

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

(805) 641 - 0142



Filed: 12/15/00

49th Day: 2/02/01

180th Day: 6/13/01

Staff: M. Hale *MH*

Staff Report: 4/17/01

Hearing Date: 5/08/01

Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 4-00-055**APPLICANT:** Richard E. Stark**AGENT:** Jonathan Stout, A.I.A.**PROJECT LOCATION:** 855 Stunt Road, Calabasas, Los Angeles County

**PROJECT DESCRIPTION:** Construct a new 11,798 sq. ft., 32 ft. high, two story single family residence with below-grade wine cellar, detached 5-car garage with gym, 400 sq. ft. entry gatehouse with 68 linear ft. of fence, 2,025 sq. ft. art studio with 2-car garage, swimming pool with 400 sq. ft. cabana, 750 sq. ft. guest unit with 2-car garage, 6-horse barn and small arena, 50,000-gallon partially recessed water tank (33 ft. diameter, 9 ft. total height, 7 ft. recessed, 2 ft. above ground), driveways (existing), upgraded septic disposal system, stone garden walls topped with wrought iron fencing (up to 1,350 linear ft., maximum 6 ft. in height) immediately surrounding developed areas, restoration plan (including 3,700 cu. yds. of restorative grading) for after-the-fact equine facility development and restoration of 108,000 sq. ft. area of site, including removal of existing 2,000 sq. ft. barn and restoration of 21,000 sq. ft. arena; removal and restoration of jeep trail through a portion of a blueline stream; demolition and removal of residual pads and debris from three previously burned pre-Coastal Act structures, and associated restoration of approximately 31,000 sq. ft. of previously graded pad and driveway areas, reversion to acreage of 7 adjacent parcels, 4,980 cu. yds. of grading (all cut and export), 222 cu. yds. excavation and export for water tank, landscaping including vertical elements to screen development envelope from public vistas and the removal of all non-native species in the deed restricted open space/conservation areas except for one mature pine tree near proposed gatehouse and one eucalyptus at knoll by proposed water tank (raptor roost); temporary use of two construction trailers, and applicant's offer of open space and conservation easement deed restrictions on remaining (approximately 53.8 acres of a total of approximately 63 acres) undeveloped portion of subject site, and offer to dedicate "Saddle Creek Ranch Connector Trail" (corridor approximately 20 ft. by 1,450 ft.).

**LOCAL APPROVALS RECEIVED:** Los Angeles County: Department of Regional Planning Approval-in-Concept dated June 14, 2000; Environmental Review Board review dated March 20, 2000; Fire Department Conceptual Approval dated March 3, 2000; Fire Department Fuel Modification Unit Preliminary Fuel Modification Plan, November 22, 2000; Department of Health Services septic disposal system approval dated March 2, 2000.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan (LUP); Coastal Development Permits 5-87-889 (Voiss); 4-92-057 (Yamada); 4-98-135 (Stark)(withdrawn); 4-98-212 (Enkeboll), 4-98-212-A3 (Enkeboll); 4-00-190,191, 192 (Trey Trust); Preliminary Geotechnical Investigation, 855 Stunt Road, prepared by Miller Geosciences, Inc., dated June 10, 1997; Updated Engineering Geologic Report, 855 Stunt Road, prepared by Mountain Geology, Inc., dated April 27, 1997; Engineering Geologic Update Letter, 855 Stunt Road, prepared by Mountain Geology, Inc., dated April 25, 2000; Preliminary Fuel Modification and Site Restoration Plan, prepared by Klaus Radtke, Ph.D., GeoSafety, Inc., dated October 20, 1999, and revised November 7, 2000.

### **SUMMARY OF STAFF RECOMMENDATION**

**Staff Recommendation:** Approval--with Special Conditions. The Motion for approval is found on Page 5 and the Special Conditions begin on Page 7.

The subject 63-acre site is one of particular visual and ecological significance in the Santa Monica Mountains. The site is highly visible from major portions of the most significant trail in the region, the Backbone Trail, and located in the Cold Creek Resource Management Area, off Stunt Road south of Mulholland Highway, in a sparsely developed area between Malibu and Calabasas, Los Angeles County. The State Department of Parks and Recreation owns large tracts of land containing a portion of the Backbone Trail immediately adjacent to, and south of, the subject site. State Parks purchased a visual conservation easement on the subject property in 1982. The site is also visible from public vistas along Mulholland Highway to the north.

A trail connecting the Backbone Trail with the Great American Trail runs along the westernmost portion of the subject lands. The applicant's proposal includes an offer to dedicate a public access easement for hiking and equestrian use of the connector trail, to be known as the "Saddle Creek Ranch Connector Trail."

Los Angeles County designated the Cold Creek Significant Watershed as a Significant Ecological Area in consideration of the importance of its biological resources and watershed value. In addition to the regional ecological importance of the general area, a blueline stream corridor traverses the western portion of the subject site. The stream is part of a riparian corridor designated as an inland Environmentally Sensitive Habitat

Area (ESHA) on the resource maps of the certified Malibu/Santa Monica Mountains LUP.

The policies of the certified LUP contain standards for the development of lands located within the Cold Creek Resource Management Area. The Commission has relied on these policies for guidance in applying the policies of Chapter 3 of the Coastal Act to lands in sensitive resource areas of the Santa Monica Mountains.

The LUP policies of particular importance to the Commission's consideration of this application are set forth in Table 1 of the LUP. These policies restrict the development of parcels in the resource management area to one 10,000 sq. ft. pad, one single family residence, one garage, one accessory structure and a driveway, per parcel.

By this standard, the applicant's proposal could not be recommended for approval.

However, the applicant seeks Commission approval of the proposed project on the basis of the applicant's offer to consolidate the development potential of four separate parcels that would otherwise be available for parcel-by-parcel consideration under the Table 1 policies, and to retire any further development rights within the 63-acre total site. The applicant believes that the lands subject to this application are comprised of seven parcels, but the legality of three of the possible seven has not been established. The separate parcel that would contain the proposed development envelope is approximately 23 acres in size. Under the applicant's proposal, without prejudice as to whether there are four or seven lots within the total 63 acres, all acreage would revert to one parcel without further development rights in consideration of approval of the project proposed herein.

Thus, although a simple reading of the Table 1 policies indicates that a 39,593 sq. ft. pad and multiple accessory structures are inconsistent with the policy guidelines and thus could not be approved for the development of a single family residence in this location, the applicant's proposal packages a number of measures that offer the possibility of a more sophisticated interpretation of the LUP policies in favor of the overall benefits offered to coastal resources, and due to the unique circumstances in which this application arises.

The applicant proposes, for example, to resolve significant violations on site that are attributable to previous owners, including the demolition and removal of an unpermitted 2,000 sq. ft. barn and arena and restoration of the associated 21,000 sq. ft. pad constructed within a riparian woodland designated in the LUP as an inland ESHA.

The applicant's restoration plan also proposes to restore over 80,000 sq. ft. of existing, pre-Coastal Act pads and non-essential driveways that litter the site and remain from a pre-Coastal Act single family residence and scattered accessory structures that burned to the ground in the 1993 Topanga Fire. The restoration plan includes removal of a jeep trail with an "Arizona" crossing of a blueline stream located on the western portion

of the site, restorative grading and revegetation of disturbed ESHA, and the removal of invasive, non-native plants accompanied by the replanting of oak woodland and chaparral species in severely eroded areas of high topographic relief draining directly into an adjacent blueline stream.

Fully implemented, the applicant's restoration plan offers significant erosion control, habitat restoration, and improvement of the public viewshed (the unpermitted metal barn and arena are highly visible from the Backbone Trail, located approximately 1,000 ft. away).

The applicant has additionally demonstrated that buildout of four of the separate parcels would result in significantly increased individual and cumulative impacts to the sensitive visual and ecological resources of the overall 63-acre site. Piecemeal development of four of the applicant's parcels would result in far greater impacts to coastal resources than the impacts that will be generated by construction of one 39,593 sq. ft. pad (requiring 5,202 cu. yds. of grading,--all cut and export) and a residence, garage, and six accessory structures generally clustered within one consolidated development envelope. In addition, a comprehensive landscape plan with vertical elements to soften public views of the authorized structures will further reduce residual visual impacts in the proposed location.

The fuel modification required for the applicant's consolidated proposal represents a sharp reduction in the amount of fuel modification that would be required for four separate development sites on the lands under consideration. In addition, development of one of the separate parcels would inevitably require crossing a blueline stream and the related, unavoidable encroachment into the inland ESHA associated with the stream.

Perhaps the most important feature of the applicant's proposal is the permanent preservation of almost 54 acres of open space that would otherwise be lost to the piecemeal development of the individual parcels. The applicant proposes to implement the offer of open space through a formal process of reversion to acreage in accordance with the requirements of Los Angeles County, and through the recordation of deed restrictions for open space and conservation easements over 53.8 acres (the total of all lands outside of the fuel modification zones associated with the applicable proposed structures).

As noted, the applicant also proposes to remediate and restore not only the existing violations on site, but also over 80,000 sq. ft. of pre-Coastal Act site disturbance that would not otherwise be required. In addition, the applicant proposes an offer to dedicate a public access easement for pedestrian and equestrian use over the Saddle Creek Ranch Connector Trail, a corridor that unites the Backbone Trail with the Great American Trail.

Staff recommends **APPROVAL of the proposed project with 20 special conditions**, in consideration of the overall reduction in adverse impacts to coastal resources accomplished through consolidated development that is substantially less than that total development otherwise potentially allowed for four separate parcels (but significantly greater than the amount of development ordinarily allowed for one parcel), and the direct benefits to coastal resources that will accrue from the implementation of the applicant's overall proposal. Significant net benefits to coastal resources arise from the applicant's proposal to:

- Implement a comprehensive site restoration plan
- Resolve existing violations
- Enhance areas of pre-Coastal Act disturbance
- Re-establish drainages and canopy of riparian woodland ESHA
- Perform restorative grading and replant oak woodland and chaparral
- Cluster development to consolidate area of unavoidable disturbance
- Permanently preserve open space for visual and ecological protection
- Retire further development rights on site through reversion to acreage of 63 acres and associated deed restrictions
- Offer to dedicate "Saddle Creek Ranch Connector Trail"

Staff also acknowledges the significant collaborative planning efforts of the applicant, the applicant's agents and consultants, interested non-profits, including the Santa Monica Mountains Trails Council and the Mountains Restoration Trust, and the staffs of the State Department of Parks and Recreation and the National Park Service. The applicant has revised the project considerably during the three years that have passed since the initial proposal was presented to staff, both in response to concerns raised by staff and others, and as an active participant in a successful problem-solving process.

## **I. STAFF RECOMMENDATION:**

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 4-00-055 pursuant to the staff recommendation.*

## **STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

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

**II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

#### **1. Plans Conforming to Geotechnical Recommendations**

All recommendations contained in the Preliminary Geotechnical Investigation, 855 Stunt Road, prepared by Miller Geosciences, Inc., dated June 10, 1997; Soils Engineering Investigation, prepared by Coastline Geotechnical Consultants, Inc., dated September 13, 1992; the Updated Engineering Geologic Report, 855 Stunt Road, prepared by Mountain Geology, Inc., dated April 27, 1997; and the Engineering Geologic Update Letter, 855 Stunt Road, prepared by Mountain Geology, Inc., dated April 25, 2000, shall be incorporated into all final design and construction, including recommendations concerning foundations, grading, and drainage, and must be reviewed and approved by the geotechnical consultants prior to commencement of development.

In addition, all final plans approved by the geotechnical consultants shall show all geotechnical setback lines set forth in the reports cited herein, including the maps/plates incorporated into these reports, and the geotechnical consultants shall specifically verify that no development shown on the final approved project plans encroaches into or beyond the areas delineated by the geotechnical setback lines.

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-00-055, the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans. Such evidence shall include the submittal of two (2) sets of final plans stamped and signed as approved by the geotechnical and engineering consultants.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultants shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

#### **2. Landscaping and Erosion Control Plans**

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-00-055, the applicant shall submit two (2) sets of landscaping and erosion control plans, including final irrigation plans, prepared by a licensed landscape architect or qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and signed as approved by the consulting geotechnical engineer and by the consulting restoration ecologist 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 and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of completion of the proposed development. To minimize the need for irrigation and to screen and soften the visual impact of development, all landscaping shall generally consist of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996, and shall be compatible with the character of the surrounding native environment. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall provide for the removal of all non-native trees and vegetation, with the exception of the large specimen pine tree along the driveway and the large eucalyptus tree at the knoll by the water tank (a raptor roost), and, subject to the review and approval of the Executive Director, a limited amount of non-invasive ornamental, edible, and turf species in the immediate area of the main residence. "Greenscape," such as turf, shall be planted in areas located away from public viewshed. Vertical elements comprised of native plant species shall be incorporated to shield approved structures (including fences, water tank area, and accessory structures, as well as the residence) from the public viewshed to the maximum extent feasible. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site.

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, compatible with the surrounding environment, including Riparian Woodland, Oak Woodland, and Chaparral Communities, using accepted planting procedures, and consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed and graded soils;

- 2) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) 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(s) to the Coastal Development Permit(s), unless the Executive Director determines that no amendment is required.
- 4) The Permittee shall submit an approved final long-term fuel modification plan for the proposed development pursuant to this special condition that provides for the



most minimal disturbance feasible to on site resources, including the restored areas shown in part in the reduced plan shown in Exhibit 8 and in the full sized plan on file in the Commission office. The fuel modification plan shall include details regarding the types, sizes, and location of plant or tree materials to be removed, and how often thinning is to occur. The plan shall specify hand thinning on sloping areas, and in or adjacent to restored or sensitive habitat areas. Thinned biomass shall be reapplied as mulch in areas subject to such thinning. In addition, the applicant shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Plantings shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains, and be compatible with the surrounding environment, including oak woodland and chaparral habitat. The final fuel modification plan may include limited fruit trees and garden area to the extent approved by the Executive Director as set forth in subparagraph A (1) of this special condition.

**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 grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. 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, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site 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 thirty (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.

- 4) In addition to other fencing/flagging requirements, as set forth in subparagraph 1) above, the plan shall require the placement of temporary protective fencing around the outermost limits of the restoration areas identified by the consulting restoration ecologist. Other than as specifically approved under these permits, no construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas.

### **C. Monitoring**

Five (5) years from the date of completion of the proposed development, 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 these permits, 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 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. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification for the development approved pursuant to these permits shall not commence within the areas approved for grading until the local government has issued a building or grading permit(s) for the development approved pursuant to this Coastal Development Permit, and removal of natural vegetation for the purpose of complying with the fuel modification requirements for protection of structures approved pursuant to this permit shall not occur until the applicant commences construction of the subject structures.

### **4. Removal of Unpermitted or Residual Structures**

Consistent with the applicant's proposal, within 180 days of issuance of Coastal Development Permit 4-00-055, or within such additional time as the Executive Director may allow for good cause, the applicant shall remove all unpermitted structures,

including but not limited to the existing barn, residential trailers, arena, fencing, kennels, unauthorized non-native landscaping, and foundations, except as otherwise authorized herein pursuant to Special Condition 19 (Temporary Structures). All demolition debris shall be promptly removed from the subject site and disposed of at a facility licensed or authorized to accept such materials.

## **5. Livestock Maintenance Restriction and Stable Waste Management Plan**

- A. In accordance with the applicant's proposal, the horse facilities on site shall be limited to the keeping of no more than 6 horses or ponies or similar livestock at any time.
- B. Prior to issuance of Coastal Development Permit 4-00-055 the applicant shall submit a stable waste management plan for the review and approval of the Executive Director. The plan shall include management practices for the collection, storage, and disposal of stable wastes, including manure and bedding. Such wastes shall be collected and disposed of offsite in a manner and location prescribed in the approved plan.
- C. Any additional or intensified use of the site for livestock maintenance purposes, whether recreational or commercial, shall require an amendment to Coastal Development Permit 4-00-055.
- D. 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 Coastal Development Permit 4-00-055.

## **6. Habitat Restoration and Monitoring Program**

Prior to the issuance of the permit, the applicant shall submit for the review and approval of the Executive Director, a Final Habitat Restoration and Monitoring Program incorporating the preliminary Restoration Plan prepared by Klaus Radtke, Ph.D., GeoSafety, Inc., dated October 20, 1999, and revised November 7, 2000. The restoration and monitoring program shall include, but not be limited to the following:

### **a. Technical Specifications**

The plan shall specify the preferable time of year to carry out the restoration and describe the supplemental watering requirements that will be necessary. The plan shall also specify specific performance standards to judge the success of the restoration effort. The performance standards shall incorporate ground and canopy coverage and survival rates typical to oak woodland, riparian, and chaparral communities in the Santa Monica Mountains. In addition to the planting of nursery stock trees, the restoration plan shall also provide for the planting of at least half of the proposed oak trees from stock of less than one year in age and grown from acorns collected within the closest feasible area to the subject site. All recommendations contained in the preliminary Restoration Plan prepared by Dr. Radtke, and referenced above, shall be incorporated into the monitoring plan.

**b. Restoration Monitoring Program**

A monitoring program shall be implemented to monitor the project for compliance with the guidelines and performance standards outlined in the Habitat Restoration and Oak Tree Monitoring Program. The applicant shall submit, on an annual basis, a written report, prepared by an environmental resource specialist acceptable to the Executive Director, indicating the success or failure of the restoration project. The report shall additionally compare and contrast the condition and survival rates of the larger nursery stock oak tree transplants with those of the oaks planted at one year of age and grown from locally-collected acorns. This report shall include further recommendations and requirements for additional restoration activities to ensure that the project meets the criteria and performance standards listed in the proposed restoration plan. These reports shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites.

At the end of a five year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The revised, or supplemental restoration program shall be processed as an amendment to this Coastal Development Permit.

Before the end of the second year of the monitoring period, all artificial inputs (e.g., water, fertilizer) shall be gradually removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the project site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for an equal length of time so that the success and sustainability of the project sites is ensured. Restoration sites shall not be considered successful until they are able to survive without artificial inputs.

## **7. Drainage and Polluted Runoff Control Plan**

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-00-055, the applicant shall submit for the review and approval of the Executive Director, two sets of 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, and by the consulting restoration ecologist to ensure that the drainage management conforms with the requirements of the restoration plan, and both sets of the final drainage and runoff plans shall be signed by each consultant as evidence of such approval. 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 85<sup>th</sup> 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. Runoff shall be conveyed off site in a non-erosive manner.
- (b) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (c) 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 30<sup>th</sup> 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 amendment(s) or new Coastal Development Permit(s) are required to authorize such work.

## **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 excavated material from the site. Should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.

## **9. Construction Monitoring**

Prior to commencement of construction, the applicant shall retain the services of an independent biological consultant or restorationist (hereinafter "monitoring consultant") with appropriate qualifications acceptable to the Executive Director. The approved monitoring consultant shall be present on site prior to and during grading and construction activity, as deemed necessary by the monitoring consultant. The monitoring consultant shall meet with the construction crew to identify sensitive habitat/restoration areas that shall not be disturbed by construction staging, materials storage, or direct activity. The monitoring consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by Coastal Development Permits 4-00-055. The monitoring consultant shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

## **10. Evidence of Lot Tie and Final Evidence of Reversion to Acreage**

Without prejudice as to whether the lots shown in Exhibit 5 are legal lots, and in accordance with the applicant's proposal:

Prior to issuance of Coastal Development Permit No. 4-00-055, the applicant shall provide evidence that all seven (7) lots shown in Exhibit 5 have been tied together in accordance with the requirements of Los Angeles County and that all seven (7) lots shall thereafter be held as one single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, development, taxation or encumbrance and that the single parcel created herein shall not be divided or otherwise alienated from the combined and unified parcel. The applicant agrees that this step is preliminary to final reversion to acreage of said seven (7) lots and further agrees that within 30 days of issuance of final occupancy notice by Los Angeles County, or within such additional time as the Executive Director may approve for good cause, the applicant shall provide evidence to the satisfaction of the Executive Director that the seven (7) lots subject to Coastal Development Permit No. 4-00-055 have reverted to acreage, and thereby comprise only one legal lot, and that the Assessor's Parcel Maps have been revised to reflect this change and to eliminate the representation of the former lots. In accepting this permit, the applicant agrees that the single parcel created from the separate lots merged herein shall not be eligible for consideration for further division, in consideration of the intensified development rights received pursuant to the approval of Coastal Development Permit 4-00-055 that would not otherwise have been authorized by the Commission.

Nothing in this special condition or the findings in support of this condition set forth herein shall be construed as an acknowledgement by the Coastal Commission that the

seven (7) lots shown in Exhibit 5 are legal lots. If the applicant or successor interest does not accept or vest Coastal Development Permit 4-00-055, the Coastal Commission reserves for the future the determination of lot legality for individual lots shown in Exhibit 5.

Prior to the issuance of Coastal Development Permit 4-00-055, the applicant shall execute and record a deed restriction, in a form acceptable to the Executive Director, reflecting the restrictions set forth in this special condition. The document shall run with the land, 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 Coastal Development Permit 4-00-055.

#### **11. State Department of Parks and Recreation Review of Final Plans**

Prior to issuance of Coastal Development Permit No. 4-00-055, the applicant shall provide evidence in the form of: two sets of final project plans (which shall include all exterior and roof color and material specifications, fencing specifications and elevation views of fencing, and lighting specifications, including but not limited to all exterior and outdoor lighting locations, type, and shielding requirements) and two sets of final landscape, restoration, and fuel modification plans, signed by a representative of the State of California Department of Parks and Recreation as conforming with the requirements of the terms of the State's Conservation Easement over a portion of the lands subject to this coastal development permit.

#### **12. Color, Glass and Fencing Restriction**

- A. The color of the structures, roofs, and driveway permitted pursuant to Coastal Development Permit No. 4-00-055 shall be restricted to a color similar to the colors found in the native plant foliage, stone and soils found in the surrounding environment (white or red tones, such as white Mediterranean-style design with red tile roof, for example, shall not be acceptable). Final design color palette for all roof, siding, and driveway applications shall be submitted to the Executive Director for review and approval. All windows shall be comprised of non-glare glass.
- B. Prior to the issuance of Coastal Development Permit No. 4-00-055, the applicant shall submit for the review and approval of the Executive Director, a final fencing plan, including elevation views of proposed fencing. Such fencing shall be limited to the minimum amount of fencing to enclose the structures approved herein, as shown in Exhibits 6 and 8, but shall not enclose the area containing the water tanks and gatehouse except for approximately 30 linear ft. of 6 ft. high fencing on each side of gatehouse. The fencing shall be designed to prevent domestic dogs from leaving the residentially developed area of the site, and shall

be of visually permeable materials not hazardous to wildlife. Perimeter fencing of the subject site shall be prohibited.

- C. 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.

### **13. Lighting Restrictions**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT No. 4-00-055, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which specifies that all outdoor night lighting shall be the minimum necessary, consistent with safety requirements, shall be of low intensity, at low height and shielded, and shall be downward directed to minimize the nighttime intrusion of the light from the project into sensitive habitat areas. Security lighting, if any, shall be controlled by motion detector. No night lighting, whether permanent or temporary, shall be installed to light the riding arena approved pursuant to Coastal Development Permit No. 4-00-055. No night lighting whatsoever shall be placed in or directed toward the riparian/restoration area west and southwest of the approved development footprint, shown partially in Exhibit 8 and more specifically in the Preliminary Fuel Modification and Site Restoration Plan, prepared by Klaus Radtke, Ph.D., GeoSafety, Inc., dated October 20, 1999, and revised November 7, 2000, on file in the Coastal Commission district office. The document shall run with the land for the life of the structures approved in these permits, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interests being conveyed.

### **14. Future Development Deed Restriction**

- A. This permit is only for the development described in Coastal Development Permit No. 4-00-055. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the parcels. 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, landscaping, and erosion control plans prepared pursuant to Special Condition 2 or the restoration plans prepared by Geo Safety, Inc., dated October 20, 1999 and revised November 7, 2000, shall require an amendment to Coastal Development Permit No. 4-00-055 from the Coastal



Commission or shall require additional Coastal Development Permit(s) from the Coastal Commission or from the applicable certified local government.

- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-00-055, the applicant shall execute and record deed restrictions, in a form and content acceptable to the Executive Director, which reflect the above restrictions on development in the deed restrictions and shall include legal descriptions of the applicant's entire parcels. The deed restrictions 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. These deed restrictions shall not be removed or changed without a Commission approved amendment to the Coastal Development Permit(s).

## **15. Open Space Deed Restriction**

- A. In order to implement the applicant's proposal to permanently preserve 53.8 acres as open space as shown generally in Exhibit 9 and more specifically in the full sized plan on file in the Coastal Commission's district office, the applicant agrees that no development as defined in Section 30106 of the Coastal Act shall occur in the open space area depicted in Exhibit 9 except for: fuel modification required by the Los Angeles County Fire Department, removal of non-native vegetation, or the provision of the public hiking and equestrian trail known as the Saddle Creek Ranch Connector Trail.
- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-00-055, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space area. The document shall provide that the deed restriction shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use that may exist on the property. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land, binding all successors and assignees of the applicant or landowner, and shall be irrevocable. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the open space area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the open space area.

## **16. Conservation Easement**

- A. The applicant has proposed to grant a conservation easement covering 53.8 acres, as generally shown in the reduced Exhibit 9 and more specifically shown in the full sized plan on file in the Coastal Commission's district office. In order to implement the applicant's proposal, the applicant agrees that no development, as defined in

Section 30106 of the Coastal Act, shall occur in the conservation easement area designated on Exhibit 9, except for: utility easements, the removal of non-native vegetation and restoration approved under Coastal Development Permit 4-00-055, fuel modification required by the Los Angeles County Fire Department, the demolition and removal of existing structures as approved under Coastal Development Permit 4-00-055, or the provision of a public hiking and equestrian trail known as the Saddle Creek Ranch Connector Trail.

- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-00-055, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development and granting a conservation easement covering the area identified above, to the Mountains Restoration Trust, or a public agency or private association approved by the Executive Director. The document shall provide that the conservation easement shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use that may exist on the property. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being conveyed. The conservation easement shall run with the land, binding the applicant and the grantee, and all successors and assignees of the applicant and the grantee, and shall be irrevocable. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the easement area.

## **17. Offer to Dedicate Public Hiking and Equestrian Trail Easement**

In order to implement the applicant's proposal of an offer to dedicate a 20 foot wide and approximately 1,450 ft. long 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 Coastal Development Permit Nos. 4-00-055: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, offering to dedicate to the Mountains Restoration Trust, or a public agency or private association approved by the Executive Director, a 20 foot wide and 1,450 ft. long easement for public hiking and equestrian access and passive recreational use in the general location and configuration depicted in Exhibit 11, illustrated in Exhibit 10. The dedicated trail easement shall connect directly to the Backbone Trail and Great American Trail as generally depicted in Exhibits 10 and 11. The dedicated trail easement shall not be open for hiking and equestrian use until the Mountains Restoration Trust, or a public agency or private association approved by the Executive Director, agrees to accept responsibility for maintenance and liability associated with the easement. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use that may exist on the property. The document shall also provide that there shall be no gate(s) at the

entrance to or exit from the easement, or within any portion of the easement, and that the public agency or private association accepting this offer to dedicate the easement shall be entitled to post a sign at each end of the subject trail easement indicating that the trail is public, etc.

The offer shall provide the public the right to pass and repass over the dedicated route limited to hiking and equestrian uses only. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns of the applicant or landowner, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the easement area.

#### **18. Assumption of Risk, Waiver of Liability and Indemnity**

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site(s) may be subject to hazards from extraordinary hazard from wildfire, flooding, landslides, erosion, and mud and/or debris flows; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant, and landowner(s), shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

## **19. Temporary Structures**

- A. The applicant shall be authorized to place and use two (2) temporary construction trailers for materials storage and for residential use for a temporary security officer/restoration caretaker during construction and restoration, as shown in Exhibit 7 for a period not to exceed two (2) years from the date of Commission approval of Coastal Development Permit 4-00-055. The Executive Director may extend this time limit for up to one additional year for good cause. No extensions of time beyond (3) three years total will be available without an amendment to this coastal development permit. The trailers authorized herein shall not be utilized for residential purposes other than for a security officer/restoration caretaker on site during construction and restoration.
- B. The applicant shall be authorized to temporarily place a small portable barn within the development footprint of the permanent barn shown in Exhibit 8, and shall also be authorized to temporarily relocate the kennels proposed for demolition to a temporary location within the authorized footprint of the main residence or barn. Such temporary placement of a portable barn and kennels shall not exceed a period of two (2) years from the date of Commission approval of Coastal Development Permit 4-00-055. The temporary portable barn shall be subject to the implementation of the waste management plan required by Special Condition 5 and to the restrictions on number of animals authorized on the site by Special Condition 5. No extensions of time beyond two (2) years total will be available without an amendment to this coastal development permit. The barn authorized for temporary use herein shall not be used for residential purposes, or to stable more than six (6) horses or similar livestock.

## **20. Condition Compliance**

Within 180 days of Commission action on Coastal Development Permit No. 4-00-055, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of Coastal Development Permit Nos. 4-00-055.

Within 180 days of Commission action on Coastal Development Permit No. 4-00-055, or within such additional time as the Executive Director may grant for good cause, the applicant shall demolish and/or remove to temporary locations as authorized by Special Condition 19 above, all structures on site, whether temporary or permanent, not specifically approved in Coastal Development Permit No. 4-00-055, including but not limited to the remnant structures from former foundations, the existing barn and riding arena, non-native plants other than shown in the approved landscape plan required pursuant to Special Condition 2, kennels, trailers, and storage sheds. Failure to comply

with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Background and Description**

The subject site is approximately 63 acres of land located on the west side of Stunt Road, north of Piuma Road, south of Mulholland Highway, east of Cold Canyon Road, in a sparsely populated hillside area between Calabasas and Malibu, in the Santa Monica Mountains, Los Angeles County. Hillside residences are present to the northeast. State Park's land borders the property to the south, west, and northwest.

The steeply sloping site is located in the Cold Creek Resource Management Area, and drains westerly into a blueline stream mapped as part of an Inland Environmentally Sensitive Habitat Area (ESHA) on the Resource Maps of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP).

The State Department of Parks and Recreation holds an easement over a large portion of the site purchased from the Voiss Ranch in 1982 to protect the viewshed of the Backbone Trail. A portion of the Backbone Trail traverses an approximately 800-acre parcel owned by State Parks immediately south of the subject site. The subject site is highly visible from long stretches of the Backbone Trail. (See Exhibits 1—5.)

The project site has been the subject of past Commission action (CDP No. 4-92-057 (Yamada)). In 1992 the Commission approved the demolition of a then-existing pre-Coastal Act single family residence and accessory structures and the construction of a 14,400 sq. ft., 33 ft. high single family residence, 7-car garage, guest unit, and 7,660 cu. yds. of grading on the site presently proposed for development by the applicant. Before the project was constructed, the single family residence and several outlying accessory structures then existing on site burned to the ground in the 1993 Topanga Fire. CDP No. 4-92-057 subsequently expired and the subject lands were sold to the present applicant.

The Commission also approved a permit (5-87-889 (Voiss)) for a single family residence and accompanying development on the east side of Stunt Road, across the road from the subject project site. The permit was never issued and the Mountains Restoration Trust acquired the property in 2000.

The applicant submitted a previous application for a Coastal Development Permit (4-98-138 (Stark)) for the subject site approximately three years ago. That application

proposed a residence of similar size and design to the one proposed in the present application, however the locations of the proposed accessory structures were sprawled across the site, the unpermitted barn and arena were retained in the site plan, the site of the proposed residence was within the former ESHA footprint destroyed by the construction of the unpermitted barn and arena, and no restoration, open space or trail dedication was proposed. In addition, the applicant's previous proposal included much larger horse facilities (and the stabling of at least 16 horses) than the present application (stabling of a maximum of 6 horses).

The aerial photograph archives in the South Central Coast District Office confirmed that an existing 2,000 sq. ft. barn and approximately 21,000 sq. ft. arena complex were constructed without the benefit of a coastal development permit (by a previous owner). The structures are located within the riparian canopy of the adjacent blueline stream, mapped as ESHA on the Resource Maps of the certified LUP. Wastes from the corral and barn drain directly down the steep, eroded slopes of the artificial pad containing the equine facilities, into the blueline stream.

The Commission's aerial photographs also confirmed that many disturbed areas on the site, including remnant concrete slabs from the foundations of a house and scattered accessory structures that burned in the 1993 Topanga Fire, and graded areas and old jeep trails on the site, are pre-Coastal Act development.

In response, the applicant now proposes to implement a comprehensive site restoration and enhancement plan that will remove all unpermitted structures and restore all disturbed areas outside of the proposed development envelope, regardless of whether the disturbance was pre-Coastal Act development or unpermitted development. This proposal is discussed in more detail below.

After significant problems with the applicant's original proposal were identified by staff several years ago, the applicant withdrew that proposal and began an extensive redesign of the project. The applicant continued to confer with staff and other interested parties throughout the redesign process, and the present proposal reflects significant problem-solving and site planning effort by the applicant's architect and consulting restoration ecologist, the Santa Monica Mountains Trails Council, the staff of the Mountains Restoration Trust, neighbors of the project, and the staffs of the State Department of Parks and Recreation and the National Park Service.

As the result of subsequent project revisions, the applicant presently proposes to construct a new 11,798 sq. ft., 32 ft. high, two story single family residence with below-grade wine cellar, a detached 5-car garage with gym, a 400 sq. ft. entry gatehouse with 68 linear ft. of 6 ft. high wrought iron and stone base fence, a 2,025 sq. ft. art studio with attached 2-car garage, a swimming pool with 400 sq. ft. pool cabana, a 750 sq. ft. guest unit with 2-car garage, a 6-horse barn and small arena, a 50,000-gallon partially recessed water storage tank (33 ft. diameter, 9 ft. total height, 7 ft. recessed, 2 ft. above ground), driveways (pre-existing), an upgraded septic disposal system, stone garden

walls topped with wrought iron fencing (up to 1,350 linear ft., maximum 6 ft. in total height) immediately surrounding developed areas only (no perimeter fencing), a preliminary fuel modification and site restoration plan (including 3,700 cu. yds. of restorative grading) for after-the-fact equine facility development and restoration of 108,000 sq. ft. area of site, removal of existing 2,000 sq. ft. barn and 21,000 sq. ft. arena complex, temporary placement of portable 6-horse barn and small dog kennel during within proposed new barn footprint during construction, removal and restoration of jeep trail through a portion of a blueline stream and riparian canopy; demolition and removal of residual pads and debris remaining from three previously burned pre-Coastal Act structures, and associated restoration of approximately 31,000 sq. ft. of previously graded pad and driveway areas, reversion to acreage of 7 adjacent parcels, 4,980 cu. yds. of grading (all cut and export), 222 cu. yds. excavation and export for the water tank, landscaping including vertical elements to screen development envelope from public vistas and the removal of all non-native species in the deed restricted open space/conservation areas except for one mature pine tree near proposed gatehouse and one eucalyptus at knoll by proposed water tank (raptor roost); temporary use of two construction trailers, and open space and conservation easement deed restrictions on remaining (approximately 53.8 acres of a total of approximately 63 acres) undeveloped portions of the subject site, and an offer to dedicate the "Saddle Creek Ranch Connector Trail" (corridor approximately 20 ft. by 1,450 ft.) for public pedestrian and equestrian use.

The Table 1 policies of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) have provided guidance to the Commission in past permit actions in the Santa Monica Mountains. The applicant's proposed project is located in the Cold Creek Resource Management Area. Table 1 policies limit total development on a single lot within the resource management area to one 10,000 sq. ft. pad, one residence, one garage, one accessory structure, and a driveway.

The applicant's proposes to construct a 39,593 sq. ft. total pad area and one residence, a detached garage, six accessory structures, and a driveway (existing).

The proposed pad size and the number of proposed accessory structures exceeds the development allowed under the Table 1 policies for a single parcel. However, the applicant proposes to combine the development rights of four contiguous parcels within the 63-acre total site (the applicant believes as many as seven parcels may be contained within the 63 acres, but the legality of several lots remains uncertain and therefore these lots have not been included in the calculation of combined development rights). To implement this offer, the applicant proposes that the 63 acres shall revert to acreage and in accepting Coastal Development Permit 4-00-055 agrees that no further development rights will remain on the 63 acres in consideration of the intensified development rights authorized by the Commission in approving the coastal development permit. In addition, the applicant offers this restriction regardless of whether proof is ever made of the legality of the additional three small lots (lots

numbered as 1, 5 and 6 in Exhibit 5) that would provide a total of seven lots within the subject 63 acres.

The cumulative buildout potential of the four separate lots under Table 1 policies could potentially result in piecemeal development that would result in significantly greater adverse impacts on coastal resources than would occur under the applicant's proposal. Such buildout could result in the construction of 40,000 sq. ft. of pad area (4 pads), four residences, four garages, four accessory structures, up to four separate driveways, and an unknown (but almost certainly greater) amount of grading than the applicant proposes. In addition, separate lot development would eliminate the ability to cluster the resulting structures and to thereby reduce the intrusion into public views otherwise caused by scattered residential development in this highly scenic area.

The applicant's proposal requires a total pad area of less than 40,000 sq. ft., and includes one residence, one detached garage (with gym), and six accessory structures (gatehouse, guest unit & attached garage, art studio & attached garage, six-horse stable, riding arena/corral, and a pool cabana).

The structures will be consolidated into one area of disturbance with adequate setbacks from sensitive habitat and riparian areas and visual impact mitigation measures (such as color and materials restrictions, lighting restrictions, and a landscape plan with vertical elements and restrictions on "greenscape" on the visible side of the project) to soften the impacts of the project – particularly on public views from the Backbone Trail.

In addition, the applicant proposes to dedicate open space and conservation easements over the remainder of the site (53.8 acres) and to offer to dedicate a trail easement that will protect public access to a connector trail that unites the Backbone Trail with the Great American Trail and other regional trail systems.

In summary, the overall reduction in adverse impacts to coastal resources accomplished through intensified development concentrated in a single development envelope, contrasted with the potential impacts of buildout of four separate lots within the same 63-acre site, combined with the applicant's comprehensive site restoration plan, open space protection proposal, and public trail dedication is protective of coastal resources. As noted, the applicant proposes to mitigate project impacts in the following ways:

- Implement a comprehensive site restoration plan
- Resolve existing violations
- Enhance areas of pre-Coastal Act disturbance
- Re-establish drainages and canopy of riparian woodland ESHA
- Perform restorative grading and replant oak woodland and chaparral



- Cluster development to consolidate area of disturbance
- Permanently preserve open space for visual and ecological protection
- Retire further development rights on site through reversion to acreage of 63 acres
- Offer to dedicate "Saddle Creek Ranch Connector Trail"

Thus the proposed project, in the location and with the mitigation measures proposed by the applicant, is the environmentally preferable project alternative, and is the alternative that provides the most improvement to environmentally sensitive habitat areas, public recreation, and significant public coastal views.

## **B. Geology; 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, 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.

In addition, the Commission has relied on the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as guidance in past permit decisions. Applicable policies of the LUP include:

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P94 Cut and fill slopes should be stabilized with planting at the completion of final grading. In Environmentally Sensitive Habitat Areas and Significant

Watersheds, planting should be of native plant species using accepted planting procedures, consistent with fire safety requirements...

P147 Continue to evaluate all new development for impact on, and from, geologic hazard

P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.

The proposed development is located in the Santa Monica Mountains, an area where a high risk of damage to property or loss of life arises due to 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.

Notably demonstrating the hazard posed by wildfire in the Santa Monica Mountains, the original pre-Coastal Act single family residence, guest house, and other accessory structures on the subject site (other than a metal barn), burned to the ground in the 1993 Topanga Fire.

As described previously, the proposed project consists of the construction of a single family residence and a variety of accessory structures on a site comprised of approximately 63 acres. The applicant also proposes 4,980 cu. yds. of grading (all cut and export) to construct the proposed project, 222 cu. yds. of excavation to install the recessed water tank, and approximately 3,700 cu. yds. of restorative grading. The site contains areas of significant topographic relief, and drains on the westerly side into a blueline stream that is part of a riparian woodland corridor designated as an inland Environmentally Sensitive Habitat Area (ESHA) in the certified LUP.

#### 1.0 Geologic hazards, stability

The applicant has submitted an updated Engineering Geologic Report prepared by Mountain Geology, Inc., dated April 29, 1997. The report states:

*Based on our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and undue differential settlement and the proposed development and installation of the private sewage disposal systems will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of*

*the Engineering Geologist and Geotechnical Engineer are complied with during construction.*

The applicant has also submitted a preliminary Geotechnical Investigation for the subject site prepared by Miller Geosciences, Inc., dated June 10, 1997, and the Soils Engineering Investigation, dated September 13, 1992, prepared by Coastline Geotechnical Consultants, Inc. The reports address the implications of Quaternary Landslide Debris mapped at a number of locations on the subject site, including the areas proposed for development by the applicant. The Miller Geosciences report states:

*Analysis along Section H-H (this is the general area proposed for the single family residence) indicates that a localized area within the landslide, where slopes steepen to near 1:1, has a factor of safety less than 1.5. Coastline has recommended that the slope be trimmed to a safe angle or limited to a height of 40 feet.*

The report concludes that:

*Based on the findings of our investigation and of Mountain Geology, Inc., the site is considered to be suitable from a geotechnical engineering standpoint for construction of a single-family residence with accessory structures and three guest houses, provided the recommendations included herein are followed and integrated into the grading and building plans.*

The referenced report by Mountain Geology, Inc., dated April 29, 1997, states with regard to the landslide debris discussed in the other reports above:

*It is our opinion that the landslide debris of the subject property is the erosional remnant of a failure which occurred in the early Quaternary and is not subject to future failure.*

*However, the stability of prehistoric landslide remnant shall be determined by the geotechnical engineer. The orientation of the geologic structure of the underlying in-place bedrock is favorable with respect to the gross stability of the site as the mapped bedding planes are supported in the down-dip direction.*

*...Based upon our exploration and experience with similar projects, the proposed development is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction.*

The applicant's geology report concludes that the proposed project is feasible and that the site is grossly stable. The report concludes that the erosional remnant of the

prehistoric landslide is considered stable from an engineering geologic standpoint. The applicant's Preliminary Geotechnical Investigation examines the theoretical failure planes on the site and assigns a factor-of-safety to each. As the report discusses, the soils engineers identified several planes with factors-of-safety less than the required 1.5. As such, a geotechnical setback line was established for the proposed project to assure stability for the proposed project. The report states:

*Gross stability of the site has been evaluated by Coastline Geotechnical using circular and wedge type failures. ... Based on our review of their report we agree with the findings of their analysis.... Set-back lines have been recommended for those areas where a factor of safety in excess of 1.5 can not be demonstrated. Analysis... indicates that a localized area within the landslide, where slopes steepen to near 1:1, has a factor of safety less than 1.5. Coastline has recommended that the slope be trimmed to a safe angle or limited to a height of 40 feet. ... If trimming is not a viable option, the Coastline report recommends using a buttress fill. We agree with their recommendations. Consequently, we provide additional calculations for purposes of buttress fill design.*

The referenced reports cumulatively define a geotechnical setback area for development on the subject site, and set forth recommendations to ensure that ancient landslide debris does not adversely affect the stability and safety of the proposed development. In addition, the reports make numerous recommendations regarding the construction, foundation, grading, drainage, and management measures necessary to ensure the geologic stability and safety of the site in light of the proposed development and the geologic conditions of the site.

To ensure that these recommendations are fully incorporated into all final project plans and designs, Special Condition 1 (Geologic Recommendations) is necessary. Special Condition 1 requires the geotechnical consultants to review and approve the final project plans and designs as incorporating all of their recommendations, including placement of structures consistent with the requirements of the geotechnical setback areas.

In addition, the Landscape and Erosion Control Plan required pursuant to Special Condition 2 will further ensure that landscape planting selections, irrigation systems, construction timing (grading prohibited during the rainy season from October 31—April 1), and other applicable measures are undertaken in accordance with the geotechnical recommendations, thereby avoiding practices (such as over-irrigation on slopes) that could destabilize the steep slopes present on site. Special Condition 2 requires final review of the landscape and erosion control plans by the consulting geotechnical engineer.

Although the applicant proposes to retire any additional future development rights on the subject site in consideration of the expanded development rights authorized by

Commission approval of Coastal Development Permit 4-00-055, Special Condition 14 (Future Development Deed Restriction) is necessary. This condition requires that any future development that might otherwise be exempt from further review will require the applicant to submit a coastal development permit application. Remodeling and relocation of approved structures within the approved pad, or other changes that would otherwise be exempt from review will be evaluated by the Commission and/or staff for conformance with geologic stability requirements and geotechnical setbacks. These measures will ensure that site development is always considered in the context of geologic stability, given the presence of landslide debris, special pad construction requirements, and geotechnical setbacks recommended by the applicant's geotechnical consultants.

The ancient landslide debris noted by the geotechnical consultants to occur within the development area, despite mitigation through setbacks, grading and other recommended geotechnical measures, poses an increased risk of additional earth movement, and potentially reactivated or new landslides, that cannot be fully mitigated.

In addition, the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire. For these reasons, the Commission can only approve the project if the applicant assumes the liability from the associated risks as required by Special Condition 18 (Applicant's Assumption of Risk). This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Specifically, through acceptance of Special Condition 18, the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area subject to the stated risks.

An additional benefit of recording the assumption of risk deed restriction is that potential buyers of the subject site in the future would thereby be notified of the special conditions of the site and would be better informed of the importance of properly maintaining the landscaping, irrigation, drainage, and other erosion control measures recommended by the geotechnical consultants.

## 2.0 Erosion

In addition to minimization of hazards and protection of site stability, Coastal Act Section 30253 also requires that new development not contribute to erosion. In addition, the Preliminary Geotechnical Investigation of the subject site prepared by Miller Geosciences, Inc., dated June 10, 1997 and cited above, states:

*In order to minimize sloughing on slope faces, it is recommended that a slope maintenance program be implemented as soon as possible. Slope maintenance includes proper drainage control, planting, irrigation, and rodent control. Slopes should be planted with a light weight, drought resistant, deep-rooted groundcover or bushes.*

In keeping with the consultant's recommendation, Special Condition 2 requires the applicant to prepare a landscape and erosion control plan relying primarily upon drought tolerant locally native plants that, to the extent consistent with fuel modification requirements imposed by the County Fire Department, will enhance slope stability and control erosion. The deeply rooted native plant species provide superior erosion control when compared to non-native, and frequently shallow-rooted species with high surface/foilage weight compared to their root structures. The non-native species often require significant artificial inputs of irrigation water, which can further destabilize fragile slopes and lead to gulying and eventual slope failure. Thus, reliance on a palette of locally native plants for landscape purposes will provide effective long-term erosion control measures and protect site stability.

Special Condition 2 (Landscape Plan) also requires that the applicant prepare and submit an erosion control plan and restrict grading to the non-rainy season. These measures are necessary to avoid exposing the highly erosive soils on site, particularly on or adjacent to steep slopes, from disturbance during the rainy season. These measures, fully implemented, will provide additional protection against erosion during project construction.

In addition, Special Condition 3 (Removal of Vegetation) restricts the removal of existing native vegetation for fuel modification purposes until such time as necessary, based on the progress of approved construction. Vegetation removal within the areas proposed for grading may only be undertaken when the local government issues a grading permit, and vegetation removal up to 200 feet from defensible structures subject to fuel modification requirements may only be undertaken when the applicant commences construction of the actual structures. By these means, unnecessary premature removal of native vegetation cover will be avoided, thereby limiting the erosion that may result when plant cover is stripped off before necessary, leaving the exposed soils vulnerable to erosion.

Special Condition 7 (Drainage and Polluted Runoff Control Plan) requires the implementation of Best Management Practices (BMPs) to control the volume and velocity of site runoff caused by the increased impervious surfaces added by development of the subject site. By properly controlling runoff, the volume and velocity of runoff can be controlled and potential erosion thus prevented. Therefore, Special Condition 7 is necessary to ensure that the proposed development does not result in additional erosion, in accordance with the requirements of Coastal Act Section 30253.

The applicant proposes 5,202 cu. yds. of grading (all cut and export) to construct the approximately 39,000 sq. ft. total building pad area necessary for the proposed project. Graded materials must be properly disposed of to avoid the adverse impacts that result when graded materials are dumped in an improper manner and left to wash away during rains. In addition, graded materials left unprotected on the construction site are also vulnerable to erosion from wind dispersal or rainfall runoff. Improperly disposed graded spoils are subject to uncontrolled erosion and have the potential to discharge significant sediment pollution to downgradient streams. Thus, Special Condition 8 (Removal of Excavated Material) requires the applicant to disclose the disposal site for the graded material and requires that the applicant obtain a coastal development permit should a site within the coastal zone be selected. Implementation of Special Condition 8 will ensure that the graded materials are not allowed to erode or contribute sediment pollution to coastal waters.

### 3.0 Wildfire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wildfire. The typical vegetation in 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 wildfires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of native vegetation to pose a risk of wildfire 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 wildfire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. As noted above, due to the special risks posed by development of the subject site, including geologic and wildfire hazards risks, Special Condition 18 (Assumption of Risk) is necessary to ensure that the special hazards of the subject site, including geologic hazards and wildfire hazards. Through acceptance of Special Condition 18, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, and agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area subject to the stated risks.

For all of these reasons, the Commission finds that as conditioned by Special Conditions 1, 2, 3, 7, 8, 14, and 18, the proposed project is consistent with the applicable requirements of Coastal Act Section 30253.

### **C. Environmentally Sensitive Habitat and Sensitive Resources**

Section 30230 of the Coastal Act states:

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 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, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Sections 30230 and 30231 require that the biological productivity and quality of coastal waters and the marine environment 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, and maintaining natural buffer areas.

In addition, the Coastal Act defines environmentally sensitive habitat areas (ESHAs) as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. Section 30240 of the Coastal Act permits development in areas that have been designated as ESHA only



when the location of the proposed development is dependent upon those habitat resources and when such development is protected against significant reduction in value.

To assist in the determination of whether a project is consistent with Section 30230, 30231, and 30240 of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The 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 addition, Policy 63 provides that development shall be permitted in ESHAs, DSRs, significant watersheds, and significant oak woodlands, and wildlife corridors in accordance with Table 1 and all other policies of the LUP. Table 1 of the LUP states that:

- Clustering of structures shall be required to minimize the impacts on natural vegetation.
- Land alteration and vegetation removal shall be minimized.
- Site grading shall be accomplished in accordance with the stream protection and erosion policies.
- Development shall be limited to a 10,000 sq. ft. pad, a residence, garage, one accessory structure, and a driveway.

The proposed project site is located within the Malibu/Cold Creek Resource Management Area. The habitat values contained in the Cold Creek Resource Management Area and Watershed have been well documented. For example, a report prepared for Los Angeles County in 1976 by England and Nelson designates Cold Creek Significant Watershed as a Significant Ecological Area (SEA). The report describes the concept of a SEA as follows:

The 62 significant ecological areas selected were chosen in an effort to identify areas in Los Angeles County that possess uncommon, unique or rare biological resources, and areas that are prime examples of the more common habitats and communities. Thus, the goal of the project was to establish a set of areas that would illustrate the full range of biological diversity in Los Angeles County, and remain an undisturbed relic of what was once found throughout the region. However, to fulfill this function, all 62 significant ecological areas must be preserved in as near a pristine condition as possible...

The England and Nelson report also cites the specific habitat values of Cold Creek Canyon as follows:

This is a relatively undisturbed sandstone basin. The floor of the valley is steep, with springs and a perennial stream, Cold Creek. The year-round surface water, which is uncommon in southern California, supports an unusually diverse flora. The extreme range in physical conditions, from wet streambed to dry rocky ridges, makes the area a showplace for native vegetation. Pristine stands of chaparral, southern oak woodland, coastal sage scrub, and riparian woodland are all found in the area. Several plant species that are uncommon to the general region are found here. Those include stream orchid (*Epipachis gigantea*), red mimulus (*Mimulus cardinalis*), Humboldt lily (*Lilium humboldtii* var. *ocellatum*), big-leaf maple (*Acer macrophyllum*) and red shank (*adenostema sparsifolium*). In addition, the presence of several tree-sized flowering ash (*Fraxinus dipetala*), reaching 40 feet in height, is a unique botanical oddity. This scrub species has a normal maximum height of 15 to 20 feet.

Due to its many outstanding botanical features, the area serves an integral role as part of the instructional program for many academic institutions as well as a site for nature study and scientific research. The Mountains Restoration Trust and Occidental College have holdings in the area that are used for education and visited by qualified biologists. A complete herbarium collection and insect collection are housed in the biology department at Pierce College in Woodland Hills.

The Cold Creek watershed consists of about 8 square miles (5,000 acres) of generally rugged terrain within the heart of the Santa Monica Mountains. Both the lands and the remainder of the watershed serve as a tributary to Cold Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas. The Cold Creek watershed has also been included in the inventory of California Natural Areas Coordinating Council, which includes this area as one of the 1,2540 such natural areas in the State of California exhibiting "the significant features of the broad spectrum of natural phenomena that occur in California... These areas include those that are unique or outstanding examples and those that are typical or representative of a biotic community or geological formation. All areas have been selected on their merit...

In recognition of these outstanding natural resources, State Parks and Recreation acquired the 320-acre Stunt Ranch in the lower Cold Creek watershed to protect the unique flora and fauna of this watershed. This ranch is directly adjacent to the 530-acre Cold Creek Preserve. The University of California's Natural Reserve System uses portions of the Stunt Ranch and Cold Creek Preserve for teaching and research use in field-oriented natural sciences. Cold Creek is also used as a control in regional water quality studies.

In addition the ecologically significant regional setting of the subject site, the 63-acre tract of land includes dense stands of mature chaparral, remnant oak woodlands, and a blueline stream corridor designated as Inland Environmentally Sensitive Habitat Area

(ESHA) on the resource maps of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP).

As noted, because the subject site is located within the Cold Creek Resource Management Area, the site is subject to standards set forth in Table 1 of the certified LUP. The Commission has relied on these policies for guidance in evaluating development within the significant watersheds and sensitive resource areas of the Santa Monica Mountains. Among other restrictions, Table 1 limits the size of development so situated to a 10,000 sq. ft. pad, one residence, one garage, one accessory structure, and a driveway. The applicant, however, proposes a pad of almost 40,000 sq. ft. in size and six accessory structures in addition to the proposed residence and garage.

The applicant's development proposal is unique, however, in that the applicant seeks to combine the development rights of up to four parcels within a 63-acre cluster of contiguous parcels, and to extinguish further development rights on the total site in consideration of Commission approval of the intensified, clustered development envelope proposed. In addition, the applicant proposes to resolve violations on site and to restore all disturbed areas outside of the development envelope, without regard for whether such disturbance was caused by unpermitted or pre-Coastal Act development.

The development on the subject sites that has occurred without the benefit of a coastal development permit includes the construction of a 2,000 sq. ft. barn and construction of an approximately 21,000 sq. ft. pad, with an unknown amount of grading. The unpermitted development was undertaken in a riparian woodland mapped as an Inland Environmentally Sensitive Habitat Area (ESHA) on the Resource Maps of the certified Malibu/Santa Monica Mountains LUP. In addition, the steeply sloping pad drains directly into a blueline stream designated on the U.S. Geological Survey quadrangle maps. It appears that when the pad was graded, the excess cut material was simply pushed into the riparian corridor, and over a half acre of ESHA was destroyed and drainages tributary to the blueline stream channelized in culverts.

The unauthorized horse facilities were constructed by a previous owner. The applicant has placed two temporary trailers and dog kennels, and installed non-native ornamental vegetation and turf in the area proposed for the new single family residence.

In addition, extensive pre-Coastal Act grading and installation of driveways and jeep trails at various locations on the overall 63-acre site has left many areas of the site damaged by erosion and colonization by opportunistic non-native, invasive plants. There are also several locations with remnant concrete slabs leftover from the pre-Coastal Act single family residence, guest house, and accessory structures that burned in the 1993 Topanga Fire.

Through the present application, however, the applicant has voluntarily proposed to resolve these violations by removing all unpermitted structures and non-native

vegetation not specifically included in the approved landscape plan, and to restore and enhance all disturbed areas of the site through restorative grading and the planting of oak woodland, riparian woodland, and chaparral species where appropriate. Almost three acres will be restored or enhanced through the applicant's proposal, including the re-establishment of over one-half acre of riparian woodland ESHA. Restorative grading will return the pad constructed in the blueline stream corridor to a more natural contour.

The restoration plan proposes to remove all drainage culverts installed without permits to reroute natural drainages around the horse facilities, and to retire and restore driveways into that portion of the site, including a jeep trail that crosses the blueline stream via an "Arizona" crossing.

In order to implement the applicant's proposals, Special Condition 4 (Removal of Unpermitted Structures) implements the applicant's offer to remedy the outstanding violations on site by removing all unpermitted structures.

Special Condition 6 (Habitat Restoration and Monitoring Program) implements the applicant's offer to restore and enhance the disturbed areas of the site as described above.

Special Condition 10 (Evidence of Lot Tie and Final Evidence of Reversion to Acreage) is required to implement the applicant's request that increased development potential be authorized in one consolidated location as the preferable alternative to the more environmentally damaging alternative of individual buildout of four separate lots within the 63-acre site. Special Condition 10 acknowledges that in exchange for approval of a 39,593 sq. ft. pad, a residence, garage, and six accessory structures, the applicant relinquishes further development rights on the subject 63-acre site and will follow the necessary procedures of Los Angeles County to dissolve the individual parcels comprising the site and return the site to one parcel (reversion to acreage).

Special Condition 14 (Future Development Deed Restriction) among other things enforces the applicant's request to retire further development rights in consideration of Commission approval of the project proposed in the present coastal development permit application. Special Condition 14 requires the applicant to apply for a coastal development permit for any development that might otherwise be considered exempt from such review pursuant to the Coastal Act and applicable regulations. This condition ensures, therefore, that no additional development will be undertaken on the subject site that would increase the development footprint or intensity beyond the extent approved herein.

Special Condition 15 (Open Space Deed Restriction) and Special Condition 16 (Conservation Easement) implement the applicant's proposal to dedicate all areas of the site outside of the development envelope proposed herein, and the applicable fuel modification zones, for permanent preservation and conservation as open space through deed restrictions.

The current permit application therefore contains measures voluntarily proposed by the applicant that will resolve the above referenced violations, as well as the pre-Coastal Act disturbed areas on site, to the maximum extent feasible through demolition, removal, restoration, and enhancement.

The applicant voluntarily proposes substantial additional mitigation measures for new impacts that may be caused by the proposed development, including dedicating almost 54 acres for permanent preservation and conservation as open space. Except for a small portion of the restored ESHA that will be within the fuel modification zone required for the development envelope, most of the riparian woodland ESHA, the blueline stream, and a significant stand of mature chaparral will thus be permanently preserved. The applicant has also designed a project layout that will cluster development to the maximum extent feasible, limit horse facilities to a modest barn for 6 horses and a small riding arena, utilize an existing driveway, and rely on natural stone materials to reduce the visual impacts of the proposed project.

In addition, invasive, non-indigenous plant species tends to supplant species that are native to the Malibu and Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development. Due to these considerations, Special Condition 2 requires a landscape plan comprised of native plant species, compatible with the surrounding riparian woodland, oak woodland, and chaparral habitat.

The landscape plan additionally contains measures to prevent erosion. In addition to the adverse impacts upon the quality of coastal waters caused by sediment pollution, uncontrolled erosion also inhibits the successful establishment of native plants proposed for installation through the restoration and landscape plans. Therefore, the landscape plan requires temporary erosion prevention measures during construction, and the timely replanting of all disturbed areas. Due to the extreme topographic relief of the site, and the presence of highly erodible slopes draining into the blueline stream corridor to the west of the proposed development envelope, the landscape plan also contains a prohibition against grading during the rainy season, defined as November 1-March 31 annually.

In order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed development, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in Special Condition 3 (Removal of Vegetation). This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced, preventing unnecessary disturbance of the area.

In addition, Special Condition 2 (Landscape and Erosion Control Plan) requires the applicant to submit an approved long-term fuel modification plan that provides for the most minimal disturbance feasible of the restored ESHA and oak woodland in the area of the unpermitted barn and arena.

As noted above, uncontrolled erosion reduces the survival of native landscape plantings and decreases the potential for future re-establishment of native plants in direct proportion to the loss of native soils caused by erosion. Development of the site will result in an increase in impervious surfaces, with a resultant increase in the volume and velocity of stormwater runoff from the developed area. The Commission finds that a drainage and polluted runoff control plan will serve to minimize the potential of this runoff to further damage sensitive habitat areas and coastal waters, or to reduce the success of restoration or landscape plan plantings that would otherwise control erosion.

In addition, night lighting of a high intensity has the potential to disrupt the hunting, roosting, and nesting behavior of wildlife that occupy this sensitive habitat area. The disruptive effects of night lighting are particularly significant on the subject site because the area is otherwise relatively undeveloped and the wildlife value of the riparian inland ESHA corridor thus enhanced. Sensitive species, such as the Cooper's Hawk, which is a very localized and uncommon breeder in coastal Southern California, have been observed in the area of the subject site. As a result, Special Condition 13 severely restricts authorized night lighting of the site in general and specifically prohibits lighting in, or directed toward, the riparian woodland and ESHA west of the proposed development envelope. Special Condition 13 requires lighting to be the minimum necessary, consistent with safety and specifies that lighting be shielded downward.

As a further measure to ensure that construction activities do not disturb existing or restored sensitive habitat areas outside of the authorized development envelope, the Commission finds it necessary to impose Special Condition 9 (Construction Monitoring).

In conclusion, the applicant proposes to address past and present disturbances on the subject site and to mitigate the additional adverse impacts on sensitive habitat that may occur as the result of the proposed project. The proposed project minimizes potentially adverse impacts in a number of ways, and consolidates the project footprint in the most optimal location of the site for the purpose of maximizing habitat restoration and preservation. Moreover, the applicant voluntarily proposes an ambitious, comprehensive violation resolution and site restoration plan that will enhance habitat on the site as a whole. The time and expense necessary to implement such a plan will be considerable, and the results, if the plan is successful, highly significant. Special Condition 6 (Habitat Restoration and Monitoring Program) requires accountability for program success on the applicant's part, and contains provisions for adaptive through the monitoring required.

Finally, the applicant's recordation of future development, open space, and conservation easement deed restrictions, combined with the applicant's reversion to acreage of all lands comprising the 63 acres (Special Conditions 14, 15, 16, and 10) ensures that the consolidated development envelope really will be all of the development that ever occurs on the 63-acre site and that the balance of the site (almost 54 acres) will not only be restored but protected and preserved permanently in open space.

Therefore, the Commission finds, for all of the reasons set forth above, that the proposed project, as conditioned by Special Conditions 2, 3, 4, 6, 7, 9, 10, 13, 14, 15, and 16 is consistent with the requirements of Sections 30230, 30231, and 30240 of the Coastal Act.

#### **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; and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Furthermore, the Commission also recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area.

Section 30231 of the Coastal Act states:

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

As described in more specific detail in the project description at the beginning of this report, the applicant proposes to construct the following project: a new 11,798 sq. ft., 32 ft. high, two story single family residence with below-grade wine cellar, a detached 5-car garage with gym, a 400 sq. ft. entry gatehouse with 68 linear ft. of 6 ft. high wrought iron and stone base fence, a 2,025 sq. ft. art studio with attached 2-car garage, a swimming pool with 400 sq. ft. pool cabana, a 750 sq. ft. guest unit with 2-car garage, a 6-horse barn and small arena, a 50,000-gallon partially recessed water storage tank (33 ft. diameter, 9 ft. total height, 7 ft. recessed, 2 ft. above ground), driveways (pre-existing), an upgraded septic disposal system, stone garden walls topped with wrought

iron fencing (up to 1,350 linear ft., maximum 6 ft. in total height) immediately surrounding developed areas only (no perimeter fencing), a preliminary fuel modification and site restoration plan (including 3,700 cu. yds. of restorative grading) for after-the-fact equine facility development and restoration of 108,000 sq. ft. area of site, removal of existing 2,000 sq. ft. barn and 21,000 sq. ft. arena complex, temporary placement of portable 6-horse barn and small dog kennel during within proposed new barn footprint during construction, removal and restoration of jeep trail through a portion of a blueline stream and riparian canopy; demolition and removal of residual pads and debris remaining from three previously burned pre-Coastal Act structures, and associated restoration of approximately 31,000 sq. ft. of previously graded pad and driveway areas, reversion to acreage of 7 adjacent parcels, 4,980 cu. yds. of grading (all cut and export), 222 cu. yds. excavation and export for the water tank, landscaping including vertical elements to screen development envelope from public vistas and the removal of all non-native species in the deed restricted open space/conservation areas except for one mature pine tree near proposed gatehouse and one eucalyptus at knoll by proposed water tank (raptor roost); temporary use of two construction trailers, and open space and conservation easement deed restrictions on remaining (approximately 53.8 acres of a total of approximately 63 acres) undeveloped portions of the subject site, and an offer to dedicate the "Saddle Creek Ranch Connector Trail" (corridor approximately 20 ft. by 1,450 ft.) for public pedestrian and equestrian use.

Although the applicant is proposing a substantial amount of restoration, remediation, and demolition/removal of structures on the subject sites, including development that occurred without the benefit of a coastal development permit, portions of the subject sites will be converted from their natural state, resulting in an increase in the amount of impervious surface in those particular areas and a reduction in naturally vegetated portions that were not previously occupied by a structure. Further, use of the sites for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as accumulated pollutants from rooftops and other impervious surfaces and effluent from septic systems.

In addition, the Updated Engineering Geologic Report, prepared by Mountain Geology, Inc., dated April 29, 1997 states:

*Site drainage is by sheet flow runoff directed toward the north and northwest via the existing contours. Drainage is concentrated in north-trending secondary canyons. Springs were identified within the canyon located downslope, and to the west, of the burnout (sic) residence and barn.*

Thus, stormwater runoff is expected to flow into the canyon ESHA and blueline stream west of the proposed development envelope.

The Mountain Geology, Inc. report further states:



*Pad and roof drainage should be collected and transferred to the natural drainage course in non-erosive drainage devices.*

The Miller Geosciences, Inc., report dated June 10, 1997 states:

*Slope maintenance includes proper drainage control, planting, irrigation, and rodent control. Slopes should be planted with a light weight, drought resistant, deep-rooted groundcover or bushes.*

The proposed development will result in an increase in permitted 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, stormwater 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 85<sup>th</sup> 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 7 (Drainage and Polluted Runoff Control Plan), 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 2 (Landscape and Erosion Control Plan) is necessary to ensure the proposed development will not adversely impact water quality or coastal resources during construction.

The applicant proposes to use the two temporary trailers on site for construction materials storage and for one residential trailer to house a construction security officer or a restoration caretaker. Special Condition 19 (Temporary Construction Trailers, Stable, and Kennels) for a period of two years with provisions for extension of time by the Executive Director of one additional year for good cause. In addition the special condition authorizes the temporary placement of a small kennel and a portable barn for six horses within the footprint of the proposed new barn, for a maximum period of two years. The proposed equine facilities are setback over 300 feet from the riparian canopy of the blueline stream located west of the proposed development area. Nevertheless, sheetflow runoff from the area of the proposed barn is in the direction of the stream corridor. To ensure that the temporary barn and stabling of 6 horses does not generate uncontrolled wastes that will adversely impact coastal waters, the temporary barn, in addition to the permanent barn, will be subject to a Livestock Maintenance Restriction and Stable Waste Management Plan, as required by Special Condition 5. Fully implemented, Special Condition 5 will require management of manure and soiled bedding and removal of these materials from the site for authorized disposal.

Finally, the applicant proposes to construct a new private sewage disposal system to serve the new single family residence, guest unit, art studio, and pool cabana. The site has been investigated for suitability for the installation of a septic disposal system by Mountain Geology, Inc. The report states:

*The installation of a private sewage disposal system and the discharge of effluents on the site will not create or cause adverse conditions to the site or adjacent properties due to the favorable geologic structure and the favorable effect of a deep capping depth.*

The Los Angeles County Department of Health Services has also given approval in concept for the proposed septic disposal system. This conceptual approval by the County indicates that the proposed septic disposal system complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that conformance with the provisions of the plumbing, health, and safety codes is protective of resources and serves to minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan (Special Condition 7), and to provide erosion control measures (Special Condition 2) is consistent with Section 30231 of the Coastal Act.

### **E. Public Access, Recreation and Visual Resources**

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act contains several policies that address public access and recreation within coastal areas.

Section 30210 of the Coastal Act 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.

Section 30212.5 of the Coastal Act 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.

Section 30213 of the Coastal Act states:

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

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. Section 30252 of the Coastal Act 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.

Section 30251 of the Coastal Act states:

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

Sections 30210, 30212.5, 30223, and 30252 of the Coastal Act mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access coastal areas. Likewise, Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and provided, where feasible. Furthermore, Section 30251 of the Coastal Act requires visual qualities of coastal areas to be considered and protected, landform alteration to be minimized, and degraded areas to be enhanced and restored, where feasible.

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 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 is intended to provide 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 the public trail system include panoramic views of the coastline, the Channel Islands, and the Santa Monica Mountain.

The Backbone Trail is identified in the certified Malibu/Santa Monica LUP as a major and significant trail system that serves to provide access between the growing urban areas on and above the coastal terrace and the Santa Monica Mountain park system.

The trail easement that the applicant proposes to record for public hiking and equestrian access on the project site represents an important connector trail between the Backbone Trail and the Great American Trail. Further, the Mountains Restoration Trust has indicated their support for the proposed trail connection to Commission Staff and the Santa Monica Mountains Trails Council has submitted a letter indicating their support of the proposed connector trail dedication.

The regional trail system in this area of the Santa Monica Mountains is a significant public access and recreation resource. The Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, (SMMART) states:

*Although over 450 miles of recreational trails exist within the park lands of the Santa Monica Mountains National Recreation Area, needs for trails exist in the areas outside of the established park system. For example, trails provide linkages between parks and from residential areas into parks. Trail linkages enhance the park experience for visitors and help to bring visitors into the parks. Some of these trails are located on privately owned land and their future use may be restricted due to development or fencing of property.*

In order to avoid any cumulative and site specific adverse effects to public access resulting from the proposed development and to enhance the Santa Monica Mountains Trail System, the applicant has included an offer to dedicate a 20 foot wide public hiking and equestrian trail easement that will serve to continue this existing historical connector trail between the Backbone Trail and the Great American Trail. The applicant proposes to call the trail the "Saddle Creek Ranch Connector Trail."

Therefore, Special Condition 17 (Offer to Dedicate Public Hiking and Equestrian Trail Easement) has been included to implement the applicant's offer to dedicate the 20 ft. wide Saddle Creek Ranch Connector Trail prior to the issuance of Coastal Development Permit 4-00-055.

In addition, the connector trail traverses an area of the subject site proposed by the applicant to be additionally deed restricted for open space and conservation easements. The recordation of these deed restrictions will provide an additional measure of protection against any future interference with the trail easement that might arise in some presently unforeseen manner. Special Conditions 15 and 16 provide for the recordation of the open space and conservation easement deed restrictions, respectively. These easements also serve to ensure that no future development arises that would interfere with public coastal views.

In addition, the proposed development will be highly visible from the Backbone Trail, and from limited vistas from Stunt Road and Mulholland Highway. Special Condition 2 (Landscape and Erosion Control Plan) requires the use of vertical elements to screen public views of the proposed development, and further requires that non-native "greenscape" elements be planted away from the public views of the site. In addition, Special Condition 2 requires the timely replanting of disturbed areas to reduce the

visual impacts of grading and to limit erosion. Similarly, Special Condition 3 (Removal of Vegetation) limits the timing of removal of vegetation until grading and construction commences, thereby avoiding the adverse impacts to public views, particularly from the Backbone Trail located approximately 1,000 feet south of areas of the site, that would be caused by stripping native vegetation prematurely.

In addition, the applicant proposes to remove an unpermitted barn and arena and to restore approximately 30,000 sq. ft. of riparian woodland Environmentally Sensitive Habitat Area in this location. The barn and arena are fully visible from the Backbone Trail and create a significant visual intrusion. The barn and arena were constructed by grading a pad into the blueline stream corridor without the implementation of any erosion control or landscaping requirements. As the result, the steep artificial fill slopes descending into the blueline stream show evidence of significant erosion, and no landscape elements soften the views of the development from the trail or help to inhibit the erosion that continues to occur on the slopes visible from the trail. The applicant proposes a comprehensive site restoration plan, including the removal of the unpermitted horse facilities and restorative grading and replanting of riparian woodland species in that location. When implemented, removal of the unpermitted development required by Special Condition 4, and the restoration plan required by Special Condition 6, will significantly improve public views of the site, particularly from the Backbone Trail.

Special Condition 7 (Drainage and Polluted Runoff Control Plan), when implemented, will manage runoff from the impervious surfaces of the site in a non-erosive manner. These practices will further reduce erosion and the bare, gullyng slopes produced by uncontrolled runoff on a site with the extensive topographic relief found within the 63-acre site.

Construction of the proposed project in an otherwise sparsely developed rural area of the Santa Monica Mountains visible from public trails and a scenic highway (Mulholland Highway) has the potential to cause significant adverse impacts to public coastal views. The visual impacts of the project would be worsened significantly if the proposed structures were finished in a material or color inconsistent with the surrounding landscape. Further, should the numerous windows of the proposed structures be of a reflective nature, the resultant glare from the windows would create an additional adverse visual impact to those using the Trail. In addition, uncontrolled night lighting in this relatively remote, pristine area would also introduce light pollution and adversely alter the night skyline views. In addition, because the applicant proposes to cluster the proposed development to reduce individual and cumulative impacts of the project that would otherwise be increased by scattered development of individual parcels throughout the 63-acre site, fencing is restricted to an enclosure of the development envelope and an approximately 30 ft. long, 6 ft. high section of fencing on each side of the gatehouse. Perimeter fencing that would otherwise intrude further into public views and reduce the scenic value of the deed restricted open space outside the development envelope is otherwise prohibited. Special Condition 12 (Color, Glass, and Fence Restriction) sets forth these requirements.

As required by Special Condition 12, the design requirements and restrictions on color and kind of structural finish, the use of non-glare glass, and limitations on fencing will ensure that the design of the project will minimize any visual impacts to the maximum extent feasible. Special Condition 13 (Lighting) restricts night lighting to the minimum necessary consistent with safety, and other measures to limit that adverse effects of rural night lighting on public skyline views.

Special Condition 14 (Future Development Deed Restriction) ensures that the applicant submit a coastal development permit application for any additional development that may be proposed by the applicant in the future that would otherwise be exempt from further Commission or staff review. Future review of proposed changes will thereby ensure that all applicable visual impact mitigation measures are considered in any future on site proposal that could affect public coastal views.

As noted previously, the State Department of Parks and Recreation holds an easement over a large portion of the subject site for visual protection of the viewshed of the adjacent Backbone Trail located on State Parks lands. State Parks staff has already provided a letter of comment conceptually supporting the proposed project, however the final aspects of landscape and structural design had not been finalized and the State Parks staff requested an opportunity to further review the final project plans and designs prior to permit issuance. Special Condition 11 (State of California Department of Parks and Recreation Review of Final Plans) incorporates this requirement.

Finally, Special Conditions 15 and 16, which implement the applicant's offer to record deed restrictions for open space and conservation against 53.8 acres of land (the balance of the site located outside of the proposed development envelope and applicable fuel modification zones) will ensure that the benefits of clustering proposed development to maximize the preservation of open space are permanently realized to the benefit of public coastal views. These conditions, together with Special Condition 10 (Reversion to Acreage) will ensure the permanent protection of the maximum feasible undisturbed public views of the site, consistent with the authorization of the applicant's clustered development proposal.

Therefore, the Commission finds for all of the reasons set forth above, that the proposed project, as conditioned by Special Conditions 2, 3, 4, 6, 7, 10, 11, 12, 13, 14, 15, 16, and 17, is consistent with Sections 30210, 30212.5, 30213, 30223, 30251 and 30252 of the Coastal Act.

## **F. Cumulative Impacts**

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and 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.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan sets for policies upon which the Commission has relied for guidance in past permit decisions.

LUP Policy 271 states:

In any single family residential category, the maximum additional residential development above and beyond the principal unit shall be one guest house or other second unit with an interior floor space not to exceed 750 gross square feet, not counting garage space.

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. Construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act Section 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and



Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu/Santa Monica Mountains Land Use Plan (LUP). In its review and action on the LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one, or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units which may be considered a secondary dwelling. The Commission finds that the proposed 750 sq. ft. guest unit is consistent with the standard set by the Commission in past permit action. However, the Commission also finds it necessary to ensure that no additions or improvements are made to the detached guest unit, garage, or covered porch in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result.

Therefore, the Commission finds it necessary to require the applicant to record a future development deed restriction, as specified in Special Condition 14 (Future Development Deed Restriction), which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the structure are proposed in the future. As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

In addition, the applicant's proposed project reduces the cumulative adverse impacts to coastal resources that might otherwise result if the alternative construction of individual single family residences and accessories structures occurs on four separate parcels within the 63-acre site. Thus, the overall reduction in cumulative adverse impacts to coastal resources accomplished through intensified development concentrated in a single development envelope (contrasted with the potential impacts of buildout of four separate lots within the same 63-acre site), combined with the applicant's comprehensive site restoration plan, open space protection proposal, and public trail dedication is considerable. As noted, the applicant proposes to mitigate individual and cumulative impacts of the proposed project in the following ways:

- Implement a comprehensive site restoration plan
- Resolve existing violations
- Enhance areas of pre-Coastal Act disturbance
- Re-establish drainages and canopy of riparian woodland ESHA
- Perform restorative grading and replant oak woodland and chaparral
- Cluster development to consolidate area of disturbance
- Permanently preserve open space for visual and ecological protection
- Retire further development rights on site through reversion to acreage of 63 acres
- Offer to dedicate "Saddle Creek Ranch Connector Trail"

As explained in previous sections, the cumulative impact mitigation measures offered by these measures, many of which have been voluntarily proposed by the applicant, are implemented through a variety of conditions set forth previously in this report.

Therefore, the Commission finds that as conditioned, the proposed project is consistent with Section 30250 of the Coastal Act.

### **G. Violations**

As stated previously, a substantial amount of development has occurred on the subject site without the benefit of a coastal development permit. It appears that the majority of the development that has occurred without a permit was performed while the property was still under the ownership of the Voiss Ranch, rather than the current applicant. The applicant has, however, placed two trailers, a dog kennel, and non-native ornamental landscaping on the subject site without benefit of the necessary permits.

The development on the subject sites that has occurred without the benefit of a coastal development permit includes the grading and construction of an approximately 30,000 sq. ft. pad for placement of a 2,000 sq. ft. metal barn and a large riding arena/corral. This development occurred within an area designated on the resource maps of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as an Inland Environmentally Sensitive Habitat Area (ESHA). The downslope blue-line stream and springs provide riparian habitat year-round, and prior to disturbance the aerial photograph archives owned by the Commission show that the area was thickly vegetated with riparian woodland canopy.

Through the current coastal development permit application, however, the current owner is proposing to restore areas where unpermitted grading, removal of vegetation, planting of non-native vegetation, culvertization of drainages, construction of driveways and trails and construction of temporary and permanent structures have occurred and to remove development that was constructed without a coastal development permit.

To ensure that the violation aspect of this application is resolved in a timely manner, Special Condition 20 (Condition Compliance) requires the applicant to satisfy all conditions which are prerequisites to the issuance of these permits within 180 days of Commission action.

Although construction has taken place prior to submission of these permit applications, consideration of the applications by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of these permits does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal development permit.

## **H. Local Coastal Program**

Section 30604 of the Coastal Act states in pertinent part:

- 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 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 County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

## **I. CEQA**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 that the activity may have on the environment.

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

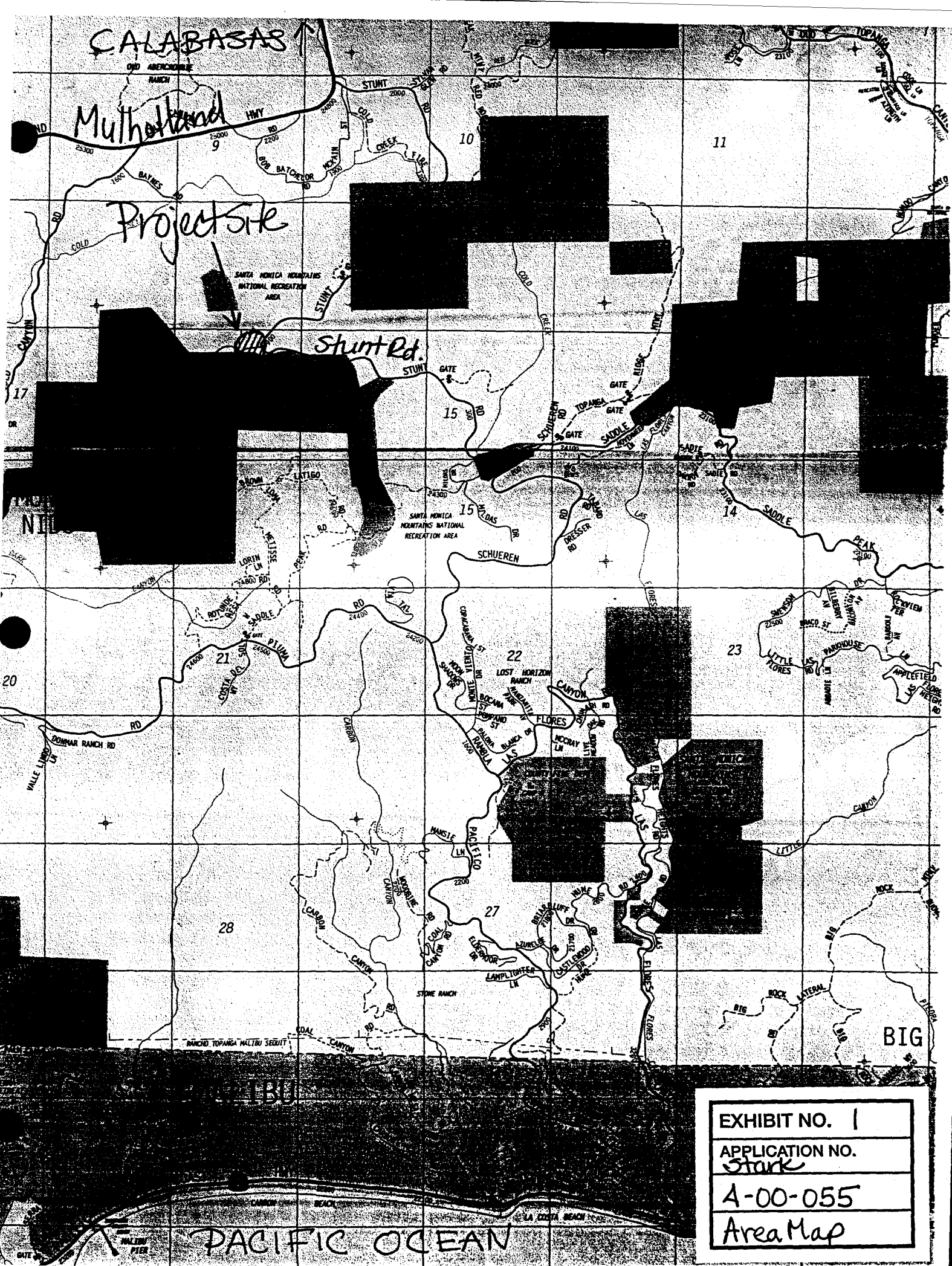


EXHIBIT NO. 1

APPLICATION NO.

Stark

4-00-055

Area Map



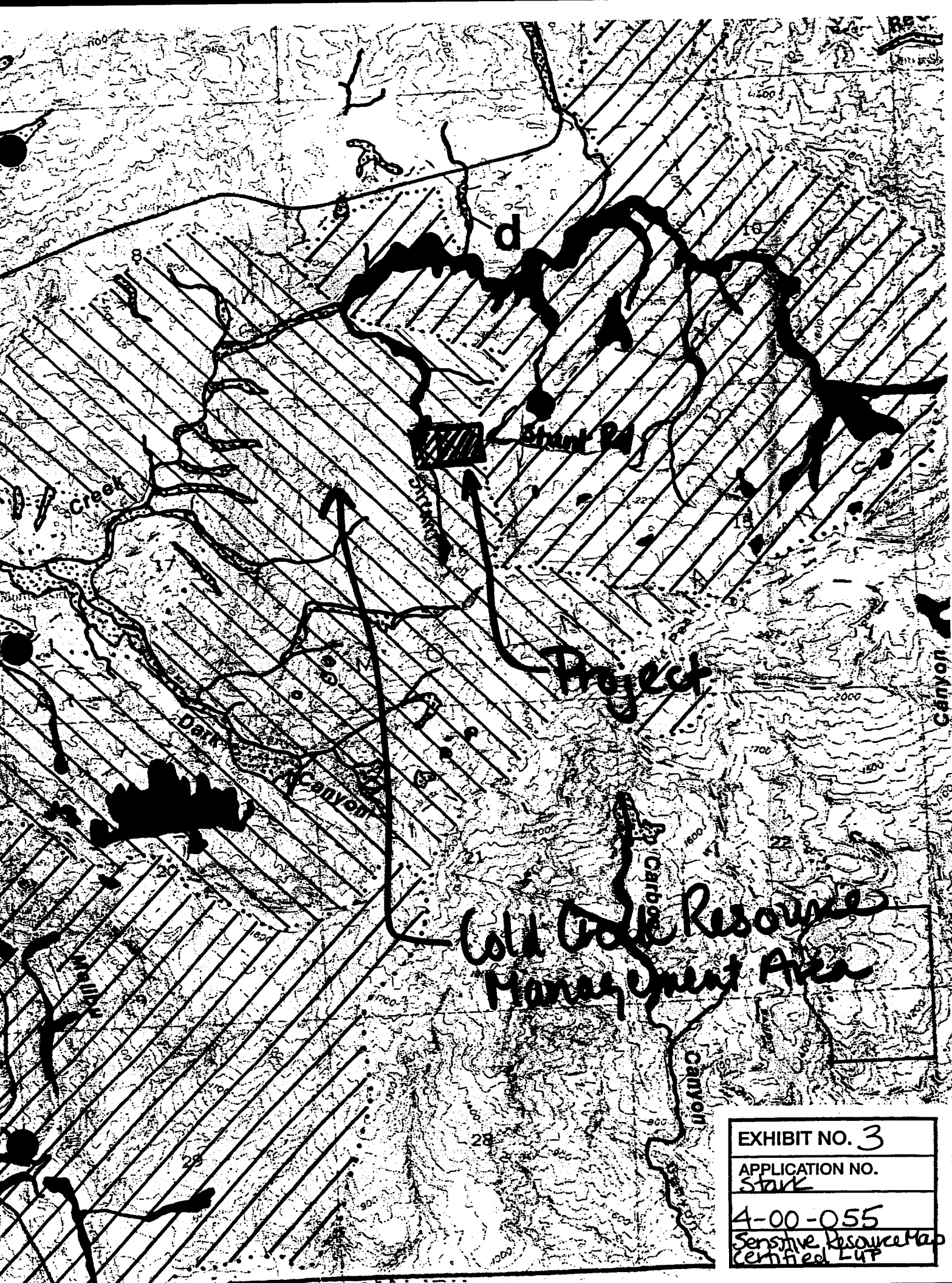
EXHIBIT NO. 2

APPLICATION NO.  
Stark

4-00-055

USGS Quadrangle  
Map excerpt  
blue line stream





Cold Creek Resource  
Management Area

EXHIBIT NO. 3

APPLICATION NO.  
Start

4-00-055

Sensitive Resource Map  
Certified LUP

# 100 FT. RADIUS PROPERTY OWNER LIST 855 STUNT ROAD CALABASAS, CA

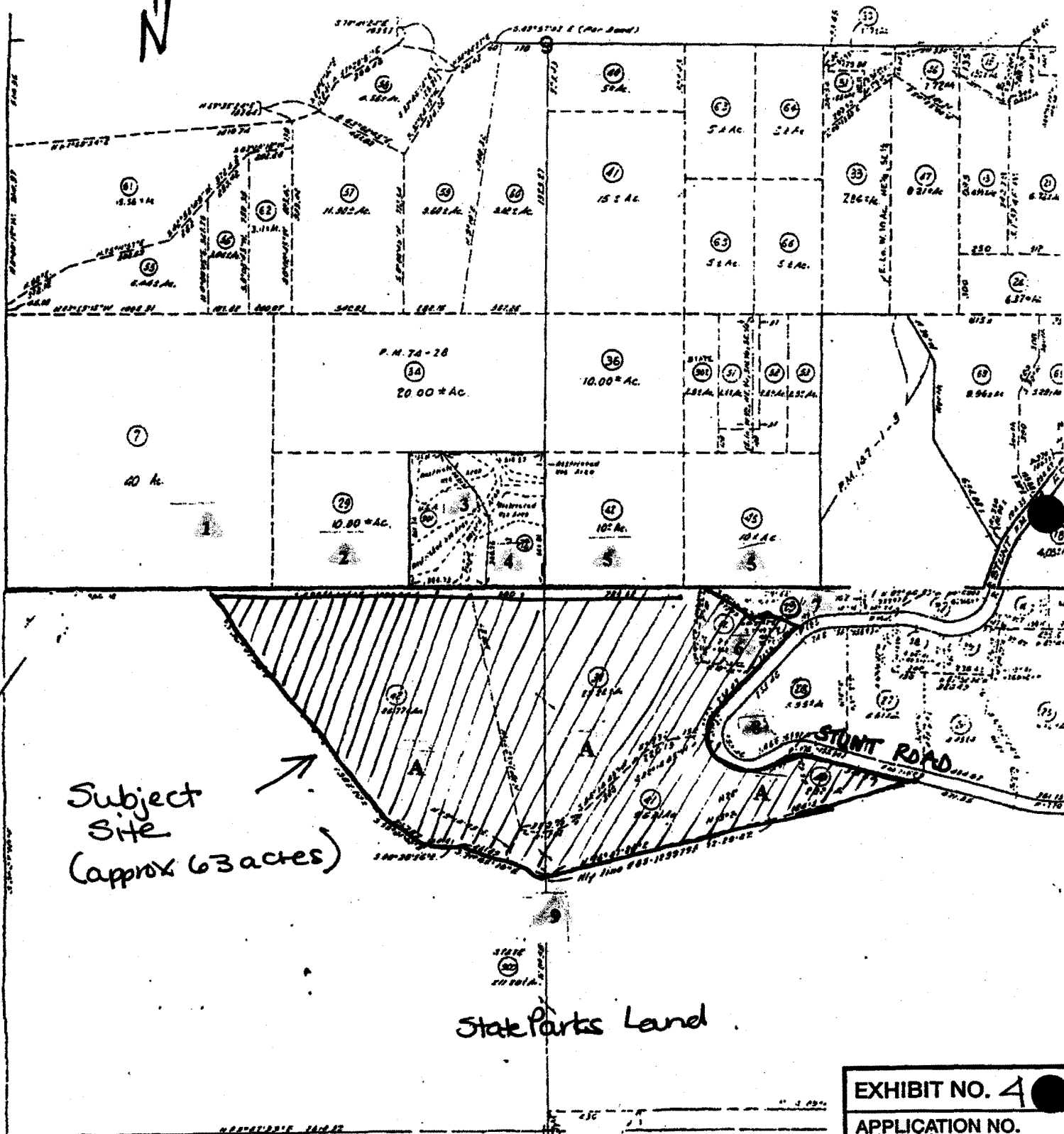


EXHIBIT NO. 4

APPLICATION NO.

Stark

4-00-055

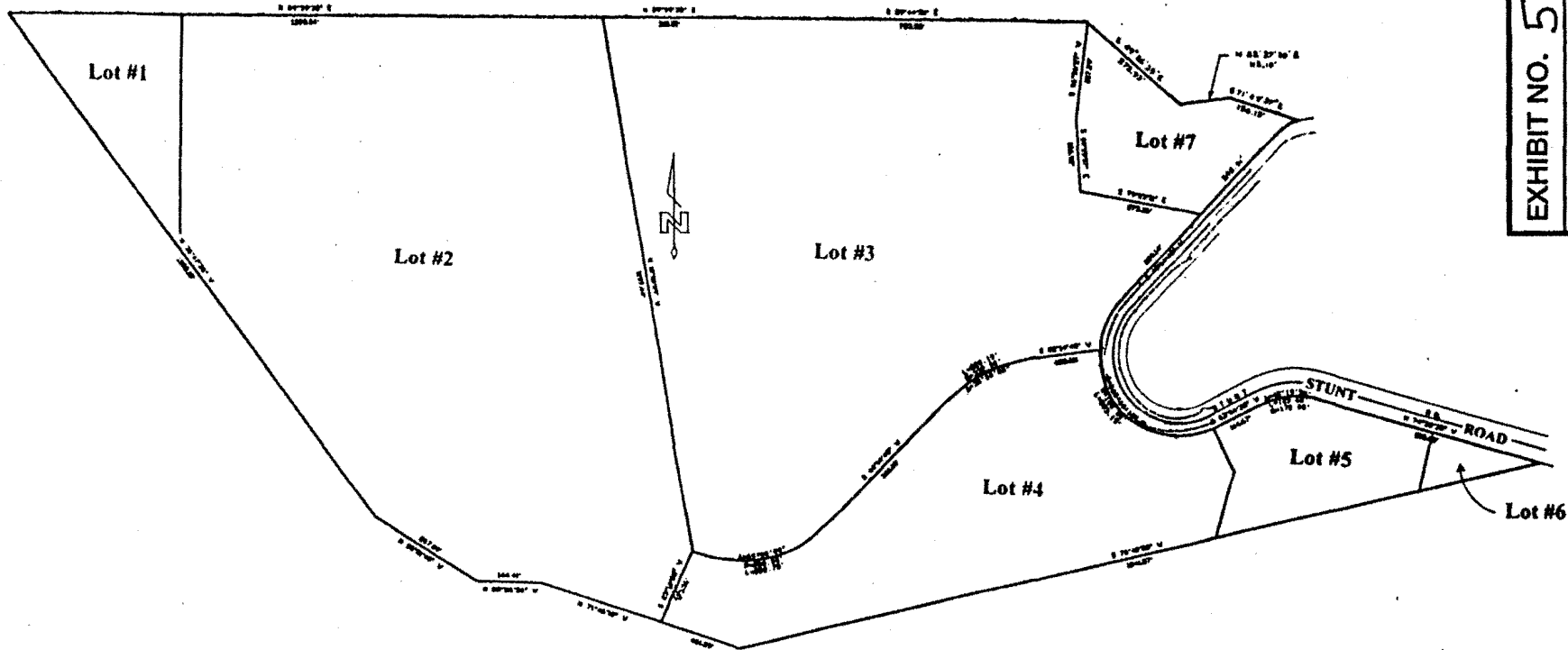
parcel map



RECEIVED

MAR 26 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



**SITE PLAN**  
showing  
**INDIVIDUAL LOTS**

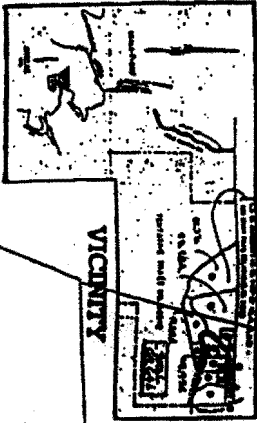
Jonathan Stout  
23440 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90265  
(310) 456-2004 FAX (310) 456-2693  
AIA

AERIAL PHOTOGRAPHIC  
TOPOGRAPHIC SURVEY  
PREPARED FOR:  
RICHARD STARK  
855 STUNT ROAD  
CALABASAS, CA 91302

PREPARED BY:  
CHRIS NELSON & ASSOCIATES  
PROFESSIONAL LAND SURVEYORS  
31225 LA BAYA DRIVE, STE. 103  
WESTLAKE VILLAGE, CA 91362  
818.991.1040

\* Legality of 7 parcels  
has not been established  
in this application.

EXHIBIT NO. 5  
APPLICATION NO.  
STARK  
4-00-055  
Applicant's Represent  
of 7 subject parcels



RECEIVED

MAR 26 2001

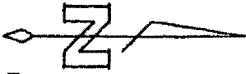
CALIFORNIA  
COASTAL COMMISSION

See Exhibit  
8 for  
better detail  
of the development  
area

SITE PLAN

TOTAL SITE 62.44 ACRES

Scale 1" = 100 ft



PARCEL

NOTES

1. The project is located on the 100-acre parcel shown on the map.
2. The project is a single-family residential development.
3. The project is located on the 100-acre parcel shown on the map.
4. The project is a single-family residential development.
5. The project is located on the 100-acre parcel shown on the map.
6. The project is a single-family residential development.
7. The project is located on the 100-acre parcel shown on the map.
8. The project is a single-family residential development.
9. The project is located on the 100-acre parcel shown on the map.
10. The project is a single-family residential development.

NOTES

1. The project is located on the 100-acre parcel shown on the map.
2. The project is a single-family residential development.
3. The project is located on the 100-acre parcel shown on the map.
4. The project is a single-family residential development.
5. The project is located on the 100-acre parcel shown on the map.
6. The project is a single-family residential development.
7. The project is located on the 100-acre parcel shown on the map.
8. The project is a single-family residential development.
9. The project is located on the 100-acre parcel shown on the map.
10. The project is a single-family residential development.

EXHIBIT NO. 6

APPLICATION NO.

Stark

4-00-055

Site Plan

Jonathan Stout  
2500 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90263  
(310) 454-2000 FAX (310) 416-2003

A Single Family Residential Compacted for  
Laurie and Richard Stark  
811 1st Street  
Calexico, California 91302

RECEIVED

MAR 26 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 7

APPLICATION NO.

Stark

4-00-055

Existing Development

CHRIS NEI  
PROFESS  
31225-1  
WEST

AERIAL PHOTOGRAMMETRIC  
TOPOGRAPHIC SURVEY  
PREPARED FOR:  
RICHARD STARK  
855 STUNT ROAD  
CALABASAS, CA 91302

Jonathan Stout  
23440 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90265  
(310) 456-2004 FAX (310) 456-2693

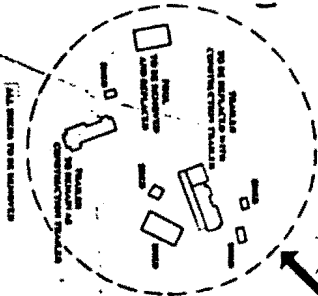
SITE PLAN  
showing  
PRESENT DEVELOPMENT

Scale 1" = 100 ft

barn, arena

\*trailers (2) to  
be used temporarily  
pursuant to special  
condition 19.

(trailers, pool,  
sheds, etc.)



Project involves development of the old  
pool and associated structures located along the  
1993 Topanga Freeway, two trailers, and a few sheds  
as indicated here. The old pool will be removed  
and replaced by a new pool. The sheds and one  
trailer will be removed prior to construction. The  
new pool will be constructed on the site as a construction  
water during the approximately two-year  
construction period. A second construction trailer  
is requested to be provided to be stored on the  
site during this time period.  
PLEASE REFER TO THE RESTORATION  
PLAN FOR SITE SPECIFIC RESTORATION  
DETAILS INCLUDING THE REMOVAL OF  
MAJOR OF THE HOUSE, OLD BUILDING,  
AND HOME CONCRETE SIGNAGE ABOVE  
THE CREEK.



RECEIVED

MAR 26 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 9

APPLICATION NO.

Stark  
4-00-055  
Open Space /  
Conservation Easement



Scale 1" = 100 ft

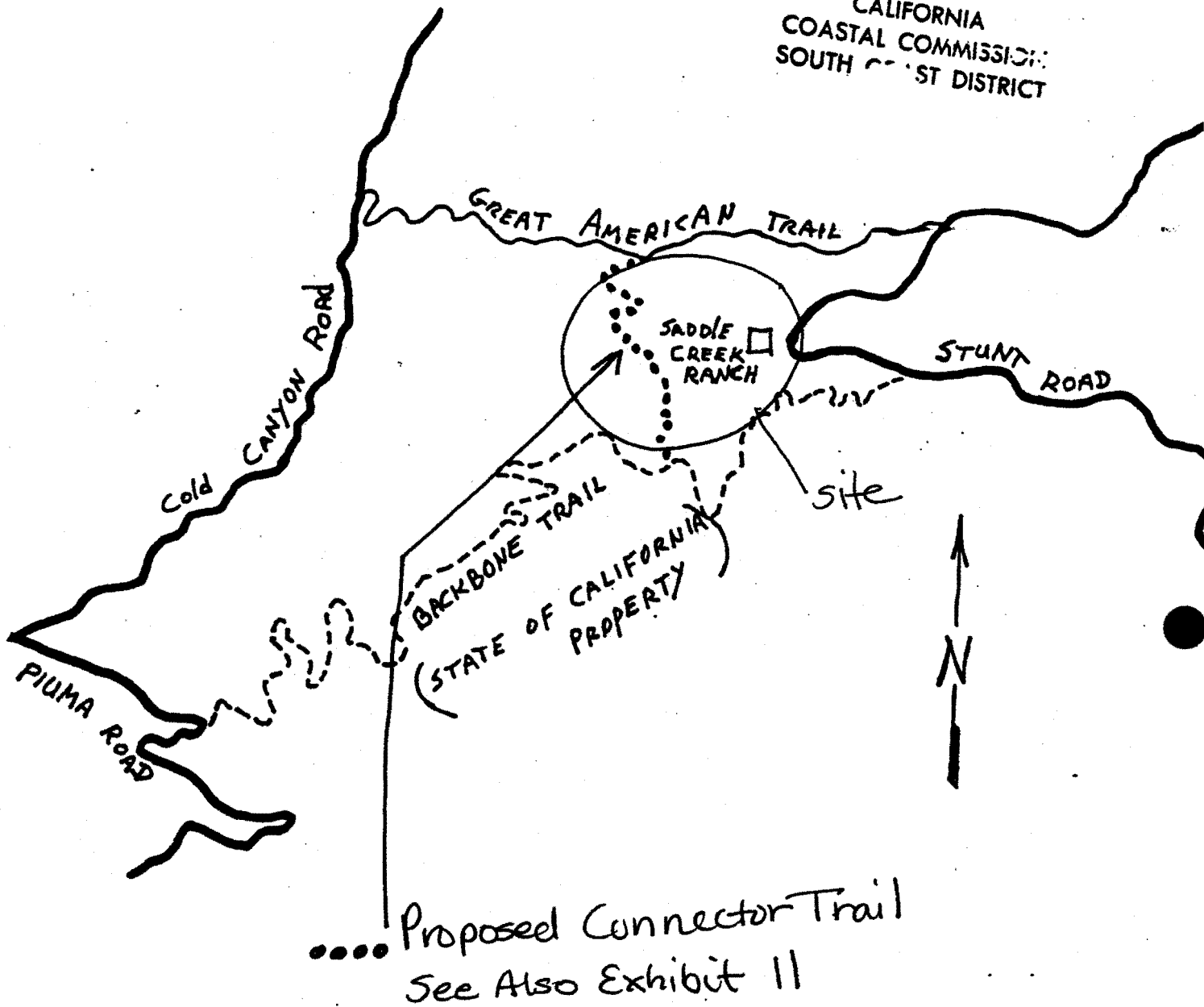


SITE PLAN  
with  
OPEN SPACE & TRAIL EASEMENTS

RECEIVED

JUN - 5 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT



Enclosure #1

EXHIBIT NO.	10
APPLICATION NO.	Stark
	4-00-055
	trail illustration



Backbone Trail

Great American Trail

Offer to Dedicate  
20' wide x 1450' long

Trail  
Easement

See Also  
Exhibit 10

Scale 1" = 100' ft

SITE PLAN  
with  
OPEN SPACE & TRAIL EASEMENTS

Jonathan Stout  
AIA  
3440 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU CALIFORNIA 90265  
(310) 456-3000 FAX (310) 456-3005

Laurie and Richard Stark

A Single Family Residential Occupied for  
311 East Street  
Culverton, CA 95528 01200

EXHIBIT NO. 11

APPLICATION NO.

Stark

4-00-055

trail easement

MAR 26 2001

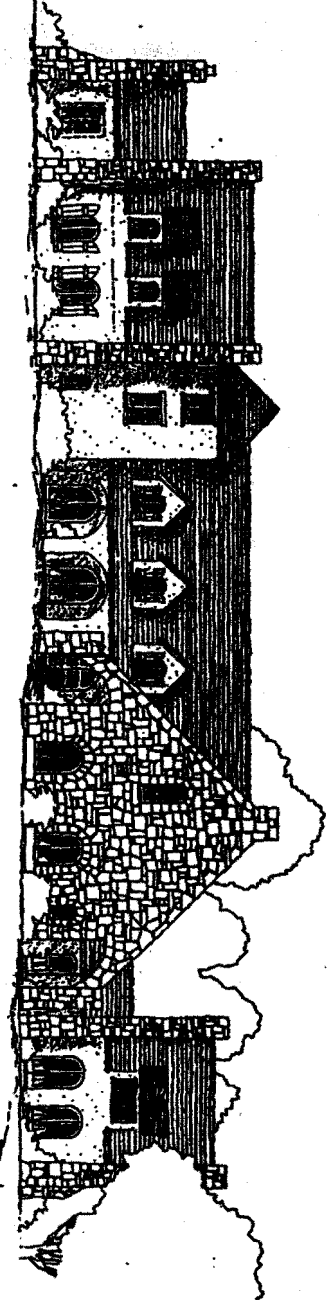
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RECEIVED

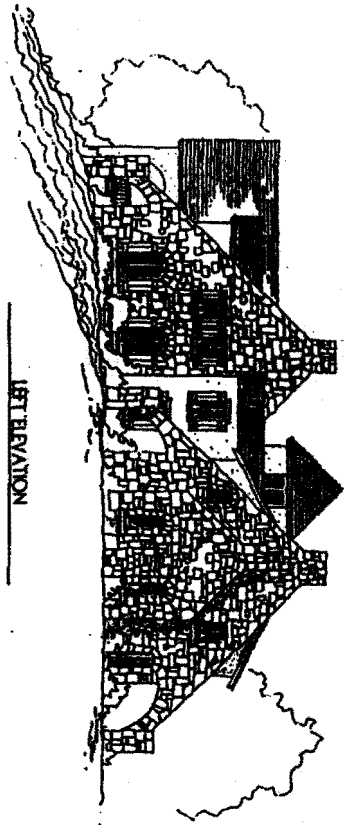
# RECEIVED

MAR 26 2001

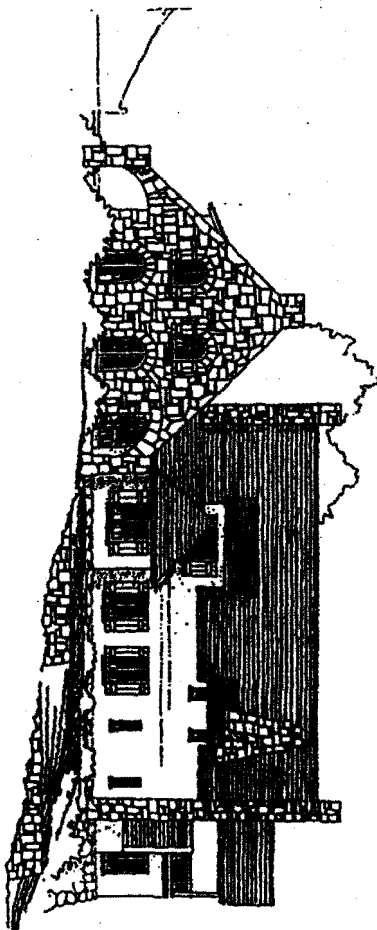
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



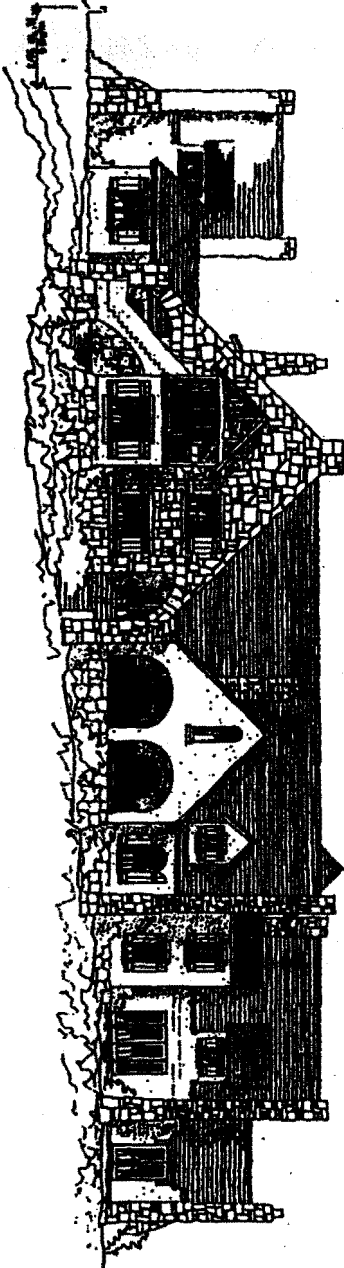
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

MAIN HOUSE

EXHIBIT NO. 12

APPLICATION NO.

Stark

4-00-055

Elevations-Residor

Architect  
**JONATHAN STOUT**  
2040 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90265  
1 310 300-2000 FAX 310 300-2000

A single family home for  
**STARK FAMILY COMPOUND**  
608 STOUT ROAD  
LOS ANGELES, CALIFORNIA 91302

DATE	REVISIONS	DATE BY
1994		
1995		
1996		
1997		
1998		
1999		
2000		
2001		
2002		
2003		
2004		
2005		
2006		
2007		
2008		
2009		
2010		
2011		
2012		
2013		
2014		
2015		
2016		
2017		
2018		
2019		
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		

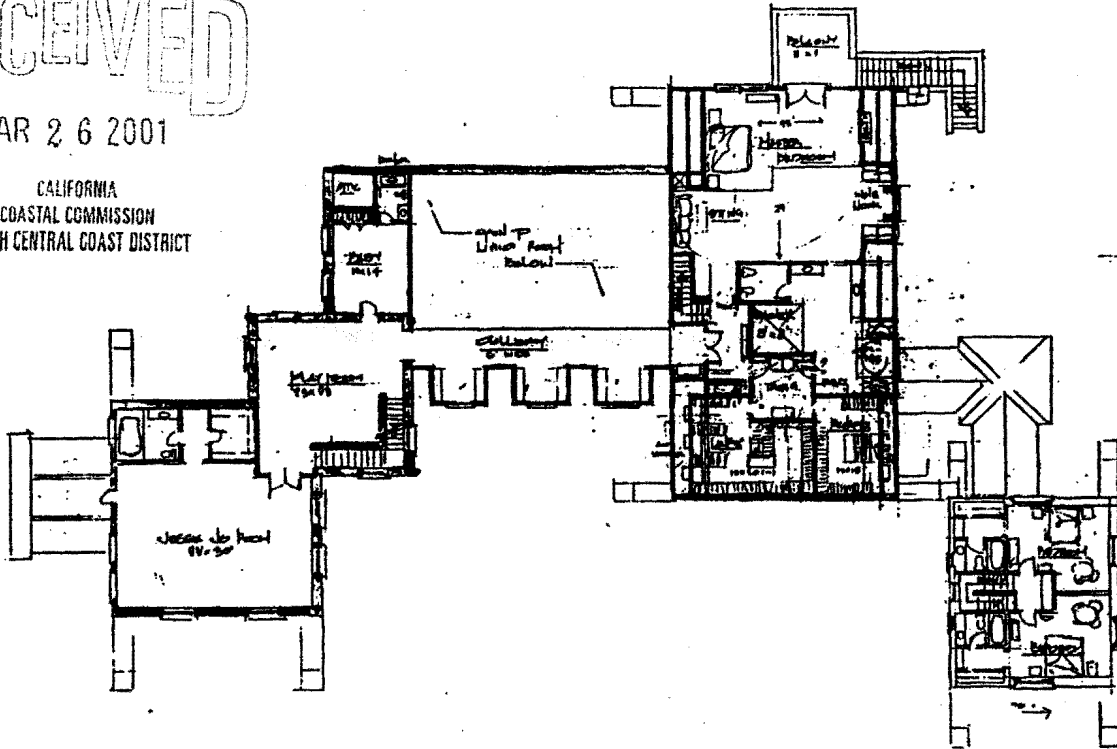


# RECEIVED

MAR 26 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

SECOND FLOOR PLAN



FIRST FLOOR PLAN

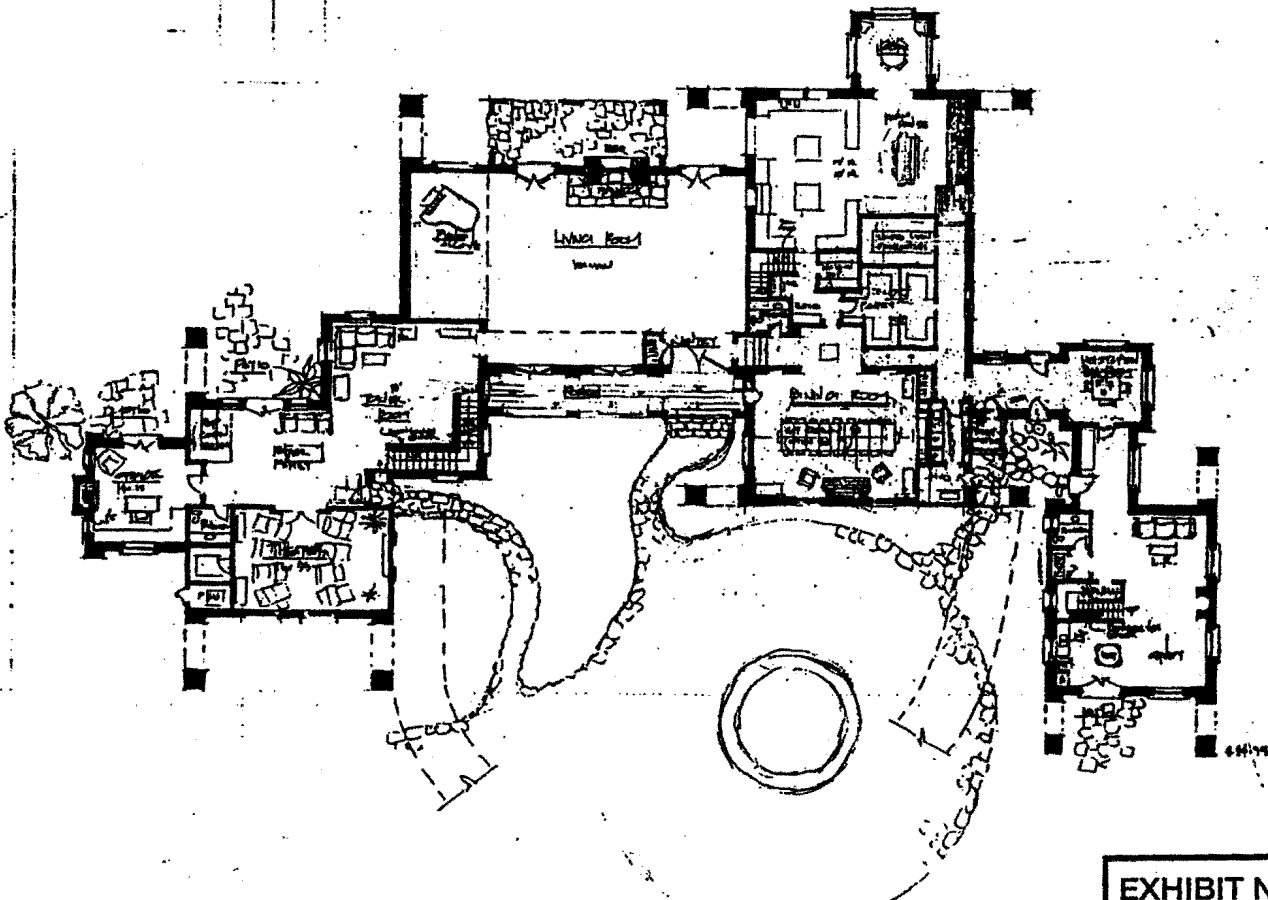


EXHIBIT NO. 13

APPLICATION NO.

Stark

4-00-055

Floor Plan of  
Residence

**JONATHAN STOUT**

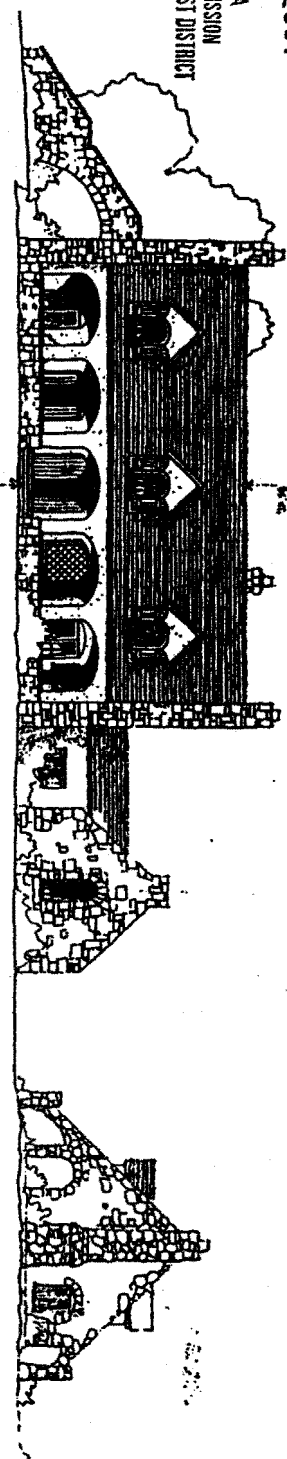
3040 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90260  
(310) 400-0000 FAX (310) 400-0000

STARK FAMILY COMPOUND

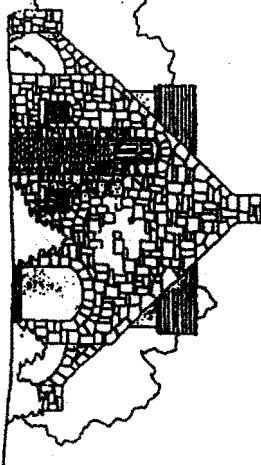
REVISED

MAR 26 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



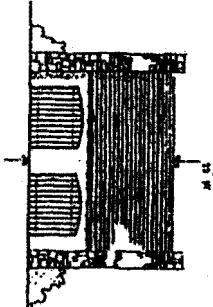
FRONT ELEVATION



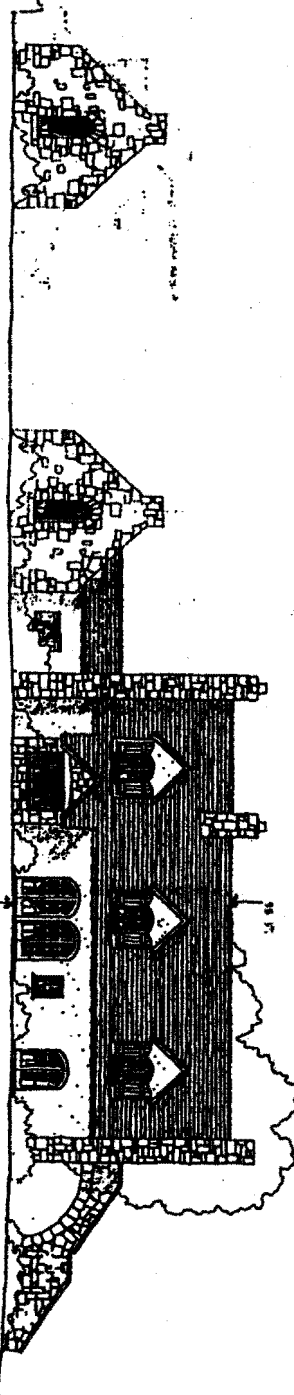
LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



TRUCK GARAGE FRONT ELEVATION



REAR ELEVATION

ART STUDIO

EXHIBIT NO. 14

APPLICATION NO.

Stark

400-055

ArtStudio Elev.

Architect  
**JONATHAN STOUT**  
30440 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90260  
(310) 400-0004 AIA FAX (310) 400-0005

A single family home for  
**STARK FAMILY COMPOUND**  
855 STUNT ROAD  
LOS ANGELES, CALIFORNIA 91302

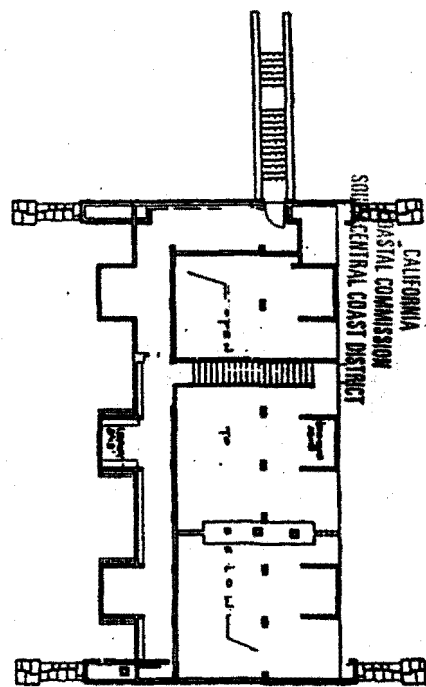
DATE	REVISIONS	DATE BY
4		
4		
4		
4		



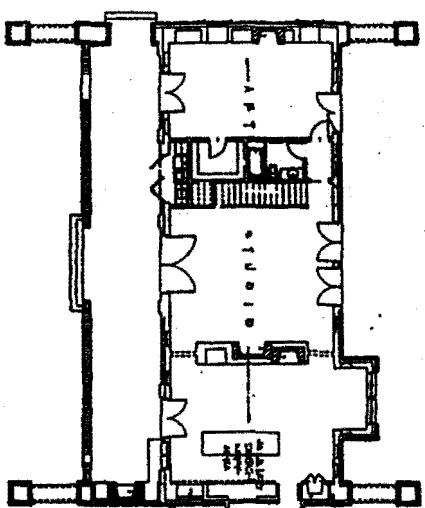
RECEIVED

MAR 26 2001

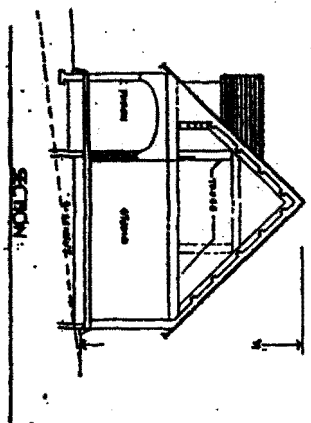
CALIFORNIA  
COASTAL COMMISSION  
SOUTHERN CALIFORNIA COAST DISTRICT



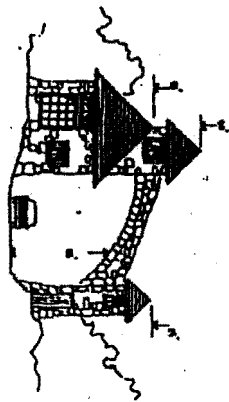
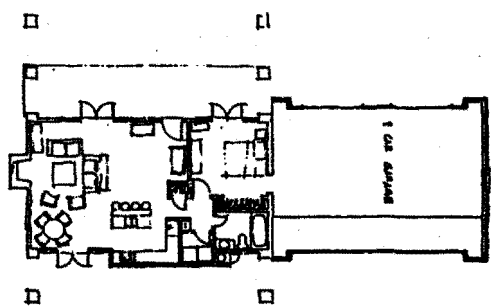
SECOND FLOOR



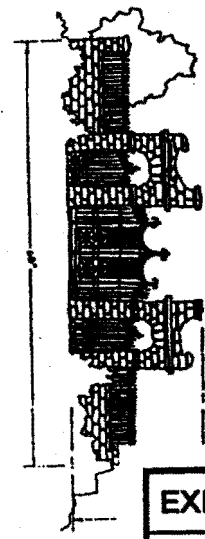
FIRST FLOOR



one-story guest unit  
ART STUDIO PLAN 750 sq. ft.  
with  
2 TWO CAR GARAGES



FRONT GATE



CABANA

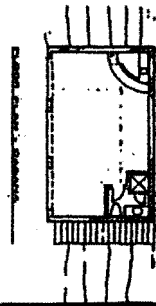


EXHIBIT NO. 16

APPLICATION NO. *Stark*

4-00-055

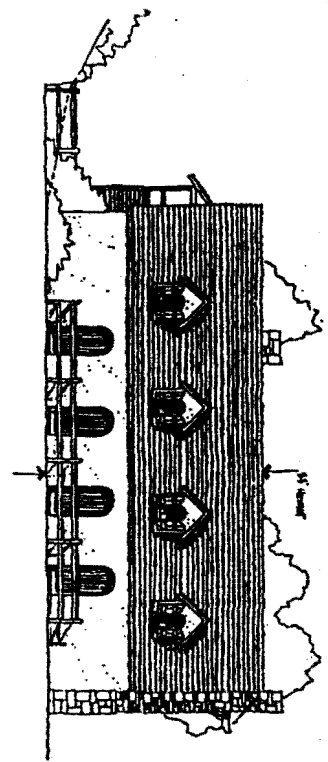
Art Studio Cabana  
Front Gate

Jonathan Stout  
23440 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90265  
TEL: 310-400-0000 FAX: 310-400-0000

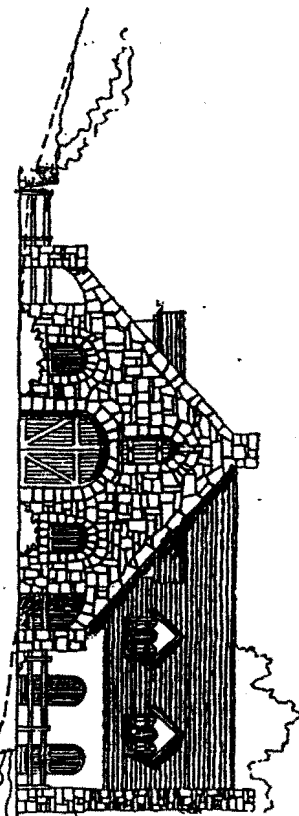
A single family home for  
**STARK FAMILY COMPOUND**  
805 STUNT ROAD  
LOS ANGELES, CALIFORNIA 91302

DATE	REVISION	DATE

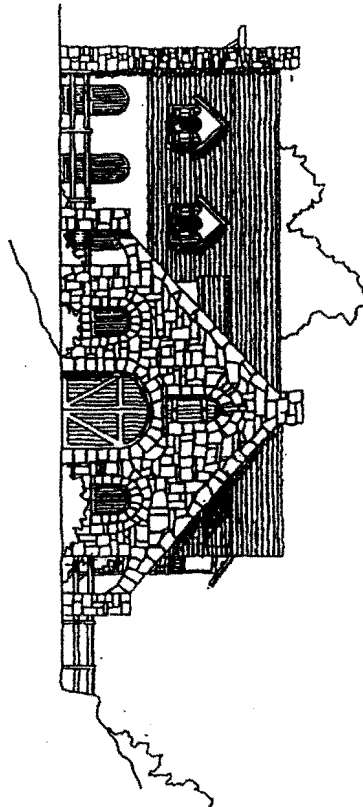
SCALE	



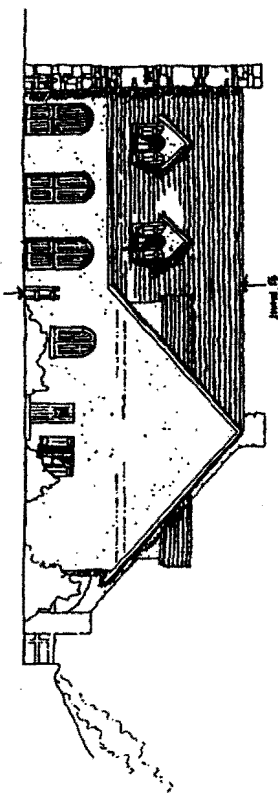
NORTH ELEVATION



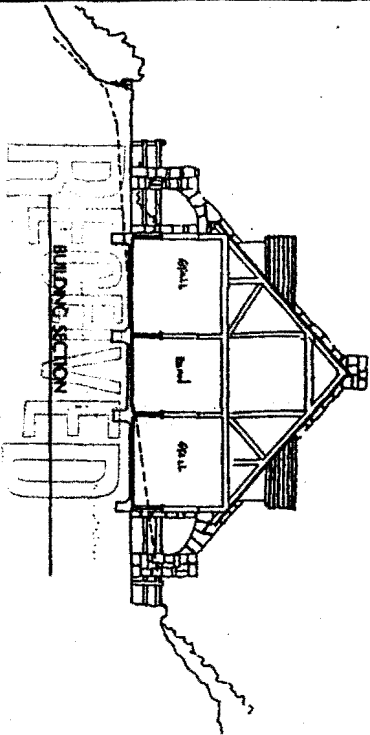
WEST ELEVATION



SOUTH END ELEVATION

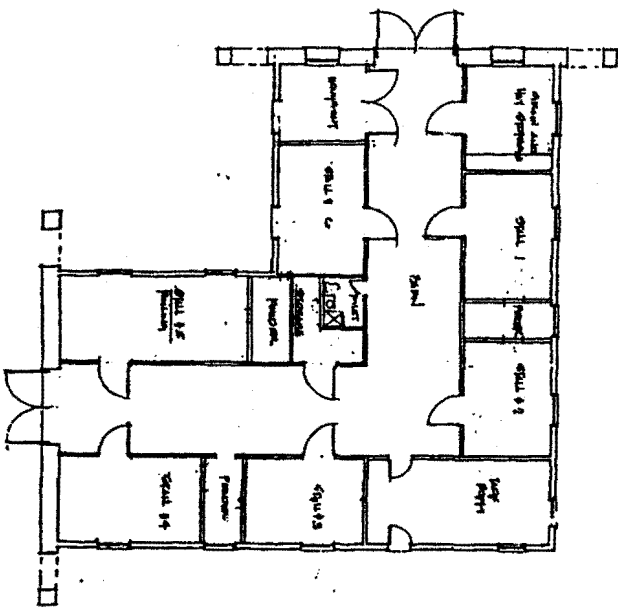


EAST ELEVATION



BUILDING SECTION

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT  
MAR 26 2001



FLOOR PLAN

EXHIBIT NO. 17

APPLICATION NO.

Stark

4-00-055

Stable

**JONATHAN STOUT**  
2340 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90260  
TEL: (310) 450-0000 FAX: (310) 450-0000

A single family home for  
**STARK FAMILY COMPOUND**  
855 STUNT ROAD  
LOS ANGELES, CALIFORNIA 91302

STABLES

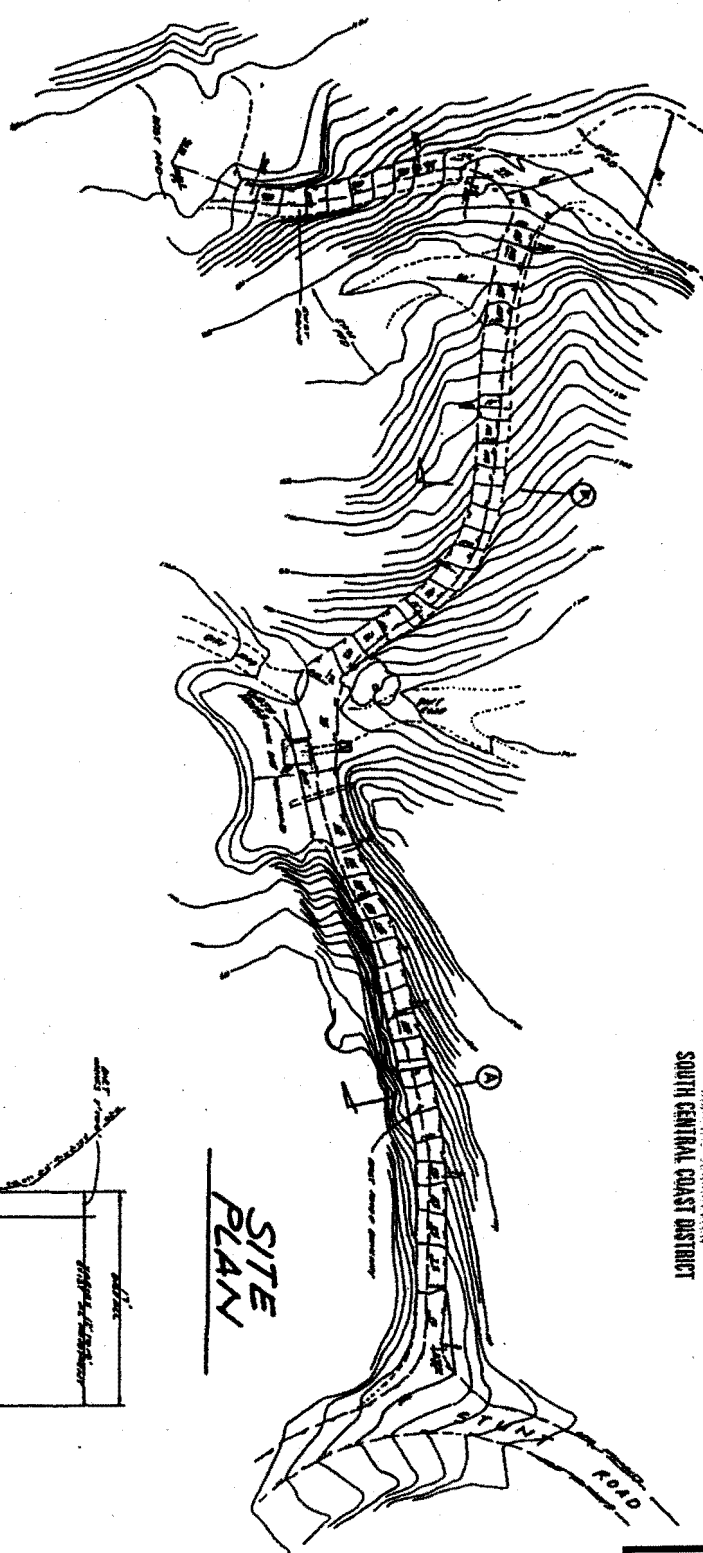
DATE	BY	REVISIONS	DATE	BY

SCALE 1/4" = 1'-0"

RECEIVED

MAR 26 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT



SITE  
PLAN

PROPOSED LOT

EXISTING LOT

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	11/11/00	JST	
2	REVISED PER COMMENTS	11/11/00	JST	
3	REVISED PER COMMENTS	11/11/00	JST	
4	REVISED PER COMMENTS	11/11/00	JST	
5	REVISED PER COMMENTS	11/11/00	JST	
6	REVISED PER COMMENTS	11/11/00	JST	
7	REVISED PER COMMENTS	11/11/00	JST	
8	REVISED PER COMMENTS	11/11/00	JST	
9	REVISED PER COMMENTS	11/11/00	JST	
10	REVISED PER COMMENTS	11/11/00	JST	

EXISTING ACCESS PLAN

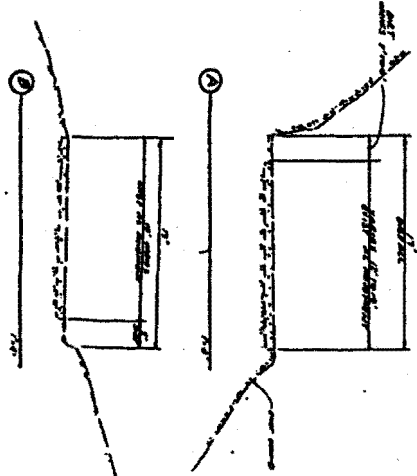


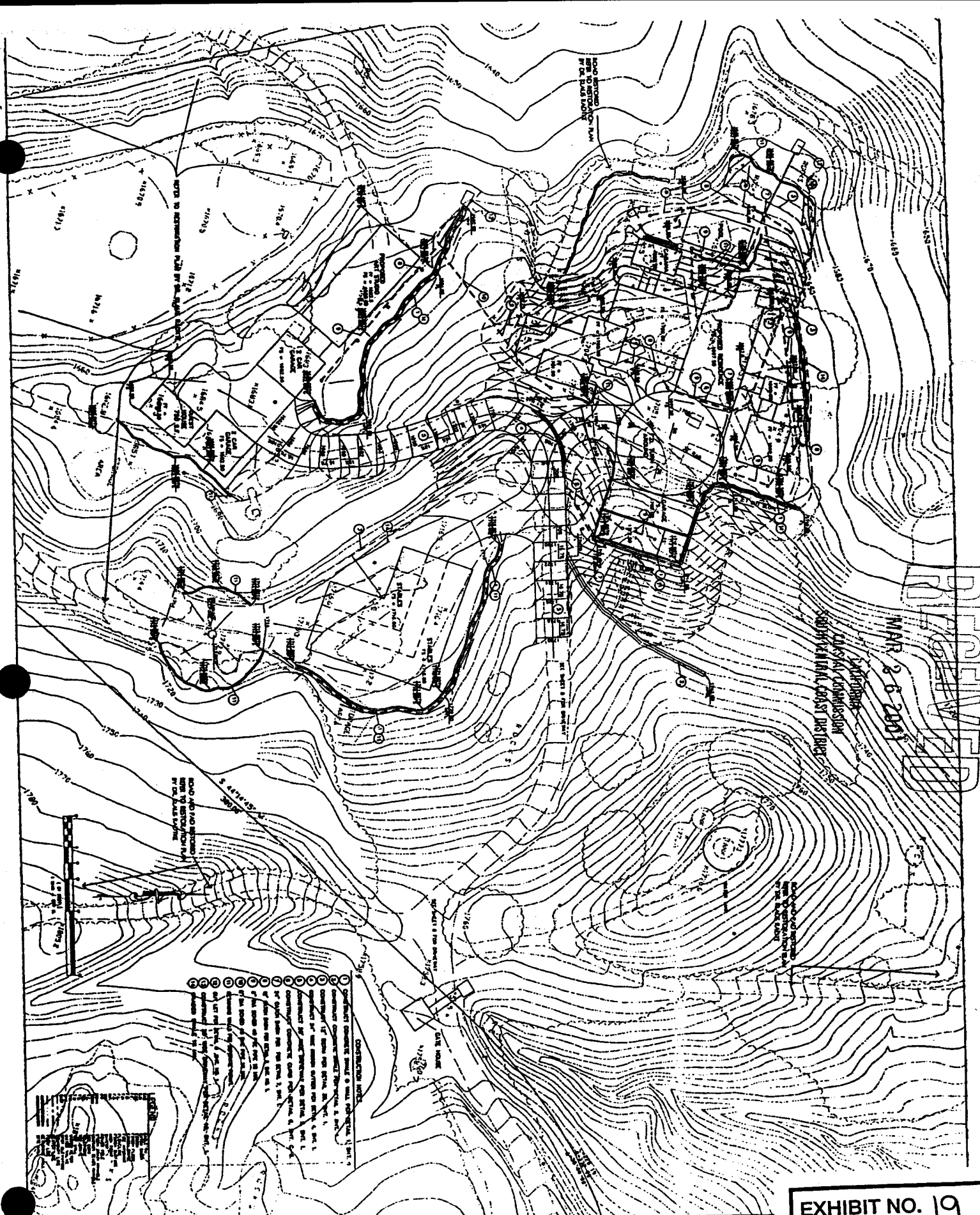
EXHIBIT NO. 18  
APPLICATION NO. Stark  
4-00-055  
Driveway Plan

**JONATHAN STOUT**  
23440 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90265  
TEL 310-400-0004 FAX 310-400-0002

*A single family home for*  
**STARK FAMILY COMPOUND**  
895 STUNT ROAD  
LOS ANGELES, CALIFORNIA 91302

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	11/11/00	JST	
2	REVISED PER COMMENTS	11/11/00	JST	
3	REVISED PER COMMENTS	11/11/00	JST	
4	REVISED PER COMMENTS	11/11/00	JST	
5	REVISED PER COMMENTS	11/11/00	JST	
6	REVISED PER COMMENTS	11/11/00	JST	
7	REVISED PER COMMENTS	11/11/00	JST	
8	REVISED PER COMMENTS	11/11/00	JST	
9	REVISED PER COMMENTS	11/11/00	JST	
10	REVISED PER COMMENTS	11/11/00	JST	

DATE  
11/11/00  
BY  
JST  
CHKD.  
JST  
SHEET NO.  
8  
OF 8



RECEIVED  
MAR 26 2001  
CALIFORNIA COAST DISTRICT  
MAR 26 2001

EXHIBIT NO. 19  
APPLICATION NO. **Stark**  
**4-00-055**  
Grading & Drainage Plan

SHEET NO.  
G-1  
OF SHEETS

JOB NO. 99-058  
SCALE 1" = 20'  
DATE:

Architect  
**Jonathan Stout**  
23440 CIVIC CENTER WAY  
THIRD FLOOR  
MALIBU, CALIFORNIA 90263  
(310) 456-2004 FAX (310) 456-2693

GRADING AND DRAINAGE  
PLAN  
PREPARED FOR:  
**RICHARD STARK**  
855 STUNT ROAD  
CALABASAS, CA 91302

CHRIS  
PROF  
31  
WM

