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**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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 Staff: J Johnson *ja*  
 Staff Report: 11/13/97  
 Hearing Date: 12/9-12/97  
 Commission Action:  
 8204A

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-97-189

APPLICANT: Mr. and Mrs. Alvin Segal Agent: John Kilbane

PROJECT LOCATION: 4771 Latigo Canyon Road, Malibu, Los Angeles Co.

PROJECT DESCRIPTION: Construct a 7,102 square foot, two story, 28 feet high, single family residence with an attached 965 square foot, three car garage, swimming pool, driveway, patios, septic system, landscaping, and grade 487 cubic yards of cut material to be exported to an appropriate disposal site outside the coastal zone.

Lot Area	4.28 acres
Building Coverage	8,067 sq. ft.
Pavement Coverage	7,411 sq. ft.
Parking Spaces	3
Plan Designation	Residential I
Zoning	one du/ 1 acre
Project Density	1 du/ 4 acres
Ht abv ext grade	15 - 28 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department, dated 10/31/97; In Concept Approval, City of Malibu Environmental Health, dated 4/18/97; Preliminary Approval, County of Los Angeles, Fire Department, dated 9/26/97; Geology and Geotechnical Engineering Review Sheet, City of Malibu Geology and Geotechnical Engineering Review, dated 5/28/97; City of Malibu Biological Review Sheet, dated 6/3/97.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the project with special conditions addressing a landscape / erosion control plan, plans conforming to the geologic recommendations, wildfire waiver of liability, design restrictions, and future improvements restriction to bring this project into compliance with the Coastal Act. The project site is located west of Latigo Canyon Road within an existing 19 lot subdivision with graded building pads and private roadways approved by the Commission in 1990. The proposed residence will be located west of a private roadway along a ridge within a designated viewshed area, but not within or near any environmentally sensitive habitat area. The proposed residence is located within the height and setback limitations established on the building pad by the approval of the 19 lot subdivision.

SUBSTANTIVE FILE DOCUMENTS: "Building Plan Review, Lot 7, Tract 46851, Latigo Canyon Road, Malibu" and "Private Sewage Disposal System Design Lots 3, 4, 7 & 11, Tract 46851 Latigo Canyon Road, Malibu," by California Geosystems, dated March 17, and March 27, 1997, respectively; "Archaeological Reconnaissance at 4765, 4767, 4771 and 4775 Latigo Canyon Road Malibu, California," by Chester King, Malibu City Archaeologist, dated April 15, 1997; Coastal Permit Number 4-97-157, (Malibu Investors LLC), Coastal Permit Number 4-96-210, (Smith); Coastal Permit Number 5-89-1149, (Larry Thorne).

#### STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

##### I. Approval with Conditions

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

##### II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions.

#### 1. LANDSCAPE/EROSION CONTROL PLAN

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a landscape / erosion control plan designed by a licensed landscape architect. The plan shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape plan within ninety (90) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development, 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 Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains", dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including the existing graded pad. Plantings shall include vertical elements to screen and soften the visual impact of the residence and garage as seen from the Escondido Canyon Trail, the Ramirez Canyon trail, and De Butts Terrace Road to the west, Winding Way and the Coastal Slope Trail to the south, and a portion of Latigo Canyon Road to the east.

#### 2. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the "Building Plan Review, Lot 11, Tract 46851, Latigo Canyon Road, Malibu" and "Private Sewage Disposal System Design Lots 3, 4, 7 & 11, Tract 46851 Latigo Canyon Road, Malibu," by California Geosystems, dated March 17, and March 27, 1997, respectively shall be incorporated into all final design and construction plans including; foundation and building setback, foundations, lateral design, expansion index, temporary excavation slopes, retaining walls, floor slabs, pavement, swimming pool and subdrainage, drainage, and private sewage disposal system. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

#### 3. WILDFIRE WAIVER OF LIABILITY

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of

the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

#### 4. DESIGN RESTRICTIONS

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, which restricts the color of the subject residence, garage, storage shed, and roofs to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. 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 any other encumbrances which the Executive Director determines may affect the interest being conveyed.

#### 5. FUTURE IMPROVEMENTS RESTRICTION

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-97-189; and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

#### IV. Findings and Declarations

The Commission hereby finds and declares as follows:

##### A. Project Description and Background

###### 1. Project Location and Description

The project site is located within a vacant 19 lot subdivision known as Malibu Pacifica about a mile inland along a rising ridgeline between Latigo Canyon and Escondido Canyons. (Exhibits 1 and 2) The subject lot size is about 4.28 acres located west of Latigo Canyon Road and accessed through a gated private road from Latigo Canyon Road. The subject lot is known as lot 11 of the subdivision and is west of lots 3 and 4 approved by the Commission at the August 1997 meeting and lot 7 approved by the Commission at the October 1997 meeting. The subject lot is west of the private road within the subdivision and east of Escondido Canyon. The flat split level building pad of 18,800 sq. ft. located on the north-east portion of the lot is the highest area of the lot. The lot slopes steeply to the west into Escondido Canyon. (Exhibit 3 and 4) Eighteen (18) of these lots have building pads with one lot and portions of others deed restricted with an open space easement. The subject lot includes an open space easement below the building pad to the west along the steep slope down to Escondido Canyon. No development is proposed within this open space easement area. (Exhibit 3)

The subject property is surrounded by existing single family residences or two now under construction to the east, vacant lots to the north, (lots 12, 13, 14 and 15), to the south (lots 10, 9, and 8), and to the west lands within Escondido Canyon owned by the Santa Monica Mountains Conservancy. (Exhibit 4 and 5) There are two recently approved residences now under construction (coastal permits 4-97-120 and 121, Malibu Investors) to the east on lots 3 and 4. (Exhibit 3)

The applicant proposes to construct a 7,102 square foot, two story, single family residence with attached 965 square foot three car garage, swimming pool, driveway, patios, septic system, fencing, and grade about 487 cubic yards of cut material to an appropriate disposal site outside the coastal zone. The building site is located at the top of the lot which includes building restrictions noted below. (Exhibits 6 - 12)

The certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (LUP) designates the site as Residential I, allowing one dwelling per acre. Since the subdivision and improvements are completed, the size of this lot is now 4.28 acres and meets this land use density.

To the west and southwest, about 1,000 feet beyond the building site are park lands managed by the Santa Monica Mountains Conservancy. (Exhibit 4) The site is not located within a designated Significant Watershed; the site drains to the south-west into Escondido Canyon Creek. (Exhibit 5) The residence, as proposed, will be visible to a limited degree from a portion of the Escondido Canyon Trail, from the Ramirez Canyon trail, and De Butts Terrace Road to the west and from portions of Winding Way to the south. The residence will be visible from very limited portions of Latigo Canyon Road to the east.

The City of Malibu required an archaeological study of the site which indicated that no prehistoric archaeological remains were observed. The study "Archaeological Reconnaissance at 4765, 4767, 4771 and 4775 Latigo Canyon Road Malibu, California", dated April 15, 1997, by Chester King, Malibu City Archaeologist, concluded that construction of a single family residence on this parcel is not expected to impact archaeological remains.

## 2. Project Background and City Review

The Commission approved the original subdivision of 122 acres into 19 parcels (Coastal Permit 5-89-1149, Larry Thorne), with streets, septic systems, utilities, and 158,000 cubic yards of grading in 1990. Eighteen buildable lots were created including the subject lot number 11. As a result of the approval of the subdivision, this lot includes a split level pad with an elevation difference of about three (3) feet at about an elevation of 775 feet above sea level on average. The pad is also limits the building footprint with a 15 foot setback for structures from the bluff edge on the south side. The approved pad further restricts the southern portion of the residence to a 15 foot height limit, while the rear or northern portion is restricted to a 28 foot height limit. The proposed residence footprint and height is well within these setback and height limitations. These limitations were created to reduce the potential visual impact of the residence as seen to the west, south and east. The land to the north slopes up the ridge. (Exhibits 3 and 6) The approval of this subdivision included an open space easement across most of the steep portion of the property. The steeply sloping southern portion of this subject lot is restricted as open space, covering about two (2) acres of the lot.

The City of Malibu approved a Site Plan Review and a Variance for the proposed residence within the front yard setback for a long rectangular lot. The project was first denied by the Planning Commission and then approved by the City Council on appeal by the applicant. The primary issue raised was the protection of public and private views as a result of the maximum 28 foot height of the residence located along a secondary ridge. At the City Council hearing the primary issue was the impact of the height of the residence on scenic highways and the hiking trail at the bottom of Escondido Canyon. The Council stated that the stepped facade and setback from the top of the slope for the residence facing south toward the Escondido Canyon hiking trail would reduce the overall visual impacts on the surroundings. The City acknowledged the project was consistent with the top of bluff setback and the two height limits of 15 and 28 feet. There was no opposition to the project at the Council meeting. (Exhibit 6)

**B. Geologic Stability/Hazards**

Section 30253 of the Coastal Act states:

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

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant has submitted two geology and engineering reports, the first titled; "Building Plan Review, Lot 11, Tract 46851, Latigo Canyon Road, Malibu" and the second "Private Sewage Disposal System Design Lots 3, 4, 7 & 11, Tract 46851 Latigo Canyon Road, Malibu," by California Geosystems, dated March 17, and March 27, 1997, respectively.

These reports identify the building site on Lot 11 as consisting of a graded split level building pad which was constructed during tract grading. A private drive leads from the private road accessing most of the lots within the subdivision. The private drive provides access to the building pad along the north side of the lot. A compacted fill slope descends from the pad to the south descending 150 feet to a natural drainage course also known as Escondido Canyon. The building pad is about 0.43 of an acre in size.

These reports conclude that the proposed building site is suitable by stating:

It is the finding of this firm that the proposed building and or grading will be safe and that the site 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.

Based on the findings of our updated investigation, and on the findings of the referenced reports, the site is considered to be suitable from a soils and engineering geologic standpoint for construction of a residence and swimming pool provided the recommendations included herein are followed and integrated into the building plans.

The recommendations in these geology and engineering reports address the following issues: foundation and building setback, foundations, lateral design, expansion index, temporary excavation slopes, retaining walls, floor slabs, pavement, swimming pool and subdrainage, drainage, and private sewage disposal system.

In addition, the City of Malibu has approved "in concept" these geology and geotechnical engineering reports in the document titled: "Geology and Geotechnical Engineering Review Sheet" dated 5/28/97, by Christopher Dean, City Geologist.

Based on the findings and recommendations of the consulting engineering geologist and engineer and the action of the City of Malibu geologist, 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 Geologist and engineer as conforming to their recommendations, as noted in condition number two (2) for the final project design for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Escondido Canyon Creek. Therefore, the Commission finds that it is necessary to require the applicant to submit landscape and erosion control plans for the proposed development. These plans will incorporate native plant species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. Special condition number one (1) provides for such a landscape/erosion control plan prepared by a licensed landscape architect.

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also 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.

The applicant has received a preliminary approval of the project in concept from the Los Angeles County Fire Department with the provision that a driveway be constructed with less than a 20 % grade and 20 foot minimum driveway width. Because the lot is readily accessed from the adjacent private roadway, via a private driveway and the applicant's plans appear to meet this requirement.

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. In fact, the property burned in the 1993 Malibu Fire. 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 condition number three (3).

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

#### C. Visual Impacts

Section 30251 of the Coastal Act states:

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 area 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 Land Use Plan includes numerous policies which are applicable to the proposed development. These policies include: minimize alterations of physical features, such as ravines and hillsides; site and design new development to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands; design and locate structures so as to create an attractive appearance and harmonious relationship with the surrounding environment; in highly scenic areas site and design new development (including buildings, fences, paved areas, signs, and landscaping) to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP; minimize the alteration of natural landforms; landscape to conceal raw-cut slopes; be visually compatible with and subordinate to the character of its setting; site development so as not to significantly intrude into the skyline as seen from public viewing places; and site structures to conform to the natural topography, as feasible.



The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence and garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public parks and trails will be impacted.

As previously stated, this project involves the construction of a 15 to 28 foot high, 7,102 square foot, two story single family residence and garage on a split level flat pad west of Latigo Canyon Road. The site is located along an gently ascending ridgeline west of Latigo Canyon Road. Latigo Canyon Road is designated as a priority one scenic highway and the lower portions of Latigo Canyon and Escondido Canyons are designated as a priority one viewshed in the Malibu/Santa Monica Mountains Land Use Plan. It is important to point out that a major portion of the this lot (about 2 acres) along the steep slope to the west includes an easement for open space, view preservation and habitat protection as required by coastal permit 5-89-1149 which authorized the subdivision of this lot and surrounding property. (Exhibit 3)

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan (LUP) protects visual resources in the Santa Monica Mountains. Significant viewsheds and vista points are given special treatment when evaluating potential visual impacts created by new development. The project site is located along the western side of a visual ridgeline, within an area designated as a viewshed area having ocean views.

The site is located along a north - south trending ridge and consists of a graded building pad with a steep slopes leading down to Escondido Canyon. The proposed two story residence will be visible from De Butts Terrace Road to the west and Winding Way Road to the southwest. De Butts Terrace and Winding Way are not designated scenic roadways in the Los Angeles County Land Use Plan. The residence will have limited visibility from a short section of Latigo Canyon Road, a designated scenic roadway, to the east of the subject site, near the entrance to the private roadway leading to the subject lot. The residence will also have limited visibility from short portions of Pacific Coast Highway, a designated scenic highway, located well over a mile from the site.

Regarding public trails, three existing hiking trails, the Ramirez Canyon, Coastal Slope, and the Escondido Falls Trails, are located about a half mile to the west, one third of a mile to the south, and about 1,200 feet to the west of the building site, respectively. Due to the distance and topography of the subject site, public views of the proposed residence from these trails will be limited due to the distance to the Ramirez Canyon trail and the Coastal Slope Trail to the south. Regarding the Escondido Falls Trail, most of the trail in the canyon area is heavily vegetated, however, the residence will be visible from a short open section of the trail directly below the proposed residence. The Escondido Canyon Creek lands are now owned by the Santa Monica Mountains Conservancy and include a waterfall during the rainy season.

Regarding landform alteration, the amount of final grading to prepare the building site is minimal, comprising only of 487 cubic yards of cut, primarily for the swimming pool. The excess cut material will be exported to an appropriate disposal site located outside the coastal zone. The applicant's project will minimize grading and will not significantly alter the existing

landform on the property, which is a previously cut and fill building site; therefore, the proposed project is clearly consistent with the Coastal Act and the guidance provided by the Malibu/Santa Monica Mountains Land Use Plan (LUP) policies regarding landform alteration.

As previously stated, the proposed residence will be visible to a limited degree from two scenic roadways to the east and south. To conform with the policies of the Coastal Act and LUP regarding visual impacts, the Commission has in past permit actions required that structures not break ridgelines by siting them down the slope, in areas not visible, or when no other alternative is available, restricting the height of the structure. In this case, given the topography and size of the property, the relatively flat site of the graded pad, and the approved location of the building site, the pad is the most suitable site on the property for the proposed structure.

The applicant proposes to construct a two story residence ranging from 15 to 28 feet above the existing split level grade. This height is within the maximum height range of 15 to 28 feet allowed by the Commission for this lot in the approved coastal permit number 5-89-1149 for the subdivision. (Exhibit 6) Further, to meet this height limit the applicant proposes a one and two story design which locates the second story square footage to the rear of the lot against the backdrop of the hillside sloping up to the ridgeline behind the lot. The building pad of the lot behind the subject site to the north, Lot 15, is located at an elevation about 75 feet higher than the subject lot number 11. As a result of the design, location of the residence on the building pad, and location along a rising ridgeline, the visibility of the residence will be limited from the designated scenic roads, public lands and trails to the west, south and east of the subject site.

However, because the proposed project will be visible from designated scenic roads, along Pacific Coast Highway to the south and Latigo Canyon Road to the east, and public trails and lands to the west and south as noted above, mitigation to address potential visual impacts is needed. The proposed two story residence and garage will be less visually intrusive through the use of earth tones for the structures and roofs and non-glare glass which helps the structure blend in with the natural setting. The Commission finds it necessary to impose condition number four (4), design restrictions, to restrict the color of the subject structures to those compatible with the surrounding environment and prohibit the use of white tones, while requiring the use of non-glare glass windows to reduce visual impacts.

Although there is no way to fully screen the residence from public view, it is possible to partially screen the proposed structure by requiring the applicant to landscape the site with native plants, compatible with the surrounding environment and designed to screen and soften the visual impacts of the development. The Commission has found that the use of native plant materials, including vertical elements, in landscaping plans can soften the visual impact of new development in the Santa Monica Mountains. The use of native plant materials to revegetate disturbed areas reduces the adverse affects of erosion, which can degrade visual resources, in addition to causing siltation deposition in ESHAs, and soften the appearance of development within areas of high scenic quality. Condition number one (1) requires that the landscape plan be completed within ninety (90) days of residential occupancy and that planting coverage be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. The landscaping plan shall include vertical elements to break up the view of the proposed structures as seen by the public from the west, south, and east.

Furthermore, in order to ensure that future additions that might otherwise be exempt from coastal permit requirements, are reviewed for compliance with Section 30251 of the Coastal Act, the Commission finds it necessary to require that any future developments will require Commission review as provided by condition number five (5).

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast and thus, is consistent with Section 30251 of the Coastal Act.

#### D. Septic Systems

The proposed development includes the installation of an onsite septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards 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, and minimizing alteration of natural streams.

The applicant is proposing a private septic system to accommodate the sewage generated by the proposed development. A favorable percolation test was performed on the site which indicates that the percolation rate exceeds the Uniform Plumbing Code requirements. The applicant's engineering geologist has made specific recommendations noted above which will be incorporated into the project design for the sewage disposal system as required by condition number two (2). The City of Malibu has completed a review of the proposed septic system with a 1,500 gallon septic tank and drainfield. The City granted approval in concept on April 18, 1997. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration depth of groundwater. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

#### E. Local Coastal Program.

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

As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies included 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 and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a). 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.

F. California Environmental Quality Act (CEQA)

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

As discussed above, the proposed project has been mitigated to incorporate conditions addressing coastal issues discussed above. As conditioned, there are no mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project has been determined to be consistent with CEQA and the policies of the Coastal Act.

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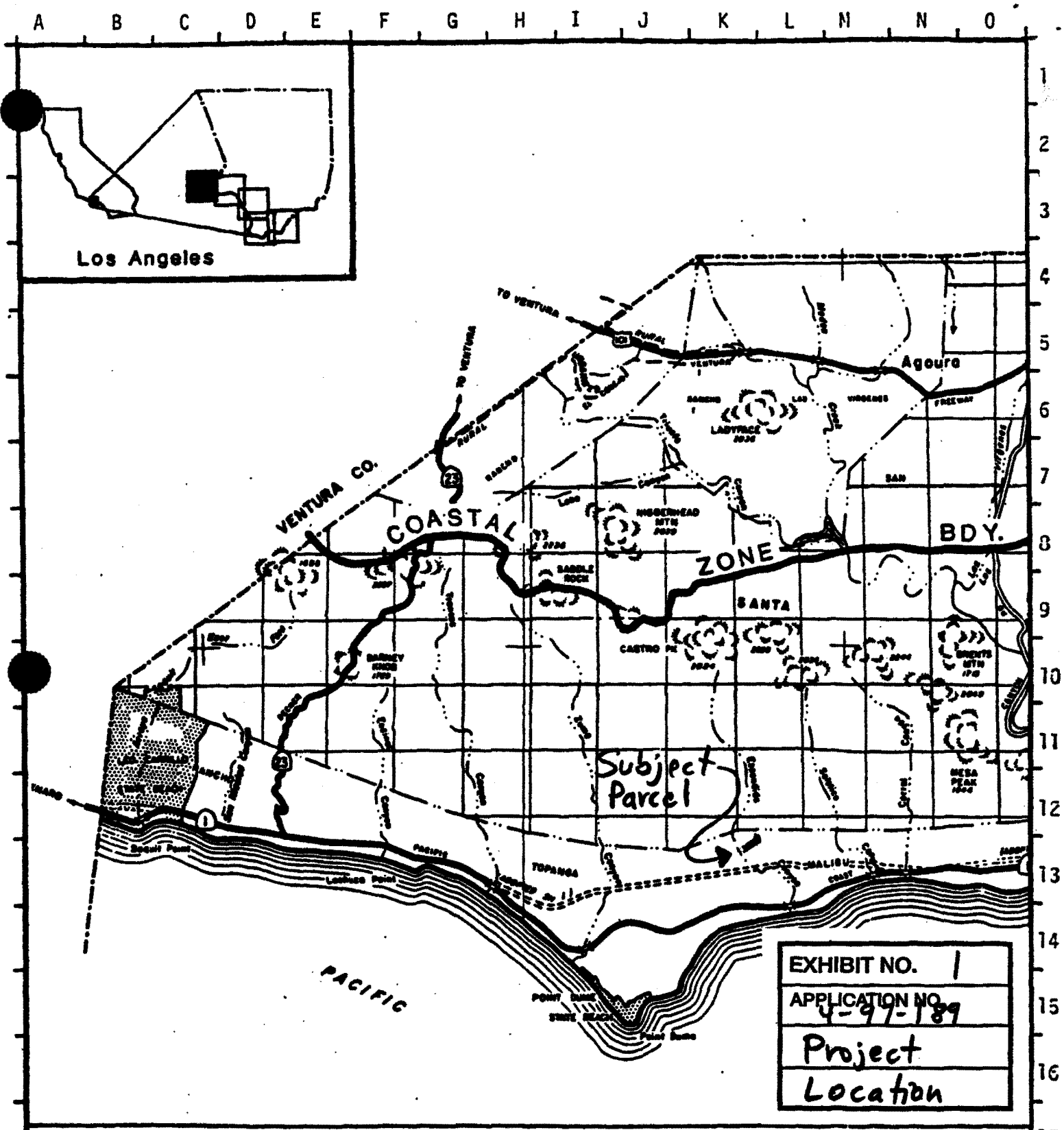


EXHIBIT NO.	1
APPLICATION NO.	4-99-189
Project	
Location	

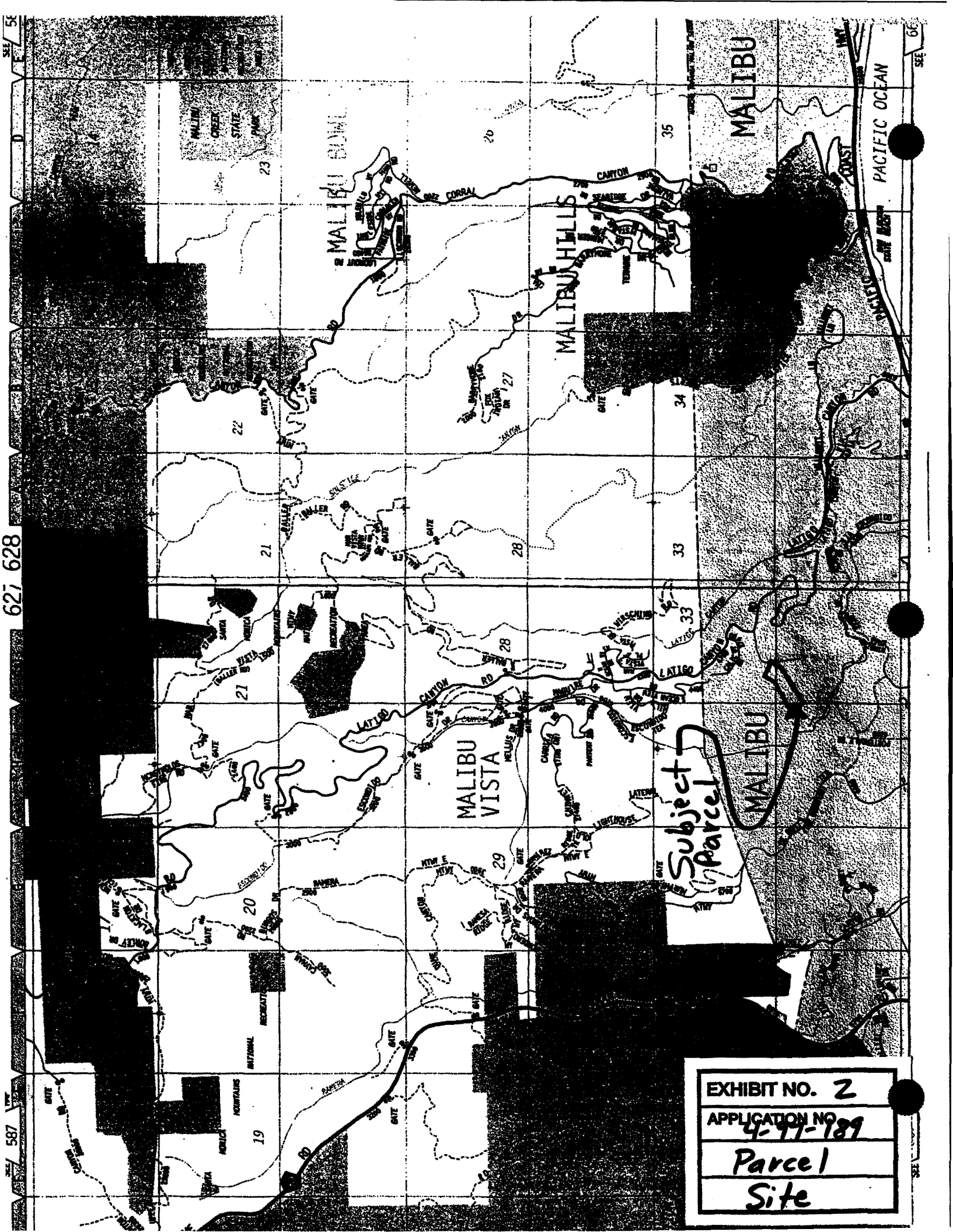


California Coastal Commission

# LOCATION MAP



County of Los Angeles



627 628

587

EXHIBIT NO. 2
APPLICATION NO. 4-97-189
Parcel
Site





EXHIBIT NO. 3
APPLICATION NO. 4-97-189
Open Space Easement

# OPEN SPACE EXHIBIT MAI

VEST. TENT. TR. 46851

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GARDEN CITY, CA 92325  
(951) 62-7200

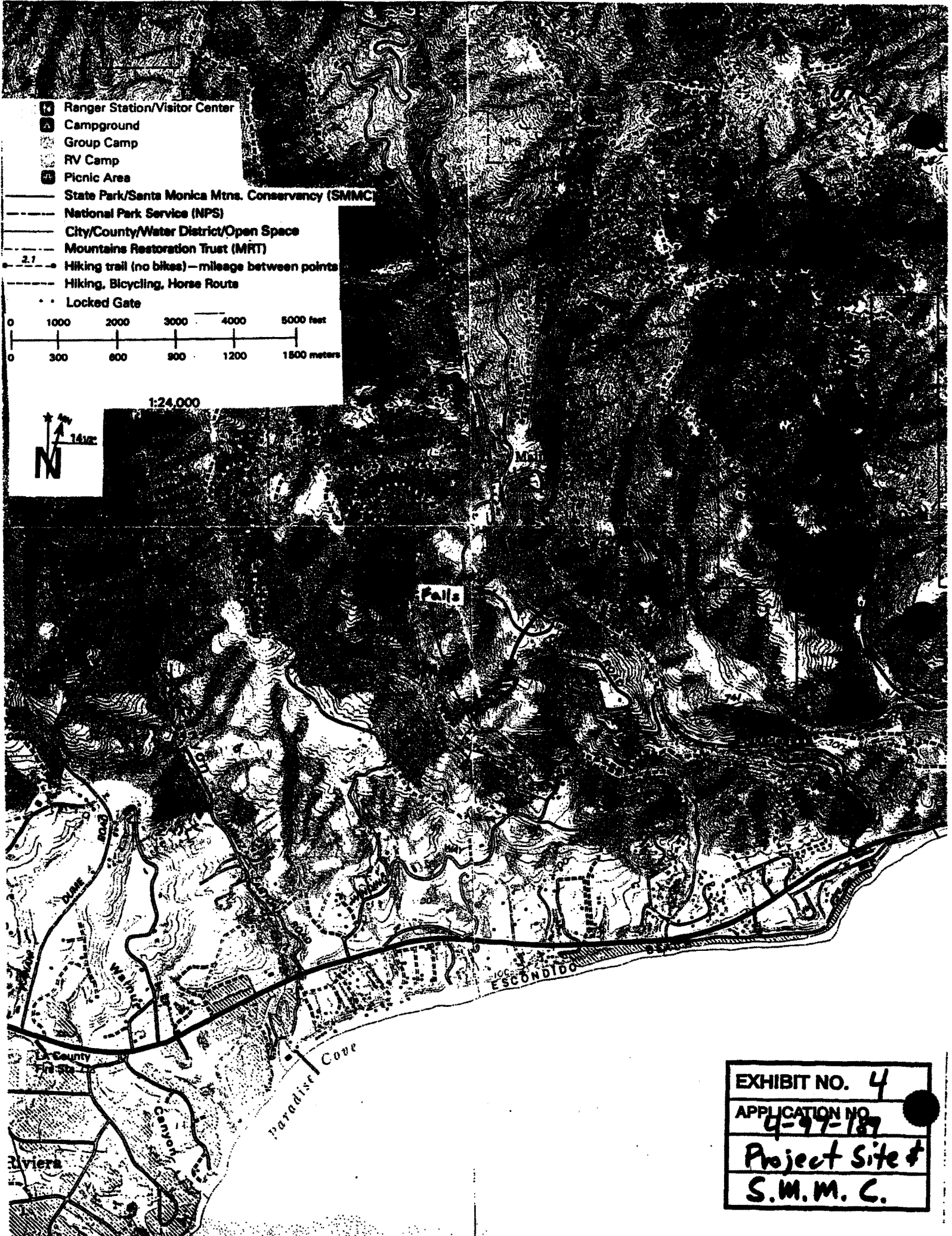
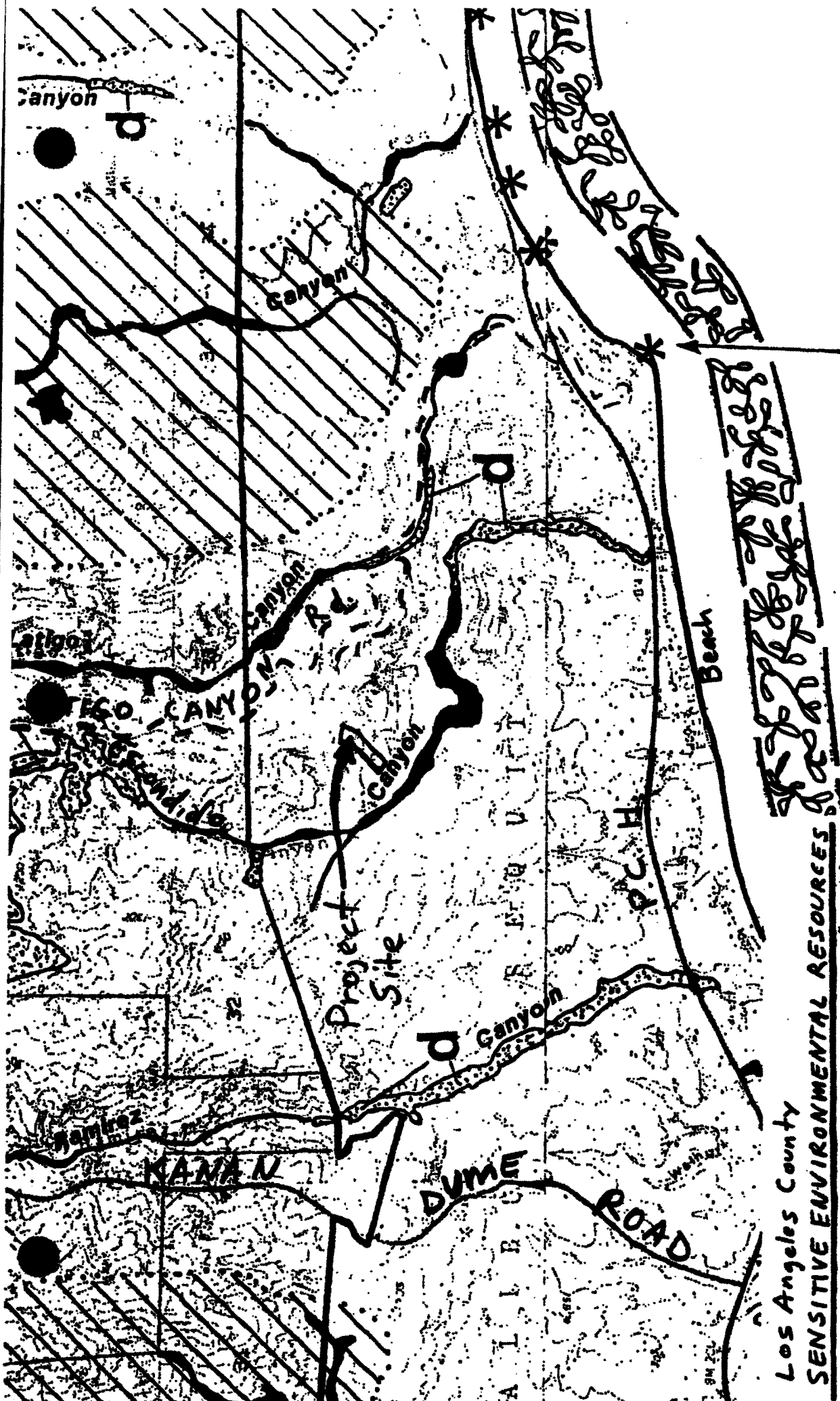


EXHIBIT NO. 4  
APPLICATION NO. 9-97-189  
Project Site #  
S.M.M.C.



EXHIBIT NO.	5
APPLICATION NO.	4-99-189
Sensitive Resources	



Los Angeles County

SENSITIVE ENVIRONMENTAL RESOURCES

PARADISE COVE LATIGO POINT

SIGNIFICANT OAK WOODLAND AND SAVANNAHS NO SCALE

ENVIRONMENTALLY SENSITIVE HABITAT AREA -- RESOURCE DEPENDENT USES INLAND

Project Site  
Building  
Pad

HEIGHT LIMIT THIS PORTION  
OF PAD = 28'-0"

HEIGHT LIMIT THIS PORTION OF PAD  
= 28'-0"  
HEIGHT LIMIT THIS PORTION OF PAD  
= 15'-0"

EXHIBIT NO. 6

APPLICATION NO.  
U-97-189

Building  
Pad

TRACT 46851 LOT #11

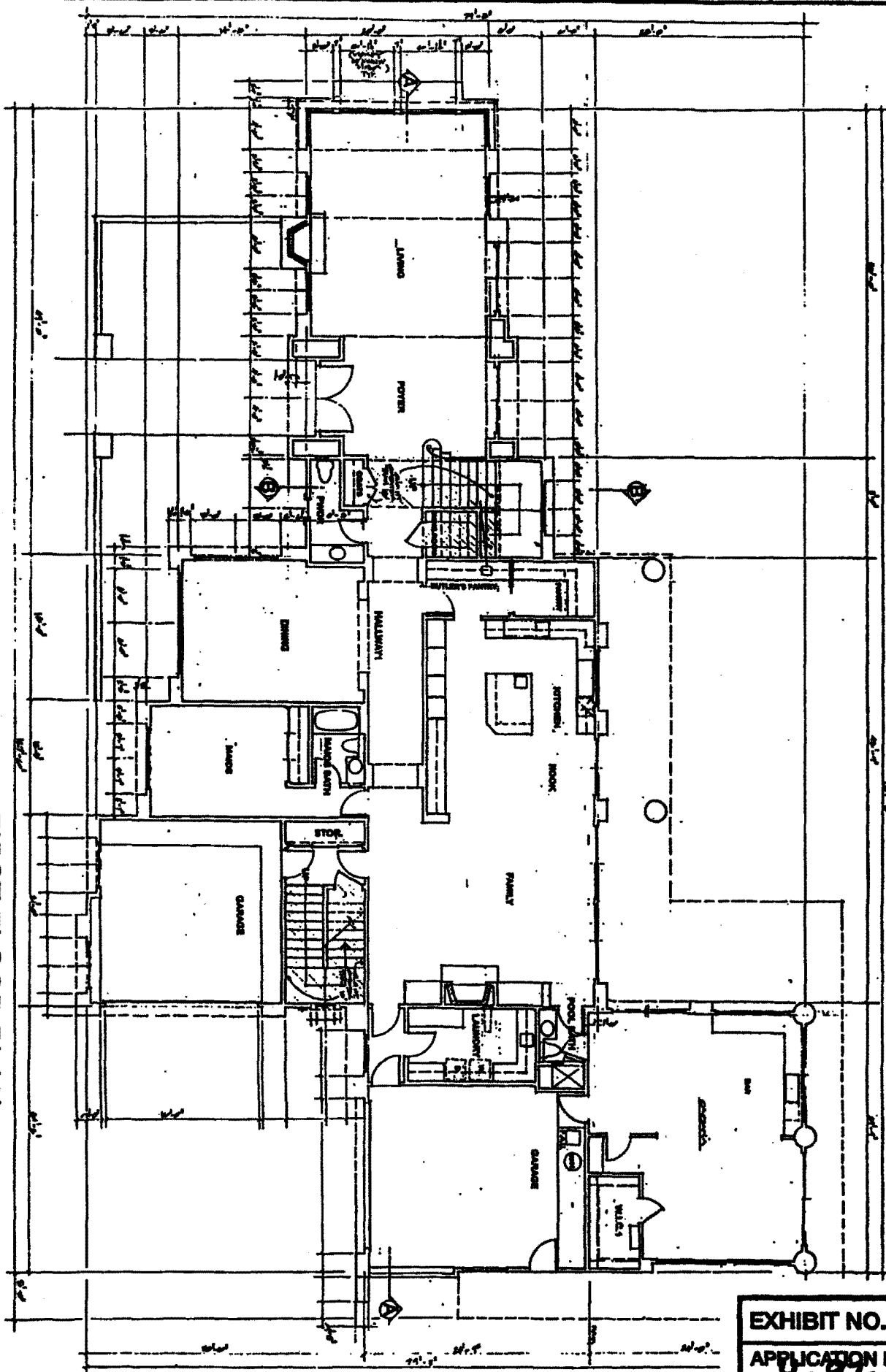
9/13/91

1" = 40'-0"





# FIRST FLOOR PLAN



SCALE: 1/8" = 1'-0"  
 ARCHITECT: ARCHWEST DEVELOPMENTS, INC.  
 2727 ROSCOMARE ROAD LOS ANGELES, CALIFORNIA 90077  
 (310) 471-1617 FAX (310) 472-6173

2

ARCHWEST DEVELOPMENTS, INC.  
 2727 ROSCOMARE ROAD LOS ANGELES, CALIFORNIA 90077  
 (310) 471-1617 FAX (310) 472-6173

A Custom Residence for  
 MR. & MRS. AL SEGEL  
 Malibu, California

FLOOR

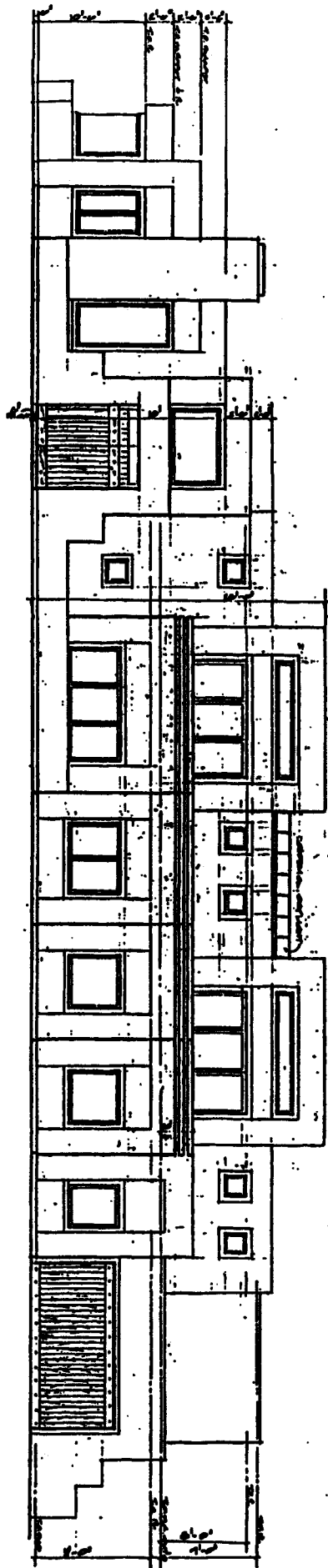
EXHIBIT NO. 8  
 APPLICATION NO. 4-97-189  
 Floor Plan  
 1st Floor



SCALE: 1/4" = 1' - 0"

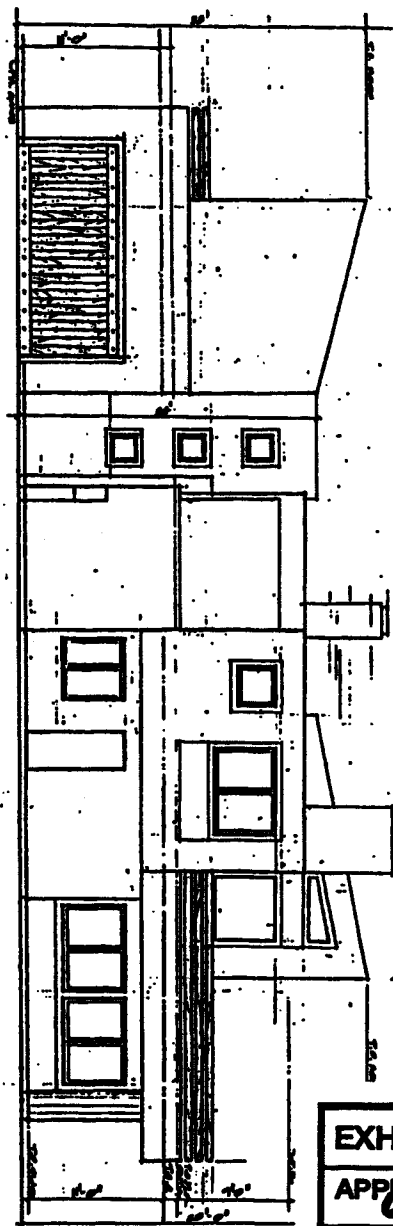
## Floor Plan

### 2nd Floor



NORTH ELEVATION

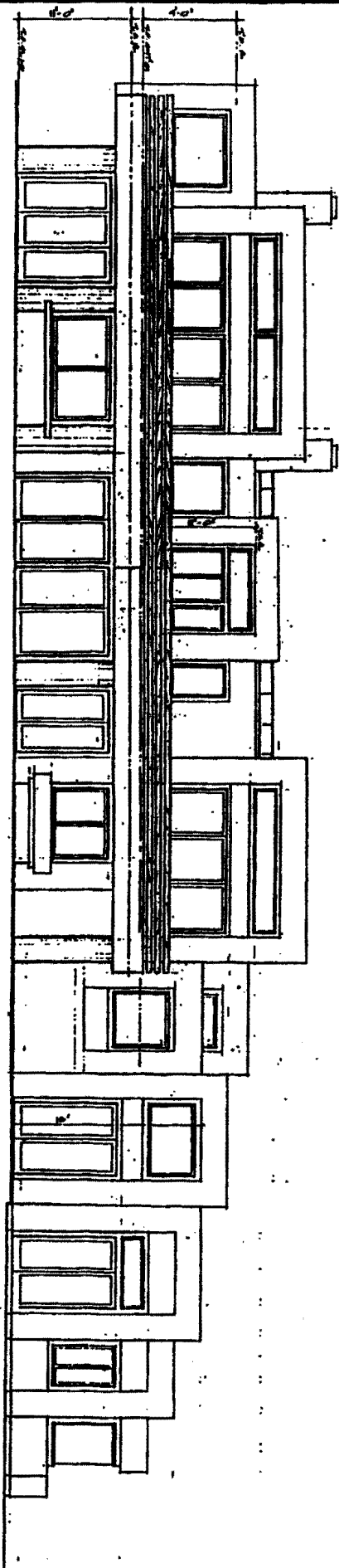
SCALE 1/8" = 1'-0"



WEST ELEVATION

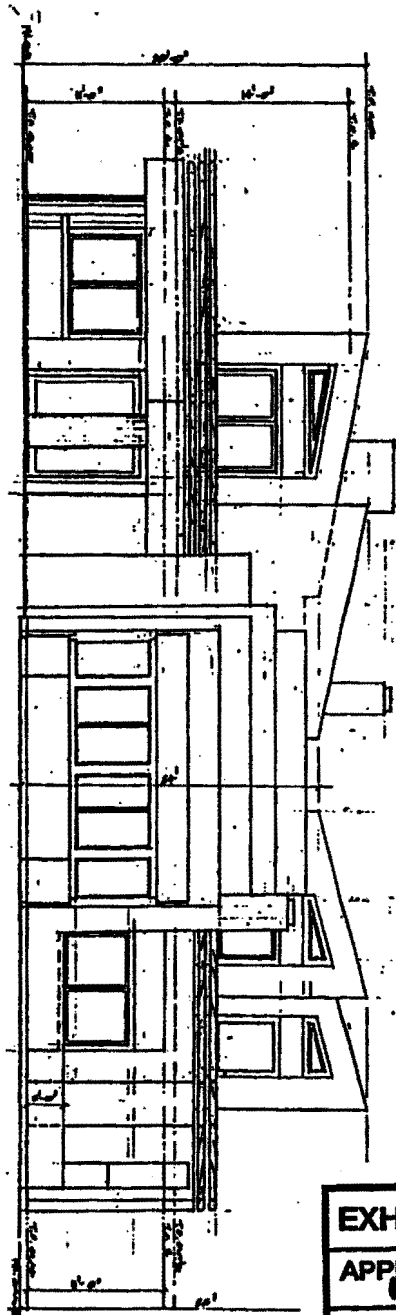
SCALE 1/8" = 1'-0"

EXHIBIT NO. 10
APPLICATION NO. 9-97-189
W & N Elevations



**SOUTH ELEVATION**

SCALE: 1/8" = 1'-0"



**EAST ELEVATION**

SCALE: 1/8" = 1'-0"

EXHIBIT NO. 11

APPLICATION NO. 9-97-189

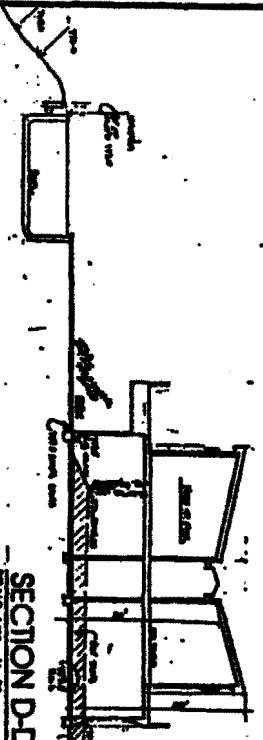
E.S. Elevations

ARCHWEST DEVELOPMENTS, INC.  
2727 ROCCAMARE ROAD LOS ANGELES, CALIFORNIA 90077  
(310) 471-1617 FAX (310) 472-6173

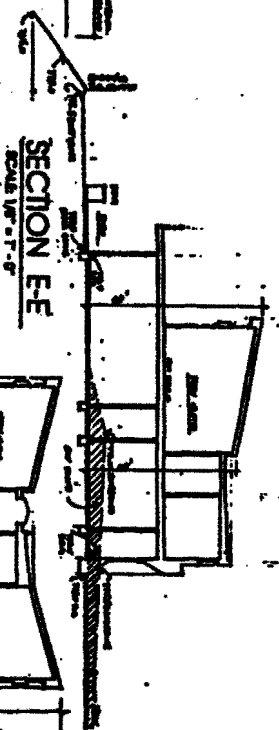
A Custom Residence for:  
MR. & MRS. AL SEGEL  
Malibu, California

EXTERIOR

5



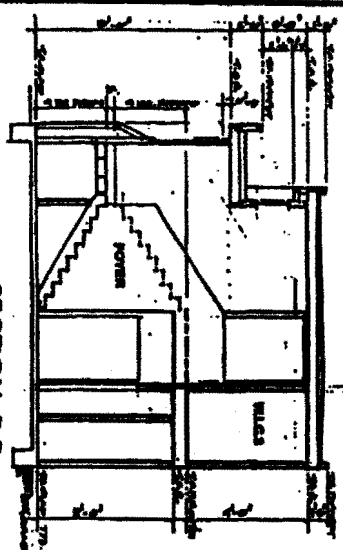
SECTION D-D  
SCALE 1/8" = 1'-0"



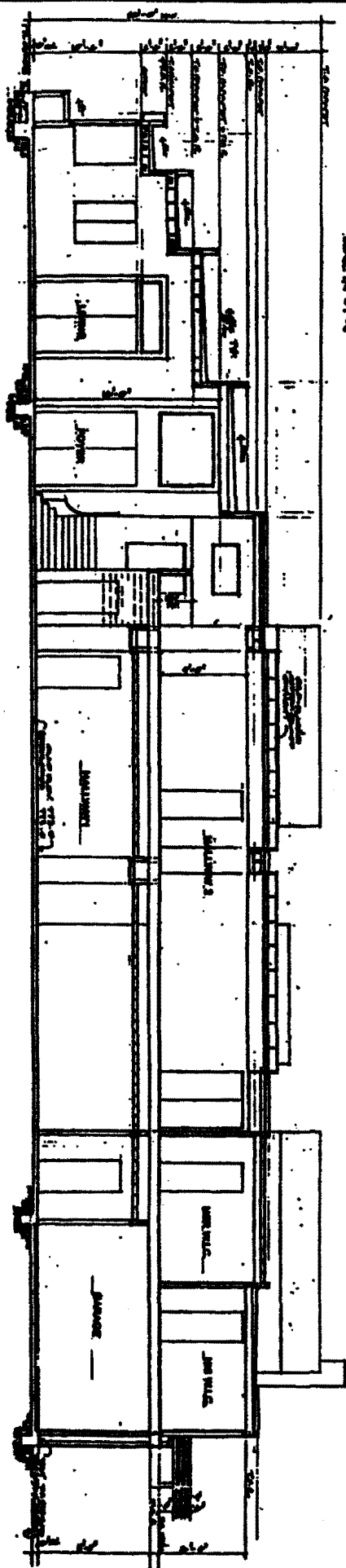
SECTION E-E  
SCALE 1/8" = 1'-0"



SECTION C-C  
SCALE 1/8" = 1'-0"



SECTION B-B  
SCALE 1/8" = 1'-0"



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

EXHIBIT NO. 12
APPLICATION NO. 9-97-189
Sections