

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA
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 Hearing Date: 11/5/02
 Comm Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-043

APPLICANT: Daniel Weiss C/O Martin Weiss

AGENT: Terry Valente

PROJECT LOCATION: 1955 Decker School Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 3,012 sq. ft. single family residence with attached 420 sq. ft. garage, new access driveway with walls, renovate existing water well and new storage tank, septic system, and grade a total of 4,170 cubic yards of material including remedial grading, export 1,270 cubic yards to a disposal site located outside the coastal zone.

Lot area:	5.09 acres
Building Pad Area	9,925 sq. ft.
Building coverage:	2,116 sq. ft.
Pavement coverage:	9,450 sq. ft.
Landscape coverage:	37,034 sq. ft.
Parking spaces:	4
Ht abv fin grade:	35 ft.
Plan Designation:	Rural Land II and Rural Land I
Zoning:	1 dwelling unit / 5 and 10 acres
Project Density	one du/5 acres

SUMMARY OF STAFF RECOMMENDATION

The applicant requests approval to construct a single family residence and garage on an existing parcel located near the intersection of Decker Road and Decker School Road. The property includes an existing water well. The project is located on a five acre parcel accessed from an existing dirt driveway to the building site which is less than 10,000 sq. ft. in size.

(Continued)

The subject parcel includes non native grasses and appears to been disked to reduce the fire hazard in the area. There are no public trails in the immediate vicinity. Staff recommends approval of the proposed project with Special Conditions addressing: landscape, erosion control and fuel modification plans; removal of natural vegetation, removal of excavated material; drainage and polluted runoff control plan; plans conforming to geologist/engineer's recommendation; and wildfire waiver of liability. The project, as conditioned, will therefore be consistent with the Coastal Act.

IMPORTANT PROCEDURAL NOTE:

This application was previously scheduled to be heard at the Commission meeting of September 10-13, 2002, but was delayed by staff due to other workload priorities which allowed the applicant time to revise the project description to the October meeting and now to the November 5-8, 2002 meeting. The 180th day pursuant to the Permit Streamlining Act for Commission action on the subject application December 2, 2002. Therefore, the Commission must vote on Coastal Development Permit Application No. 4-02-058 no later than the November 5-8, 2002 hearing.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 1/26/2000; Los Angeles County Department of Health Services, dated 11/9/2000 for septic system; County of Los Angeles Fire Department, Fire Protection Engineering Approval and driveway access, dated 7/19/01; Los Angeles County Department of Health Services, Application for Well Permit, dated 3/1/2000.

SUBSTANTIVE FILE DOCUMENTS: Assumption of Geotechnical and Geological Engineer of Record and Update Letters, dated June 30, 1998 and May 30, 2001, by Ralph Stone and Company, Inc.; Coastal Permit No. 4-01-177, Erickson; Coastal Permit No. 4-00-221, Clemens; Coastal Permit No. 4-00-125, Bomar; Coastal Permit No. 4-00-119, Deegan-Day.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-043 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.

I. 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. LANDSCAPE, EROSION CONTROL AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised landscaping and erosion control plans, prepared and signed by a licensed landscape architect, a qualified resource specialist, or qualified landscape professional for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) **Landscape Plans and Erosion Control Plans**

- 1) All graded and disturbed areas as a result of the proposed project on the subject site, except as noted below, shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements of the proposed development and the existing on-site fire break and may include gravel and rock areas within Zone A of the Fuel Modification Plan and other appropriate areas to minimize erosion on-site. In areas proposed for planting, such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils and the building pads where development is proposed;
- 2) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 4) Vegetation within 20 feet of the proposed residence, garage/workshop and driveway may be removed to mineral earth, vegetation within a 200 foot radius of the structures may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term Fuel Modification Plan submitted pursuant to this special condition. The Fuel Modification Plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire

Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

- 5) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage as a result of the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.
- 6) Perimeter fencing of the property is prohibited. The applicant in this application proposes no fencing. Any future fencing of the property shall require a coastal permit or amendment to this coastal permit.

B) Interim Erosion Control Plan

- 1) The landscape/erosion control 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 to be left undisturbed such as native vegetation shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geo-fabric covers or other appropriate cover, install geo-textiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geo-textiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

Five (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 and fencing report, prepared by a licensed Landscape Architect, qualified Resource Specialist, or qualified landscape professional that certifies in writing that the on-site landscaping and fencing is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species, plant coverage and fencing on site.

If the landscape monitoring report indicates the landscaping and fencing 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 and fencing plan for the review and approval of the Executive Director. The revised landscaping and fencing plan must be prepared by a licensed Landscape Architect, a qualified Resource Specialist, or qualified landscape professional 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.

2. REMOVAL OF EXISTING VEGETATION

Removal of existing vegetation for the purpose of fuel modification within the 20 foot zone surrounding the proposed structures 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 20-200 foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

3. REMOVAL OF EXCAVATED MATERIAL

The applicant shall remove all excess excavated or cut material consisting of approximately 1,270 cubic yards of material to an appropriate disposal site located outside of the Coastal Zone or a site with a valid coastal permit for the disposal of fill material located within the coastal zone.

4. 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. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- (e) The plan shall include drainage devices and BMPs, designed consistent with the standard specified in provision (a) above, which will collect and direct runoff from the proposed barn and corral area through a system of vegetated filter strips and/or other media filter devices. The filter strips or filter devices shall be designed to trap sediment, particulates and other solids and remove or mitigate contaminants through filtration, infiltration and/or biological uptake.

5. PLANS CONFORMING TO GEOLOGIST/ENGINEER'S RECOMMENDATIONS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Engineering consultant's review and approval of all project plans including the landscape and erosion control plans. All recommendations contained in the submitted reports titled: Assumption of Geotechnical and Geological Engineer of Record and Update Letters, dated June 30, 1998 and May 30, 2001, by Ralph Stone and Company, Inc., shall be incorporated into all final design and construction. All plans must be reviewed and approved by the consultant.

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

6. WILDFIRE WAIVER OF LIABILITY

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all

claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. Findings and Declarations

A. Project Description

The project site is located about two and one half miles inland of the coast west of the intersection of Decker Road and Decker School Road. The parcel is accessed from Decker Road along an existing dirt driveway to the building site on the five acre parcel set back from Decker Road (Exhibit 1).

The applicant proposes to construct a two story, 3,012 sq. ft. single family residence with attached 420 sq. ft. garage, new access driveway with walls, renovate existing water well and new storage tank, septic system, and grade a total of 4,170 cubic yards of material including 500 cubic yards of remedial grading, and exporting 1,270 cubic yards of material to a disposal site located outside the coastal zone. The building pad creates about 9,925 sq. ft. of disturbed area on the site. Of the total 4,170 cubic yards of material, grading for the proposed driveway to meet Los Angeles County Fire Department requirements consists of 1,750 cubic yards of cut and 200 cubic yards of fill (Exhibits 2 – 8). The applicant initially proposed to grade about 5,100 cubic yards of material on site. At the request of staff, the applicant revised the proposed grading plan to reduce it to the proposed 4,170 cubic yards of material.

The applicant's water source is from an existing water well located on the northeast portion of the property which is proposed to be renovated and a water storage tank added onsite for fire protection and domestic purposes. The applicant does not propose any fencing of the subject property at this time.

The elevation of the subject parcel is 1,400 feet above sea level on a slope of about 2:1 gradient facing northwest. The site relief is about 100 feet. The proposed building site is located near the top of the parcel at the southeastern portion of the parcel. The site is surrounded by vacant parcels and residentially developed parcels located to the north and west.

The subject parcel is not located within a designated wildlife corridor, nor includes any identified ESHA. The property appears to have been disked for many years and is covered with non-native grasses. The parcel drains to the south where ESHA is located about 1,000 feet to the south within Los Aliso Creek. There are no designated or existing trails in the immediate vicinity of the parcel and its visibility from Decker Road is limited.

B. Environmentally Sensitive Resources

Section 30231 of the Coastal Act states that:

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

Section 30240 of the Coastal Act states that:

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

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

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

a. Erosion

Minimizing erosion on the site is also important to reduce geological hazards and minimize sediment deposition into an environmentally sensitive habitat area within Los Aliso Creek, a Creek leading into the ocean. The building site drains to the south into a drainage leading into Los Aliso Creek. The riparian vegetation and habitat located about 1,000 feet to the south in Los Aliso Creek is designated an environmentally sensitive habitat areas (ESHA) in the Malibu/Santa Monica Mountains Land Use Plan. Since the project site and property is not located within any ESHA or designated Significant Watershed area, the proposed project was not reviewed by the Los Angeles County Environmental Review Board. Therefore, the development of the subject site will not directly impact these ESHA resources. However, the proposed project does have the potential to have indirect adverse effects as a result of site erosion and offsite sedimentation. Further the recommendations of the consulting geotechnical engineer emphasize the importance of proper drainage in non-erosive drainage devices to ensure the stability of development on the site. For these reasons, the Commission finds it necessary to require a drainage and erosion control plan prepared by a licensed engineer to minimize erosion on the site and sedimentation offsite during grading and

construction activities into this environmentally sensitive habitat area, as noted in Special Condition Number One.

The applicant proposes to grade a total of 4,170 cubic yards of material including 500 cubic yards of remedial grading with an export of 1,270 cubic yards offsite site to a disposal site located outside the coastal zone. The grading proposed for the building pad is 720 cubic yards of cut, 1,000 cubic yards of fill and the 500 cubic yards of remedial grading. The proposed grading for the driveway consists of 1,750 cubic yards of cut and 200 cubic yards of fill. This grading has the potential to create erosion on site and create offsite sedimentation into the drainage course leading to Los Alisos Creek downstream. The Commission finds that minimizing site erosion will minimize the project's potential individual and cumulative contribution to adversely affect the natural drainage course. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. 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 pad areas 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 aid in preventing erosion. Therefore, in order to minimize erosion and resultant sedimentation of the drainage course and downstream areas, Special Condition number one (1) requires that all disturbed and graded areas shall be stabilized and vegetated with appropriate native plant species. The Commission further notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to out compete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition Number one also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. In order to minimize the potential for erosion of on site materials prior to the grading on the site or construction of the residence, Special Condition Number two is needed to preclude the removal of existing vegetation for the purpose of fuel modification prior to the issuance of a building or grading permit. In addition, the applicant proposes to export 1,270 cubic yards of material from the project site to a disposal site located outside the coastal zone. Special Condition Number three requires that this excess material be exported to a site outside the coastal zone or to a site in the coastal zone with a valid coastal permit for the disposal of fill material.

b. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the construction of a two story, 3,012 sq. ft. single family residence with attached 420 sq. ft. garage, new access driveway with walls, renovate existing water well and new storage tank, septic system, and grade a total of 4,170 cubic yards of material including remedial grading, export 1,270 cubic yards outside coastal zone (Exhibits 2-8).

The site is considered a "hillside" development, as it includes moderately sloping terrain with soils that are susceptible to erosion surrounding of the proposed building site. Further, use of the site for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

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. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly diminished.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition Number four, 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 Number One is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

In order to ensure that adverse impacts to coastal water quality and nearby ESHA located to the south about 1,000 feet along Los Aliso Creek do not result from the proposed project, the Commission finds it necessary to require the applicant, through Special Condition Number Four, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site, as applicable. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly

capturing 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. 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.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30231 and 30240 of the Coastal Act.

C. Landform Alteration

Section 30251 of the Coastal Act states that:

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

...

The Commission evaluates the proposed project in terms of the impact of the project on coastal views and from scenic highways, public land and trails. The proposed development overlooks a portion of Aliso Canyon and is not visible from the Pacific Coast Highway, a designated scenic route. The building site is located north of a small ridge screening its view from Decker Road, also a designated scenic highway. The site is not visible from any public trails.

The proposed development includes a moderate amount of grading for the proposed structure and access driveway from Decker Road that complies with the Los Angeles County Fire Department standards (Exhibit 2). The applicant initially proposed to grade about 5,100 cubic yards of material on site. At the request of staff, the applicant revised the proposed grading plan to reduce it to the proposed 4,170 cubic yards of material, including 500 cubic yards of remedial grading. Therefore, the Commission finds that, as conditioned, the project is consistent with Section 30251 of the Coastal Act.

D. Geologic Stability and Hazards

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

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

The proposed development is located in the Santa Monica Mountains, an area considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The subject site physical topographic relief is about 100 feet. Slope drainage presently is by sheet flow runoff.

1. Geology

The applicant has submitted geology reports titled: Assumption of Geotechnical and Geological Engineer of Record and Update Letters, dated June 30, 1998 and May 30, 2001, by Ralph Stone and Company, Inc. These reports conclude:

It is the opinion of the undersigned, a duly registered engineering geologist and geotechnical engineer, based upon test results being available for review, that if constructed in accordance with our recommendations and properly maintained, (1) the proposed structure(s) will be safe against hazard from landslide, damaging settlement, or slippage, and that (2) the proposed building or grading construction will have no adverse effect on the geologic stability of property outside of the building site.

Given the findings and recommendations of the consulting engineer and geologist, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by these consultants as conforming to their recommendations, as noted in Special Condition Number five for the final project plans for the proposed project.

2. Wildfire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the

individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number six.

E. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, 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 that:

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

The applicant is proposing the installation of a septic tank, and leach field to accommodate the sewage of the proposed development. The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, among other criteria. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

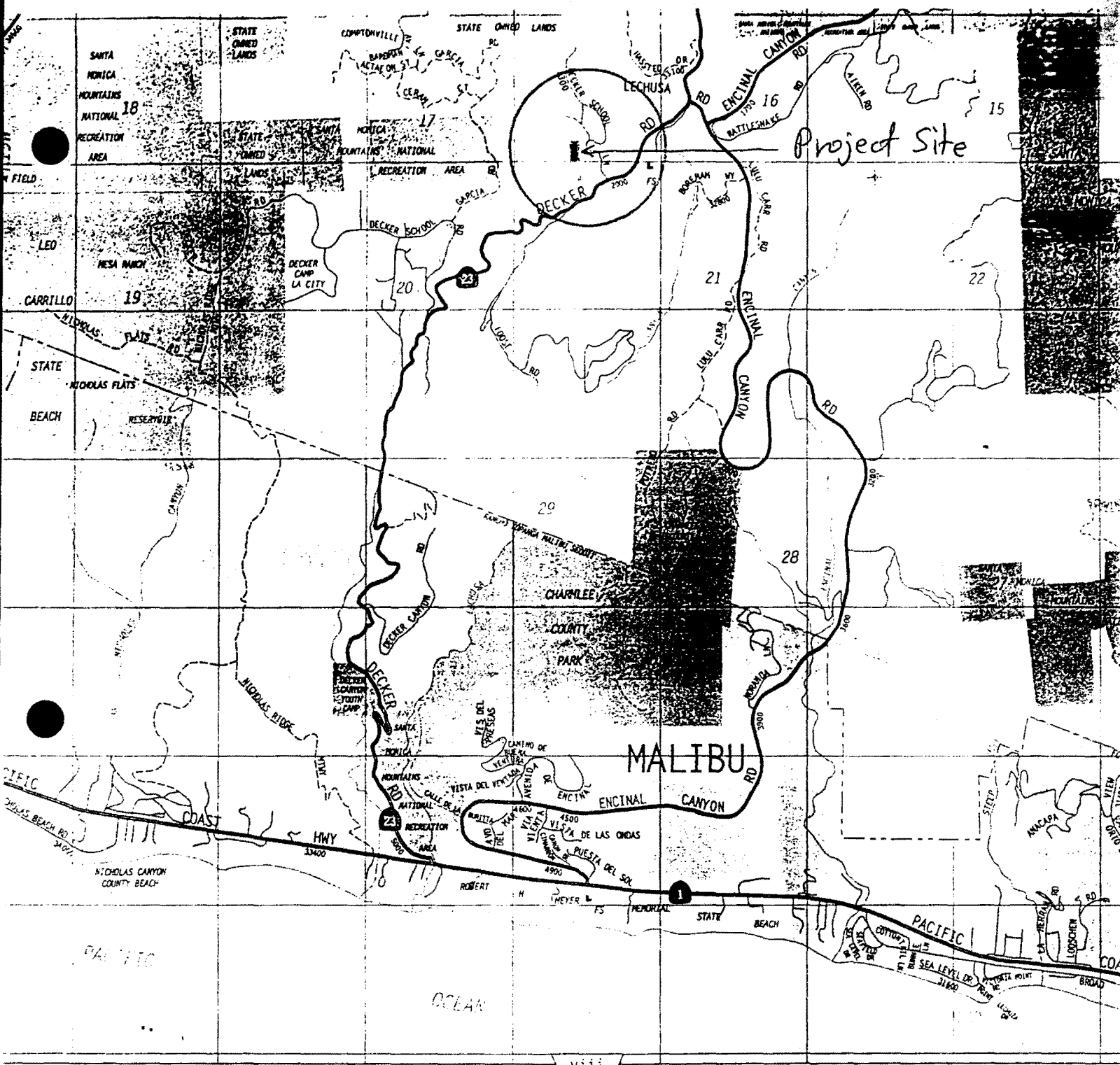
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act (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 County of Los Angeles determined that this project was categorically exempt from CEQA.

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.



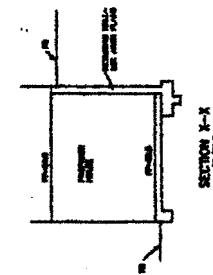
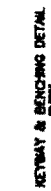
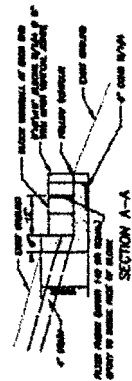
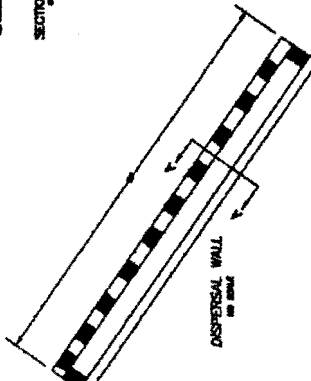
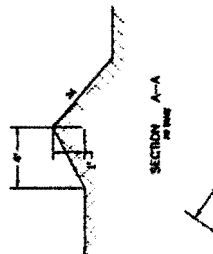
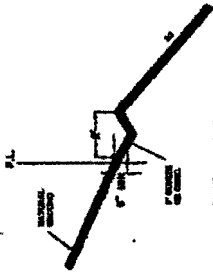
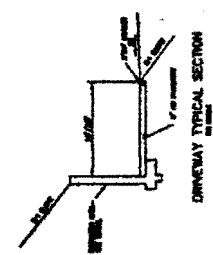
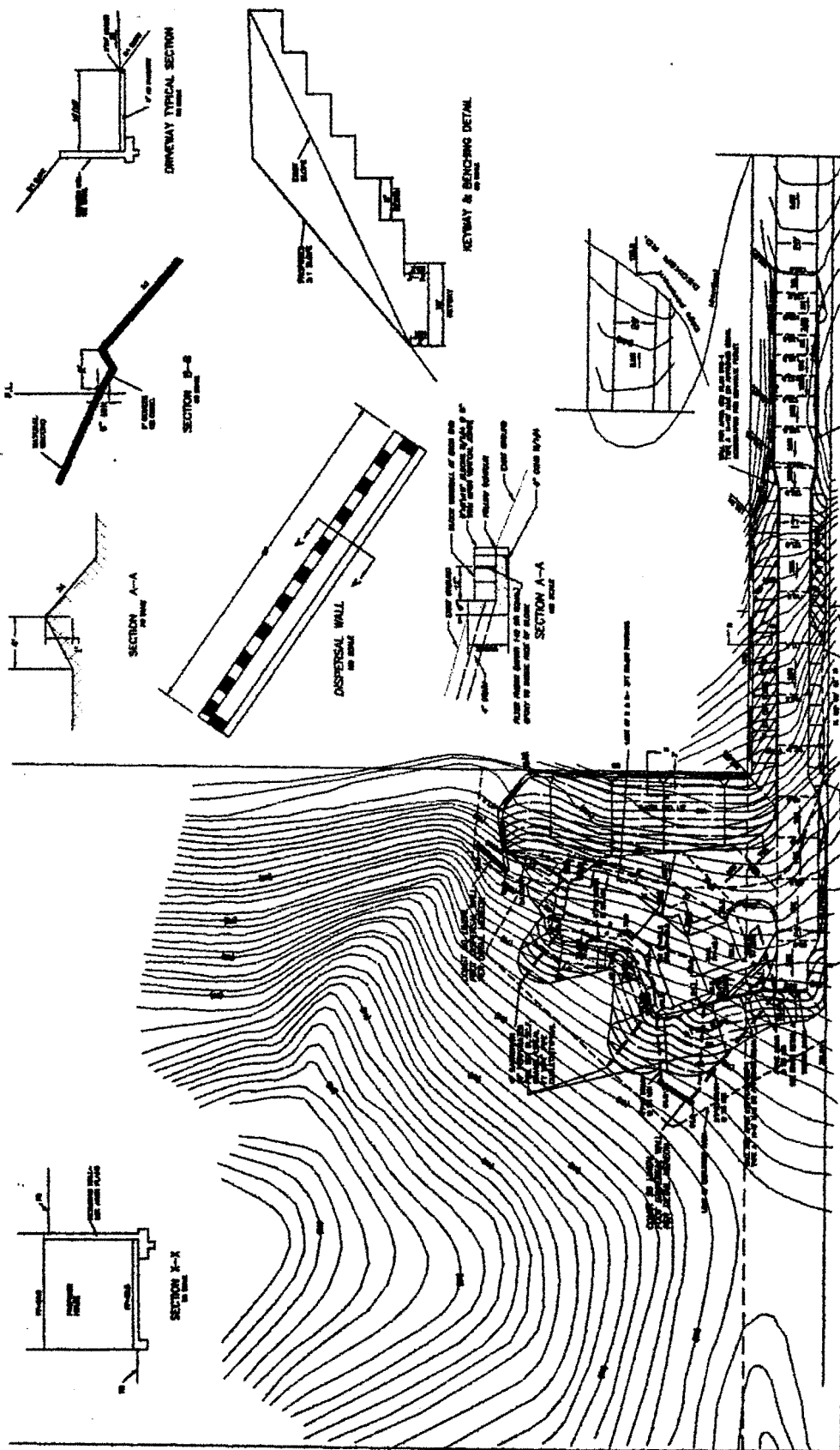
SEE VIII MAP

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL CO.

EXHIBIT NO. 1
APPLICATION NO. 4-00-093
Project Site



LEGAL DESCRIPTION

AREA UNDER NOTES

ADDRESS: 1955 DECKER SCHOOL LANE

NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

GRADING PU

OWNER:
MARTIN WEISS
500 S. SEPULVEDA BLVD. #300
LOS ANGELES, CALIF. 90048
(310) 440-3750

SOILS ENGINEER/ GEOLOGIST
RALPH STONE AND COMPANY, INC.
10804 SANTA MONICA BLVD.
LOS ANGELES, CALIF. 90025
(310) 478-1501

GRAPHIC SCALE
1" = 40'
SCALE 1" = 40'

DRAIN DETAIL A

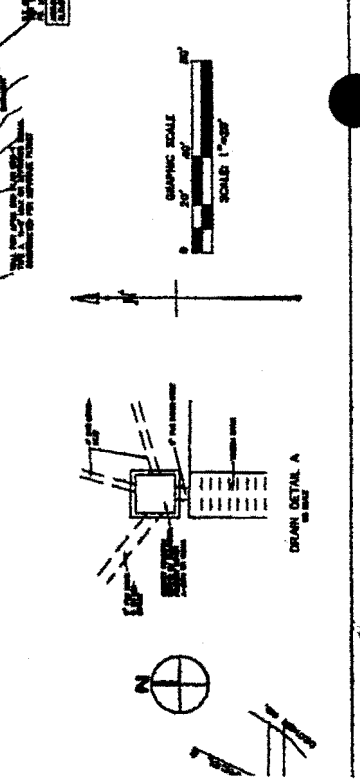
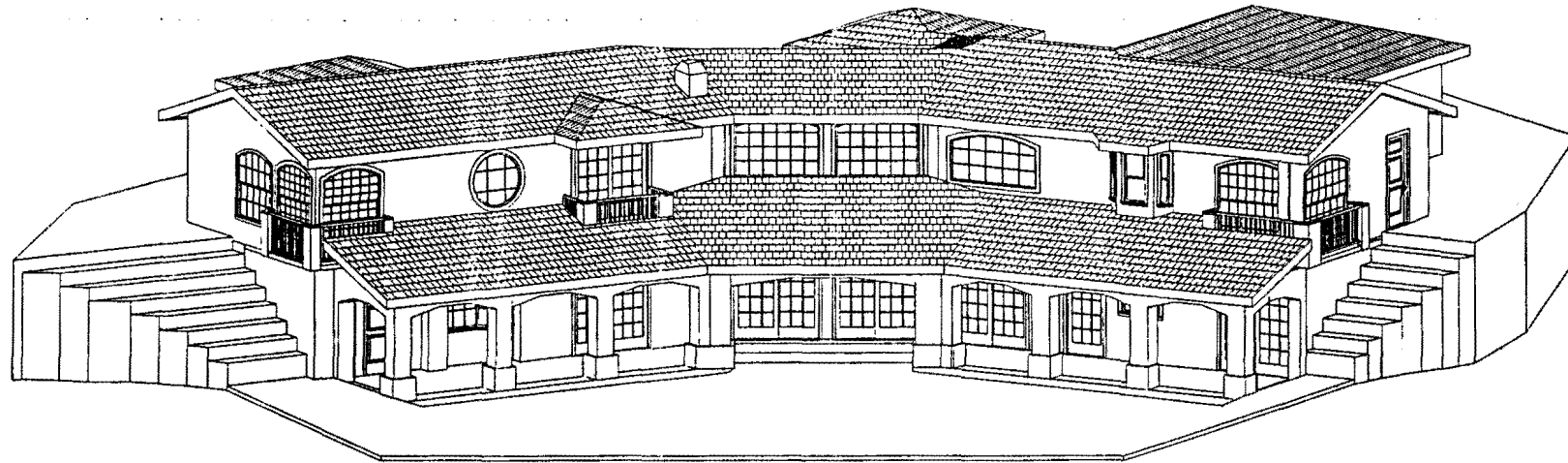


EXHIBIT NO. 2

APPLICATION NO. 4-80-043

Grading & Site Plan



3 D MODEL VIEW FROM THE NORTHWEST
(FROM THE OCEAN SIDE)

**Janssen &
Janssen
Construction
Inc.**

220 W.
Providence
Ave.
Burbank Ca
91502

**MARTIN
WEISS
Residence**

1955 DECKER SCHOOL LANE
LOS ANGELES COUNTY
MALIBU, CA.

Revision: _____ Date _____

GENERAL INFORMATION

CODE ANALYSIS

PLANNING / ZONING

(CURRENT LOS ANGELES COUNTY ZONING ORDINANCE)

ZONE = MALIBU COASTAL ZONE
LOT SIZE = 221,949 SF, APPROX 5.09 AC. PLUS ACCESS EASEMENT 14,760 SF, APPROX .34 AC.
HOUSE SIZE: LOWER FLOOR = 1,436 SF, UPPER FLOOR = 1514 SF, TOTAL = 3,012 SF, GARAGE = 420 SF, FOOTPRINT 1954 SF =< 1% LAND / BLDG RATIO
SETBACKS: FRONT = 20' - SIDE = 5' - REAR = 15' - OK BY INSPECTION
30' SETBACK FROM DECKER SCHOOL LANE IS WA.
BUILDING HEIGHT MAX 25'2" =< 35' BUILDING ENVELOPE ALONG EXISTING GRADE - REFER TO SHEET SD-2
THIS PROPERTY IS NOT LOCATED IN A SENSITIVE ENVIRONMENTAL ZONE.
WATER IS SUPPLIED BY AN EXISTING ON-SITE WELL. A NEW 4,500 GAL WATER STORAGE TANK WILL BE INSTALLED
THE OWNER WILL INSTALL A 1,000 GAL SEPTIC TANK ON-SITE - REFER TO GRADING PLAN SHEET SD-3 & SD-3A
CUP REQUIRED FOR WATER STORAGE TANK.

BUILDING AND FIRE PREVENTION

(CURRENT LOS ANGELES COUNTY BUILDING CODE)

BUILDING TYPE = TYPE VII CONSTRUCTION FULLY SPRINKLERED WITH ONE HOUR FIRE SEPARATION BETWEEN HOUSE AND GARAGE
FRS SHALL BE => 1,250 GPM @ 20 PSI / 2HRS. WATER TANK SIZE = MIN 1 GAL / GSF
A 2 1/2" ANMVA STD CS05 FIRE DEPT CONNECTION ON THE WATER TANK
USED IN ALL BEDROOMS AND ADJACENT HALLS - (HARD WIRE) REFER TO FLOOR PLANS
REVISED FIRE ALARM
LANE WITH STUCCO EXTERIOR FINISH
3 A OR D FIRE RETARDANT
DOX FOR FIRE DEPT. L.A. CO. REG #5

MISC. REQUIREMENTS

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB, AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH ANY WORK.
2. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY FOR WORK PERFORMANCE AND SAFETY.
3. ALL WORK, MATERIALS, METHODS, ETC., SHALL CONFORM TO ALL BUILDING CODES, REGULATIONS AND AGENCIES.
4. CONTRACTOR SHALL PROVIDE THE BUILDING DEPARTMENT WITH EVIDENCE OF WORKMAN'S COMPENSATION INSURANCE AS REQUIRED.

SCOPE OF WORK

1. FURNISH ALL LABOR AND MATERIALS TO CONSTRUCT A NEW 3,012 SF, TWO STORY MEDITERRANEAN HOUSE WITH AN ATTACHED TWO CAR GARAGE.
2. FURNISH AND INSTALL "SMART HOUSE" CAT 5 ELECTRICAL SERVICE THROUGHOUT.
3. FURNISH AND INSTALL NEW COPPER PLUMBING AND FIXTURES AS SHOWN
4. FURNISH AND INSTALL 2 INDIVIDUAL ENERGY EFFICIENT HVAC UNITS WITH INSULATED DUCTS THROUGHOUT, ONE SYSTEM TO SERVICE EACH FLOOR SEPARATELY.

SHEET INDEX

- TS-1 TITLE SHEET
- SD-1 SITE PLAN
- SD-2 SITE CROSS SECTIONS
- SD-3 SITE GRADING PLAN

- A-1 LOWER FLOOR PLAN FRONT ELEVATION
- A-2 UPPER (MAIN) FLOOR PLAN NOTES
- A-3 EXTERIOR ELEVATIONS
- A-4 ROOF PLAN
- A-5 CROSS SECTIONS
- A-6 INTERIOR ELEVATIONS

PROPERTY ADDRESS

1955 DECKER SCHOOL LANE LOS ANGELES COUNTY, (MALIBU) CA.

LEGAL DESCRIPTION

PARCEL 1: THE E. 1/4 OF THE S. 1/2 OF THE S.E. 1/4 OF THE S.E. 1/4 OF SEC. 17, T.15. S. R. 19 W
PARCEL 2: AN EASEMENT, OR RIGHT OF WAY, IN COMMON FOR ROAD & UTILITY PURPOSES OVER THE 51Y 40 FT OF THE SW 1/4 OF THE SW 1/4 OF SEC. 16, T.15. S. R. 19W SW OF DECKER ROAD
A.M.B. 4472:013-011

PROPERTY OWNER

DANIEL I. WEISS db MARTIN WEISS TEL 310.440.3750
500 S. SEPULVEDA BLVD. # 600 LOS ANGELES, CA 90049

**WILLIAM
NONA
ARCHITECT**

A division of Fourtenth International

64776 AUGUSTA AVENUE

DESERT HOT SPRINGS, CA 92240

TEL 760.891.3353 FAX 760.891.9008

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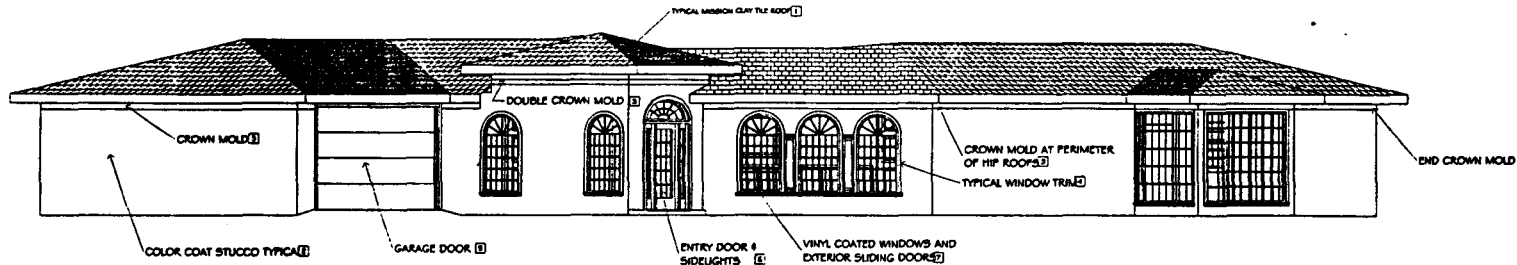
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TS-1
SHEET

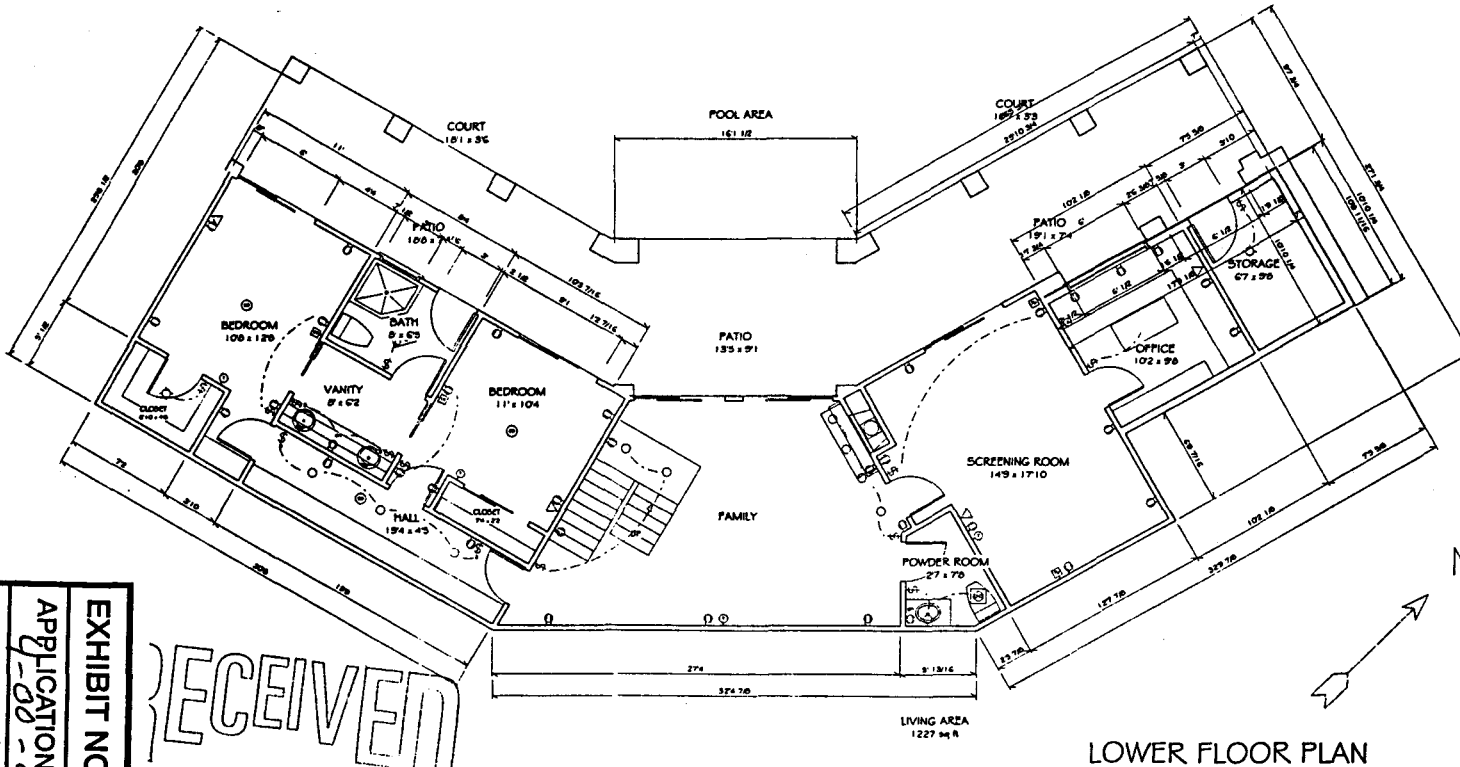
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SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 3
APPLICATION NO
00-093
Residence
Model



FRONT - SOUTHEASTERLY ELEVATION



LOWER FLOOR PLAN

**Janssen &
Janssen
Construction
Inc.**

220 W.
Providence
Ave
Burbank Ca
91502

**MARTIN
WEISS
Residence**

1955 DECKER SCHOOL LANE
LOS ANGELES COUNTY
MALIBU, CA.

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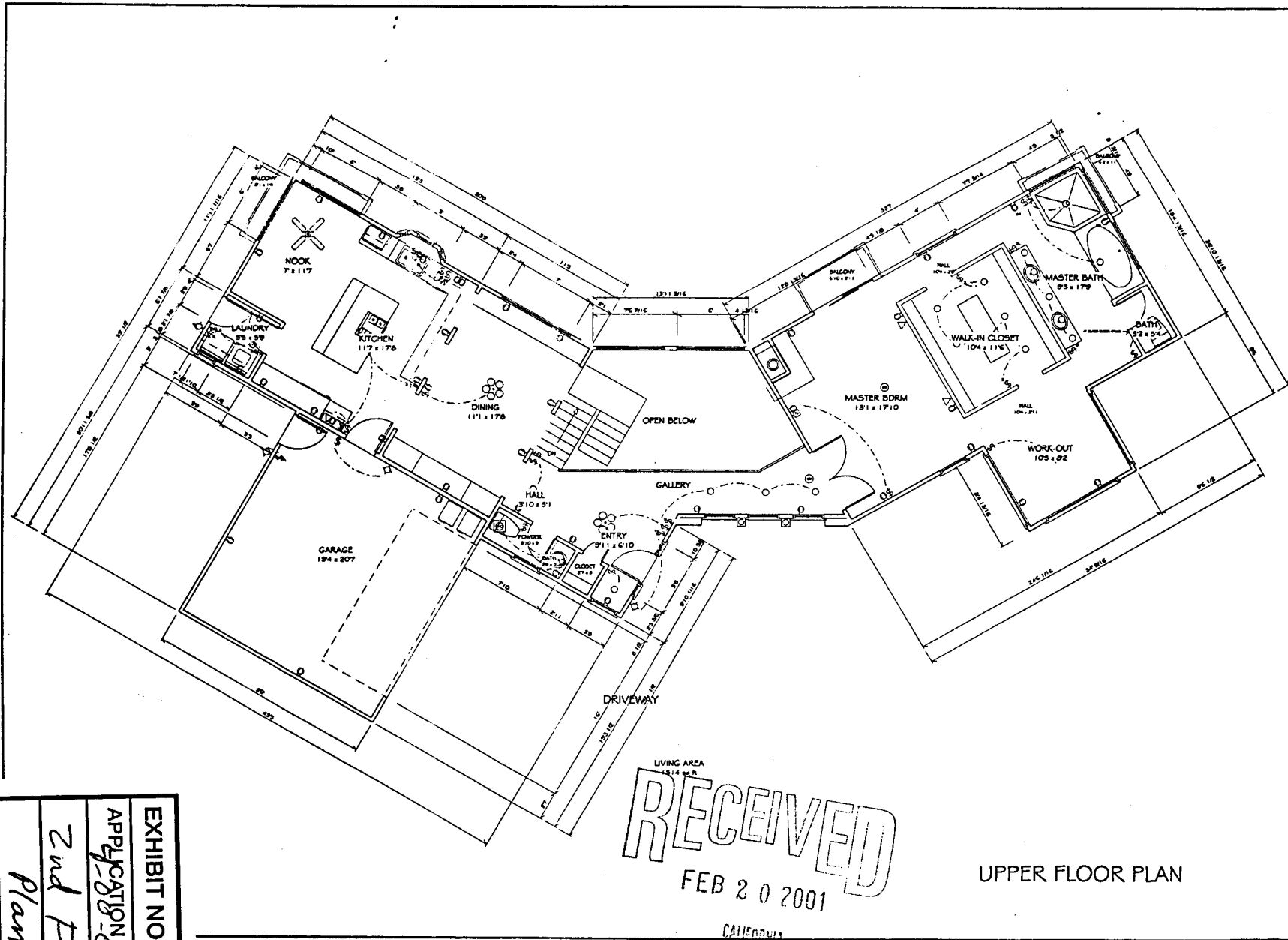
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SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 4
APPLICATION NO. 08-093
Elevation &
Floor Plan



LIVING AREA
1814 sq. ft.

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UPPER FLOOR PLAN

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SOUTH CENTRAL COAST DISTRICT

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Ave
Burbank Ca
91502

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Residence**

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A-2
SHEET

EXHIBIT NO. 5
APPLICATION NO. 088-093
2nd Floor Plan

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Janssen
Construction
Inc.**

220 W.
Providence
Ave
Burbank Ca
91502

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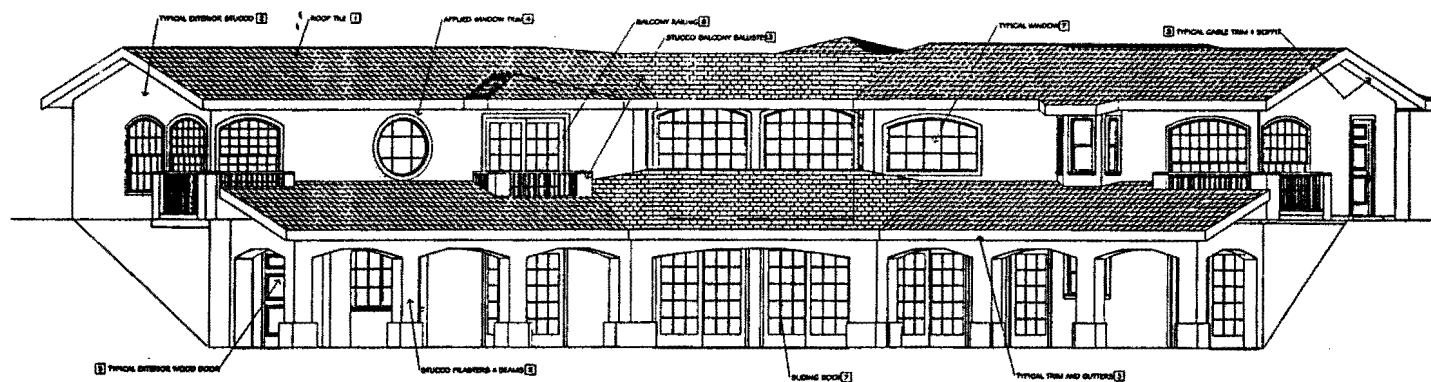
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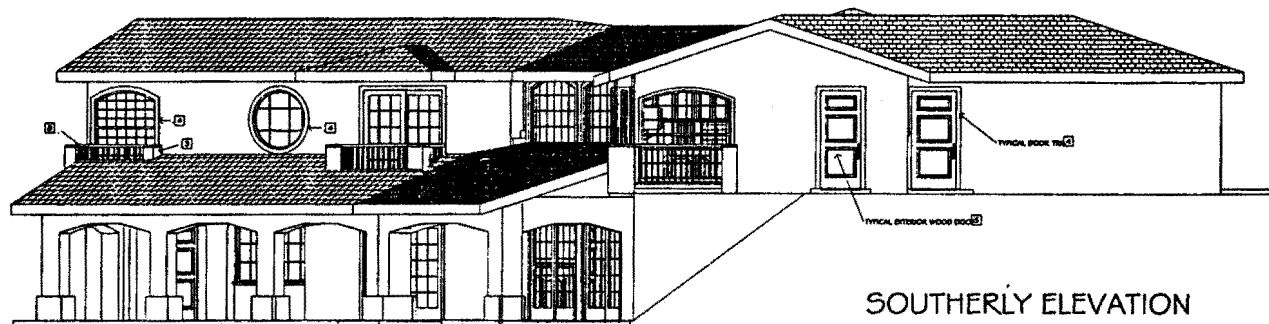
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A-3
SHEET



NORTH WESTERLY ELEVATION

VIEW TOWARD THE OCEAN



SOUTHERLY ELEVATION

SEE TYPICAL MATERIALS & COLORS AT NORTHWESTERLY ELEVATION
REFER TO SHEET SD-2 FOR OVERALL HEIGHTS



NORTH ELEVATION

EXTERIOR COLOR SCHEDULE

1. ROOF SHALL BE BAJA MISSION TILE - CUSTOM BLDG; 25% OLD SEDONA, 50% TERRA COTA & 25% PEACH CLAY TILE AS MFGD BY REDLAND CLAY TILE
2. EXTERIOR STUCCO SHALL BE HIGHLAND STUCCO INTEGRAL COLOR "HERITAGE" # 186
3. ROOF TRIM (EAVE, CROWN MOLD & GABLE ROOF EDGES), BALCONY BALUSTERS & FLOOR EDGES AND GUTTERS AT PERIMETER OF BUILDING SHALL BE PAINTED DUNN EDWARDS #4019 "SOFT ECHO"
4. APPLIED TRIM AT WINDOWS AND DOORS SHALL BE PAINTED DUNN EDWARDS #59 4019 "SOFT ECHO"
5. EXTERIOR WOOD DOORS (EXCLUDING MAIN ENTRY) SHALL BE PAINTED DUNN EDWARDS # 4019 "SOFT ECHO"
6. MAIN ENTRY DOORS AND SIDELIGHTS SHALL BE NATURAL RED OAK WITH A CLEAR VARNISH FINISH
7. WINDOWS & FRAMES AND SLIDING DOORS SHALL BE FACTORY VINYL FINISH COLOR : RUM
IN EDWARDS # 3130 "RUM SHOT"
#3135 "ST. VICK" WITH EXPOSED BEAMS

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SOUTH CENTRAL COAST DISTRICT

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EXHIBIT NO.	6
APPLICATION NO.	9-08-093
Elevations	

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 Ave
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 91502

**MARTIN
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 Residence**

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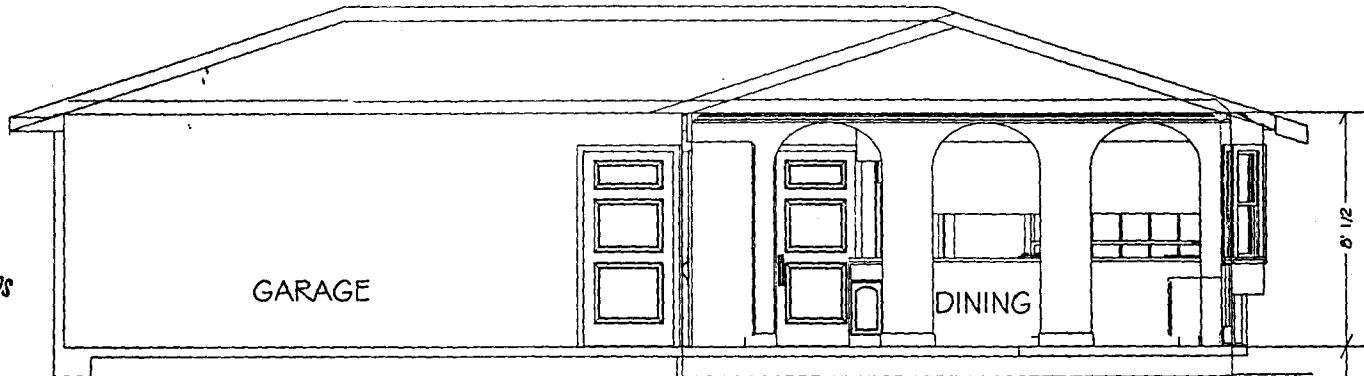
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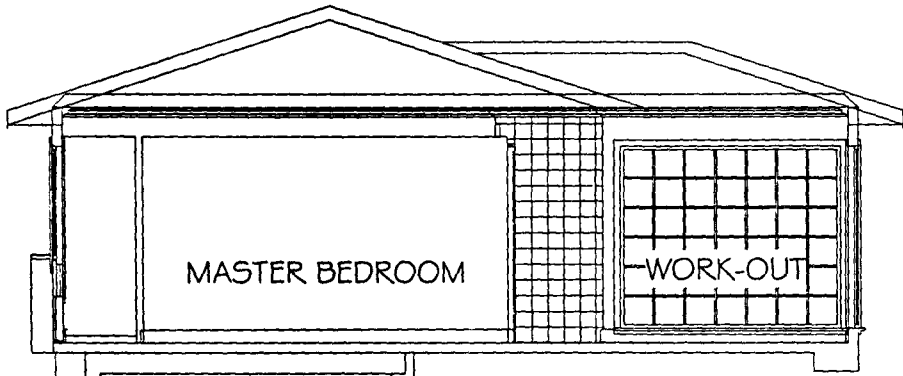
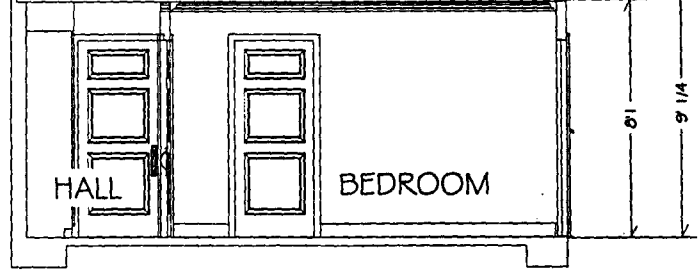
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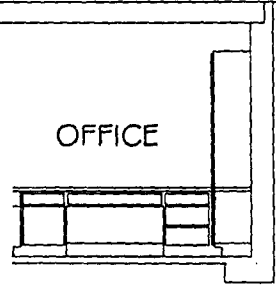
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CROSS SECTION "A"



CROSS SECTION "B"



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 COMMISSION

EXHIBIT NO. 7
 APPLICATION NO. 4-08-043
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Construction
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220 W.
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Ave
Burbank Ca
91502

**MARTIN
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Residence**

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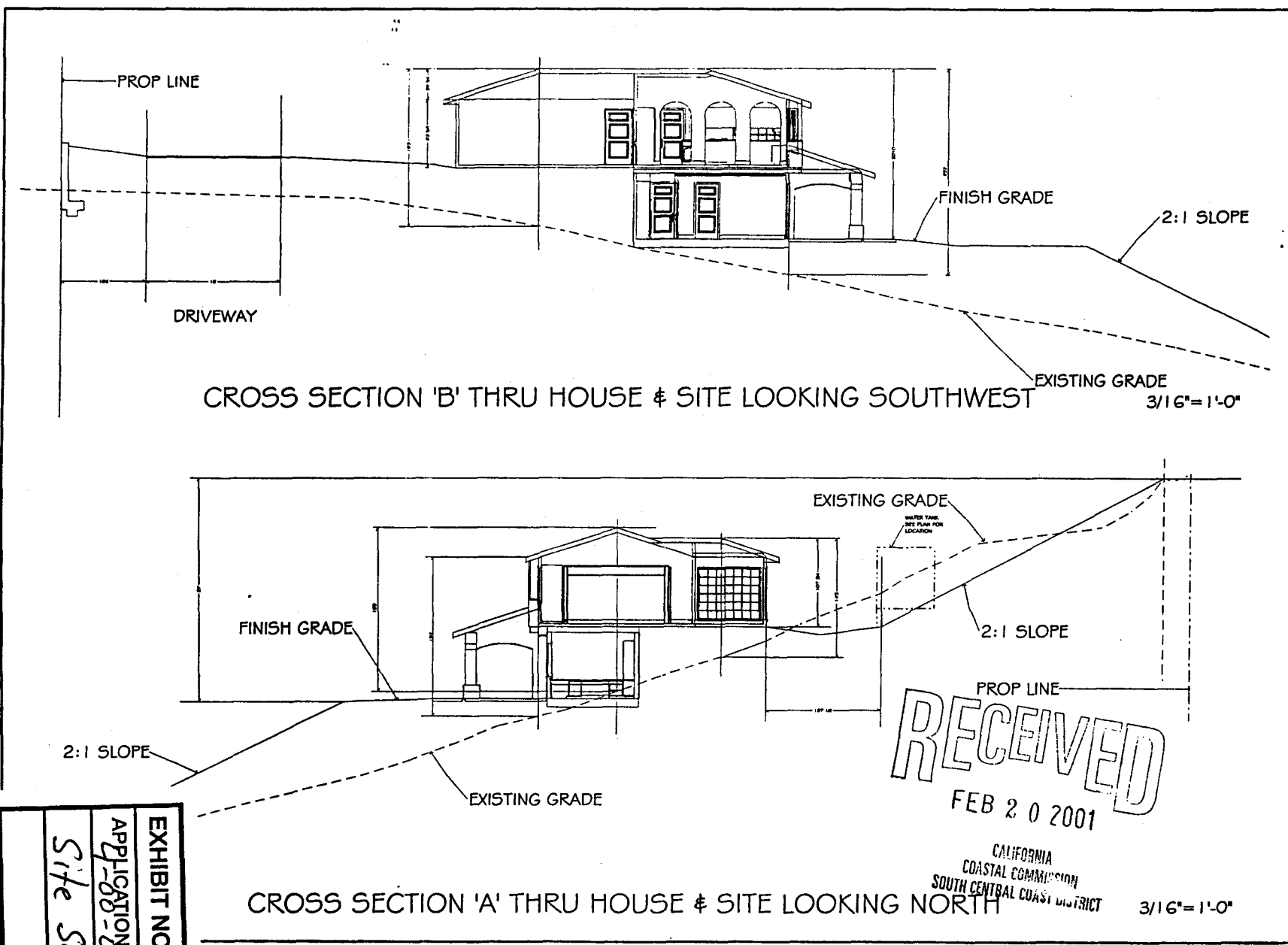
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SD-2

SHEET



CROSS SECTION 'B' THRU HOUSE & SITE LOOKING SW

3/16"=1'-0"

CROSS SECTION 'A' THRU HOUSE & SITE LOOKING NORTH

3/16"=1'-0"

EXHIBIT NO. 8
APPLICATION NO. 4-88-893
Site Sections

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