

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
SANTA ANA, CA 93001
714/85-1800

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Commission Action:



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STAFF REPORT: MATERIAL AMENDMENT

APPLICATION NO.: 5-89-155-A1
APPLICANT: Heidi Christiansen-Engel
AGENT: Norman Haynie
PROJECT LOCATION: 245 Loma Metisse, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

5-89-155 - Construction of a 4,567 sq. ft., single-family dwelling, 34 feet high, pool, driveway, septic system, horse stable and corral, and 18,300 cubic yards of grading (9,150 cut; 9,150 fill).

DESCRIPTION OF AMENDMENT: Applicant proposes construction of 8,686 sq. ft., 35 ft. high single-family residence with 834 sq. ft. attached garage; construction of 2-story, 21' 9" high, 1,300 sq. ft. barn; corral; replacement of existing septic system; completion of remaining 308 cu. yds. of previously permitted grading; and approval for an additional 62 cu. yds. of grading at 245 Loma Metisse.

LOCAL APPROVALS RECEIVED: Los Angeles County Regional Planning, Approval in Concept, dated 9/14/00; Los Angeles County Fire Department (Access), Approval in Concept, dated 10/11/00; Los Angeles County Fire Department (Fuel Modification), Approval in Concept, date 7/3/00;

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit: 45-89-155 (Nesheim); Percolation test results, by Lawrence Young, dated 6/1/01; Limited Geologic and Soils Engineering Investigation, Proposed Single-Family Residence, 245 Loma Metisse, by GeoConcepts, Inc., dated 12/18/00; Private Sewage Disposal System, by GeoConcepts Inc., dated 5/24/01.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or

3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-89-155 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE PERMIT AMENDMENT:

The Commission hereby **approves the proposed amendment** to the coastal development permit on the grounds that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

Note: CDP 5-89-155 was subject to 4 Special Conditions (Exhibit 11). Unless specifically altered by the amendment, the standard and four special conditions previously applied to Coastal Development Permit 5-89-155 continue to apply. Two of the original conditions are hereby revised, and the following five new special conditions are hereby imposed upon the proposed project as amended pursuant to CDP 5-89-155-A1.

REVISED SPECIAL CONDITIONS:

2. Revised Fuel Modification and Landscape Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultants to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

(1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (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. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence.

(2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

(3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

(4) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to soften the views of the residence from Stunt High and Backbone Trail and the adjacent state park lands.

(5) 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.

(6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The

fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

(1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

(2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The

revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Revised Future Improvements Deed Restriction

This permit is only for the development described in Coastal Development Permit Amendment No. 5-89-155-A1. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) & 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a)&(b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit Amendment No. 5-89-155-A1, including any fencing, grading, clearing, or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan, shall require an amendment to Permit No. 5-89-155 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include legal description of the applicant's entire parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

4. Plans Conforming to Geologic Recommendations (Revised)

- a) All recommendations contained in the *Limited Geologic and Soils Engineering Investigation, Proposed Single-Family Residence, 245 Loma Metisse*, by GeoConcepts, Inc., dated 12/18/00; and *Private Sewage Disposal System*, by GeoConcepts Inc., dated 5/24/01, shall be incorporated into all final design and construction including **site preparation, foundations, retaining walls, drainage, sewage disposal, and grading**. All plans must be reviewed and approved by the geologic / geotechnical consultant. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.
- b) The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes to 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. The Executive Director shall determine whether required changes are "substantial."

NEW SPECIAL CONDITIONS:

5. Color Restriction

Prior to the issuance of the coastal development permit amendment, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit amendment 5-89-155-A1. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white, pink, or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development amendment 5-89-155-A1 if such changes are specifically authorized by the Executive Director as complying with this special condition.

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

6. Lighting Restriction

A. The only outdoor, night lighting allowed on the site shall be the following:

- (1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, which are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Executive Director.
- (2) Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.
- (3) The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.
- (4) No lighting around the perimeter of the site and no lighting for aesthetic purposes are allowed. This prohibition applies to all structures including the barn and corral areas.

- (5) No lighting, whether temporary or permanent shall be located in or directed towards the riparian/ open space area.

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

7. Drainage and Polluted Runoff Control Plan

Prior to issuance of the coastal development permit amendment, the applicant shall submit for the review and approval of the Executive Director, two sets of final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. 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. Runoff shall be conveyed off site in a non-erosive manner.
- (b) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (c) The plan shall include 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.
- (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 amendment(s) or new Coastal Development Permit(s) are required to authorize such work.

8. Equestrian Facility Design and Confined Facility Waste Management Plan

- A. The facilities on site shall be limited to the keeping or maintaining of no more than four (4) horses or ponies or similar livestock at any time.
- B. The barn and corral shall be constructed out of non-flammable, Type 1 materials.
- C. Any additional or intensified use of the site for livestock maintenance purposes, whether recreational or commercial, shall require an amendment to Coastal Development Permit 5-89-155.
- D. *Prior to issuance of the coastal development permit amendment*, the applicant shall submit a stable waste management plan for the review and approval of the Executive Director. The plan shall include management practices for the collection, storage, and disposal of all facility wastes, including manure and bedding. Such wastes shall be collected and disposed of offsite in a manner and location prescribed in the approved plan.
- E. *Prior to issuance of the coastal development permit amendment*, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to Coastal Development Permit 5-89-155.

The proposed project shall be constructed and operated at all times in accordance with the final approved animal waste management plan and the final approved waste water treatment plan.

9. Removal of Excavated Material

Prior to issuance of the coastal development permit amendment, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

10. Wildfire Waiver of Liability

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

III. FINDINGS AND DECLARATION

The Commission hereby finds and declares:

A. Project Description and Background

Approved Project, Location and Setting

The approved project includes the construction of a 34 ft. high, 4,567 sq. ft., single-family dwelling, pool, driveway, septic system, horse stable and corral, on a 6 acre hillside lot located at 245 Loma Metisse (Exhibits 1 and 11). The project also includes approval for a total of 18,300 cubic yards of grading (9,150 cut; 9,150 fill).

The subject site is a 6 acre hillside lot which extends west from Loma Metisse Road, a private road located to the north of Piuma Road. Access to the site is from the southern portion of the lot via a shared driveway that is accessed from Loma Metisse Road and services the subject site and several of the properties located to the south of the site. The parcel is bordered on the west by state park lands, and to the south and east by existing residential development (Exhibit 14).

The parcel is additionally located within the Cold Canyon Resource Management Area, and contains two drainages, which are tributaries of Dark Canyon creek, a USGS mapped blueline stream (Exhibits 2-3). The northern drainage on site is also a USGS mapped blueline stream. These drainages flow together east of the access driveway to the building pad, and then west via a culvert beneath the road (Exhibits 4 and 15).

Permit History

On 2/24/89, Kelvin Nesheim submitted an application for a coastal development permit for the construction of a 34' high, 2-story + cellar residence with 4-car garage, and septic system on a 6 acre hillside lot located at 245 Loma Metisse. The application and was scheduled for hearing on June 15, 1989, but was subsequently postponed until the July hearing at the applicant's request. On July 13, 1989, the Commission approved project after making changes to the staff recommendation at the hearing. These changes involved the inclusion of a future horse stable and corral in the approved project description, and approval for grading for a pad for these items, as shown on Exhibit 11, which would not be subject to the recorded open space deed restriction. The final approved project consisted of the following: construction of a 4,567 sq. ft., single-family dwelling, 34 feet high, pool, driveway, septic system, horse stable, corral, and 18,300 cubic yards of grading (9,150 cut; 9,150 fill). The approved project was subject to four special, prior to issuance, conditions: conformance with geologic recommendations; recordation of a conservation and open space easement dedication; fuel modification and landscape plans; and a future improvements deed restriction.

The conditions were met, and the permit issued on September 22, 1989. The applicant proceeded to vest the permit by initiating grading operations and installing the septic system. To date, 17,994 cu. yds. of the approved 18,300 cu. yds. of grading has occurred. No plans were ever submitted for the stable and corral that were added to the project description at the hearing.

Present Amendment

On July 12, 2001, the applicant, Heidi Christiansen-Engel, submitted an application to amend permit 5-89-155 to allow for the construction of a 35' high, 8,686 sq. ft. residence (Exhibits 4-9); propose an additional 62 cu. yds. of grading; replace and expand the septic system; and to submit plans for the construction of a two-story, 1,300 sq. ft. barn, and corral. (Exhibits 4, 10, and 12). The applicant also proposes to complete the remaining 306 cu. yds. of grading that were authorized under the original coastal development permit.

The changes proposed to the residence design will result in a substantially (approximately 3,000 ft.) larger residence, and will increase the maximum height of the structure from 34' to 35'. Additionally, the applicant proposes the construction of a 2-story, 21'9" high, 1,300 sq. ft. barn and adjacent corral area (Exhibits 4, 10, and 15). The previous permit approval had allowed for the future construction of a horse stable and corral on the lower building pad (Exhibit 11); however, 21'9" high proposed barn will create additional impacts to visual resources, will increase the amount of impermeable surface on site, and has the potential to increase polluted runoff from the site into the adjacent drainage. The barn also provides interior space that has the potential to be converted for residential use in the future.

A. Visual Resources

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject site is visible from both the Stunt High Trail and the Backbone Trail, two designated scenic trails in the Malibu/Santa Monica Mountains certified Land Use Plan, located to the west of the site (Exhibit 3). Additionally, the site is adjacent to state park lands (Exhibit 3 and 14). To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building site and the size of the proposed structure. The Commission has previously found the proposed building locations of this site to be appropriate and feasible, given the terrain and the surrounding existing development. The applicant is proposing to amend the underlying permit, 5-89-155, in order to construct a significantly larger residence on the previously approved building site. The proposed residence will increase the

maximum height of the development from 34' to 35' high from existing grade, and the residence will increase in overall size from 4,567 sq. ft. to 8,686 sq. ft. However, the building footprint for the residence will only increase from 2,920 to 3,200 sq. ft., an increase in coverage of only 300 sq. ft.; and will be situated in the same location as the originally proposed residence (Exhibit 13).

The applicant is also proposing plans for the construction of a two-story, 21'9" high, 1,300 sq. ft. barn and corral on the lower building pad on site (Exhibits 10, and 15). This barn will be located on a level pad adjacent to, and sited lower than the existing neighboring residence. Additionally, the barn is proposed to be located approximately 540 ft. back from the westerly property line by thereby minimizing its visual impact from state park lands and nearby trails. The proposed larger residence and barn will not result in significant adverse visual impacts as seen from public viewing areas and are consistent with the character of the surrounding area.

However, the property is located on a westerly facing slope located to the north of Piuma Road off of Loma Metisse, and the finished structures, at 35' high and 21'9" high from existing grade, will be visible from the surrounding area including the nearby trails and park lands, thereby requiring mitigation to minimize visual impacts as discussed below.

The proposed project's impact on public views can be minimized by requiring the residence and barn to be finished in a non-obtrusive manner (i.e.: in a color compatible with the surrounding natural landscape and with non-reflective windows), and by the utilization of appropriate landscaping to screen and soften the development. The Commission therefore requires the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by **Special Condition 5**. In addition, future construction on the property has the potential to negatively affect the visual character of the area as seen from the two trails and park areas. However, pursuant to the original permit's requirement of the recordation of a future improvements deed restriction, no additions or improvements may be made to the property without due consideration of the potential cumulative impacts. In order to reflect the changes made to the approved project and to include the modified plans and location for the barn and corral, the Commission requires the applicant, through **Special Condition 3**, to record a revised future improvements deed restriction to reflect the changes made to the originally approved development.

Visual impacts associated with grading and the structures can be further reduced by the use of adequate and appropriate landscaping. A landscape plan relying principally on native, non-invasive plant species will ensure that the vegetation on-site remains visually compatible with the native flora of surrounding areas. In addition, vertical screening elements added to the landscape plan can soften views of the proposed residence and retaining walls from public areas such as the adjoining state park lands and the nearby Stunt High, and Backbone trails. The Commission previously required the applicant to submit fuel modification and landscaping plans as a special condition of approval of CDP 5-89-155. The Commission therefore finds it necessary to require the applicant, through **Special Condition 2**, to submit revised fuel modification and landscaping plans which incorporate the development changes proposed in this amendment, and that are designed to partially screen and soften the visual impact of the development, and retaining walls from public viewing areas.

In addition, the Commission has found that night lighting of areas in the Malibu / Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, in order to protect the night time rural character of this portion of the Santa Monica Mountains, consistent with the scenic and visual qualities of this coastal area, the Commission limits the nighttime lighting of the property, residence, and barn area to that necessary for safety as outlined in **Special Condition 6**.

Therefore, the proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

B. Geologic Stability and Hazards

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

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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...

Section 30250(a) of the Coastal Act states (in part):

New residential, ... development, ... shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The applicant is currently proposing to amend CDP 5-89-155 to allow for the construction of a 8,686 sq. ft., 35 ft. high, single-family residence. The previous approved project consisted of a 34 ft. high, 4,567 sq. ft. residence. The proposed residence is to be located in the same location as the previously approved structure; however, it is substantially larger than the residence that was previously approved on the site, and of a different design. The new residence will require an additional 62 cu. yds. of grading (cut) beyond the approved 18,300 cu. yds. granted under CDP 5-89-155. Additionally, the applicant is proposing construction of a new 2-story, 1,300 sq. ft. barn on the property. The previous approval had permitted a

horse stable and corral, though no final plans were ever prepared or submitted for these structures.

As a condition of approval of CDP 5-89-155, **Special Condition 4** required that the applicant to submit final plans conforming to the consulting geologists' recommendations. Additionally, CDP 5-89-155 also required the applicant, under **Special Condition 2**, to submit landscaping and fuel modification plans which limited the timing of grading, and which required the implementation of erosion control measures and landscaping to reduce the negative visual and water quality impacts associated with the proposed landform alteration. The applicant is currently proposing a substantial alteration to the originally permitted design and size of the residence (Exhibit 13) which will result in an additional 62 cu. yds. of grading; an increase in the overall size of the approved residence by approximately 3,000 sq. ft.; and the inclusion of a 1,300 sq.ft. accessory structure which were not addressed in the previous geotechnical consultants' recommendations.

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the proposed residence and that no potentially active faults, adversely oriented geologic structures, or other hazards were observed by the consultants on the subject property. Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have prepared reports addressing the specific geotechnical conditions related to the site.

The *Limited Geologic and soils Engineering Investigation*, by GeoConcepts, Inc., dated 12/18/00, in evaluating the various engineering geologic factors affecting site stability and the existing site conditions, states:

It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement, or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Uniform Building Code are followed and maintained.

The Commission notes that the geologic and engineering consultants have included a number of recommendations regarding **site preparation, foundations, retaining walls, drainage, sewage disposal**, and **grading** which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission requires the applicant, through **Special Condition 7**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The project proposes an overall increase in size from the originally approved building footprint (Exhibit 13), which will increase the amount of impervious coverage on-site and which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. The applicant's geologic / geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and through implementation of a drainage and runoff control plan. To ensure that runoff is conveyed off-site in a non-erosive

manner, the Commission finds it necessary to require the applicant, through **Special Condition 7** to submit drainage and polluted runoff plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director, to adequately control runoff from impervious surfaces, and to assume responsibility for the maintenance of all drainage devices on-site.

The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. The applicant is proposing completion of the remaining 306 cu. yds. of grading from the originally approved 18,300 cu. yds., and is requesting approval for an additional 62 cu. yds. of cut. Therefore, **Special Condition 9** has been required to ensure that all excavated or cut material on the project site be removed and properly disposed of.

In addition to controlling erosion during grading and construction operations, landscaping of the graded and disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate 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 / foliage weight. The Commission has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents, which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. CDP 5-89-155 required the applicant to submit fuel modification and landscaping plans which included provisions for revegetation of all graded and disturbed areas on site, implementation of erosion control procedures during construction, and utilization of a landscaping plan consisting primarily of native plants to ensure long-term site stability of the site. In order to adequately address the changes to the development proposed in this amendment, the Commission requires the applicant, through **Special Condition 2**, to submit revised fuel modification and landscaping plans which provide for the revegetation of all disturbed areas on-site with appropriate native plant species.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property.

The project site consists primarily of a westerly facing slope that is vegetated with coastal scrub and chaparral. A tributary of Dark Canyon Creek, a USGS blue line stream also

crosses the site, and supports a riparian community, which includes mature oak and sycamore trees. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition 10**, 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. Therefore, Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

C. Environmentally Sensitive Habitat Area and Sensitive Resources

Sections 30230, 30231, and 30240 of the Coastal Act require that development in and adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade those areas and that coastal waters and aquatic ecosystems be protected, through, among other means, controlling runoff (drainage management and erosion control, for example) and limiting the removal of natural vegetation that serves to buffer adverse impacts upon these resources.

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231:

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.

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

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

The subject site is located within the Cold Canyon Management Resource Area, a designated environmentally sensitive resource area in the Santa Monica Mountains Land

Use Plan and in previous Commission actions. Two drainages converge on the site before merging with Dark Canyon Creek further downstream (Exhibit 15). The main drainage on site is a mapped USGS blue line stream, and supports a substantial riparian community. The Commission, under CDP 5-89-155, found that the development of a residence, horse stable and corral would not adversely affect the resources on site. The applicant is proposing to modify CDP 5-89-155 to allow for the construction of a larger main residence, inclusion of a 2-story, 1,300 sq. ft. barn, corral, and additional grading on the site.

In prior permitting actions, the Commission has required that development be set back a minimum of 50 ft. from the centerline of a blue line stream, and that it be sited as far away as feasible from the driplines and protected zones of oak trees and riparian areas in order to minimize the impacts from fuel modification, and soil compaction associated with the development. Additionally, the Commission has found that the implementation of appropriate drainage management practices for confined facilities, such as barns and stables, and management plans for the storage and removal of accumulated wastes and bedding materials from these facilities can aid in the prevention of polluted runoff and nutrient loading of nearby streams, which can impact downstream water quality.

Therefore, the Commission requires the applicant, through **Special Condition 7** (Drainage and Polluted Runoff Control Plan), to implement the usage of Best Management Practices (BMPs) to control the volume and velocity of site runoff caused by the increased impervious surfaces and potential pollutants added by development of the subject site. By properly controlling runoff, the volume and velocity of runoff can be controlled and potential erosion thus prevented. Therefore, **Special Condition 7** is necessary to ensure that the proposed development does not result in additional erosion, in accordance with the requirements of Coastal Act Section 30253. In addition to addressing the increase in impervious surfaces, the equestrian facility design and waste management plan, required by **Special Condition 8**, will provide further measures to effectively collect site runoff generated by the confined animal facility, manage the stockpiling and removal of waste and bedding materials, and limit erosion which could affect the nearby oak tree, blue line stream, and riparian community.

The Commission further notes that the amount of additional grading proposed by the applicant consists of 62 cu. yds. of cut. This will result in approximately 62 cu. yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition 9** requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

As stated above, the applicant has proposed plans that include the construction of a 1,300 sq. ft. barn and corral for the purposes of housing livestock (Exhibit 10 and 12). The barn consists of a 2-story structure with hayloft, tack room, and storage space located on the upper floor. The barn is proposed to be located on the existing graded pad previously approved by the Commission for the stable and corral, and will be sited 5 ft. outside the protected zone of the nearest oak tree, and approximately 70 ft. from the centerline of the

blueline stream which bisects the property. The Commission finds that the placement of the barn in this location is appropriate given the previous Commission action on the site which approved a horse stable and corral on this pad area.

The project site consists primarily of a westerly facing slope that is vegetated with coastal scrub and chaparral. A tributary of Dark Canyon Creek, a USGS blueline stream also crosses the site, and supports a riparian community, which includes mature oak and sycamore trees. The Commission previously required the recordation of a conservation and open space easement to restrict future development from encroaching within this sensitive area. For fire suppression, and to protect residences, the Fire Department requires the reduction of fuel through the removal and thinning of vegetation for up to 200 feet from any structure. The applicant has submitted a Fuel Modification Plan with preliminary approval by the Los Angeles County Fire Department Fuel Modification Unit for the proposed residence; however, project description in this approval did not address the presence of the barn. The barn is located 70 ft. from the centerline of the blueline stream, 45 ft. from the edge of the riparian canopy, and is located 10 ft. from the dripline (5 ft. from the protected zone) of the nearby oak tree. The Commission previously approved a stable and corral in this location. In order to reduce the impacts of fuel modification necessary for the proposed barn and corral, on the adjacent riparian area and blueline stream, the Commission requires the applicant, through **Special Condition 8**, to construct the barn from type 1, non-flammable materials (such as concrete, metal, or non-combustible composite materials). This will result in the fuel modification required barn and corral for the barn and corral not extending into the riparian area and blue line stream corridor. The implementation of a comprehensive fuel modification and landscaping plan for the development, which provides for the revegetation of all disturbed soils on site will further aid in the preventing sedimentation of the blue line stream, and reduces the impacts of the development on the site's existing riparian and chaparral ecosystems through utilization of primarily native plant species. Therefore, the Commission requires the applicant, through **Special Condition 2**, to submit a revised fuel modification and landscaping plan which reflects the proposed changes to the development under 5-89-155-A1.

Additionally, the Commission finds that the imposition of a four horse/livestock limit for the capacity of the barn and corral area is necessary to address the impacts of maintaining a confined animal facility of the size proposed on this site. Due to the proximity of the barn and corral to the adjacent blue line stream and riparian area, the associated impacts on water quality which occur with confined animal facilities in the management of waste and bedding materials, and the limitations of siting the barn or corral further from the riparian area and blue line stream on this site, the Commission requires the applicant, through **Special Condition 8** to limit the number of horses/livestock on the site to no more than four.

As conditioned to remove all excess cut material from the site, to construct the barn from non-combustible materials, to submit appropriate drainage and polluted runoff control plans, to implement a revised fuel modification and landscaping plan, and to design and apply an equestrian facility maintenance and waste management plan for the proposed project, the Commission finds the development to be consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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

The proposed development will result in an increase in the amount of impervious surface on site, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. In addition, confined animal facilities generate runoff that may contain concentrated amounts of nitrogen and ammonia from animal wastes, shampoos and cleaning products, and insecticides. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is

equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition 7** 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 measures 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 7** is necessary to ensure the proposed development will not adversely impact water quality of downstream coastal resources.

Finally, the proposed development includes the installation of an on-site septic system with a 4,000-gallon to serve the residence. The applicant's geologic consultants performed percolation tests and evaluated the proposed septic system. Their report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of the proposed septic system. The County of Los Angeles has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

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

E. Cumulative Impacts

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

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

Section 30252 of the Coastal Act states:

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

uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

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

Based on the requirements of Coastal Act §30250 and §30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose—as a guest unit—rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

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

The applicant proposes to construct a 2-story, 21'9" high, 1,300 sq. ft. barn (see Exhibits 4, 10, and 12). This structure consists of an open, undefined area comprising the lower floor, and a hayloft tack room, and storage space located on the second story. It is not intended for residential use; however the structure could potentially be converted for residential use in the future. Therefore, the Commission finds it necessary to ensure that no additions or improvements are made to the barn in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicants to record a revised

future improvements deed restriction, as specified in **Special Condition 3**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the 1,300 sq. ft. barn are proposed in the future. As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with §30250 and §30252 of the Coastal Act.

F. Local Coastal Program

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. Thus, the proposed amendment, as conditioned, 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 amendment, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area, is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

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

The proposed project, as conditioned, would not cause significant, adverse environmental effects. Therefore, the proposed amendment is found consistent with CEQA and with the policies of the Coastal Act.

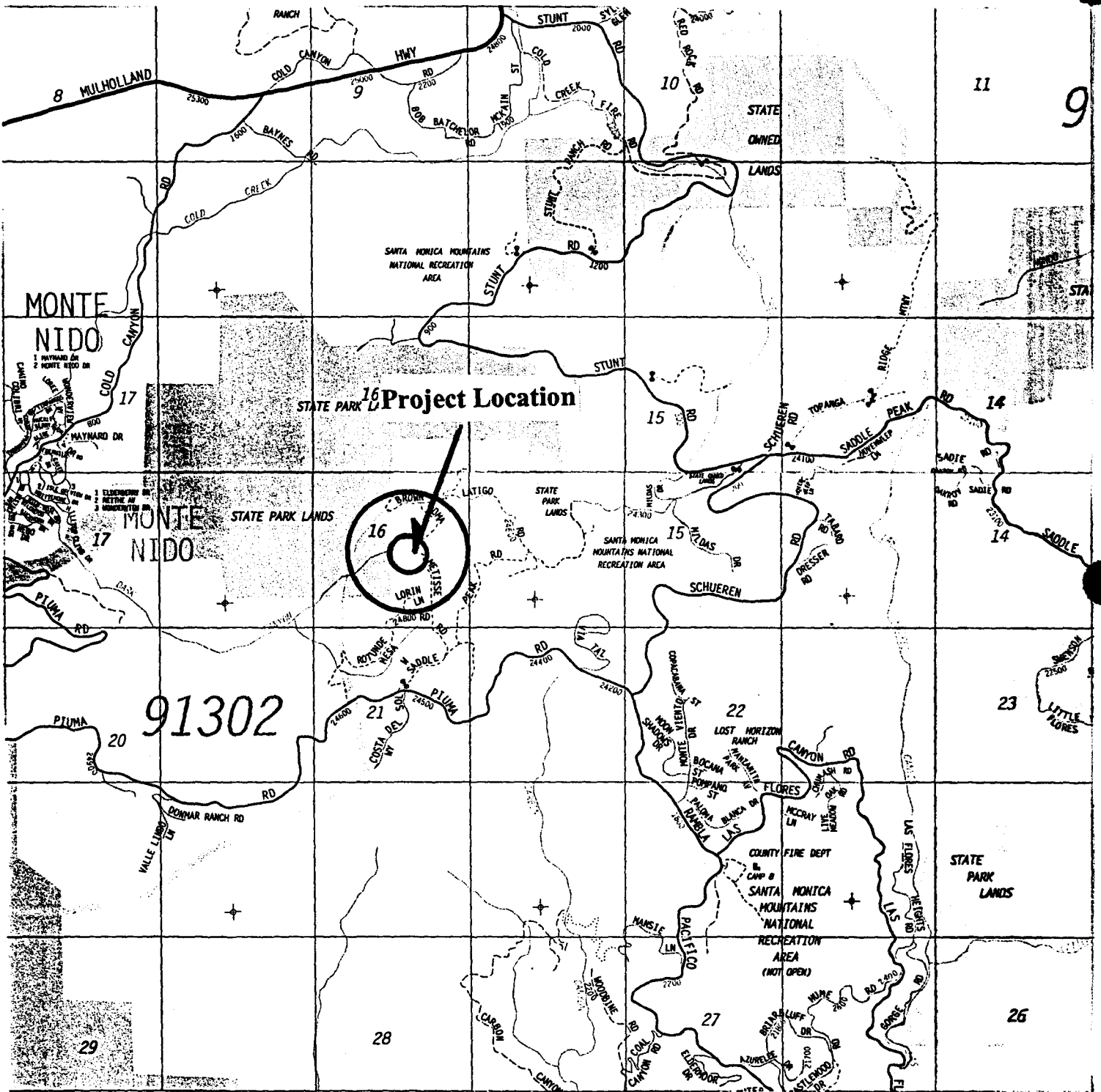


EXHIBIT NO.
APPLICATION NO.
5-89-155-A1
VICINITY MAP

245 Loma Metisse

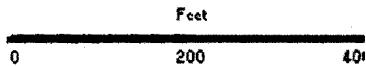
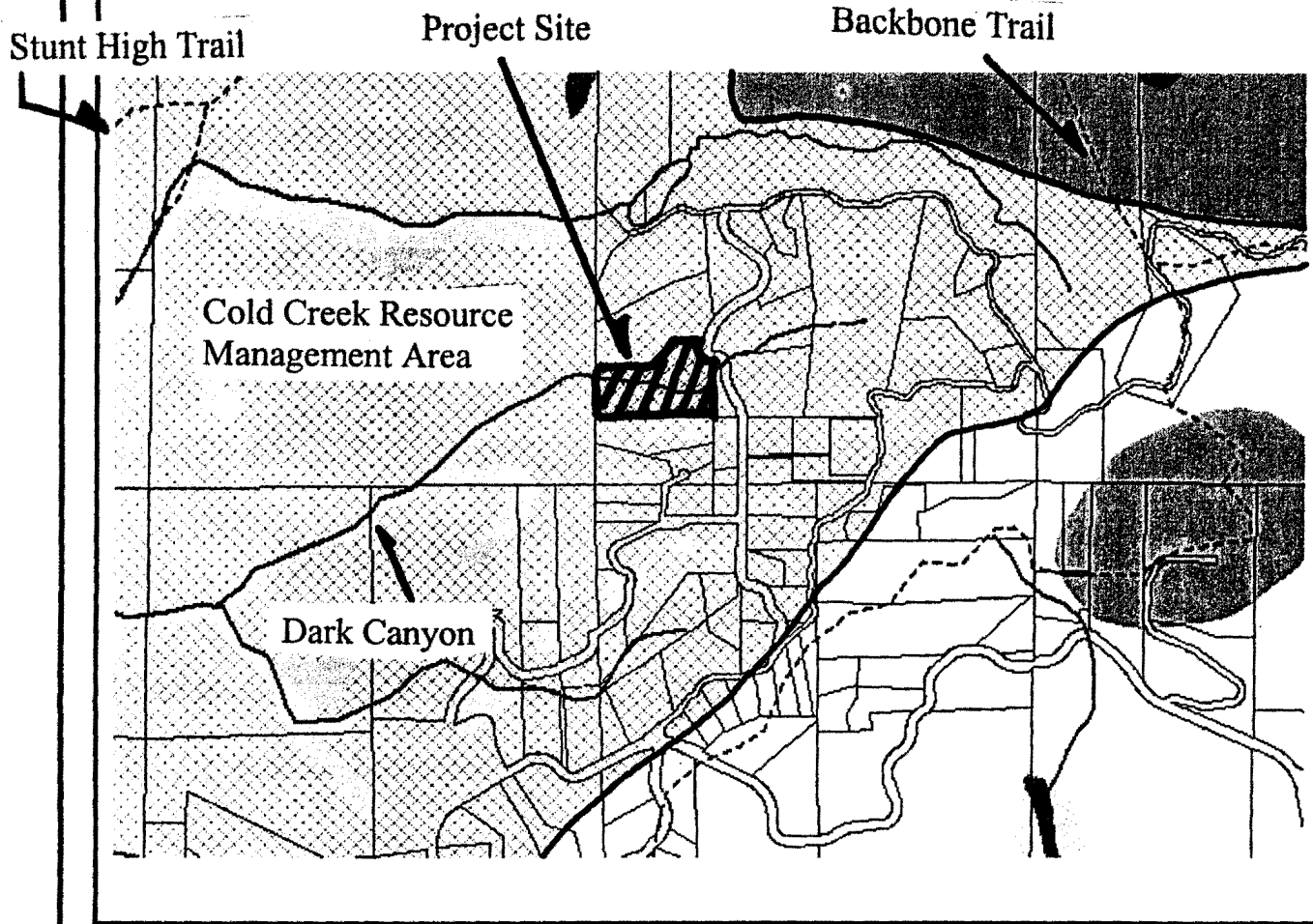
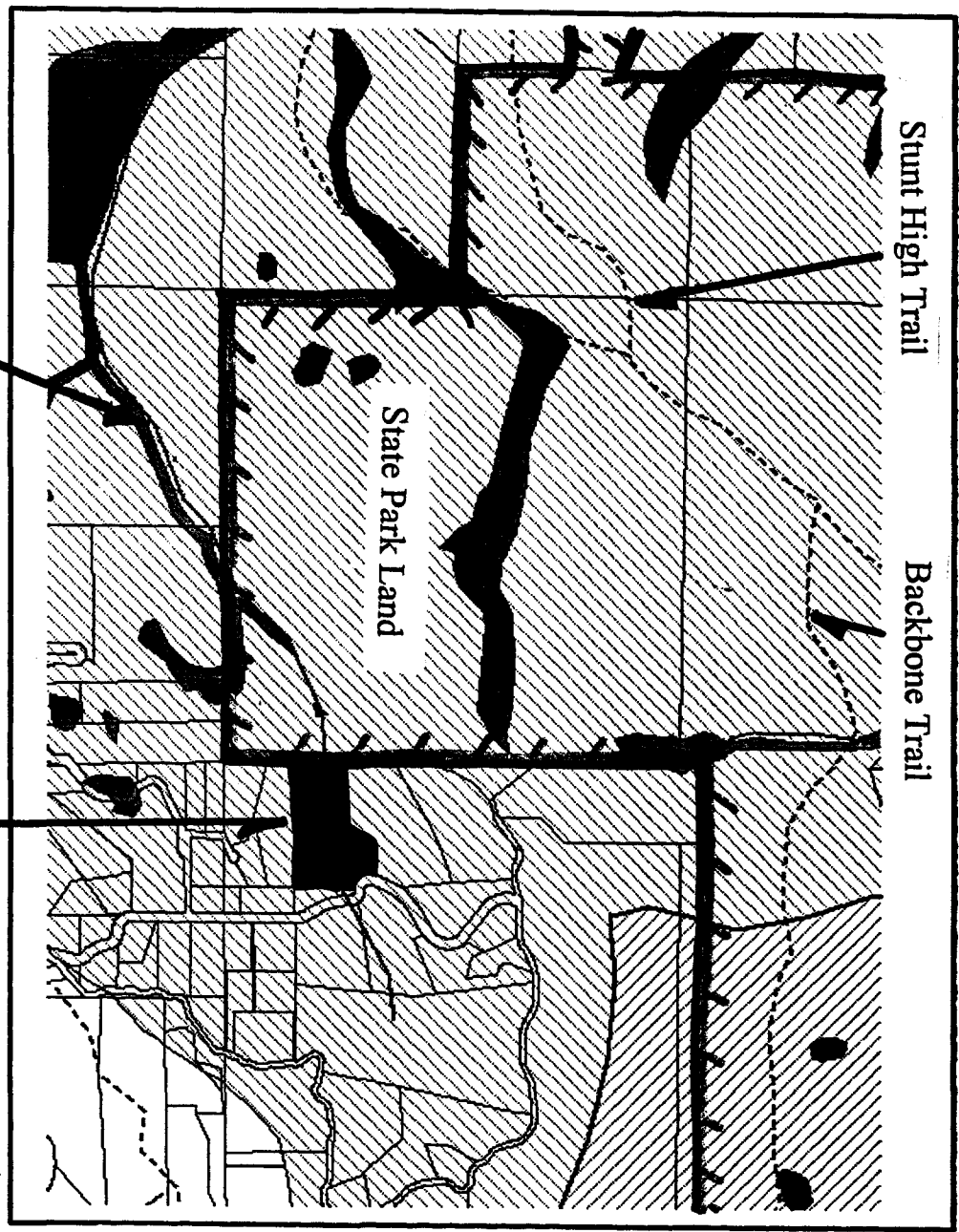


EXHIBIT NO. 2
APPLICATION NO.
S-89-155-A1

5-89-155-A1

Stunt High Trail

Backbone Trail



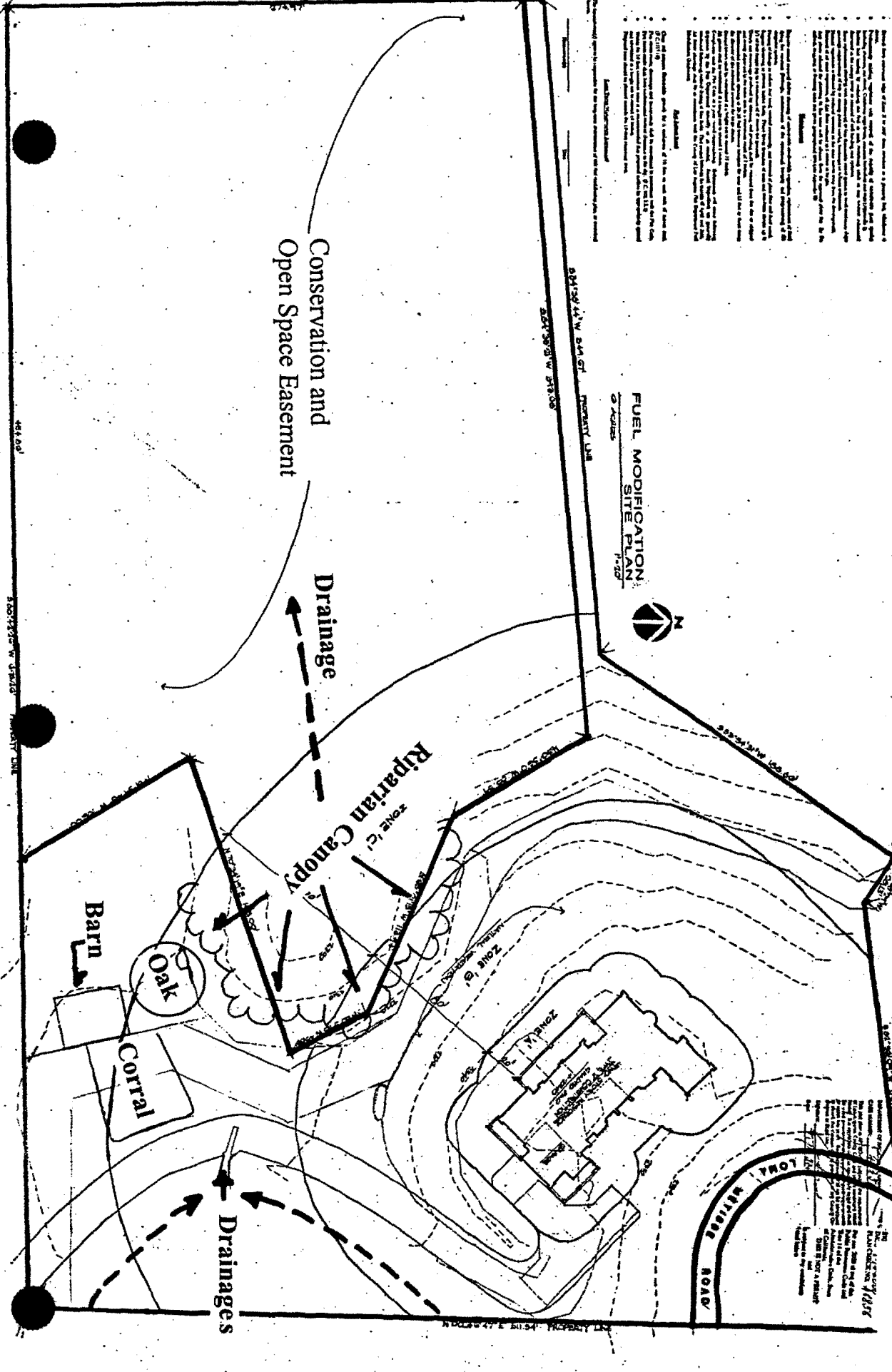
Dark Canyon

Project Site

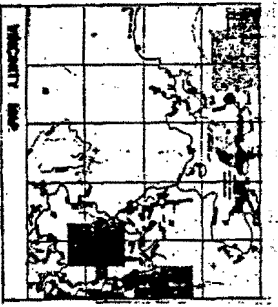


EXHIBIT NO. 3
APPLICATION NO.
5-89-155-A1
RESOURCE/PARCEL 2

1100° 22' 15" W 720.00' PROPERTY LINE
874.17'



FUEL MODIFICATION SITE PLAN 1-20



APPLICANT'S COPY

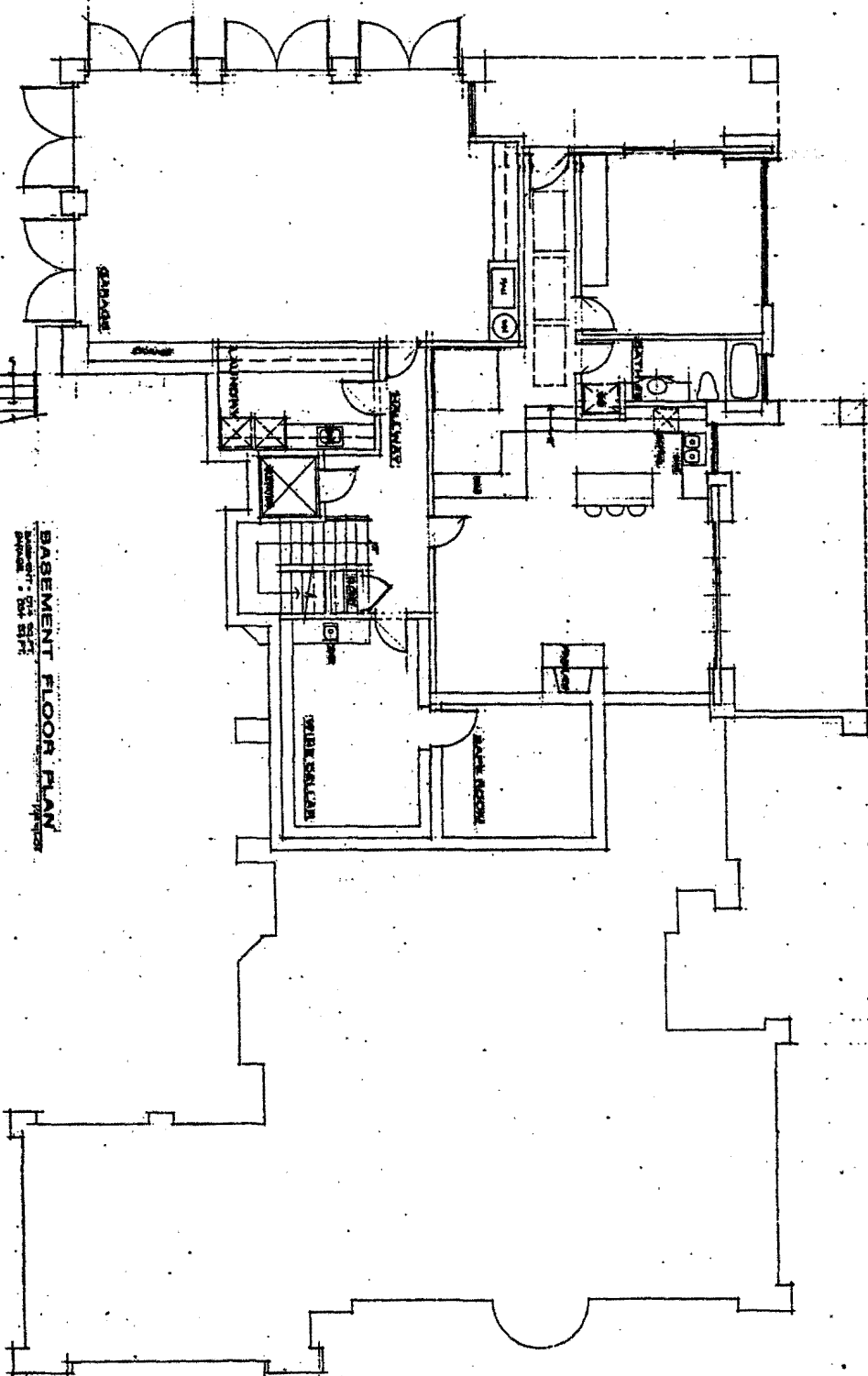
EXHIBIT NO. 4
APPLICATION NO.
5-89-155
SITE PLAN

CUSTOM RESIDENCE
245 Loma Motime Rd.
Malibu, California

SHEET TITLE		FUEL MODIFICATION SITE PLAN	
JOI NO :	8999	REVISIONS	
DATE :	5-17-2000		
DRAWN :			

LESLIE LIPPICH ARCHITECT & ASSOCIATES
ARCHITECTURE DESIGN PLANNING
PHONE (818) 897-2638 FAX (818) 897-2728
4766 PARK CRAWFORD, SUITE 210 CALABASAS CALIFORNIA 91302

1A

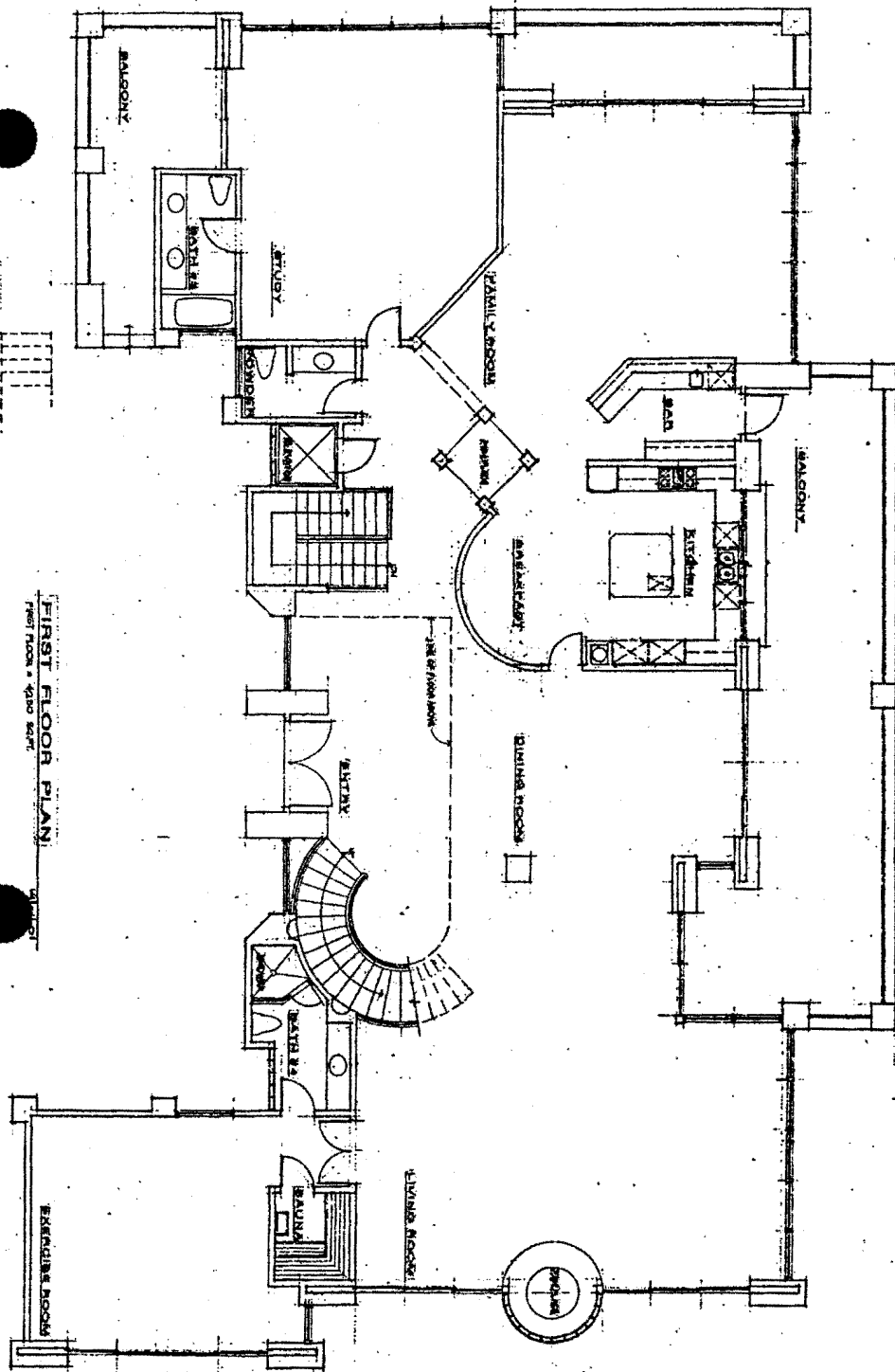


BASEMENT FLOOR PLAN
 Scale: 1/8" = 1'-0"

PP46356

SHEET NO. 2	CUSTOM RESIDENCE 245 Loma Marisa Rd. Malibu, California		SHEET TITLE BASEMENT PLAN	LESLIE LIPPICH ARCHITECT & ASSOCIATES ARCHITECTURE DESIGN PLANN	
	JOB NO. 2367		REVISIONS		PHONE (818)359-2685 FAX (818)359-4700 4700 PARK GRANADA, SUITE 210 CALABASAS CALIFORNIA 9
	DATE 1-17-00		_____		
	DRAWN _____		_____		

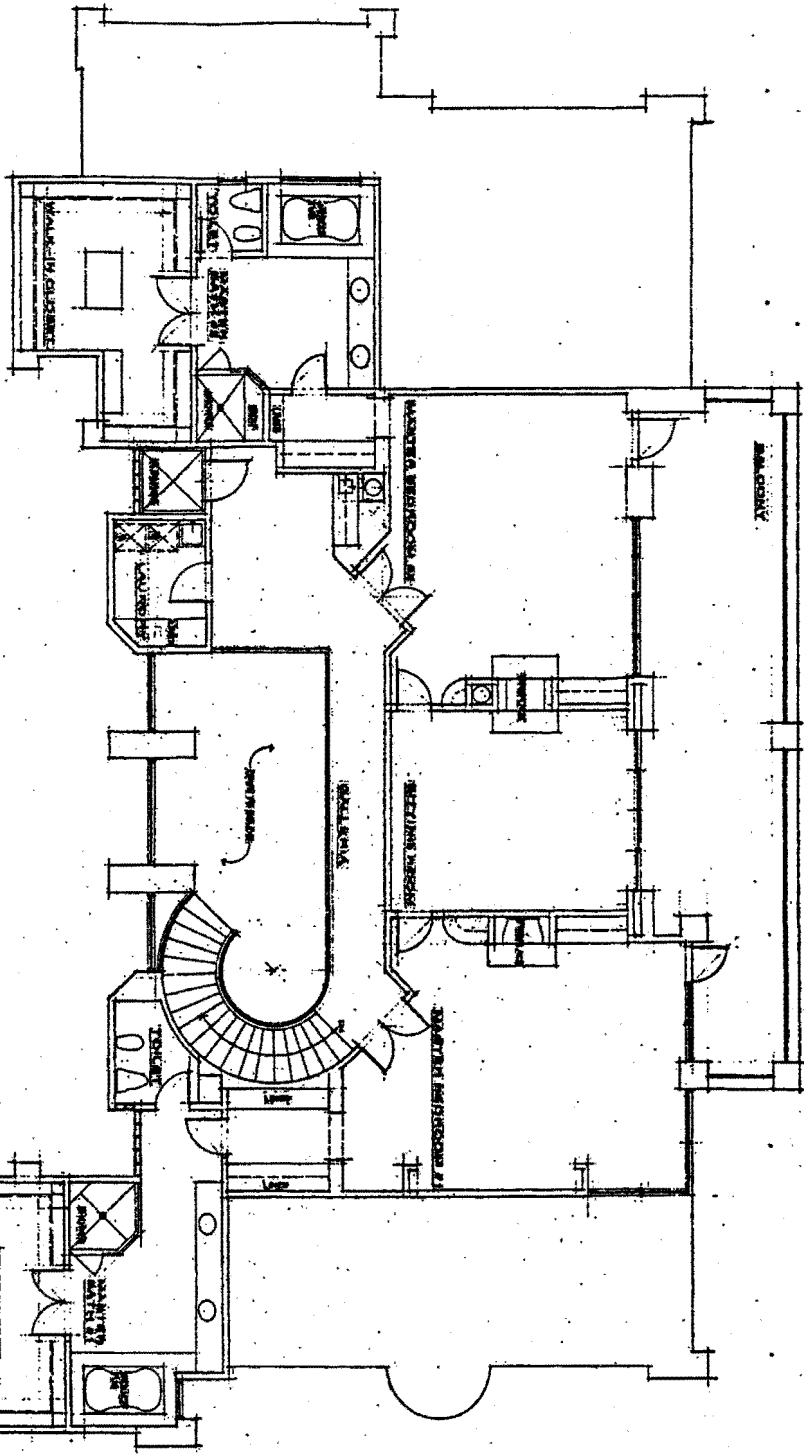
EXHIBIT NO. 5
APPLICATION NO.
5-89-155-A1
BASEMENT PLAN



FIRST FLOOR PLAN
FIRST FLOOR - 4230 SQ. FT.

EXHIBIT NO. 6
 APPLICATION NO.
 5-89-155-A1
 FIRST FLOOR PLAN

	CUSTOM RESIDENCE		FIRST FLOOR PLAN		LESLIE LIPPICH ARCHITECT & ASSOCIATES ARCHITECTURE DESIGN PLANNING PHONE (818) 551-2655 FAX (818) 591-2729 4760 PARK GRANADA, SUITE 210 CALABASAS CALIFORNIA 91302
	245 Loma Metisse Rd. Malibu, California		JOB NO 12587		
			DATE 12-17-00		
			DRAWN :		



SECOND FLOOR PLAN
SECTION INDEX - SEE SHEET

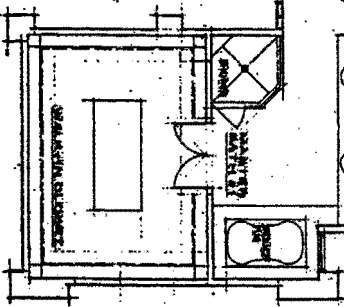


EXHIBIT NO. 7
APPLICATION NO.
5-89-155-A1
SECOND FLOOR PLAN

CUSTOM RESIDENCE
 246 Loma Meire Rd.
 Malibu, California

SHEET TITLE SECOND FLOOR PLAN	
JOB NO 12567	REVISIONS
DATE 1.3-17-2000	

LESLIE LIPPICH ARCHITECT & ASSOCIATES
 ARCHITECTURE PLANNING DESIGN
 PHONE (818)597-2655 FAX (818)597-3720
 4768 PARK GRANADA, SUITE 210 CALABASAS CALIFORNIA 91302

FRONT ELEVATION

RIGHT ELEVATION

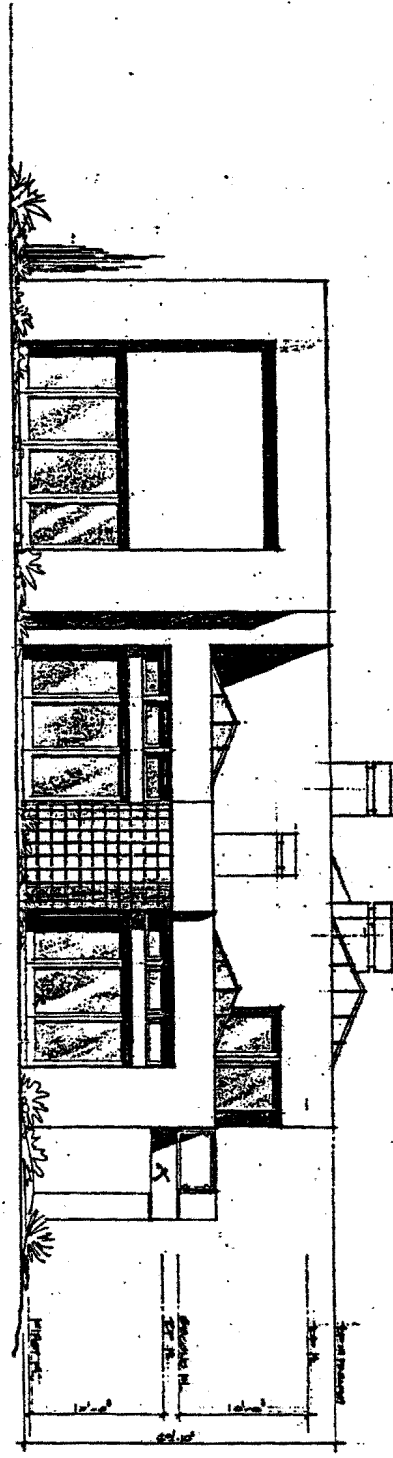
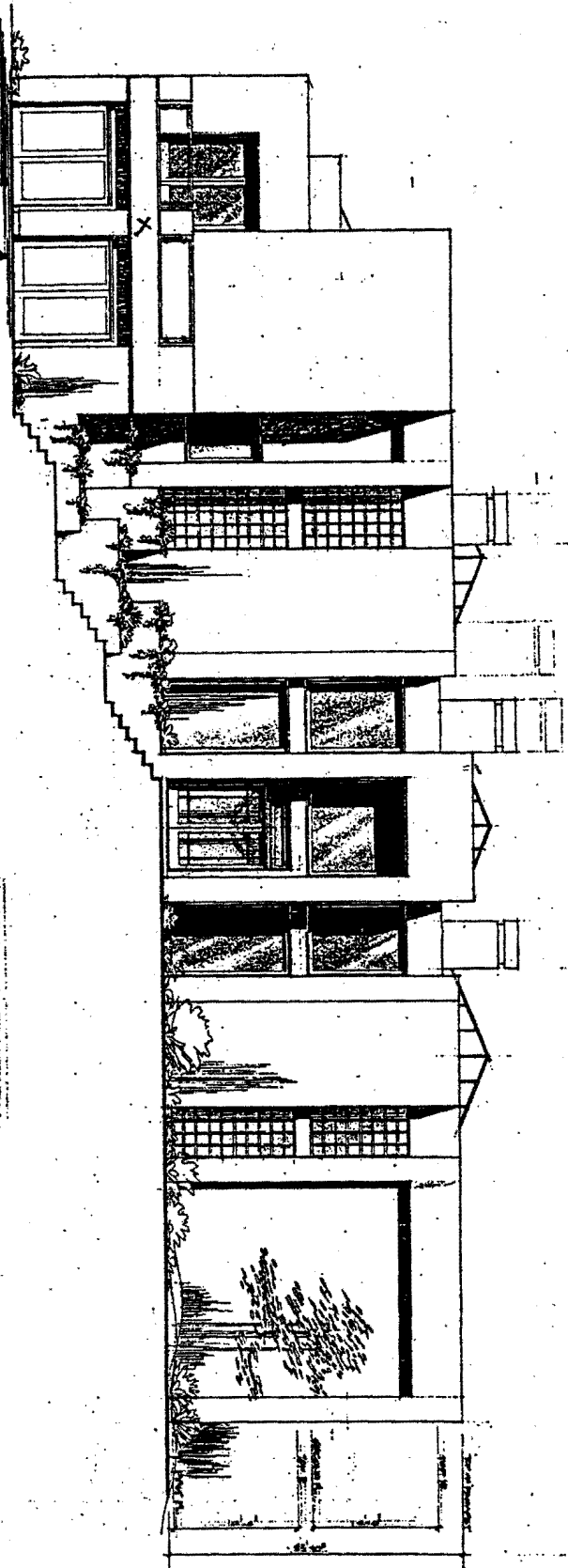


EXHIBIT NO. 8
 APPLICATION NO.
 5-89-155-A1
 ELEVATIONS I

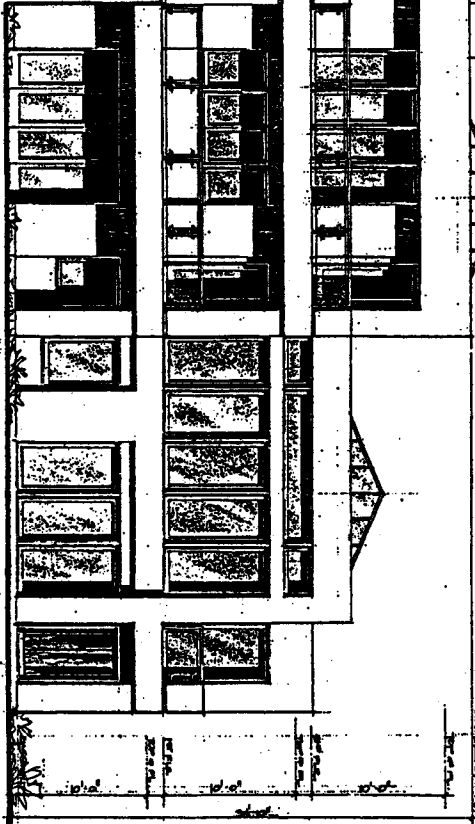
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CUSTOM RESIDENCE
 345 Loma Melisse Rd.
 Malibu, California

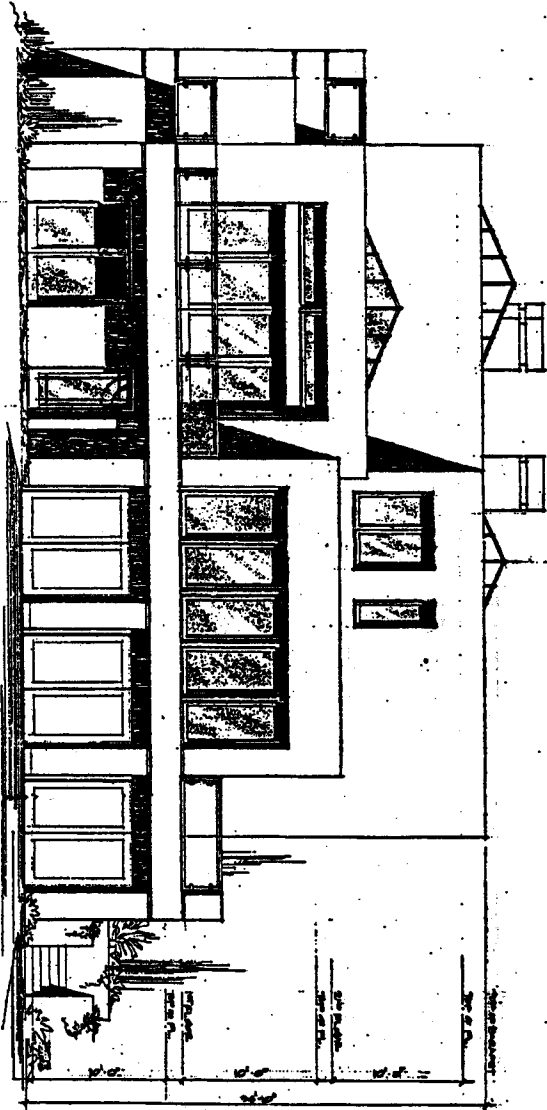
EXTERIOR ELEVATIONS	
SHEET TITLE	REVISIONS
JOB NO. 12291	
DATE 1-5-77-00	
DRAWN ?	

LESLIE LIPPICH ARCHITECT & ASSOCIATES
 ARCHITECTURE DESIGN PLANNING
 PHONE (818) 591-2638 FAX (818) 391-2729
 4755 PASE GRANADA, SUITE 210 CARLETON, CALIFORNIA 91301

REAR ELEVATION



LEFT ELEVATION

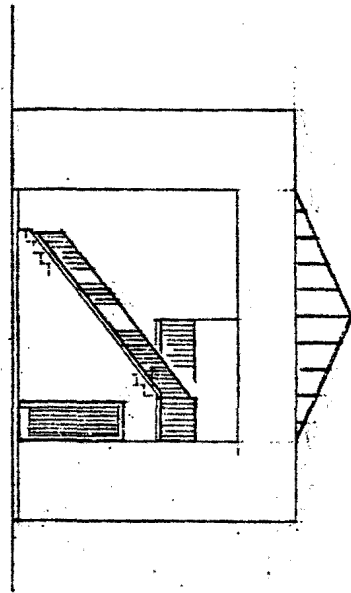


CUSTOM RESIDENCE
245 Loma Marisco Rd.
Malibu, California

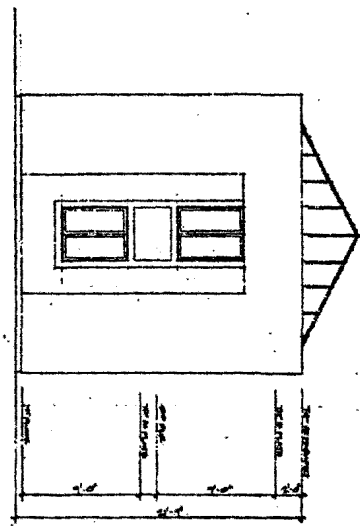
SHEET TITLE		EXTERIOR ELEVATIONS	
JOB NO : 0997	REVISIONS		
DATE : 9-11-90			
DRAWN :			

LESLIE LIPPICH ARCHITECT & ASSOCIATES
ARCHITECTURE DESIGN PLANNING
PHONE (818) 359-2655 FAX (818) 359-2729

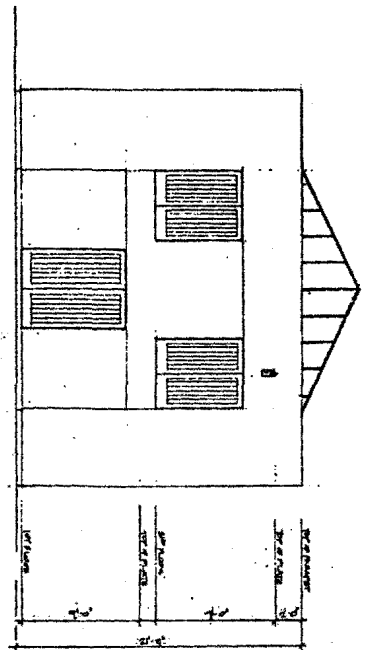
EXHIBIT NO. 9
APPLICATION NO.
5-89-155-A1
ELEVATIONS II



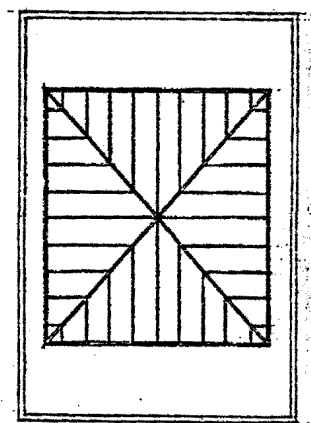
FRONT ELEVATION



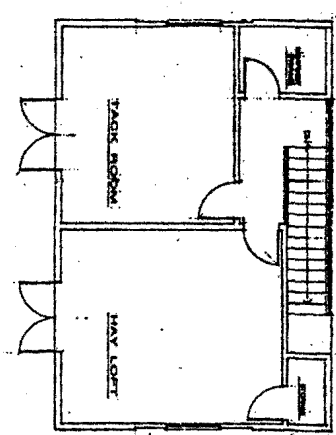
TYPICAL SIDE ELEVATIONS



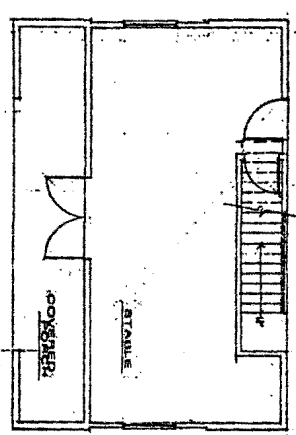
REAR ELEVATION



ROOF PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

EXHIBIT NO. 10

APPLICATION NO.

S-89-155-A1

BARN PLANS

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071



Page 1 of 5
Date: 3/5/90
Permit No. 5-89-155

COASTAL DEVELOPMENT PERMIT

On July 13, 1989, the California Coastal Commission granted to

Kelvin Nesheim

this permit subject to the attached Standard and Special conditions, for development consisting of

Construction of a 4,567 sq. ft. single family dwelling, 34 feet high, pool, driveway, septic system, horse stable and corral on a 6 acre hillside lot. The applicant proposes 18,300 cubic yards of grading (9,150 fill)

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 245 Loma Metisse, Malibu

Issued on behalf of the California Coastal Commission by

RECEIVED

PETER DOUGLAS
Executive Director

JAN 16 1991

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

BY: Peter Douglas
Title: Executive Director

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

1-11-91
Date

Kelvin B Nesheim
Signature of Permittee

EXHIBIT NO. 11
APPLICATION NO.
5-89-155-A1
CDP 5-89-155 #1

COASTAL DEVELOPMENT PERMIT

Page 2 of 5
Permit No. 5-89-155

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

EXHIBIT NO. 11
APPLICATION NO.
5-89-155-A1
CDP 5-89-155 #2

SPECIAL CONDITIONS:

1. Conservation and Open Space Easement Dedication. Prior to transmittal of the permit, the applicant as landowner shall map and record a deed restriction acceptable to the Executive Director which provides that the portion of the applicant's property generally depicted on Exhibit A as indicated on applicant's preliminary grading plan dated 5-22-89 will be precluded from future development, for open space and habitat protection. The deed restriction shall be over that portion of the dedicator's real property as generally depicted on Exhibit A. The restriction shall restrict the applicant or his successor in interest from grading, landscaping, and vegetation removal other than (i) the minimum requirements of the Fire Department for fire protection and (ii) as shown on applicant's preliminary grading plan dated 5-22-89.

The restriction shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed. The restriction shall run with the land, binding successors and assigns of the applicant or landowner.

2. Fuel Modification and Landscape Plans. Prior to transmittal of permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

EXHIBIT NO. 11
APPLICATION NO.
5-89-155-A1
CDP 5-89-155 #3

COASTAL DEVELOPMENT PERMIT

Page 4 of 5
Permit No. 5-89-155

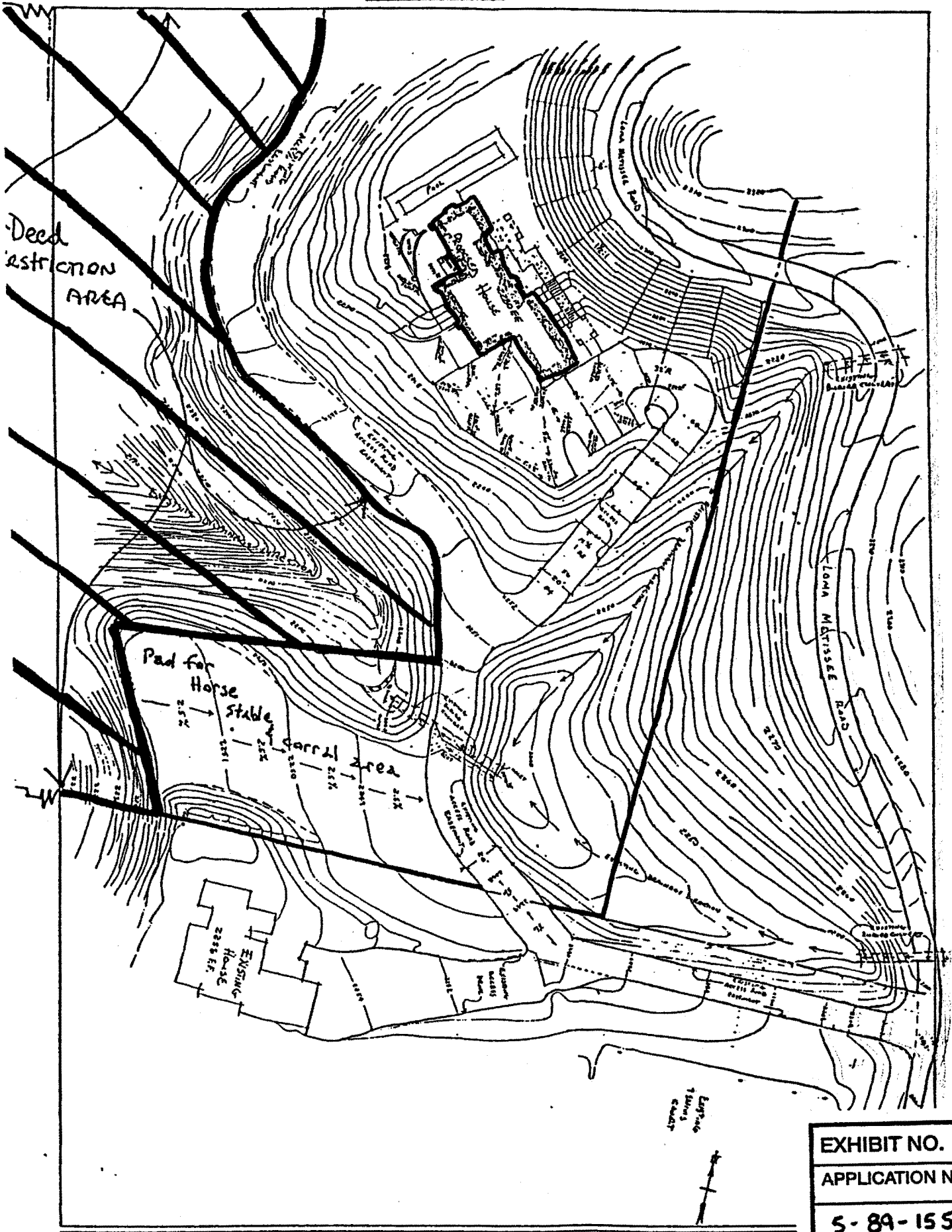
- (c) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads;
- (d) Vegetation within 30 feet of the proposed house may be removed to mineral earth, vegetation within a 100' radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.

3. Future Improvements. Prior to transmittal of permit, applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Development Permit 5-89-155 is for the approved development only, and that any further additions or improvements to the property including clearing of vegetation and grading (except as noted on applicant's preliminary grading plan dated 5-22-89) will require a new Coastal Development Permit from the Coastal commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 30 feet around the residence, and selective thinning of vegetation with a 100' radius of the house, the horse stable and corral, is allowed for fire protection purposes, and will not require a new permit. The deed restriction shall be binding on all successors in interest, heirs and assigns.

4. Geologist's Recommendations. Prior to the transmittal of the permit, the applicant shall submit, for the review and approval of the Executive Director, signed project plans from the consulting geologist and soils engineer which certify that the proposed development conforms to the geotechnical recommendations contained in the report by RSA Associates, Inc. Dated July 8, 1988.

EXHIBIT NO. 11
APPLICATION NO.
5-89-155-A1
CDP 5-89-155 #4

EXHIBIT A
COASTAL DEVELOPMENT PERMIT



1	1/27/89	1/27/89	1/27/89
2	1/27/89	1/27/89	1/27/89
3	1/27/89	1/27/89	1/27/89
4	1/27/89	1/27/89	1/27/89

GRADING PLAN
FOR
NEWHEM RESIDENCE
LOMA MARISSA ROAD
MILLIKEN, CALIF.

SUN-RAY ENGINEERING
CIVIL ENGINEERING - LAND PLANNING - SURVEY
2000 W. 10TH ST. SUITE 100
MILLIKEN, CALIF. 95021

EXHIBIT NO. 11
APPLICATION NO.
5-89-155-A1
CDP 5-89-155 #5

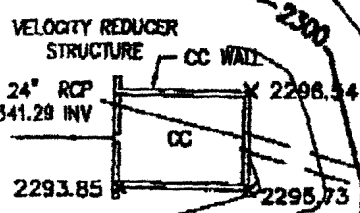
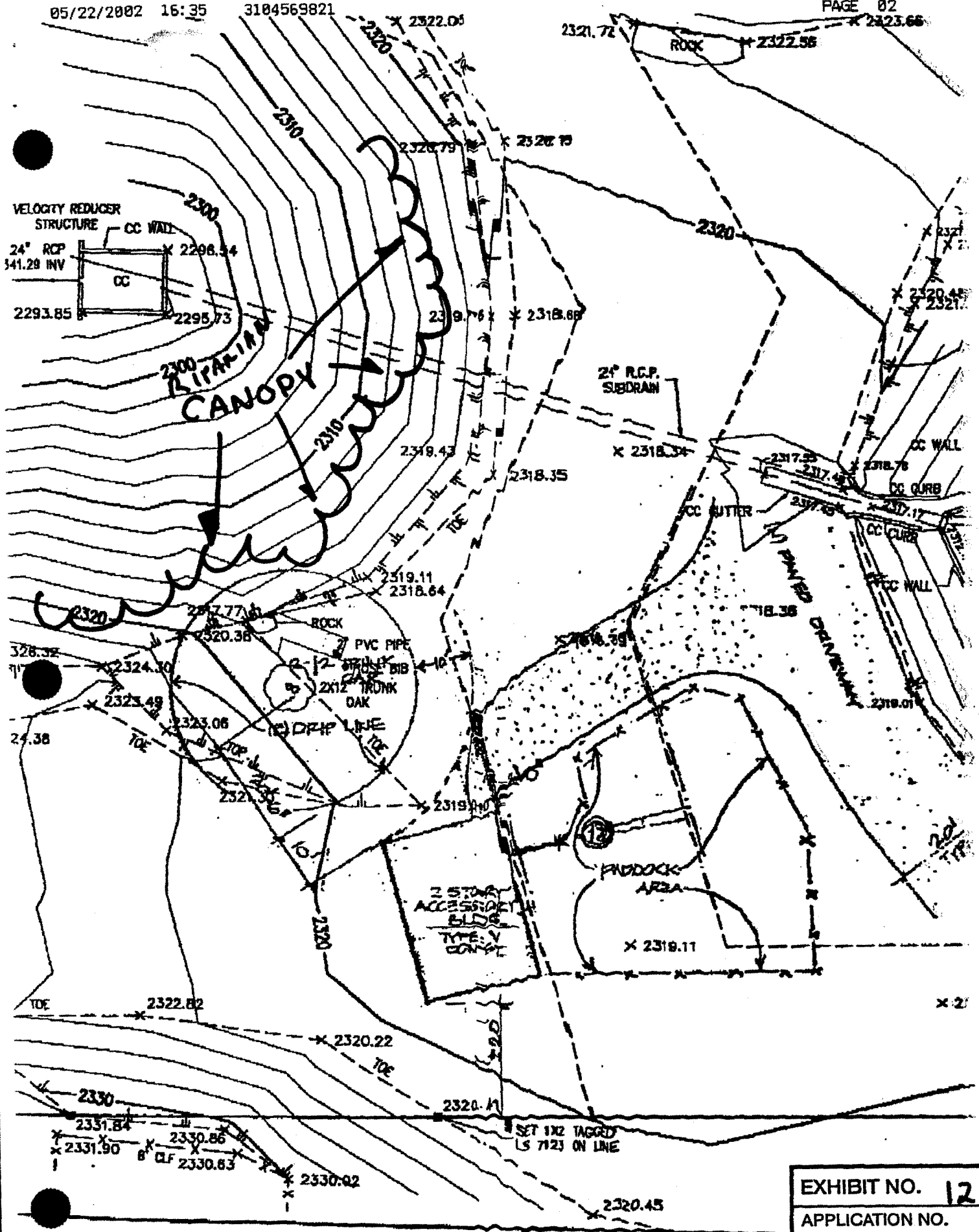


EXHIBIT NO. 12
APPLICATION NO.
5-89-155-A1
BARN DETAIL

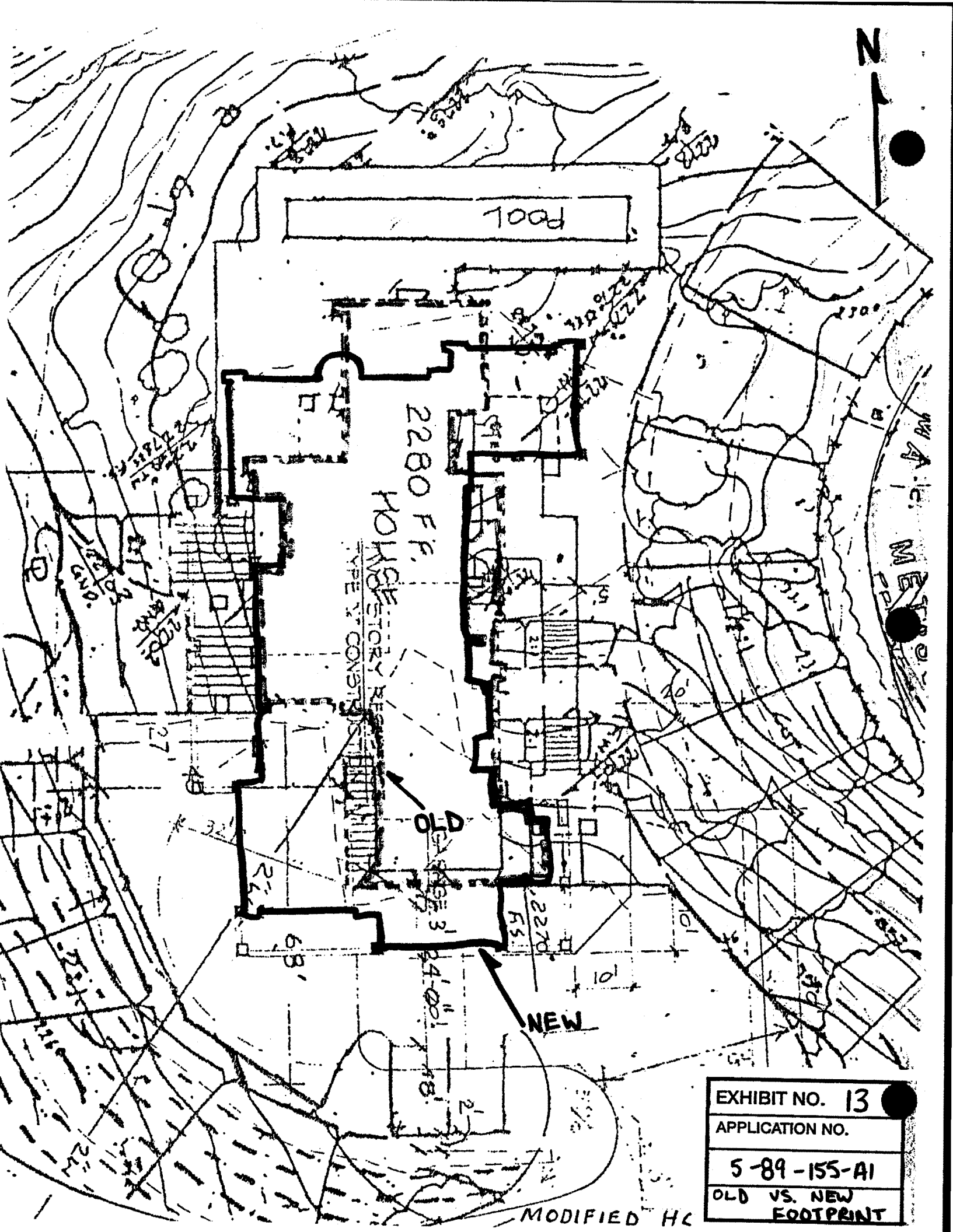
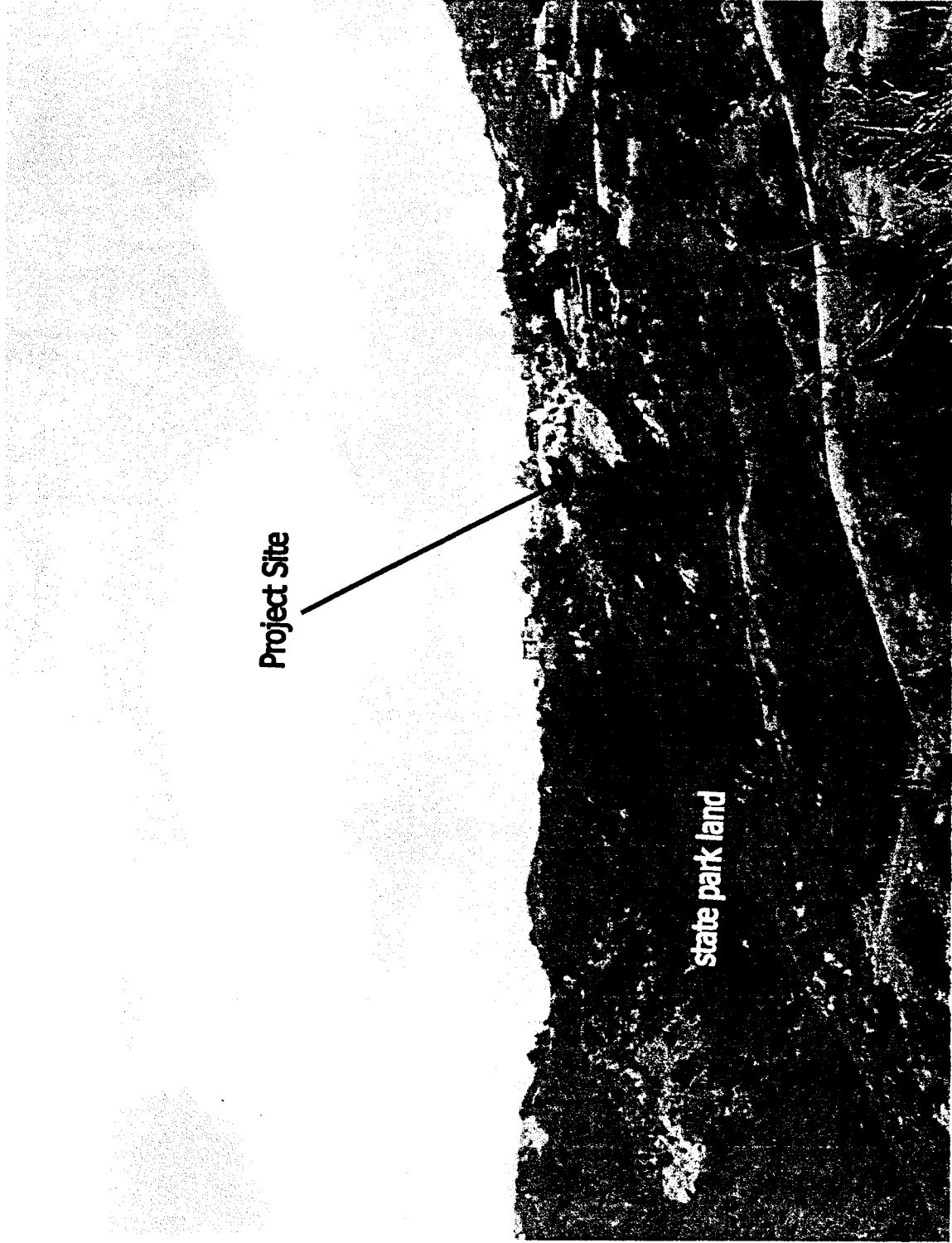


EXHIBIT NO. 13
APPLICATION NO.
5-89-155-A1
OLD VS. NEW FOOTPRINT

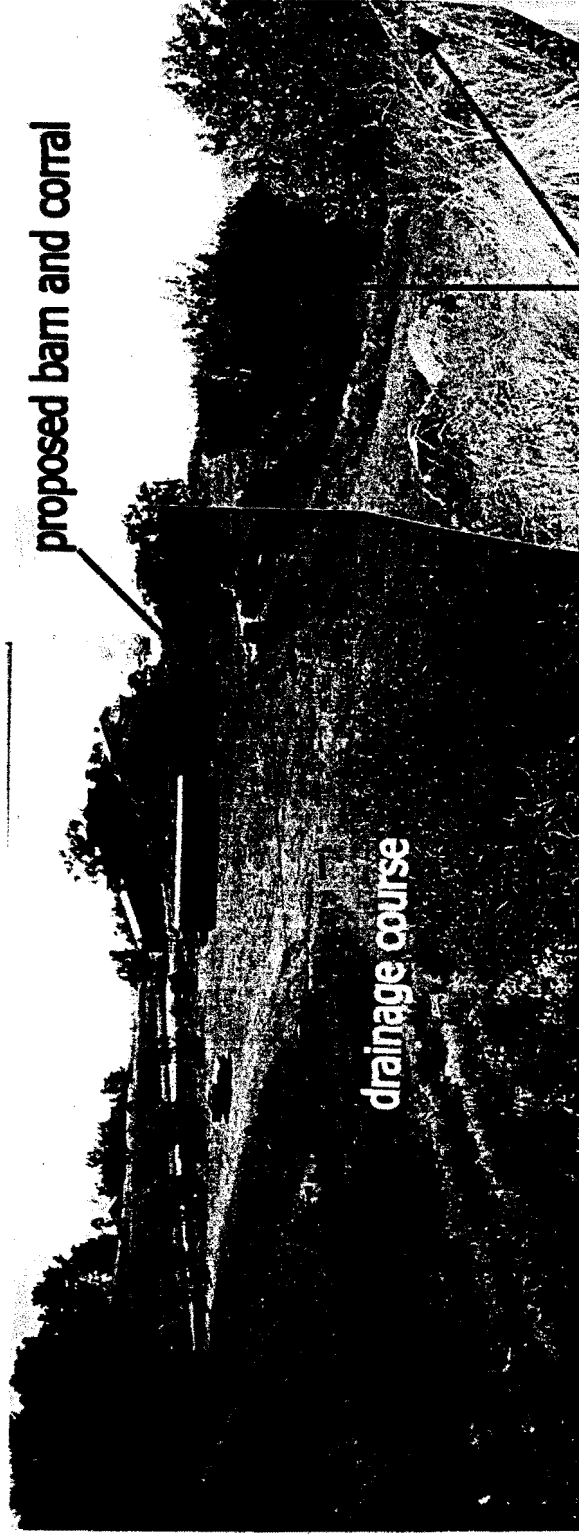
MODIFIED HC



Project Site

state park land

Exhibit 14
5-89-155-A1
Photo 1



proposed barn and corral

drainage course

to residence

open space easement area