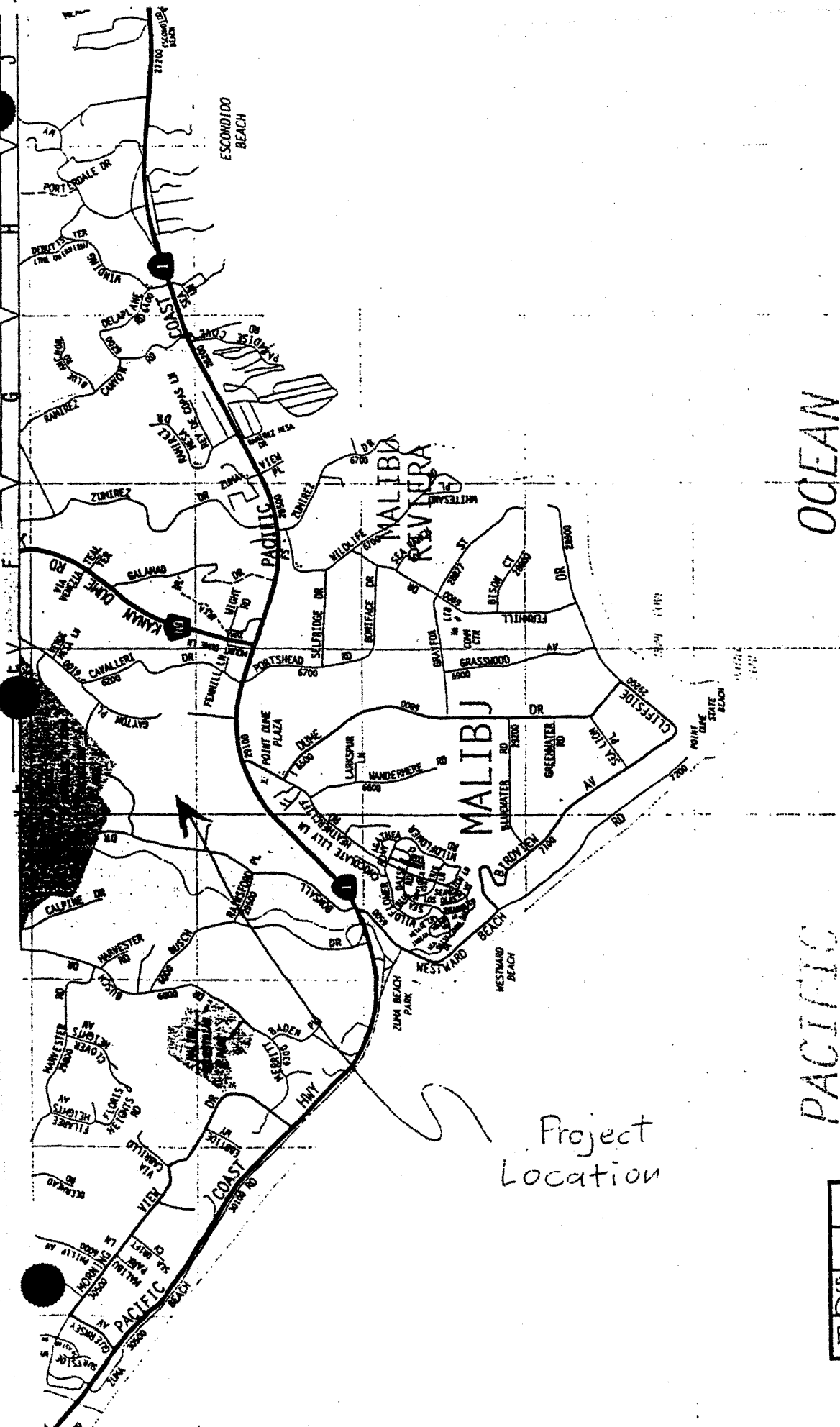
The proposed amendment as conditioned will not create adverse impacts and is consistent with Chapter 3 policies of the Coastal Act. The Commission finds that approval of this project, as conditioned, will not prejudice the ability of the City of Malibu to prepare a Local Coastal Program that is consistent with the policies of Chapter 3 of the Coastal Act, and is therefore consistent with Section 30604 (a) of the Coastal Act.

#### 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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (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 which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed above, the proposed project has been mitigated, through retention of the original conditions of approval as modified above, to require a grading and landscaping and erosion control plan, plans conforming to geologic recommendations, and a wild fire waiver. The proposed amended 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 amended project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.





Project  
Location

EXHIBIT NO. I

APPLICATION NO.

5-88-1029-A2  
(Antselovich & Fled)

Project Locatio

188.74'

150.17'

OWNER : DR. & MRS. FRANK M. FINCK  
2009 N. SERRANO AVENUE  
LOS ANGELES, CA 90027  
DR. FINCK = (213) 487-5400

LOT SIZE : 3.009 ACRES

PORTION/ PARCEL 14, BLOCK 1  
RS/ 56-14/17.

43.35'

57.67'

FUTURE  
3' x 35'  
SEWAGE  
PIT.  
300.40'

12'-0" x 3'-6" x 5'-0"  
SEPTIC TANK.

5' x 35'  
SEWAGE PIT.

LEGAL NAME  
N. 70'-0"

LEGAL  
FOOTING IN

EXHIBIT NO. II

APPLICATION NO.

5-88-1029-A2  
(Anselovich & Fied)  
Previous Project  
no scale

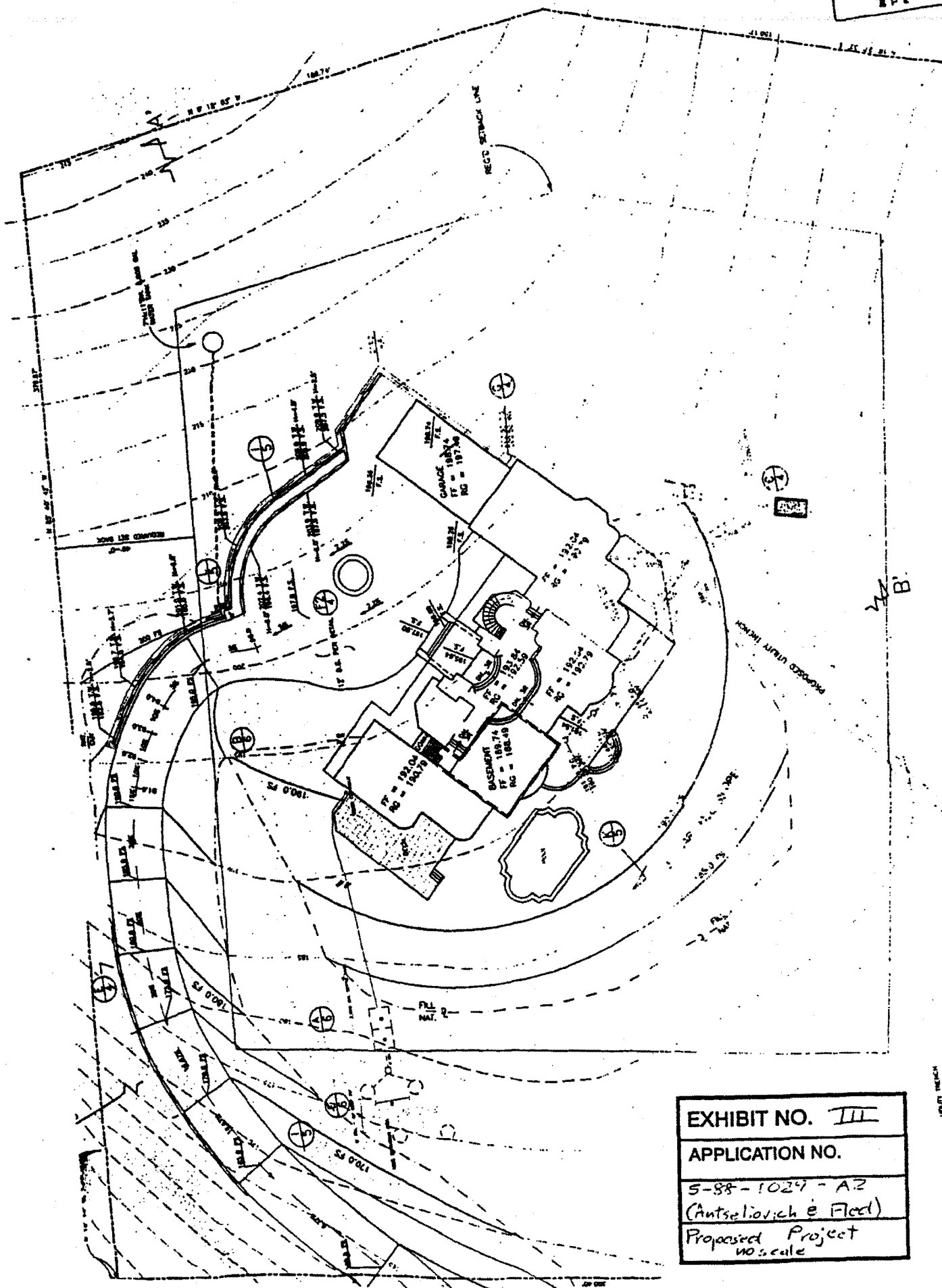


EXHIBIT NO. <u>III</u>
APPLICATION NO.
5-88-1029 - A2 (Antselovich & Flood)
Proposed Project no scale

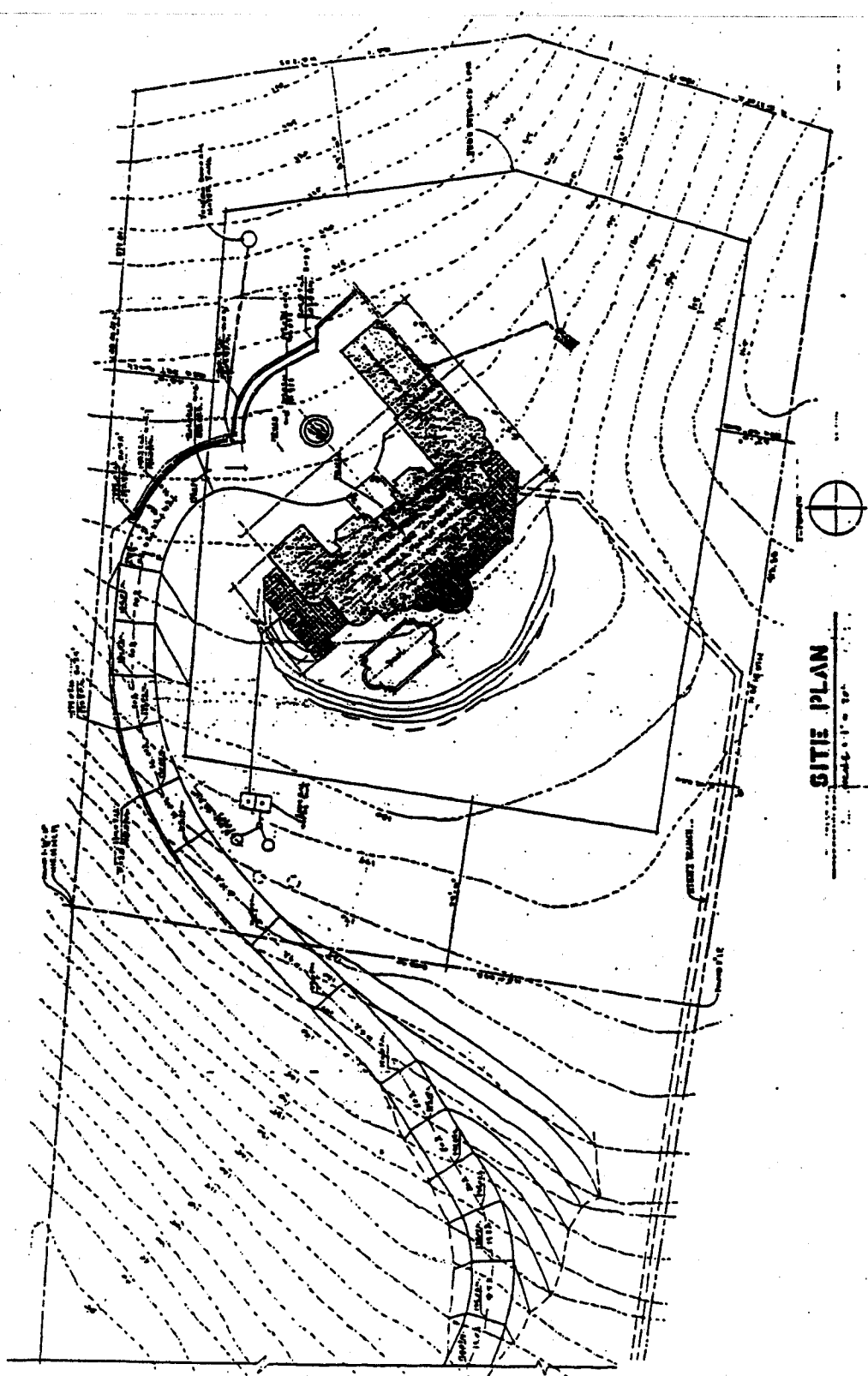


EXHIBIT NO. IV  
 APPLICATION NO.  
 5-88-1024-12  
 (Antselovich & Fied)  
 Site Plan & offsite  
 road & grading

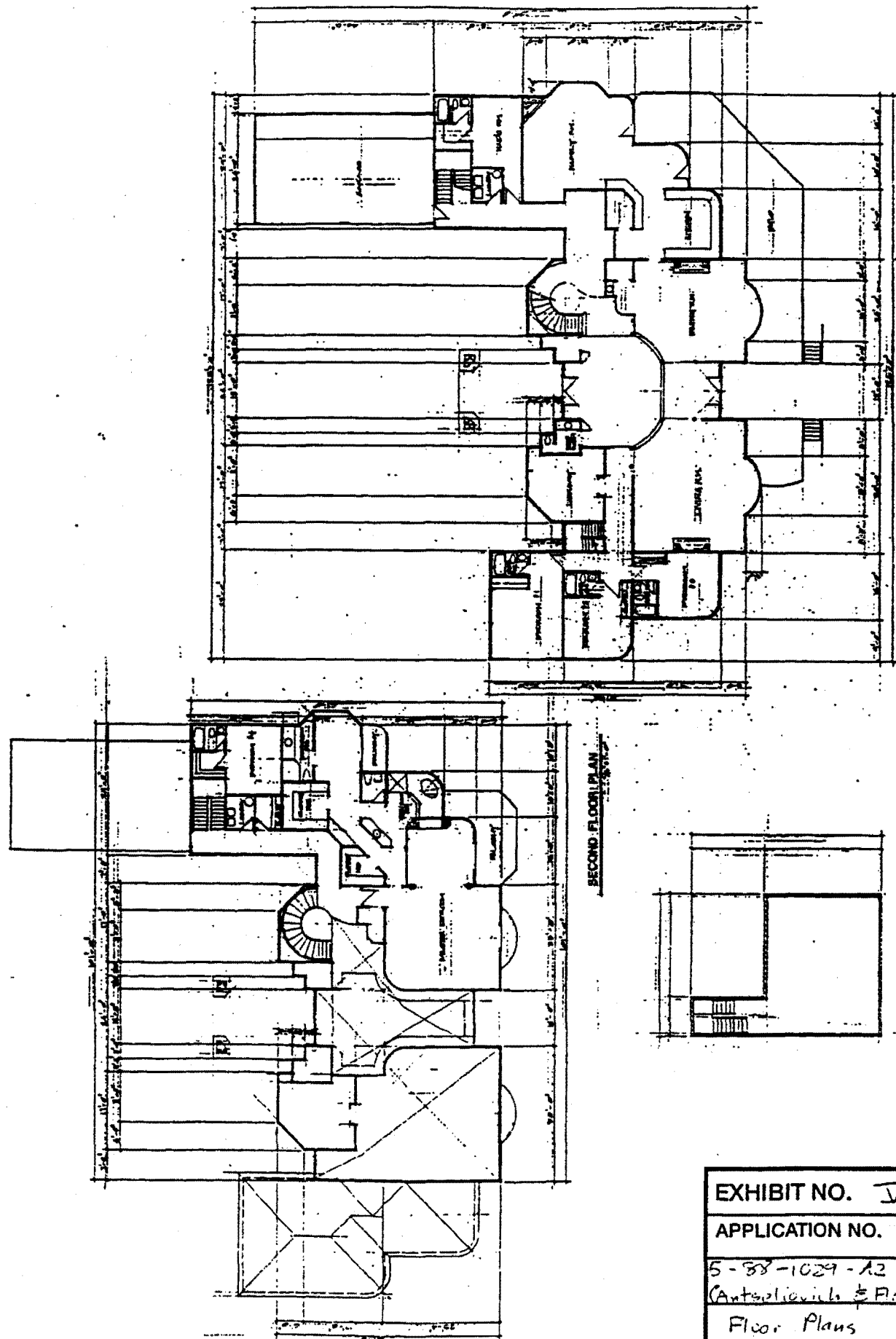


EXHIBIT NO. <u>V</u>
APPLICATION NO.
5-88-1029-12 (Anteplievich & Flay)
Floor Plans



27357 Pacific Coast Hwy.  
Malibu, California 90265  
February 9, 1998  
(310) 457-7404

Merle Betz  
California Coastal Commission

SEP 10 1997

Dear Mr. Betz,

This letter is in regard to the notice I received dated January 30, 1998, permit no. 5-88-1029-A2 granted to Ylena Antselovich and Sakov Iled.

I am disturbed to find that a 6796 square foot home of 30 feet in height is proposed for property at 6020 Bonsall Dr., Malibu, California. We have envisioned building a small, one story home for ourselves, similar to that of our neighbors the Kohnars who own the property adjacent to the <sup>south</sup> west of 6020 Bonsall Dr. The height and size of this <sup>proposed</sup> resident could have an overwhelming affect on us and our dear neighbors. It will most certainly affect the neighborhood character!

Sincerely,  
Ann Kagen

EXHIBIT NO. VI
APPLICATION NO.
5-88-1029-A2 (Antselovich & Iled)
Objection Letter

