

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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## RECORD PACKET COPY



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-220

APPLICANT: Agnes Itzaki

AGENT: Marney Randall

PROJECT LOCATION: 6350 Delaplane Road, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 7,294 sq. ft., two-story, 28 foot high single family residence with attached garage, pool, septic system, and 1160 cu. yds. of grading (650 cu. yds. cut, 510 cu. yds. fill, with remainder to be deposited outside coastal zone). The application includes an offer to dedicate a twelve foot wide public trail easement for a portion of a connector to the Paradise Cove Trail.

Lot area: 2.36 acres.  
 Building coverage: 4,500 sq. ft.  
 Pavement coverage: 5,000 sq. ft.  
 Landscape coverage: 15,000 sq. ft.  
 Parking spaces: three covered  
 Height above finished grade: 28 feet

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval In Concept, dated 9/7/99; Health Department, In-concept Approval dated March 2, 1999.

**SUMMARY OF STAFF RECOMMENDATION**

The proposed development is a single family residence on the eastern slope of, and overlooking, Ramirez Canyon. The proposed development includes an offer to dedicate a portion of a trail connector to the Paradise Cove Trail, located in the lower reach of Ramirez Canyon, which connects the Coastal Slope Trail to the beach. Staff recommends approval of the project with special conditions relating to: **conformance to geologic recommendations, landscape and erosion control, removal of natural vegetation, wild fire waiver of liability, implementation of offer to dedicate trail easement, color restriction, deed restriction on future development, and removal of excess soil.**

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Alpine Geotechnical, Geologic and Soils Engineering Investigation, December 12, 1998 and Addendum Letter, March 22, 1999; Coastal Development Permits 4-99-147 (Kaiser) and -156 (Westway LLC).

**I. STAFF RECOMMENDATION**

**MOTION:** I move that the Commission approve Coastal Development Permit Amendment No. 4-99-220 pursuant to the staff recommendation.

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE AMENDMENT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**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 permute to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

#### **1. Plans Conforming to Geologic Recommendations**

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Alpine Geotechnical, Geologic and Soils Engineering Investigation, December 12, 1998 and Addendum Letter, March 22, 1999; Coastal Development shall be incorporated into all final design and construction plans including site preparation, grading, and foundations. All plans must be reviewed and approved by the 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 development permit.

#### **2. Drainage Plan**

Prior to issuance of a coastal development permit, the applicant shall submit a drainage ol plan for review and approval by the Executive Director, a drainage plan, designed by a licensed engineer, which assures that run-off from the proposed residence is collected and discharged in a manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff down the slope. 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. The permittee shall undertake development in accordance with the final approved plan. Any changes to the final approved plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to

the coastal development permit, unless the Executive Director determines that no amendment is required.

**3. Landscaping and Erosion Control Plan**

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

**A) Landscaping Plan**

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is

to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

**B) Interim Erosion Control Plan**

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

**C) Monitoring**

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

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan

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

**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. Waiver of Liability**

Prior to the issuance of a 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, operation, 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. Trail Dedication**

In order to implement the applicant's proposal of an offer to dedicate a public access hiking and equestrian trail easement for passive recreational use as part of this project, the applicant as landowner agrees to complete the following prior to issuance of the permit: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access and passive recreational use in the general location and configuration depicted in Exhibit 5. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to the acceptance of the offer, to interfere with any rights of public access acquired through use that may exist on the property.

The irrevocable offer shall be of a form and content approved by the Executive Director, free of prior encumbrances except for tax liens, providing the public the right to pass and repass over the noted route limited to hiking and equestrian uses only. The dedicated trail easement shall not be open for public hiking and equestrian usage until a public agency or private association approved by the Executive Director agrees to accept responsibility for maintenance and liability associated with the trail easement. The offer shall run with the land in favor of the State of California binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable.

for a period of 21 years, such period running from the date of the recording. The recording document shall include legal descriptions of both the applicant's entire parcel and the easement area.

**7. Color Restriction**

The color of the structures, roofs, and driveway 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.

A. 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.

**8. Future Improvements**

This permit is only for the development described in coastal development permit No. 4-99-220. 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 3, shall require an amendment to Permit No. 4-99-220 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**9. Removal of Excavated Material**

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess

excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

#### IV. Findings and Declarations

The Commission hereby finds and declares:

##### A. Project Description and Background

The applicant proposes to construct a 7,294 sq. ft., two-story, 28 foot high single family residence with attached garage, pool, septic system, and 1160 cu. yds. of grading (650 cu. yds. cut, 510 cu. yds. fill, with remainder to be deposited outside coastal zone). The application includes an offer to dedicate a public trail easement over a portion of a connector to the Paradise Cove Trail. The application includes an offer to dedicate a twelve foot wide portion of a connector to the Paradise Cove Trail, which lies at the bottom of Ramirez Canyon to the west. North of the project is the Coastal Slope Trail, which is visible from the project site.

The project site contains a mixture of coastal sage scrub vegetation and ruderal vegetation in the portions that were previously disturbed due to grading and/or disking. A single oak tree is found on the eastern corner of the property. Approximately one thousand feet northwest and below the site is a resting area for Monarch butterflies within a eucalyptus grove. The butterflies were observed swarming during the site visit. The project site is sufficient distance from the project site to not result in significant disturbance.

Approximately one thousand feet to the west of the site is Ramirez Creek, a USGS designated blue line stream. Ramirez Creek is designated as a disturbed sensitive resource area in the certified LUP.

The area to the west, south and east of the site is developed with a combination of single family residences and equestrian development. The area to the northwest, north, and northeast of the site is undeveloped. The proposed development is similar to existing development development in the vicinity.

##### B. 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 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 Paradise Cove to the south and Ramirez Canyon to the west. Physical relief across the lot is approximately sixty feet of elevation change at a 2:1 slope with the site having a seventy foot relief. Site drainage is toward the Ramirez Creek through a side canyon below the site.

1. Geology

The applicant has submitted a Alpine Geotechnical, Geologic and Soils Engineering Investigation, December 12, 1998 which states that:

*...It is our finding that construction of the proposed project ... is feasible from a geologic and soils engineering standpoint, provided our advice and recommendations are made a part of the plans and are implemented during construction. ... the proposed development will be safe from landslide, settlement or slippage, and that the proposed grading and development will not have an adverse affect on the geologic stability of the property outside the building site provided our recommendations are followed during construction.*

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 one (1)* for the final project plans for the proposed project.

2. Erosion

The application does not include a drainage plan addressing the need to control and convey runoff. The Commission has found in similar projects that additional erosion control measures are necessary to ensure site stability, and avoid adverse impacts on the nearby streams.

The above geotechnical investigation recommends that the project include mechanisms to control surface water to direct water away from footings and not allow water to flow over natural slopes, pond on the pads, under the building, against any foundations, or

behind retaining walls. These concerns need to be addressed by a detailed drainage plan to protect stability of the site and surrounding area. The project will significantly increase the amount of impervious surfaces on the site, increasing 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. Increased erosion may also result in sedimentation of the nearby stream. Therefore, the Commission finds it necessary to require the applicant to submit a drainage control plan for the proposed development as specified by *Special condition number two (2)*.

The application includes a landscaping plan incorporating the requirements for landscape plans required by the Commission for similar projects including: specifying landscaping installed within sixty days of occupancy and consisting of primarily native and drought resistance vegetation; stabilizing of cut and fill slopes; maintenance of plants in good growing condition; submission of a fuel modification plan for review and approval of the County Forestry Department; creation of fuel modification zones as acceptable to the Los Angeles County Fire Department; and submittal of a landscape monitoring report within five years. In addition, in order to ensure that these landscape provisions are implemented by the applicant, the Commission finds that it is necessary to impose *Special Condition number three (3)* which requires submission of a detailed landscaping plan. It is necessary to ensure that the landscape and erosion control plan be reviewed and approved by the consulting engineering geologist and includes measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring to ensure site stability in plan implementation as required by *Special condition number three (3)*.

In addition, as required by *Special condition number three (3)*, a revised or supplemental landscape plan needs to be provided for in the event that the landscape monitoring report indicates that the landscaping is not in conformance with the approved landscaping plan. Such conditions ensure site stability and avoidance of the potentially adverse impacts of erosion and sedimentation in a manner consistent with PRC Section 30253.

In addition, the Commission notes that *Special condition four (4)* is necessary to ensure that the submitted landscaping plans provide that removal of natural vegetation for the purpose of fuel modification does not take place without the proposed development being implemented. This will avoid unnecessary fuel modification without an underlying permitted development. Such fuel modification would be inconsistent with PRC Section 30253 provisions to ensure site stability and avoid potentially adverse impacts of erosion and sedimentation.

### **3. Fire**

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

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

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by *special condition number four (4)*. The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

C. Public Access/Trails

The Coastal Act maximizes public access and recreational opportunities within coastal areas.

PRC Section 30210 states:

***In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.***

PRC Section 30212.5 states:

***Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.***

PRC Section 30213 states:

***Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.***

PRC Section 30223 states:

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

PRC Section 30252 states:

***The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.***

Coastal Act sections 30210, 30212.5, 30223, and 30252 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and where feasible provided.

In the Malibu/Santa Monica Mountains area, the existing system of heavily used historic trails located on private property has been adversely impacted by the conversion of open lands to housing. In order to preserve and formalize the public's right to use these trails, a trail system map has been included as part of the certified Malibu/Santa Monica Land Use Plan (LUP).

The trail system is composed of the Backbone and Coastal Slope Trails in addition to several connector trails. The Backbone Trail is the primary hiking and equestrian trail leading from the Los Angeles metropolitan area through the Santa Monica Mountains to Point Mugu State Park in Ventura County. The trail network provides hikers and equestrians with a large number of varied destinations including such highly scenic locations as Escondido Falls or the Castro Crags area and historic sites including several motion picture locations and active film sets. Significant coastal views from this public trail system include panoramic views of the coastline, the Channel Islands, and mountain views.

The Coastal Slope and the connector Paradise Cove Trails are identified in the certified Malibu/Santa Monica LUP as significant parts of the trail system that provides access between the coastal terrace and the Backbone Trail. As noted previously, the

application includes an offer to dedicate a portion of a connector to the Paradise Cove Trail, which lies at the bottom of Ramirez Canyon to the west.

This application includes the trail easement that the applicant is proposing to offer to dedicate for public access on the project site represents an important "missing" link that will further complete this trail (Exhibit 5). Such an offer requires formalization through a recorded, irrevocable offer to dedicate a route which is agreed to by the Executive Director and concerned agencies, and which specifies the hours of availability and provides for acceptance by a public agency or private association. The condition allows development of the trail route subject to approval of the Executive Director in order to be of a design consistent with trail routes in the project area and also allows the trail route to be located on more level terrain uphill of Delaplane Lane. Therefore, *special condition five (5)* has been included, consistent with the applicant's proposal in order to implement the applicant's offer to dedicate a public hiking and equestrian trail easement prior to the issuance of the coastal development permit.

The recommended condition will ensure that the trail is proposed in a location and design consistent with the pattern of trail routes and design parameters found in the certified LUP. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with PRC Sections 30210, 30212.5, 30213, 30223, and 30252.

#### D. Visual Impacts

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected:

***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.***

As stated above, the applicant proposes to construct a 7,294 sq. ft., two-story, 28 foot high single family residence with attached garage, pool, septic system, and 1160 cu. yds. of grading (650 cu. yds. cut, 510 cu. yds. fill, with remainder to be deposited outside coastal zone). The application includes an offer to dedicate a portion of a connector to the Paradise Cove Trail.

The site is minimally visible from Pacific Coast Highway and is highly visible from the connector trail route that passes along the frontage of the property on the east side of Delaplane Road. The project site is in an area of existing large, single family residences and therefore, the proposed project is consistent with the character of the surrounding area. Although minimal grading is proposed and the residence is designed to conform to the topography of the site, due to the highly visible nature of the project as seen from the trail route, the Commission finds it necessary to require mitigation measures to minimize visual impacts as seen from the public trail.

The impact on public views can be mitigated by requiring the residence to be finished in a color consistent with the surrounding natural landscape, that the windows of the proposed structure be of a non-reflective nature, and that the driveway be colored in a manner that blends into the surrounding area. To ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment, non-glare glass, and a colored driveway as required by *Special Condition number seven (7)*.

In addition, future developments or improvements to the property have the potential to create significant adverse visual impacts as seen from the public trail and from Pacific Coast Highway. 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 eight (8)*, the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Furthermore, visual impacts can be mitigated by requiring the slope facing the connector trail to be adequately landscaped. The landscaping plan submitted includes native, drought resistant plants and partially screen and soften the visual impact of the structure from the Coastal Slope Trail and Pacific Coast Highway with vertical elements such as trees and shrubs, as augmented in *Special Condition number three (3)*.

In addition, because excess soil can have an adverse impact unless properly disposed, *special condition nine (9)* is necessary. Through this condition the applicant will provide evidence the location of the disposal site for all excess excavated material from the site and, if the dumpsite is located in the Coastal Zone, obtain a coastal development permit.

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.

E. Septic System

The Commission recognizes that the potential build-out of lots in Malibu and 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, minimizing alteration of natural streams.*

The proposed septic system includes a septic tank and seepage pits. The installation of a private sewage disposal system was reviewed by the City Environmental Health Department and received in-concept approval. The approval indicates that the system complies with the minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the City health and safety codes will minimize any potential for waste water 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 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'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).

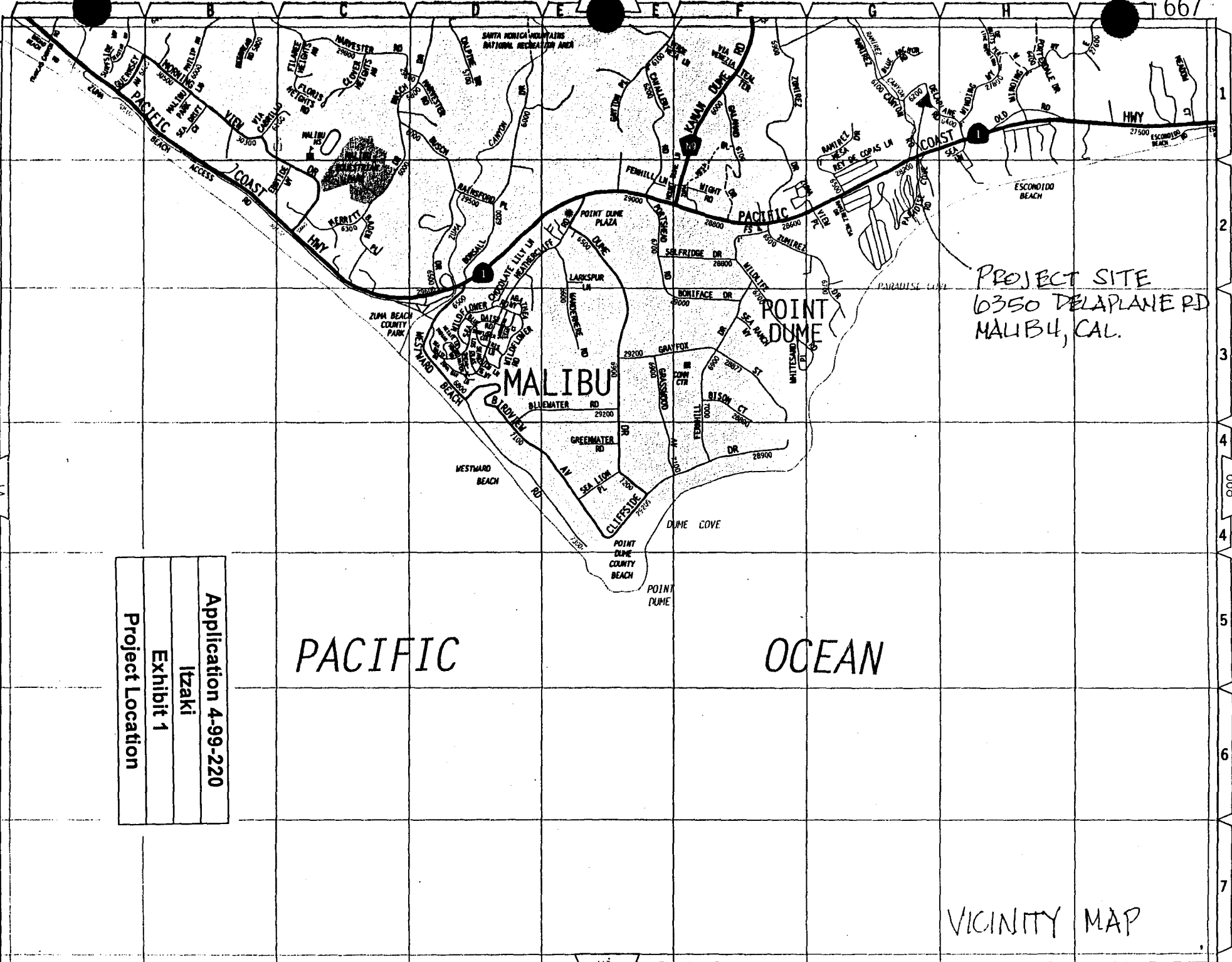
**G. California Environmental Quality Act**

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.

In addition, because excess soil can have an adverse impact unless properly disposed, special condition nine (9) is necessary. Through this condition the applicant will provide evidence the location of the disposal site for all excess excavated material from the site and, if the dumpsite be located in the Coastal Zone, obtain a coastal development permit.





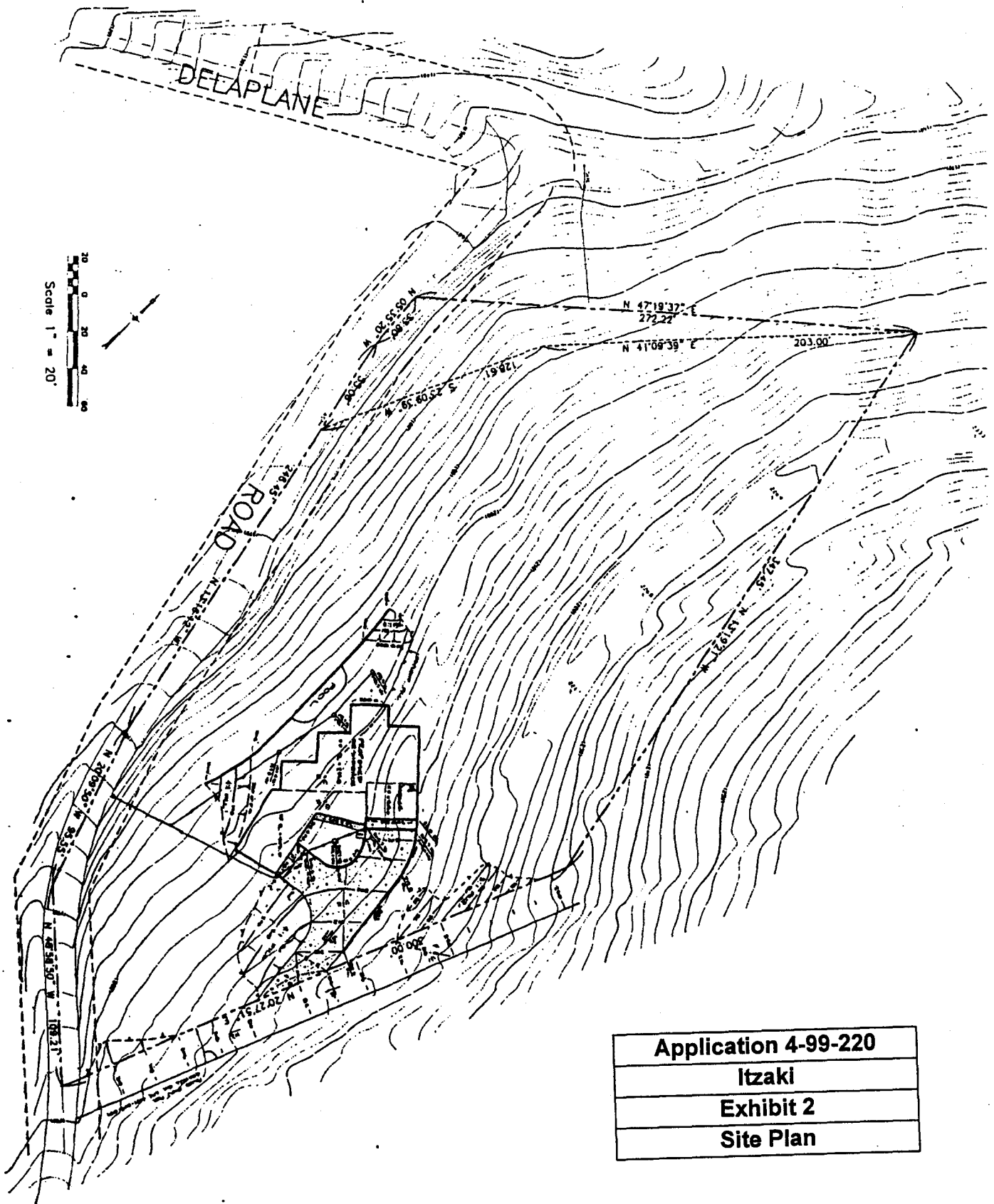
PROJECT SITE  
 10350 DELAPLANE RD  
 MALIBU, CAL.

|                      |
|----------------------|
| Application 4-99-220 |
| Itzaki               |
| Exhibit 1            |
| Project Location     |

PACIFIC

OCEAN

VICINITY MAP



|                      |
|----------------------|
| Application 4-99-220 |
| Itzaki               |
| Exhibit 2            |
| Site Plan            |

|            |          |
|------------|----------|
| Sheet No.  | 2        |
| Scale      | 1" = 20' |
| Date       |          |
| Drawn by   |          |
| Checked by |          |

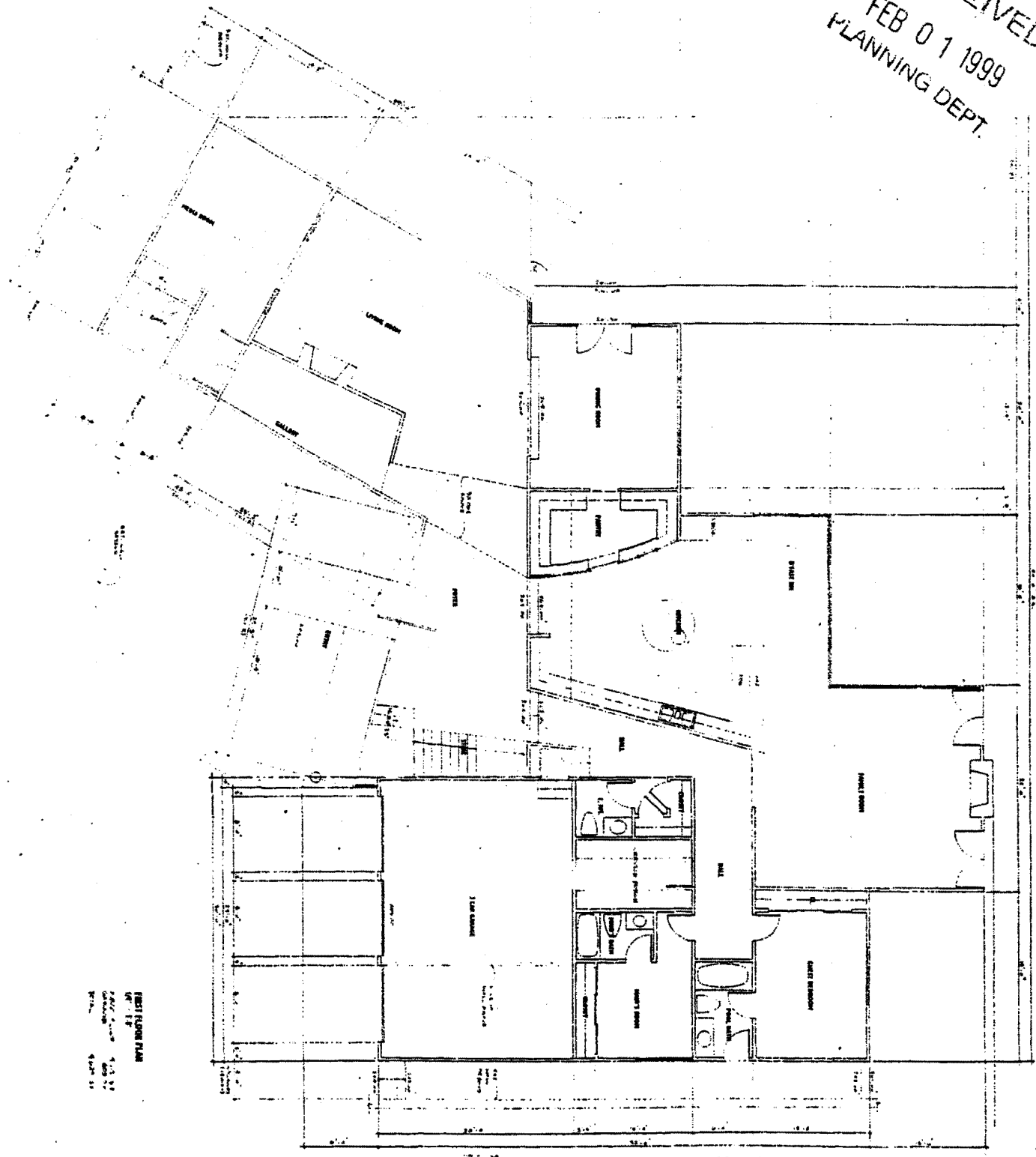
**VPL ENGINEERING, INC.**  
 7625 HAYVENHURST AVE. #16, VAN NUYS, CA 91406  
 (818) 786-3672

**GRADING & DRAINAGE PLAN**  
 ADDRESS:  
 OWNER: AGNES ITZHAKI  
 (310) 273-5500  
 ASSESSORS PARCEL No. 4467-005-026

|             |   |
|-------------|---|
| Project No. |   |
| Sheet No.   | 2 |
| Date        |   |
| Drawn by    |   |
| Checked by  |   |



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PLANNING DEPT.



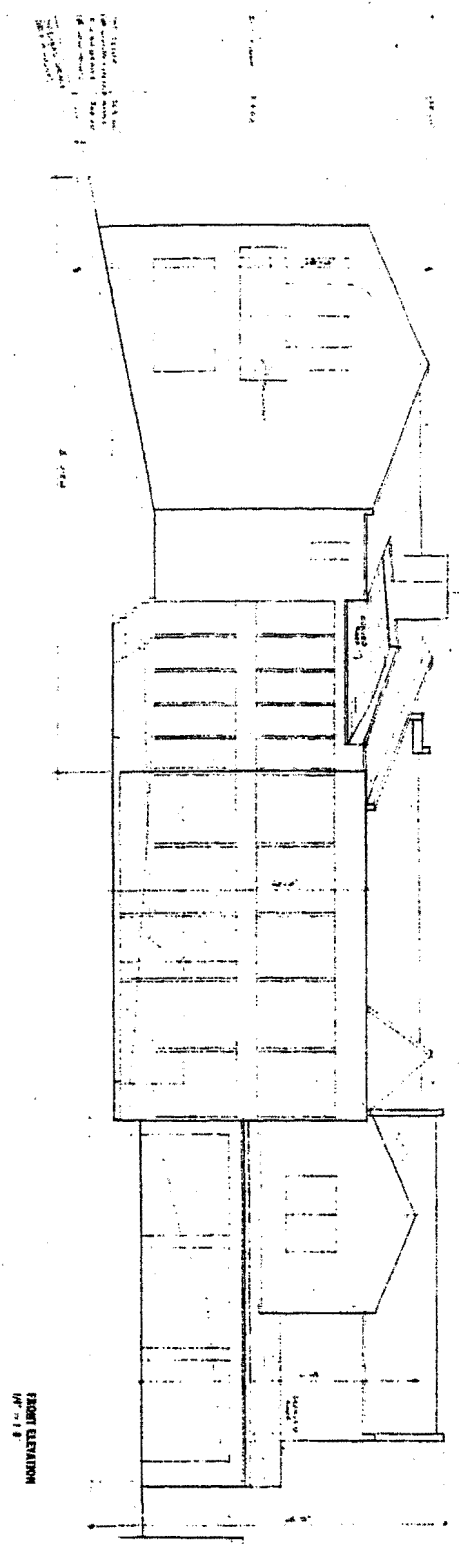
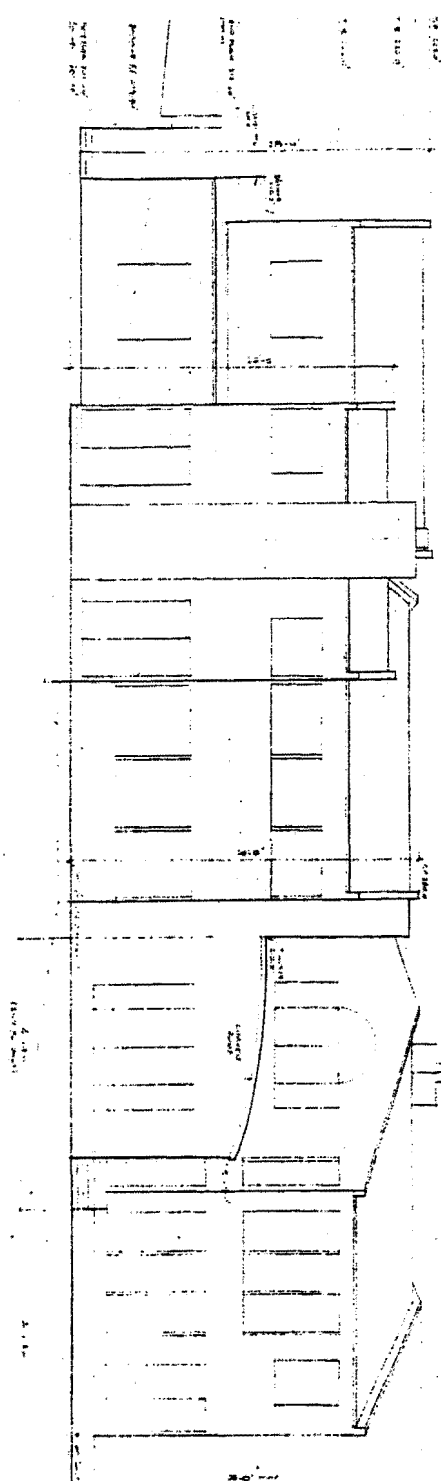
FIRST FLOOR PLAN  
DATE: 1/19/99  
DRAWN BY: [illegible]  
CHECKED BY: [illegible]

Application 4-99-220  
Itzaki  
Exhibit 3b  
Floor Plan

A.I.

DIRECTIONS  
STUDIO  
5863 Ramirez Canyon Road  
Malibu, CA 90265  
310.589.5093

SHEET 1 OF 1

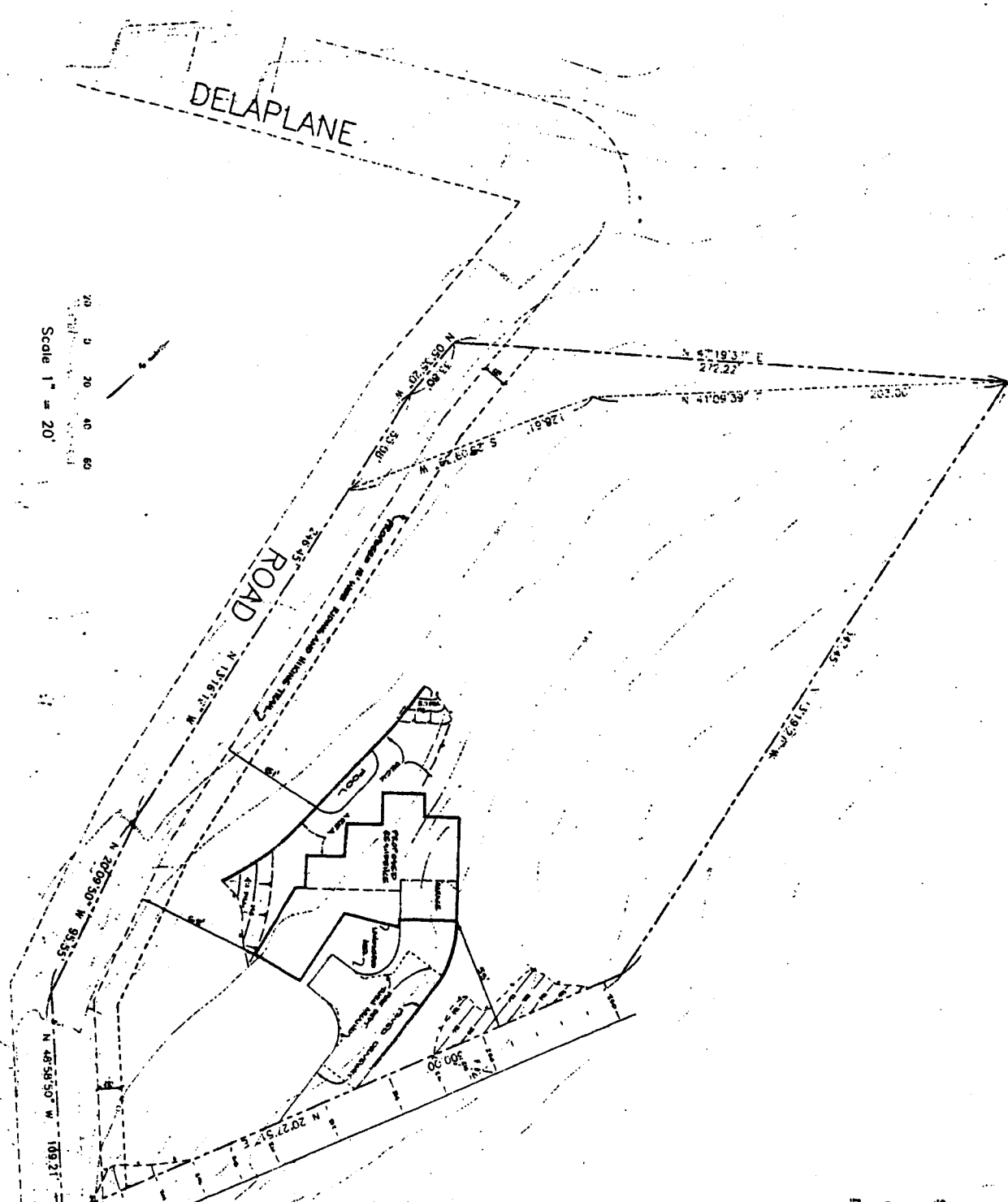


Application 4-99-220  
 Itzaki  
 Exhibit 4  
 Elevations

A.4

DERECTIONS  
 STUDIO  
 5863 Ramirez Canyon Road  
 Malibu, CA 90265  
 310.589.5093

|         |  |
|---------|--|
| DATE    |  |
| BY      |  |
| CHECKED |  |
| SCALE   |  |
| PROJECT |  |
| NO.     |  |
| DATE    |  |



Scale 1" = 20'

Application 4-99-220  
 Itzaki  
 Exhibit 5  
 Trail Route

**LOT AREA:**  
 2.18 AC  
 219,200 SQ FT

**EARTH WORK:**  
 LIME ASPHALT: 21 - 360 CF  
 FILL: 110 CF  
 EXCAV: 140 CF

**SOIL ANALYSIS:**  
 ACTUAL: 18.5 - 1.00 SF  
 18.5 - 1.00 SF  
 18.5 - 1.00 SF  
 18.5 - 1.00 SF  
 18.5 - 1.00 SF

**PERMISSIBLE LOT COVERAGE:**  
 1,500 SF  
 1,500 SF  
 1,500 SF  
 1,500 SF  
 1,500 SF

|         |  |
|---------|--|
| DATE    |  |
| BY      |  |
| CHECKED |  |
| SCALE   |  |
| PROJECT |  |
| CLIENT  |  |
| ADDRESS |  |
| PHONE   |  |
| FAX     |  |
| EMAIL   |  |
| WEBSITE |  |

**VPL ENGINEERING, INC.**  
 7635 HAYVENEURST AVE. #16, VAN NUYS, CA 91406  
 (818) 786 - 5072

**SITE PLAN**  
 ADDRESS: 6380 DELAPLANE ROAD  
 OWNER: AGNES ITZHAKI  
 (310) 273-5909  
 ASSPSSORS PARCEL No. 4467 02N 02E

|         |  |
|---------|--|
| DATE    |  |
| BY      |  |
| CHECKED |  |
| SCALE   |  |
| PROJECT |  |
| CLIENT  |  |
| ADDRESS |  |
| PHONE   |  |
| FAX     |  |
| EMAIL   |  |
| WEBSITE |  |