

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

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Filed: 12/5/00
 49th Day: 1/23/01
 180th Day: 6/3/01
 Staff: MEB-V
 Staff Report: 12/21/00
 Hearing Date: 1/9-12/00

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-00-203

APPLICANT: Kent and Carol Lieu AGENT: Marny Randall

PROJECT LOCATION: 31157 Anacapa View Drive, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a one-story, 18 foot high, 3,367 sq. ft. single family residence with garage, septic system, two water tanks and grading of 1,580 cu. yds. (1,320 cu. yds. cut and 260 cu. yds. fill) with remainder to be deposited outside Coastal Zone. The application includes a proposed offer to dedicate a public riding and equestrian trail easement over a portion of the combined route of the Trancas Canyon and Coastal Slope Trails.

Lot area:	53,077 sq. ft.
Building coverage:	3,974 sq. ft.
Pavement coverage:	3,013 sq. ft.
Landscape coverage:	20,000 sq. ft. (approximate)
Parking spaces:	three covered, two open
Height above finished grade:	18 ft.

SUMMARY OF STAFF RECOMMENDATION

The proposed single family residence overlooks the coast near the top of a LUP designated viewshed area. The eastern portion of the parcel is a narrow strip of land between Anacapa View Drive and Trancas Canyon Road across which crosses a LUP designated portion of the Trancas Canyon and Coastal Slope Trails. The application includes a proposed offer to dedicate a portion of the combined route of the Trancas Canyon and Coastal Slope Trails in this location. Staff recommends approval of the project with special conditions relating to: **conformance to geologic recommendations, landscape and erosion control plan, wild fire waiver of liability, drainage and a polluted runoff control plan, trail dedication, color restriction, future improvements deed restriction, and removal of excavated material.**

LOCAL APPROVALS RECEIVED: City of Malibu: Planning Department, Approval In Concept, dated August 21, 2000; Health Department, In-concept Approval, dated May 30, 2000; Environmental Health Department, Approval in Concept, dated August 11, 2000.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Geoconcepts, Inc., Limited Geologic and Soils Engineering Investigation, March 26, 1999; Coastal development permit 4-99-093 (Busch).

I. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit Amendment No. 4-00-203 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 an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO APPROVE THE AMENDMENT:

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 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 permute to bind all future owners and possessors of the subject property to the terms and conditions.

III. **Special Conditions**

1. **Plans Conforming to Geologic Recommendations**

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Geoconcepts, Inc., Limited Geologic and Soils Engineering Investigation, March 26, 1999, shall be incorporated into all final design and construction plans including site preparation, grading, and foundations. All plans must be reviewed and approved by the consultants

The final plans approved by the consultant 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 consultant shall require an amendment to the permit or a new coastal development permit.

2. **Landscaping and Erosion Control Plan**

Prior to issuance of a coastal development permit, the applicant shall submit revised 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 consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

A) Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (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 October 4, 1994. Invasive, non-indigenous plant species, which tend to supplant native species shall not be used and such species that exists on the parcel shall be removed. The trees and shrubs used shall include vertical elements to screen or soften the view of the proposed residence.
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting 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 200 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 through out the development process to minimize erosion and 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.
- 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.

3. **Wildfire Waiver of Liability**

Prior to the issuance of a coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of 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 or destruction from wild fire exists as an inherent risk to life and property.

4. **Trail Dedication**

In order to implement the applicant's proposal of an offer to dedicate a public access hiking and equestrian trail easement for passive recreational use as part of this project, the applicant as landowner agrees to complete the following prior to issuance of the permit: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for a twenty foot wide area of public access and passive recreational use in the general location and configuration depicted in Exhibit 3. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to the acceptance of the offer, to interfere with any rights of public access acquired through use that may exist on the property.

The irrevocable offer shall be of a form and content approved by the Executive Director, free of prior encumbrances except for tax liens, providing the public the right to pass and repass over the noted route limited to hiking and equestrian uses only. The dedicated trail easement shall not be open for public hiking and equestrian usage until a public agency or private association approved by the Executive Director agrees to accept responsibility for maintenance and liability associate with the trail easement. The offer shall run with the land in favor of the State of California binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of the recording. The recording document shall include legal descriptions of both the applicant's entire parcel and the easement area.

5. **Drainage and Polluted Runoff Control Plan**

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.
- (d) 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.

6. Color Restriction

The color of the structures, roofs, and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

A. 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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

7. Future Improvements

This permit is only for the development described in coastal development permit No. 4-00-203. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition 3, shall require an amendment to Permit No. 4-00-203 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- A. PRIOR TO THE 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, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. 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.

8. 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 excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a one-story, 18 foot high, 3,367 sq. ft. single family residence with garage, septic system, two water tanks and grading of 1,580 cu. yds. (1,320 cu. yds. cut and 260 cu. yds. fill) with the remainder to be deposited outside Coastal Zone. The eastern portion of the parcel is a narrow strip of land between Anacapa View Drive and Trancas Canyon Road across which crosses a designated portion of the Trancas Canyon and Coastal Slope Trails in the Malibu/Santa Monica Mountains certified Land Use Plan. The application includes a proposed offer to dedicate this portion of the combined Trancas Canyon Trail and Coastal Slope Trail which crosses subject property.

The project site contains a mixture of ruderal vegetation previously disturbed by grading and/or disking. Approximately two hundred feet to the west and across Anacapa View is the northern terminus of a USGS documented blue line stream. The stream is unnamed and enters the ocean at Trancas Beach. Neither the stream course nor surrounding area is designated as an Environmentally Sensitive Habitat Area in the certified LUP. Approximately 500 feet north of the site is a large tract of land reaching to Mulholland Highway which is part of the Santa Monica Mountains National Recreation Area.

The area surrounding the site is developed with large single family residences and equestrian development. The proposed development is similar to existing development in the vicinity.

The Commission in recent permit decisions has addressed the effect of fire clearance for purposes of protecting structures on surrounding natural vegetation. In the case of the proposed development, the project's fire clearance area, assuming 200 feet around the residence, would overlap with either the corral area to the north, areas cleared for nearby existing single family residences, or the area along the south side of Anacapa View Road, which is routinely cleared and disced for fire protection. For these reasons, the proposed development will not result in undesirable fire clearance.

On August 13, 1999 the Coastal Commission approved a permit of relevance to the above proposal for a property immediately to the northeast of the Lieu property. Coastal development permit 4-99-093 (Busch) approved construction of a 7,500 sq. ft., one story, 35 ft. high, single family residence with attached two car garage, detached three car garage with second floor, 750 sq. ft. guest unit, two ponds, expansion of the existing septic system, a swimming pool, cabana, water well, two water tanks, fire hydrant, use of an antiquated mobile home on site as a temporary construction trailer, and relocation and temporary use of existing gate, and a new 12 ft. wide side gate, with both gates located within an existing trail easement. No grading was proposed. The Commission was concerned with preservation of the portion of the Coastal Slope Trail affected by the gate at the site entrance. For this reason, condition 7 allowed temporary use of the gate with removal required within thirty days of issuance of the certificate of occupancy. The Commission found that this condition removed any barrier to trail use or improvements, as well as avoided confusion as to future entitlement to use the trail.

B. Geologic Stability and Hazards

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, 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 development is located in the Santa Monica Mountains, an area considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains 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.

The prominent geomorphic features in the area are the Santa Monica Mountains to the north, Lechuza Point to the southwest, Trancas Beach to the south, and Pt. Dume and Zuma Beach to the southeast. The site is at the approximate 700 foot elevation. Physical relief across the lot (east-west) in the area of the proposed residence, i.e. at the west end, is approximately fifty feet of elevation change. Immediately across the street from the site, as previously noted, is the northern terminus of a USGS documented blue line stream.

1. Geology

The applicant has submitted the Geoconcepts, Inc., Limited Geologic and Soils Engineering Investigation, March 26, 1999, which states that:

...Based on the results of this investigation and a thorough review of the proposed development ... the site is suitable for the intended use providing the following recommendations are incorporated into the design and subsequent construction of the project. Also, the development must be performed in an acceptable manner conforming to building code requirements of the controlling governing agency. ... The existing slope is grossly stable. ... Based upon field observations, laboratory testing and analysis, the bedrock found in the test pits and borings should possess sufficient strength to support the residence.

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineering geologists as conforming to their recommendations, as noted in special condition number one (1) for the final project plans for the proposed project.

2. Erosion

The project will significantly increase the amount of impervious surfaces on the site, increasing both the volume and velocity of storm water runoff. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site. Increased erosion may also result in sedimentation of the nearby

stream. Further, the above geotechnical investigation recommends that the project include mechanisms to control surface water to direct water away from footings and not allow water to flow over natural slopes, pond on the pads, under the building, against any foundations, or behind retaining walls. The application includes a drainage plan addressing the need to control and convey runoff through the use of various devices including velocity reducers, trench drains, area drains, splash walls, and the like. The Commission has found in similar projects that such erosion control measures are necessary to ensure site stability, and avoid adverse impacts on the nearby streams.

A landscaping plan can assure structural and site stability by reducing erosion resulting from rainfall and resultant runoff by protecting surfaces and facility percolation into the soil. Consequently, the Commission has required landscaping plans in past decisions for similar projects. The application includes a landscaping plan ("Landscape, Fuel Modification & Vegetation Management Plan"). In a manner consistent with past Commission action, the applicant needs to revise the plan, to incorporate the requirements for landscape plans required by the Commission for similar projects. This includes specifying that landscaping be installed within sixty days of occupancy, consisting of primarily native and drought resistance vegetation; stabilizing of cut and fill slopes; maintenance of plants in good growing condition; submission of a fuel modification plan for review and approval of the County Forestry Department; creation of fuel modification zones as acceptable to the Los Angeles County Fire Department; and submittal of a landscape monitoring report within five years.

In order to ensure that these landscape provisions are implemented by the applicant, the Commission finds that it is necessary to impose Special Condition number two (2) which requires submission of a revised and more detailed landscaping plan. It is further necessary to ensure that the landscape and erosion control plan be reviewed and approved by the consulting engineering geologist and includes measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring to ensure site stability in plan implementation as also required by Special condition number two (2).

In addition, as required by Special condition number two (2), a revised or supplemental landscape plan needs to be provided for in the event that the landscape monitoring report indicates that the landscaping is not in conformance with the approved landscaping plan.

Such conditions ensure site stability and avoidance of the potentially adverse impacts of erosion and sedimentation in a manner consistent with PRC Section 30253.

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified

hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly 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. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special condition number three (3). The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

C. Public Access/Trails

The Coastal Act maximizes public access and recreational opportunities within coastal areas.

PRC Section 30210 states:

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

PRC Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

PRC Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

PRC Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

PRC Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act sections 30210, 30212.5, 30223, and 30252 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and where feasible provided.

In the Malibu/Santa Monica Mountains area, the existing system of heavily used historic trails located on private property has been adversely impacted by the conversion of open lands to housing. In order to preserve and formalize the public's right to use these trails, a trail system map has been included as part of the certified Malibu/Santa Monica Land Use Plan (LUP).

The trail system, in general, is composed of the Backbone and Coastal Slope Trails in addition to several connector trails. The Backbone Trail is the primary hiking and equestrian trail leading from the Los Angeles metropolitan area through the Santa Monica Mountains to Point Mugu State Park in Ventura County. The trail network provides hikers and equestrians with a large number of varied destinations including such highly scenic locations as Escondido Falls or the Castro Crags area and historic sites including several motion picture locations and active film sets. Significant coastal views from this public trail system include panoramic views of the coastline, the Channel Islands, and mountain views.

As noted previously, the application includes an offer to dedicate a portion of the combined trail. Relative to the trail system in the project vicinity, the proposed development is located between two intersections of two major trails, the Coastal Slope Trail and the Trancas Canyon Trail, as designated in the certified LUP. These trails

combine at the south before they cross the subject property and then further divide north of the subject property.

The Coastal Slope Trail route is in an east-west direction and the Trancas Canyon Trail route is in a north south direction. The Coastal Slope Trail provides major east-west access along the frontage of the Santa Monica Mountains, while the Trancas Canyon Trail provides major north-south access between Trancas Beach and the Backbone Trail. These two trails intersect south of the project site. (Exhibit 6) The interconnected trail then crosses the east portion of the project site, between Anacapa View Drive and Trancas Canyon Road. The trails further divide north of the project site with the Trancas Canyon Trail proceeding to the north and the Coastal Slope Trail proceeding to the east.

This application material includes the trail easement route that is proposing to offer to dedicate for public access on the eastern portion of the project site. This represents an important link that will further complete this trail. The proposed route allows a switch back to lower the grade of the trail to pass across the steep, narrow slope between Anacapa View and Trancas Canyon Roads. Such an offer requires formalization through a recorded document, i.e. an irrevocable offer to dedicate a route which is agreed to by the Executive Director and concerned agencies, and provides for acceptance by a public agency or private association. Therefore, special condition five (5) has been included, consistent with the applicant's proposal in order to implement the applicant's offer to dedicate a public hiking and equestrian trail easement prior to the issuance of the coastal development permit.

The condition allows development of the trail route subject to approval of the Executive Director in order to be of a design consistent with trail routes in the project area. The recommended condition will also ensure that the trail is proposed in a location and design consistent with the pattern of trail routes and design parameters found in the certified LUP. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with PRC Sections 30210, 30212.5, 30213, 30223, and 30252.

D. 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, 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 that:

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 above, the proposed project includes a one-story, 18 foot high, 3,367 sq. ft. single family residence with garage, septic system, two water tanks and grading of 1,580 cu. yds. (1,320 cu. yds. cut and 260 cu. yds. fill) with the remainder to be deposited outside Coastal Zone. The site is considered a "hillside" development, as it involves a steep terrain with soils that are susceptible to erosion. As noted previously, the site is at the approximate 700 foot elevation and elevation change across the building site is approximately fifty feet.

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 five, 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 five 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 septic system to serve the residence. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the City of Malibu Environmental Health Department 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.

E. Visual Impacts

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected:

Section 30251

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

and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

As stated previously, the applicant proposes to construct a one-story, 18 foot high, 3,367 sq. ft. single family residence with garage, septic system, two water tanks and grading of 1,580 cu. yds. (1,320 cu. yds. cut and 260 cu. yds. fill) with remainder to be deposited outside Coastal Zone.

The site is minimally visible from Pacific Coast Highway and is highly visible from the connector trail route that passes through the property between Trancas Canyon Road and Anacapa View Drive. The project site is in an area of existing large, single family residences and therefore, the proposed project is consistent with the character of the surrounding area. By being proposed at only a single story height of 18 ft., the proposed residence has less visual impact than other higher and larger single family residences in the vicinity. Although minimal grading is proposed and the residence is designed to conform to the topography of the site, due to the highly visible nature of the project as seen from the trail route, the Commission finds it necessary to require mitigation measures to minimize visual impacts as seen from Pacific Coast Highway and the public trail.

The impact on public views can be mitigated by (1) requiring the residence to be finished in a color consistent with the surrounding natural landscape, (2) that the windows of the proposed structure be of a non-reflective nature, and (3) that the driveway be colored in a manner that blends into the surrounding area. To ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment, non-glare glass, and a colored driveway as required by Special Condition number six (6).

In addition, future developments or improvements to the property have the potential to create significant adverse visual impacts as seen from the public trail and from Pacific Coast Highway. It is necessary 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 number seven (7), the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Furthermore, visual impacts can be mitigated by requiring the slope facing the connector trail to be adequately landscaped. The landscaping plan submitted includes native, drought resistant plants and partially screen and soften the visual impact of the structure from the Coastal Slope Trail, Trancas Canyon Trail and Pacific Coast Highway with vertical elements such as trees and shrubs, as augmented in Special Condition number two (2).

In addition, because excess excavated soil can have an adverse visual and landform impacts unless properly disposed, special condition eight (8) is necessary. Through this condition the applicant will provide evidence the location of the disposal site for all excess excavated material from the site and, if the dumpsite be located in the Coastal Zone, obtain a coastal development permit.

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 the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu/Santa Monica Mountains LUP.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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

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

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

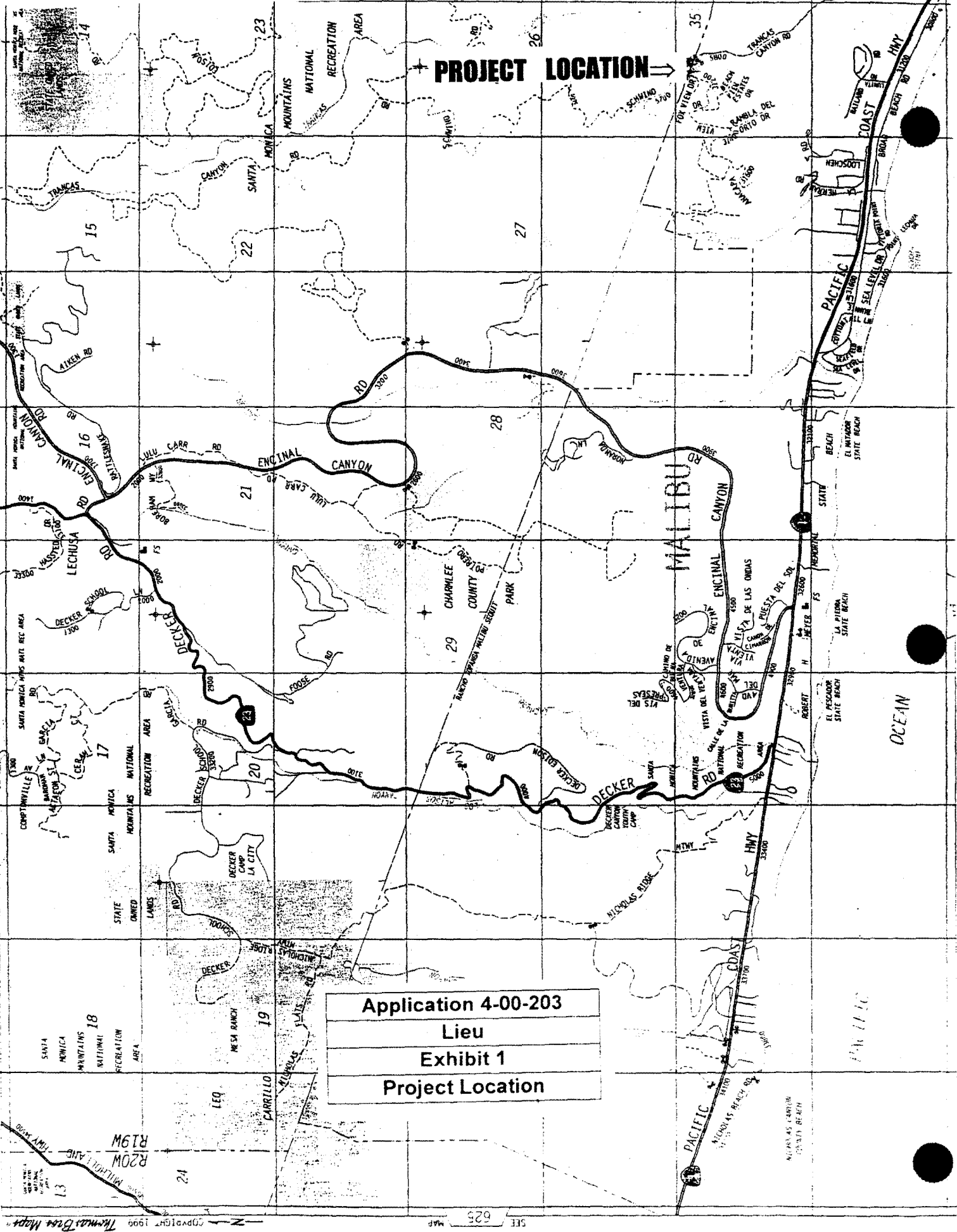
G. California Environmental Quality Act

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, 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 effects, which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects, which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

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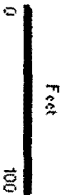
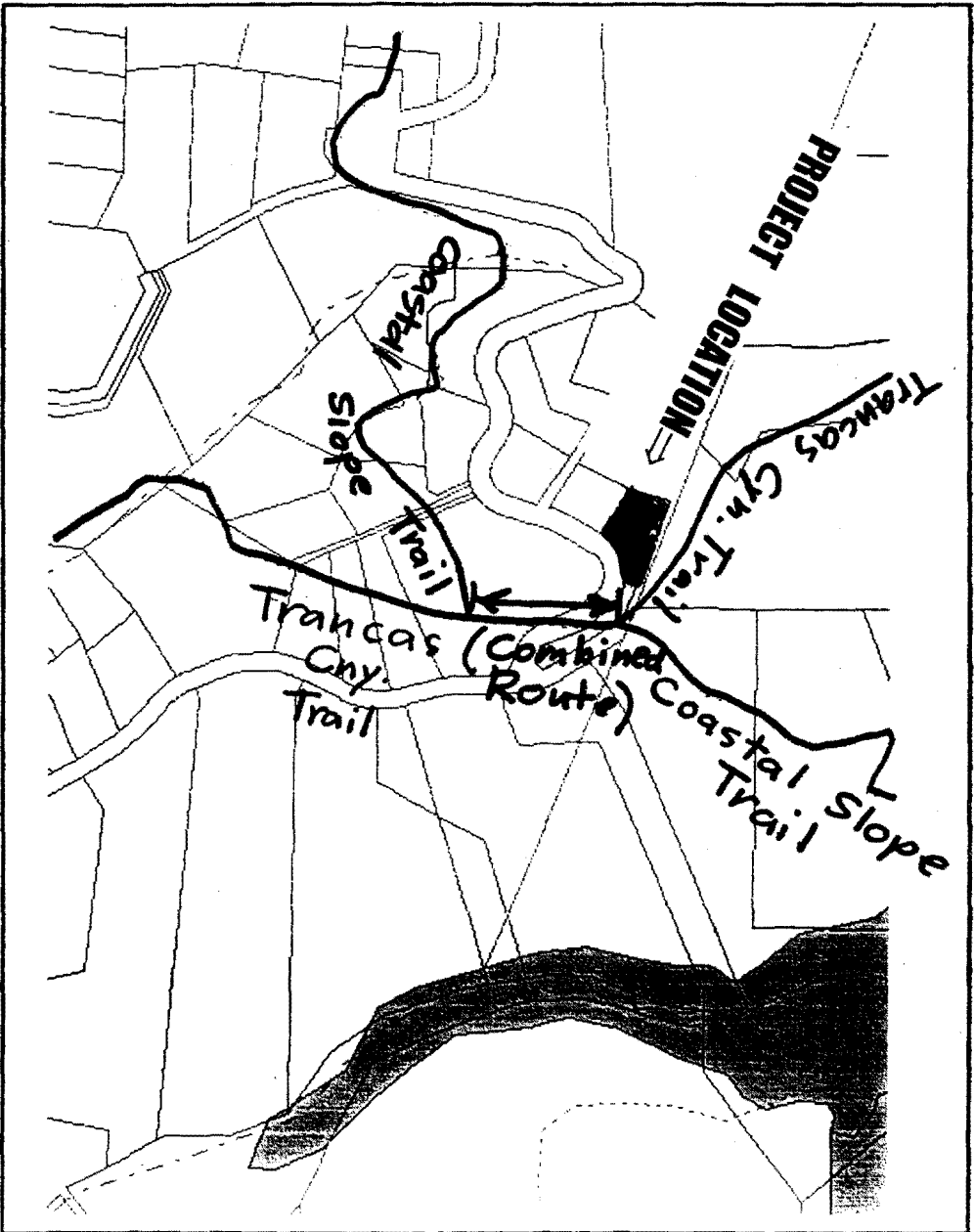
PROJECT LOCATION →

Application 4-00-203
Lieu
Exhibit 1
Project Location

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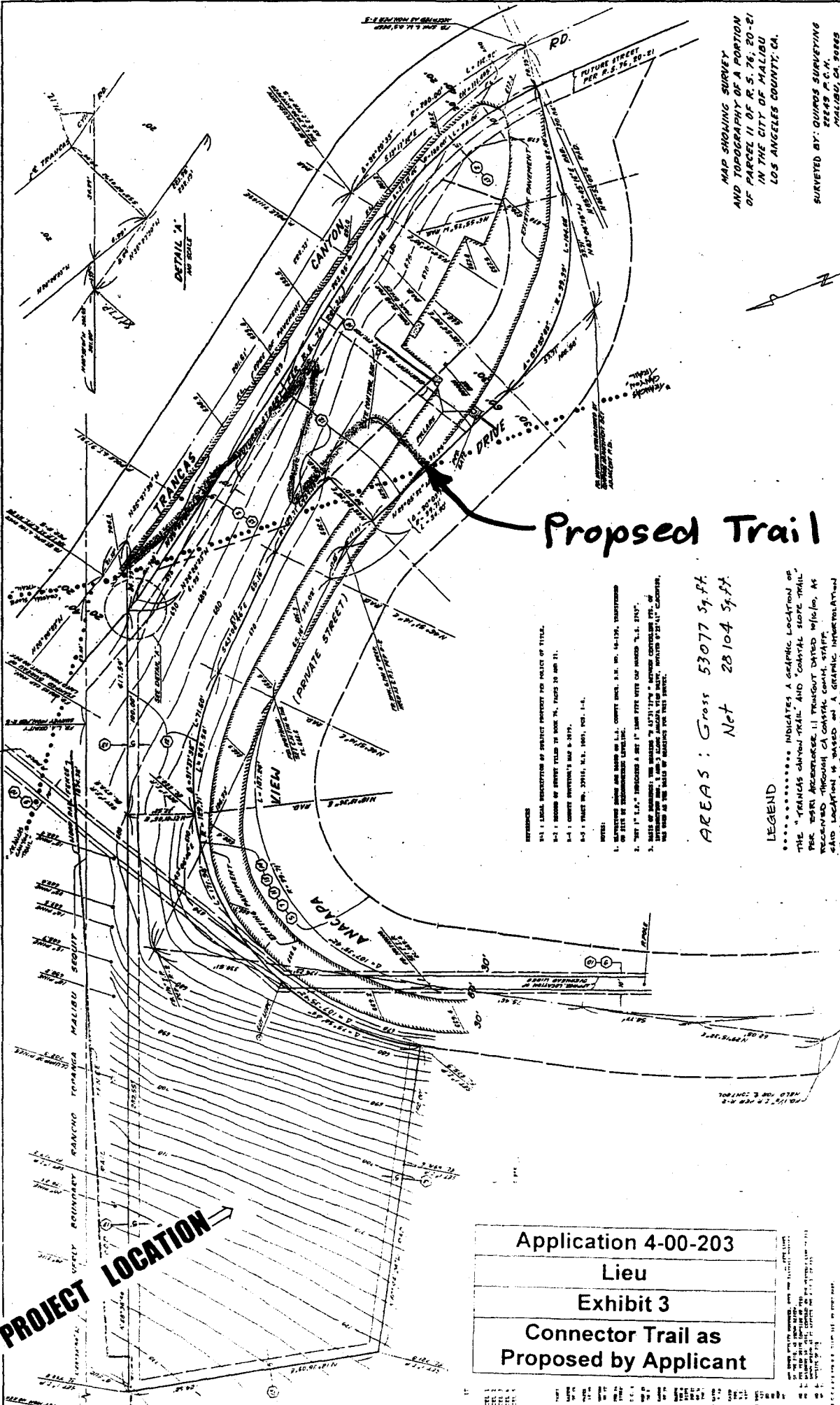
4-00-203 Lieu (31157 Anacapa View Dr.)



- Malibu City Boundary
- LA Ventura County Boundary
- Trails LA County LUP
- Blue Line Streams
- shoreline
- lagoon
- Small lot subdivisions
- Ocean

Application 4-00-203
Lieu
Exhibit 2
Project Location and (Generalized) Trail Route

PROJECT LOCATION



Proposed Trail

AREAS: Gross 53077 sq. ft.
Net 28104 sq. ft.

LEGEND

- INDICATES A GEOPHIC LOCATION OF THE "TRAICAS CANYON-TRAIL" AND "CANAL SORE TRAIL" PER 1931 AGREEMENT (1) THROUGH DATED WITNESS AS SAID AND THROUGH CA COUNTY COURT, STAFF SAID AND THROUGH CA COUNTY SUPERIOR COURT APPROVAL OF SAID TRAIL, AND IS APPROXIMATE.
- INDICATES THE PROPOSED LIMITS OF "OFFER TO DEDICATE TRAIL EASEMENT."
- INDICATES A POTENTIAL TRAIL ALIGNMENT WITH A GRADE OF LESS THAN 15%.

Application 4-00-203
Lieu
Exhibit 3
Connector Trail as
Proposed by Applicant

MAP SHOWING SURVEY AND TOPOGRAPHY OF A PORTION OF PARCEL 11 OF R. S. 26, 20-21 IN THE CITY OF MALIBU LOS ANGELES COUNTY, CA.

SURVEYED BY: QUIROS SURVEYING
2249 P.C.H.
MALIBU, CA. 90265
PH: (310) 458-0022
C. QUIROS
Lic. No. AT 2793

REVISED 10/15/00 FROM "TRAILS"
FORM, ISSUE: Aug. 20, 1993 546-18-D

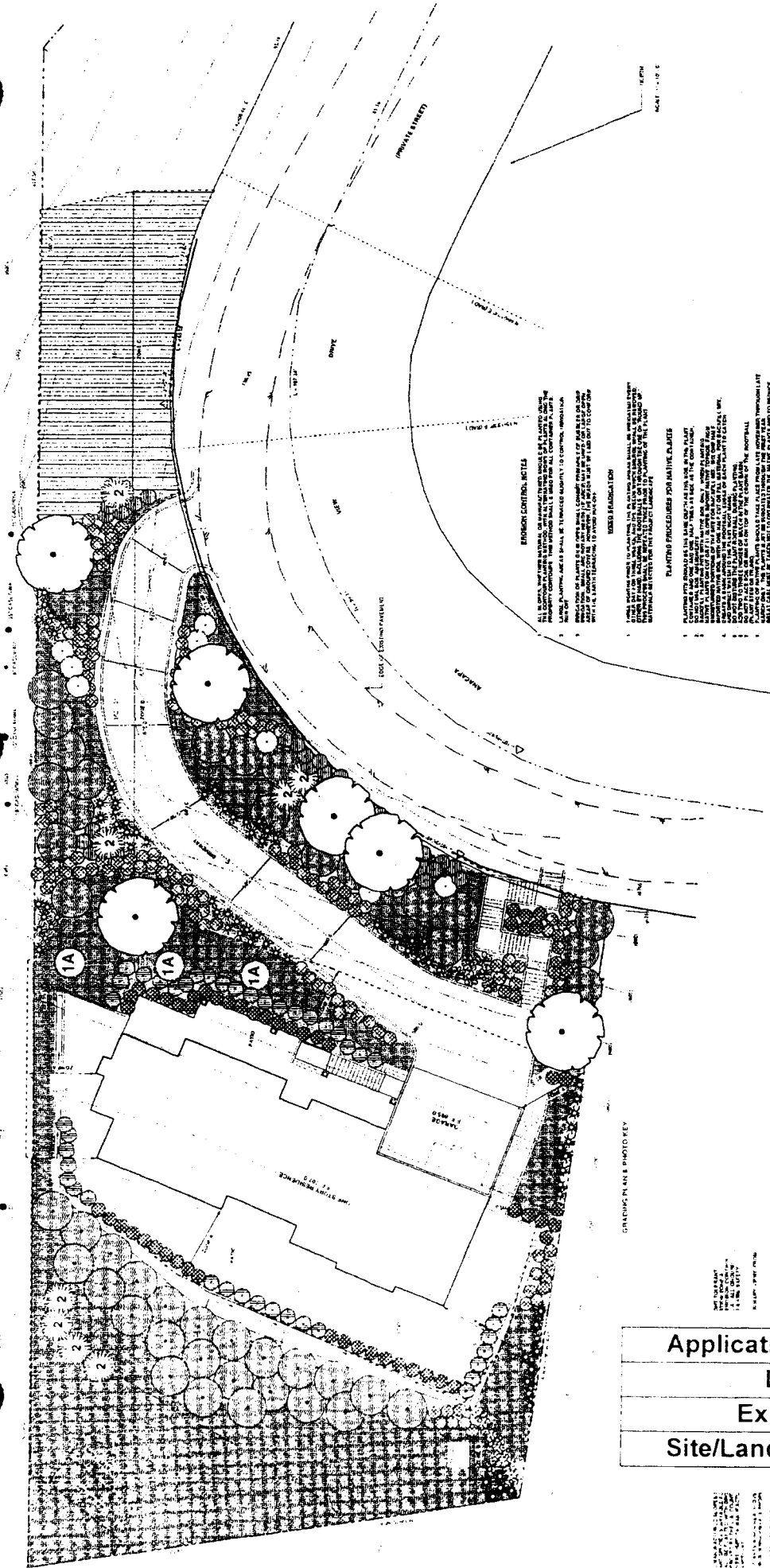
SCALE 1" = 20'



DETAIL "A"
AND SCALE

- REFERENCES
1. LOCAL DESCRIPTION OF SERVICE PROPERTY FOR MAPS OF TITLE.
 2. 1. RECORD OF DEEDS FILED IN BOOK 74, PAGES 20 AND 21.
 3. 1. COUNTY REVENUE'S MAP 8-2878.
 4. 1. TRACT No. 20114, M.L. 1907, VOL. 1-4.
- NOTES:
1. SURVEYED SHOW AND BASED ON L.A. COUNTY DIST. S. H. NO. 14-174, TRANSFERRED ON FILE OF RECORDS OFFICE.
 2. "1" 1" L.P." INDICATES A 1" 1" SCALE WITH CHAIN MARKED "1.1. 2147".
 3. BASIS OF MEASUREMENT: THE MEASUREMENT IS 4371.174" BETWEEN CONTROL POINTS OF THE SURVEY AND THE 1" 1" SCALE MARKS, WITH AN ANGLE OF 87° 34' 42" CORRECTED TO THE POINT OF THE SURVEY FOR THE 1" 1" SCALE.

1. THE SURVEY WAS MADE IN ACCORDANCE WITH THE U.S. GEOLOGICAL SURVEY METHOD OF 1911, AS AMENDED BY THE U.S. GEOLOGICAL SURVEY METHOD OF 1928, AND THE U.S. GEOLOGICAL SURVEY METHOD OF 1943, AS AMENDED BY THE U.S. GEOLOGICAL SURVEY METHOD OF 1960, AND THE U.S. GEOLOGICAL SURVEY METHOD OF 1973, AS AMENDED BY THE U.S. GEOLOGICAL SURVEY METHOD OF 1980, AND THE U.S. GEOLOGICAL SURVEY METHOD OF 1987, AS AMENDED BY THE U.S. GEOLOGICAL SURVEY METHOD OF 1993, AND THE U.S. GEOLOGICAL SURVEY METHOD OF 2000, AS AMENDED BY THE U.S. GEOLOGICAL SURVEY METHOD OF 2007, AND THE U.S. GEOLOGICAL SURVEY METHOD OF 2014, AS AMENDED BY THE U.S. GEOLOGICAL SURVEY METHOD OF 2021.



EROSION CONTROL NOTES

1. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
2. EROSION CONTROL MEASURES SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
3. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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10. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

PLANTING PROCEDURES FOR TREE PLANTS

1. PLANTING SHALL BE DONE IN THE FALL OR EARLY IN THE SPRING.
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SOILS REVISIONS

1. SOILS REVISIONS SHALL BE DONE IN THE FALL OR EARLY IN THE SPRING.
2. SOILS REVISIONS SHALL BE DONE IN THE FALL OR EARLY IN THE SPRING.
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PLANT MATERIALS

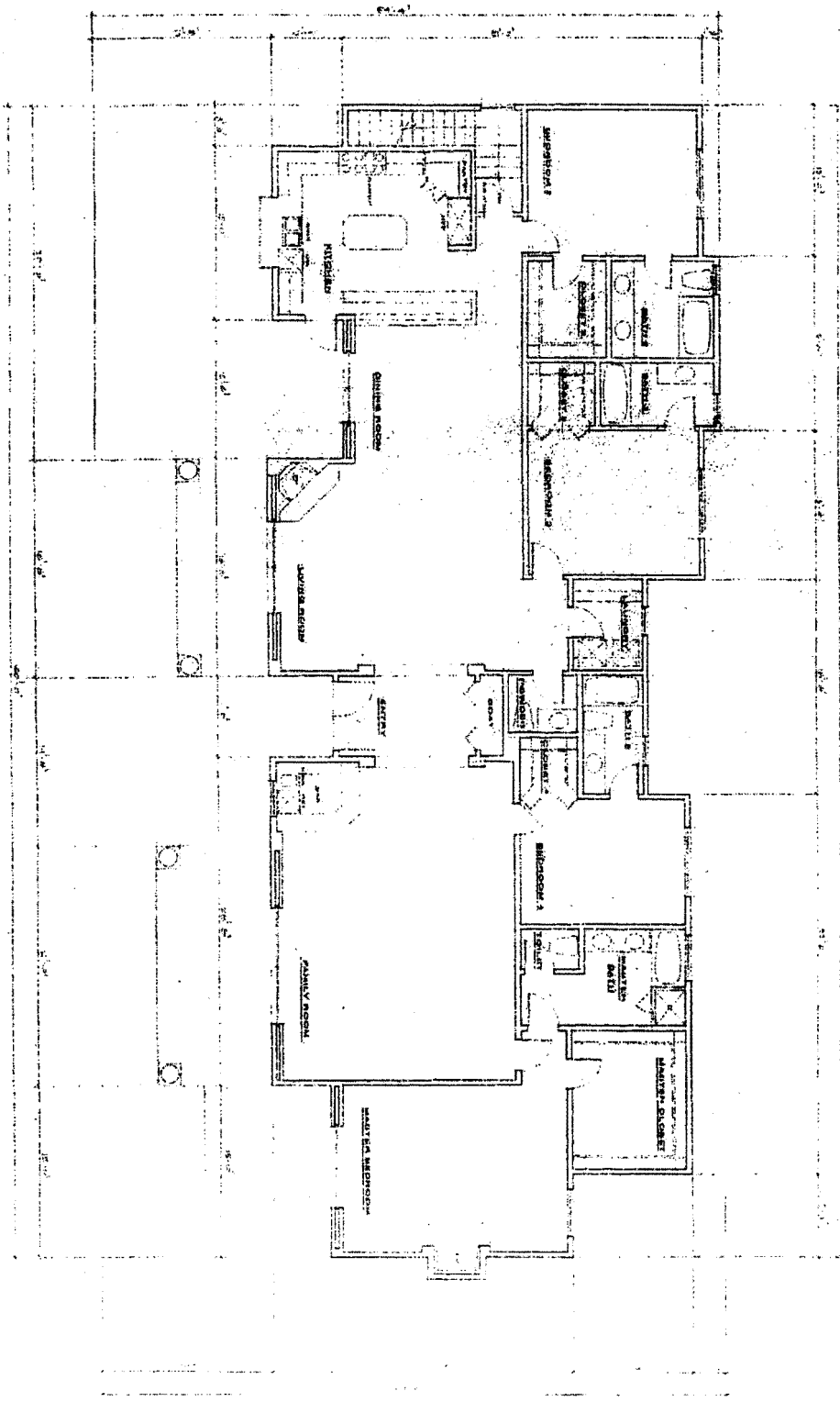
ALL OF THE MATERIALS LISTED ARE NOT INTENDED TO BE USED ON THIS PARTICULAR PROJECT.

- 1. ALL PLANT MATERIALS SHALL BE OBTAINED FROM A REPUTABLE NURSERY.
- 2. ALL PLANT MATERIALS SHALL BE OBTAINED FROM A REPUTABLE NURSERY.
- 3. ALL PLANT MATERIALS SHALL BE OBTAINED FROM A REPUTABLE NURSERY.
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- 9. ALL PLANT MATERIALS SHALL BE OBTAINED FROM A REPUTABLE NURSERY.
- 10. ALL PLANT MATERIALS SHALL BE OBTAINED FROM A REPUTABLE NURSERY.

Application 4-00-203
 Lieu
 Exhibit 4
 Site/Landscape Plan

RANDALL LANDSCAPE DESIGN 3115 AVOCADO BLVD SAN ANTONIO, TEXAS 78201 310-395-2615/FAX: 310-395-2389	
LANDSCAPE, FUELS, VEGETATION MANAGEMENT PLAN PLANTING PLAN	
LIEU RESIDENCE 3115 AVOCADO VIEW DRIVE SAN ANTONIO, TEXAS 78201 APR: 4470-004-019	
DATE: 2/2006	SCALE: 1" = 10'-0"
REV: 01/06	SHEET NUMBER: L-7

FLOOR PLAN



Application 4-00-203
 Lieu
 Exhibit 5
 Floor Plans

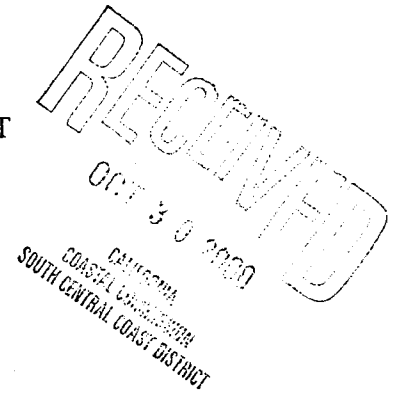
10/17/00

3	DESIGN SERVICES FOR	FLOOR PLAN	LESLIE LIPPICH ARCHITECT & ASSOCIATES 1000 S. GARDEN STREET, SUITE 200 ANAHEIM, CALIFORNIA 92805 TEL: 714/771-1111 FAX: 714/771-1112
	CENT & CAROL LIEU ANAHEIM VEST. DR. MALIBU CA		

MARNY RANDALL
909 Euclid Street, #6 / Santa Monica, California 90403 / 310-395-2615 / Fax 310-395-2368
E-mail: mkrandall@earthlink.net

TRANSMITTAL

DATE: OCTOBER 25, 2000
TO: BRENT MCDONALD, COASTAL PROGRAM ANALYST
89 S. CALIFORNIA STREET, SUITE 200
VENTURA, CALIF. 93001
VIA: FEDERAL EXPRESS
RE: CDP APPLICATION NO 4-00-203 (LIEU)
FROM: MARNY RANDALL
ENCL:



1. ONE SET OF 8 - 1/2" X 11" REDUCTIONS OF THE PROJECT PLANS SUBMITTED TO DATE;
2. ONE SITE SURVEY SHOWING THE MAPPED TRAIL PER DATA BASE INFORMATION PROVIDED BY YOUR OFFICE, A COPY OF EASEMENT DOCUMENT FOR EXISTING UNDERLYING EASEMENT FOR PIPES AND LANDSCAPING FOR PRIVATE WATER DELIVERY SYSTEM, A COLOR CODED MAP SHOWING ALL EASEMENTS, AND AN 8 1/2" X 11" REDUCTION OF THE SITE SURVEY;
3. TWO SETS OF STORMWATER MANAGEMENT PLANS AND 8 -1/2" X 11" REDUCTIONS OF THOSE PLANS.

MESSAGE:

Dear Brent:

We would like to revise the Project Description to read as follows:

Construction of a 3,367 square foot single family residence with a 697 square foot basement garage, driveway, septic system, two water storage tanks (1-10,000 gallon tank and 1-5,000 gallon tank, with water to be provided by a private water purveyor) with 1,580 cubic yards of grading (1,320 cubic yards cut and 260 cubic yards fill), and the offer of a dedication of a 6' wide trail easement for the Trancas Canyon Trail over a portion of the property as shown on the survey prepared by Quiros Surveying. It must be noted that the proposed Trail Easement runs across a portion of the subject property which is already encumbered by an existing easement for pipeline and landscape purposes. This existing easement cannot be relocated or abandoned, nor can the easement holders subordinate to the trail dedication.

The future use of this existing easement should not affect the viability of the trail easement. Please let me know if you have any questions or need any additional information. Mr. & Mrs. Lieu are extremely anxious to have this project set for Commission hearing as soon as possible due to some issues regarding property tax matters. It will be extremely expensive for them if the house is not completed by August, 2000.

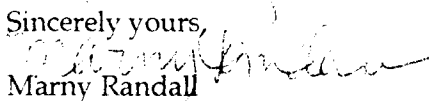
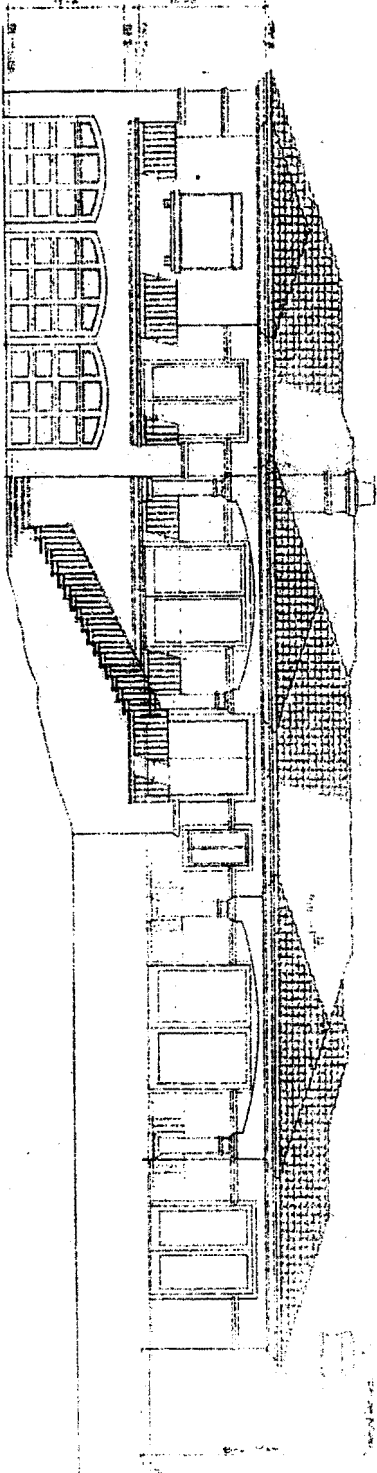
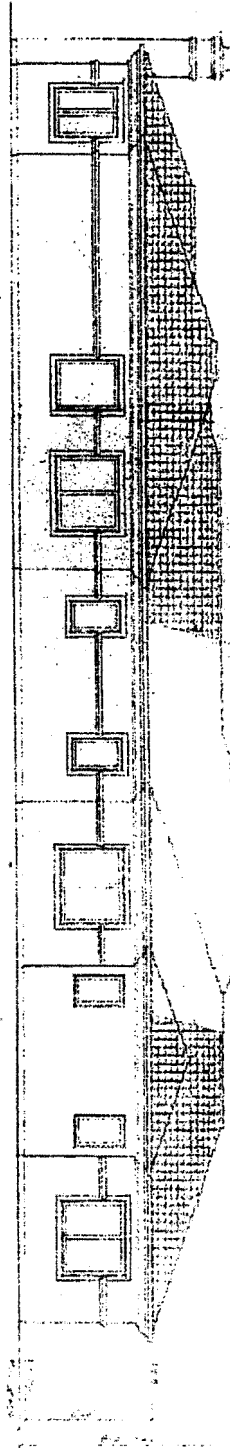
Sincerely yours,

Marny Randall
cc: Kent & Carol Lieu

EXHIBIT NO.	6
APPLICATION NO.	4-00-203 (Lieu)
	Trail Offer



FRONT ELEVATION



REAR ELEVATION

Application 4-00-203

Lieu

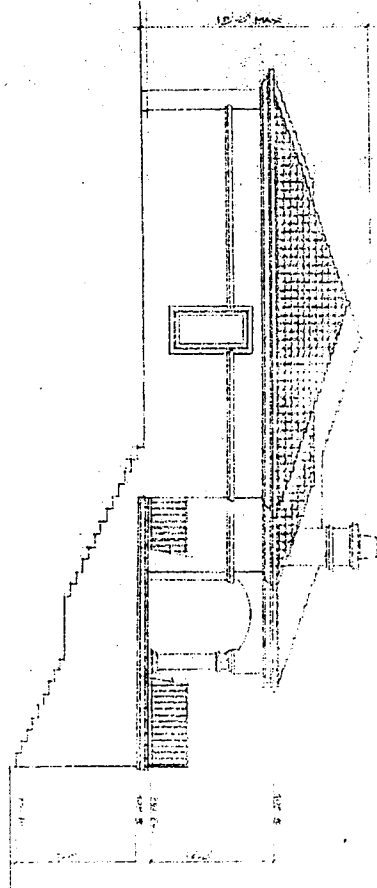
Exhibit 6a

Elevations

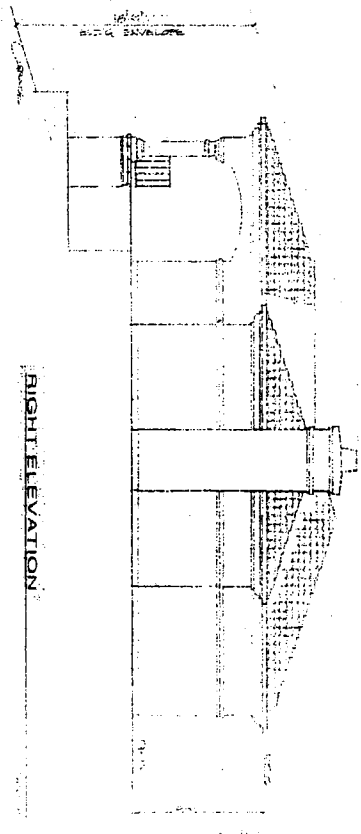
JUL 27 2004

<p>5</p>	<p>(2) SHEET DRAWING FRONT & REAR ELEVATION ANACAPA VIEW TR. MALIBU, CA</p>	<p>DATE: 07/27/04 DRAWN BY: [illegible] CHECKED BY: [illegible]</p>	<p>LESLIE LIPPICH ARCHITECT & ASSOCIATES ARCHITECTS 4545 PASEO GRANDE, SUITE 210 CARLSBAD, CALIFORNIA 92008</p>	<p>[Blank space]</p>
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LEFT ELEVATION



RIGHT ELEVATION



Application 4-00-203

Lieu

Exhibit 6b

Elevations

REVISED 2/2004

