

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

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Filed: 2/28/99  
49th Day: 4/18/99  
180th Day: 8/27/99  
Staff: CAREY *[Signature]*  
Staff Report: 3/25/99  
Hearing Date: 4/13-16/99

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NO:** 4-98-306**APPLICANT:** Winding Way L.L.C. **AGENT:** Nat Najjar**PROJECT LOCATION:** 27445 Winding Way, City of Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a 6,467 sq. ft., 28 ft. high from existing grade single family residence with two 2-car garages, pool/spa, septic system, 1,000 cu. yds. of grading (500 cu. yds. cut and 500 cu. yds. fill), and widening of private road from 15 ft. to 20 ft.

<b>Lot area:</b>	2.03 acres
<b>Building coverage:</b>	4,665 sq. ft.
<b>Pavement coverage:</b>	10,335 sq. ft.
<b>Ht above ext grade:</b>	28 ft.

**LOCAL APPROVALS RECEIVED:** City of Malibu Approval in Concept; Environmental Health In-Concept Approval; Geology and Geotechnical Engineering Review Sheet; Los Angeles County Fire Department Approval in Concept (access roadway).

**SUBSTANTIVE FILE DOCUMENTS:** Soils and Engineering-Geologic Updated Investigation, dated 12/26/97, and Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, dated 5/6/98, both prepared by California GeoSystems

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission approve the proposed development with special conditions relating to landscaping, conformance with geologic recommendations, drainage and erosion control, wildfire waiver of liability, and cultural resources. As conditioned to prepare and implement landscaping plans, the proposed project will minimize impacts to visual resources, consistent with §30251 of the Coastal Act. As conditioned to conform to geologic recommendations, prepare and implement drainage plans, and to waive the liability of developing in an area subject to the hazard of wildfire, the proposed project will minimize risks from hazards consistent with §30253 of the Coastal Act. Finally, as conditioned to retain archaeological and Native American monitors on-site during construction, the proposed project will minimize impacts to cultural resources, consistent with §30244 of the Coastal Act.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions.**

The Commission hereby grants a permit, subject to the conditions below, 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 governments 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 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. Landscaping and Erosion Control.

##### A. Landscape Plan.

Prior to issuance of a coastal development permit, the applicant shall submit a landscaping and erosion control plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plan shall incorporate the following criteria:

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within sixty (60) days of the receipt of the Certificate of Occupancy for the residence. To minimize the need for irrigation and to screen or soften the visual impact of development 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 graded and disturbed 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 shall 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) Should grading take place during the rainy season (November 1-March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be placed 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.

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 necessary.

**B. Monitoring Plan**

- (1) 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.
- (2) 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.

**2. Structural Appearance**

A. The color of the structure and roof 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 the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure 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.

**3. Future Improvements.**

A. This permit is only for the development described in coastal development permit No.4-98-306. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future additions or improvements to the permitted structures, or property, including but not limited to clearing of vegetation and grading, other than as provided for in the approved landscape plan prepared pursuant to Special Condition 1, that might otherwise be

exempt under Public Resource Code Section 30610 (a), will require a permit from the Coastal Commission or from the applicable certified local government.

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

#### **4. Plans Conforming to Geologic Recommendation**

All recommendations contained in the Soils and Engineering-Geologic Updated Investigation, dated 12/26/97, and Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, dated 5/6/98, both prepared by California GeoSystems, shall be incorporated into all final design and construction including grading, foundations, septic systems, and drainage. All plans must be reviewed and approved by a geologist/geotechnical engineer as conforming to said recommendations. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

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

#### **5. Drainage and Erosion Control 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 road, driveways, pads, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding. 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.

#### **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.

## **7. Archaeological Resources**

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 operations, grading work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, the applicant's archaeologist, the City of Malibu archaeologist and the native American consultant, consistent with CEQA guidelines.

All recommendations contained in the Archaeology Report dated 12/22/97 by W & S Consultants, as well as any additional recommendations that may be developed by the archaeologist(s) in any necessary data recovery plan, shall be incorporated into all final design and construction. If the consulting archaeologist's recommendations for a data recovery strategy require a substantial modification or redesign of the proposed project plans, an amendment to this permit shall be required. The Executive Director shall determine whether required changes are "substantial".

## **IV. Findings and Declarations.**

The Commission hereby finds and declares:

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

The applicant proposes the construction of a 6,467 sq. ft., 28 ft. high from existing grade single family residence with two 2-car garages, pool/spa, septic system, 1,000 cu. yds. of grading (500 cu. yds. cut and 500 cu. yds. fill), and widening of private road from 15 ft. to 20 ft. The proposed project site is a 2.03-acre parcel located off of Winding Way in the City of Malibu.

No mapped trails cross the proposed project site. The Coastal Slope Trail runs along Winding Way in this area. The Escondido Falls Trail is located within Escondido Canyon

on the other side of a ridge from the subject site. No streams cross the site and no environmentally sensitive habitat areas have been identified on or near the site.

The proposed project includes the widening of a private driveway from its intersection with Winding Way to the project site. The existing road is 15 feet in width. The Los Angeles County Fire Department requires the widening of this road to 20 feet in width. The proposed widening includes the construction of a retaining wall of varying height (maximum 6 ft.), 95 cu. yds. of cut, and paving of varying widths along the edge of the existing paved road. The proposed road improvements are located within a 20-foot wide non-exclusive private road easement for ingress and egress held by the applicant. The area affected by the proposed road widening crosses four other properties. As required by Section 30601.5 of the Coastal Act, staff has notified the owners with fee interest in these four properties of the proposed project and invited them to join the application if they so choose. To date, staff has received no comments from these property owners.

## **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 landforms, 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 LUP, upon which the Commission has relied for guidance in past land use decisions, contains the following policies regarding the protection of visual resources, which are applicable to the proposed development:

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P134 Structures shall be sited to conform to natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

As described above, the applicant proposes the construction of a 6,467 sq. ft., 28 ft. high from existing grade single family residence with two 2-car garages, pool/spa, septic system, 1,000 cu. yds. of grading (500 cu. yds. cut and 500 cu. yds. fill), and widening of private road from 15 ft. to 20 ft.

The primary visual resource in the vicinity of the proposed project site is Escondido Canyon and the Escondido Falls Trail, which is located within the canyon. The Commission, in hearing and voting on several permit applications, has consistently required that new developments visible from the canyon minimize and mitigate impacts to visual resources as seen from the public trail. The Commission has required the siting of development, height, color, and future development restrictions, as well as landscaping to minimize any view of development from the trail. Most of the projects restricted in this way were located on the slopes on the west side of the canyon adjacent to DeButts Terrace [5-90-515 (Shriner); 5-90-670 (Kirsten); 5-90-673 (Shriner); 5-90-781 (Newman); 5-90-921 (Landgate); and 5-90-1068 (Morton)] A subdivision was approved on the slopes above the canyon to the east [5-90-1149 (Thorne)] which had restrictions for future homes on lots visible from the canyon to minimize any visual impact.

In this case, the proposed project site is not visible from Escondido Canyon or Escondido Falls Trail. The subject site is located to the southwest of the canyon, downslope of an intervening ridge. As such, no view of the proposed project site can be gained by riders or hikers on the trail.

Grading and landform alteration has been minimized for the project. 1,000 cu. yds. of grading (500 cu. yds. cut and 500 cu. yds. fill) would be carried out for the construction of the proposed project. Retaining walls would be utilized on the up-slope portion of the site for the on-site driveway and turnaround area. The proposed residence would be split-level with an under-story area beneath the lowest level. The height of the understory could have been reduced if the building were "notched" into the slope, but this would have required additional cut. The City of Malibu zoning code prohibits grading in excess of 1,000 cu. yds. In this case, the proposed understory should not present significant impacts to visual resources or views from public areas. Further, the applicant proposes the construction of a retaining wall on the slope to support a fill pad area where the pool and spa would be located. Finally, the applicant proposes to widen the private road to the site by constructing a retaining wall (maximum height is 6-feet) along the base of the slope with 95 cu. yds. of cut. The proposed grading for the project has been minimized and will not result in significant alteration of landforms.

However, graded and disturbed slopes can have visual impacts and can contribute to erosion. While the proposed project would not be visible from the Escondido Falls Trail, it would be visible from the Coastal Slope Trail, which follows Winding Way in this area. In order to ensure that potential visual impacts from the graded and disturbed areas of the project site are minimized, the Commission finds it necessary to require the applicant to prepare and implement a landscaping plan, comprised primarily of native vegetation, which provides for the revegetation of all graded and disturbed areas. The applicant must also monitor the landscaping and report to the Commission on the success of the revegetation in order to ensure that the landscaping is successful. Condition No. 1 requires the development, implementation, and monitoring of the landscaping plan.



The Commission finds it necessary to require that the proposed residence be subject to the specific design restrictions set forth in Condition No. 2. The purpose of these restrictions is to reduce the impacts of the proposed project on views from the Coastal Slope Trail which follows Winding Way in this area. These restrictions limit the color of the proposed residence, garage, and associated roofs to colors compatible with the surrounding environment, and require the use of non-glare glass for all windows. If fully implemented, this condition will ensure that the effects of the project on the Coastal Slope Trail.

Finally, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, which is included as Condition No. 3. This condition will ensure that any future additions or improvements to the approved project will receive Commission review. In this way, the Commission can ensure that any future improvements are designed to minimize impacts to visual resources and/or appropriate mitigation measures are included in the project.

The Commission finds that, as conditioned, the proposed project is consistent with Section 30251 of the Coastal Act.

### **C. 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, 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.

The proposed development would be located in the Santa Monica Mountains, an area that 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 applicant has submitted a Soils and Engineering-Geologic Updated Investigation, dated 12/26/97, and a Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, dated 5/6/98, both prepared by California GeoSystems. These reports address the geologic conditions on the proposed project site. Additionally, the applicant has submitted an "approved" geology and geotechnical

Engineering Review Sheet from the City of Malibu Geologist, which indicates that the reports of the consultants were prepared in accordance with the City's standards.

The consultants' analysis indicates that the proposed project site is stable and unaffected by landslides. The bedding plan attitudes of the bedrock are favorable to the gross stability of the site. Bedrock fractures are not expected to adversely affect stability. Ancient or recent landslides were not observed by the consultants on the site. Additionally, no surficial slope failures were observed. The report states that: "A landslide, mapped by U.S.G.S., is shown near the southwestern portion of the property. Based on the boring and trenches on this portion of the property this landslide does not appear to extend on to the site. This landslide is not expected to adversely affect the proposed structures".

The consultants make recommendations regarding foundations, setbacks, drainage, etc. The geologic consultants conclude, based on their investigation of the proposed project site that:

It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement, or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.

Based on the recommendations of the consulting geologists and geotechnical engineers, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act so long as the consultants' recommendations 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 geologists as conforming to their recommendations. This is included as Special Condition No. 4.

One important recommendation for continued stability of the site relates to drainage and erosion control. The geologic consultants recommend that: "All pad and roof drainage should be collected and transferred to an approved location in non-erosive drainage devices. Drainage should not be allowed to pond on the pad or against any foundation or retaining wall". In addition to promoting site stability, proper drainage and erosion control devices can minimize sedimentation in downstream areas.

The Commission finds it necessary to also require the applicant to submit detailed drainage and erosion control plans. Condition No. 5 is required to ensure that project drainage be achieved in a non-erosive manner and that the applicant assumes responsibility for the maintenance of all drainage devices on site and for replacement and repair should the drainage structures fail or result in erosion.

Even though the consultants have determined that the project site will be free of geologic hazards, the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire. As such, the Commission can only

approve the proposed 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. The wildfire waiver of liability is required in Special Condition No. 6. The Commission finds that, only as conditioned to incorporate all recommendations of the consultants, to assume the liability from fire risk, and to implement the drainage plan, is the development, as proposed to be amended, consistent with Section 30253 of the Coastal Act.

#### **D. Archaeological Resources**

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, 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 materials have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites that remain intact.

The applicant proposes the construction of a 6,467 sq. ft. single family residence with two 2-car garages, pool/spa, septic system, 1,000 cu. yds. of grading (500 cu. yds. cut and 500 cu. yds. fill), and widening of private road from 15 ft. to 20 ft. The Phase I Archaeological Survey, dated 12/22/95, prepared by W&S Consultants assesses potential for archaeological resources on the proposed project site. The report identifies two recorded prehistoric sites that have identified within one-half mile of the subject site. One site was discovered on the adjacent site to the east (CA-LAN-1879). The archaeological consultants conducted an examination of the project site. While no new cultural resources were found, the consultants concluded that CA-LAN-1879 might extend 50 to 75 feet onto the proposed project site. The report concludes that subject property appears to be peripheral to the main area of the archaeological site, but that development has the potential to adversely impact cultural resources.

To ensure that impacts to archaeological resources are minimized, Condition No. 7 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 archaeologist and the Native American consultant in consultation with the City of Malibu Archaeologist, 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 Archaeological Survey and Cultural Resources Assessment by W and S Consultants dated 12/22/95. Further, any recommendations developed by the consultants as part of any necessary data recovery plan shall be incorporated into the project. Finally, 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.

Thus, the Commission finds that based on the findings of the archaeological report and other available evidence, the proposed development, as conditioned to monitor the site during earth moving activities and to incorporate the recommendations of the archeological consultant to mitigate any adverse impacts on archaeological resources, is consistent with Section 30244 of the Coastal Act.

#### **D. Septic System.**

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

In addition, the Malibu/Santa Monica Mountains Land Use Plan, which the Commission has relied upon for guidance in past decisions, contains the following policies concerning sewage disposal:

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

The proposed development includes the installation of an on-site septic system to serve the residence. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

**E. Local Coastal Program.**

Section 30604 of the Coastal Act states, in part, 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 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 will not prejudice the City's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**F. 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)(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 effect which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects that 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.

4-98-306windingway

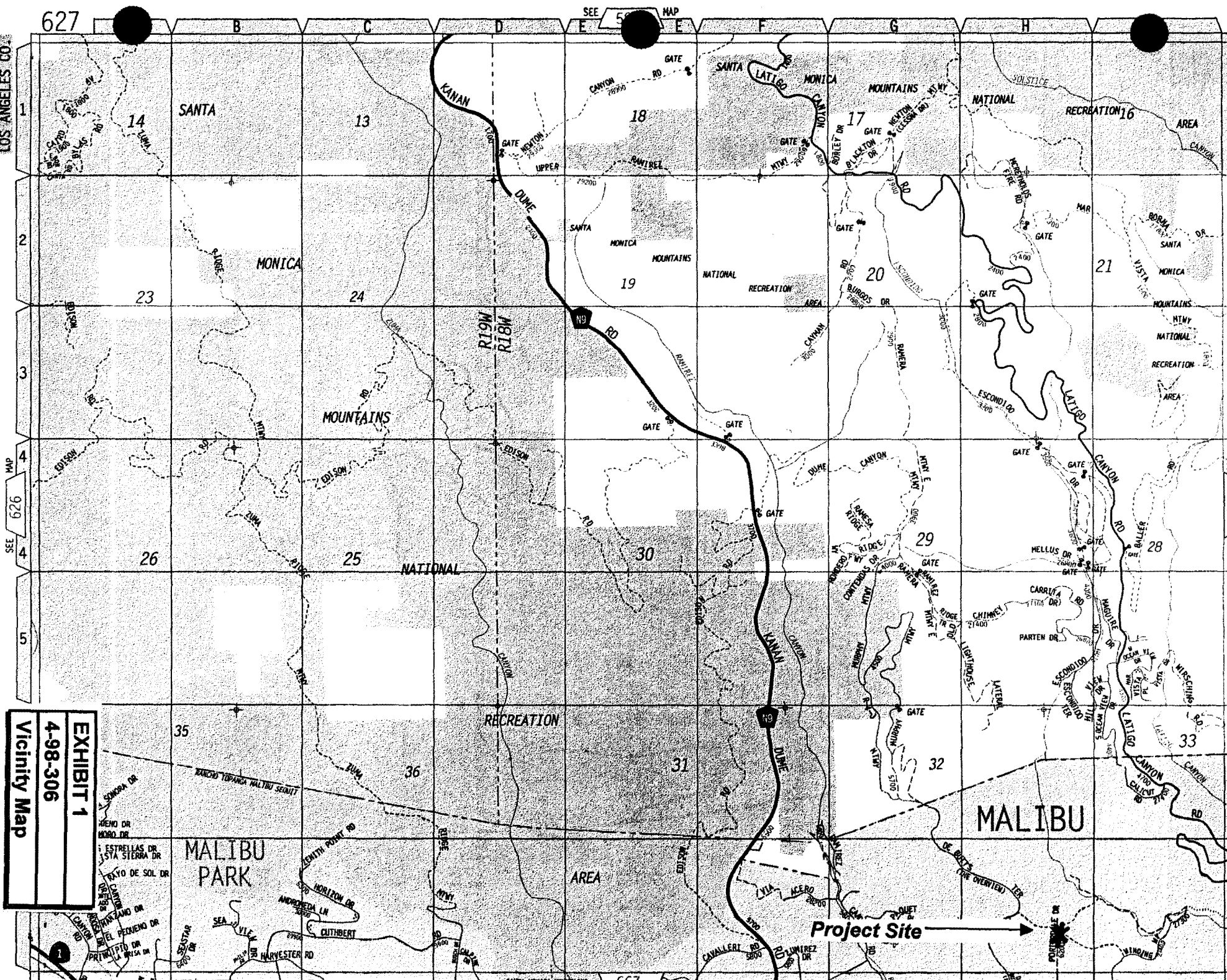
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SEE 58 MAP

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SEE 628 MAP

EXHIBIT 1  
4-98-306  
Vicinity Map









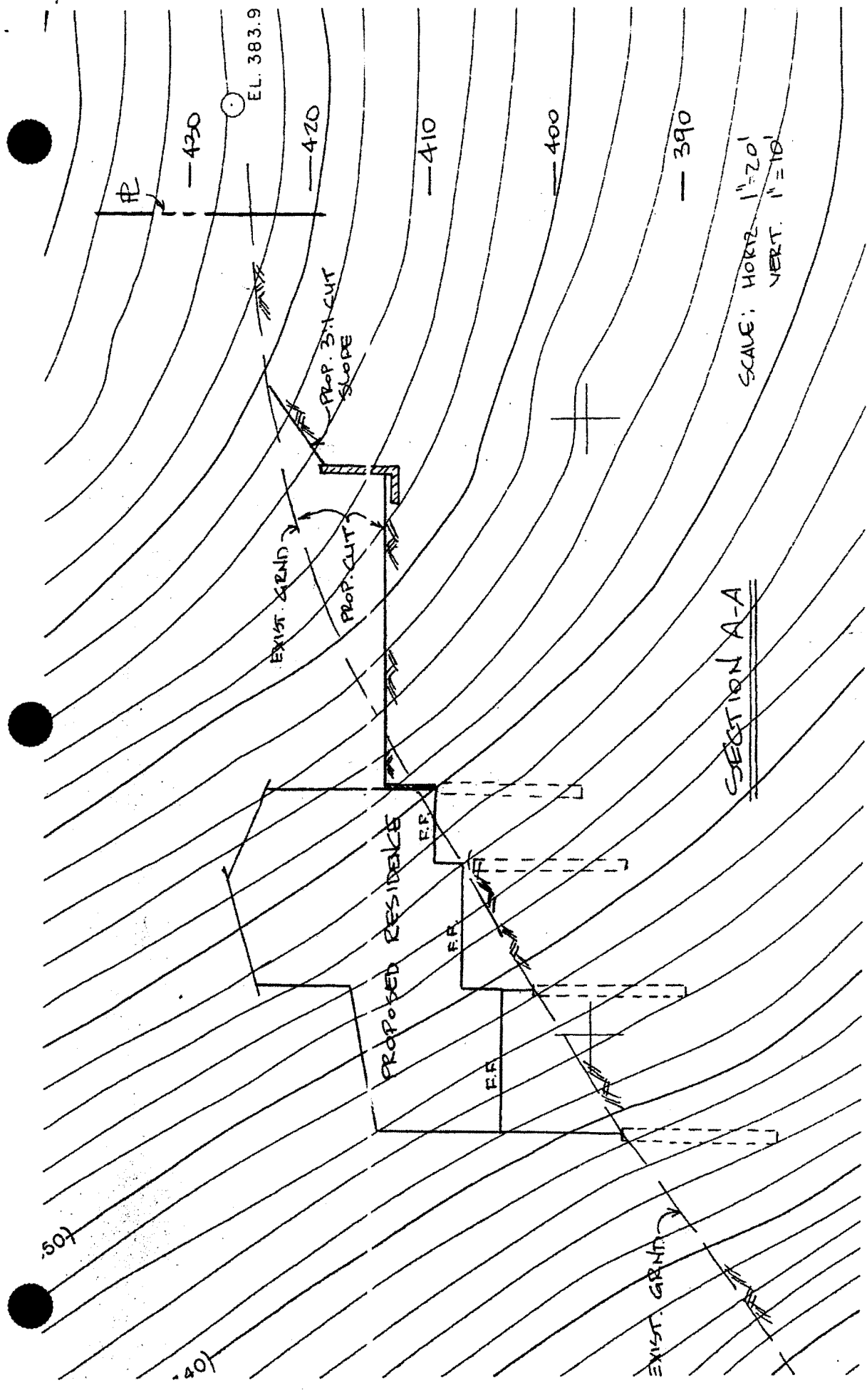


EXHIBIT 3
4-98-306
Grading Cross Section

# 4-98-306 Site Location

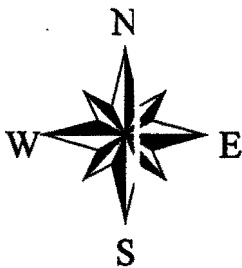
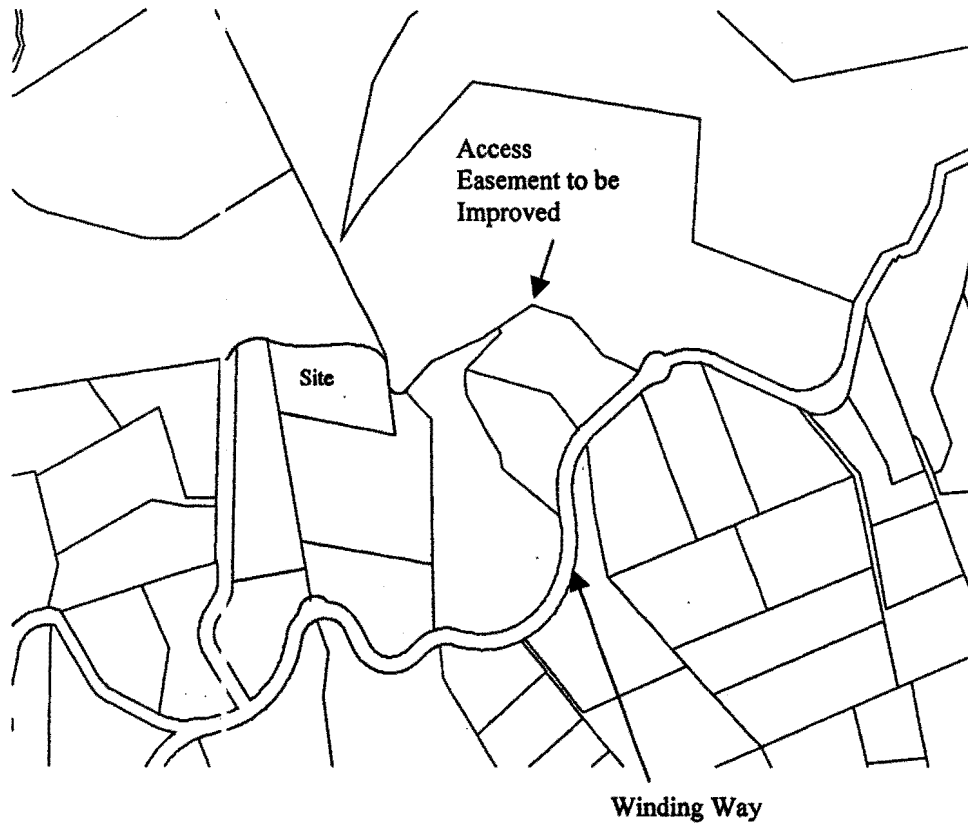
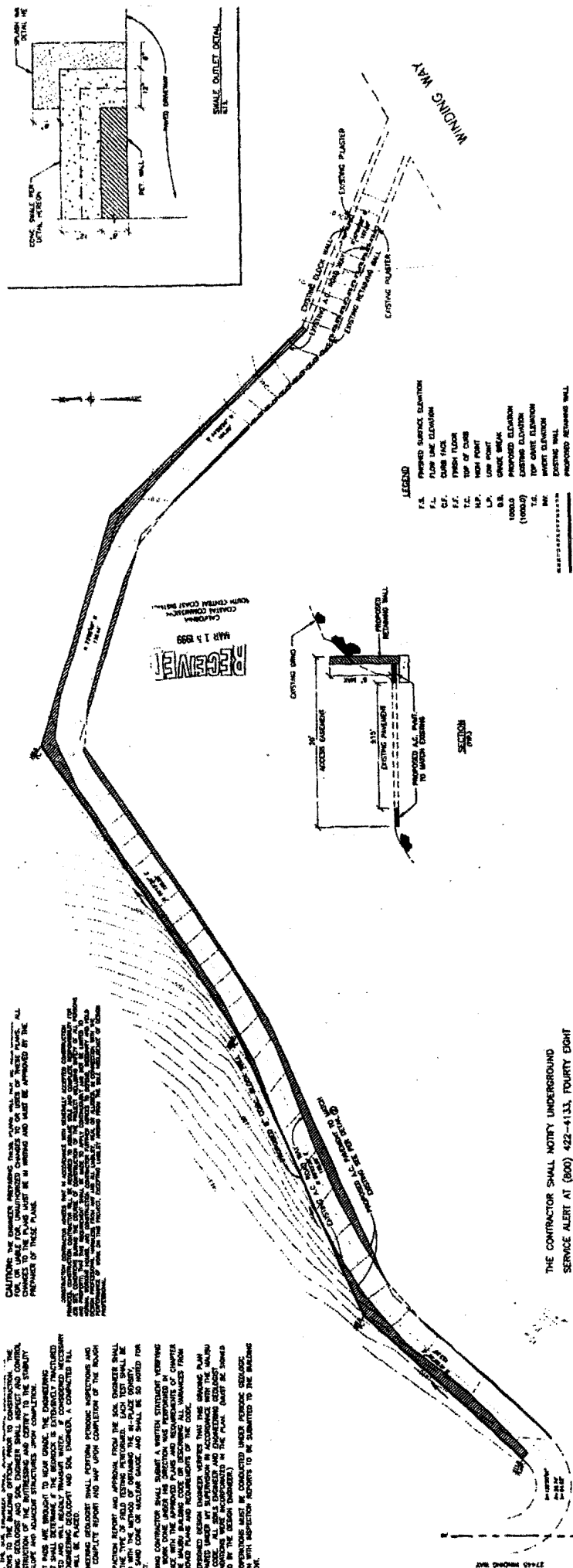


EXHIBIT 4
4-98-306
Assessor's Map

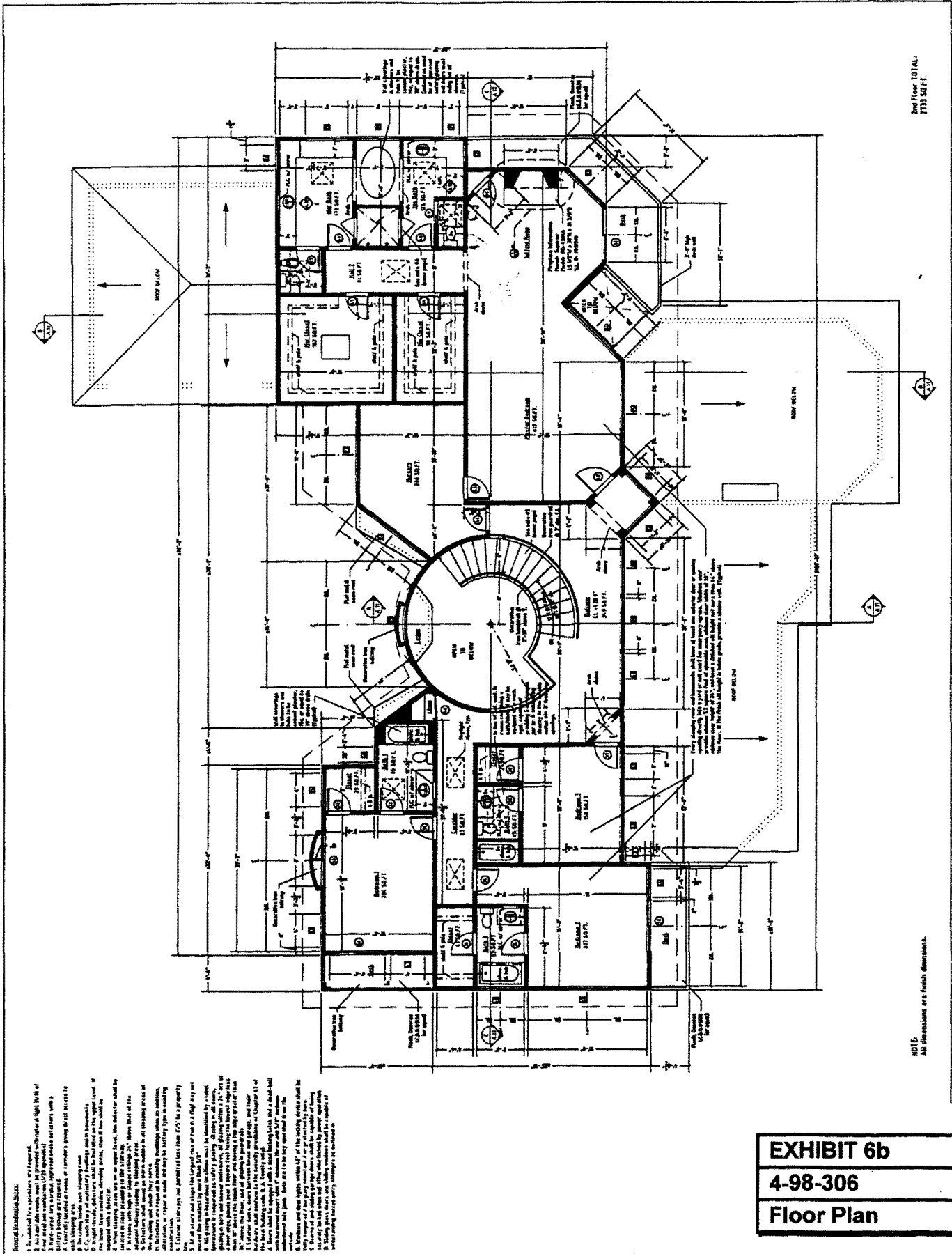
**CAUTION:** THE MANUFACTURER'S INSTRUCTIONS FOR THE PL-40S, OR FOR ANY OTHER PL-40S, MAY BE CHANGED WITHOUT NOTICE. ALWAYS CHECK THE LATEST INSTRUCTIONS FOR THE PL-40S BEFORE USING IT. IF YOU HAVE A PL-40S THAT WAS MANUFACTURED BEFORE THE INSTRUCTIONS WERE RECENTLY REVISED, YOUR PL-40S MAY NOT BE SAFE TO USE. IF YOU ARE NOT SURE OF THIS, RETURN YOUR PL-40S TO THE MANUFACTURER FOR AN INSPECTION AND REPAIR.

THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT AT (800) 422-4133, FORTY EIGHT



## Road Improvement Plan





**NOTE:**  
All dimensions are finish dimensions.

1. All dimensions are in feet and inches, rounded to the nearest 1/4".  
2. All dimensions are based on the center line of the wall, unless otherwise noted.  
3. All dimensions are based on the center line of the wall, unless otherwise noted.  
4. All dimensions are based on the center line of the wall, unless otherwise noted.  
5. All dimensions are based on the center line of the wall, unless otherwise noted.  
6. All dimensions are based on the center line of the wall, unless otherwise noted.  
7. All dimensions are based on the center line of the wall, unless otherwise noted.  
8. All dimensions are based on the center line of the wall, unless otherwise noted.  
9. All dimensions are based on the center line of the wall, unless otherwise noted.  
10. All dimensions are based on the center line of the wall, unless otherwise noted.

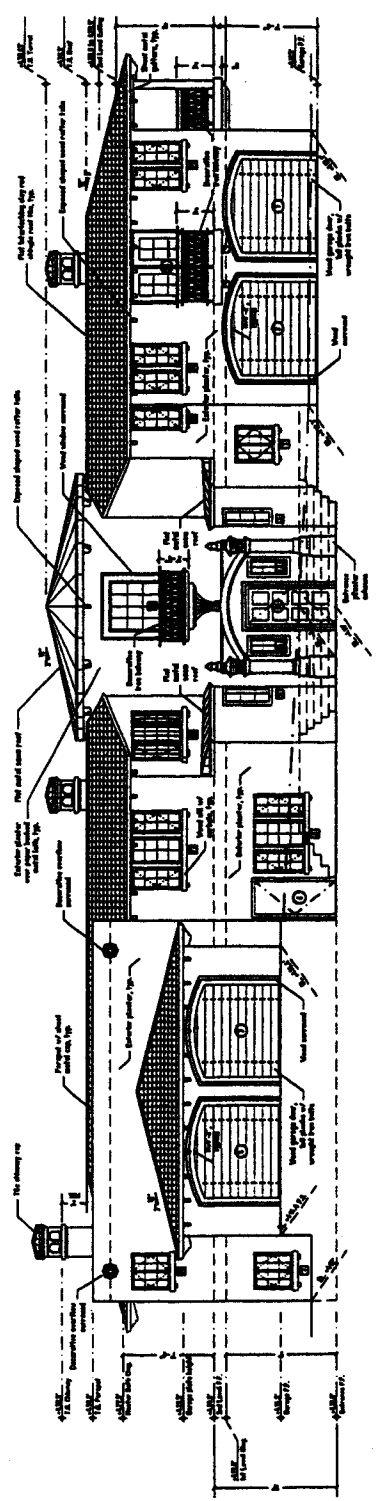
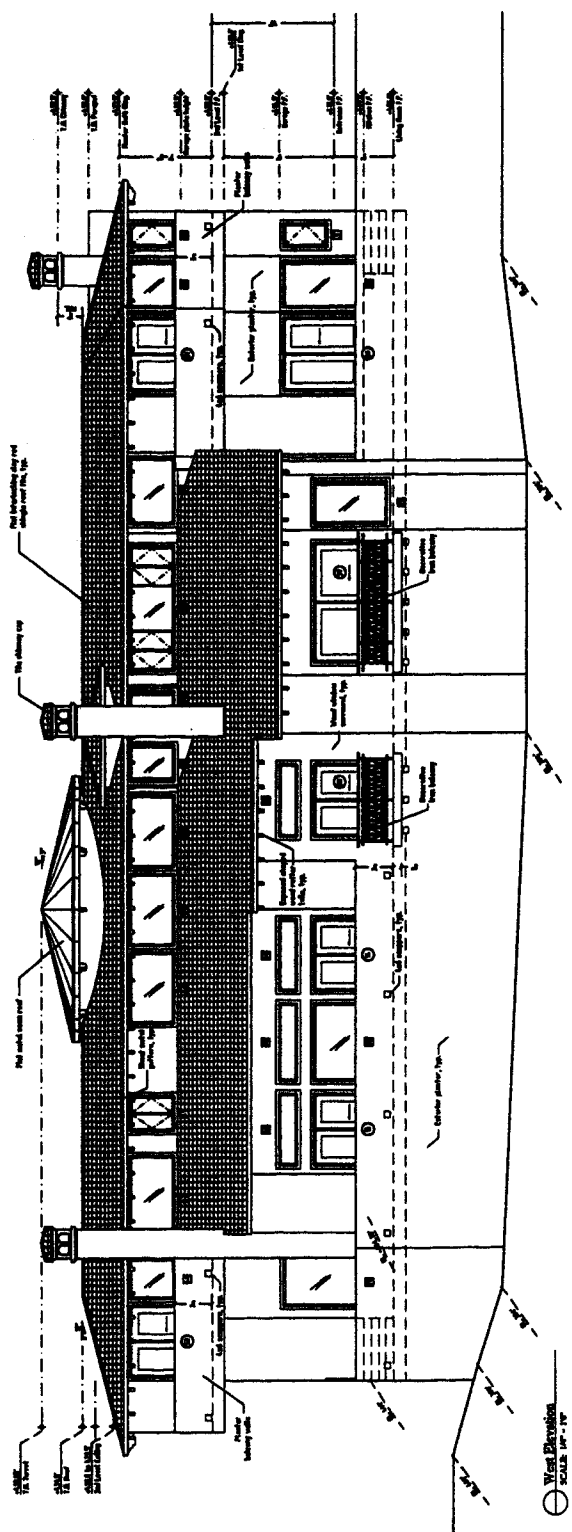


EXHIBIT 7a  
 4-98-306  
 Elevations

