

CALIFORNIA COASTAL COMMISSION

10TH CENTRAL COAST AREA
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Staff: MB-V
Staff Report: 12/17/99
Hearing Date: 1/11-14/99
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-150

APPLICANT: Vince Kickerillo

AGENT: Barsocchini & Associates

PROJECT LOCATION: 32453 Pacific Coast Highway, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct two story, 28 ft. high, 10,215 sq. ft. single family residence on caisson and grade beam foundation with attached 953 sq. ft. garage, swimming pool, spa, septic system. Grading is incidental consisting of remedial grading (removal and recompaction) in driveway and excavation for caissons.

Lot area:	219,338 sq. ft.
Building coverage:	11,168 sq. ft.
Pavement coverage:	12,853 sq. ft.
Landscape coverage:	38,077 sq. ft.
Parking spaces:	3 covered, 4 uncovered

SUMMARY OF STAFF RECOMMENDATION

The development is proposed on a lot on the coastal terrace overlooking Pacific Coast Highway and adjacent to a natural drainage draining into the sea. The proposed design represents a substantial change from the previously proposed design, which would have involved approximately 25,000 cu. yds. of grading (all overexcavation and recompaction), to a design on caissons and grade beams. This avoids disturbance of the archaeological site underneath the proposed residence and avoids extensive landform alteration with potential visual impacts. Staff recommends approval of the project with special conditions relating to: *color restriction, future improvements restriction, conformance to geologic recommendations, landscape and erosion control, removal of natural vegetation, wild fire waiver of liability, and archaeological resources.*

LOCAL APPROVALS RECEIVED: County of Los Angeles: Fire Department approval in concept, dated 1/21/99; City of Malibu, Department of Environmental Health, In-concept Approval, April 20, 1999; Planning Department, Approval in Concept, June 30, 1999.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Chester King, Archaeological Reconnaissance and Recommendations for a Phase 2 Study at 32453 Pacific Coast Highway, September 6, 1999; RJR Engineering, Preliminary Geologic and Geotechnical Engineering Report, February 12, 1999, Response to Coastal Commission Comments, August 12, 1999, and Foundation Design Revisions, October 12, 1999.

RESOLUTION:

The staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION

Staff recommends a **YES** vote on the following motion:

I move that the Commission **approve with special conditions** CDP # 4-99-150 per the staff recommendation as set forth below.

A majority of the Commissioners present is required to pass the motion.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

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

II. Standard Conditions

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

III. **Special Conditions**

1. **Color Restriction**

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

2. Future Development Deed Restriction

- a. This permit is only for the development described in coastal development permit No. 4-99-150. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition number three (3), shall require an amendment to Permit No. 4-99-150 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- b. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Geotechnical Engineer consultant's review and approval of all project plans. All recommendations contained in the RJR Engineering, Preliminary Geologic and Geotechnical Engineering Report, February 12, 1999 and Foundation Design Revisions, October 12, 1999 including issues related to grading, 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.

3. Revised Landscaping and Erosion Control Plans

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

A) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- 4) The plan shall include vertical landscape elements along the west side of the residence to further soften and screen the visual impact of the development from Pacific Coast Highway.

B) Monitoring.

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive

Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

4. Removal of Natural Vegetation

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

5. 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.

6. Archaeological Resources

(a) By acceptance of this permit the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation that involve earth moving operations. The number of monitors shall be adequate to observe the earth moving activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any

archaeological materials. In the event that any significant archaeological resources are discovered during earth moving operations, grading and/or excavation in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist, the City of Malibu archaeologist and the native American consultant consistent with CEQA guidelines.

(b) All recommendations contained in the Chester King, Archaeological Reconnaissance and Recommendations for Phase 2 Study at 32453 Pacific Coast Highway, September 6, 1999 as well as any additional recommendations developed by the archaeologist(s) during project monitoring, shall be incorporated in to all final design and construction. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, a report of the Phase II Archaeological Evaluation of the projects site. If the consulting archaeologist's recommendations, based on the Phase II Archaeological Evaluation of the site, require a substantial modification or redesign of the proposed project plans, an amendment to this permit is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a two story, 28 ft. high, 10,215 sq. ft. single family residence with attached 953 sq. ft. garage, swimming pool, spa, septic system on a 219,338 sq. ft. lot. Grading is incidental and as necessary for the removal and recompaction of the driveway and excavation of the caissons. The proposed development is located in a subdivision of large single family residences.

The proposed design represents a substantial change from the previously proposed design, which would have involved approximately 25,000 cu. yds. of grading. The proposed design on caissons and grade beams avoids disturbance of the archaeological site underneath the proposed residence and avoids extensive landform alteration with potential visual impacts.

The development is proposed on a lot on the coastal terrace overlooking Pacific Coast Highway and adjacent to a natural drainage draining into the sea between Lechusa Canyon and Encinal Canyon. The subject site is not located adjacent to a designated blue line stream or habitat area as designated in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) although the offshore area is a designated Environmentally Sensitive Habitat Area. However, the parcel is adjacent to a coastal sage scrub area and a natural swale draining to the beach containing a sycamore on the site. Due to the location of the existing private drive leading to the site, and undisturbed natural vegetation further to the north and west of the building site, the proposed building site and septic system is the most feasible and least environmentally damaging alternative.

Development to the east, west and south is single family in character. By virtue of intervening topography, the site is not visible from any trail. The site overlooks and is visible from the Coast Highway, a designated scenic route.

B. Visual Resources

Section 30251 of the Coastal Act states that:

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

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

The applicant is proposing to construct a two story, 28 ft. high, 10,215 sq. ft. single family residence with attached 953 sq. ft. garage, swimming pool, spa, septic system on a 219,338 sq. ft. lot. Grading consists is incidental i.e. removal and recompaction of the driveway and excavation for the caissons.

To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible, such as beaches, parks and trails. The Commission typically also examines the building site and the size of the structure. The site is in a partially developed neighborhood of large single family residences on large lots of several acres and is visible from the south and west from Pacific Coast Highway, a scenic highway. The site is not visible from any designated trail.

Staff conducted a site visit of the site and found the proposed building site to be the most appropriate and feasible location, given the terrain, as developed as part of the underlying subdivision. The proposed residence is similar in size to the surrounding residences.

The proposed residence would be of a location and mass which would be visible from Pacific Coast Highway, which is a designated scenic route. Because the project is set back from the edge of the slope fronting Pacific Coast Highway, the project will not be visible from the immediate south. However, the project is visible from Pacific Coast Highway to the west. The proposed development is a large, 28 foot high, 10,215 two story single family residence at the top of the slope facing to the west and will present a large mass of building visible from the Highway. This will adversely impact on public views unless mitigated as recommended below.

It is necessary to ensure that the design of the project will minimize any visual impacts to the maximum extent feasible. The impact on public views can be mitigated by requiring the residence and the driveway be finished in a color consistent with the surrounding natural landscape and, further, that the windows of the proposed structure be of a nonreflective nature. To ensure any visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by *Special Condition number one (1)*.

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

Further, because vertical landscape elements can lessen the view impacts of the previously note size and bulk of the proposed residence, *special condition number three (3)* includes such provisions. This will ensure that the visibility of the proposed residence is softened and that the project blends in with the surrounding native vegetation and existing introduced vertical elements already found on the site.

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

C. Archaeological Resources

PRC Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of the Santa Monica Mountains/Malibu area which contains one of the most significant concentrations of archaeological sites in southern California. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in artifacts and other material, have become increasingly valuable as a resource. Further, archaeological sites studied collectively provide information on subsistence and settlement patterns, so that the loss of individual sites can reduce the scientific value of sites which remain intact.

The applicant proposes to construct the proposed residence and remove an existing residence on a parcel that has an archaeological site CA-LAN-335 intruding into at the southeast corner. The City of Malibu's Archaeological Reconnaissance Report notes that construction of the residence will be outside the potentially sensitive area, but recommends that there be monitoring of grading and that the site area be avoided, and that disturbed soils and excavation in the southern portion of the site be monitored.

To ensure that impacts to archaeological resources are minimized, *special condition six (6)* requires that the applicant have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation in order to monitor all earth moving operations. In addition, if any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the City of Malibu archaeologist and the Native American consultant consistent with California Environmental Quality Act (CEQA) guidelines.

The Commission further finds that it is necessary to require the applicant to implement all other recommendations contained in the Archaeological Reconnaissance Report. A Phase II report has been completed, i.e. Chester King, Archaeological Reconnaissance and Recommendations for a Phase II Study at 32453 Pacific Coast Highway, September 6, 1999. To evaluate new information that may be produced by the Phase II Evaluation, *special condition number six (6)* requires that any recommendations developed by the archaeologist(s) during the Phase II Evaluation shall be incorporated as part of the project and that the applicant submit a report of the evaluation to the Executive Director for review and approval. In addition, if the recommendations require a substantial modification or redesign of the proposed project, the applicant shall be required to submit an amendment to this permit.

In summary, the Commission finds that the proposed development, as conditioned, to mitigate any adverse impacts on archaeological resources, is consistent with Section 30244 of the Coastal Act.

D. Geologic Stability and Hazards

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

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

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

The prominent geomorphic features in the area are Lechusa Canyon to the west, Encinal Canyon to the east, and a ridge to the north. The site is located on a coastal terrace above La Piedra beach. The site descends to the previously noted natural swale to the west.

1. Geology

The applicant has submitted a RJR Engineering, Preliminary Geologic and Geotechnical Engineering Report, February 12, 1999. The geologic stability of the site is favorable to the project, according to these reports, and no potentially active and/or active faults, adversely oriented geologic structure, or other hazards were observed by the consultants. The geotechnical consultant's and engineering geologists have provided recommendations to address the specific geotechnical conditions on the site as incorporated into the condition recommended below. In conclusion, the engineering geologic investigation states that:

Based upon the available data, from our review, investigation and analysis, the subject residential improvements are feasible from a geologic and geotechnical standpoint and the site will be free of any geologic or geotechnical hazards, as long as the recommendations of this report are incorporated into the design and construction of the project. The site will be free of landslides, slippage and excess settlement within the guidelines described in this report, provided our

recommendations are incorporated into the design and construction of the project.

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineering geologists as conforming to their recommendations, as noted in special condition number two (2) for the final project plans for the proposed project.

2. Erosion

Surface drainage on site is by sheet flow to the noted natural swale. The consulting geologist has stated that drainage should be dispersed in a non-erosive manner and preclude concentration of runoff and erosion.

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

In the case of this project, the submittal has been amended to include a drainage plan including swales, velocity reducers, and drains as well as a fuel modification and landscape plan. Although the applicant has submitted a drainage plan for permanent drainage control, the Commission finds it necessary to require the applicant to submit an interim erosion control and landscaping plan for several reasons. A landscaping component, review and approval by the consulting engineering geologist, measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring are all necessary parts of this plan to minimize the potential for erosion and disturbed soils and thereby ensure site stability and stream protection.

Approval with Special Condition Number three (3) is necessary, therefore, to ensure site stability and avoidance of the potentially adverse impacts of erosion and sedimentation on the natural swale, in a manner consistent with PRC Section 30253.

In addition, Special Condition Number four (4) is necessary to ensure that removal of natural vegetation for fuel modification purposes does not take place prior to construction of the proposed single family residence. Unnecessary fuel modification should be avoided as it is contrary to the provisions of PRC Section 30253 including ensuring site stability and avoiding adverse impacts of erosion and sedimentation. The proposed fuel modification and landscaping plan has been modified in consultation with the County Fire Department to use a system of rock paving to modify the fuel modification zones to avoid intrusion into the coastal sage scrub habitat in the drainage to the west.

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number five (5).

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

E. Septic System

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

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

The proposed septic system includes a 2,000 gallon septic tank with seepage pits. The installation of a private sewage disposal system was review by the consulting geologist,

and found not to create or cause adverse conditions to the site or adjacent properties. A percolation test was performed on the subject property indicating that the percolation rate meets Uniform Plumbing Code requirements and is sufficient to serve the proposed single family residence.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

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

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

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

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

G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if

there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

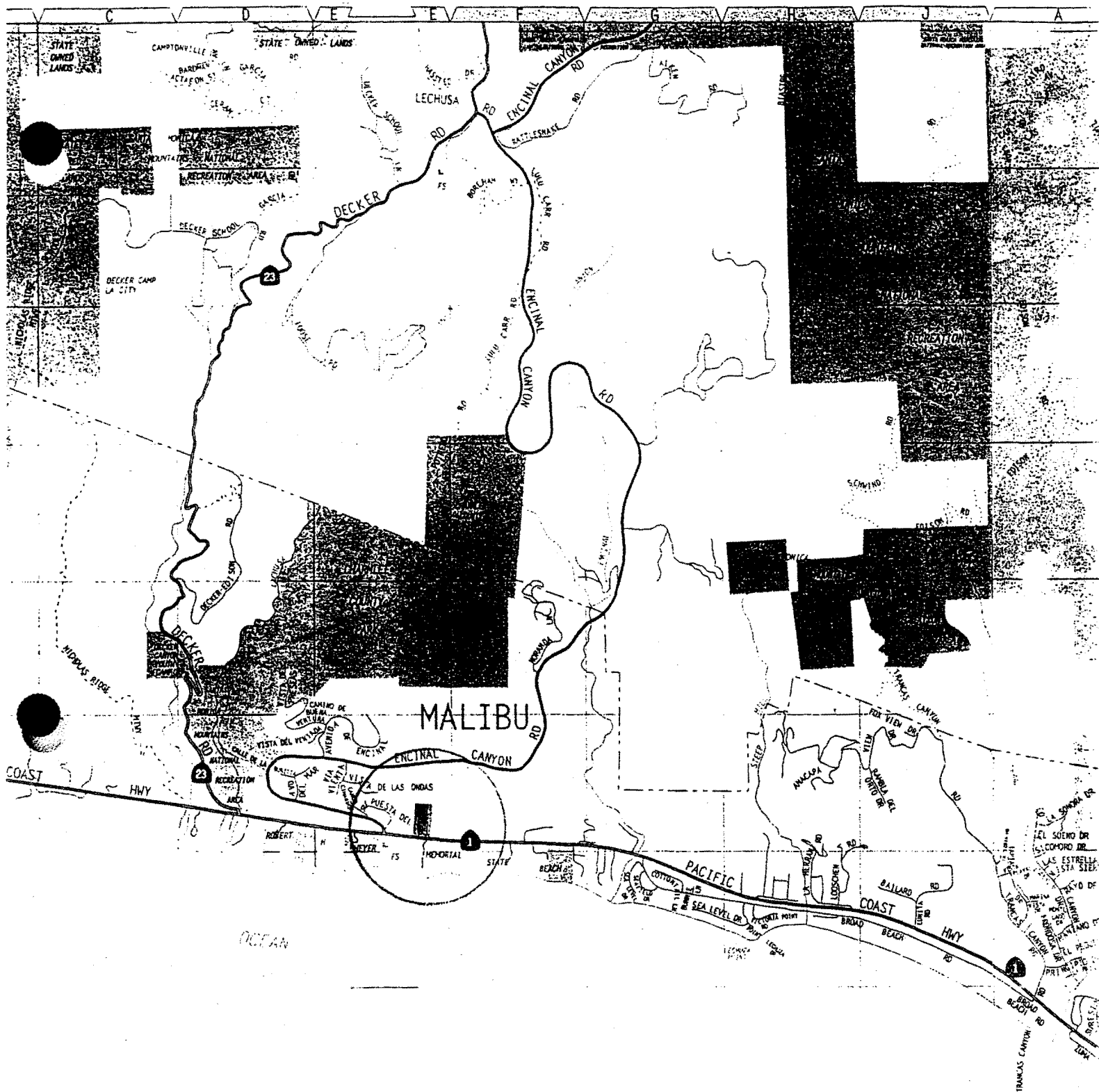


Exhibit 1:
Application 4-99-150
(Kickerillo)
Location

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KICKERILLO RESIDENCE
38488 PACIFIC COAST HIGHWAY
MALIBU, CA 90265

SANBROOK & ASSOCIATES, INC.
ARCHITECTS
10000 S. SANBROOK AVE. - 2ND FLOOR
LOS ANGELES, CA 90048

ENLARGED SITE
PLAN

1/8" = 1'-0"

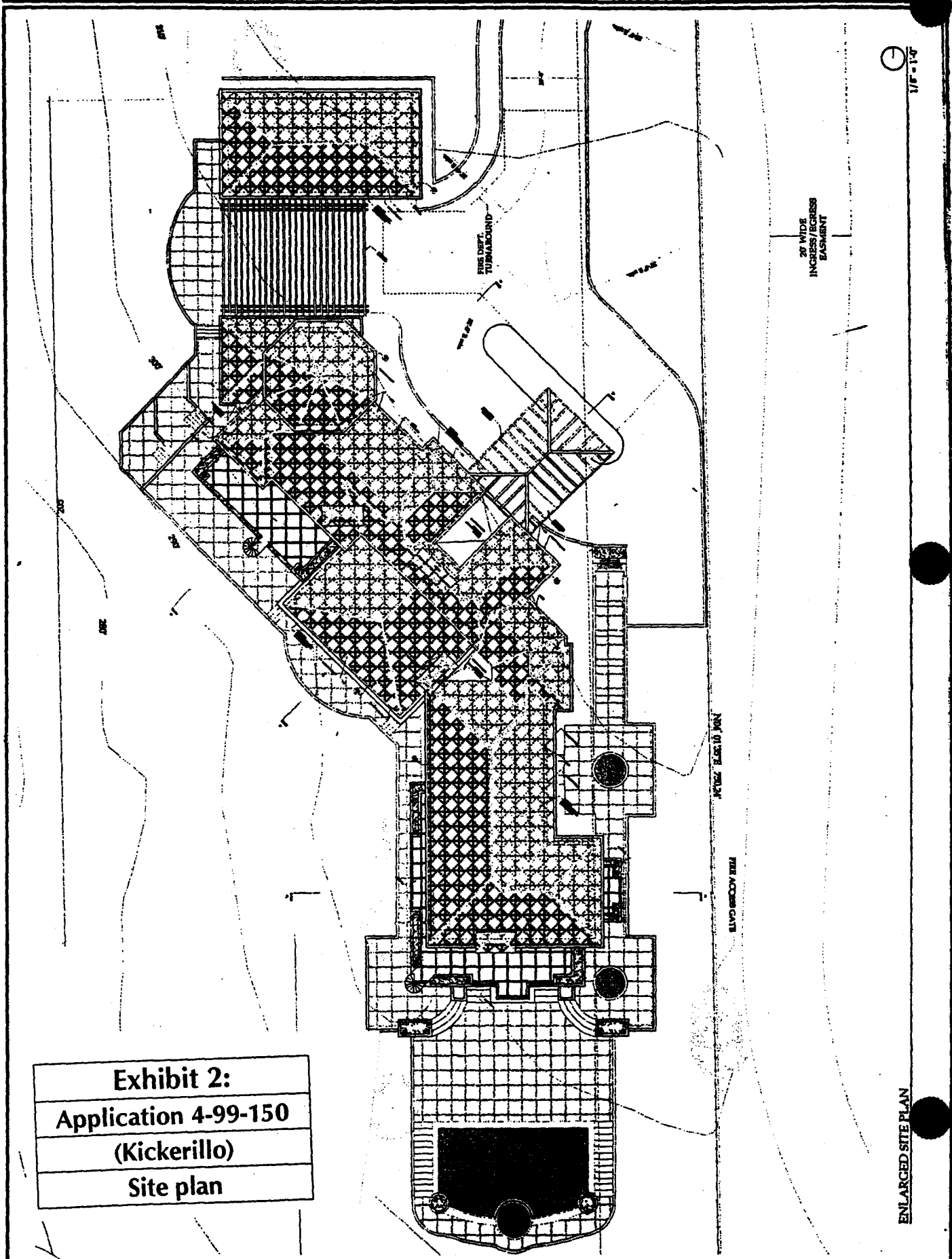


Exhibit 2:
Application 4-99-150
(Kickerillo)
Site plan

ENLARGED SITE PLAN

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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KICKERILLO RESIDENCE
32485 PACIFIC COAST HIGHWAY
MALIBU, CA 90265

BARBOCCINI & ASSOCIATES, INC.
ARCHITECTS
15000 E. BARBOCCINI AVE. - 9TH FLOOR
LOS ANGELES, CA 90045

FLOOR PLAN KEY
A-29

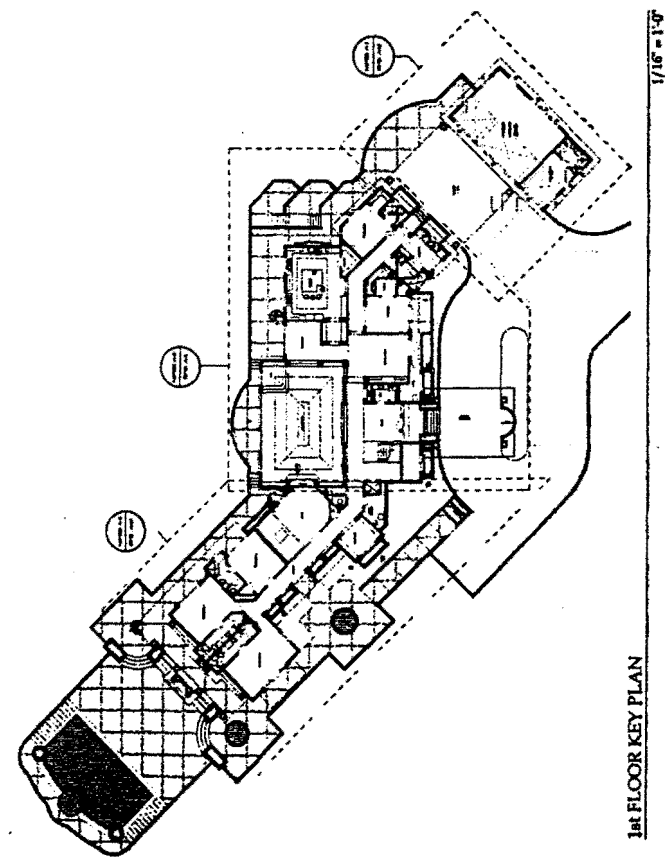
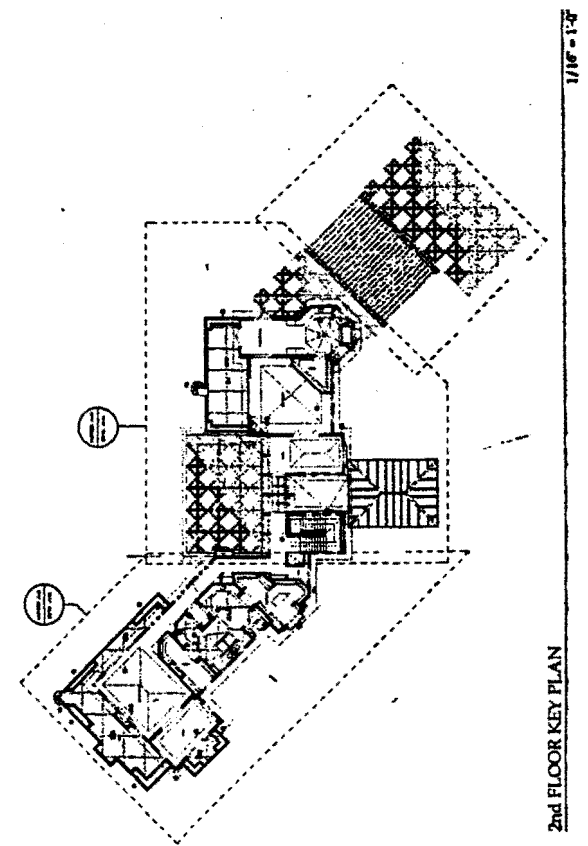
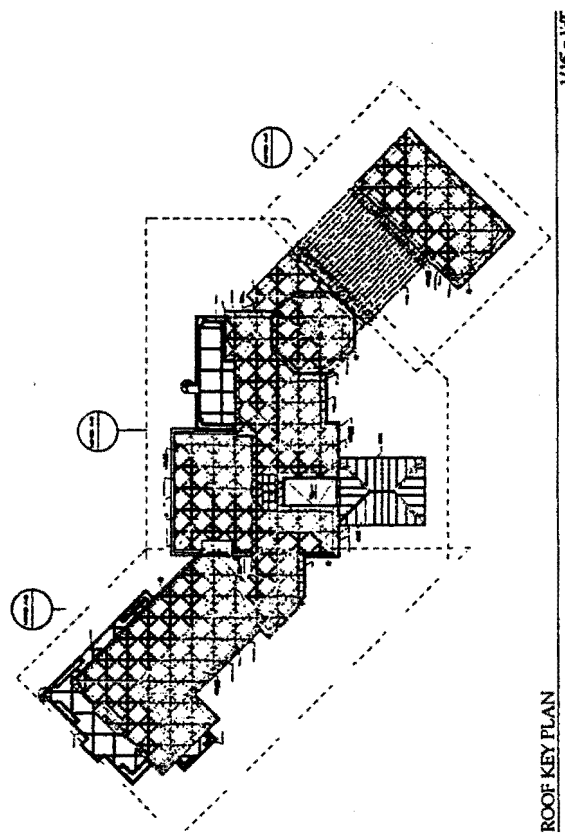
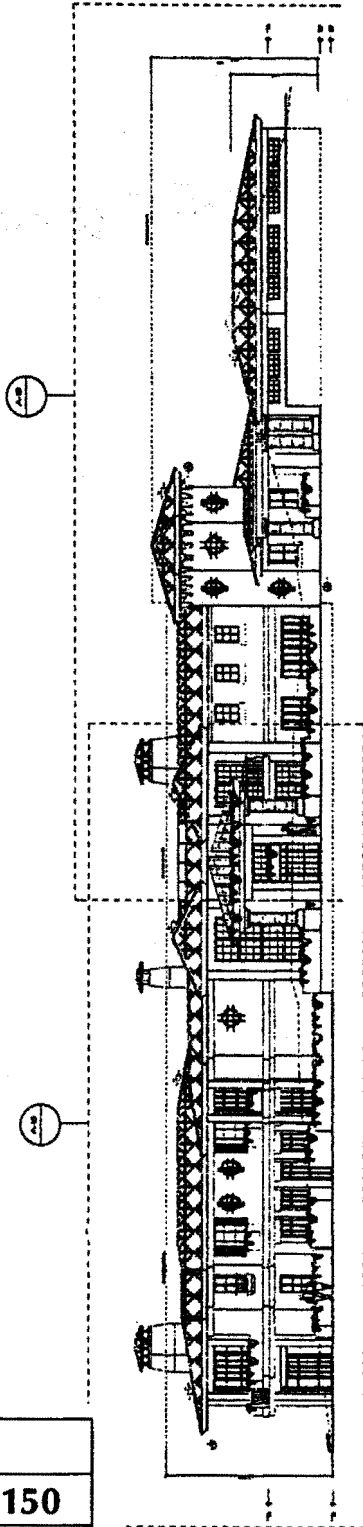


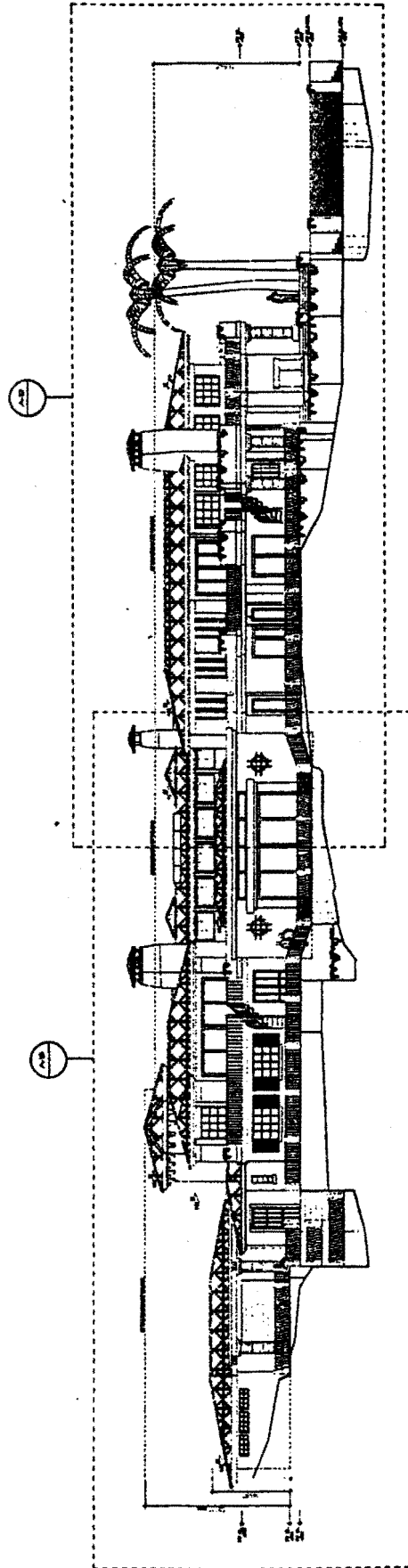
Exhibit 3:
Application 4-99-150
(Kickerillo)
Floor Plans

Exhibit 4:
Application 4-99-150
(Kickerillo)
Elevations



NORTH-EAST ELEVATION

1/8" = 1'-0"



SOUTH-WEST ELEVATION

1/8" = 1'-0"