

CALIFORNIA COASTAL COMMISSION

W 8



SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
 OAKLAND, CA 94612
 (805) 585-1800

RECORD PACKET COPY

Received:	9/1903
180th day	N/A
Staff:	Johnson <i>jh</i>
Staff Report:	2/25/04
Hearing Date:	3/17/04
Comm. Action	

STAFF REPORT: PERMIT AMENDMENT FILING

APPLICATION NO.: 4-02-149-A-1

APPLICANTS: Alan Long

AGENTS: Don Schmitz, Richard Martinez,
Schmitz and Associates

PROJECT LOCATION: 3814 Latigo Canyon Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Remove three existing lighted poles south of horse riding arena and construct four lighted poles at approved tennis court.

APPLICANT'S REQUEST: Ask Commission to Direct Executive Director to accept Amendment Application No. 4-02-149-A-1 as complete for the purpose of filing it.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the application to amend Coastal Permit No. 4-02-149 be rejected as the amendment proposes to lessen and avoid the intended effect of the conditionally approved permit.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 3-25-2003.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit No. 4-02-129, Long.

I. STAFF RECOMMENDATION:

MOTION: I move that the Commission overturn the determination of the Executive Director under Section 13166(a) of Title 14, California Code of Regulations, to reject the proposed application for amendment to Coastal Development Permit No. 4-02-149.

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in upholding the Executive Director's determination to reject the proposed application for amendment to Coastal Development Permit No. 4-02-149 and adoption of the following resolution and

findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

II. RESOLUTION TO UPHOLD REJECTION OF APPLICATION FOR AMENDMENT:

The Commission hereby denies the request to overturn the Executive Director's determination to reject the proposed application for amendment to Coastal Development Permit No. 4-02-149 and adopts the findings set forth below on grounds that the proposed amendment would lessen or avoid the intended effect of the conditionally approved permit and the applicant has not presented newly discovered material information that it could not, with reasonable diligence, have discovered and produced before the permit was granted.

III. Findings and Declarations

A. Project Description

The subject parcel is located on the east side of Latigo Canyon Road, north of Malibu Vista in the Malibu area within the County of Los Angeles. The parcel is not located within the City of Malibu (Exhibit 1). The site is accessed along about two miles of the Baller Motorway from Latigo Canyon Road. The 14.78 acre site includes three existing building pads, one with an existing residence, the second with a equestrian barn and two caretaker residences and a third with an existing lighted riding arena (Exhibit 2). The southeast corner of this parcel, where the existing riding arena is located is adjacent to the State of California's Solstice Canyon Natural Area managed by the Santa Monica Mountains National Recreation Area. The subject parcel is located within the Solstice Canyon Significant Watershed.

The Commission approved Coastal Permit No. 4-02-149 (Long), to construct a 75 ft x 10 ft lap pool, a proposed water well, and tennis court (60 ft x 120 ft) without night lighting, install interior lighting (lighting to be on a timer) inside an existing horse barn, and relocate five existing corrals. (Exhibits 1 - 4). This Coastal Permit has not been issued as condition compliance has not been completed; a copy of the Notice of Intent to issue the Permit is attached (Exhibit 5).

On September 19, 2003, the applicant submitted an application to amend Coastal Permit No. 4-02-149 describing the project as follows:

Three (3) existing permitted light poles at the horse riding arena will be reassigned to the proposed tennis court. The existing horse arena lights are unshielded and as the proposed lighting for the tennis court will be shielded and of lower lumens, the aggregate lighting on the subject parcel will be significantly reduced.

However, a review of the submitted site plan for the approved tennis court indicates that four light poles are proposed rather than the three reassigned light poles indicated by the applicant.

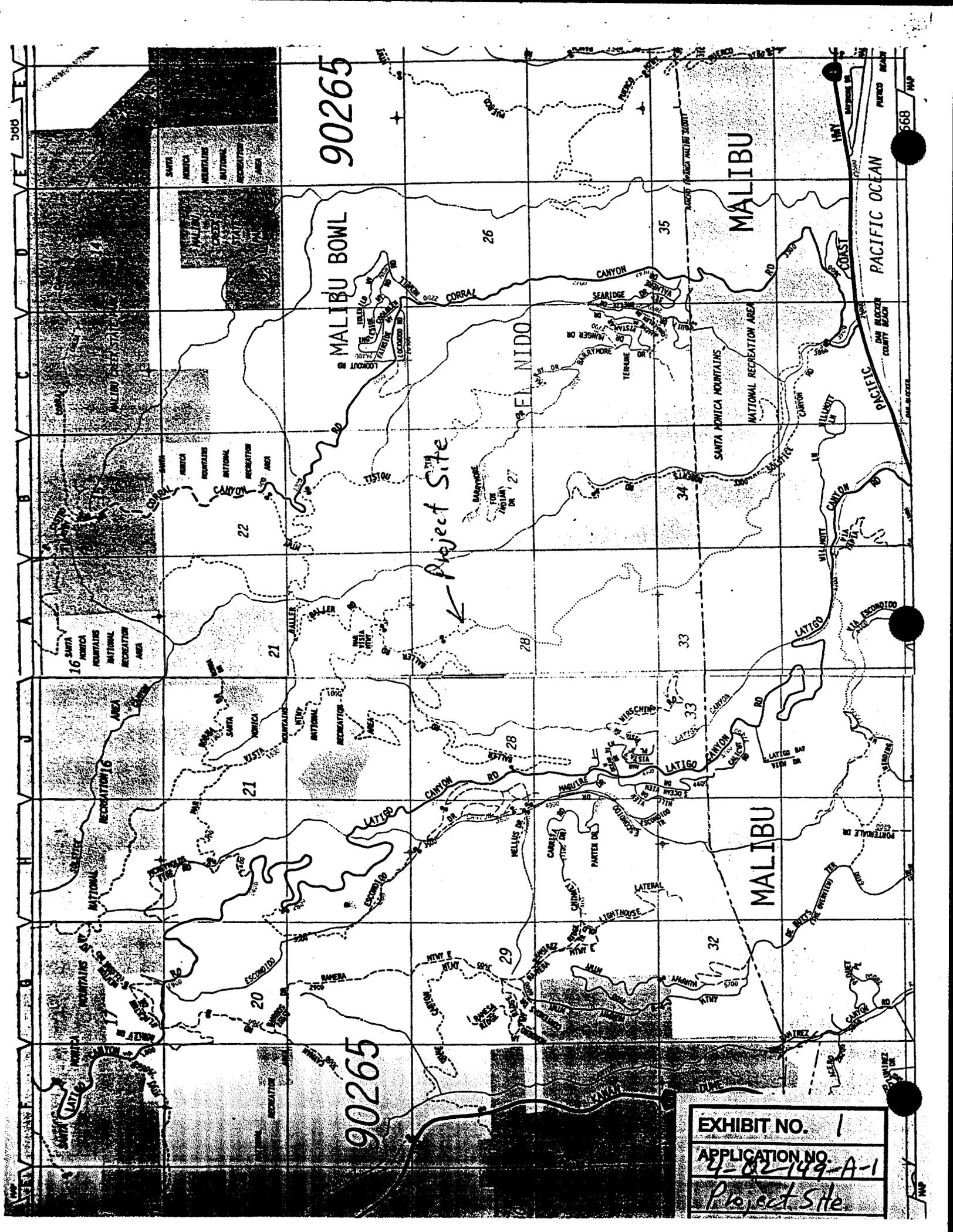
Staff reviewed the application for the amendment to Coastal Permit No. 4-02-149 and found that the proposed amendment would lessen the intent of the special conditions restricting the approved tennis court to daytime use without any lighting. Staff sent a letter dated October 16, 2003 (Exhibit 6) to the applicant rejecting the proposed amendment application and returned the file to the applicant's agent. On October 24, 2003, the applicant submitted a letter (Exhibit 7) appealing the rejection of the subject application to amend Coastal Permit No. 4-02-149.

B. Findings

The proposed amendment application to Coastal Permit No. 4-02-149 proposes to relocate three existing lighted poles south of the horse riding arena to the newly approved unlighted, daytime use only, tennis court. In effect, the amendment actually proposes to remove three lighted poles at the horse riding arena and replace them with four new lighted poles to allow nighttime use of the tennis court. The tennis court was approved with one special condition (No. 4) specifically restricting lighting to low intensity walkway lighting to access the tennis court while specifically noting that the proposed four 19-foot high lighted poles were not allowed. A second special condition (No. 9) required that the applicant submit revised plans indicating that the proposed tennis court not include any overhead lighting and that the court is for daytime use only.

The California Code of Regulations Section 13166 (a) specifies that the Executive Director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of a conditionally approved permit, unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

Because the proposed project includes four 19 foot high poles with either 1,000 or 1,500 watt metal halide lamps, the intent is to lessen or avoid the intended effect of the conditionally approved permit (Special Condition Nos. 4 and 9). These Special Conditions prohibit any lighting for the tennis court. The only lighting allowed in this area is to light the walkways used for entry and exit to the approved on site tennis court to minimize night time intrusion of light and disruption of wildlife traversing this area at night within this rural area adjacent to and northwest of Solstice Canyon Park owned by the National Park Service. This walkway lighting is defined as the minimum necessary to light walkways on fixtures that do not exceed two feet in height, that are directed downward and use incandescent bulbs that do not exceed 60 watts, or other bulbs with an equivalent amount of lumens or less. Therefore, the Executive Director determines that this amendment is intended to lessen or avoid the intended effect of a conditionally approved permit, and that the applicant has not presented newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted. Thus, this application to amend Coastal Permit No. 4-02-149 is rejected for the purpose of filing the amendment application.



90265

MALIBU BOWL

MALIBU

Project Site

90265

EXHIBIT NO. 1
 APPLICATION NO. 4-02-149-A-1
 Project Site

568 MAP

DATE	1/11/02
BY	ALN
PROJECT	LOT 3, PARCEL MAP NO. 9947
SCALE	1" = 40'



Alan Long
 2814 Lugo Canyon Road
 Malibu, CA 90263
 Telephone: 310-305-8778
 Fax: 310-305-8773

TOPOGRAPHIC SURVEY
 LOT 3, PARCEL MAP NO. 9947
 2814 LUGO CANYON ROAD
 MALIBU, CA 90263
 Chris Nelson
 11111 1/2 S. WILSON AVE.
 MALIBU, CA 90263
 TEL: 310-305-8778
 FAX: 310-305-8773

DATE	1/11/02
BY	ALN
PROJECT	LOT 3, PARCEL MAP NO. 9947
SCALE	1" = 40'

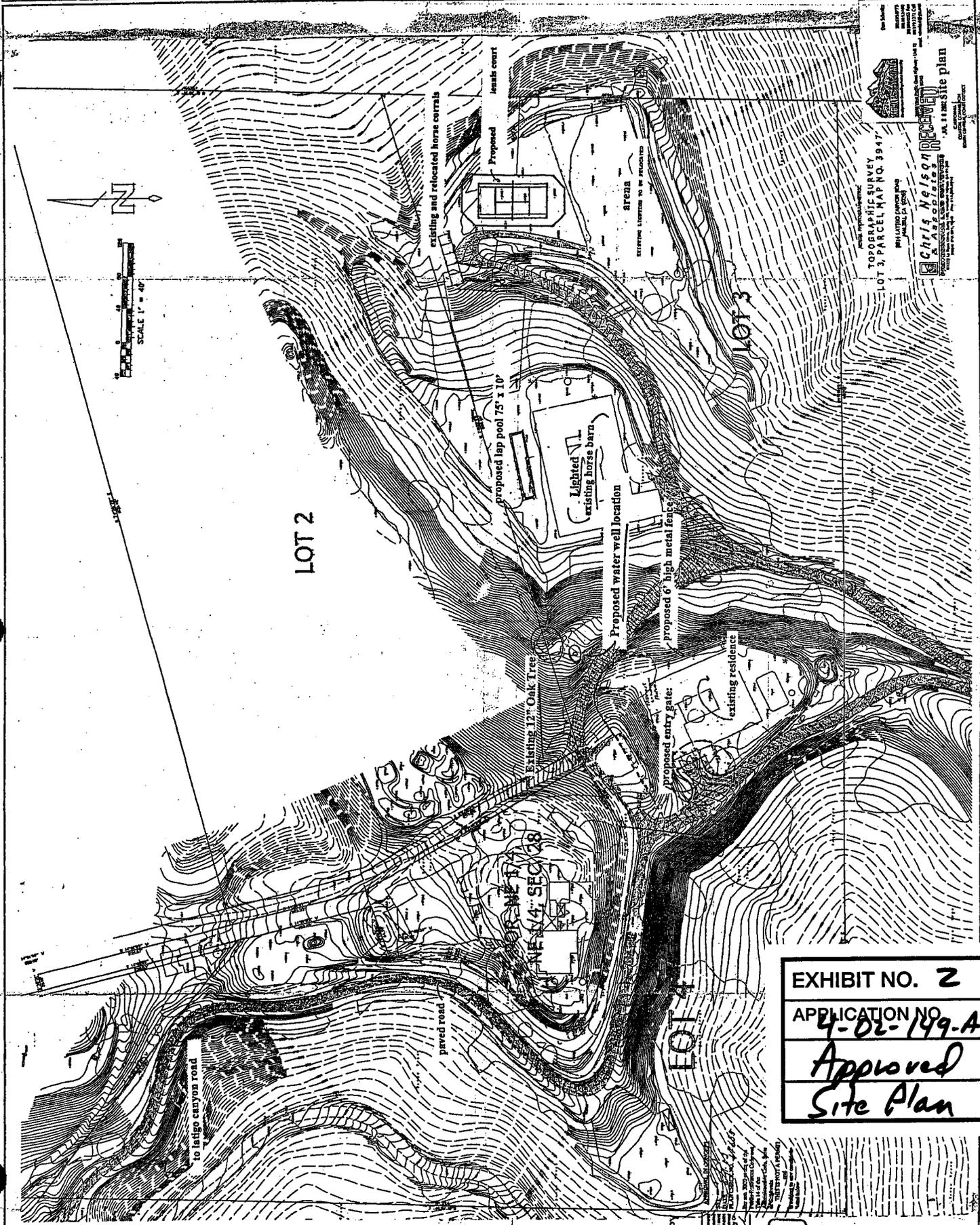
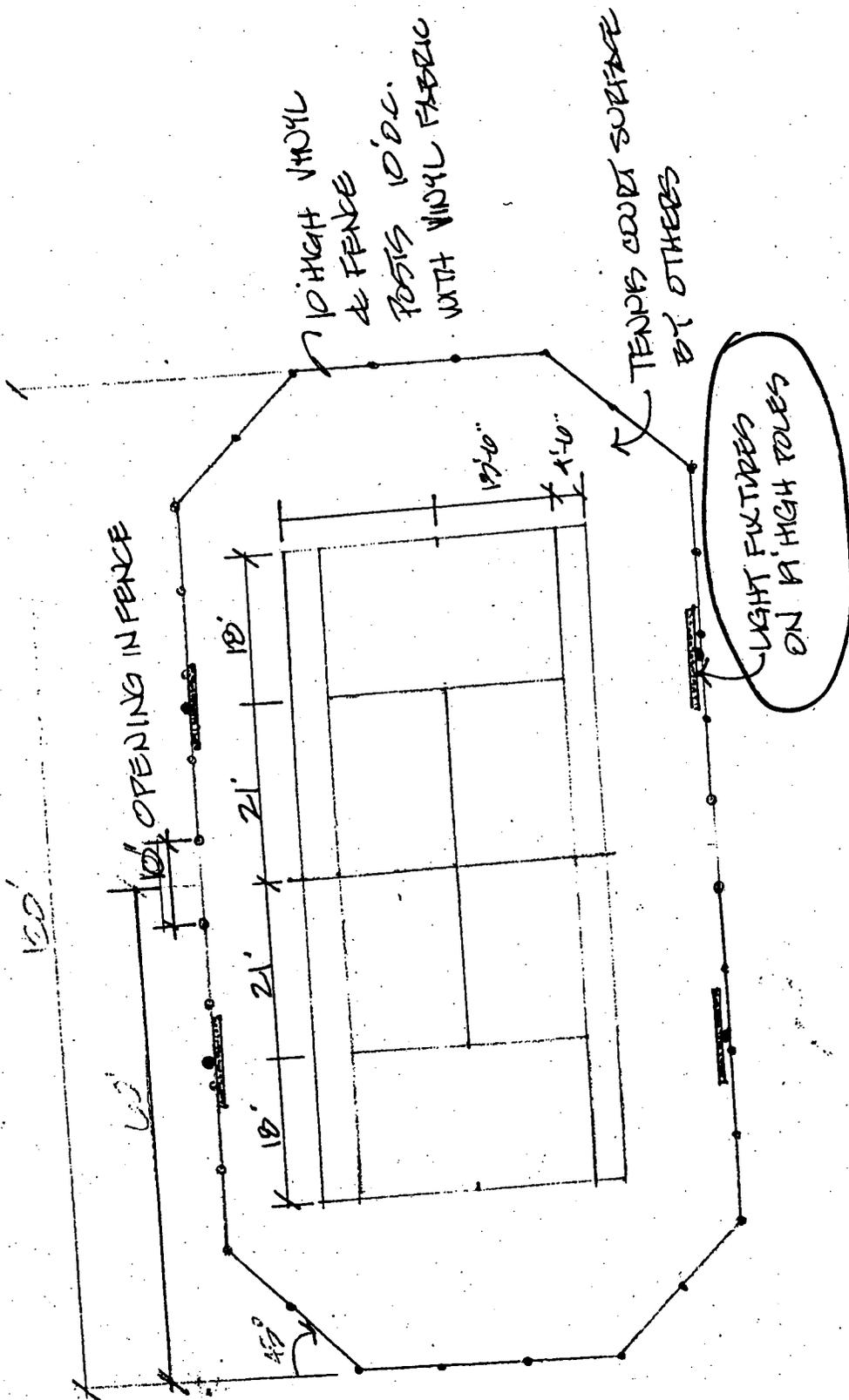


EXHIBIT NO. 2
 APPLICATION NO.
 4-02-199-A-1
Approved
Site Plan

RECEIVED
 1/11/02

APPLICANT'S COPY
 THIS IS NOT A FINAL COPY
 THIS IS NOT A FINAL COPY

SEE ATTACHED
 CONDITIONS



TENNIS COURT DETAIL

SCALE: 1"=20'

EXHIBIT NO. 4
APPLICATION NO. 4-02-144-A-1
Proposed
Court Lights

CALIFORNIA COASTAL COMMISSION

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



Page 1 of 10
Date: September 17, 2003
Permit Application No. 4-02-149

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

THIS IS NOT A COASTAL DEVELOPMENT PERMIT

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all of the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified on the next page. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal Code Regs. title 14, section 13169.

EXHIBIT NO. 5
APPLICATION NO. 4-02-149-A-1
Notice of Intent

page 1 of 10

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

On September 10, 2003, the California Coastal Commission approved Coastal Development Permit No. 4-02-149, requested by Alan Long, subject to the attached conditions, for development consisting of: Construct a lap pool, lighted tennis court and water well, relocate corrals. This permit is more specifically described in the application on file in the Commission offices. Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.

The development is within the coastal zone in Los Angeles County at 3814 Latigo Canyon Road, Malibu (unincorporated area).

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 4-02-149, please contact the Coastal Program Analyst identified below.

Sincerely,
PETER DOUGLAS
Executive Director



James Johnson
Coastal Planner

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

SPECIAL CONDITIONS:

NOTE: IF THE SPECIAL CONDITIONS REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE VENTURA OFFICE, AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY OF THIS FORM. WHEN YOU RECEIVE THE DOCUMENTS, IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE SOUTH CENTRAL COAST OFFICE AT (805) 585-1800.

1. **LANDSCAPE EROSION CONTROL AND FUEL MODIFICATION PLANS**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final landscaping, prepared by a licensed landscape architect or a qualified resource specialist, and erosion control/drainage plans prepared by a licensed engineer for review and approval by the Executive Director. The final landscaping and erosion control/drainage plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The final plans shall incorporate the following criteria:

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

A) Landscaping and Erosion Control Plans

- 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 on the slopes 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. Invasive, non-indigenous plant species, which tend to supplant native species, shall not be used; the existing non-native ice plant located on the slope below the building pad shall be removed.

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. The landscape plan shall be designed with vertical elements to partially screen and soften the visual impact of the proposed structures with trees and shrubs as viewed from the east, north and south within the Solstice Canyon Natural Area, the existing trails within the Solstice Canyon Natural Area and the planned Solstice Canyon Trail. All fencing identified on the landscape plan surrounding the proposed structural development shall be limited to the existing building pad and its perimeter.

- 2) All 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.
- 3) Vegetation within 50 feet of the proposed tennis court and relocated corrals may be removed to mineral earth, vegetation within a 200-foot radius of these structures 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 final 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 final fuel modification plan, as revised has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the 100 foot radius of the proposed tennis court, shall be

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

- 4) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading; By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

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, de-silting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geo-fabric 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 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 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 geo-textiles 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

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that assesses the on-site landscaping and certifies whether it 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 supplemental 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. The permittee shall implement the remedial measures specified in the approved supplemental landscape plan.

2. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

By acceptance of this permit; the applicant acknowledges and agrees (i) That the site maybe subject to hazards from wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazard in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazard; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commissions approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazard.

3. COLOR RESTRICTION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of the tennis court fence authorized by the approval of coastal development, permit 4-02-149. The palette sample shall be presented in a format not to exceed 8 1/2" X 11" X 1/2" in size. Acceptable colors shall be limited to colors that are either compatible with the surrounding environment (earth tones) or black. Shades of gray, white, light or bright shades, galvanized steel, all shall not be allowed.

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(Upon satisfaction of special conditions)

The approved fencing shall be colored with only the color authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing may only be applied to the structure authorized by Coastal Development Permit 4-02-149 if such changes are specifically authorized by the Executive Director as complying with this special condition.

4. LIGHTING RESTRICTION

A. The only outdoor night lighting allowed on the subject parcel in the vicinity of the proposed pool and tennis court is limited to the following to minimize night time intrusion of light and disruption of wildlife traversing this area at night within this rural area:

1. The minimum necessary to light walkways used for entry and exit to the pool and tennis court on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director. The proposed tennis court night lighting with four 19-foot high poles is specifically not allowed.
2. Security lighting attached to the existing bar adjacent to the pool that is controlled by motion detectors is limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of Lumens, unless a higher wattage is authorized by the Executive Director.
- B. No lighting on the remainder of the parcel, including the tennis court, slopes and flat pad areas, and no lighting for aesthetic purposes is allowed.

5. FUTURE DEVELOPMENT RESTRICTION

This permit is only for the development described in Coastal Development Permit No.4-02-149. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), and 13253 (b) (6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to the entire property. Accordingly, any future improvements or grading for the proposed pool, tennis court and five relocated corrals and clearing of vegetation in these project areas, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number One, shall require an amendment to Permit No. 4-02-149

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. DRAINAGE AND POLLUTED RUNOFF CONTROL PLANS

Prior to the Issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and written approval, two sets of final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the pool, tennis court and corral area. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall identify an area for animal waste containment and shall include provisions for the collection, storage, and disposal of corral wastes, including manure and bedding, and for the prevention of off-site migration of animal waste due to wind, rain, or run-off. Manure stored on site shall be contained in fully enclosed bins and/or a facility with impervious flooring that is protected from wind, rain and nuisance flows. The plan shall specify the maximum capacity of the manure storage and containment areas and shall include provisions to reduce and dispose of animal waste so as not to exceed the maximum capacity of the waste containment areas. All animal bedding and wastes shall be collected and disposed of off site in a manner and location prescribed in the approved final plan.
- (e) The plan shall include drainage devices and BMPs that will ensure that runoff draining from or through, any and all horse facilities shall be collected and treated in accordance with the other provisions of this Special Condition. The plan shall also include measures to prevent surface flow into equestrian facilities from upslope areas.

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

- (f) Runoff may be allowed to sheet flow through vegetated and/or gravel filter strips or other media filter devices for treatment and infiltration purposes, prior to being collected, where necessary, and conveyed off site in a non-erosive manner. Vegetated and/or gravel filter strips must be located on slopes no greater than 4:1, and appropriately sized, properly designed and engineered to: 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. Vegetated filter strips shall consist of native plants indigenous to the Santa Monica Mountains. Filter elements shall be designed to intercept and infiltrate or treat the runoff volume produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (g) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs 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.

7. POOL DRAINAGE AND MAINTENANCE

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a written pool maintenance plan, that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner that any runoff or drainage from the pool will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, the plan shall, at a minimum: 1) prohibit discharge of chlorinated pool water and 2) prohibit discharge of chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters of either Solstice Canyon Creek or Latigo Canyon Creek. The Permittee shall undertake development and maintenance in compliance with this pool maintenance agreement and program approved by the Executive

NOTICE OF INTENT TO ISSUE PERMIT
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Director. No changes shall be made to the agreement or plan unless they are approved by the Executive Director.

8. DEED RESTRICTION

Prior to issuance of the coastal development permit the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to these permits, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of these permits as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

9. REVISED PLANS

Prior to the Issuance of the Coastal Development Permit, the applicant shall submit for the review and approval revised plans indicating that the proposed tennis court does not include any lighting including overhead lighting. The proposed tennis court is for daytime use only.



CALIFORNIA COASTAL COMMISSION

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

October 16, 2003

Robert Martinez
Schmitz and Associates
29350 West Pacific Coast Highway, Unit 11
Malibu, CA 90265

RE: Amendment Application to Coastal Permit No. 4-02-149

Dear Mr. Martinez,

A review of the amendment application to Coastal Permit No. 4-02-149 indicates that the proposed project is to relocate three existing lighted poles south of the horse riding arena to the newly approved unlighted, daytime use only, tennis court. In effect, the amendment proposes to remove three lighted poles at the horse riding arena and replace them with four new lighted poles to allow nighttime use of the tennis court. The tennis court was approved with one special condition (No. 4) specifically restricting lighting to low intensity walkway lighting to access the tennis court while specifically noting that the proposed four 19-foot high lighted poles were not allowed. A second special condition (No. 9) required that the applicant submit revised plans indicating that the proposed tennis court not include any overhead lighting and that the court is for daytime use only.

The California Code of Regulations Section 13166 (a) specifies that the Executive Director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of a conditionally approved permit, unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

Because the proposed project includes four 19 foot high poles with either 1,000 or 1,500 watt metal halide lamps, the intent is to lessen or avoid the intended effect of the conditionally approved permit (Special Condition Nos. 4 and 9). Specifically, no lighting is allowed over the tennis court, period. The only lighting allowed in this area is to light the walkways used for entry and exit to the approved on site tennis court (and pool) to minimize night time intrusion of light and disruption of wildlife traversing this area at night within this rural area adjacent to and northwest of Solstice Canyon Park owned by the National Park Service. This walkway lighting is defined as the minimum necessary to light walkways on fixtures that do not exceed two feet in height, that are directed downward and use incandescent bulbs that do not exceed 60 watts, or other bulbs with an equivalent amount of lumens or less. Therefore, the Executive Director determines that this amendment is intended to lessen or avoid the intended effect of a conditionally

RECEIVED

OCT 24 2003

COAST
SOUTH CEN

EXHIBIT NO. 6
APPLICATION NO. 4-02-149-A-1
Letter to Applicants Agent

page 1 of 2

approved permit, and that the applicant has not presented newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted. As a result, this amendment application is enclosed and returned to you as the applicant's agent without filing it as complete for any further processing. You may appeal this determination to the Coastal Commission within ten working days after this Executive Director's rejection of the amendment application, pursuant Section 13166 (a) (1). However, we understand the action of the Commission at the September 10, 2003 hearing conditionally approving Coastal Permit No. 4-02-149 was unanimous that no lighting is allowed on the tennis court.

On a positive note, if you wish to remove the existing poles lights at the horse riding arena, you may submit an amendment application to specifically and solely remove the three lighted poles now lighting the horse riding arena. Such a single purpose amendment proposing to remove existing overhead night lighting would be processed as an immaterial amendment as soon as staff time allows.

Thank you for the opportunity to clarify the intent of the approved Coastal Permit No. 4-02-149. We look forward to completing the condition compliance necessary to issue this coastal permit for the pool, unlighted tennis court, water well and relocated corrals.

Sincerely,



James Johnson
Coastal Program Analyst

Attachment: Notice of Intent to Issue Permit (CDP No. 4-02-149)

Amendment Application

402149a1longlights



EXHIBIT NO. 7
APPLICATION NO. 4-02-149-A-1
Letter Oct 24,
2003 - Appeal

page 1 of 2

October 23, 2003

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OCT 24 2003

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mr. Jack Ainsworth
California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, CA 93011

RE: APPEAL OF THE DENIAL OF AN AMENDMENT APPLICATION TO CDP 4-02-149 FOR THE RELOCATION OF EXISTING EQUESTRIAN ARENA LIGHTING FIXTURES TO THE APPROVED TENNIS COURT FOR ALAN LONG AT 3814 LATIGO CANYON ROAD, MALIBU (LOS ANGELES COUNTY)

Dear Mr. Ainsworth:

On behalf of Alan Long, the applicant of the above referenced CDP amendment application, we are appealing your rejection of our request to amend the above-referenced Coastal Development Permit approved by the California Coastal Commission on September 10, 2003.

In said amendment application we were proposing that the three (3) existing permitted light poles at the horse riding arena will be reassigned to the proposed tennis court. The proposed lighting will be moved away from the edge of grade and relocated at least 90 ft away from the grade.

Please find the following information for your review.

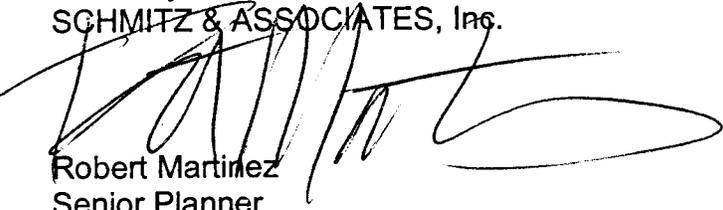
1. Coastal Commission denial letter dated October 16, 2003.
2. Two (2) full size sets of the site plan showing that the existing horse arena will no longer be lighted. Instead, the proposed tennis court will be lighted with the four tennis court lighting poles.
3. A Bieber Lighting corporation booklet which describes and illustrates the proposed tennis court lighting system; i.e., the type of lighting pole; time operated lights, bulb types and wattages; sharp cutoff light fixtures and the special 180 to 360 degree additional light cutoff shield to direct lighting away from the neighboring properties; and how the lighting will appear at night. The proposed lighting system will comply with the Coastal Commission requirements by extending light fixtures in over the tennis court and by directing the lighting solely towards the courts.

4. An 8 ½ x 11 reduced site plan with the above modifications.

5. An 8 ½ x 11 copy of detailed tennis court plans.

Thank you for your time and attention to the above and enclosed. We hope that all of the necessary information for your review of the subject appeal is presented to you in this packet. However, please do not hesitate to contact our office at 310-589-0773 should you require additional information or have any questions or comments. Your usual expeditious review is much appreciated.

Sincerely,
SCHMITZ & ASSOCIATES, Inc.



Robert Martinez
Senior Planner

Cc: Charles Damm
James Johnson

