

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
9 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

**RECORD PACKET COPY**

Filed: 1/10/00  
49th Day: 2/28/2000  
180th Day: 7/08/2000  
Staff: A. Verbanac  
Staff Report: 01/20/2000  
Hearing Date: 02/17/2000  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.:** 4-99-210

**APPLICANT:** Frank Reichwein

**AGENT:** Steve Potter

**PROJECT LOCATION:** 30552 Morning View Drive, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a two-story, 8,182 sq. ft. single family residence, 26 ft. in height, with an attached 4-car garage, septic system, pool/spa, accessory walls varying in height up to 5 ft., front yard water fountain, 1,000 cu. yds. of grading (500 cu. yds. cut., 500 cu. yds. fill), and approximately 1,240 cu. yds. overexcavation.

Lot area:	2.85 acres
Building coverage:	5,450 sq. ft.
Pavement coverage:	13,950 sq. ft.
Landscape coverage:	104,647 sq. ft.
Parking spaces:	4

**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department Approval-In-Concept 8/24/99, City of Malibu Environmental Health In-Concept Approval for septic disposal system 12/24/99.

**SUBSTANTIVE FILE DOCUMENTS:** Prepared by Strata-Tech Geotechnical Consultants; Preliminary Geotechnical Investigation 2/04/98, Response to Geotechnical Engineering Review Sheet 4/16/98, Geotechnical Update 11/29/99. Prepared by Geoplan, Inc. Consulting Engineering Geologist; Engineering Geologic Report 3/05/98, Percolation Test Report 3/09/98, Engineering Geologic Memorandum and Update 10/18/99, City of Malibu Geology and Geotechnical Engineering Review Sheets 3/05/98 and 12/29/99, Cultural Resources Survey and Impact Assessment 3/03/98 C.A. Singer & Associates, Inc., Revised Plan for Archaeological Testing 1/08/99 C.A. Singer & Associates, Inc., Recommendations for a Mitigation Program (archaeological resources) 2/01/99 Chester King.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the proposed project with 7 **Special Conditions** regarding conformance to geologic recommendations for design and construction, drainage and maintenance responsibilities, landscaping and erosion control, removal of natural vegetation, wildfire waiver of liability, archaeological resources, and future development.

### **STAFF RECOMMENDATION:**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-99-210 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 affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

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 2) 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

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

All recommendations contained in the Preliminary Geotechnical Investigation Report prepared by Strata-Tech, Inc. 2/04/98 and the Engineering Geologic Report prepared by Geoplan, Inc. 3/05/98 shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the geologic and geotechnical consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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

## **2. Drainage Plans and Maintenance Responsibility**

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 all impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. With acceptance of this permit, the applicant agrees that should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

## **3. Landscaping and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicant shall submit revised 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 geotechnical and engineering geologist consultants to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and 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. 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.
- (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 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. Wildfire 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. 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 activities that involve earth moving operations. The number of monitors on site 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) for 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 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(s), consistent with the guidelines of the California Environmental Quality Act (CEQA) guidelines. Additionally, the applicant shall implement all recommendations contained in the archaeological report dated February 1, 1999 prepared by Chester King.

## **7. Future Development Deed Restriction**

This permit is only for the development described in **Coastal Development Permit No.**

**4-99-210.** 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 structures, additions, change of use, or improvements related to the development approved under **Coastal Development Permit No. 4-99-210**, will require a permit from the Coastal Commission or its successor agency. In addition, any future improvements including, but not limited to, clearing of vegetation or grading, other than as provided for in the landscape and erosion control plan, shall require an amendment to **Permit No. 4-99-210** from the Commission or shall require an additional Coastal Development Permit from the Commission or from the applicable certified local government.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants as landowners shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description 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.

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

The Commission hereby finds and declares:

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

The applicant is proposing to construct a two-story, 8,182 sq. ft. single family residence, 26 ft. in height, with an attached 4-car garage, septic system, pool and spa, site accessory walls along the driveway and portions of the residence varying in height of up to 5 ft., and a front yard water fountain for the residence. 1,000 cu. yds. of grading will be required for the proposed project (500 cu. yds of cut, 500 cu. yds of fill) and approximately 1,240 cu. yds. overexcavation. The original project proposal included a 125 sq. ft. cabana which the applicant has deleted from the final project description.

The project site is located approximately 450 ft. north of Pacific Coast Highway on the southeast corner of the Guernsey Avenue and Morning View Drive intersection in the City of Malibu. The project site is located in an area of Malibu that is developed with numerous moderate to large single family residences. The subject property is a 2.85 acre rectangular parcel which gently descends south-southwest with an average gradient of 22:1. The subject site is a vacant parcel sparsely vegetated with weeds and grasses.

The project site is not visible from Pacific Coast Highway or any other public view areas, will be compatible with the character of existing development of the area, and will therefore have no significant adverse impacts on visual resources.

##### **B. Geologic Stability and Fire Hazard**

###### **Geology**

The proposed development is located in the Santa Monica Mountains area, 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 area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Section 30253 of the Coastal Act states in pertinent 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.***

Section 30253 of the Coastal Act mandates that new development shall be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted an Engineering Geologic Report by Geoplan, Inc. dated 3/05/98 and a Preliminary Geotechnical Investigation Report prepared by Strata-Tech, Inc. dated 2/04/98 evaluating the geologic stability of the subject site in relation to the proposed development. The consultants have determined that the project site is appropriate for the proposed development. The Engineering Geologic Report by Geoplan, Inc. dated 3/05/98 states:

*It is concluded from the engineering geologic investigation and review of data that the proposed residential development at Parcel 17 is feasible and that it may be designed and implemented in compliance with the Uniform Building Code and the recommendations of the project consultants.*

*This site is not affected by landslide, settlement, or slippage. Implementation of the proposed development will not affect neighboring property adversely.*

Furthermore, the Preliminary Geotechnical Investigation Report prepared by Strata-Tech, Inc. dated 2/04/98 concludes that:

*Development of the site as proposed is considered feasible from a soils engineering standpoint, provided that the recommendations stated herein are incorporated in the design and are implemented in the field.*

The Engineering Geologic Report by Geoplan, Inc. dated 3/04/98, and the Preliminary Geotechnical Investigation Report prepared by Strata-Tech, Inc. dated 2/04/98, include several engineering and geotechnical recommendations to be incorporated into project

construction, design, and drainage to ensure the stability and geologic safety of the project site. To ensure that the recommendations of the geologic consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical and geologic engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control methods, and appropriate landscaping into proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical and geologic engineer, as specified in **Special Conditions 2 and 3**.

The Commission also finds that landscaping of the graded and disturbed areas on the project site will serve to enhance and maintain the geologic stability of the project site. Therefore, **Special Condition 3** requires the applicant to submit landscaping plans certified by the consulting geotechnical and geologic engineer as in conformance with their recommendations for landscaping of the project site. Special Condition 3 also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has also caused the loss or degradation of major portions of the native habitat and the loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees that originate from other continents, that have been used as landscaping in this area, have invaded and seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 3.

In addition, in order to ensure vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 4**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced.

### **Wild Fire**

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in 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 **Special Condition 5**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 5, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that, as conditioned to incorporate all recommendations defined by the project's geotechnical and engineering geology consultants for construction, design, drainage, erosion control, and landscaping, and inclusion of the wildfire waiver of liability, the proposed project will be sited and designed to provide geologic stability and minimize risks to life and property, and therefore, is consistent with Section 30253 of the Coastal Act.

## C. Archaeology

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 protection of such resources to reduce 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 is 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 which remain intact.

The proposed project will require 1,000 cu. yds. of grading (500 cu. yds. of cut and 500 cu. yds. of fill) and approximately 1,240 cu. yds. of overexcavation. Grading activities for new development raises concerns in relation to disturbance and loss of archaeological resources which may be present at the project site. The subject property contains a large portion of a prehistoric archaeological site identified in 1965 as CA-LAN-335 (Exhibit 9). A Cultural Resources Survey and Impact Assessment prepared for the subject property by C.A. Singer & Associates, Inc. dated 3/03/98 states:

*The original record form (dated 11/6/65) described the deposit as "dark crumbly clay [with] cobble tools, core tools, chert [flakes and] ground stone [manos]"*.

The report continues, describing additional archaeological findings identified and recorded at the project site since 1965 and states:

*Development of the property as planned will undoubtedly impact archaeological resources since construction will require surface grading and soil displacement that cannot avoid the prehistoric cultural deposits. However, the level of impact is difficult to measure because so little is known about the site itself and the specimens collected from it.*

A report further analyzing archaeological testing and evaluation of resources for the subject property and outlining a Phase II Investigation of the subject property was prepared by C.A. Singer & Associates on 1/08/99 and states:

*Our research suggests the resources recorded in 1965 are still there, however, the cultural deposits are now buried under a layer of imported fill soil. ... Because we are not yet able to evaluate the significance of the resources, we cannot suggest or propose any mitigation measures, mitigation alternatives, or mitigation strategies.*

Chester King, City of Malibu Archaeologist, reviewed the 1/08/99 report prepared by C.A. Singer & Associates referenced above and provided the following recommendation in a letter dated 2/01/99:

*After reading the recommendation and reviewing the project plan, I concluded that the proposed Phase 2 study may be more appropriate as a mitigation measure. This conclusion is based on two observations. One is that the footprint of the graded area of the site has been greatly reduced from the previously proposed project. The other is that on projects that involve similar archaeological sites, I have recommended monitoring of controlled grading for project construction by an archaeological and Chumash monitor.*

The City archaeologist has advised that a Phase II archaeological survey is not necessary provided that a monitoring program is carried out during construction. To ensure that this recommendation is carried out, and that impacts to archaeological resources are minimized, **Special Condition 6** requires the applicants 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 (including, but not limited to, a Phase 2 archaeological evaluation) shall be developed, subject to the review and approval of the Executive Director, by the City of Malibu archaeologist and the Native American consultant(s) consistent with the guidelines of the California Environmental Quality Act (CEQA). The Commission further finds that it is necessary to require the applicant to implement all other recommendations contained in the Recommendations for Mitigation Program dated 2/01/99, prepared by Chester King.

In addition, to ensure that any additional development that may be proposed on the subject site in the future is evaluated for potential impacts upon archaeological resources, the Commission finds it necessary to impose **Special Condition 7** (future improvements) to require the applicants or successor interests to apply for a coastal development permit for activities that might otherwise be exempt from such permit requirements.

Thus, the Commission finds that based on the findings of the archeological report and other available evidence, the proposed development, as conditioned pursuant to the requirements of Special Conditions 6 and 7, is consistent with Section 30244 of the Coastal Act.

#### **D. 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 applicant proposes to construct a new 4000-gallon septic tank and disposal system as shown on the plans approved "In-Concept" by the City of Malibu Department of Environmental Health 12/24/99. The conceptual approval by the City indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City's Plumbing Code.

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

#### **E. LOCAL COASTAL PROGRAM**

Section 30604 of the Coastal Act states:

- 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***

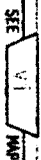
***to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).***

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

## **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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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 effect which the activity may have on the environment.

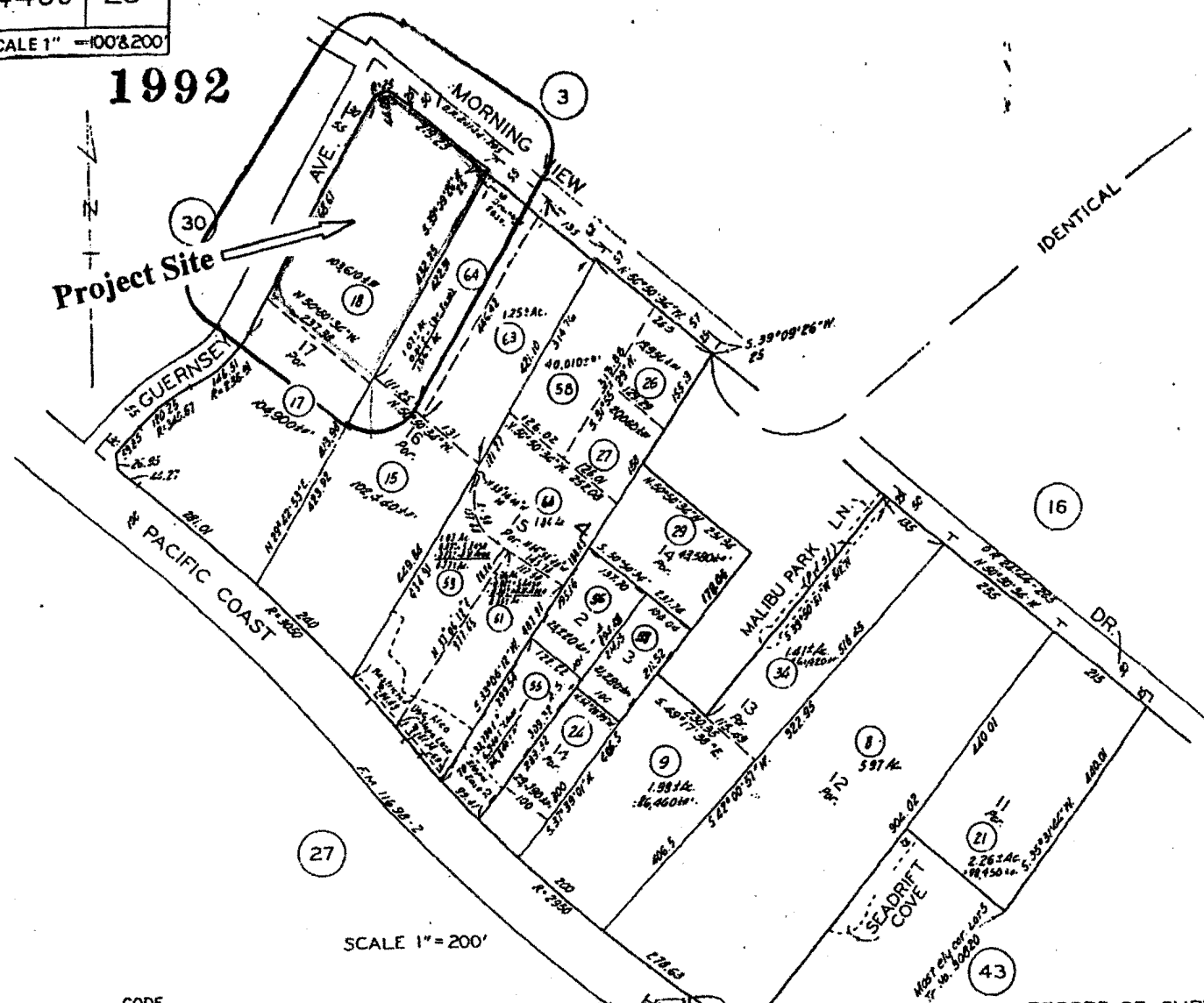
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



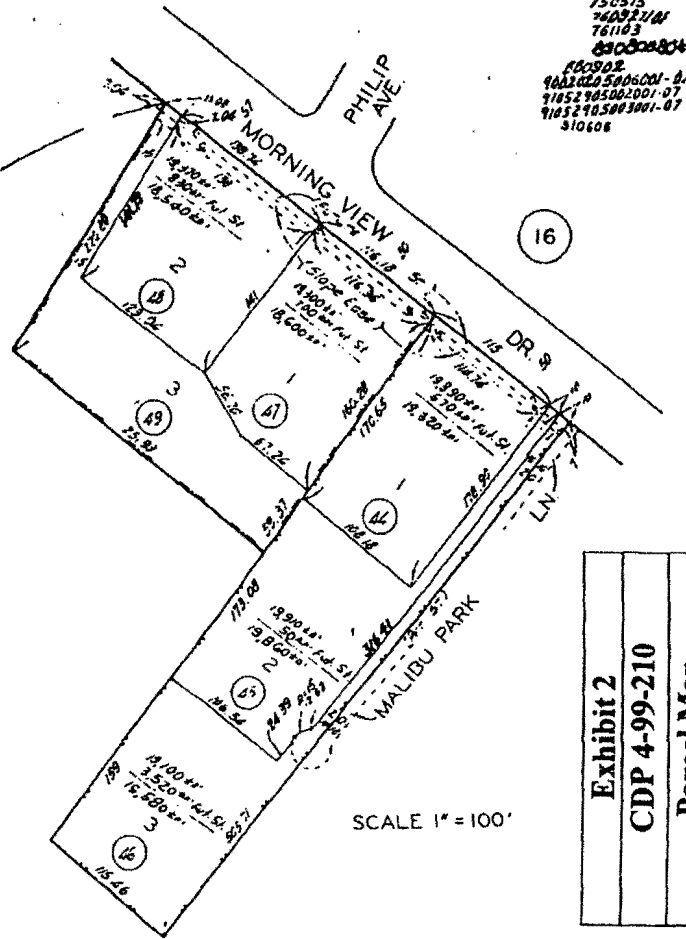


1992

Project Site



IDENTICAL



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Exhibit 2  
CDP 4-99-210  
Parcel Map

All areas on this page are not.

CODE  
10853

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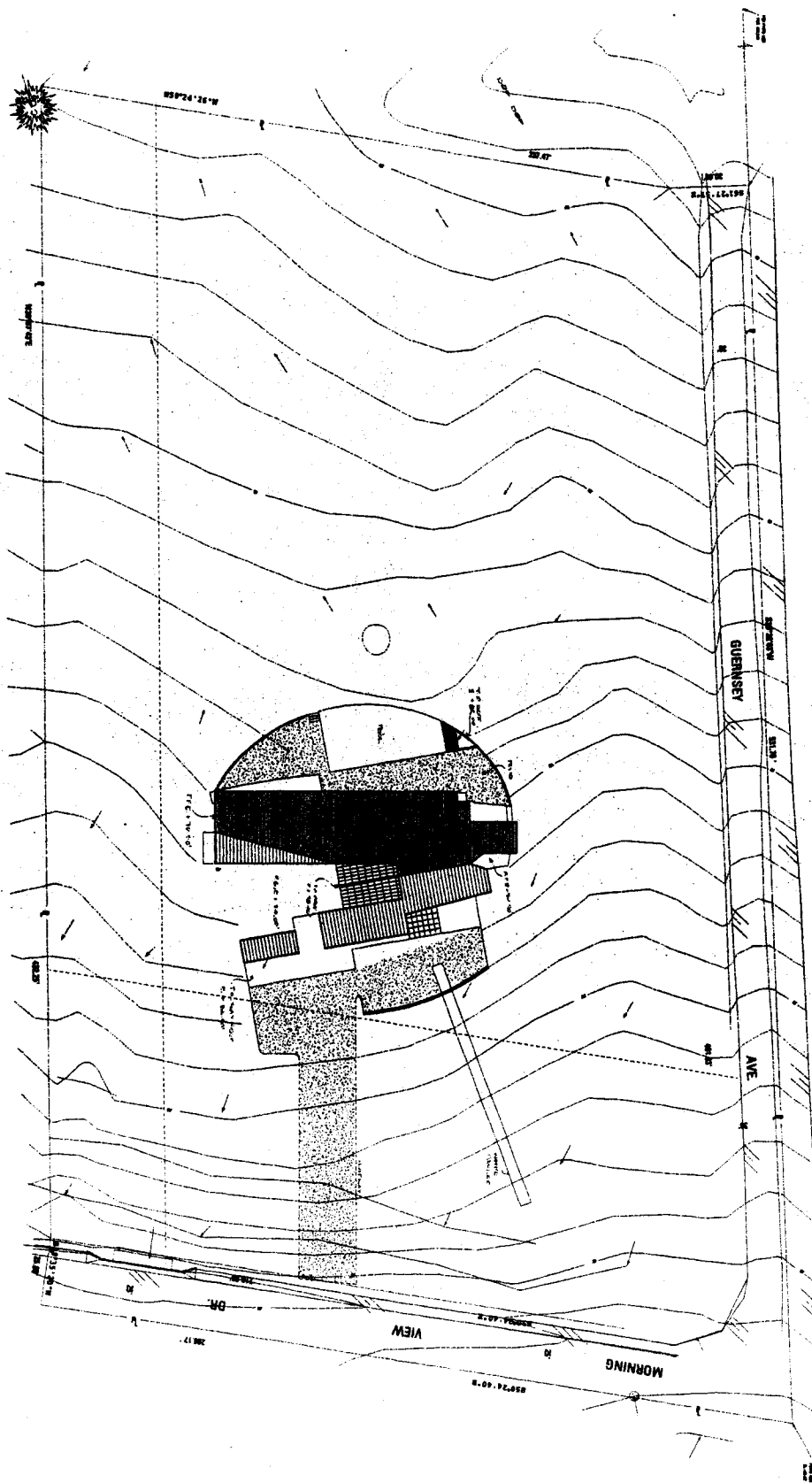
SEP 14 1999

FOR PREV. ASSM'T SEE:  
4469 - 25

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RECORD OF SURVEY	R. S. 56-14-17
PARCEL MAP	P. M. 24-35
PARCEL MAP	P. M. 25-19
PARCEL MAP	P. M. 59-55

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.



**NOTES:**

1. The site plan is based on a survey conducted by the City of Los Angeles, dated 1999.
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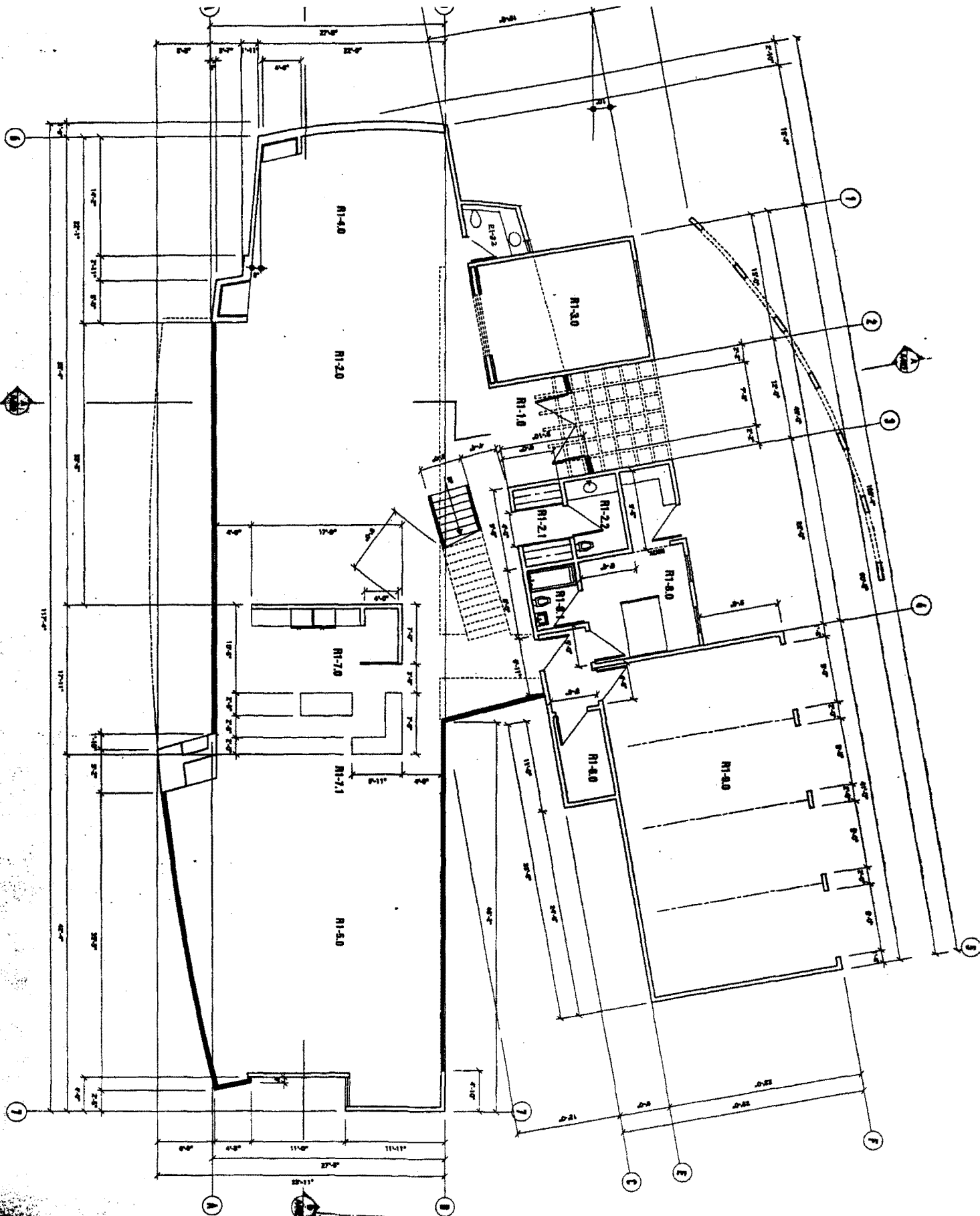
**Exhibit 3**  
**CDP 4-99-210**  
**Site Plan**

REICHWEIN RESIDENCE

28.A100

BURNING BOX ursema

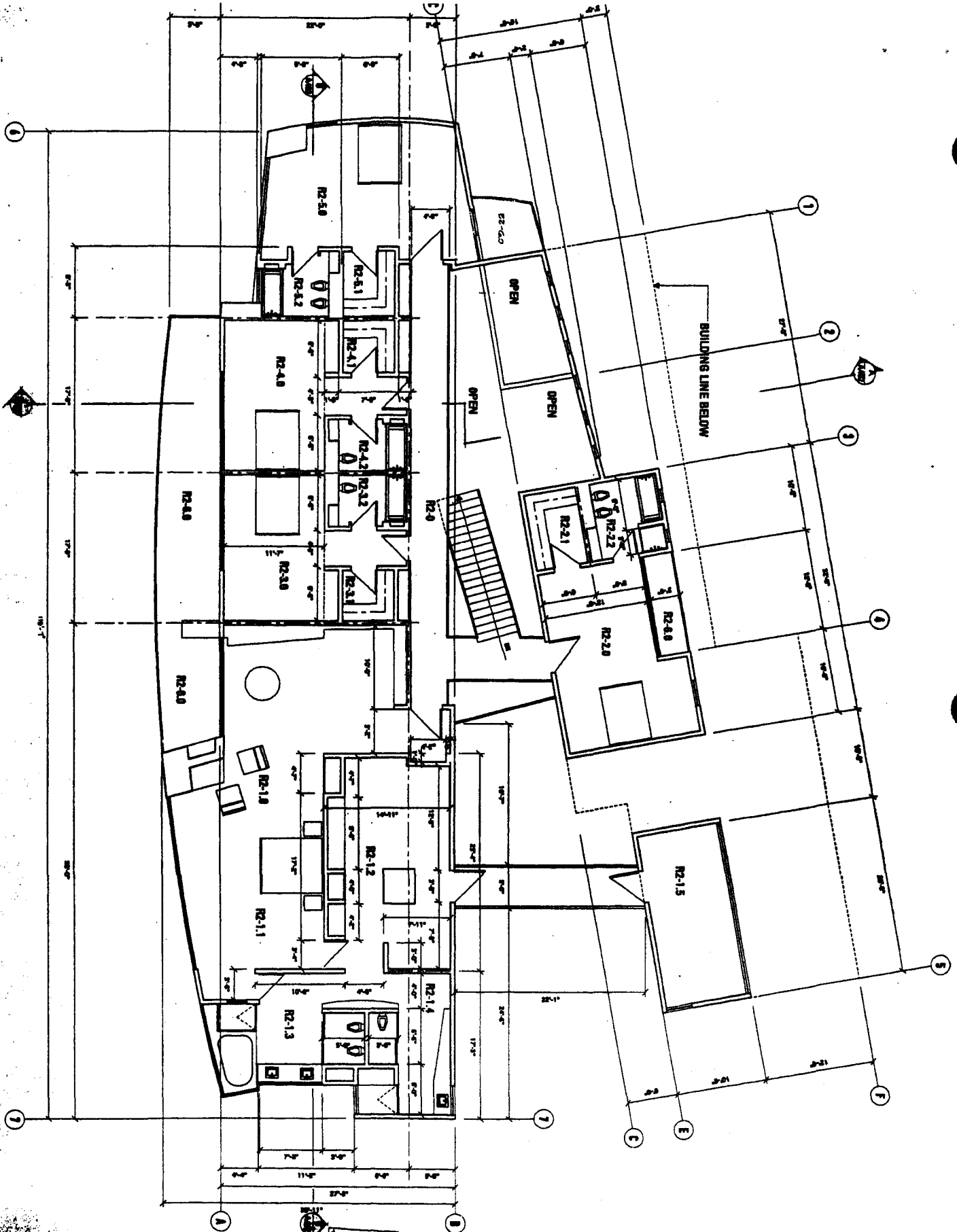
3200 WILSHIRE BLVD. 1A, CA 90068  
TEL: (310) 200-0000 FAX: (310) 200-0001



CITY OF MALIBU  
 DEPARTMENT OF PUBLIC WORKS  
 11/1/77  
 11/1/77

SHEET NOTES  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO OUTLINE UNLESS OTHERWISE NOTED.  
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 7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
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 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 10. ALL DIMENSIONS ARE TO OUTLINE UNLESS OTHERWISE NOTED.

Exhibit 4  
 CDP 4-99-210  
 First Floor Plan



**SHEET NOTING**

1. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.

2. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.

3. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.

4. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.

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8. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.

9. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.

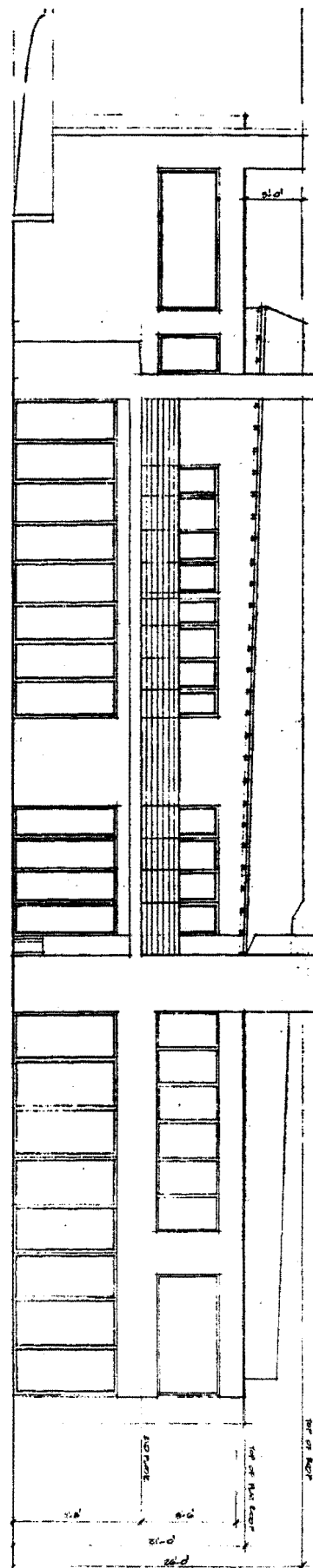
10. ALL ROOMS TO BE FINISHED TO MATCH EXISTING CONDITIONS.

**CITY OF BALTIMORE**  
**ATTORNEY GENERAL**  
**OFFICE OF THE ATTORNEY GENERAL**  
**100 N. EAST BALTIMORE**  
**BALTIMORE, MD 21201**

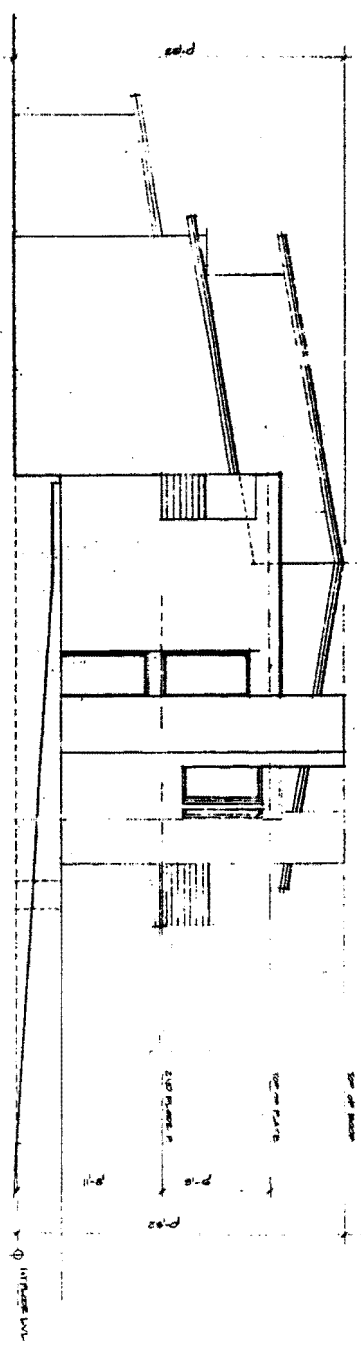
**BECKWITH RESIDENCE**

**Exhibit 5**  
**CDP 4-99-210**  
**Second Floor Plan**

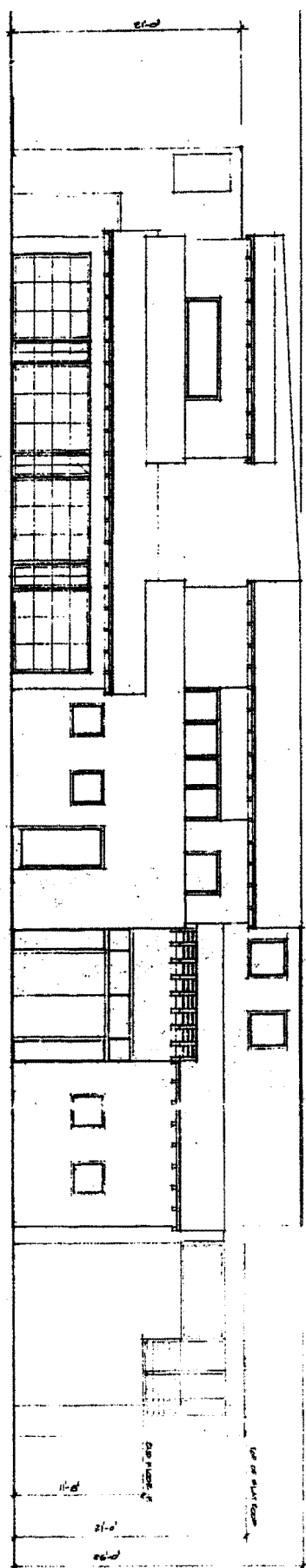
SHEET NOTES



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

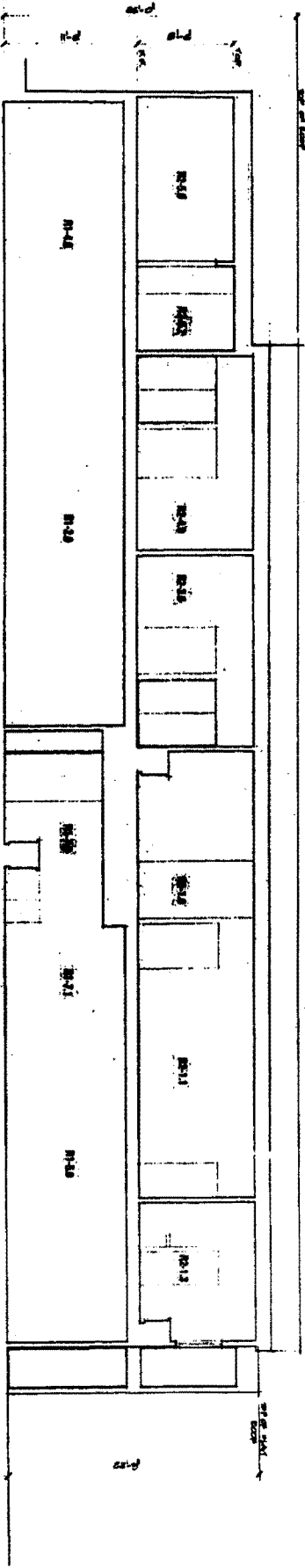
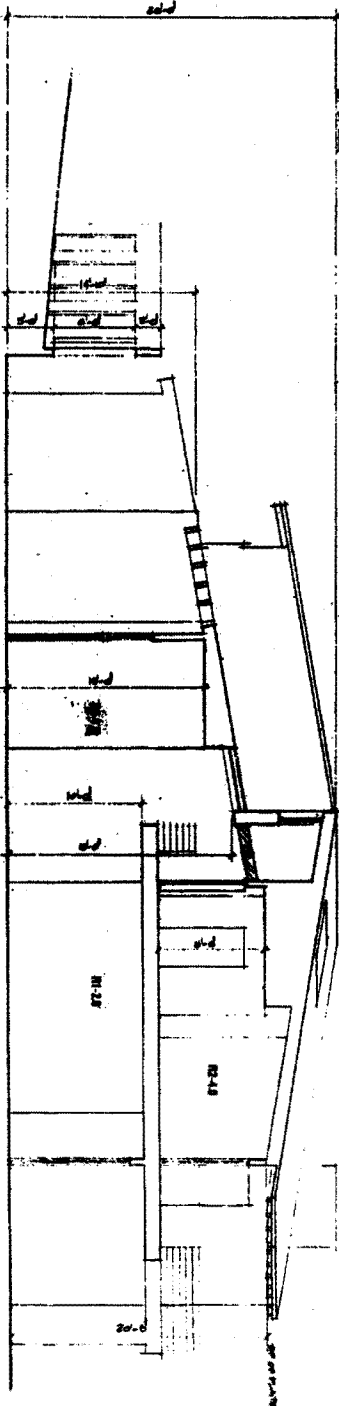
CITY OF  
APPROVED FOR CONSTRUCTION  
DATE: 10/1/99  
BY: [Signature]

REICHWEIN RESIDENCE

25.A401

Exhibit 6  
CDP 4-99-210

Elevations



**Exhibit 7**  
**CDP 4-99-210**  
**Elevations**

RECEIVED

SEP 14 1999

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

GUERNSEY AVENUE

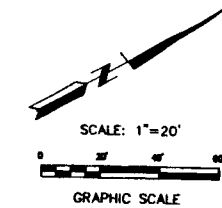
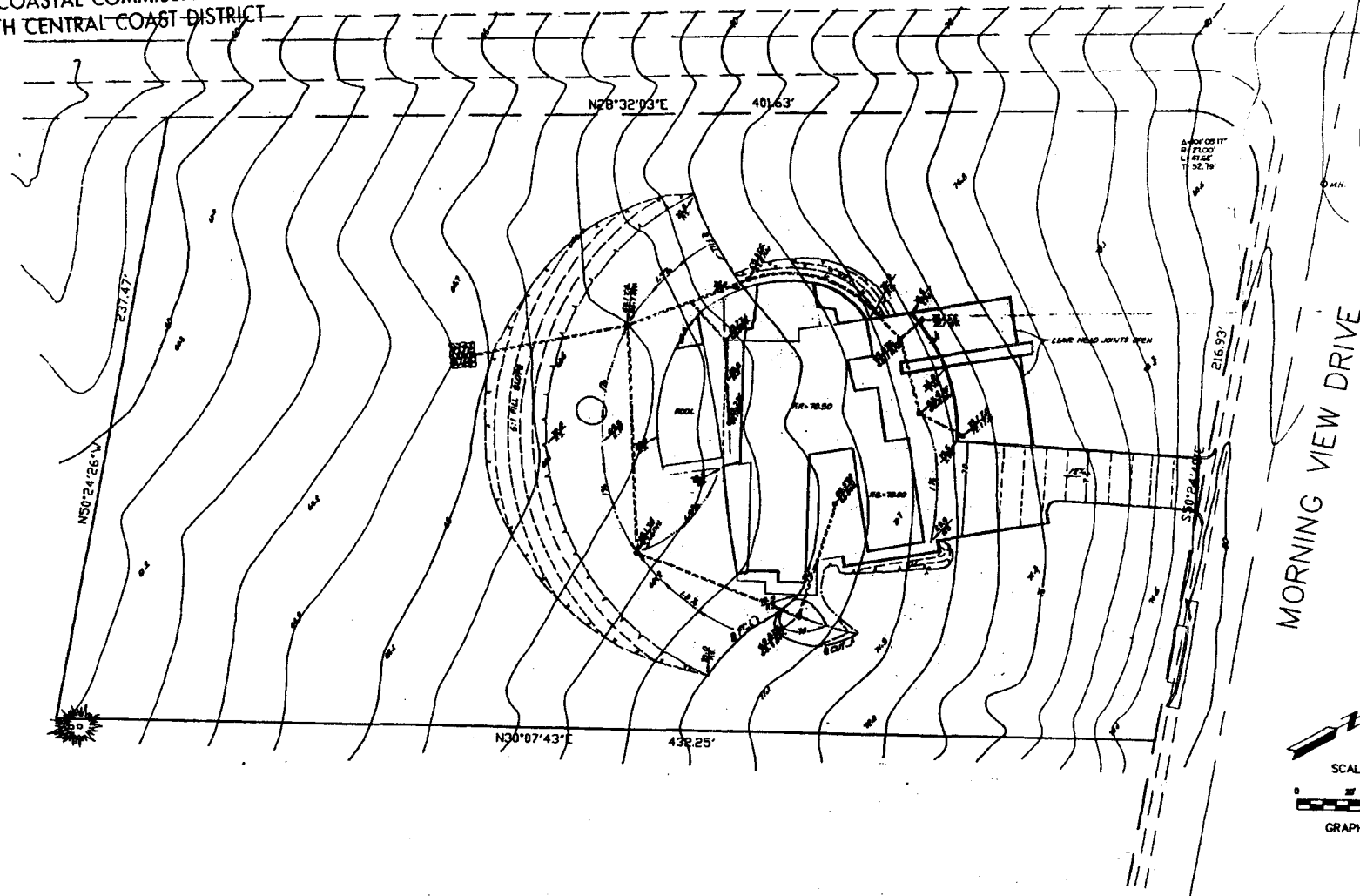
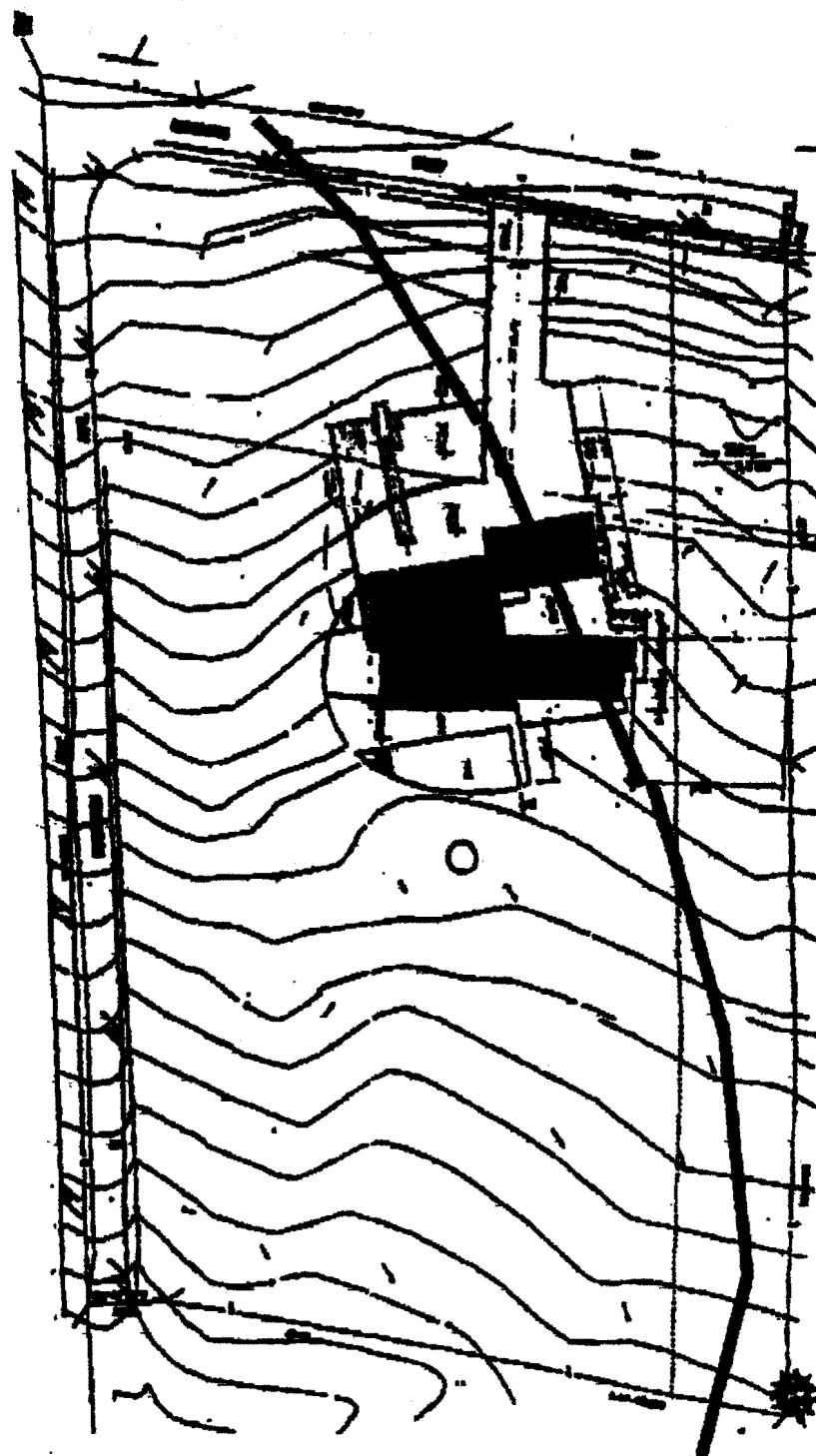


Exhibit 8  
CDP 4-99-210  
Grading Plan

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DATE																					
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REV	THROW	DATE	BY	DATE	BY	DATE	DATE	SHEET OF													



Approximate site boundary from  
original surface observations

Figure 1: Proposed project at 30552 Morning View

Exhibit 9
CDP 4-99-210
Archaeological Site Boundary