

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-00-067

**APPLICANT:** Dr. Jeff Harris

**AGENT:** Dr. Klaus Radke

**PROJECT LOCATION:** 6201 De Butts Terrace, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a new 7,035 square foot, 26 foot high single family residence, 1,248 square foot detached garage with a second story 1,248 square foot potting shed/greenhouse, 748 square foot guest house, two rain water ponds, alternative septic system, fencing, 990 cubic yards of grading (495 cubic yards cut and 495 cubic yards fill), an offer to dedicate a public trail easement, and an offer to dedicate two acres as an open space easement at 6201 De Butts Terrace Drive, Malibu, Los Angeles County.

<b>Lot Area:</b>	11.7 acres
<b>Building Coverage:</b>	6,091 square feet
<b>Paved Area:</b>	8,500 square feet
<b>Height Above Existing Grade:</b>	26 feet
<b>Height Above Finished Grade:</b>	26 feet

**LOCAL APPROVALS RECEIVED:** City of Malibu, Planning Department, Approvals in Concept, September 22, 1999; City of Malibu, Geology and Geotechnical Review; Approval in Concept, September 23, 1997; City of Malibu, Biological Review, Approval in Concept, August 11, 1997; City of Malibu, Environmental Health Department, Approval in Concept, June 5, 2000; and County of Los Angeles, Fire Department, Fire Prevention Bureau, Preliminary Fuel Modification Plan Approval, October 24, 1997.

**SUBSTANTIVE FILE DOCUMENTS:** Letter from Geo Safety, Inc., to Commission staff, April 12, 2001; Letter from the Santa Monica Trails Council to Commission staff, March 31, 2001; Letter from L. Jeff Harris and Jill Riordan Harris to Commission staff, March 20, 2001; Letter from L. Jeff Harris and Jill Riordan Harris to Commission staff, February 18, 2001; "Clarification regarding proposed foundations and site irrigation," Donald B. Kowalewsky, Environmental & Engineering Geology, November 20, 2000; Facsimile from L. Jeff Harris to Commission staff, November 17, 2000; "Debutts

Terrace Grading," Jay Vands, Architect, September 14, 2000; Letter from Geo Safety, Inc., to Commission staff, June 27, 2000; "Update letter to engineering geologic and geotechnical report," Donald B. Kowalewsky, Environmental & Engineering Geology, June 19, 2000; Letter from L. Jeff Harris to the City of Malibu, May 19, 1999; "Application for Alternative Onsite Wastewater Treatment System," Bill Wilson, Environmental Planning & Design, October 28, 1998; "Geologic Memorandum for update on geologic conditions," Donald B. Kowalewsky, Environmental & Engineering Geology, July 24, 1998; "Results of hydrometer testing and area required for sewage disposal utilizing a designed evapotranspiration disposal system," Donald B. Kowalewsky, Environmental & Engineering Geology, November 7, 1997; "Response to Malibu City Engineering Geologic Review Sheet," Donald B. Kowalewsky, Environmental & Engineering Geology, August 23, 1997; "Addendum Letter to Preliminary Engineering Geology and Soils Engineering Investigation for Proposed Single Family Residence," Donald B. Kowalewsky, Environmental & Engineering Geology, May 22, 1997; "Preliminary Engineering Geology and Soils Engineering Investigation for Proposed Single Family Residence," Donald B. Kowalewsky, Environmental & Engineering Geology, January 30, 1996; "Archaeological Reconnaissance," Chester King, Malibu City Archaeologist, Topanga Anthropological Consultants, October 31, 1995; Coastal Development Permits 5-90-515 (Shriner), 5-90-670 (Kirsten), 5-90-673 (Shriner), 5-90-781 (Newman), 5-90-921 (Landgate), 5-90-1068 (Morton), 5-90-1149 (Thorne), 4-99-010 (McNicholas), 4-00-044 (Blank Par E, LLC), 5-87-590 (Vinton), 5-90-534 (Quiros), 5-86-472 (Zilberg), 4-98-212 (Enkeboll), and 4-00-142 (Hosseini); and the certified Malibu Santa Monica Mountains Land Use Plan.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **approval** of the proposed project with ten (10) special conditions regarding engineering geologic consultant's recommendations, landscaping and erosion control, removal of vegetation, assumption of risk, drainage and polluted runoff control, color restriction, future improvements, offer to dedicate a public trail easement, offer to dedicate an open space easement, and lighting restrictions.

The subject site is located approximately a half mile north of the Pacific Coast Highway, accessible from Winding Way, on the western side of De Butts Terrace Drive (Exhibit 1). The parcel is also located on a secondary ridge crest and on the upper portion of a slope that descends to the south and west. The secondary ridge on which the site is located trends north-south, branching from the main ridge lying between Ramirez Canyon and Escondido Canyon. The subject site extends to the west of De Butts Terrace Drive and crosses an eastern tributary to Ramirez Canyon, along which a blueline stream also passes on the site. Although portions of the subject property have been cleared and disked, the site maintains both disturbed and undisturbed areas of native coastal sage scrub. Although no environmentally sensitive habitat area has been identified upon the subject site, Escondido Canyon and Escondido Canyon Creek are located to the east of the site and Ramirez Canyon and Ramirez Canyon Creek are located to the west of the site. The Escondido Canyon and Escondido Canyon Creek area has been designated as an environmentally sensitive habitat area (ESHA). In

addition, the Ramirez Canyon and Ramirez Creek areas have been designated as a locally disturbed resource area.

In addition, large, deep, rotational, and shallow planar landslides have been mapped on the west-facing descending slope. An ancient landslide exists to the west of the building site, several recent landslides have been identified approximately 300 feet southwest of the site, and another landslide exists along the northern property line. Further, the Malibu Coast fault is located approximately 1700 feet to the north of the building site. As a result, the site is subject not only to the risk of wildfire present throughout the Santa Monica Mountains, but also to an unusual degree of geologic hazards (landslides and earthquake faults). Furthermore, the engineering geologic consultant has made specific recommendations regarding the proposed development to ensure site stability and an assumption of risk condition is warranted.

The proposed development must also be evaluated for its effect upon sensitive visual resources. The project site is located approximately one third of a mile north of the Coastal Slope Trail, which runs along Winding Way. The site is also located to the west of the Escondido Falls Trail, which runs along the bottom of Escondido Canyon, but is not visible from any portion of that trail. Additionally, the Ramirez Canyon Connector Trail is located along the eastern side of De Butts Terrace Drive, directly adjacent to the subject site. Further, the applicant is offering to dedicate a public trail easement across the subject parcel, as a trail on the site has been used for many years as a connector trail. The proposed development will be highly visible from the Ramirez Canyon Connector Trail and from the trail easement offered by the applicant. Public views of the structures from the Coastal Slope Trail will be limited due to the distance and intervening topography between the subject site and that trail. The visual impact on public views from these trails may be minimized through landscape and color conditions.

These special concerns and constraints associated with the proposed development are addressed in the staff report and in the special conditions set forth herein.

## **I. STAFF RECOMMENDATION**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 4-00-067 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

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

## **RESOLUTION TO APPROVE THE PERMIT:**

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

## **II. Standard Conditions**

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

All recommendations contained in the reports prepared by Donald B. Kowalewsky, including those dated November 20, 2000; June 19, 2000; November 6, 1997; August 23, 1997; May 22, 1997; and January 30, 1996 shall be incorporated into all final design and construction, including recommendations concerning foundation, grading, drainage,

and septic system plans, and must be reviewed and approved by the consultant prior to commencement of development. Prior to issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design, grading, drainage, and construction plans.

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

## **2. Landscaping Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit landscaping, erosion control, and fuel modification 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 approved by the engineering geologist to ensure that the plans are in conformance with the consultant's 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 sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation and to screen and soften the visual impact of development, all landscaping shall consist primarily of native, drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed structures as viewed from the Coastal Slope Trail, Ramirez Connector Trail, and trail easement offered pursuant to this permit. Native plantings shall be used that are visually harmonious and blend with the character of the surrounding undeveloped slopes. 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.
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 5) Vegetation within fifty (50) feet of the proposed house may be removed to mineral earth, vegetation within a two hundred (200) foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes, and location of plant materials to be removed, and how often thinning is to occur. In addition, prior to issuance of the coastal development permit, the applicant shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf, and ground cover planted within the fifty (50) foot radius of the proposed structures shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- 6) Fencing along the property boundaries of the site shall be of a design that is permeable to wildlife and visually compatible with the surrounding rural environment, such as a smooth (non-barbed) three string fencing or split rail fencing design, with the exception of the fencing around the immediate development footprint. The color of the fencing shall also be compatible with the surrounding environment.

**B) Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31), the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, 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, mats, sand bag barriers, and/or silt fencing; and temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

### **C) Monitoring**

Five (5) years from the date of the receipt of the certificate of occupancy for the residence, the applicant shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant (or successors in interest) shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or 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 within the fifty (50) foot zone surrounding the proposed structure shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the fifty (50) to two hundred (200) foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

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

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from

such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's 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.

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

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with engineering geologist's recommendations. In addition to the above specifications, 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 85<sup>th</sup> percentile, one (1) hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned, and repaired when necessary prior to the onset of the storm season, no later than September 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, and BMPs and restoration of any eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration

work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

**6. Color Restriction**

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

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**7. Future Development Deed Restriction**

This permit is only for the development described in Coastal Development Permit No. 4-00-067. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted single family residence or accessory 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 Two (2), shall require an amendment to Coastal Development Permit No. 4-00-067 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and 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.

**8. Offer to Dedicate Public Hiking and Equestrian Trail Easement**

In order to implement the applicant's proposal of an offer to dedicate an approximately 1,500 linear foot, approximately 15 foot wide public 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 No. 4-00-067: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, offering to dedicate to a public agency or private association approved by the Executive Director, an approximately 1,500 linear foot, approximately 15 foot wide public hiking and equestrian trail easement in the general location and configuration depicted in Exhibit 4, on Assessor's Parcel Number 4467-006-017.

The offer shall provide the public with 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 a legal description of the applicant's entire parcel 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.

**9. Open Space Deed Restriction**

A. In order to implement the applicant's proposal to permanently preserve approximately 2 acres as open space on the western portion of Assessor's Parcel Number 4467-006-017, 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 4, except for: removal of non-native vegetation, or public hiking and/or equestrian trails.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, 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 the applicant's entire parcel 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.

## **10. Lighting Restrictions**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which specifies that all outdoor night lighting shall be the minimum necessary, consistent with safety requirements, and shall be downward directed to minimize the nighttime intrusion of the light from the project into sensitive habitat areas. The document shall run with the land for the life of the structure approved in this permit, 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.

## **IV. Findings and Declarations**

The Commission hereby finds and declares:

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

The applicant is proposing the construction of a new 7,035 square foot, 26 foot high single family residence. The applicant is also proposing to construct a 1,248 square foot detached garage with a second story 1,248 square foot potting shed/greenhouse, 748 square foot guest house, two rain water ponds, alternative septic system, and miscellaneous fencing. The proposed development will require 990 cubic yards of grading (495 cubic yards cut and 495 cubic yards fill). Furthermore, the applicant is also offering to dedicate a public trail easement and two acres as an open space easement as part of the proposed development.

The project site is currently undeveloped, with the exception of two small storage sheds that will be removed pursuant to the proposed development. Portions of the subject site have also been cleared of some vegetation and disked in the past. As stated previously, the subject site is located approximately a half mile north of the Pacific Coast Highway, accessible from Winding Way, on the western side of De Butts Terrace Drive. The parcel is located on a secondary ridge crest and on the upper portion of a slope that descends to the south and west. The secondary ridge on which the site is located trends north-south, branching from the main ridge lying between Ramirez Canyon and Escondido Canyon. The subject site extends to the west of De Butts Terrace Drive and crosses an eastern tributary to Ramirez Canyon. Slope gradients on the site range from 2:1 (horizontal to vertical), while elevations range from 480 to 210 feet above mean sea level.

In addition, large, deep, rotational and shallow planar landslides have been mapped on the west-facing descending slope, an ancient landslide exists to the west of the building site, several recent landslides have been identified approximately 300 feet southwest of the site, and another large, active rotational landslide exists along the northern property

line. Further, the Malibu Coast fault is located approximately 1700 feet to the north of the building site. As a result, the site is subject not only to the risk of wildfire present throughout the Santa Monica Mountains, but is also to an unusual degree of geologic hazards, including landslide and earthquake.

Furthermore, the proposed development must also be evaluated for its effect upon sensitive visual resources. The project site is located approximately one third of a mile north of the Coastal Slope Trail, which runs along Winding Way. The site is also located to the west of the Escondido Falls Trail, but is not visible from any portion of that trail. The Ramirez Canyon Connector Trail is located along the eastern side of De Butts Terrace Drive directly adjacent to the subject site. Through the California Coastal Commission's approval of Los Angeles County Winding Way and DeButts Terrace Water Improvement Project No. 29 (CDP P-81-7713), the County agreed to construct a hiking and equestrian trail along the entire right-of-way of Winding Way and DeButts Terrace. The County has completed the project and provided the hiking and equestrian trail along the entire right-of-way, including this portion of the Ramirez Canyon Connector Trail. Further, the applicant is offering to dedicate a public trail easement across the subject site, as a trail on the site has been used for many years as a connector trail. The proposed development will be visible from the Ramirez Canyon Connector Trail and from the trail easement that is being offered by the applicant. Public views of the structure from the Coastal Slope Trail, however, will be very limited due to the distance and intervening topography between the subject site and that trail.

In addition, the site is also located to the west of Escondido Canyon and Escondido Canyon Creek, an area designated as environmentally sensitive habitat area (ESHA). Escondido Canyon, which includes portions of the perennial Escondido Canyon Creek, is exceptional riparian woodland flanked by relatively undisturbed coastal sage scrub growing on the adjacent slopes, with excellent shrub diversity. Ramirez Canyon and Ramirez Canyon Creek, also a perennial stream, are located to the west of the subject site and are designated as locally disturbed resource areas. Furthermore, an area of undisturbed coastal sage scrub vegetation present on the western portion of the site has been offered as an open space easement by the applicant and will not be impacted through this development.

Furthermore, this parcel was also surveyed to determine if the proposed development could impact archaeological resources. Evidence of archaeological resources was not observed on the subject site, however.

Due to the topography, geology, environmental resources, and visual considerations of the site, the applicant is proposing to cluster the single family residence and accessory structures adjacent to De Butts Terrace Drive, along the eastern portion of the site, and has offered to dedicate approximately two acres of undisturbed coastal sage scrub habitat as open space. The areas to the north and south of the project site are characterized as built-out portions of Malibu consisting of similar residential development, although the site is in the vicinity of Escondido Canyon and Ramirez Canyon, which include parkland and environmental resource areas.

## **B. Hazards and Geologic Stability**

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

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

The applicant has submitted a geologic report entitled, "Preliminary Engineering Geology and Soils Engineering Investigation for Proposed Single Family Residence," prepared by Donald B. Kowalewsky, dated January 30, 1996, which states:

***Provided our recommendations are incorporated in design and implemented, the building site will be safe from landslide, settlement, or slippage. In addition, proposed grading and construction will not adversely affect offsite properties.***

In addition, the report entitled, "Addendum Letter to Preliminary Engineering Geology and Soils Engineering Investigation for Proposed Single Family Residence," prepared by Donald B. Kowalewsky, dated May 22, 1997, states:

***Our opinion remains that development of this property in conformance with our recommendations will result in a safe structure, free of hazards related to landslide, settlement and slippage. In addition, proposed development will not adversely affect offsite properties. No active faults were found within the foot print of proposed habitable structures.***

Finally, the report entitled, "Update letter to engineering geologic and geotechnical engineering report," prepared by Donald B. Kowalewsky, dated June 19, 2000, states:

***Provided recommendations presented in this letter and the above referenced reports are shown on building and grading plans and properly implemented, the building site will be safe from geologic hazards (landslide, adverse settlement, slippage, and earthquake fault rupture). In addition, proposed site development will not adversely affect offsite properties.***

The proposed development is located in the Malibu/Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Furthermore, in his report entitled "Preliminary Engineering Geology and Soils Engineering Investigation for Proposed

Single Family Residence," dated January 30, 1996, Donald B. Kowalewsky states:

*No continuous faults, shears, or joints were observed in the exploration excavations. Therefore, we do not feel deep seated planar landslides will occur. However . . . large deep rotational and shallow planar landslides have been mapped on the west-facing descending slope. The extensive fracturing and shearing of the mudstone bedrock apparently weakened the rocks such that deep seated rotational failures occurred. The ancient landslide west of the building site has no history of recent movement. However, several recent landslides were identified by RSA Associates, Inc. in their soils engineering and engineering geologic investigation of 6138 Ramirez Canyon Drive. The closest recent landslide identified by RSA is approximately 200 feet southwest of the site. A large active rotational landslide exists along the northern property line . . . That landslide is sufficiently distant from the proposed building site that continued movement will not adversely affect proposed construction and proposed construction will no adversely affect stability.*

Furthermore, in his report entitled "Response top Malibu City Engineering Geologic Review Sheet," dated August 23, 1997, Donald B. Kowalewsky states:

*Previous mapped limits of an ancient landslide have been modified based on conditions observed in the most recent excavations. . . . The landslide is further downslope from then proposed house than previously interpreted. As a consequence, no additional mitigation measures are needed to assure long term safety of the house.*

*. . . [T]wo additional borings were excavated, one 40 feet west of the most westerly house corner and one near the toe of the slope (approximately 160 feet west of the house). Data from those borings indicates that site conditions are more favorable than previously interpreted. The landslide limit is approximately 100 feet further west than previously interpreted and 45 feet lower on the slope (Plate 1). Because underlying geologic conditions are more favorable than previously interpreted, no additional stability analyses are considered necessary.*

In addition, in his report entitled "Preliminary Engineering Geology and Soils Engineering Investigation for Proposed Single Family Residence," dated January 30, 1996, Donald B. Kowalewsky states the following regarding faulting and seismicity on the subject site:

*All mapped faults are off site of the property and no evidence of active faulting was observed within the trenches or borings. There is no evidence of recent Quaternary fault activity within the proposed building site. Various branches of the Malibu Coast fault system have been mapped in the area. These branches are considered potentially active to active. Dibblee mapped the Malibu Coast Fault through the northern corner of this property . . . The U. S. Geological Survey mapped a branch of the Malibu Coast Fault system in the general location mapped by Dibblee but considered the main branch to be approximately 1700 feet north of the building site.*

In sum, the applicant has submitted numerous geotechnical engineering reports prepared by Donald B. Kowalewsky, including those dated November 20, 2000; June 19, 2000; November 6, 1997; August 23, 1997; May 22, 1997; and January 30, 1996, which incorporate numerous specific recommendations regarding construction, foundations, grading, sewage disposal, irrigation, and drainage for the subject site.

With regard to the foundation system for the proposed structures, the report prepared by Donald B. Kowalewsky, dated August 23, 1997 states:

*Foundations will extend into firm sandstone bedrock and be behind the previously required slope setback of 40 feet. Design recommendations for friction piles (if needed to comply with that setback) were previously provided are still considered valid. Soldier piles are not considered necessary.*

His report dated November 20, 2000 also states:

*Our January 30, 1996 report provided recommendations for supporting structures on conventional and deepened foundations. Although a compacted fill buttress was provided as an option, no buttress is planned. Therefore, our opinion for extending the house foundations through the mudstone and shales and supporting the house on sandstone is being utilized in development of foundation plans. Use of a combination of conventional footings and friction piles will provide safe support for the proposed habitable structures.*

In addition, Donald B. Kowalewsky's report dated May 30, 2000, makes recommendations regarding the proposed irrigation and septic system for the subject site:

*A part of the project, from the early planning stage has been to provide vegetative cover in the form of both ornamental landscaping and an orchard. Currently a reduced plan for landscaping is proposed. Irrigation is to be provided through carefully controlled drip irrigation. As discussed in the Sewage disposal section of the January 30, 1996 report, use of an evapotranspiration septic system will allow for irrigation utilizing treated sewage effluent. That type of system uses dosing of effluent in a similar manner to normal drip irrigation. Therefore, this office believes that drip irrigation of the more limited, scaled back, landscaping, will be beneficial and will not adversely affect stability of slopes on or outside of the subject site.*

Furthermore, the report dated August 23, 1997, prepared by Donald B. Kowalesky addresses the construction of the rainwater ponds and berms on the site. That report states, in part:

*An impermeable geomembrane . . . should be installed on the bottom of the smoothed pond surface. All geomembrane joints should be sealed by a method approved by the manufacturer to assure that the membrane is water tight. . . .*

*An appropriate spill way should be designed to flow into an approved drainage system that discharges to DeButts Terrace roadway. . . .*

*The perimeter of the pond located above the water surface should be a raised berm of compacted fill with a non-erosive surface such as gunnite, cobbles and boulders, or other similar surface designed to protect the berm from erosion.*

The report dated January 30, 1996, prepared by Donald B. Kowalewsky, also states:

*A drought resistant landscaping should be considered rather than a high-water use vegetation.*

In addition, the applicant has redesigned the proposed development from what was previously proposed. Originally, the applicant proposed to develop approximately nine acres of the subject site into an agricultural use, creating an orchard and nursery. Portions of this nursery and orchard would have been located on fairly steep slopes and would have required irrigation and clearing of areas of native vegetation, including coastal sage scrub. The applicant, in a letter dated March 30, 2001, withdrew this portion of the application and agreed to accept limiting non-native ornamental vegetation to within 50 feet of the structures. In addition, the applicant had previously stated that a tennis court, horse stable, horse corrals, stone garden walls, fire walls, and tractor trails would potentially be proposed as part of this application. The applicant is no longer requesting the tennis court, stable, corrals, stone garden walls, fire walls, or tractor trails, as is reflected in his letter to Commission staff dated March 30, 2001. The revised project description deleting the agricultural use of the site and the other additional development will aid in maintaining areas of natural vegetation, eliminate potential sources of erosion, and decrease the amount of irrigation required on the site that could reach the identified landslide areas.

Therefore, the Commission finds that based on the recommendations of the applicant's engineering geologic consultant, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the engineering geologic consultant's recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicant to submit final project plans that have been certified in writing by the engineering geologic consultant as conforming to all recommendations of the consultant, in accordance with **Special Condition One (1)**.

However, because there remains some inherent risk in building on sites in the immediate vicinity of landslides and earthquake faults, such as the subject site, and 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 required by **Special Condition Four (4)**. 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. An assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu and Santa Monica Mountains region in areas where potentially hazardous geologic conditions exist or where previous geologic activity has occurred, either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development throughout the Malibu and Santa Monica Mountains region.

In addition, **Special Condition Two (2)** requires the implementation of landscaping and erosion control measures designed to reduce or eliminate potential erosion that might otherwise occur pursuant to the proposed development. As such, landscaping of the

disturbed and graded areas on the subject property, as required by **Special Condition Two (2)**, will serve to enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will also minimize erosion and enhance site stability. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to revegetate all disturbed and graded areas of the site with native plants, compatible with the surrounding environment.

The landscape plan required pursuant to **Special Condition Two (2)** requires the use of primarily native plant species. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and, therefore, aid in preventing erosion.

In addition, the use of 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. Therefore, the Commission finds that in order to ensure site stability, the disturbed and graded areas of the site shall be landscaped primarily with appropriate native plant species, as specified in **Special Condition Two (2)**.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Three (3)**. Through the elimination of premature natural vegetation clearance, erosion is reduced on the site and disturbance of the soils is decreased. Therefore, **Special Condition Three (3)** specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced.

The Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geotechnical engineer, landscape and erosion control plans, and assumption of risk deed restriction will the proposed project be consistent with Section 30253 of the Coastal Act.

### **C. Visual Impacts**

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

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 subordinate to the character of its setting.***

In addition, in past actions, the Commission has provided for protection of visual resources when reviewing development proposals in Malibu and the Santa Monica Mountains. For example, the Commission has found that new development shall be sited and designed to protect public views from scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands. In addition, the Commission has found in past actions that structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment. Furthermore, in highly scenic areas and along scenic highways, the Commission has found that new development shall be sited and designed to protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural land forms, conceal graded slopes, be visually compatible with and subordinate to the character of the setting, and not intrude into the skyline as seen from public viewing areas. In past actions, the Commission has also found that structures shall be sited to conform to the natural topography of the site, as is feasible.

As stated previously, the applicant is proposing to construct a new 7,035 square foot, 26 foot high single family residence. The applicant is also proposing to construct a 1,248 square foot detached garage with a second story 1,248 square foot potting shed/greenhouse, 748 square foot guest house, two rain water ponds, alternative septic system, and miscellaneous fencing. The proposed development will require 990 cubic yards of grading (495 cubic yards cut and 495 cubic yards fill). Furthermore, the applicant is also offering to dedicate a public trail easement and two acres as an open space easement, as part of the proposed development. The primary public views in the vicinity of the site are the Ramirez Canyon Connector Trail (along the eastern side of De Butts Terrace Drive), the Coastal Slope Trail (along Winding Way), the Escondido Falls Trail (to the east) and the existing trail across the subject site that the applicant is offering to dedicate as a public trail easement.

As stated previously, the Commission, in hearing and voting on past permit applications, has consistently required that new development minimize and mitigate impacts to visual resources as seen from public trails. The Commission has required

the resiting of development, height, color, and future development restrictions, as well as landscaping to minimize or eliminate views of development from trails. In the case of the proposed development, the subject site will not be visible from the Escondido Falls Trail due to intervening topography and the depth of the trail within the canyon. The proposed development will be minimally visible from the Coastal Slope Trail, running along Winding Way, as the site is nearly one-third of a mile north of Winding Way. The Ramirez Canyon Connector Trail, however, runs along the eastern side of De Butts Terrace Drive, and the development will be highly visible from this trail. Likewise, as the applicant is offering to dedicate a public trail easement across the subject site, the development will also be highly visible from this trail easement.

The project site is located within a partially developed residential area consisting of similarly sized single family residences constructed on similarly sized lots. There are existing large, single family residences to the south and north of the site. As redesigned to eliminate the agricultural use and other additional development previously considered, the proposed project will be consistent with the character of the surrounding area. Furthermore, the design of the residence incorporates measures to minimize negative visual impacts on public views. The proposed structures will be clustered together on the eastern side of the parcel, the structures will be notched into the sloping ridgeline, landform alteration will be minimized, and berms will also be constructed to minimize the visual size of the structures.

However, due to the visible nature of the project as seen from the Ramirez Connector Trail, Coastal Slope Trail, and public trail easement offered by the applicant, the Commission finds it necessary to require mitigation measures to minimize visual impacts as seen from these scenic public resources.

Requiring the residence to be adequately landscaped can aid in mitigating visual impacts. In addition, graded and disturbed slopes can also have negative visual impacts and contribute to erosion. While the proposed project will not be visible from the Escondido Falls Trail, it will be highly visible from the Ramirez Connector Trail and public trail easement offered by the applicant, and may be slightly visible from the Coastal Slope Trail.

In order to ensure that potential visual impacts from the graded and disturbed areas of the project site are minimized, the Commission finds it necessary to require the applicant to prepare and implement a landscaping plan, comprised primarily of native vegetation, which provides for the revegetation of all graded and disturbed areas. The applicant must also monitor the landscaping and report to the Commission on the success of the revegetation in order to ensure that the landscaping is successful. The landscaping should consist of primarily native, drought resistant plants and be designed to minimize and control erosion, as well as partially screen and soften the visual impact of the structures and grading, as seen from the Ramirez Canyon Connector Trail, the Coastal Slope Trail, and the public trail easement offered by the applicant with vertical elements, such as trees and shrubs. In addition, fuel modification requirements can affect natural vegetation for up to 200 feet from the footprint of defensible structures.

As a result, the fuel modification plan should be designed to reduce negative visual impacts from the Ramirez Canyon Connector Trail, the Coastal Slope Trail, and the public trail easement offered by the applicant over the subject property resulting from vegetation clearance.

Therefore, the Commission finds that it is necessary to require the applicant to submit a landscape plan and to monitor the success of that plan, as specified in **Special Condition Two (2)**. Further, the Commission also finds it necessary to require the applicant to submit a fuel modification plan approved by the County of Los Angeles, as also specified in **Special Condition Two (2)**.

To further minimize negative impacts to visual resources, the Commission finds it necessary to require that the proposed residence and accessory structures be subject to the specific design restrictions set forth in **Special Condition Six (6)**. The purpose of these restrictions is to reduce the impacts of the proposed project on views from the Ramirez Canyon Connector Trail, the Coastal Slope Trail, and the public trail easement offered by the applicant over the subject property. These restrictions limit the color of the proposed residence, garage/potting shed/greenhouse, guesthouse, associated roofs, and fencing to colors compatible with the surrounding environment, and require the use of non-glare glass for all windows. If fully implemented, this condition will reduce the negative impacts from the proposed development on the visual resources of the Ramirez Canyon Connector Trail, the Coastal Slope Trail, and the public trail easement offered by the applicant.

In addition, **Special Condition Two (2)** requires the applicant to use fencing that is wildlife permeable, with the exception of the fencing around the immediate development footprint, and visually compatible with the surrounding rural environment. The applicant is proposing to install 1,150 linear feet of five foot high non-wildlife permeable wrought iron security fencing around the immediate development footprint within 50 feet of all structures to provide for security and maintenance of the ornamental landscape vegetation within this area. However, the applicant is also proposing approximately 1,400 linear feet of wildlife permeable chain link fencing along the length of the proposed public trail easement to delineate the trail easement from the remainder of the property and provide for basic security. In addition, the applicant is also proposing to replace approximately 1,062 linear feet of existing three stringed barbed wire fencing with smooth three string fencing, split rail fencing, or five foot high chain link fencing. The applicant has proposed to make the chain link fencing wildlife permeable by providing eight foot openings at 100 foot intervals and all corners and eight inch openings between the ground and bottom of the fence.

Although the applicant has proposed to screen the chain link fencing with native vegetation for visual enhancement, the Commission finds that smooth, three string fencing or split rail fencing (of a color compatible with the surrounding environment) will have a less of an adverse visual impact than the proposed chain link fencing. As a result, **Special Condition Two (2)** requires all fencing to be of a design more

compatible with the surrounding environment, such as smooth, three string or split rail fencing.

Finally, future development or improvements to the property have the potential to create significant adverse visual impacts as seen from the Ramirez Canyon Connector Trail, Coastal Slope Trail, and public trail easement offered by the applicant. It is necessary to ensure that future development or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. As a result, **Special Condition Seven (7)**, the future improvements deed restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act and to ensure that any proposal is designed to minimize impacts to visual resources and/or that appropriate mitigation measures are included in the project.

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

#### **D. Public Access 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 has several policies that address the issues of 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 and 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 Crag 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 Mountains.

The trail easement that the applicant is proposing to offer for public hiking and equestrian access across the subject project represents an important connection between trails, including the Ramirez Canyon Trail and Coastal Slope Trail. Commission staff has also viewed the existing trail across the subject site and witnessed equestrians utilizing this trail. Photographs have also been submitted that clearly illustrate this existing trail on the applicant's site (Exhibit 23). In addition, pending consideration of this application, the Santa Monica Mountains Trails Council (SMMTC) has indicated that there is an existing trail on the subject site that has historically been used by the public. A letter submitted by the SMMTC to Commission staff (Exhibit 20), dated March 31, 2001, states:

*The Santa Monica Mountains Trails Council has worked with the applicant, Dr. Jeff Harris, in laying out and slightly rerouting an approximately 1,500 ft. length of trail that runs across his property and that has been in use for many years. We appreciate his offer, as part of his application, to dedicate the 1,500 ft. trail easement and a two-acre open space easement adjacent to the trail easement along the western property boundary. . . .*

*This trail easement starts at 6205 DeButts Terrace, just north of the entrance driveway, as a 5-foot-wide easement within the Harris property; it then widens to 15 feet to the north of the proposed garage. Then it continues along and within the eastern, northern and western property boundaries as a 15-foot-wide easement, finally terminating at the northwest boundary of the Ramirez Canyon lots 1 and 8 owned by Ms. Cate. She is a longtime equestrian; and she has indicated to the Trails Council the following information and intention. She will provide trail easements across her northeastern property boundary in order to assist in connecting the Harris Trail Easement to the Coastal Slope Riding and Hiking Trail Easement. This latter easement had been offered and recorded years ago within a small subdivision bounding upper Paradise Canyon Road, a few lots north of her property.*

The letter concludes:

*The Harris trail easement will make it possible to finalize the connector trail linkages between the Ramirez Canyon Trail (22), the Paradise Cove Trail (23), the Escondido Falls Trail (18), and, subsequently, the Coastal Slope Trail (21). The numbers listed for the trails are as indicated on the Malibu/Santa Monica Mountains Area Plan Trail System.*

*As always, we request that the public trail shall not be gated at DeButts Terrace and that signage shall be provided identifying it as a public trail.*

Due to the significance of this connector trail, the applicant has proposed to offer a public hiking and equestrian trail easement across the subject site, as outlined previously and in the letter referenced above from the SMMTC to Commission staff. The applicant is not proposing any gate at the entrance to the trail. In past Commission actions, the Commission has found that gates deter the public from using trails that exist across those sites. The Commission has denied similar proposals in the past on the basis that a security gate would deter or inhibit public access. In the appeal A-4-VNT-98-225 (Breakers Way Property Owners Association), the Commission denied a permit for a security gate, which also provided for a pedestrian gate, at the entrance to the Mussel Shoals Community in Ventura County, due to a determination that public

access would be discouraged. In that appeal, although the applicant had indicated that the pedestrian gate would be kept open, the Commission was concerned that the pedestrian gate could be locked at some time in the future and that the access could be easily closed off. Similarly, in appeal A-3-SCO-95-001 (Santa Cruz County Service Area #2), the Commission denied a permit for a gate on a bluff top stairway to restrict access during evening hours to a public beach on the basis that there were less restrictive alternatives that could be implemented to address the neighborhood security concerns.

Commission experience indicates that gates can easily be locked or closed off. Likewise, this gate could easily be locked in the future due to security concerns or a desire at some future dated to keep the public from passing over the subject site. In fact, 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 addition, research indicates that a major deterrent to public use of recreational trails and similar public recreation areas and facilities is a perception by the public that an area is private property. Gates create physical barriers to access and privatize community space, not merely individual space. Gates can serve to delineate a boundary between public and private property and foster a sense of privatization, deterring entry by members of the public who wish to access a trail. As a result, a gate could decrease the public's perception that they may pass along a portion of a trail and that segment could experience diminished use. Although no gate is proposed by the applicant, installation of a gate in the future would require a coastal development permit or amendment to this coastal development permit, as specified by **Special Condition Seven (7)**, the future development deed restriction.

Furthermore, in past permit actions for properties that were also identified in the certified Malibu/Santa Monica Mountains LUP as being located within the planned route for the Coastal Slope Trail, Backbone Trail, or important connector trails, such as the trail crossing the subject site, the Commission has required that adverse effects to public access resulting from new development be mitigated. Such past Commission actions include coastal development permit numbers 5-87-590 (Vinton), 5-90-534 (Quiros), 5-86-472 (Zilberg), and 4-98-212 (Enkeboll).

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 an approximately 1500 linear foot, approximately 15 foot wide public hiking and equestrian trail easement

across the subject site that will allow for the continued use of this existing, historical connector trail. Therefore, **Special Condition Eight (8)** has been included in order to implement the applicant's offer to dedicate this public hiking and equestrian trail easement prior to the issuance of the coastal development permit.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30212.5, 30213, 30223, 30251 and 30252 of the Coastal Act.

## **E. Sensitive Resources**

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, and minimizing alteration of natural streams.*

Section 30240 of the Coastal Acts 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.

The subject site extends to the west of De Butts Terrace Drive and crosses an eastern tributary to Ramirez Canyon, along which a stream also passes on the site. In addition, although portions of the subject property have been cleared and disked, the site maintains both disturbed and undisturbed areas of native coastal sage scrub. Present vegetation on approximately 75 to 80 percent of the site consists of wild mustard fields, with occasional laurel sumac, individual specimens of chaparral, and areas of coastal sage scrub. While no ESHA has been identified upon the subject site, the proposed development will be located upslope from the Escondido Canyon and Escondido Canyon Creek ESHA (Exhibit 19). Escondido Canyon Creek is a perennial blueline stream designated by the U.S. Geological Survey and the riparian corridor is an inland ESHA, as shown on the sensitive environmental resource map of the certified Malibu/Santa Monica Mountains LUP. Further, the Ramirez Canyon and Ramirez Creek area, to the east of the site, has have been designated as a locally disturbed resource area and Ramirez Creek is also a blueline stream.

The applicant is proposing the construction of a new 7,035 square foot, 26 foot high single family residence. The applicant is also proposing to construct a 1,248 square foot detached garage with a second story 1,248 square foot potting shed/greenhouse, 748 square foot guest house, two rain water ponds, alternative septic system, and miscellaneous fencing. The proposed development will require 990 cubic yards of grading (495 cubic yards cut and 495 cubic yards fill). Furthermore, the applicant is also offering to dedicate a public trail easement. Lastly, the applicant is offering to dedicate approximately two acres of the subject site as an open space easement. The area offered as open space includes the western portion of the site, consisting largely of undisturbed coastal sage scrub habitat, a sensitive native plant community. This sensitive area offered as open space by the applicant consists of steep slopes and a tributary to Ramirez Creek. As a result, the applicant's offer to dedicate this significant area of the subject site as open space and siting of development away from sensitive areas will aid in preserving these resources.

In addition, as required by the Coastal Act and as the Commission has required in past permit actions, the proposed project will be adequately set back from the ESHA riparian corridor of Escondido Canyon Creek and will likewise be set back from Ramirez Canyon Creek. Furthermore, the development site will be located just west of De Butts Terrace Drive, adjacent to the existing road and on the existing disturbed area of the site that does not maintain native, undisturbed vegetation. This will aid in reducing the amount of grading, landform alteration, and removal of native vegetation. Lastly, the applicant's offer to dedicate two acres of the parcel consisting of undisturbed, sensitive coastal sage scrub plant community also is beneficial in preserving the watershed, vegetation, and habitat above Escondido Canyon and Escondido Creek and adjacent to Ramirez Canyon and Ramirez Creek.

Furthermore, the applicant has redesigned the proposed development in order to reduce potential impacts to on and off site resources. Originally, the applicant proposed to develop approximately nine acres of the subject site into agricultural use, with an orchard and nursery. Portions of this nursery and orchard would have been

located on fairly steep slopes and would have required irrigation and clearing of native vegetation. The applicant, in a letter dated March 30, 2001, withdrew his proposal for agricultural use of the site and agreed to accept limiting non-native ornamental vegetation to within 50 feet of the structures. However, the applicant also requested an extension to 100 feet for non-native, low fuel plants within the vicinity of the garage, an area largely devoid of any native vegetation. Although there is some flexibility in the planting of non-native, non-invasive vegetation within the fuel modification area, the landscape plan required pursuant to **Special Condition Two (2)** requires primarily native vegetation.

In addition, the applicant had previously stated that a tennis court, horse stable, horse corrals, stone garden walls, fire walls, and tractor trails would potentially be proposed as part of this application. Despite these initial proposals, however, as stated in his letter to Commission staff dated March 30, 2001, the applicant is no longer requesting the tennis court, stable, corrals, stone garden walls, fire walls, or tractor trails. The applicant's withdrawal of those proposals serves to minimize development on the site, thereby reducing potential environmental impacts to sensitive resources.

Furthermore, the direct impacts of the proposed project, such as vegetation removal and hardscaping of the formerly natural areas of an undeveloped site will be mitigated through the implementation of the applicable special conditions. **Special Condition Two (2)** requires a landscape plan comprised primarily of native plant species, in conjunction with an interim erosion control plan. The landscaping of the disturbed areas of the subject site, particularly steep slopes, with native plant species will assist in preventing erosion and the displacement of native plant species by non-native or invasive species.

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

**Special Condition Five (5)** requires a drainage and polluted runoff control plan, which will ensure that drainage will be conducted in a non-erosive manner. The Commission finds that a drainage system will serve to minimize the environmental and sensitive habitat degradation associated with erosion. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the subject site, as is also required by **Special Condition Five (5)**. Such a plan will allow for the infiltration and filtration of runoff from the developed areas of the site and will capture the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces

during the dry season, making the capture of the "first flush" flow a vital component of the drainage and polluted runoff control plan. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Furthermore, 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. Sensitive species, such as the Cooper's Hawk, a very localized and uncommon breeder in coastal Southern California, have been observed the general vicinity of the subject site and have been identified through biological surveys. As a result, **Special Condition Ten (10)** reduces the disruptive effects that night lighting can have on the wildlife occupying these habitat areas, by restricting outdoor night lighting to the minimum amount required for safety. In addition, in order to lessen impacts on the surrounding sensitive species, **Special Condition Two (2)** also requires fencing along the property boundaries of the site to be of a design that is permeable to wildlife. Additionally, **Special Condition Seven (7)** addresses future development by ensuring that all future development proposals for the site, which might otherwise be exempt from review, would require prior review so that potential impacts to this sensitive habitat area may adequately be considered. Lastly, **Special Condition Nine (9)** requires the applicant to record his offer to dedicate and, therefore, permanently preserve approximately two acres as open space on the subject site, thereby maintaining the biological integrity of this portion of the parcel comprised of undisturbed coastal sage scrub.

The potential adverse effects of fuel modification required on the applicant's project by the Los Angeles County Fire Department have also been reduced. Fuel modification requirements can affect natural vegetation for up to 200 feet from the footprint of defensible structures. The development will be located in an area of the site not comprised of undisturbed, native vegetation. Further, the applicant is siting development on the extreme eastern side of the subject property, adjacent to De Butts Terrace Drive and has clustered development, thereby decreasing the amount of fuel modification required. In addition, as there is an existing road to the east and development to the north and south of the proposed residence, there will be minimal off site brushing or fuel modification required.

In sum, the applicant has redesigned the proposed development to reduced impacts to environmental resources and has set back the proposed project from the sensitive coastal sage scrub plant community, steep slopes, and Ramirez Canyon Creek tributary, while still developing a single family residence and accessory structures on the subject parcel.

Therefore, the Commission finds that, through **Special Conditions Two (2), Three (3), Five (5), Seven (7), Nine (9), and Ten (10)**, and for the reasons set forth above, the proposed project is consistent with the requirements of Sections 30231 and 30240 of the Coastal Act.

## F. Water Quality

The Commission recognizes that new development in Malibu and 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 above, the proposed project includes the construction of a new 7,035 square foot, 26 foot high single family residence. The applicant is also proposing to construct a 1,248 square foot detached garage with a second story 1,248 square foot potting shed/greenhouse, 748 square foot guest house, two rain water ponds, alternative septic system, and miscellaneous fencing. The proposed development will require 990 cubic yards of grading (495 cubic yards cut and 495 cubic yards fill). Furthermore, as part of the proposed development, the applicant is also offering to dedicate a public trail easement and approximately two acres as an open space easement.

As stated previously, the applicant has redesigned the proposed development in order to reduce potential impacts to on and off site resources. Originally, the applicant proposed to develop approximately nine acres of the subject site into agricultural use, creating an orchard and nursery. Portions of this nursery and orchard would have been located on fairly steep slopes and would have required irrigation and clearing of native vegetation. The applicant, in a letter dated March 30, 2001, withdrew this portion of the proposed project and agreed to accept limiting non-native ornamental vegetation to within 50 feet of the structures. In addition, the applicant had previously stated that a tennis court, horse stable, horse corrals, stone garden walls, fire walls, and tractor trails would potentially be proposed as part of this application. As stated in his letter to Commission staff dated March 30, 2001, however, the applicant is no longer requesting the tennis court, stable, corrals, stone garden walls, fire walls, or tractor trails. The revised project description deleting the agricultural use of the site and other additional development aids in maintaining natural vegetation and landforms and eliminates potential sources of pollutants and erosion. In addition, the applicant is proposing to

collect storm water runoff into rainwater ponds and utilize a sod and garden roof on the guest house to decrease rain runoff.

The conversion of the project site from its natural state, however, will still result in an increase in the amount of impervious surface and reduction in naturally vegetated areas. Further, use of the site for residential purposes will introduce 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, in his report dated January 30, 1996, Donald B. Kowalewsky states:

***All surface drainage should be carefully controlled and regularly maintained to mitigate water infiltration into the ground and prevent ponding within the site. Drainage control is essential for a home adjacent to slopes and landslides. No water shall be allowed to pond within the site, flow adjacent to foundations, or flow uncontrolled down slopes. Roof runoff and yard drainage should be intercepted and conducted via non-erosive devices to the street.***

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space, therefore, leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Furthermore, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons such as 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 for the proposed development to be consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically

conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter, or treat) the runoff from the 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 Five (5)**, 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 Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the applicant proposes to install 2,000 gallon and 1,500 gallon septic tanks and alternative sewage disposal systems to service the new single family residence and guest house. Percolation tests have been performed on the subject site. In addition, in his report dated January 30, 1996, Donald B. Kowalewsky states:

*The City of Malibu Health Officials encourages home owners to use an evapotranspiration sewage disposal system for Malibu area residences. This system utilizes either aerobic septic tanks and/or a sand filter system, and discharges effluent via shallow drip system. There appears to be adequate area within the property for installation of such a system. . . . The advantage of such a system is that deep percolation of effluent should not occur and potential effect on landslides downslope of this site will be eliminated. In addition, this type of system would allow for irrigation of much of the on site vegetation without use of domestic water.*

Furthermore, the Environmental Health Department of the City of Malibu has also given in concept approval for the proposed sewage disposal systems. This conceptual approval by the City of Malibu indicates that the sewage disposal systems for the project in this application comply 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 an erosion control and drainage and polluted runoff plans, is consistent with Section 30231 of the Coastal Act.

## **G. Local Coastal Program**

Section 30604 of the Coastal Act states:

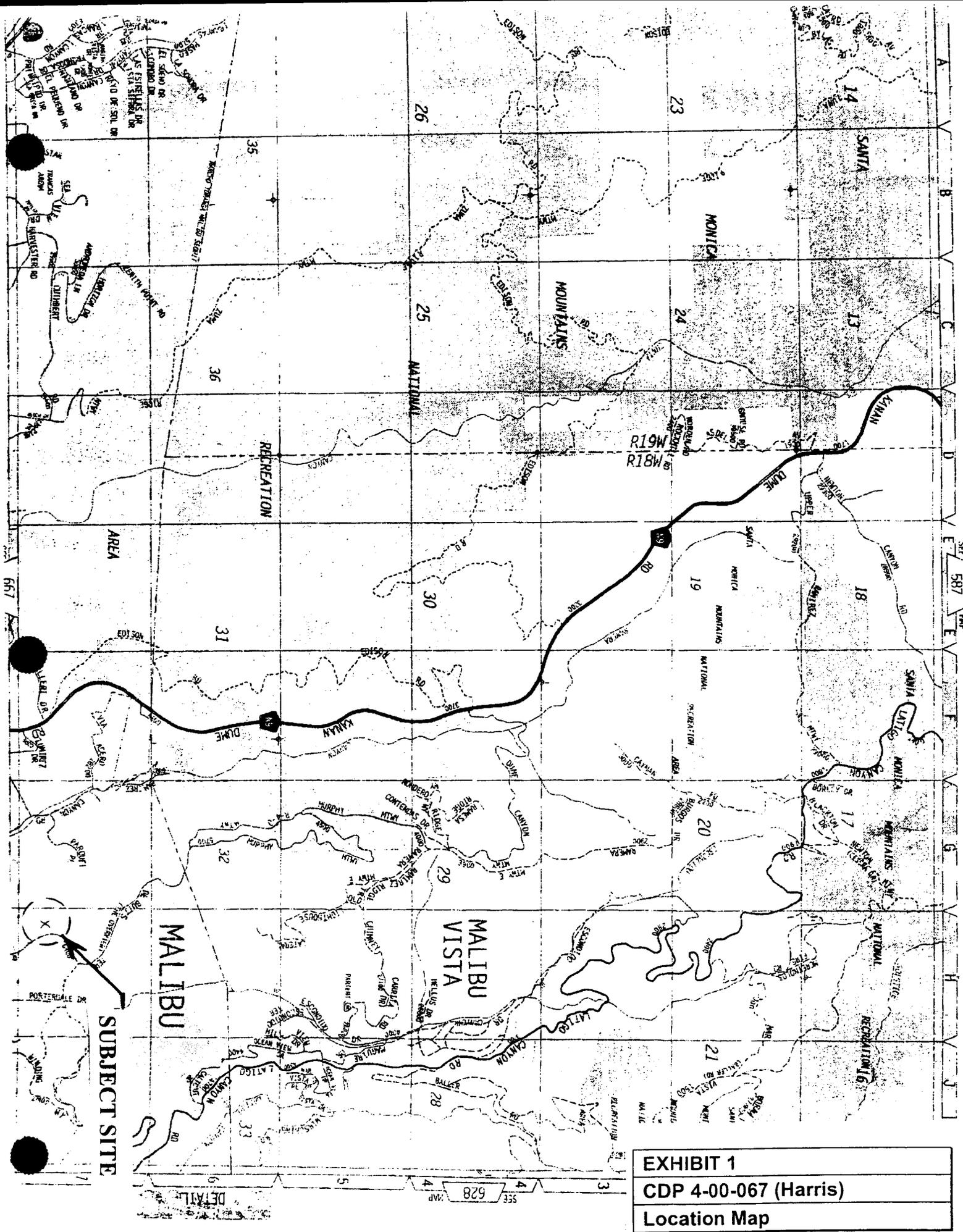
***a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal 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 City of Malibu's 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).

## **H. 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.

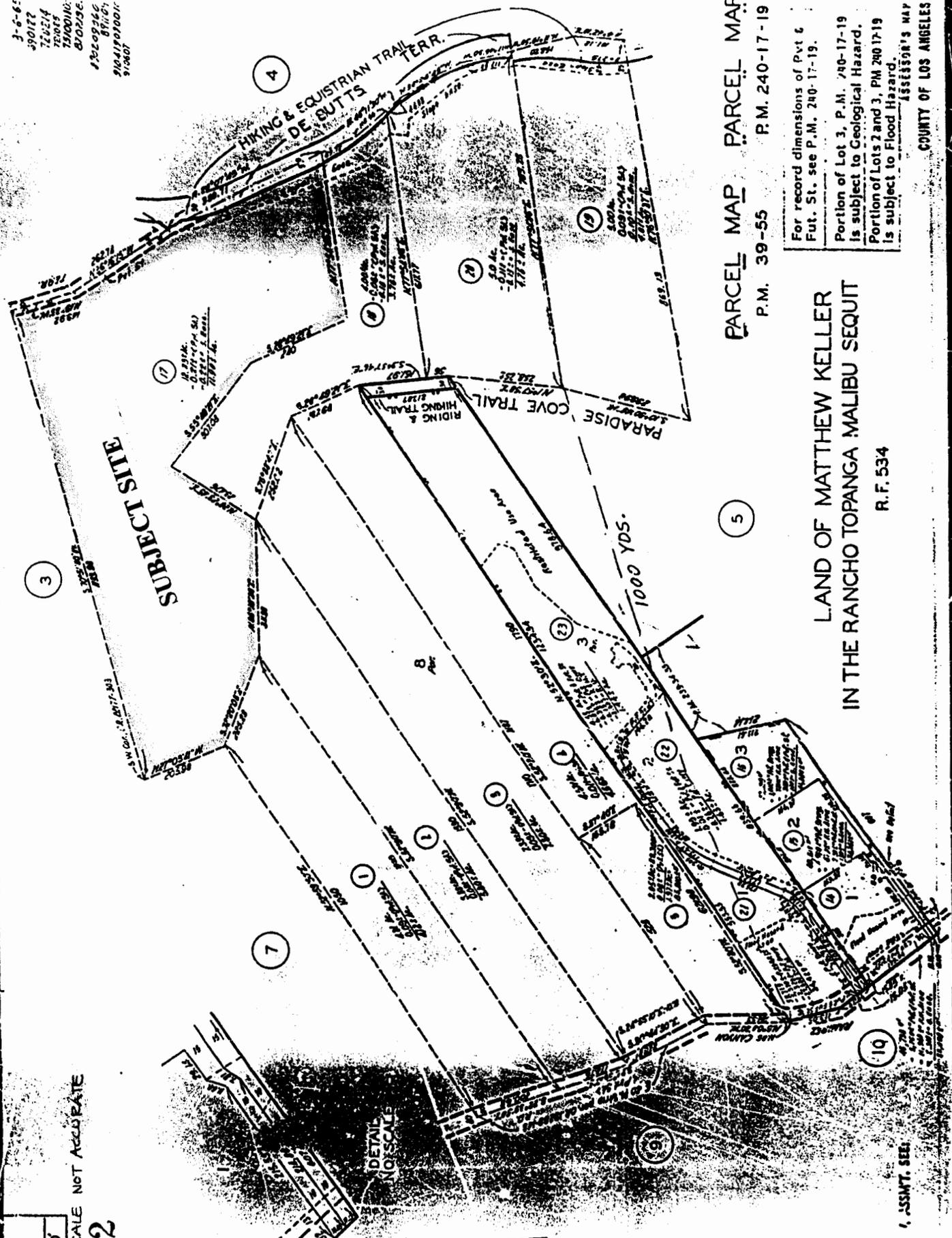


**EXHIBIT 1**  
**CDP 4-00-067 (Harris)**  
**Location Map**

3-6-66  
 490172  
 714274  
 750017  
 1500010  
 8702036  
 1260936  
 871167  
 9104191001  
 913607

4467 6  
 SCALE 1" = 200'

REDUCTION - SCALE NOT ACCURATE  
 1992



PARCEL MAP PARCEL MAP  
 P.M. 39-55 P.M. 240-17-19

For record dimensions of Pvt & Fut. St. see P.M. 240-17-19.  
 Portion of Lot 3, P.M. 240-17-19 is subject to Geological Hazard.  
 Portion of Lots 2 and 3, PM 240-17-19 is subject to Flood Hazard.

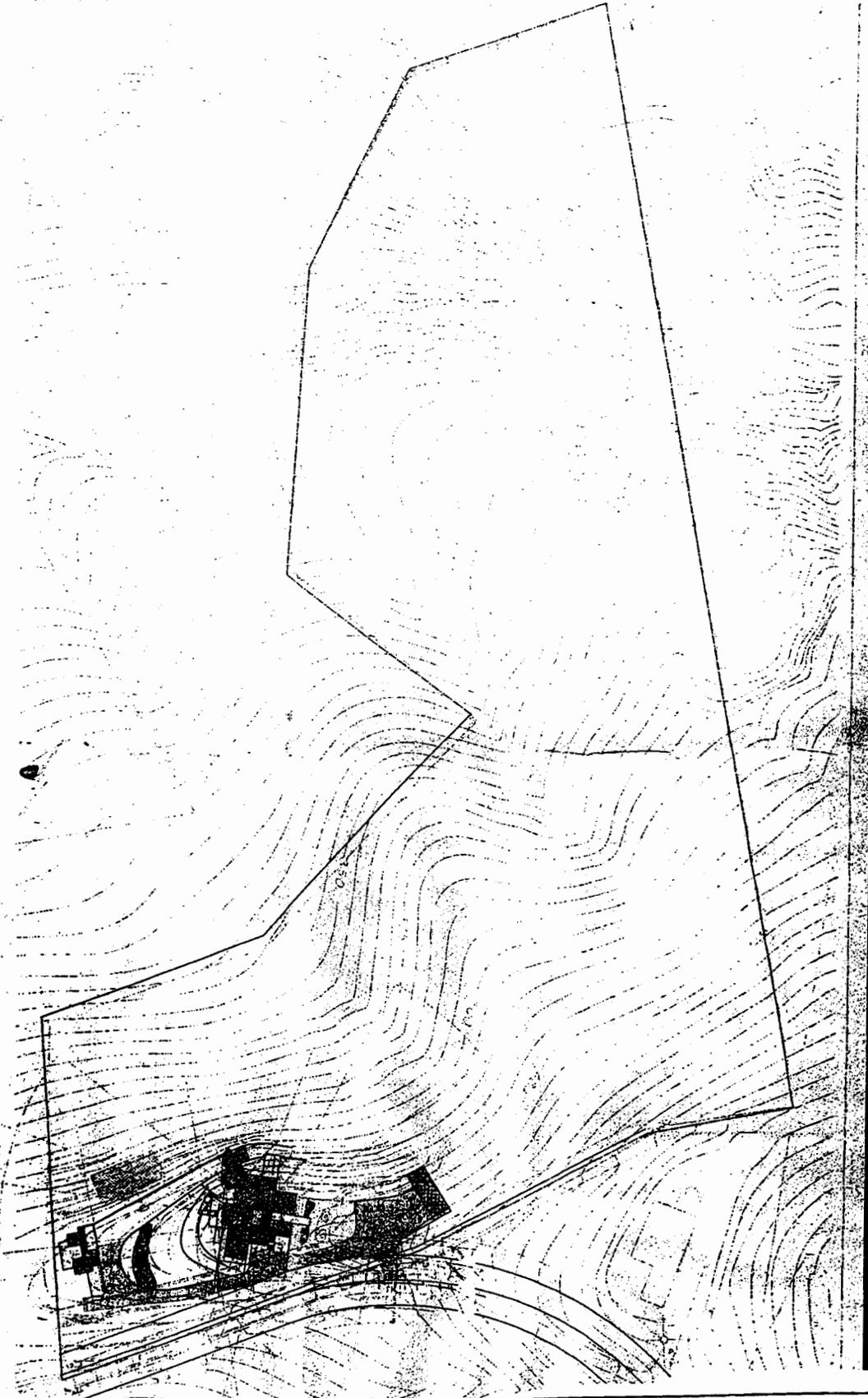
LAND OF MATTHEW KELLER  
 IN THE RANCHO TOPANGA MALIBU SEQUIT

R.F. 534

ASSASSIN'S MAP  
 COUNTY OF LOS ANGELES.

EXHIBIT 2  
 CDP 4-00-067 (Harris)  
 Assessor's Parcel Map

# HARRIS FAMILY RESIDENCE



**EXHIBIT 3**  
**CDP 4-00-067 (Harris)**  
**Overall Site Plan**

MM 99-018

Owner: Dr. and Mrs. John G. Harris, 10010  
 3100 Oak Center Way, Dallas, TX 75248  
 Address: 6201 Oakdale Avenue, Dallas, TX 75238  
 Legal Description: Part of the Property Being Acquired  
 by Harris, John G. and Mrs. John G. Harris, known as  
 the Harris Family Trust, created by deed recorded in  
 County of Tarrant, State of Texas.  
 Assessor's Parcel Number: 447-004-017  
 Address: V. Jay Young, 7777  
 7777 West Loop West, Dallas, TX 75248  
 (214) 343-0827 / (214) 343-1196 fax 343-7232

- Sheet Index
- 1 Cover and Building Site
  - 2 Site Plan
  - 3 Site Plan
  - 4 Ground Water Plan
  - 5 Lower Level Plan
  - 6 Road Plan
  - 7 Lower Level South Elevation
  - 8 East and West Elevations
  - 9 Section @ Living and Family
  - 10 Section @ Living Room and Lower Bedrooms
  - 11 Section @ Living Room and Lower Bedrooms
  - 12 Garage and Workroom Plans
  - 13 Preliminary Grading Plan

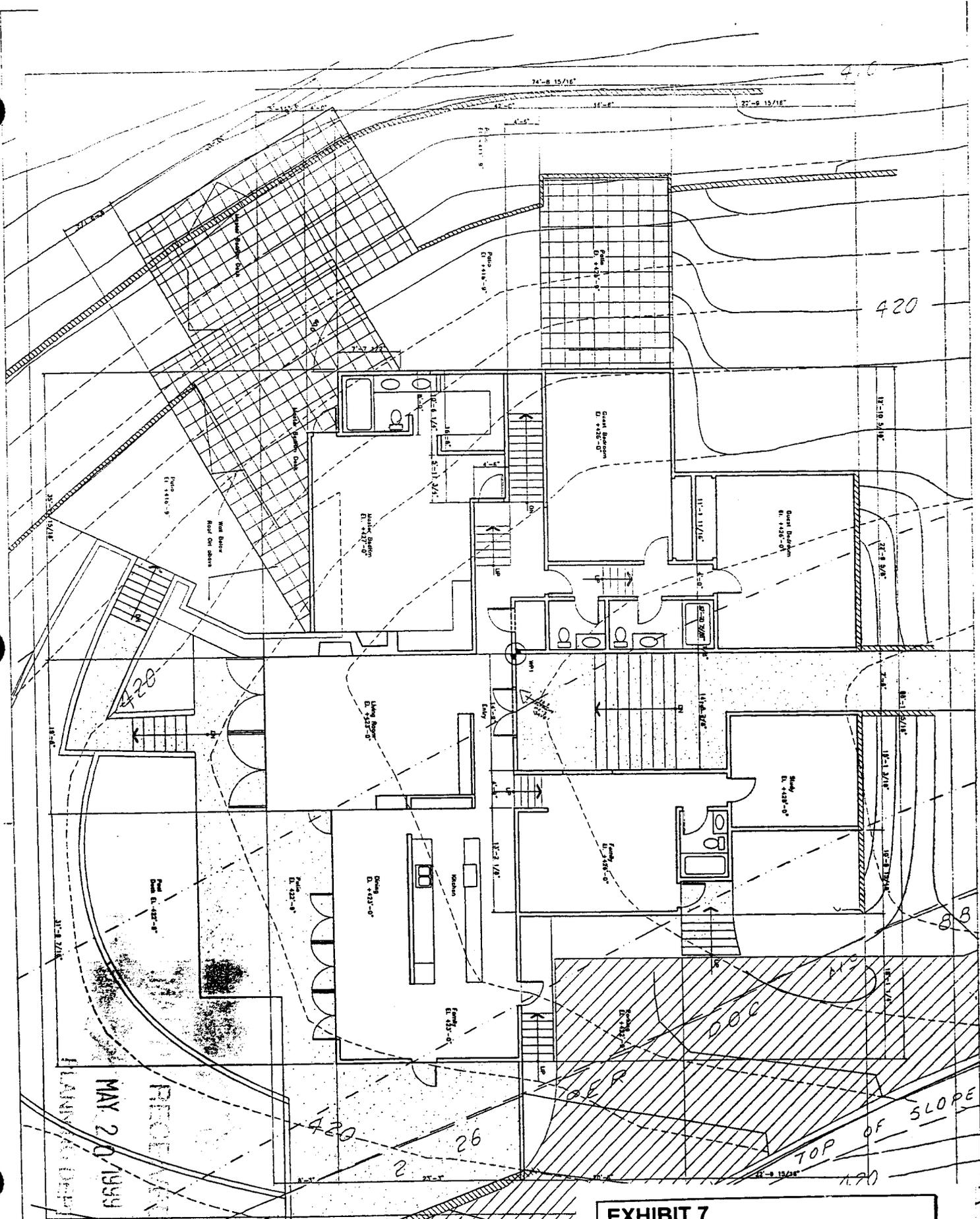
DATE: 10/11/88  
 TIME: 10:00 AM  
 DRAWN BY: J. G. Harris  
 CHECKED BY: J. G. Harris

RECEIVED	NOV 11 1988
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COVER SHEET	
1	





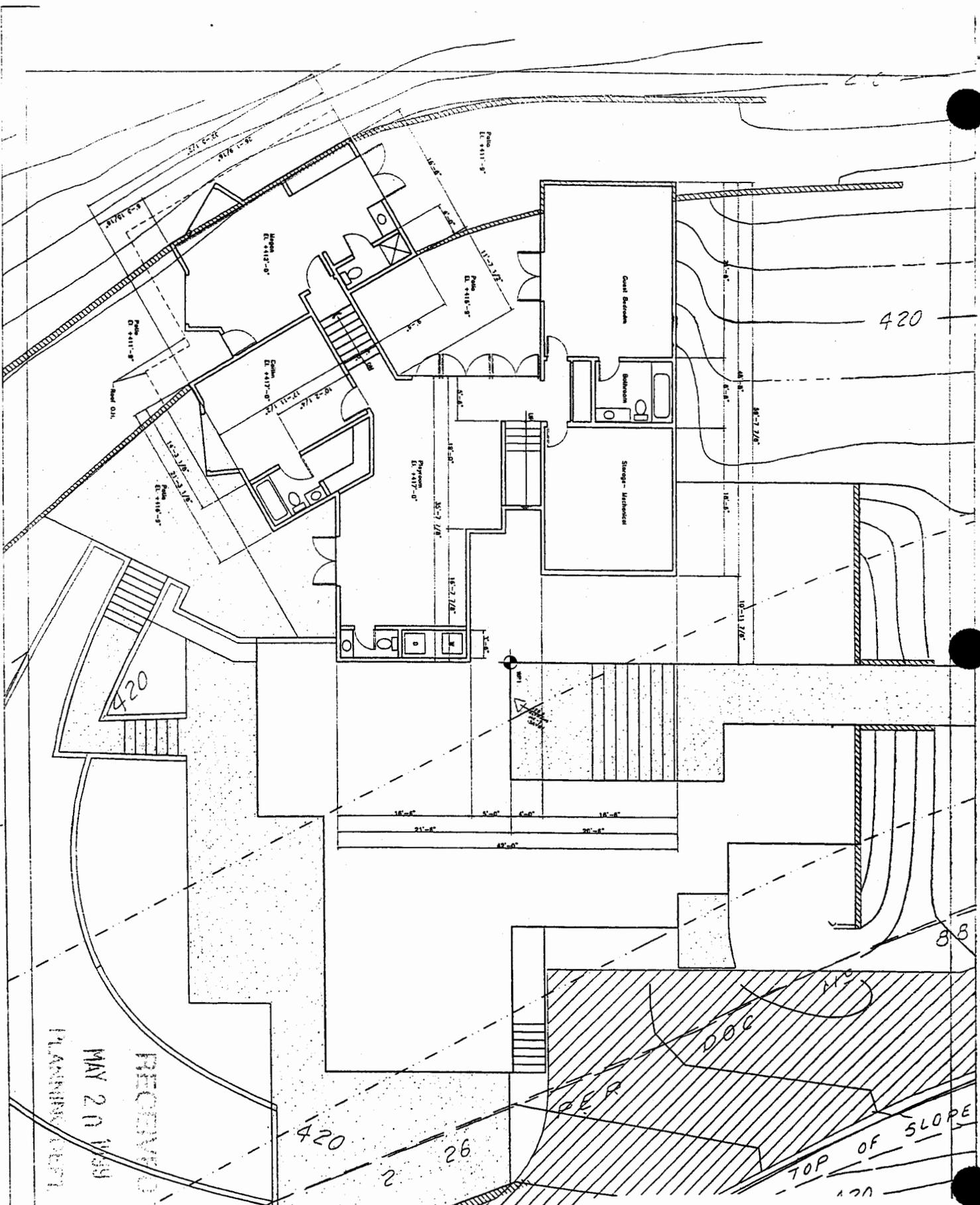




**EXHIBIT 7**  
**CDP 4-00-067 (Harris)**  
**Ground Floor Plan**

MAY 20 1959  
 ARCHITECT  
 ENGINEER  
 LANDSCAPE ARCHITECT  
 PLANNING  
 CONSULTANTS  
 INC.  
 1000 P STREET, N.W.  
 WASHINGTON, D.C. 20004  
 DRAWING NO. 4-00-067-1  
 SHEET NO. 1 OF 1  
 SCALE: 1/8" = 1'-0"



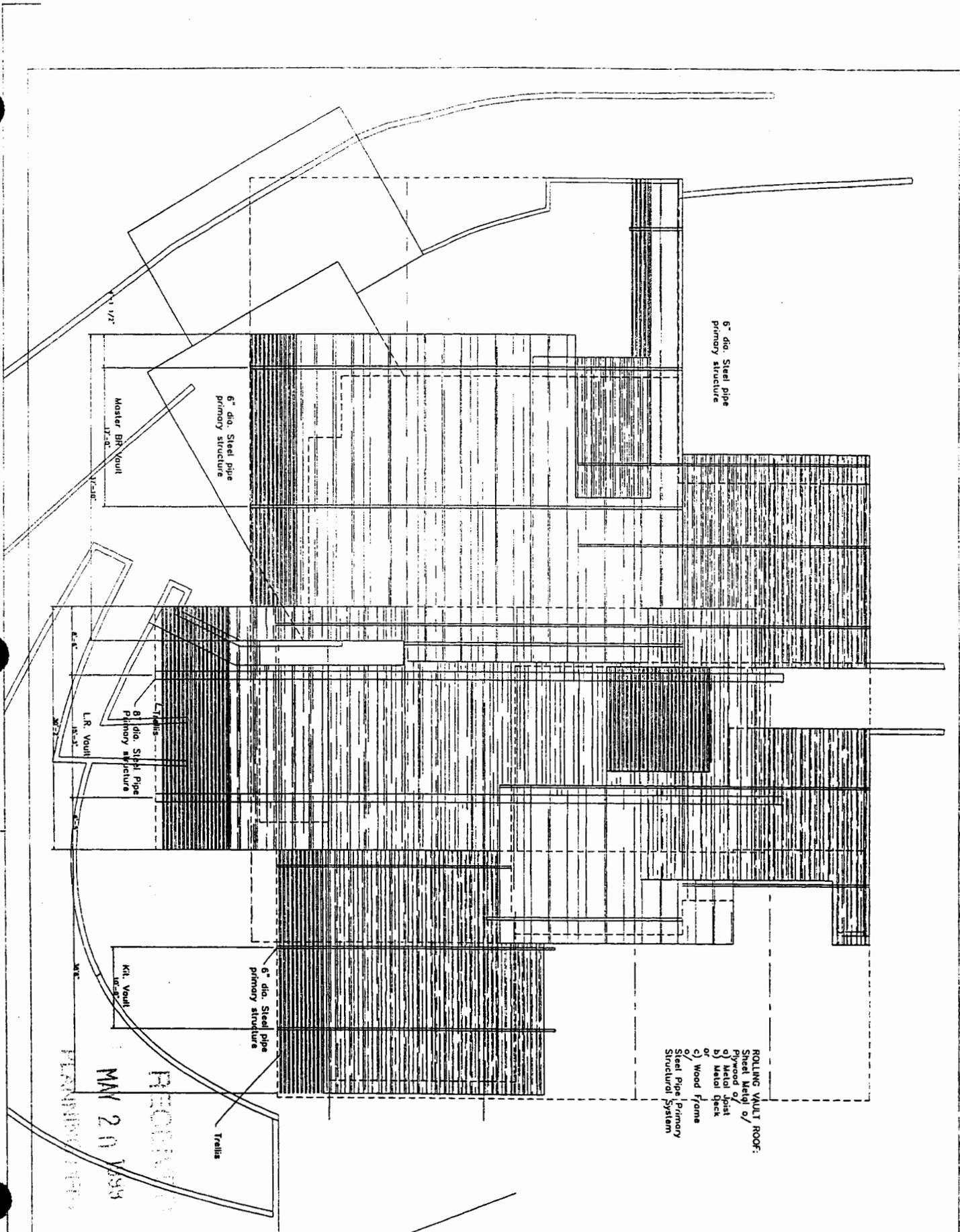


**EXHIBIT 8**  
**CDP 4-00-067 (Harris)**  
**Basement Plan**

RECEIVED  
MAY 20 1989  
PLANNING DEPT

DATE	12-1-88
DESIGNED BY	[Signature]
CHECKED BY	[Signature]
SCALE	1/8" = 1'-0"

5' N



ROLLING VAULT ROOF:  
 Sheet Metal o/  
 Plywood o/  
 a) Metal Joist  
 b) Metal Deck  
 c) Wood Frame  
 o/  
 Steel Pipe Primary  
 Structural System

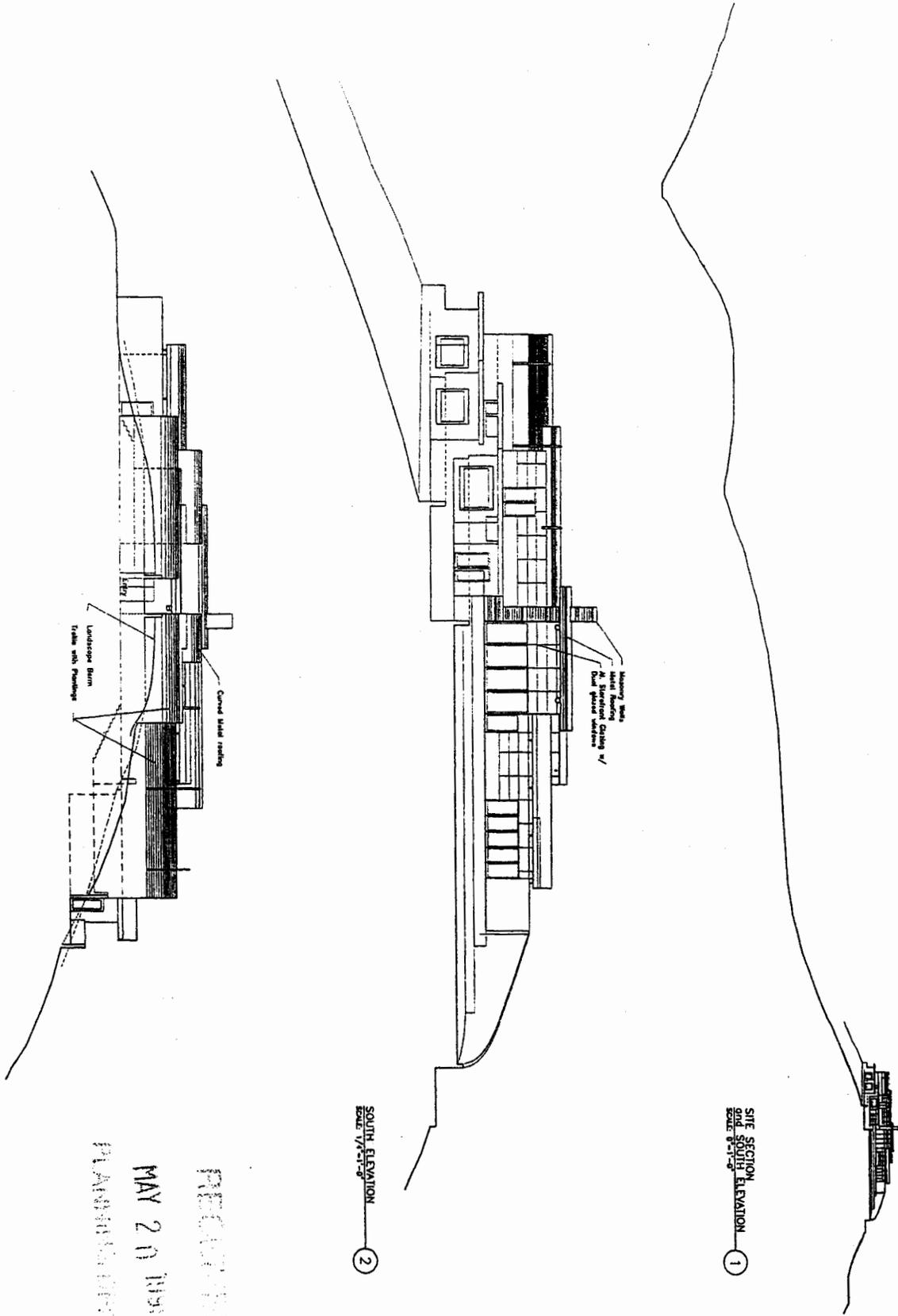
RECORDED  
 MM 20 1954  
 PLANNING DEPT.

**EXHIBIT 9**  
**CDP 4-00-067 (Harris)**  
**Roof Plan**

NO. 1	DATE	BY	REVISION
1	1/27/54	J. H. HARRIS	ISSUED FOR RECORD
2	1/27/54	J. H. HARRIS	ISSUED FOR RECORD
3	1/27/54	J. H. HARRIS	ISSUED FOR RECORD
4	1/27/54	J. H. HARRIS	ISSUED FOR RECORD
5	1/27/54	J. H. HARRIS	ISSUED FOR RECORD
6	1/27/54	J. H. HARRIS	ISSUED FOR RECORD

SCALE: 1/2" = 1'-0"

6



SITE SECTION  
and SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

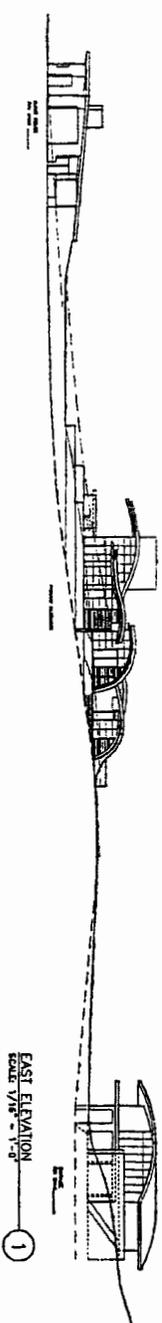
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NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

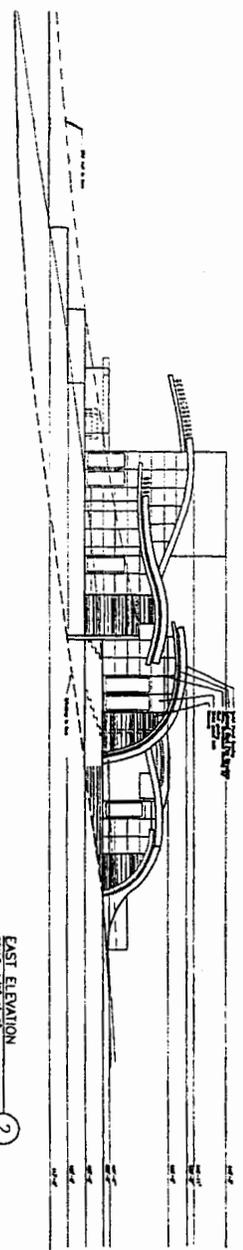
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PLANNING DEPT

**EXHIBIT 10**  
**CDP 4-00-067 (Harris)**  
**North and South Elevations**

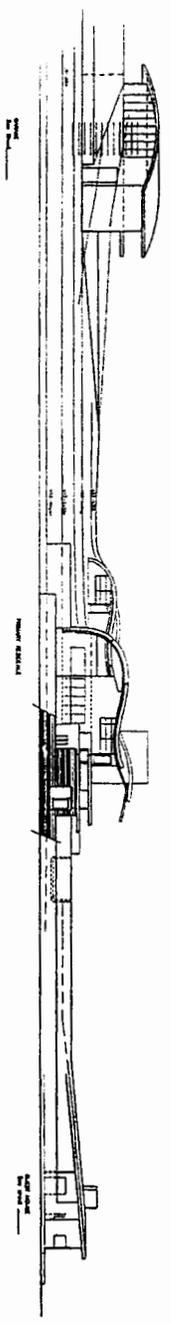
JAMES EARL ROBERTSON 2215 Rouse Lumber Bldg. Houston, Texas 77002 Tel. (713) 861-2121 Fax (713) 861-2122	NORTH AND SOUTH ELEVATIONS SCALE: 1/4" = 1'-0" 7
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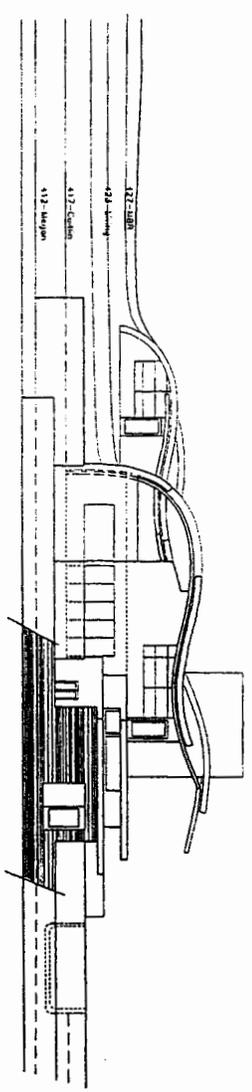
EAST ELEVATION  
SCALE: 1/8" = 1'-0"  
①



EAST ELEVATION  
SCALE: 1/8" = 1'-0"  
②



WEST ELEVATION  
SCALE: 1/8" = 1'-0"  
③



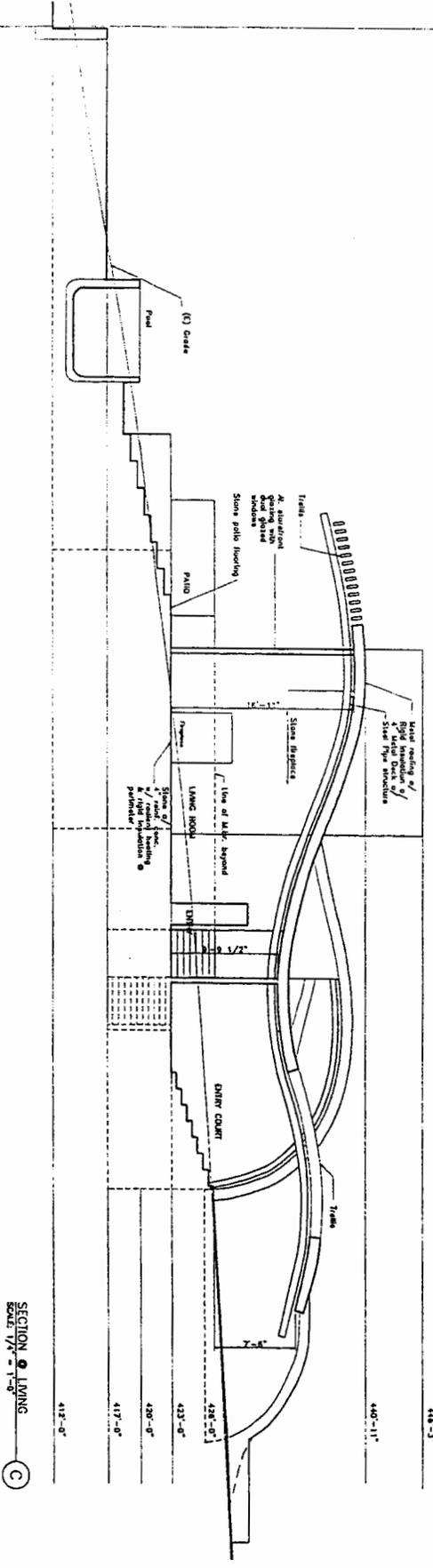
WEST ELEVATION  
SCALE: 1/8" = 1'-0"  
④

RECEIVED  
MAY 2 11 1989  
PLANNING DEPT.

EXHIBIT 11  
CDP 4-00-067 (Harris)  
East and West Elevations

JOHN J. LEE ARCHITECTS 1000 WEST BROADWAY, SUITE 1000 DENVER, COLORADO 80202 PHONE: 432-7800 FAX: 432-7801
PROJECT NO. 4418 DATE: 1988
DRAWING NO. 101 DATE: 1988
EAST & WEST ELEVATIONS
SCALE:



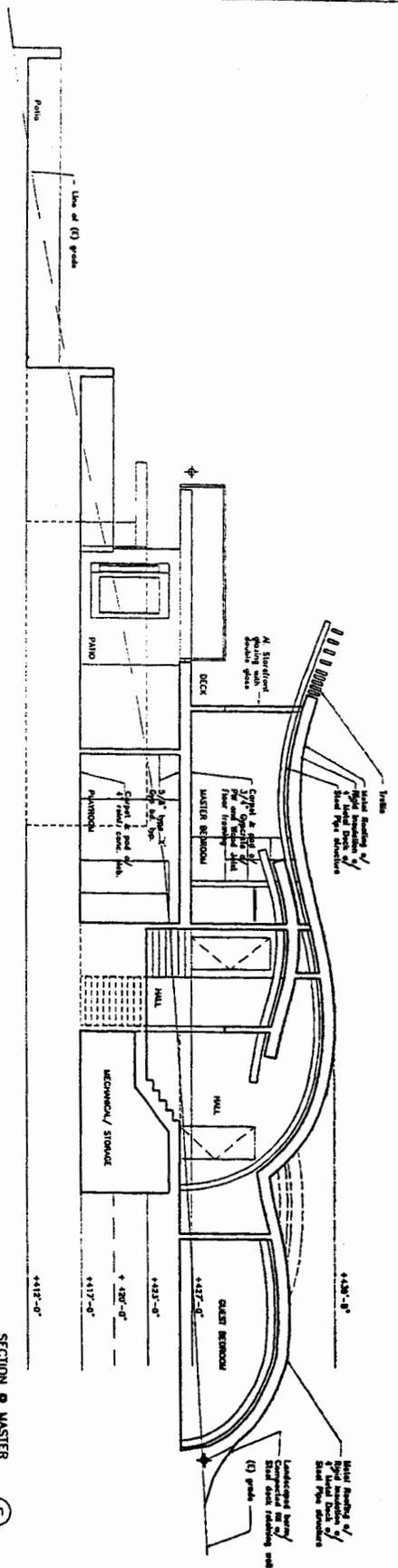


SECTION ● LIVING  
 SCALE 1/4" = 1'-0"  
 (C)

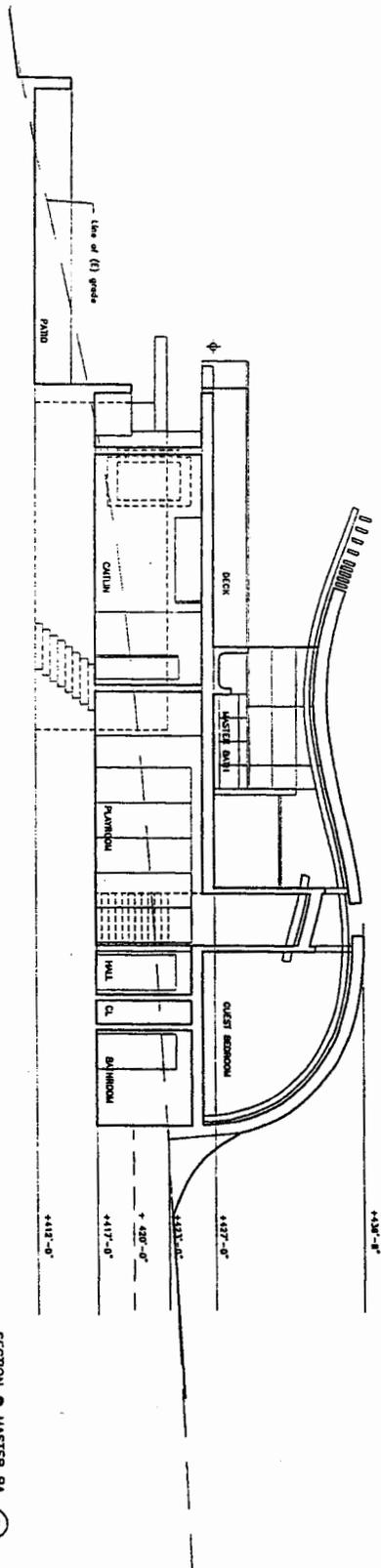
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EXHIBIT 13  
 CDP 4-00-067 (Harris)  
 Building Cross Section C

HARRIS COUNTY RESIDENT DEPARTMENT OF PUBLIC WORKS 1001 TEXAS STREET HOUSTON, TEXAS 77002-1001 TEL: 713-255-5000
DATE: 5/20/99 TIME: 10:00 AM BY: J. HARRIS
SECTION ● LIVING SCALE: 1/4" = 1'-0"
10



SECTION @ MASTER  
SCALE 1/8"=1'-0"



SECTION @ MASTER BA  
SCALE 1/8"=1'-0"

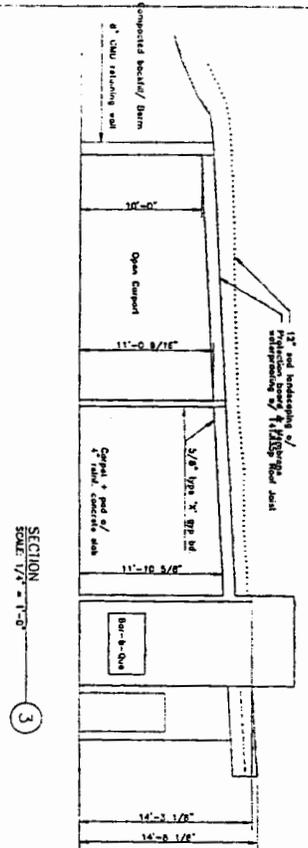
PROPOSED

MAY 29 1958

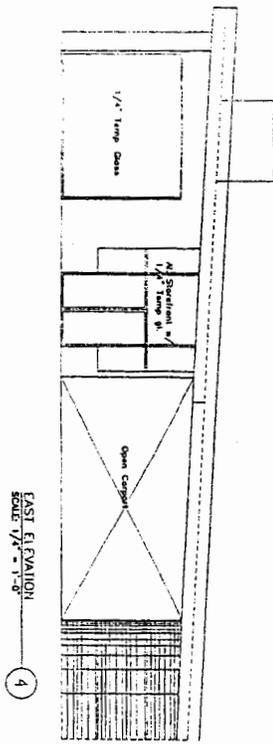
PLANNING DEPT

**EXHIBIT 14**  
**CDP 4-00-067 (Harris)**  
**Building Cross Sections E & F**

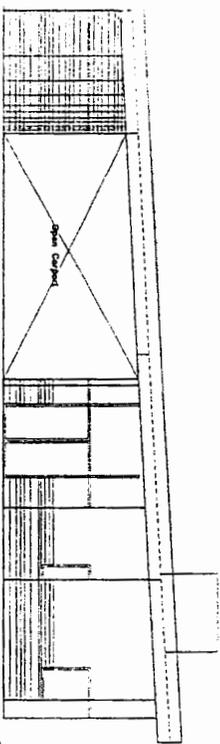
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REVISIONS	
DATE	
BY	
APPROVED	
DATE	
BY	
APPROVED	
DATE	
BY	



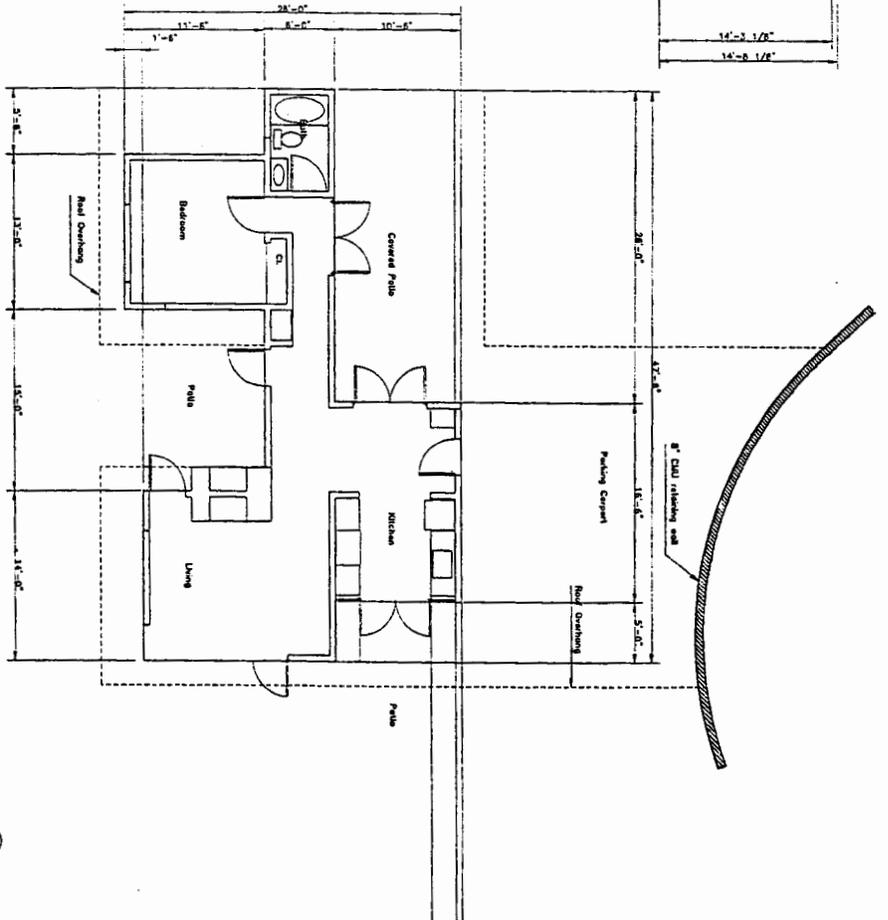
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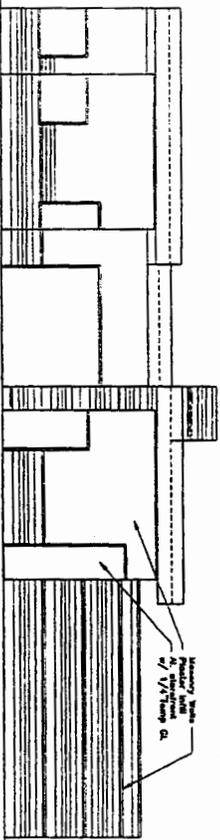
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WEST ELEVATION  
SCALE: 1/4" = 1'-0"



PLAN  
SCALE: 1/4" = 1'-0"



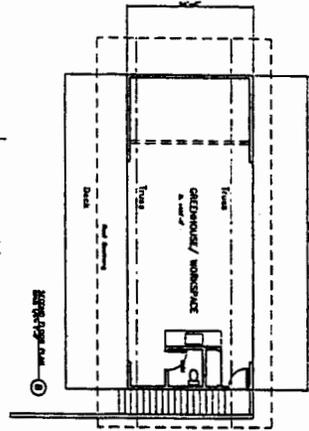
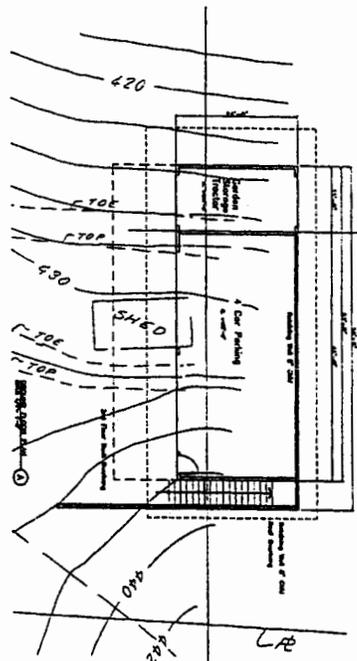
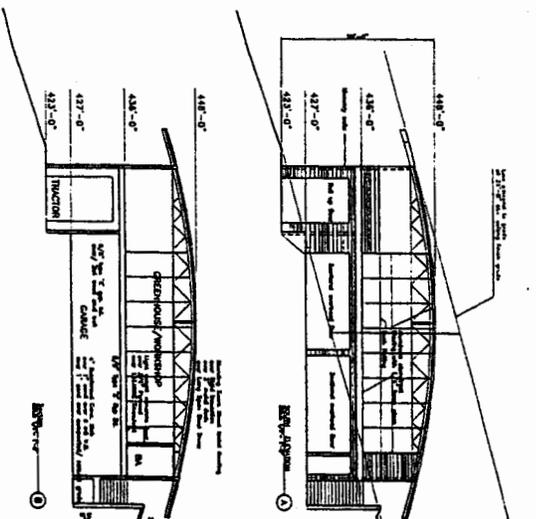
SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

MAY 2 9 1958

**EXHIBIT 15**  
**CDP 4-00-067 (Harris)**  
**Guest House-Plans/Elevations**

NAME: JOHN KENNEDY 1111 1/2th Street Long Beach, CA 90801 Phone (310) 508-1111	DATE: MAY 2, 1958 SCALE: 1/4" = 1'-0"
1. All work to be done in accordance with the specifications and drawings.	2. All work to be done in accordance with the specifications and drawings.
3. All work to be done in accordance with the specifications and drawings.	4. All work to be done in accordance with the specifications and drawings.
5. All work to be done in accordance with the specifications and drawings.	6. All work to be done in accordance with the specifications and drawings.

RECEIVED  
MAY 27 1989  
PLANNING DEPT.



**EXHIBIT 16**  
**CDP 4-00-067 (Harris)**  
**Garage/Greenhouse-Plans/Elevations**

13

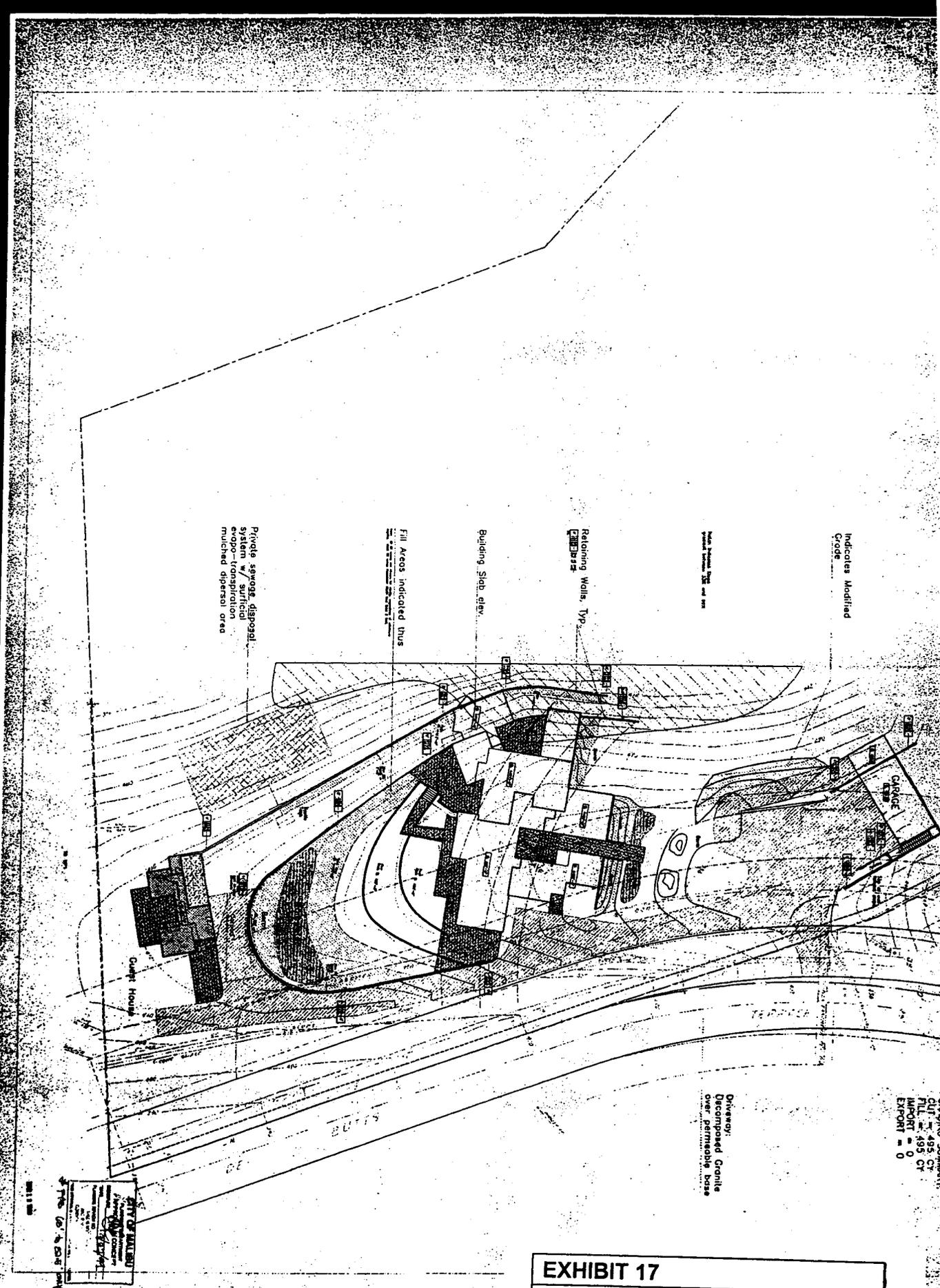
GARAGE PLANS AND SECTIONS

SCALE: 1/8" = 1'-0"

DATE: 5/27/89

BY: [Signature]

PROJECT: [Project Name]



Indicates Modified Grade

Retaining Walls, Type

Building Slab, elev.

Fill Areas indicated thus

Private sewage disposal system w/ surficial evapo-transpiration mulched dispersal area

Volume Summary:  
 CUT = 82' CV  
 FILL = 495' CV  
 IMPORT = 0  
 EXPORT = 0

Driveway:  
 Decomposed Granite  
 over permeable base

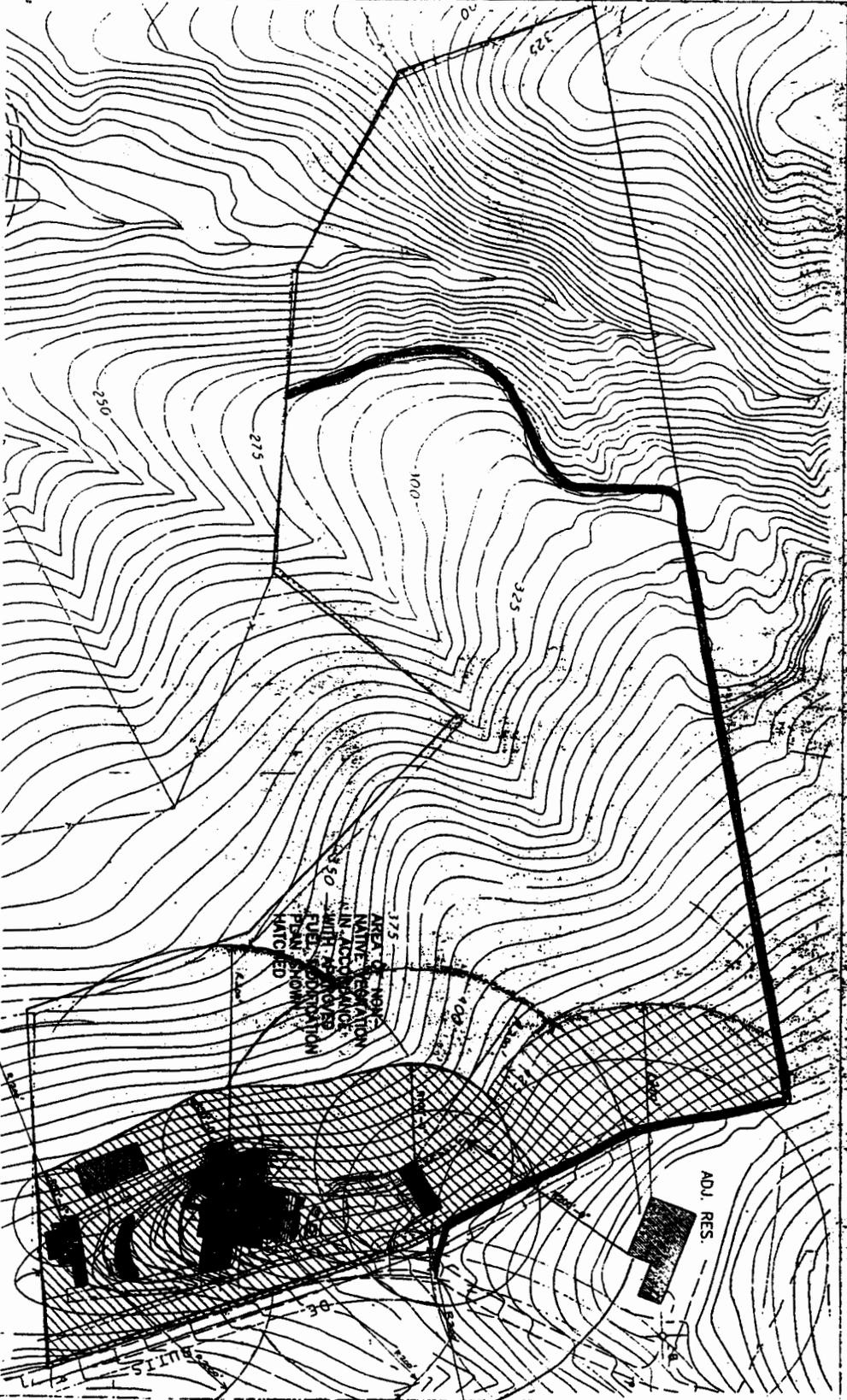
**EXHIBIT 17**  
**CDP 4-00-067 (Harris)**  
**Grading Plan**

CITY OF TULSA  
 PLANNING DEPARTMENT  
 100 SOUTH BOYKIN AVENUE  
 TULSA, OKLAHOMA 74106  
 PREPARED BY: [Signature]  
 DATE: 4-00-83

PREPARED  
 4-00-83  
 GRADING PLAN  
 SHEET NO. 1 OF 1  
 C1

# HARRIS FAMILY RESIDENCE

For a detailed description of the proposed Public Utility System, see the cover sheet, Item B, and the attached site plan.



**Notes:**

1. All dimensions shown are in accordance with the approved site plan.
2. All dimensions shown are in feet.
3. All dimensions shown are in feet.
4. All dimensions shown are in feet.
5. All dimensions shown are in feet.
6. All dimensions shown are in feet.
7. All dimensions shown are in feet.
8. All dimensions shown are in feet.
9. All dimensions shown are in feet.
10. All dimensions shown are in feet.
11. All dimensions shown are in feet.
12. All dimensions shown are in feet.
13. All dimensions shown are in feet.
14. All dimensions shown are in feet.
15. All dimensions shown are in feet.

**Legend:**

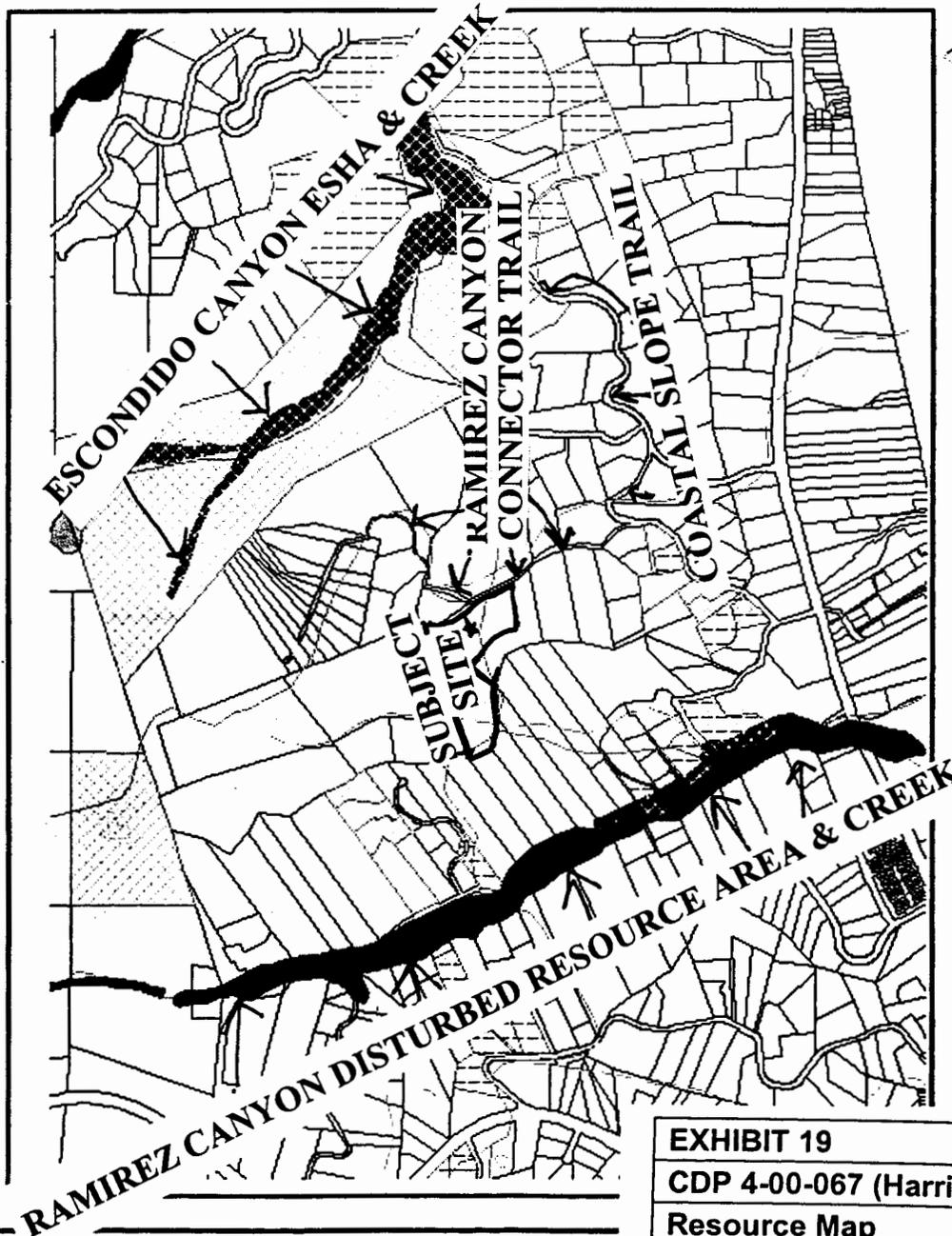
- 1. Proposed Road
- 2. Proposed Road
- 3. Proposed Road
- 4. Proposed Road
- 5. Proposed Road
- 6. Proposed Road
- 7. Proposed Road
- 8. Proposed Road
- 9. Proposed Road
- 10. Proposed Road
- 11. Proposed Road
- 12. Proposed Road
- 13. Proposed Road
- 14. Proposed Road
- 15. Proposed Road

**EXHIBIT 18**  
**CDP 4-00-067 (Harris)**  
**Preliminary Fuel Modification Plan**

COVER SHEET  
 1

APPROVED  
 [Signature]

ESRI ArcExplorer 1.1



- trailslacoplan
- trailotds
- StrmsCCC
- recorded trail only
- laprcis
- esha (ESHA)
- Coldcreek management area
- inland
- locally disturbed resources
- oak woodlands and savannahs
- significant watersheds residential
- wildlife migration corridor

EXHIBIT 19  
CDP 4-00-067 (Harris)  
Resource Map

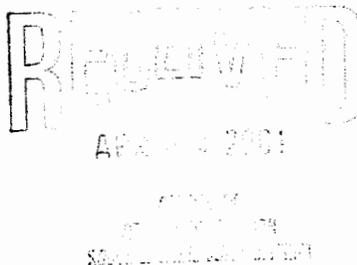
# SANTA MONICA MOUNTAINS TRAILS COUNCIL



PO BOX 345 AGOURA HILLS, CA 91376 (818)222-4531 SMMTC@YAHOO.COM

March 31, 2001

Ms. Sabrina Haswell  
Coastal Program Analyst  
California Coastal Commission  
89 S. California Street, Suite 200  
Ventura, CA 93001.



Re: Offer to Dedicate Trail and Open Space Easements: CDP Application 4-00-067 by Dr. Jeff Harris (6205 DeButts Terrace)

The Santa Monica Mountains Trails Council has worked with the applicant, Dr. Jeff Harris, in laying out and slightly rerouting an approximately 1,500ft. length of trail that runs across his property and that has been in use for many years. We appreciate his offer, as part of his application, to dedicate the 1,500ft. trail easement and a two-acre open space easement adjacent to the trail easement along the western property boundary. The Trails Council supports the request by the applicant for installing a five (5)-foot tall chainlink fence along one side of the trail to effectively separate the trail easement and open space from the rest of his property. The fence is wildlife permeable as it will provide unobstructed openings a minimum of 8-feet wide at intervals of approximately 100 linear feet.

This trail easement starts at 6205 DeButts Terrace, just to the north of the entrance driveway, as a 5-foot-wide easement within the Harris property; it then widens to 15 feet to the north of the proposed garage. Then it continues along and within the eastern, northern and western property boundaries as a 15-foot-wide easement, finally terminating at the northwest boundary of the Ramirez Canyon lots 1 and 8 owned by Ms. Cate. She is a longtime equestrian; and she has indicated to the Trails Council the following information and intention. She will provide trail easements across her northeastern property boundary in order to assist in connecting the Harris Trail Easement to the Coastal Slope Riding and Hiking Trail Easement. This latter easement had been offered and recorded years ago within a small subdivision bounding upper Paradise Canyon Road, a few lots north of her property.

The Harris trail easement will make it possible to finalize the connector trail linkages between the Ramirez Canyon Trail (22), the Paradise Cove Trail (23), the Escondido Falls Trail (18), and, subsequently, the Coastal Slope Trail (21). The numbers listed for the trails are as indicated on the Malibu/Santa Monica Mountains Area Plan Trail System.

As always, we request that the public trail shall not be gated at DeButts Terrace and that signage shall be provided identifying it as a public trail.

Sincerely,

Ruth Gerson, President

EXHIBIT 20
CDP 4-00-067 (Harris)
SMMTC Letter







The proposed 15' -wide hiking and equestrian trail leads from De Butts Terrace in a northerly direction onto the open space easement.

EXHIBIT 23

CDP 4-00-067 (Harris)

Existing Trail on Site

