

GALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Hearing Date: 12/12/2000
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-00-047

APPLICANT: Barbara Good

AGENT: Lynn Heacox

PROJECT LOCATION: 210 Loma Metisse, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a three-story, 34 ft. high, 6,780 sq. ft. single family residence including an attached 3-car garage, indoor swimming pool, new septic system and driveway, 7500 gallon water tank, retaining walls, 8 ft. barrier wall, and 2090 cu. yds. of grading (2070 cu yds. cut, 20 cu yds. fill, and 2050 cu. yds. export). The proposed project also includes widening portions of the access road to the project site and repaving of the access road.

Lot area: 2.5 acres
Building coverage: 4,244 sq. ft.
Pavement coverage: 3,369 sq. ft.
Landscape coverage: 19,500 sq. ft.
Parking spaces:

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning Approval-in-Concept 2/24/00; County of Los Angeles Department of Health Services Sewage Disposal System Design Approval 4/1/00; County of Los Angeles Fire Department, Fuel Modification Unit, Preliminary Approved Fuel Modification Plan 7/5/00.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Malibu/Cold Creek Resource Management Area Environmental Review Board Evaluation 4/18/94, Update Soils Engineering Geologic report by GeoSystems dated 5/10/99, Soils Engineering Geologic Investigation by GeoSystems dated 1/28/97, Oak Tree Survey by David Carroll and Associates dated 10/12/00.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **6 Special Conditions** relative to 1) geologic recommendations, 2) drainage and polluted run-off control, 3) landscaping and interim erosion control, 4) removal of natural vegetation, 5) removal of excess grading material, and 6) assumption of risk.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-047 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **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.

III. **SPECIAL CONDITIONS**

1. **Plans Conforming to Geologic Recommendation**

All recommendations contained in the Update Soils Engineering Geologic report by dated 5/10/99 and the Soils Engineering Geologic Investigation report dated 1/28/97 prepared by GeoSystems shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the coastal development permit the applicant shall submit for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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

2. **Drainage and Polluted Runoff Control Plans**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, 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 developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. 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 stormwater from each runoff event, 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, 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.

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.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultant to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

- (5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 150 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment loss from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape

plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

5. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.

6. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards 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 hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's 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 hazards.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a three-story, 34 ft. high, 6,780 sq. ft. single family residence including an attached 3-car garage, indoor swimming pool, new septic system and driveway, 7,500 gallon water tank, retaining walls up to 6 ft. in height, and an 8 ft. barrier wall (Exhibits 6-10). The applicant is also proposing approximately 2,090 cu. yds. of grading (2070 cu yds. cut, 20 cu yds. fill, and 2050 cu. yds. export) to create an 8,950 sq. ft. building pad area including the rear yard, driveway, and fire department turn-around area (Exhibit 5). Additionally, in order to comply with fire department requirements, the applicant is proposing to repave the access road to the site, widen the lower portion of the access road to a minimum width of 20 ft., and incorporate a 32 ft. turn-around area where the access road intersects with Loma Metisse. Improvements to the access road will require minimal remedial grading of approximately 30 cu. yds. of cut and fill to smooth the grade for repaving.

The project site is a 2.5 acre parcel located on a moderately developed hillside just east of Loma Metisse Road and west of Saddle Peak Road in the Santa Monica Mountains (Exhibit 1). Access to the project site is provided from Loma Metisse Road via an existing private road easement (Exhibit 4). In order to comply with fire department requirements for access to the site, the applicant is proposing to widen the lower portion of the access road to it's entire easement width of 20 ft., provide a turn-around area where the access road intersects with Loma Metisse, and repave the access road. Some fencing built into the lower portion of the road easement by neighboring development will have to be relocated out of the easement and grading of approximately 30 cu. yds. of cut and fill will be necessary to construct the proposed road improvements.

The subject parcel is situated on a west-facing slope that ascends easterly from the existing access road with a general gradient of 2 ½:1 to Saddle Peak Road (Exhibit 2). The hillside slope steepens to a gradient of 1 ½:1 as it approaches the eastern boundary of the subject property adjacent to Saddle Peak Road. The proposed development is to be constructed on the western, lower portion of the subject parcel. The project's consulting geologist has concluded that residual soil identified on the steeply ascending slope east of the building location is subject to surficial failure should the hillside become denuded and saturated. Therefore, consistent with the recommendations of the consulting geologist, the applicant is also proposing an 8 ft. barrier wall to be constructed between the proposed development and ascending slope to protect the residence from potential mudflow damage.

The subject parcel is located on the periphery of the Cold Creek Resource Management Area (Exhibit 3) and vegetation at the project site consists of natural grasses, shrubs, and trees. No designated environmentally sensitive habitat areas are known to exist on or near the site and the proposed project has been reviewed by the Environmental Review Board and is found to be consistent with resource protection policies. Additionally, the applicant has submitted a proposed landscaping plan and fuel modification plan with preliminary approval of the Los Angeles County Fire Department. The submitted plan indicates that the applicant is proposing to use native plant species to landscape the project site and that the Fire Department will require a total radius of 150 ft. around the proposed structure for fuel modification purposes to reduce fire hazard (Exhibit 11). The reduced fuel modification zone from the standard 200 ft. will minimize impacts to natural vegetation existing on the steeply ascending slope east of the proposed residence and fuel modification for the structure will not be required beyond the east property boundary of the subject site. The plan indicates that the required 150 ft. fuel modification zone will extend a maximum of 42 ft. beyond portions of the south property boundary, approximately 70-110 ft. beyond the west property boundary, and approximately 8 ft. beyond the north property boundary of the subject site. However, the Commission notes that the

fuel modification requirements for the proposed structure which will extend beyond the property's south and west boundary will overlap with existing fuel modification zones associated with adjacent development and the access road (See Exhibit 12, Adjacent Development). Therefore, no significant additional disturbance of natural vegetation will occur as a result of the proposed project on properties to the south and west of the project site. The Commission further notes that some undisturbed natural vegetation on the adjacent property north of the project site is present, however, the Commission also notes that fuel modification requirements for the proposed structure will extend only 8 ft. beyond the subject property's north boundary. Therefore impacts to existing natural vegetation north of the subject site will be minimal.

The project site is located in an area moderately developed with single family residences and the proposed project will not be visible from any designated scenic highways or public viewing areas. For these reasons, the Commission finds that the proposed project will not have a significant adverse impact to environmentally sensitive habitat areas or public scenic views.

Commission staff has received letters from adjacent property owners indicating opposition to the proposed project and expressing concerns relative to geology, drainage, fuel modification requirements extending beyond the subject property boundaries, and the proposed widening of the access road required by the Fire Department. Issues pertaining to potential impacts of geology and drainage associated with the proposed project are discussed in detail under **Section B. Geology and Wildfire Hazards** and **Section C. Water Quality**. As discussed above, requirements of the Fire Department for fuel modification and fire vehicle access to the site have been incorporated into the project description and potential impacts of these requirements on adjacent properties identified to the furthest extent possible. All letters in opposition of the proposed project received by staff are attached at the end of this Staff Report.

B. Geology and Wildfire Hazard

The proposed development is located in the Santa Monica Mountains area, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Section 30253 of the Coastal Act states in pertinent part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and to minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted a Soils and Engineering Geologic Investigation report dated 1/28/97 and an Update Soils and Engineering Geologic Investigation report

dated 5/10/99 prepared by GeoSystems which evaluate the geologic stability of the subject site in relation to the proposed development. The consultant has found that the project site is suitable for the proposed project, however, the consultant concludes that residual soil present on the steeply ascending slope east of the proposed building location is susceptible to slump should the hillside become denuded and saturated. The Soils and Engineering Geologic Investigation report dated 1/28/97 states:

A potential slump exists on the upper steeper slope below saddle peak road with a factor of safety less than 1.5 (static) and 1.1 (seismic). A barrier wall/impact wall is recommended to mitigate this condition.

In order to minimize the potential for damage to the residence due to surficial failure of soils on the ascending slope a barrier wall is recommended between the residence and the ascending slope.

Based on their evaluation of the project site in relation to the proposed project the geologic consultants have determined that the project site is appropriate for the proposed development and, provided their recommendations are incorporated into the proposed project, conclude in the Soils and Engineering Geologic Investigation report dated 1/28/97:

It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.

The Soils and Engineering Geologic Investigation report dated 1/28/97 prepared by GeoSystems includes several geotechnical recommendations to be incorporated into project construction, design, drainage, and sewage disposal to ensure the stability and geologic safety of the proposed project. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

Though the proposed project is conditioned to incorporate all recommendations for site stability and safety, the Commission notes that there remains an inherent risk in building on the subject site with the geologic conditions and constraints described and identified in the referenced geology reports. Therefore, the Commission can only approve the project if the applicant assumes the responsibility and liability from the risks associated with developing the project as required by **Special Condition 6**. 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 that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same.

The Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control, and

appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 2 and 3**.

Additionally, the Commission notes that the quantity of cut grading required for construction of the proposed residence is more than the quantity of fill required for construction resulting in an excess of 2,050 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition 5** requires the applicant to export all excess grading material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

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

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 3.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 4**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by Special Condition 4 avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties. However, the Commission finds that there remains an inherent risk in building on the subject site with the geologic conditions and constraints described in this section, and due to the fact that the project site is located in an area subject to an extraordinary potential for damage or destruction from wildfire. Typical vegetation in the Santa Monica Mountains consists predominantly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. Additionally, the typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Therefore, the Commission can only approve the project if the applicant assumes the responsibility and liability from the risks associated with developing the project as required by **Special Condition 6**. This responsibility is carried out through the recordation 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 that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Moreover, through acceptance of Special Condition 6, the applicants agree to indemnify the Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage from geologic and wildfire hazard exists as an inherent risk.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous wildfire and geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development with similar risks throughout the Malibu/Santa Monica Mountains region.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section 30231 of the Coastal Act 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, minimizing alteration of natural streams.

As described, the proposed project includes construction of a three-story, 34 ft. high, 6,780 sq. ft. single family residence including an attached 3-car garage, indoor swimming pool, new septic system and driveway, 7500 gallon water tank, retaining walls, 8 ft. barrier wall, and 2090 cu. yds. of grading (2070 cu yds. cut, 20 cu yds. fill, and 2050 cu. yds. export). The proposed project also includes widening portions of the access road to the project site and repaving of the access road. The project site is an undeveloped 2.5 acre parcel located on a moderately to

steeply ascending slope in the Santa Monica Mountains. The site is considered a "hillside" development, as it involves steeply to moderately sloping terrain with soils that are susceptible to erosion.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition 2, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition 3 is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system with a 1,500 gallon tank to serve the residence. The applicants' geologic consultants performed infiltration tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and that no adverse impact to the site or surrounding areas will result from the use of the alternative septic system. Finally, the City of Los Angeles County Health Department Services has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

Section 30604 of the Coastal Act states:

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

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

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

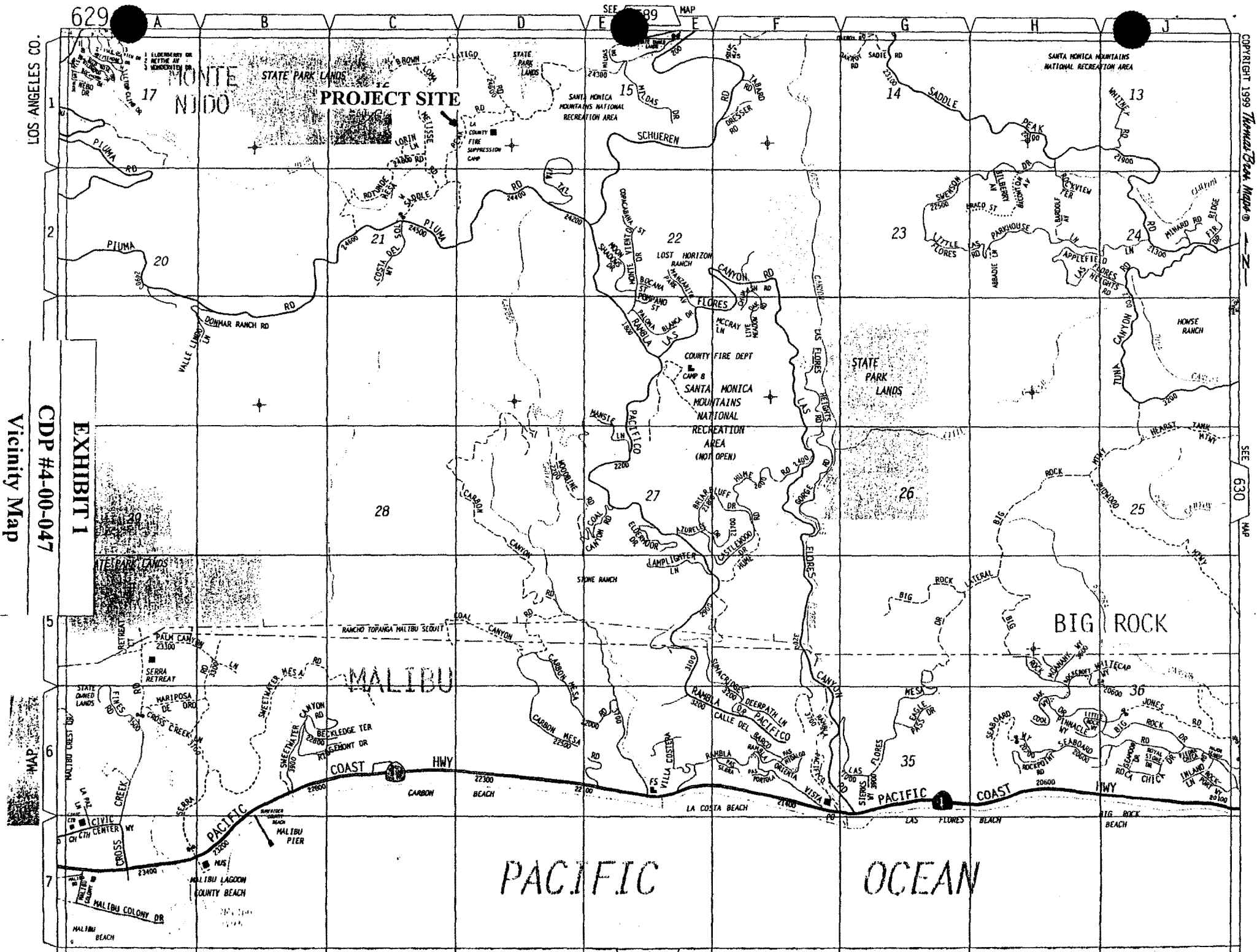


EXHIBIT 1
CDP #4-00-047
Vicinity Map

PACIFIC

OCEAN

PROJECT SITE

BIG ROCK

MONTE NIDO

STATE PARK LANDS

STATE PARK LANDS

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

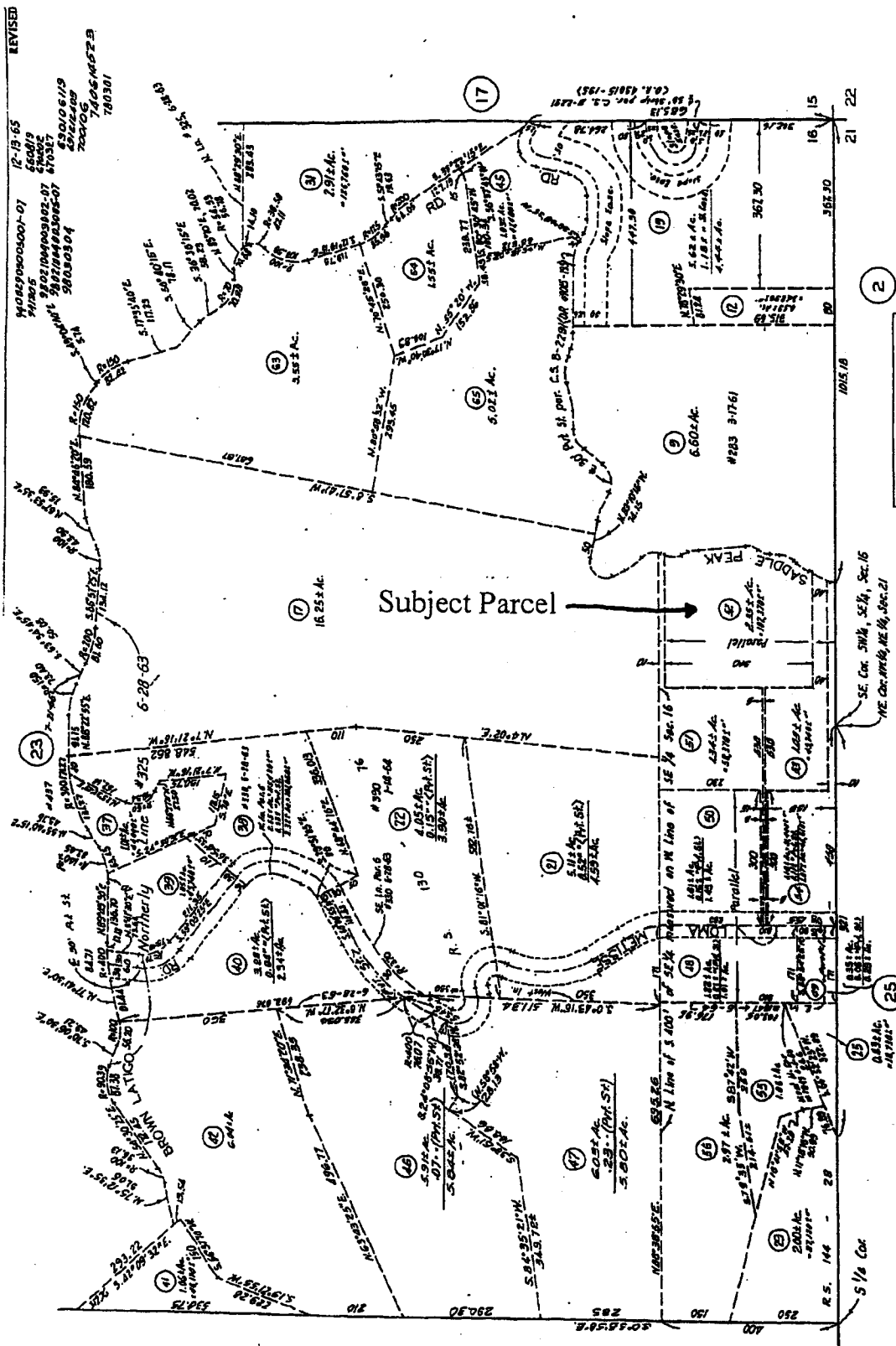
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA (NOT OPEN)

STATE PARK LANDS

4453 18
SCALE 1" = 200'
1998

SCALE IN 1/10 OF AN INCH

1-800-345-7334



SECTION LINES PER
C.S.B-2281 & F.M. 10581

MAR 27 1998
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

T. 1 S., R. 17 W

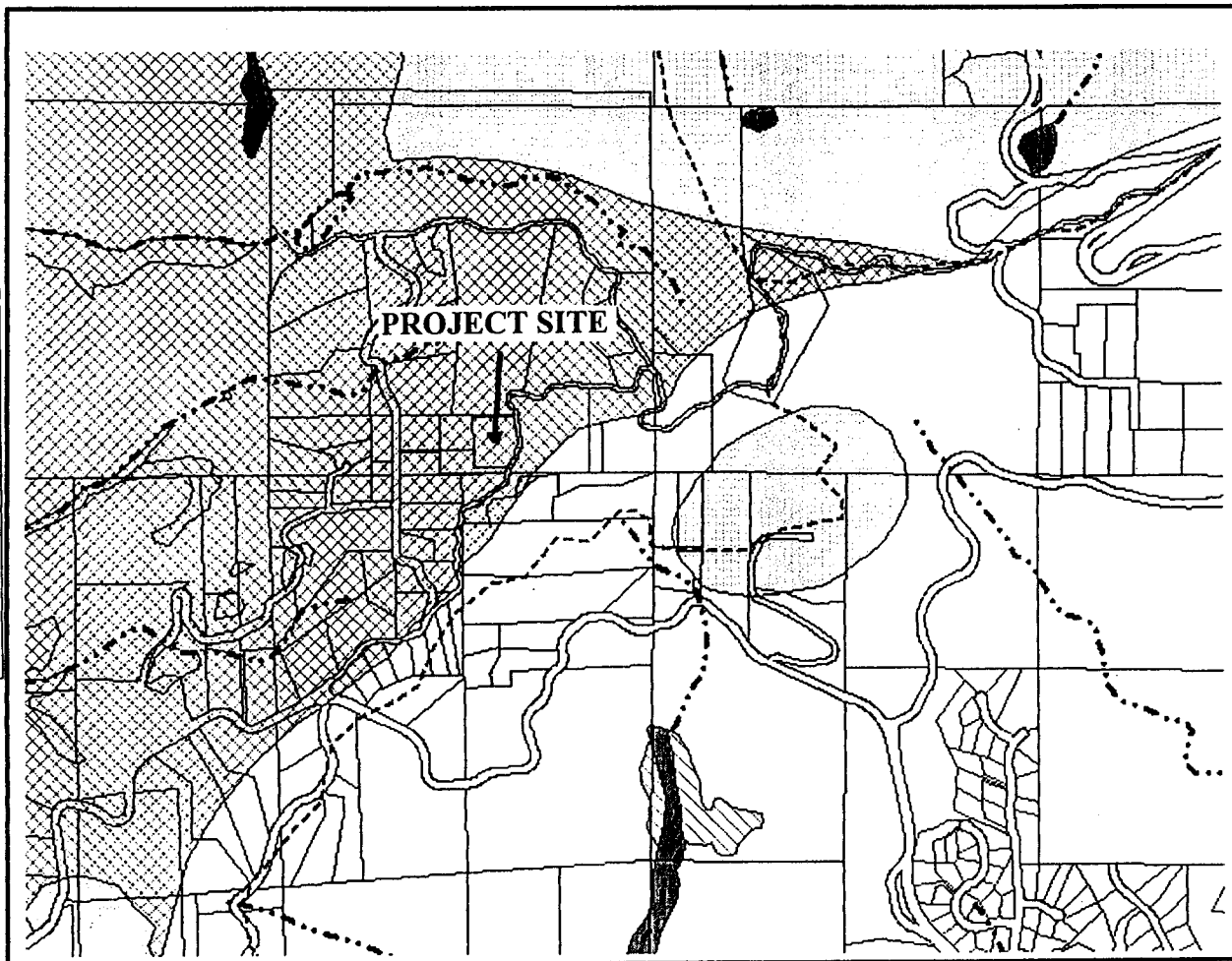
CODE
4988

FOR PREV. ASSMT. SEE:
4453-18

EXHIBIT 2
CDP # 4-00-047
Parcel Map

ESRI ArcExplorer 1.1

4-00-047 (Good) Coastal Resources










-  trailslacoplan
-  StrmsCCC
-  laprcis
- esha (ESHA)
 -  Coldcreek management area
 -  inland
 -  locally disturbed resources
 -  oak woodlands and savannahs

EXHIBIT 3
CDP # 4-00-047
Coastal Resource Map



RECEIVED

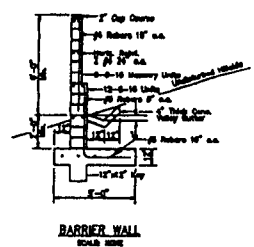
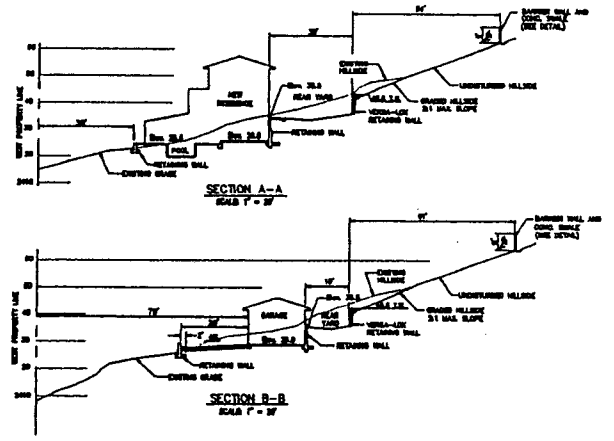
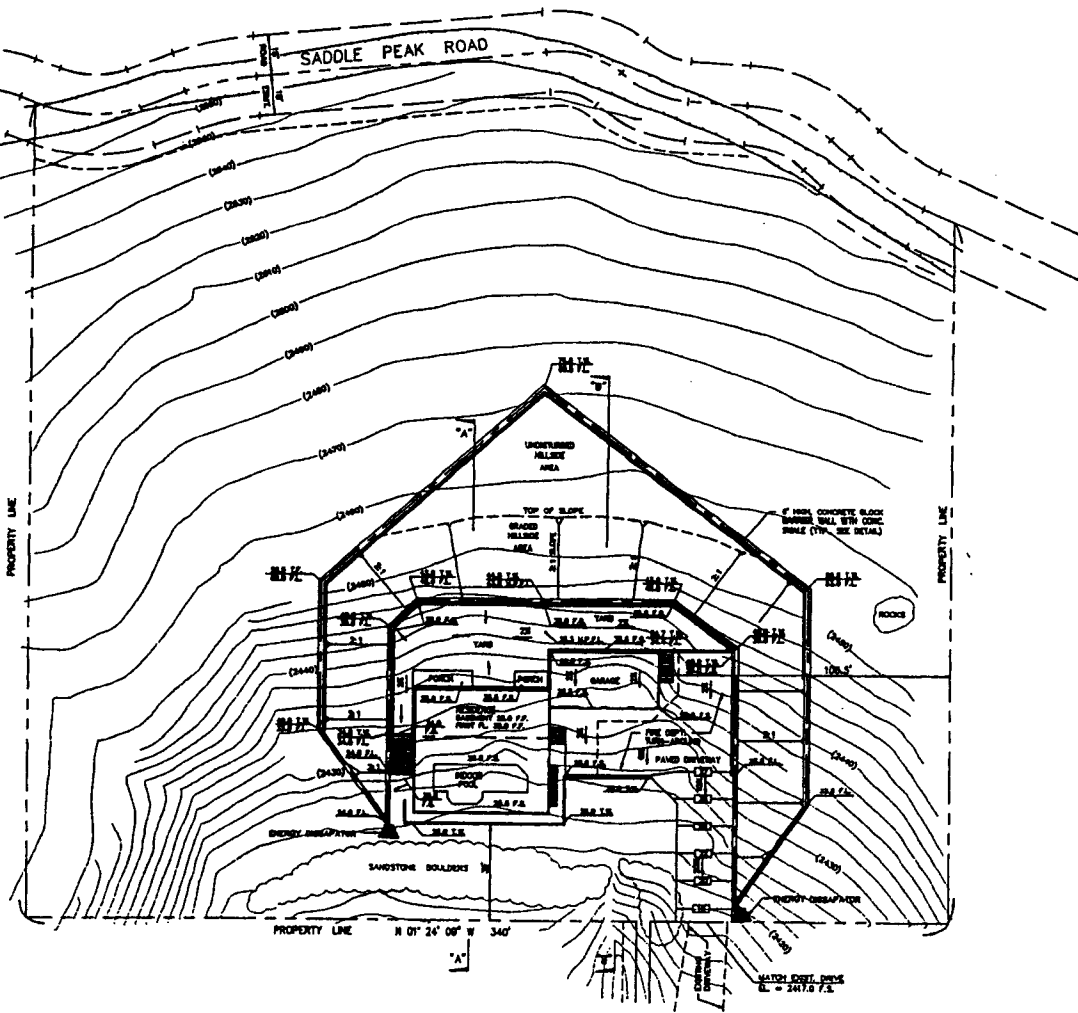
4-000047

FEB 24 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



SADDLE PEAK ROAD



- LEGEND**
- (2400) EXISTING CONTOUR
 - (26.5) EXISTING ELEVATIONS
 - 2400 PROPOSED CONTOURS
 - 26.5 PROPOSED ELEVATIONS
 - RETAINING WALL
 - EXISTING GRADE
 - F.G. FINISH GRADE
 - T.C. TOP CLIFF
 - F.L. FLOOD LINE
 - H.P. HIGH POINT
 - F.S. FINISHED SURFACE
 - T.W. TOP OF WALL
 - T.G. TOP OF GRATE
 - E.P. EDGE OF PAVEMENT
 - F.F. FINISHED FLOOR

GRADING QUANTITIES		
	CUT	FILL
DRIVEWAY AND TURNAROUND	800 C.Y.	---
GARAGE	170 C.Y.	---
RESIDENCE	330 C.Y.	20 C.Y.
CUT SLOPER AND REAR YARD	1070 C.Y.	---
OVER-DIGAVATION UNDER RESIDENCE	1200 C.Y.	1800 C.Y.
TOTALS	3770 C.Y.	1220 C.Y.

NOTE: ALL EXCESS CUT WILL BE DISPOSED OF AT A LANDFILL OUTSIDE OF THE COASTAL ZONE

EXHIBIT 5
 CDP # 4-00-047
 Grading Plan

SITE PLAN
SCALE 1" = 20'

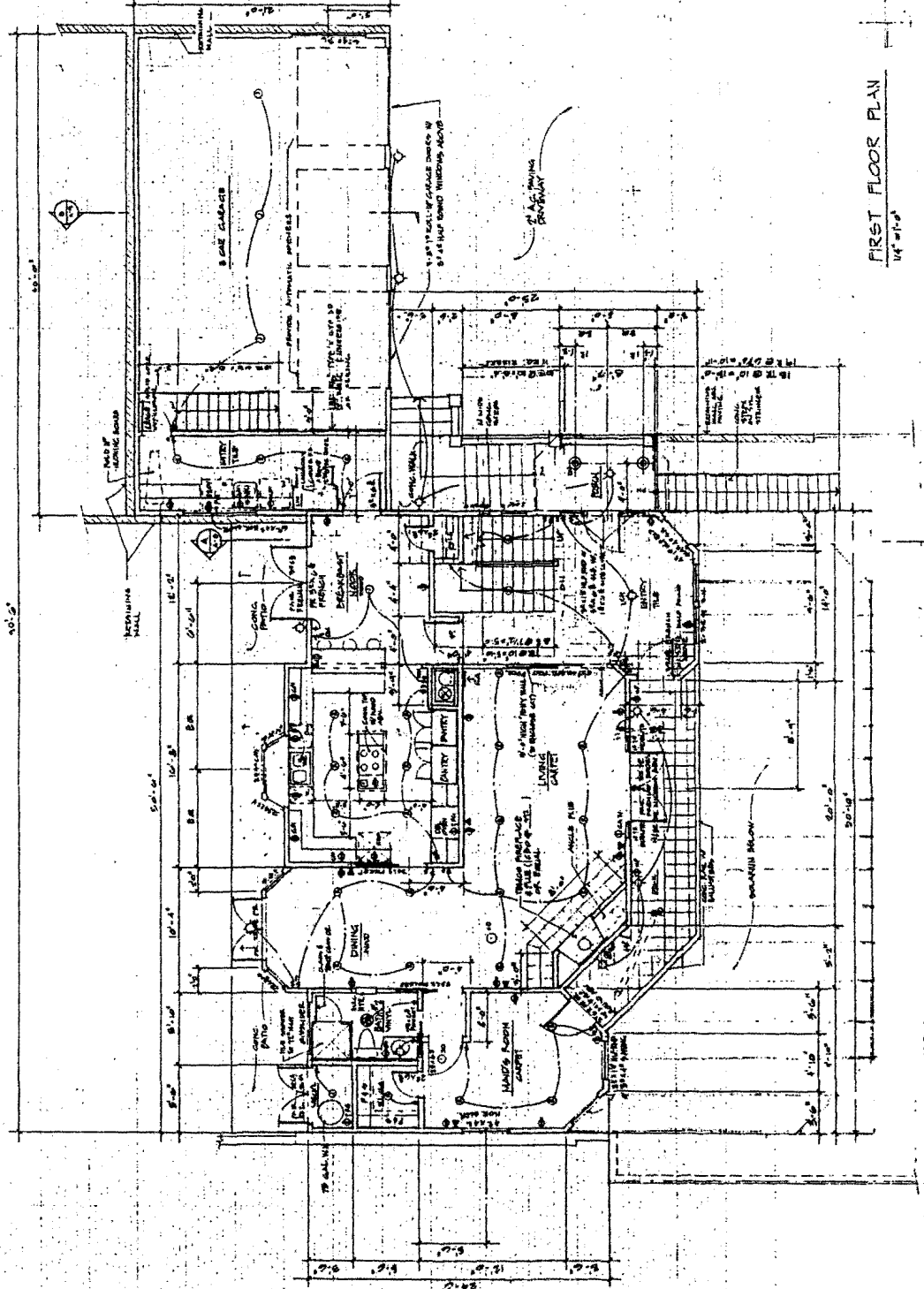
1. TOPOGRAPHY PER MARG GARD, DATED OCT. 17, 1998

THE LAND & WATER CO.
(714) 965-1822
BEDROCK ENGINEERING
(714) 375-0877

CONCEPTUAL GRADING PLAN
FOR PROPOSED RESIDENCE AT
210 LOMA METEBE

MALIBU CALIFORNIA
95-188-1

APPROVED BY	DATE	REVISION



FIRST FLOOR PLAN
1/4" = 1'-0"

EXHIBIT 7
CDP # 4-00-047
2nd Floor Plan

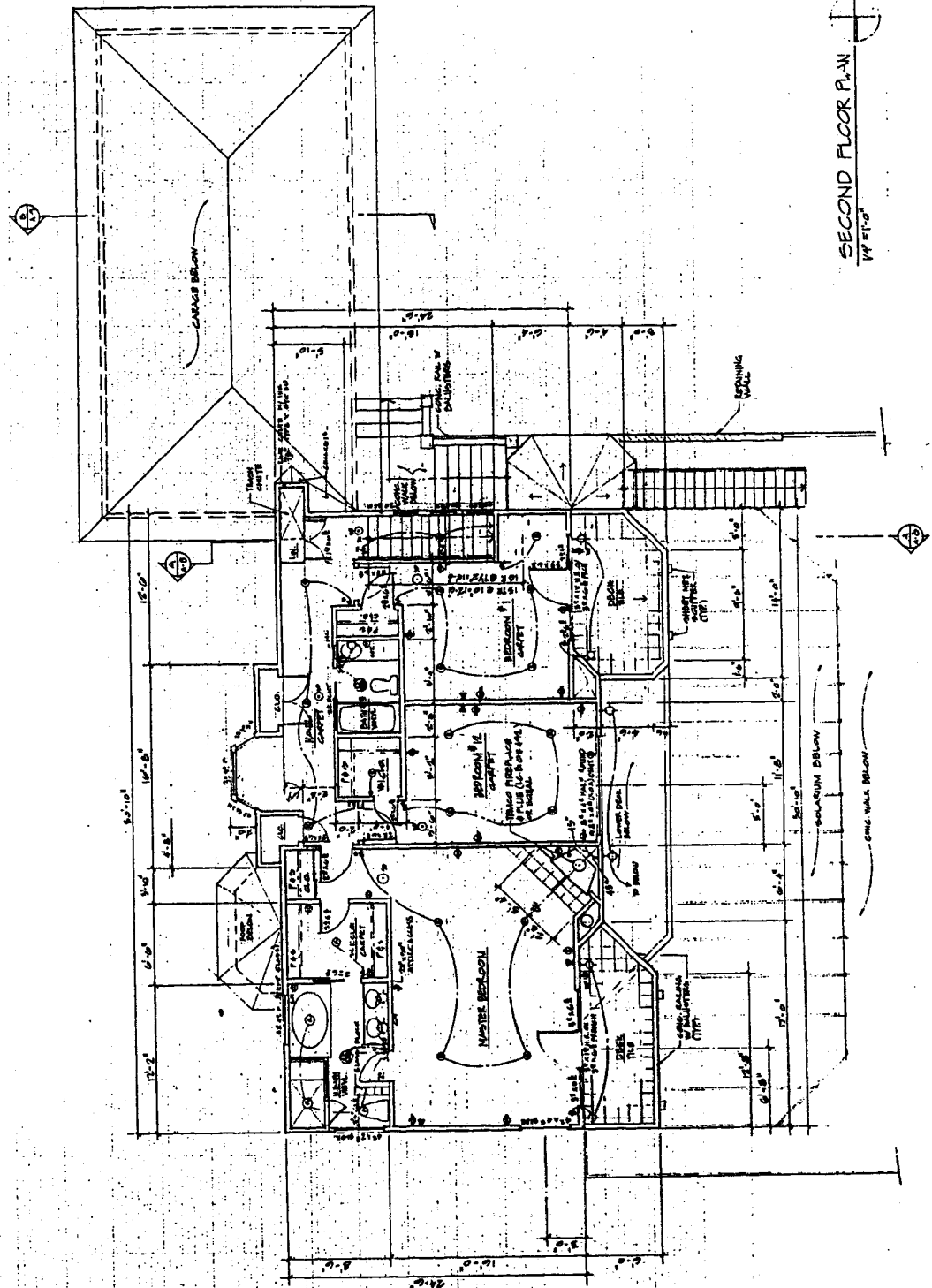


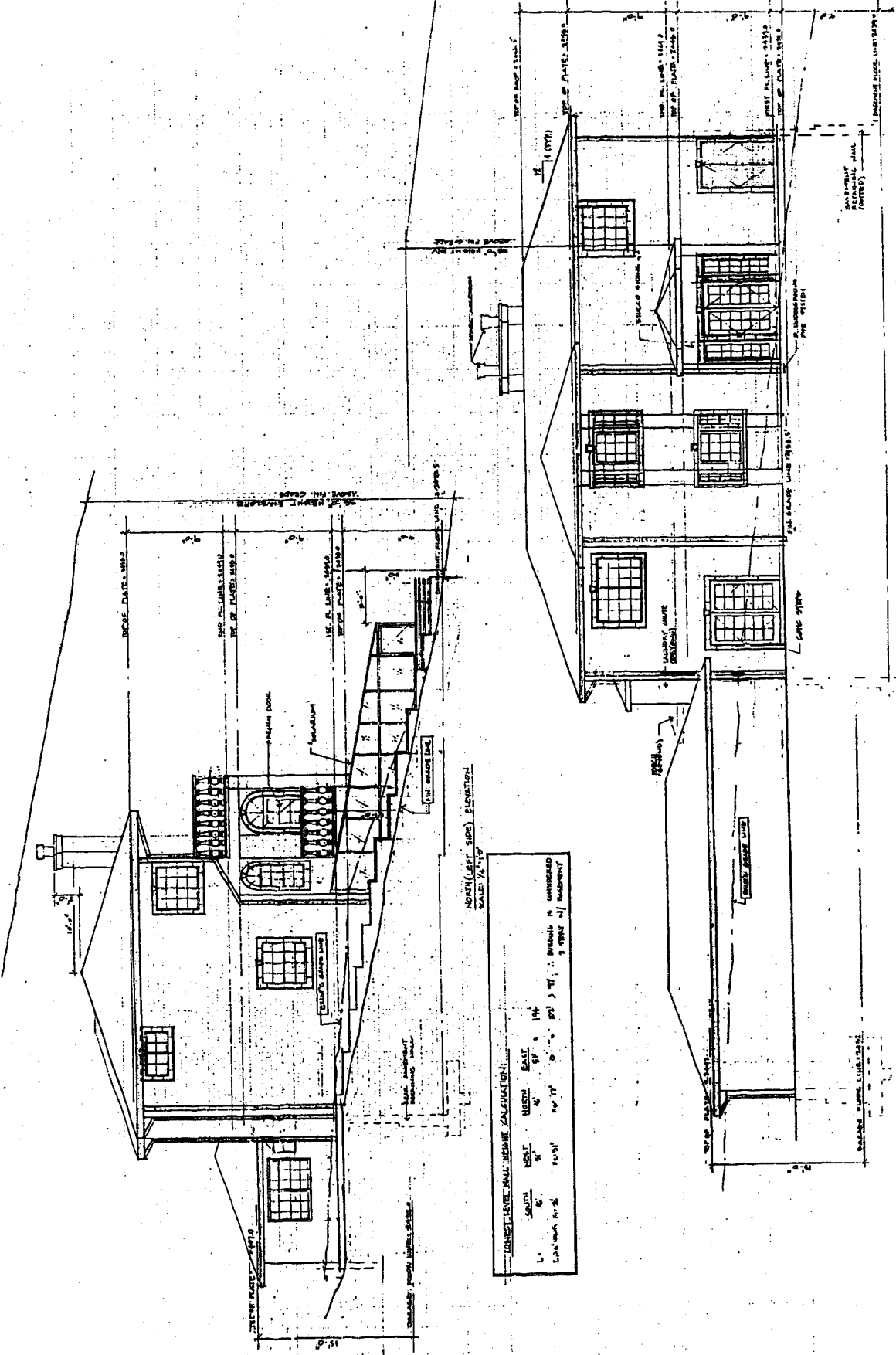
EXHIBIT 8
CDP # 4-00-047
3rd Floor Plan

A-7

BRIAN ARTHUR NOTEWARE ARCHITECTURE PLANNING DEVELOPMENT 1801 STAVROPOLOU ST. SANTA MONICA, CA 90404 (310) 312-1234

DATE: 11/11/14
DRAWN BY: [blank]
JOB NO: [blank]
SHEET TITLE: LEFT & REAR ELEVATIONS

BARBARA GOOD
230 LOMA HEIGHTS
CA
11/11/14



TOURIST-LEVEL WALL HEIGHT CALCULATION

SOUTH	WEST	EAST	BASE
11'	11'	11'	11'
11'	11'	11'	11'
11'	11'	11'	11'

11' 0" MINIMUM HEIGHT
11' 0" MINIMUM HEIGHT
11' 0" MINIMUM HEIGHT
11' 0" MINIMUM HEIGHT

EAST (REAR) ELEVATION
PAGE 10

EXHIBIT 10
CDP # 4-00-047
Elevations

FUEL MODIFICATION PLAN NOTES

1. The purpose of this plan is to show the proposed fuel modification measures to be installed on the site in order to reduce the fire hazard to the structure and its contents. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

2. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

3. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

4. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

5. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

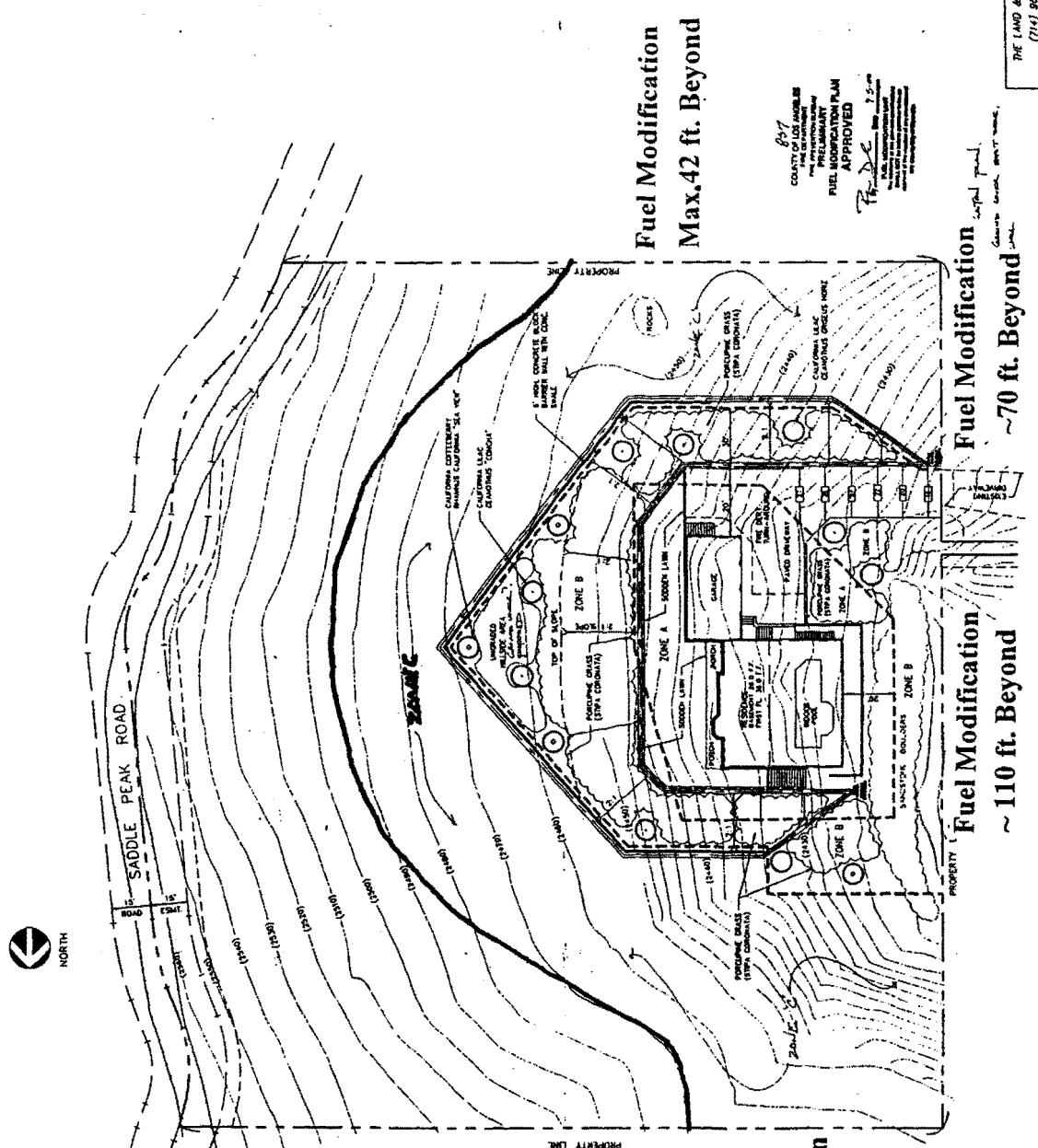
6. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

7. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

8. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

9. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.

10. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided. The measures shown on this plan are based on the information provided by the owner and are subject to change if more information is provided.



**Fuel Modification
Max. 42 ft. Beyond**

897
COUNTY OF LOS ANGELES
SUPERVISOR
FUEL MODIFICATION PLAN
APPROVED
DATE: 10/11/11

**Fuel Modification
~ 70 ft. Beyond**

**Fuel Modification
~ 110 ft. Beyond**

**Fuel Modification
8ft. Beyond**

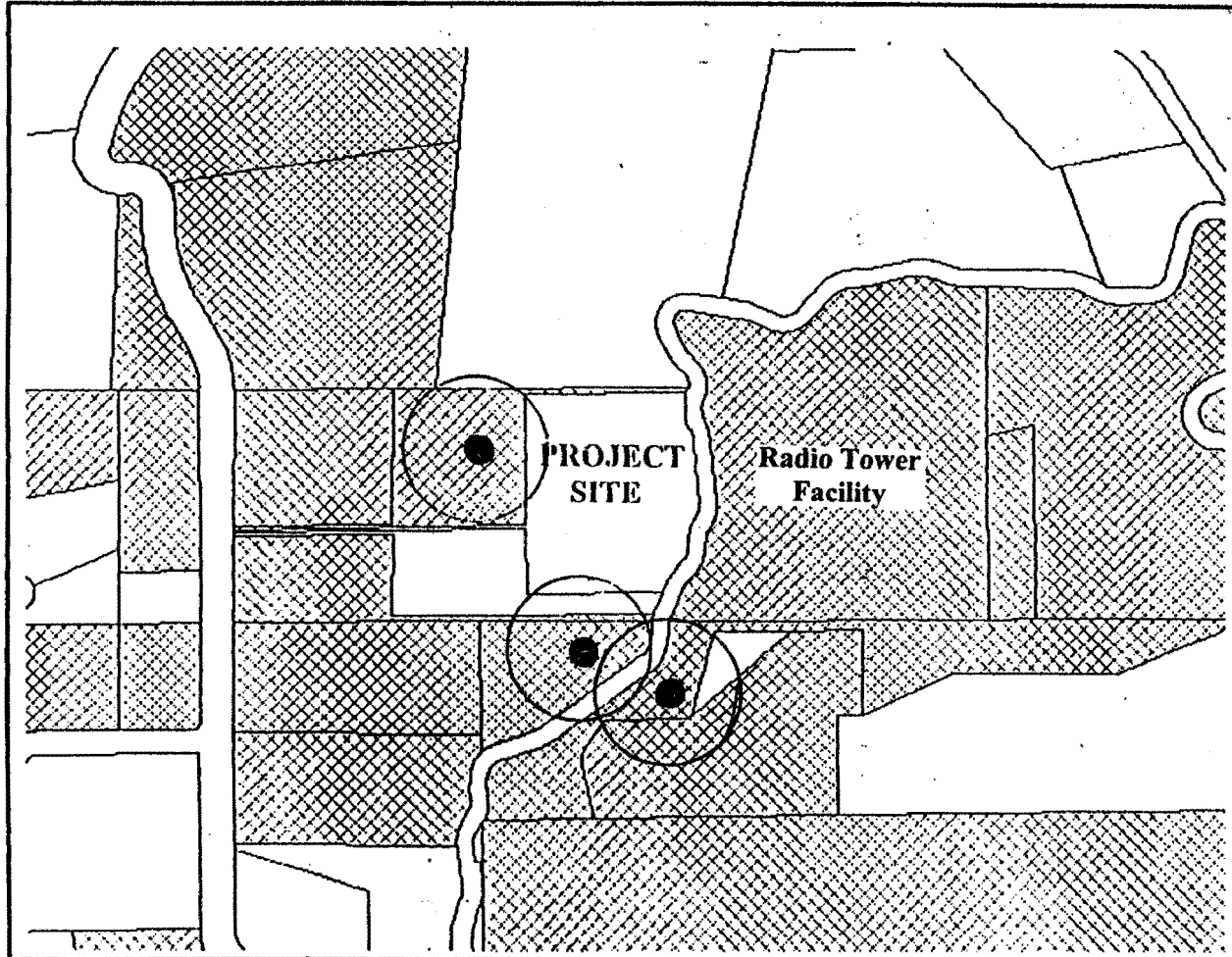
EXHIBIT 11
CDP # 4-00-047
Fuel Modification
Landscaping Plan

THE LAND & WATER CO.
(714) 965-1622
GEORGE ENGINEERING
(714) 375-0877
LANDSCAPE PLAN
FOR PROPOSED RESIDENCE AT
20 LOMA METESSE
MALIBU CALIFORNIA
95-188-2


LANDSCAPE PLAN
SCALE: 1" = 20'-0"


NOTE:
1. TOPOGRAPHY PER MARS DATA, DATED OCT. 13, 1985

4-00-047 (Good) Adjacent Development (Plan Also Depicts Fuel Modification)




laprcls (RECAPVACAN)


 Not Vacant

 Unknown

 Vacant

 czbdy

1/32" = 10'

 = Existing Residence
Approximately 40' x 40'

PETER & DONNA BANNER

220 Loma Metisse
Malibu, California 90265
U.S.A.

Telephone (310) 456-1374
Fax (310) 456-3174
E-Mail: sribanner@earthlink.net

October 2, 2000

California Coastal Commission
Atten.: April Verbanac
89 S. California St., Suite 200
Ventura, CA 93001

VIA FAX: (805) 641-1732

Re: Permit Application No. 4-00-047
210 Loma Metisse, Malibu, CA 90265

Dear April,

Thank you for taking the time to discuss the above cited permit application with me. As I related to you in our telephone conversation of 10/02/2000, myself and a number of other property owners, effected by development on this parcel, were unaware of the proposed development until 09/28/2000, when I received a telephone call from one of the adjacent property owners (within 100 feet) who had received official notification. Upon investigation, I discovered that at least four other property owners who would be effected by the proposed development (two of which were within 100 feet of the property) were unaware of the proposed development. Two abutting owners, 214 Loma Metisse and 24677 W, Saddle Peak, were totally unaware of the proposed development. Another owner, at 200 Loma Metisse, to date still has not receive notice, and though they may not be within the technical 100 feet of the subject property, the proposed development proposes the removal of their exiting fence and encroachment of 5 feet into their property. I believe they also have a dedeed easement which is within 100 feet of the subject property, 210 Loma Metisse.

On the "technical" notification side, we have two concerns. Number one, there appears that at least two of the adjacent property owners were not/have not received proper official notice of the intended development. Number 2, the required posting of the scheduled Coastal Commission Hearing is not visible to potentially effected parties. To see the posting, it would be necessary for parties to trespass on the subject property.

Though certain of us may not be within 100 feet of the proposed development, there are a number of us neighbors, both "down-hill" and "up-hill", which will be effected by the proposed development. As you are aware, the site is quite steep and just below a fairly unstable hill side.

We are concerned regarding the potential for destabilization of the hillside above the property that could impact the section of Saddlepeak which is directly above the property. There are a number of existing slides and our concern would be that disturbing the "toe" of the slope, could cause destabilization of the upper area, as occurred at the infamous Rambla Pacifico site. Should the portion of Saddlepeak that provides access to the antenna farms on Saddlepeak be adversely impacted, the effect to the Los Angeles community, the FAA, and other critical agencies utilizing the facilities located on Saddlepeak, would be monumental.

Of particular concern to myself, is the increased run-off which I believe will inevitably occur with development. If you look at a topographical map, you will see that the drainage basin in which this project is located, drains through my property. The existing drainage channels have had to handled a number of unusual flows over the years, such as those that resulted from the loss of vegetation and hydroscopic soil conditions following the 1993 fire, the exiting drainage channels are barely adequate and, as a result of the replacement of a 24" culvert at Loma Metisse with a 12" culvert by another owner/developer, any increase in flow from this drainage basin will inevitably eventually result in flooding of Loma Metisse. It is therefore with great concern that I view any development which might increase the surface water flow coming down from properties above my property.

As I related to you, I feel that the statutory notice obligations are absurdly short. Ten days prior to the Coastal Commission Hearing date is totally inadequate, taking into account a minimum of 1 to 2 days U.S. Postal time to deliver a letter, a request from the Coastal Commission that they receive comments three days prior to the hearing, and the potential that someone might be on vacation or a business trip during this notice period. And then of course there is the necessity of reviewing documents submitted to the Coastal Commission, and the subsequent review and drafting of comments. I still have difficulty believing that the State of California determined that 10 day notice was adequate for public comment in such a sensitive area such as coastal development and environmental impact.

With all of this said, I would respectfully request that the Commission consider delaying the hearing of the above cited project until statutory notification requirements have been met and the adjacent and effected property owners have had adequate time to review the proposed development proposal and submit educated comments.

Sincerely,



Peter S. Banner

William D. & Augusta Chadwick

3800 Saint Johnswood Drive, Woodland Hills, CA 91364-5217, Phone 818-703-8032, FAX 703-8104
Email WChad3800@aol.com

October 2, 2000

California Coastal Commission
Attn. April Verbanac
South Central Coast Area
89 South California St., Suite 200
Ventura, CA 93001

RECEIVED
OCT 03 2000

OPPOSITION

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: Permit # 4-00-047 for 210 Loma Metisse, Hearing item # Fri 3a on 10/13/2000

Dear Ms Verbanac and Commissioners:

We are the owners of the undeveloped 16-acre parcel APN 4453-018-017, which is adjacent to the subject parcel on the north. With the proposed structure being close to our property line, we have grave concerns about (1) being able to keep our land clear of brush for 200 or more feet from the structure, (2) increasing the probability of erosion and landslides on our land, and (3) exposing us to property and criminal liability resulting from being unable to satisfy both the Fire restrictions and the Coastal Commission restrictions. We are also gravely concerned that the insecure foundation of this section of West Saddle Peak Road will become more vulnerable to collapse if there is any thinning of brush on the precipitous slopes on the edge of the pavement.

Our property is to the north of the proposed structure, and West Saddle Peak Road is directly to the east. Scaling the Landscape Plan in the CDP 4-00-047 report, based on a lot width of 340 feet, our lot is 152 feet from the structure. Whereas the Fire Department has established a 150-foot fuel modification distance for this structure, deviating from the standard 200-foot distance, **what assurance do we have that this will not be increased in the future!** (After the 1993 fire in this area, this distance was increased here from 100 to 200 feet). If or when this happens, we will be required to brush much land in a very steep area with a gully running through it. **The Fire Department has declined to put in writing to us, stating that the distance would never be extended further, thus affecting our land.** Extending the distance to the standard 200 feet would take it to the landslide area that extends up to the edge of the road pavement. This landslide occurred around two year ago and has put the roadbed in jeopardy of collapsing.

Since the time the Fire Department increased the clearance distance requirements from 100 feet to 200 feet on the north and east side of structures, we have had to keep brush cleared from our very steep hillside along the north side of 214 Loma Metisse, extending east along the north side of the subject property. It has been very disconcerting that the brush between our lot line and the house never was cleared in accordance with the Fire Department Code, just one example of the laxity of enforcing the code on improved property versus unimproved property. Keeping the brush cut back has greatly increased the vulnerability of our soil to erode here. This area of our property is very difficult to get to and work on due to the steep slopes, and it will never be buildable.

In brushing as required the 10-foot strip along the downside of the road pavement, the soil is so soft and sandy that I can hardly get a foothold in the soil and I can pull up mustard weeds there by hand with roots up to 18 inches deep. This type of soil is extremely vulnerable to erosion and landslide, as verified by the significant landslide mentioned above. We are already brushing close to the landslide area, and any extension toward the roadway would exponentially aggravate this problem.

West Saddle Peak road is about 200 feet east of the proposed structure, and as little as 180 feet on the south. Therefore, brush on nearly all the very steep area, much having a slope of 1-foot in 1-foot, between the proposed structure and the road will have to be extensively thinned. Even if not brushed all the way up to the pavement, the brushed lower part of the slope will lack adequate support of the upper slope. If allowed, this will greatly decrease the resistance of the soil to erosion and landslide. Whereas the report

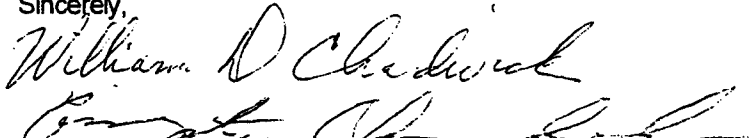
October 2, 2000

addresses mitigation of erosion and landslide damages to the house with a barrier wall, **it does not adequately address protection of the West Saddle Peak roadbed from being undermined!** To provide necessary protection for the proposed house will subject this road to greater landslide and erosion exposure than exist today. This road, which is already vulnerable, must not be subjected to more hazards. Besides providing access to extensive land above this section of road, it is the only usable road access to the electronic farm at the summit. Included in the electronic farm is the critical CAA equipment which monitors air space for LAX and the southern California area.

In summary, to approve building a structure in this area would be a grave mistake: (1) the building site is in an area surrounded on three sides with steep slopes, much of it being as steep as 1-in-1, covered with brush, and on unstable land; (2) approval implies that natural brush on these slopes would be greatly thinned, slopes that must be covered with heavy, solid brush to preserve soil stability and (3) approving it will severely endanger the integrity of West Saddle Peak Road, which is the only usable road access to essential public services and private land. Therefore, we request that building in this location be denied on grounds that it will be detrimental to the surrounding area if allowed .

We suggest you or a staff member revisit the site to get a first-hand understanding of the severe conditions described above.

Sincerely,


William D. & Augusta Chadwick

P.S. This letter was written to present issues as concisely as possible, more so than for a verbal response at the hearing. We request that this letter be read at the hearing for the record, and that both the Los Angeles County Department of Regional Planning and the County of Los Angeles Fire Department, Fuel Modification Unit be invited to respond to the issues raised. Unfortunately, we will not be able to attend the hearing as scheduled due to a conflict we have with a trip out of state. Please provide us with minutes and actions taken at this hearing.

cc. Zev Yaroslavsky, L. A. County Supervisor

California Coastal Commission
South Central Cost Area
89 South, California Street, Suite 200
Ventura, CA 93001

RE: Application #4-00-047

RECEIVED
OCT 25 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
October 20, 2000

California Coastal Commission,

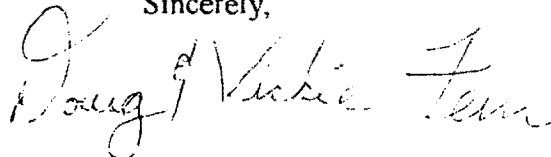
Please be aware that my family has lived at 200 Loma Metisse, Malibu, for 25 years, during all of this time our easement has been 15 feet wide. The easement intersects with Loma Metisse Road. Our property borders Loma Metisse and the easement. Our driveway is accessed off of the easement. First the easement was a dirt, then gravel and later we oiled the gravel. Several years ago we asphalted the easement. About 10 years ago a new home was build further up on the easement. At that time the fire department required the easement to be paved to the driveway of the new home and that a turn around point be added—all of this was complied with.

We now hear –through the grapevine, NOT from any notification from the Coastal Commission that the lower section of the easement, which is our access section, must be widened to 20 feet. We are quite upset; not only at the way we found out, but because we have eight trees (some that are 20 years old) in the section that would be surrendered to the easement. We also have fences and irrigation lines that run alongside the easement.

We are confused as to why this easement must be 20 feet wide when all of the major access roads in the area are between 9 and 19 feet wide. Why must an easement that will be used by 3 homes be wider that roads that are the access for all of the properties? What logic is used in this decision?

We welcome a representative of the Coastal Commission to meet with us, on Loma Metisse, so that you can visually observe that the existing 15-foot easement is in good condition and that the turn-around is clear and of good size. There is no need to widen the easement or to destroy mature trees, change fencing, or irrigation lines.

Sincerely,



Doug and Vickie Fein
200 Loma Metisse
Malibu, Ca 90265
310-456-6853

California Coastal Commission
South Central Coast Area
89 South California Street Suite 200
Ventura, California 93001

RE: Application #4-00-047

November 13, 2000

California Coastal Commission,

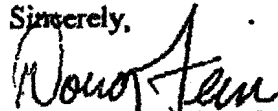
This letter is a follow-up to the letter that we wrote dated October 20, 2000. We have communicated with both the local fire department and Coastal Commission and feel like we are caught in a Catch-22. The Coastal Commission says that the L.A. County Fire Department requires a 20-foot easement. The L.A. County Fire Department has said that they can not make a decision on modifying the requirement until Coastal Commission approves the plans.

Since all of the streets in our area are between 9 and 19 feet wide, we do not see any logic in making 260 feet of a 500-foot easement 20 feet wide. We do not understand why this short section of easement is required to be wider than any of the main roads.

The easement is already 15 feet wide, paved, with curbs, and with one regular turnout and two driveways that could be used as turnouts. Where the easement intersects with Loma Metisse there is a nice radius turn (it is not a sharp 45-degree angle). Alongside of the easement, on our side, there are trees that would have to be cut down, fencing and irrigation lines that would have to be moved.

Once again, we would welcome a representative of the Coastal Commission to meet with us to view the easement and the surrounding roads.

Sincerely,



Doug and Vickie Fein
200 Loma Metisse
Malibu, CA 90265
310-456-6853