

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Filed: December 10, 1997
49th Day: January 28, 1997
180th Day: June 8, 1997
Staff: Betz-V
Staff Report: May 23, 1997
Hearing Date: June 10-13, 1997



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-207

APPLICANT: Agnes Itzaki AGENT: Kevin Cozen

PROJECT LOCATION: 28222 Via Acero, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construct a 2 story, 25.5 ft. high (above natural grade), 3,600 sq. ft. single family residence with a detached 480 sq. ft. 2 car garage, retaining walls, grouted rock swale, and septic system. No grading.

Lot Area	85,800 sq. ft.
Building Coverage	2,250 sq. ft.
Pavement Coverage	3,000 sq. ft.
Landscape Coverage	10,000 sq. ft.
Parking Spaces	2 covered, 8 open
Plan Designation	Rural land III, 1 Du/2 ac; Rural land I, 1 Du/10 ac.
Project Density	.5 du/ac
Ht abv nat grade	25.5 feet

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval in Concept, dated 11/18/96; Environmental Health In-concept Approval, dated 10/30/96.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permits 4-95-162 (Arbaut), 4-96-051 (Tuchman), 5-89-1071 and -1071A (Van Hamersveld), and 4-92-156 (Van Hamersveld); GeoConcepts, Inc., Supplemental Report No. 1, March 14, 1996 and Supplemental Report No. 2, April 23, 1996; Solus Geotechnical Corporation, Boring Observation for Proposed On-Site Private Sewage Disposal System, October 16, 1996; Klaus Radtke, Landscape Plan and Conceptual Fuel Modification Plan, dated 5-14-97.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with five (5) Special Conditions addressing revised landscape and erosion control plans, revised site plans, future improvements, plans conforming to the consulting geologist's recommendations, assumption of risk, 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 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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. REVISED LANDSCAPE AND FUEL MODIFICATION PLAN

Prior to issuance of the permit, the applicant shall submit a revised landscape and fuel modification plan to supplement the Landscape and Fuel Modification Plan dated 5/14/97 prepared by Klaus Radtke for review and approval by the Executive Director. The revised plans 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 approved landscape plan within thirty (30) days of final occupancy of the residence. 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.
- b) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- c) Vegetation clearance within the riparian corridor of the stream shall be minimize to the greatest extent feasible and shall be limited to hand clearance and thinning only. 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.

The applicant shall implement all the provisions of the Landscape and Fuel Modification plan dated 5/14/97, by Klaus Radtke, as well as the additional provisions required above.

2. REVISED PLANS

Prior to the issuance of the coastal development permit, the applicant shall submit revised site and floor plans for the review and approval of the Executive Director, which illustrate the elimination of the proposed decks on the downhill or (south side) of the proposed residence (Exhibit 3). Development on the south side of the residence shall not exceed the building footprint illustrated on site plan and landscape and fuel modification plan dated 5/14/97.

3. FUTURE DEVELOPMENT:

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. 4-96-207; and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation and grading, the construction of fences, gates, other barriers or outbuildings, that might otherwise be exempt

under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with the approved landscaping and fuel modification plan or as required by the Los Angeles County Fire Department 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.

4. DRAINAGE PLANS

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

5. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in GeoConcepts, Inc., Supplemental Report No. 1, March 14, 1996 and Supplemental Report No. 2, April 23, 1996 including issues related to site preparation, foundations, and drainage, 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.

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

The applicant proposes the construction of a 2 story, 25.5 ft. high (above natural grade), 3,600 sq. ft. single family residence with detached 480 sq. ft. 2 car garage, septic system, retaining walls, grouted rock swale, and no grading on a 85,800 sq. ft. lot. Previous grading and natural degradation of the site is discussed under Background (below).

The project plans include a number of measures to alleviate the drainage problems on the site including retaining walls and a grouted rock swale in the location of a natural drainage swale along the west property line.

The septic system previously existing on the site constructed under permit 5-89-1071A (Van Hamersveld) will be replaced by a new system. A mobile home had existed on the site, but was removed as part of the previous permit 4-92-156 (Van Hamersveld).

Surrounding development includes single family residential development, a riparian corridor, a degraded oak woodland, and scrub and chaparral. The blue-line stream, designated by the United States Geologic Survey, is tributary to Ramirez Canyon Creek. Portions of the stream in Ramirez Canyon are recognized by the Commission as an environmentally sensitive habitat area (ESHA), most recently in Coastal Permits 4-95-162 (Arbaut) and 4-96-051 (Tuchman).

B. Background

Coastal development permit 4-92-156 (Van Hamersveld), an administrative permit dated August 20, 1992, was for temporary placement of a 1,600 sq. ft. mobile home and related utilities. The permit was subject to special conditions limiting the proposed mobile home to a period of two years, dated from repeal or amendment of a moratorium on single family development by the City of Malibu and requiring removal of an existing mobile home.

Permit amendment 5-89-1071 A (Van Hamersveld), an immaterial amendment dated November 15, 1989, allowed reduction for a proposed single family residence from 4,350 sq. ft. to 1,495 sq. ft.. 5-89-1071 A (Van Hamersveld) was an amendment to coastal development permit P-79-5031 which was subject to conditions requiring (1) that "... no portion of any development shall be constructed closer than 26 feet to the centerline of the drainage course." and (2) that a deed restriction be recorded requiring that any future improvements, additions or grading will require a coastal development permit.

The project plans represent the topography as presently exists and indicates a number of minor differences from that shown in the previous permits. A review of contours indicates that the project site has changed since consideration of permit 5-89-1071A (Van Hamersveld). Based on staff observation, the site has has been subject to incidental disturbance and dumping. A test trench approximately five feet wide, eighty feet long, and several feet deep has been dug along the existing drainage swale near the northwest corner of the

property (location shown on the March, 1996 site plan included with Supplemental Report No. 2, April 23, 1996). According to the applicant's agent, some work was undertaken by unknown persons other than the applicant.

In addition to this human disturbance, the site has experienced degradation and a change in the stream bank, low gradient gullying, change in the contours, and creation of a sediment deposit at the lower end of the lot, near the conjunction with Ramirez Canyon Creek due to severe winter storms in recent years.

C. Environmentally Sensitive Resources

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

Section 30240 of the Coastal Act states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The applicant, as noted, proposes the construction of a 2 story, 25.5 ft. high (above natural grade), 3,600 sq. ft. single family residence with detached 480 sq. ft. 2 car garage, septic system, and no grading on a 85,800 sq. ft. lot adjacent to a blue-line stream. The project site contains oak trees and some remnants of riparian vegetation. The project site is located in a disturbed oak woodland but is outside the mapped area of disturbed oak woodland designated along Ramirez Canyon Creek in the certified LUP.

The Commission has consistently emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. Ramirez Creek

and the tributary adjacent to the building site are recognized blue line streams on the U.S.G.S. maps. The build-out of this area would create adverse impacts to the tributary to and to Ramirez Canyon creek and the riparian corridor by increasing sediments and polluted runoff into this coastal water. In addition, the Commission recognized its environmental significance when certifying the ESHA map for the Malibu/Santa Monica Mountains LUP.

On that map, the upper reaches of Ramirez Canyon are recognized as an inland ESHA and the lower reaches, where the proposed development is located, is recognized as a disturbed sensitive resources area (DSR). A DSR is a riparian woodland or stream area which would normally be considered an ESHA, but is located within an area of existing development and no longer maintains its pristine quality. A DSR maintains some habitat quality but is degraded because of development. As with most riparian areas, increases in sedimentation and other pollutants have detrimental effects on the function and value of the habitat as explained below.

The certified LUP contains policies addressing oak tree woodland protection and stream protection, but these policies are only used for guidance as discussed above. The Table 1 policies of the certified LUP indicate that for DSRs, structures shall be sited to minimize removal of riparian trees and that structures be sited to conform with the County Oak Tree ordinance. Further, policy 79 relative to stream protection and erosion control indicates that all development other than walkways and driveways shall be set back at least 50 feet from the designated environmentally sensitive riparian vegetation. As noted above, most of the sensitive riparian vegetation on-site is absent because of previous disturbance.

The project site is a triangular area northwest of the stream of approximately one-quarter acre, and contains three specimen oak trees along the stream adjacent to the proposed residence and one oak adjacent to the northwest corner and Via Acero. The portion of the parcel along the stream appears to have been previously disturbed and is edged with grasses, oxalis and weeds and scattered wild radish, castor bean plants and laurel sumac. There are introduced sycamores in the area of recent sedimentation at the downstream (east) end of the lot. Approximately one acre of undisturbed scrub, oaks, and chaparral will remain on the slopes south and uphill of the the stream.

The project site is limited as to location of a buildable area for a residence. The buildable area is constrained on one side (northeast) by the presence of a blueline stream, a tributary to Ramirez Canyon Creek and on the other side, northwest and adjacent to Via Acero, by a fault. The second geotechnical report (GeoConcepts, Inc., Supplemental Report No. 2, April 23, 1996) indicates that the site of the fault is close to the northwest corner of the site than previously shown, but this still limits the potential buildable area. Development of a residence and driveway on the south of the stream side of the stream or on the opposite side of the stream from the proposed site would require additional grading, extensive vegetation clearance in an undisturbed oak woodland area and disturbance and alteration of the blueline stream for a stream crossing. Therefore, the proposed building site is the preferred building location even though it is located within 30 feet (at its closest point) of the stream and encroaches into canopy of two oaks by approximately 12 feet. However, Most of the residence is located within a line measured fifty feet away from and parallel to the stream centerline. Both the residence and garage are located within a line measured fifty feet away from and parallel to the lowest stream bank.

The applicant has submitted a detailed fuel modification and landscape plan prepared a qualified resource specialist, Dr. Klaus Radtke. Dr. Radtke makes a number of recommendations relative to landscaping the site with native fire resistant plant species and includes provisions for protection of the existing oaks and riparian vegetation on site. Dr. Radtke's recommends a redesign of the structure by eliminating the the downhill facing (south facing) decks on the structure in order to minimize the encroachment (7 to 8 feet) of the structure into the oak woodland canopy and to provide a more fire safe structure. He also recommends the selective pruning of the oak trees, no future improvements within the oak canopy, fencing of oaks during construction, planting of all graded and disturbed areas with native plants for erosion control and visual enhancement purposes, monitoring of construction activities by a resource specialist and selective thinning of vegetation by hand for future fuel modification purposes.

The Commission finds that in order to protect the riparian corridor and remaining oaks on site it is necessary to require the applicant to implement the recommendations outlined in the Landscape and Fuel Modification Plan, dated 5/14/97, prepared by the Applicant's resource specialist as required in special condition number 1. The Commission also finds that as recommended by the applicant's resource consultant, the applicant shall submit revised site and floor plans for the proposed residence which illustrate the elimination of the proposed decks on the downhill or (south side) of the proposed residence as required by special condition number 2. Development on the south side of the residence shall not exceed the building footprint illustrated on site plan and landscape and fuel modification plan dated 5/14/97.

In addition, although the proposed fuel modification plans are quite comprehensive they do not include any provisions for erosion control if construction and grading takes place during the rainy season nor do they include a timing provision to implement the landscaping plan. Further, the proposed fuel modification plan has not been approved by the County Department of Forestry. Therefore, to ensure these provisions are included into the landscape and fuel modification plan the Commission finds that it is necessary to require the applicant to submit a revised landscape and fuel modification plan as required by Special Condition Number 1.

Moreover, the Commission finds that to ensure future development on site which might otherwise be exempt from coastal permit requirements is reviewed by the Commission to ensure consistency with Section 30231 of the Coastal Act a future improvements deed restriction is necessary. The future improvements deed restriction will ensure the applicant as well as future owners are aware that any future improvements to the property must be reviewed by the Commission to ensure any development on site is consistent with Section 30231 of the Coastal Act.

The construction of numerous residences in Ramirez Canyon has resulted in increased impervious surfaces, disturbed erodible soils and areas cleared of vegetation. The increase in impervious surfaces results in a greater fraction of rainfall to runoff at higher velocities over soils which are easily eroded. This erosion results in sedimentation of the tributary and Ramirez Canyon Creek and degrade the stream and riparian corridor. Sediments which are carried to the ocean would degrade coastal waters and adversely impact the kelp beds.

Increased sediment in water courses will adversely impact riparian streams and water quality in the following ways:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients alter the pH of the water and trigger algal blooms. The algae deplete the oxygen available in the water and reduce water clarity; these actions lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys stream side vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning and feeding areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.
7. Erosion in streams also reduces the potential for recreation and increases the potential for hazards arising from flooding of streambanks.
8. Introduction of pollution, sediments, and turbidity is eventually introduced downstream into marine waters and the nearshore bottom and has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

To ensure that the proposed project minimizes sedimentation of coastal waters and the adjacent stream and minimize erosional impacts the Commission finds it necessary to require the applicant to submit detailed drainage plans which illustrate how runoff will be conveyed off-site in a non-erosive manner. In addition, landscaping of the areas disturbed by construction activities in a timely manner and erosion control measures during the rainy season will also serve to minimize erosion, ensure site stability and minimize sedimentation impacts to the nearby riparian corridor. Therefore, the Commission finds it necessary to require the applicant to submit revised landscape and erosion control plans as a special condition of approval.

These conditions will ensure that all impacts of site disturbance and runoff from increased impervious surfaces resulting from the proposed project are mitigated to the maximum extent feasible, thereby minimizing any adverse affects on the habitat of the designated blue line stream and offshore kelp beds. Therefore, the Commission finds that only as conditioned will the proposed project be consistent with the policies found in Sections 30230 and 30231 of the Coastal Act.

D. Geologic Stability.

Section 30253 of the Coastal Act states, in part, that:

New development shall:

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

As previously noted, the applicant proposes construction of a 2 story, 25.5 ft. high (above natural grade), 3,600 sq. ft. single family residence with detached 480 sq. ft. 2 car garage, septic system, and no grading on a previously filled pad. The foundations of the house and garage will be required to be set into bedrock. The house site is located over an east-west trending inactive fault.

The applicant has submitted geotechnical reports for the proposed project, as noted above under Substantive File Documents. The geotechnical report, GeoConcepts, Inc., Supplemental Report No. 1, March 14, 1996 states that the building plan [as revised and attached to the report] is feasible providing the recommendations are followed. The report proposes compacting fill, scarification, blending of soils, keying of foundations into bedrock and the like but no grading is proposed. To protect stored soils intended for compaction during inclement parts of the year or when rain is threatening, compaction before stopping work is recommended. However, since no additional substantial grading (in excess of ± 50 cu. yds.) is proposed as part of this project, a permit amendment will be necessary if additional grading is necessary to comply with the geologists recommendation.

Further, the GeoConcepts, Inc., Supplemental Report No. 2, April 23, 1996 states that the existing slope and proposed fill slope are grossly stable and that the surface slopes are surficially stable. This report recommends that the retaining walls, shown on a plan view attached to Supplemental Report No. 1, be cantilevered and that there be a system of swales, also shown on the referenced plan view.

Based on the recommendations of the consulting engineer and geologist the Commission finds that the development is consistent with Section 30253 of the Coastal Act and applicable LUP policies so long as the geologic consultant's geologic recommendations are incorporated into project plans. Therefore, if the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist as conforming to their recommendations.

As noted in the preceding section, the Commission finds it necessary to require the applicant to submit landscape and erosion control and drainage plans to minimize erosion and to provide plantings primarily of native species. These landscape, erosion control plan and a drainage plans are also

needed to minimize erosion from the project site and potential sedimentation onto the beach and offshore area.

Additionally, 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 the 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.

For the above reasons, the Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act and applicable portions of the Malibu LUP.

E. Septic System.

The proposed development includes the installation of an on-site septic system to provide sewage disposal consisting of a septic tank and leachfield. The Commission has recognized, in past permit actions, that the potential build-out of lots in the Malibu area and the resultant installation of septic systems may contribute to adverse health effects. 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 proposed septic system is located approximately seventy feet away from the stream and near Via Acero. The septic system was review in Solus Geotechnical Corporation, Boring Observation for Proposed On-Site Private Sewage Disposal System, October 16, 1996. The report found that the system constructed according to the requirements of the City of Malibu Health Department and Uniform Plumbing Code, and the consultants recommendations, should have no adverse effect upon the proposed development or stability of adjacent property.

The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services, City of Malibu. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

F. 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. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 conditioned, there are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project as conditioned is found consistent with CEQA and the policies of the Coastal Act.

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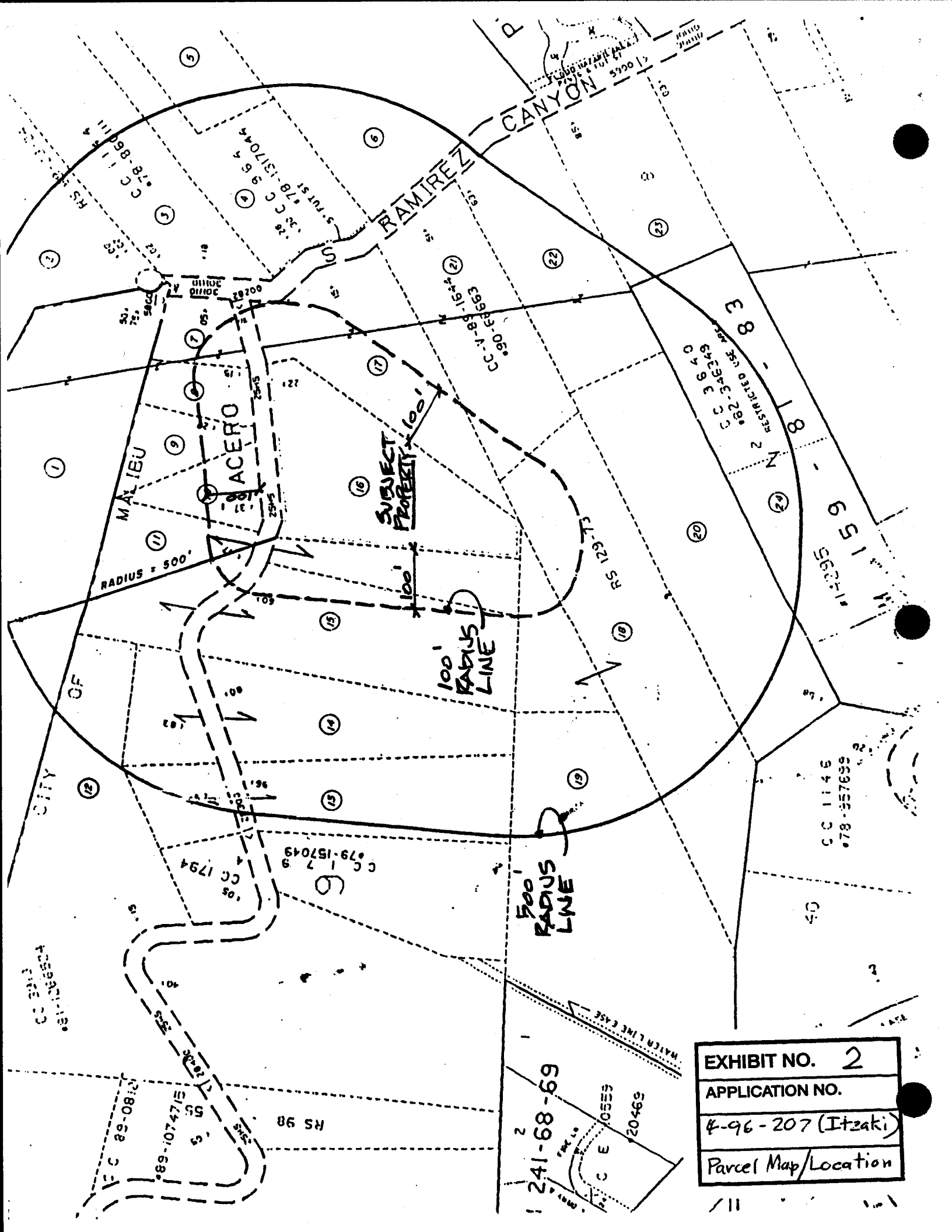


EXHIBIT NO. 2
APPLICATION NO.
4-96-207 (Itzaki)
Parcel Map/Location

EXHIBIT NO.	3
APPLICATION NO.	4-96-207(Itzaki)
Site Plan	

