

CALIFORNIA COASTAL COMMISSION

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

Filed: 12-01-97
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Staff: SMB-VNT
Staff Report: 1-15-98
Hearing Date: February 5, 1998
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-081

APPLICANT: Howard Keyes

AGENT: Alan Robert Block, Esq.

PROJECT LOCATION: 6754 Zumirez Drive, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: The construction of an approximately two ft. wide footpath leading from the residence to the bottom of Ramirez Creek Canyon and resite an existing unpermitted chain link fence behind the 90 ft. contour line of the coastal bluff. The project also includes the restoration of an existing pathway on the bluff edge and an unpermitted trail descending the western slope of Ramirez Creek Canyon.

Lot area:	2.89 acres
Building coverage:	0 new proposed
Pavement coverage:	0 new proposed
Parking spaces:	0 new proposed
Landscape coverage:	0 new proposed
Project density:	.75 acres
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: Approval-in-concept from the City of Malibu

SUBSTANTIVE FILE DOCUMENTS: Malibu/ Santa Monica Mountains Land Use Plan, Coastal Development Permit 4-96-030 (Golod), Coastal Development Permit 4-97-023 (Lucien), Coastal Development Permit 4-93-109 (Keyes), Coastal Development Permit 5-89-1045 (Campa), Coastal Development Permit 4-97-175 (Brown) Coastal Development Permit 4-97-102 (Campbell).

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to build a footpath located along the contours of the Ramirez Creek Canyon. The applicant is also proposing restoration of a portion of the canyon disturbed with the placement of an unpermitted pathway and the clearance of native vegetation. Further, restoration for this property includes the resiting of an unpermitted chain link fence behind the 90 foot contour line and the removal of all non-native vegetation that has been placed on the coastal bluff. The proposed project does not result in an significant adverse environmental or visual impacts. The restoration will enhance the habitat value of this area, and thus is consistent with the policies of the Coastal Act. Staff recommends that the Commission approve the project with special conditions requiring the implementation of the revegetation plan, monitoring of the site, and the recordation of an assumption of risk deed restriction.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. **Approval with Conditions.**

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local governments having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. **Standard Conditions.**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Implementation and Completion of the Restoration

The applicant agrees to implement and complete the initial planting for the restoration of both bluff trails within 30 days of the issuance of the permit. The Executive Director may grant additional time for good cause.

2. Monitoring Program

The applicant agrees to have a qualified biologist or resource specialist monitor the restoration area for a period of three years to ensure the successful restoration of the site. The applicant shall submit to the Executive Director annual reports on the status of the restoration program, prepared by a qualified restoration specialist or biologist with an expertise in restoration. These reports shall be submitted to the Executive Director no later than the first of May each year. The first report shall be required at the end of the 1997-1998 rainy season, but no later than May 1, 1998.

The annual report shall outline the success or failure of the restoration project and include recommendations for additional restoration measures if necessary. If the consulting biologist determines that additional or different plantings are required, the applicant shall be required to do additional plantings by the beginning of the rainy season of that year (November 1). If at the completion of the third year of monitoring, the consulting specialist determines that the restoration project has in part, or in whole, been unsuccessful the applicant shall be required to submit a revised supplemental program to compensate for those portions of the original program which were not successful. The revised or supplemental restoration program shall be processed as an amendment to the original coastal development permit.

3. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction against APN No. 4466-003-013, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the sites, including APN No. 4466-003-013 and APN No. 4466-003-015, may be subject to extraordinary hazard from erosion and/ or landsliding and the applicant assumes the liability from such hazards on these sites; and that (b) the applicant unconditionally waives any claim of liability on the part of the California Coastal Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest conveyed and any other encumbrances which may affect said interest.

4. Condition Compliance

The requirements specified in the foregoing special conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 30 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will result in the nullification of this permit approval.

IV. Findings and Declarations:

A. Project Description and Background

The applicant is proposing the development of a footpath descending down the contours of the western slope of Ramirez Creek Canyon. The applicant is also proposing to resite an unpermitted chain link fence five (5) feet north of the edge of the bluff (the 90 foot contour line). Restoration of the site will include the removal of all non-native species and unpermitted development placed along the canyon slope and coastal bluff. The revegetation plan will provide 90% native cover of the disturbed areas within three (3) years. The applicant has submitted a restoration/ revegetation plan which has been reviewed by the City of Malibu's Environmental Review Board, and has received an "Approval-in-Concept" from the City of Malibu's planning department.

The 2.89 acre property is located on top of the coastal bluffs in an area known as Point Dume Mesa in the City of Malibu (Exhibit 1,2). This southern portion of the site is characterized by a steep, natural, vegetated coastal bluff which descends to Paradise Cove Beach. These bluffs are designated as environmentally sensitive habitat areas (ESHA) under the certified Malibu/ Santa Monica Mountains Land Use Plan. ESHAs, such as the coastal bluff have been found by the Commission to be a fundamental and intrinsic element of the beach environment along this area of the Malibu Coastline [5-89-1045 (Campa)]. The eastern portion of the site descends into the mouth of Ramirez Creek Canyon, where it intersects Paradise Cove beach. A portion of the proposed project lies on the eastern adjacent property which is owned by the Kissel Company. The Kissel Company has acknowledged and given their written consent to allow the proposed project to take place on their property (Exhibit 3).

The subject site has a 8,252 sq. ft. single family residence, 1,007 sq. ft. attached garage and 420 sq. ft. detached garage and 330 sq. ft. guest house which was approved by the California Coastal Commission in 1993 under Coastal Development Permit 4-93-109 (Keyes) attached with six (6) special conditions. Special condition six (6) required the applicant to submit revised plans which:

"...illustrate that all portions of the proposed pool and spa area and the existing fence are setback a minimum of 25 feet from contour 90 (top of the bluff)."

This condition was included in order to comply with the applicable geologic stability hazards, ESHA, and visual resource policies of the coastal act and blufftop development setback policies in the Malibu/ Santa Monica Mountains Land Use Plan (LUP). On October 15, 1997 the City of Malibu's Environmental Review Board (ERB) permitted the applicant to move the fence to the 90 foot contour line provided that the portion of the coastal bluff and canyon slope beneath the 90 foot contour line was restored and revegetated.

The proposed project would allow for some landscaping and the existing fence to remain seaward of the original 25 foot minimum setback allowance. The fence is a necessary safety measure to provide a physical barrier between the landscaped area and the 100 foot vertical bluff. The landscaping would include non-native vegetation and a flagstone walkway. In response to staff concerns regarding the high risk of erosion associated with coastal bluffs, the applicant is proposing to move the portion of the fence located on the coastal bluff approximately five (5) feet north or landward of the 90 foot contour line. The eastern portion of the fence, facing Ramirez Creek Canyon, will be moved to the 90 foot contour line as required by the City of Malibu. The fence will be less than four (4) feet in height to prevent from any adverse visual impacts.

Prior to the construction of the single family residence, the property contained a 24 to 30 inch bluff footpath which predated the construction of the residence. This trail is located along the edge of the steep southern-facing coastal cliff face and is unsafe for use. A large portion of this trail has revegetated naturally with native species. The applicant proposes to restore the remaining portion of the trail where the soil is exposed in order to protect the cliff from erosion.

The recent work done on the site consists of the construction of an unpermitted stairway located on the steep portion of the slope descending into Ramirez Creek Canyon. This new trail averages three to five feet in width and was built by cutting steps in the side of the canyon slope and reinforcing these steps with railroad ties. The applicant is proposing to remove all but five (5) of the railroad ties located on the steep portion of the slope. The remaining railroad ties will be kept as a preventative measure to reduce the occurrence of slippage and erosion. This area will also be revegetated with primarily native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

The applicant is also proposing a footpath located along the contours of the slope into Ramirez Creek Canyon. The footpath will be designed in accordance with those standards imposed by the City of Malibu's Environmental Review Board (ERB) Resolution 97-01 which states that the path shall be:

"(a) no wider than a single person, (b) be located along slope contours, (c)...so as to minimize the amount of vegetation disturbance and soil erosion..."

The path will follow existing footpaths established for fuel modification and slope maintenance work in order to minimize soil erosion and vegetation clearance. Before descending into the mouth of Ramirez Creek, the footpath will connect to the unpermitted trail where the remaining railroad ties are located.

B. Environmentally Sensitive Habitat Areas and Bluff Development

An Environmentally Sensitive Habitat Area (ESHA) is defined in section 30107.5 of the Coastal Act as:

"Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The Coastal Act policies which pertain to the development standards of coastal resources include:

Section 30230:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to given 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 30240:

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

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

Section 30251:

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.

Section 30253:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project is located on a coastal blufftop on a northeastern flank in Point Dume Mesa. The bluff portion of the site is a designated environmental sensitive habitat area (ESHA) according to the certified Malibu/ Santa Monica Land Use Plan and is subject to special protection as indicated in the above policies. Coastal bluffs such as these are also recognized as a visual resource; development is thus restricted to protect the visual resources of these natural formations. Coastal bluffs are known to be naturally unstable and eroding landforms. Development setbacks from coastal bluffs are a long-time Commission requirement of bluff top properties to reduce hazard on site, and to protect the environmental and visual resources of the bluffs.

Resiting the fence

The previous Coastal Development Permit 4-95-109 (Keyes) for the subject property required a minimum 25 ft. setback from the bluff edge (90 ft. contour line) or compliance with a stringline, whichever is greater, for all development. The proposed project would allow for some development including landscaping and a chain link fence to remain seaward of the setback. Currently, the site contains an unpermitted chain link fence. The proposed project includes resiting the unpermitted chain link fence further way from the canyon slope and coastal bluff. The eastern portion of the fence, facing

the canyon, will be moved to the 90 ft. contour line as required by the City of Malibu. The portion of the fence located on the southern perimeter of the property, facing the ocean, will be relocated to approximately five (5) feet north, landward, on the bluff edge (90 ft. contour). The chain link fence provides a necessary safety measure by providing a physical barrier between the landscaped area and the bluff face. Given that it does not have any substantial footings, the location of the fence would not result in erosion or pose a significant hazard and could be readily removed if there were cliff failure. In addition, the fence is consistent with other fencing in the surrounding area and is comparable to previous permits the Commission has approved within the City of Malibu allowing fencing along the coastal bluff [4-97-075 (Brown)].

Section 30251 of the Coastal Act requires that development be designed to protect views along the ocean. The unpermitted chain link fence is a maximum of four feet in height and painted green to minimize its appearance. Also, by resiting the fence to five (5) feet landward of the bluff edge the project will lessen any adverse visual impacts that may be seen from Paradise Cove beach. Therefore, the Commission finds the location of the fence, as proposed, is consistent with Section 30251 and 30253 of the Coastal Act.

Restoration/ Revegetation

The applicant has submitted Restoration and Fuel Modification Plans, prepared by Geo Safety, dated September 9, 1997 which has been reviewed and approved by the City of Malibu's Environmental Review Board. Within the area below the 90 ft. contour line on both the coastal bluff and the canyon slope, the applicant proposes to remove all exotic landscape plants and revegetate the area with native low-fuel plants. The native plant species require no supplemental watering and are in compliance with the Los Angeles County Fire Department fuel modification requirements. The unpermitted pathway descends the southern facing bluff slope at a width of 24 to 30 inches. The plan proposes to revegetate the unpermitted pathway area by "aerating and scarifying the soil surface to a depth not to exceed two inches...and depositing seed-containing duff from surrounding recently brushed areas." The unpermitted trail was constructed by cutting railroad ties into the eastern slope of the canyon. The applicant is proposing to remove the railroad ties and rebar and replacing them with native rocks, soil, and cut brush. Revegetation will occur by gathering and planting seeds from nearby native plants and planting potted stock. The area will then be covered with jute netting or coconut fiber soil erosion blankets. To maintain slope instability a maximum of five (5) railroad ties located near the bottom steep portion of the trail will remain. The exact number will be determined by the landscape architect once the work has begun.

The restoration and revegetation of the site will correct the environmental, geological, and visual impacts created by the unpermitted development. The proposed project will also restore a degraded ESHA area and mitigate geological hazards resulting from unpermitted development. The exotic species currently on the bluff face require additional watering that will cause saturation of the bluff and bluff erosion. Erosion could destabilize the site or result in sedimentation which could adversely impact the off shore kelp beds. By restoring the native plant species on the coastal bluff the rate of soil erosion will be reduced and the native ESHA will be restored. Thus, by reducing the risk of sedimentation on the off shore kelp beds and restoring the disturbed ESHA areas of the coastal bluff, the project will be in compliance with sections 30230 and 30240 of the Coastal Act. Because the revegetation of the coastal bluff and canyon will minimize erosion and enhance site stability, the proposed development will be in conformance with Section 30253 which requires projects to neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. To ensure that this restoration project is carried out in a timely manner, the Commission finds it necessary to require the applicant to implement the restoration plan within 30 days

of the issuance of the permit as noted in special condition 1. The restoration plan submitted by the applicant includes a proposed three (3) year monitoring program. However, to ensure that the restoration plan is successful, and the monitoring plan is carried out the Commission requires the applicant to submit annual reports to the Executive Director which shall include any recommendations for modifications to the project if the initial restoration efforts fail. The details of restoration monitoring are outlined in special condition 2.

New Footpath

The proposed footpath is designed to conform to the already existing contours of the western facing portion of the canyon. This footpath will be two feet in width, in order to minimize soil exposure and erosion, and will follow existing footpaths established for fuel modification and slope maintenance work. Thus, by configuring the footpath away from the ocean bluff and using existing pathways minimal land alteration or vegetation clearance shall occur. Further, by reducing the width of the path and the amount of soil exposed the development will not create geologic hazards.

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed project is located near a coastal bluff and canyon in Malibu, an area which is generally considered to be subject to an unusually high amount of natural hazards. Among these hazards include the potential for natural bluff retreat, landslides, and erosion of the bluff and canyon slopes. Due to the potential hazardous geologic conditions on this site, the Commission can only approve the project if the applicant assumes the liability from the associated risks. The proposed project is located partially on Mr. Keyes' property (Assessor's Parcel Number 4466-003-013) and partially on the adjacent property owned by Kissel Company (Assessor's Parcel Number 4466-003-015). Mr. Keyes is being required to assume the liability for both the portion of the project which is located on his property and the portion of the project that lies on Kissel Company's property. The Commission, therefore, imposes special condition 3 which requires Mr. Keyes to record the assumption of risk in the form of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

The Commission finds that only as conditioned is the proposed project consistent with Sections 30230, 30240, 30251, and 30253 of the Coastal Act.

C. Shoreline Development/ Public Access

All projects that require a Coastal Development Permit and are located between the shoreline and the first public road must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduced interference with access to and along the shoreline. Those policies that apply in this case are as follows:

Section 30210:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated access way shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.

A conclusion that access may be mandated by Section 30212 does not end the Commission's inquiry. As noted, Section 30210 imposes a duty on the Commission to administer the public access policies of the Coastal Act in a manner that is "consistent with ... the need to protect ... rights of private property owners..." The need to carefully review the potential impacts of a project when considering imposition of public access conditions was emphasized by the U.S. Supreme Court's decision in the case of Nollan vs. California Coastal Commission. In that case, the court ruled out that the Commission may legitimately require a lateral access easement where the proposed development has either individual or cumulative impacts which substantially impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate those impacts.

The Commission's experience in reviewing shoreline residential projects in Malibu indicates that individual and cumulative impacts on access of such projects can include among others, encroachment on lands subject to the public trusts thus physically excluding the public; interference with natural shoreline processes which are necessary to maintain publicly-owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's access to an ability to use and cause adverse impacts on public access such as above.

In this case, the applicant is proposing a footpath and restoration/ revegetation of the coastal bluff and canyon slope. The subject property and developments are located atop of a 100 ft. coastal bluff within a residential neighborhood. The portion of the sandy beach immediately below the site is owned by Malibu Riviera One Homeowners Association. There are no public vertical access routes through the subject property to the beach and the proposed developments will not impede lateral access along the coast. Therefore, the condition to require lateral access

is not appropriate for this project. The Commission finds that this development is consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

D. Violation

Although unpermitted development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

E. 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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

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



April 2, 1997

Mr. Paul Kermoyan
Department of Planning
City of Malibu
23555 Civic Center Way
Malibu, California 90265

RE: Howard Keyes / 6754 Zumirez Dr., Malibu

Dear Mr. Kermoyan:

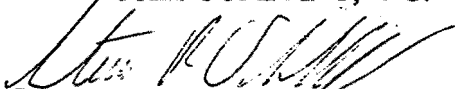
Please be advised that the Kissel Company, Inc. owns the property immediately adjacent and to the west of the above captioned property. I have reviewed the Restoration Plan and Addendum prepared for Mr. Keyes by Geo Safety, Inc. and do not oppose the applicant's request to enter my property solely to perform the proposed development as referenced in said document.

This letter shall confirm that I do not oppose the applicant's request to restore that portion of the previously existing "bluff trail", and construct the "new trail"(which has already been constructed).

It is my understanding that no development of any kind will take place, or is proposed to take place, on my property at or near the creek.

Should you need any additional information, please telephone me at your earliest convenience. Thank you for your courtesy.

Very truly yours,
THE KISSEL COMPANY, INC.


Steven F. Dahlberg

SFD/me

TELE # 310-457-2511
FAX # 310-457-7805

THE KISSEL COMPANY INC.
28128 WEST PACIFIC COAST HIGHWAY, MALIBU, CALIFORNIA 90265

Exhibit No. 1
4-96-081 (Keyes)
Permission Letter

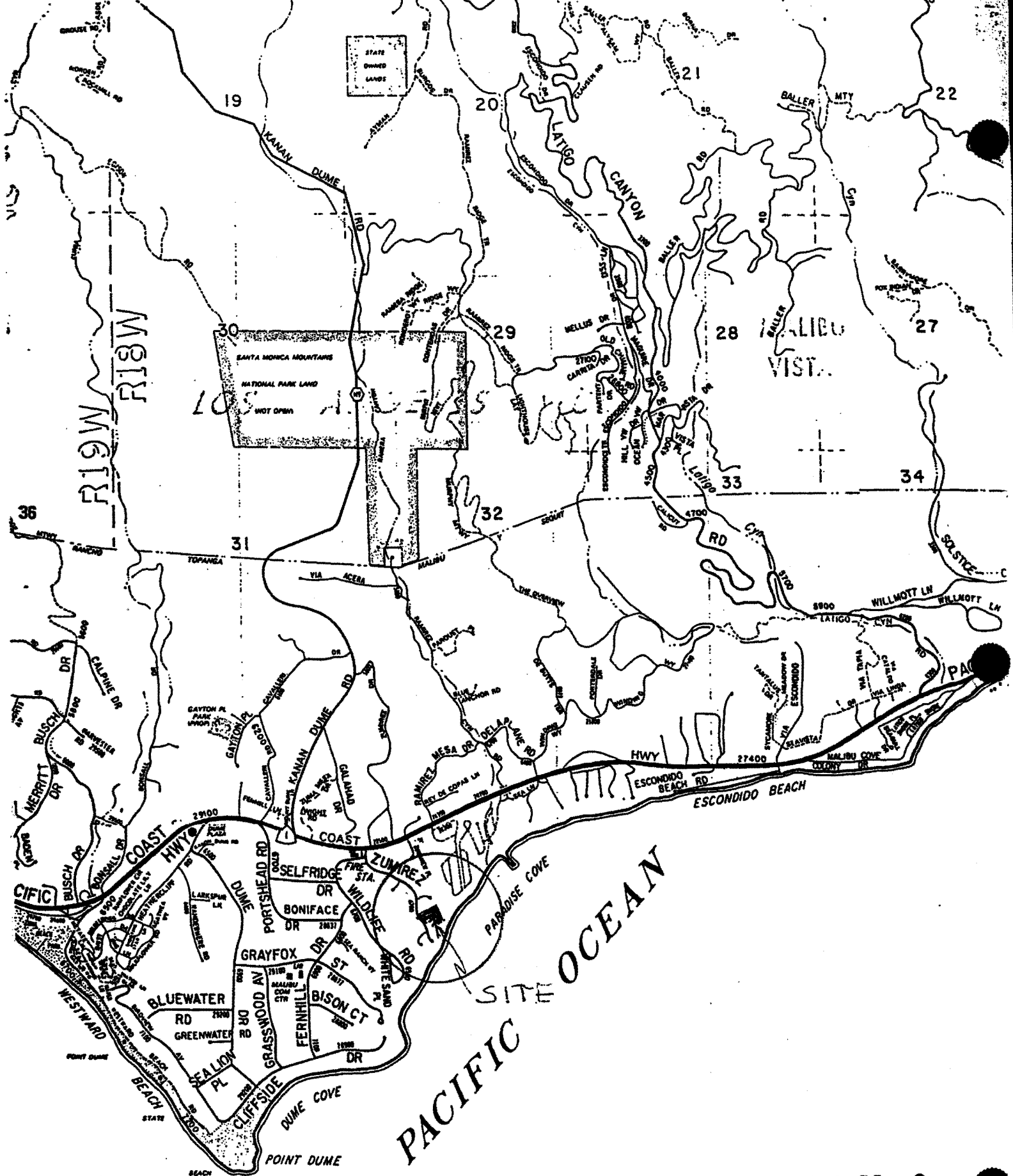


Exhibit No. 2
 4-96-081 (Keyes)
 Area Map

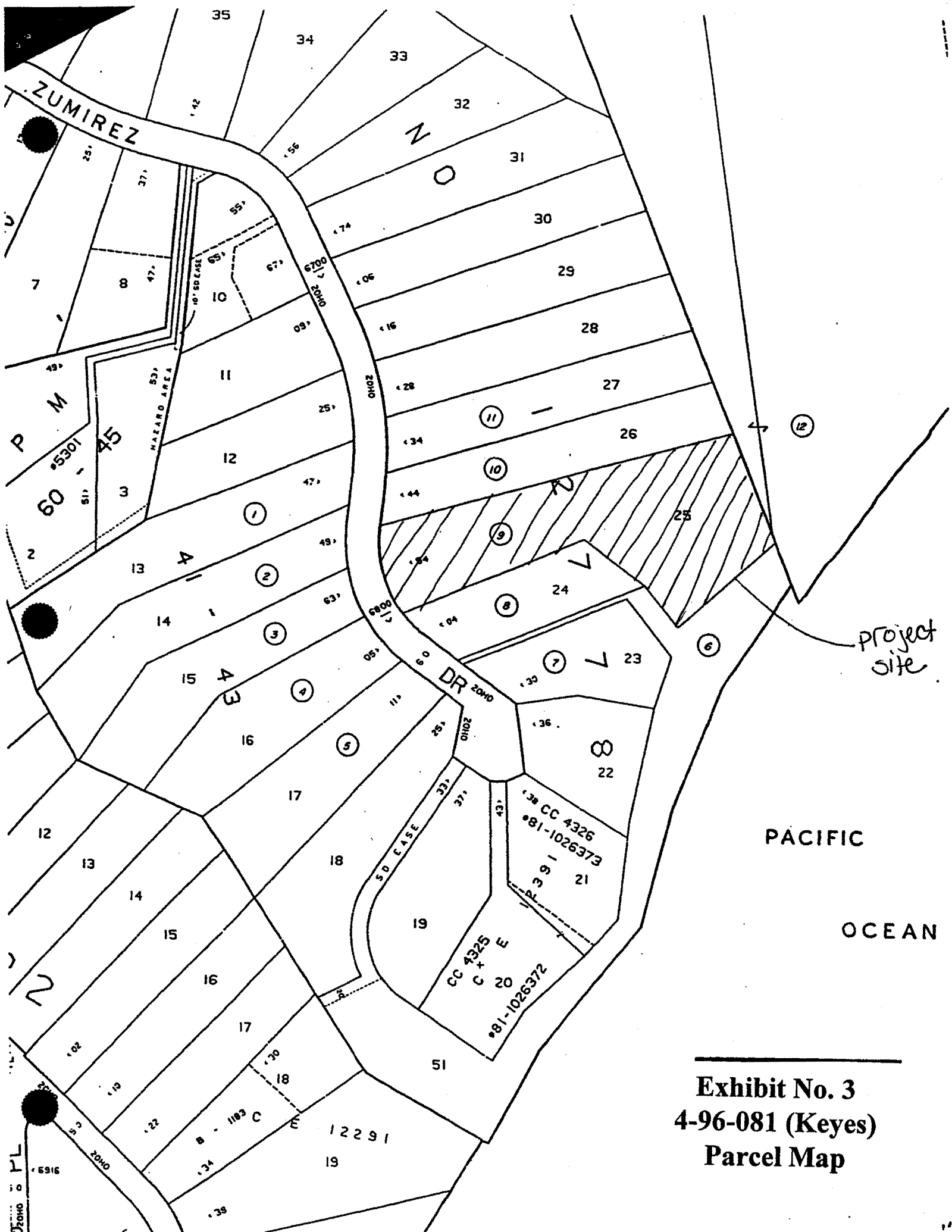
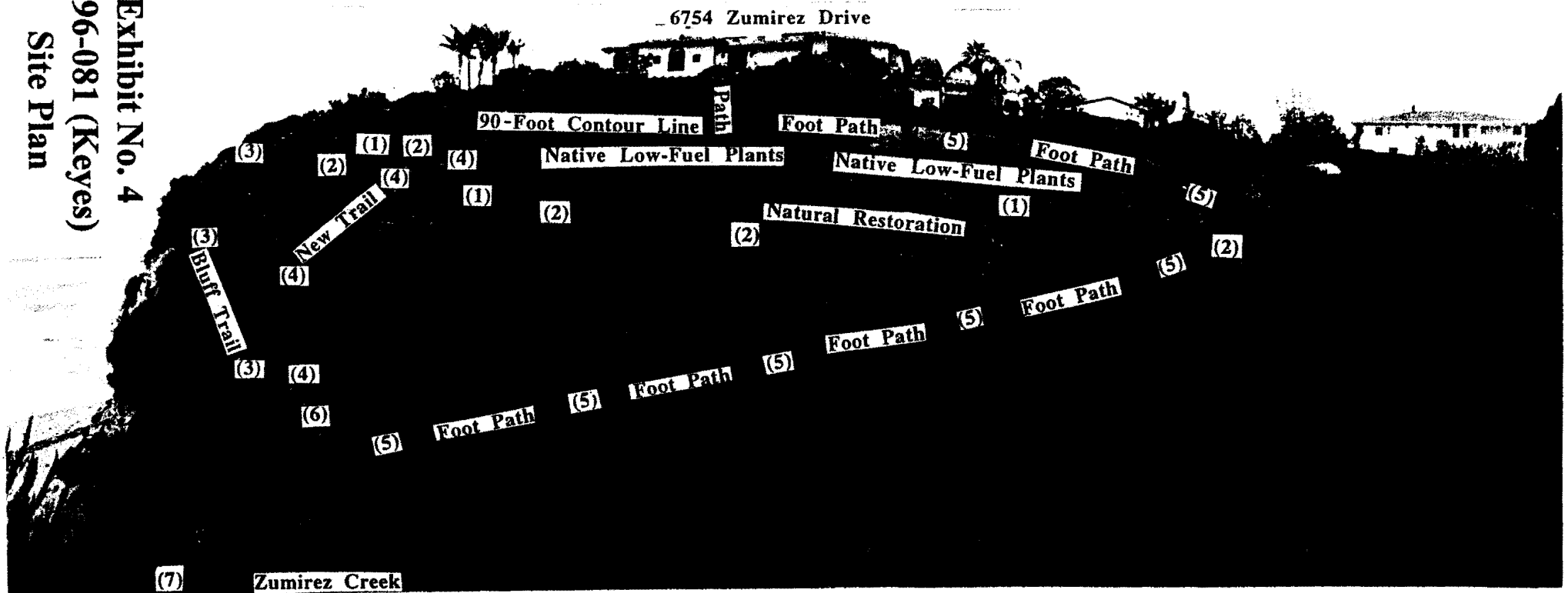


Exhibit No. 3
4-96-081 (Keys)
Parcel Map

Exhibit No. 4
4-96-081 (Keyes)
Site Plan



Photos 1 & 2: The eastern facing slopes are shown in these composite photographs taken August 8, 1997.

- (1) Native vegetation was largely cleared on the upper slopes to satisfy stated Fire Department and Insurance requirements without following the guidelines of the approved Fuel Modification Plan for the property. The area to be restored with native low-fuel plants from the fence (after it has been reset to the 90-foot contour line) to a distance of about 100 feet from the house is marked by arrows.
- (2) Area denuded by non-permitted "brush clearance" to be restored with the native plant material growing there.
- (3) Original unsafe "Bluff Trail" largely revegetated naturally. Areas not fully naturally recovered will be restored.
- (4) The non-permitted "New Trail" built downslope with railroad ties. This trail will be eliminated and the area restored.
- (5) Proposed new Foot Path that follows existing maintenance trails on the upper part of the slope before leading sideways along the slope within the Keyes property and connecting to the steps within the Kissel property.
- (6) Section of original "Bluff Trail" and railroad ties partially to be retained to reduce erosion and hillside slippage.
- (7) The mouth of Zumirez Creek (not visible in the photograph) is located just below the blue kayaks.

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

OCT 29 1997

RECEIVED

N 73° 34' 42" E 659.54'



Exhibit No. 5
4-96-081 (Keyes)
Restoration Plan

