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CALIFORNIA COASTAL COMMISSION

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Staff: S. N. Tilles *mt*

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Commission Action:



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STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-98-142-A1

APPLICANT: Chrysalis, LLC

AGENT: Marny Randall

PROJECT LOCATION: 24910 Pacific Coast Highway, Malibu (Los Angeles County)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 6,864 square foot, 18 foot high, one-story single family residence with an attached 553 square foot garage, tennis court, pool, spa, septic system, and 980 cubic yards of grading (390 cubic yards of cut and 590 cubic yards of fill). An additional 3,760 cubic yards of grading (800 cubic yards of cut and 2,960 cubic yards of fill) will be required for landslide slope remediation.

DESCRIPTION OF AMENDMENT: Remove the previously approved tennis court, change the architectural style of the residence, decrease the area of the residence by 267 square feet and increase the area of the attached garage by 398 square feet (resulting in a 6,597 square foot single family residence with an attached 951 square foot garage), increase the amount of grading by 397 cubic yards (resulting in 1,137 cubic yards of fill and 440 cubic yards of cut), remove and export 933 cubic yards of remaining soil from the landslide remediation, revise the landscaping plan to show natural or managed heights of plant materials no higher than the centerline of Pacific Coast Highway (approximately 159 feet above sea level), and utilize only earth tone colors for the single family residence. No change in the height of the structure is proposed.

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval in Concept, May 10, 2000.

SUBSTANTIVE FILE DOCUMENTS: "A Phase III (Mitigation Phase) of Archaeological Site CA-LAN-19," ERA, Environmental Research Archaeologists-A Scientific Consortium, November 1999; "Current Development Plans," ERA, Environmental Research Archaeologists-A Scientific Consortium, June 19, 2000; Coastal Development Permits 4-98-142 (Duggan and Levenson), 4-98-143 (Duggan and Levenson), 4-98-163 (Duggan and Levenson), 4-99-146 (Saban), 4-99-185 (Broad), 4-99-154 (Montanaro),

4-97-031 (Anvil), and 5-90-020 (Young); and the certified Malibu Santa Monica Mountains Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends that the Commission determine that the proposed amendment, subject to two revised special conditions regarding revised landscape plan and archaeological resources and two new special conditions regarding removal of excavated material and condition compliance is **consistent** with the requirements of the Coastal Act.

The applicant is proposing to amend Coastal Development Permit 4-98-142 to remove the previously approved tennis court, change the architectural style of the residence, decrease the area of the residence by 267 square feet and increase the area of the attached garage by 398 square feet (resulting in a 6,597 square foot single family residence with an attached 951 square foot garage, increase the amount of grading by 397 cubic yards (resulting in 1,137 cubic yards of fill and 440 cubic yards of cut), remove and export 933 cubic yards of remaining soil from the landslide remediation, revise the landscaping plan to show natural or managed heights of plant materials no higher than the centerline of Pacific Coast Highway (approximately 159 feet above sea level), and utilize only earth tone colors for the single family residence. The applicant is not proposing to increase the elevation of the previously approved single family residence, as the maximum elevation will remain at 152 feet above sea level and the maximum height will remain at 18 feet.

In addition, Coastal Development Permit 4-98-142 approved 3,760 cubic yards of grading (800 cubic yards of cut and 2,960 cubic yards of fill) for landslide slope remediation on the subject site. This grading pursuant to the landslide remediation has been performed on the property. However, 1,630 cubic yards of excavated material was left on the site without the benefit of a coastal development permit. The applicant is, however, seeking to resolve this unpermitted development through the current permit amendment proposal, which includes the removal of 933 cubic yards and retention of 605 cubic yards of this material as fill for the construction of the proposed development and capping of the archaeological site on the property.

In order to ensure that this excavated material is disposed of appropriately and within a reasonable period of time, new **Special Condition Seven (7)** states that the applicant shall remove the excavated material remaining from the landslide remediation, which was placed as fill on the subject site, within 50 days of issuance of this permit amendment and provide evidence to the Executive Director of the location of the disposal site prior to issuance of this permit amendment. In addition, if the dump site is located in the Coastal Zone, a coastal development permit shall be required. Furthermore, to ensure that the violation portion of this development is resolved in a timely manner, new **Special Condition Eight (8)** requires the applicant to satisfy all conditions of this permit amendment, which are prerequisites to the issuance of this permit amendment, within 60 days of Commission action.

In addition, **Special Condition Six (6)** of the original permit required a Phase II archaeological evaluation of the subject site. Under the original permit, **Special Condition Six (6)** also required that all recommendations from the Phase II evaluation be incorporated into all final design, grading, and construction plans. Pursuant to this amendment request, however, the applicant has submitted a Phase III archaeological evaluation with specific measures and recommendations for the preservation of the archaeological site on the subject property and mitigation of adverse impacts that may result from the proposed development. As a result, revised **Special Condition Six (6)** also requires all final recommendations for the management of the cultural resources contained in both the Phase II and Phase III archaeological evaluations to be incorporated into all final design, grading, and construction plans.

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

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

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

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-98-142 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendments 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 A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development, as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

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

II. Special Conditions

3. Landscape, Erosion Control and Drainage Plans(Revised)

Special Condition Three (3) of Coastal Development Permit 4-98-142 regarding landscape, erosion control, and drainage plans is modified as follows:

Prior to issuance of the coastal development permit, as amended, the applicant shall submit revised landscape, erosion control and drainage plans for review and approval by the Executive Director. The revised landscape, erosion control and drainage plans shall be reviewed and approved by the consulting geologist to ensure the plans are consistent with the geologist's recommendations for slope stability and proper site drainage. The plans shall incorporate the following criteria:

- (a) Revised Landscape and Erosion Control Plans, prepared by a licensed landscape architect, which assure all graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development 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 October 4, 1994. Invasive, non-indigenous plant species that tend to supplant native species, shall not be used.;
- (b) All cut and fill slopes, and disturbed areas, shall be stabilized with planting at the completion of final grading. Planting should utilize 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;

- (c) Plantings shall be primarily low profile species that will not block or obscure views of the ocean as seen from Pacific Coast Highway. The revised landscape plan shall limit the maximum natural or managed heights of plant materials (other than vertical elements such as trees and shrubs to partially screen the appearance of the proposed structure as viewed from the Pacific Coast Highway), to the elevation of the centerline of Pacific Coast Highway (approximately 159 feet above sea level). All plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (d) Fencing along Pacific Coast Highway shall be a see through design that will not block views of the ocean or horizon line as seen from Pacific Coast Highway;
- (e) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill;
- (e) A Drainage Plan, designed by a licensed engineer, which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff over the bluff. The drainage plan shall include installation of slope dewatering devices if determined necessary by the Consulting Engineer;
- (f) The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final landscape, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

6. Archaeological Resources (Revised)

Special Condition Six (6) of Coastal Development Permit 4-98-142 regarding archaeological resources is modified as follows:

Prior to issuance of a coastal development permit, as amended, the applicant shall conduct a Phase II archaeological evaluation, as specified in the archaeological report dated 7/2/97, for review and approval by the Executive Director. All final recommendations for the management of the cultural resources contained in the Phase II and Phase III archaeological evaluations, shall be incorporated into all final design, grading and construction Plans. If the consulting archaeologist's recommendations, based on the Phase II or Phase III archaeological evaluations of the site, requires a substantial modification or redesign of the proposed project plans, an amendment of this permit is required.

The applicant shall have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation that involves earth moving operations. The number of monitors shall be adequate to observe the activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that an area of intact buried cultural deposits are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy be developed, subject to the review and approval of the Executive Director, by the applicant's archaeologist, the City of Malibu Archaeologist, and the Native American consultant consistent with CEQA guidelines.

7. Removal of Excavated Material (New)

The applicant shall remove the excavated material from the landslide remediation that was placed as fill on the subject within 50 days of the issuance of this coastal development permit amendment. In addition, prior to the issuance of the coastal development permit amendment, 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 dump site be located in the Coastal Zone, a coastal development permit shall be required.

8. Condition Compliance (New)

Within 60 days of Commission action on this coastal development permit amendment application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

III. Findings and Declarations

A. Project Description and Background

The applicant is requesting an amendment to Coastal Development Permit 4-98-142, which was previously approved by the Commission on September 10, 1998. Coastal Development Permit 4-98-142 approved the construction of a new 6,864 square foot, 18 foot high, one-story single family residence with an attached 553 square foot garage, tennis court, pool, spa, septic system, and 980 cubic yards of grading (390 cubic yards of cut and 590 cubic yards of fill). An additional 3,760 cubic yards of grading (800 cubic yards of cut and 2,960 cubic yards of fill) was approved for landslide slope remediation. The applicant has performed the landslide slope remediation, but construction has not yet commenced on the single family residence or accessory structures.

Under the current amendment request, the applicant is seeking to remove the previously approved tennis court, change the architectural style of the residence, decrease the area of the residence by 267 square feet and increase the area of the attached garage by 398 square feet. (resulting in a 6,597 square foot single family residence with an attached 951 square foot garage), increase the amount of grading by 397 cubic yards (resulting in 1,137 cubic yards of fill and 440 cubic yards of cut), remove and export 933 cubic yards of remaining soil from the landslide remediation, revise the landscaping plan to show natural or managed heights of plant materials no higher than the centerline of Pacific Coast Highway (approximately 159 feet above sea level), and utilize only earth tone colors for the single family residence. The applicant is not proposing to increase the elevation of the previously approved single family residence, as the maximum elevation will remain at 152 feet above sea level and the maximum height will remain at 18 feet.

In addition, Coastal Development Permit 4-98-142 approved 3,760 cubic yards of grading (800 cubic yards of cut and 2,960 cubic yards of fill) for landslide slope remediation on the subject site. During the winter storms of 1998, a landslide occurred on the bluff portion of the lot, which slid down onto Malibu Road. As a temporary emergency measure, the landslide debris on Malibu Road was transported to and stored on the northern portion of the subject site adjacent to Pacific Coast Highway. This grading pursuant to the landslide remediation has been performed on the property. However, 1,630 cubic yards of excavated material was left on the site without the benefit of coastal development permit. The applicant has, however, included this development under the current permit amendment application. To resolve this issue, the current amendment includes the removal of 1,350 cubic yards and retention of 720 cubic yards of this material as fill for the proposed development, including fill for the capping of the archaeological site in the area where the tennis court was previously proposed and the access driveway.

The proposed project is located on a 1.6 acre bluff top lot, situated south of Pacific Coast Highway and north of Malibu Road, with parcel dimensions of approximately 100 feet wide by 700 feet long. Access to the site is via Pacific Coast Highway. Vacant lots are found to the east and west of the project site, although coastal development permits were approved to develop these two lots with single family residences under separate permits (Coastal Development Permits 4-98-143 and 4-98-163). The subject site gently slopes south toward the bluff, which maintains a gradient ranging from 1 ½:1 to 2:1 down to Malibu Road to the south. The proposed structures will be located 151 feet back from the top of the slope, consistent with the recommended geologic and fault setbacks.

B. Visual Resources

Section 30251 of the Coastal Act states:

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

Section 30251 of the Coastal Act states that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. In addition, to assist in the determination of whether a project is consistent with Section 30251 of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified Malibu Santa Monica Mountains Land Use Plan (LUP) for guidance. The certified LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. For instance, in concert with Section 30251 of the Coastal Act, Policy 125 of the certified LUP states:

New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands . . .

Policy 129 of the certified LUP provides:

Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

Furthermore, Policy 130 of the certified LUP states:

In highly scenic areas and along scenic highways, new development . . . shall be sited and designed to protect views to and along the ocean and to and along other scenic features . . . minimize the alteration of natural landforms . . . be landscaped to conceal raw-cut slopes . . . be visually compatible with and subordinate to the character of its setting . . . be sited so as not to significantly intrude into the skyline as seen from public viewing places . . .

In addition, Policy 134 of the certified LUP provides:

Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

Likewise, Policy 135 of the certified LUP states that it is necessary to:

Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

Finally, Policy 138c of the certified LUP provides:

Buildings located on the ocean side of and fronting Pacific Coast Highway shall occupy no more than 80% of the lineal frontage of the site.

In addition, the subject site is designated as a Priority One (highest scenic value) viewshed for Pacific Coast Highway by the certified LUP. Further, the Commission notes that Pacific Coast Highway is also a major coastal access route, not only utilized by local residents, but also heavily used by tourists and visitors to access several public beaches located in the surrounding area which are only accessible from Pacific Coast Highway. Public views of the beach and water from Pacific Coast Highway have been substantially reduced, or completely blocked, in many areas by the construction of single family residences, privacy walls, fencing, landscaping, and other residential related development between Pacific Coast Highway and the ocean. This type of development limits the public's ability to view the coast or ocean to only those few parcels that have not yet been developed. The Commission notes that the construction of individual beachfront or bluff top residences, when viewed on a regional basis, results in potential cumulative adverse effects to public views and to the visual quality of coastal areas.

In past permit actions, consistent with Section 30251 of the Coastal Act, the Commission has required that new development located on the seaward side of Pacific Coast Highway be sited and designed to protect public blue water views of the ocean and, where feasible, to restore and enhance visual quality in visually degraded areas. Specifically, in regard to new development located on beachfront lots, where it is not possible to limit the height of new structures to an elevation lower than the highway, the Commission has required that new development occupy no more than 80% of the lineal frontage of Pacific Coast Highway in order to maintain a public view corridor over the lot

for ocean views (Coastal Development Permits 4-99-146, 4-99-185, and 4-99-154). However, in past permit actions regarding development on bluff top sites where slopes descend seaward from the highway, such as the proposed project site, the Commission has further limited the height of new structures and landscaping to an elevation adequate to ensure that public views of the ocean are retained over the entire project site (Coastal Development Permits 4-98-143, 4-98-163, 4-97-031, and 5-90-020).

In evaluating adverse affects on visual resources from a particular development, the Commission typically examines the building site, any proposed grading, and the size of the structure to ensure that the proposed development protects views along the coast, minimizes grading and alteration of natural landforms, and is compatible with the character of the surrounding area. In this case, the siting and design aspects of the proposed amendment to the previously approved single family residence must be addressed with regard to whether or not views from Pacific Coast will be impacted. In addition, the proposed project would be visible from the Coastal Slope Trail, located approximately .65 of a mile to the north, above Puerco Canyon, which must also be addressed.

As stated previously, the proposed project is located on a 1.6 acre bluff top lot, situated south of Pacific Coast Highway and north of Malibu Road, with parcel dimensions of approximately 100 feet in width by 700 feet in length. There is also a 14 foot wide landscaping easement to the west of the subject site in which no development is proposed. Access to the site is via Pacific Coast Highway. Vacant lots are found to the east and west of the project site, although coastal development permits were approved to develop these two lots with single family residences under separate permits (Coastal Development Permits 4-98-143 and 4-98-163). The subject site gently slopes south toward the bluff, which maintains a gradient ranging from 1 ½:1 to 2:1 down to Malibu Road.

Under the current amendment proposal, the applicant is seeking to remove the previously approved tennis court, change the architectural style of the residence, decrease the area of the residence by 267 square feet and increase the area of the attached garage by 398 square feet (resulting in a 6,597 square foot single family residence with an attached 951 square foot garage), increase the amount of grading by 397 cubic yards (resulting in 1,137 cubic yards of fill and 440 cubic yards of cut), remove and export 933 cubic yards of remaining soil from the landslide remediation, revise the landscaping plan to show natural or managed heights of plant materials no higher than the centerline of Pacific Coast Highway (approximately 159 feet above sea level), and utilize only earth tone colors for the single family residence.

The applicant is not proposing to increase the elevation or height of the previously approved single family residence, the maximum height of which will remain at 18 feet and elevation of which will remain at 152 feet above sea level. As a result, as the maximum elevation of the single family residence is not being increased through this amendment, the residence will continue to remain below the elevation of the centerline

of Pacific Coast Highway, which is approximately 159 feet above sea level. To further minimize visual impacts from the development proposal, the applicant is proposing to utilize only earth tone colors for the single family residence. The applicant is also proposing to revise the landscaping plan to show natural or managed heights of plant materials no higher than the centerline of Pacific Coast Highway, (approximately 159 feet above sea level), with the exception trees to screen and minimize visual impacts of the residence.

In addition, the proposed amendment will maintain blue water views of the Pacific Ocean for the public along Pacific Coast Highway. Under the amendment proposal, the residential structure would occupy approximately 75 percent, or 75 feet of the 100 foot parcel width. This represents a ten foot reduction in the width occupied by the previously approved structure under the original permit, thereby minimizes visual impacts. In addition, the project plans also illustrate 14 and 25 foot wide landscape easements to the west and east of the parcel, respectively. In addition, the current amendment is deleting the tennis court to the north of the single family residence, which will also serve to minimize visual impacts of the development. Although the residence will be visible from Pacific Coast Highway, the visual impacts are minimized by reducing the width of the structure fronting Pacific Coast Highway to 75 feet, eliminating the tennis court, and maintaining the previously approved maximum elevation of the residence at 152 feet above sea level and 18 feet in height. Furthermore, the applicant has proposed to revise the landscaping plan to show natural or managed heights of plant materials no higher than the centerline of Pacific Coast Highway (approximately 159 feet above sea level), with the exception of vertical elements such as trees and shrubs to partially screen the appearance of the proposed structure as viewed from the Pacific Coast Highway. The project site is also situated within a developed beachside neighborhood consisting of similarly sized single family residences. The proposed project, therefore, will also be consistent with the character of the surrounding area. In addition, public views of the Pacific Ocean from the Coastal Slope Trail will not be affected by the proposed amendment for these same reasons and because the trail is located well above the subject site.

Furthermore, the applicant is proposing to increase the amount of grading by 397 cubic yards, which will result in 1,137 cubic yards of fill and 440 cubic yards of cut. Coastal Development Permit 4-98-142, however, approved 3,760 cubic yards of grading (800 cubic yards of cut and 2,960 cubic yards of fill) for landslide slope remediation on the subject site. This grading pursuant to the landslide remediation has been performed on the property, but 1,630 cubic yards of excavated material was left on the site without the benefit of coastal development permit. As stated previously, the applicant is seeking to resolve this issue through the current amendment, which includes the removal of 933 cubic yards and retention of 1,137 cubic yards of this material as fill for the proposed development.

In order to ensure that this excavated material is disposed of appropriately and within a reasonable period of time, new **Special Condition Seven (7)** states that the applicant

shall remove the excavated material remaining from the landslide remediation that was placed as fill on the subject site within 50 days of issuance of this permit amendment and provide evidence to the Executive Director of the location of the disposal site prior to issuance of this permit amendment. In addition, if the dump site is located in the Coastal Zone, a coastal development permit shall be required. Furthermore, to ensure that the violation portion of this development is resolved in a timely manner, new **Special Condition Eight (8)** requires that the applicant satisfy all conditions of this permit amendment, which are prerequisites to the issuance of this permit amendment, within 60 days of Commission action.

In addition, the Commission has found through past permit action that landscaping softens, screens, and mitigates the visual impact of development. In this particular instance, the vegetative landscape must also be selected and maintained in such a way as to protect public views of the Pacific Ocean. The applicant has proposed to revise the landscaping plan to show natural or managed heights of plant materials no higher than the centerline of Pacific Coast Highway (approximately 159 feet above sea level), with the exception of vertical elements such as trees and shrubs to partially screen the appearance of the proposed structure as viewed from the Pacific Coast Highway.

In order to ensure that this proposal is carried out, revised **Special Condition Three (3)** requires the applicant to submit a revised landscape plan that limits the maximum natural or managed heights of plant materials, other than the vertical elements necessary to partially screen the appearance of the residence as viewed from Pacific Coast Highway, to the elevation of the centerline of Pacific Coast Highway (approximately 159 feet above sea level). In addition, a revised landscaping plan must also be submitted to reflect the landscaping in the area where the tennis court was previously proposed but is now deleted. The landscaping should consist of primarily native, drought resistant plant species and be designed to minimize and control erosion, as well as partially screen and soften the visual impact of the structure from the Pacific Coast Highway with vertical elements such as trees and shrubs, as discussed above. Furthermore, the fuel modification plan will be designed to reduce negative visual impacts from vegetation clearance. Therefore, the Commission finds that it is necessary to require the applicant to submit a revised landscape plan, as specified in revised **Special Condition Three (3)**.

Furthermore, future developments or improvements to the property have the potential to create visual impacts as seen from the public places, as previously discussed. To ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act, **Special Condition Five (5)** of the original permit required a future improvements deed restriction, to ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act. This condition has been recorded pursuant to the issuance of the original permit and future improvements deed restriction remain in effect after the proposed amendment on the subject site.

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of Malibu and the Santa Monica Mountains. Thus, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Archaeological Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of Malibu and the Santa Monica Mountains which contains one of the most significant concentrations of archaeological sites in southern California. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites that remain intact.

An archaeological site, identified as CA-LAN-19, has been identified as extending onto the upper (northern) portion of the subject site, including the location of the residence and driveway. Deposits were also identified in the area where the tennis court was proposed, although through this amendment request, the applicant is proposing to delete the tennis court from the project.

The applicant has submitted an archaeological report entitled, "Research, Design, and Scope of Work, Phase II Test Excavations," prepared by W & S Consultants, dated July 2, 1998. The findings of that report indicated that there are, in all likelihood, archaeological resources on site:

"Based on the previous archeological work that has been conducted on CA-LAN-19, we can infer that the property may contain intact archaeological deposits. These have the potential to maintain importance based on the research potential criterion outlined in both CEQA Appendix K and 36 CFR 60.4."

This Phase II archaeological study of the subject site consisted of the archaeological excavation of 23 shovel test pits and five 1 x 1 meter excavation pits located on various areas of the subject site.

In addition, the applicant has also submitted an archaeological report entitled, "A Phase III (Mitigation Phase) of Archaeological Site CA-LAN-19," by ERA, Environmental Research Archaeologists-A Scientific Consortium, dated November 1999, which states:

Based on our recovered data from the test phase (Phase II) and as combined with the data derived from the mitigation phase (Phase III) and comparing our data to the CEQA criteria of significance . . . that portion of CA-LAN-19 that extends into the subject parcel . . . has evidence of a site with some significance. Specifically, we found a fairly deep deposit of data (down to -140 cm) which apparently has stratigraphic integrity (or most of the depth of the deposit), which also has evidence of both habitation and quarry site utilization. The artifacts and ecofacts recovered from the site so far have permitted the site to make a contribution to the known knowledge of the prehistory of the City of Malibu area. . . .

This report goes on to make recommendations to ensure the protection of the archaeological resources on the subject site in conjunction with the development, and states:

[T]he areas of the tennis court and the access driveway . . . will require fill . . . Thus the site deposits in those areas will be preserved by the capping process.

The Phase III archaeological study performed for the subject site recommended mitigation measures for the proposed development and concluded that the deepest cultural deposits were located in the areas where the tennis court was proposed and in the area of the single family residence.

The Commission notes that archaeological artifacts have been found on the subject site and that the proposed project may result in potential adverse effects to archaeological resources from grading and construction activity. The presence of archaeological artifacts on the subject site is undisputed. As such, the Commission also notes that potential adverse effects may occur to those resources as a result of the proposed development and that, therefore, reasonable mitigation measures should be required pursuant to Section 30244 of the Coastal Act.

As mentioned above, the applicant is proposing to cap the area of the archaeological site where the tennis court was previously proposed (which will now be landscaped) with one foot of fill material. In addition, the applicant is also proposing to cap the access driveway with fill in order to preserve archaeological resources in that area of the subject site as well. The applicant's archaeological consultant, ERA, Environmental Research Archaeologists, A Scientific Consortium, stated in their letter dated June 19, 2000, that "the most prudent course of action" is to go forward with the capping of the site in the area where the tennis court was proposed, which will now be landscaped,

with one foot of protective fill. In order to perform the protective capping of this archaeological site, 325 cubic yards of fill material will be required.

Furthermore, in the area of the archaeological site that extends into the location where the single family residence is proposed, four 1 x 1 meter excavation pits and 10 shovel test pits were performed during the Phase II archaeological study. In addition, pursuant to the recommendations of the Phase III archaeological study, two additional 1 X 1 meter excavation pits were performed in the area of the single family residence to aid in mitigating potential adverse effects to those resources through the construction of the house pad. An additional Phase III mitigation recommendation states that all "grading and foundation work for the house and garage shall be monitored by a qualified archaeologist and a qualified Native American Monitor." Additionally, the Phase III study states that arrangements are being made to curate the data derived from the project's property at the Santa Barbara Museum of Natural History's archaeological museum.

The Phase III report concludes:

The Phase III mitigation program . . . was deemed suitable and sufficient by the City of Malibu's Planning Department and by the writer and his staff. The program (including its future stipulations) was reviewed by the project's Native American Chumash Monitor, Ms. Carol Pulido, who has concurred that the Phase III work conducted for this report and the capping and future monitoring stipulations are sufficient to mitigate the cultural resources given the specific planned development.

In past permit actions regarding development on sites containing significant archaeological resources, the Commission has typically required that the applicant conduct a Phase II (Test Phase) Archaeological Study of the site to develop a better understanding of the archaeological resources which may be disturbed by a proposed project and, if warranted, a Phase III (Data Collection/Artifact Recovery). In this case, both Phase II and Phase III studies have been completed on the subject site by the applicant's archaeological consultant. As previously discussed, the Phase II portion of the program included the study of 23 shovel test pits and five 1 x 1 meter excavation pits located in different areas of the subject site where development is proposed. The Phase III mitigation program included two additional 1 x 1 meter excavation pits in the location of the proposed single family residence.

In addition, in past permit actions regarding development on sites containing archaeological resources, the Commission has also required that a qualified archaeologist and appropriate Native American consultant be present on-site during all grading, excavation, and site preparation that involves earth moving operations. Therefore, to ensure that adverse effects to archaeological resources are minimized during the construction of the proposed development, revised **Special Condition Six (6)** requires that the applicant have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation, and site preparation in order to monitor all earth moving operations. The number of monitors

shall be adequate to observe the activities of each piece of active earth moving equipment. In addition, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the City of Malibu's archaeologist, the applicant's archaeologist(s), and the Native American consultant(s) consistent with California Environmental Quality Act (CEQA) guidelines.

Further, staff notes that the applicant's archaeological consultant estimates that Archaeological Site CA-LAN-19 extends over the upper northern half of the subject site. As previously mentioned, the original permit already required a future development deed restriction to be recorded on the subject parcel. This condition will also serve to ensure that any future potential adverse effects to the archaeological resources on site will be minimized, as **Special Condition Five (5)** provides that any future development will be reviewed by the Commission, which might otherwise be exempt from permit requirements.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30244 of the Coastal Act.

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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.

The proposed septic system includes a 3,000 gallon septic tank with seepage pits. A percolation test was performed on the subject property that indicated the percolation rate meets Uniform Plumbing Code requirements for a five bedroom residence and is sufficient to serve the proposed single family residence. The applicant has submitted a conceptual approval for the sewage disposal system from the City of Malibu, Department of Environmental Health, based on a five bedroom single family residence. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

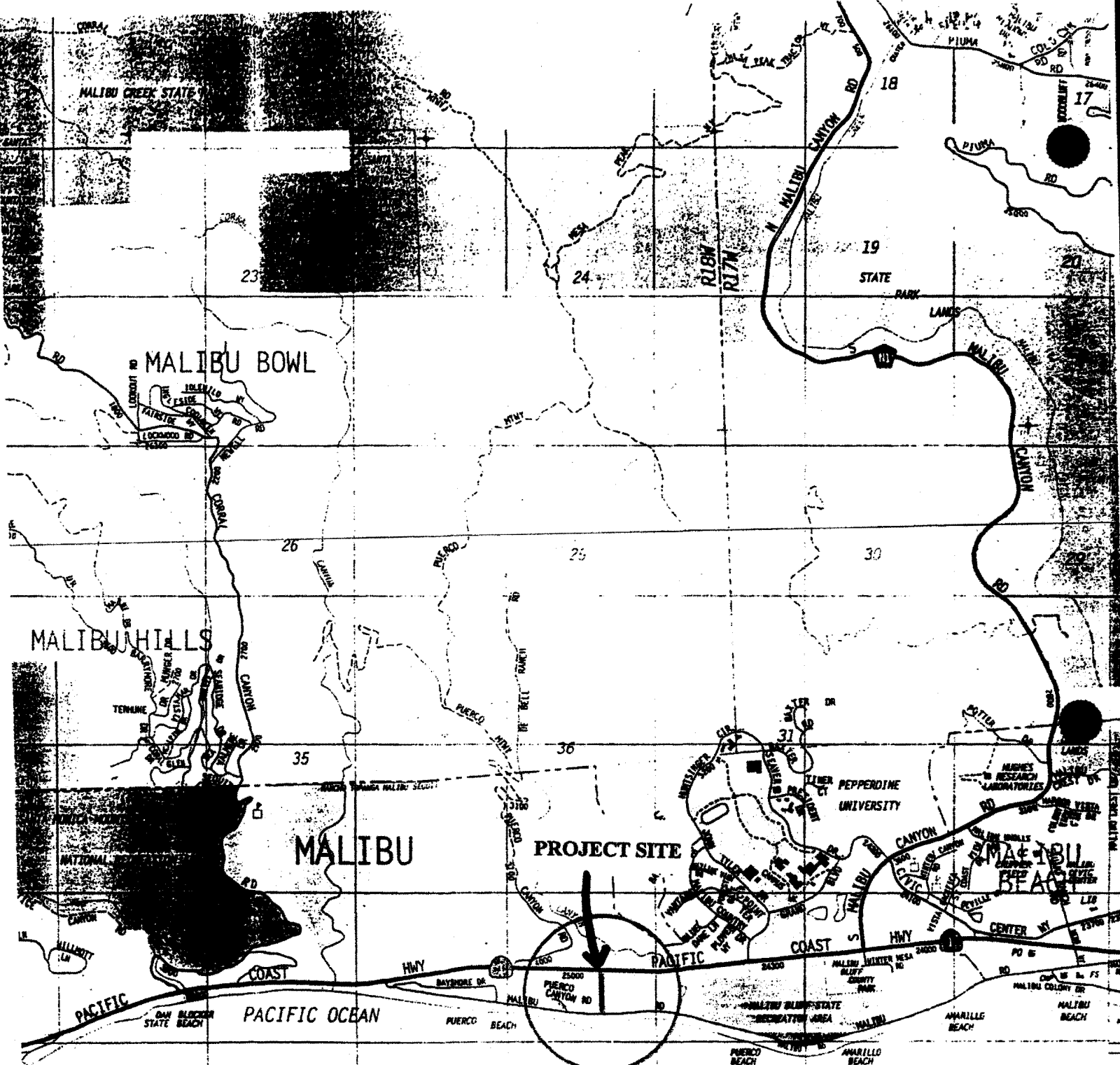
(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice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

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

F. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

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



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COMMISSION

PACIFIC OCEAN

EXHIBIT 1
CDP 4-98-142-A1 (Chrysalis, LLC)
Location Map

15

1992

PROJECT SITE

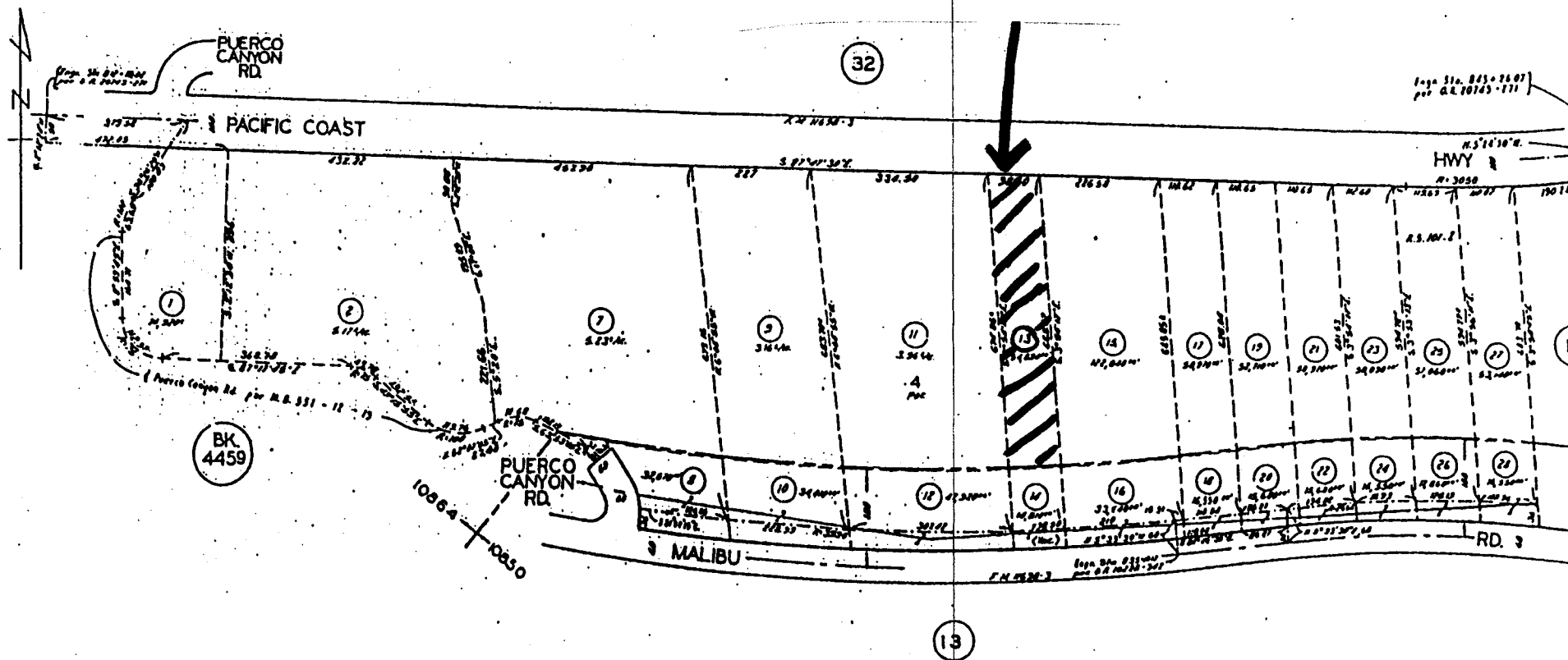


EXHIBIT 2

CDP 4-98-142-A1 (Chrysalis, LLC)

Parcel Map

DE
150
164

1 PREV. ASSM'T SEE:
14 - 15

LAND OF MATTHEW KELLER IN THE RANCHO
TOPANGA MALIBU SEQUIT " " R.F. 534

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CAL.

EXHIBIT 3
CDP 4-98-142-A1 (Chrysalis, LLC)
Survey of the Site

[illegible]

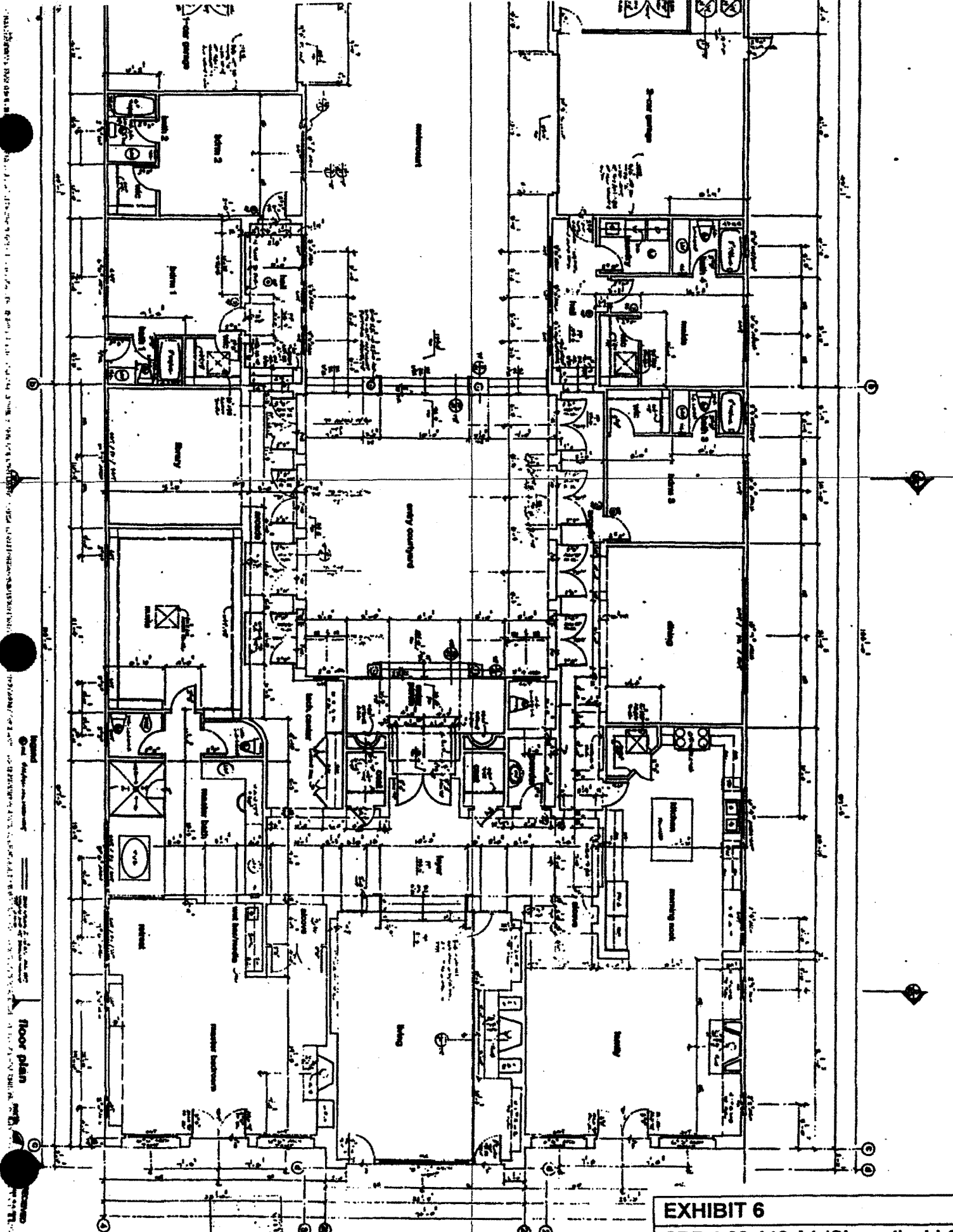
REF ID: A66709
 8162-447 C/L PNC JC DROST HAT & JEW E/R C/
 *2451 STEEN W/O JAMES EYLEN DR MINE &
 1002 1968

RELATIONSHIP UNIT OF FBI HAS BEEN CONVERTED TO
MAY 29 FOR THIS MAY

6-15-2000

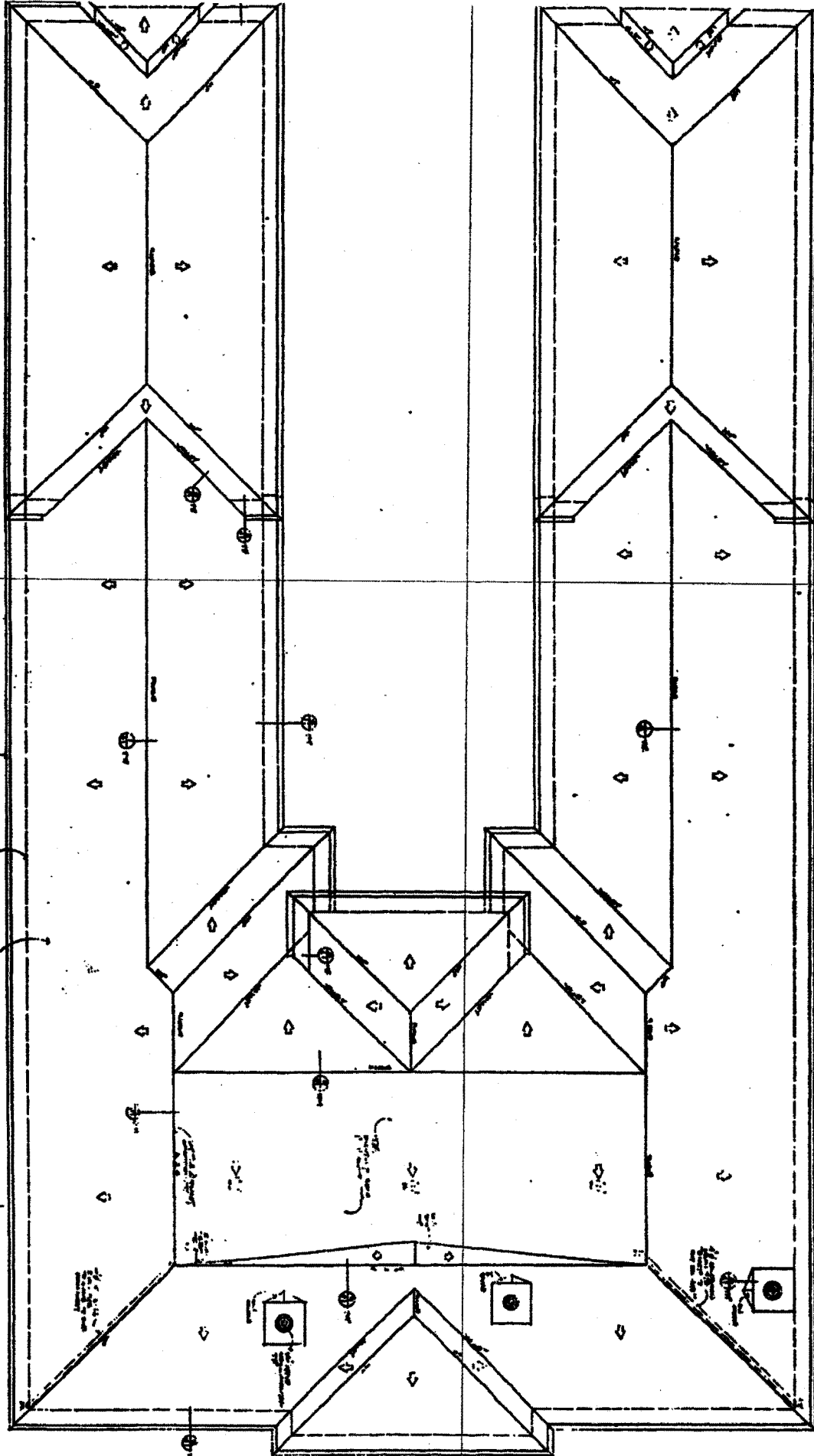


Survey-Northern Portion of Site/PCH



CHRYSLIS, LLC
24910 PCH
MALIBU, CA

EXHIBIT 6
CDP 4-98-142-A1 (Chrysalis, LLC)
Floor Plan



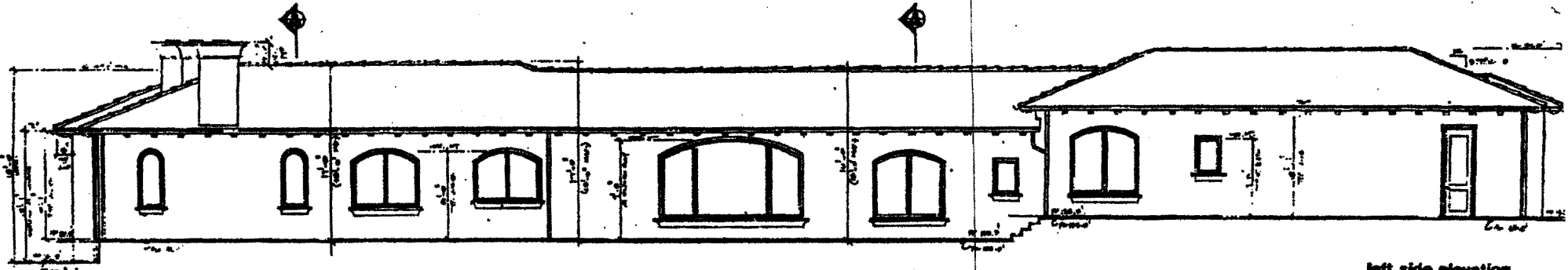
roof plan

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BY: [signature]
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APPROVED: [signature]

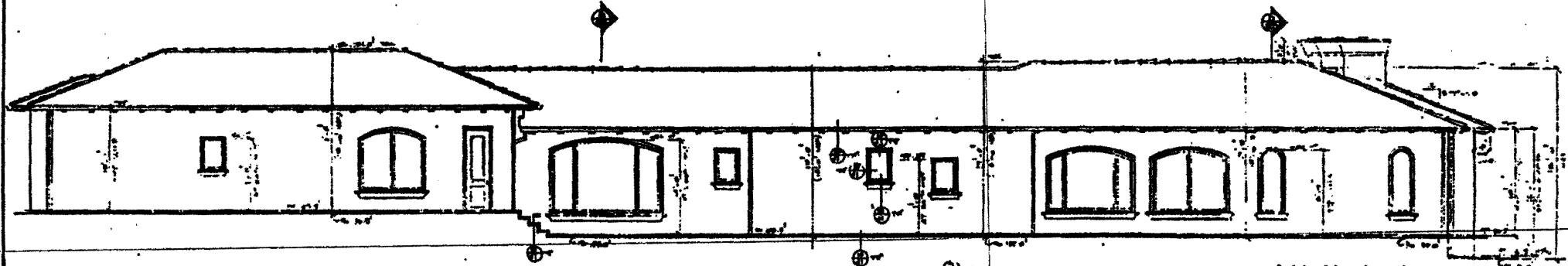
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24010 PCH
MALIBU, CA

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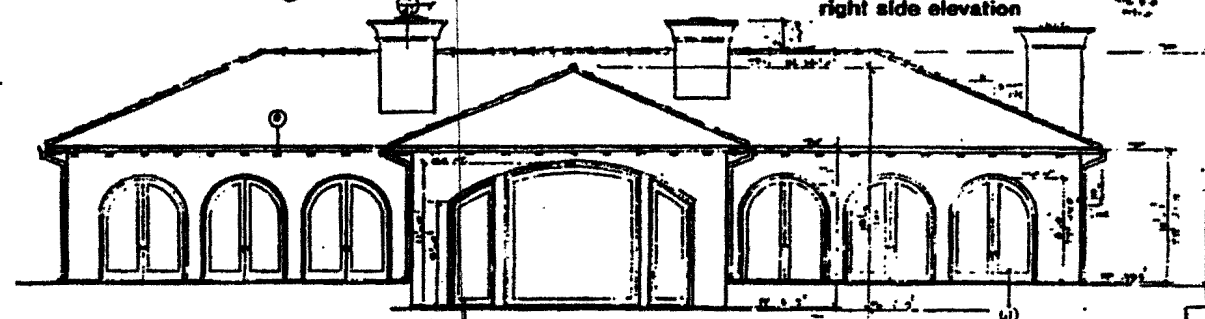
EXHIBIT 7
CDP 4-98-142-A1 (Chrysalis, LLC)
Roof Plan



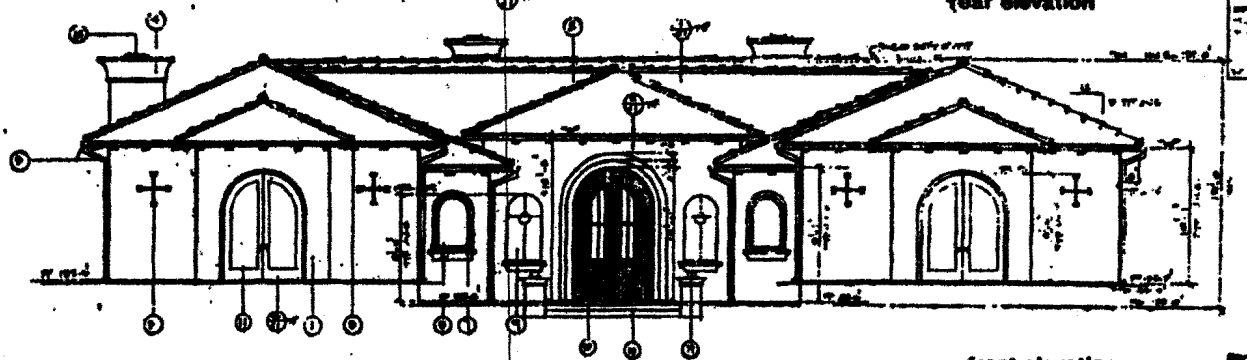
left side elevation



right side elevation



rear elevation



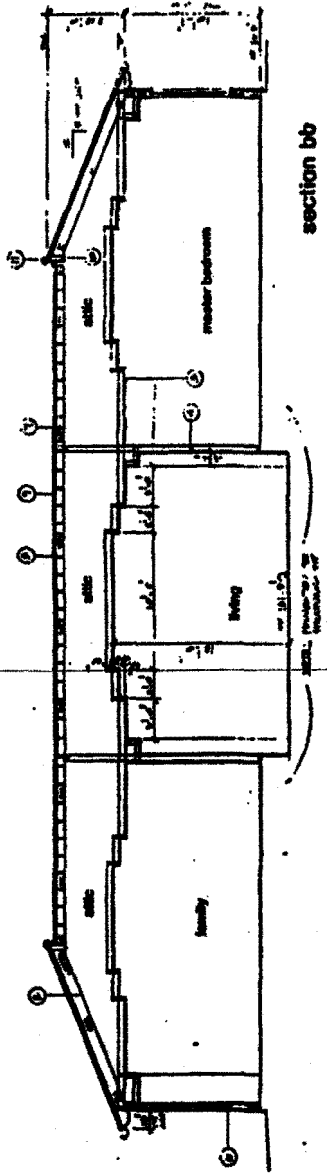
front elevation

exterior finish notes: (typical)

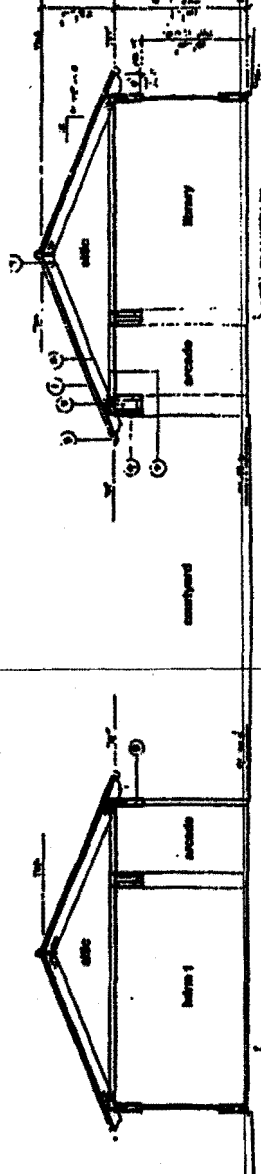
- 1. Exposed brickwork to be finished with a coat of white wash.
- 2. All other brickwork to be finished with a coat of white wash.
- 3. All other brickwork to be finished with a coat of white wash.
- 4. All other brickwork to be finished with a coat of white wash.
- 5. All other brickwork to be finished with a coat of white wash.
- 6. All other brickwork to be finished with a coat of white wash.
- 7. All other brickwork to be finished with a coat of white wash.
- 8. All other brickwork to be finished with a coat of white wash.
- 9. All other brickwork to be finished with a coat of white wash.
- 10. All other brickwork to be finished with a coat of white wash.

EXHIBIT 8
CDP 4-98-142-A1 (Chrysalis, LLC)
Elevations

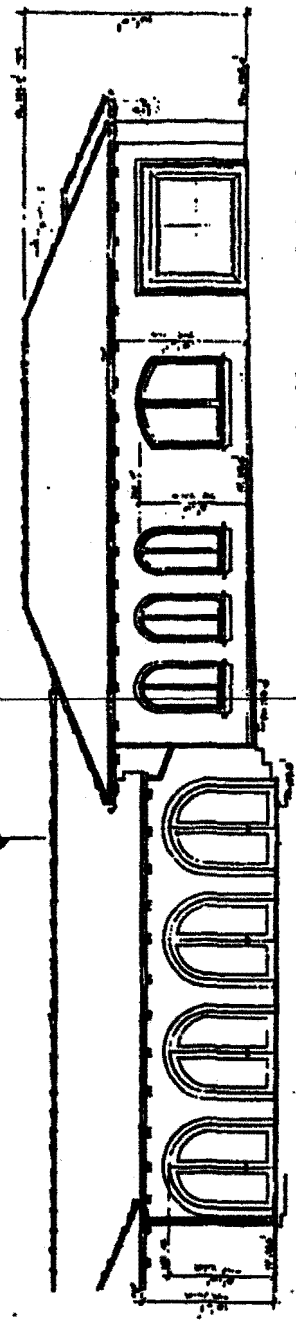
- 1. 1/2" = 1'-0" SCALE
- 2. 1/4" = 1'-0" SCALE
- 3. 1/8" = 1'-0" SCALE
- 4. 1/16" = 1'-0" SCALE
- 5. 1/32" = 1'-0" SCALE
- 6. 1/64" = 1'-0" SCALE
- 7. 1/128" = 1'-0" SCALE
- 8. 1/256" = 1'-0" SCALE
- 9. 1/512" = 1'-0" SCALE
- 10. 1/1024" = 1'-0" SCALE
- 11. 1/2048" = 1'-0" SCALE
- 12. 1/4096" = 1'-0" SCALE
- 13. 1/8192" = 1'-0" SCALE
- 14. 1/16384" = 1'-0" SCALE
- 15. 1/32768" = 1'-0" SCALE
- 16. 1/65536" = 1'-0" SCALE
- 17. 1/131072" = 1'-0" SCALE
- 18. 1/262144" = 1'-0" SCALE
- 19. 1/524288" = 1'-0" SCALE
- 20. 1/1048576" = 1'-0" SCALE



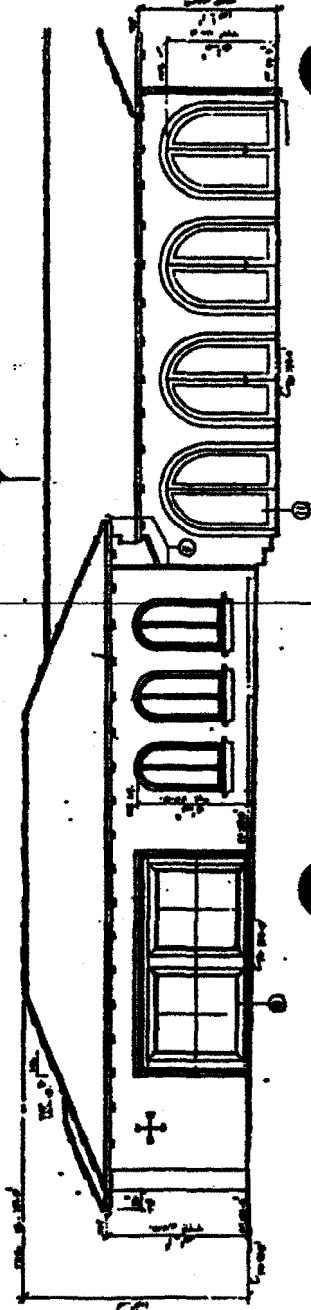
section bb



section aa



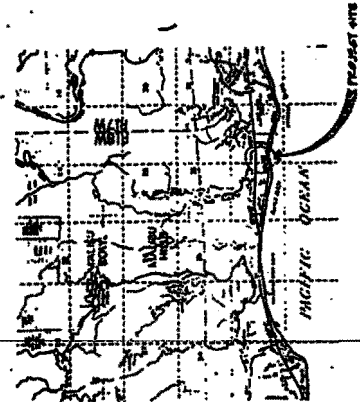
right side courtyard elevation



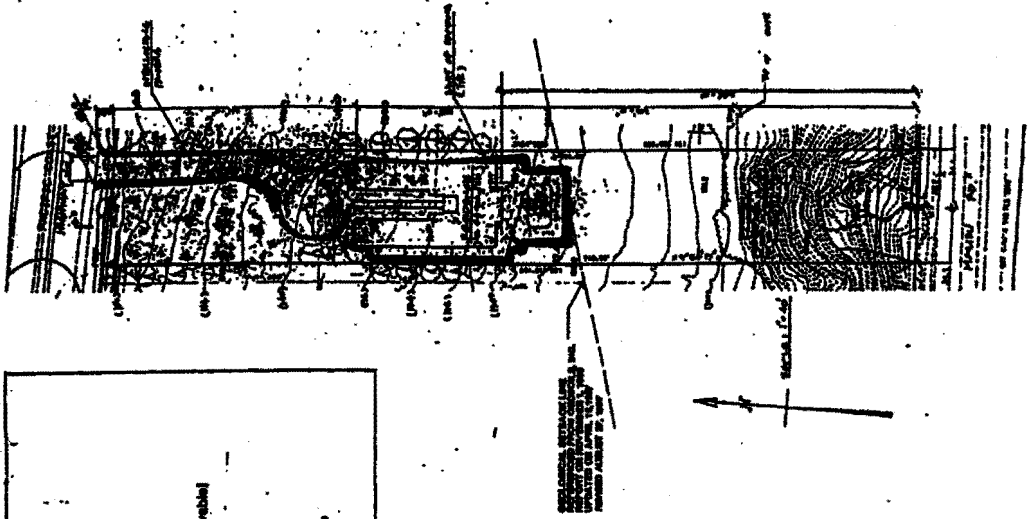
left side courtyard elevation

THESE PLANS WERE PREPARED BY THE ENGINEER OR ARCHITECT AND THE ENGINEER OR ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE DATA OBTAINED FROM THE FIELD SURVEY. THE ENGINEER OR ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE DATA OBTAINED FROM THE FIELD SURVEY. THE ENGINEER OR ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE DATA OBTAINED FROM THE FIELD SURVEY.

NO.	DATE	DESCRIPTION
1	10/10/10	ISSUED FOR PERMIT
2	10/10/10	ISSUED FOR PERMIT
3	10/10/10	ISSUED FOR PERMIT
4	10/10/10	ISSUED FOR PERMIT
5	10/10/10	ISSUED FOR PERMIT
6	10/10/10	ISSUED FOR PERMIT
7	10/10/10	ISSUED FOR PERMIT
8	10/10/10	ISSUED FOR PERMIT
9	10/10/10	ISSUED FOR PERMIT
10	10/10/10	ISSUED FOR PERMIT



VICINITY MAP



GRADING PLAN

lot area calculations:
gross area 124 ac / 10,390 sf
net area 124 ac / 10,390 sf
allowable structure size 7,566 sf
lot area: 100 ac + 0.24 ac = 100.24 ac
allowable structure size 7,566 sf + 100.24 ac x 10,464 sf =
allowable structure size 7,566 sf + 1,053 sf = 8,619 sf (allowable)
square footage data:
gross 124 ac
net 124 ac
total proposed structure size 7,566 sf
proposed structure size 7,566 sf < 7,566 sf allowable

Impervious coverages	
main residence: 6,597 sf	
garage: 901 sf	
patio: 4,138 sf	
pool/deck: 0 sf	
driveway: 0 sf	
motor court: 0 sf	
walkway: 640 sf	
total: 12,334 sf	
proposed total impervious coverage: 12,334 sf	max allowable impervious coverage: 25,000 sf

①

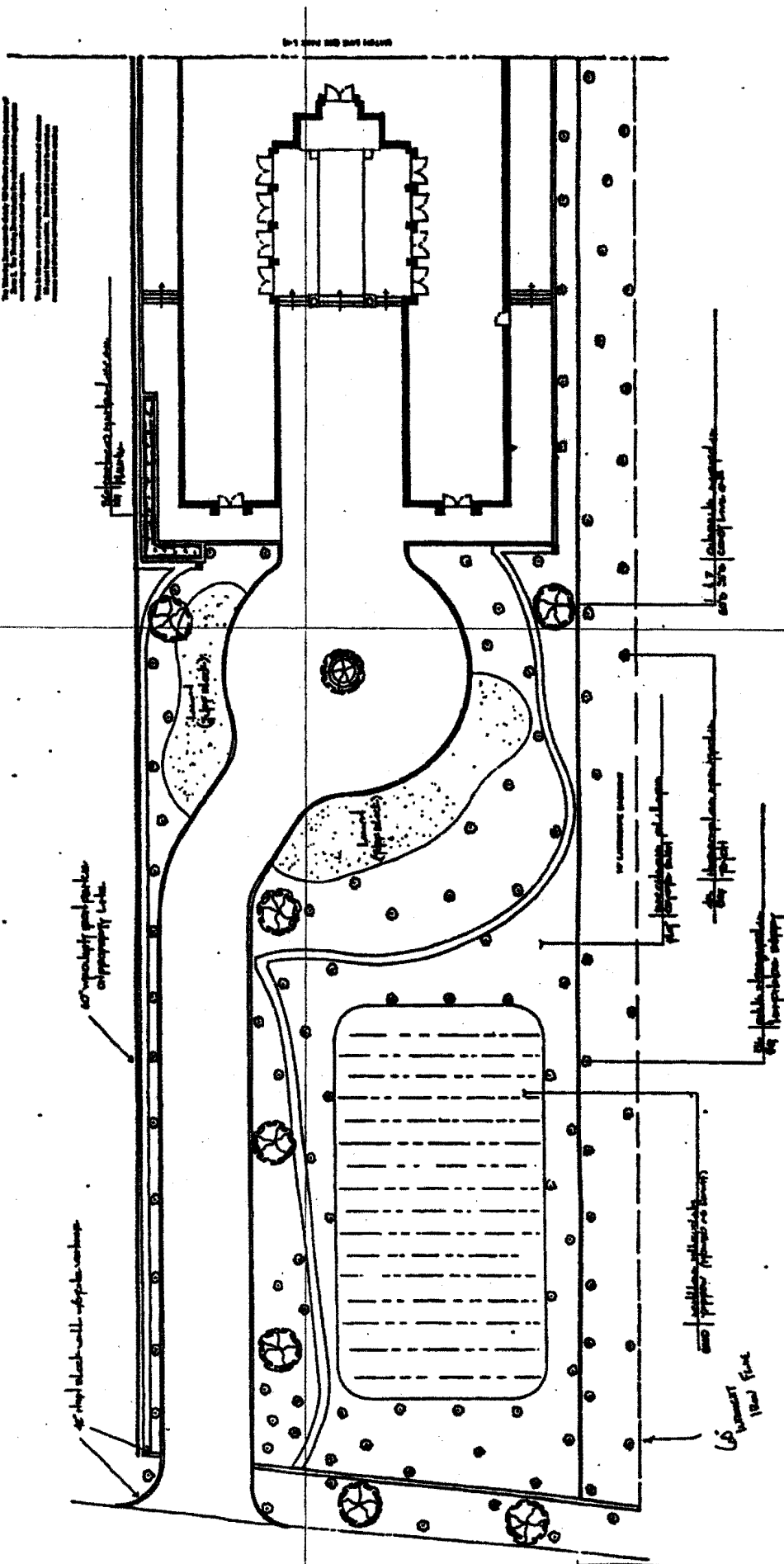


EXHIBIT 11
CDP 4-98-142-A1 (Chrysalis, LLC)
Landscape Plan