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STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA
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Hearing Date:	10/08/02
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-235

APPLICANT: John and Ann Matise **AGENT:** Clive Dawson

PROJECT LOCATION: 24738 W. Saddlepeak Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a two story, 35 foot high, 7,537 sq. ft. single family residence, with two garages (one attached and one detached), driveway, turnaround, 750 sq. ft. guest house, swimming pool and spa, stairs, gazebo, septic system, and approximately 3,400 cu. yds. of grading (1,700 cu. yds. cut, 1,700 cu. yds. fill).

Lot area:	6.92 acres
Building coverage:	5,438 sq. ft.
Pavement coverage:	9,031 sq. ft.
Unimproved area:	286,966 sq. ft.
Maximum height:	35 ft.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **Denial** of the proposed project, as the proposed project is inconsistent with the requirements of Coastal Act Sections 30231, 30251 and 30253 for the minimization of erosion and landform alteration and the protection of visual resources. There are alternatives to the proposed project outlined in this report that can bring the project into conformance with the Coastal Act. The project site is located on the crest and east slopes of a prominent ridgeline west of Carbon Canyon. The hillside lot slopes moderately near the crest then drops at near vertical gradients from the ridgeline to Piuma Road, a vertical distance of approximately 200 feet. The steep rocky slope contains a thin and discontinuous layer of soil supporting native coastal sage scrub vegetation. The project site is visible from public viewing areas along Rambla Pacifico and Piuma Road and is located within a scenic element identified in the Commission-certified 1986 Malibu-Santa Monica Mountains Land Use Plan (LUP).

The project is also visible, in the far distance, from Pacific Coast Highway, approximately two miles south of the project site.

The applicants propose to construct a single family residence with two garages, swimming pool, guesthouse, gazebo, turnaround, and driveway. As proposed, the main residence and swimming pool/guesthouse area would be constructed on level pads achieved by placing large amounts of fill on the slope. The pads would be supported by retaining walls up to 14 feet in height. The proposed height and finished grade elevation would allow the main residence to extend approximately 21 feet above the ridgeline. The proposed development would occupy an area of approximately 18,000 sq. ft. and would result in significant clearing of native vegetation on the steep descending slopes surrounding the development area on three sides, therefore increasing the potential for erosion. The project, as proposed, would result in significant landform alteration, intrusion into public views of a scenic ridgeline, and an increase in the potential for erosion on the site.

There are several feasible alternatives to the proposed project that would significantly reduce adverse impacts to public views consistent with the requirements of Section 30251 of the Coastal Act and reduce the potential for erosion consistent with of Sections 30253 and 30231 of the Coastal Act. These alternatives include: (a) reduction in the size, bulk and scale of the structures, (b) use of a split-level design which follows the natural topography of the site rather than the proposed design which elevates the main residence and lower swimming pool/guest house area on fill; and (c) deletion of the guest house, swimming pool, gazebo, and second garage.

Revising the proposed project to include a number of these alternatives would still allow for reasonable size, bulk and scale of residential development on this site. Therefore, as proposed, the project would not minimize landform alteration, adverse effects to public views, and the potential for erosion, and is therefore, not consistent with Sections 30231, 30251, and 30253 of the Coastal Act.

LOCAL APPROVALS RECEIVED: County of Los Angeles Regional Planning, Approval In Concept, dated December 17, 2001; County of Los Angeles Geology and Geotechnical Engineering Review Sheet, Approval In-Concept dated November 27, 2000; County of Los Angeles Environmental Health, Conceptual Approval, dated September 28, 2001; County of Los Angeles Fire Department (Access), Approval in Concept, dated August 6, 2001; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan, Approval in Concept, dated September 20, 2001.

SUBSTANTIVE FILE DOCUMENTS: Engineering Geologic Update Letter, Proposed Residential Development, A.P.N. 4453-002-045, 24738 W. Saddle Peak Road, County of Los Angeles, California, by Mountain Geology, Inc., dated September 17, 2001; Update Geotechnical Engineering Report, Proposed Residential Development, 24738 W. Saddle Peak Road, A.P.N. 4453-002-045, Malibu, County of Los Angeles, California, by West Coast Geotechnical, dated October 1, 2001.

I. STAFF RECOMMENDATION: PERMIT DENIAL

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-01-235 for the development proposed by the applicant.***

STAFF RECOMMENDATION OF DENIAL:

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

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a two story, 35 foot high, 7,537 sq. ft. single family residence, with two three-car garages, driveway, turnaround, 750 sq. ft. guest house, swimming pool and spa, stairs, gazebo, septic system, and approximately 3,400 cu. yds. of grading (1,700 cu. yds. cut, 1,700 cu. yds. fill) in an unincorporated area of Los Angeles County **(Exhibits 3-10)**.

The project site is located on the crest and eastern slopes of a prominent ridgeline west of Carbon Canyon, at the end of West Saddlepeak Road **(Exhibit 1)**. The hillside lot slopes moderately near the crest then drops at near vertical gradients from the ridgeline to Piuma Road, a vertical distance of approximately 200 feet. The steep rocky slope contains a thin and discontinuous layer of soil supporting native coastal sage scrub

vegetation. The project site is visible from public viewing areas along Rambla Pacifico, Piuma Road, and the Saddle Peak Trail (which runs along Piuma Road) and is located within a scenic element identified in the Commission-certified 1986 Malibu-Santa Monica Mountains Land Use Plan (LUP). The project site is also visible, in the far distance, from Pacific Coast Highway, approximately two miles south of the project site **(Exhibits 2 and 14)**.

The project site is surrounded on three sides by undeveloped hillside. Several single family residences are located along the ridgeline to the north of the project site. The proposed project will extend the brush clearance radius up to 200 feet down steep slopes containing native coastal sage scrub vegetation **(Exhibit 12)**.

The proposed development extends from the crest of the ridge approximately 150 feet downslope. The proposed development consists of a driveway, two three-car garages and a 100-foot wide turnaround at the crest, a two-story 35 ft. high main residence just below the crest, and a guest house, swimming pool and gazebo approximately 15 vertical feet below the main residence. The height of the proposed development envelope is approximately 60 feet. As proposed, the main residence will be constructed on a level grade achieved by cutting into a portion of the slope just below the crest and placing an eight foot high wedge of fill on the lower portion of the slope. The applicants propose to construct a 2:1 fill slope between the swimming pool area and the main residence, and to construct the proposed swimming pool and guesthouse on an additional wedge of fill. The applicants propose to support the areas of fill with several retaining walls ranging from 0 to 14 feet high **(Exhibits 3-10)**.

Staff met with the applicant on July 26, 2002 at the project site. At this meeting, staff raised concerns about the amount of grading proposed and the extent of brush clearance and fuel modification that would be required for the proposed development. Staff suggested that alternative development proposals, such as stepping the house down the hillside and relocating or deleting the guesthouse, could reduce the impacts of development of the site. Staff reiterated these concerns in phone conversations with the applicant on September 10, 2002 and September 11, 2002, and stated that staff could not recommend approval of the project as currently proposed. In response, the applicants offered to revise the proposal to remove the gazebo, but maintained that the remainder of the development was the best possible alternative that would meet their needs.

B. Visual Resources and Landform Alteration

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

The project site is located on the crest and eastern slopes of a prominent ridgeline in a rural area characterized by expansive, naturally vegetated mountains and hillsides that are traversed by public trails. The hillside lot slopes moderately near the crest then drops at near vertical gradients from the ridgeline to Piuma Road, a vertical distance of approximately 200 feet. The project site is surrounded on three sides by undeveloped hillside. Several single family residences are located along the ridgeline to the north of the project site. The project site is visible from public viewing areas along Rambla Pacifico, Piuma Road, and the Saddle Peak Trail (which runs along Piuma Road) and is located within a scenic element identified in the Commission-certified 1986 Malibu-Santa Monica Mountains Land Use Plan (LUP).

1. Protection of Public Views / Siting and Design

Section 30251 of the Coastal Act requires that permitted development be sited and designed to protect views to and along scenic coastal areas. As noted above, the project site is visible from public viewing areas along Rambla Pacifico, Piuma Road, and the Saddle Peak Trail (which runs along Piuma Road) and is located within a scenic element identified in the Commission-certified 1986 Malibu-Santa Monica Mountains Land Use Plan (LUP). The Malibu-Santa Monica Mountains LUP, which is used as guidance in Commission review of development, provides the following policies for new development in highly scenic areas and along scenic roadways:

(P130) New development shall:

- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.
- minimize the alteration of natural landforms
- be designed so as not to significantly intrude into the skyline as seen from public viewing places

(P131) Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

The Malibu-Santa Monica Mountains LUP also provides the following guidelines for siting of structures in visual resource areas:

(P134) Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

(P135) Clustering of development in suitable areas shall be encouraged as a means to facilitate greater view protection

The proposed development extends from the crest of the ridge approximately 150 feet downslope. The proposed development consists of a driveway, two three-car garages and a 100-foot wide turnaround at the crest, a two-story 35 ft. high main residence just below the crest, and a guesthouse, swimming pool and gazebo approximately 15 vertical feet below the main residence.

As proposed, the main residence would be constructed on a level grade achieved by cutting into a portion of the slope just below the crest and placing a wedge of fill up to 14 feet in height on the lower portion of the slope. The applicants propose to construct a 2:1 fill slope between the swimming pool area and the main residence, and to construct the proposed swimming pool and guesthouse on an additional wedge of fill. The applicants propose to support the areas of fill with several retaining walls ranging from 0 to 14 feet in height.

As proposed, the finished floor level of the main residence is at 2,328 ft. above sea level, approximately 9 feet below the crest of the ridge. The 30 foot high main residence would extend 21 feet above the crest of the ridge behind it. The remainder of the development, consisting of a 2:1 fill slope, swimming pool, gazebo, guesthouse, and 8 to 14 foot high retaining wall would extend approximately 30 vertical feet below the floor level of the main residence, thus creating an approximately 60 foot high development envelope. The width of the development envelope is approximately 140 feet. Retaining walls extend the entire width of the project.

In summary, the proposed development would result in the addition of an approximately 8,400 sq. ft. development façade extending from approximately 39 feet below the ridgeline to 21 feet above it. The siting and design of the proposed project would therefore intrude into the skyline and adversely impact public views of this scenic area from Rambla Pacifico, Piuma Road, and the Saddle Peak Trail (which runs along Piuma Road). Thus, the proposed development is inconsistent with Section 30251 of the Coastal Act.

Alternatives to the proposed siting and design of the project are feasible that would significantly minimize adverse effects to public views, including intrusion into the skyline, while still allowing for a reasonable size, bulk and scale of residential development to occur. These alternatives include multiple combinations of the following: (a) reduction in the size, bulk and scale of the structures, (b) use of a multiple split-level design which follows the natural topography of the site rather than the proposed design which elevates the main residence and swimming pool/guest house area on fill; and (c) deletion of the guest house, swimming pool, gazebo, and second garage. For instance, eliminating the second story and adding a daylight basement

level would substantially reduce the prominence of the structure ~~along the~~ ridgeline. These alternatives are discussed further in Subsection 4 below.

2. Landform Alteration

Section 30251 of the Coastal Act requires that permitted development minimize landform alteration. The project site is located on the crest and eastern slopes of a prominent ridgeline. The hillside lot slopes moderately near the crest, then drops at near vertical gradients from the ridgeline to Piuma Road, a vertical distance of approximately 200 feet.

As proposed, the main residence would be constructed on a level grade achieved by cutting into a portion of the slope just below the crest and placing a wedge of fill up to 14 feet in height on the lower portion of the slope. The applicants propose to construct a 2:1 fill slope between the swimming pool area and the main residence, and to construct the proposed swimming pool and guesthouse on an additional wedge of fill. The applicants propose to support the areas of fill with several retaining walls ranging from 0 to 14 feet in height. The proposed project includes 3,400 cu. yds. of grading (1,700 cu. yds. cut, 1,700 cu. yds. fill).

In summary, the proposed development would result in the creation of three level pads supported by retaining walls (for the turnaround/garages, main residence, and swimming pool/guest house areas respectively) and a 2:1 fill slope in a development area covering approximately 18,000 sq. ft. of hillside. The siting and design of the proposed project would result in significant landform alteration, inconsistent with Section 30251 of the Coastal Act.

Several revisions or alternatives to the proposed project are feasible that would significantly minimize landform alteration, while still allowing for ~~a reasonable~~ size, bulk and scale of residential development to occur. These alternatives include multiple combinations of the following: (a) reduction in the size, bulk and scale of the structures, (b) use of a split-level design which follows the natural topography of the site rather than the proposed design which elevates the main residence and lower swimming pool/guest house area on fill; and (c) deletion of the guest house, swimming pool, gazebo, and second garage. These alternatives are discussed further in Subsection 4 below.

3. Compatibility with the Character of Surrounding Areas

Coastal Act Section 30251 requires that new development be visually compatible with the character of surrounding areas. As noted above, the project site is located in a rural area characterized by expansive, naturally vegetated mountains and hillsides. In its immediate vicinity, the project site is surrounded on three sides by undeveloped hillside, and by single family residences located along the ridgeline to the north of the project site.

The proposed project is greater in size than other residences on the ridgeline. According to assessment data for the area, the square footages of the two residences immediately north of the project site (24736 West Saddle Peak Road and 24740 West Saddle Peak Road) are 2,446 sq. ft. and 2,742 sq. ft. respectively. Other houses on the ridgeline measure 2,690 sq. ft., 3,632 sq. ft. and 4,319 sq. ft. The proposed residence, with a square footage of 7,537 sq. ft. (including garages and guesthouse) would be the largest on the ridge, and over twice the size of four of the five residences. Furthermore, the overall development areas of the immediately adjacent residences are approximately 3,500 sq. ft. and 6,300 sq. ft. respectively, according to a site survey submitted by the applicants. These development areas are several times smaller than the approximately 18, 000 sq. ft. proposed by the applicants.

Several revisions or alternatives to the proposed project are feasible that would increase the project's visual compatibility with the surrounding area, while still allowing for a reasonable size, bulk and scale of residential development to occur. These alternatives include multiple combinations of the following: (a) reduction in the size, bulk and scale of the structures; and (b) deletion or relocation of the guesthouse, swimming pool, gazebo, and second garage. These alternatives are discussed further in Subsection 4 below.

4. Project Alternatives

Several alternatives to the proposed project plans exist that would minimize landform alteration and adverse effects to public views consistent with Coastal Act Section 30251. Such alternatives include multiple combinations of the following: (a) reduction in the size, bulk and scale of the structures; (b) use of a split-level design that follows the natural topography of the site rather than the proposed design which elevates the main residence and lower swimming pool/guest house area on fill; and (c) deletion of the guest house, swimming pool, gazebo, and second garage. The Commission notes that implementation of many of the above alternatives to the proposed project would still allow for a reasonable size, bulk and scale of residential development to occur. These alternatives includes multiple combinations of the following:

a. <u>Reduction in the Size, Bulk and Scale of Structures</u>

The Commission notes that construction of a large structure on even a gently sloping site typically requires a significantly greater amount of grading and landform alteration than would otherwise be required in order to construct a smaller structure. Constructing a reduced size, bulk and scale residential structure on the site would require significantly less grading and landform alteration, would minimize adverse effects to public views, and would still allow for residential development to occur on site. For example, reducing the width of the main residence would reduce the amount of required grading and reduce the visual impact of the structure. Alternatively, eliminating

the second story and adding a daylight basement level would substantially reduce the prominence of the structure along the ridgeline.

b. Use of a Multiple Split-Level Design

The proposed project includes a substantial amount of grading to create three level pad areas and a connecting 2:1 slope on the site. In addition to reducing the size, bulk and scale of the structures a multiple split level design could reduce grading and minimize visibility of the development. The Commission notes that the use of a multiple split-level design (the use of several small pads cut into the slope) would eliminate the need for large uniform level pad areas and prominent retaining walls and would minimize landform alteration, while allowing the development to conform to the natural topography of the site.

Another method of minimizing the visual obtrusiveness of new development on slopes is to excavate (or sink) the uphill structure deeper into the existing grade. By lowering, or "sinking," the elevation of the uphill portion of the structure, the development's elevation is significantly less visible. This alternative, although it may not significantly reduce the amount of required excavation, would reduce: (1) the necessity for the placement of fill, and (2) the extent that the proposed structures would intrude into public views of the ridgeline.

c. Deletion of Guest House, Pool Area, Gazebo, Second Garage

The proposed project includes the construction of large terrace or patio area with a pool, guest house and gazebo in front of and below the proposed main residence. The project also includes the construction of a second garage immediately southwest of the main residence. Construction of these amenities are not necessary in order to allow for residential development to occur on the subject site. Substantial reduction in size or deletion of these amenities in their entirety is a feasible alternative that would reduce the visual impact of the project.

Implementation of a combination of the above alternatives to the proposed project would significantly reduce the visual impacts of the proposed project. Therefore, for the reasons discussed above, the Commission finds that the proposed development, as proposed, has not been sited or designed in a manner that would minimize landform alteration and adverse effects to public views and is, therefore, not consistent with Section 30251 of the Coastal Act.

C. Erosion / Water Quality

Section **30253** of the Coastal Act states (in relevant part):

New development shall:

....

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

....

Section **30231** of the Coastal Act states (in relevant part):

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.

Sections 30253 of the Coastal Act require that new development neither create nor contribute to erosion. In addition, Section 30231 requires that the biological productivity of coastal waters be maintained, and where feasible, restored. The Malibu-Santa Monica Mountains LUP, which is used as guidance in Commission review of development, also provides policies for erosion control and stream protection. These include policies that require site design to minimize grading activities and reduce vegetation removal in areas of high potential erosion hazard, which include "areas with a slope exceeding 2:1" (P85, P88); a policy that prohibits grading and/or "development-related vegetation clearance" where the slope exceeds 2:1 (except for driveways and/or utilities under certain circumstances and with maximum mitigation) (P150); and a policy that requires new development to be designed to minimize impacts and alterations of physical features, such as hillsides, and processes (geological, soils, hydrological) to the maximum extent feasible (P91).

The applicants propose to construct a two story, 35 foot high, 7,537 sq. ft. single family residence, with two three-car garages, driveway, turnaround, 750 sq. ft. guest house, swimming pool and spa, stairs, gazebo, septic system, and approximately 3,400 cu. yds. of grading (1,700 cu. yds. cut, 1,700 cu. yds. fill)

The project site is located on the crest and eastern slopes of a prominent ridgeline in a rural area characterized by expansive, naturally vegetated mountains and hillsides. The project site is surrounded on three sides by undeveloped hillside, and by single family residences located along the ridgeline to the north. The hillside lot slopes moderately near the crest then drops at near vertical gradients from the ridgeline to Piuma Road, a vertical descent of approximately 200 feet. The slopes consist of sandstone bedrock covered with a thin, discontinous layer of soil and native coastal sage scrub vegetation.

The proposed project would extend the brush clearance radius up to 200 feet down these steep slopes and result in the clearing of native coastal sage scrub vegetation. The proposed project would also result in the implementation of a fuel modification regime that would introduce irrigated, non-native plants onto the hillside and adjacent graded areas. The irrigated fuel modification zones would extend 100 feet down the hilliside, and would include areas of native vegetation on slopes ranging from near vertical (northeast and east of the proposed development) to 4:1 (south of the proposed development). Approximately half of the irrigated area would be on slopes with gradients less than 1.5:1. In addition, Fuel Modification Zone C, which would extend an additional 100 feet down the slope would result in the implementation of thinning requirements, including the removal of native coastal sage scrub species including chamise, buckwheat and several varieties of sage. In summary, the proposed project would result in significant clearing and irrigation of much of the steep slope below the project site.

Removal of native coastal sage scrub species and introduction of irrigation on the steep slopes and thin soils of the subject site would increase the potential for erosion. Native coastal sage scrub vegetation tends to have a relatively low surface/foliage weight and deeper root structures than non-native species and therefore aids in preventing erosion. Conversely, maintenance of native coastal sage scrub habitat would serve to reduce erosion and enhance the geologic stability of the site. Therefore, in order to reduce the potential for erosion on the site consistent with Section 30253 of the Coastal Act, it is necessary to minimize the removal of native coastal sage scrub vegetation on the site.

In addition, uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams. Therefore, in order to reduce the potential for sedimentation of downstream waters, consistent with Section 30253 of the Coastal Act, it is necessary to minimize erosion that may be caused by the development of the subject site.

Alternatives to the proposed project plans exist that would minimize the potential for erosion consistent with Sections 30253 and 30231 of the Coastal Act. Such alternatives include: (a) reduction in the size of the proposed structures; and (b) deletion or relocation of the guest house, gazebo, and second garage. The Commission notes that implementation of the above alternatives to the proposed project would still allow for a reasonable size, bulk and scale of residential development to occur. These alternatives are discussed below:

a. **Reduction in the Size, Bulk and Scale of Structures**

Substantially reducing the size of the structures on the site would minimize the extent of fuel modification and brush clearance on the site, thereby reducing the potential for erosion. For example, reducing the width of the main residence, in conjunction with elimination of the second garage and guesthouse, would narrow the fuel modification and brush clearance radii on slopes to the west and southwest.

b. **Deletion of Guest House, Gazebo, Second Garage**

The proposed project includes the construction of a large terrace or patio area with a pool, guest house and gazebo in front of and below the proposed main residence. The project also includes the construction of a second garage immediately southwest of the main residence. Construction of these amenities are not necessary in order to allow for residential development to occur on the subject site. Deletion of the guesthouse and gazebo from project plans would reduce the irrigated fuel modification radius by approximately 50 feet. Deletion of the second garage would reduce the irrigated fuel modification radius west of the main residence, and, more significantly, reduce the brush clearance radius up to 50 feet on the steep slopes of the adjacent undeveloped property.

Implementation of a combination of the above alternatives to the proposed project would significantly minimize the potential for erosion and related impacts to coastal waters. Therefore, for the reasons discussed above, the Commission finds that the proposed development does not minimize the potential for erosion and impacts to coastal waters and, therefore, is not consistent with Sections 30231 and 30253 of the Coastal Act.

D. Local Coastal Program

Section **30604** of the Coastal Act states that:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project would not be in conformity with the provisions of Chapter 3 of the Coastal Act. The

proposed development would result in adverse impacts and is found to be not consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed project would prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that the proposed project would result in significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project is determined to be inconsistent with CEQA and the policies of the Coastal Act. Feasible alternatives exist which would result in a project that would lessen the significant, avoidable adverse impacts to coastal resources and public coastal views of the currently proposed project.

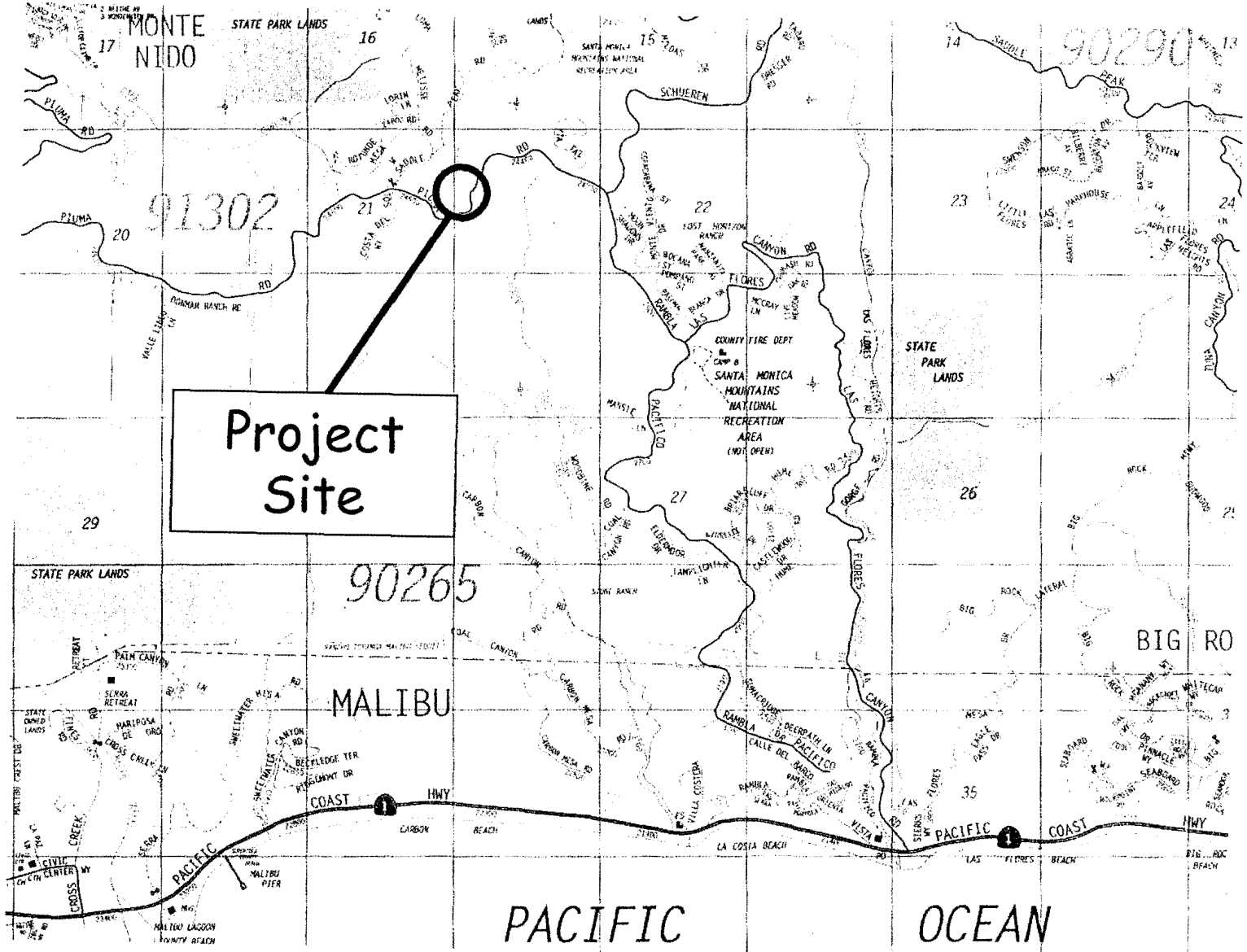


EXHIBIT NO. 1
APPLICATION NO. 4-01-235
VICINITY MAP

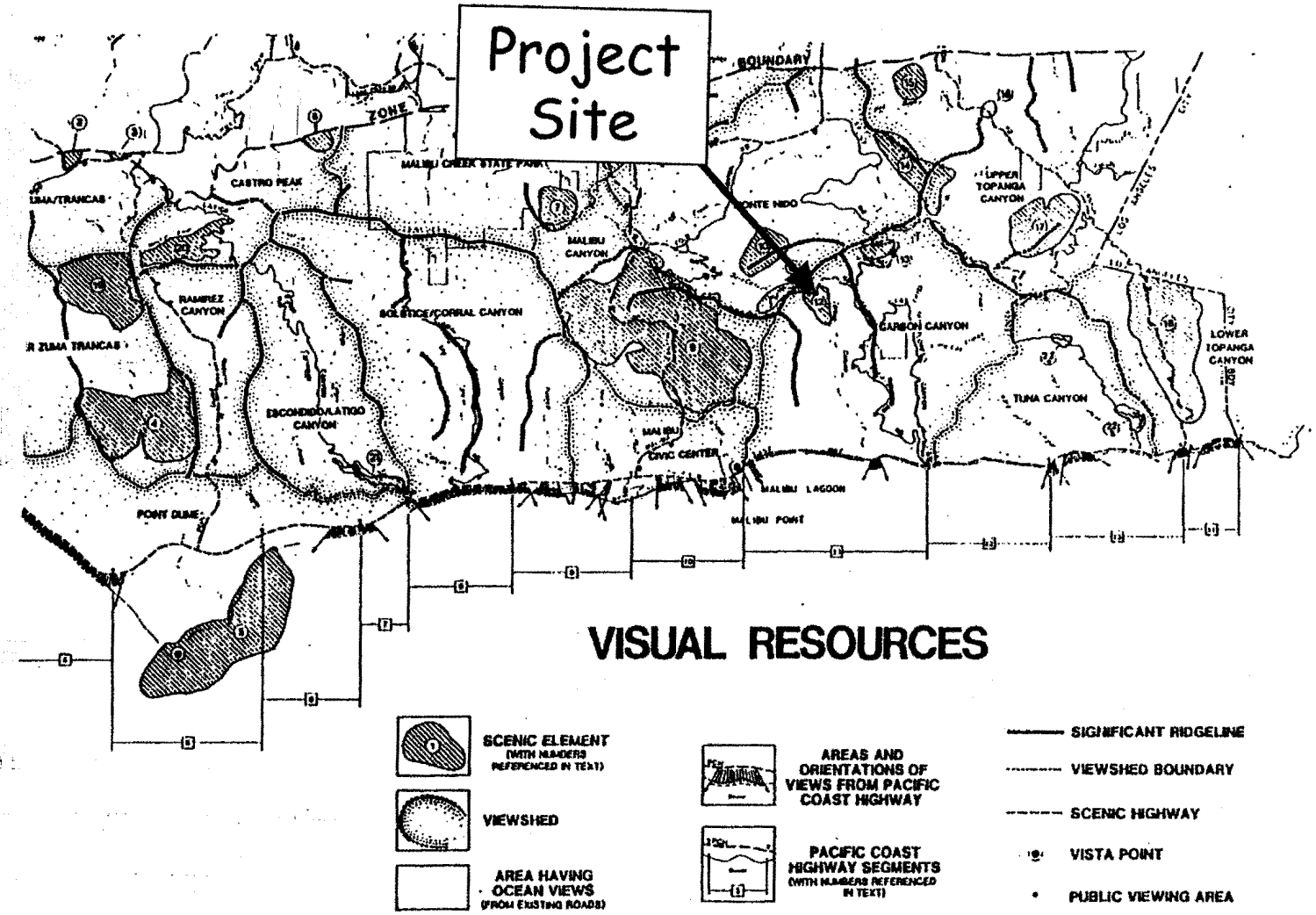


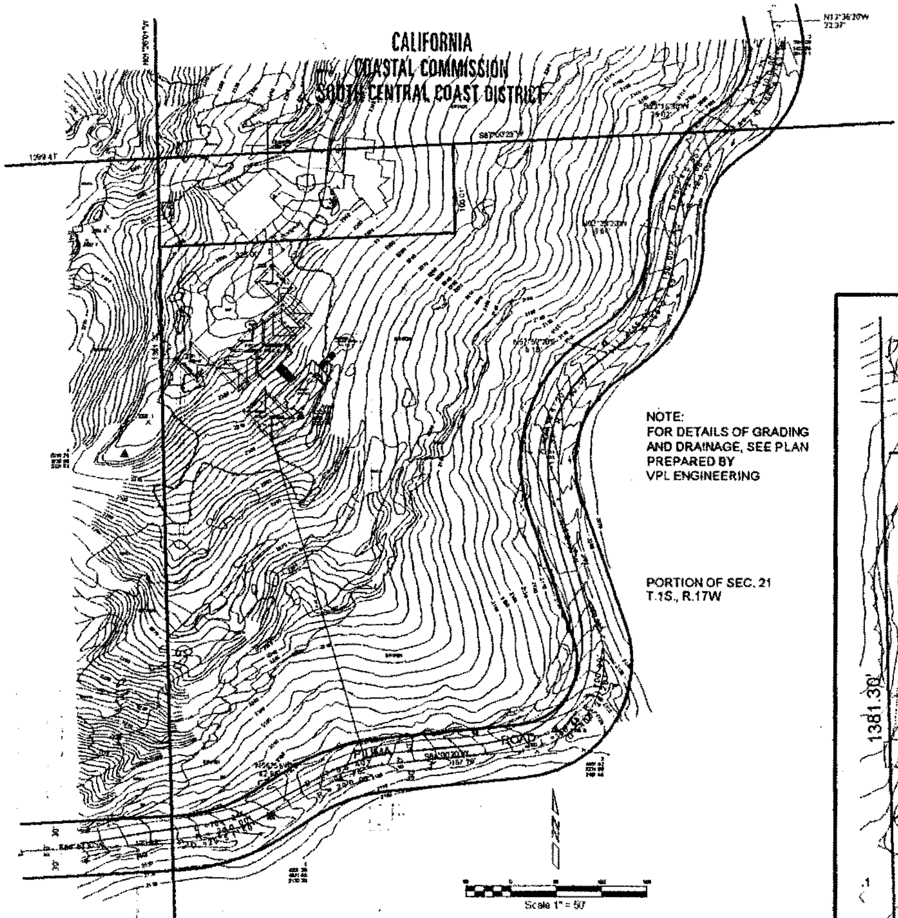
FIGURE 8

EXHIBIT NO. 2
APPLICATION NO. 4-01-235
VISUAL RESOURCES

RECEIVED

DEC 2 4 2001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



NOTE:
FOR DETAILS OF GRADING AND DRAINAGE, SEE PLAN PREPARED BY VPL ENGINEERING

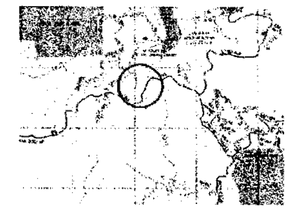
PORTION OF SEC. 21
T.1S., R.17W

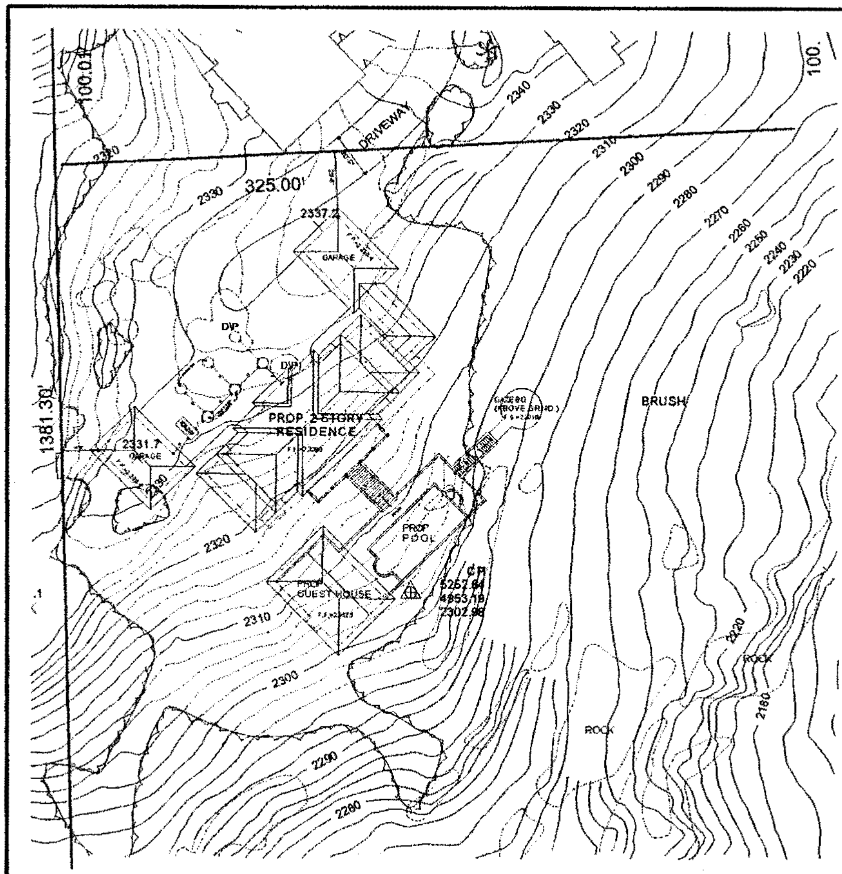
SITE PLAN

BUILDING AND SITE DATA

CONSTRUCTION TYPE	V-N
BUILDING ZONE	A-1-1
SEISMIC ZONE	4
NUMBER OF STORIES	2
BUILDING FLOOR AREA (SQUARE FEET)	
First Level	3,280
Second Level	2,098
Guesthouse	750
Total	6,128
Garage	1,408
LOT SIZE	301,435 SQ. FT. (6.92 ACRES)
OCCUPANCY	R3, U1
CLIMATE ZONE	6
BUILDING CODE	1997 U.B.C.

VICINITY MAP





ENLARGED SITE PLAN

SCALE: 1" : 20'-0"

PROPOSED SINGLE FAMILY RESIDENCE,
GUESTHOUSE AND GARAGE STRUCTUES FOR:
JOHN AND ANN MATISE
24738 SADDLE PEAK ROAD
MALIBU, CA 90265

CLIVE DAWSON A.I.A.
architecture and planning
28925 Pacific Coast Highway, Malibu, California 90265 310.589.1921

DRAWN	ZJO
CHECKED	CLIVE
DATE	JANUARY 2001
SCALE	1"=50'-0"
JOB NO.	0529910
SHEET	1

EXHIBIT NO. 3
APPLICATION NO.
4-01-235
SITE PLAN

EXHIBIT NO. 4

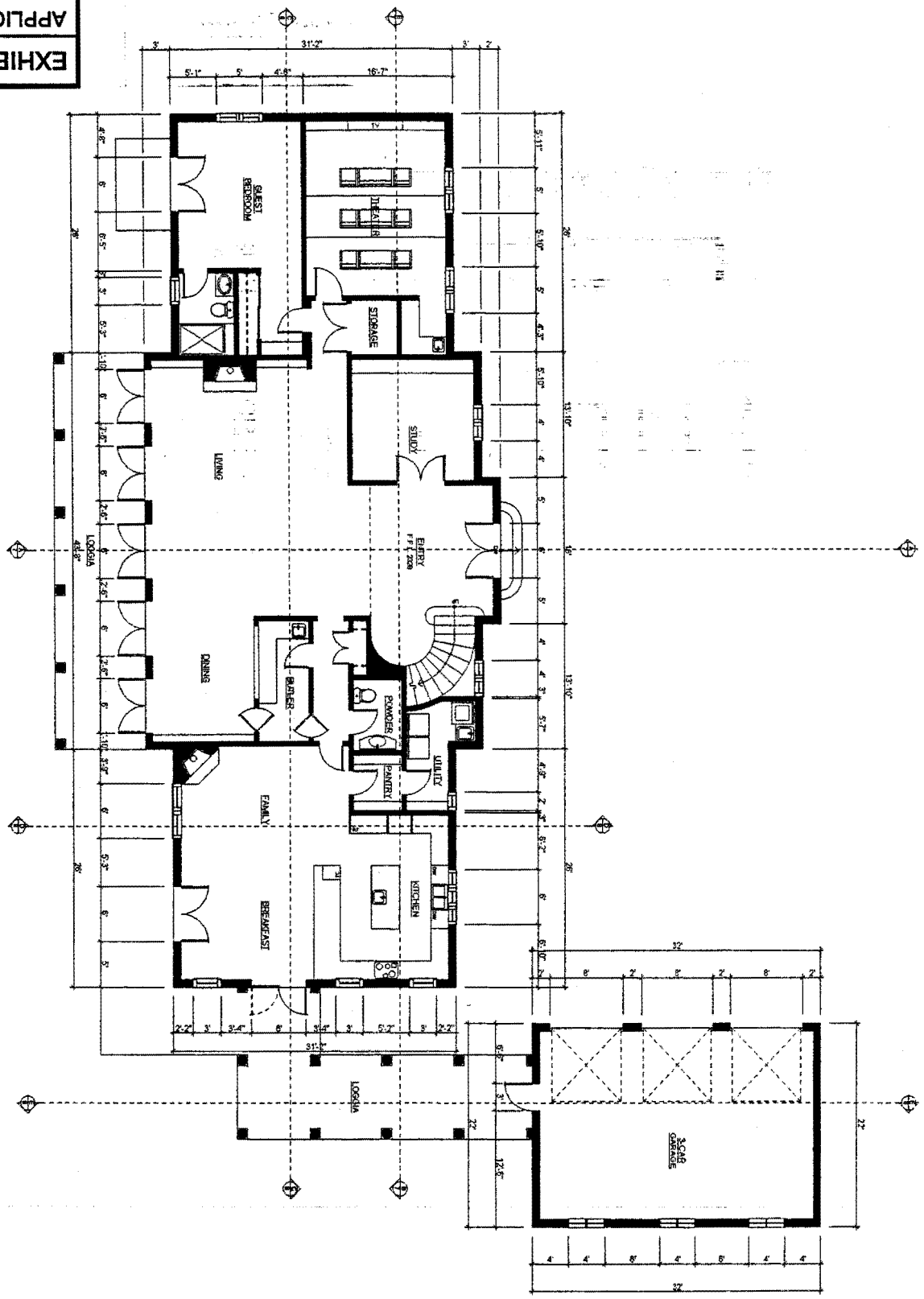
APPLICATION NO.

4-01-235

FIRST FLOOR PLAN

FIRST FLOOR PLAN

3,280 SQ. FT.



2

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architecture and planning
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PROPOSED SINGLE FAMILY RESIDENCE,
GUESTHOUSE AND GARAGE STRUCTURES FOR:
JOHN AND ANN MATISE
SADDLE PEAK ROAD
MALIBU, CA 90265

EXHIBIT NO. 5
APPLICATION NO.
4-01-235
SECOND FLOOR PLAN

SECOND FLOOR PLAN
2,099 SQ. FT.

3

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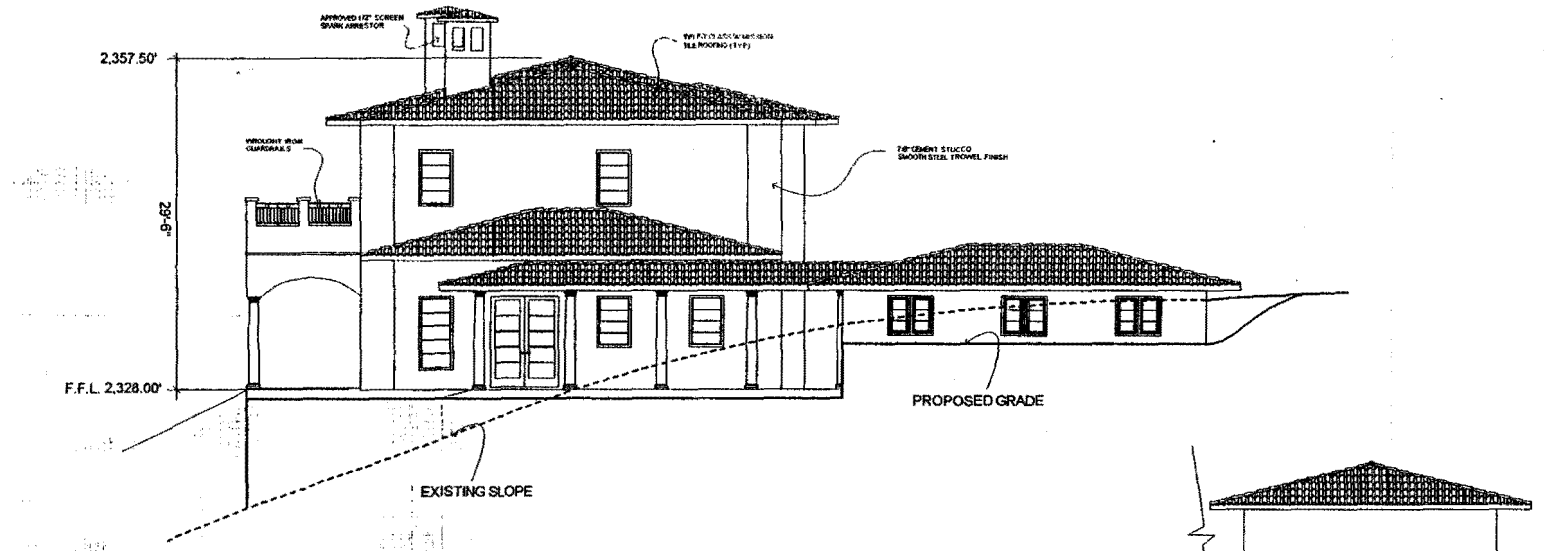
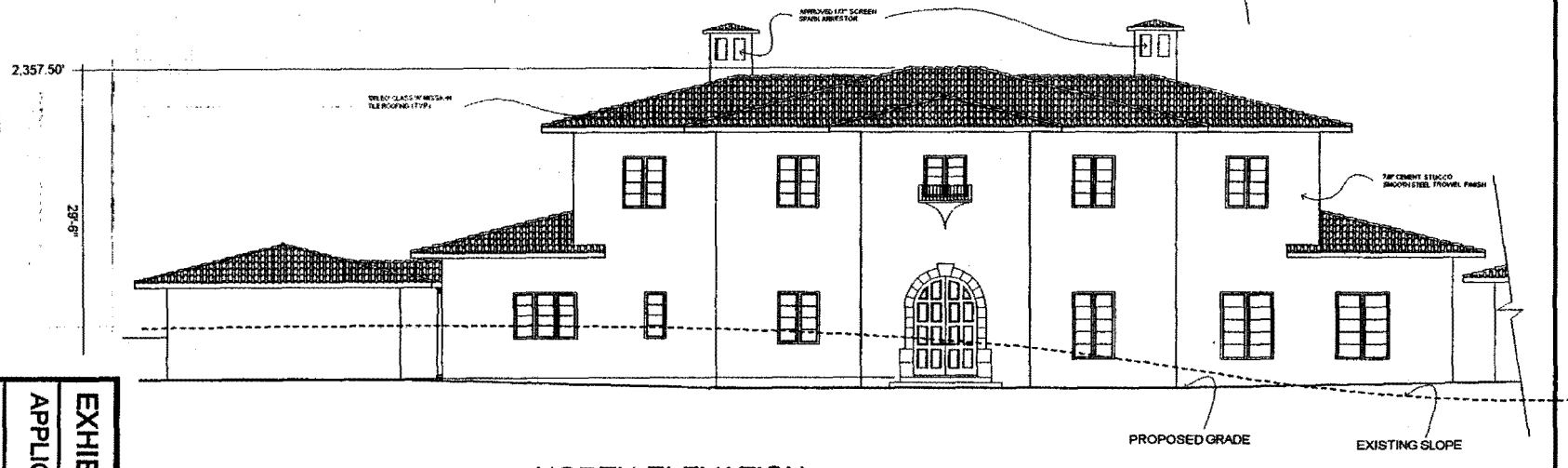
PROPOSED SINGLE FAMILY RESIDENCE,
GUESTHOUSE AND GARAGE STRUCTUES FOR:
JOHN AND ANN MATISE
SADDLE PEAK ROAD
MALIBU, CA 90265



EAST ELEVATION



NORTH ELEVATION

PROPOSED SINGLE FAMILY RESIDENCE
GUESTHOUSE AND GARAGE STRUCTURES FOR:
JOHN AND ANN MATISE
24738 SADDLE PEAK ROAD
MALIBU, CA 90265

CLIVE DAWSON A.I.A.
architecture and planning
23923 Pacific Coast Highway, Malibu, California 90265 310.456.1923

JANUARY 2001

5

EXHIBIT NO. 6
APPLICATION NO.
4-01-235
ELEVATIONS

EXHIBIT NO. 7

APPLICATION NO.

4-01-235

ELEVATIONS

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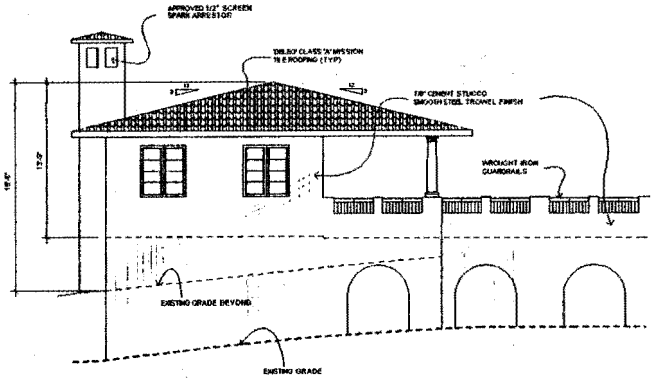
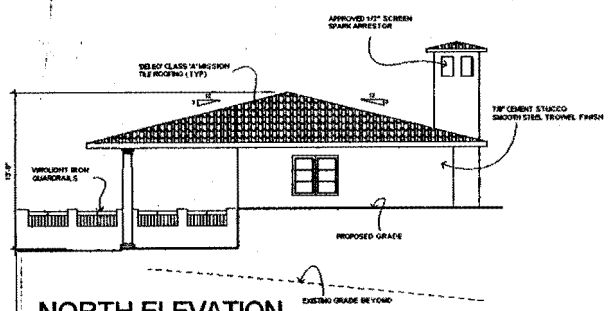
PROPOSED SINGLE FAMILY RESIDENCE,
GUESTHOUSE AND GARAGE STRUCTUES FOR:
JOHN AND ANN MATISE
24738 SADDLE PEAK ROAD
MALIBU, CA 90265

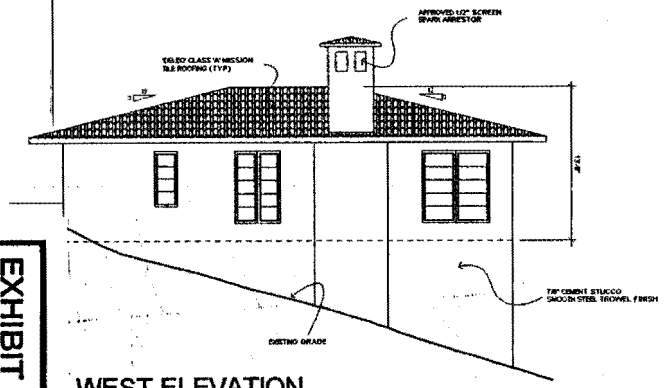
6



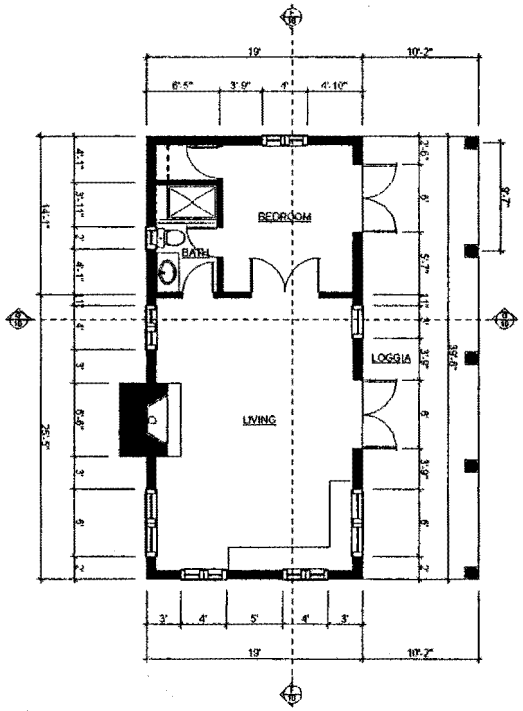
SOUTH ELEVATION



NORTH ELEVATION

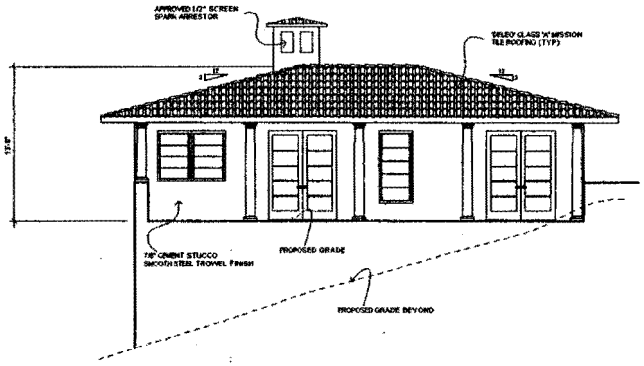


WEST ELEVATION



FLOOR PLAN

750 SQ. FT.



EAST ELEVATION

GUEST HOUSE

CLIVE DAWSON A.I.A.
architecture and planning
28935 Pacific Coast Highway, Malibu, California 90265 310.589.1921

PROPOSED SINGLE FAMILY RESIDENCE
GUESTHOUSE AND GARAGE STRUCTUES FOR:
JOHN AND ANN MATISE
24738 SADDLE PEAK ROAD
MALIBU, CA 90265

ZJD
CLIVE
JANUARY 2001
1/4"=1'-0"
0025.00
9

EXHIBIT NO. 8
APPLICATION NO.
4-01-235
GUESTHOUSE PLANS

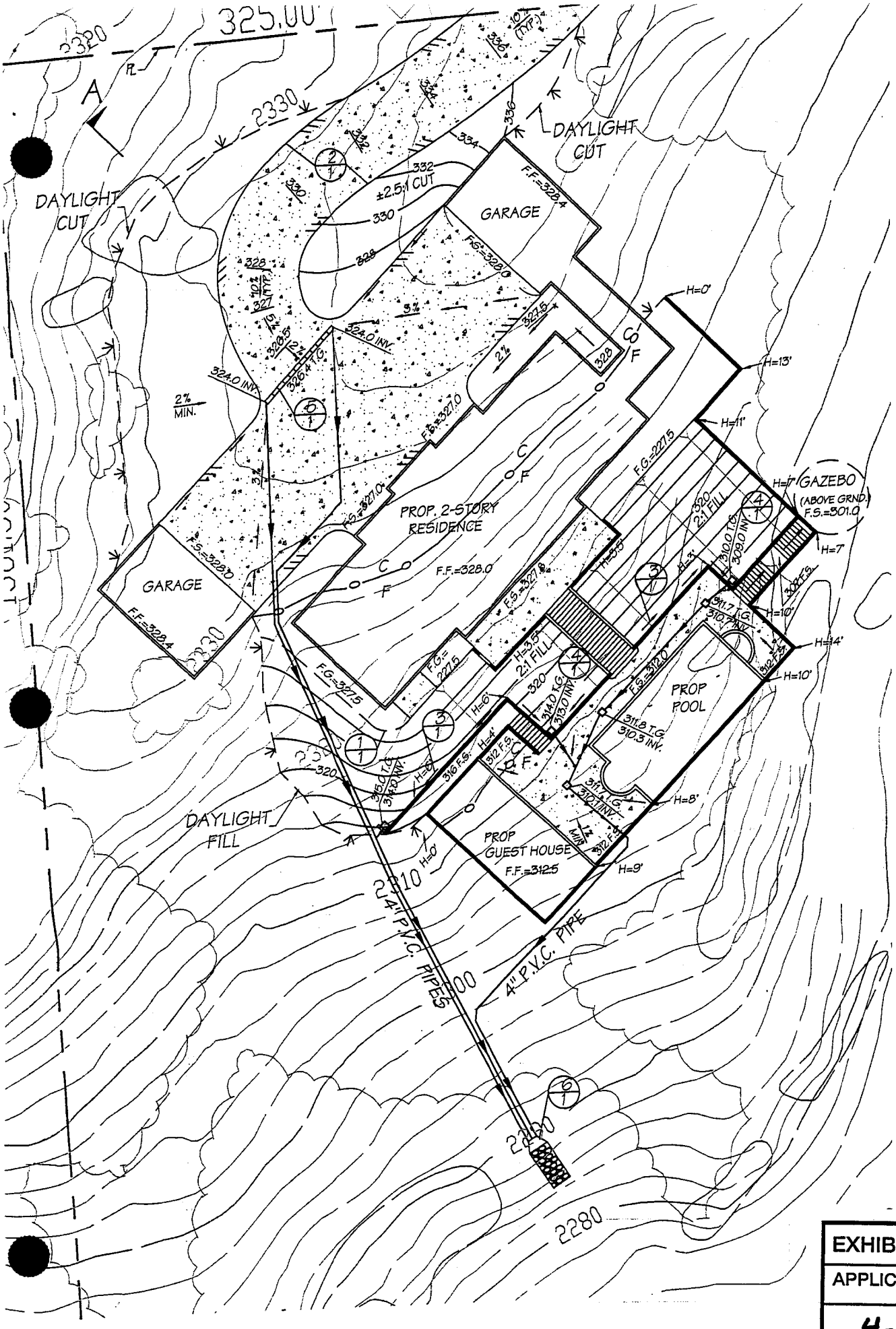
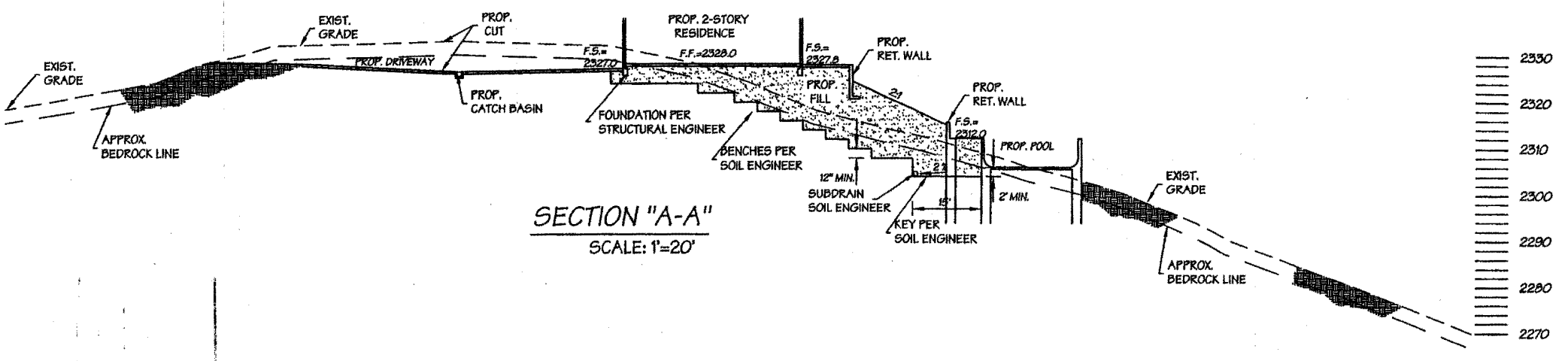


EXHIBIT NO. 9
APPLICATION NO.
4-01-235
GRADING DETAIL

G

GRAPHIC SCALE



SECTION "A-A"

SCALE: 1"=20'

EXHIBIT NO. 10

APPLICATION NO. 4-01-235

GRADING X-SECTION

EXHIBIT NO. 11

APPLICATION NO.

4-01-235

FUEL MOD. PLAN

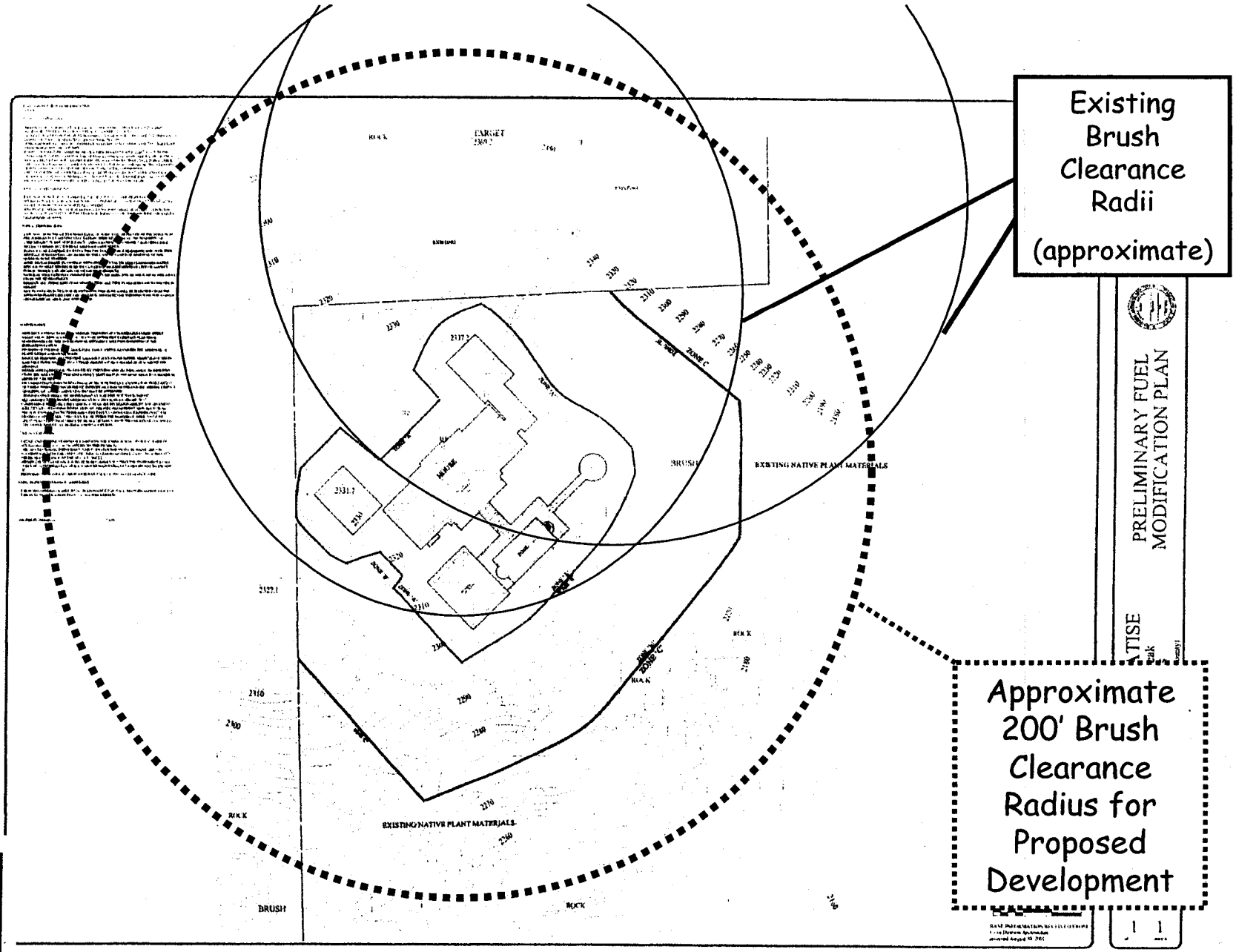


EXHIBIT NO. 12
APPLICATION NO.
4-01-235
BRUSH CLEARANCE