

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
MALIBU, CA 93001
(805) 585-1800

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Staff: J. Johnson *for*
Staff Report: 6/19/02
Hearing Date: 7/11/02
Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-117

APPLICANT: Joan Knapp

AGENT: Don Schmitz, Stephanie Dreckman

PROJECT LOCATION: 34077 Pacific Coast Highway, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a two level (two stepped floor levels) 26 ft., 4 in., high above finished grade, 27 ft. 10 in. maximum height from finished grade at south elevation, 4,615 sq. ft. single family development consisting of a 3,930 sq. ft. residence, 695 sq. ft. two car garage, 599 sq. ft. shop/studio with an arbor connecting the residence and shop/studio and kitchen arbor with 96 solar panels on arbors and roof, 12,115 sq. ft. driveway with one fire truck turnaround area, entry gate and fencing, drill water well and explore for water in two locations, three water storage tanks, swimming pool and spa, septic system, 5.6 - 6.1 acres for agricultural use, 3,336 cubic yards of grading and landscaping.

Lot area:	22 acres
Building coverage:	5,189 sq. ft.
Pavement coverage:	12,115 sq. ft.
Agricultural coverage:	5.6 - 6.1 acres
Unimproved area:	15.3 acres
Maximum height avg fin grade:	27 ft. 10 in. south elevation 26 ft. 4 in. east elevation 29 ft. 6 in. west elevation
South Facing Width:	112 ft. 6 in.
West Facing Width:	116 ft.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **Approval** of the proposed project, with the recommended conditions as it is consistent with the protection of environmentally sensitive habitat on site and the visual resource and landform alteration requirements of Coastal Act Sections 30240 and 30251. Since the Commission heard this application at the May 7, 2002 meeting, the applicant has revised the project to reduce the proposed size, bulk, and scale of the residence and the area proposed for agricultural uses to bring the project into conformance with the Coastal Act, as conditioned. The applicant proposes to construct an energy saving "Green" two level (two stepped floor levels) 26 ft., 4 in., high above finished grade, 27 ft. 10 in. maximum height from finished grade at south elevation,

5,244 sq. ft. single family residence consisting of a 3,930 sq. ft. residence, attached 695 sq. ft. two car garage, and 599 sq. ft. shop/studio. The residence and shop/studio are connected with an arbor, a second arbor is located on the seaward side of the residence near the kitchen, both arbors and portions of the roof have a total of 96 solar panels providing electricity and thermal water heating. A driveway accesses the rear of the residence where the garage and one fire truck turnaround area are located. In addition, the applicant proposes to construct an entry gate and post and rail fencing, drill a water well and explore for water in two locations, construct three water storage tanks, a swimming pool and spa, a septic system, plant 5.6 – 6.1 acres for agricultural use, grade a total of 3,336 cubic yards of material including 1,477 cubic yards of excavation proposed to be spread as top soil on the agricultural areas, and landscape the developed portions of the property.

The project site is located in a sparsely developed area within the western portion of the City of Malibu. The topography of this vacant 22 acre property (one parcel is 21 acres the second is a one acre parcel), about 425 feet wide by 2,576 feet long, extends from a gently sloped terrace area just inland of Pacific Coast Highway up a steep slope to a knoll, and then continues up a modest slope to the northern boundary of the parcel located about one half mile from Pacific Coast Highway. There is another parcel in the immediate vicinity developed with an existing residence (Tenzer) located on top of the knoll. The applicant proposes to construct the residence on the sloped lower terrace area surrounded by agricultural plantings and other landscaping and a second agricultural area is proposed on the northern portion of the property landward of the existing residence on the knoll on the upper terrace area. (Exhibits 1 - 28).

The project site on the lower terrace is highly visible from Pacific Coast Highway (designated as a Scenic Road in the Draft City of Malibu Land Use Plan dated September 2001), portions of Leo Carrillo State Beach Park, and from the undeveloped bluff of Nicholas Canyon County Beach Park. The applicant has reduced the public visibility of the project's south and west elevations and provided a comparison of the prior design proposed at the May 7, 2002 meeting with the redesigned project now proposed (Exhibits 9 and 10). The height of the roof on the south elevation now ranges from a maximum of 27-feet, 10 inches to 20.5-feet high, across a 112-foot, 6-inch width facing Pacific Coast Highway at a slight angle to the southeast. The height of the roofs on the west elevation ranges from a maximum of 29 feet, 6 inches high to about 16 feet high across a 116-foot width facing Pacific Coast Highway and Leo Carrillo State Beach Park to the west. Because the residence is oriented to the southeast, the south and west elevations are exposed to public views from viewing locations to the south and west of the project site. As proposed, the residence and driveway will be cut into the slope with a limited amount of fill for the residence and driveway; the remaining cut material will be used as top soil to be spread out onto the proposed agricultural areas to be cultivated and planted. As now proposed, the quantity of grading and landform alternation is minimized and now consistent with Coastal Act Section 30251.

Vegetation at the project site on the lower terrace and the upper terrace is highly degraded due to historic agricultural use of the property. The steeper slopes of the property are vegetated with coastal sage scrub and chaparral plant species. Although the applicant has reduced the proposed project to include 5.6 – 6.1 acres of agricultural

activities, the proposed agricultural activities are located in part on areas and beyond areas that include coastal sage scrub and chaparral plant species as determined by the staff ecologist to be environmentally sensitive habitat (Exhibits 15, 27 and 28). Based on a site visit only about one acre appears to have been tilled on the seaward side of this upper terrace (Exhibit 28). Therefore, a limited portion of the applicant's proposed agricultural area on the lower terrace area along the sloping face of the knoll and about one and one half acres landward of the knoll is considered ESHA; its conversion to agricultural use is, thus, inconsistent with the Coastal Act. Special Condition Number 10 requires the applicant to prepare an agricultural plan specifically identifying the proposed agricultural area and limiting its planted area beyond a buffer between it and the identified ESHA on these sites. In addition, this agricultural plan will require agricultural practices designed to minimize potential impacts to coastal resources, including water quality, in the watershed. With this condition, the proposed agricultural use areas will be located outside the ESHA with an adequate buffer and will be conducted in a manner consistent with the protection of coastal resources and consistent with the Coastal Act.

In addition, the proposed project is consistent with the development limitations recorded on the property as a result of the Commission's approval of the Coastal Permits (Coastal Development Permits No. P-1-12-76-6923 (Malibu Sequit Ltd.), and 4-92-211-A1 (Malibu Sequit Partnership) approving the original seven parcel subdivision; this parcel is one of these seven parcels. The subject parcel is Parcel No. 6 of a seven-lot subdivision approved by the Commission under Coastal Permit Number P-1-12-76-6923, that was later amended by permit 4-92-211-A (Exhibits 3 and 18). The subdivision was approved subject to several deed restrictions limiting development on the property to minimize potential impacts on visual resources, discussed in detail in Section B. Visual Resources, below. Within the seven-parcel subdivision, four parcels have been developed with single-family residences and one of these parcels with an additional guesthouse another parcel with a studio. The proposed reduced project will be visible from portions of Pacific Coast Highway and the bluffs of Nicholas Canyon County Beach Park immediately seaward of the project (short range views) and from the highway to the west along Leo Carrillo Beach State Park and Pacific Coast Highway (long range views). However, the project sites visibility from public recreation areas and trails within Leo Carrillo Beach State Park will be very limited due to the distance and intervening topography. Staff has reviewed the visibility of the proposed reduced size, bulk and scale project, photographs are attached as Exhibits 21 - 28. Therefore, the proposed reduced 4,615 sq. ft. two level residence and garage and 599 sq. ft. shop/studio landward of the residence, 3,336 cubic yards of grading, including 1,668 cubic yards of cut, 191 cubic yards of fill and 1,477 cubic yards of agricultural fill spread on site for agricultural use will minimize grading and landform alteration, adverse effects to public views along the coast and to ESHA, and is therefore, consistent with Sections 30240, 30107.5 and 30251 of the Coastal Act.

IMPORTANT PROCEDURAL NOTE:

The Commission conducted a public hearing at the May 7, 2002 Commission meeting, but was postponed at the request of the applicant to allow for a substantial redesign. The applicant waived the time limits under the Permit Streamlining Act for Commission action on the subject application, extending the time for Commission action for an

additional 90 days until August 4, 2002. Therefore the Commission must vote on Coastal Development Permit Application No. 4-01-117 no later than the July 9-12, 2002 meeting.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval In Concept dated 6/25/01, City of Malibu Geology and Geotechnical Engineering Review Sheet Approved In-Concept dated 1/29/01, City of Malibu Environmental Health In-Concept Approval (Septic) June 11, 2001, City of Malibu Biological Review, Approval in Concept, dated 9/27/00, County of Los Angeles, Environmental Health Division, domestic well approval, dated 8/15/01; County of Los Angeles Fire Department, Coastal Commission Approval Only dated 7/26/01.

SUBSTANTIVE FILE DOCUMENTS: Geologic and Geotechnical Engineering Review by Gold Coast Geoservices, Inc. dated May 14, 2001, Percolation Test Results and Septic System Design by Gold Coast Geoservices, dated November 1, 2000; Response to City of Malibu Geological Engineering Review Sheet by Harrington Geotechnical Engineering, Inc. dated October 26, 2000, Geotechnical Investigation and Percolation Study by Harrington Geotechnical Engineering, Inc. dated October 26, 2000 and September 22, 1999; Coastal Permit No. 4-00-061, Feil; Coastal Permit Nos. 4-98-084 and A-1, Taylor; Coastal Permit No. 4-95-201, Niles; Coastal Permit No. 4-95-201, Niles; Coastal Permit Waiver No. 4-99-158-W; Coastal Development Permits No. P-1-12-76-6923 (Malibu Sequit Ltd.), and 4-92-211-A1 (Malibu Sequit Partnership).

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-117 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)

Joan Knapp

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, except for the proposed agricultural area consistent with Special Condition Number 10 below, 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 50 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils and the building pads where development is proposed. The plan shall include vertical elements, such as trees, shrubs and vines which partially screen the appearance of the proposed residence, shop/studio, pool, driveway, fencing, gate, water tanks and other development from the Pacific Coast Highway, Leo Carrillo State Beach Park, and the bluffs of Nicholas Beach County Park located to the south, west and east of the project site;

- 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. Fencing shall be limited to the area of the lower and upper terraces with agricultural areas delineated on the Agricultural Operation and Delineation Plan approved pursuant to Special Condition Number 10.

Any fencing of the subject parcel shall be identified on the final approved landscape and fuel modification site plan.

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 NATURAL VEGETATION

Removal of natural 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. EXCAVATED MATERIAL PROPOSED FOR AGRICULTURAL FILL

The applicant shall spread all excess excavated or cut material consisting of approximately 1,477 cubic yards of material onto the agricultural areas identified in Special Condition number 10 or export any unused cut material to a site located outside the coastal zone or to a site with an approved coastal permit for the fill of excavated material.

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 the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor. (i.e., 2 or greater), 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.

5. FUTURE DEVELOPMENT DEED RESTRICTION

- A.** This permit is only for the development described in Coastal Development Permit No. 4-01-117. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253 (b) (6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to the entire property. Accordingly, any future improvements to the entire property including the permitted residence, garage/workshop, stable, water well and three storage tanks, and clearing of vegetation or grading, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number One (1), shall require an amendment to Permit No. 4-01-117 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. In addition, any proposed fencing on the subject property is identified on the landscape and fuel modification plan pursuant to Special Condition number one.
- B.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed ~~without~~ **a Commission amendment** to this coastal development permit.

6. COLOR RESTRICTION DEED RESTRICTION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, 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 4-01-117, including the structures, roofs, retaining walls, fencing and water storage tanks permitted. 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, retaining walls, fencing, water storage tanks 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 or light shades, no bright tones, or unpainted metal surfaces. 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 permit 4-01-117 if such changes are specifically authorized by the Executive Director as complying with this special condition.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which 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. LIGHTING DEED RESTRICTION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which specifies that all outdoor night lighting shall be the minimum necessary, consistent with safety requirements, shall be of low intensity, at low height and shielded, and shall be downward directed to minimize the nighttime intrusion of the light from the project into sensitive habitat areas. Security lighting, if any, shall be controlled by motion detector. No night lighting, whether permanent or temporary, shall be installed to light the agricultural areas approved pursuant to Coastal Development Permit No. 4-01-117. The document shall run with the land for the life of the structures approved in these permits, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interests being conveyed. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. 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: Geologic and Geotechnical Engineering Review by Gold Coast Geoservices, Inc. dated May 14, 2001, Percolation Test Results and Septic System Design by Gold Coast Geoservices, dated November 1, 2000; Response to City of Malibu Geological Engineering Review Sheet by Harrington Geotechnical Engineering, Inc. dated October 26, 2000, Geotechnical Investigation and Percolation Study by Harrington Geotechnical Engineering, Inc. dated October 26, 2000 and September 22,

1999, shall be incorporated into all final design and construction including: site clearing and grading, footings and slab design, retaining wall design, and concrete. All plans must be reviewed and approved by the consultants.

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

9. WILDFIRE WAIVER OF LIABILITY

Prior to the issuance of a 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 of liability arising out of the acquisition, design, construction, operation, 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.

10. AGRICULTURAL OPERATION AND DELINEATION PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, an Agricultural Operation and Delineation Plan for all agricultural plantings and operations on the lower and upper terraces of Parcel 6. The Plan shall be prepared by a qualified biologist, botanist, or landscape architect with agricultural resource conservation and native plant species expertise and shall include but not be limited to the following requirements:

1. The plan shall specifically identify the agricultural planting areas on the upper and lower terraces of Parcel 6 with a **50 foot buffer** between the existing environmentally sensitive coastal sage scrub habitat (ESHA) and the proposed planting areas. No agricultural plantings may be allowed within this buffer area, however, native plants as noted below in section 6. shall be planted and maintained in this buffer area.
2. Agricultural practices shall be designed and implemented to minimize erosion and prevent excessive sediment and pollutants from adversely impacting water quality by incorporating BMPs such as:
 - Diversions
 - Grassed waterways
 - Sediment basins
 - Terraces
 - Critical area planting
 - Crop residue use
 - Conservation cover
 - Filter strips

3. Agricultural practices shall minimize the release of pesticides into the environment by implementing Integrated Pest Management (IPM) strategies that apply pesticides only when an economic benefit to the producer will be achieved and apply pesticides efficiently and at times when runoff losses are least likely shall be implemented. Pesticide runoff shall be carefully managed in a comprehensive manner, including evaluating past and current pest problems and cropping history, evaluating the physical characteristics of the site, selecting pesticides that are the most environmentally benign, using anti-backflow devices on hoses used for filling tank mixtures, and providing suitable mixing, loading and storage areas.
4. Agricultural practices shall minimize nutrient loss by developing and implementing comprehensive nutrient management plans based on crop nutrient budgets, identification of the types, amounts and timing of nutrients necessary to produce a crop based on realistic crop yield expectations and identification of onsite environmental hazards.
5. Agricultural practices shall reduce water loss to evaporation, deep percolation and runoff, remove leachate efficiently, and minimize erosion from applied water by implementing a managed irrigation system that includes the following components:
 - Irrigation scheduling
 - Efficient application of irrigation water
 - Efficient transport of irrigation water
 - Use of runoff or tailwater
 - Management of drainage water
6. Buffer areas of groups of native plants shall be planted and maintained within a 50 foot buffer area between the environmentally sensitive coastal sage habitat areas (ESHA) and the proposed agricultural planting. Buffer areas of groups of native plants shall be planted along the sides of the access driveway and highway frontage road of the property for the purpose of collecting runoff from the agricultural areas.
7. The applicant shall implement the agricultural management measures submitted to the Commission as part of this project, including rodent control, deer control, chemical use, fertilizers, drainage and erosion control, irrigation and weed control.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a two level (two stepped floor levels) 26 ft., 4 in., high above finished grade, 27 ft. 10 in. maximum height from finished grade at south elevation, 4,615 sq. ft. single family development consisting of a 3,930 sq. ft. residence, 695 sq. ft. two car garage, 599 sq. ft. shop/studio with an arbor connecting the residence and shop/studio and kitchen arbor with 96 solar panels on arbors and roof, 12,115 sq. ft. driveway with one fire truck turnaround area, entry gate and fencing, drill

Joan Knapp

water well and explore for water in two locations, three water storage tanks, swimming pool and spa, septic system, 5.6 – 6.1 acres for agricultural use, 3,336 cubic yards of grading (1,668 cubic yards of cut, 191 cubic yards of fill and 1,477 cubic yards for agricultural top soil fill), and landscaping (Exhibits 4- 20). The applicant is proposing an energy saving "Green" house that reduces energy use to 25% as compared to the more common wood framed residence. The structure will be fire resistant, with 12" to 16" insulated concrete walls, roofs and floors with double glazed high performance windows. Exterior materials will be natural slate, stone and stucco. Energy sources include thermal solar collectors to heat the pool, spa, interior space (radiant tubes in the floor) and domestic water. Although the residence will be connected to the electric grid, photovoltaic panels will generate most of the electricity needed. Electricity needs will also be reduced by 78% with the use of Energy Star appliances, fluorescent and halogen bulb lighting. The residence will be designed for use by the handicap with wide spaces and an elevator and include non-alergenic interior surfaces, such as travertine floors, non-VOC paint and carpets with an interior electronic air cleaner and built-in vacuum to remove 99.9% of particles 0.3 micron or larger in size.

The project site is located in a relatively undeveloped, rural area within the western limits of the City of Malibu (Exhibit 1). The project site is located within a seven parcel subdivision originally approved by the Commission in 1977 and amended in 1993 to modify the special conditions (Exhibits 2 and 3). Seaward of this property are the undeveloped bluffs of Nicholas Canyon County Beach Park. There are a number of deed restrictions (Exhibit 18) limiting development on these parcels that are discussed below in section II. B. 1 below. The property consists of two parcels, one is a vacant approximate 21 acre parcel (APN 4473-027-015) the other a separate one acre parcel (APN 4473-027-017, it is unclear how this parcel was created as the area of the parcel was included in Parcel 6 subdivided by Coastal Permit 4-92-211-A1 and P-1-12-76-6923, Malibu Sequit, see Exhibits 2 and 3) located adjacent to and inland of Pacific Coast Highway about one third of a mile east of Leo Carrillo State Beach Park and about two miles west of Encinal Canyon Road (Exhibits 1 and 2). The parcel is separated to the west from Leo Carrillo State Beach Park by five adjoining parcels each also about 20 acres in size, three with existing single family residences (Exhibit 3: Parcel 3, Coastal Permit 4-95-201, Niles; Parcel 2, Coastal Permit 4-95-202, Niles; and Parcel 1, Coastal Permit 4-00-061, Feil) and two Parcels (Parcel 4 and 5) that are vacant. To the east is Parcel 7 of this subdivision that includes a residence on the upper terrace and a guesthouse landward of the lower terrace (Coastal Permit 4-98-084, Taylor). There is also an existing parcel located beyond the area of the applicant's parcel with an existing residence on the east side of the knoll accessed by a driveway shared with the Taylor residence (Exhibits 3 and 19). Along the southeast portion of the Taylor parcel are three parcels each about one acre in size with existing residences (Exhibit 2). To the south across Pacific Coast Highway is Nicholas County Beach Park (Exhibit 1). To the north of the subject parcel is Leo Carrillo State Beach Park property and further north is the Santa Monica Mountains National Recreation Area, which are federal lands.

The subject property fronts approximately 428 feet of Pacific Coast Highway (PCH) and extends approximately ½ mile inland (Exhibits 2 and 3). Topography at the subject site includes a gently sloping terrace (14 – 20 % slope) rising up from PCH about 400 feet

to a steep hillside (50% or greater slope) to a knoll from which the property again rises gently to a drainage feature, rising again steeply to the northern boundary of the property (Exhibit 3). There are two building sites identified on the subdivision map approved in Coastal Permit Amendment 4-92-211-A (Exhibit 3). These sites are the gently sloping terraces along PCH deed restricted to be set back 200 feet from PCH and a site behind the knoll located from about 1,000 feet to 1,300 feet from PCH.

Vegetation on the lower terrace project site is highly degraded due to historic agricultural use of the property consisting of annual exotic grasses. On the upper terrace, the southern portion is highly degraded due to historic agricultural use, while the upper portion where the second building site is located includes coastal sage scrub, determined to be environmentally sensitive habitat area (ESHA) by the Commission's staff biologist based on a site visit on January 4, 2002. The steeper slopes of the property are vegetated with coastal sage scrub and both annual exotic and native grasses and are also ESHA. The property is located in an area of high biological importance due to it's rural character, close proximity to the State Park, and the presence of a well established coastal sage scrub community and associated sensitive wildlife species. However, the proposed residential project site on the lower terrace is not located in a significant watershed, wildlife corridor, or environmentally sensitive habitat area. The applicant also proposes agricultural use on the lower terrace, a portion of the hillside landward of the lower terrace and on the upper terrace. Portions of the proposed agricultural use are located within ESHA areas which are located on a portion of the hillside landward of the lower terrace and the upper portion of the upper terrace on either side of an existing dirt roadway (Exhibit 15).

As noted above, the proposed residence is located off of Pacific Coast Highway in a relatively undeveloped area in Malibu. Pacific Coast Highway is designated a Scenic Road in the Draft City of Malibu Land Use Plan dated September 2001. The proposed residence (walled patio) is located as close as 275 feet inland from PCH and with a 27-foot, 4-inch high south elevation facing PCH. The residence consists of two structures connected by an arbor with the shop/studio landward of the residence located at about the 216-foot elevation above sea level. The pool and pool terrace is located immediately seaward of the residence at about the 205 foot elevation and is cut into the slope. As a result, the entire development is considered a two level stepped design with the pool terrace about 11 feet below the residence that will not be visible except for a glass windscreen about 4 and ½ feet high seaward of the pool terrace. According to the applicant, the average finished grade for the residential floor level is 26 feet, 4 inches high. The applicant has revised the previously proposed March 02 project as the June 02 project as identified and compared in Exhibits 10, 12 and 20.

The applicant proposes to access the property from Pacific Coast Highway from an existing driveway that cuts through a small bluff from PCH in a westerly and then northwesterly direction leading to a driveway that accesses the west portion of the residence where a hammerhead or fire truck turnaround area is located. The proposed garage is accessed from the landward side of the residence by crossing beneath the arbor located on the landward side of the residence connecting the residence and shop/studio.

The subject parcel is Parcel 6 of a 7 parcel, 150-acre subdivision approved by the Commission under Coastal Development Permit Number P-1-12-76-6923. This subdivision permit was later amended by Coastal Permit Number ~~4-02-211-A~~ to delete and modify a portion of the Special Conditions (Exhibit 18). The Commission in approving the subdivision coastal permit and permit amendment, due to the fact that the project site is highly visible from Pacific Coast Highway, extensively addressed potential visual resource impacts by new development at the site. The subdivision was approved subject to several deed restrictions limiting development on the lots. Specifically, this subject parcel is deed restricted to 1) preclude future subdivisions, 2) limit access to the seven lots to only two additional driveways off of PCH, 3) setback residential development 200 ft. inland of PCH while other development may be permitted in this area in conformance with the visual resource policies of the Coastal Act, 4) minimize alteration of land forms and the visual impact of development on the coastal view shed, survey the site to determine which areas are visible, both short-range and long-range, from the highway and regulate or design development in these areas to mitigate the visual impact, and 5) limit the extent of development to an acceptable level for the site (i.e. single family residences only with appropriate height and size limits).

Staff has met with the applicant and her agents on numerous occasions, the applicant has revised the proposed project numerous times as a positive response to staff requests and the Commission's request at the May 7, 2002 Commission meeting.

B. Visual Resources and Landform Alteration

Section 30251 of the Coastal Act states:

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

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected, landform alteration be minimized, and where feasible, degraded areas be enhanced and restored. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides that are traversed by scenic, public trails. The project site is highly visible by the public traversing Pacific Coast Highway and along the undeveloped bluffs of Nicholas Canyon County Beach Park immediately seaward of the project site (short range view) and to a limited degree from Pacific Coast Highway and portions of Leo Carrillo State Beach Park located about one mile to the west (long range view).

The applicant proposes to construct a two level (two stepped floor levels) 26 ft., 4 in., high above finished grade, 27 ft. 10 in. maximum height from finished grade at south elevation, 4,615 sq. ft. single family residence consisting of a 3,930 sq. ft. residence, 695 sq. ft. two car garage, 599 sq. ft. shop/studio with an arbor connecting the residence and shop/studio and kitchen arbor with 96 solar panels on arbors and roof, 12,115 sq. ft. driveway with one fire truck turnaround area, entry gate and fencing, drill water well and explore for water in two locations, three water storage tanks, swimming pool and spa, septic system, 5.6 – 6.1 acres for agricultural use, 3,336 cubic yards of grading (1,668 cubic yards of cut, 191 cubic yards of fill and 1,477 cubic yards for agricultural top soil fill), and landscaping (Exhibits 4- 20).

The project site is located in a relatively undeveloped, rural area within the western limits of the City of Malibu (Exhibit 1). The project site is located within a seven parcel subdivision originally approved by the Commission in 1977 and amended in 1993 to modify the special conditions (Exhibit 18). There are a number of deed restrictions limiting development on these parcels which are discussed further below. The property consists of a vacant parcel approximately 21 acres in size (APN 4473-027-015) and a separate one acre parcel (APN 4473-027-017) (Exhibit 2) located adjacent to and inland of Pacific Coast Highway about one third of a mile east of Leo Carrillo State Beach Park and about two miles west of Encinal Canyon Road.

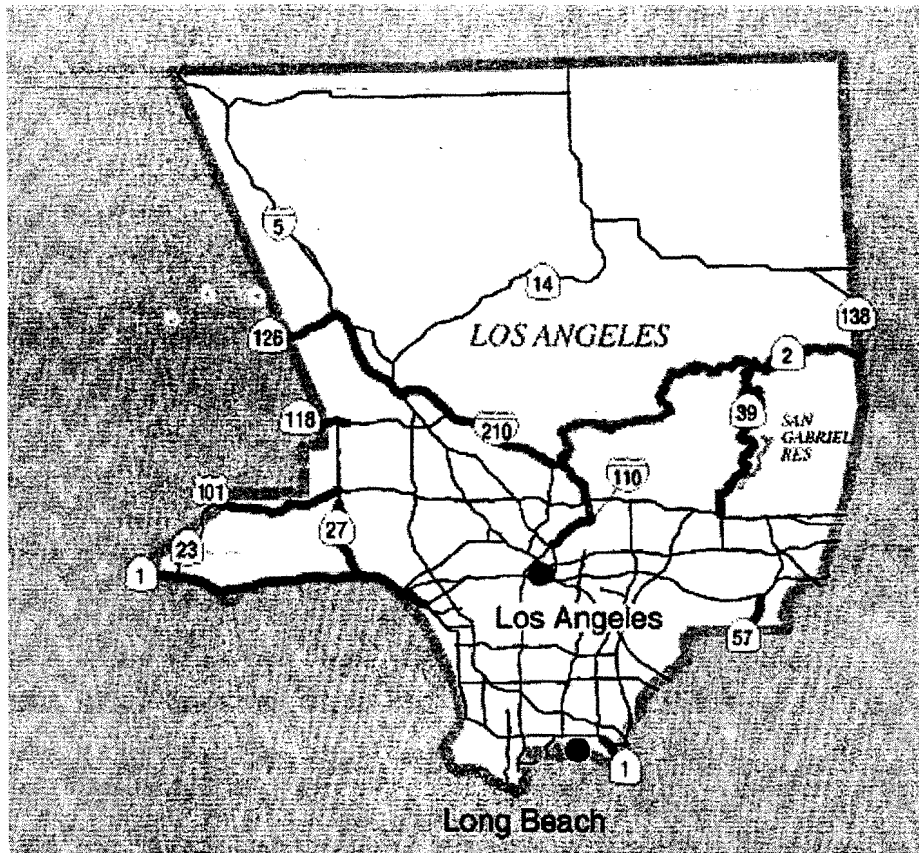
The subject property fronts approximately 428 feet of Pacific Coast Highway (PCH) and extends approximately ½ mile inland (Exhibits 2 and 4). Topography at the subject site includes a gently sloping terrace (14 – 20 % slope) rising up from PCH to a steep hillside (50% or greater) to a knoll from which the property again rises gently to a drainage feature, rising again steeply to the northern boundary of the property (Exhibit 3). There are two building sites identified on the subdivision map approved in Coastal Permit Amendment 4-92-211-A (Exhibit 3). These sites are the gently sloping terrace along PCH which is deed restricted to be set back 200 feet from PCH and a site behind the knoll located from about 1,000 feet to 1,300 feet from PCH.

The proposed residence located ~~as close as 275 feet inland from PCH~~ (patio wall landward of pool terrace and seaward of residential interior) and with a 27-foot, 10-inch high south elevation facing PCH. The residence consists of two structures connected by a arbor landward of the main residence to the shop/studio and a lower level pool terrace and partially enclosed patio. The residence is located at about the 216-foot elevation above sea level. The pool and pool terrace is located about 11 feet lower and immediately seaward of the residence at about the 205 foot elevation and is cut into the slope. According to the applicant, the average finished grade of the residence level is 26 feet, 4 inches high above finished grade. The applicant proposes to access the property across the southeastern portion of the property to a common driveway with the adjoining Parcel number 7 to the east. The driveway leads in a northwesterly direction to access the west portion of the residence where a hammerhead or fire truck turnaround area is located. The proposed garage is accessed from the landward side of the residence by crossing beneath the arbor located on the landward side of the residence connecting the residence and shop/studio.

As noted below, State Highway 1 along the Malibu coastline is designated an "eligible State Scenic Highway", although not officially designated at this time. The subject site is located at the far western portion of Highway 1 in Los Angeles County west of its intersection with Highway 23. The Draft City of Malibu Land Use Plan dated September 2001 designated Pacific Coast Highway as a scenic road.

Legend

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| | | | |
| U.S. | Interstate | State | County Road |
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|--|--|--|--|
| | Officially Designated State Scenic Highways | | Unconstructed State Highways Eligible for Scenic Designation |
| | Officially Designated County Scenic Highways | | Historic Parkways |
| | Officially Designated State Scenic Highway and National Scenic Byway | | Connecting Federal Highways |
| | Officially Designated State Scenic Highway and All American Road | | Connecting Federal Highway & National Scenic Byway |
| | Eligible State Scenic Highways — Not Officially Designated | | State Highway System |



1. Subject Parcel Deed Restrictions

The subject parcel is Parcel 6 of a 7 Parcel, ~~150-acre subdivision~~ approved by the Commission under Coastal Development Permit Number P-1-12-76-6923. The subdivision permit was later amended by Coastal Permit Number 4-92-211-A to delete and modify a portion of the Special Conditions (Exhibits 3 and 18). However, due to the fact that the project site is highly visible from Pacific Coast Highway the Commission, when approving the subdivision permit and amendment, extensively addressed potential impacts of new development at the site on visual resources. The subdivision was approved subject to several deed restrictions limiting development on the parcels. Specifically, this subject parcel is deed restricted to:

- 1) preclude future subdivisions,
- 2) limit access to the seven lots to only two additional driveways off of PCH,
- 3) setback residential development 200 ft. inland of PCH while other development may be permitted in this area in conformance with the visual resource policies of the Coastal Act,
- 4) minimize alteration of land forms and the visual impact of development on the coastal view shed, survey the site to determine which areas are visible, both short-range and long-range, from the highway and regulate or design development in these areas to mitigate the visual impact, and
- 5) limit the extent of development to an acceptable level for the site (i.e. single family residences only with appropriate height and size limits).

The proposed project as redesigned conforms to all of these deed restriction identified in this Special Condition previously imposed on the subject property as each of the deed restricted limitations will be reviewed one by one below.

First, regarding deed restriction 1, no further subdivision of the subject parcel is proposed. In fact the subject property includes one of these deed restricted parcel approved in Coastal Permit No. 4-92-211A, a 21 acre parcel, and an adjoining one acre parcel which is not deed restricted as noted above. ~~The applicant proposes to conduct agricultural activities on the lower and upper terrace portions of the 21 acre parcel (APN 4473-027-017).~~ The applicant also proposes to conduct agricultural activities on the entire one acre parcel located on the upper terrace (APN 4473-027-017). These two parcels are owned by the applicant as noted in the evidence provided by the applicant. Therefore, the applicant's proposed project is consistent with this deed restriction.

Second, regarding restriction 2, the applicant has revised the site plan to access to the subject property from an existing driveway located on the adjoining property to the east which provides access to Parcel 7 with a residence and guest house owned by the Taylors (Coastal Permit No. 4-98-084) and to an existing residence (apparently constructed prior to the effective date of the Coastal Act) on the top of the knoll owned by the Tenzers. From the area of this driveway extension, to the west a separate extension of the driveway is required to additionally access Parcels 4 and 5 from this same existing driveway on Parcel 7 in the future. Therefore, the applicant's proposed access from an existing driveway from PCH is consistent with this deed restriction.

Third, regarding restriction 3, residential development is required to be setback 200 ft. inland of PCH while other development may be permitted in this area in conformance with the visual resource policies of the Coastal Act. An enclosed wall of the patio below the residence is setback a minimum of 275 feet, the wall of the residence is setback 285 inland of PCH and is consistent with this section of this deed restriction. The applicant proposes to construct a split rail fence with black vinyl coated wire fencing and a wood and stone entry gate along the south, west and east perimeter of the lower terrace that is located within 200 feet of PCH and is consistent with the visual resource policies of the Coastal Act by maintaining the rural character of this area (See Exhibit 16). Therefore, the applicant's proposal to construct the residence beyond the 200-foot setback area is consistent with this deed restriction and the design of the proposed fence and gate located within the 200-foot residential setback area is also consistent with the scenic and visual resources, views to and along the scenic coastal areas and will be compatible with the rural character of the surrounding area, consistent with the requirements of Section 30251 of the Coastal Act.

Fourth, regarding restriction 4, the alteration of land forms and the visual impact of development on the coastal view shed is required to be minimized and the site surveyed to determine which areas are visible, both short-range and long-range, from the highway. This restriction also requires the Commission to regulate or the applicant to design development in these areas to mitigate the visual impact. The proposed project as redesigned is now consistent with this deed restriction in the following manner.

The applicant proposes to construct two level (two stepped floor levels) 26 ft., 4 in., high above finished grade, 27 ft. 10 in. maximum height from finished grade at south elevation, 4,615 sq. ft. single family residence consisting of a 3,930 sq. ft. residence, 695 sq. ft. two car garage, 599 sq. ft. shop/studio with an arbor connecting the residence and shop/studio and kitchen arbor with 96 solar panels on arbors and roof, 12,115 sq. ft. driveway with one fire truck turnaround area, entry gate and fencing, drill water well and explore for water in two locations, three water storage tanks, swimming pool and spa, septic system, 5.6 – 6.1 acres for agricultural use, 3,336 cubic yards of grading (1,668 cubic yards of cut, 191 cubic yards of fill and 1,477 cubic yards for agricultural top soil fill), and landscaping (Exhibits 4- 20).

A careful review of the visual impact from short-range and long-range public views concludes that the of the proposed redesigned grading size, bulk and scale of the residence and associated development will result in limited visible development and less than significant visual impacts to public views to and along the coast. The attached photos illustrate this public view: Exhibit 21 illustrates the long range view from PCH in the vicinity of Leo Carrillo State Beach Park and Exhibit 22 illustrates the short range view directly in front of the project site. The project's size, bulk and scale are illustrated with the ribbon tied to the story poles. The ribbon identifies the rooflines of the proposed residence (not the top of the story poles in these photos). (Although these are digital photos, all of these photos are comparable to photos taken from the standard 50mm lens on a 35 mm camera, which are the same scale as viewed by the human eye at a height of about 5.5 feet above the shoulder pavement. These photos are taken from the seaward shoulder of PCH, about 90 feet from the applicant's property

boundary, the location is about 365 feet and 375 feet respectively from the lower level patio wall and main level residential wall. The public traversing this section of PCH in either a west or eastbound direction would be closer to the residence.)

The applicant proposes to grade a total of 3,336 cubic yards of material (Exhibit 14) including 1,934 cubic yards of cut, 191 cubic yards of fill, and 1,477 cubic yards of topsoil fill for agricultural purposes. The applicant has minimized the alteration of natural landforms as now proposed. Therefore, the proposed project is consistent with deed restriction 4 and is protective of scenic and visual resources, views to and along the scenic coastal areas and is compatible with the rural character of the surrounding area, and thus, consistent with the requirements of Section 30251 of the Coastal Act.

Regarding deed restriction 5, the proposed development is required to be limit the extent of development to an acceptable level for the site (i.e. single family residences only with appropriate height and size limits). As noted above in the discussion on deed restriction 3 and 4, the proposed extent of residential development in terms of height and size is now an acceptable level for this site located within 275 feet of PCH. The proposed south elevation as viewed by the public from short-range views along PCH is 27 feet, 10 inches high across an approximate 112 foot wide face will result not result in substantial visual impacts along this scenic section of coast. The proposed west elevation as viewed by the public from both short range and long-range views from PCH and Leo Carrillo State Beach Park will not result in substantial visual impacts along this scenic section of coast. Exhibits 23 - 26 illustrate this view proposed by this development in relation to other residential development in the immediate vicinity of the project site. Therefore, the proposed revised development is consistent with deed restriction 5 and is protective of scenic and visual resources, views to and along the scenic coastal areas and is compatible with the rural character of the surrounding area, and thus, is consistent with the requirements of Section 30251 of the Coastal Act.

2. Comparison with Other Development Approved On These Parcels

Coastal Act Section 30251 requires that new development be visually compatible with the character of surrounding areas. The following is a comparison of other residential development approved by the Commission and other existing development that may have been approved prior to the effective date of the Coastal Act in 1977 or the California Coastal Zone Conservation Commission in 1973. The parcel is separated to the west from Leo Carrillo State Beach Park by five adjoining parcels each about 20 – 26 acres in size, three with existing single family residences (Coastal Permits 4-95-201, Niles; 4-95-202, Niles; and 4-00-061, Feil) and two that are vacant. To the east is the seventh parcel of this subdivision that includes a residence on the upper mesa and a guest house on the lower mesa (Coastal Permit 4-98-084, Taylor). There is also an existing parcel in effect located within the area of the applicant's parcel with an existing residence on the east side of the knoll accessed by a driveway shared with the Taylor residence (Exhibits 3 and 19). Along the southeast portion of the Taylor parcel are three parcels each about one acre in size with existing residences. To the south across Pacific Coast Highway is Nicholas County Beach Park. To the north of the subject parcel is Leo Carrillo State Beach Park property and further north is Santa Monica Mountains National Recreation Area, federal lands.

Commission has approved four residences (one with a guest house another with a studio) on four of these parcels. Three residences are located about the same distance from Pacific Coast Highway and one residence and a guest house are located further landward than in this subject application.

On Parcel 1, the western most parcel adjacent to Leo Carrillo State Beach Park, a 2,827 sq. ft. split level residence and a 629 sq. ft. studio with 2,074 cu. yds. of grading (1747 cu yds. cut, 327 cu. yds. fill, and 1,420 cu. yds export) was approved August 2000 by the Commission (Coastal Permit 4-00-060, Feil). The maximum height of the south elevation for the split level residence is 27 feet high across a 60 foot wide face. In front or seaward of the residence a studio was also approved with an 8 foot high south elevation including a 3 foot high glass windscreen and rail across a 36 foot wide face. The approved studio is located with a south elevation face overlapping the south elevation face of the residence by about 3 feet. Although the total south elevation height of the studio in front of the residence is 32 feet high, the over lap across the face of the two structures is only 5 feet. The approved studio is located 207 feet and 250 for residence from inland from PCH. Prior to the construction of the studio, the applicant submitted a revised plan to relocate the approved studio to a location landward and visually behind the residence increasing its size to 700 sq. ft. The Commission approved the relocated studio located 440 feet from PCH in November 2001. This amended project will have a maximum height on the south elevation for the split level residence at 27 feet high (the range is 18 feet to 27 feet high) across a 60 foot wide face, located 250 feet inland of PCH. Exhibit 23 illustrates the residence now under construction along the south elevation from the seaward shoulder of PCH.

On Parcel 2, the Commission approved, in December 1995, a 3,500 sq. ft. 18 foot high above existing grade one story residence and garage (Coastal Permit No. 4-95-201, Ed Niles). Grading for a common driveway for this Parcel and the adjoining Parcel 3 and a limited amount of grading for the building pad totaled 4,600 cubic yards of material. This residence is setback 320 feet from Pacific Coast Highway. There is an existing unpermitted graded basketball court and patio located seaward of the residence, in addition the exterior finish of the aluminum color appearing exterior walls of the residence does not meet the residential design (color) restrictions required by the Commission. As a result, the completed project is being processed as an enforcement matter by the Commission's enforcement unit. This residence and garage is a maximum 18 feet high (the range is 9 feet to 18 feet high) across a 172-foot wide face. Exhibit 24 illustrates this residence along the south elevation from the seaward shoulder of PCH.

On Parcel 3, the Commission also approved in December 1995 a 1,700 sq. ft. 12 feet 6 inches high above existing grade one story residence with a two-car garage (Coastal Permit No. 4-95-202, William Niles). Grading for a small portion of the common driveway and the residence totaled 390 cubic yards of material. After this residence was constructed, the Commission approved a permit waiver in October 1999 (Permit Waiver 4-99-158-W, Niles) to construct a 1,149 sq. ft. one story maximum 18 foot high addition on seaward side at a lower elevation and a one story maximum 12 feet 4 inch high addition on the western side of the existing residence. The maximum 18 foot high

portion of this residence is across a 32-foot wide face on the south elevation located a minimum of 270 feet from PCH. This residence and garage is a maximum of 18 feet high (the range is 9 feet 6 inches to 18 feet high) across a ~~110-foot wide~~ face of the south elevation. Exhibits 25 illustrate this residence along the south elevation from the seaward shoulder of PCH.

Parcels 4 and 5 are vacant.

On Parcel 6, the subject applicant proposes to construct a two level (two stepped floor levels) 26 ft., 4 in., high above finished grade, 27 ft. 10 in. maximum height from finished grade at south elevation, 4,615 sq. ft. single family residence consisting of a 3,930 sq. ft. residence, 695 sq. ft. two car garage, 599 sq. ft. shop/studio with an arbor connecting the residence and shop/studio and kitchen arbor with 96 solar panels on arbors and roof, 12,115 sq. ft. driveway with one fire truck turnaround area, entry gate and fencing, drill water well and explore for water in two locations, three water storage tanks, swimming pool and spa, septic system, 5.6 – 6.1 acres for agricultural use, 3,336 cubic yards of grading (1,668 cubic yards of cut, 191 cubic yards of fill and 1,477 cubic yards for agricultural top soil fill), and landscaping (Exhibit 4- 22).

This proposed residence due to its slight southeast orientation will also have west elevation visible from short range and long-range views along PCH. The long range views will be from Leo Carrillo State Beach Park. The maximum height of the south elevation is 27 feet, 10 inches high across a 112 foot 6 inch width. The maximum height of the west elevation is 27 feet 10 inches high across an approximate 118-foot wide face. Exhibits 27 and 22, respectively, illustrates this proposed residence along the south elevation from the seaward shoulder of PCH, short range view and the western elevation long range view also from PCH, respectively.

On parcel 7, the Commission in August 1998 approved a 7,708 sq. ft. two story 28 foot high residence and four car 992 sq. ft. garage totaling 8,700 sq. ft. (Coastal Permit No. 4-98-084, Taylor). The Commission also approved an amendment to this permit (4-98-084-A-1, Taylor) allowing a ~~modified landscape plan for three acres of~~ vineyard and four acres of herb growing area. The ~~maximum height of the south elevation~~ is 29 feet high (the range is 24 to 29 feet high) without including a lower pool terrace level and three tower peaks in the design. It is important to note that this residence is setback 870 feet from Pacific Coast Highway. The south elevation is across a 111-foot wide face. This permit also included a 750 sq. ft. habitable one-story 15 to 23 foot high guest house and a 225 sq. ft. one car garage with a south elevation across a 100 foot face. The guest house according to the plans is setback about 440 feet from Pacific Coast Highway. A total of 943 cubic yards of cut material was graded to construct these structures, while 930 cubic yards of material was exported from the site to a disposal site. This project shared an existing common driveway used by the existing residence located on a small parcel to the northwest of this parcel. (a portion of this driveway is proposed to be used in this subject application.) A majority of the site includes an agricultural vineyard and herbs. Exhibit 26 illustrates this residence along the south elevation from the seaward shoulder of PCH.

In addition, there is one residence (Tenzer) located on the knoll landward of the proposed project site. It appears to be a one-story residence of unknown size. Exhibits 22 and 28 illustrate this residence as viewed from the south and north. To the east past the project site and the adjoining Parcel 7 (Taylor) are three residences each located within two to four hundred feet of PCH on separate parcel approximately one acre in size or less. The size and height of these residences is unknown.

Based on the above, the proposed residence's and driveway size, bulk and scale, as redesigned by the applicant, the post and rail fence with black vinyl coated wire fencing and wood gate with stone façade columns located along the seaward side of the site and the west and east perimeter of the lower terrace, and the quantity of the proposed grading, will all create a development visible from both short range and long range public views from portions of PCH and the bluffs of Nicholas Canyon County Park, and long range views from portions of Leo Carrillo State Beach Park. (Exhibit 27 illustrates the west elevation view of the proposed residence looking west which will be visible from Leo Carrillo State Beach Park and Pacific Coast Highway as illustrated in Exhibit 21). In an effort to reduce the visibility of the proposed development described above and allow it to be visually compatible with the surrounding area the following mitigations measures through Special Conditions will be incorporated into the proposed project as discussed below.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded and disturbed areas reduces the adverse effects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. The landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the proposed residential structures, the driveway and the perimeter post and rail fencing, gate water tanks and other development with trees, shrubs and vines as viewed from public locations to the south, west and east of the project site.

The applicant is required to submit a Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes beyond the area proposed for agricultural uses. Furthermore, the Plan will indicate that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway may be cleared and replaced with native plant species that are less flammable. As required by **Special Condition Number one**, the graded and disturbed areas on the building site and driveway will be replanted with native plants. Also as required by **Special Condition Number one**, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from the existing and planned public trails and park lands located to the southeast, east, and northeast of the project site.

As required by **Special Condition number five**, any future development proposed for development on this site will require a coastal permit or a coastal permit amendment to allow the Commission to review any future proposed development consistent with the visual resource protection policies of the Coastal Act. In addition, in order to ensure that the structural appearance, i.e. color of the residence, shop/studio, driveway, roofs, arbors, retaining walls, fencing, gate, and water storage tanks and the potential glare of the glass windows, will not create adverse visual impacts from public lands and trails, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and all development and non-glare glass for all proposed windows as required by **Special Condition number six**. In addition, **Special Condition number seven** requires that night lighting, if any, shall be the minimum necessary for lighting, directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Malibu coastline and Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse effects to public views to and along the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Sensitive Environmental Resources

Section 30240 (b) of the Coastal Act states:

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 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

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.~~

The applicant proposes to conduct agricultural uses on 3.6 acres of the lower terrace, and on 2 – 2.5 acres of the upper terrace. Vegetation on the lower terrace project site is highly degraded due to historic agricultural use of the property. On the upper terrace, the southern portion is also highly degraded due to historic agricultural use, while the upper portion where the alternative building site designated in the coastal permit amendment for this original subdivision (Exhibit 3) is coastal sage scrub, determined to be environmentally sensitive habitat area (ESHA) by the Commission's staff biologist on a January 4, 2002 site visit (Exhibits 28). The steeper slopes of the property are vegetated with coastal sage scrub and both annual exotic and native grasses and are also ESHA. The property is located in an area of high biological importance due to its rural character, close proximity to County and State Parks, and the presence of a well established coastal sage scrub community and associated sensitive wildlife species. The proposed residential project site on the lower terrace is not located in this ESHA. However, the applicant proposes to conduct agricultural uses on the lower portion of the slope above the lower terrace, and a portion of the upper terrace. The Coastal Act requires the protection of environmentally sensitive habitat areas against any significant disruption of habitat values. No development may be permitted within ESHA, except for uses that are dependent on the resource. Section 30240 of the Coastal Act further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. These identified portions of the proposed agricultural use are located within ESHA areas that are inconsistent with Coastal Act Sections 30240 and 30107.5 of the Coastal Act (Exhibit 15).

In this case, revisions to reduce the area of the agricultural use proposed in these two ESHA areas, provide an adequate buffer between them ~~are feasible by simply reducing the size of the proposed agricultural area to exclude these ESHA areas.~~ Therefore, a portion of the applicant's proposed ~~agricultural area on the lower terrace area~~ along the sloping face of the knoll and about one and one half acres landward of the knoll is considered ESHA; its conversion to agricultural use is, thus, inconsistent with the Coastal Act. In addition, by limiting the agricultural use to appropriate agricultural practices that minimize pesticide and nutrient use, the surrounding coastal resources located in the watershed will be better protected. Special Condition Number 10 requires the applicant to prepare an agricultural plan specifically identifying the proposed agricultural area and limiting its area beyond a buffer surrounding the identified ESHA on these sites. In addition, this agricultural plan will require agricultural practices to minimize potential impacts to coastal resources in the watershed. With this condition, the proposed agricultural use areas will be located outside the ESHA and will be conducted in a manner consistent with the protection of coastal resources, and consistent with the Coastal Act.

The project site also includes landscaping surrounding the residence, driveway and along the perimeter fencing on the lower terrace. To address the need for a landscape

plan, minimize erosion hazards for the disturbed and graded areas proposed for the development, and minimize the alteration of physical features, **Special Condition Number One** is necessary. **Special Condition Number One** will help to ensure that the biological productivity and quality of coastal waters, such as the drainage leading to Nicholas Canyon Creek located to the east of the site and to offshore kelp beds, are maintained and that the habitat values of the subject site are protected against significant disruption. Therefore, to ensure that no adverse impacts on the site and beyond the subject site will occur from increased runoff, **Special Condition Number One** requires a landscape, erosion control and Final Fuel Modification Plan to landscape all graded and disturbed areas on the project site including the requirement to revegetate the building pad on the areas beyond the developed area of the building pad allowed for development. The landscape plan and fuel modification plan needs the language of this Special Condition to be added to the final approved plans. In addition, **Special Condition Number Two** requires that the fuel modification plan will not commence within the 20 foot zone surrounding the proposed structures until after the local government has issued a building or grading permit for development approved pursuant to this permit and the vegetation thinning beyond this zone will not occur until commencement of construction of the structures.

Special Condition Number One also requires the applicant to implement a landscape plan with native plant species to stabilize and vegetate the site. 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 outcompete 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 except for the agricultural areas approved for planting under

Special Condition Number Ten. **Special Condition Number One** further requires an interim erosion control plan to minimize erosion of the site and sedimentation offsite during the construction of the project and requires a landscape monitoring report five years from the date of receipt of the Certificate of Occupancy for the residence.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential and related development which would be exempt from coastal development permit requirements. The Commission notes concern about the potential

Joan Knapp

for future impacts on coastal resources that may occur as a result of further development including agricultural uses and development of the subject property. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Los Angeles County Fire Department or may adversely affect the designated ESHA on the subject site. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the drainages leading to Nicholas Canyon Creek watershed due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a Future Development Deed Restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the coastal resource policies of the Coastal Act. **Special Condition Number Five** is necessary to ensure that any future additions, or vegetation removal, which otherwise may be exempt from coastal permit requirements will be consistent with the Coastal Act.

The applicant proposes to grade a total of 3,336 cubic yards of material including spreading about 1,477 cubic yards of cut top soil on the proposed agricultural areas. **Special Condition Number Three** requires that the applicant spread this excess top soil on the agricultural areas identified in **Special Condition number 10** or export any unused cut material to a site located outside the coastal zone or to a site with an approved coastal permit for the fill of excavated material.

a. Water Quality

The Commission recognizes that new development in the Malibu/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.

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

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 and agricultural activities; 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 sub lethal 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, and estuaries 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. 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 including the 85th percentile 24-hour event and the one-hour event 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 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 measures implemented during construction and post construction landscaping and agricultural activities 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.

Therefore, the Commission finds that the proposed project, as required by **Special Condition number four** to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

The Commission recognizes that agricultural activities have the potential to cause adverse impacts to water quality resulting from erosion and sedimentation, irrigation practices, and the use of pesticides, fertilizers, and nutrients. With the implementation of proper design and management practices for agricultural activities these impacts can be minimized. Therefore, the Commission finds that **Special Condition number 10** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, will not significantly impact sensitive environmental resources on the site, and is therefore consistent with Sections 30230, 30231, 30240 and 30107.5 of the Coastal Act.

D. Geology and Fire Hazard

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

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

devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the Malibu/Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. 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.

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The project site consists of a large parcel and one smaller parcel, about 22 acres in size, predominantly comprised of steep hillside terrain, with the exception of two coastal terraces that gently descends over two portions of the southern portion of the site. The parcel has about 428 feet of frontage along Pacific Coast Highway and extends about one half mile inland. The building site is located on the gently sloping lower terrace. The applicant has submitted Geologic and Geotechnical Engineering Review by Gold Coast Geoservices, Inc. dated May 14, 2001; Percolation Test Results and Septic System Design by Gold Coast Geoservices, dated November 1, 2000; Response to City of Malibu Geological Engineering Review Sheet by Harrington Geotechnical Engineering, Inc. dated October 26, 2000, Geotechnical Investigation and Percolation Study by Harrington Geotechnical Engineering, Inc. dated October 26, 2000 and September 22, 1999. The submitted reports evaluate the geologic conditions of the site and the suitability of the site for the proposed project.

The consultants have evaluated the geologic stability of the subject site in relation to the proposed development and have determined that the project site is appropriate for the proposed project providing the consultants' recommendations are incorporated into proposed project plans. The Geotechnical Investigation Report prepared by Harrington Geotechnical Engineering dated 10/15/95 states:

It is the opinion of the undersigned that the proposed grading and construction of a single family residence and septic system will be safe from hazard from landslide, settlement, or slippage, and that the proposed construction will have no adverse effect on offsite properties.

These Geology Reports include several recommendations to be incorporated into the project's construction, design, and drainage to ensure stability and geologic safety of the project site. To ensure that the recommendations of the above mentioned consultants are incorporated into all proposed development the Commission, as specified in **Special Condition Number Eight**, requires the applicant to submit project plans certified by the consulting geo-technical engineer and engineering geologist as conforming to all structural and site stability recommendations for the proposed project.

Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultants shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will aid in maintaining the geologic stability of the project site, and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions One and Four. Special Condition Number Four** also requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a non-erosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of **Special Condition Number Four.**

Additionally, the Commission notes that the quantity of cut grading required for construction of the proposed residence is more than the quantity of fill required for construction resulting in an excess of 1,420 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition Number Five** requires the applicant to export all excess grading material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

The Commission also finds that appropriate landscaping of slopes and graded or disturbed areas on the project site will serve to enhance and maintain the geologic stability of the proposed development. Therefore, **Special Condition Number Three** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. **Special Condition 3** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

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 finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Numbers One and Ten.**

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that ~~it is necessary to impose a restriction~~ on the removal of natural vegetation as specified in **Special Condition Number Two**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by **Special Condition Number Two** avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent 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 **Special Condition Number Nine**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Number Nine**, the applicant also agrees to indemnify the Commission, its officers, ~~agents and employees against any and all expenses~~ or liability arising out of the ~~acquisition, design, construction, operation, maintenance~~, existence, or failure of the permitted project.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states:

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

***local program that is in conformity with the provisions of Chapter 3
(commencing with Section 30200).***

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal 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 project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for the Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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 City of Malibu has determined that the proposed project is 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.

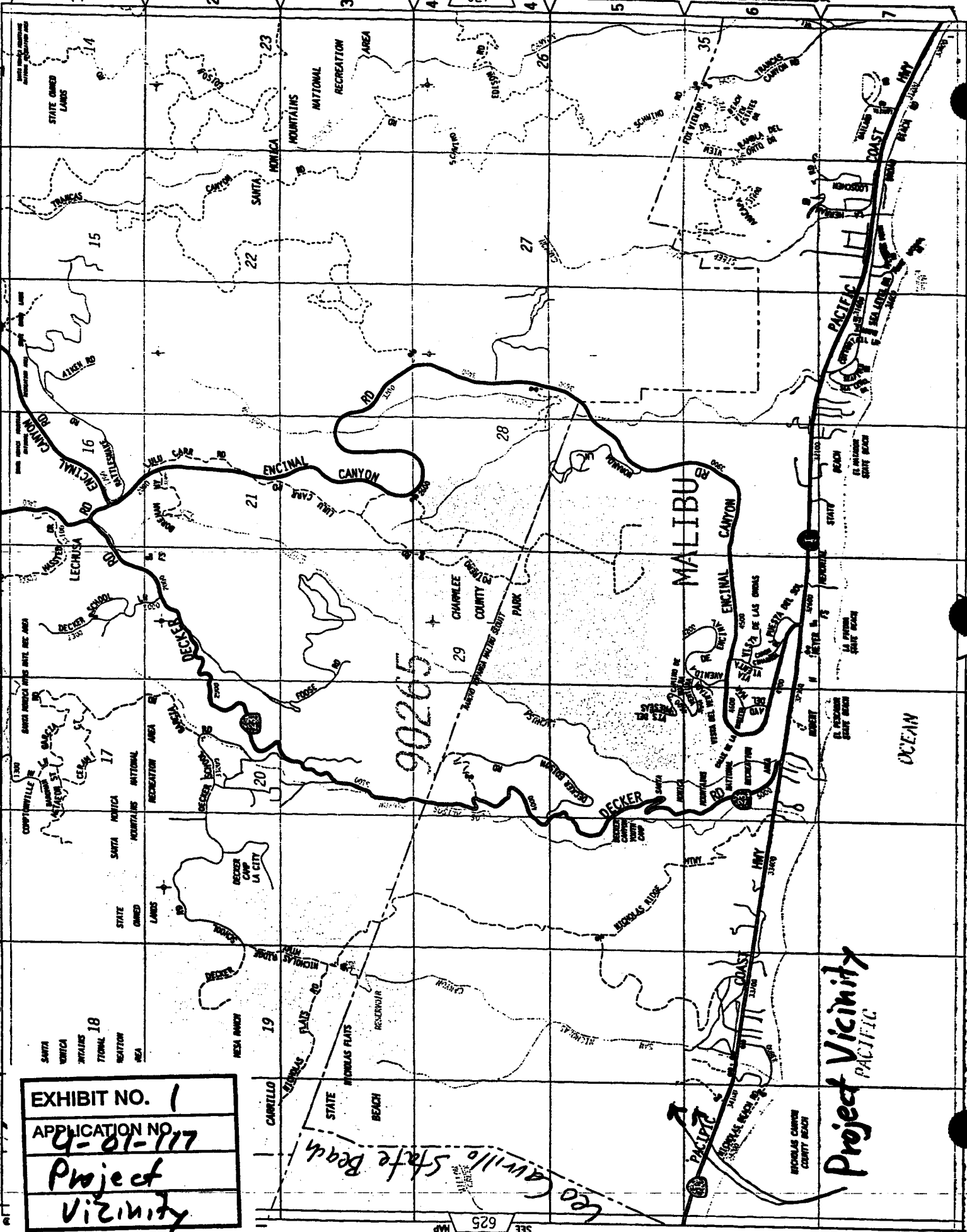


EXHIBIT NO. 1
 APPLICATION NO. 9-01-117
 Project Vicinity

Leo Carrillo State Beach

Project Vicinity
 PACIFIC

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SCALE 1" = 400'

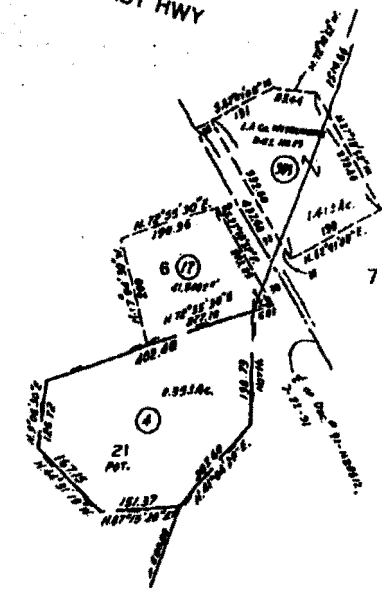
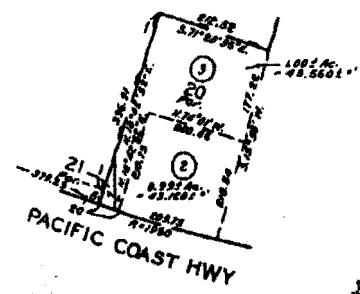
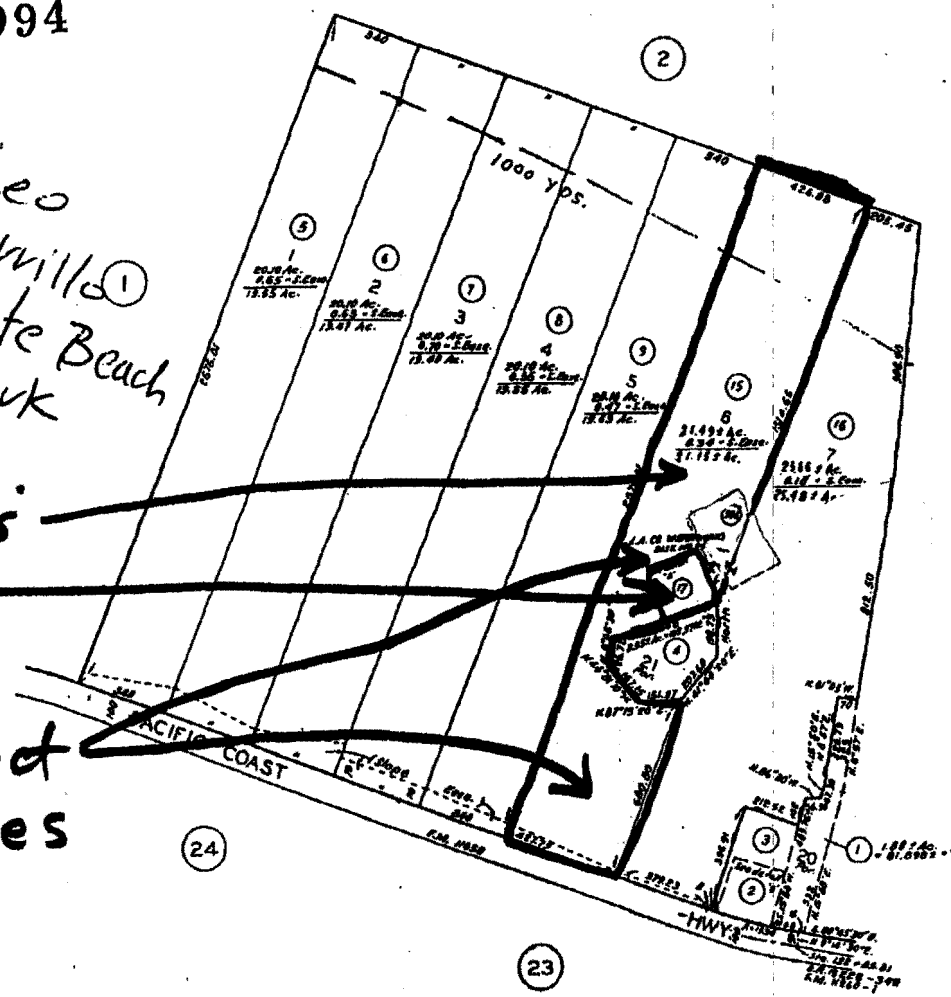
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Leo Carrillo State Beach Park

Applicants' Parcels

Project Sites



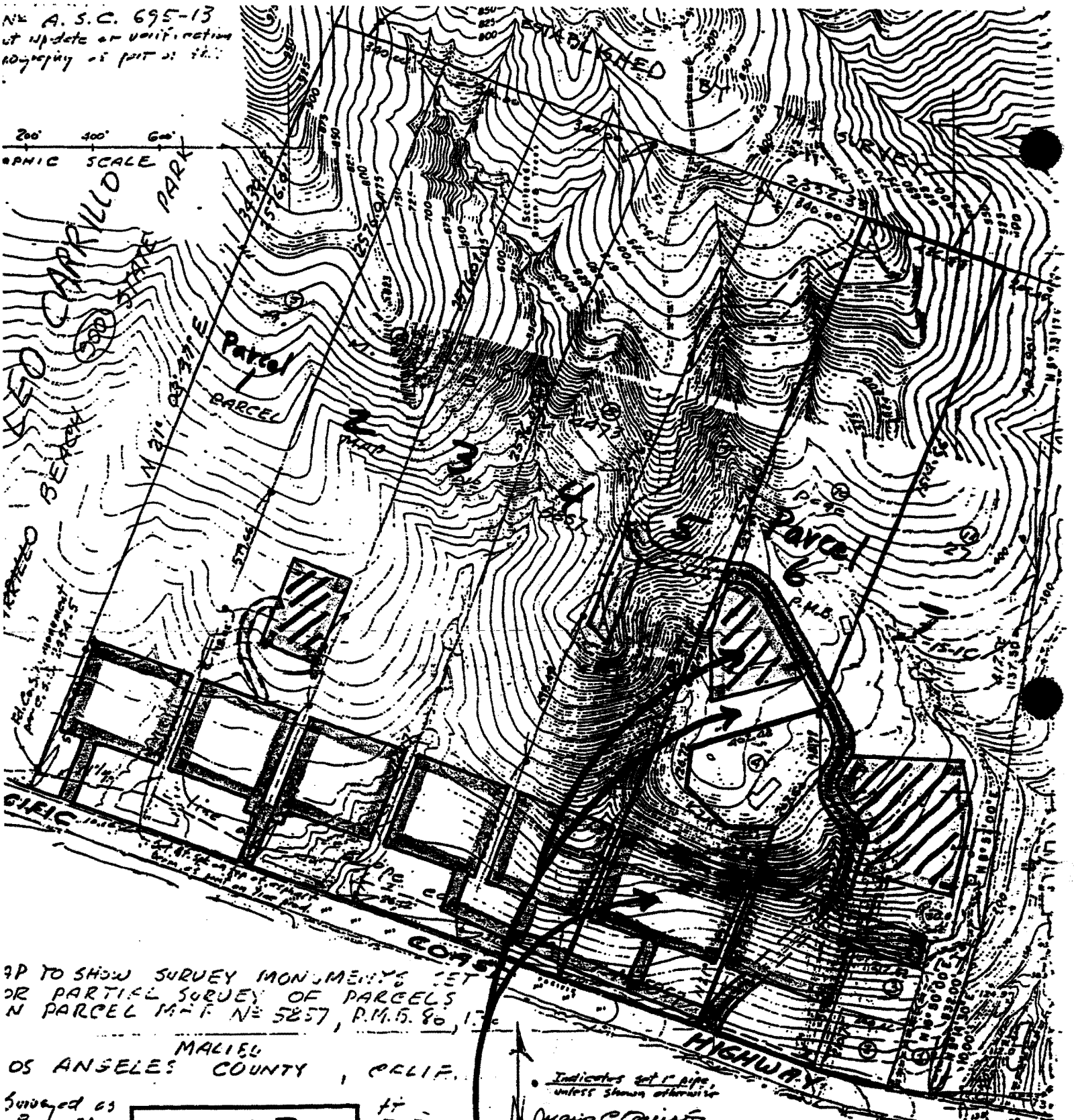
LAND OF MATTHEW KELLER IN THE RANCHO TOPANGA MALIBU SEQUIT R.F. 534
PARCEL MAP P.M. 86-15-16

DETAIL 'A'
NO SCALE
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT NO. 2
APPLICATION NO. 4-87-117
APN
MAP

N/A. S.C. 695-13
 at update or verification
 topography as part of it.

Graphic Scale
 200' 400' 600'



MAP TO SHOW SURVEY MONUMENTS SET
 OR PARTIAL SURVEY OF PARCELS
 IN PARCEL M.F. N 5857, P.M.S. 80, 17

MALIBU
 LOS ANGELES COUNTY, CALIF.

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EXHIBIT NO. 3
APPLICATION NO. 4-01-117
Original
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Project Sites

ISSUE: Sept. 30 88
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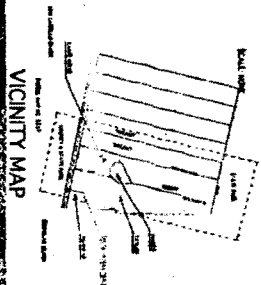
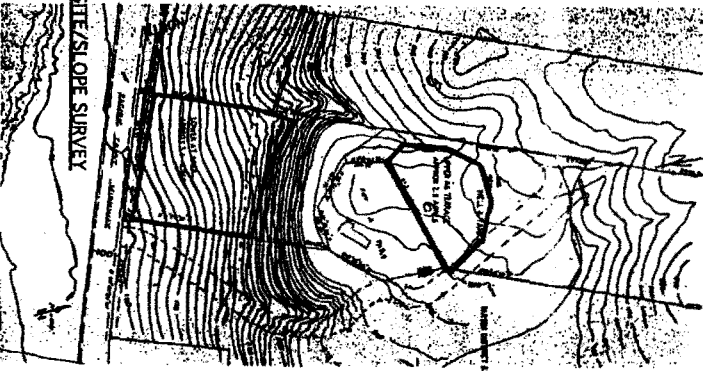
REVISED 7/1/87 TO SHOW ADDITIONAL
 PTS. SET AUG. 24, 1987.

APPROVED HOMESITES
ALTERNATE HOMESITES



400-7-C

CALIFORNIA
 COASTAL COMMISSION
 SOUTH COAST DISTRICT
 NOV 13 1988



PLANTING AND IRRIGATION NOTES

PLANTING AND IRRIGATION NOTES. This section contains detailed instructions regarding the placement and maintenance of plants and irrigation systems on the site.

GRADING NOTES

GRADING NOTES. This section provides information about the proposed grading, including elevations and slopes for different areas of the site.

COASTAL COMMISSION NOTES

COASTAL COMMISSION NOTES. This section contains notes related to the Coastal Commission's requirements and setbacks for the project.

GEOLOGY/SOILS NOTES

GEOLOGY/SOILS NOTES. This section discusses the geological and soil conditions of the site, including any potential risks or recommendations.

BIOLOGY

BIOLOGY. This section provides information about the biological resources of the site, including any protected species or habitats.

L.A. CO. FIRE DEPARTMENT NOTES: HYDRANTS, FIRE FLOW, AND ACCESS. This section details the fire department's requirements for hydrants, fire flow, and access to the site.

FIRE AND LIFE SAFETY BUILDING REQUIREMENTS

FIRE AND LIFE SAFETY BUILDING REQUIREMENTS. This section outlines the specific building requirements for fire and life safety, including egress and fire protection measures.

BUILDING REQUIREMENTS FOR FIRE ZONE 4

BUILDING REQUIREMENTS FOR FIRE ZONE 4. This section provides specific building requirements for structures located in Fire Zone 4.

FIRE PREVENTION DIVISION BUILDING AND OCCUPANCY REQUIREMENTS

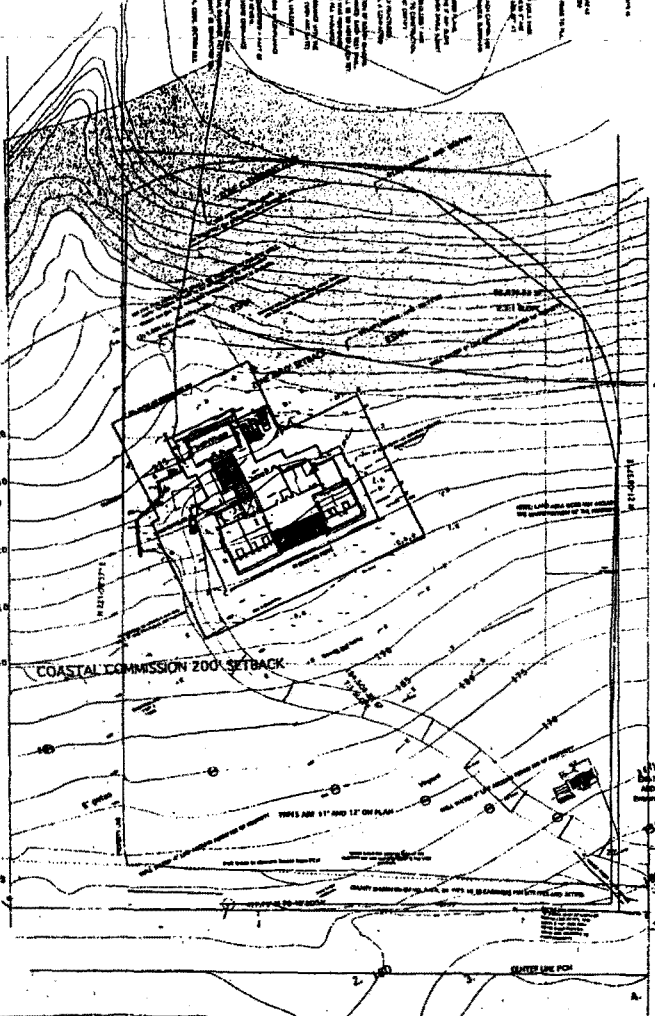
FIRE PREVENTION DIVISION BUILDING AND OCCUPANCY REQUIREMENTS. This section contains the building and occupancy requirements from the Fire Prevention Division.

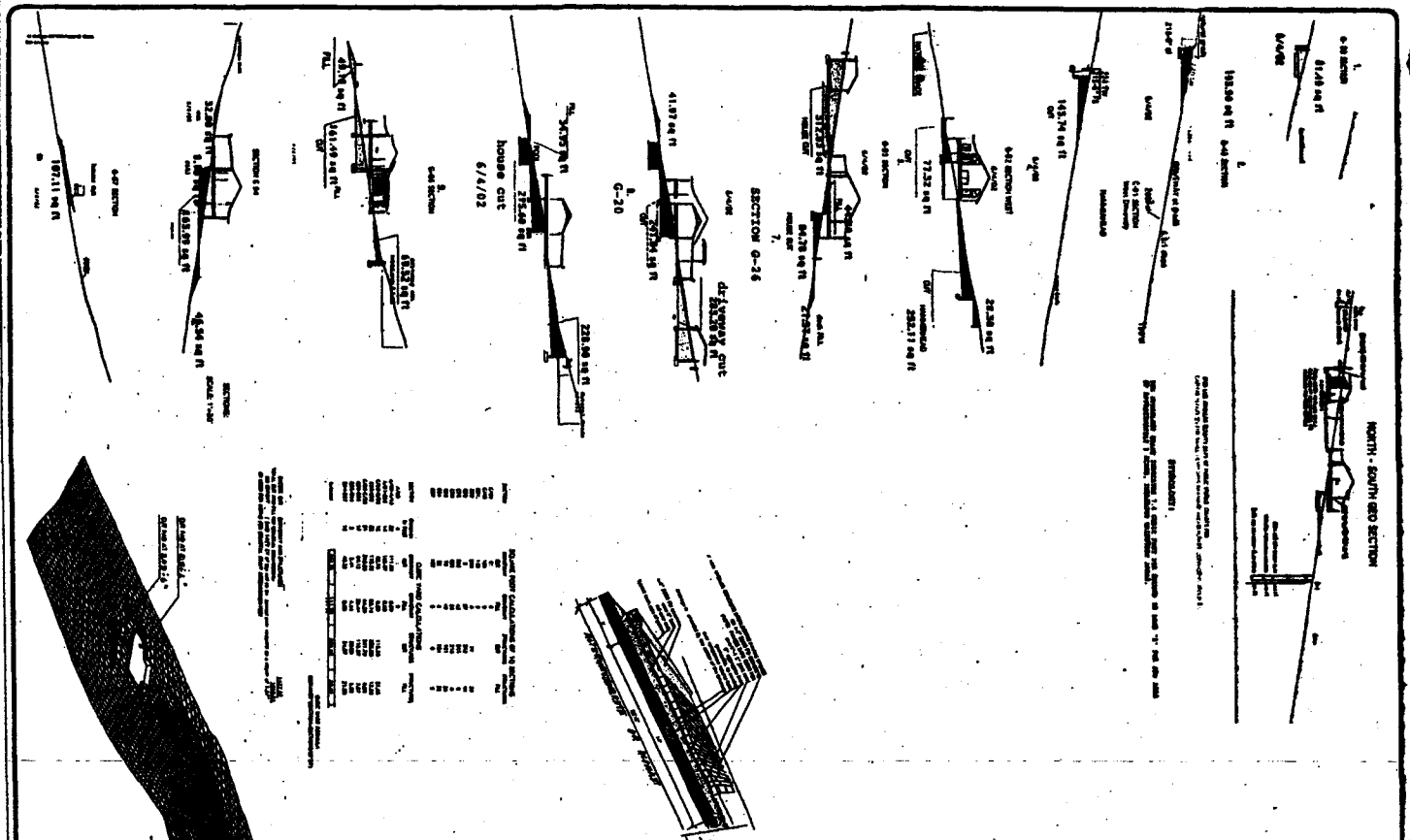
Table containing project data such as project name, location, and dates.

EXHIBIT NO. 4 APPLICATION NO. 4-01-119 Site Survey

PROJECT DESCRIPTION:

PROJECT DESCRIPTION. This section provides a detailed overview of the project, including its goals, objectives, and scope.





NO.	DESCRIPTION	AMOUNT	UNIT
1	Excavation	150	cu yd
2	Grading	200	sq ft
3	Foundation	100	sq ft
4	Roofing	50	sq ft
5	Interior Finishes	300	sq ft
6	Exterior Finishes	200	sq ft
7	Paint	100	sq ft
8	Landscaping	50	sq ft
9	Septic System	100	sq ft
10	Drainage	50	sq ft
11	Utilities	50	sq ft
12	Site Work	50	sq ft
13	Other	50	sq ft
TOTAL		1000	sq ft

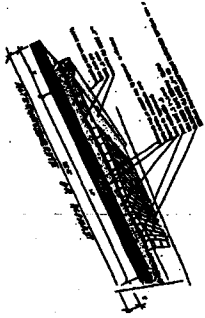


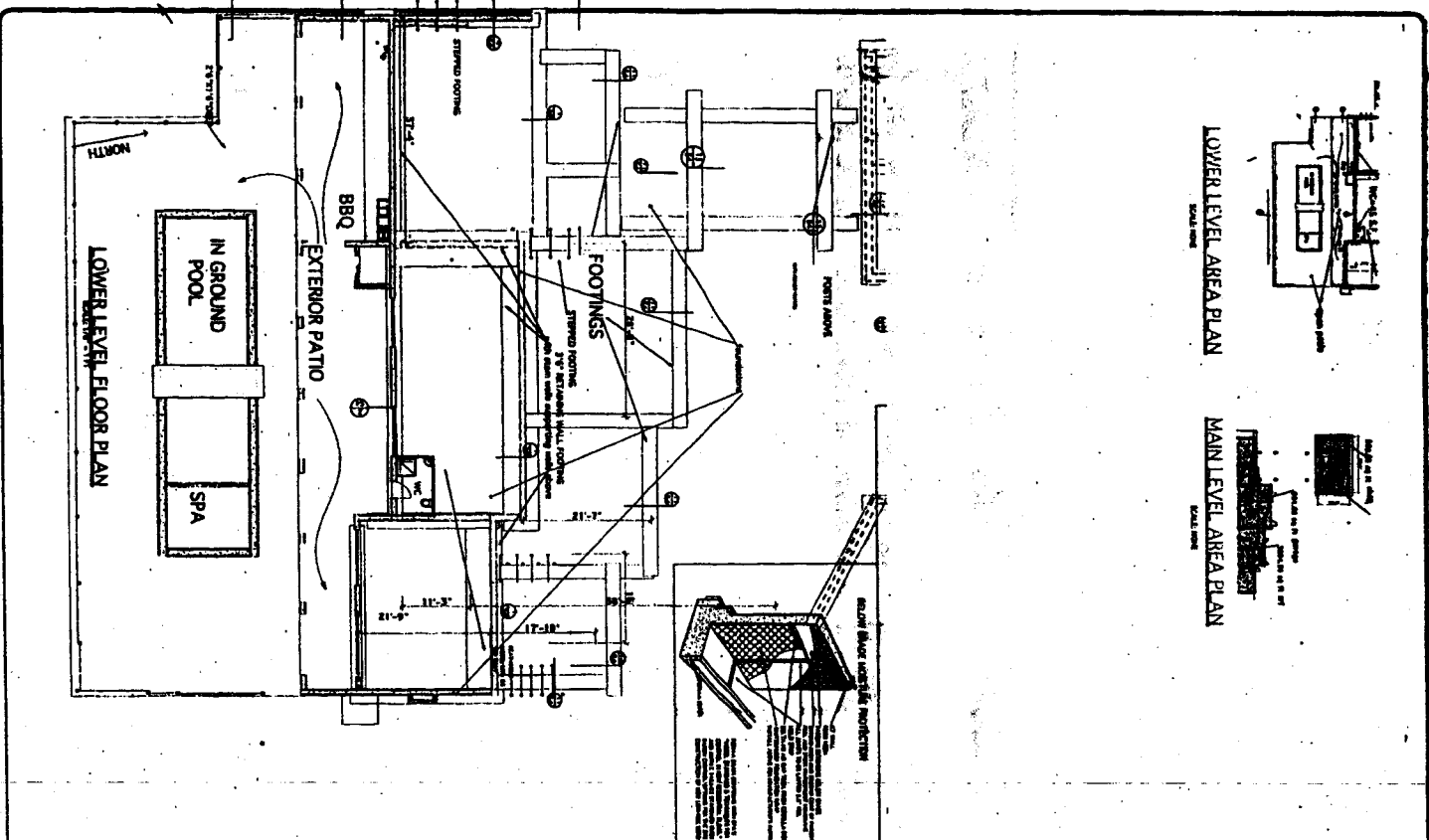
EXHIBIT NO. 5
APPLICATION NO.
4-01-119
Grading
Plan

A-2

GRADING SECTION YARDAGE CALCS/SEPTIC.#10

KIAPP DEVELOPMENT AND DESIGN
 2000 S. GARDNER AVE.
 SUITE 100
 CHANDLER, CALIFORNIA 94522
 925-495-1001

6/11/02
 01/10/02



SUMMARY OF AREA

NET FLOOR:	2848 S.F.
LAND:	602 S.F.
STUDIO/SHOP:	589 S.F.
NET FLOOR TOTAL:	2159 S.F.
LOWER LEVEL, NET:	48 S.F.
TOTAL AREA:	3241 S.F.

FIRE DEPT. NOTES

1. 3" TYPE LANDING ABOVE LOWER LEVELS
2. 3/4" TYPE 1" MIN. PER MINUTE STAIRWAYS
3. THE LANDING ARE ON MAIN IN A FLIGHT OF STAIRS MAY NOT BE MORE THAN 3/4"
4. ALL WOODWORK OVER TRUSS ROOF-4"
5. EXTERIOR AND INTERIOR GROUND SURF SHALL BE 4" MIN.
6. ALL INTERIORS SHALL HAVE A REPEATING PATTERN SUCH THAT A 4" PATTERN COVERS HALF TRAIL
7. HANDRAILS CONNECTIONS SHALL WITHSTAND A 25 LB LATERAL LOAD.

FREELANCES

RESIDUALS ARE MANUFACTURED BY HAN-HALO.
 FOLLOW WITH INSTRUCTIONS FOR INSTALLATION.
 IT SHALL BE REPEATED BY AN APPROVED SHOWER MANUFACTURER WITH A NET DRAINAGE AREA 4 TIMES THAT OF THE COVER.

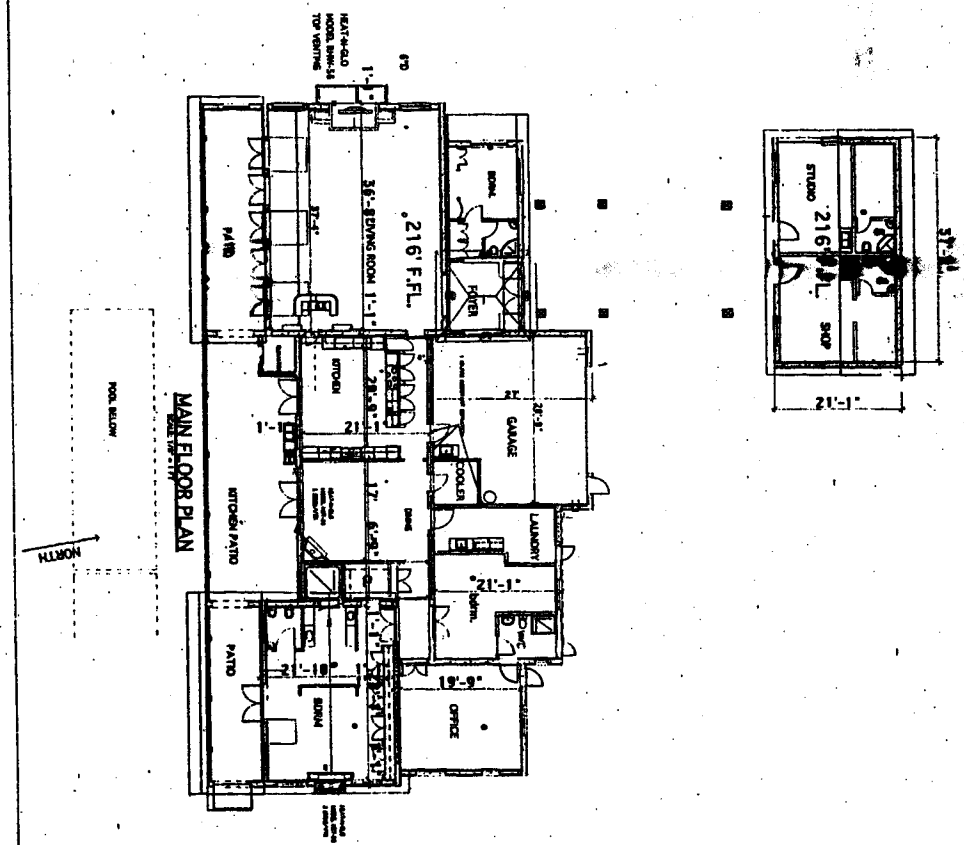
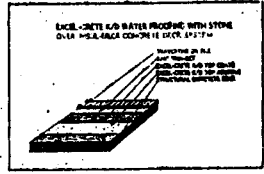


EXHIBIT NO. 7
APPLICATION NO. 9-01-0117
Floor Plans

EXHIBIT NO. 8
 APPLICATION NO. 4-81-117
 Roof & Solar Plan

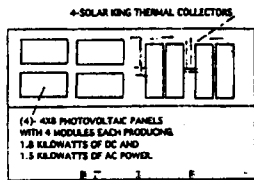
ROOF FRAMING PLAN

ROOF PLAN W/ SOLAR COLLECTORS

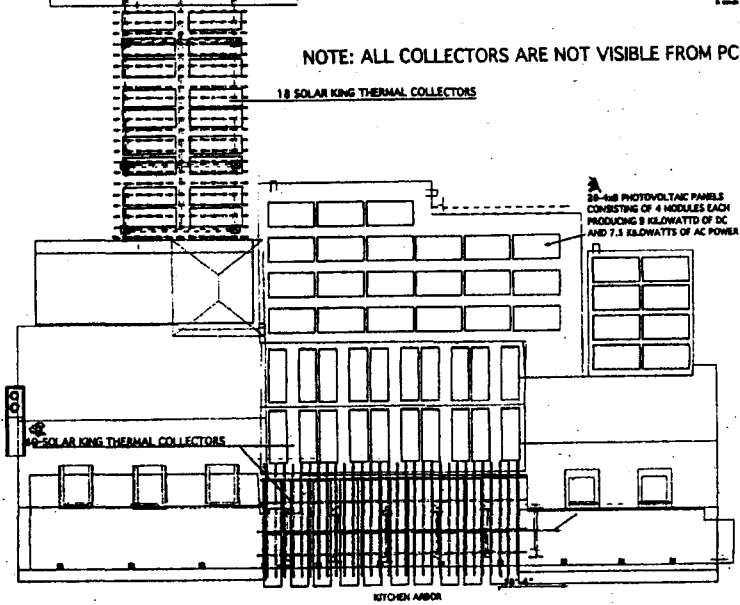


EXCEL-COAT K/D II SYSTEM for "flat roofs" and deck

1. EXCEL-COAT K/D II SYSTEM
2. EXCEL-COAT K/D II SYSTEM
3. EXCEL-COAT K/D II SYSTEM
4. EXCEL-COAT K/D II SYSTEM
5. EXCEL-COAT K/D II SYSTEM
6. EXCEL-COAT K/D II SYSTEM
7. EXCEL-COAT K/D II SYSTEM
8. EXCEL-COAT K/D II SYSTEM
9. EXCEL-COAT K/D II SYSTEM
10. EXCEL-COAT K/D II SYSTEM
11. EXCEL-COAT K/D II SYSTEM
12. EXCEL-COAT K/D II SYSTEM
13. EXCEL-COAT K/D II SYSTEM
14. EXCEL-COAT K/D II SYSTEM
15. EXCEL-COAT K/D II SYSTEM
16. EXCEL-COAT K/D II SYSTEM
17. EXCEL-COAT K/D II SYSTEM
18. EXCEL-COAT K/D II SYSTEM
19. EXCEL-COAT K/D II SYSTEM
20. EXCEL-COAT K/D II SYSTEM

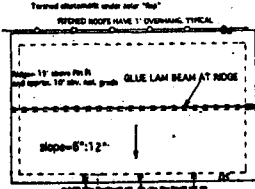


NOTE: ALL COLLECTORS ARE NOT VISIBLE FROM PCH

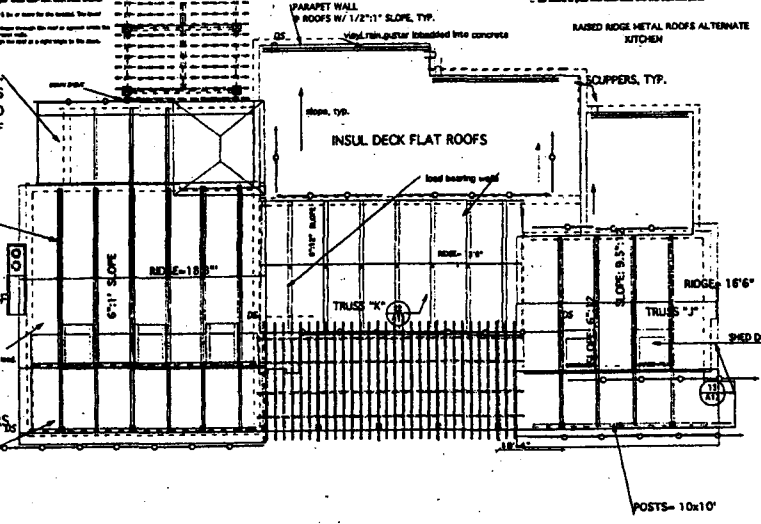


LEGEND
 DS- DOWN SPOUT
 rain gutter
 LAYING SLATES

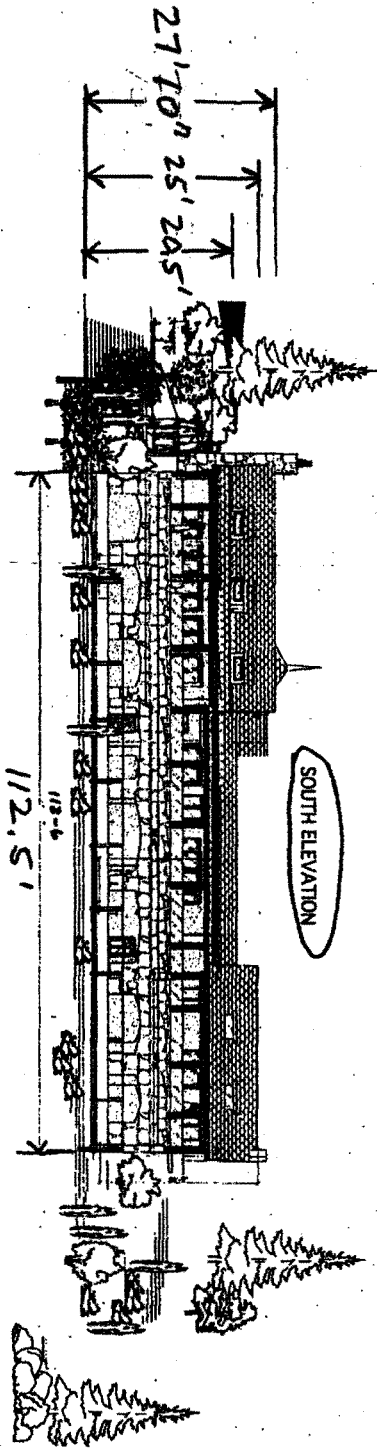
1. All 1/2" and 3/4" wood shall be dry kiln dried and stamped with the appropriate grade mark.
 2. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 3. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 4. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 5. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 6. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 7. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 8. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 9. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 10. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 11. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 12. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 13. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 14. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 15. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 16. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 17. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 18. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 19. All 1/2" and 3/4" wood shall be protected with a preservative treatment.
 20. All 1/2" and 3/4" wood shall be protected with a preservative treatment.



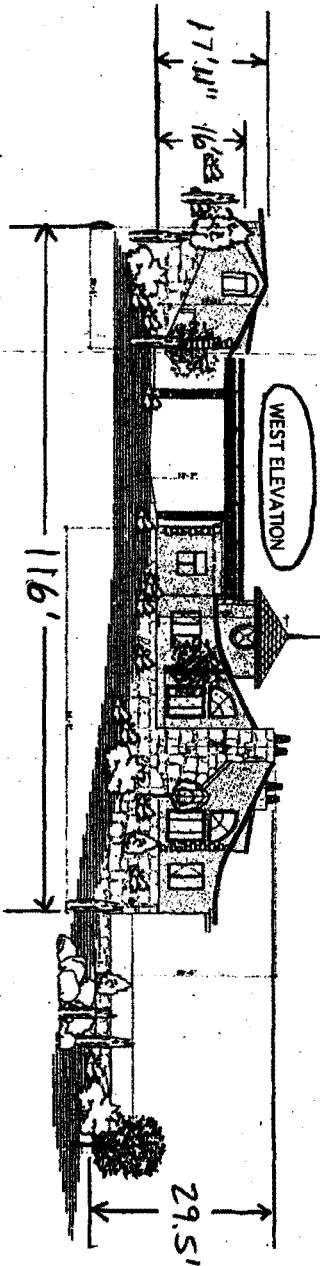
ARBOR CONSTRUCTION
 MASONRY POSTS 1 1/4" X 1 1/4" MIN.
 STAINED BMS ON POSTS=8x18
 4X6 (VINYL ENCASED) @ 16" O.C.



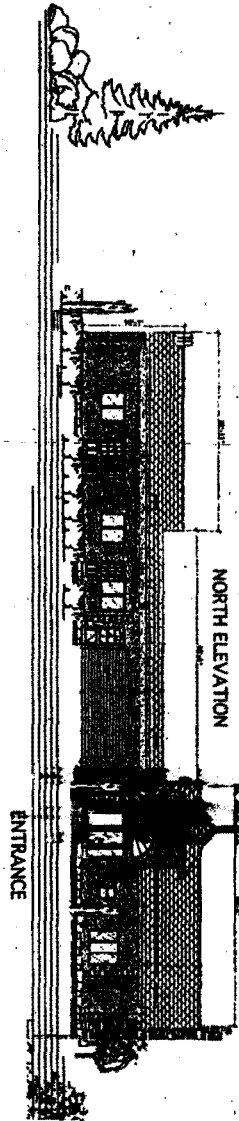
ROOF FRAMING/ SOLAR PLAN



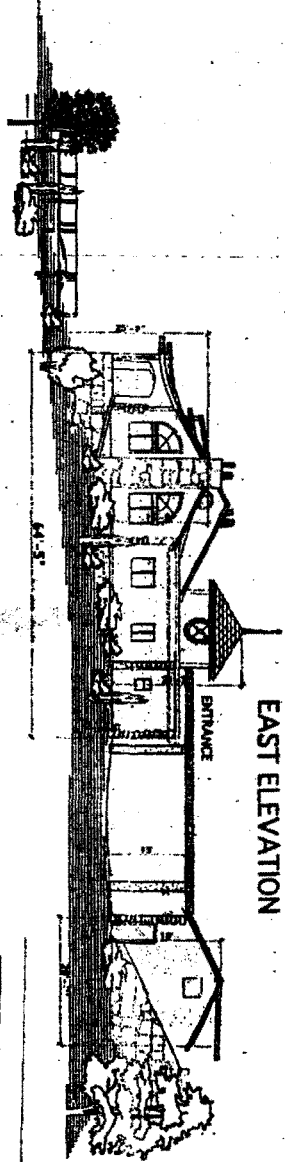
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

EXHIBIT NO. 9
 APPLICATION NO. 4-01-119
 Elevations

A-7

EXTERIOR ELEVATIONS #10

SCALE: 1/8" = 1 FT

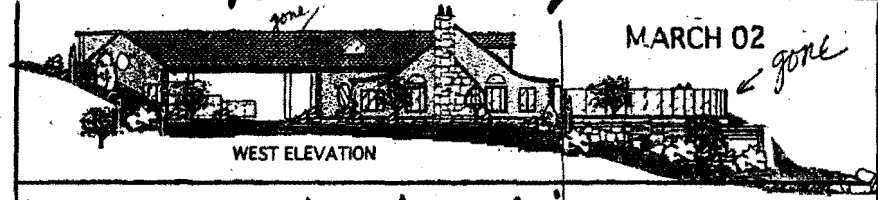
KNAPP DEVELOPMENT AND DESIGN
 JOHN KNAPP, PRESIDENT
 JACQUELINE KNAPP, ARCHITECT
 20 ALVARO DRIVE
 CARMEL, CALIFORNIA 96301
 (408) 463-9011

DATE: 6/19/02

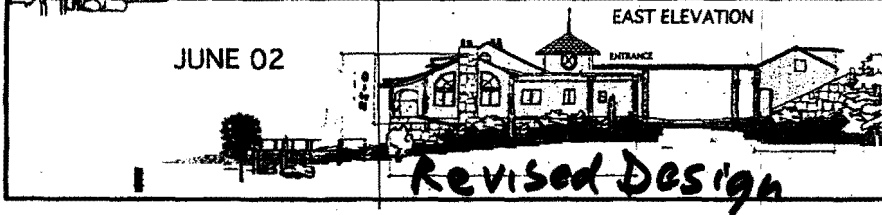
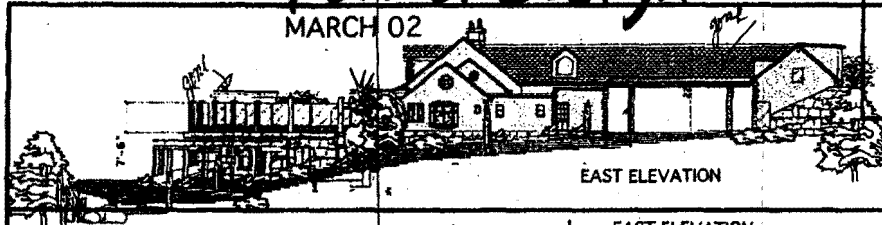
NO. 5/20/01

EXHIBIT NO. 10
 APPLICATION NO. 4-01-117
 Elev. March & June 02 Comparison

Former Design

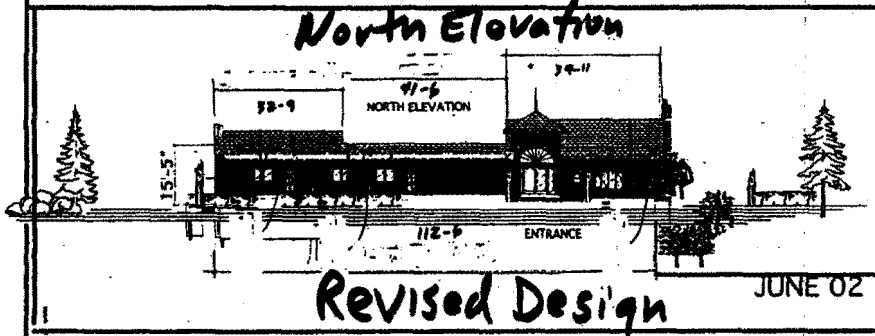


Former Design

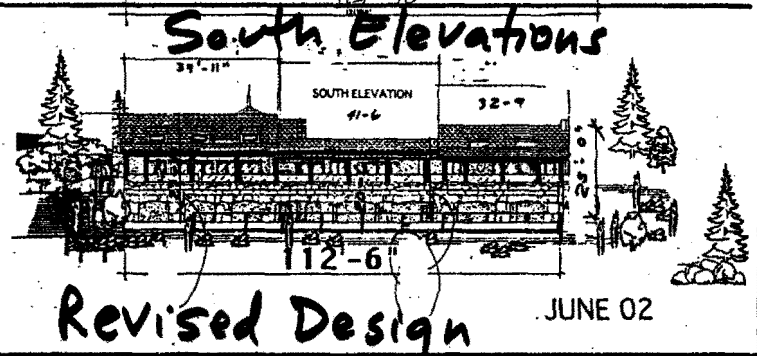
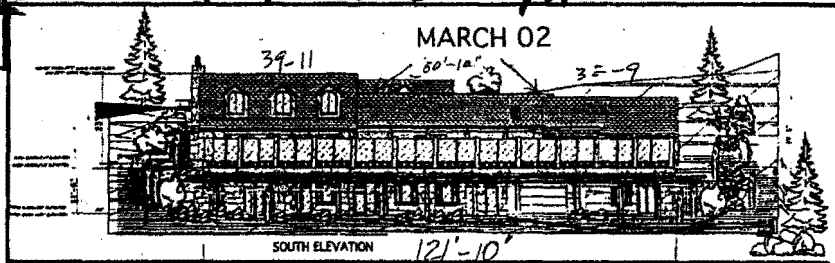


SCALE: 150:1

North Elevation



Former Design



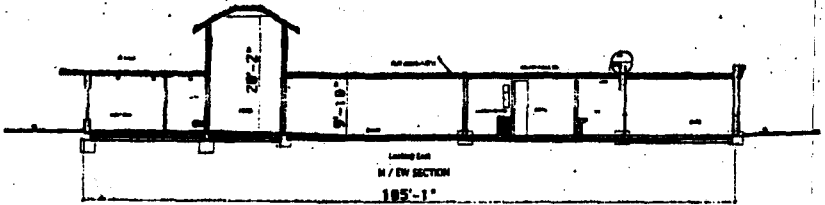
DATE 3/20/02

DATE 6/13/02

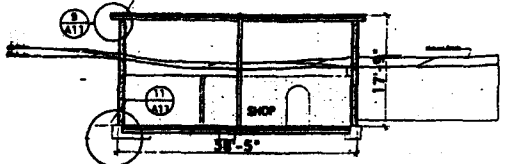
KUAPP DEVELOPMENT AND DESIGN
 1000 W. WASHINGTON, SUITE 100
 CHANDLER, AZ 85224
 PH: 480-948-8888
 FAX: 480-948-8887

EXTERIOR ELEVATIONS #9
 REDUCTION-COMPARISON

A-7
 (a)



C E/W SECTION SHOP/ STUDIO
Looking North



L / E/W SECTION
L.R. AND BASEMENT

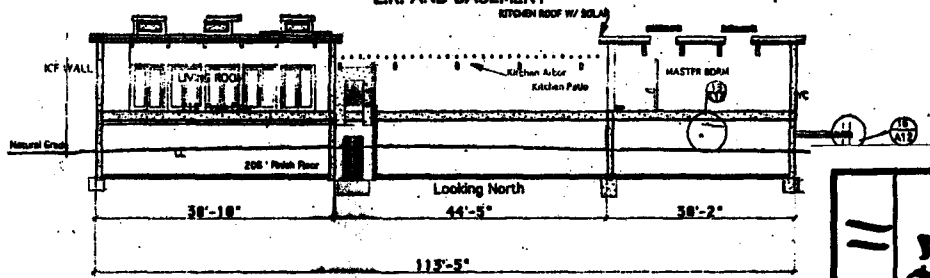
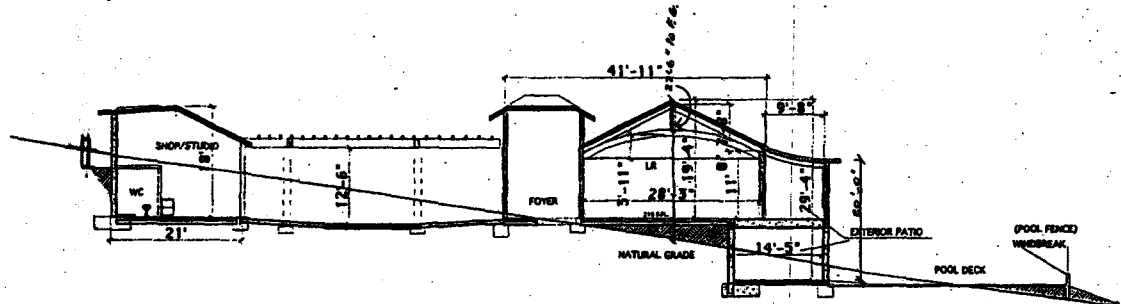
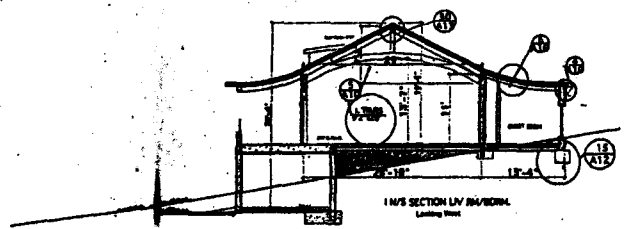
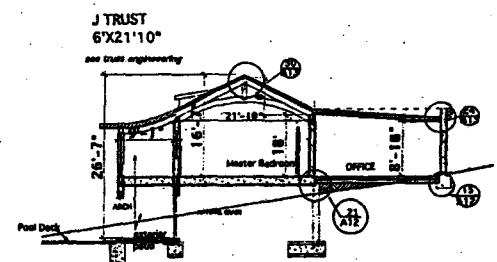


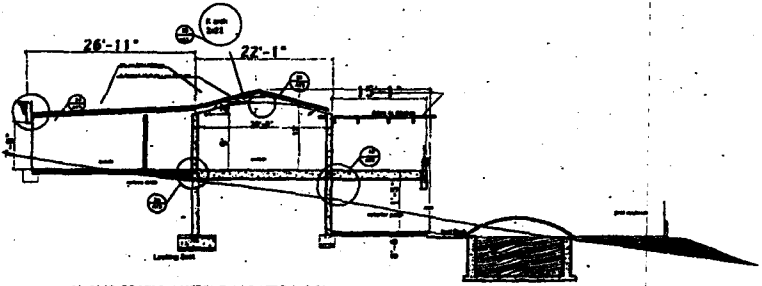
EXHIBIT NO. 11
APPLICATION NO. 4-87-777
Sections



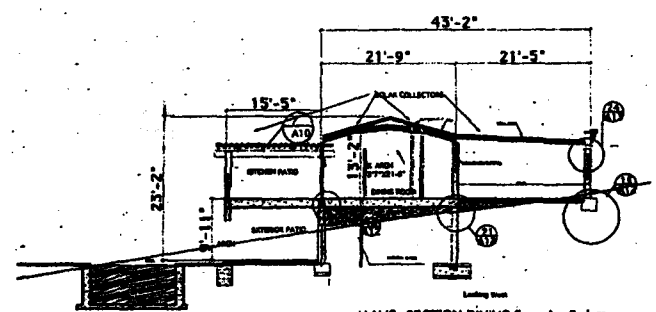
D N/S SECTION



J N/S SECTION BEDROOM
Looking West



K N/S SECTION KITCHEN/ PATIO/POOL



H N/S SECTION DINING/laundry/bdrm

SCALE: 1/8" = 1'

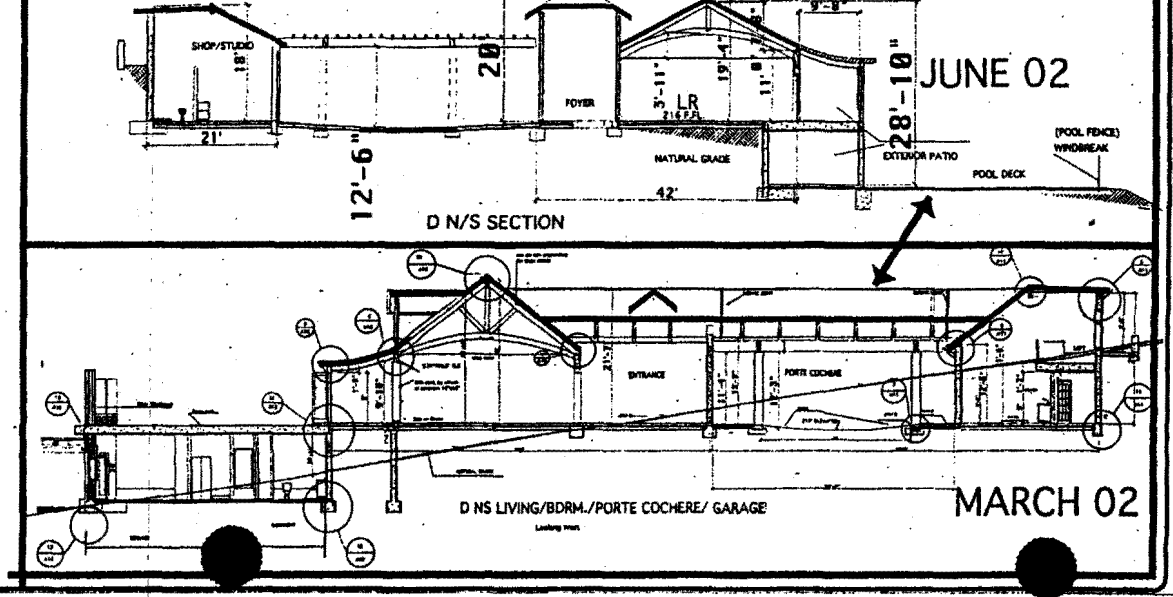
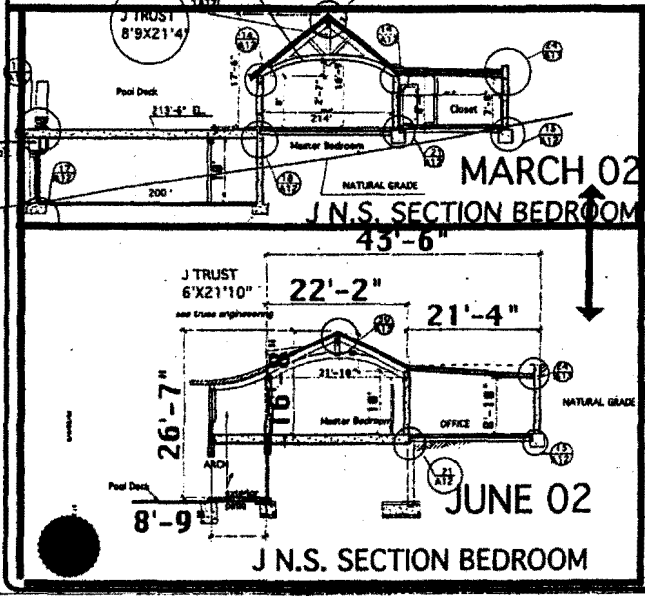
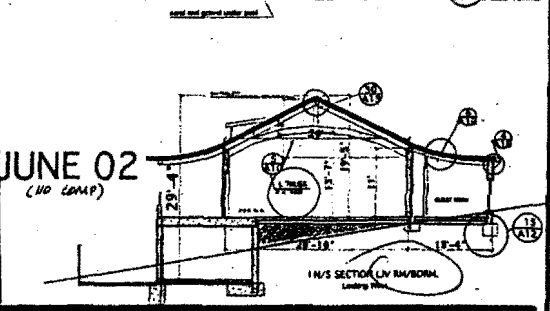
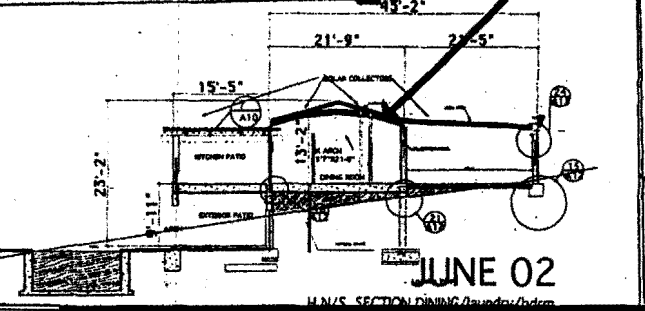
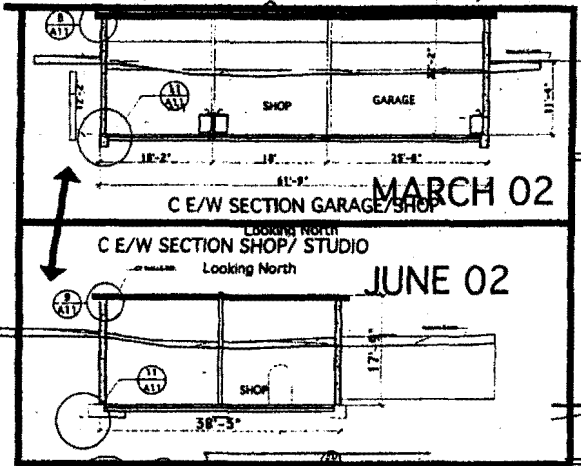
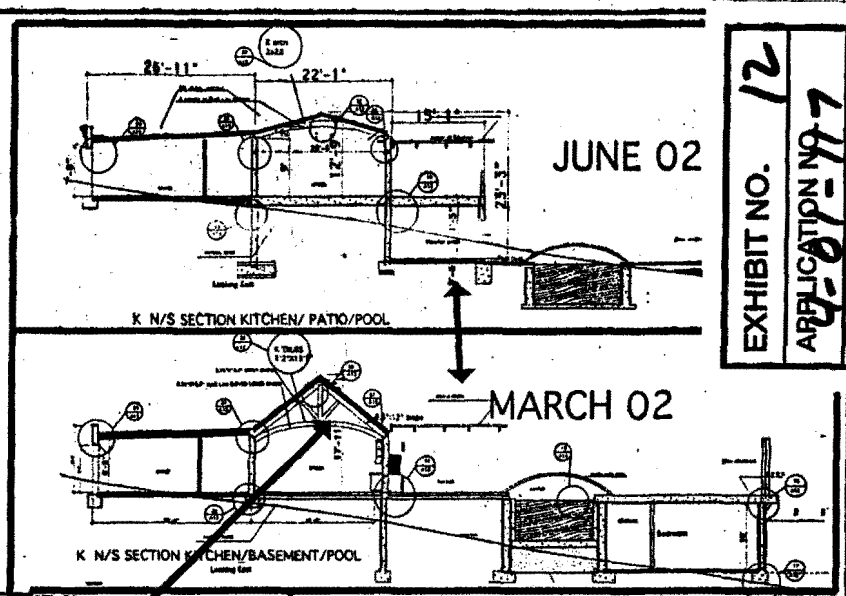
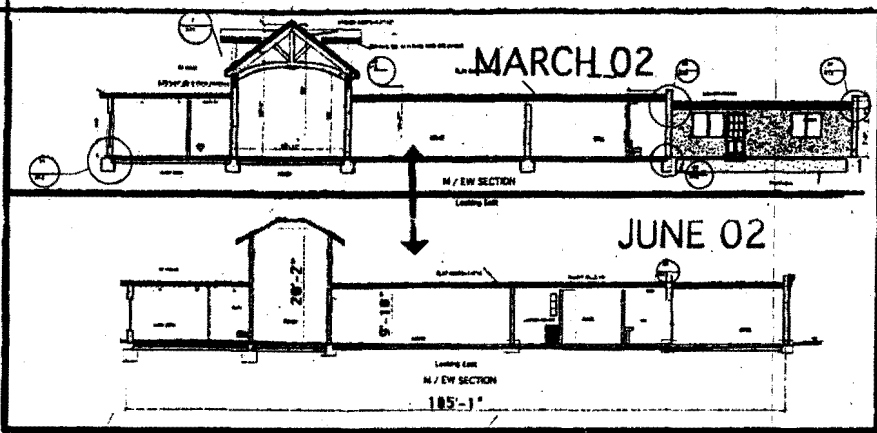
SECTIONS M,D,C,J,I,H,L,&K #10
A-8

EXHIBIT NO. 12
 APPLICATION NO. 4-87-197
 Section March
 June 02 Compare

KNAPP DEVELOPMENT
 ARCHITECTS
 1000 W. 10TH ST.
 CHICAGO, ILL.

SECTIONS M, D, C, J, & K
 REDUCTION COMPARISON

A-8
 (2)



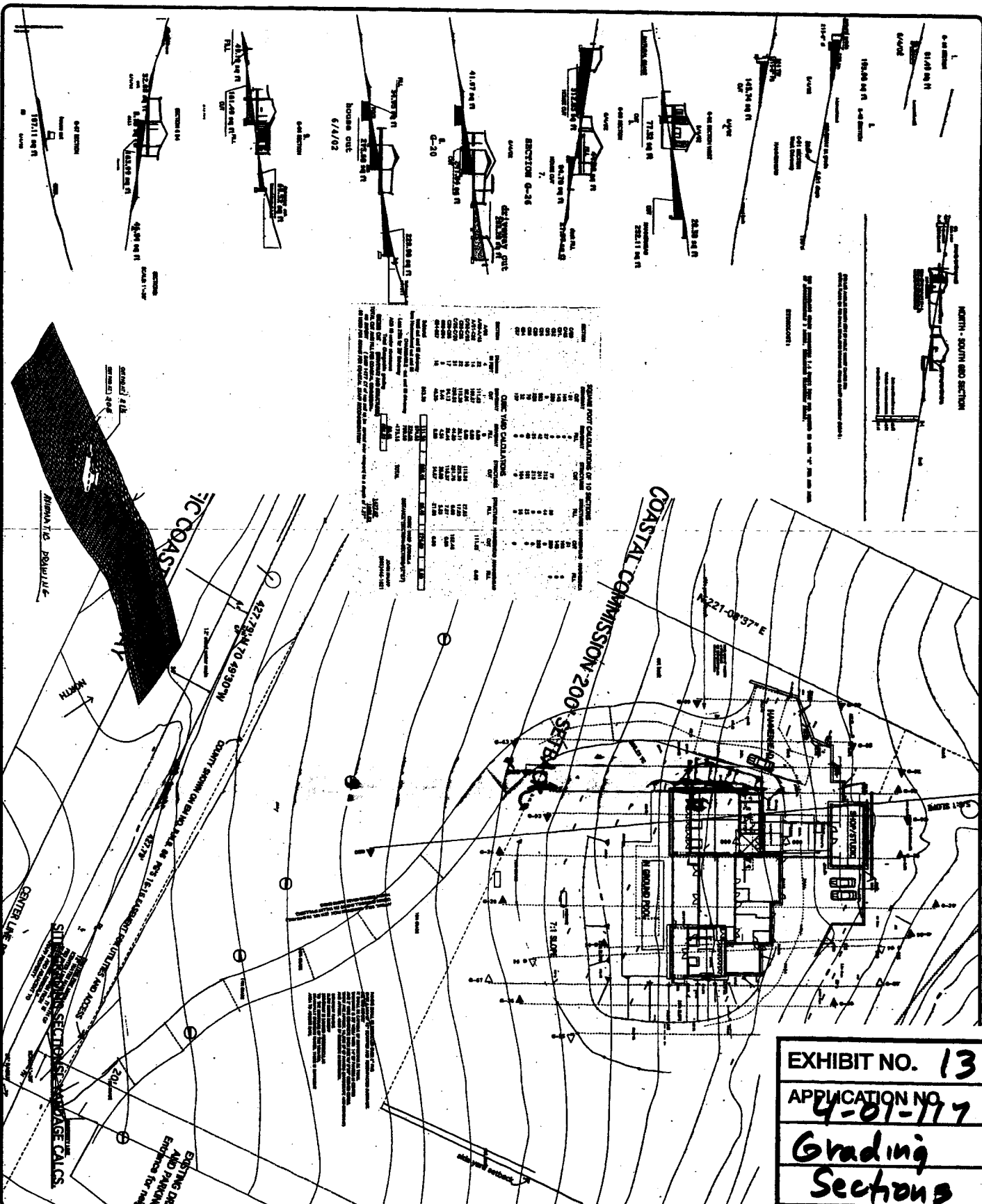


EXHIBIT NO. 13
 APPLICATION NO. 4-01-117
 Grading Sections

C-3
 OR

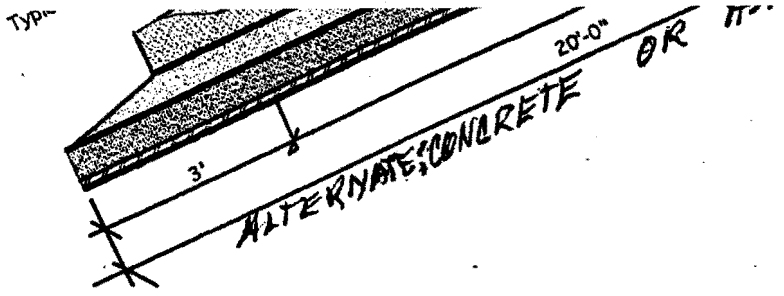
GRADING SECTIONS/YARDAGE CALCS.#9

KNAPP DEVELOPMENT AND DESIGN
 JAMES KNAPP, PRESIDENT
 22400 BAYVIEW DR.
 OAKLAND, CALIFORNIA 94612
 510-466-1000

DATE: 8/16/02

SCALE: 1"=20'

Original Grade
2:1



SQUARE FOOT CALCULATIONS OF 10 SECTIONS

SECTION	DRIVEWAY	DRIVEWAY	STRUCTURES	STRUCTURES
	CUT	FILL	CUT	FILL
C/89	81	0		
C/43	193	0		
C91.	143	0		
C92	280	0	77	50
C93	0	27	312	44
C26	283	42	241	0
C20	229	35	215	0
C66	70	49	161	25
G94	32	0	164	55
C67	107	0	0	8

CUBIC YARD CALCULATIONS

SECTION	Distance IN FEET	DRIVEWAY	DRIVEWAY	STRUCTURES	STRUCTURES
		CUT	FILL	CUT	FILL
A/89	4	:	0		
A/89-A/43	22	111.63	0.00		
A/91-C92	14	109.67	0.00		
C/92-C/93	16	82.96	8.00	115.26	27.85
C93-C26	22	115.30	28.11	225.30	17.93
C/26-C/20	31	293.93	44.20	261.78	0.00
C20-C66	17	94.13	26.44	118.37	7.87
G66-G94	5	9.44	4.54	30.09	5.83
G94-G67	18	46.33	0.00	54.67	21.00
Subtotal		863.39	111.30	805.46	80.48

CUBIC YARD FORMULA
DISTANCE*(SECTION+SECTION)/(2*27)

EXCESS CUT (DRIVEWAY AND STRUCTURES)
TOTAL CUT AND FILL PER COASTAL COMMISSION=
NO EXPORT (SAID 1477 CY of top soil to be spread over vineyard to a depth of 1.27"
OR USED FOR BERMS PER COASTAL STAFF RECOMMENDATION.

1477.07
1860.63

- Ag Top Soil
Fill

3337 cubic yards

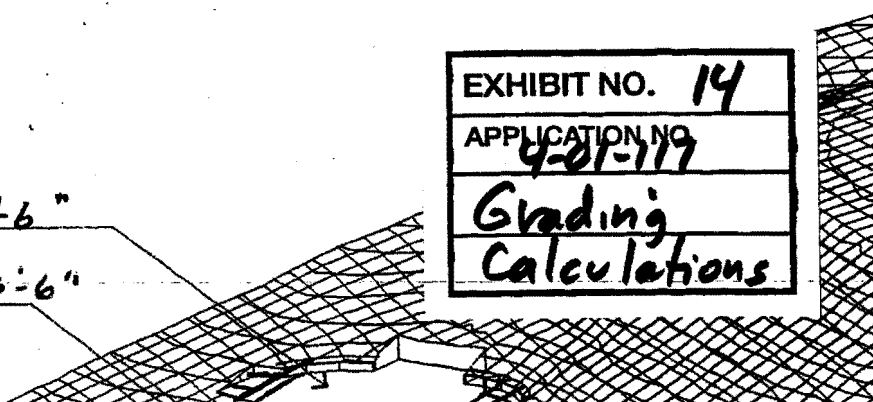
TONS:

1'=30'

CUT PAD AT 215'-6"

CUT PAD AT 205'-6"

EXHIBIT NO. 14
APPLICATION NO. 9-01-117
Grading
Calculations



an area below
dirt road easement

UPPER AG TERRACE

CONTAINS APPROX. 2-2.5 ACRES OF
GRAPES, LAVENDER, HERBS,
AND/OR FRUIT TREES.
ALL NOTES APPLY TO
BOTH UPPER AND LOWER
TERRACES. BOTH ARE HISTORIC
FARMING AREAS.

LOWER AG TERRACE

APPROX. 3.6 ACRES LOCATED IN
AREA BELOW THE 240' ELEVATION

WATER STORAGE

15,000 GALLON TANKS
one 15,000 gallon tank
with 11'-11" in diameter
at high, painted sage green.

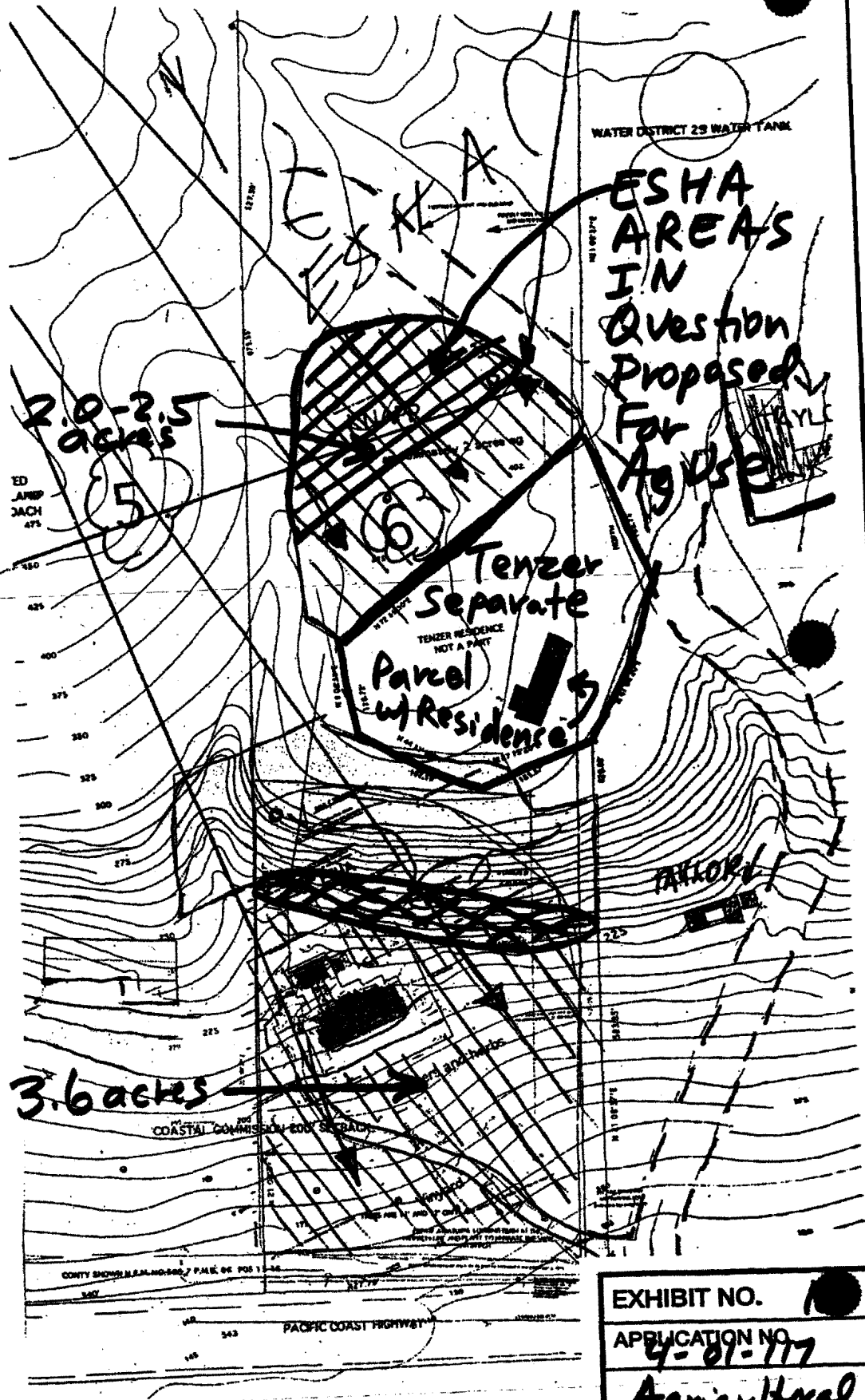
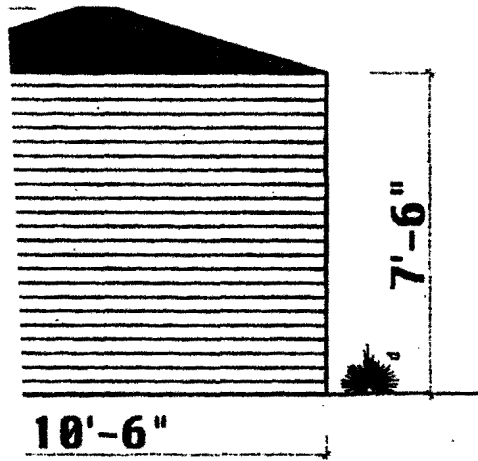
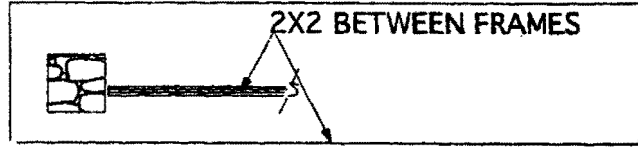


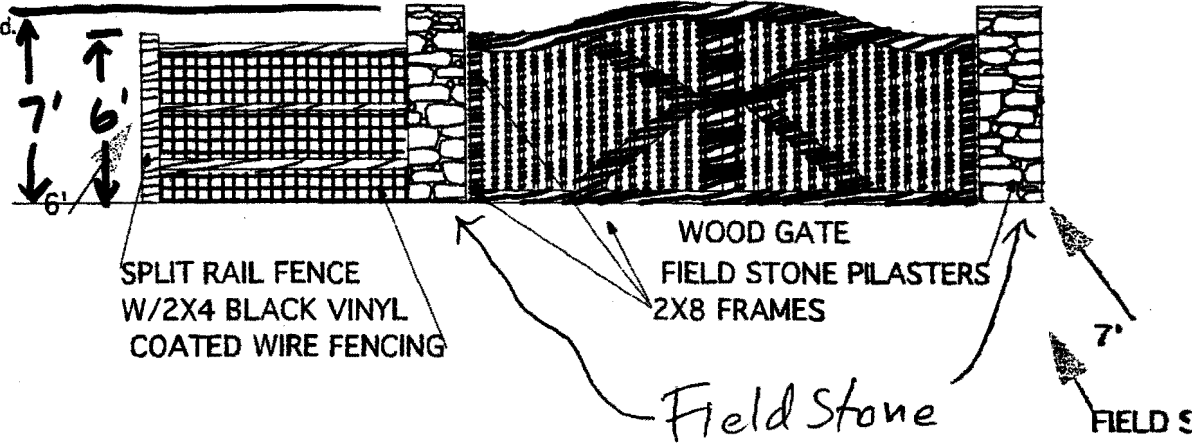
EXHIBIT NO.	10
APPLICATION NO.	4-01-117
Agricultural Plan	

ATION PLAN #1412

PLAN VIEW



ntals.
content.
r the setback zone and given geo. area
in 10' of combustible structures. Other
ish and veg. growth. but not recommended.
ended w/in zone A for reasons going



nts.
the
ed.

nts including
nd
uc

ecies to
illside ordinances.

1 development.
roved plant list for the

g., replacement of dead, dying fire resistant plantings,
on system.
of plant litter and dead wood.
l tree-form shrubs up to 1/3 of their height (up to a max of 6' abv ground)
ped and evenly dispersed in same area to a depth of 5".
he dia. of the individual crowns for larger shrubs.

ur following inspection by the Fire Dept. annually or as needed.
s. This occurs between April and June.
cation Guidelines.

ce road. (F.C. 1117.10)
w/ the Fire Code. They shall have unobstructed verticle clear
be appropriately spaced and maintained at a height not to exceed 1:

EXHIBIT NO. 16
APPLICATION NO. 4-01-117
Entry Gate
& Fencing

UPPER AG TERR

CONTAINS APPROX. 2-2.5 A
GRAPES, LAVENDER, HERBS,
AND/OR FRUIT TREES.
ALL NOTES APPLY TO
BOTH UPPER AND LOWER
TERRACES. BOTH ARE HISTC
FARMING AREAS.

LOWER AG TERR

APPROX. 3.6 ACRES LOCATED IN
AREA BELOW THE 240' ELEVATION

nce of this fuel modification plan, as described herein.

UPPER AG TERRACE

CONTAINS APPROX. 2-2.5 ACRES OF GRAPES, LAVENDER, HERBS, AND/OR FRUIT TREES. ALL NOTES APPLY TO BOTH UPPER AND LOWER TERRACES. BOTH ARE HISTORIC FARMING AREAS.

LOWER AG TERRACE

APPROX. 3.6 ACRES LOCATED IN AREA BELOW THE 240' ELEVATION

KNAPP WATER STORAGE

(3) 5,000 GALLON TANKS or one 15,000 gallon tank measuring 11'-11" in diameter and 18 feet high, painted sage green.

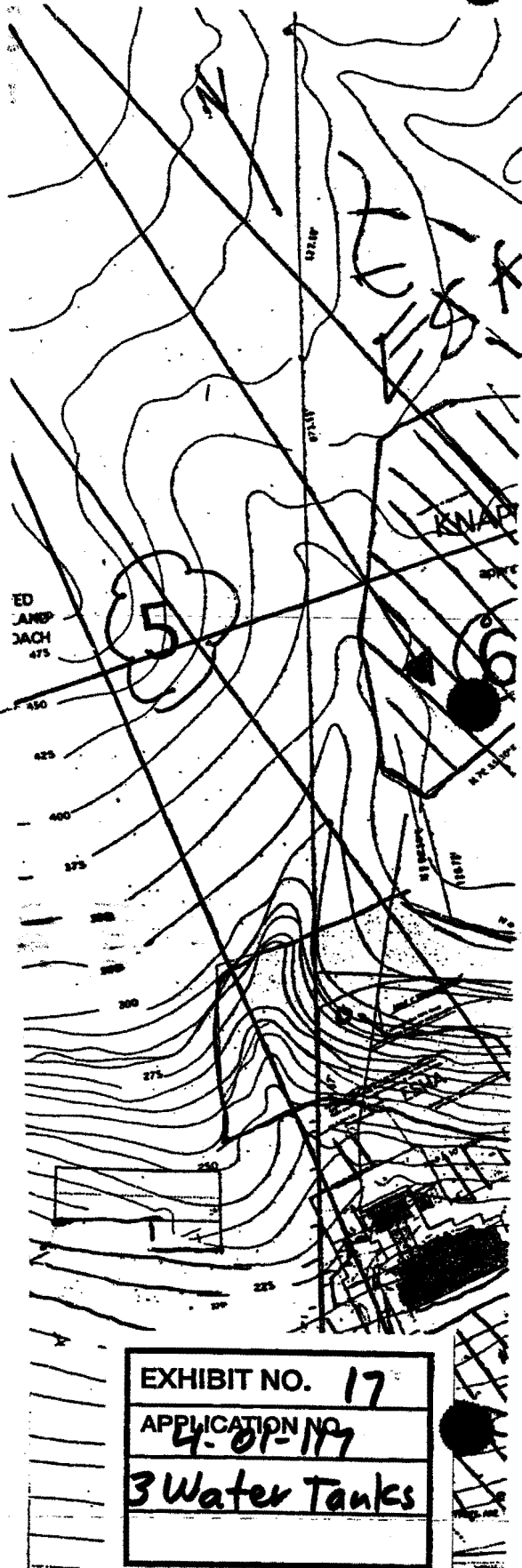
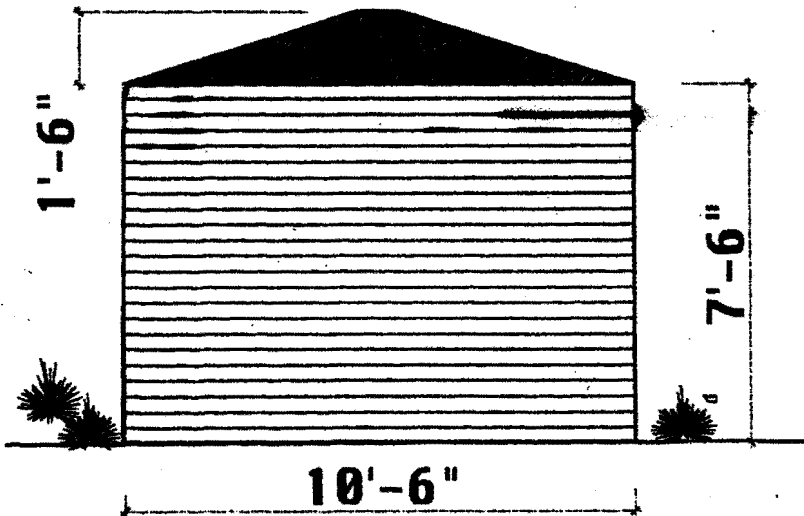


EXHIBIT NO. 17
APPLICATION NO. 4-01-119
3 Water Tanks

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
19 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142



RECEIVED
SEPT 2 1994
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date August 8, 1994

Permit Number 4-92-211 issued to Malibu Sequit Partnership for subdivision of a 150-acre parcel of vacant land into seven parcels, each parcel fronting on Pacific Coast Highway at 34000 West Pacific Coast Highway, Malibu has been amended to include the following change: deletion or modification of Special Condition 1, more specifically described in the application file in the Commission Office.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

PETER M. DOUGLAS
Executive Director

By: *B. Bailey*
Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by the conditions as amended of Permit No. 4-92-211A.

Date 9/9/94

Signature *Jerry Stewart*

1680C

EXHIBIT NO. 18
APPLICATION NO. 4-01-119
Subdivision
Permit 1 of 3

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 9 SOUTH CALIFORNIA ST., 2ND FLOOR
 OAKLAND, CA 94612
 (415) 641-0142



SECOND CORRECTED COPY
NOTICE OF INTENT TO ISSUE AMENDMENT
TO COASTAL DEVELOPMENT PERMIT

On April 14, 1993, by a vote of 9 to 0, the California Coastal Commission granted to Malibu Sequit Partnership an amendment to Permit 4-92-211 (originally approved as Coastal Development Permit P-1-12-76-6923), subject to the attached conditions, for changes to the development or conditions imposed on the existing permit. The development originally approved by the permit consisted of the subdivision of a 150-acre parcel of vacant land into seven parcels, each parcel fronting on Pacific Coast Highway, at 34000 West Pacific Coast Highway, City of Malibu, Los Angeles County.

Changes approved by this amendment consist of modification of Special Condition 1, more specifically described in the application file in the Commission offices.

Unless changed by the amendment, all conditions attached to the existing permit remain in effect.

The amendment is being held in the Commission office until fulfillment of Special Condition 1, imposed by the Commission. Once this condition has been fulfilled, the amendment will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on January 7, 1994.

PETER DOUGLAS
 Executive Director


 Barbara J. Carey
 Coastal Program Analyst

ACKNOWLEDGMENT:

I have read and understand the above Notice of Intent to amend Permit 4-92-211, including all conditions imposed.

_____ Date

_____ Permittee

Please sign and return one copy of this form to the Commission office at the above address.

NOTICE OF INTENT TO ISSUE AMENDMENT

Page 2 of 2
Permit No. 4-92-211

SPECIAL CONDITIONS

1. Deed Restriction

Prior to the issuance of the permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director which will include the following conditions:

- a. no further subdivision shall be permitted;
- b. limit access to the seven lots from Pacific Coast Highway to only two (2) additional driveways to minimize the visual impact on the road;
- c. set back residential development a distance of 200 feet from Pacific Coast Highway. Other development may be permitted in this area in conformance with the visual resource policies of the Coastal Act;
- d. restrict or control development in the rugged, natural inland area to protect the habitat and visual open space values (i.e. above the highway), except for Lots 6 and 7;
- e. minimize alteration of the land forms and the visual impact of development on the coastal viewshed, survey the site to determine which areas are visible, both short-range and long-range, from the highway and regulate or design development in these areas to mitigate the visual impact;
- f. limit the extent of development on each lot to an acceptable level (i.e. single-family residences only with appropriate height and size limits).

0622C
BJC/ah

Upper & Lower Mesa
 Site Plan
 APPLICATION NO. 4-98-084
 EXHIBIT NO. 2

Main Residence

Guest House

Site Plan
 APPROVED
 [Signature]

APPROVED
 [Signature]

Approximate Site Proposed Residence Knapp



EXHIBIT NO. 19
 APPLICATION NO. 4-01-117
 CDP 4-98-084
 Taylor Site Plan

RECEIVED

Joan Knapp
30 Alviso Drive

JUN 04 2002
Marillo, Ca., 93010

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
June 4, 2002

RE: 4-01-117
Dear Coastal Staff,

Please find enclosed two complete revised full sets of plans and one 8.5x11 set, as requested by the Commission in April. Sheets include A-1,A-3,A-4,A-5,A-6,A-7,A-9, & A-9. This is the ninth complete revision. You asked me to describe the "before" and "after" data. I will give you the original submitted data and finally this last revision that you indicated you would approve in our meeting last week.

Also enclosed is a list of comps.,

AREA	FINAL	REDUCTION	ORIGINAL
SFR		3930 SF	9621SF
(Include. Basements)			
Garage		695 SF	1729 SF
Studio/Mech./etc		599 SF	952 SF
Porte Cohere			850 SF
TOTAL		5234 SF	12302 SF

IMPERVIOUS COVERAGE

Driveway	12115 SF	5399
SF		
Buildings	5189 SF	12943 SF
Patio	1996 SF	
Porte Cohere (covered)	0	780 SF
TOTAL	19300 SF	19122 SF

PERVIOUS COVERAGE

Hard cape	5400 SF	10624 SF
GRADING		
Malibu chargeable	606 CY	621 CY
Total Cut and Fill	1861 CY	3077 CY
Excess Cut	1477 CY	1295 CY

BUILDING MASS

South Face (width)	112'6"	121'10"
Living Room	39'11"	39'11"
Kitchen/Dining	50'10"	41'6"
M. BDRM/BATH	32'9"	32'0"
South Face (height)		
Living Room	27'10"	41'

EXHIBIT NO. 20
APPLICATION NO. 4-01-117
Applicant's Letter
ID Reductions

Kitchen/dining	20'6"	37'5"
M. Bdrm/Bath	25'	37'

Note: South face includes basement finish floor to ridge, not finish grade to ridge.

ITEMS COMPLETELY REMOVED or REVISED PER STAFF

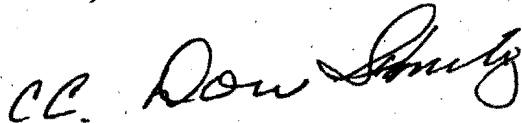
RECOMMENDATION:

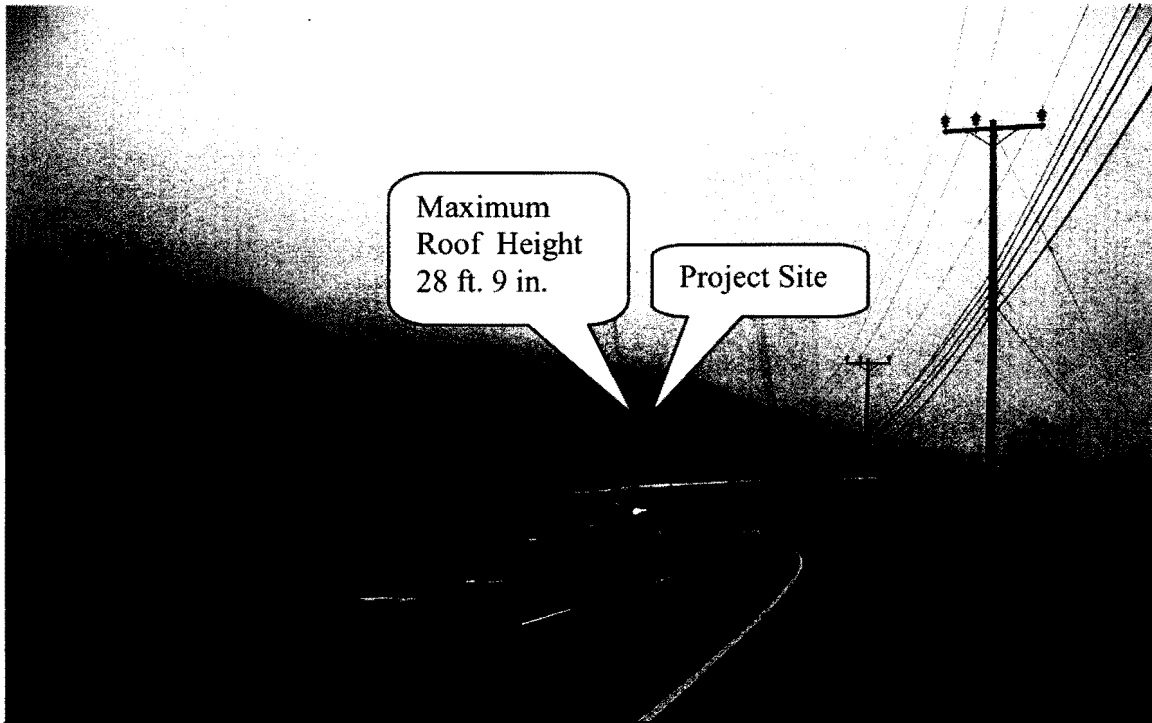
- 1 Porte Cochere with a gabled roof with slates.
- 2 Two large arbors, which supported and hid 59 SOLAR KING thermal solar collectors.
- 3 Swimming pool has been lowered to be in ground.
- 4 The circular driveway has been omitted.
- 5 The Iron Gate has been redesigned in wood to be more "country".
- 6 Ditto, the fence is now split rail with black vinyl dipped 2x4 mesh wire fence.
- 7 The entire lower level, which did not sit under the upper level has been removed.
8. The Kitchen/Dining room roof has been flattened and is now used to support and hide the Arbor solar collectors.
9. Both the Living Room and Master Bdrm/Bath pitched roofs have been flattened from 9.5":12" to 6":12", and the plate lines changed.
10. Several rooms were omitted or reduced drastically.

Please let me know if there is any other information that you need. The plan submitted at the hearing was some place in between the original and now. I thought it would be helpful for the Commission to know how much I have reduced and changed the scope of project.

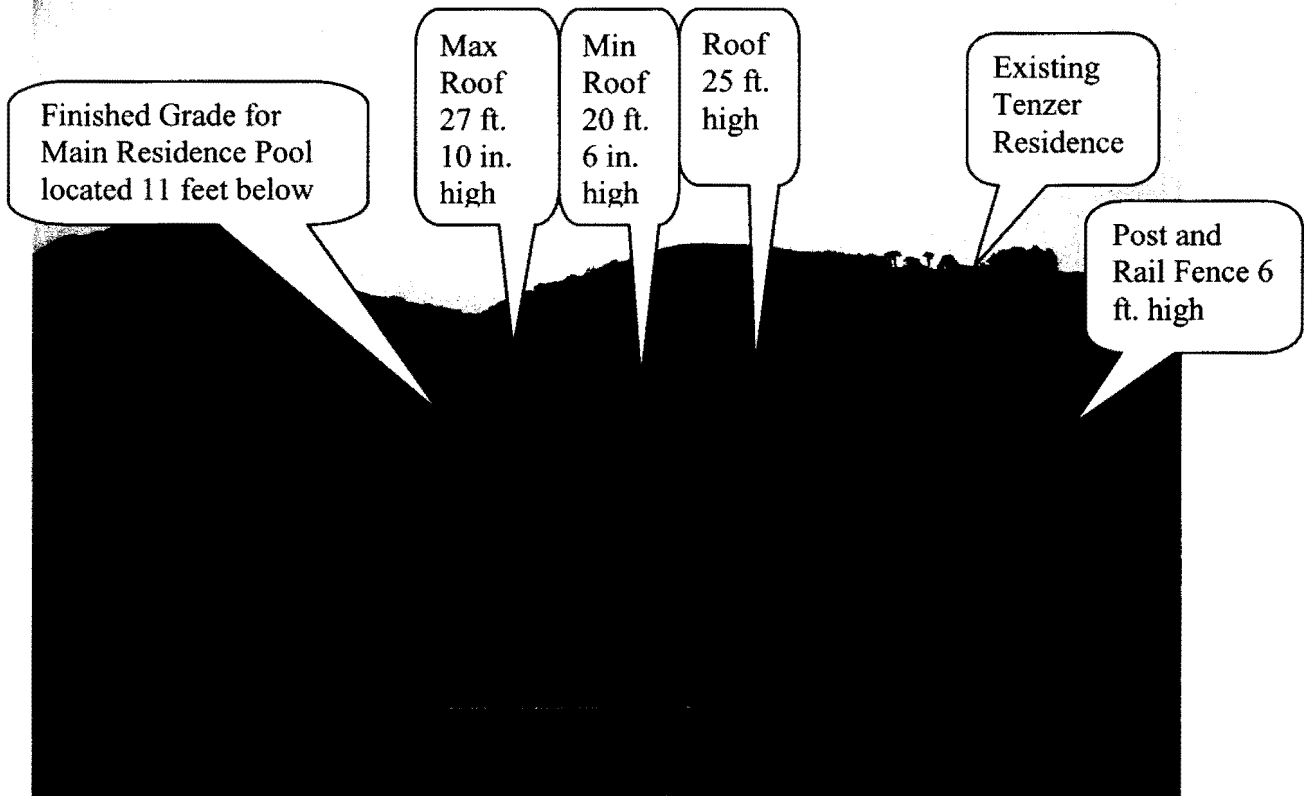
The materials are the same. It is still a "green" house colored like mud with sage green slates and designed for the handicapped.

Sincerely,
Joan Knapp





**EXHIBIT 21 Application No. 4-01-117, Knapp
 Long Range View (West Elevation) from Leo Carrillo State Beach Park and
 Pacific Coast Highway about 6,000 feet west of the project site.**



**EXHIBIT 22 Application No. 4-01-117, Knapp
 Short Range View (South Elevation) from Pacific Coast Highway. Residence is
 located 275 – 285 feet from PCH; photo taken about 365 – 375 feet from proposed
 residence. Roof peaks are identified by red ribbons. Residence on upper level and
 Pool Terrace on lower level are cut into slope.**



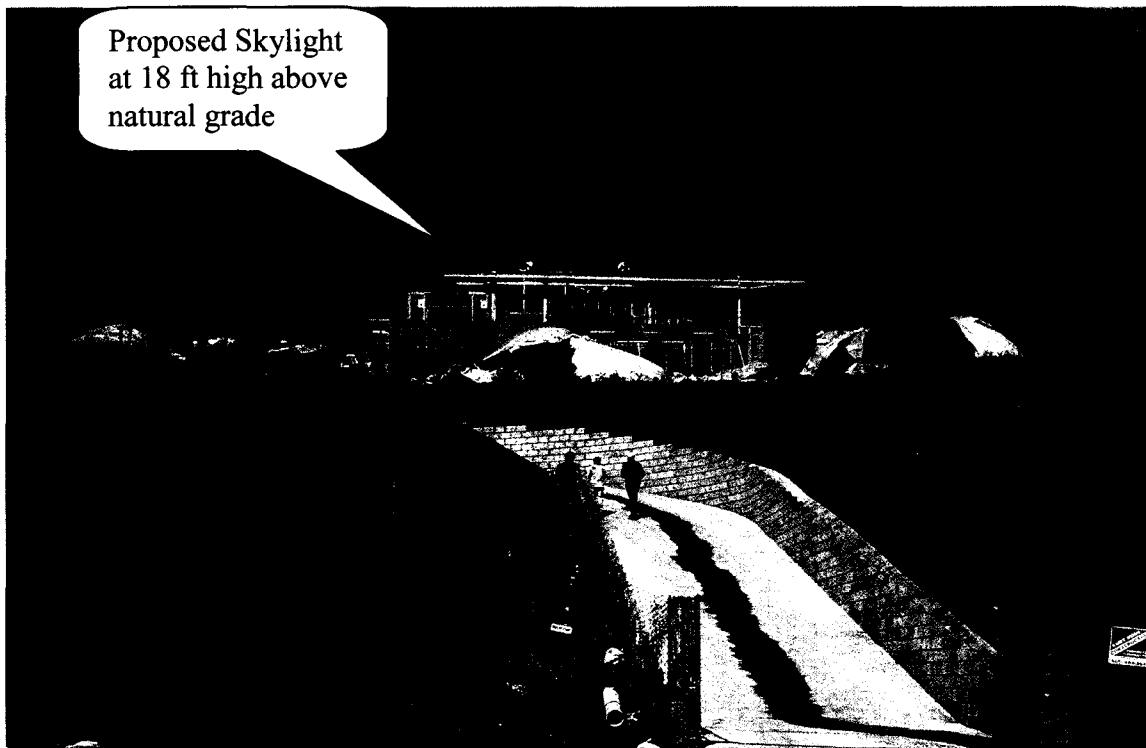


EXHIBIT 23 Application No. 4-01-117, Knapp Parcel 1, Coastal Permit No. 4-00-061 & A-1, William Feil, one story, split level, 18 feet high above natural grade, 2,827 sq. ft. residence, attached two-car garage, detached 700 sq. ft. studio located behind residence, 2,074 cubic yards grading (1,747 cubic yards cut, 327 cubic yards fill, 1,420 cubic yards export). Residence is located 250 feet inland of Pacific Coast Highway; photo taken about 340 feet from residence.

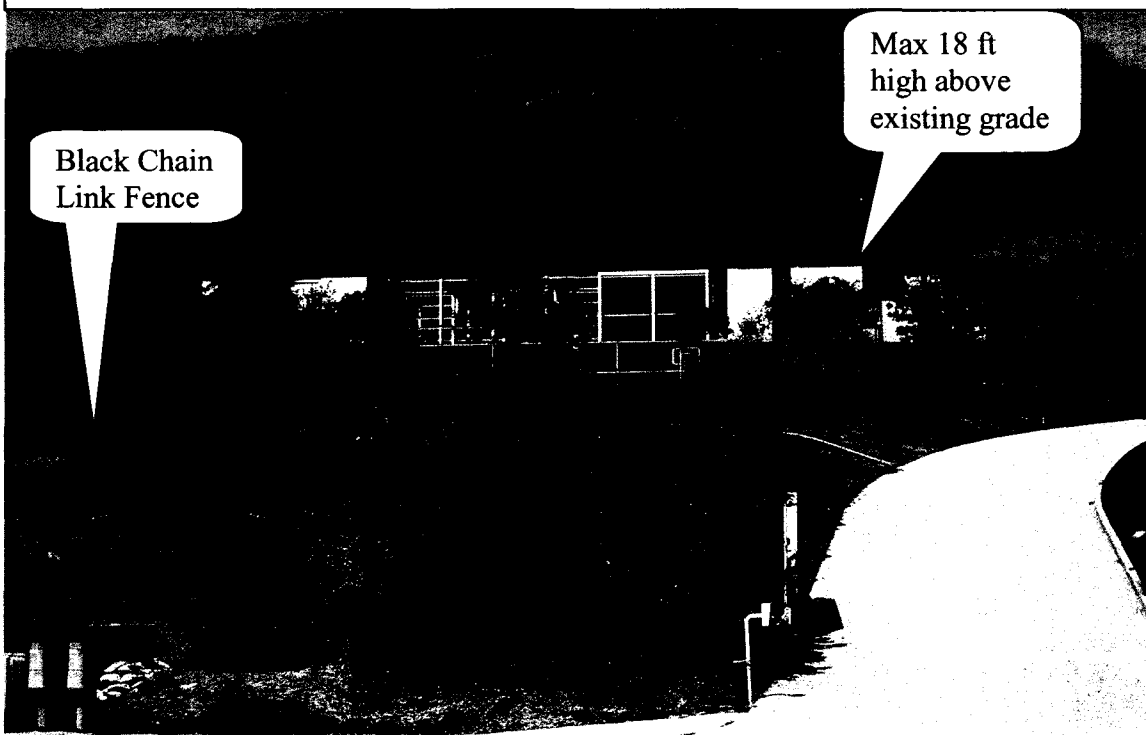
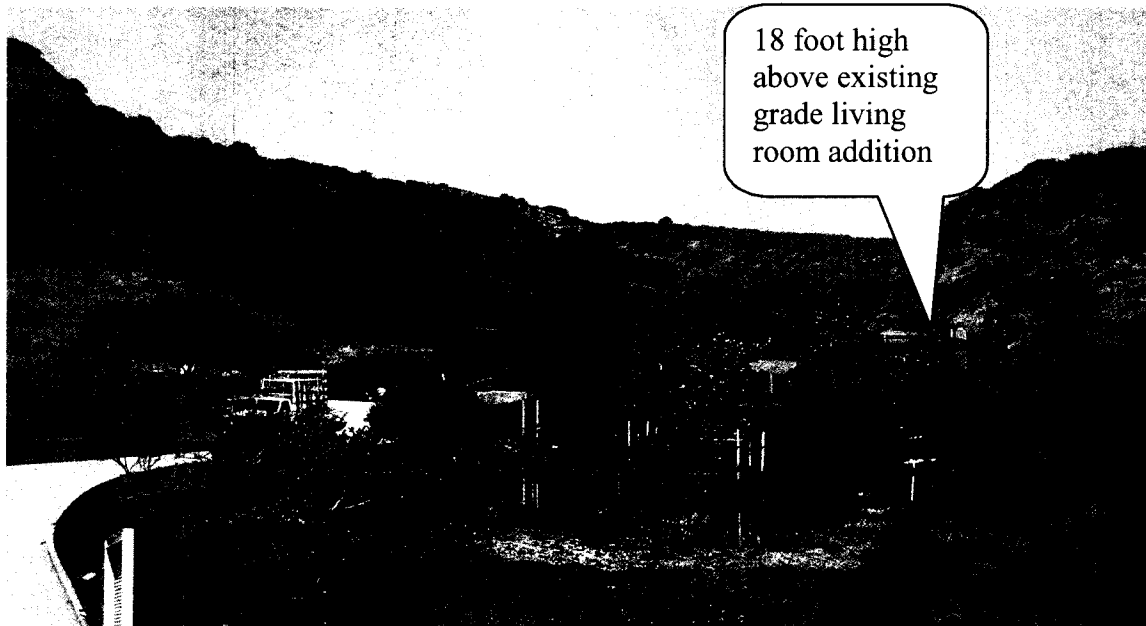


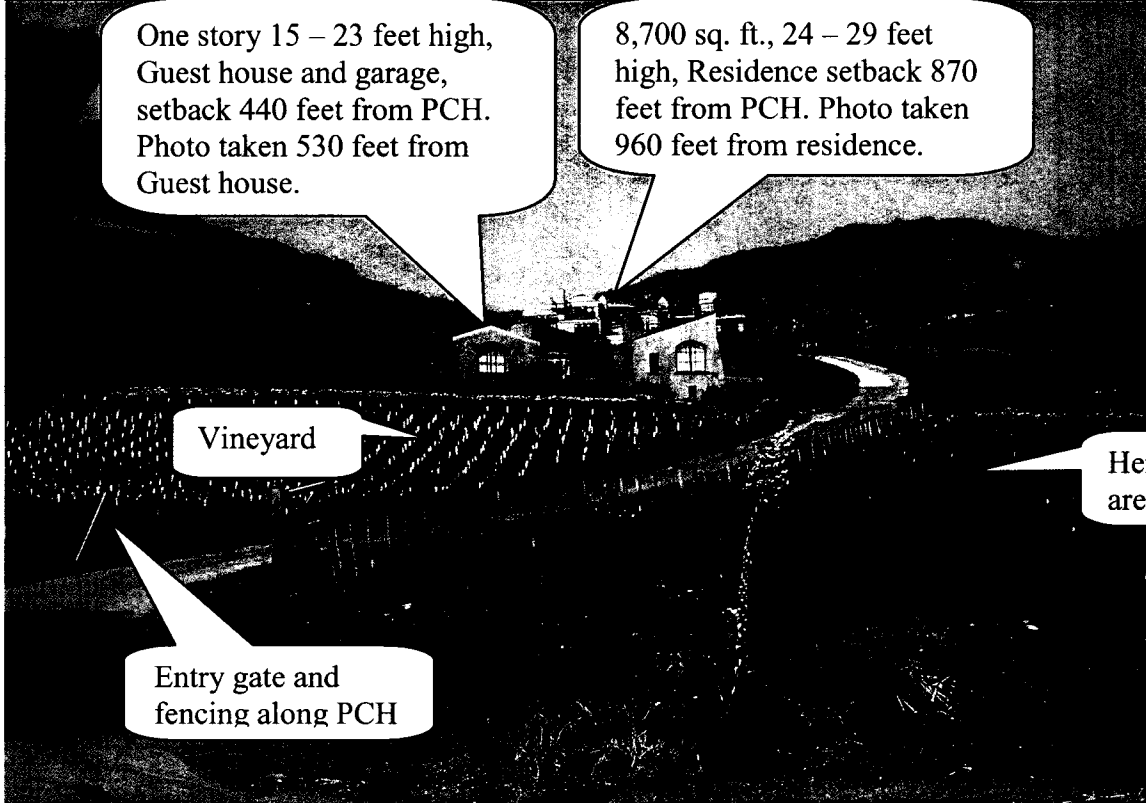
EXHIBIT 24 Application No. 4-01-117, Knapp Parcel 2, Coastal Permit No. 4-95-201, Edward Niles, one story, 18 feet high above existing grade, 3,500 sq. ft., residence, two-car garage, pool, deck area screened with glass, retaining wall, solar heating system, common driveway shared with Parcel 3, fenced entry gate, 4,600 cubic yards of grading balanced on site. Residence is located 320 feet inland of Pacific Coast Highway; photo taken about 410 feet from residence.





18 foot high above existing grade living room addition

EXHIBIT 25 Application No. 4-01-117, Knapp Parcel 3, Coastal Permit No. 4-95-202, William Niles, one story, 18 foot high above existing grade, 1,700 sq. ft. residence, two-car garage, two-car guest parking, common driveway. Permit Waiver No. 4-99-158-W, William Niles, addition of 1,149 sq. ft., 18-foot high living room, bedroom, convert garage to bedroom, new two-car garage, 210 cubic yards grading. Residence is located 270 feet from PCH; photo taken about 360 feet from residence.



One story 15 – 23 feet high, Guest house and garage, setback 440 feet from PCH. Photo taken 530 feet from Guest house.

8,700 sq. ft., 24 – 29 feet high, Residence setback 870 feet from PCH. Photo taken 960 feet from residence.

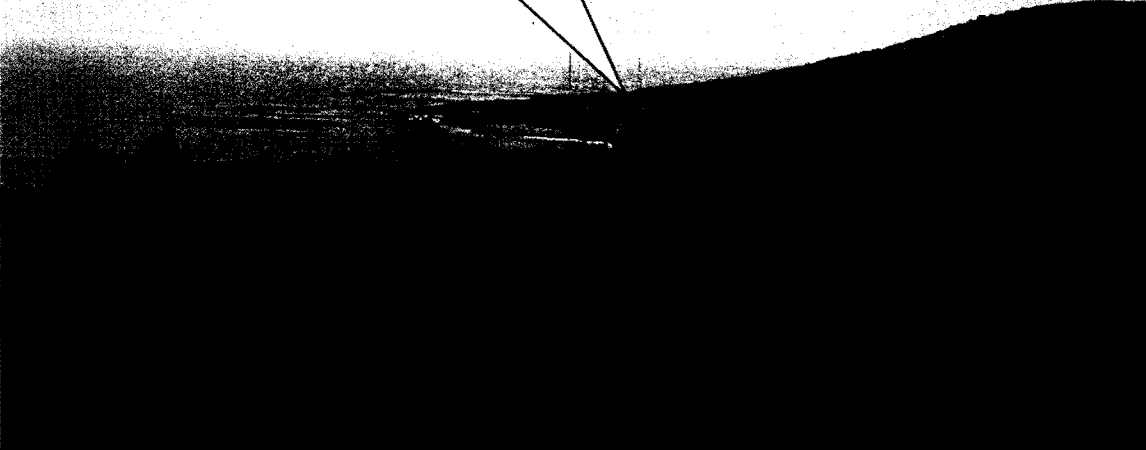
Vineyard

Herb growing area

Entry gate and fencing along PCH

EXHIBIT 26 Application No. 4-01-117, Knapp Short Range View from PCH shoulder, Parcel 7, Coastal Permit No. 4-98-084, Mr. and Mrs. Taylor, two story, 28 ft. high, 7,708 sq. ft. residence, attached 992 sq. ft. garage, driveway, pool, tennis court, landscaping, entry gate, detached 15 – 23 ft. high, 750 sq. ft. guest house and 225 sq. ft. garage, 10,000 gallon water tank, pumps and irrigation system, grade 943 cubic yards of cut, 13 cubic yards fill, export 930 cubic yards. Coastal Permit Amendment No. 4-98-084-A-1, Taylor, modified landscape plan for three acre vineyard and four acre herb growing area.






Max Roof Height 29 ft.
5 in. abv finished grade
on West Elevation

EXHIBIT 27 Application No. 4-01-117, Knapp

Proposed building site for residence. Vehicle located in area below proposed living room. Photo illustrates Long Range View from Leo Carrillo State Beach Park and Pacific Coast Highway of residence in Exhibit 29. Roof peaks are identified by red ribbons. West elevation ranges from 16 feet to 29.5 feet high.



Tenzer
pre-coastal
residence

EXHIBIT 28 Application No. 4-01-117, Knapp

Terrace area on knoll top landward of applicant's proposed residence where agricultural use is proposed. Coastal sage scrub located to right of vehicle beyond photo also proposed by applicant for agricultural use, see Exhibit 15 for Agricultural Plan and this ESHA area in question.

