

CALIFORNIA COASTAL COMMISSION

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

Filed: 11/12/98
49th Day: 12/31/98
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Staff: S. Hudson *ja*
Staff Report: 11/19/98
Hearing Date: December 8, 1998
Commission Action:



RECORD PACKET COPY

STAFF REPORT: PERMIT AMENDMENT**APPLICATION NO.:** 4-94-064-A3**APPLICANT:** Stephen Enkeboll**AGENT:** Klaus Radtke**PROJECT LOCATION:** 3655 and 3640 Noranda Lane, Malibu (Los Angeles County)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 7,740 sq. ft., 24 ft. high from existing grade single family residence with a two-car garage; septic system; 600 sq. ft. guesthouse; toolshed; pumproom; pond; riding ring; stable; horse pens; well; vineyard; gardens; 642 cu. yds. of grading for access roads; removal of an existing vineyard, five horse corrals, horse exercise ring, and hayshed from an oak woodland area; and restoration of native vegetation on three parcels totaling 16+ acres. Additionally, the applicant proposes to deed restrict three areas of the site for open space uses only.

DESCRIPTION OF AMENDMENT: Modify Special Condition Five (5) and Exhibit 11 to change the location and increase the size of the dedicated open space area from one acre to approximately three acres.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept.

SUBSTANTIVE FILE DOCUMENTS: Oak Tree Evaluation and Management Report dated 10/5/98 by Geo Safety, Inc.; Resource Evaluation Report prepared by Geo Safety dated 10/23/98.

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.*

In this case, the proposed amendment will affect a permit condition required for the purpose of protecting a coastal resource. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission determine that the proposed amendment, subject to one (1) special condition regarding the dedication of an open space easement, **is consistent** with the requirements of the Coastal Act. The applicant proposes to amend Coastal Development Permit 4-94-178 to modify Special Condition Five (5) and Exhibit 11 to change the location and increase the size of the dedicated open space area from one acre to approximately three acres.

The proposed amendment will modify the one-acre open space area located on the parcel at 3655 Noranda Lane (Exhibit 1). No modifications are proposed for the previously dedicated open space easements located on the second parcel at 3640 Noranda Lane. A portion of the subject site at 3655 Noranda Lane is designated by the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as disturbed oak woodland. In addition, the subject site is located approximately 1,000 ft. upslope and to the west of Encinal Canyon Creek. Further, 67 individual specimens of Santa Susanna Tarweed (*Hemizonia minithornii*), listed as a rare species by the State of California, are located on the subject site. The certified Malibu/Santa Monica Mountains LUP also indicates that a planned segment of the Coastal Slope Trail is located on the project site in order to link Charmlee Park to the Coastal Slope Trail.

The proposed amendment is project driven. In conjunction with this amendment application, Coastal Development Permit (CDP) Application 4-98-212 (Enkeboll) for the construction of a 2,750 sq. ft., one-story, single family residence with an attached 1,100 sq. ft. garage and associated development on the subject parcel at 3655 Noranda Lane has also been scheduled for the December 1998 Commission Hearing. The open space easement required by Special Condition Five (5) was intended to protect the habitat value of the two subject properties. The applicant has submitted information indicating that the construction of a single family residence on the portion of the property previously designated as open space will result in less adverse effects to the habitat value of the site than if the residence is constructed on the previously designated non-open space portion of the property. The applicant is proposing to relocate and enlarge the one-acre open space area located at 3655 Noranda Lane to a different 3+ acre portion of the same property with a higher habitat value than the previously dedicated open space area (Exhibit 3). Approval of this amendment will eliminate the restriction in the recorded deed restriction precluding development on the portion of the site where the project under CDP Application 4-98-212 is proposed to be located. Three letters have been received in support of the proposed project and included as Exhibit 7.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby **approves** the amendment to the coastal development permit, on the grounds that as modified, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

NOTE: All standard and special conditions attached to the previously approved permit remain in effect to the extent not otherwise modified herein.

II. Special Conditions

5. Open Space Dedication

Prior to issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which provides that the portion of the applicant's property generally depicted on Exhibit 44 3 will be precluded from future development and preserved for open space and habitat protection. The restriction shall restrict the applicant or his successor from grading, landscaping and vegetation removal (except that required under Special Condition Two (2) above and that required for fuel modification along the access driveway). Maintenance of the existing water tanks shall be allowed in this area.

This deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. The document shall run with the land, binding all successors and assigns, and The restriction shall be recorded free of prior liens except for tax liens and free of encumbrances which that the Executive Director determines may affect the interest being conveyed enforceability of the restriction. The restriction shall run with the land, binding successors and assigns of the applicant or landowner. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

III. Findings and Declarations.

A. Project Description and Background

The applicant is requesting an amendment to Coastal Development Permit 4-94-178 to modify Special Condition Five (5) and Exhibit 11 to change the location and increase the size of the dedicated open space area from one acre to approximately three acres.

Coastal Development Permit (CDP) 4-94-064 was issued to Raymond Enkeboll for the construction of a single family residence and related development on the parcel at 3640 Noranda Lane, as well as the removal of a unpermitted vineyard and horse corrals and the subsequent restoration of oak tree habitat on the parcel at 3655 Noranda Lane. As offered by the applicant and required by Special Condition Five (5) of CDP 4-94-064, an open space deed restriction was recorded over several portions of both properties, including a one-acre open space dedication at 3655 Noranda Lane.

The proposed amendment will serve to modify the one-acre open space easement located on the parcel at 3655 Noranda Lane. No modifications are proposed for the previously dedicated open space easements located on the second parcel at 3640 Noranda Lane.

The subject site at 3655 Noranda Lane is an irregularly shaped 5.03 acre parcel located upslope and west of Encinal Canyon Road approximately one mile north of Pacific Coast Highway in the City of Malibu (Exhibit 1). Slopes generally descend from the north west corner of the property to the south east with slope gradients varying from nearly horizontal to as steep as 1:1 (45°). A portion of the subject site is designated by the certified Malibu/Santa Monica Mountains Land Use Plan as disturbed oak woodland. In addition, the subject site is located approximately 1,000 ft. upslope and to the west of Encinal Canyon Creek. The subject site is also located approximately 400 ft. to the east of Charmlee Park which is held by the City of Malibu as a "natural area" available for passive recreational use by the public including hiking and equestrian use. The certified Malibu/Santa Monica Mountains LUP also indicates that a planned segment of the Coastal Slope Trail is located on the project site in order to link Charmlee Park to the Coastal Slope Trail.

The proposed amendment is project driven. The parcel at 3655 Noranda Lane is also the subject of a related permit application by the applicant. CDP Application 4-98-212 (Enkeboll) has been submitted for the construction of a new 2,750 sq. ft., one-story, single family residence with an 1,100 sq. ft. attached garage and associated development including the recordation of an offer to dedicate a public hiking and equestrian trail easement at 3655 Noranda Lane. The proposed development would be located primarily within the one-acre area previously dedicated as open space. Therefore, in addition to this amendment application, CDP Application 4-98-212 has also been scheduled for the December 1998 Commission Hearing.

B. Environmentally Sensitive Habitat Area and Visual Resources

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

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

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural 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 subordinated to the character of its setting.

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas

must be protected against disruption of habitat values. Further, Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

In addition, to assist in the determination of whether a project is consistent with Section 30230, 30231, and 30240 of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified Malibu/Santa Monica Mountains LUP for guidance. The Malibu LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. For instance, in concert with Sections 30230, 30231, and 30240 of the Coastal Act, Policy 60 of the LUP provides that oak woodlands (Non-riparian) shall be considered as significant resources. In addition, Policy 63 provides that development shall be permitted in ESHAs, DSRs, significant watersheds, and significant oak woodlands, and wildlife corridors in accordance with Table 1 and all other policies of the LUP. Table 1 of the LUP states that:

- *Encroachment of structures within an oak woodland shall be limited such that at least 90% of the entire woodland is retained. Leachfields shall be located outside the dripline of the existing oak trees.*
- *Clustering of structures shall be required to minimize the impacts on natural vegetation.*
- *Development shall adhere to the provisions of the County of Los Angeles Oak Tree Ordinance.*
- *Land alteration and vegetation removal shall be minimized.*
- *Structures shall be located as close to the periphery of the oak woodland as feasible, including outside the woodland, or in any other location for which it can be demonstrated that the effects of development will be less environmentally damaging.*
- *Structures shall be located as close as feasible to existing roadways and other services to minimize the construction of new infrastructure.*
- *Site grading shall be accomplished in accordance with the stream protection and erosion policies.*

Although the subject site is not located within an environmentally sensitive habitat area (ESHA), the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) indicates that a portion of the project site is designated as a disturbed oak woodland. No streams are located on the project site; however, the subject site is located approximately 1,000 ft. upslope and to the west of Encinal Canyon Creek. Although not designated as a significant watershed area by the Malibu/Santa Monica Mountains LUP, the subject site has been designated as a significant watershed area for Encinal Canyon Creek by the Malibu General Plan. Further, the applicant has submitted a Resource Evaluation Report prepared by Geo Safety, Inc. dated October 23, 1998, which indicates that 67 individual specimens of Santa Susanna Tarweed (*Hemizonia*

minithornii), listed as a rare species by the State of California, are located on the subject site.

The one-acre open space easement required by Special Condition Five (5) was intended to protect the habitat value of the subject sites. The proposed amendment to modify the location and increase the size of the previously required open space easement will not lessen or avoid the intended effect of any of the conditions of Coastal Development Permit 4-94-064-A3. In addition, the Commission notes that the new proposed location for the open space area on the subject site will be superior to the existing restricted area in that the proposed new open space area will not only be approximately three times larger than the originally required open space area but will also have a significantly higher resource and habitat value. The Resource Evaluation Report prepared by Geo Safety, Inc. dated October 23, 1998, indicates that although the majority of the oak trees on the subject site are located within the current one acre open space area, almost all the oak trees in this area have been subject to moderate to severe fire damage. Further, the natural chaparral habitat has been historically cleared from under the oak canopies in order to reduce fire hazard. As a result, few other species are present in the highly disturbed one-acre open space area. In contrast, the remaining portion of the property, on which the new open space area would be located, is primarily undisturbed and consists of both oak tree and prime chaparral habitat. The Resource and Evaluation Report also indicates that although species diversity in the current one-acre open space area is relatively homogenous, 142 different native plant species have been identified in the 3+acre area that the applicant proposes to dedicate as open space as part of this amendment including 67 individual specimens of Santa Susanna Tarweed (*Hemizonia minithornii*), listed as a rare species by the State of California.

In addition, the Commission notes that the proposed amendment is project driven and that the applicant has also submitted a related permit application for the construction of a single family residence on the subject site at 3655 Noranda Lane. An existing small pad area, now proposed as a small garden area, is located in the presently non-open space deed restricted portion of the lot. This small pad area was originally identified as a potential building location in the staff report for Coastal Development 4-94-064. However, the applicant has submitted new information indicating that the construction of a single family residence on the portion of the property previously designated as open space will result in less adverse effects to the habitat value of the site than if the residence is constructed on the alternative building location on that portion of the property not presently restricted as open space.

The construction of the single family residence proposed as part of the pending Coastal Development Permit Application 4-98-212 would be located within the current one-acre open space area. However, the proposed residence will also be located on a relatively flat portion of the subject site and in close proximity to Noranda Lane so that only 200 cu. yds. of excavation will be required for the construction of the residence and no grading will be required for the construction of a 40 ft. long driveway. Adverse effects to the habitat value of the site that will result from the proposed development will include the removal of one fire damaged oak tree to construct the residence and one fire

damaged oak tree to construct the driveway. The oak trees to be removed are medium in size, moderately to severely fire damaged, and each with two trunks [diameter of trunks at 4.5 ft. in height: Tree 1 (8.1", 7.2") and Tree 2 (7.9", 12.2")]. With the exception of the one oak tree to be removed and one oak tree to be selectively pruned the proposed building site for the single family residence will not be located within the dripline of, or result in any adverse effects to, any other oak trees on site.

Further, the applicant's consultant, Geo Safety, Inc., has indicated that construction of a residence at the alternative building site located outside the current one-acre open space area would require approximately 10,000 cu. yds. of grading and the use of retaining walls on a steep slope to construct a 280 ft. long access road that would be adequate to satisfy Los Angeles County Fire Department Requirements for a twenty ft. wide access road with adequate turning areas. The additional grading for the access road would also require the removal of three medium to large healthy oak trees [diameter of trunks at 4.5 ft. in height: Tree 1 (8.3"), Tree 2 (9.2") and Tree 3 (13.1", 10.1", 9.9", 9.7")] and would significantly impact a fourth oak tree with two separated trunks on the down slope side of the road [diameter (16.8", 10.4")]. Further, the Commission notes that in order to minimize grading on the steep slope, the paved driveway for the alternative building site located outside the one-acre open space area would occupy the same location as a public hiking and equestrian trail easement also proposed as part of Coastal Development Permit 4-98-212.

In addition, the Commission notes that vegetation clearance for fuel modification, as required by the Los Angeles County Fire Department, would result in greater adverse effects to the habitat value of the site if the alternative building site located outside the current one-acre open space area is utilized. Although fewer oak trees are located in close proximity to the alternative building site, the 200 ft. radius fuel modification zone would require vegetation clearance of undisturbed chaparral habitat. In addition, the 67 individual specimens of Santa Susanna Tarweed (*Hemizonia minithornii*), listed as a rare species by the State of California would also be located within 200 ft. of the residence and may be adversely impacted.

However, the Commission notes that although the proposed project site located within the one-acre open space easement does contain several oak trees, the applicant has submitted a Fuel Modification Plan approved by the Los Angeles County Fire Department which will serve to minimize any clearance of undisturbed chaparral habitat located on site. Vegetation clearance will primarily consist of "deadwooding" the oak trees and clearing underbrush beneath the tree canopies as has been historically conducted by the applicant prior to the submittal of either the permit or amendment application. In addition, due to topographical location and the presence of several rock outcroppings, vegetation clearance for the proposed project site will not result in any adverse effects to the population of Santa Susanna Tarweed on site.

As discussed above, the construction of a residence on the alternative building site located outside the current one-acre open space area would result in greater adverse effects to the habitat value of the subject property than the construction of a single

family residence on the proposed building site located within the current one-acre open space area. Therefore, the Commission finds that the proposed building site is the preferred building site location of the subject property. The Commission further notes that the new proposed location for the 3+ acre open space easement on the subject property will not only be approximately three times larger than the originally required open space area but will also have a significantly higher resource and habitat value.

In addition, the construction of a single family residence on the proposed building site located within the current one-acre open space area would result in fewer adverse effects to visual resources than if the residence is constructed at the alternative building site located outside the current open space area. Although the development proposed as part of CDP 4-98-212 will not be visible from Pacific Coast Highway and will not be easily visible to passing motorists on Encinal Canyon Road, the proposed development will be visible from the Coastal Slope Trail. However, given the proposed location of the single family residence upslope from the trail, on top of and behind a natural ridge, the proposed development will not block or result in adverse effects to the panoramic views of the Pacific Ocean or the undisturbed chaparral covered hills located downslope from the trail that constitute the primary viewshed for trail users. Further, the construction of a residence on the alternative building site located adjacent to and downslope from the Coastal Slope Trail would be highly visible from public trail areas and result in adverse effects to visual resources.

Therefore, for the reasons stated above, the Commission finds that the proposed amendment, as conditioned, will not lessen the intent of Special Condition Five (5) as originally required and is consistent with Sections 30230, 30231, 30240, and 30251 of the Coastal Act.

C. Local Coastal Program

Section 30604 of the Coastal Act states that:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds

that approval of the proposed amendment, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed amendment, 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 amendment, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

SMH-VNT

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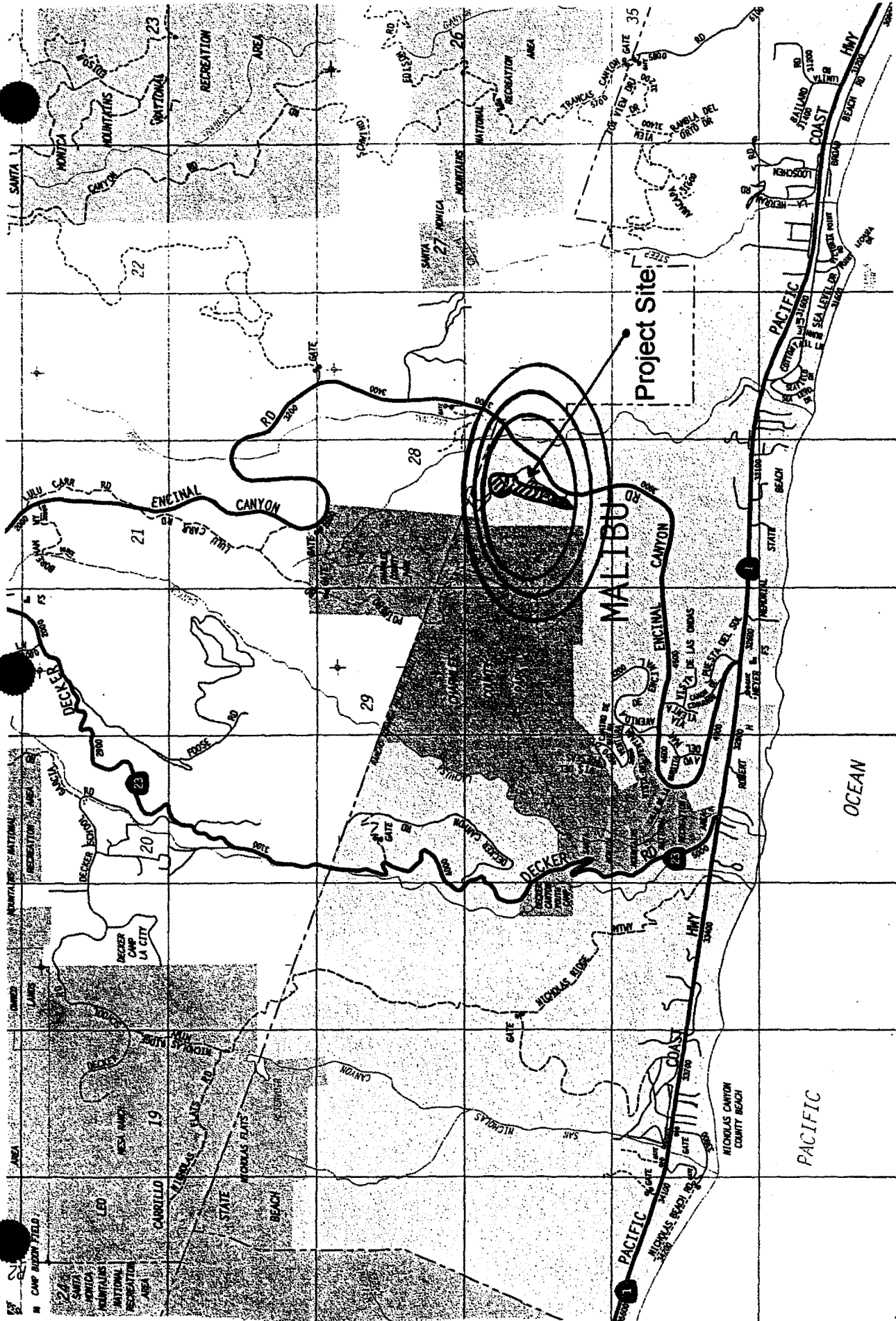


EXHIBIT 1
Permit 4-94-064-A3
Location Map



Parcel Map

CHARNEE PARK

Existing Open Space Easements

Existing Open Space Easement to be Deleted

Proposed Trail Easement

Proposed Open Space Easement

COASTAL SLOPE TRAIL

LEGEND

Open Space Easement

NOTES

Revised/Developed Trail to Indicated

EXHIBIT 3

Permit 4-94-064-A3

Proposed Trail/Open Space
Easement Map

GEO SAFETY, INC.
1042 Larkman Lane
Pacific Palisades, CA 90272
(310) 459-4433 (Fax) 459-4187

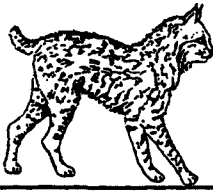
Reviewed by
Klaus Ruediger, Ph.D.
Wildland Research Scientist
8-3-1996 Rev. 11-13-98



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SCALE IN FEET

CONTOUR INTERVAL = 2 FEET



Charmlee Nature Preserve Foundation

4244 Avenida de la Encinal, Malibu, CA 90265

Phone (310) 457-4445, Fax (310) 457-4149

By Fax 805 641-1732

October 23, 1998

Chairman and Commissioners
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

RECEIVED

OCT 27 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: CDP 494-06-A3, Application 4-98-212, adjacent to Charmlee Natural Area, Malibu

Dear Chairman and Commissioners:

The Charmlee Nature Preserve Foundation is a private, not-for-profit organization created to support Charmlee Natural Area, particularly the public educational programs at Charmlee. The Foundation is also keenly interested in protecting the open space and outstanding natural values of Charmlee and the area around it.

We have followed the above referenced applications through the City of Malibu permitting process, and urge you to approve them. The proposals are environmentally sound and environmentally sensitive, and will not have adverse impacts on the nearby Charmlee Natural Area. On the contrary, the applications, if approved, will finally make it possible to have a continuous Coastal Slope trail section from lower Encinal Canyon Road to the eastern boundary of Charmlee, connecting to the trails within Charmlee, without any cost to the public.

The dedications of the trail easements as part of the application could not have come at a more fortunate time for Charmlee. On October 21, 1998, the Los Angeles County Board of Supervisors unanimously approved permanent open space deed restrictions for Charmlee, which will be recorded when Charmlee is transferred from the County to the City of Malibu in a few weeks. The Malibu City Council had previously voted unanimously to accept Charmlee and manage and protect the park, allowing only passive recreation and resource dependent uses, including hiking and horseback riding.

The donation of the trail easements as part of the Coastal development permit will immediately enhance public access to the park for riding and hiking. Additionally, the 1+ acre parcel of riparian oak woodland that was deeded by the

EXHIBIT 4a

Permit 4-94-064-A3

Letters in Support of Project

California Coastal Commission
October 23, 1998
Page 2

applicant to Charmlee - while not directly part of the above application - greatly enhances the resource values of Charmlee.

We wish that more landowners had the foresight and thoughtfulness to protect our precious natural resources through cooperative planning with public agencies and surrounding landowners, as this applicant has done.

The Charmlee Nature Preserve Foundation urges your approval of these applications.

Sincerely,

A handwritten signature in cursive script, reading "Paul J. Russell".

Paul J. Russell
President, Charmlee Nature Preserve Foundation

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

SANTA MONICA MOUNTAINS TRAILS COUNCIL

P.O. Box 345, Agoura Hills, CA 91376
October 1, 1998

RECEIVED

OCT 02 1998

California Coastal Commission
89 S. California St. # 200
San Buenaventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: CDP494-06-A3

Remove open space deed restriction and horse corral restriction on the one-acre 'oak knoll' Application 4-98-212: construction of a 2500-sq.ft single family residence with a 2-horse corral; transfer of the one-acre open space deed restriction onto the lower 3+acres of a 5.03 acre parcel; voluntary granting by the owner of a 12-foot-wide hiking and equestrian trail easement connecting disjointed deeded sections of the Coastal Slope Trail into Charmlee Park; and cooperative planning with adjacent landowners for trail connections and parkland deeding.

We have reviewed and completely support the Cooperative Planning Map for the above-listed Coastal Development Application. The map titled Open Space Deed Restrictions Lot #3 of PM 6081 (Stephen Enkeboll) & Coastal Slope Trail (Encinal Canyon Road to Charmlee Park) has received 'Conceptual Project Approval' from the City of Malibu, and, according to the city's ERB (Environmental Review Board), provides trail easement access into Charmlee Park along related development with minimizing impacts. We concur.

For over ten years the Santa Monica Mountains Trails Council has been spearheading the drive for voluntary easement dedications by property owners of segments of the Coastal Slope Trail that leads from lower Encinal Canyon Road into Charmlee Park. We were successful with the first such dedication in 1991 by Mr. Quiros, the landowner to the south of the applicant, and we had also been working closely with the deceased father of the applicant on further trail easements.

The Coastal Slope Trail connections as developed by the applicant in conjunction with Klaus Radtke and the adjacent landowners, primarily the Enkeboll Foundation for the Arts and Architecture, will provide an immediate trail connection from Encinal Canyon Road into Charmlee Park when a small building site is located on the 'oak knoll'. As a bonus, it also offers a prime one-acre oak woodland to Charmlee Park through lot line adjustments. The alternate 'trailer' building site, namely locating the structure along or at the terminus of the dirt road that is now being deeded as a trail, was not considered a feasible building site when Mr. Quiros offered his Coastal Slope Trail easement in 1991, nor is it now. It would preclude the deeding of the final trail easement link and would also have greater environmental impacts such as excessive fuel reduction for a fire-prone sideslope home and excessive grading for a new roadway and hammerhead.

Sincerely,

Ruth L. Gerson

Ruth L. Gerson, President

EXHIBIT 4b

Permit 4-94-064-A3

Letters in Support of Project



MALIBU TRAILS ASSOCIATION

Mr. Steve Hudson
California Coastal Commission
89 S. California St., Ste 200
Ventura, CA 93001

RE CFP494-06-A3 Application 4-98-212

November 2, 1998

Dear Mr. Hudson,

Malibu Trails Association (MTA) strongly supports providing a public trail easement into Charmlee Park, Malibu's first park! MTA further supports the minimal impact of the single-family development as reflected in Cooperative Planning Map Open Space Deed Restrictions Lot #3 of PM 6081& Coastal Slope Trail for the above referenced application.

Sincerely,

Patricia Keenan
President

RECEIVED

NOV 06 1998

COASTAL COMM.
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 4c

Permit 4-94-064-A3

Letters in Support of Project

