

Item W 17a

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Filed: 6/3/03
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Staff: CAREY *[Signature]*
Staff Report: 12/18/03
Hearing Date: 1/14-16/04



STAFF REPORT: AMENDMENT

APPLICATION NO: 4-98-143-A

APPLICANT: Graeme Revell **AGENT:** The Land & Water Company

PROJECT LOCATION: 24920 Pacific Coast Highway, City of Malibu, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construct 8,040 sq. ft., 18 foot high, one-story, single family residence with an attached 1,024 garage, tennis court, pool, spa and septic system, and 980 cu. yds. of grading (390 cu. yds of cut & 590 cu. yds. of fill). An additional 230 cu. yds. of grading (100 cu. yds. of cut & 130 cu. yds. of fill) will be required for landslide slope remediaton.

DESCRIPTION OF AMENDMENT: Redesign of an approved one-story, 9,064 sq. ft. single family residence (8,040 sq. ft. living area and 1,024 sq. ft. garage) including: 1) decrease in 1st floor area square footage to 8,960 sq. ft. (7,832 sq. ft. living area and 1,128 sq. ft. garage); 2) addition of 8,025 sq. ft. basement within footprint of residence; 3) deletion of approved tennis court; 4) addition of detached 960 sq. ft. screening room; 5) addition of retaining walls along driveway ranging in height from 1 foot to 4 feet maximum; 6) addition of grading to a total of 7,800 cu. yds. (all cut) to accommodate required fire department requirements, and to excavate basement.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept and Health Department Preliminary Approval

SUBSTANTIVE FILE DOCUMENTS: 4-98-143 (Duggan)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the amendment request, with revisions to the landscaping special condition to ensure that the ultimate height of any landscaping does not adversely impact visual resources and revisions to the archaeological resources special condition in order to ensure that the archaeologist's recommendations are incorporated into the project and that the site is monitored during construction. Finally, conditions regarding excess cut materials and fencing are necessary to ensure that the revised project will minimize impacts to visual resources. As conditioned, the project, as proposed to be amended, is consistent with the provisions of the City of Malibu Local Coastal Program.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (§13166 of the California Code of Regulations).

I. STAFF RECOMMENDATION:

MOTION

I move that the Commission approve with special conditions Coastal Development Permit Amendment 4-98-143A per the staff recommendation as set forth below.

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 an amendment to the 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 Malibu Local Coastal Program. 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.

SPECIAL CONDITIONS.

NOTE: All standard and special conditions attached to the previously approved permit remain in effect, with the exception of Special Condition No. 3 (Landscaping and Erosion Control Plan) and Special Condition No. 6 (Archaeological Resources). Revised Special Condition No. 3 and No. 6 of this permit amendment are substituted. Finally, Special Condition No. 7 and No. 8 are added.

3. Revised Landscaping and Erosion Control Plans

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

A) Landscaping Plan

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of completion of the proposed development. To minimize the need for irrigation and to screen and soften the visual impact of development, landscaping shall consist of primarily 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 February 5, 1996, and shall be compatible with the character of the surrounding native environment. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site.

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, compatible with the surrounding environment, using accepted planting procedures, and consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed and graded soils:

- 2) 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;
- 3) 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(s) to the Coastal Development Permit(s), unless the Executive Director determines that no amendment is required.

- 4) 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.
- 5) Vegetation on the subject site shall be limited to low-lying species that will not block or adversely impact public views of the ocean from the highway. Vegetation adjacent to Pacific Coast Highway shall be limited to no more than 2 ft. in height. In no case shall vegetation on the subject site exceed the 153 ft. elevation line in height (approximate elevation of Pacific Coast Highway). The use of any vegetation of greater height than otherwise provided for above may be allowed only if the Executive Director determines that such landscaping is consistent with the intent of this condition and will serve to minimize adverse effects to public views. The permittee or successor in interest shall maintain landscaping to ensure that vegetation will not block or adversely impact public views of the ocean.

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 sites shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. 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, and shall 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 throughout 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 of the coastal zone or within the coastal zone to a site 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 thirty (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 (5) years from the date of completion of the proposed development, 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 these permits, 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 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.

6. Revised Archaeological Resources.

By acceptance of this permit, the applicant agrees to have a qualified archaeologist(s) and Native American monitor(s) present onsite 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 and/or cultural materials. In the event that any significant archaeological resources and/or cultural resources, including human remains, are discovered during earth moving operations, grading and/or excavation in this area shall be halted and an appropriate data recovery strategy be developed, by the applicant's archaeologist, the City of Malibu archaeologist and the native American consultant consistent with CEQA guidelines and subject to review and approval of the Executive Director.

All recommendations contained in the report prepared by Peer Review for 24900 Pacific Coast Highway, prepared by Robert J. Wlodarski, dated October 2003, and the Phase II study was prepared by Environmental Research Archaeologists (E. Gary Stickel, archaeologist), dated March 2000, as well as any additional recommendations developed by the archaeologist(s) during project monitoring, shall be incorporated into all final design and construction. If the consulting archaeologists' recommendations, based on discovery of significant archaeological and/or cultural remains, require a substantial modification or redesign of the proposed project plans, an amendment to this permit is required.

7. Excess Graded Material.

The applicant shall remove all excess graded material, including any remaining stockpile or fill material that resulted from the slope stabilization construction approved under Permit 4-98-143, to an appropriate disposal site located outside of the Coastal Zone. Prior to the issuance of the coastal development permit, the applicants 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.

8. Fencing.

Fencing consisting of visually permeable designs and materials (e.g. wrought iron or non-tinted glass material) and low-lying vegetation consistent with Special Condition Three (3) shall be allowed. Fencing on site shall be limited to no more than 6 ft. in height. All bars, beams, or other non-visually permeable materials used in the construction of the proposed fence shall be no more than 1 inch in thickness/width and shall be placed no less than 12 inches in distance apart. Alternative designs may be allowed only if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views.

II. FINDINGS.

A. Amendment Description and Background

The applicant proposes to amend the approved project to redesign the approved one-story, 9,064 sq. ft. single family residence (8,040 sq. ft. living area and 1,024 sq. ft. garage) including: 1) decrease in 1st floor area square footage to 8,960 sq. ft. (7,832 sq. ft. living area and 1,128 sq. ft. garage); 2) addition of 8,025 sq. ft. basement within footprint of residence; 3) deletion of approved tennis court; 4) addition of detached 960 sq. ft. screening room; 5) addition of retaining walls along driveway ranging in height from 1 foot to 4 feet maximum; 6) addition of grading to a total of 7,800 cu. yds. (all cut) to accommodate the required fire department access requirements for the driveway, and to excavate the proposed basement.

Permit 4-98-143 was approved in September 1998 for the construction of a 8,040 sq. ft., 18 foot high, one-story, single-family residence with an attached 1,024 garage, tennis court, pool, spa and septic system, 980 cu. yds. of grading (390 cu. yds of cut & 590 cu. yds. of fill). An additional 230 cu. yds. of grading (100 cu. yds. of cut & 130 cu. yds. of fill) was approved for landslide slope remediation. The permit was issued and the slope remediation was carried out. No portion of the original residence was ever constructed. Staff would note that an undetermined amount of excess material that resulted from the slope stabilization work was stockpiled on bluff-top portion of the site. Special Condition No. 7 includes provision for the removal of this material in conjunction with the removal of the excess cut material proposed in this amendment.

B. Visual Resources.

The City of Malibu Local Coastal Program protects visual resources within the City.

Section 3025I of the Coastal Act, incorporated as part of the City of Malibu LUP, states that:

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

The following development standard pertains to the protection of ocean views from public roads, such as Pacific Coast Highway as is the case in the proposed permit amendment. Section 6.5 (E) of the City of Malibu LIP states, in part, that:

E. Ocean Views

New development on parcels located on the ocean side of public roads, including but not limited to, Pacific Coast Highway, Malibu Road, Broad Beach Road, Birdview Avenue, Cliffside Drive shall protect public ocean views.

1. Where the topography of the project site descends from the roadway, new development shall be sited and designed to preserve bluewater ocean views over the approved structures by incorporating the following measures.
 - a. Structures shall extend no higher than the road grade adjacent to the project site, where feasible.
 - b. Structures shall not exceed one story in height, as necessary, to ensure bluewater views are maintained over the entire site.
 - c. Fences shall be located away from the road edge and fences or walls shall be no higher than adjacent road grade, with the exception of fences that are composed of visually permeable design and materials.
 - d. The project site shall be landscaped with native vegetation types that have a maximum growth height at maturity and are located such that landscaping will not extend above road grade.

Additionally, Sections 8.3(B) and 8.3(I) of the City of Malibu LIP state, in part, the following regarding maximum permissible grading quantities:

B. Maximum Quantity of Grading.

Notwithstanding any other provisions of the Malibu LIP, grading within a residential lot or per acre of commercial development (total cut and fill) is limited to 1,000 cubic yards as follows.

1. In conjunction with any grading, so that the maximum is not greater than 1,000 cubic yards (exclusive of remedial grading) cut and fill may be allocated as follows:

- a. Balanced cut and fill up to 1,000 cubic yards; or
- b. Export of no more than 1,000 cubic yards; or
- c. Import of no more than 500 cubic yards, where additional grading on site does not exceed 500 cubic yards in conjunction with any landform alteration so that the maximum is no greater than 1,000 cubic yards; or
- d. Any combination of the above that does not exceed 1,000 cubic yards.

2. The export of cut material may be required to preserve the natural topography of the project site. Cut material may only be exported to an appropriate landfill or a site permitted to accept material.

I. Exceptions.

Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations.

In this particular case, the project site is a blufftop parcel located seaward of Pacific Coast Highway. In its approval of the original project, the Commission recognized PCH as a "scenic highway", and specifically, the bluewater views of the Pacific Ocean from the highway as an important visual resource. It was also determined that the approved development would be visible from the Coast Slope Trail, a public riding and hiking trail.

The Commission found that the 8,040 sq. ft., 18 feet, one-story, single family residence had the potential to obstruct a significant bluewater view of the Pacific Ocean for travelers along the Pacific Coast Highway, as the approved residential structure would occupy 172 feet of the 230 foot or 75% of the parcel width. However, the project was approved with a maximum height of 18 feet above existing grade (elevation 153 maximum) which the Commission found would maintain the horizon line, minimizing impacts to the bluewater views (and views from the Coastal Slope Trail) over the site to the maximum extent feasible. The permit was also conditioned to limit the maximum height of landscaping on the site to ensure that mature plants would not block views, and to require any future additions or improvements to be subject to a coastal development permit.

The proposed amendment includes a complete redesign of the approved residence including a slight decrease in the 1st floor area square footage to 8,960 sq. ft. (7,832 sq. ft. living area and 1,128 sq. ft. garage), the deletion of the approved tennis court, and the addition of a detached 960 sq. ft. screening room. The applicant worked with staff to redesign the proposed plans such that the entire structure, including architectural features (with the exception of chimneys), will not extend above the approved 153-foot elevation. The proposed detached screening room would be located a short distance closer to PCH than the residence. The screening room

structure is proposed to be a maximum of 18 feet high and to not extend above the 153-foot elevation. The approved tennis court that would have been located between PCH and the residence will be deleted. As proposed, the amended project will minimize impacts to bluewater views from PCH over the site, consistent with provisions of Section 6.5(E)(1)(a) and (b) of the Malibu LIP. Section 6.5(E)(1)(c) requires that fences must minimize impacts to views. Section 6.5 (E)(1)(d) limits the type of landscaping to ensure that plants will minimize impacts to views at maturity. The proposed amendment does not include a fence or a landscaping plan at this time. However, in order to ensure that any fence or landscaping proposed in the future is consistent with this provision, Special Condition No. 8 establishes that fences shall be located away from the road edge and fences or walls shall be no higher than adjacent road grade, with the exception of fences that are composed of visually permeable design and materials. The Revised Special Condition No. 3 specifies that mature landscaping must be no higher than the adjacent road grade.

The amended project also includes the addition of an 8,025 sq. ft. basement within the footprint of the residence, the addition of retaining walls along the driveway that range in height from 1 foot to 4 feet maximum and the addition of grading to a total of 7,800 cu. yds. (all cut) to accommodate the required fire department access requirements for the driveway, and to excavate the proposed basement. The total proposed grading has been broken down into the following categories:

	Grading Quantity (All Cut)
Understructures	1,650 cu. yds.
Basement	2,800 cu. yds.
Non-understructure	600 cu. yds.
Safety Purposes (Fire Dept. required driveway widening	2,450 cu. yds.
15 foot wide driveway	300 cu. yds.
Total Grading	7,800 cu. yds.

Section 8.3(B)(1) of the Malibu LIP limits the total amount of grading for a residential parcel to no more than 1,000 cu. yds. (cut and fill). However, Section 8.3(l) provides that excavation for foundations and other understructure excavation, incremental excavation for basements, and grading for safety purposes are excluded from the total 1,000 cu. yds. In this case, of the total 7,800 cu. yds. of grading proposed, 6,900 cu. yds. is for purposes which are excluded from the maximum. As such, the remaining 900 cu. yds. of grading proposed is consistent with the provisions of the Malibu LIP. As noted, the entire amount of grading is cut, so the applicant will need to export 7,800 cu. yds. of material from the site. The applicant has not indicated where this material will be placed. In order to ensure that the placement of this material will minimize impacts to coastal resources, it is necessary to include Special Condition No. 7, which requires the applicant to provide the location where the cut material will be placed.

As conditioned to limit the height of any fences and landscaping and to dispose properly of the excess cut material, the Commission finds that the project, as proposed to be

amended, is consistent with the visual resource policies and development standards of the City of Malibu LCP.

C. Cultural Resources.

Section 30244 of the Coastal Act, incorporated as part of the City of Malibu LUP, 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.

Additionally, the City of Malibu LCP (Chapter 11 of the LIP) requires a Cultural Resource Review prior to approval of development permits. After an initial review, the City must determine if the proposed project may have an adverse impact on an important cultural resource, then the applicant must submit an Initial Evaluation prepared by a qualified archaeologist that addresses the potential resources on the project site.

If the City determines, based on the Initial Evaluation, that the project may have an adverse impact on or result in a substantial adverse change to cultural resources, a Phase I study will be required. The LCP provides guidelines for the information requirements for this study. Similarly, if the Phase I study identifies resources on the site that may be adversely impacted by development of the project, a Phase II study will be required.

As part of the submittal for the original project, the applicant submitted two archaeological reports: "Archaeological Reconnaissance and Recommendations for Archaeological Evaluation, prepared by Chester King (6/14/97)" and "Research Design and Scope of Work Phase II Test Excavations, prepared by W&S Consultants (7/2/98). These reports identified the inclusion of the project site within an identified site CA-LAN-19 and the potential for the presence of cultural resources on the site. Based on the potential for impacts to resources on the site, Special Condition No. 6 of Permit 4-98-143 (Duggan) required the following:

Prior to issuance of a coastal development permit, the applicant shall conduct a Phase II archaeological project, as specified in the archaeological report dated 7/2/97, for review and approval by the Executive Director. All final recommendations for the management of the cultural resources shall be incorporated by reference into the conditions of approval for the coastal development permit.

By acceptance of a coastal development 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 activities of each piece of active earth 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 an area of intact buried

cultural deposits are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy be developed, by the applicant's archaeologist, and the Native American consultant consistent CEQA guidelines and implemented, subject to the review and approval of the Executive Director.

The original project on the subject site was reviewed by the City. As part of its review, the City of Malibu also required the preparation of a Phase II study of the project site. A Phase II study was prepared by Environmental Research Archaeologists (E. Gary Stickel, archaeologist), dated March 2000. Based on the archaeologist's review of the site, 35 shovel test pits were dug on the site, distributed throughout the site. Based on the results of these small test pits, the archaeologist submitted a proposal to the City to dig six 1 by 1 meter pits, with one pit in the area of the tennis court, one in the driveway area and the remaining pits in the areas of the proposed house. The City requested that all of the test pits be placed in the area of the house and swimming pool (behind the house) instead in order to provide more information about the house site. The archaeologist agreed and these test pits were dug and recorded. Since there was no testing in the areas of the tennis court or driveway, it was recommended and the applicant agreed to cap those areas to preserve the site and alleviate the necessity of mitigating the cultural resources in these areas. The mitigation measures recommended by the archaeologist include: "...1) cap with suitable soil the tennis court and driveway area, 2) insure that the developer provide monitoring of all excavations that will take place for the construction of the home and the site...3) the third recommendation is that this Phase 2 report should be modified into a Phase 3 (mitigation report) when the radiocarbon results are in as well as other considerations of the data...4) all the archaeological data derived from these excavations at the site be curated at the Santa Barbara Museum of Natural History...

The proposed home, as amended will be in the same footprint as the original approved residence. As such, the impact of the residence would be expected to be the same as those previously evaluated by the Commission and the City. The approved tennis court has been eliminated from the project. However, the driveway in the amended project has been changed. The amendment includes the grading for the driveway which would be at a lowered elevation, rather than at-grade as previously approved. As such, the driveway area will no longer be capped, as recommended by the archaeologist as part of the original project. At staff's request, the applicant had his archaeologist review the project as proposed to be amended, specifically the driveway. The applicant's agent submitted an updated report (Peer Review for 24900 Pacific Coast Highway, prepared by Robert J. Wlodarski, dated October 2003) regarding the amended project. The archaeologist concludes that the project, as proposed to be amended will minimize impacts to cultural resources if certain measures are undertaken to maximize the area of the site that will be preserved as-is. These measures include: eliminating a pond and concrete walkway proposed in the area where the tennis court was previously approved; not excavating in the rear 2/3 of the lot; preventing underground utilities or other disturbances within the preserved areas, and by confining all ground disturbances to the driveway, house and pool area. The archaeologist estimates that, with these measures, approximately 42 percent of the overall site will be preserved. The archaeologist concludes that:

The implementation of the above-mentioned mitigation measures for the proposed project, will preserve a significant amount of the site area from future destruction. With this in mind, and based on the fact that areas to the north, and west of the proposed driveway have been tested by a series of shovel test pits, no additional testing is recommended for the proposed driveway area. In conclusion, site significance has been established; sufficient testing has been implemented by Dr. Stickel based on the proposed development plans; preservation of the remaining areas not scheduled for impacts by the implementation of the proposed development has been outlined in a prior document; and, archaeological monitoring of the area to be developed as previously stated, has been agreed upon.

Based on the prior review of the site by the original project archaeologist, the City of Malibu, and the archaeologist for the amended project, the Commission concludes that the amended project will minimize impacts to cultural resources, if the mitigation measures are implemented and the construction of the project is monitored by the project archaeologist and Native American consultant(s). Revised Special Condition No. 6 requires these measures. As conditioned, the Commission finds that the project, as proposed to be amended, is consistent with the provisions of the City of Malibu Local Coastal Program.

D. 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 that the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned, will not have any 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 City of Malibu Local Coastal Program.

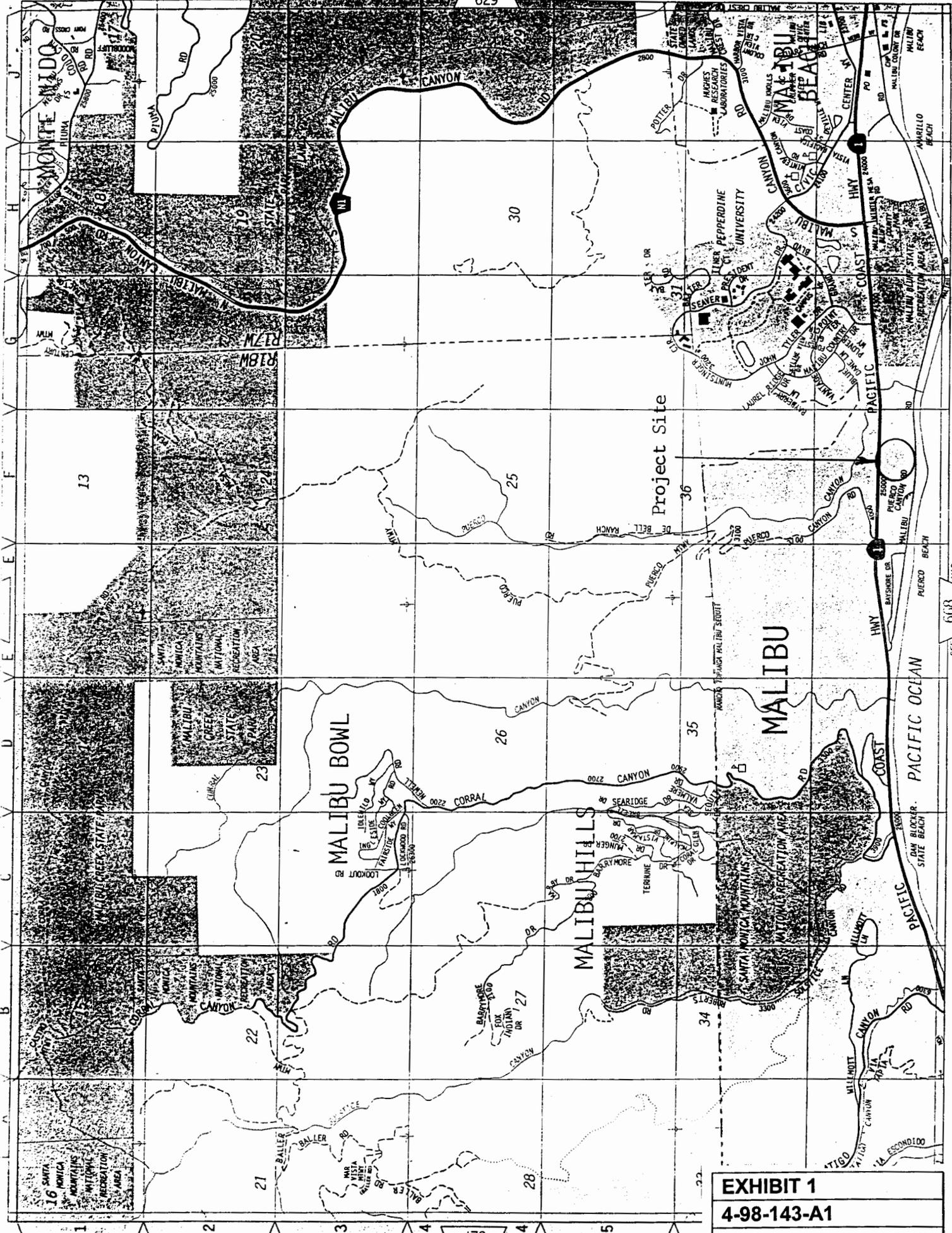


EXHIBIT 1
4-98-143-A1
Vicinity

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PROJECT NO.	A-2
DATE	11/20/02
JOB NO.	4-98-143
DRAWN BY	SP
CHECKED BY	SP
SCALE	1/8" = 1'-0"
SHEET NO.	

REVISIONS	NO. / DATE	DESCRIPTION
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BASEMENT LEVEL

REVEL GRADE

REVISIONS

NO. / DATE

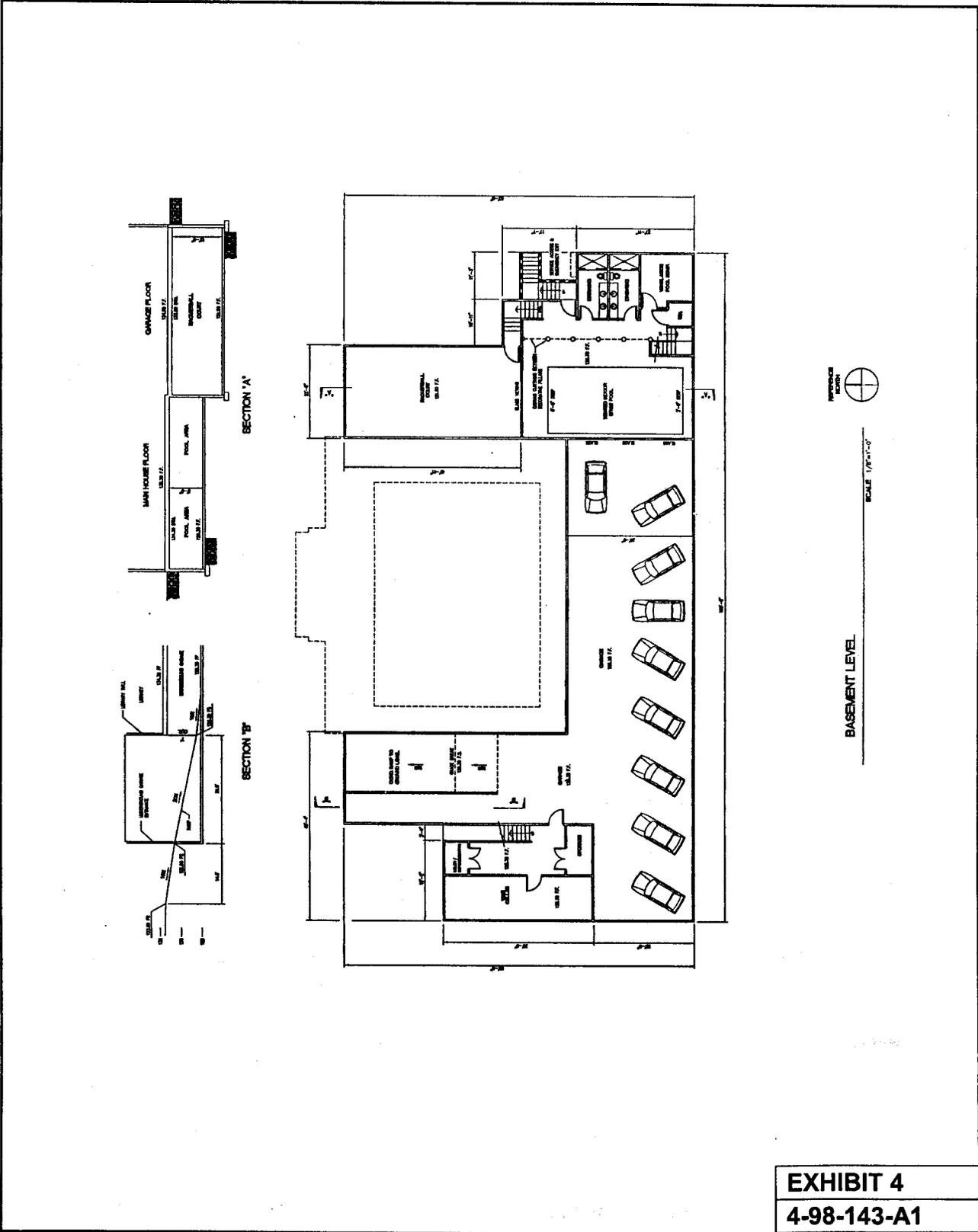


EXHIBIT 4
4-98-143-A1
Basement Floor Plan

