

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Hearing Date: 1/9/01
Commission Action:



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STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-90-103-A3

APPLICANTS: The Pointe at Malibu, Inc.
Gladys LaBerge
Michael LaBerge

AGENTS: Alan Block
Christine Cuba
Dean Issacson
Don Schmitz
James Rogers
Steve Hunter

PROJECT LOCATION: 28517 Pacific Coast Highway, Malibu (Los Angeles County)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Demolition of a farmhouse, accessory structures, and stables and construction of a new 72-unit condominium complex with recreational facilities (tennis court, swimming pools, recreation center, etc.), septic system (individual seepage pits), 221 parking spaces, and 71,600 cu. yds. of grading (35,800 cu. yds. of cut and 35,800 cu. yds. of fill).

DESCRIPTION OF AMENDMENT: After-the-fact request for approximately 15,000 cu. yds. of additional grading (11,000 cu. yds. of fill and 4,000 cu. yds. of removal and recompaction) with the 11,000 cu. yds. of fill to be deposited on a vacant lot located immediately east and adjacent to the underlying condominium project site.

SUBSTANTIVE FILE DOCUMENTS: Geologic Report Update and Response Letter by Pacific Soils Engineering dated 12/20/99; Field Survey by Aquatic Consulting Services dated August 1999; Project Grading Report by Pacific Soils Engineering dated 3/19/98; Soil Engineering Report by Pacific Soils Engineering dated 8/26/92; Final Geologic Report by Pacific Soils Engineering dated 8/25/98; Off-Site Fill Analysis by Pacific Soils Engineering dated 5/5/97; Reduction of Erosion Potential Memorandum by Pacific Soils Engineering dated 9/6/91.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **denial** of the proposed amendment. The underlying permit for the construction of a condominium complex included 71,600 cu. yds. of balanced grading on site. Actual construction of the project resulted in an additional 11,000 cu. yds. of unplanned excavated material. The excess excavated material was subsequently disposed of on a neighboring vacant lot. This amendment is an after-the-fact request for the placement of that excess fill material. A seasonal drainage channel characterized by riparian vegetation is located on the eastern portion of the disposal site. The proposed grading resulted in the removal of approximately 300 sq. ft. of riparian vegetation. The proposed amendment to allow for additional grading on a vacant site will not serve to minimize landform alteration related to new development as required by Section 30251 of the Coastal Act. In addition, the proposed amendment is not consistent with the protection of sensitive habitat areas and coastal water quality pursuant to Sections 30230, 30231, and 30240 of the Coastal Act.

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 Executive Director has determined that the proposed amendment is a material change. 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. 5-90-103-A3 for the development as proposed by the applicant.*

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT AMENDMENT:

The Commission hereby denies the proposed amendment to the coastal development permit on the grounds that the development as amended will not conform with the policies of Chapter 3 of the Coastal Act and will 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 amendment would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the amended development on the environment.

II. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The proposed amendment is an after-the-fact request for approximately 15,000 cu. yds. of additional grading (11,000 cu. yds. of fill and 4,000 cu. yds. of removal and recompaction) with the 11,000 cu. yds. of fill to be deposited on a vacant lot located immediately east and adjacent to the underlying condominium project site..

The subject site is located on the north (inland) side of Pacific Coast Highway at its intersection with Zuma View Place Road (Exhibits 1 & 2) within an area of Malibu which has been partially built out with various residential development including: single family residences, condominium complexes, and a mobile home park. Although the subject site is vacant, the site has been previously subject, including prior to the proposed grading, to significant human disturbance resulting from periodic discing and mowing of vegetation. Prior to completion of the proposed grading, the previously existing topography on the site visibly sloped downward to the east at a less consistent gradient of between 2:1 (26°) to 5:1 (11°). Completion of the proposed grading resulted in the creation of a generally flat site which gently slopes downward to the east at an approximate gradient of 5:1 (11°), or less, towards the natural unnamed drainage channel located along the eastern boundary of the subject site.

The underlying permit for the proposed development, Coastal Development Permit (CDP) 5-90-103, was previously approved by the Commission on April 12, 1990, for the construction of a 72-unit condominium complex (*The Pointe at Malibu*) on a separate parcel of land (*The Pointe Site*) located immediately west of the subject site (*the LaBerge Site*). The La Berge site consists of two separate parcels (APNs: 4467-013-022 & 023) approximately 5.8 acres in combined size which are located immediately east of "The Pointe at Malibu" Condominium Complex. All construction of the previously approved condominium complex on the adjacent parcel has been completed. The previously approved grading plan for CDP 5-90-103 allowed for a total of approximately 71,600 cu. yds. of grading (35,800 cu. yds. of cut and 35,800 cu. yds. of fill) primarily on the adjacent condominium site (*The Pointe Site*). The only development allowed on the LaBerge Site, pursuant to the Commission's approval of CDP 5-90-103, was approximately 1,000 cu. yds. of fill grading (over an approximately 8,000 sq. ft. area) in order to improve and widen a previously existing 14 ft. wide driveway and construct a new 40 ft. wide access road/driveway to serve the condominium complex (Exhibit 3). However, between October 1991 and April 1992, additional grading occurred on the La Berge site beyond that allowed pursuant to CDP 5-90-103 (Exhibit 4). The applicant's geotechnical engineering consultants have indicated that actual grading for the previously approved condominium complex on the adjacent property (*The Pointe Site*) resulted in approximately 11,000 cu. yds. of unplanned excess excavated material. The applicant has asserted that the unplanned excess material was due to soil expansion and excavation for septic systems and

retaining walls on the condominium site and not due to additional grading. Subsequently, between October 1991 and April 1992, rather than transporting the excess excavated material to an appropriate disposal location, all excess excavated material from the adjacent condominium site (*The Pointe Site*) was spread over an approximately 86,000 sq. ft. portion of the vacant LaBerge Site to a depth of between 1 to 14 ft. without the required amendment to the underlying permit (Exhibit 4).

In addition, a seasonal drainage channel which trends from north to south is located on the eastern portion of the LaBerge Site. The portion of the drainage located on site is not designated as either an environmentally sensitive habitat area (ESHA) by the previously certified Malibu/Santa Monica Mountains Land Use Plan (LUP) or as a blue line stream by the United States Geologic Service; however, the natural drainage is subject to periodic flow during each rainy season and significant riparian vegetation is present along the drainage course. Further, the portion of the drainage channel located approximately 100 ft. downstream of the subject site, on the south side of the highway, is specifically designated as ESHA by the LUP. Although, the majority of the proposed grading is limited to the non-riparian portions of the site, the proposed grading did result in the removal of approximately 300 sq. ft. of previously existing riparian willow habitat in the southeastern portion of the site. Staff notes that, over time, the portion of the site where the proposed grading encroached directly into the riparian habitat area has since naturally revegetated with new riparian willow vegetation.

The underlying coastal development permit has been subject to two previous amendments. Coastal Development Permit Amendment 5-90-103-A1 was approved by the Commission on June 14, 1990, to allow for construction of the underlying condominium project in eight separate phases. In addition, Coastal Development Permit Amendment 5-90-103-A2 was approved by the Commission on October 16, 1996, to modify the location of a previously approved retaining wall on the condominium site.

B. Grading and Landform Alteration

Section 30251 of the Coastal Act states that:

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

In addition, Section 30253 of the Coastal Act states in 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, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed amendment is an after-the-fact request for the placement of 11,000 cu. yds. of fill and 4,000 cu. yds. of related grading involving removal and recompaction on a vacant lot. The project site is generally located in an area of Malibu which has been partially built out with various residential development including: single family residences, condominium complexes, and a mobile home park. The project site is located on the northern side of Pacific Coast Highway at the intersection of Zuma View Place Road. The subject site and the proposed grading is visible from Pacific Coast Highway, which has been designated as a scenic highway by the previously certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan.

The underlying permit for the proposed development, Coastal Development Permit (CDP) 5-90-103, was previously approved by the Commission on April 12, 1990, for the construction of a 72-unit condominium complex on a separate parcel of land (*The Pointe Site*) located immediately west of the LaBerge Site. The LaBerge site itself is a vacant lot located immediately east of the now-completed condominium complex. The only development allowed on the LaBerge site, pursuant to CDP 5-90-103, was approximately 1,000 cu. yds. of fill grading in order to improve and widen a previously existing 14 ft. wide driveway and construct a new 40 ft. wide access road/driveway to serve the condominium complex. Pursuant to CDP 5-90-103, grading improvements for the access road were limited to the construction of a small fill slope with an approximate gradient of 2:1 (26°). The road and all related grading, as originally approved, covered an area of less than 8,000 sq. ft. in size (Exhibit 3). However, between 1992 and 1993, approximately 11,000 cu. yds. of additional fill material was placed on site and the access road was constructed using a much shallower 5:1 (11°) slope which covered a significantly larger portion of the site (approximately 86,000 sq. ft. in size) than originally approved (Exhibit 4). The additional 11,000 cu. yds. of fill material which was placed on the subject site resulted from unexpected excess excavated material from construction of the adjacent condominium complex. The applicant has asserted that the unplanned excess material was due to uncalculated soil expansion and excavation for septic systems and retaining walls on the condominium site and not due to additional grading on the condominium site.

The applicant has also asserted that the proposed placement of 11,000 cu. yds. of fill material on the LaBerge site and construction of the access road utilizing a shallow 5:1 slope, as opposed to the previously approved steeper 2:1 slope, not only provided for disposal of the excess excavated material from the adjacent condominium project but also served to improve the stability of the constructed slope for the access road. The Off-Site Fill Analysis by Pacific Soils Engineering dated 5/5/97 states:

Based on our review, the off-site grading was undertaken to dispose of earth materials that were generated from the grading operations on site and to properly support the access road and retaining walls along the easterly side of the subject tract.

In addition, the Reduction of Erosion Potential Memorandum by Pacific Soils Engineering dated 9/6/91 further states:

In order to reduce the erosion potential for the proposed slope adjoining the entrance driveway for the subject tract, Pacific Soils Engineering, Inc., recommends flattening the slope as much as possible (5:1 or flatter). The reduction in the gradient will result in reducing the sheet flow run-off velocity. Additionally, planting of native vegetation that requires little irrigation will help in the long term maintenance of the slope and the reduction of erosion potential.

Further, the applicant's geotechnical consultant has indicated that the unpermitted grading which has been previously carried out on the subject site was performed in a manner adequate to ensure geologic stability on the subject site. The Geologic Report Update and Response Letter by Pacific Soils Engineering dated 12/20/99 states:

Based on our observations and the test results collected during grading operations, it is the opinion of PSE that as of completion of grading (April 22, 1992), the offsite fill was free from the hazards of landsliding, settlement, and slippage. Further, it is our opinion that the offsite fill placed will not have a detrimental effect on the stability of neighboring offsite properties.

The Commission notes that the proposed grading, which resulted in creating a relatively flat site, is stable from a geologic point of view. The Commission also recognizes that construction of a relatively shallow 5:1 slope to support the access road may require less maintenance by the applicant than a steeper 2:1 slope. However, the Commission further notes that the placement of 11,000 cu. yds. of fill over an approximately 86,000 sq. ft. area of the vacant LaBerge site resulted in significantly more landform alteration and grading than previously approved. Grading activities and landform alteration which occur in the vicinity or upslope of coastal waters and riparian areas, such as the proposed grading on the subject site, result in potential adverse effects to those resources due to increased erosion and subsequent increased sedimentation. Specifically, Section 30251 of the Coastal Act, requires that new development minimize grading and landform alteration. The Commission notes that the retention or stockpiling of excess excavated material on site results in additional landform alteration. Therefore, in past permit actions, the Commission has normally required that all excess excavated material, such as the excess excavated material generated by the construction of the adjacent condominium project, must be removed from the project site to a suitable disposal location in order to ensure that landform alteration is minimized.

In the case of the proposed amendment, the applicant is requesting after-the-fact approval for the disposal and placement of approximately 11,000 cu. yds. of excess excavated fill material (generated from the construction of the adjacent condominium complex) on a vacant site. No evidence has been submitted as part of this application which indicates that the proposed grading was necessary in order to either construct the access road or ensure geologic stability on the La Berge site. As such, the Commission notes that even if some portion of the 15,000 cu. yds. of material placed on the vacant site was for the purpose of supporting the access road, the majority of the

fill was placed on site in order to dispose of excess excavated material from the underlying adjacent condominium project. As such, the Commission notes that potential alternatives to the proposed amendment exist (including construction of the access road as originally approved with only 1,000 cu. yds. of grading with a 2:1 rather than a 5:1 fill slope and removal of the excess excavated material to an appropriate disposal site). The Commission further notes that such alternatives to the proposed amendment would serve to minimize landform alteration on the subject site and subsequent potential adverse effects to water quality and sensitive riparian habitat. Thus, there are preferred feasible alternatives that would have avoided the spreading of fill over 86,000 sq. ft. of the vacant lot. As such, the Commission notes that the proposed amendment is not consistent with Section 30251 Coastal Act.

Therefore, for the reasons discussed above, the Commission finds that the proposed amendment is not consistent with Sections 30251 of the Coastal Act.

C. Environmentally Sensitive Resources

Section 30230 of the Coastal Act states that:

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

Section 30231 states:

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

Section 30240 states:

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

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

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

To assist in the determination of whether a project is consistent with the Chapter 3 policies of the Coastal Act, the Commission has, in past coastal development permit actions for new development in the Malibu area, looked to the previously certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The Malibu LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. In its findings regarding the certification of the Malibu/Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources. Specifically, Table 1 of the certified LUP provides that new structures shall be located at least 100 ft. from the outer limit of the riparian tree canopy. In addition, Policy 82 of the LUP, in concert with the Coastal Act, provides that grading shall be minimized to ensure that the potential negative effects of runoff and erosion on watershed and streams is minimized. In its findings regarding the certification of the Malibu/Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources finding that:

Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

A seasonal natural drainage channel is located on the eastern portion of the LaBerge Site. The channel runs from north to south and drains to a culvert under Pacific Coast Highway. The portion of the drainage located on site is not designated as either an environmentally sensitive habitat area (ESHA) by the previously certified LUP or as a blueline stream by the United States Geologic Service; however, the natural drainage is subject to periodic flow during each rainy season and significant riparian vegetation is present along the drainage course. Further, the downstream portion of the drainage channel, located approximately 100 ft. immediately south of the subject site on the opposite side of the highway, is specifically designated as ESHA by the LUP.

Although, the majority of the proposed grading is limited to the non-riparian portions of the site, the proposed grading and placement of fill did result in the removal of approximately 300 sq. ft. of previously existing riparian willow habitat in the southeastern portion of the site. Section 30240 of the Coastal Act allows for new development adjacent to environmentally sensitive habitat areas only when such development is sited and designed to minimize impacts. The Commission notes that unless adequate

buffer areas are provided for, new development will result in adverse effects to sensitive riparian areas from contaminated and increased runoff, increased erosion, displacement of habitat, and disturbance to wildlife dependent upon such habitat. In this case, the proposed grading occurred adjacent to (and partially within) sensitive riparian habitat areas (between 0-30 ft. in distance from the outer limit of the previously existing riparian canopy). Because adequate buffer areas between the sensitive riparian habitat areas on site and the proposed grading were not provided for, direct adverse impacts to riparian habitat resulted from the removal of approximately 300 sq. ft. of existing riparian vegetation. Staff notes that the riparian habitat area where grading occurred has since revegetated with new riparian vegetation. In addition, potential secondary adverse impacts resulted to riparian habitat on site due to increased erosion and sedimentation from the proposed grading activities. As such, the Commission notes that the proposed development has not been sited or designed in a manner that would ensure that adverse impacts to environmentally sensitive habitat areas would be minimized as required by Section 30240 of the Coastal Act.

In addition, in conjunction with Policy 82 of the LUP, Sections 30230 and 30231 of the Coastal Act require that new development provide for the protection and enhancement of water quality and riparian habitat areas. In past permit actions in the Santa Monica Mountains, the Commission has found that grading activities which occur in the vicinity or upslope of coastal waters and riparian areas, such as the seasonal drainage channel on the subject site, result in potential adverse effects to those resources due to increased erosion and subsequent increased sedimentation. Further, the Commission notes that no evidence has been submitted as part of this application which indicates that the proposed grading was necessary in order to either construct the access road or ensure geologic stability on the La Berge site. As such, the Commission notes that even if some portion of the 15,000 cu. yds. of material placed on the vacant site was for the purpose of supporting the access road, the majority of the fill was placed on site in order to dispose of excess excavated material from the underlying adjacent condominium project. As such, the Commission notes that potential alternatives to the proposed amendment exist (including construction of the access road as originally approved with only 1,000 cu. yds. of grading with a 2:1 rather than a 5:1 fill slope and removal of the excess excavated material to an appropriate disposal site). The Commission further notes that such alternatives to the proposed amendment would serve to minimize landform alteration on the subject site and subsequent potential adverse effects to water quality and sensitive riparian habitat. Thus, there are preferred feasible alternatives that would have avoided the spreading of fill over 86,000 sq. ft. of the vacant lot. As such, the Commission notes that the proposed amendment to allow for unnecessary grading adjacent to sensitive riparian habitat on a vacant parcel is not consistent with Sections 30230 and 30231 of the Coastal Act.

Therefore, for the reasons discussed above, the Commission finds that the proposed amendment is not consistent with Sections 30230, 302321, and 30240 of the Coastal Act.

D. Violations

Development has occurred on the subject site without the required coastal development permits including approximately 15,000 cu. yds. of grading (11,000 cu. yds. of fill and 4,000 cu. yds. of removal and recompaction). The applicant is proposing to retain the above mentioned development as part of this permit application.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit or amendment to such 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 amendment would not be in conformity with the provisions of Chapter 3 of the Coastal Act. The proposed amendment would result in adverse effects and is found to be not consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed amendment would prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

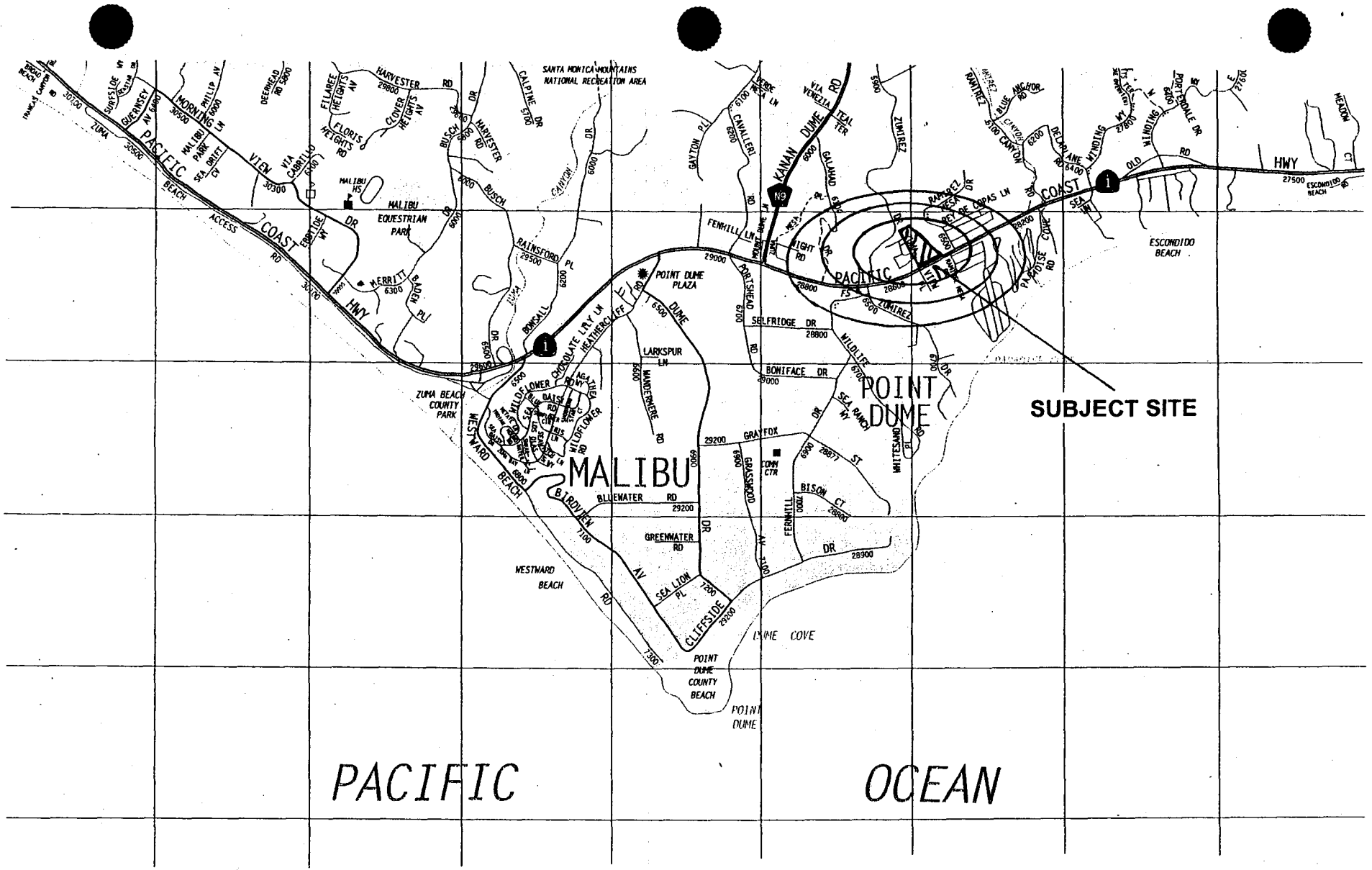
F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 amendment would result in significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed amendment is determined to be inconsistent with CEQA and the policies of the Coastal Act.

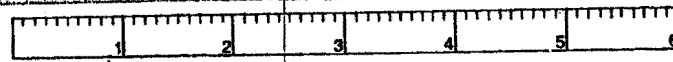
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<p>EXHIBIT 1 CDP 5-90-103-A3 (The Pointe/La Berge) Location Map</p>
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SCALE 1" = 200'



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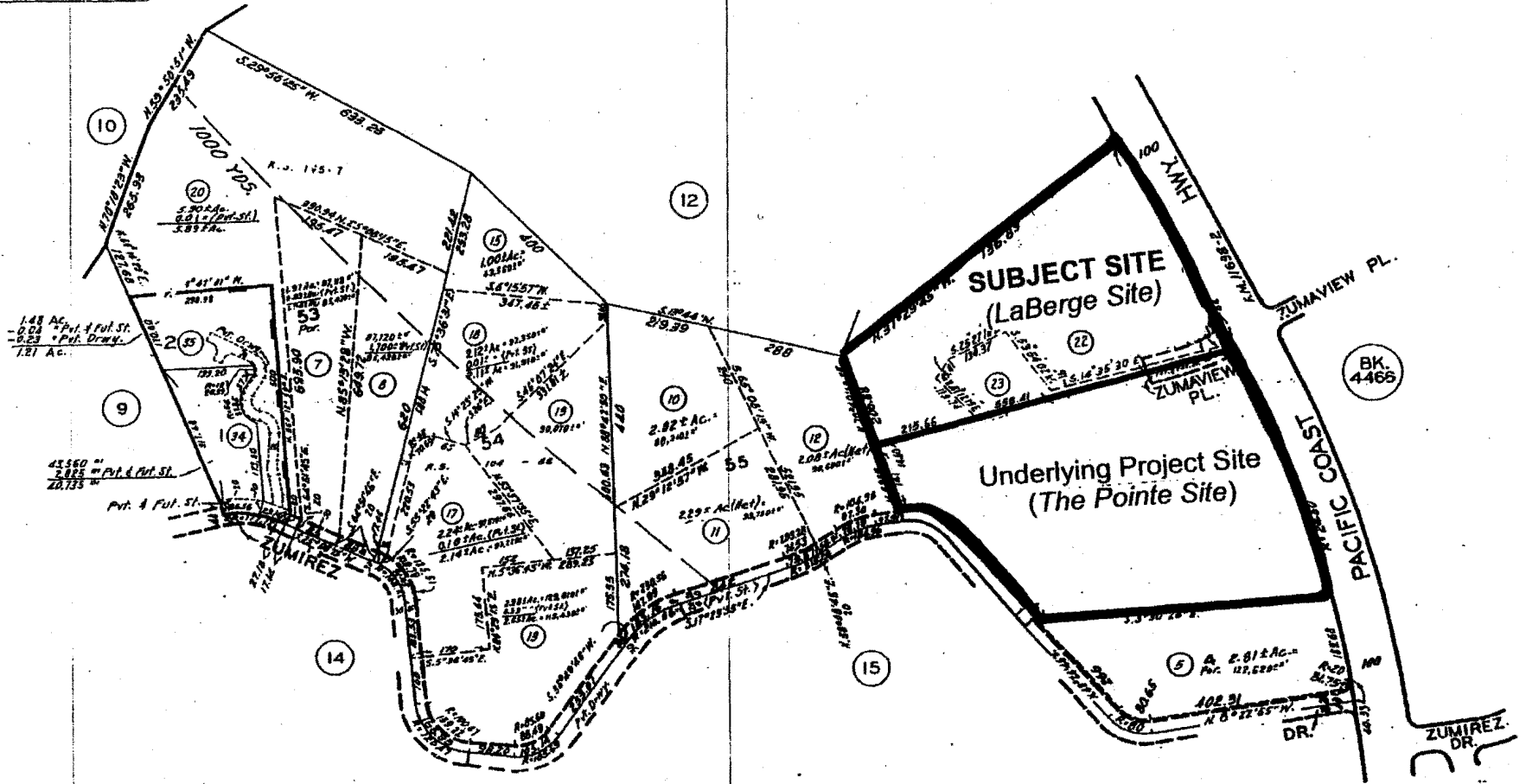
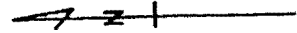
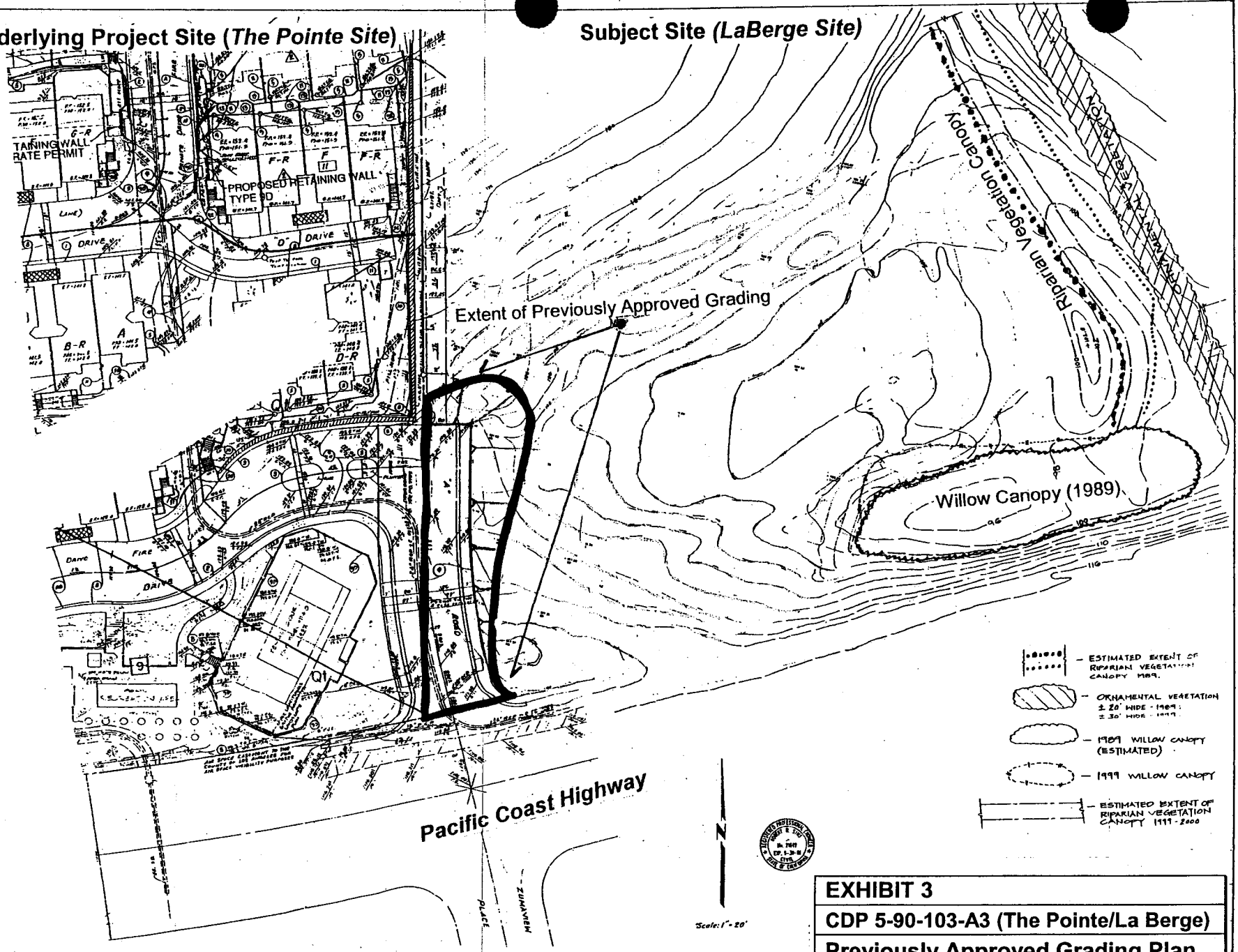


EXHIBIT 2
CDP 5-90-103-A3 (The Pointe/La Berge)
Parcel Map

Underlying Project Site (The Pointe Site)

Subject Site (LaBerge Site)








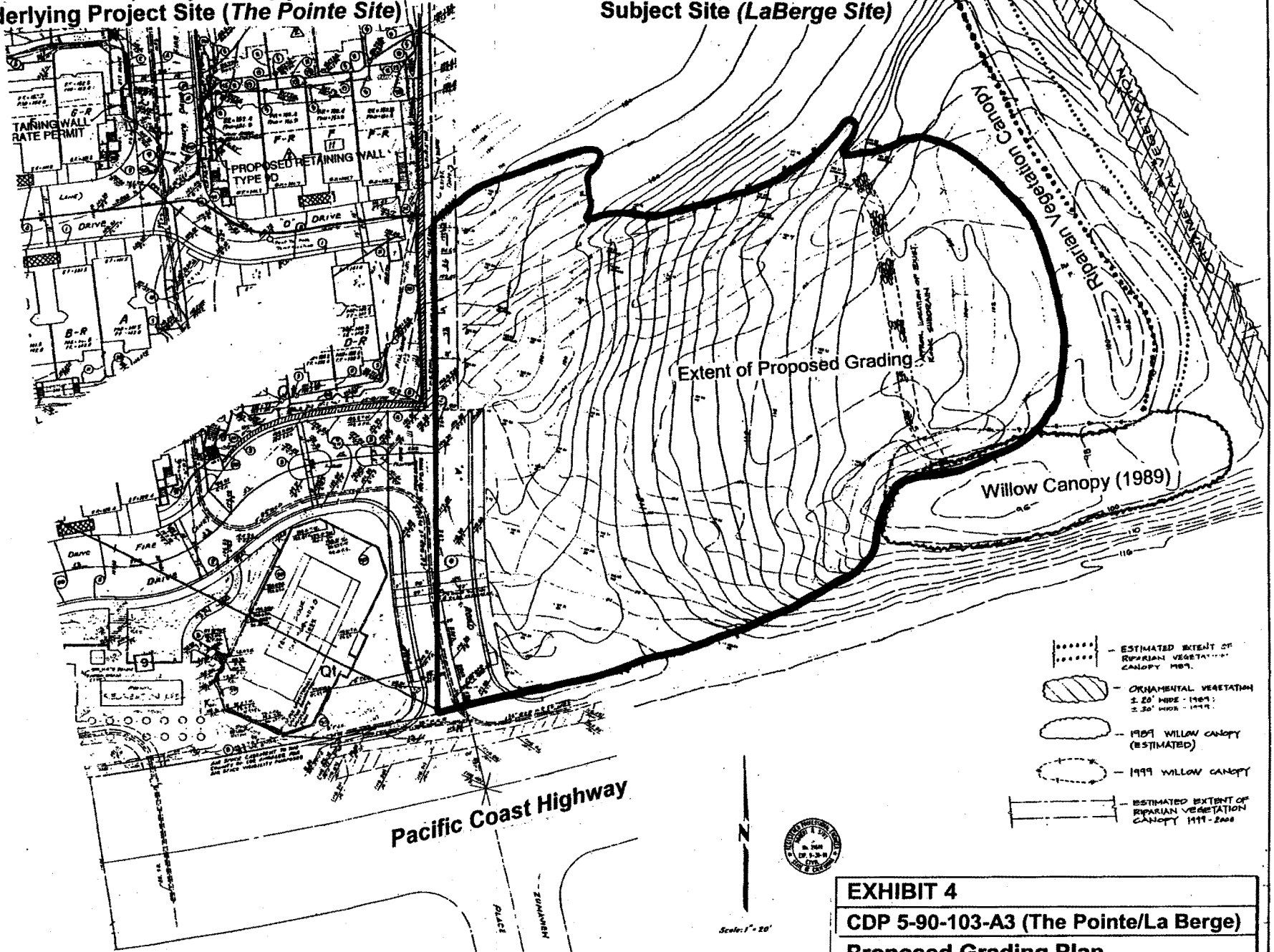
-  - ESTIMATED EXTENT OF RIPARIAN VEGETATION CANOPY 1989.
-  - ORNAMENTAL VEGETATION ± 20' WIDE - 1989; ± 30' WIDE - 1999.
-  - 1989 WILLOW CANOPY (ESTIMATED).
-  - 1999 WILLOW CANOPY.
-  - ESTIMATED EXTENT OF RIPARIAN VEGETATION CANOPY 1999 - 2000.



EXHIBIT 3
CDP 5-90-103-A3 (The Pointe/La Berge)
Previously Approved Grading Plan

Underlying Project Site (The Pointe Site)

Subject Site (LaBerge Site)



- - ESTIMATED EXTENT OF RIPARIAN VEGETATION CANOPY 1989.
- ▨ - ORNAMENTAL VEGETATION ± 20' WIDE - 1989; ± 30' WIDE - 1999.
- - 1989 WILLOW CANOPY (ESTIMATED)
- - 1999 WILLOW CANOPY
- ▭ - ESTIMATED EXTENT OF RIPARIAN VEGETATION CANOPY 1999-2000



Scale: 1" = 20'

EXHIBIT 4
CDP 5-90-103-A3 (The Pointe/La Berge)
Proposed Grading Plan

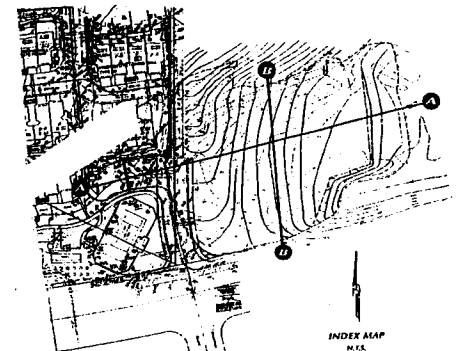
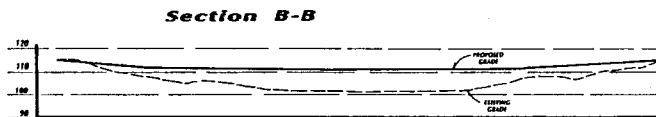
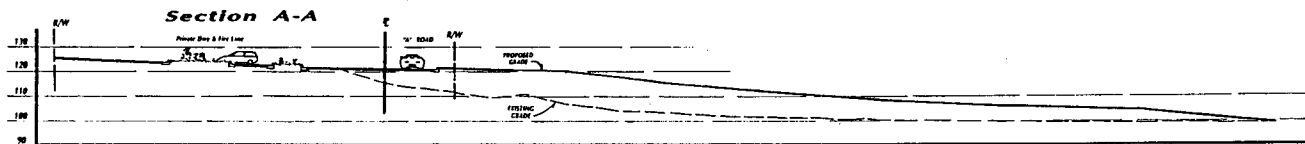


EXHIBIT 5
CDP 5-90-103-A3 (The Pointe/La Berge)
Proposed Grading Plan Cross Sections

